

IN RE: PETITION FOR SPECIAL HEARING *
N and S Side of Long Lane *
3700' W of Longmeadow Road *
4th Election District *
3rd Councilmanic District *
Family of Herbert Wirts, Jr. *
Petitioner *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-314-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests approval of the determination of the application of Baltimore County Zoning Regulation 1A01.3.B1 and Zoning Commissioner's Policy #RSD-10 and #RSD-3 to the existence and realignment of seven (7) of eight (8) separate buildable deed parcels of land into seven (7) more uniform building lots in an R.C.2 zone where the parcels of land are described in separate deeds and/or in separate descriptions in the same deeds, which deeds were recorded prior to November 25, 1979, said eight (8) existing and more uniform buildable lots, (said reconfiguration will not affect density), as more particularly described on Petitioner's Exhibit 1, 2, and 3.

The Petitioners are the eight (8) heirs of George W. Wirts. They are Herbert W. Wirts, Laura M. Merchant, Elizabeth E. Adkins, Adalene H. Wirts, Robert B. Merchant, Clifford R. Merchant, Russell G. Merchant and Stanley E. Merchant. The Petitioners were represented by Michael Gisiel, Esquire, of Gisiel and Gisiel. Testimony was provided by Herbert W. Wirts, Thomas Ditman, a surveyor and James Schulte, a land planner for Security Development Corporation, the contract purchaser.

The following Protestants, namely, Duncan W. Keir, Lisa S. Keir, Michael D. Hankin, Anne Dunlap Hankin, Walter B. Brewster, George P. Mahoney, Jr., and Amanda S. Mahoney were present and represented by their attorneys, John B. Howard, Robert A. Hoffman, Judith A. Arnold, of Cook, Howard, Downes and

Tracy. There were additional Protestants present, namely, Mr. Carroll, Mr. Parr, Mr. Worthington, Mr. and Mrs. Schaffer, Mrs. Davis, Mr. Shaw, Mrs. Borg, Mr. Bukowitz, Mr. and Mrs. Kellner, Mrs. Hackett, Mr. Boza, Mr. Boyce and Mrs. Nauber.

The Petitioner has framed the above issue as set forth in the opening paragraph. The Protestants disagree with the issues as stated by the Petitioner. The framing of the issue or issues in this case is very important to the proper resolution of the case.

There are, at least, two major issues raised by this Petition for Special Hearing. The two issues are:

(1) What are the actual number of lots of record prior to November 25, 1979?

(2) Is the proposed reconfiguration of the claimed eight (8) lots of record appropriate as requested on Petitioner's Exhibits 2 and 3?

There are several secondary issues that need not be addressed. The decision of the first major issue makes any further inquiry into the remaining issues unnecessary at this time.

The Petitioner claims the subject property which consists of 60.89 acres of R.C.2 zoned land in northwestern Baltimore County contains eight (8) parcels or lots of record. The Protestants claim there is only one (1) lot of record, or in the alternative, there are five (5) lots of record.

The reason the number of lots of record is so important is each lot of more than two acres may only be subdivided into two lots under the present Baltimore County Zoning Regulations (B.C.Z.R.). Specifically, the R.C.2 area regulations, 1A01.3.B.1. states:

"1. Subdivision Lot Density. No lot of record lying within an R.C.2 zone and having a gross area of less than 2 acres may be subdivided. No such lot having a gross area

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between 2 and 100 acres may be subdivided into more than 2 lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of 1 lot for each 50 acres of gross area."

Without the additional lots of record as defined in the B.C.Z.R., the Petitioners would not have the number of "building lots" that they desire.

There were two (2) days of testimony and evidence produced in this case. There are over 40 pages of Memorandum and more than 15 pages of additional attachments. I will not attempt to recount every statement, fact or exhibit in this opinion. I will only address the factual information necessary to the determination of this case.

The Petitioners claim to have eight (8) parcels of land that are derived from five (5) deeds of record to a common owner, namely, George W. Wirts. These deeds to George W. Wirts were for the period April 20, 1918 thru December 20, 1940. The five (5) deeds are also referred to in a life estate deed to George W. Wirts of July 13, 1965.

The immediate deed from which all of the above named eight (8) individuals in some form take title is a Deed dated July 13, 1965, Liber R.R.G. No. 4488 folio 297. This deed is from Pat Holding Company, Inc. (a straw company) to George W. Wirts (who died December 10, 1972) granting a life estate with the remainder to his heirs, Herbert W. Wirts, et al, as tenants in common. This deed is referred to herein as the life estate deed.

The Petitioners claim the eight (8) lots of record arise through the review of the following six (6) deed descriptions:

(a) The Deed, dated December 20, 1940 recorded in the Land Records of Baltimore County, C.W.B.Jr. No. 1142 folio 255, conveying a parcel of 19.6 acres, more or less.

Out of that parcel six (6) acres were conveyed to Baltimore Gas and Electric Company by Deed dated April 21, 1969, Liber O.T.G. No. 4983 folio 432; and this conveyance divided the 19.6 acres, leaving the two non-contiguous

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parcels of 11.4967 acres and 2.7011 acres which are shown as Parcel 3 (purple) and Parcel 1 (dark green), respectively on Petitioner's Exhibit #1.

(b) The Deed, dated April 20, 1918, recorded in the Land Records of Baltimore County, W.P.C. 496 folio 147, conveying a parcel of one (1) acre, more or less.

That parcel is shown as Parcel 7 (light green) on Petitioner's Exhibit #1.

(c) The Deed dated March 14, 1922 recorded in the Land Records Liber W.P.C. 552 folio 179 conveying two parcels of 15.25 acres and 6.25 acres.

On May 22, 1931 deed 878/126 conveyed out 2.062 acres of the 15.25 acre parcel to the Susquehanna Transmission Co. of Maryland. On April 21, 1969 deed 4983/432 conveyed out an additional 3.2 acres of the 15.25 acre parcel (adjacent to the 2.062 acres) to the Baltimore Gas and Electric Company. On May 7, 1986 deed 7156/486 conveyed to the 6.25 acre parcel in its entirety and all of the 15.25 acre parcel east of the transmission line to George P. Mahoney, Jr. (12.5740 acres to all) leaving the 2.8378 acre parcel shown as Parcel 5 (dark blue) on Petitioner's Exhibit #1.

(d) The Deed, dated November 28, 1934, recorded in the Land Records of Baltimore County, C.W.B. Jr. 947 folio 137, conveying a parcel of 17.76 acres, more or less.

That parcel is shown as Parcel 4 (pink) on Petitioner's Exhibit #1.

(e) The Deed, dated June 26, 1926, recorded in the Land Records of Baltimore County, W.P.C. 636 folio 63, conveying what is claimed to be three (3) parcels containing a total of 27.5 acres, more or less.

Those parcels are shown as Parcel 8 (light blue) and Parcel 6 (yellow) on Petitioner's Exhibit #1.

(f) The Deed that the Petitioners claim a "lot of record" is through a deed dated July 18, 1889, recorded in the Land Records of Baltimore County, J.W.S. 176 folio 137, conveying a 1.48 acre parcel, more or less.

That parcel is shown as Parcel 2 (orange) on Petitioner's Exhibit #1. This parcel is also conveyed as part of all the lands included in deed W.P.C. 636, folio 63.

(A reduced copy of the Petitioner's Exhibit #1 is attached hereto.)

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The Protestants do not agree with the Petitioner's reading of the deeds in question. The Protestants, in essence, argue that the evidence shows that George W. Wirts, acquired all of the property (and some additional acreage), from family members and others, through a series of conveyances from 1918 to 1940. That in 1965, after the death of his wife, George W. Wirts decided to transfer all of his holdings to a straw party, so that the straw party could reconvey a life estate in the whole property to himself, George W. Wirts. The Petitioners are the remaindermen designated in the deed that created that life estate. Upon the death of George W. Wirts in 1972, the remaindermen acquired fee simple title to the property.

The Protestants argue there is only one lot or tract as a result of the 1965 life estate deed. The argument appears to be based upon a quasi-merger/legislative intent theory. I know of no such legal theory; however, the Protestants argue for its justification "... by reasoning that the parcels described in the various deeds by which George W. Wirts acquired the property were merged, by operation of law and by the passage of time, into a single unit, or alternatively, by the simpler reasoning that the deeds creating a life estate in 1965 consolidated the property into a single unit." There is no case law or statute cited by Protestants in support thereof.

On the other hand, the Petitioners would have the Zoning Commission review the land records to determine the greatest possible number subdivisions of an area of land and count every possible different section of land over time to arrive at the number of lots possible. This method is totally unacceptable and, clearly, contradicts the spirit and intent of the B.C.Z.R.

Section 101 of the B.C.Z.R. defines "subdivision" in pertinent part as "(t)he division of any tract or parcel of land. . . into two or more lots,

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plots or other divisions of land for the purpose . . . of building, development for rental or sale, and including all changes in . . . lot lines".

Furthermore, a "lot of record" is defined in B.C.Z.R. as "... a parcel of land with boundaries as recorded in the Land Records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof." The effective date for a lot of record in the R.C.2 zone is November 25, 1979.

The B.C.Z.R. forbids the type of historical land record review the Petitioner argues for. The proper level of review is the natural review of the last described parcels in each of the last deeds of record.

Each deed of record that conveys the land so described must be reviewed to determine the actual purpose of the conveying document. The Petitioners seek to pass over deeds with specific descriptions to reach older deeds that described older, now non-existing lots. Lots and parcels of land that have been combined into one description is now one lot, not the collect of many parts. I simply will not stretch the natural reading of a conveying document as the Petitioner requests.

First, I will review the affect of the life estate deed.

A natural reading of the life estate deed, clearly, does not indicate any intent to merger the "lots" into one tract of land. Nothing about the deed implies or directly states it is a merger deed. I know of no case or statutory law that requires a life estate deed to be a merger deed.

The life estate deed, specifically, states "... that the said party of the first part does grant and convey unto the said party of the second part, its successors and assigns, in fee simple, all those lots of ground, situated, lying and being in Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say: Being all those lots or parcels of

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ground which were acquired by George W. Wirts by the following deed to which reference is made for more particular description: . . . ". (Emphasis added) It is extremely obvious upon the face of this deed that there was no expressed intent to combine all of the properties of George W. Wirts into one single tract. I refuse to read into this life estate deed, an intention by George W. Wirts to combine the five (5) metes and bounds descriptions contained in the five (5) referenced deeds into one (1) single tract or parcel of land. Likewise, I find nothing implicit as a matter of law to contravene the specific words, lots and parcels of ground. The words lots and parcels of ground do not in any way indicate a unification by a new metes and bounds description, nor do they imply that it is to be treated as one parcel or a parcel of ground.

Having found that the deed of record, which would contain the lots of record, is not the 1965 life estate deed, then the second level of inquiry must turn to the determination of the actual number of parcels or lots which were created by the five (5) deeds of record listed in the life estate deed.

Turning, first, to deed W.P.C. 496 folio 147, dated April 20, 1918, conveying approximately a one acre parcel. This parcel is shown as Parcel 7 outlined in light green on Petitioner's Exhibit 1. Clearly, this deed describes a lot and parcel of land created prior to November 25, 1979 and this parcel has remained a separate and unique parcel. Therefore, Parcel 7 outlined in light green on Petitioner's Exhibit 1 is the first lot of record.

Turning to deed W.P.C. 552, folio 179, dated March 14, 1922, conveying two (2) parcels of 15.25 acres and 6.25 acres unto George W. Wirts, et al. This parcel of ground was conveyed and, therefore, a lot of record prior to November 25, 1979. This parcel was subject to several out conveyances which reduced the total acreage leaving the 2.8378 acre parcel shown as Parcel 5

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outlined in dark blue on Petitioner's Exhibit 1 which is the second lot of record.

Turning now to deed C.W.B. Jr., 947 folio 137, dated November 28, 1934, which includes a 17.75 acre parcel of ground shown on Petitioner's Exhibit 1 as Parcel 4 outlined in pink. Clearly, this parcel was created prior to November 25, 1979 and is the third lot of record.

Turning now to deed C.W.B. Jr., 1142 folio 255 dated, December 20, 1940, conveying a parcel of 19.6 acres to George W. Wirts, et al. This parcel is the original parcel out of which Parcel 3 outlined in purple and Parcel 1 outlined in dark green on Petitioner's Exhibit 1 were created. Conveyed from the original 19.6 acres were approximately 6 acres taken by the Baltimore Gas and Electric Company on April 21, 1969.

The Protestants take great issue with the lands described in Deed C.W.B.Jr. 1142, folio 255. They argue that the deed creates one parcel of land. I agree, however, that parcel was, clearly and actually, subdivided by the transfer of George W. Wirts to the Baltimore Gas and Electric Company on April 21, 1969, of approximately 6 acres. This deed recorded in Liber O.T.G., No. 4983 folio 432 is the action of the owner, which as a practical matter subdivided the parcel into lots of 11.49 acres and 2.7 acres. These lots are now and have been, prior to November 25, 1979, in existence. The result is a parcel of ground described in deed C.W.B.Jr. 1142 folio 255 which is actually subdivided prior to November 25, 1979 resulting in two (2) separate and distinguishable lots of record shown as Parcel 3 outlined in purple and Parcel 1 outlined in dark green on Petitioner's Exhibit 1. Parcel 3 is the fourth and Parcel 1 is the fifth lots of record.

Finally, turning to deed W.P.C. 636 folio 63 dated June 26, 1926 to George W. Wirts, et al conveying three (3) parcels of ground containing

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approximately 27-1/2 acres. The Petitioner claims that these three distinct parcels of ground are to be identified as Parcel 2, outlined in orange, Parcel 6, outlined in yellow and Parcel 8 outlined in light blue, all on Petitioner's Exhibit 1.

The petitioner claims that these three (3) separate parcels are described in various deeds and derived from various transactions prior to the June 26, 1926 deed. This may or may not be an accurate reflection of the resulting properties that were described in the description found in the June 26, 1926 deed. However, it is abundantly clear from a literal reading of deed W.P.C. 636 folio 63 that this deed has merged all three (3) alleged parcels of ground into one large lot. The literal reading of the deed describes the property as "all that lot or parcel of land lying and being in the 4th election district of Baltimore County in the State of Maryland and described as follows, to wit". The entire description of this land does not indicate in any way that the entire parcel was not to be merged into one large tract of land.

The Petitioners have spent a great deal of time referring to the older deeds indicating where the entire parcel described in deed W.P.C. 636 folio 63 were derived from. However, continual subdivision of property into the smaller portions from which they may or may not have been derived is irrelevant since the deed of June 26, 1926, describes a lot or parcel of land and not three (3) lots. There is nothing in this deed to indicate that there was any intention, nor is there anything specifically on the face of this deed to indicate that these were to remain three (3) separately described parcels of land. The Petitioners may or may not be correct that earlier deeds describe them as separate described parcels, however, the result of the deed of June 26, 1926 is to create a singular parcel of land. Therefore, all of the land shown as Parcel 8 outlined in light blue, Parcel 6 outlined in yellow and

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Parcel 2 outlined in orange on Petitioner's Exhibit 1 is one (1) singular lot of record created on June 26, 1926 and is the sixth lot of record.

As a result of the detailed review of each of the latest deeds of record, there are six (6) separate lots of record. The lots of record are identified by reference to the parcels and color outlines shown on Petitioner's Exhibit 1.

The first lot of record is Parcel 7, outlined in light green on Petitioner's Exhibit 1.

The second lot of record is Parcel 4, outlined in pink on Petitioner's Exhibit 1.

The third lot of record is Parcel 5, outlined in dark blue on Petitioner's Exhibit 1.

The fourth lot of record is Parcel 3, outlined in purple on Petitioner's Exhibit 1.

The fifth lot of record is Parcel 1, outlined in dark green on Petitioner's Exhibit 1.

The sixth lot of record is Parcels 2, 6 and 8, outlined in orange, yellow and light blue on Petitioner's Exhibit 1.

The Petitioner's case is based solely upon the premise that there were eight (8) lots of record. The proposed reconfiguration of the lots of record is based on eight (8) lots of record. Therefore, the additional issues raised by the Petitioner are inappropriate for resolution at this time. The reconfiguration of the land as requested and described on Petitioner's Exhibit 2 is unacceptable as there are only six (6) lots of record and not eight (8).

Although I will not rule at this time upon the issue of the reconfiguration, I must comment on the misreading of this office's position on this matter. First and foremost, the purpose to be fulfilled in any case for

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reconfiguration in the R.C.2 zone is the protection and preservation of farm land and not to create eight (8) "more uniform" lots for homesites as claimed by the Petitioners. The decisions cited by the Petitioners do not, as claimed, stand for the holding that housing developments or the creation of uniform lots for homesites is the purpose of the reconfiguration of lot lines in the R.C.2 zone. The B.C.Z.R. concerning the R.C.2 zone allow landowners to develop the land, but forces the protection the maximum number of acres of productive agricultural land.

I will not issue any opinions upon any of the remaining issues raised by either the Petitioners and/or the Protestants. Those issues may or may not be addressed in the proper actions at other times.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested approval and relief should be granted in part and denied in part, as more clearly set forth in the final Order.

WHEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, this 11th day of APRIL, 1988, that the approval of the determination of the application of Baltimore County Zoning Regulation 1A01.3.B.1. and Zoning Commissioner's Policy #RSD-10 and #RSD-8 to the existence and realignment of seven (7) of eight (8) separate buildable deed parcels of land into seven (7) more uniform building lots in an R.C.2 zone where the parcels of land are described in separate deeds and/or in separate descriptions in the same deeds, which deeds were recorded prior to November 25, 1979, said eight (8) existing and more uniform buildable lots to be unaffected density wise by said reconfiguration be and is hereby DENIED.

IT IS FURTHER ORDERED that there are six (6) lots of record, existing prior to November 25, 1979, described generally as:

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1. Parcel 7, outlined in light green on Petitioner's Exhibit 1,
2. Parcel 4, outlined in pink on Petitioner's Exhibit 1,
3. Parcel 5, outlined in dark blue on Petitioner's Exhibit 1,
4. Parcel 3, outlined in purple on Petitioner's Exhibit 1,
5. Parcel 1, outlined in dark green on Petitioner's Exhibit 1,
6. Parcels 2, 6 and 8 outlined in orange, yellow and light blue on Petitioner's Exhibit 1.

The Petition for Special Hearing is hereby GRANTED in part as to the existence of six (6) lots of record.

J. Robert Haines
ZONING COMMISSIONER
OF BALTIMORE COUNTY

JRH:mmm
cc: Peoples Counsel

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KIDDE CONSULTANTS, INC.
Subsidiary of KIDDE, INC.

New #1

DESCRIPTION OF PORTION OF
HERBERT W. WIRTS, ET AL, PROPERTY
4TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
(2.7011 ACRES ± PARCEL)

TO BE KNOWN AND DESIGNATED AS PARCEL NO. 1.

BEGINNING FOR THE SAME at an iron bar found at the end of the 12th line of the land described in a deed dated 20 December 1940 and recorded among the Land Records of Baltimore County in Liber CWB, Jr. No. 1142 Folio 255 from Robert B. Wirts and wife to George W. Wirts and wife, thence leaving said place of beginning and running reversely with and binding on said 12th line, as now surveyed referring all courses of this description to the meridian of the land described in a deed dated 21 April 1969 and recorded among the Land Records of Baltimore County in Liber OTG No. 4983 Folio 432 from George W. Wirts, widower, to Bankers Trust Co., Trustee, and Baltimore Gas and Electric Co., (1) South 78 degrees 18 minutes 22 seconds West 520.74 feet to a concrete monument found at the end of the 11th line of the first hereinmentioned deed, thence running reversely with and binding on a part thereof, (2) North 10 degrees 20 minutes 38 seconds West 24.42 feet to intersect the the Southeast side of the existing transmission line right of way (400 feet wide) there situate, at the end of the second or South 36 degrees 54 minutes 00 seconds West 615 feet, more or less, line of the fourth parcel of land (also designated Parcel "D") described in said second

KIDDE CONSULTANTS, INC.
Subsidiary of KIDDE, INC.

