\*IN RE: PETITION FOR SPECIAL HEARING E/S Evna Road, 980' N of Mt. Carmel Road 7th Election District 3rd Councilmanic District 🥴

Ralph P. Stern, et ux

ZONING COMMISSIONER OF BALTIMORE COUNTY

The Petitioners herein request a special hearing to approve the nondensity transfer of a 17.60 acre parcel for agricultural purposes in an R.C.2; zone to an adjacent R.C.2 zone and the remaining .10 acres of said parcel transferred to the larger tract, all in the same ownership, and as more particularly described on Petitioner's Exhibit 1.

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The Petitioners, who were represented by Counsel, appeared and testified Lugene F. Raphel, Registered Professional Land Surveyor also appeared on behalf of the Petitioners. Mr. H. H. Windesheim and Hs. Catheryn C. Maier appeared and testified as Protestants. Both are adjoining land owners and are directly affected by the proposed transfer.

Testimony obnsisted of both direct and profferred material and tends to establish the \* llowing facts: The Petitioners have in the past, or now do own all or part of Parcels 1, 3 and 4 as shown on Petitioner's Exhibit 1. Parcels 1 and 3 were subdivided in the past and one of the two remaining lots from each Migarcel were sold to Ms. Maier and Mr. Windesheim, respectively. The remainder of Parcel 3 contains one density unit and the remainder of Parcel 1, which is the TAKE outlined in green on Petitioner's Exhibit 1, contains one density unit.

The 17.60 acre parcel to be transferred is shown on the plan outlined in I green and hatched with lines in the eastern section of Parcel 1. This hatched form a larger tract. The density unit in the green section of Parcel I will remain with the western part of that section. Therefore, Parcel 3 will gain no

There is no evidence that the Petitioners' request will injure the health, pasety or welfare of the community of this transfer takes place. Furtherrore, this transfer will not thange the density of the area or allow for over-development of the hand.

Based upon the evidence presented at the hearing held, the relief requested should be granted. The hearing was properly posted and advertised, and the requirements of Section 500 of the BCIR have been met.

Postine reasons stated above. IT IS OFFICEED by the Zoning Commissioner of Baltimore County this of the day of October, 1967 that a non-density transfer of a 17.510 acre parcel for agricultural purposes in an R.C.2 zone to an adjacent R.C.2 zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictioner ...

> If The combiled property shall be properly described in a deed recorded in the land records of Baltimore County and shall clearly state that the subject property is one lot and parkel and not two lots and parcels described on one deed. The said deed shall be recorded on or before February 15, 1988.

The Petitioners must offer the property to the Maryland Agricultural Land Preservation Foundation as outlined in the hearing and the Petitioners must comply with the requirements of the Maryland Agricultura: Land Preservation Foundation.

That a new plat must be submitted to the Zoning Commissioner for approval on or before Fetruary 15, 1988 showing the resulting configuration of all the lands with property lines, tuilding placements and notation of current land owners clearly shown. The new plat shall become a part of the case file and copies of the plat shall be mailed to the Protestants.

Baltimore County

density units. Parcel 4 will be unaffected by this transfer.

The result of this transfer will be to create one lot out of two, which will result in a large tract, and leave a smaller building lot in the western. portion of Parcel 1 in the green section. The resulting larger tract will consist of Parcel 3 and the hatched area of Parcel 1. This lot will have only one density unit after the transfer, as it does at the present time.

The Petitioners claim that the resulting farm will be more than 100 acres in size and will be placed in the Maryland Agricultural Land Preservation Foundation. The transfer is necessary to est blish a large tract in accordance with the requirements of the Foundation.

Both Protestants, Mr. Windeshiem and Ms. Maier do not want the Petitioners to subdivide Parcel 3 or the newly created larger tract to create additional building lots. Ms. Maier does not want a house built on the smaller building lot in the western portion of Parcel 1 if it will be visible from her home. Both Protestants are in favor of placing all of the Petitioners' property in the Maryland Agricultural Land Preservation Foundation, as the Petitioners claim

The issue here is whether or not the combination of the hatched area, of Parcel 1 with the Petitioners' portion of Parcel 3 is consistent with the Baltimore County Zoning Regulations (BCZR).

Section 1A00.1, BCZR, explains the Baltimore County Council's (Council) intent in creating the R.C. classifications. The concern was evident that agricultural land was being converted by development without sound planning considerations; i.e., that development was creating "urban sprawl" and undesirable land use patterns. The Council wanted to protect prime agricultural land, critical watershed areas, mineral extractive sites, as well as other important natural resource areas. To achieve this result, the R.C. classifications would: 1) planned or orderly development; 2) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas; 3) protect both natural and man-made resources from compromising effects of specific forms and densities of development; and 4) protect areas desirable for more intensive future development by regulating undesirable forms of development within

discourage present land use patterns of development and create a framework for

BCZR. Specifically, the R.C.2 zone was established to encourage continued agri-· 医阿拉斯斯氏 医乳腺性 (1) cultural use of productive agricultural areas by preventing incompatible forms and degrees of urban uses. Section 1A01.1.B.

these areas until such time as intensive development commences. Section 1A00.2,

The question here is one of construction of the BCZR. When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingham Township, 440 A.2d 1284 (Pa. Cmwlth., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. ( Mongony v. Bevilacqua, 432 A.2d 661 (R.I., 1981).

The meaning of the 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 But by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. R denied, 425 U.S. 942 (1976):

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); Scoville Serv., Inc. 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, 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. 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 Maguire v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), '[a]drerence 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. 219, 225 A.2d 317 (1967); Height

The application of the above principles to the BCZR results in a clear finding that a non-density transfer of land, all of which is contained in the )same zone, which results in a large tract with no additional development rights, Vis permitted. The purposes of the R.C.2 zone are supported by testimony in this matter in reference to the reasons for the larger tract.

v. State, supra.

The larger tract will result in an active and working farm. The farm nature will be preserved by the non-density transfer as no additional development will be able to result from the transfer. This is a productive agricultural area and the majority of the resulting tract will be used for agricultural purposes. Likewise, the resulting farm is the first permitted use of right in the R.C. 2 zone and as a result, is consistent with the spirit and intent of the

RE: PETITION FOR SPECIAL HEARING E/S Evna Rd., 980' N of Mt. Carmel Rd., 7th District

RALPH P. STERN, et ux,

Petitioners

final Order.

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY : Case No. 88-131-SPH

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

ENTRY OF APPEARANCE

Phyllis Cole Friedman People's Counsel for Baltimore County

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

I HEREBY CERTIFY that on this 17th day of September, 1987, a copy of the foregoing Entry of Appearance was mailed to Lewis L. Fleury, Esquire, 305 W. Chesapeake Ave., Suite 201, Towson, MD 21204, Attorney for Petitioners.

PETITION FOR SPECIAL HEARING

7th Election District - 3rd Councilmanic District Case No. 88-131-SPH

LOCATION:

East Side of Evna Road, 980 feet North of Mt. Carmel Road

DATE AND TIME: Tuesday, October 6, 1987, at 11:15 a.m. PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,

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 non-density transfers including a 17.610 acre parcel for agricultural purposes in an R.C. 2 Zone to an adjacent R.C. 2 parcel in the same ownership

Being the property of Ralph P. Stern, et ux, 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.

> J. ROBERT HAINES ZONING COMMISSIONER OF BALTIMORE COUNTY

Beginning for the same at a point located Northerly, 98° along Evna Road and N 21° 00 E 2950° from the intersection of Evna Road and Mt. Carmel Road. Said point being also the beginning of the 18th line of the land which by Deed dated December 31, 1986 and recorded among the Land Records of Baltimore County in Liber S.M. 7384, folio 47, was conveyed by George S. Wareheim, Jr. and wife to Ralph P. Stern and Dianne L. Stern, his wife, running thence and binding on said outline the five following courses: 1) N47\*08'01"E 283.18'; 2) N48\*00'08"E 268.06; 3) N45°18'15"E 551.86'; 4) S51°30'06"E 294.75'; and 5) S61°55'07"E 400.01'; running thence on a part of the 4th line of the first parcel of land which by deed dated November 7, 1963 and recorded among the Land Records of Baltimore County in Liber RRG 4228, folio 179, was conveyed by Fred Wilke and wife to George S. Wareheim, Jr. and wife, S41°02'57"W 1046.20'; running thence by lines of division N60°12'10" W 792.20' and N 48°57'08"W 10.12' to

Containing 17.610 acres of land more or less.

E. R. Raphel & Associates Registered Professional Land Surveyor



the place of beginning.

Mr. and Mrs. Ralph Stern Sentember 23, 1991 Page 2

request for two children lots. These Office of Planning and Zoning comments must be submitted to the Maryland Agricultural Land Preservation Foundation before they will review your request for these two lots. (See attached memo from W. A. Lippincott cated 9/5/91.) As you know, the Ealtimore County Agricultural Land Preservation Advisory Board has already recommended approval to the Founcation subject to Baltimore County Office of Planning and Zoning certification that these lots are consistent with County Planning and development requirements. If the Baltimore County Office of Planning and Zoning does not find this subdivision of children lots to be consistent with Baltimore County planning and development requirements, the lots will not be approved by the Fourcation.

You will also note from the attached memo to Douglas A. Swamm dated 5/21/91 that no building permits will be issued for the children lots until these issues are resolved and until the lots are actually deeded to both

It is hoped that this letter will serve to put into perspective for all concerned the various components of this issue. Please call me if you have any questions.

