

167 14-309-SPH TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve, honor and protect the CRG approval of July 29, 1982, for proposed Silver Woods property, pursuant to Sections 1B01.B. and 1B02.3 and other applicable of the Baltimore County Zoning Regulations and Section 22-62 of the Baltimore County Code, and any other applicable provisions of either the Regulations or the Code.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of the Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser:
 Joseph D. Deigert, et al
 (Type or Print Name)
 Signature: *Joseph D. Deigert*
 5411 Storm Drift
 Address
 Columbia, Maryland 21045
 City and State

Legal Owner(s):
 Joseph D. Deigert, et al
 (Type or Print Name)
 Signature: *Joseph D. Deigert*
 (Type or Print Name)
 Signature

Attorney for Petitioner:
 Stephen J. Nolan and
 Nolan, Plumbhoff & Williams
 (Type or Print Name)
 204 W. Pennsylvania Avenue
 Fallston, Maryland 21047
 City and State
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 204 W. Penn. Ave., Towson, MD 21204
 Address
 823-7800
 Telephone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of April, 1984, that the sub. matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of May, 1984, at 10:00 o'clock A.M.

Carl J. Jahn
 Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon
 TO: Zoning Commissioner
 Date: April 27, 1984
 Norman E. Gerber, Director
 FROM: Office of Planning and Zoning
 Joseph D. Deigert, et al
 SUBJECT: 84-309-SPH

This plan was approved by the CRG on July 29, 1982.

Norman E. Gerber
 Norman E. Gerber, Director
 Office of Planning and Zoning

NEG/JGH/sf

Stephen J. Nolan, Esquire
 Nolan, Plumbhoff & Williams
 204 W. Pennsylvania Avenue
 Towson, Maryland 21204

cc: The Shank Corp.
 13 East Lee Street
 Belair, Maryland 21014

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
 County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 5th day of April, 1984.

Arnold Jablon
 ARNOLD JABLON
 Zoning Commissioner

Petitioner: Joseph D. Deigert, et al
 Petitioner's Attorney: Stephen J. Nolan
 Received by: *Nicholas B. Commodari*
 Nicholas B. Commodari
 Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

County Office Building,
 111 W. Chesapeake Ave.
 Towson, Maryland 21204

cc: Nicholas B. Commodari
 Chairman

MEMBERS
 Bureau of Engineering
 Department of Traffic Engineering
 State Roads Commission
 Bureau of Fire Prevention
 Health Department
 Project Planning
 Building Department
 Board of Education
 Zoning Administration
 Industrial Development

April 30, 1984
 Stephen J. Nolan, Esquire
 Nolan, Plumbhoff & Williams
 204 W. Pennsylvania Avenue
 Towson, Maryland 21204
 RE: Case No. 84-309-SPH (Item No. 267)
 Petitioner - Joseph D. Deigert, et al
 Special Hearing Petition

Dear Mr. Nolan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This hearing is required because of your client's proposal to determine if their proposed development is subject to Bill #109-82. Since this particular Bill further limited how a proposed development, adjacent to one with dissimilar housing types, could be developed, this hearing is required to prove that the plan, approved by the CRG (County Review Group), prior to the adoption of said Bill, should be applicable.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodari
 NICHOLAS B. COMMODARI
 Chairman
 Zoning Advisory Committee

Enclosures
 cc: The Shank Corp.
 13 East Lee Street
 Belair, Maryland 21014

BALTIMORE COUNTY
 FIRE DEPARTMENT
 TOWSON, MARYLAND 21204-2586
 494-4500

PAUL H. REINCKE
 CHIEF

May 3, 1984

Mr. William Hammond
 Zoning Commissioner
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, Maryland 21204

Attention: Nick Commodari, Chairman
 Zoning Plans Advisory Committee

RE: Property Owner: Joseph D. Deigert, et al

Location: SW/Cor. Silver Knoll Drive and Hilltop Acres Road

Item No.: 267

Zoning Agenda: Meeting of 4/17/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *Paul H. Reincke*
 Planning Group
 Special Inspection Division

/mb

BALTIMORE COUNTY
 DEPARTMENT OF PERMITS & LICENSES
 TOWSON, MARYLAND 21204
 494-3510

TED ZALOSKI, JR.
 DIRECTOR

April 23, 1984

Mr. Arnold Jablon, Zoning Commissioner
 Office of Planning and Zoning
 County Office Building
 Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #267 Zoning Advisory Committee Meeting are as follows:

Property Owner: Joseph D. Deigert, et al
 Location: SW/Cor. Silver Knoll Drive and Hilltop Acres Road
 Existing Zoning: D.R. 5-5
 Proposed Zoning: Special hearing to honor and protect the CRG approval of July 29, 1982 for proposed Silver Woods.

Acres: 9.57
 District: 11th.

The items checked below are applicable:

1. All structures shall conform to the Baltimore County Building Code 108/Council Bill 4-82 State of Maryland Code for the Handicapped and Aged, and other applicable Codes.
2. A building/ & other _____ shall be required before beginning construction.
3. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
4. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
5. An exterior wall erected within 6'0" for commercial use or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 101, line 2, Section 1107 and Table 1102, also Section 503.2.
6. Requested variance appears to conflict with the Baltimore County Building Code, Section 5.
7. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
8. Before this office can comment on the above structure, please have the owner, turn the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

I. Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Nicholas B. Commodari
 Nicholas B. Commodari
 Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY
 DEPARTMENT OF PUBLIC WORKS
 TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
 DIRECTOR

May 17, 1984

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Re: Item #267 (1983-1984)

Property Owner: Joseph D. Deigert, et al

6/4 corner Silver Knoll Drive and Hilltop Acres Rd.

Acres: 9.57 District: 11th

Dear Mr. Jablon:

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

This property (Project 81192) was the subject of review by the Baltimore County Joint Subdivision Planning Committee December 3, 1981, and by the County Review Group July 29, 1982.

The Baltimore County Bureau of Public Services provided comments to the Petitioner August 10, 1982 and August 16, 1982.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 267 (1983-1984).

Very truly yours,

Robert A. Morton
 ROBERT A. MORTON, P.E., Chief
 Bureau of Public Services

cc: R. Covahey

M-NE Key Sheet
 33 & 34 NE 31 & 32 Pos. Sheets
 NE 9 11 Topo
 72 Tax Map

6. A new church or other building for religious worship, the site plan for which has been approved after a public hearing in accordance with Section 500.7. Any such hearing shall include a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RFA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. [Bill No. 109, 1982.]
7. Shoreline fishing and shellfish facilities. Such uses shall be governed by the provisions of Section 500.4 and subparagraphs 1A01.2.C.9, 1A02.2.B.10, 1A04.2.B.7, and 1B01.1.C.7A of these regulations. [Bill No. 124, 1981; No. 109, 1982.]
8. An addition to an existing trailer park or mobile home park or to property which is a part of such park or contiguous to such park, if the park is lawfully in existence in a D.R. Zone on the effective date of this act. [Bill No. 109, 1982.]
9. An addition to an existing community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, including parking areas and driveways, provided all other applicable zoning regulations, including setback, parking, and screening requirements, are maintained. [Bill No. 109, 1982.]
10. A new community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, if the zoning commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RFA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. [Bill No. 109, 1982.]
11. Any zoning petition prepared in accordance with Bill No. 124-81 and filed prior to June 30, 1982. [Bill No. 109, 1982.]
12. Privately sponsored day care and nursery programs for children before, during, and after regular school hours as an ancillary use, in all public and private schools as otherwise permitted by these regulations. [Bill No. 47, 1982.]
- d. The provisions of Sub-subparagraphs a and b of this subparagraph shall not apply to existing developments as described in Sub-paragraph A.1 of Subsection 1B02.3, nor to subdivision tracts for which tentatively approved plans remain in effect as described in Subparagraph A.2 of said subsection. [Bill No. 100, 1970; No. 124, 1981.]

2. This provision was added by Bill No. 47, 1982. Although it does not appear as part of Bill No. 109-82, that Act did not specifically repeal this provision and it has therefore been continued in these Regulations.

COPY TO THE RECORDS

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, ALFRED KASSER of Satsuma, Florida, desiring to execute a specific Power of Attorney, have made, constituted and appointed, and by these presents, do make constitute and appoint JOSEPH D. F. (GERT), my Attorney-in-Fact, for me and in my name, place and stead to do and perform all acts, deeds, matters and things whatsoever concerning the property, situate in the Eleventh Election District of Baltimore County, consisting of 9.574 acres and to be developed for proposed Silver Woods Subdivision, which property is more fully described in a Deed recorded among the Land Records of Baltimore County in Liber OTG5003, folio 529, which description is incorporated herein by reference, which may be necessary and desirable in the judgment of my said Attorney-in-Fact as fully and effectually to all intents and purposes as I could do if personally present and acting, including but not limited to, each and every one of the following matters:

1. APPLICATIONS FOR ZONING AND OTHER APPROVALS:

- (a) to request, petition and apply on my behalf as co-owner, for any and all governmental approvals, including zoning approvals, whether from Baltimore County, Maryland or the State of Maryland which may be necessary in connection with the sale and/or development of the said property as my Attorney-in-Fact shall deem proper, in my name or jointly in my name and that of any other party or parties including my Attorney-in-Fact;
- (b) pursue, appear, participate and cooperate in any and all hearings or administrative or other proceedings which may be

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NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED
TOWSON, MD.

next day or required in order to obtain any and all such governmental approvals as my Attorney-in-Fact shall deem proper, including the hearing on the Petition for Special Hearing (Item #267) before the Zoning Commissioner of Baltimore County;

- (c) to sign, seal, execute, acknowledge and deliver any and all instruments or petitions in writing of any kind and nature, as may be necessary or proper, containing such terms and conditions, and such zoning requests, if any, as my said Attorney-in-Fact shall deem advisable.

