

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - E/S Cuba Road, 4200' +/- NW of Shawan Road (13941 Cuba Road) 8th Election District 3rd Councilmanic District

John G. Evans, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-340-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the reconfiguration of the parcels in the R.C. 2 zoned portion of the subject property to correct and restore three parcels with a retention of six (6) density units, as was permitted in 1977, and to confirm two (2) tenant houses, one (1) guest house, and the existence of a dwelling 16 feet from a street centerline as nonconforming; or, alternatively, to approve two (2) tenant houses and one guest house as nonconforming uses; and a variance to permit a street centerline setback of 16 feet in lieu of the required 75 feet for an existing tenant house, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by John G. Evans, appeared, testified, and were represented by Newton A. Williams, Esquire and Stephen J. Nolan, Esquire. Also appearing and testifying on behalf of the Petitions were James W. McKee and Geoffrey C. Schultz of McKee and Associates, and Bernard Willemain, a Land Planner. There were no Protestants.

Subsequent to the hearing, Lisa Keir, Executive Director of the Valleys Planning Council, contacted this office to advise that the Council had no comments on the subject proposal.

Testimony indicated that the subject property, known as 13941 Cuba Road, and also known as the Stone Hall Farm, consists of 208.08 acres

more or less, of which 72.03 acres is zoned R.C. 4 and 136.05 acres are zoned R.C. 2. Said property is located off of Cuba Road, north of Shawan Road, near Western Run Road. Pursuant to the zoning regulations, the subject property is permitted as of right to have 14 lots in the R.C. 4 zone and 6 lots in the R.C. 2 zone. Petitioners request permission to reconfigure the parcels in the R.C. 2 zoned portion of the site to restore the property as three parcels with the retention of six density units as was the case in 1977.

Central to an understanding of this case is an understanding of the recent parcel history of the subject property. While the Stone Hall property dates back to the eighteenth century, it is not necessary to reach back further than the predecessors in title of the Petitioners, namely Mrs. Selena Hulings, widow, and Mrs. Isabel Hulings Klotz, widow, her daughter. The Petitioners submitted and presented a detailed title history which is briefly summarized herein. By deed dated December 8, 1930, Liber 864, folio 581, Mr. and Mrs. Garnet Hulings acquired the subject property in two (2) parcels, Parcel 1 of 28.89 acres, and Parcel 2 in excess of 225 acres, as set forth in Petitioner's Exhibit 2. Prior to the advent of the R.C. zones in 1976, and the R.C. 2 zone change in 1979, Ms. Hulings, by then a widow, conveyed a third parcel to her daughter and son-in-law, that is Isabel Hulings Klotz and Trafford Partridge Klotz, of 5.523 acres, which included a former carriage house upgraded to a guest house, as well as a barn. Said deed was recorded in 1947 in Liber 1563, folio 34. Thus, in 1977, prior to the 1979 change in the R.C. 2 zone, the subject property was comprised of three (3) parcels.

The Evans acquired the property from Mrs. Hulings and her daughter, Mrs. Klotz, by means of two conveyances. In June, 1985, by Deed

recorded in Liber 6943, from Mrs. Hulings and Mrs. Klotz as grantors, the Evans acquired a 75.479 acre parcel which comprised the main house, the outbuildings and barns, one of the two tenant houses, and the majority of the Klotz' parcel, including the guest house. The following year, in October, 1986, by Deed recorded in Liber 7312, folio 786, the Evans acquired the balance of the Hulings/Klotz properties, in all some 132.595 acres. The Petitioners, who acquired the balance of the farm for agricultural purposes, argue and contend they held the subject property in three parcels just as had their predecessors in title, Mrs. Hulings and Mrs. Klotz.

When in late 1988 the Evans decided to utilize the rear portion of the property zoned R.C. 4 to create the fourteen (14) lot subdivision of Gentsville (named for the historic area of small homesites on the west side of Cuba Road opposite the Evans property), it became evident in the CKG process that for the purposes of serving the R.C. 4 portion of the property with access, the only practical route was through the R.C. 2 zoned portion of the property. This is the best access route because Western Run to the north, Greencroft to the east, and Randallia to the south, all zoned R.C. 4, had been developed without providing a fee simple road access to the Evans, former Hulings/Klotz, property line.

It was deemed impractical for reasons of topography, agricultural preservation, protection of the historic main house and complex, and safe sight distance on Cuba Road to access the property on the boundary between the main two (2) Evans' parcels, and thus, Road A follows the contour of the land into the site from the safest entrance point on Cuba Road. Part of the present relief sought is to restore and to reconfigure the Evans' R.C. 2 farm areas into three (3) parcels; Parcel 1 of 47.3 acres, north of

Road A, and two parcels south of Road A; the continued Klotz parcel, Parcel 3 of 5.52 acres, and the balance of 78.8 acres, Parcel 2.

Testimony presented indicated both of the areas north and south of Road A will continue in agricultural use, with provisions made in the road for farm machinery to cross. Further, the Evans have recently fenced a large area south of their driveway, east of Cuba Road at the south end of their property, for pasturing and riding horses. Thus, Petitioners argue they are merely seeking a restoration of three parcels, the same number as under the Klotz/Hulings' ownership and under the Evans' ownership prior to the creation of Gentsville.

Testimony presented by Petitioners' witnesses, including Bernard Willemain, explained in detail the planning reasons and the rationale for the reconfiguration of the lots as proposed. Petitioner's testimony further indicated that the proposed reconfiguration is within the spirit and intent of the zoning regulations and the property's zoning classification as it will continue to promote the agricultural preservation of the property. Testimony indicated the subject property is presently used for farming and will continue to be used for such purposes. Testimony and evidence presented indicated the Petitioners have expended a great deal of time and money renovating existing buildings and barns and fencing a sizable portion of the property for grazing by horses. Petitioners emphasized the steps being taken by them to preserve the agricultural uses, including providing a farm vehicle crossing on the proposed road leading into the new development of Gentsville and the configuration of the road which will best promote the preservation of the farm formerly known as Stone Hall.

With respect to the request for a nonconforming use of the two tenant houses and one guest house on the subject property, the uncontra-

verted testimony indicated the existence of the dwellings pre-dates the zoning regulations taking effect in 1945. Further testimony indicated the three buildings have been occupied as rental properties continuously and without interruption but for a change in tenancy since prior to 1945.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioner to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See *Kahl v. Cons. Gas Elec. Light. and Pwr. Co.*, 191 Md. 249, 254, 60 A.2d 754 (1948); *Calhoun v. County Board of Appeals*, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See *McKemy v. Baltimore County, Md.*, 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such

nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel or land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an

exception upon the general nonconforming rule for Special Exception office buildings. Said section is inapplicable to this factual situation.

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered non-conforming. See *McKemy v. Baltimore County, Md.*, 39 Md. App. 257, 385 A.2d 96 (1978).

The uncontraverted testimony presented indicated that the two tenant houses and the guest house, also known as the carriage house, have existed on the property and have been occupied continuously and without interruption since prior to 1938, and thus are nonconforming.

