## BALTIMORE COUNTY, MARYLAND

## **MEMORANDUM**

TO:

Lawrence S. Wescott

**DATE:** September 19, 2006

Chairman, Board of Appeals

FROM:

Arnold F. 'Pat' Keller, III Secretary to the Planning Board

SUBJECT:

Cycle II Zoning Reclassification Petition – 1 Stone Chapel Road

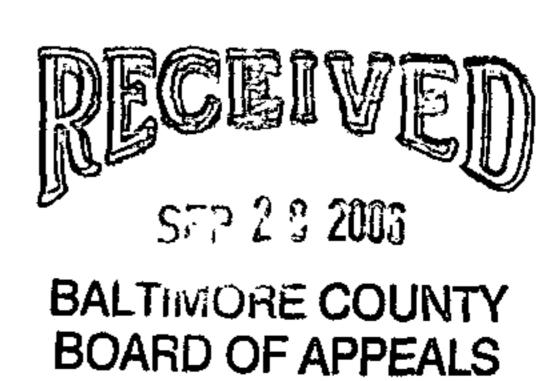
(Case R-06-231), Council District 2

A Petition for Reclassification was filed with the Department of Permits and Development Management and forwarded to the Office of Planning for presentation to the Baltimore County Planning Board, seeking a zoning change for the property at 1 Stone Chapel Road from DR 3.5 (Residential) to ROA (Residential Office in existing Class A house) per parameters set for Cycle II zoning changes.

The issue has been before the Planning Board on several occasions—most recently, on September 7, 2006. (Copy of the revised Staff Report is attached.)

In January 2006, the Planning Board reviewed the Petition and recommended that the property be reclassified to ROA (residential office in existing house) subject to a documented site plan and certain conditions. As required, the report containing the Board's recommendations was forwarded to the Baltimore County Board of Appeals.

The Board of Appeals held a Public Hearing and a revised documented plan was submitted on April 11, 2006. The following Planning Board action was then taken on the documented plan: On July 20, 2006, Planning Staff presented the Revised Plan to the Planning Board. On September 7, 2006, the Planning Board voted in favor of rezoning the property at 1 Stone Chapel Road from DR 3.5, (Density Residential), to ROA, (Residential Office in existing Cass A House), per Revised Plan, July 20, 2006, conditioned upon the Petitioner revising the documented site plan to show the following:



Mr. Lawrence S. Wescott

Re: 1 Stone Chapel Road (Case No. R-06-231)

September 19, 2006

Page 2

- 1. Add a note on the plan that there will be shared access through a future use in common driveway with the adjoining office zoned parcels.
- 2. Show lighting details for any freestanding lighting on the landscape plan.

If you have any questions, please contact Ms. Diana Itter, Senior Community Planner, at 410-887-3480.

## AFK:bjw

c: Kevin Kamenetz, County Council, 2nd District
John Beverungen, County Attorney
Dr. Anthony Marchione, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Peter M. Zimmerman, People's Counsel
Tim Kotroco, Director, Permits & Development Management
Jeffrey Long, Deputy Director, Office of Planning
Diana Itter, Senior Community Planner
Frank O. Heintz, Chairman, Baltimore County Planning Board



IN THE MATTER OF
THE APPLICATION OF
JASON M. LANDSMAN –LEGAL
OWNER /PETITIONER FOR ZONING
RECLASSIFICATION ON PROPERTY
LOCATED AT THE INTERSECTION
OF THE NE/S OF REISTERSTOWN RD
AND THE SE/S OF STONE CHAPEL RD
(1 STONE CHAPEL ROAD)
2<sup>ND</sup> ELECTION DISTRICT
3<sup>RD</sup> COUNCILMANIC DISTRICT

BEFORE THE

\* COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO. CR-06-231

## **OPINION**

This case comes before the Baltimore County Board of Appeals as a Cycle II zoning reclassification petition from D.R. 3.5 to ROA for the property located at One Stone Chapel Road in Councilmanic District 2. On August 31, 2005, an open plan and Petition for Reclassification was filed by Lawrence E. Schmidt, Esquire, on behalf of the Petitioner, Jason M. Landsman, Legal Owner of One Stone Chapel Road. In January 2006, the Planning Board reviewed the Petition and recommended that the property be reclassified to ROA subject to a documented site plan and certain conditions. As required, the report containing the Planning Board's recommendations was forwarded to the Baltimore County Board of Appeals. On April 11, 2006, the Board of Appeals held a public hearing and a revised Documented Site Plan was submitted on the record and forwarded to the Department of Permits and Development Management (PDM) on April 13, 2006. On July 20, 2006, the Planning staff presented the revised Plan to the Planning Board. On September 7, 2006, the Planning Board met and voted in favor of rezoning the property at One Stone Chapel Road from D.R. 3.5 to ROA conditioned upon the Petitioner revising the Documented Site Plan to show the following:

- 1. Add a note on the Plan that there will be shared access through a future use incommon driveway with the adjoining office zoned parcels; and
  - 2. Show lighting details for any freestanding lighting on the Landscape Plan.

On December 7, 2006, the Board of Appeals held an open hearing on the revised Plan and a public deliberation was held on January 4, 2007.

## **Background**

One Stone Chapel Road is located on the southeast corner of Reisterstown Road and Stone Chapel Road. It contains .3412 +/- acre and is improved with an existing two-story colonial revival-style dwelling that was formerly the parsonage for the Stone Chapel Methodist Church. It has a detached garage and a separate driveway from Reisterstown Road. It is presently zoned D.R. 3.5 which allow single-family, detached dwellings as well as a variety of uses permitted by special exception, such as an owner-occupied professional office in the residence with a 25 percent limitation on office area, Group B child care center, and assisted living facilities for more than four persons. The Petitioner is requesting that the property be rezoned to ROA which would accommodate Class A office buildings; i.e., existing dwellings converted to office use with parking in the side yard. The exterior appearance would remain residential with no exterior enlargement except for a porch enclosure.

## **Testimony**

Lawrence E. Schmidt, Esquire, on behalf of the Petitioner submitted as Petitioner's

Exhibit No. 1 the Revised Zoning Reclassification Report that was submitted by the Planning

Staff to the Planning Board on July 20, 2006. The report, in addition to giving a description of
the property, outlines in detail the current zoning /use of the adjacent properties, the properties in
the vicinity, the zoning history of the property, the Baltimore County Master Plan /Community



Plan, the proposed and existing zoning, the Documented Plan, and the Office of Planning's recommendations that the property be rezoned to ROA contingent upon the Petitioner revising the documented plan to show two items set forth as conditions for approval by the Planning Board at its meeting on September 7, 2006.

Mr. Schmidt submitted as Petitioner's Exhibit No. 2 a Memorandum from Arnold "Pat" Keller III, Secretary to the Planning Board, to Lawrence S. Wescott, Chairman of the Board of Appeals, which states that:

On September 7, 2006, the Planning Board voted in favor of rezoning the property at 1 Stone Chapel Road from D.R. 3.5 to ROA per the Revised Plan, dated July 20, 2006, conditioned upon the Petitioner revising the documented site plan to show the following:

- 1. Add a note on the plan that there will be shared access through a future use in common driveway with the adjoining office zoned parcels.
- 2. Show lighting details for any freestanding on the landscape plan.

M. Schmidt submitted as Petitioner's Exhibit No. 7 the Documented Plan to Accompany the Reclassification Petition for the Landsman Property. The Documented Plan shows the conditions placed by the Planning Board on September 7, 2006.

Jason Michael Landsman, Petitioner and Owner of One Stone Chapel Road, testified that he acquired the property in 2001 and lived in the house briefly between 2004 and 2005. He testified that he has tried to sell the property as a single-family residence, but with no success because of the traffic.

Ms. Diane Itter, Senior Community Planner in the 2<sup>nd</sup> Councilmanic District, with 31 years experience, testified as an expert witness for the Petitioner. Using census information, Ms. Itter testified as to the changes in the character of the neighborhood. According to the census data, the Garrison area population increased from 5,045 in 1990 to 7,969 in 2000. Ms. Itter testified that a zoning of ROA is the most modest of changes and is consistent with Baltimore

County's Master Plan. She testified that there are no single-family dwellings on the east side of Reisterstown Road.

Mr. Kenneth Wells, of K. J. Wells, Inc., Land Surveying and Site Planning, testified for the Petitioner. K. J. Wells, Inc., prepared the Documented Plan to accompany the reclassification Petition for the Landsman Property that was submitted as Petitioner's Exhibit No. 7. Mr. Wells confirmed Ms. Itter's testimony as to the change in character of the neighborhood. Mr. Wells also testified that he believes the County made an error in the last zoning in that they did not realize that the property no longer belonged to the church. He also testified that in 2002 one adjacent property was rezoned to O-3 and another property was rezoned to ROA.

A Storm Water Impact Statement prepared by K. J. Wells, Inc., and an Environmental Impact Statement prepared by Henry Leskinen of Eco-Science Professionals, Inc., were submitted as Petitioner's Exhibits No. 12A and 12B. The Storm Water Impact Statement states:

The proposed conversion will not have any direct stormwater impacts and would generate less runoff since the impervious area is being decreased by 300 sq. ft. and would be exempt from meeting Baltimore County's stormwater management requirements.

The Environmental Impact Statement states:

The proposed project will have no short or long-term negative effects on wetlands, wetland buffers, flood plains, forest, and steep slopes since none of these features occur on the site. All development activities will occur on maintained lawn or previously developed areas. The project will have no impacts on wildlife or wildlife habitat.

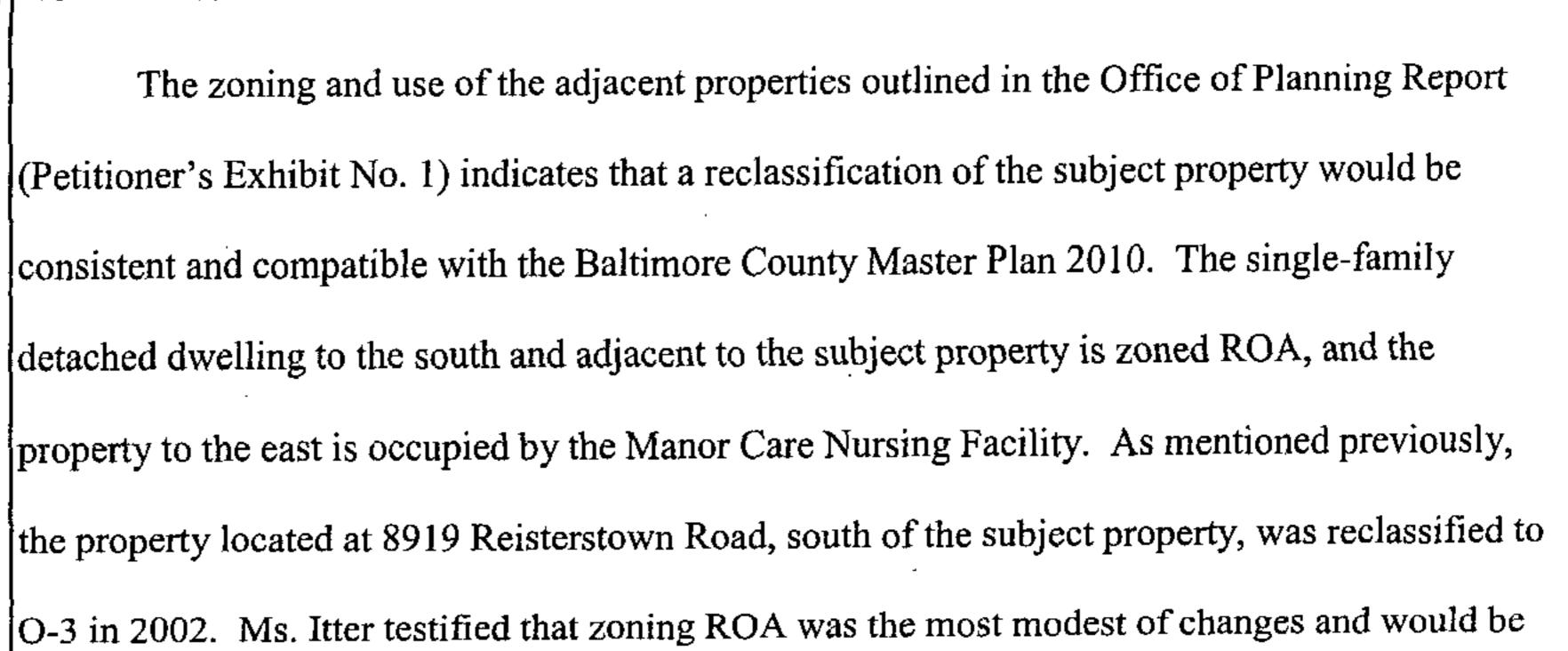
Mr. Schmidt submitted for the Petitioner as Exhibit No. 4 the Order of the Baltimore

County Board of Appeals dated May 11, 2002 granting a request for reclassification of the

zoning for the property located at 8919 Reisterstown Road, 2<sup>nd</sup> Councilmanic District, from D.R.

3.5 to O-3. The property known as 8919 Reisterstown Road is the second house to the southeast

consistent with the Baltimore County Master Plan.



Mr. Landsman testified that he tried to sell the property as a single-family dwelling but without success. He also testified that he bought the property prior to the last rezoning, and that it was possible that the County did not know the property had changed ownership and the Stone Chapel Methodist Church was not the owner at the time of the zoning maps.

The Office of Planning recommended in their report that the property be rezoned to ROA.

The Storm Water Management Impact Statement and the Environmental Impact Statement submitted as Petitioner's Exhibits 12A and 12B both state that the reclassification of the property from D.R. 3.5 to ROA will have no negative effect or impact on storm water, wetlands, wetland buffers, flood plains, forests, and steep slopes since none of these features occur on the site.

## ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals this \_\_\_\_\_\_\_, 2007, that the Petition for Reclassification to reclassify the

subject property from D.R. 3.5 to ROA is hereby **GRANTED**, pursuant to the Documented Site Plan submitted as Petitioner's Exhibit No. 7.

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 S, Wescott, Chairman 2006

Mike Mohler

Robert W. Witt







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

April 17, 2007

Lawrence E. Schmidt, Esquire GILDEA & SCHMIDT LLC 600 Washington Avenue Suite 200 Towson, MD 21204

> RE: In the Matter of: Landsman Property; 1 Stone Chapel Road Jason M. Landsman –Petitioner/Legal Owner Case No. CR-06-231

Dear Mr. Schmidt:

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 Petitions for Judicial Review filed from this decision should be noted under the same civil action number. 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:

Jason M. Landsman

Kenneth J. Wells, P.E.

Carol Saffran-Brinks /Board of Ed. /MS 1102-J

People's Counsel for Baltimore County Jeffrey Long, Deputy Director /Planning

Pat Keller, Planning Director

William J. Wiseman III /Zoning Commissioner

W. Carl Richards /PDM

Timothy M. Kotroco, Director /PDM Baltimore County Council, 3<sup>rd</sup> District John E. Beverungen, County Attorney



Case No. R-06-231

In the Matter of: Landsman Property

1 Stone Chapel Road

Cycle II, 2005/2006

Open-Plan

DOCUMENTED PLAN Reclassification from D.R. 3.5 to ROA

## 4/04/06 — OPENED ON THE RECORD; DOCUMENTED PLAN SUBMITTED; AMENDED PETITION FOR RECLASSIFICATION AND RELATED DOCUMENTS TO BE SUBMITTED 4/11/06

3/13/06 - Notice of Hearing sent via PDM (notice prepared here for PDM); scheduled for hearing on Tuesday, April 4, 2006 at 10:00 a.m.
3/23/06 – Received signed Certificate of Posting from SSG Robert Black
<ul> <li>4/04/06 - Board convened for hearing (Stahl, Mohler M, Witt); matter opened and Amended /Documented Site Plan submitted by counsel for Petitioner. Amended Petition for Reclassification and accompanying documentation to be submitted in open hearing on 4/11/06; notice to be sent.</li> <li>Notice of Assignment /for submittal of Amended Petition for Reclassification sent to parties this date; assigned for Tuesday, April 11, 2006 at 10:45 a.m. as agreed. (NOTE: Same panel need not be assigned; no evidence or testimony taken on 4/04/06 or to be taken on 4/11/06.)</li> </ul>
4/11/06 – Amended Petition for Reclassification, including Documented Site Plan and related materials, submitted to the Board in open hearing and on the record this date. To be forwarded to PDM.
4/13/06 - Memo to T. Kotroco, attn: Carl Richards - transmitting Amended Petition and Documented Plant with related documents to PDM for processing per § 32-3-513(a) of the BCC.
9/19/06 – Memo from P. Keller to L. Wescott – PB voted in favor of rezoning contingent upon revision to site plan to include: note re shared access and lighting details, as set forth in Mr. Keller's memo.
10/30/06 – Notice of Assignment sent to parties this date; assigned for hearing on documented site plan for Thursday, December 7, 2006 at 10:00 a.m.
12/07/06 - Board convened for hearing (Wescott, Mohler M, Witt); concluded hearing this date; deliberation to be assigned; no memos to be filed.
12/18/06 – Notice of Deliberation sent to parties; assigned for Thursday, January 4, 2007 at 9:00 a.m. FYI cop to 3-1-6.
1/04/07 – Board convened for public deliberation (3-1-6). Unanimous decision – reclassification GRANTED per documented site plan. Written opinion/order to be issued; appellate period to run from date of written order. (6)
4/10/07 -Letter from L. Schmidt inquiring as to status of order in this matter.  Response to Mr. Schmidt via USPS and FAX - decision to be issued this week; one additional member to sign Order - due in on 4/12/07.
***



# Petition for Reclassification

to the Board of Appeals of Baltimore County

	for the property located at 1 Stone Chapel Court
T*1 *	which is presently zoned/districted DR-35
I his Petition shall be filed owner(s) of the property situand	with the Department of Permits and Development Management. The undersigned, legal late in Baltimore County and which is described in the description and plat attached hereto

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 DR-3.5 zone/district to a ROA zone/district, for the reasons given in the attached and (2) for a Special Exception under the zoning regulations of Baltimore County, to use

N/A

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

N/A

BALTIMOHE COUNTY BOARD OF APPEALS

AUG 3 1 2005

KEN WE WE

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.