2. REPRESENTATION AND EMPLOYMENT OF ASSISTANCE:

- (a) On my behalf and in my name or the name of my Attorney, to institute, prosecute, appear in, any legal, equitable or administrative hearings, actions, or other proceedings, with respect to the aforesaid approvals and to which I am or may become a party or in which I have an interest, and to engage counsel in connection therewith, authorizing my Attorney-in-Fact to assent or to waive any or all rights, privileges, and defenses available to me under the Laws of the United States of America, State Laws and Laws and Ordinances of Local Subdivision of the various States and Amendments thereto.

3. MISCELLANEOUS:

To sign, seal, acknowledge and deliver any instrument necessary to accomplish any of the powers herein granted.

4. GENERAL PROVISIONS:

- (a) All business transacted hereunder for me or for my account shall be transacted in my name, and all endorsements and instruments executed by my Attorney-in-Fact shall be with the designation "Attorney-in-Fact";

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& WILLIAMS,
CHARTERED
TOWSON, MD.

(b) I hereby ratify and confirm all lawful acts done and caused to be done by my said Attorney-in-Fact pursuant to this Power of Attorney, and I direct that it shall continue in effect until terminated by me or by operation of law.

(c) If the authority contained herein shall be revoked or terminated by operation of law without notice, I hereby agree for myself, executors, administrators, heirs and assigns, in consideration of my Attorney's willingness to act pursuant to this Power of Attorney, to save and hold harmless from any loss suffered or any liability incurred by my Attorney in so acting after such revocation or termination without notice.

(d) This Power of Attorney shall not be affected by my respective subsequent disability or incapacity, and the power and authority conferred herein on my said Attorney, shall continue in full force and effect, and shall be exercisable by said Attorney notwithstanding my later disability or incapacity of any of usor later uncertainty as to whether I am dead or alive.

CAPACITY:

I hereby certify that as of the date of the execution of this instrument, I am of sound and disposing mind and capable of executing a valid deed or contract. I hereby further certify that I am not under any medical treatment for mental disability or disorder, or subject to any type of mental disability or disorder.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30th day of April, 1984.

WITNESS:

Joe Rikard

Alfred Kasser

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED
TOWSON, MD.

FLORIDA
STATE OF FLORIDA, COUNTY OF PUTNAM

I, Sonya L. Ruske, a Notary Public of the State of Florida, in and for the County aforesaid, do hereby certify that on the 30th day of April, 1984, before me, personally appeared Alfred L. Kasser, identical person who is described in, whose name is subscribed to, and who signed and executed the foregoing instrument, and having first made known to me the contents thereof, he personally acknowledged to me that he signed and sealed the same on the date it bears as his true, free and voluntary act, and deed for the uses, purposes and considerations therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Sonya L. Ruske
Notary Public

My Commission expires:
NOTARY PUBLIC, STATE OF FLORIDA
My Commission Expires Jan. 26, 1988
BOND BY U.S.F. & G. CO.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED
TOWSON, MD.

SUN/ehf
4/26/84

COPY TO THE RECORDS

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, BETTY LENNARD of Framingham, Massachusetts, desiring to execute a specific Power of Attorney, have made, constituted and appointed, and by these presents, do make constitute and appoint JOSEPH D. DEIGERT, my Attorney-in-Fact, for me and in my name, place and stead to do and perform all acts, deeds, matters and things whatsoever concerning the property, situate in the Eleventh Election District of Baltimore County, consisting of 9.574 acres and to be developed for proposed Silver Woods Subdivision, which property is more fully described in a Deed recorded among the Land Records of Baltimore County in Liber OTG5003, folio 529, which description is incorporated herein by reference, which may be necessary and desirable in the judgment of my said Attorney-in-Fact as fully and effectually to all intents and purposes as I could do if personally present and acting, including but not limited to, each and every one of the following matters:

1. APPLICATIONS FOR ZONING AND OTHER APPROVALS:

- (a) to request, petition and apply on my behalf as co-owner, for any and all governmental approvals, including zoning approvals, whether from Baltimore County, Maryland or the State of Maryland which may be necessary in connection with the sale and/or development of the said property as my Attorney-in-Fact shall deem proper, in my name or jointly in my name and that of any other party or parties including my Attorney-in-Fact;
- (b) pursue, appear, participate and cooperate in any and all hearings or administrative or other proceedings which may be

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& WILLIAMS,
CHARTERED
TOWSON, MD.

necessary or required in order to obtain any and all such governmental approvals as my Attorney-in-Fact shall deem proper, including the hearing on the Petition for Special Hearing (Item #267) before the Zoning Commissioner of Baltimore County;

- (c) to sign, seal, execute, acknowledge and deliver any and all instruments or petitions in writing of any kind and nature, as may be necessary or proper, containing such terms and conditions, and such zoning requests, if any, as my said Attorney-in-Fact shall deem advisable. This power of attorney may be terminated on May 8, 1985 or upon notice in writing to the attorney in fact of such termination and such termination shall be binding on all parties.

2. REPRESENTATION AND EMPLOYMENT OF ASSISTANCE:

- (a) On my behalf and in my name or the name of my Attorney, to institute, prosecute, appear in, any legal, equitable or administrative hearings, actions, or other proceedings, with respect to the aforesaid approvals and to which I am or may become a party or in which I have an interest, and to engage counsel in connection therewith, authorizing my Attorney-in-Fact to assent or to waive any or all rights, privileges, and defenses available to me under the Laws of the United States of America, State Laws and Laws and Ordinances of Local Subdivision of the various States and Amendments thereto.

3. MISCELLANEOUS:

To sign, seal, acknowledge and deliver any instrument necessary to accomplish any of the powers herein granted.

4. GENERAL PROVISIONS:

- (a) All business transacted hereunder for me or for my account shall be transacted in my name, and all endorsements and instruments executed by my Attorney-in-Fact shall be with the designation "Attorney-in-Fact";

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NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED
TOWSON, MD.

The Commonwealth of Massachusetts

Office of the Secretary of State

C 17875 May 9, 1984

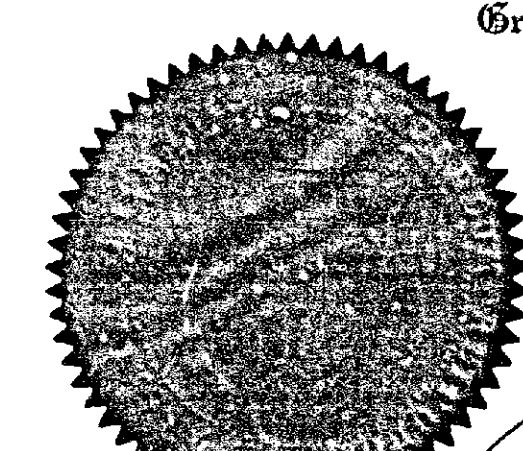
I hereby certify. That at the date of the attestation hereunto annexed,

Jeremiah O'Connor

whose name is signed to the attached certificate of acknowledgment, proof or affidavit, was at the time of taking the same, a NOTARY PUBLIC for the said Commonwealth duly commissioned and constituted; that to his/her acts and attestations, as such, full faith and credits are and ought to be given in and out of Court; that as such Notary Public, he/she was by law authorized to take depositions, to administer oaths and take acknowledgments or deeds or conveyances of lands, tenements or hereditaments and other instruments throughout the Commonwealth to be recorded according to law.

In testimony of which, I have hereunto affixed the date above written.

Great Seal of the Commonwealth



Michael Joseph Bully
Secretary of State

James W. Goe
Deputy Secretary

(b) I hereby ratify and confirm all lawful acts done and caused to be done by my said Attorney-in-Fact pursuant to this Power of Attorney, and I direct that it shall continue in effect until terminated by me or by operation of law.

(c) If the authority contained herein shall be revoked or terminated by operation of law without notice, I hereby agree for myself, executors, administrators, heirs and assigns, in consideration of my Attorney's willingness to act pursuant to this Power of Attorney, to save and hold harmless from any loss suffered or any liability incurred by my Attorney in so acting after such revocation or termination without notice.

(d) This Power of Attorney shall not be affected by my respective subsequent disability or incapacity, and the power and authority conferred herein on my said Attorney shall continue in full force and effect, and shall be exercisable by said Attorney notwithstanding my later disability or incapacity of any of us or later uncertainty as to whether I am dead or alive.

CAPACITY:

I hereby certify that as of the date of the execution of this instrument, I am of sound and disposing mind and capable of executing a valid deed or contract. I hereby further certify that I am not under any medical treatment for mental disability or disorder, or subject to any type of mental disability or disorder.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 8th day of May, 1984.

WITNESS:

Jeremiah O'Connor (SEAL)
Notary Public

Form C-3 1048 S-8 1122711

The Commonwealth of Massachusetts

Office of the Secretary of State

C 17874

Boston, May 9, 1984

I hereby certify. That at the date of the attestation, the same annexed.

Jeremiah O'Connor

whose name is signed to the attached certificate of acknowledgment, proof or affidavit, was at the time of taking the same, a NOTARY PUBLIC for the said Commonwealth duly commissioned and constituted; that to his/her acts and attestations, as such, full faith and credit are and ought to be given in and out of Court; that as such Notary Public, he/she was by law authorized to take depositions, to administer oaths and take acknowledgments or deeds or conveyances of lands, tenements or hereditaments and other instruments throughout the Commonwealth to be recorded according to law.

In testimony of which, I have hereunto affixed the

Great Seal of the Commonwealth

the date above written.

Michael Joseph Bulfinch
Secretary of State

James J. Sullivan
Deputy Secretary

MASSACHUSETTS
STATE OF MARYLAND, COUNTY OF

I, Jeremiah O'Connor, a Notary Public of the State of Maryland, in and for the County aforesaid, do hereby certify that on the 8th day of May, 1984, before me, personally appeared Brian L. Nolan, identical person who is described in, whose name is subscribed to, and who signed and executed the foregoing instrument, and having first made known to me the contents thereof, she personally acknowledged to me that she signed and sealed the same on the date it bears as her true, free and voluntary act, and deed for the uses, purposes and considerations therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

My Commission expires:

7/8/88

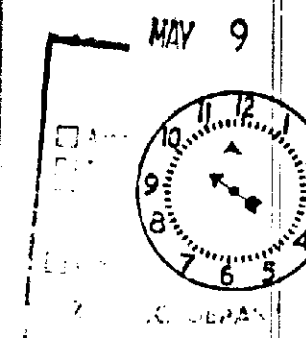
Jeremiah O'Connor
Notary Public

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED
TOWSON, MD.

