

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
 PETITIONS FOR SPECIAL HEARING
 S/S Vernon Road, 80' E of the c/l * ZONING COMMISSIONER
 Hunter Mill Road (The Airey Property) * OF BALTIMORE COUNTY
 (18414 Vernon Road)
 7th & 10th Election Districts * Cases Nos. VII-342, 99-297-SPH and
 6th Council District 00-224-SPH
 Blackstrap Development Co., Owners/ *
 Hunter Mill LLC, Contract Purchaser
 * * * * *

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

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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

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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

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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."¹ 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

¹ 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

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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 Schultz, 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,

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

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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

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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

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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 8th 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

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Baltimore County
Zoning Commissioner

August 8, 2000

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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. McCulloch 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

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 18414 Vernon Rd.; known as Ainey
Property, 86-2 A which is presently zoned RC-4 & RC-2

property This Petition shall be filed with the Department of Permits and Development Management. The undersigned, *adjacent* 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 Exhibit "B"

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/Lessee:

Hunter M:U, LLC

Name - Type or Print

Signature

5 Shawan Rd, Suite 1 410-527-1555

Address

Telephone No.

Cockeysville

MD

21030

City

State

Zip Code

Attorney For Petitioner:

See Attachment "A"

Name - Type or Print

Signature

J. Carroll Holzer, P.A.

508 Fairmount Ave.

Towson, MD 21286

City

State

Zip Code

410-625-6961

Telephone No.

Legal Owner(s):

Blackstrap Development Co.

Name - Type or Print

Signature

Name - Type or Print

Signature

4530 Hollins Ferry Rd.

Address

Telephone No.

Baltimore

MD

21227

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 00-224-SPH

Reviewed By uc Date 11.29.99

REV 9/15/98

Drop Off

No Review

ATTACHMENT "A"

Names and addresses of Petitioners in the matter of the Airey Property:

1. Mr. Car y Jackson *Car y Jackson*
2919 Hunter Mill Road
White Hall, MD 21161
Phone No. 410-329-6567
2. Mr. McCulloch Steen *McCulloch & Steen*
2003 Hunter Mill Road
White Hall, MD 21161
Phone No. 410-357-5934
3. Sam Lumpkin *Samuel H. M. Lumpkin*
2910 Hunter Mill Road *Sandra B. Lumpkin*
White Hall, MD 21161
Phone No. 410-329-6634
4. Kate Tyrrell *Kate Tyrrell*
1926 Hunter Mill Road
White Hall, MD 21161
Phone No. 410343-0414
5. Karen Miller *Karen S. Miller*
2900 White Hall Road
White Hall, MD 21161
Phone No. 410-343-0381
6. Anne Bricker *Anne Bricker*
Owen Bricker *Owen Bricker*
2632 White Hall Road
White Hall, MD 21161
Phone No. 410-343-0466
7. Charles Conklin *Charles E. Conklin*
4601 Copperwood Lane
Glen Arm, MD
Phone No. *410-661-1233*

ATTACHMENT "B"

Blackstrap Development Company, Owners/Hunter Mill LLC, Contract Purchaser, filed a Petition for Special Hearing in Case No. 99-297-SPH posing two questions for relief and interpretation, namely:

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).

At the hearing on October 1, 1999, Petitioners Blackstrap and Hunter Mill LLC dismissed Question #2 above.

The Petitioners have reason to believe, upon review of the Amended Development Plan, dated October 7, 1999 showing a 17-lot site plan, that the Developer intends to request in the future the transfer of 3 density units for the purpose of adding 3 single family building lots by amending the proposed Site Development Plan in PDM #VII-342.

Wherefore, your Petitioners pose the following Questions to the Zoning Commissioner for determination under BCZR, Sec. 500.7:

1. Whether, pursuant to the previous zoning history of the site, the Zoning Commissioner's decision in Case 90-19-SPHX, and CBA decision of February 28, 1992 in Cases 90-19-SPHX and CBA 90-65, and other documentation, there is density left on the subject site to permit any development to occur?
2. 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 on the subject site proposed for development in Case VII-342?

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 commencing 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. S 17 ° 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.

for
1/16

CERTIFICATE OF PUBLICATION

TOWSON, MD, 12-28, ~~20~~ 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 12-21, ~~20~~ 1999

THE JEFFERSONIAN,

J. Jeffersonian

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Zoning Commission 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: #00-224-SPH

18414 Vernon Road (Alrey Property)

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, 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 W. 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 Zoning Review Office at: (410) 887-3391.

