

11-4-94

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF	*	COUNTY BOARD OF APPEALS
<u>DOUGLAS R. SMALL</u>	*	OF
FOR A SPECIAL HEARING ON	*	BALTIMORE COUNTY
PROPERTY LOCATED ON THE EAST	*	CASE NO. 92-466-SPH
SIDE ALLISON ROAD, 150' NORTH	*	* * * * *
STANSBURY MILL ROAD		
(15101 ALLISON ROAD)		
4TH ELECTION DISTRICT		
3RD COUNCILMANIC DISTRICT		
* * * *		

O P I N I O N

This matter comes before the Board on appeal by Mr. and Mrs. Eric Bergland from a decision of the Zoning Commissioner on July 28, 1992. At the September 9, 1994 Board hearing, the Petitioner, Douglas R. Small, appeared and was represented by Douglas L. Burgess, Esquire, and the Appellant, Eric Bergland, appeared with counsel, J. Carroll Holzer, Esquire. Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the proceedings.

Counsel for Petitioner explained to the Board that this matter emanated from a Petition for Special Hearing filed by Douglas R. Small. The petition requested the confirmation of three density units from one R.C. 2 lot of record that existed prior to November 1, 1979, the date of the R.C. 2 Bill.

The lot of record had outlines as shown on the attached plat and consists of 36.33 acres. The said lot of record was divided by a public road, Allison Road. Each portion of the lot on each side of the road was between 2 and 100 acres in size. Hence, Petitioner requested a confirmation of two density units for the portion of the lot on the east side of Allison Road and one on the west side of Allison Road, for a total of three density units. The Commissioner denied the request, indicating that Gudeman v.

People's Counsel established that a public road is not a multiplier for purposes of R.C. 2 density. Further, the Commissioner ruled Petitioner was not grandfathered or otherwise exempted from Gudeman. Accordingly, the Commissioner ruled there were two density units and not three on the Small lot of record. This ruling is not challenged as to the resultant density.

The issue as to the location of the two density units allowed by the Commissioner was also decided. The Berglands, Appellants herein, contended they were the recipients of one of the two density units from the pre-1979 Small lot of record due to their 1985 purchase of an approximately 4-acre off-conveyance from said lot of record. The Commissioner, looking at the totality of the circumstances, ruled that the off-conveyance was a non-density transfer. This ruling shall also be upheld by the Board of Appeals.

Coincidentally, it appears that the Berglands had two density units associated with their contiguous home property where their house is located because it was between 2 and 100 acres and a lot of record prior to 1979. (See attached Exhibit A.) Accordingly, the Berglands filed Case No. 94-59-SPH and were granted a special hearing approval to take one of the two density units on their home property and allocate it to the approximately 4-acre non-density tract they purchased from Small in 1985. On September 23, 1993, the Deputy Zoning Commissioner approved said transfer. (See attached Exhibit A, and Exhibit B, a copy of Deputy Zoning Commissioner's Findings of Fact and Conclusions of Law dated

September 23, 1993.)     Said case was not appealed and is a final zoning decision.

Counsel for Petitioner also explained that, based on the 1979 lots of record, the affirmance of the Zoning Commissioner's decision in the Small petition, as well as the Bergland petition, creates no additional (net) R.C. 2 density beyond that contemplated by BCZR 1A01.3B1 and is within the spirit of the law. The decision acts to confirm and attribute to different contiguous areas the density that exists, consistent with the units shown on the attached plat. Of the 32.33 acres remaining from the original Small lot of record (36.33 acres less the 4-acre Bergland out-conveyance), the proposed Parcel 2A contains one density unit and the remainder of the lot of record also contains one density unit for a total of two density units.

Counsel for Petitioner further explained to the Board that the individual parties, Small and the Berglands, had agreed that the Board of Appeals should affirm the Zoning Commissioner's Opinion with the following additional conditions:

1. Small, his successors and assigns, hereby agrees to the following restrictions on the 8.333-acre parcel labelled parcel "A" that he owns shown on the attached Exhibit A:
  - a. Any permanent above-ground structure erected for the purposes of human habitation on the parcel labelled "A" on said Plat shall be constructed and maintained at a distance from Stansbury Mill Road shown by the line shown on Exhibit A labelled "Front Building Setback Line," to wit, said structure should be placed to the north and west of said line, on the side of the line farthest away from the Stansbury Mill Road.
  - b. No structure for human habitation shall be erected or maintained by Small on the portion of the property to

the west and south of Allison Road owned by Douglas R. Small that is to the north and west of the Bergland home, as pictorially shown by the parcel labelled "B" on the attached Exhibit A.

- c. There will be no above-ground structures of any kind on plot of land labelled "C" on attached Exhibit A.

These terms coincide with the restrictive covenant agreed to privately between Small and Bergland.

- 2. The zoning approval so granted shall be with the acknowledgement of the companion case of Eric and Anne Bergland, Case No. 94-59-SPH.

The People's Counsel objected on the record to condition number one, indicating the Board had no authority to incorporate private agreements in a special hearing case pertaining to R.C. 2 subdivision lot density. The Board overruled People's Counsel's objections.

Accordingly, in view of the decision of the Zoning Commissioner and the record and exhibits of the case before him, the agreement between the individual parties, the explanation detailed heretofore, and the fact no new R.C. 2 density is created by this decision, the Board has decided to affirm the Zoning Commissioner's decision, adopting the same as its own, with the additional conditions enumerated above.

O R D E R

IT IS THEREFORE this 4th day of November, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the 8.5-acre parcel of land located west of Allison Road and identified as Parcel 2A on the attached Petitioner's Exhibit A shall contain one density unit, and the

23.83-acre parcel of land located to the east of Allison Road and identified as Remainder of Parcel 2 on Petitioner's Exhibit A shall contain one density unit, subject to the following restrictions:

1. Within thirty (30) days of the date of this Order, the Petitioner shall submit a new site plan of the subject property incorporating the relief granted herein.

2. Pursuant to Section 502.2 of the BCZR, two new deeds, one for the 8.5-acre parcel and one for the 23.83-acre parcel, have been recorded among the Land Records of Baltimore County. Said deeds incorporated a reference to the Zoning Commissioner's case and the restrictions and conditions set forth therein. A copy of the recorded deeds shall be forwarded to the Board of Appeals office for inclusion in the case file.

3. Small, his successors and assigns, hereby agrees to the following restrictions on the 8.333-acre parcel that he owns shown on the attached Exhibit A:

a. Any permanent above ground structure erected for the purposes of human habitation on the parcel labelled "A" on said Plat shall be constructed and maintained at a distance from Stansbury Mill Road shown by the line shown on Exhibit A labelled "Front Building Setback Line," to wit, said structure should be placed to the north and west of said line, on the side of the line farthest away from the Stansbury Mill Road.

b. No structure for human habitation shall be erected or maintained by Small on the portion of the property to the west and south of Allison Road owned by Douglas R. Small that is to the north and west of the Bergland home, as pictorially shown by the parcel labelled "B" on the attached Exhibit A.

c. There will be no above-ground structures of any kind on plot of land labelled "C" on attached Exhibit A.

4. The zoning approval so granted shall be with acknowledgement of the attached companion case of Eric and Anne Bergland, Case No. 94-59-SPH; and it is further

ORDERED, that the Zoning Commissioner's Order of July 28,

1992, herein is hereby affirmed, with the conditions enumerated heretofore adopted herein as part of this Order affirming the decision.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

S. Diane Levero  
S. Diane Levero

Harry E. Buchheister, Jr.  
Harry E. Buchheister, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

November 4, 1994

J. Carroll Holzer, P.A.  
HOLZER and LEE  
305 Washington Avenue, Suite 502  
Towson, MD 21204

RE: Case No. 92-466-SPH  
Douglas R. Small

Dear Mr. Holzer:

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.

Very truly yours,

*Charlotte E. Radcliffe for*  
Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Mr. Eric Bergland  
Manor Area Association  
c/o Mr. James Constable  
Douglas L. Burgess, Esquire  
Mr. Douglas R. Small  
Jeffrey P. Hanes, Esquire  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr., /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM



7-28-92

IN RE: PETITION FOR SPECIAL HEARING  
E/S Allison Road, 150' N of the  
c/l of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road)  
10th Election District  
3rd Councilmanic District

Douglas R. Small  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-466-SPH

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Douglas R. Small, by and through his attorney, Douglas Burgess, Esquire, in which the Petitioner requests approval and confirmation of the lawful existence of one density unit on Parcel 2A and two remaining density units on the Remainder of Parcel 2, as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Douglas R. Small, the Petitioner; Richard A. Moore, Real Estate Broker; and Eugene F. Raphel, Registered Professional Land Surveyor. Appearing as Protestants in the matter were Eric and Ann Bergland, and the Manor Area Association, represented by J. Carroll Holzer, Esquire.

Testimony indicated that the subject property, known as Parcel 2A and the Remainder of Parcel 2 of the Douglas Small Property, consists of 32.33 acres, more or less, zoned R.C. 2 and is presently unimproved. The Petitioner is desirous of subdividing the parcel, known as Remainder of Parcel 2, to create two lots and filed the instant Petition to approve and confirm that Parcel 2A contains one density unit and the Remainder of Parcel 2 contains two density units, in accordance with the site plan submitted and identified as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING  
Date 7/28/92  
By [Signature]

**MICROFILMED**



As is the case in dealing with the issue of density in an R.C. 2 zone, it becomes necessary to give a historical background of the property. It also becomes necessary to take into consideration the size and configuration of the property as it existed on November 25, 1979, the effective date of the R.C. 2 regulations which govern this particular parcel of land. The Petitioner provided a history of the property and offered into evidence as Petitioner's Exhibit 9 a site plan which had been prepared by E. F. Raphel and Associates and depicts the property as it existed on November 25, 1979. On that particular date, the subject property existed as one parcel of land containing 36.33 acres, more or less, all of which is shaded in pink on Petitioner's Exhibit 9. It should be noted that the subject property is bisected by Allison Road. As of November 25, 1979, pursuant to the density calculations provided in the R.C. 2 regulations, this 36.33 acre parcel was entitled to two density units. That calculation was based upon Section 1A01.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) which states that "Any lot of a gross area between 2 and 100 acres may be subdivided into no more than two lots (total)." An issue arose at the hearing concerning the existence of Allison Road which bisects the subject property into two separate lots. Apparently, the old policy of the Zoning Office was that when a parcel of land in single ownership is traversed by a public road, then the parcels on either side of the public road should be figured separately for density purposes as if they were separately recorded lots. I do not agree with this policy. I do not agree that the existence of a public road bisecting an individual's property would permit that individual to increase the density associated with that property. That same issue was addressed by the Court of Special Appeals of Maryland in the case of Steven H. Gudeman, et ux, vs. People's

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Date

By

Counsel for Baltimore County. The unreported opinion of that Court, filed January 22, 1991, clearly states that the existence of a road transecting a parcel of property would not serve to change one lot of record into two lots of record. I agree with that Court's interpretation of calculating density in an R.C. 2 zone. Therefore, the subject property, as it existed in 1979, was entitled to no more than two density units.

This matter is further complicated by what transpired in 1985. At that time, the Petitioner, acting as personal representative of the Estate of his late mother, Francis Small, conveyed 2.26 acres which contained his mother's home, to the Protestants, Eric and Ann Bergland. That 2.26-acre parcel was not part and parcel of the subject property in 1979, and as such, has no bearing on my decision in this matter. However, what does factor into my decision is the fact that at the same time that the Berglands purchased the 2.26 acres of land with the family home from the Estate of Frances Small, they also negotiated to purchase from the Petitioner another 4-acre parcel located immediately adjacent to the subject 2.26 acres. At the hearing, the Berglands testified that they were desirous of purchasing this additional acreage for their use along with the 2.26 acre parcel. Mrs. Bergland testified that she did not desire to live in the country on such a small lot and that they therefore negotiated to purchase the additional 4-acre parcel from Douglas Small.

By deeds of even date, the Berglands purchased the 2.26-acre parcel of property from the Estate of Frances Small, and the 4-acre parcel from the Petitioner, Douglas Small. The two parcels were never merged and remain today as two separate deeds.

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Date 7/28/92  
By [Signature]

The issue then arose as to whether the 4-acre parcel transferred to the Berglands is a "lot of record" as that term is defined in the B.C.Z.R. A lot of record is defined as follows:

"A parcel of land with boundaries as recorded in the Land Records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof."

The effective date of the zoning regulation which governs the use and subdivision of this 4-acre lot is November 25, 1979, the effective date of the R.C. 2 zoning regulations. This 4-acre lot, which was conveyed in 1985 to the Berglands, was not in existence at the time the R.C 2 zones came into being in 1979. Therefore, it is the opinion of this Deputy Zoning Commissioner that the 4-acre parcel of land does not constitute a lot of record as that term is defined in the B.C.Z.R. Because of that, this 4-acre parcel of land does not benefit from the grandfathering provisions contained in County Council Bill No. 199-90. Furthermore, I find that there was no zoning petition, site plan, subdivision plan, or record plat filed with or approved by the County between November 25, 1979 and October 1, 1990 regarding any of the parcels of property in question, and therefore, the grandfathering provisions do not apply.

The Berglands argued that at the time they purchased the 4-acre parcel of land, they also purchased one density unit from the Petitioner. I disagree with the Berglands on this point and find that no density unit was associated with the 4-acre parcel of land they purchased in 1985 for the following reasons. The evidence presented indicated that the Berglands paid \$16,000 for the subject 4-acre parcel. Testimony presented by Richard Moore, who has been involved in the sale and development of real estate in the rural areas of Baltimore County for the past 27 years,

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26/8/87  
Dyo*

indicated that the purchase price for that 4-acre parcel was consistent with the price paid for farm land in 1985. Mr. Moore stated that in his opinion, had the subject 4-acre parcel of land enjoyed a density unit, the sale price of the property would have been approximately 5 times the price paid of \$16,000, or \$80,000. Furthermore, at the time of the sale of the subject 4-acre parcel to the Berglands, Mr. Small testified that he had a verbal agreement with the Berglands that permitted his cattle and horses to graze upon the subject 4-acre parcel. Testimony indicated that the grazing and pasturing of farm animals on the subject 4-acre parcel continued from 1985 up until last year. This fact also leads me to believe that the sale of the 4-acre parcel was not for density purposes or for the construction of a dwelling thereon. Additionally, the contract of sale makes no mention that a density unit was included in the sale nor does it make any mention of any well water or any waiver of the notice of well water which is governed by Section 35-38 of the Baltimore County Code. Furthermore, the Berglands have paid agricultural tax on the subject 4-acre parcel since their purchase in 1985 and have so indicated their intention to use the property for agricultural purposes by virtue of the agricultural declaration of intent which was signed by both Eric and Ann Bergland. A copy of the agricultural declaration of intent was submitted into evidence as Petitioner's Exhibit 3. Additionally, the deed which conveyed the 4-acre parcel to the Berglands was stamped "Agricultural Transfer Tax Not Applicable - Letter of Intent" on the face of the deed. Another factor that I considered in determining that a density unit is not associated with the 4-acre parcel is that at the same time the Berglands purchased that parcel, they purchased the Small's family home on the 2.26 acre lot, which was located immediately adjacent to and north of the sub-

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Date 7/28/92  
By [Signature]

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ject 4-acre parcel. Had they purchased the 4-acre parcel only, one could more easily infer that a density unit was being conveyed. However, the Berglands had already purchased a home in which to live and in my opinion, were only seeking to acquire additional acreage and not a density unit.

Therefore, in the opinion of this Deputy Zoning Commissioner, there are two density units remaining for the Petitioner's property. The subject property as it exists today is depicted on Petitioner's Exhibit 10, a site plan of the property prepared by E. F. Raphel and Associates on July 9, 1992. Said site plan depicts one parcel of property to the west of the Berglands' property, containing 8.5 acres of land, more or less, and a second parcel of land located to the east of the Bergland property, containing 23.83 acres of land, more or less. In the opinion of this Deputy Zoning Commissioner, the entire parcel of land has enjoyed two density units since 1979. Those two density units shall be distributed as follows: One density unit shall be allocated for the 8.5 acre parcel of land situated to the west of Allison Road, and one density unit shall be allocated to the 23.83 acre parcel of land located to the east of Allison Road. For the reasons previously stated, the 4-acre parcel of land which was conveyed to the Berglands in 1985 contains no density units and should be merged with the 2.26-acre parcel containing the original family home of Francis Small, thereby creating one 6.26-acre parcel of land.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28<sup>th</sup> day of July, 1992 that the 8.5-acre parcel of land located west of Allison Road and identified as Parcel 2A on Petitioner's Exhibit 1 shall contain one density unit, and the 23.83 acre parcel of land located to the east of Allison Road and identified as Remainder of

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Date

7/28/92

By

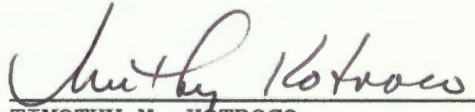
*[Signature]*

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Parcel 2 on Petitioner's Exhibit 1 shall contain one density unit, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and the Petitioner required to file a new Petition.
- 2) Within thirty (30) days of the date of this Order, the Petitioner shall submit a new site plan of the subject property incorporating the relief granted herein.
- 3) Pursuant to Section 502.2 of the B.C.Z.R., two new deeds, one for the 8.5 acre parcel and one for the 23.83 acre parcel, shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order. Said deeds shall incorporate a reference to this case and the restrictions and conditions set forth herein. A copy of the recorded deeds shall be forwarded to the Zoning Commissioner's Office for inclusion in the case file.

IT IS FURTHER ORDERED that the Petition for Special Hearing requesting the approval and confirmation of the lawful existence of one density unit on Parcel 2A and two remaining density units on the Remainder of Parcel 2, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 7/28/82  
By [Signature]

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 28, 1992

Douglas L. Burgess, Esquire  
Nolan, Plumhoff & Williams  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
E/S Allison Road, 150' N of the c/l of Stansbury Mill Road  
(15101 Allison Road)  
10th Election District - 3rd Councilmanic District  
Douglas R. Small - Petitioner  
Case No. 92-466-SPH

Dear Mr. Burgess:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Eric Bergland  
15024 Allison Road, Monkton, Md. 21111

Manor Area Association, c/o Earl Young,  
Manor Road, Monkton, Md. 21111

People's Counsel

File

J. Carroll Holzer

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

499

92-466-SPH

OFFICE: 825-3908

DESCRIPTION TO ACCOMPANY  
ZONING PETITION  
REMAINDER OF PARCEL 2  
PROPERTY OF DOUGLAS R. SMALL

RESIDENCE: 771-4592

May 19, 1992

Beginning for the same at a point in the center of Allison Road, said point being located northwesterly 150' ± along Allison Road from the intersection formed by the center of Allison Road and the center of Stansbury Mill Road, running thence on Allison Road, and binding on the outline of Parcel 2, of the property of Douglas R. Small, the 2 following courses and distances, 1) N 6° 18' 20" W 220' ± and 2) N 4° 29' 00" W 400' ± thence leaving Allison Road and still binding on the outline of Parcel 2, the 13 following courses and distances, 1) N 56° 46' E 1110' ± , 2) S 26° 23' 30" E 176' ± , 3) S 42° 49' 00" E 1065' ± , 4) S 81° 08' 46" W 336.09' , 5) N 34° 17' 14" W 148.09' , 6) N 64° 45' 10" W 268.46' , 7) S 75° 40' 39" W 277.85' , 8) S 16° 10' 37" W 249.00' , 9) S 77° 42' 11" W 323.25' , 10) S 12° 17' 49" E 113.50' , 11) S 77° 42' 11" W 85.35' , 12) N 12° 17' 49" W 113.50' and 13) S 77° 42' 11" W 204.33' to the place of beginning.

Containing 23.83 Acres of land, more or less.

Being the easternmost part of Parcel 2 of the land which by deed dated April 22, 1952 and recorded among the Land Records of Baltimore County in Liber G.L.B. 2102, folio 453, was conveyed by Francis Small, and wife, to Douglas R. Small.



E. F. Raphel # 2246  
Registered Professional  
Land Surveyor

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

499  
92-466-SPH

OFFICE: 825-3908

DESCRIPTION TO ACCOMPANY  
ZONING PETITION  
PARCEL 2 A

RESIDENCE: 771-4592

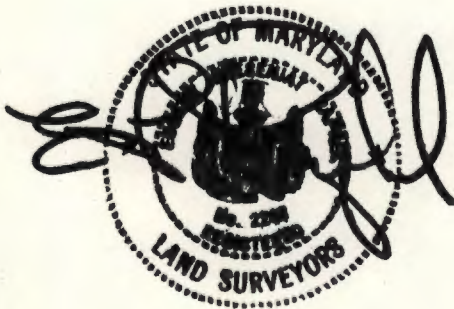
PROPERTY OF DOUGLAS R. SMALL

May 19, 1992

Beginning for the same at a point in the center of Stansbury Mill Road, said point being located southwesterly 170' ± along Stansbury Mill Road, from the intersection formed by the center of Stansbury Mill Road and the center of Allison Road, running thence in Stansbury Mill Road and binding on the outline of Parcel 2 A of the property of Douglas R. Small S 63° 00' 00" W 500' ± , thence leaving Stansbury Mill Road and still binding on the outline of Parcel 2 A, the 4 following courses and distances, 1) N 42° 27' 30" W 776.5' ± , 2) N 70° 23' E 540' ± , 3) S 4° 12' 30" E 169.83', and 4) S 38° 22' 10" E 636.17' to the place of beginning.

Containing 8.5 acres of land, more or less.

Being the westernmost part of Parcel 2 of the land which by deed dated April 22, 1952, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2102, folio 453, was conveyed by Francis Small and wife, to Douglas R. Small and designated as Parcel 2 A on the plat for the Special Hearing



E. F. Raphel # 2246  
Registered Professional  
Land Surveyor

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10-1-92

For CBA

RE: PETITION FOR SPECIAL HEARING : BEFORE THE COUNTY BOARD OF APPEALS  
 E/S Allison Rd., 150' N of C/L  
 of Stansbury Mill Rd. (Parcels : OF BALTIMORE COUNTY  
 2 and 2A Allison Rd.)  
 10th Election District : Zoning Case No. 92-466-SPH  
 3rd Councilmanic District  
 :  
 DOUGLAS R. SMALL, Petitioner  
 : : : : : :

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  
 100 Washington Avenue  
 Towson, Maryland 21204  
 (410) 887-2188

I HEREBY CERTIFY that on this 1<sup>st</sup> day of October, 1992, a copy of the foregoing Entry of Appearance was mailed to Douglas L. Burgess, Esquire, Nolan, Plumhoff & Williams, 210 W. Pennsylvania Ave., Suite 700, Towson, MD 21204; J. Carroll Holzer, Esquire, Holzer, Maher, Demilio & Lee, 305 W. Chesapeake Ave., Towson, MD 21204; and Mr. and Mrs. Eric Bergland, 15024 Allison Rd., Monkton, MD 21111.

Phyllis Cole Friedman  
 Phyllis Cole Friedman

92 OCT -1 AM 8:50  
 RECEIVED COUNTY BOARD OF APPEALS



92-466-SFH



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 15101 Allison Road

which is presently zoned R.C.2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

**and confirm the lawful existence of the single density unit on Parcel 2A and two (2) remaining density units on the remainder of Parcel 2.**

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

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

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

Contract Purchaser/Lessee:

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zipcode

Attorney for Petitioner:

**Stephen J. Nolan, Esquire**  
(Type or Print Name)

*Stephen J. Nolan*  
Signature

**Court Towers, Suite 700**  
**210 W. Pennsylvania Avenue 823-7800**

Address Phone No.  
**Towson MD 21204**

City State Zipcode

Legal Owner(s):

**Douglas R. Small**  
(Type or Print Name)

*Douglas R. Small*  
Signature

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
Signature

**15101 Allison Road 666-2356**  
Address Phone No.

**Monkton MD 21111**

City State Zipcode  
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

**Stephen J. Nolan, Esquire**  
Name  
**210 W. Pennsylvania Avenue**  
**Towson, MD 21204 823-7800**  
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL  OTHER \_\_\_\_\_

REVIEWED BY: LG DATE 5/28/92

ORDER RECEIVED FOR FILING  
Date 5/28/92  
By [Signature]



499



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



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 6-18-92

Douglas R. Small  
15101 Allison Road  
Monkton, Maryland 21111

RE:  
CASE #92-466-SPH (Item 499)  
15101 Allison Rd, 150' N/Stonebury Mill Rd

1 Coun

**CERTIFICATE OF PUBLICATION**

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

92-466-SPH

District 1074 Date of Posting 6/26/92  
Posted for: Special Hearing  
Petitioner: Douglas R. Small  
Location of property: E/S Allison Rd, 150' N/Stonebury Mill Rd.  
15101 Allison Rd.  
Location of Signs: Facing Allison Rd, approx 15' Fr roadway, on  
property of Petitioner.  
Remarks: \_\_\_\_\_  
Posted by [Signature] Date of return: 7/2/92  
Number of Signs: 1

MICROFILMED





**Baltimore County**  
**Zoning Administration &**  
**Development Management**  
111 West Chesapeake Avenue  
Towson, Maryland 21204

**receipt**

Account: R-001-6150

Number

#92-466-SPH

Date

7/28/93

#100 - REVISED PLANS ————— \$50.00

Legal Owner: Doublas R. Small & Lindsay D. Dryden, Jr.

Address: 15101 Allison Road

Attorney: Stephen J. Nolan

01A01#0389MICHRC \$50.00  
BA C010:08AM07-28-93

Please Make Checks Payable To: Baltimore County

Cashier Validation

**MICROFILMED**

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



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353


JUNE 5, 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 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-466-SPH (Item 499)  
E/S Allison Road, 150' N of c/l Stansbury Mill Road  
15101 Allison Road  
10th Election District - 3rd Councilmanic  
Petitioner(s): Douglas R. Small  
HEARING: THURSDAY, JULY 16, 1992 at 11:30 a.m. in Rm. 106, Office Building.

Special Hearing to approve and confirm the lawful existence of the single density units on the remainder of Parcel 2.

