

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
<u>BALTIMORE AVIATION SERVICE INC -</u>	*	COUNTY BOARD OF APPEALS
<u>LEGAL OWNER: FORGE LANDING LLC -</u>		
<u>CP /PETITIONERS (BALTIMORE AIR PARK)</u>	*	OF
FOR VARIANCE ON PROPERTY LOCATED		
ON THE NW/S JOHN F KENNEDY	*	BALTIMORE COUNTY
HIGHWAY (I-95) AND W/S JOPPA ROAD		
AND NEW GERST LANE	*	CASE NO. 01-008-A
11 TH ELECTION DISTRICT		
5 TH COUNCILMANIC DISTRICT	*	
* * * * *		

ORDER OF DISMISSAL

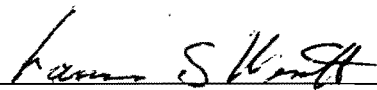
This matter comes to this Board by way of an appeal filed by David Marks on behalf of the Perry Hall Improvement Association, Inc., from an Order of the Zoning Commissioner dated October 24, 2000 in which the subject Petition for Variance was granted.

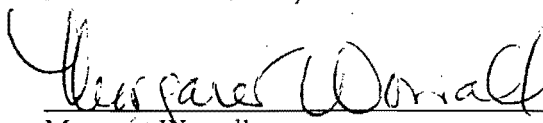
WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed January 25, 2001 by David Marks, President, Perry Hall Improvement Association, Inc., Appellants /Protestants (a copy of which is attached hereto and made a part hereof); and

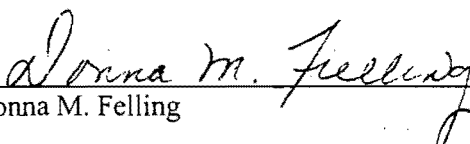
WHEREAS, said Appellants request that the appeal taken in this matter be withdrawn and dismissed as of January 25, 2001;

IT IS ORDERED this 31st day of January, 2001 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 01-008-A be and the same is hereby **DISMISSED**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Margaret Worrall


Donna M. Felling

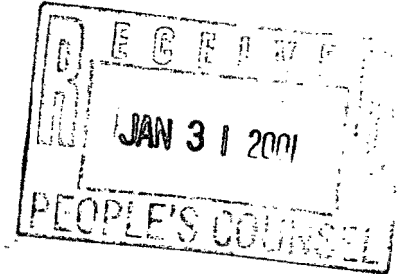


County Board of Appeals of Baltimore County

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

GP/PMZ

January 31, 2001



David Marks, President
Perry Hall Improvement Assn., Inc.
P.O. Box 63
Perry Hall, MD 21128-0063

RE: In the Matter of Baltimore Aviation Service, Inc. /
Forge Landing, LLC (Baltimore Air Park)
Case No. 01-008-A /Order of Dismissal

Dear Mr. Marks:

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

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

Enclosure

c: J. Carroll Holzer, Esquire
Howard L. Alderman, Jr., Esquire
Earl Mace /Baltimore Aviation Service, Inc.
Anthony Julio /Forge Landing LLC
Betsy & C. Earl Mace
Karl Klusewitz
Mickey Cornelius
Rick Chadsey
John Harrington
Dennis Eckard
~~People's Counsel for Baltimore County~~
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





IMPROVEMENT ASSOCIATION, INC.

P.O. Box 63 Perry Hall, MD 21128-0063 <http://www.bcpl.net/~phia>

January 23, 2001

Ms. Kathleen Bianco
Administrator, Baltimore County Board of Appeals
400 Washington Avenue
Room 49
Towson, MD 21204

Dear Ms. Bianco:

At its January 22 meeting, the Perry Hall Improvement Association's Board of Directors voted to withdraw its appeal of the Baltimore Air Park (Forge Landing) development case scheduled before the Baltimore County Board of Appeals for March 1, 2001.

Thank you for your attention. Please direct any inquiries about this matter to Dennis Eckard at (410) 256-6871.

Respectfully:

David Marks
President
Perry Hall Improvement Association

Ccc: Mr. Howard Alderman, Esq.
Mr. Carroll Holtzer, Esq.