Contract Purchaser/Le	ssee:	
Name - Type or Print	<del></del>	
Signature		<del></del>
Address	<del></del>	Telephone No.
Attornou For Design	State	Zip Code
Attorney For Petitione Lawrence E. Schmidt	<u>r:</u>	
Name - Type or Print	691	City
Gildea & Schmidt, LLC Company		
300 E. Lombard Street, Su	ite 1440	(410) 234-0070
Baltimore	MD	Telephone No. 21202
City REV 9/18/98	State	Zip Code

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.

## Legal Owner(s):

Jason M. Landsman		
Name - Type or Print Signature		
Name - Type or Print Signature		
4 Chetwick Court		(410) 404-2001
Address	<u> </u>	Telephone No.
Owings Mills,	MD	21117
	State	Zip Code

## Representative to be Contacted:

Kenneth J. Wells, P.E. (kj V	VellsInc. )			
Name	<del></del> _	<del></del>		
7403 New Cut Road Address	(410) 592-8800			
		Telephone No.		
Kingsville, City	MD	21087		
City	State	Zip Code		

## Brief (Reason in Support of Requested Zoning Reclassification) 1 Stone Chapel Court

The subject property is an irregularly shaped property (.3412 acres) with frontage on Reisterstown Road (MD Route 140) just north of the Baltimore Beltway (I-695). Reisterstown Road is a major arterial roadway in this vicinity. The property is improved with a dwelling type structure that is currently vacant and is no longer suitable for residential uses. The property is zoned DR-3.5, a low intensity residential zone. The Petitioner requests that the property be rezoned ROA, which would allow office use. The property immediately abutting the subject site to the south is zoned ROA and a reclassification of the subject property to that zone would be consistent and compatible. In Case No. CR-02-154-A, the next removed property to the south (8919 Reisterstown Road) was rezoned by the County Board of Appeals of Baltimore County from DR-3.5 to 0.3. The property across Reisterstown Road from the subject property is zoned OR1. To the north, to the property separated from the subject lot by Stone Chapel Road (a public road) is an existing high density residential community zoned DR-10.5. 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 ROA pursuant to the standards set forth in Baltimore County Code, Section 32-3-510.

## Revised Zoning Reclassification Report 1 Stone Chapel Road

#### CASE NO:

R-06-231

#### PETITIONER:

Jason M. Landsman

#### **REQUESTED ACTION:**

Reclassification to ROA

#### **EXISTING ZONING:**

DR 3.5

## **LOCATION:**

1 Stone Chapel Road, southeast corner of Reisterstown Road and Stone Chapel Road

#### **AREA OF SITE:**

.3412± acres

## ZONING/USE OF ADJACENT PROPERTIES:

North: DR 10.5 Avalon, Townhouse condominiums
South: ROA Single family detached dwelling
East: DR 3.5 Manor Care nursing facility

West: DR 3.5 Cobblestone, Single family, Z lots

#### SITE DESCRIPTION:

The property is improved with an existing two-story colonial revival style dwelling that was formerly the parsonage for the Stone Chapel Methodist Church. It has a detached garage and a separate driveway from Reisterstown Road.

## PROPERTIES IN THE VICINITY:

The character of the surrounding area is predominately medium to high density residential with some institutional uses. There are a mix of housing types ranging from townhouse condominiums in Avalon to the north to the single-family z lots in Cobblestone to the west and townhouses to the south in Grey Rock. A Manor Care nursing facility is also to the east of the property with frontage on Reisterstown Road and Stone Chapel Road. The adjacent properties to the south that are zoned ROA and O-3 are used as single-family residences. The Stone Chapel and cemetery, BA 40 is located on the north side of Stone Chapel Road about 500 feet from the site. There is also a funeral establishment, Sol Levinson, at the northwest corner of Reisterstown Road and Mount Wilson Lane.

#### WATER AND SEWERAGE:

W-1, S-1 The property is served by public water and sewerage.

#### TRAFFIC AND ROADS:

The property is located at the southwest corner of Reisterstown Road and Stone Chapel Road.

## **ZONING HISTORY:**

The property was zoned DR 1 until the 1984 CZMP when it was rezoned to DR 3.5. No petitions for reclassification have been filed during prior CZMP or cycle zoning processes.

## **MASTER PLAN/COMMUNITY PLAN:**

The Baltimore County Master Plan 2010 shows the proposed land use as multi-family. The Reisterstown Road Corridor Study recommends a meandering sidewalk along the Reisterstown Road frontage.

## PROPOSED vs. EXISTING ZONING:

Regulations for the DR zones can be found in Sections 1B01.1-1B02.3D of the BCZR. ROA regulations can be found in Section 202 of the BCZR.

The DR zone allows single family detached dwellings as well as a variety uses permitted by Special Exception such as an owner occupied professional office in the residence with a 25% limitation on office area, Group B child care centers, and assisted living facilities for more than 4 persons.

The ROA zone was created to accommodate Class A office buildings, i.e., existing dwellings converted to office use with parking in the side or rear yard. The exterior appearance must remain residential with no external enlargement except for a porch enclosure. The placement of ROA zone is appropriate on sites that because of adjacent non-residential activity, heavy commercial traffic or other similar factors can no longer be reasonably limited to medium density residential zones.

#### DOCUMENTED PLAN:

The petitioner submitted a revised documented plan, which shows the existing dwelling to be converted to office use with a small 6-space parking lot in the rear yard accessed from Stone Chapel Road. The existing driveway from Reisterstown Road will be abandoned and the existing freestanding garage will be razed in addition to a portion of the existing wood deck on the dwelling. A proposed meandering sidewalk is show along the Reisterstown Road frontage.

## OFFICE OF PLANNING RECOMMENDATIONS:

Based upon the information provided and the analysis conducted, the Office of Planning recommends that the property should be rezoned to ROA contingent upon petitioner revising the documented site plan to show the following:

- 1. Add a note on the plan that there will be shared access through a future use in common driveway with the adjoining office zoned parcels.
- 2. Show lighting details for any free-standing lighting on the landscape plan. Note that lighting fixtures shall be equipped with sharp angle cut off fixtures.
- 3. Add a note on the plan stating that signage must comply with the Baltimore County Zoning Regulations.

From:

Barbara Weaver

To:

Beverungen, John; Counsel, People's; Heintz, Frank; Itter, Diana; Peddicord, Tom;

Rascoe, Donald

Date:

09/19/2006 3:13 PM

Subject:

Notification of Action by Planning Board

RE: Cycle II Zoning Reclassification Petition - 1 Stone Chapel Road

Attached is your copy of the letter notifying the Board of Appeals that the Planning Board voted in favor of rezoning the property at 1 Stone Chapel Road from DR 3.5 to ROA. Also attached are pertinent supporting documents. Please let me know if you would like anything additional.

Barbara

Barbara J. Weaver Baltimore County Office of Planning 401 Bosley Ave., Ste 406 Towson, MD 21204 410-887-3495

CC:

. Murray, Curtis; Patchak, Krystle

## BALTIMORE COUNTY, MARYLAND

## **MEMORANDUM**

TO:

Lawrence S. Wescott

DATE: September 19, 2006

Chairman, Board of Appeals

FROM:

Arnold F. 'Pat' Keller, III

Secretary to the Planning Board

SUBJECT:

Cycle II Zoning Reclassification Petition - 1 Stone Chapel Road

(Case R-06-231), Council District 2

A Petition for Reclassification was filed with the Department of Permits and Development Management and forwarded to the Office of Planning for presentation to the Baltimore County Planning Board, seeking a zoning change for the property at 1 Stone Chapel Road from DR 3.5 (Residential) to ROA (Residential Office in existing Class A house) per parameters set for Cycle II zoning changes.

The issue has been before the Planning Board on several occasions—most recently, on September 7, 2006. (Copy of the revised Staff Report is attached.)

In January 2006, the Planning Board reviewed the Petition and recommended that the property be reclassified to ROA (residential office in existing house) subject to a documented site plan and certain conditions. As required, the report containing the Board's recommendations was forwarded to the Baltimore County Board of Appeals.

The Board of Appeals held a Public Hearing and a revised documented plan was submitted on April 11, 2006. The following Planning Board action was then taken on the documented plan: On July 20, 2006, Planning Staff presented the Revised Plan to the Planning Board. On September 7, 2006, the Planning Board voted in favor of rezoning the property at 1 Stone Chapel Road from DR 3.5, (Density Residential), to ROA, (Residential Office in existing Cass A House), per Revised Plan, July 20, 2006, contingent upon the Petitioner revising the documented site plan to show the following:

Mr. Lawrence S. Wescott Re: 1 Stone Chapel Road (Case No. R-06-231) September 19, 2006 Page 2

- 1. Add a note on the plan that there will be shared access through a future use in common driveway with the adjoining office zoned parcels.
- 2. Show lighting details for any freestanding lighting on the landscape plan.

If you have any questions, please contact Ms. Diana Itter, Senior Community Planner, at 410-887-3480.

## AFK:bjw

c: Kevin Kamenetz, County Council, 2nd District
John Beverungen, County Attorney
Dr. Anthony Marchione, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Peter M. Zimmerman, People's Counsel
Tim Kotroco, Director, Permits & Development Management
Jeffrey Long, Deputy Director, Office of Planning
Diana Itter, Senior Community Planner
Frank O. Heintz, Chairman, Baltimore County Planning Board

## kjWellsInc

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

Telephone: (410) 592-8800 Fax: (410) 817-4055

Email: kwells@kiwellsinc.com

7403 New Cut Road Kingsville, Md. 21087-1132

August 29, 2005

Zoning Description
of the
Landsman Property
1 Stone Chapel Road
Baltimore County
Maryland
2<sup>nd</sup> Councilmanic District
3<sup>rd</sup> Election District

Beginning for the same at a point formed by the intersection of the northeast side of Reisterstown Road (width varies) and the southeast side of Stone Chapel Road (approximately 17 feet wide), thence binding along Stone Chapel Road North 88 degrees 22 minutes 12 seconds East 258.81 feet; thence leaving Stone Chapel Road South 27 degrees 01 minute 30 seconds East 11.67 feet; thence South 57 degrees 53 minutes 30 seconds West 200.95 feet to the northeast side of Reisterstown Road; thence binding along the northeast side of said Reisterstown Road North 42 degrees 09 minutes 10 seconds West 136.17 feet to the place of beginning. Containing 0.3412 acres of land more or less.



# 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 32-3-505, will tion 603 and the County Code, Section 32-3-505, will though a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # R-06-231

Lesse: # R-06-231

Case: # R-06-231

Case: # R-06-231

Lesse: # R-06-231

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please call 410) 887-3130.
(2) For information concerning the File and/or Hearing, Contact this office at 410-887-3180.

2002

OF PUBLICATION

田

that the annexed advertisement was published

THIS IS TO CERTIFY

successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., once in each of

The Jeffersonian Arbutus Times

- Catonsville Times
  - Towson Times
- 🗅 Owings Mills Times

☐ NE Booster/Reporter

North County News

Wulling

LEGAL ADVERTISING

## CERTIFICATE OF POSTING

RE: Case No.: $\chi - \chi_0 - 23/$				
	Petitioner/Developer: JASON M.			
LANDSMAN				
	Date of Hearing/Closing: APRIL 4, 20			
Baltimore County Department of Permits and Development Management County Office Building, Room 111				
111 West Chesapeake Avenue Towson, Maryland 21204	RECEIVED			
ATTN: To whom it may concern	MAR 2 3 2006			
Ladies and Gentlemen:	BALTIMORE COUNTY			
This letter is to certify under the penalties of perposted conspicuously on the property located at	rjury that the necessa BOMBDrOFFAPHALBere			
INTERSECTION OF NES	S OF RESTERSTOWN ROAD AND			
HE SE/S OF STONE CHAPE	L ROND			
The sign(s) were posted on	3-20-06			
	(Month, Day, Year)			
	. Sincerely,			
	Robert Black 3-21-04			
	(Signature of Sign Poster) (Date)			
ZONING NOTICE	SSG Robert Black			
A PUBLIC HEARING WILL BE HELD BY	(Print Name)			
CASE # RCG: 2.31  BECLASSIFICATION FROM DR 3.5 TO ROA	1508 Leslie Road			
	(Address)			
HENRING - THEFORY APPRIL 4.2005 AT 1000 AM IN ROOM 49 OLD COUNTRUSE 400 WESHINGTON ANDRE, TOWSON MO 21204	Dundalk, Maryland 21222			
ADDITIONAL INFORMATION IS AVAILABLE AT THE PROPERTY OF THE PARTY OF TH	(City, State, Zip Code)			
Mary Carlo Service Community of Carlo Service Carlo Service Community of Carlo Service Community of Carlo Service Community of Carlo Service Carlo Ser	(410) 282-7940			
	(Telephone Number)			

	DISTRIBUTION  WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	. 1	FOR	RECEIVED.		SCELLANEOUS RECEIPT	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE	
\ \ \ \ \ \	1ER				15. C.		No.	
		CASHIER'S VALIDATION						

100

.\* .



A PUBLIC HEARING WILL BE HELD BY

- THE COUNTY BOARD OF ADPEALS

RECLASSIFICATION FROM DR. 3.5 TO ROA

HENRING: TUESDAY APRIL 4, 2006 AT 10 (DAM)
IN ROOM 49, OLD COURTHOUSE 400 WASHINGTON
AVENUE, TOWSON MD 21204

ADDITIONAL INFORMATION IS AVAILABLE AT TONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT TEL. 887-3391

MICTOR IS REMAICAP ACCESSIBLE

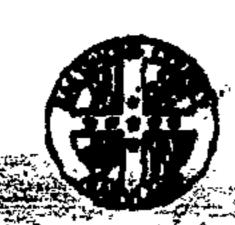
RECEIVED

MAR 2 3 2006

BALTIMORE COUNTY BOARD OF APPEALS ARDOFAPPEALS

FRX NO. :4108873182

Mar. 13 2006 12:20PM P2



County Board of Appeals of Baltimore County

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

March 13, 2006

ATTI LIND

## NOTICE OF ZONING RECLASSIFICATION HEARING

The County Board of Appeals of Baltimore County, by surhority of the County Charter, Sect to 602(e) and Section 603 and the County Code, Section 32-3-505, will hold a public hearing in Tows: 1, Maryland on the property identified herein as follows:

CASE NUMBER: R-06-231

Intersection of NE/s of Reisterstown Road and the SE/s of Stone Chapel Road

() Stone Chapel Road).

2<sup>nd</sup> Election district — 3<sup>nd</sup> Councilmanic District

Legal Owner: Jacon M. Landsman

Contract Purchaser: None

#### Reclassification from D.R. 3.5 to ROA

Hearing: Tuesday, April 4, 2006, at 10:00 a.m. in Room 49, Old Counthouse 400 Washington Avenue, Towson 21204

Lawrence S. Wescott

Chairman

Timothy Kotroco, Director /PDM

Board of Appeals

Office of People's Counsel

Pat Keller, Planning Director

Carol Saffran-Brinks, Bequire, Board of Education, Mail Stop #1102-J

Lawrenca E. Schmidt, Esquire, OILDEA & SCHMIDT LLC, 300 E. Lombard

— Street, Suite-1440, Baltimore, MD 21202—

Jason M. Landsman, 4 Chetwick Count, Owings Mills, MD 21117

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

Notes: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTEL BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARC E 20, 2006.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL

ACCOMMODATIONS PLBASE CALL 4:0-887-3180.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING,
CONTACT THIS OFFICE AT 4:0-887-3180

Printed with Stoyburn lists on Happening Paper

COPY

MAR 2 3 2008

WEALTINIONE COUNTY
BOARD OF APPEALS

TO: PATUXENT PUBLISHING COMPANY

Thursday, March 16, 2006 Issue - Jeffersonian

Please forward billing to:

Lawrence E. Schmidt, Esq.

(410-234-0070)

300 E. Lombard Street, Ste. 1440

Baltimore, MD 21202

#### 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 32-3-505, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: R-06-231

Intersection of NE/S of Reisterstown Road and the SE/S of Stone Chapel Road

(1 Stone Chapel Road)

2<sup>nd</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: Jason M. Landsman

Contract Purchaser: N/A

Reclassification from D.R. 3.5 to R.O.A.

Hearing: Tuesday, April 4, 2006 at 10:00 a.m. in Room 49, Old Courthouse,

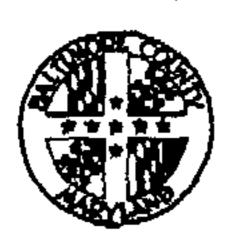
400 Washington Avenue, Towson 21204

Lawrence S. Wescott

Chairman

NOTES: (1) HEARINGS ARE HANDICAPPED 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.



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

March 13, 2006

## 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 32-3-505, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: R-06-231

Intersection of NE/s of Reisterstown Road and the SE/s of Stone Chapel Road

(1 Stone Chapel Road)

2<sup>nd</sup> Election district - 3<sup>rd</sup> Councilmanic District

Legal Owner: Jason M. Landsman

Contract Purchaser: None

Reclassification from D.R. 3.5 to ROA

Hearing: Tuesday, April 4, 2006, at 10:00 a.m. in Room 49, Old Courthouse

400 Washington Avenue, Towson 21204

Lawrence S. Wescott

Chairman

c: Timothy Kotroco, Director/PDM

Board of Appeals

Office of People's Counsel

Pat Keller, Planning Director

Carol Saffran-Brinks, Esquire, Board of Education, Mail Stop #1102-J

Lawrence E. Schmidt, Esquire, GILDEA & SCHMIDT LLC, 300 E. Lombard

Street, Suite 1440, Baltimore, MD 21202

Jason M. Landsman, 4 Chetwick Court, Owings Mills, MD 21117

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

Notes: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY
AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 20, 2006.