  
Lawrence E. Schmidt

Zoning Commissioner of  
Baltimore County

cc: Douglas R. Small  
Stephen J. Nolan, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

**MICROFILMED**





B.M.H



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

July 15, 1994

NOTICE OF POSTPONEMENT & 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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury Mill Road  
(15101 Allison Road)  
4th Election District  
3rd Councilmanic District

SPH -To approve lawful existence of single density units on remainder of Parcel 2.

7/28/92 -D.Z.C.'s Order AFFIRMING one on Parcel 2 and one on Parcel 2A; DENYING Petition as requested.

which was scheduled for hearing on August 24, 1994 has been POSTPONED at the request of Counsel for Appellant /Protestant due to calendar conflict; and has been

REASSIGNED FOR: FRIDAY, SEPTEMBER 9, 1994 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire Counsel for Appellant /Protestant  
Mr. Eric Bergland Appellant /Protestant  
Manor Area Association  
c/o Mr. James Constable

Douglas L. Burgess, Esquire Counsel for Petitioner  
Stephen J. Nolan, Esquire  
Mr. Douglas R. Small Petitioner  
Jeffrey P. Hanes, Esquire Counsel for Contract Purchasers /  
James & Laura Davison)

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

July 7, 1994

NOTICE OF ASSIGNMENT

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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury Mill Road  
(15101 Allison Road)  
4th Election District  
3rd Councilmanic District

SPH -To approve lawful existence of single density units on remainder of Parcel 2.

7/28/92 -D.Z.C.'s Order AFFIRMING one on Parcel 2 and one on Parcel 2A; DENYING Petition as requested.

*PP'd by Reg. of Council for Appellant to 9/9/94*

ASSIGNED FOR: WEDNESDAY, AUGUST 24, 1994 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire Counsel for Appellant /Protestant  
Mr. Eric Bergland Appellant /Protestant  
Manor Area Association  
c/o Mr. James Constable

Douglas L. Burgess, Esquire Counsel for Petitioner  
Stephen J. Nolan, Esquire  
Mr. Douglas R. Small Petitioner

Jeffrey P. Hanes, Esquire Counsel for Contract Purchasers /  
James & Laura Davison)

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



LAW OFFICES  
J. CARROLL HOLZER, PA  
THOMAS J. LEE  
J. HOWARD HOLZER  
1907-1989

TOWSON OFFICE  
305 WASHINGTON AVENUE  
SUITE 502  
TOWSON, MD 21204  
(410) 825-6961  
FAX: (410) 825-4923

CARROLL COUNTY OFFICE  
1315 LIBERTY ROAD  
ELDERSBURG, MD 21784  
(410) 795-8556  
FAX: (410) 795-5535

July 11, 1994

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

Re: Douglas R. Small  
Case No. 92-466-SPH

Dear Chairman Hackett:

Please be advised that the Board has scheduled the above-captioned case in for Wednesday, August 24, 1994. I will be away on vacation starting August 20th through the 27th in Williamsburg, Virginia and will not be able to attend the hearing. I would appreciate your rescheduling it at any other time than that week.

Very truly yours,

J. Carroll Holzer

c: Mr. Eric Bergland  
Douglas L. Burgess, Esq.

letters3\small.ltr

RECEIVED  
COUNTY BOARD OF APPEALS  
94 JUL 14 PM 1:10

PP to Friday 8/09/94

LAW OFFICES

**NOLAN, PLUMHOFF & WILLIAMS**  
**CHARTERED**

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340

(410) 823-7800

TELEFAX: (410) 296-2765

June 22, 1994

JAMES D. NOLAN  
(RETIRED 1980)

J. EARLE PLUMHOFF  
(1940-1988)

RALPH E. DEITZ  
(1918-1990)

OF COUNSEL

T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL  
823- 7857

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN\*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
E. BRUCE JONES\*\*  
J. JOSEPH CURRAN, III  
CHRISTINE K. McSHERRY

\*ALSO ADMITTED IN D.C.  
\*\*ALSO ADMITTED IN NEW JERSEY

HAND DELIVERY

Mr. William Hackett, Chairman  
Baltimore County Board  
of Appeals  
400 Washington Avenue  
Room 49  
Towson, Maryland 21204

Re: In the Matter of Douglas Small  
Case No. 92-466-SPH

Dear Chairman Hackett:

The Petitioner, Douglas Small, has no opposition to the request of postponement of the above captioned matter pursuant to the request of Counsel for Mr. and Mrs. Bergland dated June 20, 1994.

Thank you for your attention to this matter.

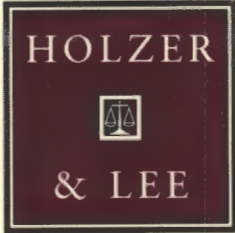
Very truly yours,

  
Douglas L. Burgess

DLB/vrs

cc: J. Carroll Holzer, Esquire  
People's Counsel  
Mr. Douglas Small

RECEIVED  
COUNTY BOARD OF APPEALS  
94 JUN 22 PM 3:40



LAW OFFICES

J. CARROLL HOLZER, PA  
THOMAS J. LEE

J. HOWARD HOLZER  
1907-1989

TOWSON OFFICE  
305 WASHINGTON AVENUE  
SUITE 502  
TOWSON, MD 21204  
(410) 825-6961  
FAX: (410) 825-4923

CARROLL COUNTY OFFICE  
1315 LIBERTY ROAD  
ELDERSBURG, MD 21784  
(410) 795-8556  
FAX: (410) 795-5535

June 20, 1994  
#6672

HAND DELIVERED

Mr. William Hackett, Chairman  
County Board of Appeals  
Basement, Old Courthouse  
Towson, MD. 21204

Re: In the Matter of Douglas Small  
Case No. 92-466-SPH

Dear Chairman Hackett:

Please be advised that the above captioned hearing is scheduled for Thursday, June 23, 1994. I have to be out of town on that date and respectfully request a postponement of the above captioned case until a later date.

Very truly yours,

*J. Carroll Holzer*

J. Carroll Holzer

cc: Doug Burgess  
People's Counsel

RECEIVED  
COUNTY BOARD OF APPEALS  
94 JUN 20 PM 12:33



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

April 12, 1994

NOTICE OF ASSIGNMENT

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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District  
SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

*PP'd on  
rec 6/23; to  
be met*

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

ASSIGNED FOR: THURSDAY, JUNE 23, 1994 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire Counsel for  
Protestant/Appellant  
Mr. Eric Bergland Protestant/Appellant

Douglas L. Burgess, Esquire Counsel for Petitioner  
Stephen J. Nolan, Esquire  
Mr. Douglas R. Small Petitioner

Manor Area Association  
c/o James Constable, Esquire

People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Added to file:  
Jeffrey P. Hanes, Esquire  
(Counsel for Contract Purchasers /  
James & Laura Davison)

Kathleen C. Weidenhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



LAW OFFICES

**NOLAN, PLUMHOFF & WILLIAMS**

**CHARTERED**

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340

(410) 823-7800

TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)

J. EARLE PLUMHOFF  
(1940-1988)

RALPH E. DEITZ  
(1918-1990)

OF COUNSEL

T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL  
823- 7857

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN\*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
E. BRUCE JONES\*\*  
J. JOSEPH CURRAN, III  
CHRISTINE K. McSHERRY

\*ALSO ADMITTED IN D. C.  
\*\*ALSO ADMITTED IN NEW JERSEY

March 31, 1994

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

Re: Case No. 92-466-SPH/Douglas R. Small

Dear Sirs:

Kindly accept the above-captioned case in for a hearing on the merits at the earliest possible date.

I anticipate that this should be scheduled for one (1) day as settlement negotiations in the matter have broken down and a full hearing on the merits is anticipated.

Thanking you for your kind attention to this matter, I am

Very truly yours,

  
Douglas L. Burgess

DLB/vrs

cc: Carroll Holzer  
Douglas R. Small, Sr.  
Richard A. Moore

RECEIVED  
COUNTY BOARD OF APPEALS  
94 APR -1 AM 10:44

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN \*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
E. BRUCE JONES \*\*  
GREGORY J. JONES  
J. JOSEPH CURRAN, III  
CHRISTINE K. McSHERRY

\*ALSO ADMITTED IN D.C.  
\*\*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**  
CHARTERED

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)  
J. EARLE PLUMHOFF  
(1940-1988)  
RALPH E. DEITZ  
(1918-1990)  
OF COUNSEL  
T. BAYARD WILLIAMS, JR.  
RICHARD L. SCHAEFFER\*  
WRITER'S DIRECT DIAL  
823- 7857

April 19, 1993

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

RE: Case No. 92-466-SPH/Douglas R. Small

Dear Chairman Hackett:

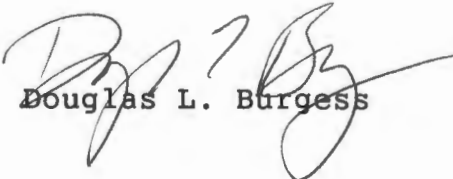
Kindly accept this letter as a request for postponement of the above-captioned case originally set for Thursday, April 29, 1993 at 10:00 a.m.

The reason for this request is that the Petitioner, Douglas R. Small, was unfortunately hospitalized over the past week and does not expect to be discharged from the hospital and recovered sufficiently in order to participate in the hearing process for at least six (6) weeks. At present, he is in the Union Memorial Hospital and is receiving treatment there.

I have spoken with opposing counsel, Carroll Holzer, who represents Mr. and Mrs. Bergland, and they have no objection to the postponement.

Thanking you for your attention to this matter, I am

Very truly yours,

  
Douglas L. Burgess

DLB/caw

cc: J. Carroll Holzer, Esquire  
People's Counsel  
James Constable, Esquire  
Mr. Gene Raphael  
Mr. Richard Moore

93 APR 20 PM 4: 20  
RECEIVED  
COUNTY BOARD OF APPEALS





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

April 21, 1993

NOTICE OF 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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District  
SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

which was scheduled for hearing on April 29, 1993 has been  
POSTPONED at the request of Counsel for Petitioner; and has been

REASSIGNED FOR: WEDNESDAY, JULY 28, 1993 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire Counsel for  
Protestant/Appellant

Mr. Eric Bergland Protestant/Appellant

Douglas L. Burgess, Esquire Counsel for Petitioner  
Stephen J. Nolan, Esquire

Mr. Douglas R. Small Petitioner

Manor Area Association  
c/o James Constable, Esquire

~~People's Counsel for Baltimore County~~ *not involved*  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrative Assistant





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

January 7, 1993

PCF: ✓  
PMZ: \_\_\_\_\_

Road 1/2  
same in  
RC zone.

Set up.  
prot.  
Should NOT  
need to attend,  
but may want  
to do review.  
4/19/93  
NO -  
Private fight.

NOTICE OF 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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District

SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

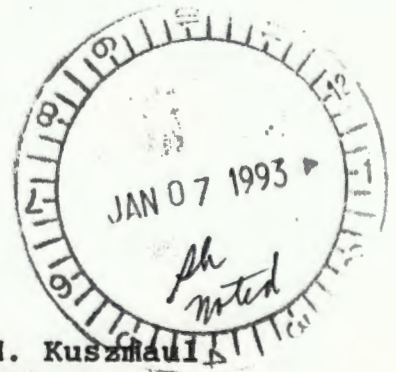
which was scheduled for hearing on January 6, 1993 was continued on  
the record at the request of all parties and has been

REASSIGNED FOR: THURSDAY, APRIL 29, 1993 AT 10:00 a.m.

RECEIVED  
COUNTY BOARD OF APPEALS

93 APR 19 PM 12:21

- |   |                        |
|---|------------------------|
| Mr. Eric Bergland                                   | Protestant/Appellant   |
| Mr. Douglas R. Small                                | Petitioner             |
| Stephen J. Nolan, Esquire                           | Counsel for Petitioner |
| Douglas L. Burgess, Esquire                         | " " "                  |
| Manor Area Association                              |                        |
| J. Carroll Holzer, Esquire                          |                        |
| 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<br>Administration |                        |



LindaLee M. Kusmaul  
Legal Secretary

4/19/93  
Issue is whether  
4 acres transferred in  
1985 contained a density  
unit.  
DZC H: It did NOT +  
remain parcel has 2  
agreed.  
PRIVATE MATTER  
Road is red herring  
ref



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

January 7, 1993

NOTICE OF 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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District

*pp'd to  
7/28/93 @  
10:00 am*

SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

which was scheduled for hearing on January 6, 1993 was continued on  
the record at the request of all parties and has been

REASSIGNED FOR: THURSDAY, APRIL 29, 1993 AT 10:00 a.m.

cc: Mr. Eric Bergland	Protestant/Appellant
Mr. Douglas R. Small	Petitioner
Stephen J. Nolan, Esquire	Counsel for Petitioner
Douglas L. Burgess, Esquire	" " "
Manor Area Association	
J. Carroll Holzer, Esquire	
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	

LindaLee M. Kuszmaul  
Legal Secretary



NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN \*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
E. BRUCE JONES \*\*  
GREGORY J. JONES  
J. JOSEPH CURRAN, III  
CHRISTINE K. MCSHERRY

\*ALSO ADMITTED IN D.C.  
\*\*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES

**NOLAN, PLUMHOFF & WILLIAMS**

**CHARTERED**

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)

J. EARLE PLUMHOFF  
(1940-1988)

RALPH E. DEITZ  
(1918-1990)

OF COUNSEL

T. BAYARD WILLIAMS, JR.

RICHARD L. SCHAEFFER\*

WRITER'S DIRECT DIAL  
823- 7857

October 24, 1992

HAND DELIVERY

Baltimore County Board of Appeals  
Attention: Katherine Weidenhammer  
Old Courthouse  
Towson, Maryland 21204

RE: Doug Small Property  
Case No.: 92-466-SPH

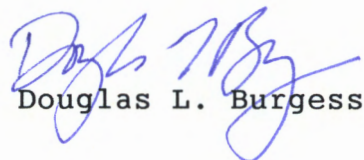
Dear Kathy:

Kindly set the above captioned matter in for a hearing at the earliest possible date. If there is a cancellation or another day where we can fit in a hearing, kindly so advise.

I would appreciate it if you would work with myself, opposing counsel Carroll Holzer, and the People's Counsel to confirm that any date that you propose is clear on our calendars and our client's before it is set. I anticipate the entire case will take four hours total, but other counsel can comment on that estimate.

Thanking you for your kind attention to this matter, I am

Very truly yours,

  
Douglas L. Burgess

DLB/caa

cc: Carroll J. Holzer, Esq.  
People's Counsel  
Mr. Douglas Small

80-5 W 92 130 26  
RECEIVED  
COUNTY BOARD OF APPEALS  
26 OCT 26 PM 5:08

RONALD L. MAHER  
J. CARROLL HOLZER  
CAROLE S. DEMILIO  
THOMAS J. LEE

J. HOWARD HOLZER  
1907-1989

LAW OFFICES  
**HOLZER, MAHER, DEMILIO & LEE**  
305 W. CHESAPEAKE AVENUE  
SUITE 105  
TOWSON, MARYLAND 21204  
(410) 825-6960  
FAX (410) 825-6964

CARROLL COUNTY OFFICE  
1315 LIBERTY ROAD  
ELDERSBURG, MARYLAND 21784  
(410) 795-8556  
FAX (410) 795-5535

SUITE 700  
1725 DeSALES STREET, N.W.  
WASHINGTON, D.C. 20036

October 27, 1992  
#6672

Baltimore County  
Board of Appeals  
Old Courthouse  
400 Washington Avenue  
Room 49  
Towson, Maryland 21204  
ATTN: Ms. Katherine Weidenhammer

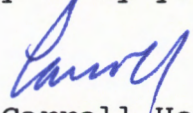
RE: Doug Small Property  
Case No.: 92-466-SPH

Dear Kathy:

I received a letter from Doug Burgess on the above captioned property. I agree with him that we should try to coordinate our calendars before setting this date; otherwise, I can foresee problems. I would suggest that the case will take longer than four (4) hours to try, perhaps a whole day.

I would also suggest that in addition to People's Counsel and myself, as Protestants, you have a potential additional Protestant in the attorney for the community association who I do not know at this point. In any event, I would appreciate receiving a call before this case is assigned.

Very truly yours,

  
J. Carroll Holzer

JCH:mlg

cc: Mr. Doug Small  
People's Counsel  
Mr. Rick Bergland

92 OCT 28 AM 10:50  
RECEIVED  
COUNTY BOARD OF APPEALS



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

October 28, 1992

NOTICE OF ASSIGNMENT

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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District

SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

ASSIGNED FOR: WEDNESDAY, JANUARY 6, 1993 AT 10:00 a.m.

cc: Mr. Eric Bergland Protestant/Appellant  
Mr. Douglas R. Small Petitioner  
Stephen J. Nolan, Esquire Counsel for Petitioner  
Manor Area Association

J. Carroll Holzer, Esquire  
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

LindaLee M. Kuszmaul  
Legal Secretary





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

October 29, 1992

Douglas L. Burgess, Esquire  
NOLAN, PLUMHOFF & WILLIAMS, CHTD.  
Suite 700, Court Towers  
210 W. Pennsylvania Avenue  
Towson, MD 21204

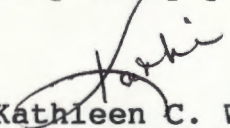
Re: Case No. 92-466-SPH  
Douglas Small

Dear Doug:

The Board is in receipt of your request for the earliest hearing date possible for the above-captioned case.

This matter has already been scheduled for hearing on January 6, 1993, and at this time the Board has no earlier date on its docket to which this case could be reassigned. (Notices were sent out on a number of cases during this past week, this one included.) We will however keep your letter on file should an appropriate date become available which would permit sufficient time for rescheduling, at which time we would be sure to confirm availability of all parties involved.

Very truly yours,

  
Kathleen C. Weidenhammer  
Administrative Assistant

cc: J. Carroll Holzer, Esquire  
People's Counsel for Baltimore County  
Mr. Douglas Small  
Mr. Eric Bergland



State of Maryland in and for Baltimore County personally appeared GEORGE WILLIAM NEUBERT JR AND GRACE W NEUBERT his wife the within named Grantors and they acknowledged the foregoing Deed to be their respective act

IN TESTIMONY WHEREOF I hereunto set my hand and Notarial Seal

(Notarial Seal)

Edward C Golder

Notary Public

Recorded Dec 19 1945 at 12 Noon and exd per

Robert J Spittel

Clerk

(Recorded by C A B)

(Exd by JRF)

100892	) THIS DEED Made this 8th day of February in the
Anna Emory Warfield Home	) year one thousand nine hundred and forty-six by
for Aged Women Incorporated	) and <del>between the ANNA EMORY WARFIELD HOME FOR AGED</del>
ET AL	) <del>WOMEN INCORPORATED</del> a body corporate duly incorpora-
DEED TO	) ted under the Laws of the State of Maryland party
Francis Small and wife	) <del>of the first part DOUGLAS R SMALL AND ELEANOR SMALL</del>
U S S \$71.50	) his wife of Baltimore County in the State of
S S \$65.00	) Maryland <del>parties of the second part FRANCIS</del>
	) <del>SMALL AND MIRIAM E W SMALL his wife of Baltimore</del>
	) <del>County in the State of Maryland parties of the third part</del>

WITNESSETH THAT WHEREAS by a Decree of the Circuit Court for Baltimore County in Equity dated on the 5th day of June 1945 and passed in a cause filed in said Court entitled "Anna Emory Warfield Home for Aged Women Incorporated vs Henry Maccler Warfield et al" Equity Docket No 46 folio 187 the above named Corporation was authorized and empowered to make sale of the five pieces or parcels of ground and the improvements thereon either at public or private sale

AND WHEREAS the said party of the first part in compliance with all the requisites of said decree did sell at private sale the said five fee simple lots or parcels of ground unto the said Douglas R Small et al for the sum of Sixty-five thousand Dollars (\$65,000.00)

AND WHEREAS the aforesaid sale has been duly reported to and ratified and confirmed by the said Circuit Court for Baltimore County in Equity

AND WHEREAS the purchase money aforesaid had been fully paid and satisfied to the said party of the first part

AND WHEREAS subsequent thereto the said Douglas R Small has sold the said five fee simple lots or parcels of ground unto the said parties of the third part and has requested the said party of the first part to join in the execution of these presents

NOW THEREFORE THIS DEED WITNESSETH that for and in consideration of the premises and the sum of Sixty-five thousand Dollars (\$65,000.00) paid by the said Douglas R Small

MICROFILMED TO FRANCIS SMALL BASE 1423/317 (1946)



unto the said party of the first part and in further consideration of the payment of the sum of Five Dollars (\$5.00) by the said parties of the third part to the said parties of the second part the receipt of all of which is hereby acknowledged the said party of the first part and the said parties of the second part do hereby grant and convey unto the said parties of the third part as tenants by the entireties their assigns and unto the survivor of them his or her heirs and assigns in fee simple all those five tracts or parcels of ground situate lying and being in the Tenth Election District of Baltimore County in the State of Maryland (a small acreage of the fifth tract herein described lying in the Fourth Election District of Harford County in the State of Maryland) the same being more particularly and at length described as follows that is to say

~~BEGINNING FOR THE FIRST TRACT~~ at a stone heretofore planted at the east corner of the land sold by Dr R Emory to John Thomas Tillman and at the north corner of the land belonging to John Cook and running thence and bounding on said Tillmans land ~~thence~~ <sup>1</sup>thirty-seven and one-quarters degrees west seventy-one and six-tenths perches to the center of the Merediths Ford and Jarrettsville Turnpike Road thence in the middle of said Turnpike Road <sup>2</sup>thence ~~thence~~ <sup>2</sup>sixty-six and one-half degrees east forty and one-fourth perches to the center of a culvert over a branch crossing said Turnpike near Stansturys Canning House thence <sup>3</sup>thence ~~thence~~ <sup>3</sup>sixty-six and one-quarters degrees east eight and one-quarters perches thence leaving the Turnpike and running in and with the entrance road to Thomas H Stansturys and James S Allisons <sup>4</sup>thence ~~thence~~ <sup>4</sup>south forty-five and one-half degrees east fifteen and two-tenths perches <sup>5</sup>thence ~~thence~~ <sup>5</sup>south fourteen and one-half degrees east fifteen perches <sup>6</sup>thence ~~thence~~ <sup>6</sup>south forty-five degrees east ten and nine-tenths perches <sup>7</sup>thence ~~thence~~ <sup>7</sup>south twenty-five and one-half degrees east fourteen and nine-tenths perches thence leaving said entrance road and running <sup>8</sup>thence ~~thence~~ <sup>8</sup>south forty-four and one-half degrees west five and three-quarters perches to a walnut tree thence <sup>9</sup>thence ~~thence~~ <sup>9</sup>south one degree west sixteen and one-half perches to a stone thence <sup>10</sup>thence ~~thence~~ <sup>10</sup>south two degrees east nineteen and four-tenths perches to land of Thomas H Stanstury thence bounding thereon <sup>11</sup>thence ~~thence~~ <sup>11</sup>south sixty-eight degrees west fifteen and one-quarter perches to a black oak tree thence bounding on the land of John Cook <sup>12</sup>thence ~~thence~~ <sup>12</sup>north thirty-nine and one-half degrees west twenty perches to the beginning ~~containing twenty-one acres two rods and thirty-nine square perches more or less~~

BEING the same tract or parcel of land which by Deed dated September 22 1919 and recorded among the Land Records of Baltimore County in Liber W 1 C No 516 folio 260 etc was granted and conveyed by Claude K Fowle unmarried unto S Davison Garfield in fee simple

~~BEGINNING FOR THE SECOND TRACT~~ at a stone heretofore planted at the beginning of that parcel of land which by Deed dated May 6 1869 and recorded among the Land Records of Baltimore County in Liber E 1 A No 62 folio 359 etc was conveyed by Edward B Stanstury to Thomas H Stanstury and running thence <sup>1</sup>thence ~~thence~~ <sup>1</sup>north eighteen degrees forty minutes west one hundred seventy-six feet four inches to a stake in a ravine thence <sup>2</sup>thence ~~thence~~ <sup>2</sup>south sixty-four degrees twenty-six minutes west one thousand one hundred feet to a stone heretofore planted as the beginning of that parcel of land which by Deed dated February 27 1894 and recorded among the aforesaid Land Records in Liber F 1 B No 204 folio 48 etc was conveyed by James L Stanstury et al to Thomas H Stanstury and

1st & 2nd Parcel  
Base

①

running thence <sup>3</sup> south seventy degrees twenty-three minutes west one thousand seventy feet to a black oak tree thence <sup>4</sup> south thirty-four degrees seventeen minutes east seven hundred seventy feet six inches to the center of Stanburys Hill Road thence with Stanburys Mill Road <sup>5</sup> south seventy degrees forty-two minutes west six hundred forty-four feet ten inches thence with Powells Lane <sup>6</sup> south thirty-nine degrees forty-five minutes east nine hundred nineteen feet to a stake thence <sup>7</sup> north seventy degrees east one thousand six hundred forty-eight feet thence <sup>8</sup> north forty-one degrees fifty minutes east one thousand and forty-four feet to a stake thence running for a line of division north thirty-five degrees fourteen minutes west one thousand and sixty-six feet two inches to the place of beginning. ~~Containing sixty-five and seventy-two one-hundredths acres of land more or less~~

BEING the same tract or parcel of land which by Deed dated September 22 1919 and recorded among the Land Records of Baltimore County in Liber W P C No 516 folio 258 etc was granted and conveyed by Jessie B Stanbury and husband unto the said S Davies Warfield in fee simple

