

IN RE: PETITION FOR SPECIAL HEARING *
W/S Hanover Pike (Md. Rte. 30), 200' S of *
Mt. Gilead Road *
(14224 Hanover Pike) *
4th Election District *
3rd Council District *

Pohlhaus Properties, LLC
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 2011-0115-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by Walter Pohlhaus, President and managing member of Pohlhaus Properties, LLC, the legal owner of the subject properties. As filed, the Petitioner requested a special hearing to confirm that a non-density transfer of 1.0198 acres is permitted, along with a lot reconfiguration in the R.C.2 zoned areas, and for a septic area to be located in the R.C.2 zoned non-density lot in support of a commercial building in a B.R. zone.¹ The subject properties and the requested relief are more particularly described on the amended site plan submitted, which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Walter Pohlhaus and Albert (Roy) Snyder, of A.L. Snyder Surveyor, Inc., who prepared the site plan for these properties. S. Glenn Elseroad, Vice President of the Hanover Road Association, and George P. Neubeck, Jr., who resides across from the subject property (also a Hanover Road Association Board member), appeared not in opposition to the minor subdivision of the property pending before the Development Review Committee (DRC) but in opposition to the use of the R.C.2 non-density transferred parcel fronting on Hanover Pike to be used for commercial expansion.

¹ At the outset of the hearing, Petitioner amended its Petition and site plan to respond to concerns raised by the Office of People's Counsel, Office of Planning and the Department of Environmental Protection and Resource Management (DEPRM). The amendments eliminated the septic area in the R.C.2 zone. The R.C.2 non-density transfer (1.0198 acres) will not facilitate the adjacent commercial business use.

ORDER RECEIVED FOR FILING

Date

By

12-14-10

103

Testimony and evidence offered established the following. The Petitioner owns three (3) contiguous parcels of land on the west side of Hanover Pike (MD Rte. 30) south of Mt. Gilead Road, two (2) of which are zoned R.C.2 (shown on Maryland Tax Map 31 as Lots 23 – 25) and one (1) zoned B.R. (Lots 8 – 13) used commercially as Skip's Auto Collision and Towing in northern Reisterstown.² The size, configuration and dimension of the parcels as they presently exist are more particularly described on Petitioner's Exhibit 1. As shown on that exhibit, the Business Roadside parcel (Lots 8 – 13) – north side – is improved with an existing office building, parking field and a brick/block service garage and contains 0.65 acres or 28,950 square feet. The second parcel (Lot 25) is centered between the other two lots and contains an accessory residential garage and shed and is 19,994 square feet in area. The third or southernmost parcel (Lots 23 and 24) contains 3.01 acres and has two (2) dwelling rights and is improved with an existing unoccupied home built in 1921. Mr. Snyder indicated at the hearing that all three (3) parcels are specifically identified as separate lots of record as of November 25, 1979, the date of the adoption of the R.C.2 zoning classification in Baltimore County.

Insofar as rights of subdivision, the Petitioner is requesting approval to reflect the proposed modifications and reconfiguration of the Resource Conservation lots so that approximately 1.3178 acres of the western portion of the property will be known as Lot 3 and become the rear lot; Lot 2 will contain 1.1102 acres and become the central lot, and Lot 1 with its frontage along Hanover Pike will be the easternmost lot next to the B.R. parcel and contain 1.0198 acres and have no remaining density rights. In other words, if relief is granted, the Petitioner is requesting that I approve the *merging of proposed R.C.2 Lot 1 along Hanover Pike with the northernmost B.R. parcel*. The existing 1-½ story home and existing accessory garage on this Lot 1 will then be razed. The two (2) density rights will be shared by the interior Lots 2

² Skip's Auto Collision Service Garage has functioned at this location for some 50 years. Walt Pohlhaus obtained the property ten (10) years ago and is a licensed Baltimore County Police towing operator/collision repair center.

and 3 and be accessed via panhandle driveways from Hanover Pike. Mr. Snyder submits that there will be no detriment to the agricultural uses in the area. The properties are surrounded by residential homes positioned on one or two acre lots. The subject property is not used agriculturally. He further indicated that the layout of the lots would minimize impacts and would provide the Petitioner with an opportunity to develop Lots 2 and 3 and that Lot 1 would provide a buffer along Hanover Pike.

Messrs. Elseroad (whose property adjoins the subject property at the southwest rear boundary) and Neubeck (residing across Hanover Pike from the subject property) believe that a "non-density transfer" would only serve to facilitate the service garage's expansion. While they do not oppose the development of Lots 2 and 3 with single-family homes, they question the fairness or potential misfortune of a purchaser – particularly of Lot 2 in the event the Petitioner should later apply for and obtain a zoning change for the non-density parcel and then expand the auto body and towing operations. Mr. Neubeck believes such a reclassification, if it should occur, would undermine the value of his home and the subsequent commercial expansion would become an unwelcome addition to the streetscape in the area. They both voiced their displeasure to having this property undergo a future commercial extension. While the success of a future rezoning request for this 1.0198 acre parcel is at best speculative and premised on conjecture, the undersigned advised the Petitioner and its consultant that the record of the case would be held open for a period of thirty (30) days to allow for further discussions and dialogue with the Hanover Road Association in order to resolve some of the concerns that had been put forward during the public hearing. Subsequently, Roy Snyder prepared a red-lined plan illustrating potential future improvements on the non-density Lot 1 parcel. Specifically, a 75' long x 50' deep building addition would be attached to the south side of the existing concrete block auto repair building with a parking field in front. This plan is submitted for the sole purpose of

providing a conceptual use of the property and marked as Petitioner's Exhibit 3. On December 1, 2010, a letter was received from the Hanover Road Association indicating that efforts to reach a "covenant agreement" that would have met the needs of both parties had not occurred. The letter was received as Protestants Exhibit 2. I will therefore condition approval of the non-density transfer on what I believe to be reasonable constraints.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of December 2010, that the Petition for Special Hearing to confirm that a non-density transfer of 1.0198 acres is permitted, along with a lot reconfiguration in the R.C.2 zoned area, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following conditions:

1. ADVISORY: The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The relief granted herein is strictly for a non-density transfer and there are no density or development rights associated with this conveyance.
3. No motor vehicles will be serviced (i.e., mechanical and/or body fender work) or allowed to be stored whether damaged, disabled or just customer related parking for Skip's service garage operations and all such vehicles including parts must be confined to the B.R. zoned lot.
4. There shall be no additional buildings or parking areas constructed on the R.C.2 non-density parcel granted herein without:
 - The approval of a Comprehensive Zoning Map Process (CZMP) changing the R.C.2 zoned Lot 1 to a commercial zone classification.

ORDER RECEIVED FOR FILING

Date

12-14-10

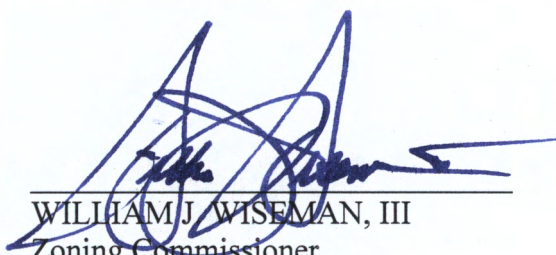
By

123

- The house, barn and garage on the non-density property will be razed within 120 days of this decision.
- A landscape plan shall be submitted for approval by E. Avery Harden in the Department of Permits & Development Management and shall provide for evergreen plantings to the south of the existing garage to buffer the south side of the garage and storage area in the back from the Hanover Road and surrounding neighbors prior to June 1, 2011.
- The R.C.2 non-density parcel shall be maintained as lawn in a park like setting.
- The residential lots [Lot 2 – 1.11 acres and Lot 3 – 1.32 acres] will remain in the R.C.2 zoning classification and only be used for single family dwellings that are similar to neighboring properties.