(2) HEARINGS ARE HANDICAPPED 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.



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

December 18, 2006

#### **NOTICE OF DELIBERATION**

IN THE MATTER OF:

JASON M. LANDSMAN —Petitioner CASE NO. CR-06-231

Having heard this matter on 12/07/2006, public deliberation has been assigned as follows:

DATE AND TIME

THURSDAY, JANUARY 4, 2007 at 9:00 a.m.

LOCATION

Hearing Room 48, Basement, Old Courthouse

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

#### Kathleen C. Bianco Administrator

c:

Counsel for Petitioner /Legal Owner
Petitioner /Legal Owner

anneth I Wells P.E

: Lawrence E. Schmidt, Esquire: Jason M. Landsman

Kenneth J. Wells, P.E.

Carol Saffran-Brinks /Board of Ed. /MS 1102-J

People's Counsel for Baltimore County
Jeffrey Long, Deputy Director /Planning

Pat Keller, Planning Director

William J. Wiseman III /Zoning Commissioner

W. Carl Richards /PDM

Timothy M. Kotroco, Director /PDM Baltimore County Council, 3<sup>rd</sup> District John E. Beverungen, County Attorney

FYI copy: 3-1-6



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

## Hearing Room - Room 48 Old Courthouse, 400 Washington Avenue

April 4, 2006

## NOTICE OF ASSIGNMENT TO SUBMIT AMENDED PETITION AND DOCUMENTATION

CASE #: R-06-231 (Cycle II, 2005/06

IN THE MATTER OF: JASON M. LANDSMAN

-Legal Owner /Petitioner 1 Stone Chapel Road

2<sup>nd</sup> Election District; 3<sup>rd</sup> Councilmanic District

RE: Petition for Reclassification / Submittal of
Amended Petition for Reclassification (Documented Plan)

which was opened on 4/04/06 has been assigned to the following date and time, as agreed, for the submittal of an Amended Petition for Reclassification and accompanying documents; has been

**ASSIGNED FOR:** 

TUESDAY, APRIL 11, 2006 at 10:45 a.m.

**NOTICE:** 

The purpose of this hearing is for the submittal of the amended Petition and related

material; there will be no testimony or evidence presented at this time.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

Kathleen C. Bianco /Administrator

c:

Counsel for Petitioner /Legal Owner

Petitioner /Legal Owner

Petitioner /Legal Owner

Kenneth J. Wells, P.E.

: Lawrence E. Schmidt, Esquire

: Jason M. Landsman

Carol Saffran-Brinks /Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Jeffrey Long, Deputy Director /Planning
Pat Keller, Planning Director
William J. Wiseman III /Zoning Commissioner
W. Carl Richards /PDM
Timothy M. Kotroco, Director /PDM
Baltimore County Council, 3<sup>rd</sup> District
John E. Beverungen, County Attorney



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

# Hearing Room - Room 48 Old Courthouse, 400 Washington Avenue

April 4, 2006

## NOTICE OF ASSIGNMENT

CASE #:CR-06-231 (Cycle II, 2005/06 IN THE MATTER OF: JASON M. LANDSMAN

-Legal Owner /Petitioner 1 Stone Chapel Road

3<sup>rd</sup> Election District; 2<sup>nd</sup> Councilmanic District

RE: Petition for Reclassification / from D.R. 3.5 to ROA (Documented Plan)

## **ASSIGNED FOR:**

## THURSDAY, DECEMBER 7, 2006 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco / Administrator

c:

Counsel for Petitioner /Legal Owner

Petitioner /Legal Owner

Kenneth J. Wells, P.E.

: Lawrence E. Schmidt, Esquire

: Jason M. Landsman

Carol Saffran-Brinks /Board of Ed. /MS 1102-J
People's Counsel for Baltimore County
Jeffrey Long, Deputy Director /Planning
Pat Keller, Planning Director
William J. Wiseman III /Zoning Commissioner
W. Carl Richards /PDM
Timothy M. Kotroco, Director /PDM

Baltimore County Council, 3<sup>rd</sup> District John E. Beverungen, County Attorney



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

April 10, 2007

VIA FACSIMILE - 410-821-0071 and U.S. Mail

Lawrence E. Schmidt, Esquire GILDEA & SCHMIDT LLC 600 Washington Avenue Suite 200 Towson, MD 21204

> RE: In the Matter of: Jason M. Landsman -Petitioner Case No. R-06-231

Dear Mr. Schmidt:

In response to your inquiry, the Board's decision in the subject matter will be issued this week. I'm awaiting one final signature, and that Board member is scheduled in on Thursday, April 12<sup>th</sup>.

Upon final signature, I will call your office in the event that you wish to have a copy picked up or faxed to you that day.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

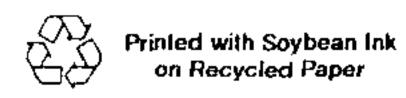
A Renaco

Kathleen C. Bianco

Administrator

Carole S. Demilio, Deputy People's Counsel Jason M. Landsman Kenneth J. Wells, P.E.





## BALTIMORE COUNTY, MARYLAND **Board of Appeals of Baltimore County** Interoffice Correspondence

TO

Timothy M. Kotroco

Department of Permits

& Development Management

Attn: Carl Richards

**FROM** 

Kathleen C. Bianco County Board of Appeal

SUBJECT: Amendment to Petition for Reclassification /Case No. R-06-231 (Amended to DOCUMENTED SITE PLAN) In the Matter of: Jason M. Landsman - Legal Owner / Petitioner

**DATE:** April 13, 2006

In accordance with the appropriate sections of the Baltimore County Code, the Amended Petition for Reclassification and accompanying Documented Site Plan in the subject matter were submitted to the County Board of Appeals on the record and at a public hearing on April 11, 2006. This amended petition, including the Amended (Documented) Site Plan and accompanying documentation, is herewith transmitted to your office for processing pursuant to § 32-3-513(a) of the Code.

A date will be assigned for hearing on the merits upon confirmation with counsel and appropriate notice sent to all parties in this matter. Should you require any additional information, please call me at extension 3180.

#### Attachment

Lawrence E. Schmidt, Esquire ¢: People's Counsel for Baltimore County Pat Keller, Planning Director Jeffrey Long, Deputy Director /Planning



## COUNTY BOARD OF APPEALS

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

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

FROM:

LAWRENCE E. SCHMIDT, ESQUIRE 410-821-0071

KATHLEEN BIANCO FAX: 410-887-3182

TELEPHONE: 410-887-3180

DATE:

**APRIL 10, 2007** 

TOTAL NO. OF PAGES INCLUDING

COVER:

RE: IN THE MATTER OF: LANDSMAN

PROPERTY R-06-231

TWO (2)

URGENT

FOR REVIEW

FOR YOUR RECORDS

PLEASE REPLY

PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL



SEMBING REPORT

Apr. 10 2007 12:41PM

YOUR LOGO : BOARDOFAPPEALS

YOUR FAX NO. : 4108873182

PAGES RESULT USAGE TIME MODE START TIME OTHER FACSIMILE\_ *0*2 OK Apr. 10 12:39PM 01'11 SND 94108210071

> TO TURN OFF REPORT, PRESS 'MENU' #04. THEN SELECT OFF BY USING '+' OR '-'.

FOR FAX ADVANTAGE ASSISTANCE, PLEASE CALL 1-800-HELP-FAX (435-7329).

## GILDEA & SCHMIDT, LLC

DAVID K. GILDEA DAVIDGILDEA & GILDEALLC.COM

300 EAST LOMBARD STREET

**SUITE 1440** 

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070 FACSIMILE 410-234-0079

www.gildeallc.com

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

SEBASTIAN A. CROSS SCROSSOGILDEALLC.COM

LSCHMIDT GILDRALLC.COM

LAWRENCE E. SCHMIDT

JOSEPH R. WOOLMAN, III JWOOLMANGGILDRALLO.COM

D. DUSKY HOLMAN DHOLMANOGILDEALLC.COM

JASON T. VETTORI
JVETTORIOGILDEALI.C.COM

Ms. Kathy Bianco Board of Appeals Old Court House, Room 49 400 Washington Avenue Towson Maryland 21204 July 21, 2006

Re: Landsman/1 Stone Chapel Road

Case No. R-06-231

Dear Ms. Bianco:

As you recall, the above matter came before the Board of Appeals on April 4, 2006 on a Petition for Rezoning Reclassification. At that time, the matter was presented to the Board as an open site plan. In open hearing, an amended plan was offered. The amended plan was a documented plan, consistent with the recommendation from the Office of Planning and Planning Board.

That documented plan has been distributed among the reviewing agencies of Baltimore County for comment and further proceedings scheduled before the Baltimore County Planning Board. The new plan was introduced at the Planning Board's meeting on July 20, 2006. A vote by the Planning Board is scheduled for September 7, 2006.

Upon the Planning Board vote, the matter is appropriate for rescheduling before the Board for the final hearing to consider this request. Please schedule this matter as convenient to the Board for hearing after the September 7, 2006 Planning Board vote.

Thank you for your corporation in this matter. With kind regards, I am

Very truly yours,

Lawrence E. Schmidt

LES: dls

Cc: Jason Landsman

Kenneth J. Wells, kj WellsInc.

JUL 2 4 2006

BALTIMORE COUNTY BOARD OF APPEALS GILDEA & SCHMIDT, LLC

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

DAMIAN C. O'DOHERTY

JASON T. VETTORI

JOSEPH R. WOOLMAN, III

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070 FACSIMILE 410-821-0071

www.gildeallc.com

BALITIMORE, MD OFFICE

300 EAST LOMBARD STREET SUITE 1440

BALTIMORE, MARYLAND 21202 TELEPHONE 410-234-0070

ANNAPOLIS, MD OFFICE

95 CATHEDRAL STREET SUITE 100

ANNAPOLIS, MARYLAND 21401

TELEPHONE 410-295-0070

April 3, 2007

Kathleen Bianco Executive Secretary Board of Appeals Old Court House, Room 49 400 Washington Avenue Towson Maryland 21204

Re:

Petition for Reclassification

Case No.: R-06-231

1 Stone Chapel Road

Jason M. Landsman, Petitioner

APR 1 0 2007

BALTIMORE COUNTY BOARD OF APPEALS

Dear Ms. Bianco:

As you know, I represent Jason M. Landsman, the petitioner/property owner in reference to the above matter. This matter came before the Board for hearing on December 6, 2006. The hearing was concluded in it's entirety on that morning. Subsequently, the matter was scheduled for a deliberation by members of the panel who heard this case on January 4, 2007. At that deliberation, the Board members indicated that the petition would be granted and observed that there was no testimony or evidence offered in opposition to the petition.

Although I am appreciative of the Board's heavy docket and scheduling issues, my client has asked that I inquire as to when the Board's written decision might be issued. As might be anticipated, he has scheduled a contractor to undertake the work necessary to bring the site into compliance with the documented site plan that has been submitted. Additionally, he is carrying interest and other charges related to his acquisition of the property.

I am also writing to confirm that the Board has my current address on file, and that a copy of the decision will be directed to the undersigned's correct address. As you know, my office moved, effective February 1, 2007.

Cathi Bianco April 3, 2007 Page 2

If there is anything that I can do to expedite or assist the issuance of a written decision in this matter, I would be more than pleased to do so. Thank you for your anticipated cooperation regarding this matter.

Very truly yours,

Mill & Mill

Lawrence E. Schmidt

LES:kmb cc: Carole Dimilio, Esquire Jason M. Landsman Kenneth J. Wells, kjWells, Inc.

The second secon

•

• .



# Baltimore County - Environmental Impact Statement for the proposed

## LANDSMAN PROPERTY

## prepared for:

kjWellsInc.
7403 New Cut Road
Kingsville, Maryland 21087

## prepared by:

Eco-Science Professionals, Inc. P.O. Box 5006 Glen Arm, Maryland 21057 (410) 592-6752

#### **Introduction**

Eco-Science Professionals, Inc. was contracted to develop an Environmental Impact Statement (EIS) for the Landsman Property. The project site encompasses 0.44 acres  $\pm$  and is located at 1 Stone Chapel Road in the Pikesville section of Baltimore County, Maryland. This work is being performed to meet the requirements of the Baltimore County Board of Appeals - Zoning Reclassification. This EIS has been prepared to meet the requirements as defined in Section 32-3-512 a.(11) of the Baltimore County Zoning Regulations. In addition, the final section of this report discusses Baltimore County Department of Environmental Protection and Resource Management (DEPRM) requirements for the proposed project.

#### **Existing Site Information**

The Landsman Property encompasses  $0.44 \pm acres$  and is located on the southeast corner of the intersection of Stone Chapel Road and Reisterstown Road in the Pikesville section of Baltimore County. The site has been previously developed and includes an existing house with a wrap-around deck and a detached garage. The house and garage are surrounded by maintained lawn. The rear lawn is a narrow, triangular shaped area enclosed by an iron fence. The front lawn contains a few trees, including white pine, Douglas fir, and elm. A board on board fence screens the property from Reisterstown Road. The southern property boundary is screened by a row of arborvitae. Access to the site is via a macadam driveway with direct access to Reisterstown Road. The current zoning of the property is DR.3.5. The applicant is requesting that the zoning be changed to ROA. Land use adjacent to the site consists of high density residential development. Commercial/business development is prevalent in the vicinity of the site along the Reisterstown Road corridor.

No wetlands, streams, floodplains, Baltimore County forest buffer, or forest occur on or immediately adjacent to the property. The natural features on the site are limited to maintained lawn with scattered trees and shrubs.

#### **Proposed Development**

The proposed development of this site involves the conversion of the existing house from residential use to residential office use. In order to accommodate this conversion, the detached garage, the existing driveway access to Reisterstown Road, and a portion of the existing wraparound porch will be removed. A small macadam parking lot will be constructed behind the house. The parking lot will be accessed by a new connection to Stone Chapel Road. A zoning reclassification will be required to operate an office from this site.

#### **Probable Environmental Impacts**

The proposed development will not have any direct environmental impacts. The proposed development will not impact any wetlands, streams, floodplains, forest buffers, forest, or steep slopes since none of these features occur on or immediately proximal to the site. The construction of the parking lot will displace some maintained lawn however new lawn will be provided in the area where the existing driveway is removed. No wildlife displacement will result from the proposed project since the site does not provide any appreciable wildlife habitat.

The project will not be required to comply with Baltimore County's Forest Conservation Program since it involves development activity on a site less than 40,000 sq.ft. in size.

#### Avoidance and Minimization of Impacts

The proposed site development plan avoids all impacts to natural regulated resource features since all construction activities occur on maintained lawn or previously developed areas.

#### Long Term Effects of Proposed Development

The proposed project will have no long term negative effects on wetlands, floodplains, forests, or other natural resource features since these features are not present on or immediately adjacent to the site. The project will have no long term negative impacts on wildlife since the site does not provide appreciable wildlife habitat.

#### Resource Commitment

The project will not impact any natural resource features and will have no impact on wildlife or their habitat.

#### **Baltimore County DEPRM Requirements**

Baltimore County DEPRM oversees the natural resources of the county by regulating development of wetlands, waterways, forest buffers, significant plant/animal habitats and forests. Eco-Science Professionals, Inc. has reviewed the site and determined that none of these features are present on the property. Therefore the proposed project will not impact any natural habitats. The project will not have to comply with the Baltimore County Forest Conservation Ordinance since it occurs on a parcel less than 40,000 sq.ft. in size.

#### **Summary**

The proposed project will have no short or long term negative effects on wetlands, wetland buffers, floodplains, forests, and steep slopes since none of these features occur on the site. All development activities will occur on maintained lawn or previously developed areas. The project will have no impacts of wildlife or wildlife habitat.

#### **Authorship**

This study was performed by Henry Leskinen. Co-founder of Eco-Science Professionals, Inc., he has 20 years experience in natural resources assessments and inventories. Mr. Leskinen received his Bachelor of Sciences degree from St. Marys College of Maryland in St. Marys City, Maryland. Mr. Leskinen is currently certified by the U.S. Army Corps of Engineers to perform wetland delineations and as a Qualified Professional by MD DNR Public Lands and Forestry Division to perform Forest Conservation Act services.

#### COUNTY BOARD OF APPEALS

ROOM 49, OLD COURTHOUSE . 400 WASHINGTON AVENUE . TOWSON, MD 21204 PHONE: 410-887-3180 • FAX: 410-887-3182

#### FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

FROM:

LAWRENCE E. SCHMIDT, ESQUIRE 410-234-0072

**KATHLEEN BIANCO** FAX: 410-887-3182

TELEPHONE: 410-887-3180



DATE:

**APRIL 4, 2006** 

TOTAL NO. OF PAGES INCLUDING

COVER:

TWO (2)

RE: IN THE MATTER OF: LANDSMAN

PROPERTY R-06-231

URGENT FOR REVIEW FOR YOUR RECORDS

PLEASE REPLY PLEASE RECYCLE

#### PERSONAL AND CONFIDENTIAL

#### LARRY:

ATTACHED IS A COPY OF THE NOTICE OF ASSIGNMENT FOR TUESDAY 4/11/06 (AS AGREED THIS MORNING) for LANDSMAN PROPERTY.

