

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 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the density transfer of the 2.89 acre parcel across I-70 and include it in the density calculations for the proposed "Winsten Estates" Subdivision.

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.

Contract Purchaser:
The Sugarmen Organization
(Type or Print Name)
Signature: *David Sugarmen*
120 Judges Lane
Address
Towson, Maryland 21204
City and State

Legal Owner(s): *Edith Weinstein Brenner*
(Type or Print Name)
Signature: *Edith Weinstein Brenner*
David Weinstein
(Type or Print Name)
Signature: *Sadye Weinstein Cutler*
Sadye Weinstein Cutler
(Type or Print Name)
120 Judges Lane 821-8334
Address Phone No.
Towson, Maryland 21204
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Lloyd E. Lipin
Name
2810 College View Drive W-46, 255
Churchville, Maryland 21028
Address Phone No.

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th 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, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of June, 1987, at 9:00 o'clock a.m.

Call John
Zoning Commissioner of Baltimore County.

IN THE MATTER OF
THE APPLICATION OF
EDITH WEINSTEIN BRENER, ET AL
S/S OF I-70, 5160' E OF THE
PATAPSCO RIVER
1st ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
PETITION FOR SPECIAL HEARING

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 87-493-SPH

OPINION

This matter comes before the Board on appeal from the decision and order of the Zoning Commissioner of Baltimore County dated June 25, 1987 wherein a special hearing was granted, approving the Appellees' request to transfer density across I-70 and include it in the density calculations for a larger tract of land known as "Winsten Estates" subdivision.

An amended site plan was submitted to the Board which has been marked as Joint Exhibit No. 1, and People's Counsel, the Appellant, placed on the record that they had no opposition in consideration of the new plat and the fact that upon approval it would be recorded in the Land Records Office of Baltimore County.

People's Counsel, however, indicated they did not believe they had the power to stipulate to a change in zoning matters and that only this Board had such power. In view of the lack of opposition, however, on the part of the Appellant and in consideration of the amended site plan, this Board will affirm the decision of the Zoning Commissioner dated June 25, 1987.

ORDER

It is therefore this 19th day of November, 1987 by the County Board of Appeals ORDERED that the Order of the Zoning Commissioner of Baltimore County dated June 25, 1987 be and is hereby AFFIRMED subject to the

Case No. 87-493-SPH
Edith Weinstein Brenner, et al

following conditions:

1. The Appellees shall record among the Land Records of Baltimore County the amended plat submitted in open hearing as Joint Exhibit No. 1.
2. The Appellees and/or their assigns shall maintain the 2.89-acre parcel located on the south side of I-70.

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

Thomas J. Bollinger
Thomas J. Bollinger, Acting Chairman

Harry E. Buchheitler, Jr.
Harry E. Buchheitler, Jr.

Lawrence E. Schmidt
Lawrence E. Schmidt

County Board of Appeals of Baltimore County



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

November 19, 1987

Phyllis Cole Friedman, Esquire
Room 223, Old Courthouse
Towson, MD 21204

RE: Case No. 87-493-SPH
Edith Weinstein Brenner, et al

Dear Ms. Friedman:

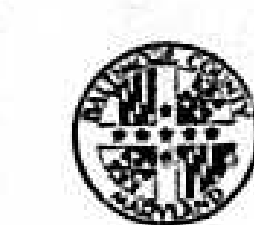
Enclosed is a copy of the final Opinion and Order passed today by the County Board of Appeals regarding the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Ms. Edith Weinstein Brenner
Mr. Lloyd E. Lipin
Norman E. Gerber
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Robin Clark
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County

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

HEARING ROOM #218

November 6, 1987
NOTICE OF REASSIGNMENT

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

CASE NO. 87-493-SPH
EDITH WEINSTEIN BRENER, ET AL
S/S of I-70, 5160' E of the Patapsco River
1st Election District
SPH - to approve the density transfer of the 2.89 acre parcel across I-70 and include it in the density calculations for the proposed "Winsten Estates" subdivision
6/25/87 - Z.C. granted Petition for Special Hearing

which had been scheduled for hearing on Wednesday, January 13, 1988, has been REASSIGNED to an earlier hearing date at the request of Counsel for Petitioner and as a result of a tentative agreement reached between Counsel for Petitioner and People's Counsel for Baltimore County, Appellant in this case, and has been

REASSIGNED FOR: Wednesday, November 18, 1987 at 9:00 a.m.

cc: Ms. Edith W. Brenner	Petitioner/Appellee
Benjamin Bronstein, Esquire	Counsel for Petitioner/Appellee
Phyllis C. Friedman	People's Counsel/Appellant
Mr. Lloyd E. Lipin	
Norman E. Gerber	
James G. Hoswell	
J. Robert Haines	
Ann M. Nastarowicz	
James E. Dyer	
Margaret E. du Bois	
Arnold Jablon	County Attorney
Nancy C. West, Esquire	Office of Law

Kathi Weidenhammer
Administrative Secretary

RE: PETITION FOR SPECIAL HEARING
S/S I-70, 5160' E of Patapsco River, 1st District
EDITH WEINSTEIN BRENER, et al
Petitioners

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-493-SPH

ORDER

WHEREAS, the Appellees are the fee simple owners of the subject property which was divided by I-70 leaving a 2.89 acre parcel on the south side of I-70, zoned DR 2 and a larger parcel on the north side of I-70 zoned DR 5.5 and

WHEREAS, on June 25, 1987, by Order of the Zoning Commissioner of Baltimore County, a special hearing was granted, approving the Appellees' request to transfer density access across I-70, a copy of the Zoning Commissioner's Finding of Fact, Conclusion of Law and Order having been filed herein and

WHEREAS, People's Counsel has noted this appeal from the aforesaid Order and

WHEREAS, the parties have agreed to a settlement of their differences as evidenced by consent of counsel to this Order.

