IN THE MATTER OF THE APPLICATION OF GORDEN K. HARDEN, JR., AND MARK E. GREEN -LEGAL OWNERS FOR VARIANCE ON PROPERTY LOCATED ON THE N/S GREENSPRING VALLEY ROAD, 23' NW C/L OF TURNLEE AVENUE (8 GREENSPRING VALLEY ROAD)

3<sup>RD</sup> ELECTION DISTRICT 3<sup>RD</sup> COUNCILMANIC DISTRICT BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

Case No. 02-105-A

#### 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, from a decision of the Deputy Zoning Commissioner dated November 7, 2001 in which Petitioners' requested variance relief was granted.

WHEREAS, the Board is in receipt of a letter of withdrawal of petitions filed on August 20, 2003 by David H. Karceski, Esquire, Counsel for Petitioners, Gordon K. Harden, Jr., and Mark E. Green, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioners requests that the Petition filed in the above-referenced matter be withdrawn as of August 20, 2003,

IT IS THEREFORE this 38th day of Wyutt, 2003, by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance filed in Case No. 02-105-A is WITHDRAWN AND DISMISSED, rendering moot the appeal filed in this matter by the Appellants and, further, that the Deputy Zoning Commissioner's Order of November 7, 2001, including any and all relief granted to Petitioners therein, is rendered NULL AND VOID.

> COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

awrence M. Stahl, Chairman

Charles L. Marks

Margaret Worrall



To File

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

August 28, 2003

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

RE: In the Matter of: Gordon K. Harden and Mark E. Green – Legal Owners

Case No. 02-105-A /Withdrawal of Petition

Dear Counsel:

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

Very truly yours,

Mathleen C. Bianco C. Butto

Administrator

#### Enclosure

c: Patricia A. Malone, Esquire
Michael H. Davis, Esquire
David Karceski, Esquire
Gordon K. Harden, Jr.

Mark E. Green
Donna M. Smith /Crown Realty Developments
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

IN RE: PETITION FOR VARIANCE

N/S Greenspring Valley Road, 23' NW centerline of Turnlee Avenue 3rd Election District

3rd Councilmanic District

(8 Greenspring Valley Road)

Gordon K. Harden, Jr. and Mark E. Green Petitioners

**BEFORE THE** 

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 02-105-A ж

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Gordon K. Harden, Jr. and Mark E. Green. The Petitioners are requesting a variance for property they own at 8 Greenspring Valley Road, located in the Owings Mills area of Baltimore County. The variance request is from Section 450.4.I.5(b) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a one-sided 10' 8" x 6' 4" front illuminated, 45 sq. ft. freestanding enterprise sign in the RO zone in lieu of the required 8 sq. ft. non-illuminated, single wall mounted sign.

Appearing at the hearing on behalf of the variance requests was Mark Green, one of the owners of the property. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, is located at the northeast corner of the intersection of Greenspring Valley Road and Reisterstown Road in Owings Mills. The subject property has recently been redeveloped with 2 two-story medical office buildings, as shown on the Petitioners' site plan. The property owners have just finished construction of these buildings and is interested in locating an enterprise sign on the property in the area depicted on the site plan submitted into evidence as Petitioners' Exhibit No. 1. The sign proposed to be installed on the property is an attractive single-face sign which will fit in nicely with the improvements that have already been made on the property. The

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Petitioners propose to illuminate this sign by way of a ground mounted spot light located at the base of the sign. After considering the testimony and evidence offered at the hearing and the lack of opposition to this request, I find that the variance to allow the sign to be installed on the property shall be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 7<sup>th</sup> day of November, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 450.4.I.5(b) of the Baltimore County Zoning Regulations, to permit a one-sided 10' 8" x 6'4" front-illuminated, 45 sq. ft. freestanding enterprise sign in an RO zone in lieu of the required 8 sq. ft. non-illuminated, single wall mounted sign, be and is hereby GRANTED.

