IN RE: DEVELOPMENT PLAN HEARING and PETITIONS FOR SPECIAL HEARING

S/S Vernon Road, 80' E of the c/l

Hunter Mill Road (The Airey Property)

(18414 Vernon Road)

7th & 10th Election Districts

6th Council District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Cases Nos. VII-342, 99-297-SPH and

00-224-SPH

Blackstrap Development Co., Owners/ Hunter Mill LLC, Contract Purchaser

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HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for consideration of issues generated under the three cases identified above. The consolidation of these matters for one public hearing is permitted, pursuant to Title 26-206.1 of the Baltimore County Code. First, in Case No. VIII-342, this Hearing Officer is requested to approve a red-lined development plan submitted by Hunter Mill LLC for development of the subject 88-acre tract of land situated in northeast Baltimore County with 17 single family dwelling lots. Second, the Owner/Developer requests special hearing relief in Case No. 99-297-SPH, seeking approval of the following: 1) that the residential development of the subject property, identified as Plat 2, Parcel A, Blackstrap Development Company, as recorded in Baltimore County Plat Book SM67, Folio 1138, is a permitted use, as set forth in the Baltimore County Zoning Regulations (B.C.Z.R) and pursuant to an approved CRG plan in prior Case No. 90-3532; and 2) an amendment to the special exception relief granted in prior Case No. 90-19-SPHX, by reducing the area of the Greystone Golf Course by 16 acres and utilizing that acreage to provide the density necessary to develop three single family building lots. This special hearing relief was subsequently amended. Specifically, the first portion of the relief for a finding that the proposed development is a permitted use in accordance with the previously approved plat and CRG plan was retained. However, the request to reduce the area of the Greystone Golf Course and utilize that acreage for additional density was deleted. Third, the Protestants/Residents who are opposed to the subject development filed a Petition for

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Special Hearing in Case No. 00-224-SPH. Collectively, they request an interpretation of the Zoning Commissioner's and Board of Appeals' decisions in prior Cases Nos. 90-19-SPHX and CBA 90-65 for a determination as to whether there is any density left on the subject site to permit any development to occur. Moreover, these community representatives request a finding as to whether the transfer of three density units from the 16-acres referenced above to the subject site for the purpose of developing three single family residences is permissible.

This complex matter involving the three cases referenced above has a somewhat tortured history and has consumed multiple hearing dates. Subsequent to the hearing, Counsel for both parties submitted memoranda which this Zoning Commissioner has carefully reviewed. Those memoranda are appreciated in that they concisely and accurately summarize the salient facts, both disputed and undisputed, the issues generated, and the respective arguments of the parties.

As to the history of the development plan through the development review process, a concept plan of the proposed development was submitted and a conference initially held thereon on September 28, 1998. Thereafter, a community input meeting was held on October 29, 1998 at the Hereford High School. Subsequently, the Developer submitted a development plan on which a conference was held by County agencies on March 17, 1999. The matter was originally scheduled for a public hearing before this Hearing Officer on April 8, 1999. However, this hearing date was continued to allow the Developer an opportunity to address an unresolved development plan comment issued by the County's Office of Planning. The matter was then reset for September 10, 1999 but was continued again. This continuance in September 1999 was at the request of the Protestants so that they could employ legal counsel. The Hearing Officer's Hearing ultimately convened on October 1, 1999; however that hearing was again continued. This third continuance was requested by the Developer and resulted in the withdrawal of a portion of its special hearing request and amendment to the plan as outlined above. That is, it was at that time that the Developer abandoned its plans to utilize 16 acres from the Greystone Golf Course property to support the density necessary to construct three additional building lots. As a result of this

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amendment to the development plan and the reduction of the subdivision from 20 single family dwelling lots to 17, this Zoning Commissioner directed that the matter be scheduled for another development plan conference. This conference was convened on December 8, 1999. Thereafter, the matter returned to this Hearing Officer and testimony was received at the Hearing Officer's Hearing scheduled for January 5th and 6th, 2000. The hearing was recessed after these two dates to allow the Developer an opportunity to resubmit its floodplain study for County review. The matter was reconvened and additional testimony was received on June 1st and 26th, 2000. At the conclusion of these hearings, memoranda were submitted by the parties, the last of which was received on July 24, 2000. By agreement of the parties, the record of the case was closed on that date.

The Protestants have characterized the history of this project as a series of stops and starts. This characterization is not inaccurate. Nonetheless, I do not find that this procedural history is contrary to the scheme of development review in Baltimore County. As has been cited in numerous prior opinions of this office, the Development review process in Baltimore County envisions an evolutionary approach to development plan review. This concept was endorsed by the Court of Special Appeals in Monkton Preservation Assoc., et al., v. Gaylord Brooks Realty Corp., 107 Md. App. 573 (1996). It is to be emphasized that there were two primary issues which caused these stops and starts. One was the Developer's decision, after its initial submission of the plan, to withdraw its request to utilize land and density from the Greystone Golf Course property to support three additional single family dwellings. This change resulted in a new plan. Additionally, during the course of proceedings, it was determined that the floodplain study initially submitted to the County regarding the streams on site might be inaccurate. The matter was continued to allow this study to be recalculated and explains the six-month gap in hearings between January 2000 and June 2000.

A general statement of the facts presented confirms that the subject property consists of a gross area of approximately 88 acres, located at the intersection of Hunter Mill and Vernon Roads in northeastern Baltimore County. The predominant zoning of the property (86 acres) is

R.C.4, while the remaining approximately 2 acres is zoned R.C.2. The property is presently undeveloped and has been farmed with crops in the past. The physical characteristics of the property include a ridge located in the geographic center of the site and a Class III Trout stream known as the First Mine Branch, which flows through the lower portion of the site. In addition to the First Mine Branch, there are three small water courses that drain into that stream. The location of these tributaries to the First Mine Branch is shown on the plan.

As noted above, the Developer proposes a 17-lot subdivision of single family homes. Lot 10 is shown on the plan as the conservancy lot, pursuant to the R.C.4 regulations, and consists of 62.2 acres. The designation of this property as a conservancy lot satisfies the 70% "conservancy area" required under the R.C.4 regulations. Vehicular access to the lots will be by way of a proposed 1500' public road leading from Vernon Road. That road will terminate in the interior of the property as a cul-de-sac.

The subject 88-acre parcel is located immediately adjacent to the Greystone Golf Course. This golf course was developed in the early 1990s and was the subject of the prior cases referenced in the Petitions for Special Hearings identified above. Originally, the golf course was proposed as a private venture, but is now owned by the Baltimore County Revenue Authority.

In addition to the golf course, the general area is of a rural character. There are farms in the area and a number of nearby residential subdivisions, including Elliott's Chance, Locstein, Coachmen's Field, Greystone Farms, and Bernoudy. Many of the farms in the area are subject to easements designed to ensure their continued agricultural use.

Due to the limitations of time and space it is impossible to summarize in detail all of the testimony offered. As noted above, the hearing consumed multiple days and there were many witnesses who testified. Additionally, significant documentary evidence was submitted. Moreover, owing to the changing nature of the plan, relevant testimony became irrelevant. For example, the Developer's decision to forego the attempted utilization of the 16 acres from the Greystone Golf Course property and the utilization of three density units associated therewith rendered certain testimony as to that specific issue moot. It is to be emphasized, however, that the

Protestants, through their Petition for Special Hearing, continue to seek a resolution of the question presented by this issue. Additionally, the necessity of the Developer to resubmit its floodplain study rendered many of the objections to the initial study moot. However, as noted above, it need again be emphasized that the ongoing amendments to the development plan do not constitute grounds for a dismissal of the Developer's Petition for Special Hearing or a denial of its plan.

ISSUE No. 1: Scope of Permissible Development on the 88-acre parcel:

The primary argument of the Protestants, both within their Petition for Special Hearing and their Opposition to the Development Plan, relates to the permissibility of any residential development of the subject 88-acre parcel. The Protestants' argument in this respect was set out through the expert testimony of James Patton, a Civil Engineer, and is fully recounted in Protestants' Memorandum.

The Protestants first note that the 88 acres under consideration in the instant case were originally part of an overall tract which was the subject of prior zoning proceedings before Zoning Commissioner J. Robert Haines, in Case No. 90-19-SPHX. In that case, the then property owners petitioned for special hearing and special exception relief for the Greystone Country Club/Golf Course located at White Hall, Vernon and Hunter Mill Roads in White Hall. The site plan submitted in that case requested special hearing and special exception relief for the 305-acre tract as it existed at that time.

Following a lengthy hearing on that matter, Commissioner Haines granted the special exception and special hearing relief, in part, by his Order dated March 23, 1990. However, the relief granted contained significant restrictions. Chief among the restrictions entered was the delineation and restriction of the lands which could be utilized and developed in connection with the golf course. As fully set out in Commissioner Haines' Order and in Restriction No. 4 thereof, he limited the Petitioners to the construction of one 18-hole golf course, above and north of a line drawn between the points intersected by "North 75°, 22'17" West, 123.38', and North 30°, 58' West 518.21', and the point intersected by North 14°, 53' West, 820', and South 86°, 17' East

88/80 88/80 495', plus or minus." The impact of this restriction was to essentially bisect the property into two parcels; the northern parcel comprised of approximately 217 acres to be developed with the golf course, and the southern parcel (now the subject property) comprised of approximately 88 acres to be left, for the time being, undeveloped.

In the instant case, the Protestants argue that Commissioner Haines' restriction, as adopted by the County Board of Appeals on appeal, prohibits development of the subject 88-acre parcel. The Protestants argue, "Haines' Order divided the whole Special Exception area into two parts; one an 18-hole golf course, which he granted immediately, the second being a deferred area for future development for golf course expansion, if the environmental impacts as evidenced by the monitoring, indicated the initial development was not a negative factor." (Protestants' Memorandum, Page 17)

I have reviewed Commissioner Haines' Order as well as the subsequent Orders issued by the County Board of Appeals on appeal. Although Protestants' arguments are both ingenious and novel, they are not supported by a reading of the entire Order. Thus, I decline to adopt Protestants' position. I explain.

As noted above, Commissioner Haines issued an 18-page Order on March 23, 1990, which granted, in part, the Petitions for Special Hearing and Special Exception to permit what has become the Greystone Golf Course. Following the lengthy hearing conducted on the case at that time, Commissioner Haines recounted the testimony offered in that case. As he noted within his opinion, "The testimony ranged from the very relevant, to somewhat interesting, to irrelevant and useless. Time and space will not permit a full recital for all of the testimony in this Opinion." Commissioner Haines indicated that the entire site under consideration in that case was split-zoned R.C.2, R.C.4 and M.L. and consisted of 305 acres. He also noted that the Petitioners were desirous of constructing a country club which would offer a "target type" golf course, practice

The more things change, the more they stay the same. The same can be said about the testimony offered in the hearing before this Zoning Commissioner.

facilities, tennis courts, swimming pool, clubhouse, including a pro shop, lounge, eating facility and other recreational facilities.

Commissioner Haines recounted the testimony of the then property owners/contract purchasers and the expert witnesses offered on behalf of the Petitioners. There was apparently significant testimony offered in that case about the potential environmental impacts of the golf course. The testimony offered by the Petitioners and their expert witnesses, as contained in Pages 2 through 5 of Commissioner Haines' Order, is self-explanatory.