THEREFORE, it is, this _____ day of September, 1987, by the County Board of Appeals, ORDERED, that the Order of the Zoning Commissioner of Baltimore County dated June 25, 1987, be and is hereby affirmed subject to the following conditions:

1. Appellees shall record among the Land Records of Baltimore County a density plat evidencing the transfer of density involved in the subject properties.

2. Appellees or their assigns shall maintain the 2.89 acres parcel located on the south side of I-70.

APPROVED AND CONSENTED TO:

COUNTY BOARD OF APPEALS

Phyllis Friedman
People's Counsel for Baltimore County

William F. Hackett, Chairman

Benjamin Bronstein
Benjamin Bronstein
Attorney for Appellees

Sadye Weinstein Cutler
Sadye Weinstein Cutler

Edith Weinstein Brenner
Edith Weinstein Brenner

David Weinstein
David Weinstein

David Sugarmen
David Sugarmen
(Contract Purchaser)

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 _____ day of _____, 1987.

James E. Dyer
James E. Dyer
Zoning Commissioner

Chairman, Zoning Board
Advisory Committee



County Board of Appeals of Baltimore County

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

October 15, 1987

NOTICE OF ASSIGNMENT

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

CASE NO. 87-493-SPH
EDITH WEINSTEIN BRENER, ET AL
S/S of I-70, 5160' E of the Patapsco River
1st Election District

SPH-To approve the density transfer of the 2.89 acre parcel across I-70 and include it in the density calculations for the proposed "Winsten Estates" subdivision.

6/25/87 - Z.C. Order - That the Petition for Special Hearing is GRANTED

ASSIGNED FOR:

cc: Ms. Edith W. Brenner
Lloyd E. Lipin
Phyllis C. Friedman
Norman E. Gerber
James Hoswell
J. Robert Haines
Ann Nastarowicz
James E. Dyer
Margaret duBois

June Holmen, Secretary

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
S/S I-70, 5160' E of Patapsco River, 1st District : OF BALTIMORE COUNTY
EDITH WEINSTEIN BRENER, et al., : Case No. 87-493-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 26th day of May, 1987, a copy of the foregoing Entry of Appearance was mailed to Edith Weinstein Brenner, David Weinstein, Sadye Weinstein Cutler, Petitioners, and Mr. David Sugarman, The Sugarman Organization, Contract Purchaser, all of 120 Judges Lane, Towson, MD 21204; and Mr. Lloyd E. Lipin, 2810 College View Drive, Churchville, MD 21028, who requested notification.

Peter Max Zimmerman

IN RE: PETITION SPECIAL HEARING : BEFORE THE
S/S of I-70, 5160' E of : ZONING COMMISSIONER
Patapsco River - : OF BALTIMORE COUNTY
1st Election District :
Edith Weinstein Brenner, : Case No. 87-493-SPH
et al., :
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein seeks permission to transfer density from a 2.89-acre parcel on one side of I-70 to an adjoining parcel on the other side of I-70, as more particularly described on Petitioners' Exhibit 1.

The Petitioners, by David Sugarman, the Contract Purchaser, appeared and testified and were represented by Counsel. Lloyd Lipin, a registered engineer, testified on behalf of the Petitioners. There were no Protestants.

Testimony indicated that the subject property, located on Johnnycake and Fairbrook Roads, was divided in 1965 when the State Highway Administration condemned a portion of the property for I-70, leaving a 2.89-acre parcel to the south of I-70, zoned D.R.2, and the remainder to the north, zoned D.R.5.5. The 2.89-acre parcel is totally useless inasmuch as there is no access to it and it cannot be utilized for any other purpose.

Mr. Sugarman proposes to develop the property to the north of I-70 and would like to include the density of the 2.89-acre parcel, which would permit an additional 5.7 units.

Section 1801.2.A.2, Baltimore County Zoning Regulations (BCZR), permits the transfer of density wherever a single tract is divided by a zone boundary so that portions of such tract lie within D.R. zones of different classifications.

ORDER RECEIVED FOR FILING
Date June 23, 1987
By *John P. ...*

In Gruver-Cooley Jade Corp. v. Perlis, 25 A.2d 589 (1969), the transfer of density from one part of a subdivision to another part of the same subdivision separated by a 80-foot-wide roadway was permitted. The Court of Appeals determined that the two parts of the subdivision were contiguous and that density could be transferred from one part to the other, notwithstanding the existence of the roadway.

The existence of I-70 should not negate the right to transfer 5.7 units to the principal site. See also Swartmore v. Kaestner, 266 A.2d 341 (1970), and Grand Union Co. v. Laurel Plaza, Inc., 256 F Supp. 78 (Md., 1966).

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of June, 1987 that density may be transferred across I-70 for the proposed Winsten Estates subdivision and, as such, the Petition for Special Hearing is hereby GRANTED from and after the date of this Order.

Arnold Jablon
Zoning Commissioner of Baltimore County

AJ/srl
cc: Benjamin Bronstein, Esquire
People's Counsel

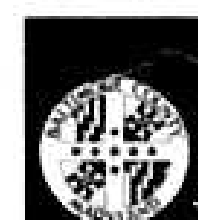
ORDER RECEIVED FOR FILING
Date June 23, 1987
By *John P. ...*

- 2 -

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

Arnold Jablon
Zoning Commissioner

July 22, 1987



Dennis F. Rasmussen
County Executive

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

RE: Petition for Special Hearing
S/S of I-70, 5160' E of the Patapsco River
Edith Weinstein Brenner, et al - Petitioner
Case No. 87-493-SPH

Dear Board:

Please be advised that on July 22, 1987 an appeal of the decision rendered in the above-referenced case was filed by People's Counsel for Baltimore County.

