

PETITION FOR ZONING VARIANCE

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 Variance from Section 1A04.3.B.3 (1A00.3.B.3) To permit side yard setbacks of 40 feet in lieu of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See Addendum.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this 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: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____
Address _____ Phone No. _____

Legal Owner(s):
Real Estate Ventures, Inc.
(Type or Print Name)
By: R. Emmett Voelkel, III
Signature _____
(Type or Print Name)
Signature _____

1015 Charter Drive, Towson MD
Address Phone No. 26044
Kevin J. Kelehan 740-4600
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name _____
Address _____ Phone No. _____

Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day

of July 1986, that the subject 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 8th day of September, 1986, at 10:00 o'clock.

By _____
Zoning Commissioner of Baltimore County.

(over)

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 11th Date of Posting 8/5/86
Posted for: _____
Petitioner: Real Estate Ventures, Inc.
Location of property: 4323 Conifer Ct., 1480' SW of Manor Wood Dr., 11th Election District
Location of Signs: _____
Remarks: _____
Posted by: _____ Date of return: 8/13/86
Number of Signs: _____

1210 Cedarcroft Road
Baltimore, Maryland 21229
(301) 433-2400

ADDENDUM

1. Buildable site area is restricted to the front of the lot due to the setbacks required from the septic system and well. These systems cannot be moved due to their relationship to adjoining lots. The minimum building setback requirements at the front of the lot will not allow the construction of the proposed dwelling.

2. The existing topography of the lot dictates that the front of the proposed dwelling face on Conifer Court. To orient the house otherwise would require an extensive regrading of the lot which would greatly increase the construction costs causing an economic hardship.

3. The subdivision covenants and restrictions specifically state that garage doors may not face the street or be on the house front, and that a two story structure shall contain at least 2400 square feet of living space. To be able to build within the parameters of these covenants requires that the structure be situated as shown per the enclosed plot plan.

J. Finley Ransone & Associates
Registered Land Surveyors
P.O. Box 10160
Towson, Maryland
21285-0160
Phone 301/666-7448

ZONING DESCRIPTION No. 4323 CONIFER COURT

Beginning on the northwest side of Conifer Court at the distance of 1,480 feet southwesterly of the center line of Manor Wood Drive. Being Lot No. 14 in the subdivision known as 2nd Addition to Manor Woods and recorded in Platbook No. 40, Folio 62. Also known as No. 4323 Conifer Court in the Eleventh Election District of Baltimore County, Maryland.

parcel. In addition, the variances requested would be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of September, 1986, that the Petition for Zoning Variances to permit side yard setbacks of 40 feet in lieu of the required 50 feet be and is hereby DENIED.

By _____
Zoning Commissioner of Baltimore County

AJ/srl
cc: Kevin J. Kelehan, Esquire
Mr. Blane Leidey
Mr. Richard Steiner
People's Counsel

ORDER RECEIVED FOR FILING

DATE _____
BY _____

- 3 -

IN RE: PETITION ZONING VARIANCES
NW/4 of Conifer Court, 1,480'
SW of Manor Wood Drive
(4323 Conifer Court) -
11th Election District
Real Estate Ventures, Inc.
Petitioner *
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-76-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit side yard setbacks of 40 feet in lieu of the required 50 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by R. Emmett Voelkel, III, its President, appeared and testified and was represented by Counsel. Blane Leidey, Richard Steiner, and Edward Michael, adjacent property owners, appeared in opposition.

Testimony indicated that the subject property, located on Conifer Court near Manor Road and zoned R.C.5, is an unimproved lot (Lot 14) within a subdivision known as 2nd Addition to Manor Woods. The Petitioner, a contractor, purchased the lot in order to construct a luxury home for sale. The construction of any dwelling within that subdivision is subject to certain deed restrictions that limit the size and location of the dwelling. See Petitioner's Exhibit 2. In addition, placement of the septic and well systems and their respective reservation areas limit the building area. Also, the topography of the lot is unusual in that there is a sharp decline to the rear which further limits the location of any dwelling.

Mr. Voelkel testified that, in his architect's and engineer's opinions, the proposed dwelling could not be constructed without the requested side yard setbacks. Indeed, Mr. Voelkel testified that, in their opinion, the lot would be unbuildable without variances due to the unique circumstances described

above. However, Mr. Leidey, a registered civil engineer, testified that, in his opinion, the configuration of the dwelling could be altered to allow all setback requirements to be met. Although Mr. Voelkel disagreed, he could present no rebuttal testimony.

The Petitioner seeks relief from Section 1A04.3.B.3 (1A00.3.B.3), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would be contrary to the spirit of the BCZR and would result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that no practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has not been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular

PETITION FOR ZONING VARIANCE
11th Election District
Case No. 87-76-A

LOCATION: Northwest Side of Conifer Court, 1480 feet Southwest of Manor Wood Drive (4323 Conifer Court)
DATE AND TIME: Monday, September 8, 1986, 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:

Petition for Zoning Variance to permit side yard setbacks of 40 feet in lieu of the required 50 feet

Being the property of Real Estate Ventures, Inc., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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 JAPLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

DATE _____
BY _____

- 2 -

RE: PETITION FOR VARIANCE
NW/4 of Conifer Ct., 1480'
SW of Manor Wood Dr. (4323
Conifer Ct.), 11th District
REAL ESTATE VENTURES, INC.,
Petitioner
Case No. 87-76-A

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
Room 223, Court House
TOWSON, Maryland 21204
474-2188

I HEREBY CERTIFY that on this 8th day of August, 1986, a copy
of the foregoing Entry of Appearance was mailed to Kevin J. Kelehan,
Esquire, 10715 Charter Dr., Columbia, MD 21044, Attorney for Petitioner.

