

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE DEPUTY ZONING
N/S HESS ROAD, 410' E. OLD * COMMISSIONER OF
YORK ROAD *
3308 AND 3310 HESS ROAD * BALTIMORE COUNTY
10TH ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT *
ESTATE OF ETHEL S. HARVEY, * CASE NO. 92-131-SPH
PETITIONER *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Hearing to approve the existing subdivision, existing improvements and nonconforming setbacks for proposed lots 1 and 2, inclusive of the well easement area for lots 1 and 2, as shown on Petitioner's Exhibit #1.

The Petitioner, by Ida J. Harvey Rasmussen, Personal Representative of the Estate of Ethel S. Harvey, appeared and was represented by Julius W. Lichter, Esquire. Also in attendance in support of the Petition were Walter Rasmussen and Eugene Raphael. There were no Protestants.

The testimony of Ida J. Harvey Rasmussen, Walter Rasmussen, and Eugene Raphael was proffered by Mr. Lichter, confirmed and supplemented by the witnesses. The testimony indicated that Ida J. Harvey Rasmussen and Eugene Raphael have knowledge of the Subject Properties and the facts relating to the use of the Subject Properties as two (2) separate lots, each improved with a single family detached residence, from 1935 to the present and by Walter Rasmussen from 1965 to the present.

Testimony further indicated that the Subject Properties, known

1

as 3308 and 3310 Hess Road, comprise two lots containing .379± acres and .406± acres respectively, each of which is improved with a single family detached dwelling together with separate septic systems and wells. Testimony indicated that the Subject Properties have been developed and utilized as separate lots with separate dwellings since 1940 or earlier. The Petitioner is seeking a confirmation and approval of the existing subdivision to continue the existing uses on separate lots as a continuation of the lawful subdivided uses permitted prior to the effective date of the Baltimore County Zoning Regulations ("BCZR") in 1945.

Testimony indicated that the portion of the property known as 3310 Hess Road was part of a larger tract of land owned by Harry E. Sutton and his wife Ida B. Sutton. The Suttons' purchased the large tract of land in 1935 pursuant to a deed dated February 2, 1935 and recorded in the Land Records for Baltimore County at liber C.W.B. No. 946, folio 493. Testimony further indicated that a house, with a septic tank and well, was located on that portion of the property known as 3310 Hess Road and was occupied as a residence by the Sutton's daughter and son-in-law, namely E. Ray and Ethel Harvey.

Testimony indicated that the Suttons sold 146± acres of land in "My Lady's Manor" to Benjamin H. Griswold, III and his wife Leith S. Griswold pursuant to a deed dated October 10, 1940 and recorded in the Land Records for Baltimore County at liber C.W.B. No. 1125, folio 375. In 1940, prior to and upon conveying this property (which was not a part of the Subject Properties) to the

2

Griswold's, the Suttons built a second home on property that at time and since is known as 3308 Hess Road and they took residence there.

Testimony indicated that the Suttons subsequently conveyed the Subject Properties to E. Ray Harvey and his wife Ethel Harvey, pursuant to a deed dated November 19, 1957 and recorded in the Land Records for Baltimore County in liber G.L.B. No. 3273, folio 252. The Suttons continued to reside at 3308 Hess Road until their deaths. Thereafter, Walter Rasmussen and his wife Ida J. Harvey Rasmussen (daughter of E. Ray and Ethel Harvey and granddaughter of the Suttons, and the Petitioner herein) took residence at 3308 Hess Road in 1965. The Harvey's continued to reside at 3310 Hess Road.

Testimony indicated that the residences located at 3308 and 3310 Hess Road each had separate septic systems and wells. In 1989, pursuant to a deed and agreement by and between Michael H. Patterson and his wife Priscilla Anne Patterson, Ethel Harvey and Baltimore County, the wells servicing 3308 and 3310 Hess Road were relocated to the adjacent property owned by the Pattersons and known as 3301 Hess Road. Said deed and agreement is dated December 14, 1989 and recorded in the Land Records for Baltimore County at liber No. 8380 folio 134, and grants two (2) easements on the Patterson Property for the supply of water to separately service 3308 and 3310 Hess Road.

Finally, the testimony indicated that the 3308 Hess Road and 3310 Hess Road have been used continuously and without interruption as two (2) separate lots with independent dwelling units since 1935

3

and 1940, respectively. Therefore, the acknowledgement and approval of the lawful existence of 3308 and 3310 Hess Road, each existing prior to the effective date of BCZR in 1945, and the nonconforming setbacks should be granted.

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. The second principle to be applied, as specified in BCZR, Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the non-conforming use. If the change in use is found to be different that the original use, the current use of the property shall not be considered non-conforming. See *McKemy v. Baltimore County Md.*, 39 Md. App. 257, 385 A2d. 96 (1978).

