

2/25/10

IN THE MATTER OF
THE APPLICATION OF
HOWARD LINTZ -LEGAL OWNER;
PETITIONER
FOR A ZONING RECLASSIFICATION ON
PROPERTY LOCATED ON THE
E/S JARRETTSVILLE PIKE; 244' S OF C/L
SOUTHSIDE AVENUE
(14345 JARRETTSVILLE PIKE)

10th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. R-09-270
* (CYCLE I, 2009)

* * * * *

OPINION

The above captioned case comes before the Baltimore County Board of Appeals based on a Petition for Reclassification on an Undocumented Site Plan submitted by the Petitioner. The Petition for Reclassification was filed by Sebastian A. Cross, Esquire, of Gildea & Schmidt, L.L.C., on behalf of Howard Lintz, Petitioner/Legal Owner of 14315 Jarrettsville Pike. The property is located in Jacksonville and is comprised of approximately 4 acres zoned R.C. 5. The Petition seeks to reclassify a portion of this property fronting Jarrettsville Pike. Specifically, the Petitioner requests to change the present zoning of approximately .8 acres of R.C. 5 land to R.O. - C.R. and .6 acres of R.C. 5 land to R.C. 5 - C.R.

The Board heard the merits of the case on September 16, 2009 in public session. Lawrence E. Schmidt, Esquire of Gildea & Schmidt, L.L.C., represented the Petitioner; and Carole S. Demilio, Deputy People's Counsel for Baltimore County, appeared on behalf of that Office. Both Mr. Schmidt and Ms. Demilio made brief introductory remarks.

Testimony and Evidence

Mr. Schmidt proffered that the currently requested zoning was recommended for approval by both the Department of Planning and Planning Board during the 2008

Comprehensive Zoning Map Process (CZMP); however, due to uncertainty between the original application, the subsequent request to amend/change the original request and the resulting recommendations from the Baltimore County Department of Planning and the Planning Board; the community group (Greater Jacksonville Association, Inc.) and the 3rd District Councilman (the Honorable Bryan McIntire) were under the impression that the Petitioner's request for rezoning remained B.R. and disapproved the request.

In exploring the apparent inaccuracy with the Department of Planning, the Planning Board, the Councilman and the Greater Jacksonville Association; Mr. Schmidt's research has concluded this misstep resulted in the denial of CZMP Issue 3-050, 1.5 acres.

The property owner, Howard Lintz took the stand to testify about the property and the surrounding area. He testified that the property had been in his family since 1880 and that an office had always been located there in some capacity since World War II. Currently, there is a landscaping business on the corner lot that rents from him. This business has been operating for several years. His request is not to intensify the use but to split the use so he could sell the property to the existing Lessee. Mr. Lintz further testified that he only wants to re-zone the front portion of the property and that the remainder of the property will maintain its R.C. 5 zoning. In doing this, it will ensure that there will be a buffer between the commercial area and the residential area. Mr. Lintz feels the Petition for Reclassification is in keeping with the goals of the area, as evidenced by Exhibits he had submitted.

In addition to Mr. Lintz testimony, Thomas J. Huff of Thomas J. Huff, Inc. took the stand on behalf of the Petitioner/Land Owner. Mr. Huff testified that the property is currently zoned R.C. 5, but feels that the C.R. zoning is very protective to the R.C. zones and will be a good transition for the area.

Carole S. Demilio, Deputy People's Counsel for Baltimore County would not oppose the request for R.O.- C.R. zoning as long as it was not a B.R. zoning. The Office of People's Counsel could also support the request as long as the remainder of the property maintained the existing R.C. 5 zoning.

Greater Jacksonville Association, Inc. (GJA), by and through its President, Glen A. Thomas, submitted a letter opposing the request for the zoning change of the parcel. Ms. Demilio and Mr. Schmidt both recognized that there was no one at the hearing representing the Greater Jacksonville Association (GJA) to testify against the request or support their letter in opposition.

After reviewing the facts and testimony presented in this case, this Board feels that the property has always maintained an office at the location since World War II and that this re-zoning request will have virtually no impact on the community. This Board is also not apprehensive with split-zoning because directly across the street is an R.O. - C.R. zoning and a B.L. zoning. The property has always been a place of some type of commerce. This Board also accepts that there was some type of mistake/error that confused the R.O. - C.R. zoning with the B.R. zoning between the Department of Planning, Planning Board, the Councilman's office and the Greater Jacksonville Association.

The Board also took into consideration that there were no Protestants from the neighborhood protesting the reclassification. The Board feels that this reclassification is in the spirit and intent of the community.

Statement of the Law

The Board may grant a reclassification of zoning on property if a petitioner can show either substantial change in the character of the neighborhood where the property is located or that the last classification was established in error. *Baltimore County Code* § 32-3-231.

In the case at bar, it is alleged by the Petitioner that the zoning classification was established in error. There are two ways to establish error:

Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension. Error or mistake may also be established by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect.

Boyce v. Sembly, 25 Md. App. 43, 51 (Md. Ct. Spec. App. 1975) (citations omitted); *People's Counsel v. Beachwood*, 107 Md. App. at 645. In *Beachwood*, the Maryland Court of Special Appeals set forth what is not mistake or error, and in *White v. Spring*, that court described what is zoning mistake or error. *White v. Spring*, 109 Md. App. at 697-98.

The finding of a mistake or error is not so much concerned with the logical validity or merit of ultimate conclusion-drawing as it is with the adequacy and accuracy of the factual premises that underlie the conclusion-drawing. A conclusion based on a factual predicate that is incomplete or inaccurate may be deemed, in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing.

People's Counsel v. Beachwood, 107 Md. App. at 645; for further analysis, see *White v. Spring*, 109 Md. App. at 697-99.

It is presumed, as part of the presumption of validity accorded comprehensive zoning, that at the time of the adoption of the map the Council had before it and did, in fact, consider all of the relevant facts and circumstances then existing. Thus, in order to establish error based upon a failure to take existing facts or events reasonably foreseeable of fruition into account, it is necessary not only to show the facts that existed at the time of the comprehensive zoning but also which, if any, of those facts were not actually considered by the Council. This

evidentiary burden can be accomplished by showing that specific facts were not readily visible or discernible at the time of the comprehensive zoning, by adducing testimony on the part of those preparing the plan that then existing facts were not taken into account, or by producing evidence that the Council failed to make any provision to accommodate a project, trend or need which it, itself recognized as existing at the time of the comprehensive zoning. Because facts occurring subsequent to a comprehensive zoning were not in existence at the time, and, therefore could not have been considered, there is no necessity to present evidence that such facts were not taken into account by the council at the time of the comprehensive zoning. Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not fairly debatable.

Boyce v. Sembly, 25 Md. App. at 52 (citations omitted).

The Board finds that, in accordance with § 32-3-231 of the *Baltimore County Code*, that the last zoning classification of the subject property was in error. The decisions of *Boyce v. Sembly*, 25 Md.App. 43, and *Howard County v. Dorsey*, 45 Md.App. 692 discuss the concept of zoning “mistake” or “error.” In the *Boyce* case at pages 50-51, the Court stated:

...A perusal of cases particularly those in which a finding of error was upheld, indicates that the presumption of validity accorded to a comprehensive zoning is overcome and error or mistake is established when there is probative evidence to show that the assumptions or premises relied upon by the Council at the time of the comprehensive zoning were invalid. Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council’s action was premised initially on a misapprehension. (Citations omitted)...Error or mistake may also be established by showing that events occurring subsequent to the comprehensive zoning have proven that the Council’s initial premises were incorrect.

Neither of these concepts takes into consideration a human or some inadvertence overlooked and failed to reclassify the property as initially intended.

The Board finds that the present zoning designation on the subject parcel of land is an error and therefore incorrect; and the Petitioner is entitled to the relief requested. Since the error of the nature set out in § 32-3-231 of the *Baltimore County Code*, the present zoning

classification of R.C. 5 on the subject property should be corrected and changed to be reclassified as follows: Approximately .8 acres R.C. 5 land to R.O.- C.R. and .6 acres of R.C. 5 to R.C. 5 - C.R., as requested in the Petition for Reclassification.

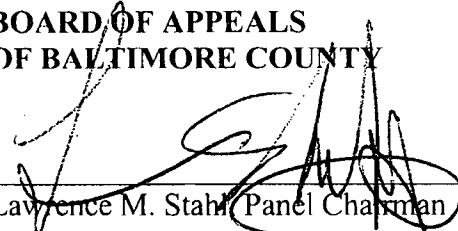
ORDER

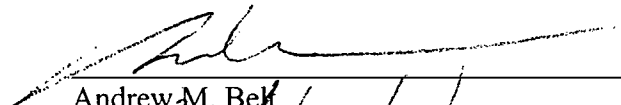
THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 25th day of February, 2010, that the present zoning designation of R.C. 5 be changed to R.O. - C.R. and R.C.- C.R. as requested in the Petition for Reclassification filed under Case No.: R-09-270/CYCLE I/2009, be and the same is hereby **GRANTED**, pursuant to the Site Plan submitted as Petitioner's Exhibit #1; and it is further

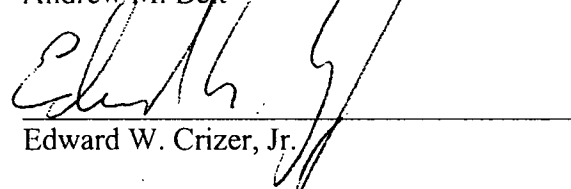
ORDERED that the Office of Permits and Development Management make the necessary change and correction as set out herein on the latest Comprehensive Zoning Map for Baltimore County with regard to the subject property.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence M. Stahl (Panel Chairman)


Andrew M. Belt


Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

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

February 25, 2010

Sebastian A. Cross, Esquire
Lawrence E. Schmidt, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Nancy C. West, Esquire
Assistant County Attorney
Office of Law
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Howard Lintz-Legal Owner/Petitioner*
Case No.: R-09-270

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

Duplicate Original Cover letter

c: Howard Lintz
Bryan McIntire, County Council, 3rd District
John E. Beverungen, County Attorney
Colleen Kelly, Project Manager /PDM
Arnold F. 'Pat' Keller, III, Director / Office of Planning

Thomas J. Hoff, Inc.
William J. Wiseman, III, Zoning Commissioner
W. Carl Richards /Zoning Office /PDM
Timothy M. Kotroco, Director /PDM
Office of People's Counsel



Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 14345 Jarrettsville Pike

which is presently zoned/districted R.C. 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and

made a part hereof, hereby petition: (1) that the zoning/district status of the herein described property be reclassified,

pursuant to the zoning law of Baltimore County from a R.C. 5 zone/district to an R.O.-C.R. and R.C. 5 C.R. zone/district, for the reasons given in the attached.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Sebastian A. Cross

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Howard Lintz

Name - Type or Print

Signature

Name - Type or Print

Signature

14106 Blenheim Road

Address

Telephone No.

Phoenix

MD

21131

State

Zip Code

Representative to be Contacted:

Sebastian A. Cross

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

ACCEPTED FOR FILING 2/27/09 D.T.

THOMAS J. HOFF, INC.

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

February 26, 2009

Description of Parcel 'A', 14345 Jarrettsville Pike, to Accompany Petition for Zoning Reclassification from RC-5 to RC-5 CR.

BEGINNING FOR THE SAME at a point in the bed of Jarrettsville Pike, State Route 146, 244 feet more or less south of the centerline of Southside Avenue.

Thence leaving the bed of Jarrettsville Pike,

- 1) South 86 degrees 15 minutes 46 seconds East 252.40 feet, thence,
- 2) South 03 degrees 44 minutes 14 seconds West 224.85 feet, thence,
- 3) North 86 degrees 09 minutes 13 seconds West 60.00 feet, thence,
- 4) North 03 degrees 44 minutes 14 seconds East 164.73 feet, thence
- 5) North 86 degrees 15 minutes 46 seconds West 205.42 feet, thence binding on the bed of Jarrettsville Pike,
- 6) North 15 degrees 59 minutes 14 seconds East 61.40 feet to the place of beginning.

Containing 25,422 square feet or 0.58 acres of land more or less.

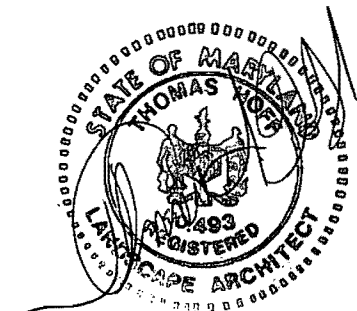
Saving and excepting that portion of the property that is within the Right of Way of Jarrettsville Pike

This property is located in the 10th Election District, 3rd Councilmanic District

Bearings and Distances shown hereon are in the Maryland Coordinate System.

Note:

This Description has been prepared for zoning purposes only.



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

February 26, 2009

Description of Parcel 'B', 14345 Jarrettsville Pike, to Accompany Petition for Zoning Reclassification from RC-5 to RO CR.

BEGINNING FOR THE SAME at a point in the bed of Jarrettsville Pike, State Route 146, said point being South 15 degrees 59 minutes 14 seconds West 61.40 feet from the point of beginning of Parcel 'A' which is 244 feet more or less south of the centerline of Southside Avenue.

Thence leaving the bed of Jarrettsville Pike,

- 1) South 86 degrees 15 minutes 46 seconds East 205.42 feet, thence,
- 2) South 03 degrees 44 minutes 14 seconds West 164.73 feet, thence,
- 3) North 86 degrees 09 minutes 13 seconds West 241.09 feet, thence binding on the bed of Jarrettsville Pike,
- 4) North 15 degrees 59 minutes 14 seconds East 168.10 feet to the place of beginning.

Containing 36,731 square feet or 0.84 acres of land more or less.

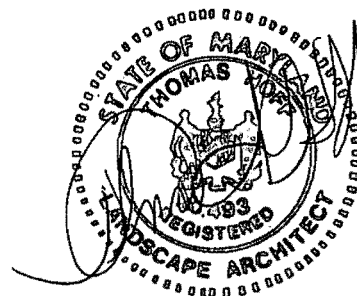
Saving and excepting that portion of the property that is within the Right of Way of Jarrettsville Pike

This property is located in the 10th Election District, 3rd Councilmanic District

Bearings and Distances shown hereon are in the Maryland Coordinate System.

Note:

This Description has been prepared for zoning purposes only.



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

No. **35212**

Date: **2/27/09**

PAID RECEIPT

BUSINESS ACTUAL DATE
 7/31/2007 3/31/2008 07/31/08
 REC 4515 WALTON BOWL 0001
 EXP 07/31/08 3/31/2009 0016
 5 02 EMPLOYE/CONF ZONING FEE
 0. 035212
 Receipt for \$575.00
 \$575.00 OK \$5.00 OK
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	202	0000		6181				575.00

Total: **575.00**

Rec From: **GILDEA + SCHMIDT LLC**

For: **PETITION FOR ZONING RECLASSIFICATION**

LINE 2 / 14345 JARRIETTSVILLE PIKE

2
[Signature]

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

2

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

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING
RECLASSIFICATION HEARINGS**

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

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

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

For Newspaper Advertising:

Item Number or Case Number: R-2009-0270
Petitioner: HOWARD LINTZ
Address or Location: 14345 JARRETTSVILLE PIKE

PLEASE FORWARD ADVERTISING BILL TO:

Name: GILDEA + SCHMIDT, LLC
Address: 600 WASHINGTON AVE., SUITE 200
TOWSON, MD 21204
Telephone Number: 410-821-0070

Revised Tentative Agenda*
Thursday June 18, 2009
MEETING
Beginning at 4:00 p.m.,
Room 104, Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland

.....

Meeting
of the
Baltimore County Planning Board
Edward J. Gilliss, Chairman

Call to order, introduction of Board members, pledge of allegiance to the Flag, and Announcements

Review of today's Agenda

Minutes of June 4, 2009 meeting

Item for Introduction

- ** 1. Request for a Planned Unit Development, (PUD), PDM No. XIV-472, known as Brandywine. Introductory remarks by Office of Planning Staff. Public hearing scheduled for July 2, 2009.
- ** 2. Request for Cycle Zoning Reclassification:
 - a. 14345 Jarrettsville Pike, Case No. R-2009-0270
 - b. 1206 Molesworth Road, Case No. CR-2009-0269

Items for Further Discussion and Vote

- 3. Request for Planned Unit Development, (PUD), PDM # XII-153, known as Yorkway



Bryan McIntire, County Council, 3rd District
 Jeffrey Long, Deputy Director, Office of Planning
 William J. Wiseman, III, Zoning Commissioner
 Nancy West, Assistant County Attorney
 John E. Beverungen, County Attorney
 W. Carl Richards /Zoning Office /Department of Permits & Development Management
 Colleen Kelly, Project Manager /Department of Permits & Development Management
 Timothy M. Kotroco, Director /Department of Permits & Development Management
 Arnold F. 'Pat' Keller, III, Director / Office of Planning
 Office of People's Counsel



County Board of Appeals of Baltimore County

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

September 25, 2009

NOTICE OF DELIBERATION

CASE #: R-09-270 IN THE MATTER OF: Howard Lintz – Legal Owner/Petitioner
CYCLE I, Item #2 14345 Jarrettsville Pike/ 10th E; 3rd C.

This matter having been heard on September 16, 2009, a public deliberation has been scheduled for the following date/time:

DATE AND TIME: WEDNESDAY, OCTOBER 14, 2009 at 9:30 a.m.

LOCATION : Hearing Room #2, Jefferson Building
105 W. Chesapeake Avenue, Second Floor
(adjacent to Suite 203)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION/ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton
Administrator

c: Counsel for Appellant /Legal Owners : Sebastian A. Cross, Esquire
: Lawrence E. Schmidt, Esquire

Appellant /Legal Owner : Howard Lintz

Bryan McIntire, County Council, 3rd District
Jeffrey Long, Deputy Director, Office of Planning
William J. Wiseman, III, Zoning Commissioner
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney
W. Carl Richards /Zoning Office /Department of Permits & Development Management
Colleen Kelly, Project Manager /Department of Permits & Development Management
Timothy M. Kotroco, Director /Department of Permits & Development Management
Arnold F. 'Pat' Keller, III, Director / Office of Planning
Office of People's Counsel



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

State Highway
Administration

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

Maryland Department of Transportation

RECEIVED

MAY 20 2009

May 18, 2009

ZONING COMMISSIONER

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

RE: Baltimore County
Item No. R-2009-0270
MD 146 (Jarrettsville Pike)
244' S/w of Southside Avenue
14345 Jarrettsville Pike
Howard Lintz Property

Dear Ms. Matthews:

Thank you for the opportunity to review the filling of Zoning Reclassification Cycle I Item No.R-2009-270 located at 14345 Jarrettsville Pike, which was received on May 5, 2009. It is my understanding that this undocumented plan to accompany reclassification petition is scheduled for Wednesday, September 16, 2009 Zoning Hearing.

We have completed a review of the referenced plan as well as a field inspection. The results of our review reveal that a permit is not required for improvements along the subject property fronting MD 146 (Jarrettsville Pike). However, we note the property boundary for 14345 Jarrettsville Pike includes MD 146 as shown on the petition exhibit. The State Highway Administration (SHA) reserves the right to request that local jurisdictions require property owners such the above described to dedicate land area within the state highway limits. That being said, the identified (highlighted) area should be conveyed to the State of Maryland. A Baltimore County Zoning Board action would allow the SHA preserve and maintain the section of MD 146 along the property frontage to the greatest extent possible. Furthermore conveyance relieves the property owner of responsibility for any potential litigation from private or public entities.

In summation: The SHA request that Baltimore County require dedication as a condition of Item R-2009-0270 approval for 14345 Jarrettsville Pike. Please include our comments in staff report to the Zoning Hearing Officer.

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,


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 two

SDF/mb
Attachment

Mr. Thomas J. Hoff, Architect, Thomas J. Hoff, Inc.

Mr. David Malkowski, District Engineer, SHA

Mr. Walter Rullman, Chief R/W D-4, SHA

Mr. William Wiseman, III, Zoning Commissioner's Office, Baltimore County



County Board of Appeals of Baltimore County

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

May 13, 2009

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Howard Lintz /Reclassification*
Case No. CR-09-270

Dear Mr. Zimmerman:

This will acknowledge receipt of your Entry of Appearance filed May 11, 2009, in the above captioned subject matter.

Please be advised that you have been added to our case file and that you will receive copies of all future correspondence and notices in this matter.

Please call me if I can be of any further assistance.

Very truly yours,

A handwritten signature in black ink, reading "Theresa R. Shelton".

Theresa R. Shelton
Administrator

c: Sebastian A. Cross, Esquire
Howard Lintz

Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney

RE: PETITION FOR RECLASSIFICATION * BEFORE THE BOARD
14345 Jarrettsville Pike; S/E Jarrettsville Pike, *
244' SW of Southside Avenue * OF APPEALS
10th Election & 3rd Councilmanic Districts *
Legal Owner(s): Howard Lintz * FOR
Petitioner(s) * BALTIMORE COUNTY
* R-09-270

* * * * *

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
MAY 11 2009
BALTIMORE COUNTY
BOARD OF APPEALS

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 11th day of May, 2008, a copy of the foregoing Entry of Appearance was mailed to Sebastian A. Cross, 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

RECEIVED
JUL 20 2009

BALTIMORE COUNTY, MARYLAND
BOARD OF APPEALS

MEMORANDUM

TO: Lawrence S. Wescott
Chairman, Board of Appeals

DATE: July 13, 2009

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

SUBJECT: Cycle I Zoning Reclassification Petition – 14345 Jarrettsville Pike
(Case R- 2009-0270), Council District 3, Howard Lintz, property owner

A Petition for Reclassification was filed with the Department of Permits and Development Management and forwarded to the Office of Planning for presentation to the Baltimore County Planning Board.

The Petition was introduced to the Planning Board on June 18, 2009. On July 2, 2009, the Board unanimously supported the Petitioner's request for a split zoning of RO-CR in the front where the buildings are located and RC 5-CR to the rear, provided that the Petitioner submit a documented site plan or a restrictive covenant agreement with the Greater Jacksonville Community Association (GJA). Attached is a copy of the Planning Board Report.

If you have any questions, please contact Ms. Jessie Bialek, Community Planner, at 410-887-3480.

AFK:bjw

c: Bryan McIntire, County Council, 3rd District
John Beverungen, County Attorney
Fred Homan, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Peter M. Zimmerman, People's Counsel
Tim Kotroco, Director, Permits & Development Management
Jeffrey Long, Deputy Director, Office of Planning
Lawrence E. Schmidt, Esquire
Jessie Bialek, Community Planner
Edward J. Gilliss, Esquire, Chairman, Baltimore County Planning Board

**Zoning Reclassification Report
Planning Board
14345 Jarrettsville Pike**

CASE NO:

R-2009-0270

PETITIONER:

Howard Lintz

REQUESTED ACTION:

Reclassification to RO-CR and RC 5-CR

EXISTING ZONING:

RC 5

LOCATION:

14345 Jarrettsville Pike, east side of Jarrettsville Pike, south of Southside Avenue

AREA OF SITE:

1.42 acres; gross acreage 4.1

ZONING/USE OF ADJACENT PROPERTIES:

North:	RC 5	Single family detached dwelling
South:	RC 5	Single family detached dwelling
East:	RC 5	Single family detached dwelling
West:	RO-CR, RC 5, BL and BL-CR	Converted office/retail buildings

SITE DESCRIPTION:

The property is improved with two existing vacant single-family detached dwellings and one other building that is currently being used as an office. The buildings are all close to the road and share a common drive off of Jarrettsville Pike. There is a larger parking area behind the three buildings. To the rear is a large vacant open field with trees planted along the property boundary.

PROPERTIES IN THE VICINITY:

The character of the surrounding area is a mix of rural residential with some commercial and office uses across the street and further to the south. The adjacent properties to the north, south, and east are single-family detached dwellings, only the one to the south actually fronts on Jarrettsville Pike. There are two properties to the east across Jarrettsville Pike, the one furthest north is split zoned RO-CR in the front and RC 5 in the rear. It was the 1st Evangelical & Reform German Church and was converted and expanded into an office building in 2005 with parking in the front and side. Located to the rear of the property on the Baltimore County Final Landmarks List is the Cemetery associated with the church. The building to the south is zoned BL in the front and BL-CR to the rear. It is an older home

that has been converted into a retail establishment, with parking to the rear called Le Chateau that sells furniture, arts, and gifts.

WATER AND SEWERAGE:

W-7, S-7 The property is not served by public water and sewerage.

TRAFFIC AND ROADS:

The property is located directly on Jarrettsville Pike north of Sweet Air Road.

ZONING HISTORY:

The property has been zoned RC 5 since 1996. A petition for reclassification was filed during the 2008 Comprehensive Zoning Map Process (CZMP), Issue 3-050 to re-zone the property to BM-CR, the County Council voted to retain the existing zoning of RC 5.

