

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
<u>MINT MEADOWS LLC, ET AL -LEGAL</u>	*	COUNTY BOARD OF APPEALS
<u>OWNERS; HEIDI S. KRAUS -C.P. FOR</u>		
RECLASSIFICATION FROM R.C. 2 AND R.C. 7	*	OF
TO R.C. 4 AND R.C. 5 ON PROPERTY		
LOCATED ON THE SW/S YORK RD, OPPO-	*	BALTIMORE COUNTY
SITE SPARKS RD AND LOWER GLENCOE RD		
(APPROX. 100 ACRES)	*	Case No. R-05-340
		Out-of-Cycle, 2005
8 TH ELECTION DISTRICT	*	
3 RD COUNCILMANIC DISTRICT		

* * * * *

OPINION

This matter came before the Board on February 9, 2005 as a request by Petitioners to reclassify some 100 acres on the south side of Belfast Road, west of York Road (known as the "Merryman Property") from R.C. 2 and R.C. 7 to its previous status as R.C. 4 and R.C. 5, respectively.

The Petitioners were represented by Jeffrey H. Scherr, Esquire, and Mindy Caplan, Esquire. The Petitioners are Mint Meadows, LLC (the Merryman Family) and the Contract Purchaser, Heidi Krauss.

Witnesses presented by the Petitioners included G. Dwight Little, Jr., who was accepted after *voire dire* as an expert witness in land planning, land use, and zoning; Petitioner, Katherine Voss; Steven Edelon, realtor for the property; William P. Hughey, Area Planner for the Third Councilmanic District; and George P. McCeney, representing the Greater Sparks Glencoe Community Council (hereinafter "Community Council"), under authority of appropriate "Rule 8" documents.

By letter dated February 3, 2005 to the Board, which was entered into the record, Peter Max Zimmerman, People's Counsel for Baltimore County, submitted on the record.

The situation herein is both simple and clear cut. The subject property, owned by the Merryman Family for many years, was the subject of a Declaration of Restrictive Covenants (Petitioner's Exhibit #2) in which the then zoning classifications applicable to the property, R.C. 4 and R.C. 5, allowed development of a maximum of 35 lots or dwellings. The covenants entered into on October 10, 2000 and recorded among the Land Records of Baltimore County reduced the permitted development, by agreement between the owners and the Sparks Glencoe Community Council, to five lots. Based upon this agreement, the zoning remained unchanged.

As the 2004 comprehensive zoning process approached, the Petitioners, desirous of entering into a contract with Heidi Krauss, approached the Community Council and offered to reduce to two the developable lots on the subject property and donate the remaining 33 sites to the Maryland Environmental Trust. In order to facilitate this proposal, they asked for the agreement of the Community Council, which entailed the release by them of the covenants of October 10, 2000.

The Community Council agreed. At this time, the parties discovered that the land in question was listed for rezoning as part of Issue 3-112 of the 2004 Comprehensive Zoning Map Process to R.C. 2 and R.C. 7. Councilman Bryan McIntire's office was contacted, the circumstances explained, and a commitment was given by him to remove this site from the Issue and allow the existing zoning to remain so that the proposal for the two lots, and the 33 Trust lots, could be carried out. Councilman McIntire's agreement and intention to do so was later confirmed by him personally.

Unfortunately, inadvertent events sometimes happen when a tremendous administrative task, such as the 4-year cyclical maps occurs. In this case, in spite of the agreement and intentions of all concerned, the site was not removed from the Issue, and the R.C. 2 and R.C. 7 change occurred.

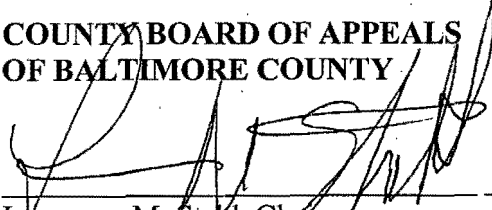
This Board finds that, in fact, it was the intention of all parties, including the Sparks-Glencoe Community Council, Councilman McIntire, the Petitioners, the Contract Purchaser, and the Community Planner, that the new zoning should not have occurred. Moreover, based upon the testimony and evidence submitted at hearing, we find unanimously that the requested reclassification to its previous R.C. 4 and R.C. 5 status meets all requirements of § 32-3-510 of the *Baltimore County Code* as to the establishment of obvious error and its appropriateness and conformance with the factors of public facilities, compatibility, and consistency under subsection (a)(2)(i) through (v); and subsection (d)(1) contained therein.

ORDER

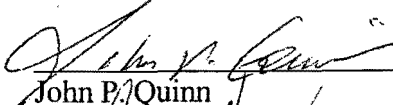
THEREFORE, IT IS ORDERED, this 16th day of February, 2005, by the County Board of Appeals of Baltimore County that the Petition for Reclassification to rezone the subject property from R.C. 2 and R.C. 7 to R.C. 4 and R.C. 5 as shown on Petitioner's Exhibit #1 in Case No. R-05-340 be and the same is hereby **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

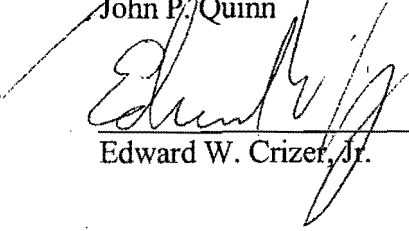
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence M. Stahl, Chairman



John P. Quinn

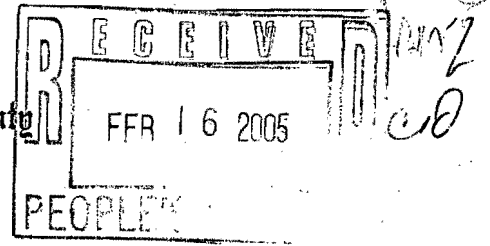


Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

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



Jeffrey H. Scherr, Esquire
Mindy L. Caplan, Esquire
KRAMON & GRAHAM, P.A.
One South Street, Suite 2600
Baltimore, MD 21202-3201

February 16, 2005

RE: *In the Matter of: Mint Meadows, LLC (Merryman
Property); Heidi S. Krauss – C.P.*
Case No. R-05-340

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules of Procedure*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Mint Meadows, LLC /
Katherine M. Voss
Anne W. Merryman
Heidi S. Krauss
G. Dwight Little, P.E.
Carol Saffran-Brinks
Asst. County Attorney /Bd of Ed
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Jeffrey Long, Deputy Planning Director
William J. Wiseman III /Zoning Commissioner
W. Carl Richards /PDM
Timothy M. Kotroco, Director /PDM
Baltimore County Council (3rd District)
Jay L. Liner, County Attorney



IN THE MATTER OF:
MERRYMAN PROPERTY
ZONING RECLASSIFICATION
Belfast and York Road
3rd Councilmanic District

Property Owners/Petitioners

* BEFORE THE
* BALTIMORE COUNTY
* BOARD OF APPEALS

* Case No. 05-340-R

* * * * *

**BRIEF IN SUPPORT OF PETITION FOR
ZONING RECLASSIFICATION**

Mint Meadows, LLC, Ann W. Merryman, Josephine Murray, The Estate of Josephine Van Ness, and Pitt McLane Merryman (collectively, the "Property Owners"), by their undersigned counsel, submit this Brief in support of their Petition for Reclassification of the approximately 100 acres on the south side of Belfast Road, west of York Road (the "Merryman Property").

I. Procedural History

On October 26, 2004, the Property Owners requested that the Baltimore County Planning Board consider their out-of-cycle petition to reclassify the Merryman Property. See October 26, 2004 letter from Jeffrey H. Scherr, Esquire, attached hereto as Exhibit A. On November 18, 2004, pursuant to § 32-3-509 of the Baltimore County Code, the Planning Board approved the Property Owners' request and certified to the Baltimore County Council that "expedited out-of-cycle action on a zoning petition for reclassification of the [Merryman Property] . . . is 'manifestly required in the public interest.'" See November 19, 2004 letter from Jeffrey W. Long, attached hereto as Exhibit

B. On December 6, 2004, the County Council passed a resolution approving the Property Owners' request to consider the Property Owners' out-of-cycle petition for reclassification. See [County Council's Resolution], attached hereto as Exhibit C.

Accordingly, the matter is now properly before the Baltimore County Board of Appeals.

