NO

DOCUMENTS

WITH THIS

TARGET

NO

DOCUMENTS

WITH THIS

TARGET

IN RE: PETITION FOR SPECIAL HEARING
Long Green Pike, 400' SW of the c/l of Glenarm Road
11th Election District
6th Councilmanic District

Ida S. Eckhart, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-567-SPH

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the relief granted in previous Case No. 90-139-SPHA by modifying Restrictions 3, 4 and 6 to remove Parcel 5 of the subject property from the scope of said restrictions, and to modify Restriction 6 to provide additional time for compliance with the conditions contained therein, pending the outcome of this case, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Evelyn S. Bressler, Patricia A. Cuddy, and Carole L. Chambers, appeared, testified and were represented by Robert A. Hoffman, Esquire. Also appearing on behalf of the Petition were William Ulrich, Registered Land Surveyor, William E. Bressler, Joy Bressler Pike, and Mel and Mary S. Carlson. There were no Protestants.

Testimony indicated that the subject property consists of 201 acres more or less zoned R.C. 2 and is improved with various dwellings and outbuildings. Said property was the subject matter of previous Case No. 90-139-SPHA in which Petitioners requested a special hearing to approve the non-density transfer of two (2) 2-acre parcels, each to be combined with an existing lot to form new Parcels 1 and 2, the reservation of two dwelling units for new Parcel 5, and the creation of new Parcels 3 and 4, with a total density not to exceed the permitted five (5) dwelling units.

ORDER RECEIVED FOR FILING
Date 11/30/90
By

Petitioners also requested a variance to permit a setback of 0 feet in lieu of the required 2.5 feet for an existing block shed, and a height of 30 feet in lieu of the maximum permitted 15 feet for an existing storage building in accordance with Petitioner's Exhibit 1. The relief requested was granted on March 16, 1990 subject to restrictions. The Petitionsrs have filed the instant Petition to modify Restrictions 3, 4 and 6 of said Order as they relate to new Parcel 5 and a modification of Restriction 6 to permit Petitioners additional time in which to comply with the terms and conditions of the relief granted.

After due consideration of the testimony and evidence presented at the hearing, and the Memorandum in Support of Petition for Special Hearing filed by Counsel for Petitioners, it appears the relief requested in the instant Petition for Special Hearing, should be granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental 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 special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of November, 1990 that the Petition for Special Hearing to approve an amendment to the relief granted in previous Case No. 90-139-SPHA by modifying Restrictions 3, 4 and 6 to remove Parcel 5 of the subject property from the scope of said restrictions, and to modify Restriction 6 to provide additional time for compliance with the

ORDER RECEIVED FOR FILING
Date 11/30/90
By

- 2 -

conditions contained therein, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED as follows:

1) Restriction 3 of the Order issued March 16, 1990 shall be modified to read as follows:

"Development of Parcel 5 shall be in compliance with the B.C.Z.R."

2) Restriction 4 of the Order issued March 16, 1990 shall be modified to read as follows:

"The granting of the relief requested herein is conditioned upon Petitioners agreeing to use Parcels 1, 2, 3 and 4 for agricultural purposes only and presenting evidence of same to DEPREM and the Agricultural Land Preservation Advisory Board. This shall not prevent residences from being placed in accordance with DEPREM's approval."

3) Restriction 6 of the Order issued March 16, 1990 shall be modified to read as follows:

"Prior to the issuance of any permits, or prior to recording the record plat, whichever occurs first, Petitioners shall submit a minimum 50-scale survey plan certified by a registered land surveyor depicting the proposed Parcel 1, Parcel 2 and the inclusive Smith, Bressler and Eckhart properties. The plan shall clearly and accurately depict the following:

1) locate all existing buildings to remain in relation to the property lines; 2) identify and confirm the variances as granted herein; 3) provide the dates of creation of all divisional property lines to remain; and 4) confirm the use for farming or residential and provide the size and height of all buildings to remain."

IT IS FURTHER ORDERED that all other conditions and restrictions contained in the Order issued March 16, 1990 shall remain in full force and effect.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

- 3 -

IN RE: PETITION FOR SPECIAL HEARING
Property located North of Long Green Pike and West of Glen Arm Road

Eleventh Election District
Sixth Councilmanic District

Ida S. Eckhardt, et al,
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No. 90-567/SPH
*

* * * * * * *

MEMORANDUM IN SUPPORT OF PETITION FOR SPECIAL HEARING

The Petitioners herein filed the above-captioned Petition for Special Hearing to modify certain restrictions contained in the Findings of Fact and Conclusions of Law in Deputy Zoning Commissioner Case No. 90-139-SPHA. Specifically, the Petitioner herein respectfully suggests that the Deputy Zoning Commissioner exceeded her legal authority by conditioning the relief granted in that case upon the continuation of agricultural use on Parcel Number Five. Essentially, should the Petitioners in this case create the two family lots and make the two small non-density transfers, parcel five, the bulk of the Eckhardt family's holdings would be forever restricted to agricultural uses.

Petitioners acknowledge the Deputy Zoning Commissioner's authority under Section 500.7 to "conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided." Nevertheless,

Petitioners respectfully submit that a restriction that would stretch indefinitely into the future and would remove from County authorities the power to regulate the future use of County lands so as to promote health, safety and general welfare is beyond the scope of the power authorized to the Deputy Zoning Commissioner under Section 500.7. By way of analogy, see Atman/Glazer P.B. County, CO. v. Mayor of Annapolis 314 Md. 675, 686 - 87, 552 Atlantic 2nd 1277 (1989) ("The sound policy which prohibits a municipality from contracting away its zoning power is as applicable to special exception...cases as it is to those involving zoning reclassifications.") The legal and policy flaws requiring such a restriction are highlighted if one visualizes the result of a widespread imposition of continued restrictions similar to those that were recommended here. If, each time the Deputy Zoning Commissioner granted a special hearing, she required the Petitioner to restrict the use of his property, soon much of the County's land would be tied up by these restrictions which could not be easily removed no matter how publicly desireable and beneficial the County might deem removal to be.

Moreover, it is inequitable to restrict 200 acres of this farm in light of the requested relief. To impose such a restriction as the quid pro quo for granting two two-acre non-density transfers to support continued agricultural use and two small family lots, where the density for such lots exists

on the property is just too high a price to pay for the relief requested. The RC2 zoning classification itself provides adequate protection for agricultural uses. (In fact, a review of the legislative purpose of the RC2 zone states that the zone is intended to promote agricultural uses and if one petitions for a special exception in the RC2 zone, the petitioner must establish that the use is not detrimental to other agricultural uses.)

It is therefore respectfully requested that the restriction as to Parcel Number Five be removed so that all uses permitted under the zoning classification in effect may be utilized.

Finally, we ask that restriction number six requiring the submission of certain plats within 120 days of the date of the original order be extended until such time as there is a final decision on the issues presented herein.

Respectfully submitted,

Robert A. Hoffman
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204
Attorney for Petitioners

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

J. Robert Haines
Zoning Commissioner

November 30, 1990

Dennis F. Rasmussen
County Executive

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District - 6th Councilmanic District
Ida S. Eckhart, et al - Petitioners
Case No. 90-567-SPH

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has 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 Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

Ms. Theresa Masilak
5333 E. Glen Arm Road, Glen Arm, Md. 21057

428

REVISED PLANS

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-567-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 ------ to amend the relief granted in Case No. 90-139-SPHA by modifying #3, #4 & #6 Restriction No.s 3 and 4 and to remove Parcel 5 from the scope of restriction; and to modify restriction # 6 to provide additional time for compliance pending the final ruling in this case.

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.

D-3
C.B. 11/14
4-139

Contract Purchaser:	Legal Owner(s): SEE ATTACHED
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	(Type or Print Name)
City and State	Signature

Attorney for Petitioner:

Robert A. Hoffman, Esquire
(Type or Print Name)

Signature

210 Allegheny Avenue
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: 823-4111

Address Phone No.

City and State

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

Robert A. Hoffman, Esquire
Name
210 Allegheny Avenue
Towson, Maryland 21204 823-4111
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 106, County Office Building in Towson, Baltimore County, on the ------ day of ------, 19---, at ------ o'clock

---M.

Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date 11/30/90
By

Z.C.O.--No. 1

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR. (over) 1/2 day
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL - V OTHER
REVIEWED BY: CAM DATE 9 June 90

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

PHILIP L. GROSS
JOHN P. ETZEL
WILLIAM W. ULRICH
GORDON T. LANGDON
DAVID C. RANSOME

EMERITUS
PAUL H. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD

July 15, 1989

PARCEL 5
Zoning Description **90-567-SPH**

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

Beginning for the same in the center of Long Green Pike at a point measured South 26 degrees 00 minutes West 400 feet from the intersection of the centerline of Long Green Pike and Glen Arm Road and running thence as the courses are referred to the meridian of the various deeds of the petitioners herein and binding in the center of Long Green Pike, South 26 degrees 00 minutes West 270 feet, South 17 degrees 15 minutes West 218.62 feet, South 23 degrees 45 minutes West 561.00 feet, South 4 degrees 00 minutes West 140.42 feet, thence leaving the center of Long Green Pike and running through the lands of the petitioners herein, South 73 degrees 17 minutes 30 seconds West 570.03 feet South 29 degrees 19 minutes 01 second West 328.89 feet, South 2 degrees 03 minutes 02 seconds East 161.65 feet, South 13 degrees 16 minutes 13 seconds West 244.99 feet, South 7 degrees 03 minutes West 1182.72 feet, South 88 degrees 16 minutes East 739.78 feet to the center of the Long Green Pike and running thence and binding in the center of the Long Green Pike, South 2 degrees 00 minutes West 528 feet, South 1 degrees 15 minutes West 858.00 feet, thence leaving Long Green Pike and binding in the center of Factory Road, South 2 degrees 00 minutes West 471.90 feet, thence leaving Factory Road and binding on the land of the petitioners herein, North 88 degrees 00 minutes West 3458.40 feet, North 37 degrees 45 minutes East 816.75 feet, North 46 degrees 00 minutes West 767.25 feet, North 45 degrees 30 minutes East 396.00 feet, North 48 degrees 30 minutes West 866.30 feet to the east side of Glenarm Road, thence binding on the east side of Glenarm Road in a northeasterly direction 760 feet more or less, thence leaving Glenarm Road, South 48 degrees 45 minutes East 745.80 feet, North 43 degrees 30 minutes East 957.00 feet, South 62 degrees 45 minutes East 528 feet, North 37 degrees 45 minutes East 3200 feet more or less and South 51 degrees 47 minutes East 74.25 feet to the place of beginning.

Saving and excepting the right of way of the Baltimore Gas and Electric Company Transmission Line.

Containing 201.0 Acres of land more or less.

Being part of the property of Ida M. Eckhart et al and recorded in Liber E.H.K.Jr. No. 6446 folio 750.

3230
REGISTERED LAND SURVEYOR
STATE OF MARYLAND

William B. Ulrich 428

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
OF No. 2650

Date 6/04/90

H90[illegible]0428

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING	1 X	$175.00
	TOTAL:	$175.00

LAST NAME OF OWNER: ECKHART

Check from Venable, Baetjer & Howard
#036677

B B 019*****175D01a 3044F

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No. 2837

Date 6/26/90

M9000973

REVISED PUBLIC HEARING FEES	QTY	PRICE
110 -REVISIONS (ALL OTHERS)	1 X	$75.00
	TOTAL:	$75.00

LAST NAME OF OWNER: ECKHART

B B 114*****75D01a 3273F

Cashier Validation:

Please make checks payable to: Baltimore County

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 21204 as follows:

Petition for Special Hearing
Case number: 90-567-SPH
Centerline Long Green Pike, 400' SWly from c/l Glen Arm Road
11th Election District - 8th Councilmanic
Petitioner(s): Ida S. Eckhart, et al
Hearing Date: Thursday, Aug. 30, 1990 at 2:00 p.m.

Special Hearing: To amend the relief granted in Case No. 90-138-SPHA by modifying Restriction Nos. 3 and 4 and 6 to remove Parcel No. 5 from the scope of restriction; and to modify restriction No. 6 to provide additional time for compliance pending the final ruling in this case.

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

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

NW/7315 July 26.

CERTIFICATE OF PUBLICATION

July 30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 26, 1990.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Orlinsky
Publisher

PO 106189

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 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 July 26, 1990.

THE JEFFERSONIAN,

S. Zeke Orlinsky
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-567-SPH

District 11th
Date of Posting 7/26/90
Posted for: Special Hearing
Petitioner: Ida S. Eckhardt, et al
Location of property: Long Green Pike, 400' SW/c Glen Arm Rd.
Location of Signs: Facing Long Green Pike, approx. 10' from roadway
O.M. Property of Pat Irvin
Remarks:
Posted by M. Mackley (Signature)
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No. 3317

Date 8/30/90

90-567

M9100169

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING	1 X	$113.51
	TOTAL:	$113.51

LAST NAME OF OWNER: ECKHART

04A04#0006BMICHRC $113.51
BA C008:55AM08-30-90

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 8/6/90

Ida S. Eckhart, et al
c/o Robert A. Hoffman, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

Dennis F. Rasmussen
County Executive

Re: Petition for Special Hearing
CASE NUMBER: 90-567-SPH
Centerline Long Green Pike, 400' SWly from c/l Glen Arm Road
11th Election District - 8th Councilmanic
Petitioners: Ida S. Eckhart, et al
HEARING: THURSDAY, AUGUST 30, 1990 at 2:00 p.m.

Gentlemen:

Please be advised that $ 113.51 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 ORDER 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:ga

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

J. Robert Haines
Zoning Commissioner

July 2, 1990

Dennis F. Rasmussen
County Executive

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 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 90-567-SPH
Centerline Long Green Pike, 400' SWly from c/l Glen Arm Road
11th Election District - 8th Councilmanic
Petitioners: Ida S. Eckhart, et al
HEARING: THURSDAY, AUGUST 30, 1990 at 2:00 p.m.

Special Hearing: To amend the relief granted in Case No. 90-138-SPHA by modifying Restriction Nos. 3 and 4 and 6 to remove Parcel No. 5 from the scope of restriction; and to modify restriction No. 6 to provide additional time for compliance pending the final ruling in this case.

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: Legal Owners
Robert A. Hoffman, Esq.

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

J. Robert Haines
Zoning Commissioner

August 21, 1990

Dennis F. Rasmussen
County Executive

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 428, Case No. 90-567-SPH
Petitioner: Ida S. Eckart, et al
Petition for Special Hearing

Dear Mr. Hoffman:
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: Evelyn S. Bressler, P/A
Mary M. Smith
Vernon L. Smith, Jr.
Courtenay J. Smith
Patricia A. Caddy
Carole L. Chambers

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

27th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Ida S. Eckhart, et al

Petitioner's Attorney: Robert A. Hoffman

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines — DATE: July 10, 1990
Zoning Commissioner

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

SUBJECT: Ida S. Eckhart, Item No. 428

The Petitioner requests a Special Hearing to amend the relief granted in Case No. 90-139-SPHA by modifying Restrictions Nos. 3 and 4 and to remove Parcel No. 5 from the scope of restriction.

This office offers no additional comment for the requested Special Hearing, however, comments submitted for Case No. 90-139-SPHA remain appropriate (see attached).

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

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

Dennis F. Rasmussen
County Executive

June 27, 1990

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 221, ~~#227~~ 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
JUL 3 1990
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
JUNE 22, 1990

TO: J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES CEB

SUBJECT: ZONING ITEM #: 428
PROPERTY OWNER: Ida S Eckhart; MaryM. Smith; Vernon L. Smith, Jr Courtenay J. Smith; Patricia A. Cuddy, Carole L. Chambers
LOCATION: Centerline Long Green Pike, 400' SWly from centerline Glen Arm Road
ELECTION DISTRICT: 11th
COUNCILMANIC DISTRICT: 6th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) RAMPS (degree slope)
( ) NUMBER PARKING SPACES ( ) CURB CUTS
( ) BUILDING ACCESS ( ) SIGNAGE

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

( ) OTHER - NO ADDITIONAL COMMENT

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

Dennis F. Rasmussen
County Executive

JUNE 27, 1990

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

RE: Property Owner: ECKHART; SMITH; SMITH; SMITH; CUDDY; CHAMBERS

Location: CENTERLINE LONG GREEN PIKE

Item No.: 428 Zoning Agenda: JUNE 26, 1990

Gentlemen:

Pursuant 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.