HARD COPIES WERE MAILED OUT TODAY (PROBABLY WON'T HIT THE US MAIL UNTIL TOMORROW MORNING).

kathi

Apr. 04 2006 02:34PM

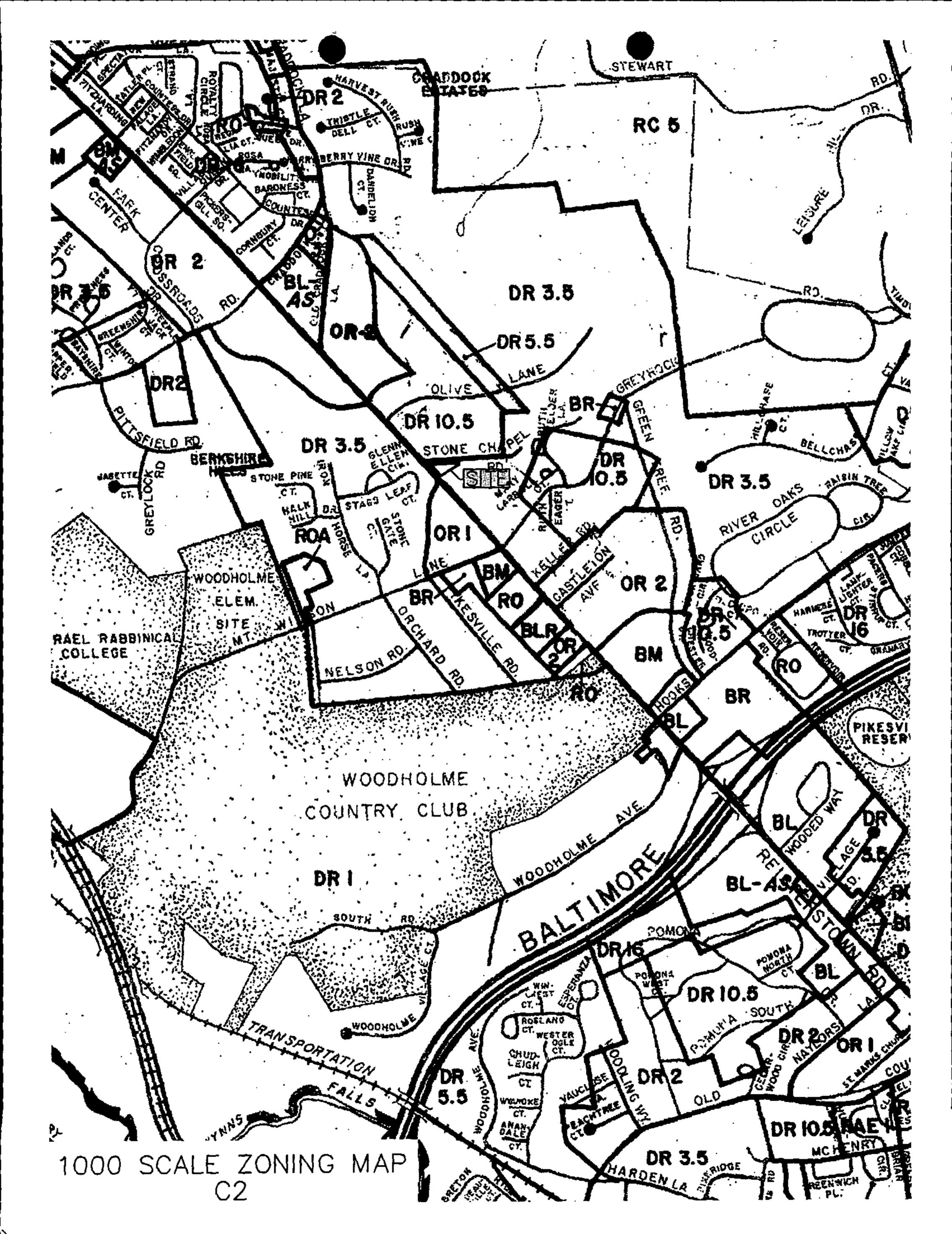
YOUR LOGO : BOARDOFAPPEALS

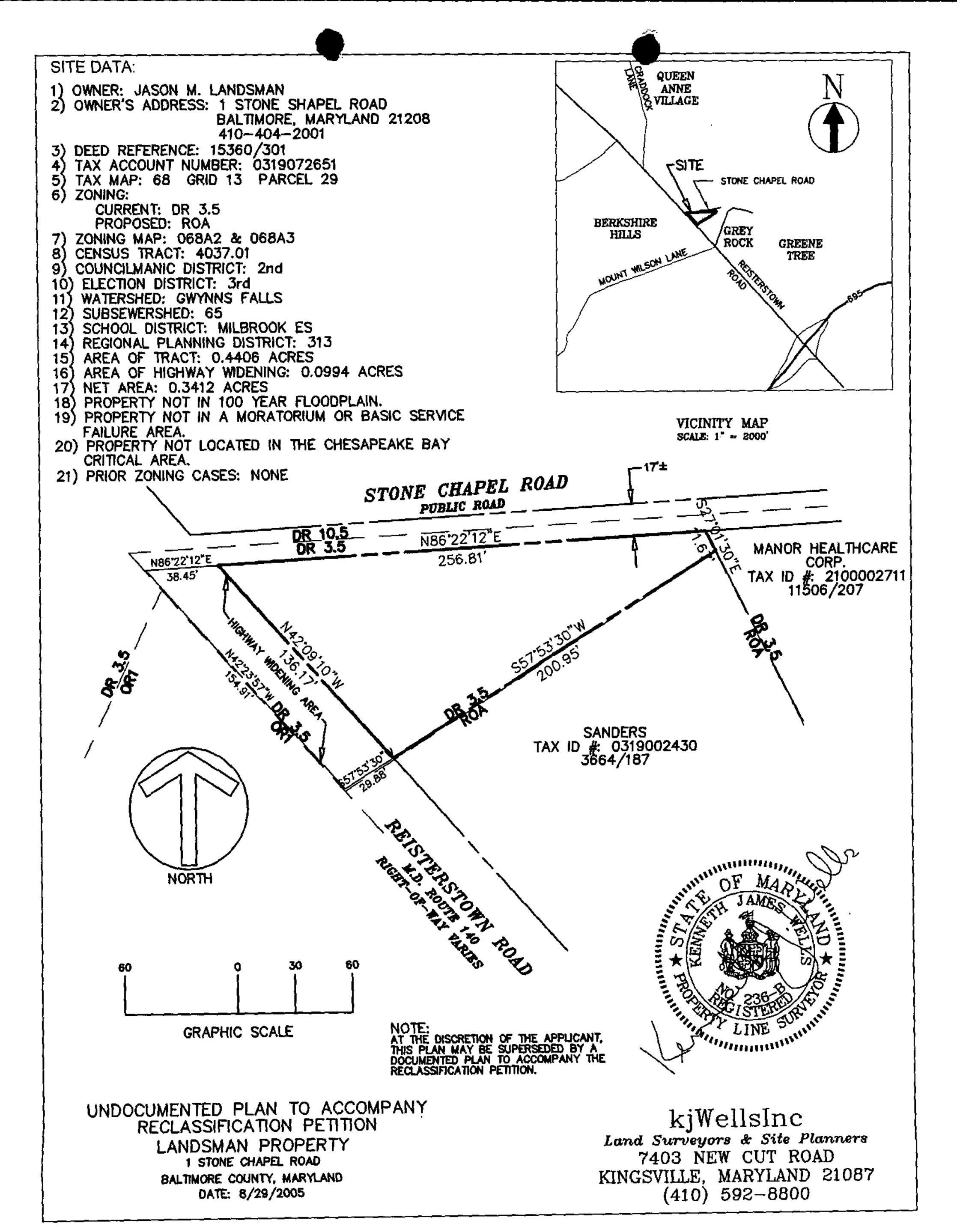
YOUR FAX NO. : 4108873182

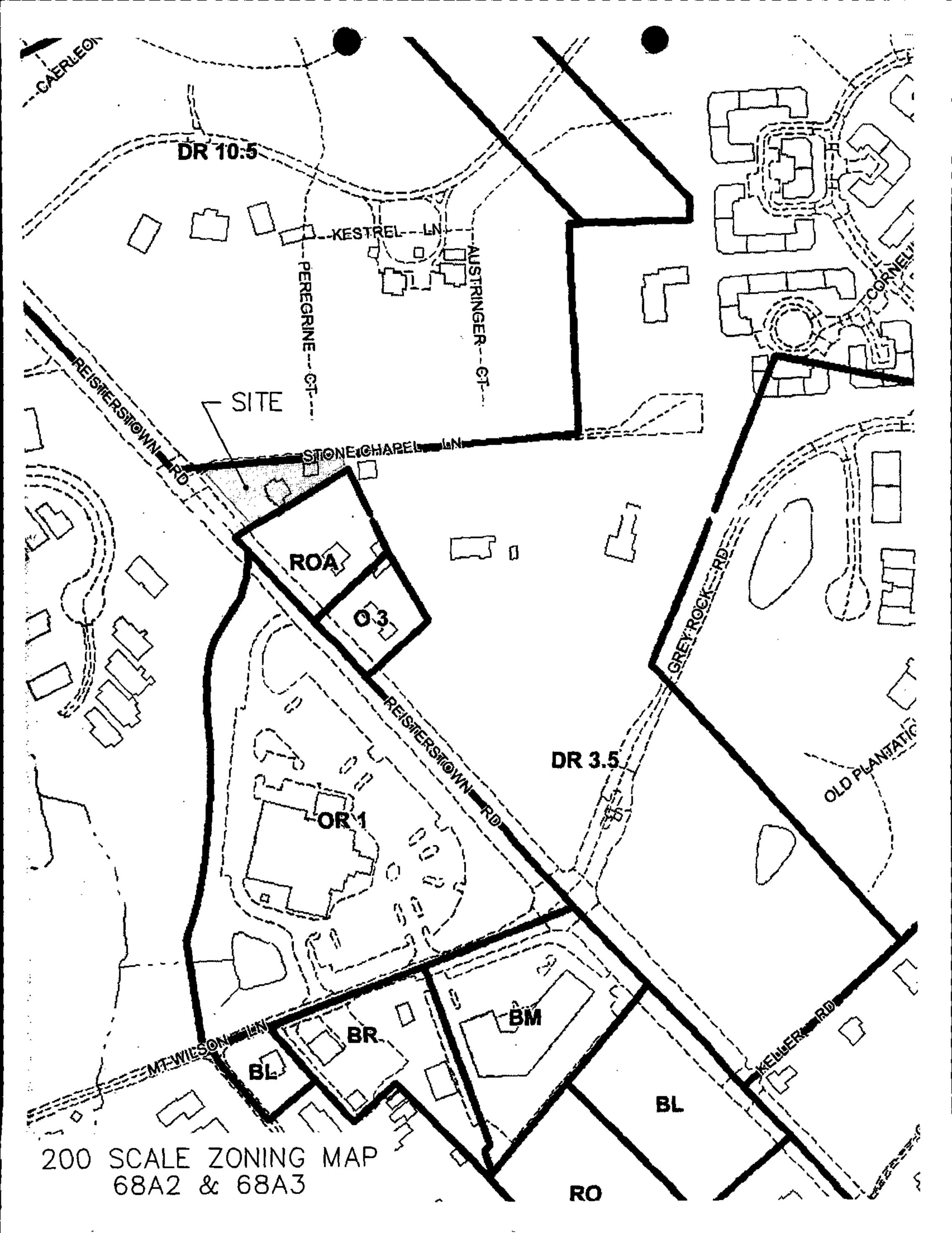
OTHER FACSIMILE START TIME USAGE TIME MODE PAGES RESULT NO. 94102340072 Apr. 04 02:32PM 01,33 SND 02 ĐΚ

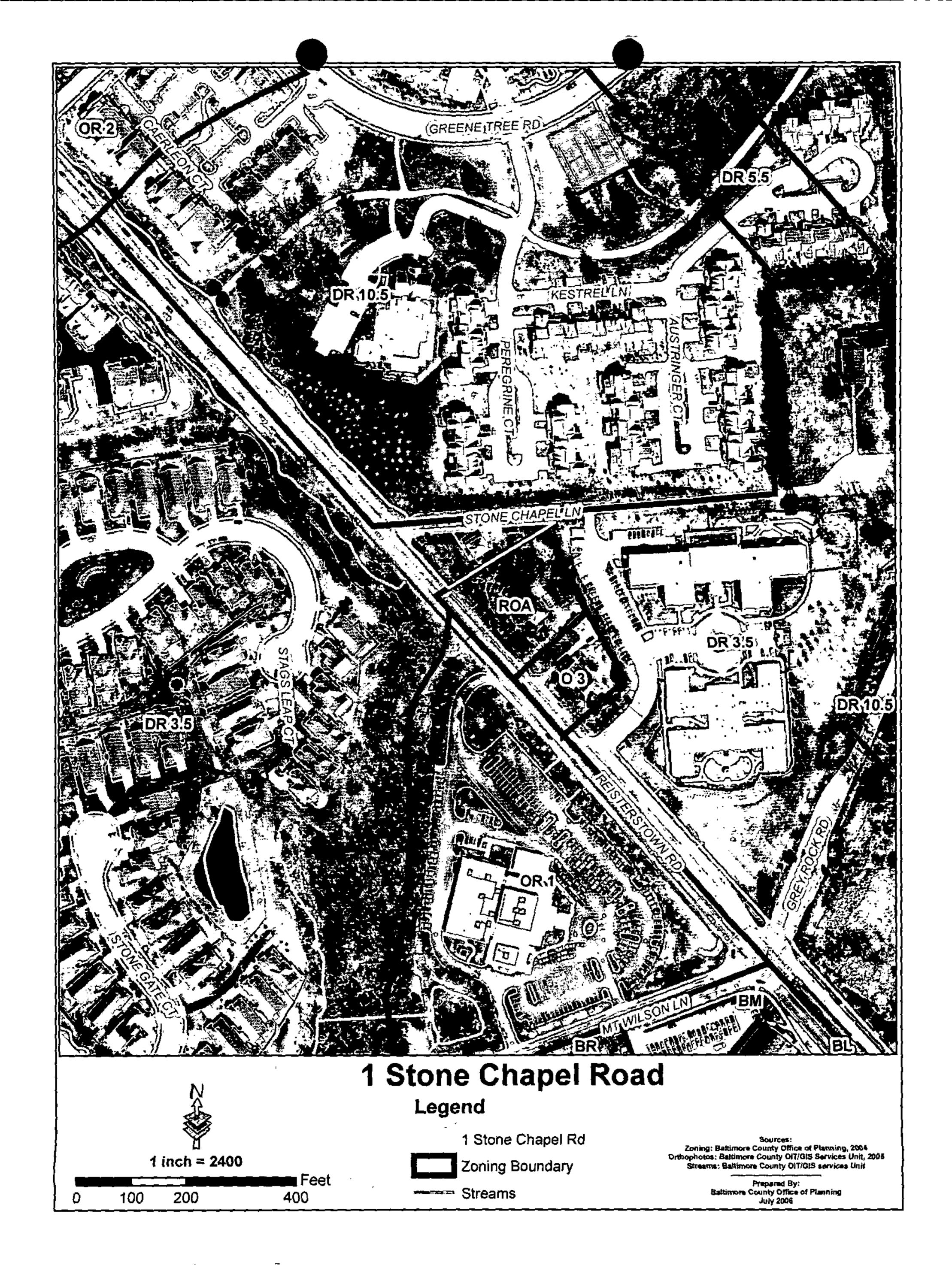
> TO TURN OFF REPORT, PRESS 'MENU' #04. THEN SELECT OFF BY USING '+' OR '-'.

FOR FAX ADVANTAGE ASSISTANCE, PLEASE CALL 1-800-HELP-FAX (435-7329).









#06- 231

Jason M. Landsman – Legal Owner/Petitioner

Intersection of the NE/s of Reisterstown Rd and the

SE /s of Stone Chapel Road

Cycle II; 2005-2006

1 Stone Chapel Road

2<sup>nd</sup> Election District 3<sup>rd</sup> Councilmanic District

From D.R. 3.5 to ROA 0.3412 acre

**OPEN PLAN** 

DOCUMENTED PHAN

August 31, 2005

Petition for Reclassification filed by Lawrence E. Schmidt, Esquire, GILDEA & SCHMIDT LLC, on behalf of Petitioner, Jason M. Landsman, Legal Owner.

Lawrence E. Schmidt, Esquire

Counsel for Petitioners

GILDEA & SCHMIDT LLC 300 E. Lombard Street

Suite 1448 New attress

Baltimore, MD 21202

Jason M. Landsman 4 Chetwick Court Owings Mills, MD 21117 Legal Owner /Petitioner

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 (3<sup>rd</sup> District)
Jay L. Liner, County Attorney

# CAMPISMIANI PROPERTY. PETITIONEL'S EXHIBITS

]			
NO. V	REVISON ZONING RECLASSIFICATION REPORT		
1	MENOGENIUM BATON 9/19/06		
. 13	MINUTES BALTO. COUNTY PLANNING BOARN 9/7/06		
	OPINION PARE COUNTY ROAF OF APPENS 5/17/02		
إسر	MT. WILSON AVALOR / GREY ROCK NEIGH BORITOUR		
	KANNETH WELL'S RESUME		
7	DOCUMENTED SITE PLANT		
A	AERIAL OF SITE BALTO COUNTY WEBSITE		
	NEGHBON MAP " 4		
/ 1	5 PICTURES OF SUBJECT PRIPARTY		
in is	ENLARGED NEIGHBORHOON AERIAL & ZUMING, MAP.		
1 12A	STORM WATER MAT IMPACT STATERIZET		
	ENVIRONMENTAL IMPAUT 57A75MSW15		

Politice of the second second

#### Revised Zoning Reclassification Report 1 Stone Chapel Road

#### CASE NO:

R-06-231

#### **PETITIONER:**

Jason M. Landsman

#### **REQUESTED ACTION:**

Reclassification to ROA

#### **EXISTING ZONING:**

DR 3.5

#### **LOCATION:**

1 Stone Chapel Road, southeast corner of Reisterstown Road and Stone Chapel Road

#### AREA OF SITE:

.3412± acres

#### ZONING/USE OF ADJACENT PROPERTIES:

North:	DR 10.5	Avalon, Townhouse condominiums
South:	ROA	Single family detached dwelling
East:	DR 3.5	Manor Care nursing facility
West:	DR 3.5	Cobblestone, Single family, Z lots

#### SITE DESCRIPTION:

The property is improved with an existing two-story colonial revival style dwelling that was formerly the parsonage for the Stone Chapel Methodist Church. It has a detached garage and a separate driveway from Reisterstown Road.