Testimony was also offered during the course of proceedings in that case by a number of Protestants and County representatives. That testimony is also recounted within Commissioner Haines' written opinion. Certain of the witnesses on behalf of the Protestants testified that the development of the golf course would degrade the quality of the First Mine Branch and the unnamed tributaries thereto to the extent that the trout habitat would be destroyed. It is of note that testimony and evidence offered at the hearing before me was that this has not happened. Concerns were also expressed by the Protestants in that case regarding the potential impacts on wells and drinking water in the area, detrimental impacts on viable agricultural operations in the vicinity, and concerns over increased traffic brought about by the golf course. Indeed, many of these same concerns were raised at the hearing before me.

Interestingly, the Protestants who appeared before Commissioner Haines argued that a residential development of the subject site would cause fewer negative impacts on the surrounding community than would a golf course. (See Haines' Opinion, Page 11) Commissioner Haines explained, however, that the special exception test, as stated in Schultz v. Pritts, 291 Md. 1 (1981), does not balance the impact of two different uses at the same location for the purpose of considering the "lesser of two evils." Commissioner Haines' assessment of the Schultz holding is indeed correct; however, it bears noting that the Protestants who objected to the original golf course proposal and argued that residential development would cause less impact than a golf course now object to the development of the property with 17 single family dwellings. In any event, after analysis of the Schultz holding and other relevant authorities, Commissioner Haines

opined that special exception relief could be granted. He found, "In fact, the evidence generally shows the detriment at this location will be harmful, but no more harmful than at any other locations. In fact, the real detriment will be much less because of the rigid control by the Department of Environmental Protection and Resource Management and the restrictions of this Order. This proposed golf course complies with <u>Schultz</u>, and the requirements of Section 502.1 of the B.C.Z.R." (Page 13)

Although granting the relief, Commissioner Haines did impose significant restrictions. As noted above, the primary restriction imposed relates to the bisection of the property into two parcels. In fact, in viewing the original site plan, one sees that Commissioner Haines drew a line at the narrowest portion of the property to bisect the site into an area reserved for the golf course and the 88-acre parcel presently under consideration. Commissioner Haines stated, "Consequently, the Petitioner shall be prohibited to develop that portion of the subject property below said line in conjunction with the proposed country club/golf course." (Page 13) This statement is directly at odds with the Protestants' contention within their memorandum that, "It is clear to the Protestants that Haines was clearly permitting that, after 1994, the Owner/Developer of the golf course could come back in for a special hearing to consider the 88-acre parcel of the subject site for future use as a golf course, since that was what the request was for in Case No. 90-19-SPHX." (Protestants' memorandum, Page 16) This argument, in my judgment, is untenable. Commissioner Haines also understood that by entering that restriction, the proposed golf course and support facilities need be redesigned so that no part thereof would be on the southern 88-acre parcel.

The restrictions in Commissioner Haines' Order are consistent with his comments contained within the body of his opinion. Restriction No. 4 establishes the location of the line where the property was bisected. That restriction also clearly provides that the Petitioners would be prohibited from developing the portion of the subject property below the line (i.e., the 88 acres) in conjunction with the proposed country club or golf course. He also ordered that there would be no residential development within the area of the special exception golf course. That restriction prohibits residential development within the 217 acres reserved for the golf course. Moreover,

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Commissioner Haines also noted that the area to the south of the golf course should be left in an undeveloped condition until July 1, 1994, at which time the then owners might request a special hearing for "any use permitted as a matter of right or by special exception." ²

In addition to Restriction No. 4, Commissioner Haines also imposed a host of restrictions regarding environmental monitoring and use of the property. Indeed, testimony was offered at the hearing before me regarding the monitoring efforts which have occurred since the development of the site with the Greystone Golf Course. On balance, it appears that Commissioner Haines' farsighted imposition of restrictions has resulted in the development of a facility which has not degraded environmental resources in the area.

The Protestants give great weight to the language of Restriction No. 9 of Commissioner Haines' Order. That restriction reads, in its entirety, "There shall be no residential development on the subject site." In my judgment, the "subject site" relates to the golf course/special exception property. The argument that this restriction relates to the original 305 acres in its entirety is inconsistent to the balance of the Order and specifically, the express terms set forth in Restriction No. 4 thereof.

Following the issuance of Commissioner Haines' Order, the matter was appealed to the County Board of Appeals.³ The Board held its own hearing and issued an Order on March 5, 1990, almost one year following the date of the issuance of Commissioner Haines' Order. The Board deleted some of Commissioner Haines' restrictions; however, adopted many verbatim. These included the restriction relating to the bisection of the property into two parcels and the requirement that the 88-acre parcel created by that bisection would remain undeveloped until at least July 1, 1994. The matter was further appealed to the Circuit Court for Baltimore County, which remanded the case with instructions that the Board of Appeals make specific findings of fact to support its conclusions. The Board thereafter issued a 30-page Order on February 28,

² Residential development is a use permitted by right in the R.C.2 and R.C.4 zones.

³ The Board consolidated the appeal from Commissioner Haines' Order within an appeal from the County Review Group (CRG). The CRG was the then existing County authority which considered development plans and had approved a plan for the golf course project.

1992, affirming its earlier decision. Again, some, but not all, of Commissioner Haines' restrictions were adopted.

In sum, I find no merit in the Protestants' assertion that Commissioner Haines' Order, or those superceding decisions by the County Board of Appeals, prohibit the proposed residential development of the 88-acre parcel. To the contrary, a reading of those decisions in their entirety is dispositive to a conclusion that Commissioner Haines intended to restrict development of the golf course facility to that portion of the overall tract north of the line which he superimposed on the plan (i.e., the 217+/- acres). South of that line, Commissioner Haines prohibited any development until after July 1, 1994, surely out of deference to potential environmental impacts. Thereafter, Commissioner Haines specifically allowed the then owner to request approval of residential development (i.e., or any use permitted by right) of the 88-acre parcel. One must read Commissioner Haines' Order so that all parts thereof are compatible and not in conflict. To adopt Protestants' argument in this respect would lead to a contrary result.

Notwithstanding my analysis of this issue, the Protestants are indeed correct in the other prong of their special hearing request, to wit, the use of acreage/density north of Commissioner Haines' line to support development to the south. The developer abandoned this approach midway through the hearing process and deleted three lots from their plan. They also dismissed that prong of their special hearing request seeking approval to utilize acreage from the golf course property to support three additional dwelling units. The Protestants, however, have kept this issue open under their Petition for Special Hearing and a decision should be entered in this regard so that it is immediately resolved and not raised in the future.

Again, relying upon the clear intent and words used in the decision offered by Commissioner Haines and affirmed by the County Board of Appeals, it is clear that development on the subject 88-acre parcel must be in accordance with, and based upon, the acreage and zoning within the four corners of that parcel. The property owner may not utilize, in any fashion or for any purposes, acreage or density associated with those lands north of Commissioner Haines' line to support development south of same. It is clear that Commissioner Haines' Order reserved the

use of the lands north of the line for golf course purposes, only, and that the special exception relief granted in connection therewith encumbers that entire parcel for that purpose. Those lands and rights associated therewith cannot be used for any other purposes. Thus, the development plan shall be amended by the addition of a note indicating the encumbrance of the special exception area in order to resolve this issue for future purposes. Moreover, to that extent, that prong of the Protestants' Petition for Special Hearing shall be granted.

ISSUE NO. 2: Development Plan Issues:

In addition to the legal issue regarding the import of Commissioner Haines' Order, as affirmed by the County Board of Appeals, the Protestants also offered a whole host of other objections to the development plan. These objections ranged from issues relating to traffic, to an alleged infringement upon the agricultural uses in the vicinity, to the accuracy of the floodplain study, to environmental concerns. The environmental issues included specific concerns over the welfare of the First Mine Branch and the unnamed tributaries thereto, the future viability of the trout which populate those existing water courses, the impacts on wells and groundwater in the area, and the Developer's storm water management plan.

Again, due to the limitations of time and space, I will not repeat all of the testimony presented on those issues. However, it is worth noting that the testimony offered by the Developer's expert environmentalist, Stephanie Hau, and that offered by David Lykens of the County's Department of Environmental Protection and Resource Management (DEPRM), were particularly persuasive and credible. The testimony offered by those witnesses on those issues is particularly recounted in the Developer's Memorandum and will not be restated herein. The objections of the Protestants who appeared before me in the instant case are not unlike the objections which this Zoning Commissioner frequently hears for any proposed development in the northern rural R.C. zoned lands of Baltimore County and were offered to Commissioner Haines in the first case. Certainly, there exists a sentiment among many of the residents of northern Baltimore County that the lands located therein should be beyond the reach of development and should be preserved in their pristine and natural state. Moreover, concerns are

frequently raised about the impacts of proposed development on an important industry in Baltimore County (e.g. agriculture). These concerns warrant serious consideration. However, as presented, the arguments miss the mark in the context of this Hearing Officer's review of this development plan. The County Council, through its legislatively enacted development codes and zoning regulations, has defined and limited the nature and scope of development throughout Baltimore County. The overwhelming import of the evidence received in this case is that the plan meets each and every County regulation in this respect. That is, the plan satisfies those regulations administered by DEPRM, the zoning requirements administered by the Department of Permits and Development Management (PDM). etc.

I do not dispute the Protestants' assertions that agriculture should be preserved, environmental resources protected, and the like. However, the Protestants' testimony offered in this case is akin to a request for a broad-based moratorium on development in the rural agricultural areas of Baltimore County. They ask for a result which this Zoning Commissioner cannot legally provide. The Zoning Commissioner/Hearing Officer is empowered and required to administer the development and zoning regulations enacted by the County Council. For so long as the standards are met, development must be approved.

Admittedly, the Zoning Commissioner/Hearing Officer indeed does have authority to impose restrictions or conditions on the grant of zoning relief and/or approval of development. However, the restrictions and limitations imposed must have a reasonable nexus to the specific impact complained of. The testimony and evidence offered by the Protestants in this case, in my judgment, did not bear to a specific issue relevant to this particular property or specific neighborhood. Rather, the objections were broadly based and can be construed, as noted above, to be a request for a moratorium on development of R.C. property anywhere in Baltimore County.

In sum, I am not persuaded by the Protestants' concern. Their desired result must be legislatively addressed and not in the context of this particular case. The County representatives who testified stated unequivocally that the plan met all County requirements and regulations. The expert testimony offered through the Developer's witnesses was persuasive. I am not critical of

the Protestants' well-intended philosophy, only note again that their generally stated objections do not legally warrant the denial of this specific development plan. Thus, the plan shall be approved.

As to the issues identified, I am persuaded that these 17 lots will not overwhelm the road network in the area or unduly cause traffic congestion. The floodplain study, as ultimately submitted, is accurate and the proposed development will not infringe thereon. As to the host of environmental issues, I am convinced that DEPRM will continue to fulfill its responsibilities and carefully monitor and control this proposed development through Phase II of the process and construction. That agency has done so as to the construction and operation of the golf course, and I am comfortable that it will continue to do so.

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 and the Petition for Special Hearing granted, consistent with the development plan comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this day of August, 2000 that the development plan for the Airey Property (18414 Vernon Road), identified herein as Developer's Exhibit 1, be and is hereby APPROVED, subject to the following restriction:

1) The development plan shall be amended by the addition of a note thereon indicating that the special exception relief granted in Case No. 90-19-SPH encumbers the entire parcel located north of the line drawn by Commissioner Haines in that case and that such land shall be utilized for golf course purposes, only.

