

IN THE MATTER OF THE APPLICATION OF WALTER B. DEVENPORT, JR., ET UX FOR A VARIANCE ON PROPERTY LOCATED NE APPROX. 2,120' FROM THE C/L OF JARRETTSVILLE PIKE AT THE END OF PRIVATE DRIVEWAY (13544 JARRETTSVILLE PIKE) 10TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Case No.: 92-250-A

OPINION

This case comes before the Board on appeal from a decision of the Zoning Commissioner granting a Petition for Variance with restrictions. The Petitioners herein request variances from Section 1A03.4.B.1 of the Baltimore County Zoning Regulation (BCZR) to permit a property division and confirm a reconfiguration of a nonconforming lot to increase the lot size from 0.9898 acre to 1.96 +/- acres in lieu of the required 3.0 acres; Section 304.A of the BCZR to allow continuation of the use of the existing undersized lot to which additional area will be annexed; Section 304.B of the BCZR, subject to the variances requested above; and Section 304.C of the BCZR due to limitations on buildable portions of adjoining property.

The Petitioners previously requested relief from Section 1A03.4.B.3 of the BCZR to increase the lot diametrical dimension from 120 feet to 240 feet in lieu of the required 300 feet, but, at the Hearing before the Board, elected not to proceed on that issue believing it to be moot. Furthermore, the Petitioners also previously requested relief from Section 1A03.4B4 of the BCZR to allow a lot line setback of 29.07 feet in lieu of the required 50 feet, but withdrew their request, without objection, during opening argument at the Hearing before the Board.

Case No. 92-250-A Walter B. Devenport, Jr., et ux

From the testimony and exhibits, the Board finds the following facts:

The property is a 6.391 acre tract of land owned by the Petitioners; the tract is zoned R.C. 4; the 6.391 acre tract was previously subdivided into two parcels pursuant to an approved Minor Subdivision Plan; the larger parcel consists of 4.01 +/- acres and the smaller parcel as proposed measures approximately 2 acres; the smaller lot is improved by a two-story frame dwelling; the larger lot is unimproved; the topography of the larger lot restricts the location of the building envelope; and the tract has sufficient density to allow two 3-acre lots.

At issue in this matter is whether an area variance request should be granted. Variances may be granted where strict application of the zoning regulations would cause practical difficulty to the property owner. In order to prove practical difficulty for an area variance, a Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

In reviewing this matter, it must also be kept in mind that "a

Case No. 92-250-A Walter B. Devenport, Jr., et ux

variance should be granted only if in strict harmony with the spirit and intent of the zoning regulations; and only in such a manner as to grant relief without substantial injury to the public health, safety and general welfare." McLean v. Soley, 270 MD 208 (1973).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the requested relief were not granted. The Board concludes, from the evidence, that the granting of the requested variances would not result in a detriment to the public health, safety and general welfare of the surrounding community. The Board's conclusion is based specifically on the fact that the tract does have sufficient density to permit two lots. The granting of the requested relief adds no more than that. To require the Petitioners to conform to the subject minimum lot size requirement as applied to this particular case would be to place an unnecessary burden on them. The Board relies on the fact that the location of the building envelope on the larger lot is restricted by the topography of the land. To require a reconfiguration of the lots to a minimum of 3 acres each would serve no practical purpose. In fact, the Board finds that granting the Petition for Variance would give the Petitioners substantial relief because the building envelope may now be more appropriately placed on the larger lot. Such relief clearly is in strict harmony with the spirit and intent of the BCZR.

For these reasons, the Petition for Zoning Variance is granted, subject to the restriction contained in the following

Case No. 92-250-A Walter B. Devenport, Jr., et ux

Order.

ORDER

IT IS THEREFORE this 12th day of July, 1993 by the County Board of Appeals of Baltimore County, ORDERED that the Petition for Variance from 1) Section 1A03.4.B.1 to permit a property division and confirm a reconfiguration of a nonconforming lot to increase the lot size from 0.9898 acre to 1.966 acres in lieu of the required 3.00 acres; 2) Section 304.A of the BCZR to permit the continued use of the existing undersized lot to which additional area will be annexed; 3) Section 304.B, subject to the above variances; and, 4) Section 304.C of the BCZR due to the limitations on buildable portions of adjoining property, be and is hereby GRANTED, subject to the following restriction:

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 such time as 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.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

C. William Clark, Acting Chairman

John G. Disney

Judson H. Lipsitz

IN RE: PETITION FOR ZONING VARIANCE NE approx. 2,120' from the c/l Jarrettsville Pike at end of private driveway (13544 Jarrettsville Pike) 10th Election District 3rd Councilmanic District

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 92-250-A

Walter B. Devenport, Jr., et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance. The Petitioners herein request variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) from Section 1A03.4.B.1 to permit a property division and confirm a reconfiguration of a nonconforming lot to increase the lot size from 0.9898 acres to 1.966 acres in lieu of the required 3.00 acres; 2) from Section 1A03.4.B.3 of the B.C.Z.R. to increase the lot diametrical dimension from 120 feet to 240 feet in lieu of the required 300 feet; 3) from Section 1A03.4.B.4 of the B.C.Z.R. to permit a lot line setback of 29.07 feet in lieu of the required 50 feet; 4) from Section 304.A of the B.C.Z.R. to permit the continued use of the existing undersized lot to which additional area will be annexed; 5) from Section 304.B, subject to the variances set forth in items 1, 2 and 3 above; and, 6) from Section 304.C of the B.C.Z.R. due to the limitations on buildable portions of adjoining property, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners originally filed their request through the Administrative Variance procedure. However, as a result of a request filed by George and Margaret Dundos, adjoining property owners, a public hearing was scheduled and held on February 19, 1992.

At the hearing, Walter B. Devenport, Petitioner and property owner, appeared, testified and was represented by Robert A. Hoffman, Esquire. Also appearing on behalf of the Petitioner was J. Finley Ransone, a Registered Land Surveyor who prepared Petitioner's Exhibit 1, the plat which accompanied the Petition for Zoning Variance. Appearing as Protestants in the matter were George and Margaret Dundos, who requested the hearing, and numerous residents of the community, including Mark Hanley, an attorney who appeared both in his representative capacity and as an adjacent property owner. R. Joseph Hanley and James G. Hanley also appeared in opposition to the Petition.

The requested variance is complex in nature and best understood after an examination of the history of this property. The Petitioner and his wife originally acquired the subject site, which is approximately 1.00 acre in size, on May 24, 1972. This particular parcel is identified on Petitioner's Exhibit 1 as Parcel A and is improved with a two-story frame dwelling. Approximately one year after the initial purchase, the Petitioners acquired 14.75 acres, more or less, adjacent to the subject site in February 1973. That property essentially adjoins the southern and eastern boundaries of the 1.00 acre parcel. After holding these two parcels in title for approximately 6 years, the Petitioners subdivided their holdings in the latter portion of 1979. By way of deed dated October 8, 1979, and ratified by confirmatory deed dated November 23, 1979, the Petitioners conveyed 10.011 acres more or less to Walter M. Hepner and his wife. This reduced the Petitioners' holdings to approximately 6.391 acres. Concurrent with the transfer of the larger parcel to Mr. & Mrs. Hepner, the Petitioners caused a new deed to be prepared and recorded in October 1979. This consolidated their remaining lands into one tract which mea-

sured 6.391 acres in area. This is the area which the Petitioners continue to own at this time. Further, it follows that the original 1.00 acre tract, known as Parcel A, ceased to exist as a specially identified parcel with the merger in 1979 and the creation of a single lot of over 6.00 acres. Subsequently, in March 1989, the Petitioners subdivided the property again. On this occasion, they created two lots; one containing 4.01 acres more or less, carved out of the southerly portion of their holdings, and a second lot of approximately 2.00 acres. The 2.00 acre lot is the subject of this matter and contains the original 1.00 acre lot and an adjacent area, shown as Parcel B on Petitioner's Exhibit 1.

With this history, the Petitioner now appears before me seeking to legitimize his 1989 subdivision so that the two resulting lots can be used to support a dwelling upon each. That is, the Petitioner seeks to legitimize the 2.00 acre lot, which supports the existing two-story frame dwelling, and permission to construct an additional dwelling upon the second lot of just over 4.00 acres. Further, the Petitioner requests a variance from certain setback requirements in order to construct a proposed addition to the existing dwelling on the 2.00 acre lot. The Petitioner argued that the 6.00 acre parcel he was left with after the sale of the adjacent property in November, 1979 could have been subdivided, pursuant to Section 1A03.4.B.2 of the B.C.Z.R. Further, he notes that there is sufficient density to allow two lots. Lastly, the Petitioner notes that the building envelope for the second lot containing approximately 4.00 acres in size is limited due to the topography of the land and other site constraints and thus, prevents the redistribution of acreage or the creation of two equal-sized lots out of the entire 6.00 acre parcel.

In opposition to the request, the Protestants argue that the Petitioner has created a self-imposed hardship. They believe that his request is violative of the spirit and intent of the zoning regulations and opined that Mr. Devenport should have reserved additional land when he sold the 10-plus acres in 1979. Most importantly, it is noted that most of the Protestants' objections arise out of the use of the private road which serves these lots. The Protestants note that the subject private road serves a number of the properties in this area. They fear that the development of an additional dwelling will crowd an already overburdened roadway. Although I am appreciative of the Protestants' concerns, the issue before me is not upon the propriety of the subdivision of this property, which was approved by the County in 1989. Rather, I am to consider the propriety of the requested variances in accordance with Section 307 of the B.C.Z.R. and case law.

In considering the requested relief, the Petitioner has suggested alternative approaches. First he notes that the original 1.00 acre lot, known as Parcel A, is nonconforming. Under that scenario, the Petitioner argues that I should disregard the combination of the nonconforming lot with the property which the Petitioner now owns. Although I understand the Petitioner's approach, I must take the case and the history of the property as same is found. In my view, Parcel A lost its nonconforming identity when it was combined with the other lands retained by the Petitioner after his sale to Mr. & Mrs. Hepner in October 1979.

In the alternative, the Petitioner avers that the variances can be granted to validate the minor subdivision process previously approved by the County in 1989. In this scenario, the Petitioner relies upon the County's approval of the creation of the two subject lots by way of the

ORDER RECEIVED FOR FILING  
Date 7/19/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 7/19/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 7/19/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 7/19/93  
By [Signature]

**NOTICE OF SECOND POSTPONEMENT AND REASSIGNMENT**

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-250-A  
WALTER B. DEVENPORT, JR., ET UX  
NE approx. 2,120' from the c/l  
of Jarrettsville Pike at end of  
private driveway (13544 Jarrettsville  
Pike)  
10th Election District;  
3rd Councilmanic District  
VAR-property division & lot size;  
setbacks  
2/26/92 - Z.C.'s Order GRANTING  
Petition with restrictions.

which was scheduled for hearing on December 15, 1992 has been POSTPONED at the request of Counsel for Petitioner and has been REASSIGNED FOR: THURSDAY, FEBRUARY 25, 1993, AT 10:00 a.m.

cc: Mark P. Hanley, Jr., Esquire Appellant  
Michael H. Davis, Esquire Counsel for Petitioner  
W. B. Devenport Petitioner  
Robert A. Hoffman, Esquire  
J. Finley Ransone  
Mr. George Dundos  
People's Counsel for Baltimore County  
Public Services  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of Zoning  
Administration  
Kathleen C. Weidenhammer  
Administrative Assistant

**NOTICE OF THIRD POSTPONEMENT AND REASSIGNMENT**

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

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which was scheduled for hearing on February 25, 1993 has been POSTPONED at the request of Counsel for Petitioner due to General Assembly conflict, and has been REASSIGNED FOR: WEDNESDAY, JUNE 16, 1993, AT 10:00 a.m.

cc: Mark P. Hanley, Jr., Esquire Appellant  
Michael H. Davis, Esquire Counsel for Petitioner  
W. B. Devenport Petitioner  
Robert A. Hoffman, Esquire  
J. Finley Ransone  
Mr. George Dundos  
People's Counsel for Baltimore County  
Public Services  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of Zoning  
Administration  
Kathleen C. Weidenhammer  
Administrative Assistant

Michael H. Davis, Esquire  
VENABLE, BAETJER & HOWARD  
210 Allegheny Avenue  
P.O. Box 5517  
Towson, MD 21285-5517

Re: Case No. 92-250-A  
Walter B. Devenport, Jr., et ux

Dear Mr. Davis:

Enclosed is a copy of a letter received by the Board from Mark P. Hanley, Jr., Esquire, Appellant/Protestant in the subject matter, requesting a postponement of this case scheduled for hearing on June 16, 1993. Mr. Hanley requests that this matter be postponed until October. Your prompt response to this request would be appreciated.

Should you have any questions, please call me at 887-3180.

Very truly yours,  
Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Mark P. Hanley, Jr., Esquire  
People's Counsel for Baltimore County

RECEIVED  
GENERAL COUNSEL  
FEB 25 PM 4:03

**NOTICE OF REASSIGNMENT**

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

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2/26/92 - Z.C.'s Order GRANTING  
Petition with restrictions.

which was scheduled for hearing on June 16, 1993 has been REASSIGNED at the request of Appellant; and has been REASSIGNED FOR: THURSDAY, APRIL 15, 1993 AT 11:00 a.m.

cc: Mark P. Hanley, Jr., Esquire Appellant  
Michael H. Davis, Esquire Counsel for Petitioner  
W. B. Devenport Petitioner  
Robert A. Hoffman, Esquire  
J. Finley Ransone  
Mr. George Dundos  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of Zoning  
Administration  
Kathleen C. Weidenhammer  
Administrative Assistant

Mark P. Hanley, Jr., Esquire  
206 Washington Avenue  
P.O. Box 5506  
Towson, MD 21204

Re: Case No. 92-250-A  
Walter B. Devenport, Jr., et ux

Dear Mr. Hanley:

The subject case was first scheduled for hearing on September 9, 1992. Upon your request, a postponement was granted and the case rescheduled to December 15, 1992. There followed two subsequent postponement requests from Petitioner's counsel, both of which were granted, and the matter ultimately assigned to June 16, 1993.

The Board is now in receipt of your February 2, 1993 letter requesting a 4-month postponement. We consider this an unrealistic request, and will therefore reschedule the case one more time to April 15, 1993 at 11:00 a.m.

Absolutely no further postponement or reassignment requests will be considered.

Very truly yours,

William T. Hackett, Chairman  
County Board of Appeals

cc: Michael H. Davis, Esquire  
People's Counsel for Baltimore County

**NOTICE OF ASSIGNMENT**

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2/26/92 - Z.C.'s Order GRANTING  
Petition with restrictions.

ASSIGNED FOR: WEDNESDAY, SEPTEMBER 9, 1992 AT 10:00 a.m.

cc: Mark P. Hanley, Jr., Esquire Appellant  
W. B. Devenport - Petitioner  
Robert A. Hoffman, Esquire  
J. Finley Ransone  
Mr. George Dundos  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of Zoning  
Administration  
Lindalee M. Kuszmaul  
Legal Secretary

Public Services

Mark P. Hanley, Jr., Esquire  
206 Washington Avenue  
P.O. Box 5506  
Towson, MD 21204

RE: Case No. 92-250-A  
Walter B. Devenport, Jr., et ux

Dear Mr. Hanley:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Michael H. Davis, Esquire  
Robert A. Hoffman, Esquire  
W. B. Devenport  
J. Finley Ransone  
George Dundos  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

**NOTICE OF POSTPONEMENT AND REASSIGNMENT**

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setbacks  
2/26/92 - Z.C.'s Order GRANTING  
Petition with restrictions.

which was scheduled for hearing on September 9, 1992 has been POSTPONED at the request of Appellant due to a schedule conflict and has been REASSIGNED FOR: TUESDAY, DECEMBER 15, 1992 AT 10:00 a.m.

cc: Mark P. Hanley, Jr., Esquire - Appellant  
W. B. Devenport - Petitioner  
Robert A. Hoffman, Esquire  
J. Finley Ransone  
Mr. George Dundos  
People's Counsel for Baltimore County  
Public Services  
P. David Fields  
Lawrence E. Schmidt  
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Lindalee M. Kuszmaul  
Legal Secretary

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

111 West Chesapeake Avenue  
Towson, MD 21286 (410) 887-3353

January 16, 1992

Walter and Adelaide Devenport  
13544 Jarrettsville Pike  
Phoenix, Maryland 21131

Re: CASE NUMBER: 92-250-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case.