01 JAN 25 PM 12:44
RECEIVED
COUNTY BOARD OF APPEALS

IN RE: PETITION FOR VARIANCE	* BEFORE THE
NW/S John F. Kennedy Highway (I-95) and	
W/S Joppa Road & New Gerst Lane	* ZONING COMMISSIONER
(Baltimore Air Park)	
11 th Election District	* OF BALTIMORE COUNTY
5 th Council District	
	* Case No. 01-008-A
Baltimore Aviation Service, Inc., Owners;	
Forge Landing, LLC, Developer	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Baltimore Aviation Service, Inc., and the Developer, Forge Landing, LLC, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners seek relief from Sections 259.8 and 4A02.4.F of the Baltimore County Zoning Regulations (B.C.Z.R.) from the Threshold Limits for the Honeygo Area established by Section 259.7 thereof, to permit the issuance of residential building permits for construction of single family homes, in accordance with the approved development plan for Baltimore Air Park in Case No. XI-829. In the alternative, the Petitioners seek relief to determine that such limits are not applicable to this project. The subject property and relief requested are more particularly described on the site/development plan and schematic landscape plan submitted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were G. Earle Mace and Betsy Mace, on behalf of Baltimore Aviation Service, Inc., property owners; Anthony Julio, Member of Forge Landing, LLC, Developer of the subject property; Mickey Cornelius, a traffic engineering expert with The Traffic Group; Rick Chadsey, Professional Engineer with G. W. Stephens, Jr. and Associates, Inc., who prepared the site plan for this property; John Harrington; and, Howard L.

Alderman, Jr., Esquire, attorney for the Petitioners. Appearing as a Protestant in the matter was Dennis Eckard, on behalf of the Perry Hall Improvement Association, which was represented by J. Carroll Holzer, Esquire.

It is to be noted that this property was the subject of a prior Hearing Officer's Hearing seeking development plan approval and zoning relief in Cases Nos. XI-829 and 00-252-A, pursuant to Baltimore County's zoning and development regulations. The development plan was approved and certain variance relief granted as to setbacks, lot widths, and storm water management pond slope ratio by my Order dated June 28, 2000. Apparently, that decision was not appealed and is now final.

As noted within that Opinion and Order, the subject property is located in the Honeygo/White Marsh community of eastern Baltimore County and consists of a gross area of 60.96 acres, more or less, split zoned D.R.1H, D.R.2H, and D.R.3.5. To the south and east, the property abuts the JFK Memorial Highway (I-95). To the west, the property will adjoin a new public road to be constructed and connected to Joppa Road. To the south, the property lies adjacent to the Chapel Hill Elementary School and a proposed residential community known as Moore's Orchard. To the north, a large section of the property abuts a new residential subdivision currently under construction known as Glenside Farms.

Pursuant to the development plan, approval was granted for the construction of 146 single family dwellings on the subject property. Vehicular access will ultimately be provided by a road constructed in the western portion of the site to Joppa Road. Access will also be provided to the property via connections from the Glenside Farms and Moore's Orchard subdivisions. To the extent appropriate, the findings contained in the development plan/variance opinion issued in the prior cases, the description of the property and proposal are incorporated herein.

The instant case comes before this Zoning Commissioner, pursuant to Section 259.8 of the B.C.Z.R. Generally, Sections 259.4 through 259.9 set out the standards and requirements for the Honeygo District, which is located in the western portion of Baltimore County in White Marsh. As more fully set forth in the regulations, the Honeygo District is divided into a series of sub-areas and the area has been designated as a growth area for development. The Honeygo regulations established standards for high quality development and are designed to insure that infrastructure, most notably, public utilities and roads, are in place prior to development.

The Honeygo regulations provide that certain numbers of allocations for building permits are available in the various Honeygo sub-areas. Essentially, each allocation would permit a single building permit. As the infrastructure is built out, additional allocations and building permits become available. However, Section 259.8 of the B.C.Z.R. authorizes the Zoning Commissioner to grant variances from the allocation requirements contained in Section 259.7. The regulations specifically provide that the Zoning Commissioner may grant variance relief upon a finding that the demand or impact of the development proposed will be less than that assumed by the District's standard that would otherwise restrict or prohibit the development, or, that the standard is not relevant to the development proposal; and, that the granting of the variance will not adversely affect the person whose application was filed prior to the Petitioner's application. (See Section 4A02.4.F of the B.C.Z.R.) Under the authority established by those Sections, the Petitioners request in the instant Petition that the issuance of residential building permits for the construction of single family dwellings be permitted, irrespective that no allocations are available.