IT IS FURTHER ORDERED that the Petition for Special Hearing filed by the Owners/Developers in companion Case No. 99-297-SPH seeking approval that the residential development of the subject property, identified as Plat 2, Parcel A, Blackstrap Development Company, as recorded in Baltimore County Plat Book SM67, Folio 1138, is a permitted use, as

set forth in the Baltimore County Zoning Regulations (B.C.Z.R) and pursuant to an approved CRG plan in prior Case No. 90-3532, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that second request within the Petition for Special Hearing filed by the Owners/Developers in companion Case No. 99-297-SPH seeking approval of an amendment to the special exception relief granted in prior Case No. 90-19-SPHX, by reducing the area of the Greystone Golf Course by 16 acres and utilizing that acreage to provide the density necessary to develop three single family building lots, be and is hereby voluntarily DISMISSED; and,

IT IS FURTHER ORDERED that there is density left on the subject site to permit development in accordance with Developer's Exhibit 1 (as amended), and as such, the Petition for Special Hearing filed by the Protestants in companion Case No. 00-224-SPH seeking an interpretation of the Zoning Commissioner's and Board of Appeals' decisions in prior Cases Nos. 90-19-SPHX and CBA 90-65 for a determination as to whether there is any density left on the subject site to permit any development to occur, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the transfer of three density units from the 16-acres referenced above to the subject site for the purpose of developing three single family residences is not permissible, and as such, that portion of the Petition for Special Hearing filed by the Protestants in companion Case No. 00-224-SPH be and is hereby GRANTED.

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

LAWRENCE E. SCHMIDT

Zoning Commissioner/Hearing Officer

for Baltimore County

LES:bjs



August 8, 2000

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Michael Moran, Esquire Howard, Butler & Melfa 401 Allegheny Avenue Towson, Maryland 21204 J. Carroll Holzer, Esquire Holzer & Lee 508 Fairmount Avenue Towson, Maryland 21286

RE: DEVELOPMENT PLAN HEARING and PETITIONS FOR SPECIAL HEARING S/S Vernon Road, 80° E of the c/l Hunter Mill Road (18414 Vernon Road) (The Airey Property)

7th & 10th Election Districts – 6th Council District

Blackstrap Development Co., Owners/Hunter Mill LLC, Contract Purchaser Cases Nos. VII-342, 99-297-SPH and 00-224-SPH

Dear Mr. Moran:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved, and the Petitions for Special Hearing granted, in part, 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

CC:

Mr. James McKee, McKee & Assoc. Inc., 5 Shawan Road, Hunt Valley, Md. 21030

Mr. James S. Patton, 305 W. Chesapeake Avenue, #206, Towson, Md. 21204

Mr. David Boyd, 1120 Bernoudy Road, White Hall, Md. 21161

Mr. McCullogh G. Steen, 2003 Hunter Mill Road, White Hall, Md. 21161

Ms. Sandra Lumpkin, Manor Conservancy, 2910 Hunter Mill Road, White Hall, Md. 21161

Mr. & Mrs. Cary W. Jackson, 2919 Hunter Mill Road, White Hall, Md. 21161

Mr. & Mrs. Bill Tyrrell, 1926 Hunter Mill Road, White Hall, Md. 21161

Ms. Kelly Mays, 2727 Hunter Mill Road, White Hall, Md. 21161

Ms. Darlene Vansant, 2901 Hunter Mill Road, White Hall, Md. 21161

Mr. Bob Maenner, 2122 Hunter Mill Road, White Hall, Md. 21161

Mr. William Holland Wilmer, II, 2515 White Hall Road, White Hall, Md. 21161

Don Rascoe & Chris Rorke, DPDM; DEPRM; DPW; OP; R&P; People's Counsel; Case File



Census 2000



For You, For Baltimore County



Census 2000



BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY, MARYLAND SITTING AS THE ZONING COMMISSIONER AND HEARING OFFICER

IN RE PETITION FOR SPECIAL HARING The Property Located at 18414 Vernon Road, 3600' South of White Hall Road, 88.2 acres +/- Known as "Airey Property," P.D.M. # VII-342

Case No.: 99-297 SPH

SEP 3 0 1999

PETITIONER'S PRE-TRIAL BRIEF

This case is the sequel to the saga of the "Greystone Golf Course."

Petitioner, McKee & Associates, Inc. (the "Developer") proposes to develop an 88 acre tract of land, zoned RC-4, situate in northern Baltimore County, and owned by Blackstrap Development Company (the "Owner") with a 20 lot, residential subdivision. The 88 acre tract is contiguous to a 217 acre tract owned by the Baltimore County Revenue Authority (the "Greystone Golf Course").

Formerly, Blackstrap Development Company owned the 88 acre tract and the 217 acre tract as a single, 305 acre parcel (See, Ex. No.1 and Ex. No.2, attached, "Plat 1 Lot 1" and "Plat 2 Parcel A" respectively). On 25 August 1995 Blackstrap recorded two record plats among the land records of Baltimore County, Maryland. The first plat, recorded at Liber 67 Folio 137 (Ex. No. 1) depicts the 217 acre tract and the location of certain forest buffer easements Baltimore County proposed to acquire. The second plat, recorded at Liber 67 Folio 138 (Ex. No. 2) depicts the 88 acre tract and the location of forest buffer easements. A line, created by the Zoning

Commissioner of Baltimore County (Ex. No. 3 at page 13), separates the 217 acre parcel from the 88 acre parcel (See, Ex. No. 1 and Ex. No. 2). A note on the first plat (Ex. No. 1) provides for an allocation of density, attributable to 16 acres of land zoned RC-4,² from the 217 acre parcel to the 88 acre parcel. On 13 September 1996 Blackstrap conveyed fee simple title to the 217 acre tract to the Revenue Authority, dividing the 305 acres along the line created by the Zoning Commissioner (Ex. No. 6)

In 1990, Blackstrap filed with the Zoning Commissioner of Baltimore County, Maryland a Petition for Special Exception to use the entire 305 acre tract as a 27 hole golf course.³ The Zoning Commissioner (the "Commissioner") granted the Petition for Special Exception in part (Ex. No. 3 at 13). The Commissioner limited the Special Exception to an 18 hole golf course and delineated the portion of the 305 acre tract subject to special exception by a line that he drew "...approximately located at the narrowest portion of the subject property..." (Ex. No. 3 at 13; 16, note 4) and described in metes and bounds as

"...N 75 deg. 22'17" W 123.38' and N 30 deg. 58' W 518.21; and the point intersected by N 14 deg. 53' W 820' and S 86 deg. 17' E 495' +/-..." (Ex. No. 3 at 16, n. 4).

The area described by the Commissioner covers about 217 acres (Ex. No. 1).

The Zoning Commissioner "...prohibited [the Petitioners] from developing that portion of the subject property below or to the south of said line for use in conjunction with the proposed country club golf course..." (Ex. No. 3 at 16, n.4). The Commissioner also prohibited "...residential development within the area of the Special Exception golf course..." (Ex. No. 3 at

In September, 1996, Blackstrap conveyed fee simple title to the 217 acre tract to the Baltimore County Revenue Authority. The Baltimore County Revenue Authority (the "Revenue Authority") pursuant to a 99 year lease with Baltimore County, Maryland operates the Greystone Golf Course on the 217 acre parcel.

The density attributable to 16 acres of RC-4 zoned land is equivalent to 3 lots. 74 acres of the 217 acre tract is zoned RC-4 (Ex. No. 4 at 2).

Blackstrap joined a Petition for Special Hearing with its Petition for Special Exception (Ex. No. 3 at pg. 1). The Zoning Commissioner (the "Commissioner") denied the Petition for Special Hearing and the issue ultimately became most when Blackstrap filed a petition for reclassification (Ex. No. 4 at pg. 2)

condition until July 1, 1994..." (Ex. No. 3 at 16, n.4). After 1 July 1994, the Commissioner provided that "...the Petitioners may request by Special Hearing any use permitted as a matter of right or by Special Exception..." (Ex No. 3 at 16, n.4).⁴

Blackstrap eventually constructed an 18 hole golf course.⁵ On 13 September 1996 Blackstrap conveyed the completed golf course and fee simple title to the 217 acres to the Revenue Authority (Ex. No. 6).

Developer, McKee & Associates, Inc. proposes to develop a 20 lot, residential subdivision upon the 88 acre tract zoned RC-4. The County convened a Concept Plan Conference on 28 September 1998 and a Community Input Meeting on 28 October 1998. The County agency representatives and the Developer attended a Final development Plan Conference in the Spring, 1999. Just prior to the originally scheduled hearing date the County Zoning Office issued a revised comment, stating that:

"...The density within 16 acres of the RC-4 zone (used to support density for the proposed Airey subdivision) from Plat 1, Lot 1 of Blackstrap Development Company (S.M. 67, Folio 137) must be established by Special Hearing to amend the Special Exception of the Greystone Golf Course or by requesting confirmation of the 16 acres."

The Developer filed and Amended Petition for Special Hearing and included an exhibit depicting the proposed area of refinement to the Special Exception to the Greystone Golf Course.⁶ The

The Board of Appeals affirmed the Commissioner's Order; (Ex. No. 4) on 5 March 1991. Protestants appealed the case to the Circuit Court for Baltimore County. The Circuit Court remanded the case to the Board of Appeals to "...make specific findings of fact to support [the Board's] conclusions..." (Ex. No. 5 at 1). On remand, the Board made specific findings of fact and issued a second Opinion affirming the Commissioner's Order on 28 February 1992 (Ex. No. 5). The Protestants appealed that Order to the Circuit Court. The Circuit Court affirmed the Board's decision on 4 May 1992.

Blackstrap also submitted a development plan that the County Review Group approved. The Protestants appealed the CRG approval top the Board of Appeals. The Board of Appeals consolidated the CRG case with the zoning cases and affirmed the CRG decision in its Opinion of 5 March 1991 and its Opinion on remand, dated 28 February 1992 (Ex. No's 4 and 5, respectively).

However, in light of <u>Hayfields Inc. v. Valley Planning Council</u>, 123 Md. App.616 at 632-33 (1998) it would appear unnecessary to amend the area of special exception and the density otherwise attributable to 16 acres of land zoned RC-4 within the 217 acre golf course tract may be shifted to the 88 acre parcel, in accordance with the note on the recorded plat (Ex. No. 1).

Zoning Advisory Committee again reviewed the proposed Petition for Special Hearing. There are no outstanding issues.

