



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 11, 2013

H. Barnes Mowell, Esquire
16925 York Road
Monkton, Maryland 21111

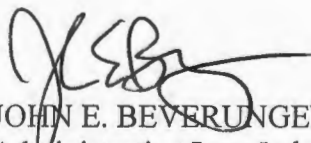
RE: Petitions for Special Hearing and Variance
Case No.: 2013-0130-SPHA
Property: 17010 York Road

Dear Mr. Mowell :

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Bruce E. Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053
Andrew Burgess, 21299 Dunk Freeland Road, Parkton, Maryland 21120

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

7th Election District *

3rd Councilmanic District *

(17010 York Road)

Glencoe Holdings, LLC *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0130-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by H. Barnes Mowell, Esquire, on behalf of Glencoe Holdings, LLC, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), (1) to rescind the approvals granted in case No. 01-547-SPH to allow amendments to a historic structure, (2) to rescind the approval of a variance of 0' in lieu of 15' for a garage in case No. 01-551-A, and (3) to rescind the approval of a variance to have a garage in the side yard in case No. 01-551-A. The Petition for Variance sought approval for 15 parking spaces in lieu of the required 18, and to permit 4 employee parking spaces without access to a drive aisle. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Bruce E. Doak from Bruce E. Doak Consulting, LLC, and Andrew Burgess. H. Barnes Mowell, Esquire appeared as counsel and represented the Petitioner.

The file reveals that the Petition was properly posted and advertised as required by the Baltimore County Zoning Regulations.

ORDER RECEIVED FOR FILING

Date 2/11/13

By Sen

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The subject property is zoned BL-CR, and is located in the Hereford Village. The property is improved with an attractive two story office building, constructed in 2001 following the demolition of a home that existed on site. The Petitioner wants to outfit the basement of the structure to create additional tenant space, but to do so requires variance relief regarding the number of parking spaces required under the B.C.Z.R. Mr. Doak, who prepared the plan, noted that the office space at this location is leased by professionals and entrepreneurs who are on site infrequently, and that more than sufficient parking would therefore be provided.

Based on the evidence presented, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). The Petitioner is confronted by existing site conditions and thus the property is unique for zoning purposes. The Petitioner would experience a practical difficulty if relief were denied, given that it would face additional expenses, and be required to add impervious surface to an attractive rural setting.

I also believe the request for Special Hearing should be granted. The Petition for Special Hearing is essentially a "housekeeping" measure that rescinds the relief granted in a pair of 2001 zoning cases. See exhibits 4A & 4B.

Pursuant to the posting of the property, public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing and Variance requests should be granted.

ORDER RECEIVED FOR FILING

Date 2/11/13
By sen

THEREFORE, IT IS ORDERED this 11th day of February, 2013 by the Administrative Law Judge, that the Petition for Special Hearing seeking relief from § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to rescind the approvals granted in case No. 01-547-SPH to allow amendments to a historic structure, (2) to rescind the approval of a variance of 0' in lieu of 15' for a garage in case No. 01-551-A, and (3) to rescind the approval of a variance to have a garage in the side yard in case No. 01-551-A, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance filed pursuant to B.C.Z.R. § 409.6.A.2: (1) to allow 15 parking spaces in lieu of the required 18 spaces and (2) to allow 4 employee parking spaces that do not have direct access to an aisle per § 409.4, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 2/11/13

By sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 17010 YORK ROAD which is presently zoned BLCR
 Deed References: 5M 32679/285 10 Digit Tax Account # 0710015535
 Property Owner(s) Printed Name(s) GLENCOE HOLDINGS, LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve (SEE ATTACHED SHEET)

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s) (SEE ATTACHED SHEET)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING.

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 bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

H. BARNES MOWELL

Name- Type or Print

Signature

16925 YORK ROAD MONKTON MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

BARNEYMOWELL@HOTMAIL.COM

CASE NUMBER 2013-01303PHA Filing Date 12/6/12

Legal Owners (Petitioners):

Glencoe Holdings, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

DOAK@BRUCEDOAKCONSULTING

Do Not Schedule Dates: _____ Reviewer: _____

17010 York Road Zoning Case

Variances Requested:

- 1) To allow 15 parking spaces in lieu of the required 18 spaces per section 409.6 (BCZR)
- 2) To allow 4 employee parking spaces that do not have direct access to an aisle per section 409.4 (BCZR)

Special Hearing Requested:

To amend previous cases to be consistent with the relief requested herein:

- 1) To resend the approvals granted in case No. 01-547-SPH to allow amendments to a historic structure. The previous structure was razed in 2001.
- 2) To resend the approval of a variance of 0' in lieu of 15' for a garage in case No. 01-551-A. The garage was razed in 2001.
- 3) To resend the approval of a variance to have a garage in the side yard in case no. 01-551-A. The garage was razed in 2001.

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

Zoning Description

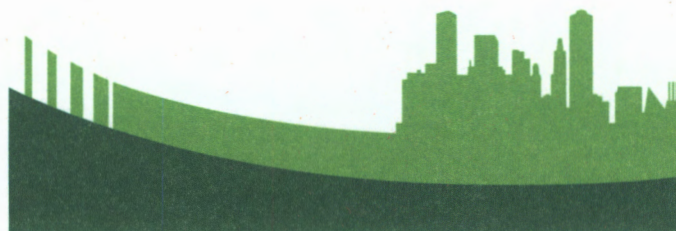
17010 York Road-0.508 Acre Parcel
Seventh Election District Third Councilmanic District
Baltimore County, Maryland

ON THE WEST SIDE

Beginning at a point in York Road, approximately 70 feet south of the centerline of Gifford Lane, thence running in the bed of York Road, the following course and distance, viz 1) South 01 degree 15 minutes 00 seconds East 96.00 feet, thence leaving York Road and running on the outlines of the subject property, the three following courses and distances, viz 2) North 86 degrees 15 minutes 00 seconds West 231.00 feet, 3) North 01 degree 15 minutes 00 seconds West 96.00 feet, and 4) South 86 degrees 15 minutes 00 seconds East 231.00 feet to the place of beginning.

Containing 22170 square feet or 0.508 of an acre of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

**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: 2013-0130-SPA

Petitioner: GLENCOE HOLDINGS, LLC

Address or Location: 17010 YORK ROAD MONKTON MO 21111

PLEASE FORWARD ADVERTISING BILL TO:

Name: H. BARNES MOWELL
GLENCOE HOLDINGS LLC

Address: 1317 GLENCOE ROAD

SPARKS, MO 21152

Telephone Number: 410-329-6488

PLEASE PRESS HARD!!!!

CERTIFICATE OF POSTING

January 10, 2013

Re:

Case Number: 2013- 0130-SPHA

Petitioner / Developer: Glencoe Holdings LLC

Date of Hearing: February 1, 2013

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

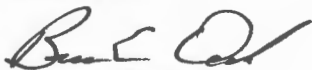
Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **1652 Glencoe Road**.

The sign(s) were posted on **January 10, 2013**.

