## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the non-der mity transfer of 27 acres +/- in an R.C.2 zone from a 43-acre +/- parcel to an adjacent 11.57 acres +/- parcel in an adjacent R.C.2 zone to be consolidated to create a single 38.57 acre parcel; and additionally, to approve the division of the remaining land from the 43 acre parcel into two building lots; all as more narricularly described in Petitioner's Exhibit 1.

The Petilioners appeared, testified and were represented by counsel. James W. McKee, a registered professional land surveyor, also appeared and testified on behalf of the Petitioners. There were no Protestants.

Testimony was both direct and profferred material from Mr. McKee and Petitioners' counsel and tends to establish the following facts: The Petitioners are the contract purchaser of the 43 acre tract of land, currently owned by Lewis S. Inwald, from which the 27 scre parcel identified as Tract "A" on Petitioner's Exhibit 1 will be transferred. Mr. Ensor is an owner of the adjacent 11.57 acre tract with which the 27 acres will be combined. Mr. Ensor has filed he instant Petition on his own behalf and on behalf of his son, James B. Ensor, as tenants in common of the adjacent tract.

In order to more clearly define the present status of this site and the Iting changes, reference is made to Petilioner's Exhibit 1. The current 43 cre tract is shown thereon as all that identified as Lot 1, 10.50 acres +/-: acre tract is shown thereon as all that leader the second as the larger Tract "A", 27.00 acres +/-. The second

> the same zone, which results in a larger 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.

In actuality, the resulting 38.57 acre tract will have no change in use and will continue to be actively farmed by Mr. Ensor. The farm nature will be unaffected by the non-density transfers no additional development will be able to result from the transfer. Currently, the 11.57 acre Ensor tract could be divided once; after the transfer and combination of the 27.00 acres, Tract "A" with the 11.57 acre parcel, the resulting 38.57 acre tract can still only be divided once, utilizing the two density units. This is a productive assignitue al area and the majority of the resulting tract will be used for agricultural purposes to the extent practicable. A farm use is the first permitted use of right in an R.C.2 zone and as a result, is consistent with the spirit and intent of the B.C.Z.R. The requested transfer of Tract "A" and the subdivision of the remaining portion of the 43 acre Iswald property is entirely consistent therewith and should be approved.

After due consideration of the testimony presented, there is no evidence that the Petitioners' request will be detrimental to the health, safety or general welfare of the community if approved. Furthermore, this transfer will not change the density of the area or allow for over-development of the land.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this And day of February, 1988 that the non-density transfer of 27 acres +/an R.C.2 zone to an adjacent 11.57 acres +/- parce) in an R.C.2 zone to reate a single 38.57 acre parcel; and additionally, the subdivision of the reaining land from the original 43 acre parcel into two tracts identified as Lot

tract involved in this matter is shown on Petitioner's Exhibit 1 as John H. Ensor, 6838/191, 11.57 acres +/-.

Currently, both the 43 acre parcel and the 11.57 acre parcel have two density units each for a total of Four density units shared between the two. The Paritioners propose transferring Tract "A" containing 27.00 acres of land to the 11 67 sees series and to split the remaining systion of the 43 acre parce. into two lots, creating one 10,50 acre tract and one 5.70 acre tract, the latter of which contains existing improvements.

The 27 acre parcel, Tract "A", will be combined with the 11.57 acre parcel and the resulting larger parcel of 38.57 acres will not be subdivided. In addition the resulting 38.57 acre parcel will retain its present number of Jensity units, which totals two. After the transfer and consolidation, the total number of density units for the three resulting parcels will remain at four. Following the recordation of the Imwald to Ensor deed, the Petitioners propose to second a medefinition or confirmatory deed from John H. Ensor, et al. to John H. Ensor, et al., which will define as a single parcel and lot, and not as two lots and parcels, the entire resulting 38.57 acre tract. Said redefinition or confirmatory deed shall be recorded among the Land Records of Baltimore County.

to summary, the 27 acre percel. Tract "A", will be transferred without any density units. The adjacent 11.57 acre tract will be consolidated with Tract "A" and the newly formed 38.57 acre tract will retain only the original wo density units of the 11.57 acre tract. The 11.57 acre tract is actively in content with use and the new 38 57 acre tract will continue in agricultural uses

The issue here is whether or not the combination of the 11.57 acre tract esently owned by John H. Ensor, et al. with the 27 acres, Tract "A", from the 3 acre purcel to be purchased from Lewis S. Imwald, is consistent with the Balatimore County Zoning Regulations (B.C.Z.R.).