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", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: Lt. Louis Kelly 6-27-90 Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

JUL 05 1990

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 6, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 26, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 221, ~~427~~, 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438

For Item 427, the previous County Review Group comments still apply.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 823-4111
FAX (301) 821-0147

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
BEL AIR, MD

RICHARD M. VENABLE (1836-1901)
EDWIN B. BAETJER (1868-1918)
CHARLES MCH. HOWARD (1870-1942)

ROBERT A. HOFFMAN

WRITER'S DIRECT NUMBER IS
494-9162

9/19/90 Please set in if possible in light of a Item 428 Talks Ann

June 14, 1990

90-567-SPH

RECEIVED
JUN 15 1990
ZONING OFFICE

HAND DELIVERED

Anne Nastarowicz
Deputy Zoning Commissioner
First Floor
County Office Building
Towson, Maryland 21204

Re: Item No. 428
Request for Expedited Hearing

Dear Ms. Nastarowicz:

As you may recall, you granted a petition for special hearing and variance to allow for certain non-density transfers, reconfiguring of lot lines and variances from setbacks all on property located on Long Green Pike (see Case No. 90-139-SPHA). You will also recall that a portion of the property, parcel five, was the subject of Case No. 90-138-SPHX, the Pikesville Sportsman's Club.

The Pikesville Sportsman's Club has chosen to take an appeal from your denial of the special exception and special hearing, and the legal property owners, Ida S. Eckhardt, et al have now petitioned in Item No. 428 to revise the opinion in Case No. 90-139-SPHA to remove the restriction from parcel number five. (The restriction states that parcel five may only be used for agricultural purposes and home sites). Obviously, if the Pikesville Sportsman's Club is eventually granted a special exception, the legal property owners could not make any of the family transfers now permitted under your order.

90-567-SPH

Anne Nastarowicz
June 14, 1990
Page 2

On behalf of the legal property owner, we respectfully request an expedited hearing on Item No. 428 to revise the order in Case No. 90-139-SPHA, to remove the restriction from parcel number five, so that both cases can proceed within the same time frame. We feel that the issue is sufficiently narrow that the hearing will not involve a lengthy proceeding.

Yours truly,

Robert A. Hoffman

RAH:ekm

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
BEL AIR, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 823-4111
FAX (301) 821-0147

RICHARD R. VENABLE (1888-1962)
EDWIN E. BAETJER (1888-1972)
CHARLES MOR. HOWARD (1870-1954)

WRITER'S DIRECT NUMBER IS

November 6, 1990

RECEIVED
NOV 9 1990
ZONING OFFICE

Ms. Ann M. Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

RE: Petition for Special Hearing
Ida S. Eckhart, et al
Case Number: 90-567-SPH

Dear Ann:

As you are aware, the Petitioners filed the referenced Petition for Special Hearing to modify certain restrictions contained in your Findings of Facts and Conclusions of Law in Case number 90-139-SPHA.

In that previous case, the Petitioners requested and were granted two (2) 2-acre, non-density transfers to be combined with two exisiting lots in order to improve the existing agricultural use. Additionally, the Petitioners were permitted to adjust certain lot lines to create two new family parcels and reserve two dwelling units all where the total density does not exceed that which the Petitioners legally have under the RC-2 zoning classification. The total acreage of the farm is large, but it is submitted that the relief requested is of such a minor nature and the RC-2 zoning classification itself is so restrictive that the restriction on the balance of the acreage (i.e. parcel No. 5) should be lifted.

If you are, however, uncomfortable with no additional restriction on parcel 5, the Petitioner would submit the following proposed restriction:

So long as parcel 5 is zoned RC-2, or any successor zoning classification to RC-2, the total impermeable surface of any development on parcel five (5) shall not exceed thirty (30) percent of its total acerage.

Of course, Petitioners would strongly prefer that parcel 5 remain unrestricted, except as the RC-2 zone would require, and respectfully request that you consider that option.

Thank you for your attention to this matter.

Yours truly,

Robert R. Hoffman

RAH/tls
cc: Evelyn S. Bressler
Mary M. Smith
Vernon L. Smith, Jr.

428

Ida S. Eckhart
Ida S. Eckhart

By: Evelyn S. Bressler, P/A
Evelyn S. Bressler, P/A
Attorney-in-Fact
11908 Long Green Pike
Glen Arm, Maryland 21057
592-5878

Mary M. Smith
Mary M. Smith
11900 Long Green Pike
Glen Arm, Maryland 21057
592-2070

Vernon L. Smith, Jr.
11900 Long Green Pike
Glen Arm, Maryland 21057
592-2070

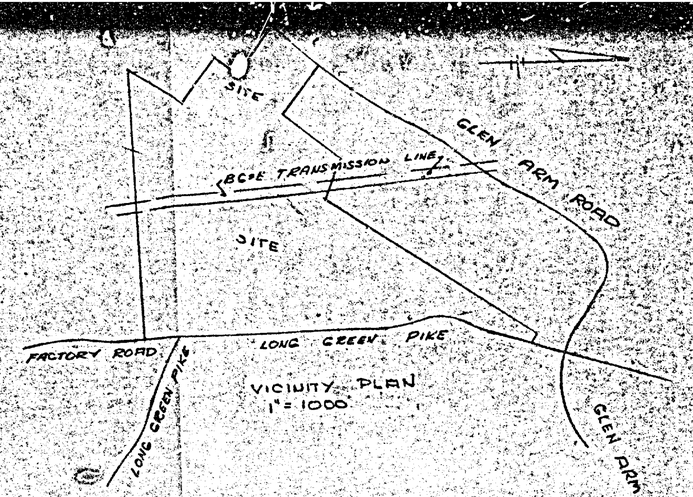
Courtenay J. Smith
Courtenay J. Smith
11900 Long Green Pike
Glen Arm, Maryland 21057
592-8170

Patricia A. Cuddy
Patricia A. Cuddy
11900 Long Green Pike
Glen Arm, Maryland 21057
592-8170

Carole L. Chambers
Carole L. Chambers
503 Red Pump Road
Bel Air, Maryland 21014
838-2209

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	26 Hagley Ave.
Bill Ulrich	412 Delaware Ave
Ida S. Bressler	11908 Long Green Pike
Evelyn S. Bressler	11908 Long Green Pike Glen Arm, Md.
Mary L Carlson	16320 BELAIR/ELDRD N'BoCREEK MD
Mil Carlson	" " " "
Jay Bressler Pike	2919 Glenoak Ave Balto. 21234
Patty Cuddy	11900 Long Green Pike
Carole Chambers	503 Red Pump Road, Bel Air MD 21014



ZONING PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO TRANSFER DENSITY IN R.C. 2 ZONE

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TITLE DEED: EHK JR. Nº 9446 folio 750
FIRST PARCEL G.L.B. Nº 2248 folio 153 190 ACRES ± 3 DENSITY UNITS
SECOND PARCEL G.L.B. Nº 2248 folio 153 38.5 ACRES ± 2 DENSITY UNITS
TOTAL 5 DENSITY UNITS

PLAT SHOWING LOT CONFIGURATION AND DENSITY UNIT COUNT

PARCEL ① 5.71 ACRES ± ZERO DENSITY UNIT
PARCEL ② 4 ACRES ± ONE DENSITY UNIT
PARCEL ③ 10 ACRES ± ONE DENSITY UNIT
PARCEL ④ 10 ACRES ± ONE DENSITY UNIT
PARCEL ⑤ 201 ACRES ± TWO DENSITY UNITS
TOTAL DENSITY UNITS FIVE

NOTCHCLIFF ROAD
BEGINNING ZONING PARCEL
R.C.5 ZONE
R.C.2 ZONE
SMITH
EVERETT G420/176
R.C.5 ZONE
N46°00W 767.25'
3 ACRES ±
R.C.5 ZONE
R.C.2 ZONE
N37°45'E 816.15'
R.C.2 ZONE
S46°30E 396.00'
N46°30W 856.30'
GLEN ARM ROAD
700'±
MARYLAND & PA. RAILROAD
R.C.5
R.C.2
745.50'
S48°45'E
N43°30E 957.00'
PAUL H. HARDY JR. 13661/37
S61°45E 220.00'
528.00'
PARCEL 5
201 ACRES ±
N2°34E 2240'±
2554.20'±
100'
5.876 ACRES ±
B G&E TRANSMISSION LINE (FEE SIMPLE)
S2°34'W 2535.18'±
R.C.2 ZONE
FOREST & PARKS
N2°00'W 1300.00'
STATE OF MARYLAND 5416/52
GUNPOWDER RIFLE RANGE
R.C.2 ZONE
R.C.2 ZONE
FACTORY ROAD
S2°00'W 471.90'
CLARENCE MILLER 5329/144
CLARENCE MILLER 5329/144
RONALD S. WOODWARD 3083/337
LONG GREEN PIKE
BEGINNING PARCEL Nº 4 3062.79' TO ℄ GLENARM ROAD
S7°03'W 739.78'
N7°03E 591.36'
S7°03'W 591.36'
PROPOSED 10 ACRES ±
PARCEL 4
PROPOSE DWELLING
TO BE REMOVED DWELLING
PROPOSED 10 ACRES ±
PARCEL 3
PROPOSED DWELLING
N7°03E 591.36'
S7°03'W 591.36'
S7°03'W 1399.15'
20 MACADAM PAVING
859.00'
S2°00W 528.00'
LONG GREEN PIKE
BEGINNING PARCEL Nº 3 2471.43' TO ℄ GLENARM ROAD
BEGINNING PARCEL Nº 2 2255' TO ℄ GLENARM ROAD
TERENCE COOK 7454/535
VIRGINIA E. RUSSELL ET AL 7367/648
S13°16'13W 244.99'
1182.72'
S29°19'01W 328.89'
3200'±
PROPOSED 2.00 ACRES ± ADD-ON
PROPOSED 2.00 ACRES ± ADD-ON TO BE REMOVED
PARCEL 1
S73°30'W 570.00'
MICELI 3705/571 3960/428
NOTE: NON DENSITY TRANSFER BEGINNING PARCEL TO ℄ GLENARM ROAD
S23°45'E
S26°00W 400'
BEGINNING ZONING PARCEL
S51°45'E 745'±
S2°00W 870'±
S3°15'W 218.52'
LONG GREEN PIKE
℄ G 3939/55
SORRELL
INTERSECTION GLEN ARM ROAD
R.C.2 ZONE
R.C.5 ZONE
R.C.2 ZONE
GEORGE RIER 2163/197
WARD E. DAWSON SR. 2255/
JOSEPH FISCHER 2.89 ±
R.C.2 ZONE
LAMBERT 5211/93
FOLEY 5211/94
R.C.2 ZONE
N37°45'E 1320'±
S29°03'02E 164.65'

NOTE: THIS PLAT IS COMPILED FROM DEEDS, PLATS & SURVEYS. THE MERIDIANS SHOWN HEREON ARE REFERRED TO MERIDIANS AS MENTIONED IN THE VARIOUS DEEDS.

Petitioner's Exhibit 1

SCALE: 1" = 200' DATE: 3/19/81
GERALD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

Case No. 90-138-SPHX to approve the non-density transfer of four (4) density units from Parcels 2, 3, 4 and 5 to be combined with an existing lot to form new Parcels 1 and 2, the reconfiguration of two dwelling units per new Parcel 3, and the creation of new Parcels 3 and 4, with total density not to exceed the permitted five (5) dwelling units, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Variance to permit a setback of 0 feet in lieu of the required 8.4 feet for an existing block shed, and a height of 30 feet in lieu of the maximum permitted 15 feet for an existing storage building, 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 Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return and be responsible for returning said property to its original condition.

2) Prior to the issuance of any permits, Petitioners must obtain the approval of DEPRM as to the location of the dwelling on the lot and the size of the proposed Parcels 3 and 4. DEPRM may require Petitioners to submit any and all documentation it deems necessary to make its decisions and to promote agricultural preservation of the parcels. The size of the lots may be modified by DEPRM as determined by it to be necessary for agricultural preservation. Said lots must be used for agricultural purposes.

3) Prior to the subdivision of Parcel 5, Petitioners must obtain approval of DEPRM and the Agricultural Land Preservation Advisory Board as to the location of the dwelling and size of parcel to insure said use promotes agricultural uses. DEPRM and the Agricultural Land Preservation Advisory Board may require Petitioners to submit any and all documentation it deems necessary to make its decisions and to promote agricultural preservation of the parcels.

4) The granting of the relief requested herein is conditioned upon Petitioners agreeing to use Parcels 1, 2, 3, 4 and 5 for agricultural purposes only and presenting evidence of same to DEPRM and the Agricultural Land Preservation Advisory Board. This shall not prevent buildings from being placed in accordance with DEPRM's approval.

5) Prior to the issuance of any permits, Petitioners shall file new deeds for each of the parcels, along with a revised plat, to the Land Records of Baltimore County. A copy of the recorded deed and revised plat for each parcel shall be submitted to the Deputy Zoning Commissioner for inclusion in the case file. The new deeds and plats shall reference this case and set forth and address the restrictions of this Order.

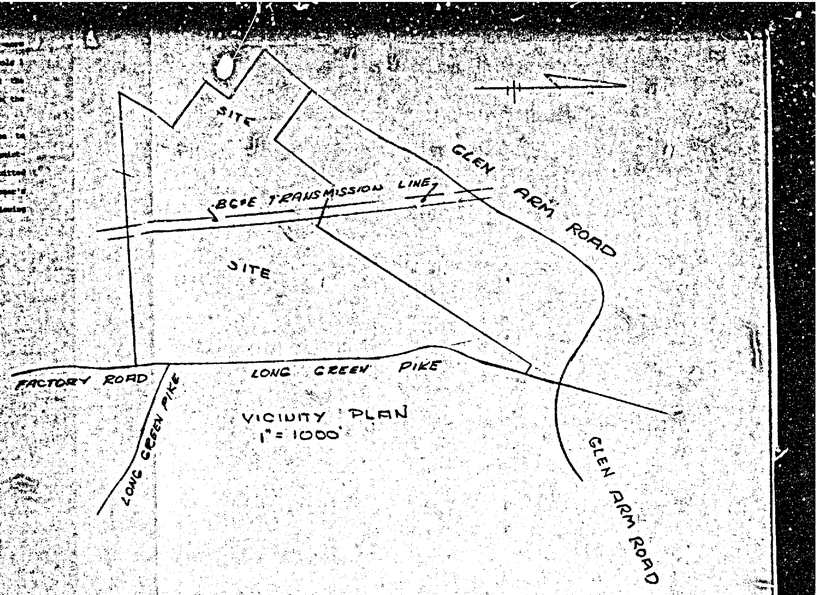
6) Petitioners shall submit to the Deputy Zoning Commissioner within one hundred twenty (120) days of the date of this Order, or prior to recording the revised plat, whichever occurs first, a minimum 50-scale survey plan certified by a registered land surveyor depicting the proposed Parcel 1, Parcel 3 and the inclusion with Brassler and Eckhart perspectives. The plan shall clearly and accurately depict the following: 1) locate all existing buildings to remain in relation to the property lines; 2) identify and condemn the variances as granted herein; 3) provide the dates of creation of all divisional property lines to remain; and 4) confirm the use for farming or residential and provide the size and height of all buildings to remain.

7) 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.