It is to be noted that similar relief was requested and granted by this Zoning Commissioner in Cases Nos. XI-837 and 00-421-SPHA for the adjacent residential subdivision known as Moore's Orchard. The relief requested in the instant Petition is substantially identical to

the variance requested and granted in the prior case.

At the public hearing held in the instant case, testimony was received from Mr. Cornelius, a traffic expert. Mr. Cornelius described the road patterns in the area and also outlined the history of the approval of the development plan as outlined above. Mr. Cornelius testified that two roads in the general vicinity (i.e., Forge Road and Cross Road) have not been completed. Specifically, that stretch of Forge Road from its intersection with Cross Road to its intersection with Forge View Road is not yet in place. Similarly, that stretch of Cross Road between Honeygo Boulevard and Forge Road has not been completed. In that these road improvements are not yet in place, building allocations are not available for any construction on the subject site, pursuant to the Honeygo regulations.

Mr. Cornelius provided extensive testimony regarding anticipated traffic patterns from this development. After discussing the existing and proposed road system, Mr. Cornelius concluded that the subject development would have virtually no impact on those parts of Forge Road and Cross Road which have not been completed. Specifically, he opined that anticipated traffic to and from the site would access I-95 and Joppa Road. Based upon his studies, he believes that this project would have less of an impact than that assumed by the district standard that would otherwise restrict or prohibit the development. In sum, due to traffic patterns and anticipated destinations, only a small percentage of traffic generated by the proposed development will use those sections of Forge Road and Cross Road which have not been completed. Mr. Cornelius' testimony in this regard was substantially identical to that offered in the Moore's Orchard case in which the special variance requested was granted.

Mr. Chadsey also offered testimony in support of the instant Petition. Mr. Chadsey noted that construction has started on Cross Road and that a portion of Forge Road has been

constructed. He shared Mr. Cornelius' opinion that the traffic impacts associated with this development on those roads would be minimal. Mr. Chadsey also testified about the public benefits to be achieved as a result of the construction of this subdivision. He noted, for example, that a water tower will be constructed as part of the build-out of this subdivision which will help increase water pressure in the area. He also described the design of the sewer system proposed for this project and testified that there is excess capacity within that system. There will be an inner-connected utility system in the community and Mr. Chadsey believes, from a land planning and public utility standpoint, that the proposed development will confer a public benefit.

Testimony was also received in this case from Karen Brown of the Office of Planning. Ms. Brown indicated that her department does not support this request. Interestingly, the basis of that agency's opposition is that the requested special variance is contrary to the spirit and intent of the regulations. However, it can be argued that any variance, by definition, is contrary to the letter of the law. Indeed, a variance is an exception from a legal requirement. It is also to be observed that there was no testimony offered by Mr. Eckard or the Perry Hall Improvement Association regarding this request, and limited cross-examination by Mr. Holzer.

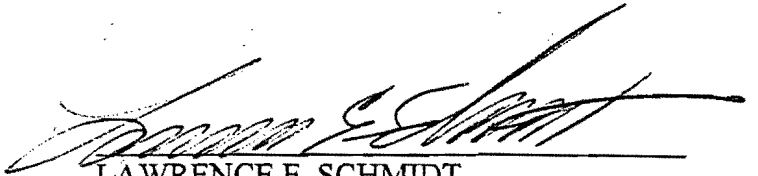
In my judgment, it is clear that the special variance should be granted. Based upon the record of this case, I easily find that the standard for variance relief set out in Section 4A02.4.F of the B.C.Z.R. has been met. Indeed, such a result is entirely consistent with the relief granted to the adjacent development known as Moore's Orchard. To deny the relief here, based upon the testimony and evidence offered, would be inconsistent with the record of this case. Additionally, it would be inconsistent with the relief granted to the adjacent residential development. From a traffic standpoint, both developments would generate traffic in similar patterns.

