IN RE: PETITION FOR VARIANCE
S/S Pleasant Hill Road, 1,400' +/of Reisterstown Road
4th Election District
3rd Councilmanic District
(Pleasant Hill Road)

Owings Meadows H.O.A., Inc. Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* - OF BALTIMORE COUNTY

CASE NO. 02-329-SPH

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 owners of the subject property, the Owings Meadows H.O.A., Inc. The special hearing request is to amend the Final Development Plan to remove the requirement to construct and install a paved pathway and amenities upon the H.O.A. open space parcels shown within their subdivision.

Appearing at the hearing on behalf of the special hearing request were Galen Wallace, a representative of the developer of the property and Michael Moran, attorney at law, representing the Petitioner. Appearing as interested citizens in the matter were Rosario Jones and Norbert Rotter. Mr. Jan Cook, a representative of the Department of Recreation & Parks, also attended the hearing.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, is the subdivision known as "Pleasant Fields" which was approved for 29 single-family residential lots. The community is located on the south side of Pleasant Hill Road, west of its intersection with Reisterstown Road. The developer of the property is in the process of closing out this project. The plan, which was approved for this subdivision, called for the installation of a macadam pathway beginning at Pleasant Hill Road situated between the

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residential properties owned by Mr. and Mrs. Ritz and property owned by Cox & Richardson. This macadam pathway leads from Pleasant Hill Road into the subdivision known as Pleasant Fields. The homeowners' association, as well as the residents of the area, have asked that the macadam pathway not be installed. The purpose for this request is to discourage loitering, unlawful gatherings and other mischief which might occur by the use of this pathway by the public in general. Therefore, the request is made to eliminate its installation.

This particular request involves the Department of Recreation & Parks. Mr. Jan Cook, a representative of that department appeared at the hearing. Recreation & Parks does not oppose the Petitioner's special hearing request so long as certain conditions and restrictions are imposed upon this Petitioner. Those conditions and restrictions are specifically listed on a letter dated March 3, 2002, authored by Jan M. Cook. Therefore, as a condition of approval of the Petitioner's special hearing request, I shall impose upon them to comply with the conditions and restrictions as written in that letter.

After due consideration of the testimony and evidence presented at the hearing and the lack of opposition to this special hearing request, I find that the request should be granted. It is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental 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 for the reasons given above, the special hearing relief shall be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this day of April, 2002, that the Petitioners' Request for Special Hearing, to amend the Final Development Plan to remove the requirement to construct and install a paved pathway and amenities upon the H.O.A. open space parcels shown within their subdivision, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners shall be required to comply with the terms and conditions as stated in the letter dated March 3, 2002 written by Jan M. Cook, a representative of the Department of Recreation & Parks. The time within which these items must be satisfied shall be within the discretion of the Department of Recreation & Parks.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

Muthy lotroes

FOR BALTIMORE COUNTY

TMK:raj

IN THE MATTER OF THE APPLICATION OF OWINGS MEADOWS H.O.A., INC. -LEGAL OWNER FOR SPECIAL HEARING ON PROPERTY LOCATED ON THE S/S PLEASANT HILL, 1400' +/-OF REISTERSTOWN ROAD (PLEASANT HILL ROAD)

4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

- BEFORE THE
- * COUNTY BOARD OF APPEALS
- * OF
- * BALTIMORE COUNTY
- CASE NO. 02-329-SPH

ORDER OF DISMISSAL

This matter comes to the Board on appeal filed by Galen A. Wallace, Agent, Owings Meadows Homeowners Association, Inc., from a decision of the Deputy Zoning Commissioner dated April 24, 2002 in which the special hearing was granted with restrictions.

A hearing was scheduled to be held before this Board on Wednesday, January 15, 2003 at 11:30 a.m., for which proper notice was given.

At 12:20 p.m., the Board's Administrator contacted Galen A. Wallace, Appellant, by telephone and was advised by Mr. Wallace that he would not be appearing for the hearing and understood that his appeal could be dismissed by the Board for failure to appear.

At 12:35 p.m., the Board convened in Hearing Room 48. Present at that time were Nancy C. West, Assistant County Attorney, appearing on behalf of Baltimore County, Maryland; Mr. Jan Cook, Baltimore County Department of Recreation & Parks; and Mr. Norbert H. Rotter, neighborhood resident. Mr. Galen A. Wallace, Appellant, did not appear, nor did anyone on his behalf or on behalf of the Owings Meadows Homeowners Association, Inc.

On the record and in open hearing, Ms. West moved for dismissal for failure to appear. Upon consideration of same, the Board granted said Motion for Dismissal and will so order.