MARCH 16, 1990

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs



ZONING PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO TRANSFER DENSITY IN RC 2 ZONE

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TITLE DEED EHK JR. No. 446 folio 750
FIRST PARCEL G.L.B. No. 2248 folio 153 190 ACRES ± 3 DENSITY UNITS
SECOND PARCEL G.L.B. No. 2248 folio 153 38.5 ACRES ± 2 DENSITY UNITS
TOTAL 5 DENSITY UNITS

PLAT SHOWING
LOT CONFIGURATION AND DENSITY UNIT COUNT

PARCEL ①	5.79 ACRES ±	ZERO	DENSITY UNIT
PARCEL ②	4 ACRES ±	ONE	DENSITY UNIT
PARCEL ③	10 ACRES ±	ONE	DENSITY UNIT
PARCEL ④	10 ACRES ±	ONE	DENSITY UNIT
PARCEL ⑤	201 ACRES ±	TWO	DENSITY UNITS

TOTAL DENSITY UNITS FIVE

CASE No. 90-138-SPHX AND CASE No. 90-139-SPHA

90-567-SPH

REVISED MAY 25, 1990 - TO ADD NON DENSITY & DENSITY TRANSFERS CASE No. 90-139-SPHA

SCALE 1" = 200' 3/10/89

GERHOLD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

NOTE: THIS PLAT IS COMPILED FROM DEEDS, PLATS & SURVEYS. THE MERIDIANS SHOWN HEREON ARE REFERRED TO MERIDIANS AS MENTIONED IN THE VARIOUS DEEDS

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

ROBERT A. HOFFMAN
(410) 494-6262

August 10, 1995

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

I am writing on behalf of the Pikesville Sportsman's Club which is located on a small road called Smoots Lane. You may be more familiar with the property as the proposed Riparius Center located along the future Red Run Boulevard. As the development of Red Run Boulevard continues to be planned, there will soon be a request to extend the metropolitan district to include the Pikesville Sportsman's Club property in order to facilitate the development of the Riparius Center.

Section 20-41 of the Baltimore County Code, a copy of which is attached, indicates that it is lawful to discharge a firearm on permanently located, properly posted and bona fide target ranges, the location of which have been filed with the Police Department.

The Pikesville Sportsman's Club has owned and operated indoor and outdoor shooting ranges at this location since the early 1940's. Enclosed are photographs of the property which indicate that it is a properly posted bona fide target range. Finally, enclosed is a letter to the Baltimore County Police Chief registering the location of this shooting range.

We are respectfu equesting that you confirm this shooting range complies with Section 20-41 of the Baltimore County Code and that the Pikesville Sportsman's Club

may continue to operate as it has for many years notwithstanding the extension of the metropolitan district line to include its property.

Yours truly,

Robert A. Hoffman

RAH/tls
Enclosure
cc: Richard M. Blocher
James K. Flannery, Jr.

TO1DOCS1/RAH01/0005379.01

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Writer's Direct Number:
410-494-6262

May 11, 1995

Baltimore County Police Department
Michael D. Gambrill, Chief of Police
700 E. Joppa Road
9th Floor
Towson, MD 21286

Re: Pikesville Sportsman's Club

Dear Chief Gambrill:

I am writing on behalf of the Pikesville Sportsman's Club which is located on Smoots Lane on the south side of Church Lane. The purpose of this letter is to register the location of a bona fide shooting range as required by Section 20-41 of the Baltimore County Code, a copy of which is attached.

If you have any questions, please do not hesitate to give me a call.

Yours truly,

Robert A. Hoffman

Enclosure
cc: Richard M. Blocher
James K. Flannery, Jr.

TO1DOCS1/BAW01/0006267.01

Michael D. Gambrill
Chief of Police

Baltimore County Police
Headquarters
700 East Joppa Road
Towson, Maryland 21286-5501

(410) 887-2214
Fax (410) 821-8887

INTEGRITY . . FAIRNESS . . SERVICE

June 20, 1995

Robert A. Hoffman, Esq.
Venable, Baetjer & Howard, LLP
210 Allegheny Ave.
P.O. Box 5517
Towson, MD 21285-5517

RE: Pikesville Sportsman's Club

Dear Mr. Hoffman:

In accordance with our telephone conversation, this letter will confirm the recognition of Pikesville Sportsman's Club as a bona fide shooting range for the purposes of Section 20-41 of the Baltimore County Code. A copy of this correspondence will be forwarded to our Communications Section and Precinct 3 for future inquiries.

Although being recognized by the Police Department, it does not convey recognition by Baltimore County with respect to any zoning, building, or other type of code requirements.

Should you have any questions concerning this correspondence, please do not hesitate to contact me.

Sincerely,

Mark G. Spurrier
Director
Legal Division

MGS:je

c: A/Colonel Bernard J. Gerst
Colonel William F. Rogers

Nationally Accredited Since 1984

MESSAGE CONFIRMATION
TRANSMISSION

SEP-08-'95 FRI 15:42

TERM ID: DAM1 P-0030
TEL NO.: 410-887-5708

NO.	DATE	ST. TIME	TOTAL TIME	ABBR/SEC	ID	DEPT CODE	#PGS
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90-567-SPH

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

ROBERT A. HOFFMAN
(410) 494-6262

August 10, 1995

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Post-It™ brand fax transmittal memo 7671 | # of pages ▸ 2
To: ROB HOFFMAN | From: CARL RICHARDS
Co. | Co.: PDM
Dept. | Phone #: 887-3391
Fax # 821-0147 | Fax #: 887-5708

Dear Mr. Jablon:

I am writing on behalf of the Pikesville Sportsman's Club which is located on a small road called Smoots Lane. You may be more familiar with the property as the proposed Riparius Center located along the future Red Run Boulevard. As the development of Red Run Boulevard continues to be planned, there will soon be a request to extend the metropolitan district to include the Pikesville Sportsman's Club property in order to facilitate the development of the Riparius Center.

Section 20-41 of the Baltimore County Code, a copy of which is attached, indicates that it is lawful to discharge a firearm on permanently located, properly posted and bona fide target ranges, the location of which have been filed with the Police Department.

The Pikesville Sportsman's Club has owned and operated indoor and outdoor shooting ranges at this location since the early 1940's. Enclosed are photographs of the property which indicate that it is a properly posted bona fide target range. Finally, enclosed is a letter to the Baltimore County Police Chief registering the location of this shooting range.

We are respectfully requesting that you confirm this shooting range complies with Section 20-41 of the Baltimore County Code and that the Pikesville Sportsman's Club

may continue to operate as it has for many years notwithstanding the extension of the metropolitan district line to incl de its property.

Yours truly,

Robert A. Hoffman

RAH/tls
Enclosure
cc: Richard M. Blocher
James K. Flannery, Jr.

TO1DOCS1/RAH01/0005379.01

Speed Letter — If the interest of speed, economy, and convenience are important to your correspondence, this is the ideal letter alternative, as no folding is call or write. Thank you for your interest.

September 8, 1995

Dear Mr. Hoffman:

From a zoning standpoint, an apparent non-conforming use exists, but to confirm a legal non-conforming use, you must have a special hearing and prove that the club has been operating continuously and uninterrupted since 1945.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 12, 1993

Mr. William G. Ulrich
Gerhold, Cross & Etzel
320 East Towsontown Blvd
Towson, MD 21286-5318

RE: Special Hearing, 90-567-SPH
Amendment to Plat
11th Election District

Dear Mr. Ulrich:

Please find attached a copy of the 200' scale zoning map and a checkprint of the site plan that was submitted for review on September 17, 1993.

Please make the corrections indicated on the above mentioned prints and resubmit (with the enclosed plans) a new set for review.

Sincerely,

CATHERINE A. MILTON
Planner I

c: ✓90-567-SPH
90-138-SPHXA
90-139-SPHA

CAM/jaw

ajx
S 942-93
7/7/93
wdr-go yes?

#90-139-SPHA
#90-567-SPH

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
McLEAN, VA
ROCKVILLE, MD
BEL AIR, MD

RICHARD M. VENABLE (1939-1910)
EDWIN G. BAETJER (1888-1943)
CHARLES McH. HOWARD (1870-1942)

ROBERT A. HOFFMAN

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

WRITER'S DIRECT NUMBER IS
(410) 494-6262

June 30, 1993

RECEIVED
JUL 2 1993
ZADM

Mr. Arnold Jablon, Director
Baltimore County
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Pikesville Sportsmens' Club - Glen Arm, Maryland
Special Exception for Proposed Shooting Range

Dear Mr. Jablon:

Our firm represents the Pikesville Sportsmens' Club, which was granted a special exception by the Baltimore County Board of Appeals on October 29, 1991 to establish and operate a shooting range on a 201 acre site in Glen Arm, Maryland. Unfortunately, because the case has been the subject of several appeals by the Glen Arm Community Association since October 1991, the Club has not yet utilized its special exception due to the risk of reversal on appeal. As you are aware, § 502.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") states as follows:

> A special exception which has not been utilized within a period of two years from the date of the final order granting same . . . shall thereafter be void.

Due to what might be construed as ambiguous wording contained in this section, I spoke with Carl Richards of your office several months ago and was told that the Zoning Office has interpreted the phrase "date of the final order" as used in § 502.3 to mean "date of the final, unappealable order." Accordingly, the purpose of this letter is to request your written confirmation that the phrase "date of the final order" as it is used in § 502.3 does in fact refer to a "final, unappealable order," thereby ensuring that our client's special exception will not become void on October 29, 1993 because the special exception's two year utilization period only began to run on December 21, 1992 -- the date the appeal was dismissed by Mandate of the Court of Special Appeals.

Based upon our research, we agree that the phrase "date of the final order" refers to the date all appeals are exhausted and the litigation ends between the parties and that, accordingly, the two year utilization period for the Club's special exception has not yet started to run. With respect to the statutory construction of zoning laws, the Maryland Court of Appeals, as recently as 1991, has often said:

> [Zoning] ordinances are in derogation of the common law right to use private property as to realize its highest utility, and while they should be liberally construed to accomplish their plain purpose and intent, they should not be extended by implication to cases not clearly within the scope of the purpose and intent manifest in their language.

County Comm'rs v. Zent, 86 Md. App. 745, 751 (1991) (quoting Linday v. Bd. of Zoning Appeals, 173 Md. 460, 466 (1938)). Moreover, as to statutes in general, the courts have said that when they are in derogation of the common law, they should be strictly construed. James v. Prince George's County, 288 Md. 315 (1987). In accordance with these accepted rules of strict construction in favor of the property owner, where a term in a zoning ordinance is susceptible of more than one interpretation, the courts will give great weight to the interpretation that is least restrictive on the rights of the property owner to use his land as he wishes. 83 Am. Jur.2d Zoning and Planning, § 699 (1992) (citing Cunningham v. City of Overland, 691 S.W.2d 464, 469 (Mo. App. 1985)).

Likewise, it has been said to be well-settled that "when a [zoning] statute is susceptible of two interpretations, that [the] interpretation which affords a reasonable and practical effect to the entire statute is to be preferred over one which renders [the statute] ridiculous or absurd." Howlett v. Lakeside Country Club, 198 So.2d 402, 404 (La. Ct. App. 1967). Accord Richard v. State, 326 Md. 257, 262 (1992); Barton v. H.D. Rider Motorcycle Club, Inc., 550 A.3d 91, 93 (N.H. 1988); McDonald's system, Inc. v. Zoning Bd of Appeals of City of Norwich, 255 A.2d 862, 865 (Conn. C.P. 1968). In fact, the Maryland Court of Appeals has said:

> It has been called the golden rule of statutory interpretation that unreasonableness of the result produced by one among alternative possible interpretations of a statute is reason for rejecting that interpretation in favor of another which would produce a reasonable result

D & Y, Inc. v. Winston, 320 Md. 534, 538 (1990) (quoting 2A Sutherland Statutory Construction, § 45.12 (4th ed. 1984)).

Applying these rules of construction to § 502.3, it becomes apparent that the equities strongly favor the construction of the phrase "date of the final order" to mean "date of the final, unappealable order." Clearly, this interpretation is least restrictive on the rights of the Club to use their land as they wish because it prevents the protestants in this case from exhausting the special exception's utilization period through the use of repeated appeals. Moreover, this interpretation is consistent with the right to use private property so as to realize its highest utility and it is also the more reasonable and equitable of the two. As stated previously, statutes should not be construed so as to achieve an unreasonable result. This certainly would be the case if the expense and efforts of a landowner to obtain a special exception could be eradicated by the continuous and lengthy appeals of an objecting party such that a special exception could not be utilized without risking reversal within the two year utilization period.

We would appreciate your consideration of this matter and have enclosed a check in the amount of $40.00 to cover the applicable fee. If you are in agreement with our conclusion that the phrase "date of the final order" as used in § 502.3 means the "date of the final, unappealable order," please confirm by affixing your signature below.

Yours truly,

Robert A. Hoffman

Arnold Jablon et ux

7/8/93
Date

GPW/pr
Enclosures
cc: Mr. Richard M. Blocher
John B. Howard, Esquire

JABLON3.GPW

NO

DOCUMENTS

WITH THIS

TARGET

IN RE: PETITION FOR SPECIAL HEARING
Long Green Pike, 400' SW of the c/l of Glenarm Road
11th Election District
6th Councilmanic District

Ida S. Eckhart, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-567-SPH

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the relief granted in previous Case No. 90-139-SPHA by modifying Restrictions 3, 4 and 6 to remove Parcel 5 of the subject property from the scope of said restrictions, and to modify Restriction 6 to provide additional time for compliance with the conditions contained therein, pending the outcome of this case, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Evelyn S. Bressler, Patricia A. Cuddy, and Carole L. Chambers, appeared, testified and were represented by Robert A. Hoffman, Esquire. Also appearing on behalf of the Petition were William Ulrich, Registered Land Surveyor, William E. Bressler, Joy Bressler Pike, and Mel and Mary S. Carlson. There were no Protestants.

Testimony indicated that the subject property consists of 201 acres more or less zoned R.C. 2 and is improved with various dwellings and outbuildings. Said property was the subject matter of previous Case No. 90-139-SPHA in which Petitioners requested a special hearing to approve the non-density transfer of two (2) 2-acre parcels, each to be combined with an existing lot to form new Parcels 1 and 2, the reservation of two dwelling units for new Parcel 5, and the creation of new Parcels 3 and 4, with a total density not to exceed the permitted five (5) dwelling units.

ORDER RECEIVED FOR FILING
Date 11/30/90
By

Petitioners also requested a variance to permit a setback of 0 feet in lieu of the required 2.5 feet for an existing block shed, and a height of 30 feet in lieu of the maximum permitted 15 feet for an existing storage building in accordance with Petitioner's Exhibit 1. The relief requested was granted on March 16, 1990 subject to restrictions. The Petitionsrs have filed the instant Petition to modify Restrictions 3, 4 and 6 of said Order as they relate to new Parcel 5 and a modification of Restriction 6 to permit Petitioners additional time in which to comply with the terms and conditions of the relief granted.

After due consideration of the testimony and evidence presented at the hearing, and the Memorandum in Support of Petition for Special Hearing filed by Counsel for Petitioners, it appears the relief requested in the instant Petition for Special Hearing, should be granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental 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 special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of November, 1990 that the Petition for Special Hearing to approve an amendment to the relief granted in previous Case No. 90-139-SPHA by modifying Restrictions 3, 4 and 6 to remove Parcel 5 of the subject property from the scope of said restrictions, and to modify Restriction 6 to provide additional time for compliance with the

ORDER RECEIVED FOR FILING
Date 11/30/90
By

- 2 -

conditions contained therein, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED as follows:

1) Restriction 3 of the Order issued March 16, 1990 shall be modified to read as follows:

"Development of Parcel 5 shall be in compliance with the B.C.Z.R."

2) Restriction 4 of the Order issued March 16, 1990 shall be modified to read as follows:

"The granting of the relief requested herein is conditioned upon Petitioners agreeing to use Parcels 1, 2, 3 and 4 for agricultural purposes only and presenting evidence of same to DEPREM and the Agricultural Land Preservation Advisory Board. This shall not prevent residences from being placed in accordance with DEPREM's approval."

3) Restriction 6 of the Order issued March 16, 1990 shall be modified to read as follows:

"Prior to the issuance of any permits, or prior to recording the record plat, whichever occurs first, Petitioners shall submit a minimum 50-scale survey plan certified by a registered land surveyor depicting the proposed Parcel 1, Parcel 2 and the inclusive Smith, Bressler and Eckhart properties. The plan shall clearly and accurately depict the following:

1) locate all existing buildings to remain in relation to the property lines; 2) identify and confirm the variances as granted herein; 3) provide the dates of creation of all divisional property lines to remain; and 4) confirm the use for farming or residential and provide the size and height of all buildings to remain."

IT IS FURTHER ORDERED that all other conditions and restrictions contained in the Order issued March 16, 1990 shall remain in full force and effect.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

- 3 -

IN RE: PETITION FOR SPECIAL HEARING
Property located North of Long Green Pike and West of Glen Arm Road

Eleventh Election District
Sixth Councilmanic District

Ida S. Eckhardt, et al,
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No. 90-567/SPH
*

* * * * * * *

MEMORANDUM IN SUPPORT OF PETITION FOR SPECIAL HEARING

The Petitioners herein filed the above-captioned Petition for Special Hearing to modify certain restrictions contained in the Findings of Fact and Conclusions of Law in Deputy Zoning Commissioner Case No. 90-139-SPHA. Specifically, the Petitioner herein respectfully suggests that the Deputy Zoning Commissioner exceeded her legal authority by conditioning the relief granted in that case upon the continuation of agricultural use on Parcel Number Five. Essentially, should the Petitioners in this case create the two family lots and make the two small non-density transfers, parcel five, the bulk of the Eckhardt family's holdings would be forever restricted to agricultural uses.

Petitioners acknowledge the Deputy Zoning Commissioner's authority under Section 500.7 to "conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided." Nevertheless,

Petitioners respectfully submit that a restriction that would stretch indefinitely into the future and would remove from County authorities the power to regulate the future use of County lands so as to promote health, safety and general welfare is beyond the scope of the power authorized to the Deputy Zoning Commissioner under Section 500.7. By way of analogy, see Atman/Glazer P.B. County, CO. v. Mayor of Annapolis 314 Md. 675, 686 - 87, 552 Atlantic 2nd 1277 (1989) ("The sound policy which prohibits a municipality from contracting away its zoning power is as applicable to special exception...cases as it is to those involving zoning reclassifications.") The legal and policy flaws requiring such a restriction are highlighted if one visualizes the result of a widespread imposition of continued restrictions similar to those that were recommended here. If, each time the Deputy Zoning Commissioner granted a special hearing, she required the Petitioner to restrict the use of his property, soon much of the County's land would be tied up by these restrictions which could not be easily removed no matter how publicly desireable and beneficial the County might deem removal to be.

Moreover, it is inequitable to restrict 200 acres of this farm in light of the requested relief. To impose such a restriction as the quid pro quo for granting two two-acre non-density transfers to support continued agricultural use and two small family lots, where the density for such lots exists

on the property is just too high a price to pay for the relief requested. The RC2 zoning classification itself provides adequate protection for agricultural uses. (In fact, a review of the legislative purpose of the RC2 zone states that the zone is intended to promote agricultural uses and if one petitions for a special exception in the RC2 zone, the petitioner must establish that the use is not detrimental to other agricultural uses.)

It is therefore respectfully requested that the restriction as to Parcel Number Five be removed so that all uses permitted under the zoning classification in effect may be utilized.

Finally, we ask that restriction number six requiring the submission of certain plats within 120 days of the date of the original order be extended until such time as there is a final decision on the issues presented herein.

Respectfully submitted,

Robert A. Hoffman
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204
Attorney for Petitioners

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

J. Robert Haines
Zoning Commissioner

November 30, 1990

Dennis F. Rasmussen
County Executive

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District - 6th Councilmanic District
Ida S. Eckhart, et al - Petitioners
Case No. 90-567-SPH

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has 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 Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

Ms. Theresa Masilak
5333 E. Glen Arm Road, Glen Arm, Md. 21057

428

REVISED PLANS

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-567-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 ------ to amend the relief granted in Case No. 90-139-SPHA by modifying #3, #4 & #6 Restriction No.s 3 and 4 and to remove Parcel 5 from the scope of restriction; and to modify restriction # 6 to provide additional time for compliance pending the final ruling in this case.

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.

D-3
C.B. 11/14
4-139

Contract Purchaser:	Legal Owner(s): SEE ATTACHED
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	(Type or Print Name)
City and State	Signature

Attorney for Petitioner:

Robert A. Hoffman, Esquire
(Type or Print Name)

Signature

210 Allegheny Avenue
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: 823-4111

Address Phone No.

City and State

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

Robert A. Hoffman, Esquire
Name
210 Allegheny Avenue
Towson, Maryland 21204 823-4111
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 106, County Office Building in Towson, Baltimore County, on the ------ day of ------, 19---, at ------ o'clock

---M.

Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date 11/30/90
By

Z.C.O.--No. 1

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR. (over) 1/2 day
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL - V OTHER
REVIEWED BY: CAM DATE 9 June 90

IN RE: PETITION FOR SPECIAL HEARING
Long Green Pike, 400' SW of the c/l of Glenarm Road
11th Election District
6th Councilmanic District

Ida S. Eckhart, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-567-SPH

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the relief granted in previous Case No. 90-139-SPHA by modifying Restrictions 3, 4 and 6 to remove Parcel 5 of the subject property from the scope of said restrictions, and to modify Restriction 6 to provide additional time for compliance with the conditions contained therein, pending the outcome of this case, all as more particularly described in Petitioner's Exhibit 1.

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Testimony indicated that the subject property consists of 201 acres more or less zoned R.C. 2 and is improved with various dwellings and outbuildings. Said property was the subject matter of previous Case No. 90-139-SPHA in which Petitioners requested a special hearing to approve the non-density transfer of two (2) 2-acre parcels, each to be combined with an existing lot to form new Parcels 1 and 2, the reservation of two dwelling units for new Parcel 5, and the creation of new Parcels 3 and 4, with a total density not to exceed the permitted five (5) dwelling units.

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- 2 -

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ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

- 3 -

IN RE: PETITION FOR SPECIAL HEARING
Property located North of Long Green Pike and West of Glen Arm Road

Eleventh Election District
Sixth Councilmanic District

Ida S. Eckhardt, et al,
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No. 90-567/SPH
*

* * * * * * *

MEMORANDUM IN SUPPORT OF PETITION FOR SPECIAL HEARING

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Petitioners acknowledge the Deputy Zoning Commissioner's authority under Section 500.7 to "conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided." Nevertheless,

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Moreover, it is inequitable to restrict 200 acres of this farm in light of the requested relief. To impose such a restriction as the quid pro quo for granting two two-acre non-density transfers to support continued agricultural use and two small family lots, where the density for such lots exists

on the property is just too high a price to pay for the relief requested. The RC2 zoning classification itself provides adequate protection for agricultural uses. (In fact, a review of the legislative purpose of the RC2 zone states that the zone is intended to promote agricultural uses and if one petitions for a special exception in the RC2 zone, the petitioner must establish that the use is not detrimental to other agricultural uses.)

It is therefore respectfully requested that the restriction as to Parcel Number Five be removed so that all uses permitted under the zoning classification in effect may be utilized.

Finally, we ask that restriction number six requiring the submission of certain plats within 120 days of the date of the original order be extended until such time as there is a final decision on the issues presented herein.

Respectfully submitted,

Robert A. Hoffman
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204
Attorney for Petitioners

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

J. Robert Haines
Zoning Commissioner

November 30, 1990

Dennis F. Rasmussen
County Executive

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
Long Green Pike, 400' SW of the c/l of Glen Arm Road
11th Election District - 6th Councilmanic District
Ida S. Eckhart, et al - Petitioners
Case No. 90-567-SPH

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has 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 Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

Ms. Theresa Masilak
5333 E. Glen Arm Road, Glen Arm, Md. 21057

428

REVISED PLANS

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-567-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 ------ to amend the relief granted in Case No. 90-139-SPHA by modifying #3, #4 & #6 Restriction No.s 3 and 4 and to remove Parcel 5 from the scope of restriction; and to modify restriction # 6 to provide additional time for compliance pending the final ruling in this case.

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.

D-3
C.B. 11/14
4-139

Contract Purchaser:	Legal Owner(s): SEE ATTACHED
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	(Type or Print Name)
City and State	Signature

Attorney for Petitioner:

Robert A. Hoffman, Esquire
(Type or Print Name)

Signature

210 Allegheny Avenue
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: 823-4111

Address Phone No.

City and State

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

Robert A. Hoffman, Esquire
Name
210 Allegheny Avenue
Towson, Maryland 21204 823-4111
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 106, County Office Building in Towson, Baltimore County, on the ------ day of ------, 19---, at ------ o'clock

---M.

Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date 11/30/90
By

Z.C.O.--No. 1

ESTIMATED LENGTH OF HEARING -1/2HR. +1HR. (over) 1/2 day
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL - V OTHER
REVIEWED BY: CAM DATE 9 June 90

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

PHILIP L. GROSS
JOHN P. ETZEL
WILLIAM W. ULRICH
GORDON T. LANGDON
DAVID C. RANSOME

EMERITUS
PAUL H. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD

July 15, 1989

PARCEL 5
Zoning Description **90-567-SPH**

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

Beginning for the same in the center of Long Green Pike at a point measured South 26 degrees 00 minutes West 400 feet from the intersection of the centerline of Long Green Pike and Glen Arm Road and running thence as the courses are referred to the meridian of the various deeds of the petitioners herein and binding in the center of Long Green Pike, South 26 degrees 00 minutes West 270 feet, South 17 degrees 15 minutes West 218.62 feet, South 23 degrees 45 minutes West 561.00 feet, South 4 degrees 00 minutes West 140.42 feet, thence leaving the center of Long Green Pike and running through the lands of the petitioners herein, South 73 degrees 17 minutes 30 seconds West 570.03 feet South 29 degrees 19 minutes 01 second West 328.89 feet, South 2 degrees 03 minutes 02 seconds East 161.65 feet, South 13 degrees 16 minutes 13 seconds West 244.99 feet, South 7 degrees 03 minutes West 1182.72 feet, South 88 degrees 16 minutes East 739.78 feet to the center of the Long Green Pike and running thence and binding in the center of the Long Green Pike, South 2 degrees 00 minutes West 528 feet, South 1 degrees 15 minutes West 858.00 feet, thence leaving Long Green Pike and binding in the center of Factory Road, South 2 degrees 00 minutes West 471.90 feet, thence leaving Factory Road and binding on the land of the petitioners herein, North 88 degrees 00 minutes West 3458.40 feet, North 37 degrees 45 minutes East 816.75 feet, North 46 degrees 00 minutes West 767.25 feet, North 45 degrees 30 minutes East 396.00 feet, North 48 degrees 30 minutes West 866.30 feet to the east side of Glenarm Road, thence binding on the east side of Glenarm Road in a northeasterly direction 760 feet more or less, thence leaving Glenarm Road, South 48 degrees 45 minutes East 745.80 feet, North 43 degrees 30 minutes East 957.00 feet, South 62 degrees 45 minutes East 528 feet, North 37 degrees 45 minutes East 3200 feet more or less and South 51 degrees 47 minutes East 74.25 feet to the place of beginning.

Saving and excepting the right of way of the Baltimore Gas and Electric Company Transmission Line.

Containing 201.0 Acres of land more or less.

Being part of the property of Ida M. Eckhart et al and recorded in Liber E.H.K.Jr. No. 6446 folio 750.

3230
REGISTERED LAND SURVEYOR
STATE OF MARYLAND

William B. Ulrich 428

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
OF No. 2650

Date 6/04/90

H90[illegible]0428

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING	1 X	$175.00
	TOTAL:	$175.00

LAST NAME OF OWNER: ECKHART

Check from Venable, Baetjer & Howard
#036677

B B 019*****175D01a 3044F

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No. 2837

Date 6/26/90

M9000973

REVISED PUBLIC HEARING FEES	QTY	PRICE
110 -REVISIONS (ALL OTHERS)	1 X	$75.00
	TOTAL:	$75.00

LAST NAME OF OWNER: ECKHART

B B 114*****75D01a 3273F

Cashier Validation:

Please make checks payable to: Baltimore County

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 21204 as follows:

Petition for Special Hearing
Case number: 90-567-SPH
Centerline Long Green Pike, 400' SWly from c/l Glen Arm Road
11th Election District - 8th Councilmanic
Petitioner(s): Ida S. Eckhart, et al
Hearing Date: Thursday, Aug. 30, 1990 at 2:00 p.m.

Special Hearing: To amend the relief granted in Case No. 90-138-SPHA by modifying Restriction Nos. 3 and 4 and 6 to remove Parcel No. 5 from the scope of restriction; and to modify restriction No. 6 to provide additional time for compliance pending the final ruling in this case.

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

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

NW/7315 July 26.

CERTIFICATE OF PUBLICATION

July 30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 26, 1990.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Orlinsky
Publisher

PO 106189

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 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 July 26, 1990.

THE JEFFERSONIAN,

S. Zeke Orlinsky
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-567-SPH

District 11th
Date of Posting 7/26/90
Posted for: Special Hearing
Petitioner: Ida S. Eckhardt, et al
Location of property: Long Green Pike, 400' SW/c Glen Arm Rd.
Location of Signs: Facing Long Green Pike, approx. 10' from roadway
O.M. Property of Pat Irvin
Remarks:
Posted by M. Mackley (Signature)
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No. 3317

Date 8/30/90

90-567

M9100169

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING	1 X	$113.51
	TOTAL:	$113.51

LAST NAME OF OWNER: ECKHART

04A04#0006BMICHRC $113.51
BA C008:55AM08-30-90

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 8/6/90

Ida S. Eckhart, et al
c/o Robert A. Hoffman, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

Dennis F. Rasmussen
County Executive

Re: Petition for Special Hearing
CASE NUMBER: 90-567-SPH
Centerline Long Green Pike, 400' SWly from c/l Glen Arm Road
11th Election District - 8th Councilmanic
Petitioners: Ida S. Eckhart, et al
HEARING: THURSDAY, AUGUST 30, 1990 at 2:00 p.m.

Gentlemen:

Please be advised that $ 113.51 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 ORDER 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:ga

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

J. Robert Haines
Zoning Commissioner

July 2, 1990

Dennis F. Rasmussen
County Executive

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 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 90-567-SPH
Centerline Long Green Pike, 400' SWly from c/l Glen Arm Road
11th Election District - 8th Councilmanic
Petitioners: Ida S. Eckhart, et al
HEARING: THURSDAY, AUGUST 30, 1990 at 2:00 p.m.

Special Hearing: To amend the relief granted in Case No. 90-138-SPHA by modifying Restriction Nos. 3 and 4 and 6 to remove Parcel No. 5 from the scope of restriction; and to modify restriction No. 6 to provide additional time for compliance pending the final ruling in this case.

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: Legal Owners
Robert A. Hoffman, Esq.

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

J. Robert Haines
Zoning Commissioner

August 21, 1990

Dennis F. Rasmussen
County Executive

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 428, Case No. 90-567-SPH
Petitioner: Ida S. Eckart, et al
Petition for Special Hearing

Dear Mr. Hoffman:
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: Evelyn S. Bressler, P/A
Mary M. Smith
Vernon L. Smith, Jr.
Courtenay J. Smith
Patricia A. Caddy
Carole L. Chambers

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

27th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Ida S. Eckhart, et al

Petitioner's Attorney: Robert A. Hoffman

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines — DATE: July 10, 1990
Zoning Commissioner

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

SUBJECT: Ida S. Eckhart, Item No. 428

The Petitioner requests a Special Hearing to amend the relief granted in Case No. 90-139-SPHA by modifying Restrictions Nos. 3 and 4 and to remove Parcel No. 5 from the scope of restriction.

This office offers no additional comment for the requested Special Hearing, however, comments submitted for Case No. 90-139-SPHA remain appropriate (see attached).

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

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

Dennis F. Rasmussen
County Executive

June 27, 1990

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 221, ~~#227~~ 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
JUL 3 1990
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
JUNE 22, 1990

TO: J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES CEB

SUBJECT: ZONING ITEM #: 428
PROPERTY OWNER: Ida S Eckhart; MaryM. Smith; Vernon L. Smith, Jr Courtenay J. Smith; Patricia A. Cuddy, Carole L. Chambers
LOCATION: Centerline Long Green Pike, 400' SWly from centerline Glen Arm Road
ELECTION DISTRICT: 11th
COUNCILMANIC DISTRICT: 6th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) RAMPS (degree slope)
( ) NUMBER PARKING SPACES ( ) CURB CUTS
( ) BUILDING ACCESS ( ) SIGNAGE

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

( ) OTHER - NO ADDITIONAL COMMENT

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

Dennis F. Rasmussen
County Executive

JUNE 27, 1990

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

RE: Property Owner: ECKHART; SMITH; SMITH; SMITH; CUDDY; CHAMBERS

Location: CENTERLINE LONG GREEN PIKE

Item No.: 428 Zoning Agenda: JUNE 26, 1990

Gentlemen:

Pursuant 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.