As you recall, this matter must now go through the regular hearing process; the property must be reported and notice of the hearing will be placed in two local newspapers. You will be billed for these advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,  
*Lawrence E. Egan*  
Lawrence E. Egan  
Zoning Commissioner  
Baltimore County, Maryland

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

111 West Chesapeake Avenue  
Towson, MD 21286 (410) 887-3353

December 27, 1991

Mr. & Mrs. Walter B. Devenport, Jr.,  
13544 Jarrettsville Pike  
Phoenix, Maryland 21131

Re: CASE NUMBER 92-250-A  
LOCATION: 13544 Jarrettsville Pike

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before January 5, 1992. The closing date is January 20, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) amend that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,  
J.A. Thomas  
(301) 887-3391

RE: PETITION FOR ZONING VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS  
NE approx. 2,120' from the : OF BALTIMORE COUNTY  
C/L Jarrettsville Pike at end :  
of private driveway : Zoning Case No. 92-250-A  
(13544 Jarrettsville Pike) :  
10th Election District :  
3rd Councilmanic District :

WALTER B. DEVENPORT, JR., :  
et ux, Petitioners : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-2188

I HEREBY CERTIFY that on this 23rd day of July, 1992, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Ave., Towson, MD 21204; Mark P. Hanley, Jr., Esquire, 206 Washington Ave., P.O. Box 5506, Towson, MD 21204; & George Dundos, 13538 Jarrettsville Pike, Phoenix, MD 21131.

*Peter Max Zimmerman*  
Peter Max Zimmerman

92-250-A 261

SC 4

supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line. [Bill No. 98, 1975.]

1A03.4--Height and area regulations. [Bill No. 98, 1975; No. 178, 1979.]

A. Height. No structure hereafter erected in an R.C. 4 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300. [Bill No. 98, 1975.]

B. Area regulations. [Bill No. 98, 1975; No. 178, 1979.]

1. No lot less than three acres in area may be hereafter created from a larger tract in an R.C. 4 zone, and no detached single-family dwelling may be hereafter erected on any lot of smaller area except as otherwise provided in Subsection 103.3 or in Paragraph 6, below. [Bill No. 98, 1975; No. 178, 1979.]

2. Lot density. A lot of record in an R.C. 4 zone with a gross area of less than 6 acres may not be subdivided, and a lot of record with a gross area of 6 acres but not more than 10 acres may not be subdivided into more than 2 lots (total). The maximum gross density of a lot of record with a gross area of more than 10 acres is 0.2 lot per acre. [Bill No. 98, 1975; No. 178, 1979.]

3. Minimum diametral dimension. The minimum diametral dimension of any lot hereafter created in an R.C. 4 zone shall be 300 feet except as otherwise provided in Paragraph 6 below. [Bill No. 98, 1975.]

4. Building setbacks. Any principal building hereafter constructed in an R.C. 4 zone shall be situated at least 100 feet from the centerline of any street and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 6, below. [Bill No. 98, 1975.]

1A-24

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STATEMENT TO ACCOMPANY  
REQUEST FOR VARIANCE  
13544 JARRETTSVILLE PIKE

Background

Walter B. Devenport, Jr. and Adelaide E. Devenport, his wife, became the owners of two contiguous lots in Phoenix, Maryland in 1972 and 1975. On March 15, 1989 the Petitioners two lots totaling 6 acres. The Petitioners divided their 3 acre parcel into the two lots shown as Parcel 309 and Parcel 102 on the attached copy of a portion of Tax Map 43. Attachment No. 1. They were 4.01 acres and 0.98 acres respectively. The 4.01 acre parcel is also shown as Lot No. 1 on Attachment No. 1A. The smaller section was used to increase the size of the one acre lot to 2.0 acres as shown on the plat accompanying this Petition and on Attachment No. 1A. Thus, Mr. and Mrs. Devenport still owned only two lots, but they were now four acres and two acres rather than five acres and one acre.

Recently, the Petitioners became aware of a question concerning the realignment of the lot lines when they inquired about the possibility of expanding their house by constructing a two story 21' x 25' addition. The expanding their house on the first floor and to provide a bedroom plan is to enlarge the tiny kitchen on the first floor and to provide a bedroom suite on the second floor. They were told that zoning regulations existed in 1975 which established the R.C. 4 Zone and created more stringent lot size and setback requirements would be applied because of the lot line changes.

Justification for Grant of Variance

Area Variance

When Mr. and Mrs. Devenport built their home, it was situated on a one acre plot that was adjoined by a vacant five acre parcel. In 1989 they decided to expand the smaller lot, while leaving a four acre parcel that met all the zoning requirements that pertain to the size of an R.C.4 lot. They have decided to request variances for their lots to eliminate questions that have arisen because of their sizes. Petitioners are unable to meet the 3.0 acre minimum lot size of a requirement by taking a portion of the 4.01 acre lot. Attachment No. 1A is a portion of a plat that was drawn in 1989 when Lot No. 1 was created. As can be seen, there is approximately 3 acres of unbuildable land because of slope, wetlands and stream buffer. This leaves one acre as the only buildable area. Therefore, it is impossible for the smaller lot to be expanded to 3.0 acres without making Lot No. 1 totally unbuildable. There is no

Parcels 102 and 169 are presently shown as a single lot containing 1.725 acres and identified as Parcel 102 for tax assessment purposes. J. Finley Hanson & Associates, Registered Land Surveyors, have calculated the area as 1.9668 acres.

LAW OFFICES  
MARK P. HANLEY, JR.  
206 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204

February 2, 1993

William T. Hackett, Chairman  
County Board of Appeals of  
Baltimore County  
Old Court House  
400 Washington Avenue  
Towson, Maryland 21204

RE: Devenport, Walter - Petition for Zoning Variance  
NE approx. 2,120' from the c/l Jarrettsville Pike at end  
of private driveway (13544 Jarrettsville Pike)  
Zoning Case No.: 92-250-A

Dear Chairman Hackett:

I notice that the third postponement request has been rescheduled for June 16, 1993. As attorney and Appellant concerning the above I would respectfully request that this case be postponed to the fall in that the I will be out of State during the months of June, July and August. It would be greatly appreciated if this could be postponed until October.

I apologize for any inconvenience and thank you for your attention in this matter.

Very truly yours,  
*Mark P. Hanley, Jr.*  
Mark P. Hanley, Jr.

MPH/jlm

LAW OFFICES  
MARK P. HANLEY, JR.  
206 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204

March 4, 1993

William T. Hackett, Chairman  
County Board of Appeals of  
Baltimore County  
Old Court House  
400 Washington Avenue  
Towson, Maryland 21204

RE: Walter B. Devenport, Jr., et ux  
Case No.: 92-250-A

Dear Mr. Hackett:

As you are aware, I made a request for a continuance to this case on February 2, 1993 to which on March 1, 1993 I received a letter from Mr. Davis objecting to said postponement. I enclose copies of two (2) letters from Mr. Davis dated November 17, 1992 and January 20, 1993 wherein for various reasons he has made requests for postponements which resulted in this case being continued for at least six (6) months. I would again renew my request and especially in light of my not objecting to these prior postponements, feel my request is not unreasonable in this matter.

Very truly yours,  
*Mark P. Hanley, Jr.*  
Mark P. Hanley, Jr.

MPH/jae  
Enclosure(s)  
cc: Michael H. Davis, Esquire

LAW OFFICES  
MARK P. HANLEY, JR.  
206 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204

August 11, 1992

County Board of Appeals of Baltimore County  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

ATTENTION: LindaLee M. Kuszmaul

RE: Devenport, et ux., Petition for Zoning Variance  
Case No.: 92-250-A  
Hearing Date: Wednesday, September 9, 1992 at 10:00 a.m.

Dear Ms. Kuszmaul:

Would it be possible to postpone the above as I am involved in a previously scheduled case (Muller v. Muller, case number 11/551/8051) in the Harford County Circuit Court at that time, which I thought would settle.

Thank you for your consideration in this matter.

Very truly yours,  
*Mark P. Hanley, Jr.*  
Mark P. Hanley, Jr.

MPH/jlm

need court  
1/2/93  
LJK

MARK P. HANLEY, JR.  
ATTORNEY AT LAW  
TOWSON, MARYLAND 21286

March 23, 1993

1000 BALTIMORE  
BALTIMORE COUNTY GOVERNMENT  
COUNTY OFFICE BUILDING  
1000 BALTIMORE  
BALTIMORE, MARYLAND 21204

ATTENTION: Lawrence F. Schmidt

RE: PETITION FOR ZONING VARIANCE  
NE approx. 2,120' from c/l of Jarrettsville Pike  
at end of private driveway  
(13544 Jarrettsville Pike)  
10th Election District - 3rd Councilmanic  
District  
Walter F. Devenport, Jr. et al - Petitioners  
Case No. 92-250-A

Dear Mr. Schmidt:

Please note an appeal of the decision rendered in the  
above captioned matter.

Very truly yours,

Mark P. Hanley, Jr.

MTH:lc

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
BALTIMORE, MD  
WASHINGTON, D. C.  
MILFORD, VA  
ROCKVILLE, MD  
BEL AIR, MD

RICHARD W. VENABLE (1988-1990)  
EDWARD H. BAETJER (1988-1990)  
CHARLES H. HOWARD (1979-1991)

November 17, 1992 494-6281

William T. Hackett, Chairman  
County Board of Appeals of  
Baltimore County  
Old Court House  
400 Washington Avenue  
Towson, Maryland 21204

Re: Devenport, Walter - Petition for Zoning Variance  
NE approx. 2,120' from the c/l Jarrettsville Pike at end  
of private driveway (13544 Jarrettsville Pike)  
Zoning Case No. 92-250-A

Dear Chairman Hackett:

Please enter my appearance on behalf of the Devenports in the  
above-referenced case as I will be handling their hearing before the  
Board of Appeals. In addition, I would like to request a  
continuance for the above-referenced hearing which had been  
scheduled for December 15, 1992 at 10:00 A.M. Unfortunately, our  
clients, who are a key witness in this case, are not available on  
that date.

Accordingly, it is respectfully requested that the hearing be  
rescheduled to the next available date. I apologize for the  
inconvenience and thank you for your attention to this matter.

Sincerely,

Michael H. Davis

cc: Walter B. Devenport  
Mark P. Hanley, Jr.  
Peter Max Zimmerman  
George Dundos

DEVENPORT.LTR

21-11-92 81 20422

PP. to 2/23/93

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
BALTIMORE, MD  
WASHINGTON, D. C.  
MILFORD, VA  
ROCKVILLE, MD  
BEL AIR, MD

RICHARD W. VENABLE (1988-1990)  
EDWARD H. BAETJER (1988-1990)  
CHARLES H. HOWARD (1979-1991)

January 20, 1993

William T. Hackett, Chairman  
County Board of Appeals of  
Baltimore County  
Old Court House  
400 Washington Avenue  
Towson, Maryland 21204

Re: Devenport, Walter - Petition for Zoning Variance  
NE approx. 2,120' from the c/l Jarrettsville Pike at  
end of private driveway (13544 Jarrettsville Pike)  
Zoning Case No. 92-250-A

Dear Chairman Hackett:

Because I am counsel for several associations in Annapolis and  
must represent them before the Maryland General Assembly which is  
currently in session in Annapolis, it will not be possible for me to  
attend the hearing scheduled to be held on February 25, 1993 at 10:00  
a.m. in the above-captioned matter. I realize that this case has  
been previously postponed, however, the three month session restricts  
my attention to legislative matters.

Accordingly, I respectfully request that the hearing be  
postponed and rescheduled to a date sometime in mid to late April  
after the current legislative session has ended. I do not believe  
that such a postponement will adversely affect any party to the case.  
I apologize for the inconvenience and thank you for your attention to  
this matter.

Sincerely,

Michael H. Davis

cc: Walter B. Devenport  
Mark P. Hanley, Jr.  
Peter Max Zimmerman  
George Dundos

6/16/93 @ 10:00am

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
BALTIMORE, MD  
WASHINGTON, D. C.  
MILFORD, VA  
ROCKVILLE, MD  
BEL AIR, MD

RICHARD W. VENABLE (1988-1990)  
EDWARD H. BAETJER (1988-1990)  
CHARLES H. HOWARD (1979-1991)

March 1, 1993

(410) 494-6281

William T. Hackett, Chairman  
County Board of Appeals of  
Baltimore County  
Old Court House  
400 Washington Avenue  
Towson, Maryland 21204

Re: Walter B. Devenport, Jr., et ux  
Case No. 92-250-A

Dear Mr. Hackett:

I have received a copy of Mr. Hanley's letter requesting a  
postponement of this case scheduled for hearing on June 16, 1993. In  
this letter, Mr. Hanley requested this matter be postponed until  
October.

We would oppose Mr. Hanley's request for postponement. Mr.  
Hanley already requested a postponement last September. Furthermore,  
a postponement of four months is unreasonable. Therefore, we would  
request that the June 16, 1993 hearing not be postponed.

I appreciate your attention to this matter.

Sincerely,

Michael H. Davis

MHD/tls  
cc: Mark P. Hanley, Jr., Esquire  
People's Counsel for Baltimore County

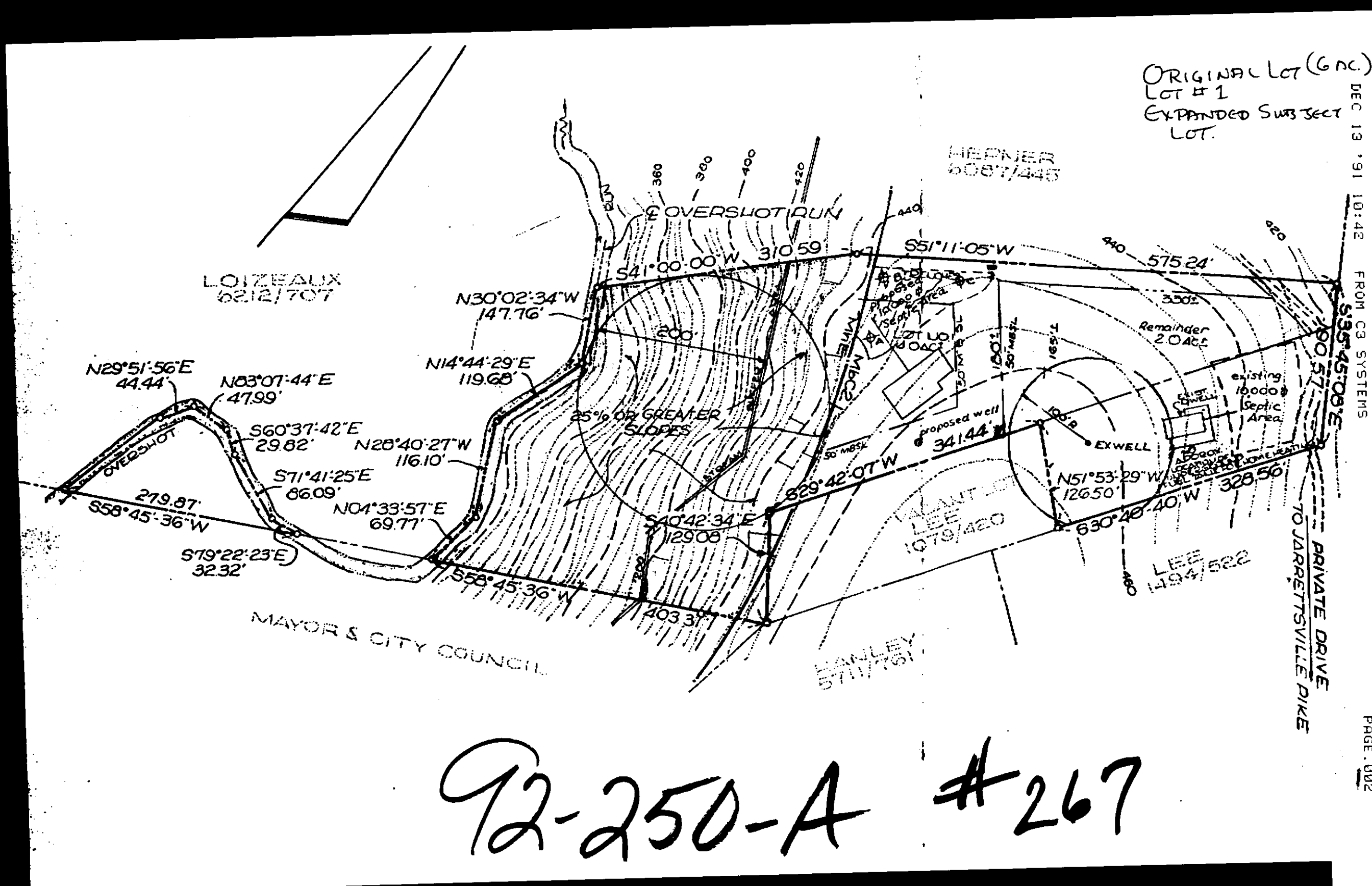
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Mark Hanley	13544 Jarrettsville Pike
Walter Devenport	13544 Jarrettsville Pike
George Dundos	13544 Jarrettsville Pike