IT IS FURTHER ORDERED that the request for a septic area in the R.C.2 zoned non-density lot to be used in support of a commercial building in the B.R. zone, be and is hereby DISMISSED AS MOOT.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date 12-14-10

By 123



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 14, 2010

Albert (Roy) Snyder
A.L. Snyder Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

RE: **PETITION FOR SPECIAL HEARING**
W/S Hanover Pike (Md. Rte. 30), 200' S of Mt. Gilead Road
(14224 Hanover Pike)
4th Election District - 3rd Council District
Pohlhaus Properties, LLC – *Petitioner*
Case No. 2011-0115-SPH

Dear Mr. Snyder:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

- c: Walter Pohlhaus, President, Pohlhaus Properties, LLC, 14224 Hanover Pike,
Reisterstown, MD 21136
S. Glenn Elseroad, Vice President, Hanover Road Association, 5423 Mt. Gilead Pike,
Reisterstown, MD 21136
George P. Neubeck, Jr., 14301 Hanover Pike, Reisterstown, MD 21136
People's Counsel; Avery Harden, DPDM; DEPRM; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 14224 HANOVER PIKE
which is presently zoned RC-2, BR

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

**NON-DENSITY TRANSFER OF 1.0198 ACRES IS PERMITTED, ALONG
WITH A LOT RE-CONFIGURATION IN THE RC-2 ZONED AREAS.
~~AND FOR A SEPTIC AREA IN AN RC2 ZONED NON-DENSITY LOT,
IN SUPPORT OF A COMMERCIAL BUILDING IN A BR ZONE.~~**

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

(PRESIDENT)

WALTER POHLHAUS, POHLHAUS PROPERTIES, LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

14224 HANOVER PIKE

410-833-3331

Address

Telephone No.

REISTERSTOWN

MD.

21136

City

State

Zip Code

Representative to be Contacted:

A.L. SNYDER

Name

1911 HANOVER PIKE

410-239-7744

Address

Telephone No.

HAMPSTEAD

MD.

21074

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

UNAVAILABLE FOR HEARING -

Case No. 2011 0115-SPH
ORDER RECEIVED FOR FILING

REV 9/15/98 Date 12-14-10

Reviewed By VIL Date 9/24/10

By [Signature]

0115

A. L. Snyder

Surveyor, Inc.

1911 Hanover Pike

Hampstead, Maryland 21074

(410) 239-7744

(410) 374-9695 phone/fax

Zoning Description

Pohlhaus, LLC Property

14244 Hanover Pike

August 13, 2010

Beginning on the west side of Hanover Pike (Maryland Route 30) 200 feet, more or less, south of the centerline of Mt. Gilead Road; thence,

- 1.) S 05° 54' 20" E 150.44 feet,
- 2.) S 06° 22' 03" E 303.40 feet,
- 3.) S 84° 05' 40" W 200.00 feet,
- 4.) N 00° 54' 20" W 100.00 feet,
- 5.) S 84° 33' 17" W 464.82 feet,
- 6.) N 00° 54' 20" W 200.80 feet,
- 7.) N 84° 05' 40" E 448.00 feet,
- 8.) N 05° 55' 18" W 150.44 feet,
- 9.) N 84° 05' 40" E 188.18 feet to the place of beginning.

Containing 4.09780 acres of land, more or less.

Being all of that land described in the following deeds to Pohlhaus Properties, LLC dated June 28, 2007:

- 1.) from Skip's Auto Collision recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 26528 folio 363 etc., and
- 2.) from Walt and Tim, Inc. recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 26528 folio 369 etc.

Known as No. 14224 Hanover Pike, Fourth Election District, Third Councilmanic District of Baltimore County, Maryland.



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

2011-0115-SPH
 No. **59380**

Date: 9/24/10

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 9/27/2010 9/24/2010 09:16:51 2

REC 0502 MAIL JENA JEE
 RECEIPT # 703607 9/24/2010 NFLN

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

Dept 5 520 ZONING VERIFICATION
 TR NO. 059380

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

Total: 325.00

Rec From: AL SNYDER

For: SPH FOR NEW RES/RES. ISSUES.

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: # 2011-0115-SPH

14224 Hanover Pike

W/side of Hanover Pike, 200 feet south of Mt. Gilead Road

4th Election District - 3rd Councilmanic District

Legal Owner(s): Walter Pohlhaus

Special Hearing: to confirm that a non density transfer of 1.0198 acres is permitted, along with a lot reconfiguration in the RC-2 zoned areas, and for a septic area in an RC-2 zoned non density lot in support of a commercial building in a BR zone.

Hearing: Thursday, November 18, 2010 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT/11/600 Nov. 2

259624

CERTIFICATE OF PUBLICATION

11/4/, 2010

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/2/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 10-31-10

RE: Case Number: 2011-0115-SPH

Petitioner/Developer: Walter Pohlhaus

Date of Hearing/Closing: 11/18/10 11AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 14224 Hanover Pike

The signs(s) were posted on 10-31-10

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road

(Street Address of Sign Poster)

Parkton, MD 21120

(City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2011-0115-SPH

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

COUNTY OFFICE BLDG, TOWSON 21204
PLACE: 111 W. CHESAPEAKE AVE, ROOM 106

DATE AND TIME: THURS. NOV. 18, 2010 11AM

REQUEST: SPECIAL HEARING TO CONFIRM THAT A

NON-DENSITY TRANSFER OF 1.058 ACRES IS PER-

MITTED ALONG WITH A LOT RECONFIGURATION IN THE

PC-2 ZONED CREAM AND EMBL. RESID. AREA IN AN

EXISTING 1.4 OR ZONE

POSTPONEMENTS DUE TO WEATHER OR OTHER

TO FOLLOW

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November ~~17~~², 2010 Issue - Jeffersonian

Please forward billing to:
Pohlhaus Properties
14224 Hanover Pike
Reisterstown, MD 21136

410-833-3331

NOTICE OF ZONING HEARING

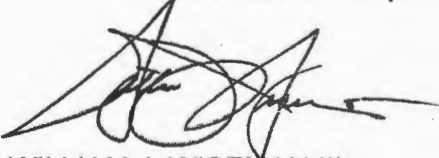
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0115-SPH

14224 Hanover Pike
W/side of Hanover Pike, 200 feet south of Mt. Gilead Road
4th Election District – 3rd Councilmanic District
Legal Owners: Walter Pohlhaus

Special Hearing to confirm that a non density transfer of 1.0198 acres is permitted, along with a lot reconfiguration in the RC-2 zoned areas, and for a septic area in an RC-2 zoned non density lot in support of a commercial building in a BR zone.

Hearing: Thursday, November 18, 2010 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 15, 2010

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2011-0115-SPH

14224 Hanover Pike

W/side of Hanover Pike, 200 feet south of Mt. Gilead Road

4th Election District – 3rd Councilmanic District

Legal Owners: Walter Pohlhaus

Special Hearing to confirm that a non density transfer of 1.0198 acres is permitted, along with a lot reconfiguration in the RC-2 zoned areas, and for a septic area in an RC-2 zoned non density lot in support of a commercial building in a BR zone.

Hearing: Thursday, November 18, 2010 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:kl

C: Walter Pohlhaus, 14224 Hanover Pike, Reisterstown 21136
A.L. Snyder, 1911 Hanover Pike, Hampstead 21074

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., NOVEMBER 18, 2010.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386. ³
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2011 - 0115 - SPH

Petitioner: POHLHAUS PROPERTIES LLC

Address or Location: 14224 HANOVER PIKE REISTERSTOWN, MD. 21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: POHLHAUS PROPERTIES LLC

Address: 14224 HANOVER PIKE
REISTERSTOWN, MARYLAND 21136

Telephone Number: 410. 833. 3331



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

November 10, 2010

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

Walter Pohlhaus
14224 Hanover Pike
Hampstead Maryland 21074

Dear Mr. Pohlhaus:

Case # 20110115 SPH 14224 HanoverPike

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 24, 2010. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: People's Counsel
Al Snyder 1911 Hanover Pike Hampstead Md 21074

BW 11/18 11am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

OCT 26 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: October 26, 2010
SUBJECT: Zoning Item # 11-115-SPH
Address 14224 Hanover Pike
(Pohlhaus Property)

Zoning Advisory Committee Meeting of October 4, 2010.