JT/12/6/46 December 21 C359016

BALTIMORE COUNTY, MARYLAND
ICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 074353

DATE 11/29/99 ACCOUNT 001-6150
AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: J Carroll Holzer
FOR: Drop Off No Review
00-224 SPH 18414 VANTA RD

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
11/30/1999	11/29/1999	15:37:18
REG 0603	CASHIER PUES PEN DRIVER	3
Dept 5	528 ZONING VERIFICATION	
Receipt #	107659	OFFLN
CR NO. 074353		
Receipt Tot	250.00	
250.00 CR		.00 CA
Baltimore County, Maryland		

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 00-224-SPH

Petitioner/Developer: STERLING LEESE, ETAL

Date of Hearing/Closing: 1/5/00

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 # 18414 VERNON RD.

The sign(s) were posted on

12/19/99
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe, 12/21/99
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

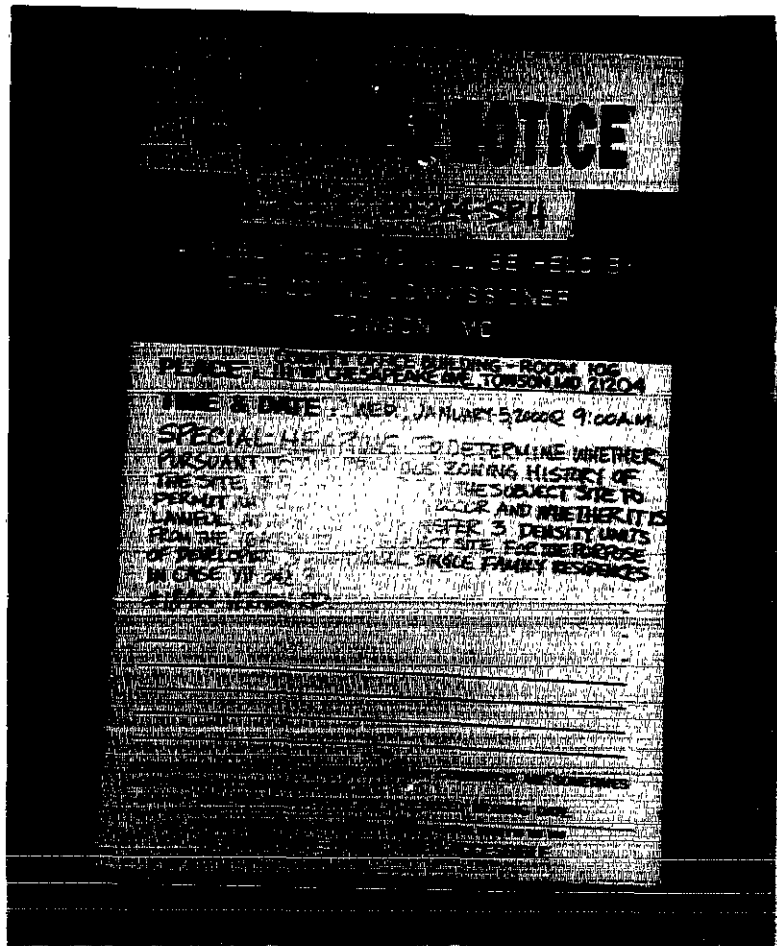
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)



RE: PETITION FOR SPECIAL HEARING
18414 Vernon Road, S/S Vernon Rd,
80' E of c/I Hunter Mill Rd
10th Election District, 6th Councilmanic

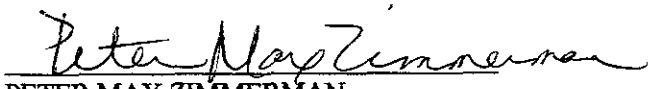
Legal Owner: Blackstrap Devel. Co. / Hunter Mill, LLC
Petitioners: Cary Jackson, et al.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-224-SPH

* * * * *

ENTRY OF APPEARANCE

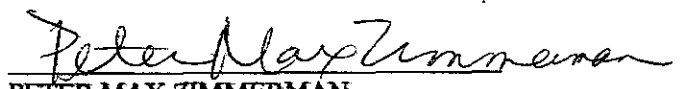
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


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 28th day of December, 1999 a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esq., Holzer and Lee, 508 Fairmount Avenue, Towson, MD 21286, attorney for Petitioners.


PETER MAX ZIMMERMAN



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

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.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 21, 1999 Issue – Jeffersonian

Please forward billing to:

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286
410-825-6961

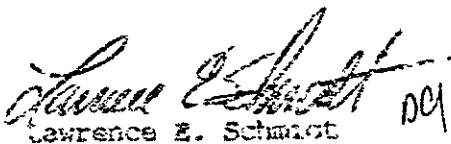
NOTICE OF ZONING HEARING

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


Lawrence E. Schmidt

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.



