RE: PETITION FOR RECLASSIFICATION 1924 &1928 Powers Lane; N/S Powers Lane 628' W c/line Rolling Road 1st Election & 1st Councilmanic Districts Legal Owner(s): MSDJ Powers Lane, LLC Contract Purchaser(s): Frosty Refrigeration Co Petitioner(s)	* * * * *	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY CR-07-521

RECEIVED
JUL 12 2007
BALTIMORE COUNTY
BOARD OF APPEALS

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

MOTION TO DISMISS

People's Counsel for Baltimore County moves to dismiss this petition for reclassification or, in the alternative, for abstention, on the following grounds:

I. Deficiency of the Site Plan

1. Code Sec. 32-3-512(a) sets the requirements for documented site plans.

2. As noted preliminarily at the June 28 hearing, the amended site plan does not satisfy all of the requirements.

3. Specifically, the site plan lacks the following: specific height in feet of existing and proposed buildings (the description of one-story is inadequate); signs visible outdoors (statement that signage will comply with BCZR 450 is inadequate); maximum levels of emanations including sound and other vibrations, dust, odors, gases, light and heat; loading facilities; screening and landscaping; statement with respect to proposed major changes in grade.

4. In addition, the environmental impact statement (EIS) filed with the original petition does not satisfy the specifications of BCZR 101. It is conclusory and grossly inadequate in its discussion of the impact of business zoning in comparison with the established residential zone and use. There is no discussion of the impact of commercial

traffic and trucks. There is no discussion of the impact of a new encroachment of commercial use on the north side of Powers Lane, and the potential cumulative effect on the rest of the residential and/or rural neighborhood. There is no specific comparison of this impact with the alternatives of maintaining the church use, other potential residential zone uses, or uses allowed in other zoning classifications.

5. Petitioner thus must make further amendments to the site plan and EIS to satisfy the statutory requirements.

II. Timing; Overlap with the CZMP; Authority, Comity, and Jurisdiction

6. Due to Petitioners' request for postponement, the CBA has rescheduled the merits hearing to August 8, 2007. Due to Petitioners' submission of an amended site plan, the case has has become more complicated. The necessity for further amendments of the site plan and EIS will require further rescheduling. The case will take at least one day to try, and perhaps more.

7. Either way, with the submission of memoranda and the necessity for public deliberation, it is apparent that the decision process will carry over well past September 1, 2007.

8. As a consequence, this case overlaps substantially with the quadrennial legislative comprehensive zoning process, which begins on September 1, 2007 with the filing of issues pursuant to Code Sec. 32-3-214(a)(1)(i).

9. It appears to this office, as a matter of authority, comity, and/or jurisdiction that it puts the County Board of Appeals in an untenable position to try an administrative reclassification case deep into the 2007-08 comprehensive zoning process. It is inimical

to the administration of justice to have two processes under way, especially where the administrative process appears to invade the time period set aside for legislative consideration. It encroaches on the jurisdiction and authority of the County Council. It distracts attention from that process. It is also burdensome and oppressive for agencies and the public to have to contend with two ongoing processes at the same time.

Wherefore, People's Counsel moves for a dismissal of the petition.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C. S. DeMilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12 day of July, 2007, a copy of the Motion to Dismiss was mailed to J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286, Arnold Keller, Planning Director, 401 Bosley Avenue, 4th Floor, Towson, MD 21204, John Lederer, 1030 Leslie Avenue, Baltimore, MD 21228 and J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

FRANCIS X. BORGERDING, JR.
Attorney at Law
MERCANTILE BUILDING - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-6884

June 27, 2007

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

RE: In the Matter of Brian P. and Robin L. Znamirowski, legal owners/petitioners of 4803 Bart Allen Lane, 11th Election District, 3rd Councilmatic District
Case No. 07-332 SPHA

I am writing in follow up to my appearance before the Board on June 27, 2007 AM to formally enter my appearance in the above-referenced case on behalf of Protestants Edward and Mary Lou Hely.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk

RECEIVED
JUN 28 2007
BALTIMORE COUNTY
BOARD OF APPEALS

County Board of Appeals of Baltimore County

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

May 31, 2007

AMENDED NOTICE OF ASSIGNMENT

CASE #: CR-07-521
Out of Cyle 2007

IN THE MATTER OF: ***MSDJ POWERS LANE, LLC; By: John Lederer -Member – Legal Ownes; FROSTY REFRIGERATION CO., INC. – Contract Purchaser*** 1924 and 1928 Powers Lane 1st E; 1st C

RE: Petition for Reclassification from D.R. 3.5 to B.M.
Pursuant to Documented Site Plan

Due to unavailability of Petitioner's expert witness on the assigned /advertised date, this matter will be OPENED ON THE RECORD on 6/28/07 (no evidence or testimony to be presented); and will be HEARD ON THE MERITS on the Wednesday, August 8, 2007 as indicated below:

ASSIGNED FOR: **THURSDAY, JUNE 28, 2007 at 10:00 a.m. /OPEN ON RECORD ONLY**
WEDNESDAY, AUGUST 8, 2007 at 10 a.m. /Hearing on merits

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 Petitioners : J. Neil Lanzi, Esquire
Legal Owner : MSDJ Powers Lane, LLC
by: John Lederer, Member
Contract Purchaser : Frosty Refrigeration Co., Inc.
Thomas Hoff /Thomas J. Hoff, Inc.
Added 6/01/07 - J. Carroll Holzer Counsel for Westview Park and Westerlee C.A.
Margaret-Ann F. Howie, Esquire
Legal Counsel to the Superintendent /Bd of Ed
Mail Stop #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, 1st District
John E. Beverungen, County Attorney

Printed with Soybean Ink on Recycled Paper

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

FILE

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

DATE: June 28, 2007

FROM : Kathleen C. Bianco
County Board of Appeals

SUBJECT: Amendment to Petition for Reclassification /Case No. CR-07-521
In the Matter of: MSJD Powers Lane, LLC – Legal Owner; Frosty Refrigeration Co., Inc. - CP

Pursuant to the appropriate sections of the *Baltimore County Code*, the subject amended Documented Site Plan was submitted to the County Board of Appeals on the record and at a public hearing this date. Additional copies of this amended plan were previously filed with your office for processing by Counsel for Petitioner.

This case will be heard before the Board on the merits of the request on Wednesday, August 8, 2007 at 10:00 a.m. as previously assigned. A copy of the Notice of Assignment is attached reflecting this hearing date, as well as today's submission of the amended plan. Should you require any additional information regarding this matter, please contact this office.

Attachment

c: J. Neil Lanzi, Esquire
J. Carroll Holzer, Esquire
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 1924 & 1928 Powers Lane
which is presently zoned/districted DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and
made a part hereof, hereby petition: (1) that the zoning/district status of the herein described property be reclassified,

pursuant to the zoning law of Baltimore County from a DR 3.5 zone/district to a BM zone/district, for the reasons given in the attached and (2) for a Special Exception under the zoning regulations of Baltimore County, to use the herein described property for

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

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

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

Contract Purchaser/Lessee:

Frosty Refrigeration Co., Inc.
Name - Type or Print

X
Signature

1030 Leslie Avenue 410-747-2022
Address Telephone No.

Baltimore, MD 21228
City State Zip Code

Legal Owner(s):

MSDJ Powers Lane, LLC
Name - Type or Print

X
Signature

By: John Lederer, Member
Name - Type or Print

Signature

1924-1928 Powers Lane 410-747-2022
Address Telephone No.

Baltimore MD 21228
City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi
Name - Type or Print

Signature

J. Neil Lanzi, P.A.
Company

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

Towson MD 21204
City State Zip Code

Representative to be Contacted:

John Lederer
Name

1030 Leslie Avenue 410-747-2022
Address Telephone No.

Baltimore MD 21228
City State Zip Code

REV 9/18/98

JF 5/14/07 OK TO FILE CR-07-521

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 21, 2007

RECEIVED
JUN 21 2007
BALTIMORE COUNTY
BOARD OF APPEALS

Hand-delivered
Margaret Brassil, Chair
County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Re: PETITION FOR ZONING RECLASSIFICATION
1924 and 1928 Powers Lane
Case No.: CR-07-521

Dear Ms. Brassil,

This is a zoning reclassification case, in which our office shall defend the comprehensive zoning map pursuant to Charter Sec. 524.1. There is a public hearing scheduled on June 28, 2007 to open the record, with a subsequent public hearing on the merits set for August 8, 2007.

The purpose of this letter is to advise of the Board of our position regarding the procedural posture of this case. It also is provided as a courtesy to the Petitioner, so that there is no misunderstanding or surprise. We have just received a copy of the enclosed letter dated June 14, 2007. Upon receipt of the letter, I spoke with Mr. Lanzi to communicate generally what I shall set forth here in writing more specifically.

Pursuant to enclosed County Code Sec. 32-3-513(a), any amendment or revision of a petition or accompanying documentation may only be made at a required public hearing, at which time the hearing shall be suspended and proceedings shall take place as directed in the ordinance. This includes review by the Director of Planning, PDM, other relevant agencies, and the Planning Board. It is our position that although the present petition was exempted from the normal cyclical schedule under Code Sec. 32-3-509 it does not excuse the petitioner from compliance with Code Sec. 32-3-513.

The Petitioner has not yet sent this office a copy of the revised site plan. The revised plan must comply with all the minimum substantive requirements of Code Sec. 32-3-512 in order to be eligible for

review on the merits. We shall review the particulars in due course and reserve all rights with respect to the threshold adequacy of the site plan.

Thank you for your attention to this matter.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio/rmw

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw
Enclosures

cc: J. Neil Lanzi, Esquire
J. Carroll Holzer, Esquire
Carl Richards, Zoning Supervisor
Arnold "Pat" Keller, Planning Director
Jeffrey Long, Deputy Planning Director

J. NEIL LANZI, P.A.

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

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

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

Reply to Towson

RECEIVED
JUN 18 2007
PEOPLE'S COUNSEL

June 14, 2007

Hand-Delivered

Carl Richards, Zoning Supervisor
Permits and Development Management
County Office Bldg, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Re: Out of Cycle Petition for Reclassification
1924 and 1928 Powers Lane
Case No. CR-07-521

Dear Carl:

In follow up to our meeting of June 7, 2007, I am now enclosing 14 copies of the revised site plan for the above referenced Petition. I am also enclosing my firm check in the amount of $200.00 for the revision filing fee. The case is scheduled to be opened on the record only June 28, 2007 with a hearing on the merits August 8, 2007.

Should you require anything further, please do not hesitate to contact me.

Very truly yours,

J. Neil Lanzi

JNL\mal
cc: The Frosty Refrigeration Co., Inc.
Thomas J. Hoff
People's Counsel for Baltimore County
Carroll Holzer, Esquire
Thomas J. Hoff, Inc.

(2) A plan submitted under this section may:

(i) Show the location of a precise building envelope in lieu of the pr of a building;

(ii) Show precise maxima and minima in lieu of fixed values;

(iii) Set forth lists of precisely described possible uses of a given sp specifying a single use; and

(iv) Otherwise reasonably allow for flexibility or alternatives, provi appropriate precise limits are set forth.

(1988 Code, § 2-356) (Bill No. 103-02, § 2, 7-1-2004)

§ 32-3-513. AMENDMENTS TO A PETITION.

(a) *In general.*

(1) A zoning reclassification petition, including any documentation rel proposed use of the property, may be amended only during a required public he proceeding on the petition.

(2) When a proposed amendment to a petition is introduced, the Board shall:

(i) Immediately suspend the hearing proceedings; and

(ii) Within 2 business days, transmit a copy of the amendment to the Planning.

(b) *Amendments to out-of-cycle petitions.* In any case where a petition has exempted under § 32-3-509 of this subtitle, the Director of Planning shall:

(1) Promptly refer the amendment to any agency that the director consi appropriate, together with a request that the agency provide the Director with co the amendment; and

(2) Transmit to the Board of Appeals a report on the amendment withir after the amendment has been transmitted to the Director of Planning.

(c) *Petition not exempt from cyclical procedures.*

(1) In all other cases, the Director of Planning shall:

(i) Promptly transmit copies of the amendment to:

1. The Planning Board;

2. The Department of Permits and Development Management; ar

3. Upon reviewing the petition files, any other agency that the Di considers to have an interest in the petition; and

(ii) Request that the agency provide the Director with comments on amendment for distribution to the Planning Board, by a time specified by the Di

(2) Within 45 days after the copy of the amendment has been transmitt Director of Planning, the Planning Board shall adopt and transmit to the Board report on the amendment.

(d) *Documentation submitted by petitioner.* If the petitioner submits docu that relates to the proposed use of the property after the first public newspaper a of the filing of the petition as required in Period I, the Board of Appeals shall:

(1) Consider the documentation an amendment to the petition, whethe documentation of that nature was included within the original petition; and

(2) Require the documentation to be subject to this section.

(1988 Code, § 2-356) (Bill No. 103-02, § 2, 7-1-2004)

§ 32-3-514. USE OF PROPERTY.

(a) *In general.* The Board of Appeals may not reclassify property solely o documentation relating to the property's proposed use.

(b) *Use of property must conform to documentation submitted.*

(1) Notwithstanding any other provision of this title, if the petition to r property includes documentation relating to the proposed use of the property an is granted:

(i) The property may be used only in accordance with the plan inclu documentation; and

(ii) The zoning classification of the property will revert to the previ classification:

1. Unless within 3 years after the date of the final order granting the property is being used in accordance with the plan; or

2. In a case where development is necessary to implement the pl development either is completed or has been substantially undertaken and is bei pursued to completion.

(2) Unless the zoning classification of the property is further changed t classification by subsequent enactment of the zoning map under Subtitle 2 of th enactment of the zoning map does not affect the provisions under paragraph (1) subsection.

(1988 Code, § 2-356) (Bill No. 103-02, § 2, 7-1-2004; Bill No. 72-04, § 1, 8-1

ZONING ADVISORY COMMITTEE AGENDA
DISTRIBUTION MEETING OF MAY 28, 2007

RECEIVED
MAY 24 2007
BALTIMORE COUNTY
BOARD OF APPEALS

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

Distribution:

\# Board of Appeals (Kathi Bianco); MS #2013
* Zoning Commissioner's Office (William Wiseman, III); MS #2112
\# PDM, Zoning Review H.O. Hearing File (Kristen Matthews)
\# PDM, Zoning Review DRC/ZAC Meeting File (W. Carl Richards, Jr.)
* PDM, Code Enforcement (Lisa Henson)
* PDM, Building Inspection (Karen Hopkins)
& PDM, Development Plans Review (Dennis Kennedy)
\# Planning Office (Curtis Murray); *Director (Pat Keller)
* Recreation and Parks (Jean Tansey); MS #52
\# DEPRM (Jeff Livingston) - 2 plats
& State Highway Administration, Access Permits Division (Michael Bailey)
& PDM, Building Plans Review (Lt. Herb Taylor); MS #1102F
* Economic Development Commission, Business Develop. (Robert Hannon); MS #2M07
* Highways (Tim Burgess); MS #1003
* Community Conservation (David Fields); MS #1102M
\+ People's Counsel (Peter Zimmerman); MS #2010
* Honorable McIntire, County Council, District 3; MS #2201
\# IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
\# IF FLOODPLAIN, Department of Natural Resources (John Joyce)
\# IF FLOODPLAIN, Public Works (David Thomas); MS #1315
* IF FLOODPLAIN, Permits (Donald Brand)
* IF FLOODPLAIN, Code Enforcement (Rick Wisnom)
\# IF ELDERLY HOUSING, Community Development; MS #1102M
\# IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
\# IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder); MS #1102E
* IF TOWER, Tower Coordinator, c/o OIT; MS #2007

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" before the hearing date. If no written response is received by the committee before this hearing date, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number or case number. All comments received will be compiled and included in the zoning file for review and consideration by the Board of Appeals during the course of the upcoming zoning/reclassification hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Matthews. If you have any questions regarding these zoning petitions, please contact Carl Richards at 410-887-3391 (FAX - 410-887-3048).

Revised 10/2/06

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: May 24, 2007

TO: Baltimore County Zoning Advisory Committee

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

SUBJECT: Out-of-Cycle Documented Zoning Reclassification Petition
Case Number: CR-07-521
Legal Owner: MSDJ Powers Lane, LLC
By: John Lederer, Member
Contract Purchaser: Frosty Refrigeration Co., Inc.
Location: North side of Powers Lane, 628 feet west of the centerline of Rolling Road
1st Election District; 1st Councilmanic District

THE ABOVE REFERENCED PETITION HAS BEEN EXEMPTED FROM THE REGULAR CYCLICAL BI-YEARLY ZONING RECLASSIFICATION PROCEDURE BY CERTIFICATION OF THE BALTIMORE COUNTY PLANNING BOARD ON MARCH 15, 2007 AND BY RESOLUTION NO. 63-06 OF THE BALTIMORE COUNTY COUNCIL DATED MAY 7, 2007 (ATTACHED). PURSUANT TO SECTION 32-3-509(b) OF THE BALTIMORE COUNTY CODE, THE COUNTY BOARD OF APPEALS HAS SET A VERY EARLY HEARING DATE OF JUNE 28, 2007. YOU ARE REQUESTED TO EXPEDITE YOUR REVIEW AND FORWARD YOUR COMMENTS TO THIS OFFICE UNDER THE ABOVE REFERENCE PRIOR TO THE HEARING DATE. IF YOU NEED ADDITIONAL MATERIALS TO COMPLETE YOUR COMMENTS, YOU SHOULD CONTACT THE ENGINEER, ATTORNEY, OR MYSELF IMMEDIATELY.

WCR:klm

ZONING ADVISORY COMMITTEE
MEETING OF MAY 28, 2007
OUT OF CYCLE

Case Number:	CR-07-521
Item Number:	521
Hearing Date/Time:	June28, 2007 at 10:00 a.m.
Legal Owner:	MSDJ Powers Lane, LLC
Contract Purchaser:	Frosty Refrigeration Co., Inc.
Location:	North side of Powers Lane, 628 feet west of the centerline of Rolling Road
Address:	1924 & 1928 Powers Lane
Existing Zoning:	DR – 3.5
Proposed Zoning:	BM
Area:	2.02 acres +/-
District:	1st Election District
	1st Councilmanic District
Attorney:	J. Neil Lanzi
Miscellaneous:	Previous zoning case: 76-141-A

THOMAS J. HOFF, INC.
Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

May 10, 2007

Description of 1924 & 1928 Powers Lane, to Accompany Petition for Reclassification

BEGINNING FOR THE SAME at a point on the north side of Powers Lane, 628 feet more or less west of the centerline of Rolling Road.

Thence binding on the north side of Powers Lane,
1) North 70 degrees 38 minutes 58 seconds West 203.25 feet, thence leaving the north side of Powers Lane,
2) North 18 degrees 56 minutes 58 seconds East 206.16 feet, thence,
3) North 70 degrees 47 minutes 00 seconds East 117.00 feet, thence,
4) North 49 degrees 21 minutes 00 seconds East 202.98 feet, thence,
5) South 71 degrees 51 minutes 24 seconds East 211.17 feet, thence,
6) South 17 degrees 53 minutes 52 seconds West 112.87 feet, thence,
7) South 18 degrees 05 minutes 56 seconds West 273.09 feet to the place of beginning.

Containing 2.02 acres of land more or less.

The bearings and distances for this description are based on the Baltimore County Coordinate System.

Note:
This Description has been prepared for zoning purposes only.

STATE OF MARYLAND
THOMAS HOFF
REGISTERED
LANDSCAPE ARCHITECT

IN RE: APPLICATION FOR RECLASSIFICATION 1924 AND 1928 Powers Lane	*	BOARD OF APPEALS
	*	OF
MSDJ Powers, Lane, LLC and Frosty Refrigeration Co., Inc. Petitioners	*	BALTIMORE COUNTY
	*	Case No.

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

MEMORANDUM IN SUPPORT OF
PETITION FOR RECLASSIFICATION

I. INTRODUCTION.

This case is before the Board of Appeals of Baltimore County for a Petition for Reclassification of the properties known as 1924 and 1928 Powers Lane (hereinafter referred to collectively as the "Property"). MSDJ Powers Lane, LLC is the owner of the Property and the Frosty Refrigeration Co., Inc. is the prospective lessee. MSDJ Powers Lane, LLC and The Frosty Refrigeration Co., Inc. are hereinafter referred to collectively as the "Petitioner and/or Applicant".

The Property is located in the First Election District and the First Councilmanic District of Baltimore County. The Property consists of approximately 2.02 acres and is currently zoned DR 3.5. The Property is improved by a church hall built in 1956 and a residence built in 1952.

The zoning history for the Property includes Case No. 76-141-A where the prior owners of the Property filed a Petition for Variance to allow a front yard setback of 39 feet in lieu of the required 50 feet for the existing church. The Petition for Variance was granted by the Zoning Commissioner on January 16,1976. To the best of Petitioner's knowledge, the Property has not been the subject of any prior map issues before the subject Petition.

II. RECLASSIFICATION

Petitioner is seeking to reclassify the Property from its current DR 3.5 Zone to Business Major (BM). The Property had previously been used by the Catonsville Congregation of Jehovah's Witnesses for their church hall from 1968 until the summer of 2006. MSDJ Powers Lane, LLC purchased the Property from the Catonsville Congregation of Jehovah's Witnesses in the summer of 2006. The Frosty Refrigeration Co., Inc., a heating and air conditioning contractor located near the subject property at 1030 Leslie Avenue, intends to relocate to the Property pursuant to a long-term lease. Petitioner intends to invest significantly in the Property by making substantial improvements to the existing structure and constructing a 4,050 square foot addition.

Petitioner contends that the failure of the Baltimore County Council during the 2004 Comprehensive Zoning Map Process to reclassify the Property from residential to commercial zoning was in error. In addition, Petitioner contends that since the Property was last classified, a substantial change has occurred in the character of the neighborhood in which the Property is located. The requested classification is warranted pursuant to the purposes of the Baltimore County Zoning Regulations and maps and the following factors, including: (1) the population of the subject neighborhood; (2) the Property is easily accessible to the Baltimore National Pike as well as the Baltimore Beltway, public water and sewer is available to the Property; (3) the Property is surrounded by County owned property for public facilities to the adjacent north side and commercial uses on the adjacent east and south sides. Petitioner's existing small business is actually more compatible in this neighborhood than some of the "Big Box" retail and automotive uses directly across Powers Lane (4) the Office of Planning has recommended the reclassification of the Property to the

BM Zoning; and (5) the Petition is consistent with the Master Plan, the County Water and Sewer Plan and the Capital Program. Various exhibits and data will be provided at the hearing on this Petition.

As stated, the neighborhood surrounding the Property consists of properties mostly zoned commercial. Specifically, immediately east is a large parking lot and an expansive commercial building containing retail as well as medical offices, zoned BL. Immediately west and across Powers Lane is a shopping center zoned BM and BR-AS. Further east of the Property are several large tracts zoned BL-AS, BM-AS and BM. South and west of the site is the commercial Route 40 corridor zoned BR-AS and BM. To the rear or north of the Property are existing communication towers, a water tower and supporting facilities. There is one residence to the rear and east of the Property located immediately adjacent to the previously mentioned commercial parking lot. Immediately west of the Property are three residences along Powers Lane, which residences also face the commercial Route 40 corridor.

The BM zone allows by right the Petitioner's heating and air conditioning business.

III. CONCLUSION.

The proposed zoning change from DR 3.5 to BM is warranted due to the error in the classification of the Property and/or due to the substantial change in the character of the neighborhood in which the Property is located. The BM zone is compatible with the existing zoning and uses in the surrounding area. In addition, Petitioner's request is consistent with the County's policy to support economic development and trades such as required for the heating and air conditioning industry. Petitioner's business has been located in Baltimore County for over 50 years. Petitioner's application for reclassification of the

Property, if approved, will provide Petitioner with the opportunity to modernize and improve the Property and to continue to employ and train qualified individuals while helping to support the economic base of Baltimore County. Accordingly, Petitioner respectfully requests its Petition for Reclassification be approved.

Respectfully Submitted,

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

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

RECEIVED
MAY 17 2007
BALTIMORE COUNTY
BOARD OF APPEALS

DATE: May 14, 2007

TO: Baltimore County Zoning Advisory Committee

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

SUBJECT: Out-of-Cycle Documented Zoning Reclassification Petition
Case Number: CR-07-521
Legal Owner: MSDJ Powers Lane, LLC
By: John Lederer, Member
Contract Purchaser: Frosty Refrigeration Co., Inc.
Location: North side of Powers Lane, 628 feet west of the centerline of Rolling Road
1st Election District; 1st Councilmanic District

THE ABOVE REFERENCED PETITION HAS BEEN EXEMPTED FROM THE REGULAR CYCLICAL BI-YEARLY ZONING RECLASSIFICATION PROCEDURE BY CERTIFICATION OF THE BALTIMORE COUNTY PLANNING BOARD ON MARCH 15, 2007 AND BY RESOLUTION NO. 63-06 OF THE BALTIMORE COUNTY COUNCIL DATED MAY 7, 2007 (ATTACHED). PURSUANT TO SECTION 32-3-509(b) OF THE BALTIMORE COUNTY CODE, THE COUNTY BOARD OF APPEALS HAS SET A VERY EARLY HEARING DATE OF_____. YOU ARE REQUESTED TO EXPEDITE YOUR REVIEW AND FORWARD YOUR COMMENTS TO THIS OFFICE UNDER THE ABOVE REFERENCE PRIOR TO THE HEARING DATE. IF YOU NEED ADDITIONAL MATERIALS TO COMPLETE YOUR COMMENTS, YOU SHOULD CONTACT THE ENGINEER, ATTORNEY, OR MYSELF IMMEDIATELY.

WCR:klm

ZONING ADVISORY COMMITTEE
MEETING OF MAY 28, 2007
OUT OF CYCLE

Case Number:	CR-07-521
Item Number:	521
Hearing Date/Time:	
Legal Owner:	MSDJ Powers Lane, LLC
Contract Purchaser:	Frosty Refrigeration Co., Inc.
Location:	North side of Powers Lane, 628 feet west of the centerline of Rolling Road
Address:	1924 & 1928 Powers Lane
Existing Zoning:	DR – 3.5
Proposed Zoning:	BM
Area:	2.02 acres +/-
District:	1st Election District 1st Councilmanic District
Attorney:	J. Neil Lanzi
Miscellaneous:	Previous zoning case: 76-141-A

ZONING ADVISORY COMMITTEE AGENDA
DISTRIBUTION MEETING OF MAY 28, 2007

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

Distribution:

#	Board of Appeals (Kathi Bianco); MS #2013
*	Zoning Commissioner's Office (William Wiseman, III); MS #2112
#	PDM, Zoning Review H.O. Hearing File (Kristen Matthews)
#	PDM, Zoning Review DRC/ZAC Meeting File (W. Carl Richards, Jr.)
*	PDM, Code Enforcement (Lisa Henson)
*	PDM, Building Inspection (Karen Hopkins)
&	PDM, Development Plans Review (Dennis Kennedy)
#	Planning Office (Curtis Murray); *Director (Pat Keller)
*	Recreation and Parks (Jean Tansey); MS #52
#	DEPRM (Jeff Livingston) - 2 plats
&	State Highway Administration, Access Permits Division (Michael Bailey)
&	PDM, Building Plans Review (Lt. Herb Taylor); MS #1102F
*	Economic Development Commission, Business Develop. (Robert Hannon); MS #2M07
*	Highways (Tim Burgess); MS #1003
*	Community Conservation (David Fields); MS #1102M
+	People's Counsel (Peter Zimmerman); MS #2010
*	Honorable McIntire, County Council, District 3; MS #2201
#	IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
#	IF FLOODPLAIN, Department of Natural Resources (John Joyce)
#	IF FLOODPLAIN, Public Works (David Thomas); MS #1315
*	IF FLOODPLAIN, Permits (Donald Brand)
*	IF FLOODPLAIN, Code Enforcement (Rick Wisnom)
#	IF ELDERLY HOUSING, Community Development; MS #1102M
#	IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
#	IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder); MS #1102E
*	IF TOWER, Tower Coordinator, c/o OIT; MS #2007

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" before the hearing date. If no written response is received by the committee before this hearing date, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number or case number. All comments received will be compiled and included in the zoning file for review and consideration by the Board of Appeals during the course of the upcoming zoning/reclassification hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Matthews. If you have any questions regarding these zoning petitions, please contact Carl Richards at 410-887-3391 (FAX - 410-887-3048).

Revised 10/2/06

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 1924 & 1928 Powers Lane
which is presently zoned/districted DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and
made a part hereof, hereby petition: (1) that the zoning/district status of the herein described property be reclassified,

pursuant to the zoning law of Baltimore County from a DR 3.5 zone/district to a BM zone/district, for the reasons given in the attached and (2) for a Special Exception under the zoning regulations of Baltimore County, to use the herein described property for

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

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

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

Contract Purchaser/Lessee:

Frosty Refrigeration Co., Inc.
Name - Type or Print

X
Signature

1030 Leslie Avenue 410-747-2022
Address Telephone No.

Baltimore, MD 21228
City State Zip Code

Legal Owner(s):

MSDJ Powers Lane, LLC
Name - Type or Print

X
Signature

By: John Lederer, Member
Name - Type or Print

Signature

1924-1928 Powers Lane 410-747-2022
Address Telephone No.

Baltimore MD 21228
City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi
Name - Type or Print

Signature

J. Neil Lanzi, P.A.
Company

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

Towson MD 21204
City State Zip Code

Representative to be Contacted:

John Lederer
Name

1030 Leslie Avenue 410-747-2022
Address Telephone No.

Baltimore MD 21228
City State Zip Code

REV 9/18/98

JF 5/14/07 O.K TO FILE CR-07-521

THOMAS J. HOFF, INC.
Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

May 10, 2007

Description of 1924 & 1928 Powers Lane, to Accompany Petition for Reclassification

BEGINNING FOR THE SAME at a point on the north side of Powers Lane, 628 feet more or less west of the centerline of Rolling Road.

Thence binding on the north side of Powers Lane,
1) North 70 degrees 38 minutes 58 seconds West 203.25 feet, thence leaving the north side of Powers Lane,
2) North 18 degrees 56 minutes 58 seconds East 206.16 feet, thence,
3) North 70 degrees 47 minutes 00 seconds East 117.00 feet, thence,
4) North 49 degrees 21 minutes 00 seconds East 202.98 feet, thence,
5) South 71 degrees 51 minutes 24 seconds East 211.17 feet, thence,
6) South 17 degrees 53 minutes 52 seconds West 112.87 feet, thence,
7) South 18 degrees 05 minutes 56 seconds West 273.09 feet to the place of beginning.

Containing 2.02 acres of land more or less.

The bearings and distances for this description are based on the Baltimore County Coordinate System.

Note:
This Description has been prepared for zoning purposes only.

STATE OF MARYLAND
THOMAS A. HOFF
No. 993
REGISTERED
LANDSCAPE ARCHITECT

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2007, Legislative Day No. 9

Resolution No. 44-07

Mr. S. G. Samuel Moxley, Councilman

By the County Council, May 7, 2007

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed for the property located at 1924 and 1928 Powers Lane and situated in the First Councilmanic District, should be exempted from the regular cyclical procedure of Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003, as amended.

WHEREAS, the Planning Board, by Resolution dated March 15, 2007, has certified that early action on the Petition for Zoning Reclassification requesting a reclassification of the above described property is manifestly required in the public interest; and

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

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

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

r04407.wpd

READ AND PASSED this ***7TH*** day of ***MAY***, 2007.

BY ORDER

Thomas J. Peddicord, Jr.
Secretary

ITEM: ***RESOLUTION 44-07***

ENVIRONMENTAL IMPACT STATEMENT TO ACCOMPANY PETITION FOR RECLASSIFICATION

1924 & 1928 POWERS LANE

DESCRIPTION OF THE PROPOSED ACTION

The property is a 2.02 acre parcel of land on the north side of Powers Lane, approximately 628 feet west of Rolling Road. The current development on the site consists of a one story building of 2,840 square feet that was used as a meeting hall and a one story dwelling. The existing building is connected to public water but has private septic system. The existing dwelling has a private well and septic system.

The proposed action is to convert the one story building to office use and build a one story addition of 4,050 square feet for warehouse use. Addition paving will be installed for parking. The one story dwelling will remain as is.

PROBABLE ENVIRONMENTAL IMPACT

There are no wetlands, forest, flood plains or endangered species habitat on site.

The addition impervious area for the new warehouse and parking areas represents the only environmental impact to the site.

ADVERSE ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

The increase in impervious area is the only adverse effect that cannot be avoided.

ALTERNATIVES TO THE PROPOSED ACTION THAT MIGHT AVOID ADVERSE IMPACTS

There are no alternatives to the increase in impervious area.

ASSESSMENT OF THE CUMULATIVE, LONG-TERM EFFECTS

The development of this property with the increase in impervious area will require that the owner bring the site into compliance with current environmental regulations.

These regulations include:

STORMWATER MANAGEMENT

The site as it exists today was constructed prior to stormwater management regulations. In order to redevelop the property, stormwater management will have to be addressed.

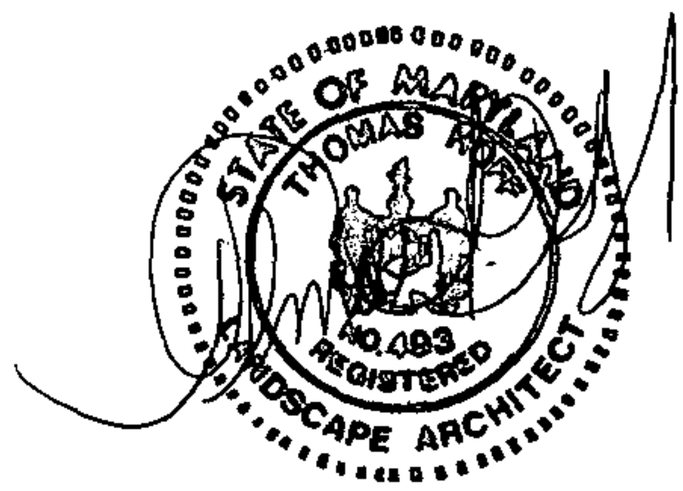
SEDIMENT CONTROL

Sediment control will be required during the construction of the new building and parking areas to minimize the release of sediment from the site during construction.

FOREST CONSERVATION

Forest Conservation will need to be provided either on-site or in a forest bank.

In addition to these regulations, the existing building will be connected to the public sewer.



IN RE: APPLICATION FOR RECLASSIFICATION 1924 AND 1928 Powers Lane	*	BOARD OF APPEALS
	*	OF
MSDJ Powers, Lane, LLC and Frosty Refrigeration Co., Inc. Petitioners	*	BALTIMORE COUNTY
	*	Case No.

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

MEMORANDUM IN SUPPORT OF
PETITION FOR RECLASSIFICATION

I. INTRODUCTION.

This case is before the Board of Appeals of Baltimore County for a Petition for Reclassification of the properties known as 1924 and 1928 Powers Lane (hereinafter referred to collectively as the "Property"). MSDJ Powers Lane, LLC is the owner of the Property and the Frosty Refrigeration Co., Inc. is the prospective lessee. MSDJ Powers Lane, LLC and The Frosty Refrigeration Co., Inc. are hereinafter referred to collectively as the "Petitioner and/or Applicant".

The Property is located in the First Election District and the First Councilmanic District of Baltimore County. The Property consists of approximately 2.02 acres and is currently zoned DR 3.5. The Property is improved by a church hall built in 1956 and a residence built in 1952.

The zoning history for the Property includes Case No. 76-141-A where the prior owners of the Property filed a Petition for Variance to allow a front yard setback of 39 feet in lieu of the required 50 feet for the existing church. The Petition for Variance was granted by the Zoning Commissioner on January 16,1976. To the best of Petitioner's knowledge, the Property has not been the subject of any prior map issues before the subject Petition.

II. RECLASSIFICATION

Petitioner is seeking to reclassify the Property from its current DR 3.5 Zone to Business Major (BM). The Property had previously been used by the Catonsville Congregation of Jehovah's Witnesses for their church hall from 1968 until the summer of 2006. MSDJ Powers Lane, LLC purchased the Property from the Catonsville Congregation of Jehovah's Witnesses in the summer of 2006. The Frosty Refrigeration Co., Inc., a heating and air conditioning contractor located near the subject property at 1030 Leslie Avenue, intends to relocate to the Property pursuant to a long-term lease. Petitioner intends to invest significantly in the Property by making substantial improvements to the existing structure and constructing a 4,050 square foot addition.

Petitioner contends that the failure of the Baltimore County Council during the 2004 Comprehensive Zoning Map Process to reclassify the Property from residential to commercial zoning was in error. In addition, Petitioner contends that since the Property was last classified, a substantial change has occurred in the character of the neighborhood in which the Property is located. The requested classification is warranted pursuant to the purposes of the Baltimore County Zoning Regulations and maps and the following factors, including: (1) the population of the subject neighborhood; (2) the Property is easily accessible to the Baltimore National Pike as well as the Baltimore Beltway, public water and sewer is available to the Property; (3) the Property is surrounded by County owned property for public facilities to the adjacent north side and commercial uses on the adjacent east and south sides. Petitioner's existing small business is actually more compatible in this neighborhood than some of the "Big Box" retail and automotive uses directly across Powers Lane (4) the Office of Planning has recommended the reclassification of the Property to the

BM Zoning; and (5) the Petition is consistent with the Master Plan, the County Water and Sewer Plan and the Capital Program. Various exhibits and data will be provided at the hearing on this Petition.

As stated, the neighborhood surrounding the Property consists of properties mostly zoned commercial. Specifically, immediately east is a large parking lot and an expansive commercial building containing retail as well as medical offices, zoned BL. Immediately west and across Powers Lane is a shopping center zoned BM and BR-AS. Further east of the Property are several large tracts zoned BL-AS, BM-AS and BM. South and west of the site is the commercial Route 40 corridor zoned BR-AS and BM. To the rear or north of the Property are existing communication towers, a water tower and supporting facilities. There is one residence to the rear and east of the Property located immediately adjacent to the previously mentioned commercial parking lot. Immediately west of the Property are three residences along Powers Lane, which residences also face the commercial Route 40 corridor.

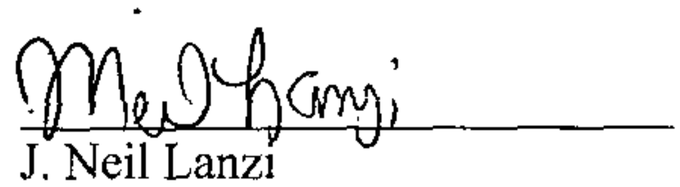
The BM zone allows by right the Petitioner's heating and air conditioning business.

III. CONCLUSION.

The proposed zoning change from DR 3.5 to BM is warranted due to the error in the classification of the Property and/or due to the substantial change in the character of the neighborhood in which the Property is located. The BM zone is compatible with the existing zoning and uses in the surrounding area. In addition, Petitioner's request is consistent with the County's policy to support economic development and trades such as required for the heating and air conditioning industry. Petitioner's business has been located in Baltimore County for over 50 years. Petitioner's application for reclassification of the

Property, if approved, will provide Petitioner with the opportunity to modernize and improve the Property and to continue to employ and train qualified individuals while helping to support the economic base of Baltimore County. Accordingly, Petitioner respectfully requests its Petition for Reclassification be approved.

Respectfully Submitted,



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

Office of Planning

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

Baltimore County

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

March 19, 2007

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

Re: Exemption from Cyclical Procedure – Out-of-Cycle – Petition for Reclassification – 1924 & 1928 Powers Lane, Council District 1

Dear Councilman Moxley:

At the regularly scheduled meeting on March 15, 2007, the Baltimore County Planning Board voted, in accordance with Section 32-3-509 of the County Code, to certify to the County Council that expedited out-of-cycle action on a zoning petition for reclassification of the subject property at 1924 & 1928 Powers Lane, Council District 1, is "manifestly required in the public interest," and, therefore, recommends taking the Petition out of the normal cycle zoning schedule for an earlier hearing by the Board of Appeals with the condition that there will be no automotive use within five years in the event that the Petition is approved by the Board of Appeals.

The Planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Arnold F. 'Pat' Keller, III
Director

bjw

c: Members, Baltimore County Council
Fred Homan, Acting Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Brian Rowe, County Auditor
John Beverungen, County Attorney
Lawrence Westcott, Chairman, Board of Appeals
Peter M. Zimmerman, People's Counsel
Tim Kotroco, Director, Permits & Development Management
J. Neil Lanzi, Petitioner's Attorney

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING RECLASSIFICATION HEARINGS

The Baltimore County Zoning Regulations (BCZR) *require that notice be given to the* general public/neighboring property owners relative to property which is the subject of an upcoming zoning reclassification hearing. This is accomplished by Baltimore County posting a sign on the property at least fifteen (15) days before the hearing and advertising in local newspapers. The advertising consists of a list and map of all reclassification petitions (cost evenly distributed between all petitioners), as well as individual advertising in local newspapers. The list and map must be published in two newspapers for three different weeks and the individual advertisements must be published in two newspapers fifteen (15) days prior to the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: CR-07-521

Petitioner: MSDG Powers Lane, LLC THE FROSTY Refrigeration Co., Inc.

Address or Location: 1924 + 1928 POWERS LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: J NEIL LANZI

Address: 409 WASHINGTON AVE #617
TOWSON MD 21204

Telephone Number: 410 296 0686

Revised 2/20/98 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 27936

DATE 5-11-07 ACCOUNT 001-6150

AMOUNT $ 1,250.00

RECEIVED FROM: NEIL LANZI
1224 & 1228 POWERS LN

FOR: Petition Fee Review Out-of-Cycle
CASE # CR-07-521

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS DATE TIME DRW
5/17/2007 5/14/2007 12:06:24 4
REG M006 WALKIN WALK IN
>>RECEIPT # 570114 5/14/2007 CFLH
Dept 5 532 OWNER/CYCLE ZONING FEE
CR NO. 027936
Recpt Tot $1,250.00
$1,250.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 27937

DATE 5-14-07 ACCOUNT 001-6150

AMOUNT $ 75.00

RECEIVED FROM: NEIL LANZI

FOR: POSTING OF SIGNS
CASE # CR-07-521

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS DATE TIME DRW
5/17/2007 5/14/2007 12:17:11 4
REG M006 WALKIN WALK IN
>>RECEIPT # 570137 5/14/2007 CFLH
Dept 5 532 OWNER/CYCLE ZONING FEE
CR NO. 027937
Recpt Tot $75.00
$75.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

THOMAS J. HOFF, INC.
Land Planners, Landscape Architects & Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
VOICE 410-296-3668 FAX 410-296-5326
Thomas J. Hoff, RLA
President
Email: tom@thomasjhoff.com
Web Page: thomasjhoff.com

J. NEIL LANZI
ATTORNEY AT LAW

J. NEIL LANZI, P.A.
Mercantile Building, Suite 617
409 Washington Avenue
Towson, Maryland 21204

Tel. (410) 296-0686
Fax (410) 296-0689
E-mail: lanzilaw@cs.com

Kathleen Bianco - Re: Out-of-Cycle Reclassification

From: Andrea Freeburger
To: Bianco, Kathleen
Date: 5/16/2007 2:57 PM
Subject: Re: Out-of-Cycle Reclassification

Thank you Kathi, I'll wait to hear from you.
Andrea

>>> Kathleen Bianco 05/16/07 2:53 PM >>>
Andrea:

I spoke with Carl this afternoon - I haven't received anything on this petition as of today (he's going to get me a copy of everything I need).

I have a date that will potentially open us at the end of June, which would put this reclassification in for hearing within the timeframe mandated by the Code. As soon as a I have confirmation that the date is open and available, I'll let you know. I should know for sure within the next couple of days.

If you have any further questions, please contact me.

kathi

>>> Andrea Freeburger 05/15/07 11:25 AM >>>
Hi Kathleen,
Carl Richards has asked that I contact you to obtain a hearing date and time for an Out-of-Cycle Reclassification. The number is CR-07-521 for MSDJ Powers Lane, LLC (1924 & 1928 Powers Lane).
Thank you,
Andrea

Kathleen Bianco - Out-of-Cycle Reclassification

From: Andrea Freeburger
To: Bianco, Kathleen
Date: 5/15/2007 11:25 AM
Subject: Out-of-Cycle Reclassification

Hi Kathleen,
Carl Richards has asked that I contact you to obtain a hearing date and time for an Out-of-Cycle Reclassification. The number is CR-07-521 for MSDJ Powers Lane, LLC (1924 & 1928 Powers Lane).
Thank you,
Andrea

30-60 days after cert.

6/06/07 to 7/06/07

Poss. 6/28/07 if John G. pp as indicated 5/16/07.
mgs
by pm2

From: Linda Fliegel
To: Kathleen Bianco
Date: 5/15/2007 11:19:55 AM
Subject: OUT OF CYCLE RECLASS

KATHI,

ANDREA CALLED (X3391) ABOUT A HEARING DATE/TIME FOR M S D J POWERS. SHE ASKED IF YOU WOULD GIVE HER A CALL.

L

APPROVED **1. Amendment to Contract - First Step, Inc. - Outpatient Substance Abuse Treatment Services**

WITHDRAWN ~~**2. Addendum to Contract - (2) - HVAC Services**~~

APPROVED **3. Amendment to Contract - Glass Mental Health Foundation, Inc./Awakenings Program - Outpatient Substance Abuse Services**

APPROVED **4. Contract - Baltimore City & Carroll County, USGS - Comprehensive Water Quality Water Program**

WITHDRAWN ~~**5. Addendum to Contract - Denver Elek, Inc. - Plumbing Services**~~

APPROVED **6. Contract of Sale - Carolyn W. Heggie - Apartment Building known as Yorkway Apartments**

APPROVED **7. Amendment to Contract - Friends Research Institute, Inc. d/b/a Epoch Counseling Services - Outpatient Substance Abuse Treatment**

G. MISCELLANEOUS BUSINESS

1. Correspondence - (a) (1) - Non-Competitive Awards (April 4, 2007)
(b) (1) - Non-Competitive Awards (April 10, 2007)

PASSED **2. Res. 40-07 - Mr. Moxley(By Req.) - Authorization for Expenditure of Non-Local Other Funds**

PASSED **3. Res. 41-07 - Mr. Gardina - Pedestrian/Bicycle Project - Cromwell Bridge Road/Minebank Run Stream Valley Corridor**

WITHDRAWN ~~**4. Res. 42-07 - All Councilmembers - Earth Month**~~

PASSED **5. Reappointment - Mr. Gardina - Board of Appeals - Margaret M. Brassil**

PASSED **6. Res. 43-07 - Mr. McIntire - Property Tax Exemption - Donald Regier**

PASSED **7. Res. 44-07 - Mr. Moxley - Out of Cycle Zoning Reclassification Petition - 1924 & 1928 Powers Lane - 1st District**

PASSED **8. Res. 45-07 - Mr. Moxley - Property Tax Exemption - Helen E. Piccione**

INTRO. ONLY **8. Res. 46-07 - Mr. Gardina - Review of Planned Unit Development - 5th District - Bozzuto Homes, Inc.**

AGENDA - FINAL

LEGISLATIVE SESSION 2006, LEGISLATIVE DAY NO. 8
APRIL 16, 2007 - 12:00 P.M.