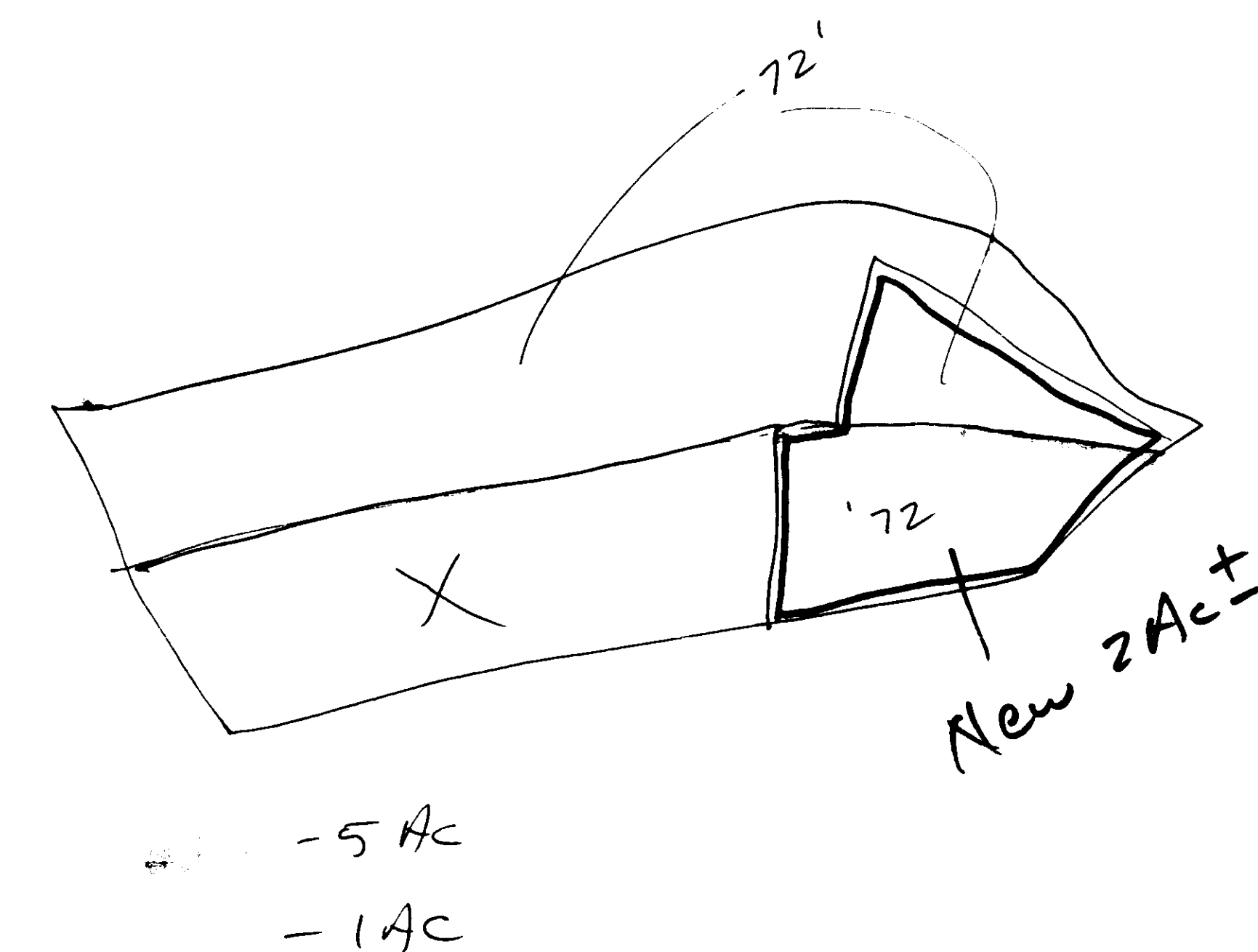
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Allegany Ave
W.B. DEVENPORT	PO BOX 92 PHOENIX MD. 21131
J. FINLEY RANSOME	13918 JARRETTSVILLE PIKE



92-250-A #267



92-250-A

207

2022 REC-356

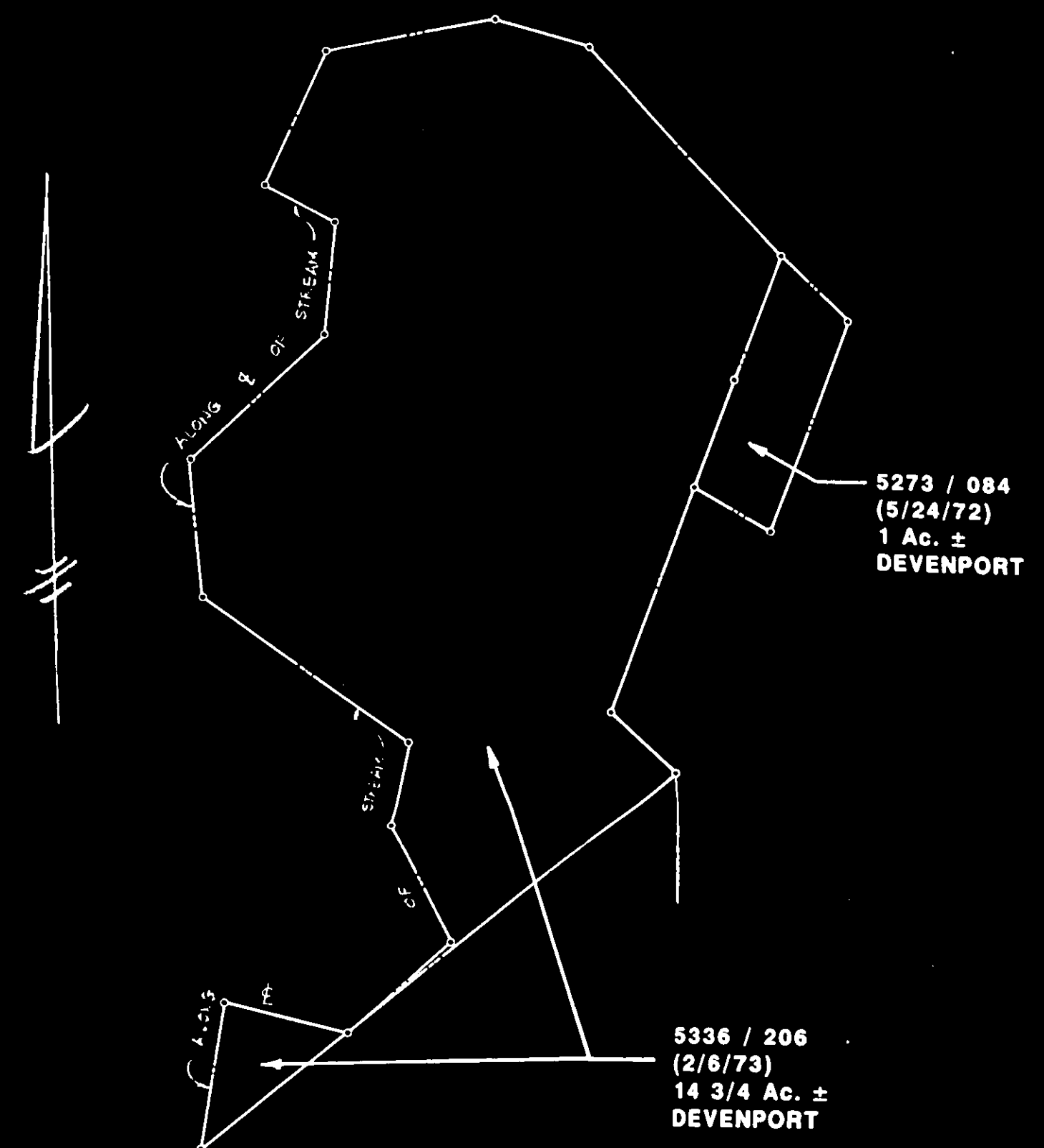
THIS DEED, Made this 3rd day of February, 1956, the year one thousand nine hundred and fifty-six, by and between CHESTER G. BROWN and CLARA J. BROWN, his wife (herein referred to as "Grantors"), of Baltimore County, State of Maryland, and LIBERTY FEDERAL SAVINGS and LOAN ASSOCIATION, a body corporate (herein referred to as "Mortgagee"), of Baltimore City, State of Maryland, and WILLIAM A. PARSONS, JR. and ANNE O. PARSONS, his wife, ROLAND LeROY HORN, ALEXANDER GIFFORD and BLANCHE B. GIFFORD, his wife, T. ALBERT ANDERSON, unmarried, HARRY QUICKLEY and MARY AUGUSTA QUICKLEY, his wife, and CHARLES W. LEE and MILDRED V. TAYLOR (herein collectively referred to as "Grantees"), all of Baltimore County, State of Maryland.

WHEREAS, Grantors are the owners of a tract of land more particularly described in a deed from Andrew F. Kuhn, and wife, dated December 7, 1954, and recorded among the Land Records of Baltimore County in Liber to L.H. No. 206, Folio 43, and

WHEREAS, Mortgagee is the holder of a mortgage on said tract of land, dated December 7, 1954, and recorded among the Land Records of Baltimore County in Liber to L.H. No. 206, Folio 43, and

WHEREAS, William A. Parsons, Jr. and Anne O. Parsons, his wife, are the owners of two tracts of land, lying to the west of the Brown tract, one containing 14 3/4 acres more or less, more particularly described in a deed from Joseph and Alice M. Anderson, dated June 1, 1954, and recorded among the Land Records of Baltimore County in Liber to L.H. No. 206, Folio 43, and the other containing 14 3/4 acres more or less, more particularly described in a deed from Joseph and Alice M. Anderson, dated June 1, 1954, and recorded among the Land Records of Baltimore County in Liber to L.H. No. 206, Folio 43, and

### EXHIBIT 2a



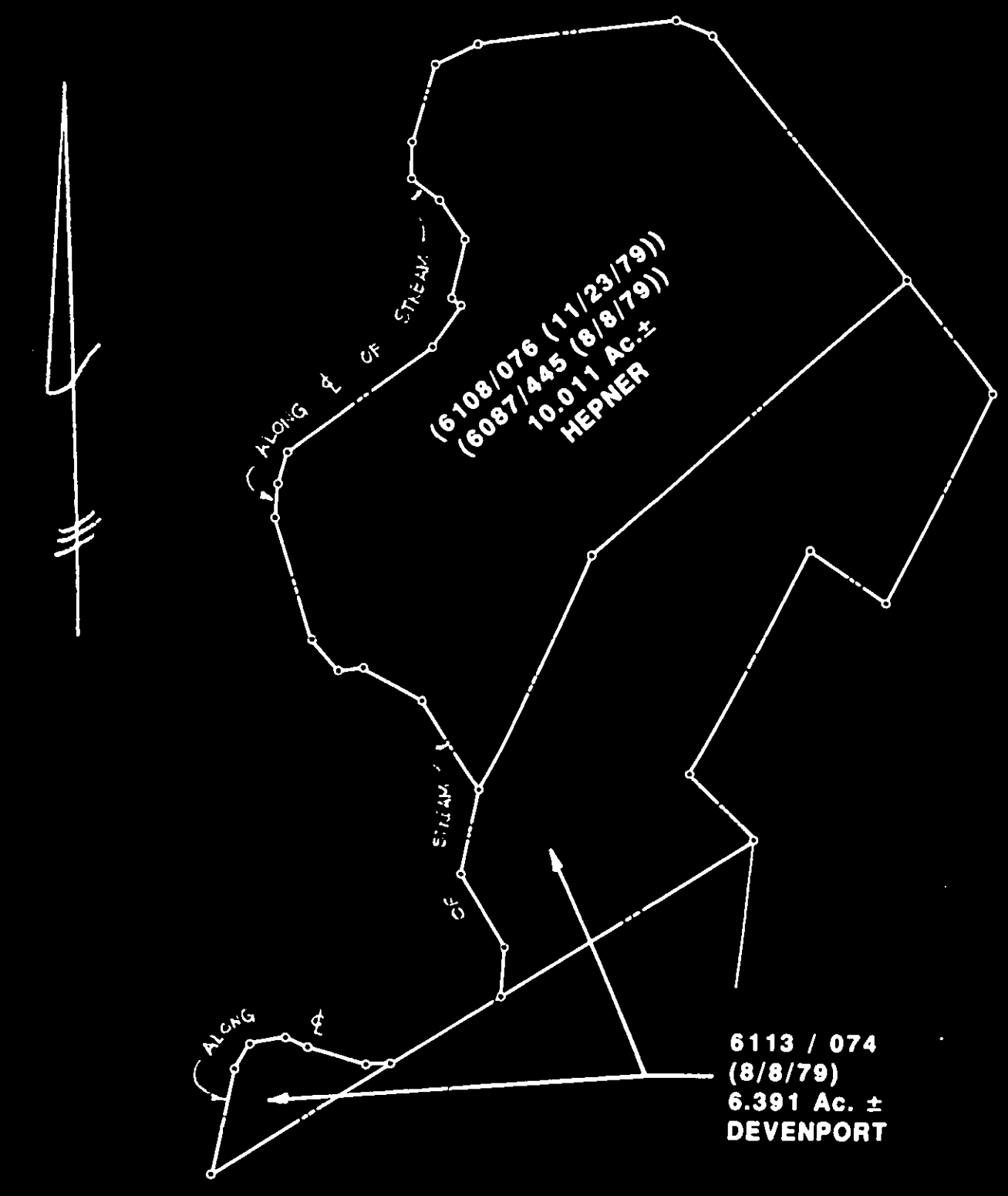
TOTAL HOLDINGS BY DEVENPORT  
15 3/4 Ac. (BY DEED)

**DEVENPORT PROPERTY**  
SCALE: 1" = 200' APRIL 14, 1993

**McKEE & ASSOCIATES, INC.**  
CIVIL ENGINEERS - LAND SURVEYORS  
SHAWAN PLACE • SHAWAN ROAD  
HUNT VALLEY, MD 21039  
PHONE - (410) 827-1888

Petitioner's Ex # 2a

### EXHIBIT 2b



TOTAL HOLDINGS BY DEVENPORT  
PRIOR TO SALE OF HEPNER PARCEL  
16.402 Ac. ± (BY SURVEY)

