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IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

N/Side Liberty Road @ W/Side of

Wards Chapel Road

(11100 Liberty Road)

2nd Election District

4th Council District

Wards Chapel Holdings, LLC

Petitioner

BEFORE THE

ZONING COMMISSIONER

* OF

BALTIMORE COUNTY

Case No. 07-556-SPHA

ORDER ON REMAND

This matter returns to the Zoning Commissioner on Remand by Order dated October 16, 2008 from the County Board of Appeals for Baltimore County ("Board") for consideration of revised Petitions for Special Hearing and Variance. The original Petitions were filed by the owner of the subject property, Wards Chapel Holdings, LLC, through its attorney, Howard L. Alderman, Jr., Esquire, when the subject property was split-zoned, R.C.C. and R.C.4. Special hearing relief was filed requesting approval of the following: (1) the use by the proposed building of the existing septic reserve area which presently serves the existing building; (2) pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 104.3, a 12.7%+/- increase in the existing, prior approved non-conforming lot coverage; (3) an amendment to the relief granted and plan approved in Case Nos. II-672 & 06-456-SPHA consistent with the requested relief and the plan to accompany this Petition, and (4) the measurement of the side yard setback from the property line rather than the split-zoning boundary. In addition, Variance relief was then requested from the following sections of the B.C.Z.R.: (1) Section 1A06.4A.4 for a new building containing 3,940 square feet in lieu of the 3,000 square feet permitted; (2) if the determination of measurement of side yard setback is not approved as part of the Special Hearing Petition filed herewith, then in the alternative, from Section 1A06.4A.2 to permit a side yard

setback of 10 feet in lieu of the 15 feet required, and (3) if the 12.7%+/- extension of lot coverage is not approved as part of the Special Hearing Petition filed herewith, then alternatively, from B.C.Z.R. Section 1A06.4A.6 to permit 66.7% lot coverage in lieu of the previously approved 59.2%. The subject property and requested relief was more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1 in the original hearing. On Remand, the Revised Plan to Accompany the Petitions in this case reflecting the redrawn zoning lines and modifications to certain of the Site Data notes was accepted as Petitioner's Exhibit R-1. My task, on Remand, is to conduct such further proceedings as I deem necessary in light of the rezoning of the subject property by the County Council. Had the Board remanded this case for any other reason or had it directed a reexamination of issues decided in my prior Order, a more extensive proceeding would have been My original Order in this case, dated October 4, 2007, granted the Special conducted. Hearing relief requested and granted the variance relief for the proposed building containing 3,940 square feet. All other variance relief was dismissed as moot. Thereafter, the Baltimore County Office of People's Counsel noted a timely appeal of my original Order to the Board.

During the pendency of the appeal, the Owner filed an application for change of zoning classification during the *Baltimore County 2008 Comprehensive Zoning Map Process*. That application was docketed as Issue No. 4-025. The final action of the Baltimore County Council was to zone the subject property, in its entirety, R.C.C.

As a result of the rezoning, certain portions of the requested relief have been reduced or eliminated, such that on Remand the requested relief is as follows: A special hearing requesting approval of the following: (1) pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 104.3, a 12.7%+/- increase in the existing, prior approved non-conforming lot coverage;

and (2) an amendment to the relief granted and plan approved in Case Nos. II-672 & 06-456-SPHA consistent with the requested relief and the plan to accompany this Petition. Variance relief from (1) Section 1A06.4A.4 for a new building containing 3,940 square feet in lieu of the 3,000 square feet permitted; (2) if the 12.7%+/- extension of lot coverage is not approved as part of the Special Hearing Petition filed herewith, then alternatively, from B.C.Z.R. Section 1A06.4A.6 to permit 33.9% lot coverage in lieu of the existing 30.1%.

Appearing at the requisite public hearing in support of these Petitions were Howard L. Alderman, Jr., Esquire, attorney for Petitioner, Geoffrey Schultz, President of McKee & Associates, Inc., the engineering firm that prepared the site plan, and Randy Shelley, representing the property owners. People's Counsel for Baltimore County, Peter Max Zimmerman, appeared in opposition and participated as the Appellant in this matter. There were no Protestants or other interested persons in attendance.

An appreciation of the property's past history and use is relevant and is briefly outlined. The subject property (3.16 acres of previously split-zoned Resource Conservation – Commercial [R.C.C.] and Resource Conservation – Watershed Protection [R.C.4]) has been owned and utilized as the Petitioner's general offices since 1981. When constructed, the existing two-story 10,742 square foot commercial building, 64 parking spaces and septic system were legal uses in the B.L. zone. The R.C.C. regulations were imposed in 1988. As part of the Development Plan for the "Harker Property", the Petitioner filed a Petition for Special Hearing and Variance in Case No. 06-456-SPHA and was granted approval by then Deputy Zoning Commissioner John V. Murphy. As noted on the site plan(s) [Petitioner's Exhibits 1 and R-1] and the prior Development Plan and Zoning Order submitted [Petitioner's Exhibit 2], this Commission legitimized the existing impervious surface areas as non-conforming uses including the septic

reserve area in the R.C.4 zone that serves the structure in the R.C.C. zone. Development Plan and Zoning Order, which became final and is now presumed correct, also held that the existing building was exempt from the calculation and limitation of gross floor area for buildings specified in BCZR Section 1A06.4.A. Further, in response to questions from Mr. Zimmerman, Mr. Schultz testified that no portion of the subject property was used in the calculation of density for the adjoining residential subdivision approved by then Hearing Officer Jack Murphy. In my original Order, I found that the Petitioner's business had grown and there exists a need to further improve the property with a new single-story office building containing 3,940 square feet that will be built on the western side of the existing building and share the existing parking spaces, septic reserve area and well. In this regard, testimony revealed that all uses (existing and proposed) will not produce more than 5,000 gallons of sewage per day and will not overburden the private sewage disposal system and potable water supply nor will the improvements endanger the metropolitan district reservoir, Locust Run, which runs into the Liberty Reservoir, or create health or environmental nuisances for the neighboring properties. The entire new, single-story building will be used exclusively as general offices and will meet all applicable height and setback requirements. Other than the footprint of the building, the only other impervious area will be limited to 375 square feet for proposed walkways. There has been no change in building design, location or site layout since Petitioner's Exhibit 1 was submitted at the original hearing in this case before me. Testimony further revealed that the County Council had the benefit of considering the site plan of the existing and proposed improvements in reaching the decision to rezone the entire subject property for rural commercial uses.

Non-conforming uses are defined in Section 101 of the B.C.Z.R. and regulated by Section 104 thereof and states in pertinent part:

B LD -4-08

Section 104.1 – "A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever ..."

Section 104.3 – "No nonconforming building or structure and no nonconforming use of a building, structure or parcel of land shall hereafter be extended more than 25% of the ground floor area of the building so used . . ."

The Appellate Courts have provided considerable guidance as to the law applicable in determining whether or not a use is or is not an intensification. In *McKemy v. Baltimore County*, 39 Md. App. 257, 269 (1978) four factors are noted in pages 269-70 as follows:

- 1. To what extent does the current use of these lots reflect the nature and the purpose of the original nonconforming use?
- 2. Is the current use merely a different manner of utilizing the original nonconforming use, or does it constitute a use different in character, nature, and kind?
- 3. Does the current use have a substantial different effect upon the neighborhood?
- 4. Is the current use a "drastic enlargement or extension" of the original nonconforming use?

I find from the evidence submitted that the proposed additional impervious area is an intensification of a nonconforming use and is permissible as the nature and character of the use is unchanged and is substantially the same facility as currently used. The 12.7% proposed is substantially less than the 25% permitted under Section 104.3. Moreover, it is evident that the County Council has determined that the entire subject property should be available for the rural commercial uses allowed under the R.C.C. zoning classification, including without limitation general offices as proposed by the Petitioner.

After due consideration of the testimony and evidence presented, I am persuaded that the relief requested meets the spirit and intent of the B.C.Z.R., will not impact neighboring properties and that relief should be granted.

Pursuant to the advertisement, posting of the property, and hearing on these petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this ______ day of December 2008, that the revisions to the Petition for Special hearing to approve: (1) pursuant to Baltimore County Zoning Regulation (B.C.Z.R.) Section 104.3, a 12.7%+/- increase in the existing, prior approved non-conforming lot coverage; and (2) an amendment to the relief granted and plan approved in Case No. II-672 & 06-456-SPHA consistent with the requested relief and the plan to accompany this Petition, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A06.4A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a new building containing 3,940 square feet in lieu of the 3,000 square feet permitted in accordance with Petitioner's Exhibit R-1, be and is hereby GRANTED; subject to the following restrictions:

- 1. Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner shall comply with the Zoning Advisory Committee (ZAC) comments dated July 19, 2007, a copy of which is attached hereto and made a part hereof.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

IT IS FURTHER ORDERED that the portion of the revised Petition for Variance filed in the alternative seeking a variance from B.C.Z.R. Section 1A06.4A.6 to permit 33.9% lot coverage in lieu of the existing 30.1%, be and are hereby DISMISSED, as moot.

Any appeal of this decision must be made within thirty (30) days of the date of this

Order.

WJW:dlw

MAN, III Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

December 4, 2008

Howard L. Alderman, Jr. Esquire Levin & Gann, PA 502 Washington Avenue, Suite 800 Towson, Maryland 21204

RE: ORDER ON REMAND PETITIONS FOR SPECIAL HEARING AND VARIANCE
N/Side Liberty Road @ W/Side of Wards Chapel Road
(11100 Liberty Road)
2nd Election District – 4th Council District

Wards Chapel Holdings, LLC - Petitioner

Case No. 07-556-SPHA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, and the Petition for Variance has been granted in part with restrictions and dismissed in part as moot, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

Zoning Commissioner for Baltimore County

WISIEMAN, III-

WJW:dlw Enclosure

Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, Md. 21030
 Randy Shelley, 2601 Cotter Road, Millers, Md. 21102
 Peter Max Zimmerman, People's Counsel, Office of People's Counsel
 Board of Appeals; DEPRM; File

10/10/08

IN RE: PETITIONS FOR SPECIAL
HEARING & VARIANCE
11100 Liberty Road
2nd Election District
4th Councilmanic District

Wards Chapel Holdings, LLC,
Petitioner/Owner

BEFORE THE

COUNTY BOARD OF APPEALS

FOR

BALTIMORE COUNTY

Case No.: 2007-0556-SPHA

REMAND ORDER

Upon review of the Motion for Remand to Zoning Commissioner filed by the Petitioner in this case and in consideration of the Office of People's Counsel's lack of objection thereto,, it is this <u>lot</u> day of <u>October</u>, 2008,

ORDERED, that this case is remanded to the Zoning Commissioner for Baltimore County for further consideration of the relief requested, as the same is to be modified as a result of the change of zoning classification applicable to the subject property made by the Baltimore County Council during the 2008 Comprehensive Zoning Map Process.

BOARD OF APPEALS

LAWRENCE WESCOTI

MÁUREEN MURPHY

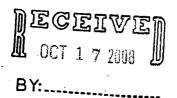
ANDREW BELT



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



Howard L. Alderman, Jr., Esquire LEVIN & GANN, P.A. Nottingham Centre, 8th Floor 502 Washington Avenue Towson, MD 21204-4525 Peter M. Zimmerman, People's Counsel for Baltimore County Room 204, Jefferson Building 105 W. Chesapeake Avenue Towson, MD 21204

RE: In the Matter of: Wards Chapel Holdings, LLC Case No. 07-556-SPHA /Order of Remand

Dear Counsel:

Enclosed please find a copy of the Board's Remand Order issued this date in the subject matter.

Very truly yours,

Kathleen C. Bianco Administrator

Enclosure

c: Wards Chapel Holdings, LLC
Randy Shelley
Geoffrey Schultz /McKee & Associates
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

LAW OFFICES

LEVIN & GANN

A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960) CALMAN A. LEVIN (1930-2003)

October 9, 2008

Kathleen Bianco, Administrator County Board of Appeals for Baltimore County The Jefferson Building 105 West Chesapeake Avenue, Suite 203 Towson, Maryland 21204

RE: Wards Chapel Holdings, LLC Property

Case No. 07-556-SPHA

Unopposed Motion for Remand

Dear Ms. Bianco:

HOWARD L. ALDERMAN, JR.

halderman@LevinGann.com

DIRECT DIAL

410-321-4640

On behalf of Wards Chapel Holdings, LLC, we respectfully request that the Board remand Case No. 07-556-SPHA to the Zoning Commissioner for Baltimore County, presently scheduled for October 21, 2008, for further consideration in light of the recent rezoning of the subject property by the Baltimore County Council. I have attached a Motion for Remand and proposed Order for the Board's consideration. As recited in the Motion, the Office of People's Counsel has no opposition to the granting of this Motion.

The original Motion and three (3) copies are being filed herewith. Should you or any member of the Board need any additional information in consideration of this request please do not hesitate to call Mr. Zimmerman (410-887-2188) or me at the number above.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

c (w/encl.): People's Counsel for Baltimore County

Wards Chapel Holdings, LLC

OCT 0 9 2008

BALTIMORE COUNTY BOARD OF APPEALS IN RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
11100 Liberty Road

2nd Election District
4th Councilmanic District

Wards Chapel Holdings, LLC, Petitioner/Owner BEFORE THE

COUNTY BOARD OF APPEALS

FOR

BALTIMORE COUNTY

Case No.: 2007-0556-SPHA

MOTION FOR REMAND TO ZONING COMMISSIONER [UNOPPOSED]

Wards Chapel Holdings, LLC, a Maryland limited liability company ("Owner") by and through its undersigned legal counsel, hereby moves that the Board remand this Case to the Zoning Commissioner for Baltimore County for further proceedings and, in support thereof, states as follows:

- 1. The Zoning Commissioner for Baltimore County granted Owner's requested special hearing relief and dismissed Owner's alternative variance relief as moot, pursuant to an Order dated October 4, 2007 ("Zoning Order").
- 2. On October 23, 2008, the Baltimore County Office of People's Counsel noted a timely appeal of the Zoning Order to this Board.
- Owner filed an application for rezoning of the subject property during the
 Comprehensive Zoning Map Process and that application was assigned Issue No. 4-
 - 4. On August 26, 2008, the Baltimore County Council passed County Council

Bill No. 88-08, repealing the existing zoning maps in the 4th Councilmanic District of Baltimore County and adopting new zoning maps for that District reflecting changes made during the 2008 Comprehensive Zoning Map Process, including but not limited to acceptance by the County Council of the recommendations of the Office of Planning and the Baltimore County Planning Board changing the zoning classifications of R.C.C. and RC-4 on the subject property to entirely R.C.C. [A copy of the relevant page of the *Log of Issues* for the 4th Councilmanic District showing the recommendations of the Office of Planning and the Baltimore County Planning Board on Issue No. 4-025 (page 4) and the cover page and relevant pages of the Minutes of the Baltimore County Council's August 26, 2008 legislative session pertaining to the 4th Councilmanic District (pages 15-16) accepting the recommendations, are attached hereto and incorporated herein by reference.]

- 5. With the R.C.C. zoning classification being made applicable to the entire subject property, material reductions/modifications to the special hearing and alternative variance relief as originally petitioned are required.
- 6. The Owner requests that this case be remanded to the Zoning Commissioner for Baltimore County for consideration of the relief to be modified as a result of the rezoning of the subject property.
- 7. The undersigned has discussed this request for remand with the Office of People's Counsel and, without waiving any rights of participation, review, appeal, etc. afforded that Office with respect to proceeding on remand or any Order that may be issued on remand, the Office of People's Counsel has no objection to this motion.

FOR ALL OF THE FOREGOING REASONS, Wards Chapel Holdings, LLC respectfully requests that this Honorable Board:

- A. Remand this case to the Zoning Commissioner for Baltimore County for further consideration in light of the rezoning of the property which is the subject of the Owner's Petitions; and
- B. For such further relief as the nature of this case may require.

Howard L. Alderman, Jr.

Levin & Gann, P.A.

8th Floor, Nottingham Centre

502 Washington Avenue

Towson, Maryland 21204

410.321.0600 [voice]

410.296.2801 [fax]

halderman@LevinGann.com [e-mail]

Attorneys for Wards Chapel Holdings, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of October, 2008, a copy of the foregoing Motion for Remand to Zoning Commissioner [Unopposed] and the proposed Order attached thereto were hand-delivered to the following:

Peter Max Zimmerman, People's Counsel for Baltimore County Carole S. Demilio, Deputy People's Counsel for Baltimore County

The Jefferson Building, Suite 204

105 West Chesapeake Avenue

Towson, Maryland, 21204

Howard L. Alderman, Jr.

Language Referred to Above

As noted above, the Board has remanded this matter to the undersigned for additional proceedings, specifically with regard to the classification of the forest stands on this property and, the discrepancy as to the forest buffer line and unresolved groundwater management comments. For ease of discussion, these issues will be addressed individually hereafter.

Before addressing these issues, however, some general points on the nature of remand should be addressed. Maryland Rule 7-209 concerns the disposition of Judicial Review of Administrative Agency Decisions. It states:

"Unless otherwise provided by law, the court may dismiss the action for judicial review or may affirm, reverse, or modify the agency's order or action, remand the action to the agency for further proceedings, or an appropriate combination of the above."

There is no definition of remand in this section, but Maryland Rule 8-604 discusses the disposition of appeals generally, including remand. Section 8-604d states:

"If the Court concludes that the substantial merits of a case will not be determined by affirming, reversing or modifying the judgment, or that justice will be served by permitting further proceedings, the Court may remand the case to a lower court. In the order remanding a case, the appellate court shall state the purpose for the remand. The order of remand and the opinion upon which the order is based are conclusive as to the points decided. Upon remand, the lower court shall conduct any further proceedings necessary to determine the action in accordance with the opinion and order of the appellate court." (Emphasis added)

As such, remand is not a forum to re-try an entire case; if the Board had intended this result, they would have vacated or reversed the judgment rendered. Instead, they identified specific portions of the case which required further investigation, and these portions in question are listed above. Pursuant to the Rules and Board's remand, I will only examine those issues specifically mentioned in the remand order.

Debbie Wiley Legal Administrative Secretary Office of the Zoning Commissioner 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) 10/4/07

IN RE: PETITIONS FOR SPECIAL HEARING *

BEFORE THE

AND VARIANCE

N/Side Liberty Road @ W/Side of

Wards Chapel Road

(11100 Liberty Road)

ZONING COMMISSIONER

OF

2nd Election District

4th Council District

Wards Chapel Holdings, LLC

Petitioner

BALTIMORE COUNTY

Case No. 07-556-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance. The Petitions were filed by the owner of the subject property, Wards Chapel Holdings, LLC, through its attorney, Howard L. Alderman, Jr., Esquire. Special hearing relief was filed requesting approval of the following: (1) the use by the proposed building of the existing septic reserve area which presently serves the existing building; (2) pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 104.3, a 12.7%+/- increase in the existing, prior approved non-conforming lot coverage; (3) an amendment to the relief granted and plan approved in Case Nos. II-672/06-456-SPHA consistent with the requested relief and the plan to accompany this Petition, and (4) the measurement of the side yard setback from the property line rather than the split-zoning boundary. In addition, Variance relief is requested from the following sections of the B.C.Z.R.: (1) Section 1A06.4A.4 for a new building containing 3,940 square feet in lieu of the 3,000 square feet permitted; (2) if the determination of measurement of side yard setback is not approved as part of the Special Hearing Petition filed herewith, then in the alternative, from Section 1A06.4A.2 to permit a side yard setback of 10 feet in lieu of the 15 feet required, and (3) if the 12.7%+/- extension of lot coverage is not approved as part of the Special Hearing Petition filed herewith, then alternatively, from B.C.Z.R. Section

Date 10 -4-07

Date 10 -4 -07
By (00)

1A06.4A.6 to permit 66.7% lot coverage in lieu of the previously approved 59.2%. The subject property and requested relief are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of these Petitions were Geoffrey Schultz, President of McKee & Associates, Inc., the engineering firm that prepared the site plan, Randy Shelley, representing the property owners, and Howard L. Alderman, Jr., Esquire, attorney for Petitioner. There were no Protestants or other interested persons at the hearing.

An appreciation of the property's past history and use is relevant and is briefly outlined. The subject property (3.16 acres of split-zoned Resource Conservation – Commercial [R.C.C.] and Resource Conservation – Watershed Protection [R.C.4] has been owned and utilized as the Petitioner's general offices since 1981. When constructed, the two-story 10,742 square foot commercial building, 64 parking spaces and septic system were legal uses in the B.L. zone. The R.C.C. regulations were imposed in 1988. As part of the Development Plan for the "Harker Property", the Petitioner filed a Petition for Special Hearing and Variance in Case No. 06-456-SPHA and was granted approval by then Deputy Zoning Commissioner John V. Murphy. As noted on the site plan (Petitioner's Exhibit 1) and the prior Development Plan and Zoning Order submitted (Petitioner's Exhibit 2), this Commission legitimized the improvements as non-conforming uses including the septic reserve area in the R.C.4 zone that serves the structure in the R.C.C. zone.