IT IS THEREFORE ORDERED this 2003 by the

County Board of Appeals of Baltimore County that the appeal filed in Case No. 02-329-SPH be and the same is hereby **DISMISSED** with prejudice for Failure to Appear. The decision of the Deputy Zoning Commissioner in which the subject Petition for Special Hearing was granted with restrictions therefore remains the final Order in this matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*. If no such petition is filed within 30 days from the date of this Order, the subject file will be closed.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

Melissa Moyer Adams

C. Lynn Barranger



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at DISHEY COURT & PLEASANT HILL RD Which is presently zoned DR 3.5
partment of Permits and Development Management. The undersigned, legal

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

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

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN TO REMOVE THE REDUREMENT TO CONSTRUCT AND INSTALL A PAVED PATHWAY AND AMENITIES UPON THE H.O.A. OPEN SPACE PARCES

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

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

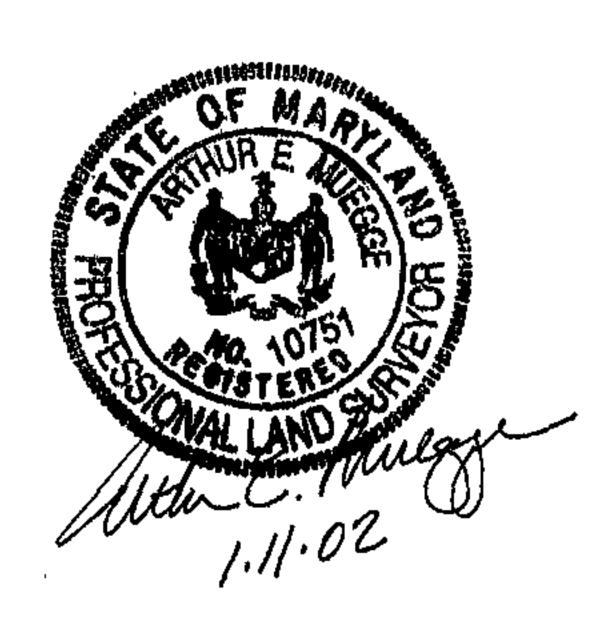
		is the subject of this Petition.
Contract Purchaser/Le	ssee:	Legal Owner(s):
		OWINGS MEADOWS H.E.A., INC.
Name - Type or Print		Name - Type or Print
Signature		Signature
Address	Telephone No.	MARIANN S FERGUSEN Name Type or Print PRESIDENT
City	State Zip Code	Signature Signature
Attorney For Petitione	<u>r:</u>	P. O. BOX 242 410-356-2470 Address Telephone No.
Marne - Type or Print		Address OUINGS MILLS, MD ZIII7-OZAZ City Telephone No. Telephone No. Zip Code
/ /war		Representative to be Contacted:
Signature The Law ofe. 0)	M.J. Moran, Pc	GALEN A. WALLACE
Company Company Front	ve 410-828.4800	Name 608 HIGHLAND AVE. (410) 804-4470
Adamess	Telephone No.	Address , Telephone No.
GP TO THE TOTAL OF	State Zip Code	City MD Z1Z04 State Zip Code
5 3 3 CIT 3 5		OFFICE USE ONLY
		ESTIMATED LENGTH OF HEARING 12 HR
Ease No. 02 -	329-SPH	UNAVAILABLE FOR HEARING
Gase 19. 02 -	······································	viewed By JC Date 2/07/02
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329

SCHEDULE "A"

DESCRIPTION OF PLEASANT FIELDS SUBDIVISION

Beginning on the Southeast side of Pleasant Hill Road, approximately 1400 feet Southwest of Reisterstown Road, being the subdivision of Pleasant Fields recorded in the land records of Baltimore County, Maryland in Plat Book 63 Folio 125. Also being 9.153 acres in the Fourth Election District.



Patton Harris Rust & Associates, pc 8818 Centre Park Drive Columbia, MD 21045 file 01202

BALTIMORE COUNTY, MARYLA OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

PINK - AGENCY

DISTRIBUTION

WHITE - CASHIER

No. 13220

DATE 5 24 02	ACCOUNT 0010066	150
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FOR: 02-324-5PH	APPEAL OF DECISIO	<u>V</u>
		

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NOTICE OF ZONING HEARING

The Zening Commissioner of Baltimore County, by authority of the Zening Act and Regulations of Baltimore County will hold a public hearing in Jowson, Maryland on the property identified herein as follows:

Case #02-329-SPH
Pleasant Hill Road
S/S Pleasant Hill Road
Ath Election District - 3rd Councilmanic District
Legal Owner(s): Mariann S. Ferguson
Special Hearing: to approve an amendment to the final development plan to remove the requirement to construct and install a payed pathway and amenities upon the H.O.A. open space parcels.

Hearing Wednesday, April 3, 2002 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

