

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - S/S of Belmont Road, 1700' W of Mays Chapel Road (805 Belmont Road) 8th Election District 3rd Councilmanic District

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 90-489-SPHA

Bruce Miller
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the validity of a lot created by a non-density transfer and a variance to permit setbacks of 25 feet and 35 feet from a lot line in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Deborah C. Dopkin, Esquire. Also appearing on behalf of the Petition was Bernard Linsensmeyer, Registered Property Line Surveyor. Appearing as an interested party was A. Douglas McComas, Executive Director, Falls Road Community Association. There were no Protestants.

Testimony indicated that the subject property, known as 805 Belmont Road, consists of 1.63 acres zoned R.C. 5 and is presently unimproved. Petitioner proposes to develop the subject property with a single family dwelling as depicted in Petitioner's Exhibit 1. At the time he applied for a building permit, Petitioner was made aware that he needed variances to setback requirements and was further advised to file the instant Petition for a determination as to the validity of the subject lot creation. Testimony indicated Petitioner purchased the subject property, which was one of four parcels originally owned by John and Joyce Peacock, in October 1987. Mr. Linsensmeyer presented deeds and testimony regarding the zoning history of the four parcels originally owned by the Peacocks

ORDERED FOR FILING
Date 7/19/90
By [Signature]

from 1956 through 1986 as shown in Petitioner's Exhibit 2. Further, Petitioner presented testimony regarding the title history of conveyances of property from the Peacocks. Petitioner testified he agrees his lot contains only one dwelling unit and that his brother, who owns the adjoining parcels marked "Murray" on Petitioner's Exhibit 2, is willing to record a deed in Land Records indicating his property also only contains one dwelling unit. Based on the representations made by the Petitioner and title history and evidence contained in the file, the lot in question is a valid lot developable for zoning purposes with one dwelling unit.

Both Mr. Miller and Mr. Linsensmeyer addressed the need for the variances. Mr. Linsensmeyer testified as to the topography of the lot and practical difficulty in building in strict compliance with the B.C.Z.R. Further, both gentlemen indicated that the granting of the variance will not result in any detriment to the health, safety and general welfare of the community due to the extensive existing growth in the area.

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.

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Date 7/19/90
By [Signature]

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

It is clear from the testimony that if the variances are 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 these Petitions held, and for the reasons given above, the relief requested in the special hearing and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this _____ day of July, 1990 that the Petition for Special Hearing to approve the validity of a lot for zoning purposes and the Petition for Zoning Variance to permit setbacks of 25 feet and 35 feet from a lot line in lieu of the required 50 feet, in accordance with 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 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 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) Within sixty (60) days of the date of this Order and/or prior to the issuance of any permits, whichever occurs first, Petitioner shall submit proof of filing in the Land Records, deeds for both the "Murray" and "Miller" property, as depicted in Petitioner's Exhibit 2, which contain covenants acknowledging that under the present zoning regulations, each property may contain only one dwelling on it for B.C.Z.R. purposes.

ORDERED FOR FILING
Date 7/19/90
By [Signature]

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN:bjb

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-489-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 validity of a lot created in 1993 by a non-density transfer.

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):
Bruce Miller
(Type or Print Name)
Signature [Signature]
(Type or Print Name)
Signature _____
Address 17 Elphinstone Court # 101
City and State Timonium, Maryland 21093
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
405 Allegheny Avenue
Township, Maryland 21204
City and State
Attorney's Telephone No.: 825-1099
405 Allegheny Avenue 825-1099
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, 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 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

ORDERED FOR FILING
Date 7/19/90
By [Signature]

ESTIMATED LENGTH OF HEARING - 1/2 HR.
AVAILABLE FOR HEARING - NEXT TWO MONTHS
NON-TOLerable - NEXT TWO MONTHS
REVIEWED BY: [Signature] DATE (over) 4/6/90

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-489-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 1.1.A.04.3.B. to permit setbacks of 25' and 35' from a lot line in lieu of the required 50'.

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):
Bruce Miller
(Type or Print Name)
Signature [Signature]
(Type or Print Name)
Signature _____
Address 17 Elphinstone Ct. # 101
City and State Timonium, MD 21093
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
405 Allegheny Avenue
Township, Maryland 21204
City and State
Attorney's Telephone No.: 825-1099
405 Allegheny Avenue 825-1099
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, 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 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

ORDERED FOR FILING
Date 7/19/90
By [Signature]

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3333

J. Robert Haines
Zoning Commissioner

July 27, 1990

Dennis P. Rasmussen
County Executive

Deborah C. Dopkin, Esquire
405 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
S/S Belmont Road, 1700' W of Mays Chapel Road
(805 Belmont Road)
8th Election District - 3rd Councilmanic District
Bruce Miller - Petitioner
Case No. 90-489-SPHA

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Rodcliffe at 887-3391.

Very truly yours,

[Signature]

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjb

cc: Mr. A. Douglas McComas
Falls Road Community Association
P.O. Box 555, Brooklandville, Md. 21022

People's Counsel

File

AC
AZIMUTH CONSULTANTS

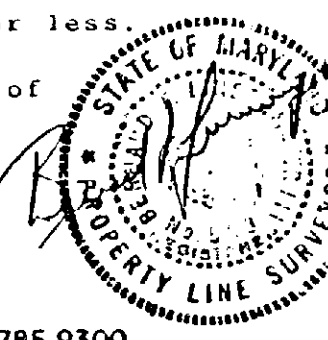
ZONING DESCRIPTION
805 BOMONT ROAD

90-489-SPHA

Beginning at the center of Bomont Road, a 20 feet wide use-in-common right-of-way, at a distance of 1,700 feet westerly of its intersection with Mays Chapel Road, thence running with and binding on the outline of the subject property;

- 1) South 48 degrees 13 minutes 14 seconds West 32.36 feet thence,
- 2) South 01 degrees 26 minutes 00 seconds East 72.52 feet thence,
- 3) South 00 degrees 29 minutes 51 seconds East 128.99 feet thence,
- 4) South 46 degrees 56 minutes 31 seconds East 26.67 feet thence,
- 5) South 06 degrees 45 minutes 44 seconds West 187.88 feet thence,
- 6) North 43 degrees 49 minutes 50 seconds West 390.84 feet thence,
- 7) North 38 degrees 53 minutes 20 seconds East 211.59 feet thence,
- 8) South 51 degrees 06 minutes 40 seconds East 115.62 feet thence,
- 9) North 01 degrees 26 minutes 00 seconds West 68.00 feet to the center of said Bomont Road, thence with said road,
- 10) South 66 degrees 34 minutes 00 seconds East 17.18 feet thence,
- 11) South 82 degrees 07 minutes 40 seconds East 57.92 feet to the point of beginning.

Containing 1.63 acres or 71,000 square feet of land, more or less. Also known as 805 Bomont Road in the 8th Election District of Baltimore County, MD.



