

**IN RE: IN THE MATTER OF PETITIONS
FOR SPECIAL EXCEPTION AND
VARIANCE**
5700 Emory Road
4th Election District
3rd Councilmanic District

Agnes L. Dixon, Owner
The Growing Collection, Inc., Contract
Purchaser,

Petitioners

**BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY**

Case No.: 01-076-XA

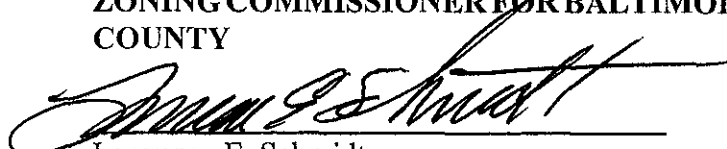
ORDER

Upon the filing, and prior to the commencement of the hearing on the above-captioned appeal, of the voluntary Withdrawal of Petitions Without Prejudice by the Petitioners in this case, subject matter jurisdiction is no longer vested in this Commissioner.

THEREFORE, IT IS THIS 4th day of October, 2000, by the Zoning Commissioner for Baltimore County:

ORDERED that based upon the voluntary withdrawal of zoning Petitions, filed by the Petitioners in the above-captioned case, the Petition for Special Exception and the Petition for Variance in this case are hereby deemed withdrawn without prejudice.

**ZONING COMMISSIONER FOR BALTIMORE
COUNTY**


Lawrence E. Schmidt

Copies to:

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

Thomas N. Biddison, Jr., Esquire
Gallagher, Evelius & Jones, LLP
218 North Charles Street
Baltimore, MD 21201

People's Counsel for Baltimore County
400 Washington Avenue, Room 47
Towson, MD 21204

ORDER RECEIVED FOR FILING

Date 10/4/00

By [Signature]

IN RE: IN THE MATTER OF PETITIONS
FOR SPECIAL EXCEPTION AND
VARIANCE
5700 Emory Road
4th Election District
3rd Councilmanic District

Agnes L. Dixon, Owner
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BEFORE THE
ZONING COMMISSIONER

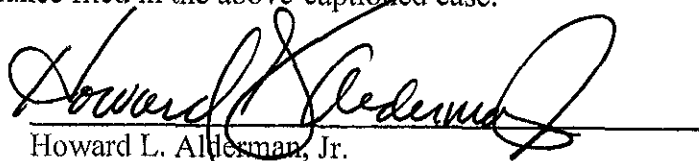
FOR

BALTIMORE COUNTY

Case No.: 01-076-XA

WITHDRAWAL OF PETITIONS WITHOUT PREJUDICE

Agnes L. Dixon, owner of the above-referenced property and The Growing Collection, Inc., contract purchaser thereof, Petitioners in the above-captioned case, have authorized the undersigned legal counsel, to prepare and file this paper and hereby withdraw without prejudice, the Petition for Special Exception and the Petition for Variance filed in the above-captioned case.



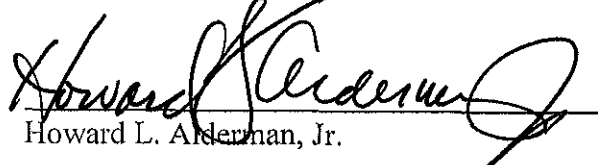
Howard L. Alderman, Jr.
LEVIN & GANN, P.A.
502 Washington Avenue
Nottingham Centre, 8th Floor
Towson, Maryland 21204
(410) 321-0600

Attorneys for the Petitioners

Date: October 4, 2000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of October, 2000, a copy of the foregoing Withdrawal of Petitions Without Prejudice and proposed Order was was mailed, via First-Class, United States Mail, to People's Counsel for Baltimore County, 400 Washington Avenue, Room 47, Towson, MD 21204; and to Thomas N. Biddison, Jr., Esquire, Gallagher, Evelius & Jones, LLP, 218 North Charles Street, Baltimore, MD 21201 and that Mr. Biddison was informed by telephone at approximately 10:25 a.m. on October 3, 2000 of this withdrawal.



Howard L. Alderman, Jr.

ORDER RECEIVED FOR FILING

Date

By



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 5700 Emory Road,

which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A Landscape Service Operation and a Horticultural Nursery

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

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

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

Contract Purchaser/Lessee:

Steve D.W. Jones, Pres., The Growing Collection Inc.

Name - Type or Print

Signature

P.O. Box 4503 (410) 337-7915

Address Telephone No.

Lutherville, Maryland 21094

City State Zip Code

Attorney For Petitioner:

Howard L. Alderman Jr.

Name - Type or Print

Signature

Company Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.

Address 305 W. Chesapeake Avenue, Suite 100 Telephone No. 410-321-0600

Towson, MD 21204

City State Zip Code

Legal Owner(s):

Agnes L. Dixon (formerly Beebe)

Name - Type or Print

Signature

Name - Type or Print

Signature

2302 Bachman Valley Road (410) 374-4079

Address Telephone No.

Manchester, Maryland 21102

City State Zip Code

Representative to be Contacted:

McKee & Associates, Inc.

Name

5 Shawan Road, Suite 1 (410) 527-1555

Address Telephone No.

Cockeysville, Maryland 21030

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JRA/JF Date 8/16/00

ORDER RECEIVED FOR FILING

Case No. 01-076-XA

Date 8/21/00 By 20109/15/98



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5700 Emory Road

which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a 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:

Steve D.W. Jones, Pres., The Growing Collection Inc.

Name - Type or Print

Signature

P.O. Box 4503

(410) 337-7915

Address

Telephone No.

Lutherville, Maryland

21094

City

State

Zip Code

Attorney For Petitioner:

Howard L. Alderman Jr.

Name - Type or Print

Signature

Company Howard L. Alderman, Jr., Esquire

Levin & Gann, P.A.

Address 305 W. Chesapeake Avenue, Suite 113

Towson, MD 21204

City

State

Zip Code

Case No. 01-076-XA

Date 9/15/98

Legal Owner(s):

Agnes L. Dixon (formerly Beebe)

Name - Type or Print

Signature

Name - Type or Print

Signature

2302 Bachman Valley Road (410) 374-4079

Address

Telephone No.

Manchester, Maryland

21102

City

State

Zip Code

Representative to be Contacted:

McKee & Associates, Inc.

Name

5 Shawan Road, Suite 1 (410) 527-1555

Address

Telephone No.

Cockeysville, Maryland

21030

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JRA/JF

Date 8/16/00

ORDER RECEIVED FOR FILING

Date

By

Address: 5700 Emory Road

Legal owners : Agnes Dixon (formerly Agnes Beebe)

Contract Purchaser: The Growing Collection Inc.