Petitioners have requested approval of the non-conforming setbacks of the Subject Properties pursuant to Section 104.1 of the BCZR, to confirm, acknowledge, recognize and approve the pre-existing subdivided lots and continued separate use of each of the subject Properties as separate lots with dwelling units which have non-conforming setbacks. In the opinion of the Deputy Zoning Commissioner, the use of the Subject Properties for said purpose existed as such prior to January 2, 1945, and further, the use has been continuous and uninterrupted and without change in character,

4

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY **92-131-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 approve the subdivision, existing improvements and non-conforming setbacks for proposed lots 1 and 2, inclusive of the well easement area for lots 1 and 2 as shown on the accompanying plan.

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

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Estate of Ethel S. Harvey
Signature	(Type or Print Name)
Address	Signature <i>Ida J. Harvey Rasmussen</i>
City and State	Personal Representative
	(Type or Print Name)
	Signature
Attorney for Petitioner:	
Julius W. Lichter	2720 McComas Road
(Type or Print Name)	Address Phone No.
Signature	White Hall, MD. 21161
Address	City and State
305 W. Chesapeake Ave., Ste. 113	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204	Julius W. Lichter
City and State	Name
Attorney's Telephone No.: 321-0600	305 W. Chesapeake Ave., Ste. 113
	Towson, MD. 21204 321-0600
	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, Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

Zoning Commissioner of Baltimore County.

Z.C.O. - No. 1

(over)

MICROFILMED

ORDER RECEIVED FOR FILING
Date *11/26/91*
By *WJG*

nature or kind. Therefore, the Petitioner's request for approval of the pre-existing subdivision, existing improvements and non-conforming setbacks, inclusive of the well easement area, should be granted.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner, for Baltimore County this 12th day of November, 1991 that the Petition for Special Hearing to approve the pre-existing subdivision, existing improvements and non-conforming setbacks for lots 1 and 2, inclusive of the well easement area for lots 1 and 2 as shown on Petitioner's Exhibit #1, as a continuation of the lawful uses permitted prior to the effective date of the BCZR in 1945, be and is hereby GRANTED, subject however to the following restrictions:

- (1) The Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and Petitioner would be required to file a new Petition.
- (2) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions, if any, of this Order.
- (3) The Petitioner has thirty (30) days from the date of this Order to take an appeal of this Decision. In the event the Petitioner does not appeal this Decision, then by virtue of no appeal being taken, the Petitioner hereby consents and agrees to be bound by the restrictions stated above.

5

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 12, 1991

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
N/S Hess Road, 410' E of Old York Road
(3308 and 3310 Hess Road)
10th Election District - 3rd Councilmanic District
Estate of Ethel S. Harvey - Petitioner
Case No. 92-131-SPH

Dear Mr. Lichter:

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,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Ida J. Harvey Rasmussen
2720 McComas Road, White Hall, Md. 21161

People's Counsel

File

MICROFILMED

ORDER RECEIVED FOR FILING
Date *11/26/91*
By *WJG*

ORDER RECEIVED FOR FILING
Date *11/26/91*
By *WJG*

EXHIBIT "A"
LOT # 1

92-131-SPH

Beginning for the same at the beginning of the last or S841° E140 feet 10 inches line of that parcel of land described in a Deed dated November 19, 1957 from Harry E. Sutton, Widower to E. Ray Harvey and Ethel S. Harvey, his wife, said Deed being recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3273, folio 252, said point being situated 62.00 feet along said last line from the beginning of said last line as surveyed in January 1958, said point also being situated in or near the center of Hess Road and running thence and binding in or near the center of Hess Road and on a part of said last line as surveyed in January 1958, S81°38'E 78.83 feet, to the end of said last line and to the beginning of the first or N61°22'33" E 223.33 feet line described in the aforementioned Deed, recorded as aforesaid, thence leaving said Hess Road and running thence and binding on said first line as surveyed in January 1958, the two following courses and distances, viz: N08°15'30"E 16.00 feet to an iron pipe there situated (for a total distance of 242.02 feet in all) and to intersect the second or N82°1'W 141 feet line described in the aforementioned Deed, recorded as aforesaid, said point of intersection being situated as surveyed in January 1958, 68.00 feet along said second line from the beginning of said second line and running thence and binding on a part of said second line, as surveyed in January 1958, N80°24'W 73.00 feet to the end of said second line and to an iron pipe there situated and to the beginning of the third or S61°W 239 feet line described in the aforementioned Deed, recorded as aforesaid and running thence and binding on said third line as surveyed in January 1958, the two following courses and distances S08°13'30"W 227.36 feet to an iron pipe there situated thence continuing the same course S08°13'30"W 16.00 feet (for a total distance of 243.36 feet in all) to the place of beginning.

Containing 0.37594 acres of land, more or less.

The above courses and distances are according to a survey dated January 1958, and performed by Van Reuth & Weldner, Inc., Civil Engineers & Surveyors.