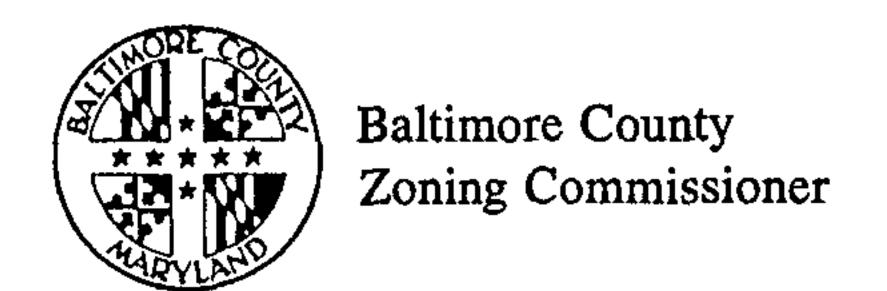
IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

November 7, 2001

Gordon K. Harden, Jr. 3200 Elm Avenue Baltimore, Maryland 21211

Re: Petition for Variance Case No. 02-105-A

Property: 8 Greenspring Valley Road

Dear Mr. Harden:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

Cuthy lotroco

TMK:raj
Enclosure

c: Mr. Mark E. Green 8 Green Spring Valley Road Owings Mills, MD 21117



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8 Gaesser 18 Unity LD 21117
which is presently zoned 20

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 450.4. T.5. (b) BCZIZ TO PERMIT OHE 10'8" X 6'4" OHE-SIPED, FROHT ILLUMINATED 45 SQ. FT. FREESTAHDING ENTERPRISE SIGN IN THE R-O ZONE IN LIEU OF THE REQUIRED 8 SQ. FT. UN-ILLUMINATED, SINGLE WALL-MOUNTED SIGN.

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

Seek permission to erect a sign similar to the concept drawing attached. Test A - Property is at the junction of RO & BL zone. Test B - Prospective tenants need assurance that adequate signage for there business will be available.

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

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

Contract Purchas	ser/Lessee;	
Name - Type or Print		······· <u>-</u> ··-
Signature		
Address		Telephone No.
City	State	Zip Code
Attorney For Petit	ioner:	
Name - Type or Print	<del></del>	
Signature	<del></del>	······································
Company		
Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.
C iv Tan	State	Zip Code
Cas No. OZ	-105-A	•
280 9 15198		-

is the subject of this Petition.	inc prope	prey wrach
Legal Owner(s):		
Gordon K. Harden, Jr.	······································	
Signature	·-·	
Mark E. Green		
Name - Type or Print Signature		
8 Greenspring Valley Road	410-88	39-4300
Address Owings Mills, MD 21117	Tei	ephone No.
City		Zìp Code
Representative to be Contacted.		
Gordon K. Harden, Jr.		
Name	_	
3200 Elm Avenue	410-889	
Baltimore, MD 21211	Tele	phone No.
City		Zip Code
OFFICE USE ONLY		

Date

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By \_ CTM

I/We do solemnly declare and affirm, under the perfaities of

perjury, that I/we are the legal owner(s) of the property which

# ZONING DESCRIPTION FOR #8 GREENSPRING VALLEY ROAD

Beginning at a point on the north side of Greenspring Valley Road which is 30 feet wide at the distance of 23 feet northwesterly of the centerline intersection of the nearest improved intersecting street, Turnlee Avenue, which is 30 feet wide; thence

- 1) South 86 degrees 40 minutes 00 seconds West 170.00 feet; thence
- 2) North 03 degrees 50 minutes 00 seconds West 46.25 feet; thence
- 3) North 54 degrees 06 minutes 00 seconds West 123.18 feet; thence
- 4) North 03 degrees 26 minutes 00 seconds West 99.83 feet; thence
- 5) North 86 degrees 34 minutes 00 seconds East 265.40 feet; thence
- 6) South 03 degrees 29 minutes 00 seconds East 224.45 feet to the place of beginning.

Containing 1.113 acres of land, more or less, as recorded in the Land Records of Baltimore County in Liber E.H.K., Jr. 5656 folio 278. Also known as #8 Greenspring Valley Road and located in the 3<sup>rd</sup> Election District, 3<sup>rd</sup> Councilmanic District.

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: #02-105-A

8 Greenspring Valley Road
N/S Greenspring Valley Road,
23' NW of centerline Tumlee Ave.
3rd Election District
3rd Councilmanic District
Legal Owner(s): Mark E. Green &
Gordon K. Harden Jr.

Variance: to permit a one 10' 8" x 6' 4" one-sided, front-illuminated 45 square feet free standing enterprise sign in the R-O Zone in lieu of the required 8 square feet, un-illuminated, single wall-mounted sign.

Hearing: Monday, November 5, 2001 at 10:00 a.m.

In Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887--3391. 10/192 Oct. 18 C500809

# CERTIFICATE OF PUBLICATION

10/19,2001	
THIS IS TO CERTIFY, that the annexed advertisement was pul	olished
n the following weekly newspaper published in Baltimore County	Md.,
once in each ofsuccessive weeks, the first publication appe	earing
on 10/18 ,20 <u>0</u> .	
The Jeffersonian	
Arbutus Times	
☐ Catonsville Times	
☐ Towson Times	
☐ Owings Mills Times	
☐ NE Booster/Reporter	
☐ North County News	
S. Wilkings	

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

	RE: Case No.: <u>02-/05-A</u>
	Petitioner/Developer: Gordon Harden4
	Mark Green
	Date of Hearing/Closing: 1/5/0/@//
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:	-
were posted conspicuously on the property location Mills, MD ZIII7  The sign(s) were posted on October	X Queenspring valley Rolling   Rol
THE RESIDENCE OF THE PARTY OF T	Sincerely,  (Signature of Sign Poster and Date)  (Printed Name)  SHANNON-BAUM SIGNS INC.  105 COMPE(Add Ness GOALS DR.  ELDERSBURG, MD. 21784  (City, State, Zip Code)  (Telephone Number)

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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:
Petitioner: Gordon K. HARden Jr.
Address or Location: 8 Greenspring Willey Rd. Owner Mills AND 21117
PLEASE FORWARD ADVERTISING BILL TO:  Name: Eichst /Allen UC
Address: 3200 Flu Ave
Baltonne MO 21211
Telephone Number: <u>410.889.4300</u>

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY

Thursday, October 18, 2001 Issue – Jeffersonian

Please forward billing to:

Eight Valley LLC 3200 Elm Avenue Baltimore MD 21211

410 889-4300

#### **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: 02-105-A
8 Greenspring Valley Road
N/S Greenspring Valley Road, 23' NW of centerline Turnlee Avenue
3<sup>rd</sup> Election District – 3<sup>rd</sup> Councilmanic District
Legal Owners: Mark E Green & Gordon K Harden Jr.

<u>Variance</u> to permit a one 10' 8" x 6' 4" one-sided, front-illuminated 45 square feet free standing enterprise sign in the R-O Zone in lieu of the required 8 square feet, un-illuminated, single wall-mounted sign.

HEARING: Monday, November 5, 2001 at 10:00 a.m. in Room 407, County Courts

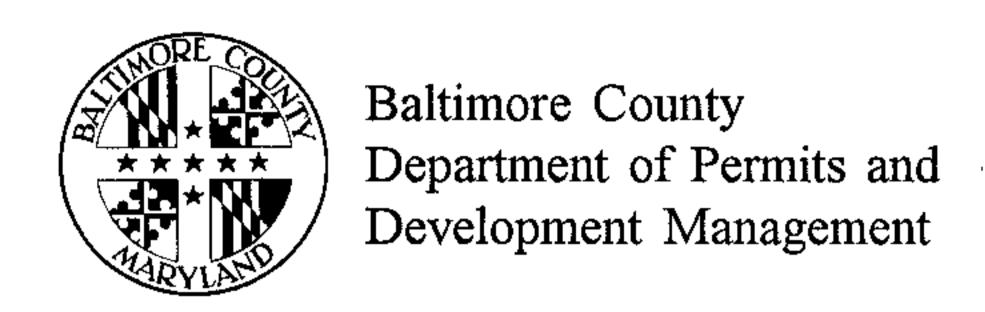
Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDO 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.



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

Fax: 410-887-5708

October 11, 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: 02-105-A
8 Greenspring Valley Road
N/S Greenspring Valley Road, 23' NW of centerline Turnlee Avenue
3<sup>rd</sup> Election District – 3<sup>rd</sup> Councilmanic District
Legal Owners: Mark E Green & Gordon K Harden Jr.

<u>Variance</u> to permit a one 10' 8" x 6' 4" one-sided, front-illuminated 45 square feet free standing enterprise sign in the R-O Zone in lieu of the required 8 square feet, un-illuminated, single wall-mounted sign.

HEARING: Monday, November 5, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon Goて Director

C: Gordon K Harden Jr & Mark E Green, 8 Greenspring Valley Road, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 20, 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.