Present Zoning: RC-2

Variance relief requested :

- 1.) sec 409.8.A(2) for the use of a stone surface in lieu of a durable and dustless surface in the material storage, display, parking, loading/ unloading area and for the access road to it which is located to the north side and rear of the proposed office building.
- 2.) sec. 409.8.A(6) for the use of non-striped parking spaces, in lieu of the required striped parking spaces, for the areas listed in item 1.) above.
- 3.) sec. 404.1.C (as required in sec.404.2 and 404.3) to allow a 10 foot and 12 foot minimum setback for loading and unloading area in lieu of the minimum required 100 foot setback.

Variance relief requested for the following reason(s):

1.) A practical difficulty exists in that heavy equipment (i.e. tractor trailers, dump trucks, fork lifts, skid loaders, roll off dumpsters, etc.) will be loading and unloading landscape materials in the area to the rear of the proposed office building. The twisting, turning and skidding action by this equipment and the dumping of heavy materials will invariably destroy any paved surface put in place and will ultimately require frequent replacement. Any requirement to pave the area, and subsequently repeatedly replace, the pavement would create an unreasonable hardship to the business owners.

2.) A practical difficulty exists in that if variance request #1 is granted no durable surface will exist for the permanent striping to permanently adhere to.

3.) A practical difficulty and unreasonable hardship exists in that nursery stock is intended to be grown up to the property lines. As such vehicles and equipment will need to travel within 100 feet of the property lines so as to harvest the plants and to then load them onto vehicles for transport offsite. Prohibiting the use of this area for the harvesting and subsequent loading and unloading of vehicles would require that manual labor be utilized to dig and move plant stock to a minimum of 100 feet from any property line. As the plants may have large root balls this is inefficient and not practical. The prohibition of the use of this area would result in the loss of up to approximately 5.1 acres of usable land for the nursery operation (approximately 40% of the nursery) due to the lengthy property lines .

Other good and sufficient testimony to be offered at the hearing.

ORDER RECEIVED FOR FILING

Date

By

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

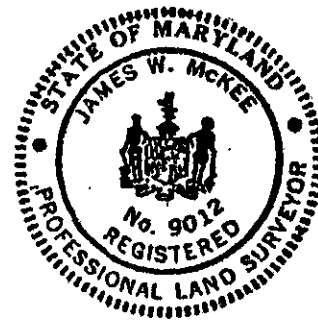
Zoning Description to Accompany Special Exception Petition

5700 Emory Road

Beginning for the same at a point on the west side of Emory Road which is 28 feet wide, more or less, at a distance of 690 feet, more or less, south of the centerline of the nearest improved street, Parrish Road which is 28 feet wide, more or less. Thence the following courses and distances:

1. north 65° 37' 00" west 886.00'
2. south 16 26' 00" west 181.50'
3. north 59 07' 10" west 247.50'
4. north 32 55' 00" east 153.45'
5. north 65 37' 00 " west 483.63
6. south 20 05' 39" west 811.24'
7. south 73 21' 20" east 776.45'
8. south 70 48' 00" east 272.87'
9. south 45 35' 18" east 430.59'
10. north 56 49' 06" east 180.32'
11. north 77 55' 30" east 204.10'

to the place of beginning. As recorded in Deed Liber 11216 folio 313. Containing 20.24 acres, more or less. Also known as 5700 Emory Road and located in the 4th Election District.



[Handwritten signature]

8/11/2000

076

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

5255

DATE

8/16/00

ACCOUNT

2001-6150

AMOUNT

\$ 650.00

RECEIVED
FROM:

McKEE & Assoc., Inc.

FOR:

070 - May.
\$700 Agency Del.
Special Expenditures & Vouchers

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROVEN

ACTUAL

DATE

8/16/2000

8/16/2000

11:20:44

MT 4806 CASHIER SMAT SMU ASB000

Dept 5 520 ZORING VERIFICATION

Receipt #

127525

OK INL

Receipt for 650.00
650.00 OK 00 13
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #01-076-XA

5700 Emory Road

W/S Emory Road, 690 feet +/- S of centerline Parrish Road

4th Election District - 3rd Councilmanic District

Legal Owner(s): Agnes L. Dixon

Contract Purchaser: The Growing Collection

Special Exception: for a landscape service operation and a horticultural nursery. **Variance:** to permit the use of a stone surface in lieu of a durable and dustless surface; to permit the use of non-striped parking spaces in lieu of the required striped; and to allow a 10-foot and 12-foot minimum setback for loading and unloading area in lieu of the minimum required 100-foot setback.

Hearing: Wednesday, October 4, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for

Baltimore County

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/9/748 Sept. 19

C420585

CERTIFICATE OF PUBLICATION

TOWSON, MD,

9/21/

, 2000

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 9/19/, 2000.

THE JEFFERSONIAN,
S. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

Case # 10-074-XA

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

PLACE, San Antonio, Texas
TIME & DATE, 11:00 AM, 10/20/68

SPECIAL EXCEPTION FOR A LANDSCAPE SERVICE OPERATION AND A MAINTENANCE OPERATIONS PERSONNEL TO PERMIT THE USE OF A STRIP STRAPER IN STEEL OR ALUMINUM AND BUILT SPECIFICALLY TO PERMIT THE USE OF NON-STRAPPING MATERIALS INSTEAD OF THE REQUIRED STRAPER AND TO BEING A MINIMUM OF ONE MAXIMUM SECTION AND LENGTH NOT EXCEEDING 6' AND IN CIRCLE OF TWO MINIMUM RADIUS WITH THE SETBACK.

THE UNITED STATES DEPARTMENT OF JUSTICE
DIVISION OF INVESTIGATION
WASHINGTON, D. C. 20535

CERTIFICATE OF POSTING

**RE: CASE # 01-076-XA
PETITIONER/DEVELOPER
(The Growing Collection)
DATE OF Hearing
(10-4-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

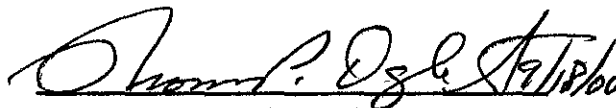
LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

5700 Emory Road Baltimore, Maryland 21155_____

THE SIGN(S) WERE POSTED ON _____ 9-18-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____**THOMAS P. OGLE SR.**_____

_____**325 NICHOLSON ROAD**_____

_____**BALTIMORE, MARYLAND 21221**_____

_____**410-687-8405**_____

(TELEPHONE NUMBER)

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 01-076-XA

Petitioner: Agnes L. Dixon

Address or Location: 5700 Emory Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: The Growing Collection, Inc.