120 Cockeysville Road / Suite 105 / Hunt Valley, Maryland 21031 / (301) 785-8300

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

Account: R-001-6150
Number: **2039**

Date: 4/06/90

H9000350

	QTY	PRICE
7 PUBLIC HEARING FEES		
010 - ZONING VARIANCE (IRL)	1 X	\$35.00
030 - SPECIAL HEARING (IRL)	1 X	\$35.00
TOTAL:		\$70.00

LAST NAME OF OWNER: MILLER *****700018 3062F

Cashier Validation: Please make checks payable to Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 24, 1990

THE JEFFERSONIAN,
S. Zate Orlov
Publisher

\$107.53

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

Account: R-001-6150
Number: **2775**

Date: 4/06/90

H9000350

90-489

Cashier Validation: Please make checks payable to Baltimore County

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: 6-6-90

Bruce Miller
17 Elphin Court, #101
Timonium, Maryland 21093

Re: Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-489-SPHA
5/5 Bonmont Road, 1700' W of Mays Chapel Road
8th Election District
Petitioner(s): Bruce Miller
HEARING: THURSDAY, JUNE 21, 1990 at 10:30 a.m.

Dennis F. Rasmussen
County Executive

Dear Petitioner:

Please be advised that \$277.53 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE SIGNER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: Deborah C. Dopkin, Esq.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

40-489-SPHA

District: 8th Date of Posting: May 30, 1990

Posted for: Special Hearing and Zoning Variance

Petitioner: Bruce Miller

Location of property: 5/5 Bonmont Road, 1700' W of Mays Chapel Road, 8th Election District

Location of Sign: 5/5 of Bonmont Road, in front of subject property

Remarks: See notes

Posted by: J. Robert Haines Date of return: June 1, 1990

Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 29, 1990

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 1 successive weeks, the first publication appearing on May 23, 1990

TOWSON TIMES,
S. Zate Orlov
Publisher

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 7, 1990

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

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 21204 as follows:

Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-489-SPHA
5/5 Bonmont Road, 1700' W of Mays Chapel Road
8th Election District - 3rd Councilmanic
Petitioner(s): Bruce Miller
HEARING: THURSDAY, JUNE 21, 1990 at 10:30 a.m.

Special Hearing: The validity of a lot created in 1983 by a non-density transfer.
Variance: To permit setbacks of 25 ft. and 35 ft. from a lot line in lieu of the required 50 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

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

cc: Bruce Miller
Deborah C. Dopkin, Esq.

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 14, 1990

Deborah C. Dopkin, Esquire
405 Allegheny Avenue
Towson, MD 21204

RE: Item No. 350, Case No. 90-517-A
Petitioner: Bruce Miller, et ux
Petition for Zoning Variance

Dennis F. Rasmussen
County Executive

Dear Ms. Dopkin:

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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

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

JED:jw
Enclosures

cc: Mr. Bruce Miller
17 Elphin Ct., #101
Timonium, MD 21093

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 14, 1990

Your petition has been received and accepted for filing this 27th day of April, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By: *James E. Dyer*
Chairman,
Zoning Plans Advisory Committee

Petitioner: Bruce Miller
Petitioner's Attorney: Deborah C. Dopkin

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 10, 1990

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

SUBJECT: Bruce Miller, Item No. 350

The Petitioner requests a Special Hearing to approve the validity of a lot created in 1983 by a non-density transfer and a variance to setback requirements.

Staff cannot provide a comment on the Special Hearing request because no information regarding lot validity was submitted with the petition request.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

MAY 11 1990

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21284
(301) 887-3334

May 24, 1990



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 items number 338, 343, 344, 345, 346, 347, 348, 349 and 350.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSE/lw

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
Date: 4/18/90

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 350, Zoning Advisory Committee Meeting of April 24, 1990

Property Owner: Bruce Miller
Location: 805 Bomont Road District: 8
Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for existing or proposed food service facilities, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- () A permit to construct from the Bureau of 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 clamboiler generation 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 appendages 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 Water Quality Monitoring Section, Bureau of Regional Community Services, 681-6500 x 315.
- () 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 887-3745, 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, 887-3775.
- () 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 887-3745.
- () Soil percolation tests, have been 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 November 17, 1990.
() is not acceptable and must be retaken. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () 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. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 807-2762.
- () Others

RECEIVED
APR 24 1990
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21284
(301) 887-3610

Ted Zaleski, Jr.
Director

APRIL 13, 1990

Dennis F. Rasmussen
County Executive

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

RE: Property Owner: BRUCE MILLER
Location: #805 BOMONT ROAD
Item No.: 350 Zoning Agency: APRIL 24, 1990
CERTIFICATION:

FURTHER TO YOUR REQUEST, THE REFERENCED PROPERTY HAS BEEN SURVEYED BY THIS BUREAU AND THE COMMENTS BELOW ARE APPLICABLE AND REQUIRED TO BE CORRECTED OR INCORPORATED INTO THE FINAL PLANS FOR THE PROPERTY.

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

REVIEWER: *Carl J. Kelly* 4-17-90 Noted and Approved *D. F. Rasmussen*
Special Inspection Director Fire Prevention Bureau

JR/REE

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 14, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for April 24, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 338, 343, 346, 348 and 350.

For Item 347, the previous County Review Group Comments still apply.

For Items 344 and 349, a County Review Group Meeting is required.

For Item 345, Windsor Hill Road shall be improved as a 40-foot paving section on a 60-foot right-of-way. Five (5) foot widening is required.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Director
Developers Engineering Division

RWB:s

HELLMAN & REDMOND
ATTORNEYS AT LAW
405 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (301) 825-1099
FAX (301) 828-4120

OF COUNSEL
DEBORAH C. DOPKIN

June 21, 1990

Ann M. Nastarowicz, Esquire,
Deputy Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 90-489 SP11A
805 Bomont Road

Dear Ms. Nastarowicz:

Pursuant to your request at today's hearing, enclosed is a copy of the correspondence I received from the Zoning Supervisor James E. Dyer and Zoning Associate John L. Lewis, dated March 27, 1990, with respect to the above captioned property.

Sincerely,
Deborah C. Dopkin
Deborah C. Dopkin

encl.
CC: Bruce Miller

JUN 27 1990
ZONING OFFICE

LETROMLDCK

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

March 27, 1990

Deborah C. Dopkin, Esq.
Hellman & Redmond,
405 Allegheny Avenue
Towson, Maryland 21204

Dennis F. Rasmussen
County Executive

RE: Zoning Verification of Compliance
With RC-5 Subdivision Requirements
Bruce Miller Property
805 Bomont Road
8th Election District

Dear Ms. Dopkin:

A review of the submitted subdivision history of the above referenced property has allowed this office to come to the following conclusions: Though several smaller parcels existed on site prior to the R.C.5 Zoning the reconfiguration/subdivision of the lot lines to allow for the two building lots which occurred in 1983 should have come under Section 1A04.3 of the Baltimore County Zoning Regulations (BCZR) requirements. These state that the maximum gross density of a lot of record is .667; therefore, .667 x 2.82 acres = 1.884 building lots. A Board of Appeals decision (Case No. CB-81-123) which dealt only with right of access on #805 did not address this density question. As a result of the above stated issues, this office feels a special hearing will be required to resolve the density issue.

