



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Sanctuary at Hunt Valley

which is presently zoned R.C. 4, M.L. & D.R. 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, interested person(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition(s) 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~~

1. Not conduct a public hearing to consider the second refined Development Plan for the Sanctuary at Hunt Valley until the portion of Horse Trail Lane proposed for non-development has been closed or, in the alternative;
2. Disapprove the second refined Development Plan of the Sanctuary at Hunt Valley due to the non-development of Horse Trail Lane.

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 interested person(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:

David K. Gildea

Name - Type or Print

Signature David K. Gildea CMB

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

410-821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Interested Person(s):

George Perdikakis 410-847-9868

Name - Type or Print

1124 Hunt Creek Lane, Sparks, MD 21152

Signature George Perdikakis

Robert P. Whelen, Jr.

Name - Type or Print

Signature Robert P. Whelen, Jr.

1130 Hunt Creek Lane

443-212-5472

Address

Telephone No.

Sparks,

MD

21152

City

State

Zip Code

Representative to be Contacted:

Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

410-821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2009-0221-SPH

Reviewed By D.T. Date 5/13/09

Zoning Description
for
The Sanctuary at Hunt Valley
SE/S York Road
S/S Phoenix Road
8th Election District
3rd Councilmanic District
Sparks, MD 21152

The subject property consists of 214.55 acres +/- with 214.08 acres +/- Zoned RC 4, 0.1813 acres +/- Zoned M.L. and 0.2898 acres +/- Zoned DR 3.5, said property being identified on Tax Map 42, Grid 5, Parcel 10. The subject property also being identified as containing 42 single family lots as shown on the plat of the subdivision entitled The Sanctuary at Hunt Valley and recorded among the Land Records of Baltimore County in Plat Book Liber 76, Folio 87.

The Sanctuary at Hunt Valley is located in the 8th Election District and Third Councilmanic District of Baltimore County.

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

No. **35073**

Date: **2.24.09**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 2/25/2009 2/25/2009 10:58:34 5

Rev Sub
 Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				395.00

REG MS03 WALKIN RDDS LRB
 RECEIPT # 386243 2/25/2009 OFLN
 5 528 ZONING VERIFICATION
 D. 035073

Recpt Tot \$325.00
 \$325.00 CK \$.00 CA
 Baltimore County, Maryland

Total: **325.00**

Rec From: **J. Neil LANZI, P.A.**

For: **2009-0221-SPH**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

(A)

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

No. **39988**

Date: **5/13/09**

PAID RECEIPT

BUDGETS: RETAIL DATE: 5/14/2009
 5/14/2009 5/14/2009 1000.000

0.000 BALANCE 1000.000
 RECEIPT 0.00000 5/14/2009
 5.000 5.000 00000000000000000000
 100.00000

Receipt 0.00 000.000
 000.000 00 000.00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				325.00

Total: **325.00**

Rec From: **GGP + ASSOCIATES, LLC**

For: **2009-0221-SPH**
PERDIKAKIS/WHELEI
SANCTUARY AT HUNT VALLEY
D. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**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: # 2009-0221-SPH

Sanctuary at Hunt Valley

S/east side of York Road; s/side of Phoenix Road

8th Election District — 3rd Councilmanic District

Legal Owner(s): George Perdikakis & Robert Whelen, Jr.

Special Hearing: to not conduct a public hearing to consider the second refined development plan for the Sanctuary at Hunt Valley until the portion of Horse Trail Lane proposed for non-development has been closed, or in the alternative; disapprove the second refined development plan of the Sanctuary at Hunt Valley due to the non-development of Horse Trail Lane.

Hearing: Tuesday, August 25, 2009 at 9:00 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.

JT 8/685 Aug. 11

207736

CERTIFICATE OF PUBLICATION

8/13/, 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 8/11/, 2009.

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

J. Wilkinson

LEGAL ADVERTISING

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: # 2009-0221-SPH

SE/s York Road, S/S Phoenix Road

8th Election District -- 3rd Councilmanic District

Legal Owner(s): Hunt Valley Chase Homeowners Association

Special Hearing: to determine whether or not the Zoning Commissioner should deny a proposed amendment to the final development plan dated December 17, 2003 for the sanctuary and to require horse trail lane to remain open with right turn in only access from York Road.

Hearing: Tuesday, August 25, 2009 at 9:00 a.m. in Room 104, Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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JT 8/684 Aug. 11

207733

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- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0221- SPH.

Petitioner/Developer:_____

George Perdikakis & Robert Whelen, Jr.

Date of Hearing/closing: August 25, 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, _____
Sanctuary at Hunt Valley S/east side of York Road; s/side of Phoenix Road

The sign(s) were posted on August 10, 2009
(Month, Day, Year)

Sincerely,

Robert Black August 16, 2009

(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 # 2009-0221-SPH

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

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

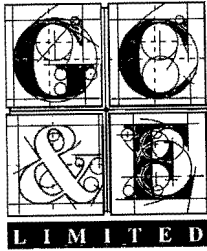
DATE AND TIME TUESDAY, AUGUST 25, 2009 AT 9:00 A.M.

REQUEST SPECIAL HEARING TO NOT CONDUCT A PUBLIC HEARING

TO CONSIDER THE SECOND REFINED DEVELOPMENT PLAN FOR THE
SANCTUARY AT HUNT VALLEY UNTIL THE PORTION OF HORSE TRAIL LANE
PROPOSED FOR NON-DEVELOPMENT HAS BEEN CLOSED, OR IN THE
ALTERNATIVE, DISAPPROVE THE SECOND REFINED DEVELOPMENT
PLAN OF THE SANCTUARY AT HUNT VALLEY DUE TO THE NON-
DEVELOPMENT OF HORSE TRAIL LANE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 867-3391

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



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#2009-0221-SPH

OWNER/DEVELOPER:
Hunt Valley Chase Homeowners
Association

DATE OF HEARING: August 25, 2009

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN 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

(see page 2 for full size photo)

LOCATION:

Southeast Side of York Road
South Side of Phoenix Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: August 6, 2009

ZONING NOTICE

CASE # :2009-0221-SPH

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

PLACE: Room 104 Jefferson Building
105 W. Chesapeake Avenue, Towson 21204

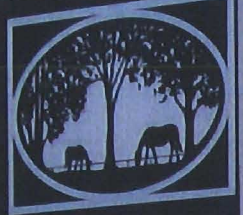
TIME: Tuesday August 25, 2009
DATE : at 9:00 am

Special Hearing to determine whether or not the Zoning Commissioner should deny a proposed amendment to the final development plan dated December 17, 2003 for the sanctuary and to require horse trail lane to remain open with right turn in only access from York Road.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE.

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





LOVETON
FARMS

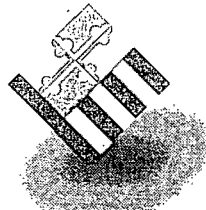
APARTMENTS

410-771-4966

ONE BLOCK
BACK

LOVETON
FARMS
APARTMENTS
410-771-4966
ONE BLOCK BACK





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

June 24, 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: 2009-0221-SPH

SE/s York Road, S/S Phoenix Road

8th Election District – 3rd Councilmanic District

Legal Owners: Hunt Valley Chase Homeowners Association

Special Hearing to determine whether or not the Zoning Commissioner should deny a proposed amendment to the final development plan dated December 17, 2003 for the sanctuary and to require horse trail lane to remain open with right turn in only access from York Road.

Hearing: Tuesday, August 25, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in cursive.

Timothy Kotroco
Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204

Margie Parker, Hunt Valley Chase Assoc., 1105 Hunt Creek Lane, Sparks 21152

David Karceski, Venable, 210 Allegheny Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 10, 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
Tuesday, August 11, 2009 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi
409 Washington Avenue, Ste. 617
Towson, MD 21204

410-296-0686

NOTICE OF ZONING HEARING

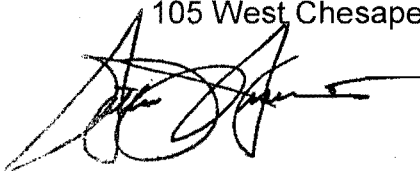
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8th Election District – 3rd Councilmanic District
Legal Owners: Hunt Valley Chase Homeowners Association

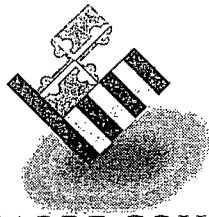
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Hearing: Tuesday, August 25, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 7, 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: 2009-0221-SPH

SE/s York Road, S/S Phoenix Road

8th Election District – 3rd Councilmanic District

Legal Owners: Hunt Valley Chase Homeowners Association

Special Hearing to determine whether or not the Zoning Commissioner should deny a proposed amendment to the final development plan dated December 17, 2003 for the sanctuary and to require horse trail lane to remain open with right turn in only access from York Road.

