

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
Petitioners

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

The Petitioners herein request a special hearing to approve the non-density 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.

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

Testimony consisted of both direct and proffered material and tends to establish the following 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 parcel 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 area 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 green and hatched with lines in the eastern section of Parcel 1. This hatched area is proposed to be transferred to the Petitioners' portion of Parcel 3 to form a larger tract. The density unit in the green section of Parcel 1 will remain with the western part of that section. Therefore, Parcel 3 will gain no

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 establish a large tract in accordance with the requirements of the Foundation.

Both Protestants, Mr. Windesheim 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 they wish to do.

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)

discourage present land use patterns of development and create a framework for 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 these areas until such time as intensive development commences. Section 1A00.2, BCZR. Specifically, the R.C.2 zone was established to encourage continued agricultural use of productive agricultural areas by preventing incompatible forms and degrees of urban uses. Section 1A01.1.B.

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 Bingham 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 out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. 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. v. Comptroller, 269 Md. 390, 306 A.2d 534 (1973); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well-settled is the principle

that statutes are to be construed reasonably with reference to the purpose to be accomplished. Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied. Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1951); 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]pprehension 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. E. Saul Co. v. West End Park, 250 Md. 707, 245 A.2d 591 (1968); Senz v. Md. Board of Censors, 245 Md. 219, 225 A.2d 317 (1967); Height v. State, supra.

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, is 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.

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 BCZR.

There is no evidence that the Petitioners' request will injure the health, safety or welfare of the community if this transfer takes place. Furthermore, this transfer will not change the density of the area or allow for over-development of the land.

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 BCZR have been met.

For the reasons stated above, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17th day of October, 1987 that a non-density transfer of a 17.610 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 restrictions:

- 1) The contents of 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 parcel and not two lots and parcels described on one deed. The said deed shall be recorded on or before February 15, 1988.
- 2) 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 Agricultural Land Preservation Foundation.
- 3) That a new plat must be submitted to the Zoning Commissioner for approval on or before February 15, 1988 showing the resulting configuration of all the lands with property lines, building 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.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

RE: PETITION FOR SPECIAL HEARING
E/S Evna Rd., 980' N of Mt.
Carmel Rd., 7th District
RALPH P. STERN, et ux,
Petitioners

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

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 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.

Peter Max Zimmerman
Peter Max Zimmerman

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, 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 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 the place of beginning.

Containing 17.610 acres of land more or less.

E. F. Raphael
E. F. Raphael & Associates
Registered Professional Land Surveyor



Mr. and Mrs. Ralph Stern
September 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 dated 9/5/91.) As you know, the Baltimore County Agricultural Land Preservation Advisory Board has already recommended approval to the Foundation 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 Foundation.

You will also note from the attached memo to Douglas A. Swann 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 children.

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,

Paul J. Solomon

Paul J. Solomon
Program Administrator
Agricultural Land Preservation Program

PJS:ju

cc: Mr. Mark Danneker
Mr. Michael P. Danneker
Mr. Joseph J. Danneker
Mr. Paul W. Schmitt
Mr. Wallace S. Lippincott
Mr. Linda Forrester
Mr. Catherine Wilton, Zoning Office
Mr. Douglas A. Swann
Mr. Jeremy Cross, Montgomery County

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

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 Administration 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 Jahlon, Director
Zoning Administration and
Development Management

AJ/CM/lat
cc: file

Serving People and Maryland's Number One Industry - Agriculture

Donald Schaefer
Governor
Ann A. Steenberg
Lt. Governor



Wayne A. Conway, Jr.
Secretary
Robert L. Walker
Deputy Secretary

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

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 received 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 121 one acre lots for the purpose of building homes for your daughter, Sarah Selig, and yourself. Although you stated you would follow-up with this and obtain 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 daughter 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 approval. 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
Baltimore/Annapolis Area

(301) 281-8106
Washington Inland Area

Wayne A. Conway, Jr.
Secretary

Mr. & Mrs. Ralph P. Stern
Page 2
July 12, 1991

The Foundation staff has also been advised that your easement property is also currently being advertised for sale with a building 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 subsequent owners.

Please respond in writing to the Foundation by July 31, 1991 to clarify the situation and activity on your easement property. If you have any comments, questions or concerns relating to this matter, please do not hesitate to call me at (301) 651-5860.

Sincerely,

Paul W. Scheidt
Paul W. Scheidt
Executive Director

FWB:pl

Enclosure

cc: Leonard Cowry, Chairman, MALPF
Dan Shortall, Vice Chairman, MALPF
Craig Nielsen, Secretary
Paul Solomon, Baltimore County Program Administrator

7751 PART 616

EXHIBIT "A"

BEGINNING for the same at a point at the end of the 1st or South 47 1/4 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 H. 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.S.G. 4228, Folio 179, was conveyed by Fred Wilke and Anna Wilke, his wife, to George C. Waresheim, Jr. and Beryl A. Waresheim, 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 18 degrees 33 minutes 04 seconds East 365.18 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 11th line of the 3rd parcel of aforesaid deed, Wilke to Waresheim, 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 1.006 acres of land, more or less.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Paul J. Solomon
Zoning Administration
DATE: May 19, 1991

FROM: Wallace S. Lippincott, Jr.
Planning
Office of Planning and Zoning

SUBJECT: MAJOR LOT REQUEST

This office upon consultation with the Zoning Office would like to further review the lot request for Mr. & Mrs. Ralph Stern. We will reply as soon as possible. If this presents any difficulty, please contact:

cc: Mr. Mark Danneker
Mr. Michael P. Danneker

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

cc: Michael Cook and J. L. Pillson
DATE: May 21, 1991

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

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

A minor subdivision involving two lots has been approved by Baltimore County for the Stern farm along Evna Road in Baltimore County. These two lots were permitted as children lot exclusions under the Maryland Agricultural 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 Stern'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.

PJS:ju
cc: Mr. J. James Dieter
Mr. Donald C. Outen
Mrs. Janice B. Outen
Mr. Mark Danneker

17027 Evna Road
Parkton, Maryland 21120
July 24, 1991

cc: Mr. Paul Solomon
Baltimore County Agricultural Land Preservation Board
Baltimore County Department of Environmental Protection
401 Bosley Avenue, Room 416 Courts Building
Towson, Maryland 21204
Attn: Mr. Mark Danneker, Chairman

Re: 17021 Evna Road
Parkton, Maryland 21120

Dear Mr. Danneker:

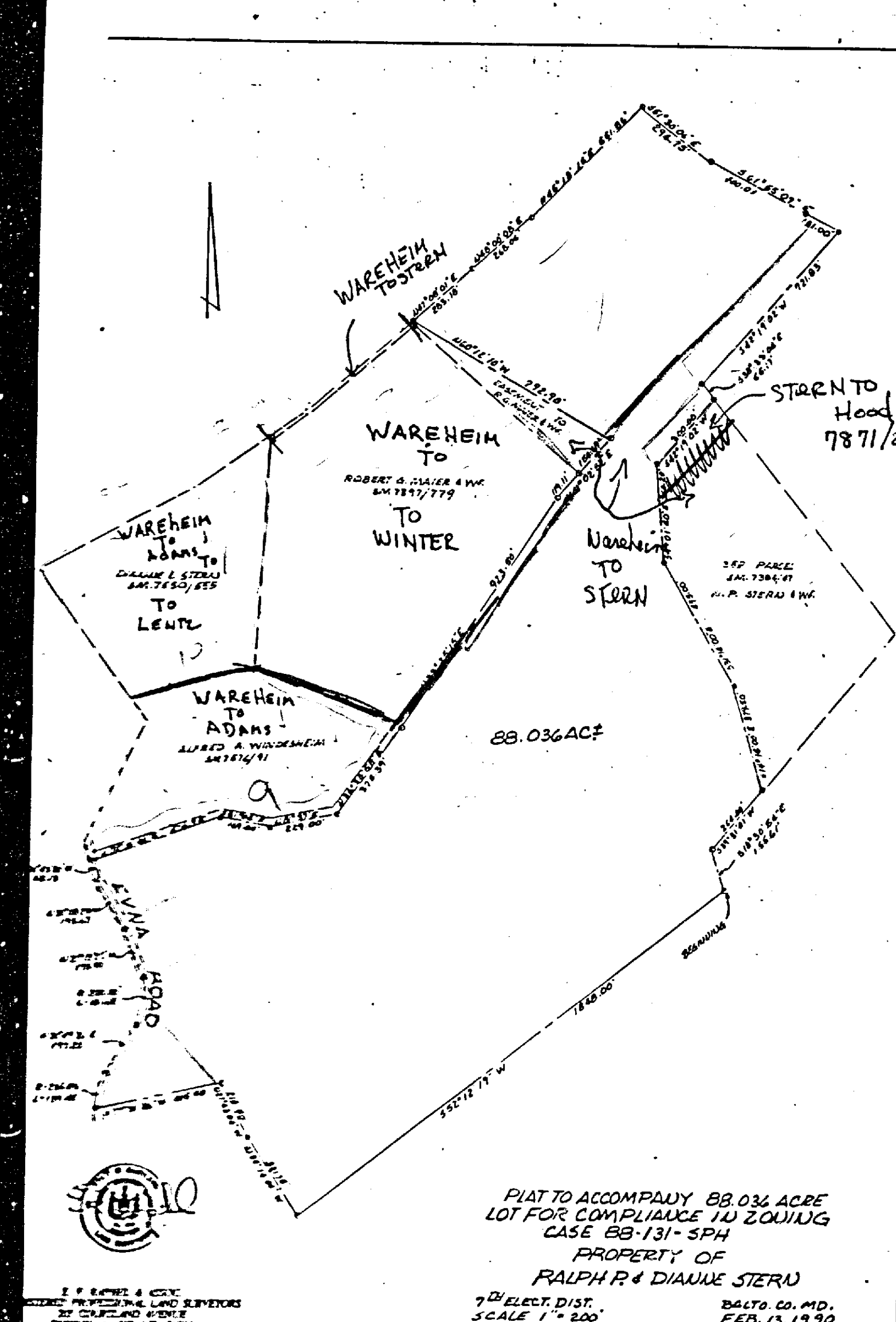
In order to correct the illegal subdivision caused by the deed transferring ownership of the above referenced property from my husband and myself to me and subsequently to my sister, Linda Forrester, I wish to propose the following:

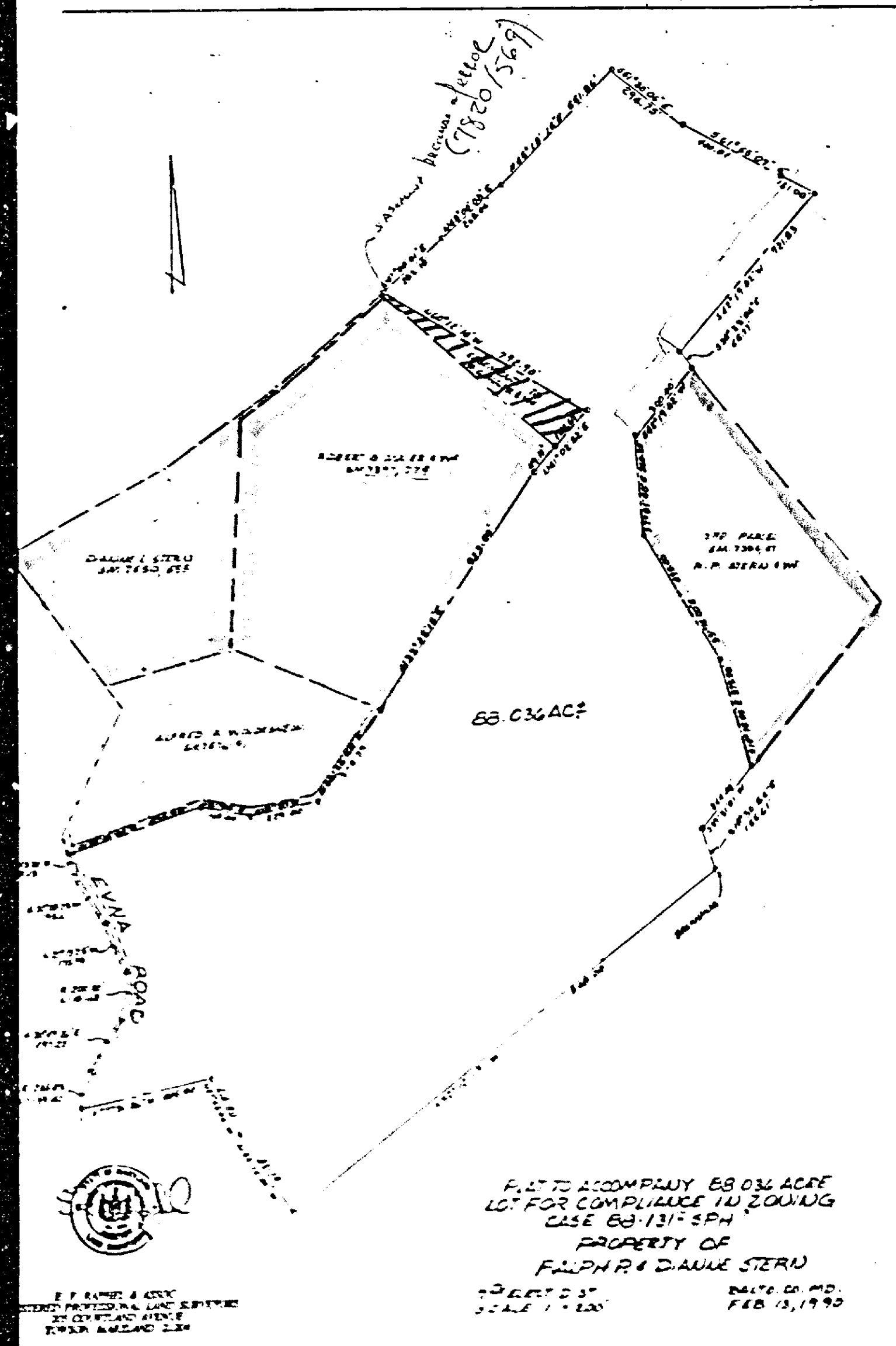
Instead of the one building right (for my husband and myself) allowed by the Land Preservation Board, which we had originally thought we had given up to allow my sister the property (at the actual costs of the clearing, well, septic and foundation paid by me), we will agree to give up that right and, in addition, we will give up the fourth right, the right to grant a lot to our minor child, Jayme Stern, if the 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.