This hearing must address the question of how the BCZR applies to this reconfiguration/subdivision and seek approval concerning the proposed improvements to #805. Please be aware that #803 now improved with an existing dwelling and accessory uses would be directly influenced by this issue.

Should you require further assistance, please do not hesitate to call me at 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Zoning Supervisor
John L. Lewis
JOHN L. LEWIS
Planning and Zoning Associate

HELLMAN & REDMOND
ATTORNEYS AT LAW
405 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (301) 825-1099
FAX (301) 828-4120

August 10, 1990

OF COUNSEL
DEBORAH C. DOPKIN

Stanley H. Hellman
Paul J. Redmond
Richard V. Lynas

Ann M. Nastarowicz
Deputy Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: CASE NO. 90-489-SPHA
Petitions for Zoning Variances and Special Hearing
805 Bomont Road

Dear Ms. Nastarowicz:

Pursuant to the decision rendered in the above-captioned case, Robert Miller, owner of 803 Bomont Road, and Bruce Miller, owner of 805 Bomont Road have subjected their properties to the enclosed Declaration. The Declaration imposes certain restrictions, which run with the land, upon each of the properties. Specifically, no more than one single family residential dwelling may be constructed on each parcel, nor shall either lot be further subdivided. The restrictions apply only so long as the properties are subject to the R.C. 5 classification, and are further conditioned upon the issuance of a building permit for a single family dwelling at 805 Bomont Road.

The Declaration has been recorded among the Land Records of Baltimore County, Maryland in Liber 8563 folio 779.

Sincerely,
Deborah C. Dopkin
Deborah C. Dopkin

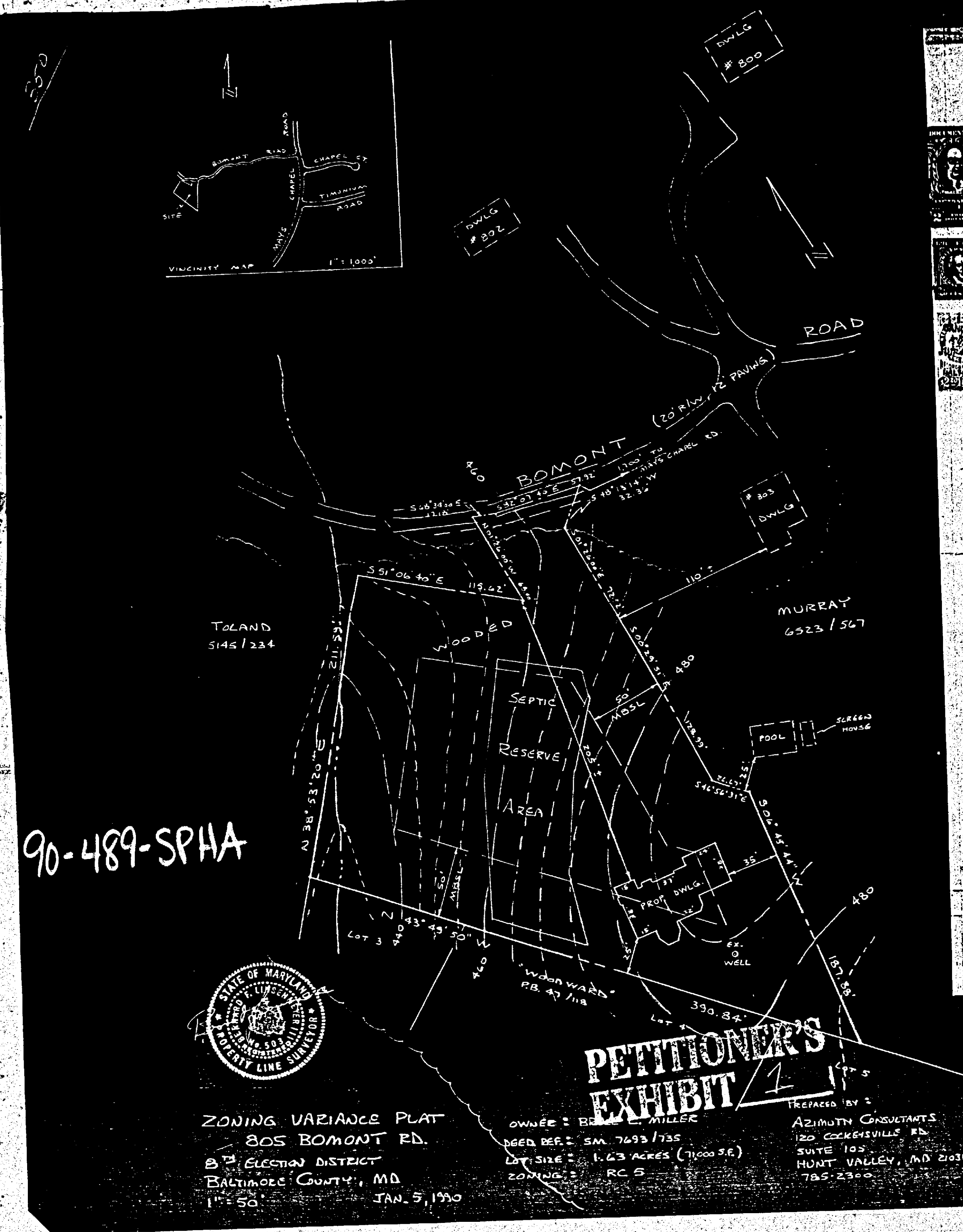
encl.
cc: Bruce Miller
David Troop

LETROMLDCK

REC'D
AUG 10 1990
ZONING OFFICE

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>17 E. FISHAW CT</i>	<i>17 E. FISHAW CT</i>
<i>BRUCE MILLER</i>	<i>TERRAPAN, INC</i>
<i>BERNARD LIPSSMEYER</i>	<i>120 COCKSHUVE RD S75-105</i>
<i>W. DOUGLAS McJOMAS</i>	<i>HUNT VALLEY, MD 21030</i>
	<i>FALLS RD. COMMUNITY ASSOC</i>
	<i>(EXC. DIR)</i>
	<i>P.O. Box 535</i>
	<i>BROOKHAVEN, MD 21022</i>