The Petitioner's business has grown and now comes with a need to further improve the property with a new single-story office building containing 3,940 square feet that will be built on the western side of the existing building and share the existing parking spaces, septic reserve area and well. In this regard, Geoffrey Schultz testified that all uses (existing and proposed) will not

Date 16 -4-57

produce more than 5,000 gallons of sewage per day and will not overburden the private sewage disposal system and potable water supply nor will the improvements endanger the metropolitan district reservoir, Locust Run, which runs into the Liberty Reservoir, or create health or environmental nuisances for the neighboring properties. Mr. Shelley testified that the entire new building will be used exclusively as General Offices. Other than the footprint of the building, the only other impervious area will be limited to 375 square feet for proposed walkways. In this regard, non-conforming uses are defined in Section 101 of the B.C.Z.R. and regulated by Section 104 thereof and states in pertinent part:

Section 104.1 – "A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever . . "

Section 104.3 - "No nonconforming building or structure and no nonconforming use of a building, structure or parcel of land shall hereafter be extended more than 25% of the ground floor area of the building so used . . ."

The Appellate Courts have provided considerable guidance as to the law applicable in determining whether or not a use is or is not an intensification. In *McKemy v. Baltimore County*, 39 Md. App. 257, 269 (1978) four factors are noted in pages 269-70 as follows:

- 1. To what extent does the current use of these lots reflect the nature and the purpose of the original nonconforming use?
- 2. Is the current use merely a different manner of utilizing the original nonconforming use, or does it constitute a use different in character, nature, and kind?
- 3. Does the current use have a substantial different effect upon the neighborhood?
- 4. Is the current use a "drastic enlargement or extension" of the original nonconforming use?

I find from the evidence submitted that the proposed improvement is an intensification of a nonconforming use and is permissible as the nature and character of the use is unchanged and is

Date 10-4-67

substantially the same facility as currently used. The 12.7% proposed is substantially less than the 25% permitted under Section 104.3.

Turning next to the measurement to be applied to the side yard setback on the western side, I find it should be the property line and not the zone line that controls. The shape and configuration of the property, which is irregular along the rear property line and southeast corner, allows a front yard setback on the south side from the property line adjacent to Liberty Road of 83 feet. On the north end of the building (rear side), 30 feet is maintained; however, the side yard area on the west side of the proposed building is 15 feet deep but the R.C.C./R.C.4 zone line runs parallel to the western property line adjacent to the proposed building and is 10 feet when measured from the side of the proposed building to the zone line. Mr. Schultz points out that the Petitioner owns the land on both sides of the zone line that runs along the western property line. The Petitioner had no role in locating the zone line 5 feet off the western property line. This 5-foot wide strip of land zoned R.C.4 between the zone line and the western property line can be put to no permitted use in the B.C.Z.R. It would not make sense under these factors to use the split-zoning boundary to determine setback requirements.

After due consideration of the testimony and evidence presented, I am persuaded that the relief requested meets the spirit and intent of the B.C.Z.R., will not impact neighboring properties and that relief should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this ______ day of October 2007, that the Petition for Special hearing to approve: (1) the use by the proposed building of the existing septic reserve area which presently serves the existing

Date 10 -4-6-1
By (SC)

building; (2) pursuant to Baltimore County Zoning Regulation (B.C.Z.R.) Section 104.3, a 12.7%+/- increase in the existing, prior approved non-conforming lot coverage; (3) an amendment to the relief granted and plan approved in Case No. II-672/06-456-SPHA consistent with the requested relief and the plan to accompany this Petition, and (4) the measurement of the side yard setback from the property line rather than the split-zoning boundary, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A06.4A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a new building containing 3,940 square feet in lieu of the 3,000 square feet permitted in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; subject to the following restrictions:

- 1. Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner shall comply with the Zoning Advisory Committee (ZAC) comments dated July 19, 2007, a copy of which is attached hereto and made a part hereof.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

IT IS FURTHER ORDERED that the portion of the Petition for Variance filed in the alternative seeking a determination of measurement of side yard setback from B.C.Z.R. Section 1A06.4A.2 for a side yard setback of 10 feet in lieu of the 15 feet and from B.C.Z.R. Section 1A06.4A.6 to permit 66.7% lot coverage in lieu of the previously approved 59.2%, be and are hereby DISMISSED, as moot.

Any appeal of this decision must be made within thirty (30) days of the date of this

Order.

JILLIAMI, WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

10-4-67

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination \mathcal{M}^L

DATE:

July 19, 2007

SUBJECT:

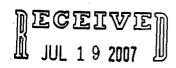
Zoning Item

07-556-SPHA

Address

11000 Liberty Road

Harker Property



BY:.....

Zoning Advisory Committee Meeting of June 18, 2007

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

A water balance assessment must be submitted. A usage letter must be submitted to DEPRM's Ground Water Management section to determine if the septic system and septic reserve area is adequate to serve the increased development. The septic system is currently designed for 970 gpd. It is recommended that a water meter be installed to determine actual water usage. This facility may qualify as a transient, non-community supply and may require quarterly monitoring. Be advised that the gas station at 11022 recently had a tank leak and the Maryland Department of the Environment (MDE) is conducting an investigation. – S. Farinetti; Ground Water Management



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

October 4, 2007

Howard L. Alderman, Jr. Esquire Levin & Gann, PA 502 Washington Avenue, Suite 800 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

N/Side Liberty Road @ W/Side of Wards Chapel Road (11100 Liberty Road)

2nd Election District – 4th Council District
Wards Chapel Holdings, LLC - Petitioner

Case No. 07-556-SPHA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with restrictions, and the Petition for Variance is dismissed as moot, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

Zoning Commissioner for Baltimore County

WJW:dlw Enclosure

c: Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, Md. 21030 Randy Shelley, 2601 Cotter Road, Millers, Md. 21102 People's Counsel; DEPRM; File



Case No. 07-556-5PHA

REV 9/15/98

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11100 LIBERTY ROAD
which is presently zoned _RCC & RC-4

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

I, or we, agree to pay expenses of above Special Hearing, 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.

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

ORDER RECEIVED FOR FILING

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): WARDS CHAPEL HOLDINGS, LLC NONE Name - Type or Print By: Signature Signature Name Type or Print Address Telephone No. Zip Code Signature PO BOX 356 410-329-8040 Attorney For Petitioner: Address Telephone No. Howard L. Alderman, Jr., Esquire MONKTON MD 21111 Name - Type or Print State Zip Code Representative to be Contacted: Signature GEOFFREY C. SCHULTZ, PLS McKee & Assoc., Inc. Levin & Gann, PA Company 502 Washington Avenue, Suite 800 410-321-0600 5 Shawan Road, Suite 1 410-527-1555 Telephone No. Address Telephone No. Hunt Valley MD 21030 **Towson** Maryland 21204 Zip Code Zip Code City State City OFFICE USE ONLY ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Attachment 1

PETITION FOR SPECIAL HEARING

CASE NO: <u>07-556 - SPHA</u>

Address:

11100 Liberty Road

Legal Owner: Wards Chapel Holdings, LLC

Present Zoning:

RCC & RC-4

REQUESTED RELIEF:

"why the Zoning Commissioner should approve": (i) the use by the proposed building of the existing septic reserve area which presently serves the existing building; (ii) pursuant to BCZR 104.3, a $12.7\% \pm 104.3$, a $12.7\% \pm 104.3$, a prior approved non-conforming lot coverage; (iii) an amendment to the relief granted and plan approved in Case No. 06-456-SPHA/II-672 consistent with the requested relief and the plan to accompany this Petition; (iv) the measurement of the side yard setback from the property line rather than the split-zoning boundary; and (v) such further relief and approvals as the nature of this case may require.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.

8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at ________ III00 LIBERTY ROAD _______ which is presently zoned RCC & RC-4

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning

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

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: Legal Owner(s): NONE HAPEL HOLDINGS, LLC Name - Type or Print Name - Type or By: Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature PO BOX 356 410-329-8040 Attorney For Petitioner: Address Telephone No. Howard L. Alderman, Jr., Esquire MONKTON State Zip Code Name - Type or Print Representative to be Contacted: GEOFFREY C. SCHULTZ, PLS McKee & Assoc., Inc. Levin & Gann, PA Nottingham Centre, 8th Floor Name 502 Washington Avenue 410-321-0600 5 Shawan Road, Suite 1 410-527-1555 Address Address Telephone No. Telephone No. Hunt Valley MD Towson, MD 21204 City Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING _ Case No. 07-556-SPHA UNAVAILABLE FOR HEARING REV 9/15/98 OFIDER RECEIVED FOR FILING

Attachment 1 PETITION FOR VARIANCE

CASE NO: <u>07-556spha</u>

Address:

11100 Liberty Road

Legal Owner: Wards Chapel Holdings, LLC

Present Zoning:

RCC & RC-4

REQUESTED RELIEF:

A variance from the following sections of the Baltimore County Zoning Regulations:

i) Section 1A06.4A.4 for a new building containing 3,940 square feet in lieu of the 3,000 square feet permitted; ii) if the determination of measurement of side yard setback is not approved as part of the Special Hearing Petition filed herewith, from BCZR § 1A06.4A.2 to permit a side yard setback of 10 feet in lieu of the 15 feet required; iii) if the 12.7% ± extension of lot coverage is not approved as part of the Special Hearing Petition filed herewith, from BCZR § 1A06.4A.6 to permit 66.7% lot coverage in lieu of the previously approved 59.2%; and iv) to approve such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

JUSTIFICATION:

- 1. Irregular shape of property;
- 2. Small size of commercially zoned portion; and
- 3. For such further reasons that will be presented at the hearing on this Petition.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. 8th Floor, Nottingham Centre 502 Washington Avenue Towson, Maryland 21204

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com

Item #556

Engineering • Surveying • Environmental Planning
Real Estate Development

June 13, 2007

Zoning Description of 11100 Liberty Road 2nd Election District 4th Councilmanic District Baltimore County, MD.



Beginning at a point on the North side of Liberty Road (80 Foot right-of-way) and the West side of Wards Chapel Road (60 foot right-of-way), thence running along Liberty Road N82-00-06W 262.14 feet, thence running N09-18-38E 212.67 feet, S82-56-45E 65.92 feet, N07-18-15E 249.19 feet, S71-35-44E 101.95 feet, and N66-41-38E 131.71 feet to the west side of Wards Chapel Road, thence running along said road, S07-49-24W 492.90 feet and S52-54-39W 28.24 feet to the point of beginning.

Containing 2.597 acres as recorded as Lot 4 on the plat of "Harker Property" recorded in plat book S.M. 78 folio 189.

Item #07-556-SPHA

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NOTICE OF ZONING HEARING

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

Case: # 07-556-SPHA

11100 Liberty Road N/side of Liberty Road at west side of Wards Chapel Road

Road
2nd Election District: 4th Councilmants District
Legal Owner(s): Wards Chapel Holdings, LLC:
Special: Hearing: to approve the use by the proposed
building of the existing septic reserve area which presently serves the existing building; a 12.7% increase in the
existing, prior approved non-conforming lot coverage and
an amendment to the relief granted and plan approved in
Case No. 06-456-SPHA/II-672: consistent with the requested relief and the plan to accompany this Petition and
the measurement of the side yard setback from the propperty line rather than the split-zoning boundary: Variance: the measurement of the side yard setback from the prop-erty, line rather than the split-zoning boundary. **Variance:** to permit a new building containing 3,940 square feet in lieu of the 3,000 square feet permitted and if the determi-nation of measurement of side yard setback is not ap-proved as part of the Special Hearing Petition filed here-with, to permit 66.7% lot coverage in lieu of the previous ly approved 59.2%

Hearing: Monday, September 17, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley, Ave-nue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing. Contact the Zoning Review Office at (410) 887-3391. JT 9/622 Sept. 4

CERTIFICATE OF PUBLICATION

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LEGAL ADVERTISING

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DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits & **Development Management** 111 W. Chesapeake Avenue, Rm. 111 Towson, MD 21204

Attention: Mr. Timothy Kotroco / Mrs. Kristen Matthews

RE:Case Number: 07-556-SPHA

Petitioner/Developer: Wards Chapel Holdings, LLC

Date of Hearing/Closing: Monday, Sept. 17, 2007 @ 9:00 am.

This is to certify under the penalties of perjury that the necessary sign(s) required by law were

posted conspicuously on the property located at #11100 Liberty Road

The sign(s) were posted on

Aug. 30, 2007

(Month, Day/

Signature of Sign Poster)

William D. Gulick, Jr.

(Printed Name of Sign Poster)

McKee and Associates, Inc.

5 Shawan Road, Suite 1

(Street Address of Sign Poster)

Cockeysville, MD 21030

(City, State, Zip Code of Sign Poster)

(410) 527-1555

(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

Date: Aug. 30, 2007 MAI Job No: 05-054

SEE ATTACH PHOTOGRAPH

PROPERTY

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 07-556-SPHA
Petitioner: WARDS CHAPEL HOLDINGS LLC.
Address or Location: 11100 LIBERTY ROAD
PLEASE FORWARD ADVERTISING BILL TO: Name: RANDY SHELLEY
Address:PO_Box_356
MONKTON, MD. ZIIII
Telephone Number: 410 - 329 - 8040

TO: PATUXENT PUBLISHING COMPANY

Tuesday, September 4, 2007 Issue - Jeffersonian

Please forward billing to:

Randy Shelley P.O. Box 356 Monkton, MD 21111

410-329-8040

NOTICE OF ZONING HEARING

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

CASE NUMBER: 07-556-SPHA

11100 Liberty Road N/side of Liberty Road at west side of Wards Chapel Road 2nd Election District – 4th Councilmanic District Legal Owners: Wards Chapel Holdings, LLC

Special Hearing to approve the use by the proposed building of the existing septic reserve area which presently serves the existing building, a 12.7% increase in the existing, prior approved non-conforming lot coverage and an amendment to the relief granted and plan approved in Case No. 06-456-SPHA/II-672 consistent with the requested relief and the plan to accompany this Petition and the measurement of the side yard setback from the property line rather than the split-zoning boundary. Variance to permit a new building containing 3,940 square feet in lieu of the 3,000 square feet permitted and if the determination of measurement of side yard setback is not approved as part of the Special Hearing Petition filed herewith, to permit 66.7% lot coverage in lieu of the previously approved 59.2%.

Hearing: Monday, September 17, 2007 at 9:00 a.m. in Room 407, County Courts Building,

401 Boşley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



August 7, 2007

JAMES T. SMITH, JR. County Executive

NOTICE OF ZONING HEARING MOTHY M. KOTROCO, Director

Department of Permits and

The Zoning Commissioner of Baltimore County, by authority of the Zoning land Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-556-SPHA

11100 Liberty Road N/side of Liberty Road at west side of Wards Chapel Road 2nd Election District – 4th Councilmanic District Legal Owners: Wards Chapel Holdings, LLC

Special Hearing to approve the use by the proposed building of the existing septic reserve area which presently serves the existing building, a 12.7% increase in the existing, prior approved non-conforming lot coverage and an amendment to the relief granted and plan approved in Case No. 06-456-SPHA/II-672 consistent with the requested relief and the plan to accompany this Petition and the measurement of the side yard setback from the property line rather than the split-zoning boundary. Variance to permit a new building containing 3,940 square feet in lieu of the 3,000 square feet permitted and if the determination of measurement of side yard setback is not approved as part of the Special Hearing Petition filed herewith, to permit 66.7% lot coverage in lieu of the previously approved 59.2%.

Hearing: Monday, September 17, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204 Wards Chapel Holdings, LLC, P.O. Box 356, Monkton 21111 Geoffrey Schultz, 5 Shawan Road, Ste. 1, Hunt Valley 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 3, 2007.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



CASE # 07-556-SPHA

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

COUNTY COURTS BUILDING-ROOM 407
401 BOSLEY AVENUE
PLACE: TOWSON, MD 21204

DATE AND TIME: SEPT. 17, 2007 @ 9:00 AM

REQUEST: SPECIAL HEARING

Special Hoaring to approve the use by the proposed holding of the existing septic reserve area which presently serves the existing building, a 12.7% increase in the costing, prior approved non-conforming lot coverage and an amendment to the relief granted and plan approved in Case No. 05-456/SPHA/I-572 consistent with the requested relief and the plan to accompany this Pretion and the measurement of the side yard setheck from the property line rather than the spit-scoring boundary. Variance to permit a new building containing 3,940 square feet in lice of the 3,000 square feet permitted and if the determination of measurement of side yard setback is not approved as part of the Special Hearing Protion filed herewith, to permit 86.7% for coverage in like of the previously approved 58,2%.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

September 12, 2007

Howard L. Alderman, Jr., Esquire Levin & Gann, PA 502 Washington Avenue, Suite 800 Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number: 07-556-SPHA, 11100 Liberty Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 13, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

U. Cal Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf Enclosures

c: People's Counsel

Wards Chapel Holdings, LLC PO Box 356 Monkton 21111

Geoffrey C. Schultz, PLS McKee & Associates, Inc. 5 Shawan Road, Suite 1 Hunt Valley 21030



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

June 22, 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. 07-556-A MD 26 (Liberty Road) at Wards Chapel Road 11100 Liberty Road Harker Property

Special Hearing and Variance

Dear Ms. Matthews:

We have reviewed the plan to accompany special hearing request on the subject of the above captioned, which was received on June 18, 2007. A field inspection reveals that the existing entrance onto MD 26 (Liberty Road) is adequate and consistent with current State Highway Administration requirements. Based on available information this office has no objection to Harker Property at 11100 Liberty Road, Case Number 07-556-SPHA approval.

Should you have any questions regarding this matter 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,

A Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

Cc:

Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

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 July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 25, 2007

556

Item Number: 555 through 572

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



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 June 25, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 18, 2007

Item Number: 550 Through 554 and 556

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: June 21, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 25, 2007

Item Nos. 07-550, 551, 552, 553, and 556

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-06212007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: July 12, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-556- Special Hearing

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

Bus 9/17 9Am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco-

FROM:

Dave Lykens, DEPRM - Development Coordination with

DATE:

July 19, 2007

SUBJECT:

Zoning Item

07-556-SPHA 11000 Liberty Road

Address 11000 Liberty R Harker Property DECEIVE 1 Jul 1 9 2007

BY:

Zoning Advisory Committee Meeting of June 18, 2007

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

A water balance assessment must be submitted. A usage letter must be submitted to DEPRM's Ground Water Management section to determine if the septic system and septic reserve area is adequate to serve the increased development. The septic system is currently designed for 970 gpd. It is recommended that a water meter be installed to determine actual water usage. This facility may qualify as a transient, non-community supply and may require quarterly monitoring. Be advised that the gas station at 11022 recently had a tank leak and the Maryland Department of the Environment (MDE) is conducting an investigation. – S. Farinetti; Ground Water Management

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

11100 Liberty Road; NW corner Liberty &

Wards Chapels Roads

2nd Election & 4th Councilmanic Districts

Legal Owner(s): Wards Chapel Holdings, LLC

BEFORE THE

ZONING COMMISSIONER

FOR.