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 30, 1999

J. Carroll Holzer, P.A.
508 Fairmount Avenue
Towson, Maryland 21286

Dear Mr. Holzer:

RE: Case Number 00-224-SPH , 18414 Vernon Rd: known as Airey

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 11/29/99.

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, please do not hesitate to contact the commenting agency.

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures

c: Blackstrap Development Co.
Hunter Mill LLC



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: December 21, 1999

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

SUBJECT: Zoning Advisory Committee Meeting
for December 20, 1999
Item Nos. 181, 222, 223, (224) 225,
226, 227, 228, 229, 231, 232, 233,
and 235

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

INTER-OFFICE CORRESPONDENCE

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

Date: December 21, 1999

RECEIVED JAN 06 2000

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

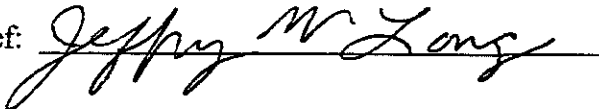
SUBJECT: Zoning Advisory Petitions

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

Item No(s): 210, 219, 224 and 225

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:



AFK/JL



**Maryland Department of Transportation
State Highway Administration**

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

Date: 12.17.99

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

RE: Baltimore County
Item No. 224 WCR

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).

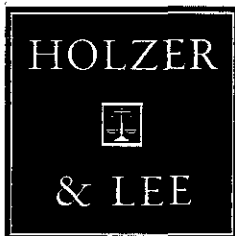
Very truly yours,

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

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

November 18, 1999

#7166

HAND DELIVERED

Arnold Jablon

Director of Baltimore County Department of Permits and Development Management

County Office Building

111 West Chesapeake Avenue

Towson, MD 21204

RE: Petition for Special Hearing

Property located at 18414 Vernon Road

Known as "Airey Property," P.D.M. # VII-342

Dear Mr. Jablon:

Please be advised that I am filing herewith a Petition for Special Hearing on behalf of several adjacent and adjoining property owners to the "Airey" property which is also subject to a Petition for Special Hearing filed by Michael Moran, Esquire for McKee and Associates in the above captioned matter.

I respectfully request that my Petition for Special Hearing be consolidated and joined together with Case No. 99-297-SPH previously filed by McKee and Associates. Thank you very much for your attention in this matter. If you have any questions, please call me at 410-825-6961.

OK per
WCR
11/29/99

Very Truly Yours,

A handwritten signature in black ink, appearing to be "J. Carroll Holzer", written over a horizontal line.

J. Carroll Holzer

cc: Cary Jackson



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 pre-printed 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 quasi-judicial 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

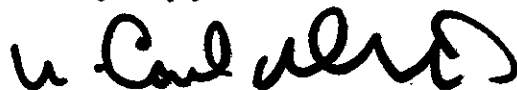
Objection #2 – Signatures of Petitioners and Telephone Numbers Required – We do require owners or petitioners to sign the petition and day telephone numbers are helpful. Believe it or not, there have been times when we could not contact the attorney and at least one additional telephone number allowed 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



Baltimore County
Zoning Commissioner

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 5th and 6th, 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

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



Printed with Soybean Ink
on Recycled Paper

Messrs. Mike Moran and J. Carroll Holzer

January 10, 2000

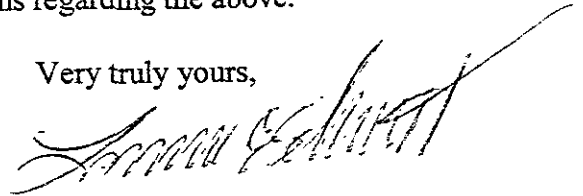
Page 2

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 Bowling, Developer's Plan Review, DPDM;
DEPRM; OP; Rec & Parks; People's Counsel; Case File

IN THE MATTER OF
Airey Property/Hunter Mill Rd.
Petition for Special Hearing
18414 Vernon Rd.

* BEFORE THE ZONING
* COMMISSIONER OF
* BALTIMORE COUNTY
* Case No. 00-224-SPH

* * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

To: Custodian of the Records, Permits and Development Management
County Office Building
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only;
(X) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 West Chesapeake Ave., Towson
(Place where attendance is required)

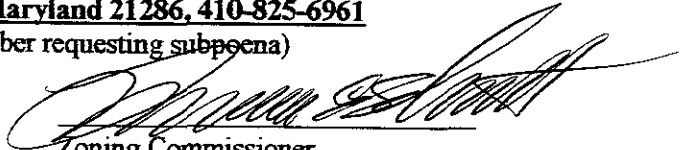
on Wednesday the 5th day of Jan., 2000, at 9:00 a.m. for such witness' testimony and continuing thereafter as determined by the Zoning Commissioner.