Michael J. Moran 401 Allegheny Avenue Towson, MD 21204

410/828-4800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of September, 1999 I caused a copy of the foregoing Petitioner's Pre-Trial Brief to be hand delivered to J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, MD 21286 and to Robert Cannon, Esquire, Saul, Ewing, Weinberg & Green, 100 S. Charles Street, Baltimore, MD 21201.

lichael J. Moran

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

18414 Vernon Road, 3600' South of as Airey Property P.D.M. #VII-342 White Hall Road, 88.2 Ac. +/- Known

2416_37 0916

which is presently zoned RC-4/RC-2

This Petition shall be filed with the Department of Permits and 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

See Attached

ZONING regulations and restrictions of baltimore County adopted p	ising, posting, etc. and further agree to and are to be bounded by the ursuant to the zoning law for Baltimore County.
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Hunter Mill, L.L.C.	Blackstrap Development Company
Name - Type or Print	Name - Type or Print A Wash unbest
Signature James W. McKee	Signature
5 Shawan Road, Suite 1 (410) 527-1555	Mark Wood
Address Telephone No.	Name - Type or Print
Cockeysville, Maryland 21030 State Zip Code	Signature Blackstrap Development Company C/O Poole & Kent Company 4530 Hollins Ferry Road
Attorney For Petitioner:	
Aichael Moran, Esquire	Baltimore Maryland 21227-4609
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature	MaVaa 9 Aggasiakaa Taa
Company	McKee & Associates, Inc. Name
401 Allegheny Avenue (410) 337-0900	5 Shawan Road, Suite 1 (410) 527-1555
Address Telephone No. Towson, Maryland 21204	Address Cockeygri 11 a Marry land 21030
Cty State Zip Code	Cockeysville, Maryland 21030 City State Zip Code
	OFFICE USE ONLY
\sim	ESTIMATED LENGTH OF HEARING
Case No. 99-297-584	UNAVAILABLE FOR HEARING 3 thr w/HOH
	viewed By MOK Date 8/3/99
© Re 2021-915198	MISMEG RA Date _0/2/1/
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Revision of St. Harry _ scholak u/ HOH

ATTACHMENT TO PETITION FOR SPECIAL HEARING

- 1. The residential development of the property known as "Plat 2-Parcel 'A'-Blackstrap Development Company." Recorded in Baltimore County Plat Book S.M. 67 Folio 1138 as a permitted use as set forth in the Baltimore County Zoning Regulations. This request is made in accordance with the conditions set forth on C.R.G. Plan # 90-3532 of "Greystone Planning No. VII-246 which was approved on August 30, 1990; and
- 2. An amendment to Special Exception Case No. 90-19-SPHX by reducing the area of the "Greystone Golf Course" by 16 acres and utilizing that acreage for the density of 3 single family building lots (conveyed to the Blackstrap Development Company).

December 7,1999

Amendment to Special Hearing Petition Case No. 99-297-SPH

Pursuant to the Hearing Officer's Hearing (PDM No. VII-342), and Special Hearing (No. 99-297-SPH) of October 1, 1999, which was continued, the following amendment is made to the Petition for Special Hearing:

... to determine whether or not the Zoning Commissioner should approve:

- 1. To permit a residential development of 17 lots, as shown on the attached plans, of the property known as "Plat 2-Parcel 'A'- Blackstrap Development Co." (recorded in Baltimore County Plat Book S.M. 67 folio 138), as a permitted use as set forth in the Baltimore County Zoning Regulations pursuant to the condition(s) set forth on CRG Plan #90-353 of "Greystone" (PDM No VII-246), approved on August 30,1990:
- 2. To delete all relief requested in connection with the allocation of density from "Plat 1-Lot 1 Blackstrap Development Co" (recorded in Baltimore County Plat Book S.M. 67 folio 137) to "Plat 2-Parcel 'A' Blackstrap Development Co. "(recorded in Baltimore County Plat Book S.M. 67 folio 138) as provided by the zoning commissioners memorandum (attached hereto).

ORDER RECEIVED FOR FILING
Date
By

99.291.5PH PW 12/99

December 7, 1999

Amended Zoning Description for 18414 Vernon Road (also known as "Airey Property")

Beginning at a point on the South side of Vernon Road which has a paving width of 20 feet +/-, at a distance of 80 feet +/-, east of the centerline of the nearest improved intersecting street Hunter Mill Road which has a paving width of 20 feet +/-, being Parcel 'A' of Plat 2 "Blackstrap Development Co." as recorded in Baltimore County Plat Book S.M. 67 Folio 138 containing 88.213 acres +/-. Also known as 18414 Vernon Road and located in the Seventh and Tenth Election Districts, Sixth Councilmantic District.

OFIDER REGENTED FOR FILING Dates By

99.299.5PH PW12/99

Zoning Description for 18414 Vernon Road (also known as "Airey Property")

Beginning at a point on the South Side of Vernon Road which has a paving width of 20' +/-, at a distance of 80' +/-, east of the centerline of the nearest improved intersection street Hunter Mill Road which has a paving width of 20' +/-, being Parcel "A" of Plat 2 Blackstrap Development Co." as recorded in Baltimore County Plat Book S.M. 67 folio 138 containing 88.213 acres +/-. Also known as 18414 Vernon Road and located in the 7th and 10th Election Districts, 6th Councilmatic District.

Zoning Description for Area of Special Exception Refinement being a portion of 2115 Whitehall Road

Commencing at a point on the West Side of Vernon Road which has a paving width of 20' +/-, at a distance of 1009' +/-, south of the centerline of the nearest improved intersecting street White Hall Road, which has a paving width of 20° +/-, being a portion of Plat 1 "Lot One" Blackstrap Development Co. as recorded in Baltimore County Plat Book S.M. 67 folio 137 containing 217.248 acres+/-. The subject portion of Plat 1 "Lot One" Blackstrap Development Co., being described herein as the "Area of Special Exception Refinement", is located distant from the commecing point the five following courses and distances along the property lines of said plat: 1. S 43 ° 04'00" W 225.65', 2. S 71 ° 58' 00" W 667.74', 3. S 31 ° 24' 00" E 697.13', 4. S 55 ° 54'00" W 1,313.23', 5. S17°00 '49" W 170.41' to the true point of beginning for the Area of Special Exception Refinement. Said Area of Special Exception Refinement thence continuing along the property lines of Plat 1 "Lot One" Blackstrap Development Co. the six following courses and distances viz:1.S 17°00' 49" W 686.86',2. S 43°12' 29" W 399.92',3. N 75°22' 17" W 123.38', 4. S 59 ° 54' 42" W 193.72', 5. S 71 ° 30' 29" W 200.05', 6. N 73 ° 15' 00" W 237.82' thence leaving said property lines and running the four following courses and distances viz: 1. N 30°08' 43" E 820.12', 2. N 05°05' 25" E 323.36', 3. S 76°48' 08" E 438.42', 4. N 75° 57' 43" E 321.44' to the true point of beginning for the Area of Special Exception Refinement. Containing 16.000 acres +/-.

Also known as 2115 White Hall Road, and located in the 7th Election District, 6th Councilmatic District.

Recision to 49-297-5PH 8/3/99

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030 Tel: 410.527.1555 • Fax: 410.527.1563 • E-Mail: @mckeeinc.com

Engineering • Surveying • Environmental Planning
Real Estate Development

Zoning Description for 18414 Vernon Road (also known as "Airey Property")

Beginning at a point on the South side of Vernon Road which has a paving width of 20 feet +/-, at a distance of 80 feet +/-, east of the centerline of the nearest improved intersecting street Hunter Mill Road which has a paving width of 20 feet +/-, being Parcel 'A' of Plat 2 "Blackstrap Development Co." as recorded in Baltimore County Plat Book S.M. 67 Folio 138 containing 88.213 acres +/-. Also known as 18414 Vernon Road and located in the Seventh and Tenth Election Districts, Sixth Councilmantic District.

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* 250.00	CI NO. 063097
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18414 Vernon Rd. Item # 297 FOR: 040 Special Hearing Taken by: JRF	
44-7	99-5PH
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BALTIMORE COUNTY, MARYLANT OFFICE OF BUDGET & FINANCE No. 074373 MISCELLANEOUS RECEIPT	
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OR: 99.397.5PH	

YELLOW - CUSTOMER

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BALTIMORE COUNTY, MARYLAN

OFFICE OF BUDGET & FINANCE

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MAINTE DE 700006

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: #99-297-SPH
18414 Vernon Road
S/S Vernon Road, 80°E of
Centerline Hunter Mill Road
10th Election District
6th Councilmanic District
Legal Owner(s): Blackstrap
Development Company
Contract Purchaser: Hunter
Mill, 11°C

Special Hearing: to amend restriction #4 of 90-19-SPHX or in accordance with restriction #4, development of the area south of the golf course. Hearing: Thursday, April 8, 1999 at 9:00 a.m. in Room 186, County Office Building, 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zening Review Office at (410) 887-3391.
3/270 March 18 C297874

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/18, 1999
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 318 , 1999.
THE JEFFERSONIAN,
J. William Son
LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 99-297-SPH
PETITIONER/DEVELOPER:
[Airey Property]
DATE OF Hearing
(APR. 8, 1999)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 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 Vernon Road Baltimore, Maryland 21161_____

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
18414 Vernon Road, S/S Vernon Rd, 80' E of c/l Hunter Mill Rd, 10th Election	*	ZONING COMMISSIONER
District, 6th Councilmanic	*	FOR
Legal Owners: Blackstrip Development Company Contract Purchaser: Hunter Mill, LLC	*	BALTIMORE COUNTY
Petitioner(s	±	Case Number: 99-297-SPH

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter Max Zimmeinan Carole S. Demi CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

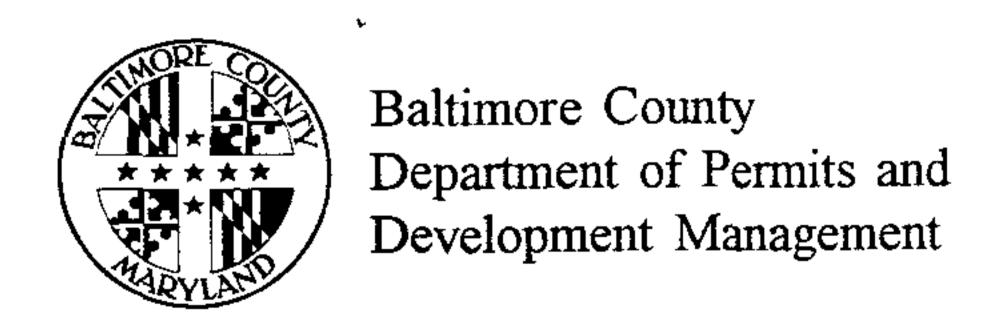
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of February, 1999, a copy of the foregoing Entry of Appearance was mailed to Michael J. Moran, Esq., 401 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).

> Peter Marc Zimmeinan PETER MAX ZIMMERMAN



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

February 25, 1999

NOTICE OF ZONING 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:

HEARING OFFICERS HEARING Project Name: Airey Property

Project Number: 7-342

Location: W/S Vernon Road, S of White Hall Road

Acres: 104.2

Developer: Hunters Mill, LLC

Engineer: McKee & Associates, Inc.

Proposal: 1 Existing, 19 Proposed Single Family Lots

*****AND*****

CASE NUMBER: 99-297-SPH

18414 Vernon Road

S/S Vernon Road, 80' E of Centerline Hunter Mill Road

10th Election District – 6th Councilmanic District Legal Owner: Blackstrap Development Company

Contract Purchaser: Hunter Mill, LLC

Special Hearing to amend restriction #4 of 90-19-SPHX or, in accordance with restriction #4, development of the area south of the golf course.

HEARING: Thursday, April 8, 1999 at 9:00 a.m. in Room 106, County office Building,

111 West Chesapeake Avenue

HEARING OFFICERS HEARING

Project Number: 7-342 ZONING HEARING

Case Number: 99-297-SPH

Page 2

ge .

Arnold Jablon Director

c: Michael Moran, Esquire Blackstrap Development Company Hunter Mill, LLC McKee & Associates, Inc.