25A5

CASE NO. 02-105-A

GORDON K. HARDEN, JR. AND MARK E. GREEN - Legal Owners

8 Greenspring Valley Road N/S Greenspring Valley Road, 23' NW centerline of Turnlee Avenue

3rd Election District

Appealed: 11/30/01

Attachment – (Plat to accompany Petition - Petitioner's Exhibit No.1)

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

#### CERTIFICATE OF POSTING

COR

TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204

Attention:	Kathleen Bianco	
	Administrator	
' t	: Edge ac	А

RE: Case No.	02-	105	- H	
Petitioner/D	evelope	r:		
SORDEN HARD	EN	<b>*</b>	MARK	GREEN
	-	+		

This is to certify that the necessary appeal sign(s) was posted conspicuously on

The sign(s) was posted on 1/25 ,2002.

By Any Called
(Signature of Sign Poster)

GARY C. FREUND

(Printed Name)

Johan Deve

80



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 25, 2003

2003

#### THIRD NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 02-105-A

IN THE MATTER OF: Gordon K. Harden, Jr., and Mark E. Green –Legal Owners

8 Greenspring Valley Road
3<sup>rd</sup> Election District; 3<sup>rd</sup> Councilmanic District

11/07\2001 -D.Z.C.'s Order in which Petition for Variance was GRANTED.

which had been reassigned to be heard on 3/20/03 has been **POSTPONED** at the request of the Office of People's Counsel, without objection by Counsel for Petitioner, due to schedule conflict and witness unavailability; and has been

**REASSIGNED FOR:** 

THURSDAY, AUGUST 21, 2003 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

: Peter M. Zimmerman, People's Counsel

for Baltimore County

Carole S. Demilio, Deputy People's Counsel

Counsel for Petitioners

: Patricia A. Malone, Esquire Michael H. Davis, Esquire David Karceski, Esquire

Petitioners

Gordon K. Harden, Jr. Mark E. Green

Donna M. Smith /Crown Realty Developments

Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM



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 Avertue

April 22, 2002

April 22, 2002

NOTICE OF ASSIGNMENT

CASE #: 02-105-A

IN THE MATTER OF: Gordon K. Harden, Jr., and Mark E. Green –Legal Owners

8 Greenspring Valley Road
3<sup>rd</sup> Election District; 3<sup>rd</sup> Councilmanic District

11/07/2001 -D.Z.C.'s Order in which Petition for Variance was GRANTED.

**ASSIGNED FOR:** 

THURSDAY, JUNE 20, 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

: Peter M. Zimmerman, People's Counsel

for Baltimore County Carole S. Demilio, Deputy People's Counsel

Petitioners

: Gordon K. Harden, Jr.

Mark E. Green

Donna M. Smith /Crown Realty Developments

Lawrence E. Schmidt /Zoning Commissioner Pat Keller, Planning Director Arnold Jablon, Director /PDM



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

June 6, 2002

#### NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 02-105-A

IN THE MATTER OF: Gordon K. Harden, Jr., and Mark E. Green –Legal Owners

> 8 Greenspring Valley Road 3<sup>rd</sup> Election District; 3<sup>rd</sup> Councilmanic District

11/07/200\\_D.Z.C.'s Order in which Petition for Variance was GRANTED.

which was assigned to be heard on 6/20/02 has been POSTPONED at the request of Counsel for Petitioner due to schedule conflicts; and has been

**REASSIGNED FOR:** 

THURSDAY, NOVEMBER 7, 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

: Peter M. Zimmerman, People's Counsel

for Baltimore County

Carole S. Demilio, Deputy People's Counsel

Counsel for Petitioners

: Patricia A. Malone, Esquire Michael H. Davis, Esquire

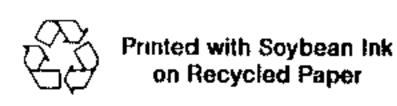
Petitioners

: Gordon K. Harden, Jr.

Mark E. Green

Donna M. Smith /Crown Realty Developments

Lawrence E. Schmidt /Zoning Commissioner Pat Keller, Planning Director Arnold Jablon, Director /PDM





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

October 28, 2002

John Maraham

#### SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 02-105-A

IN THE MATTER OF: Gordon K. Harden, Jr., and Mark E. Green –Legal Owners

8 Greenspring Valley Road

3<sup>rd</sup> Election District; 3<sup>rd</sup> Councilmanic District

11/07/2001 D.Z.C.'s Order in which Petition for Variance was GRANTED.

which was reassigned to be heard on 11/07/02 has been **POSTPONED** at the request of Counsel for Petitioner due to hearing schedule conflict; and has been