SJN/ehf
4/26/84

4

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N end of Silver Knoll * ZONING COMMISSIONER
Drive, 363' NW of the * OF
Center line of Hilltop * BALTIMORE COUNTY
Acres Road, 11th District *
JOSEPH D. DEIGERT, et al * Case No. 84-309-SPH
Petitioners *
* * * * *



PETITIONERS' MEMORANDUM OF LAW

JOSEPH D. DEIGERT et al., owners, and LAZEROV/RAY PARTNERSHIP, contract purchaser, all of whom are Petitioners herein, by their attorneys, Stephen J. Nolan and Brian L. Williams, Chartered, respectfully submit this pre-hearing memorandum in support of the Petition for Special Hearing filed herein.

STATEMENT OF THE CASE

On April 5, 1984, a Petition for Special Hearing was filed with the Zoning Commissioner for Baltimore County by Joseph D. Deigert et al. as owners and Lazerov/Ray Partnership as Contract Purchaser of the proposed Silver Woods property north of Silver Spring Road. The Petition requests a hearing to determine whether the Commissioner should approve, honor and protect the CRG approval of July 29, 1982, for the proposed Silver Woods property. In support of their request in this regard, Petitioners cite as authority Sections 1B01.B and 1B02.3 and other applicable sections of the Baltimore County Zoning Regulations and Section 22-62 of the Baltimore County Code.

LAW OFFICES
NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED
TOWSON, MD.

According to a letter dated April 21, 1983 from Robert A. Morton, Chief of the Bureau of Public Services of the Baltimore County Department of Public Works, to The Shen Corporation, the plan for this project was approved by the County Review Group on July 29, 1982, as mentioned hereinbefore, and plan approval will expire three years from the date of such approval.

The issue before the Zoning Commissioner on the instant Petition is whether the Residential Transition Area (RTA) regulations of §1B01.1B(1) are applicable to the CRG approved plan or whether those RTA regulations are not applicable due to the express exemption provided in subsection (d) of the aforesaid section because the plans for the subject property were, at a minimum "tentatively approved (and) remain in effect". §1B01.1B(1)(d). The Petitioners respectfully contend that the facts and history of this property, particularly the CRG approval dated July 29, 1982, amply warrant the grandfathering protection of subsection (d) and confirmation and concurrence by the Commissioner in the approval of the plan.

ARGUMENT

I

THE COUNTY COUNCIL HAS AFFIRMED, ON AT LEAST THREE OCCASIONS, THE SUFFICIENCY AND VALIDITY OF THE UNDERLYING PLAN APPROVAL

In a direct sense, the Baltimore County Council affirmed the CRG approval of the proposed Silver Woods development of forty-six townhouse lots and six single family lots when it resolved to accept the gift of 3.8+ acres from the owners for Honeygo Run Park. Mindful of the nature and manner in which the

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NOLAN, PLUMHOFF
& WILLIAMS,
CHARTERED
TOWSON, MD.

- 2 -

balance of the Petitioners' property (9.574 A+) was being so developed, the Council recognized the substantial benefit to the community of this public open space and approved the dedication on or about June 14, 1982. Consummation of the agreement between the owners and the County is expressly contingent upon the owners' ability "to develop the balance of their property into approximately fifty-two (52) dwelling units (six (6) individual home sites and forty-six (46) townhouse lots)..." A copy of said Offer of Dedication and Agreement which is dated June 14, 1982 as approved by the County Council is attached hereto and incorporated herein by reference.

Indirectly, the Petitioners derive further support from the actions of the County Council which resulted in amendments of the RTA provisions pursuant to Bill Nos. 124-81 (passed August 3, 1981; effective September 25, 1981) and 109-82 (passed July 6, 1982; effective August 26, 1982). Although the Council had the opportunity to modify or delete the subsection which is at issue here, it confirmed its continued viability and importance by leaving this safe harbor for approved plans intact. In view of the projects which would have otherwise been adversely affected by elimination of the grandfather provision of subsection (d), as above, it may be reasonably inferred that the Council sought to preserve the scope and protective nature of §1B01.1B(1)(d) thereby eliminating the certain hardship which would result to those property owners who had reasonably relied on their CRG approval while diligently proceeding with development plans such as the instant Petitioners. In addressing these provisions, the Council

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& WILLIAMS,
CHARTERED
TOWSON, MD.

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had full opportunity to abrogate and remove subsection (d) had it determined to subject all development plans alike, whether approved or not, to the RTA provisions as amended.

Clearly, the Council recognized the onerous effect, lack of predictability and great potential for harm which would result for property owners and thus preserved this important exception. Although not expressly defined in §1B01.1B, recent experience and the C.R.G. process as embodied in the Development Regulations dictate that C.R.G. approval of the plan more than sufficiently satisfies the criterion that the plans be "tentatively approved" in order to trigger the subsection (d) exemption. Petitioners further contend that questions of procedural due process would be raised if they are not permitted to proceed inasmuch as fundamental principles of fairness militate against burdensome and arbitrary regulatory action that tends to subject an owner to duplicative and unnecessary tiers of plan submission and resubmission.

II

THE PETITION SHOULD BE GRANTED BECAUSE PETITIONERS HAVE A VESTED CONTRACTUAL INTEREST TO DEVELOP THE BALANCE OF THEIR PROPERTY

Petitioners respectfully contend that the Zoning Commissioner may also grant the Petition herein by reason of the express provisions of the aforesaid Offer of Dedication and Agreement, specifically Section 2 thereof. Throughout the Agreement, specific reference is made to the affirmative covenant on the party of Baltimore County, Maryland to:

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& WILLIAMS,
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- 4 -

process the Deigerts' application for preliminary plan of subdivision whereby the remaining property not subject to the public reservation will be subdivided into approximately fifty-two (52) dwelling units (six (6) individual lots and forty-six (46) townhouse lots) in substantially the manner as shown on the plat attached hereto.

Both in the Fourth "Whereas" clause and in Sections 3 and 5, the Agreement is made expressly contingent upon the owners' ability to develop the balance of their property into a minimum of fifty (50) dwelling units. To the extent that the RTA amendments might be deemed to apply, without admitting their applicability in fact or otherwise, proposed Silver Hill Court would have to be moved northward at the expense of certain lots as shown on the plat and at the added expense of a significant portion of dedicated park area.

In Mayor and Council of Baltimore vs. Crane, 277 Md. 198,206 (1976), the Court of Appeals found no vested right attached in the usual sense but did hold that the developer acquired a vested contractual interest which was derived from their acceptance of an offer contained in a municipal regulation which gave density credit for areas dedicated to public use.

Just as the Court could perceive no real difference between the Crane case and Ward vs. City of New Rochelle, 197 N.Y.S. 2d 64 (copy attached) which it cited with approval, we can detect no difference between the vested contractual interest recognized by the Court in Crane and the vested contractual interest which clearly exists here due to the June 14, 1982 Agreement. The County Council and the Executive Office approved the fifty-two (52) unit development concept for the balance of the property

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The Deigerts, having relied in good faith on the underlying Agreement and having spent considerable time and money to diligently pursue final approval, are ready, willing and able to consummate the dedication as contemplated in the June 14, 1982 Agreement as soon as final development approval is granted.

CONCLUSION

Based upon the foregoing, Petitioners urge the Zoning Commissioner to join with the Baltimore County Council and County Review Group and concur in and confirm the plan approval dated July 29, 1982 in order that the subject plan may be finalized and the Agreement conveying park area to Baltimore County fully consummated.

Respectfully submitted,

Stephen J. Nolan
Stephen J. Nolan

Nolan, Plumhoff & Williams
Nolan, Plumhoff & Williams
Chartered
204 West Pennsylvania Avenue
Towson, Maryland 21204
(301) 823-7800

Attorneys for Petitioners

I HEREBY CERTIFY, that on this 9th day of May, 1984,
a copy of the foregoing Petitioners' Memorandum of Law and Order
were mailed postage prepaid, to Phyllis Cole Friedman, People's
Counsel for Baltimore County, and Peter Max Zimmerman, Deputy
People's Counsel, Room 223, Court House, Towson, Maryland, 21204.

Stephen J. Nolan
Stephen J. Nolan

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& WILLIAMS,
CHARTERED
TOWSON, MD.

SJN/tms
5/9/84

OFFER OF DEDICATION AND AGREEMENT

THIS OFFER OF DEDICATION AND AGREEMENT, Made this 14th day of June, 1982, by and between JOSEPH DEIGERT, LESTER DEIGERT, LEONARD DEIGERT, RAYMOND DEIGERT, FLORENCE D. WEXDS, ANNA D. MULHAUSEN, ALVIN KASSER, ALFRED KASSER, JOHN BENDA and BETTY LEONARD, hereinafter collectively called "Deigerts", and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, hereinafter called the "County".