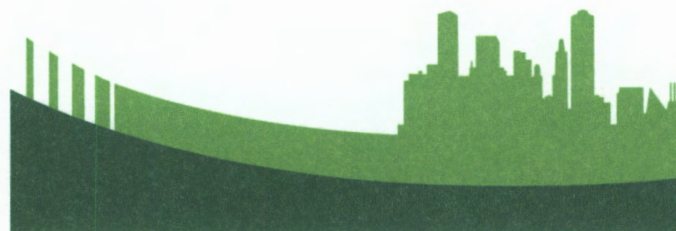
Sincerely,



Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2013-0130-SPHA

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE IN TOWSON
MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204**

DATE&TIME: Friday February 1, 2013 11:00AM

**SPECIAL HEARING TO AMEND THE PREVIOUS CASES TO BE
CONSISTENT WITH THE RELIEF REQUESTED HEREIN TO RESCIND
THE APPROVALS GRANTED IN CASE 01-547-SPH TO ALLOW
AMENDMENTS TO A HISTORIC STRUCTURE (THE PREVIOUS
STRUCTURE WAS RAZED IN 2001); TO RESCIND THE APPROVAL OF A
VARIANCE OF 0 FT. IN LIEU OF 15 FT. FOR A GARAGE IN CASE 01-551-
A (GARAGE WAS RAZED IN 2001); TO RESCIND THE APPROVAL OF A
VARIANCE TO HAVE A GARAGE IN THE SIDE YARD IN CASE 01-551-A.
VARIANCE TO ALLOW 15 PARKING SPACES IN LIEU OF THE
REQUIRED 18 SPACES; TO ALLOW 4 EMPLOYEE PARKING SPACES
THAT DO NOT HAVE DIRECT ACCESS TO AN AISLE.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391. THE HEARING IS
HANDICAPPED ACCESSIBLE**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.**



10

ZONING NOTICE

CASE NO. 2013-0130-SPHA

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE IN TOWSON
MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204

DATE&TIME: Friday February 1, 2013 11:00AM

SPECIAL HEARINGS TO AMEND THE PREVIOUS CASES TO BE
CONSISTENT WITH THE RELIEF REQUESTED HEREIN TO RESCIND
THE APPROVALS GRANTED IN CASE 01-047-SPH TO ALLOW
AMENDMENTS TO A HISTORIC STRUCTURE (THE PREVIOUS
STRUCTURE WAS RAISED IN 2001); TO RESCIND THE APPROVAL OF A
VARIANCE OF 0 FT. IN LIEU OF 10 FT. FOR A GARAGE IN CASE 01-031-
A (GARAGE WAS RAISED IN 2001); TO RESCIND THE APPROVAL OF A
VARIANCE TO ALLOW A GARAGE IN THE SIDE YARD IN CASE 01-031-A.
VARIANCE TO ALLOW 10 PARKING SPACES IN LIEU OF THE
REQUIRED 15 SPACES; TO ALLOW 4 EMPLOYEE PARKING SPACES
THAT DO NOT HAVE DIRECT ACCESS TO AN ALLEY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETHING
SECONDARY. TO DEFERRE THE HEARING CALL 410-967-3400. THE HEARING IS
HANDICAPPED ACCESSIBLE.
DO NOT TURN UP YOUR NOSE AND PUNT UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 3, 2013

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0130-SPHA

17010 York Road

W/s York Road, 70 ft. S/of centerline of Gifford Lane

7th Election District – 3rd Councilmanic District

Legal Owners: Glenco Holdings, LLC

Special Hearing to amend the previous cases to be consistent with the relief requested herein to rescind the approvals granted in Case 01-547-SPH to allow amendments to a historic structure (the previous structure was razed in 2001); to rescind the approval of a variance of 0 ft. in lieu of 15 ft. for a garage in Case 01-551-A (garage was razed in 2001); to rescind the approval of a variance to have a garage in the side yard in Case 01-551-A. Variance to allow 15 parking spaces in lieu of the required 18 spaces; to allow 4 employee parking spaces that do not have direct access to an aisle.

Hearing: Friday, February 1, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: H. Barnes Mowell, 16925 York Road, Monkton 21111
Glenco Holdings, LLC, 1317 Glencoe Road, Sparks 21152
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 12, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 10, 2013 Issue - Jeffersonian

Please forward billing to:
H. Barnes Mowell
Glencoe Holdings, LLC
1317 Glencoe Road
Sparks, MD 21152

410-329-6488

NOTICE OF ZONING HEARING

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Hearing: Friday, February 1, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2013-0130-SPHA

17010 York Road

W/s York Road, 70 ft. S/of centerline of Gifford Lane

7th Election District - 3rd Councilmanic District

Legal Owner(s): Glenco Holdings, LLC

Special Hearing to amend the previous cases to be consistent with the relief requested herein to rescind the approvals granted in Case 01-547-SPH to allow amendments to a historic structure (the previous structure was razed in 2001); to rescind the approval of a variance of 0 ft. in lieu of 15 ft. for a garage in Case 01-551-A (a garage was razed in 2001); to rescind the approval of a variance to have a garage in the side yard in Case 01-551-A. **Variance** to allow 15 parking spaces in lieu of the required 18 spaces; to allow 4 employee parking spaces that do not have direct access to an aisle.

Hearing: Friday, February 1, 2013 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

01/110 January 10

897543



501 N. Calvert Street, Baltimore, MD 21278

January 10, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on January 10, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 24, 2013

Glencoe Holdings LLC
H Barnes Mowell
1317 Glencoe Road
Sparks MD 21152

RE: Case Number: 2013-0130 SPHA, Address: 17010 York Road

Dear Mr. Mowell:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 6, 2012. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Bruce E. Doak, 3801 Baker Schoolhouse Road, Freeland MD 21053
H Barnes Mowell, Esquire, 6925 York Road, Monkton MD 21111

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-13-12

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2013-0130-SPHA
Special Hearing Variance.
Glenco Holdings LLC
H. Barnes Mowell
17010 York Road
MD45

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 12-11-12. A field inspection and internal review reveals that an entrance onto MD45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2013-0130-SPHA.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: December 17, 2012

FROM: Dennis A. ^{DAK}Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2012
Item Nos. 2013-0124, 0125, 0126, 0128, 0129, 0130 and 0131.

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

DAK:CEN
Cc: file

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
17010 York Road; W/S York Road,
70' S of c/line of Gifford Lane
7th Election & 3rd Councilmanic Districts
Legal Owner(s): Glenco Holdings LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-130-SPHA

* * * * *

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.

RECEIVED

DEC 14 2012

.....

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 14th day of December, 2012, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, Gerhold Cross & Etzel, 320 E. Towsontown Boulevard, Towson, Maryland 21286 and H. Barnes Mowell, 16925 York Road, Monkton, MD 21111, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: March 14, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0130-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on March 13, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

CASE NO. 2013-

0130
SPHACHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

12/17/12

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

NO Comments

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

12/13/12

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

1/10/13

SIGN POSTING

Date:

1/10/13

by

Dough

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

CASE NAME GLANCOC HOLDINGS
CASE NUMBER 2013-130-SPHA
DATE 2/01/13

[illegible]

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 07 Account Number - 0710045535

Owner Information

Owner Name: GLENCOE HOLDINGS LLC Use: COMMERCIAL
Mailing Address: 1317 GLENCOE RD Principal Residence: NO
SPARKS MD 21152- Deed Reference: 1) /32649/ 00285
2)

Location & Structure Information

Premises Address Legal Description
17010 YORK RD .440 ACRE
MONKTON 21111- WS YORK RD
300FT N MT CARMEL RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0022	0014	0297		0000				1	

Special Tax Areas Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2005	3500	19,166 SF	06

Stories Basement Type Exterior
OFFICE BUILDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
<u>Land</u>	195,800	195,800		
<u>Improvements:</u>	316,900	315,800		
<u>Total:</u>	512,700	511,600	512,700	511,600
<u>Preferential Land:</u>	0			0

Transfer Information

<u>Seller:</u> NORRIS PROPERTIES LLC	<u>Date:</u> 10/11/2012	<u>Price:</u> \$375,000
<u>Type:</u> NON-ARMS LENGTH OTHER	<u>Deed1:</u> /32649/ 00285	<u>Deed2:</u>
<u>Seller:</u> NORRIS HOLMAN PROPERTIES LLC	<u>Date:</u> 04/13/2011	<u>Price:</u> \$0
<u>Type:</u> NON-ARMS LENGTH OTHER	<u>Deed1:</u> /13831/ 00679	<u>Deed2:</u>
<u>Seller:</u> HAIN ADAM CHRISTOPHER	<u>Date:</u> 06/18/1999	<u>Price:</u> \$135,000
<u>Type:</u> ARMS LENGTH IMPROVED	<u>Deed1:</u> /13831/ 00679	<u>Deed2:</u>

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
<u>County</u>	000	0.00	
<u>State</u>	000	0.00	
<u>Municipal</u>	000	0.00	0.00

Tax Exempt: Special Tax Recapture:
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

[illegible]

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Case No.: 2013-130-SPHA

Exhibit Sheet

21/12/13

Petitioner/Developer

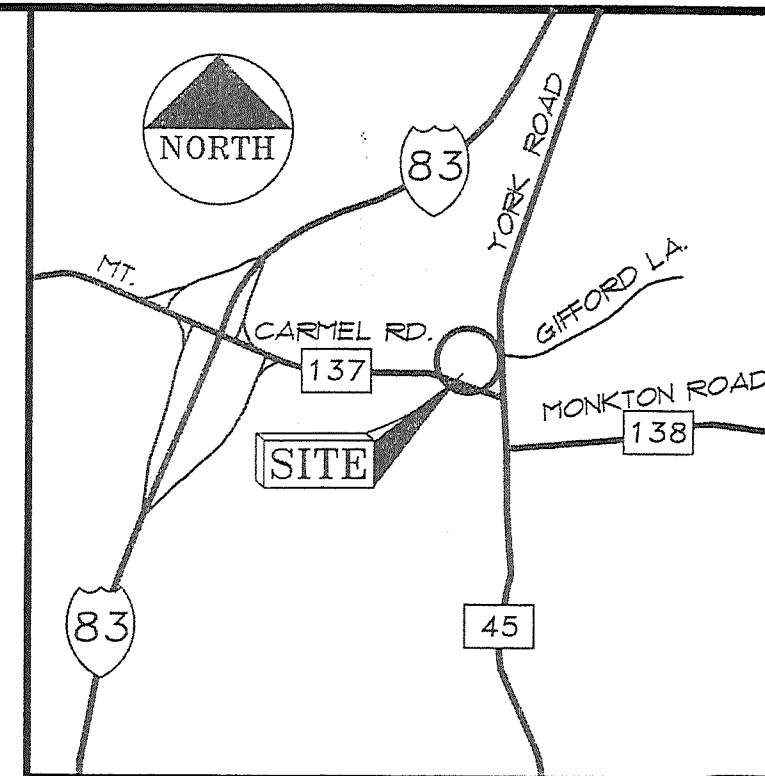
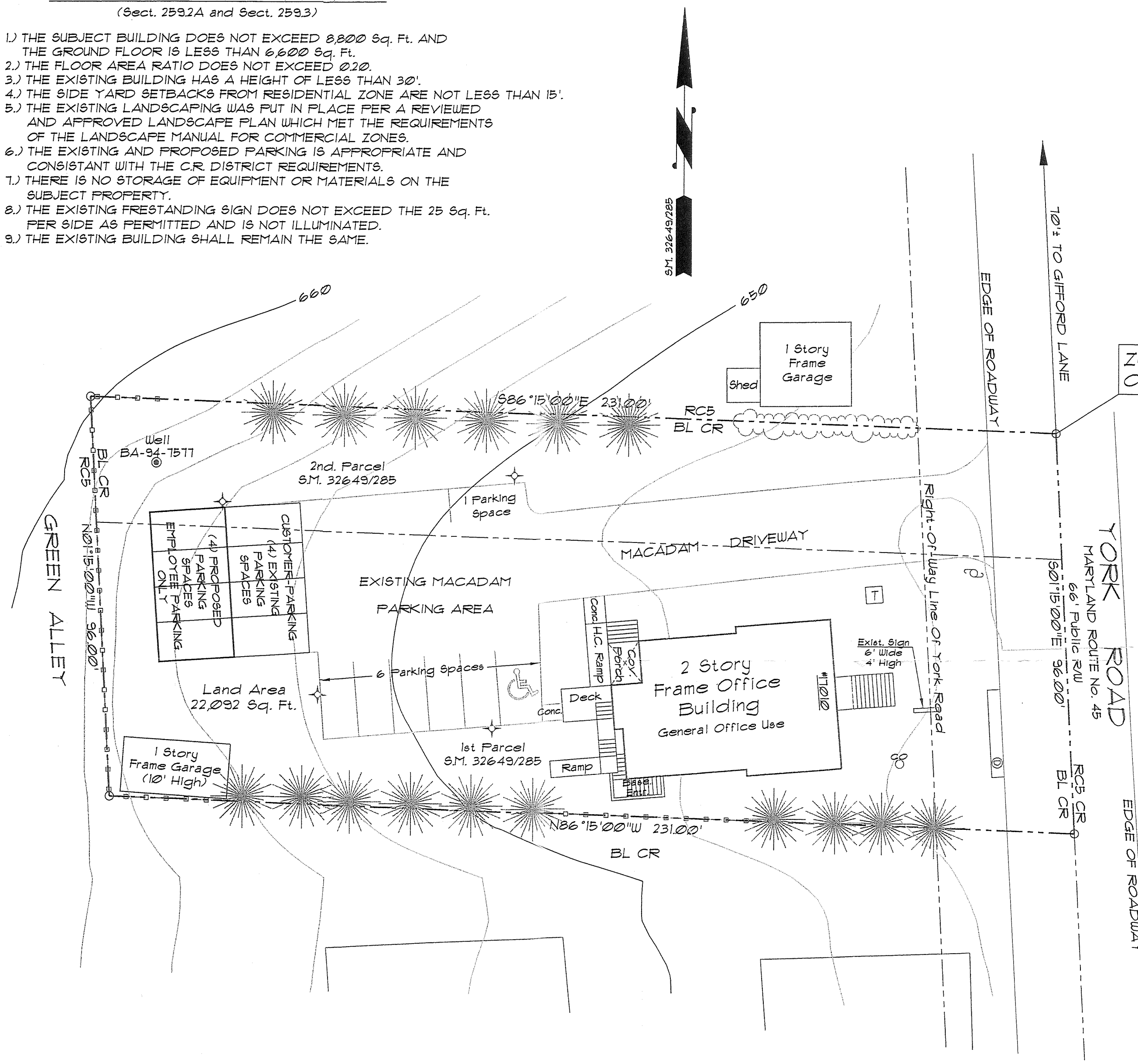
Protestant