Liber 2057 Page 507

THIS DEED, Made this 20th day of January in the year nineteen hundred and fifty-six, by and between ROBERT V. CRANSTON and FLORENCE CRANSTON, his wife, of Baltimore County, State of Maryland, parties of the first part, and JOHN F. PEACOCK and JOYCE M. PEACOCK, his wife, of Baltimore City, State of Maryland, parties of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars and other good and valuable considerations, this day paid, the receipt whereof is hereby acknowledged, the said ROBERT V. CRANSTON and FLORENCE CRANSTON, his wife, do grant and convey unto the said JOHN F. PEACOCK and JOYCE M. PEACOCK, his wife, as tenants by the entirety, their assigns, the survivor of them and the heirs and assigns of the survivor, in fee simple, all that parcel of ground situate, lying and being in the Eighth Election District of Baltimore County and described as follows, that is to say:

BEGINNING for the same at an iron pipe located at the end of the Fourth Line of the whole parcel of land which by deed dated December 19, 1946, and recorded among the Land Records of Baltimore County, in Liber R.J.S. No. 1510, folio 577, was conveyed by the Title Holding Company to John C.G. Boyce, et al., said point being also at the beginning of that parcel of land which by deed dated August 8, 1953, and recorded among the aforesaid Land Records in Liber G.L.B. No. 2351, folio 369, was conveyed by E. June Shock, unmarried, to Robert V. Cranston and Florence Cranston, his wife, and running thence binding on the outlines of the whole parcel of land and with the First, Second and Third lines of the deed secondly mentioned above, the following three courses and distances, viz.: South 88 degrees 27 minutes 10 seconds East 86.28 feet to a stone, South 65 degrees 44 minutes

Liber 3046 Page 428

THIS DEED, Made this 31st day of October, in the year nineteen hundred and fifty-six, by and between J. EVANS WEIS and BLANCH H. WEIS, his wife, of Baltimore County, State of Maryland, parties of the first part, and JOHN F. PEACOCK and JOYCE M. PEACOCK, his wife, of Baltimore County, State of Maryland, parties of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, this day paid, the receipt whereof is hereby acknowledged, the said J. EVANS WEIS and BLANCH H. WEIS, his wife, do grant and convey unto the said JOHN F. PEACOCK and JOYCE M. PEACOCK, his wife, as tenants by the entirety, their assigns, the survivor of them, and the heirs and assigns of the survivor, in fee simple, all that parcel of ground situate, lying and being in the Eighth Election District of Baltimore County and described as follows, that is to say:

BEGINNING for the same at a stone set in the ground at the beginning of the first line of the whole lot of ground which, by Deed dated February 7, 1946, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1434, folio 189, was conveyed by Carl Bucholtz, unmarried, to J. Evans Weis and wife, said place of beginning being also the beginning of the third line of the lot of ground which, by Deed dated January 26, 1938, and recorded among the Land Records aforesaid in Liber G.L.B. No. 2957, folio 507, was conveyed by Robert V. Cranston and wife to John F. Peacock and wife, and running thence binding on the outlines of the whole parcel of land and with the first and a part of the second lines of the aforesaid deed from Bucholtz to Weis, the following courses and distances, viz.: South 4 degrees, 34 minutes West 67.65 feet and South 84 degrees, 11 minutes East 60.3 feet, and

Liber 3470 Page 661

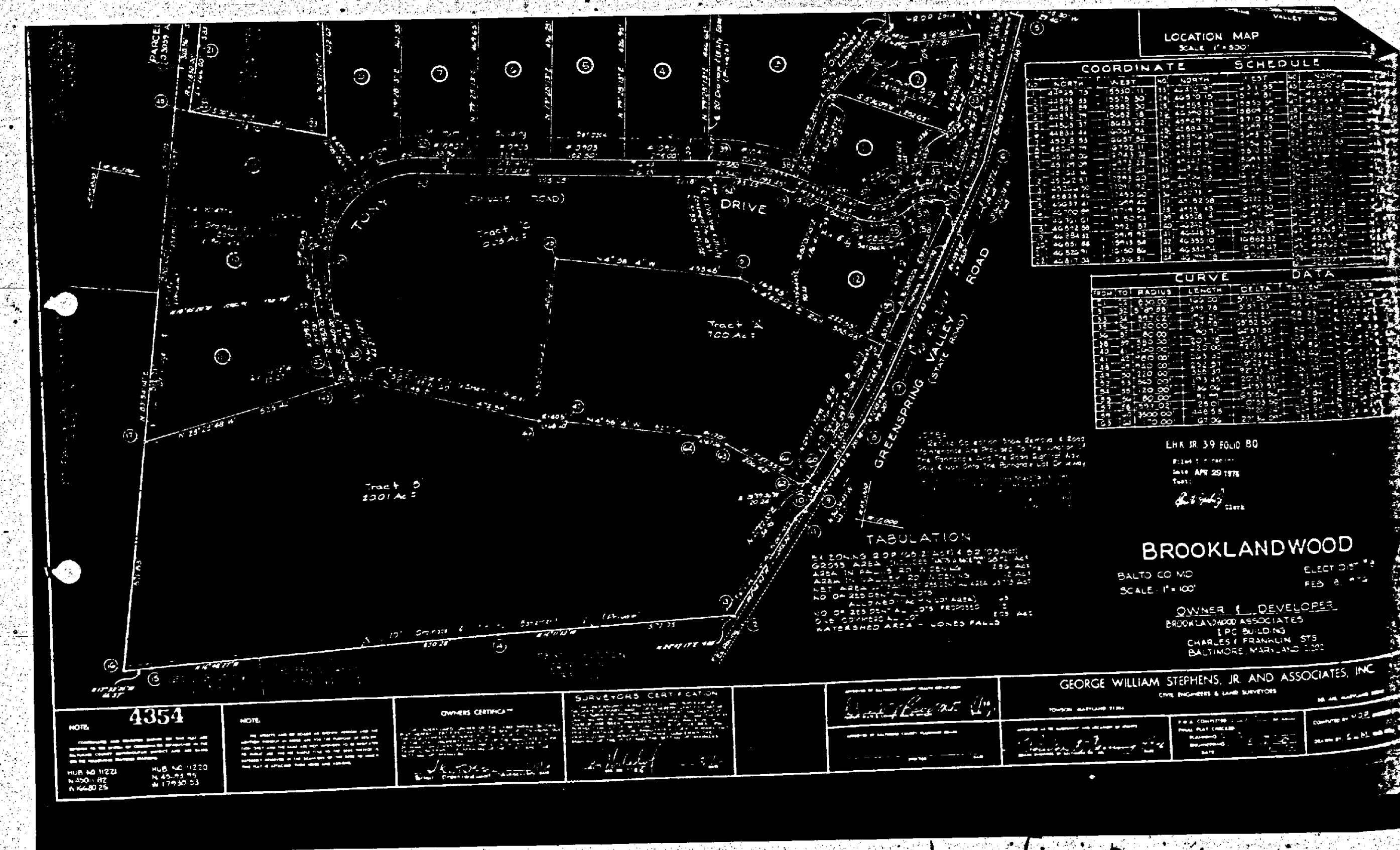
THIS DEED, Made this 31st day of December, in the year nineteen hundred and fifty-eight, by and between THE FIRST NATIONAL BANK OF BALTIMORE, a corporation organized and operating under the banking laws of the United States of America, TRUSTEE under the Last Will and Testament of Albert D. Graham, late of Baltimore County, State of Maryland, Deceased, party of the first part, and JOHN F. PEACOCK and JOYCE M. PEACOCK, his wife, of Baltimore County, State of Maryland, parties of the second part.