#### PROPERTIES IN THE VICINITY:

The character of the surrounding area is predominately medium to high density residential with some institutional uses. There are a mix of housing types ranging from townhouse condominiums in Avalon to the north to the single-family z lots in Cobblestone to the west and townhouses to the south in Grey Rock. A Manor Care nursing facility is also to the east of the property with frontage on Reisterstown Road and Stone Chapel Road. The adjacent properties to the south that are zoned ROA and O-3 are used as single-family residences. The Stone Chapel and cemetery, BA 40 is located on the north side of Stone Chapel Road about 500 feet from the site. There is also a funeral establishment, Sol Levinson, at the northwest corner of Reisterstown Road and Mount Wilson Lane.

#### WATER AND SEWERAGE:

W-1, S-1 The property is served by public water and sewerage.

#### TRAFFIC AND ROADS:

The property is located at the southwest corner of Reisterstown Road and Stone Chapel Road ZONING HISTORY:

The property was zoned DR 1 until the 1984 CZMP when it was rezoned to DR 3.5. No petitions for reclassification have been filed during prior CZMP or cycle zoning processes.

#### MASTER PLAN/COMMUNITY PLAN:

The Baltimore County Master Plan 2010 shows the proposed land use as multi-family. The Reisterstown Road Corridor Study recommends a meandering sidewalk along the Reisterstown Road frontage.

#### PROPOSED vs. EXISTING ZONING:

Regulations for the DR zones can be found in Sections 1B01.1–1B02.3D of the BCZR. ROA regulations can be found in Section 202 of the BCZR.

The DR zone allows single family detached dwellings as well as a variety uses permitted by Special Exception such as an owner occupied professional office in the residence with a 25% limitation on office area, Group B child care centers, and assisted living facilities for more than 4 persons.

The ROA zone was created to accommodate Class A office buildings, i.e., existing dwellings converted to office use with parking in the side or rear yard. The exterior appearance must remain residential with no external enlargement except for a porch enclosure. The placement of ROA zone is appropriate on sites that because of adjacent non-residential activity, heavy commercial traffic or other similar factors can no longer be reasonably limited to medium density residential zones.

#### **DOCUMENTED PLAN:**

The petitioner submitted a revised documented plan, which shows the existing dwelling to be converted to office use with a small 6-space parking lot in the rear yard accessed from Stone Chapel Road. The existing driveway from Reisterstown Road will be abandoned and the existing freestanding garage will be razed in addition to a portion of the existing wood deck on the dwelling. A proposed meandering sidewalk is show along the Reisterstown Road frontage.

#### OFFICE OF PLANNING RECOMMENDATIONS:

Based upon the information provided and the analysis conducted, the Office of Planning recommends that the property should be rezoned to ROA contingent upon petitioner revising the documented site plan to show the following:

- 1. Add a note on the plan that there will be shared access through a future use in common driveway with the adjoining office zoned parcels.
- 2. Show lighting details for any free-standing lighting on the landscape plan. Note that lighting fixtures shall be equipped with sharp angle cut off fixtures.
- 3. Add a note on the plan stating that signage must comply with the Baltimore County Zoning Regulations.

#### BALTIMORE COUNTY, MARYLAND

#### **MEMORANDUM**

TO:

Lawrence S. Wescott

DATE: September 19, 2006

Chairman, Board of Appeals

FROM:

Arnold F. 'Pat' Keller, III

Secretary to the Planning Board

**SUBJECT:** 

Cycle II Zoning Reclassification Petition – 1 Stone Chapel Road

(Case R-06-231), Council District 2

A Petition for Reclassification was filed with the Department of Permits and Development Management and forwarded to the Office of Planning for presentation to the Baltimore County Planning Board, seeking a zoning change for the property at 1 Stone Chapel Road from DR 3.5 (Residential) to ROA (Residential Office in existing Class A house) per parameters set for Cycle II zoning changes.

The issue has been before the Planning Board on several occasions—most recently, on September 7, 2006. (Copy of the revised Staff Report is attached.)

In January 2006, the Planning Board reviewed the Petition and recommended that the property be reclassified to ROA (residential office in existing house) subject to a documented site plan and certain conditions. As required, the report containing the Board's recommendations was forwarded to the Baltimore County Board of Appeals.

The Board of Appeals held a Public Hearing and a revised documented plan was submitted on April 11, 2006. The following Planning Board action was then taken on the documented plan: On July 20, 2006, Planning Staff presented the Revised Plan to the Planning Board. On September 7, 2006, the Planning Board voted in favor of rezoning the property at 1 Stone Chapel Road from DR 3.5, (Density Residential), to ROA, (Residential Office in existing Cass A House), per Revised Plan, July 20, 2006, conditioned upon the Petitioner revising the documented site plan to show the following:

(P=-7.)

Mr. Lawrence S. Wescott

Re: 1 Stone Chapel Road (Case No. R-06-231)

September 19, 2006

Page 2

- 1. Add a note on the plan that there will be shared access through a future use in common driveway with the adjoining office zoned parcels.
- 2. Show lighting details for any freestanding lighting on the landscape plan.

If you have any questions, please contact Ms. Diana Itter, Senior Community Planner, at 410-887-3480.

#### AFK:bjw

c: Kevin Kamenetz, County Council, 2nd District
John Beverungen, County Attorney
Dr. Anthony Marchione, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Peter M. Zimmerman, People's Counsel
Tim Kotroco, Director, Permits & Development Management
Jeffrey Long, Deputy Director, Office of Planning
Diana Itter, Senior Community Planner
Frank O. Heintz, Chairman, Baltimore County Planning Board

## MINUTES Baltimore County Planning Board September 7, 2006

#### Contents

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

Review of today's Agenda

Minutes of the July 20, 2006 meeting

Items for Introduction and Initial Discussion - none

#### Items for Discussion and Vote

- 1. Cycle II, Zoning Reclassification 1 Stone Chapel Court (Case R-06-231)
- 2. Water and Sewerage, Cycle 24

#### Items for Discussion and Vote after the Public Hearing

- 3. Towson Manor Village Enhancement Study, and Related Zoning Issues, Council District 5
- 4. Liberty West Community Plan, Council District 4

#### Other Business

- 5. Status report on recent legislative actions by the County Council
  - a. Bill No. 102-06 Zoning Regulations Recreational Vehicle Parking Lot
  - b. Bill No. 105-06 Nonconforming Uses
  - c. Resolution No. 64-06 Review of Planned Unit Development Anderson Automotive Group
- 6. Report from the Landmarks Preservation Commission. No Report. The next meeting is Thursday, September 14, 2006.

#### Adjournment of the Board meeting

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

## Public Hearing By the Baltimore County Planning Board Frank O. Heintz, Chairman

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

Towson Manor Village Enhancement Study and Related Zoning Issues, Council District 5

Liberty West Community Plan, Council District 4

#### Comments by citizens

Reconvene meeting for Board to continue with Discussion and Vote and any other business

Adjournment of meeting

#### **Appendices**

Appendix A

Advance Tentative Agenda

Appendix B

Approved Minutes of the July 20, 2006 meeting

Appendix C

Water and Sewerage Plan Amendment Resolution

Appendix D

Towson Manor Village Enhancement Study, Draft, August 18, 2006, copy of PowerPoint presentation, along with

other photos and data

Appendix E

Liberty West Community Plan, Draft, June 20, 2006, and

copy of PowerPoint presentation

Appendix F

Baltimore County Council Legislation:

a. Bill No. 102-06 Recreational Vehicle Parking Lot

b. Bill No. 105-06 Nonconforming Uses

c. Resolution No. 64-06 Anderson Automotive Group

### Minutes September 7, 2006

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

Chair, Frank O. Heintz, called the regularly scheduled meeting of the Baltimore County Planning Board to order at 400 p.m. The following Board members were:

Present

 $\overline{\phantom{a}}$ 

Mr. Randall Cogar

Mr. Ellwood A. Sinsky

Mr. Wayne C. McGinnis

Mr. Gerard J. Wit

Mr. H. Edward Parker

Mr. Dennis P. Hoover

Dr. Robert Gregory

Ms. Dorothy Foos

Mr. Gordon K. Harden, Jr.

Mr. Paul G. Miller

Absent

Mr. R. Craig Witzke, Jr.

Mr. Aaron E. Dock, Sr.

Ms. Donna G. Flynn

Mr. Robert J. Palmer

County staff present included Arnold F. 'Pat' Keller, III, Jeffrey W. Long, Curtis Murray, Barbara Weaver, Krystle Patchak, Lynn Lanham, Caren B. Hoffberger, Jeffrey Mayhew, Diana Itter, Kevin Gambrill, Dave Green, Jackie MacMillan and Donnell Zeigler from the Office of Planning. Other Agency staff present included David Thomas, Assistant Director, Department of Public Works.

Mr. Heintz noted that the 2006-2007 Schedule of Planning Board meetings is in each member's binder. He also announced a planned Speaker Series for the fall, which will focus on "Transit Oriented Development—A Tool for Community Renaissance." Landmarks Preservation Commission Chair, Mr. James Matthews, will be speaking about landmarks preservation at the October 19<sup>th</sup> meeting.

#### Review of today's Agenda

The Agenda was accepted as published and is filed as Appendix A.

#### Minutes of the July 20, 2006 meeting

Mr. Cogar moved the approval of the draft Minutes as circulated. The motion was seconded by Mr. Parker and passed by acclamation. Messrs. Dock, Witzke, Harden, and Palmer and Ms. Flynn were absent. The approved minutes are filed as Appendix B.

#### Items for Discussion and Vote

1. Cycle II, Zoning Reclassification – 1 Stone Chapel Court (Case R-06-231)

Ms. Itter summarized the request for zoning reclassification of the property at 1 Stone Chapel Road, Council District 2, Case No. R-06-231, from DR 3.5 (Density Residential) to ROA (Residential Office in existing Class A house). She noted that the Planning Office now has the documented site plan. Mr. Schmidt, attorney for the Petitioner, advised that the Petitioner is in agreement. Staff recommends approval with the addition of some minor notes. If approved by the Planning Board, the petition will go back to the Board of Appeals.

Mr. Sinsky moved that The Planning Board is in favor of rezoning the property at 1 Stone Chapel Road to ROA, (Residential Office in existing Cass A House), per Revised Plan, July 20, 2006, contingent upon the Petitioner revising the documented site plan to show the following:

- Add a note on the plan that there will be shared access through a future use in common driveway with the adjoining office zoned parcels.
- Show lighting details for any free-standing lighting on the landscape plan.

The motion was seconded by Mr. Miller and passed by acclamation. Messrs. Dock, Witzke, Harden, and Palmer and Ms. Flynn were absent.

#### 2. Water and Sewerage - Amendment Cycle 24

Ten petitions for changing the classification of various properties for future water and sewerage service were presented initially to the Board on June 15, 2006. A Public Hearing was held on July 20, 2006 with testimony from citizens. Mr. Thomas advised that he had received no additional comments. Recommendations by the Planning Board will go to the County Executive and then on to the County Council and the State.

Mr. Parker moved that the Resolution Recommending Amendments to the Master Water and Sewerage Plan be adopted as follows:

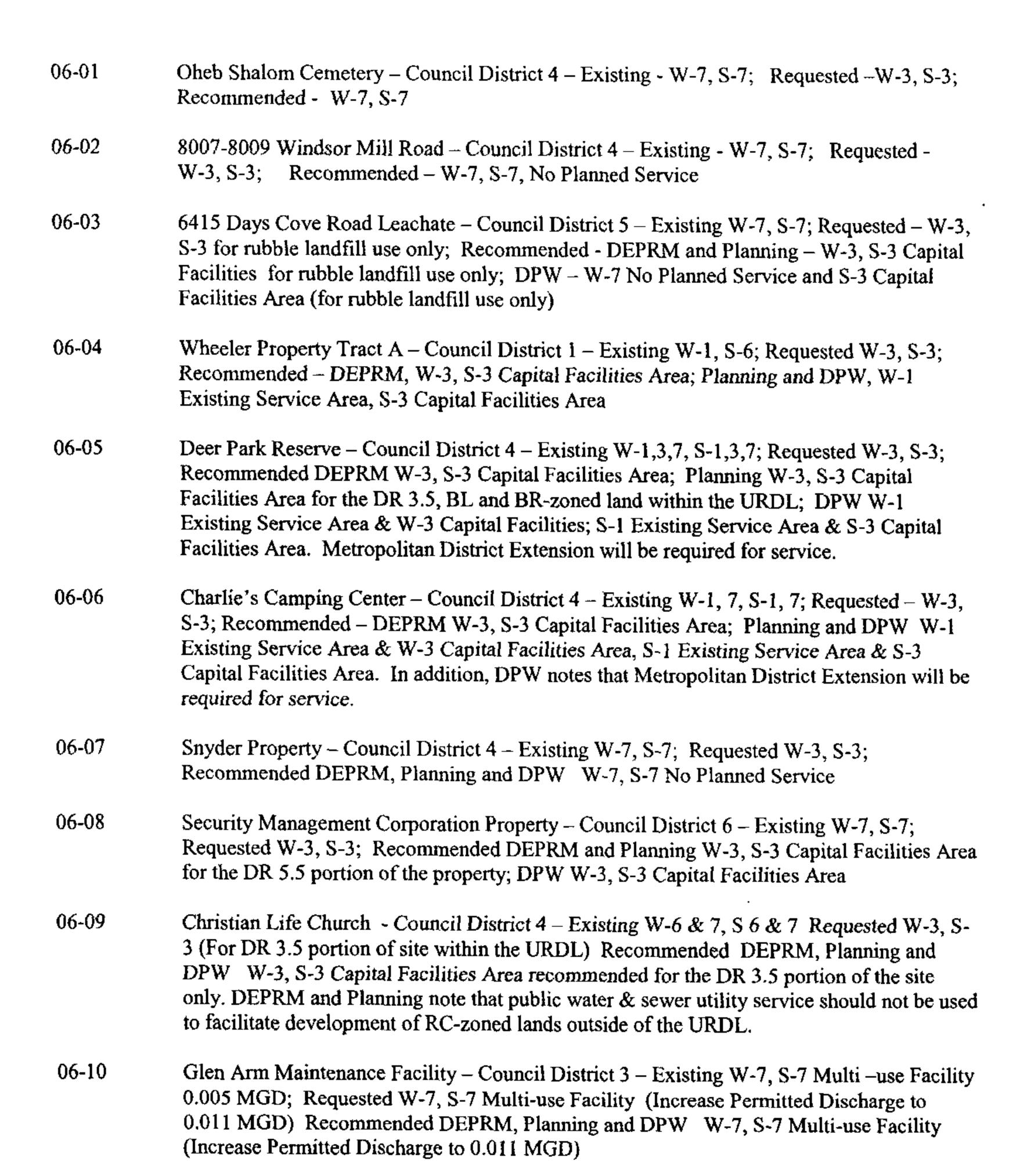
## RESOLUTION Recommending Amendments to the MASTER WATER AND SEWERAGE PLAN

WHEREAS, by Executive Order dated April 11, 1990, the County Executive has established a procedure for annual review and recommendations on Petitions to amend the Baltimore County Master Water and Sewerage Plan; and

WHEREAS, the Planning Board has carefully considered the July 20, 2006 staff report and the statements and other information received in conjunction with the Public Hearing held, in accordance with paragraph (e)(1) of the Executive Order.;

NOW, THEREFORE, BE IT RESOLVED, that the Baltimore County Planning Board hereby finds and recommends, in accordance with paragraphs (e) and (g) of the Executive Order, the following designations in response to the Petitions in Amendment Cycle 24:

Petitions:



**DULY ADOPTED** by vote of the Planning Board the 7th day of September 2006

Arnold F. 'Pat' Keller, III
Secretary to the Planning Board

The motion was seconded by Mr. Miller and passed by acclamation. Messrs. Dock, Witzke, and Palmer and Ms. Flynn were absent. The Resolution is filed as Appendix C.

#### Other Business (taken out of order)

#### 5. Status report on recent legislative actions by the County Council

Mr. Keller brought the Board up to date on several recent actions by the County Council:

- a. Bill No. 102-06 Zoning Regulations Recreational Vehicle Parking Lot.
   The Bill establishes definitions and creates use as an exception in the BL, BM, and BR zones.
- b. Bill No. 105-06 Nonconforming Uses. This is an Amendment to the Baltimore County Zoning Regulations authorizing the Zoning Commissioner to terminate a nonconforming use under certain conditions.
- c. Resolution No. 64-06 Review of Planned Unit Development Anderson Automotive Group. (Hummer Dealership) Mr. Keller noted that this will come back before the Planning Board.

Copies of the legislation are filed as Appendix F.

Mr. Parker presented a report on the Subcommittee for Capital Review. He extended his thanks to Dr. Hairston for the August 15th opportunity to tour some school facilities in a "yellow bus" and gain insight to capital budget needs. The committee looks forward to further input from Mr. Heil of Community Conservation and Mr. Homan, Director, Office of Budget and Finance.

#### 4. Liberty West Community Plan, Council District 4

Using a PowerPoint presentation, Mr. Dave Green elaborated on his July 20<sup>th</sup> introduction of the Liberty West Community Plan in preparation for the Public Hearing to follow.

In 2004 Councilman Oliver introduced Resolution 113-03 requesting the Baltimore County Planning Board update the Liberty Road Revitalization Action Plan. The Liberty Road Revitalization Action Plan study includes Liberty Road from the City Line to Deer Park Road. The Liberty West plan is a subset of the Liberty Road Revitalization Action Plan and extends from Brenbrook Road to the Carroll County Line.

An advisory group consisting of representatives from the plan area met for 16 months to identify issues and develop recommendations. Results of a community survey in which 7,500 were sent out and 938 receiving indicated that number one on the list of concerns was traffic and the need for traffic calming, buffers and public transportation. Marketing issues concerned shopping opportunities. Instilling a sense of community ownership and pride was seen as key to neighborhood stability. Mr. Green also mentioned that there were opportunities to recycle some existing houses into "active senior housing." The draft plan was completed in April and received general support from the Community.

