88-490-SPH Steven Houdeman, et ux Court of Special Appeals AFFIRMED Circuit Court which AFFIRMED C.B. of A. UNREPORTED IN THE COURT OF SPECIAL APPEALS OF MARYLAND No. 396 September Term, 1990 Steven H. Gudeman et ux. People's Counselfor Baltimore County JAN 2 3 1991 - L Bell, R.B. Fischer, Thayer, (specially JJ.

Per Curiam

Filed: January 22, 1991

Steven H. Gudeman and Betty J. Gudeman, husband and wife, appeal from an adverse decision of the Circuit Court

for Baltimore County (Howe, J.) SALES AND SALES OF THE SALES OF Appellants are owners of 44.75 acres of land in Baltimore County, Maryland. The property consists of 42.42 acres and 2.33 acres separated by a public road owned by Baltimore County. Desiring to develop the land, appellants, on March 16, 1988, filed a petition for approval of a plan of development. After taking testimony and considering argument from counsel, the Deputy Zoning Commissioner of Baltimore County issued an order dated July 28, 1988 granting appellants' petition. By her decision, the Deputy Zoning Commissioner reconfigured appellants' property into parcel A containing 2.33 acres and parcel B consisting of 42.42 acres. She found that each parcel was entitled to two density units -- a total of four for the entire property. The ruling also gave appellants permission to divide the property into four lots, three of which were to be relatively small building lots and the fourth lot would consist of the remainder of the property which would be used for farming. People's Counsel for Baltimore County appealed the Deputy Zoning Commissioner's decision to the Board of Appeals of Baltimore County. MAfter a hearing, the Board, by its Opinion and Order dated February 16, 1989, reversed the Deputy Zoning Commissioner's decision. Appellants appealed to the Circuit Court for Baltimore County and the decision of the Board of Appeals was affirmed.

Appellants raise three issues for our review:

1. Did the circuit court err in ruling that ... a property separated by a fee simple public road is not two "lots of record" for purposes of density and subdivision calculations under the Baltimore County zoning regulations?

2. Did the circuit. court err by indicating that the Baltimore County zoning regulations do not allow the transfer of density from one parcel to another within the R.C. zone?

Was the decision of the Board supported by substantial evidence?

Did the circuit court err in ruling that a property separated by a fee simple public road is not two "parcels of record" for purposes of density and subdivision calculations under the Baltimore County zoning regulations?

Appellants' property consists of 44.75 acres of land transected by a Baltimore County-owned public. road which divides the property into two parcels of 42.42 acres and 2.33 acres. Baltimore County Zoning Regulation 1A01.3.B1 provides in part:

Subdivision Lot Density No lot of record lying within an R.C. 2 zone [agricultural] and having a gross area of less than 2 acres amay be subdivided No such clot having a such gross area between-2 and 100 acres may be gross area perween and 2 lots (total) pursuant to this regulation, appellants' property, if one lot of record, could be subdivided to two lots or two building units and if two lots of record, to four lots or four building units.

Appellants aver that their property is not one continuous tract, but rather two plots of land that are

physically separated from each other by the intervening public road owned by Baltimore County. The Board of Appeals, in its Opinion and Order dated February 16, 1989, stated in pertinent part:

[T]he Board is of the opinion that the site containing some 44.785 acres is an entity in itself. The existence of Stockton Road created in 1899 does anot in fact create two parcels on the site. The Deed and survey clearly show one parcel that contains 44.785 acres and in which Stockton Road incidental, and its existence known to purchaser at the time of sale. The Board can find no basis that would allow the separation of this site into Parcel A and Parcel B.

Judge Howe, in her Opinion and Order dated February 6, 1990, stated that the Board did not err as a matter of law in its finding that appellants' property consists of one lot of

Paul Solomon, Administrative Director of the Baltimore County Preservation Program stated that he was the planner overseeing development of the regulations applicable to the R.C. zone. He also testified that the agricultural zone was intended to preserve farming as an industry, and, "[I]t was determined that a 50 acre parcel could, in fact, accommodate a viable economic effort or entity." When asked whether roads going through properties would cause the establishment of separate lots or parcels, he answered, "That was not considered at all. It was not our design... It was not ever something that was conceived as a possibility or threat." Solomon added, "[W]e didn't even investigation

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County, testifying in response to a question whether number of roads that are intersecting the property.

A parcel of land with boundaries as

Appellants' property was obtained by deed dated August 31,

It seems clear to us that the Board of Appeals was under consideration. correct in its finding that the existence of the road transecting the subject property did not serve to change the one lot of record into two lots of record.

Did the circuit court err by indicating that the Baltimore County zoning regulations do not allow the transfer of density from one parcel to another within the R.C. Zone?

In a sense, this is a non-issue. The Deputy Zoning Commissioner, apparently acting upon a long standing practice, transferred two dwelling units from the 2.33 acre parcel to the 42.42 acre parcel. This had the result of granting four density units to the property rather than the two to which the property, as one lot, was entitled. Judge Howe found that there was no provision in the zoning regulation that permits transfer of density from one parcel to another and that the zoning commissioner could not allow. such transfers under the guise of policy.

As we have decided that appellants hold only one lot, the question of density unit transfers is moot, and we decline to rule upon this issue.

> Was the decision of the Board supported by substantial evidence?

In view of the lengthy recitation, supra, of the evidence considered by the Board, it is obvious that the Board had substantial evidence before it upon which to base its decision.

JUDGMENT AFFIRMED. COSTS TO BE PAID BY APPELLANTS. CIRCUIT COURT FOR BALTIMORE COUNTY CIVIL GENERAL

DOCKET 66 PAGE 111 CASE NO 89 CG 911 CATEGORY APPEAL

IN THE MATTER OF THE APPLICATION OF STEVEN H. GUDEMAN, ET UX FOR A PETITION FOR SPECIAL HEARING ON THE PROPERTY LOCATED ON THE SOUTH SIDE OF STOCKTON ROAD, SOUTHWEST CORNER CARROLL MILL ROAD, 2200 STOCKTON ROAD, 10th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

STEVEN H. GUDEMAN

BETTY J. GUDEMAN Appellants

THE PEOPLE'S COUNSEL FOR BALTIMORE COUNTY Protestant

Phyllis Cole Friedman Peter Max Zimmerman Rn 304, Co Office Bldg 111 W Chesapeake Ave (4) 897-2188

Stephen J. Nolan

(04) 823-7800

Douglas L. Burgess

300 East Joppa Road

Nolan, Plumhoff & Williams,

Suite 1104, Hampton Plaza

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CV TEXCOSTS ESSEL #

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(1) March 17,1989 - Appellants' STEVEN H. GUDEMAN AND BETTY J. GUDEMAN Notice for Appeal from the Decision/Order of the County Board of Appeals of Baltimore County fd.

(2) March 20,1989 - Certificate of Notice fd.

(3) March 27, 1989 - Appellants' Petition on Appeal fd.

Apr 17, 1989 - Transcript of Record fd.

b) Apr 17, 1989 - Notice of Filing of Record fd. Copy sent.

6) Apr 25, 1989 - App of Phyllis Cole Friedman and Peter Max Zimmerman for the Protestant THE PEOPLE'S COUNSEL FOR EALTINDRE COUNTY and Same Day Answer to Appellant's Petition on Appeal fd.

(7) May 1, 1989 - Correspondence fd.

(8) May 26,1989 - Appellants' Memorandum of Law fd.

(9) June 19, 1989 - Correspondence fd.

(10) July 11, 1989 - Protestant's Memorandum fd.

July 26,1989. Hon Barbara Kerr Howe. Hearing had. Disposition held sub curia.

(11) Feb. 7, 1990 - Opinion and Order of Court that the Decision of the Board of Appeals

that occurring. We had no basis for envisioning that Wallace Lippincott, a land planner for Baltimore occurring."

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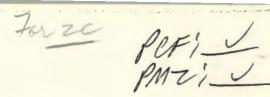
roadways intersecting a property create additional lots. stated, "My opinion, it is that the road does not create a density per the purpose and planning perspective on the R.C. 2." When asked for his reasons he replied, "The reason is that there's no description in the zoning regulations that provide for the allocation of density in the R.C. 2 based on

"Lot of record" is defined by Baltimore County Zoning Regulation 101 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.

1987. The description of the property in the deed is by metes and bounds. The description clearly refers to only one parcel of land being conveyed which consists of the main parcel plus a 0.329 acre parcel which was the subject of an earlier quit-claim deed which is not relevant to the matter







IN THE MATTER OF THE APPLICATION	*	JOE
OF STEVEN H. GUDEMAN, ET UX	*	IN THE
FOR A PETITION FOR SPECIAL HEARING	*	
ON PROPERTY LOCATED ON THE SOUTH	*	CIRCUIT COURT
OF STOCKTON ROAD	*	
STEVEN H. GUDEMAN	*	FOR
AND	*	
BETTY J. GUDEMAN	*	BALTIMORE COUNTY
APPELLANTS	*	
AND	*	89 CG 911
THE PEOPLE'S COUNSEL FOR BALTIMORE	*	
COUNTY	*	

OPINION AND ORDER

This matter came before the court from a decision of the Board of Appeals of Baltimore County dated February 16, 1989 which reversed the Deputy Zoning Commissioner and found that the existence of a public road did not create two parcels on the land in question and that these land areas must be considered as one R.C. 2 parcel.

Two questions were presented on appeal: 1) Did the public road create two parcels of land, which can now be considered separate parcels for purpose of density and subdivision? and 2) Was the decision of the County Board of Appeals supported by substantial evidence on the record taken as a whole? The answer to the first question is No, and to the second question is Yes.