WITNESSETH, the said Albert D. Graham departed this life on or about May 16, 1937, seized of various tracts of ground situate in Baltimore County, of which the hereinafter described lot is a part, and leaving a Last Will and Testament dated May 15, 1936, which was duly admitted to probate by the Orphans' Court of Baltimore County and recorded among the Records of the Register of Wills for said County in Wills Liber J.P.C. No. 52, folio 190; and

WITNESSETH, under and by virtue of Item 9 of the aforesaid Last Will and Testament, all the rest and residue and remainder of the property and estate of the said Albert D. Graham, deceased, of which the hereinafter described lot is a part, was devised and bequeathed unto The First National Bank of Baltimore, Trustee, for the uses and purposes as in said Will set forth; and

WITNESSETH, the said party of the first part, Trustee as aforesaid, in pursuance of the power and authority vested in it under Item 10 of the aforesaid Last Will and Testament has sold the property hereinafter described unto John F. Peacock and Joyce M. Peacock, his wife, wherefore these presents are executed.

WITNESSETH, THIS DEED HEREBY, That for and in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, this day paid, the receipt whereof is hereby



OTG 5145-234
rec'd 11-20-1970

THIS DEED, made this 5th day of August, in the year nine hundred and seventy, by and between JOHN F. PEACOCK and JOYCE M. PEACOCK, his wife, parties of the first part, and WILLIAM E. TOLAND and ADRIENNE K. TOLAND, his wife, parties of the second part, all of Baltimore County, in the State of Maryland.

WITNESSETH, that for and in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, this day paid, the receipt whereof is hereby acknowledged, the said JOHN F. PEACOCK and JOYCE M. PEACOCK, his wife, do hereby grant and convey unto the said WILLIAM E. TOLAND and ADRIENNE K. TOLAND, his wife, as tenants by the entireties, their assigns, the survivor or their wife, as tenants by the entireties, the survivor, in fee simple, all them and the heirs and assigns of said survivor, in fee simple, all those two contiguous parcels of ground situate west of the west end of Bomont Road, in the Eighth Election District of Baltimore County, State of Maryland, and described as follows:

BEGINNING for the first thereof at a point on the north-easterly side of the Baltimore Gas and Electric Company Right-of-Way at the intersection of the North 5 1/2 degrees Right-of-Way at the intersection of the North 5 1/2 degrees West 1190 foot line mentioned in a deed dated November 28, 1952, from Brooklandwood, Inc. to Hill Farm, Inc. and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2227, folio 171 &c., said point being 171 feet more or less from a stone on said line and the westerly side of said right-of-way and said point also being 588.837 feet from the beginning of said line and running thence reversing from the beginning of said line and running thence East 588.837 feet to a stone at the northeast corner of the lands of John F. Peacock and wife, thence binding on said lands of John F. Peacock and wife, thence South 230.63 feet, (2) South 61 degrees 52 minutes 30 seconds West 230.63 feet, thence along the aforementioned easterly Right-of-Way Line of the Baltimore Gas and Electric Company, (3) North 28 degrees 03 minutes 30 seconds West 542.063 feet to the place of beginning, containing 1.43 acres of land, more or less.

BEING all and the same parcel of ground which was conveyed by Hill Farm, Inc. to John F. Peacock and Joyce M. Peacock, his wife, by deed dated May 27, 1960 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5011, folio 393.

BEGINNING for the second thereof at a stone heretofore planted at the beginning of the South 61 degrees 52 minutes 30 seconds West 2099.00 foot line of the first parcel of land conveyed by deed from The Title Guarantee Company to D. Graham, dated December 15, 1955 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2641, folio 264.

PETITIONER'S EXHIBIT 4A

DEED - FEE SIMPLE - INDIVIDUAL GRANTEE - LONG FORM
503-87,145,040-04-001

This Deed, MADE THIS 31st day of August in the year one thousand nine hundred and Eighty-Seven by and between JOHN F. PEACOCK and JOYCE M. PEACOCK, HIS WIFE, PARTIES of the first part, and BRUCE C. MILLER, PARTY of the second part.

WITNESSETH, That in consideration of the sum of SEVENTEEN THOUSAND DOLLARS AND 00/100ths (\$17,000.00) and other good and valuable considerations, the receipt of which is hereby acknowledged

the said parties of the first part

B R C F 15.00
B T T 85.00
B D D 85.00
DEED 0
SM CLERK 182.00
#98875 C004 R01 1142 10/074

do grant and convey to the said party of the second part, his heirs

personal representatives, successors and assigns that lot of ground situate in BALTIMORE COUNTY, STATE OF MARYLAND and described as follows, that is to say:

See schedule "A" attached.

FOR TITLE SEE:

A Deed dated January 25, 1956 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2957, folio 507 which was granted and conveyed by and between Robert V. Cranston and wife unto the parties of the first part herein named.

A Deed dated December 31, 1958 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3470, folio 661 which was granted and conveyed by and between The First National Bank of Baltimore unto the parties of the first part herein named.

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
STATE DEPARTMENT OF ASSESSMENTS & TAXATION
SIGNATURE DATE 11-28-87 CLERK DATE

PETITIONER'S EXHIBIT 4E

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER DIRECTOR

Mr. John F. Peacock
c/o Mr. Tom Brundage
2 North Court Street
Westminster, Maryland 21157

Re: Peacock Property
Bomont Road

Dear Mr. Peacock:

I have reviewed your letter of February 3, 1981. The Baltimore County Code (Title 22-105) requires that every lot shall abut on a street. The County normally does not approve building permits or subdivisions which do not have fee-simple access to a public road. In a recent discussion with each property owner who had a property owner who had gotten written approval from each property owner who had an interest in the private road which the subdivision and building permit was sought. Your letter indicates that you were unsuccessful in obtaining such similar approval.

In this instance the County does not have the authority to grant you the right to use someone else's property. I am advised by Mr. McMahon of the County Solicitor's office that your meeting with him late in January did not provide sufficient information to insure that you have the right of access for additional house or lot. Therefore, regretfully, we cannot authorize a building permit or subdivision for your parcel.