A copy of the Liberty West Community Plan and a copy of the PowerPoint are filed as Appendix E.

The Board meeting was suspended at 4:58 p.m. for the Public Hearing.

\*\*\*\*\*\*\*\*\*\*\*\*

#### **Public Hearing**

Call to order of the Public Hearing, introduction of Board members, and remarks on procedures by Chairman

#### Liberty West Community Plan, Council District 4

Citizens' comments included the following:

Ms. Emily Wolfson testified to her support of the plan. In particular, she would like to see an implementation committee established as well as the assurance the URDL will be maintained. Members of RARA, Inc., including Ms. Jolene Harris, Ms. Joan Belt, Mr. Al Berman, Mr. Joseph Harris, Ms. DeVita Morris, and Ms. Juanita Tillery, who live on Lumo Circle and McDonogh Road, expressed their concern regarding MTA busses on their neighborhood streets. They do not oppose the Mobility vans, but do not want, nor do they feel they need, for MTA busses on their streets. Members of RARA have been in contact with Mr. Flanagan of MTA seeking his assurance that no busses will be routed down their streets. An alternative offered by Ms. Tillery would be completing Owings Mills Boulevard as soon as possible.

Mr. Bill Bralove observed that additional busses have never been discussed for the three roads that RARA questions. Mr. John McPhoul voiced his concern about the lack of public transportation. He felt that it was important to look at the needs of the community as a whole and cited the anticipated increase in jobs and housing as a result of military base realignment. Mr. Bruce Mezger and Mr. Danny Blount echoed the need to view public transportation as a whole.

It was noted that discouraging placement of bus routes and stops on local streets (as defined in the Federal Highway Functional Classification Map) is one of the points under "Action" in the Plan.

### Towson Manor Village Enhancement Study and Related Zoning Issues, Council District 5

Mr. Kevin Gambrill presented a brief overview of the Towson Manor Village Enhancement Study. In September 2004 Councilman Gardina, 5th District, introduced Resolution No. 101-04 requesting that the Baltimore County Planning Board prepare a Towson Manor Village Community Plan. The community plan area is comprised of approximately 30 acres and is bounded by York Road on the west, Susquehanna Avenue

on the north, Maryland Avenue on the east and Burke Avenue on the south. During the 2004 Comprehensive Zoning Map Process (CZMP), approximately 13.5 acres within this area was rezoned from DR-16 to DR 5.5. The 30-acre study area is located within the larger 73 acre Towson Manor Village Community Association area.

Spanning a 19-month period, the community met to formulate goals, negotiate plans, and discuss implementation of zoning and PUD recommendations. In addition to redevelopment issues, the community focused on redirecting traffic from York Road to Bosley Ave, streetscape and pedestrian walkways, land use, absentee owner and student housing issues.

Mr. Keller explained that adoption of the Plan by the Board is a recommendation to the County Council. The potential developer has already agreed to the PUD and covenants.

Citizens' comments included the following:

Mr. Michael Tanczyn, Attorney for the property owners at 1 and 17 Linden Terrace, asks on behalf of his clients that these properties be included in the DR 16 zoning. Mr. Edward Kilcullen has concerns about traffic. Mr. Mauroulis expressed his support for the Plan as did Mr. Paul Hartman. Mr. Dennis Matthews, whose property is in an "island" of properties zoned DR 5.5, single-family residences, would like to see his property rezoned to DR 16. Mr. William Matthews, owner of 17 Linden Terrace pointed out that before 2004 his property was zoned DR 16. He'd like to see the zoning "corrected" from DR 5.5 to DR 16. Stacy Weiss testified that the homes were rezoned for a reason—in part due to 200 signatures on a Petition and the support of the County Council. Mr. Clark Wagner introduced himself as a representative of Bozuto Homes, prospective developer of 9.2 acres. His firm was invited to the table by the community. They are working closely with Design Collective to come up with a design plan.

\*\*\*\*\*\*\*\*\*\*\*\*\*

The Board meeting was reconvened at 6:35 p.m.

Items for Discussion and Vote after the Public Hearing

3. Towson Manor Village Enhancement Study, and Related Zoning Issues, Council District 5

There was some discussion as to whether or not voting on the Plan at this time was premature. Mr. Keller noted that the Plan (as well as Staff) does not support any zoning changes that would revert DR 5.5 properties outside the scope of the 9.2-acre/development area back to DR 16.

Mr. Parker moved that the Planning Board adopt the Towson Manor Village Enhancement Study Plan and recommends that the Plan be forwarded to the Baltimore County Council for adoption as an amendment to the Baltimore County Master Plan. Mr. Sinsky seconded the motion, which passed by acclamation. Absent were Mr. Witzke, Mr. Dock, Mr. Palmer, and Ms. Flynn. The Draft Towson Manor Village Enhancement Study, dated August 18, 2006, along with the PowerPoint presentation are filed as Appendix D.

#### 4. Liberty West Community Plan, Council District 4 (continuted)

There was some discussion about public transportation efforts and the construction of Owings Mills Boulevard. Members discussed the appropriateness of encouraging the construction of the Boulevard and approaching the MTA about bus routes in the area.

Dr. Gregory moved that the Planning Board adopt the Liberty West Community Plan and recommends that the Plan be forwarded to the Baltimore County Council for adoption as an amendment to the Baltimore County Master Plan. Mr. Harden seconded the motion, which passed by majority vote with Mr. Sinsky voting against the motion. Absent were Mr. Witzke, Mr. Dock, Mr. Palmer, and Ms. Flynn.

#### Adjournment of the Board meeting

The Board meeting was adjourned at 7:01p.m.

bw

Approved 10/05/06

Adjocenty

IN THE MATTER OF
THE APPLICATION OF
BETTY KREUZBURG – LEGAL OWNER
FOR A ZONING RECLASSIFICATION FROM
D.R. 3.5 to 0-3 ON PROPERTY LOCATED ON
THE NE/S REISTERSTOWN ROAD, 540' NW
OF CENTERLINE MT WILSON LANE
(8919 REISTERSTOWN ROAD)
3<sup>RO</sup> ELECTION DISTRICT
2<sup>ND</sup> COUNCILMANIC DISTRICT

BEFORE THE

COUNTY BOARD OF APPEALS

**OF** 

BALTIMORE COUNTY

Case No. CR-02-154-A Cycle II, 2001/2002

#### OPINION

This case comes before the Baltimore County Board of Appeals on a reclassification request relative to a property located at 8919 Reisterstown Road, Third Election District, Second Councilmanic District. The existing zoning is D.R. 3.5; the requested reclassification is for O-3 with a documented site plan (Petitioner's Exhibit #1). The Petitioner also requests a variance to permit a 10-foot side and rear setback from any lot line in lieu of the required 20 feet, or equal to the height of the building, whichever is greater.

A hearing was held before the Board on March 21, 2002. J. Carroll Holzer, Esquire, represented the Owner/Petitioner, Betty Kreuzburg. Carole S. Demilio, Assistant People's Counsel for Baltimore County, appeared on behalf of the Office of People's Counsel.

#### Background

The subject property at 8919 Reisterstown Road is located directly across from the Sol Levinson Funeral Home in an area that has become increasingly commercial over the years. The Petitioner and her late husband lived on the subject property for 50 years and voluntarily placed the historic house, known as Wright House, on the preliminary landmarks list for Baltimore County (Petitioner's Exhibit #3), described as follows:

BA 941 WRIGHT HOUSE - Before 1850 - 8919 Reisterstown Road, east side of road, south of Stone Chapel Road and opposite driveway to Balmuckety estate. This may be the "store" shown on George H. Elder's property on 1850 map. Elder's will of 1866 mentioned a house and lot on the Reisterstown Tumpike

15-7 #4 occupied by Oliver Wright. The 1877 atlas shows Oliver P. Wright's house, to which he acquired title in 1871 from Mrs. Elder. In 1881, Wright lost the property by mortgage and it was advertised as a "comfortable frame dwelling" plus barn, dairy, and meat house. George C. Winterode bought the house in 1881 and sold in 1916 to Franklin J. Myerly. Subsequent owners were Harry C. Thompson (1924), James Lyon Hall (1930), G.D. Iverson (1933), and finally Harvey Wilson Kreuzburg (1951). Large 2-1/2 story, frame and clapboarded house with gable roofing. Set close to road.

At the death of Mr. Kreuzburg, his widow placed the property for sale as a residence.

Only 2 of 34 prospective buyers who looked at the site were interested as a residence, and one of those wanted to move the house to another location (Petitioner's Exhibit #6).

In May 2001 the Petitioner asked for and was granted a Special Exception (Petitioner's Exhibit #4) to permit the property to be used for professional offices. That decision was supported by the Landmarks Commission and the Office of Planning. Zoning Commissioner Lawrence Schmidt stated as the basis of his opinion:

The relief requested seems an appropriate resolution of the future of this property to insure that it continues to be used residentially; however, giving the potential owners flexibility to have an office use consistent with the surrounding locale, which is largely commercial.

The Petitioner was unsuccessful after a year of attempting to market the property under the limitations of the Special Exception, and she now requests a zoning reclassification to allow for adaptive reuse as offices, subject to a documented site plan. The Petitioner asserts that the Baltimore County Council should have placed the property on the log of issues to be considered in the 2000 Comprehensive Zoning Map Process (CZMP). The Petitioner's request for reclassification is to correct that error.

#### Testimony

Jennifer Mettrick, Mrs. Kreuzburg's granddaughter, was the first witness for the Petitioner. She stated that her grandparents had lived in the house since 1952 when her grandfather became principal of Hereford High School. Over that time they had seen the

neighborhood change from tural in character to suburban and commercial. At this time in her life, Ms. Mettrick opined, her grandmother needs to be with other people and will move in with Ms. Mettrick's parents.

Ms. Mettrick testified that her grandparents were cognizant of the historical importance of the subject property and were anxious to have it preserved. She reiterated her grandmother's unsuccessful attempts to sell the house as a residence. She opined that the requested reclassification was necessary to sell the house while at the same time saving the historic structure.

Sebastian Zito, real estate agent for Coldwell Banker Residential Realty, testified on the difficulties of trying to sell the house as a residence because of its location. Most customers were interested in a commercial use. Mr. Zito also said that the Special Exception for professional offices did not develop a buyer because it required that the professional live on site.

Again the commercial neighborhood precluded interest in living there.

Mr. Zito offered the October 10, 2000 zoning map (Petitioner's Exhibit #2) as evidence, showing the location of the property opposite the Sol Levinson Funeral Home with the Mt. Wilson Partnership office building to the south. On the east and behind the subject property is the Manor Care Health facility.

Next to testify was Dr. Douglas Sanders, a pediatric dentist, who has lived at 8923 Reisterstown Road for 42 years. Dr. Sanders spoke of his pleasant relationship with his neighbors, the Kreuzburgs. He noted the increasing development in the area which has surrounded his house and the Kreuzburg house. He indicated that he supports the change in zoning and the documented site plan as requested by the Petitioner. He also supported the landmark status on the house.

Dr. Sanders' only concerns centered on the parking lot and the driveway proposed. He wanted a fence and landscaping and no dumpster to become part of the documented site plan.

On cross-examination by Ms. Demilio, Dr. Sanders stated that his house and that of the Petitioner are the last two properties fronting on Reisterstown Road used as residences.

Jeffrey Long testified on behalf of the Office of Planning. He stated that his office had reviewed the petition and visited the subject property. Both his office and the Planning Board support the reclassification request. Mr. Long offered photos (Petitioner's Exhibits #7A and #7B) of the subject property and noted that a landscape pian is required and that any other plans for the buildings on site must be submitted to the Landmarks Commission for their review and approval.

Mr. Long indicated that had this request been before the staff in the 2000 CZMP, they would have recommended the change sought. He said that the O-3 zoning is appropriate here because it doesn't allow tearing down the old structures for intense residential development. It preserves the historic buildings and focuses clearly on how the property will be used. A reasonably new type: of zoning in Baltimore County, Mr. Long stated that O-3 permits appropriate adaptive reuse.

Mr. Long further testified that the site itself is unique because of the uses nearby: commercial across the street and institutional wrapping around the parcel.

James Patton was accepted by the Board as an expert civil engineer and land planner (Petitioner's #8). He testified that he had prepared the plat for the Special Exception request and also the documented site plan for this hearing. He explained that the location of the subject property is the "hole in the donut," surrounded by intense institutional, office and commercial alses. Mr. Patton also presented a preliminary landscape plan (Petitioner's Exhibit #10) designed to alleviate Dr. Sanders' concerns about landscaping and parking. He also noted that there would be no dumpster on site.

Mr. Patton reviewed the requirements for a variance. He noted that the need for the variance was caused by an existing garage (Petitioner's Exhibit #12) which is within 3 feet of the property line in the rear and on the side. The 10-foot request would allow for a small addition to make the adaptive reuse attractive and useful as offices. He added that all proposed plans would be evaluated by the Landmarks Commission for compatibility with the historic house.

Mr. Patton also reviewed the criteria under § 2-356(j) for change and mistake, noting that a reclassification may be granted if there is a marked change in the neighborhood. It is his opinion that an error occurred because the County Council did not take into account the foreseeable trends such as the major alterations created by the Manor Care Health facility in the last four years.

At the same time the Master Plan 2010 sets clear goals on historic preservation which allows protection through adaptive reuse. The Council, according to Mr. Patton, failed to take these factors into consideration in the CZMP 2000 and take the appropriate action to change the zoning on 8919 Reisterstown Road to O-3. Mr. Patton opined that the situation is similar to Aighurth Vale where the Board granted a reclassification in order to save the historic structure and permit adaptive reuse (Petitioner's Exhibit #5).

#### Opinion

Having reviewed all testimony and evidence the Board finds unanimously that the Petitioner has met the burden necessary under § 2-356(j). We will therefore grant a reclassification of the zoning on the subject property from D.R. 3.5 to O-3.

It is clear that the neighborhood surrounding the subject property has changed to a degree that the subject property is one of only two single-family residences remaining on this portion of Reisterstown Road.

It is also clear that the assumptions relied on by the County Council were invalid. They were unaware of the "hole in the donut" quality of this property and the fact that residential use is no longer viable. These facts were existent at the time of the 2000 CZMP and the trends of the neighborhood foreseeable.

Under the requested O-3 zoning, the property will be developed as offices within the historic structure and existing buildings. The documented site plan and review by the Landmarks Commission will further protect the historic attributes of the site.

The Board further finds as a matter of fact that the property is unique because of its landmark status, that use as a residence under the current zoning presents a practical difficulty, and that the variance request for an existing building will complement the historic structure. In addition the variance request falls well within the spirit and intent of the regulations. Therefore we will also grant the variance request to permit a 10-foot side and rear setback from any lot line in lieu of the required 20 feet or equal to the height of the building, whichever is greater.

Finally the Board wishes to take judicial notice of Dr. Sanders' testimony in which he stated that the Manor Care Health facility has not complied with the regulations under which it was built. Dr. Sanders stated that the building is more stories than originally proposed, that promised landscaping has not been installed, and that the facility's dumpster encroaches visually on his property.

#### ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this

17th day of \_\_\_\_\_\_\_\_, 2002, that Petitioner's request for reclassification of the zoning
on the subject property from D.R. 3.5 to O-3 be and is hereby GRANTED; and it is further

¥

ORDERED that Petitioner's request for variance to permit a 10-foot side and rear setback from any lot line in lieu of the required 20 feet, or equal to the height of the building, whichever is greater, 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.