The standard for judicial review is to uphold the decision of the Board of Appeals unless it is based on an error of law or if the conclusions are not reasonably based upon the facts proven. question of law presented here is the legal effect of the separation of a property bisected by a public road. The Board of Appeals stated as a conclusion that the existence of Stockton Road did not in fact create two parcels on this site. This property had always been deeded as an entirety and in fact the appellants acquired it in that fashion. There is no dispute that, ordinarily, and by statute, property of this size may only be allowed two development lots. Nothing in the statute permits roads to be used as density multipliers; there is also nothing in the statutes to allow transfers of density from one parcel to another. Despite this fact, for a number of years the Zoning Commissioner, pursuant to a "policy" has apparently been doing these things. The transfer of density is a zoning function which cannot even be accomplished by amendments to the master plan duly approved by a Planning Commission or Planning Board let alone by unilateral action by a zoning commissioner under the guise of "policy". West Montgomery Association v. MNCP&P Commission, 309 Md.183, 522 A.2d 1328 (1987). The court can find no error of law.

The Board of Appeals has made its own determination on all of the facts of this case and its decision is amply supported by substantial evidence on the record taken as a whole.

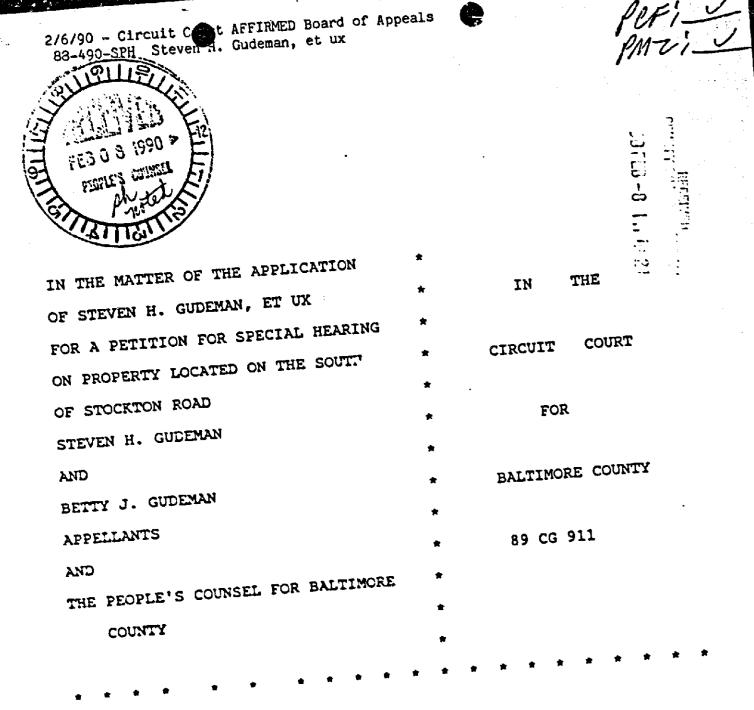
This court will not substitute its judgment for that of the Board where the issue is fairly debatable and the record contains substantial evidence supporting the Board decision.

The decision of the Board of Appeals is AFFIRMED this sixth day of February, 1990.

Barbara Kerr Howe

CC:

Stephen J. Nolan, Esquire
Peter Max Zimmerman, Esquire



OPINION AND ORDER

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Barbara Kerr Howe

Stephen J. Nolan, Esquire Peter Max Zimmerman, Esquire

IN THE MATTER OF THE APPLICATION OF STEVEN H. GUDEMAN, ET UX FOR A SPECIAL HEARING ON PROPERTY LOCATED CIRCUIT COURT SOUTH SIDE OF STOCKTON ROAD, * SOUTHWEST CORNER OF CAROLL FOR MILL ROAD, 2200 STOCKTON ROAD # 10th ELECTION DISTRICT BALTIMORE COUNTY .. 3rd COUNCILMANIC DISTRICT AT LAW STEVEN H. GUDEMAN, ET UX PETITIONERS-PLAINTIFFS CG Doc. No. 66 ZONING FILE NO. 88-490-SPH Folio No. 111 File No. 89-CG-911 PROCEEDINGS BEFORE THE ZONING COMISSIONER AND THE BOARD OF APPE'LS FOR BALTIMORE COUNTY TO THE HONORABLE, THE JUDGE OF SAID COURT: And now comes William T. Hackett, Henry H. Lewis and Lynn B. Moreland, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the | Board of Appeals of Baltimore County: ENTRIES FROM DOCKET OF BOARD OF APPEALS OF BALTIMORE COUNTY April 6, 1988 Petition of Mr. and Mrs. Steven H. Gudeman for a special hearing to approve the realignment of the two parcels which comprise the subject property and to approve the transfer of density, with no increase in overall density permitted. Publication in newspaper - filed Publication in newspaper - filed May 31 Certificate of Posting of property - filed June 1 Comments of Baltimore County Zoning Plans Advisory Committee Hearing held on Petition at 9:00 a.m. by Deputy Zoning

Care No. 60-4-0-014 July 38, 1988 Coder of the Deruty Zoning Commissioner that the Petition for Special Hearing to approve the realignment of the two parcels which comprise the subject property and to approve the transfer of density, with no increase in overall density permitted to SHANTED with restrictions. Notice of Appeal received from Phyllis Cole Friedman and Feter Max Limmerman, Feople's Counsel for Baltimore County. Fetruary 1, 1989 Hearing on appeal tefore the Board of Appeals. Order of the Board ordering that the Petition for Special Bearing to DENIED. March 17 Order for Appeal filed in the Circuit Court for Baltimore County by Stephen J. Nolan, Esq., on behalf of Plaintiffs. Fetition to accompany Order for Appeal filed in the Circuit Court for Baltimore County. Certificate of Notice sent to all interested parties. Transcript of Testimony filed. A:r11 17 Fetitioner's Exhibit No. 1 - Plat dated August 16, 1988. * 2 - Photogrammetric Map * 3 - Zoning Map - 4 - Robert E. Carney, Jr. letter 5 - Title Deed Price/Price * 6 - Plat dated August 24, 1987 7 - Deed to road dated August 30, 1899 8 - Plat to accompany 1899 Deed * 9 - Two photos margare garage " 10 - Two photos " 11 - Balto. Co. Policy Manual Sheets -3 w 12 - Three photos " 13 - Tax Map No. 35 " 14 - Tax Map No. 43 " 15 - Tax Map No. 34 " 16 - Front page of Policy Manual (9/85)

Steven H. Gudeman, et ux, Case No. 89-CG-911 Case No. 88-490-SPH Petitioner's Exhibit No. 17 - A, B, C, and D - Copies of Zoning Commissioner's Findings re: transfer of density cases People's Counsel's Exhibit No. 1 - Deed and accompanying plat Price/Price dated February 22, 1974 m m 2 - Quit Claim Deed " 3 - Deed of entire property dated August 31, 1987 " 4 - Soil Survey m 5 - County Board of Appeals Opinion dated April 22, 1986 (Case No. 86-8-" 6 - Resume of Wallace S. Lippincott, Jr., M.S. H 7 - Memo to the Zoning Commissioner from P. David Fields dated June 9, 1988 Record of proceedings filed in the Circuit Court for April 17 Baltimore County. Record of proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board. Respectfully submitted, County Board of Appeals of Baltimore County Stephen J. Nolan, Esquire Mr. and Mrs. Steven H. Gudeman Phyllis C. Friedman, Esquire

NEWTON A. WILLIAMS WILLIAM M. HESSON, JR.* THOMAS J. RENNER STEPHEN J. NOLAN* ROBERT L. HANLEY, JR. ROBERT S. GLUSHAKOW TEPHEN M. SCHENNING DOUGLAS L. BURGESS LOUIS G. CLOSE, III ROBERT C. BANNIETTIS® THOMAS X. ALDERMAN *ALSO ADMITTED IN D.C.

LAW OFFICES NOLAN, PLUMHOFF & WILLIAMS CHARTERED SUITE HOS, HAMPTON PLAZA 300 EAST JOPPA ROAD Towson, Maryland 21204-3095 (301) 823-7800 TELEFAX (301) 296-2765

J. EARLE PLUMHOFF JAMES D. NOLAN OF COUNSEL RALPH E. DEITZ 9026 LIBERTY ROAD RANDALLSTOWN, MARYLAND 21133 (301) 922-2121

March 24, 1989

Ms. Linda Lee M. Kuszmaul Legal Secretary County Board of Appeals of Baltimore County County Office Building, Room 315 111 W. Chesapeake Avenue Towson, MD 21204

> RE: 88-490-SPH Appellants: Steven H. Gudeman. Et ux

Dear Ms. Kuszmaul:

Thank you for your letter dated March 20, 1989 together with the Certificate of Notice which was attached thereto.

The purpose of this letter is to assure your office and the court reporter that we will promptly reimburse your office and the court reporter for all transcript costs and copy costs associated with the preparation of the transcript and the record in the above-cartioned appeal.

If your court reporter, Ms. Carolyn Peatt, determines that more than thirty (30) days will be necessary in order to submit the transcript and the record from the Board Hearing to the Circuit Court, please advise Doug Burgess of my office at 823-7800 in order that we can move for additional time at the Circuit Court level.

Thank you for your assistance in this matter.

Very truly yours, Stephen J. Nolan

cc: Douglas L. Burgess, Esquire Mr. and Mrs. Steven H. Gudeman

8911AR 28 PH 1: 26 CORNEL DOVEO OF APPEALS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine when ther or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

the realignment of the two parcels which comprise the subject property as shown on the accompanying plat and approve the transfer of density. with no increase in overall density permitted.