Address: P.O. Box 4503

Lutherville MD 21094

Telephone Number: 410 337-7915

Revised 2/20/98 - SCJ



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

September 8, 2000

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: 01-076-XA

5700 Emory Road

W/S Emory Road, 690 feet +/- S of centerline Parrish Road

4th Election District – 3rd Councilmanic District

Legal Owner: Agnes L. Dixon

Contract Purchaser: The Growing Collection

Special Exception for a landscape service operation and a horticultural nursery.

Variance to permit the use of a stone surface in lieu of a durable and dustless surface; to permit the use of non-striped parking spaces in lieu of the required striped; and to allow a 10-foot and 12-foot minimum setback for loading and unloading area in lieu of the minimum required 100-foot setback.

HEARING: Wednesday, October 4, 2000, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.



GDZ

Arnold Jablon
Director

C: Agnes L. Dixon, 2302 Bachman Valley Road, Manchester 21102
Steve D. W. Jones, President, The Growing Collection PO Box 4503, Lutherville 21094
Howard L. Alderman, Jr., Esquire, Levin & Gann, PA, 305 W. Chesapeake Ave., Suite 113, Towson 21204
McKee & Associates, Inc., 5 Shawan Rd., Suite 1, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY: SEPTEMBER 18, 2000.**
- (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, September 19, 2000 Issue – Jeffersonian

Please forward billing to:

The Growing Collection, Inc.
P O Box 4503
Lutherville, MD 21094

410 337-7915

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: 01-076-XA

5700 Emory Road

W/S Emory Road, 690 feet +/- S of centerline Parrish Road

4th Election District – 3rd Councilmanic District

Legal Owner: Agnes L. Dixon

Contract Purchaser: The Growing Collection

Special Exception for a landscape service operation and a horticultural nursery.
Variance to permit the use of a stone surface in lieu of a durable and dustless surface; to permit the use of non-striped parking spaces in lieu of the required striped; and to allow a 10-foot and 12-foot minimum setback for loading and unloading area in lieu of the minimum required 100-foot setback.

HEARING: Wednesday, October 4, 2000, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.



Lawrence E. Schmidt

612

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

September 29, 2000

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

Dear Mr. Alderman Jr.:

RE: Case Number: 01-076-XA, 5700 Emory Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 16, 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.
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Agnes L. Dixon, 2302 Bachman Valley Road, Manchester 21102
Steve D. W. Jones, President, The Growing Collection PO Box 4503
Lutherville 21094
McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville 21030
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 3, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For September 18, 2000
Item No. 076

The Bureau of Development Plans Review has reviewed the subject zoning items. Emory Road, Maryland Route 91, is a state road. All improvements, intersections, entrances, drainage requirements and construction affecting a state road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

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

September 19, 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: AGNES L. DIXON - 076
TRUSTEES OF THE BACK RIVER METHODIST CHURCH - 078
USF FILTRATION AND SEPARATIONS GROUP, INC. - 091

Location: DISTRIBUTION MEETING OF September 11, 2000

Item No.: 076, 078, 091

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

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

cc: File

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *ams*
DATE: September 21, 2000
SUBJECT: Zoning Item #076
5700 Emory Road

Zoning Advisory Committee Meeting of September 11, 2000

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).
- X Development of this property may need to 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 A Steep Slopes and Erodible Soils Analysis, Forest Stand Delineation, Forest Conservation Worksheet, and Forest Conservation Plan are currently under review.
- X It is recommended that the proposed above-ground fuel tanks be located as far as possible from the proposed well.

Reviewer: John Russo
Reviewer: Bruce Seeley

Date: September 19, 2000
Date: September 21, 2000

LS
10/4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 25, 2000

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

SUBJECT: 5700 Emory Road

INFORMATION:

Item Number: 01-076

Petitioner: Steve Jones

Zoning: RC 2

Requested Action: Variance/Special Exception

SUMMARY OF RECOMMENDATIONS:

After reviewing the submitted exhibits and visiting the subject property, the Office of Planning offers the following comments and recommendation.

The RC-2 zone allows a horticultural nursery and landscape service operation by special exception. The two uses are often requested in combination. However, Section 404 of the BCZR clearly differentiates between the uses (subsections 404.2 and 404.3) and establishes different regulations for each use. The BCZR apparently does so because special site conditions may exist that makes one use appropriate and the other not.

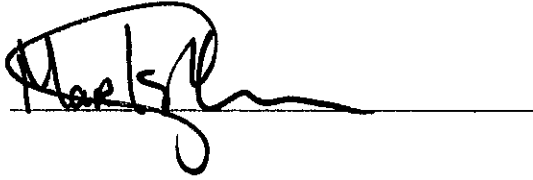
It is the position of this office that horticultural nurseries and landscape service operations were originally included as special exception uses in the RC-2 zone because the zone undoubtedly has locations that because of size and/or location could insulate the uses from other RC-2 permitted uses (agriculture, residential). At such locations, the uses should be approved.

With this particular petition, 01-076-XA, this office is concerned for the general welfare of the residential properties across Emory Road from the site as well as the properties at the end of the driveway that runs along the site's southern property line. This concern is not based on perceived negative impacts of the horticultural nursery, but the noise, traffic and intensity of use of the proposed landscape service operation. This office cannot discern a clear difference between this use and a contractor equipment storage yard, which is not permitted in a residential zone. In this case, the immediate area should be considered a residential use area.

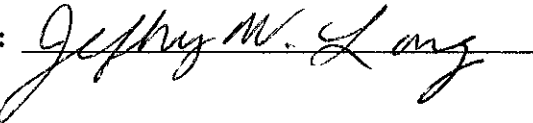
1145

It is therefore recommended that unless the petitioner can restrict/mitigate the presence of the landscape service operation that the request should be denied.

Prepared by:

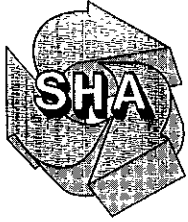


Section Chief:



AFK:MAC:

8/2/5



Maryland Department of Transportation
State Highway Administration

PS 10/4 W/D
Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: October 2, 2000

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

RE: Baltimore County
Item No. 076 (JRA/JR)
5700 Emory Road
MD 91

Dear Ms. Jackson:

This office has reviewed the referenced Item and has no objection to approval.