Sincerely,

Program Administrator Apricultural Land Preservation Program

P25.50

ici Mr. Mark Daneker

Me. Michael P. Tarczyn

we armost ablom Mr. Paul W. Schendt

We wallace S. Little Michigan Well Linca Forrester

Me. Catherine Moison, Johnny Coffice. May Don't & A. CAMBORT

we deremy Criss. Mortgomery Charty

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Che apeake Avenue Towson, MC .1204

887-3353

July 11, 1991

Ms. Linda L. Forrester 17021 Evna Road Parkton, Maryland 21120

> RE: 17021 Evna Road Property Tax ID #21-00-014-156 Recorded Liber 8308 Folio 015 ILLEGAL SUBDIVISION

Dear Ms. Forrester:

It has come to this office's attention that a one acre parcel of land was subdivided and transferred from Diane Lears Stern to you by means of a deed recorded in Liber 8308, Folio 015.

As was indicated in Zoning Case 88-131-SPH, the one acre parcel was to remain with the 88 acre parcel as there were no subdivision rights left. As was indicated by Mr. Paul Solomon of the Department of Environmental Protection and Resource Management the lot could not fall into the category of lots that may be created under the Maryland Agricultural Land Preservation Program.

This letter is to notify you that the Baltimore County Office of Zoning Aiministration and Development Management shall not consider this a legal subdivision. No building permits or zoning approvals shall be issued on the referenced property; i.e., swimming pools, decks, and other like structures. The only way to correct this situation is to reconfigure the two lots in accordance with the 88.036 acre tract as shown on the site plan found in Liber 8405, Folio 631.

You are hereby notified that a copy of this letter is to be recorded among the Land Records of Baltimore County.

Very truly yours,

Arnold Jablon, Director Zoning Administration and Development Management

NI/COM/jet

Serving Leople and Maryland's Number One Industry - Agriculture



Wayne A. Cawey, Jr. Rober L. Walker

STATE OF MARYLAND DEPARTMENT OF AGRICULTURE

MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

July 12, 1991

CERTIFIED/RETURN RECEIPT REQUESTED

Mr. & Mrs. Ralph P. Stern Candle Valley Equestrian Center 17027 Evna Road Parkton, Maryland 21120

n Donald Schaefer

nn A. Steinberg

LL Governor

Re: 03-07-88-02e

Dear Mr. & Mrs. Stern:

This letter serves as follow-up to my letter to you dated May 16. 1991 regarding recent activity on your easement property. As explained earlier, the Maryland Agricultural Land Preservation Foundation receives a report that you are developing your property in a way that is inconsistent with the restrictions placed on your land by a recorded Deed of Easement (Liber 8258, Folio 289).

A copy of the recorded Deed of Easement was sent to you sent to you with my May 16, 1991 letter and reflects the covenants, conditions and limitations placed on your property. Please be advised that in order for any development to take place on the subject property, Foundation approval must be obtained.

In review of your files, I noticed a letter from you dated April 12. 1989, indicating your acceptance of the easement offer made to you by the Foundation. In the same letter, you stated that you wish to exclude (2) one acre lots for the purpose of building homes for your daughter. Raren Helbig and yourself. Although you stated you would follow-up with this and optain necessary information from Baltimore County, nothing is in your files indicating that any lots were officially approved by the foundation.

Therefore, any development on this easement property would be in violation of the Deed of Easement. If your intention is to exclude a 1.00 acre lot for your daugnter and a 1.00 acre lot for yourself for the purposes of constructing a dwelling intended for you or your child's personal use, please contact Baltimore County for proper approvals. Mr. Paul Solomon is the Program Administrator for Baltimore County and can be reached at (301) 887-2904 or (301) 887-3980.

50 HARRY S TRUMAN PARKWAY, ANNAPOLIS, MARYLAND 21401

(301) 841-5700

a Mr. Paul Soloman

Towson, Maryland 21204



17027 Evna Road

July 24, 1991

Parkton, Maryland 21120

Re: 17021 Fyna Road

Parkton, Maryland 21120

Paul W. Scheidt

Executive Director

The Foundation staff has also been advised that your easement property

Flease respond in writing to the Foundation by July 31, 1991 to

is also currently being advertised for sale with a buildable lot. Since

there is no record of a lot being approved by the Foundation, any

development of the property is still restricted. Please also be advised

that subsequent owners of easement property do not have the right to

exclude lots. I have enclosed a brochure relating to the rights of

clarify the situation and activity on your easement property. If you have

any comments, questions or concerns relating to this matter, please do not

tesitate to call me at (301) 851-5860.

Mr. & Mrs. Ralph P. Stern

Page 2

July 12, 1991

subsequent owners.

Esclisire

F#5:51

co: Leonard Lowry, Chairman, MALPE Tan Shortall, Vice Chairman, MALPF Craiq Mielsen, Esquire Paul Solomon, Baltimore County Program Administrator

EXHIBIT "A"

-87751 RATELS

BEGINNING for the same at a point at the end of the 1st or South 47 3/4 East 62 perch line of the land which by deed dated November 22, 1965 and recorded among the Land Records of Baltimore County in Liber O.T.G. 4553, folio 14, was conveyed by Grace L. Hood, widow to Anna M. Leach, said point being also at the end of the 11th or South 45 feet West 62 perch line of the land which by deed dated November 7th and recorded among the Land Records of Baltimore County in Liber R.R.G. 4228, folio 179, was conveyed by Fred Wilke and Anna Wilke, his wife, to George S. Wareheim, Jr. and Beryl A. Wareheim, his wife, running thence and binding reversely on part of the 1st line of the first mentioned deed and reversely on part of the 11th line of the second mentioned deed as now surveyed North 45 degrees 19 minutes 02 seconds East 300.00 feet thence leaving the outline of the aforesaid deeds and running for a line of division now made thru the lands of the grantor South 38 degrees 33 minutes 04 seconds East 165.18 feet to the end of the 3rd line of the first mentioned deed running thence and binding reversely on said 3rd line South 50 degrees 04 minutes 00 seconds West 373.95 feet to intersect the 12th line of the 3rd parcel of aforesaid deed, Wilke to Wareheim, running thence and binding reversely on part of said line and reversely on the 2nd line of the first mentioned deed, Hood to Leach, as now surveyed North 7 degrees 01 minutes 40 seconds West 148.50 feet to the place of beginning. Containing 1.096 acres of land, more or less.

CORLOCKUPE COCKTY, MARYLAND

THE COURT CONTINUES.

CATE: May 19, 1991 Grandram Abmutustrations

- Asilade in hippingstick of the office of Plantage & Canada

CURCECT: MALIF LUT REQUECTS

This office upon consultation with the Zoning Office would like to further review the let request for Mr. & Mrs. Raigh Stein. We have reply as seen as persuade. If thus presents any difficulty. please :carana.

VSL 15 ASBOTFACCOOL TXTLLF

BRETIMORE COUNTY, MARYLAND CERRATMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

FROM: Paul J. Solomom, Administrator Agricultural Land Preservation Program

SUBJECT: Minor Subdivision - Ralph P. and Dainne L. Stern

A minor subdivision involving two lots has been approved by Eastircre County for the Stern farm along Evna Road in Baltimore County. These two lots were permitted as children lot exclusions under the Maryland igricultural Land Preservation Program. However, prior to the approval or release of any building permits, this subdivision must be formally approved by the Maryland Agricultural land Preservation Foundation in Annapolis since the Stern property is an Agricultural District under the Maryland Agricultural Land Preservation Program and the Stern's have sold an easement to the State of Maryland under this Program.

In addition to receiving Foundation approval, it appears that the Sterm's will be required to refund to the State the sum that they received for the land area to be developed. In addition, other issues regarding the Stern property have been determined to exist and need to be resolved.

Therefore, it is critical that no building permits be processed or approved until such time that the various issues be resolved.

Please contact me if you have any questions regarding this matter.

Mr. J. James Dieter Mr. Donald C. Outen Mrs. Janice B. Outen Mr. Mark Daneker

Dear Mr. Danneker:

In order to correct the illegal subdivision caused by the deed transferring ownership of the above referenced property from my husband and myself to me and subsequently to my sister, Linda Forrester, I wish to propose the follow-Instead of the one building right (for my husband and

Baltimore County Agricultural Land Preservation Board

401 Bosley Avenue, Room 416 Courts Building

Attn: Mr. Mark Danneker, Chairman

Baltimore County Department of Environmental Protection

myself) allowed by the Land Preservation Board, which we had originally thought we had given up to allow my sister the property (at the actual costs of the clearing, well, septic and foundation paid by me), we will agree to give up that right and, in addition, we will give up the fourth right, the right to grant a lot to our minor child, Jayme Stern, if you will consider allowing my sister to keep the lot and the modular home she has put on it in her name and as a separate parcel.

Please give this matter your consideration. We did not mean to do anything wrong, we were just trying to help my sister.

Dianne L. Stern

EXISG part of the 1st and part of the 3rd parcel of the land which by deed dated November 7th and recorded among the Land Records of Baltimore County in Liber R.R.G. 4225, folio 179, was conveyed by Fred Wilke and Anna Milke, his wife, to George S. Wareheim, Jr. and Beryl A. Wareheim, his wife, subject to a 25 foot strip of land for the purpose of widening Evna Road to be dedicated to Ealtimore County upon demand and at no cost along the 5th or lith lines inclusive of the above described parcel.

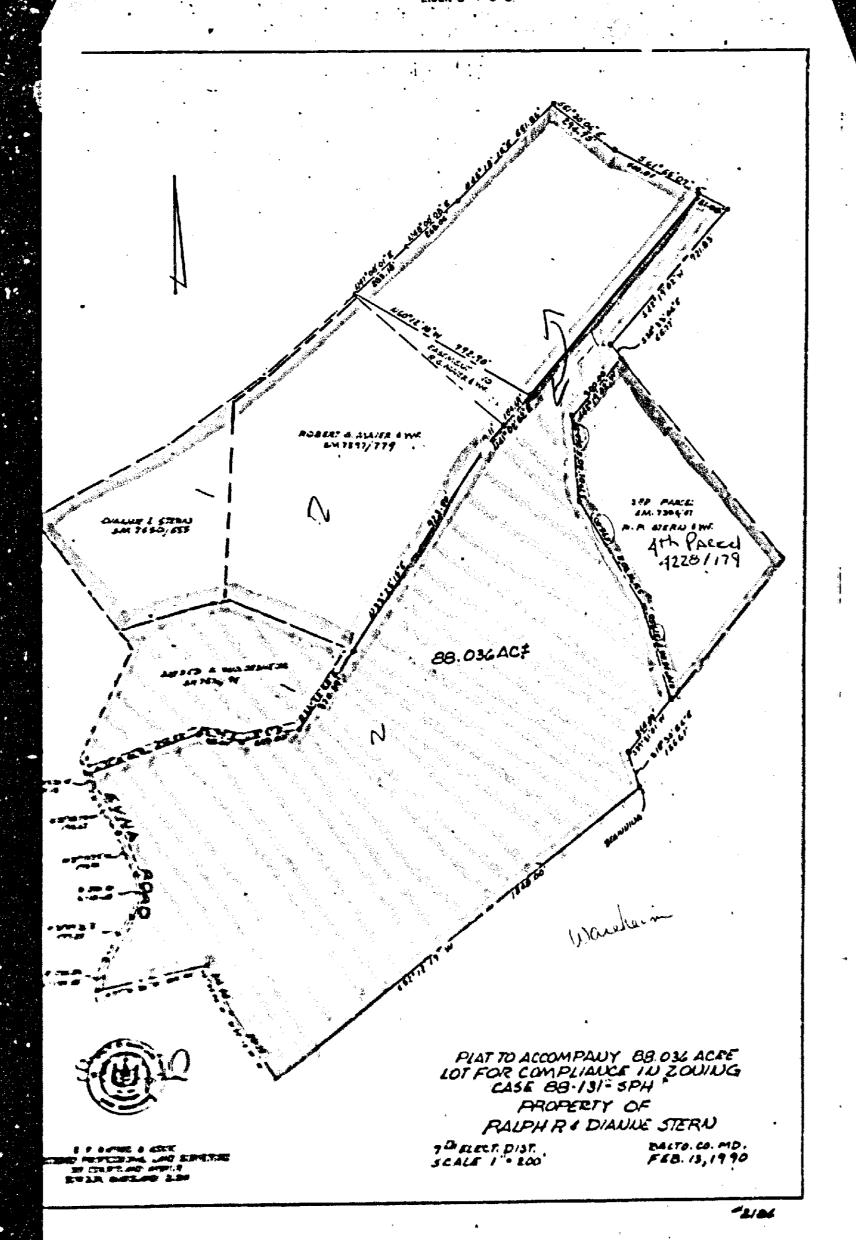
RECIENTING FOR THE SECURD THEREOF at a point in the 7th or South 55 degrees 27 minutes 25 seconds West 464.45 foot line of the land which by deed dated March 18. 1971 and recorded among the Suni Records of Ealliburg County in Liter E.E.K.Jr. 5145, folio 171, was conveyed by Goorge S. Wareheim, Jr. and Seryl A. Wareheim, his wife, to the State of Maryland to the use of the Department of Satural Resources at a distance of 143.28 feet from the beginning of the said 7th line, running thence and binding reversely on said 7th line and on part of the 6th line of said deed, as now zurveyed. North 55 degrees 40 minutes 02 seconds East 143.28 feet and North 49 degrees 44 mixtes 10 seconds East 480.16 feet, thence leaving the aforesaid 6th line and running for lines of division the four (4) following courses and distances: (1) South 48 degrees 57 minutes 09 seconds East 10.12 feet running themce parallel to and distant 10 feet from the 2md and 1st lines described above (1) South 49 degrees 44 minutes 30 seconds West 482.20 reet and (3) South 55 degrees 40 minutes 02 seconds West 151.52 feet thence (3) North 3 degrees 18 minutes 38 seconds East 12.63 feet to the place of beginning. Containing 0.144 acres of land, more or less.

BEING part of the lat parcel of the land which by deed dated November 7th and recerbed away the Land Records of Baltimore County is Liber B.R.G. 4218, folio 178, was conveyed by Fred Hilke and Anna Hilke, his wife, to George S. Wareheim, Jr. and Beryl A. Wareheim, his wife,

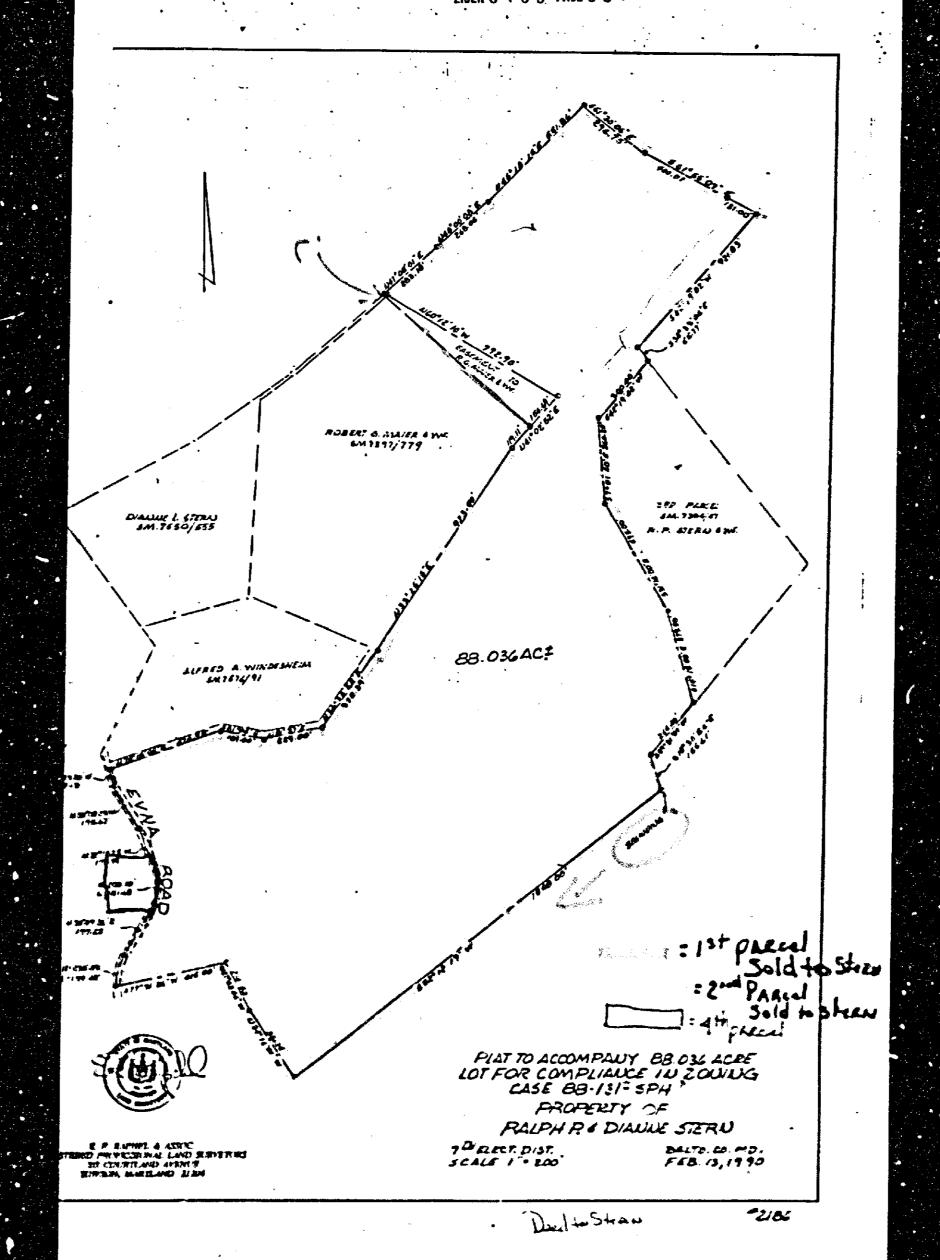
RECLERIES FOR THE INCRES THEREOF At a point at the end of the leth or South 9 East 18 perch line of the 3rd percel of the land which by deed dated November 7th and rectried among the Land Records of Baltimore County in Liber E.E.G. 4218, falls 178, was conveyed by Fred Wilke and Anna Wilke, his wife, to George S. Maretein, Jr. and Beryl A. Marehein, his wife, said point being also the beginsing of the 4th parcel of the aforesaid deed running thence and binding on the let, led and led lines of 4th parcel as now surveyed and corrected Secth 39 degrees 31 minutes 01 seconds East 315.48 foot Sorth 38 degrees 33 minutes 64 seconds Most 877.54 foot and South 58 degrees 04 minutes 08 seconds West 373.85 feet to intersect the 12th line of the aforesaid 3rd parcel of the aforesaid deed running thence and hinding on part of said 12th line and on the 4th, 5th and 6th or last line of the aforesaid 4th parcel as any surveyed Boath 7 degrees 01 minutes 48 seconds East 211.78 feet fouth 11 degrees 14 minutes 00 seconds East 495.00 feet and degrees 14 minutes 86 seconds Sast 379.50 feet to the place of beginning. Containing 11.199 acres of land, more of lass.