~~BEING~~ ~~from the third thereof~~ at a stone heretofore planted near a branch in the woods at the end of the seventh line of the second division of the late Edward E Stanburys land as divided and partitioned in February 1867 and subsequently and running thence <sup>1</sup> south two degrees east nineteen and four-tenths perches to intersect the outline of Thomas H Stanburys land as per correction of January 24 1870 thence bounding thereon with bearings of that date <sup>2</sup> north sixty-seven and one-half degrees east fifty-two and three-quarter perches to a stone on the east side of a line thence <sup>3</sup> north sixty-one degrees east sixty-six and seven-tenths perches to intersect the outline of the whole tract thence with said outline <sup>4</sup> north twenty-two and one-half degrees west forty-seven perches to a stone thence <sup>5</sup> north fifty-six degrees west fifty-nine perches to a point in the Merediths Ford and Jarrettsville Turnpike Road and bounding on the outline of said land sold to Martha S Powell (now Mrs A L Emorys land) by Deed dated March 12 1886 recorded in J W L 150 folio 181 the three following courses as per said deed viz <sup>6</sup> south forty-nine degrees west thirty-two perches <sup>7</sup> south sixty-three degrees west thirty-six perches and <sup>8</sup> south sixty-five degrees west seven and three-quarters perches to the private entrance road from said Turnpike to said Stanburys residence thence leaving the Turnpike and running with and bounding on said entrance road the four following courses as per Magnetic bearings of the present date <sup>9</sup> south forty-five and one-half degrees east fifteen and two-tenths perches to a stone now planted thence <sup>10</sup> south fourteen and one-half degrees east fifteen perches to a stone now planted thence <sup>11</sup> south forty-five degrees east ten and nine-tenths perches to a stone now planted thence <sup>12</sup> south twenty-five and one-half degrees east fourteen and nine-tenths perches to a stone now planted thence leaving said private road and running <sup>13</sup> south forty-four and one-half degrees west five and three-quarter perches to a walnut tree and thence <sup>14</sup> south one degree west sixteen and one-half perches to the beginning. ~~Containing fifty-nine acres three rods and twenty-eight square perches of land more or less~~

3 Paral Base



BEING the same tract or parcel of land which by Deed dated November 18 1919 and recorded among the Land Records of Baltimore County in Liber W P C No 519 folio 126 etc was granted and conveyed by Frederick L Graefe and wife unto the said S Davias Warfield in fee simple

~~BEGINNING FOR THE FOURTH THEREOF~~ on the center of the "Old York Road " and at the end of the south forty-five and one-half degrees west one-hundred thirty-four and three-quarters perch line of the land which by Deed dated on or about February 1 1909 and recorded among the Land Records of said County in Liber W P C No 339 folio 52 etc was conveyed by William Cochran and wife to said Sidney Watters thence running with and binding on outlines of said land and on or near the center of said road and as now surveyed the following courses and distances <sup>1</sup> north seven and one-half degrees west eighteen perches <sup>2</sup> north five degrees west twenty perches <sup>3</sup> north four degrees east thirteen perches <sup>4</sup> north thirty-eight degrees west fifteen perches <sup>5</sup> north fifty-five degrees west twenty-nine perches <sup>6</sup> north seventy-one and one-quarter degrees west twenty-six and seven-tenths perches and thence binding on a part of the north sixty and three-quarters degrees west seventeen and four-tenths perch line of said Deed and on or near the center of said road <sup>7</sup> north fifty-eight and three-quarters degrees west fourteen and six-tenths perches thence leaving said outlines and said "Old York Road" and running for lines of division to wit <sup>8</sup> north five degrees east fifteen and one-tenth perches along the easterly side of the private road leading to the dwelling house on the land of said Watters and about two feet more or less from the fence on said last named road which said road is to be used in common by the said grantors and grantees hereof their heirs and assigns thence binding on the eastern side of said private road <sup>9</sup> north eighteen degrees east ten and two-tenths perches to a stake thence still binding on the east side of said private road <sup>10</sup> north twenty-one and one-quarter degrees east five and sixty-three one-hundredths perches to a stake thence binding on the southeast side of said private road <sup>11</sup> north two hundred twelve and one-half degrees east twenty-nine and one-tenth perches to a stake thence binding on the southerly side of said right-of-way <sup>12</sup> north seventy-nine degrees east twenty-four perches to a planted stake in the south side of an apple tree thence leaving said roadway and still running by lines of division <sup>13</sup> south twelve and one-half degrees east eleven and ninety-four one-hundredths perches to a planted stake on the west bank of a spring branch thence <sup>14</sup> south eighty-six and one-quarter degrees east twenty-five and sixty-three one-hundredths perches to a stake on the south side of a fence post thence <sup>15</sup> south forty and one-quarter degrees east six and six-tenths perches to a planted iron pin near the southeast corner of the barn-yard thence binding in part on the east side of the barnyard <sup>16</sup> north fifty-one and one-half degrees east twenty-five and twenty-one one-hundredths perches to a planted iron pin thence <sup>17</sup> north forty degrees west thirty and nine-tenths perches to a planted iron pin thence <sup>18</sup> north fifty and one-half degrees east fifty-five and forty-eight one-hundredths perches to a fence post standing on the south sixty-four and three-quarters degrees east forty-eight and four-tenths perches line of said Deed from said Cochran and wife to said Watters and thence binding on said line and the land of Mrs Elizabeth Valentine <sup>19</sup> south sixty-three and three-quarters degrees east

4th Parcel  
Base

1

twenty-nine and fifty-three one-hundredths perches to a planted fence post thence binding on and running with the outlines of said Watters Deed and also that of said Mrs Valentines <sup>20</sup> south five and three-quarters degrees west twenty-six perches to a fence post thence <sup>21</sup> south eighteen degrees east eighty-three perches to a fence post in the center of an old road now abandoned and thence binding on the outline of said Watters land and on or near the center of said abandoned road <sup>22</sup> south forty-eight and one-quarter degrees west one-hundred thirty-five and one-half perches to the first place of beginning ~~CONTAINING ONE HUNDRED NINE ACRES AND SIXTY TWO SQUARE PERCHES OF LAND MORE OR LESS~~

TOGETHER WITH the use of the private road as aforesaid and the use of a road sixteen feet wide for the use of the said parties of the third part the said sixteen foot road to be an extension of the said private road in its present direction to intersect the north forty degrees west thirty and nine-tenths perches line of the above description

HAVING the same tract or parcel of land which by Deed dated June 10 1924 and recorded among the Land Records of Baltimore County in Liber W P C No 195 folio 168 etc was granted and conveyed by Sidney Watters and wife to the said S Davies Warfield in fee simple

~~CONTAINING FORTY FIFTH PERCHES~~ In the center line of the Merediths Ford and Jarrettsville Turnpike Road as established August 9 1918 for the County Commissioners of Baltimore County where the center line of said road intersects the center line of the Little Falls of the Gunpowder River said place of beginning being in the dividing line between Baltimore and Harford Counties and being also the northeasternmost end of said road as established for said County Commissioners of Baltimore County and running thence binding on the center line of said road as established as aforesaid south thirty-four degrees and five minutes west one hundred seventy-six feet south fifty-three degrees and five minutes west five hundred thirty-four feet south sixty-six degrees and fourteen minutes west four hundred twenty-one feet and one inch south sixty-six degrees and thirty-eight minutes west five hundred forty-nine feet and five inches south sixty-seven degrees and forty-three minutes west four hundred four feet and eight inches south sixty-five degrees and eleven minutes west five hundred forty-seven feet and five inches south sixty-four degrees and seventeen minutes west one hundred thirty-two feet south sixty degrees and seven minutes west one hundred three feet to a point <sup>11</sup> north twenty-six degrees and fifty-six minutes west twenty feet from a stone on the southeast side of said road said point being the beginning of the fourth line of the parcel of land described in a Deed from R Emory and wife to John T Tillman dated July 1 1893 and recorded among the Land Records of Baltimore County in Liber L M B NO 199 folio 192 etc thence still binding on the center line of said Merediths Ford and Jarrettsville Turnpike Road established as aforesaid <sup>9</sup> south fifty-eight degrees and ten minutes west two hundred forty-two feet and <sup>10</sup> south sixty degrees and nineteen minutes west forty-two feet four inches to intersect a line drawn south seventeen degrees and fifty-seven minutes east from a stone now planted near the northwest side of said road thence leaving said road and binding reversely on said line so drawn and continuing

5th Parcel Base

(1)

the same course in all ~~north~~ <sup>11</sup> ~~seventeen~~ degrees and fifty-seven minutes west one thousand six hundred thirty-three feet and six inches to a stone now planted thence ~~north~~ <sup>12</sup> ~~fifty-~~ one degrees and twenty-three minutes east eight hundred eighty-three feet to a stone now planted thence ~~north~~ <sup>13</sup> ~~twenty-four~~ degrees and thirty-nine minutes west eighty feet to a stone now planted thence ~~north~~ <sup>14</sup> ~~sixty-six~~ degrees and twenty-four minutes east one hundred forty-five feet to a stone now planted thence ~~south~~ <sup>15</sup> ~~thirty-nine~~ degrees and sixteen minutes west forty feet to a stone now planted thence ~~south~~ <sup>16</sup> ~~eighty-four~~ degrees and sixteen minutes east four hundred fifty-nine feet to a stone now planted thence ~~north~~ <sup>17</sup> ~~fifty~~ degrees and eight minutes east one thousand four hundred fifty-three feet to a stone now planted thence ~~south~~ <sup>18</sup> ~~fifty-eight~~ degrees and thirty minutes east crossing the Little Falls of the Gunpowder River one thousand five hundred eighty-eight feet to a stone now planted on the northwest side of the Herediths Ford and Jarrettsville Road thence still ~~south~~ <sup>19</sup> ~~fifty-eight~~ degrees and thirty minutes east twenty feet to the center line of said road and thence binding on the center line of said road ~~south~~ <sup>20</sup> ~~thirty-four~~ degrees and ten minutes west nine hundred thirteen feet and three inches to the place of beginning ~~Containing one-hundred thirty-six and fourteen one-hundredths acres of land more or less of which one hundred twenty-three and seventy-eight one-hundredths acres more or less lie in Baltimore County and twelve and thirty-six one-hundredths acres more or less lie in Harford County~~

TOGETHER WITH the exclusive right to develop maintain convey and take water from the spring or spring head set forth and mentioned in a Deed from Theodore W Forbes et al Executors etc unto the said S Davies Warfield dated July 14 1919 and recorded among the Land Records of Baltimore County in Liber W P C No 510 folio 428 etc and also recorded among the Land Records of Harford County in Liber J A R No 164 folio 276 etc

BEING the same parcel of tract of land mentioned and described in the aforesaid Deed from Theodore W Forbes et al Executors etc to the said S Davies Warfield hereinbefore referred to and recorded as aforesaid

TOGETHER with the buildings and improvements thereupon and the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

TO HAVE AND TO HOLD the said lots of ground and premises unto and to the use of the said parties of the third part tenants by the entireties their assigns and unto the survivor of them his or her heirs and assigns in fee simple forever

AND the said parties of the second part namely Douglas R Small and Jane W Small his wife hereby covenant that they have not done nor suffered to be done any act matter or thing whatsoever to encumber the properties hereby granted that they will warrant specially the property hereby granted and conveyed and they will execute such further assurances of said land as may be requisite

WITNESS the signature of the said body corporate by the hand of Henry M Warfield its president and its corporate seal hereto affixed and also

WITNESS the hands and seals of the parties of the second part hereto

5th Parcel  
Base

11

Attest

Sarah V Planchard

Secretary

Witness

Edward C Golder

Witness

Edward C Golder

ANNA EMORY WARFIELD HOME FOR AGED  
WOMEN INCORPORATED

(Corporate Seal)

By Henry M Warfield

President

Douglas R Small (SEAL)

Jane W Small (SEAL)

STATE OF MARYLAND BALTIMORE CITY TO WIT

I HEREBY CERTIFY That on this 8th day of February in the year one thousand nine hundred and forty-six before me the subscriber a Notary Public of the State of Maryland in and for Baltimore County personally appeared Henry M Warfield the President of ANNA EMORY WARFIELD HOME FOR AGED WOMEN INCORPORATED one of the within named Grantors and he acknowledged the foregoing Deed to be the act of said body corporate

AS WITNESS my hand and notarial Seal

(Notarial Seal)

Edward C Golder

Notary Public

STATE OF MARYLAND CITY OF BALTIMORE TO WIT

I HEREBY CERTIFY That on this 8th day of February in the year one thousand nine hundred and forty-six before me the subscriber a Notary Public of the State of Maryland in and for Baltimore County personally appeared DOUGLAS R SMALL AND JANE W SMALL his wife two of the within named grantors and they acknowledged the foregoing Deed to be their respective act and in my presence signed and sealed the same

AS WITNESS my hand and Notarial Seal

(Notarial Seal)

Edward C Golder

Notary Public

Recorded Feb 11 1946 at 12:20 P M and exd per

Robert J Spittel

Clerk

(Recorded by C A E)

(Exd by W & K)



G.L.B. 1815, folio 13, conveyed to Samuel H. Shriver and Eleanor R. Shriver, his wife, covering a tract of 136.14 acres, more or less, and being the same tract of parcel of land fifthly described in the aforesaid deed from the Anna Emory Warfield Home, etc.

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

To Have and To Hold the said lots of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Douglas R. Small, his - - - - - heirs and assigns, in fee simple.



And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors.

TEST:

W. H. Lathrop  
W. H. Lathrop

A. H. Syren  
A. H. Syren

Francis Small (SEAL)  
Francis Small

Miriam E. W. Small (SEAL)  
Miriam E. W. Small

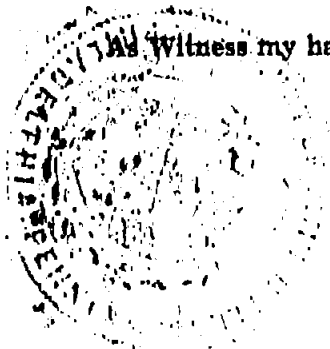
STATE OF PENNSYLVANIA, CITY AND COUNTY OF PHILADELPHIA, TO WIT:

I HEREBY CERTIFY, That on this 22d day of April,

in the year one thousand nine hundred and fifty-two, before me, the subscriber, a Notary Public of the State of Pennsylvania, in and for the County and City of Philadelphia aforesaid, personally appeared FRANCIS SMALL and MIRIAM E. W. SMALL, his wife,

the above named grantors, and they acknowledged the foregoing Deed to be their act.

Witness my hand and Notarial Seal.



Amelia H. Syren, Notary Public.  
NOTARY PUBLIC  
My Commission Expires January 4, 1953

In the Courts of Common Pleas of Philadelphia County  
State of Pennsylvania }  
County of Philadelphia, ss.

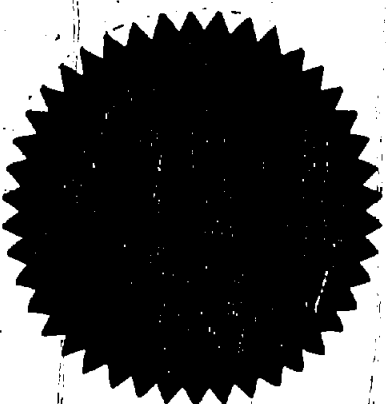
I, Meredith Hanna, Prothonotary of the Courts of Common Pleas of said county, which are Courts of Record having a common seal, being the officer authorized by the laws of the State of Pennsylvania to make the following Certificate,

do Certify, That Amelia H. Syren, Esquire, whose name is subscribed to the certificate of the acknowledgment of the annexed instrument and thereon written, was at the time of such acknowledgment a NOTARY PUBLIC for the Commonwealth of Pennsylvania, residing in the County aforesaid, duly commissioned and qualified to administer oaths and affirmations and to take acknowledgments and proofs of Deeds or Conveyances for lands, tenements and hereditaments to be recorded in said State of Pennsylvania, and to all whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere; and that I am well acquainted with the hand writing of the said NOTARY PUBLIC and verily believe the signature thereto is genuine, and I further certify that the said instrument is executed and acknowledged in conformity with the laws of the State of Pennsylvania.

The impression of the seal of the Notary Public is not required by law to be filed in this office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, this 22nd day of APRIL, 1952, in the year of our Lord one thousand nine hundred and fifty-two (1952).

Benjamin C. Clark, Prothonotary.  
Benjamin C. Clark, Deputy Prothonotary  
Durante Absentia, Secundum Legem.



REC'D FOR RECORD April 26, 1952 - 10:45 A.M. & RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, LIBER G.L.B. 2102 FOLIO 453 GEORGE L. BYERLY, CLERK.

This Deed, Made this

10<sup>th</sup>

day of ~~June~~ July

in the year one thousand nine hundred and sixty-two, by and between DOUGLAS R.

SMALL and JANE W. SMALL, his wife

of Baltimore County,

in the State of Maryland, of the first part, and

FRANCIS SMALL, of Baltimore County, in the State of Maryland,

of the second part.

Witnesseth, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations,

the said Douglas R. Small and Jane W. Small, his wife,

do grant and convey unto the said Francis Small, his

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Baltimore County, Maryland, aforesaid, and described as follows, that is to say:—

Beginning for the same in the center of Allison Road at a point distant North 72 degrees 01 minute 30 seconds East (as the course is referred to the magnetic meridian of 1958) 1047.27 feet from a Black Oak Tree standing at the beginning of the fourth line of the parcel of land secondly described in a deed dated February 8, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1423 folio 317 which was conveyed by the Anna Emory Warfield Home for Aged Women Incorporated to Francis Small and wife, said place of beginning also being distant 713.24 feet measured northerly along the center of Allison Road from the intersection of the center of Allison Road with the center of Stansbury Mill Road and running thence and binding in the center of Allison Road South 4 degrees 29 minutes East 244 feet, thence leaving said road and running for lines of division the four following courses and distances viz: South 85 degrees 47 minutes 30 seconds West, passing over a pipe set near the west side of Allison Road and binding for a part on a fence there situate, 472.04 feet to a pipe, North 4 degrees 12 minutes 30 seconds West 174.04 feet to a pipe, North 77 degrees 48 minutes East 161.36 feet to a pipe and North 77 degrees 06 minutes 20 seconds East, passing over a pipe set near the west side of Allison Road, 314.68 feet to the place of beginning.

Containing 2.26 Acres of land more or less.

Being a part of the land which by a deed dated April 22, 1952 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2102 folio 453 was conveyed by Francis Small and wife to Douglas R. Small.

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

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Francis Small, his



heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seal of said grantors

TEST:

Handwritten signatures of Douglas R. Small and Jane W. Small, with printed names below. A circular notary seal is visible on the right.

STATE OF MARYLAND, COUNTY OF BALTIMORE

to wit:

I HEREBY CERTIFY, That on this 10th day of June, July, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore aforesaid, personally appeared Douglas R. Small and Jane W. Small, his wife,

the above named grantors, and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.

TRANSFER TAX NOT REQUIRED

Norman W. Wood  
Director of Finance

Per: [Signature]  
Authorized Signature

Handwritten signature of Notary Public, circular notary seal, and recording information: 'Rec'd for record AUG 2 1962 Per Walter J. Rasmussen, Clerk Mail to James J. Rasmussen Receipt No. 226357'

Maryland  
PCA

### DEED OF TRUST

(Real Estate)

THIS DEED OF TRUST, made this 12th day of June  
in the year nineteen hundred and seventy-nine, by and between DOUGLAS R. SMALL  
and JENNIFER R. SMALL, his wife

JUN 12-79 253124# \*\*\*339.00  
JUN 12-79 253124CS \*\*\*320.00  
JUN 12-79 253123C# \*\*\*19.00

of Baltimore County, in the State of Maryland, hereinafter called the  
"Grantor" and PAUL A. NEWCOMER and RICHARD A. McALLISTER of the  
counties of Harford and Baltimore, State  
of Maryland, respectively, Trustees, either or both of whom may act, hereinafter called "Trustee".

WITNESSETH: That for value received the said Grantor doth hereby grant and convey unto the said Trustee the following property, to wit:

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

BEGINNING for the same at a stone heretofore set at the beginning of the parcel of land secondly described in a deed dated February 8, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1423 folio 317 which was conveyed by Anna Emory Warfield Home for Aged Women Incorporated et al to Francis Small and wife and running thence with and binding on the first line of said parcel of land, North 19 degrees 02 minutes West 176.33 feet to the beginning of the fourth line of the parcel of land thirdly described in the afore-said deed, thence running with and binding on the fourth and fifth lines of said last mentioned parcel of land, North 19 degrees 02 minutes West 781.67 feet and North 51 degrees 32 minutes West 966 feet to a point in the center of the Jarrettsville Road and in the first line of a parcel of land which by a deed dated January 12, 1971 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5158 folio 110 was conveyed by Thomas Sheridan and wife to Robert W. Povleski and wife, thence running with and binding on a part of said first line and on the second, third, fourth and fifth lines and on a part of the sixth line of said parcel of land and binding in the center of the Jarrettsville Road, the six following courses and distances viz: South 34 degrees 05 minutes West 41.28 feet, South 53 degrees 05 minutes West 534 feet, South 66 degrees 14 minutes West 421.08 feet, South 66 degrees 38 minutes West 549.42 feet, South 67 degrees 43 minutes West 404.67 feet and South 65 degrees 11 minutes West 139.70 feet to the end of the first line of the parcel of land firstly described in the afore-said deed from Anna Emory Warfield Home for Aged Women Incorporated et al to Francis Small and wife, thence leaving said road and binding reversely on the first and last lines of said parcel of land, the two following courses and distances viz: South 35 degrees 07 minutes East 1174.62 feet to a large stone heretofore set and South 35 degrees 07 minutes East 329.08 feet to a black oak tree standing at the beginning of the fourth line of the aforesaid first herein referred to secondly described parcel of land, thence running with and binding on said fourth line, South 35 degrees 07 minutes East 782.10 feet to a point in the center of the Stansbury Mill Road and in the seventeenth or South 71 degrees 33 minutes 20 seconds West 650 foot line of a parcel of land which by a deed dated June 5, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3173, folio 237 was conveyed by Douglas R. Small and wife to Calvin K. Braecklein and wife, thence binding reversely on a part of the seventeenth line and reversely on the sixteenth line of

7 pages  
136.14  
RRG 4264  
352  
Feb 4, 1964  
Harford CO  
641/420  
1 map  
7 pages  
34.86A

L-80-Md.  
12:77

For Release see

PARTIAL RELEASE

Liber 5156 Fol. 52

LIBER 6931 FOLIO 554

WRJ 3816/341 Mar 3, 1961 / 2564-186

1 map  
12-66  
A

said parcel of land, the two following courses and distances viz: North 69 degrees 55 minutes 43 seconds East 291.61 feet and North 65 degrees 48 minutes 20 seconds East 373 feet, thence leaving Stansbury Mill Road and binding in the bed of Allison Road, North 5 degrees 00 minutes West 145 feet to the beginning of the fifteenth or North 77 degrees 27 minutes 40 seconds East 203 foot line of a parcel of land which by a deed dated July 15, 1964 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4330 folio 462 was conveyed by Douglas R. Small and wife to the State of Maryland to use of Department of Forests and Parks, thence leaving Allison Road and running with and binding on the fifteenth to twenty-fourth lines inclusive of said parcel of land, the ten following courses and distances viz: North 85 degrees 07 minutes 40 seconds East 113.50 feet, North 85 degrees 07 minutes 40 seconds East 85.35 feet, North 4 degrees 52 minutes 20 seconds West 113.50 feet, North 85 degrees 07 minutes 40 seconds East 323.25 feet, North 23 degrees 36 minutes 06 seconds East 249 feet, North 83 degrees 06 minutes 08 seconds East 277.85 feet, South 57 degrees 19 minutes 41 seconds East 268.46 feet, South 26 degrees 51 minutes 45 seconds East 148.09 feet and North 87 degrees 09 minutes 11 seconds East 336.18 feet to the beginning of the last line of the parcel of land secondly described in the aforesaid deed from Anna Emory Warfield Home for Aged Women Incorporated et al to Francis Small and wife and thence running with and binding on said last line, North 35 degrees 34 minutes West 1066.20 feet to the place of beginning. M.S.P.

SAVING AND EXCEPTING therefrom all that parcel of land containing 2.26 Acres more or less which by a deed dated July 10, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 4024 folio 567 was conveyed by Douglas R. Small and wife to Francis Small.

THE net area hereby conveyed being 114.65 Acres of land more or less, as described in a description prepared from Deeds by Gerhold, Cross & Etzel, Registered Professional Land Surveyors on March 8, 1979.

BEING a part of the land which by a deed dated April 22, 1952 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2102 folio 453 was conveyed by Francis Small and wife to Douglas R. Small.

SUBJECT to a Right of Way Agreement dated July 8, 1963 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4170 folio 453 between Douglas R. Small and wife and the Colonial Pipeline Company.

TOGETHER with all hereditaments and appurtenances hereunto belonging and all improvements thereon and all fixtures and accessories now or hereafter annexed or attached thereto.

IN TRUST to secure unto the TOWSON PRODUCTION CREDIT ASSOCIATION of Bel Air (hereinafter called "Beneficiary") the payment when due of all indebtedness of the Grantor to the Beneficiary now existing or hereafter arising within TEN years from the date hereof in amounts not exceeding in the aggregate outstanding at any one time the sum of Eighty Thousand and 00/100 - - - - - DOLLARS (\$ 80,000.00 ); together with interest thereon in accordance with the terms of the note or notes evidencing such indebtedness; and IN TRUST to secure unto the Beneficiary the performance of each and every covenant and agreement of this deed of trust and of the notes secured hereby;

Notwithstanding anything to the contrary herein contained, the indebtedness secured by this deed of trust shall not include any indebtedness now existing or arising in the future between the same parties hereto secured by lands not described herein.

WHEREVER used herein the masculine gender shall include the feminine and neuter and the neuter gender shall include the masculine and feminine and the singular form shall include the plural and all the covenants and agreements of Grantor shall extend to and bind his heirs, devisees, successors and assigns.

