

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE – W/S Old York Road, * ZONING COMMISSIONER
3690' NE of the c/l Troyer Road *
(17118 Old York Road) * OF BALTIMORE COUNTY
10th Election District *
6th Councilmanic District * Case No. 00-107-XA

Gary Kilarr, t/a Manor Country School
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the subject property, Gary Kilarr, trading as Manor Country School, through his attorney, Karl Nelson, Esquire. The Petitioner seeks special exception approval of the use of the subject property as a private school for up to 20 pupils, pursuant to Section 1A01.2.C.23 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from the B.C.Z.R. as follows: From Section 1A01.3.B.3 to permit a principal structure in an R.C.2 zone to be located within 28 feet of the centerline of a street and within 25 feet of a lot line other than a street, in lieu of the required 75 feet and 35 feet, respectively; and, from Section 102.2 to permit principal buildings for a private school in an R.C.2 zone to be within 42 feet of each other in lieu of the required 70 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Gary Kilarr, property owner, Robert Morelock, Registered Landscape Architect, who prepared the site plan for this property, and Karl Nelson, Esquire, attorney for the Petitioner. Appearing in opposition to the request were numerous residents from the surrounding community, including the adjacent property owners, Mr. & Mrs. Lowell R. Bowen, Mr. & Mrs. George M. Riepe, Jr., and Mr. & Mrs. John R. Beever. All of the Protestants were represented by Lawrence Haislip, Esquire.

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Date 11/23/99
By [Signature]

On behalf of the Petitioner, Mr. Morelock presented the site plan and offered testimony in support of the request. The site plan shows that the subject property is an irregularly shaped parcel, containing a gross area of 13.435 acres, more or less, zoned R.C.2. The property is located on the west side of Old York Road. The property is bisected by the Little Gunpowder Falls, which also serves as the border between Baltimore County and Harford County in this vicinity. Thus, that portion of the tract located on the north side of the Little Gunpowder Falls is in Harford County. That area of the property contains approximately 4.905 acres in area. The southern portion of the tract is located in Baltimore County and contains 8.53 acres in area, zoned R.C.2. Moreover, all of the improvements on the site are located in Baltimore County. Those improvements include a one and one-half story dwelling, a garage/office building, and a 35-foot tall barn.

Mr. Morelock testified concerning these improvements and their current use. The dwelling is used residually and will continue to be used as such. The barn is quite old and is presently used for storage purposes. Variance relief is requested to legitimize the location of the barn, which is situated near the southeastern corner of the site, immediately adjacent to Old York Road. The third building, which will contain the proposed special exception use, is located near the dwelling and is presently used as a garage/office building. Although no external improvements are proposed to any of these structures, it is the proposed use of the garage which generates the Petition for Special Exception. Variance relief is also necessary to legitimize the distance between the existing dwelling and garage.

In this regard, testimony indicated that the Petitioner proposes converting the interior of the existing garage/office building to accommodate a private school for a maximum of 20 students. The school will provide education for children in grades pre-Kindergarten through Grade 5. Testimony indicated that the proposed school will not be equipped to handle children with learning or physical disabilities, but is intended for children whose parents desire a small classroom learning environment. Mr. Morelock testified that in his opinion, as a Registered Landscape Architect, the proposal would not be detrimental to the health, safety and general welfare of the

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locale. In this regard, he addressed the standards of Section 502.1 of the B.C.Z.R., which govern special exception uses.

But for Mr. Morelock's testimony, there were no other witnesses who testified in support of the request. For whatever reason, Mr. Kilarr did not testify and offer explanation as to his plans. However, Counsel for the Petitioner proffered that the proposed school would be limited to 20 students, would contain a staff of approximately 3 or 4 individuals (including Mr. Kilarr), would serve children from pre-Kindergarten through 5th Grade, and that no unique arrangements or services would be required in that the school would not be equipped to accommodate children with physical or learning disabilities.

Testimony was offered from a number of the residents from the surrounding locale. These included Mary S. Riepe who lives immediately across from the subject property. Ms. Riepe described the history of the area and the fact that her dwelling was originally used as a tavern for travelers along the Old York Road in the 1800s. She testified that the barn on the subject property was originally part of the overall tract now containing the Riepe property and was used in conjunction with that tavern.

Testimony was also offered from James W. Constable, President of the Manor Area Preservation Association, Inc. He described the area at large and the agricultural nature of same. He fears a potential intensification of the school use and believes that same would be inappropriate in the subject locale.

Other testimony of note came from a farmer in the area, John R. Beever, who testified about the difficulties of conducting agricultural operations in an increasingly urban environment.

Turning first to the variance relief requested, it again bears emphasis that much of the relief requested under that Petition relates to the existing barn and its location. As noted above, the barn is located within 28 feet of the centerline of the street, and within 25 feet of a lot line. After due consideration of the testimony and evidence presented, I am persuaded to grant this variance. In my judgment, relocation of the barn to satisfy the strict letter of the zoning regulations would be inappropriate. Photographs of the site are particularly persuasive. The barn surely has some

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[Signature]

aesthetic value and quite possibly, certain historic value. To require its demolition or relocation is inappropriate and I find that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. for the variance to be granted. Thus, the barn may remain where located. Turning to the second variance request, relief is requested to permit the garage/office building (future school) to be located 42 feet from the dwelling. As is the case with the barn, this variance is requested to legitimize an existing condition on the property. Indeed, both of the variances would not be necessary were the school not proposed. That is, the structures are apparently old enough to qualify as nonconforming uses under Section 104 of the B.C.Z.R. However, in view of the proposed new use/redevelopment of the garage building, the relief requested is necessary. In this regard, I would be persuaded to grant the variance to legitimize the distance between the house and garage. Again, to relocate these buildings or eliminate one is inappropriate. I find that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. for relief to be granted.

The more difficult issue relates to the Petition for Special Exception. As it has been repeatedly stated in previous opinions of this office, the use of the words "special exception" to describe the zoning tool proposed here is unfortunate and can be misleading. In other jurisdictions, special exception uses (as they are known in Baltimore County) are known as "conditional uses." The Courts of this State have continually emphasized the presumptive permissibility of special exception uses. Special exceptions have been defined by the appellate courts of this State as part of the comprehensive zoning plan, sharing a presumption that same are in the interest of the general welfare and are, therefore, valid. See People's Counsel v. Mangione, 85 Md. App. 738 (1991).

In the seminal case of Schultz v. Pritts, 291 Md. 1 (1981), the Court of Appeals found that in order for a special exception use to be denied, it must be shown that the impacts associated with that special exception use must have an adverse effect upon adjoining and surrounding property, in a manner unique and different from the impact that would otherwise result from the development of the property with a special exception use. As stated in Mossberg v. Montgomery Co., 107 Md. App. (1995), "The question in the case sub judice, therefore, is not whether a

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{special exception} has adverse effects. It inherently has them. The question is also not whether the {special exception} use at issue here will have adverse effects at this proposed location. Certainly, it will and those adverse effects are contemplated by the statute. The proper question is whether those adverse effects are above and beyond, i.e., greater here, than they would generally be elsewhere within the areas of the County where they may be established..." (emphasis in original) (Page 9).

In arguing in support of the Petition, Counsel for the applicant urges that the school proposed in this case is so limited in nature that same cannot possibly have adverse impacts on the surrounding locale. That is, it is argued that a school with only 20 students will have minimal impacts on the surrounding locale. Obviously, there will be a limited volume of traffic generated by a school of such size, and the impacts ordinarily associated with the school (noise, lighting, and outdoor activity, etc.) will be minimal.

Although the Petitioner's arguments make practical sense, they do not address the standard which must be considered under law. That is, the question is not whether the proposed school creates less impacts than what might otherwise be expected with a typical school, but whether the impact of the school here is uniquely or particularly egregious. In considering the question presented in that light, the character of Old York Road is particularly relevant. The uncontradicted testimony was that Old York Road is a winding, narrow country lane. Realistically, it can accommodate little traffic volume. The testimony from the neighbors described the perils of driving along that road which occur daily and are particularly worsened when the road is used by farmers and their agricultural equipment.