BEING all of the the percel of the land which by deed dated November The and recented among the land secrets of Baltimore County in Liber 8.8.G. Alls, folio 176, was conveyed by Fred Wilks and Anna Wilks, his wife, to Secrye S. Mareneim, Jr. and Beryl A. Mareneim, his wife.

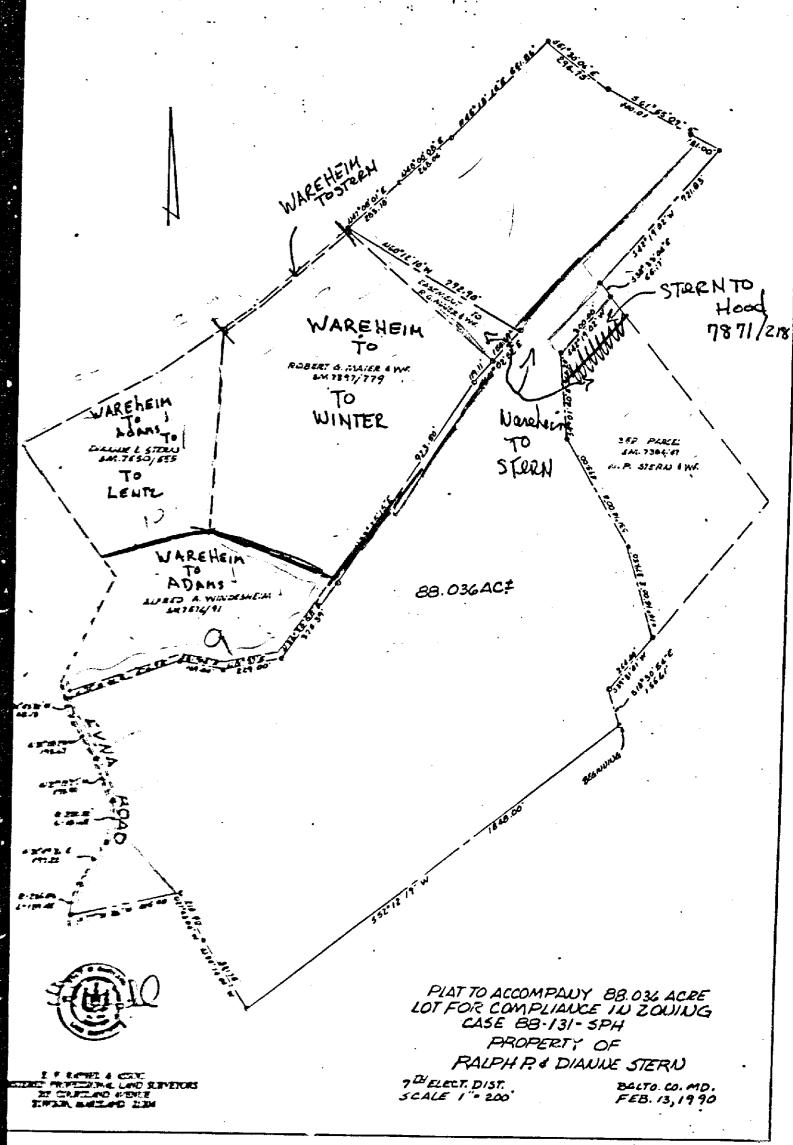
SPICETIES FOR THE FOURTH THROUGH at the point in the 4th or Borth 3 degrees 3f minutes west th 1/4 perth lise of the 3rd percel of the land which by food dated Servencer The and recerted among the Land Seconds of Railimore County is Liber B.E.S. 4118, felts LTB, was conveyed by Fred Wilhe and Azza Wilke, his wife, to Gorrye S. Maredese, Jr. and Beryl A. Mareheim, his wife, at a distance of lat feet from the beginning of said line, running themre and hunding we said like, as more surveyed and corrected. North Degrees 23 minutes 14 seconds West 222.18 and Botth & Degrees 37 minutes 22 seconds west tf 42 feet thence leaving the ratline of the said 3rd percel and running for lines of division are made this the last of the granter the fire (1) following courses and distances: (1) Borth 87 degrees 21 minutes 12 secrats East 115.50 feet '12 horth ?? togress 18 minutes 11 seconds East 42.14 feet to the course of five head remains these is as near the center



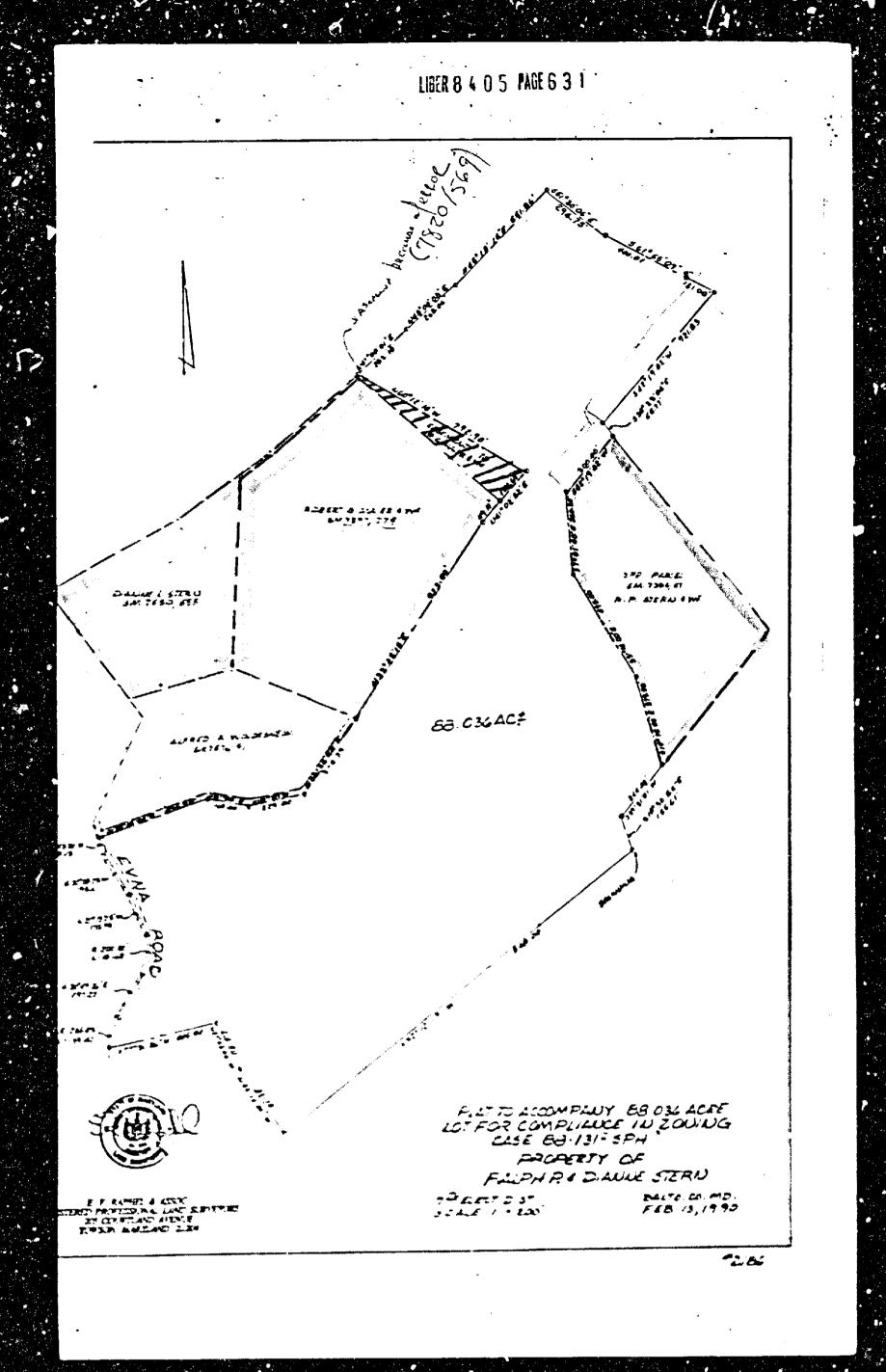
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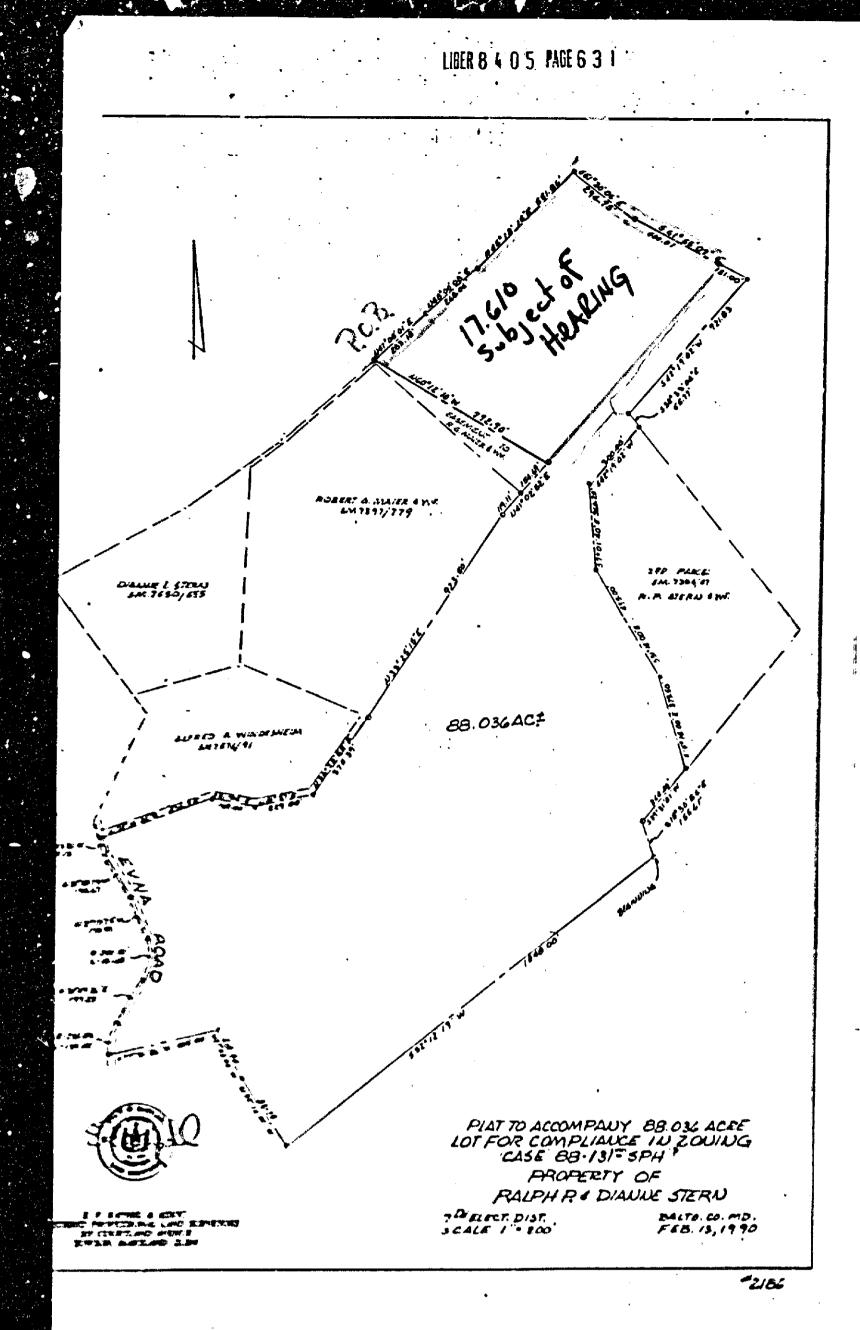