**REASSIGNED FOR:** 

THURSDAY, MARCH 20, 2003 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

: Peter M. Zimmerman, People's Counsel for Baltimore County

Carole S. Demilio, Deputy People's Counsel

Counsel for Petitioners

: Patricia A. Malone, Esquire Michael H. Davis, Esquire

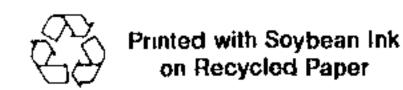
Petitioners

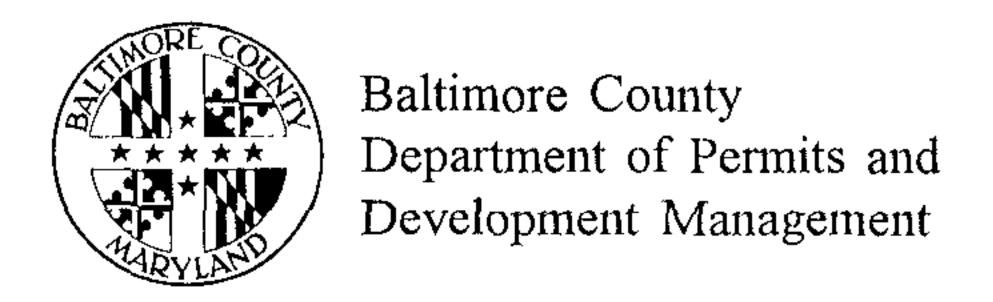
: Gordon K. Harden, Jr.

Mark E. Green

Donna M. Smith /Crown Realty Developments

Lawrence E. Schmidt/Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director/PDM





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

Fax: 410-887-5708

December 19, 2001

Gordon K Harden Jr Mark E Green 8 Greenspring Valley Road Owings Mills MD 21117

Dear Mr.'s. Harden & Green:

RE: Case No. 02-105-A, 8 Greenspring Valley Road

Please be advised that an appeal of the above-referenced case was filed in this office on November 30, 2001 by Peter M. Zimmerman, People's Counsel for Baltimore County. 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.

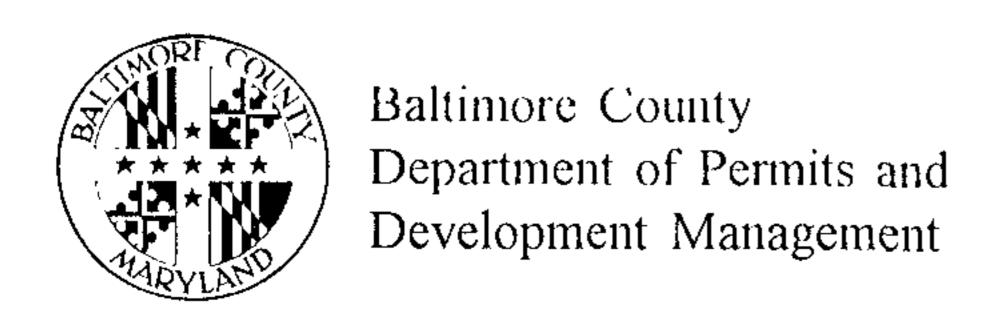
Sincerely,

Arnold Jablon GDZ

Director

AJ: gdz

c: People's Counsel



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

October 2, 2001

Gordon K Harden Jr. 3200 Elm Avenue Baltimore MD 21211

Dear Mr. Harden:

RE: Case Number: 02-105-A, 8 Greenspring Valley Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 12, 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 Ruchard, Jr.

W. Carl Richards, Jr. らりて Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Mark E Green, 8 Greenspring Valley Road, Owings Mills 21117 People's Counsel

Sem 11/5

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

UT 12

TO:

Arnold Jablon, Director

**DATE:** October 12, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-105

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Saction Chiefe

AFK/JL:MAC

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** October 16, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 8, 2001

Item Nos. 082, 101, 104, 105, 107, 108, 110, 111, 112, 113, 114, 115,

116, 117, and 118

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

RWB:HJO:jrb

cc: File



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

October 15, 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: SEE BELOW

Location: DISTRIBUTION MEETING OF October 1, 2 01

Item No.: See Below

Dear Ms. Stephens:

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

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

082, 102, 103, 104, 105, 106, 107, 109, 11, 111, 112, 113, 114, 115, 116, 117, and 113

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

cc: File



# Maryland Department of Transportation State Highway Administration

Parris N. Glendering
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date:

100.5.01

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

RE:

**Baltimore County** 

Item No.

