IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION – W/S Hanover Pike, (Md. Route 30), 150' N of Lees Mill Road **(16208 Hanover Pike)** 4th Election District 3rd Council District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	Case No. 03-527-SPHX
George Knouse & Margaret Eline Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owners of the subject property, George W. Knouse and Margaret E. Eline, and the Contract Purchasers, Leisure Specialties, Inc., through their attorney, J. Neil Lanzi, Esquire. The Petitioners request a special hearing to approve business parking in a residential zone for an adjacent retail use, and a special exception for a new home garden center building with a floor area ratio of .21 in lieu of the maximum allowed .20, pursuant to Sections 259.3.B and 259.3.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Wendy McAdams, a principal of Leisure Specialties, Inc., co-Petitioners/Contract Purchasers; Roy Snyder, the Surveyor who prepared the site plan; and J. Neil Lanzi, Esquire, attorney for the Petitioners. Appearing as interested citizens/Protestants were Bob Walker and George Harmon, representatives of the Hanover Road Association, and George and Laurie Burnham, adjacent property owners.

The subject property is an irregular "L" shaped parcel located with frontage on the west side of Hanover Pike (Maryland Route 30), just north of Lees Mill Road in northwestern Baltimore County, a short distance from the Carroll County line. The property, although a single lot of record, is made up of two sections. One section is rectangular in shape, approximately 113' wide along Hanover Pike, and 420'deep; however, widens to nearly 168' across the rear property line.

This portion of the property contains approximately 1.454 acres and is zoned R.C.2. The other section of the property is square shaped and is 160' wide and 157' deep. It contains approximately 0.686 acres, zoned B.L.-C.R. Again, it is to be emphasized that this property is considered a single lot of record, although it is comprised of two different zoned parcels.

Ms. McAdams appeared and testified on behalf of Leisure Specialties, Inc., the contract purchasers of the subject property. She testified that Leisure Specialties is a home garden center, which is presently located in Elkridge, Maryland and proposes to relocate to the subject site. Ms. McAdams indicated that the subject site is ideal for the business for several reasons, including convenience, visibility, and the rural/residential nature of the locale. She testified that Leisure Specialties features "high end" products that are typically not available in big box stores such as Home Depot or Lowes. These items include plastic furniture, decking, railing, fencing and other decorative items for the home and garden. She indicated that store hours would be weekdays from 8:00 AM to 5:00 PM and one evening per week until 8:00 PM to allow those individuals who work during the day to visit the store. The business will also be open for limited hours on Saturday; however, will be closed on Sunday.

Testimony was also received from A. Leroy Snyder, the surveyor who prepared the site plan. He generally described the property including its split zoning and configuration as noted above. He opined that the proposed use would not be detrimental to the health, safety and general welfare of the locale and that the requirements for special exception relief under Section 502.1 of the B.C.Z.R. would be satisfied. He also indicated that a compatibility study was prepared and submitted by him to the Office of Planning, pursuant to Section 26-282 of the Baltimore County Code. This study concluded that the use of the subject property as proposed would not have a negative impact on the area and was compatible with the surrounding locale.

In this regard, the site is generally vacant at the present time. At one time, there was a commercial operation on the site; however, that has long since been abandoned. The property does feature a small shed-like building, which was visible in a number of photographs that were

submitted at the hearing. Additionally, there appears to be a crusher run parking area immediately adjacent to Hanover Pike.

As shown on the site plan, the Petitioners propose the construction of the home center building entirely on the B.L.-C.R. zoned portion of the property. The building will be 85' wide by 75' deep and will not exceed a height of 22 feet. Floor plans of the proposed building were also submitted at the hearing (see Exhibits 3A and 3B), as well as architectural elevation drawings (Exhibits 4A and 4B). The building appears to be an attractively designed commercial structure. In addition to the building, the Petitioners propose the construction of a macadam parking area for up to 12 vehicles along the front portion of the adjacent parcel, which is zoned R.C.2. This has necessitated the special hearing request.

Under the B.C.Z.R., the proposed business is considered a "garden center." Under Section 101 of the B.C.Z.R., a garden center is defined as "A place of business where garden related products, horticultural materials, or produce are sold to the retail customer. A garden center may include a nursery or controlled environmental structures." Section 230.9 of the B.C.Z.R. permits garden centers as uses by right in the B.L. zone. Thus, it need be emphasized that the proposed use is permitted within this zone. The need for the special exception relief is generated by the floor area ratio requirement set out in the C.R. district. The proposed building is located in that portion of the property zoned B.L. (business-local), which permits the proposed use as of right; however, the parcel is overlaid with the C.R. (commercial-rural) district. The C.R. district is frequently applied to commercial sites within rural areas of the County. The regulations for such districts are found within Section 259 of the B.C.Z.R. Pursuant to Section 259.3.C.1.b thereof, buildings in the C.R. district are limited to a floor area ratio of no greater than .20. Floor area ratio is defined in Section 101 of the B.C.Z.R. as "The total adjusted gross floor area of buildings on a site, divided by the gross area of the site." The floor area ratio for the proposed building is .21, minimally larger than the maximum allowed ratio of .20. If the building were slightly smaller, special exception approval would not be necessary. In this regard, the Petitioners testified regarding the size and use of the building and the proposed floor plan. It was indicated

that a 75' x 85' building was necessary for the proposed use and that a reduction in size would inappropriately limit the business operation proposed by Leisure Specialties.

The Petition for Special Hearing seeks approval of business parking in a residential zone. The term "Residential zone" is also defined in Section 101, and includes the R.C. zone. Thus, business parking may be approved in an R.C. zone, pursuant to the criteria set forth in Section 409 of the B.C.Z.R. It is to be emphasized that the property is split zoned and that the proposed parking area is on the same lot of record as the home garden center. It is also to be noted that the property owners previously obtained zoning relief under Case No. 97-156-SPHA to allow parking in the residentially zoned portion of the site. Although approved by then Deputy Zoning Commissioner Timothy M. Kotroco, the Office of People's Counsel appealed that decision to the Board of Appeals, whereupon the Petitioners withdrew their request thereby forfeiting the relief, and their Petition was dismissed.

Based upon the testimony and evidence offered, I am persuaded to grant the special exception relief. It is clear that the proposed use will not be detrimental to the health safety and general welfare of the locale and satisfies the criteria set out in Section 502.1 of the B.C.Z.R. I am likewise persuaded to grant the special hearing relief. The fact that the parking lot will occupy a modestly sized area of the R.C.2 zoned parcel and be clustered in the front portion of the site immediately adjacent to Hanover Pike is persuasive. Moreover, the lot will not extend further towards the rear of the proposed building. Thus, I am persuaded to grant the requested relief. However, in so doing, I shall impose certain conditions to minimize any impacts the proposed use may have on adjacent properties.

The Zoning Commissioner is empowered to impose restrictions upon the grant of any relief. Pursuant to Section 502.2 of the B.C.Z.R., conditions or restrictions may be imposed for the protection of the surrounding and neighboring properties. A number of restrictions are appropriate here, particularly given the concerns expressed by the Protestants. First, the building shall be constructed substantially in accordance with the elevation drawings submitted at the hearing and approved by the Office of Planning as part of the compatibility study. The building shall not

exceed a height of 22 feet and shall be no larger than 75' x 85' in dimension. Additionally, the architectural design and materials used for the building shall be reviewed and approved by the Office of Planning for compatibility with the surrounding locale. Secondly, the Petitioners shall landscape the property as shown on the site plan and in accordance with the landscape plan to be approved by Mr. Avery Harden, the County's Landscape Architect. The site plan shows significant landscaping and buffering are proposed along the side and rear property lines of that portion of the property zoned B.L.-C.R. This landscaping will buffer both the proposed building and parking area from the Burnham residence and other residences to the south. Third, the Protestants expressed legitimate concerns regarding storm water runoff. The case file does not contain any Zoning Advisory Committee (ZAC) from the Department of Environmental Protection and Resource Management (DEPRM) regarding this proposal. Thus, prior to the issuance of any building permits, the Petitioners shall submit a storm water management plan to DEPRM for review and approval. Said plan will provide that storm water runoff from the proposed building and parking lot will not be inappropriately discharged onto adjacent properties.

Fourth, the Protestants raised certain issues regarding traffic and parking on the property. I appreciate that traffic levels on Hanover Pike have risen dramatically in recent years. Obviously, it is clear that much of the increase in traffic is due to commuters from Carroll County. However, in my judgment, the additional traffic that may be generated by the subject proposal will be relatively minimal when compared with existing traffic volumes in the area. I am also appreciative of the Protestants' concerns regarding overnight truck parking on the site and will restrict truck parking to the one Isuzu truck that is presently used for delivery purposes. There shall be no tractor-trailers or large trucks parked on the site overnight. Fifth, there will be no exterior dumpsters on the site and no outdoor display of items on either a temporary or permanent basis. Lastly, signage on the property shall be limited to one sign, 3' x 1.5' in dimension, mounted on a 5' high pole, as shown on the site plan.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted, subject to the terms and conditions set forth below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of August, 2003 that the Petition for Special Hearing to approve business parking in a residential zone for an adjacent retail use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a new home garden center building on the subject property with a floor area ratio of .21 in lieu of the maximum allowed .20, pursuant to Sections 259.3.B and 259.3.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) The proposed building shall be constructed substantially in accordance with the elevation drawings reviewed and approved by the Office of Planning and submitted into evidence as Petitioner's Exhibits 3A & 3B. The building shall be no greater in height than 22 feet and no larger in dimension than 75' x 85'. The architectural design and materials used for the building shall also be reviewed and approved by the Office of Planning for compatibility with the surrounding locale.

3) The Petitioner shall landscape the site in accordance with the landscape plan reviewed and approved by the Landscape Architect.

4) Prior to the issuance of any building permits, the Petitioners shall submit a storm water management plan for review and approval by the Department of Environmental Protection and Resource Management.

5) There shall be no tractor-trailers or large trucks parked on the site overnight. Moreover, there shall be no outdoor display of items for sale on either a temporary or permanent basis, and no exterior dumpsters on the site.

ORDER RECEIVED FOR FILING
Date 8/14/03
By

6) Signage on the subject property shall be limited to one sign, 3' x 1.5' in dimension, mounted on a 5' high pole, as shown on the site plan.

7) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 8/4/13
By bjs

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
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August 14, 2003

J. Neil Lanzi, Esquire
409 Washington Avenue, Suite 617
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION
W/S Hanover Pike (Maryland Route 30), 150' N of Lees Mill Road
(16208 Hanover Pike)
4th Election District – 3rd Council District
George Knouse & Margaret Eline - Petitioners
Case No. 03-527-SPHX

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. George W. Knouse & Ms. Margaret E. Eline
2800 Carrollton Road, Finksburg, Md. 21048
Ms. Wendy McAdams, Leisure Specialties, Inc.
6149 Washington Boulevard, Elkridge, Md. 21075
Mr. Roy Snyder, 1911 Hanover Pike, Hampstead, Md. 21074
Mr. Bob Walker, P.O. Box 51, Boring, Md. 21020
Mr. George Harmon, 5429 Weywood Drive, Reisterstown, Md. 21136
Mr. & Mrs. George Burnham, 132 Lees Mill Road, Hampstead, Md. 21074
DEPRM; People's Counsel; Case File

IN THE MATTER OF George W. Knouse and Margaret E. Eline, Property Owners	*	BEFORE THE ZONING COMMISSIONER
	*	FOR BALTIMORE COUNTY
	*	Case No. 03-527-SPHX
and	*	
Leisure Specialties, Inc., Contract Purchaser/Petitioner	*	
16208 Hanover Pike	*	

* * * * * * * * * * *

PETITIONER'S MEMORANDUM

Leisure Specialties, Inc., Contract Purchaser/Petitioner, by its attorney, J. Neil Lanzi, Esquire and J. Neil Lanzi, P.A., respectfully submits this Memorandum in Support of its Petition for Special Hearing and Petition for Special Exception.

I. STATEMENT OF THE CASE

Leisure Specialties, Inc., Contract Purchaser/Petitioner ("Petitioner"), submitted a Petition for Special Hearing to permit business parking for the adjacent retail use in a residential zone and a Petition for Special Exception to permit a new home garden center with a floor area ratio of .21 in lieu of the allowed .20.

The property in question, 16208 Hanover Pike, is located approximately 150 feet north of Lee's Mill Road in Baltimore County (the "Property"). As shown on the site plan presented as Petitioner's Exhibit No. 1, the Property consists of 2.1402 acres of which approximately 1.454 acres are zoned RC2 and .686 acres are zoned BL-CR. The subject area for the special hearing request is .4097 acres and the subject area of the special exception request is .6860 acres. Thus, approximately one half of the site will remained undisturbed.

Petitioner proposes to construct a home garden center consisting of a 6,375 square foot building within the BR-CR portion of the Property. The proposed height of the structure is 22 feet in lieu of the 30 feet allowed. In addition to the site plan, Petitioner presented photographs of the Property, color renderings, building specifications and a compatibility study. The witnesses for Petitioner were Wendy McAdams, an owner and officer of Leisure Specialties, Inc. and Leroy Snyder of A.L. Snyder Surveyor, Inc., presented as an expert in land surveying and land use in Baltimore County. No expert testimony was presented by protestants to contradict the expert testimony presented by Petitioner.

II. PETITIONER'S EVIDENCE

A. Testimony of Wendy McAdams.

Wendy McAdams is an officer of the Maryland company known as Leisure Specialties, Inc. Ms. McAdams testified she is the operator of Petitioner's home garden business currently located in Elkridge Maryland, which business has outgrown its facility. Ms. McAdams noted the home garden center business in Elkridge is located within an industrial park and since many customers consist of families with young children, the location is simply not compatible with the other businesses. When asked why the property in question was selected, Ms. McAdams replied that the Hanover Pike location was ideal for several reasons, including convenience, visibility and the residential nature of the area. Ms. McAdams stated the proposed home garden center is a destination type business where families take their time while shopping for the high end products sold by Petitioner. The product line includes plastic furniture, plastic decking, plastic railing, plastic fencing and other items for the home and garden which are not available in stores such as Home Depot or Lowes.

Ms. McAdams testified that as a mother and family person, her hours of operation would be limited, including weekday hours between 8:00 a.m. and 5:00 p.m., with one evening a week planned for extended hours to allow those who work to come to the store. Weekend hours would also be limited to Saturdays only. A substantial portion of sales are by telephone.

Finally, Ms. McAdams testified at length regarding the steps she and her husband took to satisfy the requirements of the Office of Planning, the CR Zoning District and the goals of the Hanover Road Community Plan, notwithstanding the fact that the size of the proposed building placed the project outside the scope of the Hanover Road Community Plan. Ms. McAdams confirmed that several versions were presented to the Office of Planning prior to receiving their support to the project, subject to Petitioner's compliance with the plans as shown on the exhibits presented.

B. Testimony of Albert Leroy Snyder

Albert Leroy Snyder is a registered surveyor who testified as an expert in surveying and land use matters. Mr. Snyder testified that he prepared the site plan admitted as Exhibit 1 and was familiar with the Property and neighborhood. Mr. Snyder testified that with the split zoning of the Property, the proposed home garden center had to be located in the BL-CR portion where it is an allowed use and the proposed accessory parking area was located out of necessity in the RC2 zoned portion of the Property due to the parking requirements of the Baltimore County Zoning Regulations. One handicap parking space is located adjacent to the building within the BL-CR Zone. Mr. Snyder noted that the parking was similar to the business parking approved in a previous case for the same property, Case No. 97-156-SPHA. Mr. Synder testified that the parking area and existing structures met the setback requirements and there were no variances necessary in this case.