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

4. Res. 48-07 - Mr. Gardina - Property Tax Exemption - Nelson R. Garber

5. Res. 49-07 - Mr. Oliver - Property Tax Exemption - Thomas Muldrow

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AGENDA - FINAL

LEGISLATIVE SESSION 2007, LEGISLATIVE DAY NO. 9
MAY 7, 2007 - 7:00 P.M.

CEB = CURRENT EXPENSE BUDGET
BY REQ. = AT THE REQUEST OF THE COUNTY EXECUTIVE
PAM = PASSED AS AMENDED

A. MOMENT OF SILENT MEDITATION

PLEDGE OF ALLEGIANCE TO THE FLAG

B. APPROVAL OF JOURNAL - April 16, 2007

C. ENROLLMENT OF BILLS - 23-07, 24-07, 25-07 & 26-07

D. INTRODUCTION OF BILLS

Bill 39-07 - Mr. Moxley(By Req.) - Annual Budget and Appropriation Ordinance

Bill 40-07 - Mr. Moxley(By Req.) - Property Tax Rate

Bill 41-07 - Mr. Moxley(By Req.) - Personnel Law of Baltimore County

Bill 42-07 - Mr. Moxley(By Req.) - Employees Retirement System

Bill 43-07 - Mr. Oliver - Towing Licenses

E. CALL OF BILLS FOR FINAL READING AND VOTE

PASSED **Bill 27-07 - Mr. Moxley(By Req.) - CEB - Substance Abuse Treatment - Gambaru Program**

PASSED **Bill 28-07 - Mr. Moxley(By Req.) - CEB - Back-up Communications Center**

PASSED **Bill 29-07 - Mr. Moxley(By Req.) - Animal Control Grant**

PASSED **Bill 30-07 - Mr. Moxley(By Req.) - Responsible Father's Program**

PASSED **Bill 31-07 - Mr. Gardina - Zoning Regulations - M.L. Zones**

WITHDRAWN ~~**Bill 32-07 - Mr. Moxley(By Req.) - CEB - Board of Education Administration Capital Outlay**~~

F. APPROVAL OF FISCAL MATTERS/CONTRACTS

CEB = CURRENT EXPENSE BUDGET
BY REQ. = AT THE REQUEST OF THE COUNTY EXECUTIVE
PAM = PASSED AS AMENDED

A. MOMENT OF SILENT MEDITATION

PLEDGE OF ALLEGIANCE TO THE FLAG

B. APPROVAL OF JOURNAL - Meeting of May 7, 2007

C. ENROLLMENT OF BILLS - 27-07, 28-07, 29-07 & 30-07

D. INTRODUCTION OF BILLS

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 33-07 - Mr. Moxley(By Req.) - CEB - Maryland Business Works Program

Bill 34-07 - Mr. Moxley(By Req.) - CEB - Hazardous Materials Emergency Preparedness

Bill 35-07 - Mr. Moxley(By Req.) - CEB - MIEMSS, Maryland Highway Safety Grant

Bill 36-07 - Mr. Moxley(By Req.) - Fire Prevention Code

Bill 37-07 - Mr. Moxley(By Req.) - CEB & Capital Budget - General Fund Surplus

Bill 38-07 - Mr. Gardina - Solicitation of Donations - Penalty

F. APPROVAL OF FISCAL MATTERS/CONTRACTS

1. Amendment to Contract - American Limousines - After School Transportation Services

2. Contracts - (4) - Court Reporting Services

3. BAT 07-10C - Community College of Baltimore County

G. MISCELLANEOUS BUSINESS

1. Correspondence - (a) (1) Non-Competitive Awards (April 23, 2007)

(b) (1) Non-Competitive Awards (April 25, 2007)

(c) (3) Non-Competitive Awards (April 27, 2007)

2. Res. 46-07 - Mr. Moxley(By Req.) - Accept donation from MD-Delaware-District of Columbia Soft Drink Association

3. Res. 47-07 - Mr. Moxley(By Req.) - Payment in Lieu of Property Taxes - Homes for Timothy House - 20 Dunvale Road

The Baltimore County Council

Tentative Agendas as published in advance of upcoming and recent legislative sessions of the Baltimore County Council.

Legislative Session 2006- 2007

Legislative Session 2006	Legislative Session 2007
January 3, 2006 Legislative Day No. 1	January 2, 2007 Legislative Day No. 1
January 17, 2006 Legislative Day No. 2	January 16, 2007 Legislative Day No. 2
February 6, 2006 Legislative Day No. 3	February 5, 2007 Legislative Day No. 3
February 21, 2006 Legislative Day No. 4	February 20, 2007 Legislative Day No. 4
March 6, 2006 Legislative Day No. 5	March 5, 2007 Legislative Day No. 5
March 20, 2006 Legislative Day No. 6	March 19, 2007 Legislative Day No. 6
April 3, 2006 Legislative Day No. 7	April 2, 2007 Legislative Day No. 7
April 17, 2006 Legislative Day No. 8	April 16, 2007 Legislative Day No. 8
May 1, 2006 Legislative Day No. 9	May 7, 2007 Legislative Day No. 9
May 15, 2006 Legislative Day No. 10	May 21, 2007 Legislative Day No. 10
May 25, 2006 Legislative Day No. 11	
June 5, 2006 Legislative Day No. 12	
June 19, 2006 Legislative Day No. 13	
July 3, 2006 Legislative Day No. 14	
August 7, 2006 Legislative Day No. 15	
September 5, 2006 Legislative Day No. 16	
September 18, 2006 Legislative Day No. 17	
October 3, 2006 Legislative Day No. 18	
October 16, 2006 Legislative Day No. 19	
November 6, 2006 Legislative Day No. 20	
November 20, 2006 Legislative Day No. 21	
December 4, 2006 Legislative Day No. 22	
December 18, 2006 Legislative Day No. 23	

AGENDA

LEGISLATIVE SESSION 2006, LEGISLATIVE DAY NO. 10
MAY 21, 2007 - 7:00 P.M.

1924-1928
Powers Lane

AGENDA

LEGISLATIVE SESSION 2007, LEGISLATIVE DAY NO. 9
MAY 7, 2007 - 7:00 P.M.

CEB = CURRENT EXPENSE BUDGET
BY REQ. = AT THE REQUEST OF THE COUNTY EXECUTIVE
PAM = PASSED AS AMENDED

A. MOMENT OF SILENT MEDITATION

PLEDGE OF ALLEGIANCE TO THE FLAG

B. APPROVAL OF JOURNAL - April 16, 2007

C. ENROLLMENT OF BILLS - 23-07, 24-07, 25-07 & 26-07

D. INTRODUCTION OF BILLS

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 27-07 - Mr. Moxley(By Req.) - CEB - Substance Abuse Treatment - Gambaru Program

Bill 28-07 - Mr. Moxley(By Req.) - CEB - Back-up Communications Center

Bill 29-07 - Mr. Moxley(By Req.) - Animal Control Grant

Bill 30-07 - Mr. Moxley(By Req.) - Responsible Father's Program

Bill 31-07 - Mr. Gardina - Zoning Regulations - M.L. Zones

Bill 32-07 - Mr. Moxley(By Req.) - CEB - Board of Education Administration Capital Outlay

F. APPROVAL OF FISCAL MATTERS/CONTRACTS

1. Amendment to Contract - First Step, Inc. - Outpatient Substance Abuse Treatment Services

2. Addendum to Contract - (2) - HVAC Services

3. Amendment to Contract - Glass Mental Health Foundation, Inc./Awakenings Program - Outpatient Substance Abuse Services

4. Contract - Baltimore City & Carroll County, USGS - Comprehensive Water Quality Water Program

5. Addendum to Contract - Denver-Elek, Inc. - Plumbing Services

6. Contract of Sale - Carolyn W. Heggie - Apartment Building known as Yorkway Apartments

7. Amendment to Contract - Friends Research Institute, Inc. d/b/a Epoch Counseling Services - Outpatient Substance Abuse Treatment

G. MISCELLANEOUS BUSINESS

1. Correspondence - (a) (1) - Non-Competitive Awards (April 4, 2007)
(b) (1) - Non-Competitive Awards (April 10, 2007)

2. Res. 40-07 - Mr. Moxley(By Req.) - Authorization for Expenditure of Non-Local Other Funds

3. Res. 41-07 - Mr. Gardina - Pedestrian/Bicycle Project - Cromwell Bridge Road/Minebank Run Stream Valley Corridor

4. Res. 42-07 - All Councilmembers - Earth Month

5. Reappointment - Mr. Gardina - Board of Appeals - Margaret M. Brassil

6. Res. 43-07 - Mr. McIntire - Property Tax Exemption - Donald Regier

7. Res. 44-07 - Mr. Moxley - Out of Cycle Zoning Reclassification Petition - 1924 & 1928 Powers Lane - 1st District

8. Res. 45-07 - Mr. Moxley - Property Tax Exemption - Helen E. Piccione

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AGENDA

LEGISLATIVE SESSION 2006, LEGISLATIVE DAY NO. 8
APRIL 16, 2007 - 12:00 P.M.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2007, Legislative Day No. 9

Resolution No. 44-07

Mr. S. G. Samuel Moxley, Councilman

By the County Council, May 7, 2007

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed for the property located at 1924 and 1928 Powers Lane and situated in the First Councilmanic District, should be exempted from the regular cyclical procedure of Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003, as amended.

WHEREAS, the Planning Board, by Resolution dated March 15, 2007, has certified that early action on the Petition for Zoning Reclassification requesting a reclassification of the above described property is manifestly required in the public interest; and

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

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

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

r04407.wpd

READ AND PASSED this ***7TH*** day of ***MAY***, 2007.

BY ORDER

Thomas J. Peddicord, Jr.
Secretary

ITEM: ***RESOLUTION 44-07***

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 1924 & 1928 Powers Lane
which is presently zoned/districted DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and
made a part hereof, hereby petition: (1) that the zoning/district status of the herein described property be reclassified,

pursuant to the zoning law of Baltimore County from a DR 3.5 zone/district to a BM zone/district, for the reasons given in the attached and (2) for a Special Exception under the zoning regulations of Baltimore County, to use the herein described property for

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

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

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

Contract Purchaser/Lessee:

Frosty Refrigeration Co., Inc.
Name - Type or Print

X
Signature

1030 Leslie Avenue 410-747-2022
Address Telephone No.

Baltimore, MD 21228
City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi
Name - Type or Print

Signature

J. Neil Lanzi, P.A.
Company

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

Towson MD 21204
City State Zip Code

Legal Owner(s):

MSDJ Powers Lane, LLC
Name - Type or Print

X
Signature

By: John Lederer, Member
Name - Type or Print

Signature

1924-1928 Powers Lane 410-747-2022
Address Telephone No.

Baltimore MD 21228
City State Zip Code

Representative to be Contacted:

John Lederer
Name

1030 Leslie Avenue 410-747-2022
Address Telephone No.

Baltimore MD 21228
City State Zip Code

REV 9/18/98

JF 5/14/07 OK TO FILE CR-07-521

THOMAS J. HOFF, INC.
Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

May 10, 2007

Description of 1924 & 1928 Powers Lane, to Accompany Petition for Reclassification

BEGINNING FOR THE SAME at a point on the north side of Powers Lane, 628 feet more or less west of the centerline of Rolling Road.

Thence binding on the north side of Powers Lane,
1) North 70 degrees 38 minutes 58 seconds West 203.25 feet, thence leaving the north side of Powers Lane,
2) North 18 degrees 56 minutes 58 seconds East 206.16 feet, thence,
3) North 70 degrees 47 minutes 00 seconds East 117.00 feet, thence,
4) North 49 degrees 21 minutes 00 seconds East 202.98 feet, thence,
5) South 71 degrees 51 minutes 24 seconds East 211.17 feet, thence,
6) South 17 degrees 53 minutes 52 seconds West 112.87 feet, thence,
7) South 18 degrees 05 minutes 56 seconds West 273.09 feet to the place of beginning.

Containing 2.02 acres of land more or less.

The bearings and distances for this description are based on the Baltimore County Coordinate System.

Note:
This Description has been prepared for zoning purposes only.

STATE OF MARYLAND
THOMAS J. HOFF
REGISTERED
LANDSCAPE ARCHITECT

IN RE: APPLICATION FOR RECLASSIFICATION 1924 AND 1928 Powers Lane	*	BOARD OF APPEALS
	*	OF
MSDJ Powers, Lane, LLC and Frosty Refrigeration Co., Inc. Petitioners	*	BALTIMORE COUNTY
	*	Case No.

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

MEMORANDUM IN SUPPORT OF
PETITION FOR RECLASSIFICATION

I. INTRODUCTION.

This case is before the Board of Appeals of Baltimore County for a Petition for Reclassification of the properties known as 1924 and 1928 Powers Lane (hereinafter referred to collectively as the "Property"). MSDJ Powers Lane, LLC is the owner of the Property and the Frosty Refrigeration Co., Inc. is the prospective lessee. MSDJ Powers Lane, LLC and The Frosty Refrigeration Co., Inc. are hereinafter referred to collectively as the "Petitioner and/or Applicant".

The Property is located in the First Election District and the First Councilmanic District of Baltimore County. The Property consists of approximately 2.02 acres and is currently zoned DR 3.5. The Property is improved by a church hall built in 1956 and a residence built in 1952.

The zoning history for the Property includes Case No. 76-141-A where the prior owners of the Property filed a Petition for Variance to allow a front yard setback of 39 feet in lieu of the required 50 feet for the existing church. The Petition for Variance was granted by the Zoning Commissioner on January 16,1976. To the best of Petitioner's knowledge, the Property has not been the subject of any prior map issues before the subject Petition.

II. RECLASSIFICATION

Petitioner is seeking to reclassify the Property from its current DR 3.5 Zone to Business Major (BM). The Property had previously been used by the Catonsville Congregation of Jehovah's Witnesses for their church hall from 1968 until the summer of 2006. MSDJ Powers Lane, LLC purchased the Property from the Catonsville Congregation of Jehovah's Witnesses in the summer of 2006. The Frosty Refrigeration Co., Inc., a heating and air conditioning contractor located near the subject property at 1030 Leslie Avenue, intends to relocate to the Property pursuant to a long-term lease. Petitioner intends to invest significantly in the Property by making substantial improvements to the existing structure and constructing a 4,050 square foot addition.

Petitioner contends that the failure of the Baltimore County Council during the 2004 Comprehensive Zoning Map Process to reclassify the Property from residential to commercial zoning was in error. In addition, Petitioner contends that since the Property was last classified, a substantial change has occurred in the character of the neighborhood in which the Property is located. The requested classification is warranted pursuant to the purposes of the Baltimore County Zoning Regulations and maps and the following factors, including: (1) the population of the subject neighborhood; (2) the Property is easily accessible to the Baltimore National Pike as well as the Baltimore Beltway, public water and sewer is available to the Property; (3) the Property is surrounded by County owned property for public facilities to the adjacent north side and commercial uses on the adjacent east and south sides. Petitioner's existing small business is actually more compatible in this neighborhood than some of the "Big Box" retail and automotive uses directly across Powers Lane (4) the Office of Planning has recommended the reclassification of the Property to the

BM Zoning; and (5) the Petition is consistent with the Master Plan, the County Water and Sewer Plan and the Capital Program. Various exhibits and data will be provided at the hearing on this Petition.

As stated, the neighborhood surrounding the Property consists of properties mostly zoned commercial. Specifically, immediately east is a large parking lot and an expansive commercial building containing retail as well as medical offices, zoned BL. Immediately west and across Powers Lane is a shopping center zoned BM and BR-AS. Further east of the Property are several large tracts zoned BL-AS, BM-AS and BM. South and west of the site is the commercial Route 40 corridor zoned BR-AS and BM. To the rear or north of the Property are existing communication towers, a water tower and supporting facilities. There is one residence to the rear and east of the Property located immediately adjacent to the previously mentioned commercial parking lot. Immediately west of the Property are three residences along Powers Lane, which residences also face the commercial Route 40 corridor.

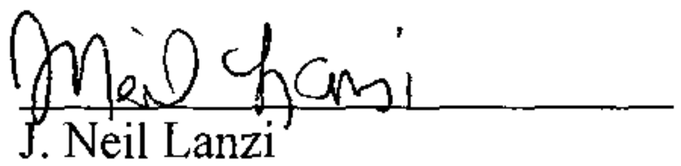
The BM zone allows by right the Petitioner's heating and air conditioning business.

III. CONCLUSION.

The proposed zoning change from DR 3.5 to BM is warranted due to the error in the classification of the Property and/or due to the substantial change in the character of the neighborhood in which the Property is located. The BM zone is compatible with the existing zoning and uses in the surrounding area. In addition, Petitioner's request is consistent with the County's policy to support economic development and trades such as required for the heating and air conditioning industry. Petitioner's business has been located in Baltimore County for over 50 years. Petitioner's application for reclassification of the

Property, if approved, will provide Petitioner with the opportunity to modernize and improve the Property and to continue to employ and train qualified individuals while helping to support the economic base of Baltimore County. Accordingly, Petitioner respectfully requests its Petition for Reclassification be approved.

Respectfully Submitted,



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

IN RE: APPLICATION FOR RECLASSIFICATION 1924 AND 1928 Powers Lane	*	BOARD OF APPEALS
	*	OF
MSDJ Powers, Lane, LLC and Frosty Refrigeration Co., Inc. Petitioners	*	BALTIMORE COUNTY
	*	Case No.

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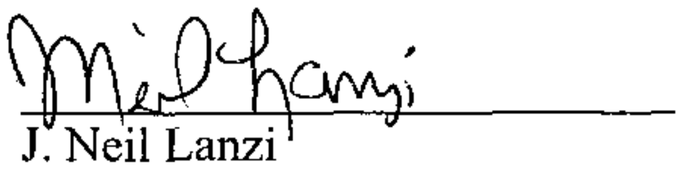
Respectfully Submitted,



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

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2007, Legislative Day No. 9

Resolution No. 44-07

Mr. S. G. Samuel Moxley, Councilman

By the County Council, May 7, 2007

A RESOLUTION of the Baltimore County Council to approve the Planning Board's certification that the zoning reclassification petition filed for the property located at 1924 and 1928 Powers Lane and situated in the First Councilmanic District, should be exempted from the regular cyclical procedure of Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003, as amended.

WHEREAS, the Planning Board, by Resolution dated March 15, 2007, has certified that early action on the Petition for Zoning Reclassification requesting a reclassification of the above described property is manifestly required in the public interest; and

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

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

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

r04407.wpd

READ AND PASSED this ***7TH*** day of ***MAY***, 2007.

BY ORDER

Thomas J. Peddicord, Jr.
Secretary

ITEM: ***RESOLUTION 44-07***

Office of Planning

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

Baltimore County

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

March 19, 2007

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

Re: Exemption from Cyclical Procedure – Out-of-Cycle – Petition for Reclassification – 1924 & 1928 Powers Lane, Council District 1

Dear Councilman Moxley:

At the regularly scheduled meeting on March 15, 2007, the Baltimore County Planning Board voted, in accordance with Section 32-3-509 of the County Code, to certify to the County Council that expedited out-of-cycle action on a zoning petition for reclassification of the subject property at 1924 & 1928 Powers Lane, Council District 1, is "manifestly required in the public interest," and, therefore, recommends taking the Petition out of the normal cycle zoning schedule for an earlier hearing by the Board of Appeals with the condition that there will be no automotive use within five years in the event that the Petition is approved by the Board of Appeals.

The Planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Arnold F. 'Pat' Keller, III
Director

bjw

c: Members, Baltimore County Council
Fred Homan, Acting Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Brian Rowe, County Auditor
John Beverungen, County Attorney
Lawrence Westcott, Chairman, Board of Appeals
Peter M. Zimmerman, People's Counsel
Tim Kotroco, Director, Permits & Development Management
J. Neil Lanzi, Petitioner's Attorney

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

May 17, 2007

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

RE: Baltimore County
MD 140 (Reisterstown RD)
460' south of Gentlebrook Road
11024 Reisterstown Road Property
CR 07-224
Reclassification Petition

Dear Ms. Matthews:

Thank you for the opportunity to review the documented plan to accompany reclassification petition on the subject of the above captioned. We understand that the aforementioned submission illustrates request to a changes use of residential dwelling to allow a 1-story restaurant with basement and surface parking for 110 vehicles.

Based on a review and evaluation of existing conditions our inspection reveals that a permit is required to widen or alter the access driveway onto MD 140 (Reisterstown Road). In accordance with the State Highway Access Manual guidelines a two-way commercial entrance is required for the above noted change in use. Further consultation with this office is necessary. We request that the County condition the applicant at the time of land use approval and prior to building permit issuance that compliance with State Highway Administration (SHA) rules and regulations governing access to state highways is required. Please include our remarks in your staff report to the Zoning Commissioner.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

Michael P. Bailey
for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. Thomas Church, Consultant Engineer, Development Engineering Consultants, Inc.
Mr. Dennis A. Kennedy, Bureau of Development Plans Review, Baltimore County
Mr. John Murphy, Zoning Commissioner, Baltimore County
Mr. David Malkowski, District Engineer, SHA
Mr. Alexander G. Wightman, Applicant

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING RECLASSIFICATION HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning reclassification hearing. This is accomplished by Baltimore County posting a sign on the property at least fifteen (15) days before the hearing and advertising in local newspapers. The advertising consists of a list and map of all reclassification petitions (cost evenly distributed between all petitioners), as well as individual advertising in local newspapers. The list and map must be published in two newspapers for three different weeks and the individual advertisements must be published in two newspapers fifteen (15) days prior to the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: CR-07-521

Petitioner: MSDG Powers Lane LLC THE FROSTY Refrigeration Co., Inc.

Address or Location: 1924 + 1928 POWERS LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: J NEIL LANZI

Address: 409 WASHINGTON AVE #617
TOWSON MD 21204

Telephone Number: 410 296 0686

Revised 2/20/98 - SCJ

REVISED

DOCUMENTED PLAN

TO ACCOMPANY

RECLASSIFICATION

PETITION

CR-07-521

1924 and 1928 Powers Lane

ZONING ADVISORY COMMITTEE AGENDA
DISTRIBUTION MEETING OF MAY 28, 2007

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

Distribution:

Board of Appeals (Kathi Bianco); MS #2013
* Zoning Commissioner's Office (William Wiseman, III); MS #2112
# PDM, Zoning Review H.O. Hearing File (Kristen Matthews)
# PDM, Zoning Review DRC/ZAC Meeting File (W. Carl Richards, Jr.)
* PDM, Code Enforcement (Lisa Henson)
* PDM, Building Inspection (Karen Hopkins)
& PDM, Development Plans Review (Dennis Kennedy)
# Planning Office (Curtis Murray); *Director (Pat Keller)
* Recreation and Parks (Jean Tansey); MS #52
# DEPRM (Jeff Livingston) - 2 plats
& State Highway Administration, Access Permits Division (Michael Bailey)
& PDM, Building Plans Review (Lt. Herb Taylor); MS #1102F
* Economic Development Commission, Business Develop. (Robert Hannon); MS #2M07
* Highways (Tim Burgess); MS #1003
* Community Conservation (David Fields); MS #1102M
+ People's Counsel (Peter Zimmerman); MS #2010
* Honorable McIntire, County Council, District 3; MS #2201
# IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
# IF FLOODPLAIN, Department of Natural Resources (John Joyce)
# IF FLOODPLAIN, Public Works (David Thomas); MS #1315
* IF FLOODPLAIN, Permits (Donald Brand)
* IF FLOODPLAIN, Code Enforcement (Rick Wisnom)
# IF ELDERLY HOUSING, Community Development; MS #1102M
# IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
# IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder); MS #1102E
* IF TOWER, Tower Coordinator, c/o OIT; MS #2007

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" before the hearing date. If no written response is received by the committee before this hearing date, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number or case number. All comments received will be compiled and included in the zoning file for review and consideration by the Board of Appeals during the course of the upcoming zoning/reclassification hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Matthews. If you have any questions regarding these zoning petitions, please contact Carl Richards at 410-887-3391 (FAX - 410-887-3048).

Revised 10/2/06

County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Return Service Requested

FROSTY REFRIGERATION CO., INC.
1030 LESLIE AVENUE
BALTIMORE, MD 21228

County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Return Service Requested

MSDJ POWERS LANE, LLC; BY:
JOHN LEDERER, MEMBER
1924-1928 POWERS LANE
BALTIMORE, MD 212228

County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Return Service Requested

J. CARROLL HOLZER, ESQUIRE
508 FAIRMOUNT AVENUE
TOWSON, MD 21286

County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Return Service Requested

J. NEIL LANZI, ESQUIRE
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MD 21204

County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Return Service Requested

THOMAS HOFF
THOMAS J. HOFF, INC.
406 W. PENNSYLVANIA AVENUE
TOWSON, MD 21204

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 16, 2008

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: MSDJ Powers Lane, LLC – LO;*
Frosty Refrigeration Co., Inc. – C.P.
Case No. CR-07-521 Out of Cycle 2007
Order of Dismissal of Petition

Dear Mr. Lanzi:

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

Very truly yours,

Kathleen Bianco/SC

Kathleen C. Bianco
Administrator

Enclosure

c: MSDJ Powers Lane, LLC by
John Lederer, Member
Frosty Refrigeration Co., Inc.
Thomas Hoff
Margaret-Ann F. Howie, Esquire
Legal Counsel to the Superintendent, Board of Education
MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long, Deputy Director /Planning
William J. Wiseman III /Zoning Commissioner
W. Carl Richards /PDM
Timothy M. Kotroco, Director /PDM
Thomas Peddicord, Esquire
Legal Counsel to the Baltimore County Council
John E. Beverungen, County Attorney

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204

Return Service Requested

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1030 LESLIE AVENUE
BALTIMORE, MD 21228

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:FROSTY REFRIGERATION CO INC
7121 WINDSOR MILL RD
WINDSOR MILL MD 21244-3410

RETURN TO SENDER

HARRISBURG 21244-9711

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
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October 16, 2008

J. Neil Lanzi, Esquire
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409 Washington Avenue
Towson, MD 21204

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Kathleen C. Bianco
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John E. Beverungen, County Attorney

County Board of Appeals of Baltimore County

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TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 16, 2008

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

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Kathleen Bianco/SC

Kathleen C. Bianco
Administrator

Enclosure

c: MSDJ Powers Lane, LLC by
John Lederer, Member
Frosty Refrigeration Co., Inc.
Thomas Hoff
Margaret-Ann F. Howie, Esquire
Legal Counsel to the Superintendent, Board of Education
MS 1102-J
People's Counsel for Baltimore County
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William J. Wiseman III /Zoning Commissioner
W. Carl Richards /PDM
Timothy M. Kotroco, Director /PDM
Thomas Peddicord, Esquire
Legal Counsel to the Baltimore County Council
John E. Beverungen, County Attorney

MSDJ POWERS LANE, LLC –Legal Owner
by John Lederer – Member
FROSTY REFRIGERATION CO., INC. – C.P.
1924 and 1928 Powers Lane; N/s of Powers Lane,
628' W of c/l of Rolling Road
1st Election District; 1st Councilmanic District

#CR-07-521
(Out of Cycle 2007)

From D.R. 3.5 to B.M. 2.02 acres +/-
DOCUMENTED SITE PLAN

May 15, 2007	Petition for Reclassification filed by J. Neil Lanzi, Esquire, on behalf of Petitioners.

---

* J. Neil Lanzi, Esquire Mercantile Building, Suite 617 409 Washington Avenue Towson, MD 21204	Counsel for Petitioners
MSDJ Powers Lane, LLC; By: John Lederer, Member 1924-1928 Powers Lane Baltimore, MD 212228	Legal Owners
Frosty Refrigeration Co., Inc. 1030 Leslie Avenue Baltimore, MD 21228	Contract Purchaser
Thomas Hoff Thomas J. Hoff, Inc. 406 W. Pennsylvania Avenue Towson, MD 21204	
Carol Saffran-Brinks Assistant County Attorney Office of Law –Bd of Education Mail Stop #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, 1st District John E. Beverungen, County Attorney	

IMPORTANT MESSAGE

FOR PLANNER

DATE 7.17 TIME 11 A.M. P.M.

M Del. Emmett Burns

OF MA General Assem

PHONE 443 854 2460
AREA CODE NUMBER EXTENSION

☐ FAX

☐ MOBILE
AREA CODE NUMBER TIME TO CALL

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		WILL FAX TO YOU	

MESSAGE
gave him Lanzi's #
has more questions
about what is
requested

SIGNED

TOPS FORM 4009
MADE IN U.S.A.

IN THE MATTER OF THE APPLICATION OF MSDJ POWERS LANE, LLC –LO; FROSTY REFRIGERATION CO., INC. - CP FOR ZONING RECLASSIFICATION ON PROPERTY LOCATED ON THE N/S OF POWERS LANE, 628' W OF C/L OF ROLLING ROAD (1924 AND 1928 POWERS LANE) 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. CR-07-521 Out of Cycle, 2007

* * * * * * *

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on a Petition for Reclassification filed by J. Neil Lanzi, Esquire, on behalf of Petitioners for zoning reclassification from D.R. 3.5 to B.M. on property located on the N/s of Powers Lane, 628' w of the centerline of Rolling Road (1924 and 1928 Powers Lane), in the First Election District of Baltimore County.

WHEREAS, Petitions for Reclassification pending on the Board's Continued Docket on the date of adoption of the Comprehensive Zoning Maps are considered to be moot; and

WHEREAS, no further action has been taken in this matter since the requested reclassification was continued on hold at the request of Counsel for Petitioner on August 13, 2007,

IT IS, THEREFORE, this 16th day of October, 2008, by the County Board of Appeals of Baltimore County

ORDERED that said Petition filed in Case No. CR-07-521 be and the same is declared moot, and the Petition **DISMISSED.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Edward W. Crizer, Jr., Chairman

IN THE MATTER OF THE APPLICATION OF MSDJ POWERS LANE, LLC –LO; FROSTY REFRIGERATION CO., INC. - CP FOR ZONING RECLASSIFICATION ON PROPERTY LOCATED ON THE N/S OF POWERS LANE, 628' W OF C/L OF ROLLING ROAD (1924 AND 1928 POWERS LANE) 1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT	* * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. CR-07-521 Out of Cycle, 2007

* * * * * * *

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WHEREAS, no further action has been taken in this matter since the requested reclassification was continued on hold at the request of Counsel for Petitioner on August 13, 2007,

IT IS, THEREFORE, this 16th day of October, 2008, by the County Board of Appeals of Baltimore County

ORDERED that said Petition filed in Case No. CR-07-521 be and the same is declared moot, and the Petition **DISMISSED.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Edward W. Crizer, Jr., Chairman

8/10/07 – Prior to written notification confirming the 8/16/07 date for submittal in this matter, Mr. Lanzi, via fax dated 8/10/07, has requested a postponement of this matter, with a later date to be assigned for submitting the revised plan. That request will be granted, and upon discussion with Mr. Lanzi regarding reassignment, written response will be provided to counsel.

8/13/07 – T/C with Mr. Lanzi – the 8/16/07 hearing date will be pulled; Mr. Wescott will be advised that it has been pulled. A new date will be assigned upon request. Written response to Mr. Lanzi's request sent this date to counsel and PDM and Planning Directors – to be reassigned upon Mr. Lanzi's request, for which at least two weeks notice will be needed for reassignment in order to comply with 10 days needed for notice of hearing by the Board. Copies to Messrs. Lanzi and Holzer via FAX this date, with a copy hand-delivered to Mr. Zimmerman. (Hard copy of letter from Mr. Lanzi received this date.)

10/06/08 – Order of Dismissal of Petition prepared for signature by Chairman; Petitions for Reclassification pending on the Board's hold docket at the time of adoption of the 2008 Maps become moot; and the Petitions are dismissed by the Board. To be issued upon signature.

5/31/07 – Amended Notice of Assignment sent to parties; case will be opened as advertised on 6/28/07 (no evidence or testimony to be presented at that time); and then assigned for Wednesday, August 8, 2007 at 10:00 a.m. for hearing on the merits of the Petition.

6/01/07 – Letter via FAX from J. Carroll Holzer, Esquire, entering appearance on behalf of Westview Park Community Assn. and Westerlee Community Association.
- Notice updated to include Mr. Holzer; copy of amended notice of assignment forwarded to Mr. Holzer this date; copy to Mr. Lanzi as well.

6/21/07 – Letter from P Zimmerman – setting forth position of People's Counsel in response to a letter dated June 14, 2007 from Mr. Lanzi to Mr. Richards regarding revised site plan.

6/28/07 – Board convened for hearing for purposes of opening this matter on the advertised hearing date (Brassil, Stahl, Crizer). Hearing is scheduled for Wednesday, August 8, 2007 at 10:00 a.m. on the merits.
-- Memo to T. Kotroco, Director, PDM attn C. Richards – indicating that the revised plan had been filed before the Board in open hearing and on the record. Fourteen copies of this revised plan had been previously filed with PDM per Counsel for Petitioner.

7/12/07 – Motion to Dismiss petition for reclassification, or in alternative, for abstention, filed by Office of People's Counsel.
-- Letter from Mr. Holzer as counsel for Westview Park Comm Assn, Steve Whisler, President, and Westerly Community Assn, Klaus Phillipsen, President – adopting Motion for Abstention or, in the Alternative, to Dismiss filed by Office of People's Counsel.
AWAITING RESPONSE FROM MR. LANZI PRIOR TO FORWARDING TO SITTING PANEL.

7/20/07 – Response to People's Counsel's Motion to Dismiss filed by J. Neil Lanzi, Esquire this date. Copies to be provided to panel prior to 8/08/07 hearing in this matter, along with copies of Motion to Dismiss.

7/23/07 – Copy of PC Motion, Mr. Holzer's letter adopting same, and Mr. Lanzi's response to panel for 8/08/07 hearing.

7/30/07 – Memo from Pat Keller re Planning Staff review – and Staff Report with revised schematic reflecting recommendations.

8/02/07 – Letter from Office of People's Counsel – P. Zimmerman – requesting opportunity for oral argument and for a preliminary decision by public deliberation; referencing Planning Office staff report dated 7/19/07.

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

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

Reply to Towson

August 10, 2007

Sent Via Facsimile
Regular Mail:

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204
Attn: Lawrence S. Wescott, Chairman

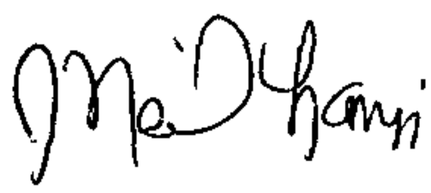
Re: Case No. CR-07-521
In the Matter of: MSDJ Powers Lane, LLC, et al.

Dear Mr. Wescott:

At the end of the hearing on August 8, 2007 you scheduled an additional hearing for the Board to reconvene on August 16, 2007 at 9:00 a.m. to allow the Petitioner an opportunity to file a second revised plan. In order to avoid the potential for further delay, I now hereby request the hearing on August 16, 2007 be postponed for a few weeks. The postponement will provide Petitioner with the time necessary to properly make the requested revisions in accordance with the Board's decision of August 8, 2007. I will contact Ms. Bianco to check dates the Board may be available after August 16, 2007.

Thank you for your consideration.

Very truly yours,



J. Neil Lanzi

JNL\mal
cc: The Frosty Refrigeration Company, Inc.
People's Counsel for Baltimore County
J. Carroll Holzer, Esquire

RECEIVED
AUG 13 2007
BALTIMORE COUNTY
BOARD OF APPEALS

CASE #: CR-07-521
Out of Cyle 2007

IN THE MATTER OF: ***MSDJ POWERS LANE, LLC; By: John Lederer -Member – Legal Ownes; FROSTY REFRIGERATION CO., INC. – Contract Purchaser*** 1924 and 1928 Powers Lane 1st E; 1st C

RE: Petition for Reclassification from D.R. 3.5 to B.M. Pursuant to Documented Site Plan

APPROVED FOR OUT OF CYCLE BY COUNTY COUNCIL ON May 7, 2007

3/19/07	Planning Board certification to the County Council for early action out of cycle (3/15/07 Planning Board meeting).
5/07/07	Approval for out of cycle status by County Council /Resolution 44-07.
5/14/07	Petition for Reclassification filed by J. Neil Lanzi, Esquire on behalf of Petitioner.

5/15/07 – E-mail from Andrea Freeburger – re date for out of cycle reclassification petition for 1924 and 1928 Powers Lane CR-07-521. Response from kcb on 5/16/07 – waiting to confirm availability of date in June (6/28/07). When availability is confirmed, will contact her.

5/21/07 – Date confirmed; e-mail to Andrea F. regarding date of 6/28/07; copy to C. Richards.
Memo from kcb to C. Richards – hearing scheduled for 6/28/07 at 10 a.m.; will send notice from this office if he wishes.
-- Confirmed with C. Richards that notice will be sent from CBA.
– Notice of Assignment sent to parties from CBA this date; assigned for Thursday, June 28, 2007 at 10:00 a.m. Copy sent to Andrea Freeburger via e-mail. Notice sent to:

J. Neil Lanzi, Esquire
MSDJ Powers Lane, LLC
by: John Lederer, Member
Frosty Refrigeration Co., Inc.
Thomas Hoff /Thomas J. Hoff, Inc.
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, 1st District
John E. Beverungen, County Attorney

5/24/07 NOTE – Changed legal counsel to Superintendent, Board of Education, to Margaret-Ann F. Howie, Esquire; same mailstop #.

5/29/07 – Letter from Neil J. Lanzi, Esquire, counsel for Petitioners – due to unavailability of witness, requests that case be continued to a second day at the next available date. (Confirmed with Mr. Lanzi that the case would be opened on the record 6/28/07 as scheduled /advertised; and then a date assigned with notice sent for the hearing on the merits in this matter.)

County Board of Appeals of Baltimore County

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

August 13, 2007

VIA FACSIMILE 410-296-0689 AND US MAIL

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: MSDJ Powers Lane, LLC, et al*
Case No. CR-07-521

Dear Mr. Lanzi:

This will confirm our telephone conversation this date with regard to your August 10th correspondence and request for postponement in Case No. CR-07-521.

Your request to pull this matter from the Board's schedule on August 16, 2007 is granted, with a new date to be assigned upon your request for the purpose of submitting a second revised plan. In order to meet the Board's 10-day requirement for hearing notice, I would ask that you contact me at least two weeks prior to a requested reassignment date.

You need not appear on August 16th. Mr. Wescott has also been advised that this matter has been pulled for that date.

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

Very truly yours,

Kathleen C. Bianco
Administrator

~~Enclosure~~ Kcb

c: The Frosty Refrigeration Company, Inc.
Office of People's Counsel **[HAND-DELIVERED]**
J. Carroll Holzer, Esquire **[VIA FACSIMILE 410-825-4923 AND US MAIL]**
Timothy Kotroco, Director /PDM
Pat Keller, Director /Office of Planning

Printed with Soybean Ink
on Recycled Paper

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:

J. NEIL LANZI, ESQUIRE

FAX : 410-296-0689

J CARROLL HOLZER, ESQUIRE

FAX : 410-825-4923

FROM:

KATHLEEN BIANCO
FAX : 410-887-3182

TELEPHONE : 410-887-3180

DATE:
AUGUST 13, 2007

TOTAL NO. OF PAGES INCLUDING COVER:
TWO (2)

RE: MSDJ POWERS LANE LLC; FROST REFRIGERATION – CASE NO. CR-07-521

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

ATTACHED IS A COPY OF THE RESPONSE TO YOUR AUGUST 10TH REQUEST FOR POSTPONEMENT FOR AUGUST 16TH, WHICH HAS BEEN GRANTED; A NEW DATE TO BE ASSIGNED UPON YOUR REQUEST.

kathi

SENDING REPORT

Aug. 13 2007 11:22AM

YOUR LOGO : BOARDOFAPPEALS
YOUR FAX NO. : 4108873182

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SENDING REPORT

Aug. 13 2007 11:30AM

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YOUR FAX NO. : 4108873182

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THEN SELECT OFF BY USING '+' OR '-'.

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

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
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(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

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

Reply to Towson

#14

August 10, 2007

Sent Via Facsimile
Regular Mail:

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204
Attn: Lawrence S. Wescott, Chairman

Re: Case No. CR-07-521
In the Matter of: MSDJ Powers Lane, LLC, et al.

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Thank you for your consideration.

Very truly yours,

J. Neil Lanzi

JNL\mal
cc: The Frosty Refrigeration Company, Inc.
People's Counsel for Baltimore County
J. Carroll Holzer, Esquire

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX. (410) 296-0689

J. Neil Lanzi

OF COUNSEL
Fred L. Cooper*

*Also Admitted in District of Columbia

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

Reply to Towson

DATE: August 10, 2007

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME: Lawrence S. Wescott, Chairman

TELECOPIER NO.: 410-887-3182

FROM: Neil Lanzi, Esquire

Total Number of Pages, including this page:

DOCUMENTS TRANSMITTED:

Enclosed letter and postponement request.

If you do not receive all pages, please call back as soon as possible at: (410) 296-0686, Telecopier Number: (410) 296-0689.

ORIGINAL TO BE: MAILED FED. EX. HAND-DELIVERED RETAINED

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

FORMS\OFFICE\FAXFORM

County Board of Appeals of Baltimore County

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

May 31, 2007

AMENDED NOTICE OF ASSIGNMENT

CASE #: CR-07-521
Out of Cyle 2007

IN THE MATTER OF: ***MSDJ POWERS LANE, LLC; By: John Lederer -Member – Legal Ownes; FROSTY REFRIGERATION CO., INC. – Contract Purchaser*** 1924 and 1928 Powers Lane 1st E; 1st C

RE: Petition for Reclassification from D.R. 3.5 to B.M.
Pursuant to Documented Site Plan

Due to unavailability of Petitioner's expert witness on the assigned /advertised date, this matter will be OPENED ON THE RECORD on 6/28/07 (no evidence or testimony to be presented); and will be HEARD ON THE MERITS on the Wednesday, August 8, 2007 as indicated below:

ASSIGNED FOR: **THURSDAY, JUNE 28, 2007 at 10:00 a.m. /OPEN ON RECORD ONLY**
WEDNESDAY, AUGUST 8, 2007 at 10 a.m. / Hearing on merits

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 Petitioners : J. Neil Lanzi, Esquire
Legal Owner : MSDJ Powers Lane, LLC
by: John Lederer, Member
Contract Purchaser : Frosty Refrigeration Co., Inc.
Thomas Hoff /Thomas J. Hoff, Inc.
Noted 6/01/07. J. Carroll Holzer Counsel for Westview Park and Westview Corp.
Margaret-Ann F. Howie, Esquire
Legal Counsel to the Superintendent /Bd of Ed
Mail Stop #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, 1st District
John E. Beverungen, County Attorney

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Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 2, 2007

RECEIVED
AUG 0 2 2007
BALTIMORE COUNTY
BOARD OF APPEALS

Hand-delivered
Margaret Brassil, Chair
County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Re: PETITION FOR ZONING RECLASSIFICATION
1924 and 1928 Powers Lane
Case No.: CR-07-521

Dear Ms. Brassil,

The case is scheduled to reconvene on August 8, 2007. This office filed a Motion to Dismiss on July 12, 2007, joined in separately by Protestants. Petitioners have filed a response. We request the opportunity for oral argument, and for a preliminary decision of the panel by public deliberation.

We observe that, since the filing of the Motion, the Planning Office staff submitted a report dated July 19, 2007. It identifies, on page 3, some (albeit not all) of the site plan omissions which we identified in our motion (and which we also observed in open hearing on June 28 when the revised site plan was submitted). The staff report requests that Petitioners correct the site plan after the case is over. But Code Sec. 32-3-512 requires a complete and correct site plan before the case begins, and not after.

The Planning Staff report does not address the adequacy of the environmental impact statement (EIS). There is no DEPRM comment in the file. It is virtually self-evident that the attached one-page EIS is inadequate. It is barely longer than the attached BCZR Sec. 101 statutory definition. To illustrate, there is no discussion of truck traffic, noise, fumes or effect on the character of the residential area on the north side of Powers Lane. The one-sentence description of alternatives is palpably superficial. It omits such alternatives as the continuation of the existing zone, as well as the option to choose other zoning classifications and uses. These, of course, are alternatives which the County Council may consider in the 2008 CZMP, which begins next month.

Thank you for your attention to this matter.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio /RMW

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw
Enclosures

cc: J. Neil Lanzi, Esquire
J. Carroll Holzer, Esquire
Arnold "Pat" Keller, Planning Director

ENVIRONMENTAL IMPACT STATEMENT TO ACCOMPANY PETITION FOR RECLASSIFICATION

1924 & 1928 POWERS LANE

DESCRIPTION OF THE PROPOSED ACTION

The property is a 2.02 acre parcel of land on the north side of Powers Lane, approximately 628 feet west of Rolling Road. The current development on the site consists of a one story building of 2,840 square feet that was used as a meeting hall and a one story dwelling. The existing building is connected to public water but has private septic system. The existing dwelling has a private well and septic system.

The proposed action is to convert the one story building to office use and build a one story addition of 4,050 square feet for warehouse use. Addition paving will be installed for parking. The one story dwelling will remain as is.

PROBABLE ENVIRONMENTAL IMPACT

There are no wetlands, forest, flood plains or endangered species habitat on site.