Pursuant to the advertisement, posting of the property, and public hearing on this

Petition held, and for the reasons set forth above, the relief requested shall be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of October, 2000 that the Petition for Variance seeking relief from Sections 259.8 and 4A02.4.F of the Baltimore County Zoning Regulations (B.C.Z.R.) from the Threshold Limits for the Honeygo Area established by Section 259.7 thereof, to permit the issuance of residential building permits for the construction of single family homes, pursuant to the approved development plan for Baltimore Air Park in Case No. XI-829 and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

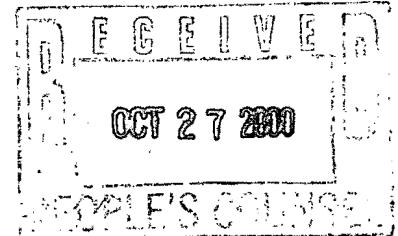


Baltimore County
Zoning Commissioner

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

October 24, 2000

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
502 Washington Avenue, 8th Floor
Towson, Maryland 21204



RE: PETITION FOR VARIANCE
S/S New Gerst Lane, 550' E of the c/l Gerst Road
(Baltimore Air Park)
11th Election District – 6th Council District
Baltimore Aviation Service Inc., Owners; Forge Landing LLC, Developer
Case No. 01-008-A

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, 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. & Mrs. G. Earle Mace, Baltimore Aviation Service, Inc.
P.O. Box 89, New Forge Road, White Marsh, Md. 21162
Mr. Anthony Julio, Forge Landing, LLC, 9640 Deereco Road, Timonium, Md. 21093
Mr. Rick Chadsey, G. W. Stephens, Inc., 1020 Cromwell Bridge Rd., Towson, Md. 21286
Mr. Mickey Cornelius, The Traffic Group, 9900 Franklin Sq.Dr., #H, Baltimore, Md. 21236
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Md. 21286
Mr. Dennis Eckard, 39 Bangert Avenue, Perry Hall, Md. 21128
DEPRM; OP; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Baltimore Air Park

which is presently zoned D~~2~~-1H; DR-2H; DR-3.5

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 Variance from Section(s)

See Attached

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

See Attached

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Anthony Julio, Member, Forge Landing, LLC

Name - Type or Print

Signature

9640 Deereco Road

410-666-1000

Address

Telephone No.

Timonium, Maryland 21093

City

State

Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr.

Name - Type or Print

Signature

Levin & Gann, P.A.

Company

305 W. Chesapeake Avenue, #113

410-321-0600

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

Earl Mace, Baltimore, Aviation Service, Inc.

Name - Type or Print

Signature

Name - Type or Print

Signature

New Forge Road, P.O. Box 89 410-256-4238

Address

Telephone No.

White Marsh

Maryland

21162

City

State

Zip Code

Representative to be Contacted:

Anthony Julio, Member, Forge Landing, LLC

Name

9640 Deereco Road

410-666-1000

Address

Telephone No.

Timonium

Maryland

21093

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BR

Date 7/11/00

Case No. 01-008-A

REU 9/15/98

PETITION FOR VARIANCE

CASE NO: _____

Address: Baltimore Air Park

Legal Owners: Baltimore Aviation Service, Inc.

Contract Purchaser: Forge Landing, LLC

Present Zoning: DR-1H; DR-2H; DR-3.5

REQUESTED RELIEF:

Variance, pursuant to *Baltimore County Zoning Regulations* (BCZR) §§ 259.8 & 4A02.4.F, from the Threshold Limits - Honeygo Area established by § 259.7 to permit the issuance of residential building permits for construction of single-family homes in accordance with the approved development plan for Baltimore Air Park (PDM XI-829), or in the alternative to determine that such limits are not applicable to the Baltimore Air Park development.

JUSTIFICATION:

To be presented at the time of public hearing on this request, consistent with testimony and evidence offered at the time of the Hearing Officer's Hearing on the previously approved Development Plan.