The next issue to be addressed in this matter is the variance request to permit a street centerline setback of 16 feet in lieu of the required 75 feet for the existing tenant house on Parcel 1. An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

Testimony presented established that the house is in the same location as it was prior to the zoning regulations taking effect in Baltimore County. It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

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 Petitions for Special Hearing and Variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of April, 1989 that the Petition for Special Hearing to approve the reconfiguration of the parcels in the R.C. 2 zoned portion of the subject property to correct and restore three parcels with a retention of six (6) density units, as was permitted in 1977, and to confirm two (2) tenant houses, one (1) guest house, and the existence of a dwelling 16 feet from a street centerline as nonconforming; (or, alternatively, to approve two (2) tenant houses and one guest house as nonconforming uses); and the Petition for Variance to permit a street centerline setback of 16 feet in lieu of the required 75 feet for an exist-

NEWTON A. WILLIAMS
WILLIAM R. HESSON, JR.
THOMAS J. KENNER
ROBERT E. ENGLISH, JR.
ROBERT L. HANLEY, JR.
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
LOUIS G. CLOSE, III
ROBERT C. BANNETT, III
THOMAS K. ALDERMAN
KEVIN L. KOSTUN
*ALSO ADMITTED IN D.C.
*ADMITTED TO TEXAS BAR ONLY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3095
(301) 823-7800
TELEFAX (301) 298-2765

J. EARLE PLUMHOFF
(1940-1988)
JAMES D. NOLAN
(RETIRED 1980)
OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 822-2121

March 30, 1989

The Honorable Ann M. Nastarowicz, Esquire
Deputy Zoning Commissioner for Baltimore County
Zoning Commissioner's Office
County Office Building
Towson, Maryland 21204

Dear Commissioner Nastarowicz:

RE: The Evans Property
Gentville, Case No.: 89-340-SPHA

On behalf of my partner, Steve Nolan, and myself, we wish to thank you for this opportunity to review and comment on the Deputy Director of Planning's comments in this matter, dated February 22, 1989, which were not received until after the hearing.

First of all, we feel that the Deputy's comments may have been written without benefit of a complete understanding of the petitioned relief, since, of course, part of our case involves a Special Hearing to confirm the nonconforming nature of the two (2) tenant houses on the property, namely the house to the south of the driveway and the house at the northeast corner of Road A and Cuba Road.

As you will recall, one of our exhibits, namely an aerial photograph dating from prior to 1945, when the County first obtained zoning showed both of the tenant houses in question in these present locations and present size on the property.

Thus, we believe that the Petitioners, Mr. and Mrs. Evans, have more than borne their burden of proof as to the nonconforming nature of these two (2) tenant houses, and that they are entitled to recognition as a part of any relief which you may be disposed to grant in this matter.

In like manner, the so called guest house on the former Klots parcel, parcel three (3) of 5.52 acres has been shown to

Commissioner Nastarowicz
Page Two
March 30, 1989

have been built immediately following the conveyance of this parcel to Mrs. Klots, Mrs. Bulging's daughter, in 1947, at the time the parcel was created, again well prior to the advent of the R.C. zones.

We completely agree with the first two (2) premises of the Deputy Director's letter of February 22, 1989, namely, the primary agricultural purpose, among other things, of the R.C.-2 Zone being to preserve and maintain prime and productive soils for agriculture, as well as the fact that agriculture is recognized as an integral part of the Baltimore County economy. As you will recall, it is for this very reason, namely the protection of the main house, the preservation of the maximum agricultural potential of the R.C.-2 portion of the property, as well as safety reasons, that Road A was placed where it is on the property, which has lead to this requested reconfiguration case.

Furthermore, it is evident that in the placement of the tenant houses, namely practically on Cuba Road at Road A, and immediately to the south of the driveway with the barn complex on parcel 2, that the tenant houses have already been sited on parcel 2, that the tenant houses have already been sited properly for agricultural purposes. Of course we are not making any request, which would be impractical as an economic matter to move either house.

As for the latter four (4) points made in the Deputy Director's comments, we believe that we have proven that the tenant houses are nonconforming as is as rentals, and that we are entitled, that is the Evanses, to continue their nonconforming rental use subject to the provisions of the Zoning Regulations, most particularly Section 104, relating to nonconforming uses.

In fact, there is no provision whatsoever in Section 104 or any other section of the Zoning Regulations, with which we are familiar, to deprive an owner of the benefit of a nonconforming use except through the means set out in the Regulations, namely a change of use, or abandonment, or discontinuance in excess of one (1) year or destruction to the extent of seventy-five per cent (75%) of its replacement value.

As for the other three (3) points relating to not siting any homes on prime agricultural soils, siting of homes along existing roads if possible, and a maximum of perhaps more correctly, minimum lot sizes of three (3) acres, we believe these are all matters which should be addressed in the future, when and if Mr. and Mrs. Evans or any successor in title seeks to subdivide any one or all three of the parcels sought to be reconfigured and confirmed in the present case.

Commissioner Nastarowicz
Page Three
March 30, 1989

Of course, if Mr. and Mrs. Evans or any successor in title would seek to subdivide one or more of the tenant houses per se, and create their own lot, then this would be a subdivision which would count toward the density allowed on that particular parcel under the then applicable zoning. We have no quarrel with that, but that is not now, and will not be in the foreseeable future the case.

For all of these reasons, and for the reasons brought out in the course of the hearing, we would respectfully ask that the three (3) parcels be confirmed and reconfigured as requested, and that the tenant houses be accorded the nonconforming status as rental houses to which they are entitled under the proof offered at the hearing, including, but not only, the very helpful aerial photograph; and that their status in the future be governed by the then applicable provisions of the Zoning and Development Regulations, including, and most particularly, Section 104 as it may then be applicable.

Thanking you and your staff for your kind attention to this letter, and for the opportunity to offer these comments, I am -

Respectfully,

Newton

Newton A. Williams

NAW/psk

Enclosure

cc: Mr. Pat Keller, Deputy Director
The Honorable Phyllis Friedman, Esquire
Peoples Counsel
The Honorable Peter F. Zimmerman, Esquire
Deputy Peoples Counsel
Mr. and Mrs. John G. Evans
Mr. James McKee
Mr. Jeff Schultz

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

Zoning Commissioner

Pat Keller, Deputy Director

FROM: Office of Planning and Zoning

Gentville

SUBJECT: Zoning Petition No. 89-340-SPHA

Date: February 22, 1989

The petitioner is requesting variances and a hearing to permit the development of the Gentville subdivision. In reference to this request, staff provides the following information:

- * The purpose of the RC-2 zone is to maintain and preserve prime and productive soils for agriculture (BCZR 1A01.1.A.1.a). Agriculture is recognized as an integral part of the Baltimore County economy (BCZR 1A01.1A.1.b.) and assures that urban intrusion does not destroy the specific area upon which the development occurs.
- * The actual siting of dwellings on the RC-2 parcels is the determining factor in assuring the preservation of farming (farming viability) of the entire property.

Based upon the analysis conducted and information provided, staff recommends approval of the applicant's request subject to the following:

The siting of dwelling on the parcels should not conflict or unduly interfere with agriculture usage of the property. Dwelling unit location shall be approved by the Rural Area Planner, Office of Planning and Zoning prior to the issuance of building permits based upon the following standards:

- Density shall be calculated using existing dwellings and tenant dwellings on the parcels.
- Dwellings shall not be located on prime agricultural soils.
- Dwellings shall be located along existing roads unless use of panhandles is necessary to comply with items listed above.
- Maximum lot size shall be three acres.

PK/sc

RECEIVED
FEB 24 1989
ZONING OFFICE

CPS-008

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

J. Robert Haines
Zoning Commissioner

January 23, 1989

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:

Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 89-340-SPHA
ES Cuba Road, 4200's W. Shown Road
13941 Cuba Road (Gentville)
9th Election District - 4th Councilmanic
Petitioner(s): John G. Evans, et al
HEARING SCHEDULED: THURSDAY, FEBRUARY 23, 1989 at 10:30 a.m.