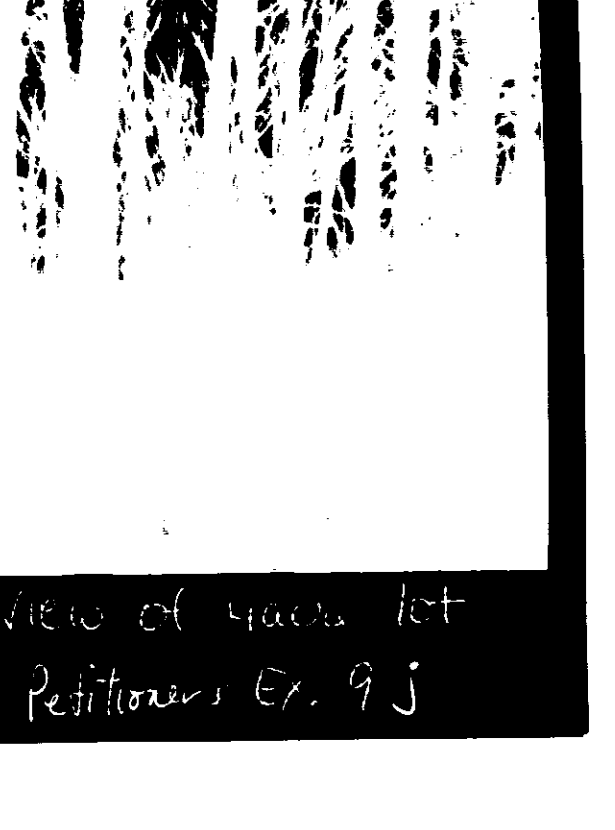
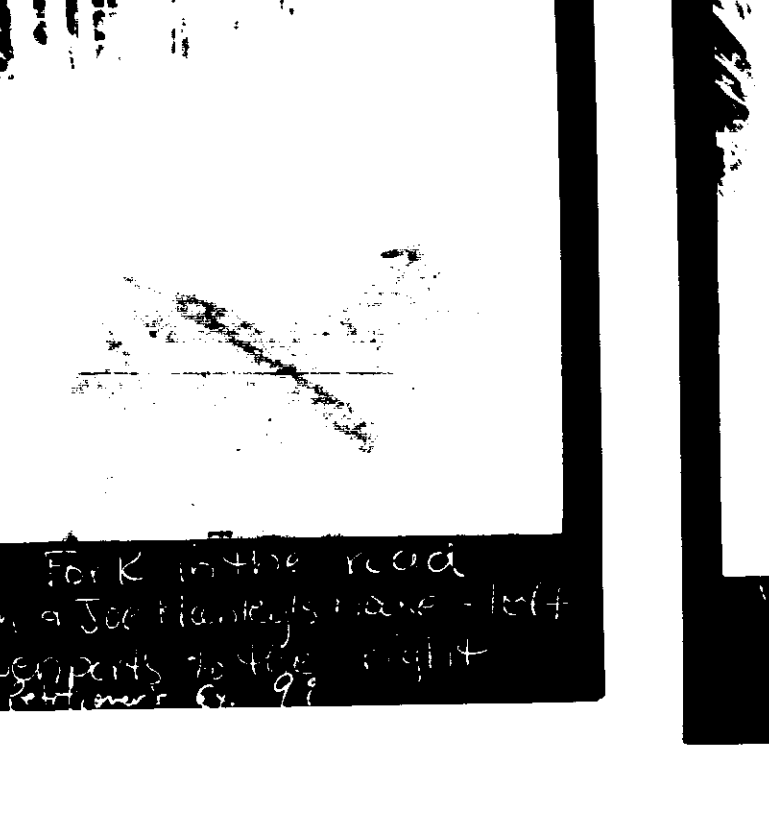
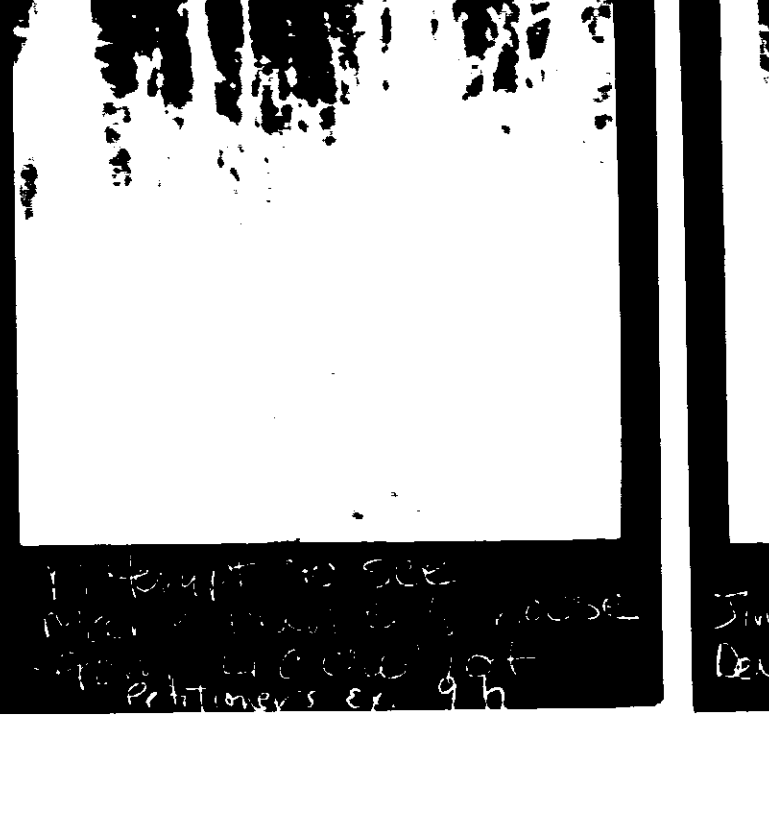
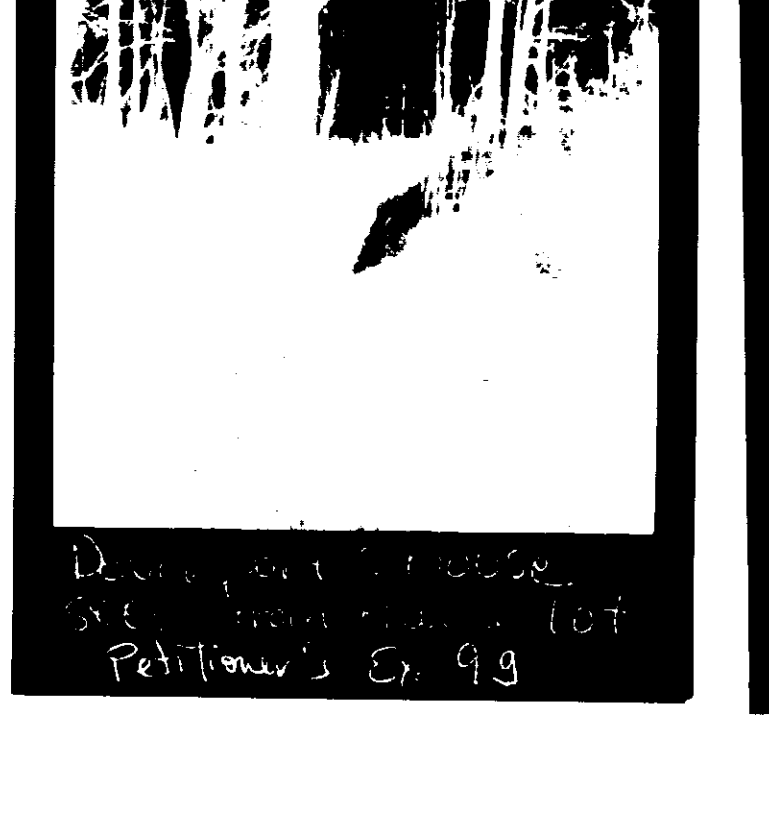
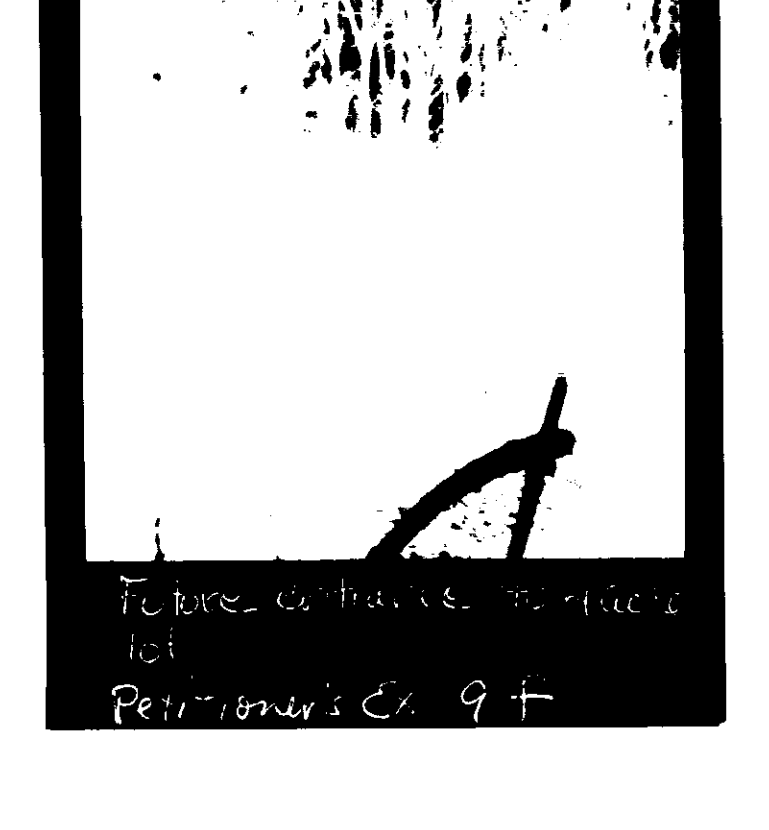
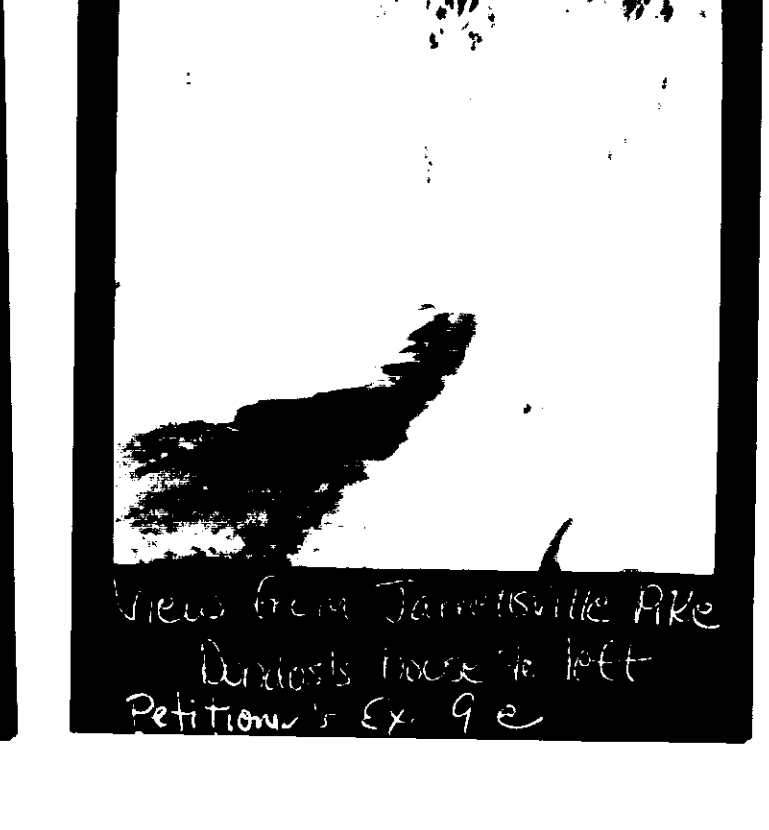
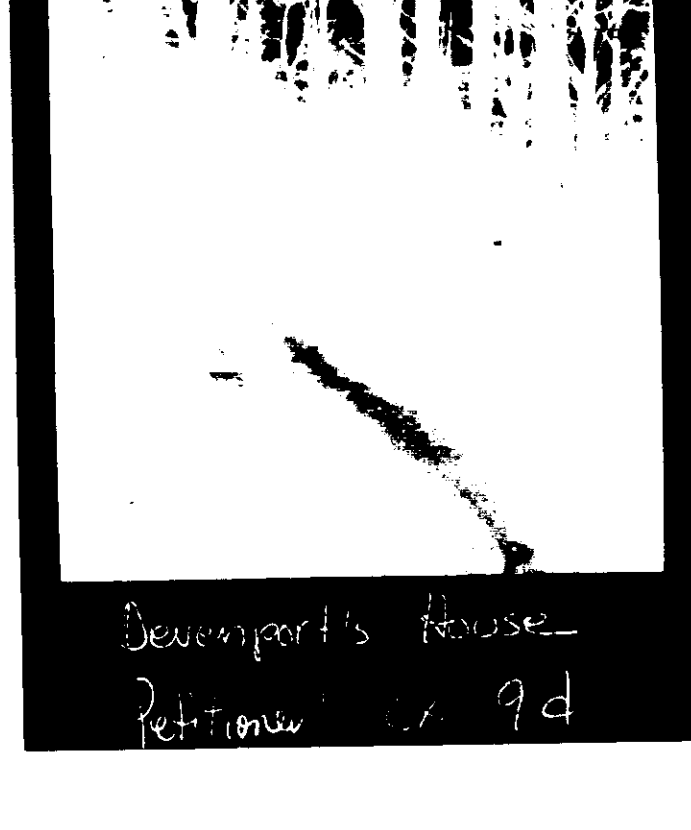
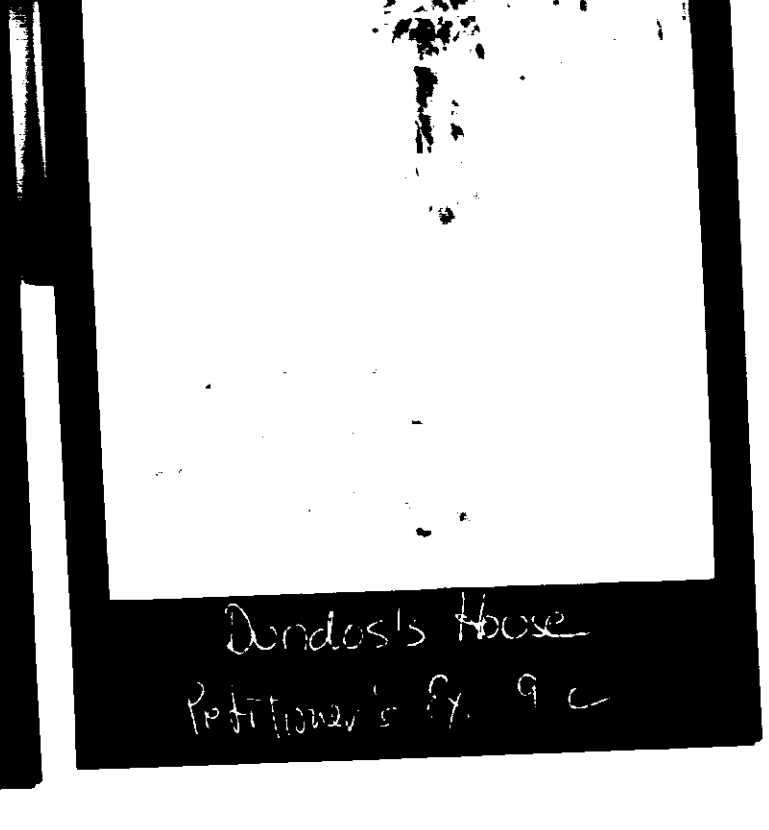
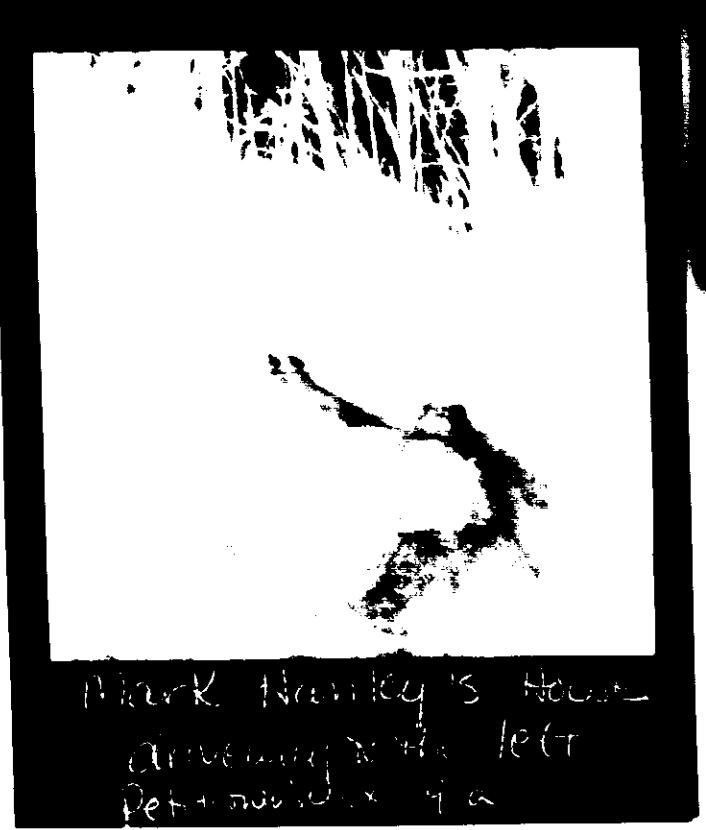
TOTAL HOLDINGS BY DEVENPORT  
AFTER SALE OF HEPNER PARCEL  
6.391 Ac. ±

**DEVENPORT PROPERTY**  
SCALE: 1" = 200' APRIL 14, 1993

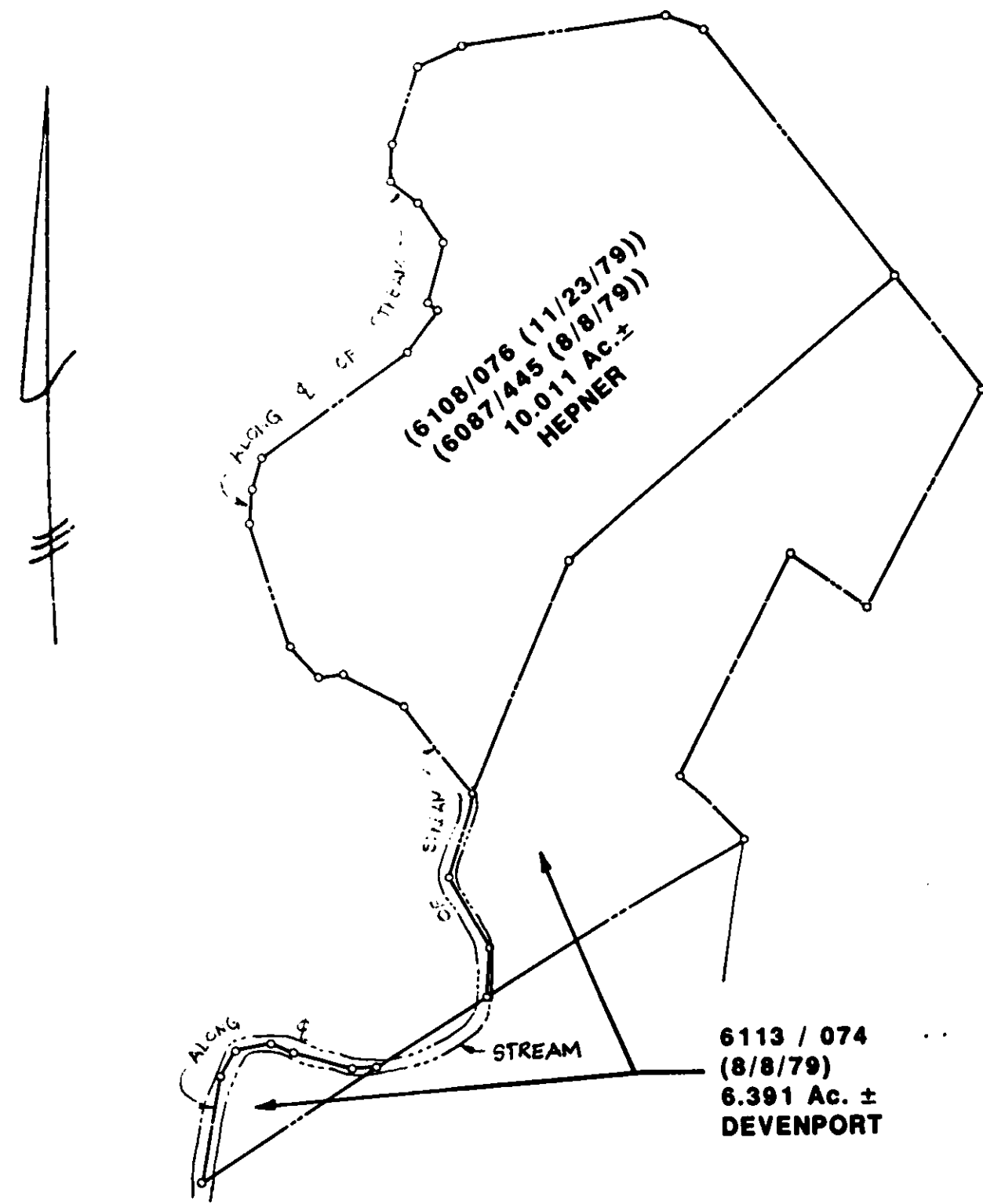
**McKEE & ASSOCIATES, INC.**  
CIVIL ENGINEERS - LAND SURVEYORS  
SHAWAN PLACE • SHAWAN ROAD  
HUNT VALLEY, MD 21039  
PHONE - (410) 827-1888