New #2

Herbert W. Wirts, 2.7011 Acres
KCI Job Order No. 01-85348S
August 25, 1987
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hereinmentioned deed, thence running reversely with and binding on said second line (3) North 36 degrees 54 minutes 00 seconds East 614.36 feet to the beginning thereof and to intersect the 13th or last line of the land described in the first hereinmentioned deed, thence running reversely with and binding on a part thereof (4) South 19 degrees 32 minutes 31 seconds East 434.81 feet to the place of beginning.

CONTAINING 2.7011 acres of land, more or less.

BEING A PORTION of the land referred to in a deed dated 13 July 1965 and recorded among the Land Records of Baltimore County in Liber RRG No. 4488 Folio 297 from Pat Holding Company, Inc. to George W. Wirts.

PPF/bg KCI Job Order No. 01-85348S August 25, 1987
Work Order No. 46446

KIDDE CONSULTANTS, INC.
Subsidiary of KIDDE, INC.

New #3

DESCRIPTION OF PORTION OF
HERBERT W. WIRTS, ET AL, PROPERTY
4TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
(6.2246 ACRES ± PARCEL)
TO BE KNOWN AND DESIGNATED AS
PARCEL 2

BEGINNING FOR THE SAME at the end of the fourth line of the land described in a deed dated 26 June, 1926 and recorded among the Land Records of Baltimore County in Liber WPC No. 636 Folio 63 from Elizabeth Wirts, Widow, to George W. Wirts and Wife, said place of beginning being located, as now surveyed referring all courses of this description to the meridian of the land described in a deed dated 21 April, 1969 and recorded among the Land Records of Baltimore County in Liber OTG No. 4983 Folio 432 from George W. Wirts, Widower, to Bankers Trust Company, Trustee, and Baltimore Gas and Electric Company, South 19 degrees 21 minutes 38 seconds East 0.17 feet from a one-inch iron pipe found near the end of said fourth line of the first hereinmentioned deed, thence leaving said place of beginning and running through the land described in said deed binding on part of the third or South 84-3/4 degree East 67-1/2 perch line of the third lot described in a deed dated 18 July 1889 and recorded among the Land Records of Baltimore County in Liber JWS No. 176 Folio 137 from Vilmina Weller and Husband to John W. Fuller, (1) North 89

KIDDE CONSULTANTS, INC.
Subsidiary of KIDDE, INC.

New #4

Herbert W. Wirts, 6.2246 acres
KCI Job Order No. 01-85348S
September 4, 1987
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degrees 50 minutes 28 seconds East 419.07 feet, thence leaving said line and in part running for a new line of division now made through the land described in the first hereinmentioned deed, and in part continuing the same course for a new line of division now made through the land described in a deed dated 20 December, 1940 and recorded among the Land Records of Baltimore County in Liber CWB Jr. No. 1142 Folio 255 from Robert B. Wirts and Wife to George W. Wirts and Wife, in all binding on or near the centerline of a 10 foot, more or less, wide gravel drive there situate (2) South 16 degrees 53 minutes 00 seconds East 558.06 feet to intersect the ninth line of the fourth hereinmentioned deed at a point located North 86 degrees 35 minutes 42 seconds West 159.89 feet as measured reversely along said ninth line from a one-inch iron pipe found at the end thereof, thence running reversely with an binding, on part of said ninth line and on the eighth through the fifth lines of said fourth hereinmentioned deed, the five following courses and distances, viz: (3) North 86 degrees 35 minutes 42 seconds West 19.06 feet, thence (4) South 05 degrees 56 minutes 38 seconds East 101.59 feet, thence (5) South 82 degrees 37 minutes 22 seconds West 323.00 feet,

Herbert W. Wirts, 6.2246 acres
KCI Job Order No. 01-853485
September 4, 1987
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thence (6) South 21 degrees 22 minutes 38 seconds East 463.00 feet, and thence (7) South 82 degrees 48 minutes 52 seconds West 31.55 feet, thence in part running reversely with and binding on the fourth line of the fourth hereinmentioned deed, and in part continuing the same course running with and binding on the fourth line of the first hereinmentioned deed, in all running with and binding on part of the second line of the aforesaid third lot described in the third hereinmentioned deed (8) North 19 degrees 21 minutes 38 seconds West 1175.71 feet to the place of beginning.

CONTAINING 6.2246 acres of land, more or less.

BEING A PORTION of the land referred to in a deed dated 13 July, 1965 and recorded among the Land Records of Baltimore County in Liber RRG No. 4488 Folio 297 from Pat Holding Company, Inc. to George W. Wirts.

PPP KCI Job Order No. 01-853485 September 4, 1987
Work Order No. 46896

DESCRIPTION OF PORTION OF
HERBERT W. WIRTS, ET AL, PROPERTY
4TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
(6.7578 ACRES + PARCEL)
TO BE KNOWN AND DESIGNATED AS
PARCEL NO. 3

BEGINNING FOR THE SAME at an iron bar set in concrete found at the beginning of the land described in a deed dated 20 December, 1940 and recorded among the Land Records of Baltimore County in Liber CWB Jr. No. 1142 Folio 255 from Robert B. Wirts and wife to George W. Wirts and wife, thence leaving said place of beginning and running reversely with and binding on a part of the 13th or last line of said deed, as now surveyed referring all courses of this description to the meridian of the land described in a deed dated 21 April, 1969 and recorded among the Land Records of Baltimore County in Liber OTG No. 4983 Folio 432 from George W. Wirts, Widower, to Bankers Trust Company, Trustee, and Baltimore Gas and Electric Company, (1) South 19 degrees 32 minutes 31 seconds East 128.48 feet to intersect the northwest side of the existing transmission line right of way (400 feet wide), there situate, at the end of the third or North 36 degrees 54 minutes 00 seconds East 610 feet, more or less, line of the second parcel of land (also designated Parcel "B") described in the second hereinmentioned deed, thence running reversely with and binding thereon (2) South 36 degrees 54 minutes 00 seconds

Exhibit A

Herbert W. Wirts, 6.7578 Acres
KCI Job Order No. 01-853485
September 4, 1987
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West 608.03 feet to the beginning thereof and to intersect the 10th line of the first hereinmentioned deed, thence running reversely with and binding on a part thereof (3) North 44 degrees 18 minutes 43 seconds West 86.45 feet to a one-inch iron pipe found at the beginning thereof, thence running reversely with and binding on part of the ninth line of said first hereinmentioned deed, (4) North 86 degrees 35 minutes 42 seconds West 159.87 feet, thence leaving said line and in part running for a line of division now made through said first hereinmentioned deed, and in part continuing the same course for a line of division now made through the land described in a deed dated 26 June, 1926 and recorded among the Land Records of Baltimore County in Liber WPC No. 636 Folio 63 from Elizabeth Wirts, Widow, to George W. Wirts and wife, in all running and binding on or near the centerline of a 10 foot, more or less, wide gravel driveway, there situate (5) North 16 degrees 53 minutes 00 seconds West 558.06 feet to intersect the third or South 84-3/4 degree East 67-1/2 perch line of the third lot described in a deed dated 18 July 1889 and recorded among the Land Records of Baltimore County in Liber JWS No. 176 Folio 137 from Vilmina Weller and Husband to John W. Fuller, thence in part

Herbert W. Wirts, 6.7578 Acres
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running through the land described in the third hereinmentioned deed to the end of the first line of the first hereinmentioned deed, and in part continuing the same course running reversely with and binding on said first line of the first hereinmentioned deed, in all running reversely with and binding on part of said third line of the third lot described in the fourth hereinmentioned deed (6) North 89 degrees 50 minutes 28 seconds East 704.17 feet to the place or beginning.

CONTAINING 6.7578 acres of land, more or less.

BEING A PORTION of the land referred to in a deed dated 13 July 1965 and recorded among the Land Records of Baltimore County in Liber RRG No. 4488 Folio 297 from Pat Holding Company, Inc. to George W. Wirts.

PPP/bg KCI Job Order No. 01-853485 September 4, 1987
Work Order No. 46896

DESCRIPTION OF PORTION OF
HERBERT W. WIRTS, ET AL, PROPERTY
4TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
(16.7983 ACRES + PARCEL)
TO BE KNOWN AND DESIGNATED AS
PARCEL 4

BEGINNING FOR THE SAME at a concrete monument with brass disk marked "Julton-LWR-17" found at the beginning of the 21st line of the second parcel of land described in a deed dated 23 September, 1974, and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No. 5479 Folio 731 from Herbert B. Thausen and Robert L. Millhauser to Julius Mandel and Wife, said place of beginning also being located at the end of the eighth line of the land described in a deed dated 28 November, 1934 and recorded among the Land Records of Baltimore County in Liber CWB, Jr. No. 947 Folio 137 from Richard R. Duncan and Wife to George W. Wirts and Wife, thence leaving said place of beginning and running reversely with and binding on said eighth line and also running with and binding on the aforesaid 21st line, as now surveyed referring all courses of this description to the meridian of the land described in a deed dated 21 April, 1969 and recorded among the Land Records of Baltimore County in Liber OTG No. 4983 Folio 432 from George W. Wirts, Widower, to Bankers Trust Company, Trustee, and Baltimore Gas and Electric Company, (1) North 28 degrees 31 minutes 56 seconds West 905.99 feet to a large pointed stone found at the beginning of the 22nd

Exhibit A

Herbert W. Wirts, 16.7983 Acres
KCI Job Order No. 01-853485
September 2, 1987
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line of the first hereinmentioned deed, said stone being located North 60 degrees 40 minutes 06 seconds East 593.23 feet as measured reversely along said 22nd line from a concrete monument with brass disk marked "Julton-LWR-18" found at the end thereof, thence running reversely with and binding on the seventh line of the second hereinmentioned deed, (2) North 60 degrees 47 minutes 10 seconds East 237.36 feet to the end of the second line of the third parcel of land described in a deed dated 28 December 1964 and recorded among the Land Records of Baltimore County in Liber RRG No. 4454 Folio 11 from Edgar Monroe Wheeler, Executor, and Ethel C. Wheeler, Widow, to Edgar Monroe Wheeler, said point being located South 60 degrees 47 minutes 10 seconds East 478.50 feet as measured along said second line from a one-inch iron pipe found at the beginning thereof, thence running reversely with and binding on the sixth and fifth lines of the second hereinmentioned deed and also running with and binding on the third and fourth lines of said third parcel of land described in the fourth hereinmentioned deed the two following courses and distances, viz: (3) South 28 degrees 31 minutes 56 seconds East 33.00 feet, and thence (4) North 60 degrees 47 minutes 10 seconds East 445.50 feet to the end of the fourth line of the second hereinmentioned deed, thence in part, running reversely with and

Herbert W. Wirts, 16.7983 Acres
KCI Job Order No. 01-853485
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binding thereon and also running with and binding on the fifth line of said third parcel of land described in the fourth hereinmentioned deed, and in part continuing the same course running reversely with and binding on a part of the third line of the second hereinmentioned deed, in all (5) South 28 degrees 31 minutes 56 seconds East 1247.38 feet to intersect the prolongation in a northeasterly direction of the 20th line of the aforesaid first hereinmentioned deed, thence running for a line of division now made through the land described in the second hereinmentioned deed binding reversely on said prolongation (6) South 89 degrees 40 minutes 40 seconds West 774.84 feet to the place of beginning.

CONTAINING 16.7983 acres of land, more or less.

BEING A PORTION of the land referred to in a deed dated 13 July 1987, and recorded among the land records of Baltimore County in Liber RRG No. 4488 Folio 297 from Pat Holding Company, Inc. to George W. Wirts.

PPP/bg KCI Job Order No. 01-853485 September 2, 1987
Job Order No. 46896

DESCRIPTION OF PORTION OF
HERBERT W. WIRTS, ET AL, PROPERTY
4TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
(6.6229 ACRES + PARCEL)
TO BE KNOWN AND DESIGNATED AS
PARCEL 5

BEGINNING FOR THE SAME at an iron bar in concrete found at the beginning of the land described in a deed dated 26 June, 1926 and recorded among the Land Records of Baltimore County in Liber WPC No. 636 Folio 63 from Elizabeth Wirts, Widow to George W. Wirts and wife, thence leaving said place of beginning running with and binding on part of said third line and on part of the first line of the first hereinmentioned deed, as now surveyed referring all courses of this description to the meridian of the land described in a deed dated 21 April, 1969 and recorded among the Land Records of Baltimore County in Liber OTG No. 4983 Folio 432 from George W. Wirts, Widower, to Bankers Trust Co., Trustee, and Baltimore Gas and Electric Co., (1) South 89 degrees 50 minutes 28 seconds West 380.00 feet thence in part running for a new line of division now made through the land described in the first hereinmentioned deed, and in part continuing the same course for a new line of division now made through the land described in a deed dated 28 November 1934 and recorded among the Land Records of Baltimore County in Liber CWB, Jr. No. 947

New #5

Herbert W. Wirts, 6.6299 Acres
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Folio 137 from Richard R. Duncan and Wife to George W. Wirts and Wife, in all, (2) North 00 degrees 09 minutes 32 second West 432.04 feet to intersect the prolongation in a northeasterly direction of the 20th line of the second parcel of land described in a deed dated 23 September, 1974 and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No. 5479 Folio 731 from Herbert B. Millhauser and Robert L. Millhauser to Julius Mandel and Wife at a point located North 89 degrees 40 minutes 40 seconds East 340.17 feet as measured along said prolongation from a concrete monument with brass disk marked "Julton LWR-17" found at the end of said 20th line, thence running for a new line of division now made through the land described in the third hereinmentioned deed binding on said prolongation (3) North 89 degrees 40 minutes 40 seconds East 434.67 feet to intersect the third line of said third hereinmentioned deed thence running reversely with and binding on a part thereof (4) South 28 degrees 31 minutes 56 seconds East 23.37 feet to the beginning thereof and to intersect the third line of the first parcel of land described in a deed dated 14 March 1922 and recorded among the Land Records of Baltimore County in Liber WPC No. 552 Folio 179 from Samuel Peltzer and Wife to George W. Wirts and Wife, thence running with and binding

New #5

Herbert W. Wirts, 6.6299 Acres
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on a part of said third line of the first parcel of the fifth hereinmentioned deed (5) North 86 degrees 55 minutes 05 seconds East 392.92 feet to intersect the northwestern side of the existing transmission line right of way (of variable width) there situate, at the end of the third or North 36 degrees 27 minutes 16 seconds East 265 feet more or less line of the first parcel of land (also designated as Parcel "A") described in said second hereinmentioned deed, thence running reversely with and binding on the third and second lines of said first parcel of land described in said second hereinmentioned deed, the two following courses and distances, viz: (6) South 36 degrees 27 minutes 16 seconds West 285.93 feet, and thence (7) South 36 degrees 54 minutes 00 seconds West 254.33 feet to intersect the first line of the first parcel of the fifth hereinmentioned deed, thence running with and binding on a part thereof (8) South 89 degrees 43 minutes 15 seconds West 134.38 feet to the place of beginning.

CONTAINING 6.6299 acres of land, more or less.

BEING A PORTION of the land referred to in a deed dated 13 July 1965 and recorded among the Land Records of Baltimore County in Liber RRG No. 4488 Folio 297 from Pat Holding Company, Inc. to George W. Wirts.

PPF/bg KCI Job Order No. 01-853485 September 2, 1987
Work Order No. 46896

New #6

DESCRIPTION OF PORTION OF
HERBERT W. WIRTS, ET AL, PROPERTY
4TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
4.4566 ACRES ± PARCEL)
TO BE KNOWN AND DESIGNATED AS
PARCEL 6

BEGINNING FOR THE SAME at a concrete monument with brass disk marked "Julton-LWR-17" found at the end of the 20th line of the second parcel of land described in a deed dated 23 September, 1974, and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No. 5479 Folio 731 from Herbert B. Millhauser and Robert L. Millhauser to Julius Mandel and Wife, said place of beginning also being located at the beginning of the ninth line of the land described in a deed dated 28 November, 1934 and recorded among the Land Records of Baltimore County in Liber CWB, Jr. No. 947 Folio 137 from Richard R. Duncan and Wife to George W. Wirts and Wife, thence leaving said place of beginning and running for a new line of division now made through the land described in the second hereinmentioned deed binding on the prolongation in a northeasterly direction of the aforesaid 20th line, as now surveyed referring all courses of this description to the meridian of the land described in a deed dated 21 April, 1969 and recorded among the Land Records of Baltimore County in Liber OTG No. 4983 Folio 432 from George W. Wirts, Widower, to

New #6

Herbert W. Wirts, 4.4566 Acres
KCI Job Order No. 01-853485
September 3, 1987
Page 2

Bankers Trust Company, Trustee, and Baltimore Gas and Electric Company, (1) North 89 degrees 40 minutes 40 seconds East 340.17 feet, thence in part again running for a new line of division now made through the land described in the second hereinmentioned deed, and in part continuing the same course running for a new line of division now made through the land described in a deed dated 26 June 1926 and recorded among the Land Records of Baltimore County in Liber WPC No. 636 Folio 63 from Elizabeth Wirts, Widow, to George W. Wirts and Wife (2) South 00 degrees 09 minutes 32 seconds East 432.04 feet to intersect the first line of the fourth hereinmentioned deed and also to intersect the third line of the third lot described in a deed dated 18 July 1889 and recorded among the Land Records of Baltimore County in Liber JWS No. 176 Folio 137 from Vilmina Weller and Husband to John W. Fuller thence in part running with and binding on a part of said first line of the fourth hereinmentioned deed to the end thereof, and in part continuing the same course running through the land described in said fourth hereinmentioned deed, in all binding reversely on part of said third line of the third lot described in the fifth hereinmentioned deed, (3) South 89 degrees 50 minutes 28 seconds West 450.00 feet, thence in part again

New #6

Herbert W. Wirts, 4.4566 Acres
KCI Job Order No. 01-853485
September 3, 1987
Page 3

running for a line of division now made through the land described in the fourth hereinmentioned deed, and in part continuing the same course for a new line of division now made through the land described in the second hereinmentioned deed, in all (4) North 00 degrees 09 minutes 32 seconds West 430.76 feet to intersect the aforesaid ninth line of the second hereinmentioned deed and the aforesaid 20th line of the first hereinmentioned deed, thence running reversely with and binding on a part of said ninth line and also running with and binding on a part of said 20th line (5) North 89 degrees 40 minutes 40 seconds East 109.83 feet to the place of beginning.

CONTAINING 4.4566 acres of land, more or less.

BEING A PORTION of the land referred to in a deed dated 13 July 1987, and recorded among the land records of Baltimore County in Liber RRG No. 4488 Folio 297 from Pat Holding Company, Inc. to George W. Wirts.