Special Hearings The reconfiguration of the parcels of the R.C.-2 portion of the site to correct and restore three parcels with a retention of six density units as in 1977, to confirm the two tenant houses and one guest house, and to confirm the existence of a dwelling 18 ft. from an existing street center line, or alternatively confirm the two tenant houses and one guest house as non conforming uses. Variance to permit an existing street center line setback of 16 feet in lieu of the required 75 feet.

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. R. F. Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. John G. Evans
Nolan, Plumhoff & Williams, Chd.
File

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

J. Robert Haines
Zoning Commissioner

December 15, 1988

Stephen J. Nolan, Esq.
Nolan, Plumhoff & Williams
Suite 1105, Hampton Plaza
300 East Joppa Road
Towson, Maryland 21204-3012

Re: Item #240
Petitioner: John G. and Marie Evans

Dear Mr. Nolan:

Be advised your request for an expedited hearing with reference to the above captioned matter, has been forwarded to my desk for handling.

Following normal procedures, the case is due to be scheduled near March 20, 1989. However, I believe it is possible to give you a date sometime in February. Notification of the exact February hearing date will be sent to you within the next two weeks.

If you wish to discuss the matter, please feel free to contact me.

Very truly yours,

John G. Stephens
John G. Stephens
Deputy Clerk
887-3391

1-20-89 UPDATE - Please take off Hurd!
amendment has been made.
Steve Nolan

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3012
(301) 823-7800
TELEFAX (301) 298-2765

January 17, 1989

Mrs. Karen Stephens
Zoning Commission Office
County Office Building
Towson, Maryland 21204
Have reviewed

Re: Evans, Item 240

Dear Karen:

Confirming our telephone conversation where we held Evans, Item 240, filed Dec 7, 1988, until we can amend/add to the petition per a next meeting with Carl before he left on vacation. We should be able to pick it up shortly, and then we will promptly be in touch. Thanks for your consideration, we understand that this should not significantly delay the hearing provided that we can resolve the amendment questions shortly. Thanks for your help. With best regards, Sam
Samuel
Newton

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 1105, HAMPTON PLAZA
300 EAST JOPPA ROAD
TOWSON, MARYLAND 21204-3012
(301) 823-7800
TELEFAX (301) 298-2765

December 13, 1988

HAND DELIVERY

Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Item #240
Petitioners: John G. and Marie Evans
Petition for Special Hearing for "Gentville":
REQUEST FOR EXPEDITED HEARING DATE

Dear Commissioner Haines:

On behalf of the petitioners in the above special hearing case, I am respectfully requesting that this matter be scheduled for hearing as soon as the Commissioner's docket will permit.

The grounds for this request are that the owners, Mr. and Mrs. John G. Evans, have recently completed the County Review Group process during which there was no community opposition and no appeal filed. The special hearing relief is extremely important in order for this special development project involving historic Stone Hall to proceed.

After reviewing this matter with the Valleys Planning Council, I have been advised that they do not object to our request for an early hearing.

Thank you for your consideration of this request.

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

SJN/emd

cc: James W. McKee
Lisa Kier, Executive Director
Valleys Planning Council
Mr. and Mrs. John G. Evans
Newton A. Williams, Esquire

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

J. Robert Haines
Zoning Commissioner

December 12, 1988

Newton A. Williams, Esquire
Suite 1105, Hampton Plaza
300 East Joppa Road
Towson, Maryland 21204

RE: Item #240
Required Revisions

Dear Mr. Williams:

Please address the following by the date of the scheduled hearing:

1. Update Exhibit "A" with inclusion of parcel #3, 5.52 acres (Liber 1543 folio 34 to 38).
2. Compliance with C.R.G. comment #3.
3. Comments on the legitimacy of a farm use and the need for three full-time tenant farmers are required from J. Criss, D.E.P.R.M.
4. If parcel #3, 5.52 acres is to be reinstituted as a subdivision parcel, variances are required from existing dwelling to division lines.
5. If tenant houses cannot be justified, the contingency subdivision line dividing parcel #2 and any variances required must be addressed at the public hearing.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

John J. Sullivan, Jr.
John J. Sullivan, Jr.
Planning & Zoning Assoc. III

cc: James W. McKee
Shawen Place
5 Shawen Road
Hunt Valley, Maryland 21030

SUBJECT: COUNTY REVIEW GROUP COMMENTS
FROM: ZONING OFFICE

DATE: 10/22/88

PROJECT NAME: Gentsville
(Formerly Stone Hall)

PLAN: 10/5/88, 10/14/88

LOCATION: NE/S Cuba Road,
between Shawen Road and
Miller Road

REV.: 10/20/88 REV.:

DISTRICT: 8c3

REVISED PLAN KEY:

(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CRG
APPROVAL, BUT MUST BE ADDRESSED
PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

1. A zoning density plan is required as under zoning policy RSD-10, in order for this office to accurately address the permitted R.C.-2 density. All separate zone, parcel, and land divided by a proposed public road should be shown with the correct acreages.
BA 10/20/88 (see #5)
2. The corrected zone line on the October 14, 1988 revised plan agrees with the zoning maps NW 208, 20D.
3. Include the size and height and front orientation of all buildings to remain on the property. (Check 3 additional buildings not shown.) Lot #17 and parcel "A" must be justified as a reduced acreage farm with three full-time tenant farmers dwellings and zoning policy A-17 (attached) must be complied with PRIOR TO FINAL ZONING APPROVAL OF THE FINAL DEVELOPMENT PLAN.
BA 10/20
4. Dimension all interior subdivision lines, remove proposed building envelopes from steep slopes and unsuitable soils, show the existing and relocated entrance road to the existing dwellings.
BA 10/20
5. The deeds and accompanying plats showing the parcel divisions and dates of creation that were submitted to the zoning office pursuant to zoning policy RSD-2 have been reviewed by the zoning office. It has been determined that a special hearing before the Zoning Commissioner would be required to reconfigure the existing land parcels a second time since 11/25/79, also to determine compliance with zoning policy A-17 and a variance to permit one of the tenant houses a 0 ft. setback to a street widening required at the time of development. (see zoning policy # S-10.C.)
BA 10/20

W. Carl Richards Jr.
W. CARL RICHARDS JR.
Zoning Coordinator

Item #240 Required Revisions

1. Update Exhibit "A" with inclusion of parcel #3, 5.52 AC. (1543 folio 34 to 38).
2. Compliance with CRG comment #3.
3. Comments on the legitimacy of a farm use & the need for 3 full-time tenant farmers are required from J. Criss, DEPRM.
4. If parcel #3, 5.52 acres is to be reinstituted as a subdivision parcel, variances are required from existing dwelling to division lines.
5. If tenant houses cannot be justified the contingency subdivision line dividing parcel #2 and variances required must be addressed at the public hearing.

Typed cc to Newton & Engineer

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 3, 1989.

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on Feb. 2, 1989.

THE JEFFERSONIAN
TOWSON TIMES.