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

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

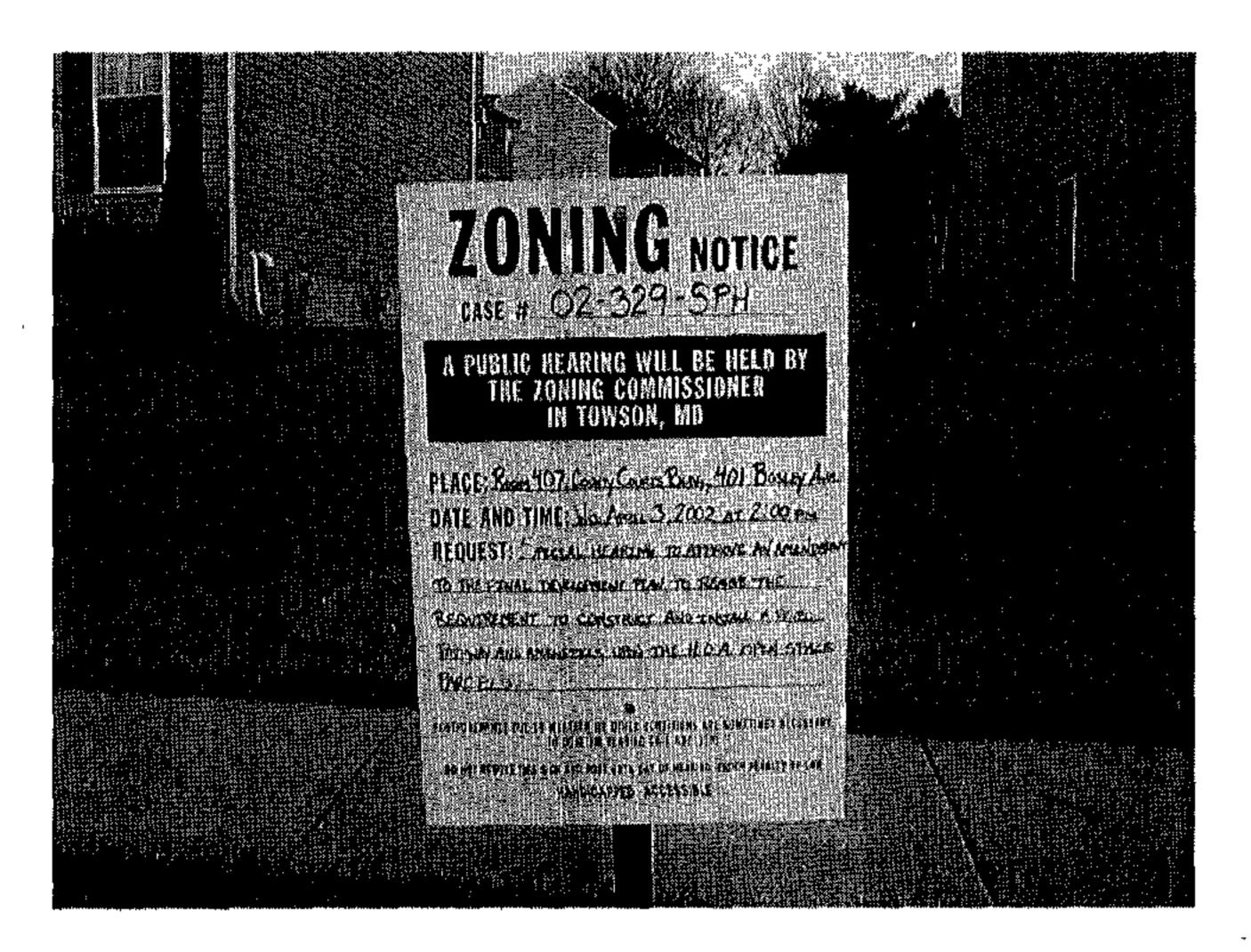
JT 3/708 March 19

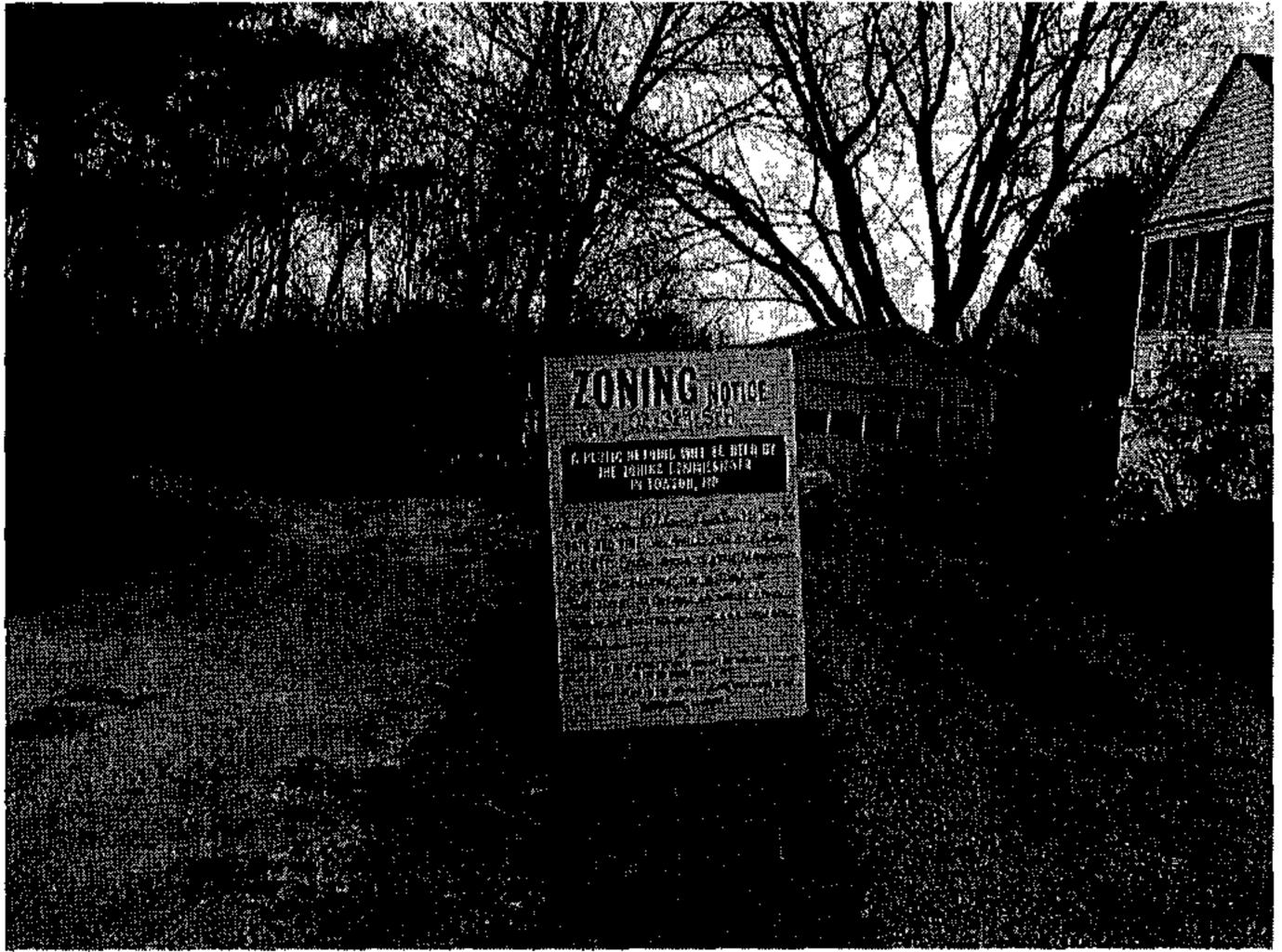
C526685

CERTIFICATE OF PUBLICATION

3 21,2002
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 3/19,20 <u>02</u>
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING





CERTIFICATE OF POSTING

RE: Case No. 02-329-SPH
Petitioner/Developer:
Mariann S. Ferguson
Hearing Date: 04/03/02

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Mr. George Zahner

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 138 & 140 Disney Ct. and 23 & 25 Pleasant Hill Rd.

The sign(s) were posted on 03/19/02.

Thomas J. Hoff

Sincerely,

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668

APPEAL SIGN POSTING REQUEST

CASE NO.: 02-329- SPH

Owings Meadows H.O.A., Inc. - LEGAL OWNERS

S/S Pleasant Hill, 1400' +/- of Reisterstown Road

4 th ELECTION DISTRICT	APPEALED: 5/24/2002
ATTACHMENT - (Plan to accompany Petition - Per	titioner's Exhibit No. 1)
*******COMPLETE AND RETURN BE	LOW INFORMATION****
CERTIFICATE OF	POSTING
TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204	
Attention: Kathleen Bianco Administrator	
RE: Case No.: 02-329-5PH	
Petitioner/Developer:	
owngo meadows	Hot
This is to certify that the necessary appeal sign was p located at:	
The sign was posted on $6/28/02$, 2002
By: Aug Level (Signature of Sign Poster)	
GARY FREUND	
(Printed Name)	

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Al EAL SIGN POSTING REQUE

CASE NO.: 02-329- SPH

Owings Meadows H.O.A., Inc. - LEGAL OWNERS

S/S Pleasant Hill, 1400' +/- of Reisterstown Road

4th ELECTION DISTRICT

APPEALED: 5/24/2002

ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1)

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 02-329-5PH
Petitioner: Owings MEADOWS H.O.A. INC.