The standard set out in Schultz, *infra*, and Mossberg, *infra*, require that the Zoning Commissioner consider the impacts of the proposed use at the subject location and contrast same with the effect of those impacts, "elsewhere in the zone." Although much of the land in Baltimore County zoned R.C.2 is crisscrossed by roads similar to Old York Road, that is not always the case. For example, a major interstate (I-83) runs directly from the Baltimore Beltway to the Pennsylvania State line. Much of the land immediately adjacent to either side of that highway is

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By [Signature]

zoned R.C.2. Additionally, there are a number of Maryland State routes in northern Baltimore County (Md. Route 30, Md. Route 91, etc.) which crisscross the R.C.2 zone.

A reasonable analogy to this case was presented in the Petition filed by the owners of the Hayfields Golf Course for special exception relief for a country club. In that case, many of the Protestants claimed that the impacts of traffic generated by a golf course and country club justified a denial of the Petition. In rejecting that argument and approving the golf course/country club, I noted that property's proximity to I-83 and Shawan Road. In that case, the location of the proposed use was adjacent to a major interstate and a major arterial road. Compared with much of the R.C.2 zone in Baltimore County, the Hayfields location featured excellent road/traffic access.

The reverse is true here. In this case, I am persuaded that the Petition for Special Exception must be denied. Although the small school proposed in this case will indeed have minimal impact, the impact will be particularly egregious at the subject location, due to the character of the adjacent and surrounding roads. The character of Old York Road is a compelling factor which warrants a denial of this Petition. In answer to the rhetorical question posed by Counsel for the Petitioner during closing argument, indeed, this may be one location where a school, of any size, should not be permitted.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held and for the reasons set forth herein, the Petition for Special Exception shall be denied and the Petition for Variance granted in part and dismissed in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of November, 1999 that the Petition for Special Exception to approve the use of a building on the subject property for a private school for up to 20 students, pursuant to Section 1A01.2.C.23 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

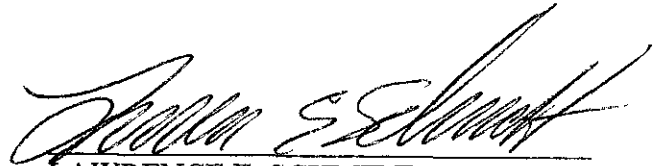
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 1A01.3.B.3 to permit a principal structure in an R.C.2 zone within 28 feet of the centerline of a street and within 25 feet of a lot line other than a street, in lieu

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Date 11/24/99
[Signature]

of the required 75 feet and 35 feet, respectively, for the existing barn, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 102.2 to permit principal buildings (existing dwelling and garage/office building) for a private school in an R.C.2 zone to be within 42 feet of each other in lieu of the required 70 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED as moot.

THE Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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Date 11/24/09
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

November 24, 1999

Karl Nelson, Esquire
Kramon & Graham, P.A.
1 South Street, Suite 2600
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
W/S Old York Road, 3690' NE of the c/l Troyer Road
(17118 Old York Road)
10th Election District – 6th Councilmanic District
Gary Kilarr, t/a Manor Country School - Petitioners
Case No. 00-107-XA

Dear Mr. Nelson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been denied, and the Petition for Variance granted in part and dismissed 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Gary Kilarr, 17118 Old York Road, Monkton, Md. 21111
Mr. Robert Morelock, Site Resources, Inc., 14307 Jarrettsville Pike, Phoenix, Md. 21131
Lawrence Haislip, Esquire, 600 Washington Avenue, Towson, Md. 21204
Mr. & Mrs. Lowell R. Bowen, 17112 Old York Road, Monkton, Md. 21111
Mr. & Mrs. George M. Riepe, Jr., 17001 Old York Road, Monkton, Md. 21111
Mr. & Mrs. John R. Beever, 3216 Vance Road, Monkton, Md. 21111
Mr. James W. Constable, Manor Area Assoc., Inc., 2700 Sheppard Rd., Monkton, 21111
People's Counsel; Case File

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





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 17118 Old York Road
which is presently zoned RC2

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a private school for up to 20 pupils pursuant to Section 1A01.2-C.23

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney for Petitioner:

Karl Nelson

Name - Type or Print

Signature

Kramon & Graham, P.A.

Company

11 South Street, Suite 2600

(410) 347-7434

Address

Telephone No.

Baltimore, MD 21202

City

State

Zip Code

Legal Owner(s):

Gary Kilarr

t/a Manor Country School

Name - Type or Print

Signature

Name - Type or Print

Signature

17118 Old York Road

(410) 472-6770

Address

Telephone No.

Monkton, MD 21111

City

State

Zip Code

Representative to be Contacted:

Robert Morelock

Site Resources, Inc.

Name

14307 Jarrettsville Pike

(410) 683-3388

Address

Telephone No.

Phoenix, MD 21131

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

2 1/2 hrs
11/15 - 11/26
9-10-99

ORDER RECEIVED FOR FILING

Case No. 00-107-X9

REV 9/15/98

Date

By



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 17118 Old York Road

which is presently zoned RC2

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 Variance from Section(s)

1A01.3.B.3. to permit a principal structure in an RC2 zone within 28' of the centerline of a street & within 25' of a lot line other than a street in lieu of the required 75' and 35' respectively.

102.2 to permit principal buildings for a private school in an RC2 zone to be within 42' of each other in lieu of the required 70'.

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

The requested variances are for buildings that are existing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney for Petitioner:

Karl Nelson

Name - Type or Print

Signature

Kramon & Graham, P.A.

Company

South Street, Suite 2600

(410) 347-7434

Address

Telephone No.

Baltimore, MD 21202

State

Zip Code

Legal Owner(s):

Gary Kilarr

t/a Manor Country School

Name - Type or Print

Signature

Name - Type or Print

Signature

17118 Old York Road

(410) 472-6770

Address

Telephone No.

Monkton, MD 21111

City

State

Zip Code

Representative to be Contacted:

Robert Morelock

Site Resources, Inc.

Name

14307 Jarrettsville Pike

(410) 683-3388

Address

Telephone No.

Phoenix, MD 21131

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

See Sp. Ex.

11/15 - 11/26

9-10-99

Case No. 00-107-XA

REV 9/15/98

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ZONING DESCRIPTION OF 17118 OLD YORK ROAD

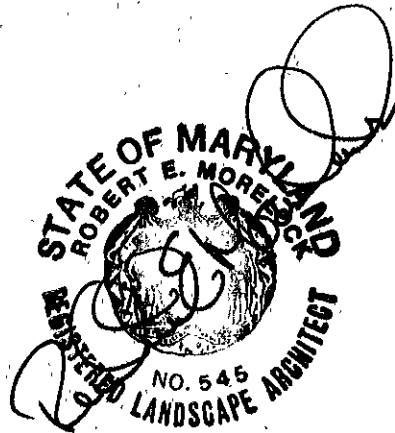
BEGINNING for the same at a point in the center of Old York Road, 16' +/- wide, at a distance of 3690' +/- measured northeasterly along the centerline of Old York Road from the centerline of Troyer Road, said beginning point lying close to the center of the Little Gunpowder Falls and lying approximately on the dividing line between Baltimore and Harford Counties and having the following approximate coordinate values referenced to the Baltimore County Grid System: North 108,295 and East 16,430; thence binding in or near the center of said Old York Road for the three following courses, viz:

1. South 14 degrees 02 minutes West 328.00 feet,
2. South 15 degrees 50 minutes West 200.00 feet, and
3. South 09 degrees 17 minutes 40 seconds West 19.03 feet, thence leaving the center of Old York Road and running for the five following courses, viz:
 4. North 80 degrees 21 minutes 30 seconds West 131.81 feet,
 5. North 26 degrees 48 minutes West 51.08 feet,
 6. North 67 degrees 13 minutes 30 seconds West 450.03 feet,
 7. North 01 degree 22 minutes 40 seconds West 462.87 feet, and
 8. North 59 degrees 26 minutes 30 seconds East 229.67 feet, to a point near the center of the Little Gunpowder Falls, thence running on or near center of the said Little Gunpowder Falls and the dividing line between Baltimore and Harford Counties for the three following courses, viz:
 9. South 52 degrees 00 minutes 33 seconds East 146.73 feet,
 10. South 38 degrees 28 minutes 23 seconds East 158.62 feet, and
 11. South 75 degrees 42 minutes 26 seconds East 313.84 feet, to the point of beginning.