Hearing: Tuesday, June 9, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204
Margie Parker, Hunt Valley Chase Assoc., 1105 Hunt Creek Lane, Sparks 21152
David Karceski, Venable, 210 Allegheny Avenue, Towson 21204

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- (3) 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: 0221
Petitioner: HUNT VALLEY CHASE Homeowner Assoc.
Address or Location: SE/S of YORK RD, S/S of Phoenix Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: ~~XXXXXXXXXX~~ J. Neil LANZI, ESQ.
Address: 409 Washington Ave., Suite 617
Towson, Md. 21204
Telephone Number: 410-296-0686

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

For Newspaper Advertising:

Item Number or Case Number: 2009-0221-SPH

Petitioner: PERDIKAKIS/WHELEN

Address or Location: SANCTUARY AT HUNT VALLEY

PLEASE FORWARD ADVERTISING BILL TO:

Name: GILDEA + SCHMIDT, LLC

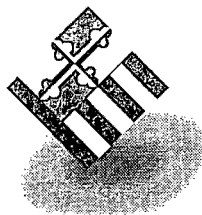
Address: 600 WASHINGTON AVE.

SUITE 200

TOWSON, MD 21204

Telephone Number: 410-821-0070

Revised 7/11/05 - SCJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 20, 2009

J. Neil Lanzi
J. Neil Lanzi, P.A.
409 Washington Ave. Ste. 617
Towson, MD 21204

Dear: J. Neil Lanzi

RE: Case Number 2009-0221-SPH, SE/ S York Rd.; S/S Phoenix 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 24, 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Margie Parker: Hunt Valley Chase Homeowners Assoc; 1105 Hunt Creek Ln; Sparks, MD 21152

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 25, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
Item No. 2009-0221 SPH

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comments.

Since the feasibility of building Horse Trail Lane has not been determined, I recommend that no decision be made on this issue.

RECEIVED

AUG 25 2009

ZONING COMMISSIONER

DAK
cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 24, 2009

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

RECEIVED

SUBJECT: Sanctuary at Hunt Valley

AUG 24 2009

INFORMATION:

ZONING COMMISSIONER

Item Number: 9-221

Petitioner: Hunt Valley Chase Homeowners Association, Inc

Zoning: RC 4, M. L., DR 3.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

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

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

Division Chief:
AFK/LL:

A handwritten signature in black ink, appearing to read 'Pat Keller', is written over a horizontal line. The signature is fluid and cursive.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 24 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: August 21, 2009

SUBJECT: Zoning Item # 09-221-SPH
Address SE/S York Rd & S/S Phoenix
(Hunt Valley Chase Homeowners Association)

Zoning Advisory Committee Meeting of March 9, 2009

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

Reviewer: Thomas Panzarella

Date: April 21, 2009



BALTIMORE COUNTY
M A R Y L A N D

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 9, 2009

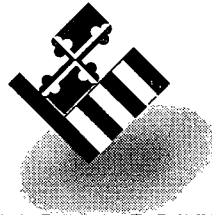
Item Numbers 0221, 0222

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



BALTIMORE COUNTY
M A R Y L A N D

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

June 4, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 26, 2009

Item Numbers 0221, 0275,

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



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

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

Maryland Department of Transportation

March 23, 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. 2009-0221-SPH
MD 45 (York Road)
South of Phoenix Road
The Sanctuary At Hunt Valley
Special Hearing-

Dear Ms. Matthews:

This is in follow-up to our letter date March 20, 2008 (Foster to Matthews) for ZAC Agenda Item 2009-0221-SPH on the subject of the above captioned, which was received on March 11, 2009. This letter serves to further re-iterate the State Highway Administration's position regarding whether or not the zoning commissioner should deny a proposed amendment to the December 17, 2003 final development plan. And, to require Horse Trail Lane to remain open with right turn in only access from York Road.

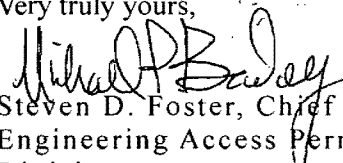
The State Highway Administration (SHA) has completed its review of the 2nd Refined Development Plan & Landscape Schematic. The following comments are offered for your consideration:

- The subject property is located on the east side of MD 45 (York Road). Our State Highway Location reference indicates that MD 45 at this location is a two lane scenic road. The Annual Average Daily Traffic volume on this section of MD 45 is 24, 730 vehicle trips per day.
- Based on our review the above referenced and previous plan submissions, we find that the existing access at MD 45/ Phoenix Road intersection is consistent with State Highway Access Manual Guidelines.
- The proposed right turn only to connect with Horse Trail Lane is not consistent with SHA requirements and AASHTO Geometric Design of Highways and Streets.
- Due to physical constraints of this roadway section the current engineered plan is not an appropriate design for safe ingress.

In conclusion- The SHA does not recommend approval for Item No. 2009-0221-SPH The Sanctuary At Hunt Valley that would allow the access to Horse Trail Lane to remain open. Please include our remarks in your staff report to the Zoning Hearing Examiner.

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

Very truly yours,


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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



Ms. Kristen Matthews

Page 2

SDF/mb

Cc: Mr. Dennis A. Kennedy, Bureau of Development Plans Review, Baltimore County
Mr. David Malkowski, District Engineer, SHA
Mr. Donald T. Rascoe, Deputy Director-PDM, Baltimore County
Mr. William J. Wisemen, Zoning Commissioner, Baltimore County



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

State Highway
Administration

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

Maryland Department of Transportation

March 10, 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. 2009-0221-SPH
MD 45 (York Road)
South of Phoenix Road
The Sanctuary At Hunt Valley
Special Hearing-

Dear Ms. Matthews:

Thank you for the opportunity to review ZAC Agenda Item 2009-0221-SPH on the subject of the above captioned, which was received on March 11, 2009. We understand that this item concerns whether or not the zoning commissioner should deny a proposed amendment to the December 17, 2003 final development plan. And, to require Horse Trail Lane to remain open with right turn in only access from York Road.

The State Highway Administration (SHA) has completed its review of the 2nd Refined Development Plan & Landscape Schematic. The following comments are offered for your consideration:

- The subject property is located on the east side of MD 45 (York Road). Our State Highway Location reference indicates that MD 45 at this location is a two lane scenic road. The Annual Average Daily Traffic volume on this section of MD 45 is 24, 730 vehicle trips per day.
- Based on our review the above referenced and previous plan submissions, we find that the existing access at MD 45/ Phoenix Road intersection is consistent with State Highway Access Manual Guidelines.
- The proposed right turn only to connect with Horse Trail Lane is not consistent with SHA requirements and AASHTO Geometric Design of Highways and Streets.
- Due to physical constraints of this roadway section the current engineered plan is not an appropriate design for safe ingress.

In conclusion- The SHA is not in a position to support approval for Item No. 2009-0221-SPH The Sanctuary At Hunt valley at this time. Please include our remarks in your staff report to the Zoning Hearing Examiner.

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

Very truly yours,


Steven D. Foster, Chief
Engineering Access Permits
Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com





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

August 20, 2009

CAROLE S. DEMILIO
Deputy People's Counsel

HAND-DELIVERED

William J. Wiseman, III,
Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Thomas H. Bostwick,
Deputy Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: PETITIONS FOR SPECIAL HEARING
Hunt Valley Chase Homeowners Association and
George Perdikakis & Robert Whelen, Jr.- Petitioners
SE/S York Road, S/S Phoenix Road
Case No: 09-221-SPH

RECEIVED

AUG 20 2009

ZONING COMMISSIONER

Dear Messrs. Wiseman and Bostwick:

Upon inquiry from interested citizens, we reviewed the file. It appears helpful to communicate some preliminary observations. The matter is unusual in that there are two separate petitions for special hearing. They focus on the appropriateness of an amendment to the final development plan for "The Sanctuary at Hunt Valley," a residential development in the Phoenix area. The substantive focus is on the developer's proposal to eliminate an alternative access road from York Road called Horse Trail Lane. But our concern at this stage has to do with the procedural background. It is our position that there has been a misuse of the "refinement process."

On January 14, 2003, then Zoning Commissioner Lawrence Schmidt approved the development plan in Case No. VIII-787. Security Management Company was the owner and Toll Brothers, Inc. the developer. The development included 42 single-family homes on 214 acres in the R.C. 4 Zone. Concerning access, the opinion summarizes "... that after negotiations and consultation with residents of the area and the State Highway Administration (SHA), primary vehicular access to the property would be by way of Phoenix Road. There will also be an entrance to the property from York Road, however, as shown on the plan, that entrance will be a right turn only." Pages 2-3. It is this last right-turn entrance off York Road, called Horse Trail Lane, which is the subject of the special hearing petitions.

On July 17, 2007, Toll Brothers applied to the Development Review Committee and ultimately to the PDM Director for a "refinement" to eliminate the Horse Trail Lane access. The DRC recommended approval, and the Director issued the formal approval letter on October 4, 2007. In so doing, he approved "the Second Refinement of the Development Plan."