MASTER PLAN/COMMUNITY PLAN:

The Baltimore County Master Plan 2010 shows the proposed land use as single family detached rural. The adopted Jacksonville Community Plan does not propose any zoning changes to this parcel in the recommended zoning map amendments.

PROPOSED vs. EXISTING ZONING:

The RC 5 zone is a rural residential zone that allows a one and a half acre minimum lot size and a maximum density of 0.5 dwelling units per acre. The purpose of the RC 5 zoning classification is to provide for residential development in "appropriate rural areas" and at appropriate densities. Generally this zone permits by right, single family detached dwellings, farms, schools, and accessory uses or structures. The RC 5 zone also allows for a variety of other uses through the special exception process such as an antique shop, community center, or golf course.

The RO, residential office zone was created to accommodate houses converted to office buildings. Also known as Class A office buildings, these are existing dwellings converted to office use with parking in the side or rear yard. The exterior appearance must remain residential with no external enlargement except for a porch enclosure. Also allowed are small Class B office buildings. The placement of RO zone is appropriate on sites that because of adjacent commercial activity, heavy commercial traffic, or other similar factors can no longer be reasonably restricted to uses allowed in moderate density residential zones.

The CR or commercial rural district was established to provide basic convenience shopping and services on rural areas where such facilities are not available within a reasonable distance. This district has mostly been applied to existing commercial zones in rural areas to ensure development is compatible with the rural setting. Generally, buildings in a CR district are limited to 8,800 sq. ft. of floor space (6,600 sq. ft. on the ground floor). It may be applied to the BL, BM, BR, RO, and RC 5 zoning classifications

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W-7, S-7 The property is not served by public water and sewerage.

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**Zoning Reclassification Report
Planning Board
14345 Jarrettsville Pike**

CASE NO:

R-2009-0270

PETITIONER:

Howard Lintz

REQUESTED ACTION:

Reclassification to RO-CR and RC 5-CR

EXISTING ZONING:

RC 5

LOCATION:

14345 Jarrettsville Pike, east side of Jarrettsville Pike, south of Southside Avenue

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The character of the surrounding area is a mix of rural residential with some commercial and office uses across the street and further to the south. The adjacent properties to the north, south, and east are single-family detached dwellings, only the one to the south actually fronts on Jarrettsville Pike. There are two properties to the east across Jarrettsville Pike, the one furthest north is split zoned RO-CR in the front and RC 5 in the rear. It was the 1st Evangelical & Reform German Church and was converted and expanded into an office building in 2005 with parking in the front and side. Located to the rear of the property on the on the Baltimore County Final Landmarks List is the Cemetery associated with the church. The building to the south is zoned BL in the front and BL-CR to the rear. It is an older home

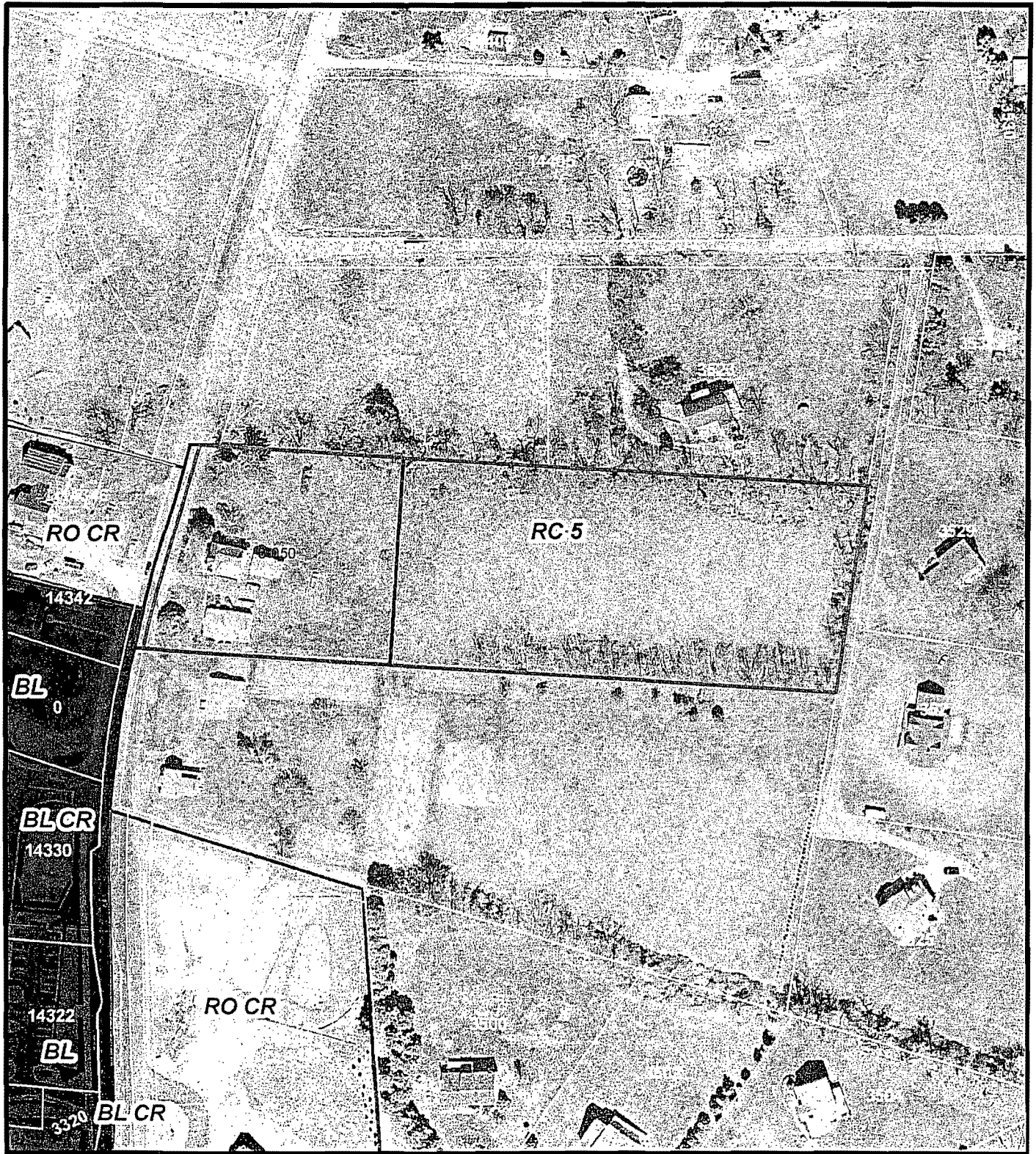
UNDOCUMENTED PLAN:

The petitioner submitted an open site plan. This plan shows the boundaries of the site and the existing buildings, but does not show any proposed improvements or modifications to the current plan.

PLANNING BOARD RECOMMENDATIONS:

Supports the Petitioner's request for a split zoning of RO-CR in the front where the buildings are located and RC 5-CR to the rear, provided that the Petitioner submit a documented site plan or a restrictive covenant agreement with the Greater Jacksonville Community Association (GJA).

R-2009-0270



Map prepared by:
Baltimore County Office of Planning
401 Bosley Avenue
Towson, MD
21204



0 75 150 300
Feet

R-2009-0270



Map prepared by:
Baltimore County Office of Planning
401 Bosley Avenue
Towson, MD
21204



0 75 150 300
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Supports the Petitioner's request for a split zoning of RO-CR in the front where the buildings are located and RC 5-CR to the rear, provided that the Petitioner submit a documented site plan or a restrictive covenant agreement with the Greater Jacksonville Community Association (GJA).

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

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

DATE: April 14, 2009

FROM : Theresa R. Shelton *trs*
Board of Appeals of Baltimore County

SUBJECT: Cycle I, 2009 – Reclassification Petitions

Carl:

Attached is a preliminary listing of the two (2) Petitions for Reclassification filed on February 27, 2009 for Cycle I, 2009. One is an Open Plan and one is a Documented Plan.

I've also included the dates of hearing for these Petitions, which are as follows:

HOWARD LINTZ – Tuesday, August 4, 2009 at 10:00

** Day #2, if needed will convene on Thursday, August 6, 2009 at 10:00

NEAL JACOBS – Tuesday, August 18, 2009 at 10:00

** Day #2, if needed will convene on Wednesday, August 19, 2009 at 10:00

Please forward to me when available a finalized list with assigned case numbers and any necessary corrections to names and locations so that our docketing work for these files can be completed.

Upon verification from you, that these dates are acceptable/available; and notification of the assigned case numbers, this office will send the Assignment Notice to all interested parties.

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

Encl.: Information Sheet / Petitions for Reclassifications / Cycle I, 2009

c: ARNOLD F. "PAT" KELLER, DIRECTOR / PLANNING
JEFFREY LONG, DEPUTY DIRECTOR / PLANNING
Kristen Matthews /PDM
Office of People's Counsel

Petitions for Reclassifications /Cycle I, 2009

Petitioner

NEAL JACOBS
Legal Owner / Petitioner

N/S Molesworth Road
1,645 +/- E of Armacost Road
1206 Molesworth Road

From R.C. 7 to R.C. 4
Acres Requested: 5.912

Case # (to be assigned)

#R – 09- _____

2009 / CYCLE I, Item #1

6th Elections District
3rd Councilmanic District

Filed as Documented Plan

February 27, 2009 Petition for Reclassification filed by Jason T. Vettori, Esquire, on behalf of
Neal Jacobs, Legal Owner, Petitioner.

Date of Hearing (please confirm):

– Tuesday, August 18, 2009 at 10:00 a.m.

** Day #2, if needed will convene on Wednesday, August 19, 2009 at 10:00 a.m.

Petitioner

HOWARD LINTZ
Legal Owner5 / Petitioner

E/S Jarrettsville Pike
244' S of C/L Southside Avenue
14345 Jarrettsville Pike

From R.C. 5 to R.O – C.R. and R.C. 5 C.R.
Acres Requested: 1.42

Case # (to be assigned)

#R – 09- _____

2009 / CYCLE I

10th Elections District
3rd Councilmanic District

Filed as Open Plan

February 27, 2009 Petition for Reclassification filed by Sebastian A. Cross, Esquire, on
behalf of Howard Lintz, Legal Owner, Petitioner.

Date of Hearing (please confirm):

- Tuesday, August 4, 2009 at 10:00 a.m.

** Day #2, if needed will convene on Thursday, August 6, 2009 at 10:00 a.m.

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

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

DATE: April 15, 2009

FROM : Theresa R. Shelton, Administrator *trs*
Board of Appeals of Baltimore County

SUBJECT: **AMENDED CORRESPONDENCE** / Cycle I, 2009 – Reclassification Petitions

Carl:

Attached is a preliminary listing of the two (2) Petitions for Reclassification filed on February 27, 2009 for Cycle I, 2009. One is an Open Plan and one is a Documented Plan.

The corrected dates of the hearing on these Petitions are as follows:

NEAL JACOBS – Tuesday, September 15, 2009 at 10:00

HOWARD LINTZ – Wednesday, September 16, 2009 at 10:00

Please forward a finalized list *with assigned case numbers* and any necessary corrections to names and locations so that our docketing work for these files can be completed.

This office will send the Assignment Notice to all interested parties.

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

Encl.: **Amended** Information Sheet / Petitions for Reclassifications / Cycle I, 2009

c: ARNOLD F. "PAT" KELLER, DIRECTOR / PLANNING
JEFFREY LONG, DEPUTY DIRECTOR / PLANNING
Kristen Matthews /PDM
Office of People's Counsel

Petitions for Reclassifications /Cycle I, 2009

Petitioner

NEAL JACOBS
Legal Owner / Petitioner

N/S Molesworth Road
1,645 +/- E of Armacost Road
1206 Molesworth Road

From R.C. 7 to R.C. 4
Acres Requested: 5.912

Case # (to be assigned)

#R – 09- _____

2009 / CYCLE I, Item #1

6th Elections District
3rd Councilmanic District

Filed as Documented Plan

February 27, 2009 Petition for Reclassification filed by Jason T. Vettori, Esquire, on behalf of
Neal Jacobs, Legal Owner, Petitioner.

Date of Hearing:

– Tuesday, September 15, 2009 at 10:00 a.m.

Petitioner

HOWARD LINTZ
Legal Owner5 / Petitioner

E/S Jarrettsville Pike
244' S of C/L Southside Avenue
14345 Jarrettsvile Pike

From R.C. 5 to R.O – C.R. and R.C. 5 C.R.
Acres Requested: 1.42

Case # (to be assigned)

#R – 09- _____

2009 / CYCLE I

10th Elections District
3rd Councilmanic District

Filed as Open Plan

February 27, 2009 Petition for Reclassification filed by Sebastian A. Cross, Esquire, on
behalf of Howard Lintz, Legal Owner, Petitioner.

Date of Hearing:

- Wednesday, September 16, 2009 at 10:00 a.m.

From: Theresa Shelton
To: Matthews, Kristen; Richards, Carl
CC: Keller, Pat; Kotroco, Timothy; Long, Jeff
Date: 4/14/2009 5:48 PM
Subject: ERROR - Tentative Reclassification Dates in August 2009

Good Evening:

Please disregard the Interoffice Correspondence dated April 14, 2009 which provided tentative dates in August 2009 for the two Petitions for Reclassifications. These dates are in error. According to Section 32-3-504 - Schedule of Cycles and Period- the Reclassifications must be heard before the Board of Appeals in Period IV, which is September 1 through December 31.

An Amended/Corrected Interoffice Correspondence will be prepared and sent with the corrected assigned hearing dates. The hearings will be scheduled before the Board in September, 2009.

I apologize for my oversight in this matter and any confusion/conflict it may have caused.

Please do not hesitate to contact me on extension 3180 if you have any questions.

Thank you for your understanding and support.

Theresa

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

MINUTES
Baltimore County Planning Board Meeting,
June 18, 2009

Contents

Call to order, introduction of Board members, pledge of allegiance to the Flag, and announcements

Review of today's Agenda

Minutes of the June 4, 2009 meeting

Item for Introduction

- ** 1. Request for a Planned Unit Development, (PUD), PDM No. XIV-472, known as Brandywine. Introductory remarks by Office of Planning Staff. Public hearing scheduled for July 2, 2009.
- ** 2. Request for Cycle Zoning Reclassification:
 - a. 14345 Jarrettsville Pike, Case No. R-2009-0270
 - b. 1206 Molesworth Road, Case No. CR-2009-0269

Item for Further Discussion and Vote

- 3. Request for Planned Unit Development, (PUD), PDM # XII-153, known as Yorkway

Other Business

- 4. Report of the Landmarks Preservation Commission Meeting of June 11, 2009

Adjournment of the Board meeting

a. 14345 Jarrettsville Pike, Case No. R-2009-0270

Lawrence E. Schmidt, Esquire, representing the Petitioner, Howard Lintz, outlined the specifics of the request to reclassify the site from RC 5 to RO-CR and RC 5-CR. Using a projected map, Mr. Schmidt pointed out the property in question which is improved with three existing single-family detached dwellings, close to the road. Only one is currently being used as an office, the other two are vacant. Behind the structures are spaces for parking and an open field. The zoning change was requested first during the 2008 Comprehensive Map Zoning Process (CZMP). Planning recommended a split zoning with RO-CR in the front where the buildings are located and RC 5-CR in the rear. The County Council left the zoning at RC 5. Planning concurs with the Petitioner in his request for reclassification, and would support the request with the submission of a documented site plan. Ms. Bialek, 3rd District Community Planner, explained the cycle zoning process, which occurs between the Comprehensive Zoning Map Process that is scheduled every 4 years.

b. 1206 Molesworth Road, Case No. CR-2009-0269

Lawrence E. Schmidt, Esquire, presented the Petition for property owner Neal Jacobs for reclassification of property currently zoned RC 7 to RC 4. A panhandle driveway off Molesworth Road accesses the property. In recounting the zoning history of the property, Mr. Schmidt noted that the property was rezoned from RC 5 to RC 4 in the 2004 CZMP. It was again rezoned from RC 4 to RC 7 in the 2008 CZMP. The Petitioner was in the midst of the process of recording a minor subdivision in 2008 and was unaware that there was also a CZMP issue going forward at the same time. Under the circumstances, the Petitioner feels it is appropriate that he be allowed to move forward and present his case to the Board of Appeals. Ms. Bialek noted that the Planning Office recommends that the Petitioner be allowed to move forward.

Board Member Mr. Miller suggested that postings for properties being considered for a zoning change be displayed more prominently.

Copies of the Petitions, illustrative maps, and a copy of the PowerPoint are filed as Appendix D.

Item for further deliberation and vote

3. Request for Planned Unit Development (PUD), PDM # XII-153, known as Yorkway

Dr. Gregory moved that the Baltimore County Planning Board as a result of the inter-agency and public comments on the proposed Yorkway Redevelopment Planned Unit Development (PUD), PDM # XII-153, recommendations from the Office of Planning, input from the public hearing on June 4, 2009 and further deliberations on June 18, 2009,

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF:

Howard Lintz

R-09-270

DATE: October 14, 2009

BOARD/PANEL: Lawrence Stahl
Andrew Belt
Edward Crizer, Jr.

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Reclassification to reclassify a portion of the subject property from R.C. 5 to R.O – C.R. and R.C. 5 C.R.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

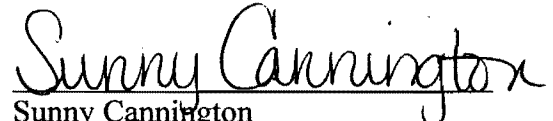
- The Board reviewed the facts of this case. The subject property has been used as an office since World War II. The Petitioner requested the reclassification of his property prior to the Comprehensive Zoning Map Process.
- The Board inferred that the request for reclassification must not have reached Councilmember McIntire, who represents the district in which the subject property is located.
- The Board discussed that the back portion of the property will remain R.C. 5 and that will maintain the buffer between the commercial area and the residential area. The reclassification will only affect the front portion where the office is located.
- The Board found it interesting that the residents in the area were protesting this reclassification and there is a Safeway grocery store located directly across the street from this subject property.

DECISION BY BOARD MEMBERS: The Board determined that the Reclassification is allowable and should have been taken care of during the Comprehensive Zoning Map Process.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the Reclassification of 1.42 acres on the subject property from R.C. 5 to R.O – C.R. and R.C. 5 C.R.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

Greater Jacksonville Association, Inc.
P. O. Box 126
Phoenix, Maryland 21131

RECEIVED
SEP 15 2009
BALTIMORE COUNTY
BOARD OF APPEALS

RESOLVED: That the position of the Greater Jacksonville Association, Inc., as adopted by the Board of Directors in the matter known as:

Case # RO 9270

14345 Jarrettsville Pike, Lintz Property

is that:

The Greater Jacksonville Association, Inc. (hereafter GJA) is opposed to the request for zoning change in this matter.

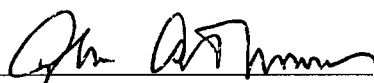
The GJA Board voted unanimously to oppose the request for rezoning of this parcel based on the Greater Jacksonville Community Plan's delineation of the commercial town center, the same intent stated in the County Master Plan 2010, of which the GJA Plan is an incorporated part, and the continued intent to contain commercial spread in the proposed 2009 amendments to the County Master Plan. The Community Plan clearly designated the northern termination of RO-CR zoning on the east side of Jarrettsville Pike to existing RO-CR properties at 14333 Jarrettsville Pike. This property is sided on both sides by RC-5 properties, and it was explicitly part of the community's intent in the Plan to avoid the requested leapfrogging effect of commercial zoning. Therefore, the Greater Jacksonville Association cannot support the request.

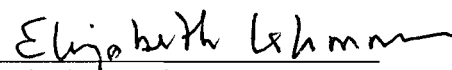
Furthermore, the existing town center currently has significant vacancy in office and retail facilities, which do not warrant further expansion of commercial zoning into the residential community. There are six office facilities advertising more than 7,000 square feet of available office space within current RO-CR or BM-CR zoning. There is another approved RO-CR building which has not

GJA opposed this zoning request during the 2008 CZMP, and continues to oppose the modified reclassification request.

AS WITNESS OUR HANDS this day of September 15, 2009

ATTEST: THE GREATER JACKSONVILLE ASSOCIATION, INC.


Glen A. Thomas
President


Elizabeth H. Lehmann
Secretary

1) Glenn Thomas

410-667-1027 Lintz

14345 Jarrettsville

wants to know what
the official designation
of the case is

Filing documents 9/15
Can't be in attendance

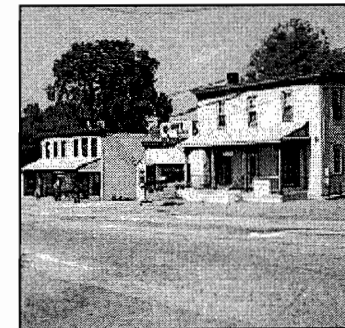
Part 5



life, primarily the importance of the automobile, but in a way that does not cede total control to the automobile. Locational factors such as proximity to existing schools and roads should be considered. The economic and environmental feasibility of providing water and sewage service on site also must be addressed for any village development.

Actions

1. Investigate the feasibility of a rural village concept based on the following:
 - Map potential locations for rural villages within rural residential areas and rural commercial centers to minimize impact on agriculture and resource preservation areas.
 - Locate villages within proximity of adequate roads.
 - Create appropriate design standards.
 - Provide buffers between rural villages and agricultural uses.
 - Rural villages should not be located close to one another.
 - Set limits on the amount of density, and determine the appropriate mix of land uses for each rural village.
2. Determine the economic and environmental feasibility of providing water and sewage systems required for a rural village.
3. Investigate using the rural village as a receiving area for a TDR program, transferring density from an agricultural or resource preservation area.
4. Apply the program on a limited basis as a test case and evaluate its merits for rural preservation.
5. Allow rural village development as a PUD; however, this would be an optional, not mandated, approach.



Hereford is one of the two designated rural commercial centers.

RURAL COMMERCIAL CENTERS

Only two designated rural commercial centers will continue to provide local services and facilities for the surrounding rural area. They are:

- Hereford
- Jacksonville

POLICY

- The nature, size, and scale of rural commercial centers should remain geographically small, rural in character, and be regulated through a master plan process.

2

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

February 27, 2009

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

**Re: Lintz/ 14345 Jarrettsville Pike
Justification for Reclassification Petition**

Dear Ms. Shelton:

This letter serves to provide justification for the Reclassification Petition submitted for the above referenced property to the Board of Appeals. The property is located in Jacksonville and is comprised of approximately four (4) acres zoned RC-5. This Petition seeks to rezone a portion of this property fronting Jarrettsville Pike. Specifically, the request is to rezone approximately .8 acres of RC-5 land to RO-CR and .6 acres of RC-5 land to RC-5-CR (see attached site plan). This issue was previously submitted for the 2008 Comprehensive Zoning Map Process ("CZMP") and received Issue No. 3-050. The Petition was initially submitted for the entire 1.5 acre parcel to be classified to BR (see Attachment 1, requested zoning). After consulting with the Baltimore County Department of Planning and reviewing recommendations included in the Jacksonville Community Plan, Petitioner amended their request from a BR to RO zoning classification (see Attachment 2, letter amending request the Department of Planning). This modified zoning request was reviewed by the Planning staff and the resulting recommendation from that staff was adopted by my client for the in the currently requested .8 RO-CR and .6 RC-5-CR (see Attachment 3, Planning Recommendation).

The currently requested zoning was recommended for approval by both the Department of Planning and Planning Board during the 2008 CZMP process (see Attachment 4, Log of Issues). However, apparently due to miscommunication between the original application, the later request to change this request and the resulting recommendation from the Baltimore County Department of Planning and the Planning Board, the community

Mr. Lawrence M. Stahl, Esquire

February 27, 2009

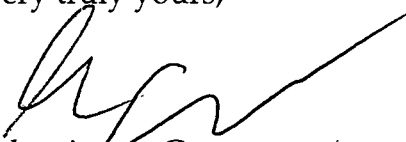
Page 2

group and Councilman were under the impression the request remained for BR and disapproved the request. (See Attachment 5, summary of Greater Jacksonville Association, Inc. ("GJA") CZMP Issues)

This office has contacted the Department of Planning, Planning Board and the Councilman and the GJA and has concluded this mistake in what was requested resulted in denial of Issue 3-050. As stated in the previous summary, the rezoning request is specifically stated as supported in the Jacksonville Community Plan (See Attachment 6, Jacksonville Community Plan). No development is being proposed on this site and the zoning classification will allow a correct classification to be incorporated onto a site which has operated uses permitted under an RO zoning for a number of years. The remaining RC-5 not included in this request will allow the residential character of this parcel and the surrounding parcels to remain. Furthermore, no physical change will take place on site.

The requested zoning meets the goals of the Jacksonville Community Plan, has been recommended by the Planning Office and Planning Board. The denial of this reclassification request in the 2008 CZMP was a mistake made due to the Council relying on invalid information and a failure to take into account then existing facts when the vote was made to retain the zoning. Therefore we respectfully request the petitioned rezoning be approved as the existing zoning for this parcel is in error.