107

Containing 8.53 acres more or less and being a portion of the 13.345-acre tract described in a deed recorded in the Land Records of Baltimore County in Deed Liber 4873, Folio 265. Also known as 17118 Old York Road and located in the 10th Election District. This description does not constitute a boundary or field survey and is only for the purposes of a zoning hearing.

Proj/99061/ZoningDescription.doc



10/17

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 062299

DATE 9-10-99 ACCOUNT R 001 6150
AMOUNT \$ 550.⁰⁰

RECEIVED FROM: Garry G. K. Yarr
"Commercial"
FOR: Special Exemption & Variance Filing Fees
@ 11718 Old York Rd

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
9/10/1999	9/10/1999	10:26:42
REG 0905	UPONTER NOTE REC	0905
Dept 5	528 ZONING VERIFICATION	
Receipt #	121635	
OR NO.	062299	
Recpt Tot	550.00	OK
Baltimore County, Maryland		

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 00-107-XA

Petitioner/Developer: _____

GARY KILARR (MANOR COUNTRY SCHOOL)

Date of Hearing/Closing: OCT. 28, 1999

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

17118 OLD YORK ROAD

The sign(s) were posted on OCT. 13TH 1999
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

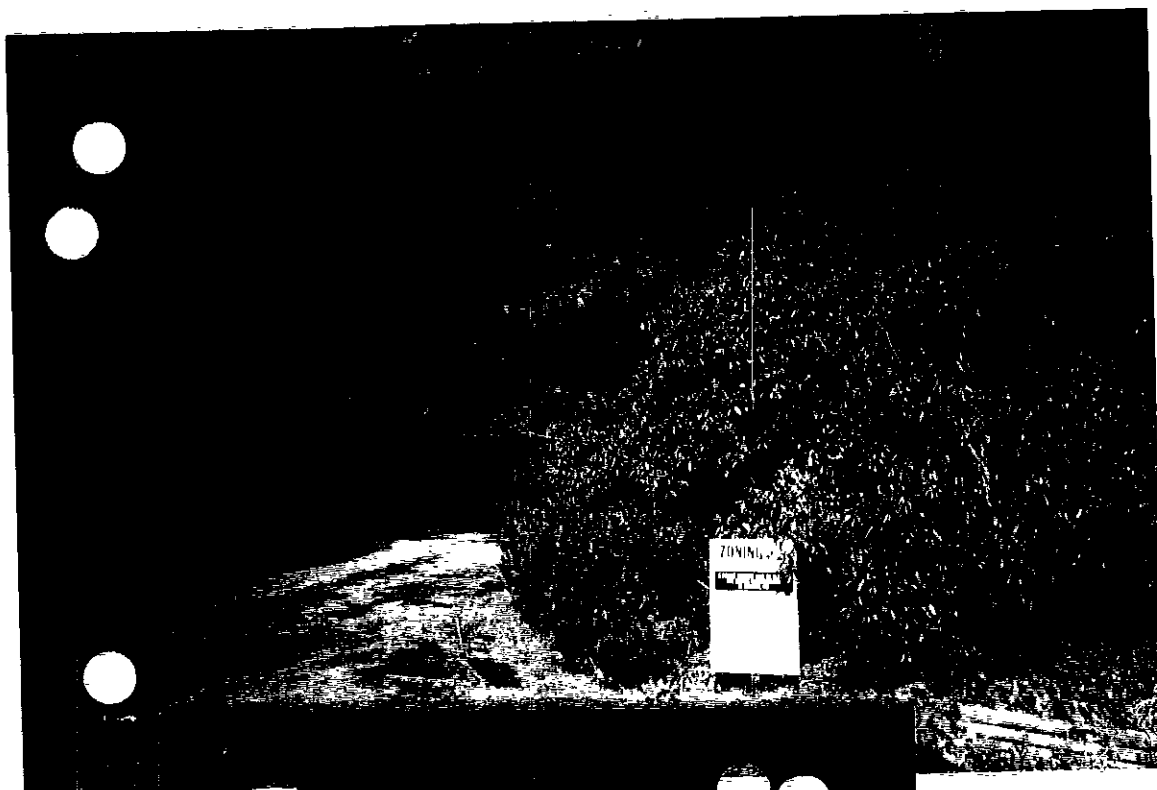
(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)



ZONING NOTICE

CASE # 00-1077A

A PUBLIC HEARING WILL BE HELD AT
THE ZONING COMMISSIONER'S OFFICE
IN TOWSON, MD

ROOM 407 COUNTY COURT
PLACE: BLDG., 401 BOSLEY AVE

THURSDAY, OCT. 28, 1999

DATE AND TIME: AT 11:00 A.M.

SPECIAL EXCEPTION TO ALLOW A
REQUEST: PRIVATE SCHOOL FOR UP TO 20 PUPILS,
VARIANCE, TO PERMIT A PRINCIPAL STRUCTURE
IN AN RC2 ZONE WITHIN 28 FEET OF THE CENTERLINE
OF A STREET AND WITHIN 25 FEET OF A LOT LINE OTHER
THAN A STREET IN LIEU OF THE REQUIRED 75 FEET AND
35 FEET RESPECTIVELY, TO PERMIT PRINCIPAL BUILD-
INGS FOR A PRIVATE SCHOOL IN AN RC2 ZONE TO
BE WITHIN 42 FEET OF EACH OTHER IN LIEU
OF THE REQUIRED 70 FEET.

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

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
17118 Old York Road, Center of Old York Rd,
3690' NE of c/I Troyer Rd
10th Election District, 6th Councilmanic

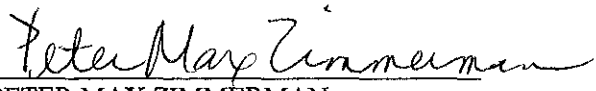
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-107-XA

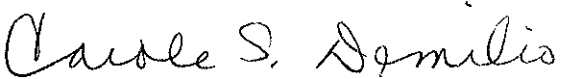
Legal Owner: Gary Kilarr, t/a Manor Country School
Petitioner(s)

* * * * *

ENTRY OF APPEARANCE

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


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 18th day of October, 1999 a copy of the foregoing Entry of Appearance was mailed to Karl J. Nelson, Esq., Kramon & Graham, 1 South Street, Suite 2600, Baltimore, MD 212023201, attorney for Petitioners.


PETER MAX ZIMMERMAN

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 #: 00-107-XA

17118 Old York Road

center of Old York Road, 3690' NE of centerline Troyer Road

10th Election District - 6th Councilmanic District

Legal Owner: Gary Kilarr (Manor Country School)

Special Exception: To allow a private school for up to 20 pupils.

Variance: To permit a principal structure in an RC2 zone within 28 feet of the centerline of a street and within 25 feet of a lot line other than a street in lieu of the required 75 feet and 35 feet respectively; to permit principal buildings for a private school in an RC2 zone to be within 42 feet of each other in lieu of the required 70 feet.

Hearing: Thursday, October 28, 1999 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley 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 Zoning Review Office at (410) 887-3391.

JLU/10/661 Oct. 12

C345799

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

10/15/, 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 1 successive weeks, the first publication appearing on Tues 10/12/, 1999.

THE JEFFERSONIAN,

J. Wilkinson

LEGAL ADVERTISING



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

October 6, 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: 00-107-XA

17118 Old York Road

center of Old York Road, 3690' NE of centerline Troyer Road

10th Election District - 6th Councilmanic District

Legal Owner: Gary Kilarr (Manor Country School)

SPECIAL EXCEPTION: To allow a private school for up to 20 pupils.

VARIANCE: To permit a principal structure in an RC2 zone within 28 feet of the centerline of a street and within 25 feet of a lot line other than a street in lieu of the required 75 feet and 35 feet respectively; to permit principal buildings for a private school in an RC2 zone to be within 42 feet of each other in lieu of the required 70 feet.