The addition impervious area for the new warehouse and parking areas represents the only environmental impact to the site.

ADVERSE ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

The increase in impervious area is the only adverse effect that cannot be avoided.

ALTERNATIVES TO THE PROPOSED ACTION THAT MIGHT AVOID ADVERSE IMPACTS

There are no alternatives to the increase in impervious area.

ASSESSMENT OF THE CUMULATIVE, LONG-TERM EFFECTS

The development of this property with the increase in impervious area will require that the owner bring the site into compliance with current environmental regulations.

These regulations include:

STORMWATER MANAGEMENT

The site as it exists today was constructed prior to stormwater management regulations. In order to redevelop the property, stormwater management will have to be addressed.

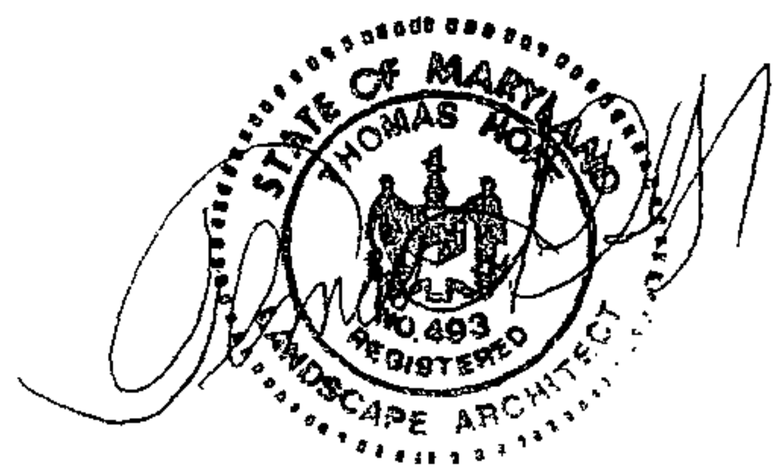
SEDIMENT CONTROL

Sediment control will be required during the construction of the new building and parking areas to minimize the release of sediment from the site during construction.

FOREST CONSERVATION

Forest Conservation will need to be provided either on-site or in a forest bank.

In addition to these regulations, the existing building will be connected to the public sewer.



BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-01-2007, v17
THE REGULATIONS
ARTICLE 1, GENERAL PROVISIONS
Section 101, Definitions [BCZR 1955]

ENVIRONMENTAL IMPACT STATEMENT -- A comprehensive study which accurately discloses the **environmental** consequences or enhancement of a proposed action. Such a statement must include the following:

A detailed description of the proposed action including information and technical data adequate to permit a careful assessment of **environmental impact** ;

Discussion of the probable impact on the environment, including any impact on ecological systems and any direct or indirect consequence that may result from the action;

Any adverse environmental effects that cannot be avoided;

Alternatives to the proposed action that might avoid some or all of the adverse **environmental** effects, including analysis of cost and **environmental impact** of these alternatives;

An assessment of the cumulative, long-term effects of the proposed action including its relationship to short-term use of the environment versus the environment's long-term productivity; and

Any irreversible or irretrievable commitment of resources that might result from the action or which would curtail beneficial use of the environment. [Bill No. 98-1975]

EQUESTRIAN CENTER -- Two hundred or more contiguous acres of land, and any improvements thereon, which is owned and operated by an organization qualified as a nonprofit under Section 501 (C) (3) of Title 26 of the United States Code (for the purpose of land conservation and open space preservation) and is used primarily for equestrian activities. For the purpose of this definition, equestrian activities include horse riding, horse training, horse racing, horse showing, dressage, stadium jumping, cross-country jumping, carriage competitions, and any and all other equine activities and events. [Bill No. 24-2002]

EXCAVATIONS, CONTROLLED -- All types of excavations other than those defined as "excavations, uncontrolled."

EXCAVATIONS, UNCONTROLLED -- The digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for any of the following purposes:

When incidental to the operation of a permitted business or manufacturing use located on the same property, but excluding any digging of material for sale, exchange, processing or manufacture;

For grading or other purposes incidental to improvement of the land; and

When incidental to the development of land or to grading for public improvements. [Resolution, November 21, 1956]

EXPRESSWAY -- A motorway or portion thereof which is, or is intended, for intra-metropolitan travel of varying distances; has or is intended to have a center median strip and a total of four or more lanes for moving traffic; is designed or intended for traffic speeds of at least 55 miles per hour; has no direct access to individual uses on abutting private property; and has been designated as an expressway by the Baltimore County Planning Board. [Bill No. 40-1967]

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

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

Reply to Towson

August 2, 2007

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204
Attn: Kathleen C. Bianco, Administrator

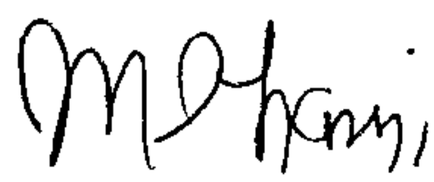
Re: Case No. CR-07-521
In the Matter of: MSDJ Powers Lane, LLC, et al.

Dear Ms. Bianco:

Enclosed for filing please find an Affidavit of Service. I am also enclosing a copy of the date stamped subpoena.

Thank you for your assistance.

Very truly yours,



J. Neil Lanzi

JNL\mal
cc: The Frosty Refrigeration Company, Inc.
People's Counsel for Baltimore County
J. Carroll Holzer, Esquire

RECEIVED
AUG 03 2007
BALTIMORE COUNTY
BOARD OF APPEALS

RE: PETITION FOR RECLASSIFICATION
MSDJ Powers Lane, LLC By: John Lederer
Legal Owners: Frosty Refrigeration Co., Inc.
Contract Purchaser 1924 and 1928 Powers Lane
1st E; 1st C

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CR-07-521

* * * * * * * * *

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

Jeff Mayhew, Division Chief
Office of Planning
401 Bosley Avenue, 4th Floor
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and/or objects only; (X) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on Wednesday, August 8, 2007 **at** 10:00 **a.m./pm.**

YOU ARE COMMANDED TO produce the following documents or objects **(for general purpose as stated):**

1) All reports of Office of Planning concerning 1924 and 1928 Powers Lane, including staff reports, for period August 1, 1999 to July 31, 2007.

2) All materials, records and other supporting documentation used by Office of Planning in preparing any reports for 1924 and 1928 Powers Lane, including applicable Master Plan records and land use maps

SUBPOENA REQUESTED BY:

J. Neil Lanzi
(Name of Party /Attorney)
409 Washington Ave, Ste 617
(Address /Telephone #)
Towson, MD 21204 410-296-0686

The witness named above is hereby ORDERED to so appear before the County Boar of Appeals. The Board requests (____) the Sheriff, (X__) Private Process Server to issue the summons set forth herein.

RECEIVED
AUG 01 2007
BALTIMORE COUNTY
BOARD OF APPEALS

Lindel B. Fliegel
County Board of Appeals of Baltimore County

IN THE MATTER OF

PETITION FOR RECLASSIFICATION

MSDJ Powers Lane, LLC By: John Lederer

Legal Owners: Frosty Refrigeration Co., Inc.

Contract Purchaser: 1924 and 1928

Powers Lane, 1st E; 1st C

* BEFORE THE

* COUNTY BOARD OF APPEALS

* OF

* BALTIMORE COUNTY

* CASE NO. CR-07-251

* * * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on Aug 1, 2007, I effected service of process by personally serving a Subpoena upon Jeff Mayhew at 401 Bosley Ave Towson Md Office of Planning 4th floor, to appear before the County Board of Appeals of Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.

Melody Loughlin
(signature)

Name: Melody Loughlin

Firm: J. Neil Lanzi P.A.

Address: 409 Washington Ave #617 Towson 21204

RECEIVED
JUL 30 2007
BALTIMORE COUNTY
BOARD OF APPEALS

BALTIMORE COUNTY, MARYLAND

MEMORANDUM

TO: Lawrence S. Wescott
Chairman, Board of Appeals

DATE: July 26, 2007

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

SUBJECT: Out of Cycle Zoning Reclassification – Petition for Reclassification, from Density Residential (DR 3.5) to Business Major (BM) – 1924 and 1928 Powers Lane, Council District 1, (Case No. CR-07-521)

Previously, the above-referenced matter came before the Planning Board in March 2007. At that time, the Board certified that the request met the criteria of being "manifestly in the public interest" and recommended forwarding to the Board of Appeals for out of cycle attention. The request was reintroduced to the Planning Board in July 2007 with a documented site plan. Planning Staff reviewed the request based on the documented site plan and recommended that the front portion of the properties be rezoned BM as requested; however, that the back portion, as indicated on the attached map, retain the DR 3.5 designation, with certain conditions as outlined in the Planning Staff Report.

On July 19, 2007, the Baltimore County Planning Board voted in support of the above-referenced Petition for Reclassification of zoning as outlined in the Planning Staff Report, with conditions, and subject to one substantive change; that is, that the area of the BM zone be extended twenty feet to the north.

The Staff Report is attached with a revised schematic reflecting moving the BM zone 20 feet to the north. Please contact Dennis Wertz, Community Planner, or Jeff Mayhew, Chief, Community Planning, at 410-887-3480 if there are any questions.

AFK:bjw

Attachments

RECEIVED
JUL 3 0 2007
BALTIMORE COUNTY
BOARD OF APPEALS

Office of Planning
Baltimore County, Maryland
July 19, 2007

Out-of-Cycle Zoning Reclassification Report
1924 & 1928 Powers Lane

CASE NO:
CR-07-521

PETITIONER:
MSDJ Powers Lane, LLC (Owner) and Frosty Refrigeration Co., Inc. (Lessee)

REQUESTED ACTION:
Reclassification to BM (Business Major) and approval of a documented site plan

EXISTING ZONING:
DR 3.5 (Density Residential, 3.5 dwelling units per acre)

LOCATION:
North side of Powers Lane, approximately 600 feet west of Rolling Road (1924 and 1928 Powers Lane)

AREA OF SITE:
2.02 acres

ZONING OF ADJACENT PROPERTY/USE:

North:	DR3.5	Communication Towers
South:	DR3.5/BR/BM slivers and BR-AS	Commercial
East:	DR3.5 and BL	Commercial and Single Family Detached Residential
West:	DR3.5	Single Family Detached Residential and Vacant Land

SITE DESCRIPTION:
The site is improved with a 1-story church hall built in 1956 and a 1-story dwelling built in 1952. The size of the church hall is 2,840 square feet. It is located on the front part of the site. The dwelling is located near the rear property line. The Catonsville Congregation of Jehovah's Witnesses had previously owned and used the site from 1968 to the summer of 2006.

The site is devoid of environmental constraints such as flood plains, wetlands, and forest.

PROPERTIES IN THE VICINITY:
The character of the surrounding area is predominantly commercial. Adjacent land to the east is improved with the Rolling Road Plaza, a shopping center containing retail stores and

medical offices. Also, a single family dwelling is located to the east adjacent to the rear part of the site. The property to the south (across Powers Lane) is occupied by the Russel Toyota car dealership, which fronts on Baltimore National Pike. Communication towers and supporting facilities are located to the north of the site. Three single family dwellings are located along the north side of Powers Lane to the west of the site. A large unimproved parcel is also located west of the site.

WATER AND SEWERAGE:

The site and surrounding area are designated as W-1, S-1 (Existing Service Area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The site has direct access to Powers Lane and indirect access to Rolling Road and the Baltimore National Pike. The Baltimore National Pike is also known as US Route 40.

Powers Lane is classified as a local road on the 1992 Federal Highway Functional Classification Map for the Baltimore Urbanized Area. Rolling Road and the Baltimore National Pike are classified as principal arterials.

The site is located within the traffic shed of the Baltimore National Pike/Rolling Road intersection. This intersection is designated as level of service "D" on the 2007 Basic Services Transportation Map. LOS "D" is considered to be an acceptable level of service.

ZONING HISTORY:

The site has been zoned DR3.5 since prior to 1976.

In Case No. 76-141-A, a petition for variance to allow a front yard setback of 39 feet in lieu of the required 50 feet for an existing church was granted on January 16, 1976.

MASTER PLAN:

The Proposed Land Use map, adopted by the County Council on February 22, 2000, shows that most of the site is designated as Commercial. A small portion of the back part of the site is designated as Institutional.

DOCUMENTED SITE PLAN:

The Frosty Refrigeration Company, a heating and air conditioning contractor, intends to relocate to the site pursuant to a long-term lease in the event the zoning reclassification is approved. The petitioner intends to make substantial improvements to the property.

The documented site plan shows a new 4,050 square foot warehouse addition to the rear of the existing church building. The existing church building will be converted to office use. The rear half of the site will not be improved. The existing dwelling will remain as is.

The site will be accessed from Powers Lane. The documented site plan shows two access drives along Powers Lane.

A note on the documented site plan incorrectly states that 17 parking spaces are provided for the proposed office /warehouse use. The site plan actually shows 19 parking spaces. A single row of 16 parking spaces is shown to the east of the office/warehouse building. The remaining 3 spaces are located to the west of the existing building where it appears that a retaining wall will be needed. A note on the plan indicates that 15 parking spaces are required.

Section 32-3-512.(a).(1) of the Baltimore County Code requires documentation regarding elevation drawings. The documented site plan provides building elevations for the front and east sides of the office/warehouse building. The exterior of the existing building is mostly brick. Metal siding and split face block or brick are proposed for the exterior of the warehouse addition. The colors of the exterior materials aren't specified. Building elevations are not provided for the rear and west sides of the office/warehouse building.

Section 32-3-512.(a).(3) of the County Code requires documentation regarding signs visible outdoors. The documented site plan doesn't provide any signage details. A note on the plan states that all signage will comply with Section 450.

Section 32-3-512.(a).(9) of the County Code requires documentation regarding screening and landscaping. The documented site plan indicates that landscape screening will be provided within a 10 to 20 foot wide strip along the western property line adjacent to a parcel improved with a single family dwelling and within a 10 foot wide strip along the rear property line. The plan doesn't provide any landscaping details. Also, the plan doesn't provide any details regarding exterior lighting.

The site plan doesn't provide any documentation regarding the maximum levels of emanations including sound and other vibrations, dust, odors, gases, light, and heat as required by Section 32-3-512.(a).(5) of the County Code.

OFFICE OF PLANNING RECOMMENDATION:

Based upon the information provided and analysis conducted, the Office of Planning recommends that the portion of the site containing the proposed improvements for the office/warehouse use be rezoned to BM and that DR3.5 zoning be retained on the remaining portion of the site. The recommended zoning is shown on the attached figure. Also, the Office of Planning recommends approval of the documented site plan subject to the following conditions:

1. The documented site plan shall be revised to remove the 3-car parking area shown to the west of the existing building.

2. Site Data note #4 on the documented site plan shall be revised to state that 16 parking spaces are provided. Also, where the row of 16 parking spaces is shown on the plan, the number "14" shall be changed to the number "16."

3. The documented site plan shall be revised to show a walkway along Powers Lane and walkways that connect the Powers Lane sidewalk and the off-street parking area to the main building entrance for the office use.

4. Building elevations for the rear and the west side elevations shall be shown on the documented site plan. The rear and west side elevations must be architecturally consistent with the front and east side elevations. The colors of the exterior materials for the warehouse shall match or complement the colors of the exterior materials for the existing building. The warehouse addition shall have a pitched roof.

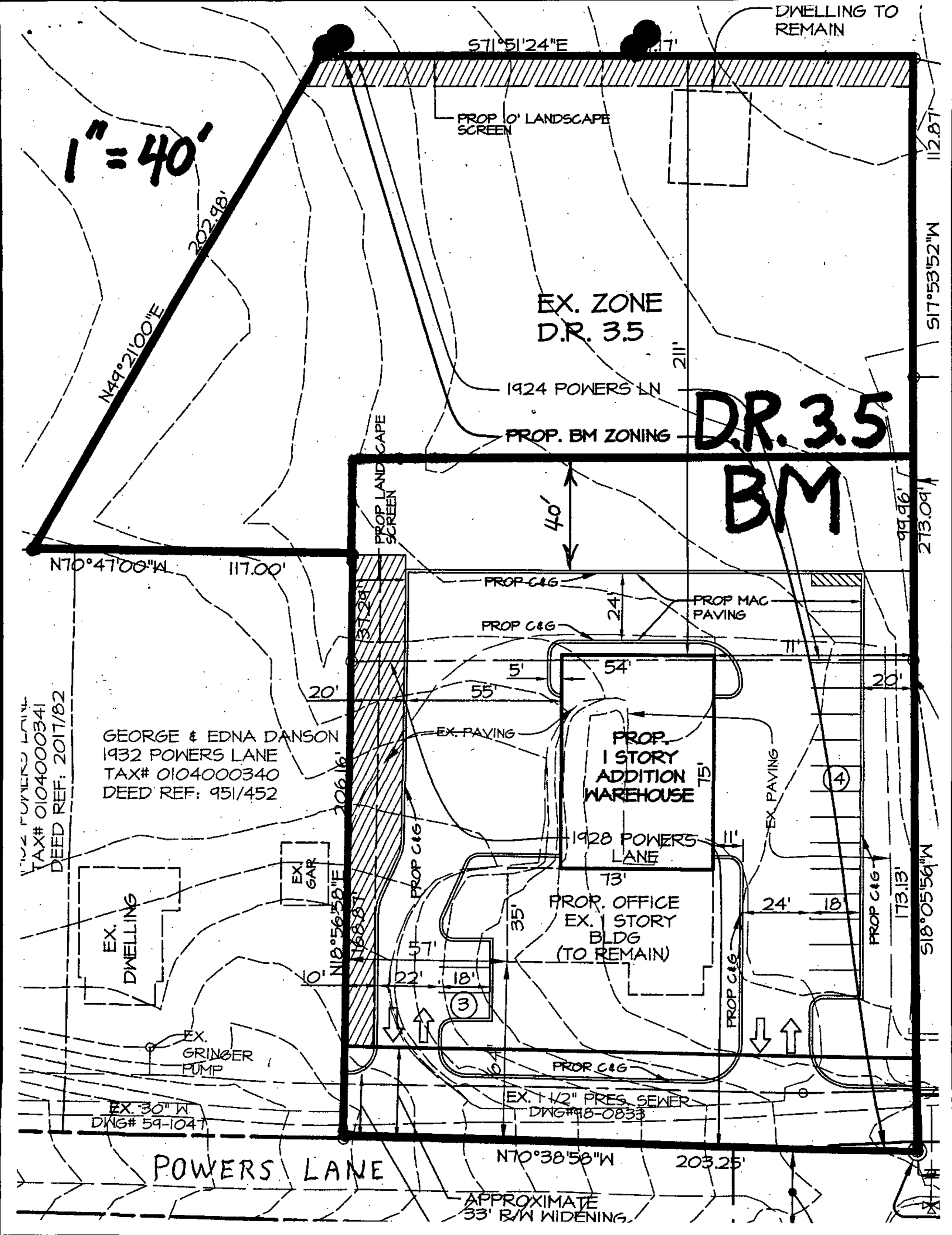
5. Prior to the approval of any building permits, plans shall be submitted to the Department of Permits and Development Management that show the location and details of any outside lights, any fencing, and the landscaping to be installed on the property. The Department of Permits and Development Management may approve, reject, or modify the lighting, fencing, and landscaping plans. If light poles are installed, the Office of Planning prefers light poles that have a maximum height of 18 feet and that have full cut-off lighting fixtures.

6. Prior to the approval of any building permits, a plan shall be submitted to the Office of Planning that shows how any exterior signs are to be located and designed. The Office of Planning may approve, reject, or modify the sign plan to promote an attractive and pleasing appearance. If a freestanding enterprise sign is desired, the Office of Planning prefers a monument style sign no greater than 6 feet high.

7. Site Data note #11 on the documented site plan shall be corrected to indicate that the current Basic Services Transportation Map was enacted per Bill 25-07 with an effective date of 6/3/07.

8. The documented site plan or the petitioner's environmental impact statement shall be revised to include the maximum levels of emanations including sound and other vibrations, dust, odors, gases, light, and heat.

9. A note stating that no outdoor storage or fabrication of any products or materials shall be permitted must be added to the documented site plan.


1" = 40'
DWELLING TO REMAIN
S71°51'24"E
PROP 10' LANDSCAPE SCREEN
112.87'
S17°53'52"W
202.98'
N49°21'00"E
EX. ZONE
D.R. 3.5
211'
1924 POWERS LN
PROP. BM ZONING
D.R. 3.5
BM
PROP LANDSCAPE SCREEN
40'
273.09'
99.96'
N70°47'00"W
117.00'
PROP C&G
24'
PROP MAC PAVING
PROP C&G
11'
5'
54'
20'
55'
20'
EX. PAVING
GEORGE & EDNA DANSON
1932 POWERS LANE
TAX# 0104000340
DEED REF: 951/452
PROP. 1 STORY ADDITION WAREHOUSE
75'
EX. PAVING
4
1928 POWERS LANE
11'
73'
PROP C&G
N18°56'58"E
168.87'
EX. GAR
EX. DWELLING
35'
PROR. OFFICE
EX. 1 STORY BLDG (TO REMAIN)
24'
18'
PROP C&G
173.13'
S18°05'59"W
57'
10'
22'
18'
3
PROP C&G
EX. GRINGER PUMP
PROR C&G
EX. 1 1/2" PRES. SEWER
DWG# 18-0833
EX. 30" W.
DWG# 59-1047
N70°38'58"W
203.25'
POWERS LANE
APPROXIMATE
33' R/W WIDENING

RE:	PETITION FOR RECLASSIFICATION 1924 &1928 Powers Lane; N/S Powers Lane 628' W c/line Rolling Road 1st Election & 1st Councilmanic Districts Legal Owner(s): MSDJ Powers Lane, LLC Contract Purchaser(s): Frosty Refrigeration Co Petitioner(s)	* * * * *	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY CR-07-521

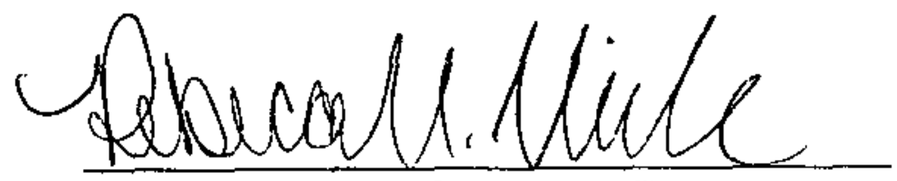
* * * * * * * * * * * * *

AFFIDAVIT OF SERVICE

I, the undersigned, certify that on July 24, 2007, I effected service of process by personally serving a Subpoena upon Jeff Mayhew, Office of Planning, 401 Bosley Avenue, Towson, Maryland 21204, to appear before the County Board of Appeals for Baltimore County.

I further certify that I am over the age of 18 and am not a party to this action.

I solemnly affirm under penalty of perjury that the contents of this Affidavit are true and correct to my knowledge.



Name: **Rebecca M. Meile, Legal Secretary**
Firm: **People's Counsel for Baltimore County**
Address: **400 Washington Avenue**
Old Courthouse, Room 47
Towson, Maryland 21204

RECEIVED
JUL 24 2007
BALTIMORE COUNTY
BOARD OF APPEALS

RE: PETITION FOR RECLASSIFICATION 1924 &1928 Powers Lane; N/S Powers Lane 628' W c/line Rolling Road 1st Election & 1st Councilmanic Districts Legal Owner(s): MSDJ Powers Lane, LLC Contract Purchaser(s): Frosty Refrigeration Co Petitioner(s)	* * * * *	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY CR-07-521

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

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

Jeff Mayhew
Office of Planning
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and/or objects only; (**X**) Personally appear and produce documents or objects; in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on **August 8, 2007 at 10:00 a.m.**

YOU ARE COMMANDED TO produce the following documents or objects **(for general purpose as stated):**

- Any and all Planning office files and documents relating to this case and this 1924/1928 Powers Lane property, including any correspondence, memoranda, notes, emails, or other papers by, to, or from any person, private or public, party or non-party.

SUBPOENA REQUESTED BY:
Peter Max Zimmerman, People's Counsel
Office of People's Counsel for Baltimore County
400 Washington Avenue, Room 47
Towson, Maryland 21204
(410) 887-2188

The witness named above is hereby ORDERED to so appear before the County Board of Appeals. The Board requests ( ) the Sheriff, (X) Private Process Server, to issue the summons set forth herein.

RECEIVED
JUL 24 2007
BALTIMORE COUNTY
BOARD OF APPEALS

Lindy B Fleegel
County Board of Appeals for Baltimore County

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

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

Reply to Towson

July 18, 2007

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204
Attn: Lawrence M. Stahl, Chairman

Re: Case No. CR-07-521
In the Matter of: MSDJ Powers Lane, LLC, et al.

Dear Mr. Stahl:

On July 16, 2007, I received a Motion to Dismiss from People's Counsel for Baltimore County. On Friday, July 13, 2007, I received a letter dated July 11, 2007 from J. Carroll Holzer, Esquire, attorney for Westview Park Community Association and Westerly Community Association adopting the Motion to Dismiss filed by People's Counsel. I now enclose the Response of Petitioner's, MSDJ Powers Lane, LLC and The Frosty Refrigeration Co., Inc. with a proposed Order.

Thank you for your consideration of this matter.

Very truly yours,

J. Neil Lanzi

JNL\mal
cc: The Frosty Refrigeration Company, Inc.
Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
J. Carroll Holzer, Esquire
Arnold "Pat" Keller, Planning Director

RECEIVED
JUL 20 2007
BALTIMORE COUNTY
BOARD OF APPEALS

RE: PETITION FOR RECLASSIFICATION	*	BEFORE THE BOARD
1924 and 1928 Powers Lane; N/S Powers Lane	*	OF APPEALS
628'W c/line Rolling Road	*	FOR
1st Election and 1st Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owners: MSDJ Powers Lane, LLC	*	
Contract Purchaser(s) The Frosty Refrigeration Co., Inc.	*	CASE NO. CR-07-521
Petitioners		

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

RESPONSE TO MOTION TO DISMISS

MSDJ Powers Lane, LLC and The Frosty Refrigeration Co., Inc., Petitioners, in response to the Motion to Dismiss of People's Counsel as adopted by Westview Park Community Association and Westerly Community Association, states the following in reply:

1. Petitioners agree that Baltimore County Code, Section 32-3-512(a) provides the general requirements for a documented site plan.

2. Petitioners maintain the initial site plan and revised site plan satisfies the general requirements for a documented site plan.

3. Petitioners have provided the height of the existing and proposed buildings. Petitioners have not included specific sign information as no outdoor free standing signs are proposed and Petitioners have acknowledged that any future signage must comply with Section 450 of the Baltimore County Zoning Regulations ("BCZR"). Petitioners do not anticipate "emanations", sounds, vibrations, dust, odors, gases, light and heat beyond those normally associated with Petitioners type of business. Proposed

parking and loading areas are shown on the plan as are screening and landscaping. Supplemental screening and landscaping will be provided as an exhibit at the hearing. The existing topography and grade are shown on the plan. Petitioners are not required to show minor grade changes as the regulations specifically require the inclusion of "major changes in grade".

4. The Environmental Impact Statement ("EIS") meets the requirements for such a statement as set forth in Section 101 of the BCZR. Interestingly, no negative comments have been received from the various Baltimore County agencies reviewing the EIS, including the Office of Planning, Office of Zoning and the Department of Environmental Protection and Resource Management.

5. No further amendments to the revised site plan and EIS are necessary as statutory requirements have been satisfied.

6. The merits hearing currently set for August 8, 2007 was the first date available for the CBA and Petitioners witnesses. Petitioners revised site plan included a minor change to a buffer area which certainly should not complicate the ability of People's Counsel or the Protestants to review Petitioners documented plan. Petitioners do not anticipate the necessity for any further amendments to the revised site plan or EIS and therefore no further rescheduling should be necessary. Petitioner will make every effort to complete its presentation so the case can be heard in one day.

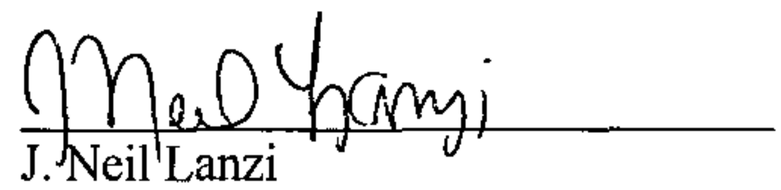
7. The comprehensive zoning map process ("CZMP") begins September 1, 2007 and will continue for approximately twelve months. Even in the event the CBA

requires memoranda in lieu of closing arguments, the decision process should be completed in the Fall of 2007.

8. Petitioners maintain that this case will experience minimal overlap with the quadrennial CZMP.

9. Section 32-3-509 of the Baltimore County Code provides for an exemption from the Cyclical Schedule for zoning reclassification petitions. The Planning Board certified on March 15, 2007 to the Baltimore County Council that early action on Petitioners reclassification Petition was manifestly in the public interest and on May 7, 2007, the County Council approved the certification by resolution. As stated above, Petitioners out of cycle reclassification should be completed in the Fall of 2007, several months before the completion of the 2007-2008 CZMP. The Baltimore County Code established exceptions for cases such as Petitioners and the legislative body which People's Counsel alleges would have its time affected by the administrative process voted unanimously to allow Petitioner's to proceed administratively. The fact that memoranda may be required, public deliberation required or more than one day of hearings required is clearly within the discretion of the CBA and should have absolutely no impact on the jurisdiction or authority of the County Council. The Baltimore County Code also provides for the quadrennial legislative comprehensive zoning process. Petitioners are entitled to participate in that process the same as any other property owner in Baltimore County. With regard to the allegation that the Baltimore County agencies and/or the public will be overburdened by two processes is incorrect as the agencies and public will simply be familiar with the request of Petitioners.

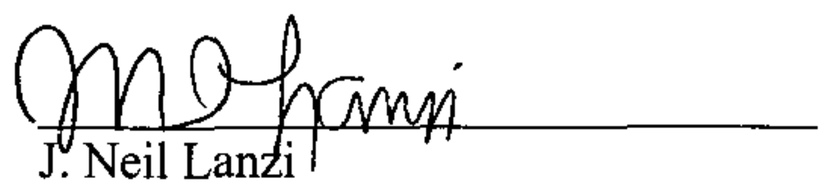
WHEREFORE, Petitioners request the Motion to Dismiss as filed by People's Counsel and adopted by Westview Park Community Association and Westerly Community Association be denied.



J. Neil Lanzi
J. Neil Lanzi, P.A.
409 Washington Avenue, Suite 617
Towson, Maryland 21204
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of July, 2007, a copy of the foregoing Response to Motion to Dismiss was mailed, first-class, postage prepaid, to J. Carroll Holzer, Holzer & Lee, 508 Fairmount Avenue, Towson, Maryland 21286, Arnold "Pat" Keller, Planning Director, 401 Bosley Avenue, 4th Floor, Towson, Maryland 21204 and Peter Max Zimmerman, Esquire, Carole S. Demilio, Esquire, People's Counsel, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204.



J. Neil Lanzi

RE: PETITION FOR RECLASSIFICATION	*	BEFORE THE BOARD
1924 and 1928 Powers Lane; N/S Powers Lane	*	OF APPEALS
628' W c/line Rolling Road	*	FOR
1st Election and 1st Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owners: MSDJ Powers Lane, LLC	*	
Contract Purchaser(s) The Frosty Refrigeration Co., Inc.	*	CASE NO. CR-07-521
Petitioners		

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

ORDER

Upon consideration of the Motion to Dismiss as filed by the People's Counsel for Baltimore County and adopted by Westview Park Community Association and Westerly Community Association and Petitioners response thereto,

It is this _____ day of _____, 2007, by the Board of Appeals for Baltimore County,

ORDERED, that the Motion to Dismiss be and is hereby DENIED.

_____

_____

_____

HOLZER

& LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET
xxxxxxxxxxxxxxxxxx
jcholzer@cavtel.net

July 11, 2007
#7713

RECEIVED
JUL 12 2007
BALTIMORE COUNTY
BOARD OF APPEALS

County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: Petition for Reclassification
1924 & 1928 Powers Lane
Frosty Refrigeration Company, Petitioner
Case No.: CR-07-521

Dear Members of the Board:

As attorney for Westview Park Community Association, Steve Whisler, President and Westerly Community Association, Klaus Phillipsen, President, I hereby adopt the Motion for Abstention or, in the Alternative, to Dismiss filed by People's Counsel for Baltimore County on July 10, 2007.

Thank you very much for placing this adoption of the Motion in the Board's file.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: J. Neil Lanzi
Attorney for Petitioner
Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Mr. Steve Whisler

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
[redacted]
jcholzer@cavtel.net

June 1, 2007
#7713

Ms. Kathleen Bianco, Administrator
Baltimore County Board of Appeals
400 Washington Avenue
Room 49
Towson, Maryland 21204

RE: Frosty Refrigeration Reclassification

Dear Ms. Bianco:

Please be advised that I have been retained by Westview Park Community Association and Westerlee Community Association to represent them in the Reclassification hearing for Frosty Refrigeration.

I have no paperwork at the present time, therefore I am not aware of the Board's file number. However, I would appreciate your making a note that I am in the above-captioned case and would appreciate receiving any Notices concerning that hearing.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Peter Max Zimmerman, Esquire

LAW OFFICES
J. CARROLL HOLZER, P.A.
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND 21286
(410) 825-6961
FAX (410) 825-4923 / E-MAIL: JCHOLZER@CAVTEL.NET

Facsimile Cover Sheet

To: Kathy Bianco

From: J. Carroll Holzer

Date: June 1, 2007 Time: 9:55 a.m./p.m.

Total Number of Pages Including this Cover: 2

Original Will _____ / Will Not ___X___ Follow.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

For Sending Office Purposes:

Fax Number: 410- Main Number: 410-

Client & Matter: File Number: #

CONFIDENTIALITY NOTICE

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

C:FORMS/Faxcover

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:

J CARROLL HOLZER, ESQUIRE

FAX : 410-825-4923

J NEIL LANZI, ESQUIRE

FAX : 410-296-0689

FROM:

KATHLEEN BIANCO
FAX : 410-887-3182

TELEPHONE : 410-887-3180

DATE:
JUNE 1, 2007

TOTAL NO. OF PAGES INCLUDING COVER:
THREE (3)

Re: AMENDED NOTICE OF ASSIGNMENT – MSDJ POWERS LANE LLC /FROSTY REFRIGERATION
CASE NO. CR-07-521

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

ATTACHED FYI IS A COPY OF THE AMENDED NOTICE OF ASSIGNMENT IN CASE NO. CR-07-521 SCHEDULED TO (1) BE OPENED ON THE RECORD ON 6/28/07 AND (2) TO BE HEARD BEFORE THE BOARD ON 8/08/07, WHICH ALSO NOTES THE ADDITION OF MR. HOLZER ON BEHALF OF WESTVIEW PARK COMMUNITY ASSOCIATION AND WESTERLEE COMMUNITY ASSOCIATION.

SHOULD YOU HAVE ANY QUESTIONS, PLEASE CONTACT ME.

kathi

SENDING REPORT

Jun. 01 2007 10:24AM

YOUR LOGO : BOARDOFAPPEALS
YOUR FAX NO. : 4108873182

NO.	OTHER FACSIMILE	START TIME	USAGE TIME	MODE	PAGES	RESULT
01	94102960689	Jun. 01 10:22AM	02'13	SND	03	OK

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).

SENDING REPORT

Jun. 01 2007 10:27AM

YOUR LOGO : BOARDOFAPPEALS
YOUR FAX NO. : 4108873182

NO.	OTHER FACSIMILE	START TIME	USAGE TIME	MODE	PAGES	RESULT
01	94108254923	Jun. 01 10:25AM	01'55	SND	03	OK

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).

File

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Carl Richards, Supervisor
Zoning Review Process, PDM

DATE: May 21, 2007

FROM: Kathleen C. Bianco
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption
Request for Reclassification /MSDJ Powers Lane, LLC by John Lederer, Member – Legal Owner; Frosty Refrigeration Co., Inc. –C.P.
Case # CR-07-521 1st Election District; 1st Councilmanic District
Approved by County Council for Out of Cycle 5/07/07
Date for Hearing before the Board –
Thursday, June 28, 2007 @ 10 a.m.

Pursuant to § 32-3-509(b), *2003 Baltimore County Code*, the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Thursday, June 28, 2007 at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its May 7, 2007 meeting (Resolution 44-07).

This office received one set of the Petition for Reclassification and all related documentation from your office on May 17, 2007. All other copies were retained by your office for further processing, including the necessary advertising and posting. **If it would be helpful, since time is short between now and June 28th, I would be happy to send out the Notice of Assignment. Just let me know.**

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

c: Timothy M. Kotroco, Director /PDM
Andrea Freeburger /PDM
Pat Keller, Planning Director
Jeffrey Long, Deputy Planning Director
Office of People's Counsel
J. Neil Lanzi, Esquire
Thomas Hoff /Thomas J. Hoff, Inc.

County Board of Appeals of Baltimore County

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

May 21, 2007

NOTICE OF ASSIGNMENT

CASE #: CR-07-521
Out of Cyle 2007

IN THE MATTER OF: ***MSDJ POWERS LANE, LLC; By: John Lederer -Member – Legal Ownes; FROSTY REFRIGERATION CO., INC. – Contract Purchaser*** 1924 and 1928 Powers Lane 1st E; 1st C

RE: Petition for Reclassification from D.R. 3.5 to B.M.
Pursuant to Documented Site Plan

ASSIGNED FOR: **THURSDAY, JUNE 28, 2007 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 Petitioners : J. Neil Lanzi, Esquire
Legal Owner : MSDJ Powers Lane, LLC
by: John Lederer, Member
Contract Purchaser : Frosty Refrigeration Co., Inc.
Thomas Hoff /Thomas J. Hoff, Inc.

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, 1st District
John E. Beverungen, County Attorney

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on Recycled Paper

County Board of Appeals of Baltimore County

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

Amended 5/31/07
Open on record
6/28/07
Hearing on merits
8/08/07

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 21, 2007

NOTICE OF ASSIGNMENT

CASE #: CR-07-521
Out of Cyle 2007

IN THE MATTER OF: ***MSDJ POWERS LANE, LLC; By: John Lederer -Member – Legal Ownes; FROSTY REFRIGERATION CO., INC. – Contract Purchaser*** 1924 and 1928 Powers Lane 1st E; 1st C

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Kathleen C. Bianco
Administrator

---

c: Counsel for Petitioners : J. Neil Lanzi, Esquire
Legal Owner : MSDJ Powers Lane, LLC
by: John Lederer, Member
Contract Purchaser : Frosty Refrigeration Co., Inc.
Thomas Hoff /Thomas J. Hoff, Inc.

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, 1st District
John E. Beverungen, County Attorney

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on Recycled Paper

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

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

Reply to Towson

May 25, 2007

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204
Attn: Kathleen C. Bianco, Administrator

Re: Case No. CR-07-521
In the Matter of: MSDJ Powers Lane, LLC, et al.

Dear Ms. Bianco:

Please be advised that I am counsel for MSDJ Powers Lane, LLC and Frosty Refrigeration Company, Inc., Petitioners in the above referenced case. This appeal has been assigned for Thursday, June 28, 2007 at 10:00 a.m. Petitioners intend to be present at the date scheduled, however, one of Petitioners expert witnesses will not be available to testify due to a previously scheduled case. Accordingly, by this letter, I respectfully request the case be continued to a second day at the next available date.

Thank you for your consideration.

Very truly yours,

J. Neil Lanzi

JNL\mal
cc: The Frosty Refrigeration Company, Inc.
People's Counsel for Baltimore County

RECEIVED
MAY 29 2007
BALTIMORE COUNTY
BOARD OF APPEALS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Carl Richards, Supervisor
Zoning Review Process, PDM

DATE: May 21, 2007

FROM: Kathleen C. Bianco
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption
Request for Reclassification /MSDJ Powers Lane, LLC by John Lederer, Member – Legal Owner; Frosty Refrigeration Co., Inc. –C.P.
Case # CR-07-521 1st Election District; 1st Councilmanic District
Approved by County Council for Out of Cycle 5/07/07
Date for Hearing before the Board –
Thursday, June 28, 2007 @ 10 a.m.

Pursuant to § 32-3-509(b), *2003 Baltimore County Code*, the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Thursday, June 28, 2007 at 10:00 a.m. in Room 49, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its May 7, 2007 meeting (Resolution 44-07).

This office received one set of the Petition for Reclassification and all related documentation from your office on May 17, 2007. All other copies were retained by your office for further processing, including the necessary advertising and posting. **If it would be helpful, since time is short between now and June 28th, I would be happy to send out the Notice of Assignment. Just let me know.**

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

c: Timothy M. Kotroco, Director /PDM
Andrea Freeburger /PDM
Pat Keller, Planning Director
Jeffrey Long, Deputy Planning Director
Office of People's Counsel
J. Neil Lanzi, Esquire
Thomas Hoff /Thomas J. Hoff, Inc.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 29286

DATE 6-20-07 ACCOUNT 001-6150

AMOUNT $ 200.00

RECEIVED FROM: NEIL LANZI

FOR: REVISED PLAN CR-07-521
1924 & 1928 PAWNEE LANE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	ITM
6/22/2007	6/21/2007	09:15:48	2

REG USO2 WALKIN JEVA JEE
>>RECEIPT # 519784 6/21/2007 OFLG
Dept 5 532 COMPRE/CYCLE ZONING FEE
CR NO. 029288
Recpt Tot $200.00
$200.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 292

DATE 6-20-07 ACCOUNT 001-6150

AMOUNT $ 200.00

RECEIVED FROM: NEIL LANZI

FOR: REVISED PLAN CR-07-521
1924 & 1928 PAWNEE LANE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

ZONING ADVISORY COMMITTEE AGENDA
DISTRIBUTION MEETING OF MAY 28, 2007

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

Distribution:

#	Board of Appeals (Kathi Bianco); MS #2013
*	Zoning Commissioner's Office (William Wiseman, III); MS #2112
#	PDM, Zoning Review H.O. Hearing File (Kristen Matthews)
#	PDM, Zoning Review DRC/ZAC Meeting File (W. Carl Richards, Jr.)
*	PDM, Code Enforcement (Lisa Henson)
*	PDM, Building Inspection (Karen Hopkins)
&	PDM, Development Plans Review (Dennis Kennedy)
#	Planning Office (Curtis Murray); *Director (Pat Keller)
*	Recreation and Parks (Jean Tansey); MS #52
#	DEPRM (Jeff Livingston) - 2 plats
&	State Highway Administration, Access Permits Division (Michael Bailey)
&	PDM, Building Plans Review (Lt. Herb Taylor); MS #1102F
*	Economic Development Commission, Business Develop. (Robert Hannon); MS #2M07
*	Highways (Tim Burgess); MS #1003
*	Community Conservation (David Fields); MS #1102M
+	People's Counsel (Peter Zimmerman); MS #2010
*	Honorable McIntire, County Council, District 3; MS #2201
#	IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
#	IF FLOODPLAIN, Department of Natural Resources (John Joyce)
#	IF FLOODPLAIN, Public Works (David Thomas); MS #1315
*	IF FLOODPLAIN, Permits (Donald Brand)
*	IF FLOODPLAIN, Code Enforcement (Rick Wisnom)
#	IF ELDERLY HOUSING, Community Development; MS #1102M
#	IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
#	IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder); MS #1102E
*	IF TOWER, Tower Coordinator, c/o OIT; MS #2007

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" before the hearing date. If no written response is received by the committee before this hearing date, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number or case number. All comments received will be compiled and included in the zoning file for review and consideration by the Board of Appeals during the course of the upcoming zoning/reclassification hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Matthews. If you have any questions regarding these zoning petitions, please contact Carl Richards at 410-887-3391 (FAX - 410-887-3048).