Page 1 Of 2

Page 2 Of 2

Beginning for the same at a point on the last or S841° E140 feet 10 inches line of that parcel of land described in a Deed dated November 19, 1957 from Harry E. Sutton, widower to E. Ray Harvey and Ethel S. Harvey, his wife, said Deed being recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3273, folio 252, said point being situated 62.00 feet along said last line from the beginning of said last line as surveyed in January 1958, said point also being situated in or near the center of Hess Road and running thence and binding in or near the center of Hess Road and on a part of said last line as surveyed in January 1958, S81°38'E 78.83 feet, to the end of said last line and to the beginning of the first or N61°22'33" E 223.33 feet line described in the aforementioned Deed, recorded as aforesaid, thence leaving said Hess Road and running thence and binding on said first line as surveyed in January 1958, the two following courses and distances, viz: N08°15'30"E 16.00 feet to an iron pipe there situated, thence continuing the same course N08°15'30"E 172.00 feet to an iron pipe there situated (for a total distance of 240.33 feet in all) and to the end of said first line and to the beginning of the second or N82°1'W 141 feet line described in the aforementioned Deed, recorded as aforesaid and running thence and binding on a part of said second line as surveyed in January 1958, N80°24'W 68.00 feet, thence leaving said second line and running thence for lines of division as surveyed in January 1958 the two following courses and distances, viz: S10°49'35"W 226.00 feet to an iron pipe there situated thence continuing the same course S10°49'35"W 16.02 feet (for a total distance of 242.02 feet) to the place of beginning.

Containing 0.40632 acres of land, more or less.

The above courses and distances are according to a survey dated January 1958, and performed by Van Reuth & Weldner, Inc., Civil Engineers & Surveyors.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 10 Date of Posting: 10/18/91
Posted for: Ida J. Harvey Rasmussen
Petitioner: Ida J. Harvey Rasmussen
Location of property: 111 West Chesapeake Avenue, Towson, Maryland 21204
Location of Sign: 111 West Chesapeake Avenue, Towson, Maryland 21204
Remarks: See map of property
Posted by: Lawrence E. Schmidt Date of return: 10/19/91
Number of Signs: 1

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 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 92-131-SPH
N/S Hess Road, 410' E Old York Road
3308 and 3310 Hess Road
10th Election District
3rd Councilmanic
Petitioner(s):
Estate of Ethel S. Harvey
Hearing Date: Monday,
Nov. 4, 1991 at 2:00 p.m.
Special Hearing: to approve the subdivision, existing improvements, and non-conforming setbacks for proposed lots 1 and 2, inclusive of the well easement area for lots 1 and 2.

LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
TJ101068 October 10

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/11/91

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/16/91.

TOWSON TIMES,

he Orlman
Publisher

\$84.29

CERTIFICATE OF PUBLICATION

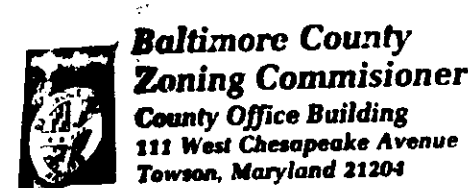
TOWSON, MD., 10/11/91

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 10/11/91.

THE JEFFERSONIAN,

S. Zabe Orlman
Publisher

\$84.29



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

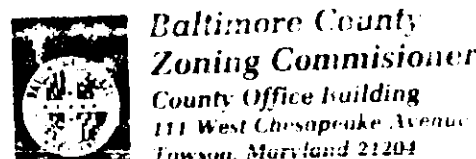
Account: R-001-6150
Number

H9200129

PURCHASER: NEWARK FEES
AMOUNT: \$175.00
TOTAL: \$175.00

0404 W00361CHRC \$175.00
BA C00338PM09-17-91
Please Make Checks Payable To: Baltimore County

Validation



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

Account: R-001-6150
Number

92-131

Please Make Checks Payable To: Baltimore County \$109.29
BA C00914SAM10-24-91

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



COPY

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 10-18-91

Ida J. Harvey Rasmussen
2720 McKenna Road
White Hall, Maryland 21161

RE:
CASE NUMBER: 92-131-SPH
N/S Hess Road, 410' E Old York Road
3308 and 3310 Hess Road
10th Election District - 3rd Councilmanic
Petitioner(s): Estate of Ethel S. Harvey
HEARING: MONDAY, NOVEMBER 4, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 109.29 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE 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 forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Lawrence E. Schmidt
Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Julius W. Lichter, Esq.

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

COPY

SEPTEMBER 26, 1991

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 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-131-SPH
N/S Hess Road, 410' E Old York Road
3308 and 3310 Hess Road
10th Election District - 3rd Councilmanic
Petitioner(s): Estate of Ethel S. Harvey
HEARING: MONDAY, NOVEMBER 4, 1991 at 2:00 p.m.

Special Hearing to approve the subdivision, existing improvements and non-conforming setbacks for proposed lots 1 and 2, inclusive of the well easement area for lots 1 and 2.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Ida J. Harvey Rasmussen
Julius W. Lichter, Esq.