Very truly yours,



Sebastian A. Cross

SAC: dls

Enclosures

CC: Howard Lintz

Thomas J. Hoff, Thomas J. Hoff, Inc.

Lawrence E. Schmidt, Esquire

CZMP 2008 - Issue Map *Attach 1*
Holding Number: 518/Issue Number: 3-050



Iteration: REQUESTED

ADC Reference Grid: 13K10

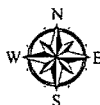
<u>Zone</u>	<u>District</u>	<u>Acreage</u>
BR		1.5

Total Acreage: 1.5



100 0 100
Feet

1 inch equals 100 feet



Publication Date: October 11, 2007
Publication Agency: Office of Planning
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

Howard Lintz

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
DAMIAN C. O'DOHERTY
JASON T. VETTORI

600 WASHINGTON AVENUE
SUITE 200
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildeallc.com

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

Attach 2

December 10, 2007

Mr. Arnold F. 'Pat' Keller, III
Office of Planning
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

**Re: 14345 Jarrettsville Pike
CZMP Issue 3-050, 1.5 acres
Amended Request and Justification Letter from RC-5 to RO**

Dear Mr. Keller:

The undersigned on behalf of the property owner, Howard Lintz, hereby request the above property be rezoned from RC-5 to RO (Residential Office) through the 2008 Comprehensive Zoning Map Process ("CZMP"). The original CZMP request for this property petitioned for this 1.5-acre area to be rezoned to BR; however, after further consideration of the goals of the local Master Plan, my client now wishes to amend his petition to request 1.5 acres of RC-5 to be rezoned to RO.

This property is outside the Urban Renew Demarcation Line ("URDL"), and is surrounded by RC-5 property with RO-CR, BL, BL-CR and BM-CR also in the vicinity. The lot consists of 3 single-family dwellings, which will continue to be used as an office use. It should be noted that these buildings have been used as offices for over fifty years and the owner now is simply attempting to eliminate their non-conforming status. Nothing physically will change on the petitioned parcel or buildings, rather the zoning change will further establish these office uses as being proper for this property.

The remainder of the parcel, away from Jarrettsville Pike, will maintain its RC-5 zoning. The proposed rezoning to an RO will allow these professional offices to serve as a buffer between the Village Business uses to the south and the rural character of the neighborhood to the north and west. The rezoning will permit the type of office use currently operated onsite and will not generate a large amount of traffic or other adverse effects upon the surrounding neighborhood.

This property is within the boundary area for the Jacksonville Community Plan (JCP). This plan serves to preserve Jacksonville's rural character while allowing restricted commercial growth within the rural business center only. This property is within this rural commercial center and, in fact, has been recommended for a zoning change to RO within the Plan itself. See JCP page 18, appendix F. Specifically, this type of RO zoning is desired by the community to serve as a transitional buffer between the rural residential areas and the nonresidential development. This type of zoning change also will primarily limit future uses for the parcel to office uses which is desired by my client and the community plan. See JCP page 17.

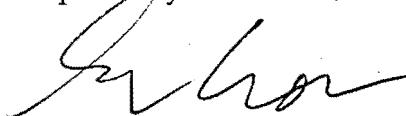
Although originally this petition was submitted seeking a BR zoning change, after review of the local community plan my client seeks to establish zoning desired by the community. Specifically, the JCP asks for all business zoning to be located around the intersection of Papermill and Jarrettsville Pike Road. This RO zoning is desired by the community to allow certain commercial growth on the fringe of the rural business center before the change in character to residential uses. This type of zoning would allow for such a soft transition and as such should be approved.

This change in zoning will not adversely affect the adjoining property owners or neighbors as office uses have been operating on the property for fifty years and this change is specifically stated as a goal of the Master Plan to benefit the neighborhood in general. Furthermore, this type of zoning will allow my client to appreciate similar benefits as presently enjoyed by the neighbor immediately across Jarrettsville Pike. This property went through a similar rezoning during an earlier CZMP cycle and, as such, an extension of the RO zoning across the road would be compatible with this earlier change.

For all the forgoing reasons my client request the change in zoning from RC-5 to RO in order to allow the limited type of office uses desired by the Jacksonville neighborhood.

We look forward to working with you and your staff as well as the community over the next several months on the CZMP issue.

Respectfully submitted,



Sebastian A. Cross

SAC: dls

Enclosure

CC: Howard Lintz

Lawrence E. Schmidt, Esquire

CZMP 2008 - Issue Map

Holding Number: 518/Issue Number: 3-050

Attach 3

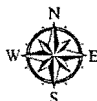
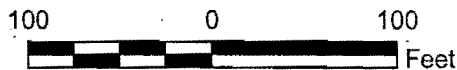


Iteration: STAFF/1

ADC Reference Grid: 13K10

Zone	District	Acreage
RO	CR	0.8
RC 5	CR	0.6

Total Acreage: 1.4



Publication Date: March 07, 2008
 Publication Agency: Office of Planning
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

Issue Number	Owner, Petitioner		Location		August 26, 2008				
	Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendation	Planning Board Recommendations		Final County Council Decision	Comments
3-046	Mr. David S Santoro		North side of Wilson Rd, 1,530 ft west of McComas Rd						
	RC 2	9.3	RC 5	9.3	RC 2	9.3	RC 2	9.3	
		9.3		9.3		9.3		9.3	
3-047	Merritt Properties, LLC		East side of International Cir, 2,275 ft west of McCormick Rd						
	MLR	0.2	OR 2 or O 3	9.2	O 3	9.2	O 3	9.2	
	OR 1	9.0		9.2		9.2		9.2	
		9.2							
3-048	CAA, LLC		Southeast corner of York Rd and Northampton Rd						
	DR 3.5	0.0	BL	0.6	DR 3.5	0.0	DR 3.5	0.0	
	RO	0.6		0.6	RO	0.6	RO	0.6	
		0.6				0.6		0.6	
3-049	Creta Enterprizes LLC		North side of Fork Rd, 175 ft west of Harford Rd						
	BL CR	0.7	BL CR	1.1	RC 5	0.0	RC 5	0.7	See Issue 3-114
	RC 5	0.4		1.1	RC 5 CR	1.1	RC 5 CR	0.4	
		1.1				1.1		1.1	
3-050	Marie Lintz		East side of Jarrettsville Pike, 240 ft south of South Side Ave						
	RC 5	1.5	BR	1.5	RC 5 CR	0.6	RC 5 CR	1.5	
		1.5		1.5	RO CR	0.8	RO CR	1.5	
						1.4		1.4	
3-051	Eli R Vuicich		Southeast corner of York Rd and Deneison St						
	RO	0.7	BL	0.7	RO	0.7	RO	0.7	
		0.7		0.7		0.7		0.7	

(Total acreages may not equal due to rounding.)

Attach 4

Greater Jacksonville Association, Inc.

P.O. Box 126
Phoenix, MD 21131

March 11, 2008

Attach 5

Members of the Planning Board for
Baltimore County
400 Washington Avenue
Towson, MD 21204

✓ Councilman T. Bryan McIntire
3rd District
Baltimore County Council
400 Washington Avenue
Towson, Maryland 21204

Jessie Bialek
3rd District Community Planner
Baltimore County Office of Planning
401 Bosley Avenue
Towson, MD 21204

Re: CZMP – 3rd Councilmanic District Issues 03-03; 03-50; 03-58; 03-61;
03-71; 03-78; 03-85; 03-99; 03-149; 03-154; 03-157

Dear Ladies and Gentlemen:

Greater Jacksonville Association ("GJA") is an umbrella community association that represents the interests of residents in the Jacksonville area of north Baltimore County. Our membership is in excess of 300 families and businesses in the area.

GJA has reviewed issues that have been filed in the CZMP that fall within GJA's geographic area of interest. The purpose of this letter is to advise of GJA's position on various issues that have been filed. For ease of reference, I will address issues in numeric order.

Issue 03-03. The owner of property on Jarrettsville Pike seeks to rezone 1.4 acres from RC 6 to RO. GJA OPPOSES this request. In July 2000, the County Council approved and passed the Jacksonville Community Plan as part of the county's Master Plan. In the Community Plan, boundaries were designated for the rural commercial center, and areas for office and residential office use were established. These areas were specifically defined in the plan (see Section 4.9, Table 6 and Appendix F). Issue 03-03 would create an RO zone outside the existing commercial boundaries permitted by the Jacksonville Community Plan. Additionally, rezoning this property would leap-frog over existing RC 5 property adjacent to the RO zone. The proposed rezoning is inconsistent with the Jacksonville Community Plan. Section 4.8.2 of the Plan provides, "no rezoning to business classifications higher than [set forth in the Greater

Jacksonville Plan] shall be supported by the Greater Jacksonville Association". Accordingly, GJA OPPOSES the requested rezoning.

Issue 03-50. In this issue, the owner seeks to rezone 1.5 acres of RC 5 property located on the east side of Jarrettsville Pike to BR to permit office uses of the property. GJA OPPOSES this request for rezoning. The central commercial district of Jacksonville is bounded to the north by office zoning. The property covered by Issue 03-050 is north of the office zone and is surrounded by RC 5 residential property. The requested rezoning is inconsistent with the Greater Jacksonville plan as outlined above and, accordingly, GJA OPPOSES the proposed rezoning request.

Issue 03-58. This issue involves 149.1 acres currently zoned RC 4 and currently used by Hillendale Golf and Country Club as a golf course and country club. GJA submitted a request to rezone this property from RC 4 to RC 6. A rezoning to RC 6 would have no impact upon the current existing use of Hillendale Golf and Country Club. Rezoning to RC 6 would protect the community from any unanticipated future development of this property. In the CZMP in 2004, Councilman McIntire rezoned much of the land surrounding this property to RC 6. This property was not included in the 2004 CZMP for rezoning to RC 6 due to the request of Hillendale Golf and Country Club. Given that all of the surrounding properties zoned RC 6, and that other golf clubs were zoned RC 6 in the 2004 CZMP (Towson Golf and Country Club, Hunt Valley Golf and Country Club), GJA submits that it is appropriate to rezone Hillendale Golf and Country Club RC 6.

Issue 03-61. This issue, filed by GJA, entails 25 acres at the southeast corner of Sweet Air Road and Jarrettsville Pike, encompassing the Manor Shopping Center. This 25 acres is currently zoned BM CR and GJA has requested that the property be rezoned BL CR. The rezoning would have no impact upon existing uses at the shopping center. The requested rezoning would prohibit some of the more intense uses permitted in the BM zone and might require special exception hearings for more intense uses. GJA believes that the BL request for zoning is more consistent with the rural commercial center character of Jacksonville than the BM zoning for this area. More intensive uses permitted in the BM zone can be accessed at greater population centers, such as Hunt Valley, Cockeysville, Lutherville, Timonium, etc. More intense uses are not appropriate for this rural center.

Issue 03-71. The owner of this property has requested that 3.9 acres of his property, currently zoned RC 6, be rezoned to RC 4. All of the lands surrounding this property were rezoned RC 6 in the 2004 CZMP. GJA OPPOSES the request for rezoning because it would create an island of RC 4 in the midst of otherwise uniform RC 6 zoning.

Issue 03-78. The owner of this property, located on the north side of Paper Mill Road, seeks to rezone 7.1 acres of his RC 6 property to RC 4. All of the lands surrounding this property were rezoned RC 6 in the 2004 CZMP. GJA OPPOSES the request for rezoning because it would create an island of RC 4 in the midst of otherwise uniform RC 6 zoning.

Issue 03-85. This issue, filed by Dance Mill Road Association, seeks to rezone 61.6 acres of RC 4 property on the west side of Dance Mill Road to RC 6. GJA supports the rezoning request of Dance Mill Road Association to rezone this property RC 6. GJA understands that this property was initially included for RC 6 rezoning during the 2004 CZMP, however, the Councilman removed this property from RC 6 zoning to permit a minor subdivision. The minor subdivision has been accomplished and the property should be rezoned RC 6 consistent with adjacent properties. GJA SUPPORTS this rezoning request.

Issue 03-99. This issue, filed by the Office of Planning, seeks to rezone approximately 36.7 acres of RC 5 located on Jarrettsville Pike west of Allison Road into RC 2. GJA SUPPORTS the rezoning filed by the Office of Planning.

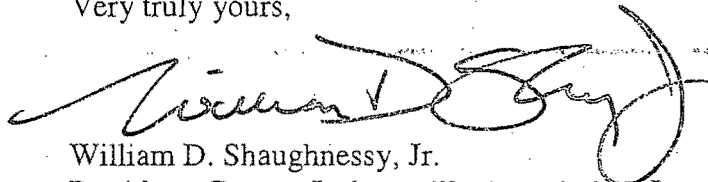
Issue 03-149. This issue, instituted by the County Councilmember, seeks to rezone approximately 10.1 acres of RC 6, located on the north side of Paper Mill Road, to RC 7. GJA SUPPORTS the rezoning request of the Councilmember.

Issue 03-154. This issue, instituted by the County Councilmember, seeks to rezone approximately 60.9 acres of RC 5 property located on the eastside of Jarrettsville Pike to RC 7. This area encompasses the property upon which Jacksonville Elementary School sits, as well as the land upon which the future Jacksonville Community Center will sit. Obviously, zoning has no impact on land owned by the county or state, however, it is important that this land be conserved in the event that it is ever subject to disposal by the County in the future. Accordingly, GJA SUPPORTS the rezoning proposed by the County Councilmember.

Issue 03-157. In this issue, the County Councilmember has sought to rezone approximately 6.4 acres of RC 6 property on the south side of Paper Mill Road to RC 7. This site (the "Nike" site) is currently used by the County for a senior citizen center and a vehicle maintenance facility. Although rezoning would have no impact upon uses by the county, it is important that this parcel be properly zoned in the event that it is ever subject to subsequent disposal by the County. Accordingly, GJA SUPPORTS the rezoning request submitting by the County Councilmember.

If you have any questions concerning the position of GJA on any of these issues, please contact the undersigned at 410-576-4092.

Very truly yours,



William D. Shaughnessy, Jr.
President, Greater Jacksonville Association, Inc.

WDS/gh

DRAFT

Attach 6

JACKSONVILLE COMMUNITY PLAN



Prepared by the

PLANNING COMMITTEE

of the

Greater Jacksonville Association, Inc.

December 1, 1998

Jan 2

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

RECEIVED

FEB 27 2009

**BALTIMORE COUNTY
BOARD OF APPEALS**

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

February 27, 2009

Via Hand Delivery

Theresa R. Shelton

County Board of Appeals of Baltimore County

The Jefferson Building

105 W. Chesapeake Avenue, Suite 203

Towson, MD 21204

**Re: Lintz/14345 Jarrettsville Pike
Petition for Reclassification**

Dear Ms. Shelton:

Please accept the following Petition for Reclassification in accordance with BCC § 32-3-512. In accordance with the Baltimore County Board of Appeals' Guide for Preparation of Reclassification Petitions, enclosed herein please find three (3) copies of the original signed Petition forms, four (4) copies of the property description, four (4) copies of a brief stating the reasons why the reclassification sought should be made, four (4) copies of the appropriate 1":200' scale zoning maps, four (4) copies of the 1":1000' scale zoning maps, a filing fee and sign posting fee, an advertising form and fourteen (14) copies of the site plan.

Please feel free to contact the undersigned with any comments, questions or concerns regarding this Petition for Reclassification. Thank you for your attention to this most important matter. With kind regards, I am

Very truly yours,



Sebastian A. Cross

SAC:sf

CC: Howard Lintz

Lawrence E. Schmidt, Esquire



Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at 14345 Jarrettsville Pike
which is presently zoned/districted R.C. 5

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

pursuant to the zoning law of Baltimore County from a R.C. 5 zone/district to an R.O.-C.R. and R.C. 5 C.R. zone/district, for the reasons given in the attached.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Sebastian A. Cross

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Howard Lintz

Name - Type or Print

Signature

Name - Type or Print

Signature

14106 Blenheim Road

Address

Telephone No.

Phoenix

MD

21131

State

Zip Code

Representative to be Contacted:

Sebastian A. Cross

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

THOMAS J. HOFF, INC.

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

February 26, 2009

Description of Parcel 'B', 14345 Jarrettsville Pike, to Accompany Petition for Zoning Reclassification from RC-5 to RO CR.

BEGINNING FOR THE SAME at a point in the bed of Jarrettsville Pike, State Route 146, said point being South 15 degrees 59 minutes 14 seconds West 61.40 feet from the point of beginning of Parcel 'A' which is 244 feet more or less south of the centerline of Southside Avenue.

Thence leaving the bed of Jarrettsville Pike,

- 1) South 86 degrees 15 minutes 46 seconds East 205.42 feet, thence,
- 2) South 03 degrees 44 minutes 14 seconds West 164.73 feet, thence,
- 3) North 86 degrees 09 minutes 13 seconds West 241.09 feet, thence binding on the bed of Jarrettsville Pike,
- 4) North 15 degrees 59 minutes 14 seconds East 168.10 feet to the place of beginning.

Containing 36,731 square feet or 0.84 acres of land more or less.

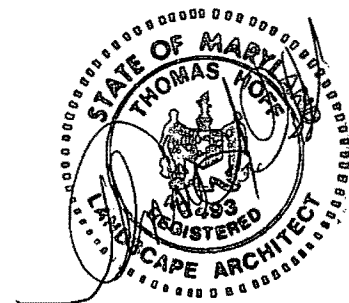
Saving and excepting that portion of the property that is within the Right of Way of Jarrettsville Pike

This property is located in the 10th Election District, 3rd Councilmanic District

Bearings and Distances shown hereon are in the Maryland Coordinate System.

Note:

This Description has been prepared for zoning purposes only.



2

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

February 26, 2009

Description of Parcel 'A', 14345 Jarrettsville Pike, to Accompany Petition for Zoning Reclassification from RC-5 to RC-5 CR.

BEGINNING FOR THE SAME at a point in the bed of Jarrettsville Pike, State Route 146, 244 feet more or less south of the centerline of Southside Avenue.

Thence leaving the bed of Jarrettsville Pike,

- 1) South 86 degrees 15 minutes 46 seconds East 252.40 feet, thence,
- 2) South 03 degrees 44 minutes 14 seconds West 224.85 feet, thence,
- 3) North 86 degrees 09 minutes 13 seconds West 60.00 feet, thence,
- 4) North 03 degrees 44 minutes 14 seconds East 164.73 feet, thence
- 5) North 86 degrees 15 minutes 46 seconds West 205.42 feet, thence binding on the bed of Jarrettsville Pike,
- 6) North 15 degrees 59 minutes 14 seconds East 61.40 feet to the place of beginning.

Containing 25,422 square feet or 0.58 acres of land more or less.

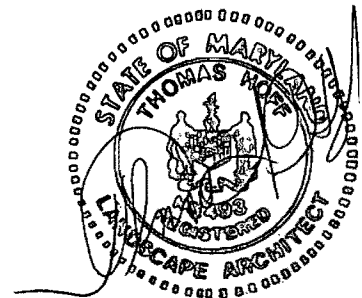
Saving and excepting that portion of the property that is within the Right of Way of Jarrettsville Pike

This property is located in the 10th Election District, 3rd Councilmanic District

Bearings and Distances shown hereon are in the Maryland Coordinate System.

Note:

This Description has been prepared for zoning purposes only.



MSBERRY

MAP 'K'

035C2

SCALE: 1"=1000'

STANBURY MILL

METZ VALLEY

MERCY

JACKSON RIDGE

MEREDITH RIDGE

SOUTH SIDE

NE21-C

REMAINDER OF
PROPERTY

AREA OF PETITION
REQUEST

PAPER MILL

035C3

PAPER MILL REC

RECASTE

RO CR
BL

BL

RO CR

RO

RO CR

BL CR

BM CR

ROA

RO CR

ROA

HAMPSHIRE GLEN

HAMPSHIRE ANCHOR

RC 5

KAYE

JACKSON CABIN

SUNNYSIDE

WHITESWORTH

NE20-C

JANETTYSVILLE

WILLENDALE HEIGHTS

FOA ROAD

JACKSON MANOR

043C1

OVERSHOT

CONSTANTINE

RC 5

ROAD

RC 4

WINDY HOLE

BL CR

MERRYMAN'S MILL

GREENWICH

COUNTRY CLUB

HOWARD LINTZ
Legal Owner5 / Petitioner

#R - 09- 0270

E/S Jarrettsville Pike
244' S of C/L Southside Avenue

2009 / CYCLE I

14345 Jarrettsville Pike

10th Elections District
3rd Councilmanic District

From R.C. 5 to R.O - C.R. and R.C. 5 C.R.

Filed as Open Plan

Acres Requested: 1.42

February 27, 2009

Petition for Reclassification filed by Sebastian A. Cross,
Esquire, on behalf of Howard Lintz, Legal Owner,
Petitioner.

Sebastian A. Cross, Esquire
Lawrence E. Schmidt, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

Counsel for Legal Owner / Petitioner

410-821-0070
FAX 410-821-0071

Howard Lintz
14106 Blenheim Road
Phoenix, MD 21131

Legal Owner / Petitioner

Thomas J. Hoff, Inc.
~~406 West Pennsylvania Avenue~~
Towson, MD 21204

*512 Virginia Ave
Towson, Md 21285-5361*

People's Counsel for Baltimore County

Pat Keller, Director /Planning
Jeffrey Long, Deputy Director / Planning
William J. Wiseman III /Zoning Commissioner
Don Rascoe, Acting Development Manager /PDM
W. Carl Richards / PDM
Coleen Kelly, Project Manager, PDM
Timothy M. Kotroco, Director /PDM
Baltimore County Council, 3rd District

Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney

RECLASSIFICATION & REDISTRICTING PETITIONS
ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS
APRIL 2009 – OCTOBER 2009 ZONING RECLASSIFICATION CYCLE 1

* Agenda Only
+ Agenda and Petition
& Agenda and Plat

Agenda, Petition and Plat

Distribution:

- # Baltimore County Board of Appeals Hearing File (Theresa Shelton)
- * Zoning Commissioner's Office (William Wiseman, III); MS #2112
- # PDM, Zoning Review DRC/ZAC Meeting File (W. Carl Richards, Jr.)
 - PDM, Code Enforcement
 - * PDM, Building Inspection (Karen Hopkins)
- & PDM, Development Plans Review (Dennis Kennedy)
- # Planning Office (Curtis Murray); *Director (Pat Keller)
- * Recreation and Parks (Jean Tansey); MS #52
- # DEPRM (Jeff Livingston) - 2 plats
- & State Highway Administration, Access Permits Division (Mike Bailey)
- & PDM, Building Plans Review (Lt. Herb Taylor) MS #1102F
- * Economic Develop. Commission, Business Develop. MS #2M07
- * Highways (Tim Burgess); MS #1003
- * Community Conservation (Mary Harvey); MS #1102M
- + People's Counsel (Peter Zimmerman); MS #2010
- * Honorable McIntire, County Council, District 3; MS #2201
- # IF CRITICAL AREA, Maryland Office of Planning
- # IF FLOODPLAIN, Department of Natural Resources (Kevin Wagner)
- IF FLOODPLAIN, Public Works (David Thomas); MS #1315
- * IF FLOODPLAIN, Permits
- * IF FLOODPLAIN, Code Enforcement (Donald Brand)
- # IF ELDERLY HOUSING, Community Development; MS #1102M

RECEIVED

MAY - 5 2009

BALTIMORE COUNTY
BOARD OF APPEALS

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

You should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Matthews.

If you have any questions regarding these zoning reclassifications, please contact Carl at 410-887-3391.