However, we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

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

LG

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

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
5700 Emory Road, W/S Emory Rd,
690' +/- S of c/I Parrish Rd
4th Election District, 3rd Councilmanic

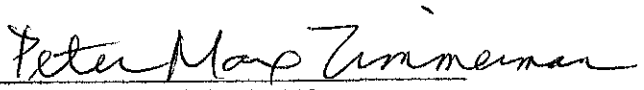
Legal Owner: Agnes L. Dixon (formerly Beebe)
Contract Purchaser: The Growing Collection, Inc.
Petitioner(s)

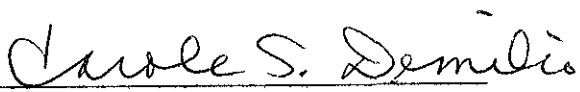
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-76-XA

* * * * *

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 13th day of September, 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

LAW OFFICES

GALLAGHER, EVELIUS & JONES, LLP

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THOMAS N. BIDDISON, JR.
ROBERT R. KERN, JR.
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JAMES W. KOCH
GINA M. ADAMS
KIRSTEN ANDREWS WOELPER
MICHAEL N. MERCURIO

WRITER'S DIRECT DIAL: (410) 347-1344
LITIGATION FACSIMILE: (410) 837-0454

October 3, 2000

VIA FACSIMILE 410-887-3468

Commissioner Lawrence Schmidt
Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

5

*Re: Growing Collection -- Petition for Special Exception and Variance,
Morfoot Property, Upperco, Scheduled for Hearing October 4th, 11:00 a.m.*

Dear Commissioner Schmidt:

I represent a number of neighbors regarding the captioned matter who are opposed to the plans of the Growing Collection to seek zoning relief and develop the captioned property.

We had made that opposition known to the Petitioners and to their counsel Howard Alderman and suggested what they were really pursuing was a commercial use which would be more appropriately located elsewhere. I believe that the planning office has taken the same position.

I received a call from Mr. Alderman this morning that he has reviewed this matter with his clients and that he will be present at 11:00 a.m. tomorrow for the sole purpose of withdrawing the pending petition for zoning relief. Accordingly, neither I nor my clients will be in attendance. If for some reason the Petitioners change their minds and elect to proceed forward tomorrow, I would request a postponement.

GALLAGHER, EVELIUS & JONES, LLP

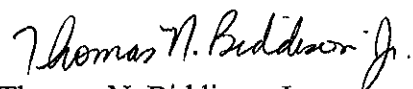
Commissioner Lawrence Schmidt

October 3, 2000

Page 2 of 2

Also, please consider this letter as entering my appearance on behalf of Dr. Mark S. Rosenthal and Lynn Rosenthal, 5708 Emory Road, Upperco, Maryland, and at least twenty other property owners from the community. If there are any further proceedings in this matter, I would appreciate being advised.

Very truly yours,



Thomas N. Biddison, Jr.

cc: Howard L. Alderman, Jr., Esq. (by fax – 410-296-2801)
Dr. Mark S. Rosenthal (by email – marksro@home.com)

HANOVER ROAD ASSOCIATION, Inc.

P.O. Box 70
Boring, MD 21020

September 29, 2000

Mr. Lawrence Schmidt
Zoning Commissioner
County Courts Bldg., Room 407
401 Bosley Avenue
Towson, MD 21204

RE: Case Number: 01-076-XA – Letter of Opposition

Dear Mr. Schmidt:

The Hanover Road Association has been informed that a zoning hearing for a special exception regarding the above referenced issue would be forthcoming, but has not been provided advanced detailed information. The petitioners had contacted the Association by phone during the June-July period this year and were invited to appear and explain their plans at our August or October meeting. The petitioners did not appear at our August meeting and afterward called to indicate that their schedule would not allow for a presentation at our October 11, 2000 meeting.

Conversations with adjoining property owners suggest that some localized information was provided, but the adjoining or local property owners were dissatisfied with the information on the planned activities and were preparing to oppose any request for a special exception. In the absence of specific information, and in a lack of commitment by the petitioners to meet with the community prior to the scheduled hearing, the Hanover Road Association is filing this letter in opposition to the request for a special exception.

It is also requested that the petitioners be requested to appear at the October 11, 2000 or December 13, 2000 meeting to offer the community the needed information to properly respond to this petition. Following that appearance and presentation, the Association would be in a better position to address the requested petition.

The Hanover Road Association is committed to the maintenance of property values and the preservation of the rural character of the area through adherence to the zoning regulations and the Master Plan. Special exceptions that result in excess traffic, loss of aesthetic conditions, increases in noise, and the imposition of other undesirable conditions on adjoining property owners, such as reduced setbacks, will generally be opposed by the Association.

September 27, 2000

Mr. William Hughey, Area Planner
401 Bosley Avenue
Baltimore, MD 21204

Re: Proposed Two-Story Office Building -- 5700 Emory Road

Dear Mr. Hughey:

I am writing regarding the above referenced special exception 20-acre parcel.

I am native Carroll Countian of 43 years. Our 115-acre farm has been in our family for over 100 years. This parcel of land closely borders our farmland as well as my residence.

I understand that "The Growing Collection" is interested in pursuing this property for commercial use. I am strongly opposed to this acquisition for the reasons listed:

Water Systems: The main ingredient of what makes a landscaping business lucrative is water. All of the residences in this area are on private wells. With a business of this size and water being the important factor to keep the business going it will have a negative impact on existing wells, running them dry particularly during the drought seasons, one which was substantial during the summer of 1999.

Run off: There is a roll off dumpster, an asphalted parking lot allotted for 33 parking spots, above ground fuel tanks, stone material and material storage bins. All this produces run off. This will have an impact on the underground water systems by contaminating them and causing them to be unsafe to drink.

Traffic: This is a major issue. Route 91 is the main cut through from Route 140 (Finksburg) to Route 30 (Fowblesburg). The traffic flow is heavy and the roadway is a two-lane highway. The driveway where the proposed business is located is in a very dangerous location. There are two sharp curves, which with heavy equipment, additional customer traffic and current traffic will be the added source of traffic accidents.

Pollution: The proposed equipment, the dumpster, the loading and unloading of materials will produce noise pollution. This noise pollution from 6A to 9P is unacceptable for our community. The air pollution of dust, dirt and debris that will collect in our community is unacceptable. Also with additional lighting at this site during the night will be offensive to the community.

Crime: With a business like this it will, of course, bring customers. The main reason I have stayed in this area as well as others moving into this area is for the solitude. Our community doesn't want the added population, traffic and people. Also with this being a secluded community it invites crime, i.e. possible break-ins, robberies, etc.

