

Wells Bynd LLC

#R-07-595

HOLD Docket-

ON HOLD

no # assigned

Order of Dismissal

10/16/08

20070595

IN THE MATTER OF
THE APPLICATION OF
THE WELLS BYRD LLC -L.O.:
FOR ZONING RECLASSIFICATION FROM
R.C. 2 TO R.C. 4 ON PROPERTY LOCATED
AT 14104 OLD HANOVER ROAD
CONTAINING 97.434 ACRES, MORE OR LESS

4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* * *

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. R-07- 595
* Cycle IV, 2006/2007
* * *

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on a Petition for Reclassification filed by Site Rite Surveying, Inc., and The Wells Byrd LLC for zoning reclassification from R.C. 2 to R.C. 4 on property located on the east side of Hanover Road, 66 feet right of way at a distance of 2,180 feet to the centerline of the nearest improved intersecting street Old Hanover Road 30 feet right of way in the Fourth Election District of Baltimore County.

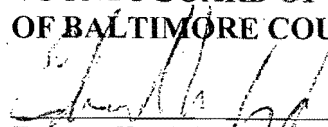
WHEREAS, Petitions for Reclassification pending on the Board's Continued Docket on the date of adoption of the Comprehensive Zoning Maps are considered to be moot; and

WHEREAS, no further action has been taken in this matter since the matter was put on hold at Petitioner's request on August 3, 2006, with no case number being given up to that time,

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

ORDERED that said Petition filed in the subject matter be and the same is declared moot, and the Petition **DISMISSED**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Edward W. Crizer, Jr., Chairman



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

Vincent J. Moskunas, Sr., President
Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson, MD 21286

RE: *In the Matter of: The Wells Byrd LLC*
Petition for Reclassification /Cycle IV 2006-2007 (R-07-595)
Order of Dismissal of Petition

Dear Mr. Moskunas:

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

Very truly yours,

Kathleen Bianco/sc

Kathleen C. Bianco
Administrator

Enclosure

c: Jerome Byrd / The Wells Byrd, LLC
Margaret-Ann F. Howie, Esquire
Legal Counsel to the Superintendent, Board of Education
MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long, Deputy Director /Planning
William J. Wiseman III /Zoning Commissioner
W. Carl Richards /PDM
Timothy M. Kotroco, Director /PDM
Thomas Peddicord, Esquire
Legal Counsel to the Baltimore County Council
John E. Beverungen, County Attorney



Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 14104 Old Hanover Road
which is presently zoned/districted RC 2

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

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

RECEIVED

AUG 31 2006

BALTIMORE COUNTY
BOARD OF APPEALS

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

The Wells Byrd LLC
Name - Type or Print _____
Signature Jerome Byrd manager
Jerome Byrd
Name - Type or Print _____
Signature _____
389 Silver Run Valley Road 410-840-4116
Address _____ Telephone No. _____
Westminster MD 21158
City _____ State _____ Zip Code _____

Representative to be Contacted:

Site Rite Surveying, Inc.
Name _____
200 E. Joppa Road, Rm 101 (410) 828-9060
Address _____ Telephone No. _____
Towson MD 21286
City _____ State _____ Zip Code _____

ACCEPTED FOR FILING 7/31/06 D.T.

**RECLASSIFICATION DESCRIPTION FOR
#14104 OLD HANOVER ROAD**

BEGINNING at a point on the east side of Hanover Road 66 feet of right of way at a distance of 2180 feet to the centerline of the nearest improved intersecting street Old Hanover Road 30 feet right of way, thence S 70° 52' 22" E 2297.58 feet, N 29° 29' 12" E 450.00 feet, N 24° 59' 12" E 161.72 feet, curve to right R = N 23° 38' 56" E 181.53 feet, S 66° 21' 04" E 12.88 feet, N 24° 59' 12" E 95.59 feet, N 23° 29' 12" E 365.00 feet, N 2° 30' 48" W 60.00 feet, N 69° 34' 24" W 16.50 feet, N 69° 34' 24" W 304.98 feet, N 05° 50' 47" E 768.49 feet, N 74° 48' 35" W 2072.50 feet, S 3° 59' 06" E 1493.98 feet, N 75° 10' 41" W 364.33 feet, N 5° 02' 08" W 50.00 feet, N 75° 10' 41" W 270.00 feet, S 5° 02' 08" E 50.00 feet, S 5° 02' 08" E 6.61 feet, curve to right R = 5033.00 feet for 193.86 feet, chord S 3° 55' 55" E 193.85 feet, S 2° 49' 43" E 240.25 feet, curve to left R = 3267.00 feet for 47.93 feet, chord S 3° 14' 56" E 47.93 feet to PLACE OF BEGINNING.