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MARCH 24, 1999.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

March 18, 1999 Issue - Jeffersonian

Please forward billing to:

Hunter Mill, LLC

410-527-1555

c/o 5 Shawan Road

Suite 1

Cockeysville, MD 21030

NOTICE OF ZONING 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: 99-297-SPH

18414 Vernon Road

S/S Vernon Road, 80' E of Centerline Hunter Mill Road

10th Election District – 6th Councilmanic District

Legal Owner: Blackstrap Development Company

Contract Purchaser: Hunter Mill, LLC

Special Hearing to amend restriction #4 of 90-19-SPHX or, in accordance with restriction #4, development of the area south of the golf course.

HEARING: Thursday, April 8, 1999 at 9:00 a.m. in Room 106, County office Building,

111 West Chesapeake Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Çase Number: 99-297-SPH
Petitioner: HUNTER MILL LLC.
Address or Location: 18414 VERYON ROAD WHITEHAL MO 21164
PLEASE FORWARD ADVERTISING BILL TO:
Name: HUNTER MILL LLC.
Address: 905 SHANAN ROAD, SUITE!
COKERS JILLE, MD 21030
Telephone Number: 410-527-1555

BALTIMORE COUNTY, MARYLAND

SUBJECT:

HEARING OFFICERS HEARING COMMENT

HOH DATE: 4/8/99

FROM:

PDM - ZONING REVIEW

9:00 a.m., Rm. 106 COB

PROJECT NAME:

Airey Property

PLAN DATE: 2/3/99

LOCATION:

W/S Vernon Road, S of White Hall Road

DISTRICT: 7c6

PROPOSAL:

1 Existing, 19 Single Family Dwellings

ZONING: R.C.-4/R.C.-2

The plan has been reviewed by the staff at this level of detail and with the exception of comment #1 has been found to be in general compliance with the <u>Baltimore County Zoning Regulations</u> (BCZR). The following additional advisory comments are generalized for the development plan and they **do not** identify all details and inherent technical zoning requirements necessary in order to determine final compliance with these regulations. To avoid any possible delays in the development review and zoning approval process, when these details and final technical information are identified or changed, this office should be contacted and it should be the responsibility of the owner, developer or developer's engineer to rectify any zoning conflicts well in advance of any expected final approvals. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. Only if necessary, will the following comments be up-dated and/or supplemented during review of the zoning final development plan.

1. The density within 16 acres of the R.C.-4 zone (used to support density for the proposed Airey subdivision) from Plat 1, Lot 1 of Blackstrap Development Company (S.M. 67, Folio 137) must be established by a Special Hearing to amend the Special Exception of the Graystone Golf Course or by requesting confirmation of the 16 acres.

BRUNO RUDAITIS

Planner II Zoning Review



Baltimore County Department of Permits and Development Management

Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

November 16, 1999

NOTICE OF ZONING 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:

HEARING OFFICER HEARING AND CASE NO. 99-297-SPH

PROJECT NAME: Airey Property Project Number: VIII-342

Location: W/S Vernon Road, S of White Hall Road

Acres: 88.2

Developer: Hunters Mill, LLC Engineer: McKee & Associates

Proposal: 17 lots

HEARING: DAY 1 - WEDNESDAY, JANUARY 5, 2000 at 9:00 a.m. in Rm. 106 C.O.B., 111 W.

Cheseapeake Avenue, Towson, Md.

DAY 2 - THURSDAY, JANUARY 6, 2000 at 9:00 a.m. in Rm. 106 C.O.B., 111 W.

Cheseapeake Avenue, Towson, Md.

Arnold Jablon

Director

cc: Michael Moran, Esq.

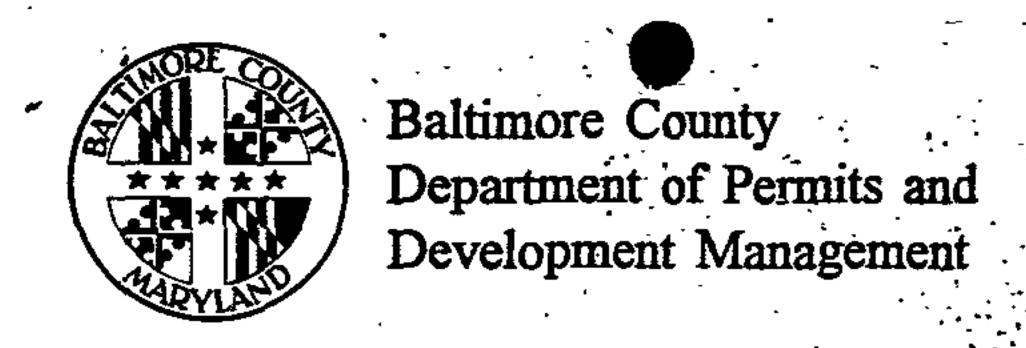
J. Carroll Holzer, Esq.

Attached list

NOTES: (1) THE PETITIONER MUST HAVE THE HEARING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY DECEMBER 7, 1999.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Mr. Jackson, 2919 Hunter Mill Rd, White Hall MD 21161 Frederic M. Bryant, IV, 2605 Hunter Mill Road, White Hall MD 21161 Brook and Ann Behner, 2323 White Hall Road, White Hall MD 21161 N. Iglehart, 15905 Carroll Road, Monkton MD 21111. Samuel L????, 2910 Hunter Mill Road, White Hall MD 21161 Darlene and Stacy Vansant, 2901 Hunter Mill Road, White Hall MD 21161 Kelly Mays, 2727 Hunter Mill Road, White Hall MD 21161 Bill and Katz Tyrrell, 1926 Hunter Mill Road, White Hall MD 21161 McCulldugh G. and Phyllis K. Sten, 2003 Hunter Mill Road, White Hall MD 21161 Ann B. Jackson, 2929 Hunter Mill Road, White Hall MD 21161 Cary and Ann B. Jackson, 2929 Hunter Mill Roadm White Hall MD 21161 Johanne Edey, 1800 White Hall Road, White Hall MD 21161 James W. Constable, 2300 Sheppard Road, Monkton MD 21111 Darelene Wells, 17433 Wesley Chapel Road, White Hall MD 21161 Anne Bricker, 2632 White Hall Road, White Hall MD 21161 Phyliss K. Shaw, 22003 Hunters Mill Road, White Hall MD 21161 William H. Wilmer, 2515 White Hall Road, White Hall MD 21161 Jay Boynton, 518 Dunkirk Road, Baltimore MD 21212 Karen Miller, 2900 White Hall Road, White Hall MD 21161 David Boyd, 1120 Bernoudy Road, White Hall MD 21161



Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 2, 1999

NOTICE OF ZONING 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: 00-224-SPH

18414 Vernon Road (Airey Property)

S/S Vernon Road, 80' E of centerline Hunter Mill Road

10th Election District – 6th Councilmanic District Legal Owner. Blackstrap Development Company

Contract Purchaser: Hunter Mill, LLC

Special Hearing to determine whether, pursuant to the previous zoning history of the site, is density left on the subject site to permit any development to occur and whether it is lawful, at any time, to transfer 3 density units from the 16 acres to the subject site for the purpose of developing 3 additional single family residences in Case VII-342?

HEARING:

Wednesday, January 5, 2000 and Thursday, January 6, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

Arnold Jablon Director

c: J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson 21286 Cary Jackson, 2919 Hunter Mill Road, White Hall 21161 McCullogh Steen, 2003 Hunter Mill Road, White Hall 21161 Sam Lumpkin, 2910 Hunter Mill Road, White Hall 21161 Kate Tyrrell, 1926 Hunter Mill Road, White Hall 21161 Karen Miller, 2900 White Hall Road, White Hall 21161 Anne & Owen Bricker, 2632 White Hall Road, White Hall 21161 Charles Conklin, 4601 Copperwood Lane, Glen Arm 21057 Michael Moran, Esquire, 401 Allegheny Avenue, Towson 21204 Blackstrap Development Co., 4530 Hollins Ferry Road, Baltimore 21227 Hunter Mill, LLC, 5 Shawan Road, Suite 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY DECEMBER 21, 1999.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Format for Sign Printing, Black Letters on White Background:

Exhibit B

ZONING NOTICE

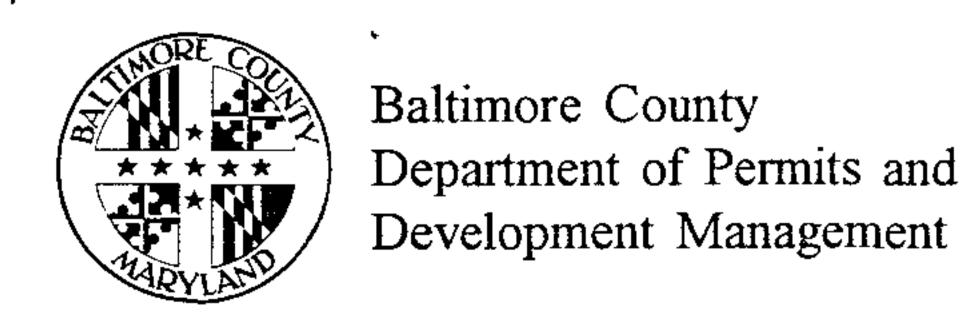
Case No.: 99-297-59H

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

PLACE:
DATE AND TIME:
REQUEST: THE RESIDENTIAL DEVELOPMENT OF THE PROPERTY KNOWN AS
"PLATZ-PARCEL A BLACKSTRAP DENEZOPAENT CO." REZORDED IN PLAT BOOK S.M. 67/188
AS A PERMITTED USE AS SET FORTH IN THE BCZR. THIS REQUEST IS MADE IN
ACCURDANCE WITH CONDITIONS SET FORTH ON CIRG. PLAN #90-353 of
"GREYSTONE" (PLANNING ND. HT-246) which was approved on August 30, 1990.3
on a inclusive of any annualments to said plan 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



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

April 1, 1999

Michael Moran, Esq. 401 Allegheny Avenue Towson, MD 21204

RE: Case No.: 99-297-SPH

Petitioner: Hunter Mill LLC Location: 18414 Vernon Road

Dear Mr. Moran:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on February 4, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Cuhards Jr-/fl

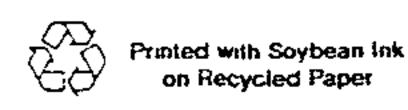
Zoning Supervisor Zoning Review

c: McKee & Associates, Inc., 5 Shawan Road Ste. 1, Hunt Valley MD 21030

WCR:ggs

Enclosures

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





Parris N Glendening Governor John D Porcari Secretary Parker F Williams Administrator

Date: 2.16.99

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

RE: Baltimore County

Item No. 297

JRF

Dear. Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. J. Brell.

Michael M. Lenhart, Acting Chief

Engineering Access Permits Division



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

12.20.99 Date:

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

RE: **Baltimore County**

Item No. 99-297-5PH ALLEY PROPERTY

Dear. Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Lo Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

My telephone number is _______



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

Arnold Jablen, 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 FEBRUARY 15, 1999

Item No.: SEE BELOW Zoning Agenda:

Budtleman:

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.

The Fire Marshal's Office has no comments at this time in reference to the following item numbers:

291, 292, 293, 294, 295, 296, 297) 299, 300, AND 303

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: March 1, 1999 Arnold Jablon TO: R. Bruce Seeley (185) FROM: SUBJECT: Zoning Item #297 Greystone/Airey Zoning Advisory Committee Meeting of February 15, 1999 The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. ____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site. X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item: X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code). Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code). ____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

X_ Concept Plan Comments of 9/28/98 apply.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 3, 1999

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: 18414 Vernon Road

REVISED SPECIAL HEARING

INFORMATION:

Case Number:

99-297-SPH

Petitioner:

Hunter Mill, LLC

Zoning:

RC-4 & RC-2

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the applicant's requested Petition for Special Hearing.

