

## COMMUNITY OPPOSITION TO ISSUE 2-029

1. The zoning of the Hidden Waters property is part of a carefully developed network of zones determined by the Community and the Baltimore County Planning Office, to assure that Pikesville remains a Life-cycle Community, with a vibrant population of all ages, and schools and infrastructure to support this objective. How to achieve this has been carefully documented in the Community Action Plan, which was approved by the County Council on February 22, 2011 and made part of the Baltimore County Master Plan.
2. The property referred to as Hidden Waters, formerly the home of Jacob and Anita France and now the Hackerman property, is part of the Old Court corridor starting at Lightfoot Drive to the West, and extending East to Greenspring Avenue, through Ruxton-Riderwood, and up to the outskirts of Towson. It is almost all DR1, except for the Beth Tfiloh complex which was allowed at a higher density to accommodate the religious needs of residents who need to walk to their place of worship. Beyond that are Midfield, Dumbarton and Stevenson, and even though these properties are still zoned DR 2, they were developed at a time when minimum lot sizes resulted in areas with acreage similar to the current DR 1. The Community wishes this property to remain DR1, so as to maintain the character of the area and maintain the symmetry with the stretch of DR 1 zoning along Old Court Road, which has been considered by the County and the state to be a scenic road. The requested zoning of DR 3.5 would be totally out of character with the neighborhood and the surrounding homes.
3. That the DR 1 zone is consistent with the character of this area has been affirmed by two court decisions: Case No. R-93-304 BEFORE THE COUNTY BOARD OF APPEALS (In which a request to increase the zoning on property across from the Hackerman property from DR 1 to DR2 was denied); and FRANCE, ET AL. V. SHAPIRO, et al. 248 MD 335 (1968) (in which a request to increase the density of the zoning on the Shapiro property from R20 was denied.). The lesson from these cases is that the character of this area is not consistent with the DR 3.5 request of the Bozzuto Group and that with respect to the Shapiro property, we would speculate that if the option for downzoning the property had been before the Court it would have chosen the more restrictive R 40. However, even today, we cannot lose sight of the fact that the actual build out under R20 that was before the court was closer to the present DR 1 than today's DR 2 (see pages 42/43 of the Community Action Plan for more details).
4. One must also question the bona-fides of the rezoning request. Hidden Waters has been used for agriculture for many years, and Mr. Hackerman over the years donated irrevocable Conservation easements on 109.8 acres to the Maryland Environmental Trust. By the terms of these easements, "all development rights that were in existence or could be created in the future (including by changing the zoning from DR1 to DR 3.5) are "terminated and extinguished." In other words, no legitimate purpose whatsoever can be served by rezoning the acreage under conservation easement because no development or use of the density is possible.

5. As to the “Empty Nesters” which Bozzuto has referenced in his justification, there is already ample provision for this age group and there is no need for more zoning to accommodate such a proposal. To illustrate this: after over 10 years on the market, Stevenson Commons Condominium has been unable to sell all its condos, and the condos along Slade Avenue have fallen sharply in price to reflect the lack of demand.

6. While the Community has an ample supply of condos, there is a demand for larger homes on larger lots for families with children that require the existing DR 1 (not DR 3.5) zoning and good schools which their children can attend. Bringing these children into our school system will raise the quality of these schools, and help stabilize and enhance the well-being of the Community and the value of our homes. Our residents do not want age-limited residences that will raise the median age and interfere with our objective of a “Life-Cycle Community” nor do they want to see this property more intensively developed for any purpose.

7. From the Bozzuto Justification letter it is evident that they have read and quoted from the Community’s Community Action Plan. They acknowledge the “‘estate character’ of Old Court Road that offers an alternative close to the city for those not wishing to live far out in the suburbs must ... be preserved” (page 2 Bozzuto letter). It is sad that they have not respected its spirit or its zoning guidelines.