BALTIMORE COUNTY

Petitioner(s)

07-556-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

ailme

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 22nd day of June, 2007, a copy of the foregoing Entry of Appearance was mailed Geoffrey C. Schultz, McKee & Associates, Inc. 5 Shawan Road, Suite 1, Cockeysville, MD 21030 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUN 2 2 2007

Per

People's Counsel for Baltimore County

Baltimore County, Marylan



PETER MAX ZIMMERMAN People's Counsel

OFFICE OF PEOPLE'S COUNSEL

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

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

> > October 23, 2007

CAROLE S. DEMILIO Deputy People's Counsel

Hand-delivered
Timothy Kotroco, Director
Department of Permits and
Development Management

111 W. Chesapeake Avenue Towson, MD 21204 RECEIVED OCT 23 2007

Per. Lan

Re:

PETITION FOR SPECIAL HEARING AND VARIANCE

N/S Liberty Road, @ W/S of Wards Chapel Road

(11100 Liberty Road)

2nd Election District; 4th Council District

Wards Chapel Holdings, LLC. - Petitioners

Case No.: 07-556-SPHA

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated October 4, 2007 by the Baltimore County Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Pet Max Cumulanan

Carole S. Demílio

Deputy People's Counsel

PMZ/CSD/rmw

cc: Howard L. Alderman, Jr. Esquire

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Jefferson Building 105 West Chesapeake Avenue, Room 204 Towson, Maryland 21204

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

PETER MAX ZIMMERMAN People's Counsel

December 11, 2008

CAROLE S. DEMILIO
Deputy People's Counsel

Hand-delivered
Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue

Re:

Towson, MD 21204

PETITION FOR SPECIAL HEARING AND VARIANCE

N/S Liberty P.oad, @ W/S of Wards Chapel Road

(11100 Liberty Road)

2nd Election District; 4th Council District

Wards Chapel Holdings, LLC. - Petitioners

Case No.: 07-556-SPHA

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Order on Remand dated December 4, 2008 by the Baltimore County Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

RECEIVED

DEC 1, 1 2008

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc: Howard L. Alderman, Jr. Esquire

Department of Permits Development Management

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



Baltimore County

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

December 5, 2007

Mr. Howard Alderman, Jr. Levin & Gann, P.A. 502 Washington Avenue, Ste. 800 Towson, MD 21204

Dear Mr. Alderman:

RE: Case: 07-556-SPHA, 11100 Liberty Road

Please be advised that an appeal of the above-referenced case was filed in this office on October 23, 2007 by the Office of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Timothy Kotroco Director

Kotroco

TK:klm

c: William J. Wiseman III, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Rd., Hunt Valley 21030 Randy Shelley, 2601 Cotter Road, Millers 21102 Wards Chapel Holdings, P.O. Box 356, Monkton 21111



APPEAL

Petition for Special Hearing and Variance
11100 Liberty Road
N/side Liberty Road @W/side of Wards Chapel Road
2nd Election District – 4th Councilmanic District
Legal Owners: Wards Chapel Holdings, LLC

Case No.: 07-556-SPHA

Petition for Special Hearing & Variance (June 13, 2007)

Zoning Description of Property

Notice of Zoning Hearing (August 7, 2007)

Certification of Publication (The Jeffersonian - September 4, 2007)

Certificate of Posting (August 30, 2007) by William Gulick, Jr.

Entry of Appearance by People's Counsel (June 22, 2007)

Petitioner(s) Sign-In Sheet - One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - None

Zoning Advisory Committee Comments

Petitioners' Exhibit

- 1. Site Plan
- 2. Prior Development and Zoning Order
- 3. Photo of Existing Condition

Protestants' Exhibits:

None

Miscellaneous (Not Marked as Exhibit)
None

Zoning Commissioner's Order (October 4, 2007 - GRANTED)

Notice of Appeal received on October 23, 2007 from Office of People's Counsel

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Rd., Hunt Valley 21030
Randy Shelley, 2601 Cotter Road, Millers 21102
Wards Chapel Holdings, P.O. Box 356, Monkton 21111

date sent December 5, 2007, klm

5/11/06

IN RE: DEVELOPMENT PLAN HEARING
& PETITION FOR SPECIAL HEARING
AND VARIANCE
W/S of Chapel Road @
NW/Corner of Liberty Road
2nd Election District
4th Councilmanic District

(HARKER PROPERTY)

Shelley Custom Homes, Inc. Developers/Petitioners BEFORE THE

HEARING OFFICER

OF BALTIMORE COUNTY

Case Nos. II-672 & 06-456-SPHA

FINAL HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan known as the "Harker Property", prepared by McKee & Associates, Inc. The Developer is proposing the development of the subject property into 3 single-family dwellings. The subject property is located on the west side of Wards Chapel Road, at the northwest corner of Liberty Road, in the western area of Baltimore County. The particulars of the manner in which the property is finally proposed to be developed are more specifically shown on Developer's Exhibit No. 1, the Development Plan entered into evidence at the hearing.

In addition, the Petitioner is also requesting relief as follows:

Petition for Special Hearing:

Special Hearing relief is requested as follows:

- 1. For a waiver, pursuant to Section 32-4-107(a), Baltimore County Code (BCC), from the requirements of Section 32-4-409 (BCC), to allow a Panhandle Driveway of 1,350 (+/-) feet in length in lieu of the maximum permitted 1,000 feet, as more particularly shown on the Plat to Accompany this petition for special hearing;
- 2. To permit the non-conforming use of a septic reserve area serving a structure located in the RCC zone to be on the same lot, but in the RC-4 zone, pursuant to Section 104 of the BCZR;
- 3. To permit the non-conforming use and coverage of greater than 20% of a RCC lot with impervious surface, pursuant to Sections 104 and 1A06.4.A.4 of the BCZR;
- 4. To permit a non-conforming building with a gross floor area of over 3,000 square feet, pursuant to Section 104 of the BCZR; and



JAMES T. SMITH, JR. County Executive

May 17, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

LAWRENCE R SCHMIDT, ESQUIRE 220 BOSLEY AVE TOWSON MD 21204

> Re: Hearing Officer's Hearing Case No.II-672 and 06-456-SPHA Property: W/S of Chapel Road @ NW/corner of Liberty Road 2nd Election District, 4th Councilmanic District (Harker Property)

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned cases. The Development Plan and variance request for the Cook Property has been approved in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits & Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours.

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

c: Randy Shelley, Shelley Custom Homes, Inc, PO Box 356, Monkton MD 2111
Geoffrey Schulte, McKee & Associates, In, 5 Shawan Rd, Hunt Valley, MD 21030
Leroy and Carolyn Sellman, 11212 Liberty Road, Owings Mills MD 21117
PETITIONER'S

RECEIVED MAY 2 2 2006

PLEASE PRINT CLEARLY

CASE NAME WARRS CHAPER
CASE NUMBER 07-556-SPAA
DATE 2C NOV OS

<u>PETITIONER'S SIGN-IN SHEET</u>

REMAND HEARING -

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Howard L Alderman Sr	Levin & Gan Evite 800		
	92 Washing for Ave	> Towar AD was	
	5 Spanan Id Sute 1	Cockeysville MD 21030	
Wards Chapel Lie -	PO Box 356	Monkton NO 2/111	
Ranly Sheeley	7 70 72 7		
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Case No.: 07-556-SPHA

11100 LIBERTY ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1		
,	SITE PLAN	
No. 2	Para Davelo PMONT	
,	PRIOR DENSIOPMENT MD ZONING ORDER	
No. 3	PHOTO'S OF ELISTNE	
	CONDITION	
No. 4		
No. 5		
No. 6		
No. 7		
		·
No. 8		
No. 9		
No. 10		
No. 11		,
, , 		
No. 12		
_		

WARDS CHAPEL HOLDINGS
CASE NAME IIIOO LIBERTY RD.
CASE NUMBER 07-556- SPHA
DATE 9/17/07

PETITIONER'S SIGN-IN SHEET

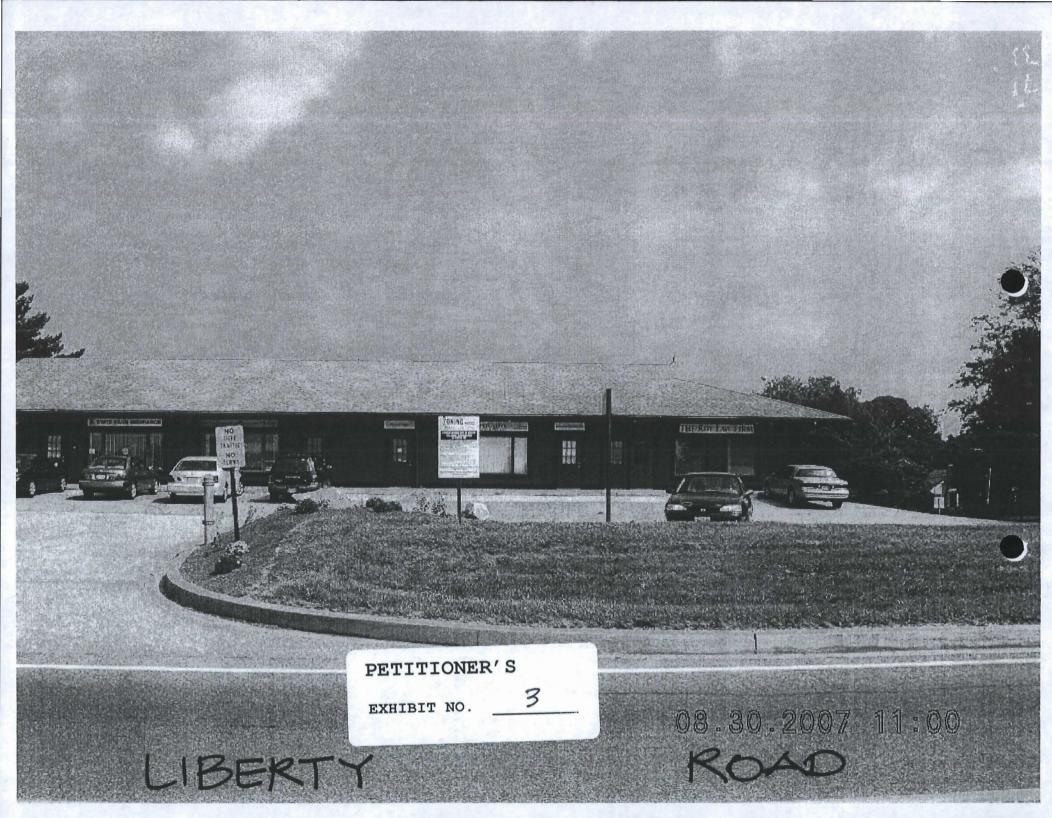
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
GEOFFREY SCHULTZ	5 SHAWAN RD.	HUNT VALLEY, Z1030	
Randy Shelley	2601 Cotter Pd.	millers ml. 21102	
HOWARD ALDERMAN	502 Washington Are Site For	Torson Mis 212e4	
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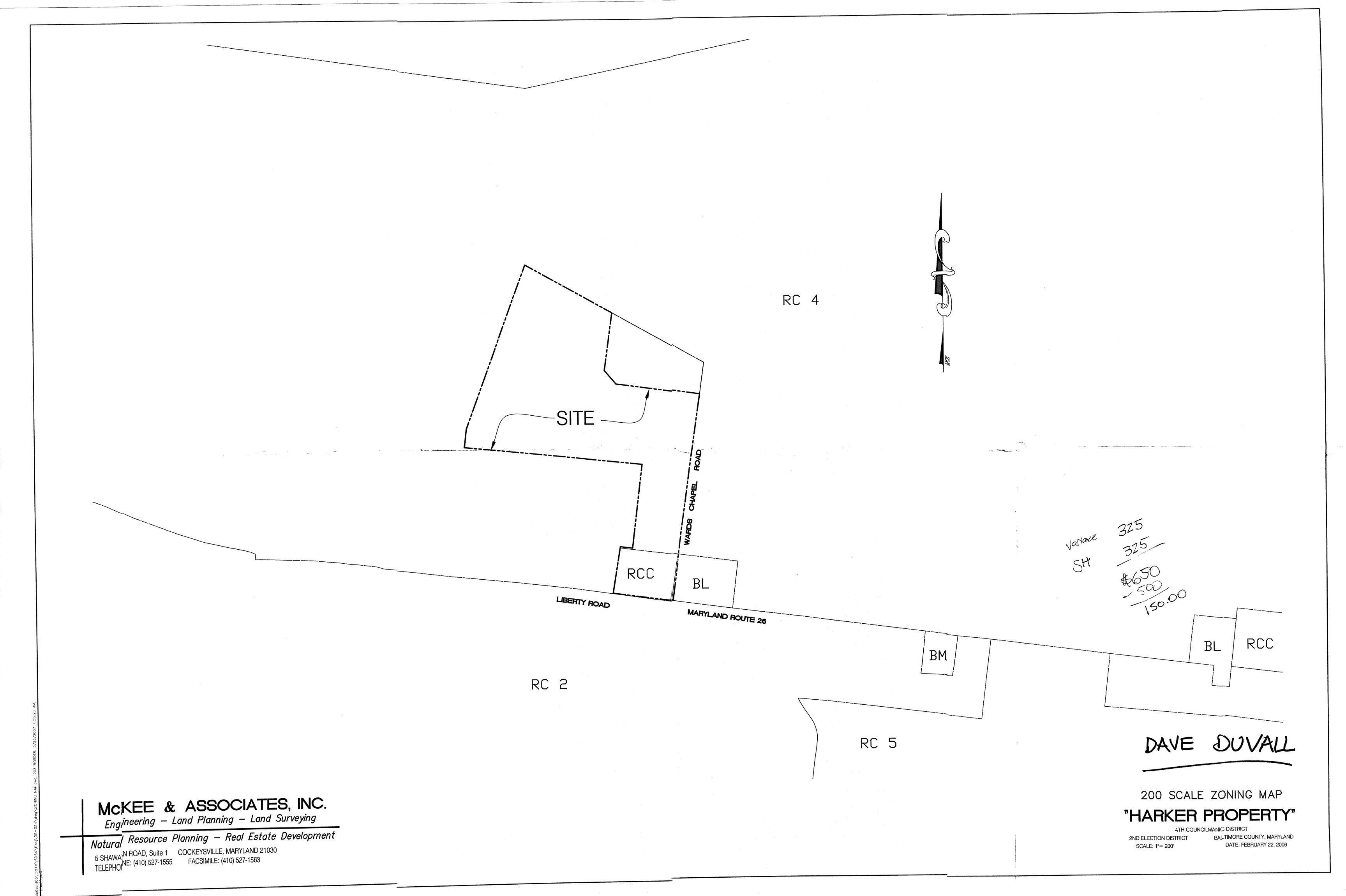
Case No.: 07- 556- SPHA

REMAND HEARING

Exhibit Sheet

Originals in Board of Petitioner/Developer Protestant APPROVED SITE No. 1 REVISED SITE PLAN PDM NO. II-672 YELLOW HI LITE = IMPERVIOUS SURFACE No. 2 REVISED PETITION CZMP PROCESS R2 FOR SPECIAL HEARING NOTES - WITH CONCERNS No. 3 ALTERATIVE VARIANCE R3 PETITION REVISED No. 4 No. 5 No. 6 No. 7 No. 8 No. 9 No. 10 No. 11 No. 12





GENERAL NOTES

- 1. THIS PROPERTY OPERATES ON PRIVATE WELL AND SEPTIC SYSTEMS.
- 2. THERE ARE NO STREAMS, WETLANDS, OR STORMWATER MANAGEMENT SYSTEMS ON OR WITHIN 100 FEET OF THIS SITE.
- 3. THIS PROPERTY IS NOT HISTORIC.
- 4. THIS PROPERTY DIOES NOT CONTAIN A 100 YEAR FLOOD PLAIN.
- 5. THIS PROPERTY IS NOT IN THE CBCA.
- 6. ANY PROPOSED SIIGN SHALL COMPLY WITH SECTION 450 BCZR.
- 7. MAXIMUM BUILDING HEIGHT IS 30 FEET.
- 8. THIS PROPERTY WAS APPROVED AS LOT 4 OF THE SUBDIVISION OF THE "HARKER PROPERITY" APPROVED BY THE HEARING OFFICER UNDER CASE NO. II-672. (SEE ORDER THIS SHEET)

SITE DATA

1. EXISTING ZONING

137,753 SF = 3.162 AC.2. GROSS AREA 113,126 SF = 2.597 AC.

3. NET AREA 4. EXISTING FLOOR: AREAS

UPPER LEVEL 5,742 SF LOWER LEVEL 5,000 SF

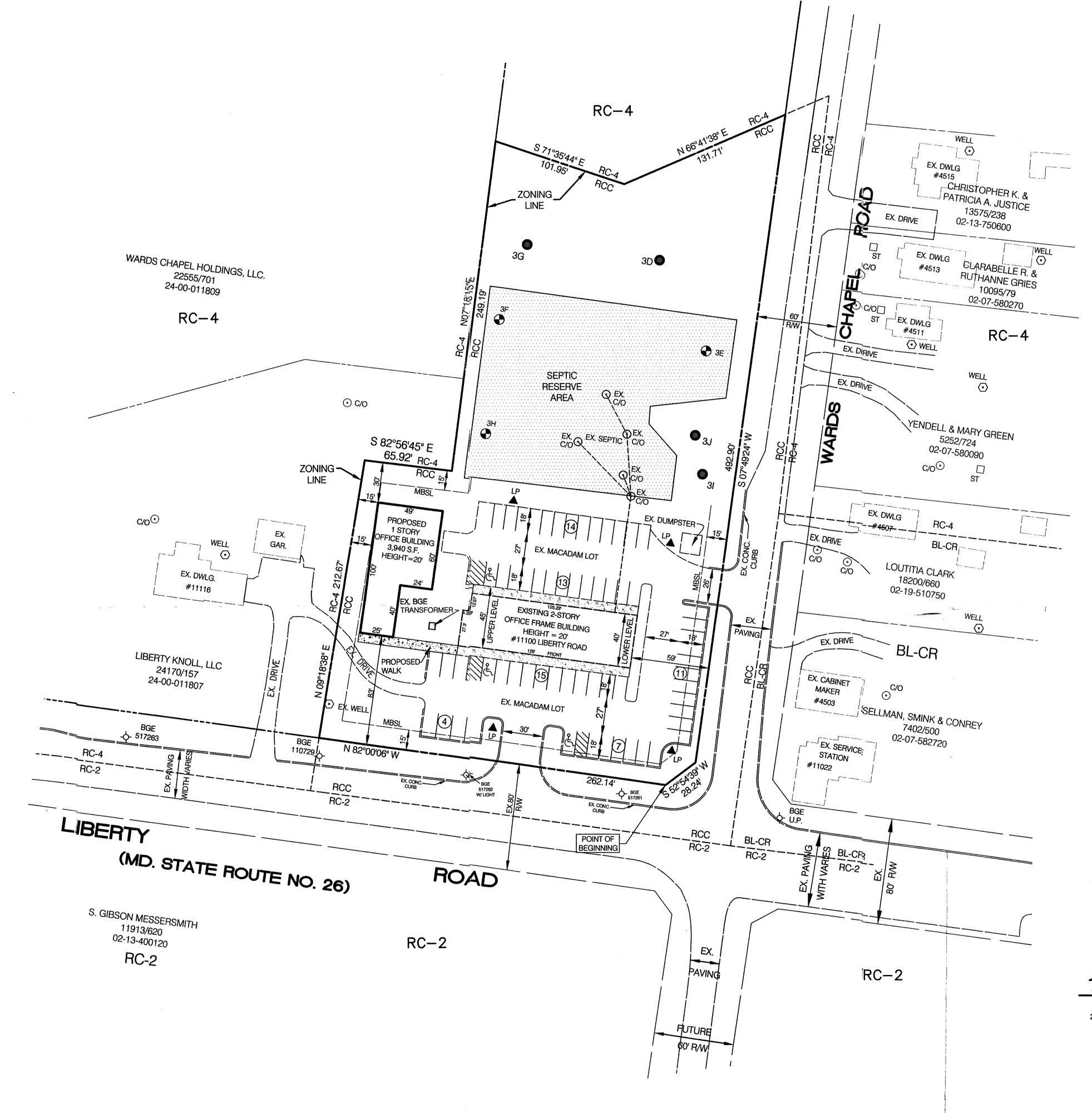
TOTAL= 10,742 SF 3,940 SF 5. PROPOSED FLOOR AREA 14,682 SF 6. TOTAL FLOOR AFREA 34,020 SF = 0.781 AC.7. EXISTING IMPERVIOUS AREA 8. PROPOSED IMPE:RVIOUS AREA 4.315 SF = 0.099 AC.38,335 SF = 0.880 AC.9. TOTAL IMPERVIOUS AREA (.781/2.597) = 30.1%10. EXISTING COVERAGE (.880/2.597) = 33.9%11. PROPOSED COV/ERAGE **GENERAL OFFICE** 12. EXISTING USE **GENERAL OFFICE** 13. PROPOSED USE

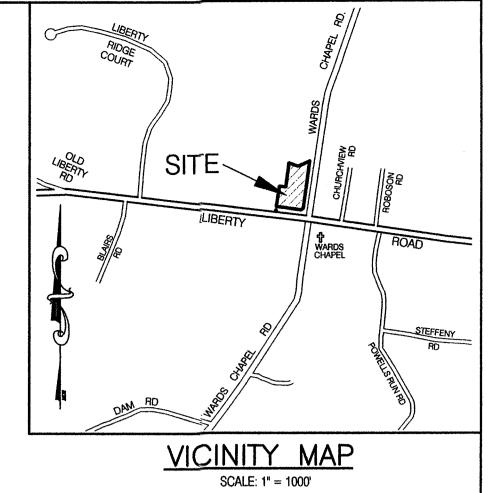
(14,682 SF/1000 SF x 3.3) = 49 SPACES14. PARKING REQUIRED 64 SPACES 15. PARKING PROPOSED (14,682 SF/137,753 SF) = 0.10716. FLOOR AREA RAITIO 402201 17. 2000 CENSUS TRACT