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

1. The Minor Subdivision here is still pending, so any zoning changes which could affect the site configuration should be reviewed by DEPRM & Groundwater Mgmt. specifically. Otherwise, I have no comments. – *Dan Esser; Groundwater Management*
2. **Oppose.** The RC zone is for agricultural and associated residential uses. It is not consistent with the zone that is be used for an expansion of a commercial use in a BR zone. Recommend applying for a Zoning change if wish to pursue this further. – *W.S. Lippincott; Agricultural Preservation*

BW
11-18-10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 28, 2010

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

RECEIVED

SUBJECT: 14224 Hanover Pike

NOV 05 2010

INFORMATION:

ZONING COMMISSIONER

Item Number: 11-115

Petitioner: Walter Pohlhaus, Pohlhaus Properties

Zoning: RC 2 and BR

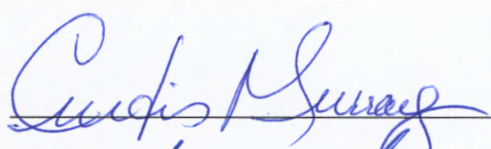
Requested Action: Special Hearing

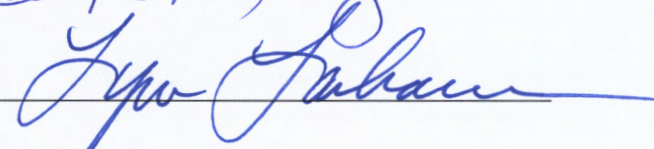
The petitioner requests a special hearing to confirm that a non-density transfer of 1.0198 acres is permitted, along with a lot configuration in the RC 2 zoned areas. And for a septic area in an RC 2 zoned non-density lot in support of a commercial building in a BR zone.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the non-density transfer of 1.0198 acres along with a lot configuration in the RC 2 zoned areas; and for a septic area in an RC 2 zoned non-density lot in support of a commercial building in a BR zone. This Office does not typically support septic systems in non-business zones unless that zone is within a CR district. The site plans labels the septic area, as "future" for an ancillary structure and it does not appear from the site plan that this septic area is needed for health reasons. This Office does not support commercial buildings, parking, or any other type of commercial use in any RC 2 zoned land. If the petitioner would like to use the RC 2 zoned land for commercial purposes or support of any kind, then the zoning of the property must be changed to commercial during the next Comprehensive Zoning Map Process (CZMP) or through the Cycle Zoning Process.

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

Prepared by: 

Division Chief: 



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

October 4, 2010

ATTENTION: Kristen Mathews
ZAC Agenda Oct. 18, 2010

The Baltimore County Fire Department has no comments on the following case numbers:

2011-0102-A	Kingston Park La.
2011-0103-SPHA	Harrison Ave.
2011-0106-A	Valleyfield Rd.
2011-0107-SPHA	Emmanuel Ct.
2011-0108-A	Locust Ave.
2011-0110-A	Woodland Dr.
2011-0111-A	Monaghan Ct.
2011-0112-SPHA	Oakleigh Rd.
2011-0113-A	Stoney Batter Rd.
2011-0114-A	New Section Rd.
2011-0115-SPH	Hanover Pike
2011-0116-A	Meandering Dr.
2011-0117-A	Cockeys Mill Rd.
2011-0118-A	Cedarside Dr.
2011-0119-A	Linwood Ave.
2011-0120-A	Sue Grove Rd.
2011-0121	Burnbrae Rd.
2011-0122-A	Mt. Carmel Rd.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 7, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For October 18, 2010
Item Nos. 2011- 103, 106, 107, 108,
109, 110, 111, 112, 113, 115, 116,
117, 118, 119, 120, 121 and 122

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10182010 -NO COMMENTS.doc



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 15, 2010

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

RE: Baltimore County
Item No. 2011-0115 SPH
14224 HANOVER PIKE
MD 30 (HANOVER PIKE)
WALTER POWIHAUS
SPECIAL HEARING -

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 10-12-2010. A field inspection and internal review reveals that an entrance onto MD 30 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 14224 HANOVER PIKE, Case Number 2011-0115-SPH.

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

Very truly yours,

A handwritten signature in black ink that reads "Steven D. Foster".

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

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 410.545.0800 • www.sha.maryland.gov

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
14224 Hanover Pike; W/S Hanover Pike, * ZONING COMMISSIONER
200' S of Gilead Road *
4th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): Walter Pohlhaus *
Petitioner(s) * BALTIMORE COUNTY
* 2011-115-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

OCT 12 2010

.....|

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to A.L. Snyder, 1911 Hanover Pike, Hampstead, MD 21074, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 8, 2010

HAND DELIVERED

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

RECEIVED

NOV 08 2010

ZONING COMMISSIONER

Re: PETITION FOR SPECIAL HEARING
Pohlhaus Properties, LLC, Walter Pohlhaus, President - Petitioners
14224 Hanover Pike
Case No: 2011-115-SPH

Dear Mr. Wiseman,

Upon review of this petition for special hearing for non-density transfer, we find it necessary to bring to your attention some fundamental concerns.

The first is that a "non-density transfer" involving the R.C. 2 (Agricultural Zone), if allowed at all, is permitted only if it serves to advance agriculture. BCZR Section 1A00.4, Zoning Policy 1A00.4.b (Sale of Transfer of Small Parcels). It does not appear that this application serves this reasonable purpose. Rather, it functions to facilitate commercial expansion.

The second is that it is impermissible to use an R.C. 2 Zone for a septic system to serve a commercial use in a Business Zone. Such a business use is simply not a permitted use in the R.C. 2 Zone. BCZR Sections 102.1, 1A01.2. Kowalski v. Lamar 25 Md. App. 493 (1975). In effect, this expands the Business Zone and is a disguised reclassification.

We have taken this position in several cases over the years. For example, the County Board of Appeals dealt with the issue of a septic system in the R.C. 2 Zone to serve a convenience store, office, and laundromat on commercially zoned property in the Long Green Valley. In the enclosed thoroughly reasoned CBA decision dated October 26, 1994 in the Petition of Long Green Valley Association Case No. 93-93-SPH, the CBA unanimously found the use to be impermissible. In the Circuit Court, under the name of Rohrbaugh, Judge James Smith affirmed the findings of the Zoning Commissioner and Board of Appeals that a septic system is not permitted in the R.C. 2 Zone to serve a Business Zone use, and further afforded the Long Green Valley Association and People's Counsel the opportunity to seek injunctive relief.

William J. Wiseman, III, Zoning Commissioner

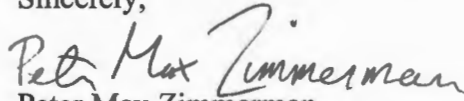
November 8, 2010

Page 2

We are also in receipt of the Planning Director Arnold "Pat" Keller's correspondence dated October 28, 2010. The Director does not support the petition and provides ample reasons for his office's position, concurrent with our position.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, reading "Peter Max Zimmerman". The signature is written in a cursive, flowing style.

Peter Max Zimmerman

People's Counsel for Baltimore County

PMZ/rmw

cc: A.L. Snyder, Representative for Petitioners w/ enclosures
George Harmon, Hanover Road Association Board of Directors w/enclosures
Wallace Lippincott, DEPRM w/o enclosures
David Green, Office of Planning w/o enclosures

3/7/96

PETITION OF SHARON RORBAUGH,	*	IN THE CIRCUIT COURT
CHARLOTTE PINE, KATHY TYLER		FOR BALTIMORE COUNTY
And LONG GREEN VALLEY ASSOC.	*	
FOR JUDICIAL REVIEW OF THE		
DECISION OF THE BALTIMORE	*	CASE NO. 94-CV-10257
COUNTY BOARD OF APPEALS OF		
BALTIMORE COUNTY IN THE CASE	*	
OF ORVILLE JONES, HIGHS OF		
BALTIMORE, INC. PETITION FOR		
SPECIAL HEARING		

OPINION and ORDER

Hearing was held on appeals from a decision of the Board of Appeals (hereinafter referred to as "Board") dated October 26, 1994 filed by Sharon Rohrbaugh, Charlotte Pine, Kathy Tyler, Appellants (hereinafter sometimes referred to as "Individual Appellants") and by Long Green Valley Association, Appellant (hereinafter sometimes referred to as "Association Appellant") and on behalf of People's Counsel for Baltimore County, Appellant (hereinafter referred to as "People's Counsel") and Answer

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF	*	
<u>LONG GREEN VALLEY ASSN., ET AL</u>	*	COUNTY BOARD OF APPEALS
FOR A SPECIAL HEARING ON	*	
PROPERTY LOCATED ON THE	*	OF
SOUTHEAST SIDE LONG GREEN	*	
PIKE, 170' SOUTHWEST OF C/L	*	BALTIMORE COUNTY
OF FORK ROAD	*	
(13523 LONG GREEN PIKE)	*	CASE NO. 93-93-SPH
5TH ELECTION DISTRICT		
3RD COUNCILMANIC DISTRICT		
* * * *		

O P I N I O N

This matter comes before the Board of Appeals on an appeal of the Zoning Commissioner's decision to deny the Petition for Special Hearing brought by the Long Green Valley Association, et al. The issue before the Zoning Commissioner was to determine whether or not to allow the use of R.C.-2 zoned property for a sewage disposal system of an adjacent commercially zoned property. While the Zoning Commissioner determined the use to be illegal, he denied the special hearing on the basis of the doctrine of equitable estoppel, ruling that the Petitioner and the County were well aware of the property owner's intentions and processes and were therefore precluded from terminating the then already implemented use. Hence, the Petitioner brought the appeal to the Zoning Commissioner's ruling.

