RE: PETITION FOR SPECIAL HEARING 1630 Bond Road; Nside Bond Rd; 525ft E

ctrline Old York Road

7<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): Milton & Linda Borgmann \*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

**BALTIMORE COUNTY** 

\* 03-354-SPH

### ENTRY OF APPEARANCE

\*

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

ER 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  $10^{\circ}$  day of February, 2003, a copy of the foregoing Entry of Appearance was mailed to Guy A Ward, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville, MD 21030 & Howard L. Alderman, Levin & Gann, PA, Nottingham Centre, 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

> Poter May Dimmerenan PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO:

PATUXENT PUBLISHING COMPANY

Thursday, March 20, 2003 Issue - Jeffersonian

Please forward billing to:

Linda Borgmann 1630 Bond Road

Parkton, MD 21120-9125

410-329-8140

#### 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: 03-354-SPH

1630 Bond Road

N/side Bond Road 525 feet east centerline Old York Road

7<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owners: Milton W. and Linda A. Borgmann

Special Hearing to confirm that the subject property, as a lot, has a maximum of two (2) dwelling rights (including but not in addition to any existing dwelling constructed thereon). To permit the approval of amendment to the second Amended Final Development Plan – North Field Estates, to reflect the creation of the second lot on the subject property. To permit the subject property to be subdivided by way of the Minor Subdivision Process under the presently codified Development Regulations of the Baltimore County Code and to permit the approval of such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

Hearings:

Tuesday, April 8, 2003 at 9:00 a.m. in Room 106, County Office Building, 111 W.

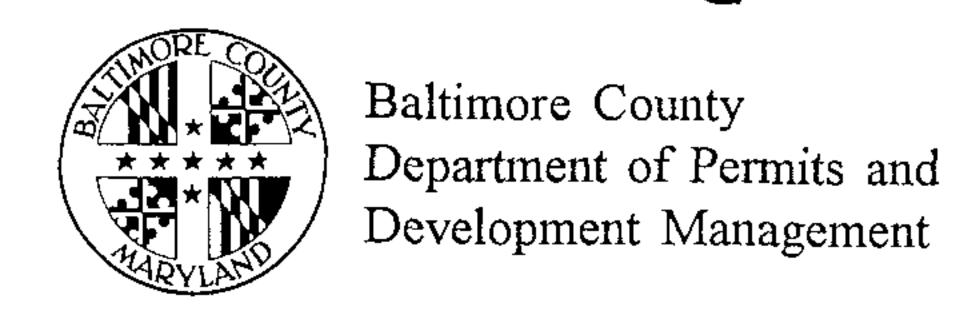
Chesapeake Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

> (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

Fax: 410-887-5708

February 12, 2003

### 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: 03-354-SPH

1630 Bond Road

N/side Bond Road 525 feet east centerline Old York Road

7<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owners: Milton W. and Linda A. Borgmann

<u>Special Hearing</u> to confirm that the subject property, as a lot, has a maximum of two (2) dwelling rights (including but not in addition to any existing dwelling constructed thereon). To permit the approval of amendment to the second Amended Final Development Plan – North Field Estates, to reflect the creation of the second lot on the subject property. To permit the subject property to be subdivided by way of the Minor Subdivision Process under the presently codified Development Regulations of the Baltimore County Code and to permit the approval of such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

Hearings:

Tuesday, April 8, 2003 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon

Director

AJ:rlh

C: Howard L. Alderman, Jr., Levin & Gann, P.A., 502 Washington Centre, 8<sup>th</sup> Floor, Towson 21204

Milton and Linda Borgmann, 1630 Bond Road, Parkton 21120 Guy Ward, McKee & Associates, 5 Shawan Road, Suite 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 24, 2003.

- (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.

# 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:			
m Number of Case Number: 03-354-5PH			
etitioner: Linda A. & Milton W. Borgman			
Address or Location: 1430 Band Road Parkton MD 21120-9125			
EASE FORWARD ADVERTISING BILL TO:			
ame: Linda A. Bosaman	· · · · · · · · · · · · · · · · · · ·		
Idress: 1630 Bond Road	· · · · · · · · · · · · · · · · · · ·		
Parkton MD 21120-9125			
lephone Number: 410 -329 - 8140			

Revised 2/20/98 - SCJ



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	1630 Bond Road		
which is	presently zoned	RC-2	

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

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

Please see attached

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.

			perjury, that I/we are the legal of is the subject of this Petition.	wner(s) of the	property which
Contract I	Purchaser/Lessee:	•	Legal Owner(s):	•	
Name - Type o	or Print	<u> </u>	Milton W. Borgmann Name - Type or Print Millon W. Borgm		<u> </u>
Signature	<u></u>		Signature		<del></del>
Address	<del>/</del>	Telephone No.	Linda A. Borgmann Name - Type or Print	<del></del>	
City	State	Zip Code	Signature L. Dorgy	rexx	<u> </u>
Attorney I	For Petitioner:		1630 Bond Road	410 32	29-8140
	Howard L. Alderman, Jr. E	Esquire	Address Parkton, Mt. 21120	•	Telephone No.
Name - Type	ar Print	u O	City  Representative to be Co	State ntacted:	Zip Code
Signature	Levin and Gann, P.A.			,,, <u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>	
Company	8th Floor, Nottingham Ce 502 Washington Centre	410_321_0600	Gry C. Ward  Name  McKee & Associates, Inc.  Address American Road, Suite 1	······································	/10 527_1555
Address	Towson, Md. 21204	Telephone No.			410, 527 <b>-</b> 1555 Telephone No.
City	State	Zip Code	Cockeysville, Md. 21030 City	State	Zip Code
		OFFICE US	E ONLY		
			ESTIMATED LENGTH OF	HEARING	<del></del>
Case No	.03-354-5PH	1	UNAVAILABLE FOR HEAR	RING	
REV 9 15 98		Revie	ewed By CTM Do	ite 1/3	0/03
,					

#### Attachment 1

### PETITION FOR SPECIAL HEARING

CASE NO: <u>03</u>	<u>-SPH</u>	
Address:	1630 Bond Road Parkton, Md 21120	
Legal Owners:	Milton W. & Linda Λ. Borgmann	ž.
Present Zoning:	RC 2 [ <u>11.0</u> + acres]	

### REQUESTED RELIEF:

"why the Zoning Commissioner should" [1] confirm that the subject property, as a lot of record on November 25, 1979, has a maximum of two (2) dwelling rights (including but not in addition to any existing dwelling constructed thereon); [2] approve an amendment to the 2<sup>nd</sup> Amended Final Development Plan - North Field Estates, to reflect the creation of the second lot on the subject property; [3] confirm that the subject property can be subdivided by way of the Minor Subdivision Process under the presently codified Development Regulations of the Baltimore County Code; and [4] approve such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

### FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

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

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com

7=354

### Zoning Description for #1630 Bond Road

Beginning at a point on the north side of Bond Road which is 18 feet, +/-, wide At a distance of 525 feet east of the centerline of Old York Road (MD State Rte 439) which is 20 feet, +/- wide, as recorded in deed liber 15837 folio 381& liber 3557 folio 230, thence running for the eight bearings and distances as follows:

- 1. North 14 degrees 46 minutes 06 seconds East 661.46 feet,
- 2. South 85 degrees 01 minutes 09 seconds East 26.40 feet,
- 3. North 04 degrees 00 minutes 56 seconds East 308.63 feet,
- 4. North 88 degrees 16 minutes 10 seconds East 196.37 feet,
- 5. South 12 degrees 50 minutes 40 seconds East 134.90 feet,
- 6. South 64 degrees 22 minutes 25 seconds East 487.89 feet,
- 7. South 27 degrees 49 minutes 12 seconds East 224.07 feet,
- 8. South 27 degrees 50 minutes 52 seconds East 30.00 feet,
- 9. South 69 degrees 02 minutes 08 seconds West 1068.75 feet to the place of beginning containing 481,294 S.F.+/-, or 11.049 acres,+/-.

Also know as 1630 Bond Road and located in the 7<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.

#354

BALLINORE COUNTY, MARYL OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 2104
DATE 1 30/03 ACC	T2001 006 6150
· AM	OUNT \$ 65.00
RECEIVED WCKE	V22cc.
FOR:	EPECIAL HONGING
·	

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND

PINK - AGENCY

DISTRIBUTION

WHITE - CASHIER

THE IFLN 5 528 ZOHING VERIFICATION 021004 Recet Tot 86.W 65.00 CK Baltimure County, Haryland

CASHIER'S VALIDATION

#### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <u>Towson</u>. Maryland on the property identified herein as follows:

Case: #03-354-SPH

1630 Bond Road

N/side Bond Road 525 feet east centerline Old York Road 7th Election District - 3rd Councilmanic District

Legal Owner(s): Milton W. and Linda A. Borgmann

Special Hearing: to confirm that the subject property, as a lot, has a maximum of two (2) dwelling rights (including but not in addition to any existing dwelling constructed thereon). To permit the approval of amendment to the second Amended Final Development Plan - North Field Estates, to reflect the creation of the second lot on the subject property. To permit the subject property to be subdivided by way of the Minor Subdivison Process under the presently codified Development Regulations of the Baltimore County Code and to permit the approval of such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

Hearing: Tuesday, April 8, 2003 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-4386.

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

3/254 March 20

C592927

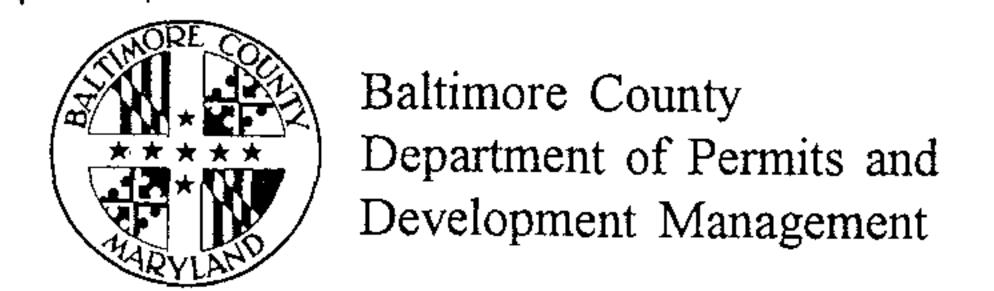
### CERTIFICATE OF PUBLICATION

3/21/2003
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 $3/20/2003$ .
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News
S. Willing.

LEGAL ADVERTISING

### CERTIFICATE OF POSTING

		Date: _	3/20/2003
RE:	Case Number 03-354-SPH		
	Petitioner/Developer: Milton W. and Linda A. B	orgmann	<del></del>
	Date of Hearing/Closing: 4/08/03		<del></del>
were	This is to certify under the penalties of perjury posted conspicuously on the property located a		ecessary sign(s) required by law 30 Bond Road
	The sign(s) were posted on3	/20/03 (Month,	Day, Year)
,		Z	Signature of Sign Poster)
	TONING MOTIET		wrence Pilson, R.S. Printed Name of Sign Poster)
	Prict Construction of the	5 St	nawan Road, Suite 1
		(\$	Street Address of Sign Poster)
		Cocke	ysville, Maryland 21030
		(C	ity, State, Zip Code of Sign Poster)
			410-52 <b>7-</b> 1555
			elephone Number of Sign Poster)



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

April 4, 2003

Howard Alderman, Jr. Esquire Levin & Gann P.A. 502 Washington Centre, 8th Floor Nottingham Centre Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 03-354-SPH, 1630 Bond Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 30, 2003.

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,

U. Callibal W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:klm

Enclosures

People's Counsel C: Milton and Linda Borgmann, 1630 Bond Road, Parkton 21120 Guy C. Ward, McKee & Associates, 5 Shawan Place, Suite 1, Cockeysville 21030



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

February 11, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: February 11, 2003

Item No.:

351-360

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

**DATE:** February 27, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For February 18, 2003 Item Nos. 351, 352, 353, 354, 355, 356, 357, 358, and 360

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

RWB:CEN:jrb

cc: File

## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley (25)

DATE:

March 24, 2003

SUBJECT:

Zoning Item 354

Address

1630 Bond Road

Zoning Advisory Committee Meeting of February 10, 2003

<u>X</u> The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

The RC2 Zone was put in place to control undesirable levels of development and to protect resources. It is essential that the strict standards on density be maintained. In addition, add the agricultural note to the plan.

Reviewer: Wally Lippincott Date: March 24, 2003

# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case(s) 03-354 **SUBJECT:** 

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.

AFK/LL:MAC

**DATE:** February 12, 2003

ZONNG COMMISSIONER



#### MARK ON DIPARTMENT OF TRANSPORTATION

Robert L. Ehrlich, Jr., Governor · Michael S. Steele, Lt. Governor · Trent M. Kittleman, Acting Secretary

Date: 2.7.03

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

RE:

Baltimore County

Item No. 354

LTM

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,

1-

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

1. J. Hoedle

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

DATE: February 12, 2003

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-354

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: <u>Latry Greatmen</u>

AFK/LL:MAC

HOWARD L. ALDERMAN, JR. halderman@LevinGann.com

DIRECT DIAL 410-321-4640 LAW OFFICES

LEVIN & GANN

A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

April 4, 2003

ELLIS LEVIN (1893-1960)



COMING COMMISSIONER

VIA TELEFAX & REGULAR MAIL

The Honorable Lawrence E. Schmidt Baltimore County Hearing Officer 401 Bosley Avenue, Suite 405 Towson, Maryland 21204

RE: Milton & Linda Borgmann

Case No. 03-354-SPH

Scheduled Hearing Date:

Tuesday, April 8, 2003, 9:00 a.m./Room 106

Request for Postponement

Dear Mr. Schmidt:

I have just been informed that due to personal and extraordinary issues beyond the control of my clients, the Petitioners in the above-referenced case, Mr. and Mrs. Borgmann can not be prepared to move forward on the date and time of the scheduled hearing. Therefore, on their behalf and with their complete authority and in accord with Rule 2.G of the Rules promulgated by your office, I request that this matter be postponed indefinitely.

I will be in my office on Monday should you need to discuss this request.

Very truly yours

Howard L. Alderman, Jr.

HLA/gk

c: Mr. and Mrs. Milton Borgmann

### MEMO TO FILE

February 4, 2003

MEMO TO: Zoning Commissioner

FROM: Donna Thompson, Planner II

Zoning Review

RE: Item No: 354, case No. 03-354-SPH

Proposed Minor Subdivision Plan for Borgmann Property

In October of 2002 a minor subdivision plan was submitted to this office for review. This property consists of 11.049 acres currently zoned R.C. 2. On November 15, 2002 comments were submitted to Development Review. A copy of these comments are attached.

/dt

#### **BORGMANN PROPERTY**

1630 Bond Road 02-079-M

Minor Subdivision Review

Plan Date: September 27, 2002

Comments Due: 11/07/02 Comments Date: 11/15/02 Comments Typed: 11/15/02

Zoned R.C. 2

Prior to final zoning approval, the following items must be addressed:

1. Section 103.1 from the BCZR (Baltimore County Zoning Regulations) (copy attached) states that use, height, area and density shall apply under the then existing zoning regulations. When the subdivision of "North Field Estates", Plat Book 42 Folio 94 was approved by the Baltimore County Planning Board, the final development plan shows all density was used at that time. Therefore, this office cannot approve any other subdivisions of lots within this development.

Any requests for further information from the Zoning Office must include a reference to the minor subdivision file number 02-079-M and a copy of these comments must accompany written correspondence or revised plans.

Donna Thompson

Planner II

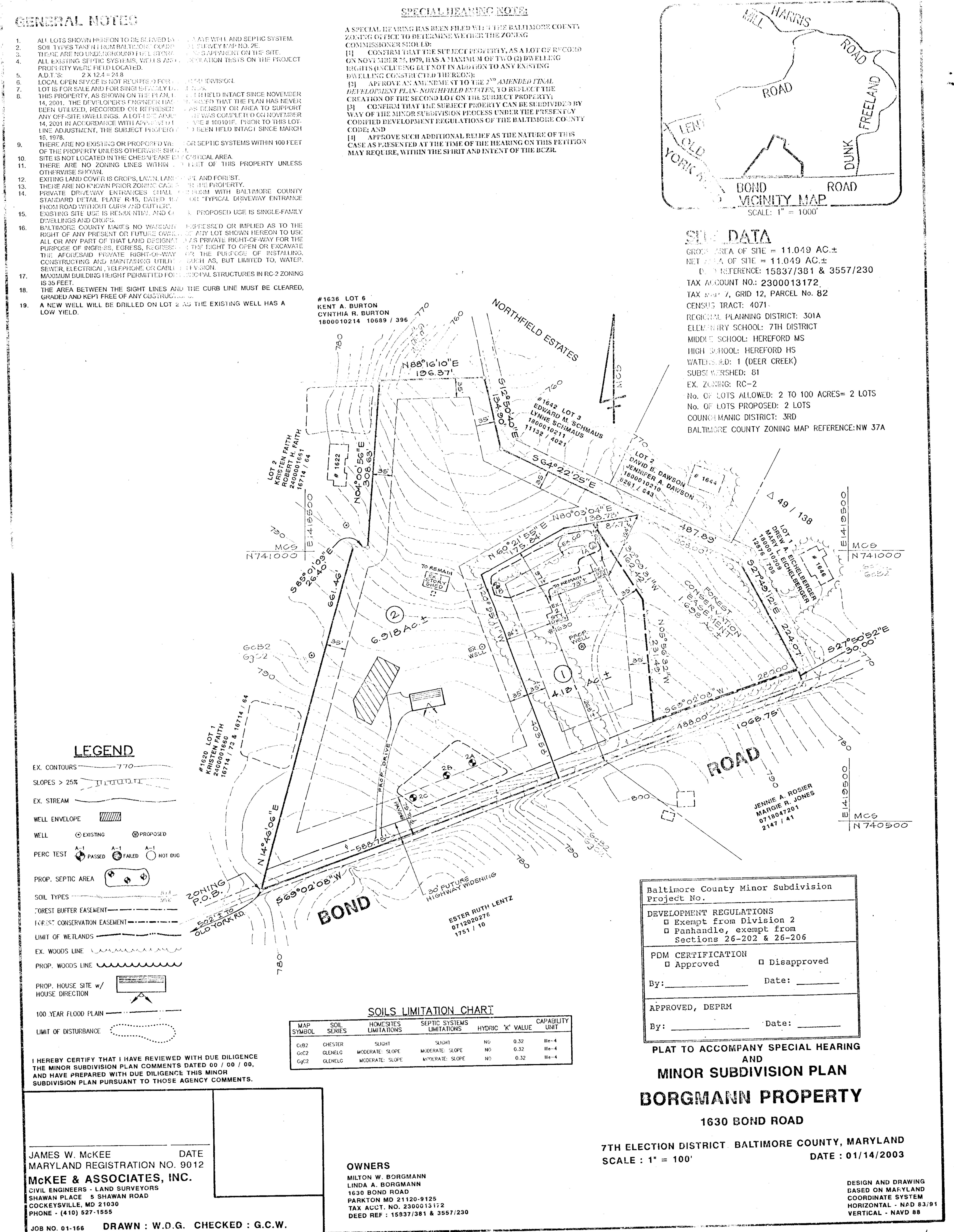
Zoning Review

## Engineering • Surveying • Environmental Planning Real Estate Development

DATE: March 21, 2003 Borgmann Property RE: TO: Baltimore County PADM 1630 Bond Road ATTENTION: Ms. Becky Hart (X) We are submitting ( ) We are returning ( ) We are forwarding (X) Herewith ( ) Under separate cover Description No. Certificate of Posting with Photograph ( ) For processing (X) For your use ( ) For your review ( ) In accordance with your ( ) Please call when ready ( ) Please return to this office request Remarks: For further information, please contact the writer at this office. Very truly yours, McKee & Associates, Inc. DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT Lawrence Pilson, R.S. Enclosures

McKee Files

Cc:



•