HEARING: THURSDAY, OCTOBER 28, 1999 AT 11:00 A.M. IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Karl Nelson, Esq.
Mr. Gary Kilarr
Robert Morelock

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY OCTOBER 13, 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.



TO: PATUXENT PUBLISHING COMPANY

October 12, 1999 Issue - Jeffersonian

Please forward billing to:

Mr. Gary Kilarr
17118 Old York Road
Monkton, MD 21111

410-472-6770

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:

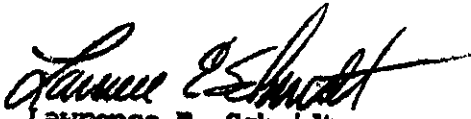
CASE NUMBER: 00-107-XA

17118 Old York Road
center of Old York Road, .3690' NE of centerline Troyer Road
10th Election District - 6th Councilmanic District
Legal Owner: Gary Kilarr (Manor Country School)

SPECIAL EXCEPTION: To allow a private school for up to 20 pupils.

VARIANCE: To permit a principal structure in an RC2 zone within 28 feet of the centerline of a street and within 25 feet of a lot line other than a street in lieu of the required 75 feet and 35 feet respectively; to permit principal buildings for a private school in an RC2 zone to be within 42 feet of each other in lieu of the required 70 feet.

HEARING: THURSDAY, OCTOBER 28, 1999 AT 11:00 A.M. IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.



Lawrence E. Schmidt

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 ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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 Case Number: DD-107-XA

Petitioner: GARY KILARR

Address or Location: 17118 OLD YORK RD., MOUNTAIN, MD 21111

PLEASE FORWARD ADVERTISING BILL TO:

Name: GARY KILARR

Address: 17118 OLD YORK RD., MOUNTAIN, MD 21111

Telephone Number: (410) 472-6770

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

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: October 19, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for October 18, 1999
 Item No. 107

The Bureau of Development Plans Review has reviewed the subject zoning item. Old York Road is an existing road which shall ultimately be improved as a 40-foot street cross section on a 60-foot right-of-way.

Developer will be responsible for construction of the accel/decel lanes along Old York Road per the Department of Public Works' Std. Plate R-35 and building a rural commercial entrance per Std. Plate R-32A.

The maximum allowed grade on the driveway is 14%.

RWB:HJO:jrb

cc: File

ZAC10189.107

LAW OFFICES
MILES & STOCKBRIDGE P.C.

600 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-3965

TELEPHONE 410-821-6565
FAX 410-823-8123

BALTIMORE, MD
CAMBRIDGE, MD
COLUMBIA, MD
EASTON, MD

FREDERICK, MD
McLEAN, VA
ROCKVILLE, MD
WASHINGTON, D.C.

LAWRENCE F. HAISLIP
410-823-8234
lhaiship@milesstockbridge.com

October 28, 1999

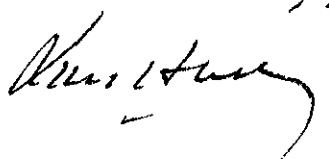
The Hon. Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
Office of the Zoning Commissioner
Room 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: 17118 Old York Road; Case No. 00-107-XA

Dear Commissioner Schmidt:

Please note my appearance as counsel for Mr. & Mrs. Lowell R. Bowen, of 17112 Old York Road, Monkton, Maryland 21111, and Mr. & Mrs. George L. Bunting, Jr., of 17028 Old York Road, Monkton, Maryland 21111, as protestants in the above-referenced case.

Sincerely,



Cc:
Mr. & Mrs. Lowell R. Bowen
Mr. & Mr. George L. Bunting, Jr.
Karl Nelson, Esquire



County Board of Appeals of Baltimore County

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

*** HEARING ROOM – Room 48 ***

Basement – Old Courthouse
400 Washington Avenue

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF JANUARY 7, 2002

TUESDAY 1/08 9:00 am Case No.: M.C. 01-4 and 01-5 /Hearing

In the Matter of:

*Merritt – 031 LLC and Baltimore County, MD - Petitioners
3700 Commerce Drive and 3718 Washington Boulevard
0.5 acre portion of Lot 3b; 0.75 acre portion of Lot 3c
1st Councilmanic District*

Map Correction: From B.L. to B.R. – I.M.

10:00 am Case No.: 01-215-A /Hearing

In the Matter of:

*Sandra and Michael Peregoy
NW/s Chestnut Road, 200' NE of c/l Seneca Road
(3916 Chestnut Road)
15th Election; 5th Councilmanic*

*VAR – To allow construction of pier within 0' of divisional
lines ilo min req'd 10; ALSO – to allow pier to extend 15' beyond
divisional line on NE/s of property*

WEDNESDAY 1/09 10:00 am Case No. 00-107-1 /Hearing

In the Matter of:

*Sparks Corporate Center; Sparks LLC – Developer
W/s of York Road, S of Loveton Circle
8th Election; 3rd Councilmanic*

*RE: DRC No. 012201F / File No. VII-722
/ meets requirements of refinement
to development plan / §26-211*

CONTINUED

THURSDAY

1/10

9:30 am

Case No.: CBA-01-154

/Deliberation

In the Matter of:

Gunpowder Farms /PDM VI-2334

Bruce Doak – Owner

S & W/s Baker Schoolhouse Road

E/s Gunpowder Road

6th Election District, 2nd Councilmanic District

10:00 am

Case No.: CBA-01-132

/Hearing

In the Matter of:

Shirley Whisonant

3114 Fairview Road

Baltimore, MD 21207

*RE: ERS Decision / Approved Ordinary Disability
allowance effective 2/2/01*

c: Executive Office
Law Office
Director /PDM

People's Counsel
Planning Office
Court Info. Desk

County Council
Board Members
Court Reporter

CITIZEN SIGN-IN SHEET

ADDRESS

600 WASHINGTON Avenue
TOWSON MD 21204

17112 OLD YORK RD. MONROE MD 21111

17001 Old York Rd - Monroton 2 1117

2300 SHEPHERD RD
MONKTON, MD. 21111

132 Gittings St Balto 21230

4137 Old York Rd. Monroton 2011

3216 Vanne Rd Montton 1902111

116607 Old York Rd. Monkton ²¹¹¹

3216 Vance Rd. Markton²¹¹¹ MO.

17112 Old York Rd. - Monkton

3206 VANCE ROAD, MONKTON, 2111

3201 VANCE RD. MONKTON 21111

3937 Hodges Rd MONTON 21111

17111 Old York Rd - Munster

17001 Old York Rd. - market ²¹¹¹
₂₁₁₁

116954 Old York Rd, Montem, 21111, MD

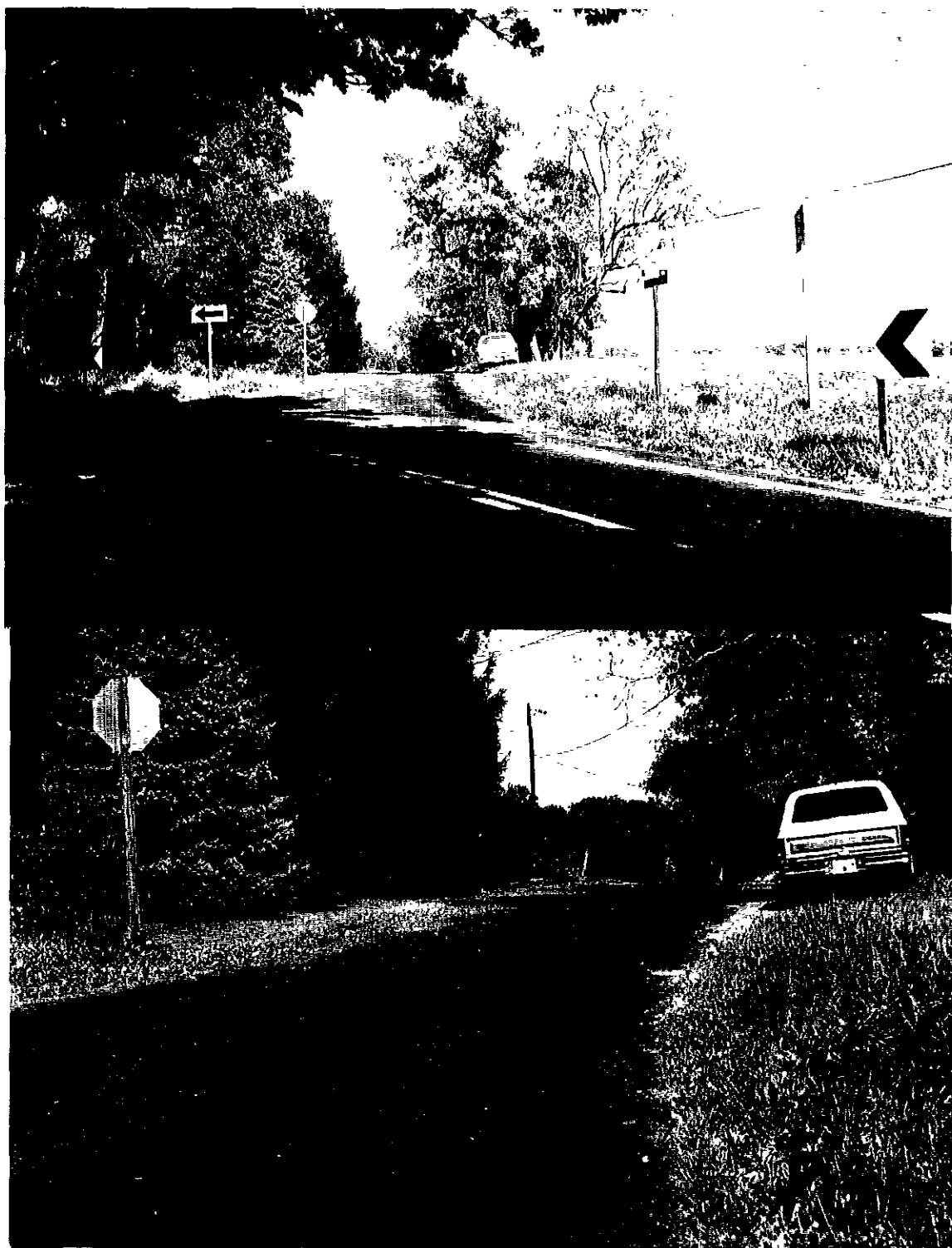
3967 Old York Rd Monkton MD
MD. DEPT OF NATURAL RESOURCES

