IN RE: PETITION FOR SPECIAL HEARING

N/S Turkey Point Road, 850' E of Back River Neck Road 15th Election District 5th Councilmanic District (1630 Turkey Point Road) \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 01-326-SPH

Alberta Mantz, Legal Owner and David T. Schulte,
T/A Glen Arm Homes, L.L.C.,
Contract Purchaser
Petitioners

\*

\* \* \* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Alberta Mantz and the contract purchaser, David T. Schulte, President of Glen Arm Homes, L.L.C. The special hearing request involves property located at 1630 Turkey Point Road, which property is zoned DR 3.5. The special hearing petition is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and requests an interpretation of Council Bill No. 64-99, specifically Section 206.4-(A)(1)(IV) and the application of that section to the subject property.

Appearing at the hearing on behalf of the special hearing request were David Schulte on behalf of the contract purchaser, Alberta Mantz, owner of the property, Tom Church, professional engineer, Sean Bohlen and Jay D. Miller, attorneys at law representing the Petitioner. Appearing in opposition to the special hearing request were Carol and Leroy Ogle and Blanche Walsh. Pat Farr, a representative of the Department of Environmental Protection and Resource Management, also attended the hearing.

It should be noted that the property, which is the subject of this special hearing request, consists of 6.776 acres, more or less, zoned DR 3.5. The subject property is located on the north side of Turkey Point Road, east of its intersection with Back River Neck Road. As a result, the

TOWN TOWNS TOWNS TO THE PROPERTY OF THE PROPER

CAN FILMS

subject property is, in fact, within the Bowleys Quarters and Back River Neck Road Management Areas as depicted on the map attached to Council Bill No. 64-99.

At issue in this case is the language contained within that bill, specifically Section 206.4 entitled "Building Permits". The owner of the property and the contract purchaser, Glen Arm Homes, L.L.C., are desirous of developing the subject property into 18 single-family residential lots. The development of this property is only conceptual at this time. However, before proceeding any further towards the development of this site, the Developer has requested an interpretation of the aforementioned section of Council Bill No. 64-99. That issue is whether Section 206.4-A-(A)(1)(IV) limits the development of the subject property to 3 lots or less.

This particular issue and the substance of the special hearing is purely an interpretational matter and did not require the taking of testimony and evidence. Ms. Pat Farr, who appeared on behalf of DEPRM, submitted as the position of her office a letter dated March 23, 2001 from Virginia W. Barnhart and Amanda Stakem Conn, attorneys with the Baltimore County Office of Law. Said letter states that their interpretation of Council Bill No. 64-99 does, in fact, limit the development of this property into 3 or less residential lots.

It should be noted that the request of this Petitioner is extremely limited. I am being asked as Hearing Officer for Baltimore County to interpret this particular provision of Council Bill No. 64-99. I am not in any manner passing judgment or attempting to give any credence to the conceptual proposal to develop the subject property into 18 single-family residential lots. This opinion and order shall be construed in a limited fashion and in an effort to interpret this particular provision of Council Bill No. 64-99.

Having reviewed Council Bill No. 64-99 in its entirety, and specifically Section 206.4 of that bill, I find that the language contained within Section 206.4-(A)(1)(IV) in no way limits or restricts this owner from processing a development plan containing 18 lots. This section, relied

upon by DEPRM and the Baltimore County Office of Law, addresses the issuance of building permits. In fact, the section itself is entitled "Building Permits". Furthermore, the language contained within Section 206.4 applies to the issuance of a building permit for the purpose of constructing a dwelling on a particular lot. Nowhere within that section can one find any language dealing with the right of a property owner to proceed with the subdivision of their property.

Therefore, I find that Section 206.4 shall not be construed to prohibit this property owner and contract purchaser from moving forward with a proposal to develop the subject property. Whether an ultimate approval of a development plan for this subject property will occur remains to be decided. This decision shall in no way be construed by the property owner or the contract purchaser, nor shall it be relied upon by them, as any right to receive a building permit for any home in the future on this property. The owner and contract purchaser shall be proceeding at their own risk from this point forward regarding the development of this property.

Pursuant to the special hearing filed in this case and the public hearing held on this matter, I HEREBY ORDER, this graph day of June, 2001, that Section 206.4-(A)(1)(IV) contained within Council Bill No. 64-99 deals specifically with the issuance of building permits for unimproved lots and shall in no way limit or restrict this property owner or contract purchaser from proceeding with the proposed development of this property.

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

IN THE MATTER OF
THE APPLICATION OF
GLEN ARM HOMES LLC – C.P.
(ALBERTA MANTZ – LEGAL OWNER)
FOR SPECIAL HEARING ON PROPERTY
LOCATED ON THE N/S TURKEY POINT
ROAD, 850' E OF BACK RIVER NECK RD
(1630 TURKEY POINT ROAD)
15<sup>TH</sup> ELECTION DISTRICT
5<sup>TH</sup> COUNCILMANIC DISTRICT

BEFORE THE

\* COUNTY BOARD OF APPEALS

\* OF

**BALTIMORE COUNTY** 

Case No. 01-326-SPH

## ORDER OF DISMISSAL OF PETITION

This case comes to the Board on appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, and on appeal filed by Rockaway Beach, Turkey Point, and Bauernschmidt Manor Improvement Associations and Leroy and Carol Ogle, individuals, from the decision of the Deputy Zoning Commissioner dated June 8, 2001.

WHEREAS, the Board is in receipt of a letter of withdrawal of Petition for Special Hearing filed via facsimile on November 25, 2002 by Jay D. Miller, Esquire, Counsel for Glen Arm Homes, Petitioner, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner requests that the Petition filed in the above-referenced matter be withdrawn without prejudice as of November, 25, 2002,

IT IS THEREFORE. this ATT day of Wenker, 2002, by the County Board of Appeals of Baltimore County

ORDERED that said Petition for Special Hearing filed in Case No. 01-326-SPH is WITHDRAWN AND DISMISSED without prejudice, rendering moot the appeals filed by Appellants in this matter, and, further, that the Deputy Zoning Commissioner's Order of June 8, 2001, including any and all relief granted to Petitioner therein, is rendered NULL AND VOID.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Charles L. Marks, Chairman

C. Lynn Barranger

Melissa Moyer Adams

Entea copy

IN THE MATTER OF: Alberta Mantz - Legal Owner

**BALTIMORE COUNTY** 

\*

\*

**BOARD OF APPEALS** 

Glen Arm Homes, LLC - Contract
Purchaser
1630 Turkey Point Road, N/S Turkey
Point Rd.

CBA#-01-326-SPH

850 'E of Back River Neck Rd.

15th Election Dist., 5th Councilmanic Dist.

\* \* \* \* \* \* \* \* \*

\*

#### LEGAL MEMORANDUM

On behalf of Baltimore County, the Baltimore County Office of Law submits this brief in support of People's Counsel's appeal from the Findings of Fact and Conclusions of Law dated June 8, 2001 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case. (Exhibit 1).

This case comes before the Board on an appeal from a special hearing where the Zoning Commissioner was asked to interpret Council Bill No. 64-99, specifically whether \$206.4(a)(1)(iv) prohibits the Petitioners, the owner of the property, Albert Mantz, and the contract purchaser, Glen Arm Homes, LLC, from subdividing the property. (Exhibit 2). The Deputy Zoning Commissioner held that \$206.4(a)(1)(iv) does not limit the Petitioners from subdividing - processing a development plan containing 18 lots. The Deputy Zoning Commissioner found that since the introductory language and the title of the subsection mentions building permits for unimproved lots, the Petitioners may proceed with the subdivision of their property. The Deputy Zoning Commissioner did note that his decision was not to be construed as any right to receive a building permit for any home in the future. However, the Deputy Zoning

05 LEB 10 EL 8:53

Commissioner did not find that the subdivision would be limited in the number of building permits leaving that question open.

The Deputy Zoning Commissioner's analysis of §206.4(a)(1)(iv) is flawed in many respects because is contrary to the intent of Baltimore County Council when they enacted Bill No. 64-99 and contrary to the rules of statutory construction. Thus, the Baltimore County Board of Appeals should overturn the Deputy Zoning Commissioner's ruling and carry out the intent of the Baltimore County Council by finding that Alberta Mantz, property owner, and Glen Arm Homes, LLC, are prohibited from subdividing their property. Before discussing why the Deputy Zoning Commissioner's interpretation of Council Bill No. 64-99 is incorrect, it is important to understand the genesis of this legislation.

### Council Bill No. 64-99

Council Bill No. 64-99 was enacted to implement a public sewer service and growth management policy for the Back River Neck and Bowleys Quarters Area. This area, which consists of waterfront property, has been plagued with environmental problems from failing septic systems. Indeed, the Bowleys Quarters Community Action Plan noted that 80% of the more than 1,200 private sewage disposal systems in Bowleys Quarters were failing, resulting in discharges to the creeks and ground water that rendered several creeks unsafe for swimming. (Exhibit 3).

Action Plan at p. 20. A sewer system was designed to eliminate these failing septic systems for existing homes. However, after the system was designed, the Department of Public Works estimated that the sewer would have capacity beyond that which was necessary to serve existing homes. Many people who wanted to build homes on property in this area over the years were unable to do so because the poor soil prevented them getting approval for a septic system. The

design of the new sewer system allowed for some excess capacity beyond what was necessary to address the public health concerns presented by existing homes and would allow for the connection of some new homes in the area.

Prior to the passage of Bill No. 64-99, the Baltimore County Council enacted Bill No. 14-99 which established temporary controls on building permits in the Back River Neck and Bowleys Quarters area. (Exhibit 4). This legislation prohibited the issuance of building permits in this area until June 30, 1999. The preamble of Council Bill No. 14-99 states that "further evaluation, review and public input are necessary to prepare, consider, and adopt adequate *growth* management controls for certain unimproved, residentially zoned properties" and the purpose of Bill No. 14-99 was to "ensure that new development does not negatively impact upon the quality of life in the Back River Neck and Bowleys Quarters Area." Council Bill No. 14-99 p. 2.

At the same time that Bill No. 14-99 was passed, the County Council passed Resolution No. 10-99 which directed the Planning Board to make recommendations regarding growth management controls in this area. (Exhibit 5). The Planning Board issued its final report on June 8, 1999 which established a priority system for development categories that could connect to public sewer. (Exhibit 6). The Planning Board report did not contain the prohibition on subdivision that was ultimately in the bill.

Because the excess sewer capacity could spur development of properties that could not otherwise get a septic system permit, the Administration recommended and the Council enacted Council Bill No. 64-99 which contained the permanent growth management controls to limit

<sup>&</sup>lt;sup>1</sup> Council Bill No. 44-99 extended the temporary controls until August 6, 1999, the same date that Council Bill No. 64-99 took effect.

development in this area. The Baltimore County Administration, which suggested the introduction of Bill No. 64-99, and Baltimore County Council Chairman Kevin Kamenetz, the sponsor of the legislation, added an additional restriction to properties that was not in the Planning Board Report - a prohibition on subdivision except for a minor subdivision. This provision, §206.4(a)(1)(iv), remained unchanged during the legislative process and was adopted by the Baltimore County Council.

#### Section 206.4 of Council Bill No. 64-99

With that background in mind, Section 206 of Council Bill No. 64-99 applies to property zoned DR or RC 5 and located in the Bowleys Quarters and Back River Neck areas defined in the map attached to Council Bill No. 64-99. The Deputy Zoning Commissioner found that the unimproved Mantz property at 1630 Turkey Point Road is zoned DR 3.5 and is located in the area defined by the map. Thus, the Mantz property is subject to these regulations.

Section 206.4 provides that:

A building permit may be issued for the construction of a dwelling on an unimproved platted lot or lot of record that meets all of the zoning requirements subject to the following conditions:

- (i) variances are not required for the construction of the dwelling;
- (ii) the property owner connects to a public sewer where available and with adequate capacity;
- (iii) the dwelling meets the design requirements provided for in this section; and
- (iv) except for minor subdivisions, no further subdivision of the lot is allowed.

(Emphasis added).<sup>2</sup> An uncodified provision of Council Bill No. 64-99 is also relevant here. Section 6 of the Act provided that "§206.5(A)(1)(IV) does not apply to property that is zoned DR and has an approved development plan on or before May 28, 1999 except that the minimum lot size requirement for the approved development plan shall be 12,000 square feet."<sup>3</sup>

Section 206.4 also clearly requires a property owner to connect to sewer if it is nearby and there is capacity to handle the connection. As a result, most, if not all unimproved properties in this area would be required to connect to the public sewer and would not have the option of applying for approval of a septic system.<sup>4</sup>

Essentially, the Council created a prohibition on subdivision in the area with two exceptions: (1) a minor subdivision is allowed, meaning three lots or less; or (2) the property had an approved development plan on or before May 28, 1999.<sup>5</sup>

### **Analysis**

As stated earlier the statutory analysis of the Deputy Zoning Commissioner's opinion is

<sup>&</sup>lt;sup>2</sup> A minor subdivision is not defined in the Baltimore County Zoning Regulations but is described in §26-171(b)(6) of the Baltimore County Code as "[t]he subdivision of land into three (3) or fewer lots for residential single-family dwellings."

The reference to the prohibition on subdivision, §206.5(a)(1)(IV), is an incorrect cross-reference to the appropriate section which is §206.4(a)(1)(IV). It was a correct cross-reference when the bill was introduced but the renumbering of the subsections that occurred by amendment caused the technical error which was not corrected.

<sup>&</sup>lt;sup>4</sup> If the public sewer were unavailable by reason of location or lack of capacity, a property owner of an unimproved lot could apply for approval of a septic system. However, given the quality of the soil in the area, it is unlikely that a property owner could get approval of a septic system.

<sup>&</sup>lt;sup>5</sup>The Mantz property did not have an approved development plan before May 28, 1999, so that exception is not applicable.

flawed because it violates three important statutory construction rules - (1) statutes must be interpreted to carry out the intent of the legislature; (2) statutes cannot be read to render any word or phase surplusage; and (3) statutes must be read in a way as to avoid unjust, illogical, absurd, or unreasonable consequences. The discussion below demonstrates how the Deputy Zoning Commissioner's interpretation of §206.4 of the zoning regulations runs afoul of each of these axiomatic rules. In short, the Deputy Zoning Commissioner examined the trees so closely that he did not see the forest.

### A. Intent of the Baltimore County Council.

The Deputy Zoning Commissioner focused entirely on the introductory language of §206.4, which provides that "[a] building permit may be issued ...", and he allowed this language to take precedence over the language, "no further subdivision is allowed," in subparagraph (iv) of this subsection. In other words, he read the language so rigidly that he lost sight of what was the clear intent of the Baltimore County Council.

It has been almost fifteen years since the Maryland Court of Appeals abandoned the rigid application of the plain meaning rule. In the seminal case of *Kaczorowski v. Mayor and City Council of Baltimore*, 525 A.2d 628, 632-33 (Md. 1987), the Court stated that:

[T]he plain meaning rule does not force us to read legislative provisions in rote fashion and in isolation. What we are engaged in is the divination of legislative purpose or goal. Indeed, as we have explained, the plain-meaning rule is not a complete, all sufficient rule for ascertaining a legislative intention... the general purpose is a more important aid to the meaning that any rule which grammar or formal logic may lay down ... The purpose, in short, determined in light of the statute's context is the key. And that purpose becomes the context within which we apply the plain-meaning rule. Thus results that are unreasonable, illogical or inconsistent with common sense should be avoided ... with real legislative intention prevailing over the intention indicated by the literal meaning.

(Internal quotations and citations omitted). Since Kaczorowski, the Court of Appeals has stated

repeatedly that the primary goal in statutory construction is ascertaining and carrying out the goals of the legislature. See, e.g., Tucker v. Fireman's Fund Insurance Co., 517 A.2d 730, 731 (Md. 1986) (when construing the meaning of a statute, the cardinal rule is to ascertain and carry out the real legislative intention).

The goals of the Baltimore County Council in enacting Bill No. 64-99 are not hard to discern. One of those goals was to limit development in this area. As stated earlier, Bill No. 14-99, the precursor to Bill No. 64-99, was enacted as a stop-gap measure until a permanent growth management plan could be put in place. The notes by the County's legislative auditor state:

During the late 1980's, the County decided to extend public sewer to this area in an effort to remedy the contamination resulting from failing private septic systems. The project is soon to be completed, and the Administration believes that *development controls* are needed to limit access to the new sewer capacity that will now be available.

According to the Administration, the plan to extend the public sewer to remedy the failing septic systems in existing homes was never intended to increase development capacity on these peninsulas. The goals of the project were to protect the health of the residents living in these areas and to improve the water quality of the County's waterways and the Chesapeake Bay by correcting a long-standing pollution problem. The County was allowed to proceed with the extension of public sewer to the area only after receiving approval from the State Department of the Environment and the U.S. Army Corps of Engineers. At that time, the County committed to the Corps and to the State that its improvements would not lead to major new development or negatively impact the natural resources in these areas.

(Exhibit 7)(emphasis added). The preamble to Council Bill No. 64-99 continues the Council's theme of limiting development in this area by stating that "the County Council believes legislation is necessary to implement a public sewer service and *growth management policy* for existing and future development of residentially zoned property lying within certain sections of the Back River Neck or Bowley's Quarter areas of the 5<sup>th</sup> Councilmanic District." Council Bill No. 64-99 p. 3. (emphasis added).

A second goal of the Council was to carefully ration the excess capacity of the new sewer system in the Back River Neck or Bowley's Quarter area.<sup>6</sup> The June 8, 1999 Report of the Planning Board recommended a priority system for connections to the public sewer system by suggesting that all existing dwellings be connected to the sewer system first and only then service to unimproved lots. Indeed, the Planning Board Report recommended that new subdivisions in RC 5 and RC 20 zones not receive sewer service.<sup>7</sup> Planning Board Report at p. 2. The Council was even more concerned about the capacity of the system by extending the prohibition on subdivisions to property zoned DR.<sup>8</sup>

Many owners of unimproved lots who were unable to receive approval for a septic system have been waiting for public sewer to become available in this area so they could build a home on their property. The limitation on subdivision would ensure that these property owners could connect to the public sewer by preserving the capacity of the sewer. The approval of major subdivisions in the area could quickly consume the excess capacity of the system preventing these property owners from ever building a home on their property.

It is easy to see how a prohibition on subdivision except for minor subdivisions furthers

<sup>&</sup>lt;sup>6</sup>The auditor's notes to Council Bill No. 14-99 stated that "development controls are needed to limit access to the new sewer capacity that will now be available."

The Planning Board did not go so far as advocating a prohibition on subdivision for unimproved DR properties but it is clear that they recognized that the approval of new subdivisions in RC 5 and RC 20 zones could consume too much of the sewer system's excess capacity by recommending that these subdivisions not receive sewer service.

<sup>&</sup>lt;sup>8</sup>In addition, the Council prohibited properties zoned RC 20 from connecting to the public sewer in order to limit growth on these properties but also to preserve capacity in the sewer system. The Council created only three narrow circumstances where a property owner could connect to the sewer. See Section 6 of Council Bill No. 64-99.

these two goals of the County Council - limiting development and rationing the excess capacity of the sewer system. If only three lots – a minor subdivision were allowed – the number of new homes in the area would be limited. It also rations the access to the public sewer system by limiting the number of new homes that could be built in the area.

#### B. Surplusage.

The Court of Appeals has held repeatedly that statutes must be read so that every word and phrase is given meaning. See, e.g., Giant Food, Inc. v. Department of Labor, Licensing and Regulation, 738 A.2d 856, 863 (Md. 1999)(all parts of a statute must be given effect). In a recent statutory construction ruling, the Court stated that they reprehend rendering portions of a statute surplusage. Register of Wills for Baltimore County v. Arrowsmith, 778 A.2d 364, 372 (Md. 2001). When he ruled that the Petitioners could subdivide the property, the Deputy Zoning Commissioner violated this cardinal rule of statutory construction.

The Deputy Zoning Commissioner in his Findings of Fact and Conclusions of Law stated that "the language contained in §206.4 applies to the issuance of a building permit for the purpose of constructing a dwelling on a particular lot. No where within that Section can one find any language dealing with the right of a property owner to proceed with the subdivision of their property." Opinion at p. 3. The Deputy Zoning Commissioner essentially ignored the language in §206.4(a)(i)(iv), "except for minor subdivisions, no further subdivision of the lot is allowed." Since the Deputy Zoning Commissioner ruled that the Petitioners could subdivide his property into 18 lots, he rendered this language surplusage. In other words, §206.4(a)(i)(iv) has no meaning under his opinion. This violates the Court of Appeals mandate that every phrase is given meaning when construing a statement.

### C. Unjust Consequences.

The Court of Appeals has held that statutes are to be read in such a way as to avoid unjust, illogical, absurd or unreasonable results. See, e.g., Giant Food, Inc. v. Department of Labor, Licensing and Regulation, 738 A.2d 856, 861 (Md. 1999) quoting Tracey v. Tracey, 614 A.2d 590, 594 (Md. 1992)(construction of a statute which is unreasonable, illogical, unjust, or inconsistent with common sense should be avoided). The Deputy Zoning Commissioner implied in the opinion that subdivision could occur but that the developer may not receive more than three building permits or any building permit in the subdivision when he states that the opinion may not be construed by the property owner or contract purchaser, nor shall it be relied upon by them, as a right to receive a building permit for any home in the future on this property. Opinion at p. 3.

The Deputy Zoning Commissioner's opinion could lead to mischievous results by letting property owners subdivide their, property into more than three lots.

If a developer sells all18 lots and then the County could only issue three building permits to the subdivision, 15 property owners will be out of luck. Indeed, this situation could allow potential buyers of lots in a subdivision to be victims of fraud because the developer may not inform these buyers that they only have a 16% chance of receiving a building permit for their property.

Certainly, authorizing a residential subdivision where there is only a small chance of receiving a building permit creates an unjust result for those property owners who are unlucky enough to be the fourth person in line for a building permit at the Department of Permits and Development Management. The Baltimore County Council could never have intended a result that creates a class of property owners that could be victims to a fraud - the purchase of a lot in a

residential subdivision with little or no hope of receiving a building permit to build a home.

### **Conclusion**

As a quasi-judicial body, the Board of Appeals must construe this statute using the rules of statutory construction laid out by the Maryland Court of Appeals. In doing so, the Board has no choice but to overturn the Findings of Fact and Conclusions of Law issued by the Deputy Zoning Commissioner in this case and to find that Council Bill No. 64-99, specifically §206.4(a)(1)(iv), is a prohibition on subdivision except for minor subdivisions. To uphold the decision of the Deputy Zoning Commissioner would be contrary to the clear intent of the Baltimore County Council.