LTM

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 138. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

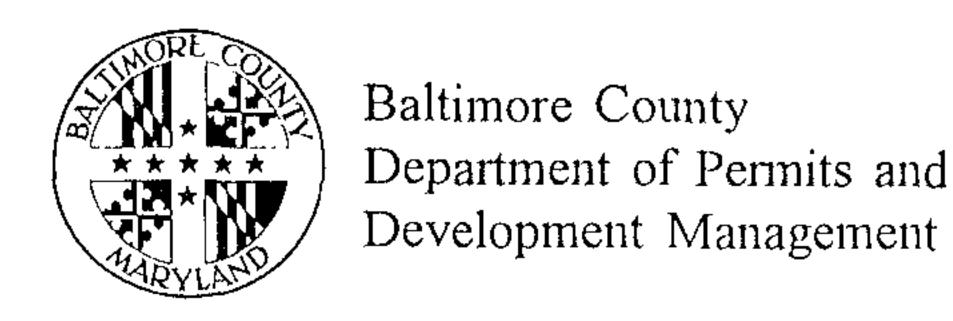
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

du

Kenneth A. McDonald Jr., Chief

Engineering Access Permits Division



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

Fax: 410-887-5708

December 19, 2001 -

Gordon K Harden Jr Mark E Green 8 Greenspring Valley Road Owings Mills MD 21117

Dear Mr.'s. Harden & Green:

RE: Case No. 02-105-A, 8 Greenspring Valley Road

Please be advised that an appeal of the above-referenced case was filed in this office on November 30, 2001 by Peter M. Zimmerman, People's Counsel for Baltimore County. 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 GDZ

Director

AJ: gdz

c: 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

November 30, 2001

CAROLE S. DEMILIO
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 VARIANCE

8 Greenspring Valley Road, N/S Greenspring Valley Rd

23' NW of c/l Turnlee Ave,

3rd Election Dist., 3rd Councilmanic

Gordon K. Harden Jr. & Mark E. Green, Petitioners

Peter May Timmerman

AribeS, Demilio

Case No.: 02-105-A

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 November 7, 2001 of the Baltimore County Deputy Zoning Commissioner in the above-entitled cases.

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

cc: Gordon K. Harden, Jr. & Mark E. Green, 3200 Elm Avenue, Baltimore, MD 21211, Petitioners

#### APPEAL

Petition For Variance
8 Greenspring Valley Road
N/S Greenspring Valley Road, 23' NW centerline of Turnlee Avenue
3<sup>rd</sup> Election District – 3<sup>rd</sup> Councilmanic District
Gordon K Harden Jr and Mark E Green - Legal Owner
Case No.: 02-105-A

Petition for Variance (dated 09/12/01)

Zoning Description of Property

Notice of Zoning Hearing (dated 10/11/01)

Certification of Publication (The Jeffersonian issue 10/18/01)

Certificate of Posting (dated 10/18/01 posted Stacy Gardner)

Entry of Appearance by People's Counsel (dated 10/31/01)

Petitioner(s) Sign-In Sheet (none)

Protestant(s) Sign-In Sheet (none)

Citizen(s) Sign-In Sheet (none)

**Zoning Advisory Committee Comments** 

Petitioners' Exhibits: (none)

Protestants' Exhibits: (none)

Miscellaneous (Not Marked as Exhibits):

Plan to Accompany Petition for Sign Variance dated 10/07/99

Deputy Zoning Commissioner's Order (dated 11/07/01 - GRANTED)

Notice of Appeal received on 11/30/01 from Peter M. Zimmerman, People's Counsel for Baltimore County

C: Gordon K Harden Jr, Mark E Green, 8 Greenspring Valley Road, Owings Mills 21117 People's Counsel of Baltimore County, MS #2010 Timothy Kotroco, Deputy Zoning Commissioner Arnold Jablon, Director of PDM Case No. 02-105-A

In the Matter of: Gordon K. Harden, Jr., and Mark E. Green – Legal Owners /Petitioners

VAR –To permit a one-sided 10'8" x 6'4" front illuminated, 45 sq. ft. freestanding enterprise sign in RO zone ilo of required 8 sq ft non-illuminated, single wall mounted sign.

11/07/2001 -D.Z.C.'s Order in which Petition for Variance was GRANTED.

2/22/02 - Letter from Donna M. Smith, Management Coordinator, Crown Realty Developments - requests notice of any public hearings held relative to this matter. File noted.