The Grantor covenants and agrees with the Trustee and Beneficiary as follows:

First: That nothing herein contained shall be construed to obligate the Beneficiary to make loans and advances to the Grantor and that the sole purpose of this deed of trust is to provide collateral security for presently existing indebtedness and for loans and advances which in the absolute discretion of the Beneficiary may hereafter be made to the Grantor;

Second: That he warrants specially the property hereby conveyed; that he is seized thereof in fee simple and has a right to convey same; that he has done no act to encumber the same; that he will execute such further assurances thereof as may be requisite; and that he will use the proceeds of loans secured hereby solely for the purposes set forth in his applications for said loans;

Third: That should the title to the herein described property be acquired by any person, persons, partnership or corporation, other than the Grantor, by voluntary or involuntary grant or assignment, or in any other manner without the Beneficiary's written consent, or should the same be encumbered by the Grantor, his heirs, personal representatives and assigns, without the Beneficiary's written consent, then all said indebtedness shall at the option of the Beneficiary immediately become due and owing as herein provided;

Fourth: That he will pay or cause to be paid when due said principal sum of all indebtedness hereby secured, and any renewals or extensions thereof, together with all interest thereon, and all other sums payable by him in accordance with the terms of this deed of trust and note(s) secured hereby, or any renewals or extensions and that he hereby expressly waives the benefit of all exemptions, homestead or otherwise; under the laws of this and any other state and agrees to pay the said indebtedness without any set-off whatever;

Fifth: That he will pay when due all taxes, liens, judgments or assessments heretofore or hereafter levied, assessed or constituting liens upon the property hereby conveyed; and in the event Grantor fails to pay the same or fails to maintain insurance as hereinafter provided, the Beneficiary may make such payment or provide such insurance and the amount paid therefor shall become a part of the indebtedness secured hereby and bear interest from the date of payment at the highest rate permitted by law;

Sixth: That he will keep all improvements now or hereafter located on the premises in good repair; that he will maintain and work the premises hereby conveyed in a good and husbandlike manner; that he will commit no waste and that he will not cut or remove or permit to be cut or removed any wood or timber from said premises except for domestic use without the written consent of the Trustee or Beneficiary and the Trustee or Beneficiary shall have the right of injunction or otherwise to prevent the cutting or removal of any wood or timber from said premises irrespective of whether or not the balance of the security is ample to protect the Beneficiary;

Seventh: That he will permit the Trustee or Beneficiary through its authorized agents to enter upon the mortgaged property at any reasonable time for the purpose of inspecting the order, condition and repair of the buildings, improvements and other collateral located on the premises and herein secured;

Eighth: That he will insure and keep insured buildings and other improvements now or which may hereafter be placed on the said premises against loss or damage by fire, lightning, windstorm or tornado in companies and amounts satisfactory to the Beneficiary, any policy evidencing such insurance to be deposited with and loss thereunder to be payable to the Beneficiary as its interest may appear. In the event of loss Grantor will give immediate notice by mail to the Beneficiary, who may make proof of loss if not made promptly by Grantor, and each insurance company concerned is hereby authorized and directed to make payment for such loss to the order of the Beneficiary only, instead of to the

Grantor and the Beneficiary jointly, and the insurance proceeds, or any part thereof, may be applied by the Beneficiary at its option to the reduction of the principal balance of the debt secured hereby without regard to the amortization plan or the payment of interest and property expenses, or to the restoration or repair of the damaged property. In event of foreclosure of this deed of trust or other transfer of title to the mortgaged property in extinguishment of the indebtedness secured hereby, all right, title and interest of the Grantor in and to any insurance policies then in force shall pass to the purchaser or grantee;

Ninth: That if at any time hereafter the said Beneficiary or Trustee shall become a party to any suit or legal proceedings instituted by any third party involving the title of the land hereby conveyed, or in any way affecting the validity or integrity hereof or of the loan hereby secured, it is hereby covenanted and agreed that said Beneficiary and Trustee shall have the right to employ attorneys to represent it in such suit or other legal proceedings, and to pay such attorneys' reasonable fees for legal services rendered, and any sum so paid by the Beneficiary shall become a part of the debt hereby secured and shall be payable on demand with interest;

Tenth: That he will use the proceeds of the loan(s) secured hereby solely for the purposes set forth in his application(s) for said loan(s);

Eleventh: That he hereby assigns to the Beneficiary as additional collateral all royalties or other monies due or to become due from any surface or subsurface right or for any right or privilege other than for agricultural purposes in any way affecting or pertaining to the property hereby conveyed and all monies which may become due in any condemnation proceedings affecting the said premises, and all sums received may be applied at the option of the Bank to the discharge of any part or all of the indebtedness hereby secured, whether or not the same be due and payable or, at the option of the Bank, such sums may be returned to the Grantor, and that Grantor will not grant any surface or subsurface rights without the written consent of the Beneficiary;

Twelfth: Said Grantor hereby grants to the Beneficiary the right and power to appoint a substitute trustee, or trustees, for any cause, including declination to accept the trust, resignation, death, incapacity, disability, refusal to act, removal or absence from the state of the Trustee herein designated, or of any substituted trustee hereunder, and it is agreed that, upon the exercise of this power by the Beneficiary, the substituted trustee, or trustees, shall be vested with all the powers, rights, authorities, and duties vested in the Trustee herein designated and the Beneficiary shall designate and appoint the substitute trustee, or trustees, by an instrument duly executed and acknowledged and filed for recordation in the office of the clerk of the court wherein this deed of trust is recorded;

Thirteenth: That upon default in the payment of the indebtedness secured hereby or any part thereof as the same shall become due and payable or in the event of the breach of any of the terms, covenants and agreements of this deed of trust or of notes secured hereby or in the event the Grantor should die or file a petition under the Bankruptcy Act or make an assignment for the benefit of creditors or become insolvent or file a petition for an arrangement with creditors, the entire indebtedness secured hereby shall at the option of the Beneficiary become immediately due and payable and in addition to other remedies provided by law, the Trustee or Beneficiary shall have the right without notice to take possession of the property herein described and to operate, manage or lease the same and make any reasonable and needed expenditures for the operation, maintenance and management of the said property and expenditures thus made or expenses incurred shall become a part of the indebtedness hereby secured and shall be payable by the Grantor immediately with interest; and, further, in the event of default as aforesaid and in addition to remedies herein provided or otherwise provided by law, the Grantor hereby assents to the passage of a decree for the sale of the property herein described and it authorizes the said Trustee or successor to sell the same at public auction in the manner authorized and required by law or Rules of Court and hereby agrees that distribution of proceeds of such sale shall be made as follows: FIRST, to the payment of all expenses incident to the said sale and all other expenses of the trust including a commission to the Trustee in the amount authorized by the Rules of Court plus a fee of \$50; SECOND, to the payment of the Beneficiary of all indebtedness secured hereby with interest; and THIRD, the surplus (if any) shall be distributed to the Grantor upon the surrender of possession of the said property to the purchaser at such sale;

Fourteenth: That in the event foreclosure proceedings are commenced as authorized the same may be withdrawn or discontinued only upon payment by the Grantor of all indebtedness secured hereby and interest, all advertising expenses and court costs, and all other expenses incident to a sale by a Trustee including a commission and fee to the Trustee as hereinabove provided;

Fifteenth: That in the event said property shall be sold under the powers hereby granted, or under a decree or order of any court having jurisdiction to decree or order a sale thereof, all the annual crops pitched or cultivated thereon at the time the Trustee or Beneficiary makes its election to call the loan, and all the annual crops pitched or cultivated thereon at the time of sale shall pass with the said property to the purchaser of such sale;

Sixteenth: That without affecting the liability of the Grantor or any other person (except any person expressly released in writing) for payment of any indebtedness secured hereby or for performance of any obligation contained herein and without affecting the rights of Trustee or Beneficiary with respect to any security not expressly released in writing, and without affecting the priority of the lien of this deed of trust, Trustee or Beneficiary may, at any time and from time to time, either before or after the maturity of said indebtedness, and without notice to or the consent of any party hereto or any other party; (a) release any person liable for payment of all or any part of the indebtedness or for performance of any obligation; (b) make any agreement extending the time or otherwise altering the terms of payment of all or any part of the indebtedness, or modifying or waiving any obligation or subordinating, modifying or otherwise dealing with the lien or charge hereof; (c) exercise or refrain from exercising or waive any right Trustee or Beneficiary may have; (d) accept additional security of any kind; (e) release or otherwise deal with any property, real or personal, securing the indebtedness, including all or any part of the property conveyed hereby without affecting the lien priority of this deed of trust on the remainder of the property, for the full amount of any indebtedness unpaid;

Seventeenth: This Deed of Trust is subject to the Farm Credit Act of 1971 and all acts amendatory thereof or supplementary thereto.

WITNESS the hand and seal of the Grantor the day and year aforesaid.

WITNESS:

Susan R. Britcher  
Susan R. Britcher

Douglas R. Small (SEAL)  
Douglas R. Small

Susan R. Britcher  
Susan R. Britcher

Jennifer R. Small (SEAL)  
Jennifer R. Small

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

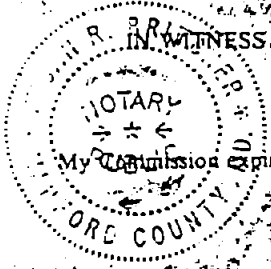
\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

STATE OF MARYLAND, COUNTY OF HARFORD, to wit:

I HEREBY CERTIFY, that on this 12th day of June, 1979, before me, the undersigned, a Notary Public of the State of Maryland, in and for the County of Harford personally appeared DOUGLAS R. SMALL and JENNIFER R. SMALL, his wife

known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained; and at the same time appeared Charles E. Smith and made oath in due form of law that the consideration set forth in said deed of trust is true and bona fide as therein set forth, and that he is the duly authorized agent of the within named Beneficiary to make this affidavit.



IN WITNESS WHEREOF I hereunto set my hand and Notarial Seal.

*Susan R. Britcher*  
Susan R. Britcher Notary Public

690  
DEED OF TRUST

300 FROM  
DOUGLAS R. SMALL and  
JENNIFER R. SMALL, his wife

TO  
PAUL A. NEWCOMER and  
RICHARD A. McALLISTER, Trustees

TOWSON PRODUCTION  
CREDIT ASSOCIATION  
Beneficiary

Received for Record \_\_\_\_\_, 19\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M. Same day  
Recorded in Liber \_\_\_\_\_ No. \_\_\_\_\_ Folio \_\_\_\_\_  
etc. one of the Land Records of \_\_\_\_\_  
County. Recording fees, etc. \$ 14 \_\_\_\_\_ paid.  
Clerk: \_\_\_\_\_

TO THE CLERK:  
After this deed of trust has been recorded and above certificate completed, please mail to

TOWSON PRODUCTION CREDIT ASSOCIATION  
730 Belair Rd  
P.O. 648  
Bel Air MD 21014

SEARCHED  
INDEXED  
SERIALIZED  
FILED  
JUN 12 1979  
BALTO. CO.

'79 JUN 12 AM 11:10  
LIBER 6032  
PAGE 690



Eric Bergd, Made this 29<sup>th</sup> day of May  
DOUGLAS R. SMALL, Personal Representative of the Estate of Miriam E.W. Small, of the State of Maryland, Grantor, and  
ERIC L. BERGLAND, JR. and ANN A. BERGLAND, his wife, of the State of Maryland, Grantees,

WITNESSETH, that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the Grantor(s) do hereby grant, convey, and assign unto the Grantee(s), as tenants by the entireties, their assigns, the survivor of them and unto the survivor's personal representatives, heirs and assigns

to have and to hold unto and to the use of said Grantee(s), as hereinabove recited, together with the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining, in fee simple

AGRICULTURAL TRANSFER TAX  
NOT APPLICABLE

STATE DEPARTMENT OF  
ASSESSMENTS & TAXATION

SIGNATURE *[Signature]* DATE *6-5-85*

*[Signature]* 6585  
Baltimore County DATE *6-5-85*, State of

all that lot or lots of ground and premises situate in Maryland, and described as follows:

BEGINNING for the same in the center of Allison Road at a point distant North 72 degrees 01 minute 30 seconds East (as the course is referred to the magnetic meridian of 1958) 1047.27 feet from a Black Oak Tree standing at the beginning of the fourth line of the parcel of land secondly described in a deed dated February 8, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1423 folio 317 which was conveyed by the Anna Emory Warfield Home for Aged Women Incorporated to Francis Small and Wife, said place of beginning also, being distant 713.24 feet measured northerly along the center of Allison Road from the intersection of the center of Allison Road with the center of Stansbury Mill Road and running thence and binding in the center of Allison Road South 4 degrees 29 minutes East 244 feet, thence leaving said road and running for lines of division the four following courses and distances viz: South 85 degrees 47 minutes 30 seconds West, passing over a pipe set near the west side of Allison Road and binding for a part on a fence there situate 472.04 feet to a pipe, North 4 degrees 12 minutes 30 seconds West 174.04 feet to a pipe, North 77 degrees 48 minutes East 161.36 feet to a pipe and North 77 degrees, 05 minutes 20 seconds East, passing over a pipe set near the west side of Allison Road, 314.68 feet to the place of beginning. Containing 2.26 Acres of land more or less. The improvements thereon being known as 15024 Allison Road.

BEING the same property which by Deed dated July 10, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 4024, folio 567, was granted and conveyed by Douglas R. Small and wife to Francis Small, who departed this life on December 3, 1969, leaving a Last Will and Testament which has been duly probated and is now of record in the office of the Register of Wills of Baltimore County in Wills Liber J.L.D. No. 116, folio 361, which Last Will and Testament bequeathed the described property to Miriam E.W. Small, who departed this life on . See Estate of Miriam E.W. Small in Orphans Court of Carroll County, wherein the said Douglas R. Small was duly appointed Personal Representative.

THE GRANTOR hereby certifies that the actual consideration paid or to be paid for this conveyance is \$209,000.00.

AND the said Grantor(s) covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted; and that they will execute such further assurances of the same as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS the hand(s) and seal(s) of the said Grantor(s):

Witness:

*Jeffrey P. Mc Cormack*

*Douglas R. Small P.R.* (SEAL)  
Douglas R. Small, Personal Representative  
of the Estate of Miriam E.W. Small

*St. Charles, Maryland* (SEAL)

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 29<sup>th</sup> day of May 1985, before me, a Notary Public of the State aforesaid, personally appeared

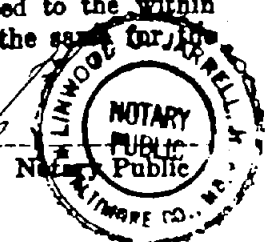
DOUGLAS R. SMALL, PERSONAL REPRESENTATIVE of the ESTATE of MIRIAM E.W. SMALL

known to me (or satisfactorily proven) to be the person(s) whose name(s) are subscribed to the within instrument, who signed same in my presence, and acknowledged that they have executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

*Linwood O. Jewell, Jr.*

Linwood O. Jewell, Jr.



MICROFILMED

BERGLAND

6935/341

THIS PARTIAL RELEASE OF DEED OF TRUST, made this 24th day of May, 1985, witnesseth:

WHEREAS, PAUL A. NEWCOMER, is one of the Trustees with full authority to act on behalf of both Trustees under a Deed of Trust from Douglas R. Small and Jennifer R. Small, his wife, dated June 12, 1979, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No. 6032, folio 690, said Deed of Trust having been given to secure payment of a certain Deed of Trust Note, of even date therewith, made by Douglas R. Small and wife to the beneficiary under the Deed of Trust.

P/REL  
EHK JR I  
#64305 C002 R03

13.00  
0 #  
13.00  
TOB:54  
05/11/85

WHEREAS, said Douglas R. Small and Jennifer R. Small, his wife, have requested that the hereinafter described property be released from the legal operation and effect of the aforesaid Deed of Trust and Deed of Trust Note and the beneficiary under the Deed of Trust has agreed to so release the hereinafter described property.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar (\$1.00), in hand paid, by said Douglas R. Small and wife to the holder of the Deed of Trust, the said Trustee does hereby grant, convey and release unto the said Douglas R. Small and Jennifer R. Small, his wife, their personal representatives and assigns, in fee simple, all the following described parcel of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a point in the center of Allison Road and at the end of the first line of a parcel of land which by a deed dated July 10, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R.No. 4024 folio 567 was conveyed by Douglas R. Small and wife to Francis Small and running thence leaving said road and running with and binding on the second and third lines of said parcel of land, the two following courses and distances viz: South 85 degrees 47 minutes 30 seconds West 472.04 feet and North 4 degrees 12 minutes 30 seconds West 174.04 feet, thence leaving said outline and running for lines of division, the three following courses and distances viz: South 77 degrees 48 minutes West 30.29 feet, South 4 degrees 12 minutes 30 seconds East 169.83 feet and South 38 degrees 22 minutes 10 seconds East 636.17 feet to the center of Stansbury Mill Road, thence binding in the center of said road, North 65 degrees 53 minutes East 168.60 feet to the intersection of the center of Stansbury Mill Road with the center of Allison Road and thence binding in the center of Allison Road, the two following courses and distances viz: North 6 degrees 18 minutes 20 seconds West 360.31 feet and North 4 degrees 29 minutes West 108.93 feet to the place of beginning. Containing 4.00 Acres of land more or less.

OK

The aforesaid particularly described lot is by these presents fully released and discharged from the legal operation and effect of said Deed of Trust, said Deed of Trust Note having been endorsed to show the Release of said

PET.  
NO. 92  
AND S  
1)

AT THE W. SIDE OF

SITE PL  
RESTRICT

LITTLE

**SMALL**

POWDER

FALLS

G.T. STAUTBERG  
6030/389  
RC 2 ZONE

542°49'E 1065±

526°23'30"E  
176±

**STANBURY**

1110±

COLONIAL PIPELINE

REMAINDER OF PARCEL 2  
(EAST OF ALLISON ROAD)

GROSS ACREAGE 23.83 AC±  
RESTRICTED TO ONE(1) DENSITY UNIT

277.85  
572°40'39"W

U64°45'10"W  
268.46

U34°17'14"W  
148.09

STATE OF MICHIGAN  
4330/1472  
RC 2 ZONE

D. R. SMALL  
RC 2 ZONE  
2<sup>ND</sup> PARCEL SUB 2102/493

D. R. SMALL  
PART OF  
3<sup>RD</sup> PARCEL  
GLB 2102/453

ROAD

①

BEGINNING

577°27'11"W  
206.33

U13°12'49"E  
113.50

571°42'11"W  
85.35

517°22'11"W  
323.25

S12°17'49"E  
113.50

571°42'11"W  
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MAP 36  
GRID 3 P140

TAX NO.

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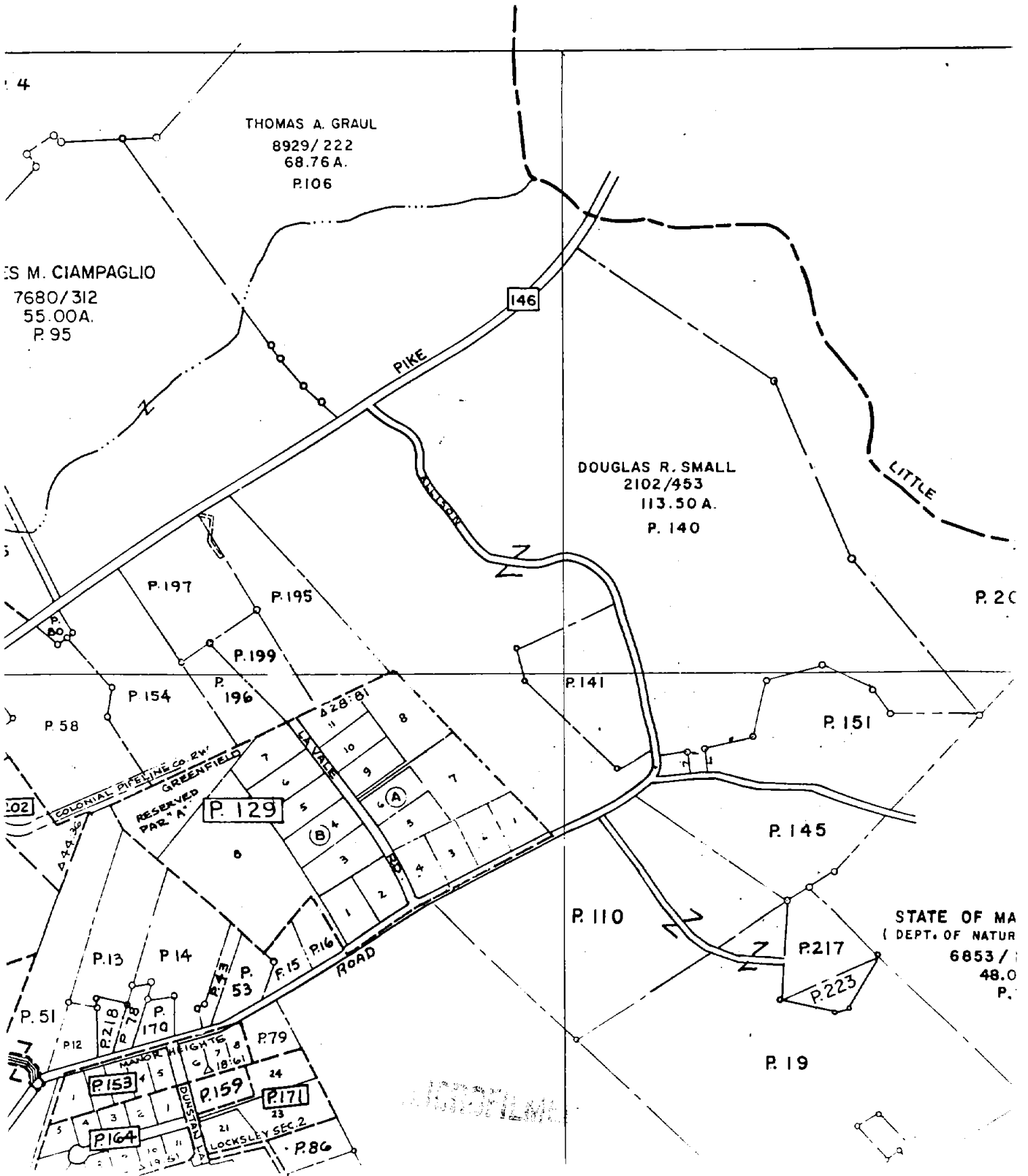
1019051301 - 21.74 AC

1019051303 - 44.60 AC

1019051302 - 47.165 AC - house

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MD. DEPT. OF ASSESS. & TAX.

MAP	GRID	PARCEL
36	3	140



AGRICULTURAL DECLARATION OF INTENT

2

ACCOUNT # 10-19-05 1303 (Less than 20 Acres)  
10-19-05 1301 DISTRICT 10 MAP 10 BLOCK ACREAGE PARCEL 4  
NAME Eric L. BERGLAND, JR. and Ann A. BERGLAND  
LOCATION Allison Road and STANSBURY Mill Rd.

2250  
6975-341

I, Eric Berglund, Ann A Berglund THE PURCHASER  
OF THE REAL PROPERTY LOCATED AT 15024 Allison Road

AND DESCRIBED AS \_\_\_\_\_  
HEREBY DECLARE MY INTENTION TO CONTINUE AND/OR PLACE INTO AGRICULTURAL  
USE ALL OF THE ABOVE PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF  
ARTICLE 10 (b) OF THE ANNOTATED CODE OF MARYLAND AND THE  
AGRICULTURE AND TAXATION, FOR A PERIOD OF \_\_\_\_\_  
THIS DATE \_\_\_\_\_

UNRECORDED TRUE COPY  
DATE 9-22-92

AGRICULTURAL DECLARATION OF INTENT

PL 10-19-05 1303 (Less than 20 Acres)  
10-19-05 1301 PL. NEV-20-00-003553

ACCOUNT # 10-19-05 1440 PL  
NAME ERIC L. BERGLAND, JR. and Ann A. BERLAND  
LOCATION Allison Road and Stansbury Mill Rd.  
DISTRICT 10 MAP BLOCK ACREAGE 4 PARCEL

2250  
[935-341

I, Eric Berglund, Ann A. Berglund, THE PURCHASER  
OF THE REAL PROPERTY LOCATED AT 15024 Allison Road

AND DESCRIBED AS \_\_\_\_\_  
HEREBY DECLARE MY INTENTION TO CONTINUE AND/OR PLACE INTO AGRICULTURAL

USE ALL OF THE ABOVE PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF  
ARTICLE 81, SECTION 19 (b) OF THE ANNOTATED CODE OF MARYLAND AND THE  
REGULATIONS OF THE DEPARTMENT OF ASSESSMENTS AND TAXATION, FOR A PERIOD  
OF AT LEAST FIVE (5) CONSECUTIVE FULL TAXABLE YEARS FOLLOWING THIS DATE.

SHOULD THE LAND NOT REMAIN IN AGRICULTURAL USE, THE OWNER MUST  
NOTIFY THE DEPARTMENT OF ASSESSMENTS AND TAXATION UNDER THE PENALTY OF  
PERJURY. FAILURE TO COMPLY WITH THE PROVISIONS FOR AGRICULTURAL USE

ASSESSMENT WHICH INCLUDES THE BUILDING OF NON-AGRICULTURAL STRUCTURES  
ON ALL OR PART OF THE PARCEL IN THE FIRST FIVE (5) YEARS FOLLOWING THE  
TRANSFER WILL REQUIRE THE IMPOSITION OF THE AGRICULTURAL TRANSFER TAX  
THAT WOULD HAVE BEEN DUE ON THE ENTIRE PARCEL AT THE TIME OF TRANSFER,  
PLUS 12% SIMPLE INTEREST PER ANNUM FOR EACH YEAR SINCE THE TRANSFER  
TO THE DATE OF THE DISCOVERY OF THE VIOLATION.

I DECLARE UNDER THE PENALTIES OF PERJURY, PURSUANT TO  
ARTICLE 81, SECTION 5 OF THE ANNOTATED CODE OF MARYLAND,  
THAT THIS DECLARATION (INCLUDING ANY ACCOMPANYING FORMS  
AND STATEMENTS) HAS BEEN EXAMINED BY ME AND THE INFORMA-  
TION CONTAINED HEREIN, TO THE BEST OF MY KNOWLEDGE AND  
BELIEF, IS TRUE, CORRECT AND COMPLETE.