01-CC8-A



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

September 6, 2000

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 01-008-A, Baltimore Air Park

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 11, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Baltimore Aviation Service, Inc., c/o Earl Mace, New Forge Road, PO Box 89,
White Marsh 21162
Forge Landing, LLC, c/o Anthony Julio, Member, 9640 Deereco Road, Timonium
21093

People's Counsel



cd/pmr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 21, 2000

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

SUBJECT: Baltimore Air Park

INFORMATION:

Item Number: 01-008

Petitioner: Earl Mace

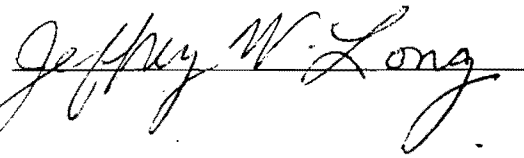
Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

It is incumbent upon the petitioner to demonstrate that this proposal does not impact the Honeygo thresholds.

Prepared by: 

Section Chief: 

AFK:MAC:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 21, 2000

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

SUBJECT: Baltimore Air Park

INFORMATION:

Item Number: 01-008

Petitioner: Earl Mace

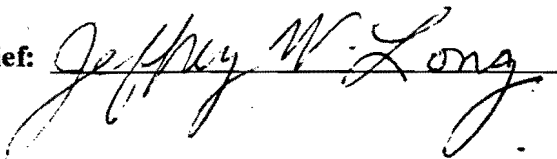
Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

It is incumbent upon the petitioner to demonstrate that this proposal does not impact the Honeygo thresholds.

Prepared by: 

Section Chief: 

AFK:MAC:

40

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 28, 2000

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

SUBJECT: Baltimore Air Park – **AMMENDED COMMENTS**

INFORMATION:

Item Number: 01-008

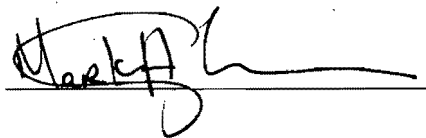
Petitioner: Earl Mace

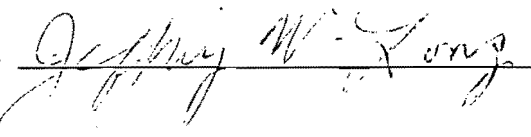
Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the request to variance the threshold for the Baltimore Air Park property. According to Section 259.7.E.1.a of the Baltimore County Zoning Regulations, there are no authorizations available in the Bean Run Sub-area until the commencement of the Forge Road and the Cross Road capital projects.

Prepared by: 

Section Chief: 

AFK:MAC:

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RB*
DATE: July 27, 2000
SUBJECT: Zoning Item #008
Baltimore Air Park

Zoning Advisory Committee Meeting of July 24, 2000

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
 - X Development must comply with development plan approved at the Hearing Officer's Hearing.

Reviewer: Glenn Shaffer

Date: July 27, 2000

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 29, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For July 31, 2000
Item Nos. 006, 008, 009, 010, 011, 012,
013, 014, 015, 016, 017, 018, 019, and
020

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

July 31, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF July 24, 2000

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

008, 009, 011, 012, 013, 018, 019, 017, and 020

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



RE: PETITION FOR VARIANCE
Baltimore Air Park, S/S New Gerst Ln,
550' E of c/I Gerst Rd
11th Election District, 5th Councilmanic

Legal Owner: Baltimore Aviation Service, Inc.
Contract Purchaser: Forge Landing, LLC
Petitioner(s)

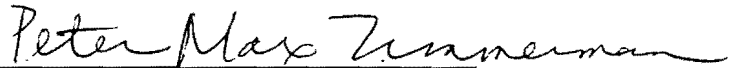
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-08-A

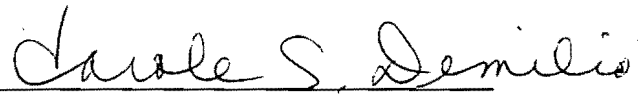
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ENTRY OF APPEARANCE

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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


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 31st day of July, 2000 a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

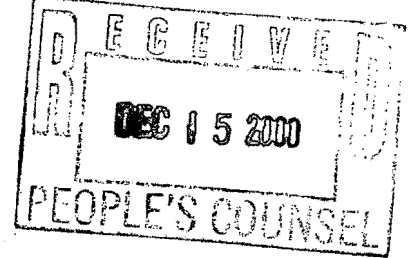
CD / fwr
Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 14, 2000