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

Contract Purchaser:

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s):

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

22.B Steven H. Gudeman (Type or Print Name) (Type or Print Name) fueles into Signature ------(Type or Print Name) Attorney for Petitioner: 2200 Stockton Road 472-4089 Phoenix, MD 21131 Signature City and State 00 E. Joppa Road - Suite 1105 Name, address and phone number of legal owner, contract purchaser or representative to be contacted Stephen J. Nolan City and State Attorney's Telephone No.: 823-7800 300 E. Joppa Road, Towson, MD 21204

ORDERED By The Zoning Commissioner of Baltimore County, this . required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning County, on the 30th day of JUNE, 1958 at 9 o'clock

Phone No. 823-7800

ECCENTIFIATED LENGTH OF REARING -1/2501 /- 1ER. AVAILABLE FOR HEARING MOR. /TUES. /WED. - KEXT TWO MORTHS

> opinion the Petitioners' proposal would be in keeping with the spirit and intent of the F.C. regulations and encourage agricultural use. He indicated further that in his professional opinion, the realignment of Parcels A and B and the clustering of the density units on Farcel B would have no adverse impact on the health, safety and/or welfare of the general community or upon property values.

Mr. Enser, manager of the adjoining farm owned by John M. Fox, testified that he was concerned that retitioners' request would result in the loss of existing valuable screening between the properties which provides protection for crops on the Fox farm. He further indicated that Mr. Fox was concerned about dogs from the adjoining residences running loose and damaging the crops. After a discussion between Mr. Gudeman and Mr. Ensor, it was agreed that there would be no clearing of trees or bushes in the existing hedgerow along the eastern property line between the Fox property and the subject property, and that there would be restrictive covenants filed in the Land Records for Baltimore County indicating that each residence would be permitted to have no more than one dog.

Mr. Lippincott appeared to express the concerns of the Planning office as set forth in their comments. He further indicated that Planning was concerned about the loss of the natural hedge along the subject property which is clearly depicted in Petitioner's Exhibit 7. The Petitioner agreed to preserve the large trees along the eastern property line as

shown in Petitioner's Exhibit 1. As requested, the Petitioner submitted a revised site plan dated June 20, 1988 which designates the actual acreage proposed for Lots 1, 2 and 3. Said plan shall be incorporated into the file and is identified as Petitioner's Exhibit A.

PAUL & DOLLENBERS FRED H. DOLLENSERS GERHOLD, CROSS & ETZEL CARL L GERHOLD Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204

March 14, 1988 823-4470

the Tenth Election District of Baltimore County, State of Maryland and described as follows to wit: Beginning for the same at the intersection of the center line and running for the centerline of Carroll Mill Road and the two of Stockton Road and the centerline of Stockton Road, the two of Stockton Road in or near the center of 69 degrees 55 minutes 21 thence and binding in or near viz: North 69 degrees 55 minutes 21 following courses and distances viz: thence and binding in or near the center of Stockton Road, the two following courses and distances viz: North 69 degrees 15 minutes 15 seconds seconds West 619.61 feet and North 71 degrees 21 minutes 15 seconds following courses and distances viz: North 69 degrees 55 minutes 21 seconds seconds West 649.61 feet and North 74 degrees 21 minutes and distances viz: North 69 degrees 55 minutes 21 seconds 45 seco seconds West 649.61 feet and North 74 degrees 21 minutes 45 seconds and distraction of the six following courses and distractions of the six following courses and distraction of the six following west 639 feet, South 639 feet, South 639 feet, South 640 degrees 650 minutes 1150 feet, South 67 degrees 29 minutes 29 minutes 29 minutes 29 minutes 29 minutes 21 degrees 40 minutes 1150 feet, South 67 degrees 29 seconds East 1448.95 feet, South 67 degrees 25 seconds East 957.97 minutes 30 seconds East 1448.95 feet, North 80 degrees 147 minutes 00 seconds East 957.97 minutes 25 feet, North 80 degrees 54 minutes 30 seconds East 957.23 feet and North 9 degrees 54 minutes 30 seconds East 148.95 feet, Morth 9 degrees 54 minutes 148 minutes seconds East 825 feet, North 80 degrees 47 minutes 25 seconds East 957.97 to the center of Stockton Road and thence binding in the 21.40 of Stockton Road, North 64 degrees 40 minutes 10 seconds West 21.40 feet to the center of Stockton Road and thence binding in the center of Stockton Road, North 64 degrees 40 minutes 10 seconds West 21.40 feet to the place of beginning.

Containing 44.75 Acres of land more or less.



PETITION FOR SPECIAL HEARING S/S Stockton Road, SW/Corner Carroll Mill Road (2200 Stockton Road) 10th Election District

Petitioners

* OF BALTIMORE COUNTY * Case No. 88-490-SPH 3rd Councilmanic District Steven H. Gudeman, et ux

* * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

The Petitioners herein request a special hearing to approve the realignment of two parcels of land, identified as Parcels A and B, which will require a reconfiguration of the density with no increase in the overall density permitted, as more particularly described on Petitioner's

The Petitioners appeared, testified and were represented by Exhibit 1. Stephen J. Nolan, Esquire. Also appearing on behalf of the Petition were David Ransone, a Property Line Surveyor with Gerhold, Cross & Etzel, Hugh E. Gelstan, a realtor and real estate appraisal expert. Louis F. Ensor, manager for the adjoining property owner, John M. Fox; and Mr. Wallace S. Lippincott, Jr. of the Baltimore County Office of Planning, There were no lappeared not as Protestants, but as parties in interest. Protestants.

Testimony indicated that the subject property, zoned R.C. 2, consists of two parcels identified as Parcels A and B on Petitioner's Exhibit 1. Parcel A contains 2.33 Acres, plus or minus, and is permitted two density units under the R.C.2 regulations. Parcel B consists of 42.42 Acres, plus or minus, and is also permitted two density units under the R.C.2 regulations. Mr. Gudeman testified that he would like to realign the two parcels so that all four density units would be clustered on Parcel B. He testified that he is a developer and was the developer of the adjoining property known as the Stockton Woods subdivision. He testified that he has been a developer for 25 years. It is his position that the reconfiguration of the two parcels in question and the clustering of the density units would be in keeping with the spirit and intent of the R.C. 2 regulations. Petitioner contends their proposal will promote the conservation of land.

Mr. Gudeman testified that it was his intention, due to the unique characteristics of Parcel A, including, but not limited to, the grading of the property and its location close to Stockton Road, to merge the acreage in Parcel A with the adajcent property known as Lot 1 of Stockton Woods, for their private residence. He further testified that if the clustering of the density units from Parcel A to Parcel B was permitted, appropriate documentation would be filed in the Land Records of Baltimore County to insure that the additional acreage added to Lot 1 would not be used with the present acreage of Lot 1 in the calculation of density units for Lot 1. Mr. Gudeman testified that at the present time, he intends to divide off less than six acres from Parcel B. Three residences would be built and marketed for sale. He indicated that the remaining 46 acres, plus or minus, would continue to be leased for farming. He testified that there would be no further subdivision of Lots 1, 2 and 3. The remaining acreage would permit development of one additional density unity in the future.

Mr. Gelston testified that he has been in the real estate brokerage and appraisal business for approximately 60 years. He testified that he is very familiar with the property as his home for the past 30 years is approximately two city blocks away. Mr. Gelston testified that in his

The Petitioner through Counsel argued that the relief requested is appropriate after a special hearing pursuant to Policy RSD-7. He further argued that the testimony presented clearly shows that the relief, if granted, would not result in detriment to the community, is consistent with the legislative intent of the R.C. 2 regulations and would encourage the continued agricultural use of the majority of the property.

Based upon the testimony and evidence presented, the relief requested in the special hearing should be granted, subject, to the restrictions set forth hereinafter. It is clear from the testimony that if the request is granted, it would not be contrary to the spirit of the B.C.Z.R. and would not be detrimental to the public health, safety and general

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this May of July, 1988 that the Petition for Special Hearing to approve the realignment of two parcels of land, identified as Parcels A and B, which will require a reconfiguration of the density with no increase in the overall density permitted, in accordance with Petitioner's Exhibit A, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant-

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is repired. II, for whatever reason, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) There will be no clearing of trees or bushes from the existing hedgerow along the eastern property line between the Fox property and the subject property.

3) Within forty-five (45) days of the date of this Order, Petitioners shall file the appropriate deeds and/or restrictive covenants evidencing the following:

a) That Lots 1, 2 and 3, as shown on Petitioner's Exhibit A, shall be subject to no further subdivision:

b) That Parcel A, which consists of 2.33 Acres, plus or minus, shall be merged with Lot 1 of Stockton Woods, and, for the purposes of calculating the density units, shall at all times from this day forward and forever, be considered as having no density

That following the removal of Lots 1, 2 and 3 from Parcel B, the remaining 36.72 acres, plus or minus, shall be considered to have no more than one density unit and shall not be resubdivided for a period of twenty (20) years, even if a zoning change would occur in the interim which would permit further subdivision;

d) That there shall be no more than one (1) dog permitted per lot on Parcel B.

> A MNantarossa ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

STEVEN H. GUDEMAN, ET UX S/S Stockton Road, SW/Corner Caroll Mill Road (2200 Stockton Road)

March 17

490-SPH 10th E: 3rd C

SPH - to approve the realignment of the two parcels which comprise the subject property as shown on accompanying plat & approve transfer of density, with no increase in overall density permitted.

April 6, 1988 Fetition for Special Hearing to approve the realignment of two parcels which comprise the subject property and to approve the transfer of density, with no increase in overall density permitted. Order of D.Z.C. that Petition for Special Hearing be GRANTED with August 22

Order for Appeal to C.B. of A. from Phyllis C. Friedman, Esq., People's Counsel for Baltimore County. February 1, 1989 Hearing before Board. February 16 Order of Board that Petition for Special Hearing be DENIED.