Pesticides, fertilizers: With everyone on private wells this is added contamination to our drinking water source. At my residence there are two streams and two stocked ponds that sit directly below my home and is located 2/10 of mile from this proposed site. The water from these streams and ponds run directly into our Liberty Reservoir. I don't think Baltimore and Carroll County would care to drink contaminated water.

Safety: Most of the members in our community are starting families. I being one who has two children elementary school age and other families with children of toddler age. With the added traffic and strangers in the community; this is a safety issue for our children in the community.

Mr. William Hughey
Proposed Two-Story Office Building – 5700 Emory Road

Page 2

In conclusion I do not feel this is in the best interest of our community. There are many other locations within Baltimore and Carroll County that are zoned commercial that would be better suited for this type of business. This property is zoned agricultural and the Hanover Pike Corridor Study endorses the continued preservation of rural areas. The goal of the master plan is to enact strong measures for preserving rural land uses and ensure that new development is compatible with its surroundings. This proposed site is neither consistent nor compatible with the surroundings. First of all this is a residential area. There are no other commercial foundations in this area. It disconcerts and hurts our purpose of moving to the country and this community – peacefulness and quiet and natural beauty. I have lived in this area all of my life and would like to keep it for my children as it was for me: quiet, peaceful, and safe with clean water and air. Please **DO NOT PASS** this proposal as there are too many negative factors involved.

Thank you



Mary Ruth Davidson
5704B Emory Road
Upperco, Maryland 21155
410-552-2252

cc: Councilman Bryan McIntire, Third District
Mr. Schmidt, Zoning Commissioner

5807 Emory Rd
Upperco, MD 21155
September 28th, 2000

Lawrence E. Schmidt
401 Bosley Ave
Ste. 407 Towson, MD 21204

Dear Mr. Schmidt:

My husband and I have lived in our home at 5807 Emory Rd. for the past 22 years. In addition, he and his family are life long residents of the area. It could certainly be said that we have a vested interest in stopping the commercialization of our neighborhood.

During our many years of residence we have done without paid fire departments, visible police protection and patrol, sewage and "city" water because we preferred to live in a rural setting. By agreeing to the development of the property known as 5700 Emory by the Growing Collection, we would be encouraging the setting of precedents which would allow for the complete elimination of life as we know it. The company's plan to build an office building demonstrates its lack of understanding of the practical and aesthetic values the neighborhood would hope to maintain. Such maintenance of the standards and life styles already in place in a community are important considerations.

I find the prospects of equipment storage, office buildings, and increased traffic in a totally residential area to be completely unacceptable. Certainly, there are other locations, already integrated, where such a commercial enterprise would be completely comfortable for all concerned.

Please Disapprove any zoning changes which would permit such development.

Sincerely,



Ann M. Durham

Re: Case # 01-076-xa

Development of property at 5700 Emory Road

Sir:

4

As resident owners of a farm at 5801 Emory Road we are opposed to the rezoning and commercialization of the property at 5700 Emory Road.

This would bring increased traffic on Emory Road, which is already overburdened morning and evening hours.

There is no need to have this operation in an area which is all residential and farmland; there are several commercially zoned properties available on Hanover Road between Emory Road and Reisterstown.

We regret we are unable to attend the zoning hearing on October 4, but thank you for your consideration of the neighborhood's hopes for land preservation.

Yours truly,

Robert A. Durham, Jr.

Robert A. Durham

Anne S. Durham

Anne S. Durham

5801 Emory Road
Upperco, Maryland 21155

LAW OFFICES

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MICHAEL N. MERCURIO

FACSIMILE COVER PAGE

TO: Commissioner Lawrence Schmidt - 410-887-3468
Howard S. Alderman, Jr. - 410-296-2801

FROM: Thomas N. Biddison, Jr.

DATE: October 3, 2000 CLIENT NO: 11063-2

NUMBER OF PAGES (INCLUDING COVER PAGE): 3

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL (410) 727-7702 AS SOON AS POSSIBLE. THANK YOU.

ASK FOR: Susan Fales Smith (410-347-1275 ext. 224 direct dial)

COMMENTS :

CONFIDENTIALITY NOTICE: The information contained in this facsimile message is ATTORNEY/CLIENT PRIVILEGED AND CONFIDENTIAL INFORMATION intended ONLY for the use of the individual or entity to whom it is directed. If you are not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address. Thank you for your cooperation.

LAW OFFICES

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MICHAEL N. MERCURIO

WRITER'S DIRECT DIAL: (410) 347-1344
LITIGATION FACSIMILE: (410) 837-0454

October 3, 2000

VIA FACSIMILE 410-887-3468

Commissioner Lawrence Schmidt
Office of Planning and Zoning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

*Re: Growing Collection -- Petition for Special Exception and Variance,
Morfoot Property, Upperco, Scheduled for Hearing October 4th, 11:00 a.m.*

Dear Commissioner Schmidt:

I represent a number of neighbors regarding the captioned matter who are opposed to the plans of the Growing Collection to seek zoning relief and develop the captioned property.

We had made that opposition known to the Petitioners and to their counsel Howard Alderman and suggested what they were really pursuing was a commercial use which would be more appropriately located elsewhere. I believe that the planning office has taken the same position.

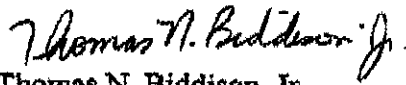
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GALLAGHER, EVELIUS & JONES, LLP

Commissioner Lawrence Schmidt
October 3, 2000
Page 2 of 2

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Very truly yours,


Thomas N. Biddison, Jr.

cc: Howard L. Alderman, Jr., Esq. (by fax - 410-296-2801)
Dr. Mark S. Rosenthal (by email - marksro@home.com)

JS
10/4

Mr. Lawrence E. Schmidt
Zoning Commissioner
401 Bosley Avenue
Suite 407
Towson, Maryland 21204

Dear Mr. Schmidt,

The purpose of this letter is to strongly protest any changes in the current zoning regulations that would allow Growing Collection Inc. To utilize the property identified as 5700 Emory Road, Upperco as their base of operation, which includes the construction of a two story office building. The structure and the related business venture in direct conflict with the current zoning regulations governing the property. We wish to add our names to those of our neighbors, who are protesting this action.

The residents of the immediate vicinity built and/or moved to home in this area because it provides a country atmosphere conducive to peace, tranquility, security, et al that we cherish so dearly. Many of us have worked very hard to afford the luxury of living outside the so called "rat race" of urban life. Thus, by no means, are we amenable to surrendering this privilege for the convenience of a questionable business venture proposed by a group of people, who could care less about our right to live in peace outside the realm of the business world in a family oriented community. The intrusion of such an establishment would be very disruptive to the serenity we currently enjoy.