Very truly yours,
Norman E. Gerber
Director of Planning and Zoning

NEG:rh
cc: Mr. Eugene A. Bober
Mr. Michael McMahon

PETITIONER'S EXHIBIT 5A

DEED 236 7404 76

DEED - FEE SIMPLE - INDIVIDUAL GRANTEE - LONG FORM

RAY STATE TITLE CO
11 and Redwood Street
Baltimore, MD 21202
539-5878

For 4 - 26496/100

This Deed, MADE THIS 12th day of July in the year one thousand nine hundred and eighty-six by and between CHARLES GOTTSCHALL MURRAY, JR. and SHERYN K. MURRAY, HIS WIFE of Baltimore County, State of Maryland, Grantors, parties of the first part, and JONATHAN L. NIDER and MARY M. NIDER, HIS WIFE, Grantees, parties of the second part.

WITNESSETH, That in consideration of the sum of ONE HUNDRED TWENTY NINE THOUSAND NINE HUNDRED AND 30/100 (\$129,900.00) DOLLARS, the receipt of which is hereby acknowledged

the said parties of the first part

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

BEING the same lot of ground which by deed dated May 4, 1991 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5212, folio 367, was granted and conveyed by John F. Peacock and Joyce M. Peacock, his wife, unto Charles Gottschall Murray, Jr. and Sheryn K. Murray, his wife, the within grantees.

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
CLERK DATE
K-22-81

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE DATE
J. F. PEACOCK

B 8222...256000...21424

June 19, 1981

Baltimore County Planning Board
Room 219 - Court House
Towson, Maryland 21204
Gentlemen:

This is being filed as an appeal from a refusal on March 10, 1981, by Norman E. Gerber, Director of the Baltimore County Office of Planning and Zoning, to authorize a building permit or division of a parcel of land owned by John F. Peacock and Joyce M. Peacock, his wife, for a parcel of land located at the west end of Bomont Road, a private paved road, running for a distance of 3/10's of a mile west from May's Chapel Road in the Eighth Election District of Baltimore County.

Your petitioners hold title to several contiguous parcels of land at this location, having acquired said parcels by deeds from Robert V. Cranston and wife, dated January 25, 1956 and recorded in Liber G.L.B. No. 2957, folio 507, from J. Evans Weis and wife dated October 31, 1956 and recorded in Liber G.L.B. No. 3045, folio 428, and from First National Bank of Baltimore, Trustee, dated December 31, 1958 and recorded in Liber W.J.R. No. 3470, folio 661.

This property is divisible into at least two parcels of land, one being the existing homestead and the other being a parcel adjoining to the west, and this later parcel being sought as a building site meets all requirements of the Office of Planning as ascertained from that department.

The proposed building lot binds along the south side of the paved private road known as Bomont Road.

The proposed building lot has the same right to use Bomont Road for access to Mays Chapel Road as does the present homestead of your petitioners, and this use has been granted the property by the deed to us, just as it was to all the owners of the other properties abutting Bomont Road.

PETITIONER'S EXHIBIT 5B

DEED - FEE SIMPLE - INDIVIDUAL GRANTEE - LONG FORM
8031 163 163
RAY STATE TITLE CO
11 and Redwood Street
Baltimore, Maryland 21204
(301) 629-0177
TSM #9414

This Deed, MADE THIS 27th day of August 1976 in the year one thousand nine hundred and eighty-eight by and between JONATHAN L. NIDER and MARY M. NIDER, HIS WIFE, of Baltimore County, State of Maryland, parties of the first part, and ROBERT W. MILLER, party of the second part.

WITNESSETH, That in consideration of the sum of ONE HUNDRED EIGHTY FIVE THOUSAND 00/100THS (\$185,000.00) DOLLARS, the receipt of which is hereby acknowledged,

the said parties of the first part

do grant and convey to the said party of the second part, his heirs, his 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:

SEE ATTACHED SCHEDULE "A"

BEING the same lot of ground described in a deed dated July 1, 1966 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5238, folio 176 which was granted and conveyed by Charles Gottschall Murray, Jr. and Sheryn K. Murray, his wife, unto the said parties of the first part herein named.

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
SIGNATURE DATE
J. F. PEACOCK

PETITIONER'S EXHIBIT 4D

B 8011...256000...21424

In 1955, the owners of many of the abutting properties along Bomont Road sought to ascertain whether Baltimore County would accept Bomont Road into the County Roads Systems, and therefore become a public road. Baltimore County stated it would not accept Bomont Road as a public road nor would it accept it at any time in the future because of its topographical features which would be much too costly in the engineering required to make it conform to county road standards.

Your undersigned petitioners represent that they do meet the requirements of abutting on a street as set forth in Title 22-105 of the Baltimore County Code and that to deny the authorization of a building permit would do them irreparable harm and damage.

Respectfully submitted,
John F. Peacock
Joyce M. Peacock

PETITIONER'S EXHIBIT 5B

THOMAS WORTHINGTON BRUNDIGE III
ATTORNEY AT LAW
2 NORTH COURT STREET
WESTMINSTER, MD 21157
PHONE: TEL 2188
301-976-8888

September 22, 1981

CBA-81-123

Mr. William T. Hackett, Chairman
County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

Dear Mr. Hackett:

On June 19, 1981, Mr. and Mrs. John F. Peacock filed an appeal from a refusal on March 10, 1981, by Norman E. Gerber, Director of the Baltimore County Office of Planning and Zoning, to authorize a building permit for a portion of the Peacock property located at the west end of Bomont Road, near May's Chapel Road, in the Eighth Election District of Baltimore County.

I represent Mr. and Mrs. Peacock and am writing you to request an early hearing for the appeal. The reason for the request is that both Mr. and Mrs. Peacock are both recently retired and have planned on selling a portion of their property and utilizing the funds received in their retirement plans.

I realize that your office has a heavy schedule, but I hope that in view of the Planning Office having taken well over a year to refuse Mr. and Mrs. Peacock's request, that you might be able to put it on the agenda in the near future.

Anything that you could do will be appreciated.

Sincerely yours,

Thomas W. Brundige III
Thomas W. Brundige, III

TWB/lk

PETITIONER'S EXHIBIT
58

We, the undersigned, being all of the owners of property abutting on the private road known as Bomont Road (Eighth Election District Baltimore County) and having the right to use the same in common with other signatures hereto do hereby affirm to Baltimore County and all interested parties our desire that this road remain private and to continue its present private maintenance. We are aware of the desire of Mr. and Mrs. John F. Peacock our long time neighbors, that their two parcels of unimproved property to the rear of their improved property, that includes their home, be divided in such a fashion that approximately one half acre more or less be added to the rear of their parcel and the balance of the unimproved two parcels become one parcel of approximately three and one half acres more or less, and that this three and one half acre parcel as an independent unit may be eligible for a single site residential building permit as granted by the Baltimore County Authorities. To comply with the requirements of Baltimore County, as we understand them, we hereby indicate our willingness that a single residential building lot be subdivided out of the Peacock property and grant to the owners of that lot the right to use Bomont Road in common with the undersigned.