The Hunt Valley Chase Homeowners Association, on the one hand, and George Perdikakis and Robert Whalen, on the other hand, have filed the present petitions. Both appear to challenge the approval of the refinement. The elimination of an access road is a significant amendment to a development plan. It should not have been processed as a refinement. Whether or not the proposed change has merit, it is subject to the zoning law governing amendments to final development plans. BCZR § 1B01.3. This requires a public hearing to determine, among other things, whether the proposal satisfies special exception standards and is consistent with the spirit and intent of the original plan. In the absence of satisfactory public notice for DRC meetings and of the Director's decision, it is procedurally appropriate for an interested party to challenge the refinement.

To illustrate, we recently agreed with Zoning Commissioner William Wiseman's decision in Hutson (No. 09-035-SPH) that the proposed re-subdivision of a lot in a major subdivision is not a "minor subdivision" and not a "refinement." In a memorandum to the County Board of Appeals, we provided this legal analysis,

"Sometimes, property owners seeking re-subdivision attempt to circumvent the requirement for zoning review of amendments to final development plans. They have sometimes invoked the concept of "refinement." There is no statutory provision for this concept. Rather, it is found in the Development Management Policy Manual. It evolved to differentiate "material" from "non-material" amendments for the purpose of development review under the forerunners of County Code § 32-4-262. Originally framed during the County Review Group era, the Policy Manual created the Development Review Committee (DRC). Among other things, the DRC could review and approve "refinements" without a full public meeting or hearing. To define "refinement," the Manual stated, in Policy No.1.a.III, page 2,

'... that slight, minor, or insignificant changes to an approved plan, which have no significant impact on the site or on adjacent properties to the neighborhood at large may be considered as 'Plan Refinements' fully in keeping with the informative, conceptual and schematic nature of the CRG plan.'

"In 1992, the hearing officer process replaced the CRG process. Pursuant to PDM Policy, page 8, policies applicable to the CRG process were extended to the development process. Thus, if an amendment qualified as a "refinement," the county agencies could approve it without a full public CRG meeting, or later, hearing officer review.

"In Meadows of Greenspring Homeowners Assoc. v. Foxleigh Enterprises CSA No. 2170, Sept. Term 2003, the court held that a reduction in building height from eight stories to two stories was a material amendment, and not a "refinement," notwithstanding the PDM director's letter explaining that reductions in size or scope of a project is considered a refinement or correction." The court cited the common and ordinary meaning of the word "material," as well as the policy reference to "slight, minor, or insignificant changes."

As in the case of a re-subdivision, the elimination of an access road does not qualify as a "refinement." There is no accurate way to describe it as "slight, minor, or insignificant." Moreover, even if it could properly be called a "refinement," that would not be a ground to circumvent zoning review. BCZR § 600 clarifies that the zoning regulations prevail over any less restrictive provisions in other parts of county law. The bottom line is that there has often been misuse of the refinement concept and the DRC process to stretch it way beyond its plausible boundaries. The developer thereby gains the advantage of avoidance of the zoning law and the scrutiny entailed in a public hearing.

Recently, when "refinements" have cropped up in the course of review of zoning petitions, the DRC and PDM Director have frequently allowed, under the guise of "refinement," changes which we believe to be significant. The problem is compounded further by the serial approval of refinements, each in isolation, without regard to the cumulative impact. The refinement here is described as the second refinement. We have encountered development plans with refinements in or approaching double digits.

There is an underlying question about the legal authority for the refinement process. In the absence of enabling legislation, has the County Council delegated the open-ended authority to PDM to create a refinement process, especially one where there is a lack of realistic public notice? There is the further question whether, if properly authorized, the process is nevertheless systematically prone or particularly vulnerable to misuse in its implementation?

This case is a good example. We ask the Commissioner to hold that the issue of elimination of Horse Trail Lane did not and does not qualify as a "refinement," but rather is subject to the zoning law governing amendments to final development plans. We also request a forceful statement that, if allowed at all, "refinements" are restricted to limited situations where a change is truly "slight, minor, or insignificant." Furthermore, any reasonable doubt about the matter should be resolved in favor of a zoning hearing.

We also ask the Commissioner to reinforce the point that a "refinement" is subject to subsequent challenge in a petition for special hearing. The petitioners here are entitled to a determination that proposed elimination of the road is subject to review in a public hearing for compliance with the law governing amendment of final development plans.

William J. Wiseman, III, Zoning Commissioner
Thomas H. Bostwick, Deputy Zoning Commissioner
August 20, 2009
Page 4

BCZR § 1B01.3. Whether now or in a future petition filed by Toll Brothers, Inc., it is a prerequisite that there occur a public special hearing process to decide the merits. The proposed elimination of Horse Trail Lane is too important to bypass the public hearing process under the guise of a "refinement."

Perhaps Toll Brothers, Inc. may yet file a petition for special hearing to amend the final development plan. If that occurs, it is progress. But, as we see it, the question arises as to why there was a discordant use of the "refinement" process in 2007 at the outset? Another question is why the relevant special hearing was not then filed instead? Indeed, now that it is more than two years after the flawed application for the "refinement," what has taken so long for Toll Brothers, Inc. to file a petition for special hearing? Moreover, has Toll Brothers, Inc. made any improvements based on the discordant approval of the refinement? If the present petitioners had not filed petitions for special hearing, what would have happened?

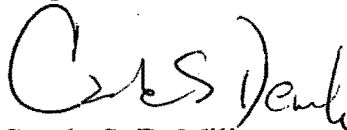
We reserve the right to comment on any other issues as this matter unfolds.

Thank you for your consideration.

Very truly yours,



Peter Max Zimmerman
People's Counsel for Baltimore County



Carole S. DeMilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: J. Neil Lanzi, Esquire, attorney for Hunt Valley Chase Homowners Ass'n
David Gildea, Esquire, attorney for George Perdikakis, et al.
Arnold Jablon, Esquire and David Karceski, Esquire, attorneys for Toll Brothers, Inc.
Kirsten Burger, President, Sparks-Glencoe Community Association

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SE/S York Road, S/S Phoenix Road *
8th Election & 3rd Councilmanic Districts * ZONING COMMISSIONER
Legal Owner(s): GeorgePerdikakis *
and Robert Whelen, Jr. * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-221-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.

RECEIVED

JUN 03 2009

.....

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of June, 2009, a copy of the foregoing Entry of Appearance was mailed to David Gildea, Esquire, , Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SE/S York Road, S/S Phoenix Road *
8th Election & 3rd Councilmanic Districts * ZONING COMMISSIONER
Legal Owner(s): Hunt Valley Chase *
Homeowners Association * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-221-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 12 2009

HL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of March, 2009, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Interoffice Memorandum

DATE: July 9, 2009

TO: Zoning Commissioner and File

FROM: Donna Thompson, Planner II, Zoning Review

SUBJECT: Petition for Special Hearing
Case No. 2009-0221-SPH
Sanctuary at Hunt Valley (SE/S York Rd. S/S Phoenix Rd.)

- A. For clarification, this office accepted a Petition for Special Hearing on February 24, 2009 from the Hunt Valley Chase Homeowners Association, Inc. "to determine whether or not the Zoning Commissioner should deny a proposed Amendment to the Final Development Plan dated December 17, 2003 for The Sanctuary and to require Horse Trail Lane remain open with right turn in only access from York Road".
- B. Subsequently, another Petition for Special Hearing was filed on May 13, 2009 from Petitioners George Perdikakis and Robert P. Whelen, Jr. "to determine whether or not the Zoning Commissioner should not conduct a public hearing to consider the second refined Development Plan for the Sanctuary at Hunt Valley until the portion of Horse Trail Lane proposed for non-development has been closed or in the alternative; disapprove the second refined Development Plan of the Sanctuary at Hunt Valley due to the non-development of Horse Trail Lane."

For office purposes only, paperwork for each petition will be marked with an **A.** or **B.** as shown above.

BOTH OF THESE PETITIONS HAVE THE SAME CASE NUMBER. EACH SEPARATE ATTORNEY WILL ADVERTISE AND POST ON BEHALF OF EACH OF THEIR CLIENTS.

Please call me if you have any questions.

dt

BALTIMORE COUNTY, MARYLAND

Interoffice Memorandum

DATE: July 9, 2009

TO: Zoning Commissioner and File

FROM: Donna Thompson, Planner II, Zoning Review

SUBJECT: Petition for Special Hearing
Case No. 2009-0221-SPH
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BOTH OF THESE PETITIONS HAVE THE SAME CASE NUMBER. EACH SEPARATE ATTORNEY WILL ADVERTISE AND POST ON BEHALF OF EACH OF THEIR CLIENTS.

Please call me if you have any questions.

dt

MEMORANDUM

DATE: August 26, 2009
TO: To The File
FROM: Tomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County
RE: Case No. 2009-0221-SPH

This matter came before me on August 25, 2009 for a Special Hearing. Petitioners in the case, Hunt Valley Chase Homeowner's Association, were represented by Neil Lanzi. Another Petitioner, George Perdikakis, who lives in the neighborhood that is the subject of the special hearing request, was represented by Larry Schmidt. Also appearing as "interested citizens" were Arnold Jablon and David Karceski, representing the Developer of the subject property, Toll Brothers, Inc.