Turning to the special exception relief, Mr. Snyder testified that pursuant to the Baltimore County Zoning Regulations ("BCZR"), Sections 259.3B and 259.3C(1)(b), special exception relief was necessary to allow the proposed new home garden center with a floor area ratio of 0.21 in lieu of the .20 maximum floor area ratio allowed. Mr. Snyder explained his calculations utilized to arrive at the floor area ratio by explaining the total size of the building was divided by the amount of property located in the BL-CR zone only. Mr. Snyder then proceeded to testify regarding the requirements of Section 502 of the Baltimore County Zoning Regulations and opined that the home garden center, if approved: (i) would not create congestion in the adjoining roadways; (ii) would not create potential fire hazards; (iii) would not overcrowd the land or cause undue concentration of population; (iv) would not interfere with adequate provisions for schools, parks, water, sewage, transportation or other public requirements; (v) would not interfere with adequate light and air; (vi) would not be inconsistent with the purposes of the zoning classification of the property or in any way be inconsistent with the spirit and intent of the zoning regulations; (vii) would not be inconsistent with the impermeable surface and vegetative retention provisions; and (viii) would not be detrimental to the environmental and natural resources of the site.

Mr. Snyder conditioned his testimony by stating that his opinion was subject to the requirements of the county agencies and their comments as presented to the Zoning Commissioner, including, but not limited to, the comments of the Maryland State Highway Administration. The comments of the Department of Environmental Protection and Resource Management had not been received as of the date of the hearing but were anticipated with regard to the septic system and storm water management requirements.

The compatibility study as prepared by Mr. Snyder was presented and accepted as Petitioner's Exhibit 5. The compatibility study set forth the requirements as contained in Section 26-282 of the Baltimore County Code with regard to properties located in the CR zoning district.

With regard to the CR zoning district, Mr. Snyder testified that the additional regulations applicable to the CR overlay district were either shown or would be met subject to the requirements of the county agencies, including receiving approval of the plan by the Baltimore County Landscape Architect, the Department of Environmental Protection and Resource Management and the Office of Planning. Extensive landscaping as required in the CR District was shown on the site plan which Mr. Snyder stated would screen adjacent properties. Mr. Snyder also noted that a minimum of 7% of the parking lot would be pervious surface with a minimum of one tree per eight parking spaces provided. The business sign shown on the plan and on the exhibits was noted to be substantially less in area than the 25 square feet per side permitted in the CR District with illumination to be by ground lighting.

The compatibility study confirmed that by locating the building in the southern portion of the property, open spaces to the rear and side would expose the property to farms beyond thus protecting scenic views from the public roads in an effort to preserve the natural rural features of the area. The color scheme, size and scope of the project were, in the opinion of Mr. Snyder, not in any way detrimental to the health, safety or general welfare of the neighborhood. In fact, Mr. Snyder acknowledged the abandoned nature of the Property and noted that a reduction in paving would result with the completion of the proposed project. Mr. Snyder concluded the proposed project would not have any negative affect on the area.

III. ISSUES PRESENTED.

A. Whether approval should be granted of the Special Hearing to permit business parking located in the RC2 Zone for the adjacent retail use in the BL-CR Zone.

B. Whether approval should be granted of the Petition for Special Exception to permit a new home garden center building with a floor area ratio of .21 in lieu of the allowed .20.

IV. ARGUMENT.

The Baltimore County Code, Section 26-166 requires that development of land must promote the health and safety of the public and of existing communities served. Section 26-167 states that development is to be compatible with the neighborhood to minimize adverse and environmental, traffic and economic impact. Petitioner has proposed to develop the Property in such a manner that its expert and the Baltimore County Office of Planning has determined to be compatible and without adverse impact upon the immediate neighborhood. Petitioner and Petitioner's expert opined that the project would even enhance the neighborhood since the Property was the home of a burned down tavern and has been vacant for several years.

A. Whether approval should be granted of the Special Hearing to permit business parking located in the RC2 Zone for adjacent retail use in the BL-CR Zone.

Under Section 230.9 of the BCZR, a garden center is a permitted use. The area, height and setback requirements are controlled by the CR overlay district as provided in Section 259 of BCZR. Accessory parking relief is requested for 11 parking spaces to be located on the same property as the principal use but on the RC2 zoned portion of the Property.

Section 409.1 requires in part "... All structures built and all uses established hereafter shall provide accessory off-street parking and loading in accordance with the following regulations ...". The number of parking spaces required are shown on Petitioner's site plan and

meet the requirements of Section 409.6 of the BCZR. Section 409.7 requires off-street parking spaces to be located "... either on the same lot as the structure or use to which they are accessory or off-site as provided for below ...". Petitioner's plan provides off-street parking on the same lot as the proposed home garden center. Design standards for parking are contained in Section 409.8B of the BCZR. This same section provides for business parking in a residential zone which triggered the request for this Memorandum.

The Petition filed by the Petitioner in this case noted the present zoning of the Property as RC2 and BL-CR. The Petition for Special Hearing requested the Zoning Commissioner to approve "business parking for adjacent retail use in a residential zone". Under the definition section contained in Section 101 of the BCZR, a residential zone is defined as "a zone classified as R.C., D.R., R-0-A or R.A.E. "zoned for residential purpose": within a residential zone." By definition, the RC2 Zone is a residential zone and, in fact, pursuant to 1A01.2B of the BCZR, a one family detached dwelling is a use permitted as of right in the RC2 Zone.

The proposed parking area also meets the accessory use definition as contained in the BCZR. Accessory use or structure is defined as:

> "a use or structure which: a) is customarily incident and subordinate to and serves a principal use or structure; b) is subordinate in area, extent or purpose to the principal use or structure; c) is located on the same lot as the principal use or structure served; and d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. ...".

Parking by its very nature meets the definition of accessory use. The area of special hearing shown for the proposed parking is .4097 acres out of a 2.14 acre site. The area of special exception is .6860 acres. Clearly the parking area is incident and subordinate to and serves the home garden center as the principal use. The size and scope of the parking area confirms it is

subordinate in area, extent or purpose to the home garden center. The site plan confirms the parking area is located on the same lot as the principal use and finally, the parking area contributes to the comfort, convenience and necessity of the home garden business served.

In the Baltimore County zoning case "In the Matter of Beth Tfiloh Congregation of Baltimore City, Inc. - Petitioners, Case No. 01-468-SPH, the Zoning Commissioner considered as one of the issues whether existing and proposed uses on the RC4 zoned portion of a multi-zoned tract were appropriate. In that case, the property was actually bisected into four different zones and three identifiable land uses (camp buildings, athletic fields and loop road) were located in the RC4 portion of the property. The three identified uses were used in conjunction with the school and synagogue uses which occurred on the DR1 zoned portion of the property. In that case, the Zoning Commissioner conducted an analysis utilizing the accessory use definition and determined the camp buildings and proposed athletic fields would not be allowed as accessory uses, however the loop road serving the primary use of the property would be allowed as an accessory use. The Beth Tfiloh case involved one parcel as in the subject case and both are distinguishable from other noted Baltimore County zoning cases such as Long Green Valley Association, et al., Case No. 93-93-SPH and In Re Orville Jones, Case No. 94-CV10257 where the accessory use serving the principal use was located on a separate parcel adjacent to the property where the principal use was located.

Next, as indicated at the hearing, the Property was the subject of a similar zoning hearing in Case No. 97-156-SPHA. In that case, petitions were brought for special hearing and variance relief by the same property owners as in the subject case. The petitioners sought approval of business parking in the residential zone and a variance to permit the placement of a dumpster in the residential zone. The proposed principal use of the property was intended for retail and

commercial after renovation of the existing structure on the site. The Deputy Zoning Commissioner determined that the relief requested would not cause any injury to the public health, safety or general welfare and met the requirements of the BCZR. A copy of the Order in that case is attached hereto. It is important to note that the business parking in the previous case was in the same general area as proposed in the subject case. A copy of the site plan (also prepared by Leroy Snyder) in the prior case is attached hereto. As a result of the decision in the prior case, it is Petitioner's position that the doctrine of res judicata applies and that it would be arbitrary for the hearing officer to arrive at an opposite conclusion when substantially the same facts and law apply. See Whittle vs. Board of Zoning Appeals of Baltimore County, 211 Md. 36 (1956). The property was essentially vacant at the time of the 1997 case and testimony at the hearing established the property has not changed. For these reasons, Petitioner requests approval of business parking on the RC2 zoned area for the benefit of the home garden center located on the BL-CR zoned area of the Property.

B. Whether approval should be granted of the Petition for Special Exception to permit a new home garden center building with a floor area ratio of .21 in lieu of the allowed .20.

The expert testimony of Albert Leroy Snyder with regard to the requirements for a special exception under the BCZR were not contradicted by any other experts at the hearing. In the leading Maryland case Schultz v. Pritts, 291 Md. 1, 11 (1981), the Court stated in part,

> "... the special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare and therefore valid. The special exception use is a valid zoning mechanism that delegates to an administrative board a limited authority to allow enumerated uses which the legislature has determined to be permissive absent any fact or circumstance negating the presumption. The duties given the Board are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use and the particular case is in harmony with the general purpose and intent of the plan".

In Schultz the Court continued by stating:

> "Whereas the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use will be a benefit to the community. If he shows to the satisfaction of the Board that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden". 291 Md. 1 at 11.

The Court of Appeals in Schultz outlined the standard for determining whether a special exception use would have an adverse effect by stating "...whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location with the zone." 291 Md. 1 at 15. Petitioner's expert in land use testified unequivocally that the home garden center as proposed on the property at this location would not have any adverse effects above and beyond those inherently associated with a home garden center at a similarly zoned location in Baltimore County. In fact, Mr. Snyder testified the proposed use would have no adverse impact on the community. For these reasons, Petitioner requests approval of the special exception relief.

V. CONCLUSION.

The Deputy Zoning Commissioner previously granted the same property owners request to approve business parking in the RC2 Zone. The definition of residential zone includes properties that are zoned RC2. The RC2 zoning includes residences as an approved use confirming the residential nature of the zone in addition to the agricultural uses. The accessory parking area is located on the same lot as the garden center and, as determined in the Beth Tfiloh Congregation case, is clearly an accessory use incidental and necessary for the principal commercial use.

The property has been vacant for several years and as documented in the compatibility study, the exhibits and testimony, the proposed improvements will actually enhance the site. The proposed improvements will also reduce the paving on site, contrary to the allegations of protestants in this case. The Office of Planning in its comment stated affirmatively that it supported the project subject to compliance to the site plan and building elevations reviewed by the Department of Planning. The Office of Planning further stated that the proposed development meets the objectives identified in Section 26.282 of the Baltimore County Code. There were no county agencies objecting to the proposal although Petitioner acknowledges the significant requirements imposed by the State Highway Administration and anticipated from DEPRM.

The requirements of section 502 of the Baltimore County Zoning Regulations have been satisfied as well as the standards provided in the leading Maryland case Schultz vs. Pritts. Testimony and exhibits clearly established the granting of the Special Hearing and Special Exception can be done in such a manner as to be within the spirit and the intent of the zoning regulations without adverse effect upon other property owners in the area and the community. In conclusion, Petitioner submits that under the applicable law and based on the evidence presented, Petitioner has met its burden and satisfied the necessary standards to sustain approval of the requested relief.

WHEREFORE, Petitioner prays that the Zoning Commissioner for Baltimore County grant approval of the Petition for Special Hearing and Petition for Special Exception along with such other and further relief as the nature of its cause may require.

Respectfully submitted,

J. Neil Lanzi
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Attorney for petitioner/Contract Purchaser

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 2003, a copy of the foregoing Petitioner's Memorandum was mailed, first class, postage prepaid, to Office of People's Counsel, Peter Max Zimmerman, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204, Robert Walker, P.O. Box 51, Boring, Maryland 21020, George Harman, 5429 Weywood Drive, Reisterstown , Maryland 21136, George Burnham, 132 Lees Mill Road, Hampstead, Maryland 21074 and Laurie Burnham, 132 Lees Mill Road, Hampstead, Maryland 21074.

J. Neil Lanzi

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - W/S Hanover Pike, 146' N of Lee's Mill Road (16208 Hanover Pike) 4th Election District 3rd Councilmanic District

George W. Knouse and Margaret E. Eline - Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 97-156-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 16208 Hanover Pike, located in the vicinity of Lee's Mill Road in Arcadia. The Petitions were filed by the owners of the property, George W. Knouse and Margaret E. Eline. The Petitioners seek approval of business parking in a residential zone, and a variance from Section 409.8.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the placement of a dumpster in a residential zone, pursuant to the special hearing request. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were George Knouse and Margaret Eline, property owners. There were no Protestants.

Testimony and evidence offered revealed that the subject property consists of 2.14021 acres, more or less, split zoned R.C.2 (1.91 acres) and B.L.-C.R. (0.23 acres). The property is improved with a one-story frame building, which is located in the B.L.-C.R. zoned portion of the property, and a blacktop paved parking area, which is located in the R.C.2 zoned portion of the site. The Petitioners have owned the subject property for many years and the building thereon has been used in the past for a variety of retail uses, including as a tavern. However, the building has

been vacant for some time and the Petitioners are now desirous of renovating the existing building and utilizing same for retail/commercial uses. Due to the split zoning of the property and the location of existing improvements thereon, the special hearing and variance relief requested are necessary in order to proceed as proposed.

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

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which are the subject of these requests and that

the requirements from which the Petitioner seeks 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 for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of November, 1996 that the Petition for Special Hearing to approve business parking in a residential zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.8.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the placement of a dumpster in a residential zone, pursuant to the special hearing request, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

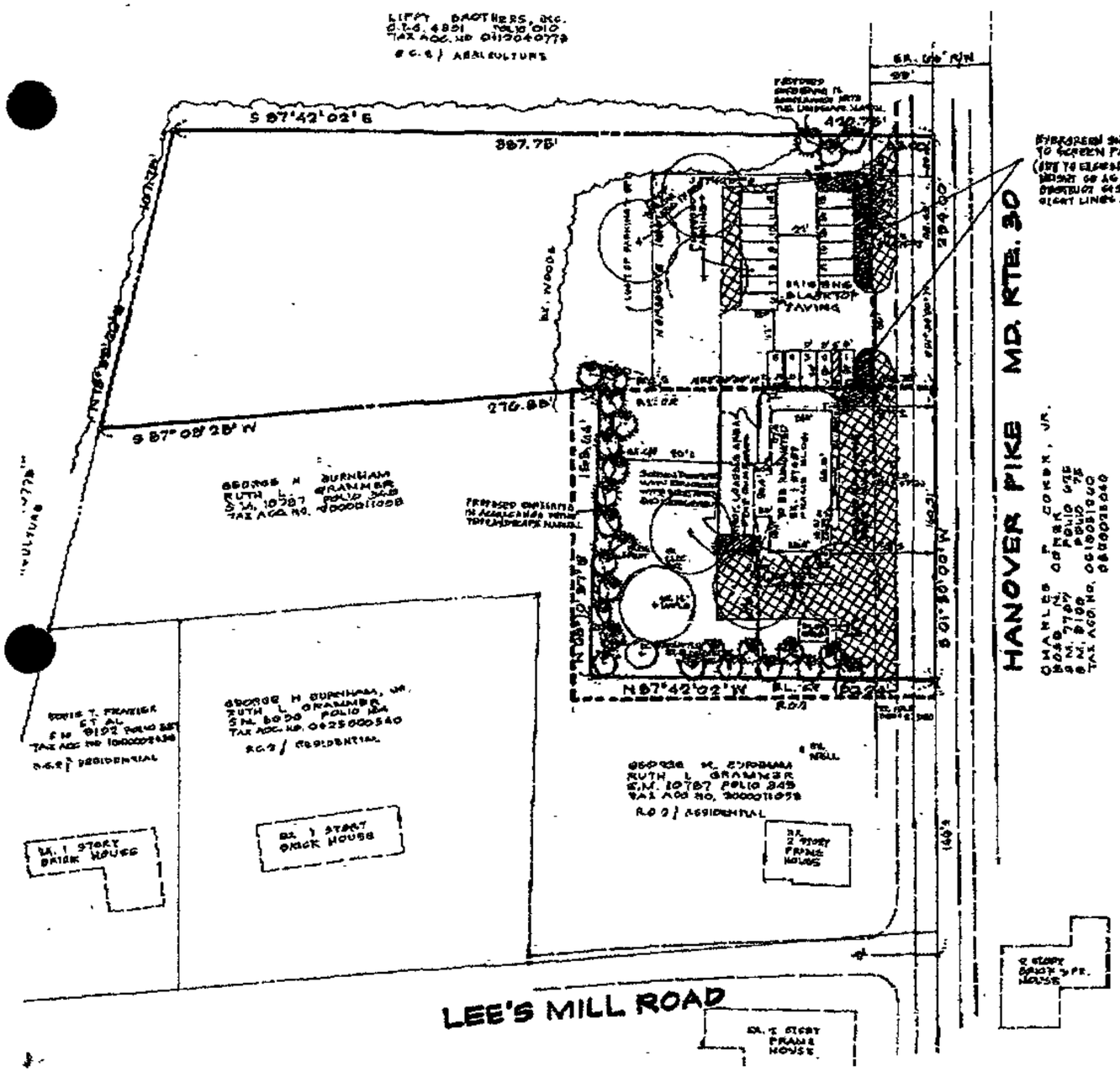
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and approval by the County's Landscape Architect.

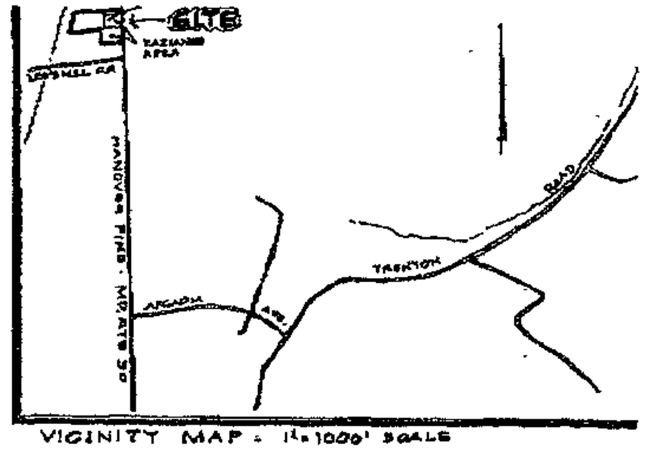
3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner



NOTE:
THE BUILDING AS SHOWN HEREON IS TO BE RENOVATED AS NEEDED TO ACCOMODATE ONE OR MORE OF THE FOLLOWING USES:
1. RESTAURANT
2. SEAFOOD CRAB DECK
3. OFFICE BUILDING
4. AUTOMOBILE MECHANIC
5. BANK
6. TAVERN
7. FISH MARKET
8. DELICATESSEN
9. BEAUTY SALON
10. REAL ESTATE OFFICE
11. PACKAGE GOOD STORE
12. DRY CLEANING SATELLITE
13. GIFT SHOP
14. BARBER SHOP



VICINITY MAP : 1"=1000' SCALE

NOTES:

1. CURRENT ZONING : R.C.2 - 1.81 Ac; B.L. C.R. : 0.33 Ac±
2. AREA : 2.1409 Ac.±
3. FLOOR AREA RATIO : 0.094 (SL) (F.A.R. ALLOWED : 3.0)
   (EXIST. BLDG FLOOR AREA : 7730 S.F. ÷ 82140 S.F. OF SL)
4. NEAREST FIRE HYDRANT : TOWN OF HAMPSTEAD, 1.8 MILES
5. BUILDING USES :
   EXISTING : VACANT (PRIOR USE : TAVERN/RETAIL, ETC.)
   PROPOSED : 2480 SQ. FT. : FARM MARKET
   730 SQ. FT. : HAIR SALON
6. REQUIRED PARKING : 5 SPACES PER 1,000 SQ. FT.
   @ 3210 SQ. FT.
   16 SPACES
   PROPOSED PARKING : 18 SPACES (INCLUDING 2 HANDICAP SPACES)
   TYPICAL SIZE SPACE : 9' x 20'
   PAVING : BITUMINOUS
7. HOURS OF OPERATION : 8:00 A.M. - 8:00 P.M.
8. THIS EXISTING BUILDING HAS EXISTED AS A COMMERCIAL USE IN EXCESS OF 40 YEARS.
9. ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE THE PARKING FACILITY.
10. NO LOADING, SERVICE, OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED IN THE PARKING FACILITY.
11. LIGHTING SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE, AND INTENSITY, AS REQUIRED.
12. PARKING FACILITY IS SUBJECT TO ANY CONDITIONS NOT LISTED ABOVE WHICH, IN THE JUDGMENT OF THE ZONING COMMISSIONER, ARE NECESSARY TO ENSURE THAT THE PARKING FACILITY WILL NOT BE DETRIMENTAL TO ADJACENT PROPERTIES.

PLAN TO ACCOMPANY VARIANCE & SPECIAL HEARING REQUE
16208 HANOVER PIKE (MD. RTE. 30

FOURTH ELECTION DISTRICT — BALTIMORE COUNTY, MARYLAN
COUNCILMANIC DISTRICT : 3 — CENSUS TRACT : 4040
DATE : JUNE 25, 1999 — SCALE : 1" = 50'

OWNER : GEORGE W. KNOUSE
MARGARET B. SLINE
7650 CARROLLTON RD.
PINKSBURG, MD. 21069

PREPARED BY :
A.L. SNYDER
SURVEYOR, INC
1011 HANOVER PIKE

Ms. McAdams testified that as a mother and family person, her hours of operation would be limited, including weekday hours between 8:00 a.m. and 5:00 p.m. with one evening a week planned for extended hours to allow those who work to come to the store. Weekend hours would also be limited to Saturdays only. A substantial portion of sales are by telephone.

Finally, Ms. McAdams testified at length regarding the steps she and her husband took to satisfy the requirements of the Office of Planning, the CR Zoning District and the goals of the Hanover Road Community Plan, notwithstanding the fact that the size of the proposed building placed the project outside the scope of the Hanover Road Community Plan. Ms. McAdams confirmed that several versions were presented to the Office of Planning prior to receiving their support to the project, subject to Petitioner's compliance with the plans as shown on the exhibits presented.

B. Testimony of Albert Leroy Snyder

Albert Leroy Snyder is a registered surveyor who testified as an expert in surveying and land use matters. Mr. Snyder testified that he prepared the site plan admitted as Exhibit 1 and was familiar with the Property and neighborhood. Mr. Snyder testified that with the split zoning of the Property, the proposed home garden center had to be located in the BL-CR portion where it is an allowed use and the proposed accessory parking area was located out of necessity in the RC2 zoned portion of the Property due ~~for~~ to the parking requirements of the Baltimore County Zoning Regulations. One handicap parking space is located adjacent to the building within the BL-CR Zone. Mr. Snyder noted that the parking was similar to the business parking approved in a previous case for the same property, Case No. 97-156-SPHA. Mr. Synder testified that the parking area and existing structures met the setback requirements and there were no variances necessary in this case.

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 16208 Hanover Pike

which is presently zoned RC2 and BL-CR

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

business parking for adjacent retail use in a residential zone

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Leisure Specialties, Inc.
Name - Type or Print

Rudy Mc Adams. Pres.
Signature

6149 Washington Blvd 410-796-4600
Address Telephone No.

Elkridge, MD 21075
City State Zip Code

Legal Owner(s):

George W. Knouse
Name - Type or Print

George W. Knouse
Signature

Margaret E. Eline
Name - Type or Print

Margaret E. Eline
Signature

2800 Carrollton Road
Address Telephone No.

Finksburg, MD 21048
City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi
Name - Type or Print

J. Neil Lanzi
Signature

J. Neil Lanzi, P.A.
Company

409 Washington Ave Ste 617 410-296-0686
Address Telephone No.

Towson, MD 21204
City State Zip Code

Representative to be Contacted:

J. Neil Lanzi
Name

409 Washington Avenue Ste 617 410-296-0686
Address Telephone No.

Towson, MD 21204
City State Zip Code

ORDER RECEIVED FOR FILING
Date 5/14/03
By SPH

Case No. 03-527-SPHX

Date REQ 9/15/98
By

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.THOMPSON Date 5/6/03

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 16208 Hanover Pike

which is presently zoned RC2 and BL-CR

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A new Home Garden Center building with a floor area ratio of .21 in lieu of the allowed .20 pursuant to 259.3B and 259.3(C)(1)(b) of the BCZR.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, 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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Leisure Specialties, Inc.
Name - Type or Print

Signature

6149 Washington Blvd 410-796-4600
Address Telephone No.

Elkridge, MD 21075
City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi
Name - Type or Print

Signature

J. Neil Lanzi, P.A.
Company

409 Washington Ave Ste 617 410-296-0686
Address Telephone No.

Towson, MD 21204
City State Zip Code

ORDER RECEIVED FOR FILING
Date 5/6/03
By DTS

Case No. 03-527-SPHX

REV 09/15/98

Legal Owner(s):

George W. Knouse
Name - Type or Print

Signature

Margaret E. Eline
Name - Type or Print

Signature

2800 Carrollton Road
Address Telephone No.

Finksburg, MD 21048
City State Zip Code

Representative to be Contacted:

J. Neil Lanzi
Name

409 Washington Avenue Ste 617 410-296-0686
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.THOMPSON Date 5/6/03

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074
(410) 239-7744 (410) 374-9695 phone/fax

Zoning Description

Special Hearing

16208 Hanover Pike

April 17, 2003

Beginning for the same at a point in the centerline of Hanover Pike (Maryland Route 30) which is 66 feet wide, at the distance of 306 feet +/- north of the centerline of Lee's Mill Road; thence running, the following four courses and distances,

1.) North 88 degrees 30 minutes 00 seconds West 155.75 feet,

2.) North 01 degrees 30 minutes 00 seconds East 115.67 feet,

3.) South 87 degrees 42 minutes 02 seconds East 155.77 feet,

4.) South 01 degrees 30 minutes 00 seconds West 113.49 feet to the place of beginning.

Containing **0.4097** acres of land, more or less.

Being a part of that parcel of land conveyed by Elwood E. Swam to George W. Knouse and Margaret E. Eline by deed dated February 1, 1993 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 9646 folio 012 etc., and being known as #16208 Hanover Pike in the Fourth Election District and the Third Councilmanic District.

STATE OF MARYLAND
ALBERT LEROY SNYDER
No. 26
PROPERTY LINE SURVEYOR

03-527-SPHX

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074
(410) 239-7744 (410) 374-9695 phone/fax

Zoning Description

Special Exception

16208 Hanover Pike

April 17, 2003

Beginning for the same at a point in the centerline of Hanover Pike (Maryland Route 30) which is 66 feet wide, at the distance of 306 feet +/- north of the centerline of Lee's Mill Road; thence running, the following five courses and distances,

1.) South 01 degrees 30 minutes 00 seconds West 160.51 feet,

2.) North 87 degrees 42 minutes 02 seconds West 190.24 feet,

3.) North 03 degrees 10 minutes 37 seconds East 155.64 feet,

4.) North 87 degrees 08 minutes 28 seconds East 30.00 feet,

5.) South 88 degrees 30 minutes 00 seconds East 155.75 feet to place of beginning.

Containing ***0.6860*** acres of land, more or less.

Being a part of that parcel of land conveyed by Elwood E. Swam to George W. Knouse and Margaret E. Eline by deed dated February 1, 1993 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 9646 folio 012 etc., and being known as #16208 Hanover Pike in the Fourth Election District and the Third Councilmanic District.

03-527-SPHX

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074
(410) 239-7744 (410) 374-9695 phone/fax

Zoning Description

Entire Site

16208 Hanover Pike

April 17, 2003

Beginning for the same at a point in the centerline of Hanover Pike (Maryland Route 30) which is 66 feet wide, at a distance of 145 feet +/- north of the centerline of Lee's Mill Road; thence running, the following six courses and distances,

1.) North 87 degrees 42 minutes 02 seconds West 190.24 feet,

2.) North 03 degrees 10 minutes 37 seconds East 155.64 feet,

3.) South 87 degrees 08 minutes 28 seconds West 276.88 feet,

4.) North 15 degrees 39 minutes 19 seconds East 167.78 feet,

5.) South 87 degrees 42 minutes 02 seconds East 420.75 feet,

6.) South 01 degrees 30 minutes 00 seconds West 294.00 feet to the place of beginning.

Containing **2.1402** acres of land, more or less.

Being a part of that parcel of land conveyed by Elwood E. Swam to George W. Knouse and Margaret E. Eline by deed dated February 1, 1993 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 9646 folio 012 etc., and being know as #16208 Hanover Pike in the Fourth Election District and the Third Councilmanic District.

STATE OF MARYLAND
ALBERT LEROY SNYDER
No. 26
PROPERTY LINE SURVEYOR

03-527-SPHX

#527

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22369

DATE 5/6/03 ACCOUNT 001006 6150

AMOUNT $ 705.00

RECEIVED FROM: J. NEIL LANZI

FOR: PETITION FOR SPECIAL HEARING + SPEC. EXCEPT.

16208 HANOVER PIKE 2ND D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS DATE	RUN DATE	TIME	RCT
5/07/2003	5/07/2003	11:30:41	2

PD FROM: WALKER DOUG AND
RECEIPT # 26726 5/07/2003 OFLN
DEPT 5 523 ZONING VERIFICATION
CRJ0. 02258)

Rcpt Tot	$705.00
705.00 CK	.00 CA

Baltimore County, Maryland

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. #03-527-SPHX
16208 Hanover Pike
W/side of Hanover Pike (MD Rt. 30), 150 feet north of Lee's Mill Road
4th Election District - 3rd Councilmanic District
Legal Owner(s): George Knouse and Margaret E. Eline

Special Hearing: to permit business parking for adjacent retail use in a residential zone. **Special Exception:** to permit a new Home Garden Center building with a floor area ratio .21 in lieu of the allowed .20.

Hearing: Tuesday, June 24, 2003 at 10:00 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 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.

6/027 June 5 C607485

CERTIFICATE OF PUBLICATION

6/5/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/5/, 2003.

☒ The Jeffersonian

❑ Arbutus Times

❑ Catonsville Times

❑ Towson Times

❑ Owings Mills Times

❑ NE Booster/Reporter

❑ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-527-SPHX

Petitioner/Developer: GEORGE KNOUSE

✓ MARGARET E. ELINE

Date of Hearing/Closing: 6/24/03

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

ATTN: Becky Hart {(410) 887-3394}

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:

16208 HANOVER PIKE

The sign(s) were posted on 6/7/03
(Month, Day, Year)

Sincerely,

(Signature of Sign Poster) 6/7/03 (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

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

May 13, 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: 03-527-SPHX
16208 Hanover Pike
W/side of Hanover Pike (MD Rt. 30), 150 feet north of Lee's Mill Road
4th Election District – 3rd Councilmanic District
Legal Owners: George Knouse and Margaret E. Eline

Special Hearing to permit business parking for adjacent retail use in a residential zone.
Special Exception to permit a new Home Garden Center building with a floor area ratio .21 in lieu of the allowed .20.

Hearings: Tuesday, June 24, 2003, 10:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon
Director

AJ:klm

C: J. Neil Lanzi, P.A., 409 Washington Ave., Ste 617, Towson 21204
George Knouse, Margaret Eline, 2800 Carrollton Rd., Finksburg 21048
Rudy McAdams, Leisure Specialties, 6149 Washington Blvd., Elkridge 21075

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 9, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 5, 2003 Issue - Jeffersonian

Please forward billing to:
J. Neil Lanzi
409 Washington Avenue, Ste. 617
Towson, MD 21204

410-296-0686

CORRECTED 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: 03-527-SPHX
16208 Hanover Pike
W/side of Hanover Pike (MD Rt. 30), 150 feet north of Lee's Mill Road
4th Election District – 3rd Councilmanic District
Legal Owners: George Knouse and Margaret E. Eline

Special Hearing to permit business parking for adjacent retail use in a residential zone.
Special Exception to permit a new Home Garden Center building with a floor area ratio .21 in lieu of the allowed .20.

Hearings: Tuesday, June 24, 2003, at 10:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Lawrence E. Schmidt

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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 5, 2003 Issue - Jeffersonian

Please forward billing to:
J. Neil Lanzi
409 Washington Avenue, Ste. 617
Towson, MD 21204

410-296-0686

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: 03-527-SPHX
16208 Hanover Pike
W/side of Hanover Pike (MD Rt. 30), 150 feet north of Lee's Mill Road
4th Election District – 3rd Councilmanic District
Legal Owners: George Knouse and Margaret E. Eline

Special Hearing to permit business parking for adjacent retail use in a residential zone.
Special Exception to permit a new Home Garden Center building with a floor area ratio .21 in lieu of the allowed .20.

Hearings: Tuesday, June 24, 2003, 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 03-527-SPHX

Petitioner: Leisure Specialties, Inc.

Address or Location: 16208 Hanover Pike

PLEASE FORWARD ADVERTISING BILL TO:

Name: J. Neil Lanzi

Address: 409 Washington Ave

Suite 617

Towson MD 21204

Telephone Number: 410 296 0686

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

June 20, 2003

J. Neil Lanzi
J. Neil Lanzi, P.A.
409 Washington Avenue, Ste. 617
Towson, MD 21204

Dear Mr. Lanzi:

RE: Case Number: 03-527-SPHX, 16208 Hanover Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 6, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
George Knouse, Margaret Eline, 2800 Carrollton Road, Finksburg 21048
Leisure Specialties, Rudy McAdams, 6149 Washington Blvd., Elkridge 21075

Baltimore County
Fire Department

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

May 12, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 12, 2003

Item No.: 527

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.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code, (2000 edition of NFPA 1 & 101), prior to occupancy or beginning of operation.

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

cc: File

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

SHA
Driven to Excel
State Highway Administration

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

May 12, 2003

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

RE: Baltimore County
Item No. 527 (DT)
MD 30
16208 Hanover Pike
Mile Post 7.01

Dear Ms. Hart:

We have reviewed the referenced plan and have no objection to approval of the Special Hearing and the Special Exception.

However we will require the owner to obtain an access permit through our office and as a minimum the following roadway improvements will be required:

- Highway widening dedication to an ultimate 80' right-of way.
- Auxiliary lane widening from property corner to property corner, 15' wide from the edge of existing travel lane.
- Deceleration lane, 15' wide, 350' long and measured from the proposed entrance.
- The site will be restricted to one entrance, 25' wide with 25' curbed radii and a minimum landing grade of 3% for 50'
- Reconfigure the parking at the entrance throat to avoid any internal vehicular conflicts which would disrupt operation along MD 30.
- Hydraulic analysis will be required.
- A traffic study will be required to determine the need for a left turn/by-pass lane.

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

Very truly yours,

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

6/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: June 4, 2003

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED
JUN - 6 2003
ZONING COMMISSIONER

SUBJECT: 16208 Hanover Pike

INFORMATION:

Item Number: 03-527

Petitioner: Margaret E. Eline

Zoning: RC 2/BL-CR

Requested Action: Special Hearing/Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a new home and garden center, and to allow business parking in a residential zone provided the proposed structure is constructed in accordance with the subject site plan and the building elevations that were reviewed and approved by this department.

This office reviewed the compatibility report associated with the subject development and finds that the proposal meets the objectives identified in Section 26.282 of the Baltimore County Code.

Prepared by: Marla A Cunningham

Section Chief: Lyn Lanham

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

DATE: May 23, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For May 19, 2003
Item Nos. 512, 514, 515, 516, 517, 518,
520, 521, 522, 524, 525, 526, 527,
528, 529, 530, and 531

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

RWB:CEN:jrb

cc: File

ZAC-5-19-2003-NO COMMENT ITEMS-5232003

RE:	PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
	16208 Hanover Pike; W/side Hanover Pike, (MD Route 30) 150' N Lee's Mill Road	*	ZONING COMMISSIONER
	4th Election & 3rd Councilmanic Districts	*	FOR
	Legal Owner(s): George W Knouse and Margaret E Eline	*	BALTIMORE COUNTY
	Contract Purchaser(s): Rudy McAdams, President Leisure Specialties, Inc. Petitioner(s)	*	03-527-SPHX

* * * * * * * * * * * * *

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.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 21st day of May, 2003, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County\

HANOVER ROAD ASSOCIATION, Inc.

P.O. Box 70
Boring, MD 21020

June 30, 2003

Mr. Lawrence Schmidt
Zoning Commissioner
County Courts Bldg., Room 407
401 Bosley Avenue
Towson, MD 21204

RE: Case Number: 03-527-SPHX– Letter of Opposition

Dear Mr. Schmidt:

Pursuant to your offer to allow written comments to clarify and amplify on testimony provided during the June 24, 2003 hearing, I would offer the following comments as a concerned citizen of the area, and as Vice President of the Hanover Road Association. The Hanover Road Association has taken note of a number of circumstances that challenge the appropriateness of a special exception request being sought by Mr. Knouse, Mrs. Eline, and Leisure Specialties, Inc. (Ms. Wendy McAdams). These issues are outlined below:

1. The application seeks to allow parking in a residential zone. The property is zoned RC and should have been so noted in the application versus the residential zoning stated. *Further, the existing paving area is for a previous business, for which no prior* approval had been granted, as understood by the community. Use of RC-2 zoned parcels for parking would be contrary to ~~the intent of~~ the rural conservation intent of the zoning classification and should not be allowed. It is also believed that the existing pavement in the RC-2 area may have been in a wetland area that was inappropriately filled. Additionally, filling of a portion of the RC-2 property behind the aforementioned parking that has occurred in the past several years may also constitute an illegal filling of a wetland area. Until these matters have been evaluated, it would be inappropriate to rule on the special exception before the Commissioner at this time.

2. Traffic on Hanover Pike has been increasing yearly. The most recent study by the State Highway Administration reports rush hour traffic at full saturation. Vehicles are reportedly passing traffic counters at the rate of one in every 1.6 seconds during peak traffic periods. This volume prevents entry onto the road for periods of three to five minutes. Heavy truck traffic, recently exacerbated by the addition of over 100 trips per day by Sweetheart Cup,make the risk of accidents greater than ever. In a similar location of a commercial property about 1.5 miles to the south (Liberty Discount), the owner reports five accidents in the past several months, with at least one fatality.

The circumstances at the proposed site include an intersection (with Lee's Mill Road), which is located at an elevated section of Route 30. Traffic approaching the intersection cannot see stopped cars in their lane until they have passed the crest of the ridge. Less than 150 feet would be available for a northbound car or truck to stop before hitting a stopped vehicle waiting to enter the proposed facility. Even less distance would be available if multiple cars would be stopped. Given the high volume of traffic on this road, even if the first vehicle was able to stop, the second and third would have ever reduced time to react after passing the crest of the ridge at the intersection. Therefore, the proposed facility would create a severe traffic hazard and be in opposition to BCZR 502.1A. For the same reasons, the congestion that would be created would be contrary to BCZR 502.1B. Additionally, other business zoned properties along Hanover Pike are currently open and potentially available. Both sides of Hanover Pike just south of Route 91 are zoned BR. Both have adequate acreage to allow for parking and they have better highway access lines of sight. Carroll County, which promotes this type of development just over one mile to the north, also has much vacant land for this type of operation.

3. The planned building would have an elevation of at least twenty-two feet and be less than 35 feet from the property line to the rear of the building. An additional several feet of elevation difference would add to the relative height of the 85-feet long building. This height would severely limit air flow through the back yard of the adjacent property owner. It would also restrict light to the yard. The restriction of air and light would increase the dampness and retard the drying of the yard. These conditions would greatly restrict the opportunity of the owner to use his property for gardening, reduce the current evaporation rates that help to maintain the current conditions of the existing septic system. While evaporation is a minimal aspect of the proper operation of a septic system, the low-lying area could easily be of marginal character for a septic system and this reduced flow of air and light could create a potential for system failure. Therefore, the proposed facility would be in conflict with BCZR 502.1E.

4. The community is also quite concerned with the County's allowance of a petition for special exception without adequate information being provided by the applicant. In this regard, it is impossible for the community to conduct a reasonable evaluation of the proposal when site conditions for septic and stormwater are unknown. Without definitive information in this regard, it is impossible to see how either the Zoning Commissioner or community can evaluate those elements of BCZRs (specifically those in 502.1), which are supposed to govern the decision.

5. Without information regarding the capacity of the site for stormwater control, neither the applicant, nor the community, nor the Zoning Commission can evaluate the cost,

potential environmental damage, or the appropriateness, respectively, of the plan. Excessive imperviousness is well known to result in downstream channel erosion, which can destroy vital aquatic habitats. Even if the quantity of the stormwater is maintained, the quality is reduced through driveway runoff containing oils and toxic substances, and elevated temperatures. Thus, there could easily be negative environmental factors that should be evaluated under BCZRT 502.1I.

The community is also concerned that the general aesthetic character of the immediate area will be violated by a two-story industrial type of building. Commercial buildings in this Baltimore County area are typically of a more rustic character and less intrusive, or are located at a much greater distance from the highway. The previous single story building did adhere to this concept, and it did not interfere with light and air onto adjacent properties. Therefore, that single-story building would serve as a good model for any business thinking of locating to the site. Professional offices, or similar low-volume traffic operations, would also reduce the potential for traffic problems outlined above.

If an approval is given by your office, the community would strongly encourage certain stipulations or conditions that would reduce the negative aspects of the building. Landscaping should be such as to give the neighbors relief from the warehouse character of the structure that will impose itself on the area. Overnight truck parking should be limited to no more than two straight trucks, and no tractor trailers. Lawn or other displays of products should not be allowed on the exterior of the building. The existing displays at the current Elkridge site are completely out of character with the Hanover Road Plan for rural conservation, as it relates to aesthetics. Any outdoor displays that might be allowed should be required to adhere to limits of signage, because the community considers the displays as being equivalent to signage. Clearly, permanent outdoor displays should be disallowed.

Your denial of the requested action, or at the very least, the postponement of a decision until more information on septic and stormwater capabilities of the site are known, would be appreciated.

Sincerely,

George Harman

George Harman

Cc: George and Laurie Burnham, 132 Lees Mill Rd, Hampstead, 21074
Peter Zimmermann, Peoples Counsel, Baltimore County

Hanover Road Association
P. O. Box 70
Boring, MD 21020
HanoverRoadAssoc@aol.com
410-526-9389
fax: 410-526-9032

To: Baltimore County Zoning Commissioner
From: Hanover Road Association
Date: 6/23/03

Re: **Case No. 03-527-SPHX**
16208 Hanover Pike (Hanover Road), Upperco

The Special Exceptions requested in this case were a subject of discussion at a community meeting held on June 11, 2003 by the Hanover Road Association. As a result, the association has concerns regarding the changes proposed for this property:

1. The integrity of the intent of BR-CR zoning. We are concerned that the proposed building does not meet the requirements of the BR-CR zoning regulations, both in the size of the building allowed and its effect on the adjacent property, and in the type of operation allowed. Because the majority of commercially zoned land along Hanover Road is zoned BR-CR, it is important to preserve the integrity of the zoning classification to protect the rural nature of the area.

2. Business parking in a residential zone. We also feel that allowing the paving of a parking lot on an adjacent piece of RC-2 land to serve a commercial operation is a bad precedent. Over and above the loss of the land, will this allow the company to store items or trucks on this lot, mount displays of their merchandise, and use the parking area for loading or other commercial operations? If so, this would be a defacto zoning change to commercial use of a RC-2 parcel without going through the legal rezoning methods.

3. Traffic Safety. Will a retail store at this location, in close proximity to the dangerous intersection of Lees Mill Road and Hanover Road, add to the already dangerous conditions because of the limited sight distances that northbound vehicles would have of standing vehicles trying to make a left turn into the parking lot. Has the parking lot entrance been designed with this problem in mind?

4. Height of building. The proposed building is much higher than the previous building that was on the sight. According to section 502.1 F of the Baltimore County Zoning Regulations, before any special exception may be granted, it must appear that the use for which the exception is granted will not interfere with adequate light and air. This is a concern of the neighboring property owners.

5. Storm water. With such a large building and an adjacent paved lot, will all storm water drainage to go to designed facility? Does storm water runoff violate sections H and I of the above cited section of the zoning code?

6. Trash. Will dumpsters be located for minimum noise and visual impact on neighboring residential property?

7. Visual impact of building. Because of the impact on the rural nature of the area of such a large metal building, will any vegetative screening be provided, e.g. the planting of Leyland Cypress or something similar along the borders adjacent to residential property? Will signage conform to the guidelines as specified in the Hanover Road Corridor Master Plan?

8. Outdoor displays. Does the company intend to display its products in any type of "outdoor showroom?" Such a display is not in keeping with the rural nature of the area, and could be a traffic hazard.

Sincerely,

Robert Walker

President, Hanover Road Association

Lippy Brothers, Inc.
334 Lees Mill Road
Hampstead, MD 21074
(410)374-9708 or (410)239-3950
Fax (410)239-4974

MEMO

June 20, 2003

TO: Zoning Commission
Baltimore County

FROM: Lippy Brothers, Inc. Donald E Lippy, President

SUBJECT: Property at corner of Lees Mill Road and Route 30
Case 03527SPHX

We are opposed to the re-zoning of the property at the corner of Lees Mill Road and Route 30 (formerly known as the 20 Mile House).

Our grain and vegetable farming business operates from 334 Lees Mill Road. We have numerous trucks, tractor trailers and farm equipment that enters and exits to and from Route 30 and Lees Mill Road With the current level of traffic on Route 30 it is extremely difficult to enter onto Route 30 to move our farm equipment to the farms locations. Visibility is already a problem in accessing Route 30 at the Lees Mill Road intersection.

By re-zoning this property and putting a business there, you are increasing traffic, reducing visibility and giving Lippy Brothers, Inc. concern as to the amount of runoff from the property onto our farmland which adjoins this property.

LAW OFFICES
CAROLE S. DEMILIO, P.A.
206 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 825-6963
FAX (410) 825-3130

FACSIMILE COVER LETTER

****

TO: Larry

FROM: Carole

DATE: / / TIME: A.M. P.M.

TOTAL NUMBER OF PAGES INCLUDING THIS COVER: 3

THE NUMBER LISTED BELOW IS A DIRECT LINE TO OUR FACSIMILE MACHINE:

410-825-3130

FOR OPERATOR ASSISTANCE: 410-825-6963 Ask For: Carole

****

FOR SENDING OFFICE PURPOSES:

Fax Number:_____ Main Number:_____

Client & Matter: Name:_____ File Number:_____

CONFIDENTIALITY NOTICE

The information in this transmittal is intended only for the individual or entity named above. It may be legally privileged and confidential. If you have received this information in error, please notify us immediately and send the original transmission to us by mail. Return postage is guaranteed. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited and a breach of confidentiality.

Attached Order
as per our discussion

c:\wp\form\fax.frm

J. NEIL LANZI, P.A.

ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

July 3, 2003

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

Re: In the Matter of George W. Knouse and Margaret E. Eline, property Owners
Leisure Specialties, Inc., Contract Purchaser
Case No. 03-527-SPHX
16208 Hanover Pike

Dear Commissioner Schmidt:

On behalf of Leisure Specialties, Inc., Contract Purchaser in the above captioned case, I am enclosing Petitioner's Memorandum in Support of the Petition for Special Hearing and Petition for Special Exception.

Thank you for your consideration and should you require anything further, please do not hesitate to contact me.

Very truly yours,

J. Neil Lanzi

cc: Leisure Specialties, Inc.
Deputy People's Counsel
Robert Walker
George Harman
George Burnham
Laurie Burnham

PLEASE PRINT CLEARLY

CASE NAME 16208 Hanover Pike
CASE NUMBER__________
DATE__________

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Bob Walker	P.O. Box 51	Boring MD 21020	HanoverRoadAssoc@aol.com
George Harmon	5429 Weywood Dr.	Reisterstown, MD 21136	harmangeorge@hotmail,com
George Burnham	132 Lees Mill Rd	Hampstead Md 21074	GHBMAS@AOL.Com
Laurie Burnham	132 Lees Mill Rd	Hampstead Md 21074	

PLEASE PRINT CLEARLY

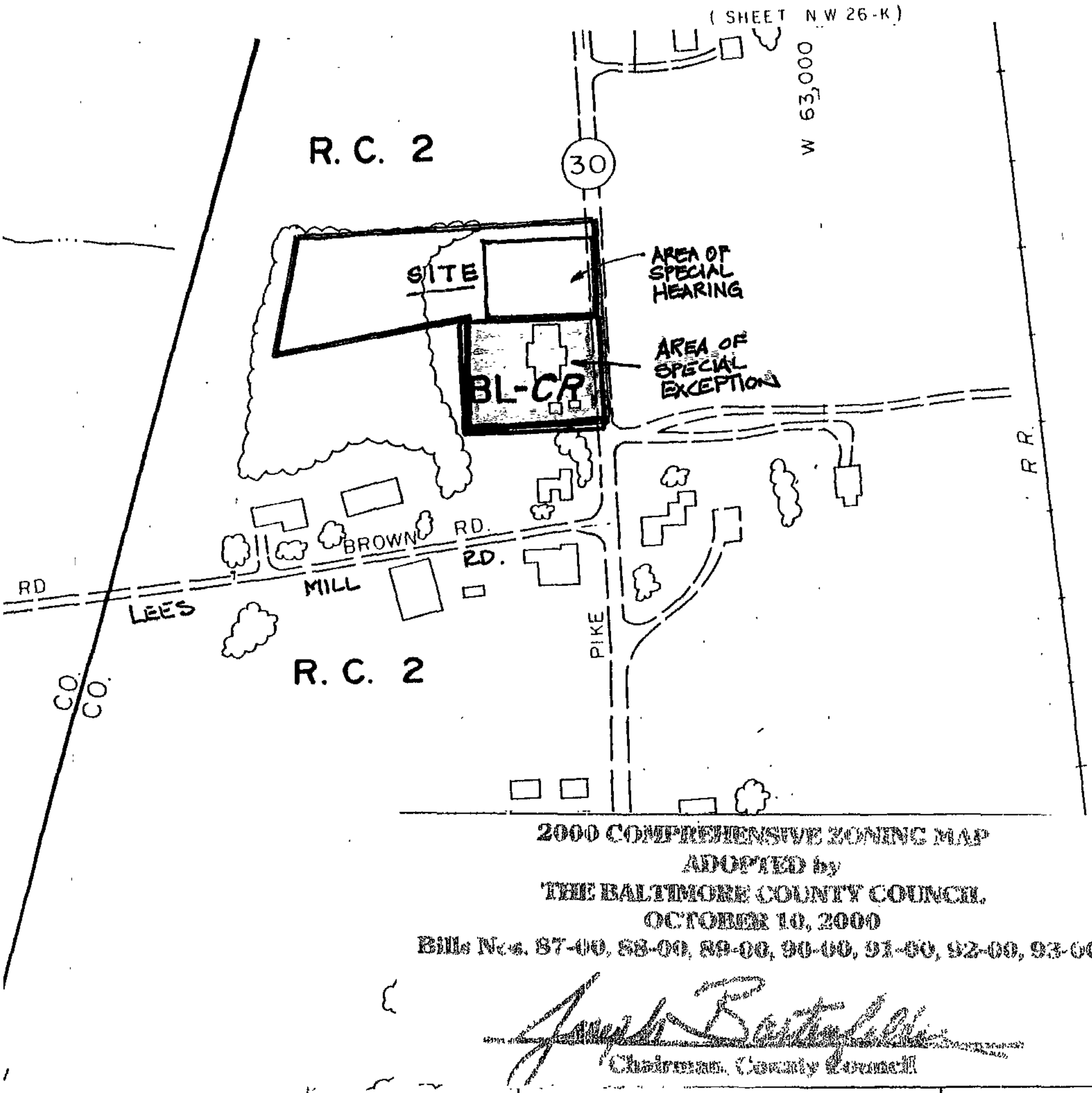
CASE NAME

CASE NUMBER 03-527-SPHX

DATE 6/24/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Wendy McAdams	391 Warfieldsburg Rd	Westminster, MD 21157	
Roy Snyder	1911 HANOVER PIKE	HAMPSTEAD MD 21074	clssurveyor@erols.com
Neil Lanzi	409 Washington Ave #617	Towson MD 21204	Lanzilaw@cs.com



2000 COMPREHENSIVE ZONING MAP

ADOPTED by

THE BALTIMORE COUNTY COUNCIL

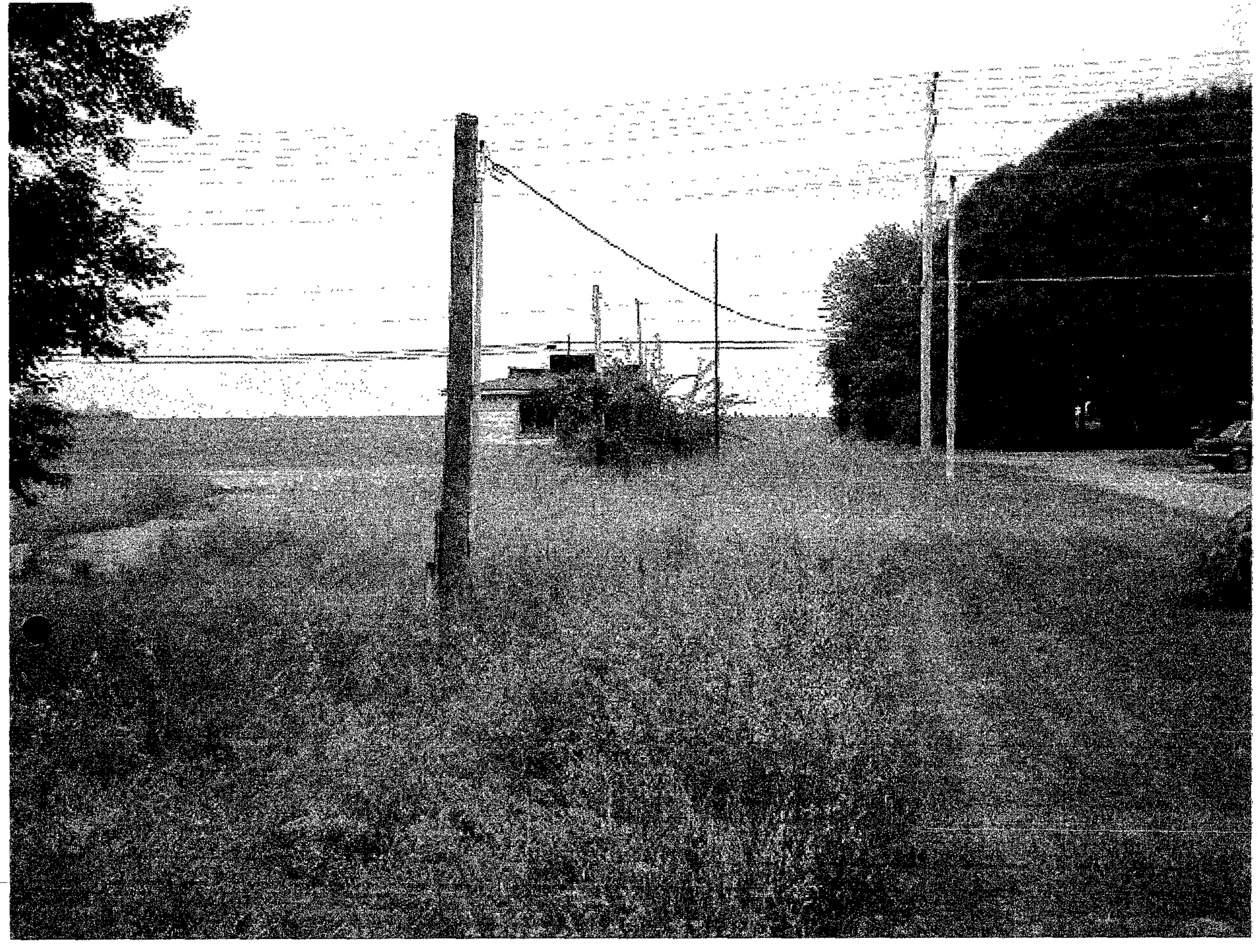
OCTOBER 16, 2000

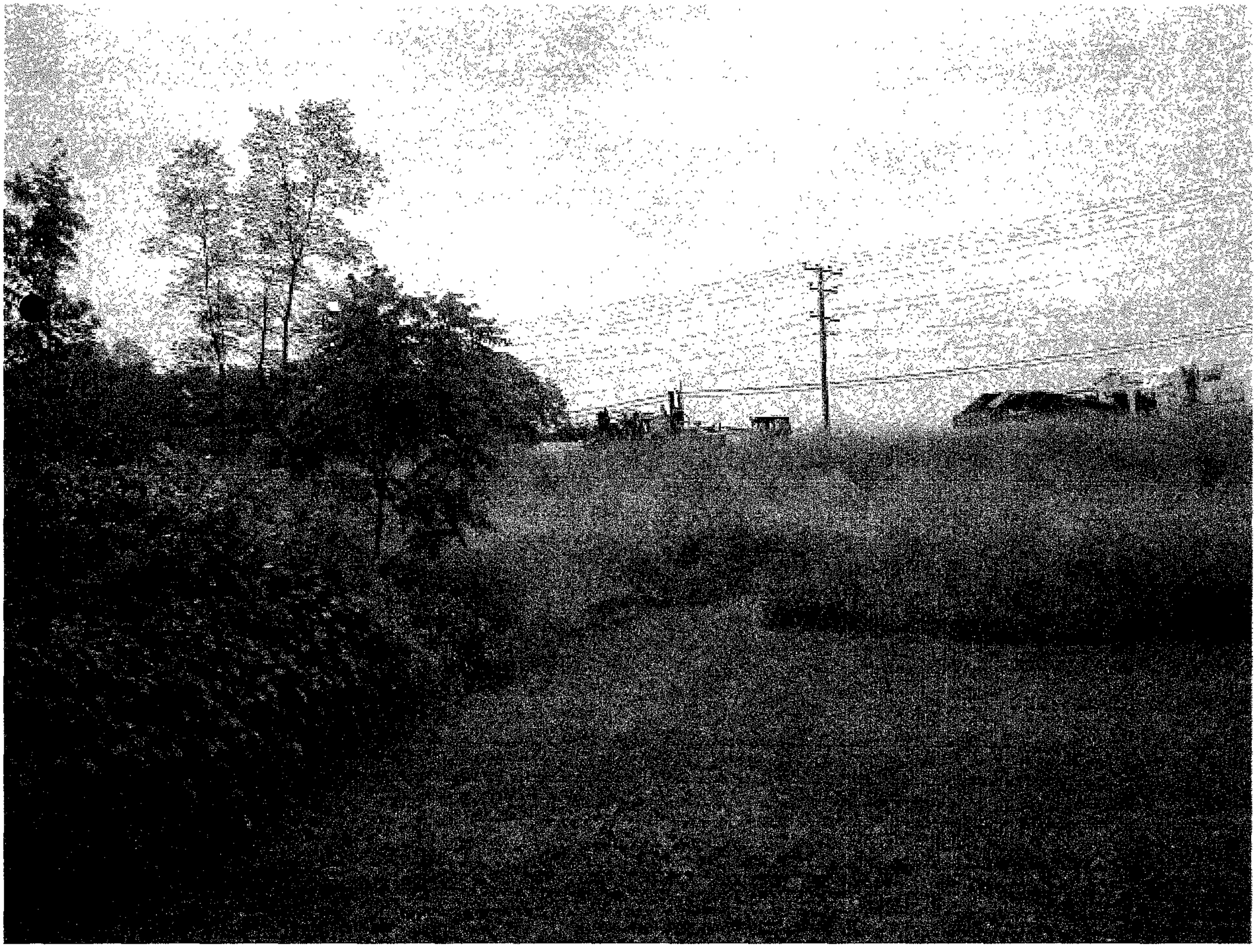
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

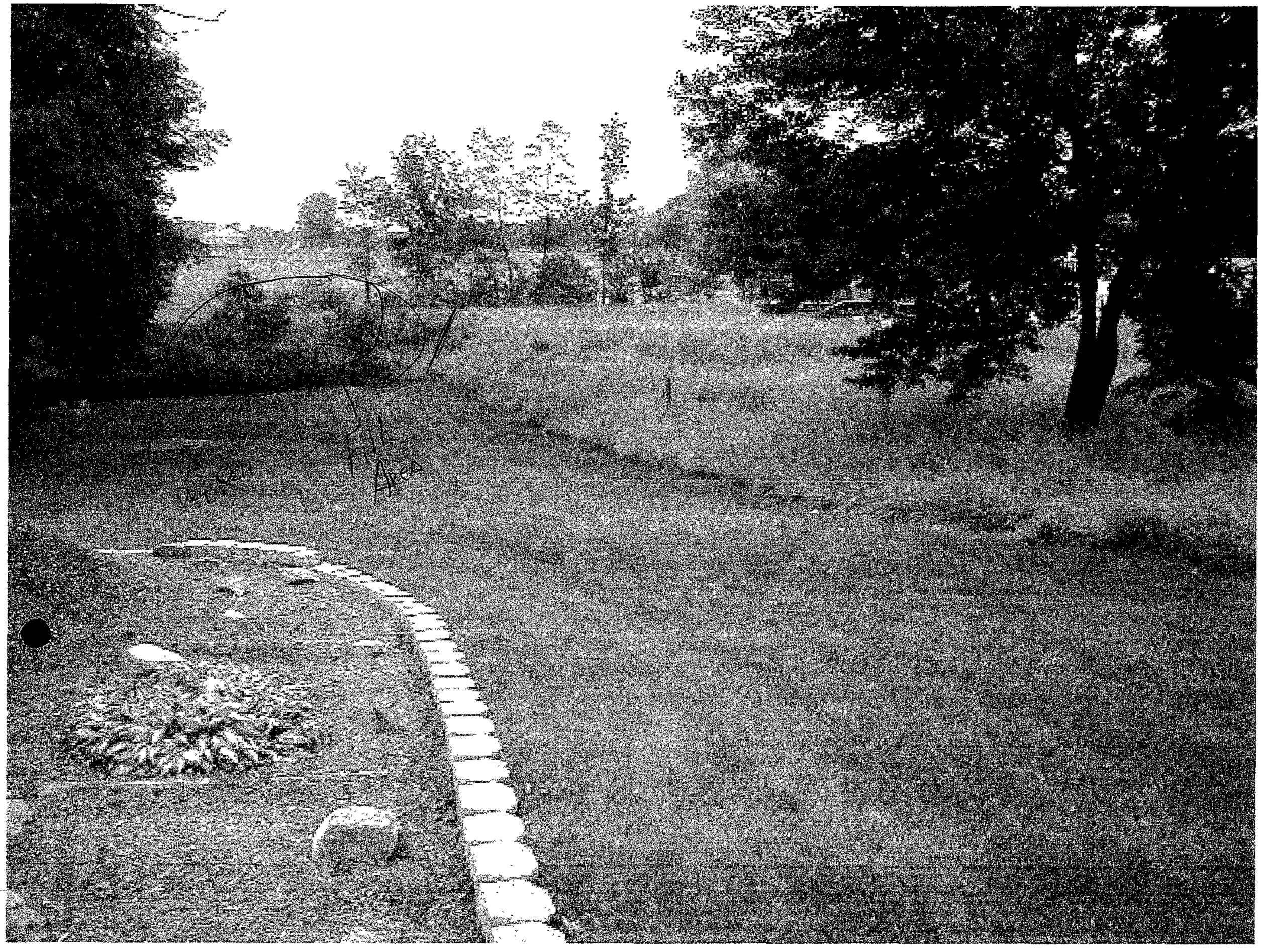
Chairman, County Council

R. C. 2

SCALE	LOCATION	SHEET
1" = 200' ±	ARCADIA	N.W 25-K
DATE OF PHOTOGRAPHY JANUARY		

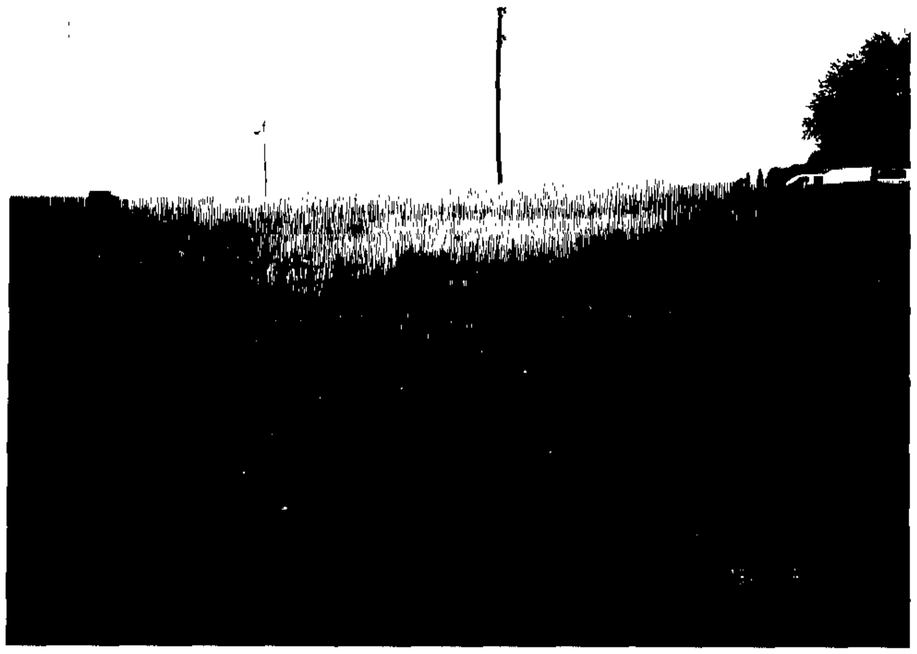




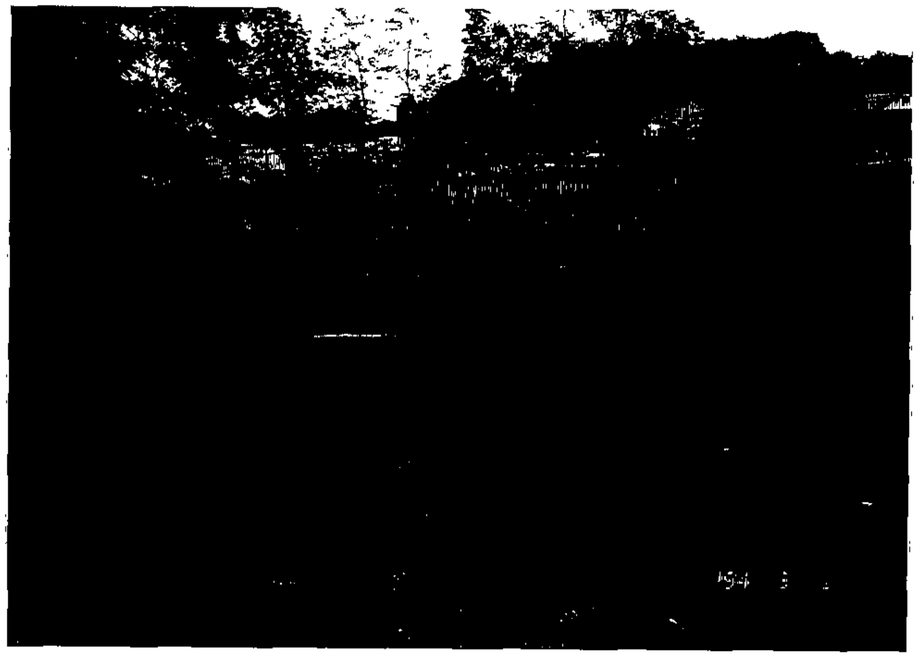


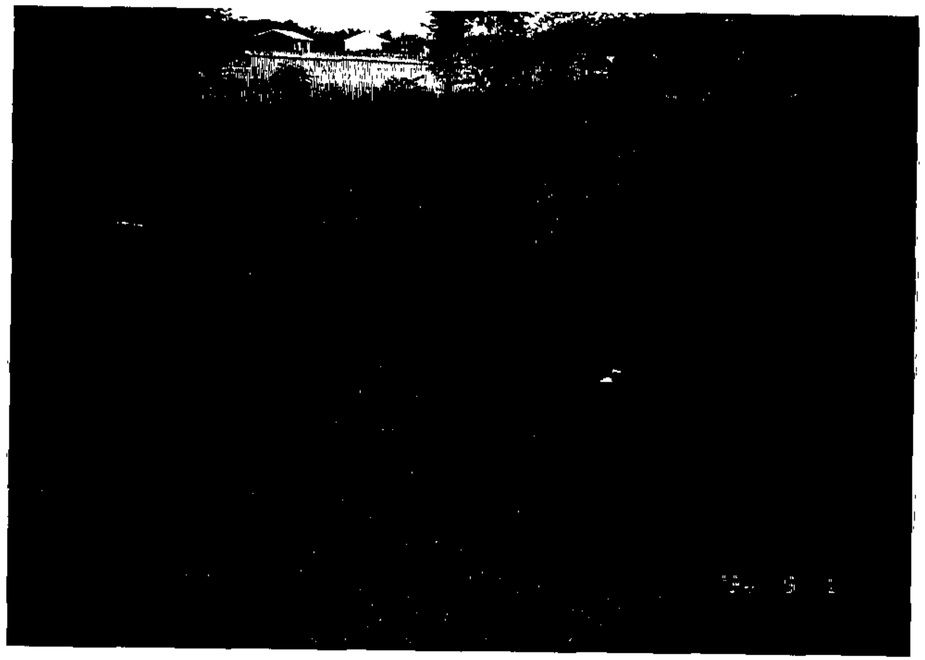
VIEW FROM BACK YARD 16200 HANOVER PIKE

VIEW LOOKING NORTH FROM Home at 16200 HANOVER PIKE

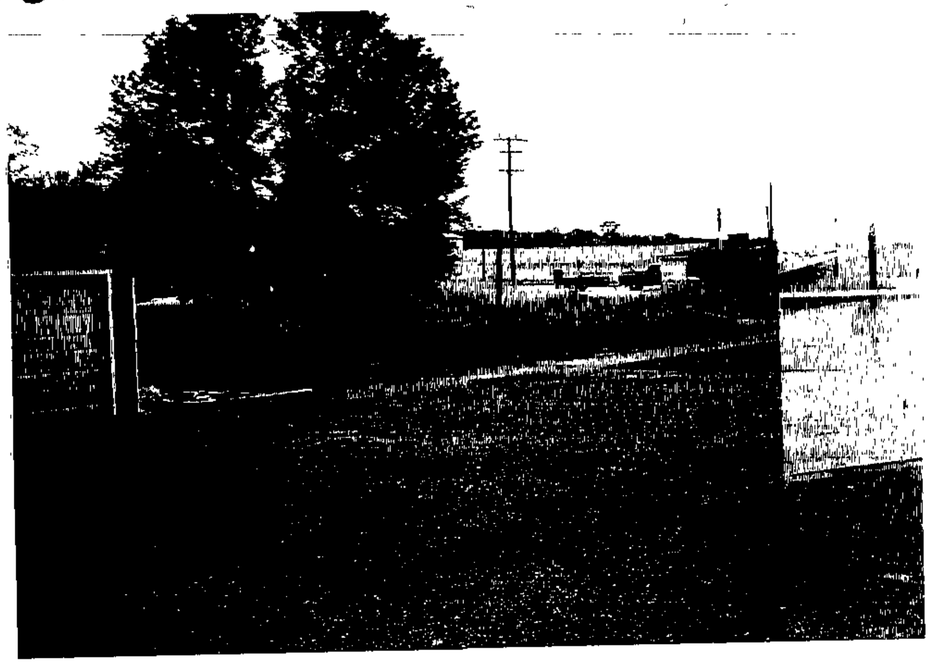


DRY WELL 16200 HANOVER PIKE

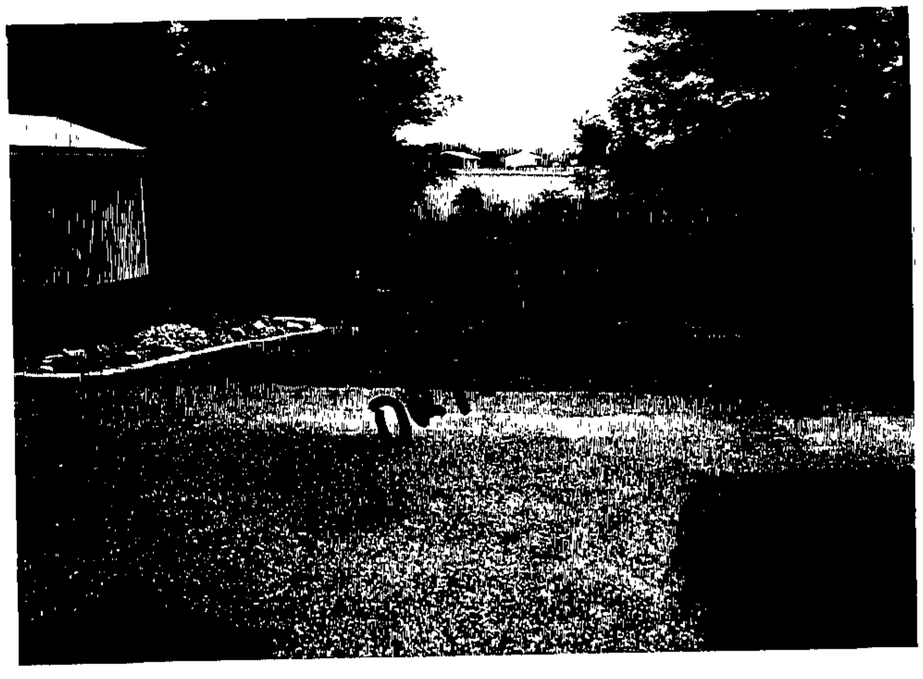


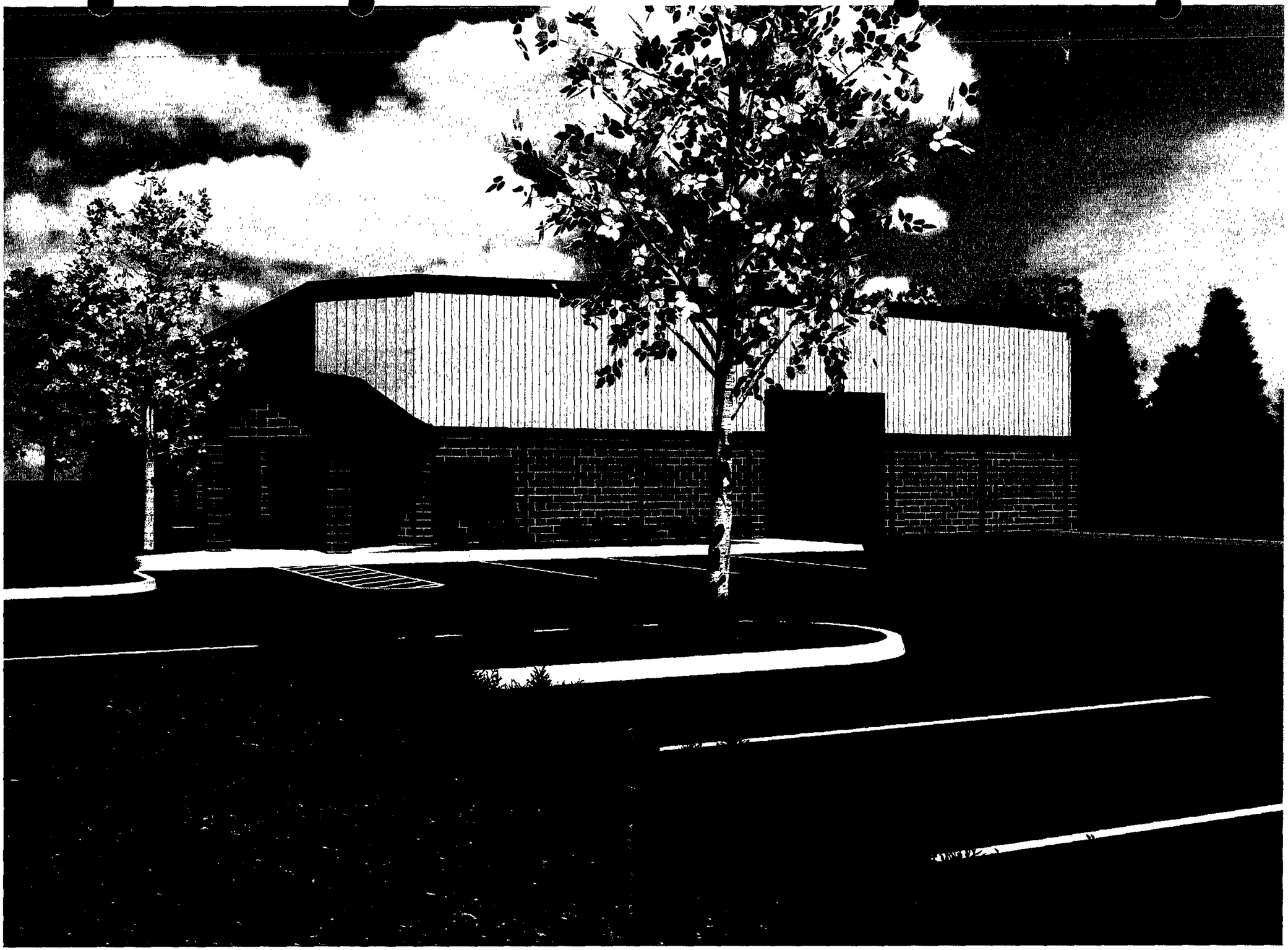


VIEW FROM DRIVEWAY 132 LEES MILL ROAD



NOTICE Amount OF Fill to Level Shed





Ref
4A

Ext 4B

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074
(410) 239-7744 (410) 374-9695 phone/fax

March 21, 2003

PLANOS

Mr. Arnold F. (Pat) Keller, Director
Baltimore County Office of Planning
401 Bosley Avenue
Towson, Maryland 21204

Re: 16208 Hanover Pike Property
George W. Knouse and Margaret E. Eline, Owners
Leisure Specialties, Inc., Developer
Compatibility Study

Dear Mr. Keller:

Leisure Specialties, Inc. is the contact purchaser/developer of the property known as 16208 Hanover Pike (Maryland Route 30) located in Baltimore County. The proposed development is located on the west side of Hanover Pike just north of Lee's Mill Road in Arcadia, Maryland.

The property is presently improved with a one-story frame shed, which is located in the BL-CR Zone portion of the property, and a blacktop paved parking area, which is located in the RC2 Zone portion of the site. The owners have owned the subject property for many years and a building had been located on the property used for a variety of retail uses including a tavern. Approximately 1.91 acres of the property is zoned RC2 and .23 acres is zoned BL-CR.

Based on the criteria and guidelines contained in Section 26-282(B) of the Baltimore County Development Regulations, the project proposed is compatible with the surrounding community.

1. "The arrangement and orientation of the proposed building(s) and site improvements are patterned in a similar manner as those in the neighborhood."

The site plan and renderings illustrate the proposed Home Garden Center will face Hanover Pike with a wraparound entrance on the side and front of the building. All inventory and storage loading will occur through a warehouse type door located on the parking lot side of the proposed structure. The proposed building has been reduced in size to be compatible with the single family

residences on Lee's Mill Road and along Hanover Pike. The color and design reflect the residential and commercial design of those structures common in Arcadia and along Hanover Pike.

2. "The building and parking lot layout(s) reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lot(s) have no adverse impact on the neighborhood."

The Hanover Road corridor has intermittent commercial development in close proximity to the road. This site is located approximately 150 feet north of Lees Mill Road. The proposed Home Garden Center structure is planned to be setback approximately 75 feet from the centerline of Hanover Pike. The proposed parking layout provided parking in the side yard only.

3. There are no proposed streets or sidewalks for this project. There are no sidewalks along Hanover Pike.

4. "The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and compliment existing open space systems." By locating the building in the southern portion of the property, the open space to the rear and side exposing the property to the farms beyond were maintained. The extensive landscaping on site helps integrate the retail use with the rural nature of the community. The parking areas are also landscaped to add shade and provide a backdrop to the building when they mature.

5. "Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design." This is a vacant piece of property except for the framed shed. The plans include an attractive new retail structure while maintaining the country vista of the farms behind the site.

6. "The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities."

7. "The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood."

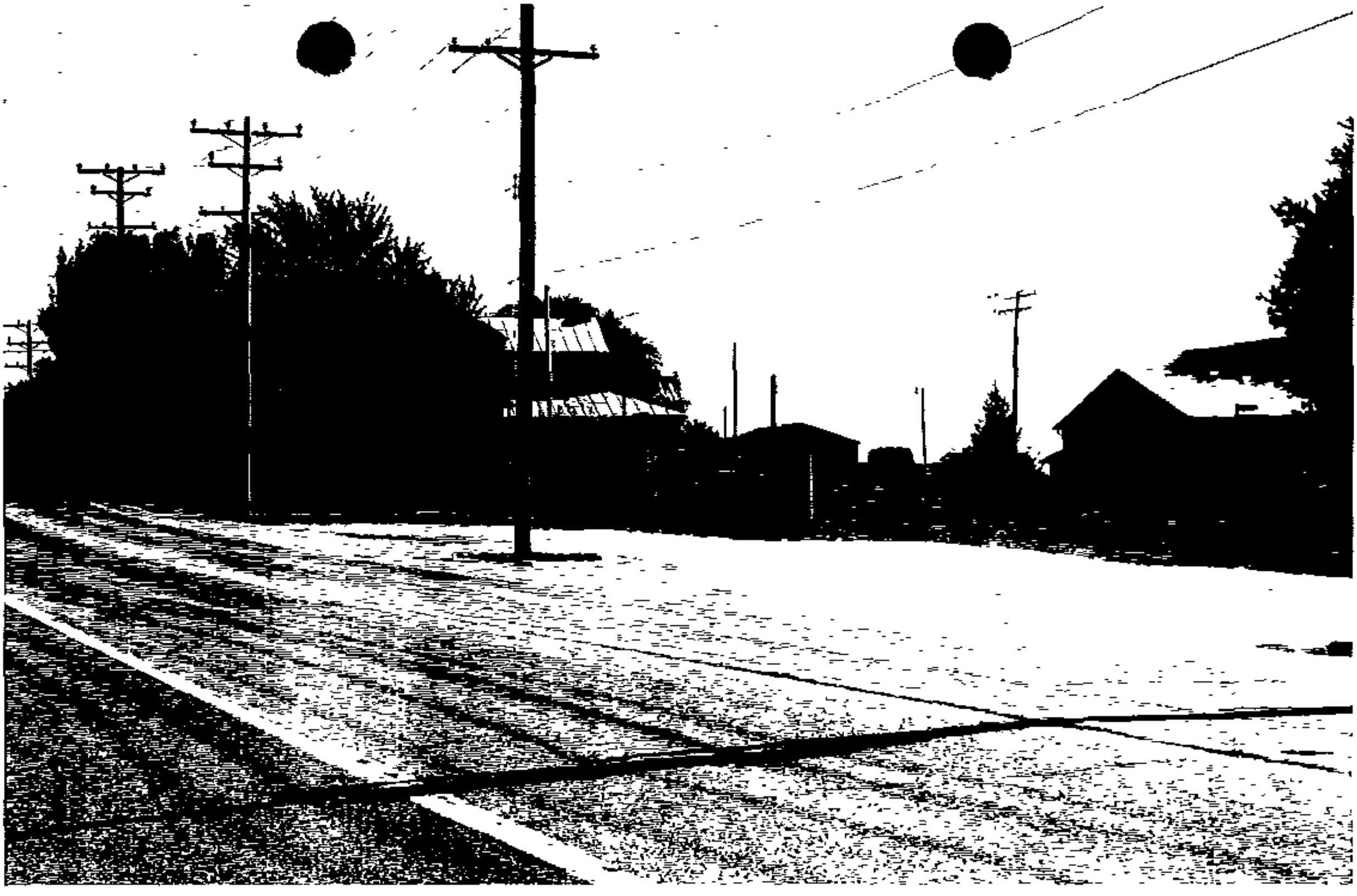
The exterior signage will conform to Section 450 of the Baltimore County Zoning Regulations. By using ground lighting, the proposed retail sign will be illuminated with minimal effect on the surrounding neighborhood.

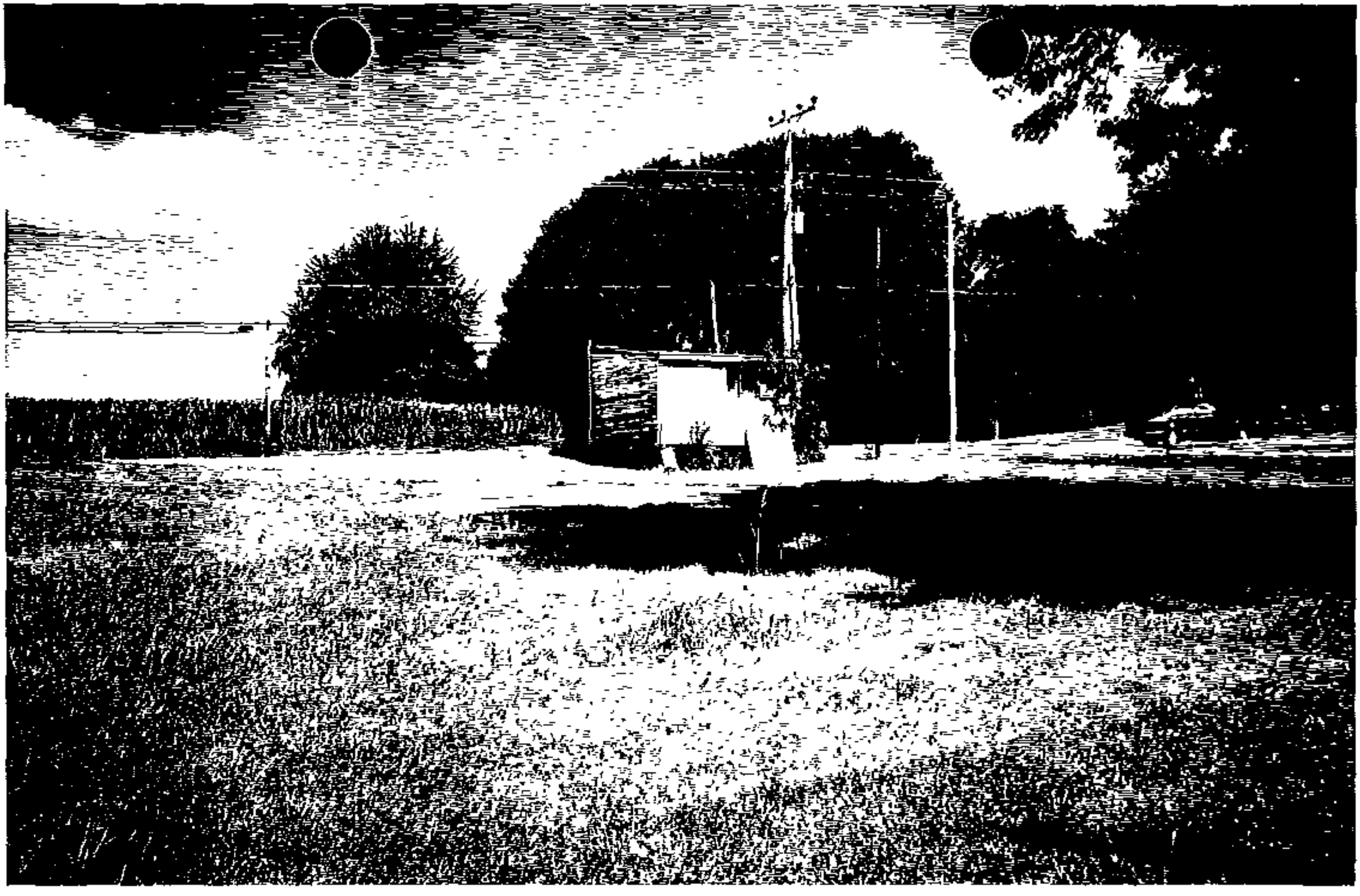
8. "The scale, proportions, massing and detailing of the proposed building(s) are in proportion to those existing in the neighborhood."

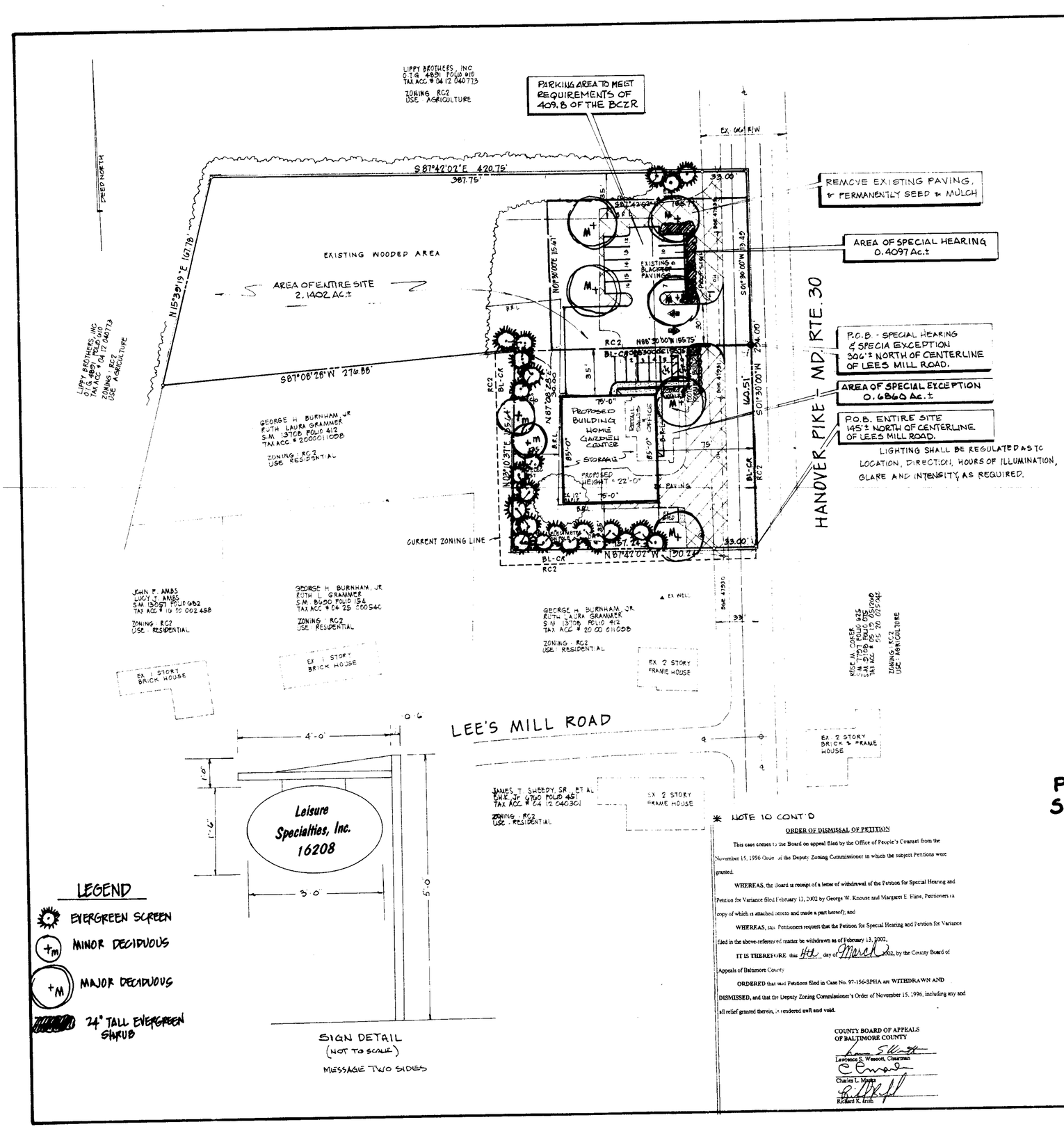
The building totals approximately 6,375 square feet of area and is in conformance with other commercial structures along Hanover Pike. The total size falls below the maximum bulk regulations allowed in the CR District. The building height is approximately 22 feet, which is less than the 30-foot maximum allowed under the CR District. Parking requirements have been met and landscape standards satisfied.

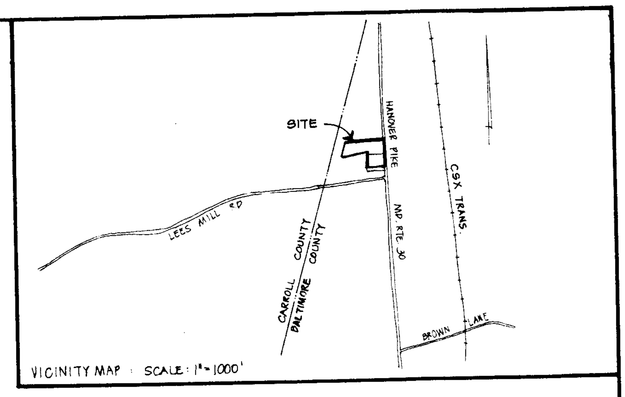
Based on the above, it is our opinion that the development proposed is in accordance with the development regulations for Baltimore County and is respectful of the adjacent neighborhood. The development proposed is and enhancement to this long abandoned property and satisfies the standards for compatibility required in the "CR" District.

Albert Leroy Snyder, Surveyor









VICINITY MAP SCALE: 1"=1000'

NOTES:

1. CURRENT TITLE REFERENCE:
   DEED REF: S.M. 9646 FOLIO 12
   DATE: FEBRUARY 1, 1993
   GRANTORS: ELWOOD E. SWAM
   GRANTEES: GEORGE W. KNOUSE & MARGARET E. ELINE
2. CURRENT ZONING: RC2 1.454Ac ± & BL-CR 0.686Ac ± (200 SCALE MAP 25 K)
3. GROSS AREA: 2.1402 Ac ±
4. FLOOR AREA RATIO: 6375 SQ.FT BLDG ÷ 29,880 SQ.FT. BL-CR ZONE = 0.21
   MAXIMUM FLOOR AREA RATIO ALLOWED: 0.20
5. NEAREST WATER SUPPLY FOR FIRE PROTECTION: 1.8 MILES, HAMPSTEAD
6. PROPOSED BUILDING USES: HOME GARDEN CENTER
   5,513 SQ FT OF STORAGE
   682 SQ FT OF RETAIL SALES
   180 SQ FT OF OFFICE
7. REQUIRED PARKING CALCULATIONS:

STORAGE:	1 per 1000 S.F.	× 5,513 SF	=	6 SPACES
RETAIL:	5 per 1000 S.F.	× 682 SF	=	4 SPACES
OFFICE:	3.3 per 1000 S.F.	× 180 SF	=	1 SPACE
		TOTAL REQ'D:		11 SPACES + 1 HANDICAP SPACE

8. PROPOSED HOURS OF OPERATION: 6:00 AM - 8:00 PM, MONDAY - FRIDAY
9. PROPOSED PARKING: 14 STANDARD SPACES + 2 HANDICAP SPACES. 16 TOTAL
10. PRIOR ZONING CASES: NO. 97-156-SPHA
    SEE ORDER OF DISMISSAL OF PETITION BELOW. NOTE 10 CONT'D
11. ZONING RELIEF REQUESTED
    1.) PETITION FOR SPECIAL HEARING FOR APPROVAL OF BUSINESS PARKING IN A RESIDENTIAL ZONE FOR ADJACENT RETAIL USE.
    2.) PETITION FOR SPECIAL EXCEPTION TO ALLOW A NEW BUILDING WITH A FLOOR AREA RATIO OF 0.22 IN LIEU OF THE 0.20 ALLOWED PURSUANT TO SECTIONS 259.3B AND 259.3C(1)(b).
12. A MINIMUM OF 7% OF THE PARKING LOT SHALL BE PERVIOUS SURFACE WITH A MINIMUM OF ONE TREE PER EIGHT PARKING SPACES PROVIDED AS SHOWN.

* NOTE 10 CONT'D

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on appeal filed by the Office of People's Counsel from the November 15, 1996 Order of the Deputy Zoning Commissioner in which the subject Petitions were granted.

WHEREAS, the Board is in receipt of a letter of withdrawal of the Petition for Special Hearing and Petition for Variance filed February 13, 2002 by George W. Knouse and Margaret E. Eline, Petitioners (a copy of which is attached hereto and made a part hereof); and

WHEREAS, the Petitioners request that the Petition for Special Hearing and Petition for Variance filed in the above-referenced matter be withdrawn as of February 13, 2002.

IT IS THEREFORE this 4th day of March, 2002, by the County Board of Appeals of Baltimore County

ORDERED that said Petitions filed in Case No. 97-156-SPHA are WITHDRAWN AND DISMISSED, and that the Deputy Zoning Commissioner's Order of November 15, 1996, including any and all relief granted therein, is rendered null and void.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Lawrence S. Wescott, Chairman
Charles L. Marks
Richard K. Irish

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING & SPECIAL EXCEPTION #16208 HANOVER PIKE (MD. RTE. 30)

FOURTH ELECTION DISTRICT
COUNCILMANIC DISTRICT: 3
DATE: APRIL 7, 2003

BALTIMORE COUNTY, MD.
CENSUS TRACT: 4046
SCALE: 1"=50'

OWNERS: GEORGE W. KNOUSE
MARGARET E. ELINE
2800 CARROLLTON RD.
FINKSBURG, MD. 21048

DEVELOPER: RUDY McADAMS
LEISURE SPECIALTIES, INC.
6149 WASHINGTON BLVD
ELKRIDGE, MD. 21075

Pet No 1

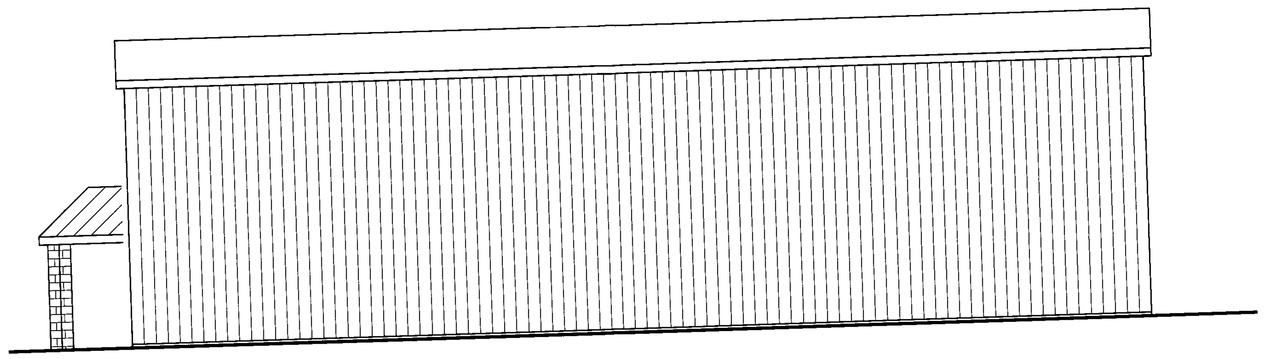
PREPARED BY:
A.L. SNYDER SURVEYOR, INC.
1911 HANOVER PIKE
HAMPSTEAD, MD. 21074
PHONE: 410-239-7744
FAX: 410-374-5095
E-MAIL: alssurveyor@erols.com

STATE OF MARYLAND — ALBERT LEROY SNYDER — No. 28 — PROPERTY LINE SURVEYOR

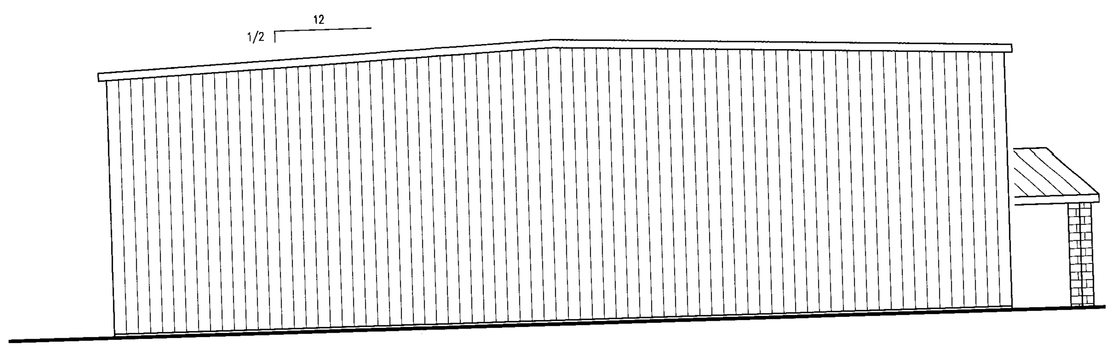
JOB NO. 02013

03-527-SPHX D.T.

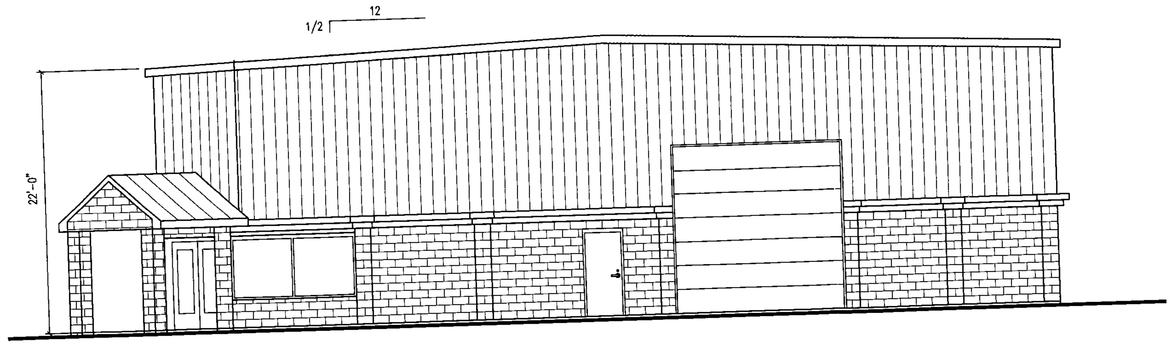
A



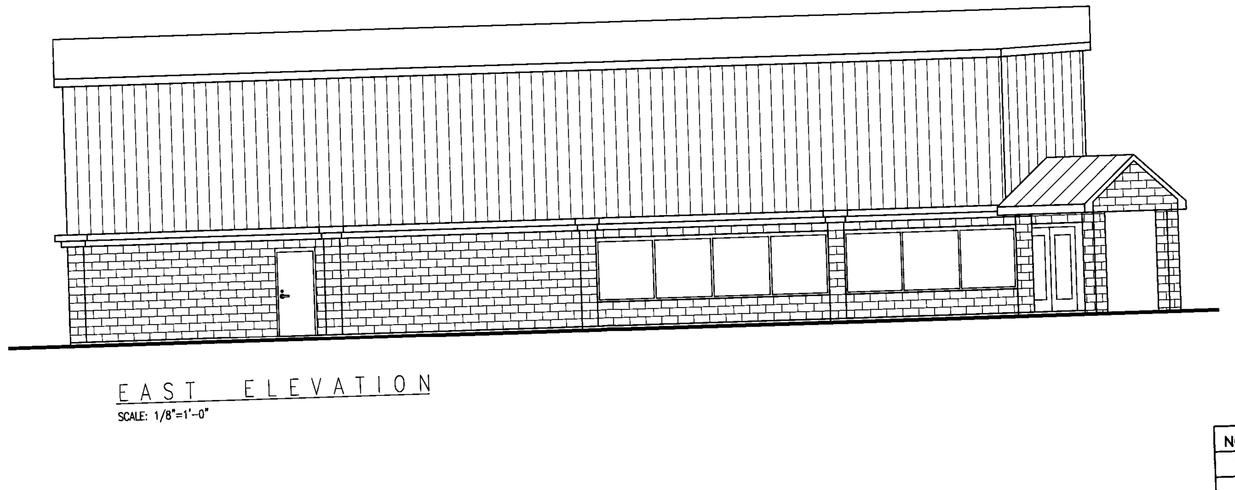
WEST ELEVATION
SCALE: 1/8"=1'-0"



SOUTH ELEVATION
SCALE: 1/8"=1'-0"



NORTH ELEVATION
SCALE: 1/8"=1'-0"

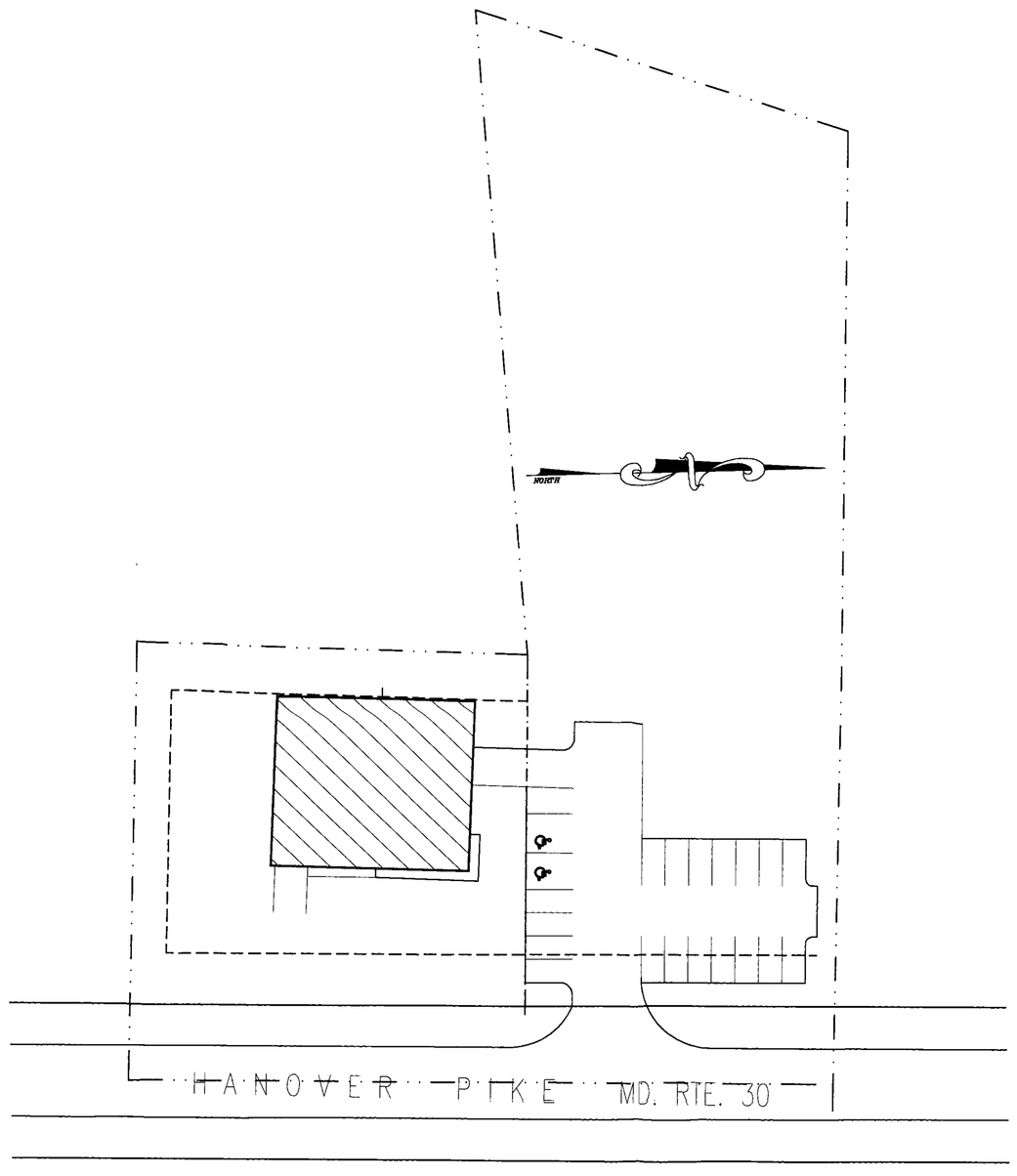


EAST ELEVATION
SCALE: 1/8"=1'-0"

NO.	REVISION	DATE
1	ADDED 8' HIGH BLOCK, REVISED FRONT ENTRANCE	6/12/03

SCENIC RIDGE CONSTRUCTION
48 QUEEN ROAD – GORDONVILLE, PA 17529
TEL 717-768-7522 – FAX 717-768-8522

JOB NAME • LEISURE SPECIALTIES
JOB LOCATION HANOVER PIKE REISTERSTOWN, MD
DRAWN BY DLB
REV. BY JMK
ELEVATIONS
SCALE: AS NOTED
DATE: 01-18-02
SHEET A2
REV. 1



SITE PLAN
SCALE: 1"= 40'

FLOOR PLAN
SCALE: 1/8"=1'-0"

3B

SCENIC RIDGE CONSTRUCTION
48 QUEEN ROAD – GORDONVILLE, PA 17529
TEL 717-768-7522 – FAX 717-768-8522

NO.	REVISION	DATE
1	ADDED 8' HIGH BLOCK, REVISED FRONT ENTRANCE	6/12/03

JOB NAME • LEISURE SPECIALTIES
FLOOR PLAN
SCALE: AS NOTED
DATE: 01-18-02

JOB LOCATION HANOVER PIKE REISTERSTOWN, MD
DRAWN BY DLB
REV. BY JMK
SHEET A1
REV. 1

F:\CADdrawings\Bidding SRC Jobs\Leisure Specialties\A1.dwg Thu Jun 12 15:39:16 2003

IN THE MATTER OF THE APPLICATION OF GEORGE W. KNOUSE AND MARGARET E. ELINE –PETITIONERS FOR SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE W/S HANOVER PIKE, 146' N OF LEE'S MILL ROAD (16208 HANOVER PIKE) 4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 97-156-SPHA

* * * * * * * * *

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on appeal filed by the Office of People's Counsel from the November 15, 1996 Order of the Deputy Zoning Commissioner in which the subject Petitions were granted.

WHEREAS, the Board is receipt of a letter of withdrawal of the Petition for Special Hearing and Petition for Variance filed February 13, 2002 by George W. Knouse and Margaret E. Eline, Petitioners (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioners request that the Petition for Special Hearing and Petition for Variance filed in the above-referenced matter be withdrawn as of February 13, 2002,

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ORDERED that said Petitions filed in Case No. 97-156-SPHA are **WITHDRAWN AND DISMISSED**, and that the Deputy Zoning Commissioner's Order of November 15, 1996, including any and all relief granted therein, is rendered **null and void.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

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