

PETITION OF
THOMAS BEHRLE
GLADWYNNE CONSTRUCTION CO.
21 WEST HUGHES STREET
BALTIMORE, MD 21230

Protestant

FOR JUDICIAL REVIEW OF THE
DECISION OF THE COUNTY BOARD OF
APPEALS OF BALTIMORE COUNTY

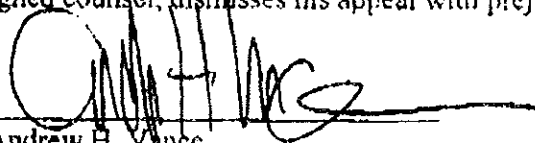
IN THE MATTER OF COUNTY LAND
COMPANY - LEGAL OWNER; RICK
PALMISANO - C.P./PETITIONER

* IN THE
* CIRCUIT COURT
* OF
* MARYLAND
* FOR
* BALTIMORE COUNTY
* Civil Action No.: 00-195-SPH
*

* * * * *

NOTICE OF DISMISSAL

Thomas Behrle, Protestant, by undersigned counsel, dismisses his appeal with prejudice


Andrew H. Vance
Hodes, Ullman, Pessin & Katz, P.A.
901 Dulaney Valley Road, Suite 400
Towson, Maryland 21204
410-938-8800

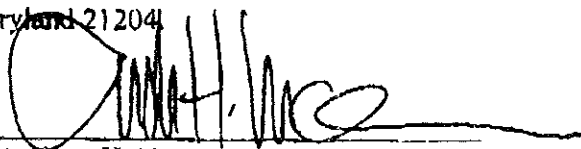
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of November, 2000, a copy of the foregoing

Notice of Dismissal was mailed, via first class mail to Deborah C. Dopkin, Esquire, 409

Washington Avenue, Suite 920, Towson, Maryland 21204


Andrew H. Vance

*Appeal of CRA decision
Dismissed by Protestant
before hearing case
in cct.*

7/21/00
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF :

THOMAS BEHRLE
GLADWYNNE CONSTRUCTION CO.

21 West Hughes Street
Baltimore, MD 21230

FOR JUDICIAL REVIEW OF THE OPINION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

CIVIL ACTION
No. 3-C-00-008982

IN THE CASE OF: THE APPLICATION OF
COUNTY LAND COMPANY -LO.:

RICK PALMISANO -CP

FOR A SPECIAL HEARING ON PROPERTY
LOCATED ON THE NORTH END CLEGHORN
ROAD, 2600' +/- NE OF CENTERLINE KATES-
FORD ROAD (12324 CLEGHORN ROAD)

8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

CASE NO. 00-195-SPH

* * * * *

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Lawrence M. Stahl, Thomas P. Melvin, and Margaret Worrall, constituting the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Andrew H. Vance, Esquire, HODES, ULMAN, PESSIN & KATZ, P.A., 901 Dulaney Valley Road, Suite 400, Towson, Maryland 21204, Counsel for Petitioner; Thomas Behrle, Gladwynne Construction Co., 21 West Hughes Street, Baltimore, Maryland 21230, Petitioner; Deborah C. Dopkin, Esquire, 409 Washington Avenue, Suite 920, Towson, Maryland 21204, Counsel for legal owner and contract purchaser; County Land Company, 10915 Falls Road, Lutherville, Maryland 21093, Legal Owner; Rick Palmisano, 17 Starlight Farm Drive, Phoenix, MD 21131-

1027, Contract Purchaser; and Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204



Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Rm. 49-Basement
Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (410-887-3180)

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Andrew H. Vance, Esquire, HODES, ULMAN, PESSIN & KATZ, P.A., 901 Dulaney Valley Road, Suite 400, Towson, Maryland 21204, Counsel for Petitioner; Thomas Behrle, Gladwynne Construction Co., 21 West Hughes Street, Baltimore, Maryland 21230, Petitioner; Deborah C. Dopkin, Esquire, 409 Washington Avenue, Suite 920, Towson, Maryland 21204, Counsel for the legal owner and the contract purchaser; County Land Company, 10915 Falls Road, Lutherville, Maryland 21093, Legal Owner; Rick Palmisano, 17 Starlight Farm Drive, Phoenix, MD 21131-1027, Contract Purchaser; and Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204; this 21st day of September, 2000.