PPF/bg KCI Job Order No. 01-853485 September 3, 1987
Job Order No. 46896

New #6

DESCRIPTION OF PORTION OF
HERBERT W. WIRTS, ET AL, PROPERTY
4TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
(8.2762 ACRES ± PARCEL)
TO BE KNOWN AND DESIGNATED AS
PARCEL 7

BEGINNING FOR THE SAME at the beginning of the fifth line of the land described in a deed dated 26 June, 1926 and recorded among the Land Records of Baltimore County in Liber WPC No. 636 Folio 63 from Elizabeth Wirts, Widow, to George W. Wirts and Wife, said place of beginning being located, as now surveyed referring all courses of this description to the meridian of the land described in a deed dated 21 April, 1969 and recorded among the Land Records of Baltimore County in Liber OTG No. 4983 Folio 432 from George W. Wirts, Widower, to Bankers Trust Company, Trustee, and Baltimore Gas and Electric Company, South 19 degrees 21 minutes 38 seconds East 0.17 feet from a one-inch iron pipe found near the beginning of said fifth line of the first hereinmentioned deed, thence leaving said place of beginning and running with and binding on a part of said fifth line (1) South 89 degrees 50 minutes 28 seconds West 546.01 feet, thence leaving said line and running for a new line of division now made through the land described in the first hereinmentioned deed (2) North 00 degrees 09 minutes 32 seconds West 428.37 feet to intersect the ninth line of the first hereinmentioned deed and to intersect the

New #7

Herbert W. Wirts, 8.2762 acres
KCI Job Order No. 01-853485
September 4, 1987
Page 2

20th line of the second parcel of land described in a deed dated 23 September 1974 and recorded among the Land Records of Baltimore County in Liber EHK Jr. No. 5479 Folio 731 from Herbert B. Millhauser and Robert L. Millhauser to Julius Mandel and Wife, at a point located North 89 degrees 40 minutes 40 seconds East 495.73 feet as measured along the 19th and part of said 20th line of said 3rd hereinmentioned deed from a stone found at the beginning of said 19th line, said point also being located on the ninth line of the land described in a deed dated 28 November 1934 and recorded among the Land Records of Baltimore County in Liber CWB Jr. No. 947 Folio 137 from Richard R. Duncan and Wife to George W. Wirts and Wife, thence in part running with and binding on part of the ninth line of the first hereinmentioned deed and in part continuing the same course, in all running with and binding on part of the 20th line of said third hereinmentioned deed, and also running reversely with and binding on part of the ninth line of said fourth hereinmentioned deed, (3) North 89 degrees 40 minutes 40 seconds East 839.25 feet, thence leaving said line and in part running for a new line of division now made through the land described in the fourth hereinmentioned deed, and in part continuing the same course for

New #7

Herbert W. Wirts, 8.2762 acres
KCI Job Order No. 01-853485
September 4, 1987
Page 3

a new line of division now made through the land described in the first hereinmentioned deed, in all (4) South 00 degrees 09 minutes 32 seconds East 430.76 feet to intersect the seventh line of the first lot described in a deed dated 18 July 1889 and recorded among the Land Records of Baltimore County in Liber JWS No. 176 Folio 137 from Vilmina Weller and Husband to John W. Fuller, thence running through the land described in the first hereinmentioned deed and running with and binding on part of said seventh line of the first lot described in the second hereinmentioned deed (5) South 89 degrees 50 minutes 28 seconds West 293.24 feet to the place of beginning.

CONTAINING 8.2762 acres of land, more or less.

BEING A PORTION of the land referred to in a deed dated 13 July, 1965 and recorded among the Land Records of Baltimore County in Liber RRG No. 4488 Folio 297 from Pat Holding Company, Inc. to George W. Wirts.

PPF KCI Job Order No. 01-853485 September 4, 1987
Work Order No. 46896

New #8

DESCRIPTION OF PORTION OF
HERBERT W. WIRTS, ET AL, PROPERTY
4TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND
(9.0384 ACRES + PARCEL)
TO BE KNOWN AND DESIGNATED AS
PARCEL 8

BEGINNING FOR THE SAME at a 3.0 foot by 1.5 foot stone found at the beginning of the seventh line of the land described in a deed dated 26 June, 1926 and recorded among the Land Records of Baltimore County in Liber WPC No. 636 Folio 63 from Elizabeth Wirts, Widow, to George W. Wirts and Wife, thence leaving said place of beginning and running with and binding on the seventh and eighth lines of said deed, as now surveyed referring all courses of this description to the meridian of the land described in a deed dated 21 April, 1969 and recorded among the Land Records of Baltimore County in Liber OTG No. 4983 Folio 432 from George W. Wirts, Widower to Bankers Trust Company, Trustee, and Baltimore Gas and Electric Company, the two following courses and distances, viz: (1) South 68 degrees 06 minutes 57 seconds West 442.60 feet, and thence (2) North 18 degrees 13 minutes 56 seconds West passing over a one-inch square iron bar found at a distance of 435.03 feet, in all, 435.21 feet to intersect the 18th line of the second parcel of land described in a deed dated 23 September, 1974 and recorded among the Land Records of

New #8

Herbert W. Wirts, 9.0384 Acres
KCI Job Order No. 01-853485
September 4, 1987
Page 2

Baltimore County in Liber BHK Jr. No. 5479 Folio 731 from Herbert B. Millhauser and Robert L. Millhauser to Julius Mandel and Wife, at a point located North 89 degrees 16 minutes 04 seconds East 552.77 feet as measured along said 18th line from a large pointed stone found at the beginning thereof, thence running with and binding on part of said 18th line and also binding on a part of the ninth line of the first hereinmentioned deed, (3) North 89 degrees 16 minutes 04 seconds East 592.86 feet to a stone found at the end of said 18th line of the third hereinmentioned deed, thence in part running with and binding on the 19th line of the third hereinmentioned deed and in part continuing the same course running with and binding on part of the 20th line of said third hereinmentioned deed, in all still running with and binding on part of the aforesaid ninth line of the first hereinmentioned deed (4) North 89 degrees 40 minutes 40 seconds East 495.73 feet thence leaving said line and running for a line of division now made through the land described in the first hereinmentioned deed (5) South 00 degrees 09 minutes 32 seconds East 428.37 feet to intersect the fifth line of the first hereinmentioned deed, thence running with and binding on a part thereof (6) South 89 degrees 50 minutes 28 seconds West 495.00 feet to a 1.5 foot by 1.5 foot stone found at the end of said fifth line, thence running with and binding on the sixth line of the first

New #8

Herbert W. Wirts, 9.0384 Acres
KCI Job Order No. 01-853485
September 4, 1987
Page 3

hereinmentioned deed (7) North 15 degrees 38 minutes 03 feet West 177.56 feet to the place of beginning.

CONTAINING 9.0384 acres of land, more or less.

BEING A PORTION of the land referred to in a deed dated 13 July, 1965 and recorded among the Land Records of Baltimore County in Liber RRG No. 4488 Folio 297 from Pat Holding Company, Inc. to George W. Wirts.

PPF/bg KCI Job Order No. 01-853485 September 4, 1987
Job Order No. 46896

IN RE: PETITION SPECIAL HEARING * BEFORE THE
PROPERTY OF * ZONING COMMISSIONER
HERBERT W. WIRTS, ET AL * OF BALTIMORE COUNTY
60.89 ACRES OF LAND, * CASE NO. 88-314-SFH
8 LOTS OF RECORD
RC 2 W/S LONGNECKER ROAD
N OF BUTLER ROAD
4TH ELECTION DISTRICT

PETITIONERS' REPLY MEMORANDUM

The purpose of this Memorandum is to reply to certain contentions, assertions and arguments raised, or made by the Protestants' in their Memorandum and Reply Memorandum.

1. The Petitioners wish to reiterate and restate the two issues which the Petitioners believe have been raised and are properly before the Baltimore County Zoning Commissioner by virtue of their Petition for Special Hearing:

Issue #1

How many parcels or lots currently exist in the 60.89 acres of the RC-2 Zoned Petition property which belong to the Wirts family such that they qualify as separate "lots of record" or separate building lots pursuant to Section 101 of the BCZR and as such are exempt from BCZR 1A01.3.B1 which delineates minimum acreage and density requirements for subdividing property in RC-2 zones i.e. how many of these parcels of land or "lots of record" are described in

separate deeds and/or in separate descriptions in the same deeds, which deeds were recorded prior to November 25, 1979 which was the effective date of BCZR 1A01.3.B1?

Issue #2

Once the answer to Issue #1 above is determined, can the Wirts family, among themselves, realign, by deed transfer, the pre-existing, pre 1979, lots of record (as determined by the Baltimore County Zoning Commissioner above) into the same number of more uniform lots?

2. The Petitioners submit (as set out in their Title Memorandum, Legal Memorandum, Copies of Submitted Deeds, and Petitioners Exhibit #1) that they clearly do currently have eight (8) pre 1979 "lots of record" as the Baltimore County Zoning Commissioner and the Baltimore County Zoning Office have previously interpreted the definition as set out in Section 101 BCZR and previous Zoning Commissioner's decisions. (See Whitman and Paumanock decisions, et al) Further, that these eight (8) lots of record should be counted as separate "lots of record" for the purposes of the RC-2 subdivision restrictions as delineated in BCZR 1A01.3.B1.

3. The Petitioners further submit that the eight (8) pre 1979 "lots of record" which they do currently have should be permitted to be realigned in a more uniform fashion, without involving any density transfer in said realignment, by deed transfer among the Wirts family as set

out in Petitioners Exhibits #2 and #3 pursuant to Zoning Commissioner's Policy RSD 8 and 10 and the past decisions of the Baltimore County Zoning Commissioner and the Baltimore County Zoning Office. (See Whitman, Merryman, Hoy decisions, et al)

4. The Petitioners further submit that a favorable decision from you as Zoning Commissioner on Issue #1 above, i.e. in determining the number of existing pre 1979 "lots of record" contained in the Petition property, will ipso facto, i.e. by the fact itself, allow the Wirts family or their assigns to obtain the appropriate permits from Baltimore County to construct the appropriate number of homes on the subject number of homesites or "lots of record" because none of the "lots" involved are less than one (1) acre in size, all of the "lots" involved is served by a 16 foot wide existing private road which currently serves other private homes in the area and which provides access to the "lots" or homesites from both the Longnecker and Old Hanover "public" roads, and because pursuant to Section 22-42 (4) and (6) of the Baltimore County Code, a minor subdivision of property such as that contemplated by the Wirts family here, especially one that involves intestacy like the Wirts', is exempt from Division 2 of the Baltimore County Subdivision Regulations i.e. The Development Review and Approval Process, also known as the CRG Process.

5. The Petitioners further submit that the granting of their Petition is not only supported by the Baltimore County Zoning Regulations themselves, as interpreted by the past decisions of the Baltimore County Zoning Commissioner and the Baltimore County Zoning Office but would also project the bonafide intentions of the Baltimore County Council when it promulgated BCZR 1A01.3.B1 because the allowance of compatible forms and degrees of suburban and urban uses such as the limited rural-residential homesite use that the Petitioners contemplate for their long held family property, i.e. one (1) homesite for every approximate eight (8) acres of the subject property, would serve to foster conditions favorable to the continued long term agricultural use of the larger productive agricultural areas of Baltimore County.

6. Finally, the Petitioners submit that the Wirts family should certainly be allowed the same rights and privileges with respect to the use of their family land, which has been owned by members of their family in same cases nearly one hundred years, as their neighbors such as the Bradfords and George Mahoney, Jr. have enjoyed.

7. The Protestants in their Memorandum and Reply Memorandum filed in this case try to raise several points and arguments regarding the subject Petition concerning the reasons why the findings and relief sought by the Petitioners should not be granted. While these Protestants'

Memoranda attempt to obfuscate and distinguish the facts, issues, law and past decisions which were presented by the Petitioners in their Petition, Exhibits, Testimony and Memoranda presented to you as Zoning Commissioner, the Petitioners believe that the correct application of the Baltimore County Zoning Regulations involved in this matter, as interpreted by you and your predecessors as Baltimore County Zoning Commissioner and by the Baltimore County Zoning Office, to the facts presented and the issues raised by their Petition will naturally and correctly result in a decision by you as Zoning Commissioner exactly as that sought by the Petitioners as set out in Petitioners' Exhibits #1, #2 and #3.

Respectfully submitted,

Michael Gisriel
Michael Gisriel, Esquire
210 E. Lexington Street
Suite 400
Baltimore, Maryland 21202
Attorney for the Petitioner

MG/phk
cc: John Howard, Esquire
Herbert W. Wirts
Steve Breeden
527MG

LAW OFFICES
GISRIEL & GISRIEL
SUITE 400
210 E. LEXINGTON STREET
BALTIMORE, MARYLAND 21202-3514
February 22, 1988

W. THOMAS GISRIEL
MICHAEL GISRIEL
W. THOMAS GISRIEL
MICHAEL GISRIEL

TELEPHONE
(301) 838-0813

J. Robert Haines
Zoning Commissioner of Baltimore County
County Office Building
Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: PETITION SPECIAL HEARING
Property of Herbert W. Wirts, et al
60.89 acres of land, 8 lots of
record, RC 2 W/S Longnecker Road
N of Butler Road
4th Election District
Case No. 88-314-SPH

Dear Bob:

Pursuant to the above captioned case, enclosed please find
Petitioners' Reply Memorandum.

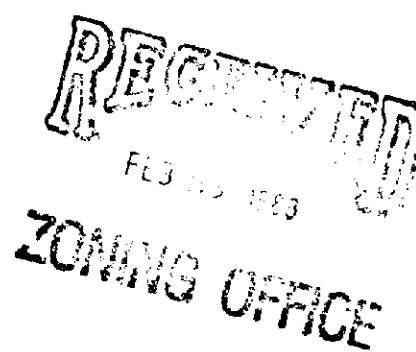
Please note this is to confirm that I am this day sending copies
of the above also to John Howard, Esquire, Herbert W. Wirts and Steve
Bredren.

I know your schedule is every busy, however, we would appreciate
your written decision in this matter as soon as it is feasible. Please
feel free to call if you have any further questions or require any additional
information. I remain

Very truly yours,

Michael Gisriel
Michael Gisriel

MG:phk
Enclosure
cc: John Howard, Esquire
Herbert W. Wirts
Steve Bredren



IN RE: PETITION FOR SPECIAL * BEFORE THE
HEARING * ZONING COMMISSIONER
W/S of Longnecker Road, N * OF BALTIMORE COUNTY
of Butler Road - *
4th Election District * Case No.: 88-314-SPH
HERBERT W. WIRTJ, et al., *
Petitioners * * * * *

PROTESTANTS' REPLY MEMORANDUM

The purpose of this Memorandum is to reply to
certain arguments raised, or to certain points made, by the
Petitioners in their Title Memorandum and Legal Memorandum.

1. (Title Memorandum) The eight sub-parcels that
are shown on the plat prepared by Mr. Ditman of Kidde
Consultants, Inc. (Petitioners' Exhibit 1¹), and that are
described in the descriptions attached to Petitioners'
memoranda, do not, as Petitioners assert, correspond to
parcels separately described in the five deeds by which
George W. Wirts acquired all of the land at issue in this
case. Those five deeds separately describe no more than
five parcels. (Deed C.W.B. Jr. 1142, folio 255 describes
and conveys a single parcel, not two; Deed W.P.C. 636,
folio 63 describes and conveys pieces of three parcels, but
those three parcels are the same parcels of which Deed
C.W.B. Jr. 1142, folio 255 and Deed W.P.C. 496, folio 147

¹ In footnote 2 on page 11 of Protestants' original
memorandum, the Ditman plat was incorrectly referred to
as Petitioners' Exhibit 5. The correct exhibit number
is Exhibit 1.

describe and convey other pieces.) Thus, even under
Petitioners' argument that each parcel separately described
or referred to in the latest deed or deeds on record as of
November 25, 1979 constitutes a separate "lot of record"
under §1A01.3.B.1 of the Baltimore County Zoning
Regulations ("BCZR"), Petitioners have no more than five
parcels. (Of course, as they indicated in their original
memorandum, the Protestants strongly believe that, under a
proper interpretation of the BCZR, the Wirts family owns a
single lot of record.)

2. (Legal Memorandum) The Petitioners' land,
regardless of how many lots of record it may contain, is
not "exempt" from the restrictions contained in §1A01.3.B.1
of the BCZR. Indeed, there is no provision of law that
would authorize the Zoning Commissioner to exempt property
from §1A01.3.B.1. The issues involved in this case simply
relate to how that subparagraph should be applied to the
Petitioners' land. No matter how the Zoning Commissioner
decides to identify Petitioners' lots of record,
§1A01.3.B.1 will apply to restrict further subdivision of
those lots.²

² Thus, if the Commissioner accepts Petitioners' argument
that they now have, and on November 25, 1979 had, eight
lots of record as shown on Petitioners' Exhibit 1,
§1A01.3.B.1 will permit further division of six of
those lots, authorizing a possible total of 14 building
lots.

3. (Legal Memorandum) The Petitioners incorrectly
suggest that the proposed realignment of their existing
lots of record (assuming for the sake of argument that they
have multiple lots of record) involves no density
transfer. As Protestants pointed out in footnote 4 on page
13 of their original memorandum, in the case of at least
one of Petitioners' proposed realigned lots (Parcel 7),
there has clearly been a transfer of density. In
Protestants' view, any redrawing of lot lines in an RC zone
involves the transfer of density.³

4. (Legal Memorandum) The eight Petitioners
unfairly and improperly suggest that they have instituted
this proceeding so that each of the eight can obtain a
portion of the land at issue as a homesite for himself or
herself. It is clear from the testimony at the hearing
that this is not the case. Rather, the Petitioners have
contracted to sell their land to Security Development
Corporation, which intends to construct a residential
subdivision for other homebuyers. The Petitioners do not
intend to share in the land itself, but in its proceeds.

5. (Legal Memorandum) The Petitioners improperly
interject the argument that a "minor subdivision," such as

³ Any redrawing of lot lines also constitutes
"subdivision" under the definition of that term
included in §101 of the BCZR.

the one they propose, is exempt from Division 2 of the
Baltimore County Development Regulations. As Protestants
pointed out at the end of their original memorandum,
questions concerning the application of the Development
Regulations are beyond the scope of this proceeding.
Nevertheless, it is interesting to note just what
Petitioners expect to do if they are successful here: they
expect to bypass the development approval process entirely
and apply immediately for building permits. Thus, they
hope to construct a residential subdivision in the heart of
a working agricultural community -- in fact, in the middle
of a corn field -- without having to present their plans at
any public meeting or hearing, and without having to
undergo careful scrutiny on such important issues as the
adequacy of access, including fire and police access, to
the proposed subdivision.⁴

⁴ While the width and adequacy of the access road to the
Wirts property is not at issue here, the Protestants
again want to emphasize that there is sharp disagreement
among the parties on these matters. The Protestants
assert 1) that the Petitioners have not established
legal access to their property; 2) that if the
Petitioners have legal access, it is not 16 feet wide or
wide enough to permit fire and police access; and 3)
that the access road to the Wirts property is
unimproved, and the Petitioners have no legal right to
improve it. At later, appropriate proceedings, the
Protestants will present evidence and argument on these
issues, should that become necessary.

6. (Legal Memorandum) The Petitioners incorrectly
suggest that their proposal to create a residential
subdivision of at least eight lots is somehow similar to
Protestant George P. Mahoney, Jr.'s purchase of over 50
acres and his subsequent construction of a single-family
residence, and that they should therefore be treated in the
same way Mr. Mahoney was treated. This facially untenable
argument hardly merits rebuttal. Nevertheless, as the
Protestants suggested in footnote 3 on page 12 of their
original memorandum, no matter how one identifies "lots of
record" on the Wirts property, the single conveyance of
12.57 acres to Mr. Mahoney was permitted under §1A01.3.B.1
of the BCZR (whether or not that conveyance amounted to
"subdivision").⁵ The same cannot be said for the
activity being proposed by the Petitioners here.

7. (Legal Memorandum) The Petitioners also
incorrectly suggest that the relief they are requesting in
this case is authorized by the precedents in six prior
cases: *Hoy* (85-104-SPH), *Merryman* (85-281-SPH), *Faumanock*
(86-A-SPH), *The Salvation Army* (86-286-SPH), *Whitman*
(87-201-SPH), and *Stern* (88-131-SPH). The Protestants
contend that those prior cases are distinguishable and that
they do not support the relief requested by the Petitioners.

⁵ Mr. Mahoney's house is not located on the land he
acquired from the Wirts family.

On the issue of how the Zoning Commissioner should
identify lots of record, it is true that the prior
Commissioner determined in *Faumanock* and *Whitman* that each
parcel separately described in the deed or deeds for the
property that was or were most recently recorded in the
Land Records as of November 25, 1979 should be counted as a
separate "lot of record" for purposes of RC 2 subdivision
restrictions. Neither of these cases, however, presented a
factual situation like the one involved in the Wirts case.
In the *Faumanock* case, a February, 1979 deed had identified
four separate parcels. In *Whitman*, 155 acres were
described as 15 separate parcels in deeds dated from 1953
to 1982. The protestants in *Whitman* dropped their
challenge to the recognition of 15 separate lots of record,
in exchange for the petitioner's agreement to press for
only seven lots. In neither *Faumanock* nor *Whitman* had
separately described parcels been merged in a single deed
creating a life estate in the whole. The identification of
lots of record was apparently not an issue in *Hoy*,
Merryman, *The Salvation Army*, or *Stern*.