19. LAND MANAGEMIENT AREA RESOURCE PRESERVATION AREA 20. ELECTION DISTRICT 21. COUNCILMANIC DISTRICT 4TH

32-LIBERTY 23. WATERSHED 24. SUBSEWERSHED 21133 25. ZIP CODE

22. REGIONAL PLANINING DISTRICT 311 66A2 26. 200 SCALE ZONIING MAP 0512 27. TRANSPORTATION DISTRICT





PREVIOUS ZONING HEARING

CASE NO.: 06-456 SPHA AND II-672 DATE OF ORDER: MAY 17, 2006

IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 17th day of May, 2006, that the Developers/Petitioners' Special Hearing relief requested

- 1. For a waiver, pursuant to Section 32-4-107(a), Baltimore County Code (BCC), from the requirements of Section 32-4-409 (BCC), to allow a Panhandle Driveway of 1,350 (+/-)
- feet in length in lieu of the maximum permitted 1,000 feet, as more particularly shown on the Plat to Accompany this petition for special hearing;

 2. To confirm the non-conforming use of a steptic reserve area serving a structure located in the RCC zone to be on the same lot, but im the RC-4 zone, pursuant to Section 104 of the

- To confirm the non-conforming use and coverage of greater than 20% of a RCC lot with impervious surface, pursuant to Sections 1(04 and 1A06.4.A.4 of the BCZR;
 To allow a lot with a total area of 2.59 acres in area, wherein 1.39 acres is zoned RCC, pursuant to Section 1A06.4.A.5 of the BCZR.

be and they are hereby GRANTED; and

restrictions of Section 1A06.4; and

IT IS FURTHER ORDERED that the Petitioner's request to permit a non-conforming building with a gross floor area of over 3,000 square feet, pursuant to Section 104 of the BCZR is not needed because I find as a matter of law existing buildings are exempted from the floor area

IT IS FURTHER ORDERED, that the Developers' requests for Variance relief as follows:

- A. In the alternative to the Petition for Special Hearing, a variance from Section 1A06.4.A.4 of the BCZR, to allow impervious surface: coverage of 59% (+/-) in lieu of the maximum B. In the alternative to the Petition for Special Hearing, a variance from Section 1A06.4.A.4 of the BCZR, to allow gross floor area for a building of approximately 10,743 square fee in
- lieu of the maximum permitted 3,000 feet. be and they are hereby DENIED as moot having granted the special hearing requests above; and
- IT IS FURTHER ORDERED that the Developer's revised redline Development Plan known
- as the "Harker Property" submitted into evidence as "Developer's Exhibit No 1, be and is
- 1. The Developer shall execute and record in the Land Records legally sufficient documents before record plat to insure the Developer has the right to erect and the new homeowners of lots 1, 2 and 3 have the right to use and maintain that portion of the panhandle driveway located on the Wards Chapel Holdings LLC lot with Deed reference 225:55/701.
- 2. The Developer shall execute and record in the Land Records legally sufficient documents before record plat to insure the Developer has the right to erect and Baltimore County has the right to use and maintain that portion of the storm water management facility located on the Wards Chapel Holdings LLC lot with Deed reference 22555/701.
- Any appeal from this decision must be talken in accordance with Section 32-4-281 of the Baltimore County Code and the applicable provisions of law.

John V. Murphy DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY

REVISED PLAN TO ACCOMPANY SPECIAL HEARING REQUEST

11100 LIBERTY ROAD 4TH COUNCILMANIC DISTRICT

2ND ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND SCALE: 1"= 40' DATE: NOVEMBER 4, 2008

BEING LOT 4 PLAT OF "HARKER PROPERTY" S.M. 78-189 PDM NO. 2-672

OWNER/APPLICANT/DEVEL:OPER

WARDS CHAPEL HOLDINGS LLC. P.O. BOX 356 MONKTON, MD 21111 (410) 329-8040 DEED REF: 22555/716 TAX ACCT.# 24-00-011808

TAX MAP 66, GRID 13, PARCEL 1/31



ASSOCIATES, INC. Engineering - Land Surveying

Natural Resource Planning - Real Estate Development 5 SHAWAN ROAD, Suite 1
FACSIMILE: (410) 527-1563

TELEPHONE: (410) 527-1555

GEOFFREY C. SCHULTZ MARYLAND REG. NO. 21154

GENERAL NOTES

- 1. THIS PROPERTY OPERATES ON PRIVATE WELL AND SEPTIC SYSTEMS.
- 2. THERE ARE NO STREAMS, WETLANDS, OR STORMWATER MANAGEMENT SYSTEMS ON OR WITHIN 100 FEET OF THIS SITE.
- 3. THIS PROPERTY IS NOT HISTORIC.
- 4. THIS PROPERTY DOES NOT CONTAIN A 100 YEAR FLOOD PLAIN.
- 5. THIS PROPERTY IS NOT IN THE CBCA.
- 6. ANY PROPOSED SIGN SHALL COMPLY WITH SECTION 450 BCZR.
- 7. MAXIMUM BUILDING HEIGHT IS 30 FEET.
- 8. THE RC-4 ZONED PORTION OF THIS SITE HAS NO DENSITY AND IS NON-BUILDABLE.
- 9. THIS PROPERTY WAS APPROVED AS LOT 4 OF THE SUBDIVISION OF THE "HARKER PROPERTY" APPROVED BY THE HEARING OFFICER UNDER CASE NO. II-672. (SEIE ORDER THIS SHEET)

SITE DATA

1. EXISTING ZONING RCC AND RC-4

2. GROSS AREA RCC 72,963 SF = 1.675 AC.RC-4 64,790 SF = 1.487 AC

TOTAL- 137,753 SF = 3.162 AC.RCC 57,456 SF = 1.319 AC.3. NET AREA RC-4 55,670 SF = 1.278 AC

TOTAL-113,126 SF = 2.597 AC

4. EXISTING FLOOR AFREAS UPPER LEVEL 5,742 SF

LOWER LEVEL 5,000 SF TOTAL= 10,742 SF

5. PROPOSED FLOOR AREA 3,940 SF 14,682 SF 6. TOTAL FLOOR AREA 34,020 SF = 0.781 AC.7. EXISTING IMPERVIOUS AREA 4.315 SF = 0.099 AC.8. PROPOSED IMPERVIOUS AREA 38,335 SF = 0.880 AC.9. TOTAL IMPERVIOUS AREA 10. EXISTING COVERAGE (.781/1.319) = 59.2%

(.880/1.319) = 66.7%11. PROPOSED COVER, AGE **GENERAL OFFICE** 12. EXISTING USE **GENERAL OFFICE** 13. PROPOSED USE

(14,682 SF/1000 SF x 3.3) = 49 SPACES14. PARKING REQUIRED 15. PARKING PROPOSED 64 SPACES (14,682 SF/72,963 SF) = 0.20116. FLOOR AREA RATIO

402201 17. 2000 CENSUS TRACT 4022012 18. 2000 CENSUS BLOCK

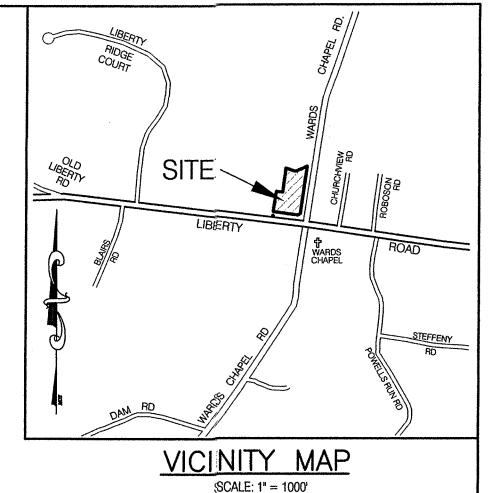
19. LAND MANAGEMENIT AREA RESOURCE PRESERVATION AREA 2ND 20. ELECTION DISTRICT 4TH

21. COUNCILMANIC DISTRICT 22. REGIONAL PLANNING DISTRICT 311 32-LIBERTY 23. WATERSHED

24. SUBSEWERSHED 21133 25. ZIP CODE

O66A2 26. 200 SCALE ZONING; MAP 0512 27. TRANSPORTATION IDISTRICT

RC-4 EX. DWLG #4515 CHRISTOPHER K. & PATRICIA A JUSTICE 13575/238 EX. DRIVE 02-13-750600 WARDS CHAPEL HOLDINGS, LLC. EX. DWLG 3G GLARABELLE R. & _C/C) #4513 22555/701 RUTHANNE GRIES 24-00-011809 10095/79 02-07-580270 C/O[] RC-4 EX. DWLG #4511 RC-4EX. DRIVE **⊕** 3E SEPTIC WELL EX. DRIVE RESERVE AREA ⊙ c/o YENDELL & MARY GREEN 5252/724 S 82°56'45" E 02-07-580090 RC-4 EX. DWLG EX. DUMPSTERc/o PROPOSED 1 STORY FFICE BUILDING EX. DRIVE 3,940 S.F. BL-CR , EX. MACADAM LOT HEIGHT=20' LOUTITIA CLARK EX. DWLG. 18200/660 02-19-510750 #11116 EXISTING 2-STORY TRANSFORMER > OFFICE FRAME BUILDING HEIGHT = 20' PAVING #11100 LIBERTY ROAD EX. DRIVE BL-CR LIBERTY KNOLL, LLC 24170/157 **LWALK** EX. CABINET 24-00-011807 C/O MAKER #4503 SEILLMAN, SMINK & CONREY 山 EX. WELL 7402/500 02-07-582720 -**(**)- 517263 EX. SERVICE 110729-6-1 STATION #11022 BGE LIBERTY POINT OF BEGINNING (MD. STATE ROUTE NO. 26) ROAD 'S. GIBSON MESSERSMITH 11913/620 02-13-400120 RC-2EX. RC-2 R(C−2 PAVING HUTURE 60' R/W!



PREVIOUS ZONING HEARING

CASE NO.: 06-456 SPHA ANID II-672 DATE OF ORDER: MAY 17, 20106

IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 17th day of May, 2006, that the Developers/Petitioners' Special Hearing relief requested as follows:

- For a waiver, pursuant to Section 32-4-107(a)), Baltimore County Code (BCC), from the requirements of Section 32-4-409 (BCC), to allow a Panhandle Driveway of 1,350 (+/-) feet in length in lieu of the maximum permitted 1,000 feet, as more particularly shown on the Plat to Accompany this petition for special hearing;
 To confirm the non-conforming use of a septic reserve area serving a structure located in the RCC zone to be on the same lot, but in the RC-4 zone, pursuant to Section 104 of the BCCD.
- To confirm the non-conforming use and coverage of greater than 20% of a RCC lot with impervious surface, pursuant to Sections 104 and 1A06.4.A.4 of the BCZR;
 To allow a lot with a total area of 2.59 acres in area, wherein 1.39 acres is zoned RCC,
- pursuant to Section 1A06.4.A.5 of the BCZR.

be and they are hereby GRANTED; and

lieu of the maximum permitted 3,000 feet.

IT IS FURTHER ORDERED that the Petitioner's request to permit a non-conforming building with a gross floor area of over 3,000 square feet, pursuant to Section 104 of the BCZR is not needed because I find as a matter of law existing buildings are exempted from the floor area restrictions of Section 1A06.4; and

IT IS FURTHER ORDERED, that the Developers' requests for Variance relief as follows:

A. In the alternative to the Petition for Special Hearing, a variance from Section 1A06.4.A.4 of the BCZR, to allow impervious surface coverage of 59% (+/-) in lieu of the maximum B. In the alternative to the Petition for Special Hearing, a variance from Section 1A06.4.A.4 of the BCZR, to allow gross floor area for a building of approximately 10,743 square fee in

be and they are hereby DENIED as moot having granted the special hearing requests above; and

IT IS FURTHER ORDERED that the Developer's revised redline Development Plan known as the "Harker Property" submitted into evidence as "Developer's Exhibit No 1, be and is APPROVED subject to the following conditions:

1. The Developer shall execute and record in the Land Records legally sufficient documents before record plat to insure the Developer has the right to erect and the new homeowners of lots 1, 2 and 3 have the right to use and maintain that portion of the panhandle driveway located on the Wards Chapel Holdings LLC lot with Deed reference 22555/701.

2. The Developer shall execute and record in the Land Records legally sufficient documents before record plat to insure the Developer has the right to erect and Baltimore County has the right to use and maintain that portion of the storm water management facility located on the Wards Chapel Holdings LLC lot with Deed reference 22555/701.

Any appeal from this decision must be taken in accordance with Section 32-4-281 of the Baltimore County Code and the applicable provisions of law.

> DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY

PLAN TO ACCOMPANY SPECIAL HEARING REQUEST

11100 LIBERTY ROAD

4TH COUNCILMANIC DISTRICT

2ND ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND SCALE: 1"= 40' DATE: MAY 21, 2007

> BEING LOT 4 PLAT OF "HARKER PROPERTY" S.M. 78-189

OWNER/APPLICANT/DEVELOPER

PDM NO. 2-672

WARDS CHAPEL HOLDINGS LLC. P.O. BOX 356 MONKTON, MD 21111 (410) 329-8040 DEED REF: 22555/716 TAX ACCT.# 24-00-011808 TAX MAP 66, GRID 13, PARCEL 131

McKEE & ASSOCIATES, INC. Engineering - Land Planning - Land Surveying

MARYLAND REG. NO. 21154

Natural Resource Planni EYSVILLE, MARYLAND 21030 5 SHAWAN ROAD, Suite 1 COCK CSIMILE: (410) 527-1563 TELEPHONE: (410) 527-1555 FA

County Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE TOWSON, MARYLAND 21204

Return Service Requested

GEOFFREY SCHULTZ MCKEE & ASOCIATES, Inc. 5 SHAWAN ROAD HUNT VALLEY, MD 21030

County Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE TOWSON, MARYLAND 21204

Return Service Requested

RANDY SHELLEY 2601 COTTER ROAD MILLERS, MD 21102

County Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE TOWSON, MARYLAND 21204

Return Service Requested

HOWARD L. ALDERMAN, JR., ESQ. LEVIN & GANN, PA NOTTINGHAM CENTRE, 8TH FLOOR 502 WASHINGTON AVENUE TOWSON, MD 21204

County Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE TOWSON, MARYLAND 21204

Return Service Requested

WARDS CHAPEL HOLDINGS P.O. BOX 356 MONKTON, MD 21111

Attachment 1

PETITION FOR SPECIAL HEARING [Revised on Remand from Board of Appeals after CZMP Rezoning]

CASE NO: <u>07-556</u> -SPHA

Address:

11100 Liberty Road

Legal Owner: Wards Chapel Holdings, LLC

Present Zoning:

RCC

REQUESTED RELIEF:

"why the Zoning Commissioner should approve": (i) pursuant to BCZR §104.3, a 12.7% ± increase in the existing, prior approved non-conforming lot coverage; (ii) an amendment to the relief granted and plan approved in Case No. 06-456-SPHA/II-672 consistent with the requested relief and the plan to accompany this Petition; and (iii) such further relief and approvals as the nature of this case may require.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. 8th Floor, Nottingham Centre 502 Washington Avenue Towson, Maryland 21204

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com

> PETITIONER'S EXHIBIT

Attachment 1

PETITION FOR VARIANCE

[Revised on Remand from Board of Appeals after CZMP Rezoning]

CASE NO: <u>07-556</u> -SPHA

Address:

11100 Liberty Road

Legal Owner: Wards Chapel Holdings, LLC

Present Zoning:

RCC

REQUESTED RELIEF:

A variance from the following sections of the Baltimore County Zoning Regulations:

i) Section 1A06.4A.4 for a new building containing 3,940 square feet in lieu of the 3,000 square feet permitted; ii) if the 12.7% ± extension of lot coverage is not approved as part of the Special Hearing Petition filed herewith, from BCZR § 1A06.4A.6 to permit 33.9% lot coverage in lieu of the previously approved 30.1%; and iii) to approve such additional relief as the nature of this case as presented at the time-of-the-hearing-on-this-Petition may require, within the spirit and intent of the BCZR.

JUSTIFICATION:

- 1. Irregular shape of property;
- 2. Small size of commercially zoned portion; and
- 3. For such further reasons that will be presented at the hearing on this Petition.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. 8th Floor, Nottingham Centre 502 Washington Avenue Towson, Maryland 21204

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com





JAMES T. SMITH, JR.

County Executive
WARDS CHAPEL, METHODIST CHURCH
2265 Wards Chaple Road
RANDALLSTOWN, MD 21133

ARNOLD F. *PAT' KELLER, III

Director. Office of Planning
02/21/2008

Tax Account Number: 2-0223000510

In accordance with Sections 32-3-211 through 32-3-225 of the Baltimore County Code, 2003, every four years Baltimore County undergoes a comprehensive zoning process, allowing any person to ask for any zoning on any property.

Please be advised that your property, referenced by the Tax Account Number above, is adjacent to a property being considered for a possible zoning change under 2008 CZMP Issue 4-025 at the request of Wards Chapel Holdings LLC. The description of your property is listed below as well as the existing and requested zoning for the issue.

Property Description: IMPS4 AC

SS LIBERTY RD

COR WARDS CHAPEL

0 LIBERTY RD

Existing Zoning (Acres)

Requested Zoning (Acres)

RC 4	1.6	BL	3.4
RCC	1.8		3.4
·	3.4		

The Office of Planning has prepared a Log of Issues that lists all zoning requests. A copy of the current Log of Issues is available on the County Web Page at the following address:

http://www.baltimorecountymd.gov/Agencies/planning/zoning/2008czmp/2008czmpissuelogs.html

The Planning Board will be holding public hearings on all zoning issues in each Councilmanic District during March 2008. The hearing for your issue is scheduled for March 13, 2008 at Randallstown Senior High School. Citizens are welcome to attend and present their comments on these issues at the public hearings. If you are unable to attend the meeting in your Councilmanic District, you may send written comments to:

Baltimore County Office of Planning Attention Coordinator, 2008 CZMP 401 Bosley Ave, Suite 406 Towson, MD 21204

Please make certain that all correspondence contains the 2008 CZMP Issue Number listed above.

For additional information or questions, please contact the Office of Planning at 410-887-3480 or visit our website at www.baltimorecountymd.gov/go/czmp.

BALTIMORE COUNTY

ENHIBIT NO. R-2

Comprehensive Zoning Map Process 2008 - GIS Summary

ssue Num Applicant Information

4-025 Applicant Name and Address Holding Num

769 PO 356

Howard Alderman

Phone Number 4103210600

<u>E-mail</u> <u>Organization</u> halderman@levingann.com Wards Chapel Holdings LLC

Monkton, MD 21111

Firm Information

Firm Name and Address Law Offices of Levin & Gann, Levin & Gann, P.A.

