

Board REVERSED by CCT. (J. Levitz)

RECEIVED

DEC 14 1988

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY

Appellant

vs.

THOMAS JEROME GRAZIANO, et al

Appellees

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

88 CG 1510

* * * * *

OPINION

This case came before the Court on November 16, 1988, on People's Counsel for Baltimore County's appeal from the order of the County Board of Appeals dated March 1, 1988. The Board's decision on this matter was that the Petition for Special Hearing should be granted, providing a stipulation be entered among the Land Records of Baltimore County that so long as the zoning remains R.C. 2 no further subdividing or building permits will be permitted.

The facts in this case are that Lizetta Bedgar owned a large farm in northern Baltimore County. In 1976, she parceled off through the subdivision process nine parcels, some of which were sold and some of which went to relatives. She retained title to what is known as Tract A, consisting of some 21.7 acres. At that time, she made known, through the preparation of her will, that upon her death two further parcels were to be allocated, one to her grandson and one to Mr. Graziano. In 1979, the R.C. 2 regulations took effect and Tract A containing the 21 plus acres thereupon became a single parcel, even though it was her avowed intention to allot the two six-acre parcels to her grandson and to her employee. In 1981 Mrs. Bedgar passed away. As was stated in her will, the

trustee of her estate distributed the lots, one to the grandson and one to Mr. Graziano. Mr. Graziano applied for a building permit and said permit was denied because Tract A was zoned R.C.2 and two houses had already been developed.

The County Board of Appeals reversed the Zoning Commissioner stating that since Mr. Graziano assumed in 1976 that he would receive a viable inheritance, that it would be arbitrary for the Board to deny him the building permit making the 5 plus acre parcel a viable use of land. The Appellee (Thomas Graziano) also argues that Section 22-42(4) of the Baltimore County Code exempts this property from the requirements of R.C. 2 zoning.

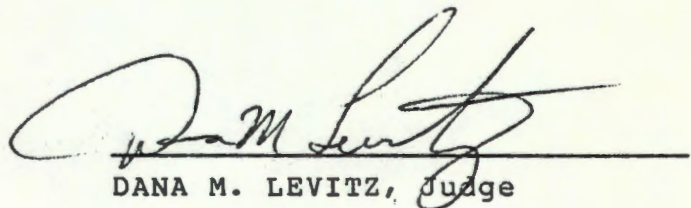
This Court, although sympathetic to Mr. Graziano under the facts, doesn't feel that the Board has properly interpreted the law. The controlling statutory authority is Baltimore County Zoning Regulation 1A01.3B1. It states that no lot of record lying within an R.C. 2 zone and having a gross area between 2 and 100 acres may be subdivided into more than 2 lots. Despite Mrs. Bedgar's intention, she has no right to change the law merely by writing a will which contains intentions contrary to the law existing at the time of her death. As to Appellee's argument that Section 22-42(4) of the Baltimore County Code exempts this property from R.C. 2 zoning requirements, this section exempts such properties from having to go through the County Review Group, but has no effect on the Baltimore County Zoning Regulations.

While the Board of Appeals could not legally grant Mr. Graziano the relief he desires under the law, he may yet be able to obtain permission to build a home on his property. Certainly,

Mr. Graziano can request a special exception to the zoning regulation in the form of a documented site plan.

In summary, on review of the evidence and the law this Court finds the County Board of Appeals' order to be contrary to the law. Accordingly the decision of the County Board of Appeals is reversed. Appellees to pay the costs.

Dated 11/29/88


DANA M. LEVITZ, Judge

Copies sent to:

Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Jeffrey H. Gray, Esquire
County Board of Appeals

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY

Appellant

vs.

THOMAS JEROME GRAZIANO, et al

Appellees

IN THE

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88 CG 1510

OPINION

This case came before the Court on November 16, 1988, on People's Counsel for Baltimore County's appeal from the order of the County Board of Appeals dated March 1, 1988. The Board's decision on this matter was that the Petition for Special Hearing should be granted, providing a stipulation be entered among the Land Records of Baltimore County that so long as the zoning remains R.C. 2 no further subdividing or building permits will be permitted.

The facts in this case are that Lizetta Bedgar owned a large farm in northern Baltimore County. In 1976, she parceled off through the subdivision process nine parcels, some of which were sold and some of which went to relatives. She retained title to what is known as Tract A, consisting of some 21.7 acres. At that time, she made known, through the preparation of her will, that upon her death two further parcels were to be allocated, one to her grandson and one to Mr. Graziano. In 1979, the R.C. 2 regulations took effect and Tract A containing the 21 plus acres thereupon became a single parcel, even though it was her avowed intention to allot the two six-acre parcels to her grandson and to her employee. In 1981 Mrs. Bedgar passed away. As was stated in her will, the

trustee of her estate distributed the lots, one to the grandson and one to Mr. Graziano. Mr. Graziano applied for a building permit and said permit was denied because Tract A was zoned R.C.2 and two houses had already been developed.

The County Board of Appeals reversed the Zoning Commissioner stating that since Mr. Graziano assumed in 1976 that he would receive a viable inheritance, that it would be arbitrary for the Board to deny him the building permit making the 5 plus acre parcel a viable use of land. The Appellee (Thomas Graziano) also argues that Section 22-42(4) of the Baltimore County Code exempts this property from the requirements of R.C. 2 zoning.

This Court, although sympathetic to Mr. Graziano under the facts, doesn't feel that the Board has properly interpreted the law. The controlling statutory authority is Baltimore County Zoning Regulation 1A01.3B1. It states that no lot of record lying within an R.C. 2 zone and having a gross area between 2 and 100 acres may be subdivided into more than 2 lots. Despite Mrs. Bedgar's intention, she has no right to change the law merely by writing a will which contains intentions contrary to the law existing at the time of her death. As to Appellee's argument that Section 22-42(4) of the Baltimore County Code exempts this property from R.C. 2 zoning requirements, this section exempts such properties from having to go through the County Review Group, but has no effect on the Baltimore County Zoning Regulations.

While the Board of Appeals could not legally grant Mr. Graziano the relief he desires under the law, he may yet be able to obtain permission to build a home on his property. Certainly,

Mr. Graziano can request a special exception to the zoning regulation in the form of a documented site plan.

In summary, on review of the evidence and the law this Court finds the County Board of Appeals' order to be contrary to the law. Accordingly the decision of the County Board of Appeals is reversed. Appellees to pay the costs.

Dated 11/27/88

DANA H. LEVITS, Judge

Copies sent to:

Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Jeffrey H. Gray, Esquire
County Board of Appeals

IN THE MATTER OF
THE APPLICATION OF
THOMAS JEROME GRAZIANO, ET UX
FOR SPECIAL HEARING ON PROPERTY
LOCATED ON THE NORTHWEST SIDE OF
FREELAND ROAD, 2,048' NORTHEAST OF
MIDDLETOWN ROAD
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 87-478-SPH

OPINION

This case comes before this Board on appeal from a decision of the Zoning Commissioner stating that only two building lots are to be permitted and that the Petition for Special Hearing to grant a building permit is denied.

This case is unique in the recallable history of this Board. All testimony and evidence presented in this case was so entered by stipulation and the history creates the uniqueness.

Lizetta Bedgar owned a large farm in northern Baltimore County. In 1976, she parceled off through the subdivision process nine parcels, some of which were sold and some of which went to relatives. She retained title to what is known as Tract A, consisting of some 21.7 acres. At that time, she made known that upon her death two further parcels were to be allocated, one to her grandson and one to a life-long employee, i.e., Mr. Graziano. In 1979, the R.C. 2 regulations took effect and Tract A containing the 21+ acres thereupon became a single parcel, even though it was her avowed intention to allot the two six-acre parcels to her grandson and to her employee.

In 1981 Mrs. Bedgar passed away. As was stated in her will, the trustee of her estate distributed the lots, one to the grandson and one to Mr. Graziano. These lots were surveyed, entered among the Land Records of Baltimore County, and entered on the tax rolls of Baltimore County in 1986.

Case No. 87-478-SPH
Thomas Jerome Graziano, et ux

Mr. Graziano, understandably, assumed throughout this entire time that his bequest was for a buildable parcel of land. When he applied for a building permit, said permit was denied on the assumption that Tract A of 21+ acres was the parcel considered in the R.C. 2 zoning and since two houses have already been developed, a third one would not be allowed. Strict interpretation of the Baltimore County Zoning Regulations regarding the R.C. zone verified this. Since Mr. Graziano in his mind assumed from as far back as 1976 that he was to receive a viable inheritance, it appears arbitrary for this Board to deny him the building permit making this 5+ acre parcel a viable use of the land. The legislative intent of the R.C. 2 regulations is well-documented in that the purpose of the R.C. 2 zoning is to deny haphazard, indiscriminate and objectionable development in our agricultural areas. To permit Mr. Graziano one residence on one 5+ acre tract does not seem to fall within these categories. As stated in Mr. Jablon's Opinion, on page 3, in quoting several cases:

"...In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning."
B.F. Saul Co. v. West End Park, 250 Md. 707 246 A.2d 591 (1968); Sassa v. Md. Board of Censors, 245 Md. 319, 226 A.2d 317 (1967); Height v. State, supra.

It is the opinion of this Board that to deny the requested building permit in view of the above-quoted legal interpretation would be arbitrary on the part of this Board. The Board is aware that the granting of this building permit for one residence on this R.C. 2 parcel officially created after the enactment of the R.C. 2 regulations but morally created years prior to their enactment may be construed as opening the door to indiscriminate subdividing of R.C. 2 properties by way of testamentary disposition. In order to preclude

Case No. 87-478-SPH
Thomas Jerome Graziano, et ux

this, the Board will require that a stipulation be entered among the Land Records of Baltimore County by Mr. Graziano that, so long as the zoning on this parcel remains R.C. 2, no further subdevelopment may be permitted or any other building permits considered. In consideration of the above, the Board is of the opinion that the building permit for parcel B owned by Mr. Graziano be granted.

ORDER

It is therefore this 1st day of March, 1988 by the County Board of Appeals of Baltimore County ORDERED that the two parcels designated in the will of Lizetta Bedgar, surveyed and entered among the Land Records of Baltimore County, and deeded to Thomas A. Bedgar, Jr., and Thomas J. Graziano be and the same are GRANTED;

IT IS FURTHER ORDERED that the Petition for Special Hearing to permit a building permit for a single-family dwelling on that lot known as parcel B owned by Mr. Graziano be and the same is GRANTED, providing a stipulation be entered among the Land Records of Baltimore County that so long as the zoning remains R.C. 2 no further subdividing or building permits will be permitted.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Arnold F. Foreman

Harry E. Buchheister, Jr.

IN RE: PETITION FOR SPECIAL
HEARING
N/W of Freeland Road
2,048' NE of
Middletown Road, 6th
Election District

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-478-SPH

ORDER OF APPEAL

To the Zoning Commissioner of Baltimore County:
County Office Building
Towson, Maryland 21204

Please enter an appeal from the order of the Zoning Commissioner of Baltimore County entered July 8, 1987, on behalf of the Appellants named below:

Thomas Jerome Graziano, et ux
21612 New Freedom Road
Freeland, Maryland 21053

Thomas Clifton Bedgar
2112 Freeland Road
Freeland, Maryland 21053

RECEIVED
AUG 4 1987

ZONING OFFICE

LAW OFFICES
JEFFREY H. GRAY
P.O. BOX 54
17700 YORK ROAD
MONTICELLO, MD 21111-0051
(301) 329-2104

MICROFILMED

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order of Appeal was hand delivered this 4th day of August, 1987, to Harold Lloyd, People's Counsel, Old Courthouse, Towson, Maryland 21204.

Jeffrey H. Gray
Attorney for Appellants

RECEIVED
AUG 4 1987

ZONING OFFICE

LAW OFFICES
JEFFREY H. GRAY
P.O. BOX 54
17700 YORK ROAD
MONTICELLO, MD 21111-0051
(301) 329-2104

MICROFILMED

IN RE: PETITION SPECIAL HEARING
NW/8 of Freeland Road, 2,048'
NE of Middletown Road -
6th Election District
Thomas Jerome Graziano, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-478-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request confirmation for three building lots where two building lots would otherwise be permitted, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. Phyllis Cole Friedman, People's Counsel, and Harold Lloyd, a neighbor, also appeared in opposition.

Testimony indicated that the subject property, located on Freeland Road and zoned R.C.2, consists of approximately 30 acres and was part of a much larger tract owned by the Badgar family, which was subdivided in 1976 and approved by Baltimore County as Spring Valley Farms, Section 1. This subdivision, however, excluded the lot which is the subject of this Petition.

By will, in or around 1977, Mrs. Badgar subdivided the remaining parcel, known as Tract A, leaving the lots to the Petitioners herein, her son and grandson. The parcel identified as the "House Parcel" on Petitioners' Exhibit 1 consists of approximately 9.5 acres and is improved with an existing dwelling which has been sold. Two other lots shown thereon, containing approximately 6.3 acres and 5.9 acres, are the subject of this Petition. Mrs. Badgar died in 1981, and the trustee of her estate distributed the lots in question to the Petitioner, as directed in her will. They now wish to develop the properties pursuant to Mrs. Badgar's testamentary disposition.

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The request would seem innocuous on the surface; certainly, an affirmative conclusion would have a minimal impact on the adjacent community. However, confirmation of the Petitioners' position would create a severe impact to the County. The issue, to coin a paraphrase, is whether to permit a game-winning home run after the ballgame is over.

Under current zoning regulations, the property would be permitted two lots, one of which has already been utilized. The Petitioners argued that they should be permitted the two additional lots described on Petitioners' Exhibit 1, notwithstanding the current zoning. The basis for this argument is Section 22-1, Baltimore County Code (BCC), which defines "subdivision" as follows:

Subdivision means the division of a lot, tract or parcel of land into two or more lots...except, that the following divisions shall not be considered subdivisions...provided, that no new streets or roads are involved...divisions of property by testamentary or intestate provisions...

They argued that the exemption from the defined term "subdivision" includes exemption from the Baltimore County Zoning Regulations (BCZR). Unfortunately, Commissioner Ueberroth, nee Jablon, rules the alleged home run "foul".

To rule in the Petitioners' favor would subvert the intent of the law and subject the County to a game known and played only in heaven. Section 22-1 cannot be read by itself but must be read in conjunction with Sections 22-39, 22-42(4), and 22-53, et seq., BCC.

The meaning of the plainest words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other. It should be consistent with its general object and scope. *Pittman v. Housing Authority*, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in *State v. Fabritz*, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

PETITION FOR SPECIAL HEARING 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 206.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a building permit to construct a dwelling on a lot that has been established in accordance with Title 22, Section 22.1 of the Baltimore County Code, notwithstanding the fact that said lot does not comply with minimum area requirements pursuant to the applicable R.C.2 zoning Reg., as established within the BCZR. 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 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.

Legal Owner: Parcel A
THOMAS J. BADGAR

Thomas J. Badgar
(Type or Print Name)
Signature

2112 Freeland Road
Address

Freeland, Maryland 21053
City and State

Attorney for Petitioner:

Jeffrey H. Gray
(Type or Print Name)
Signature

17010 York Road, P.O. Box 51
Address

Monkton, Maryland 21111-0051
City and State

Attorney's Telephone No.: 322-2104

Legal Owner(s): Parcel B

Thomas Jerome Graziano
(Type or Print Name)
Signature

Freeland, Maryland 21053
Address

Freeland, Maryland 21053
City and State

Name, address and phone number of legal owner, contractor purchaser or representative to be contacted if

Thomas Jerome Graziano
(Type or Print Name)
Signature

21612 New Freedom Road
Address

Freeland, Maryland 21053
City and State

21612 New Freedom Road
Address

Freeland, Md 21053
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of April, 1987, 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, last property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 30th day of June, 1987, at 11:30 o'clock a.m.

By: [Signature]
Zoning Commissioner of Baltimore County.

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The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. *Purifoy v. Merc-Safe Dep. & Trust*, 273 Md. 58, 327 A.2d 483 (1974); *Scott v. State*, 269 Md. 390, 306 A.2d 534 (1973); *Wright v. State*, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, *Walker v. Montgomery County*, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, *Mitchell v. State*, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be "considered in its entirety, and in the context of the purpose underlying [its] enactment," *Giant of Md. v. State's Attorney*, 267 Md. 501 at 509, 298 A.2d 427, at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. *Grosvener v. Supervisor of Assess.*, 271 Md. 232, 315 A.2d 758 (1974); *Wright v. State*, *supra*. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. *Purifoy v. Merc-Safe Deposit & Trust*, *supra*. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. *Gateswood v. State*, 244 Md. 609, 221 A.2d 677 (1966). On the other hand, as stated in *Maguire v. State*, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "[a]dherence to the meaning of words does not require or permit isolation of words from their context...[since] the meaning of the plainest words in a statute may be controlled by the context...In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning." *B. F. Saul Co. v. West End Park*, 250 Md. 707, 246 A.2d 591 (1968); *Sanza v. Md. Board of Censors*, 245 Md. 319, 226 A.2d 317 (1967); *Wright v. State*, *supra*.

In applying these principles to the BCC, particularly those sections cited above, the conclusion is inescapable that the Petitioners' argument must fail.

The intent of the BCC must be determined after construing all of the sections as a whole. See *Smith v. Miller*, 249 Md. 390. Thus, the specific

ORDER RECEIVED FOR FILING
Date: [Signature]
By: [Signature]

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- 3 -

THOMAS JEROME GRAZIANO #87-478-SPH
NW/8 of Freeland Road, 2,048' NE of
Middletown Road 6th Election District
3rd Councilmanic District
SPH -to approve building permit to construct dwelling on lot that has been established in accordance with Title 22, Section 22.1 - R.C. 2 zoning regulations

April 22, 1987 Petition of Thomas Jerome Graziano, et ux and Thomas C. Badgar for special hearing to approve building permit to construct dwelling on lot established in accordance with Title 22, Section 22.1 of Code -said lot does not comply with R.C. 2 zoning regulations

June 8 Hearing held before the Zoning Commissioner on Petition.

July 8 Order of Zoning Commissioner: Petition for Special DENIED.

August 4 Order of Appeal to C.B. of A. filed by Jeffrey Gray, Esq., on behalf of Thomas Jerome Graziano, et ux, and Thomas Clifton Badgar.

January 21, 1988 Hearing held before C.B. of A.

March 1 Order of the Board: Petition for Special Hearing GRANTED; providing a stipulation be entered in Land Records that so long as zoning remains R.C. 2, no further subdividing or building permits will be permitted.

March 29 Notice of Appeal filed in Cct by Phyllis C. Friedman, People's Counsel; Petition to accompany Order for Appeal fd.

March 30 Certificate of Notice sent

April 28 Transcript of testimony filed; record of proceedings filed in CCL.

November 29 Order of the Circuit Court that the decision of the C.B. of A. is REVERSED. (J. Levitz)

language exempting testamentary dispositions from the definition of subdivision must be construed in light of all of those provisions concerning subdivision so that the several parts of those sections are given their intended effect. The relationship among those various provisions exempting such dispositions from being considered as subdivisions must be reconciled as a whole. See *Smith, supra*; *Bowie Vol. Fire Dept. & Rescue Squad, Inc. v. Bd. of County Commissioners*, 255 Md. 381; *Anderson, American Law of Zoning*, Section 16.08.

Section 22-1 clearly exempts testamentary dispositions of property, where no new streets or roads are involved, from being considered a subdivision of such property. Indeed, the Baltimore County Council (Council) confirmed the intent of Section 22-1 in 1982 when it recodified and amended the development regulations, Section 22-37, BCC, et seq. Section 22-39 defines subdivision similarly to Section 22-1, but without the exemptions. Section 22-41, BCC, however, exempts subdivision of land for agricultural purposes, and Section 22-42(4) exempts subdivision of land pursuant to court order, will, or laws of interstate (sic) succession. The Council made its intentions clear—testamentary disposition of property shall be exempt from the subdivision regulations delineated in the BCC. Such dispositions are not exempt from the BCZR. Section 22-42 exempts testamentary dispositions from division 2 of the Development Regulations, which sets forth the development review and approval process. In other words, division of land by will precludes the County from requiring the County Review Group (CRG) from reviewing and approving the development of such land. Building permits can be issued without the need for CRG review. It does not mean that such development need not comply with the BCZR in effect. The advantage to the Petitioners is still extreme, notwithstanding their failure to convince this Commissioner that they deserve all

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Date: [Signature]
By: [Signature]

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that they are requesting. In a letter of advice dated November 4, 1980, the Office of Law responded to the same issue raised here by concluding that:

The zoning power, in its proper exercise is not concerned with the alienability of land, whatever the size of the parcel transferred. Zoning is solely concerned with the manner by which an owner attempts to utilize his land. Thus, although the Baltimore County zoning regulations can in no way interfere with the expectation of the testator's intention in transferring title to his property, the devices assume title subject to the zoning regulations, with the usual legal recourse of application for variances, special exceptions, and reclassifications."

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of July, 1987, that only two building lots are permitted and, as such, the Petition for Special Hearing is hereby DENIED.

By: [Signature]
Zoning Commissioner of Baltimore County

AS/srl

cc: Jeffrey H. Gray, Esquire
Mr. Harold Lloyd
People's Counsel

ORDER RECEIVED FOR FILING
Date: [Signature]
By: [Signature]

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- 5 -

IN THE MATTER OF : IN THE
THE APPLICATION OF : CIRCUIT COURT
THOMAS JEROME GRAZIANO, ET UX :
FOR SPECIAL HEARING ON PROPERTY :
LOCATED ON THE NORTHWEST SIDE OF :
FREELAND ROAD, 2,048' NORTHEAST OF :
MIDDLETOWN ROAD : BALTIMORE COUNTY
6th ELECTION DISTRICT : AT LAW
3rd COUNCILMANIC DISTRICT :
PHYLIS C. FRIEDMAN, PEOPLE'S :
COUNSEL FOR BALTIMORE COUNTY - :
PLAINTIFF :
ZONING CASE NO. 87-478-SPH :
File No. 88-CG-1510

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Arnold G. Foreman, and Harry E. Buchheister, Jr., constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Jeffrey H. Gray, Esquire, 17000 York Road, P.O. Box 51, Monkton, MD 21111-0051, Counsel for Petitioner; Thomas Jerome Graziano, 21612 New Freedom Road, Freeland, MD 21053, Petitioner; Thomas Clifton Badgar, 2112 Freeland Road, Freeland, MD 21053; Harold Lloyd, Mullersmill Road, Freeland, MD 21053; and Phyllis C. Friedman, Room 223, Old Courthouse, Towson, MD 21204, People's Counsel for Baltimore County, Plaintiff, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

By: [Signature]
Kathleen C. Weidenhammer
County Board of Appeals
of Baltimore County
Room 200, Old Courthouse
Towson, MD 21204
(301)494-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Jeffrey H. Gray, Esquire, 17000 York Road, P.O. Box 51, Monkton, MD 21111-0051, Counsel for Petitioner; Thomas Jerome Graziano, 21612 New Freedom Road, Freeland, MD 21053, Petitioner; Thomas Clifton Bedgar, 2112 Freeland Road, Freeland, MD 21053; Harold Lloyd, Mullersmill Road, Freeland, MD 21053; and Phyllis C. Friedman, Room 223, Old Courthouse, Towson, MD 21204, People's Counsel for Baltimore County, Plaintiff, on this 30th day of March, 1988.

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
County Board of Appeals
of Baltimore County

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 30, 1988

Jeffrey H. Gray, Esquire
17000 York Road, P.O. Box 51
Monkton, MD 21111-0051

RE: Case No. 87-478-SPH
Thomas Jerome Graziano, et ux

Dear Mr. Gray:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk
Arnold Jablon, County Attorney

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 30, 1988

Phyllis C. Friedman
People's Counsel for
Baltimore County
Room 223, Old Courthouse
Towson, MD 21204

RE: Case No. 87-478-SPH
Thomas Jerome Graziano, et ux

Dear Ms. Friedman:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Enclosure

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY: IN THE CIRCUIT COURT

Appellant : FOR BALTIMORE COUNTY

v. : AT LAW

THOMAS JEROME GRAZIANO, et al., : Docket No. 54

Appellees : Folio No. 310

: File No. 88-CG-1510

NOTICE OF APPEAL

Please note an appeal from the Opinion and Order of the County Board of Appeals dated March 1, 1988, in the above-captioned matter.

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

RECEIVED
COUNTY BOARD OF APPEALS
1988 MAR 29 P 07

I HEREBY CERTIFY that on this 29th of March, 1988, a copy of the foregoing Notice of Appeal was served on the Administrative Assistant, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy mailed to Jeffrey H. Gray, Esquire, 17000 York Rd., P.O. Box 51, Monkton, MD 21111-0051, Attorney for Appellees.

Phyllis Cole Friedman
Phyllis Cole Friedman

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY: IN THE CIRCUIT COURT

Appellant : FOR BALTIMORE COUNTY

v. : AT LAW

THOMAS JEROME GRAZIANO, et al., : Docket No. 54

Appellees : Folio No. 310

: File No. 88-CG-1510

PETITION ON APPEAL

People's Counsel for Baltimore County, Protestant below and Appellant herein, having heretofore filed a Notice of Appeal from the Opinion and Order of the County Board of Appeals under date of March 1, 1988, in compliance with Maryland Rule B-2(e), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

That the County Board of Appeals did not have the authority to grant additional density. This is contrary to the Baltimore County Zoning Regulations concerning R.C. 2 zoned land.

WHEREFORE, Appellant prays that the Opinion and Order of the Board of Appeals of Baltimore County under date of March 1, 1988 be reversed, and the petition be denied.

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

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

RECEIVED
COUNTY BOARD OF APPEALS
1988 MAR 29 P 07

- 2 -

I HEREBY CERTIFY that on this 29th day of March, 1988, a copy of the foregoing Petition on Appeal was served on the Administrative Assistant, County Board of Appeals, Room 200, Court House, Towson, MD 21204; and a copy mailed to Jeffrey H. Gray, Esquire, 17000 York Rd., P.O. Box 51, Monkton, MD 21111-0051, Attorney for Appellees.

Phyllis Cole Friedman
Phyllis Cole Friedman

IN THE MATTER OF	:	IN THE
THE APPLICATION OF	:	CIRCUIT COURT
THOMAS JEROME GRAZIANO, ET UX	:	FOR
FOR SPECIAL HEARING ON PROPERTY	:	BALTIMORE COUNTY
LOCATED ON THE NORTHWEST SIDE OF	:	AT LAW
FREELAND ROAD, 2,048' NORTHEAST OF	:	
MIDDLETOWN ROAD	:	
6th ELECTION DISTRICT	:	
3rd COUNCIAMANIC DISTRICT	:	
PHYLLIS C. FRIEDMAN, PEOPLE'S	:	CG Doc. No. <u>54</u>
COUNSEL FOR BALTIMORE COUNTY -	:	Folio No. <u>310</u>
PLAINTIFF	:	File No. <u>88-CG-1510</u>
ZONING CASE NO. 87-478-SPH	:	

PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND
BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Arnold G. Foreman, and Harry E. Buchheister, Jr., constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter;

No. 87-478-SPH

April 22, 1987 Petition of Thomas Jerome Graziano, et ux, and Thomas C. Bedgar for a special hearing to approve a building permit to construct a dwelling on a lot that has been established in accordance with Title 22, Section 22.1 of the Baltimore County Code notwithstanding the fact that said lot does not comply with minimum area requirements pursuant to the applicable R.C. 2 zoning regulation as established within the B.C.Z.R.

April 22 Order of the Zoning Commissioner directing advertisement and posting of property - date of hearing set for June 8, 1987 at 11:30 a.m.

May 7 Comments of Director of Planning filed

May 13 Comments of Baltimore County Zoning Plans Advisory Committee filed

May 20 Certificate of Publication in newspaper filed

PEOPLE'S COUNSEL v. GRAZIANO - 88-CG-1510

2.

May 21, 1988 Certificate of Posting of Property filed

June 8 At 11:30 a.m. hearing held on petition by the Zoning Commissioner

July 8 Order of the Zoning Commissioner in which the Petition for Special Hearing is DENIED.

August 4 Order of Appeal to County Board of Appeals from Order of Zoning Commissioner filed by Jeffrey H. Gray, Esquire, on behalf of Thomas Jerome Graziano, et ux and Thomas Clifton Bedgar

January 21, 1988 Hearing held before the County Board of Appeals

March 1 Board Ordered: that the Petition for Special Hearing is GRANTED, "providing a stipulation be entered among the Land Records of Baltimore County that so long as the zoning remains R.C. 2 no further subdividing or building permits will be permitted."

March 29 Notice of Appeal filed in the Circuit Court for Baltimore County by Phyllis C. Friedman, People's Counsel for Baltimore County, and Peter Max Zimmerman, Deputy People's Counsel for Baltimore County, Plaintiff

March 29 Petition to Accompany Order for Appeal filed in the Circuit Court for Baltimore County

March 30 Certificate of Notice sent to all interested parties

April 28 Transcript of Testimony filed

Joint Exhibit A - Plat of Spring Valley Farms

Joint Exhibit B - Drawing of subject parcels

April 28 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the court, together with exhibits entered into evidence before the Board.

Respectfully submitted

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary
County Board of Appeals of Balto. County



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 1, 1988

Jeffrey H. Gray, Esquire
17000 York Road
Post Office Box 51
Monkton, MD 21111-0051

RE: Case No. 87-478-SPH
Thomas Jerome Graziano, et ux

Dear Mr. Gray:

Enclosed is a copy of the final Opinion and Order
passed today by the County Board of Appeals in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. & Mrs. Thomas J. Graziano
Mr. Thomas C. Bedgar
Mr. Harold Lloyd
Phyllis C. Friedman, Esquire
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robyn Clark
Arnold Jablon, County Attorney

Mr. Arata:

Sign posted for Case No. 87-478-SPH

THOMAS JEROME GRAZIANO, ET UX
NW/s Freeland Road, 1048' NE
of Middletown Road

has been torn from post per calls from area residents.

k
4:05 p.m.
10/13/87

County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

October 15, 1987

NOTICE OF ASSIGNMENT

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

CASE NO. 87-478-SPH

THOMAS JEROME GRAZIANO, ET UX

NW/s Freeland Rd., 2048' NE of
Middletown Rd.

6th Election District

SPH-For 3 bldg. lots where only 2 are allowed

7/8/87 - Z.C.'s Order - That only two building
lots are permitted and as such the Petition
for Special Hearing is DENIED.

ASSIGNED FOR:

THURSDAY, JANUARY 21, 1988, at 10 a.m.

cc: Thomas C. Bedgar

Harold Lloyd

Thomas J. Graziano

Petitioner/Property Owner

Jeffrey H. Gray, Esq.

Counsel for Petitioner

Phyllis C. Friedman

People's Counsel

Norman Gerber

James Hoswell

J. Robert Haines

Ann Nastarowicz

James E. Dyer

Betty duBois

June Holmen, Secretary

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3263

J. Robert Haines
Zoning Commissioner

August 11, 1987

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Special Hearing
NW/S of Freeland Road, 2,048' NE of Middletown Road
6th Election District, 3rd Councilmanic District
Thomas Jerome Graziano, et ux - Petitioners
Case No. 87-478-SPH

Dear Board:

Please be advised that on August 4, 1987, an appeal of the decision
rendered in the above-referenced case was filed by Jeffrey H. Gray, Esquire,
attorney for the Petitioners. All materials relative to the case are being for-
warded to your office herewith.

If you have any questions concerning this matter, please do not hesitate
to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

cc: Mr. Thomas Clifton Bedgar
2112 Freeland Road, Freeland, Md. 21053

Mr. Harold Lloyd
Muliermill Road, Freeland, Md. 21053

Phyllis Cole Friedman, Esquire
People's Counsel for Baltimore County
Old Courthouse, Rm. 223
Towson, Maryland 21204

File

10/15/87 - Following were notified of hearing date of Thurs. Jan. 21, 1988, at 10 a.m.:

Thomas C. Bedgar
Harold Lloyd
Thomas Graziano
Jeffrey Gray
Phyllis Friedman
H. Gerber, J. Hoswell
J. R. Haines, A. Nastarowicz, J. Dyer, B. duBois

APPEAL

Petition for Special Hearing
NW/S of Freeland Road, 2,048' NE of Middletown Road
6th Election District - 3rd Councilmanic District
Thomas Jerome Graziano, et ux - Petitioners
Case No. 87-478-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificates of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1) Plat of Property dated May 28, 1982

2) Rough Scale Drawing of Property (Parcels A & B)

Protestant's Exhibits: None Submitted

Zoning Commissioner's Order dated July 8, 1987

Order of Appeal received August 4, 1987 from Jeffrey H. Gray, Attorney for
Petitioners

Thomas Clifton Bedgar, Adjacent Property Owner
2112 Freeland Road, Freeland, Md. 21053

Mr. Harold Lloyd
Muliermill Road
Freeland, Maryland 21053

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Maryland 21204

Thomas Jerome Graziano
21612 New Freedom Road,
Freeland, MD 21053

Jeffrey H. Gray, Esq., Counsel for Petitioners
17000 York Road, PO Box 51
Monkton, MD 21111-0051

Request Notification: Norman E. Gerber, Director of Planning
James Hoswell, Office of Planning & Zoning
Arnold Jablon, Zoning Commissioner
Jean M. H. Jung, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Margaret E. duBois, Docket Clerk

IN RE: PETITION FOR SPECIAL * BEFORE THE
HEARING * ZONING COMMISSIONER
N/W of Freeland Road * OF BALTIMORE COUNTY
2,048' NE of * Case No. 87-478-SPH
Middletown Road, 6th *
Election District *

ORDER OF APPEAL

To the Zoning Commissioner of Baltimore County:
County Office Building
Towson, Maryland 21204

Please enter an appeal from the order of the Zoning
Commissioner of Baltimore County entered July 8, 1987, on behalf
of the Appellants named below:

Thomas Jerome Graziano, et ux
21612 New Freedom Road
Freeland, Maryland 21053

Thomas Clifton Bedgar
2112 Freeland Road
Freeland, Maryland 21053

RECEIVED
AUG 4 1987

ZONING OFFICE

LAW OFFICES
JEFFREY H. GRAY
P.O. BOX 51
17000 YORK ROAD
MONKTON, MD 21111-0051
(301) 228-2104

87-478-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204Your petition has been received and accepted for filing this
day of April, 1987.

22nd

ARNOLD JABLON
Zoning Commissioner

James E. Dyer

Chairman, Zoning Plans
Advisory CommitteePetitioner Thomas Jerome Graziano, et al
Petitioner's Attorney Jeffrey H. Gray, Esquire

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, MarylandDate of Posting: May 21, 87District 6th
Posted for: Special Hearing
Petitioner: Thomas Jerome Graziano, et al
Location of property: N.W. 1/4 of Freeland Rd. 2.44 A.C. N.E. of
Middletown Road
Location of Signs: N.W. 1/4 of Freeland road approx 2.44 A.C. N.E. of
Middletown Road
Remarks: See Petition
Posted by: J. Dyer
Number of Signs: 1

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 20, 1987

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
May 20, 1987.

TOWSON TIMES,

Publisher

54.70

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 21, 1987

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
May 21, 1987.

THE JEFFERSONIAN,

Publisher

35.40

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 13, 1987

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

Chairman

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Traffic Planning
Building Department
Board of Education
Zoning Administration
Industrial
DevelopmentJeffrey H. Gray, Esquire
17000 York Road, P.O. Box 51
Monkton, Maryland 21111-0051RE: Item No. 355 - Case No. 87-478-SPH
Petitioner: Thomas Jerome Graziano, et ux
Petition for Special Hearing

Dear Mr. Gray:

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 suit-
ability 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 resolved, 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

MICROFILMED

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550STEPHEN E. COLLINS
DIRECTOR

April 13, 1987

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

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for
items 350, 351, 352, 353, 354, 355, and 356.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:it

MICROFILMED

BALTIMORE COUNTY DEPARTMENT OF HEALTH

4-14-87
DateZoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204Zoning Item # 355, Zoning Advisory Committee Meeting of 3-17-87Property Owner: Thomas C. Budgar et alLocation: N.W. 1/4 Freeland Rd. District 6Water Supply private Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appearances pertaining to health and safety: two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

WWQ 1 4/86

MICROFILMED

Zoning Item # 355 Zoning Advisory Committee Meeting of 3-17-87
Page 2

- () Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been must be conducted).
The results are valid until _____.
Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until _____. This must be accomplished is not acceptable and must be retented. Petitioner should contact prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others _____

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

MICROFILMED

WWQ 2 4/86

BALTIMORE COUNTY, MARYLAND

TAXPAYER'S COPY

BALTIMORE COUNTY, MARYLAND

ING DATE 01/12/87
PROPERTY NO. 20-00-000161
BLOCK 06
SECTION 01
PLAT 001
BOOK 40
FOLIO 028

OFFICE OF ASSESSMENTS INQUIRY (1)
CLASS 04
AREA 04
THOMAS JEROME
FREEDA ZELEKA
NEW FREEDOM RD
MD 21050

PRIMARY DESC D SPRING VALLEY FARMS
SUPPLEMENTAL DESC PT TRACT A 5 5562 AC
IMPRV ADDRESS FREELAND RD
NEAREST INTER NE MIDDLETOWN RD
STRUCTURE STATE CODE

TRANSFER DATE 05/22/85
TRANSFER NO 059569
PURCHASE PRICE 0
GROUND RENT 0

LOT 000
BLOCK 000
SECTION 01
PLAT 001
BOOK 40
FOLIO 028

MAP 006
BLOCK 21
PARCEL 00044
LIBER 6929
FOLIO 0001

FRONT 00
BACK 00
SIDE1 00
SIDE2 00
FORMER OWNER GRAZIANO
SQ FT LOT 0 (A)

EX LAND EX IMPRV BLIND
EX LAND EX IMPRV EX ADVAL

FULL VALUE* LAND 22,550
CURRENT 33,050
PROPOSED 0

TAX LAND TAX IMPRV
ADVAL EX LAND EX IMPRV EX ADVAL

87/88 ASSESSMT 8610 0 11,320
86/87 ASSESSMT 8511 0 9,600
85/86 ASSESSMT 8411 0 9,510

MICROFILMED



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

June 2, 1987

Jeffrey H. Gray, Esquire
17000 York Road
P.O. Box 51
Monkton, Maryland 21111-0051

RE: PETITION FOR SPECIAL HEARING
NW/S Freeland Rd., 2048' NE of Middletown Rd.
6th Election District - 3rd Councilmanic District
Thomas Jerome Graziano, et ux - Petitioners
Case No. 87-478-SPH

Dear Mr. Gray:

This is to advise you that \$105.10 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 itself.

Please make the check payable to Baltimore County, Maryland, and remit to Room 200, County Office Building, Towson, Maryland

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

No. 35884

DATE: 6/2/87 ACCOUNT: 2-01-615-000

POST RETURNED 6/2/87
SIGN RETURNED AMOUNT \$ 105.10

FROM: Mrs. Freida Z. Graziano, 21612 New Freedom Rd., Freeland, Md. 21053

FOR: ADVERTISING & POSTING COSTS RE CASE #87-478-SPH

RECEIVED FROM: [Signature]

FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
NW/S Freeland Rd., 2048' NE of Middletown Rd., 6th District : OF BALTIMORE COUNTY
THOMAS JEROME GRAZIANO, et al., : Case No. 87-478-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
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 20th day of May, 1987, a copy of the foregoing Entry of Appearance was mailed to Jeffrey H. Gray, Esquire, 17000 York Rd., P. O. Box 51, Monkton, MD 21111-0051, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

MICROFILMED

Jeffrey H. Gray, Esquire
17000 York Road
P.O. Box 51
Monkton, Maryland 21111-0051

April 27, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
NW/S Freeland Rd., 2048' NE of Middletown Rd.
6th Election District - 3rd Councilmanic District
Thomas Jerome Graziano, et ux - Petitioners
Case No. 87-478-SPH

TIME: 11:50 a.m.

DATE: Monday, June 8, 1987

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

AL:med No. 32401

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

DATE: 4/27/87 ACCOUNT: 2-01-615-000

AMOUNT \$ 100.00

RECEIVED FROM: JEFFREY H. GRAY, Esq.

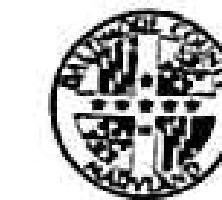
FOR: Entry Fee for Special Hearing Case 355

RECEIVED FROM: [Signature]

FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

MICROFILMED



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

March 30, 1988

Jeffrey H. Gray, Esquire
17000 York Road, P.O. Box 51
Monkton, MD 21111-0051

RE: Case No. 87-478-SPH
Thomas Jerome Graziano, et ux

Dear Mr. Gray:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: P. David Fields
James G. Roswell
J. Robert Haines
Ann M. Nasterwicz
James E. Dyer
Docket Clerk
Arnold Jablon, County Attorney

RECEIVED
MAY 4 1988
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: May 7, 1987

Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petition No. 87-478-SPH

This office is opposed to the granting of the subject request. It is our opinion that buildable lots cannot be created that are not in compliance with the governing densities established by the Baltimore County Zoning Regulations.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JCH:sib

RECEIVED
MAY 11 1987
ZONING OFFICE

MICROFILMED

CPS-008

IN THE MATTER OF : IN THE
THE APPLICATION OF : CIRCUIT COURT
THOMAS JEROME GRAZIANO, ET UX :
FOR SPECIAL HEARING ON PROPERTY :
LOCATED ON THE NORTHWEST SIDE OF :
FREELAND ROAD, 2,048' NORTHEAST OF :
MIDDLETOWN ROAD : BALTIMORE COUNTY
6th ELECTION DISTRICT :
3rd COUNCILMANIC DISTRICT : AT LAW
PHYLLIS C. FRIEDMAN, PEOPLE'S :
COUNSEL FOR BALTIMORE COUNTY - :
PLAINTIFF : Folio No. 310
ZONING CASE NO. 87-478-SPH : File No. 88-CG-1510

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Arnold G. Foreman, and Harry E. Buchmeister, Jr., constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Jeffrey H. Gray, Esquire, 17000 York Road, P.O. Box 51, Monkton, MD 21111-0051, Counsel for Petitioner; Thomas Jerome Graziano, 21612 New Freedom Road, Freeland, MD 21053, Petitioner; Thomas Clifton Bedgar, 2112 Freeland Road, Freeland, MD 21053; Harold Lloyd, Mullersmill Road, Freeland, MD 21053; and Phyllis C. Friedman, Room 223, Old Courthouse, Towson, MD 21204, People's Counsel for Baltimore County. Plaintiff, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
County Board of Appeals
of Baltimore County
Room 200, Old Courthouse
Towson, MD 21204
(301) 494-3180

Case No. 87-478-SPH
Thomas Jerome Graziano, et ux

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Jeffrey H. Gray, Esquire, 17000 York Road, P.O. Box 51, Monkton, MD 21111-0051, Counsel for Petitioner; Thomas Jerome Graziano, 21612 New Freedom Road, Freeland, MD 21053, Petitioner; Thomas Clifton Bedgar, 2112 Freeland Road, Freeland, MD 21053; Harold Lloyd, Mullersmill Road, Freeland, MD 21053; and Phyllis C. Friedman, Room 223, Old Courthouse, Towson, MD 21204, People's Counsel for Baltimore County, Plaintiff, on this 30th day of March, 1988.

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
County Board of Appeals
of Baltimore County



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

PAUL H. REINCKE
Chief

March 13, 1987

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

RE: Property Owner: Thomas C. Bedgar, et al

Location: NW/S Freeland Rd., 2048' NE Middletown Road

Item No.: 355

Zoning Agenda: Meeting of 3/17/87

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 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", 1996 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

MICROFILMED



TED ZALESKI, JR.
DIRECTOR

April 16, 1987

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

Dear Mr. Jablon:

Comments on Item # 356 Zoning Advisory Committee Meeting are as follows:

Property Owner: Joseph Schriefer
Location: W/S Towson Ave. 210 ft S centerline of Jackson Road
District: 12th

APPLICABLE CODES AND ORDINANCES:

1. 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. #17-1 - 1980) and other applicable Codes and Standards.
2. A building and other miscellaneous permits shall be required before the start of any construction. A fence permit may also be required.
3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
4. 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.
5. All Det Group except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. B-4 Det Group require a one hour wall if closer than 1'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire on party wall. See Table 101, Section 107, Section 106.2 and Table 102. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
6. 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 505 and 509 and have your Architect/Engineer contact this department.
7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
8. When filing for a required Change of Use/Occupancy 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.
9. The proposed project appears to be located in a Flood Plain, Flood/Overline. 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 finish floor levels including basement.
10. Comments:
11. 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. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 211 W. Chesapeake Avenue, Towson, Maryland 21204.

Handwritten signature
Building Plans Review

JEFFREY H. GRAY ATTORNEY AT LAW

P.O. BOX 51 • 17000 YORK ROAD • MONKTON, MD 21111-0051 • (301) 329-2104

April 14, 1987

RECEIVED
APR 15 1987

ZONING OFFICE

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

Re: 2100 Freeland Road
Item No.: 355

Dear Commissioner Jablon:

Pursuant to instructions received from your office please accelerate the hearing date in the above captioned special hearing proceeding. As you may recall, we discussed this matter in February and as a result of our discussion a letter was sent by your office to the Grazianos on February 13, 1987, a copy of which is attached hereto for your convenience. The property is under contract and the buyers are becoming impatient and wish to withdraw. The first extension of the contract is about to expire and unless I can provide the buyers with a date in the very near future for a hearing on this matter, then they will withdraw from the deal. Please expedite this matter to the best of your abilities. Thank you for your anticipated assistance.

Very truly yours,

Handwritten signature
Jeffrey H. Gray
cc: Thomas Graziano
Thomas Bedgar, et al

Enclosure
JHG:cas

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BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

13 February 1987

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mr. and Mrs. Thomas Graziano
21612 New Freedom Rd
Freeland, Maryland 21053

Re: 2100 Freeland Road

Dear Mr. and Mrs. Graziano,

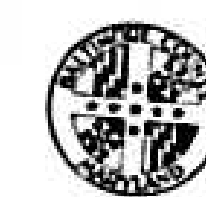
I have discussed the issues presented in Mr. Mueller's letter to you dated 23 January 1987 with Mr. Gray, your attorney. I must require a public hearing which will clarify the situation and eliminate the possible conflict that exists between the County Code and the Baltimore County Zoning Regulations.

However, please be advised that based on the information presented to me by Mr. Gray, it would appear that there will be no problem with what is being requested. Although I cannot guarantee a decision in your favor, it does appear that the facts as I now understand them should support your attorney's position.

Sincerely,

Handwritten signature
Arnold Jablon
AJ/aj

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BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

13 February 1987

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mr. and Mrs. Thomas Graziano
21612 New Freedom Rd.
Freeland, Maryland 21053

Re: 2100 Freeland Road
6th Election District

Dear Mr. and Mrs. Graziano:

I have discussed the issues presented in Mr. Mueller's letter to you dated 23 January 1987 with Mr. Gray, your attorney. I must require a public hearing, which will clarify the situation and eliminate the possible conflict that exists between the County Code and the Baltimore County Zoning Regulations.

However, please be advised that based on the information presented to me by Mr. Gray, it would appear that there will be no problem with what is being requested. Although I cannot guarantee a decision in your favor, it does appear that the facts as I now understand them should support your attorney's position.

Sincerely,

Arnold Jablon
AJ/aj

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BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

February 6, 1987

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mr. & Mrs. Thomas Graziano
21612 New Freedom Road
Freeland, Maryland 21053

Re: 2100 Freeland Road
Confirmation of residential zoning
approval for the construction of a
residential dwelling
R.C. 2 - 6th Election District

Dear Mr. and Mrs. Graziano:

Reference is made to H. Anthony Mueller's letter to you dated January 23, 1987, a copy of which has been forwarded to me.

Due to ambiguities that appear to exist between the Baltimore County Code (BCC) and the Baltimore County Zoning Regulations (BCZR) relative to the subdivision and use of your property it is suggested that available administrative procedures be utilized to clarify your rights in this matter, i.e., a request by you via a Special Hearing pursuant to Section 500.7. (See enclosure)

As you are aware, Mr. Mueller has relied upon Title 22, Section 22.1 of the BCC (See enclosure), for authority to subdivide by testamentary procedure. This Office is concerned that the intended use of the resulting lots will violate the BCZR primarily, as set forth under general requirements pursuant to Section 102.1 (see enclosure).

It is our understanding that the subject property was fully subdivided to the limit of lots permitted under the current zoning regulations prior to further subdivision that resulted from the testamentary procedures.

I am enclosing a Special Hearing petition form with suggested wording. Please feel free to make any changes that you feel are necessary, or you may completely reword should you or your attorney desire.

Should you have any questions concerning the filing procedure, please do not hesitate to contact me.

Sincerely,

Handwritten signature
James E. Dyer
Zoning Supervisor

cc: H. Anthony Mueller, Esquire

JED:kbb
Enclosures

MICROFILMED

ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW

R. TAYLOR MCLEAN
RICHARD A. REID
E. HARRISON STONE
MISTON R. SMITH, JR.
C. S. KUNDELHOFER, III
THOMAS F. MCDONOUGH

100 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(301) 423-1800

30 CONVEY
CARROLL A. ROYSTON
H. ANTHONY MUELLER
JOHN L. ASKEW

January 23, 1987

Mr. and Mrs. Thomas Graziano
21612 New Freedom Road
Freeland, Maryland 21053

Dear Freeda and Tom:

Following up your telephone call of last evening, I checked the appropriate provisions of the Baltimore County Code to substantiate my conclusions.

Title 22 of the Code pertains to Planning, Zoning and Subdivision Control. Under section 22.1 subdivision is defined. Basically it means the division of a lot or parcel into two or more lots, but there is an exception. The exception is as follows:

"...that the following divisions shall not be considered subdivisions within the meaning of this title, provided, that no new streets or roads are involved: Division of land ... where the resulting parcels are three acres or larger in size, divisions of property by testamentary or intestate provisions ..."

Mrs. Bedgar left your lot along with Tommy's lot and Mr. Bedgar's lot by her Will, and therefore, this is a testamentary provision and falls within the exclusion.

You indicated to me that the Buyer wants a letter or something from the County indicating that he can build on the lot. I see no difficulty in your Buyer building. I believe however the County will not issue a letter. The issue will be raised upon filing for a building permit. May I suggest you tell your broker of the provision of this section of the County Code, and if he has any questions to contact me.

Very truly yours,

Handwritten signature
H. Anthony Mueller

HAM:med

MICROFILMED

Mr. Thomas Graziano
December 31, 1986
Page 2

Where water wells are to be used as a source of water supply, Article XI, Section 13-118(g), of the Baltimore County Code requires that a well meeting the minimum recovery rate of one gallon per minute be drilled prior to issuance of a Building Permit.

Water well yield test reports shall be valid for a period of three years from the date of the yield test. At the expiration of that period of time, a retest must be performed and a report submitted to the Baltimore County Department of Health prior to issuance of a Building Permit.

If there are any questions regarding this matter, please contact Mr. Ensor, 494-2762 between 8:30 and 9:30 a.m..

Very truly yours,

Handwritten signature
Karen M. Merrey, R.S.
Director
ENVIRONMENTAL SUPPORT SERVICES

WP:pb



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BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

December 31, 1986

Mr. Thomas Graziano
21612 New Freedom Road
Freeland, Maryland 21053

Re: 2100 Freeland Road east of Middletown Road
Election District 6
Tax Account 20-00-000161

Dear Mr. Graziano:

A representative of this office, Mr. William W. Ensor, Jr., conducted soil evaluations on the above mentioned lot on November 28, 1986. The results are as follows:

TEST PIT	DRAWDOWN	DEPTH	SOIL
A	5 minutes	6 feet	Clay 0-4 ft., Prettyboy schist 4-17 ft.
B	--	--	Clay 0-4 ft., Prettyboy schist 4-16 ft.
C	--	--	Clay 0-3 ft., Prettyboy schist 3-14 ft., rock 14 ft.

Based on the evaluations and the approved site plan dated November 28, 1986, approval will be granted for the installation of a private sewage disposal system. Soil evaluation results will be valid for a period of three years. At the expiration of this period of time, the results will become void without notice to that effect having been given by the approving authority.

It should be noted, there is an area designated on the site plan for the sewage disposal system and expansion thereof. Under no circumstances shall any permanent structures, above or below ground, be permitted within this area. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the disposal system area.

500.6 (Zoning Commissioner and Deputy)

500.6—In addition to his aforesaid powers, the Zoning Commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or non-compliance with any zoning regulations, or the proper interpretation thereof, and to pass his Order thereon, subject to the right of appeal to the Board of Zoning Appeals⁹ as hereinafter provided. [B.C.Z.R., 1955.]

500.7 The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these Regulations.

With respect to any zoning petition other than a petition for a special exception, variance, or reclassification, the Zoning Commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the County. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the Zoning Commissioner shall promptly forward a copy thereof to the Director of Planning (or his deputy) for his consideration and for a written report containing his findings thereon with regard to planning factors. [Bill No. 18-76]

500.8—He shall have the power to prescribe rules and regulations for the conduct of hearings before him, to issue summons for and compel the appearance of witnesses, to administer oaths and to preserve order. [B.C.Z.R., 1955.]

MICROFILMED

MICROFILMED

PETITION FOR SPECIAL HEARING

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 Declaration and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 22-1 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

a building permit to construct a dwelling on a lot that has been established in accordance with Title 22, Section 22-1 of the Baltimore Co. Code notwithstanding the fact that said lot does not comply with minimum area requirements pursuant to the applicable R.C.2 Zoning Reg. as established within the BCZR. 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 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.

Legal Owner: Parcel A
EXAMINER'S NAME:

Thomas C. Bedgar
(Type or Print Name)
Thomas C. Bedgar
Signature

2112 Freeland Road
Address

Freeland, Maryland 21053
City and State

Attorney for Petitioner:

Jeffrey H. Gray
(Type or Print Name)
Jeffrey H. Gray
Signature

1700 York Road, P.O. Box 51
Address

Monkton, Maryland 21111-0051
City and State

Attorney's Telephone No.: 322-2104

Legal Owner(s): Parcel B

Thomas Jerome Graziano
(Type or Print Name)
Thomas Jerome Graziano
Signature

Freeland, Md. Graziano
(Type or Print Name)

Freeland, Maryland 21053
City and State

Name, address and phone number of legal owner, owner's purchaser or representative to be contacted

21612 New Freedom Road
Address
Freeland, Maryland 21053
City and State

Thomas Jerome Graziano
Name

21612 New Freedom Road
Address

Freeland, Md 21053
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day

of August 1987, 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 held before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 19th day of August, 1987, at 11:30 o'clock A.M.

Charles J. Jablon
Zoning Commissioner of Baltimore County.

APPEAL

Petition for Special Hearing
NW/S of Freeland Road, 2,048' NE of Middletown Road
6th Election District - 3rd Councilmanic District
Thomas Jerome Graziano, et ux - Petitioners
Case No. 87-478-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificates of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1) Plat of Property dated May 28, 1982

2) Rough Scale Drawing of Property (Parcels A & B)

Protestant's Exhibits: None Submitted

Zoning Commissioner's Order dated July 8, 1987

Order of Appeal received August 4, 1987 from Jeffrey H. Gray, Attorney for Petitioners

Thomas Clifton Bedgar, Adjacent Property Owner
2112 Freeland Road, Freeland, Md. 21053

Mr. Harold Lloyd
Mullersmill Road
Freeland, Maryland 21053

Phyllis Cole Friedman, Esquire,
People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Maryland 21204

Request Notifications: Norman E. Gerber, Director of Planning
James Hoswell, Office of Planning & Zoning
Arnold Jablon, Zoning Commissioner
Jean M. H. Jung, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Margaret E. duBois, Docket Clerk

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. *Purify v. Merc-Safe Dep. & Trust*, 273 Md. 58, 327 A.2d 483 (1974); *Scoville Serv., Inc. v. Comptroller*, 269 Md. 390, 306 A.2d 534 (1973); *Height v. State*, 275 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, *Walker v. Montgomery County*, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils of mischief sought to be remedied, *Mitchell v. State*, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be considered in its entirety, and in the context of the purpose underlying [its] enactment, *Giant of Md. v. State's Attorney*, 257 Md. 501 at 509, 298 A.2d 427, at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. *Grosvener v. Supervisor of Assess.*, 271 Md. 232, 315 A.2d 758 (1974); *Height v. State*, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. *Purify v. Merc-Safe Deposit & Trust*, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. *Gatewood v. State*, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in *Esquire v. State*, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "[a]dherence to the meaning of words does not require or permit isolation of words from their context...[since] the meaning of the plainest words in a statute may be controlled by the context...In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. *B. F. Saul Co. v. West End Park*, 250 Md. 707, 246 A.2d 591 (1968); *Sanza v. Md. Board of Censors*, 245 Md. 319, 226 A.2d 317 (1967); *Height v. State*, supra.

In applying these principles to the BCC, particularly those sections cited above, the conclusion is inescapable that the Petitioners' argument must fail.

The intent of the BCC must be determined after construing all of the sections as a whole. See *Smith v. Miller*, 249 Md. 390. Thus, the specific

IN RE: PETITION SPECIAL HEARING
NW/S of Freeland Road, 2,048'
NE of Middletown Road -
6th Election District
Thomas Jerome Graziano, et ux,
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-478-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request confirmation for three building lots where two building lots would otherwise be permitted, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. Phyllis Cole Friedman, People's Counsel, and Harold Lloyd, a neighbor, also appeared in opposition.

Testimony indicated that the subject property, located on Freeland Road and zoned R.C.2, consists of approximately 30 acres and was part of a much larger tract owned by the Bedgar family, which was subdivided in 1976 and approved by Baltimore County as Spring Valley Farms, Section 1. This subdivision, however, excluded the lots which are the subject of this Petition.

By will, in or around 1977, Mrs. Bedgar subdivided the remaining parcel, known as Tract A, leaving the lots to the Petitioners herein, her son and grandson. The parcel identified as the "House Parcel" on Petitioners' Exhibit 1 consists of approximately 9.5 acres and is improved with an existing dwelling which has been sold. Two other lots shown thereon, containing approximately 6.3 acres and 5.9 acres, are the subject of this Petition. Mrs. Bedgar died in 1981, and the trustee of her estate distributed the lots in question to the Petitioner, as directed in her will. They now wish to develop the properties pursuant to Mrs. Bedgar's testamentary disposition.

language exempting testamentary dispositions from the definition of subdivision must be construed in light of all of those provisions concerning subdivision so that the several parts of those sections are given their intended effect. The relationship among those various provisions exempting such dispositions from being considered as subdivisions must be reconciled as a whole. See *Smith, supra*; *Bowie Vol. Fire Dept. & Rescue Squad, Inc. v. Bd. of County Commissioners*, 255 Md. 381; *Anderson, American Law of Zoning*, Section 16.08.

Section 22-1 clearly exempts testamentary dispositions of property, where no new streets or roads are involved, from being considered a subdivision of such property. Indeed, the Baltimore County Council (Council) confirmed the intent of Section 22-1 in 1982 when it reclassified and amended the development regulations, Section 22-37, BCC, et seq. Section 22-39 defines subdivision similarly to Section 22-1, but without the exemptions. Section 22-41, BCC, however, exempts subdivision of land for agricultural purposes, and Section 22-42(4) exempts subdivision of land pursuant to court order, will, or laws of interstate (sic) succession. The Council made its intentions clear—testamentary disposition of property shall be exempt from the subdivision regulations delineated in the BCC. Such dispositions are not exempt from the BCZR. Section 22-42 exempts testamentary dispositions from division 2 of the Development Regulations, which sets forth the development review and approval process. In other words, division of land by will precludes the County from requiring the County Review Group (CRG) from reviewing and approving the development of such land. Building permits can be issued without the need for CRG review. It does not mean that such development need not comply with the BCZR in effect. The advantage to the Petitioners is still extreme, notwithstanding their failure to convince this Commissioner that they deserve all

The request would seem innocuous on the surface; certainly, an affirmative conclusion would have a minimal impact on the adjacent community. However, confirmation of the Petitioners' position would create a severe impact to the County. The issue, to coin a paraphrase, is whether to permit a game-winning home run after the ballgame is over.

Under current zoning regulations, the property would be permitted two lots, one of which has already been utilized. The Petitioners argued that they should be permitted the two additional lots described on Petitioners' Exhibit 1, notwithstanding the current zoning. The basis for this argument is Section 22-1, Baltimore County Code (BCC), which defines "subdivision" as follows:

Subdivision means the division of a lot, tract or parcel of land into two or more lots...except, that the following divisions shall not be considered subdivisions...provided, that no new streets or roads are involved...divisions of property by testamentary or intestate provisions...

They argued that the exemption from the defined term "subdivision" includes exemption from the Baltimore County Zoning Regulations (BCZR). Unfortunately, Commissioner Ueberroth, noe Jablon, rules the alleged home run "foul":

To rule in the Petitioners' favor would subvert the intent of the law and subject the County to a game known and played only in heaven. Section 22-1 cannot be read by itself but must be read in conjunction with Sections 22-39, 22-42(4), and 22-53, et seq., BCC.

The meaning of the plainest words in a statute may be controlled by the context. 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*, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in *State v. Fabritz*, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

- 2 -

that they are requesting. In a letter of advice dated November 4, 1980, the Office of Law responded to the same issue raised here by concluding that:

The zoning power, in its proper exercise is not concerned with the alienability of land, whatever the size of the parcel transferred. Zoning is solely concerned with the manner by which an owner attempts to utilize his land. Thus, although the Baltimore County zoning regulations can in no way interfere with the expectation of the testator's intention in transferring title to his property, the devisees assume title subject to the zoning regulations, with the usual legal recourse of application for variances, special exceptions, and reclassifications."

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 8th day of July, 1987, that only two building lots are permitted and, as such, the Petition for Special Hearing is hereby DENIED.

Charles J. Jablon
Zoning Commissioner of Baltimore County

AJ/srl

cc: Jeffrey H. Gray, Esquire

Mr. Harold Lloyd

People's Counsel

IN RE: PETITION SPECIAL HEARING * BEFORE THE
NW/S of Freeland Road, 2,048' * ZONING COMMISSIONER
NE of Middletown Road - *
6th Election District * OF BALTIMORE COUNTY
Thomas Jerome Graziano, et ux, * Case No. 87-478-SPH
Petitioners *

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request confirmation for three building lots where two building lots would otherwise be permitted, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified and were represented by Counsel. Phyllis Cole Friedman, People's Counsel, and Harold Lloyd, a neighbor, also appeared in opposition.

Testimony indicated that the subject property, located on Freeland Road and zoned R.C.2, consists of approximately 30 acres and was part of a much larger tract owned by the Bedgar family, which was subdivided in 1976 and approved by Baltimore County as Spring Valley Farms, Section 1. This subdivision, however, excluded the lots which are the subject of this Petition.

By will, in or around 1977, Mrs. Bedgar subdivided the remaining parcel, known as Tract A, leaving the lots to the Petitioners herein, her son and grandson. The parcel identified as the "House Parcel" on Petitioners' Exhibit 1 consists of approximately 9.5 acres and is improved with an existing dwelling which has been sold. Two other lots shown thereon, containing approximately 6.3 acres and 5.9 acres, are the subject of this Petition. Mrs. Bedgar died in 1981, and the trustee of her estate distributed the lots in question to the Petitioner, as directed in her will. They now wish to develop the properties pursuant to Mrs. Bedgar's testamentary disposition.

The request would seem innocuous on the surface; certainly, an affirmative conclusion would have a minimal impact on the adjacent community. However, confirmation of the Petitioners' position would create a severe impact to the County. The issue, to coin a paraphrase, is whether to permit a game-winning home run after the ballgame is over.

Under current zoning regulations, the property would be permitted two lots, one of which has already been utilized. The Petitioners argued that they should be permitted the two additional lots described on Petitioners' Exhibit 1, notwithstanding the current zoning. The basis for this argument is Section 22-1, Baltimore County Code (BCC), which defines "subdivision" as follows:

Subdivision means the division of a lot, tract or parcel of land into two or more lots...except, that the following divisions shall not be considered subdivisions...provided, that no new streets or roads are involved...divisions of property by testamentary or intestate provisions...

They argued that the exemption from the defined term "subdivision" includes exemption from the Baltimore County Zoning Regulations (BCZR). Unfortunately, Commissioner Ueberroth, nee Jablon, rules the alleged home run "foul"!

To rule in the Petitioners' favor would subvert the intent of the law and subject the County to a game known and played only in heaven. Section 22-1 cannot be read by itself but must be read in conjunction with Sections 22-39, 22-42(4), and 22-53, et seq., BCC.

The meaning of the plainest words in a statute may be controlled by the context. 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, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

- 2 -

The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc-Safe Dep. & Trust, 273 Md. 58, 327 A.2d 485 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 390, 306 A.2d 534 (1973); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be considered in its entirety, and in the context of the purpose underlying [its] enactment, Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 238 A.2d 427, at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Grosvenor v. Supervisor of Assess., 271 Md. 232, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. Purifoy v. Merc-Safe Deposit & Trust, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. Gatewood v. State, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in Mesure v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), "[a]dherence to the meaning of words does not require or permit isolation of words from their context"***[since] the meaning of the plainest words in a statute may be controlled by the context...In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. B. F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanzo v. Md. Board of Censors, 245 Md. 319, 226 A.2d 317 (1967); Height v. State, supra.

In applying these principles to the BCC, particularly those sections cited above, the conclusion is inescapable that the Petitioners' argument must fail.

The intent of the BCC must be determined after construing all of the sections as a whole. See Smith v. Miller, 249 Md. 390. Thus, the specific

- 3 -

language exempting testamentary dispositions from the definition of subdivision must be construed in light of all of those provisions concerning subdivision so that the several parts of those sections are given their intended effect. The relationship among those various provisions exempting such dispositions from being considered as subdivisions must be reconciled as a whole. See Smith, supra; Bowie Vol. Fire Dept. & Rescue Squad, Inc. v. Bd. of County Commissioners, 255 Md. 381; Anderson, American Law of Zoning, Section 16.08.

Section 22-1 clearly exempts testamentary dispositions of property, where no new streets or roads are involved, from being considered a subdivision of such property. Indeed, the Baltimore County Council (Council) confirmed the intent of Section 22-1 in 1982 when it recodified and amended the development regulations, Section 22-37, BCC, et seq. Section 22-39 defines subdivision similarly to Section 22-1, but without the exemptions. Section 22-41, BCC, however, exempts subdivision of land for agricultural purposes, and Section 22-42(4) exempts subdivision of land pursuant to court order, will, or laws of interstate (sic) succession. The Council made its intentions clear—testamentary disposition of property shall be exempt from the subdivision regulations delineated in the BCC. Such dispositions are not exempt from the BCZR. Section 22-42 exempts testamentary dispositions from division 2 of the Development Regulations, which sets forth the development review and approval process. In other words, division of land by will precludes the County from requiring the County Review Group (CRG) from reviewing and approving the development of such land. Building permits can be issued without the need for CRG review. It does not mean that such development need not comply with the BCZR in effect. The advantage to the Petitioners is still extreme, notwithstanding their failure to convince this Commissioner that they deserve all

- 4 -

that they are requesting. In a letter of advice dated November 4, 1980, the Office of Law responded to the same issue raised here by concluding that:

The zoning power, in its proper exercise is not concerned with the alienability of land, whatever the size of the parcel transferred. Zoning is solely concerned with the manner by which an owner attempts to utilize his land. Thus, although the Baltimore County zoning regulations can in no way interfere with the expectation of the testator's intention in transferring title to his property, the devisees assume title subject to the zoning regulations, with the usual legal recourse of application for variances, special exceptions, and reclassifications."

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 8th day of July, 1987, that only two building lots are permitted and, as such, the Petition for Special Hearing is hereby DENIED.


Zoning Commissioner of
Baltimore County

AJ/erl

cc: Jeffrey H. Gray, Esquire

Mr. Harold Lloyd

People's Counsel

IN RE: PETITION FOR SPECIAL HEARING
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-478-SPH
N/W of Freeland Road
2,048' NE of
Middletown Road, 6th
Election District

ORDER OF APPEAL

To the Zoning Commissioner of Baltimore County:
County Office Building
Towson, Maryland 21204

Please enter an appeal from the order of the Zoning
Commissioner of Baltimore County entered July 8, 1987, on behalf
of the Appellants named below:

Thomas Jerome Graziano, et ux
21612 New Freedom Road
Freeland, Maryland 21053

Thomas Clifton Sedgar
2112 Freeland Road
Freeland, Maryland 21053

No. 41426

Jeffrey H. Gray
Box 51, 17000 York Road
Monkton, Maryland 21111-0051
Attorney for Appellants

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

DATE 6/1/87 ACCOUNT
AMOUNT \$ 500
RECEIVED FROM
FOR APPEAL FEE
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

June 2, 1987

Jeffrey H. Gray, Esquire
17000 York Road
P.O. Box 51
Monkton, Maryland 21111-0051

RE: PETITION FOR SPECIAL HEARING
NW/S Freeland Rd., 2048' NE of Middletown Rd.
6th Election District - 3rd Councilmanic District
Thomas Jerome Graziano, et ux - Petitioners
Case No. 87-478-SPH

Dear Mr. Gray:

This is to advise you that \$105.10 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 itself.

Please make the check payable to Baltimore County, Maryland, and remit
to, Towson, Maryland

No. 35884

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

DATE 6/1/87 ACCOUNT
POST RETURNED 6/1/87
SIGN RETURNED AMOUNT \$ 105.10
Mrs. Freda Z. Graziano, 21612 New Freedom
Rd., Freeland, Md. 21053
ADVERTISING & POSTING COSTS RE CASE #87-478-SPH
FOR
B 0094*****1051018 0050F
VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Order of
Appeal was hand delivered this 4th day of August, 1987, to
Harold Lloyd, People's Counsel, Old Courthouse, Towson, Maryland
21204.

Jeffrey H. Gray
Attorney for Appellants

RECEIVED
AUG 4 1987

ZONING OFFICE

Page 2

JEFFREY H. GRAY
Box 51, 17000 York Road
Monkton, Maryland 21111-0051
Attorney for Appellants

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
NW/S Freeland Rd., 2048' NE of : OF BALTIMORE COUNTY
Middletown Rd., 6th District
THOMAS JEROME GRAZIANO, et al. : Case No. 87-478-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
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 20th day of May, 1987, a copy
of the foregoing Entry of Appearance was mailed to Jeffrey H. Gray, Esquire,
17000 York Rd., F. O. Box 51, Monkton, MD 21111-0051, Attorney for Petitioner.

Peter Max Zimmerman

PARCEL "B"

BEGINNING for the same at a point on the northwest side
of Freeland Road as widened and laid out on a Plat entitled
Section One Plat One Spring Valley Farms, which Plat is recorded
among the Land Records of Baltimore County in Plat Book E.H.K.
Jr. No. 40 folio 28, said point being distant 398.10 feet
northeasterly measured along the northwest side of Freeland
Road, as widened, from the division line between Lot No. 2 Block
B and Tract "A" as laid out on the aforesaid Plat, and running
thence from said place of beginning and binding on the northwest
side of Freeland Road as widened, the two following lines, viz:
Northeasterly by a line curving toward the left having a radius
of 1000 feet for an arc distance of 45.28 feet (the chord of
said arc bearing North 58 degrees 28 minutes 55 seconds East
45.28 feet) and North 57 degrees 11 minutes 05 seconds East
294.36 feet, thence leaving said road and running for lines of
division now made through Tract "A" the five following courses
and distances, viz: North 29 degrees 39 minutes 25 seconds West
529.05 feet, North 52 degrees 06 minutes 53 seconds West 186.43
feet, South 66 degrees 12 minutes 59 seconds West 258.86 feet,
South 31 degrees 08 minutes 40 seconds East 52.90 feet and South
31 degrees 08 minutes 40 seconds East 748.05 feet to the place
of beginning. Containing 5.883 acres of land, more or less.

PARCEL "A"

BEGINNING for the same at a point on the northwest side
of Freeland Road as widened and at the division line between Lot
No. 2 Block B and Tract "A" as laid out on a Plat entitled
Section One Plat One Spring Valley Farms, which Plat is recorded
among the Land Records of Baltimore County in Plat Book
E.H.K. Jr. No. 40 folio 28, and running thence and binding on
said division line, North 25 degrees 54 minutes 33 seconds West
760.00 feet to the northeasternmost corner of Lot No. 2, thence
leaving said division line and running for lines of division now
made through Tract "A" the two following courses and distances,
viz: North 66 degrees 12 minutes 59 seconds East 330.00 feet and
South 31 degrees 08 minutes 40 seconds East 748.05 feet to the
northwest side of Freeland Road as widened and laid out on the
aforesaid Plat of Spring Valley Farms, and thence binding on the
northwest side of Freeland Road, as widened, the two following
lines, viz: Southwesterly by a line curving toward the right
having a radius of 1000 feet for an arc distance of 75.25 feet
(the chord of said arc bearing South 61 degrees 56 minutes 05
seconds West 75.24 feet) and South 64 degrees 05 minutes 27
seconds West 322.85 feet to the place of beginning. Containing
6.294 acres of land, more or less.

Jeffrey H. Gray, Esquire
17000 York Road
P.O. Box 51
Monkton, Maryland 21111-0051

April 27, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
NW/S Freeland Rd., 2048' NE of Middletown Rd.
6th Election District - 3rd Councilmanic District
Thomas Jerome Graziano, et ux - Petitioners
Case No. 87-478-SPH

TIME: 11:30 a.m.

DATE: Monday, June 8, 1987

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

AJ:med

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

DATE 5/1/87 ACCOUNT
AMOUNT \$ 100.00
RECEIVED FROM JEFFREY H. GRAY, Esq
FOR FILING FEE FOR SPECIAL HEARING 494-355
B 0042*****1000018 0050F
BADGER, PETITIONER
VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL HEARING

6th Election District - 3rd Councilmanic District

Case No. 87-478-SPH

LOCATION: Northwest Side Freeland Road, 2048 feet Northeast of Middletown Road

DATE AND TIME: Monday, June 8, 1987, at 11:30 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 Special Hearing to approve a building permit to construct a dwelling
on a lot that has been established in accordance with Title 22, Section 2-11 of the
Baltimore County Code notwithstanding the fact that said lot does not comply
with minimum area requirement pursuant to the applicable P.C. 2 zoning regulation
as established within the Baltimore County Zoning Regulations (BCZR)

Being the property of Thomas Jerome Graziano, et al., as shown on plat
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 JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 6th Date of Posting May 27 1987
Posted for Special Hearing
Petitioner: Thomas J. Graziano, et al.
Location of property NW/S. of Freeland Rd. 2048' N.E. of
Middletown Road
Location of Signs NW/S. of Freeland Road approx. 2000' N.E. of
Middletown Road
Remarks:
Posted by J. Badger Signature Date of return May 27 1987
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 20 1987

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
May 20 1987.

TOWSON TIMES.

Publisher

PETITIONER FOR
SPECIAL HEARING
ON BALTIMORE COUNTY
3rd Councilmanic District
Case No. 87-478-SPH
LOCATION: Northwest Side of Freeland Road, 2048 feet Northeast of Middletown Road
DATE AND TIME: Monday, June 8, 1987, at 11:30 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 Special Hearing to approve a building permit to construct a dwelling on a lot that has been established in accordance with Title 22, Section 2-11 of the Baltimore County Code notwithstanding the fact that said lot does not comply with minimum area requirement pursuant to the applicable P.C. 2 zoning regulation as established within the Baltimore County Zoning Regulations (BCZR)
Being the property of Thomas Jerome Graziano, et al., as shown on plat 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 JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY
6780 002142 May 20

PETITION FOR SPECIAL HEARING
3rd Circuit Court District
Case No. 87-478-SPH

LOCATION: Northwest Side
Freeland Road, 200 feet North
of Middlebrook Road
DATE AND TIME: Monday, June 8,
1987 at 11:30 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 Special Hearing to amend a building permit to construct a dwelling on a lot that has been established in accordance with Title 22, Section 21.1 of the Baltimore County Code notwithstanding the fact that said lot does not comply with minimum area requirements pursuant to the applicable R.C. zoning regulation as established within the Baltimore County Zoning Regulations (BCZR).

Being the property of Thomas Jerome Graziano, et al., as shown on the plan 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 the period for appeal. Such request must be made 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
5215 May 21

CERTIFICATE OF PUBLICATION

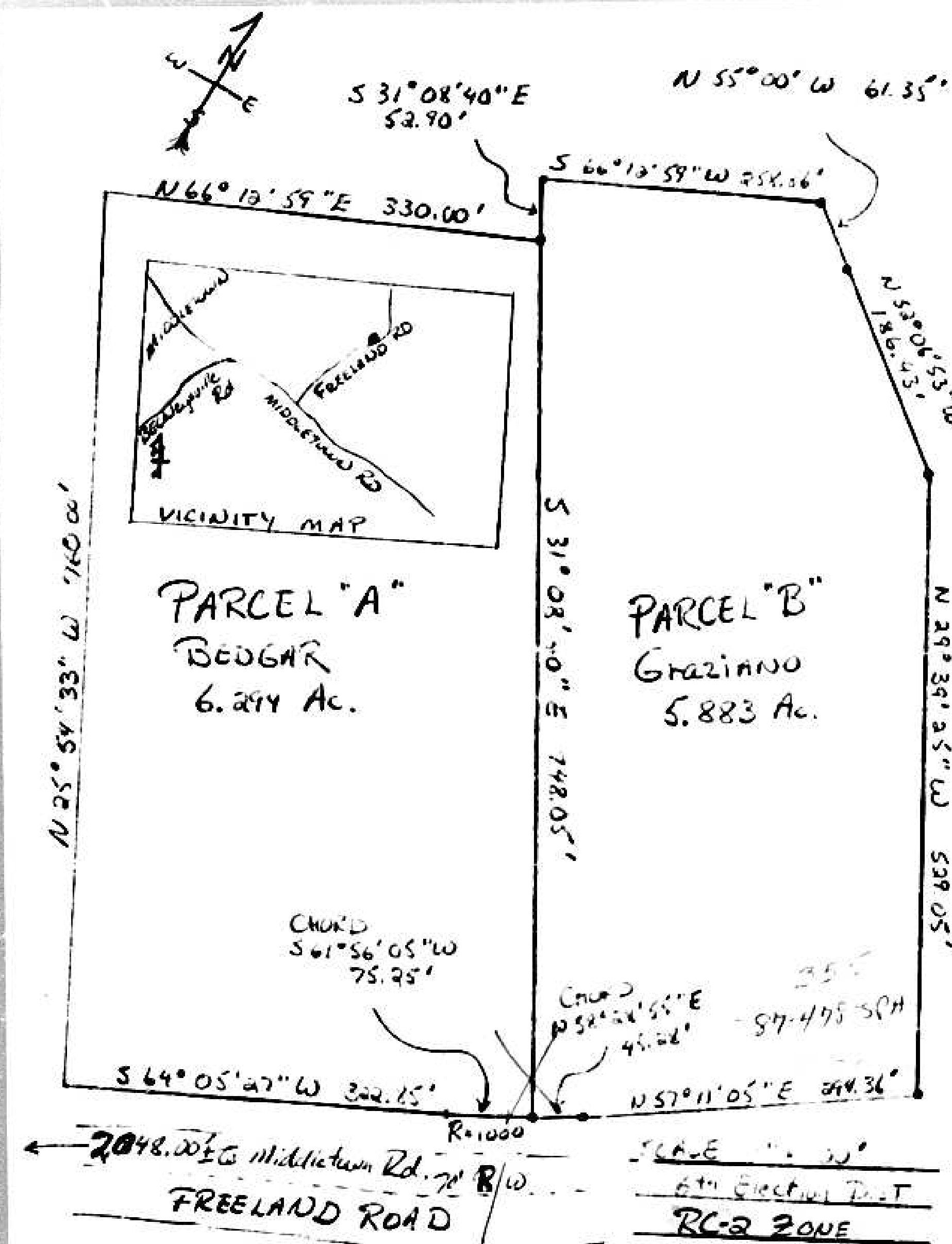
TOWSON, MD. May 21, 1987.

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 May 21, 1987.

THE JEFFERSONIAN,

Publisher

35.40



BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Commissioner
FROM: Norman E. Gerber, AICP, Director
SUBJECT: Zoning Petition No. 87-478-SPH

Date: May 7, 1987

This office is opposed to the granting of the subject request. It is our opinion that buildable lots cannot be created that are not in compliance with the governing densities established by the Baltimore County Zoning Regulations.

Norman E. Gerber, AICP
Director

NEG:JGH:slb

87-478-SPH

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 2nd day of April, 1987.

ARNOLD JABLON
Zoning Commissioner

Petitioner: Thomas Jerome Graziano, et al.
Petitioner's Attorney: Jeffrey H. Gray, Esquire

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 13, 1987

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

Jeffrey H. Gray, Esquire
17000 York Road, P.O. Box 51
Monkton, Maryland 21111-0051

RE: Item No. 355 - Case No. 87-478-SPH
Petitioners: Thomas Jerome Graziano, et ux
Petition for Special Hearing

Dear Mr. Gray:

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
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

April 13, 1987

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

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items 350, 351, 352, 353, 354, 355, and 356.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF:16

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item #355, Zoning Advisory Committee Meeting of 3-17-87

Property Owner: Thomas C. Bedgar et al

Location: NW/4 Freeland Rd District 6

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charcoal operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

Zoning Item # 355 Zoning Advisory Committee Meeting of 3-17-87
Page 2

- () Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been must be) conducted.
() The results are valid until _____
() Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until _____. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others _____

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86

WWQ 1 4/86



April 16, 1987

Dear Mr. Jablon:

Comments to Item # 355 Zoning Advisory Committee Meeting are as follows:

Property Owner: Thomas C. Bedgar
Location: NW/S Freeland Road, 2048 ft NE Middletown Road
District: 6th

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.R.S.C. #117-1 - 1980) 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 is/is not 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 Use Groups except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 5'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built up on an interior lot line shall require a fire or party wall. See Table L61, Section 1107, Section L106.2 and Table L102. No openings are permitted in an 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 L61 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/Occupancy 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/Non-tidal. 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 finish 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. If desired the applicant may obtain additional information by visiting Room 172 of the County Office Building at 311 W. Chesapeake Avenue, Towson, Maryland 21204.

BY: C. E. Burnham, Chief
Building Plans Review



PAUL H REINCKE
CHIEF

March 13, 1987

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Tower 1 - Level 21204

FL: Property Owner: Thomas C. Bedgar, et al

Location: NW/S Freeland Rd., 2048' NE Middletown Road

Item No.: 355

Zoning Agenda: Meeting of 3/17/87

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 or _____ 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.
- (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", 1996 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. J. P. Kelly 3-13-97 Noted and
Approved:
Planning Group
Special Inspection Division

Fire Prevention Bureau

/mb

87-478 SPH

Bryans 6/8/67 11:40
+ Jeff Gray, Eng
+ Lytle Friedman, P/C
R Harold Lloyd 2053 ~~Huffman~~ KLB

May-

11/30/84 - 1/12 of state of ^{Lowell M} ~~Massachusetts~~ ^{Belgian} transferred parcels A & B to new-

• trap located on Ireland RD - road RC - ~ lot,
one 6.294 acres + other 5.843 acres -
large tract 30± acres - very small part
of larger farm, ~ 1976 pursuant to app of plan -
divided by well -

Also 13 edge - son -

mother 1/30/64 - will made about 1977 -

- (12) subdivided, 30 acs. -
- ① 9.55V acs.
 - ② lot 1 5.85
 - ③ lot 2 5.67
 - ④ lot 3 6.94
 - ⑤ lot 4 5.83

house ex ltr on house parcel for over 30 years -
house on ltr 1 & 2 built in 1977

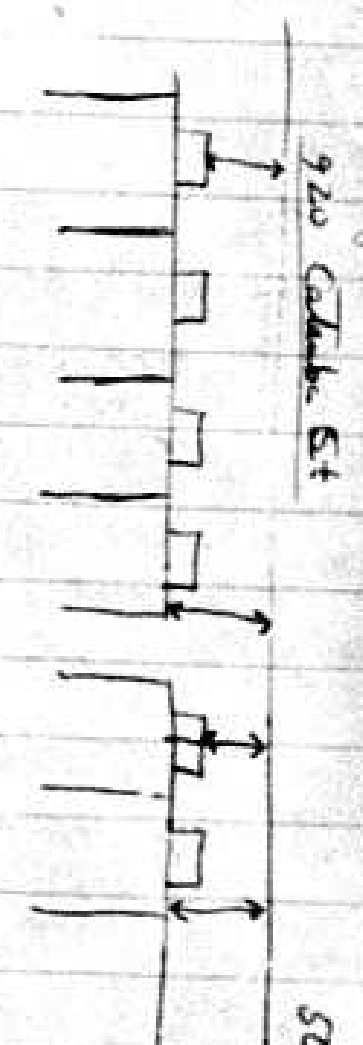
Spring Valley Farm, which included lots 1
+ 2 w/ subdivider given to PC zone in
effect - house parcel not part, which
left 21.73 acres - given to Lee Leach,
in 1982, who conveyed & subdivided pursuant
to intentions of will - Gregory Foster son
of Thomas Neff, grandson - house parcel
now owned by 3rd part - wishes to
develop 2 lots -

§ 22.1, HCC - definitions of subdivision & which are not -
if no streets needed, etc - in 1983,
amended & re-enacted w/ no changes

material to these facts - § 22037 - "policy + definition" -
technically defined as subdomain - § 22038 - limited
exceptions - subsec 4 - one could subdivide prop
by will outside scope of applicable zoning reg -

Friedman 622-1

prevent someone to divide guy @ death
w/o leaving to deal w/ young rep -
doesn't create testimony subdivision -
the transfer, disposition doesn't create subdivision -
can transfer guy but doesn't vest any
additional rights -



50 20/4

ARNOLD JABLON
ZONING COMMISSIONER

February 6, 1987

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mr. & Mrs. Thomas Graziano
21612 New Freedom Road
Freeland, Maryland 21053

Re: 2100 Freeland Road
Confirmation of residential zoning
approval for the construction of a
residential dwelling
R.C. 2 - 6th Election District

Dear Mr. and Mrs. Graziano:

Reference is made to H. Anthony Mueller's letter to you dated January 23, 1987, a copy of which has been forwarded to me.

Due to ambiguities that appear to exist between the Baltimore County Code (BCC) and the Baltimore County Zoning Regulations (BCZR) relative to the subdivision and use of your property it is suggested that available administrative procedures be utilized to clarify your rights in this matter, i.e., a request by you via a Special Hearing pursuant to Section 500.7. (See enclosure)

As you are aware, Mr. Mueller has relied upon Title 22, Section 22.1 of the BCC (See enclosure), for authority to subdivide by testamentary procedure. This Office is concerned that the intended use of the resulting lots will violate the BCZR primarily, as set forth under general requirements pursuant to Section 102.1 (see enclosure).

It is our understanding that the subject property was fully subdivided to the limit of lots permitted under the current zoning regulations prior to further subdivision that resulted from the testamentary procedures.

I am enclosing a Special Hearing petition form with suggested wording. Please feel free to make any changes that you feel are necessary, or you may completely reword should you or your attorney desire.

Should you have any questions concerning the filing procedure, please do not hesitate to contact me.

Sincerely,

James E. Dyer
JAMES E. DYER
Zoning Supervisor

cc: H. Anthony Mueller, Esquire

JED:kbb
Enclosures

ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW

R. TAYLOR MUELLER
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
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ROBERT S. HANDELO
C. LARRY HOFMEISTER, JR.

100 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575
(410) 457-4000

OF COUNSEL
CARROLL E. ROYSTON
H. ANTHONY MUELLER
JOHN L. AXELER

January 23, 1987

Mr. and Mrs. Thomas Graziano
21612 New Freedom Road
Freeland, Maryland 21053

Dear Freeda and Tom:

Following up your telephone call of last evening, I checked the appropriate provisions of the Baltimore County Code to substantiate my conclusions.

Title 22 of the Code pertains to Planning, Zoning and Subdivision Control. Under section 22.1 subdivision is defined. Basically it means the division of a lot or parcel into two or more lots, but there is an exception. The exception is as follows:

"...that the following divisions shall not be considered subdivisions within the meaning of this title, provided, that no new streets or roads are involved: Division of land ... where the resulting parcels are three acres or larger in size, divisions of property by testamentary or intestate provisions ..."

Mrs. Bedgar left your lot along with Tommy's lot and Mr. Bedgar's lot by her Will, and therefore, this is a testamentary provision and falls within the exclusion.

You indicated to me that the Buyer wants a letter or something from the County indicating that he can build on the lot. I see no difficulty in your Buyer building. I believe however the County will not issue a letter. The issue will be raised upon filing for a building permit. May I suggest you tell your broker of the provision of this section of the County Code, and if he has any questions to contact me.

Very truly yours,

H. Anthony Mueller
H. ANTHONY MUELLER

RAM/ma

500.6 (Zoning Commissioner and Deputy)

500.6—In addition to his aforesaid powers, the Zoning Commissioner shall have the power, upon notice to the parties in interest, to conduct hearings involving any violation or alleged violation or non-compliance with any zoning regulations, or the proper interpretation thereof, and to pass his Order thereon, subject to the right of appeal to the Board of Zoning Appeals as hereinafter provided. [B.C.Z.R., 1955.]

500.7 The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these Regulations.

With respect to any zoning petition other than a petition for a special exception, variance, or reclassification, the Zoning Commissioner shall schedule a public hearing for a date not less than 30 days after the petition is accepted for filing. If the petition relates to a specific property, notice of the time and place of the hearing shall be conspicuously posted on the property for a period of at least 15 days before the time of the hearing. Whether or not a specific property is involved, notice shall be given for the same period of time in at least two newspapers of general circulation in the County. The notice shall describe the property, if any, and the action requested in the petition. Upon establishing a hearing date for the petition, the Zoning Commissioner shall promptly forward a copy thereof to the Director of Planning (or his deputy) for his consideration and for a written report containing his findings thereon with regard to planning factors. [Bill No. 18-76]

500.8—He shall have the power to prescribe rules and regulations for the conduct of hearings before him, to issue summons for and compel the appearance of witnesses, to administer oaths and to preserve order. [B.C.Z.R., 1955.]

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12-1 BALTIMORE COUNTY CODE

planning board as to the currently existing and as to the future use of land in the county.

Drainage right of way means the lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of waters therein to safeguard the public against flood damage in accordance with section 30-21 of this Code.

Local open space tract means land provided in residential subdivisions and necessary and desirable for the local recreational needs of residents of such subdivisions for such recreation types of spaces as play lots, local play areas, small parks, stream valley parks, natural woods, areas of unusual natural scenic beauty, recreational walkways and pathways, and special street center islands, but the term "local open space tract" shall not include the larger open space park and playfield areas of the type which serve larger than local need and which are incorporated in the master plan.

Master plan means a composite of the mapped and written proposals for the systematic physical development of the county, which plan shall have been adopted by the planning board under section 22-12 of this Code, and shall have the scope specified in section 22-13 of this Code.

Public works agreement means an agreement with the county for the construction of water and sewer facilities, storm drains, streets, bridges and other public structures.

Street means any street, avenue, boulevard, road, lane, parkway, freeway, viaduct, bridge or other way, which is an existing state or county highway, or a street or way shown on a plat duly filed and recorded in the office of the clerk of the circuit court for the county, and includes the land between the street right of way line, whether improved or unimproved, and may comprise pavements, shoulders, curbs and gutters, sidewalks, parking areas and other areas within the street right of way lines.

Subdivision means the division of a lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development; except, that the following divisions shall not be considered subdivisions within the meaning of this title, provided, that no new streets or roads are involved: Division of land for agricultural purposes where the resulting parcels are three acres or larger in size, divisions of property by testamentary or intestate provisions or division of property upon court order. Subdivision also includes resubdivision, and where appropriate to the context, relates to the process and subdividing or to the lands or territory divided.

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Section 102—GENERAL REQUIREMENTS [B.C.Z.R., 1955.]

102.1—No land shall be used or occupied and no building or structure shall be erected, altered, located, or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use. [B.C.Z.R., 1955.]

102.2—No yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use. [B.C.Z.R., 1955.]

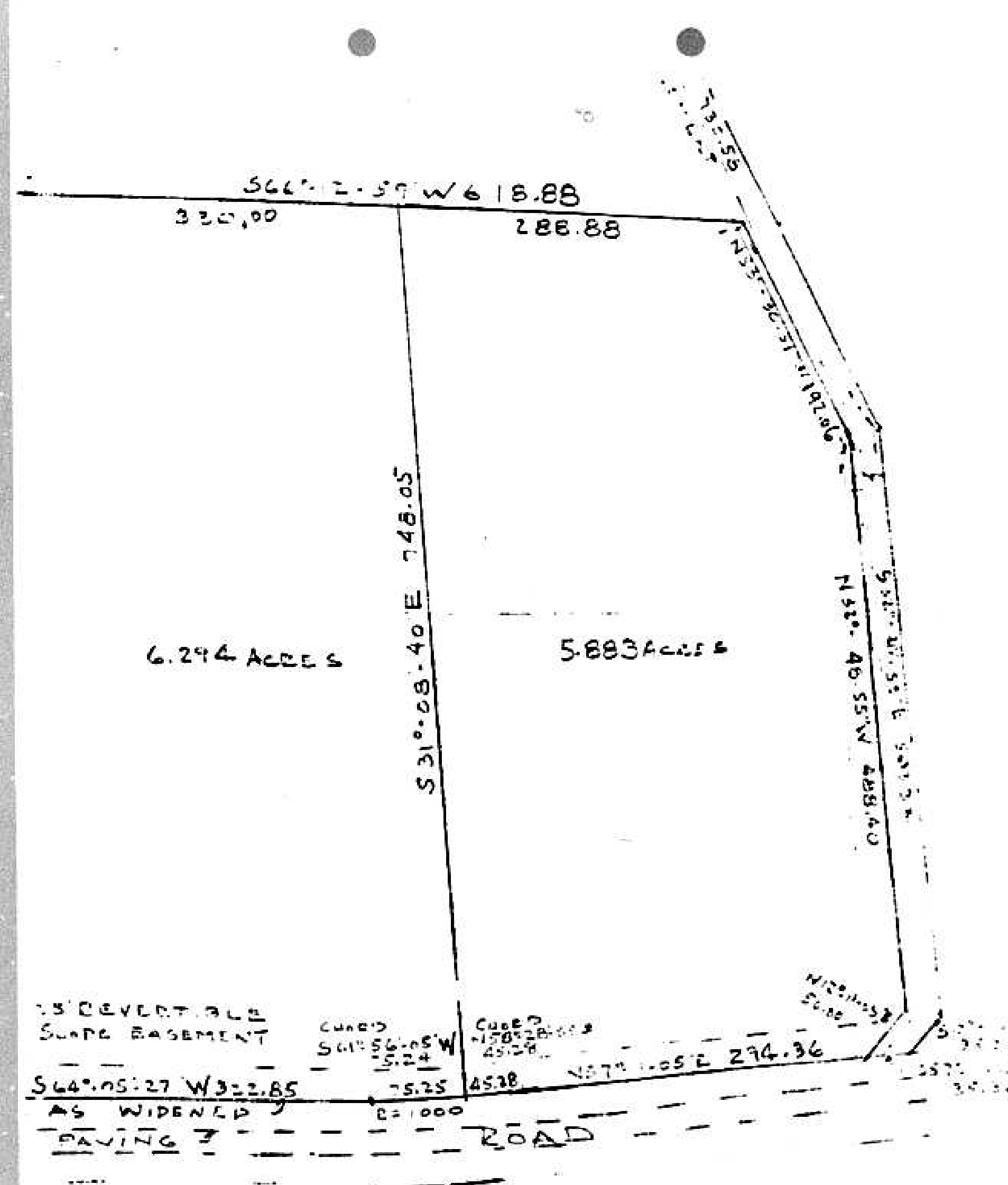
102.3—No portion of an alley shall be considered as any part of a side or rear yard. [B.C.Z.R., 1955.]

102.4—No dwelling shall be built on a lot containing less than 20,000 square feet which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel. [B.C.Z.R., 1955.]

102.5—On a corner lot in any residential zone no planting, fence, wall, building or other obstruction to vision more than 3 feet in height shall be placed or maintained within the triangular area bounded on two sides by the front and side street property lines, or by projections of said lines to their point of intersection, and on the third side by a straight line connecting points on said lot lines (or their projections) each of which points is 25 feet distant from the point of intersection. At the intersection of a street and an alley the dimension corresponding to the 25 ft. noted above shall be 15 feet; at the intersection of two alleys—10 ft. Poles, posts, and guys for street lights and for other utility services shall not be considered obstructions to vision within the meaning of this subsection. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

102.6—No building permit shall be issued for any commercial, industrial, or apartment development until the proposed plan for vehicular access thereto shall have been first approved by the Baltimore County Office of Planning and the Baltimore County Division of Engineering, Department of Public Works. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

1. Office of Planning superseded by Office of Planning and Zoning under Bill No. 80, 1960, enacted pursuant to various provisions of Article V, Baltimore County Charter.
2. Division of Engineering assumed to be the Bureau of Engineering, established as a unit of the Department of Public Works under annual budget and appropriation ordinances.



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

February 6, 1987

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mr. & Mrs. Thomas Graziano
21612 New Freedom Road
Freeland, Maryland 21053

Re: 2100 Freeland Road
Confirmation of residential zoning
approval for the construction of a
residential dwelling
R.C. 2 - 6th Election District

Dear Mr. and Mrs. Graziano:

Reference is made to H. Anthony Mueller's letter to you dated January 23, 1987, a copy of which has been forwarded to me.

Due to ambiguities that appear to exist between the Baltimore County Code (BCC) and the Baltimore County Zoning Regulations (BCZR) relative to the subdivision and use of your property it is suggested that available administrative procedures be utilized to clarify your rights in this matter, i.e., a request by you via a Special Hearing pursuant to Section 500.7. (See enclosure)

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It is our understanding that the subject property was fully subdivided to the limit of lots permitted under the current zoning regulations prior to further subdivision that resulted from the testamentary procedures.

I am enclosing a Special Hearing petition form with suggested wording. Please feel free to make any changes that you feel are necessary, or you may completely reword should you or your attorney desire.

Should you have any questions concerning the filing procedure, please do not hesitate to contact me.

Sincerely,

JAMES E. DYER
Zoning Supervisor

cc: H. Anthony Mueller, Esquire

JED:kbb
Enclosures

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ATTORNEYS AT LAW

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(410) 457-4000

OF COUNSEL
CARROLL E. ROYSTON
H. ANTHONY MUELLER
JOHN L. AXELER

January 23, 1987

Mr. and Mrs. Thomas Graziano
21612 New Freedom Road
Freeland, Maryland 21053

Dear Freeda and Tom:

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Title 22 of the Code pertains to Planning, Zoning and Subdivision Control. Under section 22.1 subdivision is defined. Basically it means the division of a lot or parcel into two or more lots, but there is an exception. The exception is as follows:

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You indicated to me that the Buyer wants a letter or something from the County indicating that he can build on the lot. I see no difficulty in your Buyer building. I believe however the County will not issue a letter. The issue will be raised upon filing for a building permit. May I suggest you tell your broker of the provision of this section of the County Code, and if he has any questions to contact me.

Very truly yours,

H. Anthony Mueller
H. ANTHONY MUELLER

RAM/ma

January 16, 1987

Mr. Joseph W. Ensor
1307 Mt. Carmel Road
Parkton, Maryland 21120

RE: Verification of Zoning
2100 Freeland Road
6th Election District

Dear Mr. Ensor:

Please be advised that the above referenced property is zoned Resource Conservation - agriculture (R.C. 2).

This zone permits one dwelling per lot. However, in order to be classified as a legal buildable lot said lot must have been legally established in accordance with zoning and subdivision regulations in effect at the time the lot was established. Current zoning regulations pertaining to height and area requirements became effective November, 1979 and are enclosed for your review. The plats submitted with your correspondence, one of which references Plat Book EHK, Jr. No. 40, Folio 28 does not agree with the plat recorded in that plat book, i.e., the recorded plat does not include the lot in question. Prior to approving a building permit for a dwelling on this lot, proof clearly establishing the legal existence of this lot (the Graziano lot containing 5.883 acres) as well as the other lots noted on said plat as containing 6.294 acres and 9.554 acres, is required.

If you have any questions, please do not hesitate to call.

Very truly yours,

JAMES E. DYER
Zoning Supervisor

JED: CDC:kdb



F. MARIE WOOD
BROKER
Country Lane Realty
21213 RIDGE ROAD
FREELAND, MARYLAND 21053
PHONE 387-8842

COUNTRY HOMES
FARMS
LOTS

1/12/87

Baltimore County
Zoning Department

Dear Sirs:

I am requesting written confirmation that the following property is suitable for the construction of one residential dwelling.

RE: 2100 Freeland Road - east of Middletown Road Election District 6
Tax Account number 20-00-000161

The owners are currently Thomas J. and Freeda Z. Graziano.
Attached are 1. copy of soil evaluation test results and approval of sewage disposal system.
2. Survey of property.
3. Assessment Inquiry printout.

The well has been drilled and results received in Health Department
January 9, 1987.

Thank You,

Joseph W. Ensor
Joseph W. Ensor

494-2416 Office of Finance

JWE

*Found RC 2
ED 6th
CDC
1-12-87*



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

December 31, 1986

Mr. Thomas Graziano
21612 New Freedom Road
Freeland, Maryland 21053

Re: 2100 Freeland Road east of Middletown Road
Election District 6
Tax Account 20-00-000161

Dear Mr. Graziano:

A representative of this office, Mr. William W. Ensor, Jr., conducted soil evaluations on the above mentioned lot on November 28, 1986. The results are as follows:

TEST PIT	DRAWDOWN	DEPTH	SOIL
A	5 minutes	6 feet	Clay 0-4 ft., Prettyboy schist 4-17 ft.
B	--	--	Clay 0-4 ft., Prettyboy schist 4-16 ft.
C	--	--	Clay 0-3 ft., Prettyboy schist 3-14 ft., rock 14 ft.

Based on the evaluations and the approved site plan dated November 28, 1986, approval will be granted for the installation of a private sewage disposal system. Soil evaluation results will be valid for a period of three years. At the expiration of this period of time, the results will become void without notice to that effect having been given by the approving authority.

It should be noted, there is an area designated on the site plan for the sewage disposal system and expansion thereof. Under no circumstances shall any permanent structures, above or below ground, be permitted within this area. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the disposal system area.

Mr. Thomas Graziano
December 31, 1986
Page 2

Where water wells are to be used as a source of water supply, Article XI, Section 13-118(g), of the Baltimore County Code requires that a well meeting the minimum recovery rate of one gallon per minute be drilled prior to issuance of a Building Permit.

Water well yield test reports shall be valid for a period of three years from the date of the yield test. At the expiration of that period of time, a retest must be performed and a report submitted to the Baltimore County Department of Health prior to issuance of a Building Permit.

If there are any questions regarding this matter, please contact Mr. Ensor, 494-2762 between 8:30 and 9:30 a.m..

Very truly yours,

Karen M. Merrey, R.S.
Karen M. Merrey, R.S.
Director
ENVIRONMENTAL SUPPORT SERVICES

WP:pjb

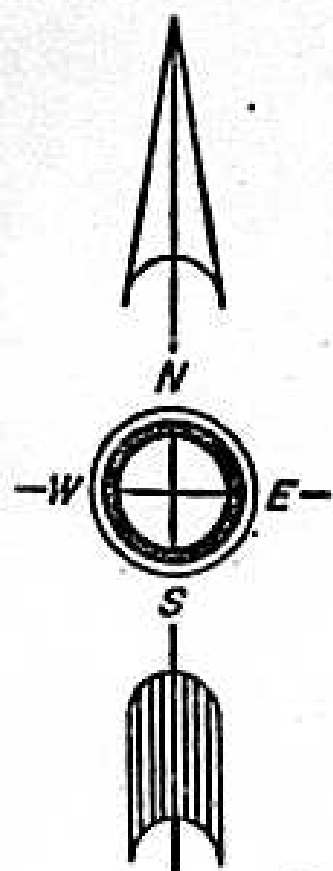
BALTIMORE COUNTY, MARYLAND

TAXPAYER'S COPY

BALTIMORE COUNTY, MARYLAND

COLLECTOR

ING DATE 01/12/87 OFFICE OF ASSESSMENTS INQUIRY (1) TIME 11 59 19
PROPERTY NO DIST GROUP CLASS OCC AREA CARD-NO DEL F/M DATE
20-00-000161 06 2 PH1 04 NU 00794X 11/15/86
GRAZIANO THOMAS JEROME PRIMARY DESC D SPRING VALLEY FARMS
GRAZIANO FREEDA ZELEKA SUPPLEMENTAL DESC PT TRACT A S 5562 AC
21612 NEW FREEDOM RD IMPRV ADDRESS FREELAND RD NS
FREELAND MD 21053 NEAREST INTER NE MIDDLETOWN RD
STRUCTURE STATE CODE
LOT MAP 006 FRONT 00 TRANSFER DATE 05/22/87
BLOCK 00R BLOCK 21 BACK 00 TRANSFER NO 059569
SECTION 01 PARCEL 00044 SIDE1 00 PURCHASE PRICE 0
PLAT 001 LIBER 6929 SIDE2 00 GROUND RENT 0
BOOK 40 FOLIO 0001 FORMER OWNER GRAZIANO THOMAS
FOLIO 028 50 FT LOT 0 (A)
FULL VALUE LAND IMPRV PREF-LAND CURTILAGE EX LAND EX IMPRV BLIND
CURRENT 22,550 0 0 0
PROPOSED 33,050 0 0 0
****BASIS**** YRMO TAX LAND TAX IMPRV ADVAL EX LAND EX IMPRV EX ADVAL
87/88 ASSESSMT 8610 0 11,320 0 0 0
86/87 ASSESSMT 8511 0 9,800 0 0 0
/ ASSESSMT 0 9,510



PARCEL "C"
2.3752 ACRES

LOT TWO
3.0472 ACRES

LOT ONE

PARCEL "B"
0.3268 ACRES

PARCEL "A"
0.3268 ACRES

THOMAS GRAZIANO

FREELAND ROAD

10' R/W OVER EXIST. DRIVE
FOR USE OF LOTS 1 & 2.

Chd N 42° 09' W, 179.11'
Rad = 375' Arc = 180.86'

Exist Drive

N 32° 48' 55" W, 488.40'

N 29° 39' 25" W, 531.92'

S 12° 11' 05" W, 35.37'

S 57° 11' 05" W, 20.31'

S 12° 11' 05" W, 50.00'

S 57° 11' 05" W, 5.00'

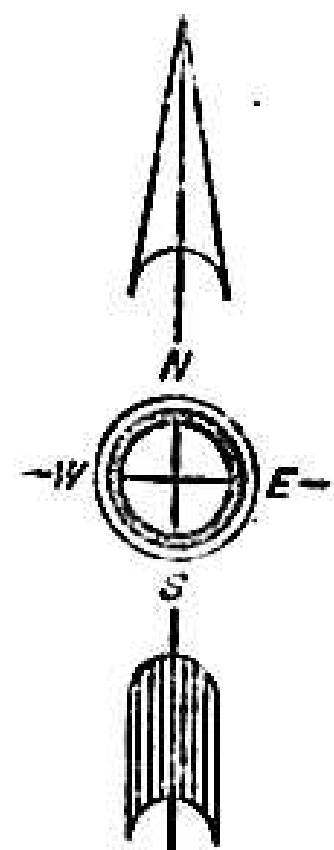
MICROFILMED



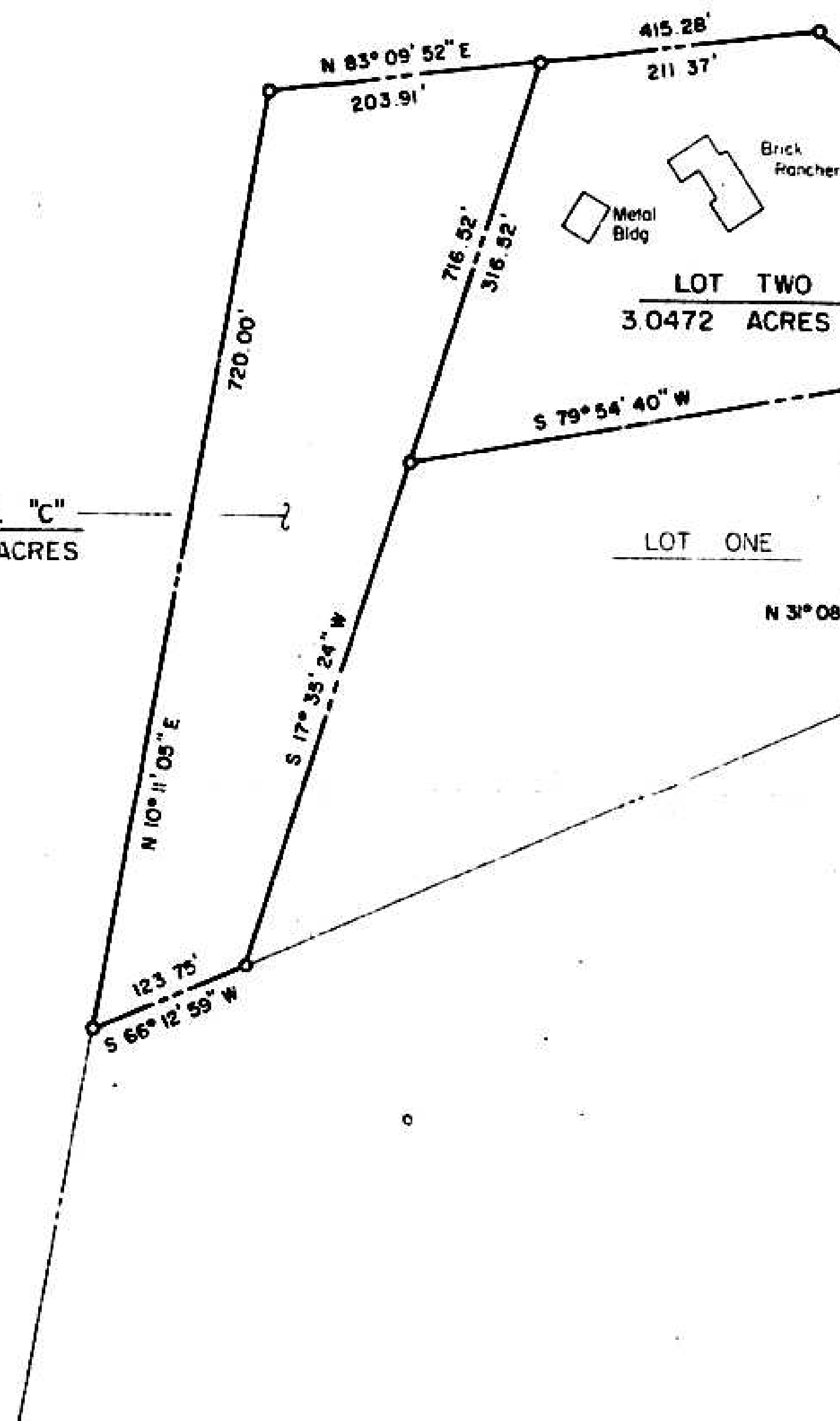
PROPERTY SURVEY FOR
JOSEPH M. O'NEILL
6th DISTRICT, BALTIMORE COUNTY, MD.
JULY 11, 1986 SCALE: 1" = 100'

JOSEPH W. SHAW, R.S.
STEWARTSTOWN, PA

C 43-40-1



PARCEL "C"
2.3752 ACRES



LOT TWO
3.0472 ACRES

LOT ONE

PARCEL "B"
0.3268 ACRES

PARCEL "A"
0.3268 ACRES

FREELAND ROAD

10' R/W OVER EXIST DRIVE
FOR USE OF LOTS 1 & 2

Exist Drive

THOMAS GRAZIANO

J. Graziano
87-478-SPH



PROPERTY SURVEY FOR
JOSEPH M. O'NEILL
6th DISTRICT, BALTIMORE COUNTY, MD.
JULY 11, 1986 SCALE: 1" = 100'

JOSEPH W. SHAW, R.S.
STEWARTSTOWN, PA.

CURVE			DATA		
RAJ.DMS	ARC	DELTA	TANGENT	CHORD	
705.00	100.97	6.60 30 30	61.25	565.53 02 W	104.51
710.00	65.84	05 14 40	32.95	589.12 01 W	65.84
715.00	28.15	22 53 58	14.81	N75 06 50 E	28.15
785.00	350.00	25 32 45	177.95	N73 52 52 E	347.11
785.00	13.82	10 10 10	14.72	S 87 14 52 E	24.33
785.00	7.93	7 33 03	4.77	N18 01 37 E	76.30
785.00	10.51	0 59 53	6.21	N33 32 12 E	12.52
785.00	10.30	0 59 29	6.19	N32 42 55 E	15.37
785.00	12.92	0 59 10	6.16	N31 48 35 E	12.32
785.00	219.24	17 28 34	107.77	N72 30 54 E	713.28
785.00	105.53	08 56 16	60.48	N72 55 18 E	608.84
785.00	105.53	08 56 16	60.48	N72 55 18 E	608.84
25.00	30.78	70 32 50	13.68	N87 39 48 W	28.87
25.00	113.61	130 11 17	127.60	0 06 21 W	50.70

THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE.

THE FREE SIMPLE TITLE TO THE LOTS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEEDS TO WHICH THIS R.A.F IS ATTACHED THEIR HEIR AND ASSIGNS.

THE COURSES AND COORDINATES SHOWN HEREON ARE REFERRED TO AN ASSUMED COORDINATE SYSTEM AND ARE REFERRED TO THE FOLLOWING TRANSVERSE STATION

T-101 N 10,737.2270 E 7,561.2485
T-108 N 7,804.6585 E 7,162.4671
T-201 N 7,040.6175 E 7,444.3882

APPROVED BALTIMORE COUNTY PLANNING BOARD

SIGNED _____ DIRECTOR

DATE _____

APPROVED BALTIMORE COUNTY HIGHWAYS DEPT

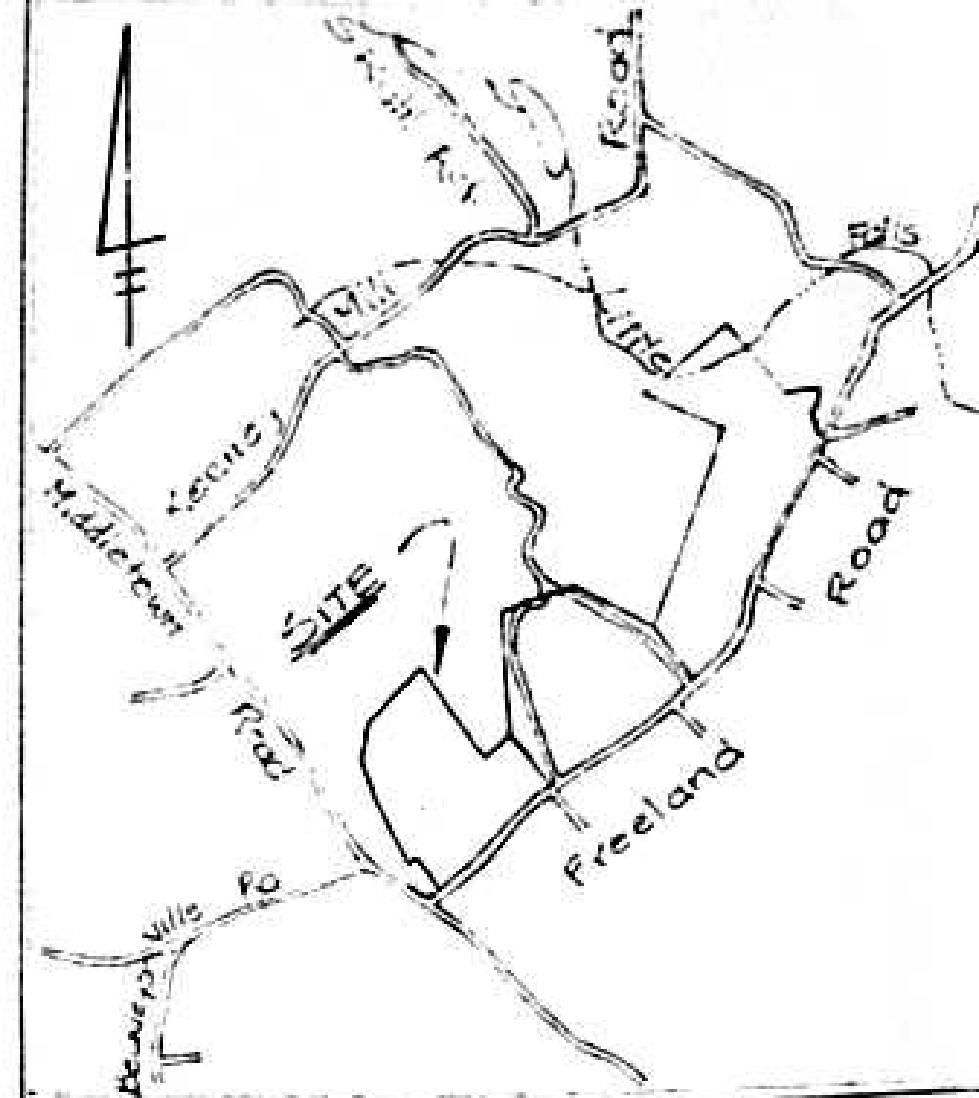
SIGNED Shirley Manning
HIGHWAYS ENGINEER

DATE 10/5/76

APPROVED BALTIMORE COUNTY HEALTH DEPT

SIGNED _____

DATE _____



• VICINITY MAP
SCALE: 1" = 200'

COORDINATES		
#	NORTH	EAST
03	6,504,455.0	7,524,311.0
04	6,402.0	7,524,311.0
05	6,402.0	7,524,311.0
06	6,504,510.0	7,412.0
07	5,500,000.0	6,028,750.0
08	4,178,740.0	5,318,750.0
09	5,500,000.0	6,028,750.0
10	5,200,000.0	6,028,750.0
11	5,500,000.0	5,318,750.0
12	4,178,740.0	5,318,750.0
13	5,500,000.0	6,028,750.0
14	5,500,000.0	6,028,750.0
15	5,500,000.0	6,028,750.0
16	5,500,000.0	6,028,750.0
17	5,500,000.0	6,028,750.0
18	5,500,000.0	6,028,750.0
19	5,500,000.0	6,028,750.0
20	5,500,000.0	6,028,750.0
21	5,500,000.0	6,028,750.0
22	5,500,000.0	6,028,750.0
23	5,500,000.0	6,028,750.0
24	5,500,000.0	6,028,750.0
25	5,500,000.0	6,028,750.0
26	5,500,000.0	6,028,750.0
27	5,500,000.0	6,028,750.0
28	5,500,000.0	6,028,750.0
29	5,500,000.0	6,028,750.0
30	5,500,000.0	6,028,750.0
31	5,500,000.0	6,028,750.0
32	5,500,000.0	6,028,750.0
33	5,500,000.0	6,028,750.0
34	5,500,000.0	6,028,750.0
35	5,500,000.0	6,028,750.0
36	5,500,000.0	6,028,750.0
37	5,500,000.0	6,028,750.0
38	5,500,000.0	6,028,750.0
39	5,500,000.0	6,028,750.0
40	5,500,000.0	6,028,750.0
41	5,500,000.0	6,028,750.0
42	5,500,000.0	6,028,750.0
43	5,500,000.0	6,028,750.0
44	5,500,000.0	6,028,750.0
45	5,500,000.0	6,028,750.0
46	5,500,000.0	6,028,750.0
47	5,500,000.0	6,028,750.0
48	5,500,000.0	6,028,750.0
49	5,500,000.0	6,028,750.0
50	5,500,000.0	6,028,750.0
51	5,500,000.0	6,028,750.0
52	5,500,000.0	6,028,750.0
53	5,500,000.0	6,028,750.0
54	5,500,000.0	6,028,750.0
55	5,500,000.0	6,028,750.0
56	5,500,000.0	6,028,750.0
57	5,500,000.0	6,028,750.0
58	5,500,000.0	6,028,750.0
59	5,500,000.0	6,028,750.0
60	5,500,000.0	6,028,750.0
61	5,500,000.0	6,028,750.0
62	5,500,000.0	6,028,750.0
63	5,500,000.0	6,028,750.0
64	5,500,000.0	6,028,750.0
65	5,500,000.0	6,028,750.0
66	5,500,000.0	6,028,750.0
67	5,500,000.0	6,028,750.0
68	5,500,000.0	6,028,750.0
69	5,500,000.0	6,028,750.0
70	5,500,000.0	6,028,750.0
71	5,500,000.0	6,028,750.0
72	5,500,000.0	6,028,750.0
73	5,500,000.0	6,028,750.0
74	5,500,000.0	6,028,750.0
75	5,500,000.0	6,028,750.0
76	5,500,000.0	6,028,750.0
77	5,500,000.0	6,028,750.0
78	5,500,000.0	6,028,750.0
79	5,500,000.0	6,028,750.0
80	5,500,000.0	6,028,750.0
81	5,500,000.0	6,028,750.0
82	5,500,000.0	6,028,750.0
83	5,500,000.0	6,028,750.0
84	5,500,000.0	6,028,750.0
85	5,500,000.0	6,028,750.0
86	5,500,000.0	6,028,750.0
87	5,500,000.0	6,028,750.0
88	5,500,000.0	6,028,750.0
89	5,500,000.0	6,028,750.0
90	5,500,000.0	6,028,750.0
91	5,500,000.0	6,028,750.0
92	5,500,000.0	6,028,750.0
93	5,500,000.0	6,028,750.0
94	5,500,000.0	6,028,750.0

The 25' Reversible Slope Easement along the Future 25' R.W. as shown herein, is to be retained by Lizzetta M. Bedgar, her heirs or assigns.

SPRING VALLEY FARMS
Section One - Plat T-2

ENK, JR. 40 FOLIO 28

Filed: *10/5/76*
Date: **OCT 5 1976**
Time:

Ch. 2. 1914

SECTION ONE - PLAT ONE
SPRING VALLEY FARMS

ELECTION DISTRICT BALTIMORE COUNTY, MD.
SEPTEMBER, 1976

OWNER & DEVELOPER

LIZZETTA M. BEDGAR
PARKTON, MARYLAND
21120

PRESENT ZONING: R.D.P.
OWNERS:

The requirements of sections 72A to 72D of Article 17 of the Annotated Code of Maryland, 1939 Edition Chapter 1016 of the Acts of 1945 as amended by Chapters 6 and 70 of the acts of 1942 and subsequent Acts if any, regarding there to, so far as they concern the making of the plat and setting of the markers, have been complied with, LIZETTA M. BUDAR owner of land shown hereon.

SURVEYORS CERTIFICATE

I, JAMES W. MCKEE, a Registered Land Surveyor of the State of Maryland, do hereby certify that the above shown hereon has been laid out and the plat thereof prepared in compliance with Sections 22A to 22G inclusive of Article 17 of the Annotated Code of Maryland, 1933 Edition, as amended or amended by the Acts of 1945 and 1947 and subsequent acts, if any, antedating thereto.

NOTES

NO FURTHER SUBDIVISION OF THE LOTS SHOWN HEREON WILL BE ALLOWED UNLESS APPROVED BY THE BALTIMORE COUNTY PLANNING AND ZONING COMMISSION.

THE LOTS SHOWN HEREON ARE FOR SINGLE FAMILY RESIDENTIAL USE ONLY.

NO BUILDING PERMIT SHALL BE ISSUED FOR THE
CONSTRUCTION OF A DWELLING ON A LOT SHOWN
HEREON UNTIL A WELL IS APPROVED BY APPLICABLE

CROSS AREA: $\frac{\text{Lots 1-7}}{40.0237 \text{ Ac}}$

NET AREA: 36.9735 Acs
AREA BETWEEN TITLE LINE &
WIDENING LINE: 3.0904 Acs
TOTAL AREA: 40.1011 Acs

AVERAGE LOT SIZE: 4,164 S.F.

TOTAL NUMBER OF LOTS: 9

TITLE REFERENCE: LIZZETTA M. BERGAR
LIBER: 7543
FOLIO: 495

NOTE: HIGHWAY AND HIGHWAY WIDENING - SECT. DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES, AND ASSIGNS, SHALL CONVEY SAID AREAS, BY DEED, TO BALTIMORE COUNTY, MARYLAND, AT NO COST.

LEGEND

50 A. 1
11 A. LOT NUMBERS SHOWN THIS
COORDINATES SHOWN THIS

MINIMUM BUILDING LINE
SHOWN THUS: _____
C/L LINE SHOWN THUS: _____

LOT LINES SHOWN THUS: _____
PROPERTY LINES SHOWN THUS: _____

BASEMENTS SHOWN THUS: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Final Report

Planned: 11-1-72

Mag: 11-1-72

Street: 11-1-72

Notes: 11-1-72

None on

LOCH RAVEN RESERVOIR DRAINAGE AREA

McKee Engineering

1824 Ridge Road Reisters town, Maryland 2113

DATE	SCALE	NAME	DATE	PROJECT
7-2	1"=100'	W. H. H.	JAN 24	

15-2	DATE SEPT 1976	20-25 3 W	20-25 3 W
------	-------------------	--------------	--------------

STATION	ARC	DELTA	TANGENT	CHORD
1	100.00	109.97	63.00	61.29
2	715.00	65.86	65.16	32.95
3	715.00	285.15	26.53	144.81
4	785.00	250.00	25.32	177.75
5	785.00	29.85	2.15	14.92
6	715.00	75.27	73.10	37.10
7	715.00	12.42	12.42	6.21
8	715.00	12.42	12.42	6.21
9	715.00	12.42	12.42	6.21
10	715.00	12.42	12.42	6.21
11	715.00	12.42	12.42	6.21
12	715.00	12.42	12.42	6.21
13	715.00	12.42	12.42	6.21
14	715.00	12.42	12.42	6.21

THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS, ARE FOR THE PURPOSE OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FREE SIMPLE TITLE TO THE DEEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEEDS TO WHICH THIS PLAT IS ATTACHED THEIR HEIR AND ASSIGNS.

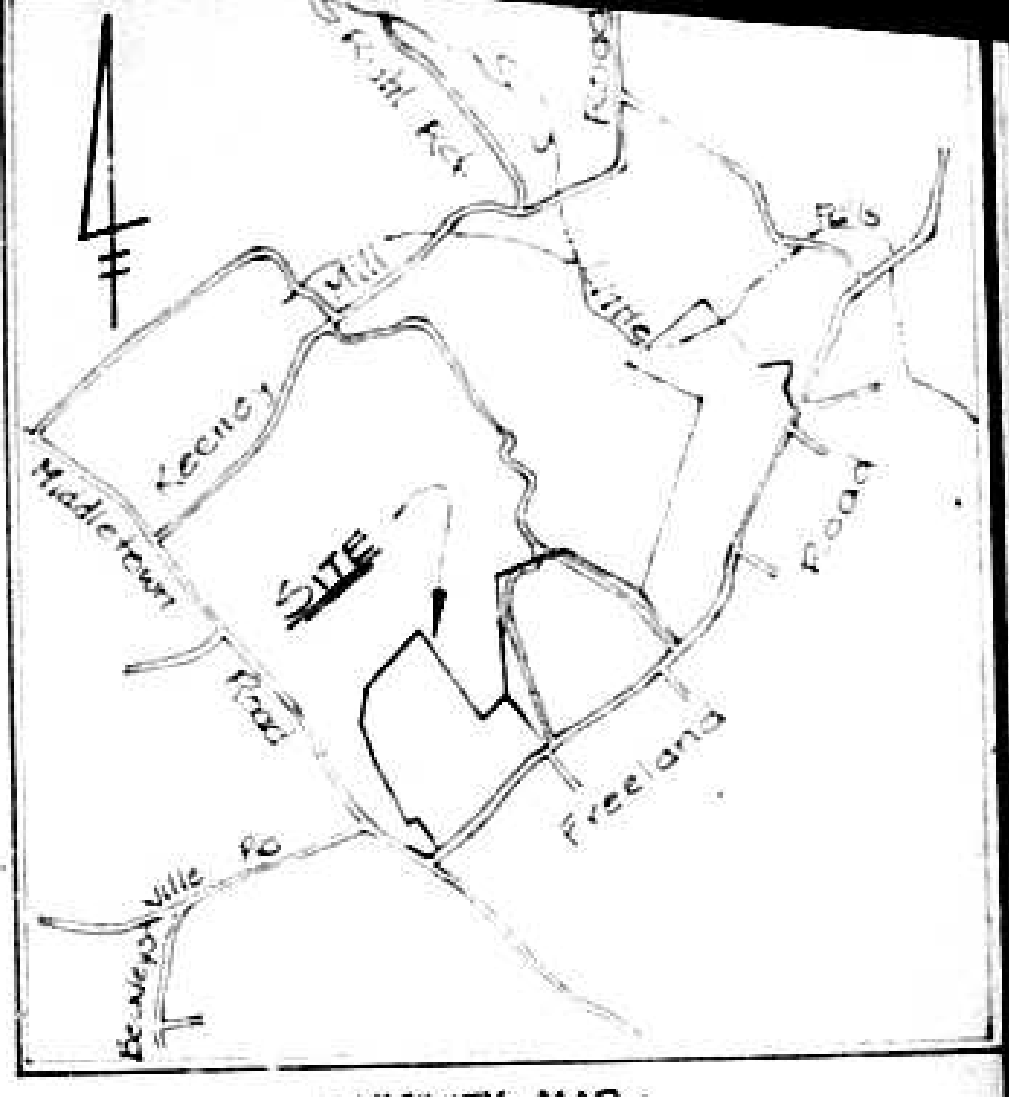
THE COURSES AND COORDINATES SHOWN HEREON ARE REFERRED TO AN ASSUMED COORDINATE SYSTEM AND ARE REFERRED TO THE FOLLOWING TRAVERSE STATIONS:

T-101 N 107°31'22" E 756.1245
T-102 N 73°04'58" E 714.4671
T-204 N 70°08'59" E 714.4380

APPROVED: BALTIMORE COUNTY PLANNING BOARD
DIRECTOR
DATE: 10/5/76

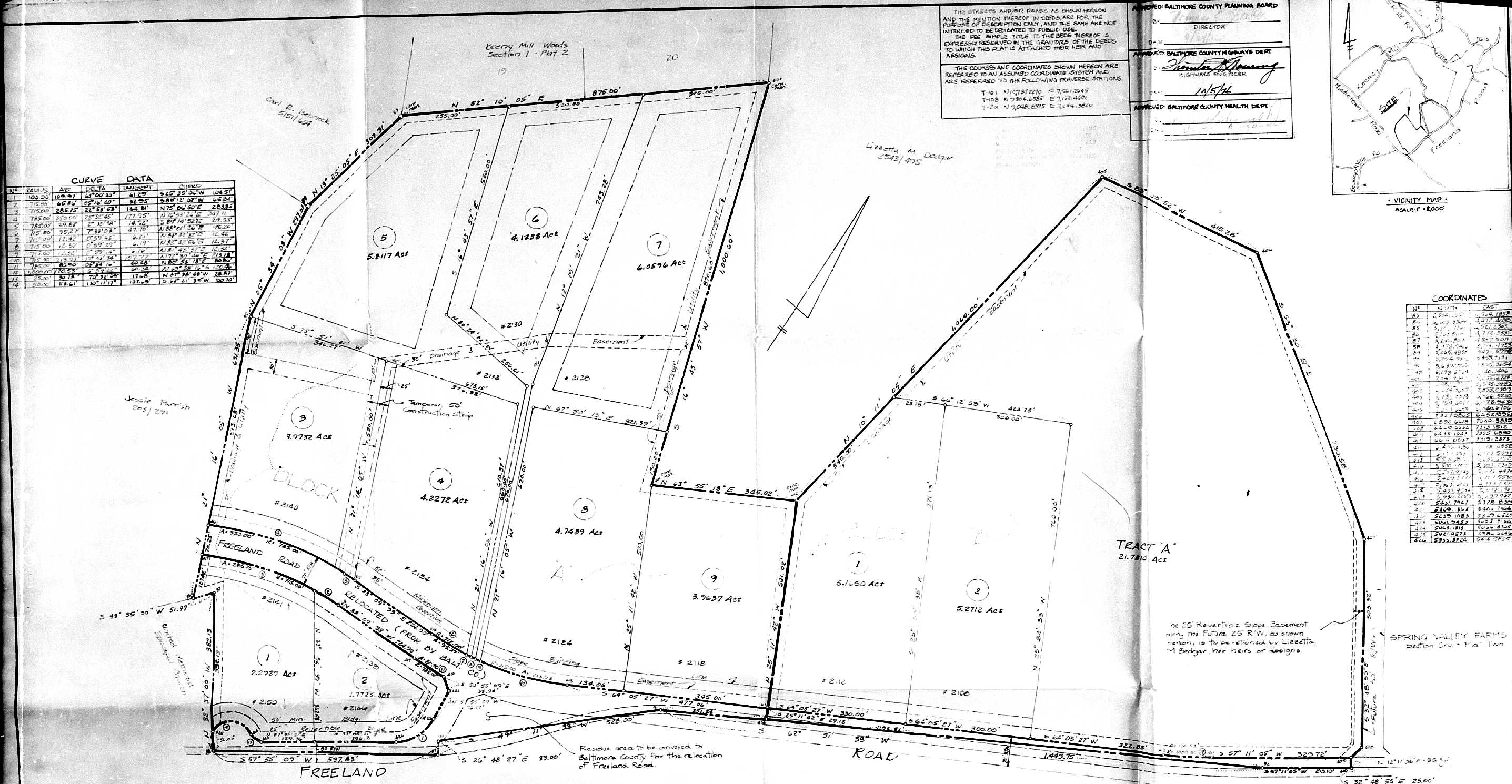
APPROVED: BALTIMORE COUNTY HIGHWAYS DEPT.
HIGHWAYS ENGINEER
DATE: 10/5/76

APPROVED: BALTIMORE COUNTY HEALTH DEPT.



VICINITY MAP
SCALE: 1" = 2000'

STATION	NORTH	EAST
1	6,204.155	1,474.1852
2	6,204.155	1,474.1852
3	6,204.155	1,474.1852
4	6,204.155	1,474.1852
5	6,204.155	1,474.1852
6	6,204.155	1,474.1852
7	6,204.155	1,474.1852
8	6,204.155	1,474.1852
9	6,204.155	1,474.1852
10	6,204.155	1,474.1852
11	6,204.155	1,474.1852
12	6,204.155	1,474.1852
13	6,204.155	1,474.1852
14	6,204.155	1,474.1852



EHK, JR. 40 FOLIO 28

FILED
OCT 5 1976
TEST:
CLERK

SECTION ONE - PLAT ONE
SPRING VALLEY FARMS
6th ELECTION DISTRICT BALTIMORE COUNTY, MD.
SEPTEMBER, 1976

OWNER & DEVELOPER
LIZZETTA M. BEDGAR
MICROFILMED PARKTON, MARYLAND
21120

87-478-
SPH

PRESIDENT ZONING: RDP
OWNERS CERTIFICATE

The requirements of Sections 72A to 72D of Article 17 of the Annotated Code of Maryland, 1959 Edition Chapter 101 of the Acts of 1945 as amended by Chapters 68 and 72 of the Acts of 1947 and subsequent Acts (if any) regarding the use of the land shown hereon as a residential use, as far as they concern the making of the plat and setting of the markers, have been complied with by **LIZZETTA M. BEDGAR**, owner of Land Shown Hereon.

PANHANDLE NOTE

FOR PANHANDLE LOTS, DEEDS COLLECTION, SHOW REMOVAL AND ROAD MAINTENANCE ARE PROVIDED TO JUNCTION OF THE PANHANDLE AND THE STREET RIGHT OF WAY LINE ONLY AND NOT ONTO THE PANHANDLE LOT DRIVEWAY.

SURVEYORS CERTIFICATE

I, JAMES W. MCKEE, a Registered 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 compliance with Sections 72A to 72D, inclusive of Article 17 of the Annotated Code of Maryland, 1959 Edition as amended or amended by the Acts of 1945 and 1947 and subsequent Acts, if any, amendatory thereto.

NOTES:

NO FURTHER DEDICATION OF THE LOTS SHOWN HEREON WILL BE ALLOWED UNLESS APPROVED BY THE BALTIMORE COUNTY PLANNING AND ZONING COMMISSION.

THE LOTS SHOWN HEREON ARE FOR SINGLE FAMILY RESIDENTIAL USE ONLY.

NO BUILDING PERMITS SHALL BE ISSUED FOR THE CONSTRUCTION OF A DWELLING ON A LOT SHOWN HEREON UNTIL A WELL IS APPROVED BY APPLICABLE STATE AND COUNTY AGENCIES HAVING JURISDICTION.

GROSS AREA:	21.7810 Act
NET AREA:	21.7810 Act
AREA BETWEEN TITLE LINE & WIDENING LINE:	3.0904 Act
AVERAGE LOT SIZE:	4.1031 Act

TOTAL NUMBER OF LOTS: 14
TITLE REFERENCE: LIZZETTA M. BEDGAR
LIBER: 2543
FOLIO: 495

NOTES:

HIGHWAY AND HIGHWAY WIDENING - SLOPE, DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED TO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES, AND ASSIGNS, SHALL CONVEY SAID AREAS, BY DEED, TO BALTIMORE COUNTY, MARYLAND, AT NO COST.

LEGEND

3 LOT NUMBERS SHOWN THUS: 3
COORDINATES SHOWN THUS: 3
MINIMUM BUILDING LINE SHOWN THUS: 3
R/W LINE SHOWN THUS: 3
LOT LINES SHOWN THUS: 3
PROPERTY LINES SHOWN THUS: 3
BASEMENTS SHOWN THUS: 3

W. A. COMPTON
State Planning
Planning
Engineering
Surveying
Map Making

LOCH RAVEN RESERVOIR DRAINAGE AREA

McKee Engineering
1824 Ridge Road Reisterstown, Maryland 21136

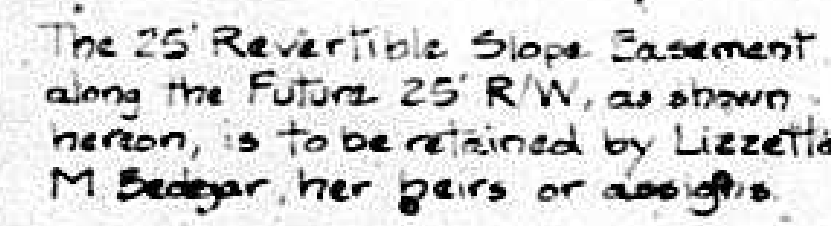
BOOK	PAGE	DATE	BY	FOR
76-2	17-100	SEPT 1976	JAM	RE

THE STREETS AND/OR ROADS ARE SHOWN HEREON
AND THE MENTION THEREOF IN DEEDS, ARE FOR THE
PURPOSE OF DISCRIPTION ONLY, AND THE SAME ARE NOT
INTENDED TO BE DEDICATED TO PUBLIC USE.
THE FEE AND A LITTLE IS THE DEEDS THEREOF IS
EXPRESSLY RESERVED IN THE HANDS OF THE DEEDS
TO WHICH THIS DEED IS ATTACHED BY THEIR NAME AND
ASSIGNS.

THE COMSESS AND COORDINATES SHOWN HEREON ARE
REFERRED TO THE ASSUMED GRID SYSTEM AND
ARE REFERRED TO THE FOLLOWING VERTICAL DATUMS:

T-101 N 101.541.2710 E 7.561.2445
T-108 N 101.541.2585 E 7.112.4471
T-104 N 101.541.2585 E 7.112.4471

COORDINATES		
#	NORTH	EAST
A3	06.500.2550	45.504.1850
A5	5.512.1700	45.503.2550
A6	5.512.1700	45.503.2550
A6	5.512.1700	45.503.2550
A7	5.520.2000	45.503.2550
B8	4.517.9000	50.503.2550
A9	5.506.4050	45.503.2550
B9	5.506.4050	45.503.2550
C9	5.506.4050	45.503.2550
C0	5.506.4050	45.503.2550
C1	5.506.4050	45.503.2550
C2	5.506.4050	45.503.2550
C3	5.506.4050	45.503.2550
C4	5.506.4050	45.503.2550
C5	5.506.4050	45.503.2550
C6	5.506.4050	45.503.2550
C7	5.506.4050	45.503.2550
C8	5.506.4050	45.503.2550
C9	5.506.4050	45.503.2550
D0	5.506.4050	45.503.2550
D1	5.506.4050	45.503.2550
D2	5.506.4050	45.503.2550
D3	5.506.4050	45.503.2550
D4	5.506.4050	45.503.2550
D5	5.506.4050	45.503.2550
D6	5.506.4050	45.503.2550
D7	5.506.4050	45.503.2550
D8	5.506.4050	45.503.2550
D9	5.506.4050	45.503.2550
E0	5.506.4050	45.503.2550
E1	5.506.4050	45.503.2550
E2	5.506.4050	45.503.2550
E3	5.506.4050	45.503.2550
E4	5.506.4050	45.503.2550
E5	5.506.4050	45.503.2550
E6	5.506.4050	45.503.2550
E7	5.506.4050	45.503.2550
E8	5.506.4050	45.503.2550
E9	5.506.4050	45.503.2550
F0	5.506.4050	45.503.2550
F1	5.506.4050	45.503.2550
F2	5.506.4050	45.503.2550
F3	5.506.4050	45.503.2550
F4	5.506.4050	45.503.2550
F5	5.506.4050	45.503.2550
F6	5.506.4050	45.503.2550
F7	5.506.4050	45.503.2550
F8	5.506.4050	45.503.2550
F9	5.506.4050	45.503.2550
G0	5.506.4050	45.503.2550
G1	5.506.4050	45.503.2550
G2	5.506.4050	45.503.2550
G3	5.506.4050	45.503.2550
G4	5.506.4050	45.503.2550
G5	5.506.4050	45.503.2550
G6	5.506.4050	45.503.2550
G7	5.506.4050	45.503.2550
G8	5.506.4050	45.503.2550
G9	5.506.4050	45.503.2550
H0	5.506.4050	45.503.2550
H1	5.506.4050	45.503.2550
H2	5.506.4050	45.503.2550
H3	5.506.4050	45.503.2550
H4	5.506.4050	45.503.2550
H5	5.506.4050	45.503.2550
H6	5.506.4050	45.503.2550
H7	5.506.4050	45.503.2550
H8	5.506.4050	45.503.2550
H9	5.506.4050	45.503.2550
I0	5.506.4050	45.503.2550
I1	5.506.4050	45.503.2550
I2	5.506.4050	45.503.2550
I3	5.506.4050	45.503.2550
I4	5.506.4050	45.503.2550
I5	5.506.4050	45.503.2550
I6	5.506.4050	45.503.2550
I7	5.506.4050	45.503.2550
I8	5.506.4050	45.503.2550
I9	5.506.4050	45.503.2550
J0	5.506.4050	45.503.2550
J1	5.506.4050	45.503.2550
J2	5.506.4050	45.503.2550
J3	5.506.4050	45.503.2550
J4	5.506.4050	45.503.2550
J5	5.506.4050	45.503.2550
J6	5.506.4050	45.503.255



NOTE: HIGHWAY AND HIGHWAY WIDENING - SLOPE DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES, AND ASSIGNS, SHALL CONVEY SAID AREAS, BY DEED, TO BALTIMORE COUNTY, MARYLAND, AT NO COST.

SUBVISED CONTRACT

I, JAMES W. MCKEE, a Registered Land Surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out and the plat thereon prepared in compliance with Sections 24 to 28, Article 4 of the Annotated Code of Maryland, 1939 Edition as enacted or amended by the Acts of 1945 and 1947 and subsequent Acts, if any, amendatory thereto.

JAMES W. MCKEE L.S.

MD REG. # 9012

LEGEND

LOT NUMBERS SHOWN THIS: 

COORDINATES SHOWN THIS: 

MINIMUM BUILDING LINE SHOWN THIS: _____

R/W LINE SHOWN THIS: _____

LOT LINES SHOWN THIS: _____

PROPERTY LINES SHOWN THIS: _____

EASEMENTS SHOWN THIS: _____

LOCH RAVEN RESERVOIR DRAINAGE AREA

McKee Engineering

1024 Ridge Road Reisterstown, Maryland 21156

JOB NO. 76-5	SCALE 1"=100'	OWNER JWM	DATE JWM/RH	SHEET NO. 1 OF 1
DATE SEPT 1976		PROJECT JWM	DATE 8/8/76	