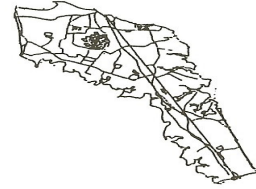




GREATER SEVERNA PARK COUNCIL
Meeting
Severna Park Library
August 9, 2011
Minutes



Go to: www.GSPCouncil.Org

The meeting was called to order at 7:35 pm by President Jerry Pesterfield. Mr. Pesterfield welcomed delegates attending, Diane Jennings, Legislative Assistant to Dick Ladd, and Dana Eckert, Severna Park Chamber of Commerce.

Secretary's Report: President Pesterfield motioned for approval of the July 12, 2011 Minutes distributed by email to the full membership. Motion to approve the Secretary's Report was unanimously approved as submitted and filed for the record.

Treasurer's Report: Treasurer Steve Poland provided the Treasurer's Report as of July 31, 2011, and noted the following dues received and deposited for Chartwell and CD's purchased in the amount of \$10,000. Director John Norville confirmed the accounting audit is being organized. Motion to approve the Treasurer's Report was unanimously approved as submitted and filed for the record for audit purposes.

See **Appendix A** for Treasurer's Report as of August 9, 2011.
See **Appendix B** for Membership Update as of August 9, 2011.

Speaker: Al Johnston, GSPC Vice President, Comprehensive Rezoning-Anne Arundel County: President Pesterfield noted that a few months ago a video was prepared of each of the 38 properties up for comprehensive zoning. Communities received and were able to see what was happening and could respond. Mr. Pesterfield emphasized that the process is community driven and supported by GSPC. He also noted that if the GSPC doesn't receive responses including objections or, if unclear and outside the General Development Plan guidelines, then the GSPC will step up and take a position. They have received comments from almost all communities, and it is extremely important for communities to show up at the County Council meetings. The GSPC will support the positions of each community via letters to the County Council.

Mr. Johnston provided an overview of each of the 38 properties on the Master GSPC Comprehensive Rezoning Watchlist attached as **Appendix C**. *The recap of the 21 GSPC communities voting upon conclusion of Mr. Johnston's overview is also highlighted in Appendix C.*

Mr. Johnston commented that page 117 of the General Development Plan (GDP) addresses the issues associated with Item 13 - Watchlist number 1165 - which does not conform to the statutory "Criteria for Comprehensive Zoning Changes" in the 2009 GDP. He also noted that Item 17 - Watchlist number 1280 - brings up the issue regarding impact of changing a C2 zoning area from residential since communities do not want to change from residential and the impact on the abutting areas including Severna Park Middle School do not conform to the GDP and spot zoning ordinance.

Mr. Pesterfield noted that the GSPC meets regularly with County Council Chairman Dick Ladd on the GSPC comprehensive zoning position. Mr. Johnson also noted that the GDP is only a guide and the General Assembly in 2009 passed House Bill 297 specifically since the guide does not control the General Assembly decisions.

Go to County Website to view the Comprehensive Zoning Proposals for Council Districts 2, 3, 5.
http://www.aacounty.org/PlanZone/LongRange/Resources/ZoningProposalsDistricts2-3-5_20110810.pdf

Request for Investigation Form: Director John Norville advised members that The Department of Inspections and Permits "Request for Investigation" Form used for all suspected violations of the Building, Grading and Sediment Control, and Zoning Codes is available at:
<http://www.aacounty.org/IP/Resources/RequestInvestigation.pdf>. A copy of the form is attached as **Appendix D**. 1

Public Works: No report.

Education Committee Report: Director Brad Myers reminded delegates that school starts week of August 22nd.

Environmental Committee Report: Submitted by Ann Jackson & Ed Krause, Watershed Stewards.
See Appendix E for the full Committee Report including upcoming events.

Police-Community Relations Report: No report.

Other Community Business:

- **Chamber of Commerce Greater Severna Park:** Chamber President Dana Eckert provided an update on the following scheduled upcoming activities:

Upcoming activities:

- Business Golf Tournament: **Monday, September 26 - Chartwell Country Club**
- Legislative Breakfast –Anne Arundel County Chambers: **Friday, September 30 – 8:30 a.m. Hella’s Restaurant**
- Heritage Day: **Sunday, October 2**
- General Membership Luncheon: **Wednesday, October 5**

Planning/Zoning/Legislative Committee: See Appendix F for Mr. Johnston’s detailed report for Legislation, Planning, Zoning and Capital Projects; GSPC Issues before the Board of Appeals, and Circuit Court and Special Appeals Cases and activities.

Unfinished Business: None.

New Business:

- **Gangs Presentation:** President Pesterfield advised delegates that he has confirmed that County Detective Mark Finley will give a presentation on gangs at the September 13 GSPC general meeting.
- **Property Management:** Delegates were requested to let President Pesterfield know if they have any information they can share with Cypress Landing on Property Management.

Next Meeting Dates:

- Board of Directors Meeting: **Wednesday, August 24, 2011 - 7:30 pm - Severna Park Library**
- General Meeting: **Tuesday, September 13, 2011 – 7:30 pm – Severna Park Library: Presentation on Gangs by County Detective Mark Finley**

The meeting was adjourned at 9:25 pm.

Very respectfully submitted:



Kathleen J. Michels, GSPC Secretary
August 21, 2011

GSPC General Meeting

August 9, 2011Treasurer's Report**Account balances** (as of 07/31/2011)

BB&T checking	= \$ 6,289.46
SmithBarney money market	= \$... 849.20
SmithBarney CDs (3)	= \$25,000.00

Beautification Trust Fund balance (as of 07/31/2011)

BankAnnapolis	= \$ 2,475.15
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Account activity in JulyBB&T

Dues deposited	= \$ 35.00
Checks cleared --2183	= \$ (4.88)

SmithBarney

Money Market	= \$ 0.00
Interest	= \$ 0.00
CD purchased	= \$(10,000.00)

BankAnnapolis (Beautification Fund)

Interest	= \$ 0.00
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GREATER SEVERNA PARK COUNCIL

Membership UPDATE

August 9, 2011

The list of Greater Severna Park Council communities and their membership status includes:

55 Communities in Good Standing YTD 2011

Late for 2011 (3) **[no longer in “Good Standing”]**.

Ben Oaks, McKinsey Park, Severn Heights.

Paid 2011 dues (55) (Most recent dues payments in red)

Arnold Preservation Council, Belleview Estates, Bendale, Berrywood, Bluff Point, Brittingham, Cape Arthur, Carrollton Manor, Cattail Passage, Chartridge, Chartwell, **Chartwood**, Colchester, County Crusaders, Crain West, Cypress Improvement, Cypress Landing, Evergreen, Fair Oaks, Fairwinds, Glen Oban, Harlequin, Hollywood, Jennings Road, Kensington, Kilmarnock, Lake Waterford, Linstead, Lower Magothy, Magothy Forest, Manhattan Beach, North Cape Arthur, North Severna Park, Oakleigh Forest, Olde Severna Park, Point Field Landing, Pointfield West, Round Bay, Severna Enclave, Severna Forest, Severndale, Sheffield Park, Shipley's Choice Community, Shipley's Choice Homeowners, Shipley's Retreat Homeowners, Swann Point, Tam Glade, Twin Harbors, Westridge, West Severna Park, Whitehurst, Whitney's Landing, Williams Woods, Woodberry Farms, Woodbridge Forest.

Communities in arrears

For 2009 -- 11: Berrywood Ridge, Berrywood South,
East Earleigh Heights.

For 2008 -- 11: Jones CA.

For 2007 -- 11: Arundel Plaza, McKinsey Woods.

**GSPC Comprehensive Zoning Application Watch List
Community Annotations 6-17-11
Version 8-19-11**

Boldface=Cases for significant Investigation

The last number item for each case is the Tax Map/Parcel Number, the current use is per applicant; GSPC Communities are the last item in the listing.

GSPC Comprehensive Zoning Ballot 8-19-11 - Voting Recap - 21 Community Votes (Highlighted in blue)

1. #1032, Ritchie Way Ltd Partnership, 825 Ritchie H'way, 21146, R2 to C4, Car Wash Service, 32E/412

Approve_1_, Disapprove_3_, Approved as discussed_17_

Bellevue Estates; Manhattan Beach; Severn Heights; Arnold Preservation Council; Jones Community Assn. Non GSPC: Swan Point; Swan Point Estates, Old County Estates; Manhattan Manor; Windrush Farm; Dividing Creek, Arnold Preservation Team

***Requested Zoning Commentary:** Requests change from C4 Non conforming (P&Z corrected to R2) to C4. Applicant notes: "We (Ritchie Way Ltd. Partnership) have operated this facility as C-4 Use continuously (without interruption) for 16 years. The property's previously owners also operated a C-4 business. The property was originally zoned C-4 without a nonconforming title. No use, other than a C-4 permissible use, has existed on this property".

***Current Zoning History:** Current zoning map shows subject property to be in an R2 zone. A review of the 1997 Severna Park Small Area Plan and the 2009 General Development Plan identify no discussion of the subject property. As of July 2, 2011, an investigation of the situation is pending.

***Abutting Zoning Commentary:** North: R2 with close proximity to Open Space, West: faces Ritchie Highway with large area of C3 Property containing Pete's Cycle has applied for C4 zoning within the C3 area. East: R2 with close proximity to Open Space. South: R2 driveway to Kris Leigh Assisted & Independent Living, beyond driveway is an automobile repair and truck rental facility.

***General Development Plan (GDP)**

a) GDP: Application does not confirm to the 1997 Severna Park Small Area Plan and does not conform to the statutory "Criteria for Comprehensive Zoning Changes" in the 2009 General Development Plan. It should be noted that the facility was operating and in existence while both the SAP and GDP were under consideration. Additional research indicated.

***P/Zoning Recommendation:** Change to C3. There are existing commercial districts to the north and across MD 2 from this site and the area is contained from further commercial expansion by surrounding floodplain areas. These properties contain existing commercial businesses. Also rezone P.422 adjacent to the south.

2. #1042, K. Dale Willians, 8099 Veterans H'way, 21108, R2 to C4, Benfield Service Center 22/475

Approve_11, Disapprove_2_, Approved as discussed_8_

Crain West, Pointfield Landing, Pointfield West; Ben Oaks; Shipley's Choice Homeowners

***Requested Zoning Commentary:** Applicant requests change from C3 to C4. Not mentioned in the Application but Zoning Code now requires C4 for vehicle rentals which has been carried on at this location for well over 30 years. **Applicant commentary:** “This full service gas station/full garage has been, and still a locally owned family business, as opposed to a corporate controlled, out of state business. The building and business was started in the early 1950’s and the current owners have owned and operated the business since March 1, 1981. The current owners have lived in Anne Arundel County for over 50 years”.

***Current Zoning History:** Current Zoning Map shows C3 covering subject property on the NE Corner of Veterans and West Benfield. Application notes a prior Comprehensive Zoning Application but the date of 1990 has been crossed out leaving a question as to whether a prior request existed.

***Abutting Zoning Commentary:** North: R2 and Crain West. West: Faces Veterans Highway with extended C2. East: R2 and Crain West. South of West Benfield: R2 and Pointfield West.

***General Development Plan (GDP)**

a) **GDP:** Application conforms to the Severna Park Small Area Plan as incorporated into the 2009 General Development Plan.

***P/Zoning Recommendation:** No Change. There is no demonstrated need to establish a heavy commercial district at this location which is surrounded by commercial office and single family residential uses. C3 zoning is more compatible with the area and the existing business on the site has legal nonconforming status to operate under its current C3 zoning.

3. #1074, Robert Rodriguez, 84 Ritchie H’way, 21122, R2 to C2, Escape Advertising, 23/161, L 37-41
Approve_0_, Disapprove_19, Approved as discussed_2_

Lake Waterford; Brittingham; Non GSPC: Shelby Grove; Pasadena Manor;
Huntsmore; The Dales

***P/Zoning Recommendation:** No Change. There is no demonstrated need to establish a new commercial district at this location on Ritchie Highway, and adopted plans do not recommend creation of a new commercial district at this location.

4. #1094, James Chappell, 848 Ritchie H’way, 21146, R5 to C3, Residential, 32E/417.
Approve_1_, Disapprove_5_, Approved as discussed_15

Jones Community Assn; Belleview Estates; Manhattan Beach; Severn Heights;
Arnold Preservation Council

***P/Zoning Recommendation:** No Change. The property is not developed with commercial uses, and there is no demonstrated need to expand the abutting commercial district onto this property.

5. #1103, Offett/Watts & Johnson, 930 Ritchie H’way, 21146 R5&R2 to Commercial, Residential,
32H/35

Approve_0_, Disapprove_14, Approved as discussed_7_

Belleview Estates; Manhattan Beach; Severn Heights; Arnold Preservation Council;
Jones Community Assn. Non GSPC: Swan Point; Swan Point Estates, Old County
Estates; Manhattan Manor; Windrush Farm; Dividing Creek; Arnold Preservation
Team

***P/Zoning Recommendation:** No Change. There is no demonstrated need to establish a new commercial district at this location on Ritchie Highway, and adopted plans do not recommend creation of a new commercial district at this location. This parcel is zoned consistently with abutting residential properties.

6. #1104, Offett/Warner Johnson, 21 Hoyle Ln, 21146, R5 to Commercial, Residential, 32H/108

Same as #5

Approve_0_, Disapprove_17, Approved as discussed_4_

***P/Zoning Recommendation:** No Change. There is no demonstrated need to establish a new commercial district at this location, and adopted plans do not recommend creation of a new commercial district at this location. This parcel does not have direct road frontage and is zoned consistently with abutting residential properties.

7. #1105, Offett/ Warner Johnson, 973 B&A Blvd, 21146, R5 to Commercial, Residential, 32H/112

Same as #5

Approve_0_, Disapprove_17, Approved as discussed_4_

***P/Zoning Recommendation:** No Change. There is no demonstrated need to establish a new commercial district at this location, and adopted plans do not recommend creation of a new commercial district at this location. This parcel does not have direct road frontage and is zoned consistently with abutting residential properties.

8. #1106, Offett/ Claudette White, 50 Hoyle Ln, 21146, R5 to Commercial, Unimproved, 32H/105

Same as #5

Approve_0_, Disapprove_16, Approved as discussed_5_

***P/Zoning Recommendation:** No Change. There is no demonstrated need to establish a new commercial district at this location on Ritchie Highway, and adopted plans do not recommend creation of a new commercial district at this location. This parcel is zoned consistently with abutting residential properties.

9. #1112, Robert Yesker, 383 Ritchie H' way, 21146, R2 to C3, Sea Food Carry Out, 24/428

Approve_2_, Disapprove_7_, Approved as discussed_12

Berrywood; Berrywood South; County Crusaders; Cattail Passage; Cypress Landing; Woodberry Farms

***Requested Zoning Commentary:** Requested R2 to C3. **Applicant Commentary:** “This property was zoned commercial until 1973 when it was rezoned to residential. A business was on the site prior to 1960 and has continued since. In 1989 I tried to have a nonconforming status for the site and in 1992 was approved as non conforming. In 2002 I talked with Zoning Officer Mike Fox and was told it would have been rezoned the last time comprehensive Zoning took place if I would have applied. This business has been on this property since before it was rezoned in 1973 and will continue for the foreseeable future. At this point I cannot expand my business in any way and I would like the chance to expand in the future. All properties around this was rezoned the last comprehensive zoning.”

***Current Zoning History:** The subject property is at the NE corner of Rt. 648 at Ritchie Highway and is a rough right triangle with the height facing Ritchie Highway and the base fronting on Rt. 648. The hypotenuse abuts a small branch of Cattail Creek. Current Zoning is R2 and GSPC was involved in rezoning it to R2 in 1973 as noted in paragraph 5 above. The Mike Fox conversation quotation in paragraph 5 above is an accurate assessment based on other cases where GSPC was involved. Those other cases at this intersection were upzoned from R2 to C3. Mike Fox was the Lead Planner for the Severna Park Small Area Plan, Given the existing business, R1 could be considered the appropriate zoning and may be the suggestion by Planning & Zoning in crafting the legislation.

***Abutting Zoning Commentary:** **North:** Cattail Branch and C2, **East:** Cattail Branch entire length except for a small corner parcel created by establishing Rt. 648. **South:** Rt. 648. **West:** C1 across Ritchie Highway except for a small corner parcel created by establishing Rt. 648. The two small parcels facing Rt. 648 not part of the subject property are zoned R2. Following the upzoning on the SE corner of Rt. 648 at Ritchie Highway proposed following the Severna Park Small Area Plan, these two parcels could appropriately be upzoned as well.

General Development Plan (GDP)

- a) **GDP:** Given the commentary in paragraphs 5, 6 and 7, the request is in conformity with the GDP and SAP.

***P/Zoning Recommendation:** Change to C1. C1 zoning is more appropriate for this property located at a commercial intersection on Ritchie Highway. This will create a more uniform commercial district with abutting commercial properties. The site is currently used by a commercial business. Also rezone P.734 adjacent to the south.

10. #1120, Frank Eastman/Forked Creek Yacht Club, 456 Severn Rd, 21146, R1 to MA3, Yacht Club 31/414.

Approve_14, Disapprove_1, Approved as discussed_6_

Bluff Pointe; Colchester; Rivendell; Severndale; Kensington; Severna Forest.

***P/Zoning Recommendation:** Change to MA3. This zoning change will address the need to expand the county's maritime land inventory in suitable locations to support the marina industry. The Forked Creek Yacht Club is an established yacht club in the community.

11. #1126, Mark vanReuth, 924 B&A Blvd, 21146, R2 to R5, Residential, 32/94.

Approve_4_, Disapprove_5_, Approved as discussed_12_

Jones Community Assn; Round Bay; Non GSPC: Swan Point; Swan Point Estates; Old County Estates

***P/Zoning Recommendation:** No Change. This property is zoned consistently with the surrounding area. There is no demonstrated need to increase residential densities in this area.

12. #1143, Habib Malik, ___Ritchie H'way, 21146, R2 to C4 or C3, Vacant, 32H/29

Approve_0_, Disapprove_16, Approved as discussed_5_

Bellevue Estates; Manhattan Beach; Severn Heights; Arnold Preservation Council; Jones Community Assn. Non GSPC: Swan Point; Swan Point Estates, Old County Estates; Manhattan Manor; Windrush Farm; Dividing Creek, Arnold Preservation Team

***P/Zoning Recommendation:** No Change. There is no demonstrated need to establish a new commercial district at this location on Ritchie Highway, and adopted plans do not recommend expansion of commercial zoning in this area. This parcel is zoned consistently with abutting residential properties.

13. #1165, Kathleen Bye, 238 Ritchie H'way, 21146, R2 to SB, Home Occupation, 23/756.

Approve_0_, Disapprove_18, Approved as discussed_3_

Cattail Passage, County Crusaders, Woodberry Farm, Cypress Landing

***Requested Zoning Commentary: "Requested Zoning: Small Business District".**

"Explanation and Justification for Requested Zoning: The premise has been used as a insurance agent's office for 24 years. The requested zoning will permit utilization of the entire square footage footprint as my business grows. The in turn will add jobs in Severna Park.

The occupancy as an office is compatible with surrounding land use and is the outlined plan for Greater Severna Park. An office exposure of this nature is pleasant in appearance and belongs with the neighboring environment. Zoning changes for adjacent area's along Ritchie H'way to the immediate north and the south are outlined in the Small area plan for the Severna Park. In fact the subject property is located on Ritchie H'way between Earleigh Heights Rd and Route 648.

We operate under traditional business hours with little to no evening and weekend disturbance. In addition this is a business that exhibits very low noise thereby not adding to the present noise levels of Ritchie H'way, a road with high volume traffic density.