1, having 10.50 acros \*/- and Lot 2, having 5.70 acres \*/-; all in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent upon the relief granted:

The subject 38-75 zero percei, consisting of the 11-75 The subject 38-75 zero percei, consisting of the 11-75 respectively. The subject 38-75 zero percei, consistent of the 11-75 zero perceivage of the 11-75 zero percei ther, the deed shall reference Zoning Case No. 88-227-371 and shall clearly state that the newly created 38-57 acre and shall clearly state that the newly created 38-57 acre than two lots. Said deed shall be recorded g.m. no more than two lots. Said deed shall be recorded g.m. acre than two lots. Said deed shall be recorded to the said shall be provided to the Zoning Commissioners on or before April 10, 1988 and acopy of the deed and proof or recordation shall be provided to the Zoning Commissioners on or before April 29-yided to the Zoning Commissioners on or before April 29-yided to the Zoning Commissioners on or before April 29-yided to the Zoning Commissioners on or before April 29-yided to the Zoning Commissioners on the Professional State S

2) The Petitioners shall cause the new deeds for Lot 1 and 2) The Fettlioners shall cause the new deeds for Lot 1 and L. as shown on Pettlioner's Exhibit! I v. clearly state has a common state of the shall clearly represent the shall represent the sh be provided to the Zoning Commissioner on or before 25, 1988.

3) A new plat must be submitted to the Zoning Commission 3) A new plat must be summation to the Zoning Commissioner of septonic on or before barch 1, 1989, should the result-form of the plate of the plate of the Polymer Commission of Land Commission of Comment Landscore, Doning and Commission of Comment Landscore, Doning of division. Furthermore, the zonic on the now plat shall clearly state that the resulting play? Surer parcel call clearly state that the resulting play? Surer parcel must provide the plate of the plate of the permanent revorted of this case.

Section 1400.1 of the R.C.L.R. explains the Baltimore County Councilla intent in creating the R.C. classifications. The concern was evident that agricultural land was being converted by development without sound planning considproficers i.e. that development was creating "urban sprawl" and undesirable land use catterns. The Council wanted to protect prime agricultural land, critical watershed areas, mineral extractive sites, as well as other important na-

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. 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.

The question here is one of construction of the B.C.Z.R. 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 pothing left for interpretation and the ordinance must be interpreted literally. Mengony v. Bevilacqua, 432 A.2d 661 (B.I., 1981).

The meaning of the words in a statute may be controlled by the context. statute should be so construed that all its parts barmonize with each other or them consistent with its general object and scope. Pittman v. Hous-

Sug. 942 (1976):

The carethan rule in the construction of statutes is to effectively a superior of the cellators proved by the cellators of t

The basic principles of statutory construction were comprehensively set

out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. de-

ing Authority, 25 A.2d 466.

nied, 425 U.S. 942 (1976);

The application of the above orinciples to the B.C.Z.R. results in a ear finding that a non-density transfer of land, all of which is contained in

## PETITION FOR SPECIAL HEARING

55

TO THE TONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and described in the description and pist statemed hereto and made a part hereof, hereby petition because the partner of the property of the prope The reconfiguration of lot lines on two contiguous parcels, good RCL to create two building lots and a farm tract with the density capability of further subdivision in accordance with RC2 requirements, ifee attached Exhibit "A"]

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

As to 12.8 acre lot:	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:	Legal Owner(s):	MP NC 25
(Type or Print Name)	TORN H. ENSOR	E. D. 10 1/1 DATE \$ /29.
Signature	Suggisture	200 BF
Address	(Type or Print Name)	DP
City and State	Signature	1 1 8 8,280
Attorney for Peditioner: Adelina M. Welch, Esquire Thomas C., Beacher Esquire (Type or Print Name)	16909 Gerting Road	2 1 8 -8,670 2 1 4 - 4,343 Page No.
Adelina H. Welch	Monkton, Meryland 211111	
WHITEFORD, TAYLOR & PRESTON Seynd St. Paul Street	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted	
Baltimore, Maryland 21202 City and State	Thomas C. Beach III.  Name WHITEFORD, TAYLOR & PRESTON	
Attorney's Telephone No.: L3911347-8722	Baltimore, Maryland 21;	Prome No. 202
	Raltimore County, this	day

required by the Zoning Law of Ballimore County, in two newspapers of general circulation the spi-out Ballimore County, that property be touted, and that the \_\_alls 19.87., that the subject matter of this petition be advertised, as out Baltimore County, that property be posted, and that the public hearing be had before the Zoning County in Room 106, County Office Building in Towson, Baltimon was a Alle 1987 at 0:00 o'clock

Robert Haires

Exhibit "A"

The subdivision of a forty-three (4)) acre Nc-2 lot into three (3) lots - one of ten (10) acres upon which a dwelling wills be built; one of six (6) acres upon which a dwelling wills a built; one of six (6) acres upon which a dwelling willstar and one of twenty-seven (2)) acres. The twenty-seven twelling will are sight-tenthe (12)s acre Nc-2 lot contiguous thereto, and the lot lines between those two lots will be exast. The twive and the control of the seven three two lots will be exast. The twive and the lot lines between those two lots will be exast. The twive and the control of the

# 2

## PETITION FOR SPECIAL HEARING

The undersigned, legal owner(s) of the property situate in Bullimore County and which is described in Bullimore County and plast attached hereto and make a part hereof, learney petition are Special Hearing under Section BOC.7 of the Ballimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

The reconfiguration of lot lines on two contiguous parcels, zoned RC2, to create two building lots and a farm tract with the density capability of further subdivision in accordance with RC2 requirements, (See attached Exhibit "A")

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

As to 43 acre lot: Contract Purchaser huis & Imwald 16909 Gerting Road Monkton, Maryland 21111 City and State 2639. Sheppard. Road.