If Order for Appeal filed in CCt, BCo by Stephen J. Nolan, Esq., on March 20 Certificate of Notice sent. March 27

Petition to accompany appeal filed. April 17 I Transcript of testimony filed; record of proceedings filed. February 6, 1990 Crder of the Circuit Court AFFIRMING C.B. of A. (Barbara Kerr Howe)

Order for Appeal to Court of Special Appeals by Stephen J. Nolan, Esquire on behalf of Mr. Gudeman. January 22, 1991 | C.B. of A. Court of Special Appeals AFFIRMING CCt which AFFIRMED

RE: PETITION FOR SPECIAL HEARING S/S Stockton Rd., SW/Corner Carroll Mill Rd., 10th Election: District; 3rd Councilmanic District

: BEFORE THE ZONING COMMISSIONER

OF BALTIMORE COUNTY

: Case No. 88-490-SPH STEVEN H. GUDEMAN, et ux, Petitioners

NOTICE OF APPEAL

.

Please note an appeal from the decision of the Deputy Zoning Commissioner in the above-captioned matter, under date of July 28, 1988, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 19th day of August, 1988, a copy of the foregoing Notice of Appeal was mailed to Stephen J. Nolan, Esquire, Nolan, Plumhoff & Williams, Suite 1105, Hampton Plaza, 300 E. Joppa Rd., Towson, MD 21204; Mr. Louis F. Ensor, 2315 Stockton Rd., Phoenix, MD 21131; and Mr. Wallace S. Lippincott, Jr., Office of Planning, Courts Building, Towson, MD 21204.

RECEIVED ZONING OFFICE DATE: _ 8-32-85

Board of Appeals

Case No. 89-CG-911

: IN THE CIRCUIT COURT : FOR BALTIMORE COUNTY Appeal from the County

IN THE MATTER OF THE APPLICATION OF STEVEN H. CUDEMAN, ET LY FOR A PETITION FOR SPECIAL HEARING ON THE PROPERTY LOCATED ON THE SOUTH SIDE OF STOCKTON ROAD. SOUTHWEST CORNER OF STOCKTON ROAD, 10th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

STEVEN H. CUTEMAN, ET UX PETITIONELS-FLAINTIFFS

ZONING FILE NO. 88-490-5PB

:::::: ANSWER TO APPELLANTS' FETITION ON APPEAL

The Feople's Counsel for Baltimore County, Protestant below and Appellee herein, answers the Appellants' Petition on Appeal heretofore filed by the

1. That the Appellee admits the allegations made and contained in

Paragraph No. 1 of said Petition. 2. That the Appellee denies the allegations made and contained in Faragraph No. 2 A., B., C., D., and E. of said Petition.

3. That the decision of the County Board of Appeals was proper and justified by the evidence before it and that the decision of the Board should therefore be sustained as being properly and legally made.

> Phyllis Cole Friedman People's Counsel for Baltimore County

sot Me Commercen Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 (301) 887-2188

89 KPR 25 PM 1: 53

IN THE MATTER OF THE APPLICATION OF STEVEN H. GUDEMAN, ET UX HEARING ON THE PROPERTY LOCATED : ON THE SOUTH SIDE OF STOCKTON ROAD. SOUTH WEST CORNER CARROLL : MILL ROAD, 2200 STOCKTON ROAD 10th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY CASE NO.: 88-490-SPH

OPINION

This case comes before the Board on appeal from an Order of the Deputy Zoning Commissioner granting the Petition for a Special Hearing to approve the transfer of density on the subject site. The case was heard this day in its entirety.

The Petitioner presented as his first witness David Ransome, a land surveyor. He testified that he prepared the plat for the original Hearing and the plat with the most recent revisions entered as Petitioner's Exhibit No. 1 in this Hearing. He testified that the property is classified RC 2 and RC 4. He further described the development that has occurred in the general area i.e. Stockton Woods, Hickory Hill, Brookfield and Coopersfield. On cross-examination, he testified that as far as the deed indicates this is just one parcel. It was his contention that the creation of Stockton Road bisecting the property separated this as two parcels each with a permitted density of two residential units. The Petitioner next presented Steven Piper, a local farmer, who testified that he farms a total of 2,160 acres in this area and that he has leased this site to farm in 1988. It was his testimony that the density transfer proposed will keep the farm area in one parcel and would be proper. Robert E. Carney, an attorney who works as a Title Examiner, testified as to the deed searches he had conducted. He especially noted the August 15, 1899 deed which conveyed to the County

Steven H. Gudeman, et ux

This completed Petitioner's case.

the road bed that crosses one corner of the parcel. Steven Gudeman, the property owner and a real estate developer, testified as to his reasons for requesting the density transfer. He testified that placing the lots on the east side of the property gave them accessability and pledged that no further building would be permitted on what he designates as parcel A. He further stated that if the density transfer is permitted, his intentions are to merge Parcel A with his own property shown as Lot No. 1, to erect three residences for sale on what he designates as Parcel B, with the remainder of Parcel B to have no further residential development. Hugh Gelston, a real estate appraiser and broker, testified in favor of the proposal noting the gradual increase in development in this mostly farm land area and stated that, in his opinion, to allow the development of the three lots will protect the farming operation on the remainder of the site.

People's Counsel, who took the appeal in this case, presented as their first witness Paul Soloman, Administrative Director, Baltimore County Resource Conservationist and testified that he was involved in the design of the RC zones in 1976 and in the amendments to those zones in 1979. It was his opinion that RC 2 zoning was the proper zoning for this property and that it contained all the requirements for prime farm land. It was his further testimony that in the RC 2 zoning no consideration was afforded County roads that may bisect a parcel. It was his firm opinion that in the preservation of the RC 2 zones only two density units should be permitted on this site. Wallace Lipponcott, a land planner for Baltimore County, testified that he was involved in the 1988 comprehensive map process in this area and that the RC 2 zoning was correct and that in his opinion the existence of the 30 foot road does not create separate parcels on the site.

Case No. 88-490-SPH Steven H. Gudeman, et ux

The Board in no way intends this brief summation to indicate the total testimony received in this case but will let the record produced speak for

After a review and consideration of all the testimony and evidence presented and especially a study of the Exhibits presented, the Board is of the opinion that the site containing come 44.785 acres is an entity in itself. The existence of Stockton Road created in 1899 does not in fact create two parcels on this site. The Deed and the survey clearly show one parcel that contains 44.785 acres and in which Stockton Road is incidental, and its existence known to the purchaser at the time of sale. The Board can find no basis that would allow the separation of this site into Parcel A and Parcel B. It is therefore, the opinion of this Board that Mr. Gudeman does not have two density units as he claims on Parcel A and, there ore, has no density units to transfer. It is the opinion of this Board that the property as purchased contains 44.785 acres, is one parcel and one entity and, therefore, may be afforded only its allowed two density units.

ORDER

It is therefore, this 16th day of February, 1989, by the Baltimore County Board of Appeals ORDERED THAT THE Petition for Special Hearing to allow the transfer of the density units as proposed be and the same

Any appeal from this decision must be made in accordance with Rules B-1 and B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

CERTIFICATE OF SERVICE

- 2 -

I HEREBY CERTIFY that on this 24 day of April, 1989, a copy of the foregoing Answer to Appellants' Petition on Appeal was delivered to the Administrative Secretary, County Board of Appeals of Baltimore County, Room 315, County Office Bldg., 111 W. Chesapeake Ave., Towson, MD 21204; and a copy was mailed to Stephen J. Nolan, Esquire, and Douglas L. Burgess, Esquire, Nolan, Plumhoff & Williams, Chtd., Suite 1105, Hampton Plaza, 300 E. Joppa Rd., Towson, MD 21204-3095.

Peter Max Zimmerman

IN THE

IN THE MATTER OF THE APPLICATION OF STEVEN H. GUDEMAN, ET UX FOR A PETITION CIRCUIT COURT FOR SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH OF STOCKTON ROAD, SOUTHWEST CORNER CARROLL MILL ROAD, 2200 STOCK- *

TON ROAD, 10th ELECTION DIST-RICT, 3rd COUNCILMANIC DISTRICT . BALTIMORE COUNTY STEVEN H. GUDEMAN

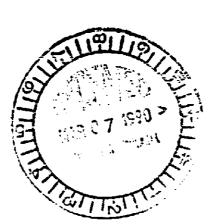
BETTY J. GUDEMAN

CASE NO.: 89CG911

Appellants * * * * * * * * * * * *

NOTICE OF APPEAL

STEVEN H. GUDEMAN and BETTY J. GUDEMAN, Appellants, hereby notice an appeal from the final judgment entered in this action on February 6, 1990.



Nolan, Plumhoff & Williams, Chtd Suite 700, Court Towers 210 West Pennsylvania Avenue Towson, Maryland 21204 (301) 823-7800

Attorney for Appellants

NOLAN, PLUMHOFF

& WILLIAMS,

I HEREBY CERTIFY that on this 6 day of March, 1990, a copy of the aforegoing Notice of Appeal was mailed, postage

CERTIFICATE OF SERVICE

prepaid to: Phyllis Cole Friedman, Esquire, Peter M. Zimmerman, People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204; Honorable Ann M Nastarowicz, Deputy Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204; Mr. P. David Fields, Director, Baltimore County Office of Planning and Zoning, County Courts Building, Towson, Maryland 21204 and Arnold Jablon, Esquire, County Attorney, Court House, Towson, Maryland 21204.

NEWTON A WILLIAMS WILLIAM M. HESSON, JR. THOMAS A RENNER WILLIAM P ENGLEHART, JR. STEPHEN J. NOLAN ROBERT E. CAMILL. SR. ROBERT L. HANLEY, JR. ROBERT S. GLUSHAROW STEPHEN M. SCHENNING DOUGLAS L. BURGESS ROBERT E. CAHILL. JR. LOUIS & CLOSE, III E. BRUCE JONES"

RERA I. KOSTUN GREGORY J. JONES

TALBO ADMITTED IN D. C.