This case was heard de novo in an open hearing in two days, in which testimony and evidence were presented. Long Green Valley Association, et al, Petitioners, were represented by J. Carroll Holzer, Esquire; Orville Jones, property owner, was represented by John Gontrum, Esquire; and, People's Counsel for Baltimore County participated in the proceedings. At the conclusion of the hearings, counsel submitted memoranda in support of their positions, in lieu of closing arguments.

Microsoft Access

File Edit View Insert Format Records Tools Window Help

GenInputFrm_View : Form

ZONING CASE HISTORY DATABASE (1939 - PRESENT)

GIS Attribute Table ID (SEARCH ON THIS FIELD): 20110115 **Case Type Prefix:** **Case Year:** 2011 **Case Number:** 0115 **Case Type Suffix:** SPH **Existing Use:** Commercial

Legal Owners/Petitioner (SEARCH ON THIS FIELD): Walter Pohlhaus

House/St. Number:	House/Street Number Range:	House/St. No. Suffix:	Prefix Dir.:	Pre. Type:	Street Name (SEARCH ON THIS FIELD):	Suf. Type:	Suffix Dir.:	Suite/Apt./Unit Number:
14224					Hanover		Pike	

Property Description (SEARCH ON THIS FIELD):
West side of Hanover Pike; 200 feet south of Mt. Gilead Road.

Existing Zoning Classification: BR & RC-2 Area: 4.0978 Acres +/- Election District: 4th Councilmanic District: 3rd

Critical Area: NO Floodplain: NO Historic Area: NO Prior Zoning Cases:

Violation Cases: Concurrent Cases:

Tax Account ID: Deed Liber #: Deed Folio #: Miscellaneous Notes:

Find Record Next Record Previous Record Preview ZAC Agenda Report Open MS Word Exit Access Scanned Image

Record: 22324 of 26209

Form View

start No... QV... Mic... SD... Mic... 12:18 PM

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.3)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 04 Account Number - 0414065350

Owner Information

Owner Name:	POHLHAUS PROPERTIES LLC	Use:	COMMERCIAL
Mailing Address:	14224 HANOVER PIKE REISTERSTOWN MD 21136-4107	Principal Residence:	NO
		Deed Reference:	1) /26528/ 369 2)

Location & Structure Information

Premises Address	Legal Description
14224 HANOVER RD	PT LT 8-13
REISTERSTOWN MD 21136-4107	14224 HANOVER RD
	HEFFNER PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
31	22	121					8	2	Plat Ref:	7/ 135

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1960	3,726 SF	28,950.00 SF	06

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2010	07/01/2011
Land	218,900	218,900		
Improvements:	168,800	168,800		
Total:	387,700	387,700	387,700	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	WALT & TIM, INC	Date:	12/28/2007	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/26528/ 369	Deed2:	
Seller:	NOBLE LOREN F	Date:	04/28/2000	Price:	\$400,000

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 04 Account Number - 0412059803

Owner Information

Owner Name:	POHLHAUS PROPERTIES LLC	Use:	RESIDENTIAL
Mailing Address:	14224 HANOVER PIKE REISTERSTOWN MD 21136-4107	Principal Residence:	NO
		Deed Reference:	1) /26528/ 363 2)

Location & Structure Information

Premises Address	Legal Description
HANOVER RD	PT LT 25
	HEFFNER PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
31	22	121					25	1	Plat Ref:	7/ 135

Special Tax Areas	Town
	Ad Valorem
	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		19,994.00 SF	04

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2010	07/01/2011
Land	71,740	71,700		
Improvements:	0	0		
Total:	71,740	71,700	71,700	71,700
Preferential Land:	0	0	0	0

Transfer Information

Seller:	SKIPS AUTO COLLISION INC	Date:	12/28/2007	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/26528/ 363	Deed2:	
Seller:	MILLER H RICHARD	Date:	06/27/2005	Price:	\$500,000
Type:	MULT ACCTS ARMS-LENGTH	Deed1:	/22116/ 557	Deed2:	

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier:

District - 04 Account Number - 0412059802

Owner Information

Owner Name:	POHLHAUS PROPERTIES LLC	Use:	RESIDENTIAL
Mailing Address:	14224 HANOVER PIKE REISTERSTOWN MD 21136-4107	Principal Residence:	NO
		Deed Reference:	1) /26528/ 363 2)

Location & Structure Information

Premises Address	Legal Description
14218 HANOVER RD	LTS 23,24 14218 HANOVER RD HEFFNER PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
31	22	121					23	1		7/ 135

Special Tax Areas

Town Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1921	1,368 SF	3.01 AC	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value As Of 01/01/2010	Phase-in Assessments	
			As Of 07/01/2010	As Of 07/01/2011
Land	144,120	144,100		
Improvements:	158,880	91,400		
Total:	303,000	235,500	235,500	235,500
Preferential Land:	0	0	0	0

Transfer Information

Seller:	SKIPS AUTO COLLISION INC	Date:	12/28/2007	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/26528/ 363	Deed2:	

DATE 11-18-10

Skips Collision Course

Case No.: 2011-0115-SPH14224 HANO

Exhibit Sheet

Petitioner/Developer

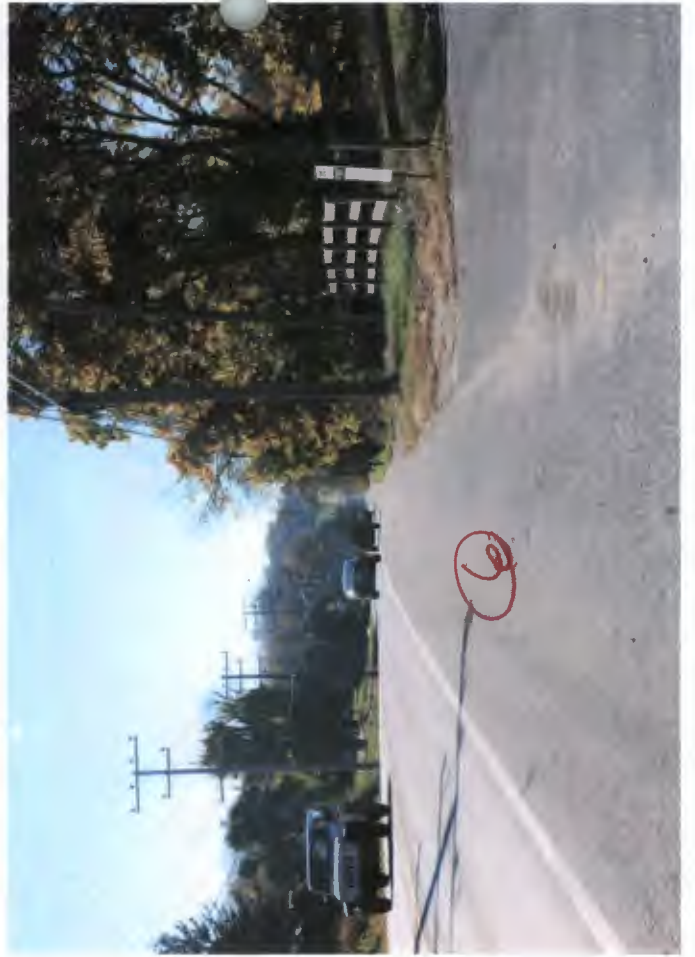
Protestant

No. 1	AMENDED SITE PLAN	RULE 8 LETTER
No. 2	PHOTO DIAGRAM and Existing Condition Photographs	HANOVER ROAD ASSOC 12/1/10 Letter
No. 3	CONCEPTUAL PLAN NOTING A PLANNED LOCATION OF FUTURE BUNGALOW EDITION	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 2B