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

Dear Mr. Alderman:

BALTO. AVIATION SERVICE, INC.
RE: Case No. 01-008-A, Baltimore Air Park



Please be advised that an appeal of the above-referenced case was filed in this office on November 17, 2000 by David Marks, President, Perry Hall Improvement Association. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

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

Sincerely,

Arnold Jablon
Director

AJ: gdz

C: David Marks, Perry Hall Improvement Association, Inc., P.O. Box 63, Perry Hall 21128
Earl Mace, Baltimore Aviation Service, Inc., New Forge Road, White Marsh 21162
Anthony Julio, Forge Landing, LLC, 9640 Deereco Road, Timonium 21093
Betsy & C. Earle Mace, 15138 E. Joppa Road, Perry Hall 21128
Karl Flussaty, 135 Hollow Brook Road, Lutherville/Timonium 21093
Anthony Julio, 9640 Deereco Road, Lutherville/Timonium 21093
Mickey Cornelius, 9900 Franklin Square Drive, Suite H, Baltimore 21236
Rick Chadsey, 1020 Cromwell Bridge Road, Towson 21286
John Harrington, 2328 W. Joppa Road, Suite 200, Lutherville/Timonium 21093
People's Counsel



APPEAL

Petition for Variance
Baltimore Air Park
NW/S John F. Kennedy Highway (I-95) and W/S Joppa Road and New Gerst Lane
11th Election District - 5th Councilmanic District
Baltimore Aviation Service, Inc. - Legal Owner
Forge Landing, LLC - Contract Purchaser
Case Number: 01-008-A

Petition for Variance (filed 7/11/00)

Description of Property

Notice of Zoning Hearing (dated 8/3/00)

Certification of Publication (8/29/00 – The Jeffersonian)

Certificate of Posting for 10/2/00 Hearing (9/15/00 – Patrick M. O'Keefe)

Entry of Appearance by People's Counsel (dated 7/31/00)

Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:

- 1 Development Plan, Schematic Landscape Plan & Plat to Accompany Petition for Zoning Variances (revised 6/22/00)
- 2 Regional Context Map
- 3 Forge Acres Pumping Station Chart (dated 3/4/98)

Protestants' Exhibits:

- 1A-1E Capital Projects Form for Road Improvements (Honeygo Plan)

Misc. (Not Marked as Exhibits):

- ❖ Fax to Sophie Jennings, Department of Permits, Development, & Management from Howard L. Alderman, Jr., Esquire (dated 7/26/00)
- ❖ Fax from Howard L. Alderman, Jr., Esquire (dated 8/16/00)
- ❖ Letter to Howard L. Alderman, Jr., Esquire, from Lawrence E. Schmidt, Zoning Commissioner (dated 8/16/00)
- ❖ Letter to Arnold Jablon, Director PDM, from J. Carroll Holzer, Esquire (dated 9/5/00)
- ❖ Letter to Howard L. Alderman, Jr., Esquire, from Arnold Jablon, Director (dated 9/11)
- ❖ Fax from Howard L. Alderman, Jr., Esquire (dated 9/12/00)
- ❖ Letter to Howard L. Alderman, Jr., Esquire, from Arnold Jablon, Director (dated 9/14/00)
- ❖ Subpoena for Bob Bowling (dated 9/28/00)
- ❖ Subpoena for Pat Keller, Director (dated 9/28/00)

Zoning Commissioner's Order dated 10-24-00 (Granted)

Notice of Appeal received from David Marks, President, Perry Hall Improvement Association 11/17/00

C: Howard L. Alderman, Jr., Esquire, Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson 21204
Earl Mace, Baltimore Aviation Service, Inc., New Forge Road, P. O. Box 89, White Marsh 21162
Anthony Julio, Forge Landing, LLC, 9640 Deereco Road, Timonium 21093
J. Carol Holzer, Esquire, 508 Fairmount Avenue, Towson 21294
Dennis Eckard, 39 Bangert Avenue, Perry Hall 21128
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM