IN THE MATTER OF

THE APPLICATION OF

LYONS MILLS ASSOCIATES, L.P. -
LEGAL OWNERS / PETITIONERS FOR

RECLASSIFICATION ON PROPERTY

LOCATED ON THE S/S OF LAKESIDE

BLVD, APPROXIMATELY 600' E OWINGS *

MILLS BLVD AND OPPOSITE ATRIUM CT

2nd ELECTION DISTRICT *

3rd COUNCILMANIC DISTRICT

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

Case No. R-02-455

ORDER OF DISMISSAL OF PETITION

This matter comes before this Board on a Petition for Reclassification filed by Lyons Mill Associates, L.P., by its attorney, Robert A. Hoffman, Esquire, for a zoning reclassification from D.R. 16 to B.L. for the property located on the south side of Lakeside Boulevard, approximately 600 feet east of Owings Mills Boulevard and opposite Atrium Court in the Second Election District of Baltimore County,

WHEREAS, the Board is receipt of a letter of withdrawal of Petition for Reclassification filed August 23, 2002 by Robert A. Hoffman, Esquire, Counsel for Lyons Mill Associates L.P., Petitioner (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner requests that the instant Petition for Reclassification be withdrawn,

IT IS THEREFORE. this 30th day of Hugust, 2002, by the County Board of Appeals of Baltimore County

ORDERED that said Petition for Reclassification filed in Case No. R-02-455 be and the same is WITHDRAWN AND DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

C. Lynn arranger

Lawrence M. Stahl

Lawrence S. Wescott



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

Robert A. Hoffman (410) 494-6262

rahoffman@venable.com

August 16, 2002

HAND-DELIVERED

ATTORNEYS AT LAW

•

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

Re:

Case No. R-02-455

Property: S/S of Lakeside Boulevard, west of its intersection

with Samuel Owings Drive

2nd Election District, 3rd Councilmanic District

Dear Mrs. Bianco:

I am writing this letter on behalf of my client, Lyons Mill Associates L.P., to withdraw its Petition for Reclassification filed in the above-referenced case. Lyons Mill Associates has decided not to pursue the requested zoning relief at this time.

Very truly yours,

Robert A. Hoffman

Rapat A. H. H. Many

RAH/dhk

cc: Mr. David Strouse

Peter M. Zimmerman, Esquire

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02 [11]



County Board of Appeals of Baltimore County

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

Robert A. Hoffman, Esquire

VENABLE, BAETJER & HOWARD, LLP

VENABLE, BAETJER & HOWARD, LLP 210 Allegheny Avenue Towson, MD 21204

Dear Mr. Hoffman:

Enclosed please find a copy of the Order of Dismissal of Petition issued this date by the County

Legal Owner / Petitioner Case No. R-02-455

Board of Appeals of Baltimore County in the subject matter in which the subject Petition for

RE: In the Matter of: Lyons Mill Associates, L.P.,

Reclassification has been withdrawn and dismissed.

Very truly yours,

Hathleen C. Bianco

Rathleen C. Bianco

Administrator

Enclosure

c: John A. Luetkemeyer, Jr., President

Continental Realty Investors Corp, Gen. Partner

Lyons Mill Associates, L.P. David Strouse c/o R. Hoffman

Nicholas Brader III, P.E. /Matis Warfield

Robert J. Haines, Esquire /Board of Ed. /MS 1102-J

People's Counsel for Baltimore County

Pat Keller, Planning Director

Lawrence E. Schmidt/Zoning Commissioner

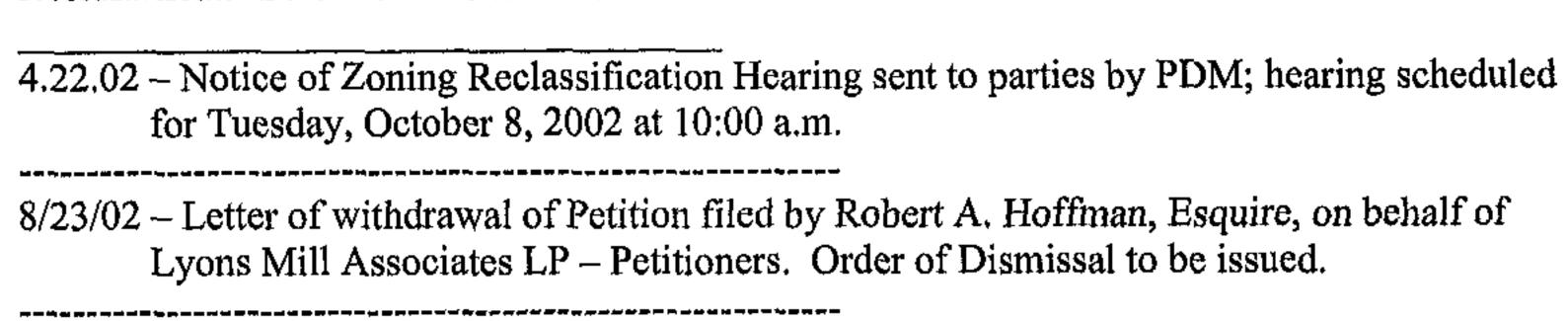
W. Carl Richards /PDM

Arnold Jablon, Director /PDM

Case No. R-02-455

RE: Lyons Mills Associates LP-Petitioners /Legal Owners Cycle III, 2002

Reclassification from DR 16 to B.L.





County Board of Appeals of Baltimore County

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

FAX: 410-887-3182

" Whatehold of the state of the

April 22, 2002

NOTICE OF ZONING RECLASSIFICATION HEARING

The County Board of Appeals of Baltimore County, by authority of the County Charter, Section 602.(e) and Section 603 and the County Code, Section 2-356(d), will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: R-02-455

S/S Lakeside Boulevard, approximately 600' E Owings Mills Boulevard and opposite

Atrium Court

2nd Election District – 3rd Councilmanic District

Legal Owner: Lyons Mill Associates LP, John A. Luetkemeyer, Jr., President

Reclassification of the property from D.R.16 to B.L.

HEARING: Tuesday, October 08, 2002 at 10:00 a.m. in Room 48, Old Courthouse Building, 400 Washington Avenue

Laurence S. Wesott

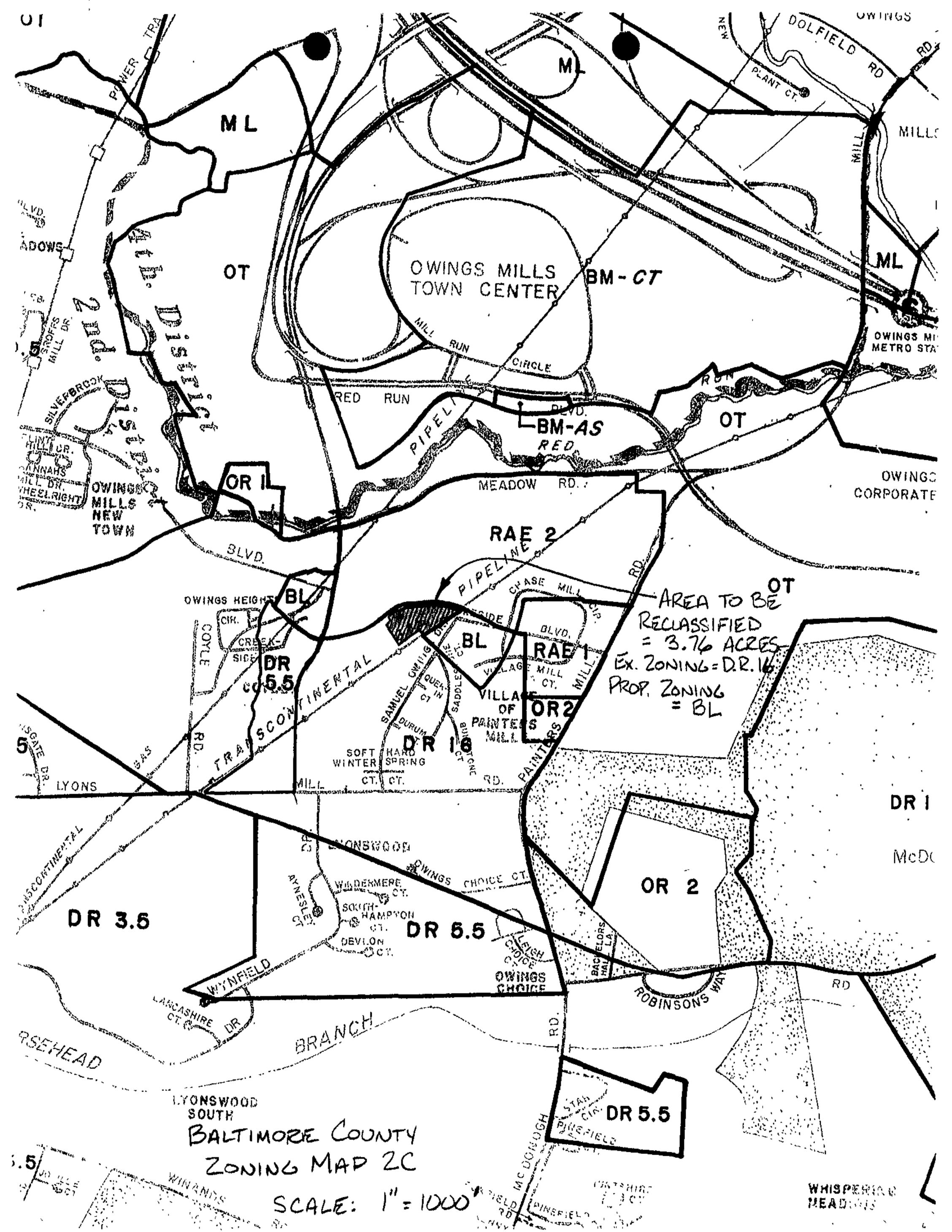
Lawrence S. Wescott Chairman るッこ

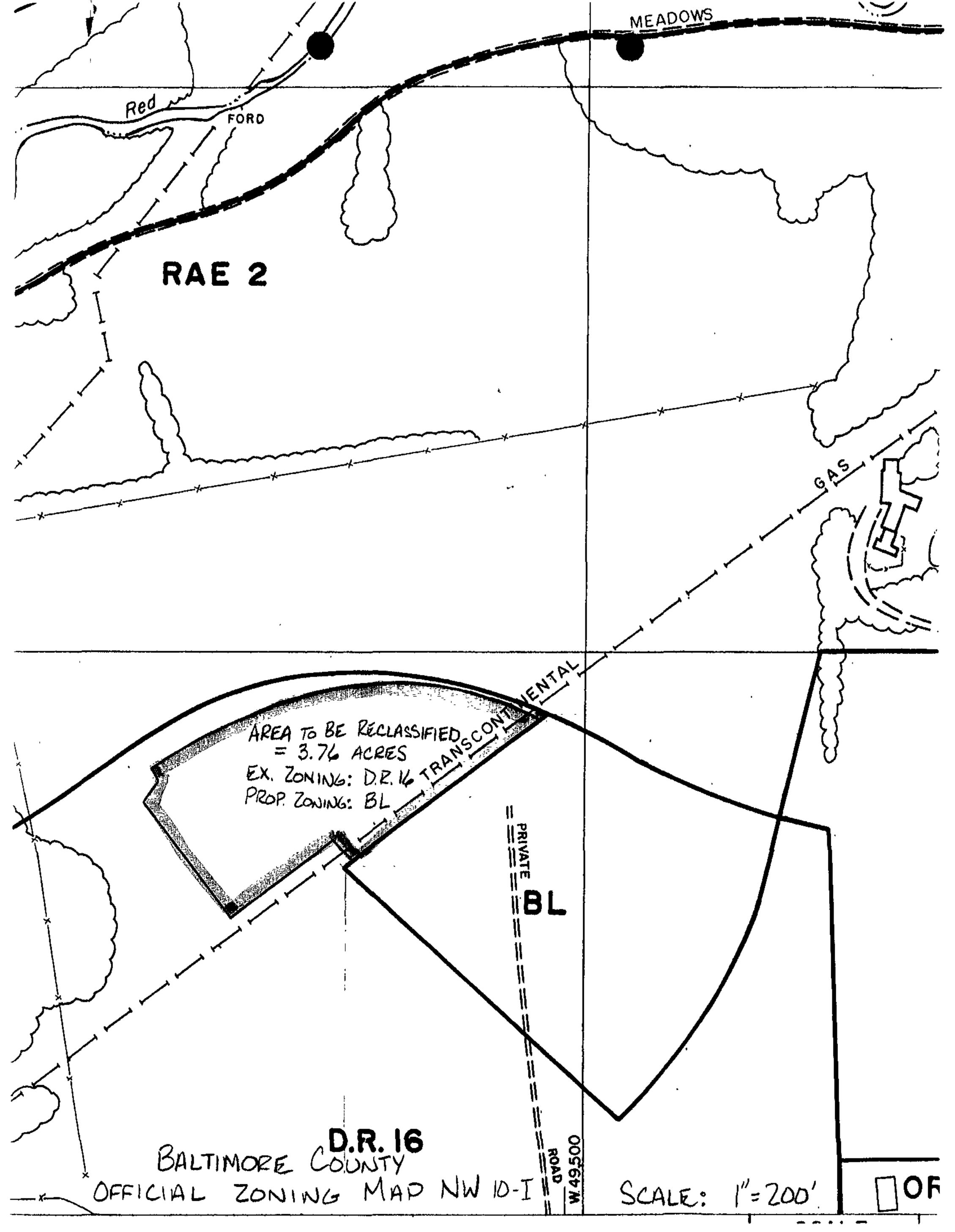
c: Mr. Robert A. Hoffman, Venable Baetjer & Howard LLP, 210 Allegheny Avenue, Towson 21204