As to the transfer of density in an RC 2 zone, that
was not an issue in *Faumanock*. In his amended order in
Merryman, the prior Zoning Commissioner explained at length
his conclusion that density transfer was permissible under
Section 1A01 of the BCZR. He reasoned that density

transfer would be consistent with legislative intent,
"provided the findings and purposes delineated by the
[County] Council [in §1A01.1 of the BCZR] . . . are
satisfied. This is not easily accomplished. . . . [T]he
burden is on the Petitioner to prove that the proposed
transfer would, in fact, encourage continued agricultural
use and that the transfer would not be incompatible to
such."

Thus, in *Merryman*, where the Zoning Regulations, as
construed by the Zoning Commissioner, would have permitted
ten building lots, the Commissioner allowed density to be
transferred so that the petitioner could create seven
building lots and one larger agricultural parcel. In three
other cases cited by the Petitioners, it was even clearer
that the density transfers permitted by the Zoning
Commissioner would facilitate continued agricultural
activity. In *Hoy*, the petitioner was permitted to create
four, rather than two, lots out of his 121 acres, but only
because the additional two lots were to be used for
agriculture or woodlands and were never to be used for
residential purposes. In *The Salvation Army*, the
petitioner was asking for density transfer so that it could
create two large agricultural lots; one of these was to be
used as a horse farm under an agreement with the State
Department of Natural Resources and the Chesapeake Bay

Wildlife Foundation. In Stern, the present Zoning Commissioner authorized a density transfer to create a lot large enough to qualify for the Maryland Agricultural Land Preservation Program. Finally, in Whitman, granting the relief requested by the petitioner resulted in the establishment of seven, rather than a potential 28, building lots.

Because any density transfer permitted in this case would clearly be inconsistent with the continued agricultural use of the County's productive agricultural lands, there is no similarity between what this Zoning Commissioner and the prior Commissioner did in the cited cases and the relief that the Petitioners would have the Commissioner grant here.

8. (Legal Memorandum) Finally, the Petitioners argue that granting the relief they seek "would also project the bonafide intentions of both the County Council and the Petitioners themselves by providing, retaining and fostering conditions favorable to the continued long-term agricultural use of the productive agricultural areas of Baltimore County by allowing compatible forms and degrees of suburban and urban uses such as limited rural-residential homesite use." As the Protestants have already suggested, this argument flies in the face of the County's RC 2 zoning classification.

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The RC 2 classification was clearly established to protect areas now devoted to productive agriculture (such as the valley area including and surrounding the Wirts property) from intrusion by residential subdivisions. The County Council's findings in §1A01.1.A.1 of the BCZR include findings "that continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area," and "that Baltimore County possesses numerous areas which are highly suitable for urban development including residential subdivisions which are not located in areas of productive agricultural land in, which are located outside RC 2 zones."

Despite the fact that the County Council amended the density regulations applicable to the RC 2 zone in 1979 to reduce permissible density on large tracts from one residence per 25 acres to one residence per 50 acres, Petitioners incredibly assert that their proposal to create one homesite for each seven and one-half acres is "in keeping with the long term intent of the Baltimore County Council." Protestants suggest that for the Zoning Commissioner to heed these arguments would be so damaging to the continued viability of the RC 2 zone as a device for protecting agricultural areas of the County that appeal would be inevitable.

9

CONCLUSION

The Zoning Commissioner should not be swayed by the inappropriate arguments raised by the Petitioners. Rather, for the reasons set forth in the Protestants' original memorandum, the Commissioner should deny in full the relief requested in the Petition for Special Hearing.

Respectfully submitted,

John B. Howard
JOHN B. HOWARD

Robert A. Hoffman
ROBERT A. HOFFMAN

Judith A. Arnold
JUDITH A. ARMOLD

Cook, Howard, Downes & Tracy
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21204
(301) 823-4111

Attorneys for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February, 1988, a copy of the foregoing Protestants' Reply Memorandum was served by mail or hand delivery on Michael Gisriel, Esquire, 210 E. Lexington Street, Suite 400, Baltimore, Maryland 21202, Attorney for Petitioners.

Judith A. Arnold
JUDITH A. ARMOLD

10

IN RE: PETITION SPECIAL HEARING
Property of Herbert W. Wirts, et al
60.89 acres of land, 8 lots of
record, RC 2 W/S Longnecker Road
N of Butler Road
4th Election District

* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-314-SPH

PETITIONERS' LEGAL MEMORANDUM

Petitioners in this case are the family of Herbert W. Wirts, i.e. eight (8) individuals, who now collectively own the 60.89 acres of RC 2 zoned land in Northwestern Baltimore County, which the Petitioners claim contain eight (8) parcels or existing pre-November 25, 1979 "lots of record" within the meaning of Baltimore County Zoning Regulations Sec. 101, which land and lots are the subject of this Petition. (See also Petitioners' Title Memorandum.)

This Petition which is brought pursuant to Section 500.7 of the Baltimore County Zoning Regulations involves the determination by the Baltimore County Zoning Commissioner of the rights of Wirts family with respect to the applicability of Baltimore County Zoning Regulations 1A01.3.B1 and Zoning Commissioner's Policy RSD 8 & 10 concerning the subject property, i.e. the 60.89 acres and the parcels or lots contained therein which are zoned RC 2.

The Petitioners are petitioning the Baltimore County Zoning Commissioner to recognize the existence of as many as eight (8) separate existing parcels or described lots, i.e. "lots of record" pursuant to Section 101 of the BCZR. Simply put, the Petitioners seek relief from Section 1A01.3.B1 of the BCZR pursuant to Section 500.7 of the BCZR where the eight (8) parcels of land in question in an RC 2 zone are described in separate deeds +/- or in separate descriptions in the same deeds, which deeds were recorded prior to November 25, 1979. As such, the aforementioned parcels or lots are separate building lots or "lots of record" pursuant to Section 101 BCZR and exempt from RBCZR 1A01.3.B1 delineating minimum acreage and density

requirements for subdividing property in RC 2 zones pursuant to the consistent policy and past decisions of the Baltimore County Zoning Commissioner and the Zoning Office. See Petitioners' Exhibit #1. (For legal precedent, see Whitman 87-201-SPH, Stern 88-131-SPH, The Salvation Army 86-286-SPH, Pannanock 86-8-SPH, Merriman 85-281-SPH and Hay 85-104-SPH.)

Once the Zoning Commissioner has determined the existence and validity of these parcels or pre-November 25, 1979 "lots of record" and thus the non-applicability of BCZR 1A01.3.B1 to these "lots", the Petitioners seek, pursuant to Zoning Commissioner's Policy RSD 8 & 10 and the past decisions of the Baltimore County Zoning Commissioner and the Zoning Office, the realignment of the existing "lots of record" into the same number of more uniform lots without involving any density transfer in said realignment. See Petitioners' Exhibits #2 and #3. See also Petitioners' Title Memorandum. (For legal precedent, see Whitman 87-201-SPH, Stern 88-131-SPH, The Salvation Army 86-286-SPH, Pannanock 86-8-SPH, Merriman 85-281-SPH and Hay 85-104-SPH.)

The accompanying Petitioners' Title Memorandum, attached deeds, and existing legal descriptions delineate the eight (8) parcels or pre-1979 lots of record which are set out on Petitioners' Exhibit #1 and which "lots" the Petitioners claim pursuant to the consistent policy and past decisions of the Baltimore County Zoning Commissioner and the Zoning Office are exempt from BCZR 1A01.3.B1 delineating post-79 minimum acreage and density requirements for subdividing property in RC 2 zones. See attached Title Memorandum, deeds and existing legal descriptions.

The eight (8) members of the Wirts family have already privately agreed among themselves to a "Partition-in-kind" among the eight (8) owners so that after each recordation of this Deed of Partition one of the Wirts family will be vested with one of the eight (8) lots of record as a separate homesite. See Copy of Draft Deed of Partition previously submitted. Pursuant to Section 22-42 (4) & (6) of the Baltimore County Code, a minor subdivision of property such as that contemplated

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by the Wirts family, especially one that involves intestacy like the Wirts, is exempt from Division 2 of the Baltimore County Subdivision Regulations (i.e. The Development Review and Approval Process a/k/a the CRG Process.)

Thus, we submit, that a favorable decision from you as Zoning Commissioner would allow the Wirts family or their assigns to obtain the appropriate permits from Baltimore County to construct eight (8) homes on the subject eight (8) homesites or "lots of record." In fact, we further submit, that the Zoning Commissioner clearly has this authority pursuant to the precedent set down in the opinion written by your office in the Whitman Petition, 87-201-SPH, and other Baltimore County cases cited above.

The Wirts family in this Petition do not seek to be treated any differently from the procedure that Baltimore County followed in allowing the home of their neighbor, George Mahoney, Jr., a Protestant, to be built and that also followed with respect to other long-term Baltimore County residents whose RC 2 zoned land would also qualify for such pre-79 "lots of record" homesites.

The Petitioners submit that the granting of their Petition by the Zoning Commissioner recognizing the existence of their eight (8) pre-1979 "lots of record" as separate homesites as set out in Petitioners' Exhibit #1 (the colored plat) and the realignment of these pre-1979 "lots" into the same number of "more uniform" lots without involving any density transfer between said lots or homesites as set out in Petitioners' Exhibits #2 and #3, is not only supported by the Baltimore County Zoning Regulations as interpreted by the past decisions of the Baltimore County Zoning Commissioner and the Baltimore County Zoning Office, but would also project the bonafide intentions of both the County Council and the Petitioners themselves by providing, retaining and fostering conditions favorable to the continued long-term agricultural use of the productive agricultural areas of Baltimore County by allowing compatible forms and degrees of suburban and urban uses such as the limited rural-residential homesite use that the Petitioner contemplates for the subject property. The Petitioners' proposed use of one (1) homesite for every approximately eight (8)

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acres of the subject property is not only legal as the law in Baltimore County now stands regarding pre-1979 lots, it is, we submit, in keeping with the long term intent of the Baltimore County Council as described above. The Wirts certainly should be allowed the same rights and privileges with respect to their land which has been in their family, in some cases nearly one hundred years as their neighbors such as George Mahoney, have enjoyed.

The homesites or "lots" as shown in Petitioners' Exhibits #1, #2 and #3 would all border on or would be served by a 16' wide existing private road which provides access to the parcels or homesites as shown on the Exhibits from both Longnecker and Old Hanover Roads. This private road or right of way is already existing, is referred to in the Wirts' title deeds, runs through the various parcels and homesites and is the same right of way or private road which currently provides access to Longnecker Road from the Mahoney and Bradford existing homesites, among others. The Petitioners have no plans to take any action with respect to this private road that would allow, foster or encourage any more development along this private road than that which is the subject of this Petition, which the Wirts believe is their right under existing Baltimore County Law and Regulation as it has been previously applied.

For all of the above enumerated reasons cited above, the Family of Herbert W. Wirts, ask that the two (2) issues raised by their Petition for Special Hearing, be decided and allowed as set out in their Petition and Petitioners' Exhibits #1, #2 and #3.

Respectfully submitted,

Michael Gisriel
Michael Gisriel, Esquire
210 E. Lexington Street, Suite 400
Baltimore, MD 21202-3514
(301) 539-7513
Attorney for Petitioners

cc: John Howard, Esquire
Herbert W. Wirts
Steve Breeden

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IN RE: PETITIONER SPECIAL HEARING
Property of Herbert W. Wirts, et al
60.89 acres of land, 8 lots of
record, RC 2 W/S Longnecker Road
N of Butler Road
4th Election District

* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-314-SPH

PETITIONERS' TITLE MEMORANDUM

Petitioners in this case are the Family of Herbert W. Wirts, i.e. eight (8) individuals - Herbert W. Wirts - 20%, Laura M. Merchant - 20%, Elizabeth E. Adkins - 20%, Adalene H. Wirts - 20%, Robert B. Merchant - 5%, Clifford R. Merchant - 5%, Russell G. Merchant - 5% and Stanley E. Merchant - 5%. (The last four (4) named individuals being the only surviving heirs, i.e. sons, of Bessie M. Merchant - 20%, who died intestate on June 13, 1973.) the aforesaid eight (8) named individuals now collectively, i.e. in the aforementioned percentages, own the 60.89 acres of RC 2 zoned land in Northwestern Baltimore County which is the subject of this Petition.

The immediate title deed to the subject properties which all of the above named eight (8) individuals in some form take title from is a Deed dated July 13, 1965, Liber R.R.G. No. 4488 folio 297 from Pat Holding Company, Inc. (a straw company) to George W. Wirts (Herbert Wirts's father who died December 10, 1972) for his life with the remainder to his children, Herbert W. Wirts, et al, as tenants in common. (Note: All Deeds referred to herein are attached hereto and hereby made a part hereof.) These surviving children, i.e. Herbert W. Wirts, et al, are the present owners of the subject properties except the interest of Bessie M. Merchant, i.e. the 20% interest which passed to her surviving four (4) children, i.e. heirs, as above named when she died intestate on June 13, 1973. Please note that the descriptions of the lots in this Deed are by reference to the same properties conveyed by said George W. Wirts to said straw party, Pat Holding Company, Inc. dated July 13, 1965, Liber R.R.G. No. 4488 folio 295. (See attached.)

Said Deed, i.e. Liber R.R.G. No. 4488 folio 295, describes the properties by reference to five (5) deeds to George W. Wirts and his wife (who predeceased him), being Deeds recorded in Libers W.P.C. No. 496 folio 147; W.P.C. 552 folio 179, W.P.C. No. 636 folio 63; C.W.B. Jr. No. 947 folio 137; and C.W.B. Jr. No. 1142 folio 255. These Deeds contained the various parcels i.e. pre-1979 "lots of record" as shown on Petitioners' Exhibit #1 - "Plat Showing Property of Herbert W. Wirts, Et Al" as follows:

(Lot 1 & 2) - Deed C.W.B. Jr. No. 1142 folio 255, dated December 20, 1940 conveyed a parcel of 19.6 acres, more or less. Out of that parcel six acres were conveyed to Baltimore Gas and Electric Company by Deed dated April 21, 1969, Liber O.T.G. No. 4983 folio 432; and this conveyance divided the 19.6 acres, leaving the two non-contiguous parcels of 11.4967 acres and 2.7011 acres which are shown as Parcel 3 (purple) and Parcel 1 (dark green) respectively on Petitioners' Exhibit #1.

(Lot 3) - Deed W.P.C. 496 folio 147, dated April 20, 1918 conveyed the one acre parcel which is shown as Parcel No. 7 (light green) on Petitioners' Exhibit #1.

(Lot 4) - Deed W.P.C. 552 folio 179, dated March 14, 1922 conveyed two parcels of 15.25 acres and 6.25 acres. On May 22, 1931 Deed 878/126 conveyed out 2.062 acres of the 15.25 acre parcel to the Susquehanna Transmission Co. of MD. On April 21, 1963 Deed 4983/432 conveyed out an additional 3.2 acres of the 15.25 acre parcel (adjacent to the 2.062 acres) to the Baltimore Gas and Electric Co. On May 7, 1986 Deed 7156/486 conveyed the 6.25 acre parcel in its entirety and all of the 15.25 acre parcel east of the transmission line to George P. Mahoney, Jr. (12.5749 acres to all) leaving the 2.8378 acre parcel shown as Parcel 5 (dark blue) on Petitioners' Exhibit #1.

(Lot 5) - Deed C.W.B. Jr. 947 folio 137, dated November 28, 1934, including the 17.7572 acres shown as Parcel 4 (pink) on Petitioners' Exhibit #1.

Lots 6, 7 & 8) - Deed W.P.C. 636 folio 63, dated June 26, 1926 from Elizabeth S. Wirts to George W. Wirts conveyed three parcels containing a total of 27 1/2 acres, more or less, which had been part of the 55 acres which had been conveyed to her,

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Elizabeth S. Wirts (and her husband, Samuel B. Wirts, who predeceased her) by deed from Osbourne Yellott, Attorney, dated May 2, 1900 Liber N.B.M. No. 250, folio 182, which deed was the result of a mortgage foreclosure and a public auction ratified by the Circuit Court and in which deed the metes and bounds description was recorded as those three separately described parcels in the deed from Velmina Weller to John Fuller, JWS 176, folio 137 on July 18, 1889.

Deed WPC 636 folio 63 conveyed two of the separately described parcels in JWS 176 folio 137, namely Parcel 8 (light blue) as shown on Petitioners' Exhibit #1 at 17.2332 acres (Parcel 1 on Deed 176/137) and Parcel 6 (yellow) as shown on Petitioners' Exhibit #1 at 6.3711 acres (Parcel 2 on Deed 176/137 - less the 1.0001 acres conveyed out from this parcel by Deed WPC 390/60 on December 17, 1911).

The third parcel conveyed by Deed WPC 636 folio 63 is the 1.4857 acre parcel identified as Parcel 2 (orange) on Petitioners' Exhibit #1, which is the parcel created in 1926 when Elizabeth S. Wirts conveyed half of her remaining property, 27 1/2 acres, more or less, to her son Robert B. Wirts in Deed 636 folio 333 and the other half, 27 1/2 acres, more or less, to her son, George W. Wirts, on this deed (WPC 636 folio 63) which, prior to that date, had been part of the 29 acre separately described third parcel in deed JWS 176 folio 137.

Clearly, the Petitioners do have eight (8) pre-1979 "lots of record" as the Baltimore County Zoning Commissioner and the Baltimore County Zoning Office have previously interpreted the definition as set out in Section 101 BCZR and previous Zoning Commissioner decision (Whitman Petition, et al).

Respectfully submitted,

Michael Gisriel
Michael Gisriel, Esquire
Gisriel & Gisriel
210 E. Lexington Street, Suite 400
Baltimore, MD 21202
Attorney for Petitioners

cc: John Howard, Esquire
Herbert W. Wirts
Steve Breeden

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LAW OFFICES
GISRIEL & GISRIEL
SUITE 400
210 E. LEXINGTON STREET
BALTIMORE, MARYLAND 21202-3514

TELEPHONE
(301) 538-0610

February 1, 1988

RECEIVED
FEB 7 1988
ZONING OFFICE

J. Robert Haines
Zoning Commissioner of Baltimore County
County Office Building
Room 109
111 West Chesapeake Avenue
Towson, MD 21204

RE: PETITION SPECIAL HEARING
Property of Herbert W. Wirts, et al
60.89 acres of land, 8 lots of
record, RC 2 W/S Longnecker Road
N of Butler Road
4th Election District
Case No. 88-314-SPH

Dear Bob:

Pursuant to the above captioned case, enclosed please find two copies each of Petitioners' Title Memorandum with attachments and Petitioners' Legal Memorandum.

Please note this is to confirm that I am this day sending copies of the above also to John Howard, Esquire, Herbert W. Wirts and Steve Breeden.

If you would like me to send copies to any other individuals or groups, please let me know.

I know your schedule is very busy, however, we would appreciate your written decision in this matter as soon as it is feasible. Please feel free to call if you have any further questions or require any additional information. I remain

Very truly yours,
Michael Gisriel
Michael Gisriel

MG/bls
Enclosures
cc: John Howard, Esquire
Herbert W. Wirts
Steve Breeden

IN RE: PETITION FOR SPECIAL * BEFORE THE
HEARING * ZONING COMMISSIONER
W/S of Longnecker Road, N. * OF BALTIMORE COUNTY
of Butler Road - *
4th Election District * Case No. 88-314-SPH
HERBERT W. WIRTS, et al., *
Petitioners *
* * * * *

FEB 2 1988
ZONING OFFICE

MEMORANDUM OF PROTESTANTS IN OPPOSITION TO PETITION

Protestants, Duncan W. Keir, Lisa S. Keir, Michael D. Hankin, Anne Dunlap Hankin, Walter W. Brewster, George P. Mahoney, Jr., and Amanda S. Mahoney, by their attorneys, John B. Howard, Robert A. Hoffman, Judith A. Arnold, and Cook, Howard, Downes & Tracy, urge the Zoning Commissioner to deny all relief requested by the Petitioners.

The Parties and The Case

The Petitioners in this case are members of the Wirts family, tenants in common of undivided interests in a single farm property containing approximately 60.89 acres. The property, which is zoned RC 2, is located on a narrow and winding lane, west of Longnecker Road and north of Butler Road, in the Glyndon area of Baltimore County. The Petitioners are all remaindermen under a 1965 deed by which their father and grandfather, George W. Wirts, created a life estate for himself in the entire 60.89 acres. George

W. Wirts had owned all of the land in fee simple since 1940 -- most of it, since an even earlier date.

The Petitioners have filed a petition for special hearing and ask the Zoning Commissioner here: (1) to determine that they collectively own, not one, but eight lots or parcels; and (2) to permit the realignment of seven of the alleged eight lots or parcels to create "more uniform building lots."