Address or Location: S. SIDE PLEASANT HILL RO 1400 W OF REISTERS TOWN SUBDIVISION; PLEASANT FIELDS.
PLEASE FORWARD ADVERTISING BILL TO:
Name: GALEN WALLACE
Address: 608 HIGHLAND AVE
towson MD 21204
Telephone Number: 410 804 4470

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

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

Fax: 410-887-5708

February 26, 2002

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: 02-329-SPH

Pleasant Hill Road

S/S Pleasant Hill Road, 1400' +/- W of Reisterstown Road

4th Election District – 3rd Councilmanic District

Legal Owner: Mariann S Ferguson

Special Hearing to approve an amendment to the final development plan to remove the requirement to construct and install a paved pathway and amenities upon the H.O.A. open space parcels.

HEARING: Wednesday, April 3, 2002 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon GDZ

Director

C: Mike Moran, 1400 Front Avenue, Lutherville 21093
Owings Meadows HOA, Mariann S Ferguson, P O Box 242 Owings Mills 21117
Galan A Wallace, 608 Highland Avenue, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 19, 2002.

- (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.



County Board of Appeals of Baltimore County

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

September 10, 2002

NOTICE OF ASSIGNMENT

CASE #: 02-329-SPH

IN THE MATTER OF: Owings Meadows H.O.A., Inc.

- Legal Owner / Petitioner Pleasant Hill Road

4th Election District; 3rd Councilmanic District

4/24/02 - D.Z.C.'s Order in which special hearing request to amend FDP was GRANTED with restrictions.

ASSIGNED FOR:

WEDNESDAY, JANUARY 15, 2003 at 11:30 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:

Counsel for Appellants /Petitioners
Appellants /Petitioners

-Michael J. Moran, Esquire

WID appearance

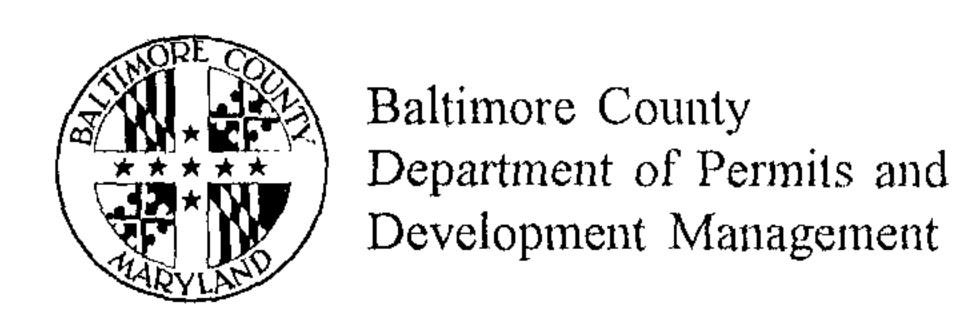
4/19/02

: Owings Meadows Homeowners Association Mariann S. Ferguson, President and

Galen A. Wallace, Agent /G.W. Site Services, Inc.