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 23, 1991

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

RE: Item No. 134, Case No. 92-131-SPH
Petitioner: Ida J. Harvey Rasmussen
Petition for Special Hearing

Dear Mr. Lichter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: October 23, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

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

JED:jw

Enclosures

cc: Ms. Ida J. Harvey Rasmussen
2720 McComas Road
White Hall, MD 21161

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3354

Your petition has been received and accepted for filing this
17th day of September, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Ida J. Harvey Rasmussen

Petitioner's Attorney: Julius W. Lichter

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 18, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: October 1, 1991

This office has no comments for item numbers 127, 129, 130, 131, 132, 133, 134, 135, 138, 139, 140 and 141.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

OCTOBER 1, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ESTATE OF ETHEL S. HARVEY

Location: #2308 LOT 1 AND 3310 LOT 2 HESS ROAD

Item No.: 134 Zoning Agenda: OCTOBER 1, 1991

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.

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

REVIEWER: *James E. Dyer* Noted and Approved: *James E. Dyer*
Planning Group Fire Prevention Bureau
Special Inspection Division

JED/RE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

September 27, 1991

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #134, Zoning Advisory Committee Meeting of
October 1, 1991, Estate of Ethel S. Harvey, N/S Hess Road, 410'
E Old York Road (#3308 Lot 1 & 3310 Lot 2 Hess Road), D-10,
Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

For subdivision approval, plans must be submitted through Public Services. The Department of Environmental Protection and Resource Management will make comments on the subdivision requirements at that time.

SSF:rmp

1342NG/GWRMP

RECEIVED
SEP 30 1991

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for October 1, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 127, 129, 130, 131, 132, 133, 135, 137, 138, 139, 140 and 141.

For Item 134, this subdivision is okay, with no comments needed.

For Item 136, the comments are reserved until the County Review Group plan is submitted. However, sideyard setback dimensions may change as a result of the County Review Group comments.

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

RWB:tc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

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

SUBJECT: Estate of Ethel Howerly, Item No. 134

In reference to the Petitioner's request, staff offers the following comments:

This Office does not support the requested petition to subdivide a lot of less than 2 acres into two lots of which both would be less than one acre each. It is clear that BCZR does not permit a variance to density, as outlined in Section 1A01.3.B.1.

Furthermore, if such subdivision were granted concerns such as septic reserve, shared well areas, implications of expansion and fire protection, and overcrowding of the land would all become issues. It was for these reasons, among others, that the RC2 minimum lot size and density regulations were developed.

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/rdn
cc: Phyllis Freedman, Peoples Counsel

ITEM134/TXTRO2

ITEM 134



92-131-
SPH

State of Maryland

LETTERS OF ADMINISTRATION

Estate No. _____

I certify that Administration of the Estate of

ETHEL S. HARVEY

was granted on the 22nd day of July, 19 91

to IDA JANE HARVEY RASMUSSEN as

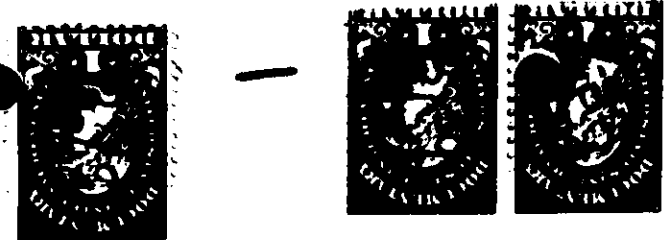
Personal Representative and the appointment is in effect this 22nd

day of July, 19 91

James E. Dyer
Register of Wills for
Baltimore County ACB

VALID ONLY WITH IMPRINTED SEAL

RECEIVED
By *James E. Dyer*



THIS DEED, Made this 21st day of February, in the year one thousand nine hundred and thirty-five, by and between Warner P. Pearce, single, Charles E. Pearce, single, Laura Staniford Lemmon and Holmes Lemmon, her husband, of Baltimore County, State of Maryland, of the first part, and Harry E. Sutton and Ida B. Sutton, his wife, of the second part.

WHEREAS, the said Charles E. Pearce, Warner P. Pearce and Laura Staniford Lemmon are all the heirs at law and next of kin of William H. Pearce, late of Baltimore County, deceased, the said William H. Pearce, having died intestate and the property hereinafter described became and is now vested in the grantors herein.