II. Zoning Status of the Merryman Property

Before August 31, 2004, the Merryman Property was zoned RC-4 and RC-5. On August 31, 2004, as part of Issue No. 3-112 in the Baltimore County 2004 Comprehensive Zoning Map Process, the Merryman Property was rezoned as RC-2 and RC-7.

III. The Last Classification of the Merryman Property was Established in Error

The Baltimore County Council did not intend to change the zoning status of the Merryman Property at its August 31, 2004 vote. Indeed, immediately before the August 31, 2004 Council vote, Councilman T. Bryan McIntire left a voicemail message for the Property Owners stating that he was not going to change the zoning on the Merryman Property. This confirmed other conversations he had with the Property Owners' representative wherein he made the same statement. Councilman McIntire further stated in the phone message that he understood (correctly) that the majority of the development rights were to be donated to the Maryland Environmental Trust, for which he commended the Property Owners.

Despite the express intention not to change the zoning, the Merryman Property was inadvertently lumped together with the other properties that composed Issue No. 3-112, and was re-zoned as RC-2 and RC-7 by the County Council's vote. Specifically, the property previously zoned RC-4 was changed to RC-7 and the property previously zoned RC-5 was changed to RC-2. Councilman McIntire acknowledges the voicemail message and the error in the rezoning of the Merryman Property. See November 18, 2004 letter from T. Bryan McIntire, attached hereto as Exhibit D.

IV. The Requested Reclassification is Warranted Based on a Consideration of the Purposes of the Baltimore County Zoning Regulations

Because of Councilman McIntire's advise that the Merryman Property's zoning would not change, the Property Owners reached agreement with the Greater Sparks-Glencoe Community Council (the "Community Association") that, in order to facilitate the goal of limiting development of the Merryman Property, the Merryman Property would be released from a Declaration of Restrictive Covenants dated October 10, 2000, a copy of which is attached hereto as Exhibit E, and all but two of the development rights attendant to the Merryman Property would be donated to the Maryland Environmental Trust, thereby assuring no further development of the Merryman Property. If the Merryman Property remains zoned as RC-2 and RC-7, the agreement with the Community Association will not be effectuated. In addition, the agreements to facilitate the disposition of the land and donation of the development rights will not be effectuated.

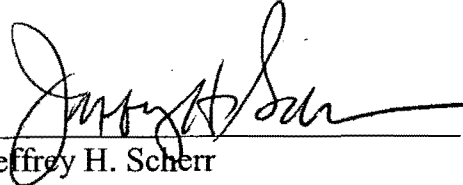
Reclassifying the Merryman Property as RC-4 and RC-5 will not undermine the overall purposes of the zoning regulations, which are to limit development and protect the environment. The reasons for having property zoned as RC-7 are to protect the environment and to maintain the unique character of rural areas by preserving their natural resources. In addition, RC-2 zoning was established to foster conditions favorable to continued agricultural use of the productive agricultural areas by preventing incompatible forms and degrees of urban uses. These goals may still be achieved if the zoning of the Merryman Property is changed back to RC-4 and RC-5.

The purpose of having property zoned as RC-4 is to protect the water supplies of metropolitan Baltimore by preventing contamination through unsuitable types or levels of development in their watersheds. Similarly, reasons for zoning property as RC-5 include assuring that encroachments onto productive or critical natural resource areas will be minimized, and eliminating scattered and disorderly patterns of rural-residential development. Because with the previously existing zoning, there will be a plan effectuated so that all but two developmental rights will be donated to the Maryland Environmental Trust, the Merryman Property will not be developed for urban use. Accordingly, the environment will be protected and development will be limited if the Merryman Property is rezoned as RC-4 and RC-5.

V. **Conclusion**

For the foregoing reasons, the Property Owners respectfully request that the Merryman Property be rezoned as RC-4 and RC-5.

Respectfully submitted,



Jeffrey H. Scherr
Mindy L. Caplan
KRAMON & GRAHAM, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202-3201
(410) 752-6030
(410) 539-1269 (facsimile)

Attorneys for Mint Meadows, LLC,
Ann W. Merryman, Josephine Murray,
The Estate of Josephine Van Ness, and
Pitt McLane Merryman

Date: December 7, 2004.



Petition for Reclassification

to the Board of Appeals of Baltimore County
for the property located at South of Belfast Road, West of York Road
which is presently zoned/districted RC-2 and RC-7

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition: (1) that the zoning/district status of the herein described property be reclassified, pursuant to the zoning law of Baltimore County from a RC-2/RC-7 zone/district to a RC-4/RC-5 zone/district, for the reasons given in the attached and as shown on the Plan to accompany this Petition.

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

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

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:

Heidi S. Krauss

Name - Type or Print

Signature

24 Sagewood Court

Address

(410) 935-6881

Telephone No.

Sparks

Maryland

21152

City

State

Zip Code

* Contract purchaser of approximately 39.34 acres.

Attorney for Petitioner:

Jeffrey H. Scherr and Mindy L. Caplan

Name - Type or Print

Signature

Kramon & Graham, P.A.

Company

One South Street, Suite 2600 (410) 752-6030

Address

Telephone No.

Baltimore

Maryland

21202-3201

City

State

Zip Code

Legal Owner(s):

See Attached Signature Pages

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Dwight Little, Little & Associates, Inc.

Name - Type or Print

1055 Taylor Avenue, Suite 307, (410) 296-1636

Address

Telephone No.

Towson

Maryland

21286

City

State

Zip Code

OK to file
1/6/05
UCR/DT



Petition for Reclassification

to the Board of Appeals of Baltimore County
for the property located at South of Belfast Road, West of York Road
which is presently zoned/districted RC-2 and RC-7

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Address Telephone No.

Sparks Maryland 21152
City State Zip Code

* Contract purchaser of approximately 39.34 acres.

Attorney for Petitioner:

Jeffrey H. Scherr and Mindy L. Caplan

Name - Type or Print

Signature

Kramon & Graham, P.A.
Company

One South Street, Suite 2600 (410) 752-6030
Address Telephone No.

Baltimore Maryland 21202-3201
City State Zip Code

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See Attached Signature Pages

Name - Type or Print

Signature

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City State Zip Code

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Dwight Little, Little & Associates, Inc.

Name - Type or Print

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Address Telephone No.

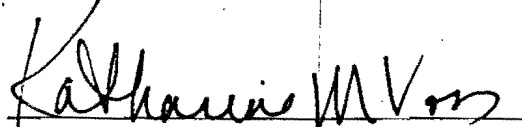
Towson Maryland 21286
City State Zip Code

OK to file
1/6/05
UCR/DT

We solemnly declare and affirm, under the penalties of perjury, that we are the legal owners of the property which is the subject of this Petition.

Legal Owners:

MINT MEADOWS, LLC



By: Katharine Voss
Title: Managing Member
1975 McKendree Road
West Friendship, MD 21794
(410) 880-4734
Date: 11/6/04

ANNE W. MERRYMAN

See Signature Page 3

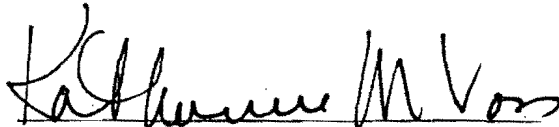
15128 Wheeler Lane
Sparks, Maryland 21152
(410) 771-4205
Date: _____

ESTATE OF JOSEPHINE VAN NESS

See Signature Page 2

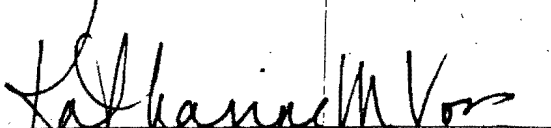
By: Kenneth W.E. Berry
Title: Personal Representative
Studio Instrument Rentals
6465 Sunset Boulevard
Los Angeles, California 90028
(323) 957-5460
Date: _____

JOSEPHINE MURRAY



By: Katharine M. Voss
Title: Power of Attorney
1975 McKendree Road
West Friendship, MD 21794
(410) 880-4734
Date: 11/6/04

PITT McLANE MERRYMAN



By: Katharine M. Voss
Title: Power of Attorney
1975 McKendree Road
West Friendship, MD 21794
(410) 880-4734
Date: 11/6/04

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Legal Owners:

MINT MEADOWS, LLC

See Signature Page 1

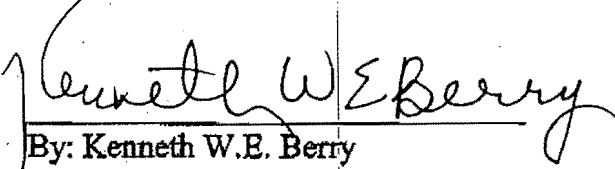
By: Katherine Voss
Title: Managing Member
1975 McKendree Road
West Friendship, MD 21794
(410) 880-4734
Date: _____

ANN W. MERRYMAN

See Signature Page 3

15128 Wheeler Lane
Sparks, Maryland 21152
(410) 771-4205
Date: _____

ESTATE OF JOSEPHINE VAN NESS


By: Kenneth W.E. Berry
Title: Personal Representative
Studio Instrument Rentals
6465 Sunset Boulevard
Los Angeles, California 90028
(323) 957-5460
Date: 11/17/04

JOSEPHINE MURRAY

See Signature Page 1

By: Katharine M. Voss
Title: Power of Attorney
1975 McKendree Road
West Friendship, MD 21794
(410) 880-4734
Date: _____

PITT McLANE MERRYMAN

See Signature Page 1

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Title: Power of Attorney
1975 McKendree Road
West Friendship, MD 21794
(410) 880-4734
Date: _____

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Legal Owners:

MINT MEADOWS, LLC

See Signature Page 1

By: Katherine Voss
Title: Managing Member
1975 McKendree Road
West Friendship, MD 21794
(410) 880-4734
Date: _____

ANN W. MERRYMAN



15128 Wheeler Lane
Sparks, Maryland 21152
(410) 771-4205
Date: 11/20/04

ESTATE OF JOSEPHINE VAN NESS

See Signature Page 2

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Studio Instrument Rentals
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Date: _____

JOSEPHINE MURRAY

See Signature Page 1

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1975 McKendree Road
West Friendship, MD 21794
(410) 880-4734
Date: _____

PITT McLANE MERRYMAN

See Signature Page 1

By: Katharine M. Voss
Title: Power of Attorney
1975 McKendree Road
West Friendship, MD 21794
(410) 880-4734
Date: _____

SPECIAL POWER OF ATTORNEY

I, JOSEPHINE MURRAY, of 2449 Hiawatha Drive, Albuquerque, New Mexico 87112, do hereby execute this Special Power of Attorney with the intention that the attorney-in-fact hereinafter named shall be able to act in my name, place and stead for the purpose of rezoning and selling those two parcels of land located at 15112 York Road, Baltimore County, Maryland, Tax Map 34, Parcel 86, (Property Tax ID Numbers 08-0813040650 (containing 52.243+/- acres) and 08-0813040651 (containing 48+/- acres)) (the "Property").

SECTION 1. Designation of Attorney.

I constitute and appoint KATHARINE M. VOSS, to be my attorney-in-fact to act for me, in my name, and in my place and stead to take any and all actions necessary to rezone and sell the Property.

SECTION 2. Effective Date of Special Power of Attorney.

2.01. This Special Power of Attorney shall be effective as of the date of execution by me.

2.02. This Special Power of Attorney shall not be affected by my disability, it being my specific intention that my attorney-in-fact shall continue to act as such even though I may not be competent to ratify the actions of my attorney-in-fact.

SECTION 3. Powers.

3.01. My attorney-in-fact shall have the power to rezone and sell the Property.

3.02. My attorney-in-fact shall have the power to perform all acts incident to the rezoning and sale of the Property, including, but not limited to, the following acts:

a. signing all documents, including but not limited to, correspondence, petitions, pleadings, and appeals filed or submitted to the Baltimore County Planning Board, Baltimore County Zoning Office, Baltimore County Council, Circuit Court for Baltimore County, or any other agency or court, to obtain a beneficial zoning of the Property;

b. entering into negotiations for a sale of the Property;

- c. entering into a contract for the sale of the Property;
- d. executing a deed and any other instruments conveying my interest in the Property;
- e. executing and negotiating checks utilized in the course of consummating such transaction;
- f. subscribing to any and all other documents necessary to consummate the sale of said Property;
- g. approving of any and all settlement sheets and other documents of itemization, the approval of which is necessary to consummate said transaction;
- h. accepting notice as and if required by municipal, State or federal law to be provided by any party in order for the said transaction to be consummated;
- i. taking any and all other acts and endorsing any and all other documents necessary to the consummation of said transaction.

3.03. My attorney-in-fact may act in all matters with respect to all powers described herein as freely, fully, and effectively as I could or might do personally if present and of sound and disposing mind.

3.04. All powers described herein shall be exercisable by my attorney-in-fact and by any successor thereto. My attorney-in-fact shall not be required to apply to any court for authority, approval or ratification of the exercise of said powers.

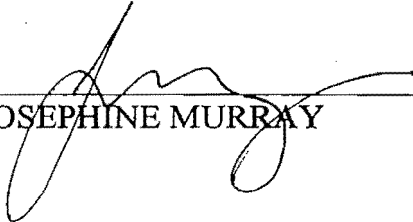
SECTION 4. Ratification; Use of Photocopy; Revocation of Prior Powers.

4.01. I hereby ratify, allow, acknowledge, and hold firm and valid all acts heretofore or hereafter taken by my attorney-in-fact in connection with the rezoning or sale of the Property.

4.02. I hereby authorize the use of a photocopy of this Special Power of Attorney, in lieu of the original copy executed by me, for the purpose of effectuating the terms and provisions hereof, provided such photocopy shall be certified as a true and correct copy of the original by a Notary Public.

4.03. I do not intend in any way in this instrument to affect, modify or terminate any general, special, restricted or limited power or powers of attorney I previously may have granted.

AS WITNESS my hand and seal this 27 day of October, 2004.



JOSEPHINE MURRAY

STATE OF New Mexico

)

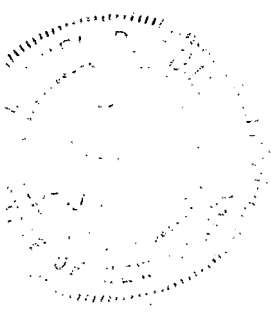
) ss:

CITY/COUNTY OF Bernalillo

)

I hereby certify, that on this 27th day of October, 2004, before me, the undersigned, a Notary Public of the State and local jurisdiction aforesaid, personally appeared JOSEPHINE MURRAY, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

In witness whereof, I hereunto set my Hand and Official Seal.




Notary Public

My Commission Expires: 04/01/2006

November 17, 2004

ZONING DESCRIPTION FOR MINT MEADOWS

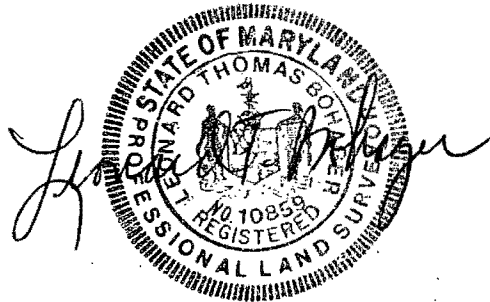
Beginning at a point in the center of York Road, 66 feet wide, where it is intersected by the center of Belfast Road of undetermined width; thence