Petitioner's Ex # 2b

Devenport  
92-250-A  
Pet's 9a-9J } Photos  
Pipit's 2A-2F }



**EXHIBIT 2c**

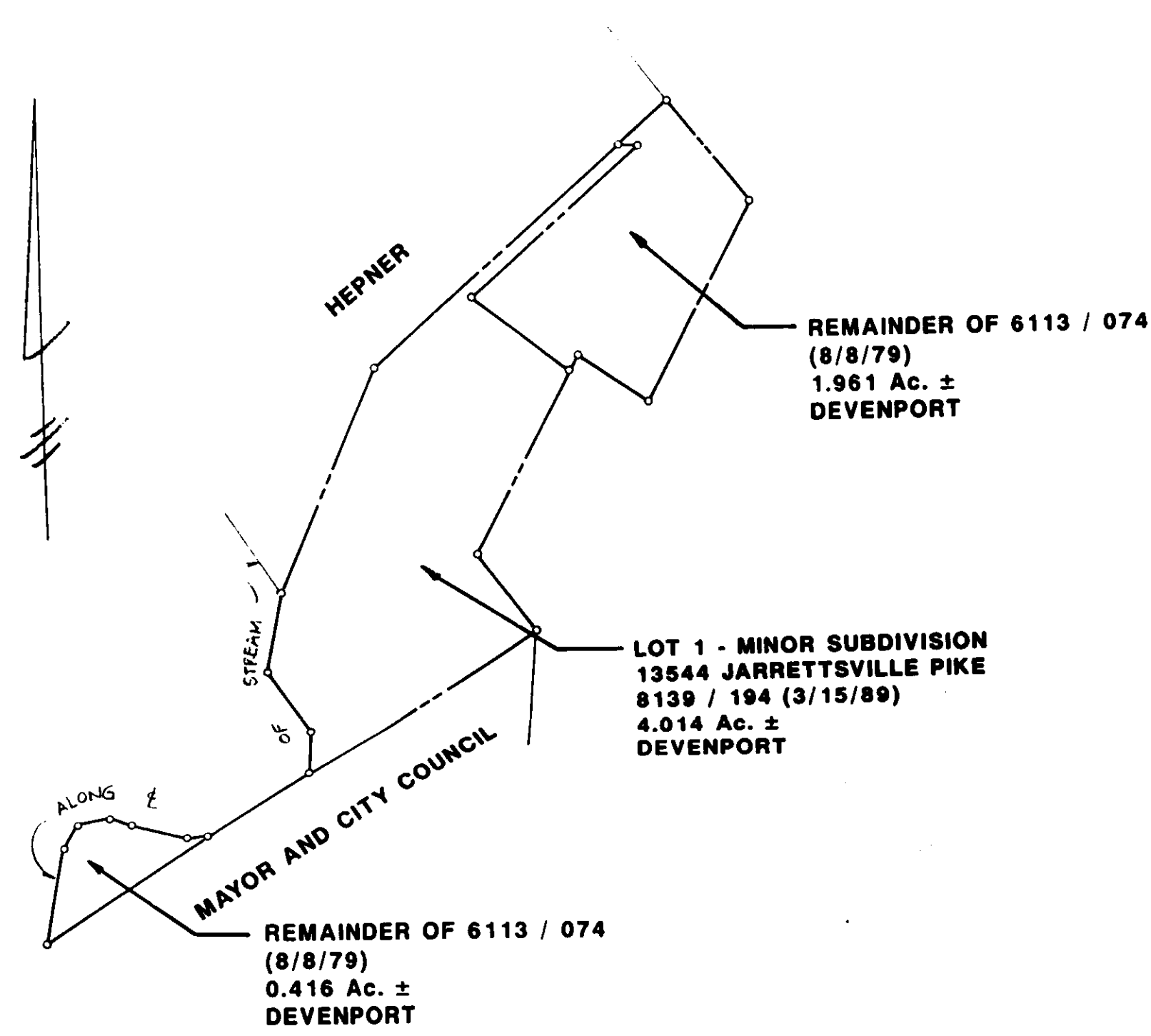


**TOTAL HOLDINGS BY DEVENPORT PRIOR TO SALE OF HEPNER PARCEL**  
16.402 Ac. ± (BY SURVEY)

**TOTAL HOLDINGS BY DEVENPORT AFTER SALE OF HEPNER PARCEL**  
6.391 Ac. ±

**DEVENPORT PROPERTY**  
SCALE: 1" = 200' APRIL 14, 1993

**EXHIBIT 2d**



**TOTAL HOLDINGS BY DEVENPORT**  
6.391 Ac. ±

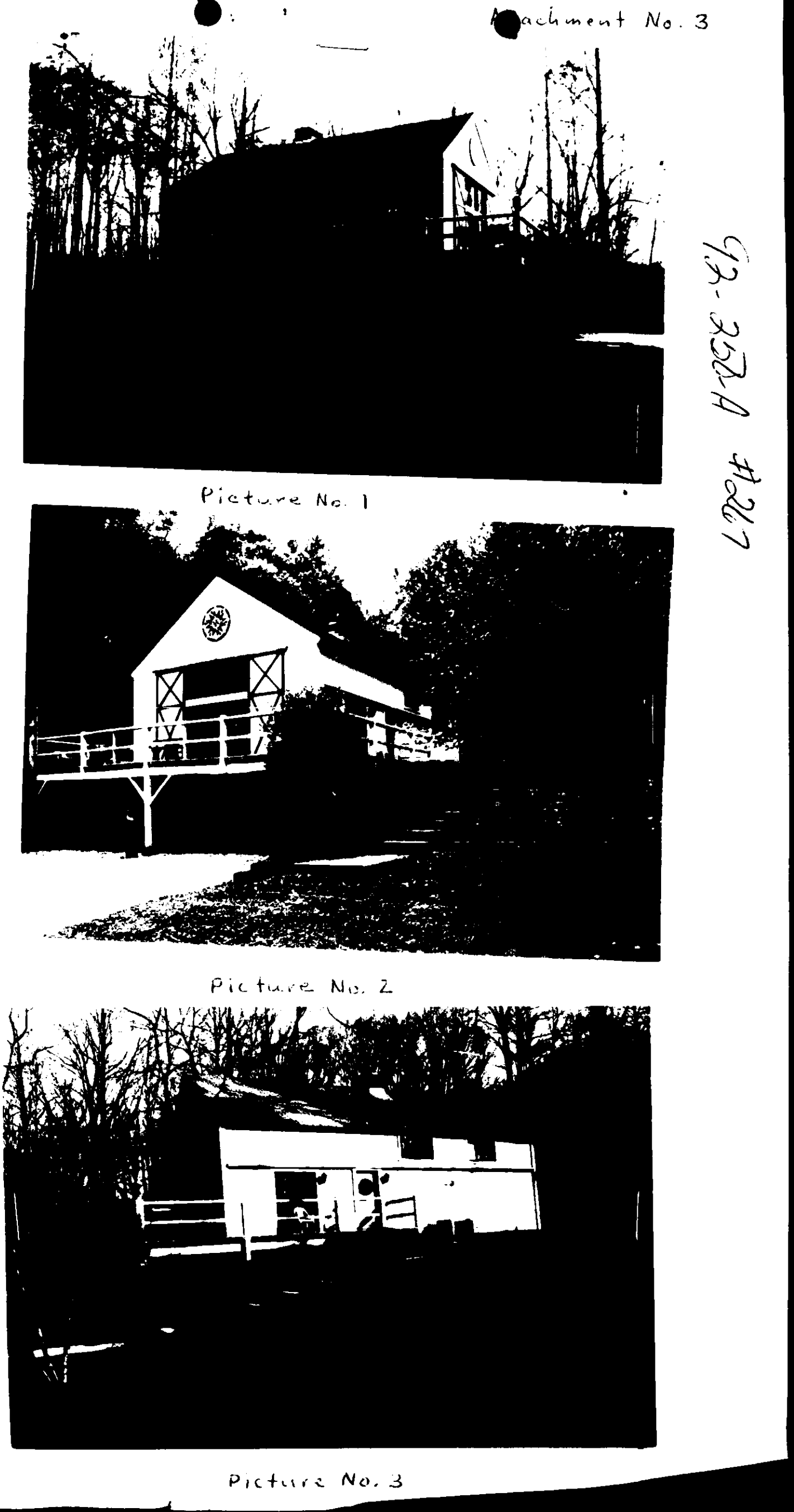
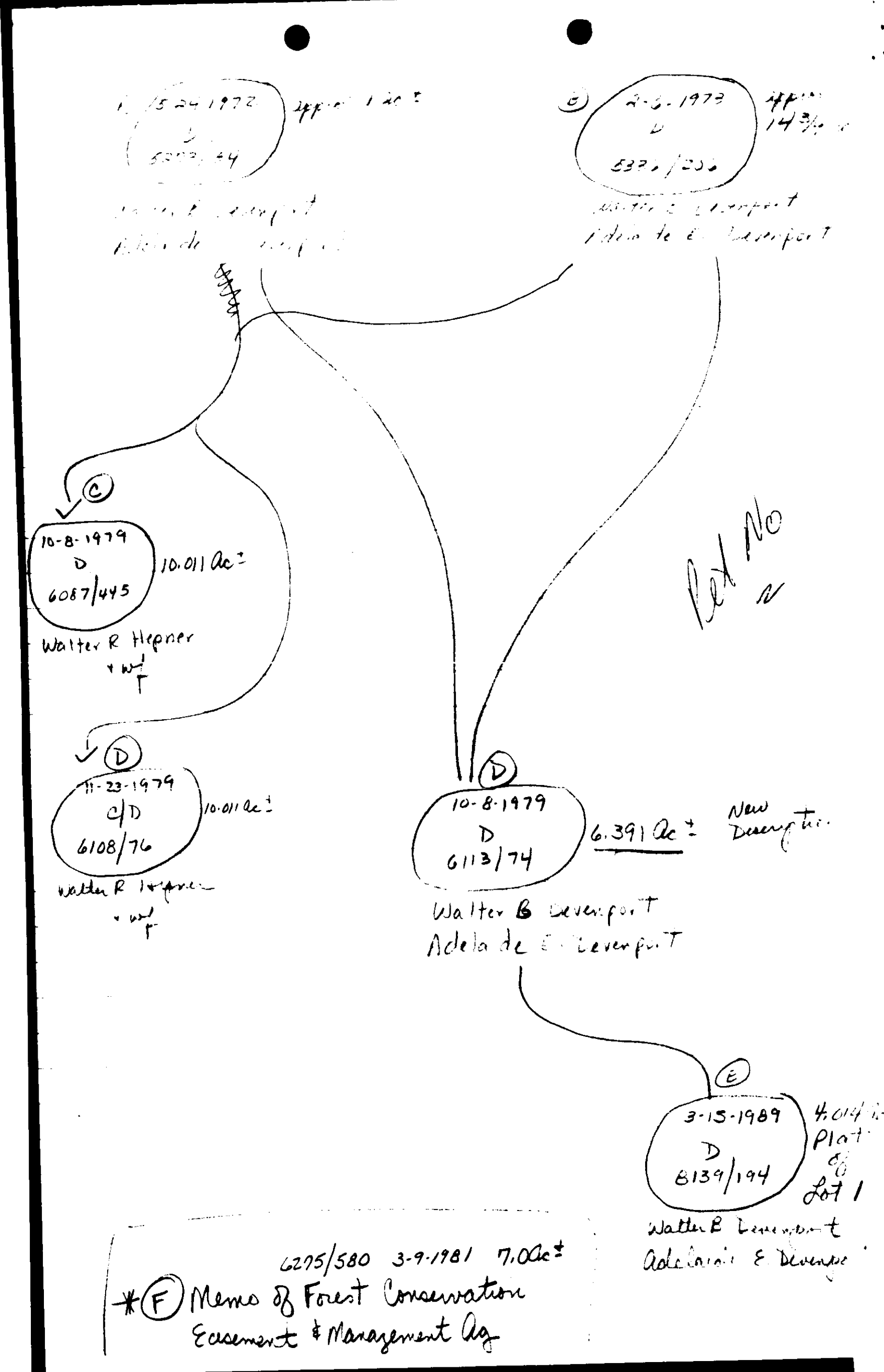
**DEVENPORT PROPERTY**  
SCALE: 1" = 200' APRIL 14, 1993

**McKEE & ASSOCIATES, INC.**  
CIVIL ENGINEERS - LAND SURVEYORS  
SHAWAN PLACE & SHAWAN ROAD  
HUNT VALLEY, MD 21039  
PHONE - (410) 827-1855

Petitioner's Ex # 2c

**McKEE & ASSOCIATES, INC.**  
CIVIL ENGINEERS - LAND SURVEYORS  
SHAWAN PLACE & SHAWAN ROAD  
HUNT VALLEY, MD 21039  
PHONE - (410) 827-1855

Petitioner's Ex # 2d



BALTIMORE COUNTY, MARYLAND					
JULY 1, 1992 THRU JUNE 30, 1993			76,560 07/01/92 1992-93 ANNUAL		
COUNTY TAX	76,560	2,865	2,193.44	0	07/01/92
LESS TAX CREDIT			340.88	18-00-014010-93	
STATE TAX	76,560	210	160.78	DEVENPORT, WALT	
LESS CREDIT FOR PAYMENTS			2,013.34		
STATEMENT BALANCE			.00		
18-00-014010-93 0					
DEVENPORT, WALTER B, JR					
DEVENPORT, ADELAIDE E					
P O BX 92					
PHOENIX MD 21141					
1.725 AC SSR					
MERRY M NS MIL RD RER13					
070192 TAX ROLL	2,013.34		37.05	1,976.29	
070892 CR 11	2,013.34		.00		
A/R BALANCE					

Appellant's Ex 3a

BALTIMORE COUNTY, MARYLAND					
JULY 1, 1992 THRU JUNE 30, 1993			140 07/01/92 1992-93 ANNUAL		
COUNTY TAX	140	2,865	4.01	1	07/01/92
STATE TAX	140	210	29	21-00-010565-93	DEVENPORT, WALT
LESS CREDIT FOR PAYMENTS			4.30		
STATEMENT BALANCE			.00		
21-00-010565-93 1					
DEVENPORT, WALTER B, JR					
DEVENPORT, ADELAIDE E					
P O BX 92					
PHOENIX MD 21141					
4.014 AC SSR					
MERRY M NS MIL RD RER13					
070192 TAX ROLL	4.30		.08	4.22	
070892 CR 11	4.30		.00		
A/R BALANCE					

Appellant's Ex 3b

**George Neff Lucas**  
13600 Jarrettsville Pike, Phoenix, Maryland 21131

April 18, 1993

Baltimore County Board of Appeals  
Hearing Room 48, Old Court House  
Towson, MD 21204

To the Board:

Being unable to attend the relevant hearing, I should like in this manner to express my support of the Devenports' plan to divide their six-acre property. I can't imagine how this would result in a noticeable increase in traffic on the access road from Jarrettsville Pike.

Mrs. Lucas and I have owned the residential property north of Overshot Run since 1951. In all those years, the only time we have been annoyed by "traffic" -- or even noticed it -- on that access road was when it was briefly overused by motorcycles. In the last dozen years, I have been retired and usually at home in daytime and vehicles moving there have been extremely scarce.

Our property line on the south, incidentally, extends to the center of the access road for at least a small portion of its length -- so we should have something to say about its use. While traffic on Jarrettsville Pike has increased incredibly in the past 41 years, any increase on the access road to the Devenport property has hardly been observable. The sale of that property, in any configuration, could not make a visible change.