Containing 97.434 acres, more or less.

Also known as #14104 Old Hanover Road and located in the 4th Election District, 3rd Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road, Suite 101
Towson MD 21286
(410) 828-9060

file: 14104 Old Hanover Rd.doc\misc

R-07-595

**UNDOCUMENTED SUMMARY TO ACCOMPANY RECLASSIFICATION
PETITION FOR #14104 OLD HANOVER ROAD**

THE ZONING IS NOW RC2 AND THE OWNER WOULD LIKE IT TO BE RECLASSIFIED TO RC4. THE AREA HAS MIXED ZONING; SUCH AS, ML, BR AND RC8. THE PARCEL TO THE WEST IS AN OLD RECORD PLAT RECORDED IN 1924 WITH 1 ACRE LOTS (PLAT BOOK NO.7, FOLIO 135). THE NORTHEAST CORNER OF OLD HANOVER ROAD AND MARYLAND ROUTE NO. 30 IS ALSO DEVELOPED WITH SMALLER LOTS. THERE IS AN EXISTING PIPE LINE ADJACENT TO THE SOUTHERLY BOUNDARY LINE AND RAILROAD TRACTS INTERSECT THE SOUTHEAST CORNER. THE PROPERTIES TO THE EAST ARE ALSO SMALLER PARCELS OF LAND. IN ADDITION TO THE SMALLER ADJACENT PARCELS, THIS PROPERTY HAS RESTRICTIVE ENVIRONMENTAL CONDITIONS WITH REGARDS TO SEVERAL STREAMS CROSSING THE PROPERTY.

THE OWNER FEELS THAT BY DEVELOPING THIS PARCEL WITH CLUSTER ONE (1) ACRE LOTS THAT THEY WOULD BE COMPATIBLE WITH THE SURROUNDING COMMUNITY AND THE UNDEVELOPED AREA WOULD REMAIN PRESERVED. THE ALLOWABLE DENSITY WOULD BE 0.2 X 97.434 ACRES +/- = 19 UNITS. THE OWNER IS NOT LOOKING TO MAIXIMIZE THE ALLOWABLE UNITS, HE IS WILLING TO ONLY DEVELOP EIGHT TO TEN HOMESITES. THE REMAINDER OF THE PROPERTY WILL BE PLACED INTO A CONSERVANCY AREA. THIS AREA WOULD ALSO BE A BETTER WAY TO CONTROL THE RUN-OFF TO THE STREAMS BY THE REQUIREMENT OF THE BEST MANAGEMENT POLICY. WITH THE DEVELOPMENT OF THE LOTS THE COUNTY WOULD ALSO INCREASE ITS TAX BASE AND ADD REVENUE TO THE FISCAL BUDGET.

WE HOPE THAT YOU ACCEPT THIS RECLASSIFICATION BASED ON HIS COMMITMENT TO REDUCE THE AMOUNT OF UNITS BY HALF AND TO PRESERVATION OF THE ENVIRONMENT.

**SITE RITE SURVEYING, INC.
VINCENT J. MOSKUNAS
(ACTING ON BEHALF OF THE PROPERTY OWNER)
410-828-9060**

R-07-595

Case No. R-07- 595
/Petitioner

In the Matter of: The Wells Byrd LLC – Legal Owner

14104 Old Hanover Road 4th E; 3rd C

Cycle IV, 2006-2007

From: R.C. 2 to R.C. 4
97.434 ac +/-

7/31/06 – Petition for Reclassification filed by Site Rite Surveying, Inc., Vincent J. Moskunas,
Sr., on behalf of
Legal Owners /Petitioners.

Vincent J. Moskunas, Sr., President
Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson, MD 21286

Jerome Byrd / The Wells Byrd, LLC
Margaret-Ann F. Howie, Esquire
Legal Counsel to the Superintendent, Board of Education
MS 1102-J
People's Counsel for Baltimore County
Pat Keller, Planning Director
Jeffrey Long, Deputy Director /Planning
William J. Wiseman III /Zoning Commissioner
W. Carl Richards /PDM
Timothy M. Kotroco, Director /PDM
Thomas Peddicord, Esquire
Legal Counsel to the Baltimore County Council
John E. Beverungen, County Attorney

Case No. R-07- 595

In the Matter of: The Wells Byrd LLC – Legal Owner /Petitioner
14104 Old Hanover Road 4th E; 3rd C

Cycle IV, 2006-2007.

From: R.C. 2 to R.C. 4
97.434 ac +/-

7/31/06 – Petition for Reclassification filed by Site Rite Surveying, Inc., Vincent J. Moskunas, Sr., on behalf of Legal Owners /Petitioners.

8/03/06 – Letter from Mr. Moskunas requesting that this matter be held at this time.

9/18/06 - T/C to Mr. Moskunas to confirm holding of this matter; number has not been assigned by Zoning Office /PDM.

10/30/06 – Memo to Mr. Kotroco regarding two petitions filed in Cycle IV, 2006/2007, including the subject matter.

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



200 E. Joppa Road
Shell Building, Suite 101
Towson, MD 21286

tel. 410.828.9060
fax. 410.828.9066

www.siteriteurveying.com

August 3, 2006

County Board of Appeals
of Baltimore County
Old Court House, Room #49
400 Washington Avenue
Towson MD 21204

Re: The Wells Byrd LLC #1
#076 Reclass, #080 Sign
14104 Old Hanover Road
R-07-595

TO WHOM IT MAY CONCERN:

The above project was filed on July 31, 2006. We are requesting that a hold be placed on the file at this time. We will contact you when to reactivate the file.

Sincerely,

Vincent J. Moskunas, Sr.

Vincent J. Moskunas, Sr.
President

cc: Donna Thompson

*On hand per
Paul Richards*

*do not assign any
date at this
time.*

*l.m. 9/18/06 -
v.m. moskunas
do call me on
9/20/06*

Petitions for Reclassifications /Cycle IV, 2006-07

Preliminary List Only

Case # (to be assigned)

Petitioner

Case No. R-07- 224
(Open Plan)

Alexander G. Wightman and Larisa M. Wightman, Legal Owners /Petitioners
11024 Reisterstown Road
SW/s Reisterstown Road, 390', +/-, NE of c/l of Gentlebrook Road
0.63 acre 4th Election District; 4th Councilmanic District

Day /Date of Hearing:

TUESDAY, JUNE 5, 2007 at 10:00 a.m.

Case No. R-07- 595

The Wells Byrd, LLC – Legal Owner /Petitioner
14104 Old Hanover Road
E/s of Hanover Road, 66' of r/w at distance of 2180' to the c/l of the nearest
improved intersecting street Old Hanover Road.
97.434 acres +/- 2nd Election District; 3rd Councilmanic District

Day /Date of Hearing:

NONE ASSIGNED; PETITION ON HOLD PER CR

R-07-595

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

TO : Timothy Kotroco, Director
Department of Permits and
Development Management
Attn: Carl Richards

DATE: October 30, 2006

FROM : Kathleen C. Bianco
Board of Appeals of Baltimore County

SUBJECT: Cycle IV, 2006-2007 – Reclassification Petitions **(R-07-595)**

Carl:

As promised when you picked up the Petitions for Reclassification filed in Cycle IV, attached is a preliminary listing of thosetwo (2) Petitions for Reclassification filed on July 31, 2006 (14104 Old Hanover Road) and August 24, 2006 (11024 Reisterstown Road). Both are open plans.

Inasmuch as the Petition for 14104 Old Hanover Road has been put on hold, as we discussed last week, I did not assign a hearing date for that particular reclassification petition.

I have included the date of hearing for 11024 Reisterstown Road (Alexander and Larisa M. Wightman). **The hearing for this Petition is scheduled for Tuesday, June 5, 2007 at 10:00 a.m.**

Please forward to me when available the **assigned case number** and any necessary corrections to names and locations so that our docketing work for these files can be completed.

In addition, **please send me a copy of the Notice of Assignment when it is sent out from your office. Lawrence S. Wescott is the current Chairman of the Board (calendar year 2006); Margaret Brassil, Ph.D., will most likely follow him as Chairperson for calendar year 2007, should the notice go out after 12/31/06.**

Should you have any questions regarding the attached, please call me at extension 3180.

NOTE: PETITIONS AND ACCOMPANYING DOCUMENTS PICKED UP BY MR. RICHARDS FROM CBA OFFICE.

c: Jeffrey Long
Kristen Matthews /PDM
Office of People's Counsel



RC 8

BR

RC 2

97.434 AC.±

RC 8

RC 2

RC 2

**Baltimore County
Office of Planning and Zoning
Official Zoning Map**

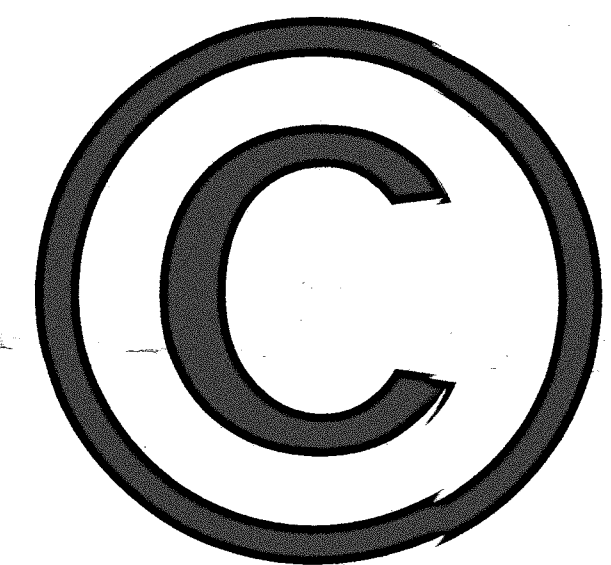
Scale

1" = 200'

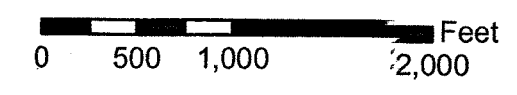
0 100 200 400
Feet

R-07-S95





Scale: 1:12000
1" = 1000'



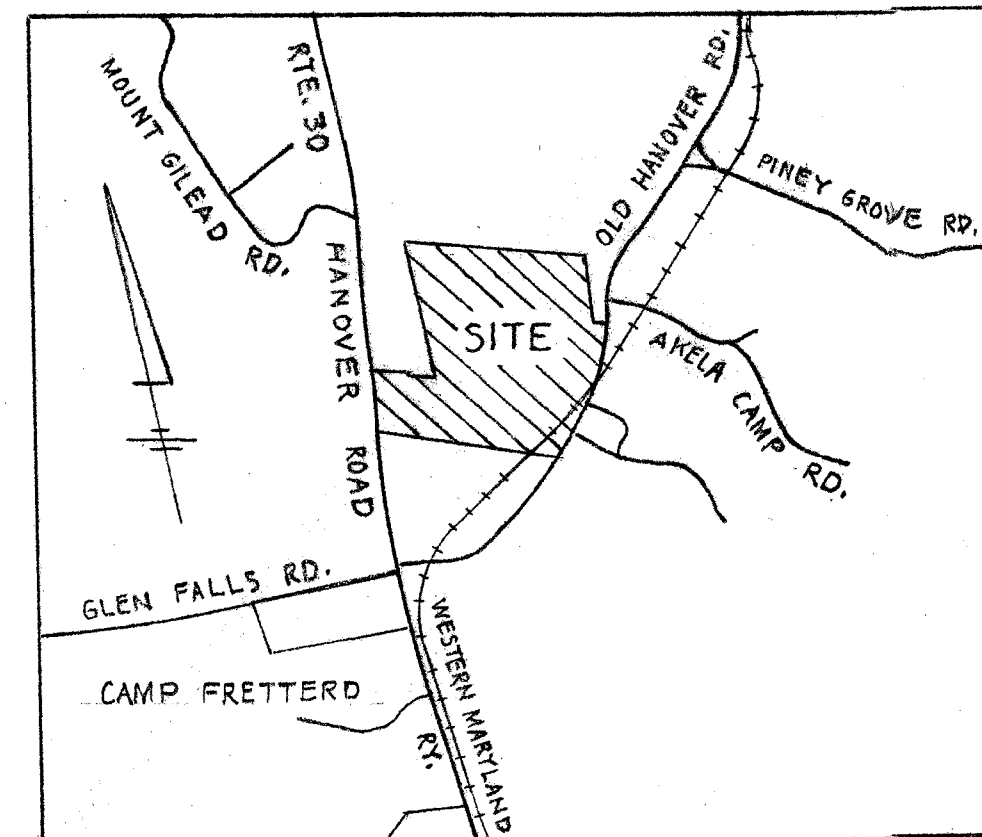
DISCLAIMER:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

Prepared By LACQGIS. JSM.
Baltimore County Department of
Permits & Development.
March 1, 2005 d:\arcmap\PDM Zoning Maps.mxd

R-07-595

RC 8



VICINITY MAP
SCALE: 1"=2000'

GENERAL NOTES

1. EXISTING ZONE: RC2
 2. PROPOSED ZONE: RC4
 3. PRIOR ZONING HEARINGS: NONE
 4. LOT AREA: 4,244,225 S.F. / 97.434 AC.
 5. NOT LOCATED IN CHESAPEAKE BAY CRITICAL AREA.
 6. NOT LOCATED IN A HISTORIC AREA.
 7. NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA.
- COMMUNITY PANEL NO. 240010160B ZONE: C

BR

P.121
TIMOTHY W. &
MELISSA M. STUMP
10611/686
#1900001599

P.121
CYNTHIA B. & RICHARD
A. NEWTON
7710/317
#2100001202

R.83
KAREN M. MAISENHOLDER
MARIA C. ZIMMERMAN
7636/532
#0423075275

R.153
ASTON BLAIR JONES
MARGARET ERICA JONES
14258/319
#0408030425

P.58
FRED STEPHEN SCHAEFER
21924/61
#2400011435

RC 2

031B3

031C3

039C1

039B1

97.434 AC±

RC 8

R=3267.00'
L=47.93'
CH 503°14'56"E
47.13'

270.00'
N75°10'41"W
50.00'
N75°10'41"W
364.33'
STEEL PIPE
505°02'08"E
50.00'
505°02'08"E
6.61'
R=5033.00' L=193.86'
CH 503°55'55"E-193.85'
240.25'

BRASS DISC
JULTON L.W.R.-S
ON TIP OF CONC. MON.

P.81
MADEUSZ & MARY MARGARET
PODBIELSKI
11587/113
#0415079025

P.177
ELIZABETH J. ALLMAN
4476/407
#0401036276

ML

RC 2

RC 2

P.65
HANOVER ROAD PROPERTY LLC
24012/286
#1700000421

DON R. & JUDITH J.
DAVIS
12097/273
#0402066201

566°21'04"E
12.88'
N23°38'56"E
181.53'
N24°59'12"E
161.72'
R=44403.79' L=40.02'
CH 537°26'49"W-40.02'
N24°59'12"E
95.58'
N24°59'12"E
95.58'

P.115
DORIS K. FIELDS
10551/225
#0402023300

P.R. NAIL SET
IN MAR. 1988

Michael V. [Signature]

OWNER
WELLS BYRD LLC
389 SILVER RUN VALLEY RD.
WESTMINSTER, MD. 21158-1219
410-840-4116

UNDOCUMENTED PLAN TO ACCOMPANY
RECLASSIFICATION PETITION

*14104 OLD HANOVER RD.
MAP: 39 GRID: 5 PARCEL: 65
TAX ACCT. NO. 0413056514
DEED: 20625/368
ELECTION DISTRICT: 4

DATE	REVISION	CHECKED BY: VJM	DATE	REVISION
		siterite SURVEYING		
		200 E. JOPPA RD. SUITE 101 TOWSON, MD 21286		
		T: (410) 828-9060 F: (410) 828-9066		