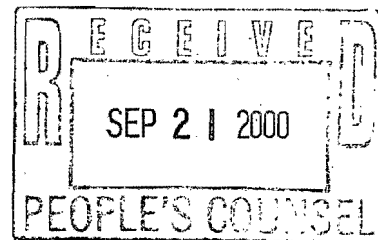
Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 Basement
Old Courthouse, 400 Washington Avenue
Towson, Maryland 21204 (410-887-3180)



County Board of Appeals of Baltimore County

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

September 21, 2000



Deborah C. Dopkin, Esquire
409 Washington Avenue, Suite 920
Towson, MD 21204

00-195-SPH
RE: COUNTY LAND COMPANY -LO
RICK PALMISANO-CP
ZONING CASE NO. 00-195-SPH
CIVIL ACTION NO. 3-C-00-008982

Dear Ms. Dopkin:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on August 31, 2000, in the Circuit Court for Baltimore County for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-00-008982.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: County Land Company
Rick Palmisano
Scott Lindgren & Bruce Doak
Gerhold, Cross & Etzel, Ltd.
✓ People's Counsel for Baltimore County



2/4/00
IN THE MATTER OF
THE APPLICATION OF
COUNTY LAND CO /LEGAL OWNER:
RICK PALMISANO -CP FOR A SPECIAL
HEARING ON PROPERTY LOCATED ON
THE N/END CLEGHORN RD, 2600' +/- NE
OF CENTERLINE KATESFORD ROAD
(12324 CLEGHORN ROAD)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 00-195-SPH

* * * * *

OPINION

This case comes to the Board of Appeals for Baltimore County on appeal of a decision of the Deputy Zoning Commissioner in which a Petition for Special Hearing was denied.

Deborah C. Dopkin, Esquire, represented the Petitioner /Appellant /Contract Purchaser, Richard Palmisano, and Petitioner /Legal Owner, County Land Company.

At the scheduled June 14, 2000, 1:00 p.m. starting time in this matter, only Petitioner and his representatives were present. As is customary, the Board recessed in an effort to contact Protestant, Tom Behrle, who appeared at the Deputy Zoning Commissioner's hearing. The Board's Administrator, after several telephone conversations, advised the Board that Mr. and Mrs. Behrle were aware of the hearing, but, because of other circumstances, had decided not to attend the hearing. He requested, however, that the Board's final decision be made available to him.

The Board then proceeded to hear this matter with its completion on the same day. Public deliberation took place on June 29, 2000, due notice having been sent to all interested parties.

The subject site consists of 13.898 acres +/-, zoned R.C. 5 and current unimproved. The subject site is more particularly identified as Lot 14 on the Final Development Plan known as "Section Two of Morningside." There currently exists the right to build one single-family dwelling on this lot which in most part is entirely wooded. Currently, the building envelope has been set on the eastern corner as depicted on the site plan. The special hearing request is to amend the Final Development Plan to show an alternative proposed location for the building envelope, to be located almost to the center of the lot.

Mr. Scott Lindgren testified on behalf of Petitioner. He has been employed for the past 19 years with Gerhold, Cross and Etzel, Registered Professional Land Surveyors. He was accepted as an expert in

land surveying and site design. He prepared the 2nd Amended Final Development Plan, admitted into evidence as Petitioner's Exhibit No. 2. He described the subdivision of Morningside as generally 2 to 5 acre lots comprising of large homes, of which the subject lot itself comprises approximately 14 acres in size, 95 percent wooded, with varying degrees of slope up to 25 percent.