Respectfully submitted,

EDWARD J. GILLISS

County Attorney

AMANDA STAKEM CONN

Assistant County Attorney

Baltimore County Office of Law

400 Washington Avenue

Towson, MD 21204

(410) 887-4420

### **CERTIFICATE OF SERVICE**

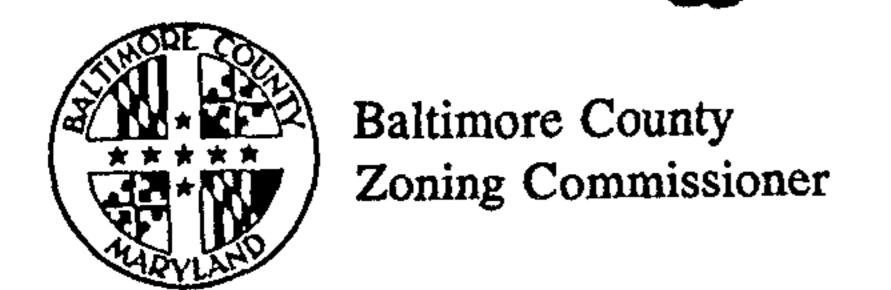
I HEREBY CERTIFY that on this \_\_\_\_ day of February, 2002 a copy of the foregoing Legal Memorandum of the Baltimore County Office of Law was mailed to:

Peter Max Zimmerman, Esq.
People's Counsel for Baltimore County
400 Washington Avenue
Room 47
Towson, MD 21204

Jay Miller, Esq., attorney for Petitioners White, Miller, Kenny & Vettori 40 W. Chesapeake Avenue Suite 300

Towson, MD 21204

AMANDA STAKEM CONN Assistant County Attorney



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

Fax: 410-887-3468

June 8, 2001

Sean Bohlen, Esquire Jay D. Miller, Esquire White, Miller, Kenny & Vettori, LLP 40 W. Chesapeake Avenue, Suite 300 Towson, Maryland 21204

Re: Petition for Special Hearing

Case No. 01-326-SPH

Property: 1630 Turkey Point Road

Dear Messrs. Bohlen & Miller:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Luxty llotroco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure













## Copies to:

Ms. Alberta Mantz 1630 Turkey Point Road Baltimore, Maryland 21221

Mr. David T. Schulte Glen Arm Homes, LLC 12238 Glen Arm Road Glen Arm, Maryland 21057

Thomas A. Church, P.E.
Development Engineering Consultants, Inc.
6603 York Road
Baltimore, Maryland 21212

Mr. & Mrs. Leroy Ogle 1701 Turkey Point Road Baltimore, Maryland 21221

Ms. Blanche Walsh 1905 Old Eastern Avenue Baltimore, Maryland 21221

Ms. Pat Farr
Department of Environmental Protection
& Resource Management



REV 9/15/98

# Petition for Special Hearing

for the property located at 1630 TURKEY POINT ROAD

to the Zoning Commissioner of Baltimore County

	which is presently zoned <u>DR-3.5</u>
This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Special Hearing un County, to determine whether or not the Zoning Commissioner	n is described in the description and plat attached hereto and nder Section 500.7 of the Zoning Regulations of Baltimore
A MAJOR SUBDIVISION ON A PROPERTY AFFECTED B	BY COUNCIL BILL NO. 64-99 BY EXEMPTING
THE SITE FROM HAVING TO CONFORM WITH BILL NO	0. 64-99 IN GENERAL, AND MORE SPECIFICALLY,
EXEMPTING THE SITE FROM COMPLYING WITH SECTI	
BILL NO. 64-99. 1E; TO ALLOW & MA	JOR SUBBINISION TO BE CONSTRUCTED
IN AN AREA RESTRICTED TO 3	LOT OR LESS SUBDIVISIONS
•	
Property is to be posted and advertised as prescribed by the zoll, or we, agree to pay expenses of above Special Hearing, advertising zoning regulations and restrictions of Baltimore County adopted purs	g, posting, etc. and further agree to and are to be bounded by the
	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:	Legal Owner(s):
DAVID T. SCHULTE	ALBERTA MANTZ
Name - Type or Print	Name - Type or Print alberta Manto
Signature GLEN ARM HOMES, L.L.C. PRES.	Signature
12238 GLEN ARM RD. 410/592-3600	
Address Telephone No.	Name - Type or Print
GLEN ARM, MD 21057 City State Zip Code	Signature
Attorney For Petitioner:	1630 TURKEY POINT ROAD 410/686-7796
	Address Telephone No.
Name - Type operint	BALTIMORE, MD 21221 City State Zip Code
MAM	Representative to be Contacted:
Signature	
Company 1- Welter, CCP	THOMAS A. CHURCH, P.E.  Name DEVELOPMENT ENGINEERING CONSULTANTS, IN
40 W. Chesapeane Ave. # 300 410-825-1050	6603 YORK ROAD 410/377-2600
Address Telephone No	Address Telephone No.
City MO 21204  State Zip Code	BALTIMORE, MD 21212 City State Zip Code
Otate Zip Code	City City
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING CHES
Case No. 01-326-SPH	UNAVAILABLE FOR HEARING

Reviewed By JL Date 2



326

Site Engineers & Surveyors

6603 York Road Baltimore, Maryland 21212 (410) 377-2600 (410) 377-2625 Fax

# ZONING DESCRIPTION FOR #1630 TURKEY POINT ROAD

Beginning at a point in the paving of Turkey Point Road, being a variable width right-of-way, at a distance of 850'+ east of the center of Back River Neck Road, 100 feet wide, thence leaving said Turkey Point Road and running along the following courses and distances:

1) North 35 degrees 53 minutes 05 seconds West 587.11 feet, 2)
North 54 degrees 13 minutes 43 seconds East 260.34 feet, 3) North
55 degrees 22 minutes 03 seconds East 208.27 feet, 4) South 30
degrees 04 minutes 32 seconds East 543.17 feet, 5) South 12
degrees 51 minutes 43 seconds West 371.78 feet to a point at or
near the centerline of Turkey Point Road, thence running 6) North
81 degrees 42 minutes 57 seconds West 60.62 feet, 7) North 65
degrees 12 minutes 57 seconds West 184.95 feet to the place of
beginning.

Being the same parcel of land recorded in Deed Liber 5518, Folio 134. Also known as #1630 Turkey Point Road and located in the 15th Election District, 5th Councilmanic District.

Containing 295,163 square feet, or 6.776 acres of land, more or less.

Saving and excepting a highway widening for the improvements of Turkey Point Road, said saving and excepting being recorded in Deed Liber 7333, Folio 794 and containing 10,916 s.f. or 0.251

acres, more or less.

00-109

02/06/2001



FICE OF BUDGET & FIN		No.		
DATE //////////	ACCOUNT OO/	0066	150	(2) (2) (2) (3) (3) (3) (3) (3) (3) (3) (3) (3) (3
	AMOUNT \$	and the same of th	·	150 1 50 760 00 00 00 00 00 00 00 00 00 00 00 00 0
RECEIVED FROM:		- 1. 1 · · · · · · · · · · · · · · · · ·		Here and the contraction of the
FOR:	to the second		and the same	
,	,			
RIBUTION	<u> </u>		<u></u>	CASHIER'S VALIDATION

F F 9

#### 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: #01-326-SPH: 1630 Turkey Point Road N/S Turkey Point Road, 850' E of Back River Neck Road 15th Election District 5th Councilmanic District Legal Owner(s) Alberta Mantz

Contract Purchaser Glen Arm Homes, LLC **Special Hearing:** to allow a major subdivision to be constructed in an area restricted to 3 lots or less subdivision.

Hearing: Monday, April 9, 2001 at 2:00 p.m. in Room 407, County Courts Build-ing, 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.

€457596 3/295 Mar. 22

# CERTIFICATE OF PUBLICATION

			7			
TOWSON, M	ID,	<u>_3</u>	25	<del> </del>	-, 20	0
THIS IS TO CERT	IFY, that the	anne	xed ad	vertise	emen	t was
published in THE JEFFE	ERSONIAN, a v	veekly	newsp	aper p	ublisl	ned in
Towson, Baltimore County	y, Md., once in	each c	of	} 	_succ	essive
weeks, the first publication	on appearing or	ı	3[2	2	, 20 <u>¢</u>	<u> </u>
	THE.	JEFH	ERSC	NIAN	٧,	
	J. U.	)U,	Ling	Ne	jur samen pagen man ar lande d'agr	(°-ray)-parti¶ <sup>©</sup>
		16-16		<del>Merr</del>	-	

# CERTIFICATE OF STING

	RE Case No. 01-526-514
	Petitioner/Developer. T.CHURCH, ETAL
	Date of Hearing/Closing 4/9/0/
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 perwere posted conspicuously on the property locat	
The sign(s) were posted on(	3/19/0/ Month, Day, Year)
ZONING NOTICE	Sincerely,  May Most get 3/19/0  (Signature of Sign Poster and Date)
Case # : 01 326 - 57H  A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD.  PLACE: ROOM 407 COUNTY COURTS BLOG PLACE: 401 BOSTET AVENUE	PATRICK M. O'KEEFE  (Printed Name)  523 PENNY LANE
SPECIAL HEARING TO ALLOW A MANDE SUBDIVISION TO BE CLUSTRUCTED 111 AN AREA RESTRICTED TO 3 HOTS CR. LESS SUBDIVISIONS AS AND TURKER PT RET	(Address) HUNT VALLEY, MD. 21030 (City, State, Zip Code) 410-666-5366; CELL-410-905-857
01-326-SPH =1630 TURKEY PT. RD. T. CHURCH 4/9/01	(Telephone Number)

# APPEAL SIGN POSTING REQUEST

CASE NO. 01-326-SPH

# ALBERTA MANTZ-LO; GLEN ARM HOMES, LLC -- Petitioner

N/s Turkey Point Road, 850' E of Back River Neck Road

15<sup>th</sup> Election District

(Printed Name)

Appealed: 6/22/01

Attachment – (Plat to accompany Petition - not marked as an exhibit)

\*\*\*\*\*\*\*\*\*\*COMPLETE AND RETURN BELOW INFORMATION\*\*\*\*\*\*\*\*

## CERTIFICATE OF POSTING

# 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: 01-326-SPH  Petitioner: GLEN ARM HOMES, L.L.C.
Address or Location: 1630 TURKEY POINT ROAD, BALTO., MD. 21221
PLEASE FORWARD ADVERTISING BILL TO:
Name: THOMAS A. CHURCH, P.E.
Address: DEVELOPMENT ENGINEERING CONSULTANTS, INC.
6603 YORK ROAD, BALTIMORE, MD 21212
Telephone Number:410/377-2600

Revised 2/20/98 - SCJ

01-326-SP/H

- 14



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

March 2, 2001

# 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: 01-326-SPH

1630 Turkey Point Road

N/S Turkey Point Road, 850' E of Back River Neck Road

15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Alberta Mantz

Contract Purchaser: Glen Arm Homes, LLC

Special Hearing to allow a major subdivision to be constructed in an area restricted to 3 lots or less subdivisions.

**HEARING:** 

Monday, April 9, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401

Bosley Avenue

6

Director

Arnold Jablon

C: Jay Miller, White Miller Kemp & Vettori LLP, 40 W Chesapeake Ave # 300,

Towson 21204

Alberta Mantz, 1630 Turkey Point Road, Baltimore 21221

David T Schulte, Glen Arm Homes LLC, 12238 Glen Arm Rd, Glen Arm 21057

Thomas A Church PE, Development Engineering Consultants Inc,

6603 York Road, Baltimore 21212

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 24, 2001

(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
Thursday, March 22, 2001 Issue – Jeffersonian

Please forward billing to:

Thomas A Church PE
Development Engineering Consultants Inc
6603 York Road
Baltimore MD 21212

410 377-2600

## 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: 01-326-SPH

1630 Turkey Point Road

N/S Turkey Point Road, 850' E of Back River Neck Road

15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Alberta Mantz

Contract Purchaser: Glen Arm Homes, LLC

Special Hearing to allow a major subdivision to be constructed in an area restricted to 3 lots or less subdivisions.

HEARING:

Monday, April 9, 2001 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue

GDZ

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.



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

\*\*\* HEARING ROOM - Room 48 \*\*\*

Basement -Old Courthouse 400 Washington Avenue

# APPEAL HEARINGS SCHEDULED FOR THE WEEK OF FEBRUARY 18, 2002

TUESDAY

10:00 am 2/19

Case No.: . 01-326-SPH

/HEARING

*In the Matter of:* 

Alberta Mantz - Legal Owner;

Glen Arm Homes, LLC - Contract Purchaser

1630 Turkey Point Road

N/s Turkey Point Rd., 850' E of Back River Neck Rd.

15th Election: 5th Councilmanic

RE: SPH - Interpretation of Bill 64-99, spec.  $\S206.4(A)(1)$  (iv) and the application of that section to subject property

WEDNESDAY

2/20

10:00 am

Case No.: 99-491-SPH

/HEARING

*In the Matter of:* 

Beth Tfiloh Congregation - Legal Owner

David A. Green and Michael A. Sims - Petitioners

Elend Delight Meadows Road; 2,000' W of Pleasan

Hill Road and Red Run Blvd.

400 Delight Meadows Road

4<sup>th</sup> Election; 3rd Councilmanic

For determination of Zoning Commissioner - Petitions/Protestants question propriety of day RE: camp as operated on subject property

(Day #1; to 4/17/02 for day #2)

THURSDAY

10:00 am 2/21

Case No.: R-01-439

/HEARING

*In the Matter of:* 

7-Eleven, Inc.

204 Bowleys Quarters Road

15 th Election; 5<sup>th</sup> Councilmanic

RE:

Reclassification: From B.L. to B.L. -A.S.

Out of Cycle

Day #2 from 8/22/01

Executive Office C:

Law Office

Director /PDM

People's Counsel Planning Office

Court Info. Desk

County Council Board Members Court Reporter



7/11/02

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

\*\*\* HEARING ROOM - Room 48 \*\*\*

Basement –Old Courthouse 400 Washington Avenue

# APPEAL HEARINGS SCHEDULED FOR THE WEEK OF JULY 15, 2002

TUESDAY

· 7/16 9:00 am

Case No.: 02-231-SPH

/HEARING

and 02-322-A

In the Matter of:

Robert Babcock, Bob Cat Properties, LLC Timothy Stevens, Performance Cycles, CP 233 Cockeysville Road

and

Robert Babcock, Bob Cat Properties, LLC 239 Cockeysville Road 8th Election District; 3rd Councilmanic District

7/16 10:00 am

Case No.: CBA-01-121

/HEARING

In the Matter of:

Debbie L. Burdick-Brooks

459 Crisfield Drive, Abington, MD 21009

RE: ERS Decision / Rescinded accidental disability benefits at 4/25/01 meeting

WEDNESDAY

7/17 10:00 am

Case No.: 02-328-SPHXA

/HEARING

*In the Matter of:* 

Patricia F. MacDonald, Legal Owner, The Fabian-Kolker Foundation 105 Sudbrook Lane 3rd Election District; 2nd Councilmanic District

RE:  $SPH-To \ allow \ rehabilitation \ and \ utilization \ of existing \ dwelling \ w/proposed \ building \ redevelopment-Class B Office Building$ 

SE – Class B Office Building

VAR - Landscape buffers; sign; setback

RECEIVED

JUL 9 2001

SCHEDULE CONTINUED ON NEXT PAGE FOR THURSDAY JULY 18, 2002

# SCHEDULE CONTINUED

THURSDAY

7/18 10:00 am

Case No.: 01-326-SPH

/HEARING

In the Matter of:

Alberta Mantz – Legal Owner Glen Arm Homes, LLC - CP 1630 Turkey Point Road 15th Election District; 5th Councilmanic District

RE:  $SPH-Interpretation\ of\ Bill\ 64-99$ , spec. § 206.4(A)(I)(iv) and the application of that section to the subject property

c: Executive Office
Law Office
Director /PDM

People's Counsel Planning Office Court Info. Desk County Council Board Members Court Reporter



# OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204

410-887-3180 FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

December 27, 2001

**NOTICE OF ASSIGNMENT** 

CASE #: 01-326-SPH IN THE MATTER OF: Alberta Mantz -- Legal Owner

Glen Arm Homes, LLC – Contract Purchaser

1630 Turkey Point Road

15<sup>th</sup> Election District; 5<sup>th</sup> Councilmanic District

6/08/2001 - DZC's Order /interpretation of Bill 64-99; does not apply to property.

**ASSIGNED FOR:** 

TUESDAY, FEBRUARY 19, 2002 at 10:00 a.m.

**NOTICE:** 

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco, Administrator

c: Appellant

: Office of People's Counsel

Counsel for Petitioners

: Jay Miller, Esquire

Petitioners

: Alberta Mantz /Legal Owner

Glen Arm Homes, LLC – CP /David Schulte

1 P 4 P . .

Thomas A. Church / Development Engineering Consultants, Inc.

Carol and Leroy Ogle
Nancy Shanahan, President
Bauernschmidt Manor Improvement Assn
Jackie Nickel, President
Rockaway Beach Improvement Assn

Lawrence E. Schmidt, Zoning Commissioner Pat Keller, Planning Director

Arnold Jablon, Director /PDM

Printed with Soybean Ink on Recycled Paper







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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

February 14, 2002

### NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-326-SPH

IN THE MATTER OF: Alberta Mantz -- Legal Owner

Glen Arm Homes, LLC – Contract Purchaser 1630 Turkey Point Road

13th Election District; 5th Councilmanic District

6/08/2001 - DZC's Order /interpretation of Bill 64-99; does not apply to property.

which was assigned to be heard on 2/19/02 has been **POSTPONED** at the request of Counsel for Petitioners, without objection by opposing counsel, due to schedule conflict; and has been

**REASSIGNED FOR:** 

THURSDAY, JULY 18, 2002 at 10:00 a.m.

**NOTICE:** 

This appeal is an evidentiary hearing, therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bjanco, Administrator

c:

Appellant

: Office of Pcople's Counsel

Counsel for Petitioners

: Jay Miller, Esquire

Petitioners

: Alberta Mantz /Legal Owner

CI I I II C CD /

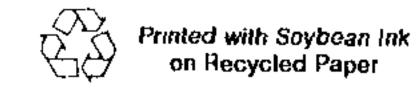
Glen Arm Homes, LLC – CP /David Schulte

Thomas A. Church /Development Engineering Consultants, Inc.

Carol and Leroy Ogle

Nancy Shanahan, President, Bauernschmidt Manor Improvement Assn Jackie Nickel, President, Rockaway Beach Improvement Assn

Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM
Amanda Stakem Conn, Assistant County Attorney
Edward J. Gilliss, County Attorney



Bowleys Dartes Imp Assa



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

FAX: 410-887-3182

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

July 11, 2002

### SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-326-SPH

IN THE MATTER OF: Alberta Mantz -- Legal Owner,

Glen Arm Homes, LLC – Contract Purchaser 1630 Turkey Point Road 15<sup>th</sup> Election District; 5<sup>th</sup> Councilmanic District

6/08/2001 - DZC's Order /interpretation of Bill/64-99; does not apply to property.

which was reassigned to be heard on 7/18/02 has been POSTPONED by joint request of Counsel; and has been

**REASSIGNED FOR:** 

TUESDAY, NOVEMBER 26, 2002 at 10:00 a.m.

**NOTICE:** 

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco, Administrator

c:

Appellant

: Office of People's Counsel

Counsel for Petitioners

: Jay Miller, Esquire

Petitioners

: Alberta Mantz /Legal Owner

Glen Arm Homes, LLC – CP /David Schulte

Thomas A. Church /Development Engineering Consultants, Inc.

Carol and Leroy Ogle

Nancy Shanahan, President, Bauernschmidt Manor Improvement Assn

Jackie Nickel, President, Rockaway Beach Improvement Assn

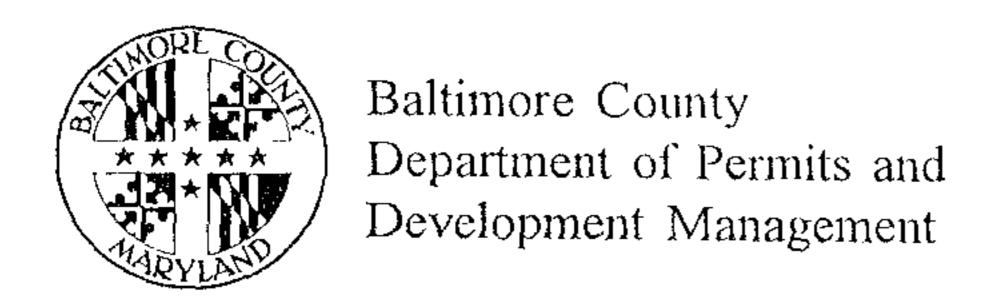
Michael Vivirito, President, Bowleys Quarters Imp Assn, Inc. Removed 8/07/02 + C from Lawrence E. Schmidt, Zoning Commissioner

Pat Keller, Planning Director

Arnold Jablon, Director /PDM

Amanda Stakem Conn, Assistant County Attorney

Edward J. Gilliss, County Attorney



Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax (410) 887-2824

April 6, 2001

Jay Miller White Miller Kemp & Vettori LLP 40 W Chesapeake Avenue #300 Towson MD 21204

Dear Mr. Miller:

RE: Case Number: 01-326-SPH, 1630 Turkey Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 13, 2001.

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. GDZ.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Alberta Mantz, 1630 Turkey Pont Road, Baltimore 21221 David T Schulte, Glen Arm Homes LLP, 12238 Glen Arm Road, Glen Arm 21057 Thomas A Church PE, Development Engineering Consultants Inc 6603 York Road, Baltimore 21212 People's Counsel

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 26, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1630 Turkey Point Road

**INFORMATION:** 

Item Number:

01-326

Petitioner:

Albert Mantz

Zoning:

DR 3.5

Requested Action:

Special Hearing

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the applicants request, however, this office will provide additional comments as part of the development process.



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

February 28, 2001

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: Alberta Mantz - 326

Location: DISTRIBUTION MEETING OF February 26, 2001

Item No.: 326

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.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.

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

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** March 8, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 5, 2001 Item No. 326

The Bureau of Development Plans Review has reviewed the subject zoning item.

The Sewer Design Division of the Department of Public Works indicated the existing sanitary sewer in Turkey Point Road has available capacity for this proposed 18-unit development. See reference record drawings number 92-0376 and 92-0377 for the existing sewer design, Area III.

RWB:HJO:jrb

cc: File



## Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

2.26.01 Date:

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

RE: Baltimore County

Item No. 326

JLL

Dear, Ms. Jackson:

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,

I. J. Gredle

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

#### BALTIMORE COUNTY, MARYLAND Board of Appeals of Baltimore County Legal Memorandum from Office of Law

**DATE:** February

TO:

L. Wescott

L. Barranger

R. Irish

FROM:

Kathi

SUBJECT:

Case No. 01-326-SPH /Albert Mantz -Owner; /Glen Arm Homes LLC -CP

The subject case is scheduled for hearing on Tuesday, February 19<sup>th</sup>. The appeal was filed by the Office of People's Counsel.

The attached Memorandum was filed by the Office of Law in support of People's Counsel's appeal for your review prior to hearing.

Kathi

Attachment



Sim

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** February 26, 2001

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

1630 Turkey Point Road

INFORMATION:

**Item Number:** 

01-326

Petitioner:

Albert Mantz

Zoning:

**DR 3.5** 

Requested Action:

**Special Hearing** 

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the applicants request, however, this office will provide additional comments as part of the development process.

Prepared by:

Section Chief:

ARKIMAC

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTEROFFICE CORRESPONDENCE

TO:

Virginia W. Barnhart

County Attorney

FROM:

David A. C. Carroll

SUBJECT:

Mantz Property

1630 Turkey Point Road

We have received the attached zoning petition for review and comment involving the above referenced property. The petition seeks an exemption from Section 206.4(a)(1)(IV) of the Baltimore County Zoning Regulations, in an attempt to allow a major subdivision to be built on the property. Our interpretation of the Zoning Regulations is that no exemption can be granted to Section 206.4(a)(1)(IV). Please advise as to whether this interpretation is correct, so that we can proceed with preparation of comments on the petition.

If you have any questions, please call Ms. Pat Farr of my staff at (410) 887-3980,

or me at (410) 887-3776.

David A. C. Carroll

Director

Attachment

pmf/mantzprop.doc

)州? -5

and a seek pair toward

March 1, 2001

DATE:

01-326

#### BALTIMORE COUNTY OFFICE OF LAW

4/9/01/2004 TO WAI

#### INTEROFFICE MEMORANDUM

## PERSONAL AND CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED

TO:

David A.C. Carroll

Director

MR II

FROM:

Virginia W. Barnhart

**County Attorney** 

Amanda Stakem Conn
Assistant County Attorney

DATE:

March 23, 2001

RE:

Mantz Property - 1630 Turkey Point Road

You have asked for our opinion on whether the Mantz property can be subdivided into 18 lots and connect to the public sewer. The owners of this property have requested a special hearing in front of the Zoning Commissioner to request an exemption from the prohibition on subdivision contained in Council Bill 64-99 at §206.4(A)(1)(IV). (attached) It is our opinion that Council Bill 64-99 prohibits the Mantz property from subdividing into 18 lots. The property is limited by Council Bill 64-99 to subdividing into a minor subdivision, three lots or less. Moreover, it is our opinion that the Zoning Commissioner does not have the authority to issue an exemption from the prohibition on subdivision.

Council Bill 64-99 was enacted to implement a public sewer service and growth management policy for the Back River Neck and Bowleys Quarters Area. This area which consists of waterfront property has been plagued with environmental problems from failing septic systems.<sup>1</sup> A sewer system was designed to eliminate these failing septic systems for existing homes but the design of the system allowed for some excess capacity beyond what was necessary to address public health concerns. Because the excess sewer capacity could spur development of properties that could not otherwise get a septic system permit, the Administration recommended and the Council enacted *growth management controls* to limit development in this area. *See* Council Bill 64-99, Preamble.

With that background in mind, Section 206 of the zoning regulations applies to property

<sup>&</sup>lt;sup>1</sup>The Bowleys Quarters Community Action Plan noted that 80% of the more than 1,200 private sewage disposal systems in Bowleys Quarters were failing resulting in discharges to the creeks and ground water that rendered several creeks unsafe for swimming. Plan p. 20.

zoned DR or RC5 and located in the Bowleys Quarters and Back River Neck areas defined in the map attached to Council Bill 64-99. It is our understanding that the Mantz property at 1630 Turkey Point Road is zoned DR 3.5 and is located in the area defined by the map. Thus, the Mantz property is subject to these regulations. Section 206.4 provides that:

A building permit may be issued for the construction of a dwelling on an unimproved platted lot or lot of record that meets all of the zoning requirements subject to the following conditions:

- (i) variances are not required for the construction of the dwelling;
- (ii) the property owner connects to a public sewer where available and with adequate capacity;
- (iii) the dwelling meets the design requirements provided for in this section; and
- (iv) except for minor subdivisions, no further subdivision of the lot is allowed.

An uncodified provision of Bill No. 64-99 is also relevant here. Section 6 of the Act provided that "§206.5(A)(1)(IV) does not apply to property that is zoned DR and has an approved development plan on or before May 28, 1999 except that the minimum lot size requirement for the approved development plan shall be 12,000 square feet."<sup>2</sup>

Essentially, the Council created a prohibition on subdivision in the area with two exceptions: (1) a minor subdivision is allowed, three lots or less; or (2) the property had an approved development plan on or before May 28, 1999.<sup>3</sup> Thus, the Mantz property is limited to the creation of three lots not 18 lots.

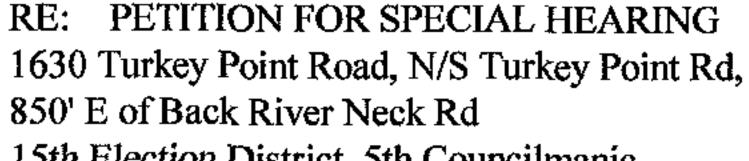
The Council chose not to create any additional exemptions except those discussed above nor did they create a mechanism for deciding exemptions from the subdivision prohibition. In light of the purpose of the legislation that we discussed earlier, it is easy to see why the Council did not create any additional exemptions or a process for hearing additional exemptions. The Council was limiting development in the Back River Neck and Bowleys Quarters areas in order "to preserve the fragile environment of these areas" and the creation of an additional exemptions or a mechanism to decide exemptions beyond those provided in the regulations would have been contrary to this purpose. The Council also had to limit development so that the approval of one or two major subdivisions would not take up all of the excess capacity of the newer sewer system.