ZONING
CASE #
A PUBLIC HEARING WILL BE HELD AT THE TOWNSHIP BOARD OF SUPERVISORS MEETING IN TOWNSHIP
PLACE:
DATE AND TIME:
REQUEST:





Case No.: 2011-0115-SPH14224 HANO

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED SITE PLAN	Rule 8 Letter
No. 2	Photo Diagram and Existing Condition Photographs	HANOVER ROAD ASSOC 12/1/10 Letter
No. 3	CONCEPTUAL PLAN NOTING A PLANNED LOCATION OF FUTURE BUNGALOW EDITION	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

November 15, 2010

Hanover Road Association
P. O. Box 70
Boring, Maryland 21020

Mr. William J. Wiseman, III
Zoning Commissioner
Baltimore County – Office of Planning

Mr. Thomas H. Bostwick
Deputy Zoning Commissioner
Baltimore County – Office of Planning

Dear Sir:

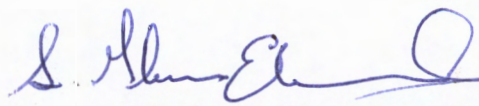
This letter of authorization gives permission for George Newbeck and George Harman to represent The Hanover Road Association on November 18, 2010. Both are members in good standing and are on the Board of Directors of the Hanover Road Association. The Hanover Road Association represents the residents and business owners in the area along the Hanover Pike from 795 and Butler Road north to the Carroll County Line.

The hearing of concern is Case Number 2011-0115 – SPH. On Thursday, November 18, 2010. The request is for a non-density transfer in RC-2 zone. Also requesting a septic reserve area in RC-2 zone to support a commercial Building with BR zoning. The property is located along the Hanover Pike (Route 30) South of Mt Gilead Road and just south of "Skip's Garage" 14224 Hanover Pike.

We appreciate your cooperation with this matter and the opportunity for our concerns and opinions to be heard.

Respectfully,


Robert Slaterbeck – President


S. Glenn Elseroad – Vice President,

PROTESTANT' S

EXHIBIT NO. 1

December 1, 2010

Hanover Road Association
P. O. Box 70
Boring, Maryland 21020

Mr. William J. Wiseman, III
Zoning Commissioner
Baltimore County – Office of Planning

RE: Case Number 2011-0115 – SPH.

Dear, Commissioner Wiseman:

First, I would like to thank you for allowing us time to see if the two parties could come together to develop a concept plan and a covenant agreement that would meet the needs of both parties.

Unfortunately this has not happened. To date Mr. Polhlaus has failed to provide any alternatives, failed to communicate and refuses to negotiate in good faith to address the concerns of neighbors. It is clear his intentions are to seek ways to expand his business onto the property to the south of his existing business.

It is our understanding that the hearing on November 18, 2010 was to accomplish two goals;

One, to meet a requirement for an off-site septic reserve area for a commercial property on RC-2 zoned property. That issue was dropped because DEPRM relaxed the requirement and there was no further need for that request.

The second request was to move a lot line to combine a 1+ acre lot with non-density (remainder from a previous minor subdivision) to that of an existing commercial property.

Our concern is this request may provide an advantage to any future efforts to achieve a commercial use of the entire property. Either by special exception or a future zoning change request for commercial zoning. It should be noted that the entire 5+/- acre property is bordered by ten other properties in the RC-2 zone and are all utilized for residential use. In addition the owner (Mr. Polhlaus) is seeking approval for 2 building lots bordering the 1+ acre, now the issue of the lot line adjustment.

The Hanover Road Association has worked diligently over the years to limit any increase in commercial land use along the Hanover Road. We would like to see the goals of the Hanover Road Corridor Study considered in your decision.

We request that the motion to approve a lot line adjustment on this property be denied.

