

R-06-230

Property Owner:
Case No./Hearing Date:
a.m. ---
Contract Purchaser:
Location:
Evangelism ---

Frank S. Hoffman
R-06-230 – Thursday, April 20, 2006 at 10:00

Sumner Partners, Lessee
SE/corner of Dogwood & Rolling Roads (Child

Existing Zoning:
Election District:
Councilmanic District:
Acres:
Proposed Zoning:

Fellowship of Md., Inc., Property)
R.O.
1st
1st
0.6694
C.B. (Commercial Business)

Smead
UPC 17134
No. 2-153CG
MASTING, MA

IN THE MATTER OF
THE APPLICATION OF
SUMNER PARTNERS, C.P.; FRANK S.
HOFFMAN - LEGAL OWNER /PETITIONERS
FOR A ZONING RECLASSIFICATION ON
PROPERTY LOCATED AT THE SE/COR OF
ROLLING ROAD, AND DOGWOOD COURT

1st Election District
1st Councilmanic District

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. R-06-230
Cycle III, 2005-2006
* * * * *

ORDER OF DISMISSAL OF PETITION

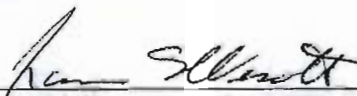
This matter comes before this Board on a Petition for Reclassification filed by Lawrence E. Schmidt, Esquire, and GILDEA & SCHMIDT, LLC, on behalf of Petitioners Sumner Partners, C.P.; Frank S. Hoffman, Legal Owner, for a zoning reclassification from R-O to C.B. for the property located at the southeast corner of Rolling Road and Dogwood Court in the First Election District of Baltimore County; and

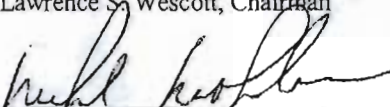
WHEREAS, the Board of Appeals is in receipt of a letter of withdrawal of Petition filed December 27, 2005, by Lawrence E. Schmidt, Esquire, Counsel for Petitioners, (a copy of which is attached hereto and made a part hereof); and

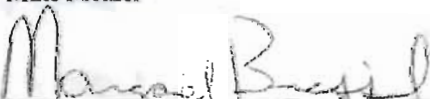
WHEREAS, said Counsel, on behalf of Petitioners, requests that the Petition for Reclassification filed herein be withdrawn as of the above date,

IT IS HEREBY ORDERED this 31st day of January, 2006, by the County Board of Appeals of Baltimore County that said Petition be and the same is hereby **WITHDRAWN AND DISMISSED**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Mike Mohler


Margaret Brassil, Ph.D.



County Board of Appeals of Baltimore County

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

Lawrence E. Schmidt, Esquire
GILDEA & SCHMIDT LLC
300 E. Lombard Street
Suite 1440
Baltimore, MD 21202

January 31, 2006

RE: *In the Matter of: Sumner Partners, C.P. -Petitioner*
Frank S. Hoffman – Legal Owner
Case No. R-06-230 /Order of Dismissal of Petition

Dear Mr. Schmidt:

Enclosed please find a copy of the Order of Dismissal of Petition issued this date by the County Board of Appeals of Baltimore County in the subject matter in which the subject Petition for Reclassification has been withdrawn and dismissed.

Very truly yours,


Kathleen C. Bianco
Administrator

Enclosure

c: Richard Miller, Director of Acquisitions
Sumner Partners
Frank S. Hoffman
Kenneth J. Wells, P.E.
Carol Saffran-Brinks, Esquire
/Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long, Deputy Director /Planning
William J. Wiseman III /Zoning Commissioner
W. Carl Richards /PDM
Timothy M. Kotroco, Director /PDM
Baltimore County Council, 1st District
John E. Beverungen, Acting County Attorney



Case No. R-06-230

RE: Sumner Partners, CP; Frank S. Hoffman –Legal
Owner - Petitioners
SE/cor Rolling Road and Dogwood Court
Cycle II, 2005-2006

Reclassification from R-O to C.B.

12/07/05 – Letter withdrawing Petition for Reclassification filed by Lawrence E. Schmidt,
Esquire, on behalf of Petitioners. Order of Dismissal of Petition to be issued.