Eric Berglund  
Signature  
Date 10-29-1980

CERTIFIED TRUE COPY  
BY [Signature]  
DATE 9-22-9

PETITIONER'S

EXHIBIT

3  
16,000 for  
4 ac in Allison Rd  
adjacent to 2024  
R-10 2/25/84  
Pd.



STATE OF MARYLAND

# State Department of Assessments and Taxation

Baltimore County Office, Kenneth Robbins, Supervisor

I, ERIC L. BERGLAND Jr.

personally appeared in the Assessment Office on June 5, 1985

to request that the property located in 10<sup>th</sup> District  
Residential

Property Number All of 10-19051440 Card Number 2285

AGRICULTURAL PART OF 10-19-051301 and 10-19-051302  
Account

TOTAL ACREAGE Purchased from above 3 accounts

TOTAL 6.26 ACRES to be combined into 1 account  
1 acre homesite and 5.26 in pasture.

Eric L. Bergland Jr.  
Signature

15024 Allison Rd.  
Address

MONKTON, Md. 21111

Joseph Miller  
Counter-Signed

6-5-85  
Date

CERTIFIED TRUE COPY

BY Joseph Miller

DATE 7-22-92





**CERTIFICATION FEES:** Cost of certifications, if any, required by the lending institution for water, septic, roof, electrical system, heating and plumbing shall be paid by the Buyer except in the case of a Veterans Administration mortgage, then cost shall be paid by the Seller.

**ALTERNATE FINANCING:** It is further understood and agreed that should the Buyer make application for and accept financing through a lending institution or other source whereby the interest, terms of payment, amount of loan or any one of these differs from the financing conditions hereinbefore set forth, upon notification to the Buyer from said lending institution or party that the financing as requested has been approved and a loan commitment granted, the preceding mortgage conditions of this contract shall be deemed to have been fully satisfied and of no further effect, provided said alternate mortgage does not increase closing costs to the Seller, or exceed the time allowed to secure the mortgage commitment as called for above.

**IF PROPERTY SUBJECT TO GROUND RENT:** If the property being purchased hereunder is subject to a ground rent in an annual amount as set forth in this Contract of Sale, said ground rent must be timely paid. Otherwise the revisionary owner of the ground rent may bring action of ejectment against Buyer pursuant to section B-402(c) of the Real Property Article, Annotated Code of Maryland (1974 Ed., as amended). As a subsequent result of such ejectment action, the revisionary owner of the ground rent may be discharged from the lease and obtain title to the property in fee.

**HOME INSPECTION:** There are several home inspection firms that are qualified to inspect the aforementioned property for a fee, to determine the condition of the structural and mechanical systems, including well and septic systems. Buyer declines (unless otherwise specified in the Special Conditions of this Agreement) these inspections with the full knowledge and understanding that neither the brokers nor the agents are responsible for undisclosed defects in the Property.

**SMOKE DETECTOR:** If applicable as required by local statute, the Seller of the above referenced dwelling unit, does hereby certify to the new occupants of said premises that all smoke detectors, as required by applicable laws, are now installed and in proper working condition.

**WARRANTY DEED:** Upon payment as provided of the unpaid purchase money, a deed for the property containing covenants of special warranty and further assurance shall be executed at the Buyer's expense by the Seller, which shall convey the property to the Buyer.

**TITLE:** Title to the property shall be good of record and in fact, and merchantable, free of liens and encumbrances except as specified herein and except: use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the subdivision in which the property is located, and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the property.

**ADJUSTMENTS:** Where applicable, ground rent, rent and water rent shall be adjusted and apportioned as of date of settlement, and all taxes, general or special, and all other public or government charges or public or private assessments against the premises which are or may be payable on an annual basis (including Metropolitan District, Sanitary Commission, Community Association or other benefit charges, assessments, liens or encumbrances for sewer, water, drainage or other public improvements completed or commenced on or prior to the date hereof, or subsequent thereto), are to be adjusted and apportioned as of the date of settlement and are to be assumed and paid thereafter by Buyer, whether or not assessments have been levied as of date of settlement.

**POSSESSION:** Vacant possession of the premises shall be given to the Buyer as of settlement at which time the Seller will deliver the premises free and clear of trash and debris, and broom clean as well as walks clear of snow, lawn mowed and pool clean. Buyer reserves the right to walk-through inspection of the property within three (3) days prior to settlement.

**RISK OF LOSS:** The herein described property is to be held at the risk of the Seller until legal title has passed or possession has been given to Buyer. If, prior to the time legal title has passed or possession has been given to Buyer, all or a substantial part of the property is destroyed or damaged, without fault of the Buyer, then this contract, at the option of the Buyer, shall be null and void and of no further effect, and all monies paid hereunder shall be returned promptly by Seller to Buyer.

**INSURANCE:** It is also understood and agreed that the Seller shall immediately have all of the insurance policies on the property so endorsed as to protect all parties hereto of their interests may appear, and shall continue said insurance in force during the life of this Contract. In the event it shall be determined by the Buyer that the property is inadequately insured by the Seller, the Buyer shall have the right, at Buyer's option and expense, to obtain such insurance, or additional insurance, as shall be satisfactory to Buyer. Flood insurance may be required by the mortgage lender and Buyer agrees to pay for same.

**STAMPS, RECORDATION & TRANSFER TAX:** The cost of all documentary stamps, required by law, recordation tax and transfer tax, where required by law, shall be divided equally between the parties hereto.

**DEFAULT:** Failure on the part of Buyer to comply with the terms, covenants and conditions of this Contract of Sale, shall constitute a default and forfeiture of the deposit monies hereunder and shall entitle the Seller to retain the deposits delivered by Buyer, and to pursue such other rights and remedies as may be available, at law or in equity, including, without limitation, an action for specific performance of this Contract of Sale and/or monetary damages. Notice of such default shall be given, in writing, by the Seller to the Buyer.

**PERFORMANCE AND TIME OF ESSENCE:** This contract contains the final and entire Agreement between the parties hereto and neither they nor their Agents shall be bound by any terms, conditions or representations not herein written, time being the essence of this Agreement. It is also mutually understood that the real estate brokers and agents who negotiated this contract cannot assume any responsibility for the condition of the property nor for the performance of any part of this contract by the parties hereto. Seller covenants that as of settlement (or prior possession) the electrical, plumbing, heating, air-conditioning and any other electro-mechanical equipment included in this contract will be in operating condition unless otherwise stated in this contract and that the Seller shall deliver the premises in substantially the same physical condition as of the date of final ratification of this Contract of Sale. The parties hereto bind themselves, their heirs, executors, administrators, successors and assigns for the faithful performance of this contract.

**AGRICULTURAL TRANSFER TAX:** This clause is to give the Buyer notice that the property described hereinabove may be subject to the Agricultural Transfer Tax as set forth under Article 81, Section 278F of the Annotated Code of Maryland, and/or a tax set forth under Article 81, Section 19B of the Annotated Code of Maryland for which the Buyer shall be responsible.

**NOTICES TO BUYER:** (1) YOU ARE ENTITLED TO SELECT YOUR OWN TITLE INSURANCE COMPANY, SETTLEMENT COMPANY, ESCROW COMPANY OR TITLE ATTORNEY. (2) If the property being purchased hereunder is an unimproved parcel of land, intended to be used for residential purposes, you should, before signing this contract, consult with the appropriate public authorities to ascertain whether public sewage and water facilities are available, or if not, whether the property will be approved by such authorities for the installation of a well and/or private sewage disposal system.

**NOTICE TO PURCHASER AND ALL OTHER PARTIES:** Any person aggrieved in accordance with Article 56, Section 217A of the Maryland Code may be entitled to recover compensation from the Maryland Real Estate Guaranty Fund for his actual loss, as proven before the Maryland Real Estate Commission, in an amount not exceeding \$25,000 in consideration of any claim. A purchaser or other aggrieved person is not protected by the Guaranty Fund in an amount in excess of \$25,000 for any claim.

This is a legally binding contract; if not understood seek competent advice. The date of this contract shall be that day which both Seller and Buyer agree to all the terms and conditions set forth herein.

_____ Witness as to Seller's Signature and Date	_____ Seller's Signature	(SEAL) _____ Date
_____ Witness as to Seller's Signature and Date	_____ Seller's Signature	(SEAL) _____ Date
_____ Witness as to Buyer's Signature and Date	_____ Buyer's Signature	(SEAL) 3-9-85 Date
_____ Witness as to Buyer's Signature and Date	_____ Buyer's Signature	(SEAL) Mar 9, 1985 Date

**TO SAVE TIME AND INCONVENIENCE AT THE SETTLEMENT, WE SUGGEST THE FOLLOWING:**

- TO THE SELLER:** All signers of this contract should be present at settlement to acknowledge and sign deed or advance notice should be given if conditions prevent their attending.
- As soon as this contract is signed, you or your Realtor will notify your insurance company to protect the buyer under your policy. Do not cancel policy until after settlement, at which time request reimbursement for any unused premium.
  - Seller should provide Buyer a copy of the latest assessment data indicating classification.
  - You or your Realtor should notify your mortgage company as soon as this contract is signed.
  - Do not remove fixtures, shrubbery or any other items permanently attached to the property.
  - Bring with you all agreements relating to the premises and any existing leases, also receipts for taxes, ground rent, and water rent paid for the year. Bring all keys to the property.
  - Gas, electric, and water meters should be read as close to the date of settlement as possible.
  - The maintenance of this property is your responsibility until settlement. Keep it in good condition. Be sure that proper precautions are taken to protect plumbing and heating systems in winter, if you vacate before settlement, keep lawn mowed, etc. Upon vacating, remove all possessions and leave property in a clean manner for the Buyers.
- TO THE BUYER:** All persons to be in title, and/or responsible where a mortgage is to be created, should be present at time of settlement.
- Lender will require Buyer to bring fully paid insurance policies on improved property being purchased to settlement.
  - Buyer should have cash or certified check made payable to yourself for payment of estimated settlement costs and balance due under this contract.
  - Establish gas and electric service in your name commencing with the day of settlement.

ADDENDUM TO CONTRACT

If at any time during the next 10 years, Seller shall receive a bona fide offer from any third party, but excluding any relatives of Seller, to purchase the additional 12  $\pm$  acres located generally south of the property sold hereunder, Buyer shall have the right within 30 days after receiving notice from the Seller of the price and other terms of such offer, to purchase such additional 12  $\pm$  acres upon the terms set forth in such offer. If the Buyer does not elect within such 30 day period to purchase the property, Seller may then sell the property to such third party provided the sale is on substantially the same terms and conditions as set forth in the original offer.

Seller and Buyer agree that prior to settlement a survey shall be made of the adjoining 4  $\pm$  acres sold hereunder, such survey to be made at Seller's expense, for the purpose of establishing the exact southern and western boundary between the adjoining 4  $\pm$  acres sold hereunder and remaining acreage not sold by the Seller. A fence shall be erected along such border as in due time after such survey and the expense of erecting and maintaining such fence shall be borne equally by buyer and seller. The boundary established by such survey shall be mutually agreeable to Seller and Buyer. Buyer shall be responsible for any subdivision (and costs thereof) required in connection with the sale of the adjoining 4  $\pm$  acres.

It is understood by both Buyer and Seller that the property sold hereunder consists of two contiguous parcels; the first consists of 4  $\pm$  acres at \$16,000 conveyed by Douglas R. Small and the second consists of a house and barn situated on 2.26  $\pm$  acres at \$209,000



A. U. S. DEPARTMENT OF HOUSING AND AN DEVELOPMENT  
**SETTLEMENT STATEMENT**

6. TYPE OF LOAN  
 1.  FHA 2.  FmHA 3.  CONV. UNINS  
 4.  VA 5.  CONV. INS.  
 6. FILE NUMBER: 7. LOAN NUMBER:  
 8. MORTGAGE INSURANCE CASE NUMBER:

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. NAME OF BORROWER: Eric L. Bongard Jr. Cecilia Bongard	E. NAME OF SELLER: Douglas R. Small, Personal Representative of Estate of Martin E. Small	F. NAME OF LENDER: Baltimore Loan Association Baltimore Loan Association
G. PROPERTY LOCATION: 1500 21st Avenue Road (2, 2 & 6 Acre) Baltimore County, Md.	H. STOCKSDALE, JARRELL & CVACH 6717 HARFORD ROAD BALTIMORE, MD. 21234  PLACE OF SETTLEMENT Route 6 Philadelphia, Md.	I. SETTLEMENT DATE: 5/29/55

J. SUMMARY OF BORROWER'S TRANSACTION		K. SUMMARY OF SELLER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:		400. GROSS AMOUNT DUE TO SELLER:	
101. Contract sales price	209,000.00	401. Contract sales price	209,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	747.50	403.	
104. Title Cont. & Ass. Parcel	1623.24	404.	
105.		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes to		406. City/town taxes to	
107. County taxes 5/24 to 6/30	149.74	407. County taxes 5/29 to 6/30	149.74
108. Assessments to		408. Assessments to	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. GROSS AMOUNT DUE FROM BORROWER	232,844.48	420. GROSS AMOUNT DUE TO SELLER	209,149.74
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:		500. REDUCTIONS IN AMOUNT DUE TO SELLER:	
201. Deposit or earnest money	6,000.00	501. Excess deposit (see instructions)	6,000.00
202. Principal amount of new loan(s)	82,500.00	502. Settlement charges to seller (line 1400)	747.50
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506. Open Taxes	
207.		507. Open Water Bill	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes to		510. City/town taxes to	
211. County taxes to		511. County taxes to	
212. Assessments to		512. Assessments to	
213. Ground Rent		513. Ground Rent	
214. Water		514. Water	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. TOTAL PAID BY/FOR BORROWER	94,500.00	520. TOTAL REDUCTION AMOUNT DUE SELLER	15,257.00
300. CASH AT SETTLEMENT FROM/TO BORROWER		600. CASH AT SETTLEMENT TO/FROM SELLER	
301. Gross amount due from borrower (line 120)	232,844.48	601. Gross amount due to seller (line 420)	209,149.74
302. Less amounts paid by/for borrower (line 220)	94,500.00	602. Less reductions in amount due seller (line 520)	15,257.00
303. CASH ( <input type="checkbox"/> FROM ) ( <input type="checkbox"/> TO ) BORROWER	138,344.48	603. CASH ( <input type="checkbox"/> TO ) ( <input type="checkbox"/> FROM ) SELLER	193,892.74

**PETITIONER'S  
 EXHIBIT 5**

**SETTLEMENT CHARGES**

		PAID FROM BORROWER'S FUNDS AT SETTLEMENT		PAID FROM SELLER'S FUNDS AT SETTLEMENT	
701	\$				
702	\$				
703	Commission paid at Settlement				6,540.00
800	<b>ITEMS PAYABLE IN CONNECTION WITH LOAN</b>				
801	Loan Origination Fee	2. %	to <i>6.000.00</i>	1,770.00	
802	Loan Discount	%			
803	Appraisal Fee	to	125.00	P.S.C.	
804	Credit Report	to	27.50	P.S.C.	
805	Lender's Inspection Fee				
806	Mortgage Insurance Application Fee to				
807	Assumption Fee				
900	<b>ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE</b>				
901	Interest from	to	@ \$	/day	
902	Mortgage Insurance Premium for	months to			
903	Hazard Insurance Premium for	years to		<i>Discovered to Examine</i>	
904		years to			
905					
1000	<b>RESERVES DEPOSITED WITH LENDER</b>				
1001	Hazard insurance	months @ \$		per month	
1002	Mortgage insurance	months @ \$		per month	
1003	City property taxes	months @ \$		per month	
1004	County property taxes	11 months @ \$	141.00	per month	1,595.00
1005	Annual assessments	11 months @ \$		per month	<i>4.00</i>
1006	Ground Rent	months @ \$		per month	
1100	<b>TITLE CHARGES</b>				
1101	Settlement or closing fee	to	Stocksdale, Jarrell & Cvach	570.00	
1102	Abstract or title search	to			
1103	Title examination	to	Stocksdale, Jarrell & Cvach - For Lender	570.00	
1104	Title insurance binder	to			
1105	Document preparation	to	Stocksdale, Jarrell & Cvach	65.00	
1106	Notary fees	to		5.00	
1107	Attorney's fees	to			
	<i>(includes above items numbers;)</i>				
1108	Title insurance	to	Stocksdale, Jarrell & Cvach - Agents for Security Title Guarantee Corp.	572.50	
	<i>(includes above items numbers;)</i>				
1109	Lender's coverage	\$ 18.50	Required \$ 202.00		
1110	Owner's coverage	\$ 22.50	Optional \$ 380.50		
1111	Lien Report & Copies			36.00	
1112	Judgment Reports			6.00	
1113					
1200	<b>GOVERNMENT RECORDING AND TRANSFER CHARGES</b>				
1201	Recording fees: Deed \$	14.00	Mortgage \$	19.00	Releases \$
1202	City/county tax/stamps: Deed \$	104.50	Mortgage \$		
1203	State tax/stamps: Deed \$		Mortgage \$		
1204	Transfer Tax - Local \$	3244.00	State \$	104.50	
1300	<b>ADDITIONAL SETTLEMENT CHARGES</b>				
1301	Survey	to	<i>Asst</i>		
1302	Pest inspection	to	<i>Atlas Exterminator - Paid by Seller</i>		
1303	Securing Release Statement and Release				
1400	<b>TOTAL SETTLEMENT CHARGES (enter on lines 103, Section J and 502, Section K)</b>			7,471.50	9,257.00

**MORTGAGORS MONTHLY PAYMENT**

Principal & Interest	\$ 964.98
Mortgage Guaranty Insurance	—
Taxes (Estimated) <i>4 months</i>	147.02
Ground Rent	—
Hazard Insurance	—
Mortgage Life Insurance	—
<b>Total</b>	<b>\$ 1,112.00</b>
Rate <u>12 1/2</u> %	Term <u>25</u> Years
1st payment due	<u>6/29/55</u>

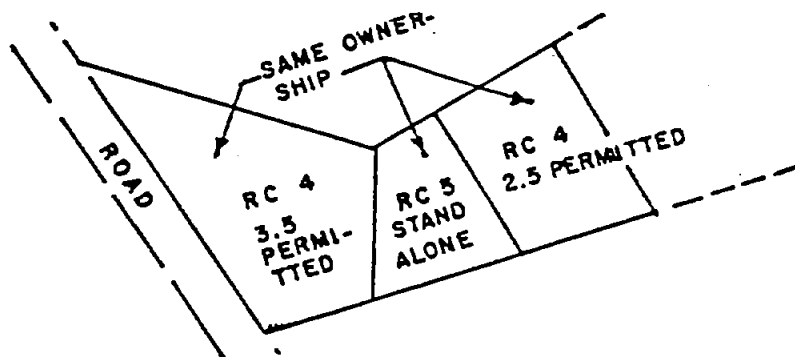
The undersigned acknowledge receipt of a copy of the Settlement Statement, agree to correctness thereof, and authorize disbursement of funds as stated herein. It is agreed that any error or omission in the above settlement will be corrected by the parties hereto.



# RSD-7 R.C. ZONES UNDER THE SAME OWNERSHIP

If R.C. zoned land under the same ownership is separated by a different R.C. zone, then the density should be calculated and utilized by each zone parcel. In the following example the R.C. 4 density would be two for one parcel and three for the other. The five lots would have to be located in the respective permitted density parcels of the property. The R.C. 5 area would be figured and utilized separately.

If R.C. zoned land is proposed to be clustered in the same zone, on the same property, across another zone, a special hearing would be required before the Zoning Commissioner. In the following example a special hearing would be required to request that six density units be permitted in the R.C. 4 zone and/or that three units be permitted on the 2.5 density units parcel.



If R.C. zoned land under the same ownership is divided by a public road, parcels on both sides of the road should be figured separately for density as if they were separate recorded lots, the density may not be transferred or accumulated across the roads, unless;

In the judgement of the Zoning Supervisor and/or the Commissioner, a special hearing may be applied for to transfer or accumulate density across a road.

**PETITIONER'S  
EXHIBIT 7**



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

*Newton A. Williams*  
*20 W. Penn. Ave*  
*Towson, Md. 21286*  
*823-7800*

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

SUBJECT: POLICY MANUAL

DATE: 9/20/85

This POLICY MANUAL is a compilation of legislative, executive, and administrative public policies. These policies are promulgated by the Zoning Commissioner of Baltimore County, pursuant to the Baltimore County Charter, §522.1, and the Baltimore County Zoning Regulations, §500.8. The principles enunciated herein have the limited purposes of facilitating and improving the implementation of procedures throughout the Baltimore County Department of Planning & Zoning Administrative Offices.

The policies organized here are subject to alteration, modification, or revision in accordance with the authority under which they are initially adopted. As such, the policies have no binding effect within a Court of law, although they may be utilized by the Courts to interpret and construe pertinent zoning regulations. Hofmeister v. Frank Realty Co., Inc., 373 A 2d 273 (1977); Farber's, Inc. v. Comptroller of the Treasury of the State of Maryland, 266 Md 44 (1972).

This Manual could not have been prepared without the experience and knowledge of James Dyer, Zoning Supervisor; Diana Itter; Douglas Swam; and Nicholas Commodari, Zoning Coordinator; and especially without the time, effort and ability of Carl Richards.



OFFICE: 828-3909

TITLE HISTORY OF THE  
PROPERTY OF DOUGLAS R. SMALL

July 17, 1992

By a deed dated February 8th, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. 1423, folio 317, Anna Emory Warfield Home for Aged Women Incorporated conveyed 5 tracts of land totaling 410 Ac.  $\pm$ , lying on both sides of Jarrettsville Pike, to Douglas R. Small and Jane W. Small, his wife, and Francis Small and Miriam E. W. Small, his wife.

Then on April 22nd, 1952, Francis Small and Miriam E. W. Small, his wife, conveyed by deed G.L.B. 2102, folio 453, to Douglas R. Small, the same 5 tracts of land, but saving and excepting a parcel conveyed to Louise Walters of 6.68 Ac.  $\pm$  recorded February 8, 1946 in Liber R.J.S. 1447, folio 145 and also that part that was conveyed to Samuel H. Shriver and Eleanor R. Shiver, his wife, containing 136.14 Ac.  $\pm$  and recorded February 28, 1950 in Liber G.L.B. 1815, folio 13, which was the 5th tract of the original deed.

Of the parcel<sup>2</sup> containing 85.72 Ac.  $\pm$  of the conveyance to Douglas R. Small by deed dated April 22nd, 1952 and recorded in G.L.B. 2102, folio 453, which is also the 2nd parcel of the original deed conveyed to Douglas R. Small and Jane W. Small, his wife, and Francis Small and Miriam E. W. Small, his wife, in deed R.J.S. 1423, folio 317, the out conveyances from the 2nd parcel since April 22, 1952, by Douglas R. Small are as follows:

- 1) A parcel of land containing 34.86 Ac.  $\pm$  to Calvin K. Braeck and Helen Braecklein, his wife, by deed dated June 5th, 1952 and recorded in Liber G.L.B. 3173, folio 237.
- 2) A parcel of land containing 2.26 Ac.  $\pm$  to Francis Small, by deed dated July 10, 1962 and recorded in Liber W.J.R. 402 folio 567. On May 29, 1985 the Personal Representative conveyed this 2.26 Ac. parcel to Eric L. Bergland, Jr. and Ann A. Bergland, his wife, and recorded in Liber E.H.K. 6935, folio 342.

- 3) A parcel of land containing 12.66 Ac.<sup>±</sup> to the State of Maryland, to the use of Department of Forest and Parks by deed dated July 15, 1964 and recorded in Liber O.T.G. 4330, folio 462.
- 4) A parcel of land containing 4.00 Ac.<sup>±</sup> to Eric L. Bergland Jr. his wife, by deed dated Jay 29, 1985 and recorded in Liber E.H.K. Jr. 6935, folio 342.

There have been no prior zoning hearings held on this property.

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
 15024 Allison Road  
 W/S Allison Road, 713' N of \* DEPUTY ZONING COMMISSIONER  
 c/1 Stansbury Mill Road \* OF BALTIMORE COUNTY  
 10th Election District \* Case No.: 94-59-SPH  
 3rd Concilmanic District \* (Item 63)

Eric L. Bergland  
 Petitioner

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition For Special Hearing filed by the legal owner of the subject property, Eric L. and Ann Bergland, by and through their attorney, J. Carroll Holzer, Esquire, in which the Petitioner requests the transfer of one existing density unit from property described by Deed 6935/341 to an adjoining parcel owned by the Berglands identified by Deed 6935/342 containing no density units. The request by the Berglands is to transfer one (1) density from the 2.26 acre parcel to the 4.00 acre parcel so that each parcel shall contain one density unit.

Appearing on behalf of the Petitioners was J. Carroll Holzer, the Petitioners Eric and Ann Bergland, Douglas Small, and James Patton, engineer.

Testimony indicated that at present there are two (2) density units contained on the 2.26 acre parcel currently occupied by the Berglands. The Berglands also acquired from Douglas Small a 4.00 acre parcel which has been previously determined by this Deputy Zoning Commissioner in Case No.: 92-466-SPH to contain no density unit.

ORDER RECEIVED FOR FILING  
 ORDER RECEIVED FOR FILING  
 Date 9/23/13  
 By [Signature]

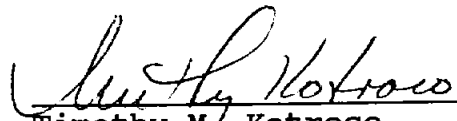
LAW OFFICES  
 C HOI HOLZER, MAHER, DEMILIO  
 & LEE  
 305 W 305 W. CHESAPEAKE AVENUE  
 SUITE 105  
 T TOWSON, MARYLAND  
 21204  
 (410) 825-6960  
 F. FAX: (410) 825-6964

~~X~~ OK 10/27  
 Char TO  
 Pick up  
 SIGNED COPY  
 10-27

EXHIBIT B

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and the Petitioner required to file a new Petition.

IT IS FURTHER ORDERED that the Petition For Special Hearing requesting the transfer of one density unit to the parcel described in Deed 6935/342 is hereby granted.