S. Zabe Orlean
Publisher

PO 09613
reg 125235
co 89-340-SPHA
price \$123.87

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-340-SPHA

Date of Posting: 2-1-89

District: 8th
Posted for: Special Hearing & Variance
Petitioner: John J. Sullivan, Jr.
Location of property: E side of Cuba Road 4800' NW of Shawen Road (139.41 Cuba Road) (Stone Hall)
Location of Sign: East side of Cuba Road in front of subject property
Remarks: *See attached*
Posted by: *M. J. Dwyer*
Number of Signs: 2

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

J. Robert Haines
Zoning Commissioner

Date: 2/9/89

Mr. & Mrs. John G. Evans
13841 Cuba Road
Hunt Valley, Maryland 21030

Re: Petition for Special Hearing and Zoning Variance
CASE NUMBER: 89-340-SPHA
13841 Cuba Road, 420' x 100' (Stone Hall)
13841 Cuba Road (Gentsville)
8th Election District - 4th Councilmanic
Petitioner(s): John G. Evans, et ux
HEARING SCHEDULED: THURSDAY, FEBRUARY 23, 1989 at 10:30 a.m.

Dear Mr. & Mrs. Evans:

Please be advised that \$153.87 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) 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(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 3/13/89 ACCOUNT: R01-615-000

AMOUNT: \$ 153.87

RECEIVED FROM: *John G. Evans*

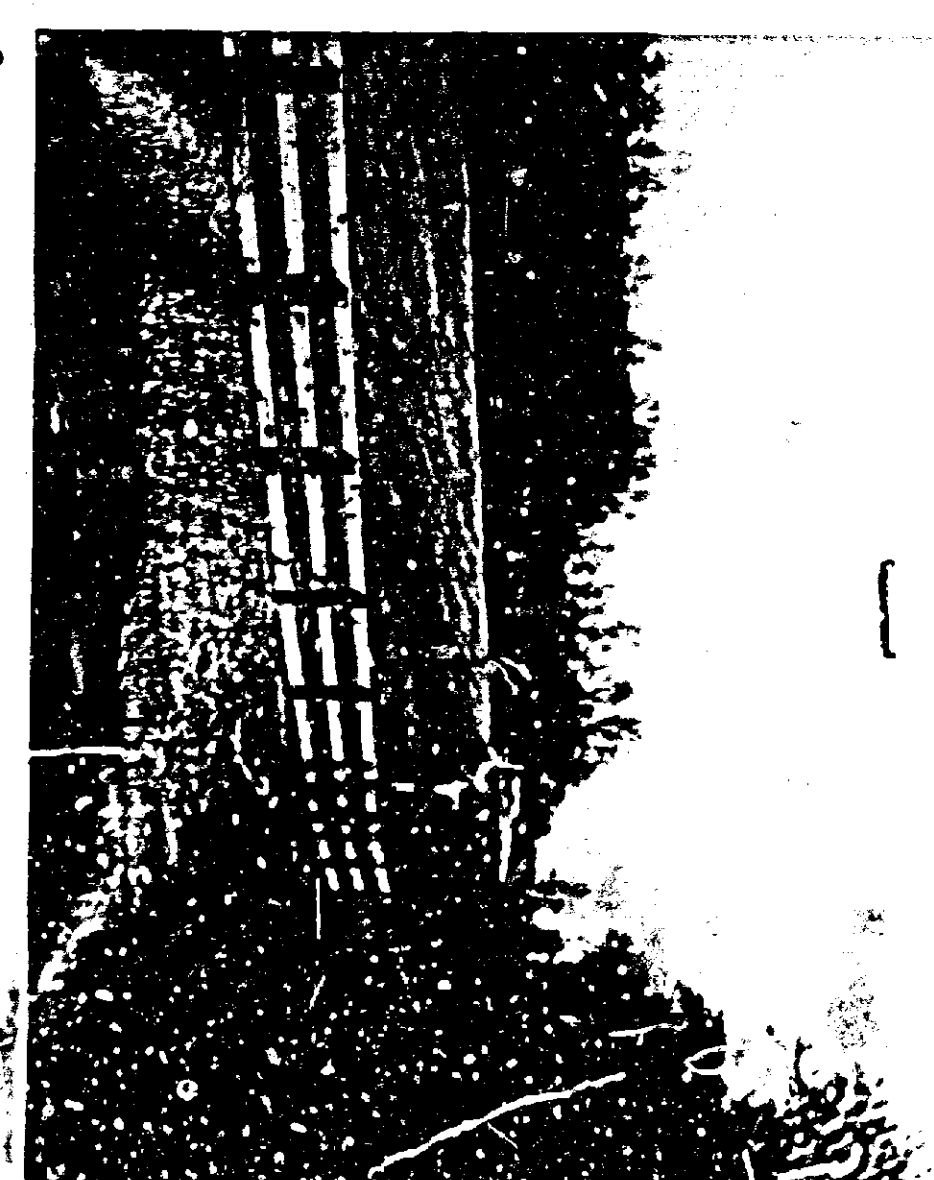
FOR: *PA 2/23/89 Item 89-340-SPHA*

B 135*****15387** 214F

C. Looking NE at Stone Hall entrance



D. Looking S from Stone Hall entrance at proposed public & residential



A. Entrance to Krumpholtz, E/S Cuba Rd., 5 of site



B. Zoning signs on Property on E/S of Cuba Rd.

PETITIONER
EXHIBIT 4



G. Looking SE across new fence at
Tenant House near Barns



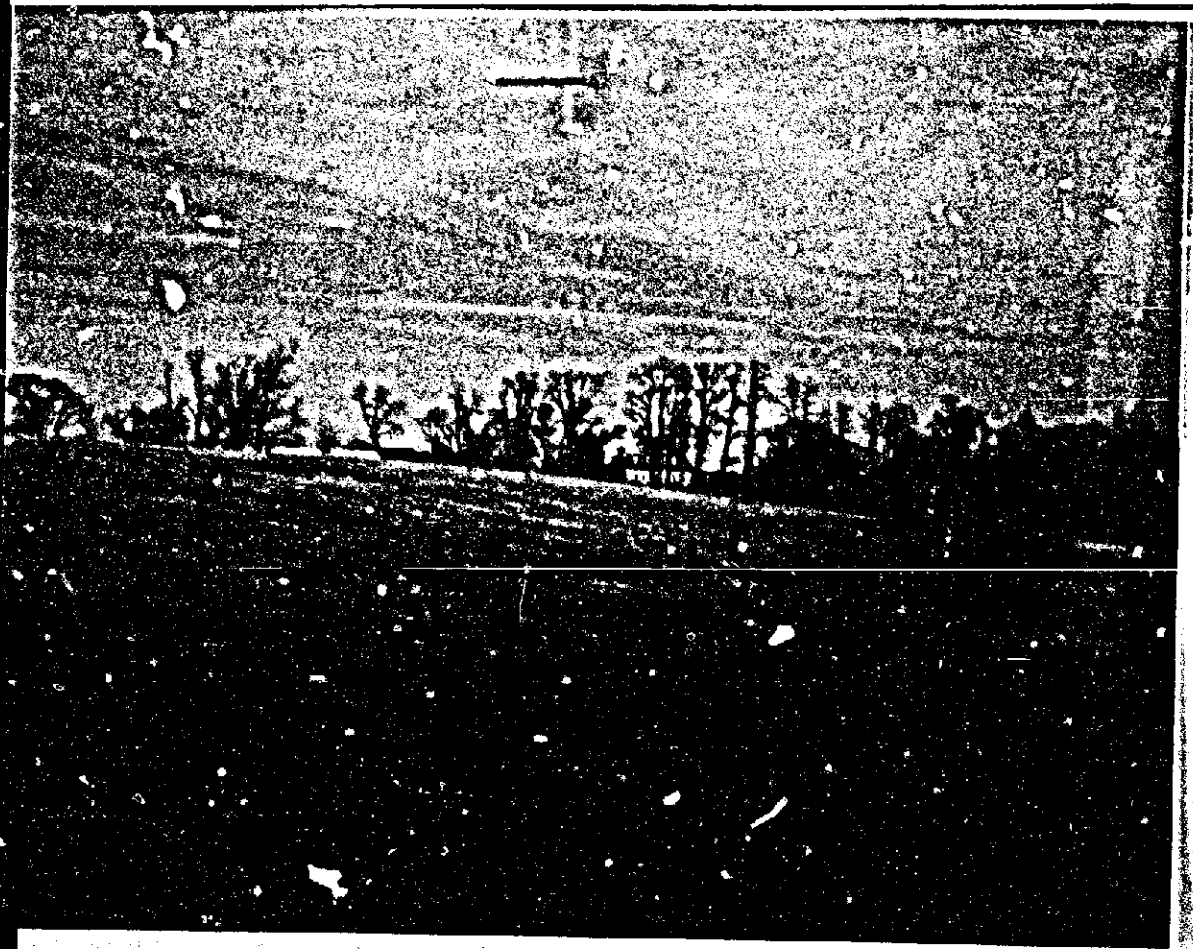
H. Tenant house, Barn, shed and Main
House looking E.