Norbert H, Rotter John Cox

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM



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

March 29, 2002

Mr. Mike Moran The Law Office of MJ Moran PC 1400 Front Avenue Lutherville MD 21093

Dear Mr. Moran:

RE: Case Number: 02-329-SPH, Pleasant Hill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 07, 2002.

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, In.

W. Carl Richards, Jr. G う こ Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Owings Meadows HOA Inc, Ms Mariann S. Ferguson, President, P O Bjox 242, Owings Mills 21117-0242

Mr. Galen A. Wallace, 608 Highland Avenue, Towson 21204

People's Counsel



Maryland Department of Transportation State Highway Administration

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

Date: 2.22.07

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: **Baltimore County**

Item No. 329

Dear, Mr. Zahner:

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,

L. L. Arell.

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



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

February 28, 2002

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

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 25, 2002

Item No.: 285, 318, 320, 322, 324, 327, (329) 330

Dear Ms. Stephens:

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

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File



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

June 6, 2002

Mike Moran
The Law Office of M.J. Moran
1400 Front Avenue
Suite 202
Lutherville MD 21093

Dear Mr. Moran:

RE: Case No. 02-329-SPH, Pleasant Hill Road

Please be advised that an appeal of the above-referenced case was filed in this office on May 24, 2002 by Galen A Wallace, Agent. 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 Jablen

Director

AJ: gdz

c: Ms. Rosario Jones 3 Nearock Court, Owings Mills 21117 Mr. Norbert H Rotter, 136 Disney Court, Owings Mills 21117 Jan M. Cook, Recreation & Parks People's Counsel

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

March 28, 2003

TO:

Arnold Jablon, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton

Board of Appeals

SUBJECT:

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 PDM FILE NUMBE. APPEALS		NAME	LOCATION
CASE NUMBER 02-329-SPH	02-329-SPH	Owings Meadows H.O.A., Inc.	s/s Pleasant Hill Road

Attachment: SUBJECT FILE(S) ATTACHED

not CBA 02-159, VIII-765

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley 485/767

DATE:

March 25, 2002

Zoning Advisory Committee Meeting of February 25, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

285, 314-325, 327(329)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 21, 2002

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for March 4, 2002

Item Nos. 314, 315, 316, 319, 320, 321, 322, 323, 324, 327, 328 and (329)

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

RWB:HJO:cab

cc: File

ZAC-3-4-2002-NO COMMENT ITEMS-03212002.doc

#3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 11, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAR 1 1:412

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-329, 02-350, 02-351, 02-355 & 02-357

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:

Section Chief:

AFK/LL:MA(

APPEAL

Petition for Special Hearing Pleasant Hill Road S/S Pleasant Hill, 1400' +/- of Reisterstown Road 4th Election District – 3rd Councilmanic District Owings Meadows H.O.A. Inc- Legal Owner Case No.: 02-329-SPH

Petition for Special Hearing (dated 02/07/02) Zoning Description of Property 02 JUE Notice of Zoning Hearing (dated 02/26/02) Certification of Publication (The Jeffersonian issue dated 03/19/02) Certificate of Posting (dated 03/19/02 posted Thomas J Hoff) 8 Entry of Appearance by People's Counsel (dated 02/25/02 &03/05/02) Petitioner(s) Sign-In Sheet (1 sheet) Protestant(s) Sign-In Sheet (none) Citizen(s) Sign-In Sheet (1 sheet) Baltimore County Representatives Sign-In Sheet (1 sheet) Zoning Advisory Committee Comments Petitioners' Exhibits: ▶1. Plan to Accompany Pleasant Fields Hearing (dated 12/04/01) v 2. vA. Letter to G.W. Site Services Inc, from John Disney Cox, dated 09/20/00. ✓ B. Letter to Mr. Galen A. Wallace, President from Michele J Smalkin dated 09/22/00. C. Letter to Galen A. Wallace, President from Robert J. Friedman dated 09/28/00. D. Letter to Mr. Galen A. Wallace, President from Norbert H. Rotter dated 10/01/00. 3. Letter to G. W. Site Services, Inc. from Arnold Jablon, Director dated 02/09/01. 4. DEED Fidelity Title dated 12/29/00 √ Protestants' Exhibits: (None) Miscellaneous (Not Marked as Exhibits): (None) Deputy Zoning Commissioner's Order (dated 04/24/02 - GRANTED w/restriction) WIDAINA Notice of Appeal received on May 24, 2002 from Galen A. Wallace, Agent . c: Mike Moran, The Law Offices of M.J. Moran, 1400 Front Avenue, Suite 202, Lutherville 21093 People's Counsel of Baltimore County, MS #2010 Timothy Kotroco, Deputy Zoning Commissioner Arnold Jablon, Director of PDM

APPELLANT GALEN A WALLACE, AGENT **OWINGS MEADOWS HOMEOWNERS ASSOCIATION**

608 HIGHLAND AVENUE TOWSON MD 21204

Mr. Norbert H. Rotter 136 Disney Court Owings Mills, MD 21117

John Cox 23 Pleasant Hill Road Owings Mills, MD 21117 G W SITE SERVICES INC
608 HIGHLAND AVENUE TOWSONMD 21204

MARIANN S FERGUSON PRESIDENT OWINGS MEADOWS HOA INC PO BOX 242 OWINGS MILLS MD 21117-0242 Case No. 02-329-SPH

SPH – To amend Final Development Plan to remove requirement to construct and install a paved pathway and amenities upon the H.O.A. open space parcels shown within their subdivision.