  
\_\_\_\_\_  
Timothy M. Kotroco  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 9/23/13  
By [Signature]

miscplea\berg

LAW OFFICES  
HOLZER, MAHER, DEMILIO  
& LEE  
305 W. CHESAPEAKE AVENUE  
SUITE 105  
TOWSON, MARYLAND  
21204  
(410) 825-6960  
FAX (410) 825-6964

RE: PETITION FOR SPECIAL HEARING : BEFORE THE COUNTY BOARD OF APPEALS  
E/S Allison Rd., 150' N of C/L  
of Stansbury Mill Rd. (Parcels : OF BALTIMORE COUNTY  
2 and 2A Allison Rd.)  
10th Election District : Zoning Case No. 92-466-SPH  
3rd Councilmanic District  
:  
DOUGLAS R. SMALL, Petitioner  
: : : : : :

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  
100 Washington Avenue  
Towson, Maryland 21204  
(410) 887-2188

I HEREBY CERTIFY that on this 1<sup>st</sup> day of October, 1992, a copy of the foregoing Entry of Appearance was mailed to Douglas L. Burgess, Esquire, Nolan, Plumhoff & Williams, 210 W. Pennsylvania Ave., Suite 700, Towson, MD 21204; J. Carroll Holzer, Esquire, Holzer, Maher, Demilio & Lee, 305 W. Chesapeake Ave., Towson, MD 21204; and Mr. and Mrs. Eric Bergland, 15024 Allison Rd., Monkton, MD 21111.

Phyllis Cole Friedman  
Phyllis Cole Friedman

92 OCT - 1 AM 8:50

RECEIVED  
COUNTY BOARD OF APPEALS

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 28, 1992

Douglas L. Burgess, Esquire  
Nolan, Plumhoff & Williams  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
E/S Allison Road, 150' N of the c/l of Stansbury Mill Road  
(15101 Allison Road)  
10th Election District - 3rd Councilmanic District  
Douglas R. Small - Petitioner  
Case No. 92-466-SPH

Dear Mr. Burgess:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Eric Bergland  
15024 Allison Road, Monkton, Md. 21111

Manor Area Association, c/o Earl Young,  
Manor Road, Monkton, Md. 21111

People's Counsel

File

J. Carroll Holzer

92-466-SAH



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 15101 Allison Road

which is presently zoned R.C.2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve **and confirm the lawful existence of the single density unit on Parcel 2A and two (2) remaining density units on the remainder of Parcel 2.**

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

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

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

Contract Purchaser/Lessee:

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

City State Zipcode

Legal Owner(s):

**Douglas R. Small**  
(Type or Print Name)

*Douglas R. Small*  
Signature

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
Signature

**15101 Allison Road** **666-2356**  
Address Phone No.

**Monkton** **MD** **21111**  
City State Zipcode

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

**Stephen J. Nolan, Esquire**  
Name  
**210 W. Pennsylvania Avenue**  
**Towson, MD 21204** **823-7800**  
Address Phone No.

Attorney for Petitioner:

**Stephen J. Nolan, Esquire**  
(Type or Print Name)

*Stephen J. Nolan*  
Signature

**Court Towers, Suite 700**  
**210 W. Pennsylvania Avenue** **823-7800**  
Address Phone No.

**Towson** **MD** **21204**  
City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: LC DATE 5/23/92

ORDER RECEIVED FOR FILING

Date \_\_\_\_\_  
By \_\_\_\_\_



499

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Townson, Maryland

92-466-5PH

District 10E4 Date of Posting 6/26/92

Posted for: Special Hearing

Petitioner: Douglas R. Small

Location of property: E/S Allison Rd, 150' N/Stonsbury Mill Rd,  
15101 Allison Rd.

Location of Signs: Facing Allison Rd, approx 15' Fr. roadway, on  
property of Petitioner.

Remarks: \_\_\_\_\_

Posted by [Signature] Date of return: 7/5/92

Number of Signs: 1

**MICROFILMED**





AMENDED



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 15101 Allison Road

which is presently zoned R.C.2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve and confirm the lawful existence of ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ two (2) remaining density units on the remainder of Parcel 2, namely one (1) density unit on the 8.5 Ac + parcel west of Allison Road and one (1) density unit on the 23.83 Ac + parcel east of Allison Road.

*Long  
DPS*

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

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

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

Contract Purchaser/Lessee:

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zipcode

Attorney for Petitioner:

Stephen J. Nolan, Esquire

(Type or Print Name)

*Stephen J. Nolan*  
Signature

Court Towers, Suite 700  
210 W. Pennsylvania Avenue 823-7800

Address Phone No.  
Towson MD 21204

City State Zipcode

Legal Owner(s):

Douglas R. Small

(Type or Print Name)

*Douglas R. Small*  
Signature

LINDSAY D. DRYDEN, JR.

(Type or Print Name)

*Lindsay D. Dryden, Jr.*  
Signature

15101 Allison Road 666-2356

Address Phone No.

Monkton MD 21111

City State Zipcode  
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Stephen J. Nolan, Esquire

210 W. Pennsylvania Avenue  
Towson, MD 21204 823-7800

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_



MICROFILMED



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

499  
92-466-SPA

OFFICE: 825-3908

DESCRIPTION TO ACCOMPANY  
ZONING PETITION  
REMAINDER OF PARCEL 2  
PROPERTY OF DOUGLAS R. SMALL

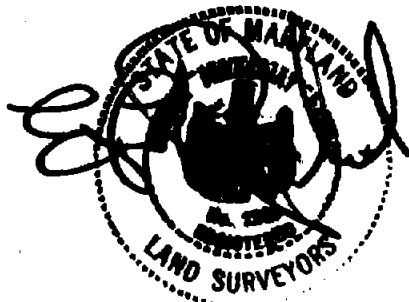
RESIDENCE: 771-4592

May 19, 1992

Beginning for the same at a point in the center of Allison Road, said point being located northwesterly 150' ± along Allison Road from the intersection formed by the center of Allison Road and the center of Stansbury Mill Road, running thence on Allison Road, and binding on the outline of Parcel 2, of the property of Douglas R. Small, the 2 following courses and distances, 1) N 6° 18' 20" W 220' ± and 2) N 4° 29' 00" W 400' ± thence leaving Allison Road and still binding on the outline of Parcel 2, the 13 following courses and distances, 1) N 56° 46' E 1110' ± , 2) S 26° 23' 30" E 176' ± , 3) S 42° 49' 00" E 1065' ± , 4) S 81° 08' 46" W 336.09' , 5) N 34° 17' 14" W 148.09' , 6) N 64° 45' 10" W 268.46' , 7) S 75° 40' 39" W 277.85' , 8) S 16° 10' 37" W 249.00' , 9) S 77° 42' 11" W 323.25' , 10) S 12° 17' 49" E 113.50' , 11) S 77° 42' 11" W 85.35' , 12) N 12° 17' 49" W 113.50' and 13) S 77° 42' 11" W 204.33' to the place of beginning.

Containing 23.83 Acres of land, more or less.

Being the easternmost part of Parcel 2 of the land which by deed dated April 22, 1952 and recorded among the Land Records of Baltimore County in Liber G.L.B. 2102, folio 453, was conveyed by Francis Small, and wife, to Douglas R. Small.



E. F. Raphel # 2246  
Registered Professional  
Land Surveyor

MICROFILMED

499

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

499  
92-466-SPH

OFFICE: 825-3908

DESCRIPTION TO ACCOMPANY

RESIDENCE: 771-4592

ZONING PETITION

PARCEL 2 A

PROPERTY OF DOUGLAS R. SMALL

May 19, 1992

Beginning for the same at a point in the center of Stansbury Mill Road, said point being located southwesterly 170' ± along Stansbury Mill Road, from the intersection formed by the center of Stansbury Mill Road and the center of Allison Road, running thence in Stansbury Mill Road and binding on the outline of Parcel 2 A of the property of Douglas R. Small S 63° 00' 00" W 500' ± , thence leaving Stansbury Mill Road and still binding on the outline of Parcel 2 A, the 4 following courses and distances, 1) N 42° 27' 30" W 776.5' ± , 2) N 70° 23' E 540' ± , 3) S 4° 12' 30" E 169.83', and 4) S 38° 22' 10" E 636.17' to the place of beginning.

Containing 8.5 acres of land, more or less.

Being the westernmost part of Parcel 2 of the land which by deed dated April 22, 1952, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2102, folio 453, was conveyed by Francis Small and wife, to Douglas R. Small and designated as Parcel 2 A on the plat for the Special Hearing



E. F. Raphel # 2246  
Registered Professional  
Land Surveyor

FILED

499

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Townson, Maryland

92-466-57H

District 1074 Date of Posting 6/26/92

Posted for: Special Hearing

Petitioner: Douglas R. Small

Location of property: E/S Allison Rd, 150' N/Stonsbury Mill Rd,  
15101 Allison Rd.

Location of Signs: Facing Allison Rd, approx 15' Fr. roadway, on  
property of Petitioner.

Remarks: \_\_\_\_\_

Posted by [Signature] Date of return: 7/5/92

Number of Signs: 1

**MICROFILMED**



# CERTIFICATE OF PUBLICATION

Case: #92-466-SPH (Item 499)  
E/S Allison Road, 150' N of  
c/ Stansbury Mill Road  
15101 Allison Road  
10th Election District  
3rd Councilmanic  
Petitioner(s):  
Douglas R. Small  
Hearing Date: Thursday,  
July 16, 1992 at 11:30 a.m.  
in Rm. 106, Office Building

TOWSON, MD., \_\_\_\_\_, 1992

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 \_\_\_\_\_ successive weeks, the first publication appearing on \_\_\_\_\_, 1992.

**Special Hearing:** to approve and confirm the lawful existence of the single density units on the remainder of Parcel 2.

**THE JEFFERSONIAN,**

*S. Zabe Orlov*

\_\_\_\_\_  
Publisher

**MICROFILMED**

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

92-466-SP#

District 104 Date of Posting Re 2/11/93

Posted for: Appeal

Petitioner: Douglas R. Small

Location of property: E/S Allison Rd., 150' W/ Stansbury Mill Rd

Location of Signs: 1 sign on Stansbury Mill Rd & 1 sign on Allison rd.

Remarks: \_\_\_\_\_

Posted by M. Keady Date of return: 2/14/93  
Signature

Number of Signs: 2



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Town, Maryland

92-466-SPH

District 10th Date of Posting 9/3/92

Posted for: Appeal

Petitioner: Douglas R. Small

Location of property: Ed Allison Rd., 150' N/Stonsburg Mill Rd.  
Parcel 2 & 2A

Location of Signs: Facing roadway, posted 1 sign each of n  
Parcel 2 & 2A

Remarks: \_\_\_\_\_

Posted by M. Deales Date of return: 9/11/92  
Signature

Number of Signs: 2



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



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 6-18-92

Douglas R. Small  
15101 Allison Road  
Monkton, Maryland 21111

RE:

CASE #92-466-SPH (Item 499)  
E/S Allison Road, 150' N of c/l Stansbury Mill Road  
15101 Allison Road  
10th Election District - 3rd Councilmanic  
Petitioner(s): Douglas R. Small  
HEARING: THURSDAY, JULY 16, 1992 at 11:30 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 60.40 is due for advertising and posting of the above captioned property and hearing date.

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

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

A handwritten signature in cursive script that reads "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

cc: Stephen J. Nolan, Esq.





B.M.H



**County Board of Appeals of Baltimore County**

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

July 15, 1994

**NOTICE OF POSTPONEMENT & 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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury Mill Road  
(15101 Allison Road)  
4th Election District  
3rd Councilmanic District

SPH -To approve lawful existence of single density units on remainder of Parcel 2.

7/28/92 -D.Z.C.'s Order AFFIRMING one on Parcel 2 and one on Parcel 2A; DENYING Petition as requested.

which was scheduled for hearing on August 24, 1994 has been POSTPONED at the request of Counsel for Appellant /Protestant due to calendar conflict; and has been

**REASSIGNED FOR: FRIDAY, SEPTEMBER 9, 1994 at 10:00 a.m.**

cc: J. Carroll Holzer, Esquire Counsel for Appellant /Protestant  
Mr. Eric Bergland Appellant /Protestant  
Manor Area Association  
c/o Mr. James Constable

Douglas L. Burgess, Esquire Counsel for Petitioner  
Stephen J. Nolan, Esquire Petitioner  
Mr. Douglas R. Small Counsel for Contract Purchasers /  
Jeffrey P. Hanes, Esquire (James & Laura Davison)

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidhammer  
Administrative Assistant

**PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.**



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

July 7, 1994

NOTICE OF ASSIGNMENT

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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury Mill Road  
(15101 Allison Road)  
4th Election District  
3rd Councilmanic District

*Mid East  
Reg. of Council  
for Appellant  
to 9/8/94*

SPH -To approve lawful existence of single density units on remainder of Parcel 2.

7/28/92 -D.Z.C.'s Order AFFIRMING one on Parcel 2 and one on Parcel 2A; DENYING Petition as requested.

ASSIGNED FOR:

WEDNESDAY, AUGUST 24, 1994 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire                      Counsel for Appellant /Protestant  
Mr. Eric Bergland                                      Appellant /Protestant  
Manor Area Association  
c/o Mr. James Constable

Douglas L. Burgess, Esquire                      Counsel for Petitioner  
Stephen J. Nolan, Esquire    Petitioner  
Mr. Douglas R. Small

Jeffrey P. Hanes, Esquire                      Counsel for Contract Purchasers /  
James & Laura Davison)

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weid nhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



# CERTIFICATE OF PUBLICATION

Case: #92-466-SPH (Item 499)  
E/S Allison Road, 150' N of  
c/1 Stansbury Mill Road  
15101 Allison Road  
10th Election District  
3rd Councilmanic  
Petitioner(s):  
Douglas R. Small  
Hearing Date: Thursday,  
July 16, 1992 at 11:30 a.m.  
in Rm. 106, Office Building

TOWSON, MD., \_\_\_\_\_, 1992

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 \_\_\_\_\_ successive weeks, the first publication appearing on \_\_\_\_\_, 1992.

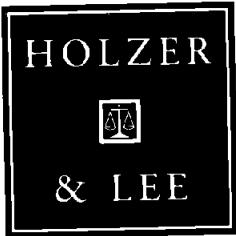
**Special Hearing:** to approve and confirm the lawful existence of the single density units on the remainder of Parcel 2.

**THE JEFFERSONIAN,**

*S. Zabe Orlov*

\_\_\_\_\_  
Publisher

**MICROFILMED**



LAW OFFICES

J. CARROLL HOLZER, PA  
THOMAS J. LEE

J. HOWARD HOLZER  
1907-1989

TOWSON OFFICE  
305 WASHINGTON AVENUE  
SUITE 502  
TOWSON, MD 21204  
(410) 825-6961  
FAX: (410) 825-4923

CARROLL COUNTY OFFICE  
1315 LIBERTY ROAD  
ELDERSBURG, MD 21784  
(410) 795-8556  
FAX: (410) 795-5535

July 11, 1994

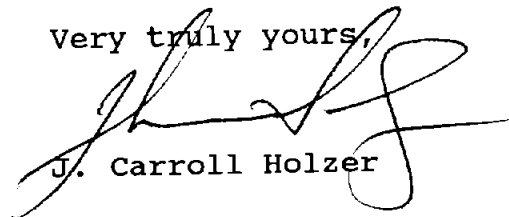
Chairman William Hackett  
County Board of Appeals of Baltimore County  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, Maryland 21204

Re: Douglas R. Small  
Case No. 92-466-SPH

Dear Chairman Hackett:

Please be advised that the Board has scheduled the above-captioned case in for Wednesday, August 24, 1994. I will be away on vacation starting August 20th through the 27th in Williamsburg, Virginia and will not be able to attend the hearing. I would appreciate your rescheduling it at any other time than that week.

Very truly yours,



J. Carroll Holzer

c: Mr. Eric Bergland  
Douglas L. Burgess, Esq.

letters3\small.ltr

01:14 14 JUL 14 PM 1:10  
COUNTY BOARD OF APPEALS  
RECEIVED

PP to Friday 9/09/94

LAW OFFICES

**NOLAN, PLUMHOFF & WILLIAMS**

**CHARTERED**

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340

(410) 823-7800

TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)

J. EARLE PLUMHOFF  
(1940-1988)

RALPH E. DEITZ  
(1918-1990)

OF COUNSEL

T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL  
823- 7857

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN\*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
E. BRUCE JONES\*\*  
J. JOSEPH CURRAN, III  
CHRISTINE K. McSHERRY

June 22, 1994

\* ALSO ADMITTED IN D. C.  
\*\* ALSO ADMITTED IN NEW JERSEY

HAND DELIVERY

Mr. William Hackett, Chairman  
Baltimore County Board  
of Appeals  
400 Washington Avenue  
Room 49  
Towson, Maryland 21204

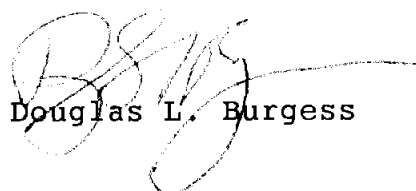
Re: In the Matter of Douglas Small  
Case No. 92-466-SPH

Dear Chairman Hackett:

The Petitioner, Douglas Small, has no opposition to the request of postponement of the above captioned matter pursuant to the request of Counsel for Mr. and Mrs. Bergland dated June 20, 1994.

Thank you for your attention to this matter.

Very truly yours,

  
Douglas L. Burgess

DLB/vrs

cc: J. Carroll Holzer, Esquire  
People's Counsel  
Mr. Douglas Small

94 JUN 22 PM 3:40  
COUNTY RECORDS SECTION



LAW OFFICES  
J. CARROLL HOLZER, PA  
THOMAS J. LEE  
J. HOWARD HOLZER  
1907-1989

TOWSON OFFICE  
305 WASHINGTON AVENUE  
SUITE 502  
TOWSON, MD 21204  
(410) 825-6961  
FAX: (410) 825-4923

CARROLL COUNTY OFFICE  
1315 LIBERTY ROAD  
ELDBERSBURG, MD 21784  
(410) 795-8556  
FAX: (410) 795-5535

June 20, 1994  
#6672

HAND DELIVERED  
Mr. William Hackett, Chairman  
County Board of Appeals  
Basement, Old Courthouse  
Towson, MD. 21204

Re: In the Matter of Douglas Small  
Case No. 92-466-SPH

Dear Chairman Hackett:

Please be advised that the above captioned hearing is scheduled for Thursday, June 23, 1994. I have to be out of town on that date and respectfully request a postponement of the above captioned case until a later date.

Very truly yours,

J. Carroll Holzer

cc: Doug Burgess  
People's Counsel

94 JUN 20 PM 12:33

CARROLL COUNTY BOARD OF APPEALS



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

April 12, 1994

NOTICE OF ASSIGNMENT

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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District  
SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

*PP'd on  
see 6/23, do  
be reset*

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

ASSIGNED FOR: THURSDAY, JUNE 23, 1994 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire Counsel for  
Protestant/Appellant  
Mr. Eric Bergland Protestant/Appellant  
Douglas L. Burgess, Esquire Counsel for Petitioner  
Stephen J. Nolan, Esquire  
Mr. Douglas R. Small Petitioner

Manor Area Association  
c/o James Constable, Esquire

People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Added to file:  
Jeffrey P. Hanes, Esquire  
(Counsel for Contract Purchasers /  
James & Laura Davison)

Kathl n C. Weid nhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



LAW OFFICES

**NOLAN, PLUMHOFF & WILLIAMS**

**CHARTERED**

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340

(410) 823-7800

TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)

J. EARLE PLUMHOFF  
(1940-1988)

RALPH E. DEITZ  
(1918-1990)

OF COUNSEL

T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL  
823-7857

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN\*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
E. BRUCE JONES\*\*  
J. JOSEPH CURRAN, III  
CHRISTINE K. McSHERRY

\*ALSO ADMITTED IN D.C.

\*\*ALSO ADMITTED IN NEW JERSEY

March 31, 1994

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

Re: Case No. 92-466-SPH/Douglas R. Small

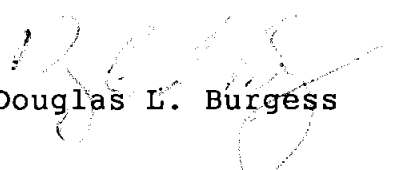
Dear Sirs:

Kindly accept the above-captioned case in for a hearing on the merits at the earliest possible date.

I anticipate that this should be scheduled for one (1) day as settlement negotiations in the matter have broken down and a full hearing on the merits is anticipated.

Thanking you for your kind attention to this matter, I am

Very truly yours,

  
Douglas L. Burgess

DLB/vrs

cc: Carroll Holzer  
Douglas R. Small, Sr.  
Richard A. Moore

RECORDED  
COUNTY CLERK OF BALTIMORE  
94 APR -1 AM 10:44





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

(410) 887-3180

April 21, 1993

NOTICE OF 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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District  
SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

which was scheduled for hearing on April 29, 1993 has been  
POSTPONED at the request of Counsel for Petitioner; and has been

REASSIGNED FOR: WEDNESDAY, JULY 28, 1993 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire Counsel for  
Protestant/Appellant

Mr. Eric Bergland Protestant/Appellant

Douglas L. Burgess, Esquire Counsel for Petitioner  
Stephen J. Nolan, Esquire

Mr. Douglas R. Small Petitioner

Manor Area Association  
c/o James Constable, Esquire

~~People's Counsel for Baltimore County not needed~~  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrativ Assistant







County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

January 7, 1993

NOTICE OF 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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District

*PP'd to  
7/28/93 @  
10:00 a.m*

SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

which was scheduled for hearing on January 6, 1993 was continued on  
the record at the request of all parties and has been

REASSIGNED FOR: THURSDAY, APRIL 29, 1993 AT 10:00 a.m.

- cc: Mr. Eric Bergland Protestant/Appellant
- Mr. Douglas R. Small Petitioner
- Stephen J. Nolan, Esquire Counsel for Petitioner
- Douglas L. Burgess, Esquire " " "
- Manor Area Association
- J. Carroll Holzer, Esquire
- 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

LindaLee M. Kuszmaul  
Legal Secretary



NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN \*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
E. BRUCE JONES \* \*  
GREGORY J. JONES  
J. JOSEPH CURRAN, III  
CHRISTINE K. MCSHERRY

\*ALSO ADMITTED IN D.C.  
\*\*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**

**CHARTERED**  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)  
J. EARLE PLUMHOFF  
(1940-1988)  
RALPH E. DEITZ  
(1918-1990)  
OF COUNSEL  
T. BAYARD WILLIAMS, JR.  
RICHARD L. SCHAEFFER\*  
WRITER'S DIRECT DIAL  
823- 7857

October 24, 1992

HAND DELIVERY

Baltimore County Board of Appeals  
Attention: Katherine Weidenhammer  
Old Courthouse  
Towson, Maryland 21204

RE: Doug Small Property  
Case No.: 92-466-SPH

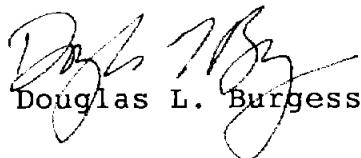
Dear Kathy:

Kindly set the above captioned matter in for a hearing at the earliest possible date. If there is a cancellation or another day where we can fit in a hearing, kindly so advise.

I would appreciate it if you would work with myself, opposing counsel Carroll Holzer, and the People's Counsel to confirm that any date that you propose is clear on our calendars and our client's before it is set. I anticipate the entire case will take four hours total, but other counsel can comment on that estimate.

Thanking you for your kind attention to this matter, I am

Very truly yours,

  
Douglas L. Burgess

DLB/caa

cc: Carroll J. Holzer, Esq.  
People's Counsel  
Mr. Douglas Small

80-5-11 92 OCT 26 PM 5:08  
RECEIVED  
COUNTY BOARD OF APPEALS  
TOWSON, MARYLAND

RONALD L. MAHER  
J. CARROLL HOLZER  
CAROLE S. DEMILIO  
THOMAS J. LEE

J. HOWARD HOLZER  
1907-1989

LAW OFFICES  
HOLZER, MAHER, DEMILIO & LEE  
305 W. CHESAPEAKE AVENUE  
SUITE 105  
TOWSON, MARYLAND 21204  
(410) 825-6960  
FAX (410) 825-6964

CARROLL COUNTY OFFICE  
1315 LIBERTY ROAD  
ELDERSBURG, MARYLAND 21784  
(410) 795-8556  
FAX (410) 795-3535

SUITE 700  
1725 DE SALES STREET, N.W.  
WASHINGTON, D.C. 20036

October 27, 1992  
#6672

Baltimore County  
Board of Appeals  
Old Courthouse  
400 Washington Avenue  
Room 49  
Towson, Maryland 21204  
ATTN: Ms. Katherine Weidenhammer

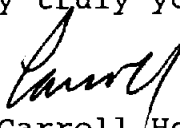
RE: Doug Small Property  
Case No.: 92-466-SPH

Dear Kathy:

I received a letter from Doug Burgess on the above captioned property. I agree with him that we should try to coordinate our calendars before setting this date; otherwise, I can foresee problems. I would suggest that the case will take longer than four (4) hours to try, perhaps a whole day.

I would also suggest that in addition to People's Counsel and myself, as Protestants, you have a potential additional Protestant in the attorney for the community association who I do not know at this point. In any event, I would appreciate receiving a call before this case is assigned.

Very truly yours,

  
J. Carroll Holzer

JCH:mlg

cc: Mr. Doug Small  
People's Counsel  
Mr. Rick Bergland

92 OCT 28 AM 10:50  
RECEIVED  
COUNTY BOARD OF APPEALS

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

92-466-SP#

District 104 Date of Posting Re 2/11/93

Posted for: Appeal

Petitioner: Douglas R. Small

Location of property: E/S Allison Rd., 150' W/ Stansbury Mill Rd

Location of Signs: 1 sign on Stansbury Mill Rd & 1 sign on Allison rd.