K. shed and 2 Barns



L. Tractor shed and small Barn and
Tenant House looking West.



E. Looking E from Entrance Road
Toward Main House & other
buildings



F. Looking NE at Tenant House, Barn
& Main House from entrance
road across new pasture



M. Guest House looking East



N. Main House looking East.



I. Carriage House



J. Right of South side
@ 400 ft



O. Fenced pasture and barn looking
south



P. Tractor shed looking west.



U. Hunterville House on W/S of Cuba Rd. opposite Road and caters corner from Tenant house



V. Hunterville houses on W/S of Cuba Rd. N of Prop. Road A.



5. Tenant house at NE/C of Road A and Cuba Rd.



T. Looking SE from Road A site toward Main House complex



Q. Looking South on Cuba Rd. from proposed entrance, Road A



R. Tenant house on right looking N on Cuba Rd. from about entrance site, Road A.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

Date: February 22, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Gentsville
Zoning Petition No. 89-340-SPHA

The petitioner is requesting variances and a hearing to permit the development of the Gentsville subdivision. In reference to this request, staff provides the following information:

- The purpose of the RC-2 zone is to maintain and preserve prime and productive soils for agriculture (BCZR 1A01.1.A.1.a). Agriculture is recognized as an integral part of the Baltimore County economy (BCZR 1A01.1A1.b.) and assures that urban intrusion does not destroy the specific area upon which the development occurs.
- The actual siting of dwellings on the RC-2 parcels is the determining factor in assuring the preservation of farming (farming viability) of the entire property.

Based upon the analysis conducted and information provided, staff recommends approval of the applicant's request subject to the following:

The siting of dwelling on the parcels should not conflict or unduly interfere with agriculture usage of the property. Dwelling unit location shall be approved by the Rural Area Planner, Office of Planning and Zoning prior to the issuance of building permits based upon the following standards:

- Density shall be calculated using existing dwellings and tenant dwellings on the parcels.
- Dwelling shall not be located on prime agricultural soils.
- Dwellings shall be located along existing roads unless use of panhandles is necessary to comply with items listed above.
- Maximum lot size shall be three acres.

PK/sf

RECEIVED
FEB 23 1989
ZONING OFFICE

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 8, 1989

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

Stephen J. Nolan, Esquire
Suite 1105, Hampton Plaza
300 East Joppa Road
Towson, MD 21204

RE: Item No. 240, Case No. 89-340-SPHA
Petitioner: John G. Evans, et ux
Petition for Zoning Variance & Special Hearing

Dear Mr. Nolan:

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. 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. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer/jis
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. John G. Evans
13941 Cuba Road
Hunt Valley, MD 21030

89-340-SPHA

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
21st day of December, 1988.

Petitioner: John G. Evans, et ux
Petitioner: Stephen J. Nolan, Esquire
Attorney

Received by: J. Robert Haines
ZONING COMMISSIONER
James E. Dyer
Chairman, Zoning Plans
Advisory Committee

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

Paul H. Reincke
Chief

December 29, 1988

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

Re: Property Owner: John G. Evans, et ux

Location: ES Cuba Rd., 4,200' +/- NW of Shawan Rd.

Item No.: 240

Zoning Agenda: Meeting of 12/20/88

Dennis F. Rasmussen
County Executive

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 or ___ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 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.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature]
Planning Group
Special Inspection Division

NOTED & APPROVED: [Signature]
Fire Prevention Bureau

/j1

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

January 17, 1989

Dennis F. Rasmussen
County Executive

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 199, 205, 209, 237, 238, 239, (240), 241, 243, 244, 245, 246, and 247.

[Signature]
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lw



89-340-SPHA

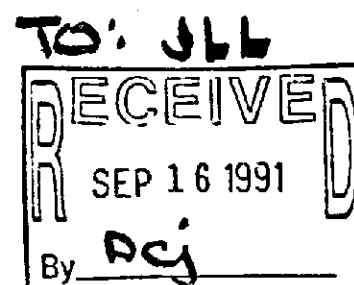
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Wirth / SWM (2)(Pre-App Permit only) DATE: September 16, 1991
 Mr. Powell / EIRD
 Mr. Pilson / W&S
 Mr. Flowers / CBCA
 Mr. Maranto / Planning
 Mr. Richards / Zoning
 Mr. Bowling / DED (2)
 Mr. Famili / Traffic
 Mr. Weiss / Sanitation
 Mr. Beaumont / Land Acq.
 Ms. Lutz / House Nos.
 Capt. Kelly / Fire Dept.
 Mr. Kincer / Rec.&Parks
 Mr. Brocato / SHA
 Mr. Butcher / C&P
 Mr. Keller / OPZ Deputy Director (FYI)

FROM: Susan Wimbley
 Bureau of Public Services

SUBJECT: District: 8C3
 Project Name: Gents. lla
 Project No.: 88178
 Engineer: McKee and Associates, Inc.
 Phone No.: 252-5820



ACTION REQUESTED:

CRG Plan Review (Meeting Waived) :
 CRG Plan Refinement Review :
 CRG Non-Material Amendment Review :
 CRG Plan Approval Extension Review:XX
 Panhandle Minor CRG Plan Review :
 Minor Subdivision Review :

LABELLED REFINEMENT ON PLAN

Pre-Approved Building Permits: No

Please provide separate comments for Building Permits.
 NOTE: Please detail any comments where permit cannot be approved, but subdivision approval is acceptable.

Please review the attached plan for compliance with current regulations and return comments to our office by 10/7/91. If you have no comments or do not need to review this plan, please indicate by placing your initials here _____.

Thank you for your attention to our request.

SDW:mmm
 cc: File

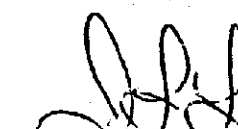
GENTSVILLE

CRG Plan Approval Extension Review
 Plan Date: 9/12/91
 Comments For: 10/7/91
 Comments Date: 9/18/91
 Comments Completed: 9/18/91

Though labeled an extension, this plan is actually a refinement due to the changes required by Zoning Case #89-340-SPHA. In the zoning hearing notes, reference the fact that this Order was granted according to Petitioner's Exhibit 1.