<sup>&</sup>lt;sup>2</sup>The reference to the prohibition on subdivision, §206.5(A)(1)(IV), is an incorrect cross-reference to the appropriate section which is §206.4(A)(1)(IV). It was a correct cross-reference when the bill was introduced but the renumbering of subsection that occurred by amendment caused the technical error which was not corrected.

<sup>&</sup>lt;sup>3</sup>The Mantz property did not have an approved development plan before May 28, 1999 so that exception is not applicable.

Rather, the Council wanted to reserve the excess capacity for individual property owners to have the opportunity to build a home on those properties. Thus, it is our opinion that the Mantz property can only be subdivided into three lots and the Zoning Commissioner does not have the authority to issue an exemption from the prohibition on subdivision.

cc Arnold Jablon 
Pat Keller
Ed Adams
Tom Peddicord
Patricia Farr
Gary Kerns



15th Election District, 5th Councilmanic

Legal Owner: Alberta Mantz

Contract Purchaser: David T. Schulte

Petitioner(s)

- BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* Case No. 01-326-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.

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

En Mayo Timmeinan

Laules, Demiles

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 27th day of February, 2001 a copy of the foregoing Entry of Appearance was mailed to Jay Miller, Esq., White, Miller, Kenny, 40 W. Chesapeake Avenue, Suite 300, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN

To: Arnold Jablon, Director Dept. of Permits and Development Management 111 W. Chesapeake Ave. Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING 1630 Turkey Point Rd., N/S Turkey Pt. Rd. 850' E of Back River Neck Rd. 15th Election District, 5th Councilmanic Legal Owner: Alberta Mantz Contract Purchaser: Glen Arm Homes, LLC Case No.: 01-326-SPH

6/30/01

1 JUL -3 PH 2:

Dear Mr. Jablon,

Please enter an appeal of the Rockaway Beach, Turkey Point, and Bauernschmidt Manor Improvement Associations and Leroy and Carol Ogle, individuals, to the County Board of Appeals from the findings of Fact and Conclusion of Law of Baltimore County Deputy Zoning Commissioner dated June 8, 2001 in the above-entitled case. Enclosed is our check in the amount of \$210 for the filing fee. Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Sincerely,

ROCKAWAY BEACH IMPROVEMENT ASSOCIATION, INC.

By Jackie Nickel, President

721 Rockaway Beach Ave., Balto. MD 21221

410-686-1358

TURKEY POINT IMPROVEMENT ASSOCIATION, INC.

By Norbert Anderson, President 858 Sue Grove Rd. Balto. MD 21221

410-686-0627

Jorbert Janderson

BAUERNSCHMIDT MANOR IMPROVEMENT ASSOCIATION, INC.

By Nancy Shanahan, President 2220 Park Drive, Balto. MD 21221

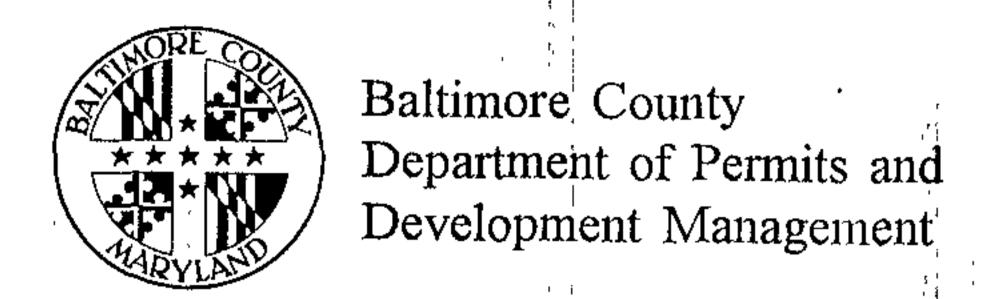
410-682-2225

LEROY AND CAROL OGLE, Individuals

1701 Turkey Point Rd., Balto. MD 21221

410-687-6580

Carol Ogle



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

Fax: 410-887-5708

June 26, 2001

Mr. Jay Miller, Esquire White Miller Kenny & Vettori 40 W Chesapeake Avenue Suite 300 Towson MD 21204

Dear Mr. Miller:

RE: Case No. 01-326-SPH, 1630 Turkey Point Road

Please be advised that an appeal of the above-referenced case was filed in this office on Friday, June 22, 2001 by Office of People's Counsel, Baltimore County, Maryland. 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 Goz. Director

AJ: gdz

c: Alberta Mantz, 1630 Turkey Point Road, Baltimore 21221
David T Schulte, Glen Arm Homes, LLC, 12238 Glen Arm Road, Glen Arm 21057
Thomas A Church PE, Development Engineering Consultants, Inc, 6603 York Rd,
Baltimore 21212
People's Counsel

## Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

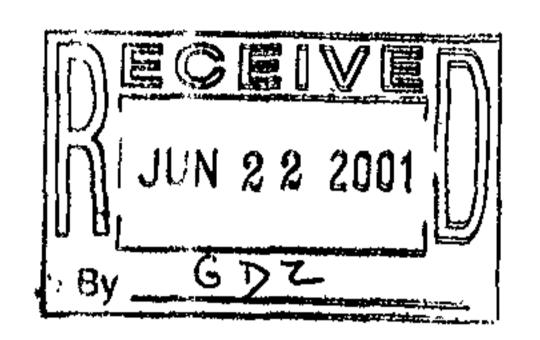
(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

Tune 21, 2001

Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204
Hand-delivered



Re: PETITION FOR SPECIAL HEARING

1630 Turkey Point Road, N/S Turkey Point Rd,

850' E of Back River Neck Rd,

15th Election Dist., 5th Councilmanic

Legal Owner: Alberta Mantz

Contract Purchaser: Glen Arm Homes, LLC

Case No.: 01-326-SPH

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated June 8, 2001 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

#### PMZ/CSD/caf

oc: Jay Miller, Esq., White, Miller, Kenny & Vettori, 40 W. Chesapeake Avenue, Suite 300, Towson, MD 21204, Attorney for Petitioners

Nancy Shanahan, President, Bauernschmidt Manor Improvement Assn., Inc. 2220 Park Drive, 21221

Jackie Nickel, President, Rockaway Beach Improvement Assn., 721 Rockaway Beach Avenue, 21221

Leroy and Carol Ogle, 1701 Turkey Point Road, Baltimore, MD 21221

#### **APPEAL**

(Petition for Special Hearing)

(1630 Turkey Point Road)

(N/S Turkey Point Road, 850' E of Back River Neck Road)

15<sup>th</sup> Election District — 5<sup>th</sup> Councilmanic District

Alberta Mantz - Legal Owner

Glen Arm Homes, LLC - Contract Purchaser

Case No.: 01-326-SPH

```
Petition for Special Hearing (dated 2/13/01)
        Zoning Description of Property
         Notice of Zoning Hearing (dated 3/2/01)
         Certification of Publication (The Jeffersonian issue 3/22/01)
         Certificate of Posting (Patrick M O'Keefe posted 3/19/01)
         Entry of Appearance by People's Counsel (dated 2/27/01)
         Petitioner(s) Sign-In Sheet (1 page)
        ✓Protestant(s) Sign-In Sheet (none)
         Citizen(s) Sign-In Sheet (none)
         Zoning Advisory Committee Comments
          Petitioners' Exhibits:
                (None)
         Protestants' Exhibits:
              1. Interoffice Memorandum, to David A.C. Carroll Director, from Virginia W
                    Barnhart County Attorney, and Amanda Stakem Conn Assistant County
                   Attorney, dated 3/23/01
         Miscellapeous (Not Marked as Exhibits):
              Plat to Accompany Petition for Zoning Special Hearing (dated 2/12/01)
       Deputy Zoning Commissioner's Order (dated 6/8/01 – Interpretation Only Council Bill
         NO. 64-99) DOES NOT APPLY TO PROPERTY
        Wotice of Appeal received on 6/22/01 from Office of People's Counsel, Baltimore
         County, Maryland
Punal per Wichael Vivirito, Pres., BOTA, The. 18051 2/220 C: Jay Miller, Esquire, White Miller Kenny & Vettori, 40 W Chesapeake Avenue,
                Suite 300, Towson 21204
                Alberta Mantz, 1630 Turkey Point Road, Baltimore 21221
             People's Counsel of Baltimore County, MS #2010
                Timothy Kotroco, Deputy Zoning Commissioner
```

Arnold Jablon, Director of PDM

SPH – Interpretation of Council Bill 64-99

6/08/01 – DZC's Order /Bill 64-99 does not apply to subject property.

12/27/01 -Notice of Assignment sent to following; assigned for hearing on Tuesday, February 19, 2002 at 10:00 a.m.:

Office of People's Counsel Jay Miller, Esquire

Alberta Mantz/Legal Owner

Glen Arm Homes, LLC - CP /David Schulte

Thomas A. Church, PE/Development Engineering Consultants, Inc.

Carol and Leroy Ogle

Nancy Shanahan, President

Bauernschmidt Manor Improvement Assn

Jackie Nickel, President

Rockaway Beach Improvement Assn

Lawrence E. Schmidt, Zoning Commissioner

Pat Keller, Planning Director

Arnold Jablon, Director /PDM

2/13/02 – Memorandum of Law filed by Amanda Stakem Conn, Assistant County Attorney, on behalf of Baltimore County, Maryland and in support of the appeal filed by the Office of People's Counsel. (copy to B 2/13/02; copy to S and R 2/14/02).

--- Per C. Demilio – J. Miller will be requesting a postponement of the 2/19/02 hearing due to schedule conflict; neither PC nor Law Office objects to this request being granted. Awaiting letter from Mr. Miller requesting same. To add Office of Law to Notice and to file.

2/14/02 – Request for Postponement received from Mr. Miller; no objection to granting of same. Copy also sent to Michael Vivirito, President, BQIA (added to file via letter); Notice of PP and Reassignment sent to parties; reassigned to Thursday, July 18, 2002 at 10:00 a.m.

7/11/02 - T/C from Carole Demilio - counsel to this matter (Amanda Conn on behalf of Baltimore County and Jay Miller on behalf of Developer) have agreed to a postponement; to be reassigned in the normal course of scheduling. Confirmed same with Mr. Miller this date.

-- Second Notice of PP and Reassignment sent to parties; case reassigned to Tuesday, November 26, 2002 at 10:00 a.m. Letter confirming conversation also sent to counsel this date.

8/07/02 – T/C from Michael Vivirito – requesting that his name be removed from subject file; not within the area of his association.

-- letter to Mr. Vivirito -- advising that his name has been removed; also -- that he was added as result of 2/13/02 letter indicating support for Bill 64-99 in this case; no further notices to be sent.

11/25/02 - T/C from Jay Miller, Esquire, Counsel for Glen Arm Homes; will be sending letter of intent to withdraw Petition without prejudice; t/c w/C. Demilio - appeal will be moot upon withdrawal of petition.

- Letter via facsimile from Jay D. Miller, Esquire, withdrawing, without prejudice, Petition for Special Hearing on behalf of Glen Arm Homes, Petitioner. Order of Dismissal of Petition without prejudice to be issued; relief granted below to Petitioner null and void; appeals moot.

-- Hearing pulled from 11/26/02; Board notified; counsel notified (Ms. Demilio contacted Ms. Nickel.

#### **BALTIMORE COUNTY, MARYLAND**

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

February 5, 2003

TO:

Arnold Jablon, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton

Board of Appeals

SUBJECT: <u>CLOSI</u>

**CLOSED APPEAL CASE FILES** 

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	PDM FILE NUMBER	NAME	LOCATION
01-326-SPH	01-326-SPH	Alberta Mantz Glen Arm Homes LLC	1630 Turkey Point Road
02-202-A	02-202-A	Pamela Matthews	23 Glenwood Avenue
01-262-SPHXA	01-262-SPHXA	Hazel V. Gies Cloverland Farms CP	15 Hanover Road/ 10 Westminister Pike
02-554-SPH	02-554-SPH	Gerard L. and Maria Elias	808 Upper Glencoe Road

Attachment: SUBJECT FILE(S) ATTACHED





OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

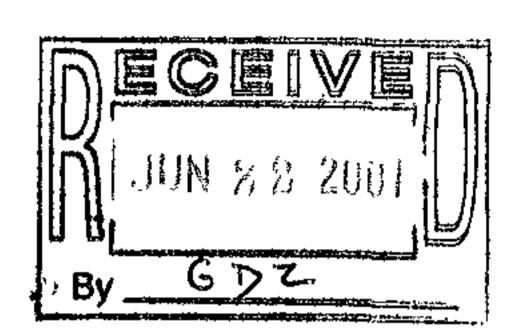
(410) 887-2188

June 21, 2001

Deputy People's Counsel

PETER MAX ZIMMERMAN People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204
Hand-delivered



Re: PETITION FOR SPECIAL HEARING

1630 Turkey Point Road, N/S Turkey Point Rd,

850' E of Back River Neck Rd,

15th Election Dist., 5th Councilmanic

Legal Owner: Alberta Mantz

Contract Purchaser: Glen Arm Homes, LLC

Case No.: 01-326-SPH

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated June 8, 2001 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours.

Peter Max Zimmerman

People's Counsel for Baltimore County

Out-le S. Demilio

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/caf

cc: Jay Miller, Esq., White, Miller, Kenny & Vettori, 40 W. Chesapeake Avenue, Suite 300, Towson, MD 21204, Attorney for Petitioners

Nancy Shanahan, President, Bauernschmidt Manor Improvement Assn., Inc. 2220 Park Drive, 21221

Jackie Nickel, President, Rockaway Beach Improvement Assn., 721 Rockaway Beach Avenue, 21221

Leroy and Carol Ogle, 1701 Turkey Point Road, Baltimore, MD 21221



## County Moard of Appeals of Baltimore County

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

August 7, 2002

Michael Vivirito, President BQIA, Inc. PPO Box 18051 Baltimore, MD 21220

RE: Case No. 01-326-SPH

In the Matter of: Alberta Mantz – Legal Owner;

Glen Arm Homes LLC – C.P.

Dear Mr. Vivirito:

A review of the subject file indicates that your name was added to the file as the result of the attached letter received by this office on February 13, 2002, and the Notice of hearing sent to you for informational purposes only and to keep you apprised of the status of that case.

In response to your telephone call this morning, your name has been removed from the file and will not appear on subsequent notices

Thank you for your call.

Very truly yours,

Kathleen C. Bianco
Administrator



# County Board of Appeals of Baltimore County

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

July 11, 2002

Carole S. Demilio
Deputy People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: In the Matter of: Alberta Mantz, Legal Owner; Glen Arm Homes, LLC - Contract Purchaser Case No. 01-326-SPH

Dear Ms. Demilio:

This letter will confirm our telephone conversation this date regarding a joint postponement request of the subject matter scheduled for Thursday, July 18, 2002.

The file has been noted to reflect our conversation and the agreement of the parties (Amanda Conn, Assistant County Attorney; Jay Miller, Esquire, on behalf of developer; and your office) to a postponement of the July 18<sup>th</sup> hearing. Enclosed is a copy of the Notice of Postponement and Reassignment in this matter.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Katkleen C. Bianco

Administrator

#### Enclosure

c: Jay Miller, Esquire Amanda Stakem Conn, Assistant County Attorney Edward J. Gilliss, County Attorney

## The Bowleys Quarters Improvement Association, Inc.

P.O. Box 18051

Baltimore, Maryland 21220

(410) 335-9802

February 6, 2002

To Whom It May Concern,

Bowleys Quarters Improvement Association strongly supports the Growth Management Plan (Bill 64-99). This bill prohibits major subdivisions in designated areas of Bowleys Quarters, Turkey Point, and Back River Neck. Planning Board member Randy Cogar appointed two of our past presidents, Phil Edwards and Tom Lehner, to serve on the advisory committee. This committee helped formulate the law designed to protect the fragile environments of these peninsulas. BQIA supports the appeal made by People's Counsel, Rockaway Beach, Turkey Point, and Bauernschmidt Manor to defend and uphold the Growth and Management Law. It permits only minor subdivision of the Mantz property-Glen Arm Homes LLC.

Law permits only three homes on this 6.7-acre parcel. If the law is compromised here, it is sure to set a dangerous precedent in Bowleys Quarters as well as other areas of Back River Neck.

Sincerely,

Michael Vivirito

President

## DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road Baltimore, Maryland 21212 (410) 377-2600 (410) 377-2625 Fax

April 17, 2001

White, Miller, Kenny & Vettorí, LLP Attorneys at Law 300 LaFayette Building 40 West Chesapeake Avenue Towson, MD 21204

Attention: Jay D. Miller, Esquire

Gentlemen:

Subject: Mantz Property

Our Contract No.: 00-109

In researching the ability to develop the Mantz Property on Turkey Point Road, reference is made to the land use areas on the Critical Area Map which indicates the Mantz Property is not an environmentally sensitive area.

The legend on this map indicates four designations; Intensely Developed Area which encompasses the Mantz Property, a Limited Development Area, a Resource Conservation Area, and a Critical Area Boundary which outlines the critical area.

On Turkey Point Road, the Mantz Property, and the Moore Property are the only properties on the north side that are in developable areas.

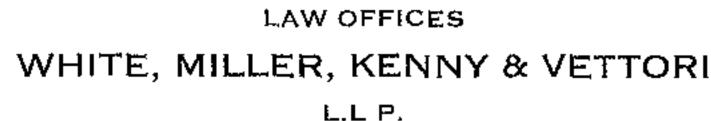
Also, existing water and sewer fronts the Mantz Property and is designated S3 and W3 in the metropolitan district area. This means water and sewer are available and must be used for this property.

If you have any questions relative to the above information, please do not hesitate to contact our office.

Very truly yours,

Thomas A. Church President

cc: Mr. David Schulte



3RD FLOOR, 40 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

JAY D. MILLER MILLER@WMKV.COM

WWW.WMKV.COM PHONE (410) 825-1050 FAX (410) 583-4660 OF COUNSEL
DONOVAN M. HAMM, JR
5030 ANCHOR WAY, GALLOWS BAY
ST. CROIX, VI 00820
(340) 773-6955
FAX (340) 773-3092

GEORGE W. WHITE, JR. (1915 - 1998)

April 19, 2001

Timothy Kotroco Deputy Zoning Commissioner for Baltimore County 401 Bosley Avenue, Room 405 Towson, Maryland 21204

RE: Mantz Property - Turkey Point Road

Dear Mr. Kotroco:

At the time of the hearing when the EPA responded in writing, you indicated that you would allow some time for us to respond. It is our contention that the "Mantz Property" on Turkey Point Road is not part of the property that the County Council intended to encompass with their moratorium on development. In support of this position, I am enclosing a letter from Mr. Thomas Church, the site engineer. He has reviewed the land plat and as you can see, the Mantz property is outside the environmentally sensitive area. Further, the County Council did not reference our plot of land as that which is contained in their subdivision which their moratorium was intended to encompass. For these reasons, we are asking for you to find that this moratorium does not apply to the Mantz property and allow the 18 home development. I have enclosed the various site plans to assist you in reaching your decision.

Thank you for your cooperation.

very truly yours

av D. Miller

JDM/slg enclosures HAND DELIVERED

#### IMPROVEMENT ASSOCIATION, INC.

2220 Park Drive Baltimore, MD 21221 April 23, 2001

Councilman Vincent J. Gardina 5<sup>th</sup> District 400 Washington Avenue Towson, MD 21204

RE: Mantz Property
1630 Turkey Point Road

Dear Mr. Gardina:

Bauernschmidt Manor Improvement Association is joining with other community groups on the Turkey Point peninsula in opposing the request to build 18 homes on the current Mantz property, 1630 Turkey Point Road, PDM #XV-757. Our objection is the precedent it would set to allow the owner an exemption from complying with County Council Bill 64-99 that prohibits major subdivisions in a designated Growth Management Area.

Violation of this new County Regulation would open the door for future development of this already stressed and environmentally sensitive peninsula. There are several other tracts of land ripe for development that would benefit by the granting of a major subdivision on the Mantz's property, at the entry into the peninsula.

Council Bill 64-99 was enacted to protect and preserve the residents of Turkey Point. We hope our County's agencies intend to uphold that regulation. The proliferation of townhomes in the Bauernschmidt Manor area has already overburdened Turkey Point Road and our public services. The extension of public sewer lines several years ago was intended to correct failing septic systems and provide for existing dwellings, not to facilitate new construction such as the 18 homes proposed for the subject site.

We respectfully request the denial of any exemption on the Mantz's property as it is against the County Growth Management Regulations.

Respectfully,

Nancy Shanahan, President

Manay Shana han

cc: Timothy Kotroco, Zoning Commissioner
Peter Max Zimmerman, People's Counsel

Page 1 of 1

Chol 11-326 5PH

June



ROCKAWAY BEACH IMPROVEMENT ASSN., INC. 721 Rockaway Beach Ave. Baltimore, MD 21221

Rockaway Beach Improvement Assn. is joining with other community groups on the Turkey Point peninsula in opposing the granting of a special hearing for the Mantz property at 1630 Turkey Point Rd. PDM #XV-757. Our objection is the precedent it would set to allow the owner an exemption from complying with County Council Bill 64-99 which prohibits major subdivisions in a designated Growth Management Area.

To violate this new county regulation would open the door for future development of this already stressed and environmentally sensitive peninsula. There are several other tracts of land ripe for development that would benefit by the granting of a major subdivision on the Mantz property, at the entry into the peninsula.

Council Bill 64-99 was enacted to protect and preserve and the residents of Turkey Point hope our county agencies intend to uphold that regulation. The proliferation of townhomes in the Bauernschmidt Manor area has already overburdened Turkey Point Rd. and our public services. The extension of public sewer lines a few years ago was intended to correct failing septic systems and provide for existing dwellings, not to facilitate new construction such as the 18 homes proposed for the subject site.

We therefore respectfully request the denial of any exemption on the Mantz property as against county council growth management regulations. Turkey Point, Bauernschmidt Manor, Back River Neck and Sue Creek Landing community groups have expressed verbal opposition to this request for exemption and will draft letters of protest as well.

Sincerely, Jackie Nickel. President 410-686-1358 LAW OFFICES

#### WHITE, MILLER, KENNY & VETTORI

L.L.P.

TOWSON, MARYLAND 21204

MILLERGWMKY.COM

WWW.WMKY.COM

PHONE (410) 825-1050

OF COUNSEL

DONOVAN M. HAMM, JR

5030 ANCHOR WAY, GALLOWS BAY

ST. CROIX, VI 00820

(340) 773-6965

FAX (340) 773-3092

GEORGE W. WHITE, JR. (1915 - 1998)

PHONE (410) 825-1050 FAX (410) 583-4660

November 25, 2002

County Board of Appeals for Baltimore County Old Court House, Room 49 400 Washington Avenue Towson, MD 21204

Attn: Kathy Bianco, Administrator

RE: IN THE MATTER OF: Albert Mantz -Legal Owner

Glen Arm Homes, L.L.C. - Contract Purchaser

1630 Turkey Point Road Case No.: 01-326-SPH

Hearing date: November 26, 2002 @ 10:00 a.m.

Dear Ms. Bianco:

JAY D MILLER

The above case is currently set for an appeals hearing on Tuesday, November 26, 2002 at 10:00 a.m. On behalf of Glen Arm Homes, please withdraw our Petition for Special Hearing without prejudice. I have spoken with Carole Demilio and she does not object to the withdrawal without prejudice.

If you need any further information, please do not hesitate to contact me.

//W. (V

Attorney for Glen Arm Homes

JDM/slg

cc:- Carole S. Demilio via fax 410-825-3130.

Amanda Stakem Conn via fax 410-296-0931

0

LAW OFFICES

#### WHITE, MILLER, KENNY & VETTORI

L.L.P.

3RD FLOOR, 40 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

WWW.WMKV COM PHONE (410) 825-1050 FAX (410) 583-4660 OF COUNSEL
DONOVAN M. HAMM, JR.
5030 ANCHOR WAY, GALLOWS BAY
ST. CROIX, VI 00820
(340) 773-6955
FAX (340) 773-3092

GEORGE W. WHITE, JR (1915 - 1998)

February 12, 2002

County Board of Appeals for Baltimore County Old Court House, Room 49 400 Washington Avenue Towson, MD 21204

RE: IN THE MATTER OF: Albert Mantz -Legal Owner

Glen Arms Homes, L.L.C. - Contract Purchaser

Case No.: 01-326-SPH

Dear Sir/Madam:

JAY D. MILLER

MILLER@WMKV COM

The above case is currently set for an appeals hearing on Tuesday, February 19, 2002 at 10:00 a.m. My expert witness, Tom Church, is unavailable and I also have been scheduled to be out of town at the Maryland State Bar Association Convention in Las Vegas, Nevada. Kindly postpone this case.

If you need any further information to grant this postponement, please feel free to contact me at any time.

Very truly yours,

Jay D. Miller

JDM/slg

cc: Peter Max Zimmerman, Esquire Office of the People's Council

1 . 1

THE STATE OF THE S

PP No 7/18/02

## PETITIONER(S) SIGN-IN SHEET

ADDRESS

NAME		

TAY S. Miller	40 W. Chesapence Ave	212
Shawn C. Bohlen	40 W Cherapaale Bre 2	
Dave Schulto	11413 NoTch (15F-A) 2	
Tom Church DEC	Co 6.03 Work Rd.	<b></b>
Caral Ogle	1201 Toukey Bt. Rd. 31	22/
LEROY OGLE	1701 TURKEY PT. Rd. 21	22/
alberter J. Mont	1630 Turkey Pt. Rol 212	2-6
BLANCHE WALSH	1905 ORD EASTERN 2	列/ <b>え</b> る
		<u>_</u> ,
**************************************	<del></del>	
······································	·	
	- <del></del>	+
······································	- <del></del>	+
* <del>************************************</del>	<del></del>	<del> </del>
	<del></del>	<del> </del>
		<del></del>
	**************************************	<del></del>
**************************************	<del></del>	<del> </del>
		<del> </del>
		<del></del> -
	— <del></del>	
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	<del></del>	<del> </del>
	- <del></del>	
	<del></del>	<u> </u>

Prot &#1

#### BALTIMORE COUNTY OFFICE OF LAW

#### INTEROFFICE MEMORANDUM

## PERSONAL AND CONFIDENTIAL ATTORNEY-CLIENT PRIVILEGED

TO:

David A.C. Carroll

Director

FROM:

Virginia W. Barnhart

County Attorney

Amanda Stakem Conn

**Assistant County Attorney** 

DATE:

March 23, 2001

RE:

Mantz Property - 1630 Turkey Point Road

You have asked for our opinion on whether the Mantz property can be subdivided into 18 lots and connect to the public sewer. The owners of this property have requested a special hearing in front of the Zoning Commissioner to request an exemption from the prohibition on subdivision contained in Council Bill 64-99 at §206.4(A)(1)(IV). (attached) It is our opinion that Council Bill 64-99 prohibits the Mantz property from subdividing into 18 lots. The property is limited by Council Bill 64-99 to subdividing into a minor subdivision, three lots or less. Moreover, it is our opinion that the Zoning Commissioner does not have the authority to issue an exemption from the prohibition on subdivision.

Council Bill 64-99 was enacted to implement a public sewer service and growth management policy for the Back River Neck and Bowleys Quarters Area. This area which consists of waterfront property has been plagued with environmental problems from failing septic systems.<sup>1</sup> A sewer system was designed to eliminate these failing septic systems for existing homes but the design of the system allowed for some excess capacity beyond what was necessary to address public health concerns. Because the excess sewer capacity could spur development of properties that could not otherwise get a septic system permit, the Administration recommended and the Council enacted *growth management controls* to limit development in this area. *See* Council Bill 64-99, Preamble.

With that background in mind, Section 206 of the zoning regulations applies to property

<sup>&</sup>lt;sup>1</sup>The Bowleys Quarters Community Action Plan noted that 80% of the more than 1,200 private sewage disposal systems in Bowleys Quarters were failing resulting in discharges to the creeks and ground water that rendered several creeks unsafe for swimming. Plan p. 20.

zoned DR or RC5 and located in the Bowleys Quarters and Back River Neck areas defined in the map attached to Council Bill 64-99. It is our understanding that the Mantz property at 1630 Turkey Point Road is zoned DR 3.5 and is located in the area defined by the map. Thus, the Mantz property is subject to these regulations. Section 206.4 provides that:

A building permit may be issued for the construction of a dwelling on an unimproved platted lot or lot of record that meets all of the zoning requirements subject to the following conditions:

- (i) variances are not required for the construction of the dwelling;
- (ii) the property owner connects to a public sewer where available and with adequate capacity;
- (iii) the dwelling meets the design requirements provided for in this section; and
- (iv) except for minor subdivisions, no further subdivision of the lot is allowed.

An uncodified provision of Bill No. 64-99 is also relevant here. Section 6 of the Act provided that "§206.5(A)(1)(IV) does not apply to property that is zoned DR and has an approved development plan on or before May 28, 1999 except that the minimum lot size requirement for the approved development plan shall be 12,000 square feet."<sup>2</sup>

Essentially, the Council created a prohibition on subdivision in the area with two exceptions: (1) a minor subdivision is allowed, three lots or less; or (2) the property had an approved development plan on or before May 28, 1999.<sup>3</sup> Thus, the Mantz property is limited to the creation of three lots not 18 lots.

The Council chose not to create any additional exemptions except those discussed above nor did they create a mechanism for deciding exemptions from the subdivision prohibition. In light of the purpose of the legislation that we discussed earlier, it is easy to see why the Council did not create any additional exemptions or a process for hearing additional exemptions. The Council was limiting development in the Back River Neck and Bowleys Quarters areas in order "to preserve the fragile environment of these areas" and the creation of an additional exemptions or a mechanism to decide exemptions beyond those provided in the regulations would have been contrary to this purpose. The Council also had to limit development so that the approval of one or two major subdivisions would not take up all of the excess capacity of the newer sewer system.

<sup>&</sup>lt;sup>2</sup>The reference to the prohibition on subdivision, §206.5(A)(1)(IV), is an incorrect cross-reference to the appropriate section which is §206.4(A)(1)(IV). It was a correct cross-reference when the bill was introduced but the renumbering of subsection that occurred by amendment caused the technical error which was not corrected.

<sup>&</sup>lt;sup>3</sup>The Mantz property did not have an approved development plan before May 28, 1999 so that exception is not applicable.

Rather, the Council wanted to respect the excess capacity for individual party owners to have the opportunity to build a home on those properties. Thus, it is our opinion that the Mantz property can only be subdivided into three lots and the Zoning Commissioner does not have the authority to issue an exemption from the prohibition on subdivision.

cc. Arnold Jablon
Pat Keller
Ed Adams
Tom Peddicord
Patricia Farr
Gary Kerns



Thomas J. Peddicord, Jr.

## BALTIMORE COUNTY COUNCIL NOTES TO THE AGENDA LEGISLATIVE SESSION 1999

Issued: February 18, 1999

Work Session: February 23, 1999

Legislative Day No. 5: March 1, 1999

The accompanying notes are compiled from unaudited information provided by the Administration and other sources.



OFFICE OF THE COUNTY AUDITOR

### BALTIMORE COUNTY COUNCIL

## March 1, 1999

### NOTES TO THE AGENDA

### TABLE OF CONTENTS

	<u>P/</u>	<u> 1GE</u>
BILLS	- FINAL READING	
	Bill 12-99	4
FISCA	<u>MATTERS</u>	
	FM- 1	. 12
VISCE	LANEOUS BUSINESS	
	MB-2	20

# Bill 14-99 - Mr. Kamenetz (By Req.) - Temporary Controls on Building Permits - Bowiev's Quarters and Back River Neck Area

Bill 14-99 establishes temporary controls on the issuance of building permits for new construction on unimproved properties in portions of the Bowley's Quarters and Back River Neck areas of the Fifth Councilmanic District.

During the late 1980's, the County decided to extend public sewer to this area in an effort to remedy the contamination resulting from failing private septic systems. The project is soon to be completed, and the Administration believes that development controls are needed to limit access to the new sewer capacity that will now be available.

According to the Administration, the plan to extend the public sewer to remedy the failing septic systems in existing homes was never intended to increase development capacity on these peninsulas. The goals of the project were to protect the health of the residents living in these areas and to improve the water quality of the County's waterways and the Chesapeake Bay by correcting a long-standing pollution problem. The County was allowed to proceed with the extension of public sewer to the area only after receiving approval from the State Department of the Environment and the U.S. Army Corps of Engineers. At that time, the County committed to the Corps and to the State that its improvements would not lead to major new development or negatively impact the natural resources in these areas.

In order to prevent the unanticipated development and the resulting damage that may occur to the natural resources of the area, Bill 14-99 prohibits the issuance of building permits for unimproved properties zoned RC or DR1, 2 or 3.5 and lying within the portions of the Bowley's Quarters and Back River Neck peninsulas depicted on the map attached to the bill. The issuance of permits is suspended until May 30, 1999 (an amendment will be offered by the Administration to change the date to June 30, 1999).

Exempted from this prohibition are certain projects for which permits have been issued (amendments will be offered by the Administration to further clarify the exemptions).

The development controls of Bill 14-99 will suspend the issuance of permits for sewer hook-ups on approximately 1,100 undeveloped tracts in the affected areas. The ban would last for only four months, during which time the Planning Board is requested to draft a more permanent plan for addressing growth controls on future development. The request to the Planning Board is detailed in Resolution 10-99 which accompanies Bill 14-99.

If approved by at least five members of the Council, Bill 14-99 will take effect on March 5, 1999.

VLAND CONTRACTOR

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 1999, Legislative Day No. 14

Bill No. <u>64-99</u>

Mr. Kevin Kamenetz, Chairman By Request of County Executive

By the County Council, July 6, 1999

ABILL ENTITLED

AN ACT concerning

Public Sewer Service and Building Permits

FOR the purpose of requiring certain property owners in certain areas to connect to the public sewer under certain circumstances; authorizing the issuance of building permits in certain areas under certain circumstances; prohibiting the extension of public sewer service to certain properties under certain circumstances; prohibiting certain property owners from receiving building permits under certain provisions; requiring a certain department to report to the County Council annually; providing for the construction of this Act; and generally relating to the building permits and the extension of public sewer service.

BY repealing and reenacting, with amendments

Section 35-177 Article IV - Metropolitan District Title 35 - Water and Sewers Baltimore County Code, 1988

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter stricken from existing law. Strike out indicates matter stricken from bill. Underlining indicates amendments to bill.

BY repealing and reenacting, with amendments

Section 304.1
Baltimore County Zoning Regulations

BY adding

Section 206
Baltimore County Zoning Regulations

WHEREAS, in response to certain health considerations resulting from failed septic systems, the County has authorized a capital project for the extension of public sewer service to limited portions of the Bowleys Quarters and Back River Neck area of the 5th Councilmanic District depicted on the map attached as Exhibit A; and

WHEREAS, the capital project authorized by the County was only intended to provide sufficient sewer capacity to support existing residences served by private septic systems; and

WHEREAS, the extension of sewer service under the capital project is now anticipated to result in potential excess sewer capacity beyond that necessary to address public health concerns resulting from failed septic systems; and

WHEREAS, the County Council requested the Planning Board in Council
Resolution No. 10-99 to recommend land use and growth management controls for
certain properties in the Back River Neck and Bowleys Quarters areas of the County; and

WHEREAS, the County Council, by the adoption of Bill No. 14-99, temporarily suspended the authority to issue building permits for unimproved, residentially-zoned property lying within certain sections of the Back River Neck or Bowleys Quarters areas of the 5th Councilmanic District; and

WHEREAS, the Planning Board adopted a report on June 3, 1999 containing

certain recommendations concerning the extension of public sewer service to existing and future development of residentially-zoned property lying within the Back River Neck and Bowleys Quarters areas of the 5th Councilmanic District; and

WHEREAS, the County Council believes legislation is necessary to implement a public sewer service and growth management policy for existing and future development of residentially-zoned property lying within certain sections of the Back River Neck or Bowleys Quarters areas of the 5th Councilmanic District; and

WHEREAS, the County Council held a public hearing on the Planning Board report on July 6, 1999; and

WHEREAS, the County Council believes that this legislation is necessary to protect the public health and to preserve the fragile environment of these areas; now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, That Section 35-177 of Article IV -Metropolitan District of Title 35 - Water and Sewers of the Baltimore County Code, 1988, as amended, be and is hereby repealed and reenacted, with amendments, to read as follows:

Sec. 35-177. When connection to sewerage system not compelled.

4

б

8

9

10

EXCEPT AS PROVIDED IN §206 OF THE BALTIMORE COUNTY ZONING REGULATIONS, [No] NO property owner having a well-maintained and properly functioning soil absorption system shall be required to abandon said system and connect to a public sewer. However, if the directors of the departments of environmental protection and resource management and public works determine that it is necessary, for the

1	protectio	n of the public health, for the public sewer system to be extended to serve
2	existing l	ousing units, pursuant to this title, the county shall be able to order the property
3	owners o	f said housing units to make connection to said public sewer system, pursuant
4	and subje	ct to this title. Failure by a property owner to comply with such order shall be
5	deemed a	misdemeanor and subject the property owner to a fine of five hundred dollars
б	(\$500.00	) for each month during which such connection shall not be made.
7	S	ECTION 2. AND BE IT FURTHER ENACTED, That Section 304.1 of the
8	Baltimore Count	y Zoning Regulations be and is hereby repealed and reenacted, with amendments
9	to read as follow	S:
10	Section 304. U	se of Undersized Single-Family Lots
11	30	04.1 EXCEPT AS PROVIDED IN §206, [A.] A one-family detached or semi-
12	detached	dwelling may be erected on a lot having an area or width at the building line less
13	than that	required by the area regulations contained in these regulations if:
14	A	Such lot shall have been duly recorded either by deed or in a validly
15	approved	subdivision prior to March 30, 1955;
16	. B	All other requirements of the height and area regulations are complied
17	with; and	
18	С.	The owner of the lot does not own sufficient adjoining land to conform to
19	the width	and area requirements contained in these regulations.
20	SI	ECTION 3. AND BE IT FURTHER ENACTED, That Section 206 of the
21	Baltimore County	Zoning Regulations be and is hereby added to read as follows:
22	SECTION 206.	GROWTH MANAGEMENT PLAN FOR BOWLEYS QUARTERS AND
23		BACK RIVER NECK AREAS.

. 1	206.1		DEFINITIONS.
2			IN THIS SECTION THE FOLLOWING WORDS HAVE THE
3			MEANINGS INDICATED.
4	•		(1) "SUBDIVISION" MEANS THE DIVISION OF PROPERTY
5			INTO TWO OR MORE LOTS.
6			(2) "UNDERSIZED LOT" MEANS AN UNIMPROVED
7			PLATTED LOT OR A LOT OF RECORD ON OR BEFORE AUGUST 6
8			1999 THAT DOES NOT MEET THE AREA, HEIGHT, OR SETBACK
9			REQUIREMENTS IN THESE REGULATIONS TO ALLOW THE
10			CONSTRUCTION OF A DWELLING.
11	<del>206.3</del>	<u>206.2</u>	APPLICATION.
12			THIS SECTION APPLIES TO PROPERTY ZONED DROR RC 3 AND
13		LOCA	TED IN THE BOWLEYS QUARTERS AND BACK RIVER NECK
14	ł	AREA	S DEFINED IN THE MAP ATTACHED AS EXHIBIT A AND
15		INCO	RPORATED BY REFERENCE IN THIS SECTION.
16	<del>206.</del> 4	<u>206.3</u>	CONNECTION TO PUBLIC SEWER.
17			A PROPERTY OWNER WITH A DWELLING IN EXISTENCE ON OR
18		BEFO	RE AUGUST 6, 1999 <u>OR WITH A NON-EXPIRED BUILDING PERMIT</u>
19		THAT	WAS ISSUED ON OR BEFORE FEBRUARY 16, 1999 SHALL BE
20	•	REQU	TRED TO CONNECT TO A PUBLIC SEWER IF THE PROPERTY IS:
21	•		(1) ZONED DR OR RC 5; AND
22			(2) SERVED BY PUBLIC SEWER <u>WITH ADEQUATE CAPACITY</u> .
23	<del>206,5</del>	206.4	BUILDING PERMITS.

1	(A)(1) EXCEPT AS PROVIDED IN <del>SUBPRAGRAPH (2)</del> <u>PARAGRAPH (B)</u>
2	OF THIS PARAGRAPH, A BUILDING PERMIT MAY BE ISSUED FOR THE
3	CONSTRUCTION OF A DWELLING ON AN UNIMPROVED PLATTED LOT
4	OR LOT OF RECORD THAT MEETS ALL OF THE ZONING
5	REQUIREMENTS SUBJECT TO THE FOLLOWING CONDITIONS:
6	(I) VARIANCES ARE NOT REQUIRED FOR THE
7	CONSTRUCTION OF THE DWELLING;
8	(II) THE PROPERTY OWNER CONNECTS TO A PUBLIC
9	SEWER WHERE AVAILABLE AND WITH ADEQUATE
10	CAPACITY;
11	(III) THE DWELLING MEETS THE DESIGN
12	REQUIREMENTS PROVIDED FOR IN THIS SECTION; AND
<b>X</b> 13	(IV) EXCEPT FOR MINOR SUBDIVISIONS, NO FURTHER
14	SUBDIVISION OF THE LOT IS ALLOWED.
15	(B) A BUILDING PERMIT MAY BE ISSUED FOR THE CONSTRUCTION
16	OF A DWELLING ON AN UNDERSIZED LOT SUBJECT TO THE
17	FOLLOWING CONDITIONS:
18	(1) THE OWNER OF THE LOT DOES NOT OWN SUFFICIENT
19	ADJOINING LAND THAT IF COMBINED WITH THE ADJOINING
20	LAND WOULD ALLOW THE PROPERTY OWNER TO CONFORM
21	TO THE CURRENT ZONING REQUIREMENTS;
22	(2) NO FURTHER SUBDIVISION OF THE LOT IS ALLOWED;
23	(3) THE PROPERTY OWNER OBTAINS A VARIANCE AS

1		PROVIDED FOR IN §307 OF THESE REGULATIONS; AND
2		(4) THE PROPERTY OWNER CONNECTS TO A PUBLIC SEWER
3		WHERE AVAILABLE AND WITH ADEQUATE CAPACITY.
4		
5	<del>206.6</del>	206.5 BUILDING PERMIT APPLICATION
6		(A)(1)ANY PERSON DESIRING TO ERECT A DWELLING IN
7		ACCORDANCE WITH THE PROVISIONS OF THIS SECTION SHALL FILE
8		WITH THE DEPARTMENT OF PERMITS AND DEVELOPMENT
9		MANAGEMENT, AT THE TIME OF APPLICATION FOR A BUILDING
.0		PERMIT, PLANS SUFFICIENT TO ALLOW THE OFFICE OF PLANNING
1	•	· TO PREPARE THE GUIDELINES PROVIDED IN PARAGRAPH (B) BELOW
.2		(2) ELEVATION DRAWINGS MAY BE REQUIRED IN ADDITION
.3		TO PLANS AND DRAWINGS OTHERWISE REQUIRED TO BE
.4		SUBMITTED AS PART OF THE APPLICATION FOR A BUILDING
.5		PERMIT.
.6 ,	•	(3) PHOTOGRAPHS REPRESENTATIVE OF THE NEIGHBORHOOD
.7		WHERE THE LOT OR TRACT IS SITUATED MAY BE REQUIRED
.8		BY THE OFFICE OF PLANNING IN ORDER TO DETERMINE THE
.9		APPROPRIATENESS OF THE PROPOSED NEW BUILDING IN
20		RELATION TO EXISTING STRUCTURES IN THE
.1		NEIGHBORHOOD.
22		(B)(I)AT THE TIME OF APPLICATION FOR THE BUILDING PERMIT, AS
.3		PROVIDED ABOVE, THE DIRECTOR OF PERMITS AND DEVELOPMENT

1	MANAGEMENT SHALL REQUEST COMMENTS FROM THE <del>DIRECTOR</del>
2	DIRECTORS OF THE OFFICE OF PLANNING (THE "DIRECTOR") AND
3	THE DEPARTMENTS OF ENVIRONMENTAL PROTECTION AND
4	RESOURCE MANAGEMENT AND PUBLIC WORKS.
5	(2)WITHIN 15 DAYS AFTER RECEIPT OF A REQUEST FROM THE
6	DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT,
7	THE <del>DIRECTORS</del> DIRECTORS SHALL PROVIDE TO THE
8	DEPARTMENT OF PERMITS AND DEVELOPMENT
9	MANAGEMENT WRITTEN RECOMMENDATIONS CONCERNING
0	THE APPLICATION WITH REGARD TO THE FOLLOWING:
1	(I) SITE DESIGN. NEW BUILDINGS SHALL BE
2	APPROPRIATE IN THE CONTEXT OF THE
3	NEIGHBORHOOD IN WHICH THEY ARE PROPOSED TO BE
4	LOCATED. APPROPRIATENESS SHALL BE EVALUATED
5	ON THE BASIS OF NEW BUILDING SIZE, LOT COVERAGE,
6	BUILDING ORIENTATION AND LOCATION ON THE LOT
7	OR TRACT.
8	(II) ARCHITECTURAL DESIGN. APPROPRIATENESS SHALL
9	BE EVALUATED BASED ON ONE OR MORE OF THESE
0	ARCHITECTURAL DESIGN ELEMENTS OR ASPECTS:
1	1. HEIGHT;
2	2. BULK OR MASSING;
3	3. MAJOR DIVISIONS, OR ARCHITECTURAL

į	RHYTHM, OF FACADES;
2	4. PROPORTIONS OF OPENINGS SUCH AS
3	WINDOWS AND DOORS IN RELATION TO WALLS;
4	5. ROOF DESIGN AND TREATMENT; AND
5	6. MATERIALS AND COLORS, AND OTHER
6	ASPECTS OF FACADE TEXTURE OR APPEARANCE.
7	(III) DESIGN AMENDMENTS. THE DIRECTOR OF PERMITS
8	AND DEVELOPMENT MANAGEMENT MAY RECOMMEND
9	APPROVAL, DISAPPROVAL OR MODIFICATION OF THE
10	BUILDING PERMIT <del>TO CONFORM WITH</del> AFTER
11	CONSIDERATION OF THE RECOMMENDATIONS
12	PROPOSED BY THE OFFICE OF PLANNING DIRECTORS.
13	206.7 206.6 PUBLIC NOTICE.
14	FOR UNDERSIZED LOTS, ON APPLICATION FOR A BUILDING PERMIT
15	IN ACCORDANCE WITH THIS SECTION, THE SUBJECT PROPERTY SHALL BE
16	POSTED CONSPICUOUSLY UNDER THE DIRECTION OF THE DEPARTMENT
17	OF PERMITS AND DEVELOPMENT MANAGEMENT WITH NOTICE OF THE
18	APPLICATION FOR A PERIOD OF AT LEAST 15 DAYS.
19	206.6 206.7 PUBLIC HEARING.
20	(A) THIS SUBSECTION APPLIES TO UNDERSIZED LOTS.
21	(B) WITHIN THE FIFTEEN-DAY POSTING PERIOD:
22	(1) ANY OWNER OR OCCUPANT WITHIN 1,000 FEET OF THE LOT
23	MAY FILE A WRITTEN REQUEST FOR A PUBLIC HEARING WITH

1		THE DEPARTMENT OF PERMITS AND DEVELOPMENT
2		MANAGEMENT; OR
3		(2) THE DIRECTOR OF PERMITS AND DEVELOPMENT
4		MANAGEMENT MAY REQUIRE A PUBLIC HEARING.
5		(C) THE DEPARTMENT OF PERMITS AND DEVELOPMENT
6		MANAGEMENT SHALL NOTIFY THE APPLICANT WITHIN 20 DAYS
7		AFTER THE RECEIPT OF A REQUEST FOR A PUBLIC HEARING.
8		(D) THE ZONING COMMISSIONER SHALL HOLD THE PUBLIC HEARING
9		WITHIN 30 DAYS AFTER RECEIVING THE REQUEST FOR A PUBLIC
10		HEARING.
1		(E) AT THE PUBLIC HEARING, THE ZONING COMMISSIONER SHALL
12		DETERMINE WHETHER THE PROPOSED DWELLING IS APPROPRIATE.
13	206.8	FINAL APPROVAL.
		(A) THE DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT
.5		MAY:
.6	ı	(1) ISSUE THE BUILDING PERMIT; OR
.7		(2) FOR UNDERSIZED LOTS, NOTWITHSTANDING ANY
. 8		PROVISION TO THE CONTRARY, REQUIRE A PUBLIC HEARING
.9		BEFORE THE ZONING COMMISSIONER IN ACCORDANCE WITH
:0		THIS SECTION.
1		(B) IF THE DEPARTMENT OF PERMITS AND DEVELOPMENT
2		MANAGEMENT HAS NOT NOTIFIED THE APPLICANT OF A
3		DETERMINATION IN ACCORDANCE WITH THE PROVISIONS OF THIS

SECTION, OR HAS NOT NOTIFIED THE APPLICANT IN ACCORDANCE WITH SECTION 206.7 ABOVE OF THE INTENTION TO REQUIRE A PUBLIC HEARING, THE DWELLING SHALL BE DEEMED APPROPRIATE FOR PURPOSES OF THIS SECTION. 206.9 APPEALS 6 THE DECISION OF THE ZONING COMMISSIONER OR THE DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT MAY BE APPEALED, IN WHICH CASE THE BOARD OF APPEALS SHALL HOLD THE HEARING WITHIN 9 45 DAYS AFTER RECEIPT OF THE REQUEST. 10 206.10 FEES THE DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT SHALL ESTABLISH APPROPRIATE FEE SCHEDULES. 12 13 206.11 GROWTH ALLOCATION NOT APPLICABLE. 14 A PROPERTY OWNER WHO IS REQUIRED TO CONNECT TO PUBLIC 15 SEWER AS PROVIDED FOR IN THIS SECTION MAY NOT APPLY FOR GROWTH 16 ALLOCATION UNDER §26-123 OF THE BALTIMORE COUNTY CODE. <u>206.12</u> REGULATIONS 18 THE DEPARTMENT OF PUBLIC WORKS IN CONSULTATION WITH THE 19 OFFICE OF PLANNING, AND DEPARTMENTS OF ENVIRONMENTAL 20 PROTECTION AND RESOURCE MANAGEMENT AND PERMITS AND 21 DEVELOPMENT MANAGEMENT, MAY ADOPT REGULATIONS IN ACCORDANCE WITH TITLE 2, ARTICLE 8 OF THE BALTIMORE COUNTY 23 CODE, TO CARRY OUT THE PROVISIONS OF THIS SECTION.

i.	SECTION 3. AND BE IT FURTHER ENACTED, That, consistent with the
2	County's Water and Sewer Plan, public sewer service may not be extended to property zoned Ro
3	20 in area depicted in the map attached as Exhibit A except:
4	(1) For properties with a dwelling in existence on or before August 6, 1999 to
5	which public sewer is extended;
6	(2) As provided in §35-177 of the Code; and
7	(3) For properties that have been transferred in accordance with §1A05.5 of the
8	Baltimore County Zoning Regulations to which public sewer is extended.
9	SECTION 4. AND BE IT FURTHER ENACTED, That this Act may not be
10	construed to:
11	(1) Require the County to extend public sewer capacity to any property; or
12	(2) Prohibit the Department of Environmental Protection and Resource Management from
13	issuing permits for on-site disposal systems in accordance with the Baltimore County Code for
14	properties zoned RC 20.
15	SECTION 5. AND BE IT FURTHER ENACTED, That the Department of Public Works,
16	in consultation with the Departments of Planning, Permits and Development Management, and
17	Environmental and Resource Protection and Resource Management, shall report annually to the
18	County Council, beginning in July of 2000, on the capacity of the public sewer in the Back River
19	Neck and Bowleys Quarters areas depicted in the map attached as Exhibit A and the potential for
20	the connection of public sewer to properties that are not zoned DR, RC 5, or RC 20.
21	SECTION 6. AND BE IT FURTHER ENACTED, That §206.5(A)(1)(IV) does not apply
22	to property that is zoned DR and has an approved development plan on or before May 28,
23	1999 except that the minimum lot size requirement for the approved development plan shall be

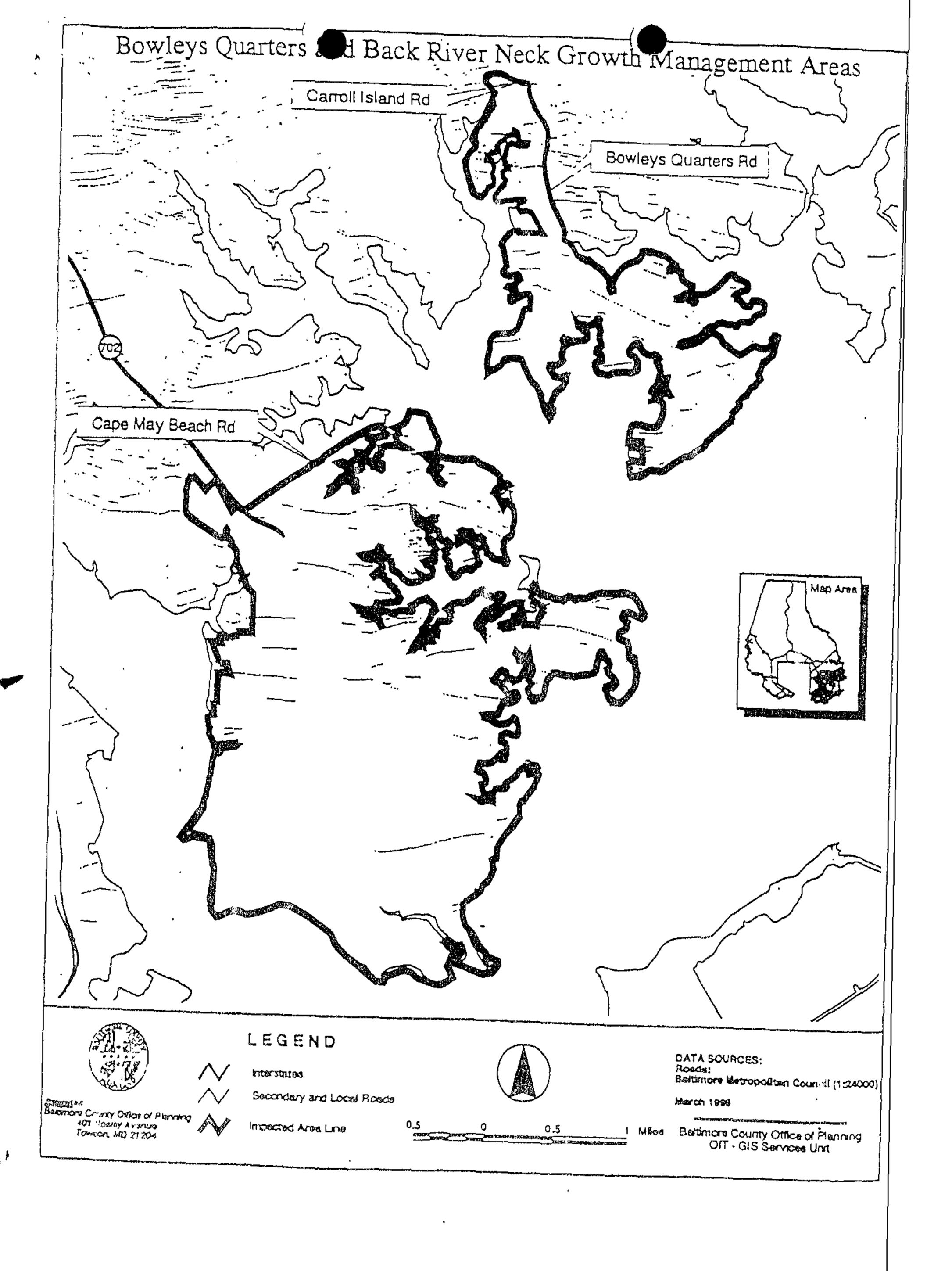
12,000 square feet.

SECTION 7. AND BE IT FURTHER ENACTED, That §206.11 does not apply to a property owner who has applied a pending application for growth allocation under §26-123 of the Baltimore County Code on or before the effective date of this Act July 6, 1999.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect August 6, 1999.

b06499.wpd

б



EXHIBIT

# COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 1999, Legislative Day No. 3

Bill No. <u>14-99</u>

Mr. <u>Kevin Kamenetz</u>, Chairman (By Request of County Executive)

By the County Council, February 1, 1999

# A BILL ENTITLED

AN ACT concerning

Temporary Controls on Building Permits Allowing Water and Sewer Service Connections

FOR the purpose of establishing temporary controls prohibiting the issuance of building permits for new construction on certain unimproved properties zoned RC or DR 1, 2, or 3.5 within certain areas of the 5th Councilmanic District.

WHEREAS, in response to certain health considerations resulting from failed septic systems in the Bowley's Quarters and Back River Neck areas of the 5<sup>th</sup> Councilmanic District, the County authorized and undertook the construction of certain enhancements to the County's public sewer system; and

WHEREAS, the enhancements undertaken by the County were only intended to provide sufficient sewer capacity to support existing structures serviced by private septic systems; and

**EXPLANATION:** 

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

Strike out indicates matter stricken from bill.

<u>Underlining</u> indicates amendments to bill.

WHEREAS, the sewer enhancements undertaken by the County have resulted in potential excess sewer capacity beyond that necessary to correct said public health concerns; and

WHEREAS, for new development to enhance the quality of life in the County, the County Council finds that it should take place under a balanced growth management program in the Back River Neck and Bowley's Quarters areas, consistent with the Master Plan, the County's Rural Legacy goals, and the County's land use policies; and

WHEREAS, the County Council finds that further evaluation, review and public input are necessary to prepare, consider, and adopt adequate growth management controls for certain unimproved properties zoned RC or DR 1, 2 or 3.5 residentially-zoned properties in the Back River Neck and Bowley's Quarters areas of the 5th Councilmanic District; and

WHEREAS, the County Council has this date requested that the Planning Board conduct hearings and make recommendations regarding growth management controls, overlay districting or other land use controls to ensure that further development of unimproved properties zoned RC or DR 1, 2 or 3.5, residentially-zoned properties in the Back River Neck and Bowley's Quarters areas of the 5th Councilmanic District is consistent with the County's land use policies, the County's Master Plan, and the County's Rural Legacy Program, and is in the best interest of the public; and

WHEREAS, the County finds that to ensure that new development does not negatively impact upon the quality of life in the Back River Neck and Bowley's Quarters areas, prior to the adoption of such growth management controls, a temporary moratorium on the issuance of building permits for certain unimproved properties zoned

RC or DR 1, 2 or 3.5, residentially-zoned properties in the Back River Neck and Bowley's Quarters areas of the 5th Councilmanic District is necessary to enable the Council to consider the Planning Board's anticipated recommendations; now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF

BALTIMORE COUNTY, MARYLAND, that, notwithstanding any other provision of

County law, the authority to issue a building permit for unimproved properties zoned RC

or DR 1, 2 or 3.5 and residentially-zoned properties lying within those sections of the

Back River Neck or Bowley's Quarters areas of the 5th Councilmanic District, depicted

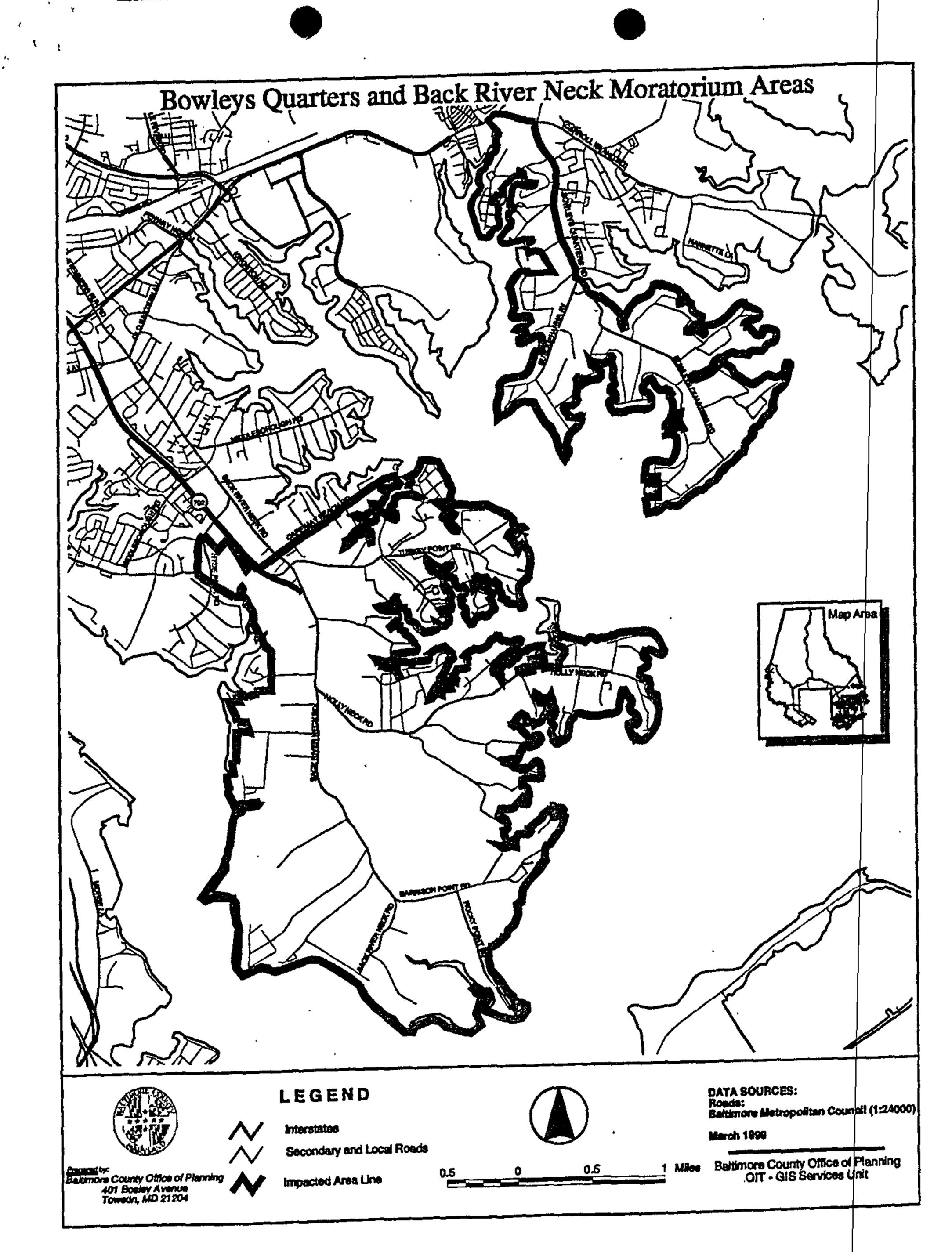
on the map attached hereto as Exhibit A and incorporated herein by reference, be and
hereby is suspended, through and including May 30 June 30, 1999.

March 5, 1999.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall not be applied to the issuance of building permits for unimproved properties zoned RC or DR 1, 2 or 3.5 and residentially-zoned properties lying within those sections of the Back River Neck or Bowley's Quarters areas of the 5th Councilmanic District, depicted on the map attached hereto as Exhibit A, for which:

- a. a utility agreement has been approved by the County and the applicant has posted security required thereunder, pursuant to Section 26-241 of the Baltimore County Code, 1988 edition, as amended, and or a building permit has been issued, prior to February 15, 1999; or.
- b. unexpired building permit has been issued prior to June 20, 1998.

  SECTION 3. AND BE IT FURTHER ENACTED, that this Act having been passed by the affirmative vote of five members of the County Council shall take effect



READ AND PASSED this Lot day of March BY ORDER Thomas J. Peddicord, Jr. Secretary PRESENTED to the County Executive for his approval this Thomas J. Peddicord, Jr. Secretary APPROVED AND ENACTED: 3-3-99 C. A. Dutch Ruppersberger County Executive I HEREBY CERTIFY THAT BILL NO. <u>14-99</u> IS TRUE AND CORRECT AND TOOK EFFECT ON MARCH 5, 1999

> Kevin B. Kamenetz Chairman, County Council

EXHIBIT

# COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 1999, Legislative Day No. 5

Resolution No. 10-99

Mr. <u>Kevin B. Kamenetz, Chairman</u>
By Request of County Executive

By the County Council, March 1, 1999

A RESOLUTION of the Baltimore County Council requesting the Planning Board to recommend land use and growth management controls for certain properties in the Back River Neck and Bowley's Quarters areas of the County.

WHEREAS, in response to certain health considerations resulting from failed septic systems in the Bowley's Quarters and Back River Neck areas of the 5th Councilmanic District, the County authorized and undertook the construction of certain enhancements to the County's public sewer system; and

WHEREAS, the enhancements undertaken by the County were only intended to provide sufficient sewer capacity to support existing structures serviced by private septic systems; and

WHEREAS, the sewer enhancements undertaken by the County have resulted in potential excess sewer capacity beyond that necessary to correct said public health concerns; and

WHEREAS, for new development to enhance the quality of life in the County, the County Council finds that it should take place under a balanced growth management program in the Back River Neck and Bowley's Quarters areas, consistent with the Master Plan, the County's Rural Legacy goals, and the County's land use policies; and

WHEREAS, the County Council finds that premature piecemeal approval of building permits or development plans in the Back River Neck and Bowley's Quarters areas may seriously harm the already fragile environment of these areas and impede the achievement of the County's objectives in a manner consistent with the Master Plan, the County's Rural Legacy goals, and the County's land use policies; and

WHEREAS, the County Council finds that further evaluation, review and public input are necessary to prepare, consider, and adopt adequate growth management controls for unimproved, residentially-zoned properties in the Back River Neck and Bowley's Quarters areas of the 5th Councilmanic District; and

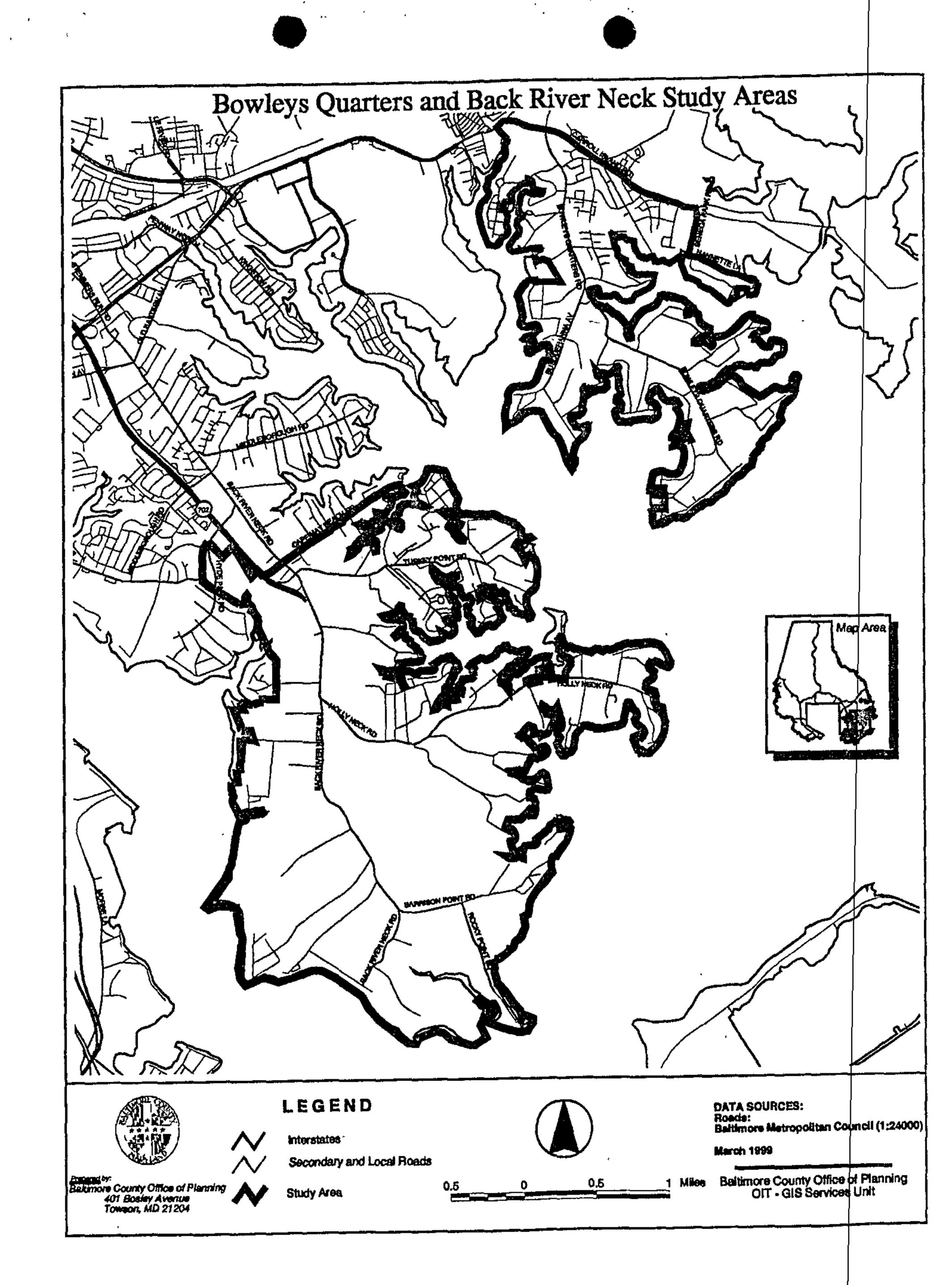
WHEREAS, the County Council, by the adoption of Bill 14-99, has temporarily suspended the authority to issue building permits for unimproved, residentially-zoned property lying within those sections of the Back River Neck or Bowley's Quarters areas of the 5th Councilmanic District depicted on the map attached to the legislation, effective as of March 5, 1999.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the Baltimore County Planning Board be and it is hereby requested, pursuant to Section 26-33 of the Baltimore County Code, to conduct hearings and make recommendations regarding growth management controls, overlay districting or other land use controls to ensure that further development of unimproved, residentially-zoned properties in those portions of the Back River Neck and Bowley's Quarters areas of the 5th Councilmanic District depicted on the attached map is consistent with the County's land use policies, the County's Master Plan, and the County's Rural Legacy Program, and is in the best interest of the public; and

BE IT FURTHER RESOLVED that the Planning Board is requested, pursuant to Section 26-33 of the Baltimore County Code, to make recommendations regarding appropriate design guidelines and construction criteria for residential development in these areas of the Back River Neck and Bowley's Quarters areas; and

BE IT FURTHER RESOLVED that the Baltimore County Planning Board is requested to report its finding and recommendations to the County Council by April 30, 1999.

r01099



READ AND PASSED this

day of MARCH, 1999

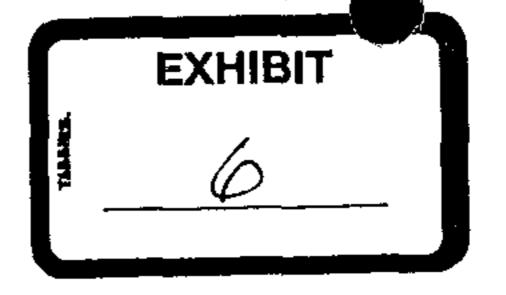
BY ORDER

Thomas J. Peddicord, Jr.

Secretary

ITEM: Resolution 10-99





401 Bosley Avenue Towson, Maryland 21204 (410) 887-3495

Fax: (410) 887-5862

June 8, 1999

The Hon. Kevin Kamenetz Chairman, Baltimore County Council The Court House Towson, MD 21204

Re: Growth Management - Council Resolution 10-99

Dear Councilman Kamenetz:

Enclosed is Part 1 of a Final Report by the Baltimore County Planning Board adopted unanimously on June 3, 1999, and submitted in accordance with Section 26-123(c) of the County Code. Part 2, which is expected to follow later in June, will address design guidelines for new development and redevelopment in the study area.

The Planning Board recommends that sewer capacity in Bowleys Quarters and the Back River Neck Peninsula be allocated according to the priority system described in the report. Recognizing that some properties abutting sewer lines may not be able to be connected to the sewer system (either because of county policy or because there is not enough capacity in the system) the Planning Board also recommends that Baltimore County consider the equitability of requiring owners of those properties to pay the front foot assessment. The Board requests that the county study possible alternatives for properties that cannot connect to sewer, including abatement of the sewerage front foot assessment or, if this is not feasible, the abatement of real estate taxes.

The Planning Board recommends that Baltimore County not only continue to compel the combination of undersized adjoining lots in common ownership, but also encourage the combination of undersized lots in separate ownership. Some possible ways to facilitate lot consolidation are:

The Hon. Kevin Kamen June 8, 1999 Page 2

- Create a special, expedited process in the development regulations to consolidate lots. (Currently these encounter the burden of being processed as "subdivisions".)
- Determine the feasibility of waiving Baltimore County's real estate transfer tax when the purpose of transfer is to consolidate lots.
- Develop an educational campaign and information clearinghouse, including an informational brochure for citizens.
- Provide special training for personnel of Baltimore County government to assist property owners with the lot consolidation process.

Finally, the Planning Board requests that, once the sewerage policies are decided, permits be issued as a first priority for property owners who have already applied for permits and been waiting because of the moratorium.

The Planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Arnold F. 'Pat' Keller, III

Secretary

AFK:JM:rlh

#### Enclosure

c: Members, Baltimore County Council
John Wasilisin, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Brian Rowe, County Auditor
Virginia Barnhart, County Attorney
Arnold Jablon, Director, Permits & Development Management
Charles R. Olsen, Director, DPW
George Perdikakis, Director, DEPRM
Lawrence Schmidt, Zoning Commissioner
Peter Max Zimmerman, People's Counsel
Patrick Roddy, Assistant County Attorney
Robert J. Barrett, Spec. Asst. to the County Executive

# Proposals for Growth Management Bowleys Quarters and Back River Neck Peninsula

(Response to County Council Resolution No. 10-99)

The following recommendations apply to the study areas identified in County Council Resolution No. 10-99 and depicted on the attached map.

### I. OBJECTIVES

- Develop clear and consistent standards that provide certainty for all interested parties.
- Improve water quality by relieving failing septic systems, and preventing the failure of older, marginal septic systems.
- Recognize legitimate rights to develop property.
- Conserve and enhance residential communities.
- Develop procedures and guidelines which are consistent with the goals and objectives of the Baltimore County Master Plan, the Maryland Rural Legacy Act, the Baltimore County Coastal Rural Legacy Program, the Chesapeake Bay Critical Areas Program, the Special Area Management Plan, and the protection of the natural environment.

## II. CATEGORIES FOR SEWER SERVICE

Following is a list of development categories that could connect to public sewer, in order of priority. Each category includes proposed requirements and actions that would help to achieve the objectives. (Note that new development, redevelopment and certain renovations are subject to Chesapeake Bay Critical Areas requirements and other environmental regulations, and could also be subject to design standards or guidelines to be considered by the Planning Board in conjunction with this proposal.) The public sewer system would:

- A. Expeditiously serve, as a first priority, all existing dwellings with failing or non-failing septic systems, regardless of zone or lot size. In no case should connections for existing dwellings be delayed in order to connect new development. Capacity should be reserved to ensure that all existing dwellings are connected.
  - 1. Require all existing dwellings to connect to public sewer.
  - 2. Connect all dwellings existing before February 15, 1999; reserve adequate capacity.
  - Determine that a structure is a livable dwelling (not a shed, chicken coop, etc.);
     otherwise, treat as an unimproved property.

- B. Serve unimproved lots or parcels that meet existing zoning standards in DR zones, including:
  - 1. Residential lots shown on a valid record plat created as part of a subdivision process enacted by the Baltimore County Council or the Board of County Commissioners, involving development plan review by appropriate agencies, dedication of rights or way for streets and other public facilities, and compliance with all other applicable county regulations and requirements (see Title 26, Article V, Development Regulations of the Baltimore County Code, 1988, as amended, for the current process); and
  - 2. Recorded lots or parcels (most very old) created through metes and bounds descriptions or lot recordation before any plan review process was enacted by the Baltimore County Council or the Board of County Commissioners . . . etc., (see B.1). Connect sewer, provided that lots meet the minimum site standards (area, width, and yard setbacks) of Sec. 1B02.3, of the Baltimore County Zoning Regulations (BCZR).
- C. Serve recorded unimproved undersized lots, or tracts of undersized lots in single ownership, in all DR zones, subject to Sec. 304 and Sec. 307 of the BCZR.
  - 1. Combine lots in common ownership to meet minimum requirements for lot area and lot width (Sec. 1B02.3). (Minimum lot area and width are, respectively, 10,000 square feet and 70 feet in DR 3.5, and 6,000 square feet and 55 feet in DR 5.5.); and
  - 2. Obtain variances if lot fails to meet front, rear, and side yard setbacks.
  - 3. Lots less than 50 feet in width at the building line are strongly discouraged and may not be supported.
- D. Serve existing unimproved lots or parcels in RC 5 and RC 20 zones which conform to the current zoning standards, but no service to new subdivisions except as provided in No. 3 below. Lots to be served include:
  - 1. Residential lots created as part of a subdivision process enacted by the Baltimore County Council or the Board of County Commissioners, etc., . . . (see B.1), and shown on a valid record plat which was effective on February 15, 1999; and
  - 2. Lots or parcels (most very old) created through metes and bounds descriptions or lot recordation before any plan review process was enacted by the Baltimore County Council or the Board of County Commissioners, etc., . . . (See B.1). Connect sewer provided that lots meet the minimum area and setbacks of Section 1A04.3 for RC 5 or the minimum setbacks of Sec. 1A05.4 for RC 20, BCZR.

- 3. Lots created in RC 20 zones through a bona-fide intra-family transfer in accordance with Sec. 1A05.5 of the Baltimore County Zoning Regulations.
- E. Serve recorded unimproved undersized lots, or tracts of undersized lots in single ownership, in all RC 5 zones subject to Sec. 304 and Sec. 307 of the BCZR, and recorded unimproved lots in RC 20 zones that fail to meet setbacks, subject to Sec. 307.
  - 1. Combine lots in common ownership to meet the minimum lot area requirement of one acre, and
  - 2. Obtain variances if lot fails to meet front, rear, and side yard setbacks.
  - 3. Lots less than 50 feet in width at the building line are strongly discouraged and may not be supported.
- F. After the effective date of this legislation, Chesapeake Bay Critical Area Growth Allocation should not be approved, within the study area, for conversion from Resource Conservation Area.



EXHIBIT

# BOWLEYS QUARTERS COMMUNITY ACTION

As Adopted by the Baltimore County Planning Board September 23, 1999



401 Bosley Avenue Towson, Maryland 21204 (410) 887-3495

Fax: (410) 887-5862

## RESOLUTION Adopting and Recommending the **BOWLEYS QUARTERS COMMUNITY ACTION PLAN 2000**

WHEREAS the Baltimore County Master Plan 1989-2000 advocates strong actions for conserving and enhancing the County's established communities, including the preparation of detailed local plans for certain designated areas; and

WHEREAS an Advisory Committee of residents and business persons in the Bowleys Quarters area, with staff assistance from the County, prepared a Bowleys Quarters Community Action Plan, which was adopted by the Baltimore County Council on November 2, 1992; and

WHEREAS changing conditions in the Bowleys Quarters peninsula, especially the development pressures resulting from the installation of the public sewerage system, caused the community to recognize the need for review and up-date of its Plan; and

WHEREAS a broadly-representative Advisory Committee has worked energetically since 1998, with assistance from County agencies, to draft the proposed Bowleys Quarters Community Action Plan 2000; and

WHEREAS a general community input meeting on the draft of the plan was held on June 10, 1999; and

WHEREAS the draft plan, as presented to the Planning Board on July 22, 1999, was the subject of a public hearing by the Board on September 9, 1999, and discussion on September 23, 1999;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Section 26-81 of the Baltimore County Code, 1988, that the Baltimore County Planning Board hereby adopts the Bowleys Quarters Community Action Plan 2000, as amended on September 23, 1999, to constitute a part of and an amendment to the Baltimore County Master plan 1989-2000; and

BE IT FURTHER RESOLVED, that the Bowleys Quarters Community Action Plan 2000, shall be transmitted to the Baltimore County Council for adoption in accordance with Section 523(a) of the Baltimore County Charter.

> **DULY ADOPTED** by vote of the Planning Board this 23<sup>rd</sup> day of September 1999

Arnold F. 'Pat' Keller, III

72tCllcr

Secretary to the Planning Board

M:\PLANBRD\Bowleys Qurts Resl.doc

# **Bowleys Quarters Community Action Plan**

(Adopted by County Council on November 2, 1992)

# Community Advisory Committee

Mr. Phil Edwards -Ch.

Ms. Lynn Carmody
Mr. Andy Jones
Mr. Bob Deurer
Ms. Bette Moore
Ms. Cecile Myrick
Mr. John Schmidt

Mr. Bob Eurice Mr. Tommy Raschka Mr. Jim Hock Mr. Milt Rehbein

Mr. Roy Johnson

Coordinator: Mr. Ian Forrest – Baltimore County Department of Environmental Protection and Resource Management

## **Affiliations:**

Small and large property owners

Local Realtors

Restaurant owners

Watermans' Association

Marine Trades Association

Chambers of Commerce

Bowleys Quarters Improvement Association

# Bowleys Quarters Community Action Plan 2000

# Community Advisory Committee

Mr. Dennis Faroul-Ch.

Mr. Jim Hock
Mr. Malcom Wood
Mr. Chuck LaHatte
Mr. Byron Livingston
Mr. Phil Edwards
Mr. Tom Lehner
Mr. Robert Palmer

Mr. Allen Robertson Ms. Jane Bisell Mr. Joseph Elkenberg

Coordinator: Ms. Karin Brown - Baltimore County Office of Planning

#### **Affiliations:**

Small and large property owners

Marine Trades Association

Bowleys Quarters Improvement Association

# TABLE OF CONTENTS

<ol> <li>Introduction</li> <li>a. Background</li> </ol>	1
b. 1999 Revisions to the Bowleys Quarters Community Action Plan II. Community Location and Description	3
III. Community Objective	4
IV. Land Use Analysis  a. Land Use Distribution	6
<ul> <li>b. Population projections</li> <li>c. Zoning</li> <li>d. Public Areas</li> <li>e. Martin State Airport</li> <li>f. Baltimore Gas and Electric Crane Power Plant</li> <li>g. A. V. Williams Properties</li> <li>1. A. V. Williams Tract</li> <li>2. Williams Estates – A Mobile Home Community</li> <li>h. Hart and Miller Island</li> <li>i. Marinas</li> </ul>	7 11 12 13 14 15 16 16 17
V. Community image	18
VI. Environmental issues  a. Sewerage b. Boater pollution c. Litter d. Storm Water Management/Sediment Control e. Chesapeake Bay Critical Area	19 20 22 22 23 23
VII. Adequate facilities  a. Traffic issues within the Bowleys Quarters Peninsula  b. Traffic issues along Eastern Boulevard and Eastern Avenue	25 27
<ul> <li>c. Traffic issues concerning the intersection of Carroll Island Road and Eastern Avenue</li> <li>d. Middle River Employment Center Access Study (MRECAS)</li> <li>e. Schools</li> <li>f. Emergency services (police, fire, ambulance)</li> </ul>	27 28 29 29
VIII. Design guidelines for new development	30
IX. Capital Improvement Projects	31

X. Design guidelines for new construction and reconstruction of single lots or minor subdivisions	31
XI. Implementation	32
Tables	
Table 1 - Existing Land Use 1993 Table 2 - Existing Zoning 1999 Table 3 - Implementation Program	6 9 33
Maps and charts Study Area Boundaries Proposed Land Use Map Population Projection Zoning Map Pie Chart – Bowleys Quarters Zoning	2 5 8 10 12
Appendix A - List of Zoning Definitions	32

•

4

•

#### I. INTRODUCTION

# Background

During the summer of 1989 concerns were expressed by the Bowleys Quarters Improvement Association's (BQIA) Water Quality Committee regarding the safety of the recreational waters in and around Seneca Creek for swimming purposes.

In order to alleviate the existing problems caused by the overflowing private sewage systems, Baltimore County initiated a 1989 engineering study for the extension of public sewerage. The community reaction to the possible extension of public sewerage generated a more comprehensive discussion of other issues in the Bowleys Quarters area. Attention became focused on population growth, zoning, adequate facilities, traffic issues, the Martin State Airport, environmental concerns, etc. As a result, an advisory committee was formed consisting of representatives of BQIA, local marinas, Watermans' Association, area Realtors Chamber of Commerce, large and small property owners and restaurant owners, to coordinate with the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) in the development of an Action Plan for the Bowleys' Quarters Community.

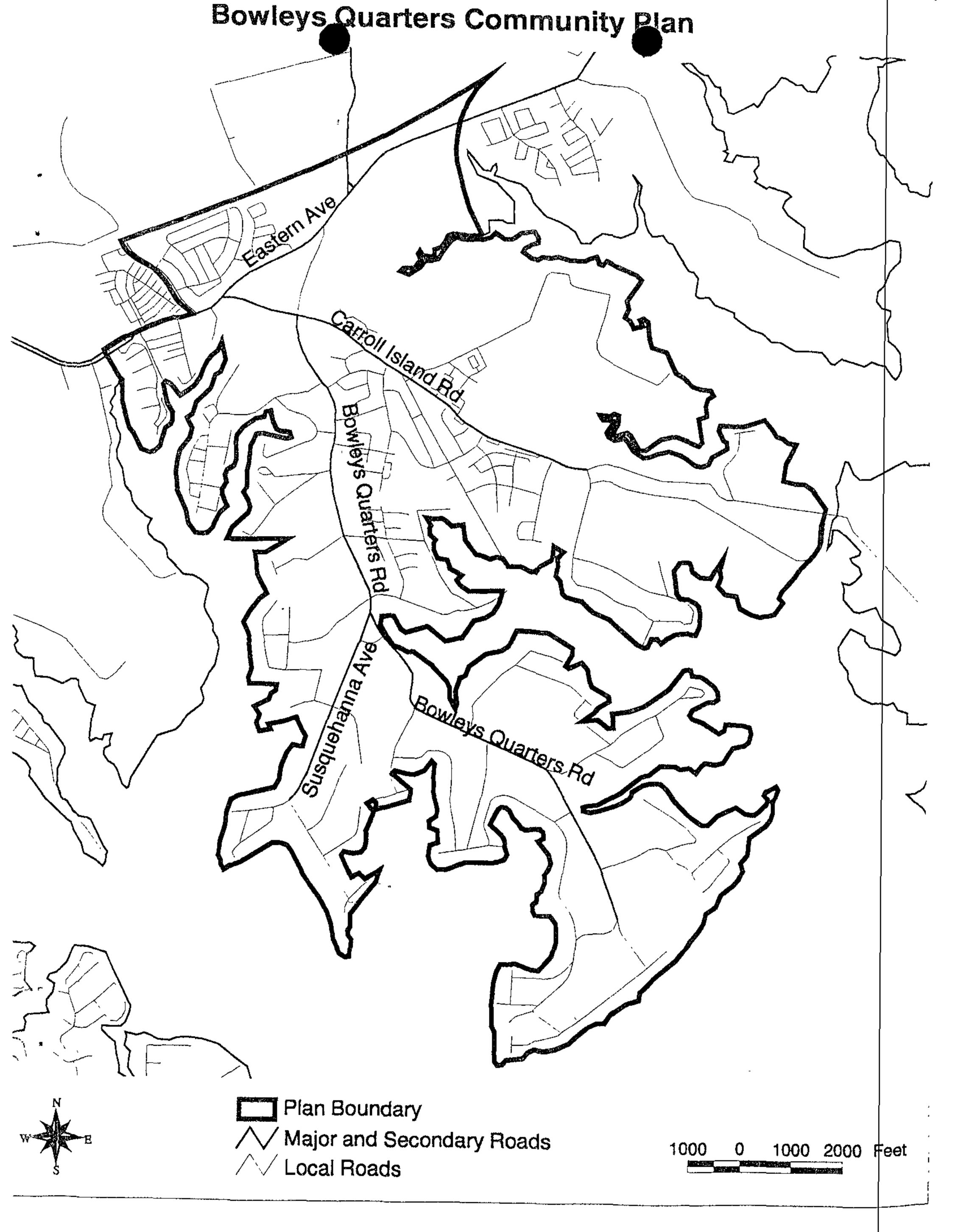
# 1999 Revisions to the Bowleys Quarters Community Action Plan

Construction of public sewer in the Bowleys Quarters peninsula instantly spurred new residential development. The number of new development proposals generated community concerns. Residents were also concerned about the quality of new housing stock and its impact on their property values. Additional concerns were raised about the rapid new growth in the upper portions of Bowleys Quarters and whether this would exhaust capacity before public sewer could reach the existing homes in the lower portion of the peninsula. In addition, many owners of developable lots were anxious to build.

Residents became aware that the 1992 Bowleys Quarters Community Action Plan no longer addressed their concerns. In December of 1998 a recommendation was made to review and revise the plan. A committee was formed and the Plan was revised to reflect the communities current concerns and issues.

This plan represents the desire of the Bowleys' Quarters community to accept reasonable growth and still maintain its' rural, waterfront atmosphere and protect the environment.

This plan is the result of the combined efforts and input from the Advisory Committee and various departments within Baltimore County government and the private sector. Without the many hours of work and cooperation by all involved, this document could not have been produced.



# 11. COMMUNITY LOCATION AND DESCRIPTION

Bowleys Quarters is located in southeast Baltimore County on the Chesapeake Bay. It consists of Middle River Neck extended northwest to Eastern Avenue and north to Carroll Island Road. The peninsula is bounded by Frog Mortar Creek, Middle River, Chesapeake Bay, and Seneca Creek. (See Fig.1).

The topography is relatively flat with poorly defined drainage patterns. Most elevations are less than 10 feet. Geology of the area consists of alternate layers of silt, clay and unconsolidated sand and gravel. Most undeveloped areas are wooded, covering hydra and other wet soils. Approximately 85 % of the community is within the Chesapeake Bay Critical Area. There are over 18 miles of shoreline on the peninsula offering quality recreational activity for community residents.

The development pattern consists of waterfront homes originally constructed many years ago, often as summer residences. Most are currently served by private septic disposal systems. Much of the peninsula interior is farmland or forested. Newer development is concentrated on the upper peninsula along Eastern Avenue, Carroll Island Road and the east side of Bowleys Quarters Road at Seneca Gardens Road. Development in these areas consists of both single unit and multi-unit dwellings served by public sewerage. Miami Beach County Park is located on the Bay at the southeast tip of the peninsula.

Commercial development generally consists of restaurants, bars, fast food restaurants, gas stations and the Carroll Island Shopping Center, all concentrated on the upper peninsula, and more than a dozen marinas on the rivers and creeks. In addition to being responsive to customers, it is essential that businesses also be responsive to the citizens of the community. This means working in partnership with residents and local authorities in ways that are beneficial to the community.

A proposed County sewerage system will cover the entire peninsula utilizing a gravity system and a limited number of grinder pumps on the upper peninsula and a grinder pump pressure system on the lower peninsula.

Outside influences having a direct impact on the community are:

- -Martin State Airport.
- -Baltimore Gas and Electric (BGE) Crane Power Plant.
- -The Eastern Boulevard/Avenue corridor.
- -Proposed MD Route 43.
- -Future development of the A. V. Williams tract.
- -Hart-Miller Island disposal site.
- -The types of recreational and commercial water use and the biological and chemical quality of surrounding waters.

Note: While revising the plan, it became apparent that the land area which served as the geographic area for the data in the 1992 version of the Bowleys

Quarters Plan did not correspond to the area shown as the community boundary in the beginning of that plan. Instead, the area used as a data source corresponds to the census tract for Bowleys Quarters, minus the area within census block #9. (Census block #9 corresponds to Carroll Island, which is part of Aberdeen Proving Ground, a military training facility).

The advisory committee had to decide whether to use the same area that served as the data source in 1992, or to change the area to correspond to the community boundary. The committee recommends using the same area as a data source as was used in The Bowleys Quarters Community Action Plan of 1992. The rationale for this decision is that utilizing the same base area facilitates comparisons between the data presented in the original plan and data obtained for the revised plan.

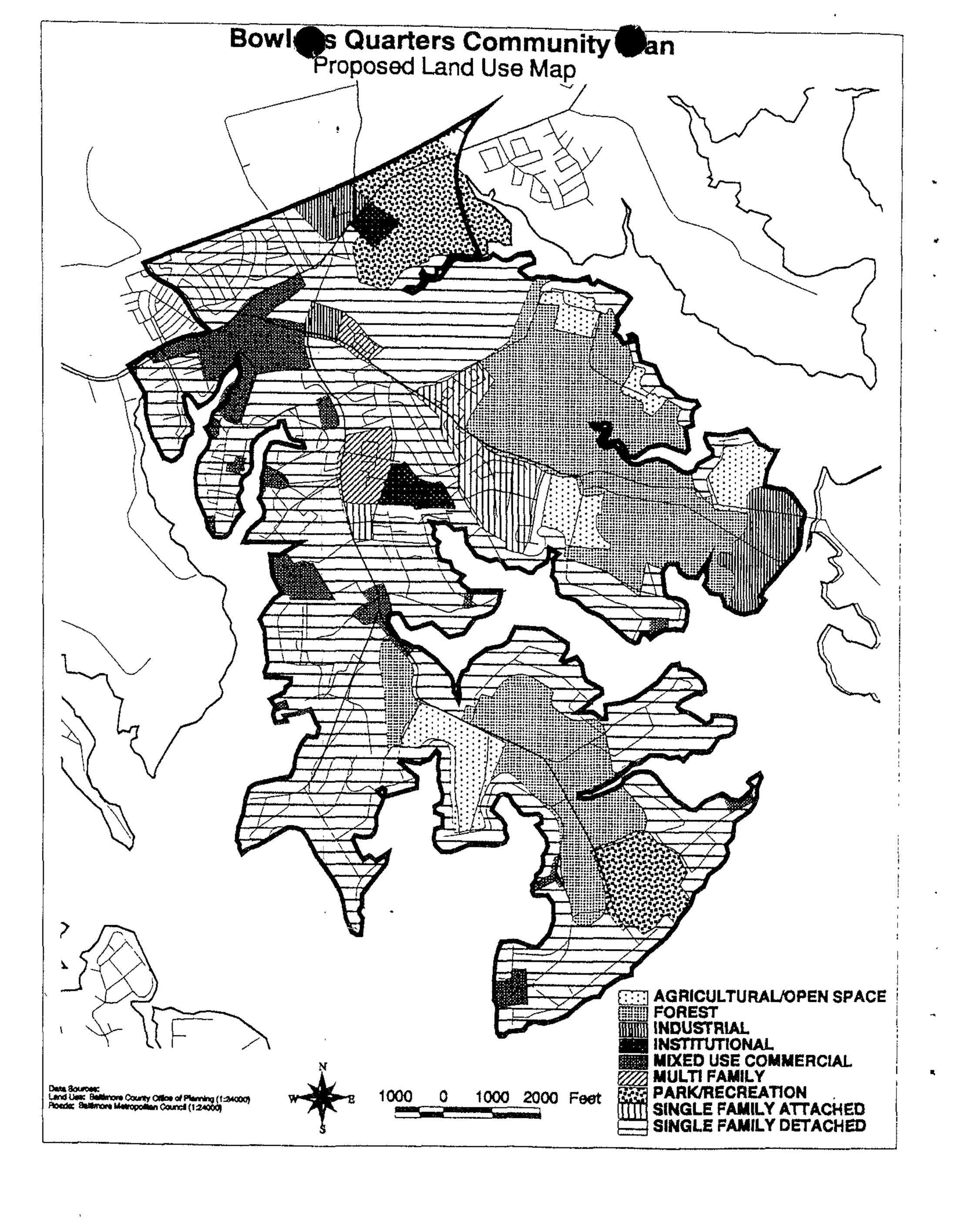
Some of the discrepancies between the 1992 data and the 1999 data may be due to differences in technology. That is, today's data is computer generated, whereas the original data was arranged manually.

#### III. COMMUNITY OBJECTIVE

"The community is dedicated to preserving the beauty, tranquillity, and recreational atmosphere of Bowleys Quarters and to encourage residents and businesses to be a vital part of the community."

#### Goals:

- 1. To promote growth in property values.
- 2. To present an image of a progressive and environmentally conscious community with conservation in mind.
- 3. To form a partnership between residents, businesses and County agencies for the purpose of implementing the actions recommended in this plan.
- 4. To support the implementation of major County projects affecting the peninsula such as the Route 43 extension, public sewerage, Dundee recreational/sports facilities, and a commercial project on Dark Head Creek, etc.
- 5. To support quality development of single family detached homes.
- 6. To prevent additional townhouse development in the community.
- 7. To recommend zoning changes that are consistent with the goal statements listed in 5 and 6 above.
- 8. To communicate to potential developers/builders the desires of the community.



## IV. LAND USE ANALYSIS

Note: The most up-to-date existing land use map adopted by the Baltimore County Council is dated 1993. That land use map served as the basis for this analysis.

Table 1

Existing Land Use 1993
Bowleys Quarters Study Area

Land Use	Acres	Percent of Study Area
Single family detached	1131.3	40.1
Single family attached	94.6	3.4
Multi family	44.9	1.6
Single family attached pipeline	5.6	0.2
Total Residential	1276.3	45.3
Mixed use commercial	125.8	4.5
Industrial	71.8	2.5
Industrial pipeline	9.0	0.3
· Total Industrial	80.8	2.9
Institutional	68.3	2.4
Park and Recreation	100.4	3.6
Agricultural/Open Space	142.2	5.0
Forest	555.0	19.7
Undeveloped	470.1	16.7
Total	2819.0	100.0

#### a. Land Use Distribution

The total study area consists of 2,819 acres. The dominant land use is residential totaling 1,131.3 acres or 40.1% of the study area, which is consistent with the development pattern in Bowleys Quarters. Of that total, 1,276.3 acres or 45.3% are designated single family detached, 94.6 acres or 3.4% are designated single family attached and 44.9 acres or 1.6% are designated multi-family.

Forest land followed by undeveloped land make up the next largest land use categories. The former consists of 555 acres or 19.7%, the latter of 470.1 acres or 16.7%. Agricultural/open space comprises 142.2 acres or 5%, while 100.4 acres or 3.6% of land are designated for recreation and parks.

Commercial land uses account for 125.8 acres or 4.5% of the study area. Much of the commercial land uses are concentrated on the upper portion of the peninsula at the Carroll Island Shopping Center.

Industrial land uses amount to 80.8 acres or 2.9%. They are located in two areas, 1) the intersection of Carroll Island Road and Bowleys Quarters Road and 2) the Baltimore Gas and Electric Crane Power Plant site.

The smallest land use category is institutional uses. The 68.3 acres or 2.4% of the study area which are classified institutional, accommodate two elementary schools, Seneca Elementary and Chase Elementary School, and several community churches.

Note: The data in Table 1, on page 6, Existing Land Use 1993, does not correspond to the graphic representation of land use shown on the Proposed Land Use Map on page 5. The existing land use map, which was adopted by County Council, has not been updated since 1993. Since that time, the County has more than doubled the land use for park and recreation (the acquisition of the Eastern Regional Park site being responsible for this change). The Proposed Land Use Map, which is consistent with the Land Use Map proposed for the Master Plan 2010, reflects the change in the park and recreation category. Additional changes show a slightly amplified total in the mixed use commercial category and a corresponding decrease in the residential land use category. The change is due to an increase in the number of marinas designated as commercial uses.

## b. Population Projections

Availability of public sewerage is expected to result in accelerated growth. The projections presented below use transportation zones to estimate population growth. In the case of the Bowleys Quarters community, transportation zone #445 served as the primary data base. That zone consists of approximately the same land area as census tract 4518.02, which functioned as the basis for the Land Use and Zoning Analysis.

The following methodology was used to obtain the population projections presented below. The amount of vacant land in 1993 was calculated. The maximum density of the vacant sites was determined to be 920 new dwelling units. Because the potential build-out rarely matches the historical trend of occupancy permits issued, due to environmental constraints and County requirements, the number for each transportation zone must be reduced to reflect a realistic estimate of development activity.

There may be some inaccuracies based on the unique situation in the Community where the average age is decreasing. Existing dwellings are being expanded. Older homeowners are being replaced by younger, new owners and renters with larger families. This may be offset by environmental constraints reducing the effective density. Also, the projections, which were conducted in 1993, did not anticipate the growth caused by the availability of public sewer.

Issue: Accuracy of population growth projections.

Action: County will update figures when the year 2000 census data becomes available.

Fig. 2

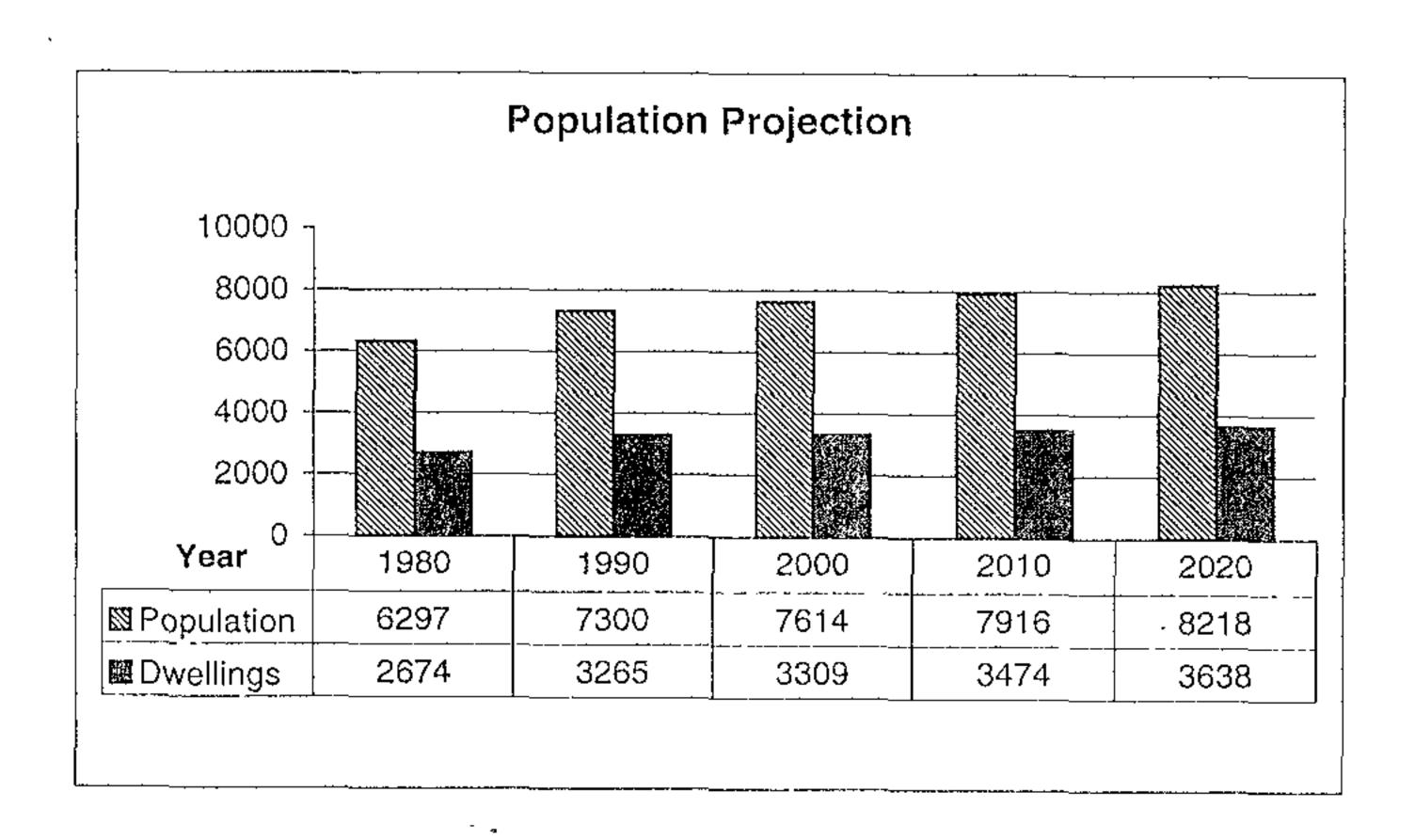
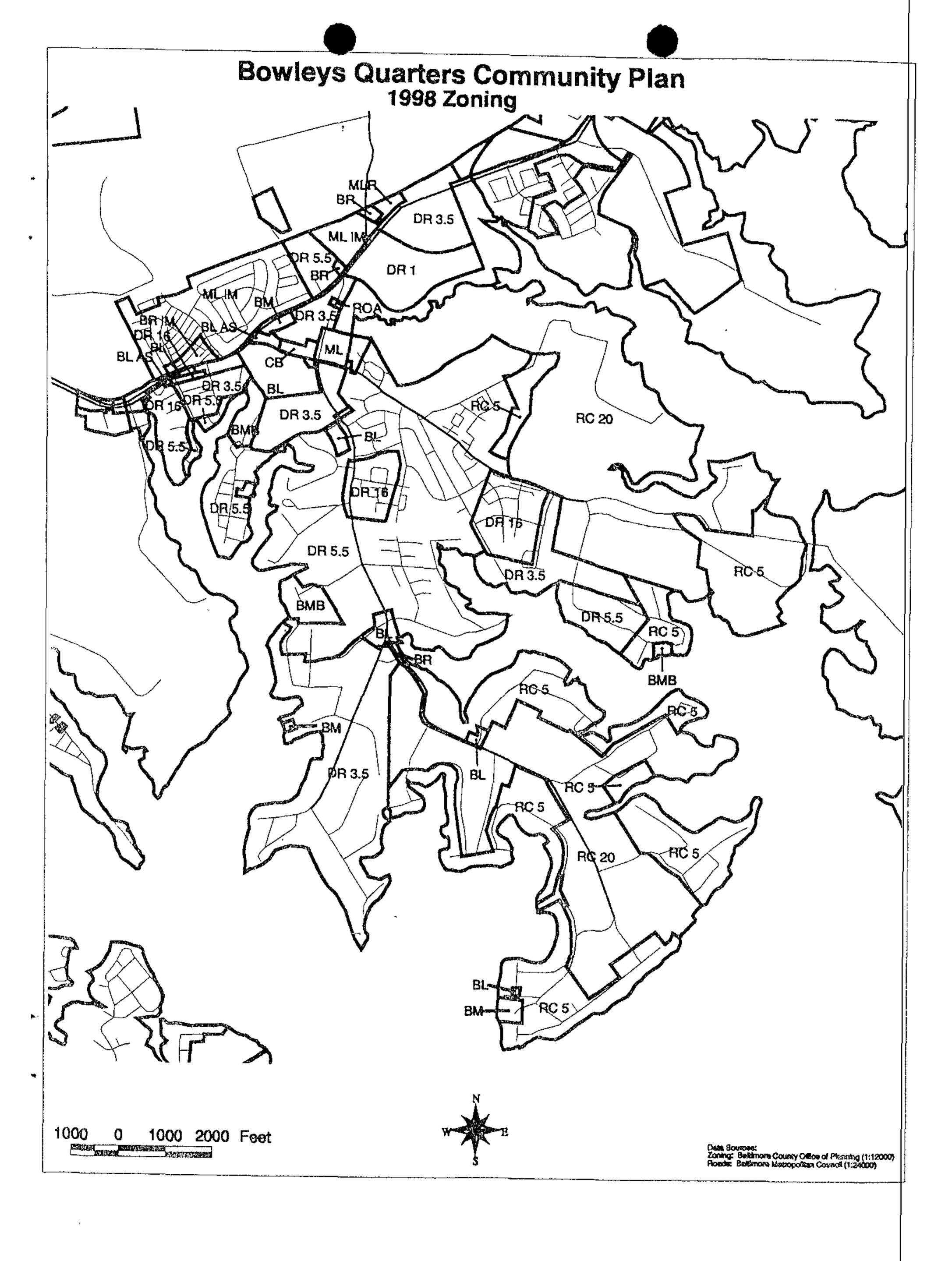


Table 2 Existing Zoning, 1999 Bowleys Quarters Study Area

ZONING ACRES PERCENT OF STUDY		
ZOMING	ACRES	PERCENT OF STUDY
	· ————————————————————————————————————	AREA
Business Zoning	,	
BL .	54.6	1.9
BLR	6.0	0.2
BM	12.2	0.4
BMB	37.3	1.3
BR	5.0	0.2
CB	5.1	0.2
Total Business	120.2	4.3
Residential Zoning		
DR 1	57.9	2.1
DR 16	112.7	4.0
DR 3.5	431.0	15.3
DR 5.5	594.1	21.1
Total Residential	1195.8	42.4
,		
Industrial Zoning		
MH IM	3.2	0.1
ML	211.8	7.5
MLR	8.2	0.3
Total Industrial	223.3	7.9
Resource Conservation		<del>-                                   </del>
Zoning		 
RC 20	781.4	27.7
RC 5	497.5	17.6
Total Resource	1,278.9	45.4
Conservation		
Office Zoning	`	
ROA	0.8	0.0
	<u></u>	
Total	2819.0	100.00



## c. Zoning

The study area consists of a mix of residential, resource conservation, commercial and industrial zoning classifications.

During the 1996 Comprehensive Zoning Map Process (CZMP), a considerable amount of land was rezoned in response to the community's request to reduce the overall residential density. The most dramatic change is apparent in the DR. 5.5 zoning category. DR 5.5 is a residential zone that allows 5.5 units per acre. It permits townhouse development only if the Baltimore County Hearing Officer finds it is compatible with the neighborhood. Between 1991 and 1996 the percentage of DR 5.5 zoned land changed from 43.4% to 21.1%. Much of the DR 5.5 zoned land was rezoned to DR 3.5, a residential zoning category which allows only single family detached housing at a density of 3.5 units per acre.

Much of the commercial zoning in Bowleys Quarters is located in the northernmost portion of the peninsula. It includes the Carroll Island Shopping Center and the commercial parcels along Carroll Island Road and Bowleys Quarters Road. Prior to 1996, several parcels were zoned Business Roadside (BR) and Business Major (BM). These zoning categories permit uses such as nightclubs, used car dealerships, and striptease businesses. During the 1996 CZMP, several commercial properties which were unimproved, or which did not use their property to the fullest extent possible, were rezoned to Business Local (BL), Business Local Restricted (BLR), or Community Business (CB). The former is the least permissive among the traditional commercial zoning categories. The latter two are performance based business zones, which not only prohibit uses that potentially could be detrimental to a community, such as pawnshops, cash checking facilities, nightclubs and bail bondsman businesses, but also provide performance standards that assure high quality development.

Another significant zoning change since 1992 is that the Business Maritime Boatyard (BMB) classification was applied to most of the local marinas and boatyards. Within the study area 37.3 acres or 1.3% are zoned for maritime uses. Prior to 1992, most marinas and boatyards operated by special exception on residentially zoned land.

The study area contains 223.3 acres, or 7.9% of land with industrial zoning. Most of the industrially zoned land is concentrated in two areas. One area is at the intersection of Carroll Island Road and Bowleys Quarters Road, the other is the Baltimore Gas and Electric Crane Power Plant.

Almost half of the study area has resource conservation zoning. Approximately 781.4 acres or 27.7% are zoned RC 20 and 497.5 acres or 17.6% are zoned RC 5. Combined, the land with resource conservation zoning encompasses 1,279.7 acres or 45.4% of the study area. RC 20 is applied to much of the forested land in the interior of the lower portion of the Bowleys Quarters peninsula. While it allows one dwelling per 20 acres, it is not intended for residential

development. Instead, it functions as an important tool to protect the Chesapeake Bay.

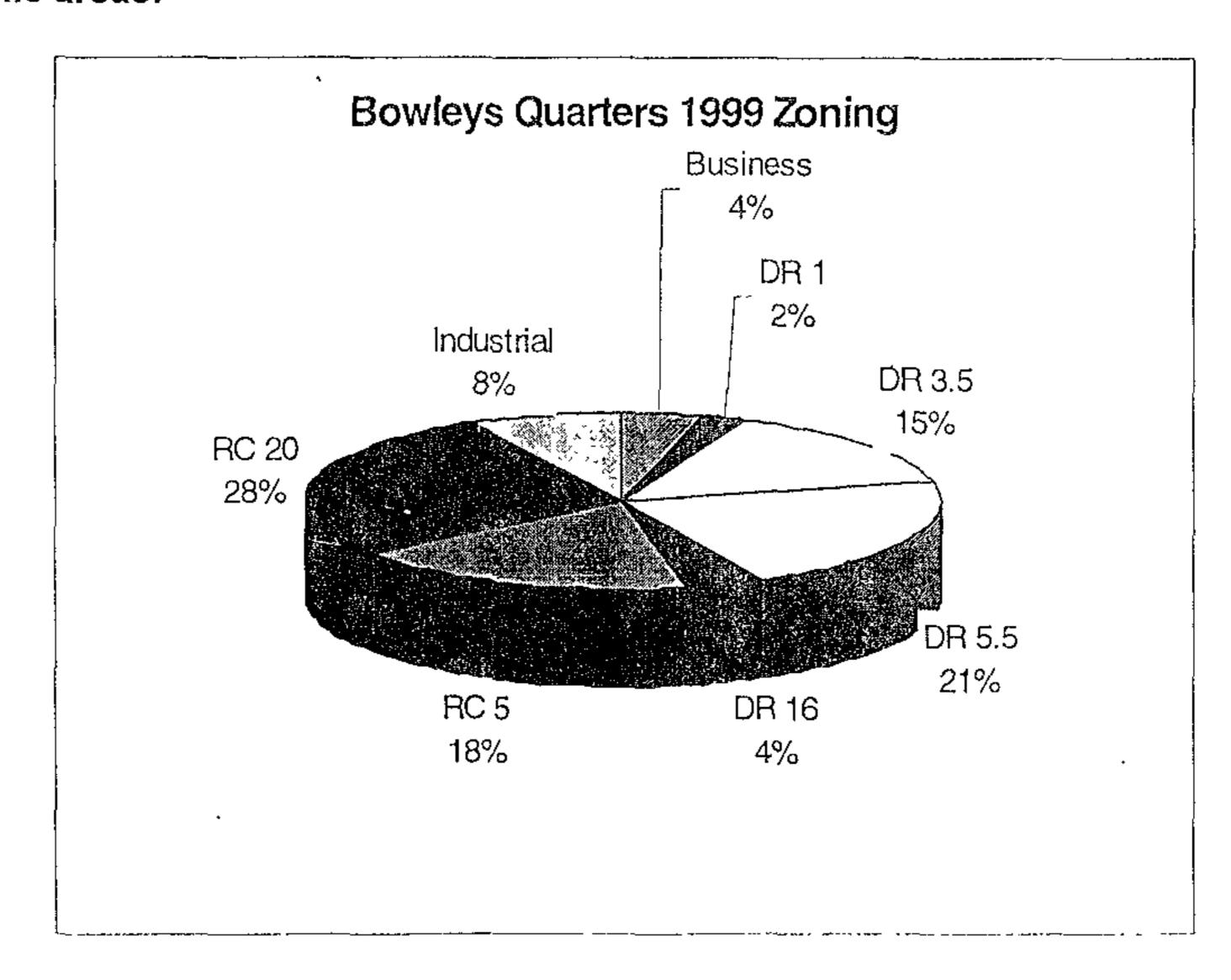
As far as residential development is concerned, RC 5 zoned properties pose the biggest challenges. RC 5 zoning is intended to accommodate residential development at a rate of 0.667 dwellings per acre. Minimum lot size in the RC 5 zone is one acre. Many of the unimproved parcels can not meet this minimum lot size requirement. With the advancement of public sewer toward the lower necks, where most of the RC 5 zoning is mapped, pressure to develop these undersized lots is mounting.

Issue: Residents support single family detached residential development. This does not include residential townhouse developments. Bowleys Quarters is not a designated growth area. New residential subdivisions should be consistent with the community's existing development pattern of single family detached homes. Additional zoning changes may be necessary to achieve this goal.

Action: During the 2000 Comprehensive Zoning Map Process the BQIA will request that the Planning Board and the County Council consider the rezoning of all remaining DR 5.5 zoned parcels to lower the existing zoning classification.

Fig. 3

#### d. Public areas:



Existing marina expansions, new marinas and Miami Beach County Park result in summertime peaks of water oriented visitors to the community. The seasonal increases in vehicle traffic for boating and swimming may have a negative impact on traffic flow and the environment. Projected population growth will further aggravate this problem.

Issue: Seasonal peaks in vehicular traffic due to boating, swimming and other recreational activities could slow down the response time of emergency vehicles.

Action: The BQIA will monitor growth and work with County agencies for any additional "public facilities" such as boat launch ramps, swimming beaches, fishing areas, etc. (continuous).

## e. Martin State Airport:

The 1989 Airport Noise Zone Certification established a 65 Loud Noise Zone over part of the Long Beach Estates area of the lower peninsula (see Fig. 4). New development in this area is limited.

The airport will remain a "general aviation" facility serving all non-commercial aircraft. Maryland Aviation Administration (MAA) will discourage scheduled service or cargo operations in favor of BWI where they are more appropriate and can be better accommodated. The MAA will continue to lease facilities to the MD Air National Guard, flight schools, businesses, police, medivac helicopters etc. The current 6:15 am through 9:45 p.m. tower operations are not expected to be extended.

1988 was the peak traffic year with 175,000 operations (landings and takeoffs). Long range forecasts, using essentially the present facilities, indicate a 43% increase to 250,000 operations. This number is somewhat inflated by the "touch and go" training operations of the flight schools. It is essential that specified flight patterns be enforced. Approximately 2,200 trees were planted along airport perimeters in 1990, including along Frog Mortar Creek, in order to help reduce ground level noise.

Issue: Objectionable noise levels, air and runoff pollution and safety are major concerns to the Community.

Action: The MAA will enforce residential development regulations in the 65 Loud Noise Zone. (As required)

Action: The MAA will advise local elected officials and the community of any operational changes (Maryland Air National Guard change of aircraft type, etc.). Changes will not exceed noise levels of 1990 aircraft types.

Action: The current size of the noise zone and noise levels will not be increased without written notification to the County administration, the County Council, and surrounding neighborhood. Every effort should be made through improving technology to reduce the noise zones and noise levels. (MAA continues).

Action: The community will request the airport management to notify all aircraft customers to refrain from operating aircraft between the hours of 8:00 pm through 7:00 am.

Action: The community to request the airport management to notify all aircraft customers to avoid flying over Bowleys Quarters community, if the aircraft they are operating has the maneuverability to do so.

The Maryland Department of Transportation (MDOT) and the MAA are proceeding with a \$25 million improvement to Glen L. Martin State Airport. Major improvements include repairs to the runway, a new control tower and building with the existing tower to remain as a historical structure.

New taxi ways and site preparation for additional hanger space of 60,000 square feet is now being built to house additional corporate jets. In order for the MD Air National Guard to be in compliance with FAA standards, the MAA is studying the plan to fill in a section of Frog Mortar Creek up to 200 feet to create a safety barrier.

Issue: The filling in of Frog Mortar Creek.

Action: The community, including marina owners, oppose an action to fill in Frog Mortar Creek. The BQIA will represent the community on this position at appropriate agency hearings/meetings.

Action: The BQIA will encourage using alternatives acceptable to the FAA which would prevent the filling in of Frog Mortar Creek.

Issue: The flight of airplanes, which under the FAA description are of acrobatic flight, that occur over residential areas.

Action: The MAA will file a written report with the FAA with a copy sent to the BQIA that occurs as a result of a community resident complaint.

# f. Baltimore Gas and Electric Crane power station:

The only major industrial facility located in the community is the BGE Crane Power Station, which is located at the mouth of Seneca Creek. During the last 20 years

various environmental problems associated with the operation have been reported. However, in recent years the company's ability to work with community organizations has created an "open door" relationship regarding efforts to solve reported problems. The facility has two major effluent discharges into community waters and stack gasses into the atmosphere. All of these are regulated through State of Maryland permits. There exists at the present time a major underground oil spill, which is being remedied.

Deregulation of electric power in Maryland is likely since neighboring states have already deregulated. Deregulation may cause some power plants to be sold and thus have new owners. Maintaining the open door relationship that has been experienced with BGE is important to the community. A dialogue with any new owners must occur to ensure that residents and the environment are not impacted.

Issues: Environmental problems associated with the operation of the BGE Crane Power plant.

Action: DEPRM will monitor the facility to assure protection of the environment and will make all pertinent data available to the community.

Action: Any new potential owners of the plant will be invited to community meetings to review their plans for the facility utilization and for developing a close working relationship.

# g. A.V. Williams Properties

# 1. A.V. Williams Tract:

The 1,016 acre, A. V. Williams tract is located northwest of the community, between White Marsh and Middle River. The site is the largest tract of unimproved land with industrial zoning in Baltimore County and is designated as an "opportunity area" in the Eastern Baltimore County Revitalization Strategy. Over the past years, the site was considered for several development projects, such as an international trade center and theme park complex, an automobile assembly plant and a speedway. None of these projects were developed. Community concerns regarding traffic, air and noise pollution, the lack of adequate facilities such as water, sewerage and roads remained important issues. The site has environmental constraints, which pose a challenge to potential developers. Nevertheless, a key reason previous development proposals were abandoned, was inadequate access. Efforts are under way to extend MD 43 to Eastern Avenue. This would provide the site with the necessary access.

The BQIA supports the development of this parcel and endorses the efforts made by the County government to pursue State and Federal funding for the construction of a road that would open up this last major tract of industrially zoned land in Baltimore County. The BQIA has been actively involved and has voiced its opinion to both county and state governments regarding issues concerning the A. V. Williams site.

Issue: Assess the impact of the development of the A. V. Williams tract on the community.

Action: The BQIA will review any proposals to develop this site, and work to ensure that development plans are consistent with the goals of this plan.

# 2. Williams Estates - A Manufactured Home Community:

The BQIA has worked with the Pascal Turner Group for many years to ensure that community interests and concerns were known to the Williams Estates community. The BQIA has had very good communication over the years and found their representatives responsive to the concerns of Bowleys Quarters' residents. Improvements completed by Williams Estates have impressed the Bowleys Quarters community and future plans have always been communicated to BQIA representatives for review. The BQIA appreciates the business practice of working with the surrounding communities and supports future plans of Williams Estates to further enhance their development. The major projects planned for this community are:

- Further enhancements to the property fronting on Eastern Boulevard.
- Continuation of the upgrading of manufactured homes available in the Peppermint Woods portion of the development.
- Development of a small shopping "strip center" intended to primarily serve nearby residents.

Issue: Monitor development of the proposed community shopping center to ensure that build-out is within the scope of plans agreed to by the BQIA.

Action: Work with the Pascal-Turner Group to ensure that the shopping area is built according to the agreements reached at the time the development was proposed.

# h. Hart-Miller Island disposal site

Hart-Miller Island is a regional dredging material disposal site operated by Maryland State Environmental Services and the Maryland Port Administration. It is utilized by all major dredging contractors in the rechannelization of the Chesapeake Bay and the Baltimore Harbor. Space has been reserved at the facility to accommodate materials from dredging projects. A major recreational

beach facility, which is utilized by the public, is located on the leeward side of the island. Starting in 1980, 30,000 cubic yards of sand were replenished on the recreational beach. Offshore stone breakwaters and revetments were constructed for the long-term erosion control of the recreational area. For the most part, during its 20 year operation, the facility has operated according to specifications. Periodic discharges, laden with sediment and other pollutants, have created concern to community residents regarding the quality of the surrounding waters. Concern has also been expressed about the effect of the normal discharge of the facility on the fish life in the area.

The South Cell environmental restoration plan, a portion of Hart Miller Island, is scheduled for completion in 1999. The study determined that the materials in the South Cell can be used to create wetlands and shallow water habitat. The South Cell area will serve as habitat for migratory shorebirds, nesting Least Terns and migratory songbirds. Construction is scheduled to begin in 2000.

Issue: Monitoring of the water quality problems associated with the operation of the Hart-Miller disposal site.

Action: The Hart Miller Island Oversight Committee will continue monitoring operation to assure protection of the environment and make all pertinent data available to the community. A representative from the community will attend the State meetings to obtain first hand information on the status of this site and report back to the community (continuous).

## i. <u>Marinas</u>

Thirteen marinas employing approximately 100 people represent the community's major "industry." Five have Business Maritime Boatyard (BMB) zoning, two have Business Major (BM) zoning, one has Business Roadside (BR) zoning and five operate under a special exception in a residential zone. All marinas in Bowleys Quarters are surrounded by residential areas. The marinas rely on and have a major impact on the "public domain" waters surrounding the community. Strong regulation is required to protect the residential areas, the marinas and the environment.

In 1998, the Department of Natural Resources posted restricted speed limits in Sue Creek and Middle River.

In 1999, marinas have approximately 2370 wet storage slips and 200 rack storage dry slips.

Five marinas have launch facilities for transient, trailered boats. In addition, each waterfront property could support up to four slips. On summer weekends this activity brings several thousand cars into the community. Some boaters continue to ignore noise and speed limits, safe boating practices, litter and pollution regulations.

Issue: Marina expansion within residential areas.

Action: Enforce zoning, Critical Area regulations and other legislation

designed to protect residential areas and the environment.

(OP, DEPRM)

Issue: Environmental impact.

Action: See environmental issues.

Rack storage has evolved from dry, winter storage of summer wet slip stored boats to full time "dry slip" storage. Rack storage can dramatically increase marina boat storage capacity and impact the surrounding residential areas and waterways. The County has adopted regulations for dry slip storage.

Issue: Assess the negative impact of rack storage on residential areas.

Action: Monitor and provide feedback to the county on regulation

violations. (BQIA)

Action: All rack storage, dry storage and expected trailer launched boats

to be indicated in proposals for expansions and new marinas.

(OP.)

The storage of recreational boats for profit on private residential lots is commonly referred to as an "illegal" or "bootleg" marina. Illegal marinas frequently generate additional traffic, parking, litter and noise from boaters, which affects the quality of life of adjacent property owners. In 1993, Baltimore County enacted regulations that limited the number of boats a person can store on a residential pier. The processing of zoning violations is generally complaint driven. In response to valid citizen complaints the County issues a violation notification to the property owner in question. If the zoning violation is not corrected voluntarily, a citation is issued and the defendant is taken to court.

Issue: "Bootleg" Marinas

Action: The BQIA will communicate requirements to residents and will encourage residents to notify either the BQIA or the County about existing "bootleg" marinas in the community. If necessary the BQIA will notify the County anonymously of resident complaints.

## V. COMMUNITY IMAGE

There is a desire by the community to improve its identity and to emphasize the Critical Area environment of the community. The BQIA furnished the sign that is near the intersection of Bowleys Quarters and Carroll Island Roads. The County furnished and installed the Critical Area signs throughout the community. These

were completed as part of an action that was completed in 1991. The community image is initially established by the appearance of the businesses located on Eastern Avenue, Carroll Island Road and Bowleys Quarters Road. There are violations of local regulations with outdoor displays and sales, temporary establishments (tent sales), storage of equipment and derelict buildings, etc. Other businesses may not be in direct violation of County codes, but convey an overall lack of pride in the appearance of the properties. In some cases the surface of the parking area is filled with potholes, weeds grow from crevices and lawns are poorly maintained. Landscaping is often minimal or non-existing.

