

IN RE: PETITION FOR ZONING VARIANCE *
NW/4 Church/Gunpowder Rd.
opposite Gunpowder Road
6th Election District
3rd Councilmanic District
E. James Frack, Jr., et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE #90-123-SPH

ORDER OF DISMISSAL

WHEREAS, the attorney for the Petitioners, Lewis L. Fleury, by correspondence dated September 1, 1989, made request in a timely fashion that the above captioned matter be dismissed;

IT IS THEREUPON ORDERED by the Zoning Commissioner for Baltimore County, this 16th day of Oct., 1989 that the Petition for Special Hearing to permit the non-density transfer of .727 acres from original parcel No. 2 to the adjoining proposed 12.6 acre lot (part of original parcel No. 1) all of which are zoned R.C.2, and shown on the Petitioner's plat, be and is hereby DISMISSED without prejudice.

JRH:mmm
cc: Peoples Counsel

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-123-SPH

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 non-density transfer of .727 acres from original parcel No. 2 to the adjoining proposed 12.6 acre lot (part of original parcel No. 1) all of which are zoned RC-2, and shown on the attached plat.

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

LEWIS L. FLEURY

(Type or Print Name)

Signature

424 WOODBINE AVENUE

Address

TOWSON, MARYLAND 21204

City and State

Attorney's Telephone No.: 825-9200

Legal Owner(s):

E. JAMES FRACK, JR.

(Type or Print Name)

Signature

BARBARA S. FRACK

(Type or Print Name)

Signature

Address

16708 REMARK ROAD

Address

HOMERON, MARYLAND 21111

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Petitioners' Attorney

Name

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of July, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 4th day of Oct., 1989, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

E.C.O.-No. 1

(over)

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

DESCRIPTION TO ACCOMPANY SPECIAL HEARING

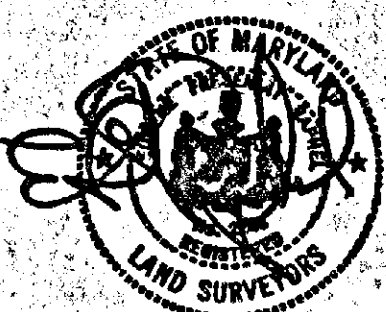
FOR 0.723 ACRES

PARCEL A RESERVED

April 17, 1989

Beginning at a point located at the southernmost point of Parcel A Reserved as shown on the plat entitled "Subdivision of Parcel 2 Shannon Property" recorded in Liber S.M. 8123, folio 40, said point being located southwesterly 71° along the center line of Church Road and N 32° 30' 35" E 842.83' from the intersection formed by the center lines of Gunpowder Road and Church Road running thence N 56° 47' 43" W 243.00' ; S 89° 48' 37" E 351.13' ; S 15° 00' 18" W 138.68' and West 114.54' Containing 0.723 Acres of land more or less.

Being Parcel A Reserved as shown on the plat entitled "Subdivision of Parcel 2 Shannon Property".



E. F. RAPHEL
Reg. Prof. Land Surveyor
#2246

LEWIS L. FLEURY
ATTORNEY AT LAW
414 WOODBINE AVENUE
TOWSON, MARYLAND 21204
(410) 585-9200

September 1, 1989

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

Re: Petition For Special Hearing
Case Number: -123-SPH

Dear Mr. Commissioner:

Please dismiss the Petition For Special Hearing in the above referenced case.

Thank you very much for your cooperation.

Sincerely,

L. Fleury
Lewis L. Fleury
Attorney for the Property Owners

LF/me
P/13FrackLtr
cc: Mr. and Mrs. E. James Frack
Mr. E. F. Raphael

This Deed, Made This 23rd day of February

in the year one thousand nine hundred and Eighty-Nine by and between DONALD A. SHANNON, JR., PERSONAL REPRESENTATIVE OF THE ESTATE OF SUE G. WILLINGHAM, FORMERLY SUE G. SHANNON (SEE ESTATE NO. 64930 FILED IN THE ORPHANS COURT FOR BALTIMORE COUNTY, Baltimore County, State of Maryland, party of the first part, and KENNETH E. FITZ and DONNA K. FITZ, his wife, parties of the second part.