4/24/02 –D.Z.C.'s decision in which special hearing request was GRANTED with restrictions.

9/10/02 -Notice of Assignment sent to following; assigned for hearing on Wednesday, January 15, 2003 at 11:30 a.m.:

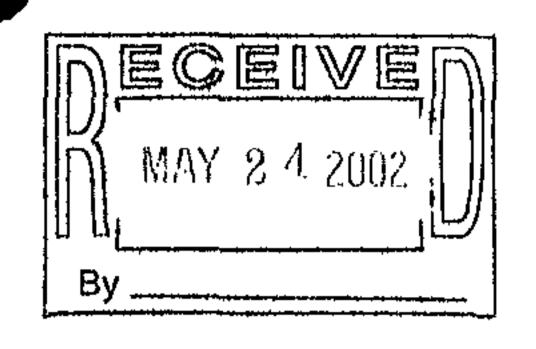
Michael J. Moran, Esquire
Owings Meadows Homeowners Association
Mariann S. Ferguson, President and
Galen A. Wallace, Agent /G.W. Site Services, Inc.
Norbert H. Rotter
John Cox
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

9/19/02 – Notice to Strike Appearance filed by Michael J. Moran, Esquire – striking appearance as counsel for Appellants /Petitioners. File so noted.

9/20/02 - Letter to M. Moran - file has been noted and appearance stricken.

1/15/03 – Board convened for hearing; neither the Appellant, Galen Wallace, nor anyone on behalf of the Owings Meadows H.O.A. appeared. N. West was present on behalf of Balto Co; Mr. Jan Cook, on behalf of R&P; Mr. Norbert Rotter, resident on Disney Court; T/C to Mr. Wallace; advised that he would not be appearing and understood that his appeal could be dismissed for FTA. Board convened at 12:35 p.m.; NCW moved for dismissal; granted. Order of Dismissal for FTA to be issued.

MAY ZA, ZOOZ

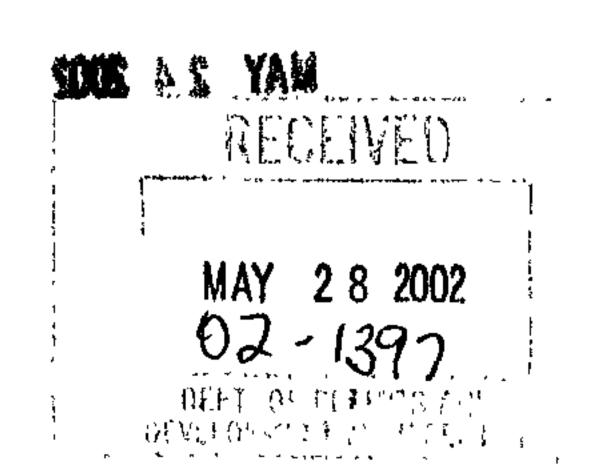


ON BEHALF OF BUMYLY, MEADOWY NOMEOWNERS
ASSOCIATION, INC. I AM APPEALING TH
FINDING OF FACTS AND CONCUSION OF
LAW OF THE DEPUTY ZONING COMMISSIONICA
OF BACTIMENT COUNTY CASENO, 02-329-5PH

Sal A. Mall

GALEAR A. WALLACE, AGENT GOB HIGHLAND AVE. TOWSON, MD Z1204

(410) 428-2666



BALTIMORE COUNTY, MARYLAND

Subject: Special Hearing Comments

Date: March 3, 2002

From:

Department of Recreation and Parks

Project Name:

Pleasant Fields

Hearing Number:

02-329-SPH

Project Number:

04-372

Zoning: DR-3.5

Location:

Disney & Nearock Courts S of Pleasant Hill Road

Districts:

Elec. 4 Counc. 3

As a result of the community's concerns, the Department of Recreation and Parks does not oppose the request to approve an amendment to the Final Development Plan to remove the requirement to construct and install a paved pathway and amenities upon the HOA open space parcels with the following conditions:

- 1. The developer shall resolve all outstanding issues to the satisfaction of the Department of Recreation and Parks regarding the closeout comments dated May 10, 2001, a copy of which is attached, prior to submitting amended plans for approval signature. Notes 1, 2, 3 & 6 are still unresolved. Notes 4 & 5 may be resolved as a result of this special hearing. Copies of photographs showing deficiencies are also attached.
- 2. The developer shall resolve all encroachment issues to the satisfaction of the Department of Recreation and Parks prior to submitting amended plans for approval signature.
- 3. The developer shall be responsible for compensating the Home Owners' Association either monetarily or with an amenity for an amount equal to the value of the amenities, specifically a 610' long x 4' wide macadam pathway and tot lot, as shown on the approved Final Landscape Plan dated 11/3/94. A cost estimate shall be prepared by the developer and approved by the Department of Recreation and Parks.