The Protestants are owners of property in close proximity to the Wirts family property; they and other neighbors oppose the relief requested by the Petitioners. They contend that the Wirts property is a single lot or parcel under applicable zoning regulations. Furthermore, it is their position that, even if the Petitioners owned a number of lots or parcels, there is no provision of law that would authorize the Zoning Commissioner to permit the redrawing of boundary lines among those lots or parcels. Moreover, even if the Zoning Commissioner had some implied authority to approve a redrawing of lot lines that would be consistent with and promote the declared objectives of the County's RC 2 zoning classification, he would most assuredly have no such authority here, where the Petitioners' requested realignment would do violence to those objectives.

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The Evidence

Some of the Petitioners, as well as all of the named Protestants, appeared at the hearing conducted by the Zoning Commissioner on January 11 and 18, 1988. Petitioner Herbert W. Wirts testified on behalf of the Petitioners, as did Thomas Ditman, a surveyor. Also taking the stand for the Petitioners, as a representative of Security Development Corporation, the contract purchaser that hopes to develop homes on the Wirts property, was James Schulte, a land planner. Duncan and Lisa Keir, Michael Hankin, Walter Brewster, and George Mahoney testified in opposition to the petition. Mrs. Keir testified as a representative of the Valleys Planning Council, Inc.

Herbert Wirts produced detailed evidence as to how the Petitioners came to own the property at issue in this proceeding. In essence, that evidence showed that the Petitioners' father and grandfather, George W. Wirts, acquired all of the property (and some additional acreage), from family members and others, through a series of conveyances from 1918 to 1940. In 1965, after the death of his wife, George W. Wirts decided to transfer all of his holdings to a straw party, so that the straw party could reconvey a life estate in the whole property to George. The Petitioners are the remaindermen designated in the deed that created that life estate. Upon the death of George W. Wirts

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in 1972, the remaindermen acquired fee simple title to the property.

Herbert Wirts testified further that, except for several minor conveyances to accommodate electrical transmission lines, there had been only one conveyance out of the lands assembled as of 1940 in the ownership of George W. Wirts. In 1986, the Petitioners or their representatives conveyed approximately 12.57 acres to Protestant George Mahoney.

An examination of deeds produced by the Petitioners indicates that the 1965 deeds creating the Petitioners' remainder interests (the most recent deeds covering the property at issue here) describe the property as "all those lots or parcels which were acquired by George W. Wirts by the following deeds," with subsequent reference to five deeds dated from 1918 to 1940. The 1965 deeds do not recite the descriptions from the referenced deeds; they simply refer to those earlier deeds "for more particular description."

Thomas Ditman, who is employed by Kidde Consultants, Inc. as a surveyor, testified that he had surveyed the Wirts family property. He submitted a plat showing that property divided into eight sub-parcels. Some of these sub-parcels corresponded to the properties described in the five earlier deeds that were referenced in

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the 1965 deeds mentioned above; others did not, although Mr. Ditman attempted to explain how he had derived the sub-parcels from deed descriptions.

James Schulte, of Tracy, Schulte and Associates, Inc., an architect and land planner, was the final witness for the Petitioners. He indicated that he had made planning recommendations in connection with a proposal of the Wirts family and a contract purchaser, Security Development Corporation, to develop the property at issue here as a residential subdivision. Mr. Schulte testified that access to the property is provided by a private drive that is nominally 16 feet wide; however, the drive contains only 8 to 10 feet of gravel.¹ In Mr. Schulte's opinion, the sub-parcels shown on Mr. Ditman's survey were not well configured to accommodate a residential subdivision; their configuration did not correspond to topography, and there was a large disparity in size between the smallest (approximately one acre) and the largest (approximately 17 3/4 acres). Mr. Schulte submitted a plat showing eight reconfigured "more uniform buildable lots," as well as a plat comparing the Ditman sub-parcels to the proposed new building lots.

¹ The Protestants dispute the Petitioners' testimony concerning the nominal width of this drive and point out that there was no definitive testimony on this point at the hearing.

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The Protestants each testified that they reside in the vicinity of the Wirts property and object to residential development of what is currently an agricultural and wooded site. They indicated that the valley area that includes the Wirts property is actively farmed, both for crops and livestock. Mr. Keir testified that landowners from the neighborhood had met to express their concerns about residential development of the Wirts property; in addition to the named Protestants, there are many others who oppose the petition. (In addition to attorneys for the Protestants, 30 people appeared at the January 11 hearing and signed in as Protestants.)

The Protestants expressed concern about the adequacy of the existing private drive to serve any residential subdivision of the Wirts property. They also gave their opinions that the relief requested in the petition here would be contrary, not only to the existing character of the neighborhood, but to the intent of the County's RC 2 zoning classification.

The Issues

This petition for special hearing raises two primary issues that are vital to the ultimate effectiveness of Baltimore County's RC 2 zoning classification. The first is how one identifies the "lots of record" in any particular property. The second is whether one may legally reconfigure

the identified lots of record through special hearing proceedings before the Zoning Commissioner.

Both issues arise out of §1A01.3.B of the BCZR. Subparagraph 1 of that paragraph provides as follows:

Subdivision Lot Density. No lot of record lying within an M.C. 2 zone and having a gross area of less than 2 acres may be subdivided. No such lot having a gross area between 2 and 100 acres may be subdivided into more than 2 lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of 1 lot for each 50 acres of gross area.

Section 101 of the BCZR defines two pertinent terms within the quoted subparagraph: "subdivision" is "[t]he division of any tract or parcel of land ... into two or more lots, plots or other divisions of land for the purpose ... of building development for rental or sale, and including all changes in ... lot lines"; and a "lot of record" is "[a] parcel of land with boundaries as recorded in the Land Records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof."

Identifying Lots of Record

According to the §101 definition stated above, a lot of record, for purposes of §1A01.3.B.1, is a parcel of land with boundaries as recorded in the County Land Records on November 25, 1979 (the effective date of §1A01.3.B.1). In this case, the Petitioners argue that, on November 25,

1979, the Wirts remaindermen owned eight separate lots of record. This argument is evidently based on the reasoning that, on November 25, 1979, the most recent recorded deed for the property (the 1965 deeds creating the Petitioners' remainder interests) made reference to five earlier deeds containing eight separate descriptions.

The Protestants disagree. They believe that, under a proper reading of the applicable regulations, as of November 25, 1979, the Wirts remaindermen held undivided interests in a single parcel or lot of record that had existed as one farming unit since 1940 (for nearly 40 years). The boundaries of that lot of record were set out (by reference) in a single deed that was recorded in the County Land Records.

While the Protestants are convinced that theirs is the only reasonable interpretation of the definition of "lot of record," if the Zoning Commissioner believes that there are at least two reasonable interpretations, and thus different interpretations of how one properly applies the area regulations in §1A01.3.B.1, rules of statutory construction require the Zoning Commissioner to go beyond a literal reading of the pertinent sections. See In re Criminal Investigation No. 1-162, 307 Md. 674, 685, 516 A.2d 976 (1986); Haskell v. Carey, 294 Md. 550, 556, 451 A.2d 658 (1982). The cardinal rule of statutory construction, reiterated time and time again by the Court of

Appeals of Maryland, is to ascertain the true intent of the legislative body. Ryder Truck Lines v. Kennedy, 296 Md. 528, 537, 453 A.2d 850 (1983), and cases there cited.

Thus, in resolving any perceived ambiguity as to how one should identify lots of record for purposes of §1A01.3.B.1 of the BCZR, the first and foremost search should be for evidence of the intent of the Baltimore County Council. Fortunately, the BCZR themselves contain ample evidence of the Council's intent. Section 1A01.1.A sets forth seven legislative findings, and §1A01.1.B expressly declares the Council's purposes. The findings in Paragraph A emphasize that Baltimore County's productive agricultural lands should not be lost unnecessarily to residential subdivisions and other forms of urban development. Paragraph B states that the RC 2 zoning classification is established "to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses."

With these findings and purposes in mind, the Zoning Commissioner must resolve any perceived ambiguity by determining which of the possible ways of identifying a lot of record for purposes of §1A01.3.B.1 most accords with the legislative intent. Applying this standard, the Petitioners' interpretation cannot stand. Surely the County

Council's desire to minimize the conversion of productive farms to residential subdivisions would not be promoted by the Petitioners' method of counting lots of record; that method would permit a single farm, such as the one at issue here, to be carved up, in direct violation of the Council's expressed purposes, on the basis of the fortuitous circumstance that the latest deed on record on November 25, 1979 contained or referred to descriptions of various sub-parcels. Not only would the Petitioners' method fly in the face of the County Council's intent, it would also be highly -- perhaps even unconstitutionally -- inequitable. It would permit two similar farms to be treated completely differently, depending on factors having no relation to the legislative purpose.

The Protestants are aware that the Zoning Office and the Zoning Commissioner have indicated that, under certain circumstances, they will identify lots of record by counting each parcel that is separately described in a recorded deed. The Protestants do not know whether this policy has ever been applied in circumstances like those presented here, that is, where a single farm property has been held as a unit for a long period of time, or where separately described parcels have been joined in a single deed creating a single life estate in the combined acreage of all of the parcels. If existing policies cannot be distinguished

because of the particular facts of this case, the Protestants would urge this Zoning Commissioner to reexamine the matter and to adopt a method of identifying lots of record that will further the objectives unmistakably set forth in the RC 2 zoning regulations. As the Court of Appeals of Maryland has recognized, an administrative interpretation, no matter how long or how consistently adhered to, cannot stand if it does not accord with the plain meaning of a statute. State Department of Assessments and Taxation v. Greyhound Computer Corporation, 271 Md. 575, 589, 320 A.2d 40 (1974).

Rather than looking at the 1979 Land Records to see how many sub-parcels are separately described,² Protestants urge the Zoning Commissioner to look at those records, and at other pertinent evidence, to determine a much more relevant fact: the boundaries of each piece of property treated by the owner on November 25, 1979 as a separate unit.

Certainly, where contiguous agricultural acreage had been held by a single owner for many years prior to 1979 (and where the unitary ownership would be shown by an examination of County Land Records), as is the case here, the Commissioner should conclude that there is a single lot

² In any event, such a search of the Land Records in this case would not support the parcelization of the Wirts family property in the manner shown on Mr. Ditman's plat, Petitioners' Exhibit 5.

of record. In this case, that result can be justified by reasoning that the parcels described in the various deeds by which George W. Wirts acquired the property were merged, by operation of law and by the passage of time, into a single unit, or, alternatively, by the simpler reasoning that the deeds creating a life estate in 1965 consolidated the property into a single unit.

Adopting the method of identifying lots of record urged by the Protestants would serve to prevent the unnecessary division of working farms and large tracts with farming potential. In accordance with the declared purpose of the RC 2 zoning classification, it would "foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses."³

³ Under the identification method the Protestants believe to be most consistent with legislative intent, the entire property owned by the Wirts family in November, 1979 (some 73 1/2 acres) was a single lot of record. Under §1A01.3.B.1 of the BCZR, that lot of record could be subdivided just once, into two building lots. Thus, when the Wirts family sold 12.57 acres to George Mahoney in 1986, the family may have exhausted its right to subdivide.

Section 1A01.3.B.1 would prevent further division only if the 1986 division was a "subdivision" as defined in §101 of the BCZR, that is, if it was "for the purpose, whether immediate or future, of building development for rental or sale" and not "for agricultural purposes." It is unnecessary for the Zoning Commissioner to determine here whether the 1986 transaction was a subdivision, because whether it was or not, it is clear that the relief currently being requested is not permissible under the Zoning Regulations.

Transfer of Density

Even if the Zoning Commissioner decides not to look at the Wirts family property as a single lot of record, the Protestants do not believe that the Zoning Commissioner is legally authorized to approve a reconfiguration of lots such as the one requested by the Petitioners. This is because there is no provision in the BCZR that would permit the transfer of density from one lot of record to another.⁴ Indeed, a reading of Articles 1A (Resource Conservation Zones) and 1B (Density Residential Zones) of the BCZR makes it clear that the County Council did not intend for density transfers to occur in the County's RC zones.

Density or area regulations for the various RC zones differ, but they are all based on the concept of limiting the subdivision of "lots of record" or "record lots" (somewhat differently defined) existing at the time the RC zoning regulations took effect. None of them permits

⁴ We refer here to a reconfiguration of lot lines as a transfer of density, whether or not there is an intent to shift the right to construct a dwelling from one lot of record to another. Even if there is no shift in the right to construct a dwelling, the redrawing of lot lines involves a shift of acreage, which is the underlying basis for total allowable density in the County's RC zones.

Here, one of the "reconfigured lots" proposed by the Petitioners does not contain any land from the original lot of which it is supposedly a reconfiguration. Thus, in the case of that lot, there has been a transfer of the right to construct a dwelling.

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Case number: 88-314-SPH
N and S Side of Long Lane 3700' W of Longnecker Road
4th Election District - 3rd Councilmanic District
Petitioner - Family of Herbert W. Wirts, Jr.
DATE/TIME: Monday, January 11, 1988 at 11:00 a.m.
Special Hearing Re: The application of Baltimore County Zoning Regulation 100.334 and Zoning Commission's Policy #SD-10 and #SD-8 to the existence and realignment of (7) of (8) separate buildable dead parcels of land into seven (7) more uniform building lots in an R-2 zone where the parcels of land are described in separate deeds and/or in separate descriptions in the same deeds, which deeds were recorded prior to Nov. 23, 1979, the density of said eight (8) existing and more uniform buildable lots to be unaffected by said reconfiguration.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec 24, 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 Dec 24, 1987

THE JEFFERSONIAN,

Susan S. O'Brien
Publisher

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Your petition has been received and accepted for filing this 12th day of November 1987.
J. Robert Haines
ZONING COMMISSIONER
Petitioner: Family of Herbert W. Wirts Received by: James E. Dyer
Attorney: Michael Gisriel, Esquire Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND
J. ROBERT HAINES
REVENUE DIVISION
LANEWAYS CASH RECEIPT
No. 45681
11/20/87 ACCOUNT 01-115-000
AMOUNT \$ 100.00
RECEIVED FROM: Steven K. Brodsky
FOR: Sph # 193
8 8 C13 (11/20/87) 44.75 (44.75)
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

November 26, 1987

Family of Herbert W. Wirts
18001 Marshall Road
Hempstead, Maryland 21074

Re: Case number: 88-314-SPH
N and S Side of Long Lane 3700' W
of Longnecker Road
4th Election District - 3rd Councilmanic District
Petitioner - Family of Herbert W. Wirts, Jr.

Dear Sirs and/or Madams:

Please be advised that \$187.34 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the day of the hearing itself.

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

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Very truly yours,

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

JRH:

cc:

Michael Gisriel, Esq.

file ✓

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-314-SPH
N and S Side of Long Lane 3700' W
of Longnecker Road
4th Election District - 3rd Councilmanic District
Petitioner - Family of Herbert W. Wirts, Jr.
DATE/TIME: Monday, January 11, 1988 at 11:00 a.m.

Special Hearing Re: The application of Baltimore County Zoning Regulation 100.334 and Zoning Commission's Policy #SD-10 and #SD-8 to the existence and realignment of (7) of (8) separate buildable dead parcels of land into seven (7) more uniform building lots in an R-2 zone where the parcels of land are described in separate deeds and/or in separate descriptions in the same deeds, which deeds were recorded prior to Nov. 23, 1979, the density of said eight (8) existing and more uniform buildable lots to be unaffected by said reconfiguration.

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc:

Michael Gisriel, Esq.

Family of Herbert W. Wirts

file ✓

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 7, 1988

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

ooo

Michael Gisriel, Esquire
210 E. Lexington Street, Suite 400
Baltimore, Maryland 21202

RE: Item No. 193 - Case No. 88-314-SPH
Petitioner: Family of Herbert W. Wirts, Jr.
Petition for Special Hearing

Dear Mr. Gisriel:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Kilde Consultants, Inc.
1020 Cromwell Bridge Road
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: December 9, 1987

FROM: Norman E. Gerber, AICP
Director of Planning and Zoning
Zoning Petitions No. 88-314-SPH,
SUBJECT: 88-274-SPH, 88-284-SPH

In view of the subject of this hearing, this office offers no comment.

Norman E. Gerber, AICP
Norman E. Gerber, AICP
Director

NEG:JGH:dme

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: December 9, 1987

FROM: Norman E. Gerber, AICP
Director of Planning and Zoning
Zoning Petitions No. 88-314-SPH,
SUBJECT: 88-274-SPH, 88-284-SPH

In view of the subject of this hearing, this office offers no comment.

Norman E. Gerber, AICP
Norman E. Gerber, AICP
Director

NEG:JGH:dme

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

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

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

Re: Property Owner: Family of Herbert W. Wirts

Location: N & S side of Long La., 3700' W. of c/1 of Longnecker Rd.

Item No.: 193 Zoning Agenda: Meeting of 12/1/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Special Inspection Division

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

J. Robert Haines
Zoning Commissioner

January 18, 1988



Dennis F. Rasmussen
County Executive

Dr. and Mrs. Timothy J. Gardner
Welcome Here Farm
13500 Longnecker Road
Glyndon, Maryland 21071

Re: Family of Herbert Wirts
Case #88-314 SPH

Dear Dr. and Mrs. Gardner:

I am in receipt of both of your letters dated January 5, 1988 regarding the above captioned matter. Please be advised that I have read same and have placed them in the case file for consideration.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JPH:mmm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner Date: November 17, 1987
FROM: Herbert W. Wirts, County Auditor
SUBJECT: Public Disclosure

I am enclosing a copy of the Public Disclosure Resolution passed by the Council on 11/16/87. This Resolution pertains to my late father's farm in which I hold an interest in common with my three sisters and the four heirs of my late sister.

HWW:mrg
Enclosure

cc: W. Carl Richards, Jr.
Zoning Coordinator

Michael Grisriel
Grisriel & Grisriel

Steve Breedon
Security Development Corporation

RECEIVED
NOV 18 1987

ZONING OFFICE

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1987, LEGISLATIVE DAY NO. 21

RESOLUTION NO. 42-87

C. A. Ruppertsberger, III, Councilman

By the County Council, November 16, 1987

A RESOLUTION concerning the public disclosure of Herbert W. Wirts

WHEREAS, Herbert W. Wirts, County Auditor, holds an interest in real estate in common with his three sisters and the four heirs of his late sister, which approximates 60.8829 acres and is located in the Fourth Election District of Baltimore County and more specifically is the property formerly owned by his late father, GEORGE W. WIRTS.

WHEREAS the aforementioned property is or may be the subject of a Public Hearing and Request that the Zoning Commissioner approve the existence and realignment of eight deed parcels by a partition in kind into eight new more uniform lots to be unaffected by any density transfers.

WHEREAS, this Resolution is intended to serve as the public disclosure required by the Charter and §22-11(e) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland, that the Request for an approval of the Partition In-Kind among the Wirts family members and matters associated therewith and the interest of Herbert W. Wirts in the property described herein does not contravene the public welfare.

Tentative 46

W&E*NAIVER & EMERGENCY

BALTIMORE COUNTY COUNCIL AGENDA
LEGISLATIVE SESSION 1987, LEGISLATIVE DAY NO. 21
NOVEMBER 16, 1987 7:30 P.M.