TALEG ADMITTED IN NEW JERSEY

is hereby denied.

LAW OFFICES NOLAN, PLUMHOFF & WILLIAMS Suite 700. Count Towers ZIO WEST PENNSTLVANIA AVENUE TOWSON, MARYLAND 21204-5340 (301) #23-7600 TELEPAR! (308 296-2765

March 6, 1990

A EARLE PLUMHOFF

JAMES D. NOLAN

(8ETIRED 1980)

OF COUNSEL

RALPH E. DEITZ

9026 LIBERTY ROAD

WRITER'S DIRECT DIAL

RANDALLSTOWN, MARYLAND 21133

401 Bosley Avenue Towson, Maryland 21204 Re: Steven H. Gudeman, et ux Case No.: 89 CG 911 Notice of Appeal to Court

Circuit Court for Baltimore County

of Special Appeals of Maryland

Deaf Ms. Mensh:

HAND DELIVERY

Suzanne Mensh, Clerk

County Courts Building

Enclosed please find a check in the amount of Fifty (\$50.00) Dollars made payable to the Court of Special Appeals for filing a Notice of Appeal in the above-referenced case.

Thank you for your attention to this matter.

Very truly yours.

Stephen J. Nolan

SJN/mao

Enclosures

CC: Phyllis Cole Friedman, Esquire Peter M. Zimmerman People's Counsel for Baltimore County

Honorable Ann M. Nastarowicz Deputy Zoning Commissioner for Baltimore County

Mr. P. David Fields, Director Baltimore County Office of Planning and Zoning

Arnold Jablon, Esquire County Attorney

Mr. and Mrs. Steven H. Gudeman

MICROFILMEDI IN THE CIRCUIT COURT IN THE MATTER OF THE APPLICATION OF STEVEN H. GUDEMAN, ET UX FOR A PETITION FOR SPECIAL FOR HEARING ON THE PROPERTY LOCATED ON THE SOUTH SIDE BALTIMORE COUNTY OF STOCKTON ROAD, SOUTHWEST CORNER CARROLL MILL ROAD, 2200 STOCKTON ROAD, 10th Appeal from the County Board of Appeals of Baltimore County (CBA No. 88-490-SPH) ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT STEVEN H. GUDEMAN BETTY J. GUDEMAN * * * * * * Appellants ORDER FOR APPEAL

STEVEN H. GUDEMAN and BETTY J. GUDEMAN, whose address is 2200 Stockton Road, Phoenix, Maryland 21131, Appellants, by their attorneys, Stephen J. Nolan, Douglas L. Burgess and Nolan, Plumhoff and Williams, Chartered, hereby note an appeal from the Opinion and Order of the County Board of Appeals of Baltimore County dated February 16, 1989, a copy of which is attached hereto and marked "Appellant's Exhibit A." Pursuant to Maryland Rule B2, Appellants will file a Petition on Appeal subsequent to the filing of this Order for

" Appeal. LAW OFFICES NOLAN, PLUMHOFF & WILLIAMS, 89 MAR 17 PII 3: 42

COMMILA EGYPED OF ASSERALS RECEIVED

IN THE IN THE MATTER OF CIRCUIT COURT THE APPLICATION OF STEVEN H. GUDEMAN, ET UX FOR A SPECIAL HEARING ON PROPERTY LOCATED SOUTH SIDE BALTIMORE COUNTY OF STOCKTON ROAD, SOUTHWEST CORNER OF CAROLL MILL ROAD 2200 STOCKTON ROAD AT LAW 10th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT CG Doc. No. __ STEVEN H. GUDEMAN, ET UX PETITIONERS-PLAINTIFFS CASE NO. 88-490-SPH CERTIFICATE OF NOTICE Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Madam Clerk:

Procedure, William T. Hackett, Henry H. Lewis and Lynn B. Moreland, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Mr. and Mrs. Steven H. Gudeman, 2200 Stockton Road, Phoenix, Maryland 21131, Petitioners, Stephen J. Nolan, Esquire, Nolan, Plumhoff & Williams, Chartered, Suite 1105, Hampton Plaza, 300 E. Joppa Road, Towson, Maryland 21204, Counsel for Petitioners; and Phyllis C. Friedman, People's Counsel for Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

County Board of Appeals of Baltimore
County, Room 315, County Office Building Towson, Maryland 21204 (301) 887-3180

MICROFILMED

THE STATE OF THE STATE OF

County Mourd of Appeals of Maltimore County COUNTY OFFICE BUILDING, ROOM 315 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

(301) 387-3180 March 20, 1989

Stephen J. Nolan, Esquire Nolan, Plumhoff & Williams, Chtd. Suite 1105, Hampton Plaza 300 E. Joppa Road Towson, Maryland 21204

Re: Case No. 88-490-SPH (Steven H. Gudeman, et ux)

Dear Mr. Nolan:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, the cost incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

very truly yours,

Legal Secretary

cc: Mr. and Mrs. Steven H. Gudeman

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County Board of Appeals of Baltimore County COUNTY OFFICE BUILDING, ROOM 315

111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 887-3180

March 20, 1989

Phyllis C. Friedman, Esquire People's Counsel for Baltimore County County Office Building 111 W. Chesapeake Avenue, Room 304 Towson, Maryland 21204

Re: Case No. 88-490-SPH Steven H. Gudeman, et ux

Dear Ms. Friedman:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice. Very truly yours,

Legal Secretary

Encl.

cc: Mr. Hugh E. Getston Mr. Louis F. Ensor Wallace S. Lippincott, Jr. P. David Fields Pat Keller J. Robert Haines Ann M. Nastarowicz James E. Dyer Docket Clerk -Zoning Arnold S. Jablon, Esquire

MICROFILMED

Williams, Chartered, Suite 1105, Hampton Plaza, 300 E. Joppa Road, Towson, Maryland 21204, Counsel for Petitioners; and Phyllis C. Friedman, People's Counsel for Baltimore County, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on this 20th day of March, 1989. County Board of Appeals of Baltimore

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice

has been mailed to Mr. and Mrs. Steven H. Gudeman, 2200 Stockton Road, Phoenix,

Maryland 21131, Petitioners; Stephen J. Nolan, Esquire, Nolan, Plumhoff &

Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

May 6, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 336, 337, 338, 339, 340, 341, 342, 343) 344, 345, 346, and 347.

> Very truly yours, Stepken E. Weber. P.E. Assistant Traffic Engineer

SEW/RF/pml-b

MICROFILMED



MICROFILMED

58-490-SPH

Case No. 88-490-SPH

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 6th day of April , 1983.

· MICHUPILINED

Petitioner Steven HJ Gudenan, et uz Received by: James E. Dyer Petitioner's Attorney Stephen J. Nolan

Chairman, Zoning Plans Advisory Committee

JOHN F. ETZEL WILLIAM G. ULRICH GORDON T. LANGDON

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE TOWSON, MARYLAND 21204 823-4470

EMERITUS PAUL G. DOLLENBERG FRED H. DOLLENBERG CARL L. GZRHOLD

March 14, 1988

Zoning Description

All that piece or parcel of land situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at the intersection of the center line of Stockton Road and the centerline of Carroll Mill Road and running thence and binding in or near the center of Stockton Road, the two following courses and distances viz: North 69 degrees 55 minutes 21 seconds West 649.61 feet and North 74 degrees 21 minutes 45 seconds West 238.32 feet, thence running the six following courses and distances viz: North 69 degrees 57 minutes 43 seconds West 639 feet, South 21 degrees 40 minutes 13 seconds West 1150 feet, South 66 degrees 06 minutes 30 seconds East 448.95 feet, South 67 degrees 29 minutes 00 seconds East 825 feet, North 80 degrees 47 minutes 25 seconds East 557.23 feet and North 9 degrees 54 minutes 00 seconds East 957.97 feet to the center of Stockton-Road and thence binding in the center of Stockton Road, North 64 degrees 40 minutes 10 seconds West 21,40 feet to the place of beginning.

Containing 44.75 Acres of land more or less.



BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROCESSION AND RESOURCE MANAGEMENT

Zoning Commissioner Office of Planning and Zoning County Office Building

Towson, Maryland 21204 Zoning Item #343, Zoning Advisory Committee Meeting of April 5, 1988

Property Owner: Steven H. Gudeman, ct ux

Location: SS Stackton Rd., SWC Carroll Mill Rd. District 10

private Sewage Disposal private COMMENTS ARE AS FOLLOWS:

() Prior to approval of a Building Permit for construction, renovation and/or installation of equipment

for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review) Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.

() A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere. () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more. () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service

area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval. () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted

to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811. Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.

() Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775. () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.

() Soil percolation tests, have been _____, must be _____, conducted.

() The results are valid until ______,

() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required. Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

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

) shall be valid until) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications. (1) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples. If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.

| (|) | Others _ | | | | | · | · | • | | |
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Karen Mr. Therrey

IN THE MATTER OF IN THE THE APPLICATION OF STEVEN H. GUDEMAN, ET UX CIRCUIT COURT FOR A PETITION FOR SPECIAL HEARING ON THE PROPERTY LOCATED ON THE SOUTH SIDE OF STOCKTON ROAD, SOUTHWEST BALTIMORE COUNTY CORNER CARROLL MILL ROAD, 2200 STOCKTON ROAD. Appeal from the County 10th ELECTION DISTRICT Board of Appeals of 3rd COUNCILMANIC DISTRICT (CBA No. 88-490-SPH) STEVEN H. GUDEMAN BETTY J. GUDEMAN , CIVIL NO._____ Appellants

APPELLANTS' PETITION ON APPEAL

STEVEN H. GUDEMAN and BETTY J. GUDEMAN, Appellants, by their attorneys, Stephen J. Nolan, Douglas L. Burgess and Nolan, Plumhoff and Williams, Chartered, pursuant to Md. Rule B2(e), file this petition on appeal and say:

1. On March 17, 1989, the Appellants filed an Order for Appeal with regard to the Opinion and Order of the County Board of Appeals of Baltimore County dated February 16, 1989 (hereinafter called the "Board's Order and a copy of which is attached). Pursuant to Section 604 of the Baltimore County Code (1978), this Appeal is taken from the Board's Order denying Appellants' Petition for Special Hearing to allow the transfer of two (2) density units across a public road which bisects the Appellants' property on Stockton Road in

Baltimore County. After a public hearing, the Deputy Zoning commissioner for Baltimore County granted the Gudeman's special hearing petition on July 28, 1988, subject to four enumerated restrictions; however, that Order was appealed to the County Board of Appeals by People's Counsel for Baltimore County.