- (1) South 21 degrees 13 minutes 51 seconds East 190.11 feet;
- (2) North 88 degrees 05 minutes 09 seconds East 34.97 feet;
- (3) South 21 degrees 13 minutes 51 seconds East 657.00 feet;
- (4) South 54 degrees 36 minutes 09 seconds West 10.83 feet;
- (5) South 04 degrees 17 minutes 59 seconds East 244.61 feet;
- (6) North 51 degrees 54 minutes 26 seconds West 133.97 feet;
- (7) North 57 degrees 03 minutes 48 seconds West 57.68 feet;
- (8) South 83 degrees 40 minutes 39 seconds West 36.61 feet;
- (9) South 48 degrees 48 minutes 09 seconds West 37.83 feet;
- (10) South 28 degrees 01 minutes 38 seconds West 45.69 feet;
- (11) South 66 degrees 06 minutes 20 seconds West 49.46 feet;
- (12) South 44 degrees 27 minutes 31 seconds West 83.26 feet;
- (13) South 69 degrees 03 minutes 43 seconds West 39.60 feet;
- (14) North 50 degrees 47 minutes 56 seconds West 63.27 feet;
- (15) North 66 degrees 27 minutes 40 seconds West 64.34 feet;
- (16) North 86 degrees 30 minutes 20 seconds West 77.96 feet;
- (17) North 51 degrees 58 minutes 04 seconds West 47.93 feet;
- (18) North 80 degrees 57 minutes 44 seconds West 79.49 feet;
- (19) South 66 degrees 59 minutes 49 seconds West 132.26 feet;
- (20) South 15 degrees 14 minutes 00 seconds West 35.53 feet;
- (21) South 39 degrees 51 minutes 40 seconds East 1001.17 feet;
- (22) North 73 degrees 49 minutes 50 seconds East 369.33 feet;
- (23) South 16 degrees 25 minutes 26 seconds East 316.64 feet;
- (24) South 58 degrees 36 minutes 14 seconds West 232.47 feet;
- (25) North 37 degrees 23 minutes 46 seconds West 25.50 feet;
- (26) North 59 degrees 01 minutes 14 seconds East 166.75 feet;
- (27) North 38 degrees 34 minutes 46 seconds West 135.00 feet;
- (28) South 56 degrees 42 minutes 14 seconds West 163.50 feet;
- (29) North 37 degrees 23 minutes 46 seconds West 72.58 feet;
- (30) South 63 degrees 32 minutes 14 seconds West 408.00 feet;
- (31) South 09 degrees 33 minutes 46 seconds East 156.11 feet;
- (32) South 85 degrees 43 minutes 55 seconds East 211.16 feet;
- (33) North 57 degrees 10 minutes 05 seconds East 111.38 feet;
- (34) South 21 degrees 55 minutes 13 seconds West 467.78 feet;
- (35) South 67 degrees 26 minutes 55 seconds West 896.17 feet;
- (36) North 26 degrees 13 minutes 59 seconds West 633.04 feet;
- (37) North 27 degrees 00 minutes 23 seconds West 1657.13 feet;
- (38) North 26 degrees 00 minutes 33 seconds West 495.55 feet;
- (39) North 70 degrees 00 minutes 27 seconds East 341.91 feet;

05-340-R

- (40) North 85 degrees 09 minutes 16 seconds East 255.01 feet;
- (41) North 00 degrees 57 minutes 44 seconds West 305.72 feet;
- (42) South 68 degrees 56 minutes 45 seconds East 53.93 feet;
- (43) South 00 degrees 57 minutes 44 seconds East 224.06 feet;
- (44) South 87 degrees 23 minutes 44 seconds East 202.00 feet;
- (45) North 00 degrees 57 minutes 44 seconds West 204.56 feet;
- (46) South 86 degrees 56 minutes 13 seconds East 229.94 feet;
- (47) North 86 degrees 04 minutes 24 seconds East 100.00 feet;
- (48) North 72 degrees 54 minutes 30 seconds East 317.75 feet;
- (49) North 70 degrees 18 minutes 41 seconds East 160.42 feet;
- (50) North 73 degrees 35 minutes 15 seconds East 100.00 feet;
- (51) North 82 degrees 50 minutes 15 seconds East 100.00 feet; and
- (52) South 82 degrees 01 minutes 09 seconds East 199.55 feet to the place of beginning.

Being those two parcels of land described in Deed Liber S.M. 20462 folio 577 containing a total of 97.469 acres. Also known as 15112 York Road and located in the 8th Election District, 3rd Councilmanic District.



05-340-R



County Board of Appeals of Baltimore County

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

January 13, 2005

*cd
well known*

NOTICE OF ZONING RECLASSIFICATION HEARING

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

CASE NUMBER: R-05-340

S/W side of York Road opposite Sparks Road and lower Glencoe Road
8th Election District - 3rd Councilmanic District

Legal Owner: Mint Meadows, LLC et. al. by Katharine M. Voss

Contract Purchaser: Heidi S. Krauss

Reclassification from RC-2 and RC-7 to RC-4 and RC-5.

Hearing: Wednesday, February 9, 2005 at 10:00 a.m. in Room 49, Old Courthouse,
400 Washington Avenue, Towson 21204

Lawrence M. Stahl / Heidi M. Krauss

Lawrence M. Stahl
Chairman

WCR/klm

C: Timothy Kotroco, Director/PDM
Board Of Appeals

Jeffrey Scherr/Mindy Caplan, One South St., Ste. 2600, Baltimore 21202-3201

Katharine Voss, 1975 McKendree Rd., West Friendship 21794

Heidi Krauss, 24 Sagewood Court, Sparks 21152

Dwight Little, 1055 Taylor Ave., Ste. 307, Towson 21286

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

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



Pete/Carole

~~Carole~~

draft letter

We have an conflict!

Antwerpen is scheduled

15 CtoF Sp. App. same day

Rebecca



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

February 3, 2005

Lawrence M. Stahl, Chairman
County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

RECEIVED
FEB 03 2005

**BALTIMORE COUNTY
BOARD OF APPEALS**

Re: PETITION FOR RECLASSIFICATION
SW/side York Road opposite Sparks Road and lower Glencoe Road
8th Election District; 3rd Council District
Mint Meadows, LLC et al by Katherine M. Voss, Legal Owner
& Heidi S. Krauss, Contract Purchaser - Petitioners
Case No.: R-05-340

Dear Chairman Stahl:

Our office has reviewed this reclassification case scheduled for hearing on February 9, 2005. The site consists of approximately 100 acres located south of Belfast Road and west of York Road in northern Baltimore County. The Petition states the site was split-zoned R.C. 4 and R.C.5 prior to the 2004 Comprehensive Zoning Map Process. Apparently, in the 2004 Comprehensive Zoning Map Process, the site was included in Issue 3-112, involving 219 acres, which were rezoned to R.C. 2 and R.C.7. Petitioner alleges the site should not have been rezoned, but should have remained R.C.4/R.C.5.

Our office entered its appearance on January 21, 2005 and we wish to remain a party in the case. We intend to submit on the record in this matter with the understanding that the Petitioner has the burden of proof. As the Board is aware, the Petitioner must prove "that the last classification of the property was established in error." The Petitioner must also show that the "prospective reclassification of the property is warranted based on a consideration of the purposes of the Baltimore County Zoning Regulations and maps . . ." See BCC 32-3-510(a)(1)(ii)(2)(i) - (v).

Lawrence M. Stahl, Chairman
February 3, 2005
Page 2

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

A handwritten signature in cursive script that reads "Carole S. Demilio".

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Jeffrey H. Scherr, Esquire
Mindy L. Caplan, Esquire

**Department of Permits and
Development Management**

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



cd
Baltimore County

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

February 4, 2005

Jeffrey Scherr
Mindy Caplan
Kramon & Graham
One South Street, Ste. 2600
Baltimore, Maryland 21202-3201

Dear Mr. Scherr and Ms. Caplan:

RE: Case Number: 05-340-R

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 6, 2005.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Heidi S. Krauss 24 Sagewood Court Sparks 21152
Dwight Little, Little & Assoc. 1055 Taylor Avenue, Ste. 307 Towson 21286
Katherine Voss 1975 McKendree Road West Friendship 21794
Kenneth W.E. Berry 6465 Sunset Blvd. Los Angeles CA 90028

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



Fire Department

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



Baltimore County

- 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

January 16, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 24, 2005

Item No.: 334-336, 338-344, 346

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

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



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

Maryland Department of Transportation

Date: 1.19.05

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

RE: Baltimore County
Item No. 340

Case No: R-05-340

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr
R. Bruce Seeley *RBS*
DEPRM

DATE: February 2, 2005

SUBJECT: Zoning Item # 05-340 (Mint Meadows)
Address SW/side York Road opposite Sparks Road and Lower
Glencoe Road

Zoning Advisory Committee Meeting of January 18, 2005.

The Department of Environmental Protection and Resource Management recommends **DENIAL** of the requested Zoning Reclassification for the following reasons:

Agricultural Preservation --

This property is located within a Master Plan Agricultural Preservation Area (p233). The site is bisected by Piney Creek, which is a tributary to the Gunpowder Falls and ultimately the Loch Raven Reservoir. For these reasons, RC-2 is the most appropriate zone for the agricultural area and RC-7 is the most suitable for the remainder because it provides greater protection of the Reservoir than the RC-4 Zoning Classification. Changes to RC-5 and RC-4 zones would be improper for the protection of the natural resources of the site and inconsistent with efforts to protect the Metropolitan Water Supply for residents of both Baltimore County and Baltimore City.