WITNESSETH, that in consideration of the sum of five dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Warner P. Pearce, Charles E. Pearce, Laura Staniford Lemmon and Holmes Lemmon, her husband, do grant and convey unto the said Harry E. Sutton and Ida B. Sutton, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, in fee-simple, all that lot of ground situate and being in the Tenth Election District of Baltimore County, aforesaid, and described as follows, that is to say:

BEGINNING for the same at a point on or near the centre of the Manor Road leading to Taylor's in Harford County, said point being also the southwest corner of the school lot conveyed by Jacob M. Pearce, et al, to the Board of County School Commissioners of Baltimore County and thence running with and binding on the second or north 4 1/2 degrees east 233 feet line of the said School Lot, as now surveyed north 6 1/2 degrees east 233 feet to a planted iron pipe; thence leaving the outline of said lot and running for lines of division, the following courses and distances, to wit: North 88 1/2

**PETITIONER'S
EXHIBIT 2**

*Returned
by 344
92-131-57H*



LIBER 83811 PAGE 134
RW 88-275
J.O. 10-38-11
Item 2 (A)
THIS DEED and AGREEMENT, Made this 14 day of December, in the year 1989, between MICHAEL H. PATTERSON and PRISCILLA ANNE PATTERSON, his wife, hereinafter referred to as "Pattersons"; and ETHEL HARVEY, hereinafter referred to as "Harvey"; and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, hereinafter referred to as "the County".
WHEREAS, Harvey owns a parcel of land, situate on the north side of Hess Road consisting of 0.768 acres of land, more or less, and being more particularly described in a deed dated November 19, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3273, folio 252, the improvements thereon being known as 3308 and 3310 Hess Road; and
WHEREAS, the County, for many years, occupied a parcel of land situated at the intersection of Old York Road and Hess Road, on which it maintained a structure in which the County stored salt, which was applied to County roads from time to time; and
WHEREAS, on or about July, 1987, water quality analyses obtained from the domestic wells and faucets located on the parcel owned by Harvey, disclosed the presence of sodium chloride, in concentrations which made the presence in the drinking water readily known; and
WHEREAS, the Pattersons own a parcel of land situate on the south side of Hess Road consisting of 28 acres, more or less, and being more particularly described in a deed recorded among the Land Records of Baltimore County in Liber S.M. No. 7426, folio 801, the improvements thereon being known as 3301 Hess Road; and

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY MARYLAND
Per *[Signature]*
Authorized Signature
Date *11-85*

RECEIVED FOR TRANSFER
State of Maryland
BALTIMORE COUNTY
Per *[Signature]*
Date *11-85*

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE *[Signature]* DATE *11-85*

**PETITIONER'S
EXHIBIT 7**

LEVIN AND GANN

LIBER: 1125

FOLIOS:

375-377

PAGES: 3

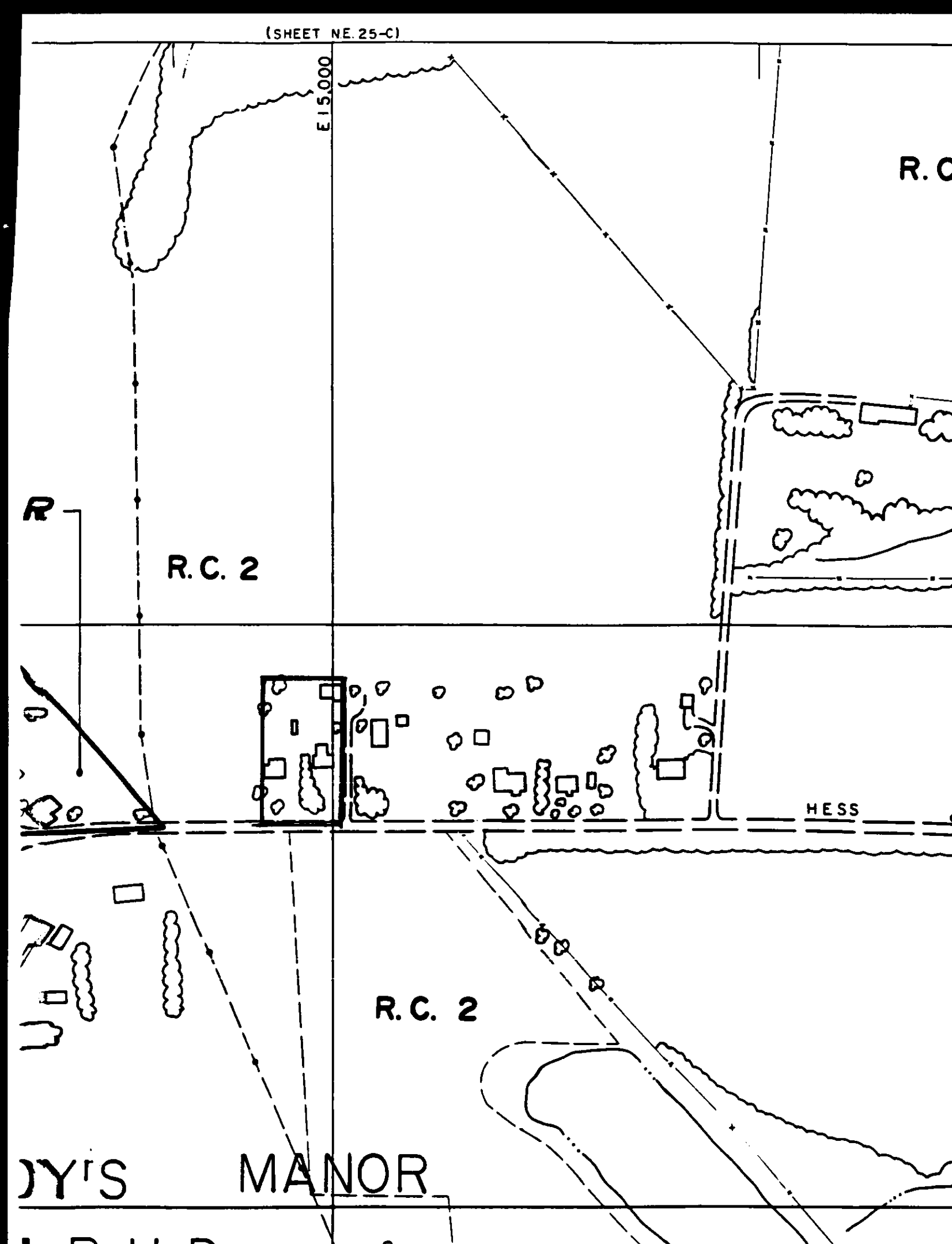
we received we hereby release the within or foregoing mortgage as witness
Ida and made this 17th day of October 1960
+ Elmer H. Ballis John Schneider (seal)
+ Rustie E. Schneider (seal)
+ 2 1960 at 11:30 AM & said 7 Bradey Silcott clerk rec map