2. In support of its appeal petition, the Appellants respectfully represent that the County Board of Appeals (hereinafter sometimes called the "Board") committed error and its decision was arbitrary, capricious and unlawful for the following reasons:

A. The Board failed to consider all of the evidence presented at the hearing on February 1, 1989, and its Opinion and Order dated February 16, 1989 is not supported by substantial evidence on the record taken as a whole;

B. The issue before the Board involved determination of the zoning effect of the creation of a public road (namely, Stockton Road) by an August 15, 1899 deed after applying the Baltimore County Zoning Regulations and published zoning policy guidelines. The Board's Order is clearly erroneous inasmuch as the question before it was not fairly debatable and the Board's Order is contrary to the weight of the evidence and the applicable law in the case.

C. Based upon the evidence presented below, the Appellant-property owners are entitled to judgment as a matter of law.

D. The Board of Appeals did not give proper weight to the undisputed facts and evidence concerning the existence and legal effect of the subject public road and the Board misconstrued the law as to the uses and density permitted by the Baltimore County Zoning Regulations, the Baltimore County Code and specifically, Bill 178-79 (effective November 25, 1979) and zoning policy numbers RSD-2, RSD-7 and RSD-10 which were received into evidence by the Board at its hearing.

E. The Board's Order is unlawful and amounts to a deprivation of due process of law and an unconstitutional taking of private property for public use without the payment of just compensation, contrary to the provisions of Article III, Section 40 of the Constitution of Maryland, Article 24 of the Maryland Declaration of Rights and the Fourteenth Amendment of the United States Constitution.

WHERORE, the Appellants, Steven H. Gudeman and Betty J. Gudeman, respectfully pray that this Honorable Court reverse the Board's Order and modify the same by reinstating the Deputy Zoning Commissioner's Order dated July 28, 1988; and for such other and further relief as the nature of their cause may require.

DOUGLAS L. BURGESS

DATE: February 22, 1988

Dated: March 27, 1989

Towson, Maryland 21204.

Nolan, Plumhoff & Williams, Chtd.

Suite 1105, Hampton Plaza

Counsel for Appellants,

Steven H. Gudeman and

Betty J. Gudeman

Pursuant to Maryland Rule B2(e), the Appellants, by

CERTIFICATE OF COMPLIANCE

their undersigned counsel, hereby certify that a copy of this

Order for Appeal was hand delivered on this 27th day of March,

1989, to the Administrative Secretary for the County Board of

Appeals of Baltimore County, 3rd Floor, County Office Building,

300 East Joppa Road Towson, Maryland 21204-3095

I HEREBY CERTIFY that on this 25 day of March, 1989, a copy of the aforegoing Appellants' Petition on Appeal was mailed, postage prepaid to: Phyllis Cole Friedman, Esquire, Peter M. Zimmerman, People's Counsel for Baltimore County, County Office Building, Towson, Maryland 21204; Honorable Ann M. Nastarowicz, Deputy Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204; Mr. P. David Fields, Director, Baltimore County Office of Planning and Zoning, County Courts Building, Towson, Maryland 21204 and Arnold Jablon, Esquire, County Attorney,

CERTIFICATE OF SERVICE

Court House, Towson, Maryland 21204.

8069A/dlp

LAW OFFICES

NOLAN, PLUMHOFF

& WILLIAMS.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

LAW OFFICES

NOLAN, PLUMHOFF

FROM P. David Fields, Director Office of Planning and Zoning

SUBJECT Zoning Petition #88-490-SpH

This office is opposed to the granting of the subject request. It is this office's opinion that the Baltimore County Zoning Regulations permit a maximum of two dwelling units on this property; consequently, this office believes that this petition cannot be granted.

Date June 9, 1988

cc: Shirley Hess, People's Counsel J. G. Hoswell Zoning File

BALTIMORE COUNTY, MARYLAND INTER - OFFICE CORRESPONDENCE

TO: Honorable Melvin G. Mintz Councilman, Second District

FROM: J. Robert Haines Zoning Commissioner

tract.

LAW OFFICES

NOLAN, PLUMHOFF

& WILLIAMS.

SUBJECT: Foxridge Development, CBA 88-103 McDonogh and Winands Road D.R. Density accumulation

You have raised several questions by way of inter-office memo concerning density and tract boundaries. All of the questions appear to have arisen over the development of Foxridge. I will attempt to clarify the position of the Baltimore County Office of Zoning concerning D.R. zoning regulations with regard to density accruing or accumulating within a subdivision tract.

In Section 1.B01.2.A.1 (B.C.Z.R.) which establishes density zoning the use of the term "single tract" is predicated by the use of the term "subdivision tract". The intention of the B.C.Z.R. is that D.R. zones contiguous within a subdivision tract can accrue density from one D.R. zone to another.

One of the issues that you raised concern the definition of a subdivision

Briefly, a subdivision tract is viewed from a zoning standpoint as a defined peripheral or outer boundary that may encompass one or more parcels, lots or smaller tracts, that have been assembled and submitted to the County for consideration of subdivision or development as a whole. All lots, parcels or tracts that make up the subdivision tract must be contiguous. (See definition of contiguous as set forth below)

The following 4 sections of the Baltimore County D.R. zoning regulations are applicable to the questions being raised regarding the Foxridge development and they provide clear insight into the intent of the regulations:

"1. Purpose. Pursuant to the regulations for D.R. zones, a portion of a tract of land may be subdivided for development at a higher residential density than the maximum average density permitted, lessening the permitted density of development on the remainder of the tract; or a portion of the tract may be subdivided for development at less than the maximum average density, thus increasing the density at which the remainder of the tract may be developed. (See Paragraph 1801.2.A) It is the purpose of this paragraph to assure that these factors will be identified in the sale of any portion of a development tract in a D.R. zone, and, in particular, to prevent the unknowing purchase of a tract which, as a result of such prior subdivision, may not itself be developed at the average gross density specified in the regulations."

| PETITIONER(S) S | IGN-IN SHEET |
|--------------------------------------|--|
| STEPHEN J. NOLAN | Suita 1105, 300 E. JOPA (
TOWSON, N.D. 21304 |
| DAVID RANSONE-SLEVER Thigh & Sallow | Estarta 1110 EILEL GERIGO, CROSS JETZEL JIZ DELMUNES PAR. 2120/ 14650 Modbak Long Mary J MIN 21131 |

INTERESTED PARTIES PROPRESENT (S) SIQUEIN SHEET

PLEASE PRINT CLEARLY

| WAHACK S. LIGOMICOTT, 32 | OFFIC OF TEAMER | 2315 Stockton Rd. Pricare DH
W. Prioy his Truces HAD 2170 |
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NOLAN, PLUMHOFF 2MALLEIW &

BALLINET COUNTY Fire Department Towner Kay and 2124 214 Paul H. Reenche J. Ribert Haires Seeing Carrissions April 14, 1988 Cities of Flaceting and Loning Enleance Country College Building Fer Property Owner: Steven H. Gabrian, et un Location: S/S Stockton Rt., SW/c Carroll Mill Rd. Doming Agenda: Meeting of 4/5/88 Fursher to your request, the referenced property has been surveyed by this to be corrected or incorporated into the final plans for the property. Fire tydiants for the referenced property are required and shall be free along an approved road in accor-Fire lydrants for the referenced property are required and shall be dance with haltimore Caunty Standards as published by the Department () 2. A second means of vehicle occess is required for the site. (x) 3. The veticle dead end condition steam at 300 feet standard "tee" turnaround Excised.

Excised the maximum allowed by the Fire Esquitment. Fire present to comply with all diplicable parts of the Fire Prevention Code prior to occupancy or Leginning of operation. Panhandle roads shall have a minimum width of 16 feet. Panhandle roads shall have a minimum width of 16 feet.

1 5. The buildings and structures existing or proposed on the site shall commit with all architectures existing or proposed on the site shall exempt the manufacture of the Martineal Fire Dress. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire proposed on the site shall be prior to occurance. Standard No. 101 "Life Safety Code, " 1976 edition () 6. Site plans are approved, as drawn. 7. The Fire Prevention Bureau has no comments at this time. atelly 4-14-18 Noted and (

District 9c4

Dennis F. Rasmusser

OF COUNSEL

BALPH E DEITZ

9026 LIBERTY ROAD

RANDALISTOWN, MARYLAND 2833

(301) 922 3131

Mr. Daniel M. Twomey Hessey & Hessey 1311 Fidelity Building Charles and Lexington Streets Baltimore, MD 21201

RE: Gentry Lane Property CRG #88061 Meeting 5/20/88 North end of Gentry Lane, North Lakeview Road

Dear Mr. Twomey:

Thank you for your letter of May 20, 1988 to J. Robert Haines, Zoning Commissioner, which has been referred to me for reply. You have requested a "final determination" by this office that (I'll change your words for clarity) a subdivision tract comprising of D.R.-1 zoning, words for clarity, a subdivision crack comprising of D.R.-1 soning, 6.88 acres and D.R.-3.5 zoning, 2.91 acres may be treated as one single tract for the purposes of clustering 11 lots on the D.R.-1 portion of the subdivision tract.