No. 1	Sitz plan	
No. 2	My Neighborhood Map	
No. 3	3A-3Q Color Photos	
No. 4	4A Zoning Comm'r. Opinions 4B	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

C.R. DISTRICT REQUIREMENTS

(Sect. 259.2A and Sect. 259.3)

- 1.) THE SUBJECT BUILDING DOES NOT EXCEED 8,800 Sq. Ft. AND THE GROUND FLOOR IS LESS THAN 6,600 Sq. Ft.
- 2.) THE FLOOR AREA RATIO DOES NOT EXCEED 0.20.
- 3.) THE EXISTING BUILDING HAS A HEIGHT OF LESS THAN 30'.
- 4.) THE SIDE YARD SETBACKS FROM RESIDENTIAL ZONE ARE NOT LESS THAN 15'.
- 5.) THE EXISTING LANDSCAPING WAS PUT IN PLACE PER A REVIEWED AND APPROVED LANDSCAPE PLAN WHICH MET THE REQUIREMENTS OF THE LANDSCAPE MANUAL FOR COMMERCIAL ZONES.
- 6.) THE EXISTING AND PROPOSED PARKING IS APPROPRIATE AND CONSISTANT WITH THE C.R. DISTRICT REQUIREMENTS.
- 7.) THERE IS NO STORAGE OF EQUIPMENT OR MATERIALS ON THE SUBJECT PROPERTY.
- 8.) THE EXISTING FREESTANDING SIGN DOES NOT EXCEED THE 25 Sq. Ft. PER SIDE AS PERMITTED AND IS NOT ILLUMINATED.
- 9.) THE EXISTING BUILDING SHALL REMAIN THE SAME.



VICINITY MAP
1" = 2000'

GENERAL NOTES

- 1.) OWNER: GLENCOE HOLDINGS, LLC
- 2.) TAX ACCOUNT No: 0710045535
- 3.) TITLE DEED: LIBER S.M. No. 32649, FOLIO 285
- 4.) ZONING: BL CR
- 5.) 200 SCALE ZONING MAP: NW27C
- 6.) CENSUS TRACT: 4072 A.D.C. MAP: 7-E-11
WATERSHED: 13 SUBSEWER SHED: 83
SCHOOL DISTRICT: 52
REGIONAL PLANNING DISTRICT: 301a
- 7.) THE SUBJECT PROPERTY IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
- 8.) THE SUBJECT PROPERTY IS IN THE YORK-MARYLAND TRUST AREA.
- 9.) THE SUBJECT PROPERTY IS IN THE MT. CARMEL MARYLAND HISTORIC TRUST AREA.
- 10.) THE PREVIOUS STRUCTURE WAS MARYLAND HISTORIC TRUST INVENTORY No. 02024 "QUINN HOUSE".
- 11.) THE SUBJECT PROPERTY IS SERVED BY WELL & SEPTIC.
- 12.) THERE ARE NO FIRE HYDRANTS IN THE AREA. THIS AREA RELIES ON A VOLUNTEER FIRE COMPANY.
- 13.) MAXIMUM GROSS FLOOR AREA OF ALL BUILDINGS ALLOWED = 8,800 Sq. Ft. TOTAL GROSS FLOOR AREA OF EXISTING BUILDING: 5,263 Sq. Ft.
- 14.) FAR ALLOWED 0.20 - FAR PROPOSED 0.08.
- 15.) NEITHER OF THE BUILDINGS EXCEED A HEIGHT OF 30'.

PARKING CALCULATIONS

PARKING REQUIRED: 33 SPACES PER 1,000 SQUARE FEET.
5,263 Sq. Ft./1000 X 33 = 17 SPACES REQUIRED.
15 SPACES PROVIDED.
3 SPACES REQUESTED TO BE VARIANCED.

VARIANCE REQUESTED

- 1.) TO ALLOW 15 PARKING SPACES IN LIEU OF THE REQUIRED 18 PARKING SPACES PER SECTION 409.6 (BCZR).
- 2.) TO ALLOW 4 EMPLOYEE PARKING SPACES THAT DO NOT HAVE DIRECT ACCESS TO AN AISLE PER SECTION 409.4 (BCZR).

SPECIAL HEARING REQUESTED

TO AMEND PREVIOUS CASES TO BE CONSISTANT WITH THE RELIEF REQUESTED HEREIN.

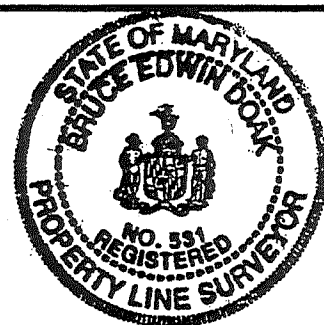
- 1.) TO RESCIND THE APPROVALS GRANTED IN CASE No. 01-547-SPH TO ALLOW AMENDMENTS TO A HISTORIC STRUCTURE. THE PREVIOUS STRUCTURE WAS RAZED IN 2001.
- 2.) TO RESCIND THE APPROVAL OF A VARIANCE OF 0' IN LIEU OF 15' FOR A GARAGE IN CASE No. 01-551-A. THE GARAGE WAS RAZED IN 2001.
- 3.) TO RESCIND THE APPROVAL OF A VARIANCE TO HAVE A GARAGE IN THE SIDE YARD IN CASE No. 01-551-A. THE GARAGE WAS RAZED IN 2001.