Remarks: \_\_\_\_\_

Posted by M. Keady Date of return: 2/14/93  
Signature

Number of Signs: 2





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room -  
R m 48, Old Courthouse  
400 Washington Avenue

October 28, 1992

NOTICE OF ASSIGNMENT

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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District

SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

ASSIGNED FOR: WEDNESDAY, JANUARY 6, 1993 AT 10:00 a.m.

cc: Mr. Eric Bergland Protestant/Appellant  
Mr. Douglas R. Small Petitioner  
Stephen J. Nolan, Esquire Counsel for Petitioner

Manor Area Association

J. Carroll Holzer, Esquire  
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

LindaLee M. Kuszmaul  
Legal Secretary





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

October 29, 1992

Douglas L. Burgess, Esquire  
NOLAN, PLUMHOFF & WILLIAMS, CHTD.  
Suite 700, Court Towers  
210 W. Pennsylvania Avenue  
Towson, MD 21204


Re: Case No. 92-466-SPH  
Douglas Small

Dear Doug:

The Board is in receipt of your request for the earliest hearing date possible for the above-captioned case.

This matter has already been scheduled for hearing on January 6, 1993, and at this time the Board has no earlier date on its docket to which this case could be reassigned. (Notices were sent out on a number of cases during this past week, this one included.) We will however keep your letter on file should an appropriate date become available which would permit sufficient time for rescheduling, at which time we would be sure to confirm availability of all parties involved.

Very truly yours,

  
Kathleen C. Weidenhammer  
Administrative Assistant

cc: J. Carroll Holzer, Esquire  
People's Counsel for Baltimore County  
Mr. Douglas Small  
Mr. Eric Bergland



CASE NO. 92-466-SPH

DOUGLAS R. SMALL

E/s Allison Road, 150' N of c/l of Stansbury  
Mill Road (Parcels 2 and 2A Allison Road)

10th Election District

Appealed: 8/11/82

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



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 6, 1992

Stephen J. Nolan, Esquire  
Court Towers, Suite 700  
210 W. Pennsylvania Avenue  
Baltimore, MD 21204

RE: Item No. 499, Case No. 92-466-SPH  
Petitioner: Douglas R. Small  
Petition for Special Hearing

Dear Mr. Nolan:

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 indicate the appropriateness of the zoning action requested, but 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 preliminary review by Zoning personnel.

RECEIVED



Zoning Plans Advisory Committee Comments

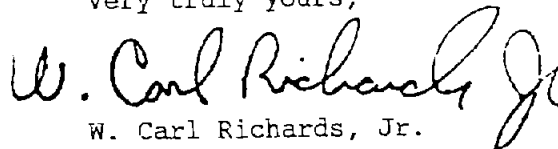
Date: July 6, 1992

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, engineers and applicants 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 forfeiture loss of the filing fee.

Very truly yours,



W. Carl Richards, Jr.  
Zoning Coordinator

WCR: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  
28th day of May, 1992

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

Received By:

A handwritten signature in cursive script, appearing to read "W. Carl Richards Jr.".

Chairman,  
Zoning Plans Advisory Committee

Petitioner: Douglas R. Small

Petitioner's Attorney: Stephen J. Nolan



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

TO: Larry Goetz  
Planning & Zoning

DATE: July 22, 1992

FROM: Wally Lippincott, Jr.

SUBJECT: Small Property, SpH 499

As a follow up to our discussion, here are some additional comments.

It does appear that this circumstance is not covered by the grandfathering provision in the RC2 lot of record-density provision (1990). The purpose of the grandfathering was to include those who had moved forward towards development under the old policy provisions.

In this case, it appears the Bergland Jr. property (6935/342) is a lot of record. This is not grandfathered, nor is there a need to. It exists and has one unit of density. The remainder of the property was not recorded as a lot of record, or record plat, or under any of the grandfathering provisions.

Whether there are three remaining density units and whether this can be granted by hearing or requires a change in the law is not for me to say. It is important, however, that the decision maker be aware of the 1990 County Council action on this issue. Also, that the intent of the law change was to close a loop hole that provided for subdivision of RC2 at a density greater than provided by County Council.

WSL:ju

c: Hillorie Richman

GOETZ2/WQAG



6/16/92  
8

DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature Raher J. Familip

06/15/92  
Date 6/16/92

Project Name  
File Number                      Waiver Number                      Zoning Issue                      Meeting Date

Albert F. And Ann B. Nocar

478

N/C

6-1-92

DEPRM                      TE

Maryland Marine Manufacturing Co., Inc.

479

N/C

DEPRM                      TE

Stonegate at Patapsco (Azeal Property)

90476

ZON DED                      TE (Waiting for developer to submit plans first)

COUNT 3

Keith M. And Patricia M. Lambert

496

N/C

6-8-92

DED DEPRM RP STP TE

COUNT 1

Samuel Frank And David Granat

494

N/C

6-8-92

DED DEPRM RP STP TE

Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning

495

N/C

DED DEPRM RP STP TE

William J. And Elizabeth G. Wachter

497

N/C

DED DEPRM RP STP TE

Aneita R. And James S. Henry

498

N/C

DED DEPRM RP STP TE

Douglas R. Small

499

N/C

DED DEPRM RP STP TE

Lyle L. Boltinghouse

500

N/C

DED DEPRM RP STP TE

Glenn A. And Patricia A. Sudano

501

N/C

DED DEPRM RP STP TE

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMO

TO: Hearing Officer Date: June 19, 1992

FROM: Larry Goetz *LG*  
Planner I

SUBJECT: Small Property - Special Hearing 92-466-SPH, Item 499

This case of subdivision of R.C.-1 is complicated by the following factors .

1. Change in zoning regulations B.C.Z.R. 1A01.3.B.1, October 1, 1990, Bill 199-1990.
2. "Subdivision " of Bergland, Jr. parcel by deed as opposed to zoning petition, minor subdivision plan or record plat.
3. Adjacent ownership of land by Small not shown on plat to accompany Special Hearing.

There are 4 ways to look at the question "How many density units remain on Parcel 2 (of the 5 parcels from 1952). Note: there is one density unit already on the land.

1. Three density units remain: Allison Road subdivided the property according to Zoning Regulations in effect before 1990 and zoning commissioners policy R.S.D.-7.  
Subdivision by deed in 1985 was valid. The parcel on each side of road is allowed 2 density units.
2. One density unit remains: The road does not subdivide for density purpose. The subdivision by deed was valid.
3. No density units remain: Subdivision by deed not valid.
4. Two density units remain: Allison Road did not subdivide for density purposes and yet a subdivision by deed occurred in 1985 then east-west parcel are "connected" either physically or by deed.

IG:jaw

*Lets discuss this.*



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Town, Maryland

92-466-SPH

District 10th Date of Posting 9/3/92

Posted for: Appeal

Petitioner: Douglas R. Small

Location of property: EB Allison Rd., 150' N/Stonsburg Mill Rd.  
Parcel 2 & 2A

Location of Signs: Facing roadway, posted 1 sign each of n  
Parcel 2 & 2A

Remarks: \_\_\_\_\_

Posted by M. Deales Date of return: 9/11/92  
Signature

Number of Signs: 2



92-466-SPH

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

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

DATE: June 30, 1992

FROM: J. Lawrence Pilson *JLP/AM*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item 499  
#15101 Allison Road  
Zoning Advisory Committee Meeting of June 8, 1992

This plan must go through minor subdivision and as such, must comply with prime and productive soils policies (Section 22-99, Baltimore County Code 1978 as amended). For this reason the subdivision line on the "remainder of Parcel 2" cannot be approved.

This property is not located within an Agricultural Preservation Area, however, it is adjacent to existing land in agricultural use. Additional density and subdivision conflicts with the perpetuation of agriculture through the subdivision of tracts of land into smaller and smaller pieces and through the additional density that can result in conflicts between farming and residential uses.

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, contact the Development Coordination Section at extension 2762.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:sp

JABLON/S/TXTSBP

MICROFILMED

Baltimore County Government  
Fire Department

6/4/92  
622492  
JW



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

(410) 887-4500

JUNE 3, 1992

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

RE: Property Owner: DOUGLAS R. SMALL

Location: #15101 ALLISON ROAD

Item No.: 499 (LJG) Zoning Agenda: JUNE 8, 1992

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: Capt. Jerry Deif Noted and Approved \_\_\_\_\_  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
JUN 4 1992

ZONING OFFICE

MICROFILMED

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature \_\_\_\_\_

*Walter P. Kim*

Date 6/15/92

Project Name  
File Number      Waiver Number      Zoning Issue      Meeting Date

✓ Keith M. And Patricia M. Lambert  
DED DEPRM RP STP TE      496      6-2-92  
No Comment

COUNT 1

✓ Samuel Frank And David Granat  
DED DEPRM RP STP TE      494      6-8-92  
No Comment

✓ Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning  
DED DEPRM RP STP TE      495  
No Comment

✓ William J. And Elizabeth G. Wachter  
DED DEPRM RP STP TE      497  
No Comment

✓ Aneta R. And James S. Henry  
DED DEPRM RP STP TE      498  
No Comment

✓ Douglas R. Small  
DED DEPRM RP STP TE      499  
No Comment

✓ Lyle L. Boltinghouse  
DED DEPRM RP STP TE      500  
No Comment

✓ Glenn A. And Patricia A. Sudano  
DED DEPRM RP STP TE      501  
No Comment

✓ Howard W. Dawson, Sr.  
DED DEPRM RP STP TE      502  
No Comment

COUNT 8

FINAL TOTALS  
COUNT 9

\*\*\* END OF REPORT \*\*\*

*WALTER P. KIM*

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

RECEIVED  
COUNTY BOARD OF APPEALS

92 AUG 28 PM 2:26



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

August 28, 1992

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

RE: Petition for Special Hearing  
E/S Allison Road, 150' N of the c/1 of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road)  
10th Election District, 3rd Councilmanic District  
DOUGLAS R. SMALL - Petitioner  
Case No. 92-466-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on July 28, 1992 by Eric Bergland, Protestant. 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*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:cer

Enclosures

cc: Douglas R. Small, 15101 Allison Road, Monkton, MD 21111

Manor Area Association c/o Mr. James Constable  
13th Floor, 250 West Pratt Street, Baltimore, MD 21201

J. Carroll Holzer, Esquire - Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue, Towson, MD 21204

People's Counsel of Baltimore County  
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File



APPEAL

Petition for Special Hearing  
E/S Allison Road, 150' N of the c/1 of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road)  
10th Election District - 3rd Councilmanic District  
DOUGLAS R. SMALL - Petitioner  
Case No. 92-466-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

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) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits:

1. Plat to accompany Petition
2. No Exhibit marked "2"
3. Agricultural Declaration of Intent
4. Residential Contract of Sale
5. Settlement Statement
6. Assessment Map
7. RSD-7 - Policy Manual Section
8. Red-Lined Drawing of Total of Parcel 2
9. Red-Lined Drawing of remainder of Parcel 2
10. Red-Lined Drawing of remainder of Parcel 2
11. Title History of the Small Property

Deputy Zoning Commissioner's Order dated July 28, 1992 (Denied)

Notice of Appeal received August 11, 1992 from Eric Bergland, Protest.

cc: Douglas R. Small, 15101 Allison Road, Monkton, MD 21111

Manor Area Association c/o Mr. James Constable  
13th Floor, 250 West Pratt Street, Baltimore, MD 21201

J. Carroll Holzer, Esquire - Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue, Towson, MD 21204

People's Counsel, 400 Washington Avenue, 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 ZADM  
Public Services

**MICROFILMED**

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



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

September 14, 1992

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

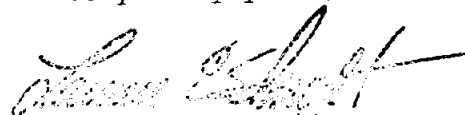
RE: Petition for Special Hearing  
E/S Allison Road, 150' N of the c/1 of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road)  
10th Election District, 3rd Councilmanic District  
DOUGLAS R. SMALL - Petitioner  
Case No. 92-466-SPH

Dear Board:

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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: Douglas R. Small, 15101 Allison Road, Monkton, MD 21111

Manor Area Association c/o Mr. James Constable  
13th Floor, 250 West Pratt Street, Baltimore, MD 21201

J. Carroll Holzer, Esquire - Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue, Towson, MD 21204

People's Counsel of Baltimore County  
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File



APPEAL

Petition for Special Hearing  
E/S Allison Road, 150' N of the c/1 of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road)  
10th Election District - 3rd Councilmanic District  
DOUGLAS R. SMALL - Petitioner  
Case No. 92-466-SPH

Petition(s) for Special Hearing ✓

Description of Property ✓

Certificate of Posting ✓

Certificate of Publication ✓

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

*entered 10/1/92*

Zoning Plans Advisory Committee Comments ✓

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

Petitioner(s) and Protestant(s) Sign-In Sheets ✓

- Petitioner's Exhibits:
1. Plat to accompany Petition ✓
  2. No Exhibit marked "2"
  3. Agricultural Declaration of Intent
  4. Residential Contract of Sale
  5. Settlement Statement
  6. Assessment Map
  7. RSD-7 - Policy Manual Section
  8. Red-Lined Drawing of Total of Parcel 2
  9. Red-Lined Drawing of remainder of Parcel 2 ✓
  10. Red-Lined Drawing of remainder of Parcel 2
  11. Title History of the Small Property ✓

Deputy Zoning Commissioner's Order dated July 28, 1992 (Denied) <sup>aff one on 2</sup> " " <sup>on 2A</sup>  
Notice of Appeal received August 11, 1992 from Eric Bergland, Protest. <sub>Leave as requested</sub>

cc: Douglas R. Small, 15101 Allison Road, Monkton, MD 21111  
Stephen Nolan, Esq. Suite 700, Coral Towers, 216 W. Hampden  
Manor Area Association c/o Mr. James Constable  
13th Floor, 250 West Pratt Street, Baltimore, MD 21201  
\*Eric Bergland, 15024 Allison Rd., Monkton 21111  
J. Carroll Holzer, Esquire - Holzer, ~~Mahe~~ Demilio & Lee  
305 ~~West Chesapeake Avenue~~, Towson, MD 21204  
Washington Ave, Suite 502  
People's Counsel, 400 Washington Avenue, Towson, MD 21204

Request Notification: P. David Fields Director of Planning & Zoning



4/12/94 - Following parties notified of hearing set for Thursday,  
June 23, 1994 at 10:00 a.m.:

J. Carroll Holzer, Esquire  
Mr. Eric Bergland  
Douglas L. Burgess, Esquire  
Stephen J. Nolan, Esquire  
Mr. Douglas R. Small  
Manor Area Association  
c/o James Constable, Esquire  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

---

4/14/94 -Letter from Jeffrey P. Hanes, Esquire, counsel for contract purchasers of subject property (James and Laura Davison), requesting opportunity to review file; information re transcript from 7/28/94 (matter continued on record). T/C to Mr. Hanes this date; confirmed hours for reviewing file; that message would be left for Carolyn Peatt; and that we would send him a copy of the Notice of Assignment for hearing on 6/23/94.

---

6/20/94 -Letter hand-delivered from J.Carroll Holzer, Esquire -requesting postponement of 6/23/94 hearing; will be out of town on that date.

---

6/21/94 -No response to date from D. Burgess, Esquire (copy to have been FAXED to him by JC Holzer on 6/20/94). T/C to office; left message on Voice Mail regarding Holzer's request for postponement; comments, etc.?

---

6/22/94 -Conference call with Sterling Leese and Doug Burgess --Mr. Burgess has no objection to the granting of Mr. Holzer's postponement request. Sterling will appear on Thursday 6/23/94 and request postponement on record due to lateness of request; Michael Sauer will chair on behalf of Board.

Notified People's Counsel (PMZ) of status of 6/23/94 hearing /to be postponed on record; also alerted CP. Contacted H.R.M. --do not need to come in on 6/23/94; M. Sauer will handle. /kcw

D. Burgess to provide letter confirming above conversation.

---

6/22/94 -Letter from D. Burgess - indicating no objection to postponement requested by C. Holzer on behalf of his clients.

---

6/23/94 -Postponed on the record; to be reset.

7/07/04 -Notice of Assignment for hearing scheduled for Wednesday, August 24, 1994 at 10:00 a.m. sent to following:

J. Carroll Holzer, Esquire  
Mr. Eric Bergland  
Manor Area Association  
c/o Mr. James Constable  
Douglas L. Burgess, Esquire  
Stephen J. Nolan, Esquire  
Mr. Douglas R. Small  
Jeffrey P. Hanes, Esquire  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

---

7/14/94 -Request for postponement from J. C. Holzer /out of town on vacation that week.

7/15/94 -Request for postponement GRANTED; case rescheduled to Friday, September 9, 1994 at 10:00 a.m.

---

9/08/94 -Per telephone call from D. Burgess, this matter has been resolved between parties; settlement on record at scheduled hearing on 9/09/94 at 10:00 a.m.; advised Board for purpose of their schedules /that 10:00 a.m. hearing would be for settlement only.

---

9/09/94 -Counsel for Petitioner and Appellants appeared, as well as People's Counsel. Copy of covenants between Petitioner and Protestants presented to Board; agreement of parties put on record. Proposed Order to be prepared by Counsel and submitted to Board for review. (H.B.M.)

DOUGLAS R. SMALL  
92-466-SPH

---

10/26/92 -Letter from Douglas Burgess, Esquire /Counsel for Petitioner /requesting  
early hearing date if available.

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



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 6-18-92

Douglas R. Small  
15101 Allison Road  
Monkton, Maryland 21111

RE:

CASE #92-466-SPH (Item 499)  
E/S Allison Road, 150' N of c/l Stansbury Mill Road  
15101 Allison Road  
10th Election District - 3rd Councilmanic  
Petitioner(s): Douglas R. Small  
HEARING: THURSDAY, JULY 16, 1992 at 11:30 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 60.40 is due for advertising and posting of the above captioned property and hearing date.

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

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

A handwritten signature in cursive script that reads "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

cc: Stephen J. Nolan, Esq.



10/28/92 - Following parties notified of hearing set for January 6, 1993 at 10:00 a.m.:

Mr. Eric Bergland  
Mr. Douglas R. Small  
Stephen J. Nolan, Esquire  
Manor Area Association  
J. Carroll Holzer, Esquire  
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

-----  
10/26/92 -Letter recvd from Doug Burgess, Esquire /Counsel for Douglas Small -- requesting early hearing date if possible. Est. hearing time /4 hours.  
10/28/92 -Letter recvd from Carroll Holzer, Counsel for Mr. Eric Bergland /response to above letter /believes full day should be allotted; agrees that all parties should agree to any early date given.

-----  
10/29/92 -Letter to D. Burgess /case has been scheduled; no other date available at this time; availability of all parties will be confirmed prior to any rescheduling.

-----  
1/06/93 -Possible settlement being pursued; additional time needed by all parties. Mutual request for stay to work out details put on record; plat entered by Counsel for Mr. Small as Petitioner's Exhibit "A" and matter continued to Thursday, April 29, 1993 at 10:00 a.m. /notices to be sent.

-----  
1/7/93 - Notice of POSTPONEMENT AND REASSIGNMENT sent to above parties - new date of April 29, 1993 at 10:00 a.m.

-----  
4/20/93 -Ltr from D. Burgess, counsel for Petitioner /requesting PP to some time in late July due to hospitalization of his client, Mr. Small. To be PP'd and reset to 7/28.

-----  
4/21/93 -Notice of PP and Reassignment sent to parties; case rescheduled to Wednesday, July 28, 1993 at 10:00 a.m.

-----  
7/28/93 -Hearing scheduled; settlement agreement put on record by counsel; Board to hold this case pending filing of Petition for Special Hearing with Zoning; order to be issued by the Board in Case No. 92-466-SPH upon finalization of attendant matter before Zoning Commissioner (resulting from above-referenced Petition for Special Hearing regarding density transfer).

-----  
4/01/94 -Letter from Douglas Burgess, Esquire -Counsel for Petitioner; requesting that case be set in for hearing on merits; settlement negotiations have "broken down" and a full hearing on merits is requested.

4/22/92 6/17/92  
S

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF PLANNING AND ZONING**  
New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

**MEMORANDUM**

**TO:** Arnold Jablon, Director  
Zoning Administration & Development Management

**FROM:** Office of Planning and Zoning

**DATE:** June 17, 1992

**SUBJECT:** Douglas R. Small Property

**INFORMATION:**

**Item Number:** 499

**Petitioner:** Douglas R. Small

**Property Size:** 46.13 acres

**Zoning:** RC 2

**Requested Action:** Special Hearing

**Hearing Date:**     /    /    

**SUMMARY OF RECOMMENDATIONS:**

The petitioner is requesting a special hearing to confirm the lawful existence of the single density unit on Parcel 2A and two remaining density units on the remainder of Parcel 2.

The Office of Planning has no comment on this particular petition.

If the Zoning Commissioner confirms two density units on the remainder of parcel 2, then the Office of Planning will have comments on this site as it proceeds through the minor subdivision process.

**Prepared by:** Francis Morsey

**Division Chief:** \_\_\_\_\_

FM:rdn

**RECEIVED**

JUN 22 1992

**ZONING OFFICE**

**MICROFILMED**

IN RE: PETITION FOR SPECIAL HEARING  
E/S Allison Road, 150' N  
of c/l Stansbury Mill Road  
15101 Allison Road  
10th Election District  
3rd Councilmanic  
DOUGLAS R. SMALL,  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-466-SPH

\* \* \* \* \*

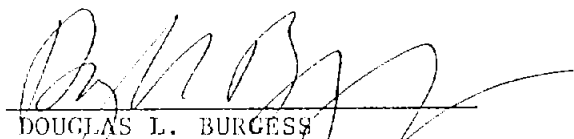
SUBPOENA

TO: Wally Lippincott  
Department of Environmental Protection  
and Resource Management  
4th Floor, County Courts Building  
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally  
before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore  
County in Room Zoning Commissioner's Hearing Room

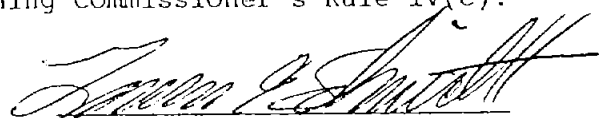
and to bring your file regarding Douglas R. Small Property,  
15101 Allison Road, Monkton, Maryland 21111

on the 16th day of July 1992, at 11:30 a.m.  
regarding the above captioned  
case, for the purpose of testifying at the request of \_\_\_\_\_  
Douglas R. Small, Petitioner.

  
DOUGLAS L. BURGESS  
Nolan, Plumhoff & Williams, Chtd.  
Suite 700, Court Towers  
210 West Pennsylvania Avenue  
Towson, MD 21204  
(410) 823-7800

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

  
Zoning Commissioner/Deputy  
Zoning Commissioner  
for Baltimore County

Issued: 7/10/92





IN THE MATTER OF

Douglas R. Small

E/s Allison Rd., 150' N

Stansbury Mill Rd.

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* BALTIMORE COUNTY  
\* CASE NO. 92-466-SPH

\* \* \* \* \*

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday January 6, 1993 at 10 A.M. at Room \_\_\_\_\_, located at BOA Hearing Rm. Basement Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Wally Lippincott  
Address: DEPRM  
County Courts Bldg. Towson

Name: J. Carroll Holzer, Esq.  
Firm: 305 W. Chesapeake Ave. #105  
Address: Towson, Md. 21204  
825-6961

RECEIVED  
COUNTY BOARD OF APPEALS  
- 7 JAN - 1, 1993

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

[Signature]  
County Board of Appeals of  
Baltimore County

Cost: \$ \_\_\_\_\_

Summoned: \_\_\_\_\_, 19 \_\_\_\_\_

Not served: \_\_\_\_\_, 19 \_\_\_\_\_

Sheriff of Baltimore County



IN THE MATTER OF

Douglas R. Small E/s

15101 Allison Rd.

4th Election District

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* BALTIMORE COUNTY  
\* CASE NO. 92-466-SPH

\* \* \* \* \*


SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday July 28 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Wally Lippin Gitt  
Address: Planning Office / DEPRM  
County Courts Bldg. Towson

Name: J. Carroll Holzer, Esq.  
Firm: Holzer, Maher & Demilio  
Address: 305 W. Chesapeake Ave. #105  
Towson, Md. 825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

  
County Board of Appeals of  
Baltimore County

Cost: \$ \_\_\_\_\_

Summoned: \_\_\_\_\_, 19\_\_\_\_

Not served: \_\_\_\_\_, 19\_\_\_\_

Sheriff of Baltimore County

RECEIVED  
COUNTY BOARD OF APPEALS  
93 JUL 23 AM 10:22

IN THE MATTER OF  
Douglas R. Small E/s  
15101 Allison Rd.  
4th Election District

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* BALTIMORE COUNTY  
\* CASE NO. 92-466-SPH

STERLING  
Leese  
TO  
Provide  
AFFIDAVIT

\* \* \* \* \*


SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday July 28 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Larry Goetz  
Address: Zoning  
County Office Bldg. Towson

Name: J. Carroll Holzer, Esq.  
Firm: Holzer, Maher & Demilio  
Address: 305 W. Chesapeake Ave. #105  
Towson, Md. 825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

  
County Board of Appeals of  
Baltimore County

Cost: \$ \_\_\_\_\_

Summoned: \_\_\_\_\_, 19\_\_\_\_

Not served: \_\_\_\_\_, 19\_\_\_\_

Sheriff of Baltimore County

RECEIVED  
COUNTY BOARD OF APPEALS

93 JUL 23 AM 10:22

IN THE MATTER OF

Douglas R. Small E/s

15101 Allison Rd.

4th Election District

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* BALTIMORE COUNTY  
\* CASE NO. 92-466-SPH

\* \* \* \* \*

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday July 28 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

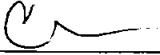
Witness: Custodian, zoning files  
Address: Zoning office, County Office Bldg. Towson, Md.