The main focus of the case appears to be the Developer's request for an amendment to the Final Development Plan for "The Sanctuary at Hunt Valley," a residential development mostly located east of York Road and south of Phoenix Road in the Sparks area of Baltimore County. Apparently, the Developer desires to eliminate an alternative access road from York Road known as Horse Trail Lane and utilize it as a dead end road with a T-turnaround. The Petitioners, on the other hand, desire for Horse Trail Lane to remain open and for the Developer to be compelled to follow through with the previous plan to make Horse Trail Lane a thru-street with right turn in only access from York Road.

Prior to the opening of testimony, Mr. Lanzi's made a preliminary request for postponement. The undersigned reminded Mr. Lanzi that the hearing room was practically full with mostly neighbors or interested persons from The Sanctuary at Hunt Valley neighborhood and his client, the Hunt Valley Chase Homeowner's Association; however, with no opposition from Messrs. Schmidt, Jablon, or Karceski, the undersigned granted the request and the case was postponed. All parties requested that the Zoning Review Office not set the matter back in for a hearing until such time as being notified by the attorneys for the parties.

As such, this matter should not be re-scheduled until contacted by Messrs. Lanzi, Schmidt, Jablon, and/or Karceski for a new hearing date.

c: Kristen Matthews, Zoning Review Office

Patricia Zook - Case 2009-0221-SPH - hearing is Tuesday, August 25 – comments needed

From: Patricia Zook
To: Kennedy, Dennis; Livingston, Jeffrey; Murray, Curtis
Date: 8/21/2009 12:22 PM
Subject: Case 2009-0221-SPH - hearing is Tuesday, August 25 – comments needed
CC: Bosley, Roland; Bostwick, Thomas

Gentlemen -

The below described case file was delivered to our office about 3:00 yesterday. This morning I discovered that comments from all County agencies are missing.

CASE NUMBER: 2009-0221--SPH

York Rd

Location: SE side of York Road; S side of Phoenix Road. (Sanctuary at Hunt Valley)

8th Election District, 3rd Councilmanic District

Legal Owner: Hunt Valley Chase Homeowners Association, Inc. (Petitioner A)

Hunt Valley Chase Homeowners Association, Inc. (Petitioner A) for the property known as "The Sanctuary at Hunt Valley" for a Special Hearing to determine whether or not the Zoning Commissioner should deny a proposed amendment to the Final Development Plan dated December 17, 2003 for The Sanctuary and to require Horse Trail Lane to remain open with a right turn in only access from York Road.

Legal Owner: George Perdikakis and Robert P. Whelen Jr. (Petitioner B)

George Perdikakis and Robert P. Whelen Jr. (Petitioner B) for a Special Hearing to determine whether or not the Zoning Commissioner should not conduct a public hearing to consider the second refined Development Plan for The Sanctuary at Hunt Valley until the portion of Horse Trail Lane proposed for non-development has been closed or in the alternative, disapprove the second refined Development Plan of The Sanctuary at Hunt Valley due to the non-development of Horse Trail Lane.

Please let us know if you have comments. You can e-mail or fax the comments to us at 410 887 3468.

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

**BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT**

DEVELOPMENT REVIEW COMMITTEE (DRC) APPLICATION

DRC# 080607B
County Use Only

RECEIVED

JUL 17 2007

Filing Date: _____

Stamp in w/PDM date stamp here

This application must be accompanied by the following:

1. One copy of the completed DRC application form checklist.
2. Three copies of this DRC application, completed in full.
3. Three copies of a letter of request (attach one to each DRC application).
4. Nine copies of the plan folded to 8 1/2 x 11 inches.
5. \$50 fee (check made payable to Baltimore County and non-refundable; do not staple check to request form)

Project Name: **THE SANCTUARY AT HUNT VALLEY** PDM File #: **VIII - 787**
Project Address: **CNR. OF YORK AND PHOENIX ROADS** Zip Code: **21220** ADC Map #: **12h13**
Councilmanic District: **3rd** Election District: **8th** Project Acreage: **214.5 Ac. +/-**
Tax Account No(s): **18 0000 9685 (PARENT TAX ACC. #)** Zoning: **RC-4, DR 3.5 & ML**
Engineer: **RICHARDSON ENGINEERING, LLC** Engineer's Phone No.: **410 560-1502 X 114**
Applicant: **TOLL BROTHERS INC.** Applicant's Phone No.: **(410) 872-9105**
Address: **7164 COLUMBIA GATEWAY DRIVE, SUITE 230, COLUMBIA, MD 21046** Email: **AMENGEL@tollbrothersinc.com**

Is this an antenna? Yes ☒ No If "Yes" check one of the following: Cellular Water Tower MonoPole
(CAC) (WTC) (CFC)

REQUESTED ACTION (TO BE COMPLETED BY THE APPLICANT)

- ☐ Limited Exemption under
☐ Material Amendment to the plan
☒ Plan Refinement
☐ Waiver of public works standards
☐ Requires a Zoning ☐ Special Hearing; ☐ Special Exception; ☐ Variance
☐ Other _____

This application must be accompanied by a written request. That request must be in the form of a letter, legibly printed or typed, and signed by the applicant. The letter must contain the name, address and telephone number of the applicant and must provide details of the request.

Please note that a DRC application form checklist is available in room 123 of the Baltimore County Office Building and on the Baltimore County web site at www.co.ba.md.us. A copy of that checklist must be completed and included along with this DRC application.

Please see the DRC application form checklist for complete submittal requirements.

Cc: Council, Planning, DEPRM

10/2004

CASE NUMBER: 2009-0221--SPH

York Rd

Location: SE side of York Road; S side of Phoenix Road. (Sanctuary at Hunt Valley)
8th Election District, 3rd Councilmanic District

Legal Owner: Hunt Valley Chase Homeowners Association, Inc. (Petitioner A)

Hunt Valley Chase Homeowners Association, Inc. (Petitioner A) for the property known as "The Sanctuary at Hunt Valley" for a Special Hearing to determine whether or not the Zoning Commissioner should deny a proposed amendment to the Final Development Plan dated December 17, 2003 for The Sanctuary and to require Horse Trail Lane to remain open with a right turn in only access from York Road.

Legal Owner: George Perdikakis and Robert P. Whelen Jr. (Petitioner B)

George Perdikakis and Robert P. Whelen Jr. (Petitioner B) for a Special Hearing to determine whether or not the Zoning Commissioner should not conduct a public hearing to consider the second refined Development Plan for The Sanctuary at Hunt Valley until the portion of Horse Trail Lane proposed for non-development has been closed or in the alternative, disapprove the second refined Development Plan of The Sanctuary at Hunt Valley due to the non-development of Horse Trail Lane.

Hearing: Tuesday, 8/25/2009 at 9:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

DRC

INDIVIDUAL RECORD

23-Mar-09

COUNTY COUNCIL DISTRICT

3

COUNCIL: 3 **PDM_NO:** 08-787 **PROJECT:** Sanctuary at Hunt Valley

DRC # 090203D **DATE:** 09/02/03 **LOCATION:** SE Intersection York RD Cor of Phoenix R

PRO_ACTION: The request is for a refinement to the development plan.

DRC_ACTION: Development Plan Refinement/DEPRM to review **Date action granted:** 09/02/03

Hold for Zoning Hearing: No **Item #:** **Follow up required:** No **Follow up completed:** No

Hearing Date: **LPC:** **Planning Board:**

Planning's Conditions:

Meeting notes:

Redline Changes per OP:

Conditions for CRG signature:

Signature Date: **Signed by:**

Applicant: Toll Brothers, Inc.

Address: 7164 Columbia Gateway Dr., Ste. 230,
Columbia, MD

Applicant Telephone #: (410) 872-9105

Engineer: Morris & Ritchie Associates, Inc.

Engineer Telephone #: (410) 821-1690

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

Tel: 410-560-1502
Fax: 443-901-1208

July 17, 2007

Attn: Mr. Timothy M. Kotroco
Director of Zoning Administration and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Subject: The Sanctuary at Hunt Valley

Dear Mr. Kotroco:

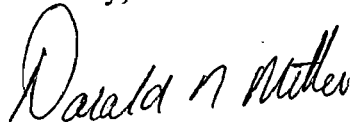
On behalf of our client, Toll Brothers Inc., we hereby submit for review proposed changes to the previously approved Development Plan for the above project. It is our opinion that the proposed changes as shown would represent a refinement of the approved plan. We hereby seek your concurrence that the changes would be non material in nature.

Due to the fact that it has become impossible to obtain an entrance permit from the State Highway Administration the Developer is proposing to eliminate the right in only access from York Road. The revised proposal calls for a permanent tee turnaround to be constructed adjacent to the proposed park situated next to York Road and calls for the elimination of the entrance from York Road as shown on the approved Development Plan.

Upon approval of the "Refinement: we will coordinate with the Department of Public Works and the Department of Recreation and Parks in order to work out the construction details of the proposed turnaround, Upon approval of the Refined Development Plan we will revise the previously approved Final Development Plan and previously approved construction drawings.