Revised 10/2/06

REVISED

DOCUMENTED PLAN

TO ACCOMPANY

RECLASSIFICATION

PETITION

CR-07-521

1924 and 1928 Powers Lane

RECEIVED
JUN 21 2007
BALTIMORE COUNTY
BOARD OF APPEALS

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

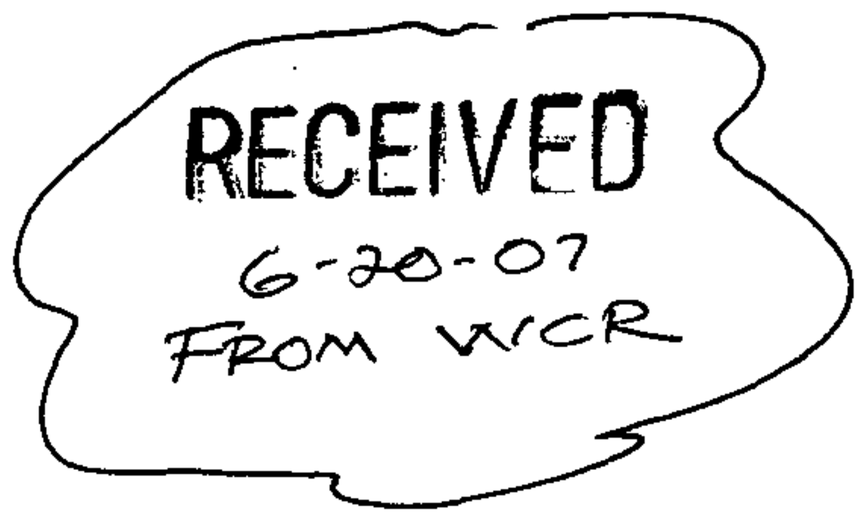
OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

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

Reply to Towson

June 14, 2007



Hand-Delivered

Carl Richards, Zoning Supervisor
Permits and Development Management
County Office Bldg, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Re: Out of Cycle Petition for Reclassification
1924 and 1928 Powers Lane
Case No. CR-07-521

Dear Carl:

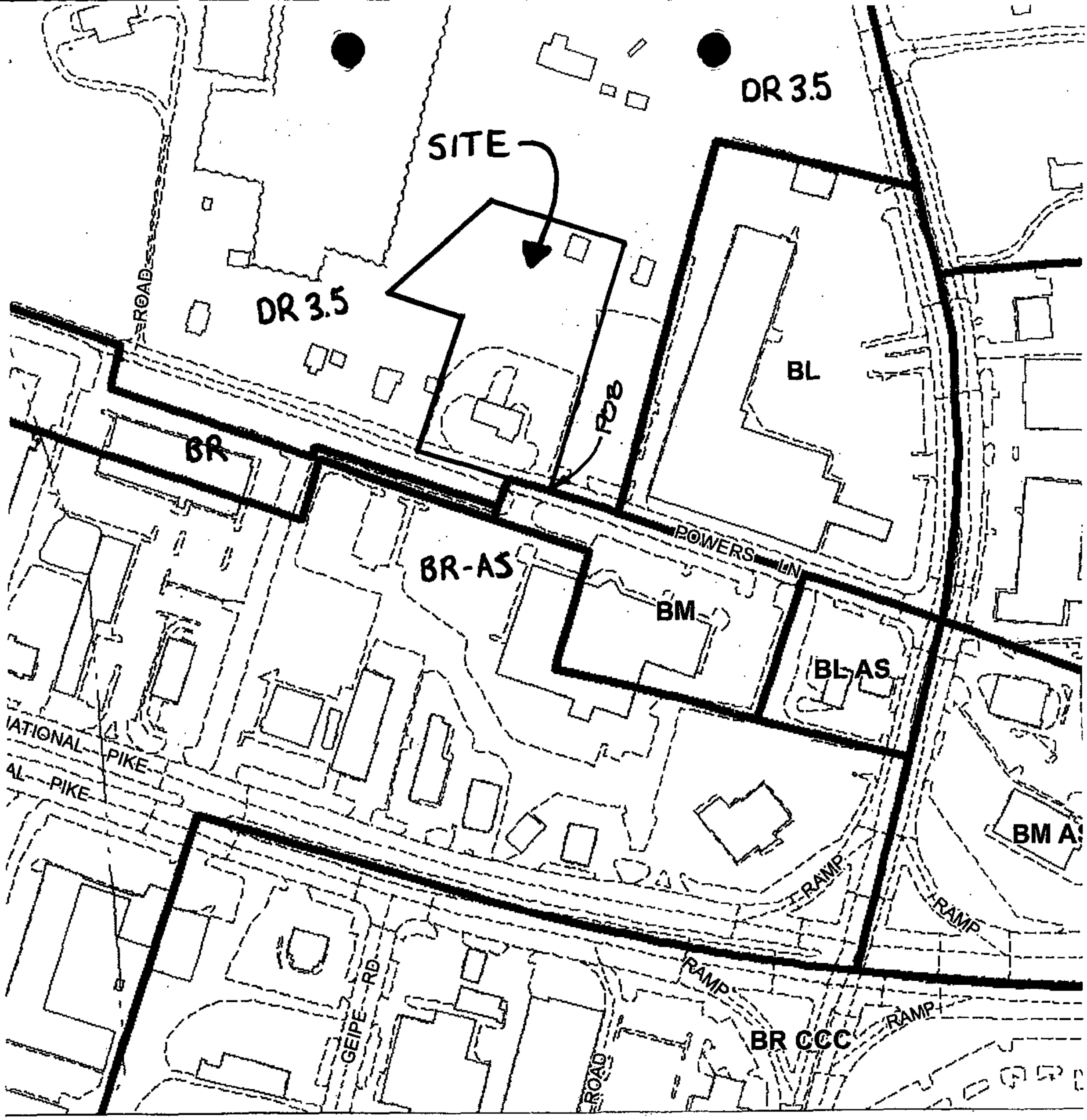
In follow up to our meeting of June 7, 2007, I am now enclosing 14 copies of the revised site plan for the above referenced Petition. I am also enclosing my firm check in the amount of $200.00 for the revision filing fee. The case is scheduled to be opened on the record only June 28, 2007 with a hearing on the merits August 8, 2007.

Should you require anything further, please do not hesitate to contact me.

Very truly yours,

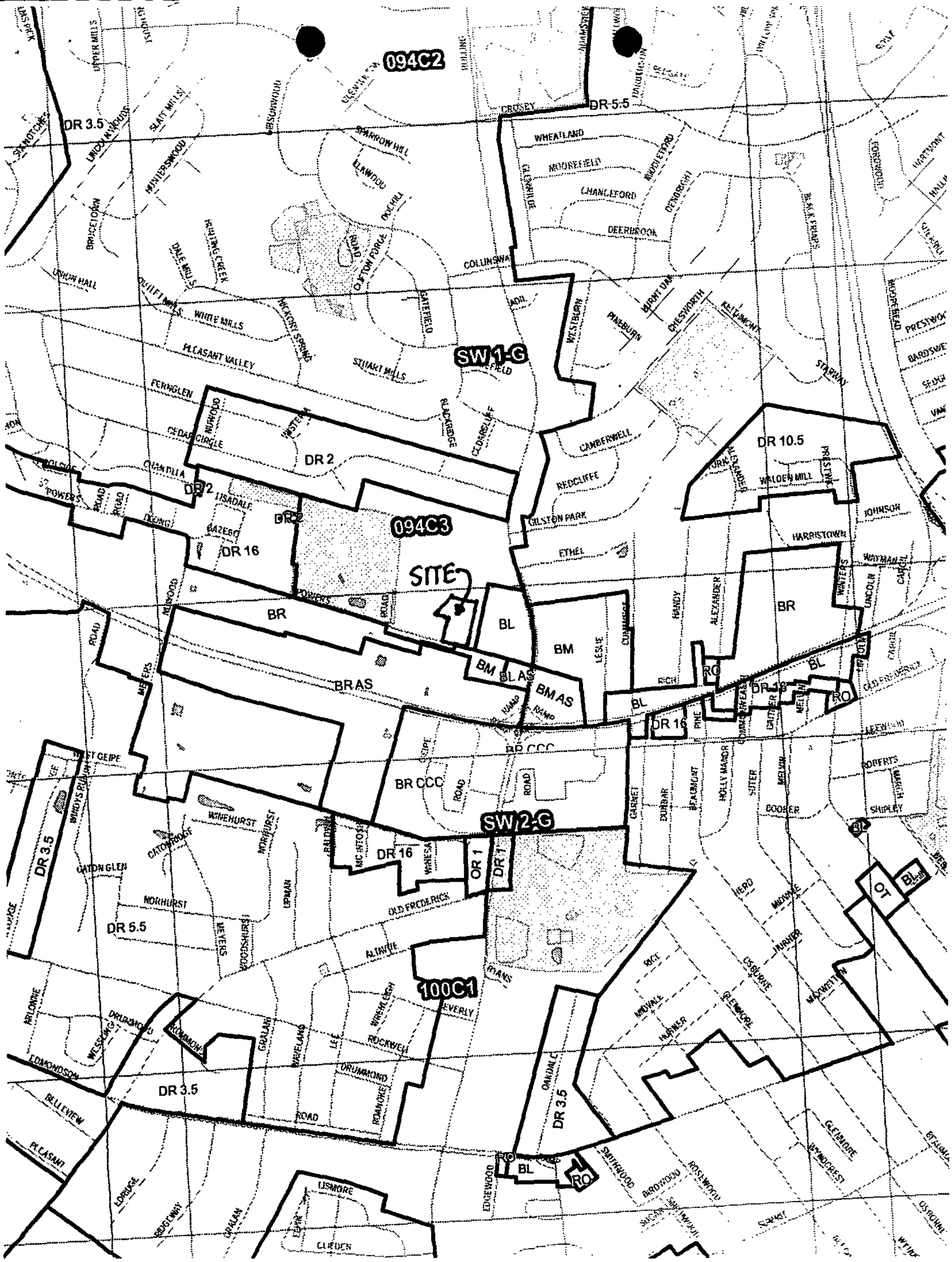
J. Neil Lanzi

JNL\mal
cc: The Frosty Refrigeration Co., Inc.
Thomas J. Hoff
People's Counsel for Baltimore County
Carroll Holzer, Esquire
Thomas J. Hoff, Inc.



Baltimore County
Office of Planning and Zoning
Official Zoning Map

094B2	094C2
094B3	094C3
100B1	100C1


094C2
094C3
SW1-G
SW2-G
100C1
SITE
DR 3.5
DR 5.5
DR 2
DR 16
DR 10.5
DR 1
BR
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BR CCC
RO
OT
WHEATLAND
MOORFIELD
CHANCELFORD
DEERBROOK
COLUMBIA
WHITE MILLS
PLEASANT VALLEY
FERNGLEN
CEDAR CIRCLE
CAMBERWELL
REDCLIFFE
GILSTON PARK
ETHEL
HARRISTOWN
WALDEN MILL
JOHNSON
WINEHURST
NORHURST
OLD FREDERICK
ALTAVILLE
BEVERLY
ROCKWELL
DRUMMOND
ROANOKE
EDMONDSON
BELLEVIEW
PLEASANT
LISMORE
CLIFDEN
EDGEWOOD
OAKDALE
HURNER
MIDVALE
GLENMORE
OSBORNE
MAXWELTON
ROSEWOOD
SUMMIT
SHIPLEY
BOOKER
ROBERTS
MARCH
HOLLY MANOR
DUNBAR
GARNET
BEAUMONT
PINEBURN
WESTBURN
CHESHAWN
KEITHMONT
STAPLEY
MOORHEAD
PRESTWICK
BARDSWICK
SPUGH
WHITMONT
HALLP
FORGROVE
BLACK FRIARS
GEORGEST
BURNT OAK
CRESTWOOD
CLEARBROOK
WAYMAN
CARGILL
WRIGHTS
LINCOLN
ALEXANDER
HANDY
CUNNINGHAM
LESLIE
RICH
PINE
CRITTER
MELVIN
SUTTER
BOOKER
HERD
MIDVALE
HURNER
OSBORNE
GLENMORE
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ROCKWELL
DRUMMOND
ROANOKE
LEE
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WESSLING
DRUMMOND
MCLONNIE
EDMONDSON
BELLEVIEW
PLEASANT
LORRIGE
EDGEWAY
GRALAN
LISMORE
CLIFDEN
MEYERS
WOODSHIRE
LEMAN
MC INTOSH
WINESA
WINEHURST
NORHURST
GATON GLEN
GATONRIDGE
WINDYS RUN
WEST GEIPE
GEIPE
ROAD
RAMP
FIELD
BLACKRIDGE
CLEARCLIFF
NUWOOD
POWERS
LISADALE
BAZERO
DOONG
CHANTILLA
SPARROW HILL
ELKWOOD
OGCHILL
GATEFIELD
HICKORY SPRING
STUART MILLS
DALE MILLS
HUNTING CREEK
BRIDGETOWN
UNION HALL
QUILTY MILLS
SLATT MILLS
LINCOLN WOODS
HUNTERSWOOD
SIXMOTCHES
UPPER MILLS
CROSBY
ROLLING
GLENWOOD
IBSORWOOD
GALE

Office of Planning

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

Baltimore County

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

March 19, 2007

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

Re: Exemption from Cyclical Procedure – Out-of-Cycle – Petition for Reclassification – 1924 & 1928 Powers Lane, Council District 1

Dear Councilman Moxley:

At the regularly scheduled meeting on March 15, 2007, the Baltimore County Planning Board voted, in accordance with Section 32-3-509 of the County Code, to certify to the County Council that expedited out-of-cycle action on a zoning petition for reclassification of the subject property at 1924 & 1928 Powers Lane, Council District 1, is "manifestly required in the public interest," and, therefore, recommends taking the Petition out of the normal cycle zoning schedule for an earlier hearing by the Board of Appeals with the condition that there will be no automotive use within five years in the event that the Petition is approved by the Board of Appeals.

The Planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Arnold F. 'Pat' Keller, III
Director

bjw

c: Members, Baltimore County Council
Fred Homan, Acting Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Brian Rowe, County Auditor
John Beverungen, County Attorney
Lawrence Westcott, Chairman, Board of Appeals
Peter M. Zimmerman, People's Counsel
Tim Kotroco, Director, Permits & Development Management
J. Neil Lanzi, Petitioner's Attorney

Draft 03/29/07

MINUTES
Baltimore County Planning Board
March 15, 2007

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Appendices

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Minutes
March 15, 2007

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 4:00 p.m. The following members were:

Present	Absent
Mr. Randall Cogar	Mr. Aaron E. Dock, Sr.
Dr. Robert Gregory	Mr. Wayne C. McGinnis
Mr. Gerard Wit	Mr. Gordon K. Harden, Jr.
Ms. Donna G. Flynn	
Mr. H. Edward Parker	
Mr. Dennis P. Hoover	
Mr. Dean Hoover	
Mr. R. Craig Witzke, Jr	
Mr. Robert J. Palmer	
Mr. Paul G. Miller	
Ms. Dorothy Foos	

County staff present included Arnold F. 'Pat' Keller, III, Jeffrey W. Long, Lynn Lanham, Curtis Murray, Barbara Weaver, Krystle Patchak, Jeff Mayhew, Caren B. Hoffberger and Kui Zhao from the Office of Planning.

Mr. Heintz noted that members have a Quick Guide to Baltimore County Resources in their notebooks and that the Capital Improvement Program recommendations have been transmitted.

Review of today's Agenda

The Tentative Agenda is filed as Appendix A.

Minutes of the March 1, 2007 meeting

Mr. Heintz noted a correction to the March 1st Minutes regarding Item 1., Petition for Zoning Reclassification on the properties at 1924 and 1928 Powers Lane. At the top of Page 5, the Minutes should read, " Mr. Hoffman, a resident who owns 4 acres near the property in question, voiced his concerns."

Mr. Cogar moved the acceptance of the Minutes of the March 1, 2007 meeting as modified. Ms Foos seconded the motion, which passed by acclamation. Absent were Messrs. Harden, Dock and McGinnis. The Minutes are filed as Appendix B.

Items for initial discussion (No new items)

Items for discussion and vote

1. Petition for Zoning Reclassification, from Density Residential (DR) 3.5 to Business Major (BM) - 1924 and 1928 Powers Lane

Mr. Heintz commented on what it meant to take a request for rezoning out of the cyclical process. He noted that the Board is not being asked to rule on the merits of the zoning change, but rather on the appropriateness of granting the exemption from the cyclical process. He mentioned that concerns had been raised regarding the property being sold soon after rezoning.

Mr. Neil Lanzi, attorney for Frosty Refrigeration Company, Inc. summarized the points he made in his initial presentation on March 1, 2007 urging support for the Petition. He clarified that the immediate neighbors had expressed no opposition and noted for the record that discussions are currently in progress with community associations such as Westerlee.

In response to a question from Board member Mr. Witzke, Mr. Lanzi advised that the owner would be willing to enter into a covenant with the Westerlee Community Association to the effect that, in the event that the rezoning is approved by the Board of Appeals, the properties would not be used for automotive purposes, such as storage, for five years from the date of the reclassification.

Mr. Steve Whistler, speaking in his role as President of the Westview Park Community Association and as a representative for the Coalition for Southwest Baltimore County, expressed his concerns, in general, regarding issues that would rezone properties in the area and would remove transitional buffers. He was concerned about setting a precedent of going outside the usual zoning cycle and sees no emergent immediate need to grant this request. Furthermore, he is of the opinion that residents on Powers Lane are not fully aware of the impact such a zoning change would have.

Mr. Keller advised that the Petition met the County criteria for taking the zoning request out of cycle in that it is considered "manifestly required in the public interest . . ." In particular, he noted that Frosty Refrigeration Company, a well-established, family-owned company, employing 32 people, is the type of business the County would like to keep. Time is a factor, as the Company's current lease would expire before the cyclical zoning process would be completed.

Dr. Gregory moved that the Planning Board certify that the procedural request for out-of-cycle rezoning of the properties at 1924 and 1928 Powers Lane meets the criteria of being "manifestly required in the public interest" and, therefore, recommends taking the Petition out of the normal cycle zoning schedule for an earlier hearing by the Board of Appeals with the condition that there will be no automotive use within five years in the

event that the Petition is approved by the Board of Appeals. Mr. Parker seconded the motion that passed by majority vote. Ms. Foos and Mr. Dennis Hoover voted nay. Absent were
Messrs. Harden, Dock and McGinnis.

The additional comments are filed as Appendix C.

2. Jessop Property Development Plan – Review of two existing structures currently on the Preliminary Landmarks List

Mr. Dean Hoover recused himself from deliberations and the vote on the Jessop property.

Ms. Lanham recapped the issue of the proposed development of the Jessop Property, which involves structures on the Baltimore County Preliminary Landmarks List. She explained that before the Hearing Officer can take final action on the plan for development on a property, which involves a structure included on the Landmarks, the plan must be referred to the Planning Board. In conclusion, she advised that the Office of Planning recommends approving the development insofar as it relates to the historic properties with conditions.

Mr. Parker moved that the Planning Board approve the development plan for the Jessop property with respect to the preservation of an historic structure, the Jessop House, conditioned upon the following:

- Relocate lot 15 elsewhere on the site or remove this lot if it cannot feasibly be relocated.
- Design the proposed home on lot 17 located on the west side of the Jessop main house, to compliment the architecture of the existing house to remain on lot 16 (the Jessop House).

Mr. Miller seconded the motion, which passed by acclamation. Absent were Messrs. Harden, Dock and McGinnis.

The change to the site plan is filed as Appendix D.

Other business

3. Legislation

Ms. Haskins commented on the following County Council legislation:

a. Bill No. 20-07 – Zoning Regulations – Winery. This Bill would allow a winery in a RC5 zone by special exemption. Conditions include a minimum of 50 acres and the filing of a nutrient management plan.

b. Bill No. 21-07 – Final Historical Landmarks List (includes Jessop House). The final Landmarks List, introduced to on February 20, 2007, would include the Jessop House, but not the Tenant House on the same property.
c. Resolution No. 16-07 – approval of the review of a proposed planned unit development known as The Villas at Eden Terrace.
d. Resolution No. 17-07 – approval of the review of a proposed planned unit development known as Global View
e. Resolution No. 18-07 – approval of the review of a proposed planned unit development known as Bristol Green on Old Frederick Road

Copies of the legislation are filed as Appendix E.

4. Report from the Landmarks Preservation Commission—February 8, 2007

Dr. Gregory focused on some key points of the Landmarks Preservation Commission Report of March 8, 2007, which is filed as Appendix F. He noted that the Taylor-Pierce House has been nominated to the Landmarks List and highlighted certain alterations to Landmark structures as listed. He cautioned against using the designation "MHT" when referring to Maryland Historical properties. The correct term is "MIHP", or, Maryland Inventory of Historic Properties.

5. BRAC

Mr. Keller introduced an update on Federal Base Realignment and Closure, better known as BRAC. Maryland will feel the impact from base realignment and closures. In particular, the Aberdeen Proving Grounds and Ft. Meade locations will see an influx of personnel. Although Baltimore County is not a "home" county for either base, it is well situated between the two and should experience a generally positive impact. He then turned the meeting over to Ms. Zhao for a more detailed presentation.

Ms. Zhao presented illustrative statistics on the potential growth in Baltimore County and highlighted the following impact on Maryland, including:

- 40,000 to 60,000 jobs expected to be moved or created in Maryland
- 25,000 to 28,000 households expected to re-locate as a result of BRAC-related jobs
- Well-educated workforce, with average salary over $70,000
- Annual income and tax revenues over half a billion dollars

In conclusion, she touched on what is going on with regional collaboration insofar as the Route 40 corridor redevelopment and other priorities are concerned.

A copy of the 2005 BRAC Update is filed as Appendix G.

Mr. Dennis Hoover asked that the Committee for Traffic Calming meet briefly following the Board meeting.

Adjournment

Mr. Cogar moved the adjournment of the meeting. The motion was seconded by Mr. Parker and passed by acclamation at 4:55 p.m. Absent were Messrs. Harden, Dock and McGinnis.

bw/kp

Office of Planning

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

Baltimore County

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

March 19, 2007

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

Re: Exemption from Cyclical Procedure – Out-of-Cycle – Petition for Reclassification – 1924 & 1928 Powers Lane, Council District 1

Dear Councilman Moxley:

At the regularly scheduled meeting on March 15, 2007, the Baltimore County Planning Board voted, in accordance with Section 32-3-509 of the County Code, to certify to the County Council that expedited out-of-cycle action on a zoning petition for reclassification of the subject property at 1924 & 1928 Powers Lane, Council District 1, is "manifestly required in the public interest," and, therefore, recommends taking the Petition out of the normal cycle zoning schedule for an earlier hearing by the Board of Appeals with the condition that there will be no automotive use within five years in the event that the Petition is approved by the Board of Appeals.

The Planning staff will be pleased to assist the Council in the consideration of this matter.

Sincerely,

Arnold F. 'Pat' Keller, III
Director

bjw

c: Members, Baltimore County Council
Fred Homan, Acting Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Brian Rowe, County Auditor
John Beverungen, County Attorney
Lawrence Westcott, Chairman, Board of Appeals
Peter M. Zimmerman, People's Counsel
Tim Kotroco, Director, Permits & Development Management
J. Neil Lanzi, Petitioner's Attorney

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BALTIMORE COUNTY
BOARD OF APPEALS

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§ 32-3-509. EXEMPTION FROM CYCLICAL SCHEDULE.

(a) *In general.* A petition shall be exempted from the regular, cyclical schedule under § 32-3-504 of this subtitle and also from the suspension of reclassification petition filing under § 32-3-516 of this subtitle if:

(1) The Planning Board certifies to the County Council that early action on a zoning reclassification petition is manifestly required in the public interest or because of an emergency; and

(2) The County Council approves the certification.

(b) *Scheduling of hearing.* The Board of Appeals shall schedule a public hearing for a date not less than 30 days and not more than 90 days after the County Council's certification to exempt the petition from the cyclical hearing schedule.

(c) *Notice.*

(1) The Department of Permits and Development Management shall:

(i) Require a notice of the hearing, with notice of the time and place of the hearing, to be posted conspicuously on the property that is the subject of the hearing for a period of at least 15 days before the time of the hearing; and

(ii) Require a notice of the hearing to be placed one time in two newspapers of general circulation in the county at least 15 days before the hearing.

(2) The notice shall describe the property under petition and the action requested by the petition.

(d) *Reports by other agencies.* Within 5 days after receipt of a petition under this section, the Department of Permits and Development Management shall forward a copy of the petition for consideration and a written report containing findings on the petition with regard to compliance with Baltimore County Zoning Regulations, planning factors, or Chesapeake Bay Critical Area standards, subject to § 32-3-224 of this title and Title 9 of this article to:

(1) The Director of Planning; and

(2) In the case of a petition pertaining to any land within the Chesapeake Bay Critical Area, to the Director of Environmental Protection and Resource Management.

(1988 Code, § 2-356) (Bill No. 103-02, § 2, 7-1-2004; Bill No. 75-03, § 5, 7-1-2004)

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

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

Reply to Towson

May 11, 2007

Hand-Delivered

Carl Richards, Zoning Supervisor
Permits and Development Management
County Office Bldg, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Re: Out of Cycle Petition for Reclassification
1924 and 1928 Powers Lane
The Frosty Refrigeration Co., Inc.

Dear Carl:

In follow up to our telephone conversation earlier today, I am now enclosing the following for a drop off filing for the above referenced property:

1. Firm check payable to Baltimore County in the amount of $1,250.00
2. Baltimore County advertising form
3. Three copies of the Petition for Reclassification
4. Four copies of the zoning description
5. Four copies of required Memorandum
6. Four copies of 200' scale zoning map
7. Four copies of 1000' scale zoning
8. Seven copies of environmental impact statement for documented site plan
9. Fourteen copies of the site plan

Finally, I am enclosing the March 19, 2007 letter from the Director of Planning confirming the Planning Board approval of the out of cycle Petition for Reclassification and the approved County Council resolution 44-07. Pursuant to the Baltimore County Code, it is my understanding the Board of Appeals must schedule the hearing within ninety days of the May 7, 2007 County Council Resolution.

Should you require anything further, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,

J. Neil Lanzi

JNL\mal
cc: The Frosty Refrigeration Co., Inc.
Thomas J. Hoff

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

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

DATE: June 28, 2007

FROM : Kathleen C. Bianco
County Board of Appeals

SUBJECT: Amendment to Petition for Reclassification /Case No. CR-07-521
In the Matter of: MSJD Powers Lane, LLC – Legal Owner; Frosty Refrigeration Co., Inc. - CP

Pursuant to the appropriate sections of the *Baltimore County Code*, the subject amended Documented Site Plan was submitted to the County Board of Appeals on the record and at a public hearing this date. Additional copies of this amended plan were previously filed with your office for processing by Counsel for Petitioner.

This case will be heard before the Board on the merits of the request on Wednesday, August 8, 2007 at 10:00 a.m. as previously assigned. A copy of the Notice of Assignment is attached reflecting this hearing date, as well as today's submission of the amended plan. Should you require any additional information regarding this matter, please contact this office.

Attachment

c: J. Neil Lanzi, Esquire
J. Carroll Holzer, Esquire
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long /Planning

County Board of Appeals of Baltimore County

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

May 31, 2007

AMENDED NOTICE OF ASSIGNMENT

CASE #: CR-07-521
Out of Cyle 2007

IN THE MATTER OF: ***MSDJ POWERS LANE, LLC; By: John Lederer -Member – Legal Ownes; FROSTY REFRIGERATION CO., INC. – Contract Purchaser*** 1924 and 1928 Powers Lane 1st E; 1st C

RE: Petition for Reclassification from D.R. 3.5 to B.M.
Pursuant to Documented Site Plan

Due to unavailability of Petitioner's expert witness on the assigned /advertised date, this matter will be OPENED ON THE RECORD on 6/28/07 (no evidence or testimony to be presented); and will be HEARD ON THE MERITS on the Wednesday, August 8, 2007 as indicated below:

ASSIGNED FOR: **THURSDAY, JUNE 28, 2007 at 10:00 a.m. /OPEN ON RECORD ONLY**
WEDNESDAY, AUGUST 8, 2007 at 10 a.m. /Hearing on merits

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 Petitioners : J. Neil Lanzi, Esquire
Legal Owner : MSDJ Powers Lane, LLC
by: John Lederer, Member
Contract Purchaser : Frosty Refrigeration Co., Inc.
Thomas Hoff /Thomas J. Hoff, Inc.
Added 6/01/07 - J. Carroll Holzer Counsel for Westview Park and Westview Co.
Margaret-Ann F. Howie, Esquire
Legal Counsel to the Superintendent /Bd of Ed
Mail Stop #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, 1st District
John E. Beverungen, County Attorney

Printed with Soybean Ink on Recycled Paper

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

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

Reply to Towson

June 27, 2007

Hand-Delivered

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204
Attn: Margaret Brassil, Chair

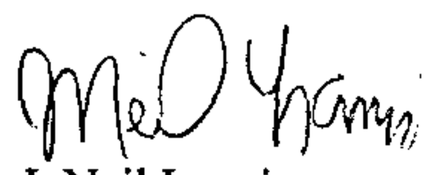
Re: Case No. CR-07-521
In the Matter of: MSDJ Powers Lane, LLC, et al.

Dear Ms. Brassil:

On June 14, 2007, I hand delivered fourteen copies of a revised site plan for the above referenced Petition to the Zoning Supervisor, Office of Permits and Development Management as instructed by that office. Subsequent to this filing, I received a copy of the June 21, 2007 letter from People's Counsel as directed to you. Although I appreciate the professional courtesy provided to the Petitioner by Mr. Zimmerman, it was always our intent to submit the revised site plan for the Petition as required by the Code at the public hearing presently set for June 28, 2007. Your office should have received a copy of the revised plan previously submitted through the Office of Permits and Development Management. In the event you did not, I am enclosing another copy for your file, and by copy of this letter, I have provided a copy of the revised plan to People's Counsel.

Thank you for your consideration of this matter.

Very truly yours,



J. Neil Lanzi

JNL\mal

cc: The Frosty Refrigeration Company, Inc.
People's Counsel for Baltimore County
J. Carroll Holzer, Esquire
Carl Richards, Zoning Supervisor
Arnold "Pat" Keller, Planning Director
Jeffrey Long, Deputy Planning Director

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 21, 2007

Hand-delivered
Margaret Brassil, Chair
County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Re: PETITION FOR ZONING RECLASSIFICATION
1924 and 1928 Powers Lane
Case No.: CR-07-521

Dear Ms. Brassil,

This is a zoning reclassification case, in which our office shall defend the comprehensive zoning map pursuant to Charter Sec. 524.1. There is a public hearing scheduled on June 28, 2007 to open the record, with a subsequent public hearing on the merits set for August 8, 2007.

The purpose of this letter is to advise of the Board of our position regarding the procedural posture of this case. It also is provided as a courtesy to the Petitioner, so that there is no misunderstanding or surprise. We have just received a copy of the enclosed letter dated June 14, 2007. Upon receipt of the letter, I spoke with Mr. Lanzi to communicate generally what I shall set forth here in writing more specifically.

Pursuant to enclosed County Code Sec. 32-3-513(a), any amendment or revision of a petition or accompanying documentation may only be made at a required public hearing, at which time the hearing shall be suspended and proceedings shall take place as directed in the ordinance. This includes review by the Director of Planning, PDM, other relevant agencies, and the Planning Board. It is our position that although the present petition was exempted from the normal cyclical schedule under Code Sec. 32-3-509 it does not excuse the petitioner from compliance with Code Sec. 32-3-513.

The Petitioner has not yet sent this office a copy of the revised site plan. The revised plan must comply with all the minimum substantive requirements of Code Sec. 32-3-512 in order to be eligible for

review on the merits. We shall review the particulars in due course and reserve all rights with respect to the threshold adequacy of the site plan.

Thank you for your attention to this matter.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio/rmw

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw
Enclosures

cc: J. Neil Lanzi, Esquire
J. Carroll Holzer, Esquire
Carl Richards, Zoning Supervisor
Arnold "Pat" Keller, Planning Director
Jeffrey Long, Deputy Planning Director

J. NEIL LANZI, P.A.

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

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanziiaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

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

Reply to Towson

RECEIVED
JUN 18 2007
PEOPLE'S COUNSEL

June 14, 2007

Hand-Delivered

Carl Richards, Zoning Supervisor
Permits and Development Management
County Office Bldg, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Re: Out of Cycle Petition for Reclassification
1924 and 1928 Powers Lane
Case No. CR-07-521

Dear Carl:

In follow up to our meeting of June 7, 2007, I am now enclosing 14 copies of the revised site plan for the above referenced Petition. I am also enclosing my firm check in the amount of $200.00 for the revision filing fee. The case is scheduled to be opened on the record only June 28, 2007 with a hearing on the merits August 8, 2007.

Should you require anything further, please do not hesitate to contact me.

Very truly yours,

J. Neil Lanzi

JNL\mal
cc: The Frosty Refrigeration Co., Inc.
Thomas J. Hoff
People's Counsel for Baltimore County
Carroll Holzer, Esquire
Thomas J. Hoff, Inc.

(2) A plan submitted under this section may:

(i) Show the location of a precise building envelope in lieu of the pr of a building;

(ii) Show precise maxima and minima in lieu of fixed values;

(iii) Set forth lists of precisely described possible uses of a given sp specifying a single use; and

(iv) Otherwise reasonably allow for flexibility or alternatives, provi appropriate precise limits are set forth.

(1988 Code, § 2-356) (Bill No. 103-02, § 2, 7-1-2004)

§ 32-3-513. AMENDMENTS TO A PETITION.

(a) *In general.*

(1) A zoning reclassification petition, including any documentation rel proposed use of the property, may be amended only during a required public he proceeding on the petition.

(2) When a proposed amendment to a petition is introduced, the Board shall:

(i) Immediately suspend the hearing proceedings; and

(ii) Within 2 business days, transmit a copy of the amendment to the Planning.

(b) *Amendments to out-of-cycle petitions.* In any case where a petition has exempted under § 32-3-509 of this subtitle, the Director of Planning shall:

(1) Promptly refer the amendment to any agency that the director consi appropriate, together with a request that the agency provide the Director with co the amendment; and

(2) Transmit to the Board of Appeals a report on the amendment withir after the amendment has been transmitted to the Director of Planning.

(c) *Petition not exempt from cyclical procedures.*

(1) In all other cases, the Director of Planning shall:

(i) Promptly transmit copies of the amendment to:

1. The Planning Board;

2. The Department of Permits and Development Management; ar

3. Upon reviewing the petition files, any other agency that the Di considers to have an interest in the petition; and

(ii) Request that the agency provide the Director with comments on amendment for distribution to the Planning Board, by a time specified by the Di

(2) Within 45 days after the copy of the amendment has been transmitt Director of Planning, the Planning Board shall adopt and transmit to the Board report on the amendment.

(d) *Documentation submitted by petitioner.* If the petitioner submits docu that relates to the proposed use of the property after the first public newspaper a of the filing of the petition as required in Period I, the Board of Appeals shall:

(1) Consider the documentation an amendment to the petition, whethe documentation of that nature was included within the original petition; and

(2) Require the documentation to be subject to this section.

(1988 Code, § 2-356) (Bill No. 103-02, § 2, 7-1-2004)

§ 32-3-514. USE OF PROPERTY.

(a) *In general.* The Board of Appeals may not reclassify property solely o documentation relating to the property's proposed use.

(b) *Use of property must conform to documentation submitted.*

(1) Notwithstanding any other provision of this title, if the petition to re property includes documentation relating to the proposed use of the property an is granted:

(i) The property may be used only in accordance with the plan inclu documentation; and

(ii) The zoning classification of the property will revert to the previo classification:

1. Unless within 3 years after the date of the final order granting the property is being used in accordance with the plan; or

2. In a case where development is necessary to implement the pla development either is completed or has been substantially undertaken and is bei pursued to completion.

(2) Unless the zoning classification of the property is further changed t classification by subsequent enactment of the zoning map under Subtitle 2 of thi enactment of the zoning map does not affect the provisions under paragraph (1) subsection.

(1988 Code, § 2-356) (Bill No. 103-02, § 2, 7-1-2004; Bill No. 72-04, § 1, 8-11

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 27, 2007

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 2, 2007
Item Nos. 07-521, 555, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, and 572

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-06272007.doc

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: JUNE 26, 2007

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

RE: Baltimore County
Item No. CR-07-521
1924 & 1928 POWERS LANE
THOMAS J. HOFF, INC.
628' WEST OF ROLLING ROAD
RECLASSIFICATION PETITION

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. CR-07-521.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Fire Department

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

Baltimore County

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

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

May 24,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 21, 2007

5 521
Item Number: 512 through 529 and 522 and 523

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA
State Highway Administration

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

June 4, 2007

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

RE: Baltimore County
Item No. 07-521-SPH
MSDJ Powers Lane, LLC Property
1924 & 1928 Powers Lane
Plan to Accompany Reclassification
Petition For Special Hearing
Case No. CR-07-521

Dear Ms. Matthews:

This is in reference to our ongoing review of the documented plan to accompany reclassification petition on the subject of the above captioned. We understand that this plan illustrates a proposal to build a 1-story addition with surface parking for nineteen (19) vehicles.

Based on available information development of the property is subject to the rules and regulations of Baltimore County. Coordination with the appropriate County Agency authorized to permit improvements within the public right-of-way is necessary.

In summation: This office has no objection to MSDJ Powers Lane Property Plan to Accompany Reclassification Petition for Special Hearing Case No. CR-07-521 approval.

If you have any questions or need clarifications regarding this matter, please feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB
Cc: Mr. John Lederer, Applicant, MSDJ Powers Lane, LLC
Mr. Thomas J. Huff, Consultant Engineer, Thomas J. Huff, Inc.
Mr. David Malkowski, District Engineer, SHA
Mr. Joe Merrey, Permits & Development Management, Baltimore County
Mr. W. Carl Richards, Zoning Review Supervisor, Baltimore County Zoning Advisory Committee

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA State Highway Administration

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Maryland Department of Transportation

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June 4, 2007

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Mr. W. Carl Richards, Zoning Review Supervisor, Baltimore County Zoning Advisory Committee

File

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Carl Richards, Supervisor
Zoning Review Process, PDM

DATE: May 21, 2007

FROM: Kathleen C. Bianco
County Board of Appeals

SUBJECT: Out-of-Cycle Exemption
Request for Reclassification /MSDJ Powers Lane, LLC by John Lederer, Member – Legal Owner; Frosty Refrigeration Co., Inc. –C.P.
Case # CR-07-521 1st Election District; 1st Councilmanic District
Approved by County Council for Out of Cycle 5/07/07
Date for Hearing before the Board –
Thursday, June 28, 2007 @ 10 a.m.

Pursuant to § 32-3-509(b), *2003 Baltimore County Code*, the Board has scheduled the subject out-of-cycle reclassification petition for hearing on Thursday, June 28, 2007 at 10:00 a.m. in Room ~~49~~ 48, Old Courthouse.

This petition for reclassification was approved for hearing out of cycle by the County Council at its May 7, 2007 meeting (Resolution 44-07).

This office received one set of the Petition for Reclassification and all related documentation from your office on May 17, 2007. All other copies were retained by your office for further processing, including the necessary advertising and posting. **If it would be helpful, since time is short between now and June 28th, I would be happy to send out the Notice of Assignment. Just let me know.**

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

c: Timothy M. Kotroco, Director /PDM
Andrea Freeburger /PDM
Pat Keller, Planning Director
Jeffrey Long, Deputy Planning Director
Office of People's Counsel
J. Neil Lanzi, Esquire
Thomas Hoff /Thomas J. Hoff, Inc.

County Board of Appeals of Baltimore County

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

May 21, 2007

NOTICE OF ASSIGNMENT

CASE #: CR-07-521
Out of Cyle 2007

IN THE MATTER OF: *MSDJ POWERS LANE, LLC; By: John Lederer -Member – Legal Ownes; FROSTY REFRIGERATION CO., INC. – Contract Purchaser* 1924 and 1928 Powers Lane 1st E; 1st C

RE: Petition for Reclassification from D.R. 3.5 to B.M. Pursuant to Documented Site Plan

ASSIGNED FOR: THURSDAY, JUNE 28, 2007 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 Petitioners : J. Neil Lanzi, Esquire
Legal Owner : MSDJ Powers Lane, LLC
by: John Lederer, Member
Contract Purchaser : Frosty Refrigeration Co., Inc.
Thomas Hoff /Thomas J. Hoff, Inc.

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, 1st District
John E. Beverungen, County Attorney

Printed with Soybean Ink
on Recycled Paper

ZONING ADVISORY COMMITTEE AGENDA
DISTRIBUTION MEETING OF MAY 28, 2007

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

Distribution:

#	Board of Appeals (Kathi Bianco); MS #2013
*	Zoning Commissioner's Office (William Wiseman, III); MS #2112
#	PDM, Zoning Review H.O. Hearing File (Kristen Matthews)
#	PDM, Zoning Review DRC/ZAC Meeting File (W. Carl Richards, Jr.)
*	PDM, Code Enforcement (Lisa Henson)
*	PDM, Building Inspection (Karen Hopkins)
&	PDM, Development Plans Review (Dennis Kennedy)
#	Planning Office (Curtis Murray); *Director (Pat Keller)
*	Recreation and Parks (Jean Tansey); MS #52
#	DEPRM (Jeff Livingston) - 2 plats
&	State Highway Administration, Access Permits Division (Michael Bailey)
&	PDM, Building Plans Review (Lt. Herb Taylor); MS #1102F
*	Economic Development Commission, Business Develop. (Robert Hannon); MS #2M07
*	Highways (Tim Burgess); MS #1003
*	Community Conservation (David Fields); MS #1102M
+	People's Counsel (Peter Zimmerman); MS #2010
*	Honorable McIntire, County Council, District 3; MS #2201
#	IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
#	IF FLOODPLAIN, Department of Natural Resources (John Joyce)
#	IF FLOODPLAIN, Public Works (David Thomas); MS #1315
*	IF FLOODPLAIN, Permits (Donald Brand)
*	IF FLOODPLAIN, Code Enforcement (Rick Wisnom)
#	IF ELDERLY HOUSING, Community Development; MS #1102M
#	IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
#	IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder); MS #1102E
*	IF TOWER, Tower Coordinator, c/o OIT; MS #2007

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" before the hearing date. If no written response is received by the committee before this hearing date, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number or case number. All comments received will be compiled and included in the zoning file for review and consideration by the Board of Appeals during the course of the upcoming zoning/reclassification hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Matthews. If you have any questions regarding these zoning petitions, please contact Carl Richards at 410-887-3391 (FAX - 410-887-3048).

Revised 10/2/06

ZONING ADVISORY COMMITTEE
MEETING OF MAY 28, 2007
OUT OF CYCLE

Case Number:	CR-07-521
Item Number:	521
Hearing Date/Time:	June28, 2007 at 10:00 a.m.
Legal Owner:	MSDJ Powers Lane, LLC
Contract Purchaser:	Frosty Refrigeration Co., Inc.
Location:	North side of Powers Lane, 628 feet west of the centerline of Rolling Road
Address:	1924 & 1928 Powers Lane
Existing Zoning:	DR – 3.5
Proposed Zoning:	BM
Area:	2.02 acres +/-
District:	1st Election District
	1st Councilmanic District
Attorney:	J. Neil Lanzi
Miscellaneous:	Previous zoning case: 76-141-A

ENVIRONMENTAL IMPACT STATEMENT TO ACCOMPANY PETITION FOR RECLASSIFICATION

1924 & 1928 POWERS LANE

DESCRIPTION OF THE PROPOSED ACTION

The property is a 2.02 acre parcel of land on the north side of Powers Lane, approximately 628 feet west of Rolling Road. The current development on the site consists of a one story building of 2,840 square feet that was used as a meeting hall and a one story dwelling. The existing building is connected to public water but has private septic system. The existing dwelling has a private well and septic system.

The proposed action is to convert the one story building to office use and build a one story addition of 4,050 square feet for warehouse use. Addition paving will be installed for parking. The one story dwelling will remain as is.

PROBABLE ENVIRONMENTAL IMPACT

There are no wetlands, forest, flood plains or endangered species habitat on site.

The addition impervious area for the new warehouse and parking areas represents the only environmental impact to the site.

ADVERSE ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

The increase in impervious area is the only adverse effect that cannot be avoided.

ALTERNATIVES TO THE PROPOSED ACTION THAT MIGHT AVOID ADVERSE IMPACTS

There are no alternatives to the increase in impervious area.

ASSESSMENT OF THE CUMULATIVE, LONG-TERM EFFECTS

The development of this property with the increase in impervious area will require that the owner bring the site into compliance with current environmental regulations.

These regulations include:

STORMWATER MANAGEMENT

The site as it exists today was constructed prior to stormwater management regulations. In order to redevelop the property, stormwater management will have to be addressed.

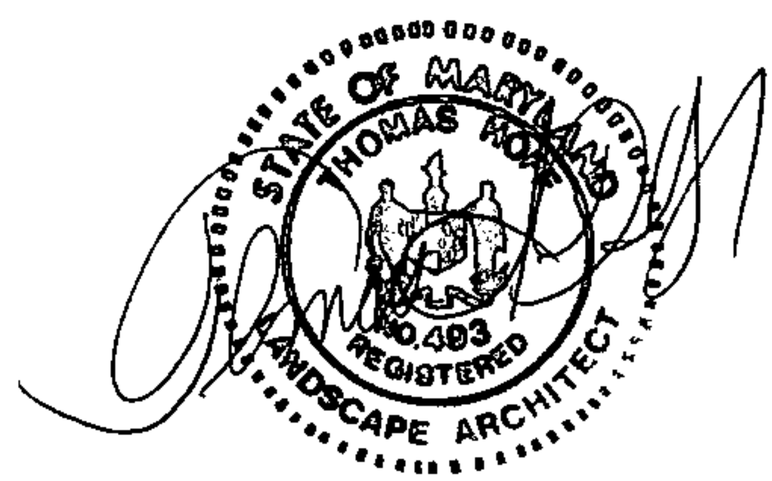
SEDIMENT CONTROL

Sediment control will be required during the construction of the new building and parking areas to minimize the release of sediment from the site during construction.

FOREST CONSERVATION

Forest Conservation will need to be provided either on-site or in a forest bank.

In addition to these regulations, the existing building will be connected to the public sewer.



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STATE OF MARYLAND
THOMAS ROMANO
No. 493
REGISTERED
LANDSCAPE ARCHITECT

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STATE OF MARYLAND
THOMAS HOFF
NO. 483
REGISTERED
LANDSCAPE ARCHITECT

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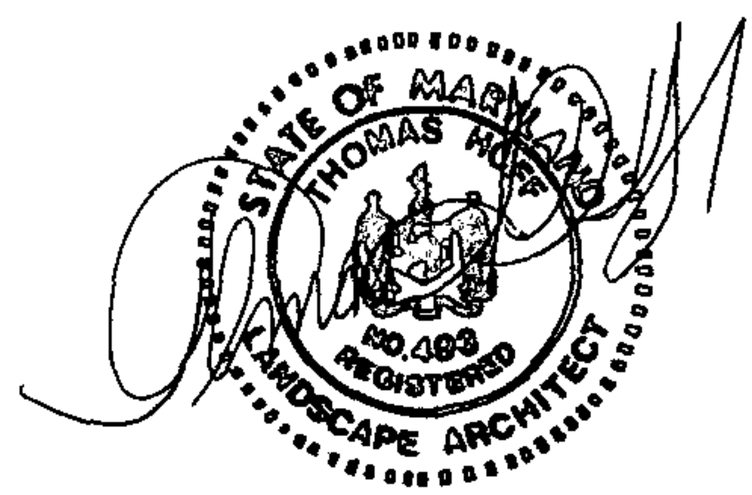

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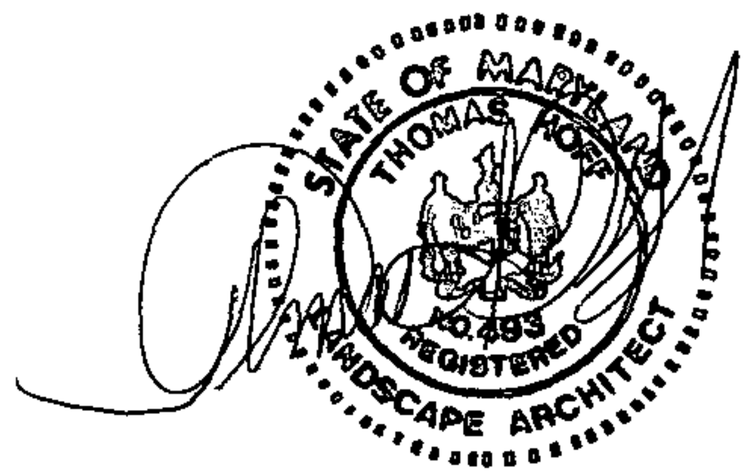

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These regulations include:

STORMWATER MANAGEMENT

The site as it exists today was constructed prior to stormwater management regulations. In order to redevelop the property, stormwater management will have to be addressed.