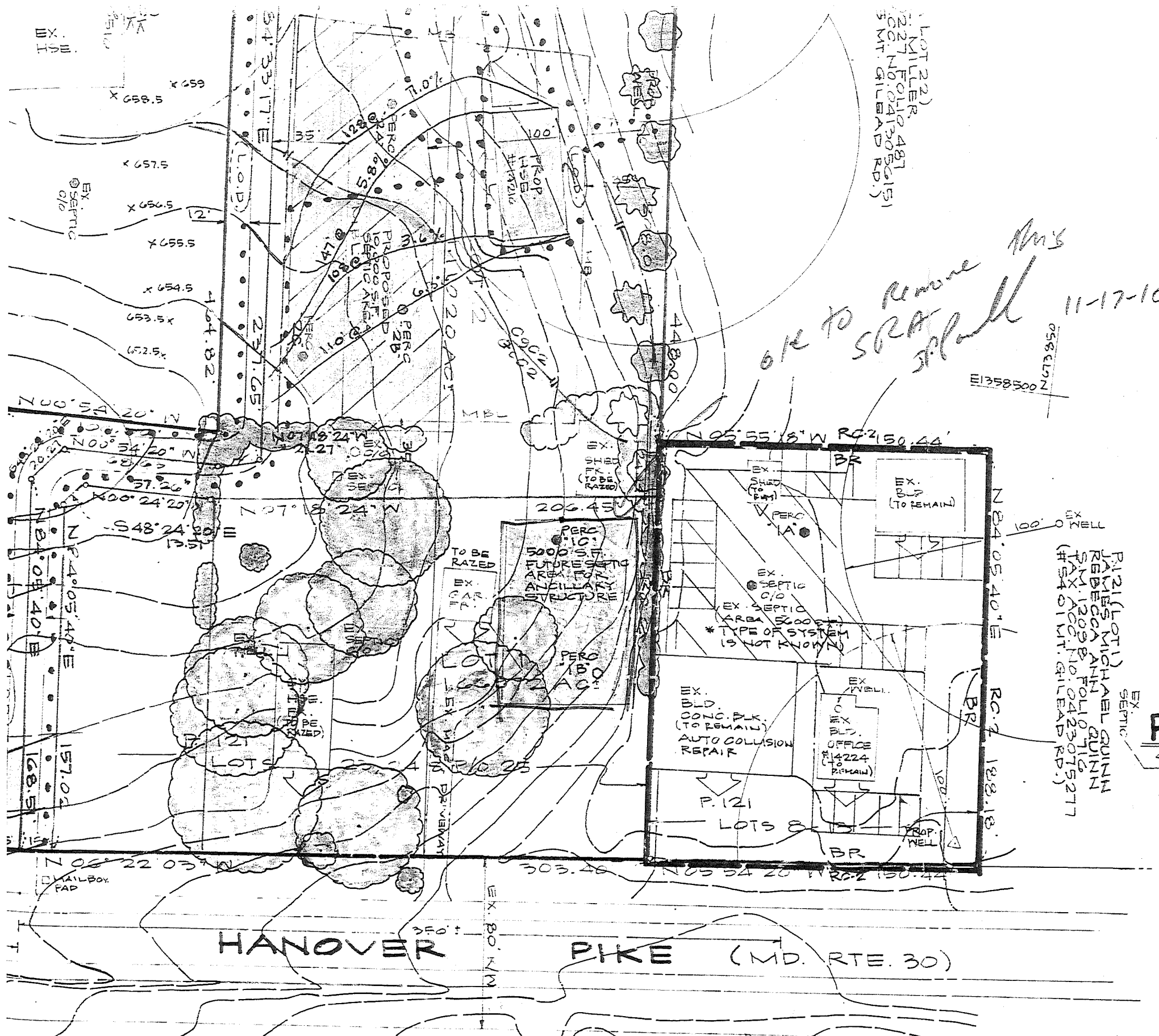
Respectfully,


Robert Slaterbeck – President


S. Glenn Elseroad – Vice President

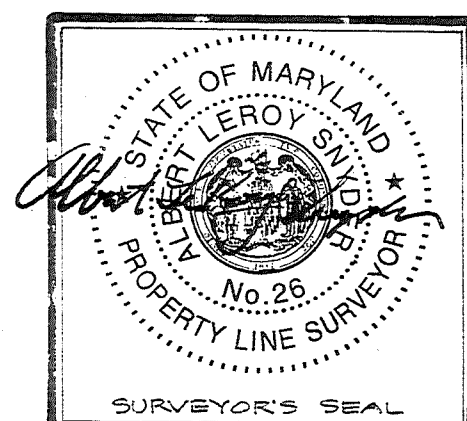
PROTESTANT'S

EXHIBIT NO. 2



5. PROPOSED NUMBER OF LOTS: 3 AS RECONFIGURED
6. DENSITY CALCULATIONS: NO. OF LOTS EXISTING = 9, AS PER FLORENCE R. HEFFNER PLAT
7. SOILS MAP: 15
8. TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTIMORE COUNTY GIS TILE: 03163
9. WATERSHED: LIBERTY RESERVOIR
10. SUBSEWERSHED: N/A
11. REGIONAL PLANNING DISTRICT: 303
12. SCHOOL DISTRICT: 81 FRANKLIN
13. TAX ACCOUNT NUMBERS: RC-2:0414065350, 04:2059802, 0412059803; BR: 19720015, 19710061.
14. COUNCILMANIC DISTRICT: 3RD
15. CENSUS TRACT: 4046
16. THE EXISTING WELL ON LOTS 23 THRU 25 & LOTS 8 THRU 13 ARE TO BE ABANDONED AND BACKFILLED BY A LICENSED WELL DRILLER, WHO MUST SUBMIT WELL ABANDONMENT REPORTS TO DEPRM.
17. THE EXISTING SEPTIC SYSTEM ON LOTS 23 THRU 25 MUST BE PUMPED AND BACK-FILLED OR REMOVED BY A LICENSED SEWAGE DISPOSAL CONTRACTOR.
18. THE EXISTING SEPTIC SYSTEM ON LOTS 8 THRU 13 IS TO REMAIN AND AS SUCH SHALL BE INSPECTED AND CERTIFIED BY A LICENSED SEWAGE DISPOSAL CONTRACTOR, DOCUMENTATION VERIFYING THE INSPECTION AND CONDITION MUST BE SUBMITTED TO DEPRM.

MINOR SUBDIVISION PLAN OF
POHLHAUS PROPERTIES LLC
 4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
 DATE: MARCH 31, 2008 SCALE: 1"=50'
 TAX MAP: 31 GRID: 22



A.L. SNYDER
SURVEYOR, INC.
 1911 HANOVER PIKE
 HAMPSTEAD, MD. 21074
 PHONE: 410-239-7744
 FAX: 410-374-9005
 EMAIL: alssurveyor@erols.com
 JOB NO: 08002
 PDM FILE: NO.04-716

NO. MINOR SUBD. PLAN
 NO. 09023M

OWNER & DEVELOPER
 POHLHAUS PROPERTIES, LLC
 14224 HANOVER PIKE
 REISTERSTOWN, MD. 21136
 410-833-3331



Plan Sheet: 03/1B3

Note:
Section 32-2-202 of the Baltimore County, 2003 Code establishes
the following zoning districts: BR, RC 2, RC 4, RC 8, RC 10, RC 12,
Baltimore County Council on August 31, 2004 (Bills 82-04, 83-04,
84-04, 85-04, 86-04, 87-04, 88-04, and 89-04) effective September
3, 2004.

Legend

- Zoning
- Streams
- Vegetation
- Buildings
- Roads

Baltimore County
Office of Planning and Zoning
Official Zoning Map

	031A2	031B2	031C2	032A2
	031A3		031C3	032A3
	039A1	039B1	039C1	040A1

Scale
1" = 200'
0 100 200 400 Feet

1

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

19. THE MARYLAND COORDINATED SYSTEM (MCS) HAS BEEN USED IN THE PREPARATION OF THIS PLAN.

20. STORMWATER MANAGEMENT REQUIREMENTS FOR THIS SUBDIVISION HAVE BEEN MET THROUGH THE USE OF ROOFTOP AND NON-ROOFTOP DISCONNECT CREDITS. IN ADDITION, PAYMENT OF A FEE-IN-LIEU HAS BEEN MADE TO COVER 0.13 AC. OF IMPERVIOUS AREA THAT COULD NOT BE TREATED.

21. BALTIMORE COUNTY FOREST CONSERVATION REQUIREMENTS SHALL BE MET BY PURCHASING 0.7 ACRES CREDIT IN AN APPROVED FOREST RETENTION BANK.

22. THE PROPERTY SHOWN HEREON HAS NO PRIOR ZONING HISTORY.

23. HANOVER PIKE (MD. STATE HIGHWAY ROUTE 30) IS A SENIC ROUTE AS DESIGNATED IN BALTIMORE COUNTY MASTER PLAN 2010.

24. THE AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS.

25. PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH "BALTIMORE COUNTY STANDARD DETAIL PLATE R-15" FOR "TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB AND GUTTER."

26. I HEREBY CERTIFY THAT I HAVE REVIEWED, WITH DUE DILIGENCE, THE AGENCY COMMENTS DATED JULY, 2009 AND HAVE PREPARED, WITH DUE DILIGENCE, THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCY COMMENTS.

27. A NON-DENSITY TRANSFER WAS DISCUSSED AT THE DRC BUT WAS NOT DONE, MINOR SUBDIVISION WAS DONE INSTEAD.

PARKING: BR ZONE -
AUTO COLLISION REPAIR SHOP:
SPACES REQUIRED = 13
SPACES PROVIDED = 10
OFFICE:
SPACES REQUIRED = 4
SPACES PROVIDED = 5

28. THIS SITE IS NOT IN A FAILED BASIC SERVICES MAP AREA OR OTHER AREA RESTRICTED FOR DEVELOPMENT.

29. THIS SITE IS NOT LOCATED WITHIN A FLOODPLAIN.

30. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.

31. THIS SITE IS NOT A HISTORIC PROPERTY NOR ARE ANY OF THE BUILDINGS HISTORIC.

* REVISIONS *

REVISED: 3-20-10 DRIVEWAY GRADING
REV. 11-30-10: REMOVE PROPOSED
ROOF LEADER DISCONNECTS
REVISED: 1-6-10 EX & PROP. VEGETATION
REVISE DRIVEWAY & GRADING
NO. 50' ELEVATIONS FOR P.121
COUNTY REVISION COMMENTS
REVISED: 8-23-10: COUNTY COMMENTS

BALTIMORE COUNTY MINOR SUBDIVISION
PROJECT NO. 09023M

DEVELOPMENT REGULATIONS

Exempt from Article 32, Title 4, Subtitle 2, BOC
Paraphrase exempt from Sections 32-4-211 through 32-4-217
and Sections 32-4-226 and 32-4-227, BOC