Harry Sutton & w
Deed to
Benjamin H. Griswold III & w
USS \$16.50 SS \$15.00
second part

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said parties of the second part as tenants by the entireties their assigns and unto the survivor of them his or her heirs and assigns in fee simple all those two lots of ground situate in Baltimore County (10th Election District) in the State of Maryland and described as follows that is to say

BEGINNING for the first thereof at a bounded red oak it being the beginning tree of Lot No 9 of Ly Lady's Manor and running thence with the first line of Lot No 9 north forty-nine and one half degrees east thirty-two and eight tenths perches to a stake standing north fifty-nine and one half degrees east eleven feet distant from a bounded history thence north thirty seven and one half degrees west one and two tenths perches to a stone set up in ground marked with the letter A thence north sixty-four degrees east fifty-five perches to a stone set in ground marked with the letter B thence north fifteen and one-half degrees east fifty-one and two tenths perches to a stone marked with letter C set in ground in the first line of Lot No 10 as run with thirty minutes allowance for variations thence bounding on said line with thirty minutes allowance for variations north seven-eight and one half degrees west eighty eight and three-quarters perches to beginning of Lot No 10 thence bounding on the given line of said land reverendly with said allowance for variations north fifty-four and one half degrees east seventy-seven and eight tenths perches thence south seventy-six and one half degrees east eighty-seven perches until it intersects the fifth line of Lot No 9 thence running with and binding on said line north fifty-four degrees forty-eight minutes east thirty-six and three-quarters perches to a stone lying north sixty-eight degrees thirty minutes east twenty-eight and one half feet distant from a bounded white oak thence running with and bounding on sixth line of Lot No 9 with thirty

**PETITIONER'S
EXHIBIT 5**



THIS DEED, Made this 19th day of November, in the year one thousand nine hundred and fifty-seven, by and between HARRY E. SUTTON, Widower, of Baltimore County in the State of Maryland, of the first part, and E. RAY HARVEY and ETHEL S. HARVEY, his wife, of the County and State aforesaid, of the second part.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said HARRY E. SUTTON does grant and convey unto the said E. RAY HARVEY and ETHEL S. HARVEY, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor in fee simple all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a point on or near the centre of the Manor Road leading to Taylor's in Harford County, said point being also the southwest corner of the school lot conveyed by Jacob M. Pearce et al to the Board of County School Commissioners of Baltimore County and thence running with and binding on the second or north 4 1/2 degrees east 233 feet line of the said School Lot as now surveyed north 6 1/2 degrees east 233 feet to a planted iron pipe thence leaving the outline of said lot and running for lines of division the following courses and distances to wit north 82 1/2 degrees west 111 feet to a planted iron pin thence south 64 degrees west 239 feet to a point in said County road and thence bounding on said road south 84 1/2 degrees east 140 feet and 10 inches to the first place of beginning. Containing 123 square perches of land more or less.

BEING all and the same property mentioned and described in a deed dated February 21, 1935, and recorded among the Land Records of Baltimore County in Liber C. W. B., Jr. No. 946, folio 193, from Warner P. Pearce, et al, unto Harry E. Sutton and Ida B. Sutton, his wife, the said Ida B. Sutton having departed this life on January 21, 1944.