- Mr. and Mrs. John C.G. Boyce
- Mr. Edward Brice
- Mr. and Mrs. Courtney Spies
- Mr. and Mrs. Harry F. McCaffery
- Mr. and Mrs. Arthur N. Binshart
- Mr. and Mrs. Charles E. Beach Jr.
- Mr. and Mrs. Fredric Terry
- Mr. Barry J. Weckesser
- Mr. and Mrs. L. Edward Wolf
- Mr. and Mrs. Ferdinand C. Latrobe
- Mr. and Mrs. Charles A. Cummins
- Mr. and Mrs. William E. Toland

PETITIONER'S EXHIBIT
App Exhibit #1

...the undersigned, being owners of property abutting on the private road known as Bomont Road (Eighth Election District Baltimore County) and having the right to use the same in common with other signatures hereto do hereby affirm to Baltimore County and all interested parties our desire that this road remain private and to continue its present private maintenance. We are aware of the desire of Mr. and Mrs. John F. Peacock our long time neighbors, that their two parcels of unimproved property to the rear of their improved property, that includes their home, be divided in such a fashion that approximately one half acre more or less be added to the rear of their improved property and the balance of the unimproved parcels become one parcel of approximately three and one half acres more or less, and this three and one half acre parcel be eligible for a one family dwelling only building permit as granted by the Baltimore County Authorities. To comply with the requirements of Baltimore County, as we understand them, we hereby indicate our willingness that the aforementioned one family dwelling building lot be subdivided out of the Peacock property and grant to the owners of that lot the right to use Bomont Road in common with the undersigned.

- Mr. and Mrs. Courtney Spies *Courtney Spies & Paul Spies*
- Mr. and Mrs. Harry F. McCaffery *Harry F. McCaffery*

PETITIONER'S EXHIBIT
58

RE: BUILDING PERMIT
203 Bomont Road
8th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. CBA-81-123

OPINION

This matter comes before the Board from a decision by the Director of Planning and Zoning, dated March 10, 1981, denying a building permit to the appellant John F. Peacock, et ux, for the purpose of dividing a single property owned by the appellants, into two lots. The stated purpose of the division is for the erection of an additional residence.

The Board was neither faced with, presented with evidence in support or against, nor does it answer whether all sub-division requirements for this property are presently or are to be met in the future. The sole issue at hearing was whether or not the appellants possess a right to grant the use and joint possession rights to Bomont Road, a private road, which is commonly held by all residents whose property abuts Bomont Road. Failure to possess the right to so grant use and joint possession to the additional residence would be in contravention of Baltimore County Code, Sec. 22-105.

The Board is of the opinion that the deed of January, 1956, granting the appellants a parcel of the subject property does recognize their rights to such use and joint possession of Bomont Road as well as the right to so convey that right to others. Having so found that in the unique circumstances of this case such a right exists, the requirements of Sec. 22-105 are met as long as the property so divided does in fact provide an abutment to Bomont Road as was suggested by the appellants at hearing.

ORDER

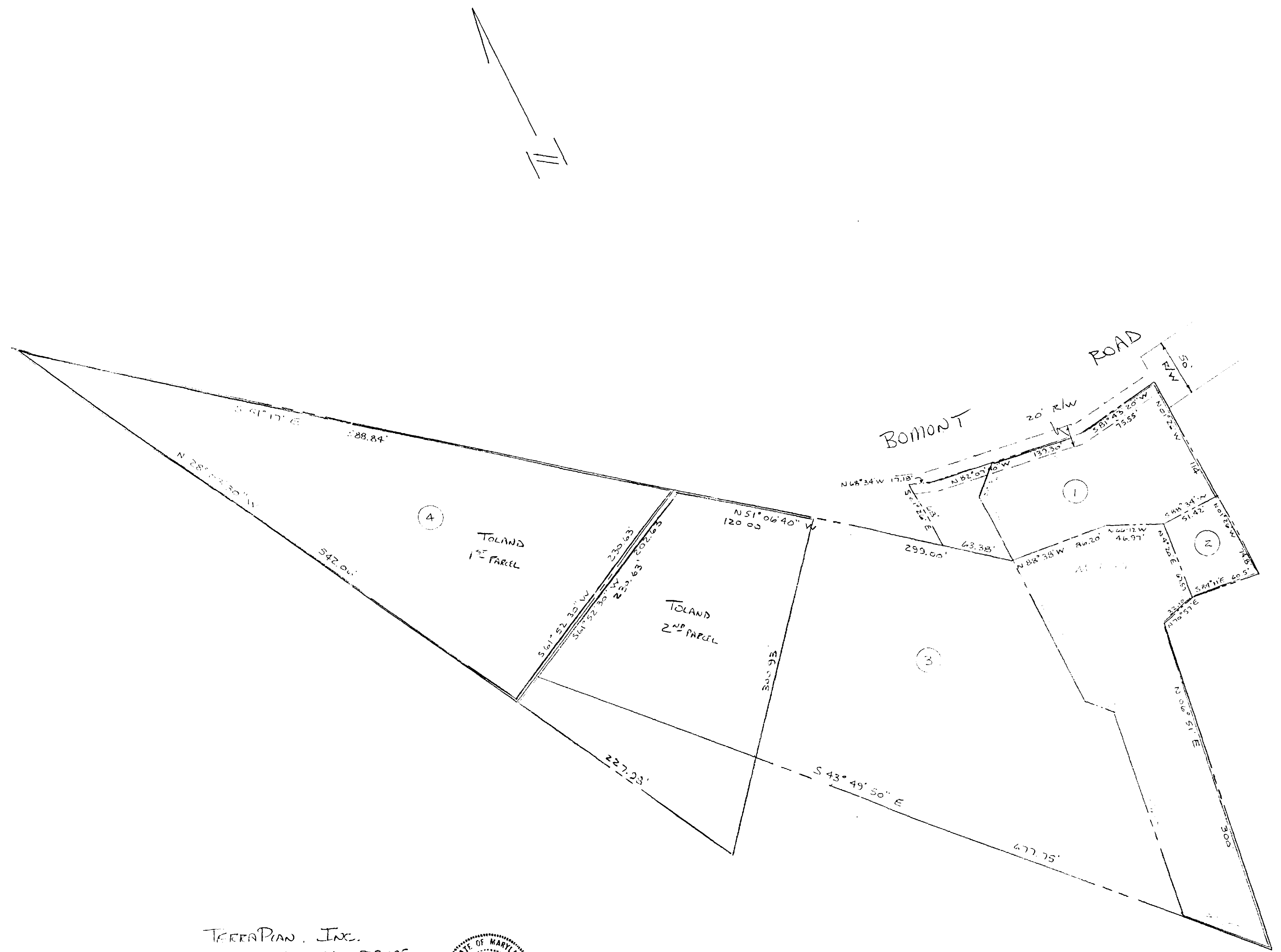
For the reasons set forth in the foregoing Opinion, it is this 1st day of December, 1981, by the County Board of Appeals, ORDERED that the decision of the Director of Planning and Zoning disapproving the building permit to the appellants is