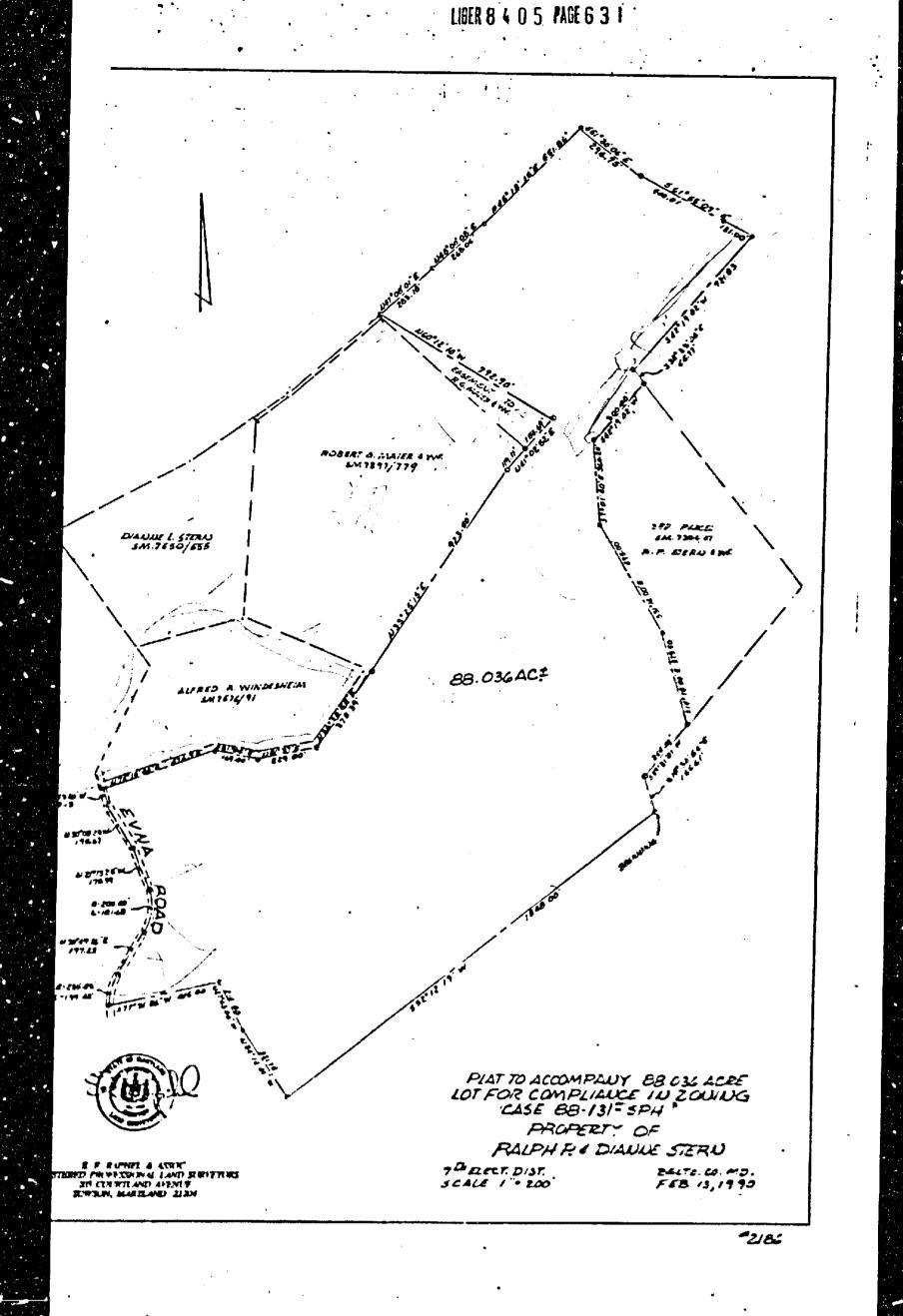
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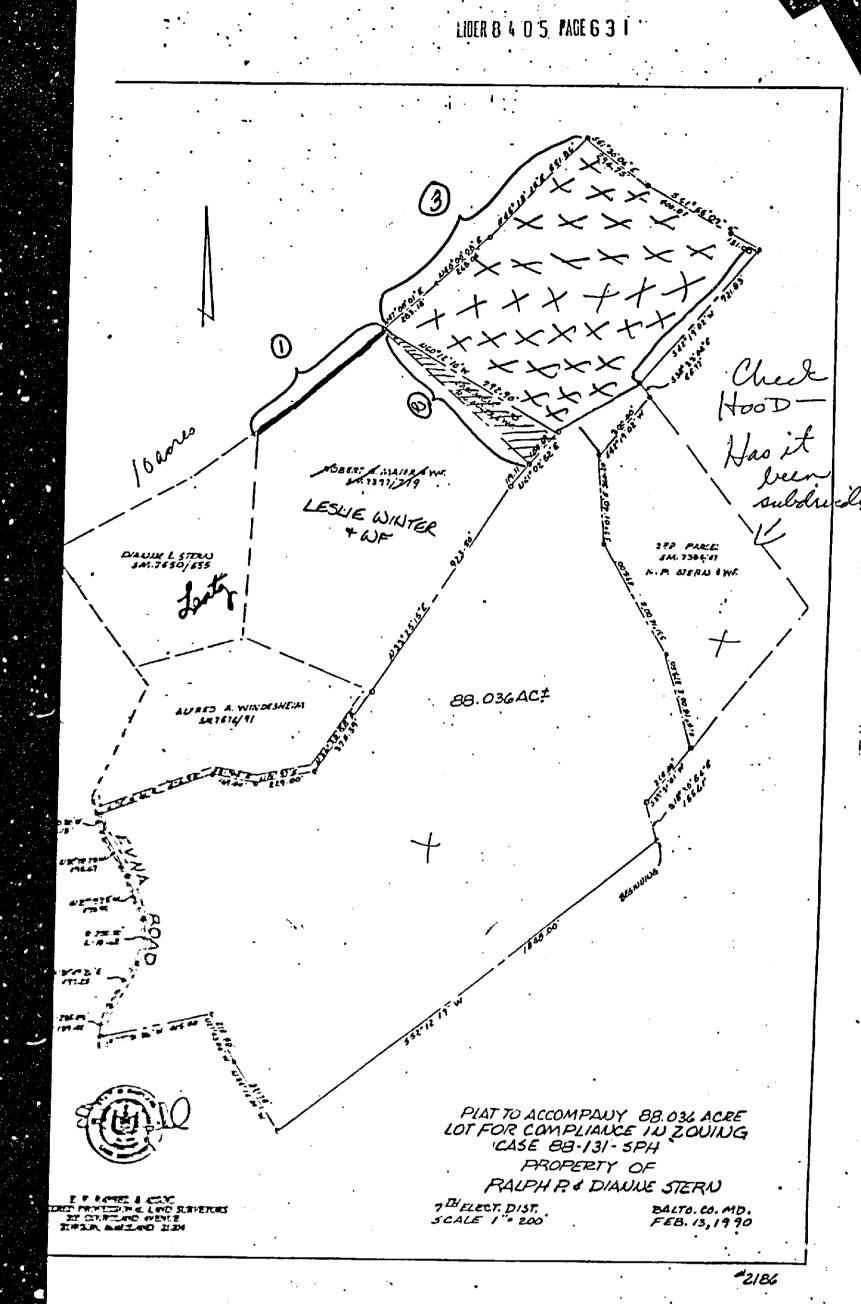