John Max Zimmerman
Peter Max Zimmerman

PETITION FOR
ZONING VARIANCE
11th Election District
Case No. 87-76-A
LOCATION: Northwest Side of Conifer Court, 1480 feet Southwest of Manor Wood Drive (4323 Conifer Court)
DATE AND TIME: Monday, September 8, 1986, 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 Zoning Variance to permit side yard setbacks of 40 feet on lots of the required 50 feet.
Being the property of Real Estate Ventures, Inc., as shown on plat filed with the Zoning Office.
In the event that this Petitioner 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
8180 Aug. 21.

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 1, 1986
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
August 7, 1986.

THE JEFFERSONIAN,

Susan Steudt Obrecht
Publisher

Cost of Advertising

24.75

Kevin J. Kelehan, Esquire
10715 Charter Drive
Columbia, Maryland 21044

July 25, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
NW/4 of Conifer Ct., 1480' SW of Manor
Wood Dr. (4323 Conifer Ct.)
11th Election District
Real Estate Ventures, Inc. - Petitioner
Case No. 87-76-A

TIME: 10:00 a.m.

DATE: Monday, September 8, 1986

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: August 21, 1986
Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 87-76-A, 87-75-A, 87-76-A, 87-77-A, 87-81-A,
87-82-A, 87-83-A, 87-84-A, 87-87-A, 87-88-A,
87-106-A, 87-107-A, 87-108-A, 87-111-A, 87-112-A,
87-113-A and 87-114-A

There are no comprehensive planning factors requiring comment on
these petitions.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:slm

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 20, 1986
THIS IS TO CERTIFY, that the annexed advertisement was
published in the TOWSON TIMES, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
August 20, 1986.

TOWSON TIMES,

Susan Steudt Obrecht
Publisher

38.25

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

No. 10775

DATE: ACCOUNT:
AMOUNT \$
RECEIVED FROM:
FOR:
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
474-3353

ARNOLD JABLON
ZONING COMMISSIONER

September 3, 1986

Kevin J. Kelehan, Esquire
10715 Charter Drive
Columbia, Maryland 21044

RE: PETITION FOR ZONING VARIANCE
NW/4 of Conifer Ct., 1480' SW of Manor
Wood Dr. (4323 Conifer Ct.)
11th Election District
Real Estate Ventures, Inc. - Petitioner
Case No. 87-76-A

Dear Mr. Kelehan:

This is to advise you that \$78.03 is due for advertising
and posting of the above property. This fee must be paid before an
Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON
THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by
this office until the day of the hearing.

No. 021857
Baltimore County, Maryland, and remit
Billing, Towson, Maryland

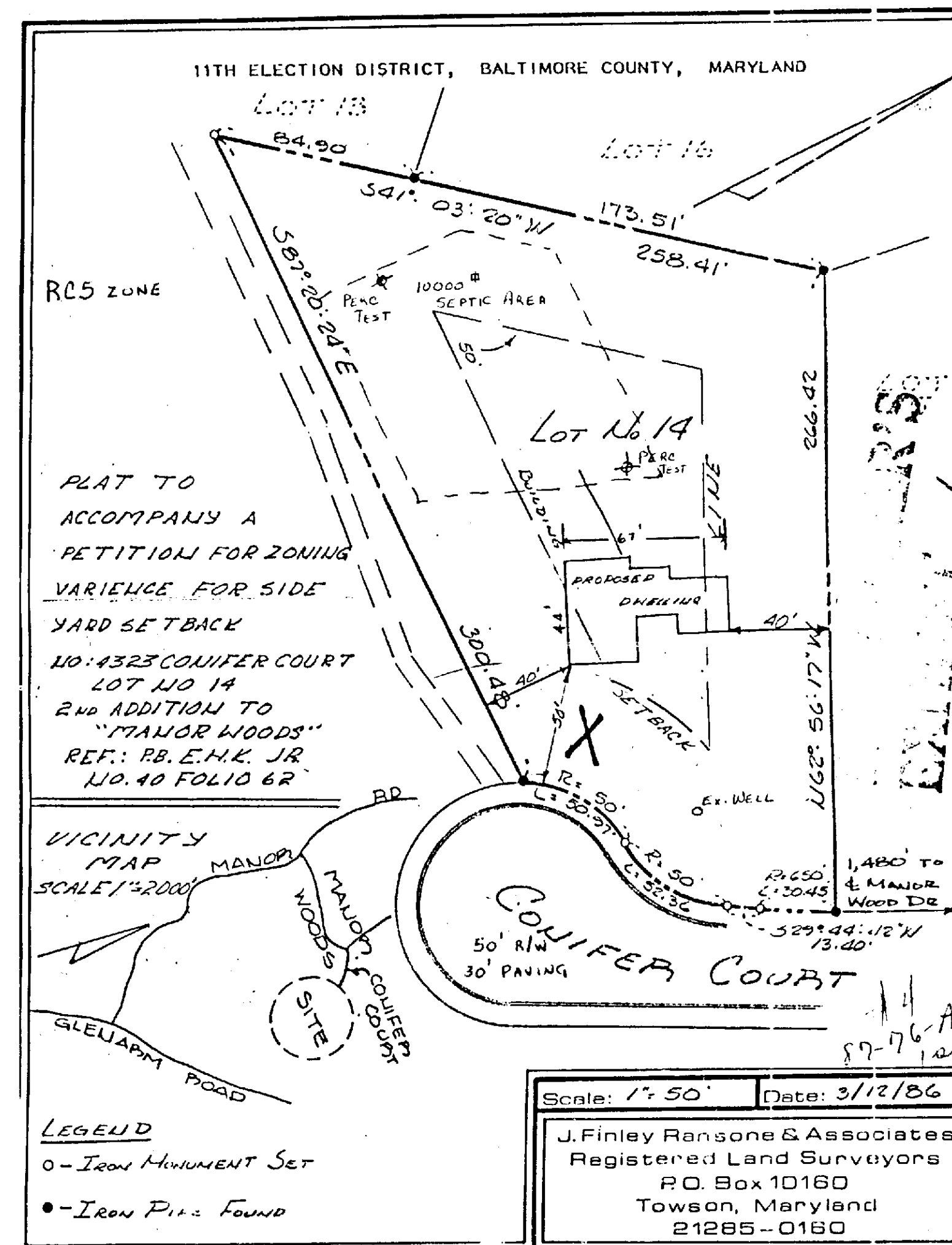
87-76-A

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
21st day of July, 1986.

Petitioner Real Estate Ventures, Inc.
Petitioner's Attorney Kevin J. Kelehan, Esquire
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
474-3350
STEPHEN E. COLLINS
DIRECTOR

August 14, 1986

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

Dear Mr. Jablon:

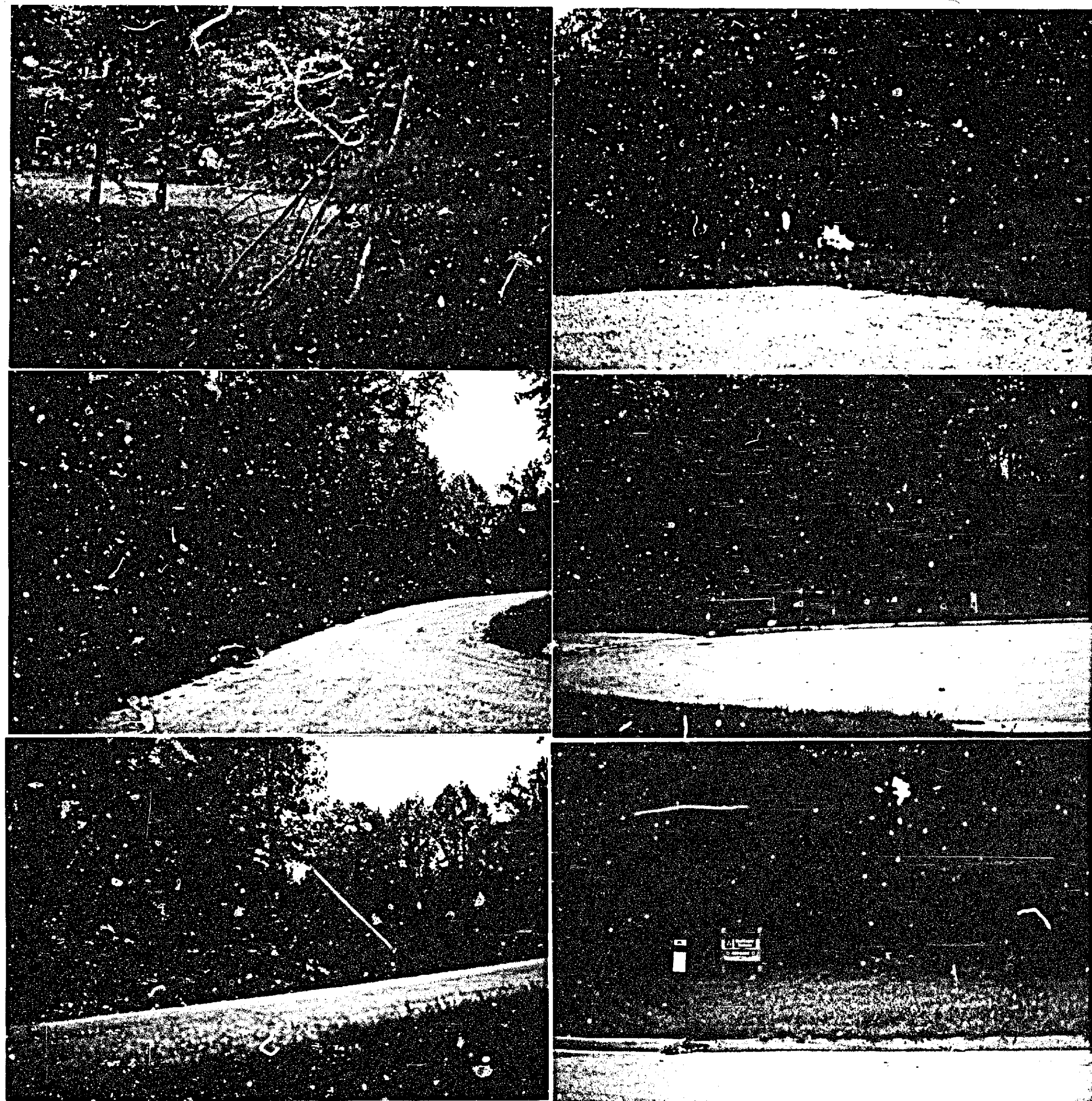
The Department of Traffic Engineering has no comments for
items number 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 9/8/86 ACCOUNT: 021857
SIGN & POST
RETURNED
AMOUNT \$ 78.03
Real Estate Ventures, Inc., 1220 Chesapeake Ave.,
Towson, Md. 21204
RECEIVED FROM: JEFFERSON & SONS, INC., 1220 CHESAPEAKE AVE.,
TOWSON, MD. 21204
FOR: BALCO *****
VALIDATION OR SIGNATURE OF CASHIER



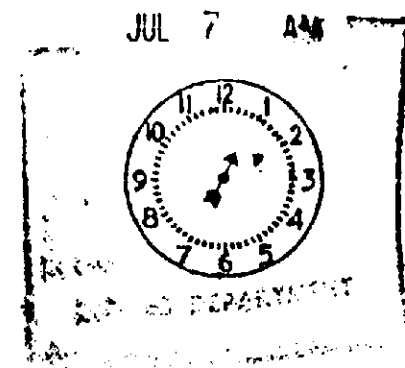
As Cedarcroft Road
Baltimore, Maryland 21239
(301) 433-2400

Zoning Commissioner of Baltimore County
Zoning Department
Towson, MD 21204

July 7, 1986

Dear Commissioner,
Due to binding Contractual and planning commitments, I would like your full consideration in granting my zoning case an earlier hearing date. Your prompt attention to this matter is deeply appreciated.

Sincerely,
R. Emmett Voelkel, III
R. Emmett Voelkel, III
ITEM NO. 4



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

July 30, 1986

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 4 Zoning Advisory Committee Meeting are as follows:
Property Owner: Real Estate Ventures, Inc.
Location: NW/S Conifer Court, 1480 feet SW Manor Wood Drive
Districts: 115B.

APPLICABLE ITEMS ARE CIRCLED:

- (A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.S.S.I. #11-1 - 1986) and other applicable Codes and Standards.
- (B) A Building and other miscellaneous permits shall be required before the start of any construction.
- (C) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer shall be required on plans and technical data.
- (D) Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- (E) All the Groups except P-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. P-4 Single Group require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.
- (F) The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 501 and 505 and have your Architect/Engineer contact this department.
- (G) The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- (H) When filing for a required Change of Use/Temporary Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Mixed Use _____ See Section 312 of the Building Code.
- (I) The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finished floor levels including basement.
- (J) Comments:
- (K) These abbreviated 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. The applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Mark E. Burman
By: C. E. Burman, Chief
Building Plans Review

4/27/86

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 1, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

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

Kevin J. Kelehan, Esquire
10715 Charter Drive
Columbia, Maryland 21044

RE: Item No. 4 - Case No. 87-76-A
Petitioner: Real Estate Ventures, Inc.
Petition for Zoning Variance

Dear Mr. Kelehan:

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.

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.

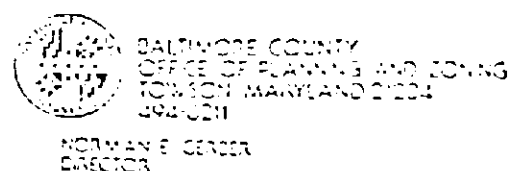
Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: J. Finley Ransone & Associates
P.O. Box 10160
Towson, Maryland 21285-0160



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

AUGUST 19, 1986

RE: Zoning Advisory Meeting of JULY 15, 1986
Item # 4
Property Owner: REAL ESTATE VENTURES, INC.
Location: NW/S CONIFER COURT, 1480' SW MANOR WOOD DRIVE

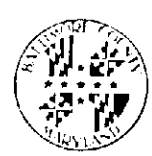
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- (X) A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- (X) A record plat will be required and must be recorded prior to issuance of a building permit.
- (X) The access is not satisfactory.
- (X) The circulation on this site is not satisfactory.
- (X) The driveway arrangement is not satisfactory.
- (X) Parking calculations must be shown on the plan.
- (X) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- (X) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-53 of the Development Regulations.
- (X) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- (X) The amended Development Plan was approved by the Planning Board on _____.
- (X) Manifestations must comply with Baltimore County Landscape Manual.
- (X) The property is located in a deficient service area as defined by Bill 113-79. No building permit may be issued until a Deficient Capacity Use Certificate has been issued. The deficient service area is defined by the County Council.
- (X) The property is located in a strategic area controlled by a top level intersection as defined by Bill 113-79, and its conditions change traffic capacity may become more limited. The basic services areas are re-evaluated annually by the County Council.
- () Additional comments:

Eugene A. Boser
Chief, Current Planning and Development

cc: James Ransone



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204 2586
494 4500

PAUL H. REINCKE
CHIEF

July 17, 1986

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

RE: Property Owner: Real Estate Ventures, Inc.

Location: NW/S Conifer Ct., 1480 ft. SW Manor Wood Dr.

Item No.: 4 Zoning Agenda: Meeting of July 15, 1986

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.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- (X) 2. A second means of vehicle access is required for the site.
- (X) 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 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.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



AMENDED AND ADDITION TO MANOR WOODS RESTRICTIONS

Applicable To Lots #5, 6, 8, 8A, 9, 10, 10A, 11, 12, 12A, 13, 14, 15, 16, & 17

THIS DECLARATION OF RESTRICTIONS, made this 1st day of January, 1981, by Maryland Heritage Corporation, a Maryland Corporation, Declarant.

The Declarant is the owner in fee simple of all the lots numbered 5, 6, 8, 8A, 9, 10, 10A, 11, 12, 12A, 13, 14, 15, 16, & 17 inclusive as shown on the plat entitled "Second Addition to Manor Woods", which plat is recorded among the land records of Baltimore County in Plat Book E.H.K., Jr. No. 40, folio 62, and "plat showing re-subdivision of lots no. 8, 9, 10, 11, 12 & 13" of 2nd Addition to Manor Woods, recorded in Baltimore County Plat Book E.H.K., Jr. 47, folio 38.

The Declarant, for the purpose of creating and maintaining a general scheme of development, desires that the aforesaid lots be subject to the covenants and conditions and restrictions hereinafter set forth.

Now, therefore, the Declarant, its successors and assigns, hereby declares that all of the aforesaid lots numbered 5, 6, 8, 8A, 9, 10, 10A, 11, 12, 12A, 13, 14, 15, 16, 17 inclusive shall be subject to the covenants, restrictions, conditions and reservations hereinafter set forth with the exception of paragraph 15, herein, which paragraph will be applicable only to the lots named therein.

1. The land included in this tract shall be used for private residential purposes only, and no dwelling shall be erected, altered, placed or permitted to remain on any lot other than one detached dwelling not to exceed two and one-half stories in height, each dwelling being designed for occupancy by a single family, and a private garage for not more than two cars, unless otherwise approved by the Declarant. Single family occupancy shall not be construed to prevent the erection of a dwelling with an attached apartment or living area for use by member or members of the owner's family. Garage doors may not face the street or be on house front.

2. No building, fence, wall, hedge, or other structure shall be commenced, erected, placed or altered in structure, or color, on any lot by other than the Declarant or Wayne G. Krut or Betty J. Krut, until the plans and specifications and including color scheme and a grading plan showing the location of the structure have been approved in writing by the Declarant, Wayne G. Krut or Betty J. Krut, their assigns, or duly appointed Agent, who shall have the right to refuse to approve any such plans or specifications, or grading and location plans which are not suitable or desirable, in their opinion, for esthetic or other reasons, and in so passing upon such plans, or specifications, or grading and location plans, they shall have the right to take into consideration the suitability of the proposed building, or other structure and of the materials, of which it is to be built, to the site upon which it is proposed to erect the same, the harmony thereof with the surroundings and the effect of the building or other structure or the roadway as planned on the outlook from the adjacent or neighboring properties. In no event shall a two-story structure contain less than 2,400 sq. ft. of living area of which at least 1200 sq. ft. shall be on the first floor. In no event shall a one and one-half story structure contain less than 2,400 sq. ft. of living area of which at least 1200 sq. ft. shall be on the first floor. In no event shall a one-story structure contain less than 2,000 sq. ft. of living area. Garages and basements shall not be constructed as living areas. Basement area shall be considered any area which has one or more walls three feet below the finished grade. The exterior of any structure or basement shall not consist of exposed

PETITIONER'S
EXHIBIT 2

concrete block, stucco or concrete. Aluminum siding may only be used if specifically approved by Declarant. In the event of the failure of the purchaser or purchasers of lots in "Second Addition to Manor Woods" to obtain the required prior written approval of plans, specifications, and grading studies as established in this paragraph, said purchasers hereby agree to reimburse the Declarant or its assigns for all costs and expenses to which it may be put as a result of said failure including, but not limited to Court costs, and Attorneys fees.

3. All plans referred to in Paragraph 2 above shall be submitted in duplicate. They shall be complete with specifications, landscaping and outbuildings, etc. A fee of \$150.00 shall accompany each submission of plans. The fee is non-returnable. Plans will be reviewed and approved, approved if modified as indicated, or disapproved within 10 days. Approval, qualified approval and/or disapproval will be indicated thereon and returned to the owner. One set will be retained by the Declarant for checking conformity in line with approval.

4. No trailer, boat, tent, shack, commercial vehicle, recreational vehicle, barn or other building except garage shall be erected or maintained on any lot at any time, nor shall any such structure, basement or garage be used as a residence, either temporarily or permanently. Any dwelling constructed on said lot shall be completed in every exterior detail within 12 months from the date of beginning such construction.

5. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Lot owners agree to allow and to cooperate with any future installation of natural gas lines or electric service improvements, which are intended for local use only.

6. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon, except normal construction activity, which may be or become an annoyance or nuisance to the neighborhood. Before construction of a dwelling, the purchasers/owner shall maintain the lot in a reasonable manner, such as mowing underbrush and removing fallen trees.

7. No live poultry, hogs, cattle or other livestock shall be kept on any lot. Household pets consisting of no more than two dogs or cats, not owned for commercial purposes, shall not be deemed livestock.

8. Any failure by any party entitled to enforce any of the restrictions shall in no event be deemed a waiver of the right to do so thereafter as to the same breach. Invalidation of any of these covenants or restrictions by any Court of competent jurisdiction shall in no wise effect any other provisions herein.

9. The Declarant, Wayne G. Krut or Betty J. Krut, or their assigns reserve the right to alter or waive such portion of the protective covenants placed on this property as they deem necessary in the best interest of the development as determined by their judgement.

10. The Declarant reserves the right to alter lines between lots and alter set-back distances on any lots owned by the developer, without approval of any owners of any of this property.

11. No signs of any kind shall be placed or displayed on any unimproved lot advertising that said lot is for sale unless approved in writing by the Declarant, Wayne G. Krut or Betty J. Krut.

12. Owners of lots shall be responsible for complying with all Baltimore County and State Health Department regulations and the Public Works Agreement, no far as same are applicable, particular attention being called to well drilling requirements which are the responsibility of the lot owner.

13. Owners of lots shall be responsible for providing drive-way access to their lots from the paved portion of the County road, or any common drive installed by the developer, abutting the owner's lot. All drive-ways shall be paved with a hard durable surface such as macadam, tar and chip, concrete or other similar material. Paving shall be completed one year from the date of commencement of construction of the dwelling on said lot.

14. It is understood and agreed that in the event that Declarant or Wayne G. Krut or Betty J. Krut or heirs or assigns, are permitted to install a community water supply or supplies for the purpose of supplying normal water for any single residence(s) in this subdivision, each lot owner agrees to allow the installation of under-ground water supply lines, and any other lines or electrical wires required, through his (and/or her) property regardless of whether water is to be used by said lot owner. Any damage caused by installation of such water lines shall be corrected by the Declarant. Passing lines shall be installed as far from a lot owner's house as practical in the sole judgment of the Declarant, Wayne G. Krut or Betty J. Krut. Lot owners agree to cooperate in any way reasonable to allow the installation of these lines through their property

15. After the initial installment, Declarant, Wayne G. Krut or Betty J. Krut will not be responsible for any damage done to any of the right-of-way drive-ways, unless damage is done by Declarant. Cost of maintenance of the right-of-ways hereinafter described including but not limited to the cost of mowing the grass shoulders and snow removal shall be borne equally by the owners of lots having the right to the use thereof. In the event that the owners of said lots desire to repair or improve the right-of-way, then, the type and nature of such repairs or improvements shall be by majority vote of the owners of lots having a right to the use of the right-of-way and costs shall be borne proportionately among the owners of lots based on the actual distance used by each lot owner during normal ingress and egress. The following formula will be used to calculate total expense share:

(Computations are accumulative and must progress from the shortest distance used to the longest distance used)

% share of road expense = Any shorter distance(s) share(s) already computed + Road distance normally used - Any shorter distance already computed

Total Road Length

of users for distance being computed

Example-----

Assume a 300 ft. drive used as follows by four (4) lot owners:

Lot Owner	Distance Normally Used
A	100'
B	200'
C	300'
D	300'

Then: Three lengths must be computed (100', 200', 300')

-A's Expense share equals $\frac{100' - 0'}{300'} \div 4 = 1/3 \div 4 = \frac{1}{12} = \frac{3}{36}$

-B's Expense share equals A's share + $\frac{200' - 100'}{300'} \div 3,$

or $\frac{1}{12} + \frac{1}{9} = \frac{7}{36}$

-C's Expense share equals B's share + $\frac{300' - 200'}{300'} \div 2,$

or $\frac{1}{12} + \frac{1}{9} + \frac{1}{6} = \frac{13}{36}$

-D's Expense is same as C's expense (same usage) = $\frac{13}{36}$

Total Road Expense = $\frac{36}{36} = 1$

A. The owners of lots 8, 8A, 9, 10, 10A, 11, 12, 12A, 13 & 14 shall have the right to the use in common of a right-of-way passing between lots # 10A and #14, and being shown on the plat recorded in Baltimore County Plat Book, E.H.K., Jr. #47, Folio 38.

B. The owners of lots 8, 8A, 9, 10, 10A shall also have the right to the use in common of a right-of-way passing between lots #10A and #10, which intersects with the right-of-way passing between lot #10A and #14, as described in section 15-A above herein, and being as shown on the plat recorded in Baltimore County Plat Book E.H.K., Jr. #47, folio 38.

C. The owners of lots 15, 16, 17, and 18 shall have the right to the use in common of a right-of-way passing between lots #15 and #18, and being shown on the plat recorded in Baltimore County Plat Book, E.H.K., Jr. #40, Folio 62.

D. The owner(s) of lot #8 agrees to allow ingress and egress for lot #8A, along the Northeast sideline of lot #8, for the shortest distance required to reach the right-of-way referred to in 15-B above. Lot #8A may install a drive-way compatible in construction and elevation, no more than 10 ft. wide along the lot #8 Northeast sideline as described above, but only with the approval of the owner of lot #8 and the Declarant of the construction and elevation of the drive-way. Such drive must solely be maintained by the owner of lot #8A, unless agreed otherwise by lot owners 8 and 8A.

16. The Declarant or Wayne G. Krut or Betty J. Krut or their heir(s) or assigns may at their option, direct that resolution of any disputes, violations or discrepancies resulting from this declaration of restrictions, are to be decided by a majority vote of lot owners (Declarant may optionally abstain). It is understood that the Declarant does not and will not represent any lot owner other than the Declarant in any action or legal proceedings pertaining to this subdivision and/or this declaration of restrictions.

17. The Declarant or Wayne G. Krut or Betty J. Krut retain the right to assign the rights under these restrictions in full, or in part, particularly the architectural control provisions at any time to such parties as may be interested in the development.

AS WITNESS the hand and seal of WAYNE G. KRUT, President of MARYLAND HERITAGE CORPORATION the day and year first written above.

Wayne G. Krut

Wayne G. Krut, President
Maryland Heritage Corporation

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 2nd day of June, 1981, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore aforesaid, personally appeared Wayne G. Krut, President of Maryland Heritage Corporation, and that he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Corporation by himself as President.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

My commission expires July 1, 1981

Notary Public

TO: ZONING COMMISSIONER
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MD 21204

RE: CASE #87-76-A

WE THE UNDERSIGNED, RESIDENTS OF CONIFER COURT,
GLEN ARM, MARYLAND, ARE OPPOSED TO THE GRANTING
OF THE VARIANCE, CASE #87-76-A AS PETITIONED BY
THE REAL ESTATE VENTURES, INC.

SIGNATURE/NAME	ADDRESS
	4321 Conifer Court
Richard H. Steiner	Glen Ar, MD 21057
Mary Ann Steiner	4321 CONIFER COURT
MARY ANN STEINER	GLEN AR, MD 21057

TO: ZONING COMMISSIONER
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
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[illegible]

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[illegible]

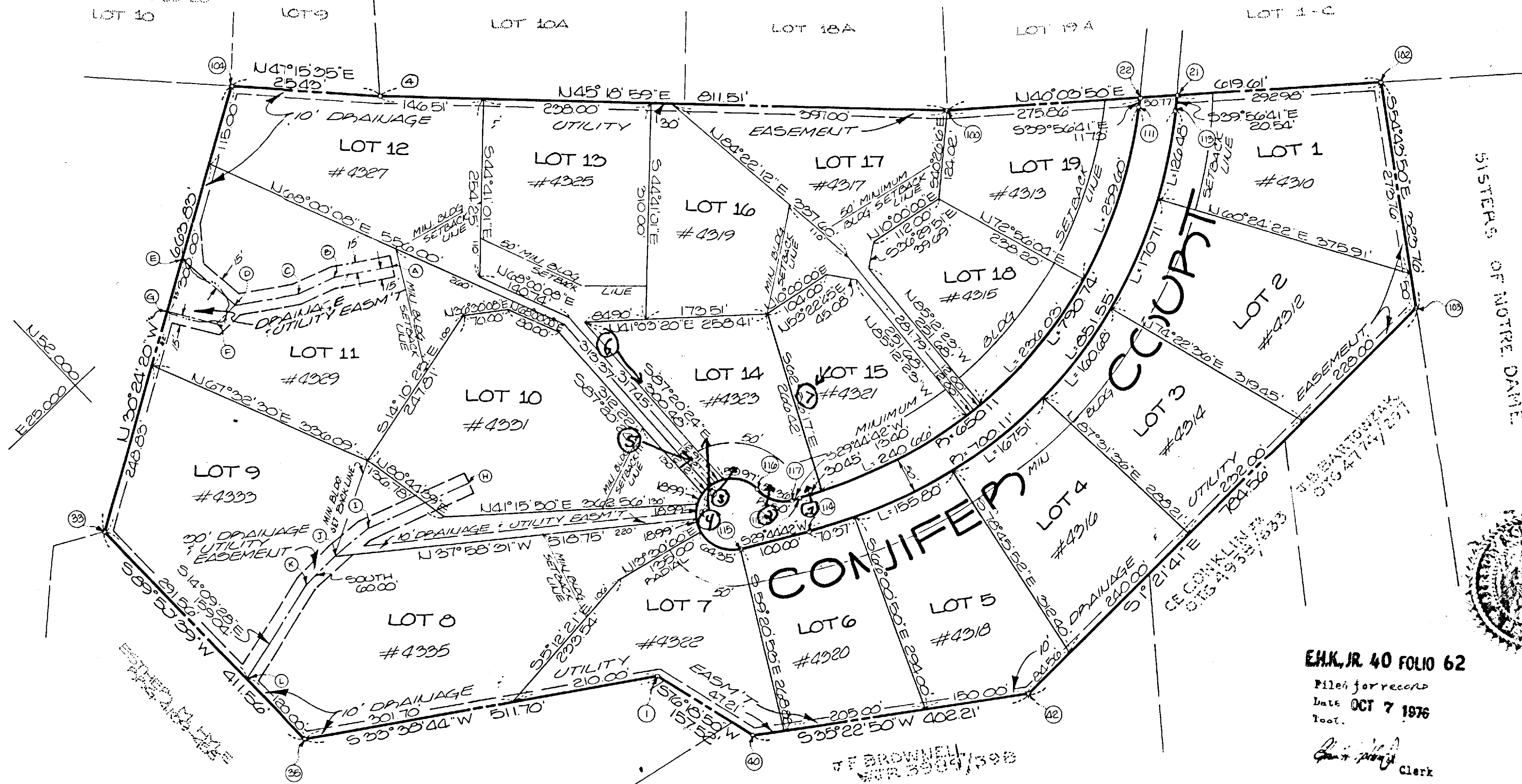
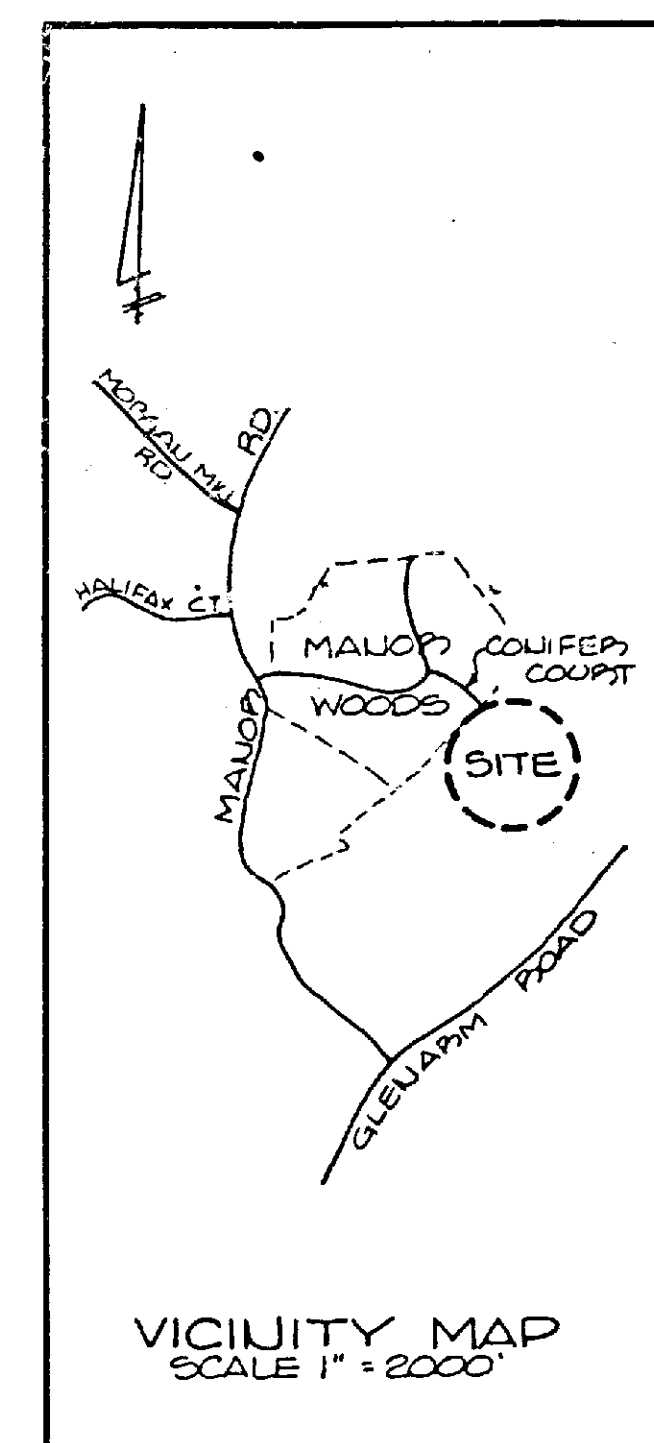
COORDINATE TABLE					
No	NORTH	EAST	No	NORTH	EAST
1	52212.10	25575.41	103	52461.64	25212.70
4	52002.74	25002.58	104	52457.53	24844.26
21	52124.27	25189.79	111	52376.52	25164.64
22	52386.51	25757.11	112	52386.57	25330.68
35	51885.00	25182.91	113	52408.62	25802.98
36	51886.12	25591.90	114	52611.77	25974.09
40	52549.37	26025.46	115	52524.91	25384.28
42	52677.90	26861.24	116	52599.75	25180.84
100	52174.39	25579.56	117	52624.94	25284.07
102	52048.59	25978.27			

CURVE DATA					
CURVE	Δ	RADIUS	LENGTH	TANGENT	PERAPPROX. LONG CHD
111-112	69°41'23"	650.11	790.74	452.59	700.00'E 712.89
113-114	69°41'23"	700.11	851.55	457.40	52°00'00"E 800.02'
115-116	240°30'00"	50.00	309.44		
116-117	60°00'00"	50.00	52.36	25.87	1159°44'22"E 50.00'

FLOOD CONTROL BASE LINE ~		
A-B	S 24°22'49"W	24.07'
B-C	S 18°07'19"W	57.87'
C-D	S 32°29'39"W	92.65'
D-E	S 24°17'51"W	100.56'
E-F	S 41°28'08"W	27.12'
F-G	S 57°29'12"W	70.09'
G-H	S 62°55'29"W	52.25'
H-I	S 1°38'12"W	175.07'

PRESUBDIVISION OF LOTS 9-10
ADDITION 1 TO
MANOR WOODS
E.H.K. JR. 39-40
LOT 10

AMENDED PLAT #2
MANOR WOODS
OTS. 32-140



STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:
I HEREBY CERTIFY that the foregoing is a true copy of the original
PLAT as shown from the records of said Circuit Court as
recorded in Liber E.H.K. JR. No. 40
Page 62, one of the LAND
Records of Baltimore County.

IN TESTIMONY WHEREOF I have set my hand
and affix the seal of the Circuit Court for
Baltimore County
this 27th day of August 1976
[Signature]
Clerk

E.H.K. JR. 40 FOLIO 62
Filed for record
Date OCT 7 1976
Took.
[Signature] Clerk

DENSITY CALCULATIONS:
20.00 ACRES
GROSS AREA OF TRACT = 21.729 ACRES
NUMBER OF LOTS = 19 LOTS
DENSITY = 19/21.729 = 0.874 LOTS/ACRE

GUNPOWDER FALLS WATER SHED

E.F. RAPHEL & ASSOCIATES
REGISTERED PROFESSIONAL LAND SURVEYORS
201 COURTLAND AVE.
TOWSON, MD. 21204

WHEN A WATER APPROPRIATION PERMIT IS
OBTAINED UNDER STATE LAW, THE LOT MAY BE
OFFERED FOR SALE AND/OR SOLD AND/OR
CONSTRUCTION ON ANY LOT, DESHUL UNTIL SAID
WATER APPROPRIATION PERMIT IS OBTAINED.

NOTES:
STREETS AND/OR ROADS SHOWN HEREON AND MENTIONED
THEREIN IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY,
AND THE SAME ARE NOT INTENDED TO BE DEDICATED FOR PUBLIC
USE. THE FEE SIMPLE TITLE TO THE DEED THEREOF IS EXPRESSLY
RESERVED IN THE GRANTOR OF THE DEED TO WHICH THIS PLAT
IS ATTACHED, THEIR HEIRS AND ASSIGNS.
FOR PAUHAULE LOTS, PERUSE COLLECTION, SHOW REMOVAL
AND ROAD MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE
PAUHAULE AND THE STREET RIGHT-OF-WAY LINE ONLY, AND NOT
OUT TO THE PAUHAULE LOT DRIVEWAY.
COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE RE-
FERRED TO BALTIMORE COUNTY METROPOLITAN DISTRICT TRAVERSE
STATIONS X-7254 AND X-7255.

OWNER'S CERTIFICATE:
THE REQUIREMENTS OF SECTION 59 TO
ARTICLE 17 OF THE ANNOTATED CODE
OF MARYLAND, 1957 EDITION (TITLE: CLERKS
OF THE COURT, SUB-TITLE: CLERKS OF CIR-
CUIT COURTS) AS FAR AS THEY RELATE
TO THE MAKING OF THIS PLAT AND THE
SETTLING OF MAPKERS HAVE BEEN COM-
PLIED WITH.

SURVEYOR'S CERTIFICATE
I, EUGENE F. RAPHEL, A REGISTERED
PROFESSIONAL LAND SURVEYOR OF THE
STATE OF MARYLAND, DO HEREBY CERTIFY
THAT THE LAND SHOWN HEREON HAS BEEN
LAID OUT AND THE PLAT THEREOF PREPARED
IN ACCORDANCE WITH THE PROVISIONS OF
THE LAW RELATING TO THE SUBDIVISION OF
LAND KNOWN AS HOUSE BILL NO. 459 CH.
1010 OF THE ACTS OF 1945 AND SUBSEQUENT
ACTS AMENDATORY THEREOF.

MARYLAND HERITAGE CORP.
Wayne L. Krutz, President 9-29-76
OWNER

E.F. Raphael 9-14-76
DATE

Final Plat No. 1740
Platting
Engineering
Direct: Manning
Access: No.

PETITIONER'S
EXHIBIT 3 #1740

11TH ELECTION DISTRICT
SCALE 1" = 100' BALTIMORE COUNTY MD.
SEPTEMBER 12, 1976

HIGHWAY'S DEPARTMENT OF BALTO COUNTY
APPROVED FOR STREET ALIGNMENT LOCATION
[Signature] 10/6/76
ROADS ENGINEER DATE
APPROVED FOR BALTO CO. HEALTH DEPT.
DEPUTY STATE & CO. HEALTH OFFICERS DATE
APPROVED FOR BALTO CO. PLANNING BOARD
DIRECTOR DATE