Revised 4/21/06

ACCEPTED FOR FILING BY BALTIMORE COUNTY BOARD OF APPEALS
FOR THE ZONING RECLASSIFICATION CYCLE I
APRIL 2009 -- OCTOBER 2009

WESTERN SECTOR

No Petitions

NORTHERN SECTOR

Item #1

Property Owner: Neal Jacobs
Case No./Hearing Date: CR-2009-0269, **Tuesday, September 15, 2009 at 10:00 a.m.**
Contract Purchaser: N/A
Location: NW/S Molesworth Road, 1645'. NE Armacost Rd., 406'
NW Molesworth Road
Address: 1206 Molesworth Road
Existing Zoning: RC-7
Election District: 6th
Councilmanic District: 3rd
Area: 5.912 acres
Proposed Zoning: RC-4
Miscellaneous: Documented Plan, also See Minor Sub #07-041-M

Item #2

Property Owners: Howard Lintz
Case No./Hearing Date: R-2009-0270, **Wednesday, September 16, 2009 at 10:00 a.m.**
Contract Purchaser: N/A
Location: S/E Jarrettsville Pike (Route 146), 244' S/w of Southside Avenue
Address: 14345 Jarrettsville Pike
Existing Zoning: Parcel 'A' RC-5
Parcel 'B' RC-5
Election District: 10th
Council District: 3rd
Area: Parcel 'A' 0.58 Acres, Parcel 'B' 0.084 Acres
Proposed Zoning: Parcel 'A' – RC-5 – CR
Parcel 'B' – RO – CR
Misc.: Open Plan

CENTRAL SECTOR

No Petitions

EASTERN SECTOR

No Petitions

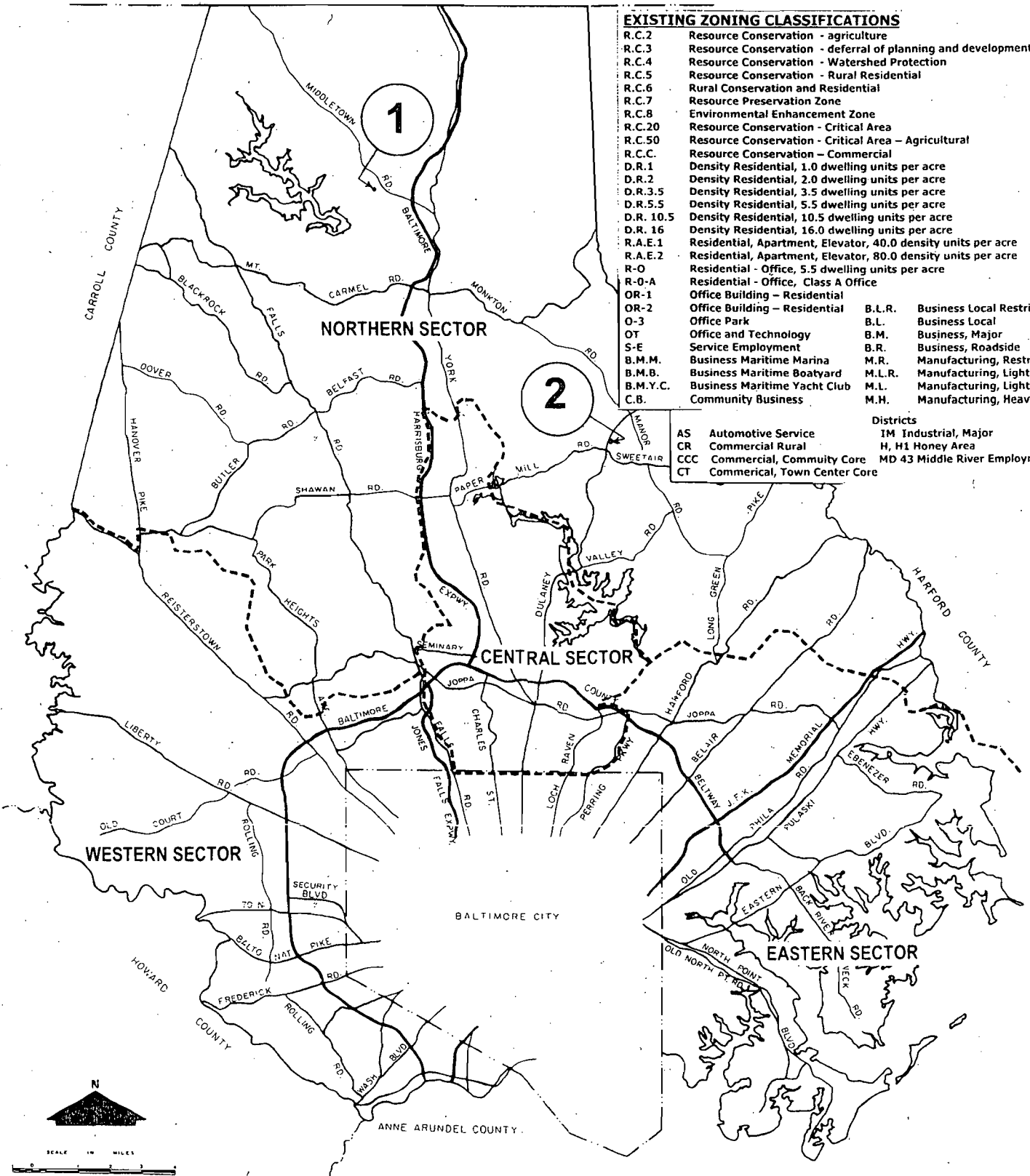
LOCATIONS OF PROPERTIES UNDER PETITION CYCLE I APRIL – OCTOBER 2009

EXISTING ZONING CLASSIFICATIONS

R.C.2	Resource Conservation - agriculture
R.C.3	Resource Conservation - deferral of planning and development
R.C.4	Resource Conservation - Watershed Protection
R.C.5	Resource Conservation - Rural Residential
R.C.6	Rural Conservation and Residential
R.C.7	Resource Preservation Zone
R.C.8	Environmental Enhancement Zone
R.C.20	Resource Conservation - Critical Area
R.C.50	Resource Conservation - Critical Area - Agricultural
R.C.C.	Resource Conservation - Commercial
D.R.1	Density Residential, 1.0 dwelling units per acre
D.R.2	Density Residential, 2.0 dwelling units per acre
D.R.3.5	Density Residential, 3.5 dwelling units per acre
D.R.5.5	Density Residential, 5.5 dwelling units per acre
D.R. 10.5	Density Residential, 10.5 dwelling units per acre
D.R. 16	Density Residential, 16.0 dwelling units per acre
R.A.E.1	Residential, Apartment, Elevator, 40.0 density units per acre
R.A.E.2	Residential, Apartment, Elevator, 80.0 density units per acre
R-O	Residential - Office, 5.5 dwelling units per acre
R-O-A	Residential - Office, Class A Office
OR-1	Office Building - Residential
OR-2	Office Building - Residential
O-3	Office Park
OT	Office and Technology
S-E	Service Employment
B.M.M.	Business Maritime Marina
B.M.B.	Business Maritime Boatyard
B.M.Y.C.	Business Maritime Yacht Club
C.B.	Community Business
B.L.R.	Business Local Restricted
B.L.	Business Local
B.M.	Business, Major
B.R.	Business, Roadside
M.R.	Manufacturing, Restricted
M.L.R.	Manufacturing, Light, Restricted
M.L.	Manufacturing, Light
M.H.	Manufacturing, Heavy

Districts

AS	Automotive Service	IM	Industrial, Major
CR	Commercial Rural	H, H1	Honey Area
CCC	Commercial, Community Core	MD 43	Middle River Employment Center
CT	Commercial, Town Center Core		



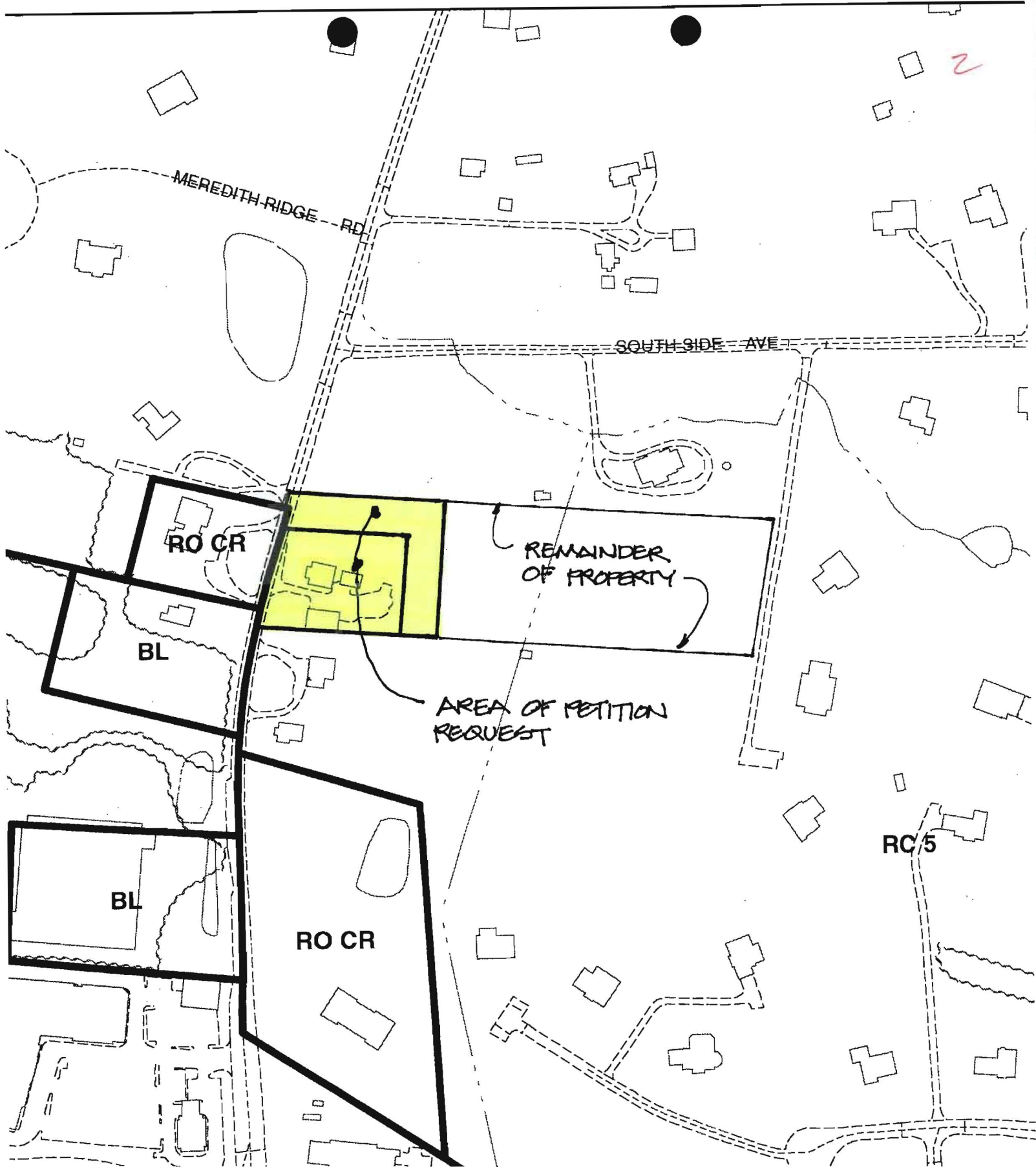
DECLASSIFICATION CYCLE

DATES AND ACTION

<u>DATE</u>	<u>ACTION</u>
April 16	The beginning of Cycle I in the year following the comprehensive zoning map process
April 16 – May 31	Period I Report by the Director of Planning In general: Review petitions; publish report to include maps, recommendations, etc.
June 1 – July 31	Period II Planning Board Duties 1) Publish and submit to BOA report of recommendations 2) Submit to BOA a recommended schedule for hearings.
August 1 – August 31	Period III BOA establishes the schedule for hearings; Within the first 15 days of the period, with the assistance of the Office of Planning; publish its entire schedule together with map in at least 2 newspapers Require that the hearing notice be posted on each property at least 15 days before hearing. Require notice of hearing be placed in 2 newspapers of general interest
September 1 – December 31	Period IV The Board of Appeals shall hold hearings as scheduled.

ZONING RECLASSIFICATION ROUGH LOG- Cycle 1, April To October 2009

②	PROPERTY OWNER					HOWARD LINTZ					ATTORNEY/OWNER		GILDEA + SCHMIDT, LLC (SEBASTIAN A. CROSS)														
	CONTRACT PURCHASER					N/A					ADDRESS		600 WASHINGTON AVE., SUITE 200														
	LOCATION					E/S JARRETTSVILLE PIKE 244'± S OF C/L SOUTHSIDE AVE. (14345 JARRETTSVILLE PIKE)					CITY/STATE/ZIP		TOWSON, MD 21204														
	EXISTING ZONING		R.C.5		ELECTION D.		10		COUNCIL D.		3		ACRES REQUESTED		1.42		PHONE		410-821-0070								
	PROPOSED ZONING		R.O.-C.R. AND R.C.5-C.R.										OPEN PLAN		☒		DOCUMENTED		FEE PAID		575.00		BY		WCR		
																				DATE		2/27/09					
①	PROPERTY OWNER					NEAL JACOBS					ATTORNEY/OWNER		GILDEA + SCHMIDT, LLC (LAWRENCE E. SCHMIDT)														
	CONTRACT PURCHASER					N/A					ADDRESS		600 WASHINGTON AVE., SUITE 200														
	LOCATION					N/S MOLESWORTH RD. 1,645'± E OF ARMACOST RD. (1206 MOLESWORTH RD)					CITY/STATE/ZIP		TOWSON, MD 21204														
	EXISTING ZONING		R.C.7		ELECTION D.		6		COUNCIL D.		3		ACRES REQUESTED		5.912		PHONE		410-821-0070								
	PROPOSED ZONING		R.C.4										OPEN PLAN				DOCUMENTED		☒		FEE PAID		575.00		BY		WCR
																				DATE		2/27/09					
	PROPERTY OWNER										ATTORNEY/OWNER																
	CONTRACT PURCHASER										ADDRESS																
	LOCATION										CITY/STATE/ZIP																
	EXISTING ZONING				ELECTION D.				COUNCIL D.				ACRES REQUESTED				PHONE										
	PROPOSED ZONING												OPEN PLAN				DOCUMENTED				FEE PAID				BY		
																				DATE							
	PROPERTY OWNER										ATTORNEY/OWNER																
	CONTRACT PURCHASER										ADDRESS																
	LOCATION										CITY/STATE/ZIP																
	EXISTING ZONING				ELECTION D.				COUNCIL D.				ACRES REQUESTED				PHONE										
	PROPOSED ZONING												OPEN PLAN				DOCUMENTED				FEE PAID				BY		
																				DATE							

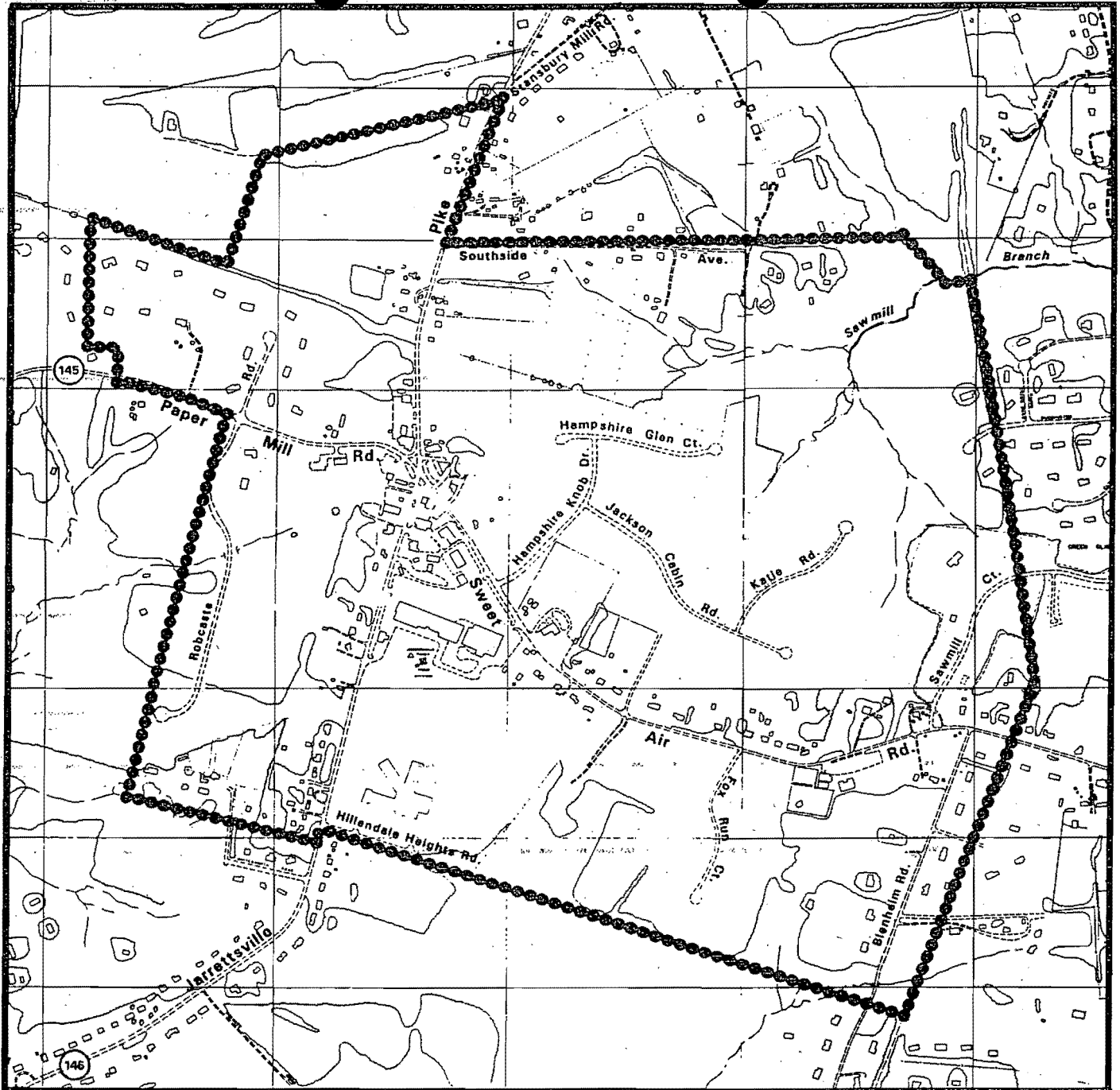


**Baltimore County
Office of Planning and Zoning
Official Zoning Map**

035A2	035B2	035C2	036A2	036B2
035A3	035B3	035C3	036A3	036B3
043A1	043B1	043C1	044A1	044B1

Scale
1" = 200'





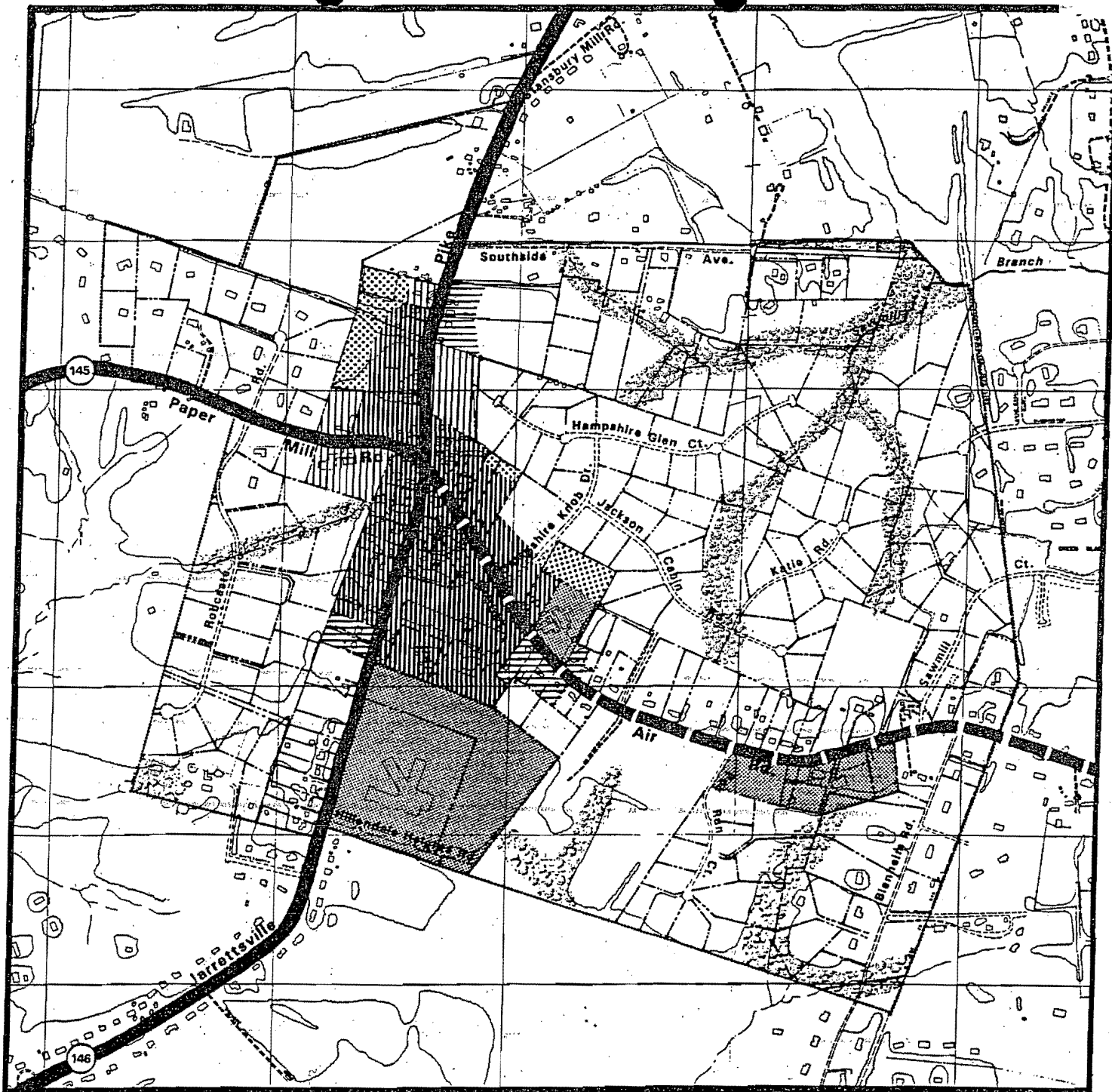
MAP 2
JACKSONVILLE
COMMUNITY
PLAN

PLAN AREA

 Plan Area Boundary



Baltimore County
 Office of Planning



MAP 6 JACKSONVILLE COMMUNITY PLAN



Baltimore County
Office of Planning

LAND USE PLAN

- Plan Area Boundary
- Rural Residential
- Residential Office
- Office
- General Commercial
- Community Facility

- Stream System Open Space
- Private Open Space

ROAD CLASSIFICATIONS

- Rural Minor Arterial
- Rural Major Collector
- Rural Road

December 10, 2007

Mr. Arnold F. 'Pat' Keller, III
Office of Planning
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Re: 14345 Jarrettsville Pike
CZMP Issue 3-050, 1.5 acres
Amended Request and Justification Letter from RC-5 to RO

Dear Mr. Keller:

The undersigned on behalf of the property owner, Howard Lintz, hereby request the above property be rezoned from RC-5 to RO (Residential Office) through the 2008 Comprehensive Zoning Map Process ("CZMP"). The original CZMP request for this property petitioned for this 1.5-acre area to be rezoned to BR; however, after further consideration of the goals of the local Master Plan, my client now wishes to amend his petition to request 1.5 acres of RC-5 to be rezoned to RO.

This property is outside the Urban Renew Demarcation Line ("URDL"), and is surrounded by RC-5 property with RO-CR, BL, BL-CR and BM-CR also in the vicinity. The lot consists of 3 single-family dwellings, which will continue to be used as an office use. It should be noted that these buildings have been used as offices for over fifty years and the owner now is simply attempting to eliminate their non-conforming status. Nothing physically will change on the petitioned parcel or buildings, rather the zoning change will further establish these office uses as being proper for this property.

The remainder of the parcel, away from Jarrettsville Pike, will maintain its RC-5 zoning. The proposed rezoning to an RO will allow these professional offices to serve as a buffer between the Village Business uses to the south and the rural character of the neighborhood to the north and west. The rezoning will permit the type of office use currently operated onsite and will not generate a large amount of traffic or other adverse effects upon the surrounding neighborhood.

This property is within the boundary area for the Jacksonville Community Plan (JCP). This plan serves to preserve Jacksonville's rural character while allowing restricted commercial growth within the rural business center only. This property is within this rural commercial center and, in fact, has been recommended for a zoning change to RO within the Plan itself. See JCP page 18, appendix F. Specifically, this type of RO zoning is desired by the community to serve as a transitional buffer between the rural residential areas and the nonresidential development. This type of zoning change also will primarily limit future uses for the parcel to office uses which is desired by my client and the community plan. See JCP page 17.

Although originally this petition was submitted seeking a BR zoning change, after review of the local community plan my client seeks to establish zoning desired by the community. Specifically, the JCP asks for all business zoning to be located around the intersection of Papermill and Jarrettsville Pike Road. This RO zoning is desired by the community to allow certain commercial growth on the fringe of the rural business center before the change in character to residential uses. This type of zoning would allow for such a soft transition and as such should be approved.

This change in zoning will not adversely affect the adjoining property owners or neighbors as office uses have been operating on the property for fifty years and this change is specifically stated as a goal of the Master Plan to benefit the neighborhood in general. Furthermore, this type of zoning will allow my client to appreciate similar benefits as presently enjoyed by the neighbor immediately across Jarrettsville Pike. This property went through a similar rezoning during an earlier CZMP cycle and, as such, an extension of the RO zoning across the road would be compatible with this earlier change.

For all the forgoing reasons my client request the change in zoning from RC-5 to RO in order to allow the limited type of office uses desired by the Jacksonville neighborhood.

We look forward to working with you and your staff as well as the community over the next several months on the CZMP issue.