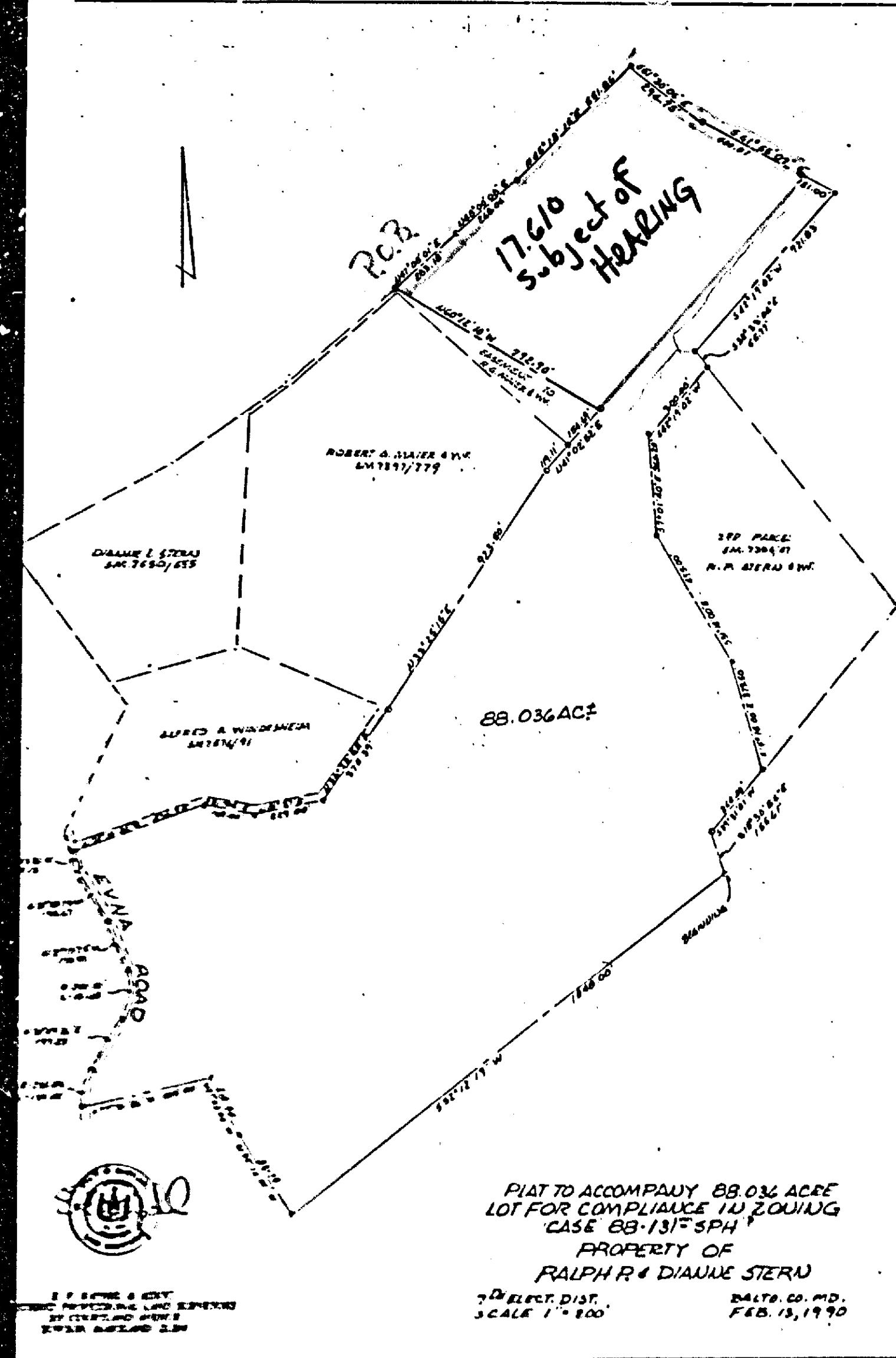
Sincerely yours,

Dianne L. Stern
Dianne L. Stern

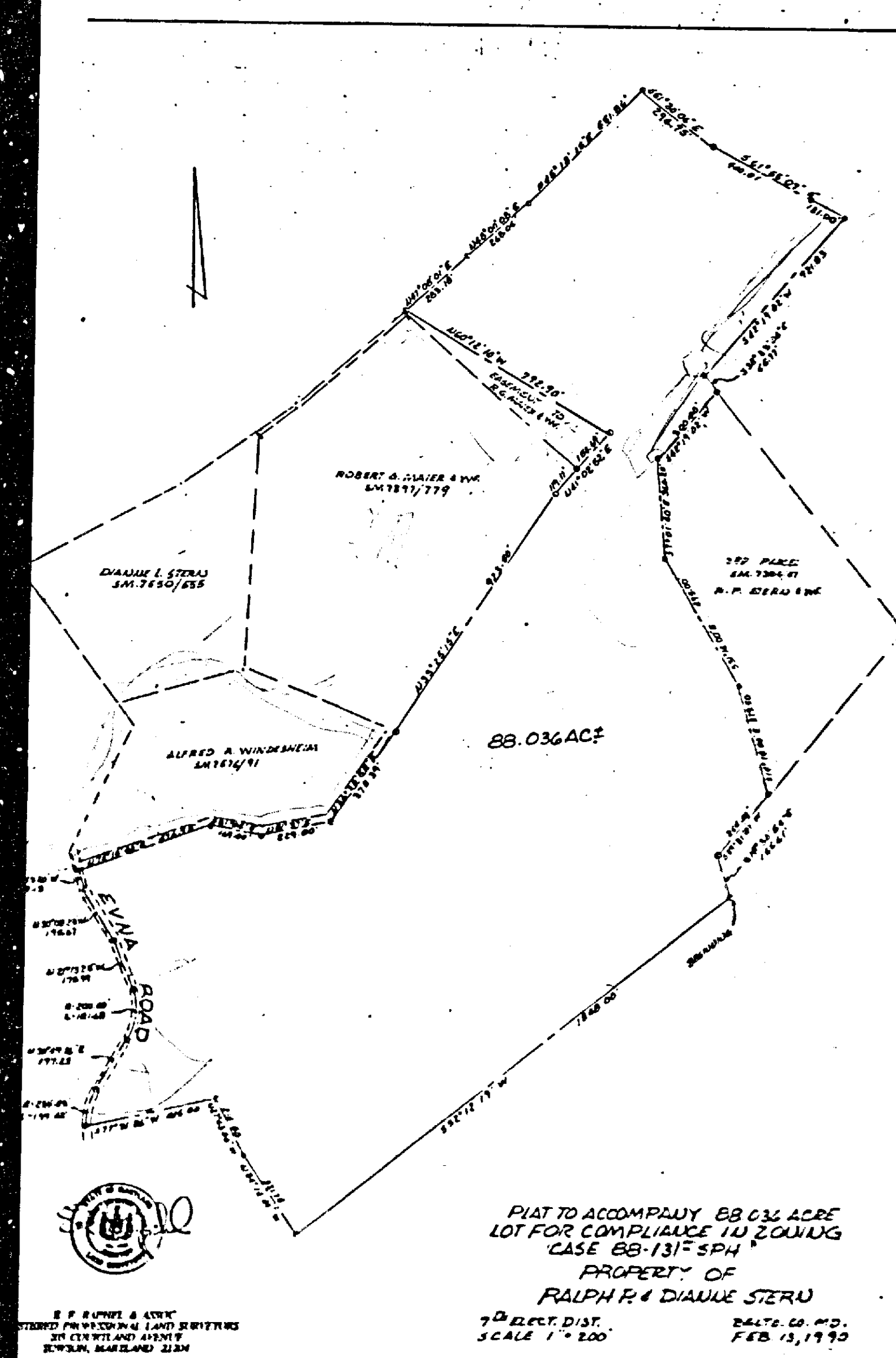
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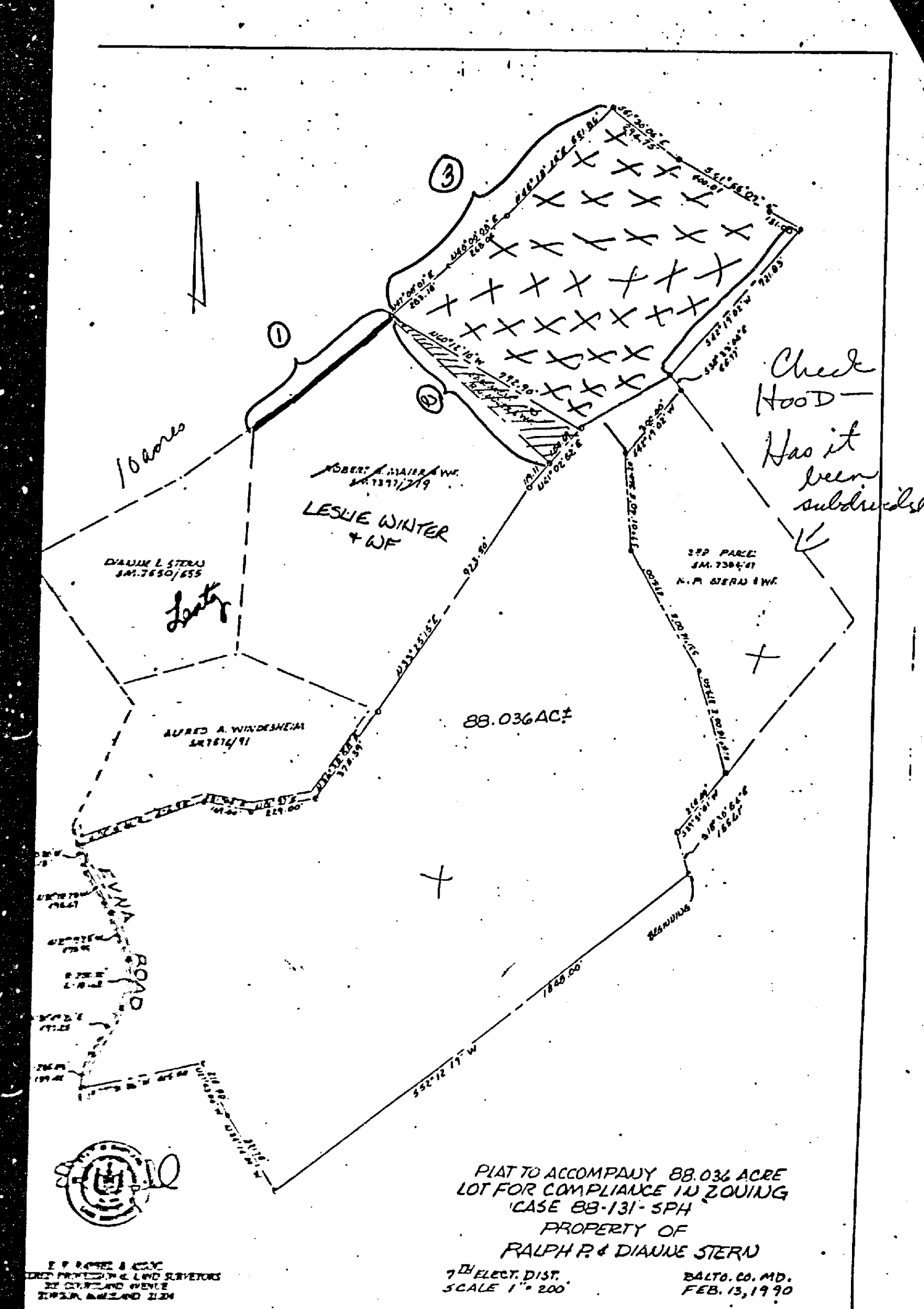