Mr. Lindgren stated that the amendment to the plan was to relocate the building envelope more to the center of the property. This would afford a greater distance from I-83, and provide a flatter area for construction. He stated that access to the proposed amended location was available from an in-fee strip located between Lots 12 and 13 (property owned by Protestant who appeared below). This access point would necessitate the removal of numerous trees, as the length of the driveway would be between 500 feet to 600 feet. Mr. Lindgren further stated that an optional access point for the proposed building site was available from an existing farm road, which could eliminate the need to utilize the in-fee strip. He further stated that, at the approved location, 300 feet of clearing would be required for the construction of a driveway.

Mr. Lindgren noted that both locations would require about the same amount of clearing for the actual placement of the house, as both footprints would remain of equal size. He indicated, however, that the distance of the approved location from its closest neighbor (on Lot 11) would increase from 200 feet to 700 feet at the proposed site. The same 700-foot distance would also be maintained from Lots 12 and 13. He further noted that the sight line from Lot 11 to the proposed dwelling would now be hardly visible since the proposed location drops 120 feet in grade, and only the tree canopy would be visible. He stated that the property's zoning only permits for the construction of one home, and that is what is proposed.

In conclusion, Mr. Lindgren stated that all requirements of Section 502.1 of the *Baltimore County Zoning Regulations* (BCZR) have been met, and opined that the proposed location would be beneficial to all neighboring properties. He also noted that the proposed location has passed three perk tests, and received approval for a refinement to a CRG Plan from the Director of the Department of Permits and Development Management by way of letter dated September 27, 1999 (Petitioner's Exhibit No. 6).

Mr. Bruce Burton, a Registered Professional Engineer with 25 years experience in civil engineering and land surveying, was next to testify in support of Petitioner. He is currently co-owner and

vice president of LDE, Inc. He was offered and accepted as an expert in noise assessment analysis. His C.V. (Petitioner's Exhibit No. 7) indicated that Mr. Burton has performed over 1,000 noise assessment analyses for single-family detached and attached residential units since 1988.

Mr. Burton testified that he performed a noise assessment analysis for the subject site and surrounding properties of the Morningside Development Section 2 (Petitioner's Exhibit No. 8). He stated that the current approved footprint for the subject site was 125 feet from I-83 and produced a reading of 75.3 decibels. This decibel level equated to the noise level produced from a lawnmower. He further stated that the proposed location for the subject site would be 600 feet from I-83, producing a reading of only 67.9 decibels, which, he explained, is a very large difference.

Mr. Burton also stated that the existing approved site would not meet the noise requirement levels for Baltimore County, which requirements the proposed location would not only meet but would exceed. He further indicated that the existing location supplies glimpses of I-83 while the proposed location is cut off from the visibility of the interstate. He also stated that the proposed location, in itself, would not have any adverse sound effects on the neighboring properties.

Dennis J. LaBare was next to testify in support of Petitioner. He was accepted as an expert in forest conservation. Mr. LaBare visited the subject site on which he performed an impact study of both the approved and proposed locations (Petitioner's Exhibit No. 10). He stated that the approved site would require that 57 trees with a diameter of 6 inches or greater be removed for construction of both the driveway and home site. He further indicated that it would also destroy the vegetation community due to the steep ravine present at this location. He described this understory as complex and comprised of a vertical woody structure consisting of shrubs and understory trees of less than 6 inches in diameter. In comparison, only 15 trees and a few shrubs would have to be removed at the proposed location. He attributed this to the farm road leading to the site which is fully cleared, and a portion of the site which has been in a state of clearing for an extended period of time.

Mr. LaBare also prepared an addendum report (Petitioner's Exhibit No. 10) on the 20-foot wide in-fee strip which could possibly be used as the driveway for the proposed location. That report indicates that 15 oak trees, 4 poplar trees, 2 red maple trees, 3 hickory trees, 1 flowering dogwood tree, and 1 black

gum tree would have to be destroyed to provide access via the in-fee strip. Mr. LaBare opined that the proposed amended location is much less damaging to the forest resources on this site. The existing farm road provides an access, which requires only a minor touch up in grading, while the approved site would have a destabilizing effect on the soils due to the steep slopes of the adjacent ravine. In conclusion, Mr. LaBare stated that the proposed amended location would satisfy Section 502.1.H of the BCZR.