TAWES STATE OFFICE BLDG. E-2 ANNAPOLIS MD
21401

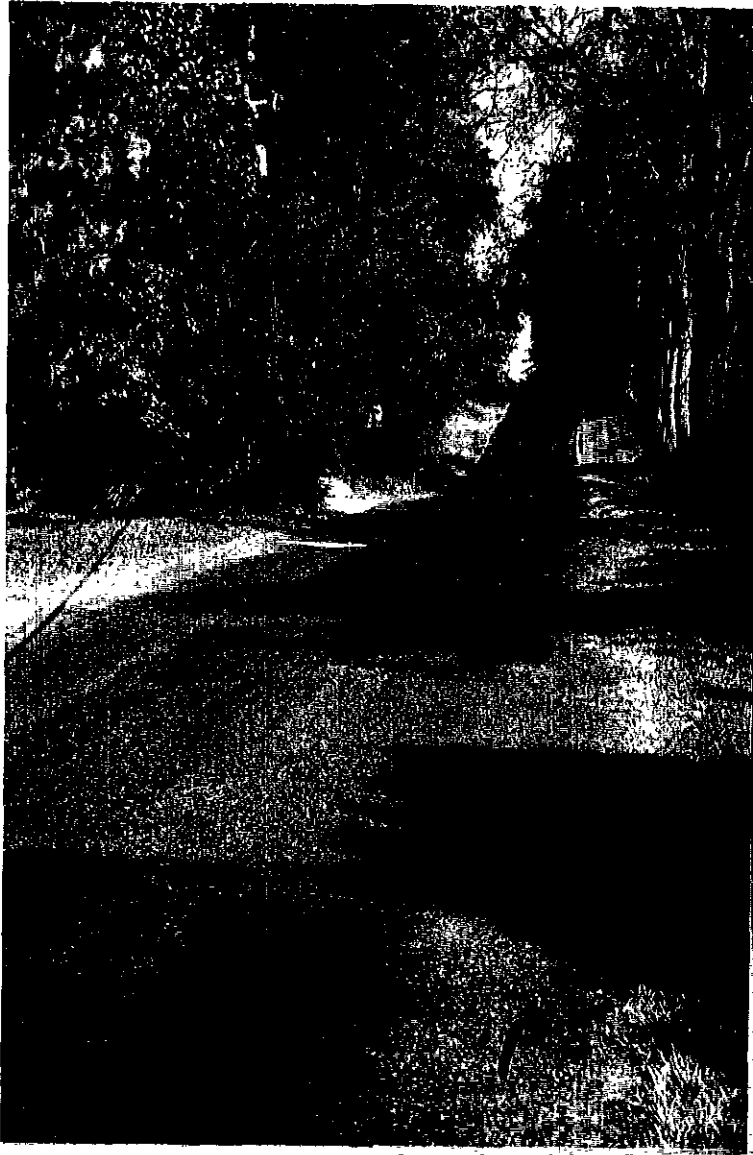


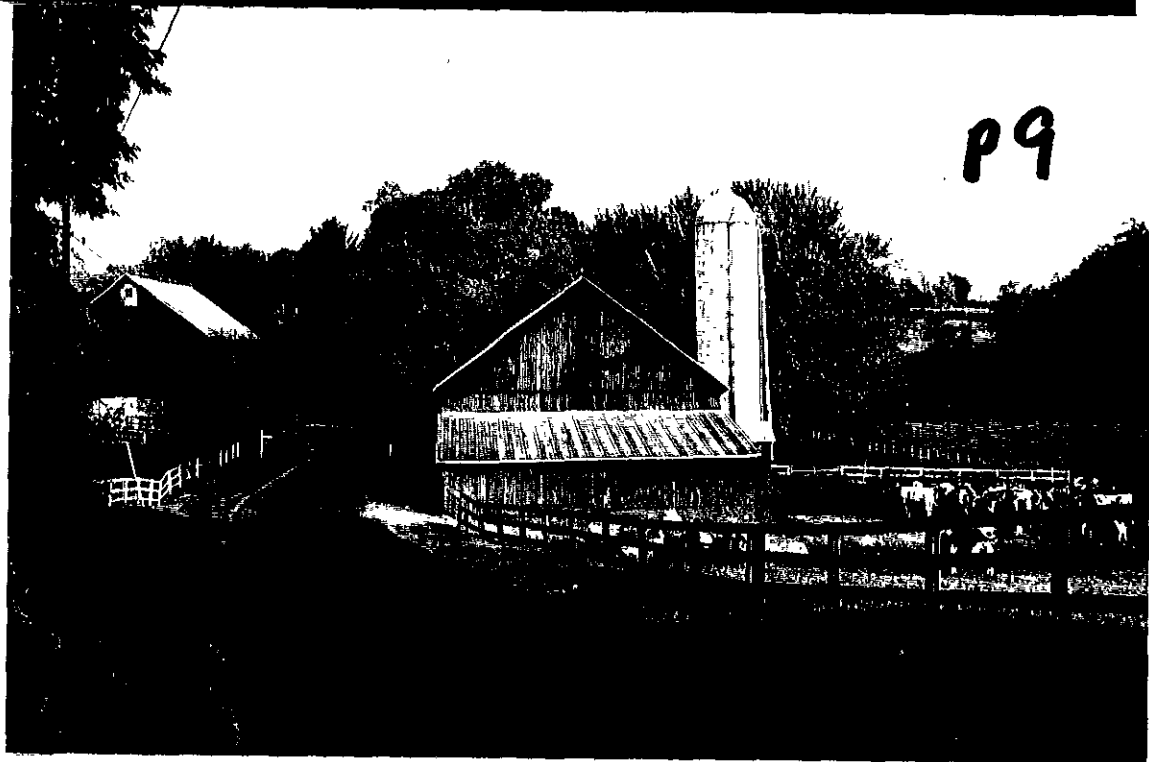
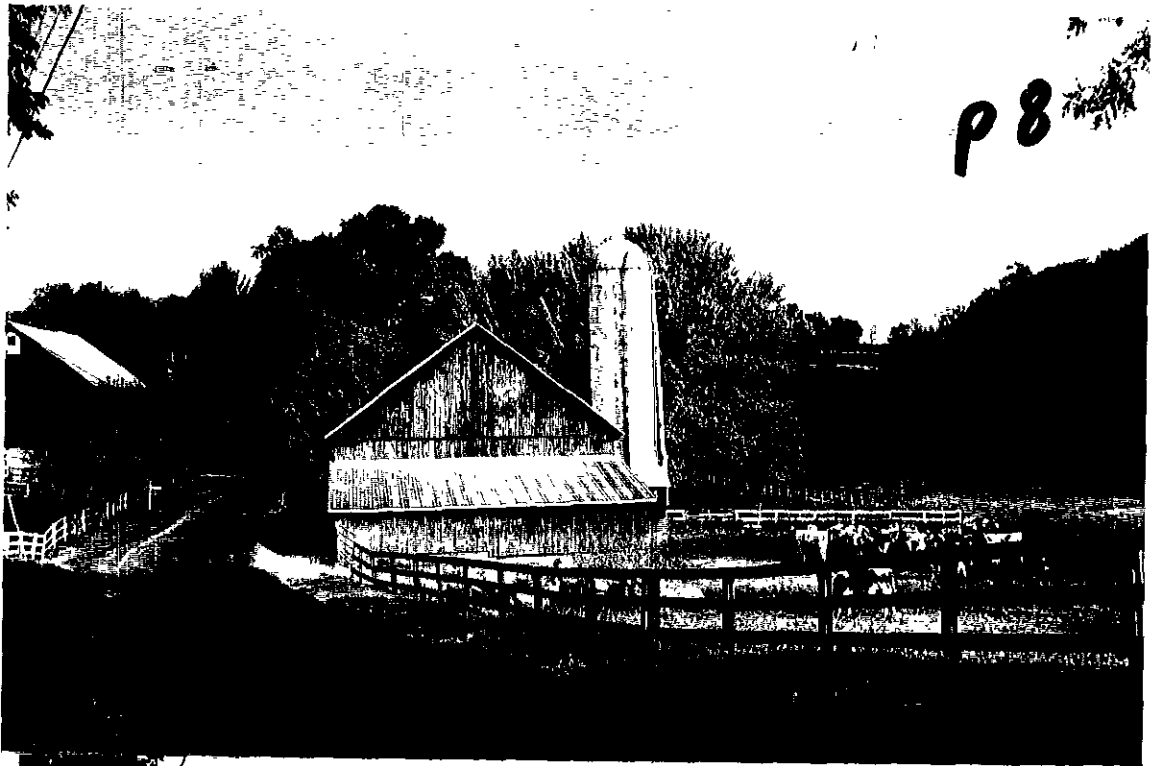
photographs
P1 - P22 (P21)