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", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: Lt. Louis Kelly 6-27-90 Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

JUL 05 1990

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 6, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 26, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 221, ~~427~~, 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438

For Item 427, the previous County Review Group comments still apply.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 823-4111
FAX (301) 821-0147

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
BEL AIR, MD

RICHARD M. VENABLE (1836-1901)
EDWIN B. BAETJER (1868-1918)
CHARLES MCH. HOWARD (1870-1942)

ROBERT A. HOFFMAN

WRITER'S DIRECT NUMBER IS
494-9162

9/19/90 Please set in if possible in light of a Item 428 Talks Ann

June 14, 1990

90-567-SPH

RECEIVED
JUN 15 1990
ZONING OFFICE

HAND DELIVERED

Anne Nastarowicz
Deputy Zoning Commissioner
First Floor
County Office Building
Towson, Maryland 21204

Re: Item No. 428
Request for Expedited Hearing

Dear Ms. Nastarowicz:

As you may recall, you granted a petition for special hearing and variance to allow for certain non-density transfers, reconfiguring of lot lines and variances from setbacks all on property located on Long Green Pike (see Case No. 90-139-SPHA). You will also recall that a portion of the property, parcel five, was the subject of Case No. 90-138-SPHX, the Pikesville Sportsman's Club.

The Pikesville Sportsman's Club has chosen to take an appeal from your denial of the special exception and special hearing, and the legal property owners, Ida S. Eckhardt, et al have now petitioned in Item No. 428 to revise the opinion in Case No. 90-139-SPHA to remove the restriction from parcel number five. (The restriction states that parcel five may only be used for agricultural purposes and home sites). Obviously, if the Pikesville Sportsman's Club is eventually granted a special exception, the legal property owners could not make any of the family transfers now permitted under your order.

90-567-SPH

Anne Nastarowicz
June 14, 1990
Page 2

On behalf of the legal property owner, we respectfully request an expedited hearing on Item No. 428 to revise the order in Case No. 90-139-SPHA, to remove the restriction from parcel number five, so that both cases can proceed within the same time frame. We feel that the issue is sufficiently narrow that the hearing will not involve a lengthy proceeding.

Yours truly,

Robert A. Hoffman

RAH:ekm

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
BEL AIR, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 823-4111
FAX (301) 821-0147

RICHARD R. VENABLE (1888-1962)
EDWIN E. BAETJER (1888-1972)
CHARLES MOR. HOWARD (1870-1954)

WRITER'S DIRECT NUMBER IS

November 6, 1990

RECEIVED
NOV 9 1990
ZONING OFFICE

Ms. Ann M. Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

RE: Petition for Special Hearing
Ida S. Eckhart, et al
Case Number: 90-567-SPH

Dear Ann:

As you are aware, the Petitioners filed the referenced Petition for Special Hearing to modify certain restrictions contained in your Findings of Facts and Conclusions of Law in Case number 90-139-SPHA.

In that previous case, the Petitioners requested and were granted two (2) 2-acre, non-density transfers to be combined with two exisiting lots in order to improve the existing agricultural use. Additionally, the Petitioners were permitted to adjust certain lot lines to create two new family parcels and reserve two dwelling units all where the total density does not exceed that which the Petitioners legally have under the RC-2 zoning classification. The total acreage of the farm is large, but it is submitted that the relief requested is of such a minor nature and the RC-2 zoning classification itself is so restrictive that the restriction on the balance of the acreage (i.e. parcel No. 5) should be lifted.

If you are, however, uncomfortable with no additional restriction on parcel 5, the Petitioner would submit the following proposed restriction:

So long as parcel 5 is zoned RC-2, or any successor zoning classification to RC-2, the total impermeable surface of any development on parcel five (5) shall not exceed thirty (30) percent of its total acerage.

Of course, Petitioners would strongly prefer that parcel 5 remain unrestricted, except as the RC-2 zone would require, and respectfully request that you consider that option.

Thank you for your attention to this matter.

Yours truly,

Robert R. Hoffman

RAH/tls
cc: Evelyn S. Bressler
Mary M. Smith
Vernon L. Smith, Jr.

428

Ida S. Eckhart
Ida S. Eckhart

By: Evelyn S. Bressler, P/A
Evelyn S. Bressler, P/A
Attorney-in-Fact
11908 Long Green Pike
Glen Arm, Maryland 21057
592-5878

Mary M. Smith
Mary M. Smith
11900 Long Green Pike
Glen Arm, Maryland 21057
592-2070

Vernon L. Smith, Jr.
11900 Long Green Pike
Glen Arm, Maryland 21057
592-2070

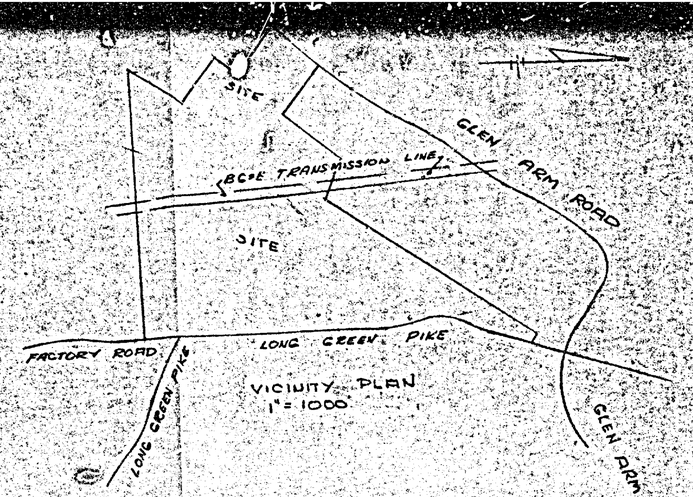
Courtenay J. Smith
Courtenay J. Smith
11900 Long Green Pike
Glen Arm, Maryland 21057
592-8170

Patricia A. Cuddy
Patricia A. Cuddy
11900 Long Green Pike
Glen Arm, Maryland 21057
592-8170

Carole L. Chambers
Carole L. Chambers
503 Red Pump Road
Bel Air, Maryland 21014
838-2209

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	26 Hagley Ave.
Bill Ulrich	412 Delaware Ave
Ida S. Bressler	11908 Long Green Pike
Evelyn S. Bressler	11908 Long Green Pike Glen Arm, Md.
Mary L Carlson	16320 BELAIR/ELDRD N'BoCREEK MD
Mil Carlson	" " " "
Jay Bressler Pike	2919 Glenoak Ave Balto. 21234
Patty Cuddy	11900 Long Green Pike
Carole Chambers	503 Red Pump Road, Bel Air MD 21014



ZONING PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO TRANSFER DENSITY IN R.C. 2 ZONE

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TITLE DEED: EHK JR. Nº 9446 folio 750
FIRST PARCEL G.L.B. Nº 2248 folio 153 190 ACRES ± 3 DENSITY UNITS
SECOND PARCEL G.L.B. Nº 2248 folio 153 38.5 ACRES ± 2 DENSITY UNITS
TOTAL 5 DENSITY UNITS

PLAT SHOWING LOT CONFIGURATION AND DENSITY UNIT COUNT

PARCEL ① 5.71 ACRES ± ZERO DENSITY UNIT
PARCEL ② 4 ACRES ± ONE DENSITY UNIT
PARCEL ③ 10 ACRES ± ONE DENSITY UNIT
PARCEL ④ 10 ACRES ± ONE DENSITY UNIT
PARCEL ⑤ 201 ACRES ± TWO DENSITY UNITS
TOTAL DENSITY UNITS FIVE

NOTCHCLIFF ROAD
BEGINNING ZONING PARCEL
R.C.5 ZONE
R.C.2 ZONE
SMITH
EVERETT G420/176
R.C.5 ZONE
N46°00W 767.25'
3 ACRES ±
R.C.5 ZONE
R.C.2 ZONE
N37°45'E 816.15'
R.C.2 ZONE
S46°30E 396.00'
N46°30W 856.30'
GLEN ARM ROAD
700'±
MARYLAND & PA. RAILROAD
R.C.5
R.C.2
745.50'
S48°45'E
N43°30E 957.00'
PAUL H. HARDY JR. 13661/37
S61°45E 220.00'
528.00'
PARCEL 5
201 ACRES ±
N2°34E 2240'±
2554.20'±
100'
5.876 ACRES ±
B G&E TRANSMISSION LINE (FEE SIMPLE)
S2°34'W 2535.18'±
R.C.2 ZONE
FOREST & PARKS
N2°00'W 1300.00'
STATE OF MARYLAND 5416/52
GUNPOWDER RIFLE RANGE
R.C.2 ZONE
R.C.2 ZONE
FACTORY ROAD
S2°00'W 471.90'
CLARENCE MILLER 5329/144
CLARENCE MILLER 5329/144
RONALD S. WOODWARD 3083/337
LONG GREEN PIKE
BEGINNING PARCEL Nº 4 3062.79' TO ℄ GLENARM ROAD
S7°03'W 739.78'
N7°03E 591.36'
S7°03'W 591.36'
PROPOSED 10 ACRES ±
PARCEL 4
PROPOSE DWELLING
TO BE REMOVED DWELLING
PROPOSED 10 ACRES ±
PARCEL 3
PROPOSED DWELLING
N7°03E 591.36'
S7°03'W 591.36'
S7°03'W 1399.15'
20 MACADAM PAVING
859.00'
S2°00W 528.00'
LONG GREEN PIKE
BEGINNING PARCEL Nº 3 2471.43' TO ℄ GLENARM ROAD
BEGINNING PARCEL Nº 2 2255' TO ℄ GLENARM ROAD
TERENCE COOK 7454/535
VIRGINIA E. RUSSELL ET AL 7367/648
S13°16'13W 244.99'
1182.72'
S29°19'01W 328.89'
3200'±
PROPOSED 2.00 ACRES ± ADD-ON
PROPOSED 2.00 ACRES ± ADD-ON TO BE REMOVED
PARCEL 1
S73°30'W 570.00'
MICELI 3705/571 3960/428
NOTE: NON DENSITY TRANSFER BEGINNING PARCEL TO ℄ GLENARM ROAD
S23°45'E
S26°00W 400'
BEGINNING ZONING PARCEL
S51°45'E 745'±
S2°00W 870'±
S3°15'W 218.52'
LONG GREEN PIKE
℄ G 3939/55
SORRELL
INTERSECTION GLEN ARM ROAD
R.C.2 ZONE
R.C.5 ZONE
R.C.2 ZONE
GEORGE RIER 2163/197
WARD E. DAWSON SR. 2255/
JOSEPH FISCHER 2.89 ±
R.C.2 ZONE
LAMBERT 5211/93
FOLEY 5211/94
R.C.2 ZONE
N37°45'E 1320'±
S29°03'02E 164.65'

NOTE: THIS PLAT IS COMPILED FROM DEEDS, PLATS & SURVEYS. THE MERIDIANS SHOWN HEREON ARE REFERRED TO MERIDIANS AS MENTIONED IN THE VARIOUS DEEDS.

Petitioner's Exhibit 1

SCALE: 1" = 200' DATE: 3/19/81
GERALD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

Case No. 90-138-SPHX to approve the non-density transfer of four (4) density units from Parcels 2, 3, 4 and 5 to be combined with an existing lot to form new Parcels 1 and 2, the reconfiguration of two dwelling units per new Parcel 3, and the creation of new Parcels 3 and 4, with total density not to exceed the permitted five (5) dwelling units, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Variance to permit a setback of 0 feet in lieu of the required 8.4 feet for an existing block shed, and a height of 30 feet in lieu of the maximum permitted 15 feet for an existing storage building, 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 Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return and be responsible for returning said property to its original condition.

2) Prior to the issuance of any permits, Petitioners must obtain the approval of DEPRM as to the location of the dwelling on the lot and the size of the proposed Parcels 3 and 4. DEPRM may require Petitioners to submit any and all documentation it deems necessary to make its decisions and to promote agricultural preservation of the parcels. The size of the lots may be modified by DEPRM as determined by it to be necessary for agricultural preservation. Said lots must be used for agricultural purposes.

3) Prior to the subdivision of Parcel 5, Petitioners must obtain approval of DEPRM and the Agricultural Land Preservation Advisory Board as to the location of the dwelling and size of parcel to insure said use promotes agricultural uses. DEPRM and the Agricultural Land Preservation Advisory Board may require Petitioners to submit any and all documentation it deems necessary to make its decisions and to promote agricultural preservation of the parcels.

4) The granting of the relief requested herein is conditioned upon Petitioners agreeing to use Parcels 1, 2, 3, 4 and 5 for agricultural purposes only and presenting evidence of same to DEPRM and the Agricultural Land Preservation Advisory Board. This shall not prevent buildings from being placed in accordance with DEPRM's approval.

5) Prior to the issuance of any permits, Petitioners shall file new deeds for each of the parcels, along with a revised plat, to the Land Records of Baltimore County. A copy of the recorded deed and revised plat for each parcel shall be submitted to the Deputy Zoning Commissioner for inclusion in the case file. The new deeds and plats shall reference this case and set forth and address the restrictions of this Order.

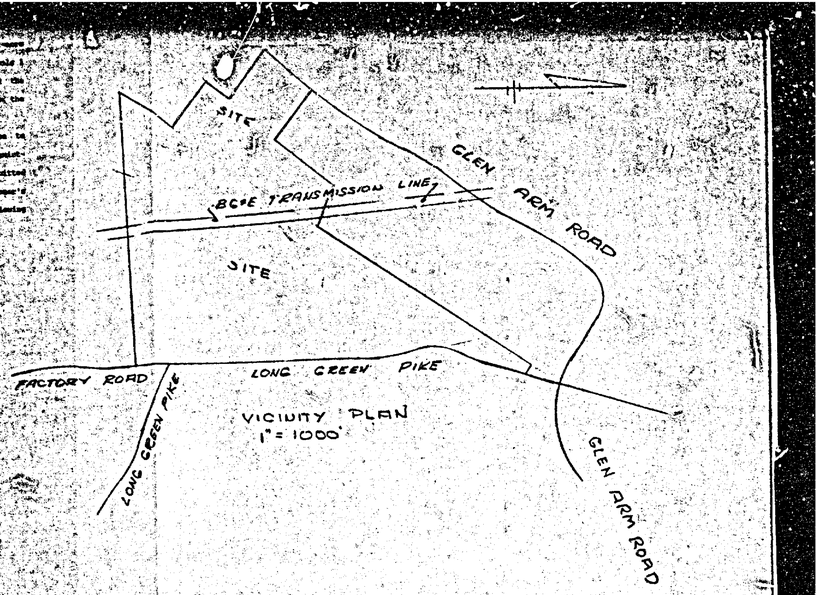
6) Petitioners shall submit to the Deputy Zoning Commissioner within one hundred twenty (120) days of the date of this Order, or prior to recording the revised plat, whichever occurs first, a minimum 50-scale survey plan certified by a registered land surveyor depicting the proposed Parcel 1, Parcel 3 and the inclusion with Brassler and Eckhart perspectives. The plan shall clearly and accurately depict the following: 1) locate all existing buildings to remain in relation to the property lines; 2) identify and condemn the variances as granted herein; 3) provide the dates of creation of all divisional property lines to remain; and 4) confirm the use for farming or residential and provide the size and height of all buildings to remain.

7) 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.