- MOMENT OF SILENT MEDITATION
PLEDGE OF ALLEGIANCE TO THE FLAG
- APPROVAL OF JOURNAL - Meeting of November 2, 1987
- ENROLLMENT OF BILLS - 141-87, 142-87
- INTRODUCTION OF BILLS
BILL NO. 150-87 - Mr. Lauenstein (By Reg.) - Aging Dept. - R.S.V.P. Pro. - W&E*
BILL NO. 151-87 - Mr. Lauenstein (By Reg.) - Residential Services - W&E*
BILL NO. 152-87 - Mr. Lauenstein (By Reg.) - Crime Victims' Services - W&E*
BILL NO. 153-87 - Mr. Lauenstein (By Reg.) - Dislocated Worker - Admin. Cost Pool
BILL NO. 154-87 - Mr. Lauenstein (By Reg.) - Food Distribution Program - W&E*
BILL NO. 155-87 - Mr. Lauenstein (By Reg.) - Retirement Allowance - Police Dept.
- CALL OF BILLS FOR FINAL READING AND VOTE
- COUNCIL APPROVAL OF FISCAL MATTERS
1. Agreement - League for Handicapped - Supported Employment Program
2. Agreement - Penn-Mar Organization - Day Center
3. Agreement - Jeremy Criss - Chesapeake Bay Critical Area Program
4. Contract of Sale - Durratt-Sheppard Steel Co. - Balto. St. Bypass
5. Agreement - Bucart-Horn, Inc. - Trading Place, Dunhamway, Commerce St., etc.
6. Agreement - Nelson-Salabas, Inc. - Towson Resource & Senior Ctr.
7. Agreement - Mercer-Meldinger-Hansen, Inc. - Employees Benefits Programs
8. Addendum Agreement - HRDA - Food Distribution Program
- MISCELLANEOUS BUSINESS
1. Correspondence
2. Resolution No. 40-87 - Mr. Evans - Planning Board - Parhandle Lots
3. Resolution No. 41-87 - Ms. Bachur - Planning Bd. - Historic sites on Maps
4. Special Res. - Mr. Ruppertsberger - Pleasant Hill United Methodist Church
5. Special Res. - Mr. Ruppertsberger - Lighting of school fields
6. Special Joint Res. - Mr. Wirtz - Soviet Jews on Summit Agenda
7. Special Joint Res. - Ms. Bachur - Beyond War Week
8. Res. No. 42-87 - Mr. Ruppertsberger - Public Disclosure - Herbert W. Wirts

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

J. Robert Haines
Zoning Commissioner

October 18, 1988



Dennis F. Rasmussen
County Executive

Michael D. Hankin, Esquire
Piper & Marbury
1100 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

RE: Petition for Special Hearing
N & S/S of Long Lane, 3700' W of Longnecker Road
4th Election District - 3rd Councilmanic District
Case No. 88-314-SPH

Dear Mr. Hankin:

In response to your letter dated October 10, 1988 on the above-referenced matter, enclosed please find a copy of the Findings of Fact and Conclusions of Law signed April 11, 1988. I believe this Opinion fully answers the issues in this matter which are within the jurisdiction of the Zoning Commissioner.

Specifically, you raised the issue as to whether or not the subject lots of land are entitled to have access over a particular private road. Your letter seems to imply that the properties in question do not have legal access to this private road. As I am sure you are aware, the issue of legal title is a matter which would more properly be addressed by the Circuit Court for Baltimore County sitting in Equity.

I do not know which Baltimore County ordinances you believe are being violated. If you provide more specific information, I will have the matter reviewed accordingly.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: Michael Grisriel, Esquire

John B. Howard, Esquire

Case File

PIPER & MARBURY

1100 CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201

TELEPHONE 301-529-0489
CABLE "PIPERMAR BAL"
TELEX 800086

October 10, 1988

1200 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036
202-861-3900

Robert Haines, Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Haines:

On behalf of my client, George P. Mahoney, Jr., I would like to bring to your attention a grave situation involving the proposed development of certain land located in western Baltimore County. A developer from Howard County has purchased sixty acres of land (formerly owned by the Wirts family) on a private driveway located off of Longnecker Road in Baltimore County with the intention to subdivide the land and create six or more homesites. The private driveway, which serves my client's farm, is as narrow as seven feet in many places and crosses several streams which are covered with only wood planking. The road barely permits a four-wheel drive vehicle to pass in some places; in no case would police, fire vehicles or garbage trucks have easy access to proposed homesites.

In addition to the practical concerns described above, we have been advised that the developer in question has neither legal access over the private driveway, nor the right to grant such access to purchasers of the homesites. However, I am not sure that he realizes the gravity of the situation and may attempt to proceed with building on the homesites in disregard of these concerns. Because of the concern that your office has shown for problems of this type, I thought that it would be best to bring it to your attention in the hope that action can be taken to prevent this development from occurring in violation of Baltimore County ordinances and in total disregard of the health and safety of its citizens.

Sincerely,

Michael D. Hankin
Michael D. Hankin

cc: Mr. George P. Mahoney, Jr.

Monumental Paving Co., Inc.

1805 Edison Highway • Baltimore, Maryland 21213

301-675-0555

December 18, 1987

J. Robert Haines
Zoning Commissioner
111 W. Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Case Number: 88-314-SPH

Dear Mr. Haines:

In reference to our telephone conversation of today, December 18, 1987, requesting a postponement in the above reference case no. 88-314-SPH, Myself and Walter Brewster will be out of the Country and unable to attend the January 11, 1988 hearing. We are formally requesting our testimony be heard at a later date. I currently live at 13636 Longnecker Road, adjacent to the Wirts Property, as you can imagine, I am interested in this case.

Thank you for allowing our testimony at a later date.

Sincerely,

George P. Mahoney Jr.
George P. Mahoney, Jr.
President

Filed
Jan 29, 1988

Jan 15, 1988
2:00 P.M.

RECEIVED
DEC 23 1987
ZONING OFFICE

The Johns Hopkins Hospital
Cardiac Surgery Service
Department of Surgery
Timothy J. Gardner, M.D.

January 5, 1988

JAN 6 1988

ZONING OFFICE

Dear Mr. Haines:

This letter is in reference to case 88-3148 PH, regarding the request for realignment of the land parcels in the property owned by the heirs of George W. Wirts, near Longnecker Road in Glyndon.

My wife, Nina H. Gardner, and I own a 67 acre farm in close proximity to the Wirts property. A small driveway providing access from the east to the property runs through the corner of our property and adjacent to our northern property line. We along with many of our immediate neighbors are understandably concerned about the disposition by Mr. Wirts' heirs of this land in a rural conservation area.

Unfortunately, neither my wife, who will be out of town on January 11, nor I, who will be performing heart surgery scheduled well before information regarding the hearing was available, will be able to attend the meeting on January 11 at 11:00 a.m. I understand that there might be additional testimony taken regarding this petition on January 18, 1988. Both my wife and I would be available on that day to discuss our concerns about realigning the parcels in this property.

In case I do not have the opportunity to address you personally on this issue, I would like to express my primary concern about the Wirts proposal for parcel realignment in this particular property. The property is in an active agricultural area and is surrounded by farmland. The request for realigning this land apparently is being made at the request of a commercial developer from outside Baltimore County. It would seem very inappropriate to realign these parcels simply to meet the needs of a housing developer when the intent of the community is to maintain this part of Baltimore County as an agricultural area.

Thank you for your consideration. I hope that I do have the opportunity to address you personally on this issue.

Sincerely yours,

Timothy J. Gardner, M.D.
Timothy J. Gardner, M.D.
Professor of Surgery
13500 Longnecker Road
Glyndon, Maryland 21071
833-4823 (home) 955-3299 (work)

600 North Wolfe Street, Baltimore, Maryland 21205 (301) 955-1299

RECEIVED
JAN 11 1983

ZONING OFFICE

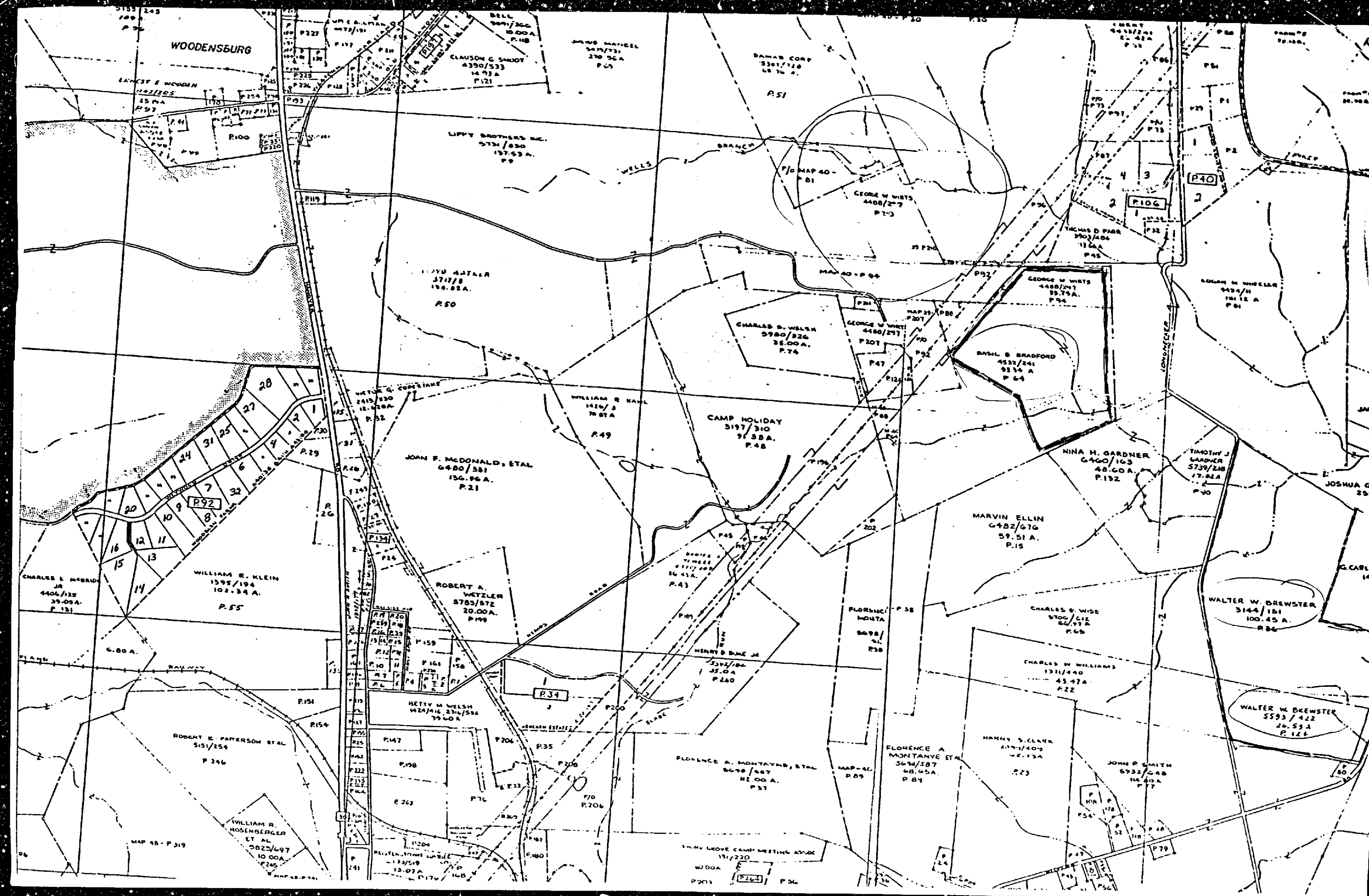
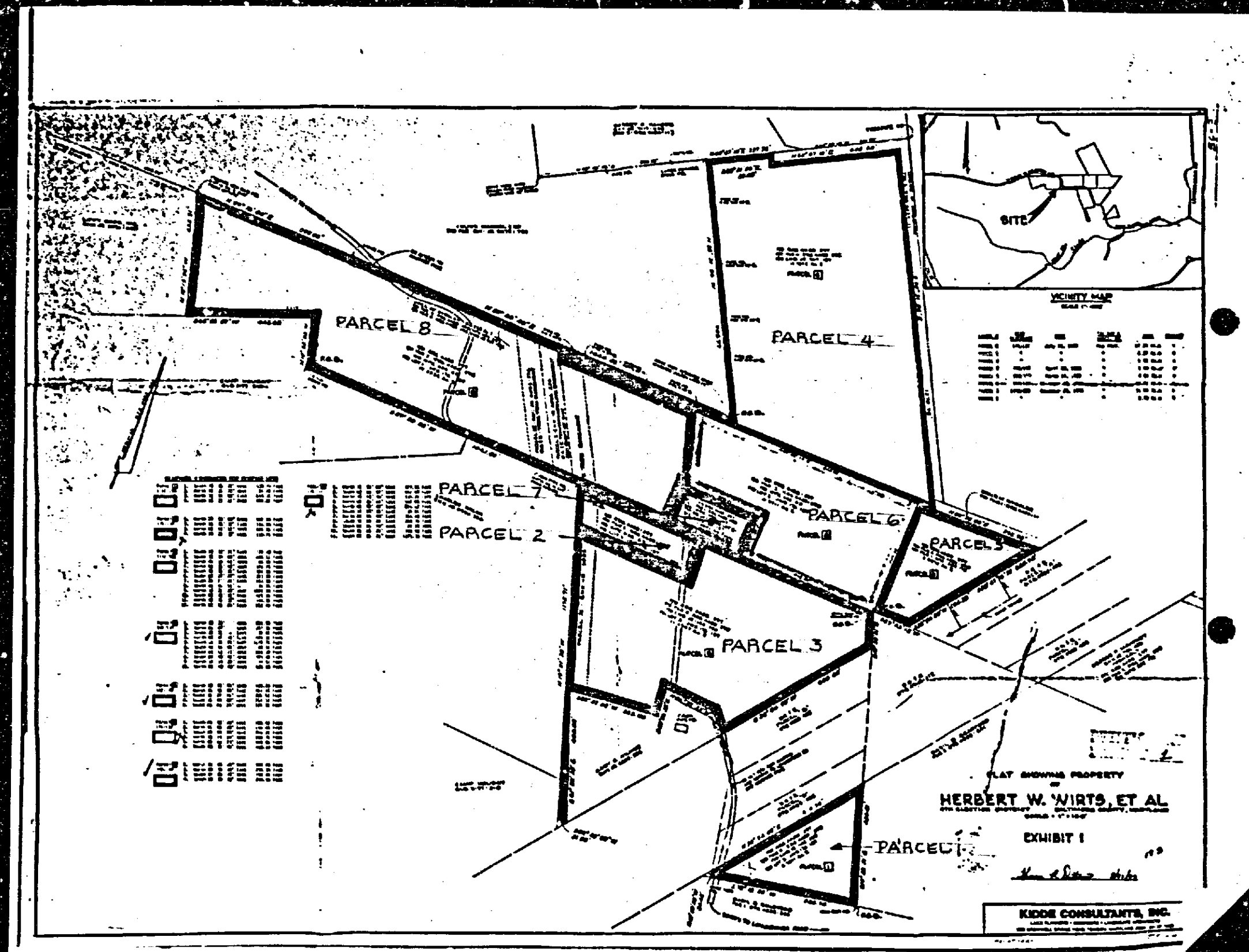
Robert Harris, Zoning Commissioner
Rm. 109 County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

Dear Mr. Harris:

Although I am very interested in the outcome of the zoning on the Wirtz property (88-3145PH) to be held next Monday, Jan 11th, I will be out of town and cannot change my plans. There will be representatives of the Longueville Road Neighbors position, attending, however, and I share their views and would like to be counted among their numbers. Since my property is on the corner of Longueville Road and the private road which accesses the property in question, your decision will affect us directly.

Thank you very much in advance for considering our position.

Sincerely,
Nina H. Gardner



Parcels Acquired by George Wirtz During His Lifetime

Parcels	Acres	Date Bought
#7	1.0001	4/24/1918
#5	2.5373	3/16/1922
#6	6.3711	6/26/1926
#8	17.2332	6/26/1926
#2	1.4357	6/26/1926
#4	17.7572	12/6/1934
#3	11.4967	12/23/1940
#1	2.7011	12/23/1940
8	60.3509 acres	

* Parcel numbers shown on attached plat of existing 8 parcels.

#45

(Deeds are recorded in Baltimore County Circuit Court)

Deed of Gift

496/147

334/179

176/137

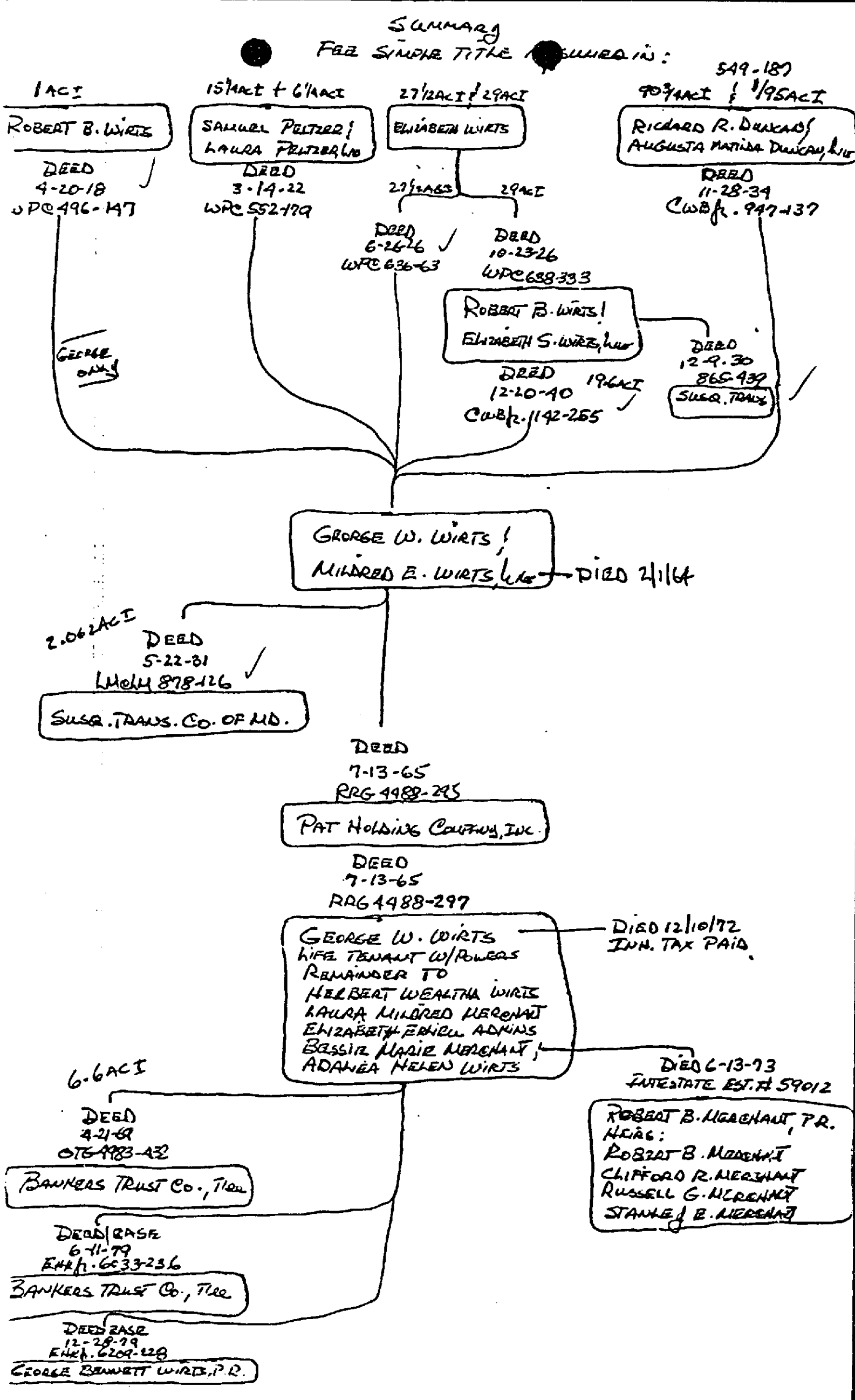
"

"

947/137

1142/255

1142/255



DATE	DEED REF	ACRES	FROM	TO
1/18/97	11824/110	1 1/4	Voluntarily & Wm. Vetter	Sam Peltzer
7/19/03	11824/110	6 1/4	John S. Elgert, Jr. & son	Sam Peltzer
1/12/21	552/179	2 1/4	Sam Peltzer	George W. Wirtz
1/18/89	176/137	55	Voluntarily & Wm. Vetter	John Fuller
6/1/00	250/120	55	Voluntarily & Wm. Vetter	Sam B. & Elgert Wirtz
1/19/11	396/60	1	Sam B. & Elgert Wirtz	Robert B. Wirtz
2/1/10	406/147	1	Robert B. Wirtz	George W. Wirtz
2/1/26	636/163	2 1/4	Samuel B. Wirtz, died in 1926	George W. Wirtz
1/9/26	636/163	2 1/4	Elgert Wirtz	Robert B. Wirtz
12/1/40	1144/255	196 acres	Robert B. Wirtz	George W. Wirtz
2/2/31	578/126	7.062	George W. Wirtz & Mildred E. Wirtz	Susanne Wirtz, Trs. G. Wirtz
1/1/69	448/147	1.9	George W. Wirtz	B. G. E.
11/79	607/236	1.9	Wirtz Family	B. G. E.
7/1/80	448/147	1.9	Wirtz Family	Geo. Wirtz
5/1/85	448/147	1.9	Life Estate	
6/1/85	448/147	1.9	Life Estate	

OLD Deed

Witnesses incurred by the party of the second part its successors or assigns for repairs necessary for the preservation of the said property (3) to the payment of all premiums for insurance necessary to fully cover and protect the interest of the party of the second part its successors or assigns hereon or also all ground rent taxes assessments public dues and charges then due and to become due and payable on the said property (4) to the payment of all arrearages of interest (5) to the balance (if any there be) to be applied to the unpaid mortgage indebtedness.