502 Washington Avenue, Sui-Towson, MD 21204

Representatives Name

Phone Number E-Mail

4103210600

halderman@LevinGann.com

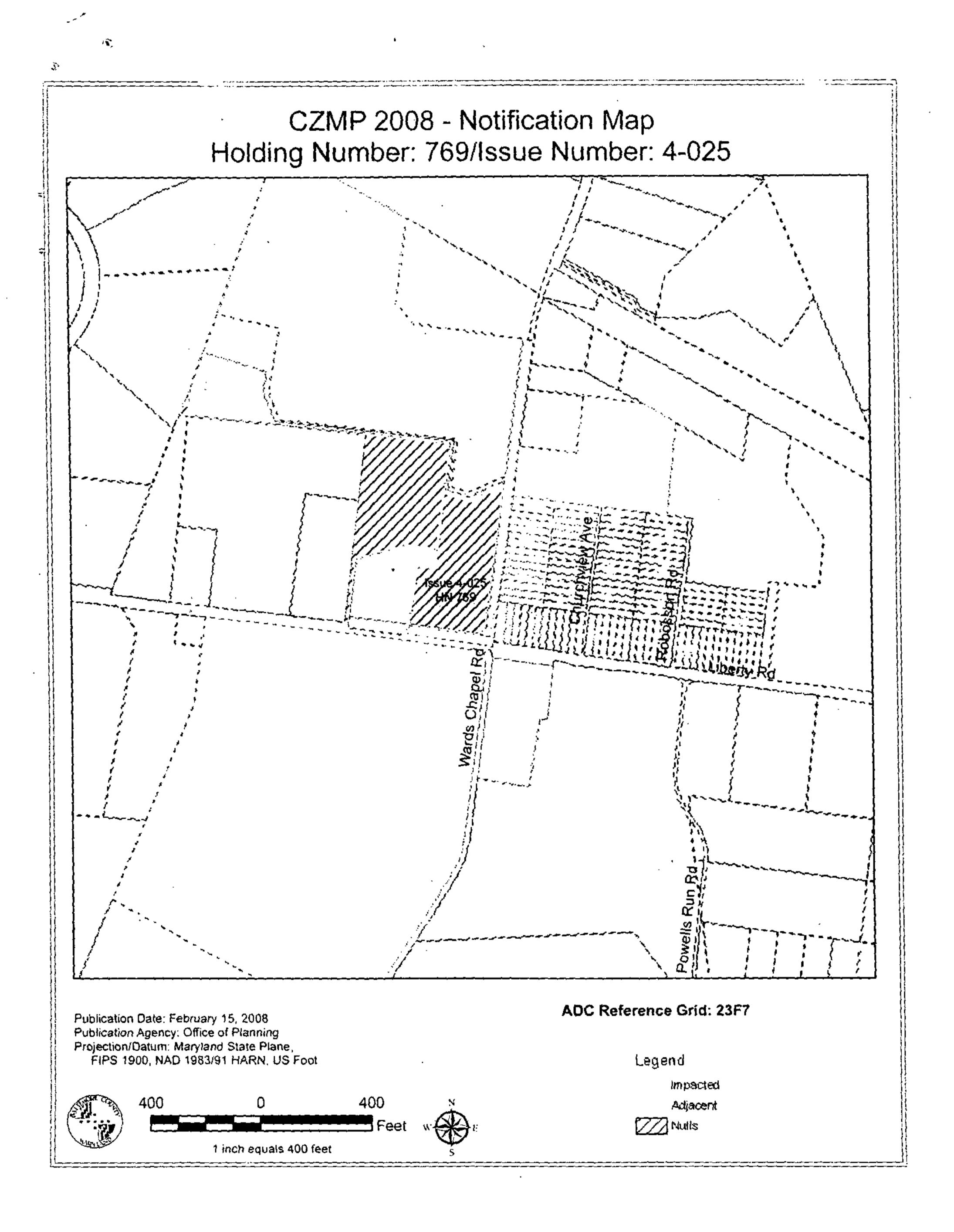
Howard L Alderman

Zoning Information

Existing Zoning Requested Zoning RC4 1.6 BL 3.4 RCC 1.8 3.4 3.4

Property Information Council District Election District Tax Account Taxmap <u>Parcel</u> Lot Rezoning Property Address <u>Book</u> <u>Folio</u> 11110 LIBERTY RD 2500001629 IMPS2.597 AC 0066 0131 11110 LIBERTY RD NS 0078 0189

10/18/07



McKEE & ASSOCIATES, INC.

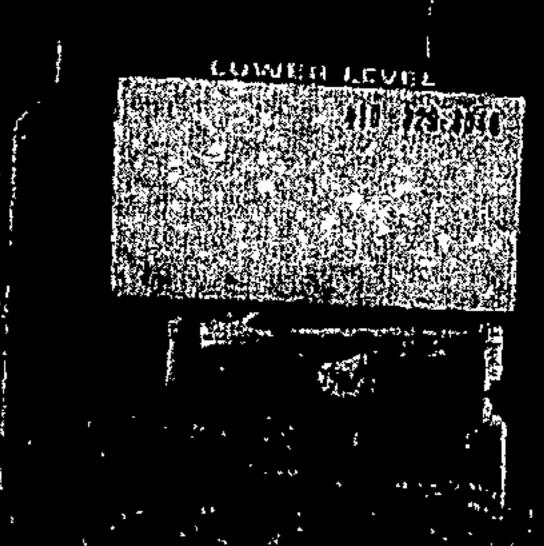
Engineering • Surveying • Environmental Planning
Real Estate Development

DATE: February 20, 2008

O: Baltimore County, Plannin	RE: Issue No. 4-025 # 11110 Liberty Road MAI: Job No. : 05-054
TTENTION: Mr. Jeff Mayhew	
(X) We are submitting	() We are returning () We are forwarding
() Herewith	() Under separate cover
No.	Description
1 Certificate of Postin	g
3 Photos	·
 	·
(X) For processing	() For your use (X) For your review
() Please call when ready	() Please return to this office () In accordance with your request
Remarks:	
For further information, plea	se contact the writer at this office.
	Very truly yours,
	McKee & Associates (ric.)
	William D. Gulick, Jr.
cc: File	

CERTIFICATE OF POSTING

RE: Issue No	4-025
Applicant	HOWARD ALDERMAN
Date of Planning Board	MARCH 13, 2008
Public Hearing	RANDALLSTOWN
	SENIOR HIGH SCHOOL
Location	
Baltimore County Office of Planning County Courts Building 401 Bosley Avenue Towson MD 21204	
Ladies and Gentlemen:	
This letter is to certify under penalties of perjury Sect. 32-3-215 (a) & (b) of the County Code were as Issue No. 4 - 025	that the necessary sign(s) required by e posted conspicuously for the property known
Address 1110 LIBERTY RO	
OWINGS MILLS, M	0 21117
The signs were posted on	19,2008
(Month, Day,	
	MCKEE & ASSOC. INC. 5 SHAWAN ROAD CKEYSVILLE, MO 21030
	440 - 527 · 1555 (Ext. 19) (Telephone Number)





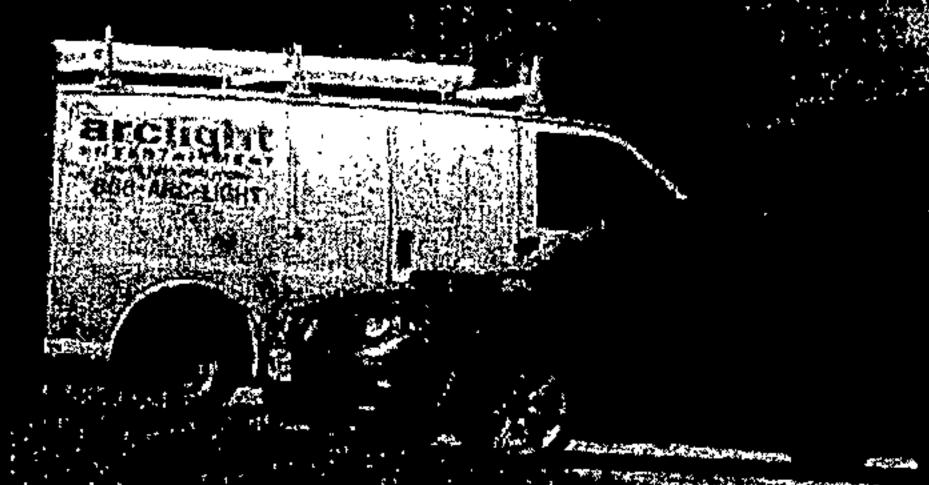
A PUBLIC HEARING WILL BE FIELD ON:
MARCH 13, 2008 AT 7:00 pm
AT THE: SENIOR HIGH SCHOOLS