Section Chief:

AFK/JL

15/50 WCR

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Dace

Date: December 28, 1999

RECEIVED JAN 0 6 2000

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting for January 3, 2000 Item Nos. 236, 237, 238, 240, 241, 242, 243

and

Airey Property
Case No. 99-297-SPH

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

October 7, 2004

TO:

Timothy Kotroco, Director

Permits & Development Management

Attn.: Donald T. Rascoe

FROM:

Theresa R. Shelton
Board of Appeals

SUBJECT:

Blackstrap Development Co.

PDM Case No.: VII-342

CBA-00-148 with 99-297-SPH and 00-224-SPH

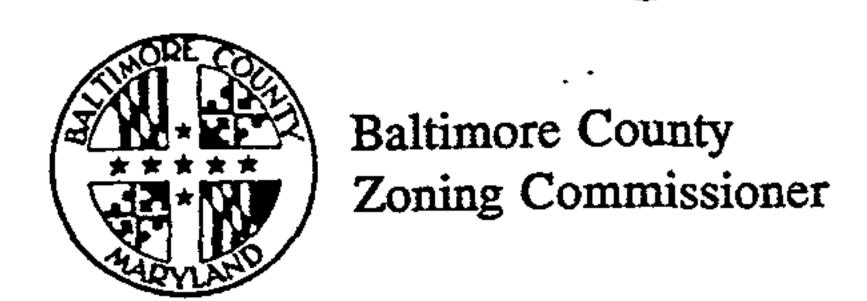
Circuit Court Case Nos.: 03-C-00-12952 and 03-C-00-13012

On October 27, 2003 the Court of Special Appeals issued a Mandate AFFIRMING the decision of the Circuit Court. Judge Bollinger of the Circuit Court issued a Memorandum Opinion and Order on December 28, 2001 AFFIRMING the Board of Appeals.

On December 23, 2003, Chief Judge Bel denied the Petition for Writ of Certiorari. The Board of Appeals is closing its files on this matter and returning one box to your office that consists of the original files and exhibits that were forwarded to this office on Appeal.

Attachment: One Box containing files and exhibits

David Duval, PDM CC!



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

June 2, 2000

Fax: 410-887-3468

Michael Moran, Esquire Howard, Butler & Melfa 401 Allegheny Avenue Towson, Maryland 21204 J. Carroll Holzer, Esquire Holzer & Lee 508 Fairmount Avenue Towson, Maryland 21286

RE: DEVELOPMENT PLAN HEARING and PETITIONS FOR SPECIAL HEARING S/S Vernon Road, 80' E of the c/l Hunter Mill Road (18414 Vernon Road)

10th Election District – 6th Councilmanic District

Blackstrap Development Co., Owners/Hunter Mill LLC, Contract Purchaser Case Nos. VII-342, 99-297-SPH, and 00-224-SPH

Dear Counsel:

LES:bjs

This letter is to confirm that the above-captioned matter was continued, in open hearing on June 1, 2000, to reconvene on Monday, June 26, 2000 at 8:30 AM in Room 407 of the County Courts Building. It was further agreed to schedule another continued hearing on Friday, June 30, 2000. On that date, the hearing will be held in Room 106 of the County Office Building, also to commence at 8:30 AM. Please make a note of this earlier time start and advise your respective clients/witnesses accordingly.

Should anyone have any questions concerning these dates/times, please feel free to contact either Don Rascoe, Project Manager, 887-3353, or my office.

Wery truly yours,

Much Much

LAWRENCE E. SCHMIDT

Zoning Commissioner/Hearing Officer

for Baltimore County

cc: Don Rascoe, PDM; Bob Bowling, PDM; DEPRM; OP; R&P; People's Counsel; Case File

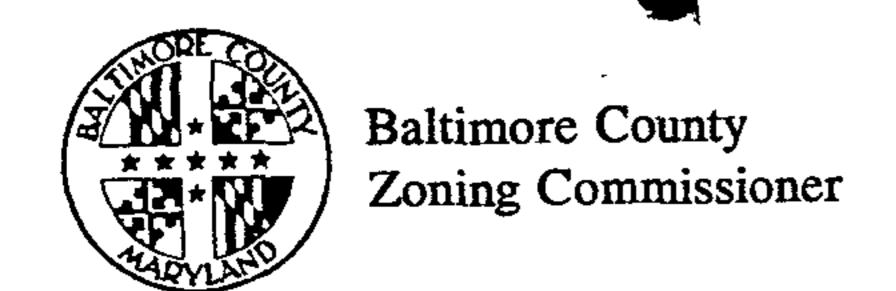


For You, For Baltimore County



Census 2000





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

Fax: 410-887-3468

January 10, 2000

Michael Moran, Esquire Howard, Butler & Melfa 401 Allegheny Avenue Towson, Maryland 21204 J. Carroll Holzer, Esquire Holzer & Lee 508 Fairmount Avenue Towson, Maryland 21286

RE: DEVELOPMENT PLAN HEARING and PETITIONS FOR SPECIAL HEARING S/S Vernon Road, 80° E of the c/l Hunter Mill Road (18414 Vernon Road)
10th Election District – 6th Councilmanic District Blackstrap Development Co., Owners/Hunter Mill LLC, Contract Purchaser Case Nos. VII-342, 99-297-SPH, and 00-224-SPH

Dear Counsel:

This is to confirm the status of the above-captioned matter, based upon the proceedings conducted in open hearing before me on January 5^{th} and 6^{th} , 2000.

Based upon the undisputed evidence offered by Messrs. Bowling and Ward, it is apparent that the accuracy of the floodplain shown on the development plan (Developer's Exhibit 1) is questionable. In determining the location of the floodplain, the Developer relied upon schematic information shown on the previously recorded record plat (Protestants' Exhibit 1). Testimony offered by Mr. Bowling was persuasive that the required floodplain study was never submitted for review by Baltimore County. Thus, the definitive location of the floodplain on both the record plat and subsequent development plan has been brought into question. This is particularly so, in view of the requirements of Section 26-203(c)(6) of the Code which requires that the location of floodplains be shown on the plan.

I have declined to dismiss the plan and the Developer's application as requested by Mr. Holzer; however, the Hearing Officer's Hearing has been suspended and the matter has been remanded for further proceedings at the Development Plan Conference phase. Upon the Developer's completion of its investigation of this matter, Ms. Christine Rorke, Project Manager, should be contacted to arrange scheduling for an additional Development Plan Conference. Mr. Holzer should be advised of the date, time and location of those proceedings and should also be provided with copies of whatever submissions the Developer intends to offer to Baltimore County. Following the conclusion of the proceedings at the Development Plan Conference, this matter will be scheduled for a second Hearing Officer's Hearing in due course. Additionally, I

Messrs. Mike Moran and J. Carroll Holzer

January 10, 2000

Page 2

RE: Development Plan Hearing & Petitions for Special Hearing (Airey Property)

Case Nos. VII-342, 99-297-SPH, and 00-224-SPH

would appreciate it if Mr. Moran would obtain a copy of the transcript of the testimony, evidence and argument offered in this case in open hearing on January 5th and 6th, 2000 and submit same to me for inclusion in the case file.

Please contact me should you have any questions regarding the above.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner/Hearing Officer

for Baltimore County

LES:bjs

cc: Mr. Mark Wood, Blackstrap Development Company

c/o Poole & Kent company, 4530 Hollins Ferry Road, Baltimore, Md. 21227-4609

Mr. James W. McKee, McKee & Associates, Inc.

5 Shawan Road, Suite 1, Cockeysville, Md. 21030

Robert W. Cannon, Esquire, Saul, Ewing, Weinberg & Green

100 S. Charles Street, Baltimore, Md. 21201-2/173

Ms. Chris Rorke, Proj.Mgr., DPDM; Mr. Bob Bowling, Developer's Plan Review, DPDM;

DEPRM; OP; Rec & Parks; People's Counsel; Case File

Messrs. Mike Moran and J. Carroll Holzer

January 10, 2000

Page 2

RE: Development Plan Hearing & Petitions for Special Hearing (Airey Property)

Case Nos. VII-342, 99-297-SPH, and 00-224-SPH

would appreciate it if Mr. Moran would obtain a copy of the transcript of the testimony, evidence and argument offered in this case in open hearing on January 5th and 6th, 2000 and submit same to me for inclusion in the case file.

Please contact me should you have any questions regarding the above.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner/Hearing Officer

for Baltimore County

LES:bjs

cc: Mr. Mark Wood, Blackstrap Development Company

c/o Poole & Kent company, 4530 Hollins Ferry Road, Baltimore, Md. 21227-4609

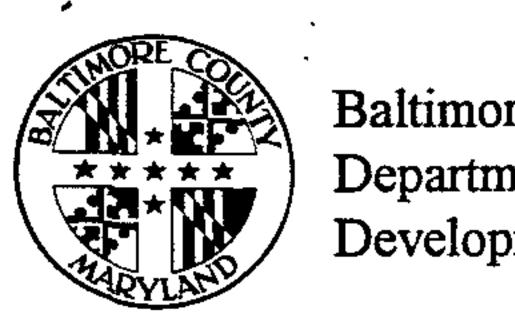
Mr. James W. McKee, McKee & Associates, Inc.

5 Shawan Road, Suite 1, Cockeysville, Md. 21030

Robert W. Cannon, Esquire, Saul, Ewing, Weinberg & Green

100 S. Charles Street, Baltimore, Md. 21201-2773

Ms. Chris Rorke, Proj.Mgr., DPDM; Mr. Bob Bøwling, Developer's Plan Review, DPDM; DEPRM; OP; Rec & Parks; People's Counsel; Case File



Baltimore County -Department of Permits and Development Management

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

December 7, 1999

J. Carroll Holzer, Esquire Holzer and Lee 508 Fairmount Avenue Towson, MD 21286

Dear Mr. Holzer:

RE: Drop Filing of Zoning Case 00-224-SPH and 99-297-SPH, PDM Number VII-342 (Airey Property), 18414 Vernon Road and 2115 Whitehall Road, Blackstrap Development Corporation (legal owner), Hunter's Mill LLC (contract purchaser), 7th and 10th Election District, 6th Councilmanic District

Reference is made to your letter addressed to Lawrence E. Schmidt, Zoning Commissioner, dated November 19, which by cover memo dated November 29 was referred by Lawrence Schmidt to Arnold Jablon, Director of Permits and Development Management, and, finally, from Arnold Jablon to myself on November 30, 1999 for reply.

We continue to revise our procedures and requirements in order to better serve our customers, including for the benefit of attorneys. We believe that we are flexible and that we do adopt changes when the changes are to the benefit of both the applicant and the county. I will attempt to address each objection you make to our requirements.

Objection #1 - Yes, we do require that petition forms submitted accurately duplicate our pre-printed forms. Computer scanned forms are accepted by this office, when the format and wording is exact. When there is not a match to the form we provide, the applicants are told either to scan again without changes or use the forms we provide. We will not accept forms that have been changed, notwithstanding that the applicant believes the changes are for the better. The form submitted must be exactly as the pre-printed - no changes. I will not delineate the reasons for this, except to say that our system is in place and functioning. Changes to the forms cannot be adapted to the systemic fields established in our system. However, if the form submitted, while not accurate, is understandable for the information, we will accept the petition for filing. We do then require the petitioner to file an amendment, which will accurately mirror our preprinted form or to file a completed pre-printed form at a later date to replace the petitioner's altered version. To our knowledge and belief, most judicial and quasijudicial bodies, which utilize forms, do not permit the filing of altered forms. Why would you expect us to?