There are a number of properly zoned parcels of land located nearby that would be appropriate for a business of this type. Their not wanting to avail themselves of such opportunities merely highlights their arrogance in insisting that they be allowed to enter our space.

SEP 29

Mr. Schmidt, we do not want this business establishment on our door step. We are asking you not to allow the requested change in the zoning regulations. To do otherwise would prove to be very disruptive to the current tranquility and ambiance of our neighborhood; a neighborhood that we truly love in its present state.

We trust that you will assist us in the matter and will certainly be grateful to you for doing so.

The best to you and yours,


Mary Denion

Cornelius & Mary Denion
5710 B Emory Road
Upperco, Maryland 21155


Amy Eckstein

Mark Richards
Amy Eckstein
5710 A Emory Road
Upperco, Maryland 21155

September 27, 2000

Arnold Jablon - Email From Website

From: "George Harman" <harmangeorge@hotmail.com>
To: <ajablon@co.ba.md.us>
Date: 4/23/01 7:45 AM
Subject: Email From Website

I received notice of a special exception hearing before the Zoning Commissioner in the mail, but do not see it on the web site. The case is number 01-076-XA. Is that hearing still scheduled for October 4th?

harmangeorge@hotmail.com

please respond
GJ

Mail Envelope Properties (3AE47A6B.415 : 8 : 16734)

Subject: Case Number 01-076-XA
Creation Date: 4/23/01 2:54PM
From: George Zahner

Created By: GZahner@co.ba.md.us

Recipients	Action	Date & Time
hotmail.com	Transferred	04/23/01 02:54PM
harmangeorge (<u>harmangeorge@hotmail.com</u>)		

Post Office	Delivered	Route
		hotmail.com

Files	Size	Date & Time
MESSAGE	1028	04/23/01 02:54PM

Options

Auto Delete:	No
Expiration Date:	None
Notify Recipients:	Yes
Priority:	Standard
Reply Requested:	No
Return Notification:	None

Concealed Subject:	No
Security:	Standard

To Be Delivered:	Immediate
Status Tracking:	Delivered & Opened

5708 Emory Road
Upperco, MD 21155
September 21, 2000

9/22/00
WCR
please call
close # 00-076 XA
for me
ag

Arnold Jablon
Director
Baltimore County Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204-3353

Dear Mr. Jablon,

Thank you for your letter of September 12, in response to my e-mail to Mr. Ruppertsberger. Unfortunately, I believe you misunderstood my reasons for writing to Mr. Ruppertsberger.

The process by which zoning changes are made is painfully aware to us. We have spent a great deal of time attending meetings and hearings, writing letters and making phone calls. A large amount of money has been lost in the form of income lost while missing work to attend meetings, as well as to attorneys' fees. Despite all of our best efforts, the Carroll Community Church has been approved.

I mentioned the Carroll Community Church as an example of how the system can fail miserably. No system or process is perfect, and ours is probably as good as one can expect. I guess your opinion of the system depends on where you live. If you lived here, you would agree that it has failed us.

When we learned that a landscaping company wished to move a large commercial operation to our neighborhood, we understandably became upset. Based on our past experience with "The Process", we felt compelled to look into any and all avenues to protest this new proposal. I wrote to Mr. Ruppertsberger asking for help in that regard. My message to him was actually asking to be connected with whichever officials he thought could help us. In addition, we were trying to muster as much support for our community as possible. We were led to believe that any citizen was able to voice an opinion. In that regard, we were hoping Mr. Ruppertsberger could voice his opposition to this project. If he cannot do so by law, then obviously he should not.

As stated, we are not trying to circumvent the law. Our past experience, however, has taught us to be cautious of the current system. We wish to leave as little to chance as possible.

In your position as Director of the Department of Permits and Development Management do you have any say in this matters? May we present our concerns to you?

The case in question is 01-076-xa, The Growing Collection. The Growing Collection is a landscaping company in Lutherville, and they want to open a facility on the 20-acre property at 5700 Emory Road (Route 91). This property has been farmed for many years, usually corn or soybean. Their plans call for a two-story 8,000 square foot building, a large parking lot for thirty-three cars/trucks, eight material storage bins, and fuel tanks. This would be a large commercial operation.

When we decided to relocate our family, we researched many locations. The major reasons for choosing Fowblesburg was that it was zoned RC-2 and the Master Plan 2010 for Baltimore County had this area designated as rural farmland. This is an area consisting mostly of farms and individual homes on isolated pieces of property. There are no developments, no tract homes and no commercial activities. In keeping with the spirit of that decision, we purchased a house that had been built twenty years before, rather than building a new home.

The plans of The Growing Collection go against the entire nature of this community. There are many places nearby they could purchase that are already commercial; they do not need to locate here. If they are allowed a special exception, more farmland will be lost in an area designated for farming.

In addition to the loss of farmland, we are very worried about our safety. In the Fowblesburg area we have had an ever-increasing volume of high-speed traffic, and a concomitant rise in the incidence of fatal motor vehicle accidents. One of the worst locations is on Emory Road (Route 91) just south of Parrish Road, where the road curves. There have been two serious accidents at that location recently, one of which was fatal.

The section of road in question is directly in front of 5700 Emory Road. The driveway to access this operation would be located on one of the most dangerous curves in the area. We are alarmed at the thought of large, slow trucks trying to enter or exit Emory Road at this location, especially during rush hour. The potential for disaster and loss of human life is great. Our discussions with the owners of The Growing Collection indicate they are not concerned.

A more immediate and closer to home concern for safety is the fact that most of the homes near this land have young daughters. Our daughters and wives usually walk through the fields and down the lanes with freedom and safety. By placing this operation in our midst, these activities would have to be stopped. My daughters ride their bikes, walk and roller skate on our driveway. Our driveway is along the south border of the property, and directly next to the main building. I do not want my family exposed to a large group of men aged sixteen to twenty five (the typical age group for landscape workers). By allowing this special exception for The Growing Collection, you will make my family prisoners in their own home. We will have moved away from the city for naught.

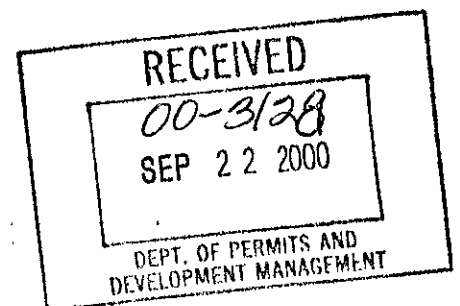
If you have any input in this matter, we would greatly appreciate your help in keeping our community rural farmland. Before we bought our homes, based on the Master Plan 2010 and the zoning of the area, we were reassured that our government was intent on keeping our community free of commercial growth. Please help keep that promise.