We thank you for your consideration of the above request.

Sincerely,



Donald N. Mitten, P.E.

Encl: \$50.00 Processing Fee

RECEIVED

JUL 17 2007

DEPT. OF PUBLIC WORKS

SPARKS-GLENCOE COMMUNITY PLANNING COUNCIL

Comments regarding Case No. 09-221-SPH,
Petition for special Hearing
Before the Baltimore County Zoning Commission

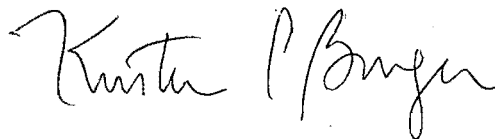
August 25, 2009

The Sparks-Glencoe Community Planning Council is an organization dedicated to preserving the rural character and natural resources of northern Baltimore County. We participate in hearings involving developments within our territory, which runs from Shawan Road to Middletown Road and from I-83 to the Harford County line. We support public hearings to allow citizens to voice their concerns about development in the area. All too often, local residents find out about a development only when it is too late to affect the process.

In the case at hand, the residents did not have a chance to give their input regarding a change in the plan for the Sanctuary development. We agree that a hearing should be held, so that they can hear the evidence and provide their input on the proposed change to the development plan. As fully explained by the People's Counsel, closing off an access road should not be considered a mere refinement. The residents' effort to obtain a hearing demonstrates that the change was significant. By holding public hearings, the county will maintain the trust and confidence of the citizens in their local government.

Sparks-Glencoe will offer comments on the merits of the issue if a hearing is held for that purpose.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kirsten A. Burger". The signature is fluid and cursive, with the first name "Kirsten" and last name "Burger" clearly distinguishable.

Kirsten A. Burger
President, SGPC

Jessie Bialek - Re: ZAC 09-221 - Horse Trail Ln

From: Stephen Weber
To: Jessie Bialek
Date: 04/28/09 6:26 PM
Subject: Re: ZAC 09-221 - Horse Trail Ln
CC: Dennis Kennedy

Jessie -

Unfortunately I have very extremely little knowledge as to the reasons which center around the desire to not open this R/W directly off of York Rd into the development to access Saddle Creek Ct. Since we're not involved directly in the development review process, I have insufficient information to be able to provide you what you need. I am only aware that it looked like this connection was going to be killed, but I have no idea why. At one time I thought there was talk of possibly providing a one-way entry into the development from York Rd on Horse Trail Ln but no reverse exit out of the development, but again that is hearsay.

By copy of this e-mail, I'm forwarding your inquiry to Dennis Kennedy as he would have all the information dealing with this request and the reasons for it. I really have no idea whether PDM is supporting the request or not and I also have no idea what the State Highway Administration's thoughts are on the matter.

My guess is that the request is to somehow officially change the record plat so that Horse Trail Ln is never officially opened as a public street. If it were already a public street and considered open, it would seem the legal process to follow would be to go thru an official road closing hearing, not thru the Zoning Commissioner. Based on the number of units in this development, they can be serviced off one means of access although more than one access would be desirable. In addition, the northern access into the site off of Phoenix Rd is an extremely short spur of only about 50 feet. Given that somewhat less than 50 homes will all be forced to this one very short egress point will not be desirable but it can probably work. A lot will depend on how courteous the exiting residents are about not blocking ingress from Phoenix Rd into the community. In addition, since all the exiting traffic will have to pass thru the Phoenix Rd access onto York Rd, rather than the direct access Horse Trail Ln would have provided, this will place most of this traffic into the current congestion and safety concerns within the York Rd & Phoenix Rd intersection.

Should you need anything further from us, please let me know.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

>>> Jessie Bialek 4/28/09 3:37 PM >>>
Hello Mr. Weber,

My name is Jessie Bialek and I am the Third District Community Planner in the Office of Planning. I was wondering if you know anything about the closure of Horse Trail Lane in the Sanctuary at Hunt Valley development off of York Road? The Hunt Valley Chase Homeowners Association is requesting a Special Hearing and I am trying to get some background information before I make a comment and it was suggested that I contact you.

If you have any information that you could share with me it would be greatly appreciated.

Thanks very much.

Jessie Bialek - Re: ZAC 09-221 - Horse Trail Ln

From: Dennis Kennedy
To: Bialek, Jessie; Weber, Stephen
Date: 04/29/09 2:31 PM
Subject: Re: ZAC 09-221 - Horse Trail Ln

Jessie:

Horse Trail Lane was always intended to be one-way into the development. The development has essentially been completed except for Horse Trail Lane. The SHA has denied an access permit because of engineering considerations, such as it being on the outside of a super-elevated curve and not having enough right-of-way for a safe deceleration lane and adequate drainage. The homeowners want Horse Trail Way to be built because that is what they bought. The developer is saying that the SHA won't let him build it without acquiring off-site right-of-way. The SHA made no adverse comment about this during the development process. I believe that the homeowners have filed for this hearing and want the zoning commissioner to force the developer to conform to the approved plan, no matter what it takes.

No road closing would be needed since the road was never opened. If the Zoning Commissioner decides that Horse Trail Way need not be connected to York Road, the plans will be amended and the record plat will be amended to end the road where it does now, short of York Road. The last time that I talked to the SHA, they were waiting for an engineered plan that met their criteria. From it, the need for offsite right-of-way would be determined and then the Zoning Commissioner could determine the reasonableness of making the developer extend Horse Trail Way to York Road. If the offsite property owner(s) aren't willing to sell easement or right-of-way to the developer, I don't know how the developer can be made to do it.

As of today, the hearing has not been scheduled, so the earliest it could be would be June. Hopefully, the SHA will have an acceptable design by then and the extent of offsite acquisition will be known.

>>> Stephen Weber 4/28/2009 6:26 PM >>>

Jessie -

Unfortunately I have very extremely little knowledge as to the reasons which center around the desire to not open this R/W directly off of York Rd into the development to access Saddle Creek Ct. Since we're not involved directly in the development review process, I have insufficient information to be able to provide you what you need. I am only aware that it looked like this connection was going to be killed, but I have no idea why. At one time I thought there was talk of possibly providing a one-way entry into the development from York Rd on Horse Trail Ln but no reverse exit out of the development, but again that is hearsay.

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Should you need anything further from us, please let me know.

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

(410) 296-0686

FAX: (410) 296-0689

E-Mail: nlanzi@lanzilaw.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

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

*Also Admitted in District of Columbia

Reply to Towson

January 30, 2009

Timothy Kotroco, Director
Permits and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Re: Development Plan – The Sanctuary at Hunt Valley
PDM VIII-787, DRC 080607B

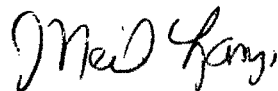
Dear Mr. Kotroco:

On behalf of the Hunt Valley Chase Homeowners' Association, I hereby request a hearing before the Zoning Commissioner for Baltimore County pursuant to the Baltimore County Zoning Regulations, Section 1B01.3A(7)(b)(2). This hearing concerns the request by Toll Brothers, Inc., developer, to amend the previously approved final development plan in an attempt to close the planned access road for this community known as Horse Trail Lane. Unfortunately, attempts to resolve the outstanding issues with the developer have not been resolved and the hearing is necessary.

There will be numerous witnesses from the homeowners association seeking to testify and accordingly, I would anticipate a full day will be required for the hearing. I will attempt to setup a conference call with Krysten in your office and David Karceski, Esquire, counsel for Toll Brothers, to schedule the hearing on a mutually agreeable date.

Thank you for your anticipated cooperation.

Very truly yours,



J. Neil Lanzi

JNL\mal

cc: Hunt Valley Chase Homeowners Association
David Karceski, Esquire
Walter Smith, Development Manager

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

(410) 296-0686

FAX: (410) 296-0689

E-Mail: nlanzi@lanzilaw.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

COLUMBIA

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

*Also Admitted in District of Columbia

Reply to Towson

February 25, 2009

Hand-Delivered

Permits and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
Attn: Joe Merrey

Re: Special Hearing Petition
The Sanctuary at Hunt Valley
Hunt Valley Chase Homeowner Association, Inc.

Dear Mr. Merrey:

On behalf of the Hunt Valley Chase Homeowner Association, Inc., I am enclosing proposed language for the special hearing request that your office may use for the advertising and posting requirements.

Should you require anything further, please do not hesitate to contact me. Thank you for your cooperation.

Very truly yours,



J. Neil Lanzi

JNL\mal

cc: Hunt Valley Chase Homeowners Association, Inc.

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

09-0221 SPH

May 7, 2009

Mr. Timothy Kotroco, Director
Office of Permits & Development Management
111 W. Chesapeake Avenue, Room 109
Towson, Maryland 21204

Re: Sanctuary at Hunt Valley
Zoning Case No.: 09-0221-SPH

Dear Mr. Kotroco:

Attached please find a Petition on behalf of our clients, George Perdikakis and Robert Whelen, Jr., relating to the Final Development Plan of the Sanctuary at Hunt Valley. This amendment and the associated alteration of Horse Trail Lane is currently the subject of Zoning Case No. 09-0221-SPH as filed by the Hunt Valley-Chase Homeowners Association, currently being scheduled.