Environmental Impact Review --

The property contains significant environmental resources, both riparian and forest. A major tributary of the Gunpowder Falls runs through this property separating forest from farm fields. The floodplain associated with this tributary contains streams and wetlands. The forest onsite contains slopes greater than 25% (thus designated as Steep Slopes), which presents access issues to the south side of the property. Large portions of this property are required to be designated as Forest Buffer Easement and/or Forest Conservation Easement as part of any development proposal.

Therefore, the Environmental Impact Review section of this Department cannot support the recommendation to change the current zoning.

Reviewers: Wally Lippincott, David Lykens

Date: February 2, 2005

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr
R. Bruce Seeley *ROS*
DEPRM

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Reviewers: Wally Lippincott, David Lykens

Date: February 2, 2005

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: January 25, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For January 24, 2005
Out-of-Cycle Open (undocumented)
Zoning Reclassification Petition
Case Number R-05-340
Legal Owner: Mint Meadows, LLC et. al.
Contract Purchaser: Heidi S. Krauss
Address/Description: SW/side York Road
Opposite Sparks Road and Lower
Glencoe Road
8th Election District; 3rd Councilmanic
District

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 RECLASSIFICATION
SW/side York Road opposite Sparks Road and lower Glencoe
Road
8th Election District, 3rd Councilmanic District

Legal Owner: Mint Meadows, LLC et al.
by Katherine M. Voss

Contract Purchaser(s): Heidi S. Krauss

Petitioner(s)

* BEFORE THE
* COUNTY BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No. R-05-340

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent and all 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 January, 2005 a copy of the foregoing Entry of Appearance was mailed Jeffrey H. Scherr, Esquire, and Mindy L. Caplan, Esquire, Kramon & Graham, 1 South Street, Suite 2600, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED
JAN 21 2005

BALTIMORE COUNTY
BOARD OF APPEALS

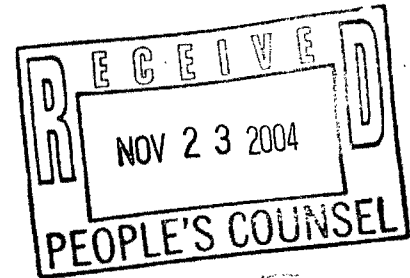
Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

cd
P.M.C.

November 19, 2004



The Honorable S.G. Samuel Moxley
Chairman, Baltimore County Council
Baltimore County Courthouse
400 Washington Avenue, Suite 205
Towson, MD 21204

Re: Exemption from Cyclical Procedure -
Property at Belfast and York Roads, Sparks,
The "Merryman" property

Dear Councilman Moxley:

At a regularly scheduled meeting on November 18, 2004, the Baltimore County Planning Board voted, in accordance with Section 32-3-516 of the County Code, to certify to the County Council that expedited out-of-cycle action on a zoning petition for reclassification of the subject property at Belfast and York Roads is "manifestly required in the public interest".

Enclosed is the letter on this matter by the Office of Planning, as accepted by the Planning Board, as well as the property owner's letter from counsel. The Planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,


Jeffrey W. Long
Deputy Director

JWL:cbh
Enclosures

c: Members, Baltimore County Council
Dr. Anthony Marchione, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Brian Rowe, County Auditor
Jay Liner, County Attorney
Lawrence Westcott, Chairman, Board of Appeals
Peter M. Zimmerman, People's Counsel
Tim Kotroco, Director, Permits & Development Management
Jeff Scherr, Petitioner's Attorney

Office of Planning

401 Bosley Avenue, Suite 406
Towson, Maryland 21204
Tel: 410-887-3211 • Fax: 410-887-5862
E-mail: planning@co.ba.md.us



Baltimore County

James T. Smith, Jr., County Executive
Arnold F. 'Pat' Keller, III, Director

Date: October 26, 2004

To: Baltimore County Planning Board

From: Jeffrey W. Long

Re: Exemption from Cyclical Procedure-Belfast and York Road Property-
The Merryman Property

The attached letter requests certification by the Planning Board for out-of-cycle action on a zoning petition for reclassification of the subject property.

Section 2-356(i) of the Baltimore County Code authorizes the Planning Board to certify to the County Council that expedited scheduling of a reclassification hearing by the Board of Appeals "is manifestly required in the public interest or because of an emergency." Neither the certification by the Planning Board nor a concurrence by the County Council would constitute an opinion on the merits of the petition; the effect is simply to take the petition out of the normal cycle zoning schedule for an earlier hearing.

The subject request for certification has been reviewed by planning staff and without taking a position on the merits of the case, the Office of Planning recommends to the Planning Board that certification for early action upon this zoning reclassification petition is required.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey W. Long", is written over a horizontal line.

Jeffrey W. Long
Deputy Director

JL/jl
Attachment

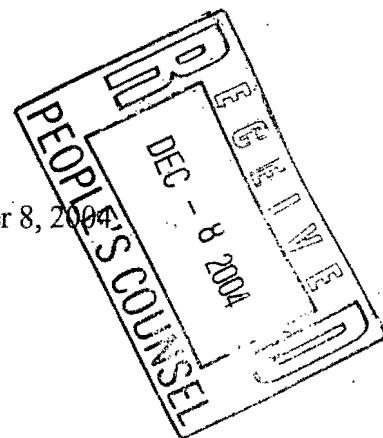
BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Carl Richards, Supervisor
Zoning Review Process, PDM

DATE: December 8, 2004

FROM: Kathleen C. Bianco
County Board of Appeals



SUBJECT: Out-of-Cycle Exemption

Request for Reclassification /Property located at Belfast and York Roads, Sparks
The Merryman Property 3rd Councilmanic District
Petition of Mint Meadows, LLC, et al, Owners
Approval by County Council December 6, 2004
Date for Hearing before the Board – February 9, 2005 at 10:00 a.m.

Pursuant to § 32-3-509(b), 2003 Baltimore County Code, the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Wednesday, February 9, 2005 at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its December 6, 2004 meeting (a copy of Resolution 130-04 is attached for your information and file).

In the past, Sophie would have been copied on this memorandum so that the necessary advertising and posting can be accomplished by your office and notices sent to the appropriate parties reflecting the hearing date of February 9, 2005.

Please let me know when the petition has actually been filed so we can obtain a copy of the appropriate paperwork for our interim file, and also please provide me with a case number when assigned for our records. In addition, we'll need a copy of the hearing notice when it's sent out from your office.

If you have any questions, please call me at extension 3180.

Attachment

c: Timothy M. Kotroco, Director /PDM
Pat Keller, Planning Director
Jeffrey Long, Deputy Planning Director
Office of People's Counsel
Jeffrey Scherr, Esquire /Counsel for Petitioner

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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Zoning Review Process, PDM

DATE: December 8, 2004

FROM: Kathleen C. Bianco
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption

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If you have any questions, please call me at extension 3180.

Attachment

c: Timothy M. Kotroco, Director /PDM
Pat Keller, Planning Director
Jeffrey Long, Deputy Planning Director
Office of People's Counsel
Jeffrey Scherr, Esquire /Counsel for Petitioner





County Council
of
Baltimore County

Court House
Towson, Maryland 21204

410-887-3196
Fax: 410-887-5791

S.G. Samuel Moxley
FIRST DISTRICT

Kevin Kamenetz
SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

Kenneth N. Oliver
FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder
SIXTH DISTRICT

John Olszewski, Sr.
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

RECEIVED

DEC 07 2004

BALTIMORE COUNTY
BOARD OF APPEALS

December 7, 2004

Lawrence Wescott, Chairman
Board of Appeals
Court House
400 Washington Avenue
Towson, Maryland 21204.

Dear Mr. Wescott:

Attached please find a copy of Resolution 130-04 to approve the Planning Board's certification that the zoning reclassification petition filed by Mint Meadows, LLC, et al for the property located at Belfast road and York Road (the Merryman Property) and situated in the Third Councilmanic District, should be exempted from the regular cyclical procedure of Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003, as amended.

This Resolution was passed by the County Council at its December 6, 2004 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2004, Legislative Day No. 23

Resolution No. 130-04

Mr. T. Bryan McIntire, Councilman

By the County Council, December 6, 2004

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed by Mint Meadows, LLC, et al for the property located at Belfast Road and York Road (the Merryman Property) and situated in the Third Councilmanic District, should be exempted from the regular cyclical procedure of Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003, as amended.