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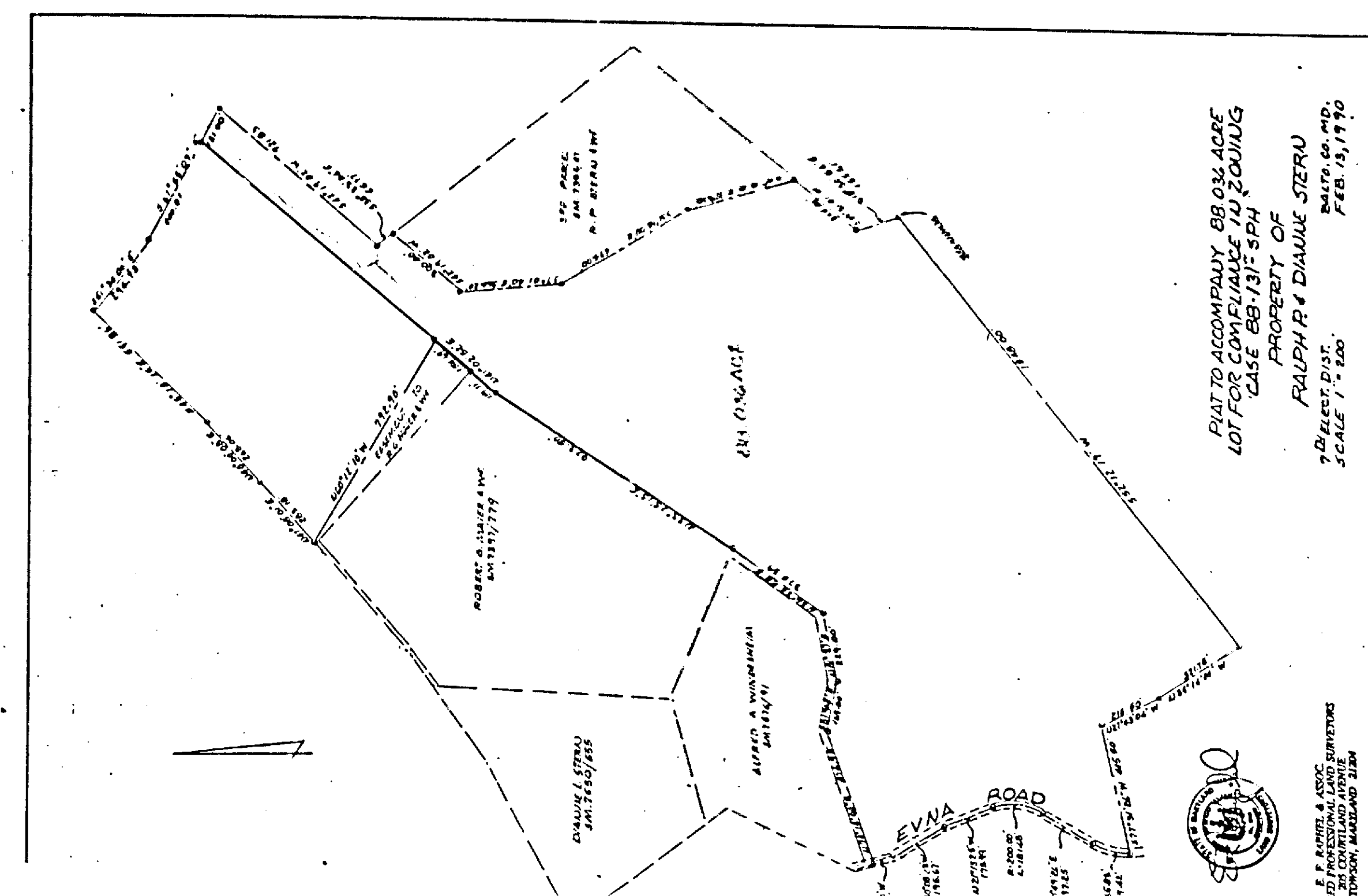
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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