MARYLAND State Department of Assessments and Taxation
Baltimore County Office
The Jefferson Bldg., Suite 200
105 West Chesapeake Avenue
Towson, Maryland 21286
(301) 321-2880

NO. 17-02-0112146
BATCH: 17-02-0112146
PROPERTY NUMBER: 17-02-0112146
CARD NUMBER: 39
PROPERTY DESCRIPTION/LOCATION: 17-02-0112146
IMPROVEMENT LOCATION: SCHMIDT RD
CLASSIFICATION: RESIDENTIAL

17-02-0112146 39
WILSON, JUDGE S
UNIT 121
17 SCHMIDT RD
CUMMERSVILLE, MD 21033

PETITIONER'S EXHIBIT
6



PARCELS ACQUIRED
BY
JOHN & JOYCE PEACOCK

DATE	DEED REF.	ACREAGE
① 1/28/56	2937/307	0.50
② 10/31/56	3045/428	0.0915
③ 12/31/58	3470/661	2.978
④ 5/27/68	5011/273	1.43
TOTAL		4.9995

CONVEYANCES
FROM

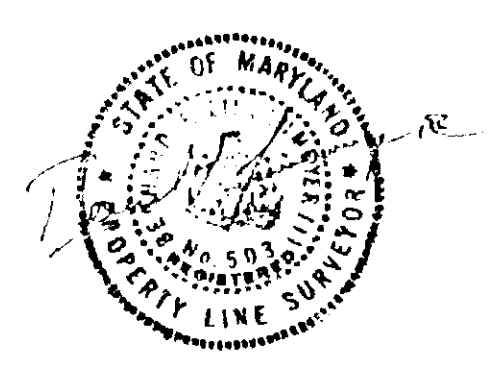
JOHN & JOYCE PEACOCK

TOLAND	8/5/70	5145/234	
		1 st P.	1.43
		2 nd P. (1.03)	0.739
REMAINDER	4/20/70	4200/100	2.8305
REMAINDER			1.6355

DEED COMPILATION

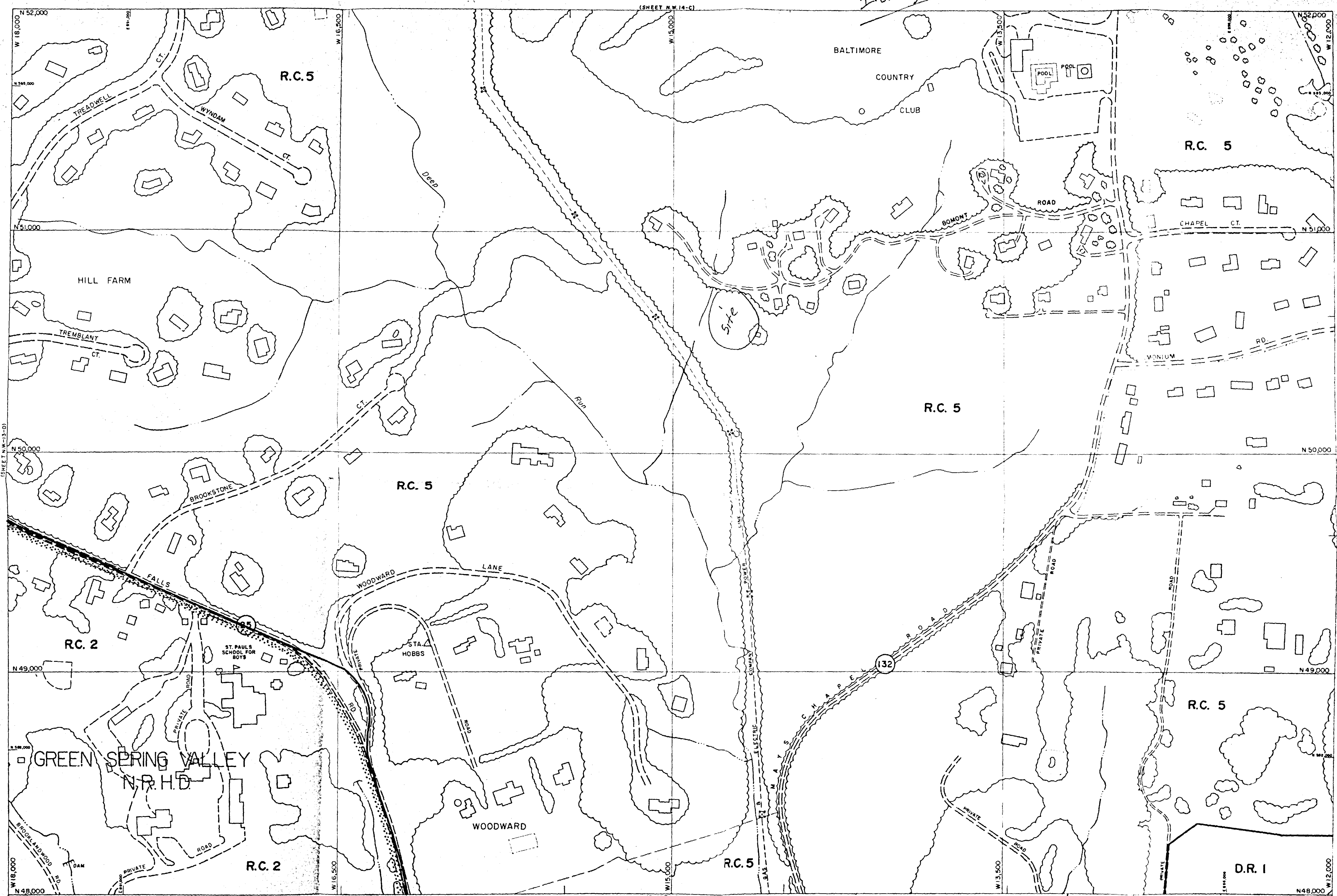
1" = 50' JUNE 19, 1990

TERREPLAN, INC.
120 CROFTSVILLE RD. STE 105
HUNT VALLEY, MD 21030
785-2300



**PEACOCK'S
EXHIBIT 2**

Item #350



S-SW S-SE
S-NW S-NE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
April 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Dale J. Voss
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION TIMONIUM	SHEET N. W. 13-C
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORR, INC. BALTIMORE, MD. 21210

90-489-SPHA