Case # 00-107-XA

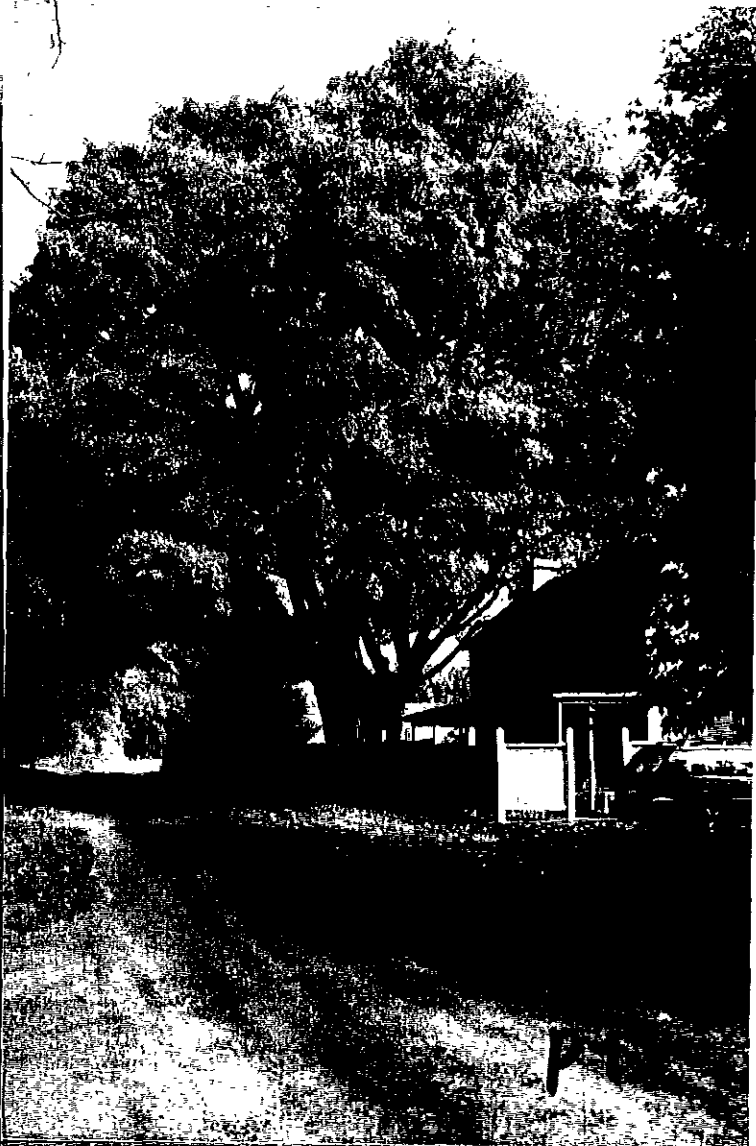


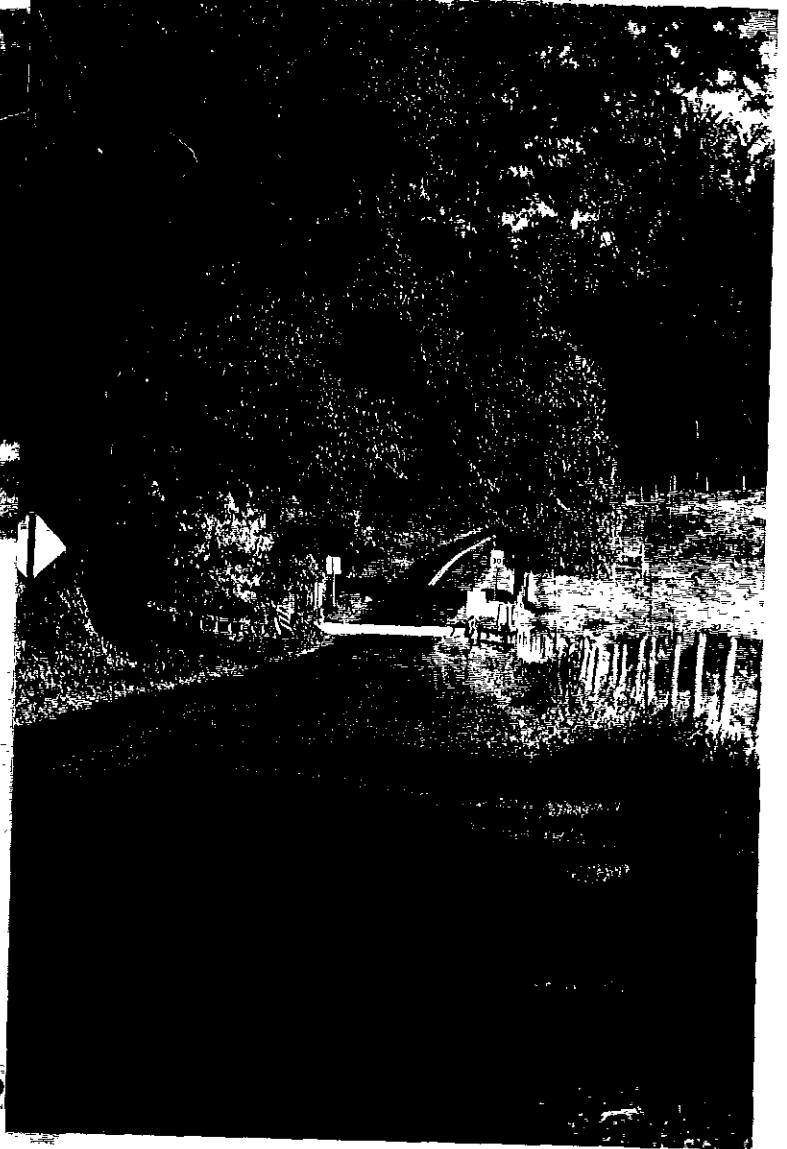
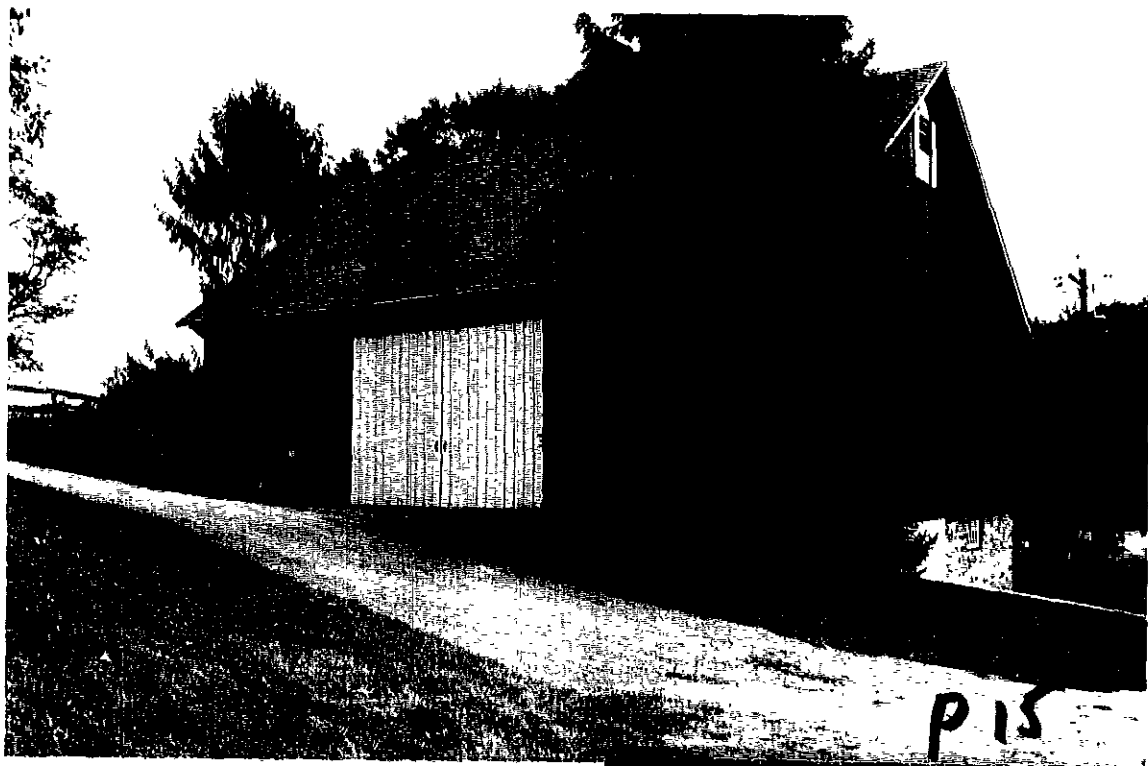