4. The developer shall be responsible for amending the CRG Plan, Final Development Plan and Final Landscape Plan.

Jan M. Cook
Engineer Associate II

410-887-3807

e-mail: jmcook@co.ba.md.us

> in Edd

BALTIMORE COUNTY, MARYLAND Inter - Office Memorandum

To:

Donald Rascoe, Manager

Permits and Development Management

Date: May 10, 2001

From:

Jan M. Cook, Engineering Associate II

Department of Recreation and Parks

Subject: Local Open Space, Project Closeout

Pleasant Fields - SM 63/125

A request for an inspection of the above mentioned subdivision has been forwarded to me from your office. An inspection of the Local Open Space shown on this plat has been completed. The following items need to be addressed before closeout can be recommended:

SM 63/125

- 1. All junk, trash and debris must be removed from the HOA Open Space prior to closeout approval.
- 2. All vegetative cover shall be restored wherever disturbed prior to reinspection and closeout.
- The open space limits shall be staked. Encroachments may exist on the HOA Open Space, especially on 'Parcel A'. All encroachments shall be removed prior to closeout approval.
- 4. A macadam pathway is shown on the approved FDP and CRG plans leading from Pleasant Hill Road to Disney Court. Construction of the pathway must be constructed prior to closeout approval.
- 5. A note exists on the approved CRG plan and FDP referring the development of The amenities on the open space parcels as shown on the approved Final Landscape Plan must be constructed prior to closeout approval.
- 6. A recorded declaration of covenants and restrictions assuring the existence and maintenance of the HOA Open Space in perpetuity must be submitted to and approved by this office prior to closeout approval. The section(s) pertaining to the open space shall be highlighted or addressed by way of a cover letter.

Should the developer need to contact me to answer any questions or schedule a reinspection, I can be reached at 410-887-3807, e-mail: jmcook@co.ba.md.us, or 301 Washington Avenue, Towson, Maryland 21204.

BALTIMORE COUNTY MARYLAND SEP 12

Inter - Office Memorandum

To:

From:

Avery Harden

Date:

May 7, 1992

Bureau of Public Services

W. Pat Kincer, Facilities Coordinator

Department of Recreation and Parks

Subject:

Final Landscape Plan Review, Pleasant Fields

The Final Landscape Plan for the subject project has been reviewed by this Office for compliance with CRG requirements. following comments are the result of that review.

- 1. The vegetation proposed for planting in the Open Space is not identified. Further review will be necessary after the identifications have been made on the plan.
- The intent of this Department's review of the Final Landscape Plan is to review the details of the amenity design within an Open Space. The tot lot proposal is still conceptual at best on this plan. Details of the developer's proposal for tot lot equipment and construction must be shown on the plan before we can review and approve the plan.
- 3. A signature block for the Department of Recreation and Parks must be added to the plan. Final approval of this plan may not be granted until the Department of Recreation and Parks has approved the proposals for the Open Space.

If you have any questions on the above or require further information, please call ma at 3824.



County Board of Appeals of Baltimore County

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

September 20, 2002

Michael J. Moran, Esquire 1400 Front Avenue Suite 202 Lutherville, MD 21093

RE: In the Matter of: Owings Meadows HOA, Inc.
Case No. 02-329-SPH

Dear Mr. Moran:

This office is in receipt of your request of September 17, 2002, to strike the appearances of yourself and The Law Offices of Michael J. Moran, P.C., as Counsel for the Appellants /Petitioners in Case No. 02-329-SPH.

The file has been noted, and no further notices or communications will be sent to you in this matter.

Please call me if I can of any further assistance.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Kirsten Dove, President
Owings Meadows HOA
Office of People's Counsel



Ann G. Benz, President Pleasant Hill Road Homeowners Association 24 Pleasant Hill Road Owings Mills, MD 21117

April 1, 2002

APR

Mr. Lawrence E. Schmidt Zoning Commissioner Suite 405 **County Courts Building** 401 Bosley Avenue Towson, MD 21204

Re: Zoning Case # 02-329-SPH

Dear Mr. Schmidt:

I am writing to express the views of the Pleasant Hill Road Homeowners Association with respect to the above referenced Zoning Case Hearing. Our organization is not able to send a representative to be present at the hearing on April 3, 2002, but we do wish to go on record with Baltimore County as being in favor of the amendment to the final development plan to remove the requirement to construct and install a paved pathway and other amenities upon the H. O. A. open space parcels.

Because our neighborhood is in the direct path between Owings Mills High School and the Pleasant Hills Townhouse Complex, residents are increasingly plagued by students crossing our properties without permission as a shortcut to and from the high school. We believe the construction of the required pathway would only exacerbate this problem and encourage students to trespass more. Therefore, we heartily endorse the approval of the proposed amendment to remove the requirement for the construction of the pathway.

We appreciate having the opportunity to express our position on this issue.