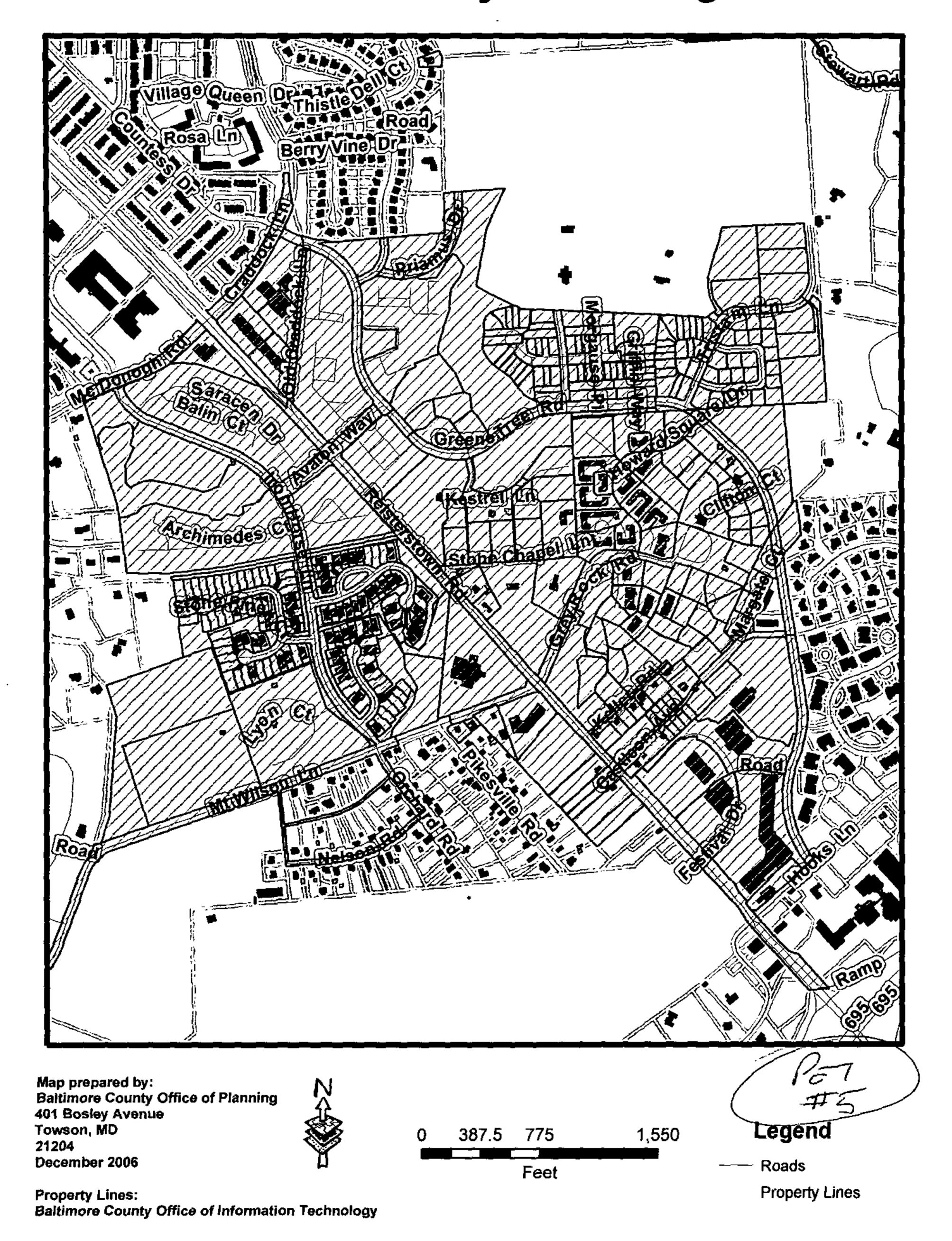
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Charles L. Marks, Chairman

Margaret, Wdrrall

C. Lynn Barranger

### Mt. Wilson/Avalon/Grey Rock Neighborhood



#### kjWellsInc

#### Land Surveying and Site Planning

Telephone: (410) 592-8800 Telecopier: (410) 817-4329 email:kwells@kjWellsInc.com

7403 New Cut Road Kingsville, Md. 21087-1132

#### December 5, 2006 Kenneth J. Wells Resume'

This letter is to introduce me as a provider of land surveying, site planning services and expert witness testimony in matters relating to land surveying, zoning and development standards and requirements. I became licensed as a Property Line Surveyor in the State of Maryland in 1983 and began kjWellsInc in 1984. My educational background consists of graduating from high school and completing the surveying technology courses at Catonsville Community College. I have continued my education by attending several seminars and courses with respect to the services I provide. I am an active member with the Maryland Society of Surveyors, American Congress on Surveying and Mapping and The National Society of Professional Surveyors.

I have been accepted as an expert witness on numerous occasions giving testimony on matters of zoning before the Zoning Commissioner and on matters of zoning and development before the Hearing Officer in Baltimore County. I have provided testimony as an expert witness before the Baltimore County Board of Appeals on the same above described matters.

I have been involved in projects that reflect a wide range of experience and capabilities that includes the following:

- Housing
- Hospital Facilities
- Land Development
- Educational Facilities
- Recreational Facilities
- Commercial Projects
- Senior Care Facilities
- The following is a list of representative projects:

#### Governmental

- University of Baltimore
- Aberdeen Proving Grounds
- Walter Reed Medical Center
- Fort Howard Veterans Medical Center
- U. S. Coast Guard
- Long Green Volunteer Fire Department



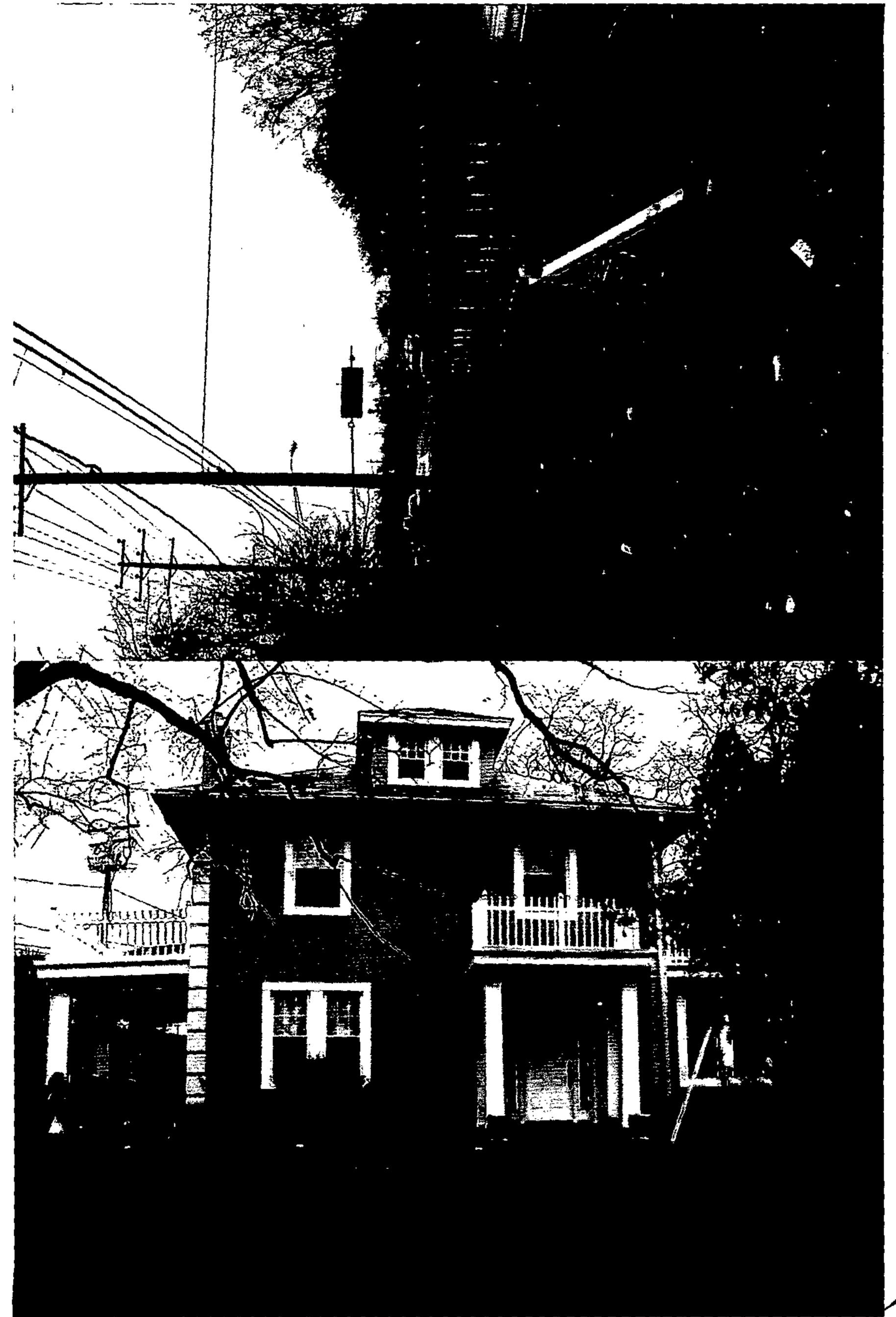
#### Commercial

<ul> <li>Manor Care Nursing Home</li> </ul>	es 4 sites
<ul> <li>McDonald's-11 sites</li> </ul>	-
<ul> <li>NationsBank- 3 sites</li> </ul>	
<ul> <li>The Baltimore Sunpapers</li> </ul>	
Timonium Crossing Shopp	oing Mall
• REVCO- 5 sites	_
<ul> <li>Crofton Shopping Center</li> </ul>	
Golden Ring Mini Storage	
Point Breeze Business Cen	iter ·
<ul> <li>Rite Aid- 4 sites</li> </ul>	
Maryland Health Corporate	ion
• Laumans Furniture	
<ul> <li>Kingsville Plaza</li> </ul>	
BG&E Perryville	
Jenkins Memorial Nursing	Home
Mercy Ridge Retirement C	
Associated Catholic Charit	ies Properties

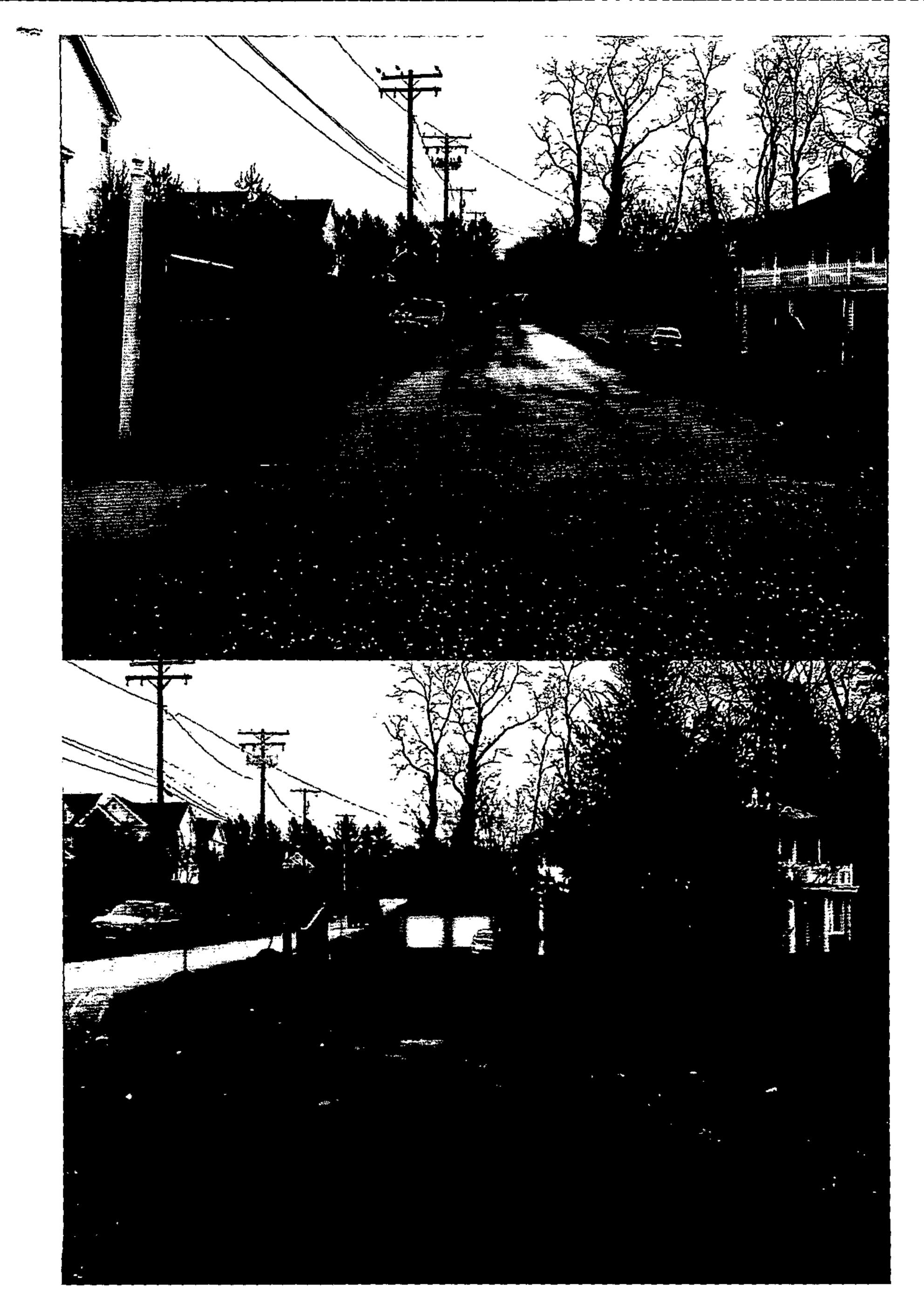
#### Housing

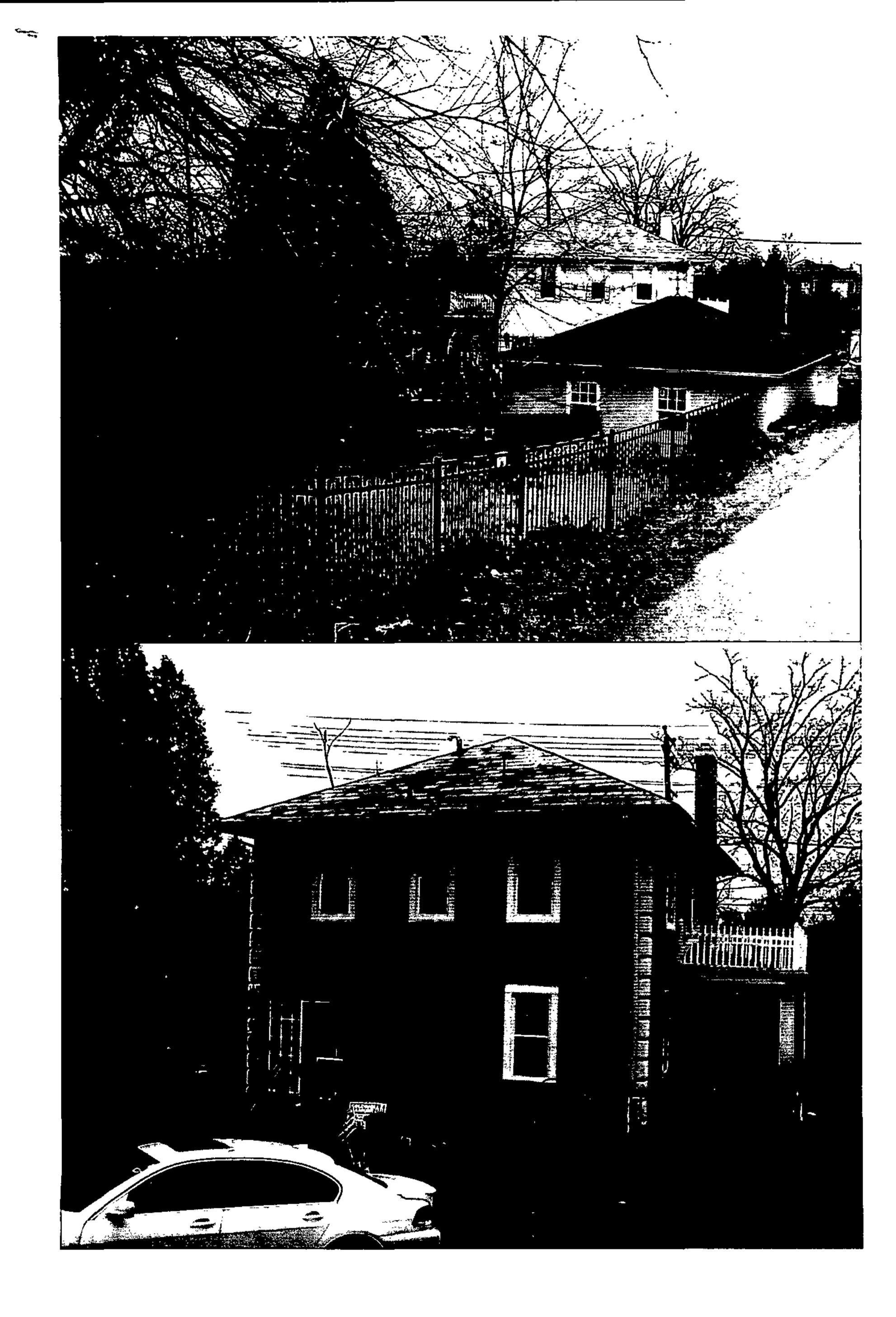
Washington Apartments
 Pouska Farms Residential Subdivision
 Queens Purchase Apartments
 Apple Hill Apartments
 Sunset Knoll Residential Subdivision
 Belvedere Crossing Residential Subdivision
 Croydon Court Apartments
 Cranbrook Hills Apartments