Richard Palmisano testified on his own behalf, stating the reasons why he felt that the amended building location should be granted. He testified that conditions have changed relative to the subject property over the last 8 years which warrant relocation of the building envelope. He noted the addition of the Warren Road exit ramp which directly affects the existing location due to its proximity.

Mr. Palmisano further noted that, due to recently enacted regulations adopted by Baltimore County to regulate noise mitigation, the current building site could not be developed. He also stated that, if the proposed location were granted, he would utilize the farm road as access to the site. He stated that it would be more costly to pave due to its length, but he did not wish to disturb the environment in developing the in-fee strip between lots 11 and 12.

The burden in a special hearing rests upon the Petitioner to establish, by the weight of the testimony and evidence produced at the hearing, that the requirements of Section 502.1(A) through (H) of the BCZR are satisfied. These provisions relate to the request and whether or not the proposed use would be detrimental to the health, safety or general welfare of the locality involved; involve other issues related to traffic, fire, panic hazards, land overcrowding, adequate light and air issues, and any inconsistencies with the purpose of the property's zoning classification, and that it would not in any way be inconsistent with the spirit and intent of the zoning regulations.

The Board is charged with the responsibility of reviewing the testimony and evidence presented to reach its conclusions as to whether or not the proposed use should be granted. The Petitioner presented numerous expert witnesses in support of the requested alternative location and amendment to the Final Development Plan.

The Board, having given weight to the testimony presented at the hearing, and also having had the opportunity to review the physical evidence presented, unanimously concluded that the special

hearing should be granted. It was obvious from the Petitioner's testimony that the requirements of Section 502.1 of the BCZR, subsections (A) through (H) were satisfied. By committing to use the existing farm road, the Petitioner demonstrated his concern for both the environment and all neighboring properties while maintaining a buffer to Protestants' property. The relocation of the building envelope will also afford site relief to the existing homesites at the approved location.

In addition, the Board also finds that the construction could not take place at the present site pursuant to noise requirements enacted by Baltimore County.

ORDER

THEREFORE, IT IS THIS 4th day of August, 2000 by the County Board of Appeals of Baltimore County

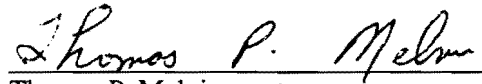
ORDERED that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan to permit the relocation of the building envelope according to Petitioner's Exhibit No. 2 (2nd Amended Final Development Plan) be and the same is hereby **GRANTED**, subject to the Petitioner securing any and all additional permits that may be required by Baltimore County prior to actual construction; and it is further

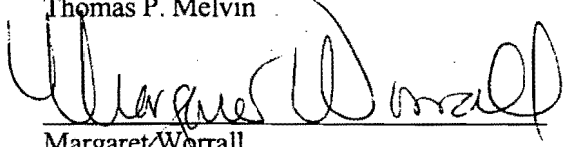
ORDERED that Petitioner shall utilize the existing farm road as ingress and egress to the amended site, while not disturbing the in-fee strip.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence M. Stahl, Chairman


Thomas P. Melvin

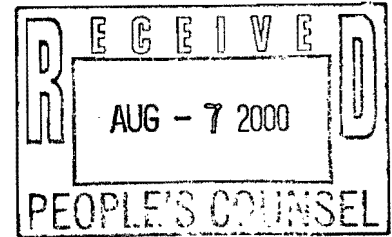

Margaret Worrall



County Board of Appeals of Baltimore County

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

August 4, 2000



Deborah C. Dopkin, Esquire
920 Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: In the Matter of County Land Company -Legal Owner;.
Rick Palmisano -C.P. /Petitioner /Case No. 00-195-SPH

Dear Ms. Dopkin:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules of Procedure*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Redcliffe for
Kathleen C. Bianco
Administrator