Respectfully,

Ann G. Benz

RE: PETITION FOR SPECIAL HEARING Pleasant Hill Road, S/S Pleasant Hill Rd, 1400' +/- W of Reisterstown Rd 4th Election District, 3rd Councilmanic

Legal Owner: Owings Meadows H.O.A., Inc. Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-329-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 May Zinnenan PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Caule 5, Danilio

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 25th day of February, 2002 a copy of the foregoing Entry of Appearance was mailed to Michael J. Moran, Esq., 401 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN'

RE: PETITION FOR SPECIAL HEARING Pleasant Hill Road, S/S Pleasant Hill Rd, 1400' +/- W of Reisterstown Rd 4th Election District, 3rd Councilmanic

Legal Owner: Owings Meadows H.O.A., Inc. Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-329-SPH

* * * * * * * *

AMENDED 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

Tarale 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 5th day of March, 2002 a copy of the foregoing Entry of Appearance was mailed to Michael J. Moran, Esq., **1400 Front Avenue**, Suite **202**, Lutherville, MD **21093**, attorney for Petitioner(s).

PETER MAX ZIMMERMAN

BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY, MARYLAND

IN THE MATTER OF: OWINGS MEADOWS, HOA, INC. Etc.

*

Case No.:

02 329 SPH

NOITCE TO STRIKE APPEARANCE

Please strike the appearance of Michael J. Moran, Esquire and The Law Offices of

Michael J. Moran, P.C. as Counsel for the Appellants/P/titioners.

MICHAEL J. MORAN

The Law Offices of Michael J. Moran, P.C.

Suite 202, 1400 Front Avenue

Lutherville, MD 21093

410.828.4800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this T day of Depter Towson, I caused a copy of the foregoing Notice to Strike Appearance to be mailed, by first class mail, postage prepaid to: Kirsten Dove, President, Owings Meadows HOA, P.O. Box 242, Owings Mills, MD 21117; Galen Wallace, G. W. Site Services, Inc., 608 Highland Avenue, Towson, MD 21204.

MICHAEL J. MORAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
MIKE Moran, Esq.	Ste 202 1400 Front Are
	Cutherville, M) 21093
Galan A Wallace	GOB HIGHLAND AUG.
	TOW60N, MD. 21204
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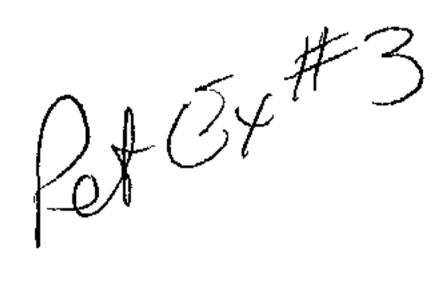
PLEASE PRINT CLEARLY

# BALTIMORE COUNTY REPRESENTATIVES SIGN-IN SHEET

NAME	ADDRESS
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#### Baltimore County Government Department of Permits and Development Management





111 West Chesapeake Avenue Towson, Md. 21204

410-887-3335

February 9, 2001

G. W. Site Services, Inc. 608 Highland Avenue Towson, MD 21204

RE: Pleasant Fields
PDM Number IV-372
DRC Number 012901C Dist. 4C3

Dear Sir or Madam:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 26-171 and Section 26-211 of the <u>Baltimore County Code</u> and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has, in fact, met in an open meeting on January 29, 2001, and made the following recommendations:

The DRC has determined that your project meets the requirements of a refinement to the CRG plan, under Section 26-211. Please amend the FDP.

G. W. Site Services, Inc.
Pleasant Fields
February 9, 2001
Page 2

After resolution of any outstanding issues, please submit a copy of this letter, and ten copies of the plan to this office, Room 123, for signature.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 9th day of February 2001, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County. State, or Federal regulations.

Sincerely,

Arnold Jablon

andel Jobba

Director

AJ:DTR:dak

c: Kristin Weis File

Pet Kx #4

File No. 00BR2494

Return To:

**Fidelity Title** 

1777 Reisterstown Road Commercentre East, Suite 360

Baltimore, MD 21208

THIS DEED, made this <u>297</u> day of December, in the year Two Thousand, by and between Hewitt Farm Associates II, a Maryland General Partnership, party of the first part, Grantor, and Owings Meadows Homeowners Association, Inc., a body corporate, party of the second part, Grantee.

WITNESSETH, that in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said Grantor does hereby grant, convey and assign unto the said Grantee, all of those areas of land designated as Parcel "A", H.O.A. Local Open Space (8,721 square feet) and as Parcel "B", H.O.A. Local Open Space (13,544 square feet), both as are shown on a Plat entitled "Pleasant Fields, Fourth Election District, Baltimore County, Maryland", which Plat is recorded among the Plat Records of Baltimore County at Plat Book 63, folio 125.

TOGETHER WITH the improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances, and advantages, to the same belonging, or in anywise appertaining.

TO HAVE AND TO HOLD, the said described lots or parcels of ground, unto and to the use of said Owings Meadows Homeowners Association, Inc.

SUBJECT, HOWEVER, to those covenants, conditions and restrictions dated June 1, 1991 and recorded among the aforesaid Land Records at Liber 9014, page 358 as well as all amendments and addenda thereto.

AND the said Grantor covenants that it will warrant specially the property hereby granted and conveyed, and that it will execute such further assurances of said land as may be requisite.

IN TESTIMONY WHEREOF, the said Grantor has caused its seal to be hereto affixed, and to set its hand hereto.

HEREBY CERTIFY that on this 29 day of December, 2000, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Lowrie B. Sargent, Partner of Hewitt Farm Associates, a Maryland General Partnership, the within

0014996 690

Deed File No. 00BR2494 Page 2

In Accordance with Section 3-104 of the Real Property Article of the Annotated Code of Maryland, this is to certify that the foregoing instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Lee M. Snyder, Attorney