4/22/02 -Notice of Assignment sent to following; assigned for hearing on Thursday, June 20, 2002 at 10:00 a.m.:

Peter M. Zimmerman, People's Counsel
for Baltimore County
Carole S. Demilio, Deputy People's Counsel
Gordon K. Harden, Jr.
Mark E. Green
Donna M. Smith /Crown Realty Developments
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM

- 6/06/02 Letter from Patricia Malone, Esquire She and Michael H. Davis, Esquire, have been retained by Petitioners; both she and Mr. Davis have schedule conflicts with 6/20/02 date (notice had been given prior to letter by Amy Dontelle at Venable; date of 11/07/02 had been suggested as available date); Ms. Malone requests that postponement be granted and matter reassigned for hearing to 11/07/02. PC has been made aware of postponement.
  - -- Notice of PP and Reassignment sent to parties; case reassigned to Thursday, November 7, 2002 at 10:00 a.m.
- 10/23/02 Letter from D. Karceski, Esquire, requesting postponement of 11/07/02 hearing date; schedule conflict with ZC hearing same date and time.
- 10/28/02 Second Notice of PP and Reassignment sent to parties; case reassigned to Thursday, March 20, 2003 at 10:00 a.m.
- 2/25/03 Letter requesting postponement of 3/20/03 hearing date filed by Carole Demilio, Deputy People's Counsel; indicates no objection by D. Karceski (be rescheduled after May due to commitments).
   -- Third Notice of PP and Reassignment sent to parties; case reassigned to Thursday, August 21, 2003 at 10:00 a.m.
- 8/20/03 Letter from Counsel for Petitioners withdrawing Petition for Variance filed in Case No. 02-105-A. Order of Dismissal of Petition to be issued.

# Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

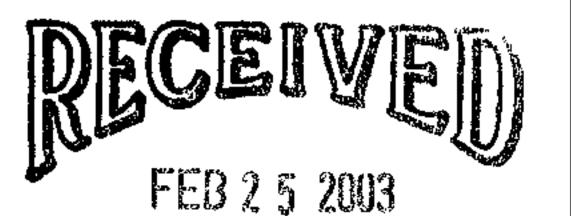
Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel

February 25, 2003

Deputy People's Counsel



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

BALTIMORE COUNTY BOARD OF APPEALS

RE:

In The Matter of Gordon K. Harden, Jr. & Mark E. Green

Case No.: 02-105-A

Dear Ms. Bianco:

The aforementioned sign variance case is scheduled for hearing March 20, 2003. Our office and Mr. Jack Dillon of Valleys Planning Council oppose the variance and intend to participate. Mr. Dillon is having surgery in March and will be unavailable on that day. Also, I will be away on vacation.

Mr. David Karceski represents the property owner and has kindly agreed to a postponement of the March 20th hearing. He has asked that the case be rescheduled after May due to his commitments. He also suggested you contact him with possible dates so as not to conflict with everyone's schedules. As I mentioned to you, I will not be available on June 10th.

Thank you for your consideration.

Very truly yours,

Carole S. Demilio

Deputy People's Counsel

cc: David Karceski

RE: PETITION FOR VARIANCE 8 Greenspring Valley Road, N/S Greenspring Valley Rd, 23' NW of c/l Turnlee Ave 3rd Election District, 3rd Councilmanic

Legal Owners: Gordon K. Harden Jr. & Mark E. Green Petitioner(s)

\*

BEFORE THE

ZONING COMMISSIONER

\* FOR

\*

\* BALTIMORE COUNTY

\* Case No. 02-105-A

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

#### 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

Peter May Ziramerman

Carole S, Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue Towson, MD 21204

(410) 887-2188

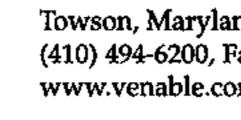
#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31<sup>st</sup> day of October, 2001 a copy of the foregoing Entry of Appearance was mailed to Legal Owners Gordon K. Harden, Jr., 3200 Elm Avenue, Baltimore, MD 2121 I, and Mark E. Green, 8 Greenspring Valley Road, Owings Mills, MD 21117, Petitioners.