WHEREAS, the Planning Board, by Resolution dated November 18, 2004, has certified that early action on the Petition for Zoning Reclassification filed by Mint Meadows, LLC, et al requesting a reclassification of the above described property is manifestly required in the public interest; and

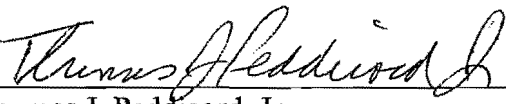
WHEREAS, the County Council of Baltimore County, in accordance with the provisions of Section 32-3-509, may approve said certification and exempt the Petition for Zoning Reclassification from the regular procedures of Article 32, Title 3, Subtitle 5.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the certification by the Planning Board that early action on the zoning reclassification petition filed by Mint Meadows, LLC, et al is manifestly required in the public interest, be and the same is hereby approved; and

BE IT FURTHER RESOLVED, that the Board of Appeals shall schedule a public hearing on said Petition in accordance with Section 32-3-509(b) of the Baltimore County Code.

READ AND PASSED this **6TH** day of **DECEMBER**, 2004.

BY ORDER



Thomas J. Peddicord, Jr.
Secretary

ITEM: **RESOLUTION 130-04**

From: Kathleen Bianco
To: Richards, Carl
Date: 1/11/2005 2:14:22 PM
Subject: Out of Cycle Reclass - R-05-340

Carl:

I've received a courtesy copy of the reclassification petition filed by Jeffrey Scherr in the subject case (Mint Meadows /Merryman Property) (from Mindy Caplan).

Are we still a go for this on February 9th? Also, is the case number above correct?

And one further question: has the notice of hearing gone out from your office?

Call me when you get a minute. We usually get a copy of the entire package when it's been filed (so I have the same material you have on file for hearing) - and a copy of the notice of hearing what it's been sent out.

I want to be sure we're still on line with this and that everything's moving along toward the hearing on 2/09.

thanks.

kathi

Kathleen C. Bianco
County Board of Appeals
Room 49, Old Courthouse
Towson, MD 21204
410-887-3180
410-887-3182 (FAX)
kbianco@co.ba.md.us

FINAL

**BALTIMORE COUNTY COUNCIL AGENDA
LEGISLATIVE SESSION 2004, LEGISLATIVE DAY NO. 23
DECEMBER 6, 2004 7:00 P.M.**

**CEB = CURRENT EXPENSE BUDGET
BY REQ. = AT REQUEST OF COUNTY EXECUTIVE**

1. MOMENT OF SILENT MEDITATION
PLEDGE OF ALLEGIANCE TO THE FLAG
2. APPROVAL OF JOURNAL - November 15, 2004
3. ENROLLMENT OF BILLS - 108-04, 109-04, 110-04, 111-04, 112-04, 113-04 & 114-04
4. **INTRODUCTION OF BILLS**
Bill 123-04 - Mr. Moxley(By Req.) - CEB - Substance Abuse Prevention Grant Program
Bill 124-04 - Mr. Moxley(By Req.) - CEB - Trauma, Addictions, Mental Health and Recovery (TAMAR) Program
Bill 125-04 - Mr. Moxley(By Req.) - CEB - Department of Homeland Security - Law Enforcement Terrorism Prevention Program - Citizens Corps Program - Personnel Supplementation Program
Bill 126-04 - Mr. Moxley(By Req.) - CEB - Baltimore County Rail Exercise
Bill 127-04 - Mr. Moxley(By Req.) - CEB - Baltimore County Growing Home Campaign
Bill 128-04 - Mr. Moxley(By Req.) - CEB - Juvenile Drug Court - Bryne Grant Program
Bill 129-04 - Mr. Moxley(By Req.) - CEB - Commission on Disabilities Ridesharing Grant Program
Bill 130-04 - Mr. Moxley(By Req.) - CEB - Rural Residential Stewardship Initiative Program
Bill 131-04 - Mr. Kamenetz - Zoning Reclassification through Cycle Zoning
Bill 132-04 - Councilmembers Moxley, Kamenetz & McIntire - Zoning Regulations Definitions
Bill 133-04 - Mr. Gardina - Honeygo Area
Bill 134-04 - Mr. Gardina - Fire Prevention Code - Sprinkler System
5. **CALL OF BILLS FOR FINAL READING AND VOTE**
PASSED Bill 115-04 - Mr. Moxley(By Req.) - CEB - Earned Reinvestment Funds
PASSED Bill 116-04 - Mr. Moxley(By Req.) - CEB - Non-Profit Grants/Public Capital Improvements
PASSED Bill 117-04 - Mr. Moxley(By Req.) - CEB - Perinatal STD Prevention Program
PASSED Bill 118-04 - Mr. Moxley(By Req.) - Personnel Law of Baltimore County
PASSED Bill 119-04 - Mr. Moxley(By Req.) - CEB - Centers for Medicare and Medicaid for the Development of Community-Based Coalitions to Support Drug Care Awareness Program
PAM Bill 120-04 - Mr. Moxley(By Req.) & Cnclmbrs. Bartenfelder, Gardina, Oliver, Olszewski - Renaissance Redevelopment Pilot Program
6. **APPROVAL OF FISCAL MATTERS/CONTRACTS**
APPROVED 1. Agreement - Maryland Department of Housing and Community Development, Community Assistance Network - Weatherization Assistance Program
APPROVED 2. Contract of Sale - Bill G. & Niki Papageorgopoulos and George S. and Helen Conits - Honeygo Boulevard, Phase II
APPROVED 3. Amendment - Resources for Managers and Administrators, Inc. - Evaluation of Substance Abuse Prevention Programs and development of a Substance Abuse Strategic Plan for Baltimore County
APPROVED 4. Lease - MIE Properties, Inc. - Bureau of Substance Abuse
APPROVED 5. Addendum 1 to Letter of Agreement - Verizon Maryland, Inc. - Centrex Telephone Service
APPROVED 6. System and Services Agreement - CGI-AMS, Inc. - Board of Education
7. **MISCELLANEOUS BUSINESS**
1. Correspondence - (a)(1) Non-Competitive Awards (10/26/04)
PASSED 2. Res. 126-04 - Mr. Gardina - Towson Commercial Revitalization District
PASSED 3. Res. 127-04 - Mr. Moxley - Property Tax Exemption - Emil J. Zelinski, Jr.
PASSED 4. Res. 128-04 - Mr. Gardina - Property Tax Exemption - Lofland A. Griffith
PASSED 5. Res 129-04 - Mr. Moxley(By Req.) - Revenue Bond - The Maryland Food Bank, Inc.
PASSED 6. Appointment - Mr. Moxley(By Req.) - Ethics Commission - Judith C. Ensor, Esquire
PASSED 7. Appointment - Mr. Moxley(By Req.) - Agricultural Preservation Advisory Board - Daniel B. Brewster
PASSED 8. Res. 130-04 - Mr. McIntire - Zoning Reclassification Petition - Mint Meadows, LLC (Merryman Property)
INTRO. ONLY 9. Res. 131-04 - Mr. Moxley(By Req.) To Amend the Water Supply and Sewerage Plan
INTRO. ONLY 10. Res. 132-04 - Mr. Moxley(By Req.) Triennial Review of the Water Supply and Sewerage Plan

Items for initial or continued discussion

1. Out-of-Cycle Zoning Action – Exemption from the Cyclical Procedure – the “Merryman” property, Belfast and York Roads - Mr. Long explained that just before the CZMP 2004 final decisions were made by the County Council this group of property owners and their attorneys came to an agreement with the community. However, the Councilman was not aware of this fact and changed the zoning based on a lack of an agreement. Councilman McIntire changed the zoning from RC4 and RC5 to RC7 and RC2. It is now the charge of this Board to determine whether or not to certify to the County Council that an expedited, out-of-cycle action to reclassify the property is, “manifestly required in the public interest.” Mr. Long stated the Planning staff’s recommendation that, because the original zoning is consistent with the Master Plan, the Board should certify that the out-of-cycle action is in the public interest. Mr. Klein pointed out to the Board that the Councilman has written to the members stating his support for their certification. Further, since this is the last meeting for this year, Mr. Klein deemed the need to vote “an emergency.” Mr. McGinnis moved that the Board certify to the County Council that an expedited out-of-cycle action for reclassification is warranted. The motion was seconded by Mr. Sinsky, and was passed by acclamation. Absent were Mr. Dock, Mr. Parker, Mr. St. John and Mr. Harden.