Lyons Mill Associates LP, Mr. John A. Luetkemeyer, Jr., President, 17 W Pennsylvania Avenue, Towson 21204

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3180.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3180.





RE: PETITION FOR ZONING RECLASSIFICATION

Lakeside Boulevard, S/S Lakeside Blvd, appx. 600' E

of Owings Mills Blvd and opp Atrium Ct 2nd Election District, 3rd Councilmanic

Legal Owner: Lyons Mill Associates, L.P. Petitioner(s)

BEFORE THE

* COUNTY BOARD OF APPEALS

CD

* FOR

* BALTIMORE COUNTY

* Case No. R-02-455

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.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ______ day of May, 2002 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).

PETER MAX ZIMMERMAN



Petition for Reclassification

to the Board of Appeals of Baltimore County S/S of Lakeside Boulevard, west of the

intersection of Lakeside Boulevard and

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: (1) that the zoning/district status of the herein described property be reclassified,

pursuant to the zoning law of Baltimore County from a $\frac{D \cdot R \cdot 16}{}$ zone/district to a $\frac{B \cdot L \cdot}{}$ zone/district, for the reasons given in the attached and (2) for a Special Exception under the zoning regulations of Baltimore County, to use the herein described property for

and (3) for the reasons given in the attached statement, a Variance from the following sections of the zoning regulations of Baltimore County:

C).

647

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

I, or we, agree to pay expenses of above petition(s), 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.

1.1.		
Contract Purchaser/Les	see:	
7 \\ \frac{1}{2}		
Name - Type or Print		·· <u>·</u> ·································
Signature		
Address		Telephone No.
City	State	Zip Code
Attorney For Petitioner:		
Robert A. Hoffman		
Name - Type or Pring		
Simple true		
Signature Venable, Baetjer and	Howard,	LLP
Company		······································
210 Allegheny Avenue	(410)	494-6262
Address		Telephone No.
Towson, Maryland	2.	1204
City	State	Zip Code

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.

Legal Owner(s):

Robert A. Hoffman

210 Allegheny Avenue

Name

Address

City

Towson,

Maryland		lephone No. 204 Zip Code
	Te	lephone No.
Pennsylvania Avenue	(410)	296-4800
	Print Pennsylvania Avenue	Pennsylvania Avenue (410)

Maryland

494-6262

21204

Telephone No.