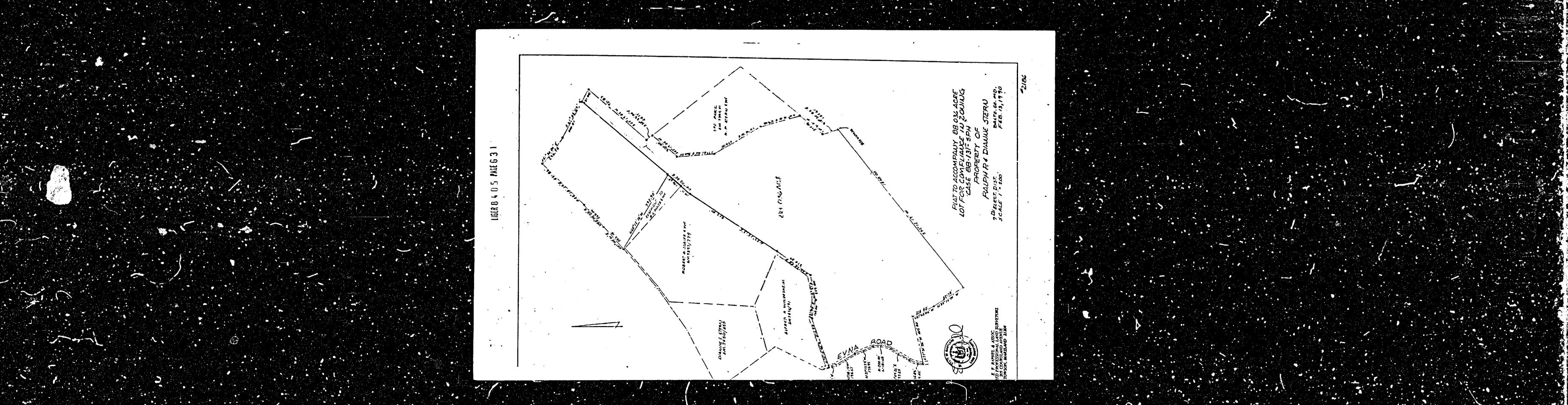
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Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 434-3353



RE: Petition for Special Hearing E/S Evna Road, 980' N of Mt. Carmel Road 7th Election District; 3rd Councilmanic District Ralph P. Stern, et ux - Petitioner and the second of the s Case No. 88-131-SPH

Dear Mr. Fleury:

Pursuant to the recent hearing held on the subject case, please be advised that your Petition for Special Hearing has been Granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

> J. Robert Haines Zoning Commissioner of Beltimore County

JRH:bjs Enclosures

> cc. Mr. N. H. Windestreim 17119 Evn. -ed. Parkton, Md. 21120 Ms. Catheryn C. Haier

17121 Evna Road, Parkton, Md. 21120

File

Feople's Counsel

343-1288

Kerred I L'TITION FOR SPECIAL HEARING Petition 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 time of the second of the non-density transfers including a 17,610 acre parcel for agricultural purposes in an RC2 zone to an adjacent RC2 parcel in the same ownership, as shown on the attached plat.

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. MAP NW28 Contract Purchaser: Legal Owner(s): (Type or Print Name) xpe or Print Name City and State Attorney for Petitioner: Lewis L. Fleury, Esquire 16833 Yeobo Road 771-4213 Sparks, Maryland 21152 305 W. Chesapeake Avenue, Ste 201 Name, address and phone number of legal owner, con-Address Towson, Maryland 21204 tract purchaser or representative to be contacted Lewis L. Fleury, Esquire Attorney's Telephone No.: \_825\_9200 305 W. Chesapeake Avenue, Ste 201 Address Towson, MD 2120 Phone No. 825-9200 ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_28th\_\_\_\_\_ day required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-October Zoning Commissioner of Baltimore County.

CERTIFICATE OF PUBLICATION PETITION FOR
PROCEAL HEARTHAN
TO Section District.
To Councilmanic District
Case No. 89-431-8F11 LOCATION: East Side of Evna Read, 980 frut North of Mt. Cor-mit Read DATE AND TIME: Tuesday, Oc DAIS AND TIME: Tuesday, October & 1967, at 11:15 a.m.
PUBLIC HEARING: Room 106,
County Other Building, 111 W.
Chesapeake Avenue, Towson,
Maryland prove non-density transfers including a 17.64.) acre parcel for agricultural purposes in art R.C. 2 Zone to an adjacent R.C. 2 parcel in the same

a/i/87- Copy of remaind petition sent to Fleuly + People's Council ser UCR. J. med

describip.

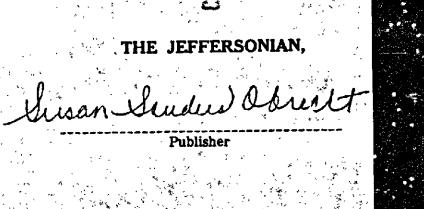
Being the property of Ralph ?

Stern, et en, shown on plat plan filed.

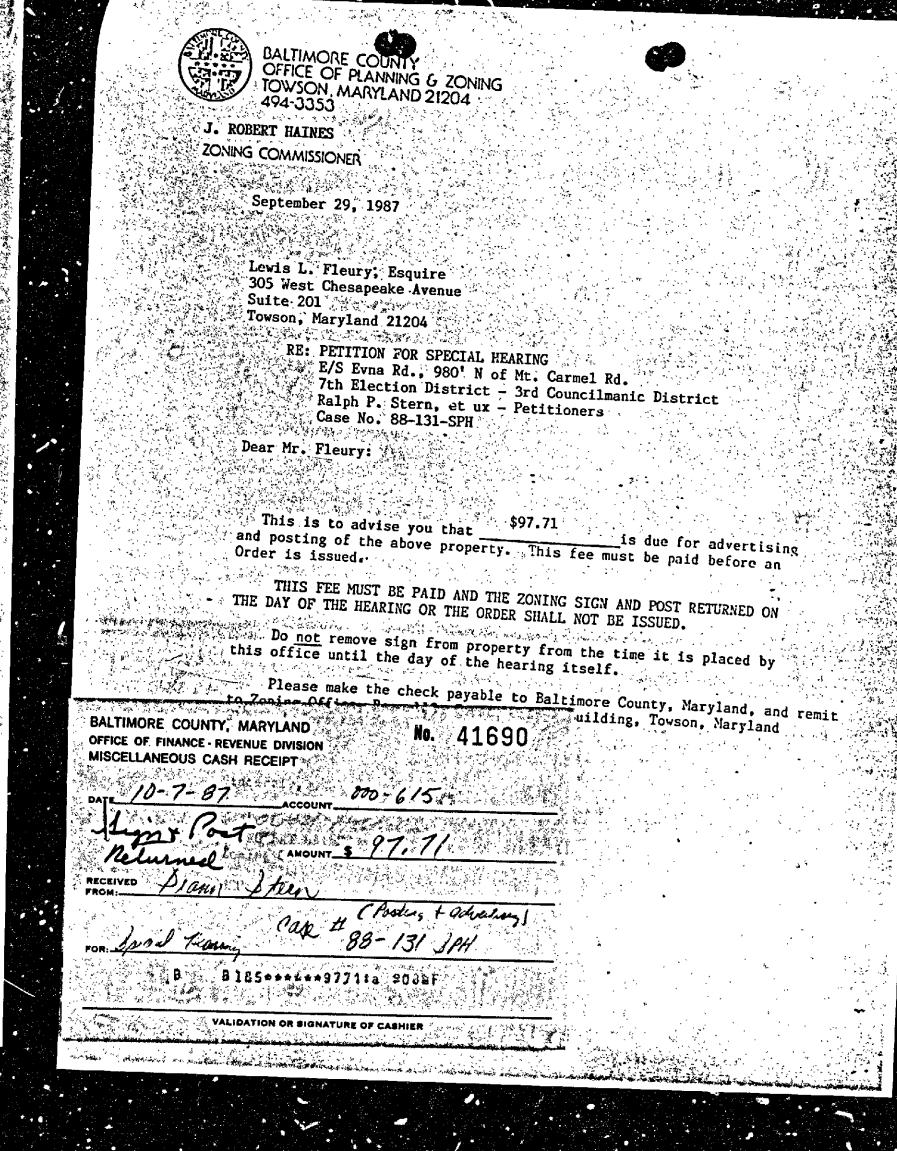
in the everat that this Petition(s) in granted, a building permat may be bused within the thirty (30) day appeal period. The Zorang Commissioner will, however, extertain any request for a stay of the insuance of read permit during this wind for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order Of J. ROBERT HAINES

Zoning Commissioner
of Balancie County
9105 Sept. 17.



Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 Lewis L. Fleury, Esquire 305 W. Chesapeake Avenue Towson, Maryland 21204 RE: Petition for Special Hearing E/S Evna Road, 980! N of Mt. Carmel Road 7th Election District; 3rd Councilmanic District Ralph P. Stern, et ux - Petitioner Case No. 88-131-SPH Dear Mr. Fleury: Pursuant to the recent hearing held on the subject case, please be advised that your Petition for Special Hearing has been Granted, subject to the restrictions noted in the attached Order. In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office. J. Robert Haines Zoning Commissioner of Baltimore County Enclosures cc: Mr. H. H. Windesheim 17119 Evna Road, Parkton, Md. 21120 Ms. Catheryn C. Maier 17121 Evna Road, Parkton, Md. 21120 People's Counsel



CERTIFICATE OF PUBLICATION PETITION FOR SPECIAL NEUTRING SPECIAL NEUTRING SPECIAL PUBLISH SPECIAL A DCATION: Seet Side of Evre Road, "90 feet North of Mr. Carmel Road DATE AND TIME: Tuesday, Cotober 4, 1987, at 11:15 a.m.
PUBLIC HEARING: Room 108, County Office Building, 111 W Cheappele Avenue, Towson, Maryland The Zoning Commissioner of Balti-tions County, by authority of the Zoning Act and Regulations of Balti-more County, will hold a public hear-Petition for Special Hearing to approve non-density transfers in cluding & 17.810 sore percel for Boing the property of Reigh P. Stern, et us, as shown on plat plan illed with the Zoning Office. In the event that this Patition(s) is granted, a building permit may be tissued within the thirty (30) day ap-peal period. The Zoning Commis-sioner will, however, entertain any Susan Sender Obrest request for a stay of the securice of said permit during this period for good cause shows. Such requests must be received in writing by the date of the hearing set above or made at the learning. 91590-M05220 Sept. 16

RE: PETITION FOR SPECIAL HEARING E/S Evna Rd., 980' N of Mt. Carmel Rd. 7th Election District - 3rd Councilmanic District Case No. 88-131-SPH Ralph P. Stern, et ux - Petitioners 11:15 a.m. Tuesday, October 6, 1987 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

NOTICE OF HEARING

September 3, 1987

Lewis L. Fleury, Esquire

Towson, Maryland 21204

Suite 201

305 West Chesapeake Avenue

No. 41443 ssioner re County BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT AMOUNT \$ 100.00 8 394\*\*\*\* 16 930: a 8376 3 VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING Date of Property 9-18-87..... Reffi Politice it up Lesson & property Eff Coma Red 9 Fo Not Carnel Lecter & some Cost side in Corna Pred appropriate Lefe month... Date of return: 9-24-67

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this 23th day of August 1987 ZONING COMMISSIONER Received by: Charleman, Drening Plans Petitioner Relph P Stern, ot us Advisory Committee Latis L. Floury Boquire LEWIS L. FLEURY 13811978 WAS TA SIZEBANDO ONA YEMPOTTA E 801 Car in a new SOS WEST CHESAPEAKE AVENUE Fire the same of the BALTMORE MARYLAND \$1204 August 17, 1987 Mr. J. Robert Haines Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 RE: Item No. 57 E/S Evna Road, 980\* N of Mt. Carmel Road 7th Election District Mr. & Mrs. Ralph P. Stern, at ask Dear Commissioner Haines: At the request of my clients, Mr. & Mrs. Stern, I am writing to you to request assignment of the above matter for hearing at the earliest available date, because of the pendency of a Contract of Sale for the residue of parcel I described in the Petition, after the non-density requested. This Contract has by its terms expired and will be renewed by the purchasers only upon obtaining an early hearing data. Accordingly, failure to obtain an early date will result in substantial monetary loss and hardship to the landowners. Thank you very much for your kind consideration and advise. Very truly yours, LLF:jm cc: Mr. & Mrs. Ralph P. Stern F5/Stern2one February 24, 1988 Lowis L. Plaury, Esquire 305 W. Chesapeake Avenue, Suite 201 Touson, Mary and 21204 RE: Petit leve at the pattern of Diane Stern's development a District - 3rd Councilmanic District Case No. 68-131-SPH of this land and deny her request. Dear Hr. Pleury Enclosed for your reference is a opy of the Order lasure on the abovareferenced matter. In accordance with the restrictions noted therein, please be advised that this office has not yet received documentation that the conditions precedent to the relief requested in the special hearing have been set. If you have any questions concerning this matter, please do not healtate to call this office. J. NOBERT HAINES Baltimere County cc: Ms. Catheryn C. Kaier 17121 Evna Road, Parkton, Md. 21120 Mr. H. H. Windesheim 17119 Evna Road, Parkton, Md. 21120

Ba more County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204 ( Re: Property Owner: Ralph R.Stern, et ux Location: E/S Evna Road, 980' N. Mt. Carmel Road Zoning Agenda: Meeting of 8/18/87 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 propose 1 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. RED SHUTTERS FARM 17017 EVNA ROAD PARKTON, MARYLAND 21120

October 5,487

I am opposed to the variance

in density as requested by Diane Stern.

many times and requested the building of

agricultural community. Up to

Bureau of Engineering Department of Board of Education Zoning Administration Industrial

BALTI MORE COUNTY ZONING PLANS ADVISORY COMMITTEE September 30. 1987 COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204 Lewis L. Fleury, Esquire 305 W. Chesapeake Avenue, Suite 201 Towson, Maryland 21204 RE: Item No. 57 - Case No. 88-131-SPH Petitioner: Ralph P. Stern, et ux MEMBERS Petition for Special Hearing Dear Mr. Fleury: The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following State Roads Commission comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties Fire Prevention are made aware of plans or problems with regard to the Health Department development plans that may have a bearing on this case. The Project Planning Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suit-**Building Department** 

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 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, Chairman ·

Zoning Plans Advisory Committee

JED:kkb Enclosures

cc: E.F. Raphel & Associates 205 Courtland Avenue Towson, Maryland 21204

16832 YEAHD ROHD fANH P. STERN 16833 YEOHO RD. DIANNE LEARS STERN 316 Jodensay 21093 205 Curthend an

17119 EUNA RD VIIVO 17/21 EVNa Rd. 21/20

BALTIMORE COUNTY, MARYLAN

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines September 22, 1987 TO Zoning Commissioner

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

SUBJECT Zoning Petition No. 88-131-SPH

This office does not usually comment on special hearings; however, it is our opinion that there are no density transfer provisions in the R.C.

NEG: KAK: dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel



Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

Lewis L. Fleury, Esquire 305 West Chesapeake Avenue, Suite 201 Towson, Maryland 21204

RE: Petition for Special Hearing E/S Evna Road, 980' N of Mount Carmel Road (16833 Yeoho Road) 7th Election - 3rd Councilmanic District Case No. 88-131-SPH

Dear Mr. Fleury:

I recently had occasion to review my Order in zoning case No. 88-131-SPH with Carl Richards and Kate Milton of my office. It appears that neither restriction Nos. 1 and 3 of that Order has been complied with and this matter is in jeopardy of being voided for failure to comply with the Order.

I strongly suggest that you contact Mr. Richards at 887-3391 and provide him with written documentation substantiating full compliance with the terms, conditions and restrictions of this Order. This is the second time that I have written to you concerning this matter and, if it is not taken care of immediately, I will have no choice but to seek a zoning violation fine in the amount of \$100.00 per day beginning February 15, 1988 to present.

> Zoning Commissioner for Baltimore County

cc: Ms Catheryn C. Maier 17121 Evna Road, Parkton, Md. 21120

Mr. A. Windesheim 17119 Evna Road, Parkton, Md. 21120

Mr. Ralph P. Stern 16833 Yeoho Road, Parkton, Md. 21120

FE: ITIMS Evna Road Zoning Case #88-131-SPH 7th Election District

Door Mad Ingelitie

loan letter, in which you requested confirmation of five perts. ាស្នស ខេស្ក និយាមណាស្ថាល់ ១០ សម្បីពេល វាមេនាប្រជាជាមានប

the personal of the office and confirm, without hesitation, the

The trivial programs of the triple of applitude E.C.-2 (helauroe) as rest of a Agricultural of the 1968 Baltimore County The state of the state of

The property of with amount to any special exceptions. caruance, as although the or glanned unit development, other The state of the s

The trace against surviving the actual violations against the oppositely the expectangle class withour or governmental actions.

it. The property common tenther subdivised for demoty FILETTATISTATE .