Please notify all parties to the case of the appeal hearing date and time when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:bjjs

cc: Ms. Edith Weinstein Brenner
120 Judges Lane, Towson, Md. 21204

Mr. Lloyd E. Lipin
2810 College View Drive, Churchville, Md. 21028

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

File

12th JUL 24 1987
COUNTY BOARD OF APPEALS
RECEIVED

RECEIVED
JUL 22 1987

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
S/S I-70, 5160' E of Patapsco River, 1st District : OF BALTIMORE COUNTY
EDITH WEINSTEIN BRENER, et al., : Case No. 87-493-SPH
Petitioners

NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of June 25, 1987, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

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

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

I HEREBY CERTIFY that on this 22nd day of July, 1987, a copy of the foregoing Notice of Appeal was mailed to Benjamin Bronstein, Esquire, Suite 200, 102 W. Pennsylvania Avenue, Towson, MD 21204.

Peter Max Zimmerman
Peter Max Zimmerman



County Board of Appeals of Baltimore County

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

October 15, 1987

NOTICE OF ASSIGNMENT

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

CASE NO. 87-493-SPH
EDITH WEINSTEIN BRENER, ET AL
S/S of I-70, 5160' E of the Patapsco River
1st Election District

SPH To approve the density transfer of the 2.89 acre parcel across I-70 and include it in the density calculations for the proposed "Winsten Estates" subdivision.

6/25/87 - Z.C. Order - That the Petition for Special Hearing is GRANTED

ASSIGNED FOR:

cc: Ms. Edith W. Brenner

Lloyd E. Lipin

Phyllis C. Friedman

Norman E. Gerber
James Hoswell
J. Robert Haines
Ann Nastarowicz
James E. Dyer
Margaret duBois

Petitioner

People's Counsel

June Holmen, Secretary

RECEIVED
OCT 20 1987

ZONING OFFICE

PETITION FOR SPECIAL HEARING

1st Election District - 1st Councilmanic District

Case No. 87-493-SPH

LOCATION: South Side of I-70, 5160 feet East of Patapsco River

DATE AND TIME: 22 11:30 a.m.
Monday, June 25, 1987, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to approve the density transfer of the 2.89 acre parcel across I-70 and include it in the density calculations for the proposed "Winsten Estates" Subdivision

Bying the property of Edith Weinstein Brenner, et al., as shown on plat plan filed with the Zoning Office.

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

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

ZONING DESCRIPTION - Parcel 2

Beginning at the center of the Patapsco River said point being the Baltimore/Howard County border and the centerline of I-70 thence east 5,160 feet along the centerline to the center of an existing culvert, thence due west to the beginning point of the property also being on the south right-of-way line of I-70, thence the following courses and distances: (1) S85° 41' 48"E 856.06 feet, (2) S86° 48' 03"E 447.44 feet, (3) S83° 40' 00"W 1,005.96 feet, (4) N72° 35' 00"W 249.14', and (5) N26° 35' 00"W 140.45 feet to the place of beginning containing 2.87 acres of land more or less, as now surveyed.

Also, being on the Baltimore County 1984 Comprehensive Zoning Map NW 1-H.

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

No. 30579

DATE 2/26/87 ACCOUNT 01-615

AMOUNT \$ 100.00

RECEIVED FROM: The Sugarman Organization

FOR: Filing Fee for Special Hearing 1-4-350

B 8105*****1000014 8272F

VALIDATION OR SIGNATURE OF CASHIER

Request Notification: Norman E. Gerber, Director of Planning
James Roswell, 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

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

No. 35935

DATE 6/23/87 ACCOUNT 8-01-615-000

1 SIGN & POST RETURNED AMOUNT \$ 84.00
1 SIGN & POST MISSING AMOUNT \$ 84.00

RECEIVED FROM: The Sugarman Organization, 120 Judges Lane, Towson, Md. 21204

ADVERTISING & POSTING COSTS RE CASE #87-493-SPH

FOR: B 8105*****1000014 8272F

VALIDATION OR SIGNATURE OF CASHIER

APPEAL

Petition for Special Hearing
S/S of I-70, S.160' E of the Patapsco River
1st Election District - 1st Councilmanic District
Edith Weinstein Brenner, et al - Petitioner
Case No. 87-493-SPH

Petitions 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 9/3/86

2) State Roads Commission Plat of Property dated 9/17/64

3) State of Maryland Department of Forest and Parks Map

4) Rough Drawing of Property

5) Copy of Agreement between the State Roads Commission of Maryland, Joseph B. & Rose Weinstein, and Baltimore County, Maryland with attachments

Zoning Commissioner's Order dated June 25, 1987

Appeal received July 22, 1987 from People's Counsel for Baltimore County

Ms. Edith Weinstein Brenner, Petitioner
120 Judges Lane, Towson, Md. 21204

Mr. Lloyd E. Lipin
2810 College View Drive, Churchville, Md. 21028

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: May 13, 1987

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

SUBJECT: Zoning Petition Nos. 87-493-SPH, 87-494-SPH, 87-495-SPH and 87-496-SPH

In view of the subjects of these petitions, this office offers no comments.

Norman E. Gerber, AICP
Director

NEG:JGH:sib

RECEIVED
MAY 15 1987
ZONING OFFICE

STATE ROADS COMMISSION OF MARYLAND
Acting for and on behalf of the STATE OF
MARYLAND.

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

JOSEPH B. WEINSTEIN and
ROSE WEINSTEIN, his wife
4505 Norfolk Avenue
Baltimore, Maryland

BALTIMORE COUNTY, MARYLAND
111 W. Chesapeake Avenue
Towson 4, Maryland

PETITIONER'S
EXHIBIT 5

AMENDED PETITION

Amended
The Petition of the State Roads Commission of Maryland, by John B. Funk, Chairman and Director of Highways, acting for and on behalf of the State of Maryland, through its attorneys, Thomas B. Finner, Attorney General and Joseph D. Buscher, Special Assistant Attorney General, respectfully submits:

1. That the State Roads Commission of Maryland, under the provisions of Article 89B of the Code of Public General Laws of Maryland is charged among other things, with the construction and maintenance of highways and bridges in the State of Maryland.
2. That your Plaintiff has determined that it is necessary and proper, and it is in fact necessary and proper, to acquire for the purposes hereinafter referred to, and in connection with the construction and maintenance of the highway system of the State all those pieces or parcels of land situate in the

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 21, 1987

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

Ms. Edith Weinstein Brenner
120 Judges Lane
Towson, Maryland 21204

RE: Item No. 350 - Case No. 87-493-SPH
Petitioner: Edith Weinstein Brenner,
et al
Petition for Special Hearing

Dear Ms. Brenner:

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, in 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, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Lloyd E. Lipin
2810 College View Drive
Churchville, Maryland 21028

January 6, 1987

Zoning Office
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Mr. Carl Richards

Subject: Winsten Estates Subdivision

Gentlemen:

A C.R.G. meeting for "Winsten Estates" (Weinstein Property) was held on October 30, 1986 at which time your Office commented on the use of the two parcels of land to calculate the density for the proposed subdivision.

Originally the Weinstein property included 11.37 acres of land which was purchased by the Maryland State Roads Commission in 1965 for the construction of Interstate Route I-70. The taking of the 11.37 acres split the original tract, lots 7, 8 and 9 of the YAAZOR (Hebrew Colonial Society Δ 3:21 & 22) Subdivision, into two parcels -- one, 23.15 acres on the north side of I-70, and the other, 2.89 acres on the south side of I-70.

I have enclosed copies of documents proving beyond a shadow of a doubt that the State Roads Commission did not purchase the 2.89 acre parcel, nor did the Weinsteins receive any monetary compensation for the parcel (Please note the "STIPULATION" attached to the "AMENDED PETITION").

Furthermore, please note that in the "INQUISITION" S.R.C. Plat #31143 was deleted from the final decision. I have enclosed copies of S.R.C. Plat Numbers 31141, 31142 & 31143 for your convenience.

Because of these clear facts and knowing that it has been an acceptable procedure to utilize density of properties landlocked by the government in similar situations we humbly request Baltimore County's prompt confirmation for calculating the subdivision density using both parcels.

Thank you for your consideration in this matter.

Very truly yours,

Lloyd E. Lipin, Pres.
Lloyd E. Lipin, President
Lipin Engineering & Development Corporation

Attachments

cc: Mr. David Sugarman



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

ARNOLD JABLON
ZONING COMMISSIONER

January 9, 1987

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mr. Lloyd E. Lipin, President
Lipin Engineering & Development Corp.
2810 College View Drive
Churchville, Maryland 21028

Re: Winsten Estates Subdivision
Density Transfer across I-70
1st Election District
C.R.G. Date 10/30/86

Dear Mr. Lipin:

I received your letter and your detailed documents and plats concerning the proposed density accumulation or transfer across I-70 for Winsten Estates. The information that you supplied does indicate that the property was originally one tract and in 1965 the S.R.C. acquired 11.37 acres for the proposed I-70. The 2.89 acres on the other side of the proposed I-70 was deleted from the transaction by stipulation. The 2.89 acres was retained by the owners Joseph and Rose Weinstein and the record is clear that the original offer was \$6,010.00 for the taking and the Circuit Court awarded \$7,390.00 on 2/23/65.

Even if I were to agree with your conclusion that the Weinstein's were not compensated for the diminished value of the 2.89 acres remaining on the S/S of I-70, which I cannot with any certainty, a Special Hearing would be required to justify the inclusion of this density into the subdivision.

The documents, plats and case should be presented before the Zoning Commissioner at the public hearing and it is his decision to make.

I am returning your documents and I am enclosing a copy of the order in zoning case #86-509-SPH which is similar.

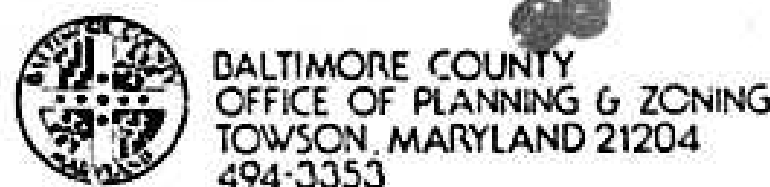
Should you decide to proceed with the hearing, I will assist you with the application procedure, forms, etc.

Very truly yours,

W. Carl Richards, Jr.
W. CARL RICHARDS, JR.
Zoning Coordinator

cc: James E. Dyer, Zoning Supervisor
Zoning Associates

WCR,Jr/kbb
Enclosures



ARNOLD JABLON
ZONING COMMISSIONER

June 17, 1987

Benjamin Bronstein, Esquire
205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S/S I-70, 5160' E of Patapsco River
1st Election District - 1st Councilmanic District
Edith Weinstein Brenner, et al - Petitioners
Case No. 87-493-SPH

Dear Mr. Bronstein:

This is to advise you that \$84.00 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.

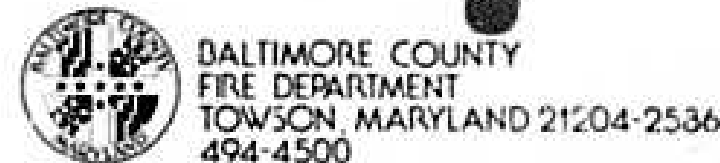
Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ:med

JEAN M. H. LING
DEPUTY ZONING COMMISSIONER



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: The Sugarman Organization

Location: S/S I-70, 5160' E. Patapsco River

Item No.: 350

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.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *P.M. Kelly 3-12-87*
Planning Group
Special Inspection Division

Noted and Approved:
John F. O'Neill
Fire Prevention Bureau

/mb

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200

WALLACE DANN
COUNSEL

May 18, 1987

Arnold Jablon, Zoning Commissioner
for Baltimore County
County Office Building
Towson, MD 21204

RE: Petition for Special Hearing
for Transfer of Density
2.89 acres I-70
Winsten Estates Subdivision
Item No. 350
Petitioners: Edith Weinstein, et al.
87-493-SPH

Dear Commissioner Jablon:

The above entitled matter is set in for a hearing on June 15, 1987. Because of a schedule conflict, I am requesting that this case be removed from the assignment on that day and set back in for hearing on any of the following dates, if available: Monday, June 22, 1987 or the first available date in July other than July 8, 1987.

Thank you for your kind consideration.

Very truly yours,

EVANS, GEORGE AND BRONSTEIN

George Evans
Benjamin Bronstein

BB/jan
CC: Mr. David Sugarman

RECEIVED
MAY 19 1987
ZONING OFFICE

The Sugarman Organization
120 JUDGES LANE TOWSON, MARYLAND 21204 PHONE 821-8334

Mr. James E. Dyer, Zoning Supervisor
Baltimore County
Office of Planning & Zoning
Towson, Maryland 21204

1-16-87

Re: Winsten Estates
Density Transfer across
I-70
1st Election District
C.R.G. Date 10-30-86

Dear Mr. Dyer:

This letter is being written in an attempt to clarify and expedite the approval of our efforts to utilize the density of the 2.89 acre parcel which has been cut off by the installation of I-70.

Originally, this property was made up of one larger parcel (37.42) of which 11.38 acres was taken, leaving 23.15 acres on the north and 2.89 acres on the south of I-70.

It is my understanding that the question of whether compensation was given for the damage to the property is the key issue of whether this can be allowed. With respect to whether any compensation was given for landlocking the property, it can clearly be seen that this was not the case by following the order of events pertaining to the property.

On October 23rd, 1963 the State Road Commission requested that a total of 14.27 acres be taken for the building of I-70.

Filed on February 23, 1965 was the stipulation which clearly deletes all reference to the 2.89 acre parcel in question by stating the below:

"It is hereby stipulated by and between the State Roads Commission, by its attorneys, Joseph D. Bushcher, Special Assistant Attorney General, and John J. Schuchman, Special Attorney, and Joseph B. Weinstein and Rose Weinstein, his wife, by William I. Weinstein, their solicitor, that the Amended Petition filed herein which recites as follows:

"and also all that property outside said lines, outlined by shading as shown and/or indicated on the attached Plat No. 31143, consisting of 2.89 acres, more or less, which is being taken in fee simple, ..."

be deleted from the aforesaid Petition filed herein, as agreed between counsel."

By following the stipulation and deleting the 2.89 acres from the petition, it becomes clear that, in this case, no compensation was given by the State for the loss of value of the property.



Maryland Department of Transportation
State Highway Administration

RECEIVED
MAR 30 1987

William K. Hoffmann
Secretary
Hal Kossoff
Administrator

ZONING OFFICE

March 23, 1987

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Md. 21204

Attention: Mr. James Dyer

Re: ZAC Meeting of 3-17-87
ITEM: #350
Property Owner: The Sugarman Organization
Location: S/S I-70, 5160 feet E Patapsco River @ I-70
Existing Zoning: D.R. 2
Proposed Zoning: Special Hearing
to approve the density transfer of the 2.89 acre parcel across I-70 and include it in the density calculations for the proposed "Winsten Estates" Subdivision.
Area: 2.87 Acres
District: 1st Election District

Dear Mr. Jablon:

On review of the submittal of 9-3-86 "Winsten Estates" the State Highway Administration has no comment on the density transfer of 2.89 acres across Interstate I-70.

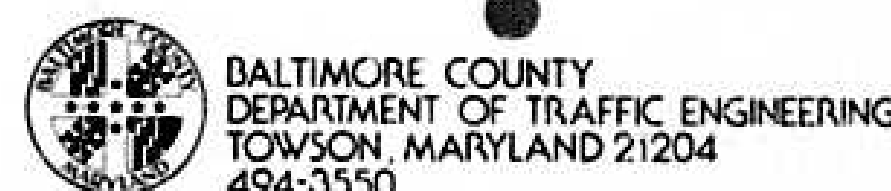
Very truly yours,

Charles Lee
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

By: George Wittman

cc: Mr. J. Ogle



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. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

BENJAMIN BRONSTEIN
ATTORNEY AT LAW

SUITE 200
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 628-4442

March 13, 1987

Office of Zoning for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Md 21204
ATTN: Mr. James E. Dyer
Zoning Supervisor

RE: Petition for Special Hearing for
Transfer of Density
2.89 acres, I-70
Winsten Estates Subdivision

Dear Mr. Dyer:

Please enter my appearance on behalf of the Sugarman Organization, Ltd., contract purchaser and Petitioner in the above entitled matter.

Kindly advise me of the date of hearing. Thank you for your kind attention to this matter.

Very truly yours,

Benjamin Bronstein
Benjamin Bronstein

BB/jan

RECEIVED
MAR 16 1987
ZONING OFFICE

Going further to the Inquisition paper recorded on March 1, 1965 in the land records under Liber 4427 Folio 232, as ordered by the stipulation, all reference to the 2.89 acre parcel (Plat No. 31143) has been struck. This leaves the final outcome of the inquisition without even mention of the 2.89 acre parcel, let alone any compensation for effectively making the property useless at this time for anything other than its density being combined with the larger parcel, as we are requesting.

It is our hope that with this additional information, a final decision can be made at this time within your office as I understand, it has been done in the past.

Your consideration to this matter is greatly appreciated.

Sincerely,

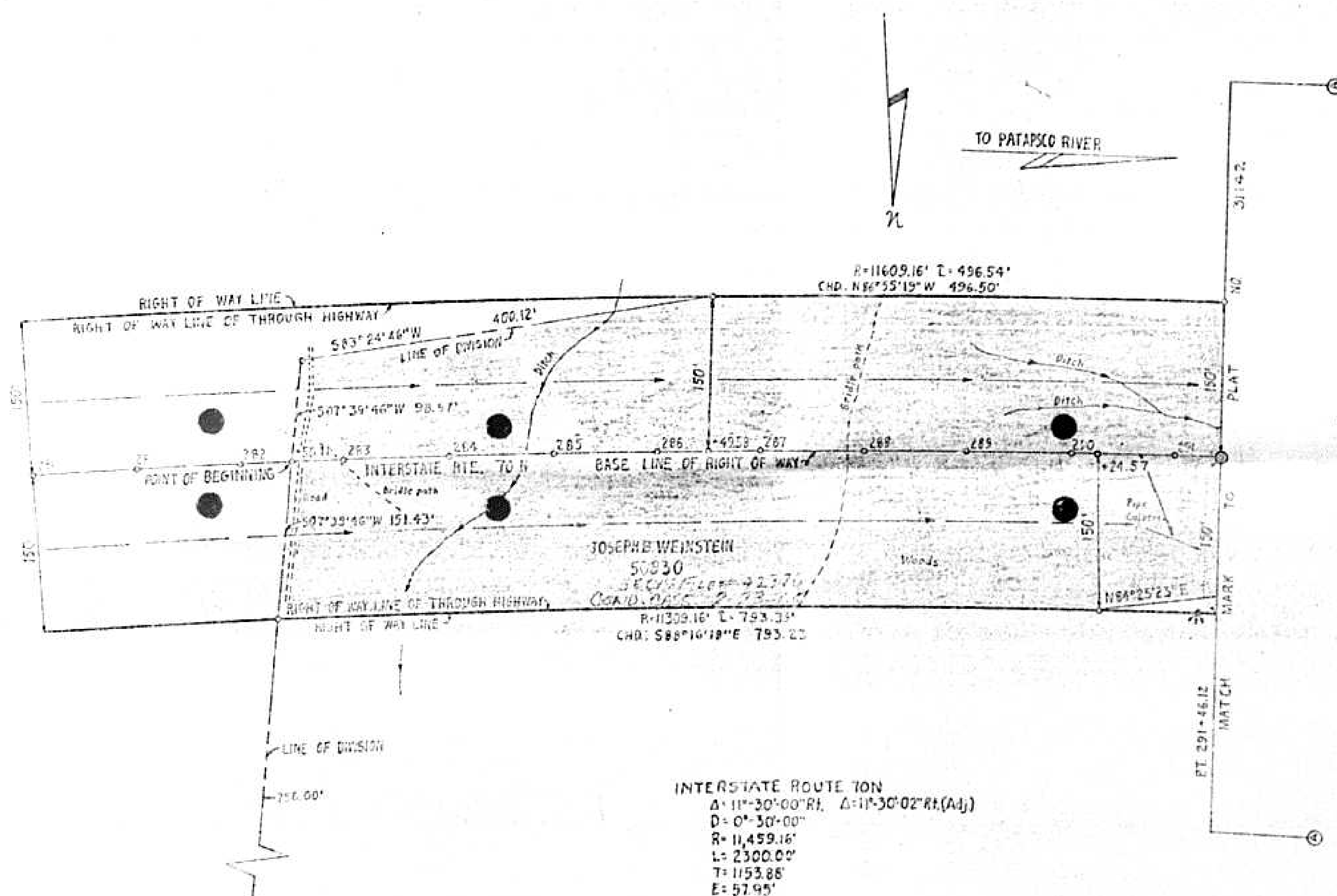
David S. Sugarman
David S. Sugarman

cc: W. Carl Richards, Jr.
Zoning Coordinator

Lloyd E. Lipin

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5082 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



THE END OF THE SECOND LINE OF A DEED FROM EUTH LATHY ET AL. TO JOSEPH B. WEINSTEIN IN LIBER WJR 3633, FOLIO 065, DATED NOVEMBER 26, 1959

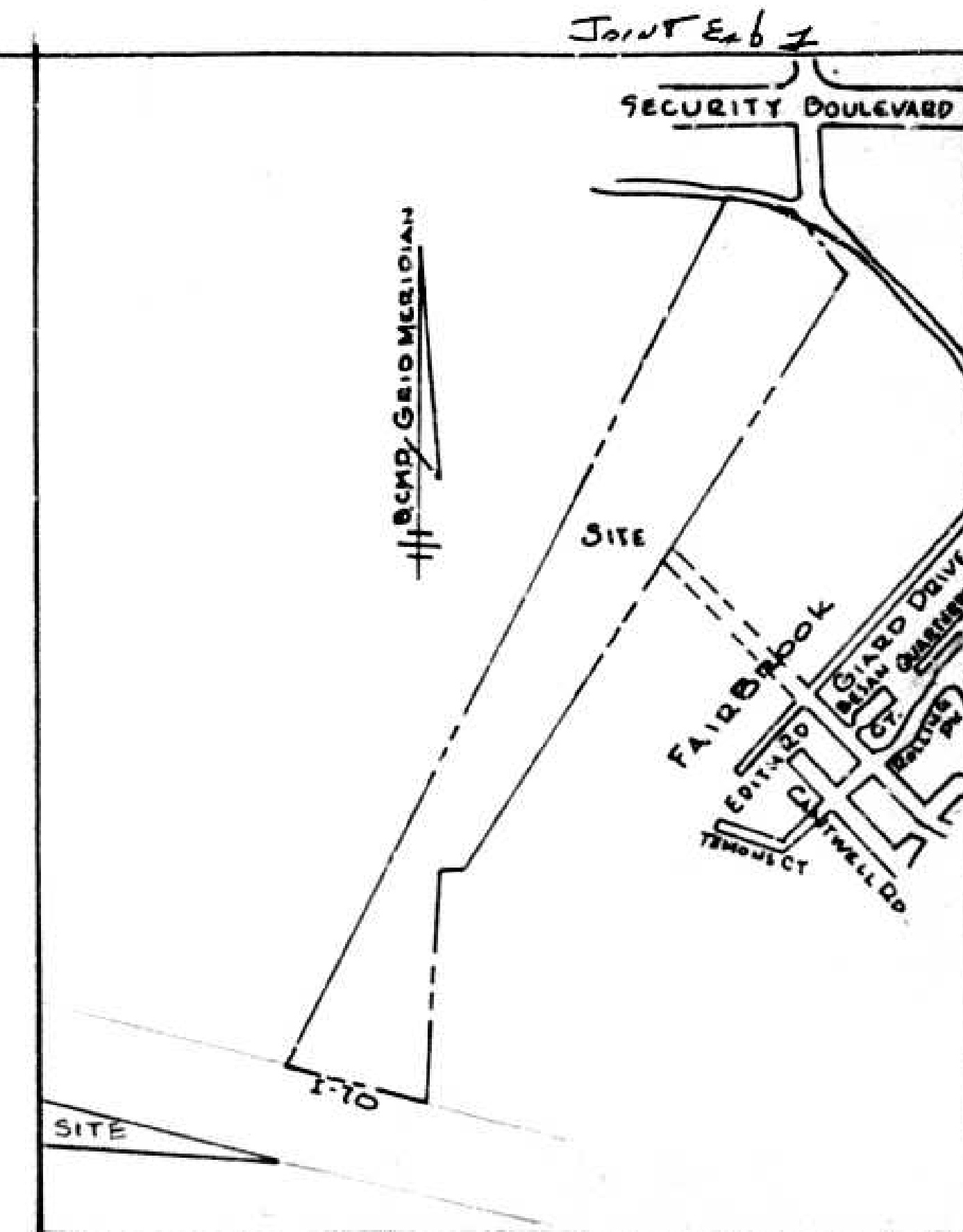
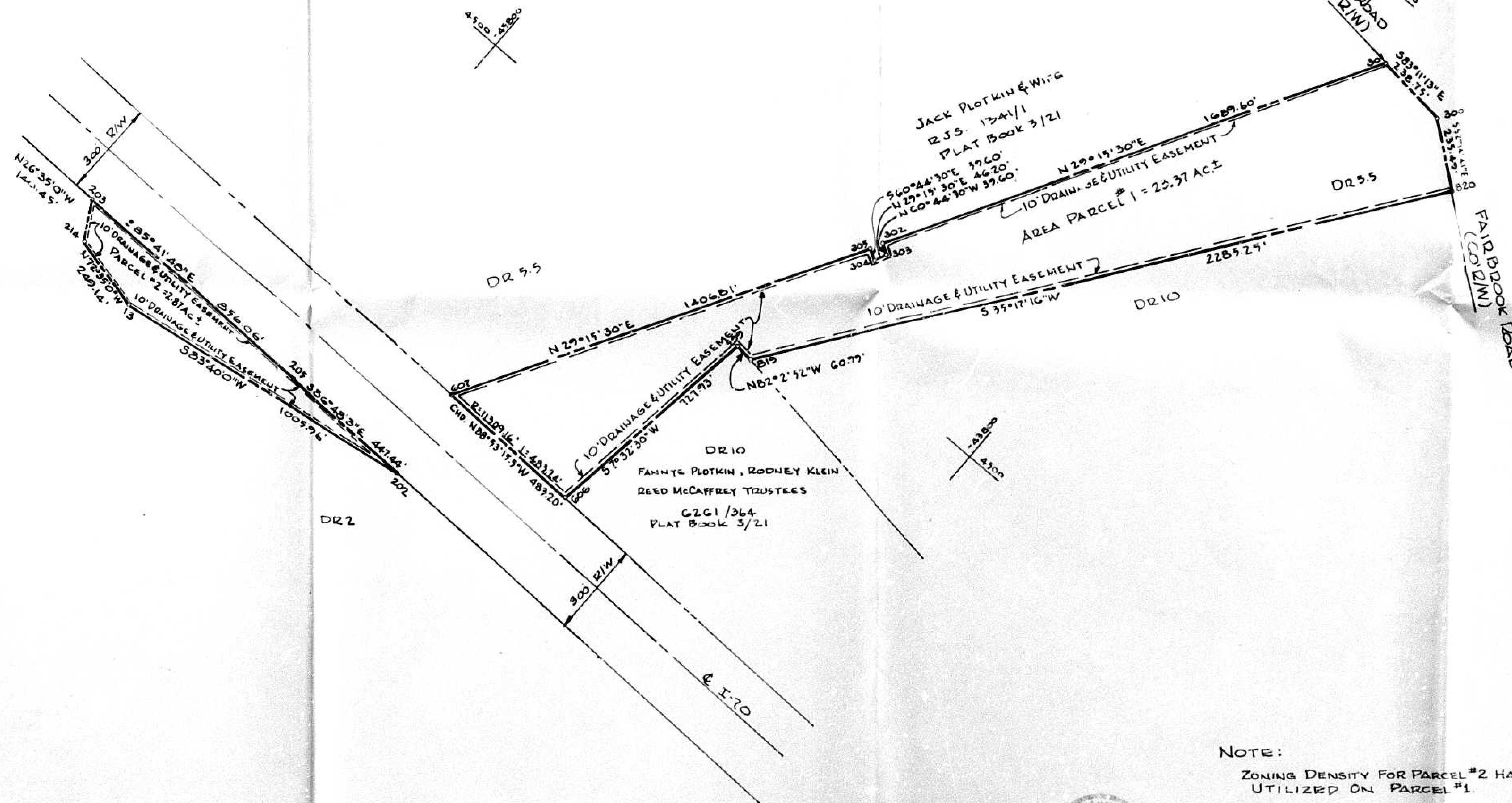
FEE SIMPLE AREA 11.371 ACRES SHOWN THUS.

**PETITIONER'S
EXHIBIT**

USE AS INDICATED BY NOTATION ON THIS PLAT. NOTED BY NOTATION ON THIS PLAT. NOTED BY NOTATION ON THIS PLAT. (N) FROM OR INTO EXISTING WATERWAY OR UPON EXISTING GROUND. 1 TO SCALE FOR EXPLANATORY PURPOSE ONLY	THIS IS AN EXPRESSWAY, AND NO ACCESS EITHER VEHICULAR, PEDESTRIAN AND/OR ANIMAL WILL BE PERMITTED ACROSS THE LINES DESIGNATED "RIGHT OF WAY LINE OF THROUGH HIGHWAY" EXCEPT BY MEANS OF SUCH PUBLIC ROAD CONNECTIONS AS THE COMMISSION MAY CONSTRUCT OR PERMIT TO BE CONSTRUCTED.	REVISIONS PART OF PLAT NOS. 23981, 23982, 23983 BOOK NO. 21-288	LOCATED IN <u>BALTIMORE</u> COUNTY PREPARED BY <u>BUREAU OF HIGHWAY DESIGN</u> <i>James P. McLean</i> ENGR - HIGHWAY DESIGN	STATE ROADS COMMISSION OF MARYLAND RIGHT OF WAY PROJECT: <u>INTERSTATE ROUTE 70N</u> <u>BALTIMORE BELTWAY TO PATAPSCO RIVER</u> RIGHT OF WAY PROJECT NO. <u>B-721-9-423</u> FEDERAL AID PROJECT NO. <u>I 70N-4(3)37</u> ISSUED <u>September 17, 1964</u> <i>LeRoy C. Moore, Jr.</i> CHIEF, RIGHT OF WAY DIVISION
			CONSTRUCTION PROJECT: <u>INTERSTATE ROUTE 70N</u> <u>BALTIMORE BELTWAY TO PATAPSCO RIVER</u> CONSTRUCTION PROJECT NO. <u>B-721-9-423</u>	SCALE <u>1"=100'</u> PLAT No. 31141
	SENT TO RECORD OFFICE <u>19</u>			
	FINALIZED BY CHAIRMAN AND DIRECTOR <u>19</u>			

87-497-50A

COORDINATES		
Nº.	NORTH	WEST
820	6137.16	43210.01
819	42711.80	44530.16
599	4280.24	44570.36
606	3558.60	44486.10
407	3567.78	45169.21
301	3309.67	43633.26
300	4281.33	43396.20
302	4835.42	44457.05
303	4816.27	44424.50
304	4175.76	44447.08
305	4175.32	44441.63
202	3266.34	445132.54
203	3355.54	44632.73
205	3291.31	44577.28
214	3229.74	446130.08
13	3159.37	446132.36



VICINITY MAP
SCALE: 1" = 500'

GENERAL NOTES:

1. THE FORMAL IRREVOCABLE OFFERS OF DEDICATION HAVE BEEN MADE.
2. THE RECORDING OF THE PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC AREA SHOWN ON THE PLAT.
3. THE PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-60-BILL 1956-1.
4. THE RECORDING OF THE PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
5. THE INFORMATION SHOWN MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
6. ADDITIONAL INFORMATION CONCERNING THE PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS.
7. EXISTING UTILITIES SHOWN ON THE PLAT DO NOT:
8. * A 10' DRAINAGE & UTILITY EASEMENT IS TO BE PROVIDED AROUND THE ENTIRE TRACT BOUNDARY.
9. * TENSURE TO BE COLLECTED BY BALTIMORE COUNTY.

DENSITY CALCULATIONS:

PARCEL #1 = 23.37 AC. X 5.5 = 128.53 UNITS
PARCEL #2 = 2.87 AC. X 2 = 5.74 UNITS
MAXIMUM DENSITY ALLOWED = 134.27 UNITS

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.

Tax No. 0123154180

ZONING DENSITY AND OUTLINE PLAT WINSTEN ESTATES

1ST ELECTION DISTRICT
DATE: OCTOBER 3, 1987.

BALTIMORE COUNTY, MD.
SCALE: 1" = 200'

OWNER:
SADYE WEINSTEIN CUTLER
EDITH WEINSTEIN BRENER
DAVID WEINSTEIN
170 JUDGES LANE
TOWSON MARYLAND 21204
821-8334
DEED REF: 6829/360
PLAT BOOK 3 FOLIO 21

SURVEYOR :
LIPIN ENGINEERING & DEVEL CORP
2810 COLLEGE VIEW DRIVE
CHURCHVILLE, MD. 21023
676-7376

APPROVED: DEPARTMENT OF PUBLIC WORKS

BY _____ DIRECTOR

DATE

APPROVED: DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

BY: _____
DIRECTOR

DATE: _____
APPROVED: OFFICE OF PLANNING AND ZONING

BY: _____ DIRECTOR

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 FOR PUBLIC USE. THE FREE SIMPLE TITLE TO THE CEOS THEREOF IS EXPRESSLY RESERVED IN THE SCANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

COORDINATES & BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTO. COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:

X6302 N 5258.36 W42451.86
12940 N 6294.37 W43264.37

SURVEYOR'S CERTIFICATE :

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN Laid OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-103 OF THE REAL PROPERTY ARTICLE OF ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERNS THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

OWNER'S CERTIFICATE:

THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAT HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH INsofar AS SAME CON-
TAINS THE MARKS OF THE PLAT DATING 1876 MADE BY
George Washington Boylston
Edwin W. Williams, Surveyor
OWNER DATE: 10/30/01

OWNER:

SURVEYOR :