J. Carroll Holzer, Esquire
December 7, 1999
Page 2

Objection #2 – Signatures of Petitioners and Telephone Numbers Required – We do require owners or petitioners to sign the petition and day telephone numbers are helpful. Believe it or not, there have been times when we could not contact the attorney and at least one additional telephone number allowed us to inform the applicants of immediate important information. As to the signatures on the petitions, if you would have called, we could have explained that in lieu of the signatures we would have accepted a statement by yourself that you are authorized by all petitioners listed to file this case. Without this authorization or the original approvals by a property owner, is it accurate to say we will not accept the petition.

Objections #3 and #4 – Plans of the Property and Copy of Zoning Map Required – I agree, exact copies of all the plans filed in the original case would be burdensome and obviously unnecessary in this case.

Sometimes there is a lack of communication when a petition is "drop filed" by a frequent flyer. If there is a lot of explanation or special circumstances, some important necessary requirements may fall through the cracks in the haste to expedite the filing. We try to eliminate those potential cracks (problems that arise due to a hastily filed petition) and in doing so we may seem less flexible than if we had one hour of time at a typical filing appointment. Obviously with that amount of time, we can more easily tailor our filing requirements to each special situation. Drop filing is alive and well for all frequent filers (flyers), including yourself. It's fast, convenient and very popular, but it's not perfect or appropriate for each petition. We encourage communication and, frequently, we are contacted by an attorney in advance of a drop filing to smooth out any potential application problems. A little more time and talk would have eliminated your over-sensitivity to temporary rejection.

As to the petition at hand, case 00-224-SPH and 99-297-SPH and VII-342 are all docketed to be heard concurrently on January 5, 2000 and January 6, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue (see attached notice). This was done, not as a result of your letter, but pursuant to normal practice and customary procedure. If you have any questions, additional concerns or filing problems, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.

Supervisor Zoning Review

WCR:scj

C: Arnold Jablon Lawrence Schmidt Michael Moran, Esquire

MEMORANDUM

To: File

From: Lawrence E. Schmidt

Zoning Commissioner/Hearing Officer

Re: Airey Property Development Plan 99-297-SPH & VII-342

This matter came in before me for public hearing on October 1, 1999. Michael Moran, Esquire represented the Developer and J. Carroll Holzer, Esquire represented the community. During preliminary remarks on the record, a discussion was held regarding the procedure to be used for hearing the case. Although Development Plan/Zoning Petition joint cases are usually bifurcated and the Development Plan is considered first, this case was unusual in that the viability of the plan was clearly contingent on the obtaining of Zoning relief. A Special Hearing was filed requesting approval of the use of three density units from the adjacent property that had been developed as the Greystone Golf Course.

After a significant amount of on and off the record dialogue, the Developer asked for a continuance, which was granted. The Developer may resubmit an amended plan deleting the zoning relief. In that event, the case is remanded to the DPC, with notice to Holzer and no advertising or posting required for the next HOH in that the Protestants will be advised by mail of the DPC and HOH. The Special Hearing may be amended to delete all relief requested, with the exception of amending Haines' prior order to allow some development on the subject property (i.e. the density borrowing will be eliminated and the plan reduced to 17 units, the maximum permitted per the density on the subject property only and not the golf course).

This was all agreed to without prejudice to either side.

CASE NUMBER 99-297-SPH

WORDING FOR RE-POSTING OF SIGN:

Special Hearing to approve the residential development of the property as a permitted use as set forth in the Baltimore County Zoning Regulations in accordance with the C.R.G. plan; and to approve an amendment to special exception case no. 90-19-SPHX by reducing the area of the "Greystone Golf Course" by 16 acres.

Hearing will still be held on September 10, 1999.

Does not need to be re-advertised, just re-posted, per the Deputy Zoning Commissioner.

> **Sophia 8/23/99**

TC to Mike Moran to tell him above — also faxed this to him. The residential development of the property known as "Plat 2-Parcel 'A'-Blackstrap development Co." recorded in Baltimore County Plat Book S.M. 67 Folio 138 as a permitted use as set forth in the Baltimore County Zoning Regulations pursuant to the condition(s) set forth on CRG Plan # 90-353 of "Greystone" (PDM No. VII-246), approved on August 30, 1990;

An amendment to the Special Exception of the Greystone Golf Course to provide for the allocation of density equivalent to a certain 16 acres of land zoned RC-4 from Plat 1, Lot 1 of the Blackstrap Development Company (S.M. 67 Folio 137); or alternatively

To confirm the allocation of density equivalent to a certain 16 acres zoned RC-4, situate within Plat 1, Lot 1 of Blackstrap Development Company (S.M. 67 Folio 137) to the development of Plat 2, Parcel A (S.M. 67 Folio 138) of Blackstrap Development Company.

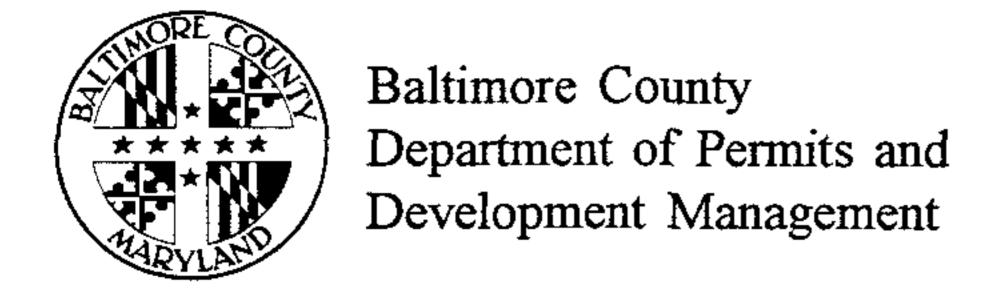
Petition should be worded as follows:

An amendment to Special Exception Cax 90-19-SPHX by reducing the area of the Greystone Golf Course" by 16 acres and utilizing that acreage for the density of 3 single-family building lots (conveyed to Black strap Decelopment Company).

all this laying + rc-posted ... I must be amould to

\$10000 REVISION

MJK 6/28/99



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

May 1, 2000

J. Carroll Holzer, Esquire 508 Fairmount Avenue Towson, MD 21204

Dear Mr. Holzer

RE: Case Number 00-224-SPH, 99-297-SPH, Airey Property HOH

The above matter, previously assigned to be heard on May 18 and 19, 2000 has been rescheduled for Thursday, June 1 and Friday, June 2, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue.

As the person requesting the postponement, you are now responsible for affixing the new hearing date and time to the hearing notice sign posted on the property as soon as possible.

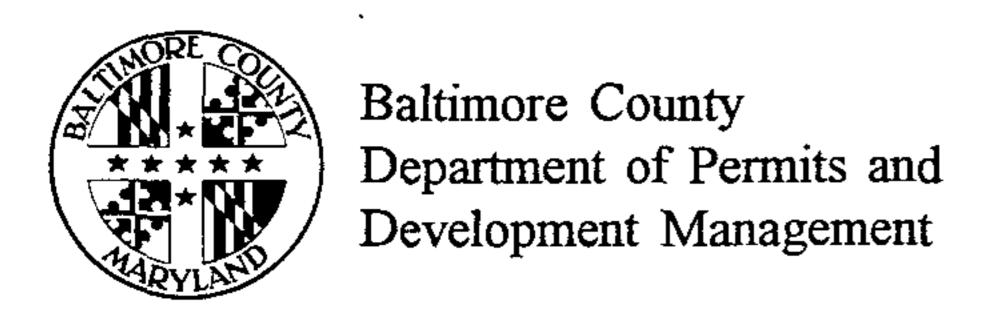
If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

Arnold Jabion Director

AJ:scj

C: Blackstrap Development Co., 4530 Hollins Ferry Road, Baltimore, MD 21227 Hunter Mill, LLC, 5 Shawan Road, Suite 1, Cockeysville, MD 21030 Cary Jackson, 2919 Hunter Mill Road, White Hall, MD 21161 McCullogh Steen, 2003 Hunter Mill Road, White Hall, MD 21161 Sandra & Sam Lumpkin, 2910 Hunter Mill Road, White Hall, MD 21161 Kate Tyrrell, 1926 Hunter Mill Road, White Hall, MD 21161 Karen Miller, 2900 White Hall Road, White Hall, MD 21161 Anne & Owen Bricker, 2632 White Hall Road, White Hall, MD 21161 Charles Conklin, 4601 Copperwood Lane, Glen Arm, MD Michael Moran, Esquire, 401 Allegheny Avenue, Towson, MD 21204 McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville, MD 21030



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

August 9, 1999

Michael Moran, Esquire 401 Allegheny Avenue Towson, MD 21204

Dear Mr. Moran:

RE: Case Number 99-297-SPH & Airey Property HOH, 18414 Vernon Road

The above matter, previously assigned to be heard on April 8, 1999 has been rescheduled for Friday, September 10, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

As the person requesting the postponement, you are now responsible for affixing the new hearing date and time to the hearing notice sign posted on the property as soon as possible.

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

Very truly yours,

Arnold Jablon Director

AJ:scj

C: Blackstrap Development Company Hunter Mill, LLC McKee & Associates, Inc.



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

December 30, 1998

AIREY PROPERTY VII-342

Hunters Mill, L.L.C.
5 Shawan Rd. Suite I
Hunt Valley, MD 21030

Gentlemen,

The Fire Marshal's Office, in conjunction with the Rural Water Source Committee, conducted an evaluation of the natural water source near Hunters Mill & Vernon Rds. While the stream did meet necessary flow requirements, the average depth is less than the 2 foot minimum requirement. The First Mine Branch is disapproved as a water source to fulfill the requirement as specified in Section 5-517.12 of the Baltimore County Fire Prevention Code. Please contact this office with alternative measures which you may wish to use in fulfilling this requirement. If you need information of require assistance, please call me at 410-887-4880.

Sincerely,

Herbert K. Taylor, Lt.

cc: Claud Gamble
Darryl Putty
enclosure



WCR

Michael J. Moran

Attorney at Law 401 Allegheny Avenue Towson, Maryland 21204 (410) 828-4800 FAX (410) 337-0916

12/3/99 To: File non

30 November 1999

Lawrence E. Schmidt, Zoning Commissioner Suite 405, County Office Building 401 Bosley Avenue Towson, MD 21204

Re: Case NO.: 99-297 SPH; PDM VII-342

Dear Mr. Schmidt:

I have Mr. Holzer's letter dated 19 November 1999.

The exhibits referenced in that letter were prepared by, and are the property of, McKee & Associates, Inc. Permission for anyone's use, other than McKee & Associates, Inc. has not been granted.

A Development Plan Conference is now scheduled for the resubmission of the development plan that depicts a 17 lot residential subdivision. The Hearing Officer's Hearing on that Development Plan is scheduled before you on 5 and 6 January 2000. It would appear that the allocation of density issue involved in the Special Hearing will not be an issue, at this time, because the Development Plan under consideration currently reflects a 17, rather than a 20, residential lot subdivision. Accordingly, the density allocation issue or any Petition for Special Hearing that requests a hearing on that specific issue ought not be combined with the Hearing Officer's Hearing in January, 2000.