Respectfully,  
*George N. Lucas*  
George N. Lucas

Petitioner's Ex. # 10

JAN-7-72 265359d \*\*\*2310  
JAN-7-72 265359DC \*\*\*46E0  
JAN-7-72 265358DC \*\*\*4850  
JAN-7-72 265357DE \*\*\*4800

This Deed, Made this 27th day of July, 1972, in the year one thousand nine hundred and seventy-two, by and between MARY AUGUSTA QUICKLEY, of the first part, and WALTER B. DEVENPORT and ADELAIDE E. DEVENPORT, his wife, of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable consideration, the receipt of which is hereby acknowledged the said Mary Augusta Quickley does hereby grant and convey unto the said Walter B. Devenport and Adelaide E. Devenport, his wife, as tenants by the entireties, their assigns, the survivor of them, his or her heirs and assigns, in fee simple, all that lot(s) of ground, situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:--

Beginning for the same at a stone at the root of a white oak tree a corner of Walter Conklings (formerly Henry Browns) land and running thence and bounding on said Conklings land with Magnetic bearings of present North 41 1/4 degrees West 8 2/10 perches to a stake and stone thence South 24 3/4 degrees West 8 2/10 perches to a stake thence South 55 3/4 degrees East 7 2/3 perches to a stake and thence North 24 3/4 degrees East 20 perches and 2 links to the beginning containing and laid out for one acre of land more or less.

Subject to the right of way on said land along the first line of said lot mentioned in a deed from John G. Bosley to Allen Quickley and others dated December 8, 1873 and recorded among the Land Records of Baltimore County in Liber J.B. No. 85 folio 13, etc. Being the same lot of ground which by Deed dated November 20, 1925 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 628 folio 209 was granted and conveyed by W. Gill Smith, assignee, to Harry Quickley and Mary Augusta Quickley, as tenants by the entireties. The said Harry Quickley died on January 27, 1961, thereby leaving title vested in Mary Augusta Quickley, his wife, by right of survivorship, subject to and together with the right to the use in common of the right of way leading to Jarrettsville Pike as described in the aforesaid Deed from W. Gill Smith, assignee, to Harry Quickley and wife, as modified by Deed and Agreement dated May 3, 1956 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2922 folio 356 from Chester G. Brown to Harry Quickley, et al.

2550 MSB

Partition's Ex. #3

This Deed, Made this 28th day of July, 1972, in the year one thousand nine hundred and seventy-three by and between BLANCHE BOYD GIFFORD, widow, of the first part, and WALTER B. DEVENPORT, JR. and ADELAIDE E. DEVENPORT, his wife, of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt of which is hereby acknowledged the said Blanche Boyd Gifford do hereby grant and convey unto the said Walter B. Devenport, Jr. and Adelaide E. Devenport, his wife, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot(s) of ground, situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:--

Beginning for the same at the beginning of that parcel of land which by deed dated May 23, 1938 and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 1029 folio 303 etc. was conveyed by W. Gill Smith assignee to T. Evans Whiteley running thence reversely binding on the last or north 39 degrees east 12 65/100 perches line of said land south 40 degrees west 204 5/10 feet to a stone heretofore planted at the beginning thereof running thence south 21 degrees west 514 feet to a stone heretofore planted running thence south 45 degrees 30 minutes east 129 feet to a concrete monument running thence south 50 degrees 30 minutes west 274 1/2 feet more or less to an old marked white oak tree which is also the center of the Over shot Branch and also being the end of the fourth line in the deed dated April 28, 1866 and recorded among the Land Records of Baltimore County in Liber J.H.L. No. 48 folio 371 from John P. Parlett and wife to Joshua Bosley running thence binding in the center of said Overshot Branch the 13 following courses and distances viz north 8 degrees 30 minutes east 214 1/2 feet south 76 degrees 30 minutes east 181 3/4 feet north 48 degrees east 198 feet north 28 degrees west 198 feet north 13 degrees east 132 feet north 53 degrees 30 minutes west 353 feet north 4 degrees west 198 feet north 47 degrees 30 minutes east 264 feet north 6 degrees east 165 feet north 60 degrees east 115 2/10 feet north 25 degrees east 214 3/10 feet north 80 degrees east 247 5/10 feet south 534 perches line of the whole tract running thence reversely binding thereon south 41 degrees 30 minutes east 425 7/10 feet to the place of beginning.

Containing 14 3/4 acres of land more or less. BEING the same lot of ground which by Deed dated April 25, 1941 and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 2922 folio 356 from Chester G. Brown to Harry Quickley, et al.

2550 MSB

Partition's Ex. #4

This Deed, Made This 8th day of October, 1972, in the year one thousand nine hundred and seventy-nine by and between WALTER B. DEVENPORT, JR., and ADELAIDE E. DEVENPORT, his wife, of the first part, and WALTER R. HEPNER, III, and JAMES H. HEPNER, of the second part.

Witnesseth, That in consideration of the sum of Seventy-two Thousand and 00/100 Dollars (\$72,000.00), the receipt of which is hereby acknowledged, the said WALTER B. DEVENPORT, JR., and ADELAIDE E. DEVENPORT, his wife, do grant and convey to the said WALTER R. HEPNER, III, and JAMES H. HEPNER, as tenants in common, their personal representatives, successors and assigns in fee simple, all that lot of ground situate in Baltimore County, Maryland, and described as follows, that is to say:

BEING all that lot of ground and improvements thereon containing 10.011 acres of land, more or less, and being more particularly described in EXHIBIT "A" attached hereto and made a part hereof.

BEING the same lot of ground which by Deed dated February 6, 1973 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 5336, folio 206 was granted and conveyed by Blanche Boyd Gifford to Walter B. Devenport, Jr., and Adelaide E. Devenport, his wife, the grantors herein.

TOGETHER with the right of way on said land along the first line of said lot mentioned in a deed from John G. Bosley to Allen Quickley and others dated December 8, 1873 and recorded among the Land Records of Baltimore County in Liber J.B. No. 85 folio 13, which right of way the Parties hereto agree shall be 24 feet wide.

TOGETHER with the right to the use in common of the right of way leading to Jarrettsville Pike as described in a Deed dated April 25, 1941 and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 1158, folio 214 from Theodore E. Whiteley to Alexander Gifford and wife, as modified by Deed and Agreement dated May 3, 1956 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2922, folio 356 from Chester G. Brown to Harry Quickley, et al.

TOGETHER with a 24 foot wide right of way for ingress and egress across the said Devenport land that by a deed dated February 6, 1973 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 5336, folio 206 was conveyed by Blanche Boyd Gifford, widow, to Walter B. Devenport, Jr., and Adelaide E. Devenport, his wife, and the centerline is described as follows: beginning for the same at a point

Partition's Ex. #5a

CONFIRMATORY This Deed, Made This 23rd day of November, 1972, in the year one thousand nine hundred and seventy-nine by and between WALTER B. DEVENPORT, JR., and ADELAIDE E. DEVENPORT, his wife, of the first part, and WALTER R. HEPNER, III, and JAMES H. HEPNER, of the second part.

Witnesseth, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt of which is hereby acknowledged (there being no actual consideration for this transfer), the said WALTER B. DEVENPORT, JR., and ADELAIDE E. DEVENPORT, his wife, do grant and convey to the said WALTER R. HEPNER, III, and JAMES H. HEPNER, as tenants in common, their personal representatives, successors and assigns in fee simple, all that lot of ground situate in Baltimore County, Maryland, and described as follows, that is to say:

BEING all that lot of ground and improvements thereon containing 10.011 acres of land, more or less, and being more particularly described in EXHIBIT "A" attached hereto and made a part hereof.

TOGETHER with the right of way on said land along the first line of said lot mentioned in a deed from John G. Bosley to Allen Quickley and others dated December 8, 1873 and recorded among the Land Records of Baltimore County in Liber J.B. No. 85 folio 13, which right of way the parties hereto agree shall be 24 feet wide.

TOGETHER with the right to the use in common of the Right of Way leading to Jarrettsville Pike as described in a Deed dated April 25, 1941 and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 1158 folio 214 from Theodore E. Whiteley to Alexander Gifford and wife, as modified by Deed and Agreement dated May 3, 1956 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2922 folio 356 from Chester G. Brown to Harry Quickley, et al.

TOGETHER with a 24 foot wide right of way for ingress and egress across the said Devenport land that by a deed dated February 6, 1973 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 5336, folio 206 was conveyed by Blanche Boyd Gifford, widow, to Walter B. Devenport, Jr. and Adelaide E. Devenport, his wife, and the centerline is described as follows: beginning for the same at a point 17.00 feet on and from the beginning of the 2nd or South 21-3/4 West 42 perches line of that parcel of land which by deed dated December 8, 1873 and recorded among the Land Records of Baltimore County in Liber J.B. No. 85, folio 13 was conveyed by John G. Bosley to Allen Quickley, thence running across the lands of Devenport the following two courses and distances, viz: North 76° 57' 05" West 27.05 feet and South 87° 22' 45" West 67.40 feet to a point 90.00 feet from the end of the 17th or North 51° 11' 05" East 575.24 feet line of the conveyance from Devenport to Hepner.

TOGETHER with an easement for the purpose of establishing a horseback riding trail not more than six (6) feet wide across the remaining land of the grantors. This path is to be located as near as practical to the

Partition's Ex. #5b

This Deed, MADE THIS 8th day of October in the year one thousand nine hundred and seventy-nine by and between WALTER B. DEVENPORT, JR., and ADELAIDE E. DEVENPORT, his wife,

Grantor, and WALTER B. DEVENPORT, JR., and ADELAIDE E. DEVENPORT, husband and wife, parties of the first part, Grantor, and WALTER B. DEVENPORT, JR. and ADELAIDE E. DEVENPORT, husband and wife, parties of the second part, Grantee.

WITNESSETH, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt of which is hereby acknowledged (there being no actual consideration for this transfer)

the said WALTER B. DEVENPORT, JR., and ADELAIDE E. DEVENPORT, his wife, do grant and convey to the said WALTER B. DEVENPORT, JR., and ADELAIDE E. DEVENPORT, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs and assigns,

one lot of ground situate in Baltimore County, Maryland and described as follows, that is to say:

BEING all that lot of ground and improvements thereon containing 6.391 acres of land, more or less, and being more particularly described in EXHIBIT "A" attached hereto and made a part hereof.

BEING all of that parcel of land which by a Deed dated May 24, 1972 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5273, folio 84 was conveyed by Mary Augusta Quickley to Walter B. Devenport and Adelaide E. Devenport, his wife.

BEING also part of that parcel of land which by Deed dated February 6, 1973 and recorded among the Land Records of Baltimore County in Liber F.H.S. Jr. No. 5336, folio 206 was conveyed by Blanche Boyd Gifford, widow, to Walter B. Devenport, Jr., and Adelaide E. Devenport, his wife.

SUBJECT to the right of way on said land along the first line of said lot mentioned in a Deed from John G. Bosley to Allen Quickley and others dated December 8, 1873 and recorded among the Land Records of Baltimore County in Liber J.B. No. 85 folio 13, which right of way the parties hereto agree shall be 24 feet wide.

SUBJECT to and together with the right to the use in common of the right of way leading to Jarrettsville Pike as described in the aforesaid Deed from W. Gill Smith, Assignee, to Harry Quickley and wife, and as modified by Deed and Agreement dated May 3, 1956 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2922, folio 86 from Chester G. Brown to Harry Quickley, et al.

SUBJECT to easement for a horseback riding trail and to a 24 foot wide right of way as set forth in a deed of even date herewith and recorded immediately prior hereto among the Land Records of Baltimore County from Walter B. Devenport, Jr., and Adelaide E. Devenport, his wife, to Walter R. Hepner, III, and James H. Hepner.

Petitioner's Ex. #6

THIS DEED, Made this 17th day of March in the year one thousand nine hundred and eighty-nine, by and between WALTER B. DEVENPORT, JR. and ADELAIDE E. DEVENPORT, husband and wife, parties of the first part, Grantor, and WALTER B. DEVENPORT, JR. and ADELAIDE E. DEVENPORT, husband and wife, parties of the second part, Grantee.

WITNESSETH, That in consideration of the sum of \$5.00 (there being no actual consideration for this conveyance) and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey and assign unto the said Grantees, as Tenants by the Entireties, their assigns, unto the survivor of them, his or her personal representatives and assigns, all that lot of ground situate in the County of Baltimore, Maryland, and described as follows, that is to say:

All that tract of land described in Exhibit "A" attached hereto and made a part hereof. Being lot 1 on Exhibit "B" attached hereto.

For title see:  
1) Deed dated February 6, 1973 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5336, folio 206 from Blanche Boyd Gifford, widow, to Walter B. Devenport, Jr. and Adelaide E. Devenport, his wife.  
2) Deed dated October 8, 1979 and recorded as aforesaid in Liber E.H.K., Jr. No. 6113, folio 74 from Walter B. Devenport, Jr. and Adelaide E. Devenport, his wife, to Walter B. Devenport, Jr. and Adelaide E. Devenport, his wife.

Together with right to the use in common with others entitled thereto of the Rights of Ways leading from the subject property to Jarrettsville Pike as shown on the Plat attached hereto and made a part hereof and as set forth in the Deeds mentioned in the aforesaid description.

TRANSFER TAX NOT REQUIRED  
Director of Finance  
BALTIMORE COUNTY MARYLAND  
Per [Signature] Sec. 11-88

AGRICULTURAL TRANSFER TAX NOT APPLICABLE  
SIGNATURE [Signature] DATE 3-27-89

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

Petitioner's Ex. 7 Page 1

TO BE RECORDED IN THE LAND RECORDS

1. Name of Landowner(s): Donald H. and Barbara T. Shanklin  
Address: Box 31 Wesley Chapel Road Monkton, Maryland 21111  
Department of Natural Resources Maryland Forest Service

2. Name of State Agency: Address: Trave Sixts Office Building 580 Taylor Avenue Annapolis, Maryland 21401

3. Date Agreement executed by State Agency: April 8, 1981

4. Description of property owned by landowner subject to the Agreement: 7.0 acres in 100 Election District in Baltimore County, Maryland  
Ownership of the aforesaid property is recorded in the Land Records at: Liber 3572, Folio C 562 19 59

5. Term of Agreement: 15 Years  
Commencement Date: April 8, 1981  
Termination Date: April 8, 1996

LANDOWNER(S): [Signature] MARYLAND FOREST SERVICE: [Signature]  
Signature: [Signature] Signature: [Signature]  
Date: [Date] Date: [Date]

THE TERMS AND CONDITIONS OF THE ABOVE DESCRIBED ORIGINAL AGREEMENT ARE FILED AT THE ANNAPOLIS OFFICE OF THE MARYLAND FOREST SERVICE.

(County Clerk: Please return to Maryland Forest Service at address shown above.)

FILED FOR RECORD APR 10 1981  
K. H. Shanklin, Jr., Clerk  
1 to [Signature]  
Sight No. [Number]