As our petition relates to the same Final Development Plan and issues surrounding Horse Trail Lane, we request our petition be consolidated into Case No. 09-0221-SPH to create one hearing in the interest of judicial economy.

Attached please find three petitions for Special Hearing along with the filing fee of \$325.00. If there is any additional information you may require, please contact this office. With kind regards, I remain

Very truly yours,

David K. Gildea
David K. Gildea (KMB)

Attachment

DKG: kmb

CC: George Perdikakis
Mitch Kellman, Daft, McCune, Walker
Sebastian A. Cross, Esquire

(B)

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

May 12, 2009

Sent Via Hand Delivery

Mr. Timothy Kotroco, Director
Office of Permits & Development Management
111 W. Chesapeake Avenue, Room 109
Towson, MD 21204

**Re: Sanctuary at Hunt Valley
Zoning Case No.: 09-0221-SPH**

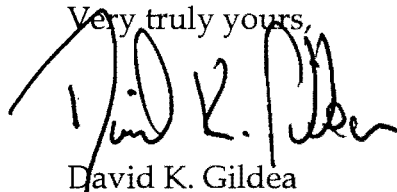
Dear Mr. Kotroco:

This letter serves as a request for postponement of the zoning hearing for the above referenced matter. Our client, George Perdikakis, will be out of town the week of the hearing, and unable to attend. We would like to have him testify at the hearing as to his concerns.

As previously requested, we respectfully request that the above referenced case (Case No. 09-0221-SPH) be consolidated with the Special Hearing by filed George Perdikakis on May 7, 2009. (See attachment).

I look forward to hearing from you. With kind regards, I remain

Very truly yours,

A handwritten signature in black ink, appearing to read "David K. Gildea", written over the typed name.

David K. Gildea

DKG: kmb

CC: George Perdikakis
Mitch Kellman, Daft, McCune, Walker
Sebastian A. Cross, Esquire

IN RE: DEVELOPMENT PLAN HEARING
SE/S York Road, S/S Phoenix Road
(Sanctuary @ Hunt Valley)

8th Election District
3rd Council District

Security Management Corp., Owner;
Toll Brothers, Inc., Developer

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. VIII-787
*

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for consideration of a development plan prepared by G. W. Stephens, Jr. and Associates, Inc. for the proposed development of the subject property by Security Management Corporation, Owner, and Toll Brothers, Inc., Developer, with 42 single family dwelling lots. The subject property consists of a gross area of 214.531 acres, more or less, predominantly zoned R.C.4 (214.091 acres), with a small area zoned M.L. (0.183 acres) and D.R.3.5 (0.257). The property is located on the southeast side of York Road and Phoenix Road in the Sparks area of northern Baltimore County. The proposed subdivision is more particularly described on the revised development plan that was submitted into evidence as Developer's Exhibit 4. A portion of the proposal was modified and submitted as a supplement to the development plan. That supplemental plan was submitted into evidence as Developer's Exhibit 6.

As to the history of this project through the development review process codified in Title 26 of the Baltimore County Code, a concept plan of the proposed development was prepared and a conference held thereon between County reviewing agency and Developer representatives on July 29, 2002. As required, a Community Input Meeting (CIM) was held on September 3, 2002 at the Cockeysville Public Library. This meeting allows residents of the affected neighborhood to question the Developer's representatives regarding the plan and offer comment. Subsequently, a development plan was submitted and a conference held between County agency and Developer representatives on December 3, 2002. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of Baltimore County and a revised development

**BALTIMORE COUNTY ZONING REGULATIONS 2008 Edition Updated 12-01-2008,
v0 / THE REGULATIONS / ARTICLE 1B, DENSITY RESIDENTIAL (D.R.) ZONES /
SECTION 1B01, Regulations With Respect to D.R. Zones in General / § 1B01.3
Plans and plats.**

§ 1B01.3 Plans and plats.

A. Development plans.

1. Purpose. This paragraph is intended:
 - a. To provide for the disclosure of development plans to prospective residents and to protect those who have made decisions based on such plans from inappropriate changes therein; and
 - b. To provide for review of residential development plans to determine whether they comply with these regulations and with standards and policies adopted pursuant to the authority of Section 504.
2. Partial development plan. For the purposes of this article, a "partial development plan" is a portion of a final development plan, and a partial or final development plan is "applicable" to a given lot if it covers all property in the subdivision within 300 feet of the given lot, in addition to the lot itself.
3. Subdivision lot sales, development and use subject to partial development plan. No interest in any lot which is in a D.R. Zone and is hereafter created by subdivision of a record lot existing on the effective date of this article or created by consolidation of such lots may be sold unless a final or partial development plan applicable to the lot has been approved as required under Paragraph 6, below; further, no use may be established and no construction may take place on any lot so created except in accordance with such a plan. The provisions of this paragraph shall not apply to Class A assisted living facilities. [Bill No. 188-1993]
4. Notice in conveyance. Any party who sells an interest in real property within an area covered by an approved partial or final development plan shall attach to the instrument of sale a notice directing the buyer's attention to the plan (including any amendment) and listing the location of the various certified copies which may be publicly inspected (Paragraph 6), together with a listing of the recorded plats covering all portions of the subdivision as a whole. The notice shall also generally apprise the buyer of the rights, requirements and remedies provided under the development plan, those provided under this article and these zoning regulations in general, and those set forth in provisions adopted pursuant to the authority of Section 504, and, to this end, the notice shall be on a

§ 1B01.3 Plans and plats.**A.**
Development plans.**1.**
Purpose. This paragraph is intended:

a.
To provide for the disclosure of development plans to prospective residents and to protect those who have made decisions based on such plans from inappropriate changes therein; and

b.
To provide for review of residential development plans to determine whether they comply with these regulations and with standards and policies adopted pursuant to the authority of Section 504.

2.
Partial development plan. For the purposes of this article, a "partial development plan" is a portion of a final development plan, and a partial or final development plan is "applicable" to a given lot if it covers all property in the subdivision within 300 feet of the given lot, in addition to the lot itself.

3.
Subdivision lot sales, development and use subject to partial development plan. No interest in any lot which is in a D.R. Zone and is hereafter created by subdivision of a record lot existing on the effective date of this article or created by consolidation of such lots may be sold unless a final or partial development plan applicable to the lot has been approved as required under Paragraph 6, below; further, no use may be established and no construction may take place on any lot so created except in accordance with such a plan. The provisions of this paragraph shall not apply to Class A assisted living facilities.

[Bill No. 188-1993]

4.
Notice in conveyance. Any party who sells an interest in real property within an area covered by an approved partial or final development plan shall attach to the instrument of sale a notice directing the buyer's attention to the plan (including any amendment) and listing the location of the various certified copies which may be publicly inspected (Paragraph 6), together with a listing of the recorded plats covering all portions of the subdivision as a whole. The notice shall also generally apprise the buyer of the rights, requirements and remedies provided under the development plan, those provided under this article and these zoning regulations in general, and those set forth in provisions adopted pursuant to the authority of Section 504, and, to this end, the notice shall be on a form issued by the county and approved by the Office of Law, the Zoning Commissioner, and the Planning Board as being clear and sufficient for the purpose.

5.
Forms and content of plans.

a.
Forms. Each partial development plan must be filed both as a separable document or set of documents and as part of a final development plan which includes all partial development plans as approved for other portions of the subdivision. Upon approval, each final development plan thus filed supersedes previous final development plans of the subdivision.

b.
Content. Each partial and final development plan must show: the locations, types and exterior dimensions of all proposed structures and all existing structures to be retained; generalized floor plans to scale; layout of parking facilities; streets and drives giving access to and lying within the tract; existing topography and major vegetation; proposed grading; common amenity open space (including local open space); all additional information that may be required under procedures adopted pursuant to the authority of Section 504; and all additional information which is necessary, as determined by the Director of the Department of Permits and Development Management, to ascertain whether the project will comply with the zoning and subdivision requirements of Baltimore County. The plan shall contain the note that landscaping and screening shall conform to the standards contained in the Baltimore County Landscape Manual adopted pursuant to § 32-4-404 of the Baltimore County Code.

§ 500.6 Authority to conduct hearings.

In addition to his aforesaid powers, the Zoning Commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or noncompliance with any zoning regulations, or the proper interpretation thereof, and to pass his order thereon, subject to the right of appeal to the County Board of Appeals as hereinafter provided.

§ 500.7**Petitions for public hearing; notice.**

[Bill No. 18-1976]

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

With respect to any zoning petition other than a petition for a special exception, variance or reclassification, the Zoning Commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the county. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the Zoning Commissioner shall promptly forward a copy thereof to the Director of Planning (or his deputy) for his consideration and for a written report containing his findings thereon with regard to planning factors.

Westlaw.