Thank you for your time and attention.

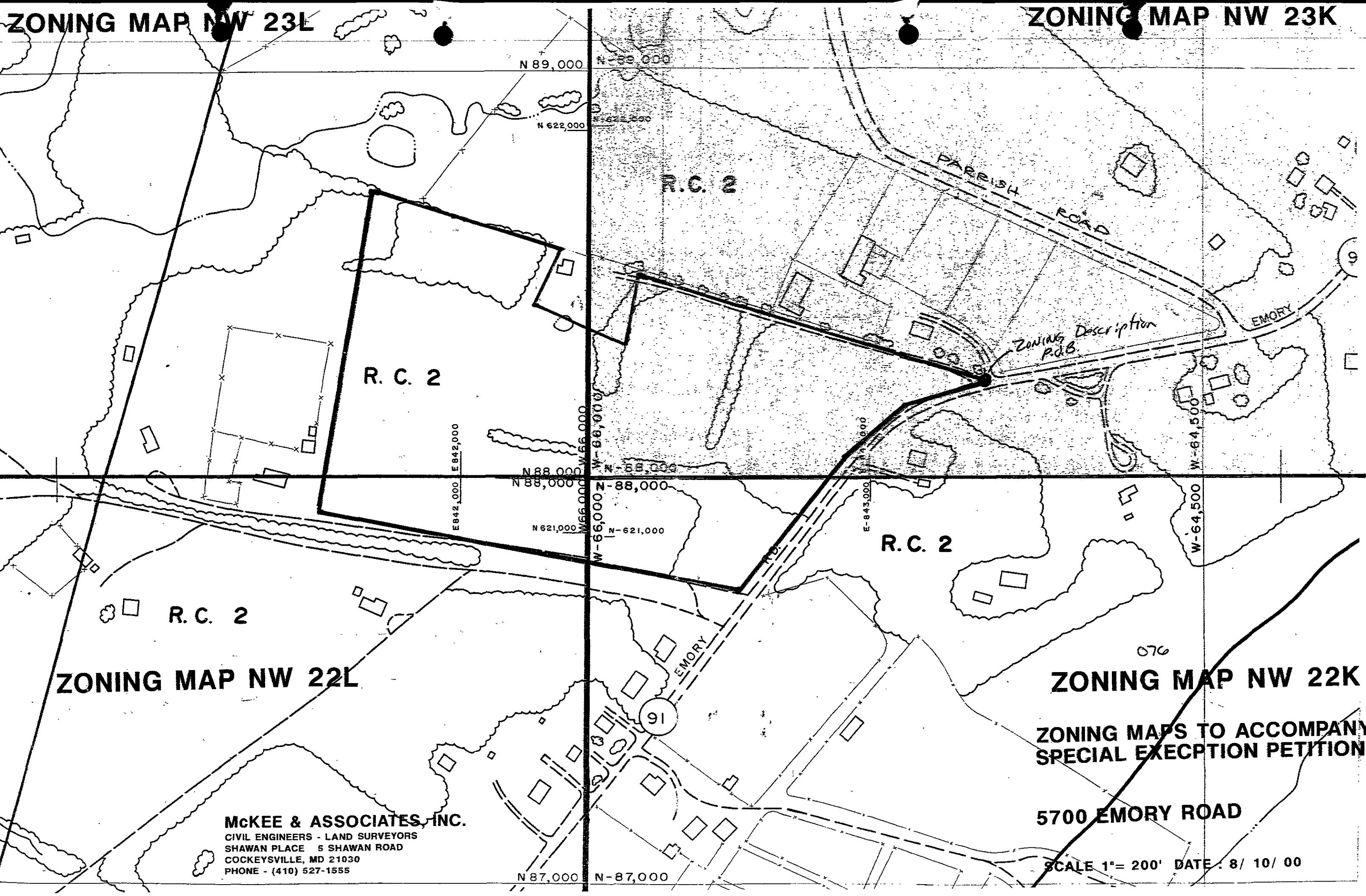
Sincerely,

A handwritten signature in black ink, appearing to read 'Mark S. Rosenthal', with a stylized, flowing script.

Mark S. Rosenthal



ZONING MAP NW 23K



ZONING MAP NW 22L

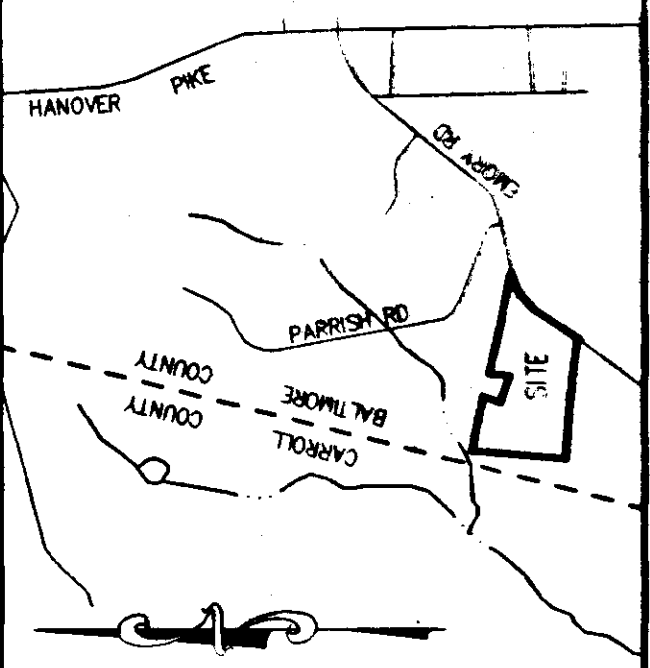
ZONING MAP NW 22K

**ZONING MAPS TO ACCOMPANY
SPECIAL EXECPTION PETITION**

~~5700 EMORY ROAD~~

SCALE 1"= 200' DATE: 8/ 10/ 00

McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
SHAWAN PLACE 5 SHAWAN ROAD
COCKEYSVILLE, MD 21030
PHONE - (410) 527-1555