MARCH 16, 1990

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs



ZONING PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO TRANSFER DENSITY IN RC 2 ZONE

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TITLE DEED EHK JR. No. 446 folio 750
FIRST PARCEL G.L.B. No. 2248 folio 153 190 ACRES ± 3 DENSITY UNITS
SECOND PARCEL G.L.B. No. 2248 folio 153 38.5 ACRES ± 2 DENSITY UNITS
TOTAL 5 DENSITY UNITS

PLAT SHOWING
LOT CONFIGURATION AND DENSITY UNIT COUNT

PARCEL ①	5.79 ACRES ±	ZERO	DENSITY UNIT
PARCEL ②	4 ACRES ±	ONE	DENSITY UNIT
PARCEL ③	10 ACRES ±	ONE	DENSITY UNIT
PARCEL ④	10 ACRES ±	ONE	DENSITY UNIT
PARCEL ⑤	201 ACRES ±	TWO	DENSITY UNITS

TOTAL DENSITY UNITS FIVE

CASE No. 90-138-SPHX AND CASE No. 90-139-SPHA

90-567-SPH

REVISED MAY 25, 1990 - TO ADD NON DENSITY & DENSITY TRANSFERS CASE No. 90-139-SPHA

SCALE 1" = 200' 3/10/89

GERHOLD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

NOTE: THIS PLAT IS COMPILED FROM DEEDS, PLATS & SURVEYS. THE MERIDIANS SHOWN HEREON ARE REFERRED TO MERIDIANS AS MENTIONED IN THE VARIOUS DEEDS

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

ROBERT A. HOFFMAN
(410) 494-6262

August 10, 1995

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

I am writing on behalf of the Pikesville Sportsman's Club which is located on a small road called Smoots Lane. You may be more familiar with the property as the proposed Riparius Center located along the future Red Run Boulevard. As the development of Red Run Boulevard continues to be planned, there will soon be a request to extend the metropolitan district to include the Pikesville Sportsman's Club property in order to facilitate the development of the Riparius Center.

Section 20-41 of the Baltimore County Code, a copy of which is attached, indicates that it is lawful to discharge a firearm on permanently located, properly posted and bona fide target ranges, the location of which have been filed with the Police Department.

The Pikesville Sportsman's Club has owned and operated indoor and outdoor shooting ranges at this location since the early 1940's. Enclosed are photographs of the property which indicate that it is a properly posted bona fide target range. Finally, enclosed is a letter to the Baltimore County Police Chief registering the location of this shooting range.

We are respectfu equesting that you confirm this shooting range complies with Section 20-41 of the Baltimore County Code and that the Pikesville Sportsman's Club

may continue to operate as it has for many years notwithstanding the extension of the metropolitan district line to include its property.

Yours truly,

Robert A. Hoffman

RAH/tls
Enclosure
cc: Richard M. Blocher
James K. Flannery, Jr.

TO1DOCS1/RAH01/0005379.01

VENABLE, BAETJER AND HOWARD, LLP
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(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Writer's Direct Number:
410-494-6262

May 11, 1995

Baltimore County Police Department
Michael D. Gambrill, Chief of Police
700 E. Joppa Road
9th Floor
Towson, MD 21286

Re: Pikesville Sportsman's Club

Dear Chief Gambrill:

I am writing on behalf of the Pikesville Sportsman's Club which is located on Smoots Lane on the south side of Church Lane. The purpose of this letter is to register the location of a bona fide shooting range as required by Section 20-41 of the Baltimore County Code, a copy of which is attached.

If you have any questions, please do not hesitate to give me a call.

Yours truly,

Robert A. Hoffman

Enclosure
cc: Richard M. Blocher
James K. Flannery, Jr.

TO1DOCS1/BAW01/0006267.01

Michael D. Gambrill
Chief of Police

Baltimore County Police
Headquarters
700 East Joppa Road
Towson, Maryland 21286-5501

(410) 887-2214
Fax (410) 821-8887

INTEGRITY . . FAIRNESS . . SERVICE

June 20, 1995

Robert A. Hoffman, Esq.
Venable, Baetjer & Howard, LLP
210 Allegheny Ave.
P.O. Box 5517
Towson, MD 21285-5517

RE: Pikesville Sportsman's Club

Dear Mr. Hoffman:

In accordance with our telephone conversation, this letter will confirm the recognition of Pikesville Sportsman's Club as a bona fide shooting range for the purposes of Section 20-41 of the Baltimore County Code. A copy of this correspondence will be forwarded to our Communications Section and Precinct 3 for future inquiries.

Although being recognized by the Police Department, it does not convey recognition by Baltimore County with respect to any zoning, building, or other type of code requirements.

Should you have any questions concerning this correspondence, please do not hesitate to contact me.

Sincerely,

Mark G. Spurrier
Director
Legal Division

MGS:je

c: A/Colonel Bernard J. Gerst
Colonel William F. Rogers

Nationally Accredited Since 1984

MESSAGE CONFIRMATION
TRANSMISSION

SEP-08-'95 FRI 15:42

TERM ID: DAM1 P-0030
TEL NO.: 410-887-5708

NO.	DATE	ST. TIME	TOTAL TIME	ABBR/SEC	ID	DEPT CODE	#PGS
758	09-08	15:41	00'01'22		4108210147		OK- 2/NG- 0

90-567-SPH

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

ROBERT A. HOFFMAN
(410) 494-6262

August 10, 1995

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Post-It™ brand fax transmittal memo 7671 | # of pages ▸ 2
To: ROB HOFFMAN | From: CARL RICHARDS
Co. | Co.: PDM
Dept. | Phone #: 887-3391
Fax # 821-0147 | Fax #: 887-5708

Dear Mr. Jablon:

I am writing on behalf of the Pikesville Sportsman's Club which is located on a small road called Smoots Lane. You may be more familiar with the property as the proposed Riparius Center located along the future Red Run Boulevard. As the development of Red Run Boulevard continues to be planned, there will soon be a request to extend the metropolitan district to include the Pikesville Sportsman's Club property in order to facilitate the development of the Riparius Center.

Section 20-41 of the Baltimore County Code, a copy of which is attached, indicates that it is lawful to discharge a firearm on permanently located, properly posted and bona fide target ranges, the location of which have been filed with the Police Department.

The Pikesville Sportsman's Club has owned and operated indoor and outdoor shooting ranges at this location since the early 1940's. Enclosed are photographs of the property which indicate that it is a properly posted bona fide target range. Finally, enclosed is a letter to the Baltimore County Police Chief registering the location of this shooting range.

We are respectfully requesting that you confirm this shooting range complies with Section 20-41 of the Baltimore County Code and that the Pikesville Sportsman's Club

may continue to operate as it has for many years notwithstanding the extension of the metropolitan district line to incl de its property.

Yours truly,

Robert A. Hoffman

RAH/tls
Enclosure
cc: Richard M. Blocher
James K. Flannery, Jr.

TO1DOCS1/RAH01/0005379.01

Speed Letter — If the interest of speed, economy, and convenience are important to your correspondence, this is the ideal letter alternative, as no folding is call or write. Thank you for your interest.

September 8, 1995

Dear Mr. Hoffman:

From a zoning standpoint, an apparent non-conforming use exists, but to confirm a legal non-conforming use, you must have a special hearing and prove that the club has been operating continuously and uninterrupted since 1945.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 12, 1993

Mr. William G. Ulrich
Gerhold, Cross & Etzel
320 East Towsontown Blvd
Towson, MD 21286-5318

RE: Special Hearing, 90-567-SPH
Amendment to Plat
11th Election District

Dear Mr. Ulrich:

Please find attached a copy of the 200' scale zoning map and a checkprint of the site plan that was submitted for review on September 17, 1993.

Please make the corrections indicated on the above mentioned prints and resubmit (with the enclosed plans) a new set for review.

Sincerely,

CATHERINE A. MILTON
Planner I

c: ✓90-567-SPH
90-138-SPHXA
90-139-SPHA

CAM/jaw

ajx
S 942-93
7/7/93
wdr-go yes?

#90-139-SPHA
#90-567-SPH

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
McLEAN, VA
ROCKVILLE, MD
BEL AIR, MD

RICHARD M. VENABLE (1939-1910)
EDWIN G. BAETJER (1888-1943)
CHARLES McH. HOWARD (1870-1942)

ROBERT A. HOFFMAN

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

WRITER'S DIRECT NUMBER IS
(410) 494-6262

June 30, 1993

RECEIVED
JUL 2 1993
ZADM

Mr. Arnold Jablon, Director
Baltimore County
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Pikesville Sportsmens' Club - Glen Arm, Maryland
Special Exception for Proposed Shooting Range

Dear Mr. Jablon:

Our firm represents the Pikesville Sportsmens' Club, which was granted a special exception by the Baltimore County Board of Appeals on October 29, 1991 to establish and operate a shooting range on a 201 acre site in Glen Arm, Maryland. Unfortunately, because the case has been the subject of several appeals by the Glen Arm Community Association since October 1991, the Club has not yet utilized its special exception due to the risk of reversal on appeal. As you are aware, § 502.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") states as follows:

> A special exception which has not been utilized within a period of two years from the date of the final order granting same . . . shall thereafter be void.

Due to what might be construed as ambiguous wording contained in this section, I spoke with Carl Richards of your office several months ago and was told that the Zoning Office has interpreted the phrase "date of the final order" as used in § 502.3 to mean "date of the final, unappealable order." Accordingly, the purpose of this letter is to request your written confirmation that the phrase "date of the final order" as it is used in § 502.3 does in fact refer to a "final, unappealable order," thereby ensuring that our client's special exception will not become void on October 29, 1993 because the special exception's two year utilization period only began to run on December 21, 1992 -- the date the appeal was dismissed by Mandate of the Court of Special Appeals.

Based upon our research, we agree that the phrase "date of the final order" refers to the date all appeals are exhausted and the litigation ends between the parties and that, accordingly, the two year utilization period for the Club's special exception has not yet started to run. With respect to the statutory construction of zoning laws, the Maryland Court of Appeals, as recently as 1991, has often said:

> [Zoning] ordinances are in derogation of the common law right to use private property as to realize its highest utility, and while they should be liberally construed to accomplish their plain purpose and intent, they should not be extended by implication to cases not clearly within the scope of the purpose and intent manifest in their language.

County Comm'rs v. Zent, 86 Md. App. 745, 751 (1991) (quoting Linday v. Bd. of Zoning Appeals, 173 Md. 460, 466 (1938)). Moreover, as to statutes in general, the courts have said that when they are in derogation of the common law, they should be strictly construed. James v. Prince George's County, 288 Md. 315 (1987). In accordance with these accepted rules of strict construction in favor of the property owner, where a term in a zoning ordinance is susceptible of more than one interpretation, the courts will give great weight to the interpretation that is least restrictive on the rights of the property owner to use his land as he wishes. 83 Am. Jur.2d Zoning and Planning, § 699 (1992) (citing Cunningham v. City of Overland, 691 S.W.2d 464, 469 (Mo. App. 1985)).

Likewise, it has been said to be well-settled that "when a [zoning] statute is susceptible of two interpretations, that [the] interpretation which affords a reasonable and practical effect to the entire statute is to be preferred over one which renders [the statute] ridiculous or absurd." Howlett v. Lakeside Country Club, 198 So.2d 402, 404 (La. Ct. App. 1967). Accord Richard v. State, 326 Md. 257, 262 (1992); Barton v. H.D. Rider Motorcycle Club, Inc., 550 A.3d 91, 93 (N.H. 1988); McDonald's system, Inc. v. Zoning Bd of Appeals of City of Norwich, 255 A.2d 862, 865 (Conn. C.P. 1968). In fact, the Maryland Court of Appeals has said:

> It has been called the golden rule of statutory interpretation that unreasonableness of the result produced by one among alternative possible interpretations of a statute is reason for rejecting that interpretation in favor of another which would produce a reasonable result

D & Y, Inc. v. Winston, 320 Md. 534, 538 (1990) (quoting 2A Sutherland Statutory Construction, § 45.12 (4th ed. 1984)).

Applying these rules of construction to § 502.3, it becomes apparent that the equities strongly favor the construction of the phrase "date of the final order" to mean "date of the final, unappealable order." Clearly, this interpretation is least restrictive on the rights of the Club to use their land as they wish because it prevents the protestants in this case from exhausting the special exception's utilization period through the use of repeated appeals. Moreover, this interpretation is consistent with the right to use private property so as to realize its highest utility and it is also the more reasonable and equitable of the two. As stated previously, statutes should not be construed so as to achieve an unreasonable result. This certainly would be the case if the expense and efforts of a landowner to obtain a special exception could be eradicated by the continuous and lengthy appeals of an objecting party such that a special exception could not be utilized without risking reversal within the two year utilization period.

We would appreciate your consideration of this matter and have enclosed a check in the amount of $40.00 to cover the applicable fee. If you are in agreement with our conclusion that the phrase "date of the final order" as used in § 502.3 means the "date of the final, unappealable order," please confirm by affixing your signature below.

Yours truly,

Robert A. Hoffman

Arnold Jablon et ux

7/8/93
Date

GPW/pr
Enclosures
cc: Mr. Richard M. Blocher
John B. Howard, Esquire

JABLON3.GPW

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

PHILIP L. GROSS
JOHN P. ETZEL
WILLIAM W. ULRICH
GORDON T. LANGDON
DAVID C. RANSOME

EMERITUS
PAUL H. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD

July 15, 1989

PARCEL 5
Zoning Description **90-567-SPH**

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

Beginning for the same in the center of Long Green Pike at a point measured South 26 degrees 00 minutes West 400 feet from the intersection of the centerline of Long Green Pike and Glen Arm Road and running thence as the courses are referred to the meridian of the various deeds of the petitioners herein and binding in the center of Long Green Pike, South 26 degrees 00 minutes West 270 feet, South 17 degrees 15 minutes West 218.62 feet, South 23 degrees 45 minutes West 561.00 feet, South 4 degrees 00 minutes West 140.42 feet, thence leaving the center of Long Green Pike and running through the lands of the petitioners herein, South 73 degrees 17 minutes 30 seconds West 570.03 feet South 29 degrees 19 minutes 01 second West 328.89 feet, South 2 degrees 03 minutes 02 seconds East 161.65 feet, South 13 degrees 16 minutes 13 seconds West 244.99 feet, South 7 degrees 03 minutes West 1182.72 feet, South 88 degrees 16 minutes East 739.78 feet to the center of the Long Green Pike and running thence and binding in the center of the Long Green Pike, South 2 degrees 00 minutes West 528 feet, South 1 degrees 15 minutes West 858.00 feet, thence leaving Long Green Pike and binding in the center of Factory Road, South 2 degrees 00 minutes West 471.90 feet, thence leaving Factory Road and binding on the land of the petitioners herein, North 88 degrees 00 minutes West 3458.40 feet, North 37 degrees 45 minutes East 816.75 feet, North 46 degrees 00 minutes West 767.25 feet, North 45 degrees 30 minutes East 396.00 feet, North 48 degrees 30 minutes West 866.30 feet to the east side of Glenarm Road, thence binding on the east side of Glenarm Road in a northeasterly direction 760 feet more or less, thence leaving Glenarm Road, South 48 degrees 45 minutes East 745.80 feet, North 43 degrees 30 minutes East 957.00 feet, South 62 degrees 45 minutes East 528 feet, North 37 degrees 45 minutes East 3200 feet more or less and South 51 degrees 47 minutes East 74.25 feet to the place of beginning.

Saving and excepting the right of way of the Baltimore Gas and Electric Company Transmission Line.

Containing 201.0 Acres of land more or less.

Being part of the property of Ida M. Eckhart et al and recorded in Liber E.H.K.Jr. No. 6446 folio 750.

3230
REGISTERED LAND SURVEYOR
STATE OF MARYLAND

William B. Ulrich 428

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
OF No. 2650

Date 6/04/90

H90[illegible]0428

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING	1 X	$175.00
	TOTAL:	$175.00

LAST NAME OF OWNER: ECKHART

Check from Venable, Baetjer & Howard
#036677

B B 019*****175D01a 3044F

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No. 2837

Date 6/26/90

M9000973

REVISED PUBLIC HEARING FEES	QTY	PRICE
110 -REVISIONS (ALL OTHERS)	1 X	$75.00
	TOTAL:	$75.00

LAST NAME OF OWNER: ECKHART

B B 114*****75D01a 3273F

Cashier Validation:

Please make checks payable to: Baltimore County

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 21204 as follows:

Petition for Special Hearing
Case number: 90-567-SPH
Centerline Long Green Pike, 400' SWly from c/l Glen Arm Road
11th Election District - 8th Councilmanic
Petitioner(s): Ida S. Eckhart, et al
Hearing Date: Thursday, Aug. 30, 1990 at 2:00 p.m.

Special Hearing: To amend the relief granted in Case No. 90-138-SPHA by modifying Restriction Nos. 3 and 4 and 6 to remove Parcel No. 5 from the scope of restriction; and to modify restriction No. 6 to provide additional time for compliance pending the final ruling in this case.