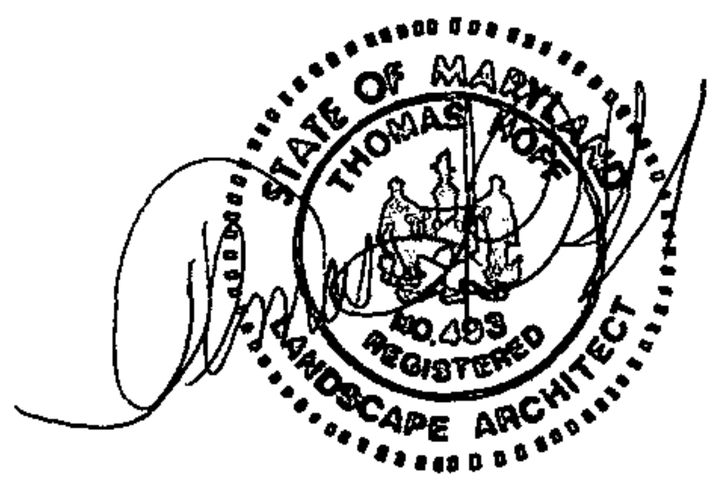
SEDIMENT CONTROL

Sediment control will be required during the construction of the new building and parking areas to minimize the release of sediment from the site during construction.

FOREST CONSERVATION

Forest Conservation will need to be provided either on-site or in a forest bank.

In addition to these regulations, the existing building will be connected to the public sewer.



J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

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

Reply to Towson

June 27, 2007

Hand-Delivered

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204
Attn: Margaret Brassil, Chair

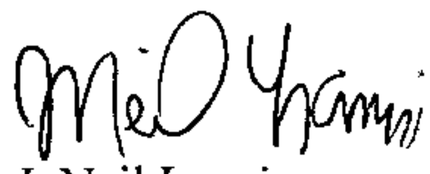
Re: Case No. CR-07-521
In the Matter of: MSDJ Powers Lane, LLC, et al.

Dear Ms. Brassil:

On June 14, 2007, I hand delivered fourteen copies of a revised site plan for the above referenced Petition to the Zoning Supervisor, Office of Permits and Development Management as instructed by that office. Subsequent to this filing, I received a copy of the June 21, 2007 letter from People's Counsel as directed to you. Although I appreciate the professional courtesy provided to the Petitioner by Mr. Zimmerman, it was always our intent to submit the revised site plan for the Petition as required by the Code at the public hearing presently set for June 28, 2007. Your office should have received a copy of the revised plan previously submitted through the Office of Permits and Development Management. In the event you did not, I am enclosing another copy for your file, and by copy of this letter, I have provided a copy of the revised plan to People's Counsel.

Thank you for your consideration of this matter.

Very truly yours,

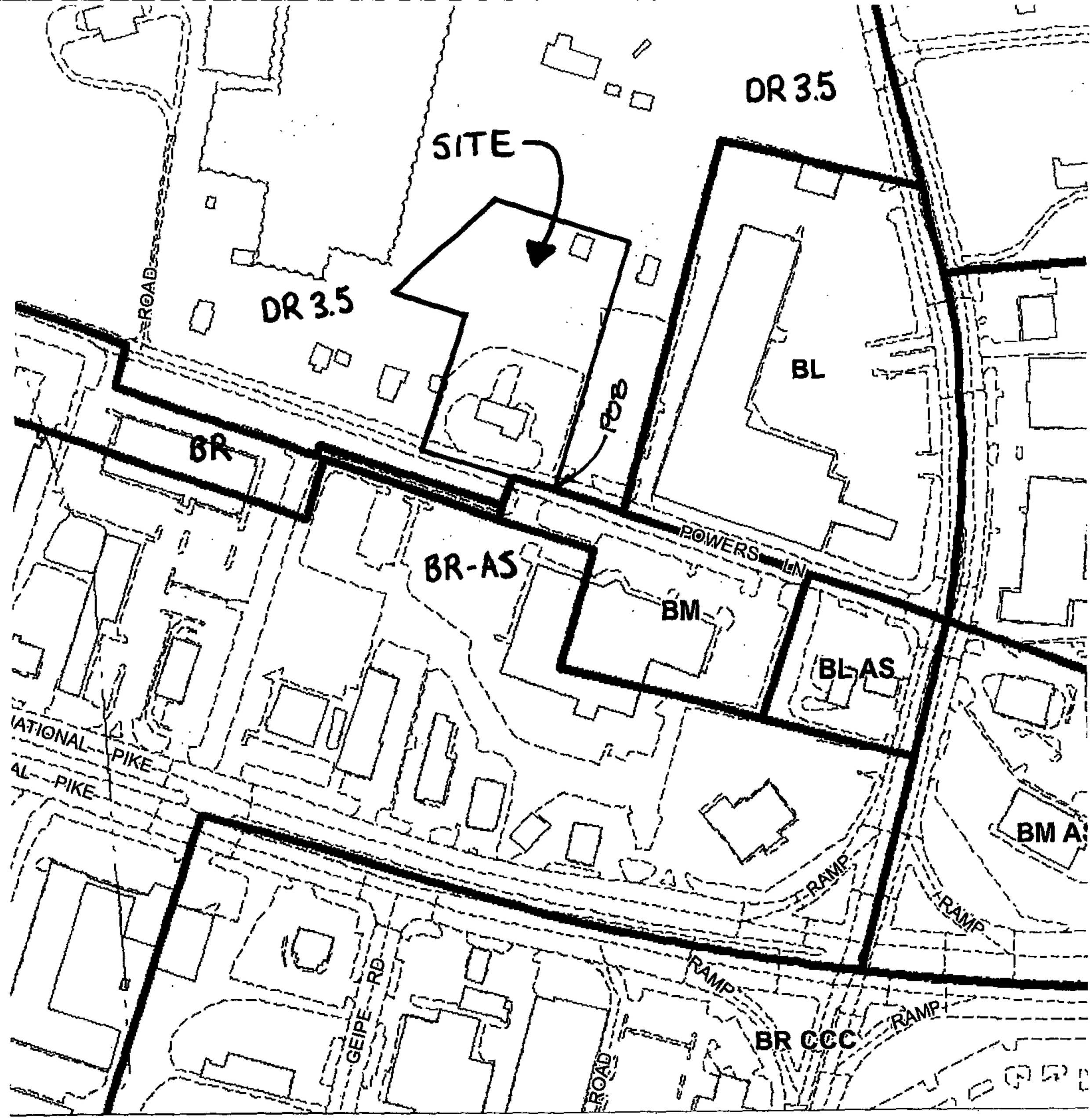


J. Neil Lanzi

JNL\mal

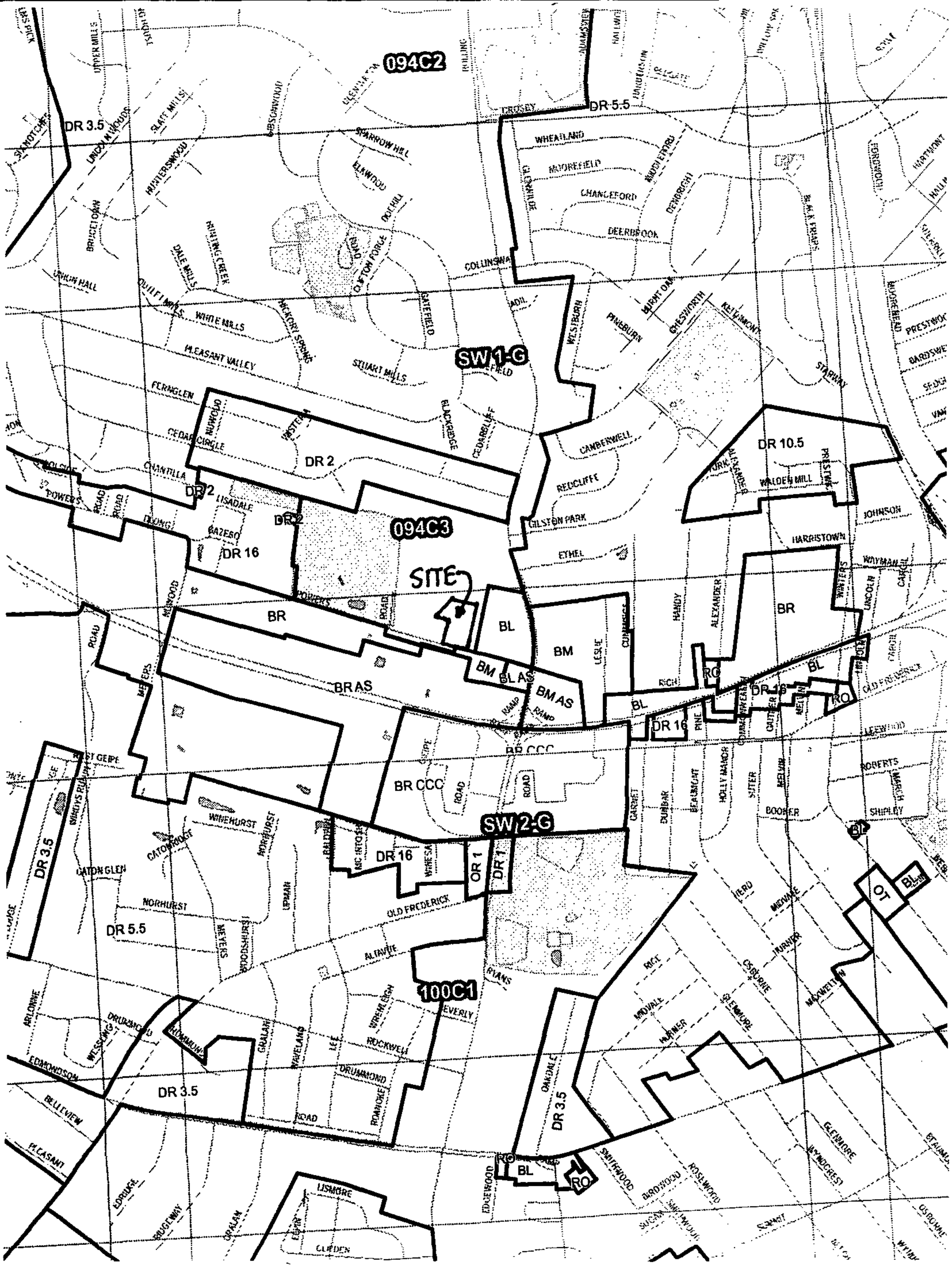
RECEIVED
JUN 27 2007
BALTIMORE COUNTY
BOARD OF APPEALS

cc: The Frosty Refrigeration Company, Inc.
People's Counsel for Baltimore County
J. Carroll Holzer, Esquire
Carl Richards, Zoning Supervisor
Arnold "Pat" Keller, Planning Director
Jeffrey Long, Deputy Planning Director



Baltimore County
Office of Planning and Zoning
Official Zoning Map

094B2	094C2
094B3	094C3
100B1	100C1


094C2
DR 3.5
DR 5.5
SW1-G
DR 2
DR 10.5
094C3
SITE
DR 16
BR
BL
BM
BR AS
BL AS
BM AS
RO
BR CCC
SW2-G
DR 1
OR 1
OT
DR 5.5
100C1
DR 3.5
WHEARLAND
MOORFIELD
CHANCEFORD
DEERBROOK
COLLINSWA
WHITE MILLS
PLEASANT VALLEY
STUART MILLS
FERNGLEN
CEDAR CIRCLE
CANTILLA
LISADALE
BAZEGO
POWERS ROAD
CAMBERWELL
REDCLIFFE
GILSTON PARK
ETHEL
HARRISTOWN
JOHNSON
WAYMAN
WINEHURST
NORHURST
CATON GLEN
OLD FREDERICK
ALAVILLE
EVERLY
ROCKWELL
DRUMMOND
ROANOKE
EDMONDSON
BELLEVIEW
PLEASANT
LISMORE
GARDEN
OAKDALE
EDGEWOOD
SMITHWOOD
BIRDWOOD
ROSEWOOD
GLENMORE
WYNDCREST
SUGAR
SUMMIT
MIDVALE
MIDVIAE
TURNER
OSBORNE
MCKWETTEN
RICE
HANDY
ALEXANDER
WINTERS
LINCOLN
CARGIL
BURNT OAK
CHESWORTH
KEYMOUNT
PINEBURN
WESTBURN
STARWAY
MOORHEAD
PRESTWOOD
BARDSWE
SEDGE
FERNWOOD
HARTMONT
HALLP
BLACK FRIARS
KILLBRIDE
ROBERTS
SHIPLEY
BOOKER
SUTER
MELLON
CARNET
DUNBAR
BEAUNOIT
HOLLY MANOR
PINE
LEEWOOD
OLD FREDERICK
RICH
BL

M.C.S. NORTH

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PROPOSED ZONING = BM

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OWNER:

MSDJ POWERS LANE LLC
1030 LESLIE AVE
BALTIMORE, MD 21228
PHONE: 410.747.2022
DEED REF: 24218/68
TAX ACC: 0103001670

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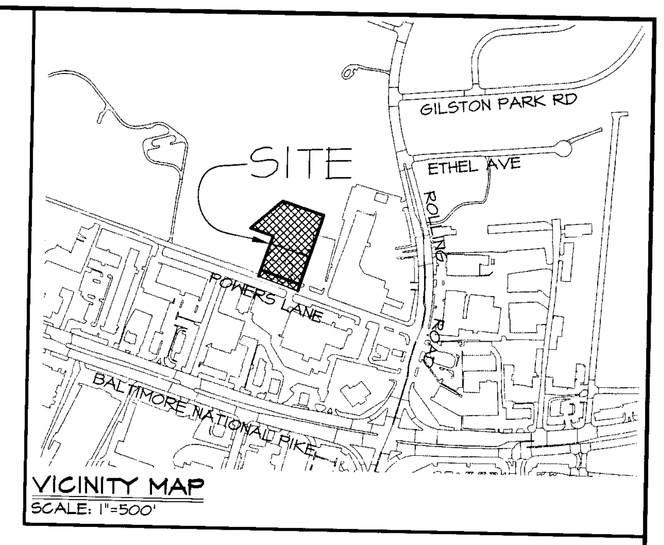
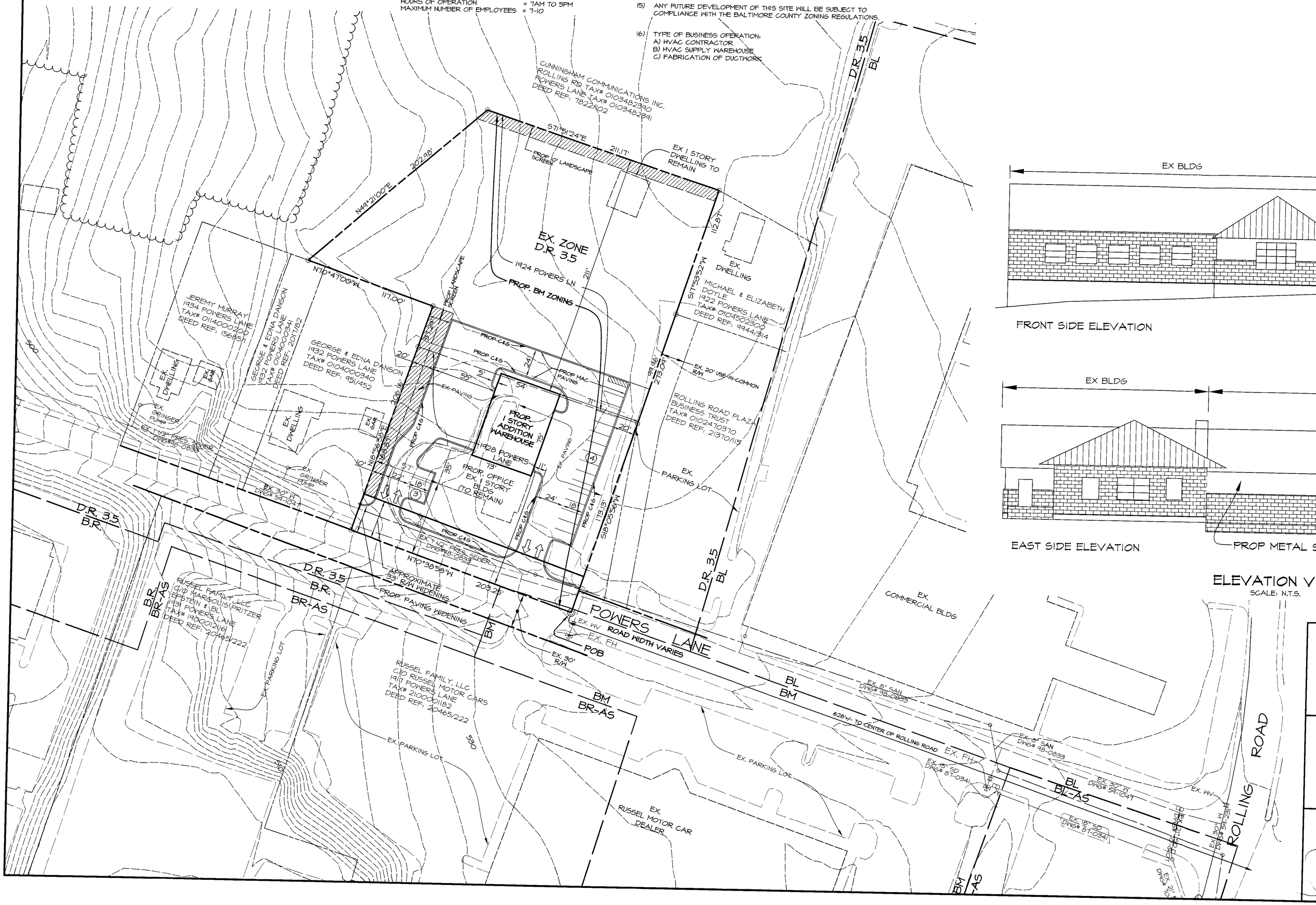
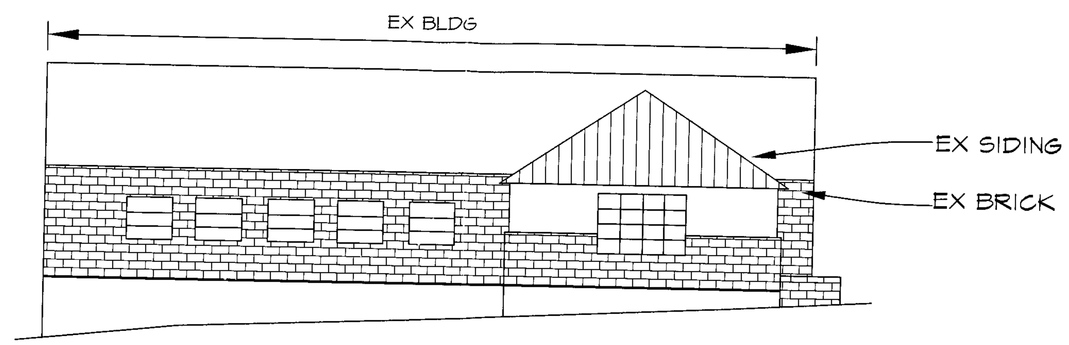
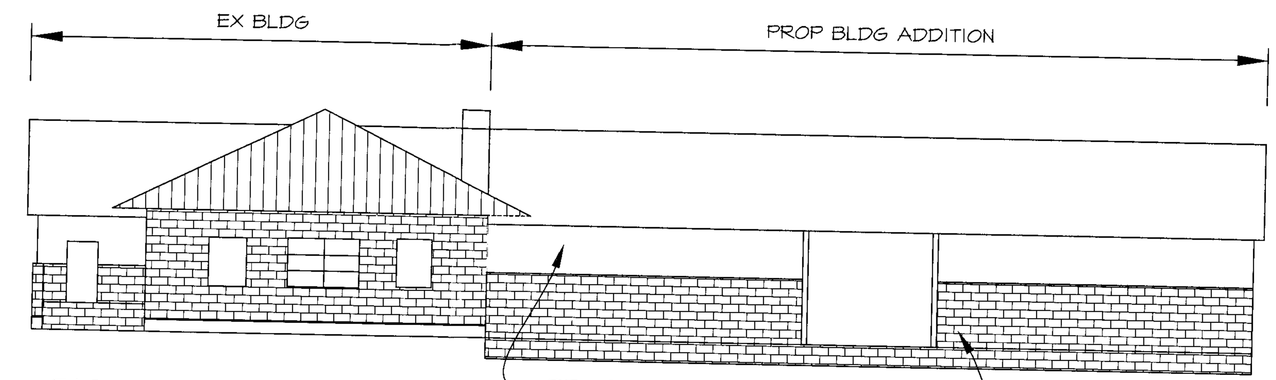


VICINITY MAP
SCALE: 1"=500'





FRONT SIDE ELEVATION



EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.

REVISED 6-20-07
CR-07-521

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION
1924 & 1928 POWERS LANE

TAX MAP #44, GRID #24, PARCELS #458 & #114
1 ELECTION DISTRICT, 1 COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

SCALE:	1"=40'
DATE:	05/11/07
JOB NO.:	0500-01
DESIGNED:	TJH
DRAWN:	TJH/PLT
CHECKED:	
DRAWING NUMBER:	DP-1
SHEET	OF

REVISIONS:
6/12/07 - REVISE BLDG. LOCATION & PARKING LAYOUT

E:\Land Projects R2\500-549\500\dwg\500-01 RECLASS SITE PLAN.dwg, SITE PLAN, 6/15/2007 11:49:31 AM, KIP All-Other Systems.pc3

M.C.S. NORTH

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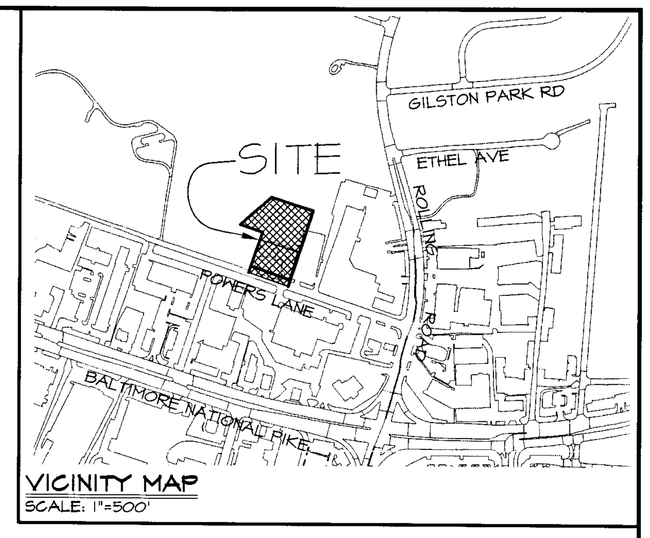
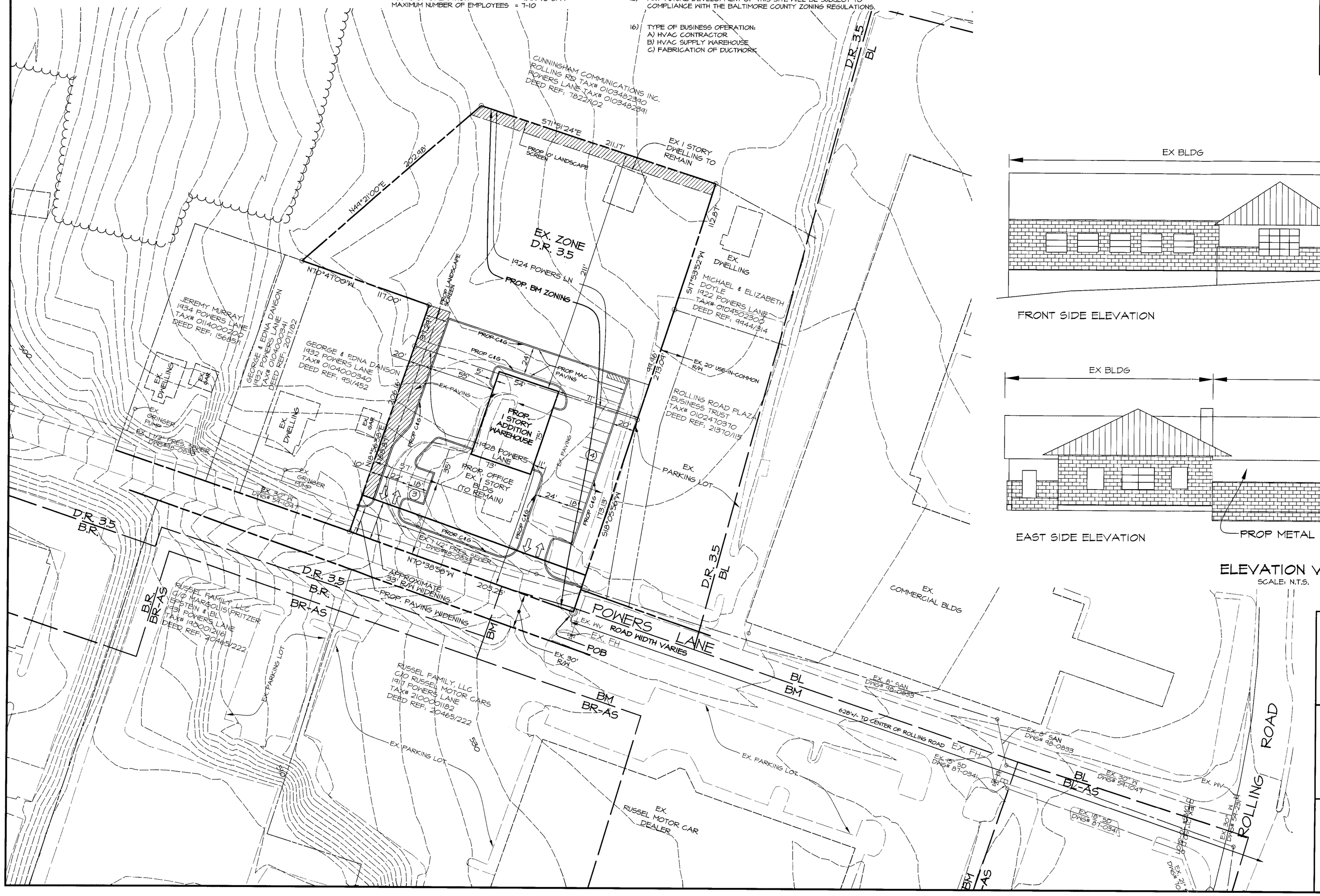
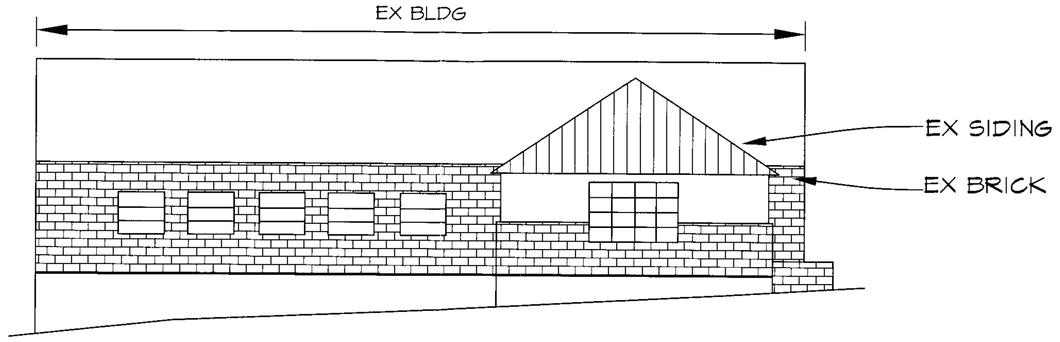
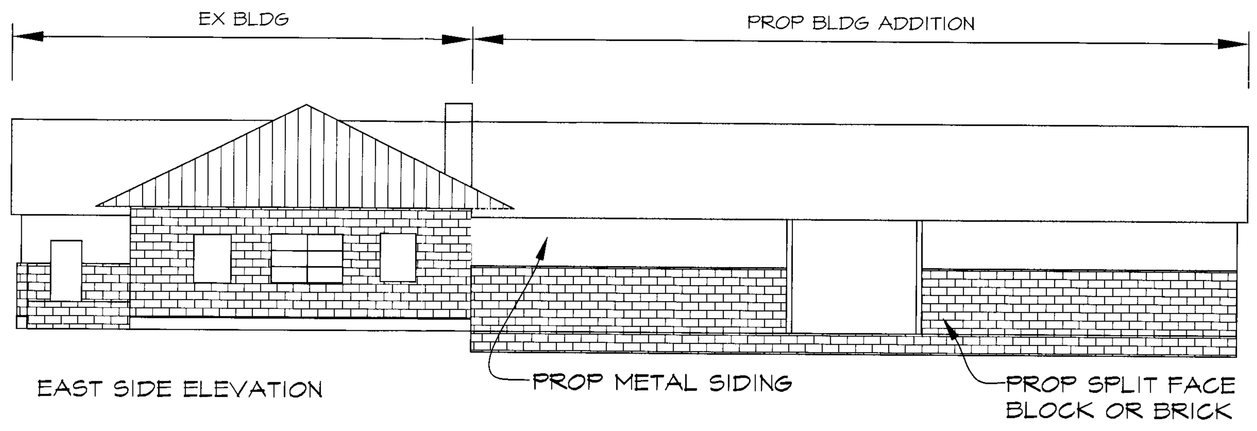


VICINITY MAP
SCALE: 1"=500'





FRONT SIDE ELEVATION



EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.

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SCALE:	1"=40'
DATE:	05/11/07
JOB NO.:	0500-01
DESIGNED:	TJH
DRAWN:	TJH/PLT
CHECKED:	

REVISIONS:
6/12/07 - REVISE BLDG. LOCATION & PARKING LAYOUT

DRAWING NUMBER: DP-1

SHEET | OF |

E:\Land Projects R2\500-549\500\dwg\500-01 RECLASS SITE PLAN.dwg, SITE PLAN, 6/15/2007 11:49:31 AM, KIP All-Other Systems.pc3

M.C.S. NORTH

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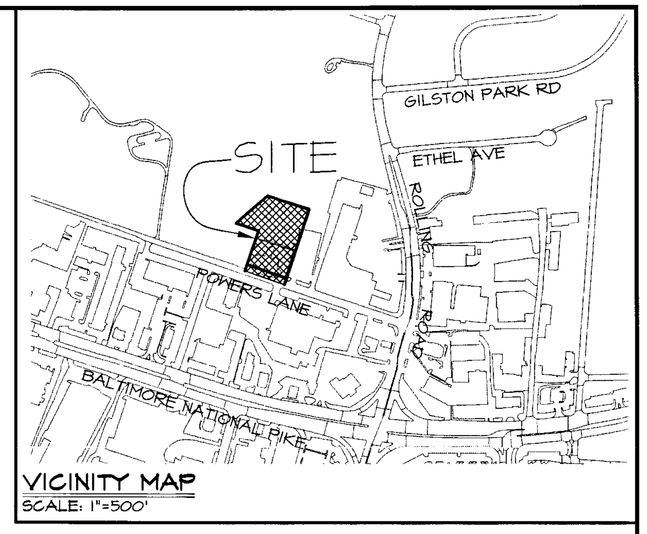

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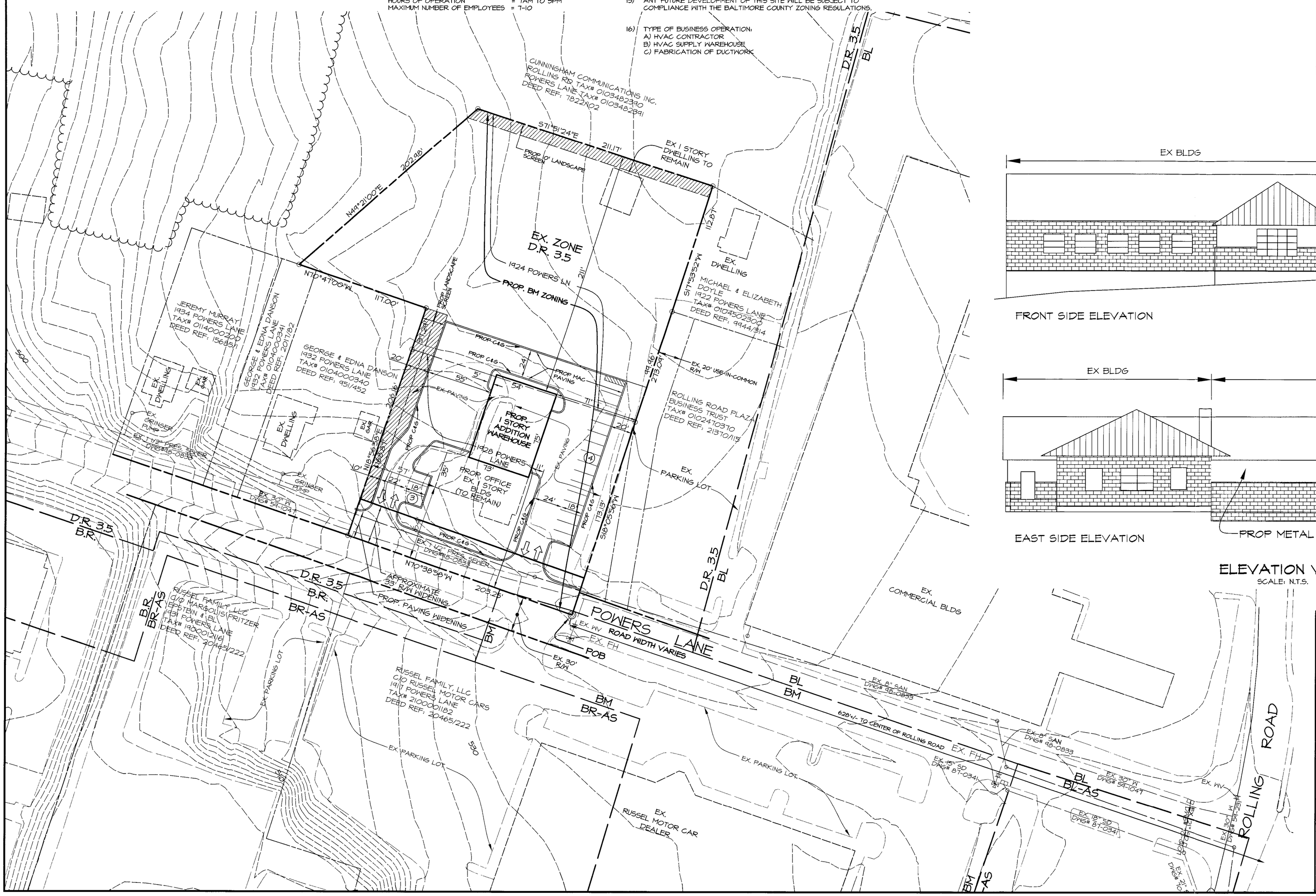

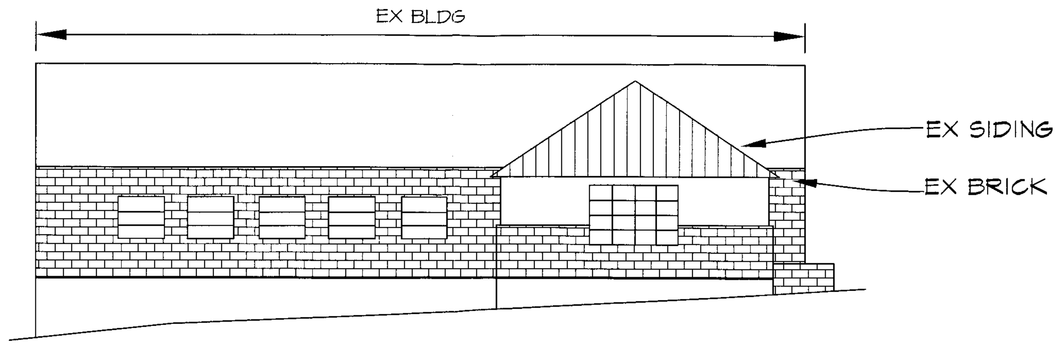

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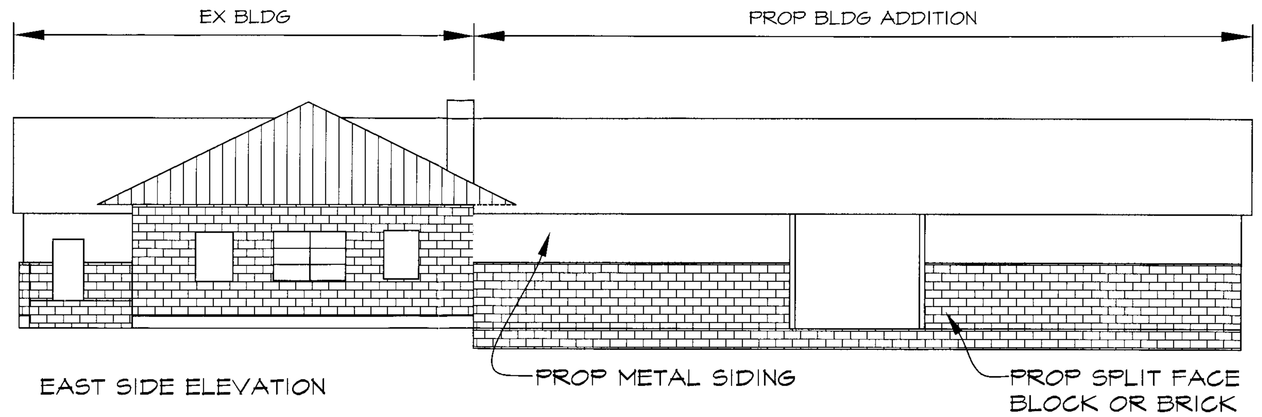

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ELEVATION VIEW
SCALE: N.T.S.

REVISED 6-20-07
CR-07-521

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7) SITE IS NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN.

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9) THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ONSITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.

9) ALL SIGNAGE SHALL COMPLY WITH SECTION 450
HOURS OF OPERATION = 7AM TO 5PM
MAXIMUM NUMBER OF EMPLOYEES = 7-10

10) PARKING LOT SHALL BE BITUMINOUS CONCRETE PAVING AND PARKING SPACES SHALL BE STRIPED.

11) THIS SITE IS WITHIN THE AREA OF THE 'D' LEVEL INTERSECTION OF RT. 40 AND ROLLING RD. AS PER TRANSPORTATION BASIC SERVICES MAP ENACTED PER BILL 28-06 WITH AN EFFECTIVE DATE OF 6/3/06.

12) PUBLIC WATER & SEWER ARE AVAILABLE TO THE SITE. EXISTING BLDG IS ON PUBLIC WATER AND PRIVATE SEPTIC SYSTEM. EXISTING HOUSE IS ON PRIVATE WELL & SEPTIC SYSTEM. EXISTING BLDG WILL BE CONNECTED TO PUBLIC SEWER. EXISTING HOUSE WILL REMAIN ON WELL AND SEPTIC.

13) TO THE BEST OF OUR KNOWLEDGE THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100' FEET OF THIS SITE.

14) TO THE BEST OF OUR KNOWLEDGE THERE ARE NO UNDERGROUND STORAGE TANKS ON THIS SITE.

15) ANY FUTURE DEVELOPMENT OF THIS SITE WILL BE SUBJECT TO COMPLIANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS.

16) TYPE OF BUSINESS OPERATION:
A) HVAC CONTRACTOR
B) HVAC SUPPLY WAREHOUSE
C) FABRICATION OF DUCTWORK

17) BOUNDARY INFORMATION SHOWN HEREON TAKEN FROM DEEDS, PLATS, & FIELD SURVEY. BEARINGS SHOWN HEREON ARE IN THE OLD BALTIMORE COUNTY SYSTEM.

18) TOPOGRAPHIC INFORMATION SHOWN HEREON TAKE FROM COUNTY GIS.

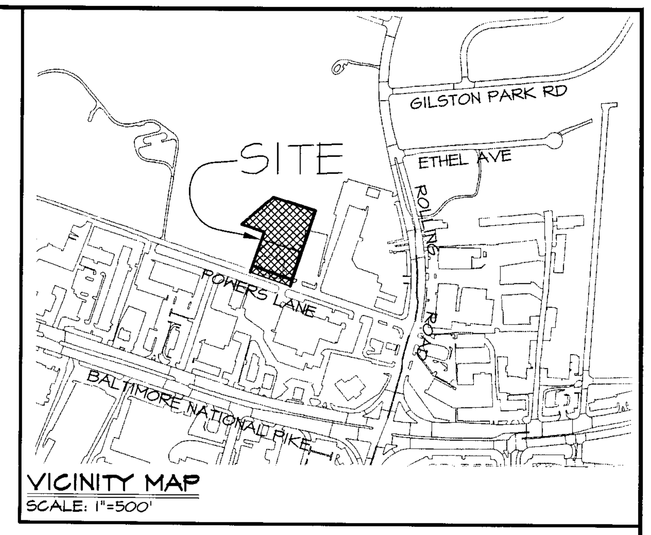
19) THERE ARE NO RECENT COMMERCIAL BUILDING PERMITS ONSITE.

OWNER:

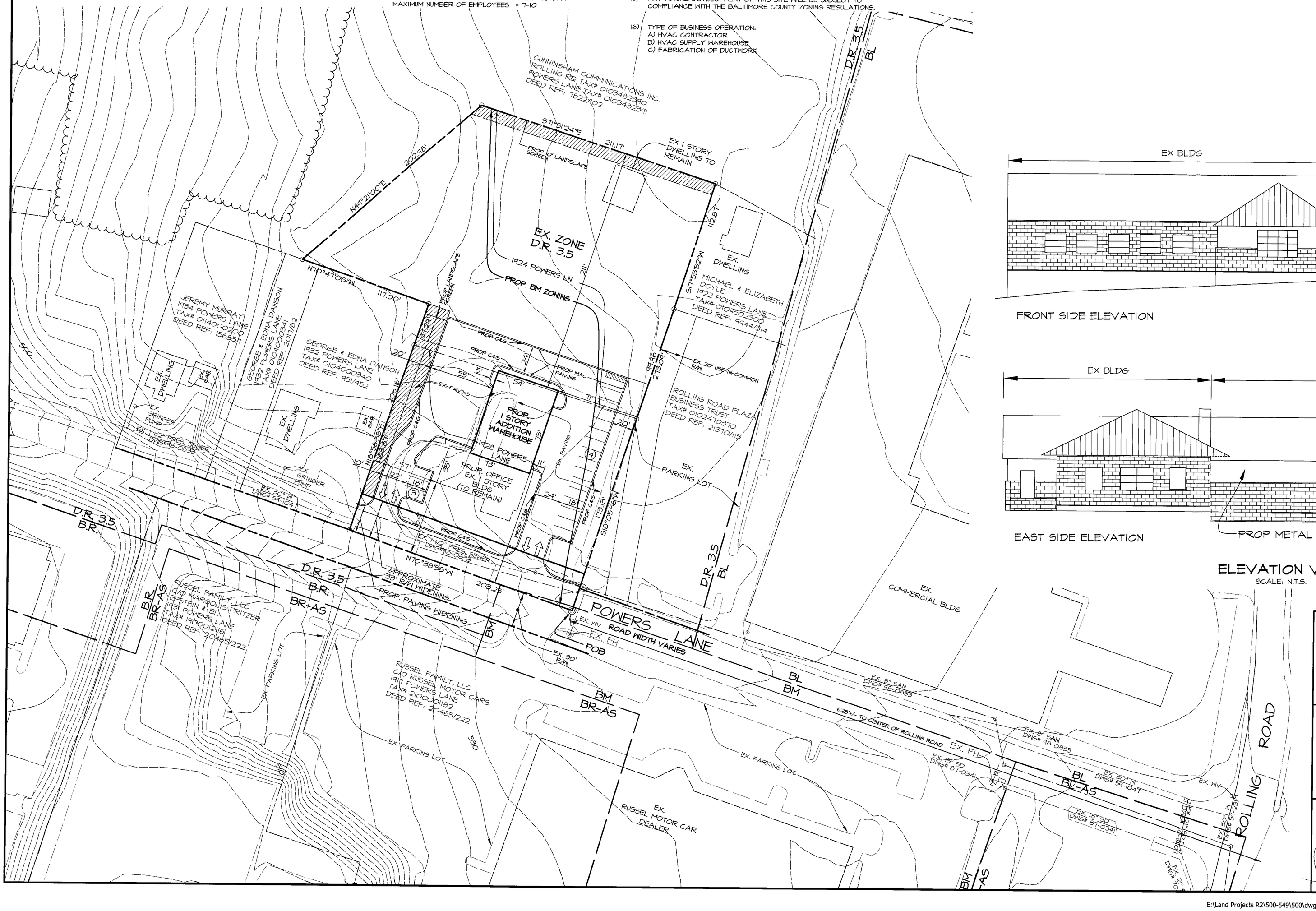
MSDJ POWERS LANE LLC
1030 LESLIE AVE
BALTIMORE, MD 21228
PHONE: 410.747.2022
DEED REF: 24218/68
TAX ACC: 0103001670

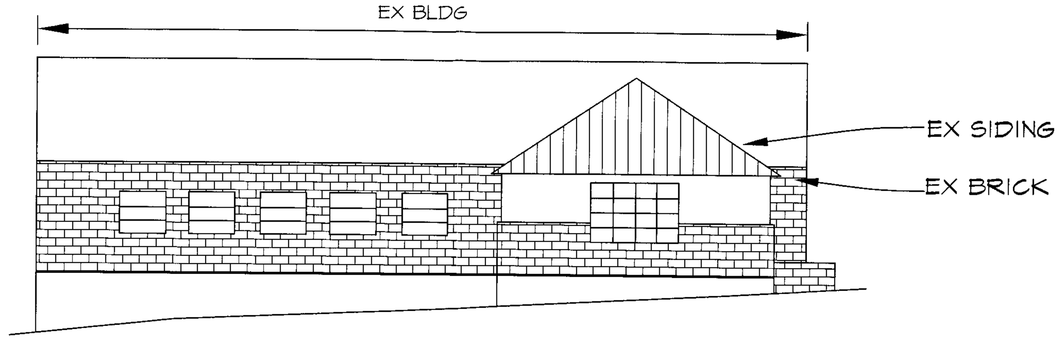
ZONING , DEVELOPMENT PLAN, & DRC HISTORY:

1) CASE NO. 76-141A FOR A PETITION FOR VARIANCE TO ALLOW A FRONT YARD SETBACK OF 34 FEET IN LIEU OF THE REQUIRED 50 FEET FOR AN EXISTING CHURCH. THE PETITION FOR VARIANCE WAS GRANTED ON JANUARY 16, 1976.
2) THERE ARE NO CRG, NO DRC, OR DEVELOPMENT PLANS ONSITE.