***Current Zoning History: Current Zoning of Property R2. Use of Property: Home Occupation.** A Home Occupation with resident Licensed Insurance Agent(s) and one non resident employee is a very common and permitted conditional Land Use in all residential zones. The Small Business District on the other hand permits some 42 classically commercial retail sales oriented C1 uses from Adult Day Care Center to Volunteer Fire Station. The ideal use for this classification is adjacent to an existing commercial zone where there is existing signage and customer parking. It is an inappropriate land use where all abutting properties are zoned R2. Beginning in 1973 Residential Land Use for this section of Ritchie Highway between the nodes at Whites Road and Earleigh Heights Road has been retained. An extract of the evidence in Administrative Hearing Officer case 2008-0260-R clearly documents this history as follows:

"The Long Range Planning Division of the Office of Planning and Zoning reviewed this request for rezoning and commented in a memo dated 9/5/08: The Severna Park Small Area Plan encourages the comprehensive commercial development along the strategically located nodes and corridors like the interested of the MD 2 and MD 10, and the corridor along Veteran's Highway. The Plan encourages the concentration of commercial growth in the commercial nodes to limit sprawl and offer alternative means of transportation. The Small Area Plan also promotes continuous residential development patterns to minimize the costly scattering of public services.

This Small Business District zoning classification did not exist at the time of the Severna Park Small Area Plan enacted in Bill 5-02, On the other hand, it did exist at the time of the 2009 General Development Plan. Bill 54-09 enacted the 2009GDP and re-enacted the Severna Park Small Area Plan. The enacted GDP contained a list of Land Use changes. That list did not contain any reference to the subject property. On that note, **the subject property does not comply with the General Development Plan or the Severna Park Small Area Plan.** See paragraph 8b below.

***Abutting Zoning Commentary: North: R2; West: R2; East: Across Ritchie Highway R2; South: R2.**

***General Development Plan (GDP)**

a) GDP/SAP: The subject property along with all the properties on both sides of Ritchie Highway in this area was the subject of review by the Land Use Subcommittee of the 2002 Severna Park Small Area Plan. The enacted SAP retained the Residential Land Use for the subject property and all abutting and nearby properties but did provide for Commercial changes at the node at Rt. 648.

The 2009 GDP considered and made Land Use changes in the Severna Park Small Area Plan but retained residential Land Use for the subject property and all abutting properties. On that note the Application does not conform to the updated Severna Park Small Area Plan re-enacted with the 2009 GDP.

b) The 2009 General Development Plan on page 117, establishes the criteria for changes during the Comprehensive Zoning process as follows: “Policy: **Comprehensive zoning changes must demonstrate the following criteria:**

- 1) The Change in zoning will further one or more of the established goals and Policies in the adopted GDP or Small Area Plan;
- 2) The change in zoning will not be contrary to an established goal or policy In the adopted GDP or Small Area Plan;
- 3) The change in zoning will allow a land use that is compatible with the Surrounding land uses, so as to promote the health, safety and welfare of Present and future residents.”

The Application in the section, **Explanation and Justification for Requested Zoning**, contains no reference to any Goal or Policy in the GDP or the Small Area Plan with which it complies. Quite to the contrary, the request for the commercially oriented Small Business District is in direct violation of the GDP and updated Small Area Plan. In addition, given the potential Land Uses in the Small Business District there would be very significant reduction of land values for the surrounding single family residences to the west communities of Cattail Passage, County Crusaders and Jennings Road; to the north community of Cypress Landing; to the east community of Woodberry Farms and many single family homes; to the south community of County Crusaders and many single family homes. On that note, the subject property **does not conform to the statutory “Criteria for Comprehensive Zoning Changes” in the 2009 General Development Plan.**

c) **Spot Zoning.** Application also appears to be prohibited per the Court of Special Appeals definition of Spot Zoning. In view of the fact that all abutting properties and properties abutting the abutting properties are zoned R2, the Application would have the County Council insert an island of a Small Business zone within the larger R2 zone. Although there is no statutory prohibition, there is long standing case law to the effect that such action is prohibited per the following citation from the Maryland Court of Special Appeals,

“It is, therefore, universally held that a ‘spot zoning’ ordinance, which singles out a parcel of land within the limits of a use district and marks it off into a separate district for the benefit of the owner, thereby permitting a use of that parcel inconsistent with the use permitted in the rest of the district, is invalid if it is not in accordance with the comprehensive zoning plan and is merely for private gain.” MBC Realty LLC v. Mayor and City Council of Baltimore, 814 A.2d 469, 372 Md. 514)

***P/Zoning Recommendation:** No Change. There is no demonstrated need to establish a new commercial district at this location on Ritchie Highway, and adopted plans do not recommend creation of a new commercial district at this location. The existing home occupation is permitted in the R2 district. 10

14. #1190, Najeeb Sarwar. 93 W. Hamberg St, 21146, R2 to C4, Residential, 23/161
Approve_1_, Disapprove_19, Approved as discussed_1_
Brittingham, Cypress Landing, Non GSPC: Pasadena Methodist Church

***P/Zoning Recommendation:** No Change. There is no demonstrated need to establish a new commercial district at this location on Ritchie Highway, and adopted plans do not recommend creation of a new commercial district at this location.

15. #1228, Robert Warren, 407 South Dr, 21146, R5 to MA2, Marine Railway, 24/345.
Approve_2_, Disapprove_15, Approved as discussed_4
Lower Magothy Beach. Non GSPC: Magothy River Assn.

***P/Zoning Recommendation:** No Change. This property is not developed as and does not operate as a fullscale commercial marina currently, and due to site coverage limitations under the Critical Area LDA overlay, it is not a suitable location to establish a new MA2 district. The owner currently operates a marine railway and crane to lift boats for limited boat repair on the property, and can continue that operation under its legal non-conforming status.

16. #1278, Leach Development Corp, 798-800 Ritchie, H'way, 21146, C3 to C4, Motorcycle Sales, 32/731-770.
Approve_7_, Disapprove_11, Approved as discussed_3_
Bellevue Estates; Manhattan Beach; Severn Heights; Arnold Preservation Council;
Jones Community Assn. Non GSPC: Swan Point; Swan Point Estates, Old County
Estates; Manhattan Manor; Windrush Farm; Dividing Creek, Arnold Preservation
Team

***P/Zoning Recommendation:** Change to C4. These two parcels are located on adjoining C3 and C4 districts and are split-zoned, and contain a heavy commercial use. Rezone to C4 so the properties are zoned consistently.

17. #1280, Bob Blanchfield, 478 Jumpers Hole Rd, 21146, R2 to C2. Nursery, 23/156-422, 31/221-222.
Approve_0_, Disapprove_21, Approved as discussed_0_
Kensington, Chartwell, Chartridge, Carrollton Manor, Hollywood, Fair Oaks,
Whitney's Landing

***Requested Zoning Commentary:** Applicant is requesting C2 zoning to achieve a density of 120 units for an upscale senior condominium in four buildings. Applicant has verbally agreed to covenants to restrict use of property to a senior condominium for tax map properties 31/221 & 222, 23/156 & 422. SDAT valuation at R2 is \$904,000 actual and at C2 is \$22,202,240 estimate. At C1 valuation is \$15.476 480 estimate. Estimates not audited.

***Current Zoning History:** Current R2 with uses as a non conforming nursery, a law office in a prior residence, and several single family residences in the four parcel property. There is a history of reported storage of C3 storage construction equipments and large diesel trucks which arguably would be a violation of the non conforming use...

***Abutting Zoning Commentary:** North: Severna Park Middle School as R2. West: R2 Residential South: Pre-school nursery as R2. East: Faces Jumpers Hole Road with C1 directly across and to the south, R5 to the North.

*** General Development Plan (GDP):**

a) GDP: Application does not confirm to the Severna Park Small Area Plan. It also does not conform to the 2009 General Development Plan approved Land Use changes and does not conform to the statutory “Criteria for Comprehensive Zoning Changes” in the GDP.

b) Spot Zoning Application also appears to be prohibited per Court of Appeals definition of Spot Zoning, “It is, therefore, universally held that a ‘spot zoning’ ordinance, which singles out a parcel of land within the limits of a use district and *marks it off into a separate district* for the benefit of the owner, thereby permitting a use of that parcel inconsistent with the use permitted in the rest of the district, is invalid *if it is not in accordance with the comprehensive zoning plan and is merely for private gain.*”

***P/Zoning Recommendation:** Change to R5. There is no demonstrated need to establish a commercial district at this location. A change to R5 zoning will permit residential development compatible with nearby residential densities. Also rezone adjacent P.357 & 436.

18. #1289, Steve Curtis, 8657 Veterans H’ way, 21108, R2 to C4, Contractor Storage, 22/183.

[Approve_0_](#), [Disapprove_21](#), [Approved as discussed_0_](#)

Crain West, Ben Oaks, Pointfield Landing, West Pointfield, Shipley’s Homeowners

***Requested Zoning Commentary:** Applicant requests a change from R1 to C4,

Applicant’s commentary in response to the following three questions on page 2 of the Application:

5.1. Application’s consistency with GDP Policies/Goals;

5.2. Which specific GDP Policy/Goal is implemented by Application;

5.3. Would requested change be compatible with surrounding land uses and community:

“Enclose you will find the application for rezoning of property owned by Mr. Steven M. Curtis located at 8657 Veterans Highway, Millersville, MD 21108(the property) Mr. Curtis requests that the Property be rezoned from R-2 to C-4.

The Property is comprised of approximately 3.1 acres and is currently zoned R-2. The Property is oriented to Veterans Highway. There are several properties to the north, west and south of the Property which are commercially zones C-4. Included among these commercial areas are two (2) properties in the vicinity of Benfield Boulevard and Veterans Highway (to the north of the subject property) which were rezoned from residential to commercial as part of the comprehensive rezoning process in June 2002. Immediately adjacent to and siting east, southeast of the Property are a group of residences which are part of a community (Crain West) oriented to Benfield Road and away from the property and Veterans Highway. Only the rear yard of these residences abut the Property and all of these residential lots gain access from Benfield Road, not Veterans Highway. With this rezoning request, Mr. Curtis proposed to construct a building on the Property of office use. As shown on the site plan, if the rezoning request is approved, the perimeter of the Property will be buffered with trees. The only access to the Property would be from Veterans Highway.

The change of character in the neighborhood of Veterans Highway from R-2 to C-4 and given the Property fronts on Veterans Highway, a major thoroughfare, residential (R-2) development of the site is not feasible.

The requested rezoning to C-4 conforms to the General Development Plan, as amended by the Severna Park Small Area Plan (“the Plan”). In conformance with one of the Plan’s goals for the location of new development, the Property is in an existing area for water, and a planned area for sewer. In addition, rezoning of the Property for commercial uses will be in conformity with the Plan’s concept to create a commercial revitalization corridor along Veterans Highway. This commercial corridor along Veterans Highway, including the commercial done to the north of the property, is intended to provide new infill commercial development and serve the community with amenities. Rezoning of the Property will conform to this concept.

Finally, the requested rezoning will be compatible with the surrounding land uses. Except for the Crain West Residences, which neither front on nor toward Veterans Highway, the areas to the north, West and south of the Property are commercial. If granted, there will be no adverse impact to the public health, safety or welfare of County residents in the rezoning of the Property.

In conclusion, I asked that the Council rezone the Property at 8657 Veterans Highway from its current R-2 status to C-4. This request conforms to the General Development Plan, is compatible with surrounding land uses and will not adversely impact the health, safety or welfare of the County's residents.

If anything further is required, please advise. Sincerely, Seven M. Curtis".

***Current Zoning History:** The land use for the subject property has probably been the object of more individual legal actions than any other property of interest to the Greater Severna Park Council. The subject property was the "farmhouse" area for the Pumphery family and retains one of several barns used during a much earlier time. Recent history begins with the construction of I-97 project and the relocation of Veterans Highway. The new Veterans Highway alignment required the replacement of the farmhouse with a new rancher for owner Genevieve Solomon, funded by the I-97 Project. On September 17, 2001, tax records show Mr. Curtis purchased the property from the Solomon estate. Shortly thereafter he cleared the site and installed both a Fire Protection business and a landscaping operation. After many years of complaints by the abutting community of Crain West and failed mediation, the County obtained a Consent Order from the District Court to cease commercial activities on the site.

In order to prevent the Consent Order to be enforced, Mr. Curtis initiated a request for Administrative Rezoning to C2 Commercial on the basis of mistake in the 2002 Comprehensive Rezoning. That request was not recommended by Planning and Zoning, denied by the Administrative Hearing Officer, the Board of Appeals, the Anne Arundel Circuit Court and finally in the Court of Special Appeals. The County, after two failed attempts, obtained a Court Order to cease non residential activities and a \$250.00 fine.

Not surprisingly, Mr. Curtis submitted an Application for C4 Commercial Zoning during the current Comprehensive Zoning process. Should the Office of Planning and Zoning approve the application and include the application in the Bill for Districts 2, 3 and 5, there will a hearing before the County Council scheduled for October 3, 2011. If not included in the Administration Bill, Mr. Curtis can submit a request to the County Council to amend the Bill. Any Member of the County Council can introduce such an amendment.

***Abutting Zoning Commentary:** North: Open Space, negotiated to protect Crain West and other residentially zoned property from "commercial creep". East: four residential dwellings within Crain West, South, one residential dwelling within Crain West: West, Veterans Highway used as a "line of demarcation" for the commercial zone between Veterans Highway and I-97.

***General Development Plan (GDP)**

a) GDP/SAP: The subject property along with all the properties on both sides of Veterans Highway in this area was the subject of review by the Land Use Subcommittee of the 2002 Severna Park Small Area Plan. The enacted SAP retained the existing Land Use for the subject property and all abutting properties North, East and South of the subject property. The subject property faces Veterans Highway which was intentionally used as a line of demarcation between commercial and residential land uses. That commercial district extends from beyond the northern border to the border of the Severna Park Small Area Plan. Except for major intersections, on Veterans Highway "nodes", commercial property was not approved in the prior Comprehensive Zoning. East of Veterans Highway.

The 2009 GDP considered and made Land Use changes in the Severna Park Small Area Plan, and at a Veterans Highway node changed residential to commercial but retained residential Land Use for the subject property. **On that note, the Application does not confirm to the 2009 updated Severna Park Small Area Plan Land Use Plan as amended by the 2009 GDP in Bill 59-10.**

b) The 2009 General Development Plan on page 117, establishes the criteria for changes during the Comprehensive Zoning process as follows: “Policy: **Comprehensive zoning changes must demonstrate the following criteria:**

- 1) The Change in zoning will further one or more of the established goals and Policies in the adopted GDP or Small Area Plan;
- 2) The change in zoning will not be contrary to an established goal or policy In the adopted GDP or Small Area Plan;
- 3) The change in zoning will allow a land use that is compatible with the Surrounding land uses, so as to promote the health, safety and welfare of Present and future residents.”

The Application in the section, **Explanation and Justification for Requested Zoning**, contains no accurate reference to any specific Goal or Policy in the GDP or the Small Area Plan with which it complies. Quite to the contrary, the request for the C4 Commercial Highway District is in direct violation of the 2009 GDP and updated Small Area Plan Land Uses. In addition, both the Administrative Hearing Officer and the Board of Appeals made a specific finding of non compatibility with the surrounding Land Uses and a failure “to promote the health, safety and welfare of present and future residents.” On that note, the subject property **does not conform to the Bill 59-10 statutory “Criteria for Comprehensive Zoning Changes” in the 2009 General Development Plan.**

***P/Zoning Recommendation:** Change to C2. This block of Veterans Highway is primarily developed with commercial office uses. This property fronts onto and has access from Veterans Highway, and C2 zoning will allow for future use that is compatible with that commercial district.

19. **#1308, Peter Moscker, 302 Ritchie H’ way, 21146, R2 to C3, Insurance Office, 23/668.**
[Approve_0_](#), [Disapprove_21](#), [Approved as discussed_0_](#)
Cattail Passage, County Crusaders, Woodberry Farm, Cypress Landing

***Requested Zoning Commentary: R2 to C3. Applicant’s Commentary:** “The applicants, Peter and Terry Moscker, seek a C3 classification to allow for the continuation and expansion of the long standing commercial use of the subject site. Their property is comprised of 2.48 acres and fronts on the west side of the southbound lanes of Ritchie Highway (MD. Rte. 2). Although the property is zoned R2-Residential, it has been used for commercial purposes since at least 1951, as established by 1952 Administrative Decision in Case No. NC 74-78 which classified that use as a nonconforming C3 type use. By special exception of January 1993 (Case S-339-92), previous owners of the property secured approval to expand the improvements by the maximum 30% allowed by Code. A C3 classification would be consistent with the existing commercial uses and would allow additional expansion for the office use, while maintaining the display and retail sales of the outdoor playground equipment. The traffic volume on Ritchie Highway and the resultant noise and pollution make the permitted uses in the R2 classification undesirable at this location. Unlike other residential development in this corridor, the limited depth of the site makes it impossible to buffer any residential development from the impact of the highway. Although residential structures have been constructed on the lots to the immediate north and south, those buildings reflect a mixed use, including offices and contractors’ establishment commingled with residences.

The Severna Park SAP recognized the need to provide expanded or redeveloped commercial area (p 23). The SAP' existing Land Use Map recognizes the property as retain, but the proposed Land Use Map projects it as residential. This is in keeping with the Plan's summary and recommendations which note that the areas not shown as commercial on the proposed Land Use Map include transitional residential commercial areas that have developed independently and serve local commercial and convenience needs. (p.13) this concept is continued at page 116 or the 2009 GDP which notes that in cases where more than one specific land use might be acceptable on a given parcel the zoning classification for that parcel should be determined on a case by case basis. As the site is located in a Managed Growth Area, the 2009 GDP's policy of promoting retention and expansion of existing businesses (p. 126) is applicable. The long term commercial use of the property has proven to be compatible with the surrounding neighborhood which, for the most part, has been developed subsequent to the commercial development and use of the site. Reference to the attached site plan reveals that the orientation of the commercial use to Ritchie Highway to the east and the natural features, including non-tidal wetland and 100 year floodplain, on the western portion of the site assure an appropriate buffer to the Cattail Passage and Cattail Manor subdivisions. As previously stated, the residential structures to the immediate north and south, which suffer the same impact from Ritchie High as the site, are being utilized for mixed purposes which will not be adversely affected by a C3 classification for this property”.

***Current Zoning History:** Administrative Zoning Case 2008-0260-R wherein this Applicant had applied for Administrative C3 zoning was heard and denied by the Administrative Hearing Officer on February 19, 2009. In that hearing, Planner William Ethridge, on behalf of the Office of Planning & Zoning, provided the following history at the hearing.

“The current **R2-Residential** classification of the subject property was received as a result of the adoption of the zoning maps for the Severna Park Small Area Plan effective May 5, 2002. There were no pre-files or amendments made for the subject property during the Small Area Planning process. Prior to the Small Area Planning process, the site was zoning **R2-Residential** as a result of the second comprehensive rezoning process for the Southern Third Assessment District effective September 11, 1889. Prior to 1989 the subject property was zoned **R-1 Residential** as a result of the comprehensive rezoning for the Southern Third Assessment District effective May 6, 1973. Prior to 1972, the property was zoned A-301 Agricultural as of the 1952 original zoning.”

Mr. Ethridge also included in his commentary the following:

“The Long Range Planning Division of the Office of Planning and Zoning reviewed this request for rezoning and commented in a memo dated 9/5/08: *The Severna Park Small Area Plan encourages the comprehensive commercial development along the strategically located nodes and corridors like the interested of the MD 2 and MD 10, and the corridor along Veteran's Highway. The Plan encourages the concentration of commercial growth in the commercial nodes to limit sprawl and offer alternative means of transportation. The Small Area Plan also promotes continuous residential development patterns to minimize the costly scatteing of public services.*

The subject property lies in the Residential Low Density land use as adopted by the County. All neighboring parcels of the subject property on both side of Ritchie Highway are designated as Residential use. The only commercial zoning are concentrated at he intersection of Ritchie Highway and Magothy Bridge Road toward the north of the subject property and at the intersection of Ritchie Highway and Baltimore Annapolis Blvd towards the south east. The adopted Small Area Plan did not propose zoning changes for the subject property and no application requesting a comprehensive zoning change were received at that time.