Respectfully submitted,

Sebastian A. Cross

SAC: dls

Enclosure

CC: Howard Lintz

Lawrence E. Schmidt, Esquire

LINTZ
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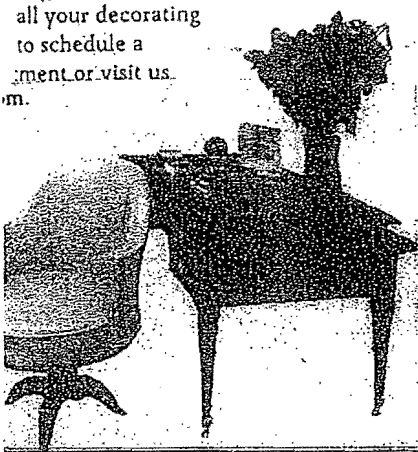
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News

Landowners Say Mistakes Made, Rezoning Sought

by Nancy Jones

Hey, mistakes happen. That's why erasers are at the ends of pencils, why errors are counted in baseball and why motorists carry insurance.

But do mistakes happen when rezoning property? That's what two northern Baltimore County property owners are contending with recent requests for reclassifications in the current out-of-cycle zoning process.

Unlike the better-known once-every-four-years comprehensive zoning map process (CZMP) when almost anything goes, only by proving a mistake or a dramatic change in the area can a reclassification be granted in the out-of-cycle process. Also, the three-member Baltimore County Board of Appeals rules whether to grant the out-of-cycle request. Only the councilman representing the property decides the property's fate in the CZMP.

Rural office zone

Forgetting to rezone a property for office use is a mistake, especially since one of the buildings has been and is currently being used as an office, according to one petition under consideration for reclassification.

So property owner Howard Lintz again is seeking a rural office zoning for his parcel along the east side of Jarrettsville Pike, just north of Four Corners in Jacksonville.

According to county files, the property is improved with two existing but vacant single-family detached dwellings and a building currently being used as an office by Greentree Landscaping. The buildings are located close to Jarrettsville Pike and share a driveway.

The request asks that the property's zoning be changed from the existing rural residential (RC 5) to a mix of residential office (RO-CR) along the roadway frontage where the buildings are located with the rural residential (RC 5) staying unchanged at the rear of the parcel.

Historic use

Lintz is asking for almost the same

zoning classification he sought during the 2008 comprehensive process. At that time, the Office of Planning and the Planning Board recommended that the petitioner's request be granted.

However, the County Council voted to retain the existing rural residential zoning.

Larry Schmidt, the attorney representing Lintz in the out-of-cycle zoning process, said the request is consistent with the past uses of the property.

"That building has historically been used as an office," said Schmidt.

"The purpose of the rezoning is to legitimize the office use that has been there for many years."

Many of the surrounding properties also are commercial, he added. The request would make the zoning consistent with the current and historic use, said Schmidt.

Neighbors opposed

Third District Councilman T. Bryan McIntire, who represents the northern rural section of Baltimore County, admits he meant to rezone the property during the CZMP but never did.

"That was a mistake made on my part because I intended to change the zoning and did not," he said. "It slipped through the cracks. So I have no objection of him going forward with the request to go before the Board [of Appeals]."

But members of the Greater Jacksonville Association (GJA) opposed the request during the CZMP and are expected to oppose the most recent request.

Glen Thomas, president of the GJA, said the group has not yet taken a position on this new request but said local residents are still concerned about the constant creep of commercial properties along Jarrettsville Pike and away from the center of Jacksonville.

'Matter of principle'

Also, the Jacksonville community plan puts limits on how far out commercial properties should be located.

"This property is outside of that," said Thomas. "As a matter of principal,

"I intended to change the zoning and did not. It slipped through the cracks."

-T. Bryan McIntire

the Greater Jacksonville Association needs to stand behind [the community plan]."

However, added Thomas, the group will give consideration to the current petition calling for rezoning only a portion of the property, combined with the restrictive commercial rural district zoning that would be placed on the property.

"We've taken no formal position yet," he said.

Almost completed

The second request seeks to rezone a six-acre property located on Molesworth Road from the existing resource protection (RC 7) to the watershed protection (RC 4) classification.

Before the 2008 CZMP vote took place, property owner Neal Jacobs was subdividing the property into two lots and had almost completed the county requirements to gain formal approval for a minor subdivision.

Jacobs not only acquired a small strip of land from his neighbor to widen his driveway as a county requirement, he also had paid the county for certain waivers and fees as part of the minor subdivision process.

But the site was part of a rezoning request submitted by Sparks Glencoe Community Planning Council asking that 307 acres along Annacost Road near Cooper Road be changed from RC 4 to RC 7. That downzoning request was granted by McIntire rendering the minor subdivision moot.

McIntire said he does not remember any dialogue with Jacobs about the CZMP issue.

Not notified

According to the out-of-cycle file,

Jacobs says he never received notice that his property was part of the CZMP.

Jacobs says he never received the required notice in writing that his property was part of the CZMP nor did he see the county-mandated postings of the request last year.

Jessie Bialek, the Office of Planning community planner for the third councilmanic district, said certified letters are sent to all property owners involved in the CZMP, as mandated by law. If a letter is sent to the wrong address, it should have been returned

back to the county and placed in a file.

"Our office's assumption was that the letter was sent to the property in question because it was never returned," she said.

Argue his case

But attorney Larry Schmidt, who is repre-

senting Jacobs also in the current out-of-cycle process, said his client did not know his six-acre property was part of the much larger site that had been targeted for rezoning.

"He was literally within days of having the minor subdivision approved," said Schmidt. "After the fact, he discovered his property had been down-zoned as part of a larger issue."

Consequently, Jacobs now is seeking to re-establish the previous rezoning so he can complete the nearly finished subdivision.

Office of Planning staffers have commented that Jacobs should be allowed to argue his case before the Board of Appeals but that he will need to prove an error was made.

Jacobs is slated to go before the Baltimore County Board of Appeals on September 15 at 10 a.m. Lintz's rezoning request will go before the board on the following day, September 16 at 10 a.m.

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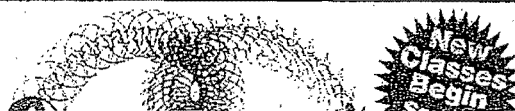
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Ref No 5

RESUME

THOMAS J. HOFF

THOMAS J. HOFF, INC.

512 Virginia Avenue
Towson, Maryland 21286
410-296-3668
tom@thomasjhoff.com

EDUCATION:

Bachelor of Science Landscape Architecture,
Magna Cum Laude
West Virginia University, 1976

EXPERIENCE:

January 1992 to Present.
THOMAS J. HOFF, INC.
Towson, Maryland

Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

December 1986 to December 1991.
HOFF & ANTONUCCI, INC.
Lutherville, Maryland

Principal - President. Responsibilities include administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

Thomas J. Hoff
Resume (cont.)

July 1983 to December 1986.

HOFF, ROSENFELT, AND WOOLFOLK, INC.

Owings Mills, Maryland

Principal - Secretary/Treasurer. Responsibilities included administration, client relations, site design, project management, government agency coordination and project scheduling for all projects in the office. Project supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

February 1978 to July 1983.

DEVELOPMENT DESIGN GROUP LIMITED.

Towson, Maryland

Chief Project Manager. Responsibilities included site design, project management, government agency coordination, and supervision of staff responsible for zoning plans, site plans, grading plans, storm water management plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

July 1976 to February 1978.

DAFT McCUNE & WALKER, INC.

Towson, Maryland

Staff Landscape Architect. Responsibilities included site design, site plans, grading plans, sediment control plans, utility plans, public works plans and landscape plans for commercial, residential, industrial, and institutional sites.

ORGANIZATIONS:

U.S. Green Building Council – Maryland Chapter
Greater Baltimore Economic Forum

PROFESSIONAL REGISTRATION:

Registered Landscape Architect (1981)
Maryland - No. 493

AWARDS:

American Society of Landscape Architects – Certificate of Merit for Excellence in the Study of Landscape Architecture, 1975-76

The Baltimore County Soil Conservation District, Consultant Firm of the Year, 2002

Zoning Hearings:

2710 Holly Beach Road, Baltimore County – Variances, Case No. 2009-340-A, 2009.

9712 Monroe Street, Baltimore County – Special Hearing, Case No. 08-0560-SPH, 2008.

4406 Piney Grove Road, Baltimore County – Special Hearing, Case No. 08-249-SPH, 2008.

11219 Greenspring Avenue, Baltimore County – Special Exception and Variances, Case No. 08-221-XA, 2008.

3668 Galloway Road, Baltimore County – Variances and Special Hearing, Case No. 08-184-SPHA, 2007.

18 Aigburth Road, Baltimore County – Variances, Case No. 08-055-A, 2007.

3675 Offutt Road, Baltimore County – Variance, Case No. 07-530-A, 2007.

2901 Rolling Road, Baltimore County – Variance, Case No. 07-380-A, 2007.

1641 Cold Bottom Road, Baltimore County – Variance, Case No. 07-242-A, 2007.

1601 Odenso Lane, Baltimore County – Variance, Case No. 07-143-A, 2006.

9208 Avondale Road, Baltimore County – Special Hearing, Case No. 06-660-SPH, 2006.

9701 Reisterstown Road, Northwest Honda, Baltimore County – Special Hearing and Variances, Case No. 06-649-SPHA, 2006. Sign Variances and amend previously approved plan.

9208 Avondale Road, Baltimore County – Special Hearing, Case No. 06-289-SPH, 2006.

9033 Cuckold Point Road, Bill's Boats, Baltimore County – Special Hearing, Case No. 06-102-SPH, 2006.

409 Allegheny Avenue, Baltimore County – Special Exception, Case No. 06-041-X, 2005.

6003 Kenwood Avenue, Baltimore County – Special Hearing and Variances, Case No. 05-667-SPHA, 2005.

4505 Piney Grove Road, Baltimore County – Special Exception and Variances, Case No. 05-359-XA, 2005.

Zoning Hearings:

1104 Harwall Road, Baltimore County – Special Exception and Variances, Case No. 05-242-XA, 2005.

9101 Liberty Road, Auto Collision Technologies, Baltimore County – Special Exception and Variances, Case No. 04-422-XA, 2004.

11420 York Road, Baltimore County – Variances, Case No. 04-302-A, 2004.

4 Marlyn Avenue, Care Management, Inc., Baltimore County – Variances, Case No. 03-537-XA, 2003.

212 Cockeys Mill Road, Miller Tree & Landscape, Baltimore County – Special Exception, Special Hearing and Variances, Case No. 03-466-SPHXA, 2003.

9701 Reisterstown Road, Northwest Honda, Baltimore County – Special Hearing and Variances, Case No. 03-406-SPHA, 2003. Commercial parking in a residential zone and RTA Buffer Variance.

15509 Manor Road, Bozman Property, Baltimore County – Variances, Case No. 03-235-SPHA, 2003.

4106 Klausmier Road, Baltimore County – Variance to permit undersized lot, Case No. 03-217-A, 2002.

4104 Klausmier Road, Baltimore County – Variance to permit undersized lot, Case No. 03-216-A, 2002.

Tom's Sports Tavern, 9307 Liberty Road, Baltimore County – Setback Variances, Case No. 02-377-SPHA, 2002.

Sunoco Service Station, 6401 Golden Ring Road, Baltimore County – Sign Variances, Case No. 02-371-A, 2002.

Sunoco Service Station, 8000 Loch Raven Blvd., Baltimore County – Sign Variances, Case No. 02-370-A, 2002.

Radio Shack, 1206 Reisterstown Road, Baltimore County – Sign Variances, Case No. 02-211-A, 2002.

Sunoco Service Station, 6324 Baltimore National Pike, Baltimore County – Sign Variances, Case No. 01-312-A, 2001.

Zoning Hearings:

Sunoco Service Station, 10812 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-311-A, 2001.

Sunoco Service Station, 11701 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-310-A, 2001.

10233 Liberty Road, Baltimore County – Special Exception, Case No. 00-561-X, 2000.

114 Dundalk Avenue, Baltimore County - Special Exception and Variances, Case No. 00-07-XA, 2000.

103 Riverton Road, Baltimore County – Special Hearing, Special Exception and Variances, Case No. 00-370-SPHXA, 2000.

Sunoco Service Station, 143 Back River Neck Road, Baltimore County – Sign Variances, Case No. 00-348-A, 2000.

405 East Joppa Road/510-514 & 518 Fairmount Avenue, Baltimore County – Special Hearing to amend the Special Exception and Variances, Case No. 00-305-SPHA, 2000.

Sunoco Service Station, 10800 Pulaski Highway, Baltimore County – Special Hearing and Variances, Case No. 00-103-SPHA, 1999.

St. Charles @ Old Court Apartments, Baltimore County – Variance to allow detached garages, Case No. 00-076-A, 1999.

Northwest BMW/Honda, 9700 Reisterstown Road, Baltimore County – Variance, Case No. 00-009-A, 1999.

Sunoco Service Station, 100 West Timonium Road, Baltimore County – Special Exception, Special Hearing and Variances, Case No. 99-408-SPHXA, 1999.

1623 Bellona Avenue, Baltimore County – Special Exception for a physician's office within a primary residence, Case No. 99-283-SPX, 1999.

2448 Spring Lake Drive, Baltimore County - Sideyard Variance, Residential, Case No. 99-71-A, 1998.

9608 & 9610 Belair Road, Baltimore County - Special Exception for Class B Group Child Care, Special Hearing and Variances, Case No. 98-282-SPHXA, 1998.

7303 Belair Road, Baltimore County - Setback Variances, Case No. 98-192-A, 1997.

Zoning Hearings:

CVS Pharmacy, 9519 Philadelphia Road, Baltimore County - Parking and Setback Variances, Case No. 97-395-A, 1997.

114 Dundalk Avenue, Baltimore County - Variance, Case No. 96-484-A, 1996.

3419 Sweet Air Road, Baltimore County - Parking Variance for Restaurant, 1996

Rolling View Green, Baltimore County - Special Hearing and Variances, Case No. 95-432-SPHA, 1995.

The Estates at Rolling View, Baltimore County - Setback Variances for Residential Subdivision, Case No.94-464-A, 1994.

1110 Reisterstown Road, Baltimore County - Variances and Special Hearing, Case No. 94-248-SPHA, 1994.

Edgewood Senior Center, Harford County - Special Exception and Variances, 1994

Hyatt Property, Baltimore County - Setback Variance, 1994

Camp Glyndon, Baltimore County - Special Exception and Sign Variance, 1993

Painters Mill Executive Office Park, Baltimore County - Sign Variance

204 Sudbrook Lane, Baltimore County - Special Exception for Assisted Living Facility in a DR Zone

Amoco Oil, Philadelphia Road, Baltimore County - Special Exception & Sign Variance

Amoco Oil, Route 40, Harford County - Setback Variance

Littman Property, Residential Subdivision, Baltimore County - Special Hearing

Schuster Concrete, Crondall Lane, Baltimore County - Setback Variance

Amoco Oil, Carroll Plaza, Carroll County - Sign Variance

Maerk, Ltd., Carroll Plaza Shopping Center, Carroll County -Parking Variance

Methodist Home, Powells Run Rd., Baltimore County - Special Exception & Variance

Board of Appeals:

9033 Cuckold Point Road, Bill's Boats, Baltimore County – Special Hearing, Case No. 06-102-SPH, 2007.

Sunoco Service Station, 6324 Baltimore National Pike, Baltimore County – Sign Variances, Case No. 01-312-A, 2001.

Sunoco Service Station, 10812 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-311-A, 2001.

Sunoco Service Station, 11701 Reisterstown Road, Baltimore County – Sign Variances, Case No. 01-310-A, 2001.

Bundy Property, Baltimore County – Petition for Reclassification, Case No. R-99-184, 1999.

Easter Property, Baltimore County - CRG Appeal, 1994

Amoco Oil, Philadelphia Road, Baltimore County - Special Exception & Sign Variance

Pizza Palace, Baltimore County - Parking Variance for Restaurant

Littman Property, Residential Subdivision, Baltimore County - Special Hearing

Schuster Concrete, Crondall Lane, Baltimore County - Setback Variance

Hearing Officer's Hearings:

Chapeldale Woods, Single family detached lots, RC-5 zone, 2001

Merrymans Manor, Single family detached lots, RC-4 zone, 2000.

Carrington Ridge, Single family detached lots, DR-2 zone, 2000.

CBA- 9/16/09

Exhibit List: Howard Lintz Case R-09-270

Verified
9/25/09

Petitioner's Exhibits:

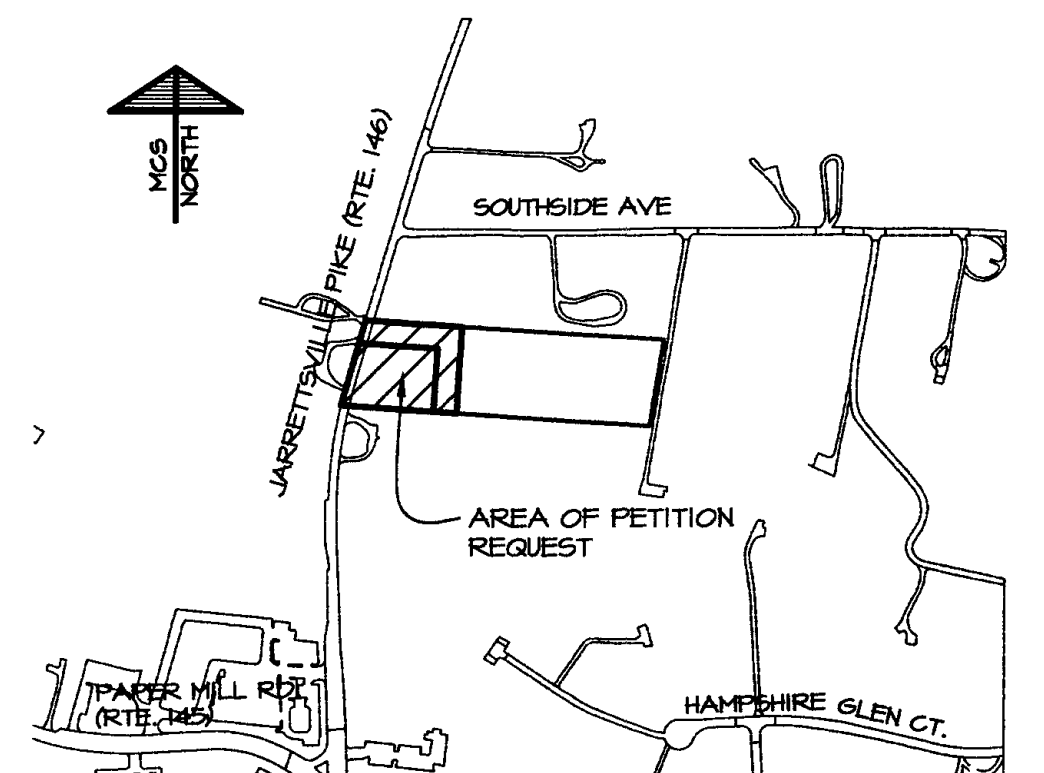
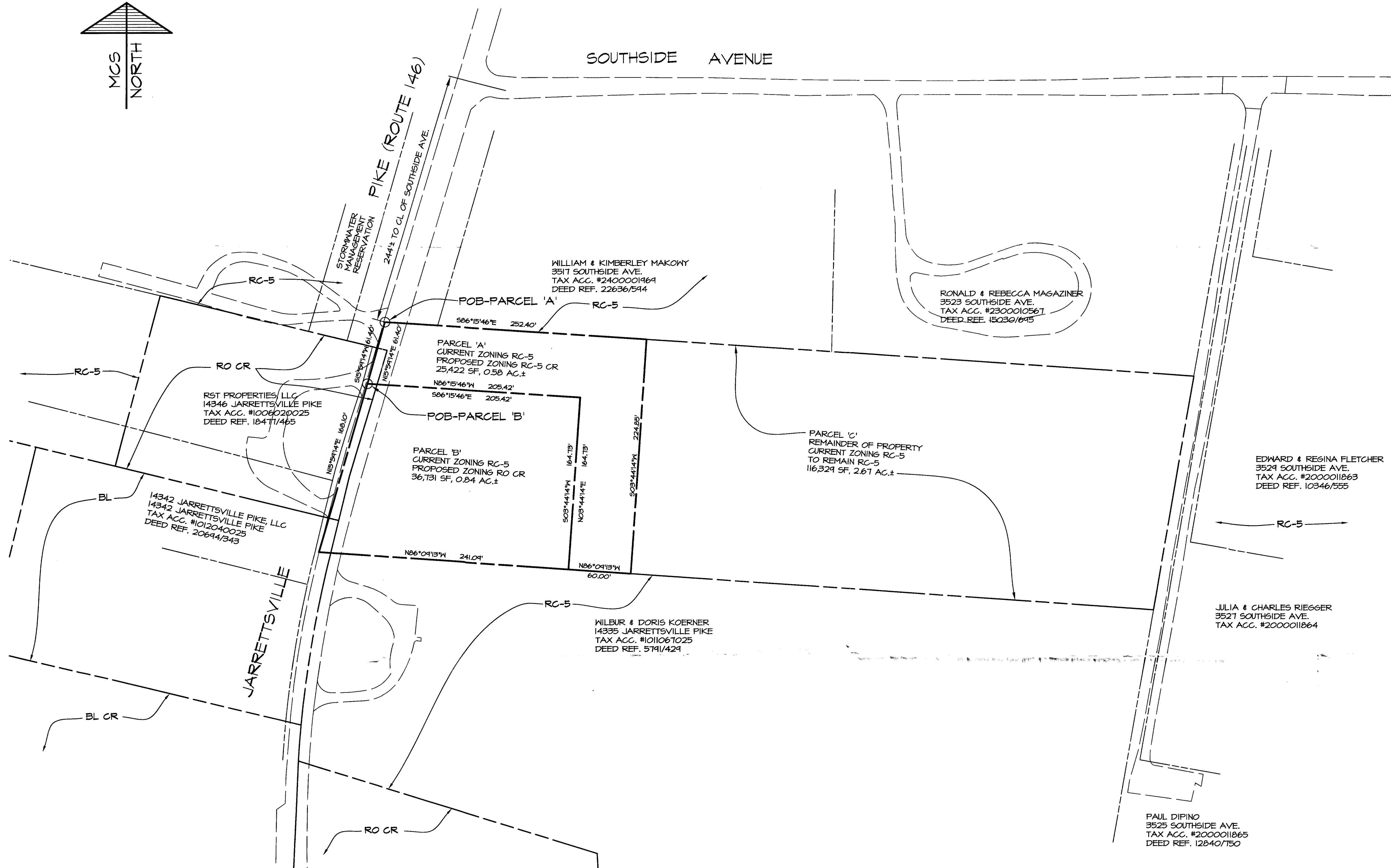
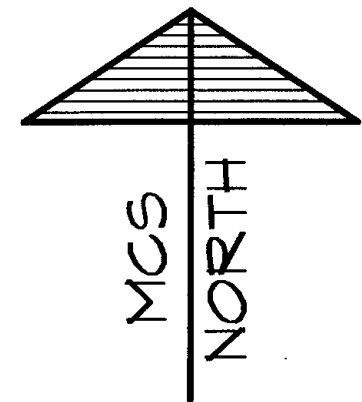
1. Site Plan - Undocumented
2. Photograph of Site 2a - 2j
3. Letter to Port Keller - Exh - 12/10/07
4. Marked for ID only - Newspaper
5. Thomas Hoff - Resume
6. Exhibit to accompany Pet. prepared by Hoff.
7. Jacksonville Community Plan
8. Bk. Co. Master Plan
9. County Log - Showing incorrect zoning request "B.R."
10. Planning Board Rec.
11. Minutes of Planning Board

Peoples Council Exh

1. Bk. Co. Site Map

Tacksonville Letter

1. Letter of 9/13/09



VICINITY MAP
SCALE: 1"=500'

SITE DATA:
GROSS AREA OF SITE = 4.1 AC.±
EXISTING ZONING RC-5

- GENERAL NOTES:
- 1) THE PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
 - 2) THERE IS NO 100 YEAR FLOODPLAIN ON SITE.
 - 3) THE PROPERTY IS NOT IN ANY MORATORIUM AREA.
 - 4) THE PROPERTY IS NOT IN ANY BASIC SERVICES DEFICIENT AREA.
 - 5) PROPERTY IS SERVED BY PRIVATE WELL AND SEPTIC.

OWNER:
MARIE & HOWARD LINTZ
14106 BLENHEIM RD.
PHOENIX, MD 21131
TAX ACC. #1012040300
DEED REF. 14516/416

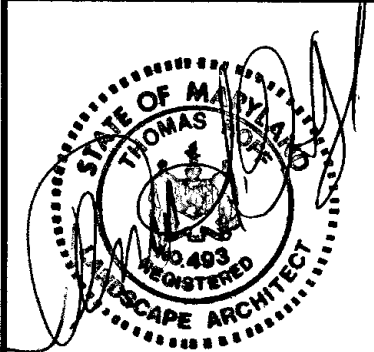
Petitioner's #1

UNDOCUMENTED PLAN TO
ACCOMPANY RECLASSIFICATION
PETITION
LINTZ PROPERTY
14345 JARRETTSVILLE PIKE
10th ELECTION DISTRICT, 3rd COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF, INC.

LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS

406 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-296-3663 FAX 410-296-5326



REVISIONS:

SCALE: 1"=50'

DATE: 02/27/09

JOB NO.: 0526-01

DESIGNED: T.J.H.

DRAWN: T.J.H.

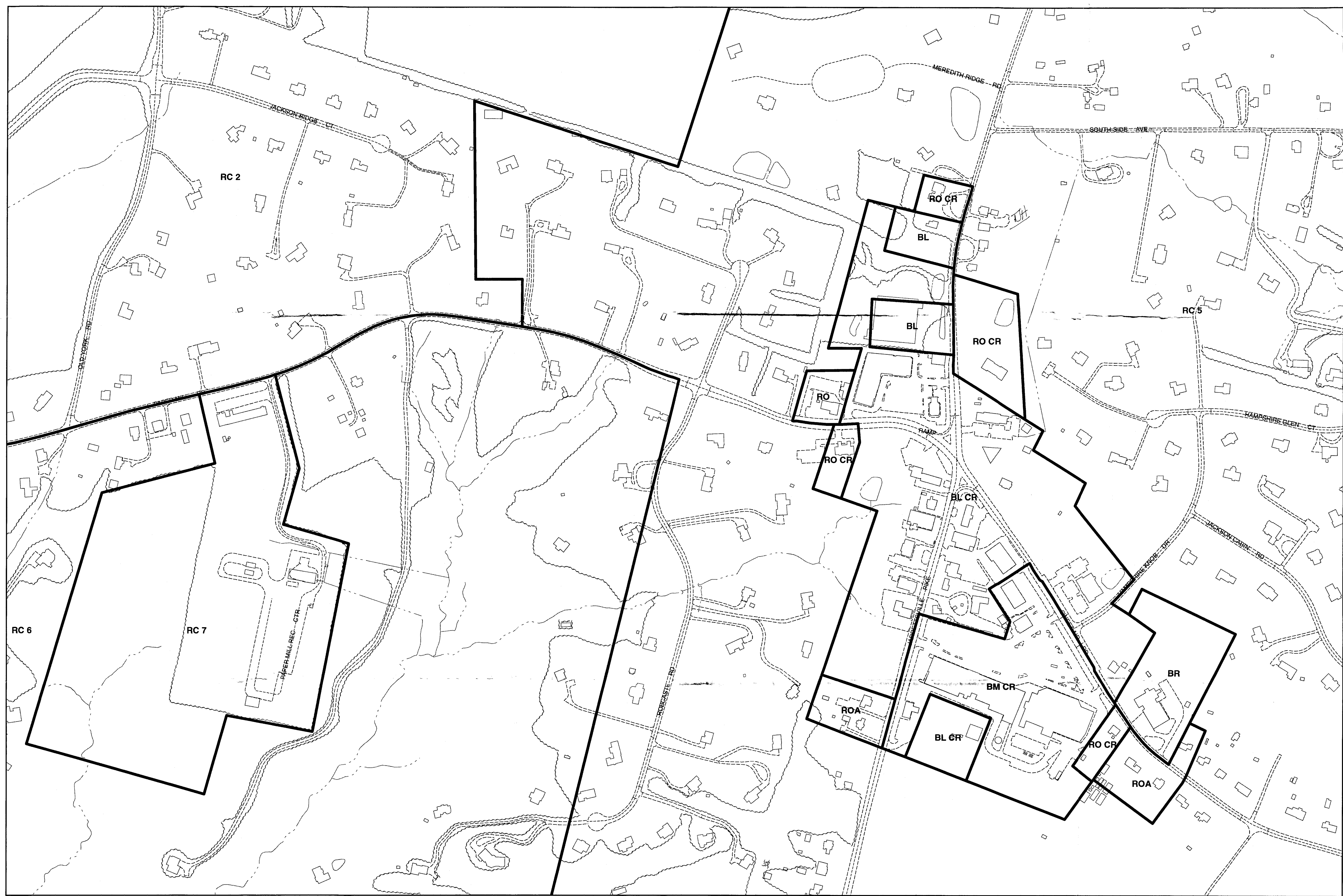
CHECKED:

DRAWING NUMBER:

RC-1

SHEET | OF |

Revised Con. J CBM-2012-20 - 9/10/09



Plan Sheet: 035C3

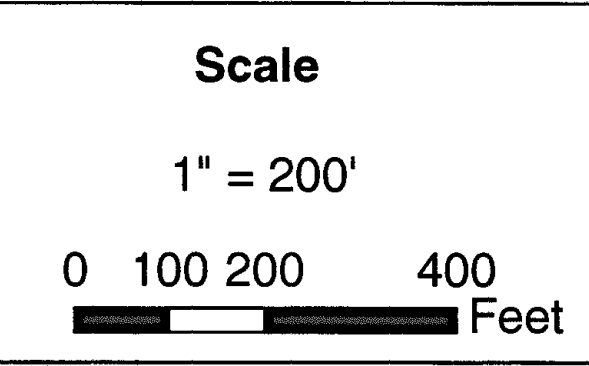
Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

- | | | |
|-----------|---------|------------|
| Buildings | Streams | Vegetation |
| Zoning | Roads | Rail Lines |

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

035A2	035B2	035C2	036A2	036B2
035A3	035B3	035C3	036A3	036B3
043A1	043B1	043C1	044A1	044B1



Data Sources:
Planimetric Data - Baltimore County
OTI/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008



Pct 2A

9/10/09 - CSEA R. 09-270

9/16/07 CB4 R-09-270





Pat 2H

9/16/09 CBA R-09-270



Page 2

9/10/09 CS4 R-09-270



Photo 1

2/16/09 CBS R-09-270



Pet 26

9/16/09 CSA R-09-270



Page 2E

9/10/09 CBA 2-09-270



9/10/09 CBA R-09-270



Pet 2C

9/16/09 CBA R 09-270



Pet. 2B

9/16/09 CB4 R-09-270

Ref No 7

JACKSONVILLE COMMUNITY PLAN



As Adopted by the Baltimore County Council
July 3, 2000

Rt. Exh 7. CBA- R-09-270 9/10/09

4.3.2 Business and Office Zoning

Jacksonville is identified in the 1989 - 2000 Baltimore County Master Plan as a "Rural Center", warranting special protections against incompatible business and commercial expansion or intrusion. There are two principal business zones in the Jacksonville village center, the BL (Business Local) and BM (Business Major) zones. These zones allow a wide variety of commercial uses, and many residents of Jacksonville have expressed strong interest against the establishment of some of them. While the majority of the Jacksonville Rural Commercial Center is protected from many of the more onerous bulk, height, setback, parking and signage standards which apply to these zones by virtue of a CR (Commercial Rural) overlay district, the same uses are allowed here as elsewhere in Baltimore County. The CR district does serve to protect the two established rural centers in the county from large-scale, out-of-character development encroachment, as the 1989 - 2000 Master Plan directs. Yet it does not limit the types of allowable uses to which many of the citizens of Jacksonville have expressed opposition. Moreover, the CR overlay district can be removed through zoning map amendments enacted by the Baltimore County Council or the Baltimore County Board of Appeals, leaving the more liberal BL or BM standards in place.

The planning area also contains several parcels of land along Jarrettsville Pike and Paper Mill Road zoned for Residential-Office (RO) in which professional offices are located. These uses serve as appropriate transitional buffers between village business uses and strictly residential uses nearby.

4.4 Natural Features and Environmental Constraints

4.4.1 Geology, Soils, and Topography

The geological makeup of the Jacksonville area consists of bedrock materials, specifically a crystalline schist known as Loch Raven Schist, containing mica, feldspar and quartz, according to Dr. Kenneth Weaver, a Jacksonville resident and retired director of The Maryland Geological Survey. The area contains Baltimore Gneiss, Cockeysville Marble and Amphibole, as well as Loch Raven Schist. Each of these formations contains variable amounts of fractures (joints). The bedrock is overlain by a variable thickness of unconsolidated soils and subsoil derived from the weathering of the bedrock. Rain falling on the surface of the ground percolates through the soil, subsoil and weathered rock into the fractures in the underlying rock. The fractures contain water below the water table and are the source of water that flows to wells drilled into the formations. The spacing, width and interconnection of the fractures determine the ease or difficulty of obtaining sufficient supplies of groundwater.

Loch Raven Schist, as well as gneiss, contain relatively little water due to their generally unfractured structures. Marble, by contrast, is a good water-bearing formation. This is one factor that may help to maintain the semi-rural character of the area. Whereas there is probably sufficient groundwater to supply detached homes on one or more acres of land, it is unlikely that it could support closely spaced residential development or large-scale commercial development.

The most common soil type in the planning area is Glenelg loam, a well drained, gently to moderately sloping (3% - 15%), moderately eroding soil type. According to the USDA Soil Conservation Service for Baltimore County, the Glenelg soils are the most extensive and most important soils for farming in the County, although they are also appropriate for other development purposes. These soils are generally very acidic, moderately permeable, and have an available moisture capacity that is moderate to high. Slope and the hazard of erosion are the principal limitations to use. Manor Loam composes the balance of the soil in the immediate vicinity. This soil generally runs deep, is rather acidic, moderately permeable to water, and is often found on sloping (8% - 15%) terrain -

The minimum lot size is one acre and the maximum permitted gross residential density is 0.687 dwellings per acre.

Most of the Rural Residential land is already developed. Only about 65 acres of land is available for future major land subdivision (i.e., a subdivision involving 4 or more lots).

Residential Office areas are locations where office uses should be permitted within the existing residential structures. These areas are intended to serve as a transitional buffer between the Rural Residential areas and nonresidential development. These areas are appropriate for ROA zoning. The ROA classification will help retain the residential character of the existing structures, but allow them to be used for office purposes.

The areas proposed for **General Commercial and Office** uses are concentrated at or near Four Corners. These lands generally have direct access to a major road (i.e., Jarrettsville Pike, Paper Mill Road, or Sweet Air Road).

The **General Commercial and Office** areas are viewed to comprise the Rural Commercial Center. The Rural Commercial Center boundary is indicated on Map 7 in Appendix E. This boundary was delineated based on the existing land use and zoning patterns, the existing and anticipated road system, and the desires of the local community. The proposed boundary of the Rural Commercial Center should not be expanded. Business zoning in the planning area should be contained within the Rural Commercial Center, except for the Jacksonville Volunteer Fire Company property, which is zoned BR. The BR zoning for the fire station should be retained as long as the fire company owns the property. In the event there is a transfer of ownership, the property should be rezoned to RC-5. Another exception is the potential building site for the new Phoenix Post Office, which should be zoned BL prior to construction and BL-CR after construction (see Section 6.6).

The Rural Commercial Center is not intended to provide the range of services one would find in an urban or suburban area. Commercial services should be limited to those serving the convenience needs of the people who choose to live in the surrounding rural residential or agricultural environment. Food stores, small retail stores, personal service businesses, eating places, and professional offices are the primary types of activities contemplated for the Rural Commercial Center. A listing of commercial uses which are not desired is contained in Section 4.9. In general, undesirable uses are those which may create significant adverse environmental effects, attract large volumes of traffic and have continuous customer turnover, or require inappropriate architectural design, excessive paved areas, or numerous curb cuts. The prevention of such uses will require an amendment of the Baltimore County Zoning Regulations. This could be accomplished either by creating a new commercial zoning classification or by modifying the CR district regulations.

The **General Commercial** designation is generally applied to those areas which are intended to be zoned BL-CR or BM-CR in order to provide for the continuation and future development of a variety of commercial activities at an appropriate development size and scale.

The **Office** designation is applied to those areas which are intended to be zoned RO or RO-CR in order to provide for the location of office uses and to provide a transition between residential uses and General Commercial areas. Future business uses in these areas, whether or not zoned CR, should be limited to offices.

Properties in the Rural Commercial Center should maintain the CR district overlay. An exception is the existing RO zone on the north side of Paper Mill Road. Also, the potential building site for a new 35,000 square foot supermarket to be located on the west side of Jarrettsville Pike just north of Paper Mill Village Shopping Center should be zoned BL in order to permit construction of the supermarket as a matter of right. After completion of the supermarket construction, this site

should be rezoned to BL-CR so that the CR district regulations will apply to any future change of use.

The **Community Facility** category reflects the locations of the Jacksonville Elementary School Recreation Center, the Jacksonville Volunteer Fire Company, and the Chestnut Grove Church. It also reflects the potential location of the new Phoenix Post Office on the west side of Jarrettsville Pike north of Paper Mill Road (see Section 6.6).

Stream System Open Space represents areas where development is not suited. These areas consist of land located in a 100-year flood plain, wetlands, and stream buffers.

Open Space/Limited Development areas are today primarily open space in character. They are areas that are not particularly suited for, or needed at the present time for, any of the other land use designations. They should continue primarily as open space and, where appropriate, be used as a buffer between non-residential and residential uses. Other uses within these areas, however, may be considered as specific demands arise, if the individual sites are appropriate. These areas should be zoned RC5, except for the former church property at 14346 Jarrettsville Pike which has been converted to an office use. This property should retain its RO-CR zoning classification.

The County should pursue the acquisition of land for recreation within the planning area as a means of adding recreation facilities and enhancing Jacksonville's role as a rural center. There are three parcels of land potentially useful for recreation purposes. All three parcels are undeveloped and adjoin the Jacksonville Elementary School - Recreation Center site. These parcels are identified in Table 4 below and on Map 8 in Appendix E.

Table 4: Undeveloped Parcels Potentially Useful For Recreation Purposes

Location	Tax Map	Grid	Parcel	Acreage
1.	43	6	178	29.84
2.	35	24	47	1.11
3.	35	24	194	1.73

The development of recreational facilities on this land would help fulfill the recreation needs of the Greater Jacksonville Area. Potential facilities include athletic fields, nature trails, and parking areas.

4.7 Recommended Zoning Map Amendments

The recommended zoning map amendments are presented in Appendix F. These changes are intended to bring the community's zoning into conformance with the recommended land use. The recommended business and office zoning should be adopted and remain until any new zoning classification is enacted that would be more appropriate in achieving the land use goals identified above.

4.8 Proposed Supplemental Zoning Rules for the Rural Commercial Center

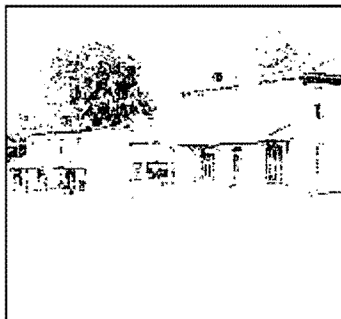
1. The rezoning of ROA zoned parcels to a business classification is not consistent with this plan and will not be supported. The intent of this Plan is keep ROA parcels zoned ROA so that they will remain compatible with both the residential and commercial uses between which they exist and to serve as a transitional buffer between the two. It is definitely not



life, primarily the importance of the automobile, but in a way that does not cede total control to the automobile. Locational factors such as proximity to existing schools and roads should be considered. The economic and environmental feasibility of providing water and sewage service on site also must be addressed for any village development.

Actions

1. Investigate the feasibility of a rural village concept based on the following:
 - Map potential locations for rural villages within rural residential areas and rural commercial centers to minimize impact on agriculture and resource preservation areas.
 - Locate villages within proximity of adequate roads.
 - Create appropriate design standards.
 - Provide buffers between rural villages and agricultural uses.
 - Rural villages should not be located close to one another.
 - Set limits on the amount of density, and determine the appropriate mix of land uses for each rural village.
2. Determine the economic and environmental feasibility of providing water and sewage systems required for a rural village.
3. Investigate using the rural village as a receiving area for a TDR program, transferring density from an agricultural or resource preservation area.
4. Apply the program on a limited basis as a test case and evaluate its merits for rural preservation.
5. Allow rural village development as a PUD; however, this would be an optional, not mandated, approach.



Hereford is one of the two designated rural commercial centers.

RURAL COMMERCIAL CENTERS

Only two designated rural commercial centers will continue to provide local services and facilities for the surrounding rural area. They are:

- Hereford
- Jacksonville

POLICY

- The nature, size, and scale of rural commercial centers should remain geographically small, rural in character, and be regulated through a master plan process.

ISSUES AND ACTIONS



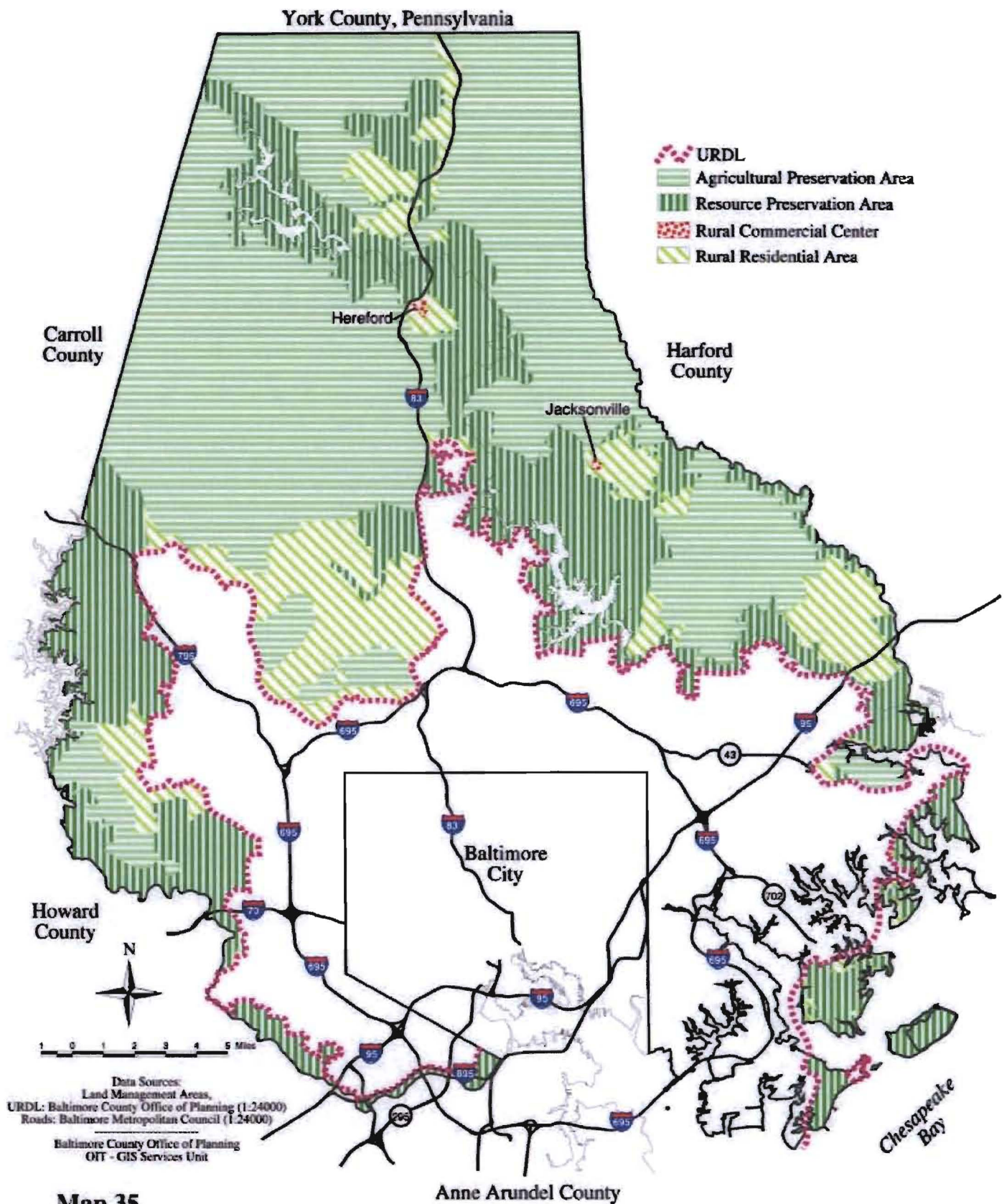
Issue: Managing Growth in Rural Commercial Centers

The two rural commercial centers contain a certain mass of retail and office service uses that should not be spread or repeated throughout the rural areas. These areas will continue to be the only locations within the rural area where such services will be concentrated. The size, scale, and quality of development have been a continuing issue in these centers. In addition, the ultimate buildout limits of these areas needs to be considered. These areas may also be suitable as places to transfer development rights removed from agricultural preservation or resource preservation areas.

Actions

1. Manage growth and development through the adoption of specific rural commercial center master plans that are regularly updated. The master planning process should determine the ultimate boundaries and buildout of these areas.
2. Undertake detailed studies to determine the appropriateness and capacity of these areas to receive TDRs, both commercial and residential. Any expansion of these areas should conform to a rural village concept.
3. Develop overlay districts or specific zoning classifications with design performance criteria that would be unique to each of the centers so issues such as use, size, scale and design are addressed. These centers have unique characteristics that should be enhanced by new development.
4. Adopt development performance guidelines and standards to ensure design quality, appropriate scale of uses, natural resource protection, appropriate buffers adjacent to agricultural uses, adequate open space close to homes, and pedestrian accessibility.
5. Provide infrastructure support such as stormwater management.
6. Develop a PUD-RP process that will allow large institutional, educational, religious, and recreational uses only through a planned development process. Create locational criteria and development standards.
7. Provide adequate buffers and transitions between commercial projects and differing adjacent land uses to maintain rural character.

Management of the growth and development in the rural commercial centers will be based on specific master plans.



Map 35
Rural Land Management Areas

May 23, 2008

Issue Number	Owner, Petitioner	Location		Existing Zoning and Acres	Requested Zoning and Acres	Final Staff Recommendation	Planning Board Recommendations	County Council Decision	Comments
3-048	CAA, LLC	Southeast corner of York Rd and Northampton Rd		DR 3.5 RO 0.6	BL 0.6	DR 3.5 RO 0.6	DR 3.5 RO 0.6		
3-049	Creta Enterprizes LLC	North side of Fork Rd, 175 ft west of Harford Rd		BL CR RC 5 0.7 0.4 1.1	BL CR 1.1	RC 5 RC 5 CR 0.0 1.1	RC 5 RC 5 CR 0.0 1.1		See Issue 3-114
3-050	Marie Lintz	East side of Jarrettsville Pike, 240 ft south of South Side Ave		RC 5 1.5 1.5	BR 1.5	RC 5 CR RO CR 0.6 0.8 1.4	RC 5 CR RO CR 0.6 0.8 1.4		
3-051	Eli R Vuicich	Southeast corner of York Rd and Deneison St		RO 0.7 0.7	BL 0.7	RO 0.7	RO 0.7		
3-052	Nancy Falt	South side of Phoenix Rd, 700 ft west of Starlight Farm Dr		RC 6 114.2 114.2	RC 4 114.2	RC 4 114.2	RC 4 114.2		
3-053	Northwest Baptist Church	230 ft north of Westminster Rd, 1,300 ft west of I-795		RC 4 RC 5 RC 8 2.1 0.0 0.9 3.0	RC 5 3.1	RC 4 RC 5 RC 8 2.1 0.0 0.9 3.0	RC 4 RC 5 RC 8 2.1 0.0 0.9 3.0		

(Total acreages may not equal due to rounding.)

Pet 9

9/10/09
Pet. Exh 9 C-804-2-72

CASE NO:

R-2009-0270

PETITIONER:

Howard Lintz

REQUESTED ACTION:

Reclassification to RO-CR and RC 5-CR

EXISTING ZONING:

RC 5

LOCATION:

14345 Jarrettsville Pike, east side of Jarrettsville Pike, south of Southside Avenue

AREA OF SITE:

1.42 acres; gross acreage 4.1 acres

ZONING/USE OF ADJACENT PROPERTIES:

North:	RC 5	Single family detached dwelling
South:	RC 5	Single family detached dwelling
East:	RC 5	Single family detached dwelling
West:	RO-CR, RC 5, BL and BL-CR	Converted office/retail buildings

SITE DESCRIPTION:

The property is improved with three existing single-family detached dwellings that are currently being used as offices. The offices are all close to the road and share a common drive off of Jarrettsville Pike. There is a larger parking area behind the three buildings. To the rear is a large vacant open field with trees planted along the property boundary.

PROPERTIES IN THE VICINITY:

The character of the surrounding area is a mix of rural residential with some commercial and office uses across the street and further to the south. The adjacent properties to the north, south, and east are single-family detached dwellings, only the one to the south actually fronts on Jarrettsville Pike. There are two properties to the east across Jarrettsville Pike, the one furthest north is split zoned RO-CR in the front and RC 5 in the rear. It was the 1st Evangelical & Reform German Church and was converted and expanded into an office building in 2005 with parking in the front and side. Located to the rear of the property on the Baltimore County Final Landmarks List is the Cemetery associated with the church. The building to the south is zoned BL in the front and BL-CR to the rear. It is an older home that has been converted into a retail establishment, with parking to the rear called Le Chateau that sells furniture, arts, and gifts.