WHEREAS, the Deigerts are the owners of a 9.6 acre tract of land located in the 11th Election District of Baltimore County, as shown on the plat dated January 5, 1982, a copy of which is attached hereto and incorporated by reference herein; and

WHEREAS, the Delgerts have filed an application for the approval of a preliminary plan of subdivision for individual and townhouse development, (21 individual lots and 31 townhouse lots) with the County; and

WIERDAS, the County, pursuant to the provisions of Section 22-18 of the Baltimore County Code, 1978, 1980 Cumulative Supplement, as amended, is considering a public reservation of the entire 9.6 acre Deigert Parcel for a period of eighteen (18) months in order to determine whether the land shall be acquired by the County as part of the County's proposed Honeygo Run Park; and

WHEREAS, the Deignets, in consideration of the County's agreement not to place the entire 9.6 acre parcel under public reservation and in consideration of the County's agreement not to acquire the entire 9.6 acres for park purposes, are willing to give, at no cost to the County, a tract of land containing approximately 3.9 acres to be used by the County as part of Honeygo Run Park, upon condition that the Deignets are allowed to develop the balance of their property into approximately fifty-two (52) dwelling units (six (6) individual home sites and forty-six (46) townhouse lots) as indicated on the plat attached hereto.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein and for other good and valuable considerations the receipt and sufficiency of which the parties hereby acknowledge, the parties hereto agree as follows:

6. If the Deignets shall have withdrawn this offer of dedication in accordance with the provisions of paragraph 5 herof, it is agreed that the County may reinstitute the public reservation process contained in Section 22-18 of the County Code without prejudice and without liability for having previously reserved the said 3.9 acre parcel. The Deignets further agree that the two-year limitation on the reservation procedure contained in Section 22-18(b) of the Code shall not prevent the County from reinstituting the reservation procedure if the offer of dedication is withdrawn in accordance with the provisions of this agreement.

8. This Offer of Dedication and Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their heirs, successors, personal representatives and assigns.

WITNESS: _____

<i>Augustus Deigert</i>	<i>Joseph D. Deigert</i>	(SEAL)
<i>Augustus Deigert</i>	<i>John Deigert</i>	(SEAL)
<i>Augustus Deigert</i>	<i>Leonard Deigert</i>	(SEAL)
<i>Augustus Deigert</i>	<i>William H. Deigert</i>	(SEAL)

WITNESSES:

[illegible]

ATTEST:

WITNESS:

Barbara L. Kuba

BALTIMORE COUNTY MARYLAND

William (SEAL)

By: Donald P. Hutchinson 6-18-72

County Executive

Approved: John

County Council of Baltimore County, Maryland

John

Secretary

By: James P. Smith J. P. O'Leary

Reviewed for form and legal sufficiency

and approved for execution

OFFICE OF LAW

By: Robert F. Sauer 6/3/86
Assistant County Solicitor
Sauer

[illegible]

1. The County will declare a public reservation of that portion of the Delgett property containing approximately 3.9 acres and shown on the plat attached hereto and incorporated by reference herein. The County further agrees to relinquish and forego, subject to the terms of this agreement, its right to declare a public reservation of the entire property and, during the term of this agreement, the County will not acquire the entire property for park purposes.

2. The County will, subject to and in accordance with the County's Subdivision and Zoning Regulations, process the Deigerts' application for preliminary plan of subdivision whereby the remaining property not subject to the public reservation will be subdivided into approximately fifty-two (52) dwelling units (six (6) individual lots and forty-six (46) townhouse lots) in substantial manner as shown on the plat attached hereto.

3. It is further agreed that neither the public reservation imposed by Resolution of the County Council nor this agreement shall in any way affect the Delegates' ability to develop the balance of their property, containing approximately 5.7 acres, to the fullest extent allowed by the County's Zoning and Sub-division Regulations. It is the expressed intent of this agreement that the Delegates shall be entitled to utilize the D.R.5.5 zoning density from the said 3.9 acre tract of land, or so much thereof as is allowed by the County's laws and regulations, in the development of the balance of the property.

4. The Defta, for themselves, their heirs, personal representatives and assigns, hereby offer to dedicate and give to the County, free of charge and free of liens and encumbrances, the said parcel of land containing approximately 3.9 acres and indicated # on the plat attached hereto. The Defta further agree that in consideration of the County's agreement not to acquire the entire parcel and not to place the entire parcel under public reservation, that this offer of gift and dedication shall be and remain irrevocable and may not be withdrawn unless and until the County, during the subdivision review process, shall have notified the Defta that the subject property cannot be developed into a minimum of fifty (50) dwelling units in substantially the manner shown on the attached plat.

5. It is further agreed between the parties hereto that the offer of

■?

64 197 NEW YORK SUPPLEMENT, 2d SERIES

an incompetent. At that time, the attorney still had an additional \$3,000 of the client's money which, he says, he was holding pursuant to the client's instructions to turn over to an alleged son of the client residing in Florida. The \$3,000 was returned to the client by two installment payments only after the client had retained another attorney.

[8] Under the circumstances, Special Term was justified in permitting the attorney to retain only \$500 of the client's moneys that had come into his hands and require the return of the balance. In fixing the sum of \$500 the court was entitled to assess, for purposes of the summary proceeding, the value of the services rendered.

Accordingly, the order appealed from should be affirmed, on the law and the facts and in the exercise of discretion, with costs to petitioner-respondent.

Order unanimously affirmed on the law and on the facts and in the exercise of discretion, with \$20 costs and disbursements to petitioner-respondent.

All concur.

KEY SUPPLEMENT 17/10

20 Misc.2d 122

Ethel Haney WARD, Plaintiff, v. CITY OF NEW ROCHELLE, George Vergara, as its Mayor, Theodore Greene, Joseph McNamara, David Weir and Alvin Ruskin, as its Councilmen and who with Mayor constitute its Common Council, Defendants.

Supreme Court, Westchester County.
April 8, 1959.

Action to declare an amendment to zoning ordinance of a city unconstitutional as it affected plaintiff's property and to declare that plaintiff had a vested right to develop her property in accordance with the provisions of a zoning ordinance or to restrain the city from making certain amendments of the ordinance. The Supreme Court, Westernchester County, Frederick G. Schmidt, Official Referee, held, inter alia, that where landowner had conveyed a portion of her premises to city school district on understanding that plat plan of her remaining property be approved by city planning commission in accordance with preliminary sketch which she presented, which showed the proposed streets, boundaries, boundaries and number of lots and location of each, as contemplated by the preliminary plat plan, and approved by city planning board before landowner gave any deed to school district, by reason of its approval, when she completed the conveyance to school district she had a vested right to develop her remaining land in accordance

complaint was properly in only two significant... PEOPLE v. O'HARA... 73

CITY OF BALTIMORE v. CRANE 205... CITY OF BALTIMORE v. CRANE 206

CITY OF BALTIMORE v. CRANE 198... CITY OF BALTIMORE v. CRANE 199

CITY OF BALTIMORE v. CRANE 207... CITY OF BALTIMORE v. CRANE 208

CITY OF BALTIMORE v. CRANE 201... CITY OF BALTIMORE v. CRANE 202

CITY OF BALTIMORE v. CRANE 209... CITY OF BALTIMORE v. CRANE 210

CITY OF BALTIMORE v. CRANE 203... CITY OF BALTIMORE v. CRANE 204

CITY OF BALTIMORE v. CRANE 211... CITY OF BALTIMORE v. CRANE 212

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that we, RAYMOND H. DEIGERT, LESTER P. DEIGERT, Individually and as Personal Representative of the Estate of Leonard Deigert, ALVIN R. KASSER, FLORENCE D. MEERS, ANNA D. MILLHAUSEN and JOHN BENDA, and each of them, all of the State of Maryland, desiring to execute a specific Power of Attorney, have made, constituted and appointed, and by these presents, do make constitute and appoint JOSEPH D. DEIGERT, our Attorney-in-Fact, for us and in our names, places and steads to do and perform all acts, deeds, matters and things whatsoever concerning the property, situate in the Eleventh Election District of Baltimore County, consisting of 9.574 acres and to be developed for proposed Silver Woods Subdivision, which property is more fully described in a Deed recorded among the Land Records of Baltimore County in Liber 07C5003, folio 529, which description is incorporated herein by reference, which may be necessary and desirable in the judgment of my said Attorney-in-Fact as fully and effectually to all intents and purposes as we could do if personally present and acting, including but not limited to, each and every one of the following matters:

1. APPLICATIONS FOR ZONING AND OTHER APPROVALS:

(a) to request petition and apply on our behalf as co-owners, for any and all governmental approvals, including zoning approvals, whether from Baltimore County, Maryland or the State of Maryland which may be necessary in connection with the sale and/or development of the said property as my Attorney-in-Fact shall deem proper, in my name or jointly in our names or jointly in our name and

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that of any other party or parties including our Attorney-in-Fact;

(b) to pursue, appear, participate and cooperate in any and all hearings or administrative or other proceedings which may be necessary or required in order to obtain any and all such governmental approvals as our Attorney-in-Fact shall deem proper, including the hearing on the Petition for Special Hearing (Item #267) before the Zoning Commissioner of Baltimore County;

(c) to sign, seal, execute, acknowledge and deliver any and all instruments or petitions in writing of any kind and nature, as may be necessary or proper, containing such terms and conditions, and such zoning requests, if any, as my said Attorney-in-Fact shall deem advisable.

2. REPRESENTATION AND EMPLOYMENT OF ASSISTANCE:

(a) On our behalf and in our name or the name of our Attorney, to institute, prosecute, appear in, any legal, equitable or administrative hearings, actions, or other proceedings, with respect to the aforesaid approvals and to which we are or may become parties or in which we have an interest, and to engage counsel in connection therewith, authorizing our Attorney-in-Fact to assent or to waive any or all rights, privileges, and defenses available to me under the Laws of the United States of America, State Laws and Laws and Ordinances of Local Subdivision of the various States and Amendments thereto.

3. MISCELLANEOUS:

To sign, seal, acknowledge and deliver any instrument necessary to accomplish any of the powers herein granted;

4. GENERAL PROVISIONS:

(a) All business transacted hereunder for us or for our

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account shall be transacted in our names, and all endorsements and instruments executed by our Attorney-in-Fact shall be with the designation "Attorney-in-Fact";

(b) We hereby ratify and confirm all lawful acts done and caused to be done by our said Attorney-in-Fact pursuant to this Power of Attorney, and we direct that it shall continue in effect until terminated by us or by operation of law.

(c) If the authority contained herein shall be revoked or terminated by operation of law without notice, we hereby agree for ourselves, our executors, administrators, heirs and assigns, in consideration of our Attorney's willingness to act pursuant to this Power of Attorney, to save and hold harmless from any loss suffered or any liability incurred by our Attorney in so acting after such revocation or termination without notice.

(d) This Power of Attorney shall not be affected by our respective subsequent disability or incapacity, and the power and authority conferred herein on our said Attorney shall continue in full force and effect, and shall be exercisable by said Attorney notwithstanding my later disability or incapacity of any of us or later uncertainty as to whether we are dead or alive.

CAPACITY:

Each party hereto hereby certifies that as of the date of the execution of this instrument, each is of sound and disposing mind and capable of executing a valid deed or contract. Each party hereby further certifies that he or she is not under any medical treatment for mental disability or disorder, or subject to any type of mental disability or disorder.

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IN WITNESS WHEREOF, each of the parties has hereunto set his or her hand and seal this 7th day of May, 1984.

WITNESS:

John C. Jackson Raymond H. Deigert (SEAL)
Michael J. Ditz Lester P. Deigert (SEAL)
Charles J. Williams Alvin R. Kasser (SEAL)
Charles J. Williams Florence D. Meers (SEAL)
John C. Jackson Anna D. Millhausen (SEAL)
Charles J. Williams John Benda (SEAL)

STATE OF MARYLAND
CITY OF Baltimore to wit:

I, John C. Jackson, a Notary Public of the State of Maryland, in and for the County aforesaid, do hereby certify that on the 4th day of May, 1984, before me, personally appeared RAYMOND H. DEIGERT, identical person who is described in, whose name is subscribed to, and who signed and executed the foregoing instrument, and having first made known to me the contents thereof, he personally acknowledged to me that he signed and sealed the same on the date it

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CHARTERED
TOWSON, MD.

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bears as his true, free and voluntary act, and deed for the uses, purposes and considerations therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

John C. Jackson
NOTARY PUBLIC

My Commission expires: 07/01/86

STATE OF MARYLAND
COUNTY OF Baltimore to wit:

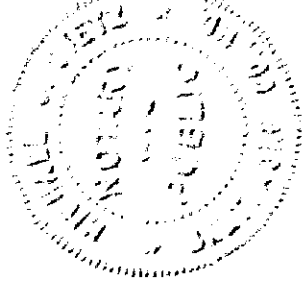
I, Michael J. Ditz, a Notary Public of the State of Maryland, in and for the County aforesaid, do hereby certify that on the 4th day of May, 1984, before me, personally appeared LESTER P. DEIGERT, identical person who is described in, whose name is subscribed to, and who signed and executed the foregoing instrument, and having first made known to me the contents thereof, he personally acknowledged to me that he signed and sealed the same on the date it bears as his true, free and voluntary act, and deed for the uses, purposes and considerations therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Michael J. Ditz
NOTARY PUBLIC

My Commission expires: 7-1-86

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CHARTERED
TOWSON, MD.



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STATE OF MARYLAND
COUNTY OF Baltimore to wit:

I, Charles J. Williams, a Notary Public of the State of Maryland, in and for the County aforesaid, do hereby certify that on the 4 day of MAY, 1984, before me, personally appeared ALVIN R. KASSER, identical person who is described in, whose name is subscribed to, and who signed and executed the foregoing instrument, and having first made known to me the contents thereof, he personally acknowledged to me that he signed and sealed the same on the date it bears as his true, free and voluntary act, and deed for the uses, purposes and considerations therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Charles J. Williams
NOTARY PUBLIC

My Commission expires: July 1, 1986

STATE OF MARYLAND
COUNTY OF Baltimore to wit:

I, Charles J. Williams, a Notary Public of the State of Maryland, in and for the County aforesaid, do hereby certify that on the 4 day of MAY, 1984, before me, personally appeared JOHN BENDA, identical person who is described in, whose name is subscribed to, and who signed and executed the foregoing instrument, and having first made known to me the contents thereof, HE personally acknowledged to me that HE signed and sealed the same on the date it

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& WILLIAMS,
CHARTERED
TOWSON, MD.

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HER
bears as her true, free and voluntary act, and deed for the uses, purposes and considerations therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Charles J. Williams
NOTARY PUBLIC

My Commission expires: July 1, 86

STATE OF MARYLAND
CITY OF Baltimore to wit:

I, John C. Jackson, a Notary Public of the State of Maryland, in and for the County aforesaid, do hereby certify that on the 4th day of May, 1984, before me, personally appeared ANNA D. MILLHAUSEN, identical person who is described in, whose name is subscribed to, and who signed and executed the foregoing instrument, and having first made known to me the contents thereof, she personally acknowledged to me that she signed and sealed the same on the date it bears as her true, free and voluntary act, and deed for the uses, purposes and considerations therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

John C. Jackson
NOTARY PUBLIC

My Commission expires: 07/01/86

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& WILLIAMS,
CHARTERED
TOWSON, MD.

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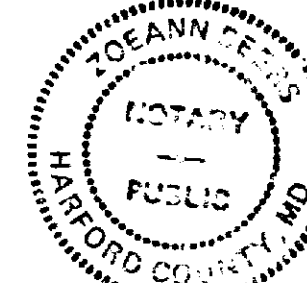
STATE OF MARYLAND
COUNTY OF Harford to wit:

I, Zorann Boers, a Notary Public of the State of Maryland, in and for the County aforesaid, do hereby certify that on the 7 day of May, 1984, before me, personally appeared FLORENCE D. MEERS, identical person who is described in, whose name is subscribed to, and who signed and executed the foregoing instrument, and having first made known to me the contents thereof, SHE personally acknowledged to me that HE signed and sealed the same on the date it bears as his true, free and voluntary act, and deed for the uses, purposes and considerations therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Zorann Boers
NOTARY PUBLIC

My Commission expires: July 1, 1986



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& WILLIAMS,
CHARTERED
TOWSON, MD.

SRJ/ML
4/26/84

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JUN 2 AM

☐ Arrd
☐ Recd
☐ Rel'd
☒ SMOG

CLERK E. DEITZ
SIOG CITY HALL
Caldworn, Mo. NO 21133

ZONING DEPARTMENT

By

HAND DELIVERY

Re: Petition for Special Hearing -
Joseph D. Deigert et al - Petitioners
Case No. 84-309-SPH
Before the Board of Appeals

On behalf of the appellee-petitioners, we are requesting that you dismiss the Appeal in this case or, in the alternative, that an expedited hearing be held before the Board in order that the extreme hardship which the petitioners are experiencing due to the delays occasioned by the Appeal can be minimized.

Stephen J. Nolan

cc: ✓ The Honorable Arnold Jablon
Mr. Joseph D. Deigert
Mr. Manuel Lazerov
Mr. Norman Ray
Mr. William Shenk, P.E.
G. Scott Barhight, Esquire

JUN 2 AM

☐ Arr'd
☐ Rec'd
☐ Read
☐ Ent'd
☐ Ch'd

ZONING DEPARTMENT

Rv

cc: The Shenk Corporation, 43 E. Lee Street, Bel Air, Maryland, 21014
File

\$1,346.00

4706

CERTIFIED
PAYABLE ONLY AS ORDERED BY DRAWN
AND WHEN PRESENTED TO BE CASHESSED

7-0003349

JUN 23 1968

FEDERAL RESERVE BANK OF MARLANDIA
UNION TRUST COMPANY,
OF MARLANDIA
PAY TO THE ORDER OF
ANY OTHER BANK OR INDIVIDUAL
BY CHECK OR MONEY ORDER

ROX 7 2807 LAUREL BROOK ROAD
ALLSTON, MD. 21047

4706

June 23 1968

CONFIRMED

\$348.⁰⁰

CONFIRMED

ONE DOLLAR

Union Trust Company
Condit Memorial
Inf Eglit

JOHN J. DELANEY JR.

#004706# #052000016# #23#0500

- SIGNED: William Shenk, I.E

3:00 p.m. 1. Introduction of Board Members

3:05 p.m. 2. Review of agenda

3:10 p.m. 3. Public comment

3:30 p.m. 4. Minutes of the meetings of September 10 and September 17, 1981

3:35 p.m. 5. Zoning Reclassification Petitions, Zoning Cycle II, 1981
(correspondence relating to Item No. 10 enclosed)

3:50 p.m. 6. Subdivisions - (list enclosed)

a. Final plans, preliminary plans, and extensions of tentative plans and final plans

b. Subdivision Plan No. III-232: Hooks Lane Business Park

c. Development plans in R.O. Zones

(1) R.O. No. 13-9816½ Belair Road: Class A office building (conversion)

(2) R.O. No. 18 - 7715 Old Harford Road: Class A office building (conversion)

(3) R.O. No. 19 - S/E side Maple Drive, E. of Franklinville Road: special hearing for parking

(4) R.O. No. 20 - 1603 Edmondson Ave.: Class A office building (conversion)

(5) R.O. No. 21 - 307 W. Allegheny Ave.: Class A office building

7. Potential conflict with Baltimore County Master Plan: proposed subdivision of Duigert Property, within "Lake lines" of Honeygo Park

4:10 p.m. 7. Prospective amendments to the Baltimore County Zoning Regulation

a. Temporary collection trailers on shopping center properties (draft enclosed) (County Council Resolution No. 58-81)

b. Offices of doctors and dentists (County Council Resolution No. 58-81) (draft of preliminary report to be available at meeting)

1/21/00 Date 5/ Norman E. Gerber

RAM:JAW:vlq

cc: Shepley Corporation
43 E. Lee Street
Bal Air. MD 210

File

JAN 23 1985

BALTIMORE COUNTY PLANNING BOARD
RESOLUTION

January 21, 1982

Directing

That the Baltimore County Department of Recreation and Parks Be Requested to Advise the Planning Board Whether Certain Land Should Be Reserved in the Public Interest

WHEREAS, A plan has been forwarded to the Director of Planning for the Joseph D. Deigert et al property, located on the north side of Silver Spring Road, east of Magnolia Avenue, all of which has been designated on the Baltimore County Comprehensive Plan as Honeygo Run Park; and

WHEREAS, The Baltimore County Code provides for a certain course of action in such a case; now, therefore, be it

RESOLVED, The Baltimore County Planning Board hereby directs, pursuant to the provisions of Section 22-18 of the Baltimore County Code 1978 as amended by Bill 209-80, that the Director of Planning refer to the Department of Recreation and Parks the question of whether or not the Department believes that it would be in the public interest to reserve any portion or all of the land identified as the Joseph D. Deigert et al property, and be it further

RESOLVED, That, if the response is affirmative, the Planning Board requests the Department of Recreation and Parks provide to the Board a map showing the boundaries and area of the parcel to be reserved and an estimate of the time required to complete the acquisition of the land involved.

I HEREBY CERTIFY that this resolution was duly adopted by the Baltimore County Planning Board at its meeting in Towson, Maryland on January 21, 1982.

1/21/82
Date

Norman E. Gerber
Secretary to the Board



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E.
DIRECTOR

May 19, 1982

Mr. Joseph Deigert
P.O. Box 7
Fallston, MD 21047

Re: Deigert Property
Project #81192
District 11

Dear Sir:

The Office of Planning and Zoning has determined that this proposed development is subject to the requirements of Bill #124-81 and must be posted for a public meeting. Contact must be made with the above mentioned office to determine what plan changes are required as a result of this decision.

In addition, we must advise you at this point that, if the plan does not have Tentative Approval by June 11, 1982, the proposal will be subject to the requirements of Bill #56-82 "Development Regulations". We suggest that any re-submission of the plan should probably meet the requirements of this latter legislation.

Very truly yours,

Robert A. Morton

Robert A. Morton, Chief
Bureau of Public Services

RAM:JAW:vlg

cc: Shenk Corporation
43 E. Lee Street
Bel Air, MD 21014

File

RECEIVED MAY 24 1982

Baltimore County, Maryland
BOARD OF RECREATION AND PARKS
301 Washington Avenue
Towson, Maryland 21204

ANNUAL MEETING
February 10, 1982

TENTATIVE AGENDA

ANNOUNCEMENTS

- February 11, 1982 - 7:30 p.m. - R&P Seminar on POS - Stemmers Run Junior High School-Recreation Center
February 13, 1982 - 8:30 a.m. - 2:00 p.m. - Loch Raven Senior High School-Recreation Center - 26th Annual Baseball Clinic of Stars

ACTION

- I. Minutes - Regular Board meeting - January 20, 1982 *
- II. Decertification of Eastwood Recreation and Parks Council
- III. Land acquisition - Honeygo Park - Deigert property, 11th Election District, 5th Councilmanic District *

REPORTS

- IV. Recreation, Parks, and Open Space Plan
- V. Board coverage of Recreation and Parks Councils business meetings
- VI. Report of Recreation and Parks Area Superintendent (Mr. Bonnet)
- VII. Board Committee and Department reports
 - A. Facilities
 1. Facilities construction progress report - January 1982 *
 2. LOS acreage waived *
 3. Annual report of Vandalism - 1981 *
 - B. Program
 1. Program Report - 12/21/81-1/20/82
 2. Special Events - 2/15-3/14/82

VICINITY MAP
SCALE: 1" = 1200'

SOILS MAP
SCALE: 1" = 1200'

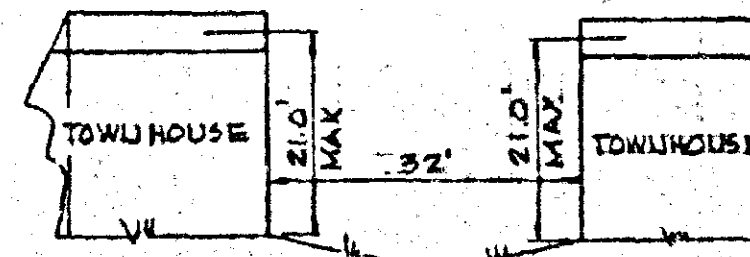
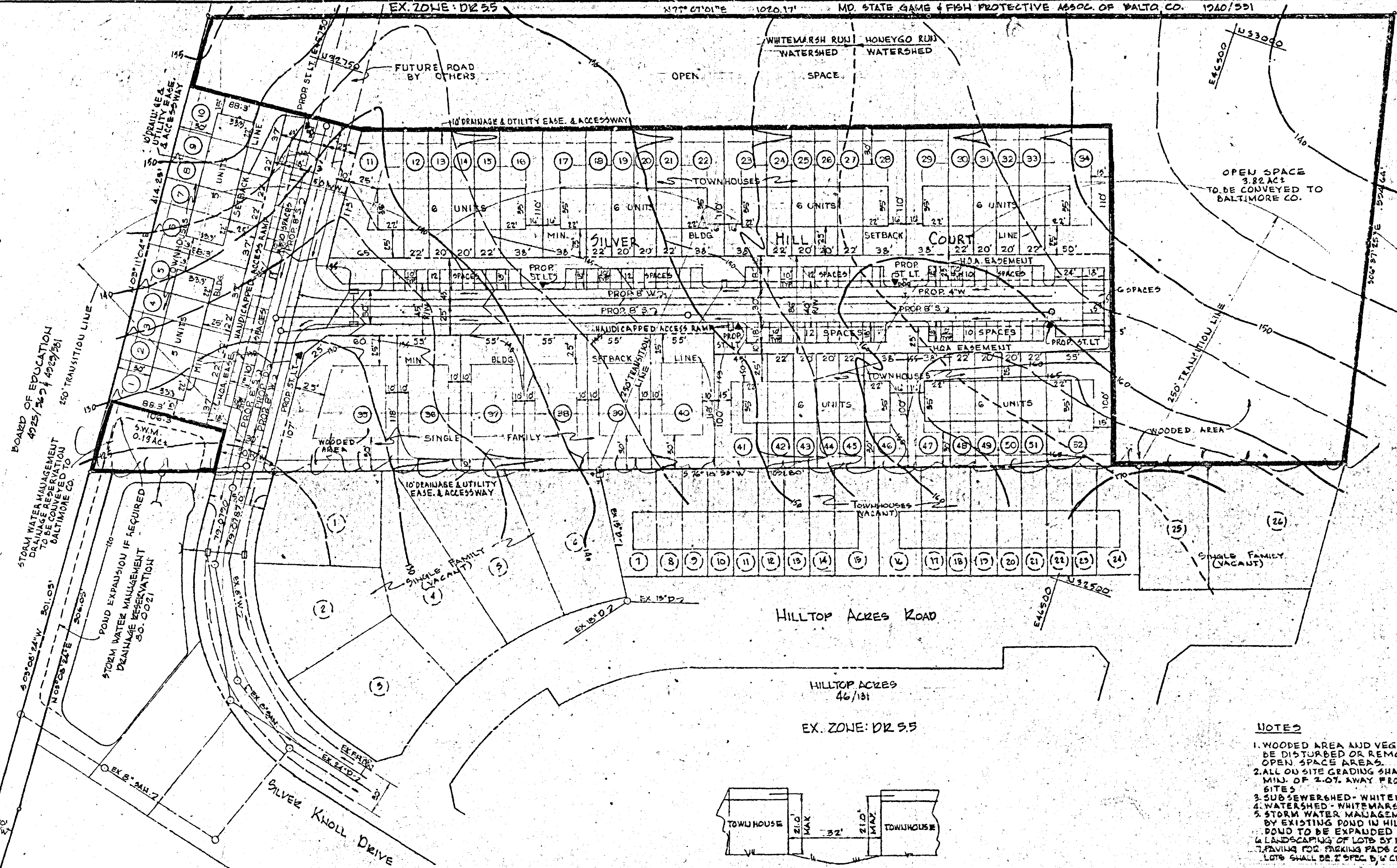


BOARD OF EDUCATION
4925/3624 4925/361

CHARLES J. WOLF
4726/558

3 03° 30' 10" W. 425.59' 20' USE IN COMMON. 442.79'

SILVER SPRING KO



HEIGHT RATIO
NO SCALE

SITE DATA

Existing Zoning D255
Tract Area 2574 Ac.±

Dwelling Units Permitted $(55 \times 2574 \text{ Ac.} \pm) = 52$
Units Provided: Individual Lots 6
Townhouses 46
Provided: Total 52
All lots and units shown are for sale

Open Space Required $(6\% \times 2574 \text{ Ac.} \pm) = 0.57 \text{ Ac.} \pm$
Open Space Provided 3.82 Ac.±

On-Street Parking Required
Townhouses (46×2) 92
On-Street Parking Provided 94
Off-Street Parking Required
Individual Lots (6×2) 12
Off-Street Parking Provided: 2 Spaces
per Lot, 18×20' Parking Pad 12
Estimated A.D.T. 428

FOR SPECIAL HEARING
SILVER WOODS

DEVELOPMENT PLAN

OWNER : DEVELOPER
JOSEPH D. DEIGERT ETAL
PHONE 879-9277
P.O. BOX 7
FALLSTON, MD. 21047

11TH ELECTION DISTRICT BALTIMORE CO., MD
5TH COUNCILMANIC DISTRICT
CENSUS TRACT 449.04

- NOTES
1. WOODED AREA AND VEGETATION NOT TO BE DISTURBED OR REMOVED IN THE OPEN SPACE AREAS.
 2. ALL ON SITE GRADING SHALL SLOPE A MINIMUM OF 2.0% AWAY FROM THE BUILDING SITES
 3. SUBSEWERED - WHITEMARSH RUN, N.16
 4. WATERSED - WHITEMARSH RUN, N.6
 5. STORM WATER MANAGEMENT PROVIDED BY DISTRICT FOR CRIPPLE CREEK POND TO BE EXPANDED AS REQUIRED.
 6. LANDSCAPING OF LOTS BY HOME BUILDER.
 7. PAVING FOR PARKING PADS ON SINGLE FAMILY LOTS SHALL BE 2" SPEC. B/C CGG.

THE SHENK CORP.
ENGINEERS & SURVEYORS

43 EAST LEE STREET
BEL AIR, MARYLAND, 21014

DATE	SCALE	FILE NO.
21 FEB 1984	1"=50'	7910-19

PROP. NO. 11-04-013430
DEED REF. 016 5003/529

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Date: May 16, 1984

FROM: Ian J. Forrest

SUBJECT: Zoning Variance Items
Meeting - April 17, 1984

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

- Item #260 - Dennis Fisher, et ux
- Item #262 - Arthur B. Singley, III, et ux
- Item #266 - William R. DeSandro, et ux
- Item #267 - Joseph D. Deigert, et al
- Item #268 - Robert N. Loman, et ux
- Item #269 - Lottie G. Ports

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/rth

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
N end of Silver Knoll Dr., : OF BALTIMORE COUNTY
363' NW of the Centerline of : Hilltop Acres Rd., 11th Dist.
JOSEPH D. DEIGERT, et al., : Case No. 84-309-SPH
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 24th day of April, 1984, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esquire, Nolan, Plumhoff & Williams, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioners; and Lazarov/Ray Partnership, 5411 Storm Drift, Columbia, MD 21045, Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
N/End of Silver Knoll Dr., : OF BALTIMORE COUNTY
363' NW of the Centerline of : Hilltop Acres Rd., 11th District
JOSEPH D. DEIGERT, et al., : Case No. 84-309-SPH
Petitioners

NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of May 16, 1984, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 14th day of June, 1984, a copy of the foregoing Notice of Appeal was mailed to Stephen J. Nolan, Esquire, Nolan, Plumhoff & Williams, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioners; and Lazarov/Ray Partnership, 5411 Storm Drift, Columbia, MD 21045, Contract Purchaser.

Peter Max Zimmerman
Peter Max Zimmerman

IN THE MATTER OF :
THE APPLICATION OF :
JOSEPH D. DEIGERT, ET AL :
FOR SPECIAL HEARING :
ON PROPERTY LOCATED ON :
THE NORTH END OF SILVER :
KNOLL DRIVE, 363' NORTHWEST :
OF THE CENTER LINE OF :
HILLTOP ACRES ROAD :
11th DISTRICT :
PHYLIS COLE FRIEDMAN, :
PEOPLE'S COUNSEL FOR BALTIMORE :
COUNTY, APPELLANT :

ORDER OF DISMISSAL

Petition of Joseph D. Deigert, et al, for Special Hearing on property located at the north end of Silver Knoll Drive, 363' northwest of the center line of Hilltop Acres Road, in the 11th District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a Motion for Dismissal of appeal filed July 9, 1984, (a copy of which Motion is attached hereto and made a part hereof) from the Appellants in the above entitled matter.

WHEREAS, the said Appellants request that the appeal filed on their behalf be dismissed and withdrawn as of July 9, 1984.

IT IS HEREBY ORDERED this 10th day of July, 1984, that said appeal be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Patricia Phipps
Patricia Phipps

Diana K. Vincent
Diana K. Vincent

RE: PETITION FOR SPECIAL HEARING: BEFORE THE COUNTY BOARD OF APPEALS
N/End of Silver Knoll Dr. : OF BALTIMORE COUNTY
363' NW of the Centerline of : Hilltop Acres Rd., 11th District
JOSEPH D. DEIGERT, et al., : Case No. 84-309-SPH
Petitioners

MOTION FOR DISMISSAL

The Motion of the People's Counsel for Baltimore County respectfully represents, viz:

That your Petitioner has determined that the public interest no longer requires prosecution of the appeal in the above-captioned matter and respectfully prays that it be dismissed.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204

I HEREBY CERTIFY that on this 9th day of July, 1984, a copy of the foregoing Motion and proposed Order was mailed to Stephen J. Nolan, Esquire, Nolan, Plumhoff & Williams, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioners; and Lazarov/Ray Partnership, 5411 Storm Drift, Columbia, MD 21045, Contract Purchaser.

Phyllis Cole Friedman
Phyllis Cole Friedman

IN RE: PETITION FOR SPECIAL HEARING :
N/End of Silver Knoll Drive, 363' NW of :
the centerline of Hilltop Acres Road :
11th Election District :
Joseph D. Deigert, et al :
Petitioners

Entry of Appearance

Please enter my appearance as a party in the above captioned matter, pursuant to Section 501.6, B.C.Z.R., and I hereby request that any and all notices be forwarded to my office, including but not limited to hearing dates and/or preliminary or final Orders.

Arnold Jablon
Arnold Jablon
Zoning Commissioner of Baltimore County
Room 109 - 111 West Chesapeake Avenue
Towson, Maryland 21204
494-3353

Certificate of Mailing

IT IS HEREBY CERTIFIED that on this 22nd day of June, 1984, copies of the foregoing Entry of Appearance were mailed, postage prepaid, by first class delivery to the County Attorney of Baltimore County, People's Counsel for Baltimore County, Petitioner(s) and/or Protestant(s) in the above captioned matter.

Arnold Jablon
Arnold Jablon

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

May 16, 1984

IN RE: Petition Special Hearing
N/End of Silver Knoll Drive,
363' NW of the centerline of
Hilltop Acres Road - 11th
Election District
Joseph D. Deigert, et al,
Petitioners
Case No. 84-309-SPH

Dear Mr. Nolan:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

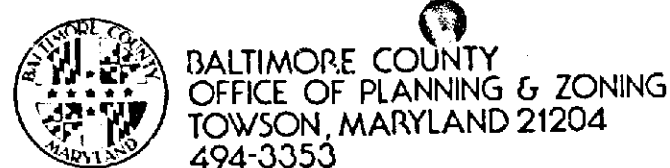
Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: People's Counsel



ARNOLD JABLON
ZONING COMMISSIONER

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

June 22, 1984

Re: Petition for Special Hearing
N/end of Silver Knoll Drive, 363 ft. NW
of the c/l of Hilltop Acres Road
Joseph D. Deigert, et al - Petitioners
Case No. 84-309-SPH

Dear Mr. Nolan:

Please be advised that an appeal has been filed by Phyllis Cole Friedman, People's Counsel for Baltimore County, from the decision rendered by the Zoning Commissioner of Baltimore County, in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

A7:aj

cc: Lazerov/Ray Partnership
5411 Storm Drift
Columbia, Maryland 21045

April 13, 1984

Stephen J. Nolan, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Special Hearing
North end of Silver Knoll Drive, 363'
NW of the c/l of Hilltop Acres Road
Joseph D. Deigert, et al - Petitioners
Case No. 84-309-S.

TIME: 10:00 A.M.

DATE: Thursday, May 10, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 128247

DATE: 4/13/84 ACCOUNT: R-01-615-000

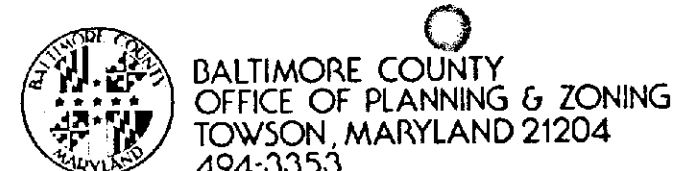
AMOUNT: 100.00

RECEIVED: *Stephen J. Nolan, Esquire*

FOR: *Joseph D. Deigert, et al*

U.S.D.*****1002010 6056A

VALIDATION OR SIGNATURE OF CASHIER



ARNOLD JABLON
ZONING COMMISSIONER

May 4, 1984

Stephen J. Nolan, Esquire
204 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
N end of Silver Knoll Dr. 363' NW of the
c/l of Hilltop Acres Road
Joseph D. Deigert, et al - Petitioners
Case No. 84-309-SPH

Dear Mr. Nolan:

This is to advise you that \$57.52 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 130274

DATE: 5/9/84 ACCOUNT: R-01-615-000

AMOUNT: \$57.52

RECEIVED: *Stephen J. Nolan, Esquire*

FOR: *Advertising & Posting Case #84-309-SPH*

(Joseph D. Deigert, et al)

U.S.D.*****575210 6102A

VALIDATION OR SIGNATURE OF CASHIER

Petition For Special Hearing

11th Election District
ZONING: Petition for Special Hearing
LOCATION: North end of Silver Knoll Drive, 363 ft. Northwest of the centerline of Hilltop Acres Road
DATE & TIME: Thursday, May 10, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Hearing, under Section 500.7 of the Baltimore County Code, and any other applicable provisions of the Regulations or the Code.

Being the property of Joseph D. Deigert, et al, as shown on plat filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
Zoning Commissioner
of Baltimore County

The Times

Middle River, Md., April 19, 1984

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of two successive weeks before the 19th day of April, 1984.

Publisher.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 130556

DATE: 6/20/84 ACCOUNT: R-01-615-000

\$85.00

AMOUNT: \$85.00

RECEIVED: *People's Counsel*
FOR: *Appeal fee on Case #84-309-SPH*
(Joseph D. Deigert, et al)

U.S.D.*****850000 6226A

VALIDATION OR SIGNATURE OF CASHIER

THE SHENK CORPORATION

ENGINEERS AND SURVEYORS
43 EAST LEE STREET, BEL AIR, MARYLAND 21014

WILLIAM SHENK, P.E. - RONALD M. KEARNEY, PROPT. L.B.

March 28, 1984

PN 8405

PARTICULAR DESCRIPTION
LAND OF JOSEPH D. DEIGERT ET AL

Beginning for the same at a point at the southwesterly corner of the land of Joseph D. Deigert et al said point being located at the end of the two following courses and distances from a point of intersection formed by the center of Silver Knoll Drive and the center of Hilltop Acres Road,

- (1) Northwesterly 363 feet more or less to the end of Silver Knoll Drive, and
- (2) Southwesterly 137 feet more or less to the said point of beginning, running thence and binding on the outlines of the land of Joseph D. Deigert et al the four following courses and distances viz:
 - (1) North 03 - 11 - 04 East 414.23 feet,
 - (2) North 77 - 07 - 01 East 1,020.17 feet,
 - (3) South 06 - 37 - 25 East 394.64 feet, and
 - (4) South 76 - 18 - 53 West 1,091.80 feet to the beginning hereof.

Containing 9.57 acres of land more or less.

TELEPHONES
301 - 838-1441
301 - 879-1441

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11 Date of Posting: 4/20/84
Posted for: *Petition for Special Hearing*
Petitioner: *Joseph D. Deigert, et al*
Location of property: *North end of Silver Knoll Dr. 363 ft. NW of the c/l of Hilltop Acres Rd.*
Location of Sign: *Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.*
Remarks: *None*
Posted by: *Arnold Jablon* Date of return: 4/26/84
Number of Signs: *2*

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11 Date of Posting: 6/20/84
Posted for: *People's Counsel*
Petitioner: *Joseph D. Deigert, et al*
Location of property: *North end of Silver Knoll Dr. 363 ft. NW of the c/l of Hilltop Acres Rd.*
Location of Sign: *Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.*
Remarks: *None*
Posted by: *Arnold Jablon* Date of return: 7/6/84
Number of Signs: *2*

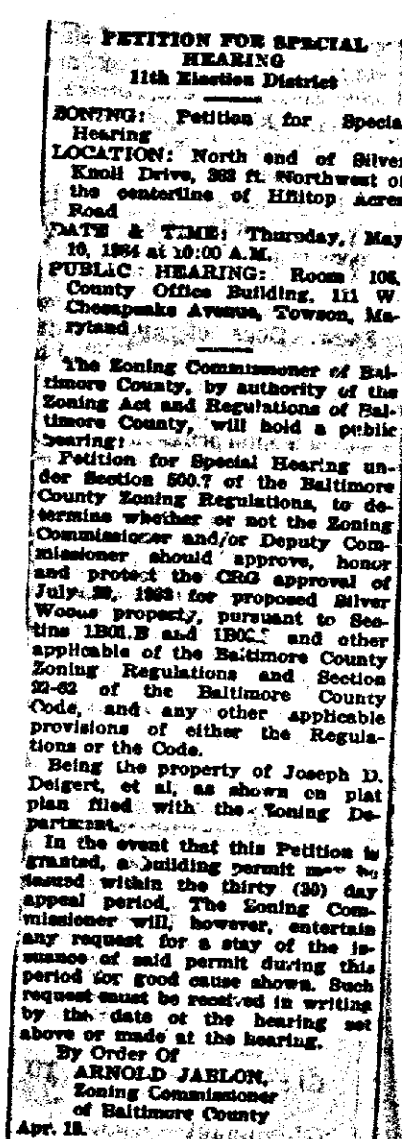
CERTIFICATE OF PUBLICATION

TOWSON, MD., April 19, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 19th day of April, 1984, the first publication appearing on the 19th day of April, 1984.

THE JEFFERSONIAN,

Cost of Advertisement, \$ 24.00





County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 444-3180
July 2, 1984

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 84-309-SPH

JOSEPH D. DEIGERT, ET AL

FOR SPH - TO PROTECT THE CRG APPROVAL OF 7/29/82 FOR PROPOSED SILVER WOODS

N/END OF SILVER KNOLL DRIVE 363' NW OF C/L HILLTOP ACRES ROAD

11th DISTRICT

ASSIGNED FOR:

TUESDAY, OCTOBER 16, 1984 at 10 a.m.

cc: Stephen J. Nolan, Esquire

Counsel for Petitioners

Joseph D. Deigert, et al

Petitioners

Lazerov/Ray Partnership

Contract Purchasers

Phyllis Cole Friedman

People's Counsel

N. E. Gerber

J. G. Hoswell

A. Jablon

Jean M. H. Jung

J. E. Dyer

Edith T. Eisenhart, Adm. Secretary

#84-309-SPH

11th District

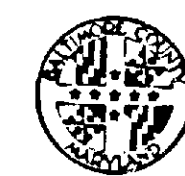
N/end Silver Knoll Dr., 363' NW of c/l of Hilltop Acres Rd.

Joseph D. Deigert, et al

2 signs (1 a location one)

7/2/84 - Notified of appeal hearing scheduled for TUESDAY, OCTOBER 16, 1984 at 10 a.m.

Stephen J. Nolan, Esq.
Joseph D. Deigert, et al
Lazerov/Ray Partnership
Phyllis C. Friedman



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 444-3180
July 10, 1984

Phyllis C. Friedman
People's Counsel
Court House
Towson, Md. 21204

Re: Case No. 84-309-SPH
Joseph D. Deigert, et al

Dear Mrs. Friedman:

Enclosed herewith is a copy of the Order of Dismissal passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.
cc: Stephen J. Nolan, Esq.
Joseph D. Deigert, et al
Lazerov/Ray Partnership
N. E. Gerber
J. Hoswell
A. Jablon
J. Jung
J. Dyer

IN RE: PETITION SPECIAL HEARING
N/end of Silver Knoll Drive,
363' NW of the centerline of
Hilltop Acres Road - 11th
Election District
Joseph D. Deigert, et al,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-309-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein seek an interpretation of the Zoning Commissioner in order to allow a prior existing approved subdivision plan to proceed to completion notwithstanding intervening legislation which would prevent such completion.

The Petitioners appeared and was represented by Counsel. Also appearing for the Petitioners were representatives of Lazerov/Ray Partnership, the Contract Purchasers of the property and the developers of the subdivision proposed. There were no Protestants.

The subdivision, Silver Woods, was approved for development by the County Review Group (CRG) on July 29, 1982. Since that time, the developer has expended considerable money and time on engineering work but has not yet begun physical construction. Prior to the CRG approval, the Baltimore County Council amended Section 1801.1.B of the Baltimore County Zoning Regulations (BCZR), better known as the residential transition area (RTA) law, by further restricting certain uses within an RTA as defined in Section 1801.1.B.1.a. The amendment, although passed by the Council prior to July 29, 1982, did not become effective until August 26, 1982. If applicable here, Bill No. 109-82 would prevent the continuation of the proposed development. The amendment would impose certain restrictions and limitations which would make the approved plan unusable and, further, would abrogate an Offer of Dedication and Agreement between the Petitioners and Baltimore County. See Petitioners' Exhibit 2.

The developer now wishes to proceed with construction and has applied for the necessary permits, which have been withheld pending this hearing in order to determine the effect of Bill No. 109-82 on the prior approved plan.

The Petitioners seek relief under Section 500.7, BCZR, for an interpretation of Section 1801.1.B.1.(d), BCZR, in order to exempt the Silver Woods development plan from the rule that there need be substantial construction to protect a development plan from subsequent changes in zoning.

Mere approval or even recordation of a subdivision plat without statutory intervention does not insulate a plat from future zoning change unless there has been intervening vested rights. Rockville Fuel & Feed Co. v. Gaithersburg, 266 Md. 117 (1972). A vested right occurs when the property owner has obtained a building permit and has proceeded to exercise his rights on the land by proceeding to substantial construction so that the neighborhood may be advised as to the intended land use. See Rupp v. Cline & Sons, 230 Md. 573 (1963). It is uncontested that the latter has not occurred here. The only issue presented is whether Section 1801.1.B.1.(d) exempts the Petitioners from the requirements of Bill No. 109-82 by statutory intervention.

It is the opinion here that it is an example of statutory intervention and that it does exempt the Petitioners here from the restrictive language of Bill No. 109-82. Certainly, the language of Section 1801.1.B.1.(d) is clear and unambiguous. "A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope." Pittman v. Housing Authority, 180 Md. 457. The intent of the BCZR must be determined as being construed as a whole. Smith v. Miller, 249 Md. 390. Section 1801.1.B.1.(d) must be construed in light of the provisions making up the RTA so that the several parts of those regulations are given their intended effect. Moreover, the

relationship between those various provisions must be reconciled as a whole. Bowie Vol. Fire Dept. & Rescue Squad v. Bd. of County Commissioners, 255 Md. 381; Anderson, American Law of Zoning, Section 16.08.

The Council first passed subsection (d) in 1970; a later amendment was made in 1981. Subsequent changes have left it intact. The intent and clear purpose of subsection (d) is to exempt developments from zoning changes effecting the RTA occurring after their approval. No other conclusion can be reached after a reading of the appropriate regulations.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of May, 1984, that the prior existing approved subdivision plan may proceed to completion notwithstanding intervening legislation which would prevent such completion and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Robert J. Nolan
Zoning Commissioner of
Baltimore County

IN RE: PETITION SPECIAL HEARING
N/end of Silver Knoll Drive,
363' NW of the centerline of
Hilltop Acres Road - 11th
Election District
Joseph D. Deigert, et al,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-309-SPH

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

The development plan was submitted on or about November 16, 1981 to the Joint Subdivision Planning Committee which met on December 3, 1981. The Baltimore County Planning Board considered this subdivision on January 7, 1982. A Resolution was adopted on January 21, 1982 by the Planning Board affecting the instant property, which constituted tentative approval of the plan.

ORDER

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of July, 1984, that the findings of fact set forth in the decision rendered on May 16, 1984 are AMENDED accordingly, but the conclusions of law are unaffected and remain in full effect.

Robert J. Nolan
Zoning Commissioner of
Baltimore County

cc: Stephen J. Nolan, Esquire
People's Counsel

ORDER RECEIVED FOR FILING

DATE 7/14/84 BY *John A. Lang*

ORDER RECEIVED FOR FILING

DATE 7/14/84 BY *John A. Lang*

ORDER RECEIVED FOR FILING

DATE 7/14/84 BY *John A. Lang*

ORDER RECEIVED FOR FILING

DATE 7/14/84 BY *John A. Lang*