You have also used the phrase "final determination" which may indicate that you have received other determinations from this office. I have received at least two inquiries, and I believe at least one of which from yourself, concerning the application of D.R. density to the subject property. I apologize for any non-final answers or determinations by myself or anyone else in this office and I hope to clarify the position of the Zoning Commissioner and this office since CLARITY the position of the conting commissioner and this office September 19, 1970 when D.R. zoning was effective (Bill #100).

First, the Zoning Commissioner's decision, as has been the decision of this office, is that within this "subdivision tract" density may accrue from one D.R. zone to another D.R. zone permitting density may accrue from one D.R. zone to another D.R. zone permitting 11 lots on 6.88 acres of D.R. 1 zoned land. The total number of lots record to the second control of the second c

> LAW COFFICES NOLAN, PLEMBOFF & WILLIAMS CHARTERED

SUPER STANFON PLACE SCO TABL JOPPA HOAD TONSON, MARYLAND 2:204-3012 1571623 16 78,8144 (30) 20 / 2768

June 22, 1988

HAND DELIVERY

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Ann M. Nastarowicz Deputy Zoning Commissioner County Office Building First Floor Towson, Maryland 21204

Re: Case No. 88-490-SPH Gudeman Property Stockton Road

Dear Commissioner Nastarowicz:

At the hearing on Monday, June 20, 1988, you requested that we submit some additional information concerning our Petition for Special Hearing.

Therefore, I am enclosing herewith three (3) revised plats which now show the approximate acreage of lots 1, 2 and 3. A copy of that plat and a copy of this letter are also being forwarded to the Office of People's Counsel.

Additionally, my clients have authorized me to represent that they intend to record restrictive covenants which shall provide, inter alia, the following:

1. After the date of the Deputy Zoning Commissioner's Order, there shall be no further subdivision of lots 1, 2, 3, parcel A and parcel B;

2. There shall be no clearing of trees or brush to the existing hedge row along the eastern property line between the Fox property and the subject property;

3. The restrictive covenants shall also provide that there shall only be one dog permitted per lot.

Mr. Gudeman plans to meet with Mr. Lou Ensor, the farm manager for Mr. Fox, to discuss trimming of some of the taller trees along the subject hedge row. Subject to a favorable Mr. Daniel M. Twomey June 9, 1988

I will attempt to clarify the position of the Baltimore County Office of Zoning concerning D.R. zoning regulations with regard to density accruing or accumulating within a subdivision tract since September 19, 1970 when D.R. zoning was established.

In Section 1801.2.A.1 (B.C.Z.R.) which establishes density zoning, the use of the term "single tract" is predicated by the use of the term "subdivision tract". The intention of the B.C.Z.R. is that D.R. zones contiguous within a subdivision tract can accrue density from one D.R. zone to another.

Briefly, a "subdivision tract" is viewed from a zoning standpoint as a defined peripheral or outer boundary that may encompass one or more ownerships, parcels, lots or smaller tracts, that have been more ownerships, parcers, fors or smarter craces, that have been assembled and submitted to the County for consideration of subdivision or development as a whole. All lots, parcels or tracts that make up the subdivision tract must be contiguous.

The following four sections of the Baltimore County D.R. zoning regulations are applicable to the question being raised and they regulations are applicable to the question being raised an provide clear insight into the intent of the regulations:

"1. Purpose. Pursuant to the regulations for D.R. zones, a portion of a tract of land may be subdivided for development at a a portion of a tract of land may be subdivided for development at a higher residential density than the maximum average density permitted, lessening the permitted density of development on the remainder of the ressening the permitted density of development on the remainder of the tract; or a portion of the tract may be subdivided for development at less than the maximum average density, thus increasing the density at which the remainder of the tract may be developed. (See Paragraph WHICH the remainder of the tract may be developed. (See rarayraph 1801.2.A.). It is the purpose of this paragraph to assure that these factors will be identified in the sale of any portion of a development ractors will be identified in the safe of any polition of a development tract in a D.R. zone, and, in particular, to prevent the unknowing purchase of a tract which, as a result of such prior subdivision, may purchase of a tract which, as a result of such prior subdivision, may not itself be developed at the average gross density specified in the regulations."

section isul.3.8.2
"2. Effect. No subdivision of a tract or a portion of a tract may be created after the effective date of this article, except as otherwise provided under subparagraph 1802.3.A.2 unless the final as otherwise provided under supparagraph invest. And differ the total number subdivision plat therefore contains a summary showing the total number of dwelling or density units allowed for the entire tract under the applicable D.R. zone(s)..."

Mr. Daniel M. Twomey June 9, 1988 Page 3

"...It is the intent of these Zoning Regulations to prohibit subdivision or re-subdivision of portions of a tract in a D.R. zone in a manner so as to exceed the total number of dwelling or density units a mainter so as to exceed the total number of dwelling or density units allowed under the applicable D.R. zone(s) for the entire tract. (Bill No. 100, 1970)"

Section IBU1.2.A.1
"1. Application of Maximum Density Standards to Tract in One Zone. The maximum gross residential density permitted in any one

D.R. zone shall control only as applied to the total gross residential

acreage within a subdivision tract, and shall not apply to or establish

minimum areas of lots created by subdivision within such tract. (Rill Section 1B01.2.A.1 minimum areas of lots created by subdivision within such tract. (Bill No. 100, 1970)"

Section IBUL.2.A.2
"2. Application to Tract Divided by Zone Boundary. 4. Section 1B01.2.A.2 Wherever a single tract is divided by a zone boundary so that portions of such tract lie within D.R. zones of different classification, the total number of dwelling or density units permitted, as determined by multiplying the gross acreage of each portion by the maximum density permitted under Section 1802.2 in the zone within which the portion lies and totalling the results, shall be permitted without further regard to the zone boundary, and the units may be distributed over the tract as though it were in a single zone. (Bill No. 100, 1970)"

This office reviews approximately 300 subdivision plans a year, including over 200 C.R.G. plans, over 50% of which would include the application of this density zoning. Since September 19, 1970 this application of this density control since september 13, 1376 that of these standards.

Prior to 1970 and "density zoning" Baltimore County's Residential Prior to 1970 and "density zoning" partimore country a residential zoning was "structured". Each separate zone had its regimented density and bulk controls that were very "zone specific" and inflexible. To disapprove the accruing of density across zone lines would be turning the clock back 18 years in Baltimore County.

Mr. Daniel M. Twomey June 9, 1988 Page 4

However, if you would disagree with this interpretation and application of D.R. density, you or any other interested person or organization have the right to file a petition for a special hearing for reconsideration before the Zoning Commissioner pursuant to S.500.7 (B.C.Z.R.). As you have indicated in your letter, if you wish to proceed with the special hearing, please visit me in this office, so that I may supply you with the correct application forms and inform you of the correct filing procedure.

very truly yours,

JAMES DYER Zoning Supervisor

W. CARL RICHARDS, JR. Zoning Coordinator

•

cc: J. Robert Haines, Zoning Commissioner James Dyer, Zoning Supervisor zoning files C.R.G. files

This Deed, Made this

day of December twenty-third

in the year one thousand nine hundred and sixty-nine , by and between SARA A. SAUER, Single

Baltimore County

in the State of Maryland, of the first part, and

MAIN HOME

PLACE

GEORGE A. PRICE of Baltimore County in the State of Maryland of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations the said first party

do es grant and convey unto the said second party, his

heirs and assigns, in fee simple, all that tract of the ground, situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland , aforesaid, and described as follows, that is to say:-

Beginning for the same at a point at the end of 12 perches on the first line of the land described in a deed from Joshua F. C. Talbott, Jr. and wife to Thomas Richardson dated October 24, 1853 and recorded among the Land Records of Baltimore County in-Liber HMF No. 6 folio 320 and running thence South 48-1/2 degrees East 200 perches to the end of the 45-1/6 perches on the South 19-3/4 degrees West 111 perches line of said land, thence by and with said line with an allowance of 2 degrees for variation, South 21-3/4 degrees West 66-5/6 perches to the end of said line, still with the lines of the whole tract of land aforesaid North 65-1/2 degrees West 193 perches to intersect the South 21-1/2 degrees West 74 perches line of the land heretofore conveyed by Goodwin and Dorsey to Amon Bosley by deed dated March 31, 1819 and recorded among the Land Records of Baltimore County in Liber WG No. 150 folio 573, thence with the lines of said land revised with an allowance of 2 degrees for variation, North 23-1/2 degrees East 13-6/10 perches to the beginning of said South 21-1/2 degrees West 74 perches line, thence North 22 degrees East 30 perches to a stone,

Ann M. Nastarcwicz Deputy Zoning Commissioner June 22, 1988 Page 2

zoning decision, Mr. Gudeman is also committing to install a three board fence to be constructed from Stockton Road southerly along the east property line to where the hedge row begins to further separate and designate the agricultural use from the residential use.

I trust that this supplemental information addresses those points which you raised at the close of the hearing. Thanking you for your kind consideration of this matter, I am

Very truly yours, Stephen J. Nolan Stephen J. Nolan

SJN/emd

cc: Phyllis Cole Friedman, Esquire People's Counsel for Baltimore County

Mr. Wallace Lippincott Office of Planning and Zoning

Steven H. Gudeman

Mr. David E. Ransone

This Deed. Made this

in the year one thousand nine hundred and seventy-four, by and between T. Howard Price and Evelyn H. Price, his wife,

FER-SDEPLE DEED-CODE-City or County-Form 648

of Baltimore County, . In the State of Maryland, of the first part, and George A. Price and Eugena K. Price, his wife, of/Baltimore County, in the State of Maryland, of the second part.