WATER AND SEWERAGE:

W-7, S-7 The property is not served by public water and sewerage.

PET 10

Pt Exh. 10. CBA - 2009 - 270 9/16/09

TRAFFIC AND ROADS:

The property is located directly on Jarrettsville Pike north of Sweet Air Road.

ZONING HISTORY:

The property has been zoned RC 5 since 1996. A petition for reclassification was filed during the 2008 Comprehensive Zoning Map Process (CZMP) to re-zone the property to BM-CR, the County Council voted to retain the existing zoning of RC 5.

MASTER PLAN/COMMUNITY PLAN:

The Baltimore County Master Plan 2010 shows the proposed land use as single family detached rural. The adopted Jacksonville Community Plan does not propose any zoning changes to this parcel in the recommended zoning map amendments.

PROPOSED vs. EXISTING ZONING:

The RC 5 zone is a rural residential zone that allows a one and a half acre minimum lot size and a maximum density of 0.5 dwelling units per acre. The purpose of the RC 5 zoning classification is to provide for residential development in "appropriate rural areas" and at appropriate densities. Generally this zone permits by right, single family detached dwellings, farms, schools, and accessory uses or structures. The RC 5 zone also allows for a variety of other uses through the special exception process such as an antique shop, community center, or golf course.

The RO, residential office zone was created to accommodate houses converted to office buildings. Also known as Class A office buildings, these are existing dwellings converted to office use with parking in the side or rear yard. The exterior appearance must remain residential with no external enlargement except for a porch enclosure. Also allowed are small Class B office buildings. The placement of RO zone is appropriate on sites that because of adjacent commercial activity, heavy commercial traffic, or other similar factors can no longer be reasonably restricted to uses allowed in moderate density residential zones.

The CR or commercial rural district was established to provide basic convenience shopping and services on rural areas where such facilities are not available within a reasonable distance. This district has mostly been applied to existing commercial zones in rural areas to ensure development is compatible with the rural setting. Generally, buildings in a CR district are limited to 8,800 sq. ft. of floor space (6,600 sq. ft. on the ground floor). It may be applied to the BL, BM, BR, RO, and RC 5 zoning classifications.

UNDOCUMENTED PLAN:

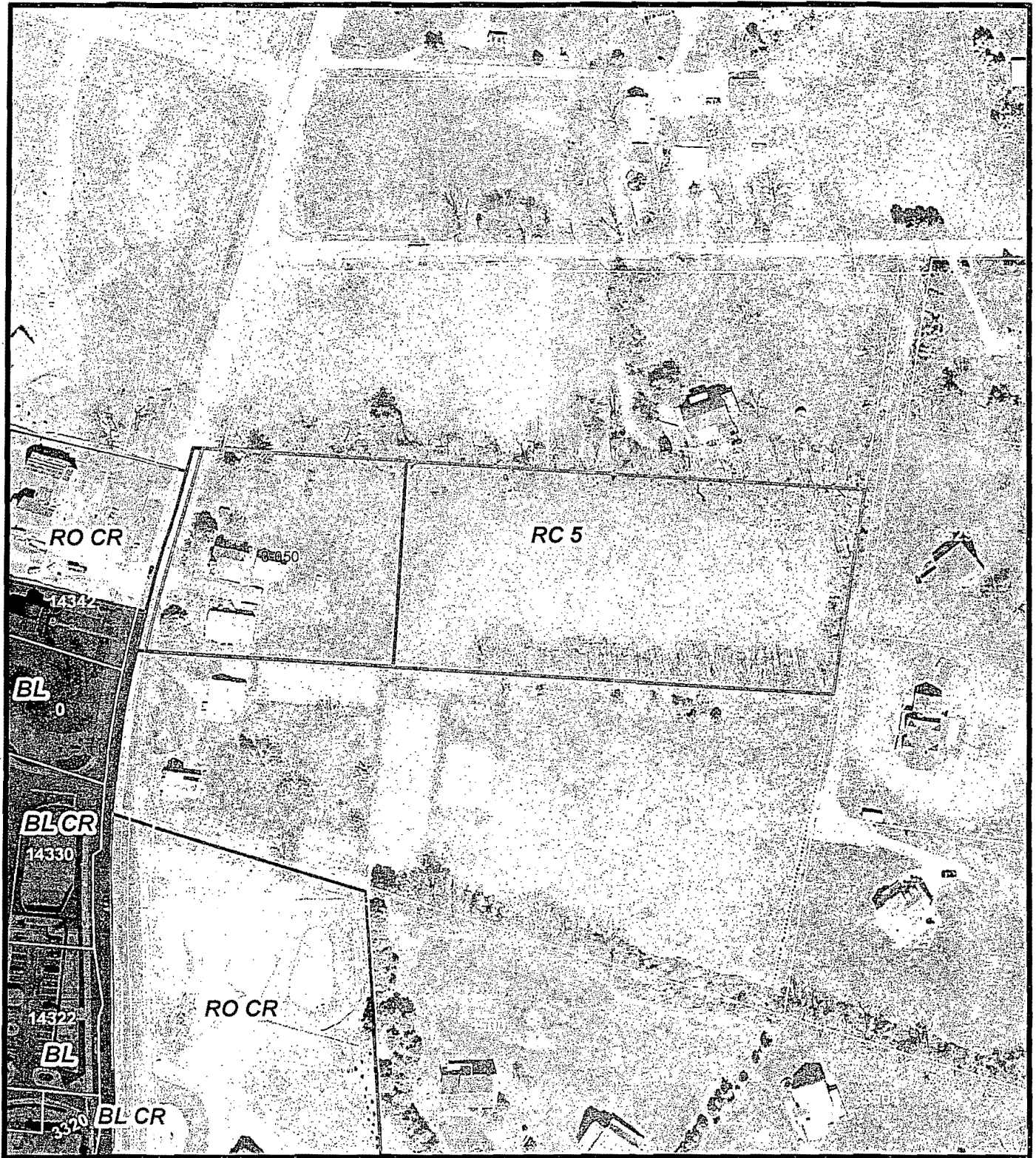
The petitioner submitted an open site plan. This plan shows the boundaries of the site and the existing buildings, but does not show any proposed improvements or modifications to the current plan.

OFFICE OF PLANNING RECOMMENDATIONS:

The owner of this property applied for re-zoning in the 2008 Comprehensive Zoning Map Process (CZMP). The Planning Office and Planning Board recommended a split zoning of RO-CR in the front where the buildings are located and RC 5-CR to the rear. This is the same

as what the Petitioner is asking for, but the County Council voted to retain the existing zoning of RC 5. Reflecting the Office of Planning's and Planning Board's recommendations from the 2008 CZMP, the planning staff could support the petitioner's request with a documented site plan.

R-2009-0270



Map prepared by:
Baltimore County Office of Planning
401 Bosley Avenue
Towson, MD
21204



0 75 150 300
Feet

MINUTES
Baltimore County Planning Board Meeting
and Public Hearing
Regarding the Request for a Planned Unit Development
known as Brandywine, PDM # XIV-472
July 2, 2009

Contents

Call to order, introduction of Board members, pledge of allegiance to the Flag, and announcements

Review of today's Agenda

Minutes of the June 18, 2009 meeting

Public Hearing**
by the
Baltimore County Planning Board
4 p.m.
Edward J. Gilliss, Chairman

Call to order, introduction of Board members, and remarks on procedures by Chairman

Request for Planned Unit Development, (PUD),
known as Brandywine, PDM # XIV-472

**Comments by citizens

Adjournment of Public Hearing

Items for Introduction

1. The Overlea-Fullerton Community Plan
2. Water and Sewerage Plan, Cycle 27
3. Legislation: Wind Turbines

Item for Community Input, Further Discussion and Vote

** 4. Cycle I Reclassification

Announcement

Mr. Lloyd Moxley noted for the record that the Pattern Book for Plinlimmon Farm (Revised June 2009) was provided to each member along with the Draft Staff Recommendations Planned Unit Development Findings PDM # II-739. He pointed out that the modification of standards language on page H-2 was not accurate and directed attention to the modifications as detailed in the Staff Report. Copies of the Revised Pattern Book and Draft Staff Recommendations are filed as Appendix C.

Item for Community Input. Further Discussion and Vote

1. Cycle I Reclassification

a. 14345 Jarrettsville Pike. Case No. R-2009-0270

Mr. Miller moved approval of the Petitioner Lintz' request for split zoning of the property located at 14345 Jarrettsville Pike to RO-CR in the front where the buildings are located and RC 5-CR to the rear provided a documented site plan is submitted. Mr. Parker seconded the Motion. The Motion passed unanimously at 4:05 p.m. Absent were Mr. Dock, Mr. Wit, Mr. Dennis Hoover and Dr. Gregory.

b. 1206 Molesworth Road. Case No. CR-2009-0269

Mr. Harden moved that Petitioner Mr. Neal Jacobs, whose property is located at 1206 Molesworth Road, be permitted to proceed with the reclassification process before the Board of Appeals. Mr. Parker seconded the Motion. Mr. McGinnis noted that this request was part of a large 2008 CZMP issue. He opposes this Petition. Mr. Harden expressed concern that the property owner had already paid non-refundable fees to the County and was unaware of the CZMP issue affecting his property. The Motion to approve the Petition was passed by a majority vote at 4:15 p.m. Mr. McGinnis and Mr. Miller voted against the motion. Absent were Mr. Dock, Mr. Dennis Hoover and Dr. Gregory. Copies of the Petitions for Reclassification are filed as Appendix D.

Mr. Dean Hoover moved to suspend the meeting for the Public Hearing. The Motion was seconded by Ms. Foos and passed unanimously at 4:16 p.m. Absent were Mr. Dock, Mr. Dennis Hoover and Dr. Gregory.

Public Hearing

Baltimore County Planning Board
Edward J. Gilliss, Chairman

Call to order, introduction of Board members, and remarks on procedures by Chairman

Brandywine, PUD, PDM # XIV-472

Chairman Edward Gilliss convened the Public Hearing at 4:17 p.m., for the Planned Unit Development (PUD) known as Brandywine, PDM # XIV-472. G. Scott Barhight,

Esquire, representing the developer, Iron Horse Properties, spoke about the qualifications and experience of the development team responsible for the PUD, which is located in the 6th Councilmanic district, at E/S Kenwood Ave @ NE corner Delegge Road. Mr. David Martin presented the PUD, describing its location in the greater community and outlining specifics of the project, which was first introduced to the Planning Board by Planning Staff on June 18, 2009. The PUD proposes 72 townhouse units on 7.44 acres of land. Thirty-seven are rear-loaded garage units; thirty-five are front-loaded. Additional parallel parking in recessed bays on the street will be available for visitors. Mr. Barhight presented additional information concerning "the community benefit." The original Resolution No. 65-08 directed the community benefit funds of \$1,000 per unit to Franklin Square Hospital. However, Resolution No. 31-09 amended the community benefit to direct the funds to effect improvements to Rosedale Park, including upgrading parking and repairing soil erosion.

Mr. Moore, Board Member, commented that he understood that the expectation of the PUD process was to have a higher quality development, and questioned whether the building materials were of high quality. In response, using illustrations, Mr. Martin identified the mixture of treatments, color, and overall site design that demonstrate added quality. Mr. Moore also inquired of the limited green space, much of which is used for stormwater management. ~~Mr. Wit, Board Member, inquired about the sale price of the homes.~~ He was advised that the homes would be priced in the mid to high \$200,000's. It was noted that the school analysis indicated the development would not trigger a school moratorium.

Comments by citizens

Mr. Joseph Leake, who resides in Greenview Park, Rosedale, expressed his concern about increased traffic and the impact of the proposed development on local schools, which are already over capacity. Instead of the PUD, Mr. Leake would like to see a park located on the site—possibly one with a focus on theater. Planning Staff will address the school issue.

Adjournment of Public Hearing

The public hearing was concluded at 4:56 p.m

. The Board meeting reconvened at 4:57 p.m..

2. The Overlea-Fullerton Community Plan

Ms. Laurie Hay, Sixth District Community Planner, introduced the Overlea-Fullerton Community Plan to the Board. She noted that there were no re-zoning issues and requested the scheduling of a Public Hearing for July 16, 2009. Mr. Parker moved that a Public Hearing on the Overlea-Fullerton Community Plan be scheduled for July 16, 2009. The motion was seconded by Mr. Sampson and passed unanimously at 5:00 p.m. Absent were Mr. Harden, Mr. Dock and Mr. Dennis Hoover.

A copy of the draft Overlea-Fullerton Community Plan, Approaches for the Future, May 5, 2009, is filed as Appendix F.

3. Water and Sewerage Plan Amendments, Cycle 27

Mr. Jeff Mayhew, Chief, Community Planning, presented this matter in the stead of Mr. David Thomas, Deputy Director, Department of Public Works, and requested that the Planning Board schedule a public hearing for July 16, 2009. Staff will present details at the time of the Public Hearing. Mr. Parker moved that a Public Hearing be scheduled for July 16, 2009 regarding Water and Sewerage Plan, Amendments, Cycle 27. Ms. Foos seconded the Motion, which passed unanimously at 5:03 p.m. A copy of the proposed amendments is filed as Appendix G.

4. Legislation: Wind Turbines

Ms. Kathy Schlabach, Chief, Strategic Planning, introduced the draft of proposed Amendments to the Baltimore County Zoning Regulations Regarding Small Wind Energy Systems, dated June 22, 2009. On July 7, 2008, the Baltimore County Council passed Resolution 52-08, which requested that the Planning Board propose amendments to the zoning regulations in order to regulate the location and use of wind turbines for residential energy use. At the request of the Planning Board, the Office of Planning has proposed amendments to the zoning regulations per the Report, filed as Appendix H. A copy of the draft Report is on the County website. Mr. Gilliss advised that the Board has established an ad-hoc committee with Mr. Sampson, as Chair and Mr. McGinnis, Mr. Moore, Mr. Dean Hoover, and Mr. Parker as committee members. The committee's task is to review the draft Report and make a presentation to the full Board. Thereafter, a decision on scheduling a public hearing will be made.

Mr. Parker moved the adjournment of the July 2, 2009 meeting of the Baltimore County Planning Board. Mr. Miller seconded the Motion, which passed unanimously at 5:16 p.m. Absent were Mr. Harden, Mr. Dock, and Mr. Dennis Hoover.

bw

Approved 7/16/09

Adjournment of the Board meeting

Public Hearing

*Red Line Transit Study
Urban Rural Demarcation Line (URDL) Issues:
Parham-Ritter and Security Boulevard LLC properties*

~~**Comments by citizens~~

Adjournment of Public Hearing

- * This Tentative Agenda, published September 10, 2009 is subject to review and modifications at the meeting. A copy of the agenda and some of the enclosures, if any, are sent to the Towson library or are available on-line at www.baltimorecountymd.gov under the Office of Planning and its advisory boards.

~~**For each Agenda item marked with a double asterisk, there is a separate sign up sheet, posted in the hallway outside the meeting room, on which citizens may register to address the Planning Board (for themselves or as representatives of organizations or clients). The Chairman will announce the point(s) during the Board's deliberations (generally, after the presentation by the County staff and/or the applicant), at which this testimony will be received. The specific rules of procedure for the testimony are also posted in the hallway.~~

It is requested that individuals giving presentations to the Planning Board make every effort to present visual materials i.e. maps, plans, etc. using a digital format such as power point. Please contact Barbara Weaver at 410-887-3495 at least 48 hours in advance. Rendered site plans must be mounted and GIS aerials must be mounted or easily visible on an overhead projector. All of the above items and a copy of the digital materials must be given to the Chief of Development Review, Lynn Lanham at 410-887-3480 no later than 48 hours in advance. The presenter must arrive at the Planning Board a minimum of one half hour before the meeting to prepare for the actual presentation.

Inclement Weather Policy – No meetings will be held when Baltimore County Public Schools are either closed for the day or subject to early dismissal due to inclement weather.

If, because of a disability, you need a reasonable accommodation such as service or aid to participate in this event, please call the Office of Planning at 410-887-3495 or via TTY, at 1-800-735-2258 or 711, at least two working days before the event.

CBA- 9/16/09

Exhibit List: Howard Lintz Case R-09-270

Petitioner's Exhibits:

1. Site Plan - Undocumented
2. Photograph of Site 2a - 2j
3. Letter to Port Keller - Exh - 12/10/07
4. Marked for ID only - Newspaper
5. Thomas Hoff - Resume
6. Exhibit to accompany Pet. prepared by Hoff.
7. Jacksonville Community Plan
8. Baker Co. Master Plan
9. County Log - Showing incorrect zoning request "BR"
10. Planning Board Rec.
11. Minutes of Planning Board

Verified
9/23/09

Peoples Counsel Exh

1. Baker Co. Site Map

Tadsworth Letter

1. Letter of 9/13/09

CBA- 9/16/09

Exhibit List: Howard Lintz Case R-09-270

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Peoples Council Exh

1. Baker Co Site Map

Verified
9/25/09

Tadsworth Letter

1. Letter of 9/13/09

Greater Jacksonville Association, Inc.
P. O. Box 126
Phoenix, Maryland 21131

RECEIVED
SEP 15 2009
BALTIMORE COUNTY
BOARD OF APPEALS

RESOLVED: That the position of the Greater Jacksonville Association, Inc., as adopted by the Board of Directors in the matter known as:

Case # RO 9270

14345 Jarrettsville Pike, Lintz Property

is that:

The Greater Jacksonville Association, Inc. (hereafter GJA) is opposed to the request for zoning change in this matter.

The GJA Board voted unanimously to oppose the request for rezoning of this parcel based on the Greater Jacksonville Community Plan's delineation of the commercial town center, the same intent stated in the County Master Plan 2010, of which the GJA Plan is an incorporated part, and the continued intent to contain commercial spread in the proposed 2009 amendments to the County Master Plan. The Community Plan clearly designated the northern termination of RO-CR zoning on the east side of Jarrettsville Pike to existing RO-CR properties at 14333 Jarrettsville Pike. This property is sided on both sides by RC-5 properties, and it was explicitly part of the community's intent in the Plan to avoid the requested leapfrogging effect of commercial zoning. Therefore, the Greater Jacksonville Association cannot support the request.

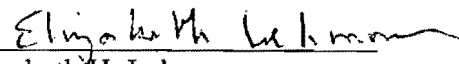
Furthermore, the existing town center currently has significant vacancy in office and retail facilities, which do not warrant further expansion of commercial zoning into the residential community. There are six office facilities advertising more than 7,000 square feet of available office space within current RO-CR or BM-CR zoning. There is another approved RO-CR building which has not

GJA opposed this zoning request during the 2008 CZMP, and continues to oppose the modified reclassification request.

AS WITNESS OUR HANDS this day of September 15, 2009

ATTEST: THE GREATER JACKSONVILLE ASSOCIATION, INC.


Glen A. Thomas
President


Elizabeth H. Lehmann
Secretary

Jacksonville Ex 1



life, primarily the importance of the automobile, but in a way that does not cede total control to the automobile. Locational factors such as proximity to existing schools and roads should be considered. The economic and environmental feasibility of providing water and sewage service on site also must be addressed for any village development.

Actions

1. Investigate the feasibility of a rural village concept based on the following:
 - Map potential locations for rural villages within rural residential areas and rural commercial centers to minimize impact on agriculture and resource preservation areas.
 - Locate villages within proximity of adequate roads.
 - Create appropriate design standards.
 - Provide buffers between rural villages and agricultural uses.
 - Rural villages should not be located close to one another.
 - Set limits on the amount of density, and determine the appropriate mix of land uses for each rural village.
2. Determine the economic and environmental feasibility of providing water and sewage systems required for a rural village.
3. Investigate using the rural village as a receiving area for a TDR program, transferring density from an agricultural or resource preservation area.
4. Apply the program on a limited basis as a test case and evaluate its merits for rural preservation.
5. Allow rural village development as a PUD; however, this would be an optional, not mandated, approach.



Hereford is one of the two designated rural commercial centers.

RURAL COMMERCIAL CENTERS

Only two designated rural commercial centers will continue to provide local services and facilities for the surrounding rural area. They are:

- Hereford
- Jacksonville

POLICY

- The nature, size, and scale of rural commercial centers should remain geographically small, rural in character, and be regulated through a master plan process.

ISSUES AND ACTIONS



Issue: Managing Growth in Rural Commercial Centers

The two rural commercial centers contain a certain mass of retail and office service uses that should not be spread or repeated throughout the rural areas. These areas will continue to be the only locations within the rural area where such services will be concentrated. The size, scale, and quality of development have been a continuing issue in these centers. In addition, the ultimate buildout limits of these areas needs to be considered. These areas may also be suitable as places to transfer development rights removed from agricultural preservation or resource preservation areas.

Actions

1. Manage growth and development through the adoption of specific rural commercial center master plans that are regularly updated. The master planning process should determine the ultimate boundaries and buildout of these areas.
2. Undertake detailed studies to determine the appropriateness and capacity of these areas to receive TDRs, both commercial and residential. Any expansion of these areas should conform to a rural village concept.
3. Develop overlay districts or specific zoning classifications with design performance criteria that would be unique to each of the centers so issues such as use, size, scale and design are addressed. These centers have unique characteristics that should be enhanced by new development.
4. Adopt development performance guidelines and standards to ensure design quality, appropriate scale of uses, natural resource protection, appropriate buffers adjacent to agricultural uses, adequate open space close to homes, and pedestrian accessibility.
5. Provide infrastructure support such as stormwater management.
6. Develop a PUD-RP process that will allow large institutional, educational, religious, and recreational uses only through a planned development process. Create locational criteria and development standards.
7. Provide adequate buffers and transitions between commercial projects and differing adjacent land uses to maintain rural character.

Management of the growth and development in the rural commercial centers will be based on specific master plans.

4 Land Use and Environment

4.1 Planning Area Boundaries and Size

The Planning Committee resolved early in the planning process to limit the area for immediate planning purposes to a relatively small, manageable area to which we have applied the term the Jacksonville Rural Commercial Center and Environs. The area chosen is centered on what is known informally as "Four Corners", which is the intersection of the Jarrettsville Pike, running north and south, and Paper Mill and Sweet Air Roads, running west and east. The area includes the existing commercial core and the subdivided rural residential land on the periphery, as defined by RC-5 zoning. It is bounded approximately by Robcaste Road on the west, Southside Avenue on the north, Blenheim Road on the east, and Hillendale Heights Road on the south (Map 2, Appendix E), and is situated in the region as shown in Map 3 (Appendix E). The size of the planning area is approximately 577 acres, which is about 9/10 of a square mile. The Office of Planning estimated the 1997 population of the area to be approximately 600 persons.

The planning area encompasses several public service institutions including the Jacksonville Elementary School Recreation Center, the Chestnut Grove Presbyterian Church, the Phoenix Post Office, and the Jacksonville Volunteer Fire Company.

As noted in the Preface, the preparation of a community plan for the remainder of the Greater Jacksonville area will be undertaken subsequently.

4.2 Land Use Distribution

Several members of the Planning Committee and the Baltimore County Office of Planning conducted a land use survey of the planning area. The distribution of land uses was mapped (Map 4), and the amount of land committed to each of the major land use categories was calculated (Table 2).

Table 2: Existing Land Use Distribution, Rural Commercial Center and Environs, March 1998

LAND USE	ACRES	% OF PLAN AREA
Residential	332.5	57.6
Public Service	44.2	7.7
Office	4.7	0.8
General Commercial	27.5	4.8
Undeveloped (1)	153.0	26.5
Major Roads (2)	15.1	2.6
TOTAL	577.0	100.0

(1) "Undeveloped" includes agricultural, vacant, idle, and stormwater management land.

(2) "Major roads" include Jarrettsville Pike, Paper Mill Road, and Sweet Air Road.

As observed from Table 2, over half of the total land area within the planning area is currently in residential usage. About one quarter of the total is undeveloped, while the remainder is composed of small percentages of commercial, office, and public service uses, and major roadways.

The residential land contains low-density single-family detached dwelling units, exclusively. Existing homes are one and two stories in height. Residential lot sizes range from about one to three acres in size. As of March 1998, there were approximately 200 dwelling units in the planning area. The commercial center of the community features one large supermarket, three automobile service stations, four banks and a variety of other retail commercial, food service and business office uses. The majority of these uses are contained in three commercial centers: 1) the Manor Shopping Center, on the east side of Jarrettsville Pike and the south side of Sweet Air Road, 2) Paper Mill Village, situated on the northwest quadrant of the "Four Corners" intersection and 3) Craftsman's Village on the east side of Jarrettsville Pike north of Sweet Air Road.