Adelina H. Welch Monkton, Maryland, 21111 Separate
WHITEFORD, TAYLOR & PRESTON
Separate
AMERICAN Name, address and phone number of legal owner, con-Baltimore, Maryland 21202 Thomas C. Beach III Name WHITEFORD, TAYLOR & PRESTON Seven St. Paul Street (30)1347-8722 Attorney's Telephone No.: (301)347-6722 

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 day of December 1987 at 12:00 o'clock PM

. Robert Springs

MOTTOR OF MEASTED

Petition for Special Hearing

Case No. 88-227-598

10th Election District: 3rd Councilmanic District

LOCATION: SW/S Sheppard Road, 480' NW c/l of J.M. Pearce Road

DATE AND TIME: Tuesday, December 8, 1987 at 2:00 PM

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

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

Petition for Special Hearing to approve the reconfiguration of lot line, on two contiguous percels zoned  $RC_2$  and to create two building lots and a fars tract with the density capability of  $\Gamma$ urcher subdivision.

Being the property of John H. Ensor, et al plan filed with the Zoning Office.

In the event that this Petition(e) 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 issuence of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing, at above or made at the hearing.

J. ROBERT HAINES ZONING COMMISSIONER OF BALTIMORE COUNTY

cc: Adelina M. Welch, Esquire Thomas C. Beach, III, Esquire Whitefore, Taylor & Preston Seven St. Paul Street, Baltimore, Md. 21202

John H. Ensor 16909 Gerting Road Monkton, Maryland 21111

JEH:bis

Engineering - Surveying - Real Estate Development

August 6, 1987

same at a point in the centerline of Sheppard Road, said point being 480 + northwesterly from the centerline of J. M. Pearce Road, South 63 0 13' 20" West 897.37 feet; thence North 340 25' 00" eet; thence North 45° 45' 00" West 575.09 feet; thence North 690 859.21 feet to the centerline of Sheppard Road, thence binding on erites South 49 01' 09" East 591.30 feet to the place of beginning



J. LOBERT HAINES

ZONING COMMISSIONED

Sincerely,

L. Robert Haines

Zoning Commissioner

Adelina M. Weich, Esquire Thomas C. Beach, III, Esquire¶ Whitefore, Taylor & Preston Seven St. Paul Street Baltisore, Maryland 21202

RE: Petition for Special Hearing 3M/S Sheppard Road, 480° BM c/l of J. M. Pearce Road 10th Election District; 3rd Councilmanic District John N. Ensor, ettal, Petitioners Case No. 88-27-581

This is to advise you that 403.24 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 ZOWING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT HE ISSUED.

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

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

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 45866

## MCKEE & ASSOCIATES INC.

MCKEE & ASSOCIATES, INC. Engineering - Surveying - Real Estate Developmen

SHAWAN FLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21000 Telephone: (301) 252-5820

August 4, 1987

DESCRIPTION OF IMMALD PROPERT 43.2 ACRES + SHEPPARD ROAD 10TH ELECTION DISTRICT BALTIMURE COUNTY, MARYLAND

Beginning for the same at a point in the centerline of J. M. Pearce Road, said point being 100 feet + northwest of the centerline of Sheppard Road, uth 60° 10' 00" West 2535.00 feet; thence North 19° 06' 00" nce North 39° 49' 00" West 178.25 feet; thence Morth 51° 00" West 127.00 feet; thence North 28° 49' 00" West 127.00 feet 712.00 feet; thence South 34° 25' 00" East 315.00 feet; thence South 60° 10 00" West 1149.00 feet to the center of J. M. Pearce Road, thence with the

centerline of said road South 25 28' 00" East 25.00 feet to the place of

Containing 43.2 acres +.



88-777-374 CERTIFICATE OF POSTING DEPARTMENT OF BALTIMORE COUNTY

Date of Poeting...... 11/27/37 District. / 074 Posted for Special Hearing Petitioner John H. Ensor, et al Location of property 24/2 14 acres Cd HB' NN J.M. Porce Ph.

Location of Signar 1 5:27 - 420res 1/20 ' sw /shopport Bd. - tore time 5:45. of suls of shopped Rd. at bearing of later way he bing to prombe

Posted by ... / Hit Sharty

CERTIFICATE OF PUBLICATION



TOWSON, MD. Nov 18 19.87 THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed Nav 18 10 87

TOWSON TIMES

Susan Suder Obrect

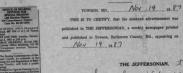
Publisher

February 2, 1988

ocial Hearing oad, 480' NW of c/l of J.M. Pearce Rose

RobertHeine

CERTIFICATE OF PUBLICATION



Susan Sender Dorect

88-227-5PH

BALTIMORE COUNTY OFFICE OF FLANNING & ZONING

Your petition has been received and accepted for filing this 2PD \_ day of November . 1987.

Robert Haines

Petitioner Ohn Enoughtal received by Jarkes & Due Petitioner Odelina Welch Egg. Matrian, toning trans Attorney Odelina Welch Egg.

Petition for Special Hearing Case No. 88-227-500

10th Election District: 3rd Councilmanic District

LOCATION: SW/S Sheppard Road, 480' NW c/l of J.M. Pearce Road

DATE AND TIME: Tuesday, December 8, 1987 at 2:00 PM

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 the reconfiguration of lot lines on two contiguous parcels zoned RC2, and to create two building lots and a farm tract with the density capability of further subdivision.

Being the property of John H. El John H. Ensor, et al , as shown on plat

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

PORFRY HATNES

SALTIMORE COUNTY, MARYLAND No. 41436 ZONING COMMISSIONER OF BALTIMORE COUNTY OF FINANCE - REVENUE DIVI ME / INCHASE - PETERINER OF CASHIEF

27865 MS 102

CERTIFICATE OF ACKNOWLEDGEMENT (Made By Officer With Rank of Second Lieutenant, Ensign or Higher)

I HEREBY CERTIFY, that on this 30" day of April , 1988 THERMY CENTIFY, that on this good day of first, 1988, hereme me, 2 hand a replace me, 2 hand

1-+L+ 239 17 9649 Serial Number Command To Which Attached

WEISHEIT & LAGES SUITE 1406

PIDELITY BUILDING NO M CHARLES STREET

June 17, 1988

J. Robert Haines, Zoning Commissioner of Baltimore County 111 W. Chesapeake Avenue Room 113 Towson, Maryland 21204

Re: Case No. 88-227-SPH John H. Ensor, et al, Petitioners

Dear Mr. Haines

In accordance with the Findings of Facts and Conclusions of Law filed in this matter, I am enclosing a copy of the Confirmatory Deed referred to in the Findings which has been submitted to the Circuit Court for recording.

I believe that this should complete all conditions contained in the Order which was included in the Findings. Please be kind enough to notify myself or Rr. John H. Ensor or Rr. Thomas C. Beach, III. Enquire, if that is not the case.

Sincerely, . Boyen P. Weisheit, Jr.

BDW .TRiefs

cc: Mr. John H. Ensor Thomas C. Beach, III, Esquire

2/865 1 100

Westert Fogge Fidelity Elly 210 n. Charles St. 21301 CONFIRMATORY DEED

THIS DEED, Made as of the 10th day of April, 1988, by and between/JOHN M. E-40K and JAMES B. ENSOR, parties of the first part, Grantors and JOHN H. ENSOR and JAMES B. ENSOR, parties of the second part, Grantos

WHEREAS, in the case of IM RE: PRITITION FOR SPECIAL REARING (Commissioner of tall) specifications and perform the Soning Commissioner of Bullismore Commissioner of Pobrusay, 1988, that the parcels of property identified as the John H. Ensor, et al. 633/103 [1.5729 A.C. ">-/-) and Tract "A\* Thread Property of 1.00 [1.5729 A.C. ">-/-) and Tract "A\* Thread Property of 1.00 [1.5729 A.C. ">-/-) and Tract "A\* Thread Property of 1.00 [1.5729 A.C. ">-/-) and Tract "A\* Thread Property of 1.00 [1.5729 A.C. ">-/->
Thread Property of 1

WHEREAS, the Grantors and Grantees have resolved to comply with the said order of the Zoning Commissioner and hereby state that the newly created combined parcel may only be subdivided once, resulting in no more than 2 lots.

NOW THERFORE, VINESSETM: That the actual consideration is no DOLIANS (5.00). Including the amount of any assumed nortoger is no DOLIANS (5.00). Including the amount of any assumed nortoger is no DOLIANS (5.00). The construction of the constructio

TOGETHER with the buildings and improvements thereon; and the rights, alleys, ways, waters, privileges, apputenances and advantages to the same belonging or in anywise spp-training.

TO MAVE AND TO HOLD the said described property and premises unto said to the use of the said Grantess, as tenants in common? Their respective personal representatives, successors and sasigns, in fee simple, as a single percel. 34 M 1.ERK 38.00 270 0002 ROZ 114145

AND THE SAID GRANTORS covenant to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite.

7865 W 104

NOT APPLICABLE

RECEIVED FOR TRANSFER
State Department of
Associationis & Taxation
for antisoper County m How of College E AR 5-18-88

WHENEVER used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

865 % 101

HAMES H. ENSO

WITNESS the hands and seals of the said Grantors:

WTTWWDOO.