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

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

NW/7315 July 26.

CERTIFICATE OF PUBLICATION

July 30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 26, 1990.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Orlinsky
Publisher

PO 106189

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 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 July 26, 1990.

THE JEFFERSONIAN,

S. Zeke Orlinsky
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-567-SPH

District 11th
Date of Posting 7/26/90
Posted for: Special Hearing
Petitioner: Ida S. Eckhardt, et al
Location of property: Long Green Pike, 400' SW/c Glen Arm Rd.
Location of Signs: Facing Long Green Pike, approx. 10' from roadway
O.M. Property of Pat Irvin
Remarks:
Posted by M. Mackley (Signature)
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No. 3317

Date 8/30/90

90-567

M9100169

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING	1 X	$113.51
	TOTAL:	$113.51

LAST NAME OF OWNER: ECKHART

04A04#0006BMICHRC $113.51
BA C008:55AM08-30-90

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 8/6/90

Ida S. Eckhart, et al
c/o Robert A. Hoffman, Esq.
210 Allegheny Avenue
Towson, Maryland 21204

Dennis F. Rasmussen
County Executive

Re: Petition for Special Hearing
CASE NUMBER: 90-567-SPH
Centerline Long Green Pike, 400' SWly from c/l Glen Arm Road
11th Election District - 8th Councilmanic
Petitioners: Ida S. Eckhart, et al
HEARING: THURSDAY, AUGUST 30, 1990 at 2:00 p.m.

Gentlemen:

Please be advised that $ 113.51 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 ORDER 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:ga

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

J. Robert Haines
Zoning Commissioner

July 2, 1990

Dennis F. Rasmussen
County Executive

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 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 90-567-SPH
Centerline Long Green Pike, 400' SWly from c/l Glen Arm Road
11th Election District - 8th Councilmanic
Petitioners: Ida S. Eckhart, et al
HEARING: THURSDAY, AUGUST 30, 1990 at 2:00 p.m.

Special Hearing: To amend the relief granted in Case No. 90-138-SPHA by modifying Restriction Nos. 3 and 4 and 6 to remove Parcel No. 5 from the scope of restriction; and to modify restriction No. 6 to provide additional time for compliance pending the final ruling in this case.

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: Legal Owners
Robert A. Hoffman, Esq.

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

J. Robert Haines
Zoning Commissioner

August 21, 1990

Dennis F. Rasmussen
County Executive

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 428, Case No. 90-567-SPH
Petitioner: Ida S. Eckart, et al
Petition for Special Hearing

Dear Mr. Hoffman:
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: Evelyn S. Bressler, P/A
Mary M. Smith
Vernon L. Smith, Jr.
Courtenay J. Smith
Patricia A. Caddy
Carole L. Chambers

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

27th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Ida S. Eckhart, et al

Petitioner's Attorney: Robert A. Hoffman

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines — DATE: July 10, 1990
Zoning Commissioner

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

SUBJECT: Ida S. Eckhart, Item No. 428

The Petitioner requests a Special Hearing to amend the relief granted in Case No. 90-139-SPHA by modifying Restrictions Nos. 3 and 4 and to remove Parcel No. 5 from the scope of restriction.

This office offers no additional comment for the requested Special Hearing, however, comments submitted for Case No. 90-139-SPHA remain appropriate (see attached).

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

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

Dennis F. Rasmussen
County Executive

June 27, 1990

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 221, ~~#227~~ 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
JUL 3 1990
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
JUNE 22, 1990

TO: J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES CEB

SUBJECT: ZONING ITEM #: 428
PROPERTY OWNER: Ida S Eckhart; MaryM. Smith; Vernon L. Smith, Jr Courtenay J. Smith; Patricia A. Cuddy, Carole L. Chambers
LOCATION: Centerline Long Green Pike, 400' SWly from centerline Glen Arm Road
ELECTION DISTRICT: 11th
COUNCILMANIC DISTRICT: 6th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) RAMPS (degree slope)
( ) NUMBER PARKING SPACES ( ) CURB CUTS
( ) BUILDING ACCESS ( ) SIGNAGE

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

( ) OTHER - NO ADDITIONAL COMMENT

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

Dennis F. Rasmussen
County Executive

JUNE 27, 1990

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

RE: Property Owner: ECKHART; SMITH; SMITH; SMITH; CUDDY; CHAMBERS

Location: CENTERLINE LONG GREEN PIKE

Item No.: 428 Zoning Agenda: JUNE 26, 1990

Gentlemen:

Pursuant 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.

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", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: Lt. Louis Kelly 6-27-90 Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

JUL 05 1990

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 6, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 26, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 221, ~~427~~, 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438

For Item 427, the previous County Review Group comments still apply.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 823-4111
FAX (301) 821-0147

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
BEL AIR, MD

RICHARD M. VENABLE (1836-1901)
EDWIN B. BAETJER (1868-1918)
CHARLES MCH. HOWARD (1870-1942)

ROBERT A. HOFFMAN

WRITER'S DIRECT NUMBER IS
494-9162

9/19/90 Please set in if possible in light of a Item 428 Talks Ann

June 14, 1990

90-567-SPH

RECEIVED
JUN 15 1990
ZONING OFFICE

HAND DELIVERED

Anne Nastarowicz
Deputy Zoning Commissioner
First Floor
County Office Building
Towson, Maryland 21204

Re: Item No. 428
Request for Expedited Hearing

Dear Ms. Nastarowicz:

As you may recall, you granted a petition for special hearing and variance to allow for certain non-density transfers, reconfiguring of lot lines and variances from setbacks all on property located on Long Green Pike (see Case No. 90-139-SPHA). You will also recall that a portion of the property, parcel five, was the subject of Case No. 90-138-SPHX, the Pikesville Sportsman's Club.

The Pikesville Sportsman's Club has chosen to take an appeal from your denial of the special exception and special hearing, and the legal property owners, Ida S. Eckhardt, et al have now petitioned in Item No. 428 to revise the opinion in Case No. 90-139-SPHA to remove the restriction from parcel number five. (The restriction states that parcel five may only be used for agricultural purposes and home sites). Obviously, if the Pikesville Sportsman's Club is eventually granted a special exception, the legal property owners could not make any of the family transfers now permitted under your order.

90-567-SPH

Anne Nastarowicz
June 14, 1990
Page 2

On behalf of the legal property owner, we respectfully request an expedited hearing on Item No. 428 to revise the order in Case No. 90-139-SPHA, to remove the restriction from parcel number five, so that both cases can proceed within the same time frame. We feel that the issue is sufficiently narrow that the hearing will not involve a lengthy proceeding.

Yours truly,

Robert A. Hoffman

RAH:ekm

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD
BEL AIR, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(301) 823-4111
FAX (301) 821-0147

RICHARD R. VENABLE (1888-1962)
EDWIN E. BAETJER (1888-1972)
CHARLES MOR. HOWARD (1870-1954)

WRITER'S DIRECT NUMBER IS

November 6, 1990

RECEIVED
NOV 9 1990
ZONING OFFICE

Ms. Ann M. Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
Office of Planning and Zoning
Towson, Maryland 21204

RE: Petition for Special Hearing
Ida S. Eckhart, et al
Case Number: 90-567-SPH

Dear Ann:

As you are aware, the Petitioners filed the referenced Petition for Special Hearing to modify certain restrictions contained in your Findings of Facts and Conclusions of Law in Case number 90-139-SPHA.

In that previous case, the Petitioners requested and were granted two (2) 2-acre, non-density transfers to be combined with two exisiting lots in order to improve the existing agricultural use. Additionally, the Petitioners were permitted to adjust certain lot lines to create two new family parcels and reserve two dwelling units all where the total density does not exceed that which the Petitioners legally have under the RC-2 zoning classification. The total acreage of the farm is large, but it is submitted that the relief requested is of such a minor nature and the RC-2 zoning classification itself is so restrictive that the restriction on the balance of the acreage (i.e. parcel No. 5) should be lifted.

If you are, however, uncomfortable with no additional restriction on parcel 5, the Petitioner would submit the following proposed restriction:

So long as parcel 5 is zoned RC-2, or any successor zoning classification to RC-2, the total impermeable surface of any development on parcel five (5) shall not exceed thirty (30) percent of its total acerage.

Of course, Petitioners would strongly prefer that parcel 5 remain unrestricted, except as the RC-2 zone would require, and respectfully request that you consider that option.

Thank you for your attention to this matter.

Yours truly,

Robert R. Hoffman

RAH/tls
cc: Evelyn S. Bressler
Mary M. Smith
Vernon L. Smith, Jr.

428

Ida S. Eckhart
Ida S. Eckhart

By: Evelyn S. Bressler, P/A
Evelyn S. Bressler, P/A
Attorney-in-Fact
11908 Long Green Pike
Glen Arm, Maryland 21057
592-5878

Mary M. Smith
Mary M. Smith
11900 Long Green Pike
Glen Arm, Maryland 21057
592-2070

Vernon L. Smith, Jr.
11900 Long Green Pike
Glen Arm, Maryland 21057
592-2070

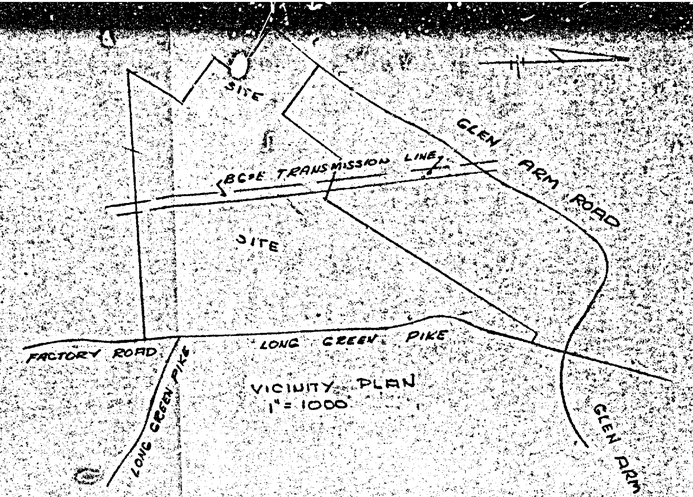
Courtenay J. Smith
Courtenay J. Smith
11900 Long Green Pike
Glen Arm, Maryland 21057
592-8170

Patricia A. Cuddy
Patricia A. Cuddy
11900 Long Green Pike
Glen Arm, Maryland 21057
592-8170

Carole L. Chambers
Carole L. Chambers
503 Red Pump Road
Bel Air, Maryland 21014
838-2209

PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	26 Hagley Ave.
Bill Ulrich	412 Delaware Ave
Ida S. Bressler	11908 Long Green Pike
Evelyn S. Bressler	11908 Long Green Pike Glen Arm, Md.
Mary L Carlson	16320 BELAIR/ELDRD N'BoCREEK MD
Mil Carlson	" " " "
Jay Bressler Pike	2919 Glenoak Ave Balto. 21234
Patty Cuddy	11900 Long Green Pike
Carole Chambers	503 Red Pump Road, Bel Air MD 21014



ZONING PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO TRANSFER DENSITY IN R.C. 2 ZONE

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TITLE DEED: EHK JR. Nº 9446 folio 750
FIRST PARCEL G.L.B. Nº 2248 folio 153 190 ACRES ± 3 DENSITY UNITS
SECOND PARCEL G.L.B. Nº 2248 folio 153 38.5 ACRES ± 2 DENSITY UNITS
TOTAL 5 DENSITY UNITS

PLAT SHOWING LOT CONFIGURATION AND DENSITY UNIT COUNT

PARCEL ① 5.71 ACRES ± ZERO DENSITY UNIT
PARCEL ② 4 ACRES ± ONE DENSITY UNIT
PARCEL ③ 10 ACRES ± ONE DENSITY UNIT
PARCEL ④ 10 ACRES ± ONE DENSITY UNIT
PARCEL ⑤ 201 ACRES ± TWO DENSITY UNITS
TOTAL DENSITY UNITS FIVE

NOTCHCLIFF ROAD
BEGINNING ZONING PARCEL
R.C.5 ZONE
R.C.2 ZONE
SMITH
EVERETT G420/176
R.C.5 ZONE
N46°00W 767.25'
3 ACRES ±
R.C.5 ZONE
R.C.2 ZONE
N37°45'E 816.15'
R.C.2 ZONE
S46°30E 396.00'
N46°30W 856.30'
GLEN ARM ROAD
700'±
MARYLAND & PA. RAILROAD
R.C.5
R.C.2
745.50'
S48°45'E
N43°30E 957.00'
PAUL H. HARDY JR. 13661/37
S61°45E 220.00'
528.00'
PARCEL 5
201 ACRES ±
N2°34E 2240'±
2554.20'±
100'
5.876 ACRES ±
B G&E TRANSMISSION LINE (FEE SIMPLE)
S2°34'W 2535.18'±
R.C.2 ZONE
FOREST & PARKS
N2°00'W 1300.00'
STATE OF MARYLAND 5416/52
GUNPOWDER RIFLE RANGE
R.C.2 ZONE
R.C.2 ZONE
FACTORY ROAD
S2°00'W 471.90'
CLARENCE MILLER 5329/144
CLARENCE MILLER 5329/144
RONALD S. WOODWARD 3083/337
LONG GREEN PIKE
BEGINNING PARCEL Nº 4 3062.79' TO ℄ GLENARM ROAD
S7°03'W 739.78'
N7°03E 591.36'
S7°03'W 591.36'
PROPOSED 10 ACRES ±
PARCEL 4
PROPOSE DWELLING
TO BE REMOVED DWELLING
PROPOSED 10 ACRES ±
PARCEL 3
PROPOSED DWELLING
N7°03E 591.36'
S7°03'W 591.36'
S7°03'W 1399.15'
20 MACADAM PAVING
859.00'
S2°00W 528.00'
LONG GREEN PIKE
BEGINNING PARCEL Nº 3 2471.43' TO ℄ GLENARM ROAD
BEGINNING PARCEL Nº 2 2255' TO ℄ GLENARM ROAD
TERENCE COOK 7454/535
VIRGINIA E. RUSSELL ET AL 7367/648
S13°16'13W 244.99'
1182.72'
S29°19'01W 328.89'
3200'±
PROPOSED 2.00 ACRES ± ADD-ON
PROPOSED 2.00 ACRES ± ADD-ON TO BE REMOVED
PARCEL 1
S73°30'W 570.00'
MICELI 3705/571 3960/428
NOTE: NON DENSITY TRANSFER BEGINNING PARCEL TO ℄ GLENARM ROAD
S23°45'E
S26°00W 400'
BEGINNING ZONING PARCEL
S51°45'E 745'±
S2°00W 870'±
S3°15'W 218.52'
LONG GREEN PIKE
℄ G 3939/55
SORRELL
INTERSECTION GLEN ARM ROAD
R.C.2 ZONE
R.C.5 ZONE
R.C.2 ZONE
GEORGE RIER 2163/197
WARD E. DAWSON SR. 2255/
JOSEPH FISCHER 2.89 ±
R.C.2 ZONE
LAMBERT 5211/93
FOLEY 5211/94
R.C.2 ZONE
N37°45'E 1320'±
S29°03'02E 164.65'

NOTE: THIS PLAT IS COMPILED FROM DEEDS, PLATS & SURVEYS. THE MERIDIANS SHOWN HEREON ARE REFERRED TO MERIDIANS AS MENTIONED IN THE VARIOUS DEEDS.

Petitioner's Exhibit 1

SCALE: 1" = 200' DATE: 3/19/81
GERALD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

Case No. 90-138-SPHX to approve the non-density transfer of four (4) density units from Parcels 2, 3, 4 and 5 to be combined with an existing lot to form new Parcels 1 and 2, the reconfiguration of two dwelling units per new Parcel 3, and the creation of new Parcels 3 and 4, with total density not to exceed the permitted five (5) dwelling units, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Variance to permit a setback of 0 feet in lieu of the required 8.4 feet for an existing block shed, and a height of 30 feet in lieu of the maximum permitted 15 feet for an existing storage building, 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 Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return and be responsible for returning said property to its original condition.