Zip Code

(410)

State

REU 9/18,98

SIGNATURE PAGE

Continental Realty Investors Corp., General Partner By:

> By: John A. Luetkerneyer, Jr., President

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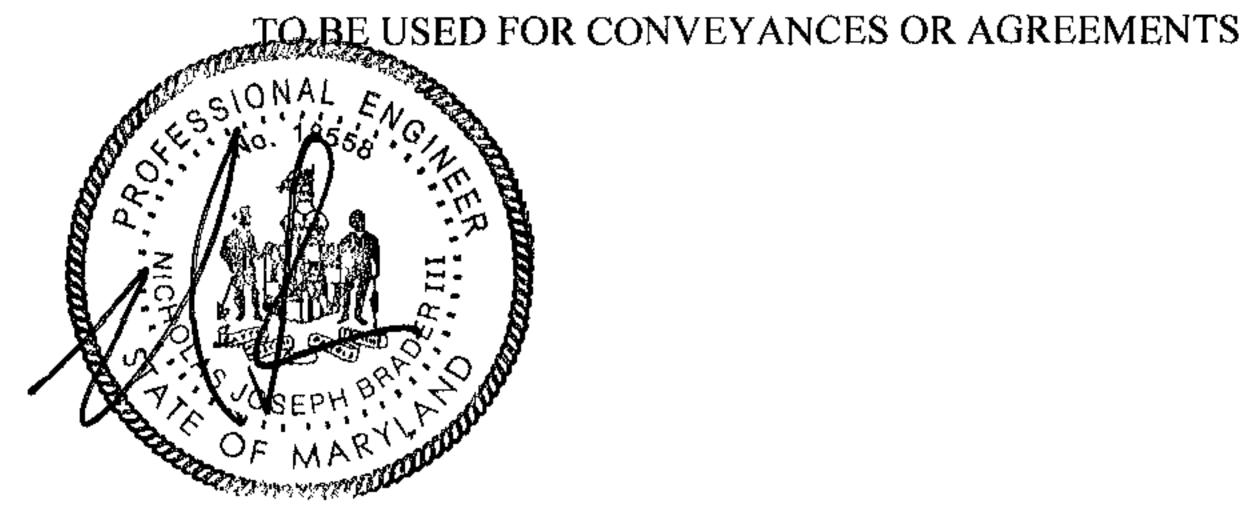
*

Beginning at a point on the South side of Lakeside Boulevard, which is 80' wide, at the distance of 180.47' South-East of the centerline of the nearest improved intersecting street, Atrium Court, which is 80' wide. Thence the following courses and distances:

- 1.) radius of 630' and a length of 58.78' subtended by a chord with a course and distance of South 66°50'45" East 58.76', thence leaving said South side of Lakeside Boulevard and arc of record plat S. M. 71 folio 14 and running and binding along the existing BL/D.R.16 zoning line
- 2.) South 52°27'46" West 425.35', thence leaving said zoning line and running and binding along a line of record plat S. M. 71 folio 14
- 3.) North 43°55'35" West 53.22', thence leaving the courses of said record plat S. M. 71 folio 14 and running and binding along record plat S. M. 68 folio 137 the six following courses and distances, viz.:
 - 4.) South 52°41'51" West 226.26'
 - 5.) North 38°31'00" West 254.26'
 - 6.) North 33°12'48" East 43.87'
- 7.) North 37°42'02" West 24.93', thence running and binding along aforesaid South side of Lakeside Boulevard
- 8.) North 52°17'33" East 55.51', thence running and binding along the said South side of Lakeside Boulevard by a curve to the right of
- 9.) radius 630' and a length of 639.85' subtended by a chord with a course and distance of North 81°23'22" East 612.70', to the place of beginning as recorded as BN8 in said Plats S.M. 68 folio 137 and S.M. 71 folio 14.

Containing 159,918 S.F. or 3.67 acres of land, more or less.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND NOT INTENDED



LYONS MILLS ASSOCIATES, L.P. -Legal Owner /Petitioner

S/s of Lakeside Blvd, approx. 600' E Owings Mills Bld and opposite Atrium Court #R-02-455

Cycle III 2002

2nd Election District 3rd Councilmanic District

From: D.R. 16 to B.L. 3.76 acres (Open Plan)

February 28, 2002

Petition for Reclassification filed by Robert A. Hoffman, Esquire, on behalf of Lyons Mill Associates, L.P. – Legal Owner /Petitioner.