STATE OF MARYLAND, BALTIMORE . TO WIT:

I HERENY CHRIFY, that on this // day of April, 1988, before se, the subscriber, a Rotary Public of the State of state and the subscriber, a statisfactorily proven to be the person whose mass is subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes threin

WITNESS my hand and Notarial Seal.

(SEAL)

(SEAL

My Commission Expires: July 1, 1990.

4-10-88/184-1222

- 2 -

7865 105

Description of Tract A Inwald Property and John Ensor Property March 15, 1988

- 11) thence running with and binding on the third line of the last mentioned deed and also running reversely with and binding on the third of South 46.0 15' West PS9.21 foot line of a deed dated February 5, 1985, and recorded among the land records of Baltimore County in Liber 6183, folio 647; North 54° 56' 31" East 859,21 feet to a point in or near the road hed of
- 12) thence running along Sheppard Road and also running with and hinding on part of the fourth or South 49° 01' 09" East 843.60 foot line as described in the above mentioned deed dated December 18, 1984, South  $63^{\circ}$  05'  $21^{\circ}$ East 591,24 feet to a point at the end of the second or North 63° 13' 20" Fast 897,37 foot line as described in a deed dated September 7, 1978, and recorded among the land records of Baltimore County in Liber 1934, folio
- 13) thence leaving said Sheppard Road and the last mentioned fourth line and running reversely with and binding on the last mentioned second line South 49 06' 47" West 897.41 feet to a point being an iron pipe found, said point also being at the end of the first line of the above mentioned deed dated September 7, 1978, said point also intersecting the northeasterly most line or the North 46° 56' 21" West 321,17 foot line of let 2 as show on the above mentioned plat dated March 14, 1988;
- 14) thence running with and hinding on the northeasterly most lines of lot 2 the following two courses and distances: North 46° 56' 21" West 86,20 feet to a point being an iron pipe found;
- 15) thence North 58 15' 15" West 200,00 feet to the point of beginning. Containing 1,638,282 square feet or 37,6098 acres of land more or less.

EXHIBIT A

MCKEE & ASSOCIATES INC.

SHAWAN PLACE 5 SHAWAN BOAD Telephone: (301) 252-5820

March 15, 1988

DESCRIPTION OF TRACT 'A'
IMMALD PROPERTY
AND JOHN ENSOR PROPERTY

Reginning for the same at a point on the second or North 44° 11' 17" West 575.09 foot line of a deed dated December 18, 1984, and recorded among the land records of Baltimore County in Liber 6818, folio 191, said point being 200,00 at a boutone of and they and notes also before the mortherly worl recorded in the land records of Baltimo: County in Liber S.M. SE, folio 36;

- 1) thence leaving said second line and running with and binding on the hwesterly most lines of lots 1 and 2 as shown on the last mentioned plat the following two courses and distances, as now surveyed: South 49 06' 47" West 1070.03 feet to a point:
- 2) thence South 02" 48' 03" West 337,83 feet to a point intersecting the northeasterly side of a parcel of land as described in a deed dated October 24, 1966, and recorded among the land records of Raltimore County
- 3) thence running with and binding on the northeasterly side of the last ed parcel and the no-toeasterly side of a parcel of land described in a deed dated January 14, 1969, and recorded among the land records of Baltimore County in Liber 4961, folio 726, the following five courses and

# of Tract A. Iswald Property and John Engor Property

- distances: North 67 52' 13" West 99.00 feet to a moint: 4) thence North 51° 52' 13" West 198.00 feet to a noint
- 5) shows Moreh 68 0 591 13" West 197 00 feet to a noint.
- North 39" 521 13" West 127.00 feet to a point
- 7) thence North 66 29' 43" West 385,67 feet to a point said point being a stone found at the end of the fourth or South 070 151 Feet 186 1 foot 1 foot of a deed dated November 21, 1935, and recorded among the land records of Baltimore County to Liber 965, folio 437,
- thence running reversely with and hinding on the last mentioned fourth line. North 21° 12' 33" West 656.55 feet to a point at the end of the second or South 83° 25' 40" West 1413.00 foot line of a deed dated June 30, 1972, and recorded among the land records of Baltimore County in Libe
- 9) thence running reversely with and binding on the last mentioned second Time North 22° 16' 08" East 1412.95 feet to a noint said noint heins at ound at the end of the fourth or North 44° 24' West 148 foot line of a deed dated Pehruary 5, 1982, and recorded among the land record of Balkinson County in Ither 6383 Julio 667.
- thence running reversely with and hinding on the last mentioned fourth time South 55" 45" 50" East 148,10 feet to a point said point heing an found at the end of the second or North 44° 11' 17" West 575.09 foot line of the above mentioned deed dated December 18, 1984, and recorded among the land records of Baltimore County in Liber 6838, folio 101

4-10-88/TBA-1222

Description of Tract A Inwald Property and John Ensor Property March 15, 1988 Page Four

Being all of tract 'A' as shown on the plat of Imwald Property dated March 14, 1988, and recorded among the land records of Baltimore County in Liber S.H. 58. folto 36

Also being a part of a parcel of land as descr'hed in a deed dated December 18, 1984, and recorded among the land records of Baltimore County in

Subject to a 100 year flood plain and drainage and utility easement as

Also subject to a 10 foot drainage and utility easement as shown on the last mentioned plat.