October 29, 1987

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.

Very truly yours,

J. Robert Haines
Zoning Commissioner
of Baltimore County

JRH:hjs
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

File

10-12-87

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situated 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 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.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Lewis L. Fleury, Esquire

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

825-9200

Legal Owner(s):

Ralph P. Stern

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Lewis L. Fleury, Esquire

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

825-9200

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of August, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6th day of October, 1987, at 11:15 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

200-101

(over)

9/1/87 - Copy of revised petition sent to Fleury + People's Counsel per W.R.J. mail

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

J. Robert Haines
Zoning Commissioner

October 29, 1987

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

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Very truly yours,

J. Robert Haines
Zoning Commissioner
of Baltimore County

JRH:hjs
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

File

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-131-SPH

Date of Posting: 9-18-87

District: 7th
Posted by: Special Hearing
Petitioner: Ralph P. Stern, et ux
Location of property: E/S Evna Road, 980' N of Mt. Carmel Road
Location of Sign: East side of Evna Road, opposite Lot 100
Date of return: 9-24-87
Signature: J. Robert Haines

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 17, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Sept. 17, 1987.

THE JEFFERSONIAN,

Susan Shindler O'Brien
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 16, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 16, 1987.

TOWSON TIMES,

Susan Shindler O'Brien
Publisher



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

J. ROBERT HAINES
ZONING COMMISSIONER

September 29, 1987

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

RE: PETITION FOR SPECIAL HEARING
E/S Evna Rd., 980' N of Mt. Carmel Rd.
7th Election District - 3rd Councilmanic District
Ralph P. Stern, et ux - Petitioners
Case No. 88-131-SPH

Dear Mr. Fleury:

This is to advise you that \$97.71 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 106, County Office Building, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 41690

DATE: 10-7-87 ACCOUNT: 000-615

Amount: \$ 97.71

RECEIVED FROM: Lewis L. Fleury

FOR: Special Hearing

Case # 88-131-SPH

8185*****97711a 2036F

VALIDATION OR SIGNATURE OF CARRIER

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

September 3, 1987

NOTICE OF HEARING

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

TIME: 11:15 a.m.

DATE: Tuesday, October 6, 1987

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 41443

DATE: 8/6/87 ACCOUNT: 01-619-000

Amount: \$ 100.00

RECEIVED FROM: Lewis L. Fleury

FOR: 14-#57 SPH

8185*****100001a 8076F

VALIDATION OR SIGNATURE OF CARRIER

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3333

May 5, 1992

Deborah J. Dopkin, Esquire
Rasolo and Silverman, P.A.
Suite 200
Northham Centre
500 Washington Avenue
Towson, MD 21204-4511

RE: 1719 Evna Road
Zoning Case #88-131-SPH
7th Election District

Dear Mr. Dopkin:

As stated in your requested confirmation of five points, the next point to be discussed is:

1. The proposed subdivision, without hesitation, the

2. The proposed subdivision, without hesitation, the

3. The proposed subdivision, without hesitation, the

4. The proposed subdivision, without hesitation, the

5. The proposed subdivision, without hesitation, the

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,

W. Carl Richards, Jr.
Zoning Coordinator

By: Catherine A. Milton
Planner I

CAR:ad

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



The Wayne A. Conway, Jr. Building
50 HARRY S. TRUMAN PARKWAY
ANNAPOLIS, MARYLAND 21401
Telephone (410) 841-5700
Telegraph (410) 841-5700
Facsimile (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; 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.

Sincerely,
Paul W. Scheidt
Executive Director

PWS:if

cc: Wally Lippincott
File
Gary Huddles, Esq.

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



The Wayne A. Conway, Jr. Building
50 HARRY S. TRUMAN PARKWAY
ANNAPOLIS, MARYLAND 21401
Telephone (410) 841-5700
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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:

- 1) You agree to forgo any right to request the release of the lot 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,

Paul W. Scheidt
Executive Director

PWS:if

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

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:

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If you have any questions or concerns, please do not hesitate to contact me at (410) 841-5860.

Sincerely,
Paul W. Scheidt
Executive Director

PWS:if

POLICY GUIDELINES FOR LOT EXCLUSIONS

- 1) Landowner or child must live in the dwelling for at least one year.
- 2) 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.
- 3) 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.
- 4) Children must be of legal age before the Foundation will release a lot in their name. 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.
- 5) 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 (children/owners) on properties less than 20 acres, but greater than 6 acres, only if there are no existing dwellings on the land.
- 6) 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, Governor
ROBERT L. WALKER, Secretary
LEWIS R. RILEY, Deputy Secretary

STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION

MEMORANDUM

TO: Wally Lippincott
Program Administrator

FROM: Paul W. Scheidt
Executive Director

DATE: November 24, 1992

SUBJECT: 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 \$4,618,012.12 towards this easement cost.

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

sb

Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Busby Avenue
Towson, MD 21204

September 23, 1991

RECEIVED
SEP 25 1991
ZONING OFFICE

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

Dear Mr. & Mrs. Stern:

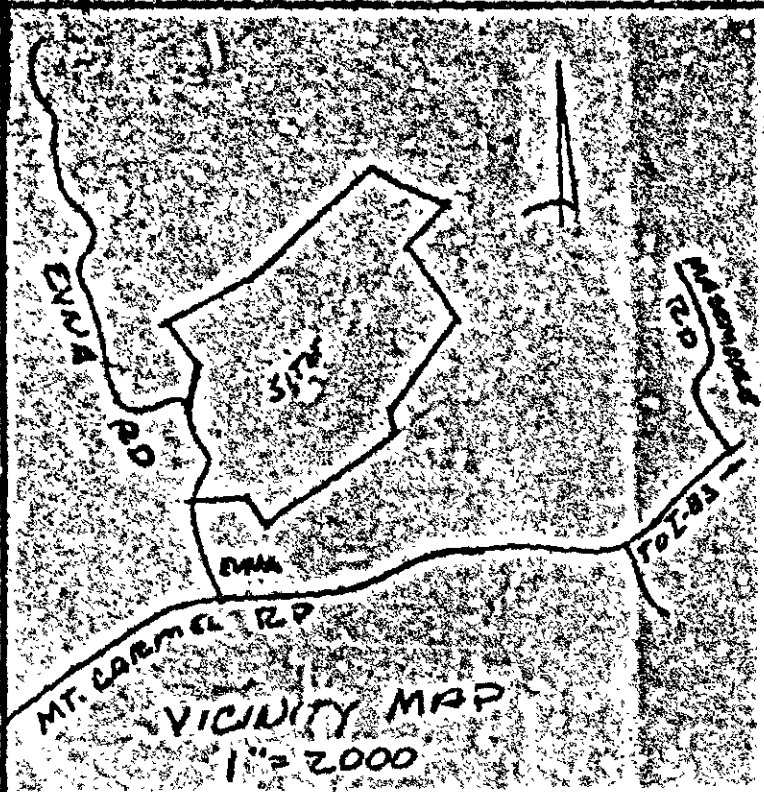
I am writing in an attempt to advise you as to what steps you must initiate in order to resolve the various issues which you have created by illegally subdividing your farm property in regard to a one acre lot deeded to your sister, Ms. Linda L. Forrester.

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 636 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



DEPT. OF NATURAL RESOURCES

D. STERN
10.04 AC

R. MAIER
22.56 AC

3 PARCEL
R. STERN
11.99 AC

1ST PARCEL
R. STERN
39.47 AC

WINDHEIM
19.09 AC



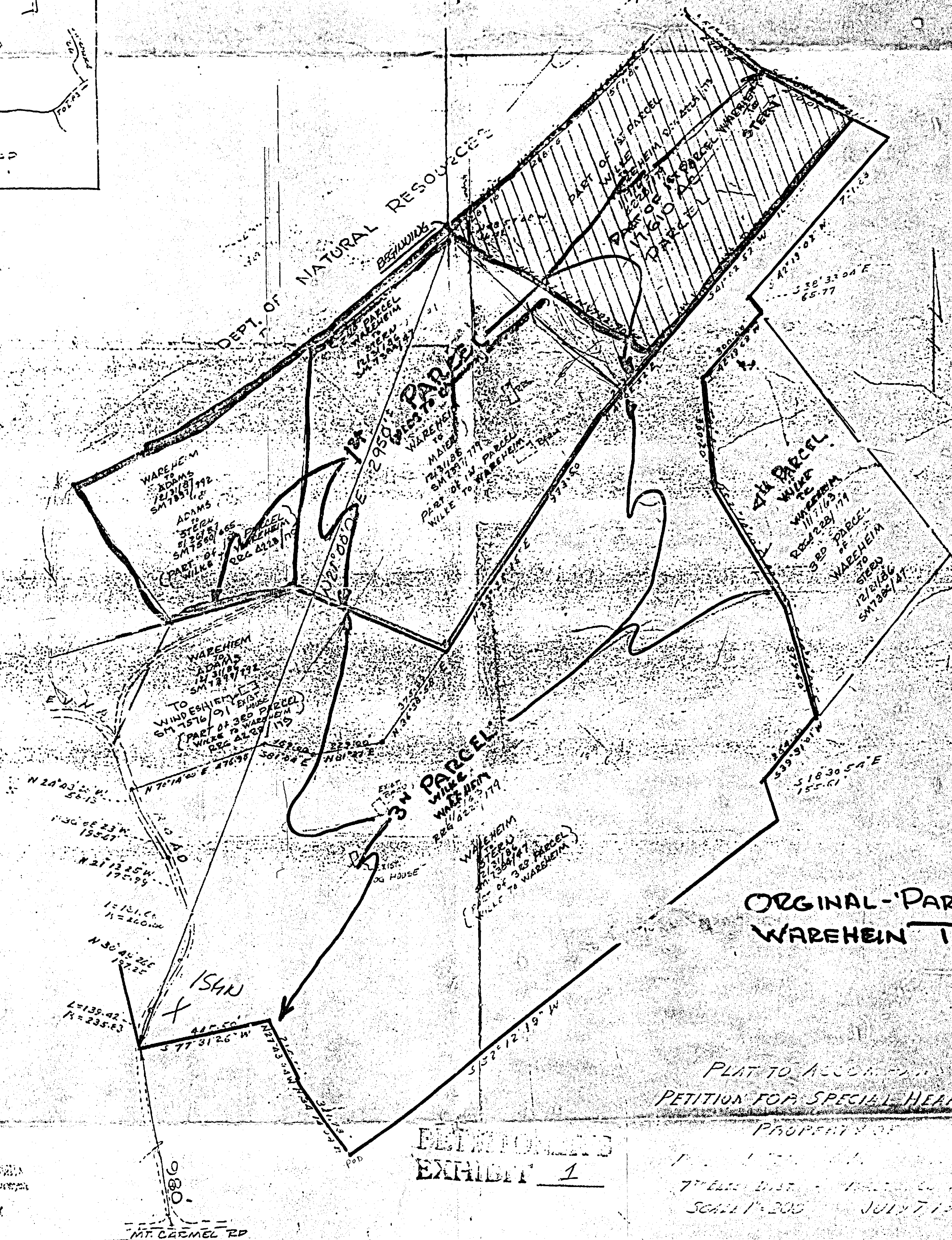
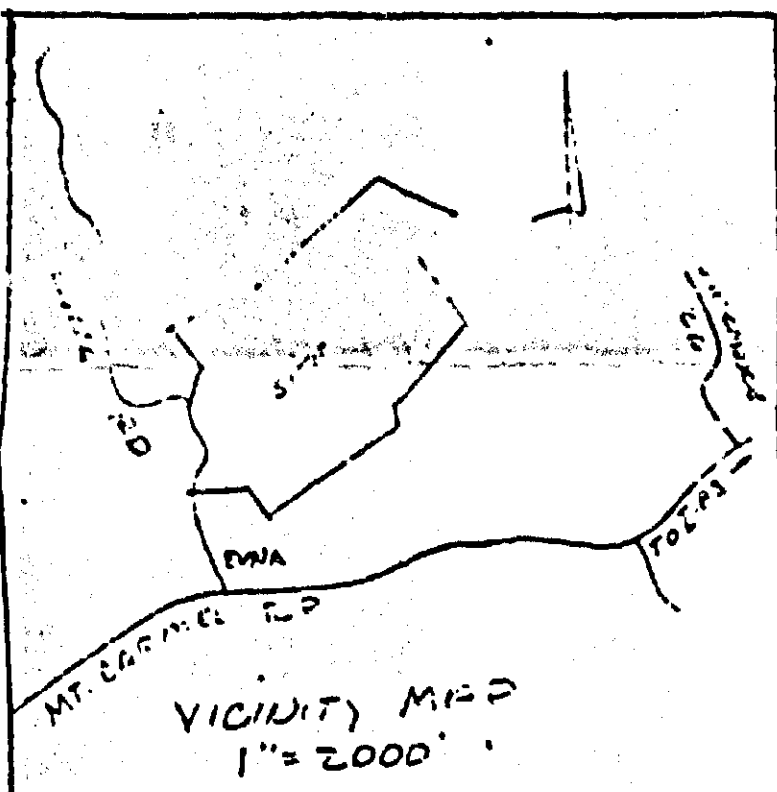
E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
2805 Courtwood Avenue
Towson, Maryland 21254

PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING 57-11
PROPERTY OF 88-131-5A
RALPH P. STERN & DIANNE E. STERN
7TH ELEC DIST BALTO. CO. MD.
SCALE 1"=200 JULY 7, 1987

2186

5

17LE 1 51471



ORIGINAL - PARCELS
WAREHOUSE TITLE

PLAT TO ACCORDANCE
PETITION FOR SPECIAL HEARING (Perm)
PROPERTY OF

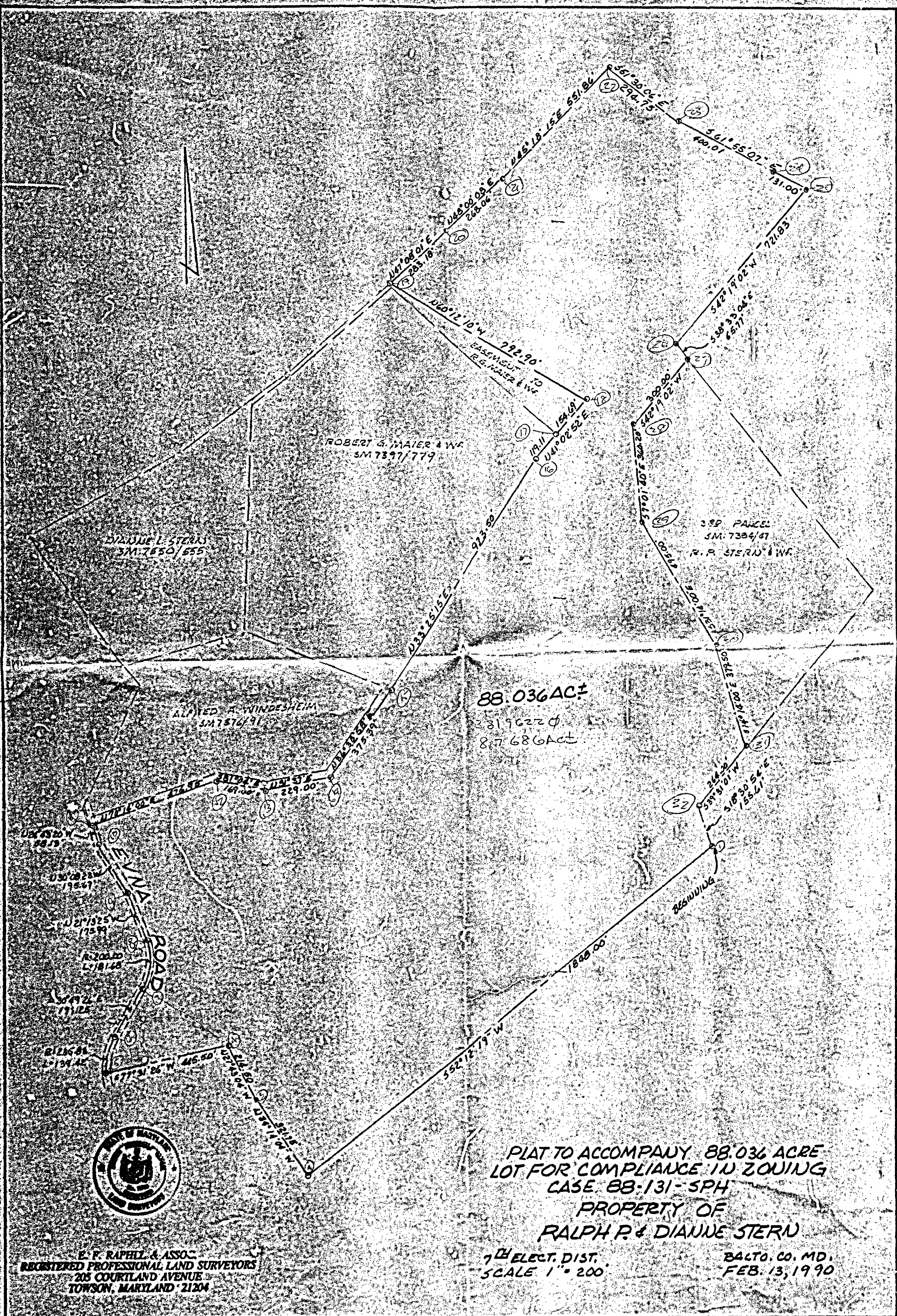
EXHIBIT 1

LEONARD J. ROSENBERG
Registered Professional Land Surveyor
210 Courtland Avenue
Towson, Maryland 21204

7th ELEM DIST - TOLSON, CALIF
SCHOOL # 209 JULY 7, 1968

88-131-
SPH

2186

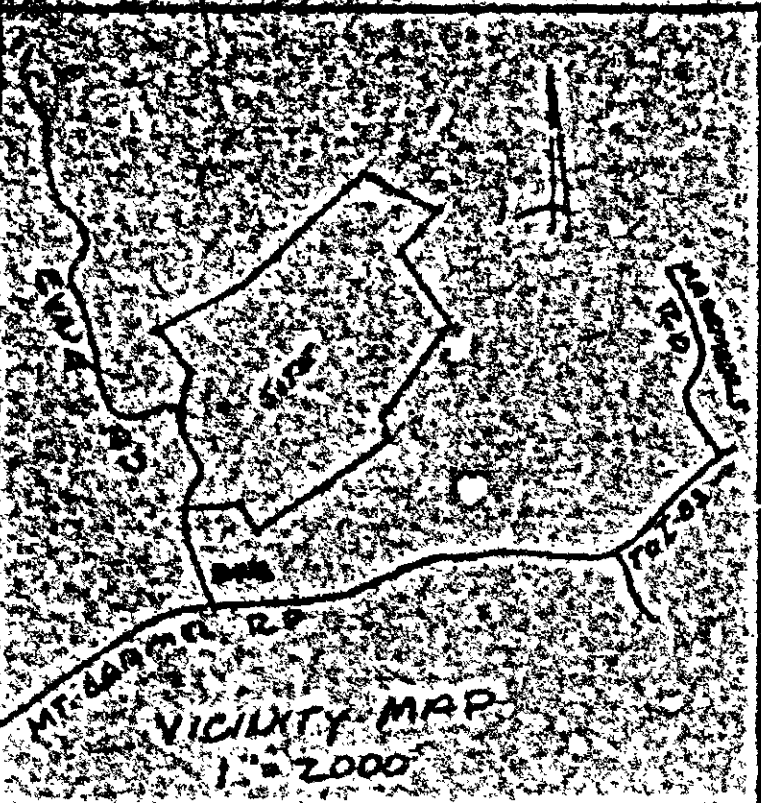


E. F. RAPHAEL & ASSOC.
REGISTERED PROFESSIONAL LAND SURVEYORS
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

PLAT TO ACCOMPANY 88.036 ACRE
LOT FOR COMPLIANCE IN ZONING
CASE 88-131-SPH
PROPERTY OF
RALPH P. & DIANNE STERN

7th ELECT. DIST.
SCALE 1" = 200'