SYMBOLS

- Light Pole
- Utility Pole
- Electric Transformer
- Well
- Sewer Cleanout
- Storm Drain Manhole
- 6' High Frame Stockade Fencing
- Shrubs
- White Pine Tree

PETITIONER'S

EXHIBIT NO. 1



Bruce E. Doak 12/05/12
BRUCE E. DOAK DATE
REGISTERED PROPERTY LINE SURVEYOR
MARYLAND REGISTRATION No. 531
DATE OF FIELD INSPECTION 26 NOVEMBER 2012
LICENSE EXPIRATION: FEBRUARY 12, 2013

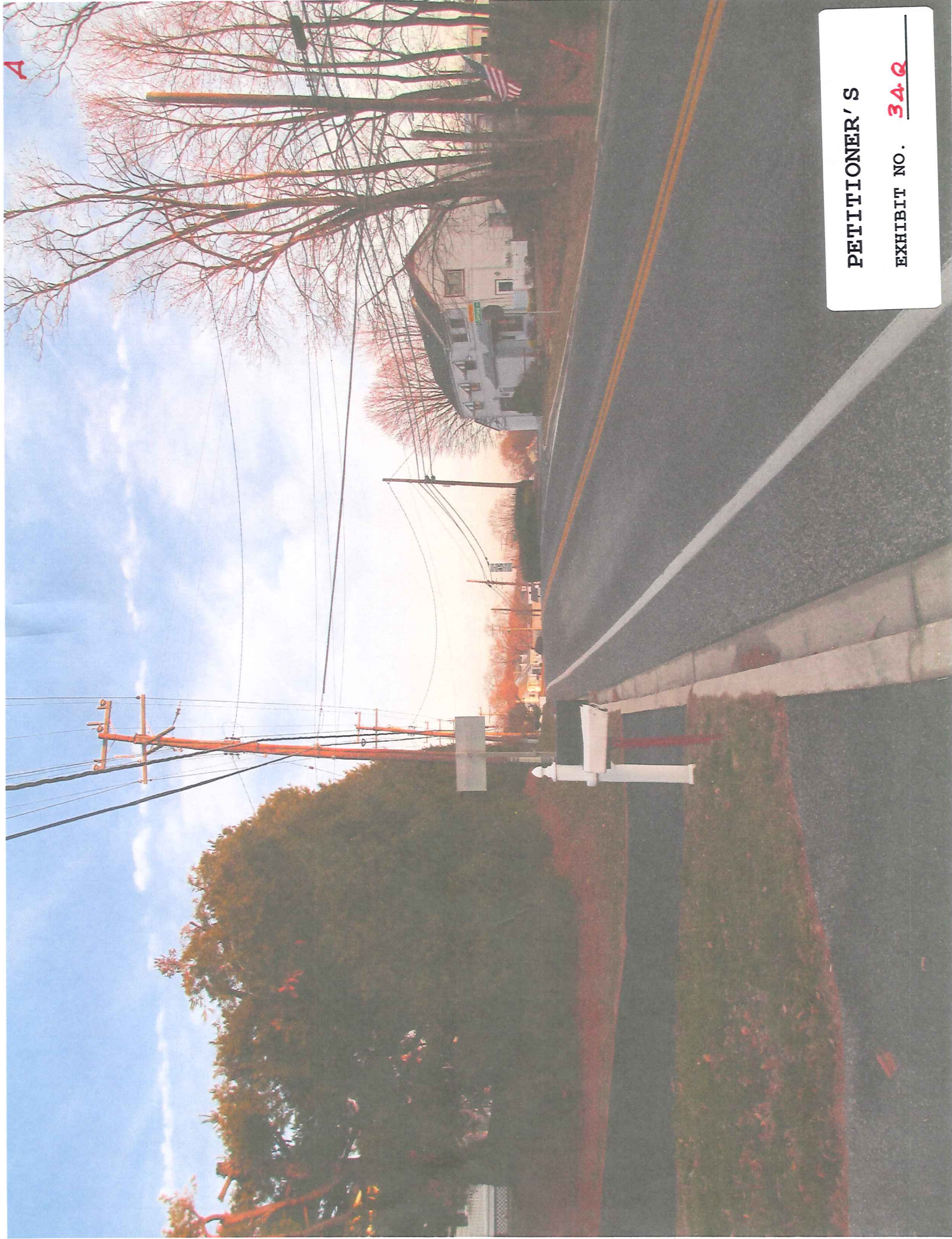
Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5355 m 410-419-4906
bdoak@brucedoakconsulting.com

PLAN TO ACCOMPANY A PETITION FOR A
SPECIAL HEARING AND VARIANCES

17010 YORK ROAD 22,170 SQ. FT. / 0.508 ACRES
7th. ELECTION DISTRICT - 3rd. COUNCILMANIC DISTRICT
MONKTON, MARYLAND 21111

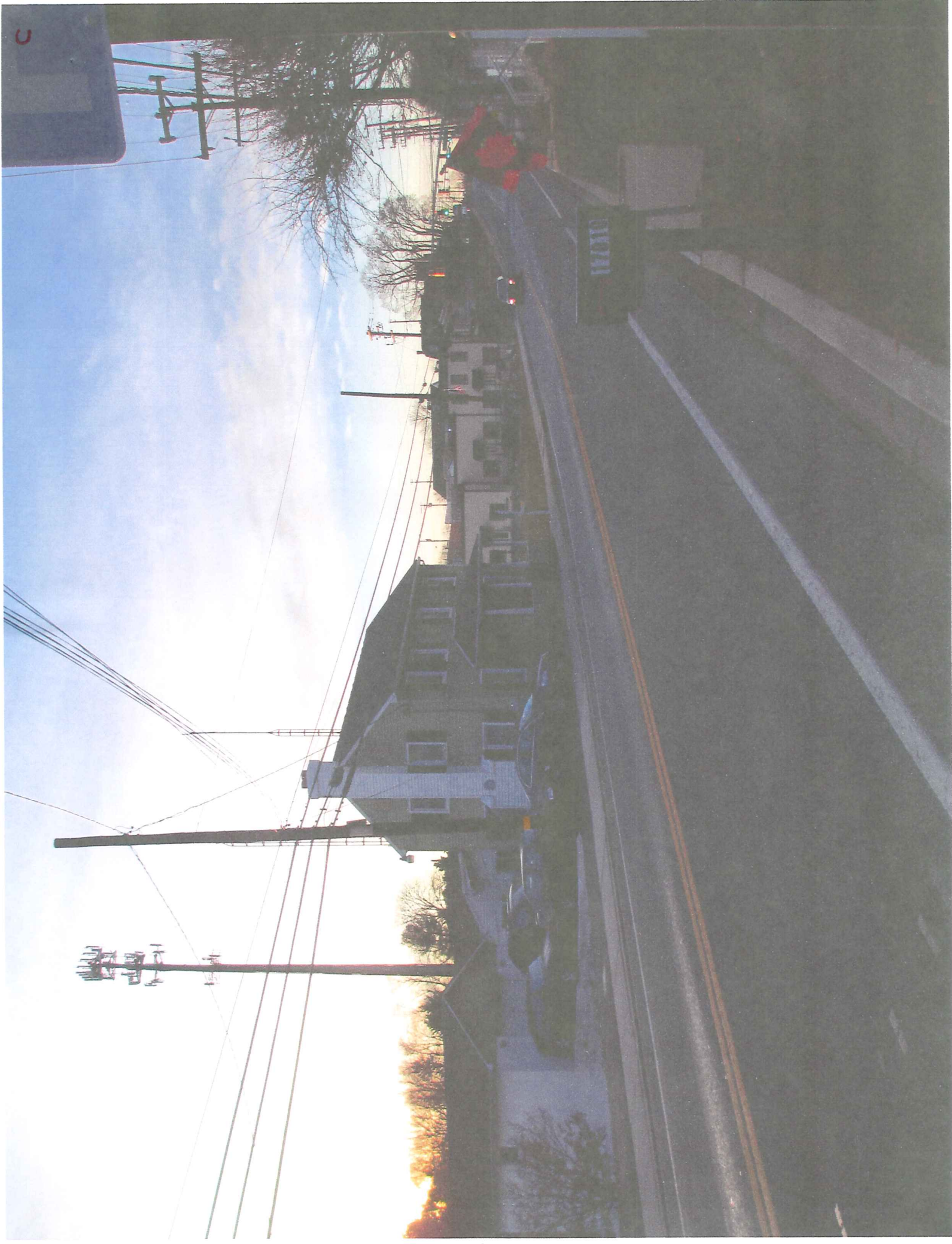
3 DECEMBER 2012 SCALE: 1" = 20' MAI JOB No. 12-101