LAW OFFICES WHITEFORD, TAYLOR & PRESTON

BALTIMORE, MARYLAND 21202-1626 301 54T-8700



March 31, 1988

Mr. J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building 111 Nest Chesapeake Avenue Towson, MD 21204

Re: Petition for Special Hearing SW/S Sheppard Road, 480 NW of cl of J/H. Pearce Road 10th Election District; Third Councilmanic District John H. Ensor, et al. - Petitioners Case No. 88-227-SPH

Dear Mr. Haines:

Pursuant to the Findings and Fact Conclusions of Law and Order entered by you on February 7, 1985, I am enclosing herewith a copy of the recorded plat relating to the above matter plat records for maltience country in Liber Bids, follo 36 on or about March 14, 1988; and a copy of the consolidation description plat which will be part of the consolidation description plat which will be part of the consolidation description consepart of the Land Records of Baltinore Country. Mr. Ensor's settlement storney will prepare the consolidation deed and will accept the consolidation description of the fact that the consolidation description and evidence of the fact that the consolidation description and evidence of the fact that the consolidation description des Pursuant to the Findings and Fact Conclusions of Law

Mr. J. Robert Haines March 31, 1988 Page 2

comply with paragraph 2 of the Order. These collective compliances would seem to satisfy all conditions precedent of the Opinion and Order of February 2, 1988.

Singarely,

Enclosures cc: Mr. William B. Huth Mr. John H. Ensor

Baltimore County Fire Department Towson, Maryland 21204-2586 Paul H. Reincke

Liber 6838, folio 191.

August 26, 1987

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

277

Re: Property Owner: John H. Ensor, Louis S. Inwald

Location: SW/S Sheppard Road, 480° NW c/1 of J. M. Pearce Road

Zoning Agenda: Meeting of 8/18/87

Item No.: 55

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 place 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 Maltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site. ( x) 3. The vehicle dead end condition shown at lot #1.

EXCERDS the maximum allowed by the Fire Department.

\* ( x) 4. The site shall be made to comply with all applicable parts of the

( x 1 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition

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

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

REVITABLE CALL Group Killy S. A. 17 Noted and John & New Holly S. A. 17 Naproved Pire Prevention Bureau
Pachapte Review I Important Division Parhandle Road to lot \$1 shall be 16 feet in width and hard surface, and support \$50,000 lb. fire apparatus

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER SW/S Sheppard Rd., 480' NW C/L of J. M. Pearce Rd., 10th Dist. : OF BALTIMORE COUNTY

I Case No. 88-227-SPH

ENTRY OF APPEARANCE

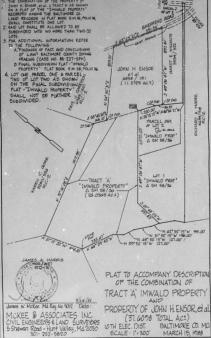
Please enter the appearance of the People's Counsel in the shovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or

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

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

I HEREBY CERTIFY that on this 23rd day of November, 1987, a copy of the foregoing Entry of Appearance was mailed to Adelina M. Welch, Esquire, and Thomas C. Beach, III, Esquire, Whiteford, Taylor & Preston, Seven St. Paul St., Baltimore, MD 21202, Attorneys for Petitioners.





7865 ME 107

TRACT 'A' IMWALD PROPERTY PROPERTY OF JOHN H. ENSOR, et al

10 TH ELEC. DIST. BALTIMORE CO. MO. SCALE: 1'= 300' MARCH 15, 1988

Mr. J. Robert Haines

Zoniny Commissioner County Office Building Towson, Maryland 21204 Att: James Dyer

# BALTIMORE COUNTY, MARYLAND

Mr. J. Robert Maines TO Zoning Commissioner

SURJECT Zoning Petition No. 88-227-SPI

This office is opposed to the granting of the subject request, believing that no lots can be created that will permit development in excess of the limits set forth in the F.C. 2 zone.