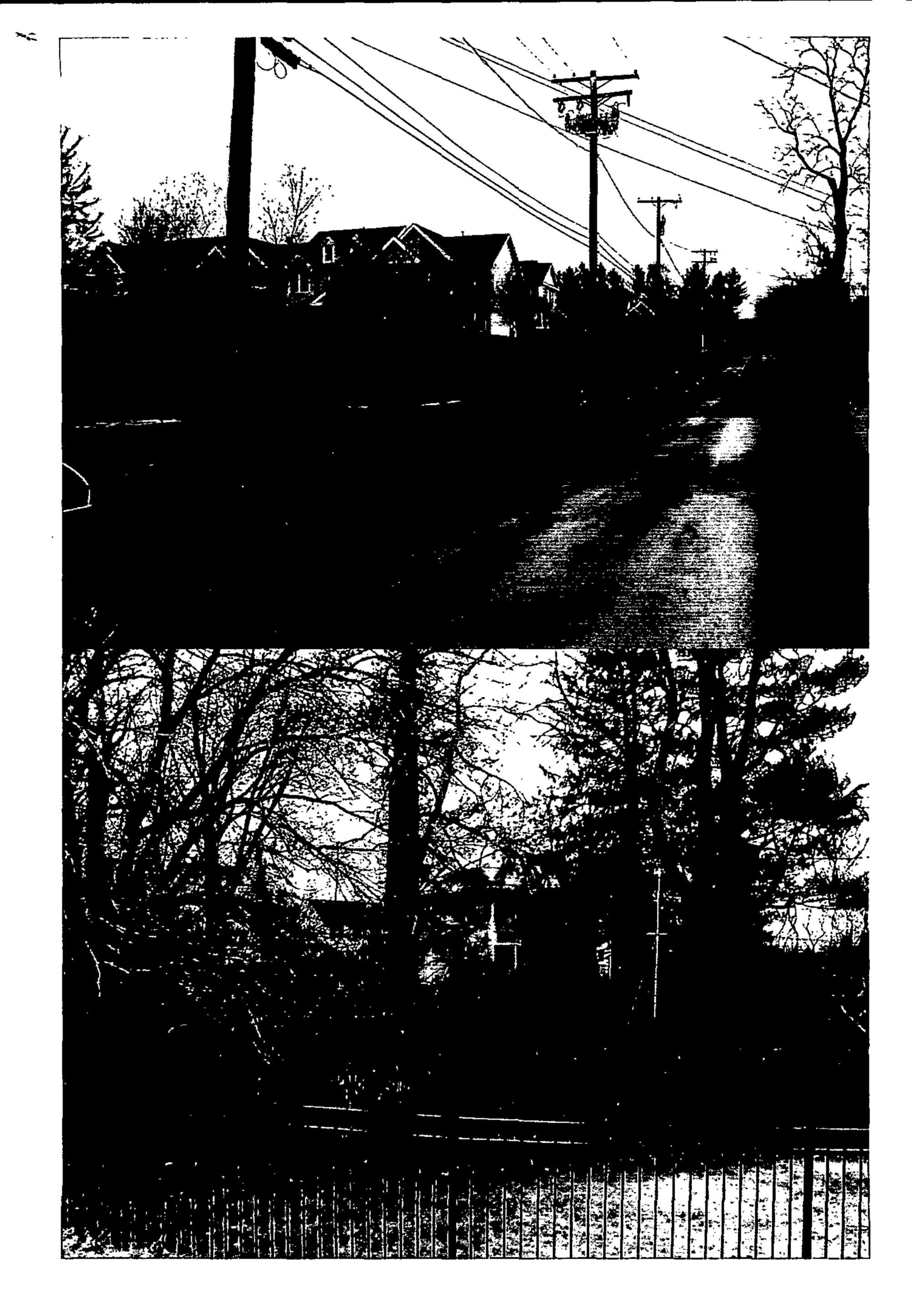
Cedar Run Apartments

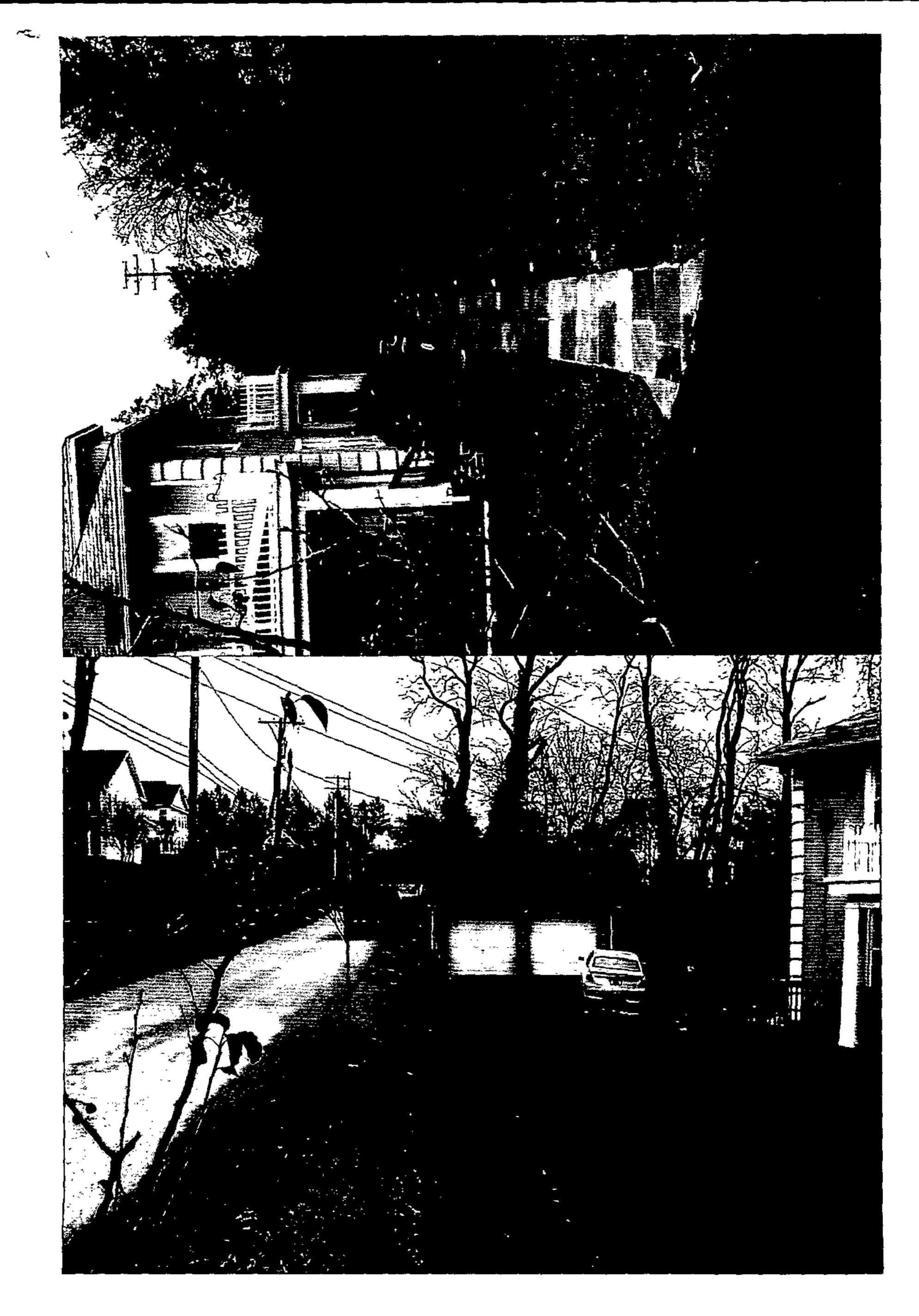


#10











ENLARGED NEIGHBORHOOD AERIAL & ZONING MAP

SCALE: 1" = 200" DATE: 12/05/2006

kjWellsInc

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

## **Landsman Property**

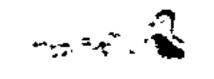
# STORM WATER IMPACT STATEMENT

4/10/2006

#### PREPARED BY

kjWellsInc 7403 New Cut Road Kingsville, Maryland 21087 Telephone: 410-592-8800 Email: kwells@kjwellsinc.com

(Nob 12A)



### Introduction

kjWellsInc was contracted to prepare the Documented Plan to Accompany Reclassification Petition and impact analysis for the Landsman Property. The subject site is located at 1 Stone Chapel Road in the Pikesville area of Baltimore County, Maryland and consists of approximately 0.44 acres. This analysis has been prepared to meet the requirements as defined in Section 32-3-512.a(11) of the Baltimore County Code. This report discusses the Storm Water Management requirements for the proposed project.

## **Existing Conditions**

As stated above in the Introduction the site consists of approximately 0.44 acres and is improved by an existing 2 ½ story dwelling with wood decking located on the northeast side, a 1 story garage and macadam driveway from Reisterstown Road paralleling Stone Chapel Road to the garage and that includes a parking area. The existing total impervious area is approximately 5,350 square feet.

## **Proposed Conditions**

It is the intention of the owner to convert the existing residential use of the site to that of a residential office. To effectuate this conversion the existing macadam driveway, garage and a portion of the wood decking are to be removed. A small macadam parking lot providing 6 parking spaces which includes 1 handicapped space will be constructed in the rear of the subject site and connect to Stone Chapel Road. Landscaping will be provided to buffer the proposed parking lot from Stone Chapel Road and the townhouses to the north. The total impervious area remaining after the construction of the parking lot will be approximately 5,050 square feet.

## Storm Water Impact

The proposed conversion will not have any direct storm water impacts and would generate less runoff since the impervious area is being decreased by 300 square feet and would be exempt from meeting Baltimore County Storm Water Management requirements.

## Eco-Science Professionals, Inc.



### **CONSULTING ECOLOGISTS**

April 7, 2006

Mr. Ken Wells kjWellsInc (hand delivered)

RE: Landsman Property - Baltimore County

Dear Ken,

Enclosed find the following for the referenced project:

A. Three(3) Environmental Impact Statements

Please call me if you have any questions.

Sincerely,

Henry A. Leskinen

0) 832-2488

P.O. BOX 5006 GLEN ARM, MD 21057 (410) 832-2480 FAX (410) 832-2488.

#### <u>Introduction</u>

Eco-Science Professionals, Inc. was contracted to develop an Environmental Impact Statement (EIS) for the Landsman Property. The project site encompasses 0.44 acres  $\pm$  and is located at 1 Stone Chapel Road in the Pikesville section of Baltimore County, Maryland. This work is being performed to meet the requirements of the Baltimore County Board of Appeals - Zoning Reclassification. This EIS has been prepared to meet the requirements as defined in Section 32-3-512 a.(11) of the Baltimore County Zoning Regulations. In addition, the final section of this report discusses Baltimore County Department of Environmental Protection and Resource Management (DEPRM) requirements for the proposed project.

## **Existing Site Information**

The Landsman Property encompasses 0.44 ± acres and is located on the southeast corner of the intersection of Stone Chapel Road and Reisterstown Road in the Pikesville section of Baltimore County. The site has been previously developed and includes an existing house with a wrap-around deck and a detached garage. The house and garage are surrounded by maintained lawn. The rear lawn is a narrow, triangular shaped area enclosed by an iron fence. The front lawn contains a few trees, including white pine, Douglas fir, and elm. A board on board fence screens the property from Reisterstown Road. The southern property boundary is screened by a row of arborvitae. Access to the site is via a macadam driveway with direct access to Reisterstown Road. The current zoning of the property is DR.3.5. The applicant is requesting that the zoning be changed to ROA. Land use adjacent to the site consists of high density residential development. Commercial/business development is prevalent in the vicinity of the site along the Reisterstown Road corridor.

No wetlands, streams, floodplains, Baltimore County forest buffer, or forest occur on or immediately adjacent to the property. The natural features on the site are limited to maintained lawn with scattered trees and shrubs.

## Proposed Development

The proposed development of this site involves the conversion of the existing house from residential use to residential office use. In order to accommodate this conversion, the detached garage, the existing driveway access to Reisterstown Road, and a portion of the existing wraparound porch will be removed. A small macadam parking lot will be constructed behind the house. The parking lot will be accessed by a new connection to Stone Chapel Road. A zoning reclassification will be required to operate an office from this site.

## Probable Environmental Impacts

The proposed development will not have any direct environmental impacts. The proposed development will not impact any wetlands, streams, floodplains, forest buffers, forest, or steep slopes since none of these features occur on or immediately proximal to the site. The construction of the parking lot will displace some maintained lawn however new lawn will be provided in the area where the existing driveway is removed. No wildlife displacement will result from the proposed project since the site does not provide any appreciable wildlife habitat.

The project will not be required to comply with Baltimore County's Forest Conservation Program since it involves development activity on a site less than 40,000 sq.ft. in size.

## Avoidance and Minimization of Impacts

The proposed site development plan avoids all impacts to natural regulated resource features since all construction activities occur on maintained lawn or previously developed areas.

## Long Term Effects of Proposed Development

The proposed project will have no long term negative effects on wetlands, floodplains, forests, or other natural resource features since these features are not present on or immediately adjacent to the site. The project will have no long term negative impacts on wildlife since the site does not provide appreciable wildlife habitat.

## Resource Commitment

The project will not impact any natural resource features and will have no impact on wildlife or their habitat.

## Baltimore County DEPRM Requirements

Baltimore County DEPRM oversees the natural resources of the county by regulating development of wetlands, waterways, forest buffers, significant plant/animal habitats and forests. Eco-Science Professionals, Inc. has reviewed the site and determined that none of these features are present on the property. Therefore the proposed project will not impact any natural habitats. The project will not have to comply with the Baltimore County Forest Conservation Ordinance since it occurs on a parcel less than 40,000 sq.ft. in size.

### **Summary**

The proposed project will have no short or long term negative effects on wetlands, wetland buffers, floodplains, forests, and steep slopes since none of these features occur on the site. All development activities will occur on maintained lawn or previously developed areas. The project will have no impacts of wildlife or wildlife habitat.

## **Authorship**

This study was performed by Henry Leskinen. Co-founder of Eco-Science Professionals, Inc., he has 20 years experience in natural resources assessments and inventories. Mr. Leskinen received his Bachelor of Sciences degree from St. Marys College of Maryland in St. Marys City, Maryland. Mr. Leskinen is currently certified by the U.S. Army Corps of Engineers to perform wetland delineations and as a Qualified Professional by MD DNR Public Lands and Forestry Division to perform Forest Conservation Act services.

EXHIBITS BALTO, COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL NONI. ZUMING MAP.

## REVISED PETITION


AND

**PLAT** 

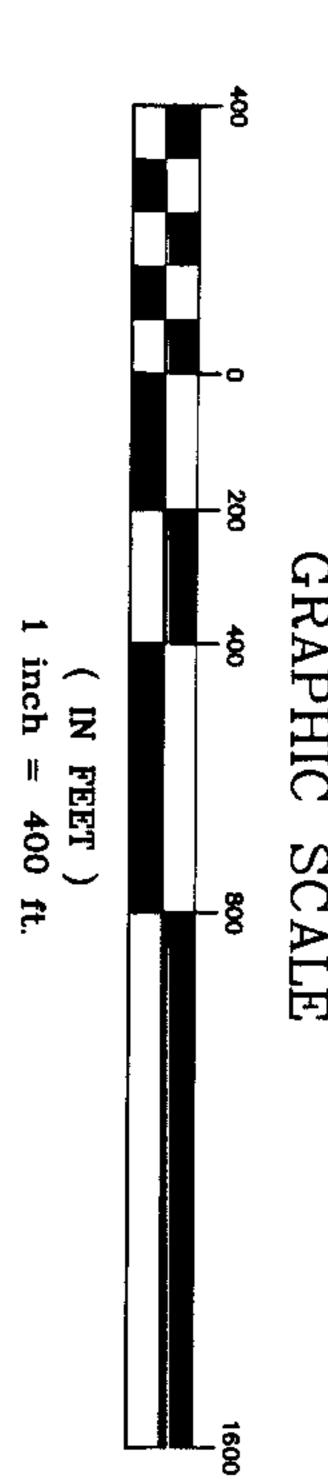
FOR

RECLASSIFICATION

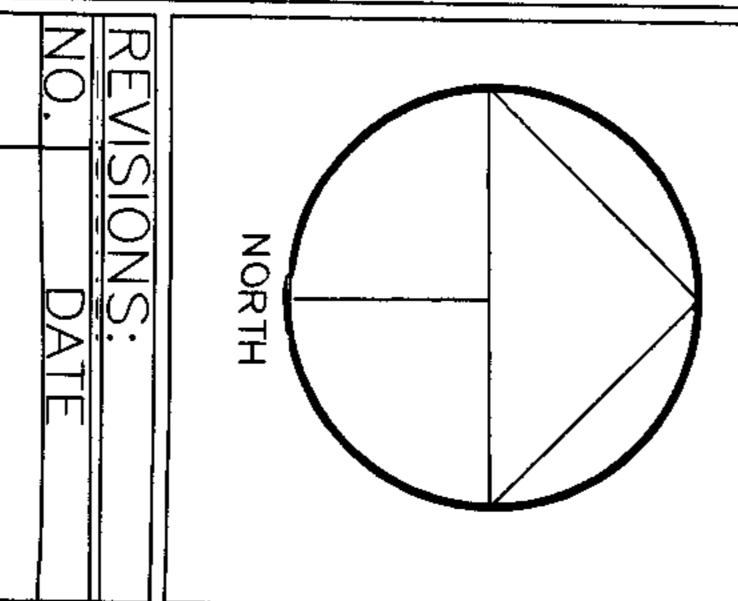
R-06-231

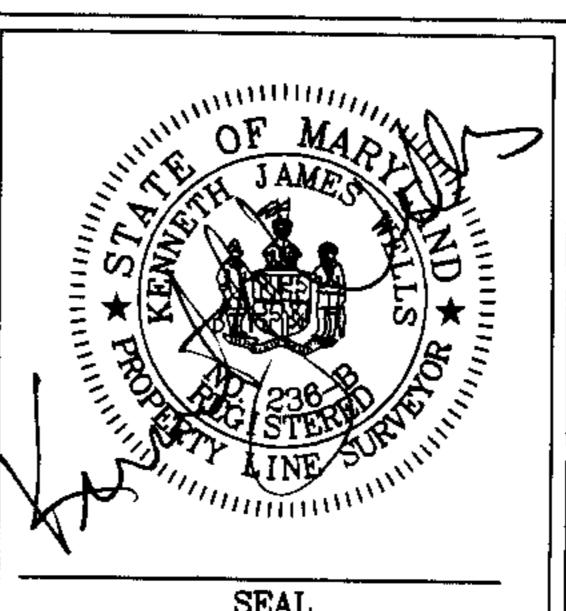







NEIGHBORHOOD AERIAL & ZONING MAP








KjWellsinc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying & Site Planning











of 1 Stone Chapel Road. The property adjacent to 1 Stone Chapel Road to the southeast is zoned ROA.

People's Counsel submitted as Exhibit No. 1 the Baltimore County Office of Planning and Zoning Official Zoning Map dated 2004. The map confirms the zoning of the properties adjacent to 1 Stone Chapel Road listed in Petitioner's Exhibit No. 1, the Revised Zoning Reclassification Report from the Office of Planning.

There were no witnesses testifying in opposition to the zoning reclassification request for 1 Stone Chapel Road.

#### **Opinion**

After reviewing all of the testimony and exhibits presented on behalf of the Petitioner, the Board of Appeals unanimously finds that the Petitioner satisfies the findings necessary for zoning reclassification of the property known as 1 Stone Chapel Road as outlined in Baltimore County Code (BCC) § 32-3-510 and BCC 32-3-513, Amendments to a Petition.

It is clear from the testimony and exhibits presented that the character of the neighborhood surrounding the subject property has changed. Ms. Diane Itter, in her testimony, using census data, reviewed the change in the population in the neighborhood. She pointed to the construction of Woodholme Elementary School, which opened in 2005, and the Sol Levinson Funeral Home.

Other properties in the area have undergone reclassification. For example, 8919
Reisterstown Road, which is located on the east side of Reisterstown Road and south of Stone
Chapel Road, was reclassified from D.R. 3.5 to O-3 by Order of the Board of Appeals on May
17, 2002.