4.3 Zoning

The planning area includes several zoning categories distributed over the area as indicated in Table 3 and in Map 5.

Table 3: Existing Zoning, Rural Commercial Center and Environs, March 1998

ZONING	ACRES	% OF PLAN AREA
RO	1.1	0.2
RO-CR	8.8	1.5
BL-CR	24.6	4.3
BM-CR	25.3	4.4
BR	5.9	1.0
RC-5	511.3	88.6
TOTAL	577.0	100.0

RO	Residential Office
RO-CR	Residential Office - Commercial Rural
BL-CR	Business Local - Commercial Rural
BM-CR	Business Major - Commercial Rural
BR	Business Roadside
RC-5	Rural Residential

4.3.1 Residential Zoning

The RC-5 zone allows a one-acre minimum lot size and a maximum gross residential density of 0.667 dwelling units per acre. The purpose of the RC-5 zoning classification is to provide for residential development in "appropriate rural areas" and at appropriate densities. Generally, this zone permits, by right, single-family detached dwellings, farms, schools, accessory uses or structures, and not much more than this. The RC-5 zoning classification allows a variety of other uses by special exception granted by the county Zoning Commissioner; however, not all of these uses are deemed appropriate and compatible uses within the planning area by the citizens of Jacksonville.

4.3.2 Business and Office Zoning

Jacksonville is identified in the 1989 - 2000 Baltimore County Master Plan as a "Rural Center", warranting special protections against incompatible business and commercial expansion or intrusion. There are two principal business zones in the Jacksonville village center, the BL (Business Local) and BM (Business Major) zones. These zones allow a wide variety of commercial uses, and many residents of Jacksonville have expressed strong interest against the establishment of some of them. While the majority of the Jacksonville Rural Commercial Center is protected from many of the more onerous bulk, height, setback, parking and signage standards which apply to these zones by virtue of a CR (Commercial Rural) overlay district, the same uses are allowed here as elsewhere in Baltimore County. The CR district does serve to protect the two established rural centers in the county from large-scale, out-of-character development encroachment, as the 1989 - 2000 Master Plan directs. Yet it does not limit the types of allowable uses to which many of the citizens of Jacksonville have expressed opposition. Moreover, the CR overlay district can be removed through zoning map amendments enacted by the Baltimore County Council or the Baltimore County Board of Appeals, leaving the more liberal BL or BM standards in place.

The planning area also contains several parcels of land along Jarrettsville Pike and Paper Mill Road zoned for Residential-Office (RO) in which professional offices are located. These uses serve as appropriate transitional buffers between village business uses and strictly residential uses nearby.

4.4 Natural Features and Environmental Constraints

4.4.1 Geology, Soils, and Topography

The geological makeup of the Jacksonville area consists of bedrock materials, specifically a crystalline schist known as Loch Raven Schist, containing mica, feldspar and quartz, according to Dr. Kenneth Weaver, a Jacksonville resident and retired director of The Maryland Geological Survey. The area contains Baltimore Gneiss, Cockeysville Marble and Amphibole, as well as Loch Raven Schist. Each of these formations contains variable amounts of fractures (joints). The bedrock is overlain by a variable thickness of unconsolidated soils and subsoil derived from the weathering of the bedrock. Rain falling on the surface of the ground percolates through the soil, subsoil and weathered rock into the fractures in the underlying rock. The fractures contain water below the water table and are the source of water that flows to wells drilled into the formations. The spacing, width and interconnection of the fractures determine the ease or difficulty of obtaining sufficient supplies of groundwater.

Loch Raven Schist, as well as gneiss, contain relatively little water due to their generally unfractured structures. Marble, by contrast, is a good water-bearing formation. This is one factor that may help to maintain the semi-rural character of the area. Whereas there is probably sufficient groundwater to supply detached homes on one or more acres of land, it is unlikely that it could support closely spaced residential development or large-scale commercial development.

The most common soil type in the planning area is Glenelg loam, a well drained, gently to moderately sloping (3% - 15%), moderately eroding soil type. According to the USDA Soil Conservation Service for Baltimore County, the Glenelg soils are the most extensive and most important soils for farming in the County, although they are also appropriate for other development purposes. These soils are generally very acidic, moderately permeable, and have an available moisture capacity that is moderate to high. Slope and the hazard of erosion are the principal limitations to use. Manor Loam composes the balance of the soil in the immediate vicinity. This soil generally runs deep, is rather acidic, moderately permeable to water, and is often found on sloping (8% - 15%) terrain -

similar to the Glenelg soils, and is also suited to farm and non-farm uses alike. Manor Loam soils, however, are subject to severe erosion.

4.4.2 Floodplains and Wetlands

The planning area is not normally subjected to heavy flooding. Perhaps this fact is attributable to the characteristics of the local soils and stream systems and the lack of extensive areas of impervious surfaces. A wetland area exists just east of Jacksonville Elementary School, limiting use of that area for residential development.

4.4.3 Groundwater Supply and Protection

The adequacy and quality of the groundwater upon which each household and business in Jacksonville relies for all their water needs is undoubtedly the most critical environmental concern facing this community, and perhaps the most important issue in Jacksonville. Over the years, parts of the community have been faced with problems of either insufficient well water or well water contamination.

Because of the characteristics of the bedrock underlying the greater Jacksonville vicinity, the groundwater production rate is quite variable. Often, multiple wells have had to be drilled to find sufficient water. Even on marble bedrock, water production may be inadequate if a well is not deep enough to draw from several fractures. Many wells in Jacksonville only afford enough water for a single home, not multiple homes or large-scale commercial uses.

During the late 1970s and early 1980s, petroleum contamination from local automobile service stations was discovered, as well as contamination from commercial septic systems. The petroleum contaminants included benzene, toluene and xylene. The sewage effluent from the commercial septic systems caused the formation of chlorinated and non-chlorinated organics. Due to the composition of the underlying bedrock, only portions of the Jacksonville area were contaminated. The sources for all these pollutants have since been removed, and the area was monitored for groundwater contamination by the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) until 1994. At that time, the remediation contracts with the service stations expired, and the monitoring equipment was removed. However, the remediation was not entirely successful, and areas of contamination in the immediate Jacksonville area persist to the present day. It is hoped that, with time and with no further addition of contaminants, the natural rainfall outflow will overcome this problem.

Despite the ever-present concern to each homeowner and business proprietor of their well running dry, the limitation on water supply may be also viewed as advantageous by a surveyed majority (in 1996) of Jacksonville's population who would prefer to see Jacksonville grow only slightly and be preserved as a semi-rural community for future generations. Limited water means limited pressure for new development.

There are positive strategies that can and should be employed, nonetheless, to better ensure an adequate water supply for all of Jacksonville's residents and businesses. These include:

- Limiting the area of impervious surfaces and maximizing infiltration measures on impervious surfaces in order to maximize the rate and amount of ground water recharge.
- In the commercial areas, where impervious surfaces are prevalent, installing rooftop rainwater collection devices or other infiltration devices to direct water into the ground or underground storage tanks for use in fire containment.

- Encouraging each business and homeowner to economize on water usage.

4.5 Land Use Goals and Strategies for Implementation

- **Goal 1:** To preserve the community of Jacksonville as a small rural center, while allowing restricted commercial growth within the Rural Commercial Center only. The Rural Commercial Center should be limited in size and have well-defined boundaries.
 - *Strategy 1:* Initiate and pursue the enactment of appropriate zoning amendments or other legal means that would serve to fulfill this goal (Sections 4.7 and 4.8, and Table 6).
 - *Strategy 2:* Take other appropriate actions to encourage or ensure the types of business uses desired by the community, with the utilization of existing vacant commercial spaces receiving the highest priority. The creation and application of a new zoning classification should be considered, one which would effectively prevent the establishment of inappropriate uses in the Rural Commercial Center.
- **Goal 2:** To bring about a more orderly and aesthetically pleasing development pattern in the community of Jacksonville.
 - *Strategy 1:* Seek the implementation of zoning changes to achieve an orderly, compatible and generally sound development pattern on the remaining developable land and a consistent scale among new commercial uses within the Jacksonville Rural Commercial Center (Table 6).
 - *Strategy 2:* Adopt design guidelines to promote aesthetic compatibility.
- **Goal 3:** To protect groundwater resources, including recharge areas, in order to ensure an adequate water supply for current and future residents and commercial users.
 - *Strategy 1:* Require all future development to minimize the use of impervious surfaces and require the installation of effective stormwater infiltration devices.
 - *Strategy 2:* Work with both Baltimore County and the State in an effort to eliminate any residual groundwater contamination.
 - *Strategy 3:* Make the community aware of the importance of water conservation for each user's own benefit and to encourage each business and homeowner to economize on water usage.

4.6 Future Land Uses

The Land Use Plan map (Map 6) shows the proposed future land use pattern for the planning area. It is intended that this map establish the basis for zoning.

The Land Use Plan map does not distinguish between existing and future development; however, the planning area is not projected as a dynamic growth area. The potential to accommodate new growth is very limited because of the small amount of undeveloped land suitable for future development.

Each of the land use categories depicted on the Land Use Plan map is described below.

The **Rural Residential** land use designation is applied to areas which should be zoned RC-5. The RC-5 classification allows single family detached houses as the predominant permitted use.

The minimum lot size is one acre and the maximum permitted gross residential density is 0.667 dwellings per acre.

Most of the Rural Residential land is already developed. Only about 65 acres of land is available for future major land subdivision (i.e., a subdivision involving 4 or more lots).

Residential Office areas are locations where office uses should be permitted within the existing residential structures. These areas are intended to serve as a transitional buffer between the Rural Residential areas and nonresidential development. These areas are appropriate for ROA zoning. The ROA classification will help retain the residential character of the existing structures, but allow them to be used for office purposes.

The areas proposed for **General Commercial** and **Office** uses are concentrated at or near Four Corners. These lands generally have direct access to a major road (i.e., Jarrettsville Pike, Paper Mill Road, or Sweet Air Road).

The **General Commercial** and **Office** areas are viewed to comprise the Rural Commercial Center. The Rural Commercial Center boundary is indicated on Map 7 in Appendix E. This boundary was delineated based on the existing land use and zoning patterns, the existing and anticipated road system, and the desires of the local community. The proposed boundary of the Rural Commercial Center should not be expanded. Business zoning in the planning area should be contained within the Rural Commercial Center, except for the Jacksonville Volunteer Fire Company property, which is zoned BR. The BR zoning for the fire station should be retained as long as the fire company owns the property. In the event there is a transfer of ownership, the property should be rezoned to RC-5. Another exception is the potential building site for the new Phoenix Post Office, which should be zoned BL prior to construction and BL-CR after construction (see Section 6.6).

The Rural Commercial Center is not intended to provide the range of services one would find in an urban or suburban area. Commercial services should be limited to those serving the convenience needs of the people who choose to live in the surrounding rural residential or agricultural environment. Food stores, small retail stores, personal service businesses, eating places, and professional offices are the primary types of activities contemplated for the Rural Commercial Center. A listing of commercial uses which are not desired is contained in Section 4.9. In general, undesirable uses are those which may create significant adverse environmental effects, attract large volumes of traffic and have continuous customer turnover, or require inappropriate architectural design, excessive paved areas, or numerous curb cuts. The prevention of such uses will require an amendment of the Baltimore County Zoning Regulations. This could be accomplished either by creating a new commercial zoning classification or by modifying the CR district regulations.

The **General Commercial** designation is generally applied to those areas which are intended to be zoned BL-CR or BM-CR in order to provide for the continuation and future development of a variety of commercial activities at an appropriate development size and scale.

The **Office** designation is applied to those areas which are intended to be zoned RO or RO-CR in order to provide for the location of office uses and to provide a transition between residential uses and General Commercial areas. Future business uses in these areas, whether or not zoned CR, should be limited to offices.

Properties in the Rural Commercial Center should maintain the CR district overlay. An exception is the existing RO zone on the north side of Paper Mill Road. Also, the potential building site for a new 35,000 square foot supermarket to be located on the west side of Jarrettsville Pike just north of Paper Mill Village Shopping Center should be zoned BL in order to permit construction of the supermarket as a matter of right. After completion of the supermarket construction, this site

should be rezoned to RU-CR so that the CR district regulations will apply to any future change of use.

The **Community Facility** category reflects the locations of the Jacksonville Elementary School Recreation Center, the Jacksonville Volunteer Fire Company, and the Chestnut Grove Church. It also reflects the potential location of the new Phoenix Post Office on the west side of Jarrettsville Pike north of Paper Mill Road (see Section 6.6).

Stream System Open Space represents areas where development is not suited. These areas consist of land located in a 100-year flood plain, wetlands, and stream buffers.

Open Space/Limited Development areas are today primarily open space in character. They are areas that are not particularly suited for, or needed at the present time for, any of the other land use designations. They should continue primarily as open space and, where appropriate, be used as a buffer between non-residential and residential uses. Other uses within these areas, however, may be considered as specific demands arise, if the individual sites are appropriate. These areas should be zoned RC5, except for the former church property at 14346 Jarrettsville Pike which has been converted to an office use. This property should retain its RO-CR zoning classification.

The County should pursue the acquisition of land for recreation within the planning area as a means of adding recreation facilities and enhancing Jacksonville's role as a rural center. There are three parcels of land potentially useful for recreation purposes. All three parcels are undeveloped and adjoin the Jacksonville Elementary School - Recreation Center site. These parcels are identified in Table 4 below and on Map 8 in Appendix E.

Table 4: Undeveloped Parcels Potentially Useful For Recreation Purposes

Location	Tax Map	Grid	Parcel	Acreage
1.	43	6	178	29.84
2.	35	24	47	1.11
3.	35	24	194	1.73

The development of recreational facilities on this land would help fulfill the recreation needs of the Greater Jacksonville Area. Potential facilities include athletic fields, nature trails, and parking areas.

4.7 Recommended Zoning Map Amendments

The recommended zoning map amendments are presented in Appendix F. These changes are intended to bring the community's zoning into conformance with the recommended land use. The recommended business and office zoning should be adopted and remain until any new zoning classification is enacted that would be more appropriate in achieving the land use goals identified above.

4.8 Proposed Supplemental Zoning Rules for the Rural Commercial Center

1. The rezoning of ROA zoned parcels to a business classification is not consistent with this plan and will not be supported. The intent of this Plan is keep ROA parcels zoned ROA so that they will remain compatible with both the residential and commercial uses between which they exist and to serve as a transitional buffer between the two. It is definitely not

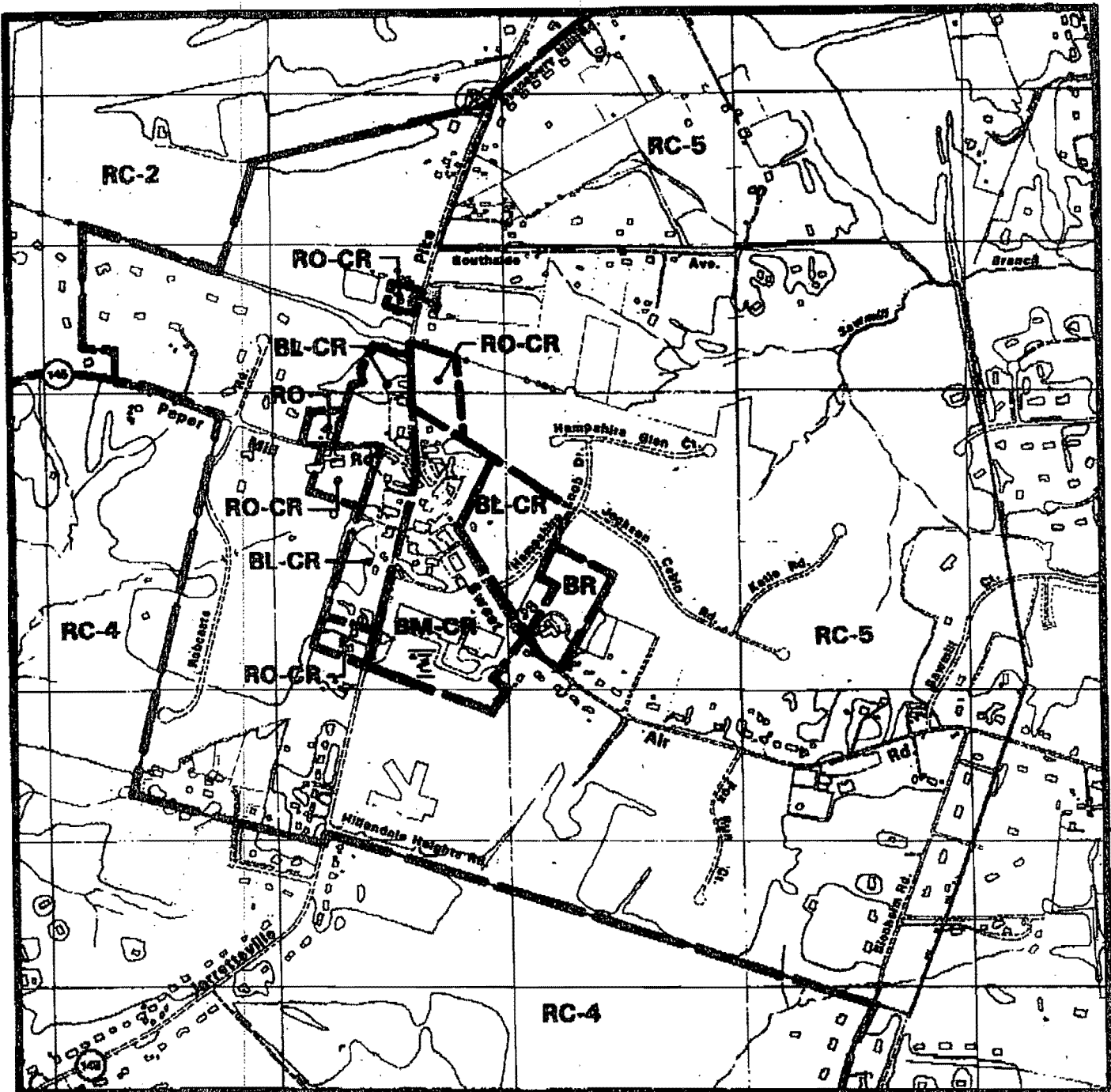
the intent of this Plan that the ROA zoned properties later be converted to a higher business classification, thus defeating the purpose of the existing and proposed ROA designations.

2. No rezonings to business classifications higher than what is herein proposed (see Table 6 and Appendix F) shall be supported by the Greater Jacksonville Association.
3. Any principal use allowed either by right or by special exception, within a CR (Commercial Rural) District (pursuant to the special regulations for CR districts under Section 259.3 B.2 of the Baltimore County Zoning Regulations), but not otherwise permitted in any underlying zone, either by right or by special exception, shall not be permitted.
4. Signage amortization shall be 5 years.

4.9 Inappropriate Uses of Land in the Jacksonville Rural Commercial Center

The Greater Jacksonville Association finds the following types of land uses, permitted either by right or by special exception, within the Business Local (BL), Business Major (BM) or RC-5 zones, pursuant to the Baltimore County Zoning Regulations, to be inappropriate for the Jacksonville Rural Commercial Center except for those currently in place as of May 1999:

convalescent homes	tourist homes, boarding or rooming houses
fast food or drive-through restaurants	billiard rooms or halls or arcades
bowling alleys	dry cleaners, except for drop-off and pick-up
fortune-telling businesses	helistops or heliports
laundromats	taverns or night clubs
social clubs with liquor licenses	storage yards (for heavy equipment, vehicles, etc.)
automotive service or filling stations	car washes
life care centers	funeral service establishments
motels or hotels	striptease businesses
cinema theatres	animal boarding facilities
automobile sales establishments	sheetmetal businesses
electroplating operations	paint shops
catering halls	pawn shops
printing, lithography or publishing facilities	warehouses
commercial film production businesses	excavation or quarrying operations
research institutes	miniature golf courses
baseball batting ranges	wireless communications towers
mini-storage facilities	



MAP 5
JACKSONVILLE
COMMUNITY
PLAN



Baltimore County
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EXISTING ZONING



Plan Area Boundary

Zoning Boundary and Designation

- RC-2 RESOURCE CONSERVATION, AGRICULTURE
- RC-4 RESOURCE CONSERVATION, WATERSHED PROTECTION
- RC-5 RESOURCE CONSERVATION, RURAL RESIDENTIAL
- RO RESIDENTIAL OFFICE
- RO-CR RESIDENTIAL OFFICE - COMMERCIAL, RURAL DISTRICT
- BL-CR BUSINESS, LIGHT - COMMERCIAL, RURAL DISTRICT
- BM-CR BUSINESS, MAJOR - COMMERCIAL, RURAL DISTRICT
- BR BUSINESS, ROADSIDE



MAP 6
JACKSONVILLE
COMMUNITY
PLAN



Baltimore County
 Office of Planning

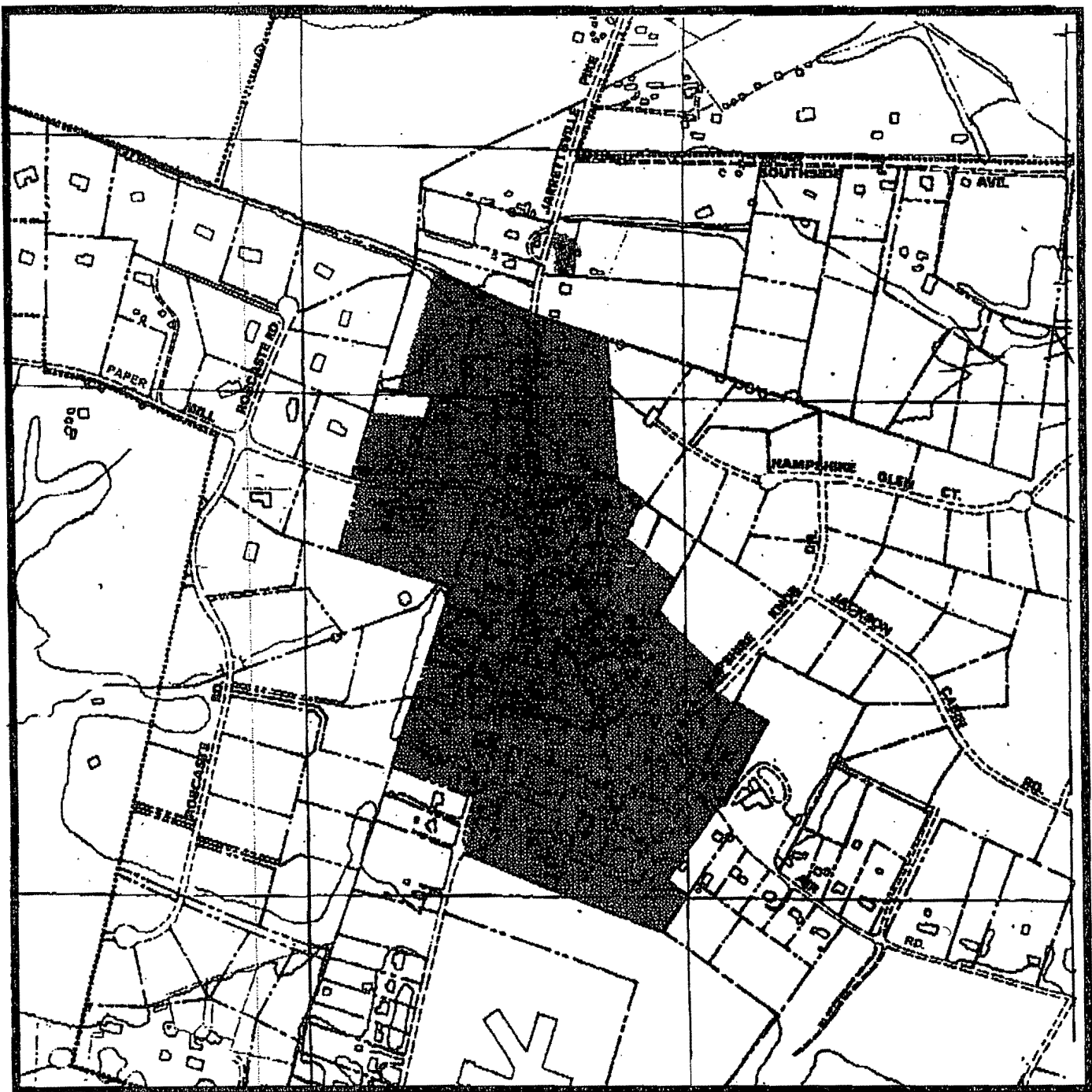
LAND USE PLAN

- Plan Area Boundary
- Rural Residential
- Residential Office
- Office
- General Commercial
- Community Facility

- Stream System Open Space
- Open Space/Limited Development

ROAD CLASSIFICATIONS

- Rural Minor Arterial
- Rural Major Collector
- Local Road



MAP 7
**JACKSONVILLE
COMMUNITY
PLAN**

**RECOMMENDED RURAL COMMERCIAL
CENTER BOUNDARIES**



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