Private residential property owners can also be in violation of zoning regulations. Some use their property for the storage of abandoned vehicles or discarded tires and appliances.

Issue: Upgrade the appearance of area businesses, some private properties and compliance with zoning regulations.

Action: Encourage business owners and residents to maintain or improve the appearance of their property. Educate the community about the most common zoning violations.

Action: The BQIA will conduct an annual survey and will notify business and private property owners that are not in compliance with the zoning regulations.

Action: If deemed necessary the BQIA will request that the Baltimore County Division of Code Inspection and Enforcement conduct a "sweep", which notifies property owners of all code violations. If the violation is not corrected within a specified time, the County will initiate legal action.

Issue: Signs should be in compliance with zoning regulations.

Action: If deemed necessary the BQIA will request that the Baltimore County division of Code Inspection and Enforcement conduct a "sweep" and will notify owners not in compliance with the sign regulations. If the violation is not corrected within a specified time, the County will initiate legal action.

### VI. ENVIRONMENTAL ISSUES

In the early 1990s, representatives of the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) had several meetings with the community to explain the significance of the microbiological and chemical quality of Seneca Creek and Frog Mortar Creek.

Residents were advised that approximately 80% of the more than 1,200 private

sewage disposal systems on the Bowleys Quarters peninsula were failing. These failing systems either discharged directly into the creeks and ground water or indirectly into storm drain system. As a result, the upper reaches of Seneca Creek and Frog Mortar Creek were considered unsafe for swimming since the water quality did not meet the microbiological standards established in state regulations. Records maintained by DEPRM indicate that these waters have been unsafe for recreational contact since 1965. However, the main channel and mouth of Seneca Creek which enters Chesapeake Bay has acceptable water quality.

The peninsula is undergoing the installation of a public sewage system to replace the marginal and failing private septic systems throughout the community. The public sewerage projects, once fully implemented, should reduce the health hazard and improve the water quality in Frog Mortar, Seneca and Galloway Creeks as well as Middle River and ultimately the Chesapeake Bay. However, the improvements should not be offset by over development of the area.

The Bowleys Quarters community desires to maintain the rural atmosphere that is enjoyed by residents, businesses, organizations and visitors. To achieve this, new residential structures should consist of high quality single family dwellings, built with open spaces surrounding the structures. Any reforestation requirements must be fulfilled within the Bowleys Quarters peninsula.

## a. Sewerage

Failing private septic systems have contributed to the pollution of the surrounding waters. In some areas, pollution levels constitute a health hazard. On November 2, 1992, the Baltimore County Council adopted The Bowleys Quarters Community Action Plan which states; the proposed sewage collection systems will cover the entire community, utilizing gravity sewers on the upper peninsula and "grinder pump" pressure systems on the lower peninsula. The project, which initially was expected to be completed in 1997, is designed and constructed in stages. The first phase of construction started in April 1996, and the target date for the last phase of construction to begin, is October 2000.

Connections and "grinder pumps" if required, for unimproved properties will be subject to the requirements and standards of the 1999 growth management legislation. Right-of-way easements for force mains, collection laterals, pumping stations, individual "grinder pump" stations, etc. will be purchased from property owners by the County. The County will own and maintain the entire system. Property owners will pay for their "grinder pump" electrical power. "Grinder pump" stations will include alarms to alert the homeowner to call the County for service.

Issue: The failing private sewage disposal systems present a health hazard.

Action: The BQIA will support County efforts to have all existing dwellings connected by 2002.

In order to justify the system and monitor its performance, pollution levels of the surrounding waters must be continuously monitored and results made available to the community.

Issue: Water quality monitoring.

Action: DEPRM will continue water quality testing for bacteria during the

recreational season and provide the results to the community.

Reliable grinder pumps will still require occasional maintenance. The project design and operation must encompass a reliable maintenance program with backup units and spare parts, where priority response is given to requests for service.

Issue: Quick response by the County to calls for service

Action: The County will monitor the cost of the grinder pumps and will be

perform a study to see if additional grinder pump suppliers will be

allowed.

Action: The Department of Public Works will communicate the

maintenance and response service program to the community

and individual residents.

Project costs will be determined by contractor bids for each phase of the project. The County will finance the project by the sale of bonds and recover these costs from the community as follows:

One time "connection fee" of \$1,425 at time of hookup to the system.

Annual front foot "benefit assessment" for all improved and unimproved properties.

One time "deficit charge" for all improved and unimproved properties. These charges represent the property owners share of 50% of the total project cost not recovered by the front foot benefit assessment and other funding sources.

One time permit and plumbing costs of connecting the house to the system as negotiated between the homeowner and a plumber at the time of connection to the system.

Quarterly sewer service charge based on "actual water usage." The connection fee, deficit charges, permit and plumbing costs can be spread over 40 years with a 4% annual interest charge. At the time of property transfer they continue on to the new owner, until fully paid. Low income property owners, as

defined by their County taxes, can fully defer these costs. At the time of transfer the new owner is responsible for the costs.

Issue: Installation costs to residents for public sewer service.

Action: DEPRM will investigate alternative financing through Federal,

State and County grants.

#### b. Boater Pollution

The growing number and expansion of marinas represent a potential major pollution source. A joint effort by marina owners, BQIA, DNR and DEPRM is required to constantly alert boat owners of their legal and moral obligation to avoid disposal of litter and wastes into the waters. All marinas have boat holding tank pump out facilities.

Issue: Boater pollution.

Action: BQIA, DEPRM, DNR, and the Chesapeake Bay Foundation will meet with local marina owners to encourage adoption of the Maryland Clean Marina Guide. Invite local marina owners to come to a community meeting to discuss what they are doing to protect the environment. (BQIA).

Action: Yearly inspection of marinas by the County is recommended with additional follow up as required. (DEPRM/DNR).

Action: Maryland Department of the Environment (MDE) will continue to implement a marina pump-out program. State cost share funding is available.

#### c. Litter

Dumping by non-licensed haulers is a constant problem at wooded areas located in Bowleys Quarters. The majority of this illegal dumping takes place at night away from witnesses. Everything possible must be done to prevent this illegal activity.

Issue: Litter from illegal dumping.

Action: The BQIA will discourage residents from using non-licensed haulers.

Action: The BQIA will publish a list of phone numbers and legal locations to dispose of trash for community awareness.

Action: The BQIA will encourage property owners to place gates across

private dirt roads to discourage the illegal use of these sites.

Action: The BQIA will work with County agencies to have the area cleaned

of trash.

Action: DEPRM will coordinate community clean-ups upon request.

(Periodically)

# d. Storm Water Management/Sediment Control

Runoff is a major non-point source of pollution that will not be alleviated by proposed sewerage. County storm drains, commercial and agricultural runoff represent the largest sources. It is essential that this problem be given increased priority.

In response to actions recommended in the initial Bowleys Quarters Community Action Plan, DEPRM has initiated programs that will improve the control of non-point source pollution caused by storm drains and commercial and agricultural runoff.

The Carrolwood Manor water quality retrofit on Nollmeyer Road was completed in 1995. Additionally, DEPRM has identified storm drain outfall locations and storm drain outfall locations and storm water management facility locations.

Issue: Non-point source pollution caused by storm drains,

commercial and agricultural runoff.

Action: DEPRM will enforce storm water management and

sediment control requirements. (Continuous)

Action: DEPRM will complete the Middle River Water Quality

Management Plan. The plan will include the watershed

pollution loading model and a three dimensional hydrodynamic

and estuarine water quality model.

# e. Chesapeake Bay Critical Area

The Chesapeake Bay Critical Area Law, enacted in 1984, is the most far-reaching piece of legislation to address the adverse impacts that result from the use of land surrounding the Chesapeake Bay. The fundamentally conserving philosophy of the entire Critical Area Program is expressed by the three (3) basic goals in the Critical Area Law:

 Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances that have run off from surrounding lands.

- 2. Conserve fish, wildlife and plant habitat.
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create environmental impacts.

The Baltimore County Chesapeake Bay Critical Area Program is not intended to prevent all future development. However, it is designed to protect the Chesapeake Bay by strictly regulating future growth so that harmful effects on water quality and plant, fish and wildlife habitats are prevented or reduced.

The framework for controlling future development or redevelopment is directly associated with the following three (3) Critical Area Classifications:

- 1. IDA Intense Development Area
- 2. LDA Limited Development Area
- 3. RCA Resource Conservation Area

The Chesapeake Bay Critical Area Program provides the definitions, states the purpose and provides the maps for supporting and identifying the location of these three (3) classifications in the Critical Area. Approximately 85% of the Bowleys Quarters community is within the Chesapeake Bay Critical Area.

The mechanism for implementation of the Critical Area Program is provided by regulations that concern the following:

- 1. Zoning
- 2. Forestry
- 3. Development
- 4. Land Use
- 5. Grading and Sediment Control

The specific regulations that directly influence development in the study area are: strict buffer and setback requirements, restrictions on tree removal and restrictions on construction within the tidal and non-tidal wetlands and habitat protection areas.

It is also the policy of Baltimore County through the Baltimore County Master Plan to continue implementing the Chesapeake Bay Critical Area Program.

In order to protect or enhance the urban, rural land use, plant and wildlife habitats and water quality, the Bowleys Quarters Community Action Plan supports the following to the fullest extent:

- 1. Chesapeake Bay Critical Area Law
- 2. Chesapeake Bay Critical Area Criteria
- 3. Baltimore County Chesapeake Bay Critical Area Program
- 4. Baltimore County Master Plan

Issue: Critical Area - County Growth Allocation Process

Action: BQIA will monitor Growth Allocation applications and will submit

testimony in cases not consistent with the goals of this plan.

(Continuous)

Action: BQIA will request enforcement of all Critical Area regulations.

(Continuous)

## VII ADEQUATE FACILITIES

# a. Traffic issues within the Bowleys Quarters peninsula

Bowleys Quarters Road is the primary means of access to the Bowleys Quarters Peninsula, while Carroll Island Road performs the same function in Carroll Island. Although traffic levels do not currently justify major projects within the Community, the population increase, that is likely to result because of the provision of public sewer, and the rapid deterioration of both main roads and side streets will require significant improvements during the time span of this plan.

The Bowleys Quarters community also experiences a significant increase in seasonal traffic. More than a dozen marinas, a large private picnic area and Miami Beach County Park are primarily responsible for the increased traffic volume during the summer months. In addition, the installation of public sewer is likely to result in patched and uneven roads.

Within the Community there are three immediate issues:

- 1. Emergency access to the lower peninsula.
- 2. Physical condition of the roads.
- 3. Pedestrian traffic on the upper peninsula. Bowleys Quarters Road and Susquehanna Avenue are presently the single access routes to the two arms of the lower peninsula. Bowleys Quarters Road beginning at the intersection with Susquehanna Avenue is a potential "choke"

point". Bowleys Quarters Road and Susquehanna Avenue are two lane roads without shoulders. Any serious vehicle accident, traffic tie up, utility pole or tree down would effectively isolate the lower peninsula, including Miami Beach County Park from emergency vehicles. (Medical, Fire, Police, etc.)

Issue: Emergency access to the lower peninsula.

Action: Analyze the feasibility of a second means of access to the lower peninsula. The study would examine adding shoulders on Bowleys Quarters Road from Susquehanna Avenue to Galloway Road and/or the construction of Chester Road between Susquehanna Avenue and Galloway Road. The analysis would also examine a realignment of Susquehanna Avenue at Bowleys Quarters Road. Designs should be consistent with the rural atmosphere of the community.

Poor soil sub-base conditions, age of roads and minimum repairs, other than pot hole patching, has resulted in generally poor condition of community roads. Proposed sewer construction, increased traffic and age will exacerbate this condition. Major replacements will be required within the time span of this plan. The Department of Public Works surveys all County roads annually. The roads are classified according to the condition of the road by percentage. Roads that are in very poor condition overall are the first to be resurfaced.

Issue: Poor physical condition of existing roads.

Action: The Department of Public Works will conduct a study of all community roads and develop an upgrade plan. This plan will be coordinated with any construction affecting roads. Major improvements to be programmed into County Capital Improvement Program.

Increased development throughout the peninsula is likely to further aggravate the dangers to pedestrian movement. Without shoulders or sidewalks, there is no place to walk or bicycle throughout the community. Sidewalks or walkways should be provided for all new development projects to facilitate personal safety. To maintain safety after sunset, these areas should be lighted with aesthetically pleasing streetlights such as lighting fixtures similar to those in Seneca Park. A sidewalk program exists in Baltimore County. However, the program is generally used where right-of-ways have been donated by property owners.

Issue: Pedestrian traffic throughout the Bowleys Quarters Peninsula.

Action: All new development in the Bowleys Quarters area will require sidewalks or impervious walkways.

Action: The County, where feasible, should construct sidewalks along all roads within the Bowleys Quarters study area.

Although not within the boundaries of Bowleys Quarters, the Eastern Avenue traffic corridor has a direct impact on access to and from the community. The three most important issues are:

- 1. Intersection of Eastern Avenue and Stemmers Run Road.
- 2. Intersection of Eastern Avenue and Carroll Island Road.
- 3. Proposed Route 43 access to Eastern Avenue.

# b. Traffic issues along Eastern Boulevard and Eastern Avenue

Eastbound traffic turning right onto Stemmers Run Road and Route 702 face major backups which extend into the through lanes. Heavy traffic exits from the corner service station onto both Eastern Avenue and Stemmers Run Road which is also a major school crossing. Traffic is regulated by a signal and several school crossing guards. Several automotive service businesses and used car lots use the shoulder for continuous storage of vehicles, boats, tow trucks, etc. They are parked side by side, two deep, immediately adjacent to the traffic lanes. Access to these businesses is directly from the right hand traffic lane, without use of the congested shoulder. The resulting congestion at this intersection is dangerous and causes delays.

The original Bowleys Quarters Community Action Plan, adopted by the County Council in 1992 recommended the following actions to alleviate traffic problems along Eastern Boulevard and Eastern Avenue: 1.) To modify the existing ramp that leads into MD 702, 2.) to eliminate parking and vehicle storage on the shoulders of Eastern Boulevard, and 3.) to upgrade both Stemmers Run Road approaches to provide increased intersection capacity. All of these actions have either been completed or will be addressed as part of the Eastern Boulevard Streetscape project. This project, which will enhance the section of Eastern Boulevard between Selig Avenue and Martin Boulevard, is scheduled to begin construction in the spring of 2000.

# c. Traffic issues concerning the intersection of Carroll Island Road and Eastern Avenue

The "Y" intersection of westbound Eastern Avenue and Carroll Island Road is potentially dangerous. Traffic is controlled by a traffic signal. However, ingress and egress from two fast food restaurants, a drive in theater and service stations directly at the intersection causes hazardous conditions. With the assurance of a green light drivers are surprised by sudden stops as vehicles enter and exit these businesses from unexpected locations. This condition will be further aggravated by seasonal peaks and the addition of a major marina on Carroll Island Road, between Eastern Avenue and Bowleys Quarters Road, and further development of strip shopping centers on both sides of Carroll Island Road.

The original Bowleys Quarters Community Action Plan raised the intersection of Carroll Island Road and Eastern Avenue as an issue and recommended two actions to address the problem. One of the requested actions was to conduct a study of that intersection. A traffic study was performed in February 1999. The intersection was classified as Level-of-Service "A". The outcome of the study makes it difficult to justify any public expenditures at this time.

Another dangerous traffic condition concerns left hand turns into the Carroll Island Shopping Center. The shopping center is located at the corner of Carroll Island Road and Bowleys Quarters Road. At both entrance ways, the respective roads are single lanes. Vehicles following a car making a left turn must wait until the maneuver is successfully completed. During peak traffic hours, traffic tends to become congested or vehicles are forced onto the dirt shoulder to circumvent the waiting automobile.

The approach to the traffic light at the intersection of Bowleys Quarters Road and Carroll Island Road had a left hand turn signal implemented (1992). This could be extended back to the Shopping Center entrance. The entrance to the Shopping Center on Carroll Island Road would require the addition of a left turn lane.

Issue: Eliminate traffic congestion at the entrance ways into the Carroll Island Shopping Center

Action: The BQIA will request the Department of Public Works to study the left turns into the Shopping Center.

# d. Middle River Employment Center Access Study (MRECAS)

The increased traffic that will justify the construction of the proposed MD 43 may increase congestion on Eastern Avenue. The location of the Eastern Avenue and the MD 43 intersection is critical. It should be located to have the least impact on already congested intersections such as Carroll Island Road and Eastern Avenue. While there are environmental constraints that must be overcome, the impact on residents of the area must be given equal consideration. The BQIA considers this designation as crucial to the continued revitalization of the community. The BQIA will remain actively involved and is on record as preferring either of two different sites exiting near the Martin State Airport as the only valid locations for the exit of MD 43 into Eastern Avenue.

Issue: Proposed intersection of MD 43 and Eastern Avenue/Boulevard.

Action: The County should consider community views when making a decision on the location for MD 43 (the community preferring to see it located opposite Martin State Airport). The location of

MD 43 should help minimize traffic impact and critical volumes going through the Eastern Boulevard and Carroll Island intersection.

Issue: Designation of the Middle River Employment Center Access Study (MRECAS) formerly known as MD 43 extended.

Action: The BQIA will monitor the progress with the Middle River Employment Center Access Study to ensure that the correct alignment is recommended for this road. The BQIA will continue to participate and voice the opinion that the only alternatives acceptable to the community are F and D modified, or alternative D as shown in the MRECAS update proposal dated Spring 1999. Each of these alternatives shows the MRECAS and Eastern Boulevard intersection at, or near the Martin State Airport area.

#### e. Schools

The population growth pattern projected on Fig. 2 may not follow County trends. As sewerage becomes available and development constraints are removed, there will be an initial population surge of largely younger families with school age children. To ensure that school facilities are adequate, it is essential that the Board of Education monitor growth patterns and forecast cumulative school population projections.

Issue: Impact of growth on area schools and recreation centers.

Action: The Board of Education and the Department of Recreation and Parks will review development applications with the Planning Office to project cumulative impact on school populations. When projections indicate future overloading, programs will be implemented to insure adequate facilities are available. Consideration needs to be given to the following:

- a) Class size of 24 or less for elementary schools.
- b) Sidewalks for students who walk.
- c) Magnet school for environmental sciences (elementary & middle schools).
- d) Bus stop shelters.
- e) Recreation center with Indoor fields similar to Allender Road.
- f) Bicycle path/jogging path.
- g) Outdoor track.

## f. Emergency Services:

Police: The community is currently protected by one patrol car, which serves about

3000 households. The present countywide ratio is one patrol car for every 3,519 households. This "protection ratio" should be the "adequate facility" requirement for the future development in the community. As boat traffic and the number of marinas increase, additional water based police protection will be required. This will require modification to the Strawberry Point facility, which houses the Marine and Aviation unit.

Issue: Impact of growth on adequate police protection.

Action: Police Department will monitor cumulative effect of development to plan additional protection of the community. (Annually)

Action: The precinct commander and area traffic commander should be involved in all future meetings involving planning and zoning for this community.

Action: Any modification to the Strawberry Point facility should involve community input.

### VIII. DESIGN GUIDELINES FOR NEW DEVELOPMENT

Accessibility of public sewer has generated interest in the development of previously undevelopable sites in Bowleys Quarters. Residents are not opposed to the development of additional single family detached homes. The community is, however, concerned that some new subdivisions may be of inferior quality, which in turn may undermine the property value of existing homes. To assure optimal quality, all new major subdivisions (3 or more lots) should meet the standards outlined below to the greatest extent possible.

- 1. Residential lots in all subdivisions should uphold the minimum area requirements of their respective zoning classification as specified in Section 1B02.3.C.1 of the Baltimore County Zoning Regulations.
- 2. Light posts should be of a traditional design.
- 3. Pedestrian walkways should be provided
- 4. Environmentally sensitive curbing/street edging should be provided.
- 5. Housing exteriors should be constructed of quality materials such as brick, stone, wood or premium vinyl.
- 6. Roofing should be constructed of quality materials such as architectural shingle. Subdivisions greater than fifteen units should provide usable open space. Such open space should provide amenities such as tot-lots, tennis courts or swimming pools.
- 7. Forestation requirements should be fulfilled within the site in question. If mitigation is required, the planting area should be within the Bowleys Quarters community.

# 8. All utilities should be buried.

Issue: Quality of new residential development

Action: Baltimore County should require that the above referenced

standards be met to the greatest extent possible.

#### IX CAPITAL IMPROVEMENT PROJECTS

Yearly, the County establishes the Capital Projects to be accomplished throughout the County. Communities present their requests for such projects as roads, schools, parks, dredging, etc. to the Planning Board. In order to maintain the quality of life in a manner that assures that public facilities are adequate and safe, the Bowleys Quarters community needs to develop and present their requests for Capital Improvement Projects to the Planning Board.

Issue: In the past the community has not participated in the County Planning Board's CIP Community Input Meeting.

Action: The community, should become educated about the CIP process, including the format and timetable in which requests for capital projects should be submitted.

Action: The County should support the community's requests for becoming educated about the CIP process.

Action: A committee is to be formed yearly to develop and present a capital improvement needs assessment to the Planning Board.

# X. DESIGN GUIDELINES FOR NEW CONSTRUCTION AND RECONSTRUCTION OF SINGLE LOTS OR MINOR SUBDIVISIONS.

The installation of public sewerage will allow the owners of unimproved lots or outdated homes to build new housing or renovate their property. The community is concerned about the quality of this new construction. This deprives neighboring property owners of the opportunity to review plans for the proposed development or redevelopment of single lots or minor subdivisions. It is therefore important to provide guidelines that inform owners of such lots about the community's goals for new development or redevelopment.

New construction should conform with the guidelines in the Comprehensive Manual of Development Policies (CMDP) for minor subdivisions and single lots in the designated waterfront areas. The community is opposed to mobile homes. The following list of requirements are those that the community deems appropriate:

- 1. All new homes will be single family detached dwellings. Each dwelling should have a minimum living space of 2000 square feet subject to the requirements for critical areas.
- Housing exteriors should be constructed of quality materials such as brick, stone, wood or premium vinyl.
- 3. Quality roofing such as architectural shingle, copper or slate.

Issue: The community is concerned that if the County permits the construction of housing that is of inferior quality, the property values of existing homes may be negatively impacted.

Action: The County should attempt to enforce the above guidelines to the greatest extent possible.

## XI. IMPLEMENTATION

Implementation of the recommendations of the Bowleys Quarters Community Action Plan is a vital element to assure the plans continued usefulness. It is recognized that, with the limited resources of the County agencies, creative partnership arrangements will be needed between businesses, county personnel and residents to achieve results. Prioritization of the recommendations and setting of yearly goals should be performed by the community. This will promote community cohesiveness by bringing residents, organizations, and local business people together to work towards a common goal. The Community Action plan is a living document which needs to reflect the character, appearance, and desires of the community as times change.

#### Recommendation:

The community should create a Plan Implementation Group each year to work with County agencies on the implementation of the recommended actions.

The community should prioritize their recommendations and select achievable yearly projects.

Periodically the community should perform a review of the Community Action Plan and initiate a revision if required.

Committee Note: We wish to thank the members of the Committee, the Office of Planning, the Department of Environmental Protection and Resource Management and all of the other State and County agencies and Councilman Gardina and his office for their patience and cooperation in helping to develop this plan.

## Table 3

Implementation Program

Recommended Action

Responsibility for Implementation

Zoning

Rezone remaining DR 5.5 to a lower zoning

classification

Community

Office of Planning

Martin State Airport

Communicate all changes in operations of

airport facility

Maryland Aviation Administration

Community Image

Maintain and improve the appearance of business

and private properties and assure compliance with zoning regulations.

Community

Permits and Development Management. Division of Code Inspection and Enforcement

Sewerage

Implement public sewerage system and connect all existing dwellings

Department of Public Works

**Environment** 

Continue water quality testing:

Department of Environmental Protection and Resource

Management

Litter

Discourage residents from using unlicensed

haulers

Community

Publish list of legal trash disposal sites

Community

Coordinate community clean-up

Department of Environmental Protection

**Road Traffic Issues** 

Upgrade Bowleys Quarters Road

Department of Public Works

Eliminate traffic congestion at the entrance ways of Carroll Island shopping Center

**Schools** 

Reduce class size

Board of Education

Create magnet school for environ-

mental sciences

Design

Enforce the design guidelines for

Office of Planning

new construction

# Appendix A - List of Zoning Definitions

RC-5: Resource Conservation (Rural Residential)

RC-20: Resource Conservation (Critical Area)

DR-3.5 Density Residential (3.5 units per acre)

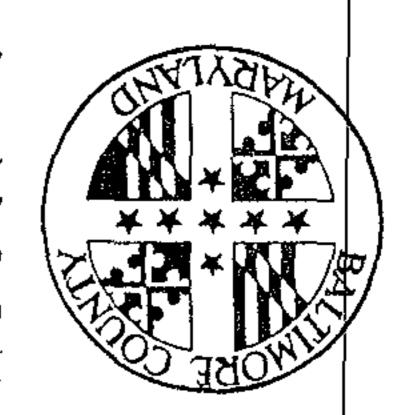
DR-5.5: Density Residential (5.5 units per acre)

DR-16 Density Residential (16 units per acre)

BL, BM, BR, CB Business

BMB Boatyard

ML Light Manufacturing



http://www.co.ba.md.us

Baltimore County Office of Planning County Courts Building 401 Bosley Avenue Towson, Maryland 21204

•

\*