Printed 11/3/2012



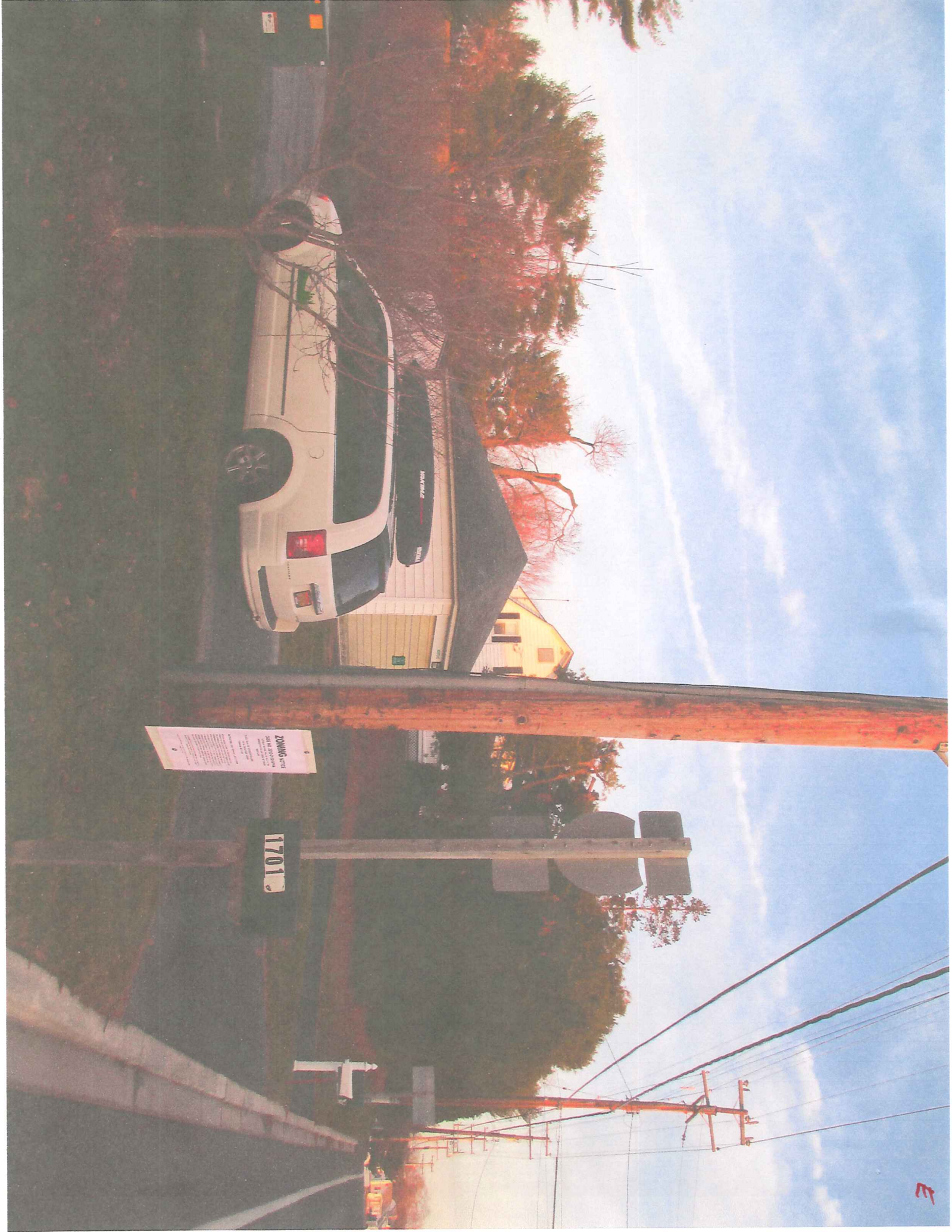
PETITIONER'S

EXHIBIT NO. 34-Q

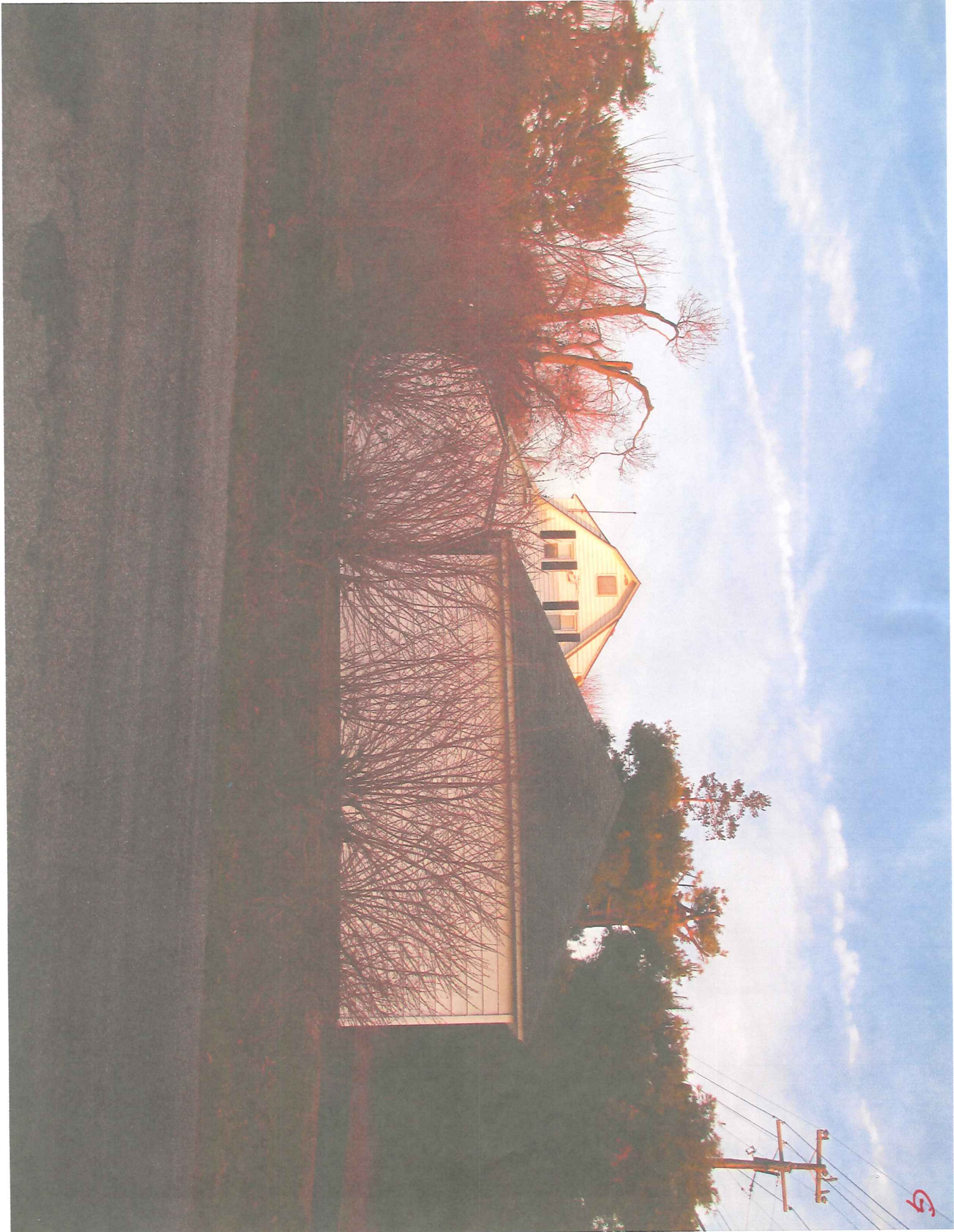




2015-2016
BUDGET
UNION







5



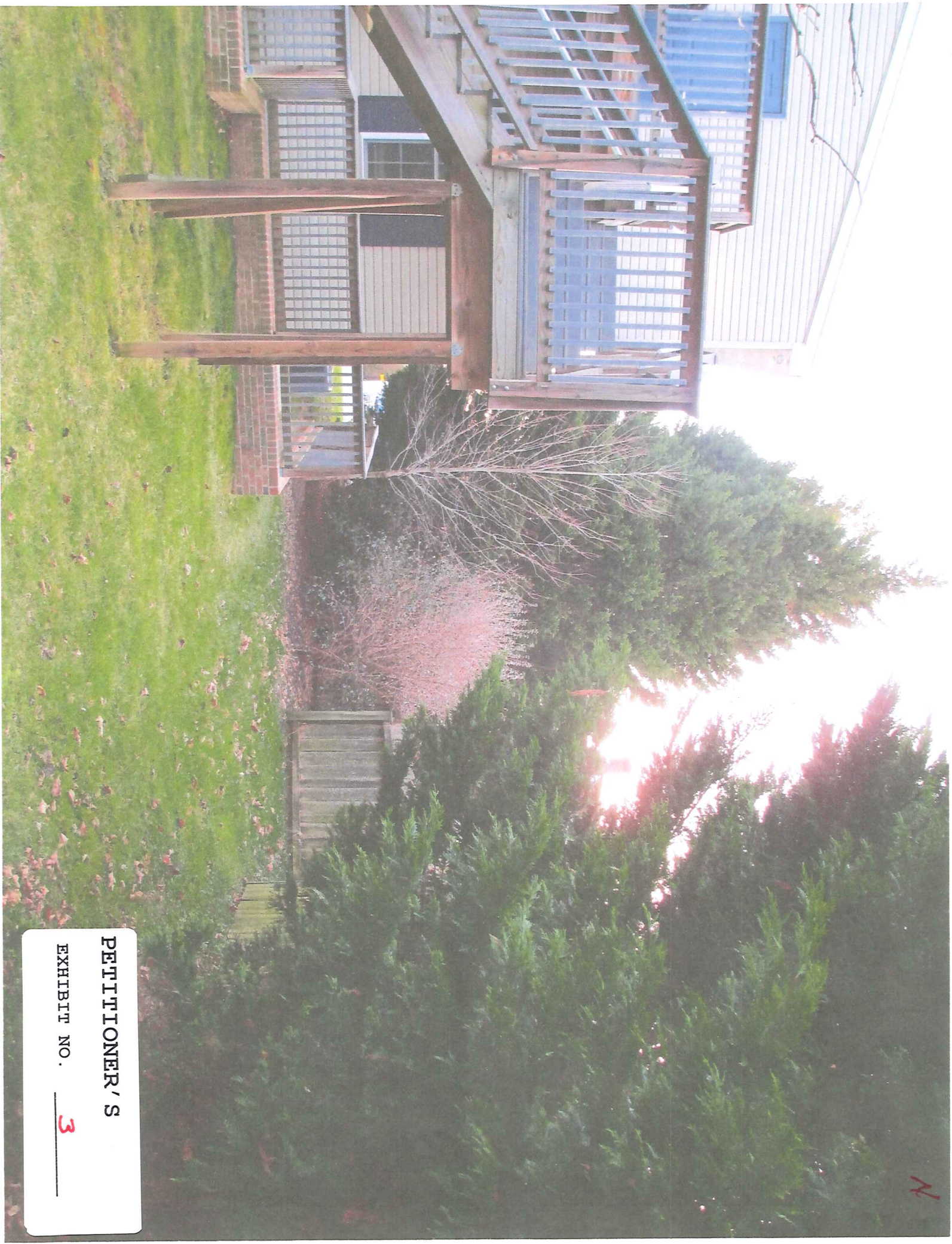












PETITIONER'S

EXHIBIT NO. 3







IN RE: PETITION FOR ADMINISTRATIVE
SPECIAL HEARING
W/S York Road, 70' S
centerline of Gifford Lane
7th Election District
3rd Councilmanic District
(17010 York Road)

Norris Holman Properties, LLC
c/o William H. Norris, CPA
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-547-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Special Hearing filed by the legal owners of the subject property, Norris Holman Properties, LLC, by and through William H. Norris, CPA. The property is located in the Monkton area of Baltimore County. The subject property is zoned BL-CR. The Petitioners seek approval of a waiver, pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code of Sections 26-203(c)(8) and 26-278 thereof, to construct: (1) a 4 ft. x 22 ft. wide side addition to the south side and (2) a 9 ft. x 22 ft. wide porch addition to front façade and (3) two 5 ft. x 8 ft. wide shed dormers to roof on a historic structure, which is listed on the Maryland Historical Trust Inventory as "Quinn House", MHT #BA 2024. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Special Hearing.

As noted above, the Petitioners filed the instant request through a Petition for Administrative Special Hearing. The Administrative Special Hearing process is similar to the Administrative Variance process set out in Section 26-127 of the Baltimore County Code, whereby the Deputy Zoning Commissioner is permitted to grant variance relief without a public hearing in certain cases. Specifically, that section provides that upon request for an

PETITIONER'S

EXHIBIT NO.

4A & B

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Date 7/27/01
By R. J. J. J. J.

administrative variance from an owner/occupant of a residential property, the property in question is posted with notice of the variance relief sought for a period of at least 15 days. The subject property was posted with a sign describing the request on July 9, 2001. There was no request by the public for a hearing nor any public input for the requisite period of fifteen (15) days after posting the property. The matter is now eligible for review and resolution by this Hearing Officer.