PETER MAX ZIMMERMAN



210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147 www.venable.com





OFFICES IN

MARYLAND WASHINGTON, D.C. VIRGINIA

Writer's Direct Line: 410-494-6206

pamalone@venable.com

ڗ؞؆

June 5, 2002

#### Via Hand Delivery

Kathleen C. Bianco, Administrator County Board of Appeals for Baltimore County Old Courthouse, Room 49 400 Washington Avenue Towson, Maryland 21204

Re:

Case No. 02-105-A

8 Greenspring Valley Road

N/S Greenspring Valley Road, 23' NW centerline of Turnlee Avenue

Dear Mrs. Bianco:

Gordon K. Harden and Mark E. Green, owners of the above-referenced property, have retained Michael H. Davis and me to represent them in this matter. The hearing for this matter is currently scheduled for Thursday, June 20, 2002 at 10:00 am. Unfortunately, Mr. Davis and I will be unavailable on that date. I will be on vacation and Mr. Davis has a personal commitment that he can not change. Therefore, we are respectfully requesting that the hearing in the above-referenced matter be postponed. You have suggested Thursday, November 7, 2002 as an alternate date, and I would ask that the hearing be set in on that date.

Thank you for your consideration in this matter.

tauly yours,

PAM/ald Enclosure

cc:

Mr. Gordon K. Harden

Mr. Mark E. Green

People's Counsel

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### VENABLE, BAETJER AND HOWARD, LLP

Including professional corporations

210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147 www.venable.com



OFFICES IN

MARYLAND WASHINGTON, D.C. VIRGINIA

Writer's Direct Line: 410-494-6285

dhkarceski@venable.com

October 23, 2002

#### Via Hand Delivery

Kathleen C. Bianco, Administrator County Board of Appeals for Baltimore County Old Courthouse, Room 49 400 Washington Avenue Towson, Maryland 21204

Re: Case No. 02-105-A

8 Greenspring Valley Road

RECEIVED OCT 2 3 2002

BALTIMORE COUNTY BOARD OF APPEALS

Dear Mrs. Bianco:

I am writing this letter on behalf of my clients, Gordon K. Harden, Jr. and Mark E. Green, to request a postponement of the above-captioned matter. People's Counsel appealed the decision of the Deputy Zoning Commissioner granting my clients' request for a sign variance. The appeal is scheduled to be heard by the County Board of Appeals on Thursday, November 7, 2002, at 10:00 a.m.

Due to a scheduling conflict, I am respectfully requesting that the Board reschedule this matter to another date. I have another hearing before the Zoning Commissioner (Case No. 03-156-SPHA) on the same date and time.

I appreciate your consideration of this request.

Very truly yours,

David H. Karceski

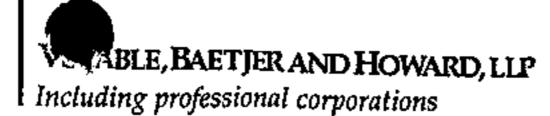
DHK/ald

cc: Mr. Gordon K. Harden, Jr.

Mr. Mark E. Green

Peter M. Zimmerman, Esquire

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210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147 www.venable.com OFFICES IN

MARYLAND WASHINGTON, D.C. VIRGINIA

VENABLE ATTORNEYS AT LAW

Writer's Direct Number: (410) 494-6285

dhkarceski@venable.com

August 20, 2003

#### **HAND-DELIVERED**

Mrs. Kathleen C. Bianco
Legal Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re:

Petition for Variance

Property: 8 Greenspring Valley Road

Case No. 02-105-A

RECEIVED

AUG 2 0 2003

BALTIMORE COUNTY BOARD OF APPEALS

Dear Mrs. Bianco:

The purpose of this letter is to confirm that our clients, Gordon K. Harden and Mark E. Green, are hereby withdrawing the Petition for Variance filed in Case No. 02-105-A for the above-referenced property, without prejudice.

Very truly yours,

David H. Karceski

DHK/bl Enclosure

cc: Carole S. Demilio, Deputy People's Counsel

Mr. Gordon K. Harden

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(410) 539-7117/7118 FAX (410) 553-6668

February 20, 2002

Baltimore County Board of Appeals Old Courthouse 400 Washington Avenue, Room 49 Towson, Maryland 21204

Re: Case 02-105-A, Property Owners: Gordan Hardin and Mark Green, Reisterstown Road at Greenspring Valley Drive, Owings Mills, Maryland, 21117

To Whom It May Concern:

Please note that I wish to be notified of any public hearings relative to the above referenced case currently before the Baltimore County Board of Appeals.

Thank you.

Sincerely yours,

Donna M. Smith

Management Coordinator