YOU ARE COMMANDED TO produce the following documents or objects:

Complete CRG File VII-246 and complete CRG Plan No. 90-353 to be presented to the Zoning Commissioner

J. Carroll Holzer, 508 Fairmount Ave., Towson, Maryland 21286, 410-825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date Jan 3, 2000


Zoning Commissioner

SHERIFF'S RETURN

()- Served and copy delivered on date indicated below.

()- Unserved, by reason of _____

Date: _____

Fee: \$ _____

SHERIFF

FORMS\A:\SUBPOENA.Greystone

IN THE MATTER OF
Airey Property/Hunter Mill Rd.
Petition for Special Hearing
18414 Vernon Rd.

* BEFORE THE ZONING
* COMMISSIONER OF
* BALTIMORE COUNTY
* Case No. 00-224-SPH

* * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

To: Custodian of the Records, DEPRM
County Courts Building
Towson, MD

YOU ARE HEREBY COMMANDED TO: ☐ Personally appear; ☐ Produce documents and or objects only;
☒ Personally appear and produce documents or objects;

at Room 106, County Office Bldg., 111 West Chesapeake Ave., Towson
(Place where attendance is required)

on Wednesday the 5th day of Jan., 2000, at 9:00 a.m. for such witness' testimony and continuing thereafter as determined by the Zoning Commissioner.

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all files for "Graystone Golf Course", including but not limited to Case No. 90-19-SPHX, SW of the intersection of White Hall and Vernon Rds., E. Donald Airey, Jr., Contract Purchaser. Also any and all monitoring and environmental reports.

J. Carroll Holzer, 508 Fairmount Ave., Towson, Maryland 21286, 410-825-6961

(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date Jan 3, 2000

Anthony Kotroco
Zoning Commissioner

SHERIFF'S RETURN

☐- Served and copy delivered on date indicated below.

☐- Unserved, by reason of _____

Date: _____

Fee: \$ _____

SHERIFF

FORMS\A\SUBPOENA.DRF



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

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,

A handwritten signature in black ink, appearing to read "Arnold Jablon" with a stylized "sg" at the end.

Arnold Jablon
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





Baltimore County
Zoning Commissioner

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

June 2, 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 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.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner/Hearing Officer
for Baltimore County

LES:bjs

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



Census 2000



For You, For Baltimore County



Census 2000



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on Recycled Paper

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

00-224-SPH

18414 Vernon Road (Airey Property)
s/s Vernon Road, 80' E of
centerline Hunter Mill Road

R.C. 2 + R.C. 4

88.213 ACRES

10c6

PREVIOUS CASE

99-297-SPH

THE PURCHASE OF THIS PLAT IS TO DELINEATE THE GOLF COURSE PARCEL AS A SEPARATE LOT, BOTH FOR MORTGAGE PURPOSES AND FOR THE ULTIMATE ACQUISITION OF LOT 1 BY THE BALTIMORE COUNTY REVENUE AUTHORITY. ANY DEVELOPMENT CHANGE IN USE OR ANY OTHER CHANGES IN THE ORIGINALLY APPROVED PLAN OR PLAT WHETHER IMMEDIATE OR FUTURE, OTHER THAN PROPERTY DIVISIONAL LINES, MUST COMPLY WITH ALL APPLICABLE AND ENVIRONMENTAL DEVELOPMENT AND ZONING REGULATIONS AND POLICIES.

Bearings shown on this plat are referenced to the system of coordinates established in the Baltimore County Metropolitan District. Coordinates shown hereon are assumed based on the following two concrete monuments.

C.M. "E"	N 120.135.39	E 2,914.86;
C.M. "F"	N 120.425.86	E 3,188.66

LOCATION MAP
Scale: 1"=2000'

filed for record
S.M. 67 1040 138
Date AUG 25 1995

Augustus Pines
Clerk

[illegible][illegible]

SURVEYOR'S CERTIFICATE:
The undersigned, A Registered and Surveyor of the

This Act has been told out to the Ref. thereof has been Reported in compliance with subsection (c) of section 116 of the Ref. Property Article of the Maryland Code of 1949. Particularly insofar as some concerns the

8-14-76
Date

E.F. RAPHÉ & ASSOCIATES

Registered Professional Land Surveyors
205 Courland Ave
Towson, Maryland
21204 2

2000