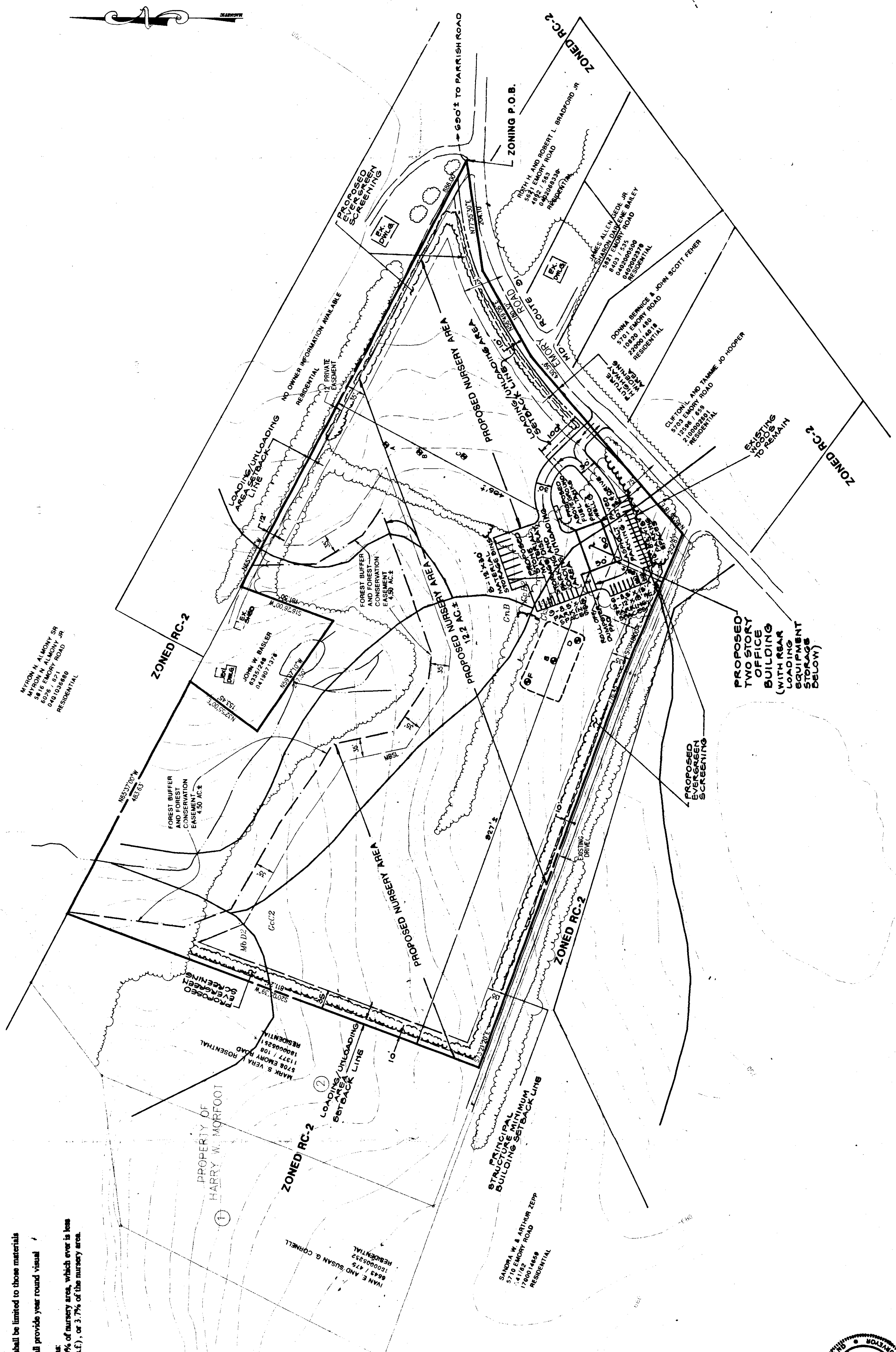
VICINITY MAP
SCALE: 1" = 1000'

ZONING MAPS:
NW 22 K
NW 23 L
NW 23 K
NW 23 L

SITE DATA
GROSS AREA OF SITE = 20.2 AC±
DEED REFERENCE: 11216/313
TAX MAP NO. 31, GRID 3, PARCEL NO. 75
GENUS TRACT: 4046
REGIONAL PLANNING DISTRICT: 303
COUNCILMANIC DISTRICT: 81 FRANKLIN
SUBDIVISION: 81
EXISTING ZONING: RC-2

LEGEND

- EX. CONTOURS
- SLOPES > 25%
- EX. STREAM
- WELL
- PERC. TEST
- PROP. SEPTIC AREA
- SOL. TYPES
- FOREST BUFFER EASEMENT
- FOREST CONSERVATION EASEMENT
- LIMIT OF WETLANDS
- EX. WOODS LINE
- PROP. WOODS LINE



- General Notes**
- There are no known previous commercial permits on this site.
 - There are no known prior existing easements on this site.
 - The proposed building shall be sited in accordance with the RC-2.
 - Floor Area Ratio Calculation:
Site Area: 20.24 ac ± x .81 = 16.41 ac ±
Floor Area Ratio = 0.013 or 1.3 %
Maximum proposed building height will not exceed 35 feet.
 - Parking calculations:
Spaces required: general office = 3.3 spaces/1,000 s.f. x 8,000 s.f. = 27
Warehouse = 1 space/employees / shift = 6
Spaces Proposed: general office: 27
Warehouse = 6
 - Wholesale sales of horticultural materials shall be limited to those materials which are grown on-site.
 - The proposed screening along the rear shall provide year round visual screening upon maturity.
 - Minimum Storage Display Area Calculation:
Minimum area required: 1 acre or 10% of nursery area, which ever is less.
Proposed area: 0.44 ac ± (19635 s.f.) or 3.7% of the nursery area.



JAMES W. MCKEE
DATE: 8/11/2000
MARYLAND REGISTRATION NO. 9012

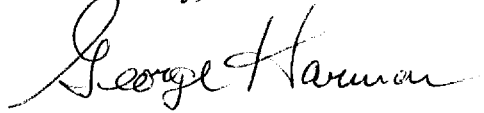
MCKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying
Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

PLAT TO ACCOMPANY 07C
ZONING VARIANCE AND
ZONING SPECIAL EXCEPTION PETITION
5700 EMORY ROAD
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
DATE: AUGUST 9, 2000
SCALE: 1" = 100'

Mr. Schmidt
Page 2
September 29, 2000

Your denial of the requested action, or at the very least, the postponement of a hearing until the community can be fully informed will be appreciated. We are attempting to identify someone from the organization that can appear and offer direct testimony, but the limited advance notice did not allow for the scheduling of my appearance. Should the petitioners desire to arrange for an appearance at one of our meetings, I can be reached by phone at 410-631-3856 during the day, and 410-526-2494 at home.

Sincerely,

A handwritten signature in cursive script that reads "George Harman". The signature is fluid and written in dark ink.

George Harman, President