

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
N side of Cockey's Mill Road, 2780 feet		
W of the c/l of Reisterstown Road	*	DEPUTY ZONING
4 th Election District		
4 th Councilmanic District	*	COMMISSIONER
(212 Cocky's Mill Road)		
	*	FOR BALTIMORE COUNTY
Bohica LLC		
<i>Petitioner</i>	*	CASE NO. 2009-0219-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Neil Miller on behalf of Bohica LLC, the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for an amendment to the site plan and Order in Case No. 03-466-SPHXA including additional proposed buildings. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing was Petitioner Neil Miller on behalf of Bohica LLC, Barbara Reynolds of 306 Lauren Hill Court in Reisterstown and John Parks of 220 Cockey's Mill Road also in Reisterstown. John B. Gontrum, Esquire appeared as attorney for Petitioner. Also appearing in support of the requested relief was Bill Keeney with Keeney Architects, Inc., who prepared the site plan. Appearing as an interested citizen was George Harmon of 5429 Weywood Drive in Reisterstown.

Testimony and evidence offered revealed that the subject property is triangular in shape and consists of approximately 24 acres, more or less, zoned R.C.4. The property is located on the north side of Cockeys Mill Road, just west of the Northwest Expressway (Interstate 795), in the Reisterstown area of Baltimore County. The property has a number of improvements owing to its

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 5-11-09
 [Signature]

use as a landscape service operation, wood chipping and mulch storage, and nursery operation. As shown on the site plan, the property is also somewhat uniquely configured by the existence of a notch along Cockey's Mill Road, which limits the property's frontage along that road and is comprised of two lots owned by others, one of whom is Mr. Parks -- Petitioner's supporting witness.

Petitioner currently runs his tree and landscaping business on the property, as well as a mulch processing and storage operation. Petitioner also leases the property to other entities that perform landscaping as well as nursery and seasonal firewood operations. Petitioner acquired the property in 2003 and at that time desired to relocate his tree and landscaping operation to the subject site. To that end, Petitioner filed Petitions for Special Exception, Special Hearing and Variance in Case No. 03-466-SPHXA. In particular, the special exception requested approval pursuant to Sections 1A03.3.B.10 and .11 of the B.C.Z.R. to use the property for a horticultural nursery and landscape service operation. In addition, the special hearing requested approval of (1) a wood waste chipping facility (mulching operation) as an accessory use to a nursery and landscaping operation; (2) a horticultural nursery and landscape service operation concurrently on the same property; and (3) plant materials to be sold at retail as allowed by a horticultural nursery. In an Order dated July 22, 2003, then-Zoning Commissioner Lawrence E. Schmidt granted the requested zoning relief. A copy of the site plan from the prior case was marked and accepted into evidence as Petitioner's Exhibit 2.

At this juncture, Petitioner desires an amendment to the previous Order and site plan to include additional buildings. Mr. Miller explained that during the ensuing six years since the aforementioned relief was granted, the property has been used primarily for mulch processing and storage and for his tree and landscaping business. The horticultural nursery business he

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[Signature]

envisioned as part of his business has never really come to fruition due to competition from existing nurseries in the area; however, he does lease part of the property to a tenant that does use it for a nursery operation. He also leases part of the property to another tenant that does tree work and firewood. As shown on the site plan, Petitioner requests approval to construct two storage buildings on the property to assist in his tree and landscape service operations, as well as the tree and firewood tenant, in order to store vehicles and heavy equipment and materials. A detailed drawing of the buildings is depicted on the site plan. Both buildings would be approximately 40 feet wide by 200 feet deep and 35 feet in height, with pitched roofs. Building #1 would be fully enclosed and have nine bays with overhead doors and an office area. Building #2 would be an open projection structure with 10 open bays.

Testifying as an interested citizen was George Harmon of 5429 Weywood Drive in Reisterstown. Mr. Harmon, who is President of the Reisterstown – Owings Mills – Glyndon Coordinating Council and is an active member of the local community, lives approximately two miles north of the subject property. He expressed concerns over the property's uses and the effects on streams and wetlands, as well as storm water runoff issues. He also questioned how the site was presented in 2003 and how the current use is not exactly as presented then; in particular, the lack of a horticultural nursery that was requested in 2003. He is fearful that further changes in the uses will erode the purpose of the R.C.4 zoning classification to preserve water quality.

The Zoning Advisory Committee comments were received and are made part of the record of this case. The comments from the Office of Planning dated March 16, 2009 indicate that after visiting the site and having discussions with Petitioner, the purpose for the requested additional building is to store equipment associated with the approved nursery business. The equipment is currently being stored outside and is being compromised by the weather. The Planning Office

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pm

recommends approval of the requested special hearing to amend the site plan and Order in Case No. 03-466-SPHXA including the additional proposed buildings, provided Petitioner agrees to use the buildings exclusively for the storage of their own equipment and to not operate a service garage in which they repair equipment or vehicles not associated with the subject operation.

Considering the testimony and evidence presented, I am persuaded to grant the relief. Initially, I find that Petitioner's current use of the property is clearly within the spirit and intent of the relief granted in the 2003 case. The property is being utilized for tree and landscaping operations, and for mulch processing and storage. In addition, Petitioner leases parts of the property to tenants for nursery as well as tree and firewood operations. In order to enhance these operations and provide necessary storage for vehicles and heavy equipment and materials, Petitioner desires the above-described buildings, to be located on the westernmost side of the property. In my view, these two storage buildings and the purposes for which they are requested will have little, if any, negative impacts on nearby properties. The property to the immediate west is owned by Baltimore Gas & Electric Company and appears to be unimproved. Moreover, there are natural tree buffers that surround virtually the entire property, providing screening from the road and other properties, particularly the two properties within the "notch" fronting on Cockeys Mill Road. Finally, I find that the addition of the proposed buildings will enhance the aesthetics of the property by allowing Petitioner to have vehicles, heavy equipment, and materials stored inside or under cover, rather than strewn about the property in a haphazard manner. In short, it will enable Petitioner to effectively "clean up" the site and keep it better organized. It is also noteworthy that Petitioner's neighbor, Mr. Parks, testified that Petitioner has kept the site in good condition over the years and has not detrimentally impacted his property -- he has essentially been a "good neighbor."

ORDER RECEIVED FOR FILING

5.11.09

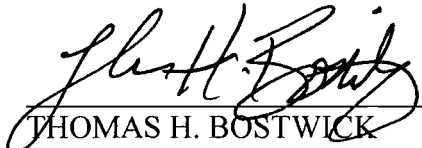
127

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the parties, I find that Petitioner's request for special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 11th day of May, 2009 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for an amendment to the site plan and Order in Case No. 03-466-SPHXA including additional proposed buildings be and is hereby GRANTED, subject to the following:

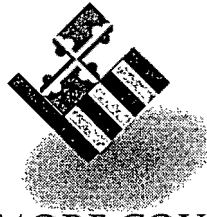
1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner may use the building for the storage of their own vehicles, equipment, or materials, or that of their participating lessees, and shall not operate a service garage in which they repair equipment or vehicles not associated with the operations at the subject location.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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5.11.09
PM



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 11, 2009

JOHN GONTRUM, ESQUIRE
WHITEFORD, TAYLOR & PRESTON, L.L.P.
TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MD 21204-5025

Re: Petition for Special Hearing
Case No. 2009-0219-SPH
Property: 212 Cocky's Mill Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case.

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 and 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,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Neil Miller, Bohica LLC, 212 Cockey's Mill Road, Reisterstown MD 21136
Barbara Reynolds, 306 Lauren Hill Court, Reisterstown MD 21136
John Parks, 220 Cockey's Mill Road, Reisterstown MD 21136
Bill Keeney, Keeney Architects, Inc., 1908 Emory Road, Reisterstown MD 21136
George Harmon, 5429 Weywood Drive, Reisterstown MD 21136
Jefferson Building | 105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 212 COCKEYSMILL RD, REISTERSTOWN
which is presently zoned 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

an amendment to the site plan and order in Case No. 03-466-SPHXA including additional proposed buildings.

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

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.

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:

John B. Gontrum

Name - Type or Print

Signature

Whiteford, Taylor & Preston LLP

Company

1 W. Pennsylvania Ave. 410-832-2055

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

BOHICA LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

212 COCKEYSMILL ROAD 410-833-1891

Address

Telephone No.

REISTERSTOWN, MD

21136

City

State

Zip Code

Representative to be Contacted:

BARBARA V. REYNOLDS

Name

306 LAUREN HILL COURT 410-833-2379

Address

Telephone No.

REISTERSTOWN

MD

21136

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

2/20/09

Case No. 2009-0219-SPH

REV 9/15/98

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5-11-09

PM

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

April 10, 2003

Description One of Miller Tree & Landscape Property, Cockeys Mill Road, to Accompany Petition for a Special Exception to Permit a Horticultural Nursery in a RC 4 Zone.

BEGINNING FOR THE SAME at a point on the north side of Cockeys Mill Road, 2,780 feet more or less west of the intersection of the centerlines of Cockeys Mill Road and Reisterstown Road.

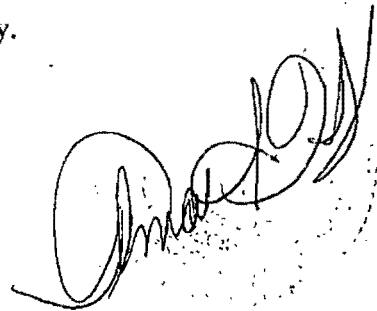
Thence binding on the north side of Cockeys Mill Road,

- 1) North 75 degrees 03 minutes 43 seconds West 79.32 feet, thence
- 2) North 78 degrees 58 minutes 01 seconds West 64.64 feet, thence leaving the north side of Cockeys Mill Road
- 3) North 05 degrees 03 minutes 34 seconds East 204.69 feet, thence
- 4) North 81 degrees 37 minutes 16 seconds West 415.90, thence
- 5) South 13 degrees 40 minutes 14 seconds West 193.05 feet, thence binding on the centerline of Cockeys Mill Road
- 6) North 71 degrees 22 minutes 26 seconds West 158.40 feet, thence
- 7) North 68 degrees 38 minutes 30 seconds West 334.70 feet, thence leaving the centerline of Cockeys Mill Road
- 8) North 30 degrees 26 minutes 30 seconds East 1,454.38 feet, thence
- 9) North 89 degrees 07 minutes 57 seconds East 226.91 feet, thence
- 10) North 08 degrees 56 minutes 43 seconds East 417.67 feet, thence
- 11) North 79 degrees 35 minutes 09 seconds East 117.51 feet, thence
- 12) South 03 degrees 00 minutes 00 seconds West 1,976.07 feet, to the place of beginning.

Containing 24.1 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



Item # 219

03-466-SPHKA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 35072
Date: 2/20/09

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$325 ⁰⁰

Total: \$325⁰⁰

Rec
From:

Miller Tree

For:

zoning hearing case # 2009-0219-SPH

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
PLEASE PRESS HARD!!!!

GOLD - ACCOUNTING

CASHIER'S
VALIDATION

**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: # 2009-0219-SPH
212 Cockeys Mill Road
N/side of Cockeys Mill Road; 2780' +/- west of the center line of Reisterstown Road 4th Election District 4th Councilmanic District
Legal Owner(s): Bohica, LLC
Special Hearing: for an amendment to the site plan and order in case 2003-0466-SPHXA including additional proposed buildings.
Hearing: Monday, April 20, 2009 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, 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) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

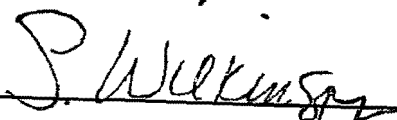
4/036 April 2 197960

CERTIFICATE OF PUBLICATION

4/2/, 2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/2/, 2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0219-SPH

Petitioner/Developer: _____

Hearing/closing: Bohica, LLC
April 20, 2009

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn : Kristin Matthews

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at, _____
212 Cockeysmill
Road

The sign(s) were posted on _____ April 2, 2009,
2009

(Month, Day, Year)

Sincerely,

Robert Black 4-5-09

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2009-0219-SPH

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

PLACE: Room 104, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: Monday, April 20, 2009 at 11:00 A.M.

REQUEST: SPECIAL HEARING FOR AN AMENDMENT TO THE
SITE PLAN AND ORDER IN CASE 2003-0466 SPHXA INCLUDING
ADDITIONAL PROPOSED BUILDINGS.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 387-3391

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

Certificate of Posting

RE: Case NO. 2009-0219-SPH

Petitioner/Developer _____

Neil Miller, Bohica, LLC

Date of Hearing/Closing 4/20/09

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at _____

212 Cockeys Mill Rd.

The sign(s) were posted on 4/3/09
(Month, Day, Year)

Sincerely,

 4/3/09
(Signature of sign Poster and date)

Richard E. Hoffman

(Printed Name)

904 Dellwood Drive

(Address)

Fallston, Md. 21047

(City, State, Zip Code)

410-879-3122

(Telephone Number)

See Attached
Photograph

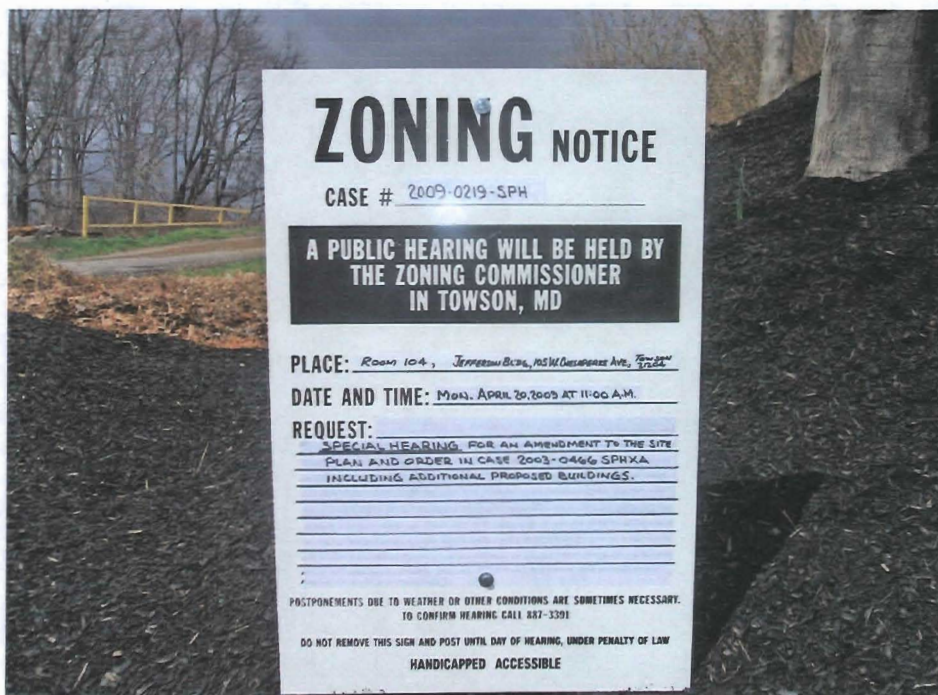
Certificate of Posting
Photograph Attachment

Re: 2009-0219-SPH

Petitioner/Developer: _____

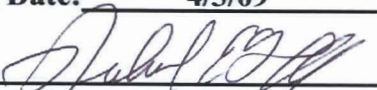
Neil Miller, Bohica, LLC

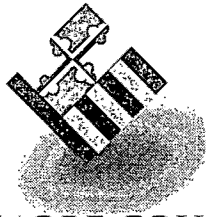
Date of Hearing/Closing: 4/20/09



212 Cockeys Mill Rd.

Posting Date: 4/3/09


Richard E. Hoffman



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 13, 2009
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

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: 2009-0219-SPH

212 Cockeys Mill Road

N/side of Cockeys Mill Road, 2780' +/- west of the centerline of Reisterstown Road

4th Election District – 4th Councilmanic District

Legal Owners: Bohica, LLC

Special Hearing for an amendment to the site plan and order in case 2003-0466-SPHXA including additional proposed buildings.

Hearing: Monday, April 20, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: John Gontrum, Whiteford, Taylor & Preston, 1 W. Pennsylvania Ave., Towson 21204
Neil Miller, Bohica, LLC, 212 Cockeysmill Road, Reisterstown 21136
Barbara Reynolds, 3065 Lauren Hill Court, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 4, 2009.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 2, 2009 Issue - Jeffersonian

Please forward billing to:

Miller Tree & Landscaping Co., Inc.
C/o Bohica, LLC
212 Cockeys Mill Road
Reisterstown, MD 21136

410-833-1891

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: 2009-0219-SPH

212 Cockeys Mill Road

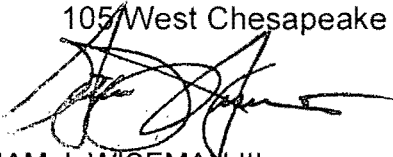
N/side of Cockeys Mill Road, 2780' +/- west of the centerline of Reisterstown Road

4th Election District – 4th Councilmanic District

Legal Owners: Bohica, LLC

Special Hearing for an amendment to the site plan and order in case 2003-0466-SPHXA including additional proposed buildings.

Hearing: Monday, April 20, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake 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.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning 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:

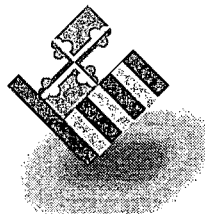
Item Number or Case Number: 2009-0219-SPH
Petitioner: MILLER TREE
Address or Location: 212 COCKEYS MILL RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MILLER TREE + LANDSCAPING CO., INC/BOHICA LLC
Address: 212 COCKEYS MILL ROAD
REISTERSTOWN, MD 21136

Telephone Number: 410-833-1891

Revised 2/20/98 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
April 16, 2009

John B. Gontrum
Whiteford, Taylor & Preston, LLP
1 W Pennsylvania Ave.
Towson, MD 21204

Dear: John B. Gontrum

RE: Case Number 2009-0219-SPH, 212 Cockeysmill Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 20, 2009. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Neil Miller: Bohica, LLC; 212 Cockeysmill Rd.; Reisterstown, MD 21136
Barbara Reynolds, 3065 Lauren Hill Ct., Reisterstown, MD 21136



JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

March 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 2, 2009

Item Numbers 0211,0213,0219

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

TB 4/20 11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 16, 2009

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 212 Cockey's Mill Road

INFORMATION:

Item Number: 9-219

Petitioner: Bohica, LLC

Zoning: RC 4

Requested Action: Special Hearing

RECEIVED

MAR 17 2009

ZONING COMMISSIONER

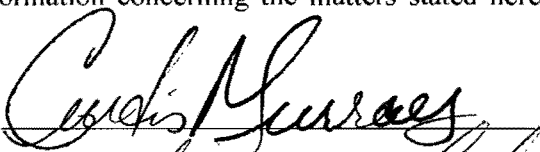
SUMMARY OF RECOMMENDATIONS:

After visiting the site and having discussions with the petitioner the purpose for the requested additional building is to store equipment associated with the approved nursery business. The equipment is currently being stored outside and is being compromised by the weather.

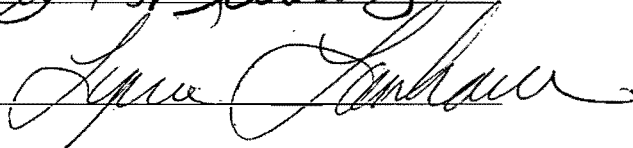
The Office of Planning recommends approval of the requested Special Hearing to amend the site plan and order approved in Case No. 3-466SPHXA including the additional proposed buildings provided the petitioner agrees to use the building exclusively for the storage of their own equipment and to not operate a service garage in which they repair equipment or vehicles not associated with the subject operation.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM





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

State Highway
Administration

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

Maryland Department of Transportation

Date: MARCH 6, 2009

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

RE: Baltimore County
Item No 2009-0219-SPH
212 COCKRY'S MILL RD
BOHICA, LLC PROPERTY
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0219-SPH

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

Very truly yours,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
212 Cockeysmill Road; N/S Cockeysmill *
Road, 2780' W Reisterstown Road * ZONING COMMISSIONER
4th Election & 4th Councilmanic Districts *
Legal Owner(s): Bohica, LLC * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-219-SPH

* * * * *

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 and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

MAR 11 2009

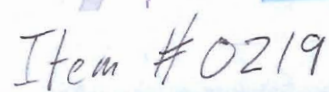
.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2009, a copy of the foregoing Entry of Appearance was mailed to Barbara Reynolds, 306 Lauren Hill Court, Reisterstown, MD 21136 and John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, One W Pennsylvania Avenue, Suite 300, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE -
N/S Cockeys Mill Road, 2780' W of the c/l * ZONING COMMISSIONER
Reisterstown Road
(Miller Tree and Landscape) * OF BALTIMORE COUNTY
4th Election District
4th Council District * Case No. 03-466-SPHXA

Rushley, LLC, Owners
Bohica, LLC, Contract Purchasers *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, Rushley, LLC, and the Contract Purchasers, Bohica, LLC, through their attorney, John B. Gontrum, Esquire. The Petitioners request a special exception to approve a horticultural nursery and landscape service operation on the subject property, pursuant to Sections 1A03.3.B.10 and 11. In addition, a special hearing is requested to approve, 1) a wood waste chipping facility (mulching operation) as an accessory use to a nursery and landscaping business; 2) to allow both a horticultural nursery and a landscape service operation concurrently on the same property; and, 3) to allow plant materials to be sold at retail as allowed by a horticulture nursery, notwithstanding the limits of the landscape service operation pursuant to Section 404.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). Finally, variance relief is requested from Section 404.2.A of the B.C.Z.R. to allow a storage and display area of materials including the brush storage, mulch processing and mulch storage area of 3.3 acres, more or less, in lieu of the maximum allowed 1.0 acres (10% of the nursery or a maximum of 1.0 acres); and, from Section 404.1.A to permit an internal road setback of 15 inches from the property line in lieu of the required 2.5 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date

By

Item # 219

CASE NAME _____
CASE NUMBER 2009-0719-SPH
DATE 4-20-09

[illegible]

CASE NAME ~~03-466 SPK2A~~
CASE NUMBER 2009-0219-SPH
DATE 4/20/09

[illegible]

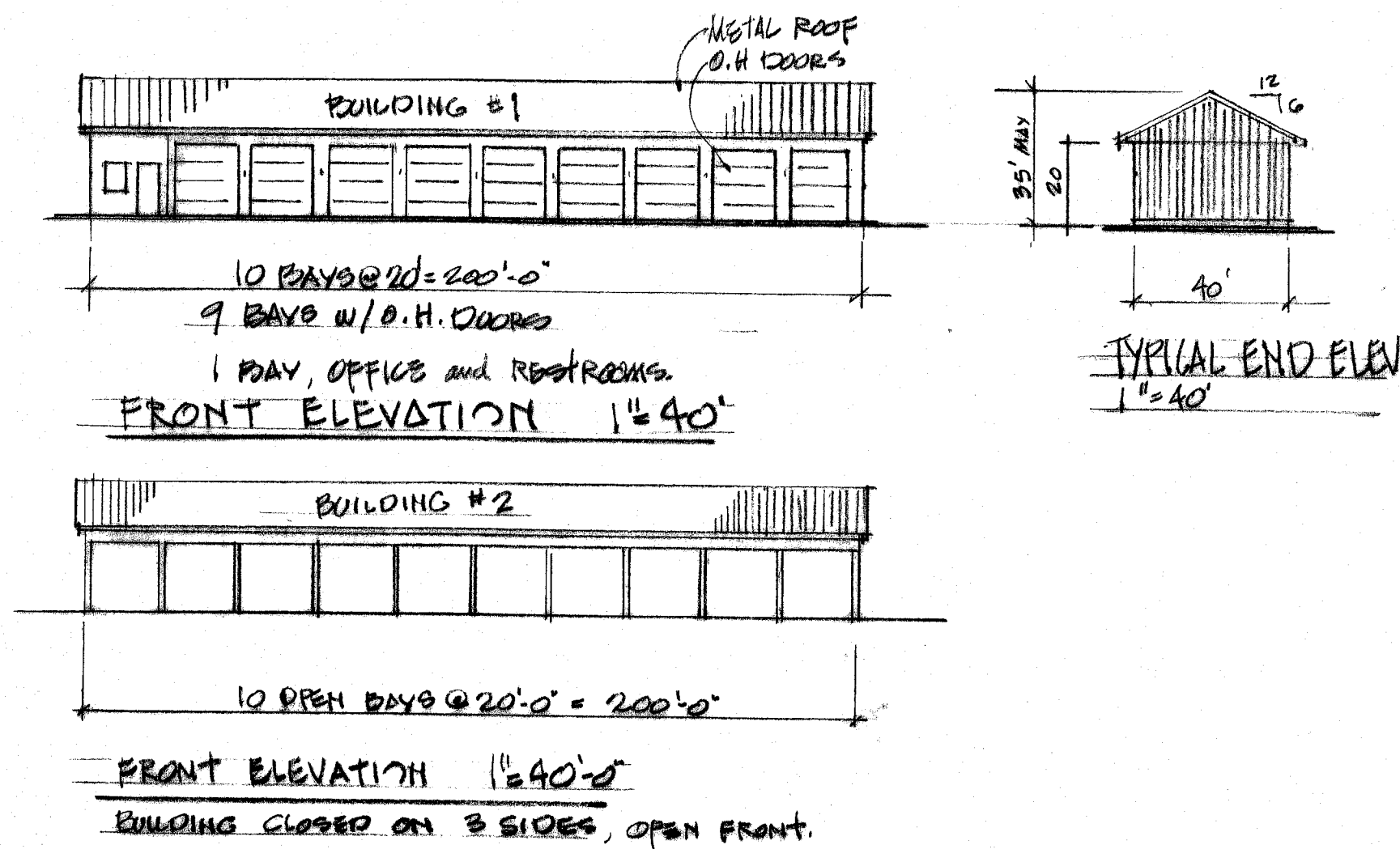
Case No.: 2009-0219-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	previous site plan	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



GENERAL NOTES

BOHICA LLC.
Owner: Neil Miller
Miller Tree & Landscaping
Cockeysmill Road, Reisterstown, Md. 21136

DRC No. 072103D Letter August 11,03

- Deed reference 17738/16
- Tax account #1900014000
- Tax map 48, grid 10, parcel 1054
- Election District #4, Council Manic District #4
- Commercial permit history.
Permit to construct a maintenance and office structure. See plan for location.
Building is 40x80 = 3,200 sq. ft.
- Site Data
Gross area - 24.1 ac. - 1,049,795 sq. ft.
Zoned RC-4 ZONING MAP #04832
Existing Landscape and mulch operation.
Existing 40' x 80' Office and maintenance bldg.

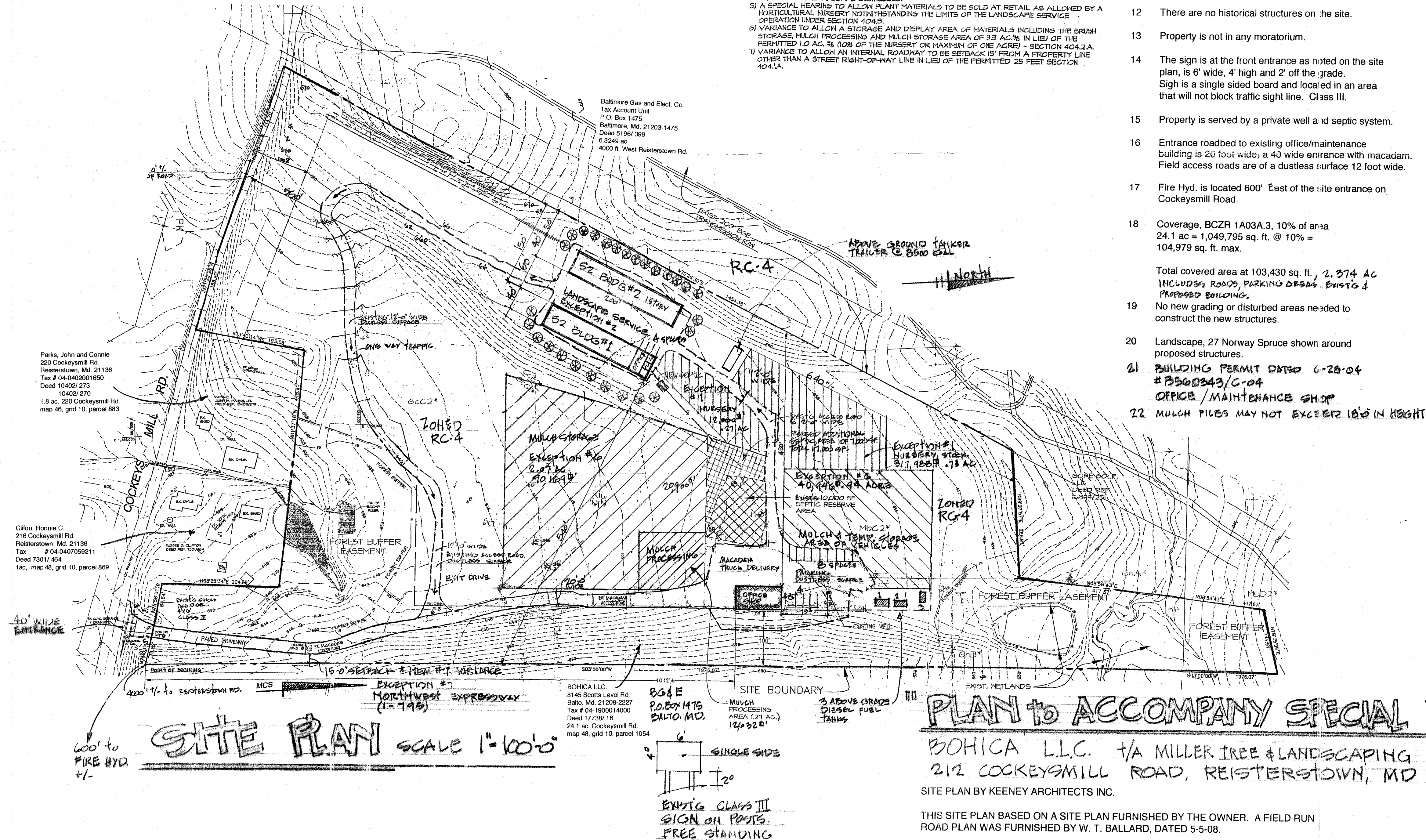
Zoning and Planning history.
Case # 03-466-SPHXA, Zoning relief granted.
See granted relief notes.

Proposed use. Continued use as granted.

CASE NO. 03-466-SPHXA

ZONING RELIEF GRANTED.

- A SPECIAL EXCEPTION TO PERMIT A HORTICULTURAL NURSERY SECTION 1A03.3.B.10.
- A SPECIAL EXCEPTION TO PERMIT A LANDSCAPE SERVICE OPERATION - SECTION 1A03.3.B.11.
- A SPECIAL HEARING TO ALLOW BOTH A HORTICULTURAL NURSERY AND A LANDSCAPE SERVICE OPERATION CONCURRENTLY ON THE SAME PROPERTY.
- A SPECIAL HEARING TO ALLOW A WOOD WASTE CHIPPING FACILITY AS AN ACCESSORY USE TO NURSERY AND LANDSCAPE BUSINESSES.
- A SPECIAL HEARING TO ALLOW PLANT MATERIALS TO BE SOLD AT RETAIL AS ALLOWED BY A HORTICULTURAL NURSERY NOTWITHSTANDING THE LIMITS OF THE LANDSCAPE SERVICE OPERATION UNDER SECTION 404.3.
- VARIANCE TO ALLOW A STORAGE AND DISPLAY AREA OF MATERIALS INCLUDING THE BRUSH STORAGE, MULCH PROCESSING AND MULCH STORAGE AREA OF 3.3 AC. IN LIEU OF THE PERMITTED 1.0 AC. 10% OF THE NURSERY OR MAXIMUM OF ONE ACRE) - SECTION 404.2.A.
- VARIANCE TO ALLOW AN INTERNAL ROADWAY TO BE SETBACK 15' FROM A PROPERTY LINE OTHER THAN A STREET RIGHT-OF-WAY LINE IN LIEU OF THE PERMITTED 25 FEET SECTION 404.1.A.



7 Proposed buildings.

Building #1,
40' x 200' x 35' max in height, 8000 sq. ft.
Enclosed 4 sides with over head doors for storage of equipment. No maintenance or repair shop.
Restrooms for male and female employees and a small office/rest area at one end only. ONE STORY, FRAME.

Sewer field has been expanded by 7000 sq. ft. for proposed structures per approval of Balto. Co. Health Dept.
Septic area of 17,000 sq. ft. now shown.

Water furnished from existing well and piped to proposed building.

Building #2,
40' x 200' x 35' max in height, 8000 sq. ft.
Enclosed on 3 sides and open on one side for storage of equipment. No maintenance or repair shop.
No rest rooms, no water or sewage hook-ups.

Proposed structures are a pole barn type of building.
The buildings shall be constructed over and an existing gravel roadbed. ON STORY, FRAME.

- Parking required.
Equipment / maintenance building
2 employees 2
Office, one employee 1
New storage buildings
2 employees 2
Total of 5 car parking spaces required

15 spaces shown, includes one HC space.

9 All parking spaces will be 8.5' by 18' unless noted.

10 Property is not in the Chesapeake Bay Critical Area.

11 There are no streams or a 100 year flood plan on site.

12 There are no historical structures on the site.

13 Property is not in any moratorium.

14 The sign is at the front entrance as noted on the site plan, is 6' wide, 4' high and 2' off the grade.
Sign is a single sided board and located in an area that will not block traffic sight line. Class III.

15 Property is served by a private well and septic system.

16 Entrance roadbed to existing office/maintenance building is 20 foot wide, a 40 wide entrance with macadam.
Field access roads are of a dustless surface 12 foot wide.

17 Fire Hyd. is located 600' East of the site entrance on Cockeysmill Road.

18 Coverage, BCZR 1A03A.3, 10% of area
24.1 ac = 1,049,795 sq. ft. @ 10% = 104,979 sq. ft. max.

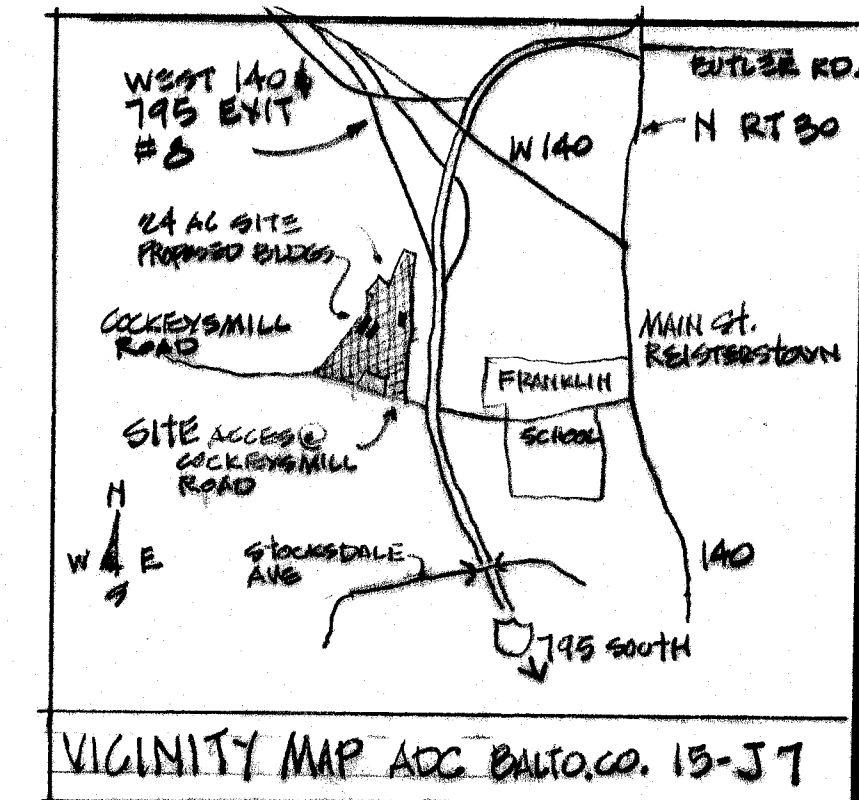
Total covered area at 103,430 sq. ft., 2,374 AC
INCLUDES ROADS, PARKING DECKS, BUILDING & PROPOSED BUILDING.

19 No new grading or disturbed areas needed to construct the new structures.

20 Landscape, 27 Norway Spruce shown around proposed structures.

21 BUILDING PERMIT DATED 6-28-04
#B560343/C-04
OFFICE / MAINTENANCE SHOP

22 MULCH PILES MAY NOT EXCEED 12'0" IN HEIGHT.



23. ABOVE GROUND WATER TANKER TRUCK ON SITE. 8800 GAL
24. NO BUILDING WILL EXCEED 35'0" IN HEIGHT.
25. NURSERY AREA NOTED ON SITE 1.0 AC
26. PROPOSED BUILDINGS #1 & #2 SHALL BE USED FOR LANDSCAPE SERVICE OPERATION.

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.

HEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of July 2003, that the Petition for Special Exception to approve a horticultural nursery and a landscape service operation, pursuant respectively to Sections 1A03.3.B.10 and 11 of the B.C.Z.R., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve, 1) a wood waste chipping facility (mulching operation) as an accessory use to a nursery and landscaping business; 2) to allow both a horticultural nursery and a landscape service operation concurrently on the same property; and, 3) to allow plant materials to be sold at retail as allowed by a horticulture nursery, notwithstanding the limits of the landscape service operation pursuant to Section 404.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 404.2.A of the B.C.Z.R. to allow a storage and display area of materials including the brush storage, mulch processing and mulch storage area of 3.3 acres, more or less, in lieu of the maximum allowed 1.0 acre (10% of the nursery or a maximum of 1.0 acres); and, from Section 404.1.A to permit an internal road setback of 15 inches from the property line in lieu of the required 2.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- The Petitioner may apply for the building use permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- The total building area of the office/shop and garden shop will not exceed 4800 sq. ft. The two buildings may be combined in some fashion for so long as they do not collectively exceed this size and variance relief is not generated by their ultimate location on the property.
- When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

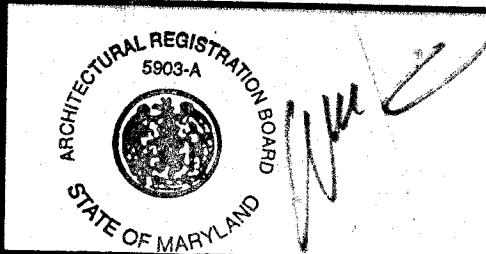
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

DRC # 072103D
LETTER AUG 11, 03

Contractor shall verify all dimensions and conditions and bring any discrepancy to the attention of the Architect before proceeding with the work.

MILLER TREE & LANDSCAPING
#2009-0219-SPH
COCKEYSMILL ROAD
REISTERSTOWN, MD

PETITIONER'S
EXHIBIT NO. 1



KEENEY
WILLIAM W. KEENEY, ARCHITECT, INC.
1908 Emory Road
Reisterstown, Maryland 21136
410-239-1981

SHEET 1 DATE DEC 18, 03

1000 8

MILLER