TOGETHER WITH the buildings and improvements thereupon erected made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises above described and mentioned and hereby intended to be conveyed together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said E. Ray Harvey and Ethel S. Harvey, his wife, as tenants by the entireties their heirs and assigns of the survivor of them the heirs and assigns of the survivor in fee simple.

**PETITIONER'S
EXHIBIT 6**



R.C.2

Existing Balto. Co. Well Easement
See RW 88-275-1

S 03 50 W 1055.0' 2nd Line EHK Jr 5939/282

Well for #330

Well for #330

NO RESIDENTIAL USES PERMITTED

Tar and Chip Drive

Michael H. and
Pricilla Anne Patterson
SM 7462/801

R.C.2

E 15000
N 94600

PROPERTY ZONED: R.C.2
ELECTION DISTRICT: 10th
COUNCILMANIC DISTRICT: 3rd
PROPERTY OWNER: E. RAY and ETHEL S. HARVEY
DEED REFERENCE: GLB 3273/252
PROPERTY AREA:
Lot #1=0.378 Ac +/-
Lot #2=0.406 Ac +/-
Total= 0.782 Ac +/-
SURVEYED BY: VAN REUTH & WEIDNER, Inc.
CIVIL ENGINEERS & SURVEYORS
Jan. 1958
DRAWING SCALE: 1" = 20'
DRAWING DATE: Aug. 1991

N 04 34 W 1051.7' Last Line EHK Jr 5939/282

HESS

ROAD

40' to Old York Road

Existing Paving

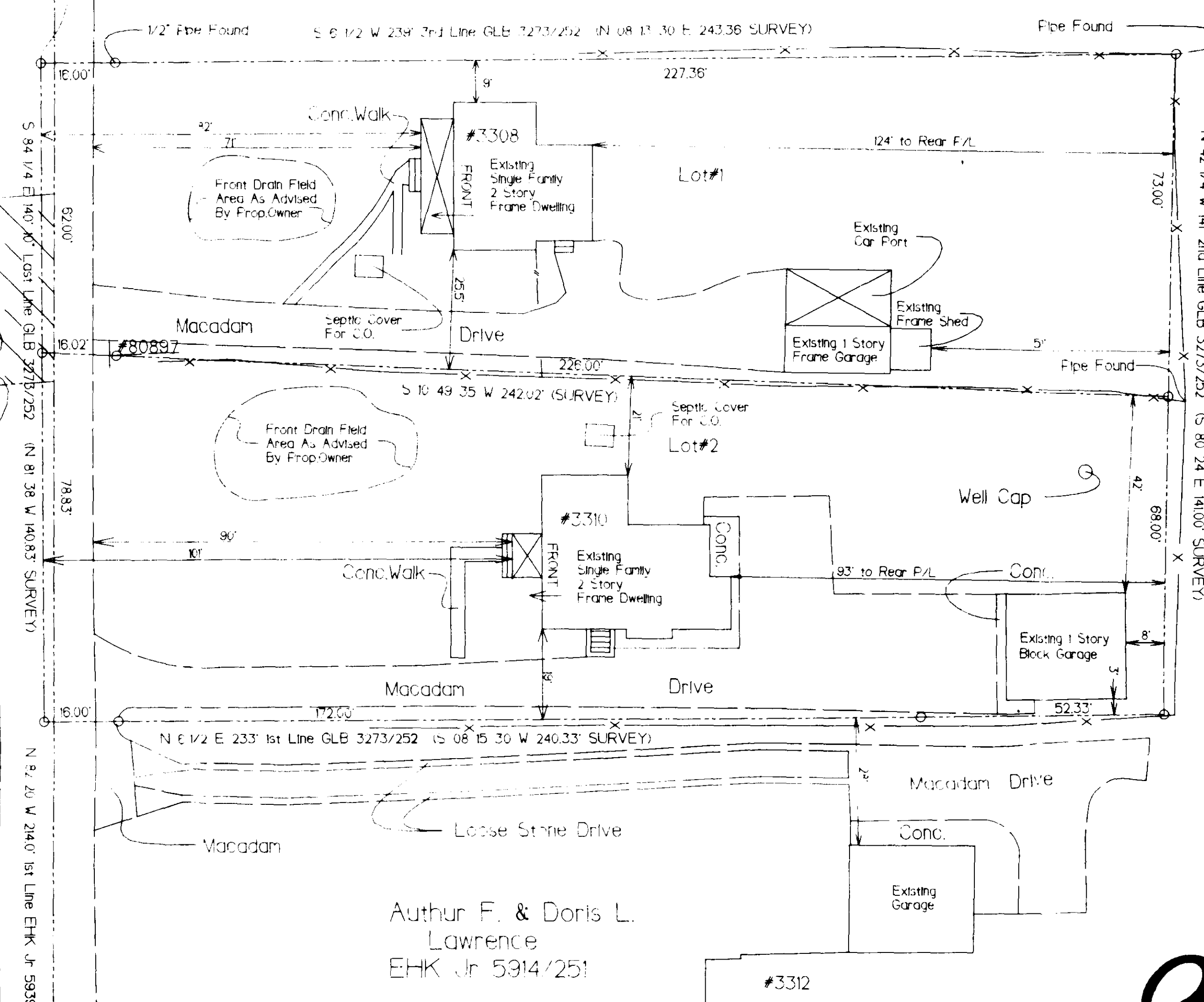
N 94 20 W 240.0' 1st Line EHK Jr 5939/282