The application to rezone the property from R2 to C3 is consistent with the existing commercial uses of the property, but is inconsistent with the 2004 adopted land use of the parcel and with the land use goals policies in the adopted Small Area Plan.

The subject property was granted a Non Conforming Use in Case 1978-0074-N as a “Garden Center and Variety of Retail Business”. The subject property was also granted a Special Exception to expand the garage area in Case 1992-0339-S

***Abutting Zoning Commentary:** All abutting properties, North, South, West and East across Ritchie Highway are zoned R2.

a) GDP/SAP: The subject property along with all the properties on both sides of Ritchie Highway in this area was the subject of review by the Land Use Subcommittee of the 2002 Severna Park Small Area Plan. The enacted SAP retained the Residential Land Use for the subject property and all abutting and nearby properties but did provide for a change to commercial at the node at Rt. 648.

Bill 64-09 enacted the 2009 GDP which considered and made Land Use changes in the Severna Park Small Area Plan but retained residential Land Use for the subject property and all abutting properties. On that note the Application does not conform to the updated Severna Park Small Area Plan re-enacted with the 2009 GDP.

The 2009 General Development Plan on page 117, establishes the criteria for changes during the Comprehensive Zoning process as follows: “Policy: **Comprehensive zoning changes must demonstrate the following criteria:**

- 1) The Change in zoning will further one or more of the established goals and Policies in the adopted GDP or Small Area Plan;
- 2) The change in zoning will not be contrary to an established goal or policy In the adopted GDP or Small Area Plan;
- 3) The change in zoning will allow a land use that is compatible with the Surrounding land uses, so as to promote the health, safety and welfare of Present and future residents.”

In case 2008-0260-R, where this applicant applied to have the Administrative Hearing Officer establish an Administrative C3 Zoning, the Hearing Officer noted on page 12:

“However, the Severna Park Small Area Plan and the GDP identify the area around the Property as low-density residential use, which has been since 1973. Therefore, I do not find that the requested zoning would conform to the GDP”.

On that finding by the Administrative Hearing Officer, the application should be rejected as failing to conform to the second statutory requirements of the 2009 General Development Plan.

Also in case 2008-0260-R, where this applicant had also applied to have the Administrative Hearing Officer establish Administrative C3 Zoning, the Hearing Officer noted on page 13,

“I find that such possible uses would not be compatible with the surrounding area nor promote the health, safety, and welfare of the present and future resident of the County.”

b) Spot Zoning This C3 application with R-2 zoning on all sides would suggest a case of “spot zoning”. On this note the Application appears to be prohibited per Court of Appeals definition of Spot Zoning:

“It is, therefore, universally held that a ‘spot zoning’ ordinance, which singles out a parcel of land within the limits of a use district and marks it off into a separate district for the benefit of the owner, thereby permitting a use of that parcel inconsistent with the use permitted in the rest of the district, is invalid if it is not in accordance with the comprehensive zoning plan and is merely for private gain.”

***P/Zoning Recommendation:** No Change. There is no demonstrated need to establish a new commercial district at this location on Ritchie Highway, and adopted plans do not recommend creation of a new commercial district at this location. The current use has legal non-conforming status and can continue operation.

20. #1309, Harms Corp, 92 Ritchie H’way, 21122, R2 to C2, Residential rental, 23/403.
Approve_4_, Disapprove_12, Approved as discussed_5_
Non GSPC: Elvaton, Elvaton Acres

***P/Zoning Recommendation:** Change to C2. Rezone P.403 and the front portion of P.554 to C2. This will eliminate the split zoning on P.554 and form a more cohesive C2 district with the commercial office use to the rear.

21. #1334, Valley Hi, LLC, ___Ritchie H’way, ~~21122~~, R5 to C3, Vacant, 24/396.
Approve_0_, Disapprove_20, Approved as discussed_1_
Berrywood, Berrywood South, Non GSPC: Magothy River Assn.

***P/Zoning Recommendation:** No Change. There is no demonstrated need to expand commercial uses at this location. The SAP promotes revitalization of the Severna Park Village commercial center to the south, as opposed to rezoning other non-commercial properties in this area.

22. #1346, Michael McGurk, 236 Ritchie H’way, 21146, R2 to SB or C1, Home Office, 23/757.
Approve_1_, Disapprove_19, Approved as discussed_1_
Cattail Passage, County Crusaders, Woodberry Farm, Cypress Landing

***Requested Zoning Commentary: Requested: R2 to Small Business or C1, Applicant Commentary:**

“I am writing this letter to respectfully request to have our property located at 236 Ritchie Highway rezoned as Small Business District Zoning. We are located directly on Maryland Route 2 – Ritchie Highway on the southbound side halfway between Magothy Bridge Road and Baltimore Annapolis Boulevard (AKA Route 648). We currently have an in home business. I am a painting contractor and the name of my business is Bay Country Painters.

My understanding is that the idea behind “Small Business District Zoning” was to be able to take an area that would be ideal for small businesses to exist while still retaining a residential look and feel. I believe this strip of Route 2 – Ritchie Highway between these two above mentioned intersections is ideal for this type of zoning as there are already many businesses located around our property and yet it is currently not overly developed in a commercial sense.

Ritchie Highway is an extremely busy artery with many vehicles traveling by on any given day at 50 to 60 miles per hour or faster. Therefore it is definitely not conducive to raising a family and would be very dangerous for small children to be playing in the front yard of any of these properties located along this thoroughfare. On the other hand I would venture to say that the surrounding residential communities in this immediate area would greatly appreciate the designation of "Small Business District" on this stretch of Ritchie Highway as it would allow for the continual transition of growth and development of this busy highway, which I guess over time is inevitable, while all the while retaining that hometown residential feeling that we all appreciate and enjoy.

I personally have no qualms with other parts of the county that are very commercial in look and feel, as there is no doubt a need and a purpose for such areas. I also greatly enjoy driving through an area that has that more underdeveloped residential look and feeling. Anne Arundel County is a wonderful place to both live and work. I applaud this county for the efforts made over time to think ahead and plan for the continual changes that occur over time so that we can always utilize our land properly and continue to enjoy the beauty of this area. I always share with people that are not from this area that living in Anne Arundel County allows us to enjoy every change of season. It's two hours to the beach, two hours to the mountains, you can be in several major metropolitan areas within a quick drive, or you can be out in the middle of horse country and farmland in the blink of an eye. There truly is no better place to live.

The main thing that I would like to get across is the reality that this area of Ritchie Highway in Severna Park where our property is located had already transitioned from strictly residential many many years ago. As I said earlier, it would be extremely dangerous to raise small children in any one of these properties along Ritchie Highway. I know for a fact that when I pull out of my driveway I regularly see cars and trucks zooming past well beyond the posted speed limits, not to mention the very high volume of traffic throughout the day and night.

If you would allow this zoning change, I believe it would be completely compatible with the outlined small area plan for Greater Severna Park and the other surrounding properties current land use. As far as our paint company is concerned, all of our crew supervisors drive their work truck home in the evening and do not park on our property. The only people that stay at the property for an extended amount of time are two salesmen and a secretary. Even the salesmen are out on the road quite a bit. We as a company go out to our customer's homes and businesses; they do not come to us. We operate our office under traditional business hours of 8am to 4pm, with no evening or weekend office hours.

Here is a partial list of existing businesses that are currently adjacent to, or are surrounding our property:
(A list of 17 businesses follows located in the commercial node at Earleigh Heights Road to the commercial node at Whites Road)

As you can see listed above it is apparent that quite a few of our neighbors are businesses. If granted this zoning change, our property would continue to remain the same in residential appearance so as to align with the idea behind the "Small Business District; layout.

If you would need to get a hold of me for any questions or clarifications, I can be reached anytime on my cellular phone at 410-270-4928. I greatly appreciate your kind consideration in this matter and look forward to hearing back from you."

***Current Zoning History: Current Zoning of Property R2. Use of Property: Home Occupation.** A Home Occupation with resident operator of the business and **one** non resident employee is a very common and permitted conditional Land Use in all residential zones. The Small Business District on the other hand permits some 42 classically commercial retail sales oriented C1 uses from Adult Day Care Center to Volunteer Fire Station. The ideal use for this classification is adjacent to an existing commercial zone where there is existing signage and customer parking. It is an inappropriate land use where all abutting properties are zoned R2. Beginning in 1973 Residential Land Use for this section of Ritchie Highway between the nodes at Whites Road and Earleigh Heights Road has been retained. An extract of the evidence in Administrative Hearing Officer case 2008-0260-R involving another property on Ritchie Highway clearly documents this history as follows:

“The Long Range Planning Division of the Office of Planning and Zoning reviewed this request for rezoning and commented in a memo dated 9/5/08: *The Severna Park Small Area Plan encourages the comprehensive commercial development along the strategically located nodes and corridors like the intersection of the MD 2 and MD 10, and the corridor along Veteran’s Highway. The Plan encourages the concentration of commercial growth in the commercial nodes to limit sprawl and offer alternative means of transportation. The Small Area Plan also promotes continuous residential development patterns to minimize the costly scattering of public services.*”

This Small Business District zoning classification did not exist at the time the Severna Park Small Area Plan Committee was meeting. That Plan was specifically placed on hold while the Small Business District provision was added to the County Code. Once the provision was added to the Code, The Severna Park Small Area Plan was enacted in Bill 5-02 but no properties within the Plan area were identified for the Small Business District. Some seven years later, Bill 54-09 enacted the 2009 GDP and re-enacted the Severna Park Small Area Plan. The enacted GDP contained a list of Land Use changes including some covered in the Severna Park Small Area Plan. The list did not contain any reference to the subject property.

***Abutting Zoning Commentary: North: R2; West: R2; East: Across Ritchie Highway R2; South: R2.**

***General Development Plan (GDP)**

a) GDP/SAP: The subject property along with all the properties on both sides of Ritchie Highway in this area was the subject of review by the Land Use Subcommittee of the 2002 Severna Park Small Area Plan. The enacted SAP retained the Residential Land Use for the subject property and all abutting and nearby properties but did provide for Commercial changes at the node at Rt. 648.

The 2009 GDP considered and made Land Use changes in the Severna Park Small Area Plan but retained residential Land Use for the subject property and all abutting properties. **On that note the Application does not confirm to the 2009 updated Severna Park Small Area Plan re-enacted with the 2009 GDP.**

b) The 2009 General Development Plan on page 117, establishes the criteria for changes during the Comprehensive Zoning process as follows: “Policy: Comprehensive zoning changes must demonstrate the following criteria:

- 1) The Change in zoning will further one or more of the established goals and Policies in the adopted GDP or Small Area Plan;
- 2) The change in zoning will not be contrary to an established goal or policy In the adopted GDP or Small Area Plan;
- 3) The change in zoning will allow a land use that is compatible with the Surrounding land uses, so as to promote the health, safety and welfare of Present and future residents.”

The Application in the section, **Explanation and Justification for Requested Zoning**, contains no reference to any Goal or Policy in the GDP or the Small Area Plan with which it complies. Quite to the contrary, the request for the commercially oriented Small Business District is in direct violation of the GDP and updated Small Area Plan. In addition, given the potential Land Uses in the Small Business District there would be very significant reduction of land values for the surrounding single family residences to the west communities of Cattail Passage, County Crusaders and Jennings Road; to the north community of Cypress Landing; to the east community of Woodberry Farms and many single family homes; to the south community of County Crusaders and many single family homes. On that note, the ¹⁹ subject property **does not conform to the statutory “Criteria for Comprehensive Zoning Changes” in the 2009 General Development Plan.**

c) **Spot Zoning.** Application also appears to be prohibited per the Court of Special Appeals definition of Spot Zoning. In view of the fact that all abutting properties and properties abutting the abutting properties are zoned R2, the Application would have the County Council insert an island of a Small Business zone within the larger R2 zone. Although there is no statutory prohibition, there is long standing case law to the effect that such action is prohibited per the following citation from the Maryland Court of Special Appeals,

“It is, therefore, universally held that a ‘spot zoning’ ordinance, which singles out a parcel of land within the limits of a use district and marks it off into a separate district for the benefit of the owner, thereby permitting a use of that parcel inconsistent with the use permitted in the rest of the district, is invalid if it is not in accordance with the comprehensive zoning plan and is merely for private gain.” MBC Realty LLC v. Mayor and City Council of Baltimore, 814 A.2d 469, 372 Md. 514)

***P/Zoning Recommendation:** No Change. There is no demonstrated need to establish a new commercial district at this location on Ritchie Highway, and adopted plans do not recommend creation of a new commercial district at this location. The existing home office occupation is permitted in the R2 district.

23. #1378, Riveria Development/Musselman & Crosby, 8301 & 8307 Veterans H’way, 21108, R2 to C2, Vacant & Residence, 22/429 & 430.

[Approve_11](#), [Disapprove_3](#), [Approved as discussed_7](#)

Shipley’s Retreat, Shipley’s Choice Homewoners, Non GSPC: Brightview, Millrace

***P/Zoning Recommendation:** No Change. These parcels were rezoned to R2 during the Severna Park SAP to be consistent with the adjoining residential community to the east and south. There is no demonstrated need to increase the residential densities in this area at this time.

24. #1387, Kathy Galli/Bee’s Nest, LLC, 454 Severn Rd, 21146, R1 to MC, Marina, 31/378.

[Approve_7](#), [Disapprove_5](#), [Approved as discussed_9](#)

Bluff Point, Colchester, Fairwinds, Carrollton Manor, Whitney’s Landing

***P/Zoning Recommendation:** Change to MA2. This zoning change will address the need to expand the county's maritime land inventory in suitable locations to support the marina industry. The Bee's Nest Marina is an established commercial marina. Do not support MC as it would allow more intense uses than what currently exists.

25. #1438, David Canty, 602 Knollwood Rd, 21146, R5 to Subdivision, Residential, 31/38.

[Approve_0](#), [Disapprove_16](#), [Approved as discussed_5](#)

Carrollton Manor

***P/Zoning Recommendation:** No Change. These properties are zoned consistently with the surrounding R5 area in an established community of single family homes. There is no basis for rezoning of these lots.

26. #1016, Francis Smith, 226 Hallman Rd, 21146, R1 to R2, Residence, 23/226.

Approve_15, Disapprove_0_, Approved as discussed_6_

Woodbridge Forest, East Earleigh Heights. No organized community near subject property. Rezoning appropriate.

27. #1139, Kenneth Fligsten, 507 West Dr, 21146, R5 to C1, Commercial Office, 31/38,

Approve_15, Disapprove_0_, Approved as discussed_6_

Carrollton Manor

***P/Zoning Recommendation:** Change to C1. C1 zoning is consistent with the existing commercial district abutting on two sides of the property. This will create a more uniform commercial district. The property contains an existing office use.

28. #1189, John Boring, 8355 B&A Blvd, 21122, R1 to C3, Residential, 24/5.

Approve_6_, Disapprove_1_, Approved as discussed_14

Lake Waterford

***P/Zoning Recommendation:** No Change. The Severna Park SAP examined this segment of B&A Boulevard for further commercial potential, but the adopted plan did not recommend establishing or expanding a retail commercial district in this area. The adopted plan promotes focusing retail commercial uses in the Severna Park Village or at designated commercial intersections on Ritchie Highway.

29. #1208, WAWA, Inc, 8304 & 8308 Ritchie H'way, 21122, C1 to C4, Residential, 23/38&86.

Approve_0_, Disapprove_20, Approved as discussed_1_

Brittingham, Cypress Landing, Lake Waterford

***P/Zoning Recommendation:** No Change. These parcels are located within an existing local commercial district zoned C1. There is no demonstrated need to rezone this portion of the C1 district to C4. The use suggested by the applicant can be developed in C1 with an approved special exception.

30. #1276, Five Pumphrey's Partnership, LLC, 8450 Elvaton Rd, 21122, R1&OS to C3, Luckie's, 16/882

Approve_0_, Disapprove_19, Approved as discussed_2_

No GSPC Community

***P/Zoning Recommendation:** Change to C1. C1 zoning is appropriate for this site bordered by heavy and retail commercial uses along the B&A Trail and residential uses across Jumpers Hole Road. The site contains a former convenience store. Retain the OS zoning on floodplain areas of the property.

31. #1301, Betsy Slicker, 8211 Elvaton Dr, 21122, R1 & OS to R2, R1, OS, Residential, 16/351.

Approve_6_, Disapprove_0_, Approved as discussed_15

No GSPC Community

***P/Zoning Recommendation:** No Change. This property is zoned R1 consistently with other residential properties on this section of Elvaton Road and there is no demonstrated need to increase densities.

32. #1310, 8300 Ritchie, LLC, 8300 Ritchie H'way, 21122, C1 & R1 to C1, Vacant, 23/37.

Approve_13, Disapprove_0_, Approved as discussed_8_

Brittingham, Cypress Landing, Lake Waterford

***P/Zoning Recommendation:** Change to C1. This is a correction of a split-zoned parcel on which the majority of the property is currently zoned C1.

33. #1329, Daljit Sawhney, ___Hallman Rd, 21122, R1 to R2, Vacant, 23/228.
Approve_9_, Disapprove_1_, Approved as discussed_11
No GSPC Community

***P/Zoning Recommendation:** No Change. This property is part of a larger R1 district developed with single family homes. Adopted plans do not recommend an increase in residential densities in this area along Magothy Bridge Road and there is no demonstrated need to upzone one parcel. The parcel has future subdivision potential under the current R1 zoning.

34. #1354, Jamie Jacobs, 807 East Pasadena Rd, 21122, R1 to R2, Residential, 23/343.
Approve_4_, Disapprove_0_, Approved as discussed_17
Lake Waterford

***P/Zoning Recommendation:** No Change. These parcels are part of a larger R1 district developed with single family homes. Adopted plans do not recommend an increase in residential densities in this area and there is no demonstrated need to upzone properties in this area.

35. #1416, Peter Leimbach, 8419 B&A Blvd, 21122, R1 to C4, Vacant, 24/886.
Approve_0_, Disapprove_6_, Approved as discussed_15
No GSPC Community

***P/Zoning Recommendation:** No Change. The Severna Park SAP examined this segment of B&A Boulevard for further commercial potential, but the adopted plan did not recommend establishing a heavy commercial district in this area. The adopted plan promotes focusing commercial uses in the Severna Park Village or at designated commercial intersections on Ritchie Highway.

36. #1425, Gary Cooper, 97 Ritchie H'way, 21122, R1 to C4, Contractor lot, 23/173.
Approve_0_, Disapprove_20, Approved as discussed_1_
Woodberry Farms, Woodbridge Forest, Cypress Landing, Jennings

***Requested Zoning Commentary:** Application requests change from R1 to C4.

Applicant's commentary in response to the three questions on page 2 of the Application: 5.1. Applicant's consistency with GDP Policies/Goals; 5.2. Which specific GDP Policy/Goal is implemented by Application; 5.3. Would requested change be compatible with surrounding land uses and community:

"Linda F. Cooper is the owner of the property known as 97 Ritchie Highway, Pasadena, Maryland 21122, more particularly described as Tax Map 23, Parcel 173 (the "Property"). Located almost midway between Pasadena Road and Earleigh Heights Road on the east side Ritchie Highway, the Property is zoned R1-Residential and totals approximately 94,399 square feet in area. Ms. Linda Cooper purchased the property with her husband, Gary Cooper, Sr. in 2000. Gary Cooper Sr. died in April 2006. Since his father's death Gary Cooper, Jr. has taken over the family's business. Gary Cooper, Jr. along with his mother Linda F. Cooper (hereinafter collectively referred to as the "Applicant" or "Cooper") submit this application seeking rezoning of the Property.

Currently, the Property is being utilized as a contractor's yard, primarily for the parking and storage of commercial vehicles related to the Cooper family's paving business. The Property was originally zoned Light Commercial under the 1952 Zoning Map. In 1973, the Property and surrounding lots were down zoned from Light Commercial to R-1 Residential. At that time, the existing businesses along Ritchie Highway between Pasadena Road and Earleigh Heights Road continue to exist and thrive as many still do today. A number of those businesses sought to register the existing legal non-conforming uses with the County to continue operation of those existing uses as permitted under the 1952 Code. The previous owners of the Property, A Johnson and K Johnson were among the many other business owners seeking to continue their business on Ritchie Highway after the down zoning. In 1980, Messer's Johnson, via Non-Conforming Decision #9-80 registered "Glen Crown and Bridge Laboratory, Inc." a laboratory for the manufacturer of dental prosthetics. The dental laboratory continued to operate for many years, but at some point in the 1990's the structure was removed and the property ownership changed several times. The Cooper's purchased the Property from Keith Faulkner who had owned the Property since 1993. Mr. Faulkner is the current owner of the adjacent property to the South, 101 Ritchie Highway, upon which he continues to operate his family's business as a valid non-conforming use.

A review of the aerial photographs clearly shows the commercial nature of this portion of Ritchie Highway. No additional residential dwellings have been developed along Ritchie Highway between Earleigh Heights Road and Pasadena Road. The majority of the Property abuts by commercial and agricultural uses. The closest residential dwelling to the operation on site is located at a distance of more than 500 feet. In light of the number of excising commercial uses in the surrounding area and the lack of residential uses along this portion of Ritchie Highway, a change in zoning permits future land use compatible with the current surround land uses in the Community. Rezoning the property will create no additional impact on public facilities. Certain C-4 uses, including a contractor storage yard, do not require the need for public water and sewer and the existing entrance to the property from Ritchie Highway meets current State Highway Criteria for a C-4 use.

A C-4 Zoning classification for this area conforms to the goals, policies and recommendations in General Development Plan ("GDP") in relation to the excising use of the Property as well as that of the surrounding land use. A long term goal of the 2009 GDP is to shift the focus to redevelopment and revitalization (not in revitalization district). This section of Ritchie Highway maintains many valuable commercial businesses, but those businesses are stymied by the R1 zoning designation. The Property is located on the very edge of mapped boundary of the Severna Park Small Planning Area where it meets the Pasadena/Marley Neck Small Planning Area map. The executive Summary of the Severna Park Small Area Plan identifies the primary goal of presenting a land use plan that adjusts existing parcel to "reflect actual use." While the vision statement of the Pasadena/Marley Neck Small Area Planning area sets for a vision to better "defining commercial area and to develop policies for improvements in their design and function and to allow an appropriate expansion of residential and commercial development" What better way to conform to the vision of the GDP and the follow the goals and visions of two small area plans, than to rezone this property C4 and clearly define the where the commercial uses exist. In addition

The Community Enhancement section of the Severna Park Small Area Plan states that a balance between housing, jobs and services in locations that are in close proximity must be maintained, while making the best of existing uses. The commercial use at 97 Ritchie Highway provides a valued service to those residents served. In addition, rezoning to C4 merely maintain a viable use of the Property. In light of the locations, existing businesses and surrounding neighborhood, there is compatibility between the use of the Property, reclassified as C4 and the surrounding land uses. The rezoning will promote the health, safety and welfare of present and future resident of the County."

***Current Zoning History:** As noted in Administrative Hearing Officer case 2008-0353-R, the initial 1952 split zoning provided Light Commercial for the front 500 feet and Agricultural for the rear. The 1973 comprehensive zoning changed property to R1. The 1989 comprehensive zoning retained R1.

Although there was an application submitted for C2 zoning during the 2002 comprehensive zoning, the County Council retained R1 zoning. In case 2008-0353-R, heard on February 10, 2009, Applicant applied for C4 zoning through the Administrative Procedure. The Hearing Officer noted, "The Property is being used as a storage/staging yard for the residential paving business Mr. Cooper, Sr. started many years ago and which is now being run by Mr. Cooper, Jr. and his brothers. The aerial photographs show heavy commercial use. Testimony showed that the Property was being used to store at least four dump trucks, a paving machine, assorted other vehicles, and materials to be used in the paving business." The Administrative Hearing Officer found in his detailed analysis noting, "Consequently, I find that rezoning the Property to C4 would not be compatible with the surrounding area nor promote the health, safety, and welfare of present and future residents of the County." He ultimately concluded, "Therefore, for the above reasons, I conclude the application to rezone the property to C4 Commercial Highway District zoning is denied.

The Applicants appealed the Decision of the Administrative Hearing Officer to the Board of Appeals. In case BA 20-09R, the Board voted unanimously to deny the application, noting, "The Petitioners' proposed zoning reclassification of C4-Commercial Highway (the most intense of the Commercial zoning districts) would not conform to the GDP Designation for the subject property as Low-Density Residential." The Board continued their review noting, "Accordingly, a rezoning of the subject property is not compatible with the surrounding uses in the area and, moreover, would fail to promote the health, safety, and welfare of present and future residents of the County.

***Abutting Zoning Commentary:** All abutting properties on the east side of Ritchie Highway are zoned R1.

To the immediate rear of the subject property is a community of high value Residential Properties. Land Records disclose that the abutting three acre property with the largest abutting property line was recently purchased for \$835,000. Property facing the subject property across Ritchie Highway is also zoned R1.

***General Development Plan (GDP)**

a) GDP/SAP: The subject property along with all the properties on both sides of Ritchie Highway in this area was the subject of review by the Land Use Subcommittee of the 2002 Severna Park Small Area Plan. The enacted SAP retained the Residential Land Use for the subject property and all abutting and nearby properties but did provide for Ritchie Highway Commercial Use changes at the node at Rt. 648.

In paragraph 5 above the Applicant notes, "The executive Summary of the Severna Park Small Area Plan identifies the primary goal of presenting a land use plan that adjusts existing parcel to "reflect actual use." The 2002 Severna Park Small Area Plan Committee reviewed all of the Ritchie Highway uses within the Plan area and recommended changes to commercial use but did not include the subject property. As noted above the County Council received an application for C2 zoning during the Comprehensive Zoning process but failed to incorporate the request in Bill 26-02. As a practical matter there are many "non conforming" land uses within the Severna Park Small Area Plan that do not comply with the Land Use Plan and they have specific statutory authority to continue that non conforming use as long as there is no 12 month gap in the continuous use.

In paragraph 5 the Applicants mention Non Conforming use 9-80 for the subject property. That specific Use was terminated by Planning and Zoning as of June 7, 1998, under the provision of Section 14-107, because the "nonconforming use is considered terminated when the use ceases operation for a period of 12 consecutive months."

The 2009 GDP considered and made Land Use changes in the Severna Park Small Area Plan but retained residential Land Use for the subject property and all abutting properties. **On that note the Application does not confirm to the 2009 updated Severna Park Small Area Plan Land Use Plan as amended by the 2009 GDP in Bill 59-10.**

b) The 2009 General Development Plan on page 117, establishes the criteria for changes during the Comprehensive Zoning process as follows: “Policy: **Comprehensive zoning changes must demonstrate the following criteria:**

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The Application in the section, **Explanation and Justification for Requested Zoning**, contains no accurate reference to any specific Goal or Policy in the GDP or the Small Area Plan with which it complies. Quite to the contrary, the request for the C4 Commercial Highway District is in direct violation of the GDP and updated Small Area Plan Land Uses. In addition, both the Administrative Hearing Officer and the Board of Appeals made a specific finding of non compatibility with the surrounding Land Uses and a failure “to promote the health, safety and welfare of present and future residents.” On that note, the subject property **does not conform to the Bill 59-10 statutory “Criteria for Comprehensive Zoning Changes” in the 2009 General Development Plan.**

c) **Spot Zoning.** Application also appears to be prohibited per the Court of Special Appeals definition of Spot Zoning. In view of the fact that all abutting properties and properties abutting the abutting properties are zoned R1, the Application would have the County Council insert an island of C4 Commercial within the larger R1 District.. Although there is no statutory prohibition, there is long standing case law to the effect that such action is prohibited per the following citation from the Maryland Court of Special Appeals,

“It is, therefore, universally held that a ‘spot zoning’ ordinance, which singles out a parcel of land within the limits of a use district and marks it off into a separate district for the benefit of the owner, thereby permitting a use of that parcel inconsistent with the use permitted in the rest of the district, is invalid if it is not in accordance with the comprehensive zoning plan and is merely for private gain.” MBC Realty LLC v. Mayor and City Council of Baltimore, 814 A.2d 469, 372 Md. 514)

***P/Zoning Recommendation:** No Change. There is no demonstrated need to establish a new commercial district at this location on Ritchie Highway. The property was considered in the Severna Park SAP and the adopted plan does not recommend creation of a heavy commercial district at this location.

37. #1426, Keith Faulkner, 101 Ritchie H’way, 21122, R1 to C4, Garden Center, 23/176.
Approve_0_, Disapprove_20, Approved as discussed_1_
Woodberry Farms, Woodbridge Forest, Cypress Landing, Jennings

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comprehensive zoning plan and is merely for private gain.” MBC Realty LLC v. Mayor and City Council of Baltimore, 814 A.2d 469, 372 Md. 514)

***P/Zoning Recommendation:** No Change. There is no demonstrated need to establish a new commercial district at this location on Ritchie Highway and the SAP does not recommend creation of a heavy commercial district at this location. The existing business was recently granted legal nonconforming status to continue operation.

38. #1160, Magothy Associates, 157 Ritchie H'way, 21122, C! & R1 to C1 or C3.

Approve_0_, Disapprove_12, Approved as discussed_9_

Woodberry Farms, Woodbridge Forest, Cypress Landing, Jennings,
Earleigh Heights Volunteer Fire Company.

***P/Zoning Recommendation:** Change to C1. Expand the C1 zoning on P.179 and 217 (Lot A) to eliminate the R1 split-zoning on these parcels and facilitate redevelopment of this local commercial hub at the intersection of Magothy Bridge Road and Ritchie Highway. Retain R1 zoning on P.566 as it does not have direct road access and abuts residential properties on three sides



Department of Inspections and Permits
 2664 Riva Road, Annapolis, MD 21401
 Telephone: (410) 222-7790
 Fax: (410) 222-7970
 www.aacounty.org

Request For Investigation

This form is to be used for all suspected violations of the Building, Grading and Sediment Control, and Zoning Codes. The address or tax account number of the property is required for investigation.

Date: _____ Date of suspected violation: _____

Property address: _____ City: _____

Tax account number if address not known: _____ - _____ - _____

Property owner (if known): _____

Name/Company committing violation (other than property owner): _____

Complainant's name and address* (optional): _____

Complainant's telephone number* (optional): _____

Violation Type: Please indicate suspected violation type and give details below

Building	Grading and Sediment Control	Zoning
<input type="checkbox"/> Addition, no permit <input type="checkbox"/> Shed, no permit <input type="checkbox"/> Deck, no permit <input type="checkbox"/> Building out of scope of permit <input type="checkbox"/> Other	<input type="checkbox"/> Grading without a permit <input type="checkbox"/> Sediment controls down/missing <input type="checkbox"/> Removing trees or vegetation, critical area <input type="checkbox"/> Tree clearing, not in critical area <input type="checkbox"/> Other	<input type="checkbox"/> Unregistered vehicle** <input type="checkbox"/> Junk and debris <input type="checkbox"/> Commercial vehicle in residential area <input type="checkbox"/> Commercial business in residential area <input type="checkbox"/> Other

Details: _____

To check on the status of the investigation, go to <http://www.aacounty.org/IP> and click on [Compliance Case Database](#) or call: Building 410-222-7746; Grading 410-222-7780; Zoning 410-222-7446. Please allow 2-3 weeks before calling for status.

* In accordance with the Freedom of Information Act, all correspondence, including this complaint, may be considered public information and available for public view.

** Unregistered vehicles on private property only. For unregistered vehicles on county roads, please call your local county police district non-emergency number.

Environmental Committee report for Greater Severna Park Council Meeting

Tuesday, August 9, 2011

Submitted by Ann Jackson & Ed Krause, Watershed Stewards

North Cypress Branch Restoration

The Department Of Public Works has put this project out for sealed bids. The bids are to be submitted by the end of August; at which time they will be opened. They will be reviewed and if the winning bid is satisfactory the contractor will be given notice to proceed. Construction could start by the end of this year or early next year.

Trinity Farms Pond Restoration

The Project Manager has reviewed the sketch plan with the residents. The suggestions and comments have been given to the Design Engineer to incorporate into the design. The County will then acquire the necessary right of ways, and permits. Construction may start by the end of the year.

Leelynn Drive Step Pond Project

The County is constructing a series of step ponds along Leelynn Drive from McKinsey Rd. to Magothy Beach Rd. (in back of Kohl's). These ponds will help cool the storm water and reduce the nutrients, pollutants and sediment before flowing into North Cypress Branch. Here is a link to a great article about the project:

<http://severnapark.patch.com/articles/upgraded-stormwater-management-system-nears-completion>

Severn River Association www.sra.org

SRA Monthly Meeting Tues August 16 at Arlington Echo beginning at 7 p.m.

Soil testing

Contact Ann Jackson at ajax.tmm@verizon.net or 443-223-7236 if you would like to get your soil tested for \$10.

Severn Riverkeeper

Cruise the Severn to support the Severn Riverkeeper. Call Fred Kelly at 410-849-8540 or Ann Jackson at ajax.tmm@verizon.net or 443-223-7236. Flyers at the sign in table.

From My Backyard to Our Bay

Check out this link to a great resource for what you can do to help save the bay.

<http://www.aawsa.org/Download-document/4-From-My-Backyard-to-Our-Bay.html>



COMMITTEE MEMBERS

Jay & Colleen Baldwin
Michael & Gina Baldwin
Jennifer Behrens
Jim & Jana Carey
Craig & Cristina Decker
Sara Caldes & Roger Frankoff
Rusty & Liz Gowland
Roy & Marilyn Higgs
Fred & Nancy Kelly
Ann Jackson & Mike McCormick
Craig & Margaret Morrell
Bart & Kristen Porter
Judy Post
Ann & Eliot Powell
Elvia Thompson

**RIVER MUSIC BY
THE KINGS OF
CROWNSVILLE**

**FOOD BY
A COOK'S CAFÉ**

**"CRUISE DOWN THE SEVERN"
SEPTEMBER 22, 2011, 6:30-10 P.M.**

*Board the Catherine Marie at 6:30 p.m.
at the Annapolis City Dock*

The Baldwin Family and the Severn Riverkeeper invite you to join us aboard the *Catherine Marie* for a "Cruise Down the Severn" to support our Severn River Restoration Program.

Come party aboard the 95' luxury cruiser, the *Catherine Marie*, with good food, good drink, good music, and good friends for a good cause, restoring our Scenic Severn River.

\$125/person (\$105 tax deductible)

\$200/couple (\$160 deductible)

Space is limited so buy your tickets today.

Mail checks to Severn Riverkeeper
329 Riverview Trail, Annapolis, MD 21401
Buy online at www.severnriverkeeper.org

For more information call 410-849-8540

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FOR THE CATHERINE MARIE**

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Baldwin Builders
Constellation Energy
David Wallace
Elm Street Developers
ERM Foundation
Monticello Group
Doug Burkhardt
Racoosin Family Foundation
Severn Savings Bank
Craig and Cristina Decker
BB&T
Renewable Energy Corp.
RBC Wealth Management
Craig and Margaret Morrell
Port Tack Liquors
Sandy Spring Bank

GSPC Zoning/Legislation Agenda 8-9-11, **Boldface=Your Attention**, Regular Typeface= Information/follow.

Legislation, Planning, Zoning and Capital Projects:

Charter Revision Commission Report 7-18-11, Councilmanic Redistricting.

Comprehensive Rezoning for Severna Park SAP, 38 Applications in District 5 and District 3. **District 5 Schedule Change** 6-21-11: Notice to Applicants ~~7-6~~ **8-10**, Web posting ~~7-13~~, **8-17**, PAB Hearings ~~7-27~~, **8-31**, Bill introduction ~~8-4~~, **9-6-**, Council Work Session ~~8-9~~, **9-12** Council Hearings ~~9-6,9-19~~, **10-3, 10-17, 11-7, 11-17. Evaluation Sheets for individual application under preparation.**

Bill 44-11 Comprehensive Zoning, Districts VI & VII, 48 Elements, 57 Amendments, **Amendments that violate GDP and SAP's. GAN letter 7-18-11 to BOARD, GAN Research Effort-Article 66B.**

Bill 53-11 Crematories and Funeral Establishments. GSPC Supported at hearing, Amended 8-1-11.

Provides: Conditioned in W2 & W3. Accessory use for Funeral Establishment. Special Exception in C2, C3, & C4 on Collector or Arterial Road. Funeral establishments on a Collector or Arterial without crematory permitted in C2, C3, & C4.

Congressional and General Assembly Redistricting, Public Testimony-AACC, 8-31-11.

Administrative Hearing Officer, Board of Appeals, MDE, Corps of Engineers, Complaints:

Webpage for AHO: <http://www.aacounty.org/AdminHear/Calendar.cfm>, Webpage for Board of Appeals: <http://www.aacounty.org/BdofAppeals/Calendar.cfm>

GSPC Status before the Board of Appeals—Analysis pending.

2011-0170 Kelly Heinz, 8-11-11 9:30AM,	No other details available on County webpage
2011-0171-V Mark Schaefer, 8-16-11, 10:00AM,	“
2011-0180-V Norman Snyder, 8-16-11 11:00AM	“
2011-0175-V Cypress Improvement Assn. 8-23-11 10:30AM	“
2011-190-V Christopher Driver, 9-1-11 9:30AM	“
2011-0194-V William Harrison, 9-1-11 10:00AM	“

BA 16-11V Gary Ross, 8-11-11 5:30PM

BA 01-11A Ferry Point Marina dba Magothy Seafood Restaurant 700 Mill Creek Rd, Hearings completed, Written Closing Arguments pending. (Manhattan Beach) Permit B02264223 issued 12-2-10 for pavilion— parking, critical area use issues. Memorandum of Understanding zoning violations 4 years in the Critical Area, 3 years elsewhere...

BA 3-07V & 4-07V D. Clickner, Remand C-07-128211, Standing not discussed in any detail during the presentation of The case or at the Deliberations. **Board Voted 5-1 to grant the variances on 7-7-11.** (Strothman was absent for Deliberations). Member Moulden will prepare his own dissent following the Arrow Cove rationale. He also noted that “Stringing out the variances without knowing the size of the house was a concern. Perhaps an excellent legal maneuver but an inappropriate procedure as he viewed the case. He concluded that approving variances before sizing the house amounted to “getting the cart before the horse”.

BA 30 & 33-11A Maryland Crematory, LLC, 8-17-11 6:30PM, 8-24-11 6:30PM 406 Headquarters Dr Suite 10, Millersville, MDE permit pending. **SCHO appeal of Building Permit.**

Board of Appeals Deliberations 7-7-11, No cases in Severna Park.

Circuit Court Cases (Clerk of Court 222-1431) **Court of Special Appeals Cases,** Clerk 410 260-1450, **Court of**

Subdivisions & Pre-submission Meetings: <http://www.aacounty.org/LandUse/CalendarPreSub.cfm>

Shelter Development Assisted Living, Construction late 2011 or early 2012. Covenants to be reviewed by Kensington in September.

C:\gspc\agenda\zlagenda\zlagenda 8-9-11, Al Johnston 410 647-1380, j202gspc@comcast.net

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