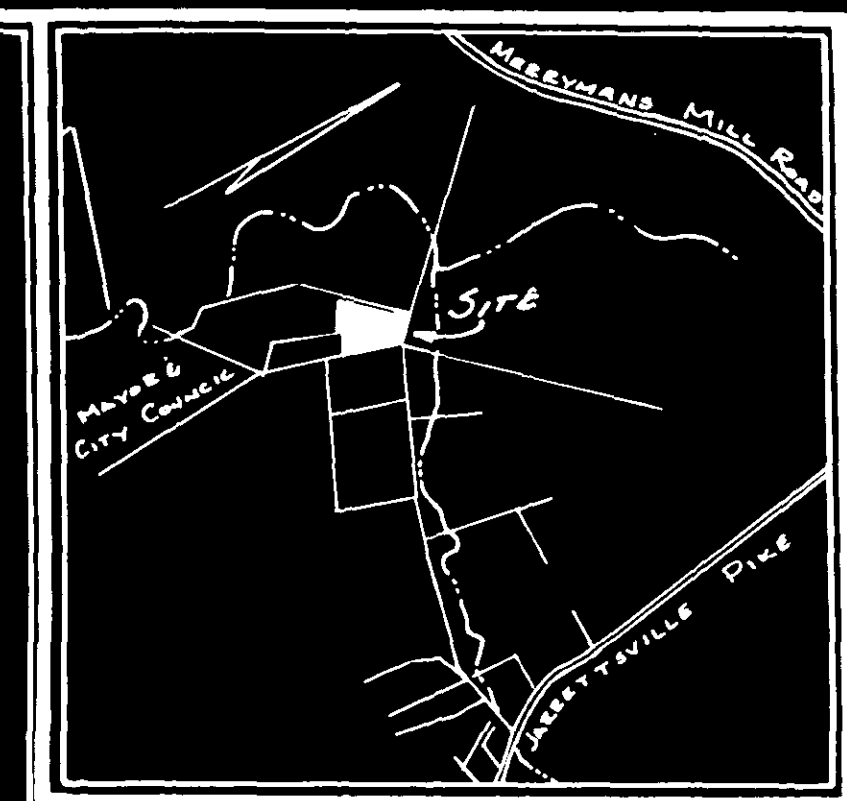
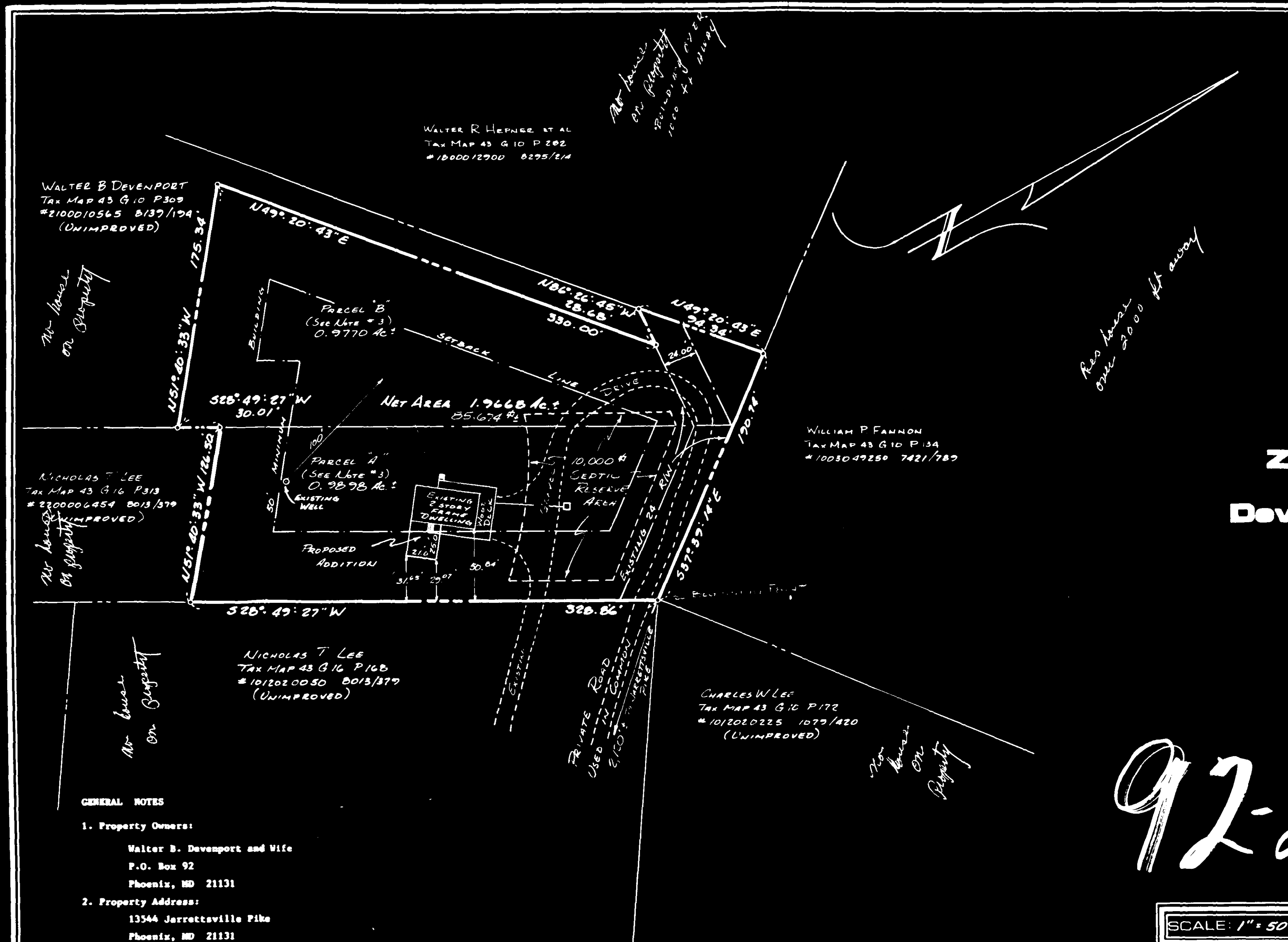
178702  
Theodore M Whiteley ) This Deed made this 25th day of April 1981 by and between Theodore M Whiteley unmarried of the County of Baltimore in the State of Maryland the grantor hereina and Alexander Gifford and Blanche B Gifford his wife of Maryland the grantor hereina and Alexander Gifford and Blanche B Gifford his wife of the County of Baltimore in the State of Maryland land the greatest herein

WITNESSETH that in consideration of the sum of five dollars and other good and valuable considerations the receipt whereof is hereby acknowledged the said Theodore M Whiteley does hereby grant and convey unto the said Alexander Gifford and Blanche B Gifford his wife and unto the heirs and assigns forever in fee simple all that piece of parcel of land situate lying and being in the Sixth election district of Baltimore County and described as follows

Beginning for the same at the beginning of that parcel of land which by deed dated May 1908 and recorded among the Land Records of Baltimore County in Liber CVR Jr No 1038 folio 503 etc was conveyed by W Gill Smith assignee to T Wrens Whitely running thence reversed binding on the east or north 39 degrees east 12 40/100 perches line of said land south 40 degrees west 204 5/10 feet to a stone barstool placed at the beginning thereof running thence south 31 degrees west 514 feet to a stone barstool placed running thence south 45 degrees 30 minutes east 129 feet to a concrete monument running thence south 50 degrees 30 minutes west 874 feet more or less to an old marked white oak tree which is also the center of the "Veranot Branch and also being the end of the fourth line in the deed dated April 28 1866 and recorded among the Land Records of Baltimore County in Liber J.H. No 48 folio 291 from John W B Paynter and wife to Joshua Wesley running thence binding in the center of said Overcut Branch the 13 following courses and distances viz north 0 degrees 30 minutes east 214 feet south 75 degrees 30 minutes east 101 2/4 feet north 40 degrees east 148 feet north 30 degrees east 180 feet north 15 degrees east 135 feet north 35 degrees 30 minutes east 305 feet north 4 degrees east 180 feet north 47 degrees 30 minutes east 7 feet north 5 degrees east 165 feet north 40 degrees east 115 5/10 feet north 15 degrees east 214 5/10 feet north 80 degrees east 247 5/10 feet north 74 degrees east 140 25/100 to intersect the north 40 1/4 degrees east 331 perches line of the whole tract running to

Appellant #1





VICINITY MAP  
1" = 1000'

Plat to Accompany  
Petition For  
**Zoning Variance**  
**Devenport Property**  
13544 Jarrettsville Pike  
10th Election District  
Baltimore County, MD

**92-250-A**

**GENERAL NOTES**

- Property Owners:  
Walter B. Devenport and Wife  
P.O. Box 92  
Phoenix, MD 21131
- Property Address:  
13544 Jarrettsville Pike  
Phoenix, MD 21131
- Property Data:  
Tax Map 43 Grid 10 Parcels 169 & 102  
Tax Account No.: 1800014010  
10th Election District 3rd Councilmanic District  
Census Tract 4101 Regional Planning District 301  
Parcel "A" (Tax Parcel 169)  
Acquired by Owners May 20, 1972. Deed Ref.: 5273 / 084  
Parcel "B" (Tax Parcel 102)  
Acquired by Owners February 6, 1973 Deed Ref.: 5336 / 206
- Zoning Data:  
Existing Zoning: RC-4 Existing Use: Single Family Residence  
Proposed Zoning: RC-4 Proposed Use: Single Family Residence

- There are no prior zoning hearings for variance, special exception or special hearing for the subject property.
- This property is not contained within the Chesapeake Bay Critical Area.
- There are no historic buildings on the subject property.
- Baltimore County Photogrammetric Map Sheet ME 18-B.

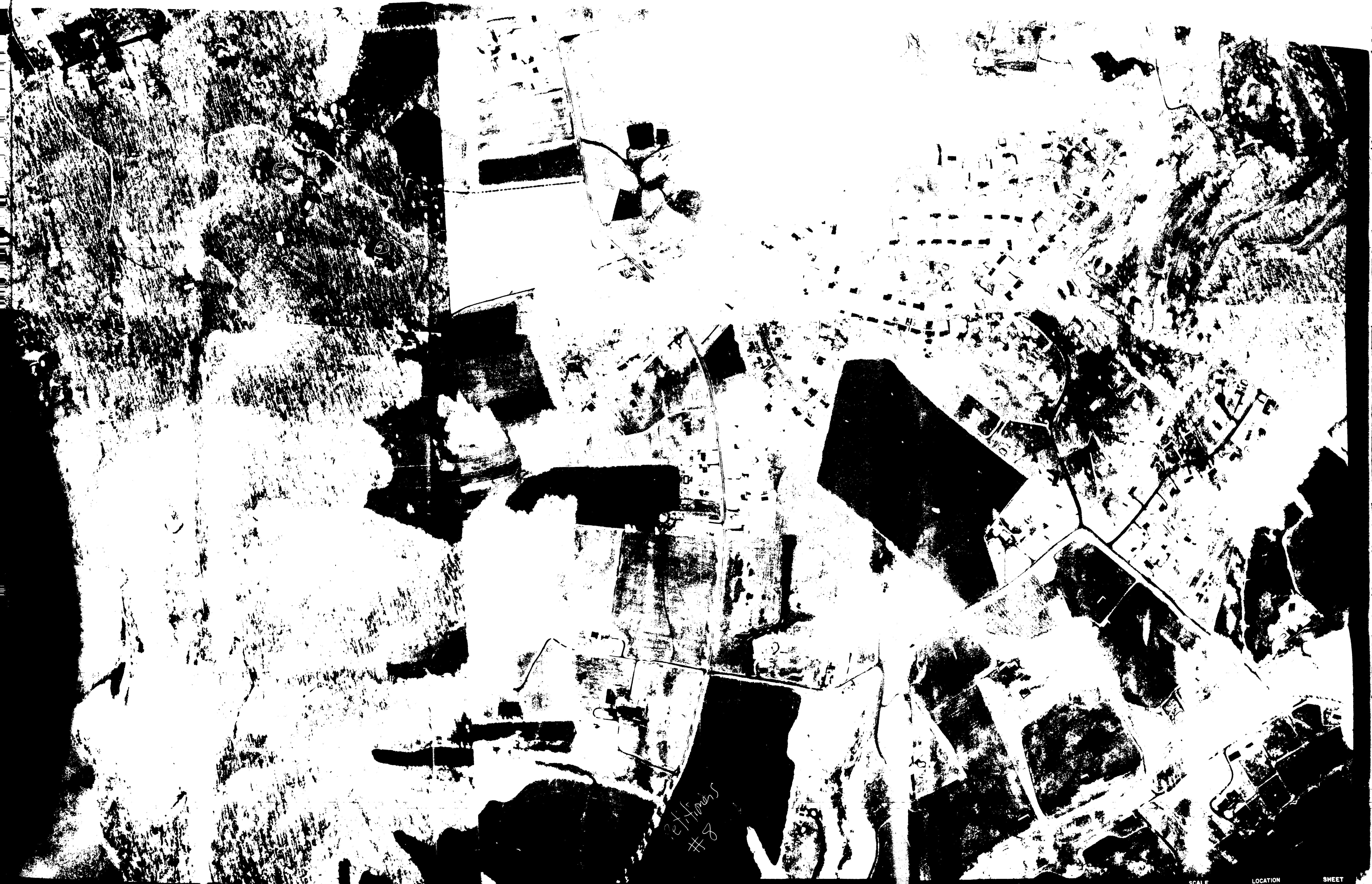
SCALE: 1" = 50'      DATE: Nov 30, 1991

**J. FINLEY RANSOME & ASSOCIATES**  
REGISTERED  
LAND SURVEYORS  
P.O. BOX 10160  
TOWSON, MARYLAND  
21285-0160  
686-7448

J# 9110-877      F# 108-071

*Let's do it!*

1" = 20' SCALE MAP # 92-250-A  
PETITIONER'S EX. #1  
CBA 92-250A



BALTIMORE COUNTY  
PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200' ±

LOCATION  
OVERSHOT RUN

SHEET  
N E  
18-B

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

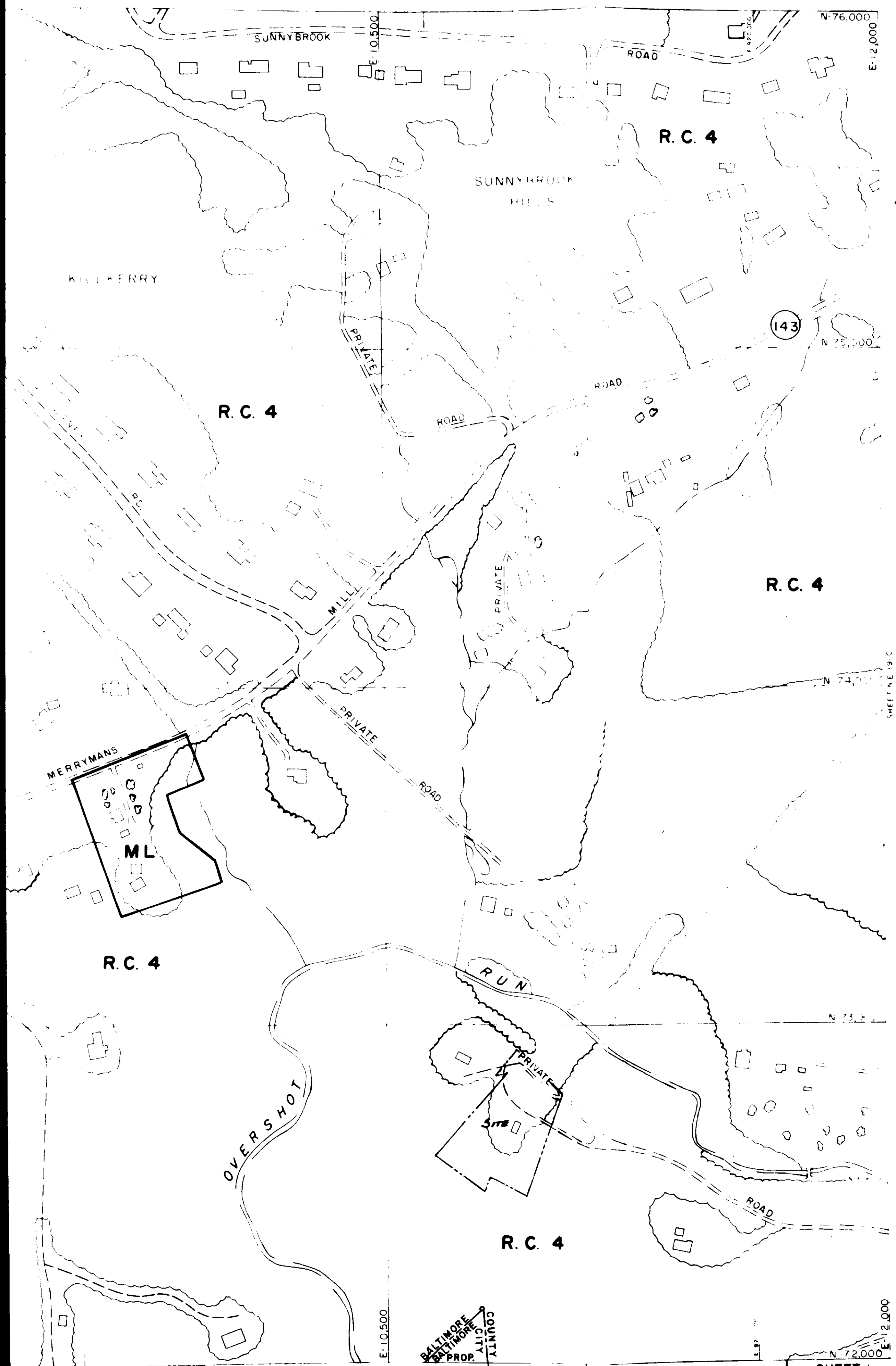
BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200' ±

LOCATION  
WEST OF BLENHEIM

SHEET  
N E  
18-C

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986



NTY  
ND ZONING  
G MAP

SCALE	LOCATION	SHEET
1" = 200' ±	MERRYMANS MILL	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	ROAD	19-B

92-250-A #267



RE COUNTY  
NNING AND ZONING  
APHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	MERRYMANS MILL	N.E.
DATE OF PHOTOGRAPHY JANUARY 1986	ROAD	19-B

92-250-A #267

minor subdivision process. Further, the Petitioner notes the various site constraints and topography of the land which support the need for the variances.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. Mclean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

In considering the merits of the proposed relief before me, I am not persuaded by the Protestants' argument that an additional dwelling will overburden the right-of-way. I am unconvinced as a finding of fact that an additional dwelling will lead to such dire consequences. Further, I believe that the Petitioners' subdivision was in accordance with the then existing zoning regulations. That is, I particularly rely upon the fact that the Petitioner possesses sufficient acreage to satisfy the density requirements and that the minor subdivision created in 1989 was accepted by the County.

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R.

and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of February, 1992 that the Petition for Zoning Variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: 1) from Section 1A03.4.B1 to permit a property division and confirm a reconfiguration of a nonconforming lot to increase the lot size from 0.9898 acres to 1.966 acres in lieu of the required 3.00 acres; 2) from Section 1A03.4.B.3 of the B.C.Z.R. to increase the lot diametrical dimension from 120 feet to 240 feet in lieu of the required 300 feet; 3) from Section 1A03.4.B.4 of the B.C.Z.R. to permit a lot line setback of 29.07 feet in lieu of the required 50 feet; 4) from Section 304.A of the B.C.Z.R. to permit the continued use of the existing undersized lot to which additional area will be annexed; 5) from Section 304.B, subject to the variances set forth in Items 1, 2 and 3 above; and, 6) from Section 304.C of the B.C.Z.R. due to the limitations on buildable portions of adjoining property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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 such time as 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) Within sixty (60) days of the date of this Order, a new deed shall be recorded in the Land Records of

Baltimore County which references this case and sets forth and addresses the terms and conditions of this order. A copy of the recorded deed shall be forwarded to this Office for inclusion in the case file.