1/05/06 – Notified K. Matthews, PDM that this Petition has been withdrawn; Order of Dismissal
to be issued by Board in near future; no further action required for this reclassification
petition.

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E. SCHMIDT
LSCHMIDT@GILDEALLC.COM

SEBASTIAN A. CROSS
SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

JASON T. VETTORI
JVETTORI@GILDEALLC.COM

300 EAST LOMBARD STREET

SUITE 1440

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070

FACSIMILE 410-234-0072

www.gildeallc.com

TOWSON, MD OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

December 21, 2005

Mr. Jeffrey Long
Deputy Director
Baltimore County Office of Planning
401 Bosley Avenue - Room 406
Towson, MD 21204

**Re: Sumner Partners/SE Corner of Rolling Rd & Dogwood Rd.
Reclassification Petition
Case No. R-06-230**

Dear Mr. Long:

Pursuant to our recent telephone conversation, kindly be advised that Sumner Partners is requesting a withdrawal of the Petition for Reclassification filed for the above referenced matter. As we discussed, the decision is based upon our conversations with the Office of People's Counsel and other considerations.

Notwithstanding the withdrawal of the petition, I anticipate my client will move forward with the request for a zoning change during the Comprehensive Zoning Map Process in 2008. As you may recall, a rezoning of this property in recognition of the commercial nature of the neighborhood was recommended by the Planning staff and the Planning Board during the 2004 CZMP. Although Councilman Moxley declined to adopt that recommendation at that time, I believe he may be favorably disposed in the future.

In any event, I appreciate your work on this matter as well as the efforts by Mr. Wertz. Thank you for attention to this request. With kind regards, I am

Very truly yours,



Lawrence E. Schmidt

LES: dls

Cc: Steve Klebanoff, Sumner Partners
Richard I. Miller, Sumner Partners
Sebastian A. Cross, Esquire
Kathy Bianco, Board of appeals
Dennis Wertz, Office of Planning

RECEIVED
DEC 27 2005
BALTIMORE COUNTY
BOARD OF APPEALS

Sumner Partners, C.P.; Frank S. Hoffman -
-Legal Owner /Petitioners

#06- 230

Cycle II; 2005-2006

SE/cor of Rolling Road and Dogwood Court

1st Election District
1st Councilmanic District

R-O to C.B.
0.6994 acre

OPEN PLAN

August 31, 2005 Petition for Reclassification filed by Lawrence E. Schmidt, Esquire,
GILDEA & SCHMIDT LLC, on behalf of Petitioner, Frank S.
Hoffman, Legal Owner; Sumner Partners, C.P. - Petitioners

Lawrence E. Schmidt, Esquire
GILDEA & SCHMIDT LLC
300 E. Lombard Street
Suite 1440
Baltimore, MD 21202

Counsel for Petitioners

Richard Miller, Director of Acquisitions
Sumner Partners
5272 River Road, Suite 440
Bethesda, MD 20816

Contract Purchaser /Petitioner

Frank S. Hoffman
844 Hayfields Road
Cockeysville, MD 21030

Legal Owner

Kenneth J. Wells, P.E.
7403 New Cut Road
Kingsville, MD 21087

Carol Saffran-Brinks
Assistant County Attorney
Office of Law -Bd of Education
Mail Stop #1102-J

People's Counsel for Baltimore County

Pat Keller, Director /Planning
Jeffrey Long /Deputy Director, Planning
William J. Wiseman III /Zoning Commissioner
W. Carl Richards /PDM
Timothy M. Kotroco, Director /PDM
Baltimore County Council (1st District)
Jay L. Liner, County Attorney



Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at SE Corner of Rolling Rd & Dogwood Rd.

which is presently zoned/districted R-O

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 R-O zone/district to a CB zone/district, for the reasons given in the attached and (2) for a Special Exception under the zoning regulations of Baltimore County, to use the herein described property for

A bank with more than two drive-thru lanes pursuant to BCZR 229.4.B.