This plan must agree with the approved hearing plan. Several changes from the plan have occurred to include, but not necessarily limited to, number of lots proposed, orientation of dwelling units, changes in acreages, etc. All changes must be red-lined on a copy of Petitioner's Exhibit 1 and along with an explanatory cover letter listing and indicating the reasons for all changes (and a \$35.00 check) must be submitted to the Zoning Administration and Development Management (Z.A.D.M.) Director. The letter must request a determination of whether or not a public hearing would be required to permit the red-lined plan changes. Once this determination has been made revised plans (which clearly show compliance) may be submitted for review for C.R.G. refinement approval.

Any requests for further information from the Zoning Office must include a reference to the CRG Approval Extension Review and written correspondence or revised plans must be accompanied by a copy of these comments.


 JOHN L. LEWIS
 PLANNER II

JLL:scj

cc: Current Planning
 Zoning File - #89-340-SPHA
 Waiver File

GENERAL NOTES

- All lots shown hereon are for single family use and are for sale.
- This site lies within census Tract No. 4883.
- This site lies within Councilmanic District No. 3.
- This site lies within watershed 11, subwatershed 36.
- Existing land use is agricultural.
- To the best of our knowledge, there are no critical areas, archaeological sites, endangered species habitat or hazardous materials on this site.
- Trash is to be collected by Baltimore County.
- All panhandle driveways must be constructed to the rear lot. Maintenance of panhandle driveways is to be in compliance with the covenants to be recorded prior to the sale of lots. Refuse collection, snow removal, and roadway maintenance will be provided to the junction of the main hard surfaced roadway and the panhandle, and not onto the panhandle lot driveway.
- Individual lot grading will be accomplished by the home building contractor.
- Existing trees and vegetation are to be preserved where possible outside of road, panhandle, utility, and building construction. No more than 25% of the natural vegetation may be removed.
- This site is exempt from storm water management as per Section 2-158.3b.4 of the Baltimore County Department of Public Works Storm Water Management Policy and Design Manual. DATE OF EXEMPTION APPROVAL - 10/17/88
- This site is exempt from compliance with the Baltimore County Landscape Manual (May 7, 1984).
- No local open space is required.
- Topography shown hereon is taken from Baltimore County 288 scale Topography, Sheet Nos. 190, 196, 240, 286.
- Soils shown hereon are taken from Baltimore County Soil Survey Map No. 17.
- Seis shown hereon will operate on private well and septic system.
- Average daily trips 17 x 12.4 = 211.
- Site is approximately 15% wooded with 1% of existing trees to be removed.
- This proposed development is in close proximity to active agricultural operations. It is the developer's responsibility to advise future homeowners that agriculture has a preferred use status and that odors, noise, dust, farm equipment, livestock and the use of agricultural chemicals (pesticides, fertilizer, herbicides, and other control agents) are in active use.
- An amendment to the Final Development plan will be required if a lot purchaser proposes to front a dwelling contrary to the directional arrows shown hereon.
- No more than 10% of any lot may be covered by impermeable surfaces in the RC-4 zone.

- CLEANING ON LOTS 4, 5, 6, 7 TO BE LIMITED TO THAT NECESSARY FOR THE CONSTRUCTION OF HOUSES, DRIVEWAYS, PRIVATE UTILITIES.
- STORM WATER RUNOFF FROM ROOFTOPS IS TO BE MANAGED INDIVIDUALLY ON EACH LOT VIA INFILTRATION.
- COVENANTS SHALL BE RECORDED TO RESTRICT THE LIMITS OF DISTURBANCES ON EACH LOT.
- BALTIMORE COUNTY MAINTAINS 5.00 MILES OF CUBA ROAD FROM MD 195 WESTERN RUN RD. TO MD 420 SHAWAN RD.

DENSITY NOTES

1. Gross area of property	288.88 Acres ±
2. Existing zoning	RC-2
3. Number of lots allowed	RC-4 (72.05 ±) = 14 Lots RC-2 (150.05 Ac. ±) = 6 Lots (5 PARCELS) TOTAL = 20 Lots
4. Number of lots proposed	RC-4 = 14 Lots RC-2 = 1 Lot + Parcel A TOTAL = 15 Lots + Parcel A
5. Highway widening area	Cuba Road = 2.14 Acres ±
6. Road right-of-way area	5.44 Acres ±
7. Net area of lots	202.5 Acres ±
8. Number of parking spaces required	12 per lot = 30 Spaces
9. Number of parking spaces proposed	30 Spaces

LEGEND

EXISTING CONTOURS
PROPOSED CONTOURS
PERCOLATION TEST
STREET LIGHTS
DIRECTIONAL ARROWS
25% SLOPES OR GREATER
LIMIT OF SOIL TYPES
WETLAND & STREAM BUFFER AREA
TRASH & MAIL PICKUP AREA
ZONING LINE
LIMIT OF DISTURBED AREA
TREES TO BE REMOVED

McKEE & ASSOCIATES, INC.

Engineering, Surveying, Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD, HUNT VALLEY, MARYLAND 21030
(301) 252-5820

Computed by: GCS
Drawn by: DTM, G-16
Checked by: GCS
Job Number: 82-65
James W. McKee, Date: 10/5/88
(Maryland Registered No. 9012)



PLAT TWO SECTION TWO "GREENCROFT" EHK JR. 37-131

BALTIMORE COUNTY OPEN SPACE

EXISTING ZONING: RC4
EXISTING USE: RESIDENTIAL

PLAT TWO "GREENCROFT" EHK JR. 37-26

Robert W. & Anna H. Leatherwood
Acct. No. 15-222-01671



EX. ZONING - RC-2
EX. USE - RESIDENTIAL
Herbert M. & Florence E. Madden
Acct. No. 08-19-02061