Lawrence E. Schmidt, Zoning Commissioner for Baltimore County

LES:bis

ORDER RECEIVED FOR FILING Date 2/29/92 By [Signature]

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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, petition for a Variance from Section [blank]

See Attached Continuation Page

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (indicate hardship or practical difficulty)

See Attached

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

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

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

Contract Purchaser: (Type or Print Name), Signature, Address, City/State/Zip Code, Attorney for Petitioner(s); Legal Owner(s): (Type or Print Name), Signature, Address, City/State/Zip Code, Name, address and phone number of legal owner, contract purchaser or representative to be contacted, Attorney's telephone number

ORDERED by the Zoning Commissioner of Baltimore County, this 29th day of Dec, 1991, that the subject matter of this petition be posted on the property on or before the \_\_\_ day of \_\_\_ 19\_\_.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR HELD TO BE REQUIRED, IT IS FURTHER 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 the newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.



REVIEWED BY: DATE:

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 13544 Jarrettsville Pike Phoenix, Maryland 21131 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty) See Attached

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Handwritten signatures of Walter B. Devenport, Jr. and Adelaide E. Devenport, Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 18th day of December, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Walter B. Devenport, Jr. and Adelaide E. Devenport

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal. DATE 12/18/91 NOTARY PUBLIC [Signature] My Commission Expires: Dec 1, 1994

Continuation Page

1A03.4B1 to allow a property division and confirm a re-configured non-conforming lot to increase lot from 0.9898 acres to 1.9666 acres in lieu of 3.0 acres; 1A03.4B3 to increase lot diametrical dimension from 120' to 240' in lieu of 300'; 1A03.4B4 to allow set back from lot line of 29.07' in lieu of 50'; 304a to allow continued use of existing undersized lot to which additional area will be annexed; 304b subject to variances from 1A03.4B1, B2 & B4 above; and 304c due to limitations on buildable portions of adjoining land.

November 30, 1991

ZONING DESCRIPTION DEVENPORT PROPERTY 13544 Jarrettsville Pike

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

BEGINNING for the same at a flint stone found leaning northeasterly, and distant 2,120 feet more or less from the center of Jarrettsville Pike, and 6 feet more or less northeast of the center of a 36 inch White Oak stump; said stone being the beginning point of that parcel of land which by a deed dated October 8, 1979, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No. 6113 folio 74, was conveyed by Walter B. Devenport, Jr., and Adelaide E. Devenport, his wife, to Walter B. Devenport, Jr., and Adelaide E. Devenport, his wife; and running thence and binding on the outlines of the property of the petitioners herein:

- 1) South 28 degrees 49 minutes 27 seconds West, 328.86 feet, to a stone found, thence;
2) North 51 degrees 40 minutes 33 seconds West, 126.50 feet, and thence;
3) South 28 degrees 49 minutes 27 seconds West, 30.01 feet, to the center cross mark of a 2 inch diameter aluminum disk attached to a 3/4 inch diameter iron bar, thence;
4) North 51 degrees 40 minutes 33 seconds West, 175.34 feet, to the center cross mark of a 2 inch diameter aluminum disk attached to a 3/4 inch diameter iron bar, thence;
5) North 49 degrees 20 minutes 43 seconds East, 330.00 feet, to the center cross mark of a 2 inch diameter aluminum disk attached to a 3/4 inch diameter iron bar set on the northwest side of a right of way, 24 feet wide, and more particularly described in a deed dated October 8, 1979, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No. 6087 folio 445, was granted by Walter B. Devenport, Jr., and Adelaide E. Devenport, his wife, to Walter B. Devenport, III, et al, thence binding on the northwest side of said right of way;
6) North 88 degrees 28 minutes 45 seconds West, 28.68 feet, to the center cross mark of a 2 inch diameter aluminum disk attached to a 3/4 inch diameter iron bar set in the seventeenth or South 51 degrees 11 minutes 05 seconds West 575.24 feet line of the aforesaid conveyance from Devenport, et ux, to Devenport, et ux, thence binding on said line;
7) South 49 degrees 20 minutes 43 seconds West, 94.34 feet, to the end of said seventeenth line, and thence;
8) South 37 degrees 39 minutes 14 seconds East, 190.74 feet, to the point of beginning.

CONTAINING 1.9666 acres of land more or less. THE IMPROVEMENTS thereon being known as No. 15544 Jarrettsville Pike.

SUBJECT TO and together with the right and use in common with others entitled thereto, for the purpose of ingress and egress to the Jarrettsville Pike, those rights of way more particularly referred to in the aforesaid conveyance from Devenport, et ux, to Devenport, et ux.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 10A Date of Posting 1/29/92 Posted for: Notices Petitioner: Walter B. Devenport, Jr. and Adelaide E. Devenport Location of property: 13544 Jarrettsville Pike - Phoenix, Md. 21131 Location of Sign: Jarrettsville Pike on property line adjacent to the driveway to the back of the property. Remarks: Notices and signs added to signs. Posted by: [Signature] Date of return: 1/30/92 Number of Signs: 2

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 10A Date of Posting 1/29/92 Posted for: Notices Petitioner: Walter B. Devenport, Jr. and Adelaide E. Devenport Location of property: 13544 Jarrettsville Pike - Phoenix, Md. 21131 Location of Sign: Jarrettsville Pike on property line adjacent to the driveway to the back of the property. Remarks: Notices and signs added to signs. Posted by: [Signature] Date of return: 1/30/92 Number of Signs: 2

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 113 Date of Posting: 1/19/92

Posted for: Walter Devenport

Petitioner: Walter Devenport

Location of property: 13544 Jarrettville Pike, Towson, Md.

Location of Sign: 13544 Jarrettville Pike, Towson, Md.

Remarks: Residential Variance

Posted by: Signatures Date of return: 1/19/92

Number of Signs: 1

### CERTIFICATE OF PUBLICATION

TOWSON, MD. 1/19/92

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 1/13/92.

TOWSON TIMES,  
S. Zeke Orlov  
Publisher

\$ 112.45  
25.00  
137.45

### REQUEST FOR HEARING

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 92-250-A  
Petitioner(s): Mr. & Mrs. Walter Devenport  
Location: 13544 Jarrettville Pike

I, Mr. & Mrs. Walter Devenport  
(Type or Print)

( ) Legal Owners ( ) Residents, of  
13538 + 13544 Jarrettville Pike  
Address  
Towson, Md. 21286 823-1174  
City/Town/Village/State

which is located approximately 1000 feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Signature: Walter Devenport Date: 1/15/92  
Signature: Walter Devenport Date: 1/15/92  
Signature: Walter Devenport Date: 1/15/92

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

No. 4120

DATE: 1/19/92 ACCOUNT: 92-250-A

AMOUNT: \$ 137.45

RECEIVED FROM: Walter Devenport

FOR: Posting

VALIDATION OR SIGNATURE OF CARRIER

111 West Chesapeake Avenue  
Towson, MD. 21204 (410) 887-3353

DATE: 1/19/92

Walter and Adelaide Devenport  
13544 Jarrettville Pike  
Phoenix, Maryland 21131

RE: CASE NUMBER: 92-250-A  
13544 Jarrettville Pike  
10th Election District - 3rd Councilmanic  
Petitioner(s): Walter and Adelaide Devenport

Dear Petitioner(s):

Please be advised that \$ 137.45 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.

ARNOLD JABLON  
DIRECTOR

### CERTIFICATE OF PUBLICATION

TOWSON, MD. 1/13/92

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 1/13/92.

THE JEFFERSONIAN,  
S. Zeke Orlov  
Publisher

\$ 112.45  
25.00

### Baltimore County Zoning Commissioner

111 West Chesapeake Avenue  
Towson, Maryland 21204

DATE	DESCRIPTION	QTY	PRICE	TOTAL
	010 - ZONING VARIANCE (IRL)	1 X	\$35.00	
	080 - POSTING SIGNS / ADVERTISING	1 X	\$25.00	
	<b>TOTAL:</b>			<b>\$60.00</b>

LAST NAME OF OWNER: DEVENPORT

BALTIMORE COUNTY, MARYLAND No. 123072

DATE: 12-19-91 ACCOUNT: Roll 612

AMOUNT: \$ 60.00 payable To: Baltimore County

RECEIVED FROM: Walter Devenport

FOR: ADMIN. VAN FOR 13544 Jarrettville Pike

### Baltimore County Zoning Commissioner

County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R 001-6150  
Number: 92-250-A

Date: 3-24-92

APPEAL FEES

140 - VARIANCE FEE	1 X	125.00
150 - POSTING SIGN	1 X	25.00
<b>TOTAL:</b>		<b>150.00</b>

LAST NAME: DEVENPORT

Please Make Checks Payable To: Baltimore County

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

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

JANUARY 21, 1992

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

CASE NUMBER: 92-250-A  
13544 Jarrettville Pike  
10th Election District - 3rd Councilmanic  
Petitioner(s): Walter and Adelaide Devenport  
HEARING: WEDNESDAY, FEBRUARY 19, 1992 at 11:00 a.m.

Variance to allow a property division and confirm a re-configured conforming lot to increase lot from 0.3698 acres to 1.9668 acres in line of 3.0 acres; to increase lot dimensional dimension from 120' to 240' in line of 300'; to allow setback from lot line of 29.07' in line of 50'; to allow continued use of existing underused lot to which additional area will be annexed; subject to variances above and due to limitations on buildable portions of adjoining land.

Lawrence E. Schmitt  
Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Walter Devenport  
Mr. & Mrs. Dundas  
Mark Hanley

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

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

January 21, 1992

Mr. & Mrs. Walter B. Devenport, Jr.  
13544 Jarrettville Pike  
Phoenix, MD 21131

RE: Item No. 267, Case No. 92-250-A  
Petitioner: Walter B. Devenport, et ux  
Petition for Residential Variance

Dear Mr. & Mrs. Devenport:

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: January 21, 1992  
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  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures

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

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 20th day of December, 1991.

Arnold Jablon  
DIRECTOR

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

Petitioner: Walter B. Devenport, et ux  
Petitioner's Attorney:

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

RE: Property Owner: WALTER E. DEVENPORT, JR. AND  
ACILLAIDE E. DEVENPORT  
Location: #13544 JARRETTSVILLE PIKE  
Item No.: 467 Zoning Agenda: DECEMBER 31, 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: \_\_\_\_\_ Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/EEK

92-250-A 1-24  
BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 23, 1992  
Zoning Administration and  
Development Management

FROM: Gary L. Kerns, Chief  
Comprehensive and Community Planning  
Office of Planning and Zoning

SUBJECT: Fabula Property, Item No. Not provided  
Devenport Property, Item No. Not provided  
Raine Property, Item No. 279

In reference to the applicant's request, staff offers no  
comments.

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.

Report prepared by:

Jeffrey Long  
Jeffrey Long

GLK/JL:rdn  
ITEM279/TXTROZ

92-250-A 1-24  
BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: January 16, 1992

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: December 31, 1991

This office has no comments for item numbers 262, 263, 264, 267, 269  
and 271.

Rahee J. Famili  
Rahee J. Famili  
Traffic Engineer II

RJP/lvd

92-250-A 1-24

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: January 16, 1992  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for December 31, 1991

The Developers Engineering Division has reviewed  
the subject zoning items and we have no comments for  
Items 262, 263, 264, 267, 269, 270 and 271.

For Case No. R-90-407 (Cycle 3, Item #8), County  
Review Group Meeting is required.

For Item 265, a County Review Group Meeting is  
required.

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

RWB:s

Baltimore County Government  
Zoning Administration  
Office of Planning and Zoning  
Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-4386  
February 26, 1992

Robert A. Hoffman, Esquire  
Venable, Baetjer & Howard  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
NE approx. 2,120' from the c/1 of Jarrettsville Pike  
at end of private driveway  
(13544 Jarrettsville Pike)  
10th Election District - 3rd Councilmanic District  
Walter B. Devenport, Jr., et ux - Petitioners  
Case No. 92-250-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the  
above-captioned matter. The Petition for Zoning Variance has been granted  
in accordance with the attached Order.

In the event any party finds the decision rendered is unfavor-  
able, 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,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjc

cc: Mr. & Mrs. George Dundos  
13538 Jarrettsville Pike, Phoenix, Md. 21131

Mr. Mark Hanley  
13542 Jarrettsville Pike, Phoenix, Md. 21131

People's Counsel

file

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
April 30, 1992  
(410) 887-3353

Baltimore County Board of Appeals  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
NE approx. 2,120' from the c/1 Jarrettsville Pike at end of  
private driveway  
(13544 Jarrettsville Pike)  
10th Election District, 3rd Councilmanic District  
WALTER B. DEVENPORT, JR. ET UX - Petitioner  
Case No. 92-250-A

Dear Board:

Please be advised that an appeal of the above-referenced case was  
filed in this office on March 23, 1992 by Mark P. Hanley, Jr.. All  
materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the  
appeal hearing when it has been scheduled. If you have any questions  
concerning this matter, please do not hesitate to contact this office.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:cer

Enclosures

cc: W. B. Devenport - P.O. Box 92, Phoenix, MD 21131

Robert Hoffman, Esquire - Venable, Baetjer & Howard  
210 Allegheny Avenue, Towson, Maryland 21204

J. Finley Ransone - 13818 Jarrettsville Pike, Phoenix, MD 21131

Mark P. Hanley, Jr., Esquire  
206 Washington Avenue, P.O. Box 5506, Towson, MD 21204

George Dundos - 13538 Jarrettsville Pike, Phoenix, MD 21131

People's Counsel, 400 Washington Avenue, Towson, MD 21204

APPEAL  
Petition for Zoning Variance  
NE approx. 2,120' from the  
c/1 Jarrettsville Pike at end of private driveway  
(13544 Jarrettsville Pike)  
10th Election District - 3rd Councilmanic District  
WALTER B. DEVENPORT, JR., ET UX - Petitioner  
Case No. 92-250-A

Petition(s) for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Request for Hearing

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner's & Protestant's Sign-In Sheets

Petitioner's Exhibits: 1. Plat to accompany Petition

Protestant's Exhibits: 1. Copy of Deed (Brown)

Unmarked Exhibit: Photographs of building

Zoning Commissioner's Order dated February 26, 1992 (Granted with  
restrictions)

Notice of Appeal received March 23, 1992 from Mark P. Hanley, Jr.

cc: W. B. Devenport - P.O. Box 92, Phoenix, MD 21131

Robert Hoffman, Esquire - Venable, Baetjer & Howard  
210 Allegheny Avenue, Towson, Maryland 21204

J. Finley Ransone - 13818 Jarrettsville Pike, Phoenix, MD 21131

Mark P. Hanley, Jr., Esquire  
206 Washington Avenue, P.O. Box 5506, Towson, MD 21204

George Dundos - 13538 Jarrettsville Pike, Phoenix, MD 21131

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
Lawrence E. Schmidt, Zoning Commissioner  
Timothy M. Kotroco, Deputy Zoning Commissioner  
W. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, Director of Zoning Administration  
and Development Management  
Public Services

5/11/92 - Following parties notified of hearing set for September  
9, 1992 at 10:00 a.m.:

Mark P. Hanley, Jr., Esquire  
W. B. Devenport  
Robert A. Hoffman, Esquire  
J. Finley Ransone  
Mr. George Dundos  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon

8/12/92 - Request for postponement from M. Hanley, Jr., due to conflict w/  
HarCo CCT schedule.

- T/C to R. Hoffman; no objection to granting of request.

8/13/92 - Above parties notified of POSTPONEMENT AND REASSIGNMENT to December 15,  
1992 at 10:00 a.m. at the request of Appellant.

11/18/92 - Ltr from Michael Davis, Esquire, entering appearance and requesting  
postponement /unavailability of clients /represents the Devenports.

- Notice of Second Postponement & Reassignment sent to above parties.  
Case rescheduled to Thursday, February 25, 1993 at 10:00 a.m.

1/21/93 - Ltr from Michael Davis, Council for Petitioner, requesting postponement;  
schedule conflict; to be in Annapolis before General Assembly.

1/27/93 - POSTPONEMENT granted to Wednesday, June 16, 1993 at 10:00 a.m.; notices  
sent to above parties.

2/03/93 - Ltr from Mark Hanley, Esquire -requesting postponement from 6/16/93 date --  
will be out of State during June, July and August; requests hearing date  
sometime in October.

2/24/93 - Copy of Mr. Hanley's letter of 2/03/93 sent to Michael Davis, counsel for  
Petitioner, requesting his response to same.

3/02/93 - Letter from Michael Davis, Esq /objects to any further postponement of  
case.

3/04/93 - Letter to M. Hanley --Board considers requested 4-month postponement unrealistic;  
will REASSIGN case to April 15, 1993 at 11:00 a.m. and Notices to parties  
will be sent; no further postponements to be granted.  
Notice of REASSIGNMENT sent to parties.