The letters from the Deputy Director and the Councilman are filed as Appendix B.

2. Master Plan Amendment - Amend the Baltimore County Master Plan 2010 to allow for public water and sewer extensions outside the URDL for Critical Areas Growth Allocation and Public Health - Mr. Keller explained that he would like to propose that the Planning Board amend the Master Plan within the section marked, Rural Residential. This way projects that get critical areas growth allocation designations or have public health issues may receive water and sewer extensions, without the Board having to move the Urban Rural Demarcation Line (URDL). Based on Baltimore County’s exemplary record of holding the rural line and creating a healthy rural, urban, and suburban mix, moving the URDL would be contrary to all that this County has worked toward. However, the Maryland Department of Planning is currently not approving any water and sewer designations outside the URDL. The only way to accomplish our goals and theirs is to amend the Master Plan. Mr. Keller suggested that the Board hold a public hearing Thursday, January 6, 2004 at 5:00 p.m. and vote on the matter right after the hearing. Mr. Latshaw moved that the public hearing be scheduled along with a vote and that Mr. Keller provide the possible wording for such an amendment for their review. The motion was seconded by Ms. Foos, and was passed by acclamation. Absent were Mr. Dock, Mr. Parker, Mr. St. John and Mr. Harden.

Advance Tentative Agenda*
Thursday, November 18, 2004
MEETING
beginning at 4:00 p.m.,
and
PUBLIC HEARING
beginning at 5:00 p.m.
Room 407, County Courts Building
401 Bosley Avenue
(enter from the Courthouse Plaza)
Towson, Maryland

Meeting
of the
Baltimore County Planning Board
Mr. Klein, Chairman

Call to order, introduction of Board members, pledge of allegiance to the Flag, and announcements

Review of today's Agenda

Minutes of the October 21, 2004 meeting

Items for initial or continued discussion

- ** 1. Out-of-Cycle Zoning Action – Exemption from the Cyclical Procedure – the “Merryman” property, Belfast and York Road: Initial presentations by the developer, Planning staff, and the community, and because this is an “emergency” – a vote shall also take place this evening**
- 2. Master Plan Amendment - Amend the Baltimore County Master Plan 2010 to allow for public water and sewer extensions outside the URDL for Critical Areas Growth Allocation and Public Health – Holly Neck: Initial presentation by staff**
- 3. Master Water and Sewerage Plan – Reconsider Master Water and Sewerage Plan Amendment O2-13 Holly Neck Limited Partnership water and sewer designation: Initial presentation by staff**

Items for vote by the Planning Board

4. Development – “Greenfields,” North side of Windsor Mill Road and east of Pine Avenue – referred by the developer and Hearing Officer for possible “conflict” with Master Plan 2010 because of proposed semi-detached dwellings:
Discussion and vote

Other business

5. Status report on legislative actions by the County Council
6. Report from the Landmarks Preservation Commission

Adjournment of the Board meeting

Public Hearing*
by the
Baltimore County Planning Board
Mr. Klein, Chairman**

**Call to order, introduction of Board members, and remarks on procedures by
Chairman Klein**

Introduction by Arnold F. ‘Pat’ Keller, III, Director of the Office of Planning

Semi-detached dwellings, also known as duplexes – A compatibility issue

**** Comments by citizens**

- * This Tentative Agenda, published November 10, 2004, is subject to review and modifications at the meeting. A copy of the agenda and some of the enclosures, if any, are sent to the Towson library or are available on-line at www.co.ba.md.us under the Office of Planning and its advisory boards.
- ** For each Agenda item marked with a double asterisk, there is a separate sign up sheet, posted in the hallway outside the meeting room, on which citizens may register to address the Planning Board (for themselves or as representatives of organizations or clients). The Chairman will announce the point(s) during the Board’s deliberations (generally, after the presentation by the County staff and/or the applicant), at which this testimony will be received. The specific rules of procedure for the testimony are also posted in the hallway.

It is requested that individuals giving presentations to the Planning Board make every effort to present visual materials i.e. maps, plans, etc. using a digital format such as power point. Please contact Caren B. Hoffberger at 410-887-3495 **at least 48 hours in advance**. Rendered site plans must be mounted and GIS aerials must be mounted or easily visible on an overhead projector. All of the above items and a copy of the digital materials must be given to the Chief of Development Review, Lynn Lanham at 410-887-3480 **no later than 48 hours in advance**.

*** As advertised, the Public Hearing will begin at **5:00 p.m.** If necessary, the Board meeting will be recessed to accommodate this schedule and resumed after the hearing.

Snow Policy – No meetings will be held when Baltimore County Public Schools are either closed for the day or subject to early dismissal due to inclement weather.

If, because of a disability, you need a reasonable accommodation such as service or aid to participate in this event, please call the Office of Planning at 410-887-3495 or via TTY, at 1-800-735-2258 or 711, at least two working days before the event.

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JEFFREY H. SCHERR

DIRECT DIAL
(410) 347-7424

E-MAIL
jscherr@kg-law.com

October 26, 2004

VIA HAND DELIVERY

Mr. Arnold "Pat" Keller, Director
Baltimore County Office of Planning
Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Mint Meadows, LLC
Belfast and York Road Property -The Merryman Property
Third Councilmanic District
Petition for Zoning Reclassification
Request for Baltimore County Planning Board Consideration and Action

Dear Mr. Keller:

As you may be aware, this firm represents Mint Meadows, LLC. Mint Meadows, LLC, Anne W. Merryman, Josephine Murray, The Estate of Josephine Van Ness, and Pitt McLane Merryman collectively own approximately 100 acres on the south side of Belfast Road, west of York Road (the "Merryman Property"). The Merryman Property was zoned RC-4 and RC-5 prior to August 31, 2004. As part of Issue No. 3-112, on August 31, 2004, it was rezoned to RC-2 and RC-7.

I write on behalf of all owners of the Merryman Property to request that the Baltimore County Planning Board consider and grant their out of cycle request to return the Merryman Property to its original RC-4 and RC-5 status pursuant to Baltimore County Code § 2-356 (i).

Immediately before the August 31, 2004 Council vote, Councilman McIntire left a voicemail message for our client in which he stated that he was not going to change the zoning on the Merryman Property. This confirmed other conversations he had with the

Mr. Arnold "Pat" Keller, Director
October 26, 2004
Page 2

property owners' representative wherein he made the same statement. Councilman McIntire further stated in the phone message that he understood that development of the property was going to be limited to two houses, with all other development rights to be donated to the Maryland Environmental Trust, for which he commended the owners.

Despite his express intention not to change the zoning, the Merryman Property was inadvertently lumped together with the other properties that composed Issue No. 3-112, and was re-zoned to RC-2 and RC-7 by the County Council's vote. Specifically, the property previously zoned RC-4 was changed to RC-7 and the property previously zoned RC-5 was changed to RC-2. Councilman McIntire acknowledges the voicemail message and the error in the rezoning of the Merryman Property. Attached for your reference is a Plat and a tax map. Both documents have the Merryman Property outlined in yellow. In addition, the Plat depicts the zoning changes made to the Merryman Property on August 31, 2004.

The owners of the Merryman Property desire an exemption from the cyclical procedures because early action on the zoning reclassification process is manifestly required in the public interest. There is no doubt that the zoning change regarding the Merryman Property was a mistake and will impede the desired goal of obtaining two homes on 100 acres without further development of the Merryman Property. An exemption is also necessary because it is imperative to maintain citizens' faith in the zoning process and their reliance on the representations made by the councilmen during the course of that process. In view of the inadvertent error, it is only just that it be promptly rectified.

Further, because of Councilman McIntire's advise that the Merryman Property zoning would not change, the owners reached agreement with the Greater Sparks-Glencoe Community Council (the "Community Association") that, in order to facilitate the goal of two homes on the Merryman Property, the property would be released from a Declaration of Restrictive Covenants dated October 10, 2000 and all but two of the development rights attendant to the Merryman Property would be donated to the Maryland Environmental Trust, thereby assuring no further development of the Merryman Property. If the Merryman Property remains zoned as RC-2 and RC-7, the agreement with the Community Association will not be effectuated. In addition, the agreements to facilitate the disposition of the land and donation of the development rights will not be effectuated.