E. N. C. JR. . LHER5427 PAGE 900

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations the said T. Howard Price and Evelyn H. Price, his wife, of the first part,

TRANSFER TAX NOT REQUIRED Walter R. Richardton

Pon alma by Saller

FED 25-74 278836C# ****9.00

Res 6 Sec. 12C

day of FEBRUARY

do grant and convey unto the said George A. Price and Eugena K. Price, his

wife, of the second part, as tenants by the entireties, their assigns, the survivors of them and the heirs and assigns of the survivors,

MCMANIALISMMENT in fee simple, all that piece or / of imaground, situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland, which per survey made January 21, 1974 by admershale Mcdamethale Markane Markane as follows: Brothers, Registered Surveyors, is more particularly described as follows:

Beginning for the same at the beginning of the seventeenth or South 65 1/2 deed dated March 20, 1882 and recorded among the Land Records of Baltimore County in Liber W.M.I. No. 128 folio 313 which was conveyed by Mary C. on the seventeenth, eighteenth, nineteenth and last lines of said parcel of land, the four following courses and distances viz: South 65 degrees Month 63 degrees 15 minutes East 825 feet.

10 130 minutes East 485.5 feet, South 65 degrees 15 minutes East 825 feet.

11 130 Minutes East 485.5 feet, South 65 degrees 15 minutes East 825 feet.

12 157 feet to a stone heretofore set near the south side of the Stockton outline and running for a line of division and binding for a part in the bed of the Stockton Road North 68 degrees 30 minutes West 1570 feet more parcel of land in the deed from Royston to Richardson at a point distant thereof and thence running with and binding on a part of said twelfth line, on the first line of the parcel of land secondly described in the aforesaid deed from Royston to Richardson at a point distant thereof and thence running with and binding on a part of said twelfth aforesaid deed from Royston to Richardson at a point distant thereof and thence running with and binding on a part of said twelfth aforesaid deed from Royston to Richardson and on the dixteenth line of the aforesaid firstly described parcel of land in said deed, in all, South 22 degrees 30 minutes West 1150 feet to the place of beginning.

Containing 45.3 acres of land more or less.

Containing 45.3 acros of land more or less.

Being a part of the first parcel of land in a deed dated February 24, 1931 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 868 folio 389 was conveyed by William A. Sullivan to T. Howard Price and wife.

Being a part of the first parcel and all of the second parcel of land described in a deed dated March 20, 1882 and recorded among the Land Records of Baltimore County in Liber W.M.I. No. 128 folio 313 which was conveyed by Mary C. Royston et al to Thomas V. Richardson.

Mary & Royston et al Jarch 20, 1882

died to
I homeo V. Richardson J. V. W. WHI 128-313 Bhe 1st at stone at end of 11.77 w 137. 1 Poli of Saniel Mottlews land it run th with I bound, on ad. line rev. 577 & 137.1 Ps to a stone at beg of sol. line it hung aler end of 38 po line of th N 23-30 67.6 ps love of paral formuly belonging to Charles H. Bland, the rum. with ord bond on sol. live N 23 1/2 5 29.6 ps. to and of Ad. line, theren. on and part of 3 ctd. N 23 & 51 ps 16 finks to Richardsons Lines. Mrm. with st. Leonel N69 W6. N 21 1/2 1 12.6 go to a state on farther side of large Cheer stump, th N73 1/2 W 109 Ps, 4 5 30 1/2 W: Ps. d. N70-50 W 1 so to end of 8 po line of formuly given by Philip Moore to Charles H. Blank, the still N70-50 W 16 po, 4 5 2012 W 64 poto a stone, th 11 70 w 100 so to stake sun a distruct stimp, to 5 22 1/2 w 38 ps to bloged w.o. at corner of Stallie lot, d. 57/3 E 16ps, 215 22/3W 20 ps, HN 7/2 16 po, of 522 15 W 42.6 ps to store sun a gate poet, d. 565'2 5 27 poto a stone at con of Smill Malthur. land, the brief on ed land ser. 5651/4 & 50 ps. Laston A NB3 14 E 3 1.3 fot a store in Mrd, the DIDE 585. to buy Const 199 B 3 roads & Ben same conjugad to William Rechardson for Janathan Paistonf from 4, 1845 AWB 354-75 By and at Bloged w. o w dut of 18 ps from Corrolle din in list of William Royston land, Al ron along ich die 522 /2 no 20 ps, 2/57/5E 16 ps, il 12 2 12 to 20 ps, Il 11 71 2 10 16 ps to leg. 3.00 A ROAD 11.4. 14 5427-90 DEJELOPERS PRICE FARMS PARTHERSHIP WISION PLAN Taled EVEN CT. ION ONE GERHOLD . CROSS F ETZEL TION DISTRICT - BALTO. C. MO. REG. PROF. LAND SURVEYORS TOWNSON, MD. 2,25 E. H. H. Jr. No. 6466 FOLO 171 ZOVAL DATE 7/11/85 Posted for: _ Spocial Hearing Storon A. 6400 omen otox Location of property: 55 / STOC K /D & P.S. SW/C COTTON M.Y' R.S. Location of Signer Postod opp. of in torson tien of Corroll Miller, with Stocklan Rd, spring 3' Fr. moduly, on pourty of Potitionia

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| Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines Zoning Commissioner The & Price Steven H. Guinnen 2200 Stockton Road Promition Peryland 21131 Res Petition for Special Hearing CASE MAPERS 98-430-534 Sa Stockton Road, SEC Carroll Mill Ross 10th Election District - 3rd Councilies Petitioner(s): Steven H. Guinnen, et a HEARTYG SOERHEDS MINDAY, JRSE 20, 1 Dear Mr. & Mrs. Steven H. Guinnen s Please be advised that the above-referenced property. All Do not remove the sign and post set it is posted by this office until t | Dennis F. Rasmuss County Execut due for advertising and posting of fees must be paid prior to the hearing. (s) from the property from the time the day of the hearing itself. |
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S/S Stockton Rd., SW Corner Carroll Mill Rd., 10th District Case No. 88-490-SPH STEVEN H. GUDEMAN, et ux, Petitioners ENTRY OF APPEARANCE Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order Phyllis Cole Friedman
People's Counsel for Baltimore County Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 I HEREBY CERTIFY that on this 31st day of May, 1988, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esquire, 300 E. Joppa Rd. - Suite 1105, Towson, MD 21204, Attorney for Petitioners. LOPOSED 3 LOTS PLUS REMAINDER 'ARCEL B" TE: ONO DENSITY TO REMAIN WITH PARCEL "A" . @ MINIMUM PROPOSED Las SIZE & I ACKE PLAT TO ACCOMPANY SPECIAL HEARING GUDEMAN PROPERTY BALTO. CO. MD. 10th ELECTION DIST. MARCH 12 19ES SCALE 1" = 200 Approveds 3.4-88 ADDITIONS 6.20.88 (ACRENGE TO LOTS 1.2.3) 10 DENSITY TO REMAIN WITH PARCEL "A" MINIMUM PROPOSED Las SZE : I ACRE PLAT TO ACCOMPANY STECIAL HEARING

GUDEMAN PROPERTY

10th ELECTICAL DIST. SCALE 1" = 200

ate of return: 6/3 /88

BALTO. CO: MD. MARCH 12 12ES

EXHIBIT -

CERTIFICATE OF PUBLICATION Chine 2, 1988

THIS IS TO CERTIFY, that the annexed advertisement was and published in Towson, Baltimore County, Md., appearing on

Office of County Surveyor; Dallimore Junty. Marsland. July 31 1/99

1- I have hurreyed a Road, lying and ling in the 10th Election Di Waryland and described as follows to wit:

e at a point in the centre of the County road, which leads to Phoenie ai rad, at the end of a line measured 200 perches, 8-55% E from the a antiance to the property of James M. anderson and 171 perches the ground, near the East side of the afores side Threnix Road and nbracing the private Road, which by a Reed dated & plember 4th 1890 -de of Ballimore County in Liber J. W. S. no 182 folis 106 ve. was conveyed mas V. Richardson Que running thorugh Que binding on land belonging E. 13 44 Terches S. 263/4- E. 56 perches S. 623 4 E 1936 perches "634. W. 8 feet from a stone-thomas still occupying the aforesaid inding on the aforesaid andersons Land and land belonging to the To furches 8.65/2 . B. 21. /w. perches 2 65/2 E 24 500 perches 2 85.89/4 E. from a Stone, on the dividing line between the last leve recited tripen rolson, thence through the last recited land D. 62/4- E. 2 Jurch ches. N. 61/4 . E. 6 perches N. 67/2 . E 175 terches. S. 69 E 20; E. 28.400 perches. S. 52. E. 2300 perches. 6 point 15 feet. N. 34/2 - E ands of Thomas J. Griffich and Thomas V. Richardson, thence S thence through the last two recited properties and bounding on Sourt. 3.56 perches, Jr. 73/2-W from a stone a boundary between the afore of Thomas V. Richardson. S. 873/2 E. 2 purches N. 77/2-E. 1 perch. 5. E. 7.00 perches. N. 26 - E. 327 perches. D. 7.1/2 E. 3/20 perches 3.7. 12 85 perches. Jr. 29/4- E. 1124 perches and Jr. 37 . E. 72 1/20 frenches to id land and through said Richardsons land N. 39/2 E. 59 S. 63/2-W. from a boundary stone, whence through the land belonging a to William J. Miles, and Sarah Slade. S. 83 1/4. E. 153 700 perches to 183%. E. 132 perches to the centre of the old york Road as now deland Jame to be 30 feet: 15 feet on each side of the about sure the PETITION RUSIN 13. Maclean