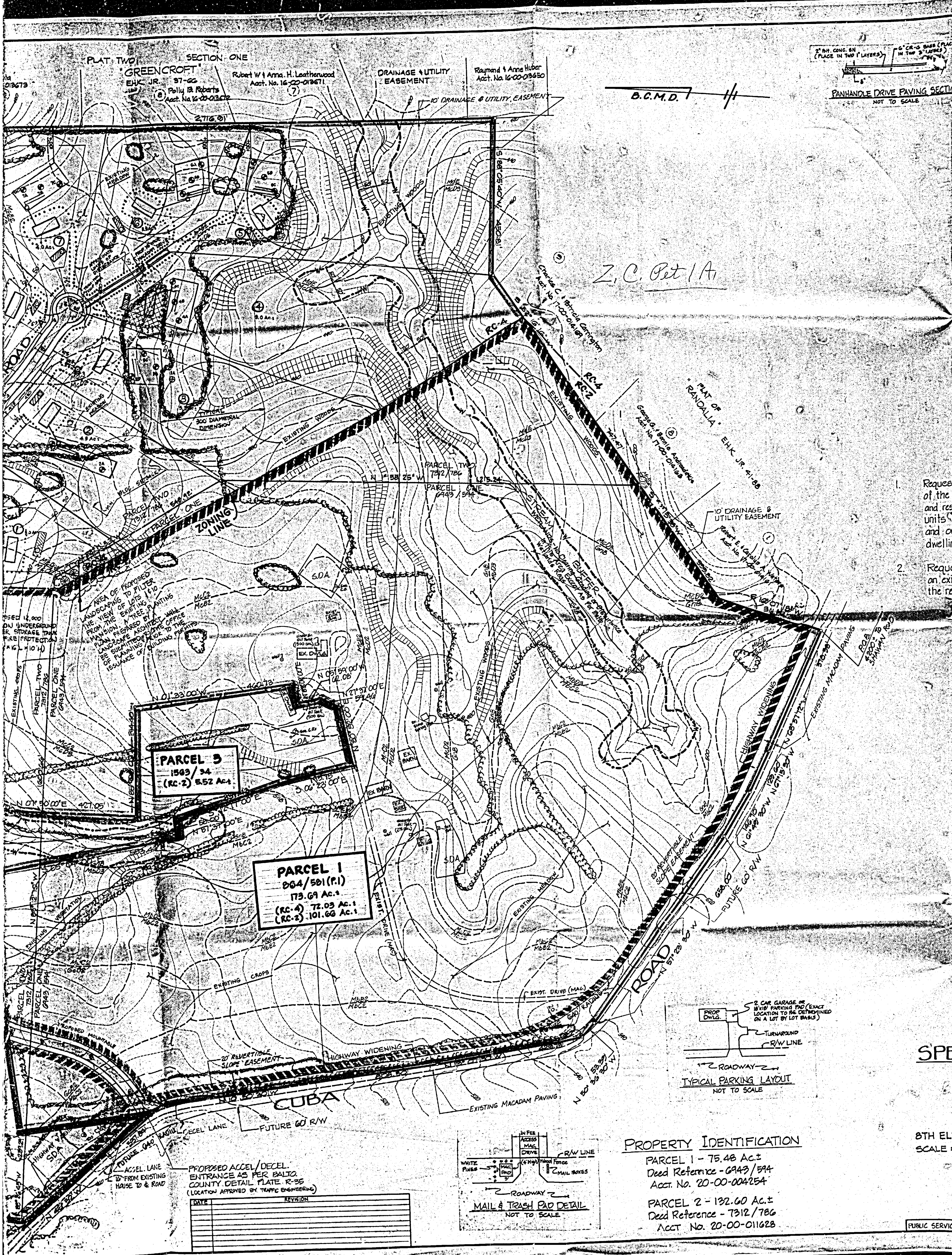
Ernest C. & Dorothy Madden
Acct. No. 14-20-012
08-15-025340

Joseph E. Smith
Acct. No. 08-14-05155

PROPOSED ACCEL/DECEL ENTRANCE AS PER BALTO. COUNTY DETAIL PLATE R-35 (LOCATION APPROVED BY TRAFFIC ENGINEERING)

DATE	REVISION

[illegible]



ZONING REQUESTS

1. Requesting approval of the reconfiguration of the Parcels of the RC-2 portion of the Site, to correct and restore 3 parcels with a retention of six (6) density units as in 1977, and to confirm two (2) tenant houses and one guest house, and to confirm the existence of a dwelling 16 feet from an existing street center line.
2. Requesting a variance from section 1401.3.B.3 to permit an existing street center line setback of 16 feet in lieu of the required 15 feet.

EXHIBIT 'A'

SITE PLAN

TO ACCOMPANY PETITIONS FOR

SPECIAL HEARING & VARIANCE

AT

GENTSVILLE

FORMERLY "STONE HALL"
8TH ELECTION DISTRICT BALTIMORE CO, MARYLAND
SCALE: 1"=100' DECEMBER 6, 1988

OWNER & APPLICANT
JOHN G. EVANS & MARIE T. EVANS
13441 CUBA ROAD
COCKEYSVILLE, MD. 21030

PROPERTY IDENTIFICATION
PARCEL 1 - 75.48 Ac.±
Deed Reference - G943/594
Acct. No. 20-00-004254
PARCEL 2 - 132.60 Ac.±
Deed Reference - 7312/786
Acct. No. 20-00-011628

[illegible]

EXISTING CONTOURS
PROPOSED CONTOURS
WELL AREAS
PERCOLATION TEST
STREET LIGHTS
DIRECTIONAL ARROWS
25% SLOPE OR GREATER
LIMIT OF SOIL TYPES
WETLAND & STREAM BUFFER AREA
CRASH & PALE POOL AREA
ZONING LINE - Z-1
LIMIT OF DISTURBED AREA
TREES TO BE REMOVED

50' 10' 15' 20' 25' 30' 35' 40' 45' 50' 55' 60' 65' 70' 75' 80' 85' 90' 95' 100'

500' 50'

PARKING

100' 150' 200' 250' 300' 350' 400' 450' 500' 550' 600' 650' 700' 750' 800' 850' 900' 950' 1000'

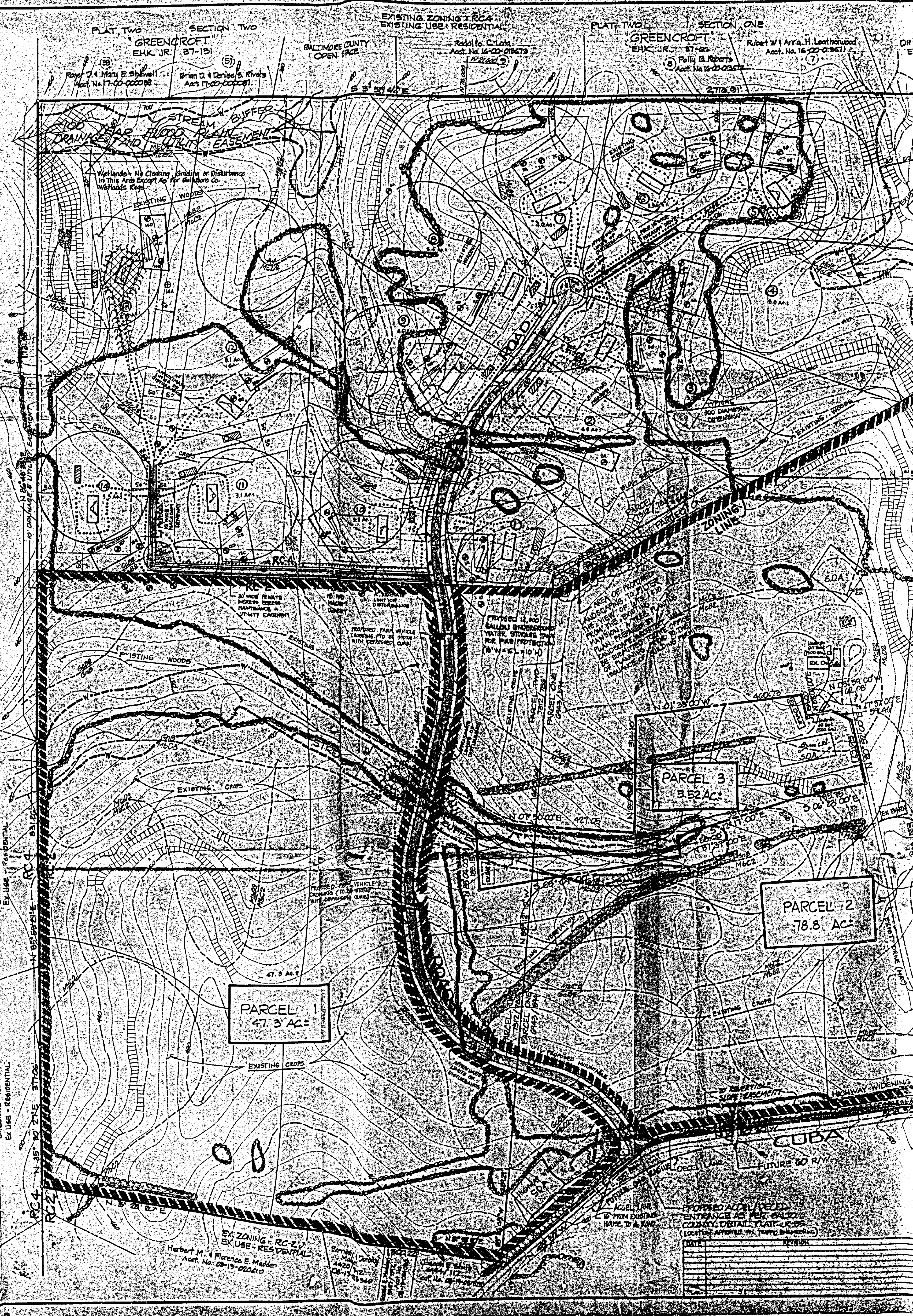
100' 150' 200' 250' 300' 350' 400' 450' 500' 550' 600' 650' 700' 750' 800' 850' 900' 950' 1000'