//. /

Michael J. Moran

MJM:mjm

C: Carroll, Holzer, Esquire

Carl Richards, Office of Permits & Development Management

RECEIVED

99-3083

DEC - 3 1999

DEPT. OF PERMITS AND
DEVELOPMENT MANAGENENT

Michael J. Moran, LL.M.

401 Allegheny Avenue Towson, MD 21204 410/828-4800 FAX 410/337-0916

22 June 1999

Carl Richards
Office of Permits and Development Management
County Office Building
305 W. Chesapeake Avenue
Towson, MD 21204

Re: Airey Property, SPH No.: 99-297

Dear Mr. Richards:

1

Please advise whether Baltimore County will permit the Developer of the referenced development to amend its Petition for Special Hearing or require the Developer to file a new Petition (which requires advertisement and posting). A copy of the proposed Amendment to the Petition for Special Hearing is attached.

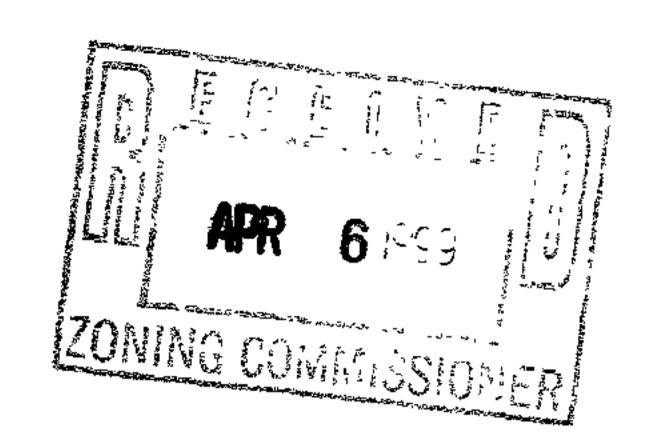
ery Truly Yours,

Michael J. Moran

MJM:mjm



Attorney at Law 401 Allegheny Avenue Towson, Maryland 21204 (410) 828-4800 FAX (410) 337-0916



6 April 1999

Timothy Kotroco, Deputy Zoning Commissioner Office of the Zoning Commissioner County Courts Building, Room 405 401 Bosley Avenue Towson, MD 21204

Airey Property; Hearing Officer's Hearing, No. 7-342; Special Hearing,

No.: 99-297-SPH

Dear Mr. Kotroco:

Re:

The Petitioner and Developer of the Airey Property, Hunter's Mill, LLC requests a continuance of the referenced cases that are now scheduled for hearing on Thursday, 8 April 1999. The reason for this request is that the Petitioner and the Developer has learned that the Office of Permits and Development Management intends to issue either a new or a revised comment concerning the development plan. Although the Petitioner has not yet seen the comment we understand that the County will request additional information that will probably require the Petitioner to submit a plat. Hunter's Mill believes that it would be more expedient and economical if these matters were rescheduled. Rescheduling would allow Hunter's Mill time to respond to the County's comment. The cases could then proceed together.

Thank you for your kind attention.

Very Truly Yours,

Michael I. Moran

MJM:mjm

Cc: Hunter's Mill, LLC

WATER RESOURCE COMMITTEE
BALTIMORE COUNTY VOLUNTEER FIREMEN'S ASSOCIATION
700 EAST JOPPA RD. PUBLIC SAFETY BUILDING
TOWSON, MD. 21286

DATE: December 11, 1998

TO: Lieutenant H. Taylor, Fire Marshall's Office

FROM: Claud Gamble, Chairman

REF: Airey Property Development

Based on our site visit to the above mentioned site, please find our data and recommendations as it relates to the development rural water requirement.

As you know, we met to explore the feasibility of utilizing the First Mine Branch stream in answer to the requirement. Mark Gardner of this committee surveyed this site on 10/22/1998 and performed an accepted method flow test. This test was again performed on our 12/03/1998 visit. The test is performed utilizing the accepted formula for guage of stream flow as found in "Rural Firefighting Operations # 2 by Larry Davis.

The gallons per minute data for the two flow tests is fairly consistent with the first test at 1216 gpm and the second at 1395 gpm. While the flow appears to be sufficient the problems lies in the depth of the stream. Average depth below the bridge is 1 foot with a low measurement of only 6 inches. This depth is far below the accepted norm of atleast 2 feet in strainer device cover for drafting. It appears unlikely that dredging of the stream can be done to allow for this depth. Therefore it is the consideration of this committee that the stream does not meet acceptable standards for use in answering the development requirement.

It appears that the solution to this requirement would be the installation of a underground tank. It was recommended and agreed by this committee that a 12,000 fiberglass tank with the established county design standard be installed on the south east corner of Lot # 20. This would be on the north west corner of the proposed public road that will intersect with Vernon Rd.

We stand ready to provide additional information as needed as this development proceeds. Thank you for the chance to be of service and your willingness to use of resources. I can be reached days at my office at (410) 628-6520 or on Talk Group 199, Car 48.

DEC 16 1998

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STATIC SOURCES (OPEN CHANNEL FLOW)

Q = AV Q = RATE OF FLOW IN CUFT/SEC.

A = AREA IN SQ FT (WIDTH TIMES AVG. DEPTH)

V = VELOCITY IN SECONDS - AVG SEC. *

NEED GPM

GPM = 450 AV

450 - CONSTANT FOR CONVERTING CUFT/SEC TO GPM.

GPM = 450 AV

* MENSURE OFF 12 ALONG BANK. DROP FLOAT TO GET AVERAGE.

AVG. VELOCITY OF A STREAM THROUGHOUT ITS CROSS SECTION

15 ONLY 83% OF THE VELOCITY AT THE MID POINT OF THE SURFACE

(SURFACE TENSION), A DISTANCE OF 10 FEET (83% OF 12 FEET) IS

USED FOR THE CALCULATION OF THE FEET PER SECOND VELOCITY.

10/22/98.	ERNOW & HUNTER MILL ROAD (FIRST MINE BRANCH)
	MARKED 12' DISTANCE ON SOUTH BANK. SOUTH OF VERNON BRIDGE
· · · · · · · · · · · · · · · · · · ·	WIDTH - 10' DEPTH - 6", 18" 12" AVG = 12" (1FOOT)
	TIME - 26 5EC. 48 SEC = AVG = 37 SEC.
	5-PM= 450 (A)(V)
	$5PM = 450 \left(10\times1\right)\left(\frac{10}{37}\right)$
	5PM = 4500 (37)
	5PM = 1216.
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12/3/98 VERNON ROAD BRIDGE NORTH OF HUNTER MILL (FIRST MINE BRANCH)

WIDTH-10'
DEPTH. - 6,9,21" AVG=12" (1 FOOT)

TIME - 36 SEC 32 SEC 29 SEC = AVG. 32.3 SEC.

GPM = 450 (A) (V)

 $GPM = 450 (10x1) (\frac{10}{323})$

GPM = 4500 (.31)

GPM= 1395

0011301; 358

PLEASE RETURN TO:
Royston, Muster, McLean & Raid, LLP
102 West Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
Atn: RSH
CAI No. 8004-0056

TRANSFER TAXES AND RECORDATION STAMPS WERE PAID TO SDAT PURSUANT TO CERTIFICATE OF CONVEYANCE AND ARTICLES OF SALE AND TRANSFER FILED WITH SDAT

TAX ID NUMBER 07-2200024428

This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland attorney or by a party to this instrument.

Robert S. Mandzo, Esquire

THIS CONFIRMATORY DEED is made this ______ day of September, 1996, by and between BLACKSTRAP DEVELOPMENT COMPANY, a Maryland corporation ("Grantor") and BALTIMORE COUNTY REVENUE AUTHORITY ("Grantee").

MHEREAS, pursuant to the Certificate of Coneyance and the Articles of Sale and Transfer filed with the State Department of Assessments and Taxation on September 17, 1996, substantially all of the assets of the Grantor, which consist only of the premises described herein, are being transferred and conveyed to the Grantee; and

WHEREAS, this Deed is being executed in furtherance of the Certificate of Conveyance and Articles of Sale and Tranfer referred to above; and

WITNESSETH, that in consideration of \$7,138,113.00, Grantor does hereby transfer, grant and convey unto the said Grantee, its successors and assigns in fee simple, all that lot of ground situate in Baltimore County, Maryland, and described as follows, that is to say (hereinafter the "Property"):

See Exhibit "A" attached hereto and made a part hereof.

TOGETHER WITH the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said Grantee, its successors and assigns, in fee simple.

AND the Grantor hereby covenants that it has not done, or suffered to be done any act, matter or thing whatsoever to encumber

NORICULTURAL TRANSFER TAX

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0011301; 369

the property hereby conveyed; that it warrants specially the property hereby granted and that it will execute such further assurances of the same as may be requisite.

By execution of this Deed, the Grantor hereby certifies that this conveyance is part of a transaction to which there is a sale, lease, exchange or other transfer of substantially all of the property and assets of the Grantor. See Articles of Sale and Transfer and Certificate of Conveyance filed with the State Department of Assessments and Taxation on September 17, 1996.

WITNESS the hand and seal of the said Grantor the day and year first above-written.

WITNESS:

BLACKSTRAP DEVELOPMENT COMPANY

By: <u>C</u> E. Pr

STATE OF MARYLAND, CITY/COUNTY OF

, to wit:

HEREBY CERTIFY that on this 13 day of September, 1996, before me, a Notary Public in and for the jurisdiction aforesaid, personally appeared E. Donald Airey, Jr., as the President of Blackstrap Development Company, and that he as such corporate officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained. And by execution of this Assignment, the Grantor hereby certifies that this conveyance is a part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor.

WITNESS my hand and Notarial Seal

12/9/9

Adry C:

EXHIBIT A

PROPERTY DESCRIPTION

acres, more or less, located in the SEVENTH ELECTION DISTRICT, Baltimore County, Maryland and more particularly described as Lot 1 on that plat entitled "Plat 1 'Lot One' Blackstrap Development Co.", which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book SM 67, folio 137.

TOGETHER WITH A LIMITED ACCESS EASEMENT which grants the right of pedestrian and light vehicular access from Hunters Mill Road in and over that certain portion of the hereinafter described property for the sole, exclusive and limited purpose of gaining access for inspection purposes to the water monitoring system located on the hereinafter described property at the following three locations: (1) where the First Mine Branch Stream enters the property described below, (2) where said stream exits the property described below and (3) where the "Unnamed Tributary" enters the First Mine Branch Stream near Hunters Mill Road; said monitoring to be in accordance with the Zoning Approval Granting CRG \$90-353 with respect to the construction of the Golf Course.

The Property subject to the Limited Access Easement is described as follows:

acres, more or less, located in the SEVENTH ELECTION DISTRICT, Baltimore County, Maryland and more particularly described as Parcel A on that plat entitled "Plat 2 Parcel 'A' Blackstrap Development Co.", which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book SM 67, folio 138.

TO THE FILING OFFICER: After recording, please return to:

Robert S. Handzo, Esquire Royston, Mueller, McLean & Reid Suite 600, The Royston Building 102 West Pennsylvania Avenue Towson, Haryland 21204-4575

Source of Baltimore Court, 10 with source of the original source of the critical research of the critical research of the critical research of the search of the search of the critical source of the search of the critical source o