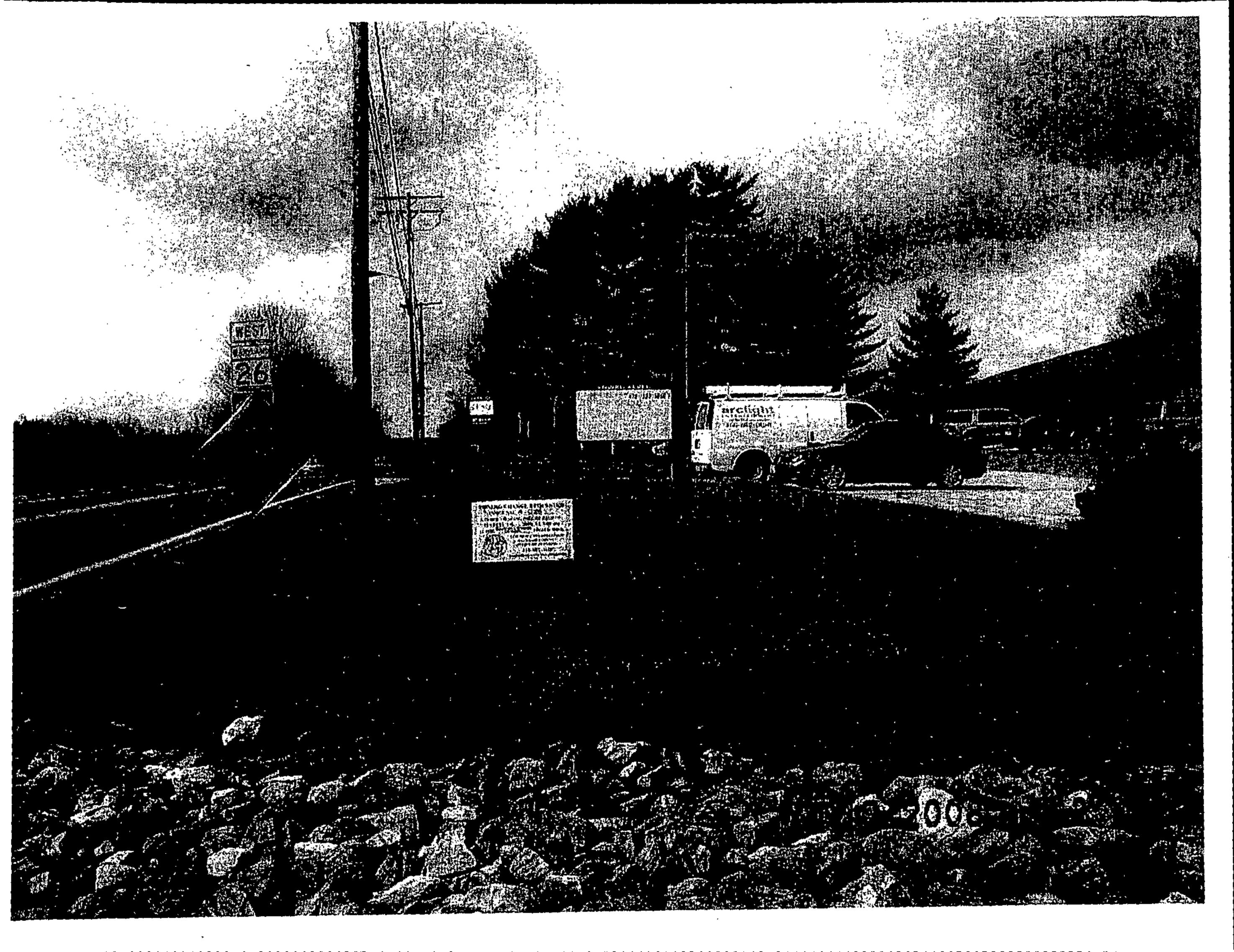


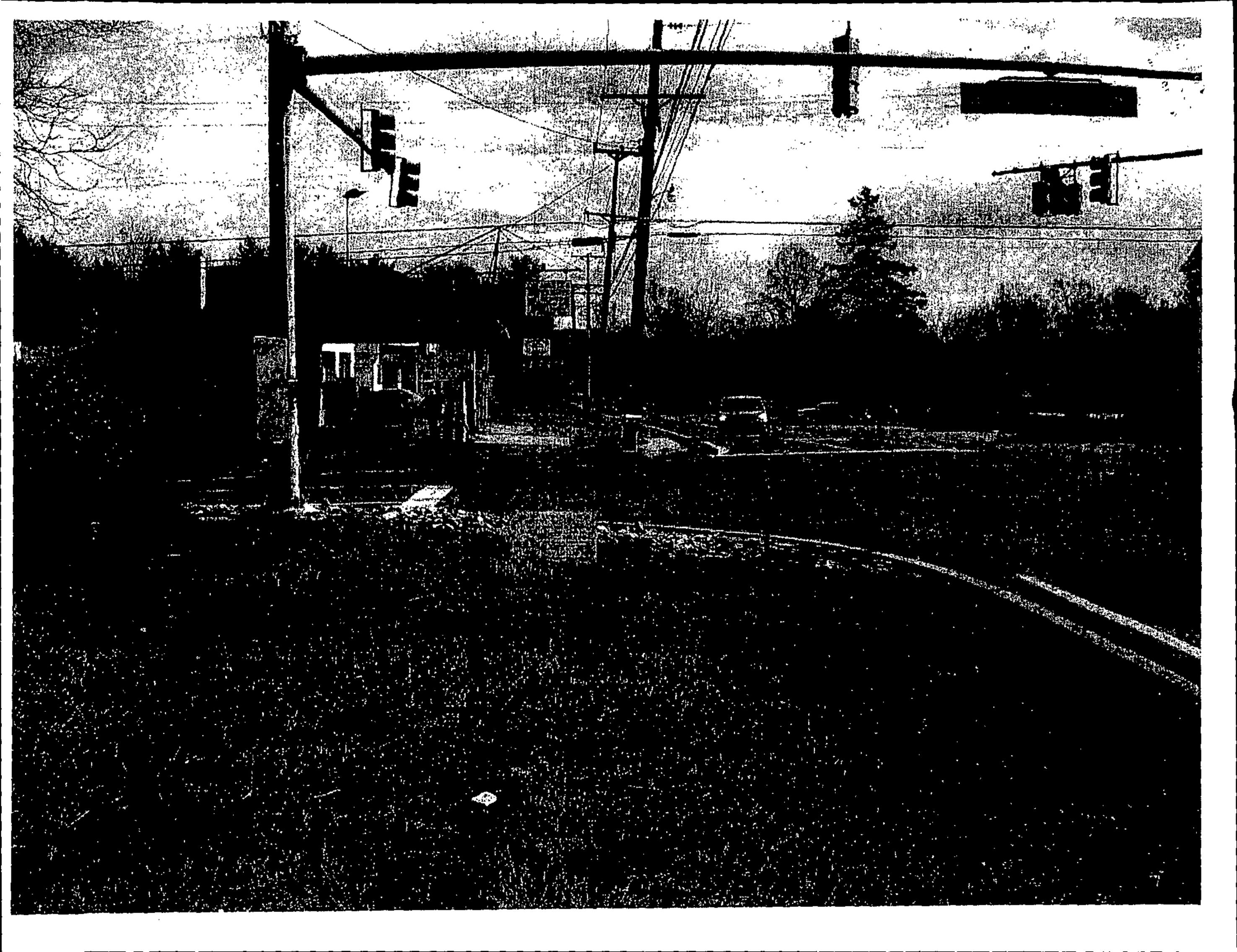
FOR MORE INFORMATION:
BALTIMORE COUNTY
OFFICE OF PLANNING

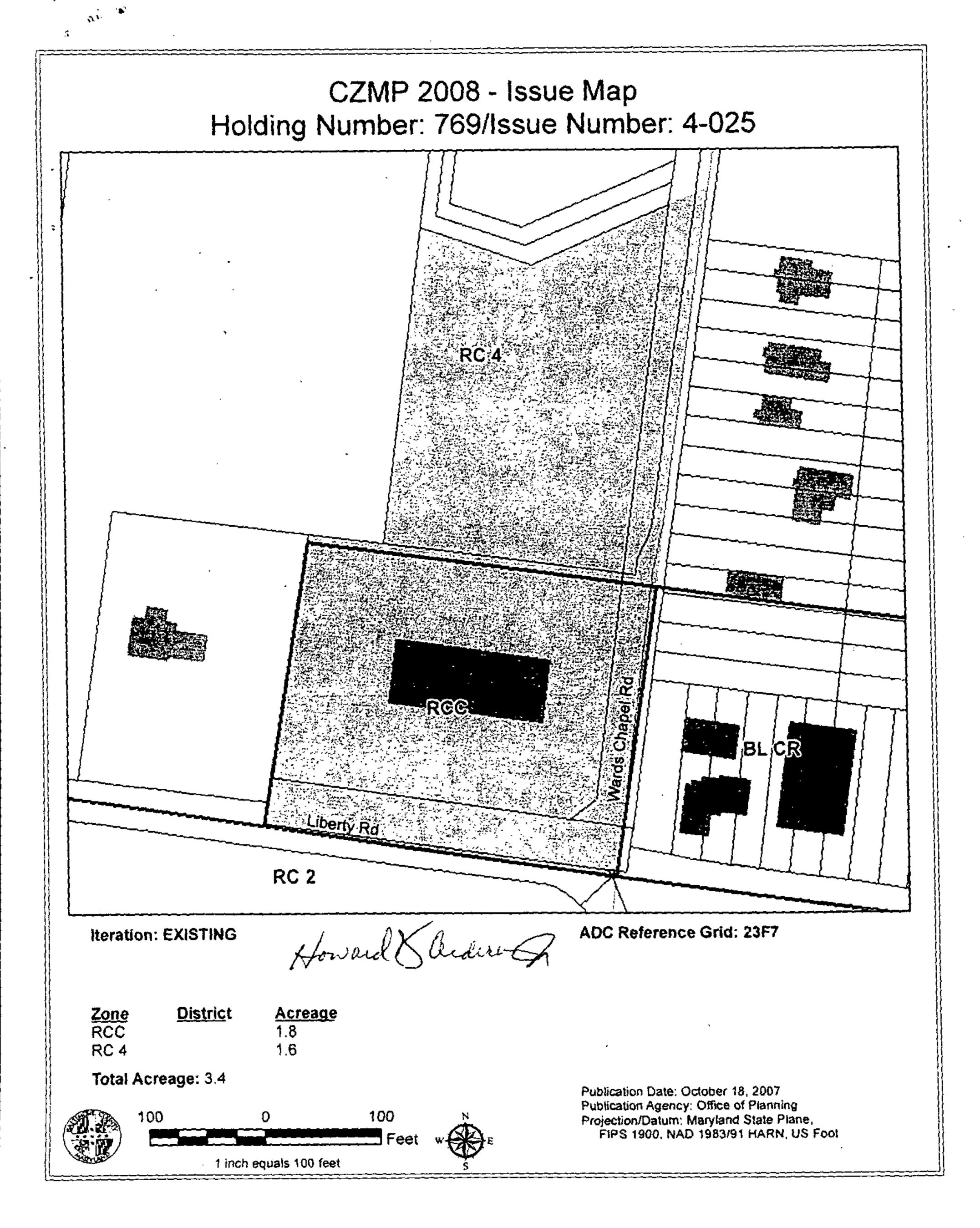
410-887-3480

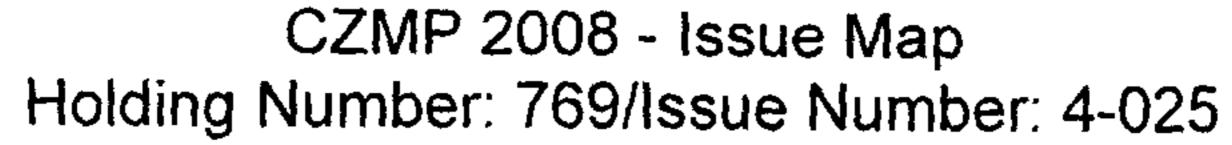
www.baltimorecountymdlgoy/go/czilog

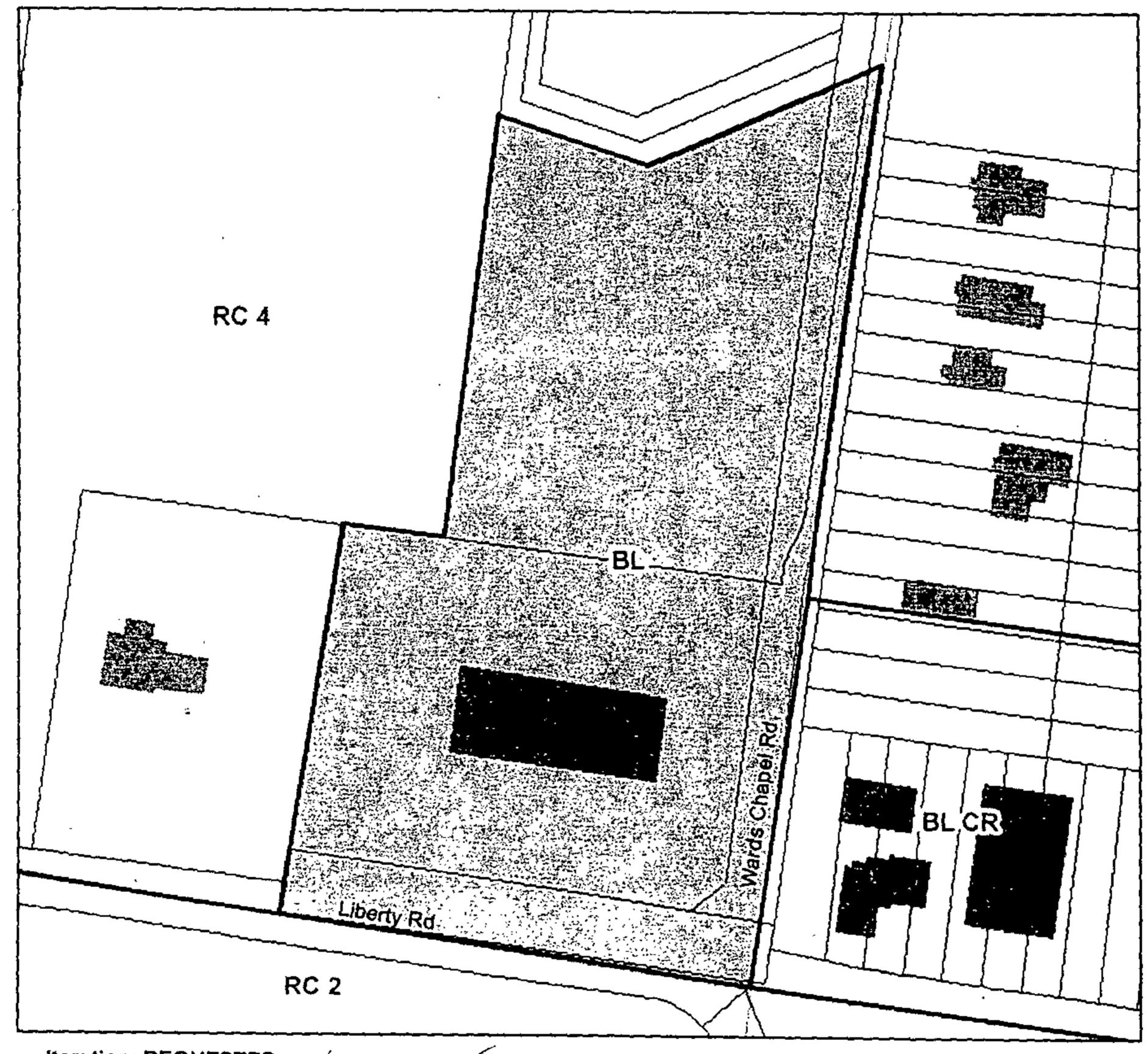












Iteration: REQUESTED

ADC Reference Grid: 23F7

Zone BL

District

Acreage 3.4

Total Acreage: 3.4

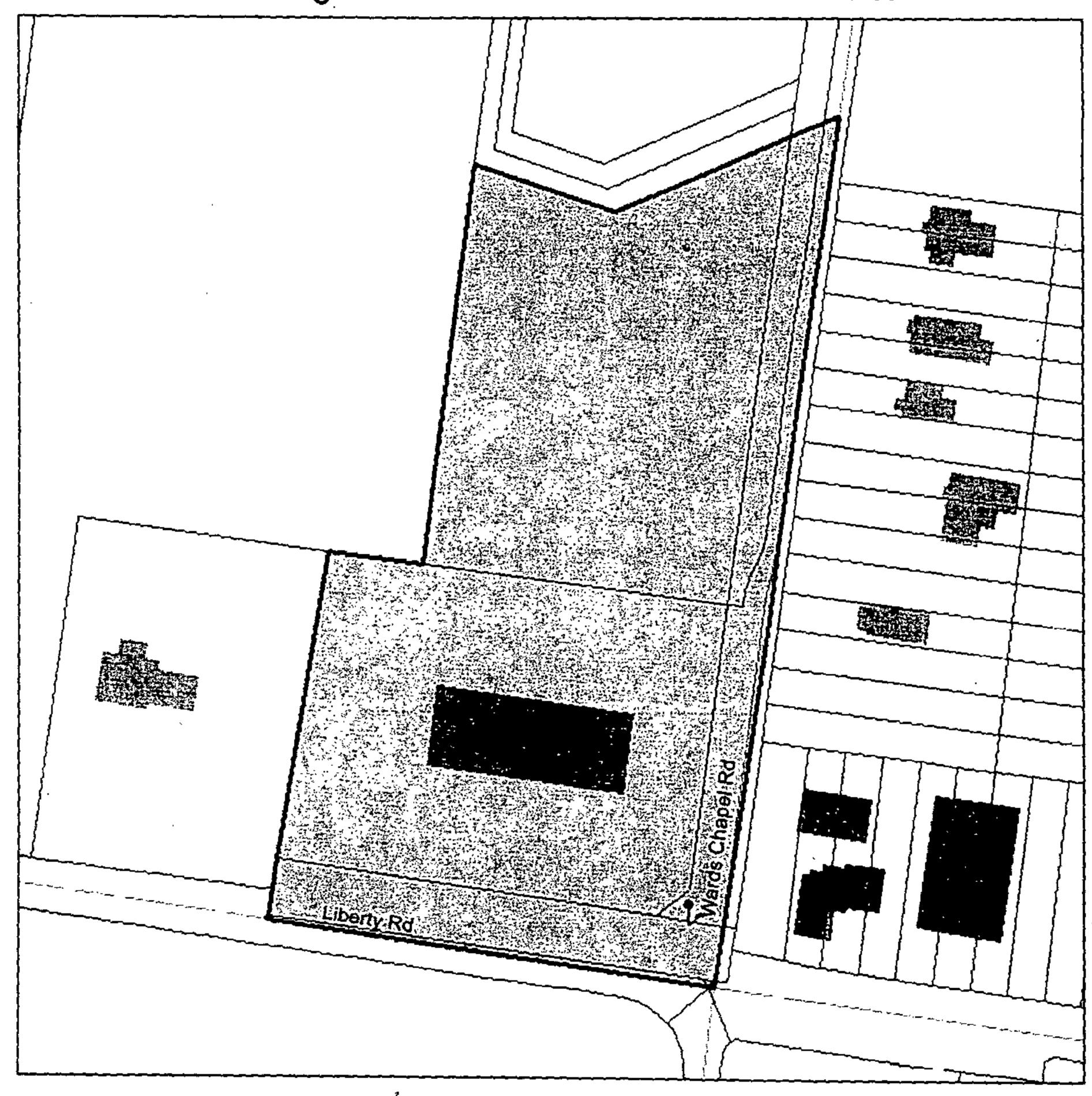


100 100 Feet 1 inch equals 100 feet



Publication Date: October 18, 2007 Publication Agency: Office of Planning Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot

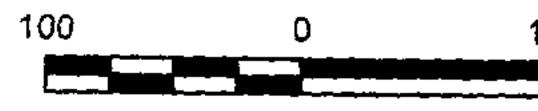
CZMP 2008 - Sign Location Map Holding Number: 769/Issue Number: 4-025



Publication Date: October 18, 2007
Publication Agency: Office of Planning
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

ADC Reference Grid: 23F7





100 Feet



1 inch equals 100 feet

The Liberty Road Renaissance Committee

March 13, 2008

Planning Board and County Council Comprehensive Zoning Map Process Court House Towson, Maryland 21204

Dear Sir or Madam:

This communication is to share the Liberty Road Renaissance Committee's (LRRC) position on the issues below. The LRRC is a group of individuals and business owners from the community, formed and charged by Councilman Kenneth Oliver (D 4th), to implement and monitor the LIBERTY WEST COMMUNITY PLAN. The LIBERTY WEST COMMUNITY PLAN, by Council Resolution No. 106-06, was adopted by the Baltimore County Council as part of the Baltimore County Master Plan 2010, on December 18, 2006.

Issue # 4-001 Temple Oheb Shalom. RC4 to DR2. The LRRC opposes this change because it will allow for the introduction of public water and sewer and the Liberty West Plan opposes moving the URDL.

Issue # 4-008 The LRRC has no objections.

Issue # 4-012 The LRRC opposes this request to change from BLR to BR for lack of information. The owners have not shared the reason for the request. The BR zoning will allow for uses not suitable for the area.

Issue # 4-023 The LRRC opposes this request to change from RO to BL. We would approve an amended request to CB with appropriate covenants.

Issue # 4-024 Christian Life Church from RC6 to DR 3.5. The LRRC opposes this change because it will allow for the introduction of public water and sewer and the Liberty West Plan opposes moving the URDL.

Issue # 4-025 The LRRC opposes this change from RC 4 and RCC to BL.

Assue # 4-026 The LRRC opposes this change from RO and DR 3.5 to BL. This is a residential area, has an elementary school and the new community park in close proximity. The current RO zoning is intended to provide a buffer/transition between businesses/offices and dedicated residences. The BL zone will allow for uses not desirable to the community.

Issue # 4-029 The LRRC opposes this change from OR-1 to BR. This area is close to the new community center, senior citizen building and the land does not support parking. A hotel in this area is not desirable to the community.

Sincerely,

Denise Murphy Chairman, LRRC



LIBERTY ROAD BUSINESS ASSOCIATION

"In Business For Your Business" P.O. Box 1417 Randallstown Maryland 21133 Tel: 410-655-7766 • Fax: 410-655-7767

March 13, 2008

Planning Board and County Council Comprehensive Zoning Map Process Court House Towson, Maryland 21204

Dear Sir or Madam:

This communication is to share the Liberty Road Business Association's (LRBA) position on the issues below. The LRBA is a non-profit business association with a membership of approximately 120 members. We have been in existence for 28 years and our mission is to encourage business development and retention along the Liberty Road corridor.

The LRBA has no objections. Issue # 4-008

Issue # 4-012 The LRBA opposes this request to change from BLR to BR for lack of information. The owners have not shared the reason for the request. The BR zoning will allow for uses not suitable for the area.

issue # 4-023 The LRBA has no objections.

-Jesue # 4-025 The LRBA opposes this change from RC 4 and RCC to BL.

The LRBA opposes this change from RO and DR 3.5 to BL. This is a residential area, Issue # 4-026 has an elementary school and the new community park in close proximity. The BL zone will allow for uses not desirable to the community.

Issue # 4-027 The LRBA does not oppose this change.

The LRBA opposes this change from OR-1 to BR. This area is close to the new Issue # 4-029 community center, senior citizen building and the land does not support parking.

Sincerely,

Chailen Wylie Charleen Wylie President

E-mail: LRBA@verizon.net Website: LRBAinfo.com

RESERVOIR WATERSHED MANAGEMENT PROGRAM

c/o Baltimore Metropolitan Council 2700 Lighthouse Point East – Baltimore, MD 21224

Mr. Edward Gilliss, Chair	man	March 4, 20	800
Baltimore County Plannin	g Board		
401 Bosley Ave.			
Towson MD 21204	RE:	Zoning reclassification petition no.	4-025
Dear Mr. Gilliss:			

This letter presents for the Planning Board's consideration the position of the region's Reservoir Watershed Management Program on an individual zoning reclassification petition (or "issue") currently being considered by Baltimore County under the 2008 Comprehensive Zoning Map Process (CZMP). The current list of issues in the second, third, fourth and fifth Councilmanic districts was reviewed by the Reservoir Technical Group. The group's review was limited to those petitions which involve properties draining to Liberty, Loch Raven or Prettyboy reservoirs.

This comment conforms to policy commitments made in the 2005 Action Strategy for the Reservoir Watersheds, a document which was endorsed by Baltimore County and by the other participants in the regional reservoir program. (These policy commitments are quoted later in this letter.)

The program currently is based on the Reservoir Watershed Management Agreement of 2005, which was signed by Baltimore City, Baltimore County, Carroll County, the two soil conservation districts in Baltimore and Carroll counties, the Maryland Department of Agriculture, the Maryland Department of the Environment, and the Baltimore Metropolitan Council. The 2005 Agreement (successor to a 1984 Agreement) focused on the need to protect the three reservoirs from elevated inputs of sediment, phosphorus, bacteria, sodium and chlorides. It also authorized the continuation of the Reservoir Technical Group (RTG)--which includes technical staff from all of the signatory parties-as the ongoing coordinating mechanism to carry out the program.

Issue Number	4-025	Location	Northwest Corner of the intersection of Liberty Rd and Wards Chapel Rd				
Reservoir water	shed Liber	<u> </u>	Acres affected _	3.4			
Present zoning	RC4, R	<u>cc</u> 1	Proposed new zon	ing <u>BL</u>			

Recommendation: Retain the existing Resource Conservation (RC) zoning. The proposed change is in conflict with the commitment made in the 2005 Action Strategy for the Reservoir Watersheds, because it would diminish the amount of RC-zoned land in the watershed by converting it to one or more urban zoning classifications.

Note: General background information is presented on the following pages.

Background on Reservoir Watershed Agreement goals and commitments

While the three reservoirs lie in Baltimore and Carroll counties, they provide all of the public drinking water for Baltimore City and Baltimore County, as well as the water for portions of Anne Arundel, Carroll, Harford and Howard counties. The region's shared water supply system, portions of which are almost 100 years old, represents a priceless and irreplaceable legacy. The aim of the Reservoir Watershed Management Program is to help ensure the wise stewardship of the reservoirs and their tributaries, so that they will continue to provide the region with high-quality drinking water, well into the future.

All three of the reservoirs were found in the early 1970s to be suffering from high levels of phosphorus and algae. Phosphorus coming from the discharges of several small sewage treatment plants, from agriculture and from suburban/urban areas in the watersheds was contributing to the excessive growth of algae in the reservoirs. Concerns over the quality of the raw water and the long-term health of the lakes led to the signing of the 1984 Reservoir Watershed Management Agreement. The signatories to that agreement have carried out over the past 24 years literally hundreds of actions, involving both public projects and private efforts, to pursue the goals of that pact.

In 2005, the earlier watershed management agreement was renewed by the same signatory agencies. The 2005 Agreement included the following goals:

- Maintain existing water quality in the reservoirs and their tributaries, and reduce phosphorus, sediment, bacterial, sodium and chloride loadings to the reservoirs (and their tributaries) to acceptable levels, in order to...eliminate existing and prevent future water quality impairments, as defined under the federal Clean Water Act, Section 303(d). [All three reservoirs have been identified as impaired by one pollutant or another under this mandatory state/federal program.] ...
- It is a goal of the Reservoir Program to promote patterns of land use in the three reservoir watersheds and promote landowner stewardship practices that together will help to meet the aforementioned water quality standards and technical goals for the reservoirs and their tributaries.

Many of the policies and actions committed to in the 2005 Action Strategy (appended to the 2005 Agreement) are intended to directly pursue these two goals (among others) for the reservoirs.

Because zoning greatly influences the type and intensity of future land uses (and the related pollutant loadings to local waterways), the 2005 Action Strategy includes several policies agreed to by all the signatories which relate to local zoning issues:

- Baltimore County will maintain insofar as possible the current limits of extension of the Urban-Rural Demarcation Line (URDL) in the Loch Raven and Liberty watersheds. (The Prettyboy watershed lies well outside of the URDL line.)
- Baltimore and Carroll Counties will maintain the current extent of conservation and agricultural zoning in the reservoir watersheds, insofar as possible.

 Baltimore and Carroll Counties will protect the reservoir watersheds by limiting insofar as possible additional urban development zoning within the reservoir watersheds.

Ever since 1988, the Reservoir Watershed Management Program has reviewed and commented on proposed rezoning actions in both Baltimore and Carroll Counties in light of these broad policies.

The land use-water quality connection

A growing body of scientific research has established that the quantity and quality of runoff from the landscape is greatly influenced by the land cover—from forest, field, cropland, and pasture, through various types of suburban housing, all the way up to retail and manufacturing areas and other high-density urban uses. Speaking in very general terms, forests are the most protective of local water quality, followed by well-managed pasture land and cropland, and then by very low-density residential development. As residential densities go up, phosphorus concentrations in the storm runoff increase dramatically, the potential for groundwater contamination increases, and the erosion of local stream channels by runoff worsens. Land uses with high percentages of impervious surfaces are the most detrimental of all to stream habitat and to local water quality.

Although the Baltimore reservoirs are well-managed, their water quality continues to be threatened by existing and new development, and by other land use practices in their watersheds. That is why it's so important to keep as much of the remaining unurbanized portions of the three watersheds as possible in forest and in other land uses with low imperviousness, such as agriculture and low-density development.

These principles were among the factors considered when Baltimore County adopted its Urban-Rural Demarcation Line in 1967 and its Resource Conservation zones in 1975. Those bold new policies set the ground rules for most subsequent land-use decisions in the reservoir watersheds in Baltimore County (as well as in other parts of the county.) These policies have been the "first line of defense" for protecting the watersheds, and in many ways, they have served the people of Baltimore County (as well as all of the water system's other customers) very well.

Minimizing the risks of future development in Baltimore County watershed areas

When the Reservoir Technical Group participated in the 2004 CZMP process, our comments included the results of a Baltimore County staff analysis of the potential for new residential lots to be developed, under existing zoning, on rural lands in the reservoir watersheds. In the county's portion of each watershed, there was (under the pre-2004 zoning) the potential to double over time the number of all rural residences that already existed.

A number of the "downzonings" that were approved in the 2004 CZMP cycle contributed significantly to reducing the overall potential for new rural residential development. We welcomed those changes.

Despite the significant downzonings adopted by Baltimore County in 2004, we believe that there remains a need to further reduce development pressures in the county's northern rural areas, and to apply rural zoning classifications that protect the forests, streams, wetlands, and other environmental resources which help to protect and maintain the water quality of the three reservoirs and their many tributaries.

Principles guiding our current recommendations

Our comments on individual rezoning "issues" in the three watersheds rest on two broad principles, which grow out of the commitments made in the 2005 Action Strategy:

- We are opposed to any petitions which propose to convert present Resource Conservation (RC) acreage to other zoning categories.
- We support petitions which would convert acreage from an urban category or from a higher-density RC zone to a lower-density RC zone (i.e., permitting fewer new residences to be built on the same tract(s) of land.)

In addition, the Reservoir Technical Group is opposed to any petitions which would convert acreage from a lower-density RC zone to a higher-density RC zone (i.e., permitting more new residences to be built on the same tract(s) of land.) We are also concerned about each rezoning petition in the watershed areas that would convert a parcel from one (or more) type(s) of urban zoning category to a more "intensive" urban zoning category (ies.) The more intensive urban uses typically involve an increase in the percent imperviousness of a given site (requiring more complicated stormwater management controls), and they often result in increased local vehicular activity. Although we are not taking positions on individual *urban-to-urban* petitions in the watersheds, we are concerned about the cumulative effects on the reservoirs of existing and proposed new residential/urban development. We urge the County to focus on reducing such effects during the development review process for each project.

Thank you for giving consideration to our comments. We applaud Baltimore County's longstanding tradition of using land use policy to help protect the Baltimore metropolitan water-supply reservoirs for future generations. We appreciate having had the chance to participate in Baltimore County's Comprehensive Zoning Map Process. If you have any questions, please contact me at 410-732-0500 x1006.

Sincerely,

Gould Charshee
Gould Charshee

Water Resources Program Manager Baltimore Metropolitan Council

Cc: Arnold F. (Pat) Keller III
Reservoir Technical Group

Hi my name is Stewart Richardson and I am President of the Sunnybrook Farms Area Community Association in Reisterstown. Our communities are concerned as we see growth that overcrowds schools, clogs roads, degrades neighborhoods, and hurts the environment. For this reason, I am here to express my opposition to these CZMP proposals:

04-001 – Temple Oheb Shalom. A housing development is a bad idea for this location. This is currently watershed resource conservation land which is a zoning classification designed by the County to preserve watershed resources. With the growth in our area, it is not surprising that our watershed and local streams already get weak ratings by the experts. As we grow more, it is imperative that RC4 lands remain preserved to have any chance of watershed recovery. We also note that this site is outside the URDL, and consistent with Smart Growth, absolutely needs to stay that way. With no sewer and water service there, DR2 sites may not be large enough to properly support well and septic systems, which, along with the contamination that housing brings, would present unwanted risk to the watershed. Also, this proposal would clog local 2 lane rural roads which service the property. Clearly, consistent with the staff recommendation, this Request should be denied.

04-022 - Goregolf LLC. Like the previous proposal, this is watershed resource conservation land that is close to Liberty Reservoir. Losing a large 46 acre tract of RC4 land to Business Major would be disastrous to the watershed that is already stressed by rapid growth. Once the land is developed, we won't be able to go back and correct the mistake. Smart growth means not destroying the environment. The County should encourage this developer to look at other areas already zoned Business Major, and should, consistent with the staff recommendation, deny this request.

4-025 - Wards Chapel Holdings LLC - This is a smaller site close to Liberty Reservoir again with some RC4, and again the requestor wants to change to a business classification. We don't need any more businesses there, particularly any that are at a cost to the watershed. This request should be denied.