BALTO. CO. MD.
FEB. 13, 1990



DEPT. OF NATURAL RESOURCES
BEGUNNING

PARCEL

STEIN TO HOOD
Parcel Transferred
to RESOLVE TITLE
CONFLICT
HOOD TO STEIN

WAREHEIM
ADAMS
STEIN
HOOD
PART OF 1/2 AC. PARCEL
W/IN WAREHEIM

WAREHEIM
ADAMS
STEIN
HOOD
PART OF 1/2 AC. PARCEL
W/IN WAREHEIM

WAREHEIM
ADAMS
STEIN
HOOD
PART OF 1/2 AC. PARCEL
W/IN WAREHEIM

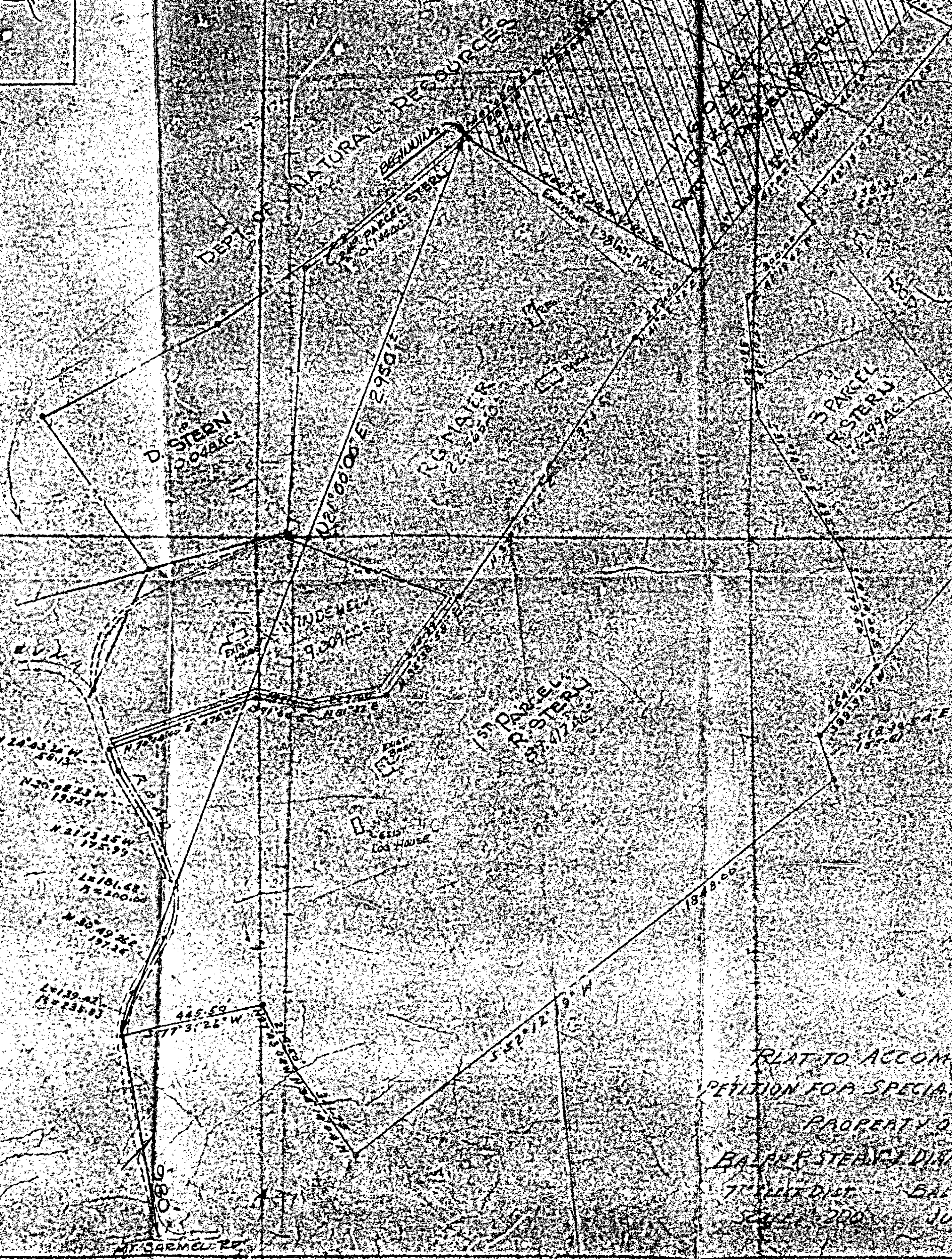
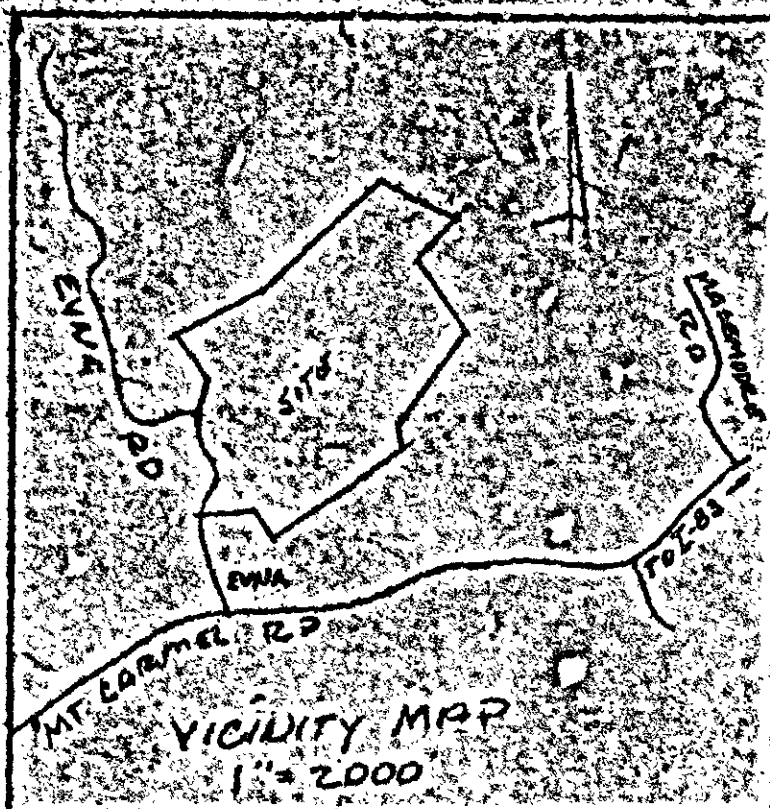
WAREHEIM
ADAMS
STEIN
HOOD
PART OF 1/2 AC. PARCEL
W/IN WAREHEIM

WAREHEIM
ADAMS
STEIN
HOOD
PART OF 1/2 AC. PARCEL
W/IN WAREHEIM



E. F. RAHREL & ASSOCIATES
Registered Professional Land Surveyors
200 Courtland Avenue
Baltimore, Maryland 21204

PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING
PROPERTY OF
RALPH P. STEIN & DIANNE L. STEIN
711 CEDAR ST. BALTO. CO. MD.
SCALE: 1" = 200' JULY 7, 1987



E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 Courtland Avenue
Towson, Maryland 21204

RELAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING
PROPERTY OF
BARBAR STEAR (DIANNEL STEAR)
TOWNSHIP DIST BALTO CO MD
SC 11-220 JULY 7, 1987