Witnesseth, That in consideration of the sum of FIFTY SEVEN THOUSAND NINE HUNDRED AND 00/100 (\$57,900.00) Dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged the said party of the first part, pursuant to the power and authority vested in Donald A. Shannon under the Estates and Trusts Article of the Annotated Code of Maryland

do as grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's

personal representatives, successors and assigns in fee simple, all that lot of ground situate in Baltimore County, State of Maryland and described as follows, that is to say:

FOR DESCRIPTION: See Exhibit "A" attached hereto and made a part hereof

BEING a part of the second parcel of land described in a Deed dated April 14, 1961 and recorded among the Land Records of Baltimore County in Liber No. 3831, folio 522 was granted and conveyed by Karl Eppstein and Anna E. Emerson Eppstein, his wife, unto Donald A. Shannon, Sr. and Sue G. Shannon, his wife. The said Donald A. Shannon, Sr., having since departed this life thereby vesting title unto Sue G. Shannon, the said Sue G. Shannon having since remarried on or about May 1, 1980 and became Sue G. Willingham. The said Sue G. Willingham having since departed this life on May 5, 1988, Estate No. 64930, whereby Donald A. Shannon, Jr. was appointed Personal Representative of the Estate of Sue G. Willingham on August 21, 1988.

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
For Baltimore County

AGRICULTURAL TRANSFER TAX
AMOUNT \$ 2,340
SIGNATURE 3-2-89 25.00
NET 2 003 270.00
SP. CLERK 644
RC122 C002 RC2 11346
01/13/89

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

TITLE CHAIN-SHANNON

6/402 Aug 874 William J. Hoffman devised by will 125 acres + comprising 3 parcels (1) 105 acres + (2) 15 acres + (3) 4 acres + being parts of the patents "Number 1" "Chestnut Hills" and "Paper Mill Hills" to John W. Hoffman, his son.

Feb. 1899 Robert H. Bussey, Attorney - estate conveyed 3 parcels (same description) 125 acres + to George W. Florstedt and Serena Florstedt, his wife.

April 1919 Robert H. Bussey, Attorney - Estate conveyed 3 parcels containing 125 acres + S/E 3/8 acres (same description) to Sam B. Asper and wife.

Aug 21, 1957 E. E. Grolock conveyed 125 acres 3 parcels (same description) S/E 3/8 acres to Karl Eppstein and wife.

May 1949 Karl Eppstein and wife conveyed 5 acres from the 2nd parcel to S. M. Asper, et al.

April 1961 Karl Eppstein and wife conveyed 125 acres 3 parcels (same description) S/E - the 5 acres and 3/8 acres to Donald A. Shannon, Sr. and Sue G. Shannon, his wife.

July 1961 Donald A. Shannon, Sr. and wife, conveyed to Joseph L. Willingham and wife 2.87 + part of 1st parcel.

Donald A. Shannon, Sr. (deceased) Sue A. Shannon married 1980 to Joseph L. Willingham (deceased) Sue A. Shannon (deceased) 1988, personal representative of Estate conveys 3 lots + 105 acres tract.

Feb 23, 1989 (1) 8123/37 Lot A 4.8 + out of 2nd described parcel (RC2) from Eppstein to K.E. Fritz and wife.

Mr. Carl Richards
Zoning Department
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Special Hearing for Non-Density Transfer
Property of E. James Frack, Jr. and wife
6th Election District, Baltimore County

Dear Mr. Richards:

Pursuant to our recent conversations concerning the above matter, please accept the enclosed Petition For Special Hearing for filing in your department. I have taken up with Mr. Raphael the other matters which we discussed and he does not wish to address them at this time.

Also, enclosed is my check for \$100.00 filing fee in this matter. Thank you very much for your assistance and cooperation in this matter.

Sincerely,

L. Fleury
Lewis L. Fleury

LF/bj
7/6/FRACK.2D
Encl.

cc: Mr. and Mrs. E. James Frack, Jr.

J. Robert Haines

OVER