Hi my name is Stewart Richardson and I am President of the Sunnybrook Farms Area Community Association in Reisterstown. Our communities are concerned as we see growth that overcrowds schools, clogs roads, degrades neighborhoods, and hurts the environment. For this reason, I am here to express my opposition to these CZMP proposals:

- N - 1%

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again with some RC4, and again the requestor wants to change to a business classification. We don't need any more businesses there, particularly any that are at a cost to the watershed. This request should be denied.

2008 Comprehensive Zoning Map Process

BALTIMORE COUNTY COUNCIL

Selected Minutes of August 26, 2008 Legislative Session

4th Councilmanic District

[Cover Page; Pages 15-16]

- 3-227 from DR 16 (0.1 ac.) and DR 3.5 (32.2 ac.) to DR 3.5. Motion was seconded by Councilman Moxley and passed unanimously.
- 3-229 from RC 5 to RC 7. Motion was seconded by Councilman Moxley and passed unanimously.
- 3-233 from DR 3.5 (2.5 ac.), DR 5.5 (16.6 ac.) and RO (1.8 ac.) to DR 1 (19.1 ac.) and RO (1.8 ac.), as shown on the overlay. Motion was seconded by Councilman Moxley and passed unanimously.
- 3-234 from DR 16 (0.1 ac.), DR 3.5 (13.8 ac.) and DR 5.5 (12.4 ac.) to DR 1. Motion was seconded by Councilman Moxley and passed unanimously.

For Issues 3-004, 3-007, 3-008, 3-021, 3-054, 3-055, and 3-056, the "comment" is deleted.

Thereafter, upon motion by Councilman McIntire, seconded by Councilman Moxley, Bill 87-08, passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski Nay - None

Bill 88-08 - The Comprehensive Zoning Map - Fourth District, was called. Councilman Oliver moved to accept the Planning Board's recommendation on the following issues:

4-001, 4-002, 4-003, 4-004, 4-005, 4-006, 4-007, 4-008, 4-009, 4-10, 4-011, 4-012, 4-013, 4-014, 4-015, 4-016, 4-017, 4-018 4-019, 4-020, 4-021, 4-022, 4-023, 4-024, 4-025, 4-026, 4-027, underline 4-028, 4-029, 4-030, 4-032, 4-033, 4-034, 4-035, 4-036, 4-037, 4-038, 4-039, 4-040

Councilman Moxley seconded the motion and these issues were passed unanimously.

Councilman Oliver then moved the following changes in the Fourth District Comprehensive Zoning Map:

- 4-031 from RC5 (24.6) to Existing MLR (0.1), OR2 (0.1) and RC6. Motion was seconded by Councilman Moxley and passed unanimously.
- 4-041 from DR 5.5 (5.3) and RC5 (26.2) to Existing DR 3.5 (5.3) and RC6 (26.2) (strike comments). Motion was seconded by Councilman Moxley and passed unanimously.

Thereafter, upon motion by Councilman Oliver, seconded by Councilman Moxley, Bill 88-08, passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski Nay - None

<u>Bill 89-08</u> - The Comprehensive Zoning Map - Fifth District, was called. Councilman Gardina moved to accept the Planning Board's recommendation on the following issues:

5-003, 5-005, 5-008, 5-009, 5-010, 5-011, 5-012, 5-013, 5-014, 5-017, 5-018, 5-020, 5-021, 5-022, 5-023, 5-026, 5-027, 5-029, 5-033, 5-034, 5-035, 5-036, 5-038, 5-041, 5-043, 5-045, 5-046, 5-049, 5-050, 5-051, 5-054, 5-055

Councilman Bartenfelder seconded the motion and these issues passed unanimously.

Councilman Gardina then moved the following changes in the Fifth District Comprehensive Zoning Map:

- 5-001 from BL (0.3 acres) and DR 5.5 (0.3 acres) to BL (0.5 acres) and DR 5.5 (0.1 acres) as shown on the overlay. Motion was seconded by Councilman Bartenfelder and passed unanimously.
- 5-002 from DR 16 (0.0 acres) and DR 3.5 (1.5 acres) and DR 5.5 (0.0 acres) and RO (0.0 acres) to BLR (1.6 acres). Motion was seconded by Councilman Oliver and passed unanimously.
 - 5-004 from ROA (0.2 acres) to DR 5.5 (0.2 acres). Motion was seconded by Councilman Bartenfelder and passed unanimously.
- 5-006 from BM IM (1.9 acres) and ML IM (4.2 acres) to BM IM (2.2 acres) and ML IM (3.9 acres) as shown on the overlay. Motion was seconded by Councilman Bartenfelder and passed unanimously.
- 5-007 from DR 3.5 (0.5 ac.) to BL (0.5 ac.). Motion was seconded by Councilman Bartenfelder and passed unanimously.
- 5-015 from RO (0.2 ac.) to BL (0.2 ac.). Motion was seconded by Councilman Bartenfelder and passed unanimously.
- 5-016 from BL (2.8 ac.), DR 16 (0.0 ac.), DR 2 (0.0 ac.), DR 3.5 (2.7 ac.) and RO (0.4 ac.) to BL AS (2.0 ac.), DR 5.5 (2.7 ac.) and BL (1.2 ac.) as shown on the overlay. Motion was seconded by Councilman Bartenfelder and passed unanimously.

Requested: Jan. 3, 2008

APPEAL SIGN POSTING REQUEST

CASE NO. 07-556-SPHA

11100 LIBERTY ROAD

2ND ELECTION DISTRICT

APPEALED: OCT. 23, 2007

ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1)

COMPLETE AND RETURN BELOW INFORMATION*

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, MD 21204

Attention: Kathleen Bianco Administrator

CASE NO.: 07-556-SPHA

LEGAL OWNER: WARDS CHAPEL HOLDINGS, LLC

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

11100 LIBERTY ROAD

N/SIDE LIBERTY ROAD @ W/SIDE OF	WARDS CHAPEL ROAD
The sign was posted on $\frac{5}{2}$	2008.
By:	
(Signature of Sign Poster)	
(Print Name)	70
ι	CIG.



Case No.:

07-556-SPHA

11100 LIBERTY KOAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	
No. 2		
110. 2	PRIOR DEVOLOPMENT AND ZONING ORDER	
No. 3	PHOTO'S OF ELISTNE CONTRITION	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

APPEAL

Petition for Special Hearing and Variance 11100 Liberty Road N/side Liberty Road @W/side of Wards Chapel Road 2nd Election District – 4th Councilmanic District Legal Owners: Wards Chapel Holdings, LLC

Case No.: 07-556-SPHA

Petition for Special Hearing & Variance (June 13, 2007) Zoning Description of Property Notice of Zoning Hearing (August 7, 2007) Certification of Publication (The Jeffersonian – September 4, 2007) Certificate of Posting (August 30, 2007) by William Gulick, Jr. Entry of Appearance by People's Counsel (June 22, 2007) ✓ Petitioner(s) Sign-In Sheet – One Sheet Protestant(s) Sign-In Sheet - None Citizen(s) Sign-In Sheet - None Zoning Advisory Committee Comments Petitioners Exhibit Site Plan Prior Development and Zoning Order Photo of Existing Condition Protestants' Exhibits: None Miscellaneous (Not Marked as Exhibit) None

DEC 1 0 2007

BALTIMORE COUNTY **BOARD OF APPEALS**

✓ Zoning Commissioner's Order (October 4, 2007 - GRANTED)

Notice of Appeal received on October 23, 2007 from Office of People's Counsel

People's Counsel of Baltimore County, MS #2010 Zoning Commissioner/Deputy Zoning Commissioner Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Rd., Hunt Valley 21030 Randy Shelley, 2601 Cotter Road, Millers 21102 Wards Chapel Holdings, P.O. Box 356, Monkton 21111

2008 Comprehensive Zoning Map Process

Log of Issues - 4th Councilmanic District

Page 4

lssue Number	Owner, Petitioner		Location					May	23, 2008
	Petitioner Existing Zoning and Acres		Requested Zoning and Acres	Final Staff Recommendation		Planning Board Recommendations		County Council Decision	Comments
4-020	10521 Red Run Business Trust		South side of Red Run Blvd, 210 ft west of Owings Mills Blvd						
	OR 1	0.2 BM CT	12.4	BM CT	12.4	BM CT	12.4		See Issue 4-040
	ОТ	12.3 12.5	12.4		12.4		12.4		
4-021	Nicodemus Ventures, LLC		South side of Nicodemus Rd, 350 ft west of Reisterstown Rd			<u> </u>			
	RO	1.5 BL	1.3	СВ	1.3	СВ	1.3		
		1.5 DR 2	0.2	DR 2	0.2	DR 2	0.2		
			1.5		1.5		1.5		
022	Goregolf, LLC		Southwest con	ner of Westminst	er Pike and				· · · · · · · · · · · · · · · · · · ·
	RC 3	3.9 <u>BM</u>	46.3	RC 3	3.9	RC 3	3.9		
	RC 4	42.4	46.3	RC 4	42.4	RC 4	42.4		
		46.3			46.3		46.3		
-023	9000 Hair Salon, LLC South side of Marcella Ave		iberty Rd, 100 ft	west of		<u> </u>			
	RO	0.3 BL	0.3	СВ	0.3	СВ	0.3		
		0.3	0.3		0.3		0.3		
-024	Christian Life Chu	an Life Church South side of Vo		Vindsor Mill Rd, 9	925 ft west				
	RC 5	0.0 DR 3.5	19.6	RC 5	0.0	RC 5	0.0		See Issue 4-041
	RC 6	19.6 RC 5	0.0	RC 6	19.6	RC 6	19.6		
		19.6	19.6		19.6		19.6		
4-025	Wards Chapel Ho		Northwest corr Chapel Rd	ner of Liberty Rd	and Wards				
	RC 4	1.6 BL	3.4	RCC	3.4	RCC	3.4		
	RCC	1.8	3.4		3.4		3.4	7	
		3.4							
		<u> </u>						Emphase	er addel

2008 Comprehensive Zoning Map Process

BALTIMORE COUNTY COUNCIL

Selected Minutes of August 26, 2008 Legislative Session

4th Councilmanic District

[Cover Page; Pages 15-16]

- 3-227 from DR 16 (0.1 ac.) and DR 3.5 (32.2 ac.) to DR 3.5. Motion was seconded by Councilman Moxley and passed unanimously.
- 3-229 from RC 5 to RC 7. Motion was seconded by Councilman Moxley and passed unanimously.
- 3-233 from DR 3.5 (2.5 ac.), DR 5.5 (16.6 ac.) and RO (1.8 ac.) to DR 1 (19.1 ac.) and RO (1.8 ac.), as shown on the overlay. Motion was seconded by Councilman Moxley and passed unanimously.
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Thereafter, upon motion by Councilman McIntire, seconded by Councilman Moxley, Bill 87-08, passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski Nay - None

<u>Bill 88-08</u> - The Comprehensive Zoning Map - Fourth District, was called. Councilman Oliver moved to accept the Planning Board's recommendation on the following issues:

4-001, 4-002, 4-003, 4-004, 4-005, 4-006, 4-007, 4-008, 4-009, 4-10, 4-011, 4-012, 4-013, 4-014, underline 4-015, 4-016, 4-017, 4-018 4-019, 4-020, 4-021, 4-022, 4-023, 4-024, 4-025, 4-026, 4-027, 4-028, 4-029, 4-030, 4-032, 4-033, 4-034, 4-035, 4-036, 4-037, 4-038, 4-039, 4-040

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Thereafter, upon motion by Councilman Oliver, seconded by Councilman Moxley, Bill 88-08, passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski Nay - None

Bill 89-08 - The Comprehensive Zoning Map - Fifth District, was called. Councilman Gardina moved to accept the Planning Board's recommendation on the following issues:

5-003, 5-005, 5-008, 5-009, 5-010, 5-011, 5-012, 5-013, 5-014, 5-017, 5-018, 5-020, 5-021, 5-022, 5-023, 5-026, 5-027, 5-029, 5-033, 5-034, 5-035, 5-036, 5-038, 5-041, 5-043, 5-044, 5-045, 5-046, 5-049, 5-050, 5-051, 5-054, 5-055

Councilman Bartenfelder seconded the motion and these issues passed unanimously.

Councilman Gardina then moved the following changes in the Fifth District Comprehensive Zoning Map:

5-001 from BL (0.3 acres) and DR 5.5 (0.3 acres) to BL (0.5 acres) and DR 5.5 (0.1 acres) as shown on the overlay. Motion was seconded by Councilman Bartenfelder and passed unanimously.

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LAW OFFICES

Levin & Gann

A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960) CALMAN A. LEVIN (1930-2003)

APR 2 2 2008

BALTIMORE COUNTY

BOARD OF APPEALS

DIRECT DIAL 410-321-4640

HOWARD L. ALDERMAN, JR.

halderman@LevinGann.com

April 21, 2008

Kathleen Bianco, Administrator
County Board of Appeals for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204 - - -

RE: Wards Chapel Holdings, LLC Property Case No. 07-556-SPHA

Unopposed Request for Postponement

Tucker/Barnes Property
Case No. 08-073-SPHA

Joint Request for Immediate Reassignment

Dear Ms. Bianco:

On behalf of Wards Chapel Holdings, LLC, we respectfully request that the Board postpone the hearing on Case No. 07-556-SPHA, presently scheduled for June 11, 2008, until a date that the Board has available after October 15, 2008. In speaking with Mr. Zimmerman, it is my understanding that the Office of People's Counsel, who noted this appeal, will not object to the postponement. The requested postponement may provide the opportunity for most if not all issues to be resolved such that the appeal hearing will be very short, if held at all.

I also understand that the Office of People's Counsel has a scheduling conflict with the Tucker/Barnes appeal, Case No. 08-073-SPHA, presently scheduled for June 4, 2008. Therefore, in order to not delay the Tucker/Barnes case, after the Board was kind enough to expedite the hearing, we [People's Counsel and I] request that Case No. 08-073-SPHA be scheduled for June 11, 2008 in lieu of the Wards Chapel case.

Should you or any member of the Board need any additional information in consideration of this request please do not hesitate to call Mr. Zimmerman (410-887-2188) or me at the number above.

Howard L. Alderman Ir

HLA/gk

c:

People's Counsel for Baltimore County [via telefax only]

Wards Chapel Holdings, LLC

Mr. Paul Garner [Tucker/Barnes]

[via email attachment only]

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Jefferson Building 105 West Chesapeake Avenue, Room 204 Towson, Maryland 21204

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

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO
Deputy People's Counsel

April 22, 2008

Kathleen Bianco, Administrator
County Board of Appeals
of Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

Re:

Wards Chapel Holdings, LLC

Case No.: 07-556-SPHA

Tucker/Barnes Property
Case No.: 08-073-SPHA

DECEIVE APR 2 2 2008

BALTIMORE COUNTY BOARD OF APPEALS

Dear Ms. Bianco:

This letter is in reference to Howard Alderman's letter dated April 21, 2008 and confirms that our office has no objection to the postponement of the Wards Chapel Holdings case until an available date after October 15, 2008. The Petitioner has filed, separately, a request during the 2008 CZMP (Issue 4-025) to have the zoning changed on the entire site to B.L. Following the legislative action of the County Council, effective in October, we will consider the impact, if any, on the present case and proceed appropriately at that time.

I also appreciate the rescheduling of the Tucker/Barnes case to June 11, 2008.

Thank you in advance for your anticipated consideration.

Sincerely,

Peter Max Zimmerman

People's Counsel for Baltimore County

iti / Wemmermen

PMZ/rmw

cc: Howard L. Alderman, Jr. Esquire

Requested: Jan. 3, 2008

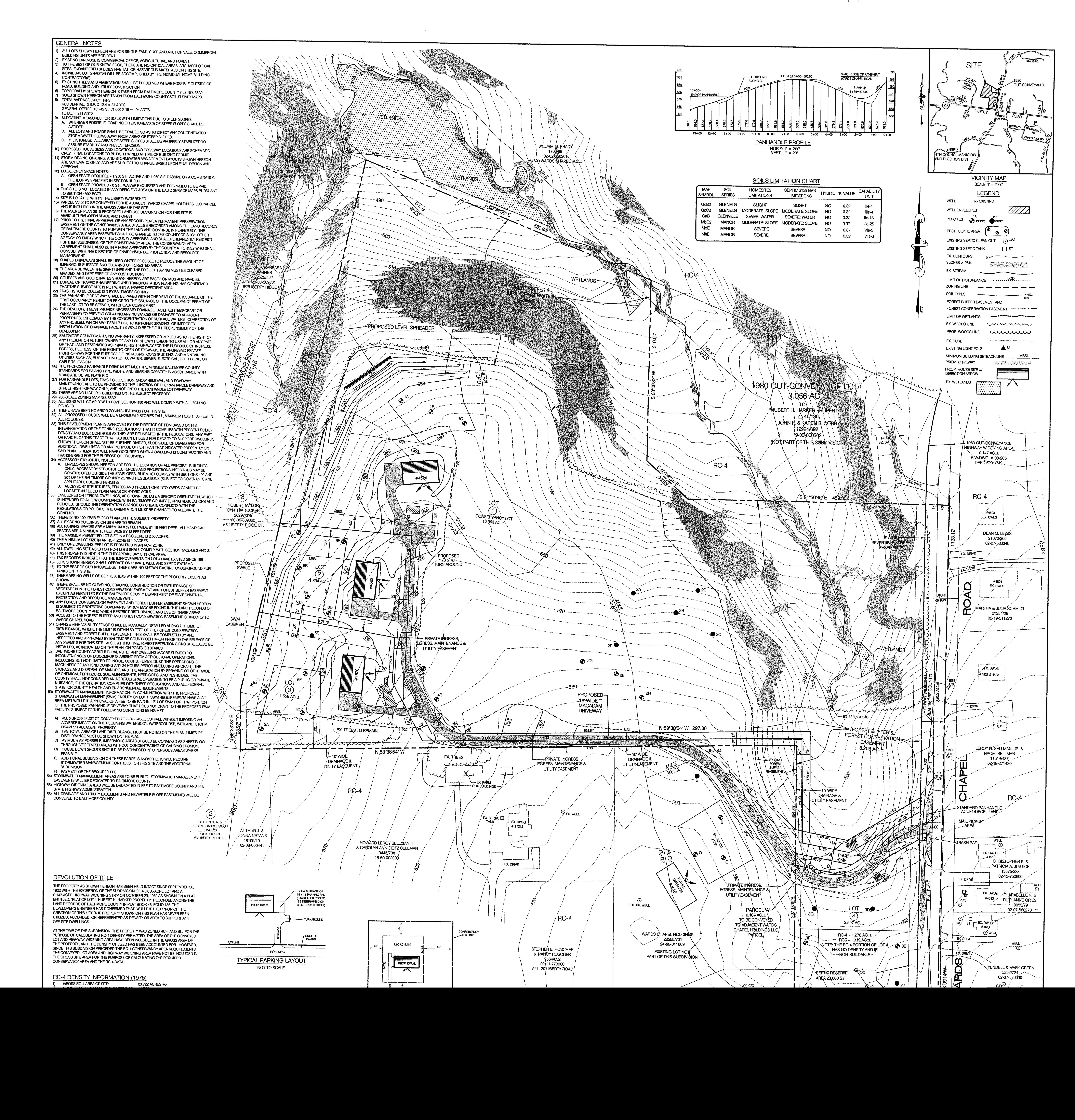
APPEAL SIGN POSTING REQUEST

CASE NO. 07-556-SPHA

11100 LIBERTY ROAD

2ND ELECTION DISTRICT

APPEALED: OCT. 23, 2007



GENERAL NOTES

- . THIS PROPERTY OPERATES ON PRIVATE WELL AND SEPTIC SYSTEMS.
- 2. THERE ARE NO STREAMS, WETLANDS, OR STORMWATER MANAGEMENT SYSTEMS ON OR WITHIN 100 FEET OF THIS SITE.
- 3. THIS PROPERTY IS NOT HISTORIC.
- 4. THIS PROPERTY DOES NOT CONTAIN A 100 YEAR FLOOD PLAIN.
- 5. THIS PROPERTY IS NOT IN THE CBCA.
- 3. ANY PROPOSED SIGN SHALL COMPLY WITH SECTION 450 BCZR.
- /. MAXIMUM BUILDING HEIGHT IS 30 FEET.
- ن. THE RC-4 ZONED PORTION OF THIS SITE HAS NO DENSITY AND IS NON-BUILDABLE.
- J. THIS PROPERTY WAS APPROVED AS LOT 4 OF THE SUBDIVISION OF THE "HARKER PROPERTY" APPROVED BY THE HEARING OFFICER UNDER CASE NO. II-672. (SEE ORDER THIS SHEET)

SITE DATA

EXISTING ZONING GROSS AREA

RCC AND RC-4

RCC 72,963 SF = 1.675 AC.RC-4 64,790 SF = 1.487 AC TOTAL- 137,753 SF = 3.162 AC.