RC-2

RC-2

EX. TREES

Engineering - Surveying - Real Estate Development
HUNT VALLEY, MARYLAND 21030
SHAWAN PLACE, 5 SHAWAN ROAD
(301) 252-5820



ing tenant house, all as particularly described in Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The tenant house and guest house may continue as rental properties subject to the provisions of Section 104 of the B.C.Z.R.

3) Within sixty (60) days of the date of this Order, Petitioner shall submit a record plat and deed(s) which set forth a description of the three parcels evidencing at a minimum the following:

a) Parcel 1 being all that land zoned R.C. 2 north of the proposed road;

b) Parcel 2 being all that land zoned R.C. 2 south of the proposed road with the exception of the proposed Parcel 3 consisting of 5.52 acres and described in the deed dated May 7, 1947, recorded in Liber 1563, Folio 64;

c) Parcel 3 being the 5.52 acres described in the deed dated May 7, 1947, recorded in Liber 1563, Folio 34.

The effect of this record plat and this decision is to nullify any legal and/or illegal parcels created by previous deeds of record and/or which will be created under the B.C.Z.R. and/or zoning policies by the development of the proposed road.

4) The record plat filed must reference this case and set forth and address the restrictions of this Order.

5) The density shall be calculated using existing dwellings and tenant dwellings subdivided into Parcels 1, 2 and 3 by Petitioners as set forth in Petitioner's Exhibit 1, unless said dwellings are used in compliance with the zoning regulations as tenant houses in conjunction with the farm use, and/or are permitted as of right under the zoning regulations then in effect.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING
Date
By

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-340-SPHA

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 Variance from Section 180.1.3.B.3. to permit an existing street center line setback of 16 feet in lieu of the required 75 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. The existing tenant house on the east side of Cuba Road long predates any zoning regulations, much less the R.C.4 Regulations.
2. The existing tenant house intrudes into the proposed highway widening, and it would be impractical to move this fine old structure to meet setback requirements.
3. That without the requested variances the Petitioners will sustain practical difficulty and unreasonable hardship, and the requested variances are in harmony with the spirit and intent of the Regulations.

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

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Attorney for Petitioner: Stephen J. Nolan, Esquire
Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams, Chartered
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of July, 1989, at 10:30 o'clock.

ESTIMATED LENGTH OF HEARING: 1/2 HR.
AVAILABLE FOR HEARING: MON., TUES., WED. - NEXT TWO HOURS
REVIEWED BY: J. Robert Haines
Zoning Commissioner of Baltimore County

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

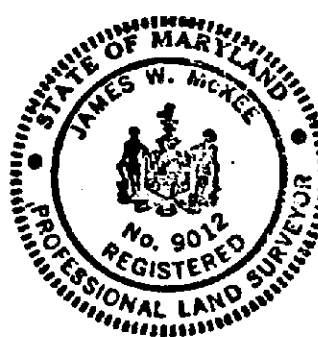
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (301) 252-5820

December 5, 1988

DESCRIPTION OF PART OF THE PROPERTY OF JOHN G. AND MARIE T. EVANS EIGHTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point in the centerline of Cuba Road, said point being located 4,200 feet, more or less northwest of Shawan Road; thence running along the centerline of Cuba Road the eight (8) following courses and distances: North 68° 57' 12" East 378.38 feet, North 67° 15' 30" West 129.60 feet, North 61° 49' 30" West 146.70 feet, North 57° 23' 30" West 658.00 feet, North 50° 36' 30" West 53.39 feet, North 13° 07' 50" West 429.75 feet, North 10° 50' 30" West 808.50 feet, and North 43° 52' 00" West 537.84 feet to a point in the centerline of Cuba Road; thence leaving said road and running the ten (10) following courses and distances: North 81° 28' 20" East 20.75 feet to a point, North 05° 28' 20" East 1,300.22 feet to a point, North 85° 30' 27" East 377.06 feet to a point, North 85° 53' 27" East 831.26 feet to a point, North 86° 48' 33" East 465.35 to a point, South 01° 23' 15" East 1,440.77 to a point, South 31° 25' 46" East 1,054.75 feet to a point, South 52° 16' 16" West 593.67 feet to a point, South 52° 15' 38" West 399.82 feet to a point, and South 16° 07' 18" West 311.54 feet to the point of beginning. Containing 136.05 acres of land, more or less.

Being known and designated as 13941 Cuba Road.



James W. McKee, MD Reg. No. 9012 Date

COMPOSITE NO.4

SHOWING PARCEL CONFIGURATION

MCKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
Shawan Place - 5 Shawan Road
Hunt Valley, MD 21030
301-252-5820

FROM JUNE 28, 1985 TO PRESENT

FOR "GENTSVILLE"

SCALE: 1" = 600' 2/10/89

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-340-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the reconfiguration of the parcels of the R.C.2 portion of the site to correct and restore three parcels with a retention of six density units as in 1977, and to confirm the two (2) tenant houses and one guest house, and to confirm the existence of a dwelling 16 feet from an existing street center line, or alternatively confirm the two (2) tenant houses and one guest house as non-conforming uses.

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

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

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

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Attorney for Petitioner: Stephen J. Nolan, Esquire
Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams, Chartered
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.: 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of June, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of July, 1989, at 10:30 o'clock.

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

LIE 503-75,656

This Deed, Made This 28th day of JUNE

in the year one thousand nine hundred and EIGHTY-FIVE

SALEMA CARMEN HULINGS, WIDOW and ISABEL HULINGS KLOTS

of BALTIMORE COUNTY, STATE OF MARYLAND PARTIES

JOHN G. EVANS and MARIE T. EVANS, his wife, OF THE SAME PLACE PARTIES

of the first part, and

of the second part.

Witnesseth, That in consideration of the sum of FOUR HUNDRED SIXTY THOUSAND and 00/100ths

DOLLARS (\$460,000.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT WHEREOF

IS HEREBY ACKNOWLEDGED,

the said PARTIES OF THE FIRST PART

do hereby grant and convey to the said PARTIES OF THE SECOND PART, AS TENANTS BY THE ENTIRE-

TIES, THEIR ASSIGNS, THE SURVIVOR OF THEM AND THE SURVIVOR'S

personal representatives, heirs, assigns, in fee simple, all

THAT lot of ground situate in BALTIMORE COUNTY, STATE OF MARYLAND

and described as follows, that is to say:

(SEE ATTACHED SHEET FOR CONTINUATION OF DESCRIPTION)

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
DATE 6/28/85
OFFICE

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE TO THIS DEED
SIGNATURE DATE 6/28/85