Enclosure

c: Rick Palmisano
County Land Company
Gerhold, Cross & Etzel, Ltd. /Scott Lindgren & Bruce Doak
Tom Behrle
-People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

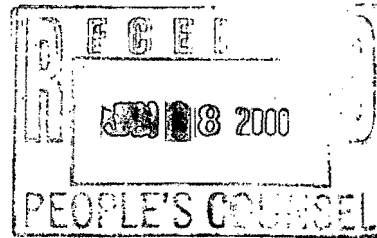


Baltimore County
Department of Permits and
Development Management

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

January 14, 2000

Richard S. Taylor, Partner
County Land Company
10915 Falls Road
Lutherville, MD 21093



Dear Mr. Taylor:

RE: Petition for Special Hearing, Case No. ~~98~~-195-SPH, 12324 Cleghorn Road

Please be advised that an appeal of the above referenced case was filed in this office on January 12, 2000 by Deborah C. Dopkin, Esquire, on behalf of Rick Palmisano, contract purchaser. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

Sincerely,


Arnold Jablon
Director

AJ:scj

c: Deborah C. Dopkin, Esquire
Rick Palmisano
People's Counsel



APPEAL

Petition for Special Hearing
12324 Cleghorn Road
N/end Cleghorn Road, 2600' +/- NE of centerline Katesford Road
8th Election District – 3rd Councilmanic District
County Land Company - Legal Owner
Rick Palmisano - Contract Purchaser
Case Number: 00-195-SPH

Petition for Special Hearing (filed 11/4/99)

Description of Property (dated 11/4/99)

Notice of Zoning Hearing (dated 11/18/99)

Certification of Publication (The Jeffersonian, 11/25/99)

Certificate of Posting --- NONE FOUND IN FILE

Entry of Appearance by People's Counsel (dated 11/24/99)

Petitioner(s) Sign-In Sheet

Citizen Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. 2nd Amended Final Development Plan of Section Two Morningside (dated 8/26/94)
-

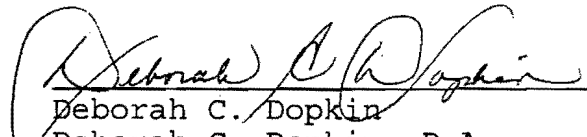
1/4/00

Re: PETITION FOR SPECIAL HEARING * BEFORE THE
N/end Cleghorn Road, 2600+/- *
NE of c/l Katesford Road * BOARD OF APPEALS
8th Election District *
3rd Councilmanic District * OF BALTIMORE COUNTY
(12324 Cleghorn Road) *
County Land Company, Legal Owner *
and Rick Palmisano, Contract *
Purchaser *
Petitioners *
Case No. 00-195-SPH

NOTICE OF APPEAL

Please note an appeal from the Findings of Fact and Conclusions of Law rendered by the Deputy Zoning Commissioner for Baltimore County, dated January 3, 2000 to the County Board of Appeals, and forward all papers in connection therewith to the Board for hearing. The Appellant is Rick Palmisano, Contract Purchaser, whose address is 17 Starlight Drive, Phoenix, Maryland 21131-1027.

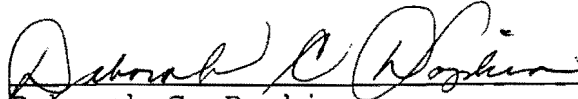
Enclosed is the appeal fee of \$175.00.


Deborah C. Dopkin
Deborah C. Dopkin, P.A.
Suite 920
409 Washington Avenue
Towson, Maryland 21204
(410) 494-8080
Attorney for Appellant

Deborah C. Dopkin
Attorney At Law
409 Washington Avenue
Suite 920
Towson, MD 21204
(410) 494-8080

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 11th day of January, 2000, a copy of the foregoing Notice of Appeal was mailed, postage prepaid to People's Counsel, Court House, Towson, Maryland 21204.