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

N/A

RECEIVED

AUG 31 2005

BALTIMORE COUNTY
BOARD OF APPEALS

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:

~~Sumner Partners~~

Name - Type or Print

Signature Richard Miller, Director of Acquisitions

5272 River Road, Suite 440 (301) 657-4485

Bethesda, MD 20816
City State Zip Code

Attorney For Petitioner:

Lawrence E. Schmidt

Name - Type or Print

Signature

Gildea & Schmidt, LLC
Company

300 E. Lombard Street, Suite 1440 (410) 234-0070

Baltimore, MD 21202
City State Zip Code

REV 9/18/98

Legal Owner(s):

Frank S. Hoffman

Name - Type or Print

Signature

Name - Type or Print

Signature

844 Hayfields Road

Address

Cockeysville, MD 21030

State Zip Code

Representative to be Contacted:

Kenneth J. Wells, P.E. (kj WellsInc.)

Name

7403 New Cut Road (410) 592-8800

Kingsville, MD 21087
City State Zip Code

4-20-06

2-09-06

OK to File D.T. 8/31/05



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to the Board of Appeals of Baltimore County

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Signature Richard Miller, Director of Acquisitions

5272 River Road, Suite 440 (301) 657-4485

Bethesda, MD Telephone No. 20816
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Attorney For Petitioner:

Lawrence E. Schmidt

Name - Type or Print

Signature

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Company

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Baltimore, MD Telephone No. 21202
City State Zip Code

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Name - Type or Print

Signature

Name - Type or Print

Signature

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Address

Cockeysville, MD Telephone No. 21030
State Zip Code

Representative to be Contacted:

Kenneth J. Wells, P.E. (kj WellsInc.)

Name

7403 New Cut Road (410) 592-8800

Kingsville, MD Telephone No. 21087
City State Zip Code

OK to File D.T. 8/3/05

Brief

(Reason in Support of Requested Zoning Reclassification)
SE corner of Rolling Road and Dogwood Court

The subject property is a roughly rectangular shaped property (.6694 acres) located at the southeast corner of the intersection of Rolling Road and Dogwood Road. Rolling and Dogwood Roads are major arterial roadways in this vicinity. The property is unimproved. The property is zoned RO, an inappropriate classification particularly given the absence of any former dwelling structure on the property, as well as the recent pattern of development and land use in the neighborhood. The Petitioner requests that the property be rezoned CB, in order to permit a use of the property appropriate with the neighborhood. The properties immediately across both Rolling Road and Dogwood Lane are zoned BL. Other business and manufacturing (ML) zones are in the neighborhood. During the Baltimore County Comprehensive Zoning Map Process in 2004, the property was identified for a reclassification to BL under Issue 1-010. Both the final staff recommendation and the Planning Board recommendation were to reclassify the property to the CB zone. The County Council, however, declined to adopt these recommendations. The size and configuration of the property, the adjacent properties' respective zoning classifications, the subject property's location and changes in the character of land use patterns in the neighborhood justify a reclassification of the zoning of the site. And for such other and further reasons as will be presented at the public hearing for this matter that justify a reclassification of the zoning of the property to CB pursuant to the standards set forth in Baltimore County Code, Section 32-3-510.

kjWellsInc

*Trading for Kenneth J. Wells, Inc.
Land Surveying and Site Planning*

Telephone: (410) 592-8800
Fax: (410) 817-4055
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

August 30, 2005

**Zoning Description
of the
Child Evangelism Fellowship
of Md., Inc. Property
Southeast Corner Dogwood and Rolling Roads
Baltimore County
Maryland
1st Councilmanic District
1st Election District**

Beginning for the same at a point formed by the intersection of the southeast side of Rolling Road as now widened (width varies) as shown on a Baltimore County Land Acquisition Drawing RW 74-100-12 and the third North 76 degrees 18 minutes 47 seconds East 257.22 foot line of that land described in a Deed recorded in Liber 4962 folio 044, thence binding on said third line of the aforementioned Deed North 76 degrees 18 minutes 47 seconds East 12.76 feet to the point of beginning, said point also being southeast 169 feet from the centerline of Dogwood Road; thence *North 21 degrees 36 minutes 54 seconds West 118.22 feet* to the northeast side of Rolling Road; thence binding along a fillet between said Rolling Road and Dogwood Road *North 25 degrees 45 minutes 55 seconds East 30.23 feet*; the binding along the southeast side of Dogwood Road the two following courses and distances: *North 76 degrees 21 minutes 56 seconds East 185.51 feet*; *South 88 degrees 32 minutes 32 seconds East 25.77 feet*; thence leaving the southeast side of said Dogwood Road *South 12 degrees 05 minutes 04 seconds East 131.89 feet*; *South 76 degrees 18 minutes 47 seconds West 208.92 feet* to the place of beginning. Containing 0.6994 acres of land more or less.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 449160