LACQ CLEARANCE

Int: _____ Date: _____

PDM CERTIFICATE

Approved _____ Disapproved _____

By: _____ Date: _____

APPROVED DEPRM

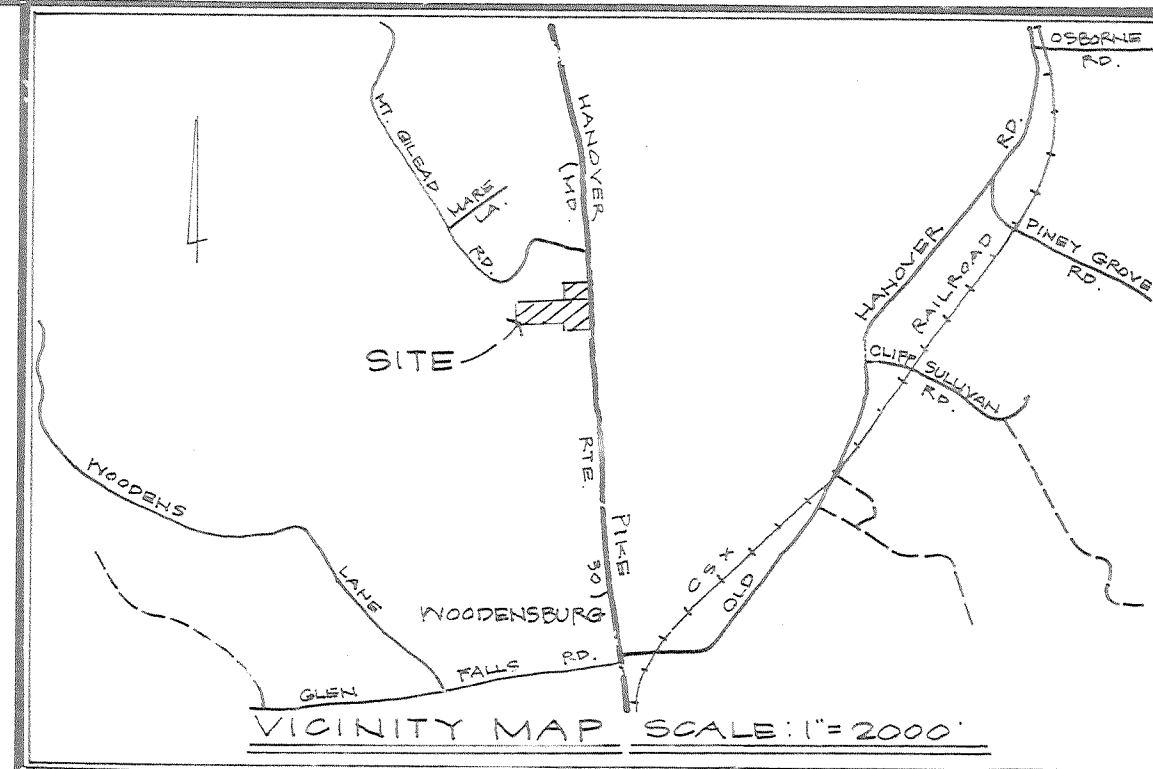
By: _____ Date: _____

BAL. CO. MINOR SUBD. PLAN
FILE NO. 09023M

CIVIL & DEVELOPER
POHLHAUS PROPERTIES, LLC
14224 HANOVER PIKE
BALTIMORE, MD. 21136
410-893-3351

PETITIONER'S

EXHIBIT NO. 1

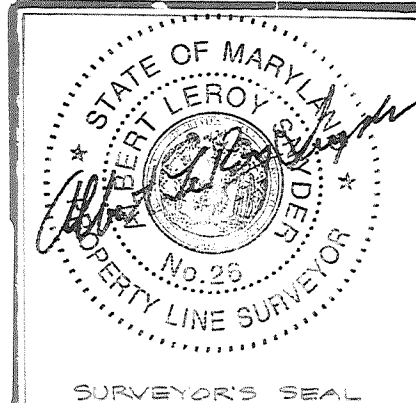


NOTES

- CURRENT TITLE REFERENCES:
DEED: S.M. 26528 FOLIO 363 (LOTS 8-13)
S.M. 26528 FOLIO 363 (LOTS 23, 24 & PLO 25)
DATE: JUNE 28, 2007
OWNER: POHLHAUS PROPERTIES, LLC
GRANTOR: WALT & TIM, INC.; & SKIP'S AUTO COLLISION
- CURRENT ZONING: RC-2 & BR, PER ZONING MAP 0316
- GROSS AREA: RC-2 3.44790 AC.; BR 0.64990 AC.
- NET AREA: RC-2 3.44790 AC.; BR 0.64990 AC.
- PROPOSED NUMBER OF LOTS: 3 AS RECONFIGURED
- DENSITY CALCULATIONS: NO. OF LOTS EXISTING = 3, AS PER FLORENCE R. HETTERER PLAT
- SOILS MAP: 15
- TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTIMORE COUNTY GIS TILE: 03163
- WATERSHED: LIBERTY RESERVOIR
- SUBWERSHED: N/A
- REGIONAL PLANNING DISTRICT: 303
- SCHOOL DISTRICT: 81 FRANKLIN
- TAX ACCOUNT NUMBERS: 0414065350, 0412059802, 0412059803
- COUNCILMANIC DISTRICT: 3RD
- CENSUS TRACT: 4040
- THE EXISTING WELL ON LOTS 23 THRU 25 & LOTS 8 THRU 13 ARE TO BE ABANDONED AND BACK FILLED BY A LICENSED WELL DRILLER, WHO MUST SUBMIT WELL ABANDONMENT REPORTS TO DEPRM.
- THE EXISTING SEPTIC SYSTEM ON LOTS 23 THRU 25 MUST BE PUMPED AND BACK-FILLED OR REMOVED BY A LICENSED SEWAGE DISPOSAL CONTRACTOR.
- THE EXISTING SEPTIC SYSTEM ON LOTS 8 THRU 13 IS TO REMAIN AND AS SUCH SHALL BE INSPECTED AND CERTIFIED BY A LICENSED SEWAGE DISPOSAL CONTRACTOR, DOCUMENTATION VERIFYING THE INSPECTION AND CONDITION MUST BE SUBMITTED TO DEPRM.

PLAN TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING OF POHLHAUS PROPERTIES, LLC

4TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
DATE: AUGUST 13, 2010 SCALE: 1"=50'
TAX MAP: 31 GRID: 22 PARCEL: 121



A.L. SNYDER
SURVEYOR, INC.
1811 HANOVER PIKE
HAMPSTEAD, MD. 21074
PHONE: 410-230-7744
FAX: 410-374-3605
EMAIL: alsurveyor@verizon.net
JOB NO: 08002
PDM FILE: NO. 04-716

19. THE MARYLAND COORDINATED SYSTEM (MCS) HAS BEEN USED IN THE PREPARATION OF THIS PLAN.

20. STORMWATER MANAGEMENT REQUIREMENTS FOR THIS SUBDIVISION HAVE BEEN MET THROUGH THE USE OF ROOFTOP AND NON-ROOFTOP DISCONNECT CREDITS. IN ADDITION, PAYMENT OF A FEE-IN-LIEU HAS BEEN MADE TO COVER 0.19 AC. OF IMPERVIOUS AREA THAT COULD NOT BE TREATED.

21. BALTIMORE COUNTY FOREST CONSERVATION REQUIREMENTS SHALL BE MET BY PURCHASING 0.7 ACRES CREDIT IN AN APPROVED FOREST RETENTION BANK.

22. THE PROPERTY SHOWN HEREON HAS NO PRIOR ZONING HISTORY.

23. HANOVER PIKE (MD. STATE HIGHWAY ROUTE 30) IS A SENIC ROUTE AS DESIGNATED IN BALTIMORE COUNTY MASTER PLAN 2010.

24. THE AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS.

25. PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH "BALTIMORE COUNTY STANDARD DETAIL PLATE R-15" FOR "TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB AND GUTTER."

26. I HEREBY CERTIFY THAT I HAVE REVIEWED, WITH DUE DILIGENCE, THE AGENCY COMMENTS DATED JULY, 2009 AND HAVE PREPARED, WITH DUE DILIGENCE, THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCY COMMENTS.

27. A NON-DENSITY TRANSFER WAS DISCUSSED AT THE DRC BUT WAS NOT DONE, MINOR SUBDIVISION WAS DONE INSTEAD.

PARKING: BR ZONE -
AUTO COLLISION REPAIR SHOP:
SPACES REQUIRED = 13
SPACES PROVIDED = 13
OFFICE:
SPACES REQUIRED = 4
SPACES PROVIDED = 5

28. THIS SITE IS NOT IN A FAILED BASIC SERVICES MAP AREA OR OTHER AREA RESTRICTED FOR DEVELOPMENT.

29. THIS SITE IS NOT LOCATED WITHIN A FLOODPLAIN.

30. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.

31. THIS SITE IS NOT A HISTORIC PROPERTY NOR ARE ANY OF THE BUILDINGS HISTORIC.

* REVISIONS *

REVISED: 3-29-10: DRIVEWAY GRADING
REVISED: 5-19-10: EX. & PROP. VEGETATION
REVISED: 8-23-10: COUNTY COMMENTS

REV. 11-30-10: REMOVE PROPOSED SEPTIC AREA FOR LOT 1 (RC-2 ZONE)

BALTIMORE COUNTY MINOR SUBDIVISION

PROJECT NO. 00023M

DEVELOPMENT REGULATIONS

Exempt from Article 32, Title 4, Subtitle 2, BOC
Panhandle exempt from Sections 32-4-211 through 32-4-217 and Sections 32-4-226 and 32-4-227, BOC

LACQ CLEARANCE

Int: _____ Date: _____

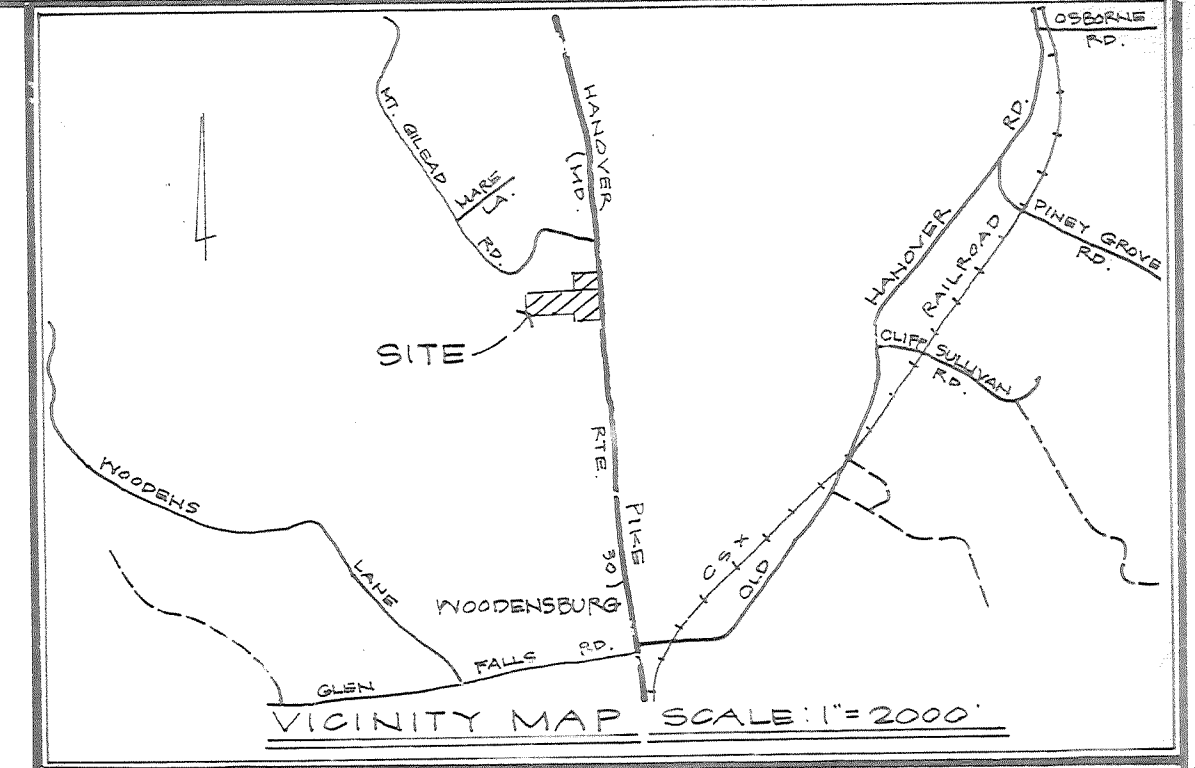
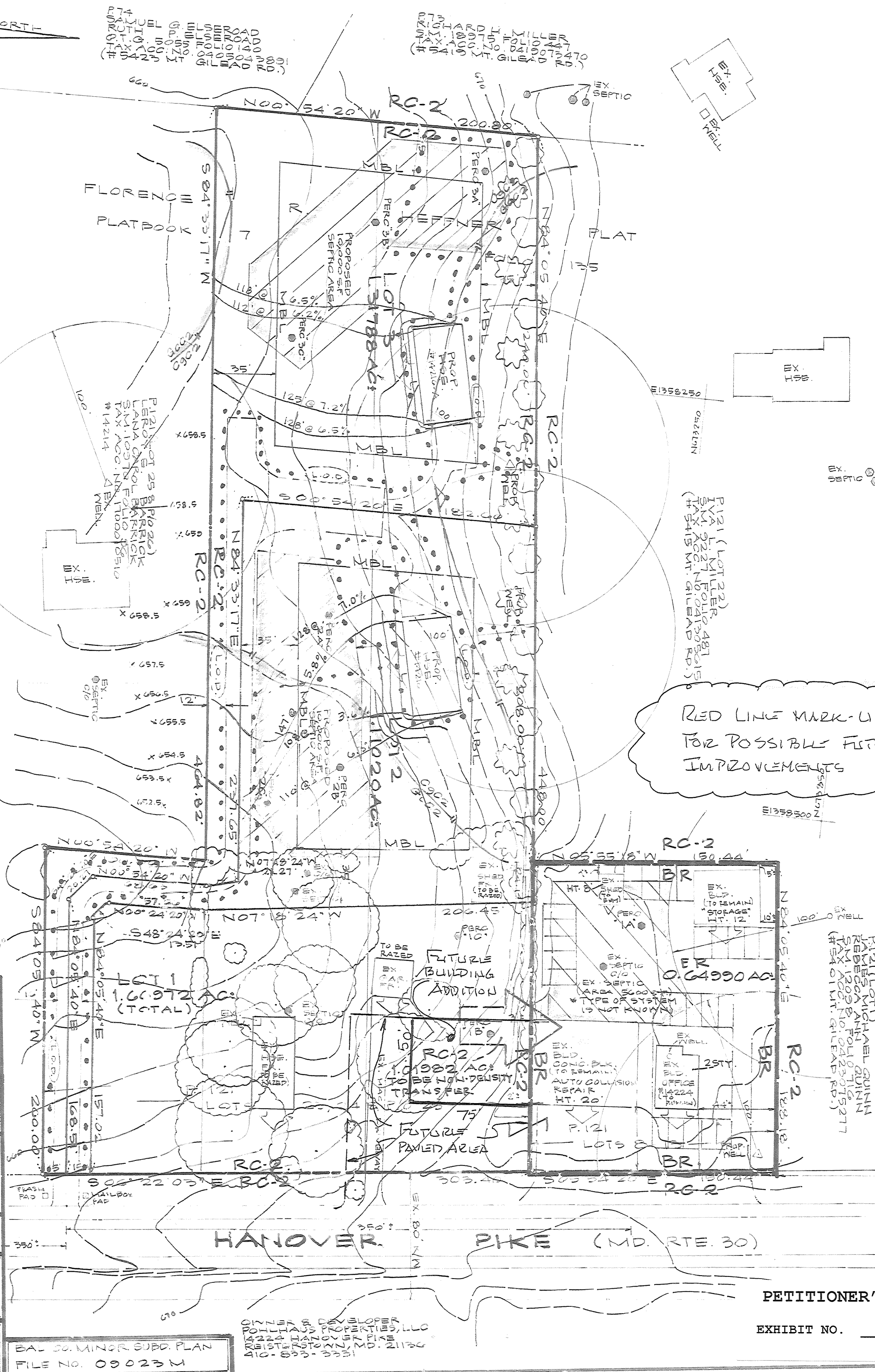
PDM CERTIFICATE

Approved _____ Disapproved _____

By: _____ Date: _____

APPROVED DEPRM

By: _____ Date: _____

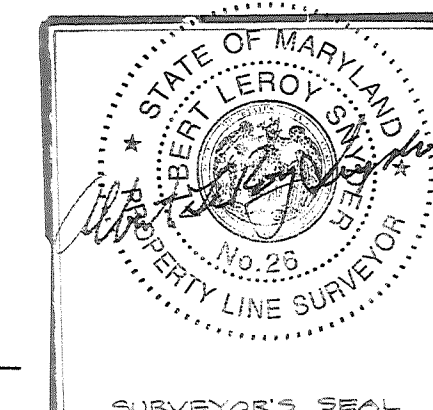


* NOTES *

- CURRENT TITLE REFERENCES:
DEED: S.M. 26528 FOLIO 363 (LOTS 8-13)
S.M. 26528 FOLIO 363 (LOTS 23, 24 & PLO 25)
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PETITIONER'S

EXHIBIT NO. 3