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



Creston J. Mills, Jr. by: George Wittman

Com L. Millin

RE: Baltimore County Item #55

Item #55
Property Owner: John H.
Ensor/Louis S. Iswald
Location: SW/S Sheppard
Road, (Maryland Route 138)
480' NW centerline of
J.M. Pearce Foad

J.M. Pearce Road Existing Zoning: R.C. 2 Proposed Zoning: Special hearing to approve the reconfiguration of lot

reconfiguration of lot lines on two contiguous parcels, to create two building lots and a farm tract with the density capachility of further sub-divsion in accordance with R.C. 2 requirements Area: 11.57 acres & 43.2 acres District; loth

My telephone number is (301) 333-1350

Taletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Merriand 21203-0717

On review of the submittal of August 4, 1987, the State Highway Administration-Bureau of Engineering Access Permits will require the site plan to be revised.

The revised site plan must show a ultimate 80' right-of-way (40' half section), on Sheppard Road.

It is requested the site plan be revised prior to a hearing date being set.

BALTIMORE COUNTY DEPARTMENT OF MEALINE

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204 Zoning Item #55 . Zoning Mayleory Committee Meeting of 8-18-87

AUG 27 1987

ZONING OFFICE

CJM-GW/es

John Enson Property Owner: Shippaid Rd. District 10 \_\_ Sewage Disposal purate Water Supply \_ private

COMMENTS ARE AS POLICUS: ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for may existing or proposed food service facility, complete plans and specifications must be substitled to the Plans Bertien Section, Environmental Deport Services, for final review and approval.

( ) Prior to new installation/s of fuel burning equipment in one ower should content the Division of Air Publishin content in Division Services and For services are specified by the Content of Services and For (5,000 gallons or sore) has any occase would be into the attorphore.

( ) A permit so considerates from the Division of Air Pollution Control is required to any charbollary operation which has a total cooking surface area of five (5) square feet or more.

( ) Prior to approval of a building Fermit Application for presentions to exist-ing or construction of now health care Radillies, the property of a popularization of the building companion must be said type of equipment to an approve the companion of the property of the property of an approved Section, hiriston of Radinestry and Radinestry, Plats Department of Bealth and New Market Section 1997.

( ) Prior to any new construction or substantial alteration of public priming pool, waiting pool, bathbours, excess, whirippois pool and the end accepta-ficial time or other apportunitions must be substantia to the Batthews of ending the end of the

( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.

( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

INTER-OFFICE CORRESPONDENCE

Date November 23, 1987 Norman E. Gerber, AICP

PROM Director of Planning and Zoning

Zoning Item # 5.5 Zoning Advisory Committee Meeting of 8-/8-87

( ) Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Munagement at 104-3768, regarding resoval and/or disposal of potentially hazardous materials and solid wastes.

say absolved underground storage tasks containing gasoline, waste oil, sol-works, site, must have the contents removed by a licensed hauler and either be removed from the property or property basicilise. Prior to ensured nor absolumnent, overs must contact the Edvision of Waster Quality and Market Management is 10-710.

Management at 108-1763.

Soil percolation tests (game benefits to configured.

Soil percolation test with until 1-15-40.

Soil percolation test results have expliced. Fetitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.

( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Paltimore County Standards must be drilled.

In accordance with section 19-11 or see Section 19-12 or see large event of the section 19-12 or see a see a section 19-12 or section 19-12 or see a section 19-12 or section 19-12 or

( ) In accordance with Section 13-117 of the Baltimore County Code, the water

( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples. ( ) If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.

(if other De active authorize this supported the awar or divideoper will be regularly to Comply with by with a wind of State of the in



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

HENDERS

Board of Education Soning Administrati Adelins M. Welch, Earlie Whiteford, Taylor & Frestor Seven St. Paul Street. Baltimore, Maryland 21202 400

RE: Item No. 55 - Case No. 88-227-SPH Petitioner: John H. Ensor, et al Petition for Special Hearing

Dear Mr. Welch:

JED: kkb

The Zoning Plans Advisory Committee has reviewed the plans substi-ted with the above-reference position. The following comment are not intended to indicate the sail parties are such saver of action of the sail parties are such saver of earlier or problems with regard to the development plans that may have a bearing on this case. The Euroctor of Equating may file a written report with the oning Commission of the Processionalities as to the notability of the respected Sonier. Sureau of Health Departmen Project Planning

Exclused are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If smilar comments from the remaining members are received, I will forward them to you. Otherwise, any comment is not informative will be placed in the best of the petition was accepted for filing members. This petition was accepted for filing and the period of the enclosed filing certificate and a hearing winduled accordingly.

Very truly yours, James E. Delker JAMES E. DYER Zoning Plans Advisory Committee

Enclosures

cc: McKee & Associates, Inc. Shawan Place, 5 Shawan Road Hunt Valley, Maryland 21030

Sept@mber 23, 1987

Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Zoning Commissioner:

The Bureau of Traffic Engineering bag no comments for items number 43, 44, 45, 46, 47, 48, 49, 52, 55, 56, 57, and 58.