758 A.2d 611
 133 Md.App. 510, 758 A.2d 611
 (Cite as: 133 Md.App. 510, 758 A.2d 611)

Page 1

▷

Court of Special Appeals of Maryland.
 MEADOWS OF GREENSPRING HOMEOWN-
 ERS ASSOCIATION, INC., et al.
 v.
 FOXLEIGH ENTERPRISES, INC.
 No. 1203, Sept. Term, 1999.

Aug. 31, 2000.

Residents sought review of decision of county board of appeals that letter written by director of county department of permits and development management, in which director exempted developer from review under current development regulations and permitted developer to proceed with its proposal under former process, was not an appealable decision. The Circuit Court, Baltimore County, Dana M. Levitz, J., affirmed. Residents appealed. The Court of Special Appeals, Sonner, J., held that letter was not a final, appealable decision.

Affirmed.

West Headnotes

[1] Administrative Law and Procedure 15A ⚔ 791

15A Administrative Law and Procedure
 15AV Judicial Review of Administrative Decisions

15AV(E) Particular Questions, Review of

15Ak784 Fact Questions

15Ak791 k. Substantial Evidence.

Most Cited Cases.

Administrative Law and Procedure 15A ⚔ 796

15A Administrative Law and Procedure

15AV Judicial Review of Administrative Decisions

15AV(E) Particular Questions, Review of

15Ak796 k. Law Questions in General.

Most Cited Cases

Reviewing court is confined to determining if there is substantial evidence in the record to support the agency's findings and conclusions, and to determine whether the agency's decision is premised on an erroneous conclusion of law; as such, a reviewing court is limited to the findings of fact and conclusions of law actually made by the agency. Code 1957, Art. 25A, § 5(U).

[2] Administrative Law and Procedure 15A ⚔ 683

15A Administrative Law and Procedure

15AV Judicial Review of Administrative Decisions

15AV(A) In General

15Ak681 Further Review

15Ak683 k. Scope. Most Cited Cases

Appellate court must essentially repeat the circuit court's review of an agency's decision. Code 1957, Art. 25A, § 5(U).

[3] Zoning and Planning 414 ⚔ 440.1

414 Zoning and Planning

414VIII Permits, Certificates and Approvals

414VIII(C) Proceedings to Procure

414k440 Administrative Review

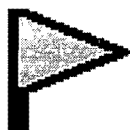
414k440.1 k. In General. Most Cited

Cases

Administrative letter written by director of county department of permits and development management, in which director exempted developer from review under current development regulations and permitted developer to proceed with its proposal under former process, was not a final administrative action from which appeal to board of appeals could be taken; developer could have decided not to submit new plans, or plans could have been submitted

650 A.2d 226
336 Md. 569, 650 A.2d 226
(Cite as: 336 Md. 569, 650 A.2d 226)

Page 1



Court of Appeals of Maryland.
UNITED PARCEL SERVICE, INC. et al. and Baltimore County, Maryland
v.
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Maryland et al.
No. 140, Sept. Term, 1992.

Dec. 6, 1994.

Neighboring landowners appealed county board of appeals' affirmance of zoning commissioner's issuance of building permit, and property owners cross-appealed. The Circuit Court, Baltimore County; Joseph F. Murphy, Jr., J., reversed board's decision and remanded. Property owners appealed. The Court of Special Appeals affirmed, 93 Md.App. 59, 611 A.2d 993, and certiorari was granted. The Court of Appeals, Eldridge, J., held that: (1) time to appeal decision of county zoning commissioner could not be extended by application of "discovery rule"; (2) zoning commissioner's letter responding to objection to approval of building permit application was not "approval" or "decision" appealable to board of appeals; and (3) Express Powers Act did not give board of appeals original jurisdiction over letter seeking appeal from zoning decision.

Reversed and remanded.

West Headnotes

[1] Administrative Law and Procedure 15A



791

15A Administrative Law and Procedure

15AV Judicial Review of Administrative Decisions

15AV(E) Particular Questions, Review of

15Ak784 Fact Questions

15Ak791 k. Substantial Evidence. Most Cited Cases

Administrative Law and Procedure 15A



796

15A Administrative Law and Procedure

15AV Judicial Review of Administrative Decisions

15AV(E) Particular Questions, Review of

15Ak796 k. Law Questions in General.

Most Cited Cases

Court's role in reviewing agency action is limited to determining whether there is substantial evidence in record as whole to support agency's findings and conclusions, and to determine if administrative decision is premised upon erroneous conclusion of law.

[2] Zoning and Planning 414



442

414 Zoning and Planning

414VIII Permits, Certificates and Approvals

414VIII(C) Proceedings to Procure

414k440 Administrative Review

414k442 k. Procedure. Most Cited Cases

Time to appeal decision of county zoning commissioner could not be extended by application of "discovery rule"; county statute establishing 30-day appeal period was mandatory and did not speak in terms of accrual. Baltimore (Md) County Code § 26-132(a).

[3] Zoning and Planning 414



440.1

PLEASE PRINT CLEARLY

CASE NAME 2009-0221-SP11

CASE NUMBER _____

DATE 8-25-09PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
GLENN COOK	9900 Franklin Sq. Dr. Ste H	Nattingham, MD 21236	gcook@Trafficgroup.com
M. L. Kellman	200 East Pennsylvania Ave	Towson, MD 21286	mkellman@DMV.com
Lloyd Martin	26 E. Aylesbury Rd.	Lutherville, MD 21093	LB MARTIN1@JUNO.COM
Martina (Wink) Mathers	1103 Saddle Creek Ct	SPARKS, MD 21152	wmathers@quadacwindows.com
J. CALVIN JENKINS, JR	1106 SADDLE CREEK CT	SPARKS MD 21152	
LAUREN E. SCHMIDT	600 WASHINGTON AVE	TOWSON MD 21204	lschmidt@gillette.com
George G. Pendikakis	1124 Hunt Creek Lane	SPARKS MD 21152	
Robert Whelen	1130 Hunt Creek Lane	Sparks MD 21152	Robert-rpw@hotmail.com
Pamela English	1129 Hunt Creek Lane	Sparks MD 21152	
Gianna Perichakakis	1124 Hunt Creek Ln	Sparks MD 21152	20E0707@aol.com
Christie Whelen	1130 Hunt Creek Ln	Sparks, MD 21152	
Raymond English	1129 Hunt Creek Ln	Sparks, MD 21152	pam.english@comcast.net
JENNIS R ECKEL	1127 Hunt Creek Ln	Sparks, MD, 21152	drmkckels@comcast.net
Kathy Eckels	1127 Hunt Creek Ln	Sparks, MD 21152	drmkckels@comcast.net
Jaspreet Ahuja	1102 Saddle Creek Ct	Sparks, MD 21152	jassi914@yahoo.com
Andrea Waterhouse	11406 Fox Trot Ct.	Sparks, MD 21152	andiwaterhouse@comcast.net
CHRIS RENT	1103 HUNT CREEK LN	SPARKS MD 21152	RedxTram@Prudent.com
James Timmerman	1107 Hunt Creek Lane	Sparks MD 21152	jtimmerman@comcast.net
Kirsten Burger	1906 Corbridge Lane, Monkton	Monkton, MD 21111	milesstockbridge.com kirstenburger@comcast.net
Wendy McIver	23 Manor Brook Rd, Monkton	21111	wmciver23@hotmail.com

DATE 8-25-09

DATE 8-25-09

[illegible]

CASE NAME 2009-0221-SPH
CASE NUMBER _____
DATE 8-25-09

[illegible]

LANDSCAPING CALCULATIONS
REQUIRED PLANTING UNITS
PLANTING UNITS PROVIDED

111 West Chesapeake Avenue
Towson, MD 21204
September 25, 2003

Drawn by: [Name]
Checked by: [Name]
Reviewed by: [Name]

1. The purpose of this plan is to reflect the minor revisions resulting from the final engineering of the Approved Development Plan. These revisions are listed below.