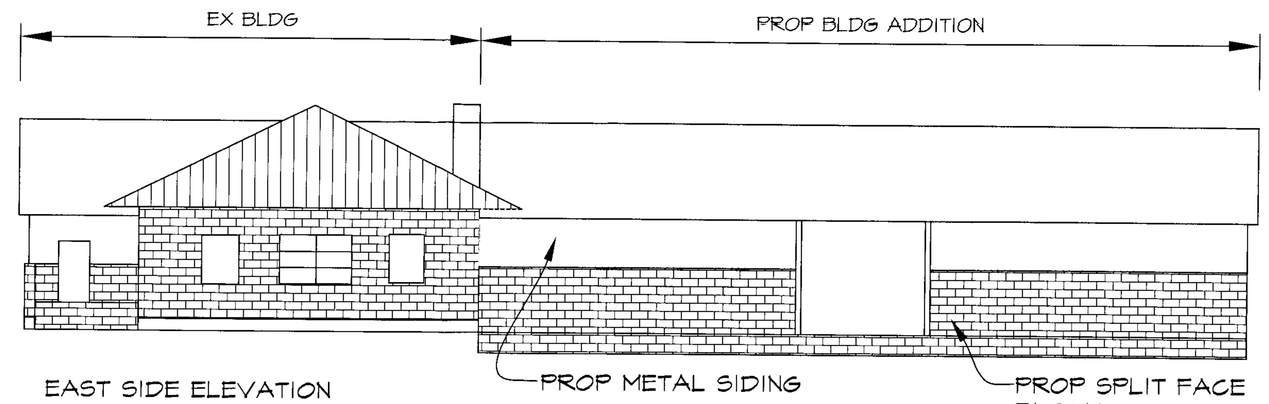


VICINITY MAP
SCALE: 1"=500'





FRONT SIDE ELEVATION



EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.

REVISED 6-20-07
CR-07-521

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION

1924 & 1928 POWERS LANE

TAX MAP #44, GRID #24, PARCELS #458 & #114
1 ELECTION DISTRICT, 1 COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

SCALE:	1"=40'
DATE:	05/11/07
JOB NO.:	0500-01
DESIGNED:	TJH
DRAWN:	TJH/PLT
CHECKED:	
DRAWING NUMBER:	DP-1
SHEET	OF

REVISIONS:
6/12/07 - REVISE BLDG. LOCATION & PARKING LAYOUT

E:\Land Projects R2\500-549\500\dwg\500-01 RECLASS SITE PLAN.dwg, SITE PLAN, 6/15/2007 11:49:31 AM, KIP All-Other Systems.pc3

M.C.S. NORTH

SITE DATA:

1) SITE AREA = 2.02 Ac.+/- (88,251 S.F.)
2) EXISTING ZONING = DR 3.5
   PROPOSED ZONING = BM
3) BLDG AREA:
   EX. BLDG (PROP. OFFICE) = 2,840 SF
   PROP. WAREHOUSE = 4,050 SF
4) PARKING CALCULATIONS
   OFFICE 2,840 SF @ 3.3/1000 = 9.3 SPACES
   WAREHOUSE 5 EMPLOYEES ON LARGEST SHIFT = 5 SPACES
   TOTAL REQUIRED = 15 SPACES
   TOTAL PROVIDED = 17 SPACES
5) FAR:
   FAR ALLOWED: 4.0
   FAR PROPOSED (6,840/88,251): 0.08
6) SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
7) SITE IS NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN.
8) THERE IS NOT KNOWN PONDS, STREAMS, NATURAL DRAINAGE COURSES OR OTHER BODIES OF WATER ON SITE.
9) THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ONSITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.
9) ALL SIGNAGE SHALL COMPLY WITH SECTION 450
   HOURS OF OPERATION = 7AM TO 5PM
   MAXIMUM NUMBER OF EMPLOYEES = 7-10
10) PARKING LOT SHALL BE BITUMINOUS CONCRETE PAVING AND PARKING SPACES SHALL BE STRIPED.
11) THIS SITE IS WITHIN THE AREA OF THE 'D' LEVEL INTERSECTION OF RT. 40 AND ROLLING RD. AS PER TRANSPORTATION BASIC SERVICES MAP ENACTED PER BILL 28-06 WITH AN EFFECTIVE DATE OF 6/3/06.
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13) TO THE BEST OF OUR KNOWLEDGE THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100' FEET OF THIS SITE.
14) TO THE BEST OF OUR KNOWLEDGE THERE ARE NO UNDERGROUND STORAGE TANKS ON THIS SITE.
15) ANY FUTURE DEVELOPMENT OF THIS SITE WILL BE SUBJECT TO COMPLIANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS.
16) TYPE OF BUSINESS OPERATION:
   A) HVAC CONTRACTOR
   B) HVAC SUPPLY WAREHOUSE
   C) FABRICATION OF DUCTWORK
17) BOUNDARY INFORMATION SHOWN HEREON TAKEN FROM DEEDS, PLATS, & FIELD SURVEY. BEARINGS SHOWN HEREON ARE IN THE OLD BALTIMORE COUNTY SYSTEM.
18) TOPOGRAPHIC INFORMATION SHOWN HEREON TAKE FROM COUNTY GIS.
19) THERE ARE NO RECENT COMMERCIAL BUILDING PERMITS ONSITE.

OWNER:

MSDJ POWERS LANE LLC
1030 LESLIE AVE
BALTIMORE, MD 21228
PHONE: 410.747.2022
DEED REF: 24218/68
TAX ACC: 0103001670

ZONING , DEVELOPMENT PLAN, & DRC HISTORY:

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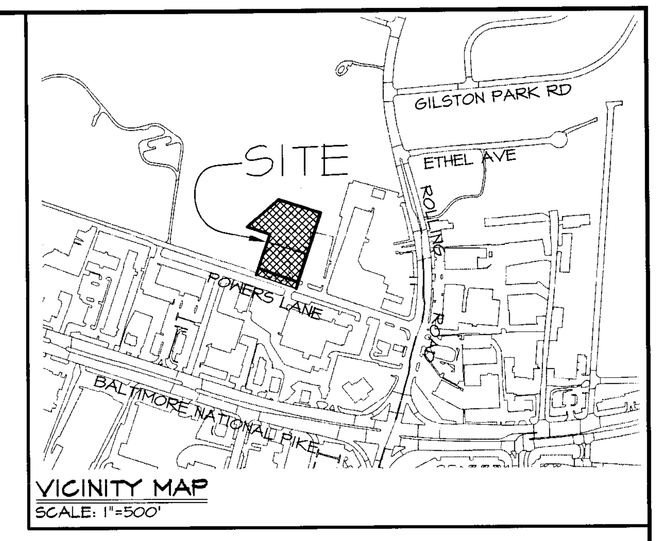
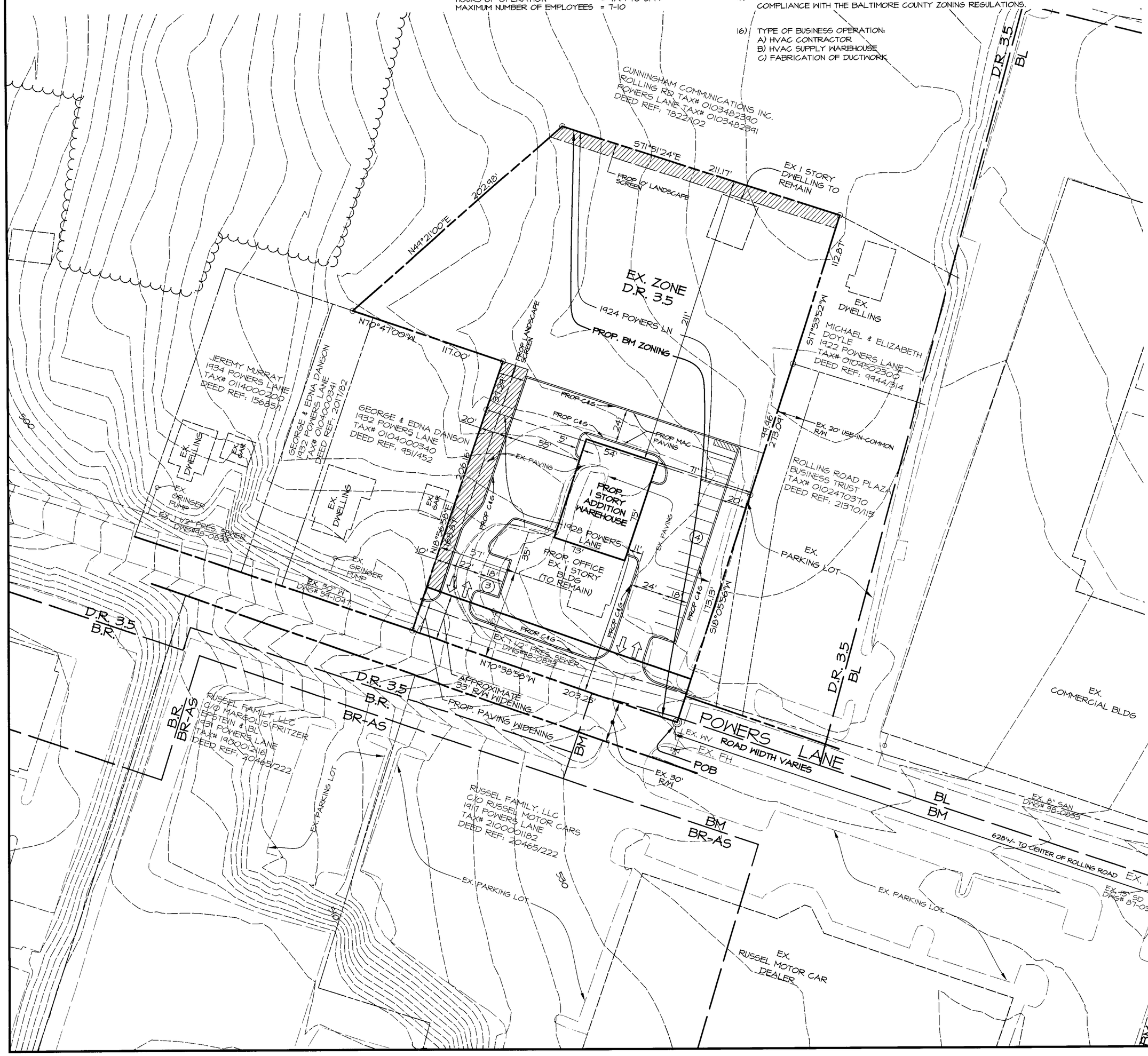
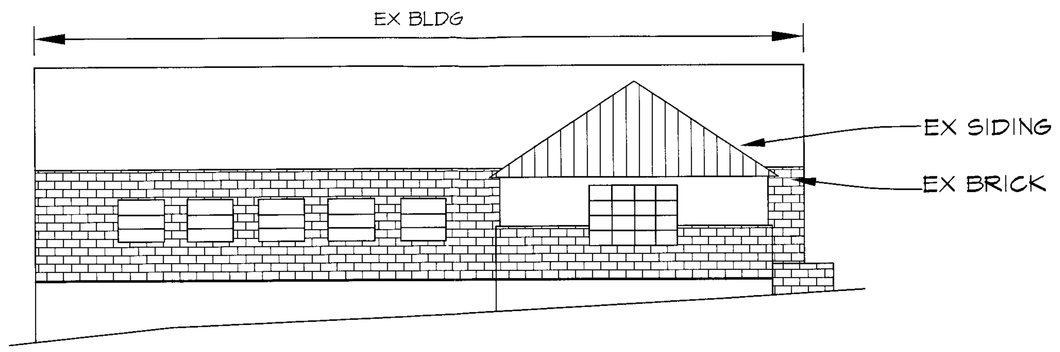
2) THERE ARE NO CRG, NO DRC, OR DEVELOPMENT PLANS ONSITE.

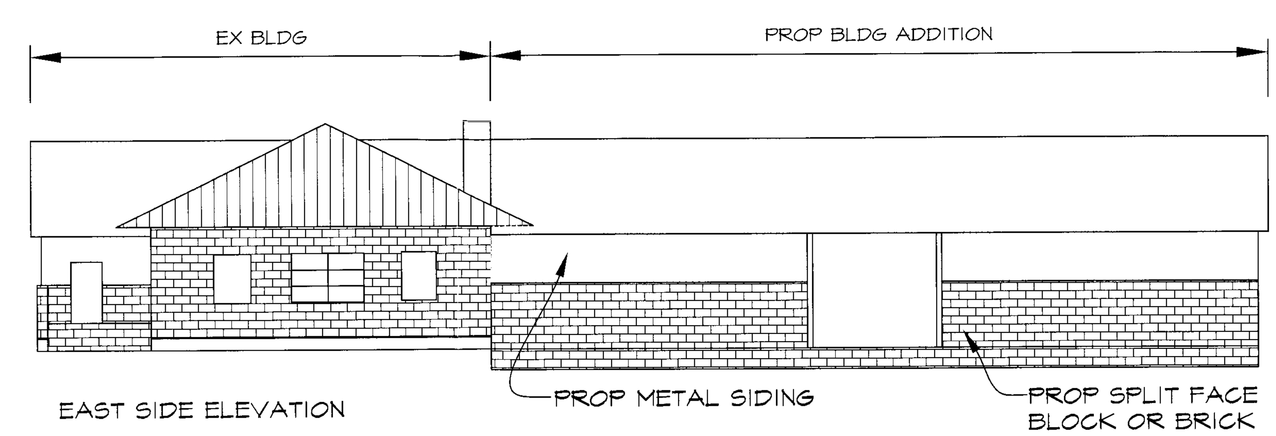


VICINITY MAP
SCALE: 1"=500'





FRONT SIDE ELEVATION



EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.

REVISED 6-20-07
CR-07-521

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION

1924 & 1928 POWERS LANE

TAX MAP #34, GRID #24, PARCELS #458 & #114
1 ELECTION DISTRICT, 1 COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

SCALE:	1"=40'
DATE:	05/11/07
JOB NO.:	0500-01
DESIGNED:	TJH
DRAWN:	TJH/PLT
CHECKED:	
DRAWING NUMBER:	DP-1
SHEET	OF

REVISIONS:
6/12/07 - REVISE BLDG. LOCATION & PARKING LAYOUT

E:\Land Projects R2\500-549\500\dwg\500-01 RECLASS SITE PLAN.dwg, SITE PLAN, 6/15/2007 11:49:31 AM, KIP All-Other Systems.pc3

M.C.S. NORTH

SITE DATA:

1) SITE AREA = 2.02 Ac.+/- (88,251 S.F.)

2) EXISTING ZONING = DR 3.5
PROPOSED ZONING = BM

3) BLDG AREA:
EX. BLDG (PROP. OFFICE) = 2,840 SF
PROP. WAREHOUSE = 4,050 SF

4) PARKING CALCULATIONS
OFFICE 2,840 SF @ 3.3/1000 = 9.3 SPACES

WAREHOUSE 5 EMPLOYEES ON LARGEST SHIFT = 5 SPACES

TOTAL REQUIRED = 15 SPACES
TOTAL PROVIDED = 17 SPACES

5) FAR:
FAR ALLOWED: 4.0
FAR PROPOSED (6,890/88,251): 0.08

6) SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

7) SITE IS NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN.

8) THERE IS NOT KNOWN PONDS, STREAMS, NATURAL DRAINAGE COURSES OR OTHER BODIES OF WATER ON SITE.

9) THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ONSITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.

9) ALL SIGNAGE SHALL COMPLY WITH SECTION 450
HOURS OF OPERATION = 7AM TO 5PM
MAXIMUM NUMBER OF EMPLOYEES = 7-10

10) PARKING LOT SHALL BE BITUMINOUS CONCRETE PAVING AND PARKING SPACES SHALL BE STRIPED.

11) THIS SITE IS WITHIN THE AREA OF THE 'D' LEVEL INTERSECTION OF RT. 40 AND ROLLING RD. AS PER TRANSPORTATION BASIC SERVICES MAP ENACTED PER BILL 28-06 WITH AN EFFECTIVE DATE OF 6/3/06.

12) PUBLIC WATER & SEWER ARE AVAILABLE TO THE SITE. EXISTING BLDG IS ON PUBLIC WATER AND PRIVATE SEPTIC SYSTEM. EXISTING HOUSE IS ON PRIVATE WELL & SEPTIC SYSTEM. EXISTING BLDG WILL BE CONNECTED TO PUBLIC SEWER. EXISTING HOUSE WILL REMAIN ON WELL AND SEPTIC.

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14) TO THE BEST OF OUR KNOWLEDGE THERE ARE NO UNDERGROUND STORAGE TANKS ON THIS SITE.

15) ANY FUTURE DEVELOPMENT OF THIS SITE WILL BE SUBJECT TO COMPLIANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS.

16) TYPE OF BUSINESS OPERATION:
A) HVAC CONTRACTOR
B) HVAC SUPPLY WAREHOUSE
C) FABRICATION OF DUCTWORK

17) BOUNDARY INFORMATION SHOWN HEREON TAKEN FROM DEEDS, PLATS, & FIELD SURVEY. BEARINGS SHOWN HEREON ARE IN THE OLD BALTIMORE COUNTY SYSTEM.

18) TOPOGRAPHIC INFORMATION SHOWN HEREON TAKE FROM COUNTY GIS.

19) THERE ARE NO RECENT COMMERCIAL BUILDING PERMITS ONSITE.

OWNER:

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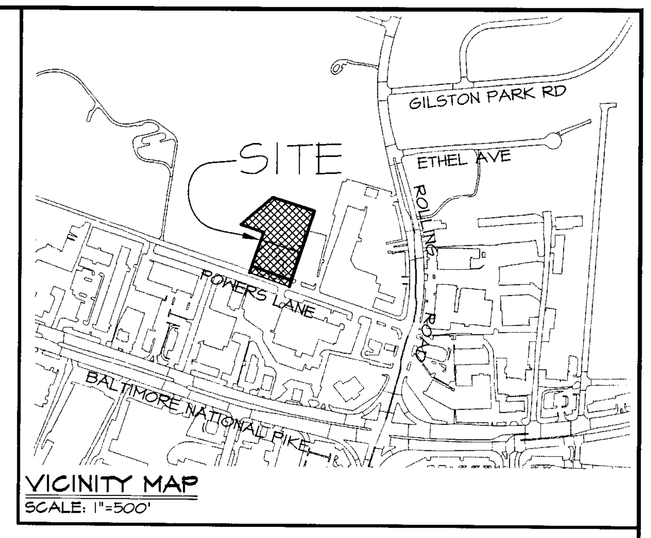
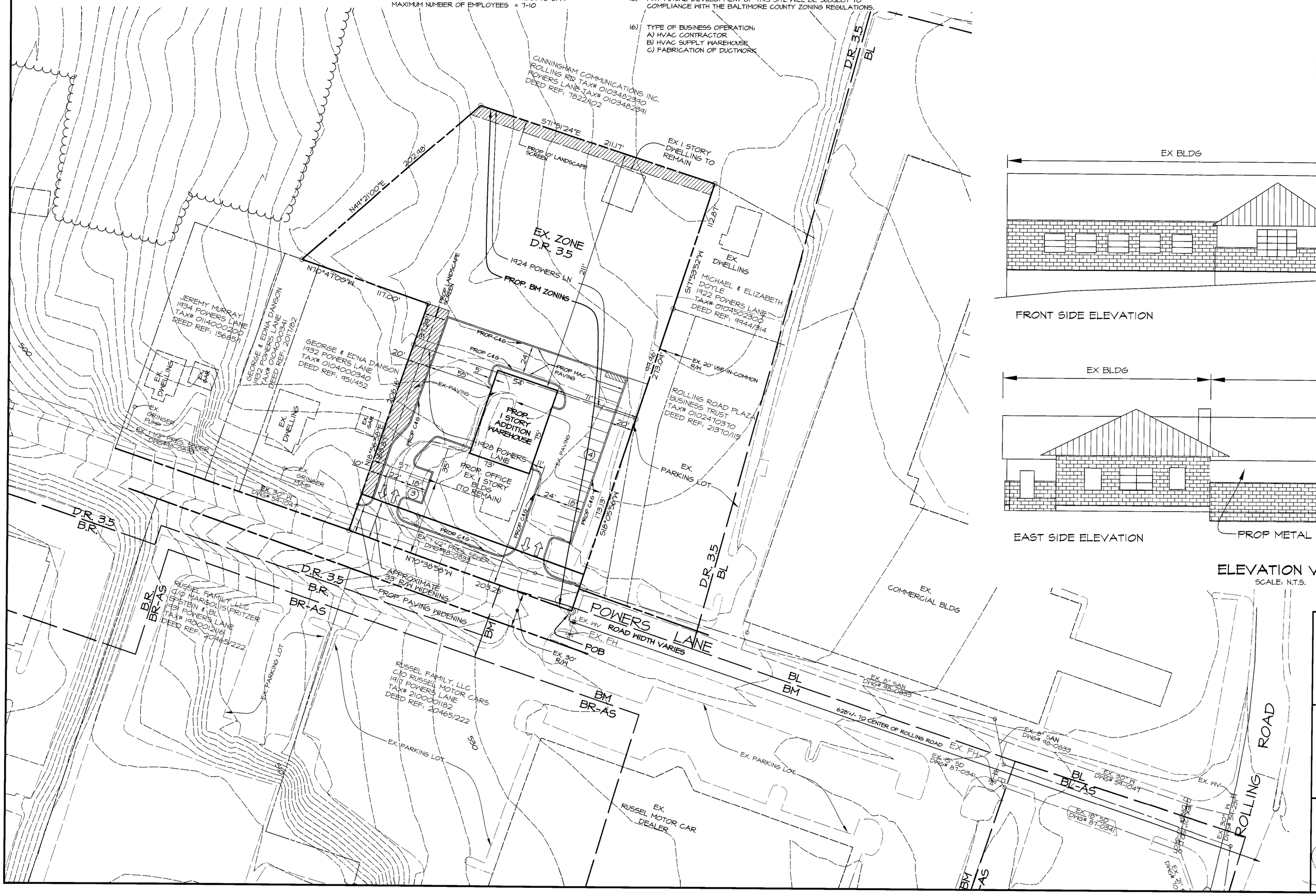
1030 LESLIE AVE
BALTIMORE, MD 21228
PHONE: 410.747.2022
DEED REF: 24218/68
TAX ACC: 0103001670

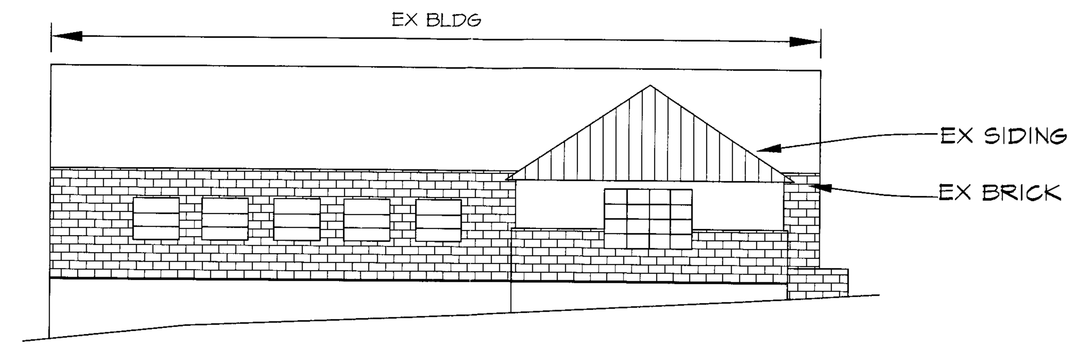
ZONING , DEVELOPMENT PLAN, & DRC HISTORY:

1) CASE NO. 76-141A FOR A PETITION FOR VARIANCE TO ALLOW A FRONT YARD SETBACK OF 39 FEET IN LIEU OF THE REQUIRED 50 FEET FOR AN EXISTING CHURCH. THE PETITION FOR VARIANCE WAS GRANTED ON JANUARY 16, 1976.
2) THERE ARE NO CRG, NO DRC, OR DEVELOPMENT PLANS ONSITE.

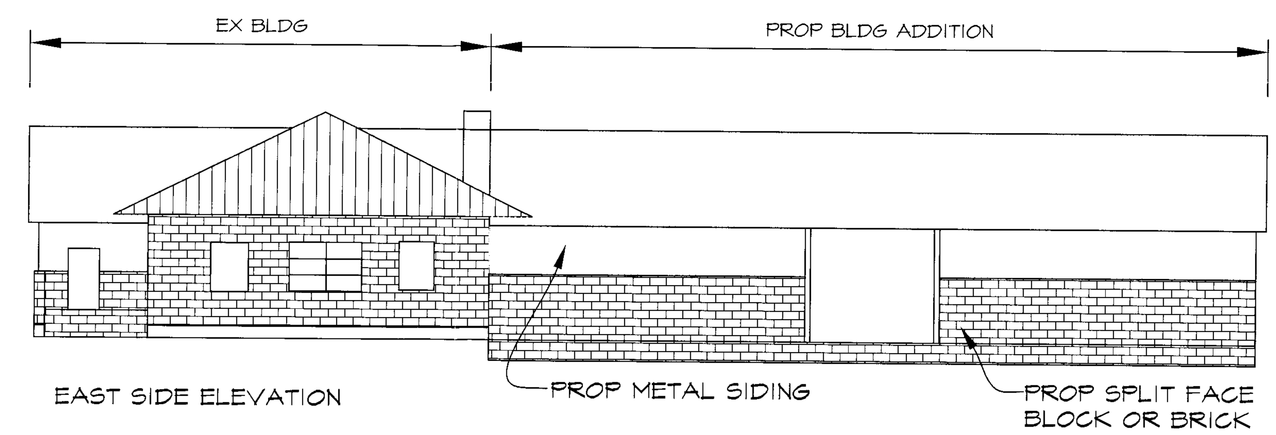


VICINITY MAP
SCALE: 1"=500'





FRONT SIDE ELEVATION



EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.

REVISED 6-26-07
CR-07-521

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION

1924 & 1928 POWERS LANE

TAX MAP #94, GRID #24, PARCELS #458 & #114
1 ELECTION DISTRICT, 1 COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

SCALE:	1"=40'
DATE:	05/11/07
JOB NO.:	0500-01
DESIGNED:	TJH
DRAWN:	TJH/PLT
CHECKED:	
DRAWING NUMBER:	DP-1
SHEET	OF

REVISIONS:
6/12/07 - REVISE BLDG. LOCATION & PARKING LAYOUT

E:\Land Projects R2\500-549\500\dwg\500-01 RECLASS SITE PLAN.dwg, SITE PLAN, 6/15/2007 11:49:31 AM, KIP All-Other Systems.pc3

M.C.S. NORTH

SITE DATA:

1) SITE AREA = 2.02 Ac.+/- (88,251 S.F.)

2) EXISTING ZONING = DR 3.5
PROPOSED ZONING = BM

3) BLDG AREA:
EX. BLDG (PROP. OFFICE) = 2,840 SF
PROP. WAREHOUSE = 4,050 SF

4) PARKING CALCULATIONS
OFFICE 2,840 SF @ 3.3/1000 = 9.3 SPACES
WAREHOUSE 5 EMPLOYEES ON LARGEST SHIFT = 5 SPACES
TOTAL REQUIRED = 15 SPACES
TOTAL PROVIDED = 17 SPACES

5) FAR:
FAR ALLOWED: 4.0
FAR PROPOSED (6,890/88,251): 0.08

6) SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

7) SITE IS NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN.

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MAXIMUM NUMBER OF EMPLOYEES = 7-10

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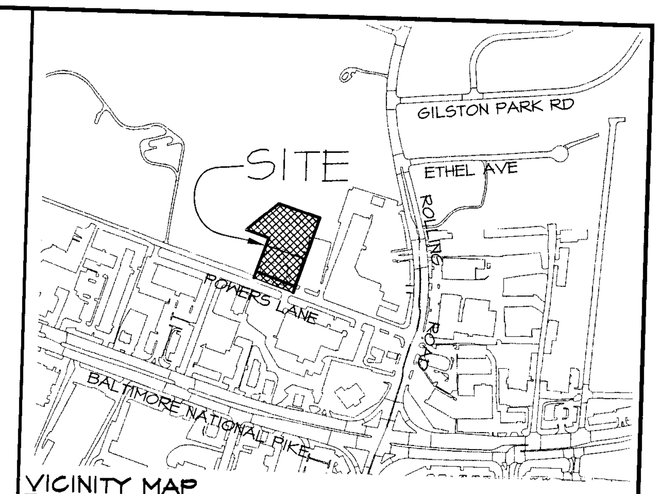
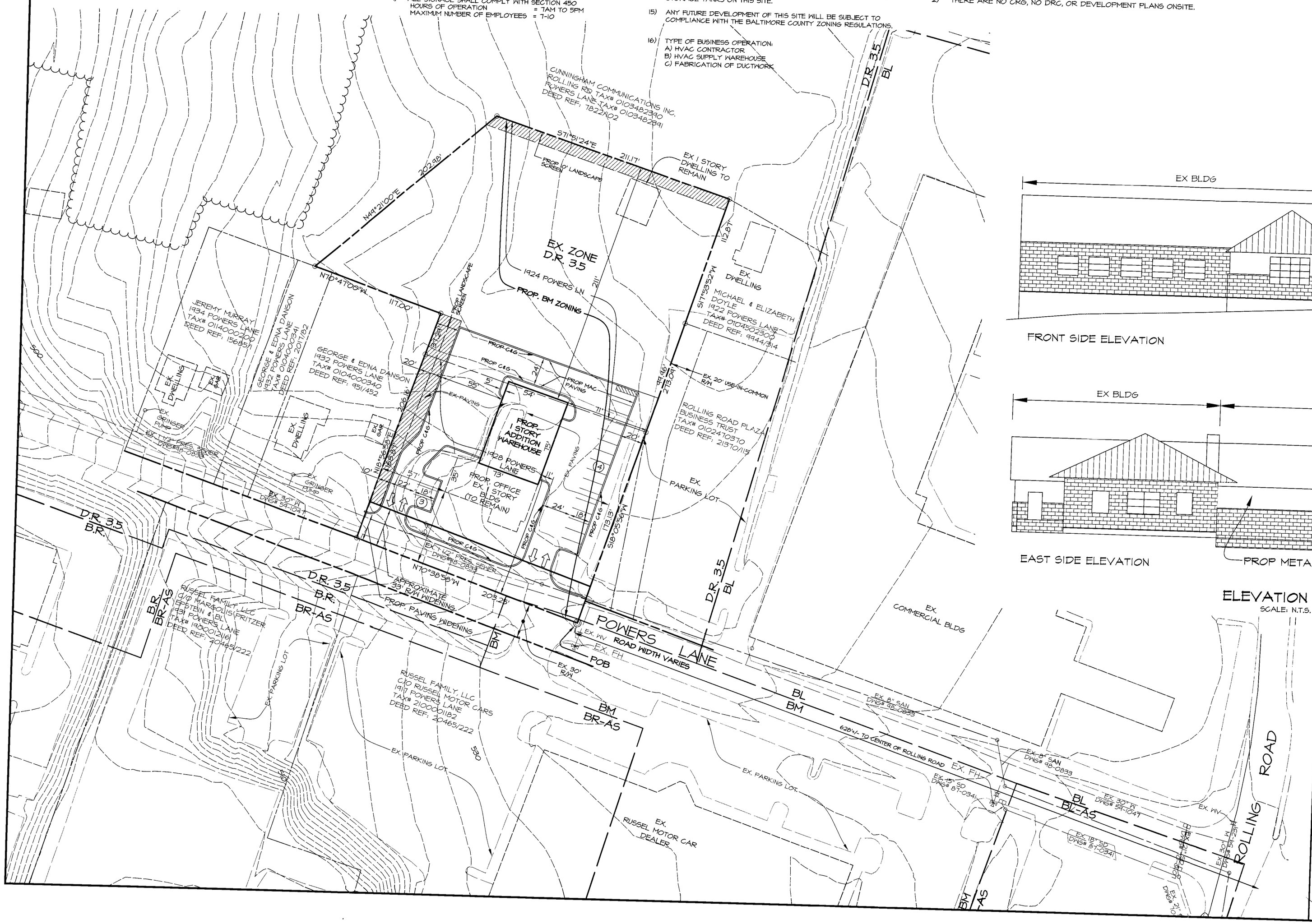


VICINITY MAP
SCALE: 1"=500'



ELEVATION VIEW
SCALE: N.T.S.

REVISED 6-28-07
CR-07-521

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION

1924 & 1928 POWERS LANE

TAX MAP #94, GRID #24, PARCELS #458 & #114
1 ELECTION DISTRICT, 1 COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.
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LANDSCAPE ARCHITECTS
406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

SCALE:	1"=40'
DATE:	05/11/07
JOB NO.:	0500-01
DESIGNED:	TJH
DRAWN:	TJH/PLT
CHECKED:	
DRAWING NUMBER:	DP-1
SHEET	1 OF 1

REVISIONS:
6/12/07 - REVISE BLDG. LOCATION & PARKING LAYOUT

E:\Land Projects R2\500-549\500\dwg\500-01 RECLASS SITE PLAN.dwg, SITE PLAN, 6/15/2007 11:49:31 AM, KIP All-Other Systems.pc3

M.C.S. NORTH

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A) HVAC CONTRACTOR
B) HVAC SUPPLY WAREHOUSE
C) FABRICATION OF DUCTWORK

17) BOUNDARY INFORMATION SHOWN HEREON TAKEN FROM DEEDS, PLATS, & FIELD SURVEY. BEARINGS SHOWN HEREON ARE IN THE OLD BALTIMORE COUNTY SYSTEM.

18) TOPOGRAPHIC INFORMATION SHOWN HEREON TAKE FROM COUNTY GIS.

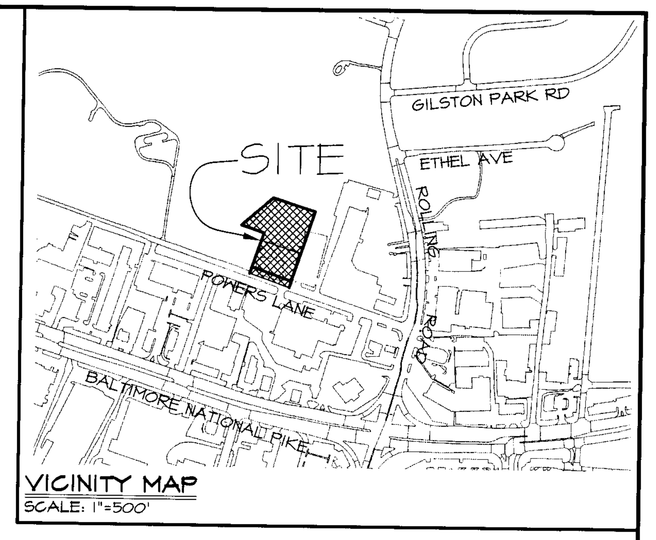
19) THERE ARE NO RECENT COMMERCIAL BUILDING PERMITS ONSITE.

OWNER:

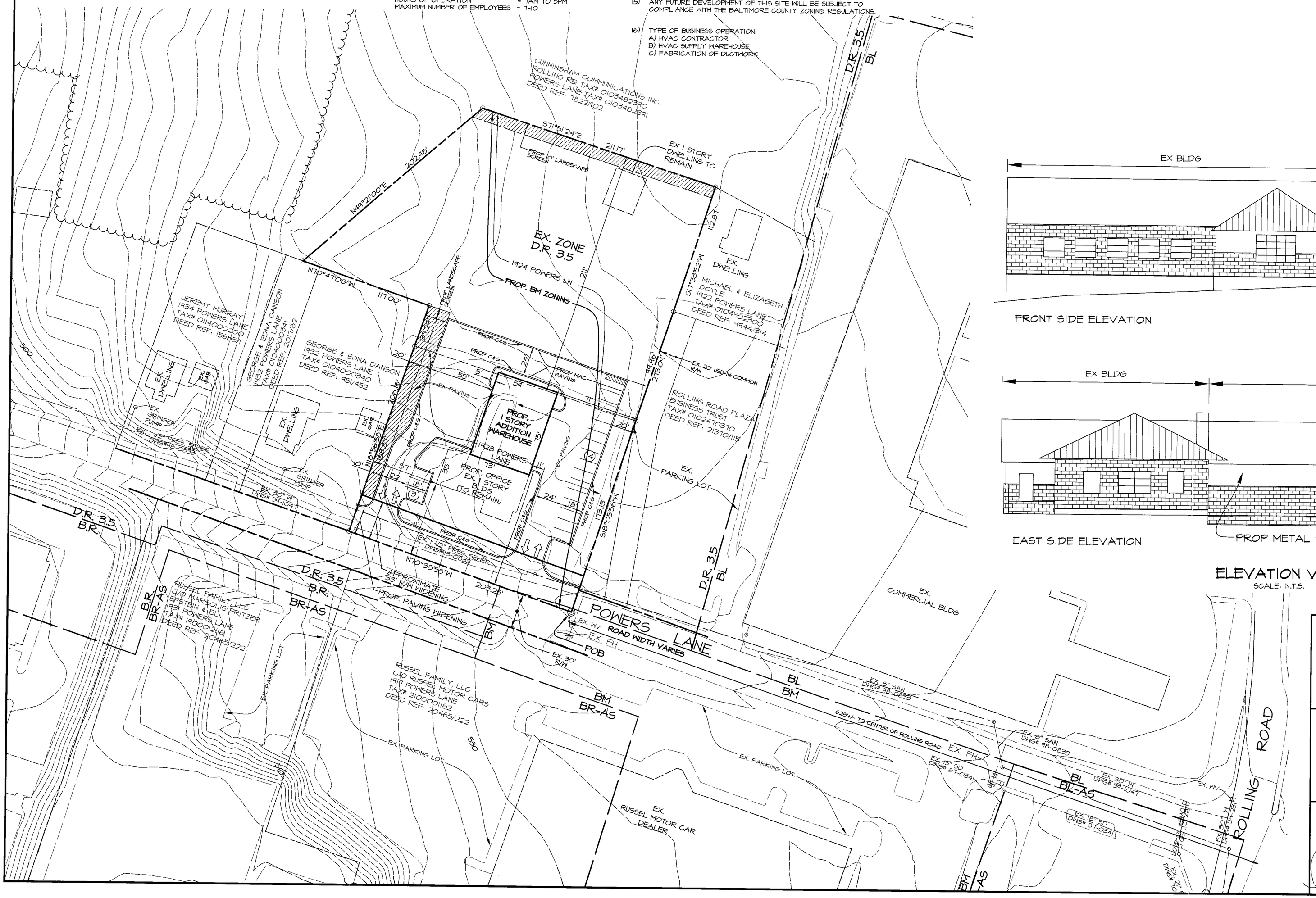
MSDJ POWERS LANE LLC
1030 LESLIE AVE
BALTIMORE, MD 21228
PHONE: 410.747.2022
DEED REF: 24218/68
TAX ACC: 0103001670

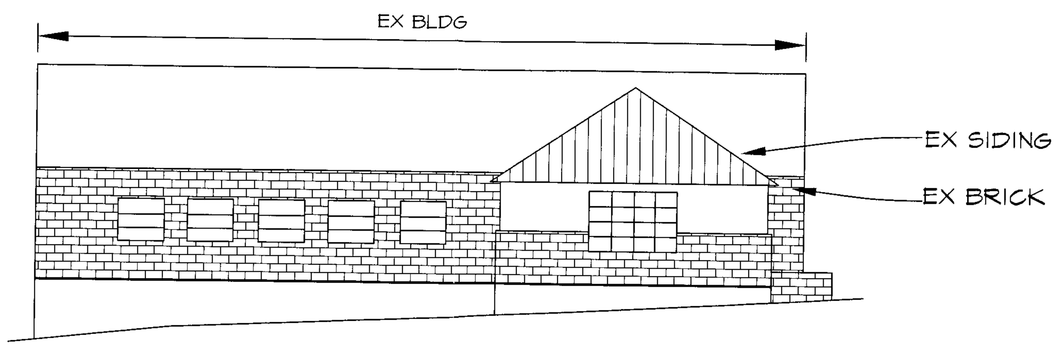
ZONING , DEVELOPMENT PLAN, & DRC HISTORY:

1) CASE NO. 76-141A FOR A PETITION FOR VARIANCE TO ALLOW A FRONT YARD SETBACK OF 39 FEET IN LIEU OF THE REQUIRED 50 FEET FOR AN EXISTING CHURCH. THE PETITION FOR VARIANCE WAS GRANTED ON JANUARY 16, 1976.
2) THERE ARE NO CRG, NO DRC, OR DEVELOPMENT PLANS ONSITE.

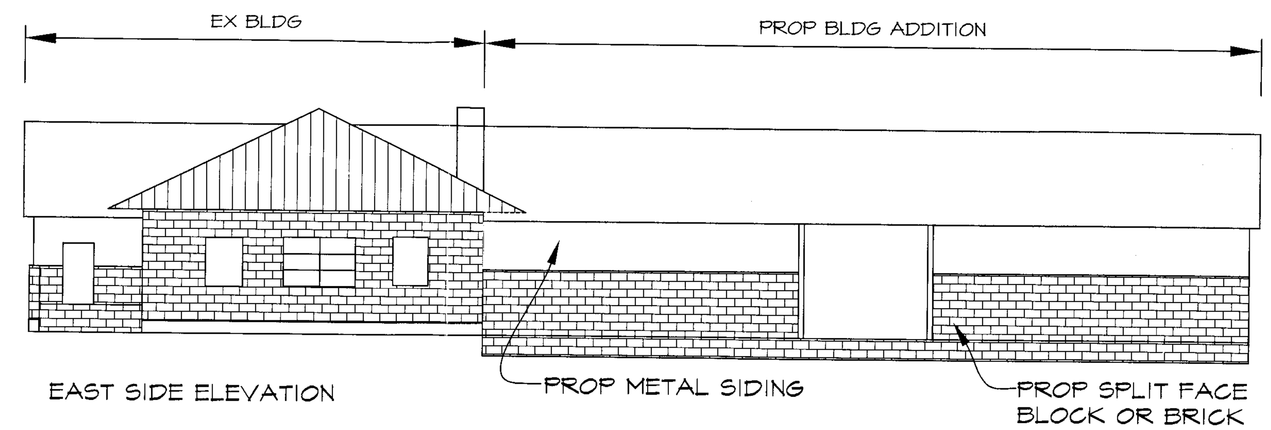


VICINITY MAP
SCALE: 1"=500'





FRONT SIDE ELEVATION



EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.

REVISED 6-20-07
CR-07-521

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION

1924 & 1928 POWERS LANE

TAX MAP #94, GRID #24, PARCELS #458 & #114
1 ELECTION DISTRICT, 1 COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

SCALE:	1"=40'
DATE:	05/11/07
JOB NO.:	0500-01
DESIGNED:	TJH
DRAWN:	TJH/PLT
CHECKED:	

REVISIONS:
6/12/07 - REVISE BLDG. LOCATION & PARKING LAYOUT

DRAWING NUMBER: DP-1

SHEET | OF |

E:\Land Projects R2\500-549\500\dwg\500-01 RECLASS SITE PLAN.dwg, SITE PLAN, 6/15/2007 11:49:31 AM, KIP All-Other Systems.pc3

M.C.S. NORTH

SITE DATA:

1) SITE AREA = 2.02 Ac.+/- (88,251 S.F.)

2) EXISTING ZONING = DR 3.5
PROPOSED ZONING = BM

3) BLDG AREA:
EX. BLDG (PROP. OFFICE) = 2,840 SF
PROP. WAREHOUSE = 4,050 SF

4) PARKING CALCULATIONS
OFFICE 2,840 SF @ 3.3/1000 = 9.3 SPACES

WAREHOUSE 5 EMPLOYEES ON LARGEST SHIFT = 5 SPACES

TOTAL REQUIRED = 15 SPACES
TOTAL PROVIDED = 19 SPACES

5) FAR:
FAR ALLOWED: 4.0
FAR PROPOSED (6,890/88,251): 0.08

6) SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

7) SITE IS NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN.

8) THERE IS NOT KNOWN PONDS, STREAMS, NATURAL DRAINAGE COURSES OR OTHER BODIES OF WATER ON SITE.

9) THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ONSITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.

9) ALL SIGNAGE SHALL COMPLY WITH SECTION 450
HOURS OF OPERATION = 7AM TO 5PM
MAXIMUM NUMBER OF EMPLOYEES = 7-10

10) PARKING LOT SHALL BE BITUMINOUS CONCRETE PAVING AND PARKING SPACES SHALL BE STRIPED.

11) THIS SITE IS WITHIN THE AREA OF THE 'D' LEVEL INTERSECTION OF RT. 40 AND ROLLING RD. AS PER TRANSPORTATION BASIC SERVICES MAP ENACTED PER BILL 28-06 WITH AN EFFECTIVE DATE OF 6/3/06.

12) PUBLIC WATER & SEWER ARE AVAILABLE TO THE SITE. EXISTING BLDG IS ON PUBLIC WATER AND PRIVATE SEPTIC SYSTEM. EXISTING HOUSE IS ON PRIVATE WELL & SEPTIC SYSTEM. EXISTING BLDG WILL BE CONNECTED TO PUBLIC SEWER. EXISTING HOUSE WILL REMAIN ON WELL AND SEPTIC.

13) TO THE BEST OF OUR KNOWLEDGE THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100' FEET OF THIS SITE.