Deborah C. Dopkin

C:\docs\KMC\DCD\Palmisano Appeal

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 920
TOWSON, MARYLAND 21204
TELEPHONE 410-494-8080
FACSIMILE 410-494-8082
e-mail dbdop@erols.com

DEBORAH C. DOPKIN

January 11, 2000

VIA HAND DELIVER

Arnold Jablon, Esquire, Director
Baltimore County
Department of Permits and
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

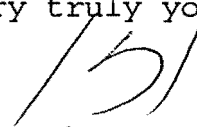
**RE: Petition for Special Hearing
Case No. 00-195-SPH
12324 Cleghorn Road**

Dear Mr. Jablon:

This firm represents Rick Palmisano, contract purchaser with regard to the above captioned matter which was decided by the Deputy Zoning Commissioner on January 3, 2000. Enclosed herewith is the Notice of Appeal, appealing that Order.

Also enclosed is the required appeal fee of \$175.00. Please direct all correspondence in this matter to me.

Very truly yours,


Deborah C. Dopkin

DCD/kmc
Enclosure

cc: People's Counsel
Mr. Rick Palmisano

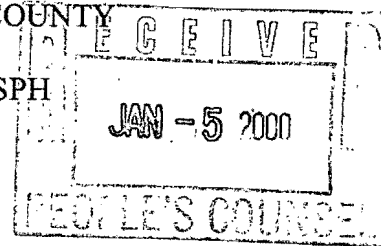
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1/3/00

IN RE: PETITION FOR SPECIAL HEARING
N/end Cleghorn Road, 2600+/-
NE of c/l Katesford Road
8th Election District
3rd Councilmanic District
(12324 Cleghorn Road)

County Land Company, Legal Owner and
Rick Palmisano, Contract Purchaser
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-195-SPH



* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for special hearing filed by the legal owner of the subject property, the County Land Company and the contract purchaser Rick Palmisano. The Petitioners are requesting a special hearing for property located at 12324 Cleghorn Road, which property is zoned R.C.5. The special hearing request is to amend the final development plan to show an alternate proposed dwelling location for Lot 14 of "Section Two, Morningside".

Appearing at the hearing on behalf of the special hearing request were Scott Lindgren and Bruce Doak, representatives of Gerhold, Cross & Etzel, Ltd. and Deborah Dopkin, attorney at law, representing the Petitioner. Appearing in opposition to the Petitioners' request was an adjacent property owner, Mr. Tom Behrle. There were no others in attendance at the hearing.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 13.898 acres of land, more or less, and is unimproved at this time. The subject property is also known as Lot No. 14, as shown on the final development plan of "Section Two of Morningside". There currently exists the right to build one single family dwelling on Lot No. 14. Lot No. 14, for the most part, is entirely wooded. There has been set aside a building envelope on the eastern corner of the lot as shown on the site plan submitted. The Petitioner is desirous of providing an alternate location for the house to be constructed on

Lot 14, which alternate location is shown almost in the center of the lot itself in a heavily wooded area. The Petitioner would like to afford this opportunity for an alternate home location to a potential purchaser of this property.

Appearing in opposition to the Petitioners' request was Mr. Tom Behrle who owns and occupies a house situated on Lot No. 11, as shown on the site plan. In addition, Mr. Behrle also owns Lot No. 12, which is unimproved at this time. Lots 11 and 12 are immediately adjacent to the area where the alternate home site is proposed. This alternate home site would basically be adjacent to the rear property lines of Lot Nos. 11 and 12.

Mr. Behrle is opposed to the construction of the home at the location, as shown. He indicated that there is a very mature stand of trees in the area where the Petitioner proposes the alternate home site. The trees are very important to Mr. Behrle in that they provide a visual and sound buffer to the nearby I-83 Harrisburg Expressway. He testified that the grading and clearing necessary to construct a house in that area shown on the plan would severely impact this natural buffer.