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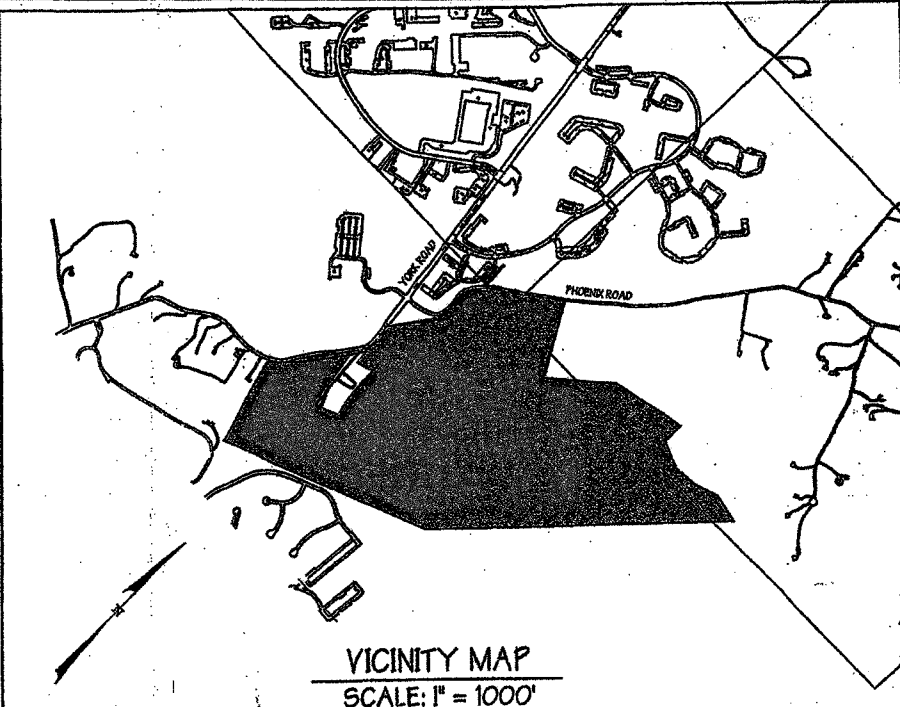
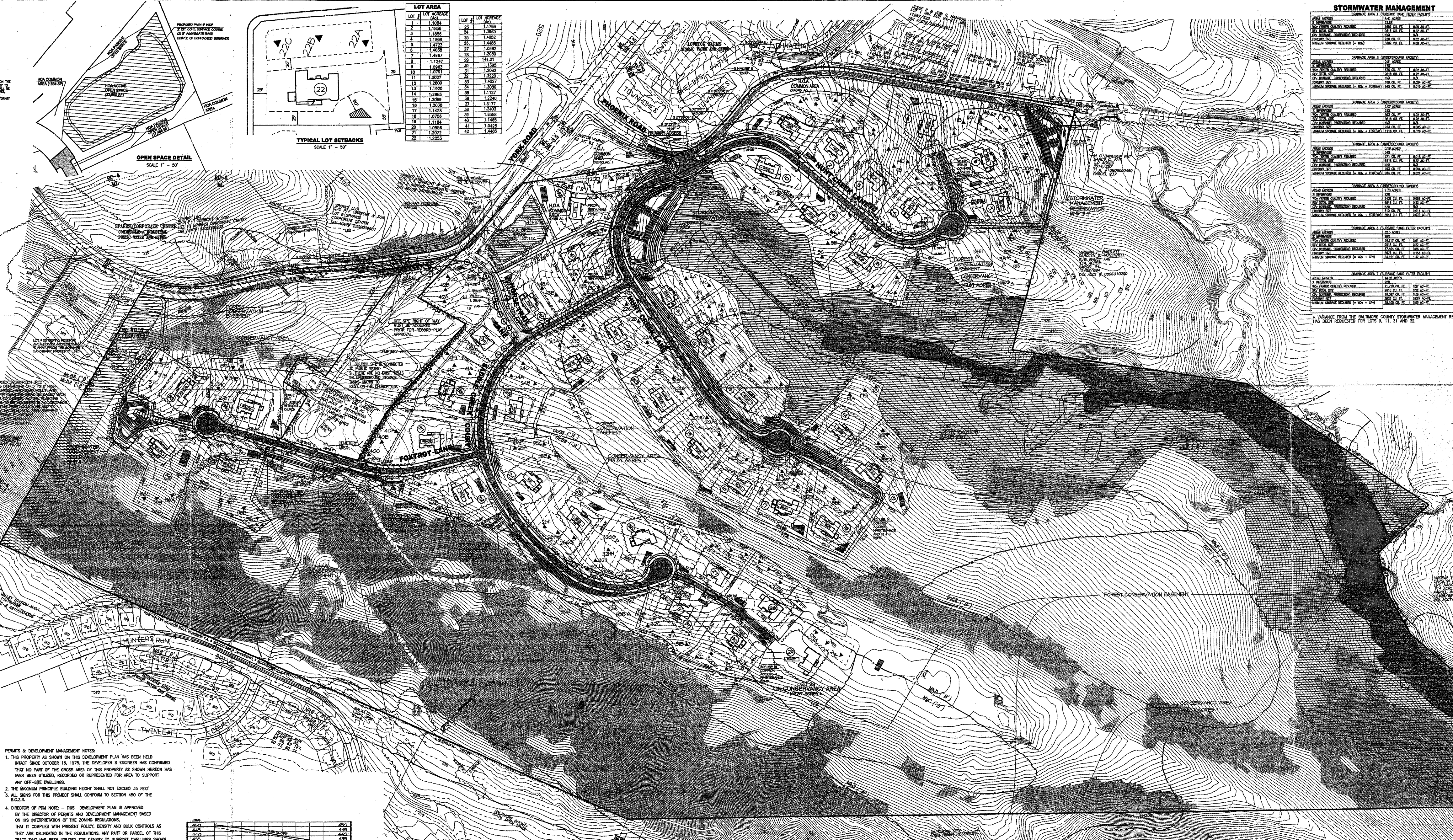
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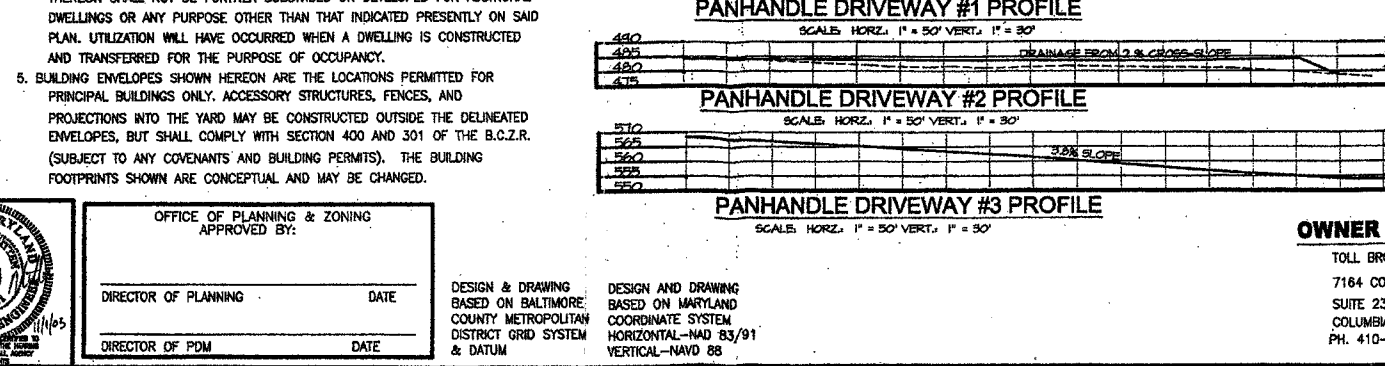
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CERTIFICATION AS TO DELINQUENT ACCOUNTS
GENERAL NOTES
1. SEE AREA - 21.00 ACRES - 21.00 ACRES...

ZONING CERTIFICATION
1. THE PROPERTY IS ZONED R-1 (RESIDENTIAL SINGLE-FAMILY) BY BALTIMORE COUNTY ZONING ORDINANCE...

LEGEND
PLAN TO ACCOMPANY HEATING OFFICER'S ORDER
PLAN TO ACCOMPANY HEATING OFFICER'S ORDER...



ENVIRONMENTAL IMPACT REVIEW NOTES
1. STANDARD NON-IMPACT REVIEW NOTES: THESE SHALL BE NO CLEARING, GRADING, CONSTRUCTION AND DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT...

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Richardson Engineering, LLC
30 East Potomac Road, Suite 500
Towson, Maryland 21204
Phone: 410-560-1502 Fax: 443-901-1208

2ND REPRESENTATIVE PURPOSE NOTE (DRC # 0000078)
1. TO REVEAL THE DISTANCE TO THE PROPERTY FROM THE ROAD AND THE ROAD FROM THE ROAD AND THE ROAD FROM THE ROAD...

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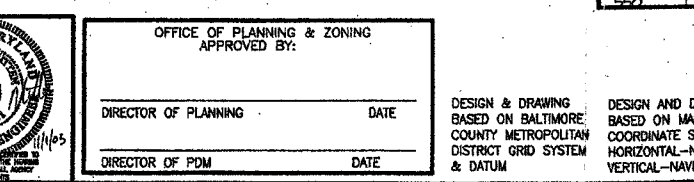
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Morris & Ritchie Associates, Inc.
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21206
(410) 821-1690
FAX (410) 821-1748



GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1029 DORCHESTER ROAD
TOWSON, MARYLAND 21204
(410) 821-1690



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OFFICE OF PLANNING AND ZONING
BALTIMORE COUNTY
1000 E. JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21206
(410) 821-1690



TOLL BROTHERS, INC.
7144 COLUMBIA GREENWAY DRIVE
SUITE 200
COLUMBIA, MD 21046
PH: 410-870-4100

2ND REFINED DEVELOPMENT PLAN & SCHEMATIC LANDSCAPE PLAN
THE SANCTUARY AT HUNT VALLEY
SCALE: 1" = 100' PDM FILE #VIII-787
DATE: OCTOBER 30, 2002
REVISED: MARCH 2, 2003
REV. SEPTEMBER 28, 2007 OCTOBER 10, 2003