Robert A. Hoffman, Esquire VENABLE, BAETJER & HOWARD, LLP 210 Allegheny Avenue Towson, MD 21204

John A. Luetkemeyer, Jr., President Continental Realty Investors Corp., General Partner Lyons Mill Associates, L.P. 17 W. Pennsylvania Avenue Towson, MD 21204

Petitioner

Counsel for Petitioner

Nicholas J. Brader III, P.E. Matis Warfield 10540 York Road Suite M Hunt Valley, MD 21030

Robert J. Haines, Assistant County Attorney Baltimore County Board of Education Mail Stop #1102-J

People's Counsel for Baltimore County

Pat Keller, Director /Planning
Jeffrey Long /Planning
Lawrence E. Schmidt /Zoning Commissioner
W. Carl Richards /PDM
Arnold Jablon, Director /PDM

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE:

November 25, 2002

TO:

Arnold Jablon, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton The

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 APPEALS CASE NUMBER	PDM FILE NUMBER	NAME	LOCATION
R-02-455	R-02-455 Cycle III 2002	Lyons Mills Associates	Lakeside Blvd/Owings Mills Blvd Reclass from D.R. 16 to B.L.
R-01-434	R-01-434 Cycle I 2001, Iem #2	BP Amoco Corporation	520 Reisterstown Road Reclass: R-O to B.L. – A. (Open Plan)
01-307-SPH	01-307-SPH	Victoria L and Jean- Andre Rougeot	14921 Tanyard Road

Attachment: SUBJECT FILE(S) ATTACHED



401 Bosley Avenue - Ste 406 Towson, Maryland 21204 410-887-3495

Fax: 410-887-5862

E-mail: planning@co.ba.md.us

July 29, 2002

Mr. Charles L. Marks, Chairman County Board of Appeals 400 Washington Avenue, Room 49 Towson, MD 21204

Dear Mr. Marks:

Enclosed herewith is the report containing the County Planning Board's recommendations regarding the zoning reclassification petitions in Cycle III, 2002,

After discussion in the Board's meeting on July 18, 2002, the May 31, 2002 report by the Office of Planning was adopted, without change, by the Planning Board. The Board's action recognizes that Case No. R-02-457 (1722 East Joppa Road) is being processed under the out-ofcycle schedule.

The report is hereby published and submitted to the Board of Appeals in accordance with County Code Section 2-356(f).

Sincerely,

Jak Liller

Arnold F. 'Pat' Keller, III

Secretary

AFK:TD:td

Enclosure

Printed with Soybean Ink on Recycled Paper

c: Peter Max Zimmerman, People's Counsel

R-02-455 W/D : www.co.ba.md.us 8/23/02

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Report by the Baltimore County Planning Board to the Baltimore County Board of Appeals

ZONING RECLASSIFICATION PETITIONS

Cycle III, 2002

July 31,2002



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Case No. R-02 457	27



401 Bosley Avenue - Ste 406 Towson, Maryland 21204 410-887-3211

Fax: 410-887-5862

E-mail: planning@co.ba.md.us

TO:

Members

DATE: May 31, 2002

Baltimore County Planning Board

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

In the current cycle, the Baltimore County Board of Appeals accepted four reclassification petitions. In compliance with the Baltimore County Code, recommendations on the petitions are submitted in the attached report.

The Planning Board is scheduled to review the petitions on June 20, 2002 and to make final recommendations on July 18, 2002. The Planning Board's report must be submitted to the Baltimore County Board of Appeals no later than July 31, 2002.

The Board of Appeals has tentatively scheduled hearing dates on these petitions and will advertise these hearing as required. Hearings are set to take place during the period from September 1, 2002 through December 31, 2002.

Arnold F. 'Pat' Keller, III

AFK:LL:kma
Attachment

Introduction

Under the provisions of Section 2-356(e) of the Baltimore County Code, the Director of Planning is required to submit to the Planning Board, during Period 1 of each zoning cycle, a report on the petitions accepted by the County Board of Appeals for filing during the previous zoning cycle. The report is to contain the following information:

- 1. Maps showing properties under petition and the reclassifications sought therefore; such maps may also identify groups of such properties located close to each other and show indications of the inter-relation of petitions with respect to planning considerations.
- 2. Recommendations on the petitions.
- 3. Supporting data for the recommendations, including any pertinent data and recommendations submitted by other County agencies.
- 4. Recommendations for scheduling of all hearings (to be held during the next Period IV, prepared in consultation with the County Board of Appeals).

The four petitions in the current cycle have been reviewed by the planning staff, and the following pages report the Office of Planning's analysis and recommendations. The process of formulating these recommendations included staff inspections of each site; a review of the policies and statements in the current Baltimore County Master Plan, and a review of the 2000 Comprehensive Zoning Map Process. Comments also were requested from other County agencies including the Board of Education, the Department of Environmental Protection and Resource Management, the Fire Department, the Police Department, the Department of Public Works, the Department of Recreation and Parks, and the Bureau of Traffic Engineering and Transportation Planning.

In reaching its decision on each petition, the Board of Appeals is required to use the standards in Section 2-356(j) of the Baltimore County Code. During the first cycle following the Comprehensive Zoning Map Process, Section 2-356(k) further limits the Board's authority to granting reclassifications only where the Board finds that the change is warranted upon consideration of the specified factors and also if "the last classification of the property [i.e., by the County Council's vote on October 10, 2000] was established in error."

PETITIONS FOR RECLASSIFICATION CYCLE III, 2002

Assigned Hearing Dates
County Board of Appeals

Case No. R-02-454

Elizabeth Ann Parham and Duane L. Ritter N/S of Johnnycake Road, approximately 300 feet W of Fairbrook Road Tuesday, November 19, 2002 at 10:00 a.m.

Case No. R-02-455

Lyons Mill Associates, L.P. Lindrau A 8 23 102

S/S Lakeside Boulevard, approximately 600 feet E of Owings Mills Boulevard

Tuesday, October 8, 2002 at 10:00 a.m.

Case No. CR-02-456 SPH

Kenneth E. Schwartz NW/S Hooks Lane, 350 feet SW of River Oaks Circle (112 Hooks Lane) Tuesday, December 10, 2002 at 10:00 a.m.

Sarandos and Eva Macris

NW/corner Joppa Road and Lackawanna Avenue (1722 E. Joppa Road)

Tuesday, October 29, 2002 at 10:00 a.m.

County Council

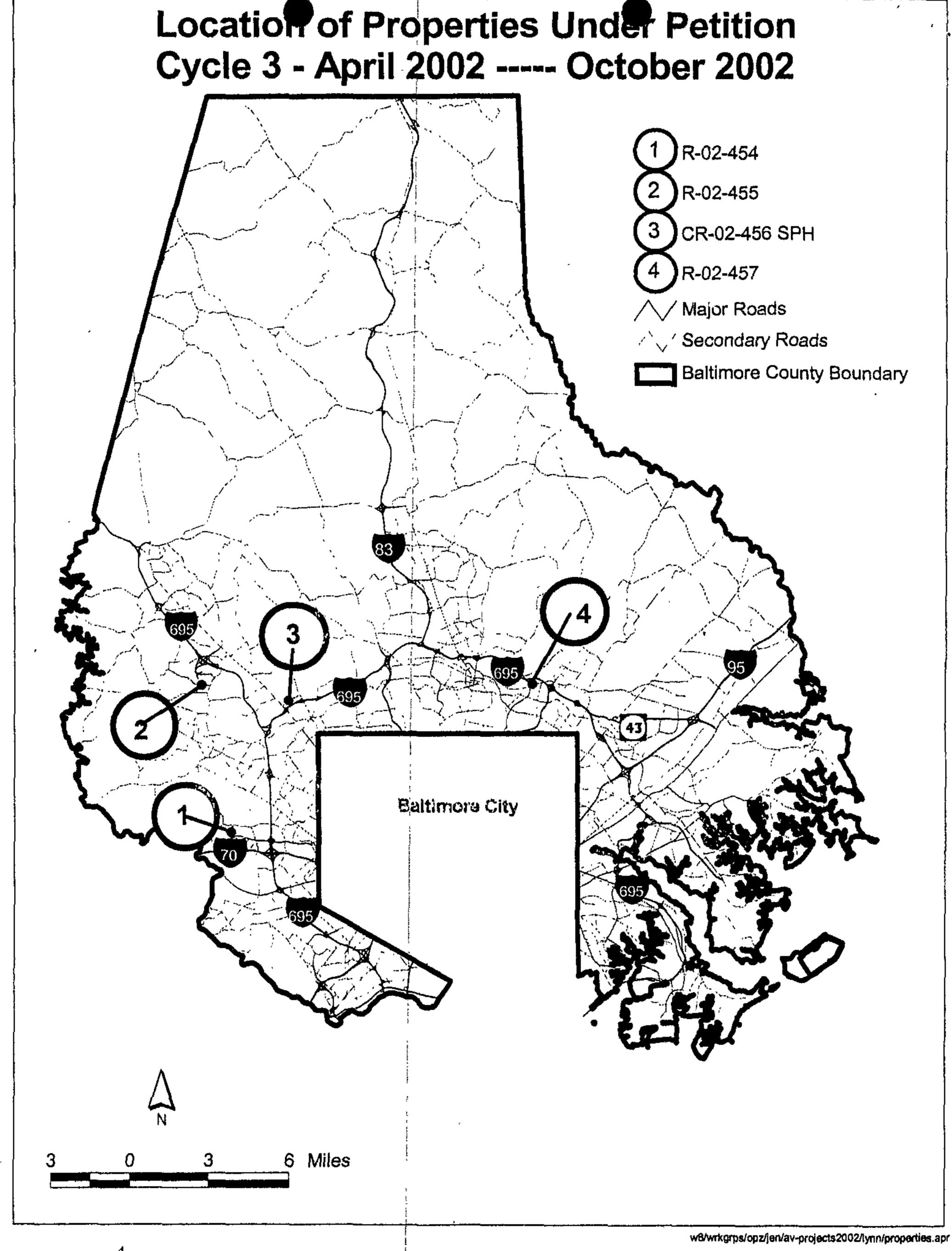
County Council

County Council

Approved exemption

NW/corner Joppa Road and Lackawanna Avenue (1722 E. Joppa Road)

for 0 | c status



SOURCE MATERIAL

Recommendations for the four petitions filed are based on the following:

- 1. Information compiled during the processing of the Comprehensive Zoning Map adopted by the County Council on October 10, 2000;
- 2. Capital Budget and 5-Year Capital Program;
- 3. Zoning Plans Advisory Committee comments;
- 4. Discussions with other governmental agencies;
- 5. Field inspections of subject sites; and
- 6. Baltimore County Master Plan.



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



MARYLAND WASHINGTON, D.C. VIRGINIA

Robert A. Hoffman (410) 494-6262

rahoffman@venable.com



February 27, 2002

HAND-DELIVERED

Lawrence S. Wescott, Chairman County Board of Appeals for Baltimore County Old Courthouse, Room 49 400 Washington Avenue Towson, Maryland 21204

Re: Petition for Reclassification

Property: 3.76 acres of land located on the S/S of

Lakeside Boulevard, West of the Intersection

of Lakeside Boulevard and Samuel Owings Drive

Owner: Lyons Mill Associates L.P.

Dear Mr. Wescott:

This firm represents Lyons Mill Associates L.P., legal owner, with respect to a zoning reclassification request for the above-referenced property, as identified on the plat to accompany this Petition for Reclassification. The subject property is comprised of approximately 3.76 acres of land zoned D.R.16. Lyons Mill Associates believes that the current zoning is a mistake and requests that the property be reclassified to B.L.

During the 1988 Comprehensive Zoning Map Process, 6.95 acres of land located adjacent to and directly to the east of the property was rezoned from R.A.E.1 to B.L. (See attached Baltimore County 2000 200' Scale Zoning Map). Since 1988, significant residential density has been built in close proximity to the property. As a result, the B.L. zoned tract of land, in its current size, is no longer sufficient to support adequately the existing residential housing. Additional B.L. zoned land would provide an opportunity to offer additional well-needed services to the surrounding area.

At the hearing before the Baltimore County Board of Appeals, the Petitioner will present evidence demonstrating its entitlement to the requested reclassification and will present evidence regarding each of the factors outlined in Section 2-356(j)(2) of the Baltimore County Code to prove error.




Lawrence S. Wescott, Chairman February 27, 2002 Page 2

For the reasons stated in this letter and other reasons as may be presented at the hearing before the County Board of Appeals, it is respectfully submitted that the present zoning of D.R.16 is an error and the subject property should be reclassified to B.L.

Very truly yours,
Rosent A. Humber

Robert A. Hoffman

RAH/bl Enclosure TO1DOCS1/DHK01/#132036 v1



A Sharen To Live