Deborah J. Dopkin, Esquire May 5, 1992 Page 2

The next point which you requested confirmation stated: "The Property constitutes a single parcel, which complies with applicable subdivision regulations, and no further steps must be taken under the subdivision regulations of Baltimore County to effect a transfer of the entire Property". The 9.009 acre property described in Liber 7576 091 is described as a single parcel of ground. However, it is beyond the Zoning Office's scope of review to determine whether the parcel is still a single parcel and whether it was subdivided in accordance with the development regulations that were in place at that time. It is suggested that a title search would be necessary to clarify the first point and the Bureau of Public Services should be contacted to determine whether the development regulations were met when the subdivision was recorded.

If you need further information or have any questions, please do not hesitate to contact Catherine Milton at 887-3391.

Very truly yours,

UCIZ W. Carl Richards, Jr. Zoning Coordinator

By: Catherine A. Milton Planner I

CAMISCI

WILLIAM DONALD SCHAEFER, Commo ROBERT L. WALKER, Secretary LEWIS R. RILEY, Deputy Secretary



The Wayne A. Cawley, Jr. Building 50 HARRY S. TRUMAN PARKWAY ANNAPOLIS, MARYLAND 21401

<del>Laborary Associal</del>is (410) 841-5700 Washington (201) 261-4106 acamate 44100 841-5914

STATE OF MARYLAND DEPARTMENT OF AGRICULTURE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION November 30, 1992

Mr. and Mrs. Ralph P. Stern 17027 Evna Road Parkton, Maryland 21120

RE: 03-07-88-02e; 19.125 Acre Agricultural Subdivision of Easement Property

Dear Mr. and Mrs. Stern:

The Maryland Agricultural Land Preservation Foundation's Board of Trustees reviewed your request to agriculturally subdivide your easement property on November 24, 1992. After considerable discussion, the Trustees voted to deny your request. Reasons for denial were due mainly to the size of the proposed subdivision and the size of the remaining parcel to be retained. Although both tracts of land would be used for agricultural purposes as set forth under the Deed of Easement restrictions, the viability of operating each tract as separate agricultural operations becomes questionable.

Therefore, in the long-term view of agriculture, the Foundation's Board of Trustees voted not to approve the request as was presented. If you would like to discuss this further, please do not hesitate to call me at (410) 841-5860.

> Paul W. Scheidt Executive Director

PWS:if

cc: Wally Lippincott -Gary Huddles, Esq.

WILLIAM DONALD SCHAEFER, GODERO ROBERT L. WALKER, Secretary LEWIS R. RILEY, Deputy Secretary



The Wayne A. Cawley, Jr. Building 50 HARRYS. TRUMAN PARKWAY ANNAPOLIS, MARYLAND 21401 Baltimora/Assrapolis (410) 841-5700 Washington (301) 261-8106 Facecimals (410) 841-5914

STATE OF MARYLAND DEPARTMENT OF AGRICULTURE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION November 30, 1992

Mr. and Mrs. Ralph P. Stern 17027 Evna Road Parkton, Maryland 21120

RE: 03-07-88-02e; Request for a 1.00 acre lot exclusion surrounding a tenant house dwelling that existed at the time of district establishment

Dear Mr. and Mrs. Stern:

On November 24, 1992, the Maryland Agricultural Land Preservation Foundation's Board of Trustees reviewed your request for a 1.00 acre lot exclusion surrounding a tenant dwelling that existed at the time of district establishment.

It is our understanding that this request is being made by you in an attempt to correct the illegal subdivision caused when you transferred a 1.00 acre lot and existing dwelling to your sister, Linda Forrester on October 25, 1989.

With this understanding, your request to exclude a 1.00 acre lot surrounding a dwelling that existed at the time of district establishment was formally approved by the Foundation's Board of Trustees with the following stipulations:

- You agree to forgo any right to request the release of the log house as a pre-existing dwelling and that it will not be conveyed separately from the farm.
- 2) You agree to forgo any right to request a release of an owner's lot.
- If you have any questions or concerns, please do not hesitate to contact me at (410) 841-5860.

Sincerely Executive Director

PWS:if

SCHAUTE LANGE C Service -



The Marine A. Courses & Building NE HARRY & TELMAN FARRWAY ANNARYZA MASYLANC DISS between temporal and the ETB Superpose 200 20 All All All 

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## STATE OF MURILLAND DEP STREET OF AGRICULTURE

MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION November 20, 1992

ers. Ralph P. Stern na Road

and Mrs. Sterm:

Maryland 11110 07-88-01e; Two 1.00 Acre Lot Exclusions from Easement for Children - surer and the

, 1992, the Foundation's Board of Trustees reviewed your F. Lippincott to exc) two 1.00 acre lots from your easement property for your ur expense in Fare big and son, David Marx.

sple discussion, the Foundation's Board of Trustees voted we the request for a 1.00 acre lot for your daughter. This request Chank you for oved in accordance with the provisions of your Deed of Easement, for ose of constructing a dwelling intended for her use to be located as

request was also approved subject to the attached provisions approved by the Foundation's Board of Trustees, which clarifies on Policy concerning owner's and children's lot exclusions. ever, based on the Foundation's policy, and the fact that your sor is y to build at this time or within one year, the Trustees did not vote

ore a release can be prepared for your daughter, Karen, the on requires evidence that Karen will be ready to build within one

stated. Upon receipt of the same, the following will be required: Reimbursement of the amount paid to you by the Foundation for the requested lct. Cur records show this total amount to \$1,500.

A metes and bounds description of the lot in a recordable size (8 1/2" X 11") prepared, dated, signed and sealed by a registered land surveyor.

POLICY GUIDELINES FOR LOT EXCLUSIONS

Landowner or child must live in the dwelling for at least one year.

Construction of the dwelling must begin within one year from date the release document is recorded in the land records. If construction has not begun, a reversion clause will go into effect and the approval will be null and void meaning the lot will be placed back under easement/district restrictions.

Landowner's with multiple district/easement properties will only be allowed one owner's lot and his/her children will only be allowed 1 children's lot (not to exceed set density) regardless of the number of properties owned.

Children must be of legal age before the Foundation will release a lot in their

Landowners should document their intentions or desire to release lots for minors in the form of a letter to the Foundation, update their Last Will and Testament, etc, in order to provide for lots intended for their children who are not yet of legal age. This will serve as a type of protection, in the event the landowner dies before requesting Foundation approval for children's lots.

Foundation may approve lot exclusions based on a density of one lot per 20 acres or portion thereof. However, no lot, under any circumstances, may be released on properties less than 6 acres. In addition, no lots may be released on properties less than 20 acres if a dwelling already exists on the land. The Foundation may approve the release of 1 lot (childrens/owners) on properties less than 20 acres, but greater than

6 acres, only if there are no existing dwellings on the land.

If a landowner or a landowner's child changes their mind after recording a released lot and they want to put the lot back under easement restrictions. they may do so.

WILLIAM DONALD SCHAEFER COMPRO RUBERT L. WALKER, Secretary LEWIS R. RUEY, Deputy Secretary



The Wayne A. Cawley, it Building SCHARRY S. TELMAN PARKWAY RAIS GRAJYEAM ZJORAKA Printerior (201) 261-5126

Feature 472 41-5914

STATE OF MARYLAND DEPARTMENT OF AGRICULTURE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

MEMORANDUM

Wally Lippincott Program Administrator Paul W. Scheidt

Executive Director

November 24, 1992

Baltimore County Easement Acquisition Program

In response to your inquiry, the Foundation has acquired agricultural land preservation easements on 83 Baltimore County properties for a total easement value of \$15,065,203.66. Our records indicate that Baltimore County contributed \$4,618,012.32 towards this easement cost.

If I can of further assistance to you, please do not hesitate to call me at 841-5860.

**Baltimore County Government** Department of Environmental Protection and Resource Management



1515-92

September 23, 1991

Parkton, Maryland 21120

17027 Evna Road

Mr. and Mrs. Ralph P. Stern

Candle Valley Equestrian Center

#31 Bosiey Avenue

Topison, MD 21204

Dear Mr. & Mrs. Stern:

I am writing in an attempt to advise you as to what steps you must initiate in order to resolve the various issues which you have created by illegally subdividing your farm property in regard to a one acre lot deeded to your sister, Ms. Linda L. Forrester.

First, and most critically, you must undo the illegal subdivision by reuniting the one acre lot subdivided to the large farm parcel from which it was previously attached. As long as the tenant dwelling, which is located on this illegally subdivided one acre, continues to be occupied by individuals who are engaged in the farming operation it can continue to exist. (A copy of a letter dedicated to you from Mr. Arnold Jablon, Director, Zoning Administration and Development Management is attached.)

By deed referenced as Liber 8303/Page 686 dated September 11, 1989, you switched the designation of the tenant dwelling and the main house. This deed must be expunged since it is illegal to transfer the status of an approved tenant dwelling to another dwelling.

Once the above two issues are resolved, the Baltimore County Agricultural Land Preservation Advisory Board will consider the proposal outlined in your letter of July 24, 1991, a copy of which is attached. In reviewing this proposal, the Board will first seek the opinion of the Office of Planning and Zoning as to the legality of the proposal. The most obvious question in my mind is whether or not the status of an approved tenant dwelling can be changed to that of an owner's lot.

The resolution of the illegal subdivision will resolve the apparent violation with the terms of the recorded Deed of Easement or agreement you executed with the State of Maryland in selling the development rights to the State. (See letter to you from the Maryland Agricultural Land Preservation Foundation dated 7/12/91.) Additionally, it will allow the Baltimore County Office of Planning and Zoning to complete its comments in regard to your