14) TO THE BEST OF OUR KNOWLEDGE THERE ARE NO UNDERGROUND STORAGE TANKS ON THIS SITE.

15) ANY FUTURE DEVELOPMENT OF THIS SITE WILL BE SUBJECT TO COMPLIANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS.

16) TYPE OF BUSINESS OPERATION:
A) HVAC CONTRACTOR
B) HVAC SUPPLY WAREHOUSE
C) FABRICATION OF DUCTWORK

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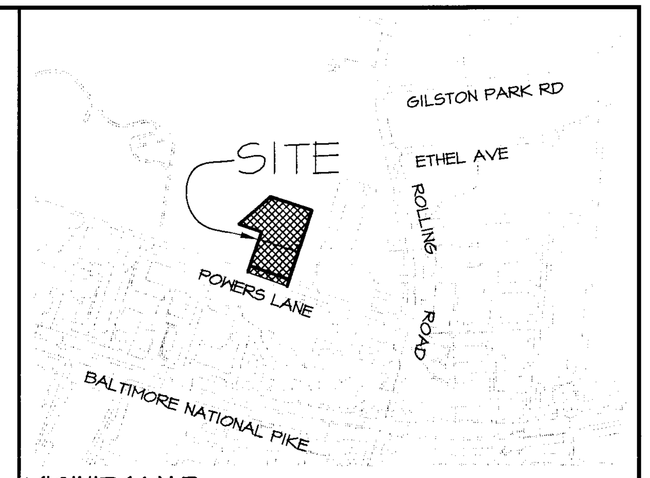
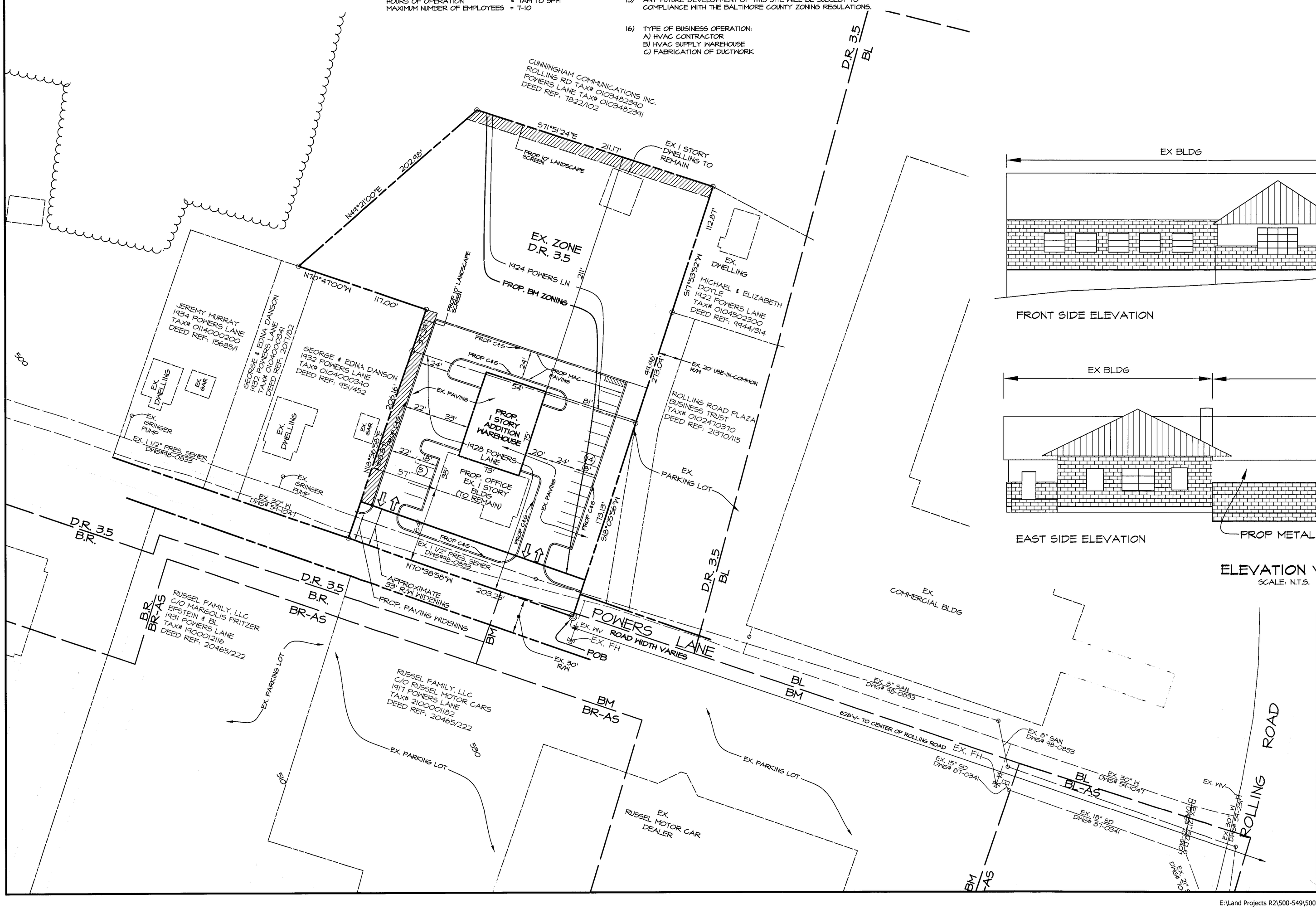
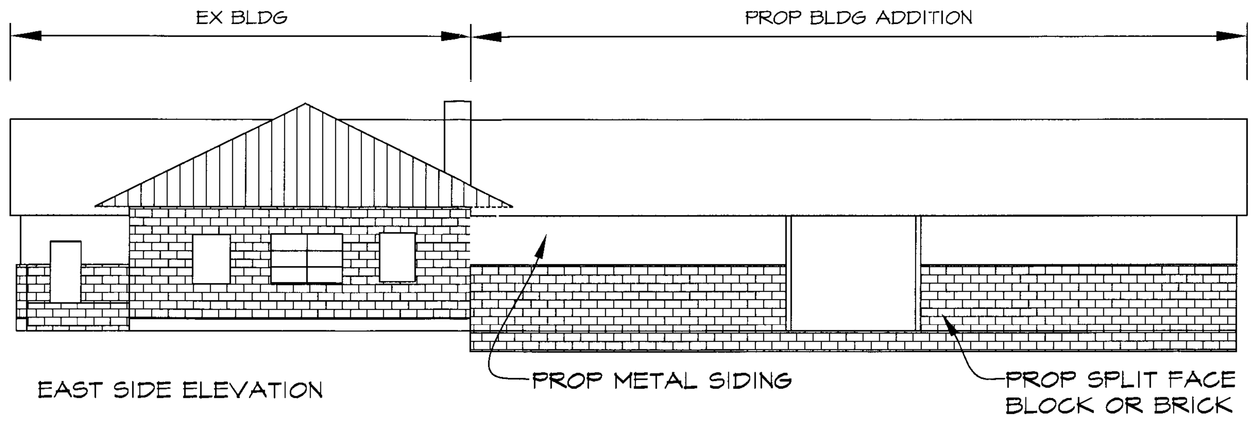


VICINITY MAP
SCALE: 1"=500'



FRONT SIDE ELEVATION



EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION

1924 & 1928 POWERS LANE

TAX MAP #94, GRID #24, PARCELS #458 & #114
1 ELECTION DISTRICT, 1 COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.
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LANDSCAPE ARCHITECTS
406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

SCALE:	1"=40'
DATE:	5/11/07
JOB NO.:	0500-01
DESIGNED:	TJH
DRAWN:	TJH/PLT
CHECKED:	
REVISIONS:	
DRAWING NUMBER:	DP-1
SHEET	OF

E:\Land Projects R2\500-549\500\dwg\500-01 RECLASS SITE PLAN.dwg, SITE PLAN, 5/11/2007 9:34:15 AM, KIP All-Other Systems.pc3

M.C.S.
NORTH

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TOTAL PROVIDED = 19 SPACES

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FAR ALLOWED: 4.0
FAR PROPOSED (6,890/88,251): 0.08

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13) TO THE BEST OF OUR KNOWLEDGE THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100' FEET OF THIS SITE.

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15) ANY FUTURE DEVELOPMENT OF THIS SITE WILL BE SUBJECT TO COMPLIANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS.

16) TYPE OF BUSINESS OPERATION:
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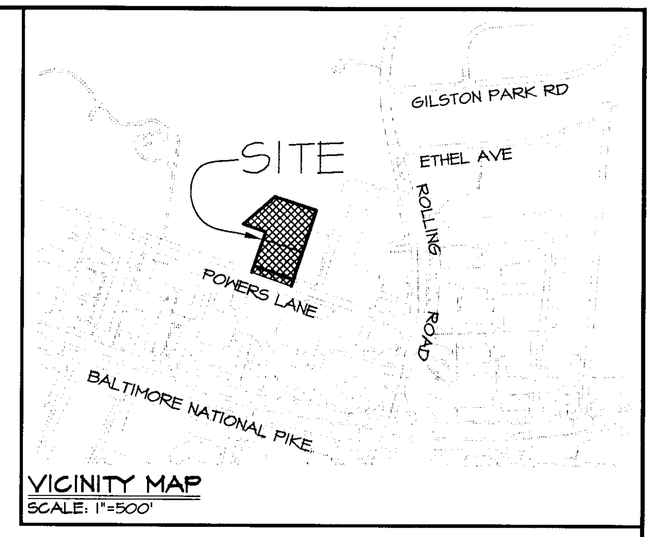
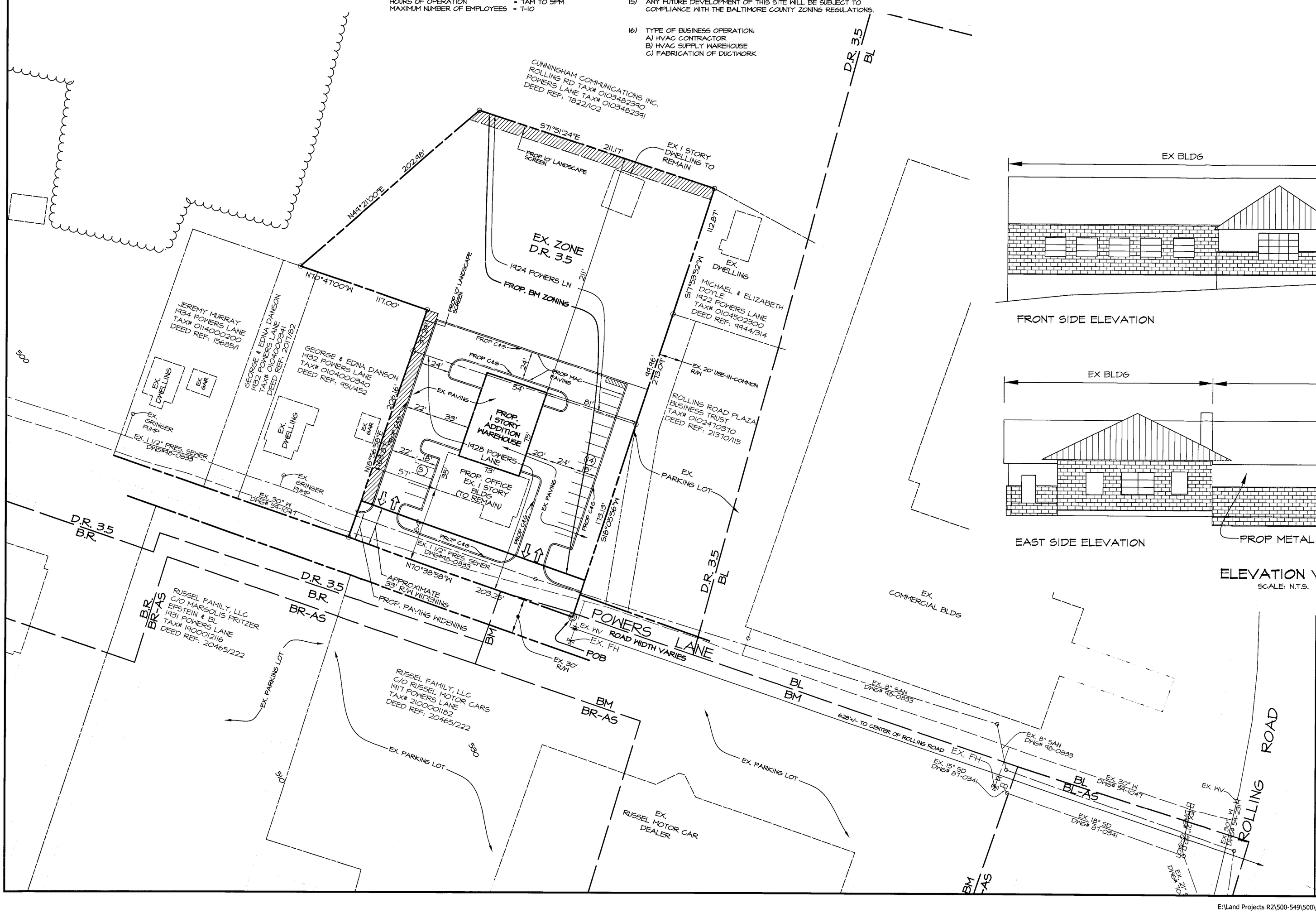
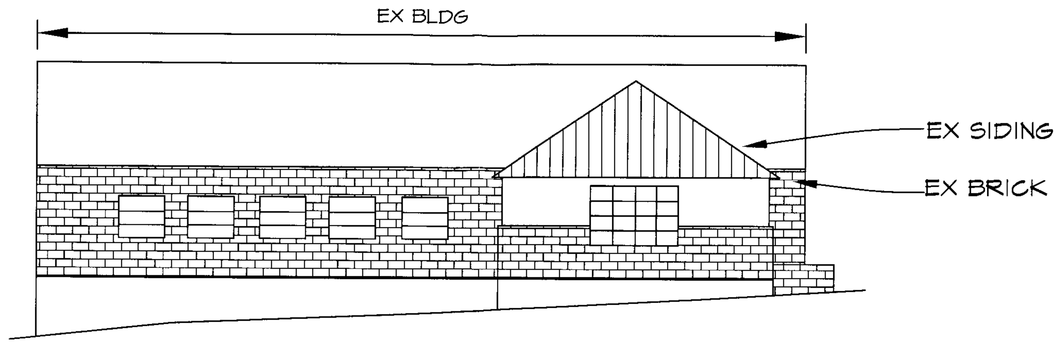
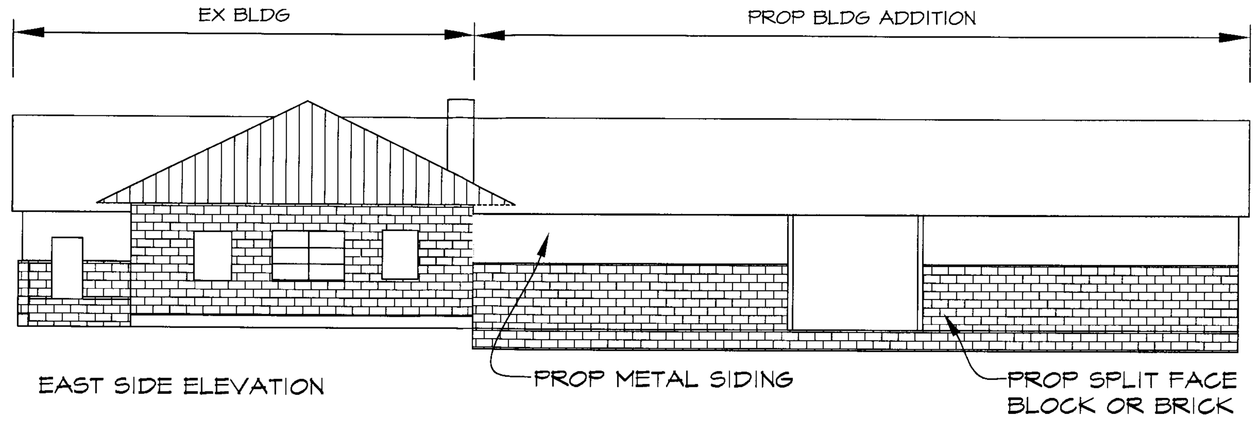


VICINITY MAP
SCALE: 1"=500'





FRONT SIDE ELEVATION



EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION

1924 & 1928 POWERS LANE

TAX MAP #94, GRID #24, PARCELS #458 & #114
1 ELECTION DISTRICT, 1 COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

SCALE: 1"=40'	
DATE: 5/11/07	
JOB NO.: 0500-01	
DESIGNED: TJH	
DRAWN: TJH/PLT	
CHECKED:	
REVISIONS:	DRAWING NUMBER: DP-1
	SHEET | OF |

E:\Land Projects R2\500-549\500\dwg\500-01 RECLASS SITE PLAN.dwg, SITE PLAN, 5/11/2007 9:34:15 AM, KIP All-Other Systems.pc3

M.C.S. NORTH

SITE DATA:

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2) EXISTING ZONING = DR 3.5
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3) BLDG AREA:
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PROP. WAREHOUSE = 4,050 SF

4) PARKING CALCULATIONS
OFFICE 2,840 SF @ 3.3/1000 = 9.3 SPACES

WAREHOUSE 5 EMPLOYEES ON LARGEST SHIFT = 5 SPACES

TOTAL REQUIRED = 15 SPACES
TOTAL PROVIDED = 14 SPACES

5) FAR:
FAR ALLOWED: 4.0
FAR PROPOSED (6,890/88,251): 0.08

6) SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

7) SITE IS NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN.

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DEED REF: 24218/68
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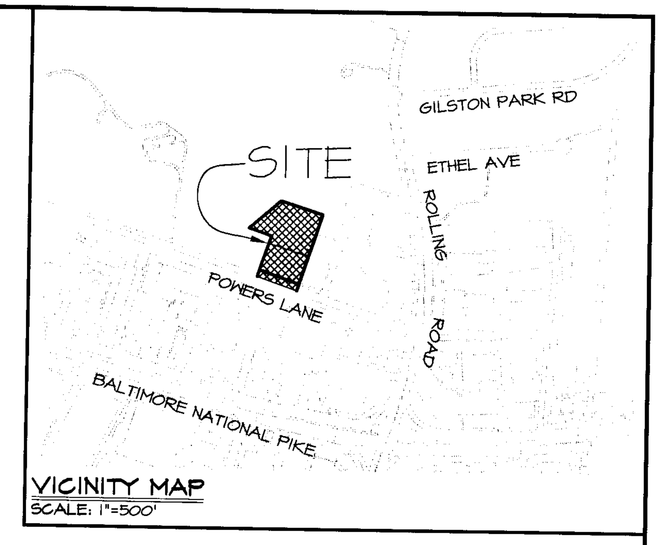
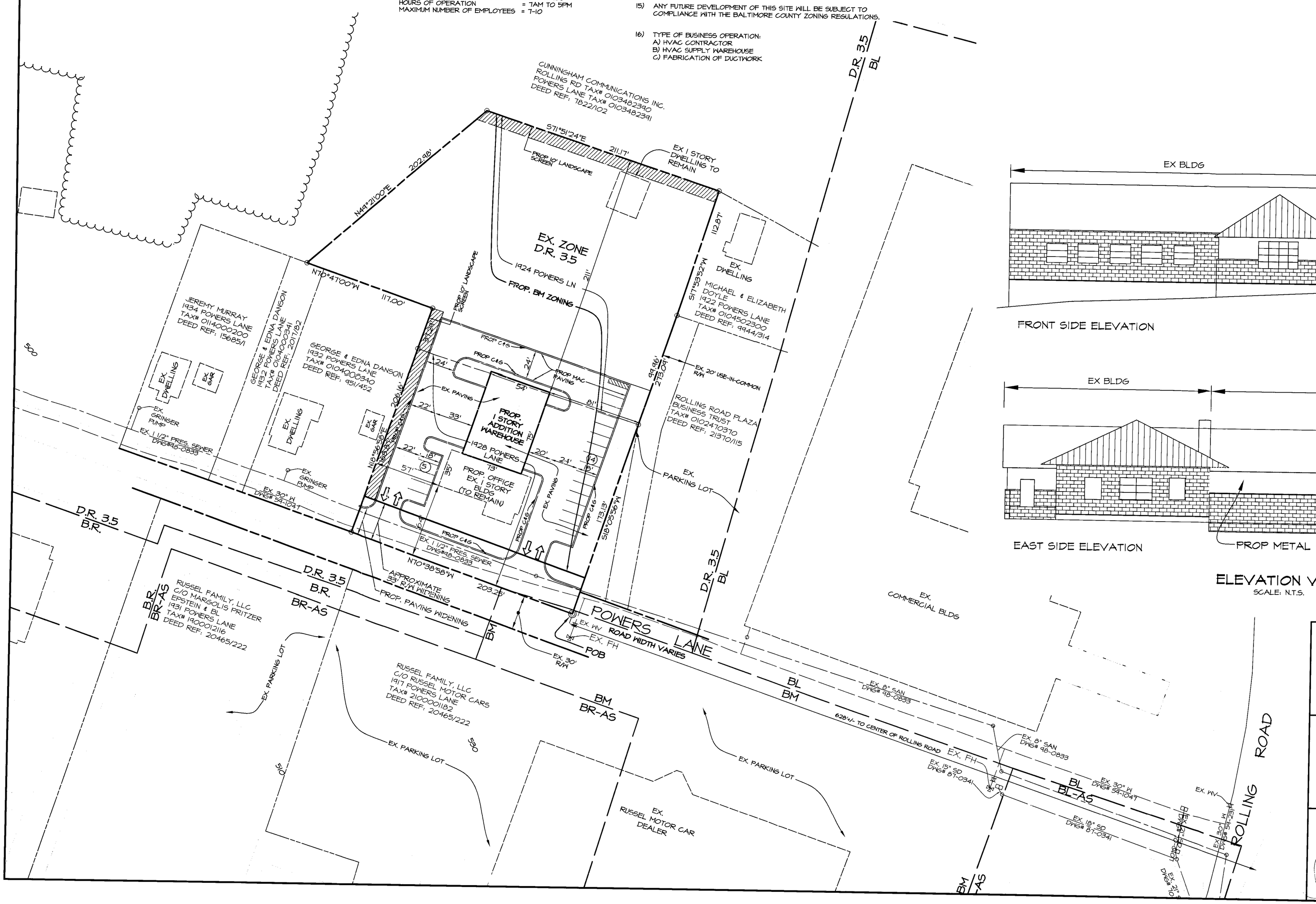
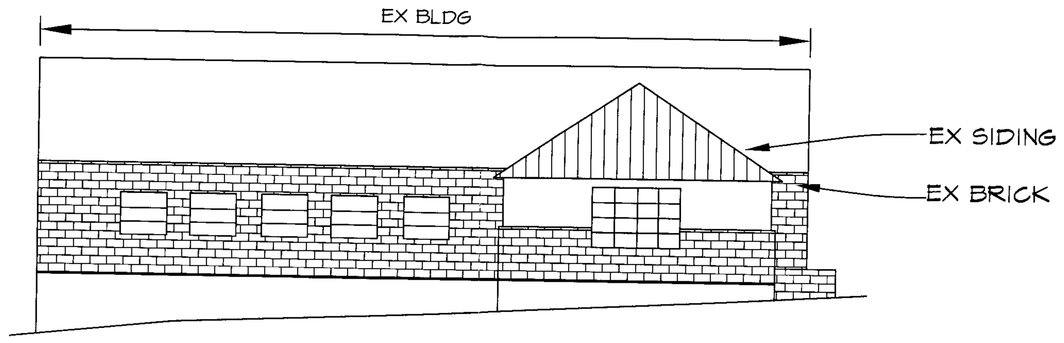


VICINITY MAP
SCALE: 1"=500'





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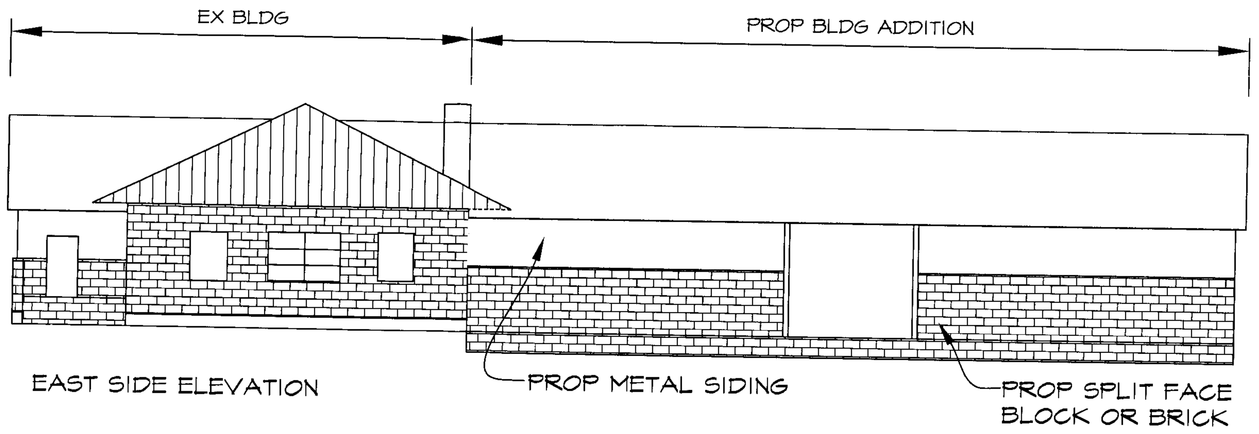

EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.

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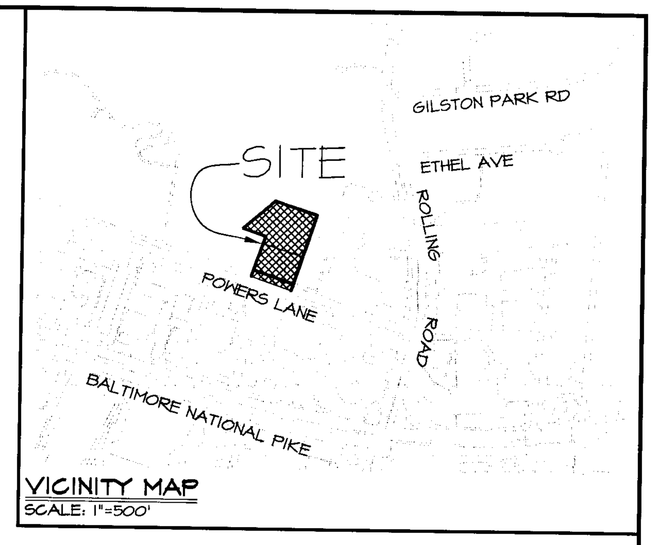
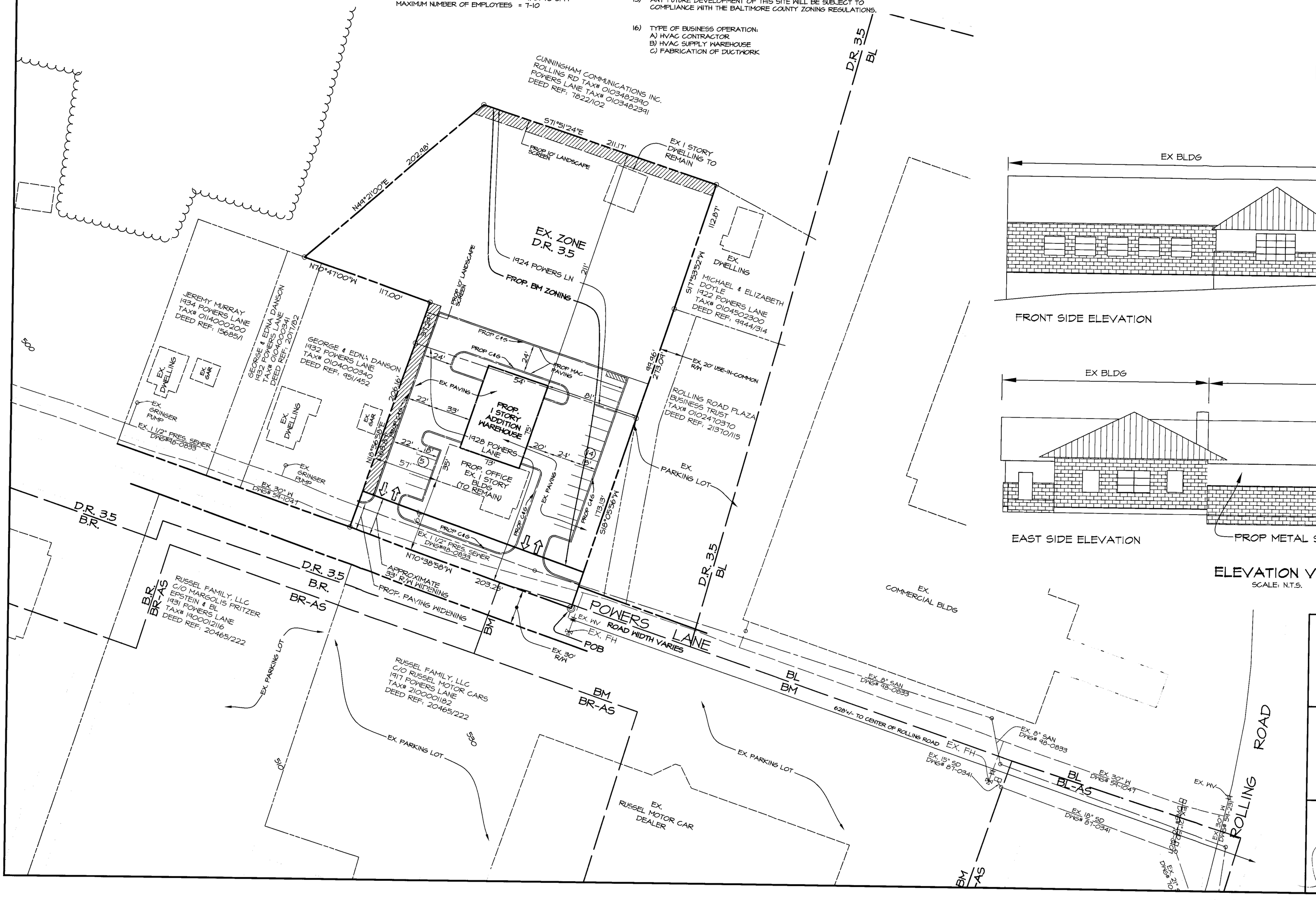
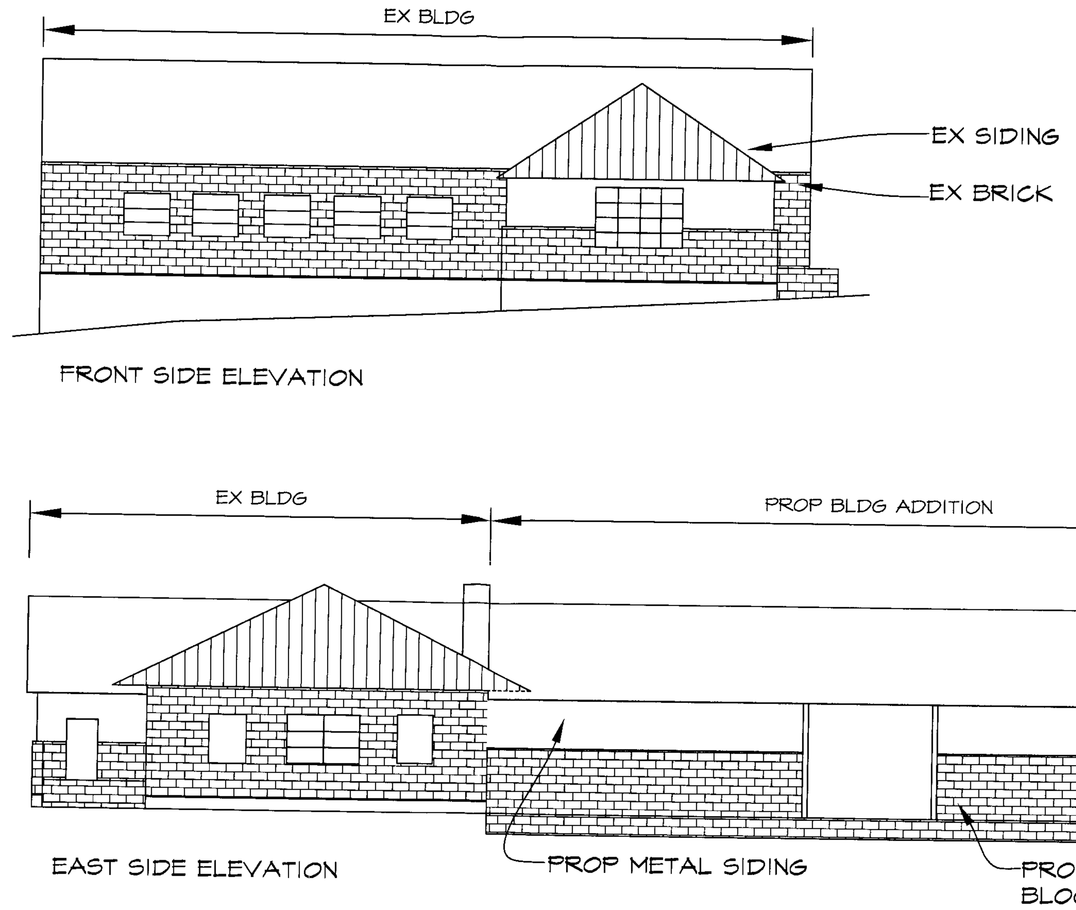


VICINITY MAP
SCALE: 1"=500'





ELEVATION VIEW
SCALE: N.T.S.

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION

1924 & 1928 POWERS LANE

TAX MAP #94, GRID #24, PARCELS #458 & #114
1 ELECTION DISTRICT, 1 COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

SCALE:	1"=40'
DATE:	5/11/07
JOB NO.:	0500-01
DESIGNED:	TJH
DRAWN:	TJH/PLT
CHECKED:	
REVISIONS:	
DRAWING NUMBER:	DP-1
SHEET	OF

E:\Land Projects R2\500-549\500\dwg\500-01 RECLASS SITE PLAN.dwg, SITE PLAN, 5/11/2007 9:34:15 AM, KIP All-Other Systems.pc3

M.C.S. NORTH

SITE DATA:

1) SITE AREA = 2.02 Ac.+/- (88,251 S.F.)

2) EXISTING ZONING = DR 3.5
PROPOSED ZONING = BM

3) BLDG AREA:
EX. BLDG (PROP. OFFICE) = 2,840 SF
PROP. WAREHOUSE = 4,050 SF

4) PARKING CALCULATIONS
OFFICE 2,840 SF @ 3.3/1000 = 9.3 SPACES

WAREHOUSE 5 EMPLOYEES ON LARGEST SHIFT = 5 SPACES

TOTAL REQUIRED = 15 SPACES
TOTAL PROVIDED = 17 SPACES

5) FAR:
FAR ALLOWED: 4.0
FAR PROPOSED (6,890/88,251): 0.08

6) SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

7) SITE IS NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN.

8) THERE IS NOT KNOWN PONDS, STREAMS, NATURAL DRAINAGE COURSES OR OTHER BODIES OF WATER ON SITE.

9) THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ONSITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.

9) ALL SIGNAGE SHALL COMPLY WITH SECTION 450
HOURS OF OPERATION = 7AM TO 5PM
MAXIMUM NUMBER OF EMPLOYEES = 7-10

10) PARKING LOT SHALL BE BITUMINOUS CONCRETE PAVING AND PARKING SPACES SHALL BE STRIPED.

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12) PUBLIC WATER & SEWER ARE AVAILABLE TO THE SITE. EXISTING BLDG IS ON PUBLIC WATER AND PRIVATE SEPTIC SYSTEM. EXISTING HOUSE IS ON PRIVATE WELL & SEPTIC SYSTEM. EXISTING BLDG WILL BE CONNECTED TO PUBLIC SEWER. EXISTING HOUSE WILL REMAIN ON WELL AND SEPTIC.

13) TO THE BEST OF OUR KNOWLEDGE THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100' FEET OF THIS SITE.

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16) TYPE OF BUSINESS OPERATION:
A) HVAC CONTRACTOR
B) HVAC SUPPLY WAREHOUSE
C) FABRICATION OF DUCTWORK

17) BOUNDARY INFORMATION SHOWN HEREON TAKEN FROM DEEDS, PLATS, & FIELD SURVEY. BEARINGS SHOWN HEREON ARE IN THE OLD BALTIMORE COUNTY SYSTEM.

18) TOPOGRAPHIC INFORMATION SHOWN HEREON TAKE FROM COUNTY GIS.

19) THERE ARE NO RECENT COMMERCIAL BUILDING PERMITS ONSITE.

OWNER:

MSDJ POWERS LANE LLC
1030 LESLIE AVE
BALTIMORE, MD 21228
PHONE: 410.747.2022
DEED REF: 24218/68
TAX ACC: 0103001670

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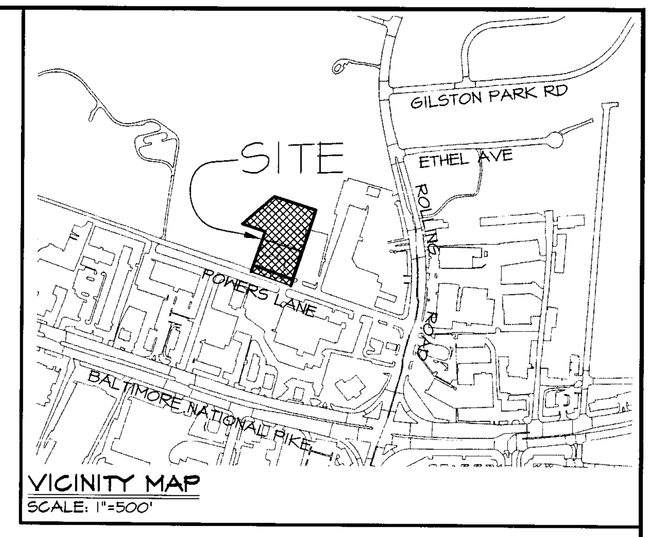
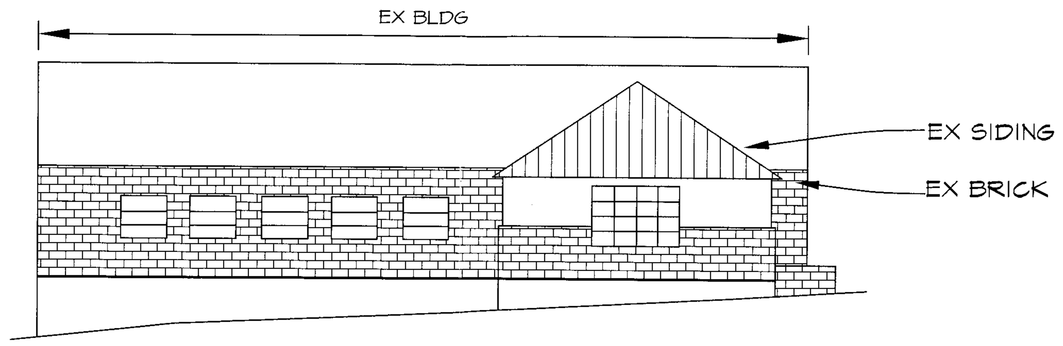
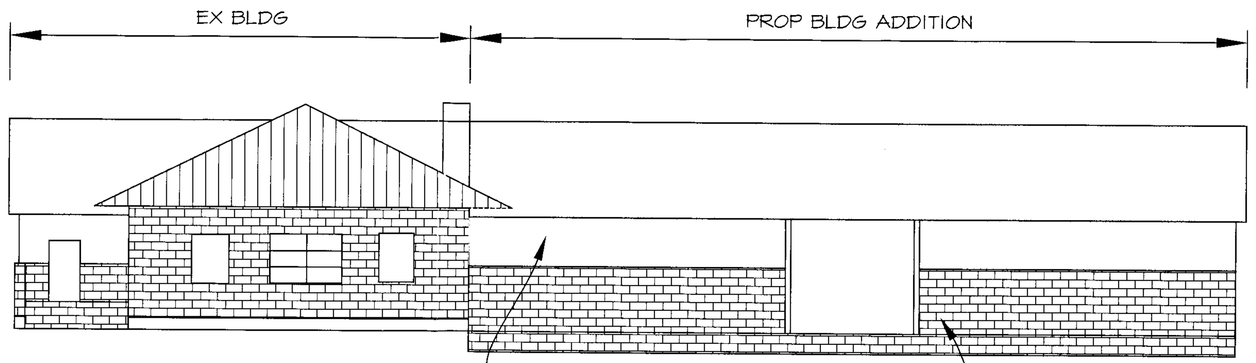
2) THERE ARE NO CRG, NO DRC, OR DEVELOPMENT PLANS ONSITE.



VICINITY MAP
SCALE: 1"=500'

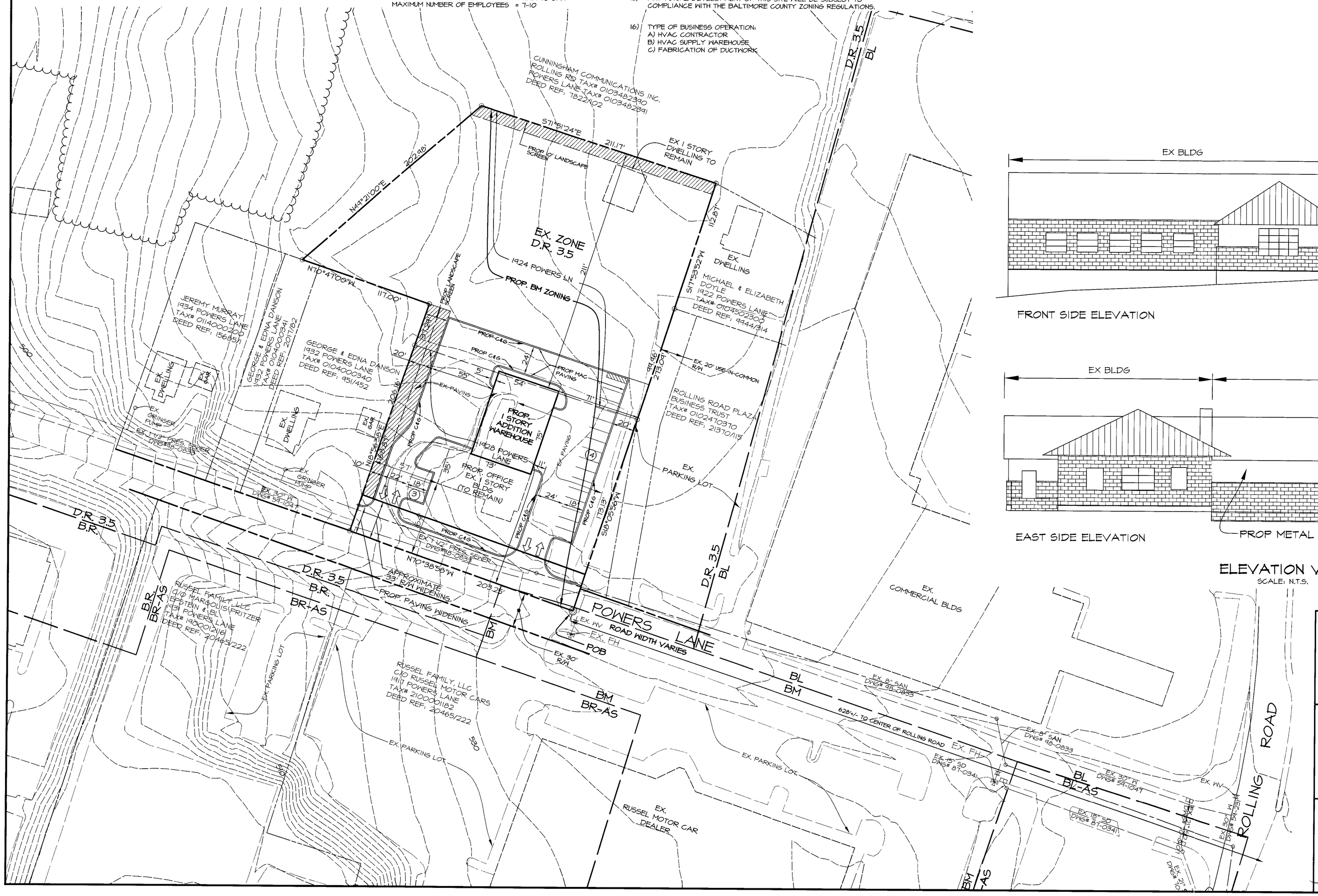


FRONT SIDE ELEVATION



EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.