And the said parties of the first part hereby covenant to warrant specially the said property and to execute such further assurances thereof as may be requisite.

Witness the hands and seals of the said parties of the first part this day and year first above written.

Witness
Otto Tursik
State of Maryland
City of Baltimore to wit

I hereby certify that on this first day of December in the year one thousand nine hundred and forty by and between Robert B. Wirtz and Elizabeth Wirtz his wife of Baltimore aforesaid personal.

Attested by its Asst. Treasurer
Otto Tursik
Vice President
(Corporate seal)
EXD 114C

DO NOT MICROFILM

This Deed made this 10th day of December in the year one thousand nine hundred and forty by and between Robert B. Wirtz and Elizabeth Wirtz his wife of Baltimore County in the State of Maryland of the first part and George W. Wirtz and Mildred E. Wirtz his wife of the second part.

Ed 124

THIS DEED OF PARTITION made this _____ day of _____ 1987 by and between Herbert Wealtha Wirts, Laura Mildred Merchant, Elizabeth Erlieu Adkins, Adalies Helen Wirts, Robert B. Merchant, Personal Representatives of the Estate of Bessie Marie Merchant, deceased, and Robert B. Merchant, Clifford R. Merchant, Russell G. Merchant and Stanley E. Merchant, the four heirs-at-law of said Bessie Marie Merchant.

RECITALS

1. By a deed dated July 13, 1965 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4488 folio 297 fee simple title to property, which included all of the properties hereinafter described, was granted and conveyed by Pat Holding Company, Inc. to George W. Wirts for the term of his natural life with full powers of disposition, except by will, and the remainder, if any, to his children, the said Herbert Wealtha Wirts, Laura Mildred Merchant, Elizabeth Erlieu Adkins, Adalies Helen Wirts, and Bessie Marie Merchant, as tenants in common.

2. Said George W. Wirts died on December 10, 1972 without having exercised said powers, and thereupon title to said property vested in the aforesaid five remaindermen, absolutely, as tenants in common.

3. Said Bessie Marie Merchant died, intestate, June 13, 1973, leaving as her only heirs-at-law the said Robert B., Clifford R., Russell G. and Stanley E. Merchant; and Robert B. Merchant was appointed the personal Representative of her Estate. (See the Estate of Bessie Marie Merchant, Estate No. 59012 in the office of the Register of Wills for Baltimore County)

4. All of the properties herein after described, in the aggregate, comprise all of the property which was conveyed in the aforesaid deed from Pat Holding Company, Inc. to George W. Wirts, dated July 13, 1965 and recorded in Liber R.R.G. No. 4488 folio 297, SAVING AND EXCEPTING so much thereof as was conveyed in fee simple by George W. Wirts to Bankers Trust Company and Baltimore Gas and Electric Company, by a deed dated April 21, 1969 and recorded among the aforesaid Land Records in Liber O.T.G. No. 4923 folio 492, but in which deed there was reserved to George W. Wirts, his heirs and assigns, the right to cross the land conveyed and to extend roads and public utility facilities across said land as therein provided.

5. The properties herein after described are subject to and have the benefit of the use in common of two 16 foot rights of way referred to in a Deed of Easement dated December 28, 1979 and recorded in Liber E.H.K. Jr. No. 6009 folio 228, from Herbert Wealtha Wirts et al to George Bennett Wirts; and are subject to the easement for poles, wires, cables and conduits etc. contained in a Deed of Easement from Herbert W. Wirts et al to Bankers Trust Company et al, dated June 11, 1979 and recorded at aforesaid in Liber E.H.K. Jr. No. 6033 folio 226.

6. The parties hereto, being the owners of all of the undivided interests in common of all of the property hereinafter described, desired to and have agreed to partition the same in kind, so that each party (except Robert B. Merchant as personal Representative of the Estate of Bessie Marie Merchant) would individually own a separate parcel of land instead of an undivided interest in all of the property.

LIBER 4488 PAGE 295

This Deed, Made this 13th day of July in the year one thousand nine hundred and sixty-five by and between George W. Wirts, widower, of Baltimore County in the State of Maryland, of the first part, and Pat Holding Company, Inc. a body corporate of the State of Maryland, of the second part.

Witnesseth, that in consideration of the sum of Five Dollars and other good and valuable consideration, receipt whereof is hereby acknowledged, the said party of the first part

does grant and convey unto the said party of the second part its successors

heirs and assigns, in fee simple, all those of ground, situate, lying and being in Baltimore County, State of Maryland, aforesaid, and described as follows, that is to say:

Beginning & Area

Being all those lots or parcels of ground which were acquired by George W. Wirts by the following deeds to which reference is made for more particular description:

(1) Deed dated April 16, 1918 and recorded among the Land Records of Baltimore County in Liber J.P.C. No. 486, folio 147 from Robert B. Wirts and wife to George W. Wirts.

(2) Deed dated March 14, 1922 and recorded among the aforesaid land records in Liber W.P.C. No. 659, folio 170 from Samuel Polster and wife to George W. Wirts and Mildred Wirts, his wife.

(3) Deed dated June 10, 1936 and recorded among the aforesaid land records in Liber T.P.C. No. 637, folio 65 from Elizabeth Wirts, widow to George W. Wirts and Mildred Wirts, his wife.

(4) Deed dated November 29, 1934 and recorded among the aforesaid land records in Liber C.W.B. Jr. No. 947, folio 157 from Richard R. Duncan and wife to George W. Wirts and Mildred Wirts, his wife.

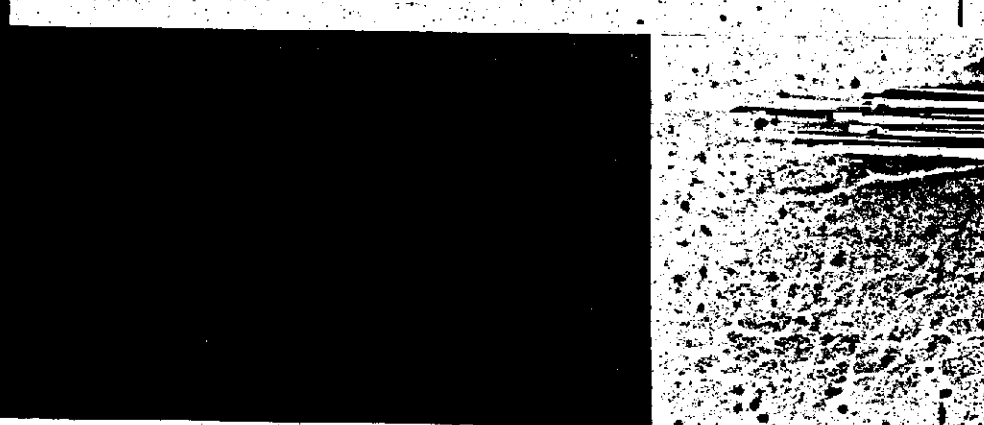
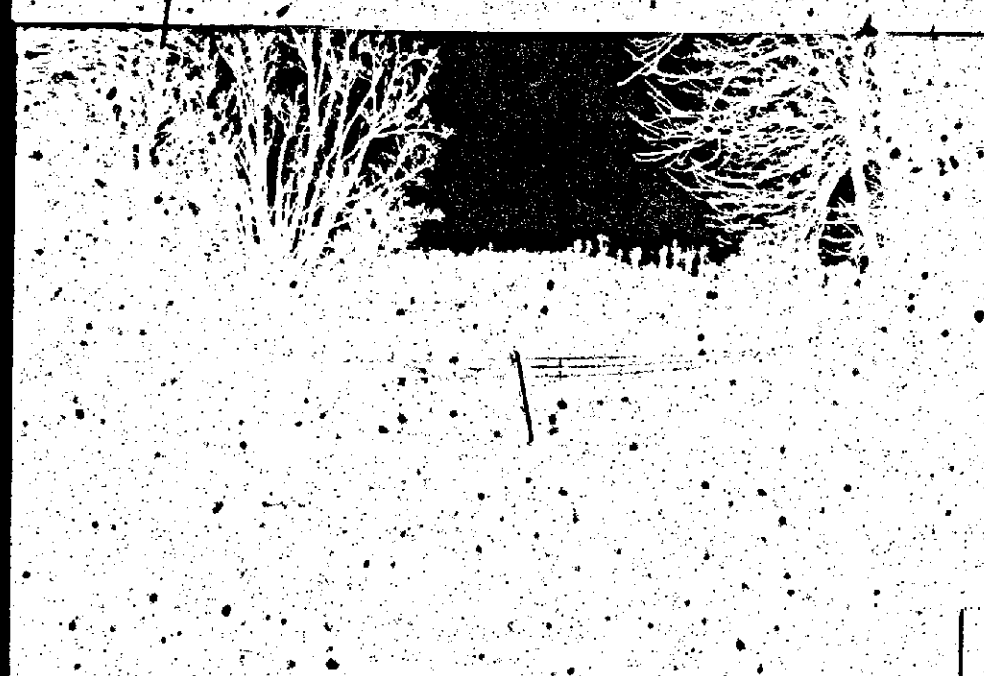
(5) Deed dated December 20, 1940 and recorded among the aforesaid land records in Liber C.W.B. Jr. No. 1142, folio 255 from Robert B. Wirts and wife to George W. Wirts and Mildred Wirts, his wife.

The said Mildred Wirts, also known as Mildred E. Wirts, departed this life on or about February 1, 1964 thereby vesting absolute title in the said George W. Wirts.

PROTESTANT(S) EXHIBIT (1)

Mr. Hankin's

Jan. 3, 1988

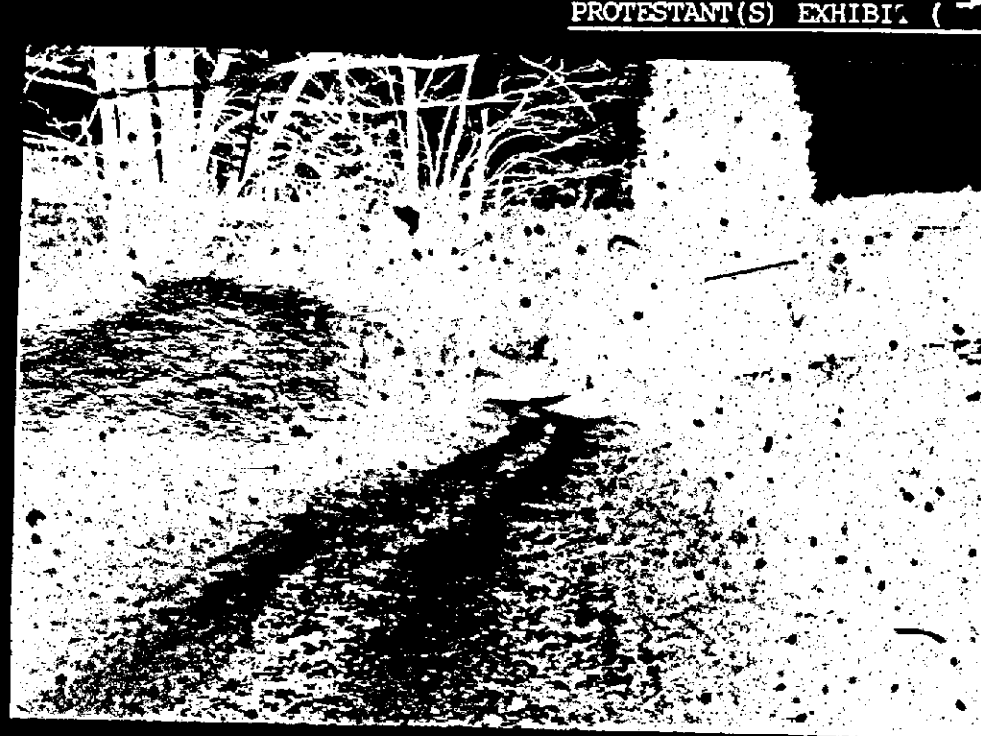


PROTESTANT(S) EXHIBIT (1)

Jan 3, 1988



PROTESTANT(S) EXHIBIT (2)



R.C.2

R.C.2

R.C.4

R.C.4

R.C.2

R.C.2

R.C.4

R.C.2

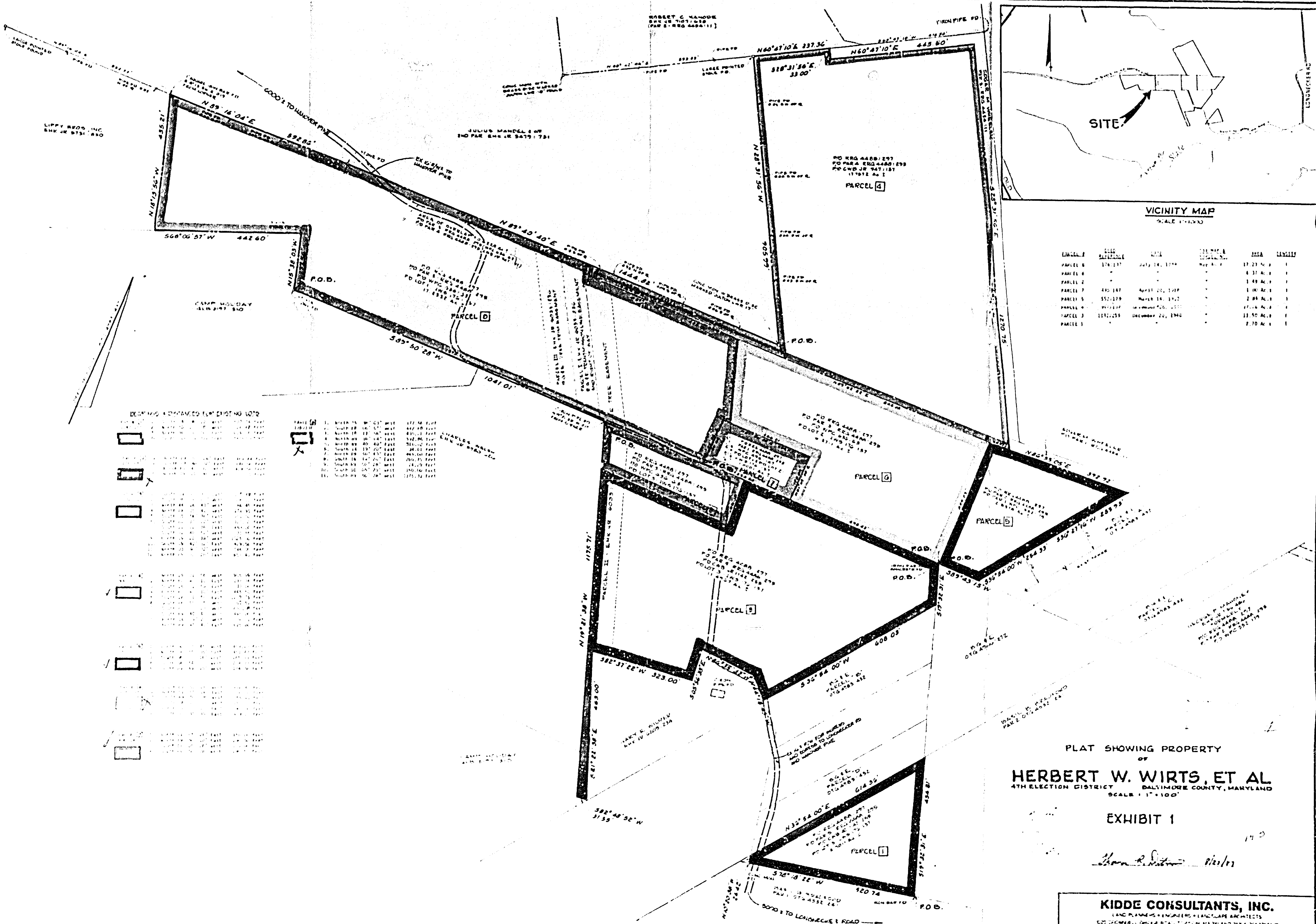
This parcel is not part of the petition

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND
OFFICIAL ZONING MAP

SOUTHEAST OF
WOODENSBURG

1984 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
NOV. 13, 1984
BILL NO. 13
1984-137

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MAR
OFFICIAL ZONING MAP



VICINITY MAP
SCALE 1"=100'

PARCEL #	DATE	RECORD	AREA	REMARKS
PARCEL 1	174.137	July 14, 1974	17.27 Ac.	
PARCEL 2			4.37 Ac.	
PARCEL 3			1.49 Ac.	
PARCEL 4	442.147	April 22, 1974	1.00 Ac.	
PARCEL 5	552.179	March 14, 1972	2.84 Ac.	
PARCEL 6	971.117	January 14, 1972	17.14 Ac.	
PARCEL 7	1191.259	December 22, 1940	11.55 Ac.	
PARCEL 8			7.70 Ac.	