DATE 2/31/05 ACCOUNT 001-6181

AMOUNT \$ 500.00

RECEIVED FROM: SUMNER PARTNERS LLC

FOR: RECLASS PETITION

S/E/COR ROLLING RD + DOGWOOD RD. D.T.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

#1

PAID RECEIPT

BUSINESS ACCT. TYPE
7/01/2003 8/31/2005 14:38/7
TO WHOM ORDERED
RECEIPT # 001001 8/31/2005 0010
amt. \$ 500.0000000000000000
BOL. 449160

Receipt for \$500.00

4/21/06 12 4.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 449161

DATE 2/31/05 ACCOUNT 001-6181

AMOUNT \$ 75.00

RECEIVED FROM: SUMNER PARTNERS LLC

FOR: RECLASS PETITION POSTING

S/E/COR ROLLING RD + DOGWOOD RD D.T.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

#2

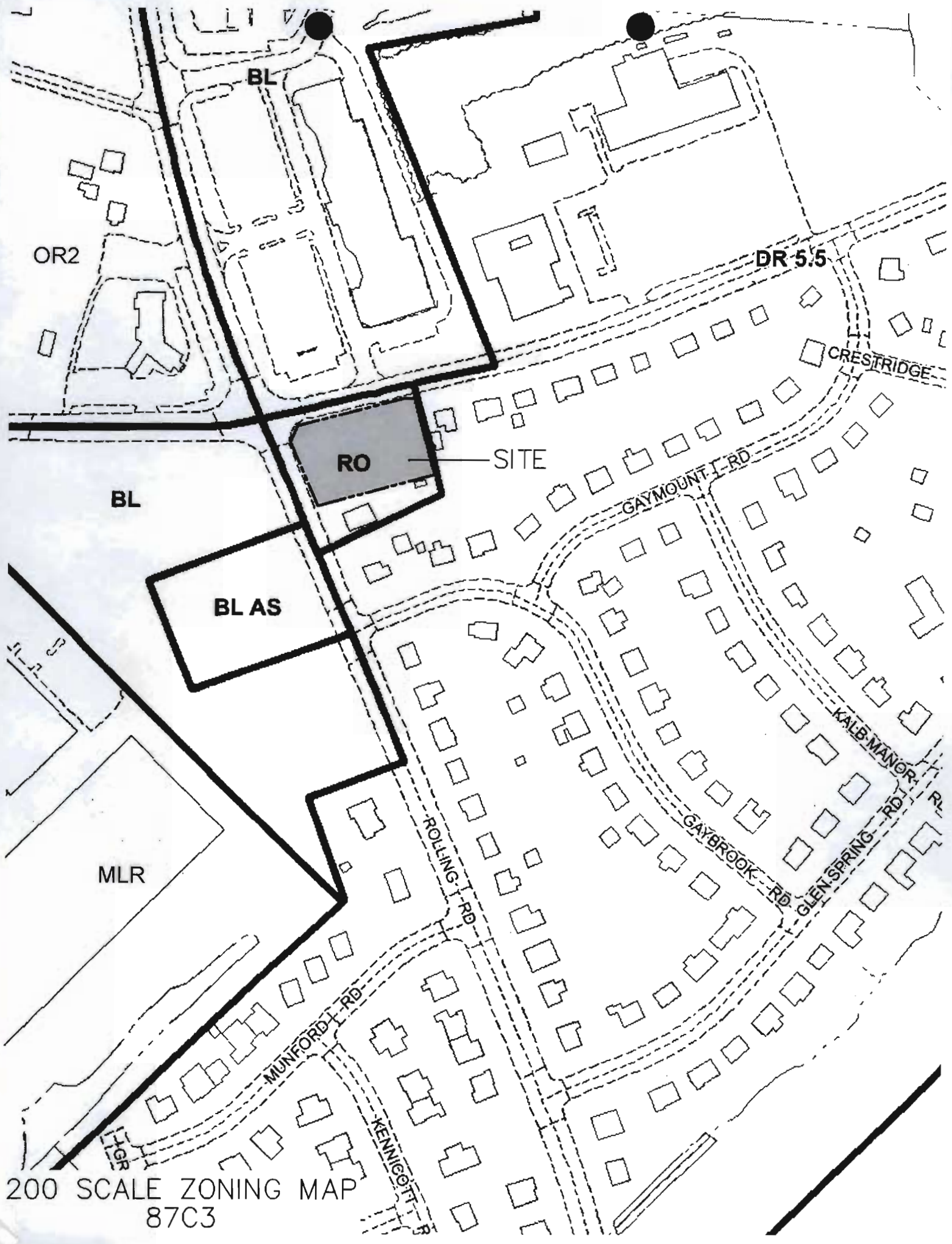
PAID RECEIPT

BUSINESS ACCT. TYPE
7/01/2003 8/31/2005 14:38/7
TO WHOM ORDERED
RECEIPT # 001001 8/31/2005 0010
amt. \$ 75.0000000000000000
BOL. 449161

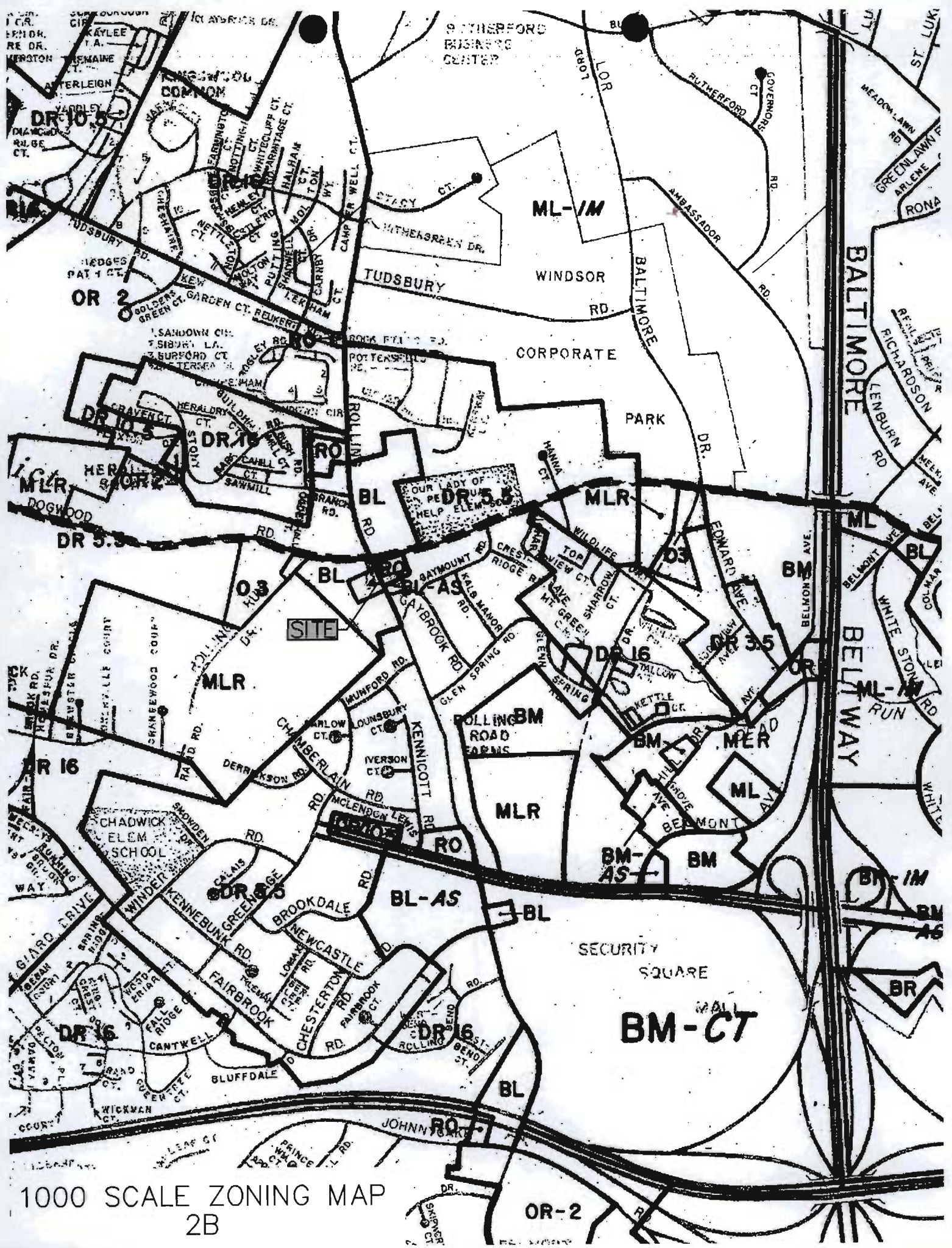
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4/21/06 12 4.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION



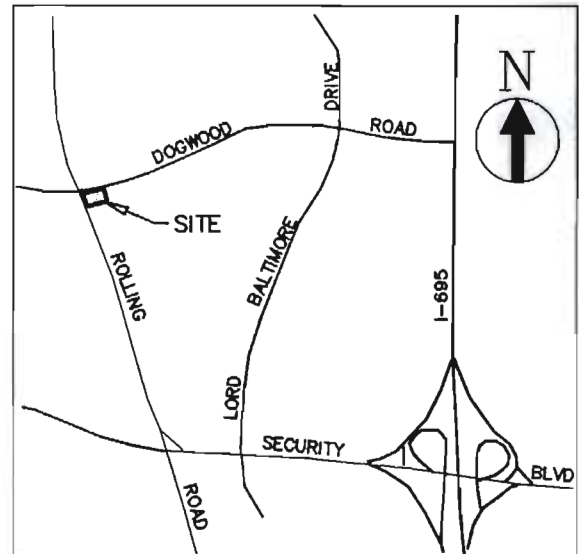
200 SCALE ZONING MAP
87C3



1000 SCALE ZONING MAP
2B

SITE DATA:

- 1) OWNER: STEPHAN HOFFMANN
- 2) OWNER'S ADDRESS: 844 HAYSFIELDS ROAD
COCKEYSVILLE, MARYLAND 21030
410-584-9288
- 3) DEED REFERENCE: 18134/499
- 4) TAX ACCOUNT NUMBER: 0111001850
- 5) TAX MAP: 87 GRID 23 PARCEL 179
- 6) ZONING:
CURRENT: RO
PROPOSED: CB
- 7) ZONING MAP: 087C3
- 8) CENSUS TRACT: 4015.01
- 9) COUNCILMANIC DISTRICT: 1st
- 10) ELECTION DISTRICT: 1st
- 11) WATERSHED: PATAPSCO
- 12) SUBSEWERSHED: 70
- 13) SCHOOL DISTRICT: DOGWOOD ES
- 14) REGIONAL PLANNING DISTRICT: 323
- 15) AREA OF TRACT: 1.0541 ACRES
- 16) AREA OF HIGHWAY WIDENING: 0.3159 ACRES
- 17) SAVE & EXCEPT AREA: 0.0388 ACRES
- 17) NET AREA: 0.6994 ACRES
- 18) PROPERTY NOT IN 100 YEAR FLOODPLAIN.
- 19) PROPERTY NOT IN A MORATORIUM OR BASIC SERVICE FAILURE AREA.
- 20) PROPERTY NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- 21) PRIOR ZONING CASES: NONE

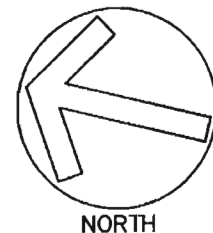


VICINITY MAP
SCALE: 1" = 2000'