2) Prior to the issuance of any permits, Petitioners must obtain the approval of DEPRM as to the location of the dwelling on the lot and the size of the proposed Parcels 3 and 4. DEPRM may require Petitioners to submit any and all documentation it deems necessary to make its decisions and to promote agricultural preservation of the parcels. The size of the lots may be modified by DEPRM as determined by it to be necessary for agricultural preservation. Said lots must be used for agricultural purposes.

3) Prior to the subdivision of Parcel 5, Petitioners must obtain approval of DEPRM and the Agricultural Land Preservation Advisory Board as to the location of the dwelling and size of parcel to insure said use promotes agricultural uses. DEPRM and the Agricultural Land Preservation Advisory Board may require Petitioners to submit any and all documentation it deems necessary to make its decisions and to promote agricultural preservation of the parcels.

4) The granting of the relief requested herein is conditioned upon Petitioners agreeing to use Parcels 1, 2, 3, 4 and 5 for agricultural purposes only and presenting evidence of same to DEPRM and the Agricultural Land Preservation Advisory Board. This shall not prevent buildings from being placed in accordance with DEPRM's approval.

5) Prior to the issuance of any permits, Petitioners shall file new deeds for each of the parcels, along with a revised plat, to the Land Records of Baltimore County. A copy of the recorded deed and revised plat for each parcel shall be submitted to the Deputy Zoning Commissioner for inclusion in the case file. The new deeds and plats shall reference this case and set forth and address the restrictions of this Order.

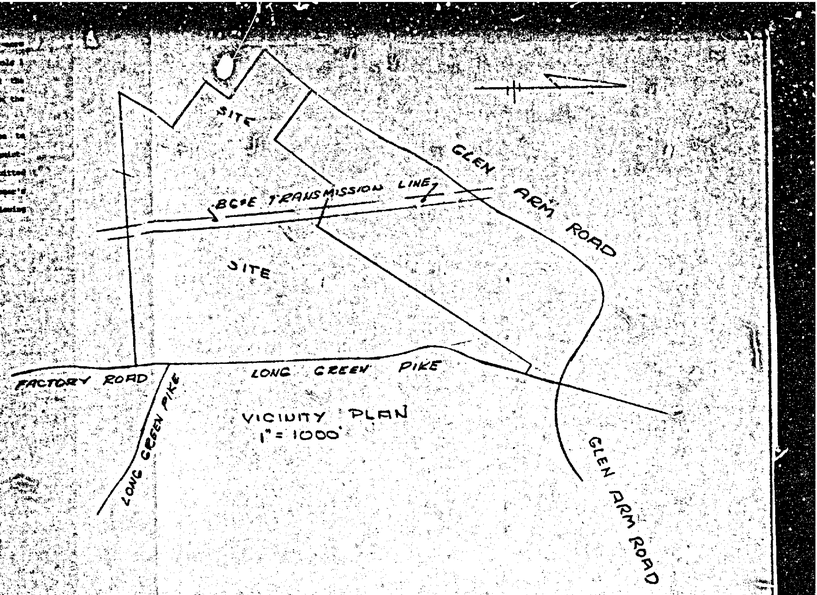
6) Petitioners shall submit to the Deputy Zoning Commissioner within one hundred twenty (120) days of the date of this Order, or prior to recording the revised plat, whichever occurs first, a minimum 50-scale survey plan certified by a registered land surveyor depicting the proposed Parcel 1, Parcel 3 and the inclusion with Brassler and Eckhart perspectives. The plan shall clearly and accurately depict the following: 1) locate all existing buildings to remain in relation to the property lines; 2) identify and condemn the variances as granted herein; 3) provide the dates of creation of all divisional property lines to remain; and 4) confirm the use for farming or residential and provide the size and height of all buildings to remain.

7) 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.

MARCH 16, 1990

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs



ZONING PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING TO TRANSFER DENSITY IN RC 2 ZONE

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
TITLE DEED EHK JR. No. 446 folio 750
FIRST PARCEL G.L.B. No. 2248 folio 153 190 ACRES ± 3 DENSITY UNITS
SECOND PARCEL G.L.B. No. 2248 folio 153 38.5 ACRES ± 2 DENSITY UNITS
TOTAL 5 DENSITY UNITS

PLAT SHOWING
LOT CONFIGURATION AND DENSITY UNIT COUNT

PARCEL ①	5.79 ACRES ±	ZERO	DENSITY UNIT
PARCEL ②	4 ACRES ±	ONE	DENSITY UNIT
PARCEL ③	10 ACRES ±	ONE	DENSITY UNIT
PARCEL ④	10 ACRES ±	ONE	DENSITY UNIT
PARCEL ⑤	201 ACRES ±	TWO	DENSITY UNITS

TOTAL DENSITY UNITS FIVE

CASE No. 90-138-SPHX AND CASE No. 90-139-SPHA

90-567-SPH

REVISED MAY 25, 1990 - TO ADD NON DENSITY & DENSITY TRANSFERS CASE No. 90-139-SPHA

SCALE 1" = 200' 3/10/89

GERHOLD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

NOTE: THIS PLAT IS COMPILED FROM DEEDS, PLATS & SURVEYS. THE MERIDIANS SHOWN HEREON ARE REFERRED TO MERIDIANS AS MENTIONED IN THE VARIOUS DEEDS

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

ROBERT A. HOFFMAN
(410) 494-6262

August 10, 1995

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

I am writing on behalf of the Pikesville Sportsman's Club which is located on a small road called Smoots Lane. You may be more familiar with the property as the proposed Riparius Center located along the future Red Run Boulevard. As the development of Red Run Boulevard continues to be planned, there will soon be a request to extend the metropolitan district to include the Pikesville Sportsman's Club property in order to facilitate the development of the Riparius Center.

Section 20-41 of the Baltimore County Code, a copy of which is attached, indicates that it is lawful to discharge a firearm on permanently located, properly posted and bona fide target ranges, the location of which have been filed with the Police Department.

The Pikesville Sportsman's Club has owned and operated indoor and outdoor shooting ranges at this location since the early 1940's. Enclosed are photographs of the property which indicate that it is a properly posted bona fide target range. Finally, enclosed is a letter to the Baltimore County Police Chief registering the location of this shooting range.

We are respectfu equesting that you confirm this shooting range complies with Section 20-41 of the Baltimore County Code and that the Pikesville Sportsman's Club

may continue to operate as it has for many years notwithstanding the extension of the metropolitan district line to include its property.

Yours truly,

Robert A. Hoffman

RAH/tls
Enclosure
cc: Richard M. Blocher
James K. Flannery, Jr.

TO1DOCS1/RAH01/0005379.01

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Writer's Direct Number:
410-494-6262

May 11, 1995

Baltimore County Police Department
Michael D. Gambrill, Chief of Police
700 E. Joppa Road
9th Floor
Towson, MD 21286

Re: Pikesville Sportsman's Club

Dear Chief Gambrill:

I am writing on behalf of the Pikesville Sportsman's Club which is located on Smoots Lane on the south side of Church Lane. The purpose of this letter is to register the location of a bona fide shooting range as required by Section 20-41 of the Baltimore County Code, a copy of which is attached.

If you have any questions, please do not hesitate to give me a call.

Yours truly,

Robert A. Hoffman

Enclosure
cc: Richard M. Blocher
James K. Flannery, Jr.

TO1DOCS1/BAW01/0006267.01

Michael D. Gambrill
Chief of Police

Baltimore County Police
Headquarters
700 East Joppa Road
Towson, Maryland 21286-5501

(410) 887-2214
Fax (410) 821-8887

INTEGRITY . . FAIRNESS . . SERVICE

June 20, 1995

Robert A. Hoffman, Esq.
Venable, Baetjer & Howard, LLP
210 Allegheny Ave.
P.O. Box 5517
Towson, MD 21285-5517

RE: Pikesville Sportsman's Club

Dear Mr. Hoffman:

In accordance with our telephone conversation, this letter will confirm the recognition of Pikesville Sportsman's Club as a bona fide shooting range for the purposes of Section 20-41 of the Baltimore County Code. A copy of this correspondence will be forwarded to our Communications Section and Precinct 3 for future inquiries.

Although being recognized by the Police Department, it does not convey recognition by Baltimore County with respect to any zoning, building, or other type of code requirements.

Should you have any questions concerning this correspondence, please do not hesitate to contact me.

Sincerely,

Mark G. Spurrier
Director
Legal Division

MGS:je

c: A/Colonel Bernard J. Gerst
Colonel William F. Rogers

Nationally Accredited Since 1984

MESSAGE CONFIRMATION
TRANSMISSION

SEP-08-'95 FRI 15:42

TERM ID: DAM1 P-0030
TEL NO.: 410-887-5708

NO.	DATE	ST. TIME	TOTAL TIME	ABBR/SEC	ID	DEPT CODE	#PGS
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90-567-SPH

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations
210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

ROBERT A. HOFFMAN
(410) 494-6262

August 10, 1995

Arnold Jablon, Director
Office of Zoning Administration
and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Post-It™ brand fax transmittal memo 7671 | # of pages ▸ 2
To: ROB HOFFMAN | From: CARL RICHARDS
Co. | Co.: PDM
Dept. | Phone #: 887-3391
Fax # 821-0147 | Fax #: 887-5708

Dear Mr. Jablon:

I am writing on behalf of the Pikesville Sportsman's Club which is located on a small road called Smoots Lane. You may be more familiar with the property as the proposed Riparius Center located along the future Red Run Boulevard. As the development of Red Run Boulevard continues to be planned, there will soon be a request to extend the metropolitan district to include the Pikesville Sportsman's Club property in order to facilitate the development of the Riparius Center.

Section 20-41 of the Baltimore County Code, a copy of which is attached, indicates that it is lawful to discharge a firearm on permanently located, properly posted and bona fide target ranges, the location of which have been filed with the Police Department.

The Pikesville Sportsman's Club has owned and operated indoor and outdoor shooting ranges at this location since the early 1940's. Enclosed are photographs of the property which indicate that it is a properly posted bona fide target range. Finally, enclosed is a letter to the Baltimore County Police Chief registering the location of this shooting range.

We are respectfully requesting that you confirm this shooting range complies with Section 20-41 of the Baltimore County Code and that the Pikesville Sportsman's Club

may continue to operate as it has for many years notwithstanding the extension of the metropolitan district line to incl de its property.

Yours truly,

Robert A. Hoffman

RAH/tls
Enclosure
cc: Richard M. Blocher
James K. Flannery, Jr.

TO1DOCS1/RAH01/0005379.01

Speed Letter — If the interest of speed, economy, and convenience are important to your correspondence, this is the ideal letter alternative, as no folding is call or write. Thank you for your interest.

September 8, 1995

Dear Mr. Hoffman:

From a zoning standpoint, an apparent non-conforming use exists, but to confirm a legal non-conforming use, you must have a special hearing and prove that the club has been operating continuously and uninterrupted since 1945.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 12, 1993

Mr. William G. Ulrich
Gerhold, Cross & Etzel
320 East Towsontown Blvd
Towson, MD 21286-5318

RE: Special Hearing, 90-567-SPH
Amendment to Plat
11th Election District

Dear Mr. Ulrich:

Please find attached a copy of the 200' scale zoning map and a checkprint of the site plan that was submitted for review on September 17, 1993.

Please make the corrections indicated on the above mentioned prints and resubmit (with the enclosed plans) a new set for review.

Sincerely,

CATHERINE A. MILTON
Planner I

c: ✓90-567-SPH
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June 30, 1993

RECEIVED
JUL 2 1993
ZADM

Mr. Arnold Jablon, Director
Baltimore County
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Pikesville Sportsmens' Club - Glen Arm, Maryland
Special Exception for Proposed Shooting Range

Dear Mr. Jablon:

Our firm represents the Pikesville Sportsmens' Club, which was granted a special exception by the Baltimore County Board of Appeals on October 29, 1991 to establish and operate a shooting range on a 201 acre site in Glen Arm, Maryland. Unfortunately, because the case has been the subject of several appeals by the Glen Arm Community Association since October 1991, the Club has not yet utilized its special exception due to the risk of reversal on appeal. As you are aware, § 502.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") states as follows:

> A special exception which has not been utilized within a period of two years from the date of the final order granting same . . . shall thereafter be void.

Due to what might be construed as ambiguous wording contained in this section, I spoke with Carl Richards of your office several months ago and was told that the Zoning Office has interpreted the phrase "date of the final order" as used in § 502.3 to mean "date of the final, unappealable order." Accordingly, the purpose of this letter is to request your written confirmation that the phrase "date of the final order" as it is used in § 502.3 does in fact refer to a "final, unappealable order," thereby ensuring that our client's special exception will not become void on October 29, 1993 because the special exception's two year utilization period only began to run on December 21, 1992 -- the date the appeal was dismissed by Mandate of the Court of Special Appeals.

Based upon our research, we agree that the phrase "date of the final order" refers to the date all appeals are exhausted and the litigation ends between the parties and that, accordingly, the two year utilization period for the Club's special exception has not yet started to run. With respect to the statutory construction of zoning laws, the Maryland Court of Appeals, as recently as 1991, has often said:

> [Zoning] ordinances are in derogation of the common law right to use private property as to realize its highest utility, and while they should be liberally construed to accomplish their plain purpose and intent, they should not be extended by implication to cases not clearly within the scope of the purpose and intent manifest in their language.

County Comm'rs v. Zent, 86 Md. App. 745, 751 (1991) (quoting Linday v. Bd. of Zoning Appeals, 173 Md. 460, 466 (1938)). Moreover, as to statutes in general, the courts have said that when they are in derogation of the common law, they should be strictly construed. James v. Prince George's County, 288 Md. 315 (1987). In accordance with these accepted rules of strict construction in favor of the property owner, where a term in a zoning ordinance is susceptible of more than one interpretation, the courts will give great weight to the interpretation that is least restrictive on the rights of the property owner to use his land as he wishes. 83 Am. Jur.2d Zoning and Planning, § 699 (1992) (citing Cunningham v. City of Overland, 691 S.W.2d 464, 469 (Mo. App. 1985)).

Likewise, it has been said to be well-settled that "when a [zoning] statute is susceptible of two interpretations, that [the] interpretation which affords a reasonable and practical effect to the entire statute is to be preferred over one which renders [the statute] ridiculous or absurd." Howlett v. Lakeside Country Club, 198 So.2d 402, 404 (La. Ct. App. 1967). Accord Richard v. State, 326 Md. 257, 262 (1992); Barton v. H.D. Rider Motorcycle Club, Inc., 550 A.3d 91, 93 (N.H. 1988); McDonald's system, Inc. v. Zoning Bd of Appeals of City of Norwich, 255 A.2d 862, 865 (Conn. C.P. 1968). In fact, the Maryland Court of Appeals has said:

> It has been called the golden rule of statutory interpretation that unreasonableness of the result produced by one among alternative possible interpretations of a statute is reason for rejecting that interpretation in favor of another which would produce a reasonable result

D & Y, Inc. v. Winston, 320 Md. 534, 538 (1990) (quoting 2A Sutherland Statutory Construction, § 45.12 (4th ed. 1984)).

Applying these rules of construction to § 502.3, it becomes apparent that the equities strongly favor the construction of the phrase "date of the final order" to mean "date of the final, unappealable order." Clearly, this interpretation is least restrictive on the rights of the Club to use their land as they wish because it prevents the protestants in this case from exhausting the special exception's utilization period through the use of repeated appeals. Moreover, this interpretation is consistent with the right to use private property so as to realize its highest utility and it is also the more reasonable and equitable of the two. As stated previously, statutes should not be construed so as to achieve an unreasonable result. This certainly would be the case if the expense and efforts of a landowner to obtain a special exception could be eradicated by the continuous and lengthy appeals of an objecting party such that a special exception could not be utilized without risking reversal within the two year utilization period.

We would appreciate your consideration of this matter and have enclosed a check in the amount of $40.00 to cover the applicable fee. If you are in agreement with our conclusion that the phrase "date of the final order" as used in § 502.3 means the "date of the final, unappealable order," please confirm by affixing your signature below.

Yours truly,

Robert A. Hoffman

Arnold Jablon et ux

7/8/93
Date

GPW/pr
Enclosures
cc: Mr. Richard M. Blocher
John B. Howard, Esquire

JABLON3.GPW