E 14800
N 94750

Blanche B. Muller
EHK Jr 5526/187

R.C.2

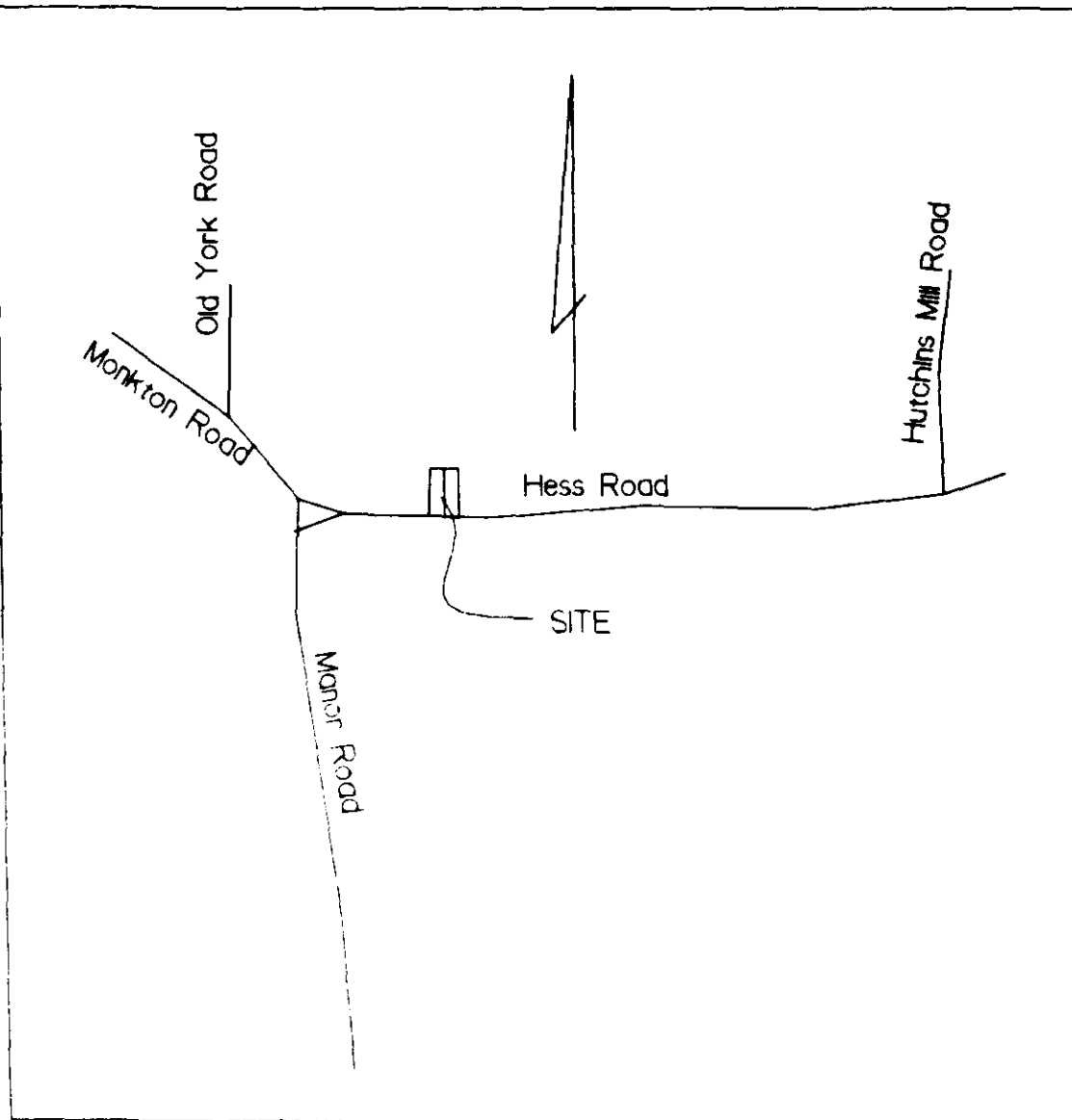
E 14800
N 94900



Arthur F. & Doris L.
Lawrence
EHK Jr 5914/251

E 15100
N 94750

R.C.2



Vicinity Map Scale: 1" = 1000'

R.C.2

Blanche B. Muller
EHK Jr 5526/187

92-131-SPH

PLAN TO ACCOMPANY PETITION
FOR SPECIAL HEARING

PETITIONER'S
EXHIBIT 1

134