Mr. Arnold "Pat" Keller, Director
October 26, 2004
Page 2

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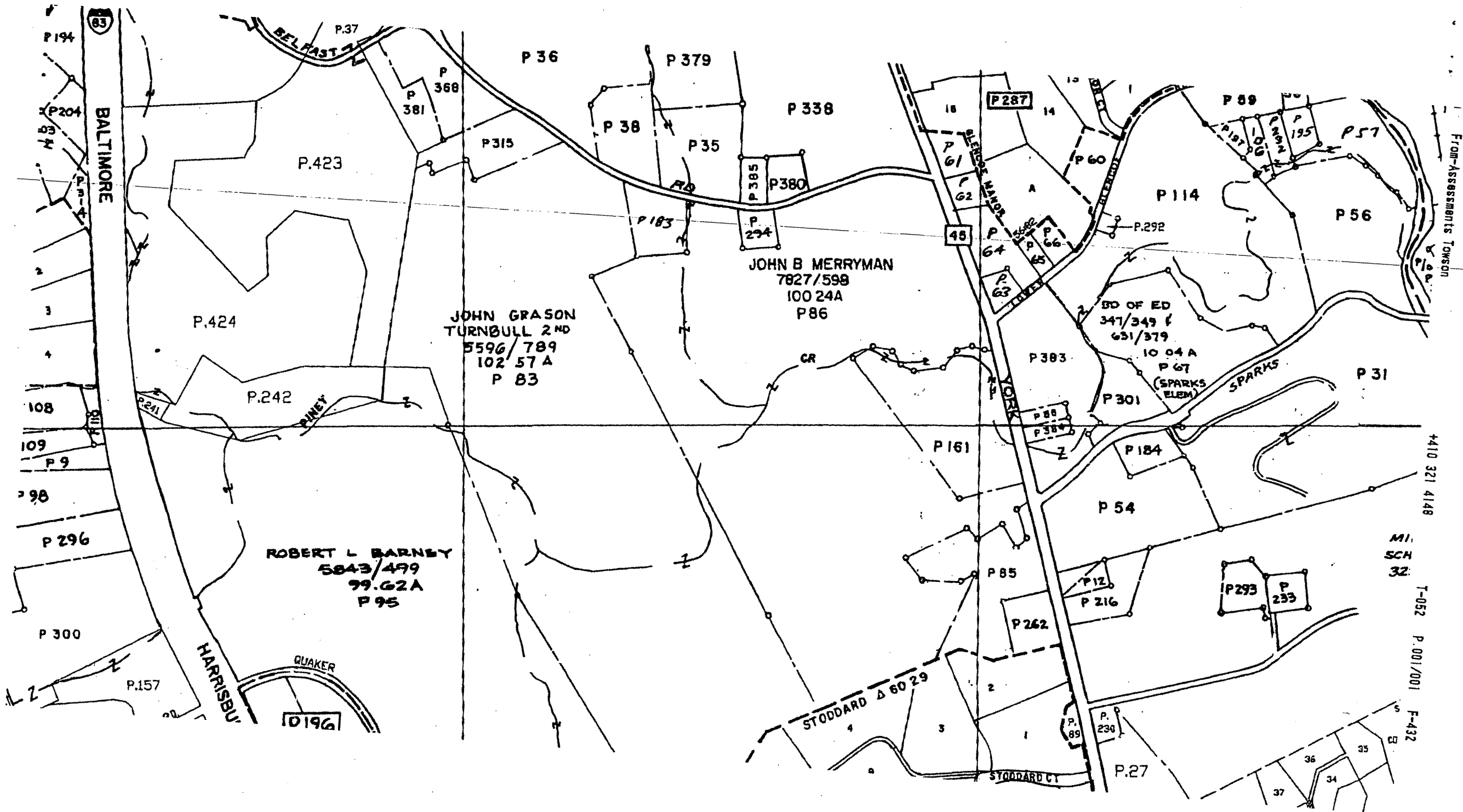
Page 3

I will await your favorable reply on this request.

Jeffrey H. Scherr

cc: Ms. Katharine M. Voss (w/encl.)
The Honorable T. Bryan McIntire (w/encl.)
Mr. Jeff Long (w/encl.)

001 SEP 20 1964
OFFICE



ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING OF January 18, 2005
FORMAL OR INFORMAL RESPONSE DUE AT January 24, 2005 MEETING

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

Board of Appeals (Kathi Bianco) MS 2013
* Zoning Commissioner's Office (William J. Wiseman); MS #3401
PDM, Zoning Review H.O. Hearing File (Kristen Matthews)
PDM, Zoning Review DRC/ZAC Meeting File (W. Carl Richards, Jr.)
* PDM, Code Enforcement (Latoshia Rumsey-Scott)
* PDM, Building Inspection (Karen Hopkins)
& PDM, Development Plans Review (Robert W. Bowling)
Planning Office Mark Cunningham
* Recreation and Parks (Jean Tansey); MS #52
DEPRM (Bruce Seeley) – 2 copies of each
& State Highway Administration, Access Permits Division (Kenneth A. McDonald)
& Fire Department (Lt. Frank Cook) MS #1102F
* Economic Development Commission, Business Develop. MS #2M07
* Highways (Tim Burgess); MS #1003
* Community Conservation (Mary Harvey); MS #1102M
+ People's Counsel (Peter Zimmerman); MS #2010
* Honorable T. Bryan McIntire, County Council, District 3; MS #2201
* Nancy Jones/Mike Ruby
IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
IF FLOODPLAIN, Department of Natural Resources
IF FLOODPLAIN, Public Works (David Thomas); MS #1315
* IF FLOODPLAIN, Permits (John Reisinger)
* IF FLOODPLAIN, Code Enforcement (Rick Wisnom)
IF ELDERLY HOUSING, Community Development; MS #1102M
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder); MS #1102E
* IF TOWER, Tower Coordinator, c/o OIT; MS #2007

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Matthews.

If you have any questions regarding a particular zoning petition, please contact the Zoning Review planner (see initials after item number) at 410-887-3391.

Revised 2/11/99

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: January 14, 2005

TO: Baltimore County Zoning Advisory Committee

FROM: W. Carl Richards, Jr.
Zoning Review Supervisor (410-887-3391)

SUBJECT: Out-of-Cycle Open (undocumented) Zoning Reclassification Petition
Case Number R-05-340
Legal Owner Mint Meadows, LLC et. al.
Contract Purchaser: Heidi S. Krauss
Address/Description: SW/side York Road opposite Sparks Road and
Lower Glencoe Road
8th Election District; 3rd Councilmanic District

THE ABOVE REFERENCED PETITION HAS BEEN EXEMPTED FROM THE REGULAR CYCLICAL BI-YEARLY ZONING RECLASSIFICATION PROCEDURE BY CERTIFICATION OF THE BALTIMORE COUNTY PLANNING BOARD ON 11/18/04 AND BY RESOLUTION NO. 130-04 OF THE BALTIMORE COUNTY COUNCIL DATED 12/6/04 (ATTACHED). PURSUANT TO SECTION 32-3-516 OF THE BALTIMORE COUNTY CODE, THE COUNTY BOARD OF APPEALS HAS SET A VERY EARLY HEARING DATE OF 2/9/05. YOU ARE REQUESTED TO EXPEDITE YOUR REVIEW AND FORWARD YOUR COMMENTS TO THIS OFFICE UNDER THE ABOVE REFERENCE PRIOR TO THE HEARING DATE. IF YOU NEED ADDITIONAL MATERIALS TO COMPLETE YOUR COMMENTS, YOU SHOULD CONTACT THE ENGINEER, ATTORNEY, OR MYSELF IMMEDIATELY.

WCR:rjc

ZONING ADVISORY COMMITTEE
MEETING OF January 18, 2005

Case Number: R-05-340
Item Number: 340
Hearing Date/Time: February 9, 2005 at 10:00 a.m.
Legal Owner: Mint Meadows, LLC et.al. by Katherine M. Voss
Contract Purchaser: Heidi S. Krauss
Location: SW/side York Road opposite Sparks Road and
lower Glencoe Road
Existing Zoning: RC-2, RC-7
Proposed Zoning: RC-4. RC-5
Area: RC-2 to RC-5 36.17 acres
RC-7 to RC-4 61.30 acres
Total acres 97.47
District: 8th Election District
3rd Councilmanic District
Attorney: Jeffrey H. Scherr and Mindy L. Caplan
Miscellaneous: CZMP - Issue 3-112