The Petitioners have filed the supporting affidavits as required by Section 26-127(b)(1) of the Baltimore County Code. A description of the property contained within the case file indicates that the property consists of 0.51 acres of land, more or less, zoned BL-CR. The information submitted is persuasive to a finding that the proposed alteration will not be inappropriate. There were no adverse comments from any Baltimore County reviewing agency. Furthermore, the Landmarks Preservation Commission reviewed the Petitioners' proposal at their June 14, 2001 meeting and unanimously agreed to recommend "that the alterations (the construction of a rear porch, the installation of dormers and construction of small side addition) as proposed were consistent with Section 26-278". Moreover, the relief requested complies with the requirements of the Baltimore County Zoning Regulations and should therefore be approved.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of July, 2001 that the request for Administrative Special Hearing to approve a waiver pursuant to Sections 26-171 and 26-172(b) of the Baltimore County Code of Sections 26-203(c)(8) and 26-278 thereof, to construct: (1) a 4 ft. x 22 ft. wide side addition to

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BY [Signature]

the south side and (2) a 9 ft. x 22 ft. wide porch addition to front façade and (3) two 5 ft. x 8 ft. wide shed dormers to roof on a historic structure, which is listed on the Maryland Historical Trust Inventory as "Quinn House", MHT #BA 2024, be and is hereby GRANTED.

- 1) The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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) Compliance with the Zoning Plans Advisory Committee (ZAC) comment submitted by the Office of Planning dated July 24, 2001, a copy of which is attached hereto and made a part hereof.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

RECEIVED
10/27/01
[Signature]

IN RE: PETITION FOR VARIANCE
W/S York Road, E/S Green Alley, N
of Mt. Carmel Road
(17010 York Road)
7th Election District
3rd Council District

Norris, Holman Properties, LLC
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-551-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Norris, Holman Properties, LLC, by William H. Norris, Partner/Officer. The Petitioner seeks relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 404.4 to permit an existing two-way drive aisle width of 18.8 feet in lieu of the required 20 feet; from Section 259.3.C.2.b to permit a side yard setback of 0 feet in lieu of the required 15 feet for an existing garage; and, from Section 259.3.C.3.a.b to approve landscaping to the extent currently provided and as proposed on the east, west, and south tract boundaries. At the hearing, the Petition was amended to also request relief to permit the existing garage to remain in its present location (front yard) in lieu of the required rear yard, pursuant to Section 400.1 of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were William H. Norris, a principal of Norris, Holman Properties, LLC, property owner; Bruce E. Doak, on behalf of Gerhold, Cross and Etzel, the consultants who prepared the site plan for this property; Peter D. Charles, Architect, retained by the Petitioner for the redevelopment of this site; and Stuart Braiterman, Esquire, attorney for the Petitioner. Appearing as an interested person was Frank Cirincione, who resides in the area. There were no Protestants or other interested persons present.

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Date 8/30/11

By [Signature]

Testimony and evidence offered revealed that the subject property is an irregularly shaped parcel located on the west side of York Road, just north of its intersection with Mt. Carmel Road in northern Baltimore County. The property consists of a gross area of 0.508 acres, more or less, zoned B.L.-C.R. and is presently improved with a one and one-half story frame dwelling, known as the Quinn House. That structure is listed on the Maryland Historic Trust inventory as MHT #BA 2024. In addition to the historic dwelling, the property features a one-story frame garage, which is located in the front yard, and a frame shed located in the side yard. The property was the subject of prior Case No. 01-547-SPH in which Deputy Zoning Commissioner Timothy M. Kotroco granted special hearing relief on July 27, 2001 to allow certain improvements to the building by the Petitioner. As shown on the site plan, the Petitioner proposes two additions to the existing structure and other exterior modifications. In addition, the existing shed is to be relocated to the rear yard and additional landscaping provided along the northern property line. Mr. Norris is an accountant by occupation and apparently intends on utilizing the subject property for his office, which is permitted in the B.L.-C.R. zone. However, variance relief is necessary to legitimize certain existing conditions and to permit redevelopment of the property as proposed.

The first variance is to permit an existing two-way drive aisle width of 18.8 feet. As shown on the site plan, the narrowest point of the drive will be that area between the proposed new covered front porch and the existing garage. Specifically, the distance between those structures is 18.8 feet; thus, a wider driveway cannot be provided. However, the driveway is wider at the entrance to the road and it is found that the existing width will be sufficient to accommodate anticipated traffic. The location of a utility pole in the front yard is also noted, which slightly decreases the width of the driveway at that location. However, at that point, a 20-foot width is maintained in that the pole is closer to the street than the existing garage.

The second variance requested is to allow a side property line setback of 0 feet for the existing garage. Apparently, the garage was built many years ago and immediately abuts an adjacent property line. Its location may very well be nonconforming in view of the age of the structure; however, variance relief is necessary to legitimize its location. Moreover, as noted

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Date 8/30/07
BY [Signature]

above, the Petitioners amended their request to also seek relief from Section 400.1, due to the garage's location in the front yard. Again, this may very well be a nonconforming situation, given the age of the structure. In my view, strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioner. Thus, variance relief should be granted to allow the garage to remain in its present location.

The final variance requested relates to landscaping of the property. Photographs of the site submitted show an existing fence along the rear property line and mature trees along the southern property line. The Petitioner submitted a landscaping plan, identified as Petitioner's Exhibit 3, which shows existing conditions and additional proposed planting that will be located along the north side of the property. Subject to the approval of the County's landscape architect of a final landscape plan, the requested variance shall be granted. The existing vegetation and fence, coupled with the installation of new plant material appear to be an appropriate buffer effort. It is to be noted that commercial properties are located across the street and immediately south of the subject site.

Based upon the testimony and evidence offered, I am persuaded to grant the variance. I find that the relief requested meets the requirements of Section 307 of the B.C.Z.R. and that relief can be granted without detriment to the surrounding locale. Moreover, there were no Protestants present and there were no adverse comments submitted by any Baltimore County reviewing agency.

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 for Baltimore County this 30th day of August, 2001 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 404.4 to permit an existing two-way drive aisle width of 18.8 feet in lieu of the required 20 feet; from Section 259.3.C.2.b to permit a side yard setback of 0 feet in lieu of the required 15 feet for an existing garage; from Section 400.1 to permit the existing garage to remain located in the side yard in lieu of the required

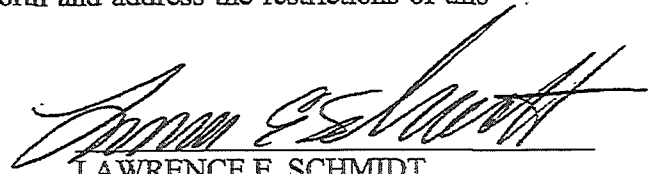
ORDER RECEIVED FOR FILING

Date

By

rear yard; and, from Section 259.3.C.3.a.b to approve landscaping to the extent currently provided and as shown on the landscape plan on the east, west, and south tract boundaries, in accordance with Petitioner's Exhibits 1 and 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Petitioner shall submit a landscape plan for review and approval by the County's Landscape Architect, prior to the issuance of any use permits.
- 3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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Date 8/30/01
By [Signature]