NET AREA

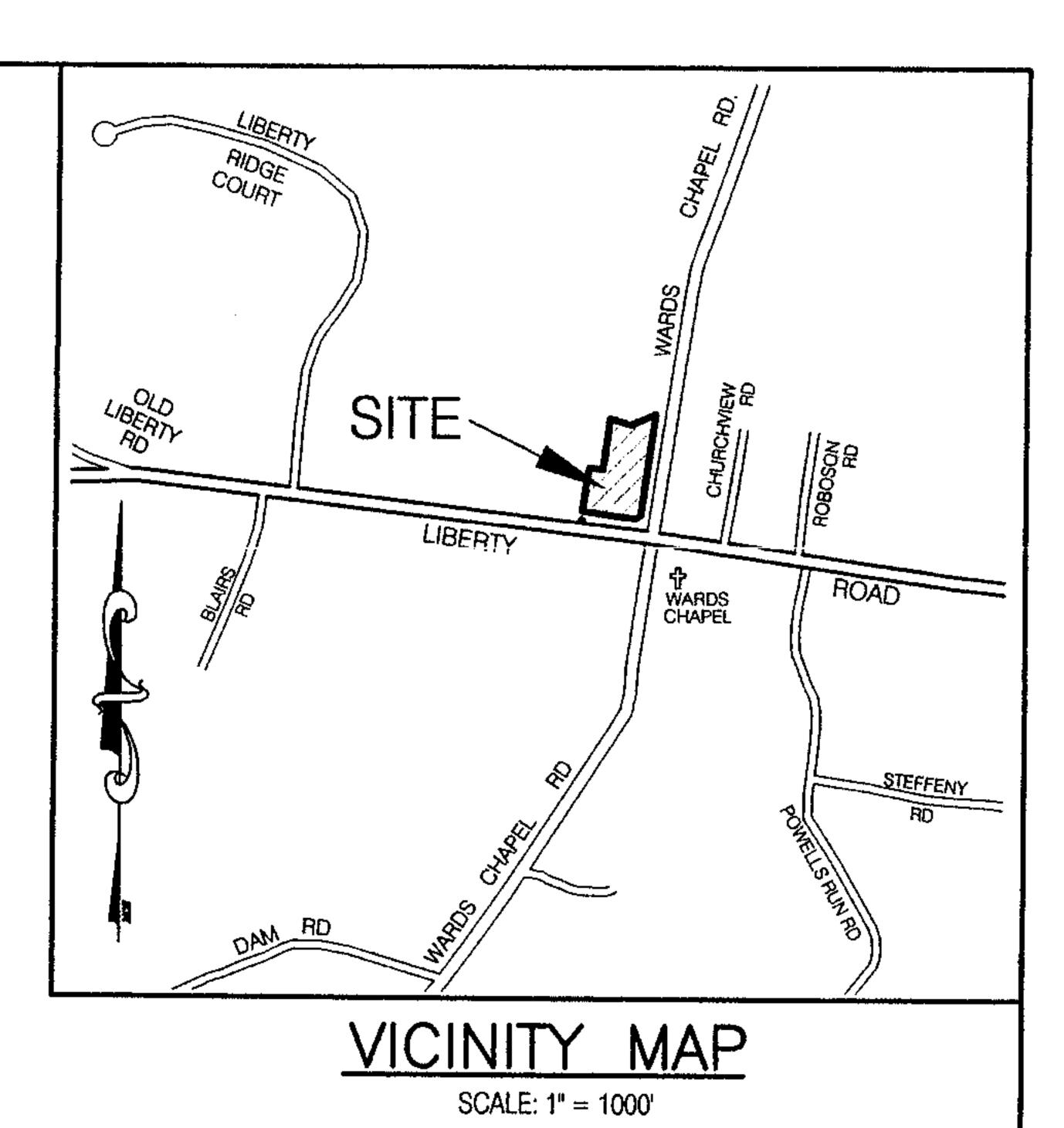
RCC 57,456 SF = 1.319 AC.RC-4 55,670 SF = 1.278 AC. TOTAL- 113,126 SF = 2.597 AC

4. EXISTING FLOOR AREAS

UPPER LEVEL 5,742 SF) LOWER LEVEL 5,742 SF) LINA LOWER LEVEL 5,000 SF > 175

. PROPOSED FLOOR AREA 3,940 SF • TOTAL FLOOR AREA 14,682 SF . EXISTING IMPERVIOUS AREA 34,020 SF = 0.781 AC.. PROPOSED IMPERVIOUS AREA 4,315 SF = 0.099 AC.9. TOTAL IMPERVIOUS AREA 38,335 SF = 0.880 AC.10. EXISTING COVERAGE (.781/1.319) = 59.2%11. PROPOSED COVERAGE (.880/1.319) = 66.7%12. EXISTING USE GENERAL OFFICE 13. PROPOSED USE GENERAL OFFICE 14. PARKING REQUIRED $(14,682 \text{ SF}/1000 \text{ SF} \times 3.3) = 49 \text{ SPACES}$ 15. PARKING PROPOSED 64 SPACES 16. FLOOR AREA RATIO (14,682 SF/72,963 SF) = 0.20117. 2000 CENSUS TRACT 18. 2000 CENSUS BLOCK 19. LAND MANAGEMENT AREA RESOURCE PRESERVATION AREA 20. ELECTION DISTRICT 21. COUNCILMANIC DISTRICT 22. REGIONAL PLANNING DISTRICT 23. WATERSHED 32-LIBERTY

RC-4WARDS CHAPEL HOLDINGS, LLC. 22555/701 24-00-011809 RC-4RC-4⊙ c/o `\YENDELL & MARY GREEN S 82°56'45" F 02-07-580090 C/O EX. MACADAM LOT HEIGHT=20' & EX. DWLG 02-19-510750 OFFICE FRAME BUILDING #11100 LIBERTY ROAD 24170/157 24-00-011807 EX. CABINET EX. MACADAM LOT *#4*503 02-07-582720 N 82°00'06" W EX. SERVICE STATION POINT OF (MD. STATE ROUTE NO. 26) ROAD RC-2RC-2



PREVIOUS ZONING HEARING

CASE NO.; 06-456 SPHA AND II-672 DATE OF ORDER: MAY 17, 2006

IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 17th day of May, 2006, that the Developers/Petitioners' Special Hearing relief requested

- requirements of Section 32-4-409 (BCC), to allow a Panhandle Driveway of 1,350 (+/-) feet in length in lieu of the maximum permitted 1,000 feet, as more particularly shown on
- the Plat to Accompany this petition for special hearing; 2. To confirm the non-conforming use of a septic reserve area serving a structure located in the RCC zone to be on the same lot, but in the RC-4 zone, pursuant to Section 104 of the
- To confirm the non-conforming use and coverage of greater than 20% of a RCC lot with impervious surface, pursuant to Sections 104 and 1A06.4.A.4 of the BCZR; 4. To allow a lot with a total area of 2.59 acres in area, wherein 1.39 acres is zoned RCC, pursuant to Section 1A06.4.A.5 of the BCZR.
- be and they are hereby GRANTED; and

IT IS FURTHER ORDERED that the Petitioner's request to permit a non-conforming building with a gross floor area of over 3,000 square feet, pursuant to Section 104 of the BCZR is not needed because I find as a matter of law existing buildings are exempted from the floor area restrictions of Section 1A06.4; and

IT IS FURTHER ORDERED, that the Developers' requests for Variance relief as follows:

- A. In the microative to the Pelision for Special-Hourings a various a from Section LADE A.A.A. of the BCZR, to allow impervious surface coverage of 59% (+/-) in lieu of the maximum B. In the alternative to the Petition for Special Hearing, a variance from Section 1A06.4.A.4 of the BCZR, to allow gross floor area for a building of approximately 10,743 square fee in lieu of the maximum permitted 3,000 feet.
- be and they are hereby DENIED as moot having granted the special hearing requests above; and
- IT IS FURTHER ORDERED that the Developer's revised redline Development Plan known as the "Harker Property" submitted into evidence as "Developer's Exhibit No 1, be and is
- APPROVED subject to the following conditions: . The Developer shall execute and record in the Land Records legally sufficient documents before record plat to insure the Developer has the right to erect and the new homeowners of lots 1, 2 and 3 have the right to use and maintain that portion of the panhandle driveway located on the Wards
- 2. The Developer shall execute and record in the Land Records legally sufficient documents before record plat to insure the Developer has the right to erect and Baltimore County has the right to use and maintain that portion of the storm water management facility located on the Wards Chapel Holdings LLC lot with Deed reference 22555/701.
- Any appeal from this decision must be taken in accordance with Section 32-4-281 of the Baltimore County Code and the applicable provisions of law.

JOHN V. MURPHY DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY

PLAN TO ACCOMPANY SPECIAL HEARING REQUEST

Chapel Holdings LLC lot with Deed reference 22555/701.

11100 LIBERTY ROAD

SCALE: 1"= 40'

BALTIMORE COUNTY, MARYLAND DATE: MAY 21, 2007

BEING LOT 4 PLAT OF "HARKER PROPERTY" S.M. 78-189 PDM NO. 2-672

OWNER/APPLICANT/DEVELOPER

WARDS CHAPEL HOLDINGS LLC. P.O. BOX 356

PETITIONER'S

McKEE & ASSOCIATES, INC.

MARYLAND REG. NO. 21154

Ø66A2 0512

24. SUBSEWERSHED

26. 200 SCALE ZONING MAP

27. TRANSPORTATION DISTRICT

25. ZIP CODE

GENERAL NOTES

- . THIS PROPERTY OPERATES ON PRIVATE WELL AND SEPTIC SYSTEMS.
- 2. THERE ARE NO STREAMS, WETLANDS, OR STORMWATER MANAGEMENT SYSTEMS ON OR WITHIN 100 FEET OF THIS SITE.
- 3. THIS PROPERTY IS NOT HISTORIC.
- 4. THIS PROPERTY DOES NOT CONTAIN A 100 YEAR FLOOD PLAIN.
- 5. THIS PROPERTY IS NOT IN THE CBCA.
- 6. ANY PROPOSED SIGN SHALL COMPLY WITH SECTION 450 BCZR.
- 7. MAXIMUM BUILDING HEIGHT IS 30 FEET.
- 8. THIS PROPERTY WAS APPROVED AS LOT 4 OF THE SUBDIVISION OF THE "HARKER PROPERTY" APPROVED BY THE HEARING OFFICER UNDER CASE NO. II-672. (SEE ORDER THIS SHEET)

SITE DATA

EXISTING ZONING

2. GROSS AREA 137,753 SF = 3.162 AC.

3. NET AREA 113,126 SF = 2.597 AC.4. EXISTING FLOOR AREAS

LOWER LEVEL 5,000 SF

TOTAL= 10,742 SF . PROPOSED FLOOR AREA . TOTAL FLOOR AREA 14,682 SF

34,020 SF = 0.781 AC.

4,315 SF = 0.099 AC.

. EXISTING IMPERVIOUS AREA . PROPOSED IMPERVIOUS AREA

9. TOTAL IMPERVIOUS AREA 38,335 SF = 0.880 AC.10. EXISTING COVERAGE (.781/2.597) = 30.1%11. PROPOSED COVERAGE (.880/2.597) = 33.9%12. EXISTING USE GENERAL OFFICE

13. PROPOSED USE **GENERAL OFFICE** 14. PARKING REQUIRED (14,682 SF/1000 SF x 3.3) = 49 SPACES15. PARKING PROPOSED 64 SPACES

16. FLOOR AREA RATIO (14,682 SF/137,753 SF) = 0.10717. 2000 CENSUS TRACT 18. 2000 CENSUS BLOCK

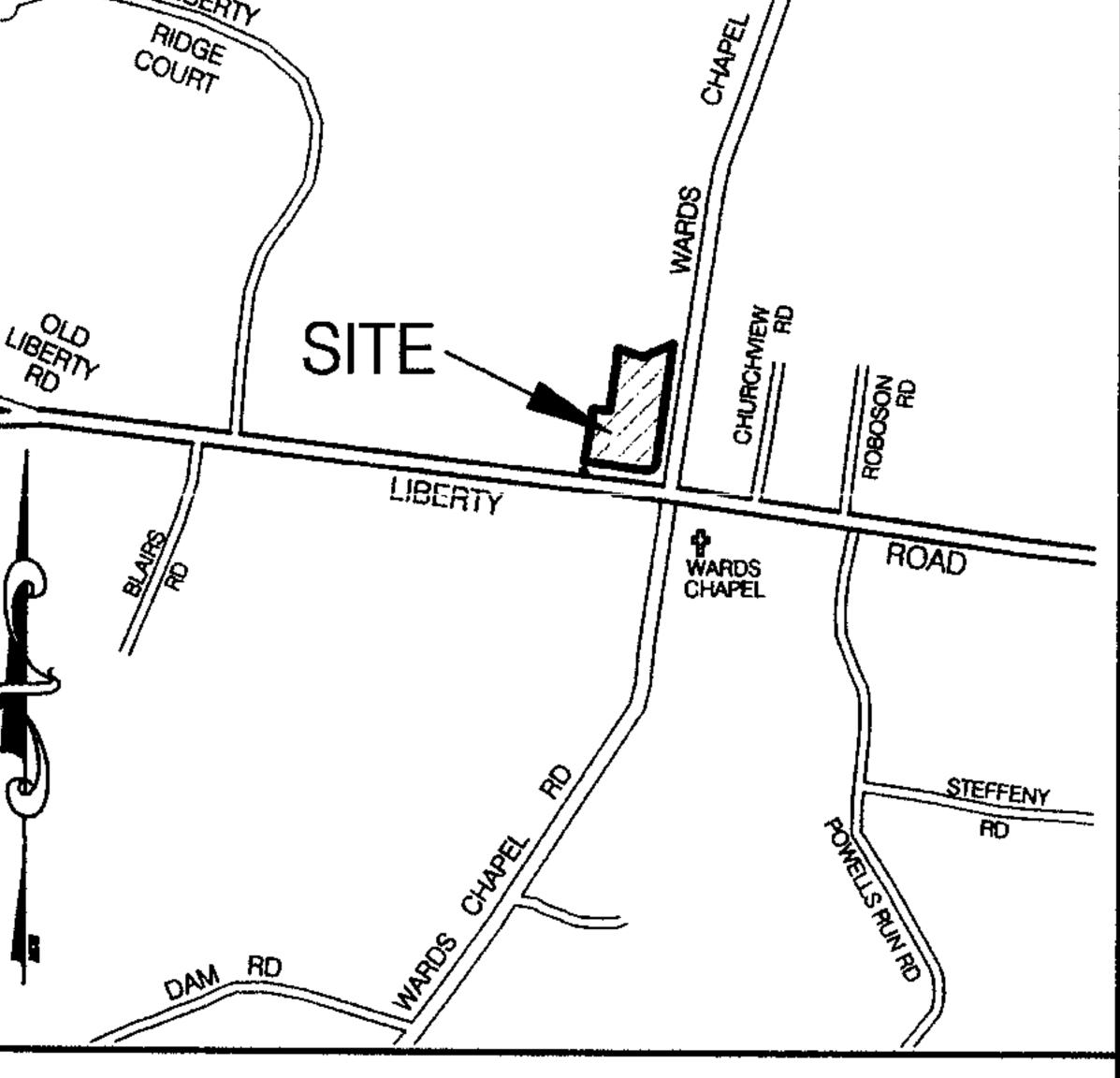
RESOURCE PRESERVATION AREA 19. LAND MANAGEMENT AREA 20. ELECTION DISTRICT

21. COUNCILMANIC DISTRICT 22. REGIONAL PLANNING DISTRICT 23. WATERSHED

24. SUBSEWERSHED 25. ZIP CODE 26. 200 SCALE ZONING MAP 66A2

27. TRANSPORTATION DISTRICT 0512

RC-4ZONING_ WARDS CHAPEL HOLDINGS, LLC. 22555/701 24-00-011809 RC-4 RC-4YENDELL & MARY GREEN EX. SEPTIC DEX. 02-07-580090 ZONING ~ EX. MACADAM LOT HEIGHT=20' EX. DWLG EXISTING 2-STORY OFFICE FRAME BUILDING #11100 LIBERTY ROAD 24170/157 24-00-011807 EX. CABINET EX. SERVICE J----POINT OF (MD. STATE ROUTE NO. 26) ROAD GIBSON MESSERSMITH
11913/620
02-13-400120 RC-2RC-2 RC-2



VICINITY MAP SCALE: 1" = 1000"

PREVIOUS ZONING HEARING

CASE NO.; 06-456 SPHA AND II-672 DATE OF ORDER: MAY 17, 2006

IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 17th day of May, 2006, that the Developers/Petitioners' Special Hearing relief requested

- 1. For a waiver, pursuant to Section 32-4-107(a), Baltimore County Code (BCC), from the requirements of Section 32-4-409 (BCC), to allow a Panhandle Driveway of 1,350 (+/-) feet in length in lieu of the maximum permitted 1,000 feet, as more particularly shown on the Plat to Accompany this petition for special hearing; To confirm the non-conforming use of a septic reserve area serving a structure located in
- the RCC zone to be on the same lot, but in the RC-4 zone, pursuant to Section 104 of the To confirm the non-conforming use and coverage of greater than 20% of a RCC lot with
- impervious surface, pursuant to Sections 104 and 1A06.4.A.4 of the BCZR; To allow a lot with a total area of 2.59 acres in area, wherein 1.39 acres is zoned RCC, pursuant to Section 1A06.4.A.5 of the BCZR.

be and they are hereby GRANTED; and

IT IS FURTHER ORDERED that the Petitioner's request to permit a non-conforming building with a gross floor area of over 3,000 square feet, pursuant to Section 104 of the BCZR is not needed because I find as a matter of law existing buildings are exempted from the floor area restrictions of Section 1A06.4; and

IT IS FURTHER ORDERED, that the Developers' requests for Variance relief as follows:

A. In the alternative to the Petition for Special Hearing, a variance from Section 1A06.4.A.4 of the BCZR, to allow impervious surface coverage of 59% (+/-) in her of the maximum B. In the alternative to the Petition for Special Hearing, a variance from Section 1A06.4.A.4 of the BCZR, to allow gross floor area for a building of approximately 10,743 square fee in lieu of the maximum permitted 3,000 feet.

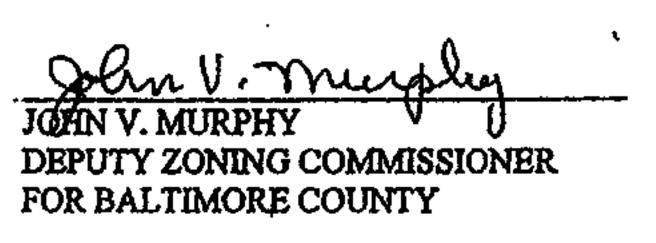
be and they are hereby DENIED as moot having granted the special hearing requests above; and

IT IS FURTHER ORDERED that the Developer's revised redline Development Plan known as the "Harker Property" submitted into evidence as "Developer's Exhibit No 1, be and is

APPROVED subject to the following conditions: . The Developer shall execute and record in the Land Records legally sufficient documents before record plat to insure the Developer has the right to erect and the new homeowners of lots 1, 2 and 3 have the right to use and maintain that portion of the panhandle driveway located on the Wards Chapel Holdings LLC lot with Deed reference 22555/701.

2. The Developer shall execute and record in the Land Records legally sufficient documents before record plat to insure the Developer has the right to erect and Baltimore County has the right to use and maintain that portion of the storm water management facility located on the Wards Chapel Holdings LLC lot with Deed reference 22555/701.

Any appeal from this decision must be taken in accordance with Section 32-4-281 of the Baltimore County Code and the applicable provisions of law.



REVISED PLAN TO ACCOMPANY SPECIAL HEARING REQUEST

11100 LIBERTY ROAD

2ND ELECTION DISTRICT SCALE: 1"= 40'

BALTIMORE COUNTY, MARYLAND DATE: NOVEMBER 4, 2008

BEING LOT 4 PLAT OF "HARKER PROPERTY" S.M. 78-189 PDM NO. 2-672

OWNER/APPLICANT/DEVELOPER

WARDS CHAPEL HOLDINGS LLC. P.O. BOX 356 MONKTON, MD 21111 (410) 329-8040 DEED REF: 22555/716 TAX ACCT.# 24-00-011808 TAX MAP 66, GRID 13, PARCEL 131