Very truly yours, Micheal S. Flanigan Traffic Engineer Associate II

MSPreh



TAN OFFICES

WHITEFORD, TAYLOR & PRESTON

	HOTH A ROSCHMING	
	THEORISCH SMOULT HORSES	
	OCCUPANT A BACK-PARTY	
	JAMES F. CHARGON	
	STORES - MATERIAL	
MATERICK N		
Particular services and	50,486	

SEVEN SAINT PAUL STREET BALTIMORE, MARYLAND 21202-1626 301 347-8700 TELEX. \$101012334 FAX: 301 752-7092

October 20, 1987

Mr. J. Robert Haines Zoning Commissioner Office of Planning and Zoning 111 West Chesapeake Avenue Towson, MD 21204

Re: Petition No. 55 Ensor/Inwald Property ZONING OFFICE

I represent the contract purchasers of a tract of land in Monkton which is the subject of the above Petition No. 55. The current hearing date is December 8, 1987 at 200 p.m. The purpose of this letter is to respectfully request that you advance the hearing date based on the following hardship grounds.

Accesses the nearing ducte bases on the tollowing naturally grounds, taking their total properties into consideration, the Putlion Acting their total properties into consideration, the Putlion Wir. Ensor is the owner of a treat which adjoins the subject tract of 43 acres. If you will approve the proposal, Mr. Ensor's property will simply be enlarged and the subject property will capture to the control of the

Mr. J. Robert Haines Page 2

The difficulty is that Mr. Inwald has been patiently valing for settlement to occur but because the ultimate unfor involves three different between the patient with the patient of the contract purchasers, Messra. Ensor and Nuth, risk loss of the contract interpretable they have to complete the contract of the parties are forced to settle early, they vill incur at least the parties are forced to settle early, they vill incur at villence to the property at or parties of the contract. If the parties are forced to settle early, they vill incur at viving the property at or parties to the parties are forced to the

Since the proposal is so innocuous to the community is a whole and constituting a werp minor the property is considered existingly, but constitutes no deviation at all when each of the properties are considered together the properties are considered together the properties are considered together the proposal putition, we have a saving that you advance the matter for an earlier hearing date so that the parties can considered together and the properties are considered to the properties are considered to the properties and the properties are considered to the properties and the properties are considered to the properties are considered to the properties and the properties are considered to the properties and the properties are considered to the properties and the properties are considered to the properties are considered to the properties and the properties are considered to the p

Thank you.



TCB:lam cc: Mr. John H. Ensor Mr. William B. Huth

WWO 1 4/86

WWO 2 4/86

Balto Co.

Division of Water and Sewer Department of Environmental Protection

and Resource Management

Karen Dh. Therrey
DHY HX YMMHHAY ETHNOGHY X
HHHHH HON ENTHEMMHHAY MHWIEKK

WHITEFORD, TAYLOR & PRESION		LAW OFFICES
and 5 metrins and 1 metrins an		WHITEFORD, TAYLOR & PRESTON
Mere de des de la company de l	William R. Hall.  17042 Barting St. Marting M. Martin 4111	March 1997   Mar
Department of Change Service Scales State		* Committee Control Co
REGULVER		"Secure person for Columna Sections SECURIO CAMP"  December 10 Columna Sections SECURIO CAMP"  December 10 Columna Sections SECURIO CAMP"
Nr. J. Robert Naines Zoning Commissioner County Office Building Township Avenue Township No 22009 ZONING OFFICE ZONING OFFICE		Mr. J. P-bert Haines Zoning Commissioner County Office Building 111 West Chesapeake Avenue Townon, MO 21204
Petition for Special Hearing Petitioner: John H. Ensor, et al.		Re: Case No.: 88-227-SPH 7681
Dear Mr. Haines:		Petition for Special Hearing Petitioner: John N. Ensor, et al.
Enclosed herewith is a revised plat which was discussed		Dear Mr. Haines:
during the hearing on the above matter held on December 8, 1997, and which is referred to in the proposed order which was filled by an and which is referred to in the proposed order with the stilled by plat dated 1/4/88 in the file on the matter, as an indication of your rulings thereon. The proposed order suggests that this plat become part of the proposed order suggests that this plat become part of the proposed the proposed order or satters needing systematics. If there are any additional requirements or matters needing systematics, and the proposed order to the	, =====================================	They prepared, and I smint hereafth a prop which embodies all of the Indiany ande by you in our be 1997 public hearing on this actier. You will note that become a part of the case file. That new plat will all life of division between the 11.97 acre parcel now owner that they have been appropriate the property of the property of acre parcel. 2000 acre that "A" being carried out of acre parcel.
Thank you.		If you wish to discuss this matter with me, pl
Singerely, Tionas C. Beach, 111 TCB:lam Enclosure		of the date on which an Order is signed so that we may p settlement date on the Imweld/Ensor contract.
cc: Mr. John H. Ensor Mr. William B. Huth		

N 6 1988 NG OFFICE

cosed Order Secember 8, the Order , will minate the ed by John of the 43

loase call notify me Mr. J. Robert Haines December 30, 1987 Page 2

Thank you.

TCB:lam Enclosure