BEARING & DISTANCE TO EXISTING LOT

LOT	BEARING	DISTANCE
1	N 18° 13' 50" W	435.21'
2	N 89° 16' 04" E	592.85'
3	N 89° 40' 40" E	1041.01'
4	N 18° 13' 50" W	435.21'
5	N 18° 13' 50" W	435.21'
6	N 18° 13' 50" W	435.21'
7	N 18° 13' 50" W	435.21'
8	N 18° 13' 50" W	435.21'
9	N 18° 13' 50" W	435.21'
10	N 18° 13' 50" W	435.21'
11	N 18° 13' 50" W	435.21'
12	N 18° 13' 50" W	435.21'
13	N 18° 13' 50" W	435.21'
14	N 18° 13' 50" W	435.21'
15	N 18° 13' 50" W	435.21'
16	N 18° 13' 50" W	435.21'
17	N 18° 13' 50" W	435.21'
18	N 18° 13' 50" W	435.21'
19	N 18° 13' 50" W	435.21'
20	N 18° 13' 50" W	435.21'
21	N 18° 13' 50" W	435.21'
22	N 18° 13' 50" W	435.21'
23	N 18° 13' 50" W	435.21'
24	N 18° 13' 50" W	435.21'
25	N 18° 13' 50" W	435.21'
26	N 18° 13' 50" W	435.21'
27	N 18° 13' 50" W	435.21'
28	N 18° 13' 50" W	435.21'
29	N 18° 13' 50" W	435.21'
30	N 18° 13' 50" W	435.21'
31	N 18° 13' 50" W	435.21'
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65	N 18° 13' 50" W	435.21'
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72	N 18° 13' 50" W	435.21'
73	N 18° 13' 50" W	435.21'
74	N 18° 13' 50" W	435.21'
75	N 18° 13' 50" W	435.21'
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77	N 18° 13' 50" W	435.21'
78	N 18° 13' 50" W	435.21'
79	N 18° 13' 50" W	435.21'
80	N 18° 13' 50" W	435.21'
81	N 18° 13' 50" W	435.21'
82	N 18° 13' 50" W	435.21'
83	N 18° 13' 50" W	435.21'
84	N 18° 13' 50" W	435.21'
85	N 18° 13' 50" W	435.21'
86	N 18° 13' 50" W	435.21'
87	N 18° 13' 50" W	435.21'
88	N 18° 13' 50" W	435.21'
89	N 18° 13' 50" W	435.21'
90	N 18° 13' 50" W	435.21'
91	N 18° 13' 50" W	435.21'
92	N 18° 13' 50" W	435.21'
93	N 18° 13' 50" W	435.21'
94	N 18° 13' 50" W	435.21'
95	N 18° 13' 50" W	435.21'
96	N 18° 13' 50" W	435.21'
97	N 18° 13' 50" W	435.21'
98	N 18° 13' 50" W	435.21'
99	N 18° 13' 50" W	435.21'
100	N 18° 13' 50" W	435.21'

PLAT SHOWING PROPERTY
OF
HERBERT W. WIRTS, ET AL
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=100'

EXHIBIT 1

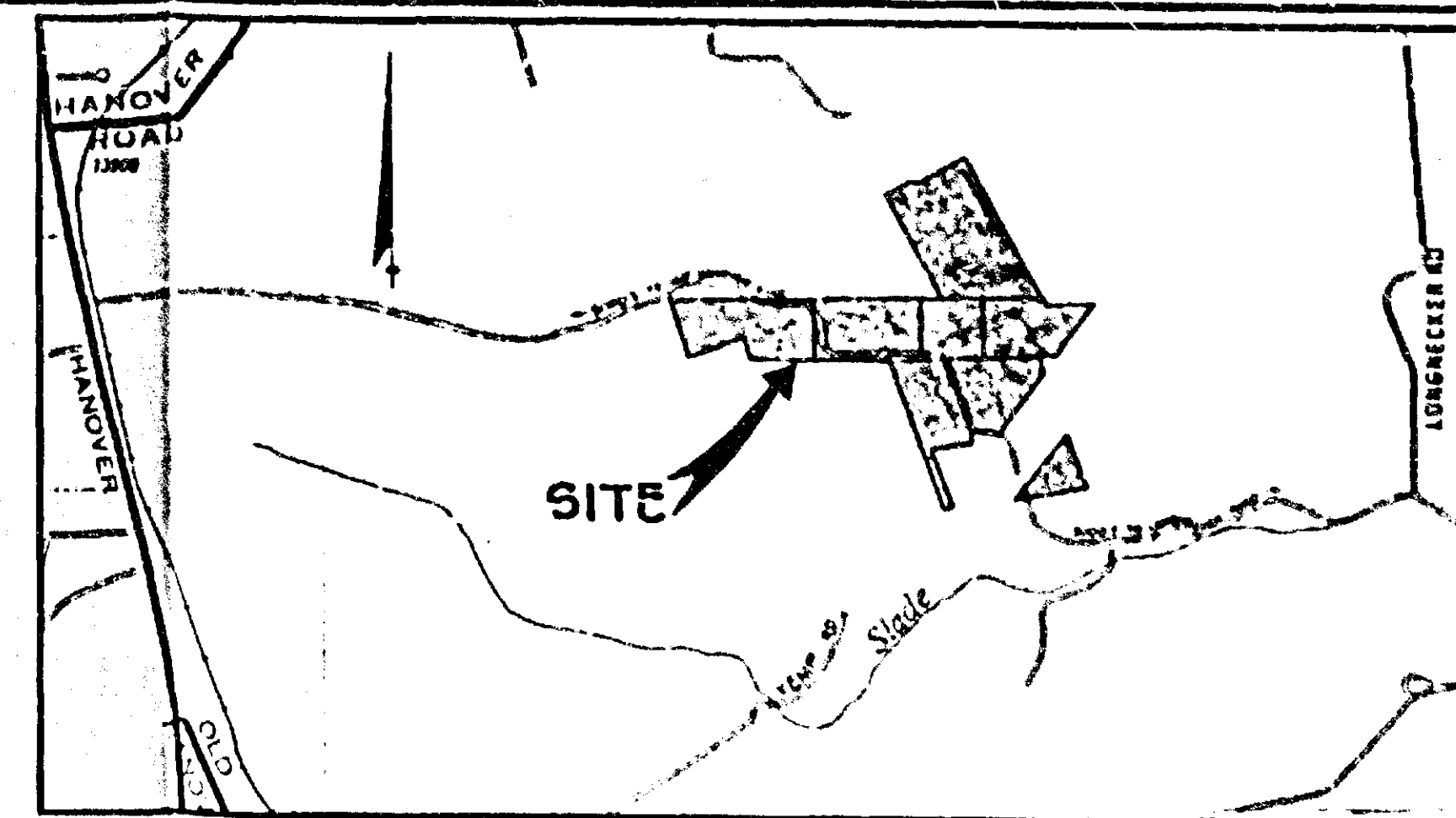
Herbert W. Wirts 10/1/73

KIDDE CONSULTANTS, INC.
LAND PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS
600 CHESAPEAKE DRIVE, SUITE 200, ANNAPOLIS, MARYLAND 21403

LITTY L. D. INC.
5/15/80
ZONED RC-2

ROBERT C. BARNES
1/27/80
ZONED RC-2

JULIUS MANDEL ET AL
5/47/79
ZONED RC-2



VICINITY MAP
SCALE 1"=1000'

BEARINGS AND DISTANCES FOR UNIMPROVED LOTS

Parcel 1	1. South 12° 12' 30" East 415.11 Feet	2. South 88° 40' 00" West 12.14 Feet	3. North 21° 21' 30" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 2	1. North 89° 50' 28" East 415.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. South 15° 16' 30" East 213.11 Feet
Parcel 3	1. South 82° 12' 30" West 22.11 Feet	2. South 21° 22' 30" East 415.11 Feet	3. South 82° 06' 42" West 12.14 Feet	4. North 19° 21' 30" West 12.14 Feet
Parcel 4	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 5	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 6	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 7	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 8	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 9	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 10	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 11	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 12	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 13	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 14	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 15	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 16	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 17	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 18	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 19	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 20	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 21	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 22	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 23	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 24	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 25	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 26	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 27	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 28	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 29	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet
Parcel 30	1. South 19° 12' 30" East 22.11 Feet	2. South 16° 52' 00" East 508.16 Feet	3. North 88° 35' 42" West 12.14 Feet	4. North 36° 14' 30" East 618.36 Feet

CAMP HOLLOWAY
5/97/80
ZONED RC-2

CHARLES WELSH
5/90/80
ZONED RC-2

CAMP HOLLOWAY
5/97/80
ZONED RC-2

PARCEL 2

PARCEL 7

PARCEL 6

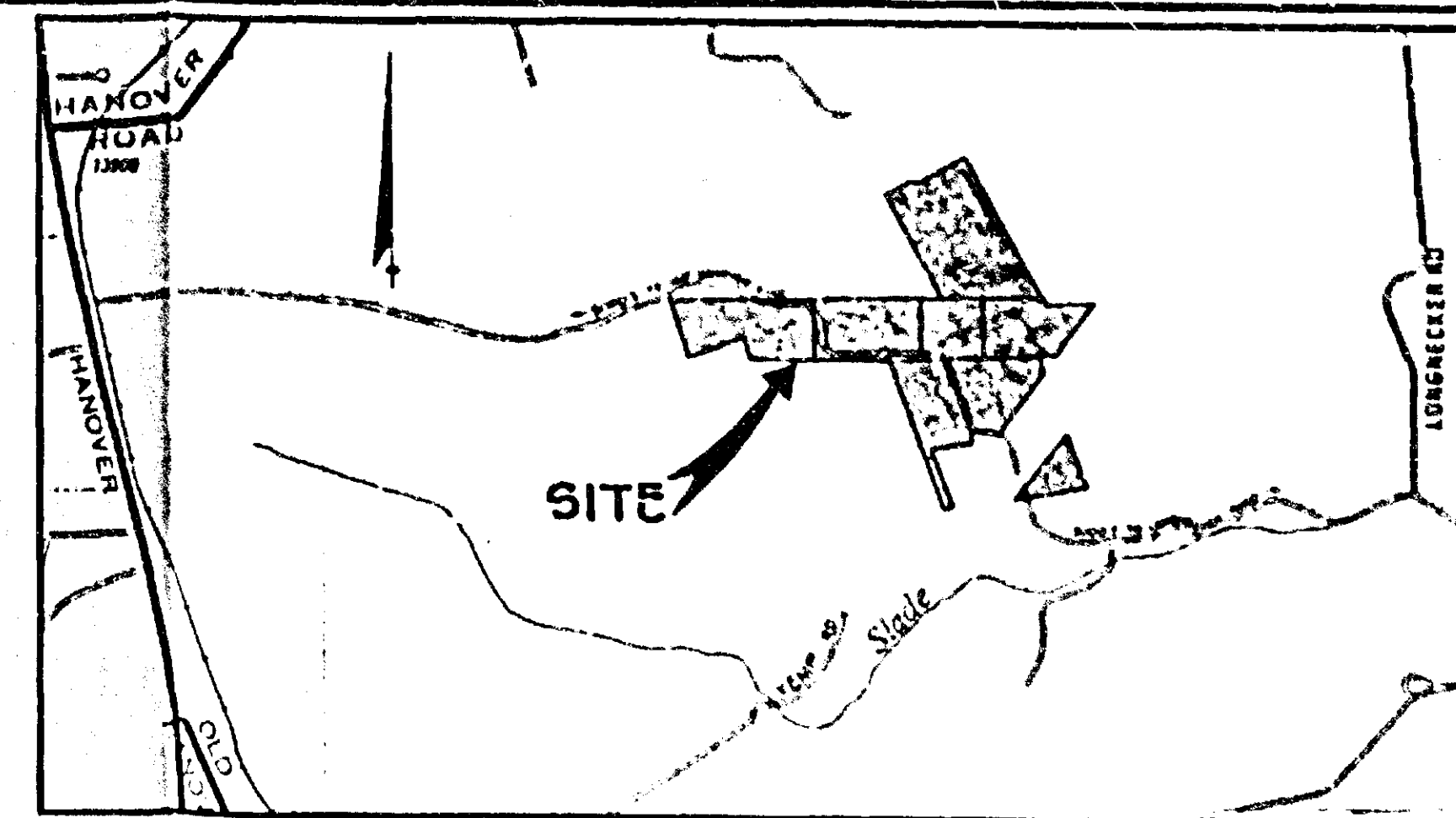
PARCEL 9

PARCEL 3

PARCEL 1

PARCEL 4

PARCEL 8



VICINITY MAP
SCALE 1"=1000'

PARCEL #	TAX MAP #	AREA	DENSITY
PARCEL 8	Map 40/P.141	9.04 AC.±	1
PARCEL 6	" P.141	4.46 AC.±	1
PARCEL 2	" P.207/211	6.22 AC.±	1
PARCEL 7	" P.141	6.28 AC.±	1
PARCEL 5	" P.141	6.63 AC.±	1
PARCEL 4	" P.210	16.81 AC.±	1
PARCEL 3	" P.201	6.76 AC.±	1
PARCEL 1	" P.211	2.70 AC.±	1

PLATS TO ACCOMPANY A PETITION
FOR A SPECIAL HEARING

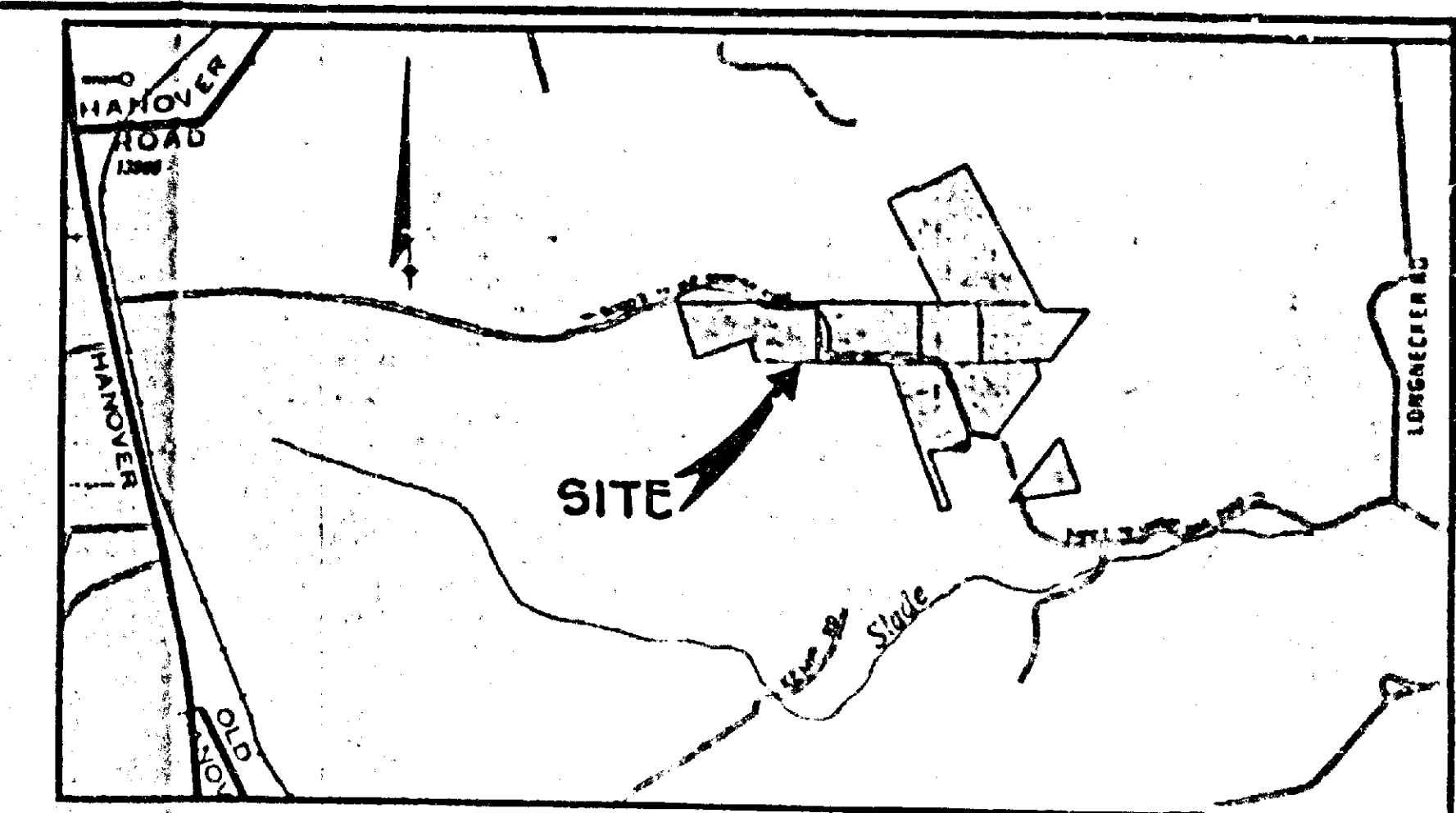
HERBERT W. WIRTS, ET AL.

4TH ELECTION DISTRICT BALTIMORE, MARYLAND
ZONED RC-2 SCALE 1"=100
NOVEMBER 16, 1987

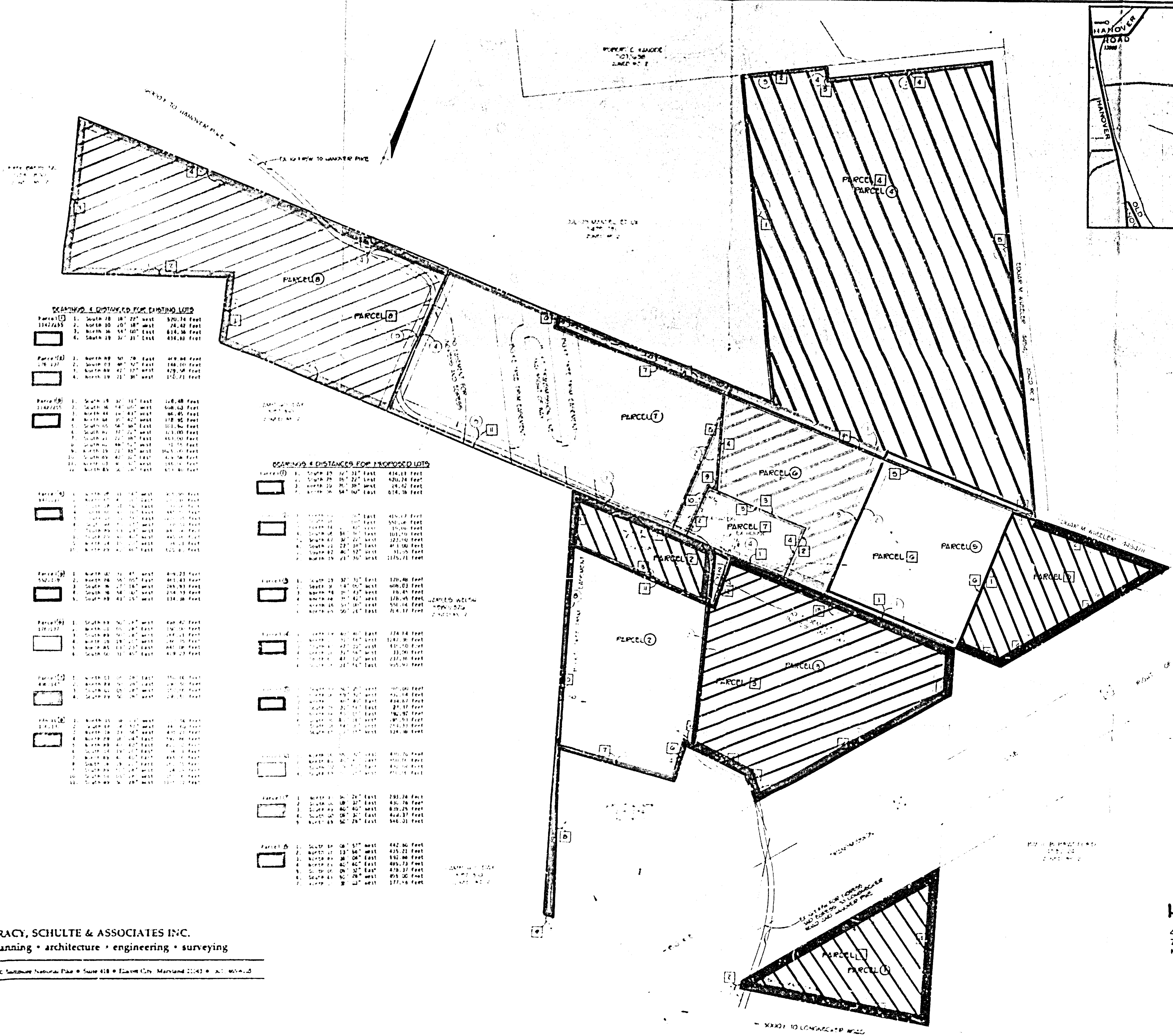
EXHIBIT 2

TRACY, SCHULTE & ASSOCIATES INC.
planning • architecture • engineering • surveying

1000 North Central Ave. • Suite 401 • Baltimore, Maryland 21201 • (410) 541-1111



VICINITY MAP
SCALE 1"=1000'



INTERESTED PARTIES: *

HERBERT WALTHA WIRTS
LAURA MILDRED MERCHANT
ELIZABETH ERLIEU ADKINS
ADALIEA HELEN WIRTS
ROBERT B. MERCHANT
CLIFFORD R. MERCHANT
RUSSELL G. MERCHANT
STANLEY E. MERCHANT

*PARCELS TO BE DETERMINED UPON
FINAL TOWN COMMISSIONER'S
DETERMINATION

TRACY, SCHULTE & ASSOCIATES INC.
planning • architecture • engineering • surveying

ONE SOUTHERN NATIONAL PLAZA • SUITE 418 • ELLEN CITY, MARYLAND 21043 • 301.954.4333

PLATS TO ACCOMPANY A PETITION
FOR A SPECIAL HEARING

HERBERT W. WIRTS, ET AL.

4TH ELECTION DISTRICT BALTIMORE, MARYLAND
ZONED RC-2 SCALE 1"=100'
NOVEMBER 16, 1987

EXHIBIT 3

PETITION
FILE NO. 3