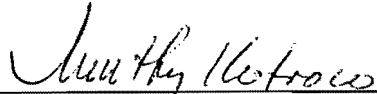
Furthermore, Mr. Behrle testified that he researched the Final Development Plan of Section Two, Morningside, prior to purchasing Lots 11 and 12. He has a considerable amount invested in his home and property on Lot No. 11, which has been valued at approximately \$800,000.00. Furthermore, he purchased Lot No. 12 for \$180,000.00. Prior to making this investment, he assured himself that the woods located behind these lots would not be developed with a house. His inspection of the official County records of this development represented to him that the house for Lot No. 14 would be constructed on the easternmost portion of Lot 14, and having relied on that representation, he purchased Lots 11 and 12. He is opposed to this alternate home site being approved.

After hearing the testimony and evidence of the Petitioners, as well as the Protestant, and after my personal site visit to the property, I find that the special hearing to allow an alternate dwelling location for Lot No. 14 should be denied. Any Baltimore County citizen who takes the time to research a final development plan to satisfy himself as to what is to occur with lands behind property he intends to purchase should be able to rely on those representations contained on the final development plan. Mr. Behrle was satisfied after reviewing County records that the area behind his two lots would remain wooded. Furthermore, he learned, and the final development plan showed, that the house to be constructed would actually be built on the easternmost portion of the property. Therefore, in reliance on the representations made on the final development plan, Mr. Behrle purchased the lots.

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, the petition for special hearing should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of January, 2000, that the Petitioners' Special Hearing request to amend the final development plan to show an alternate proposed dwelling location for Lot 14 of "Section Two, Morningside", be and is hereby DENIED.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 12324 CLEGHORN ROAD
which is presently zoned RC 5

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

THE SECOND AMENDED FINAL DEVELOPMENT PLAN TO SHOW AN
ALTERNATE PROPOSED DWELLING LOCATION FOR LOT 14 OF "SECTION
TWO, MORNINGSIDES". ONLY ONE DWELLING MAY BE CONSTRUCTED
ON THIS LOT

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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/~~Legal Owner~~:

RICK PALMISANO

Name - Type or Print

R Palmisano SL

Signature

17 STARLIGHT FARM DR 410-961-3310

Address Telephone No.

PHOENIX MARYLAND 21131-1027

City State Zip Code

Attorney For Petitioner:

DEBORAH C. DOPKIN

Name - Type or Print

Deborah C. Dopkin

Signature

Company

409 WASHINGTON AVE SUITE 920 410-494-8080

Address Telephone No.

TOWSON MD 21204-4903

City State Zip Code

Legal Owner(s):

Richard S Taylor or Partner

Name - Type or Print

Signature

COUNTY LAND COMPANY

Name - Type or Print

Signature

10915 FALLS ROAD 410-961-3310

Address Telephone No.

LUTHERVILLE MARYLAND 21093

City State Zip Code

Representative to be Contacted:

GERHOLD, CROSS & ETZEL, LTD.

Name SUITE 100

320 E. TOWSON TOWN BLVD. 410-823-4470

Address Telephone No.

TOWSON MARYLAND 21286

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 00-195-SPH

Reviewed By LTM Date 11/4/99

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: November 30, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

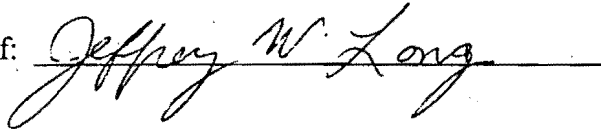
SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

Item No(s): 187, 192, 195, 197, and 203

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

A handwritten signature in cursive script, reading "Jeffrey W. Long", is written over a horizontal line.

AFK/JL

RE: PETITION FOR SPECIAL HEARING
12324 Cleghorn Road, N/end Cleghorn Rd,
2600' +/- NE of c/l Katesford Dr
8th Election District, 3rd Councilmanic

Legal Owner: County Land Company
Contract Purchaser: Rick Palmisano
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-195-SPH

* * * * *

ENTRY OF APPEARANCE

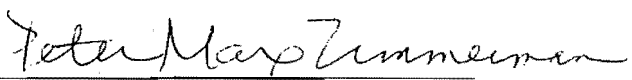
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


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 24th day of November, 1999 a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 920, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN