IN RE: PETITION FOR SPECIAL EXCEPTION

NW/Corner Blenheim Road and

Glenbrook Drive

(3400 Blenheim Road)

10th Election District

3rd Council District

Stephen J. Smith, et ux Petitioners BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 05-254-X

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Stephen J. Smith, and his wife, Elizabeth Smith. The Petitioners request a special exception to permit a landscape service operation on the subject property, pursuant to Section 1A07.3.B.7 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 Steve Smith, property owner, and Bruce E. Doak, the Surveyor who prepared the site plan. In addition, several neighbors from the surrounding community appeared on behalf of the Petitioners, including Mike Zinkhan and Doug Oakley, adjacent property owners. Appearing in opposition to the request were Pat Egan, William F. Bergeron, Fred and Shaanon Plate, Steven Wheeler, and Carol Shaw, who appeared on behalf of the Long Green Valley Association.

The subject property at issue is an irregular shaped parcel located on the northwest corner of Blenheim Road and Glenbrook Drive in Phoenix. The property contains a gross area of 3.54 acres, more or less, zoned R.C.6 and is improved with a two-story dwelling and several outbuildings, including a large barn, shed, and detached garage. In addition to the buildings, there exists a macadam driveway that leads into the property from Blenheim Road and extends to

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the rear of the parcel and a large parking area. As shown on the site plan, the property is heavily wooded and contains large areas of grass/lawn. Moreover, the property is bordered on three sides by a stockade fence. As shown on the site plan, the property is located in a rural/agricultural area of Baltimore County and is surrounded by farms and pastureland.

The Petitioners have owned and resided on the property since April 2001. Mr. Smith is the proprietor of a tree service company, trading as A-1Tree and Lawn Service, Inc., and is desirous of running the business from his home. Mr. Smith testified that there would be no storage of mulch or firewood on the premises, and that no customers would come to the property. He testified that he currently has six trucks and/or truck/trailer combinations that are used to haul equipment and three full-time employees; however, he anticipates purchasing an additional truck and hiring one or two more employees. Mr. Smith indicated that he and his employees meet daily at the site to pick up equipment/vehicles necessary for a particular job, then travel to clients' properties to perform whatever tree/lawn service is necessary, and return to the site in late afternoon or early evening. The Petitioner testified that the hours of operation are Monday through Friday, 8:00 AM to 6:00 PM; however, employees may meet on the site as early as 7:30 AM. Further testimony indicated that the previous owner of the property had used it for an asphalt paving operation and as a storage yard. Since their ownership of the property, the Petitioners have made an effort to clean up the site, repaired and/or replaced fencing, and improved parking areas. Relief is requested as set forth above simply to allow the storage of vehicles and trucks that are used in the operation on-site for security reasons. It was also indicated that there would be no storage of fuels or the fueling of vehicles on the premises.

Mr. Doak appeared and testified on behalf of the Petitioners. He noted that a special exception is necessary due to the property's location in a rural/agricultural zone. He addressed the special exception requirements set forth in Section 502.1 of the B.C.Z.R. and believes that the limited landscape service operation as proposed will not be detrimental to the health, safety and general welfare of the surrounding locale.

Can recommend of the second of

On behalf of the Petitioners, Mike Zinkhan testified that he has resided on the adjacent property to the northeast for 40 years. He testified that the Petitioners originally began storing mulch and other materials on the property; however, no longer do so. He has no objections to the Petitioners' proposal to store trucks and/or vehicles used in the business on their property.

Douglas Oakley testified that he is the adjoining property owner to the northwest. He testified that the Petitioners have cleaned up their property and that he is not opposed to the parking of trucks or vehicles used in the operation; however, he is opposed to mulching and/or the storage of mulch on the property.

As noted above, several residents from the surrounding community appeared in opposition to the request. Mr. William Bergeron appeared and testified on behalf of the Sunnybrook Community Association. He testified that he is opposed to any commercial use of the subject property and/or the sale of products or materials from the premises; however, conceded that restrictions on the use could control such activities. Mr. Steve Wheeler appeared and testified in opposition to the request on behalf of the Greater Jacksonville Association. He testified that his home sits at a higher elevation to the west and that he has a clear view of the Petitioners' property. He testified that at a recent community meeting, the Petitioner's proposal was discussed and unanimously opposed by the members who attended. Mr. Wheeler believes that the use proposed is detrimental to the welfare of the community and will result in a decrease in the value of properties in the area. Moreover, he believes that the size of the vehicles used in the operation adversely impacts traffic in the area. Ms. Carol Shaw appeared and testified on behalf of the Long Green Valley Association. She expressed concern over the proposed use and the future possible expansion.

An adverse Zoning Advisory Committee (ZAC) comment was received from the Office of Planning (OP) recommending a denial of the request. The Planning Office noted the criteria set forth in Section 404.3 of the B.C.Z.R. relative to landscape service operations and expressed concern that the proposed operation could be detrimental to nearby residences by

OFFDER RECEIVED FOR FILLING

introducing non-residential traffic, noises and other nuisance factors associated with such an operation to the neighborhood.

Landscape service operations are permitted in the R.C.6 zone by special exception, only, pursuant to Section 1A07.3.B.7 of the B.C.Z.R. and are regulated under Sections 404.1 and 404.3 thereof. A landscape service operation is defined as "An operation primarily engaged in the designing, installing, planting or maintaining of lawns, gardens or other plantings at off-site commercial or residential uses." In this regard, it is clear from the testimony that the landscape service operation proposed on the subject property is limited. The definition noted above is more wide-ranging and could include the storage of equipment, mulch, nursery stock, etc. on a given property. On the contrary, the limited operation conducted here consists only of the storage of vehicles and equipment incidental to Mr. Smith's tree removal/lawn service business. Mr. Smith does not grow nursery stock on the site and does not maintain or sell produce, mulch, or equipment from the property. He indicated that he has no intention of utilizing the property for anything more than as a parking and storage area for his equipment. Moreover, there will be no fueling services performed on the site, nor wood related materials stored on the property.

Exception can be granted and that a landscape service operation can be conducted on this site without detrimental impact to the surrounding locale. In this regard, I believe that such a limited operation would meet the special exception standards set forth in Section 502.1 of the B.C.Z.R. for special exception relief to be granted. Thus, I will grant the relief requested for a landscape service operation consistent with that described at the hearing, subject to the terms and conditions set forth below.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23 day of February 2005 that the Petition for Special Exception to permit a landscape service operation on the subject property, pursuant to Section 1A07.3.B.7 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 use 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 relief granted herein is limited to the landscape service operation described herein. There shall be no storage or sale of any landscape products on-site, including mulch and no nursery stock shall be grown on the premises. Likewise, there shall be no storage of fuels or the fueling of vehicles on the premises. Only the storage of the vehicles and equipment used in the landscape service operation, as described herein, shall be permitted on the property.
- 3) There shall be no more than seven (7) trucks or truck/trailer combinations stored on the property and the hours of operation shall be limited to 7:30 AM to 6:00 PM, Monday through Friday.
- 4) There shall be no business signage, lighting erected or buildings constructed on the subject property without the requisite permits and, if necessary, a public hearing on the proposal.
- 5) Within sixty (60) days of the date hereof, the Petitioners shall record in the Land Records of Baltimore County a covenant to the deed restricting the use of the Landscape Service Operation to the Petitioners, only, and no others. Said covenant shall contain the proviso that such use shall terminate upon the sale of the property and no subsequent purchaser shall maintain the Landscape Service Operation on the property without a special hearing. A copy of the recorded covenant shall be submitted to the Department of Permits and Development Management for inclusion in the case file.
- 6) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WILLIAM I WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

N FILLS

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive William J. Wiseman III, Zoning Commissioner

February 23, 2005

Raymond M. Atkins, Jr., Esquire 105 W. Chesapeake Avenue, Suite 102 Towson, Maryland 21204-4710

RE: PETITION FOR SPECIAL EXCEPTION NW/Corner Blenheim Road and Glenbrook Drive (3400 Blenheim Road)

10th Election District – 3rd Council District Stephen J. Smith, et ux - Petitioners Case No. 05-254-X

Dear Mr. Atkins:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has 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,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Stephen J. Smith

3400 Blenheim Road, Phoenix, Md. 21131

Mr. Bruce E. Doak, Gerhold, Cross & Etzel

320 E. Towsontown Boulevard, Towson, Md. 21286

Mr. Pat Egan, 14012 Fox Land Road, Phoenix, Md. 21131

Mr. William F. Bergeron, 4 Valley Green Court, Phoenix, Md. 21131

Mr. & Mrs. Fred Plate, 13415 Blenfield Road, Phoenix, Md. 21131

Mr. Steven Wheeler, 3744 Dance Mill Road, Phoenix, Md. 21131

Ms. Carol Shaw, 7 Country Hill Court, Fork, Md. 21/051

Office of Planning; DEPRM; People's Counsel; Case File



Visit the County's Website at www.baltimorecountyonline.info



herein described property for

Petition for Special Exception

which is presently zoned <u>RC &</u>

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

to the Zoning Commissioner of Baltimore County

for the property located at 3400 BLENHEIM ROAD

A SPECIAL EXCEPTION TO ALLOW	
PER SECTION 1.4.0.7.3 B7 BCZ	z.k.
Property is to be posted and advertised as prescribed in I, or we, agree to pay expenses of above Special Exception zoning regulations and restrictions of Baltimore County adop	n, advertising, posting, etc. and further agree to and are to be bounded by the
	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:	Legal Owner(s):
Name - Type or Print	Names Type or Print
Signature	Signature Smith (FORMERLY DIFFERIOUR FEW)
Address Telephone No	
City State Zip Code Attorney For Petitioner:	3400 BLENNEIM ROAD 410-252-340Z
Name - Type or Print	Address Telephone No. Profile Mo 2//3 City State Zip Code
Signature	Representative to be Contacted:
Company	CARRIOLO CROSS ETZEL, LTO.
Adeless Telephone No.	
State Zip Code	
	OFFICE USE ONLY
05-254-X	ESTIMATED LENGTH OF HEARING 1/2 HR. UNAVAILABLE FOR HEARING
ZEU 09115198	Reviewed By 1312 Date 11/17/04
To the second se	



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcclimited.com

November 2, 2004

Zoning Description 3400 Blenheim Road

All that piece or parcel of land situate, lying and being in the Tenth Election District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point 177 feet from the intersection of the west side of Glenbrook Drive and the northwest side of Blenheim Road, thence running along Blenheim Road, (1) South 48 degrees 33 minutes 09 Seconds West 425.98, (2) South 58 degrees 03 minutes 09 seconds West 87.37 feet, thence leaving the said Blenheim Road and running thence, (3) North 20 degrees 43 minutes 11 seconds West 376.81 feet, (4) North 34 degrees 35 minutes 36 seconds East 275.91 feet, and (5) South 53 degrees 44 minutes 34 seconds East 439.53 feet to the point of beginning.

Containing 154496 sq. ft. or 3.54 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



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MOTICE OF ZONDIG HEARING

of Batimore County, by authority of the Zoning Act and Regulations of Battimore County will hold a more County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #05-254-X
3400 Blentheim Road
N/west side of Blentheim
Road, 230 feet s/of
centerline of Glenbrook Dr.
10th Election District
3rd Councilmanic District
Legal Owner(s): Stephen &
Eizabeth Smith
Special Exception: to allow
a landscape service
operation.
Hearing: Tuesday, January
25, 2005 at 9:06 a.m. in
Room, 467, County Courts
Building, 461 Bostey, Avenue, Towson 21294.

WILLIAM WISEMAN

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.
fice at (410) 887-4386.
(2) For information concerning the File and/of
the Review Office at (410)
ting Review Office at (410)
887-3391.

IFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERT each of once in g

The Jeffersonian

Arbutus Times

☐ Catonsville Times

Towson Times

Owings Mills Times

■ NE Booster/Reporter

North County News

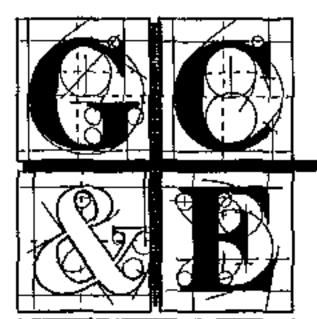
Welling.

LEGAL ADVERTISING









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Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE #05-254-X

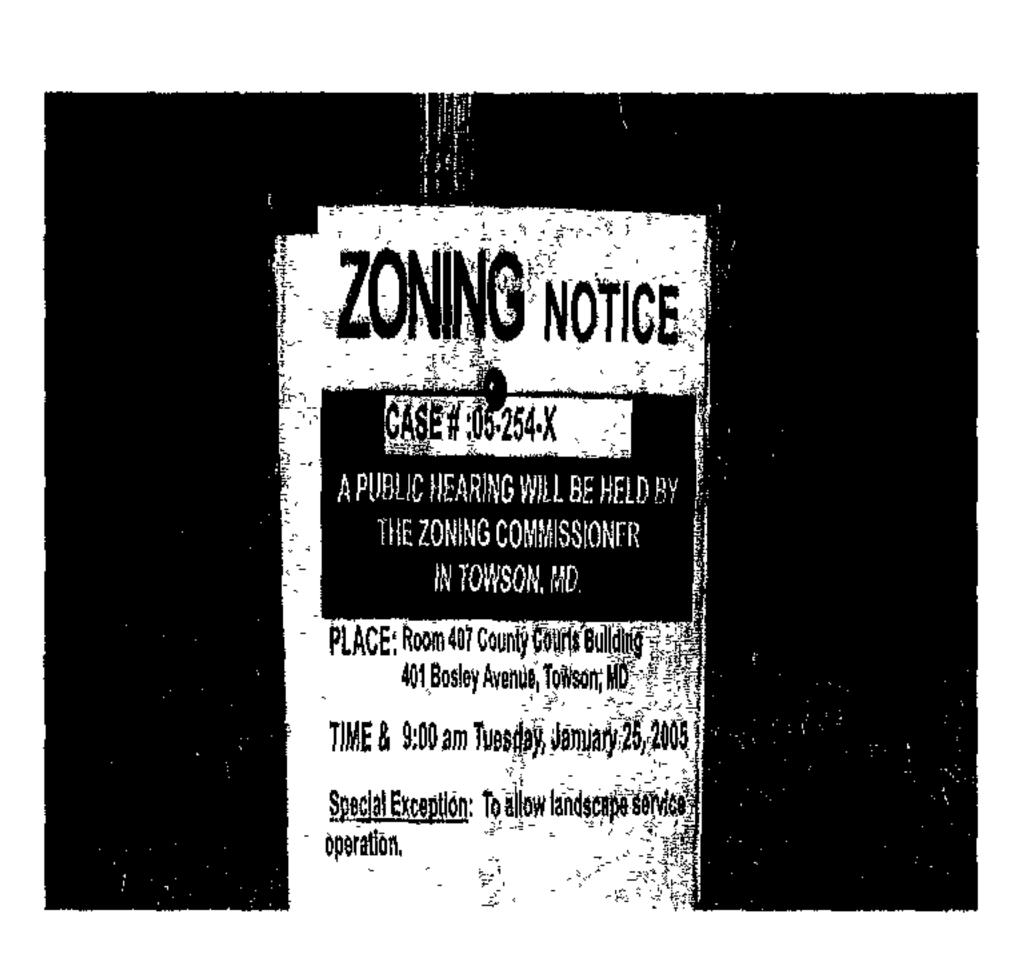
PETITIONER/DEVELOPER: Stephen & Elizabeth Smith DATE OF HEARING: 1/25/05

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. **TOWSON, MARYLAND 21204**

ATTENTION: KRISTEN MATTHEWS

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



(see page 2 for full size print)

LOCATION:

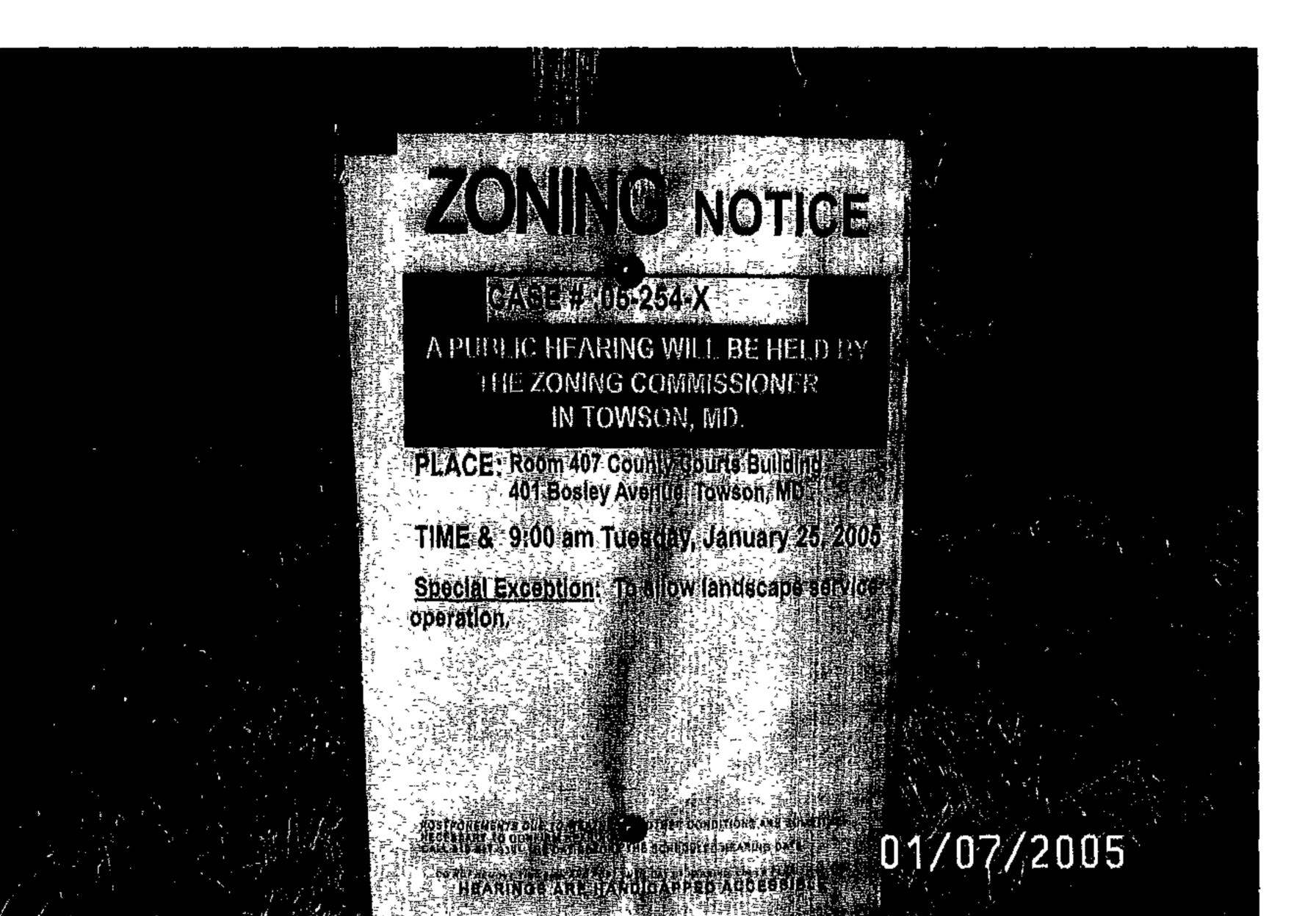
3400 Blenheim Road

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD **SUITE 100** 320EAST TOWSONTOWN BLVD **TOWSON, MARYLAND 21286** 410-823-4470 PHONE 410-823-4473 FAX

1/07/05 NO NO



Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

December 8, 2004

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: 05-254-X

3400 Blenheim Road

N/west side of Blenheim Road, 230 feet s/of centerline of Glenbrook Drive

10th Election District – 3rd Councilmanic District

Legal Owners: Stephen & Elizabeth Smith

Special Exception to allow a landscape service operation.

Hearing: Tuesday, January 25, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson21204

Timothy Kotroco

Director

TK:klm

C: Stephen & Elizabeth Smith, 3400 Blenheim Rd., Phoenix 21131 Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 10, 200 5.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFF ICE 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

Tuesday, January 11, 2005 Issue - Jeffersonian

Please forward billing to:

Stephen T. Smith 3400 Blenheim Road Phoenix, MD 21131

410-252-3402

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:

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401 Bosley Avenue, Towson21204

WILLIAM WISEMAN

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

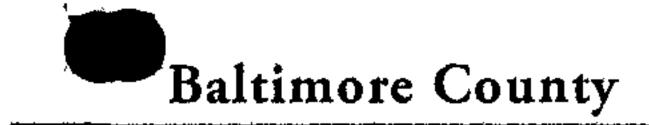
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: <u>05 - 254 - X</u>
Petitioner: STYPHW T. & ENZABETH SMITH
Address or Location: 3400 BLEZHEIM ROAD
PLEASE FORWARD ADVERTISING BILL TO:
Name: Stephen T. Smith
Address: 3400 BLONGIM ROAD
PHOENUX MO 21131
Telephone Number:

Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

January 18, 2005

Stephen T. Smith Elizabeth Smith 3400 Blenheim Road Phoenix, Maryland 21131

Dear Mr. and Mrs. Smith:

RE: Case Number: 05-254-X, 3400 Blenheim Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 17, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

u. Callibal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Bruce E. Doak 320 E. Towsontown Blvd. Towson 21286



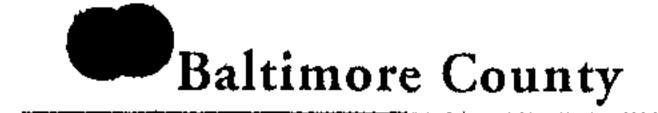
Visit the County's Website at www.baltimorecountyonline.info

Fire Department



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





James T Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 December 6, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: December 6, 2004

Item No.:

254

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File



Visit the County's Website at www.baltimorecountyonline.info



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

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

Maryland Department of Transportation

Date: 12.3.04

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

RE:

Baltimore County

Item No. 254

BPR

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

DEC - 3 7001

epin Buil

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

PDM

RECEIVED

FROM:

John D. Oltman, Jr Job

DEPRM

DATE:

December 10, 2004

DEC 1 0 2004

ZONING COMMISSIONER

SUBJECT:

Zoning/Items # See List Below

Zoning Advisory Committee Meeting of December 6, 2004.

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-250

05-254

05-270

05-271

05-272

05-273

Reviewers:

Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 13, 2005

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

3400 Blenheim Road

INFORMATION:

Item Number:

5-254

Petitioner:

Stephen and Elizabeth Smith

Zoning:

RC 6

Requested Action:

Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning conducted a site visit of the subject property and finds that the surrounding neighborhood is predominately residential. In addition, Blenheim Road, which would provide access to the site, is a neighborhood collector that primarily services the residential neighborhood.

This office is concerned that if approved, the landscape service operation could be detrimental to the nearby residences by introducing additional nonresidential traffic, noises and other activities associated with such an operation, which are not currently found in neighborhood. As such, this office recommends that the petitioner's request be **DENIED**.

Prepared by:

Division Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: December 14, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

SUBJECT:

Zoning Advisory Committee Meeting

For December 13, 2004 Item Nos. 250 (254) 268, 269, 270, 271, 272, 723, 274, 275, and 276

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL EXCEPTION *
3400 Blenheim Road; NW/side OF Blenheim
Road, 230' S c/line of Glenbrook Drive *
10th Election & 3rd Councilmanic Districts
Legal Owner(s): Stephen & Elizabeth Smith*
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-254-X

* * * * * * * *

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 and documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

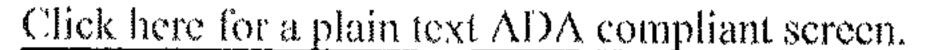
I HEREBY CERTIFY that on this 10th day of December, 2004, a copy of the foregoing Entry of Appearance was mailed Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E

Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

People's Counsel for Baltimore County

Per....





Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map New Search Ground Rent

Account Identifier:

District - 10 Account Number - 1026040125

Owner Information

Owner Name:

SMITH STEPHEN T

DIFFENDERFFER ELIZABETH E

Use:

RESIDENTIAL

DITTERDENT FOR CELEBOLITY

Principal Residence:

YES

Mailing Address:

3400 BLENHEIM RD

PHOENIX MD 21131-2225

Deed Reference:

1) /15097/ 442

2)

Location & Structure Information

Premises Address

3400 BLENHEIM RD

Legal Description

2.762 AC

3400 BLENHEIM RD

2350FT NE JARRETTSVL PK

Map Grid Parcel Sub District Subdivision Section Block Lot Group Plat No: 43 18 126 81 Plat Ref;

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built Enclosed Area Property Land Area County Use
1950 1,528 SF 2.76 AC 04

Storles Basement Type Exterior
2 YES STANDARD UNIT SIDING

Value Information

Base **Phase-in Assessments** Value Value As Of . As Of As Of 01/01/2005 07/01/2004 07/01/2005 Land: 82,320 141,120 Improvements: 130,140 188,900 Total: 212,460 330,020 212,460 251,646 Preferential Land: 0

Transfer Information

Seller: ZINKHAN RAYMOND L 04/05/2001 Date: Price: \$268,000 Type: NOT ARMS-LENGTH Deed1: /15097/ 442 Deed2: Seller: ZINKHAN RAYMOND L Date: 05/30/1972 \$0 Price: NOT ARMS-LENGTH Type: **Deed1:** / 5270/652 Deed2: Seller: Date: Price:

Type:

Deed1:

Price: Deed2:

Exemption Information

 Partial Exempt Assessments
 Class 007/01/2004
 07/01/2005

 County
 000
 0
 0

 State
 000
 0
 0

 Municipal
 000
 0
 0

Tax Exempt: Exempt Class: NO

Special Tax Recapture:

* NONE *

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER OS.25% X
DATE

PETITIONER'S SIGN-IN SHE

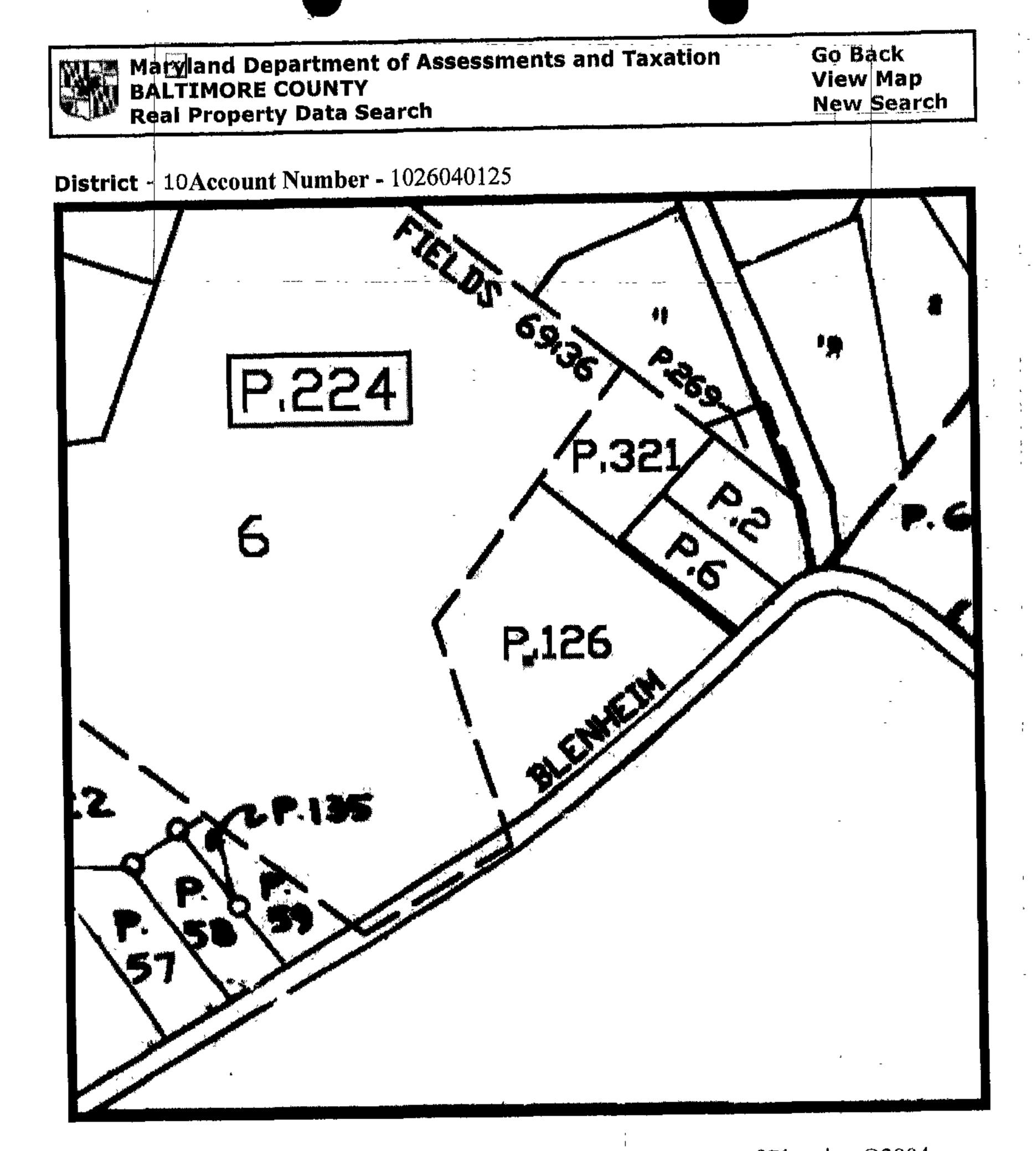
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Chal	236 Glenberok dk	Moenix My 21131	

CASE NUMBER 05-254 X DATE

SITIZEN'S SIGN-IN SHEET

ME	MO19 ADDRESS DA	CITY, STATE, ZIP	E- MAIL
RON	2 CHU.	12112/ WW 41151	
75	13415 BLEWFILES RD	PI+0ENIX MI) 21131	CP 4321 @ 100
7	134158/W/1/14 RD	Flamik NW 21131	1 .
ar	3744 Donck Mill 9201	HELLE ON, IXIMZOUX	
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Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

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Case No.:			 \prec	2	7	X
						

Exhibit Sheet

Petitioner/Developer

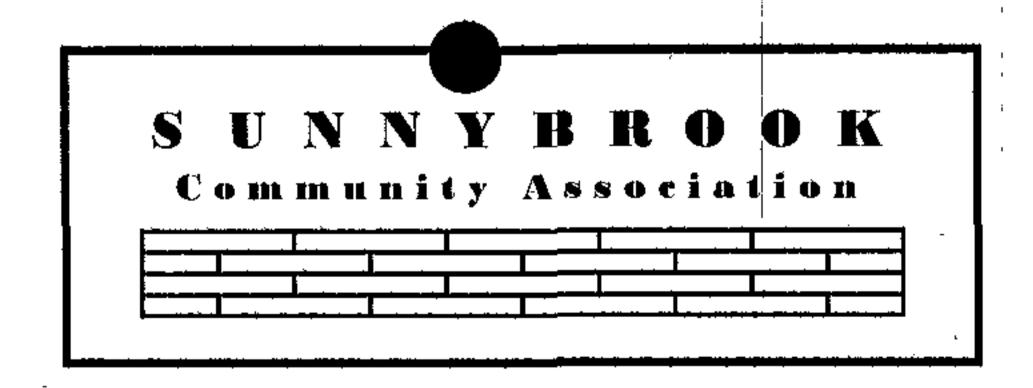
Protestant

No. 1		Association of the first of the
,	Site PLAN	Sung Brook Comm. Assoc
No. 2	Site Pean - Red Marks itentifying PHOTO ARRAY	Grenten Jacksonville ASSOCIAN OPPOSITION
No. 3	PHOTO'S - Depoted on Exhibit 2 A 1-12/L	
No. 4	area Photo of area - Neighborns	
No. 5	Communish Support of Petitioners Request	
No. 6		
No. 7		
No. 8		
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No. 10	**************************************	
No. 11		
No. 12	- 14	
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Baltimore County Zoning Commission 401 Bosley Road, Room 407 Towson, MD. 21286

Re: Case 05-254-X

Dear Sir or Madam,

The Sunnybrook Community Association would like to express it's concern over plans by a neighbor to open a landscaping business very near our community. The proposed location of this business closely adjoins our community along Blenheim Road.

Our neighbors are concerned that the establishment of any commercial business along that corridor of Blenheim Road may open the door to other businesses wanting to locate in the area. We are a residential community of roughly 130 families and we do not want the surrounding area to become commercial. We are also concerned about the potential noise and traffic delays that may result from the use of heavy equipment so close to our homes. Blenheim Road is narrow, curvy and is not surfaced for the regular use of trucks and landscaping equipment. Finally our neighbors are concerned that a business could become an eyesore if not properly attended to, detracting from the value and attractiveness of our community and our homes.

Many of the members of our community moved here and continue to live here because of the slower pace, the relative quiet and the rural setting. I believe we are joined by other community organizations in opposing commercial growth in the Jacksonville area. We appreciate your consideration.

Brian Hubbert President

Anai Callet

PROTESTANTS
EXHBIT NO. 1

Greater Jacksonville Association, Inc. P. O. Box 126 Phoenix, Maryland 21131

RESOLVED:

That at the January 11, 2005 meeting of the Greater Jacksonville

Association, Inc. Board of Directors, the Board unanimously approved a motion on the zoning

matter known as: Smith & Differ Sent Proporty

It is the Greater Jacksonville Association's position to oppose the petition requesting any special exception for the residential property located at 3400 Blenheim Road for use as landscaping business, or as a business of any type.

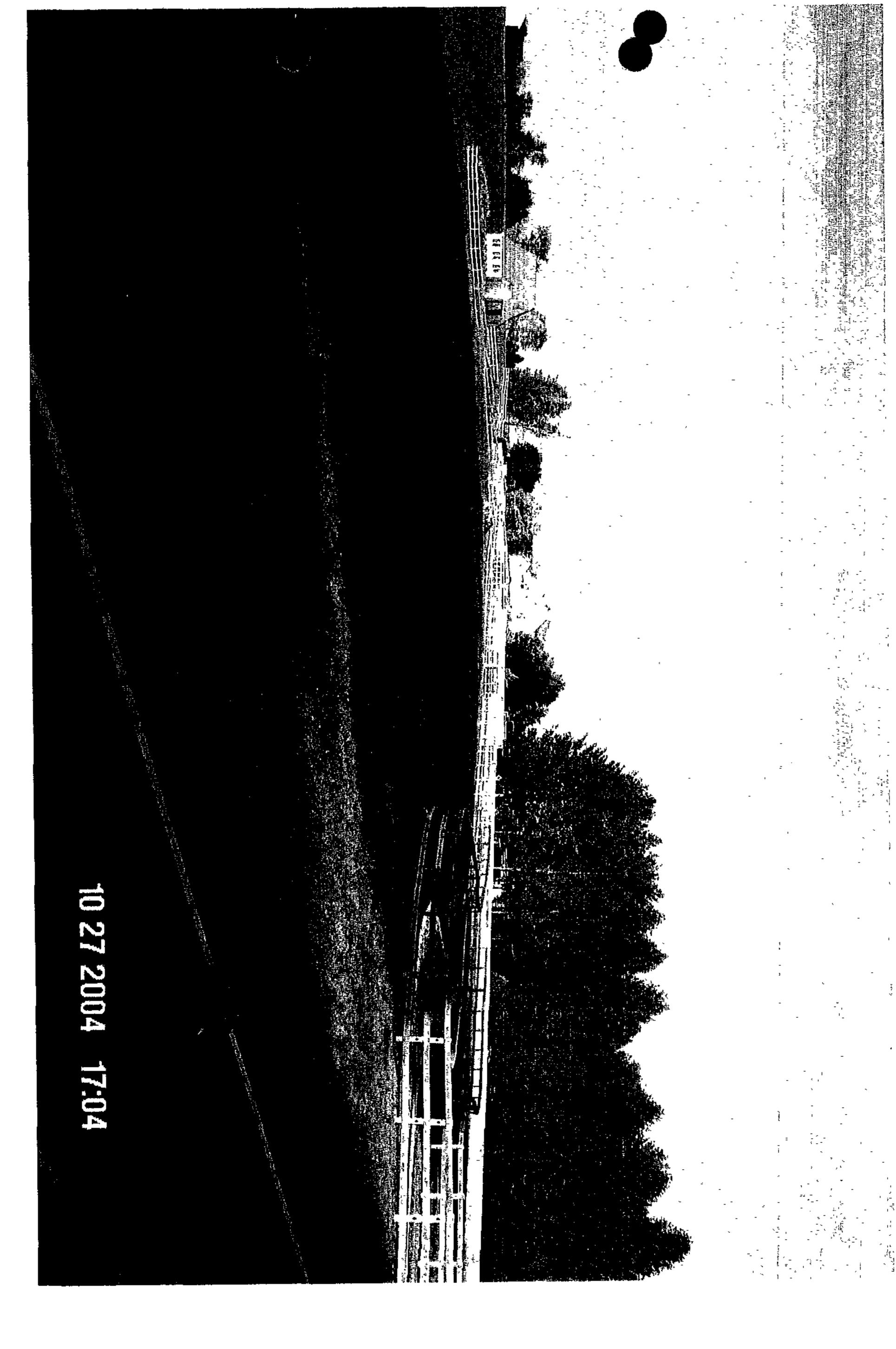
ON BEHALF OF THE GREATER JACKSONVILLE ASSOCIATION

Glen A. Thomas

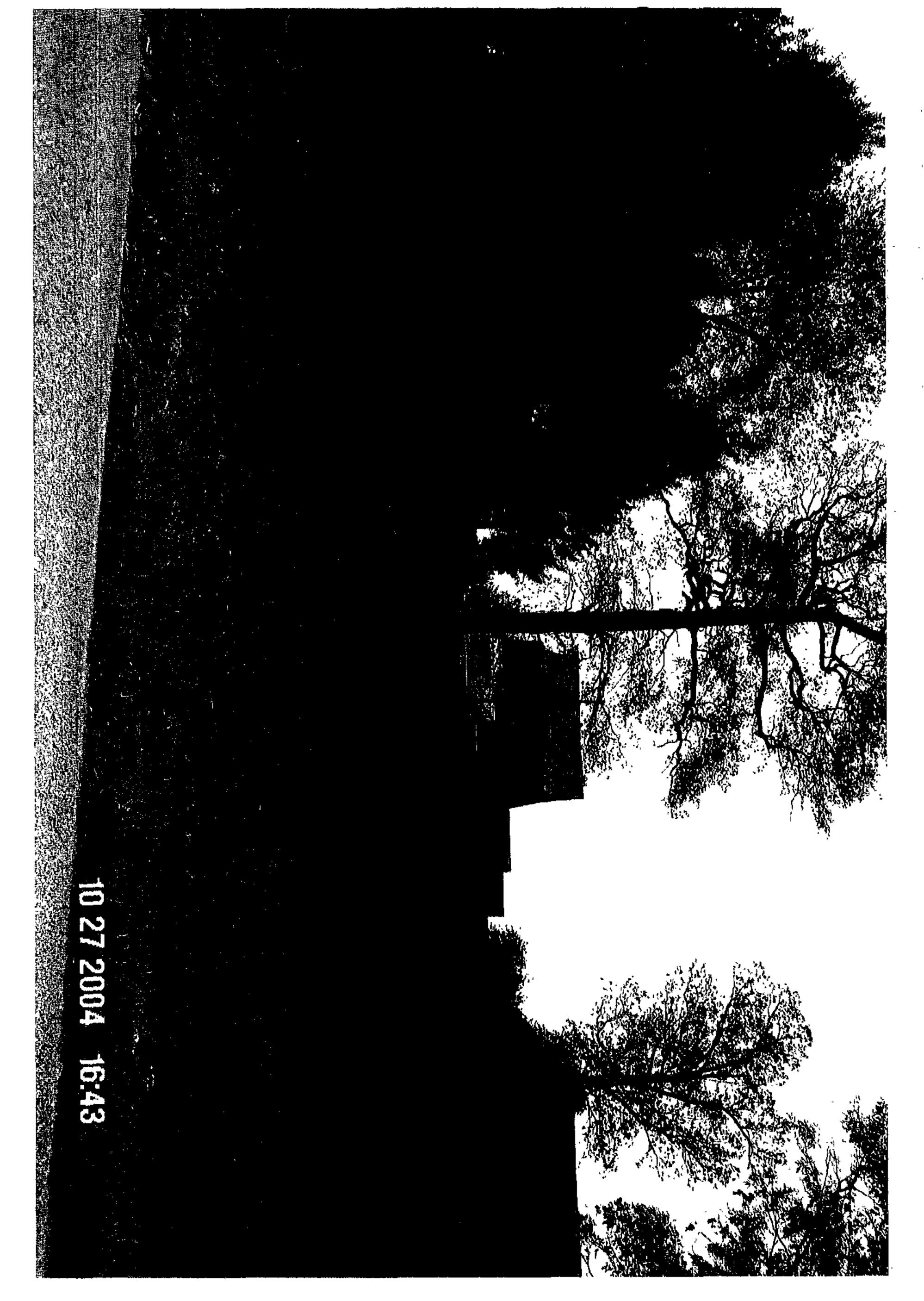
President

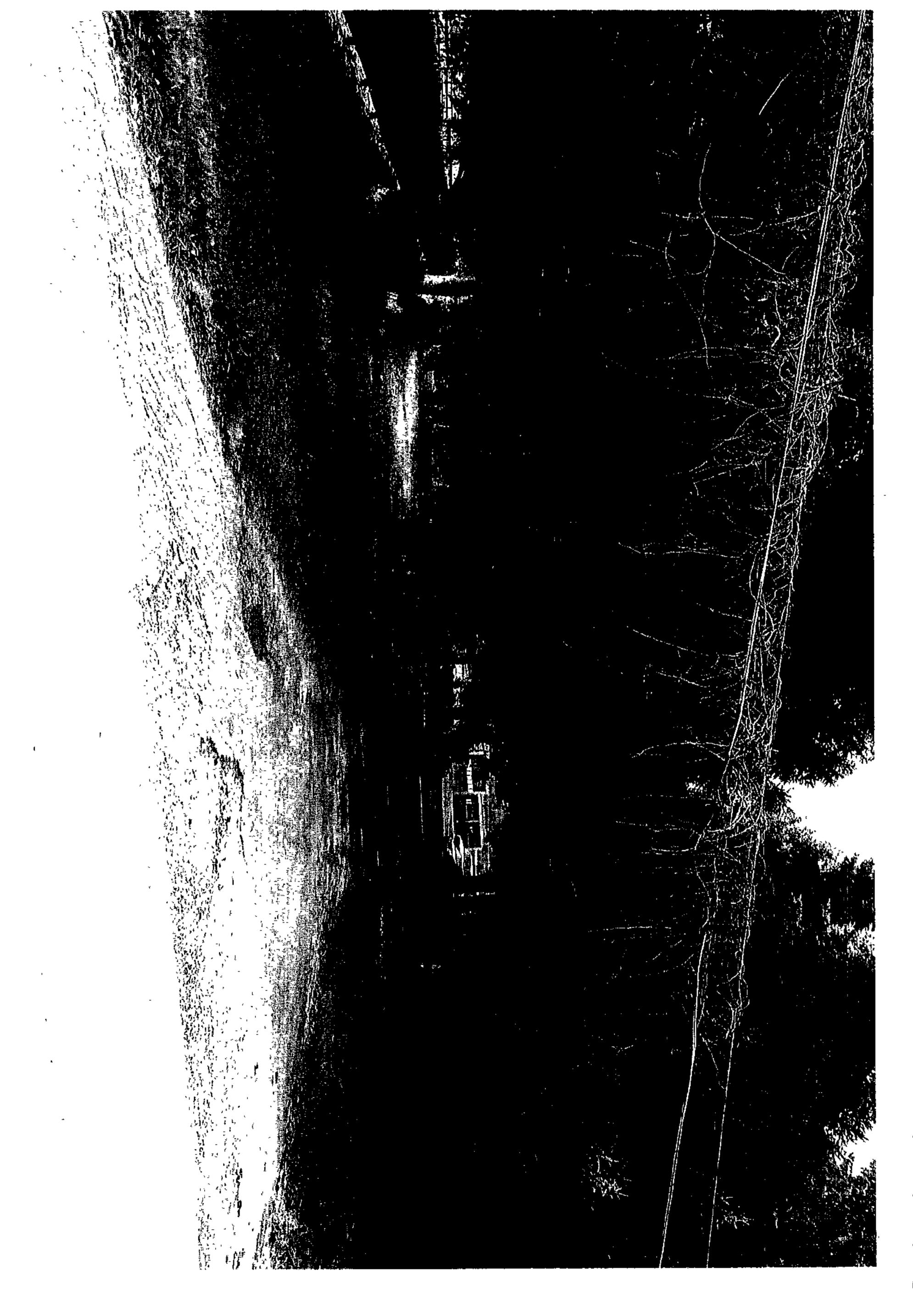
January 24, 2005

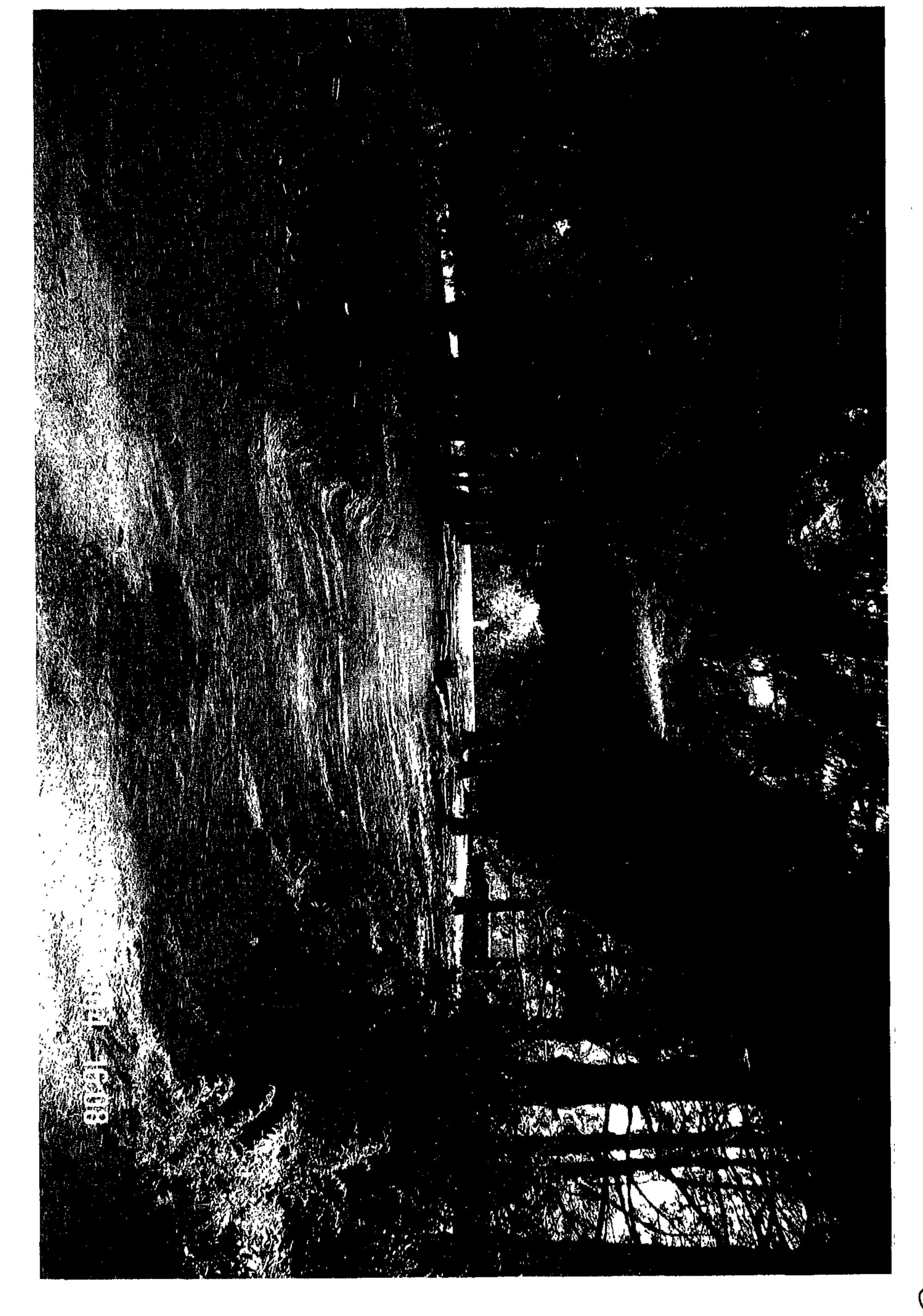
Profestants ExHIBIT 2

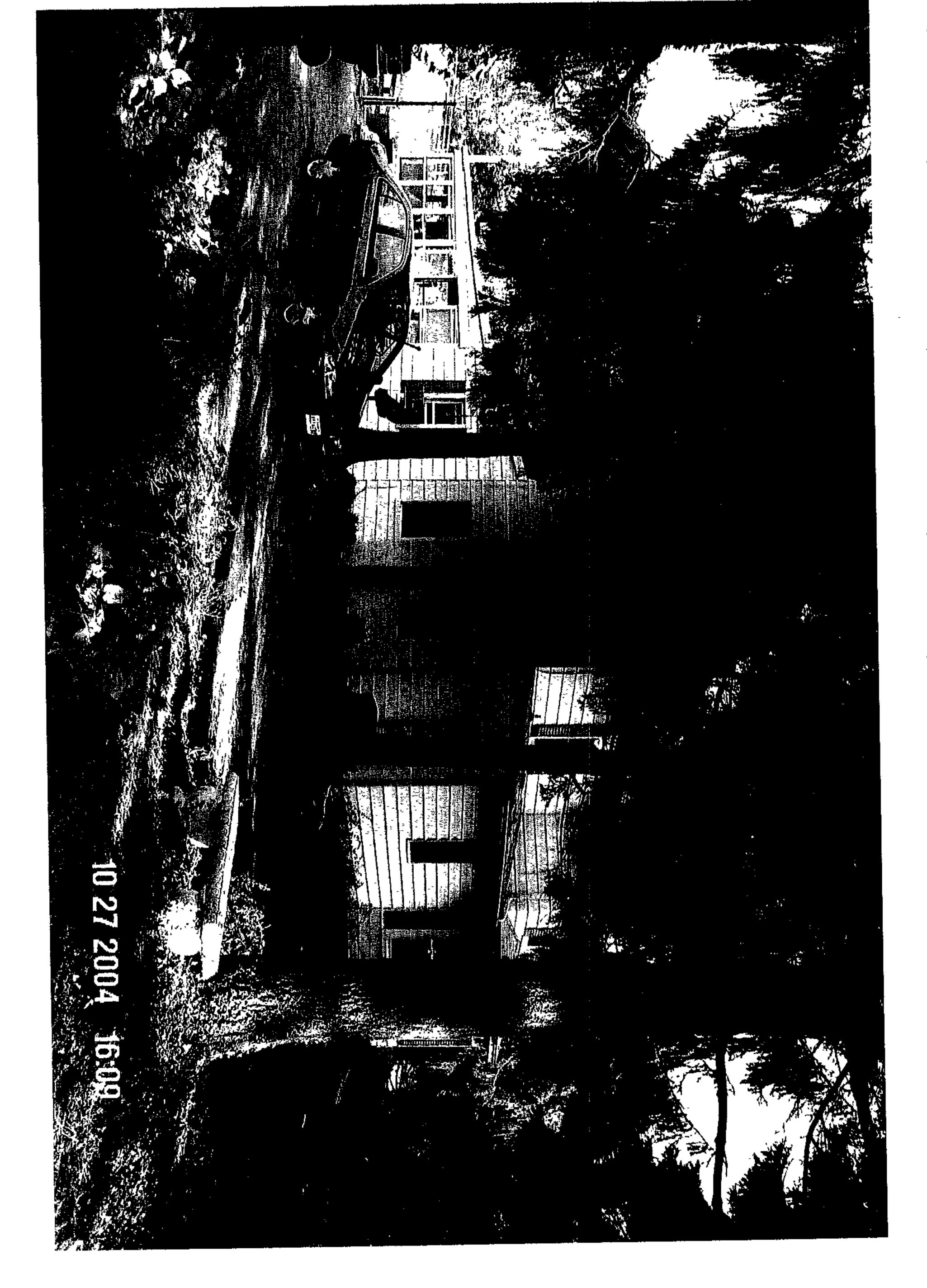


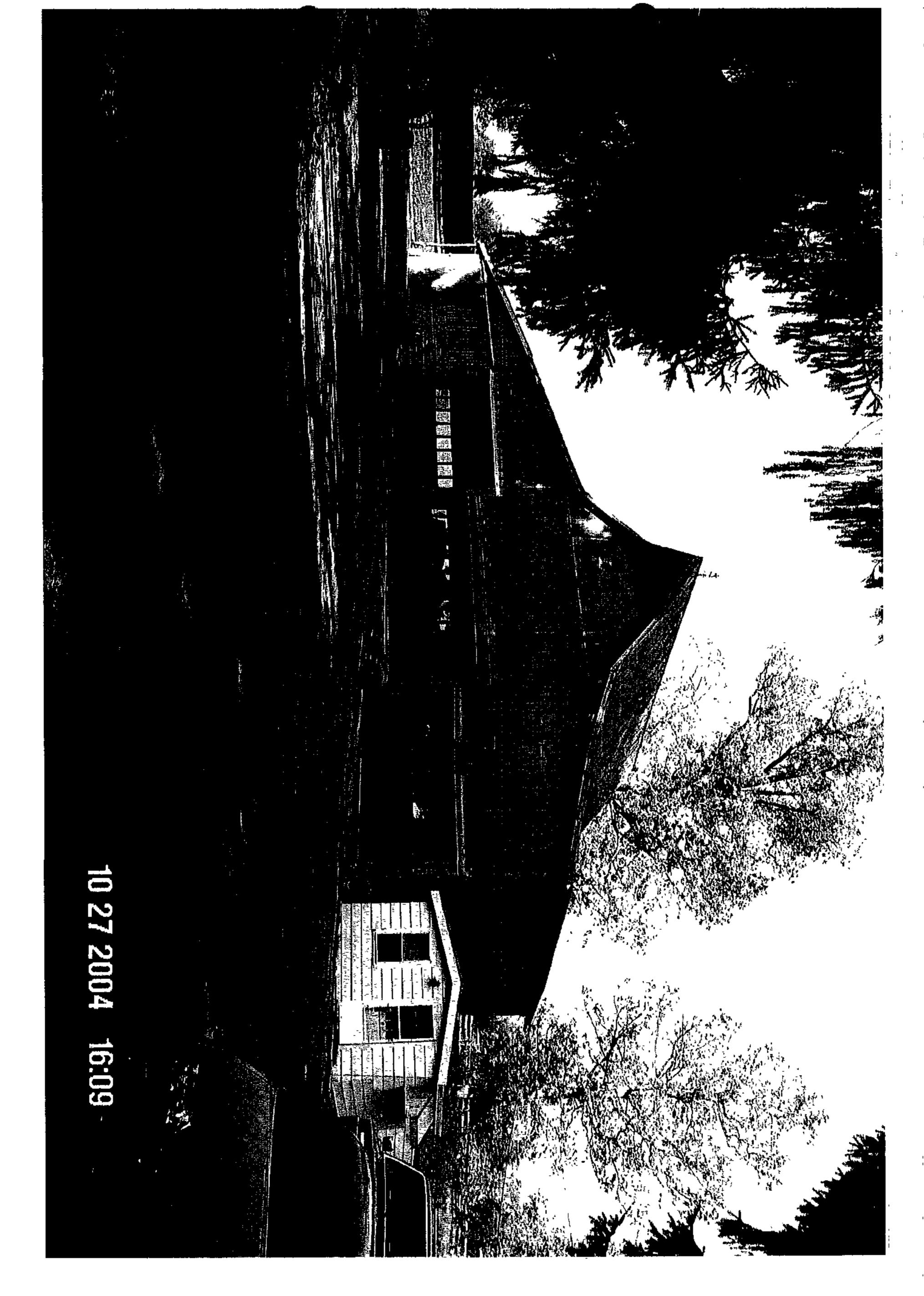


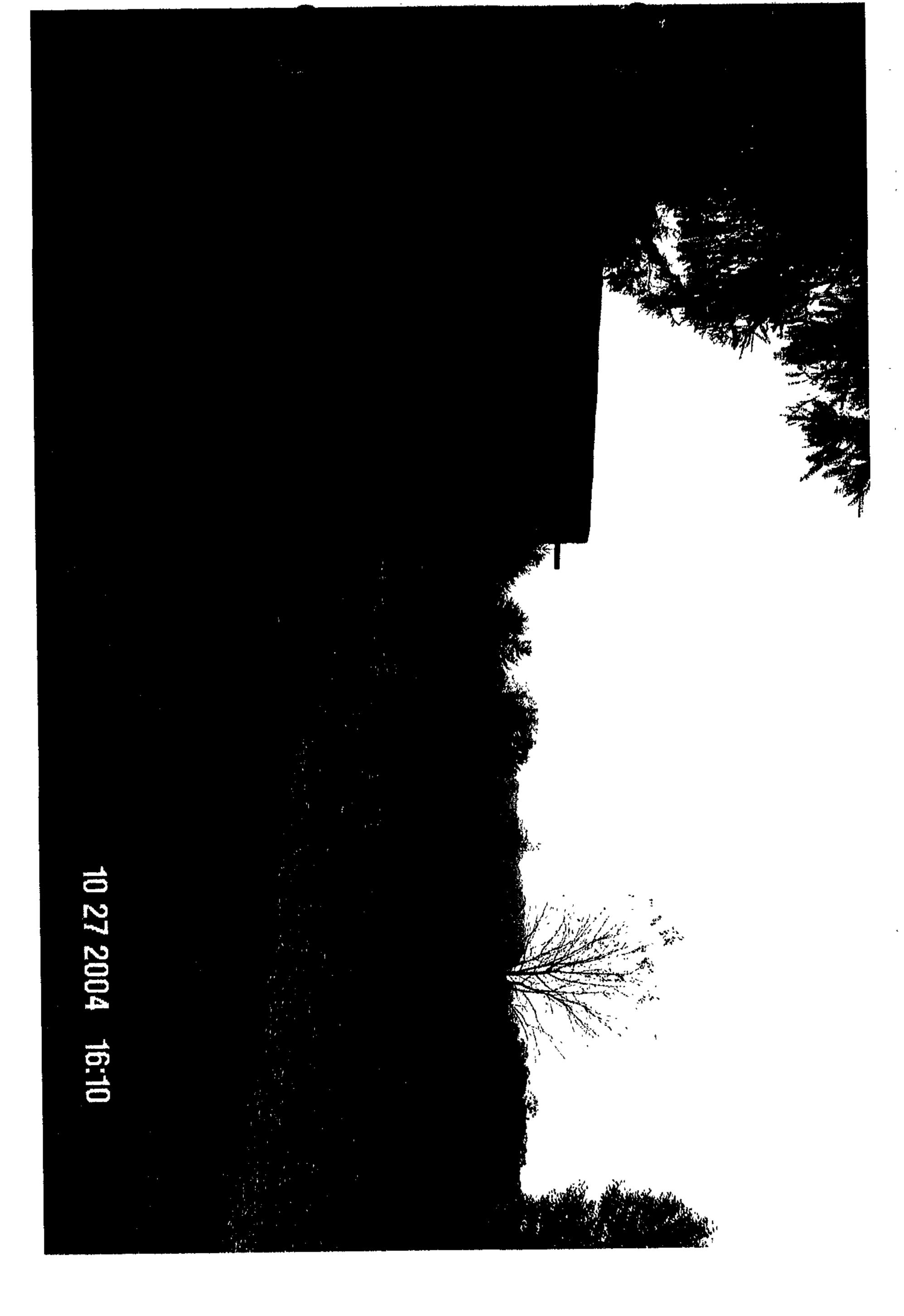


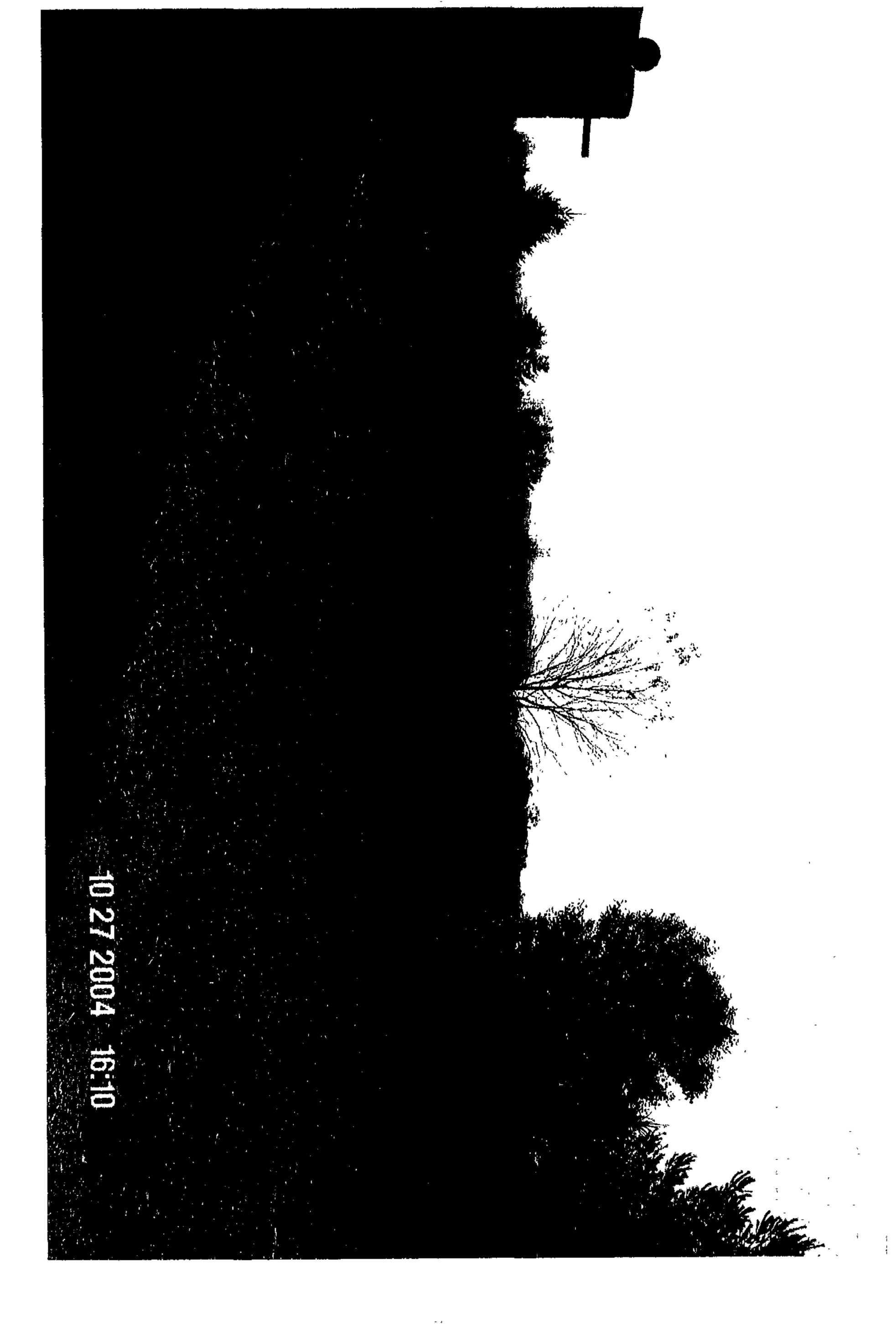


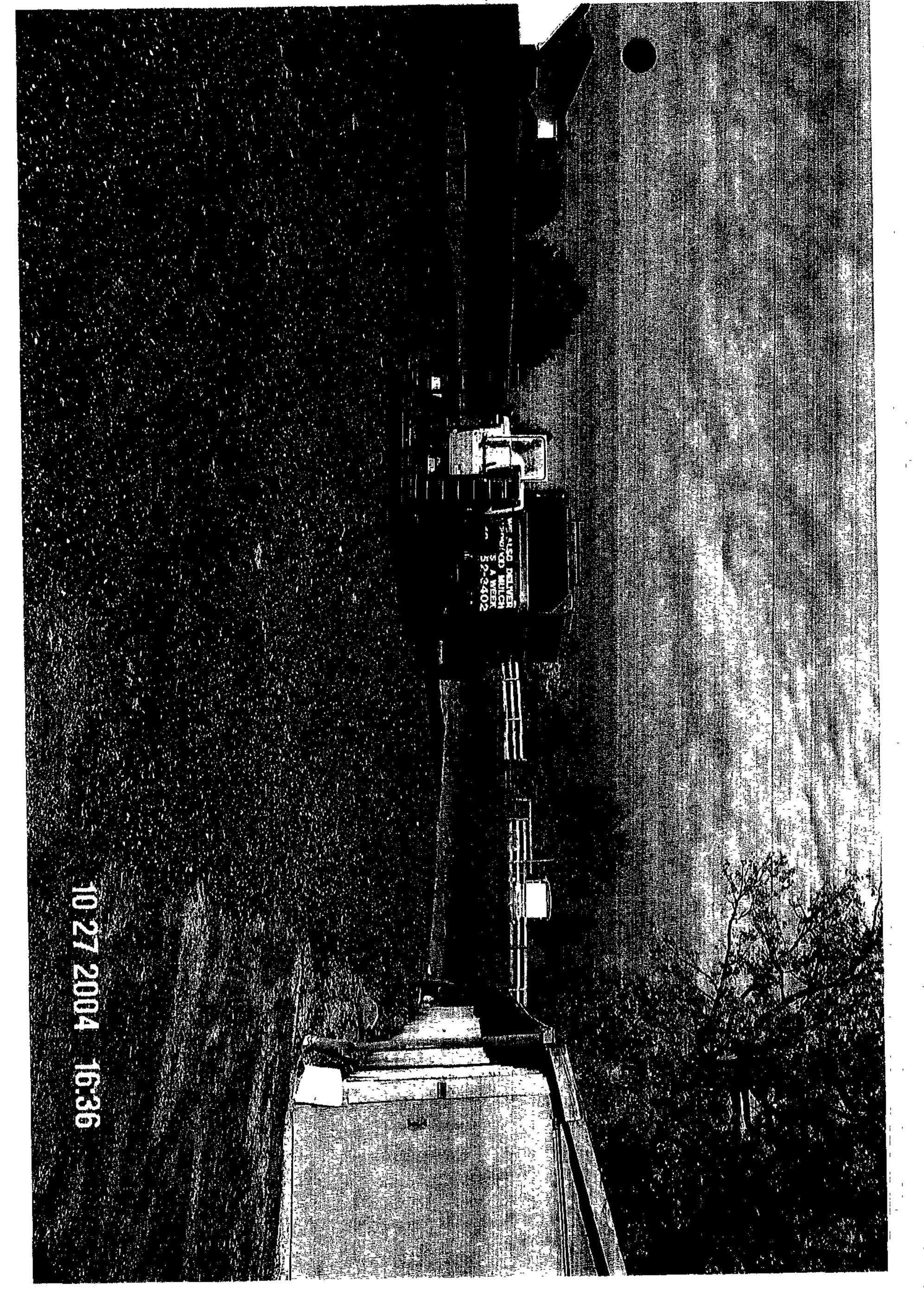


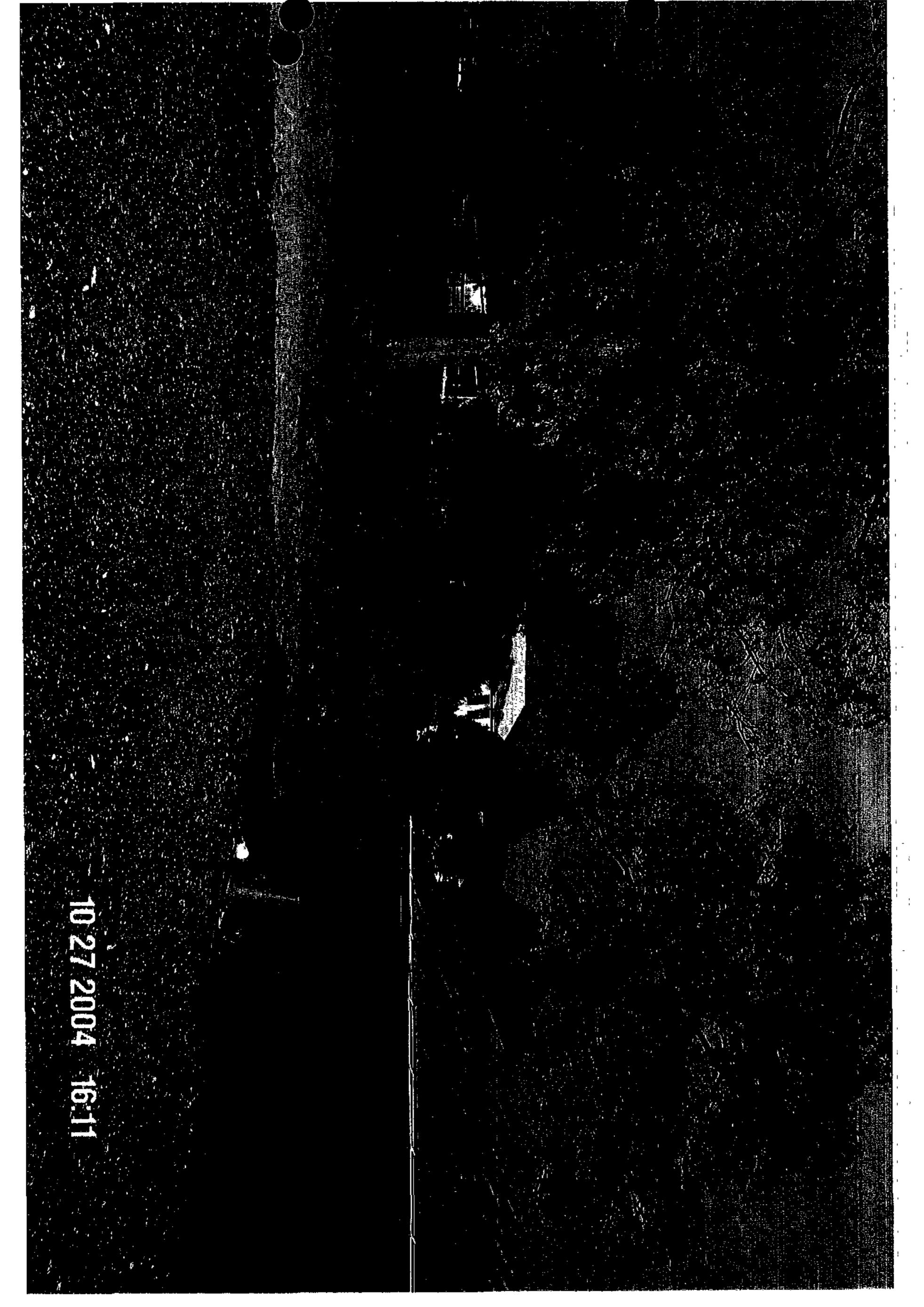


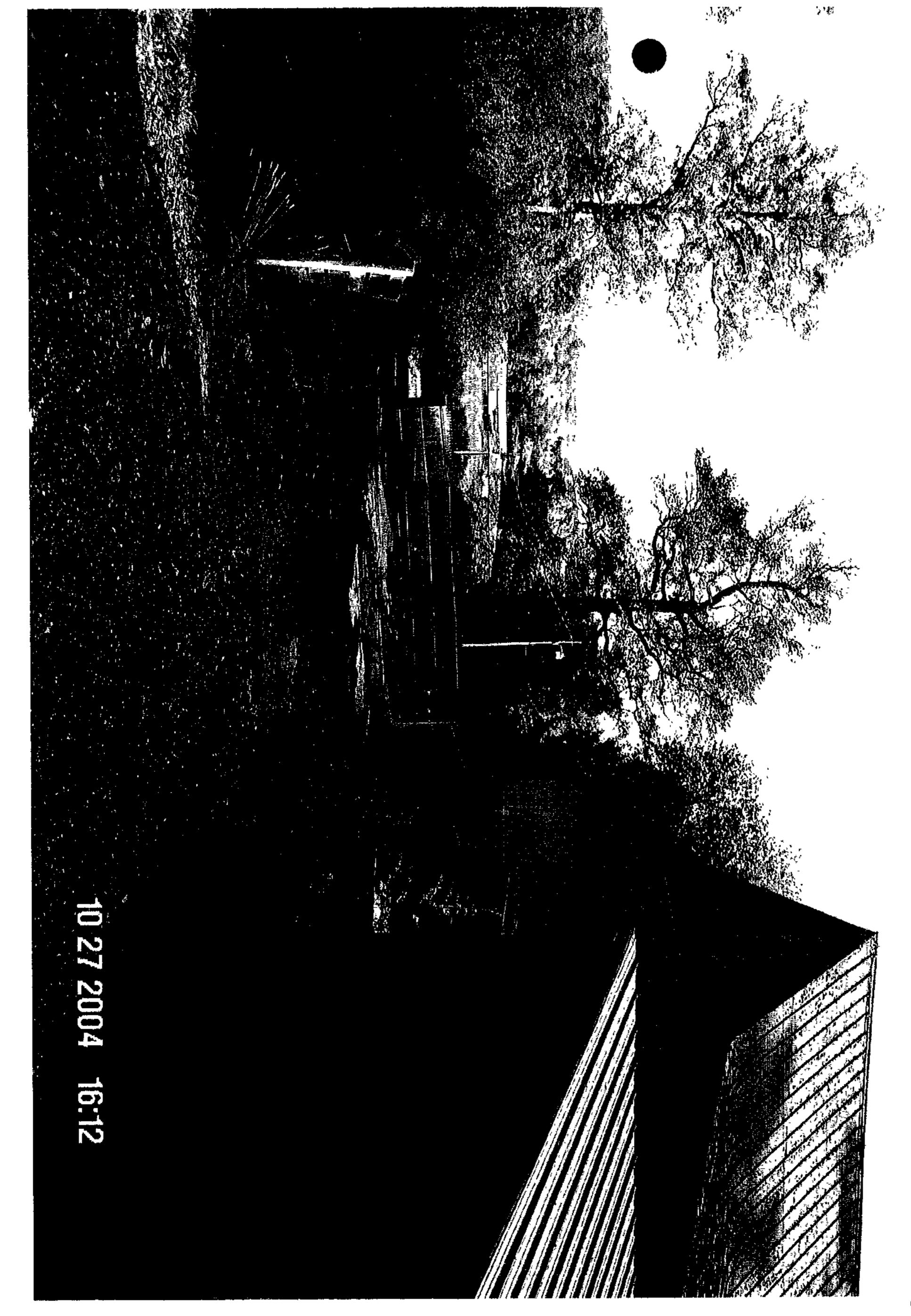














Blenheim Fields Farm and Vineyard 3330 Blenheim Road Phoenix, Maryland 21131

November 1, 2004

To whom it may concern:

My name is Douglas Oakley, owner of 3330 Blenheim Road, Phoenix Maryland 21131. Part of my property is adjacent to Steve Smith, 3400 Blenheim Road. I have had the pleasure of knowing Steve for over three years. He is a hard working and honest person. I support Steve in his effort to re-zone his property. Please feel free to call me if you have any questions or concerns.

Sincerely,

Douglas Oakley

Called towards