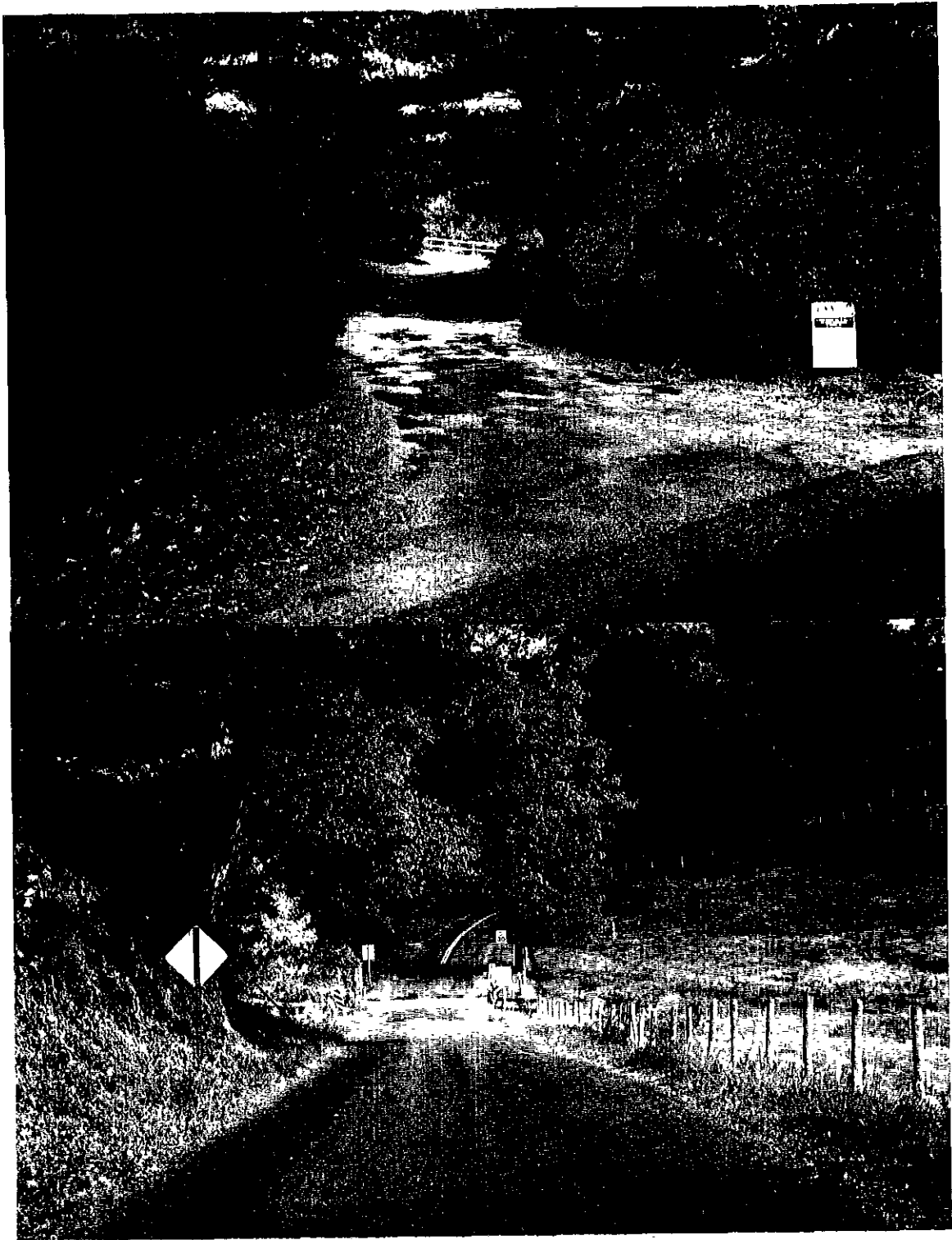


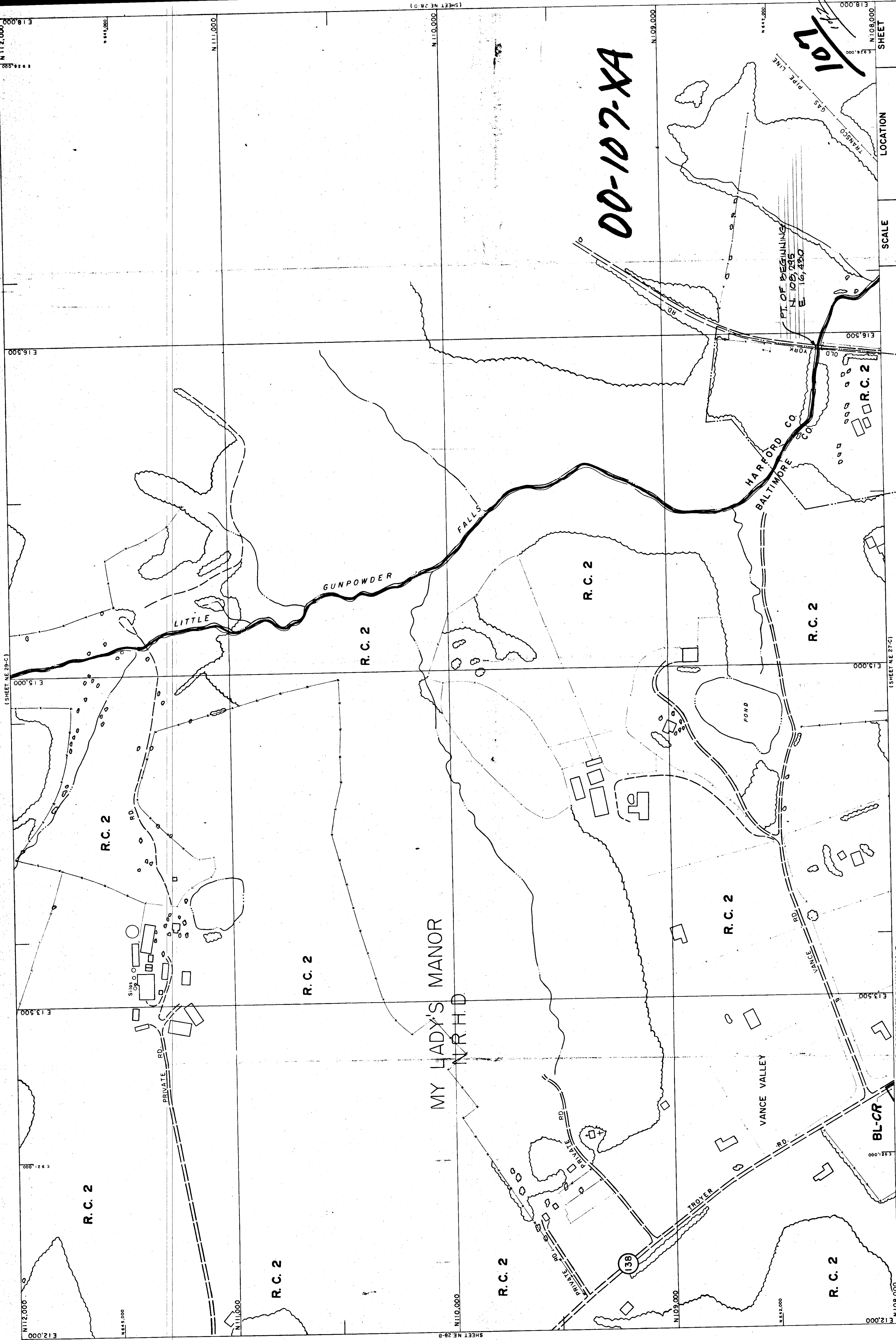










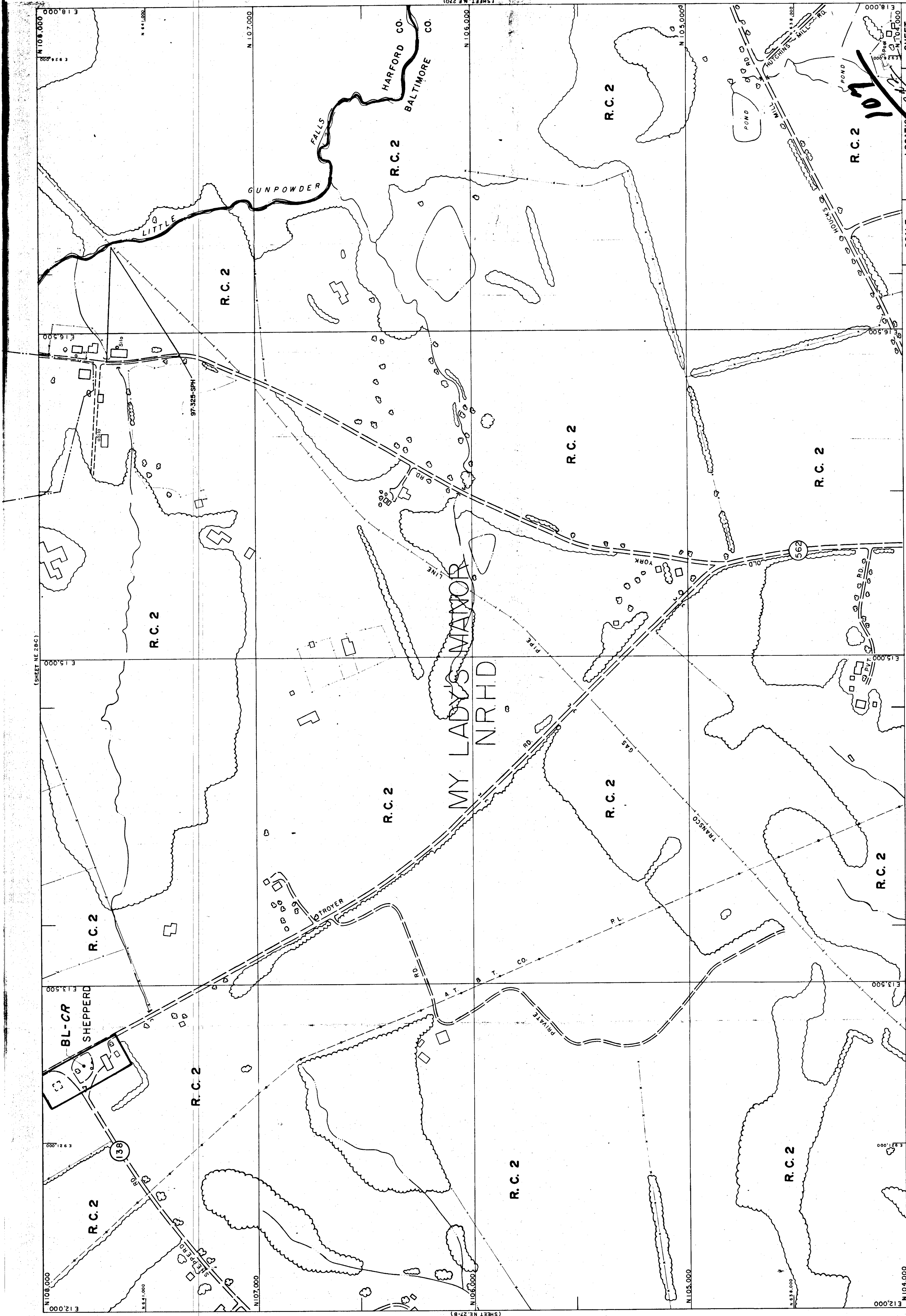


**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96
Kevin Kamany
Chairman, County Council

11-SW 11-SE
11-NW 11-NE
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

SCALE 1" = 200' ±	DATE OF PHOTOGRAPHY JANUARY 1986	LOCATION NORTH OF SHEPPERD	SHEET N. E. 28-C
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11-SW 11-SE		1996 COMPREHENSIVE ZONING MAP		SHEET	
ADOPTED BY THE BALTIMORE COUNTY COUNCIL OCTOBER 8, 1996 Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96		SCALE 1" = 200' ±		LOCATION SHEPHERD	
THIS MAP HAS BEEN REVISED IN SELECTED AREAS BY SOUTHERN ENGINEERING, INC., BALTIMORE, MD. 21210		DATE OF PHOTOGRAPHY JANUARY 1986		N. E. 27-C	

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

Kevin Kananey
Chairman, County Council

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

BOB MORELOCK

GARY KILARE

SITE RESOURCES, INC.
14307 JARRETTVILLE PIKE, 21131

17118 OLD YORK RD, MOUNTAIN, 21111