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SCALE:	1"=40'
DATE:	05/11/07
JOB NO.:	0500-01
DESIGNED:	TJH
DRAWN:	TJH/PLT
CHECKED:	
DRAWING NUMBER:	DP-1
SHEET	OF

REVISIONS:
6/12/07 - REVISE BLDG. LOCATION & PARKING LAYOUT

E:\Land Projects R2\500-549\500\dwg\500-01 RECLASS SITE PLAN.dwg, SITE PLAN, 6/15/2007 11:49:31 AM, KIP All-Other Systems.pc3

M.C.S. NORTH

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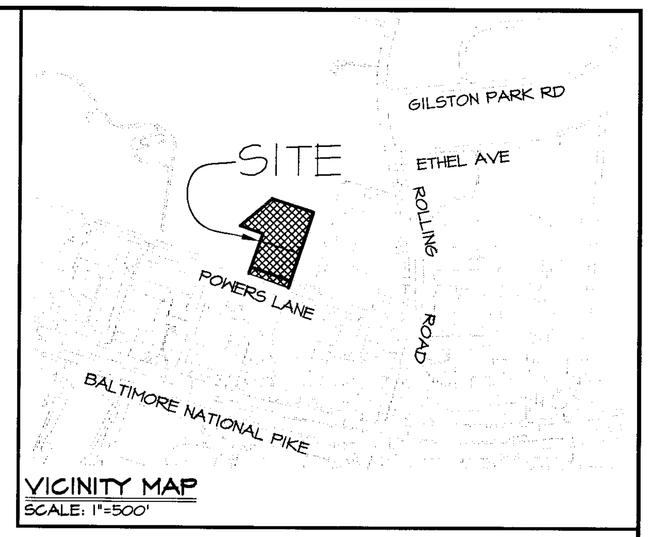
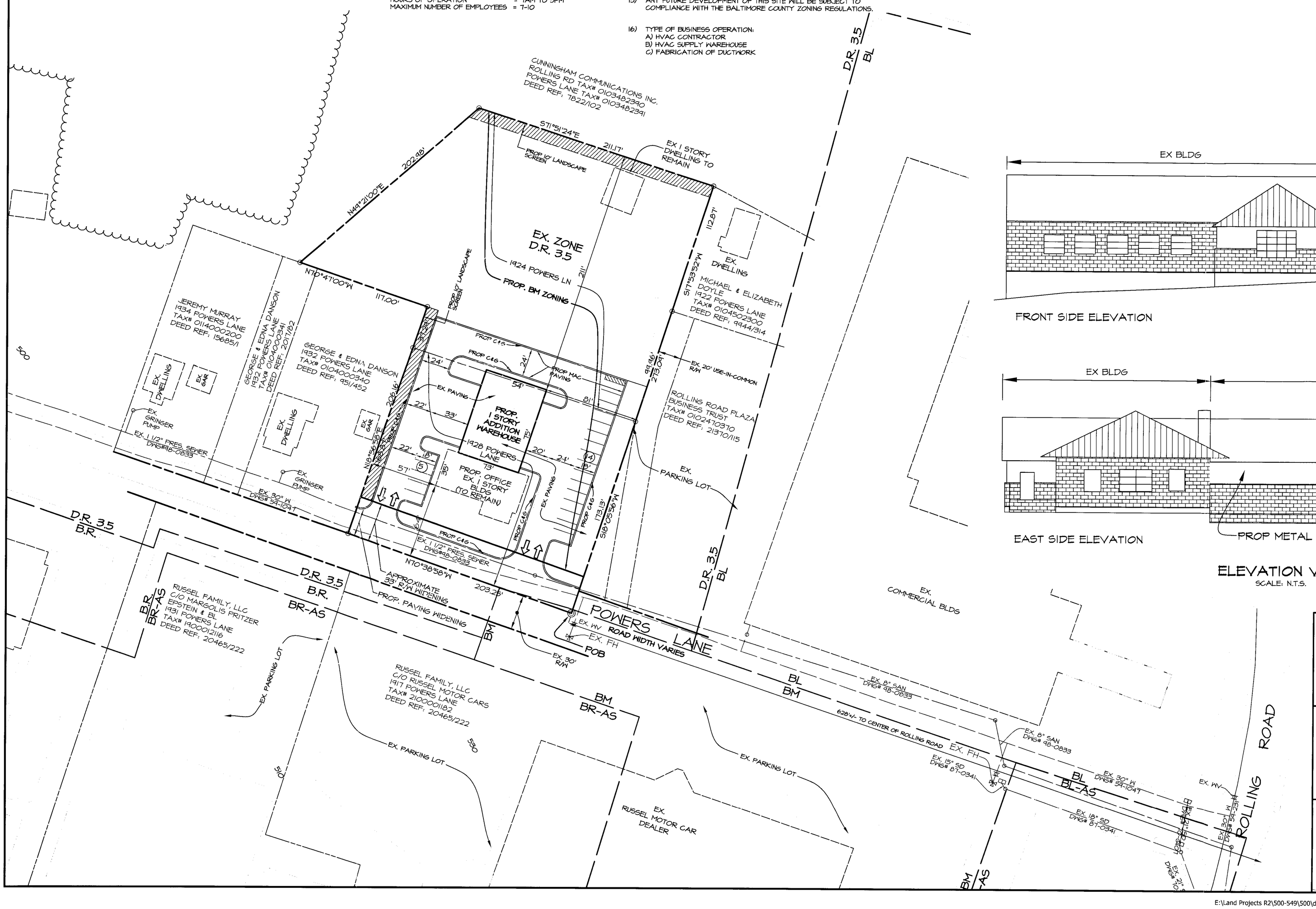
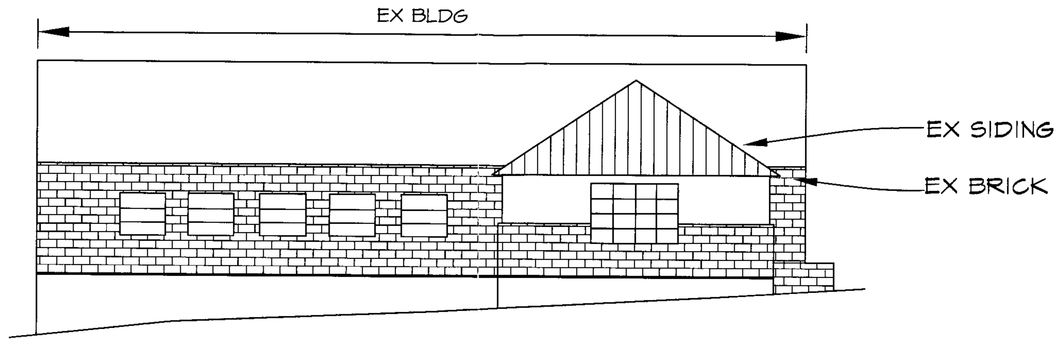
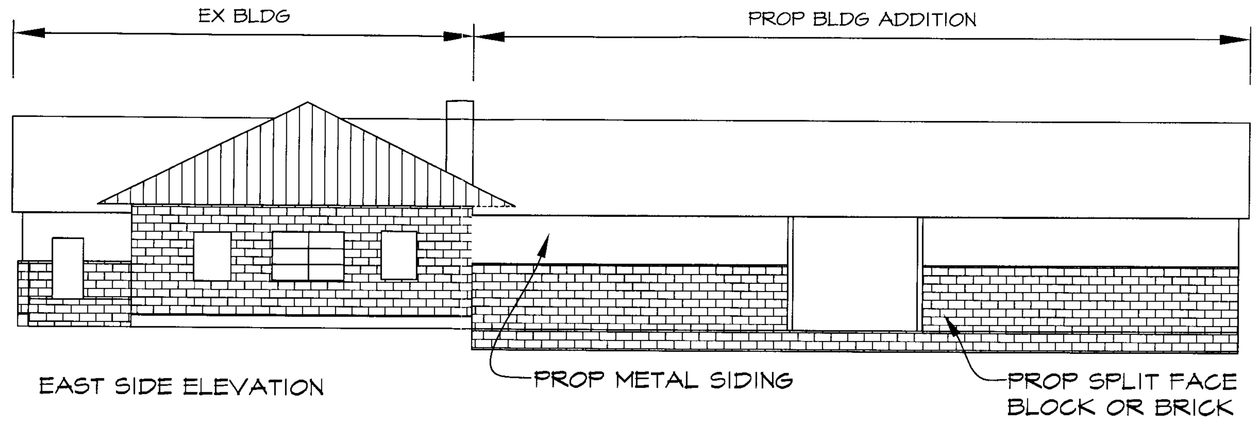


VICINITY MAP
SCALE: 1"=500'





FRONT SIDE ELEVATION



EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.

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1924 & 1928 POWERS LANE

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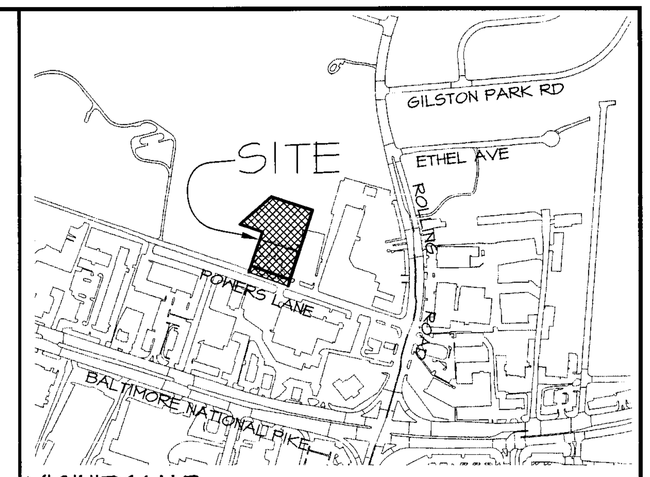
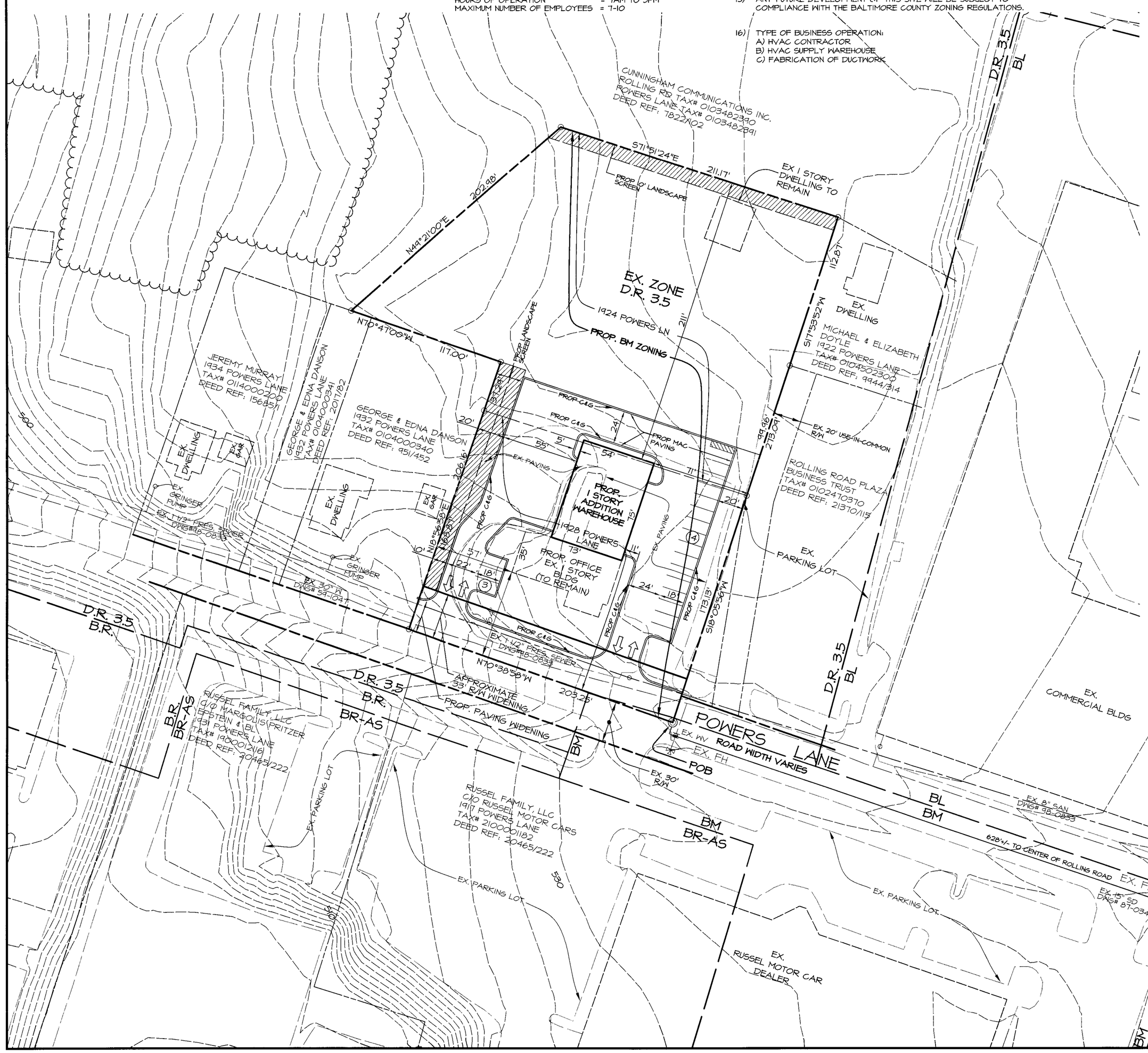
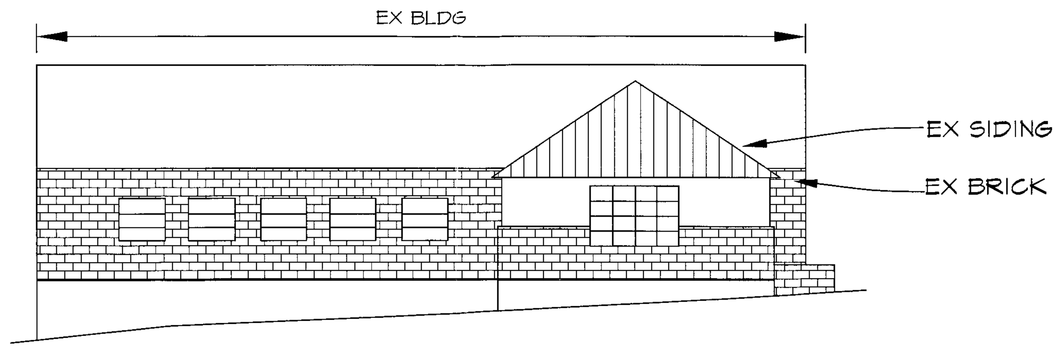
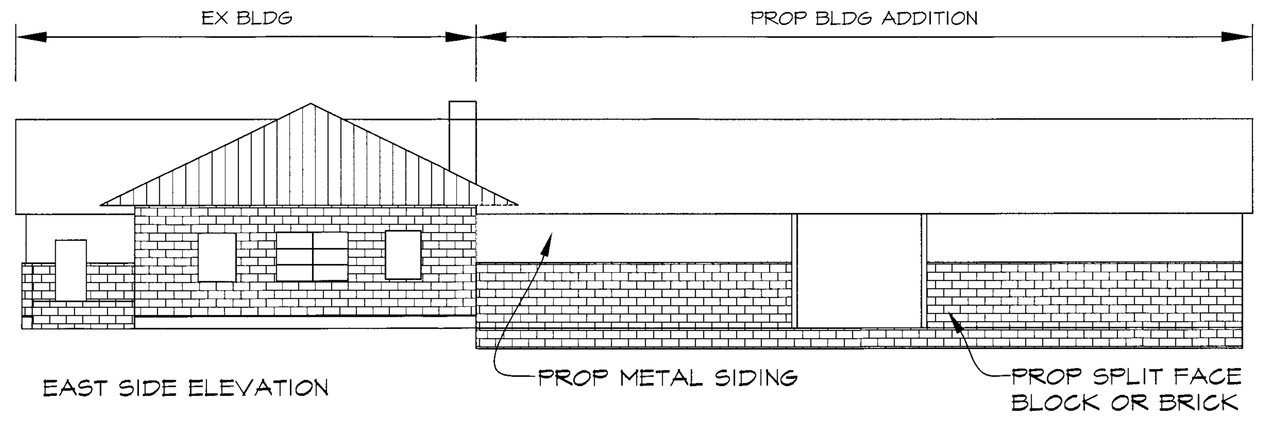


VICINITY MAP
SCALE: 1"=500'





FRONT SIDE ELEVATION



EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.

REVISED 6.20.07
CR-07-521

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION

1924 & 1928 POWERS LANE

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1 ELECTION DISTRICT, 1 COUNCILMANIC BALTIMORE COUNTY, MD

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DATE: 05/11/07	
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E:\Land Projects R2\500-549\500\dwg\500-01 RECLASS SITE PLAN.dwg, SITE PLAN, 6/15/2007 11:49:31 AM, KIP All-Other Systems.pc3

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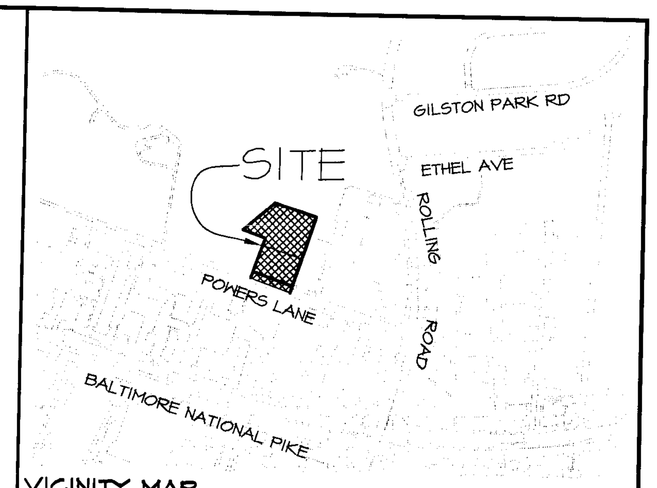
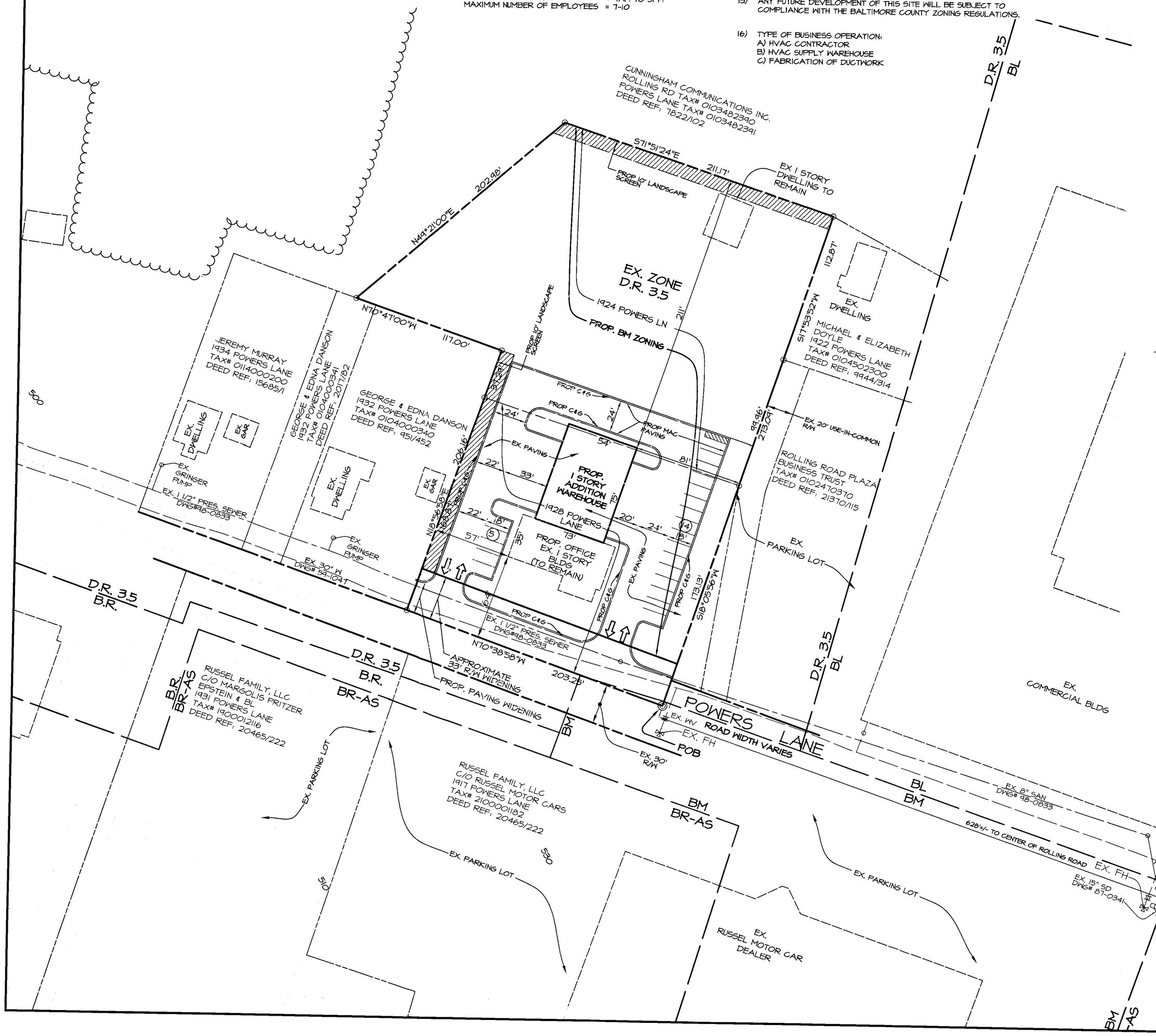
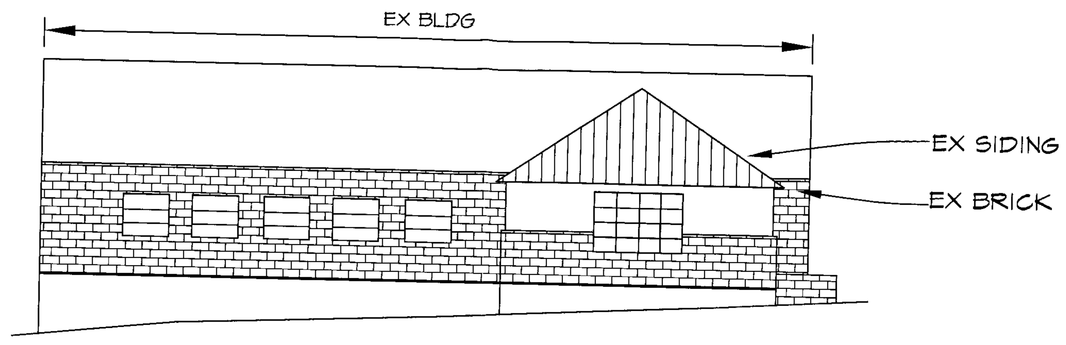


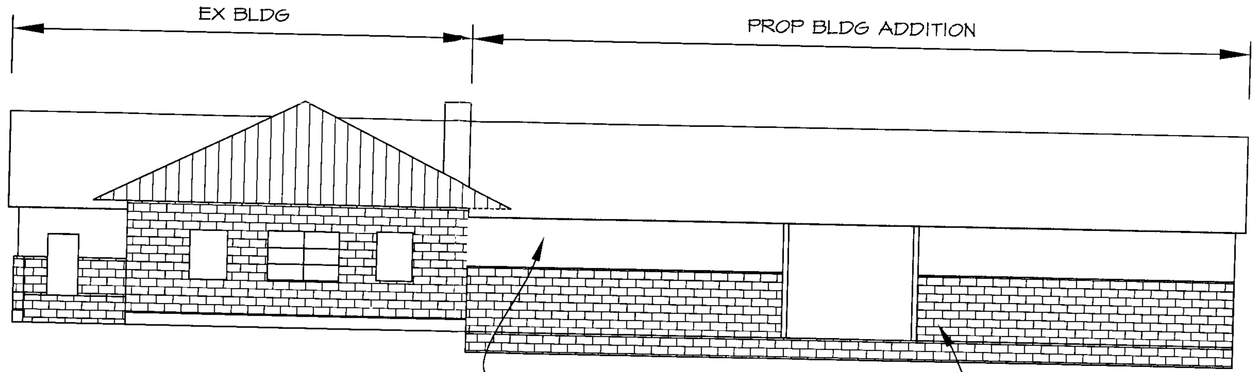
VICINITY MAP
SCALE: 1"=500'





FRONT SIDE ELEVATION

Original Plan



EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION

1924 & 1928 POWERS LANE

TAX MAP #94, GRID #24, PARCELS #458 & #114
1 ELECTION DISTRICT, 1 COUNCILMANIC BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3668 FAX 410-296-5326

SCALE:	1"=40'
DATE:	5/11/07
JOB NO.:	0500-01
DESIGNED:	TJH
DRAWN:	TJH/PLT
CHECKED:	
REVISIONS:	
DRAWING NUMBER:	DP-1
SHEET	OF

E:\Land Projects R2\500-549\500\dwg\500-01 RECLASS SITE PLAN.dwg, SITE PLAN, 5/11/2007 9:34:15 AM, KIP All-Other Systems.pc3

M.C.S.
NORTH

SITE DATA:

1) SITE AREA = 2.02 Ac.+/- (88,251 S.F.)

2) EXISTING ZONING = DR 3.5
PROPOSED ZONING = BM

3) BLDG AREA:
EX. BLDG (PROP. OFFICE) = 2,840 SF
PROP. WAREHOUSE = 4,050 SF

4) PARKING CALCULATIONS
OFFICE 2,840 SF @ 3.3/1000 = 9.3 SPACES

WAREHOUSE 5 EMPLOYEES ON LARGEST SHIFT = 5 SPACES

TOTAL REQUIRED = 15 SPACES
TOTAL PROVIDED = 19 SPACES

5) FAR:
FAR ALLOWED: 4.0
FAR PROPOSED
(6,890/88,251): 0.08

6) SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

7) SITE IS NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN.

8) THERE IS NOT KNOWN PONDS, STREAMS, NATURAL DRAINAGE COURSES OR OTHER BODIES OF WATER ON SITE.

9) THERE ARE NO HISTORICAL STRUCTURES LISTED ON THE HISTORICAL INVENTORY AS DETERMINED BY THE LANDMARKS PRESERVATION COMMISSION ONSITE. THE PROPERTY IS NOT IN A HISTORIC DISTRICT.

9) ALL SIGNAGE SHALL COMPLY WITH SECTION 450
HOURS OF OPERATION = 7AM TO 5PM
MAXIMUM NUMBER OF EMPLOYEES = 7-10

10) PARKING LOT SHALL BE BITUMINOUS CONCRETE PAVING AND PARKING SPACES SHALL BE STRIPED.

11) THIS SITE IS WITHIN THE AREA OF THE 'D' LEVEL INTERSECTION OF RT. 40 AND ROLLING RD. AS PER TRANSPORTATION BASIC SERVICES MAP ENACTED PER BILL 28-06 WITH AN EFFECTIVE DATE OF 6/3/06.

12) PUBLIC WATER & SEWER ARE AVAILABLE TO THE SITE. EXISTING BLDG IS ON PUBLIC WATER AND PRIVATE SEPTIC SYSTEM. EXISTING HOUSE IS ON PRIVATE WELL & SEPTIC SYSTEM. EXISTING BLDG WILL BE CONNECTED TO PUBLIC SEWER. EXISTING HOUSE WILL REMAIN ON WELL AND SEPTIC.

13) TO THE BEST OF OUR KNOWLEDGE THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100' FEET OF THIS SITE.

14) TO THE BEST OF OUR KNOWLEDGE THERE ARE NO UNDERGROUND STORAGE TANKS ON THIS SITE.

15) ANY FUTURE DEVELOPMENT OF THIS SITE WILL BE SUBJECT TO COMPLIANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS.

16) TYPE OF BUSINESS OPERATION:
A) HVAC CONTRACTOR
B) HVAC SUPPLY WAREHOUSE
C) FABRICATION OF DUCTWORK

17) BOUNDARY INFORMATION SHOWN HEREON TAKEN FROM DEEDS, PLATS, & FIELD SURVEY. BEARINGS SHOWN HEREON ARE IN THE OLD BALTIMORE COUNTY SYSTEM.

18) TOPOGRAPHIC INFORMATION SHOWN HEREON TAKE FROM COUNTY GIS.

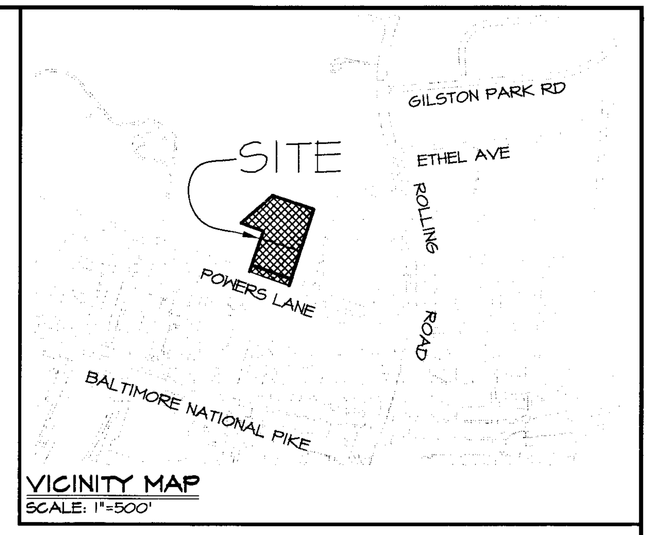
19) THERE ARE NO RECENT COMMERCIAL BUILDING PERMITS ONSITE.

OWNER:

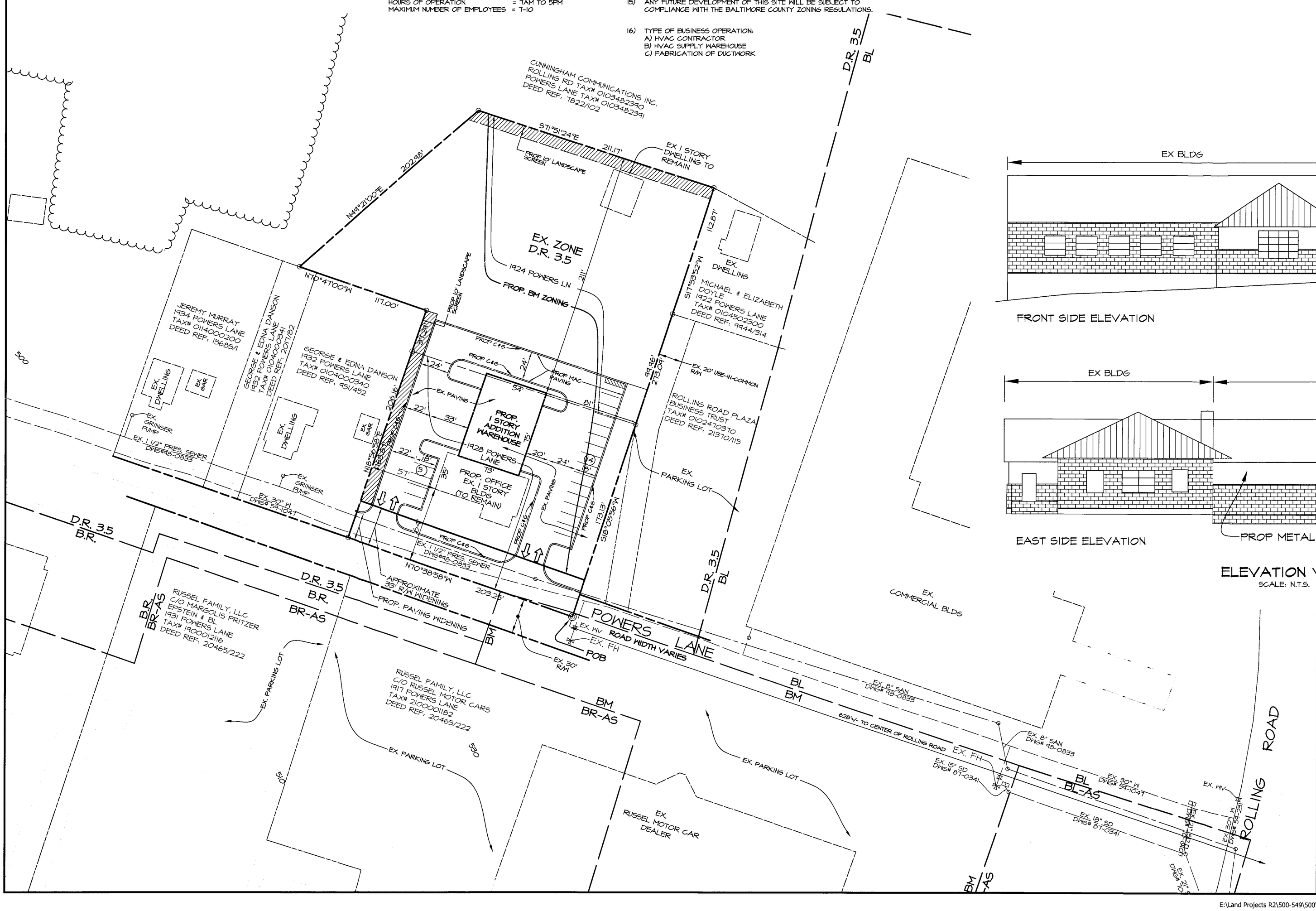
MSDJ POWERS LANE LLC
1030 LESLIE AVE
BALTIMORE, MD 21228
PHONE: 410.747.2022
DEED REF: 24218/68
TAX ACC: 0103001670

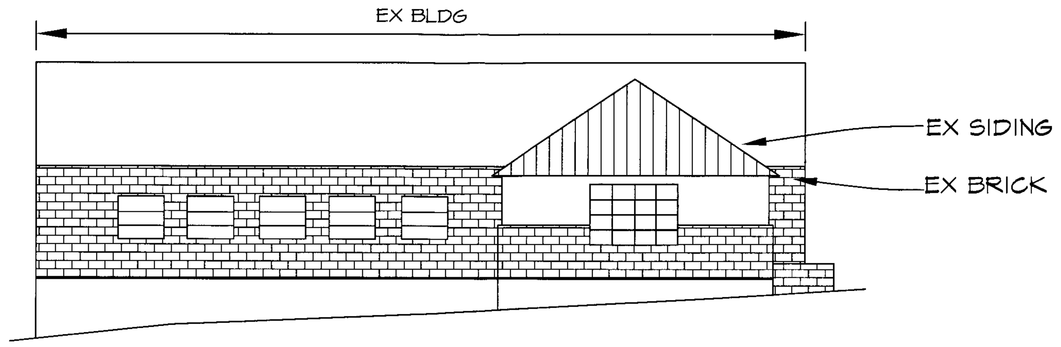
ZONING , DEVELOPMENT PLAN, & DRC HISTORY:

1) CASE NO. 76-141A FOR A PETITION FOR VARIANCE TO ALLOW A FRONT YARD SETBACK OF 39 FEET IN LIEU OF THE REQUIRED 50 FEET FOR AN EXISTING CHURCH. THE PETITION FOR VARIANCE WAS GRANTED ON JANUARY 16, 1976.
2) THERE ARE NO CRG, NO DRC, OR DEVELOPMENT PLANS ONSITE.

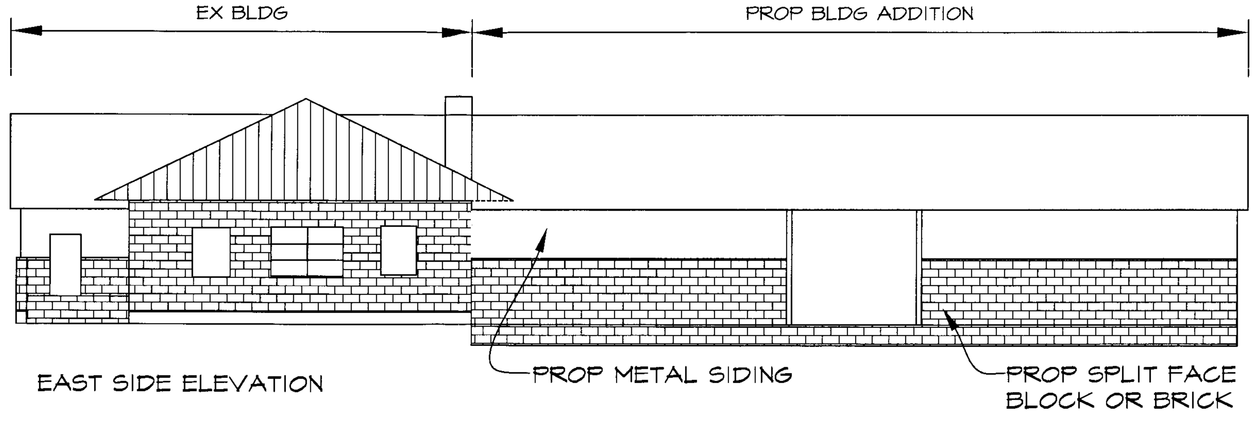


VICINITY MAP
SCALE: 1"=500'





FRONT SIDE ELEVATION



EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.

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1924 & 1928 POWERS LANE

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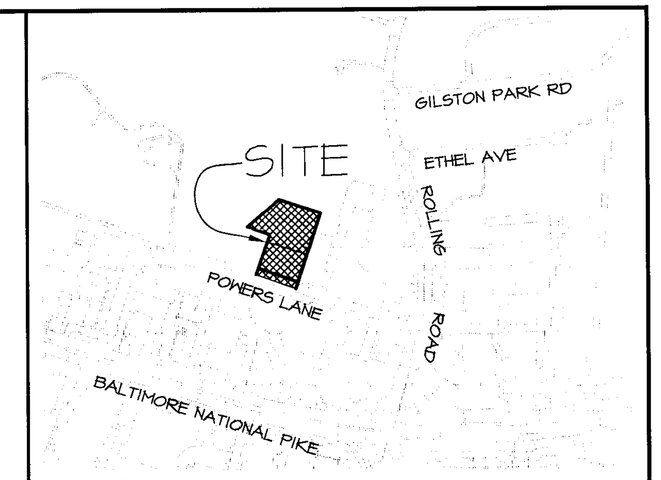

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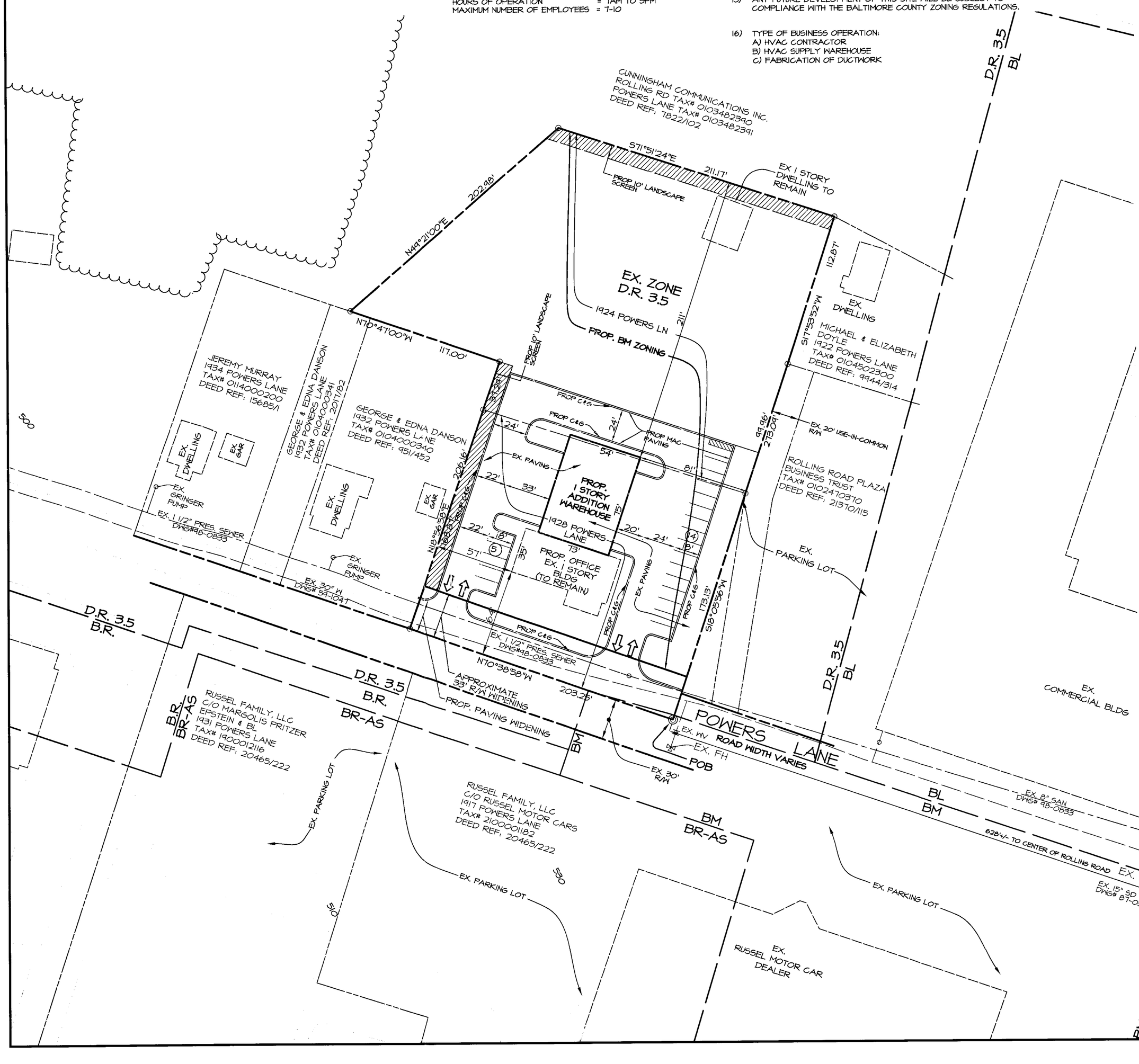
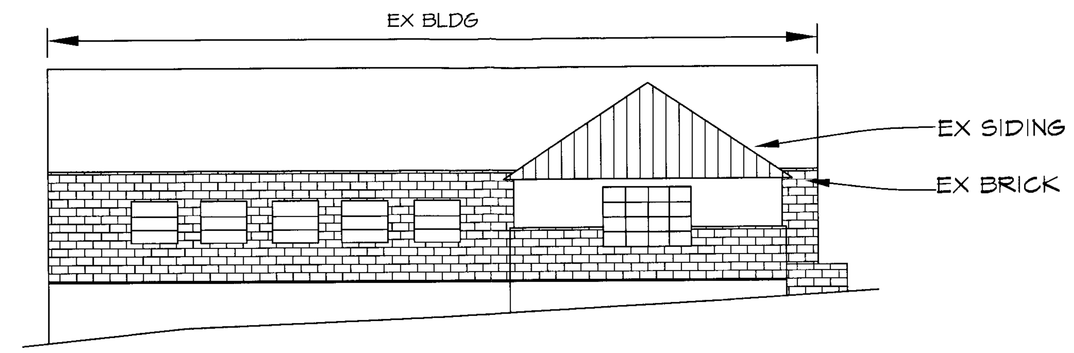
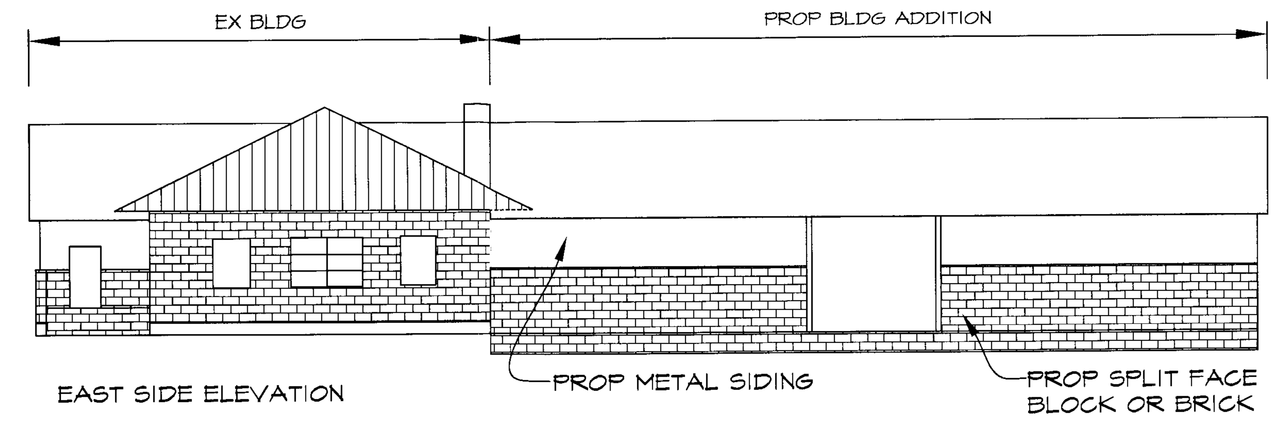




FRONT SIDE ELEVATION



EAST SIDE ELEVATION

ELEVATION VIEW
SCALE: N.T.S.

DOCUMENTED PLAN TO ACCOMPANY RECLASSIFICATION PETITION

1924 & 1928 POWERS LANE

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c: S. G. Samuel Moxley, Chairman, County Council
John Beverungen, County Attorney
Fred Homan, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Peter M. Zimmerman, People's Counsel
Tim Kotroco, Director, Permits & Development Management
Neil Lanzi, Petitioner's Attorney

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: May 24, 2007

TO: Baltimore County Zoning Advisory Committee

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

SUBJECT: Out-of-Cycle Documented Zoning Reclassification Petition
Case Number: CR-07-521
Legal Owner: MSDJ Powers Lane, LLC
By: John Lederer, Member
Contract Purchaser: Frosty Refrigeration Co., Inc.
Location: North side of Powers Lane, 628 feet west of the centerline of Rolling Road
1st Election District; 1st Councilmanic District

THE ABOVE REFERENCED PETITION HAS BEEN EXEMPTED FROM THE REGULAR CYCLICAL BI-YEARLY ZONING RECLASSIFICATION PROCEDURE BY CERTIFICATION OF THE BALTIMORE COUNTY PLANNING BOARD ON MARCH 15, 2007 AND BY RESOLUTION NO. 63-06 OF THE BALTIMORE COUNTY COUNCIL DATED MAY 7, 2007 (ATTACHED). PURSUANT TO SECTION 32-3-509(b) OF THE BALTIMORE COUNTY CODE, THE COUNTY BOARD OF APPEALS HAS SET A VERY EARLY HEARING DATE OF JUNE 28, 2007. YOU ARE REQUESTED TO EXPEDITE YOUR REVIEW AND FORWARD YOUR COMMENTS TO THIS OFFICE UNDER THE ABOVE REFERENCE PRIOR TO THE HEARING DATE. IF YOU NEED ADDITIONAL MATERIALS TO COMPLETE YOUR COMMENTS, YOU SHOULD CONTACT THE ENGINEER, ATTORNEY, OR MYSELF IMMEDIATELY.

WCR:klm

THOMAS J. HOFF, INC.
406 W. Pennsylvania Ave. 2nd Floor
TOWSON, MARYLAND 21204

(410) 296-3668
FAX (410) 296-5326

LETTER OF TRANSMITTAL

DATE 7/16/07	JOB NO. 500-01
ATTENTION CARL RICHARDS	
RE: 1924 & 1928 POWERS LA.	

TO ZONING OFFICE

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			DOCUMENTED PLAN

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution

☒ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☐ For review and comment ☐ _____

☐ FOR BIDS DUE _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO _____

SIGNED: THOMAS J. HOFF

If enclosures are not as noted, kindly notify us at once.