RICHARDS
TAX ID #: 0106571791
10765/309
LOT 1 PLAT 26/150

HIGHWAY WIDENING AREA

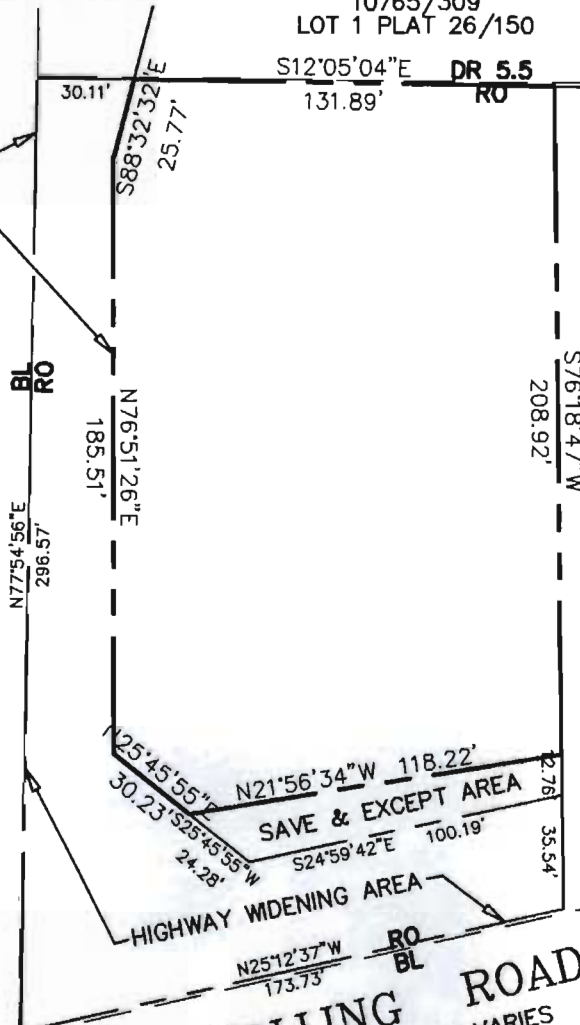
DOGWOOD ROAD
RIGHT-OF-WAY VARIES



CHILD EVANGELISM FELLOWSHIP
OF MD., INC.
TAX ID #: 0103232000
4741/345



GRAPHIC SCALE



ROLLING ROAD
RIGHT-OF-WAY VARIES



UNDOCUMENTED PLAN TO ACCOMPANY
RECLASSIFICATION PETITION
CHILD EVANGELISM FELLOWSHIP
OF MD., INC. PROPERTY
SOUTHEAST CORNER DOGWOOD & ROLLING ROADS
BALTIMORE COUNTY, MARYLAND
DATE: 8/30/2005

NOTE:
AT THE DISCRETION OF THE APPLICANT,
THIS PLAN MAY BE SUPERSEDED BY A
DOCUMENTED PLAN TO ACCOMPANY THE
RECLASSIFICATION PETITION.

kjWellsInc
Land Surveyors & Site Planners
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

SITE DATA:

1) OWNER: ~~CHILD EVANGELISM FELLOWSHIP OF MD., INC.~~ **STEPHAN HOFFMANN**

2) OWNER'S ADDRESS: ~~2203 NORTH ROLLING ROAD~~ **844 HAYSFIELD RD.**
~~BALTIMORE, MARYLAND 21207~~ **COCKEYSVILLE, MD. 21030**
~~410-9446435~~

3) DEED REFERENCE: ~~REFER TO 4962/044~~ **18134/499**

4) TAX ACCOUNT NUMBER: ~~0103232000~~ **0111001850**

5) TAX MAP: 87 GRID 23 PARCEL 436 **179**

6) ZONING:

CURRENT: RO

PROPOSED: CB

7) ZONING MAP: 087C3

8) CENSUS TRACT: 4015.01

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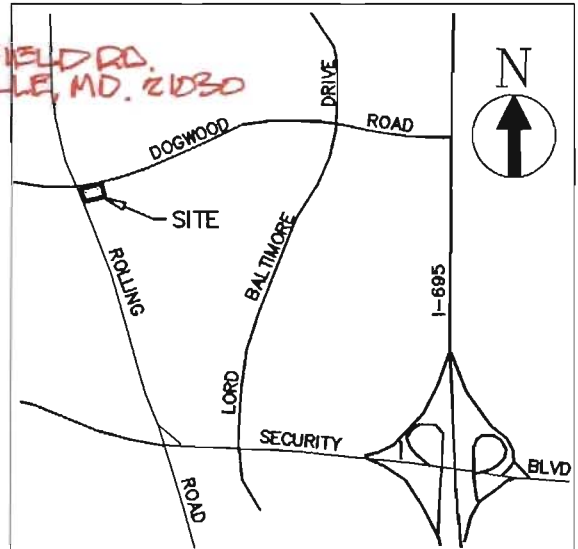
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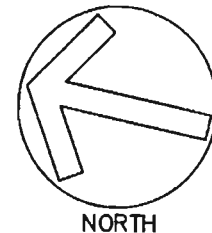
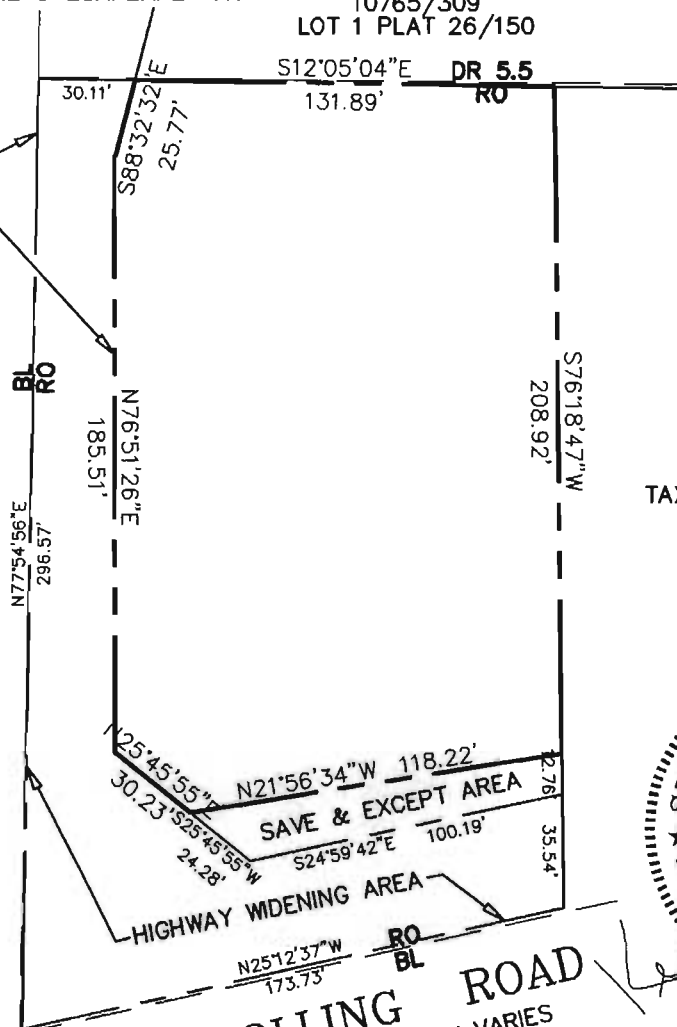
VICINITY MAP
SCALE: 1" = 2000'

RICHARDS
TAX ID #: 0106571791
10765/309
LOT 1 PLAT 26/150

HIGHWAY WIDENING AREA

DOGWOOD ROAD

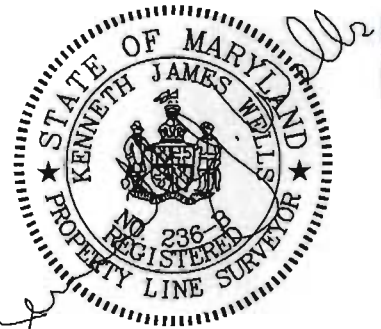
RIGHT-OF-WAY VARIES



HOFFMAN
TAX ID #: 0111001850
18134/499



GRAPHIC SCALE



UNDOCUMENTED PLAN TO ACCOMPANY
RECLASSIFICATION PETITION
CHILD EVANGELISM FELLOWSHIP
OF MD., INC. PROPERTY

SOUTHEAST CORNER DOGWOOD & ROLLING ROADS
BALTIMORE COUNTY, MARYLAND

DATE: 8/30/2005

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RECLASSIFICATION PETITION.

kjWellsInc

Land Surveyors & Site Planners
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KINGSVILLE, MARYLAND 21087
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