ALise produce file in  
Case # 89-383-SPH

Green Power  
Verren Power Larson, et al.  
petitioners

Name: J. Carroll Holzer, Esq.  
Firm: Holzer, Maher & Demilio  
Address: 305 W. Chesapeake Ave. #105  
Towson, Md. 825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

  
County Board of Appeals of  
Baltimore County

Cost: \$ \_\_\_\_\_

Summoned: \_\_\_\_\_, 19\_\_\_\_

Not served: \_\_\_\_\_, 19\_\_\_\_

Sheriff of Baltimore County

RECEIVED  
COUNTY BOARD OF APPEALS

93 JUL 23 10:23

499  
92-466-SPH

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN \*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
LOUIS G. CLOSE, III  
E. BRUCE JONES \* \*  
GREGORY J. JONES  
J. JOSEPH CURRAN, III

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**

**CHARTERED**  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)  
J. EARLE PLUMHOFF  
(1940-1988)  
RALPH E. DEITZ  
(1918-1990)  
OF COUNSEL  
T. BAYARD WILLIAMS, JR.  
RICHARD L. SCHAEFFER\*  
WRITER'S DIRECT DIAL  
823- 7853

\*ALSO ADMITTED IN D.C.  
\*\*ALSO ADMITTED IN NEW JERSEY

May 28, 1992

Mr. Laurence J. Goetz  
Baltimore County Zoning Office  
Baltimore County Office Building  
111 Chesapeake Avenue  
Towson, Maryland 21204

Re: Mr. Douglas R. Small  
Petition for Special Hearing

Dear Mr. Goetz:

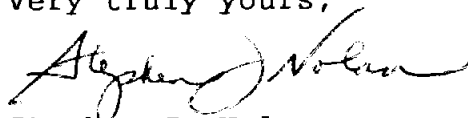
Pursuant to our meeting on May 26, I am filing herewith the enclosed Petition for Special Exception together with our firm's check in the amount of Three Hundred (\$300.00) Dollars.

Also enclosed please find:

1. Ten <sup>12</sup>(10) copies of the site plan prepared by E.F. Raphael and Associates;
2. One (1) 200 scale map;
3. One (1) 200 scale photographic map with subject property delineated.

We would greatly appreciate a hearing at the earliest possible date. Thank you for your assistance in this matter.

Very truly yours,



Stephen J. Nolan

SJN/mao

encl.

cc: Mr. E.F. Raphael  
Mr. Richard A. Moore  
Gaylord Brooks Realty Company  
Mr. Douglas R. Small

**MICROFILMED**

B.M.H



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

July 15, 1994

NOTICE OF POSTPONEMENT & 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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury Mill Road  
(15101 Allison Road)  
4th Election District  
3rd Councilmanic District

SPH -To approve lawful existence of single density units on remainder of Parcel 2.

7/28/92 -D.Z.C.'s Order AFFIRMING one on Parcel 2 and one on Parcel 2A; DENYING Petition as requested.

which was scheduled for hearing on August 24, 1994 has been POSTPONED at the request of Counsel for Appellant /Protestant due to calendar conflict; and has been

REASSIGNED FOR: FRIDAY, SEPTEMBER 9, 1994 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire Counsel for Appellant /Protestant  
Mr. Eric Bergland Appellant /Protestant  
Manor Area Association  
c/o Mr. James Constable

Douglas L. Burgess, Esquire Counsel for Petitioner  
Stephen J. Nolan, Esquire Petitioner  
Mr. Douglas R. Small Counsel for Contract Purchasers /  
Jeffrey P. Hanes, Esquire (James & Laura Davison)

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.

August 11, 1992

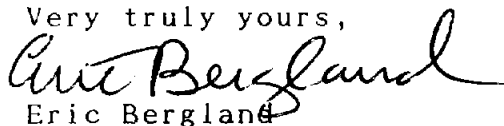
Ms. Charlotte Radcliffe  
Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

Re: Case No. 92-466-SPH  
E/S Allison Road, 150' N. of  
C/L of Stansbury Mill Road  
(15101 Allison Road)  
10th Election District  
3rd Councilmanic District  
Douglas R. Small - Petitioner

Dear Ms. Radcliffe:

The purpose of this letter is to formally file an appeal to the County Board of Appeals on the subject case. Attached is my check no. 1853 in the amount of \$210.00.

Very truly yours,



Eric Bergland  
15024 Allison Road  
Monkton, MD 21111

cc: Mr. J. Carroll Holzer  
Attorney at Law  
Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue  
Towson, MD 21204

cc: Manor Area Association  
c/o Mr. James Constable  
13th Floor  
250 West Pratt Street  
Baltimore, MD 21201

**PAYMENT**  
8-11-92 *ce*  
ZONING OFFICE



COUNTY BOARD OF APPEALS

TELEPHONE MESSAGE

DATE: 2/04/93

TIME: 8:59 a.m.

FOR : Mr. Staley

FROM : Ann Bergland

TELEPHONE : 666-1289

REGARDING : Case No. 92-466-SPH /Douglas R. Small  
E/s Allison Road, 150' N /Stansbury Mill Road  
(15101 Allison Road) 4th E; 3rd C

The sign posted at the above property has been removed. She's requesting that it be re-posted /scheduled for hearing on April 29, 1993.

TAKEN BY: kathi

*Copy to  
Mr. Staley 2/05/93*

*Mrs. Bergland  
called again  
on 2/10/93.*

Some notes will  
represent Detention  
at hearing on 7/28/93  
per r/c from D. Berger.

7/20/93

8-12-93

Kathi has old plan with red and green lines on it. Needs to refile SPH before ZC. BOA file says Steve Nolan will submit amended plan. There is an agreement in BOA file that the case will be held open until the SPH on the density units.

Hackett chaired BOA hearing (7-28-93). He will be in the office on Tuesday.

Sophia

RECEIVED  
COUNTY BOARD OF APPEALS  
JEFFREY P. HANES  
ATTORNEY AT LAW

22 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204

94 APR 14 PM 3:49

TELEPHONE (410) 828-9244

FAX (410) 321-8512

April 13, 1994

Mr. William Hackett, Chairman  
Board of Appeals  
Room 49  
400 Washington Ave.  
Towson, Maryland 21204

Re: Case No. 92-466-SPH  
E/S Allison Road, 150' N. of C/L of Stansbury Mill Rd.  
(parcels 2 and 2A Allison Rd.) 10th Election District,  
3rd Councilmanic District, Douglas R. Small-Petitioner

Dear Mr. Hackett:

I represent James and Laura Davison, who are contract purchasers of the real property involved in the captioned Petition.

It is my understanding that the Petitioner and Protestant reached a settlement prior to and/or at the time of a hearing which was scheduled last summer. Subsequently, to the best of my understanding, the parties have been unable to complete their settlement, and a new hearing on the merits has been requested.

I would appreciate the opportunity to review all documents in the existing Board of Appeals files, including any notes or memoranda regarding the parties' prior settlement. Please contact me at your earliest opportunity to respond to this request.

Thank you for your anticipated cooperation.

Very truly yours,

  
Jeffrey P. Hanes

JPH:jmd

cc: Mr. and Mrs. James S. Davison

4/14/94 -T/C to J. P. Hanes; file open for review during normal business hours; will leave message for Carolyn Peatt, court reporter on 7/28/94 (date matter continued on record for settlement agreement) regarding inquiry as to copy of transcript for 7/28/93; will send to Mr. Hanes a copy of Notice of Assignment /case scheduled for 6/23/94 before Board./k

LAW OFFICES

**NOLAN, PLUMHOFF & WILLIAMS**

**CHARTERED**

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340

(410) 823-7800

TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)

J. EARLE PLUMHOFF  
(1940-1988)

RALPH E. DEITZ  
(1918-1990)

OF COUNSEL

T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL  
823- 7857

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN \*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
E. BRUCE JONES \*\*  
J. JOSEPH CURRAN, III

\* ALSO ADMITTED IN D. C.  
\*\* ALSO ADMITTED IN NEW JERSEY

October 25, 1994

Via Hand Delivery

Board of Appeals for Baltimore County  
Old Courthouse  
Towson, Maryland 21204

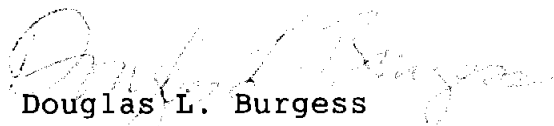
Re: 92-466-SPH

Gentlemen:

Enclosed please find for signature an Order which has been circulated previously to all counsel.

Please have the same executed at your earliest convenience.

Very truly yours,

  
Douglas L. Burgess

DLB/bmf  
Enclosures - Order  
Site Plan for  
Compliance

cc: Carroll Holzer, Esquire  
(with enclosures)  
Peter Zimmerman, Esquire,  
People's Counsel  
(with enclosures)

94 OCT 25 PM 3:59



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

February 16, 1995

J. Carroll Holzer, P.A.  
HOLZER and LEE  
305 Washington Avenue, Suite 502  
Towson, MD 21204

RE: Case No. 94-466-SPH  
Douglas R. Small  
4th District

Dear Mr. Holzer:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

*Charlotte E. Radcliffe*  
Charlotte E. Radcliffe  
Legal Secretary

cc: Mr. Eric Bergland /Manor Area Association  
c/o Mr. James Constable  
Douglas L. Burgess, Esquire  
Mr. Douglas R. Small  
Jeffrey P. Hanes, Esquire  
People's Counsel for Baltimore County



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Zoning Administration &  
Development Management

**DATE:** February 16, 1995

**FROM:** Charlotte E. Radcliffe *CR*  
County Board of Appeals

**SUBJECT:** Closed File: Case No. 92-466-SPH  
DOUGLAS R. SMALL  
District 4

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment

To: Larry Goetz  
From: Wm. Lippincott, Jr.  
RE: Small Prop. Spt 499

As a follow up to  
our discussion, here <sup>are</sup> some  
additional ~~information~~ <sup>comments</sup>.

It does appear that this  
circumstance is not covered by  
the grandfathering provision in  
the RC 2 lot of record-density  
provision (1990). The purpose of  
the grandfathering was to include  
those who had moved forward  
towards development under the  
old policy provisions.

In this case, it appears the  
Bergland Jr property (6935/342)  
is a lot of record. This is  
not grandfathered, nor is there  
a need to. It ~~is~~ exists and  
has one unit of density. The  
remainder of the property was  
a lot of record.



SMALL PROPERTY DEEDS

92-466 SPH

- 1 - 5/57 - 3173/237 Douglas Small → Calvin & Helene Braekken 34.86 AC
- 2 - 7/62 - 4024/567 Douglas & Francis Small → Miriam Small 2.26 AC
- 3 - 7/64 - 4330/462 Douglas Small → State of MD 12.66 AC
- 4 - 5/85 - 6935/341 Miriam Small to Bergland 2.26 AC
- 5 - 5/85 - 6935/342 Douglas Small to Bergland 4.00 AC

J. Spetz 7/21/92

RECORDED



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

July 7, 1994

NOTICE OF ASSIGNMENT

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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury Mill Road  
(15101 Allison Road)  
4th Election District  
3rd Councilmanic District

*Mid East  
Reg. of Council  
for Appellant  
to 9/8/94*

SPH -To approve lawful existence of single density units on remainder of Parcel 2.

7/28/92 -D.Z.C.'s Order AFFIRMING one on Parcel 2 and one on Parcel 2A; DENYING Petition as requested.

ASSIGNED FOR:

WEDNESDAY, AUGUST 24, 1994 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire                      Counsel for Appellant /Protestant  
Mr. Eric Bergland                                      Appellant /Protestant  
Manor Area Association  
c/o Mr. James Constable

Douglas L. Burgess, Esquire                      Counsel for Petitioner  
Stephen J. Nolan, Esquire    Petitioner  
Mr. Douglas R. Small

Jeffrey P. Hanes, Esquire                      Counsel for Contract Purchasers /  
James & Laura Davison)

People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weid nhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



To: Hearing Officer  
From: Larry Goehy  
Subject: Additional Information  
Date: 5-28-92

Petition filed by Ms. Zmc, para-legal for attorney Nelson was informed that devolution of title (RSD-10 policy) for RC-2 would be necessary. It should be submitted to file at least 10 days before hearing.

It seems as if petitioner small owns other adjacent land. Kate Melton actually ~~is~~ is more familiar with details of case than I am.

Larry

MICROFILMED

DO NOT SHALL BEAT  
LEGAL PRECEDENTS

1. BCZR §1A01.3  
RCCZ HEIGHT + AREA REGULATIONS
2. POLICY MANUAL 1A01.3.B.1 (p. 1A-10) (OLD RSD 10)  
"SUBDIVIDING EXISTING R.C. LOTS"
3. RSD-7, '85 EDITION POLICY MANUAL
4. BILL 199-90, COUNTY COUNCIL, ENACTED OCT. 15, 1990
5. GUDENMAN v. PEOPLE'S COUNSEL, CSA, UNREPORTED, 1/22/91
6. BCZR §103.1 - PROSPECTIVE APPLIC. OF LAW
7. COUNTY CODE §26-1 & §26-168 "SUBDIVISION" DEFINED
8. BCZR §101 "SUBDIVISION" DEFINED
9. COUNTY CODE §26-216 "VESTING" DEFINED
10. R.P. Code §3-108 PLATS PERMISSIVE
11. COUNTY CODE §26-168 "AGRICULTURAL PURPOSES" DEFINED
12. COUNTY CODE §26-170 "EXEMPTION DEV. REGS - AG. PURPOSES"

DOUBLE SMALL  
ZONED PRECEDENTS

13. IN RE: GARRETT POWER, CASE NO. 89-383-SPH  
(9.818 over non-density transfer from Power to Larsen  
affirmed by Commissioner - ruling made  
after transaction + w/o benefit of written agreement  
betw. the parties
14. IN RE: JOHN B. HARRISMAN, Case No. 85-281-SPH  
Commissioner gutten enunciates spirit + intent  
test and promotion of agricultural purposes standard  
by which all special hearings are judged.
15. IN RE: Ralph P. Stern, Case No. 88-131-SPH
16. WELL WATER LAW - BMTD CO. CODE § 35-36 et seq.
17. RSD - 8      SALE OR TRANSFER OR  
SMALL RE ZONED PRTY.

Grantee buyer

22-40

40-50

2-11-46 F&M ← Anna Emory Warfield deed 1423/317

50-60

4-26-52 D ← Francis Small & wf deed 2102/453

6-12-57 D & F Calvin Braecklein & wf mort 3173/240

12-23-58 D & J ← Sidney Watter jr mtg 3466/430

60-70

11-13-61 (?) Francis W ← Marie Binder & Husb deed 3920/59

8-2-62 F ← D & wf deed 4024/567

7-15-63 D & J ← Colonial Pipeline Co agrmt 4170/453

9-24-63 D & J ← " " agrmt 4206/187

70-80

8-13-75 D ← Richard Small W 2nd mtg 5556/424

80-86

6-11-85 D & JE ← Paul A Newcome Tr par rel 6931/554

86-90

4-26-89 D & JE ← Donald F Hering/sub tr tel ~~815~~ 8156/582

Grantor Small

D&J = Douglas & Jane

F&M = Francis & Miriam

D&JE = Douglas & Jennifer

22-40

40-50

- 2-11-46 D&J → Francis Small & wf deed 1423/317
- 3-28-46 F&M → Louise Watters deed 1447/145
- 11-18-46 F&M → Cons Gas Elec L&P Co agmt 1524/265
- 11-30-46 F&M → " " " " agmt 1512/566
- 3-1-50 F&M → Samuel Shriver & wf deed 1815/13

50-60 see below

- 6-12-57 D&J → Calvin Braecklein & wf deed 3173/237

60-70

- 8-2-62 D&J → Francis Small deed 4024/567
- 4-4-63 D&J → Colonial Pipeline option 4125/101
- 7-9-63 D → Calvin Braecklein & wf release 3173/579
- 7-15-63 D&J → Col. Pipeline agmt 4170/453
- 9-24-63 D&J → " " " 4206/187
- 7-21-64 D&J → St of md Dept of Forest deed 4330/462
- 3-1-66 D&J → Sidney Watters jr release 3466/673

70-80

- 4-28-77 D → Richard Small 2<sup>nd</sup> mtg rel 5746/869
- 4-6-79 D&JE → BGE agmt 6006/781
- 6-12-79 D&JE → Paul Newcomer Tr Deed Tr 6032/690

80-86

- 6-14-85 Douglas R/PR & Miriam E W/DEC → Eric L. Berglund jr deed 6935/341
- 6-14-85 D → Eric L. Berglund jr deed 6935/342
- \*4-26-52 F&M → Doug deed 2102/453
- 12-23-58 D&J → Sidney Watters jr deed 3466/426

MICROFILMED

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

ERIC BERGLAND  
Ann BERGLAND

15024 Allison Rd.  
Monkton, Md. 21111

Manor Area Base  
Barclay T. Miller

870 East Young  
Mary Rd  
Monkton MD 21111



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

RICHARD A. MOORE

P.O. Box 400, PHOENIX, Md. 21131

R.F. Raphael

205 COURTLAND AVE TOWSON

DOUG BURGESS

210 W. PENNA. AVE. TOWSON  
STE. 200

Douglas Small

15101 ARLISON RD. MONKTON

- (2) To implement the future growth and development of the county in accordance with the master plan.
- (3) To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of land and undue congestion of population.
- (4) To protect the character and the social and economic stability of all parts of the county and to encourage orderly and beneficial development.
- (5) To protect and conserve the value of property throughout the county and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
- (6) To implement public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, drainage, schools, parks, street lights and sidewalks, open space tracts, playgrounds, and other recreation facilities and other public requirements and facilities.
- (7) To provide the most beneficial relationships between the uses of land and buildings and the circulation of traffic throughout the county, having particular regard to the avoidance of congestion in the streets and highways, the provisions of access for fire-fighting and other emergency equipment, and the pedestrian traffic movement appropriate to the various uses; and to provide for the proper location and width of streets and building lines.
- (8) To establish reasonable standards of design and procedures for development, in order to further the orderly layout and use of land and to ensure that the same standards are applied to all applicants and developments; and to ensure proper descriptions of property boundaries.
- (9) To encourage the wise use and management of natural resources throughout the county in order to preserve the integrity, stability, and beauty of the community and the value of property.
- (10) To preserve the natural beauty and topography of the county and to ensure appropriate development with regard to these natural features.
- (11) To provide for open spaces in order to offer recreational opportunities close to home, to enhance the appearance of neighborhoods through the preservation of natural green spaces, to counteract the effects of urban congestion and monotony, and to encourage participation by all age groups in the use and care of local open space tracts.
- (12) To ensure an adequate supply of land suitable for development.
- (13) To simplify and clarify the development review and approval process.
  - (b) Compliance with the development regulations hereinafter set forth shall be deemed the fulfillment of the development policies set forth in section 26-166 and purposes set forth in this section.  
(Code 1978, § 22-38)

#### Sec. 26-168. Definitions.

As used in these regulations, the following words and terms have the meanings indicated:

*Accessory structure* means a building or other improvement to property, the use or intended use of which is subordinate and customarily incidental to the use of the principal building and located on the same lot, parcel, or tract, including additions or modifications to the principal building.

*Agricultural purposes* means any use of land which directly contributes to the production, processing, or storage of agricultural products.

*Alley* means a right-of-way twenty (20) feet or less in width, which provides service access for vehicles to the side or rear of abutting property designated as an alley on either an unrecorded or recorded plat or dedicated as such by deed.

*Applicant* means any person who is an owner, contract purchaser, or the legally authorized representative of either requesting approval of development pursuant to these regulations.



parking areas, and other areas within the street right-of-way lines.

*Subdivision* means the division of property into two (2) or more lots or the combination of lots, parcels, tracts, or other units of property previously divided for the purpose, whether immediate or future, of sale, rental, or building development.

*Wetland* means:

- (1) A private wetland or a state wetland as defined in Ann. Code of Md., Natural Resources article, § 9-101, and, if a private wetland, as delineated under the procedures of Ann. Code of Md., Natural Resources article, § 9-301; or
- (2) A wetland as defined in section 16 U.S.C.A. § 1302 and as described in 7 C.F.R. § 7.752.2; or
- (3) An area not designated under these provisions but which is inundated or saturated by surface water or groundwater and which supports vegetation predominantly adapted to saturated soils and which has been designated as a wetland by ordinance of the county council.

(Code 1978, § 22-39; Bill No. 172, 1989, § 2)

Cross reference—Definitions and rules of construction generally, § 1-2.

#### Sec. 26-169. Scope of regulations.

These regulations shall apply to all development except such development which, prior to the effective date of this article (June 11, 1982), has received tentative approval of the preliminary plan by the planning board or for which development a valid, unexpired building permit exists, or for which development a current executed public works agreement exists, all of which development shall be governed by the subdivision regulations in effect at the time of said preliminary plan approval, building permit issuance, or public works agreement execution, as the case may be. Proposed development shall be in compliance with the present zoning classification on the subject property.

(Code 1978, § 22-40; Bill No. 18, 1990, § 2)

#### Sec. 26-170. General exemption.

The subdivision of land for agricultural purposes is exempt from these regulations if no new streets are involved, subject to compliance with all applicable zoning regulations.

(Code 1978, § 22-41; Bill No. 18, 1990, § 2)

#### Sec. 26-171. Limited exemptions.

The following development is exempt from division 2 of this article only. Compliance with divisions 3, 4, and 5 is required as is compliance with all applicable zoning regulations.

- (1) The building or preparation of land for building for a dwelling for one (1) or two (2) families (i) on a single lot or tract which is not part of a recorded plat, or (ii) on a lot or lots exempt from the lapse provisions of section 26-216.
- (2) The building or preparation of land for building on a lot of record lawfully in effect at the time of the building or preparation of the land for building if the lot of record did not result from a subdivision of land exempt under section 26-170.
- (3) The construction of one (1) tenant house or the location of one (1) trailer on a farm tract.
- (4) The subdivision of property pursuant to court order, a will, or the laws of intestate succession.
- (5) The resubdivision or lot line adjustment of industrially zoned or commercially zoned parcels of land which have been the subject of a previously approved plan and recorded plat.
- (6) The subdivision of land into three (3) or fewer lots for residential single-family dwellings, provided that they are not served by a panhandle driveway. If the lots are served by a panhandle driveway, the development is exempt from the requirements of sections 26-203 and 26-205 only.
- (7) The construction of residential accessory structures or minor commercial structures.
- (8) The construction of a building owned and operated by a county volunteer fire, ambu-

and other areas within the street  
lines.

means the division of property into  
two or more lots or the combination of lots,  
tracts, or other units of property previ-  
ously owned for the purpose, whether immediate  
or future, of sale, rental, or building development.

means:

A private wetland or a state wetland as  
defined in Ann. Code of Md., Natural Re-  
sources article, § 9-101, and, if a private  
wetland, as delineated under the procedures  
of Ann. Code of Md., Natural Resources ar-  
ticle, § 9-301; or

• A wetland as defined in section 16 U.S.C.A.  
§ 1302 and as described in 7 C.F.R. §  
1732.2, or

• An area not designated under these provi-  
sions but which is inundated or saturated  
by surface water or groundwater and which  
supports vegetation predominantly adapted  
to saturated soils and which has been des-  
ignated as a wetland by ordinance of the  
county council.

Code 1978 § 22-39; Bill No. 172, 1989, § 2)

— Definitions and rules of construction gen-  
erally 112

**§ 26-170. Scope of regulations.**

These regulations shall apply to all develop-  
ment except such development which, prior to the  
effective date of this article (June 11, 1982), has  
obtained relative approval of the preliminary plan  
of the planning board or for which development a  
required building permit exists, or for  
which development: a current executed public  
works agreement exists, all of which development  
shall be governed by the subdivision regulations  
in effect at the time of said preliminary plan ap-  
proval, building permit issuance, or public works  
agreement execution, as the case may be. Pro-  
posed development shall be in compliance with  
the zoning classification on the subject

Code 1978 § 22-40; Bill No. 18, 1990, § 2)

**Sec. 26-170. General exemption.**

The subdivision of land for agricultural pur-  
poses is exempt from these regulations if no new  
streets are involved, subject to compliance with  
all applicable zoning regulations.

(Code 1978, § 22-41; Bill No. 18, 1990, § 2)

**Sec. 26-171. Limited exemptions.**

The following development is exempt from di-  
vision 2 of this article only. Compliance with di-  
visions 3, 4, and 5 is required as is compliance  
with all applicable zoning regulations.

- (1) The building or preparation of land for building for a dwelling for one (1) or two (2) families (i) on a single lot or tract which is not part of a recorded plat, or (ii) on a lot or lots exempt from the lapse provisions of section 26-216.
- (2) The building or preparation of land for building on a lot of record lawfully in effect at the time of the building or preparation of the land for building if the lot of record did not result from a subdivision of land exempt under section 26-170.
- (3) The construction of one (1) tenant house or the location of one (1) trailer on a farm tract.
- (4) The subdivision of property pursuant to court order, a will, or the laws of intestate succession.
- (5) The resubdivision or lot line adjustment of industrially zoned or commercially zoned parcels of land which have been the subject of a previously approved plan and recorded plat.
- (6) The subdivision of land into three (3) or fewer lots for residential single-family dwellings, provided that they are not served by a panhandle driveway. If the lots are served by a panhandle driveway, the development is exempt from the requirements of sections 26-203 and 26-205 only.
- (7) The construction of residential accessory structures or minor commercial structures.
- (8) The construction of a building owned and operated by a county volunteer fire, ambu-

## ARTICLE I. IN GENERAL

### Sec. 26-1. Definitions.

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Circulation* means provision for the movement of people, goods, water, sewage, or power by means of streets, highways, railways, waterways, airways, pipes, conduits, or other means, and including facilities for transit, transportation, and communication.

*Comprehensive land use plan* means that part of the master plan which expresses in mapped form with written explanation the objectives of the planning board as to the currently existing and as to the future use of land in the county.

*Drainage right-of-way* means the lands required for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of waters therein to safeguard the public against flood damage in accordance with section 14-96 of this Code.

*Local open space parcel* means land provided in residential subdivisions and necessary and desirable for the local recreational needs of residents of such subdivisions for such recreational types of spaces as play lots, local unusual natural scenic beauty, recreational walkways and pathways, and special street center islands; but the term "local open space parcel" shall not include the larger open space park and playfield areas of the type which serve larger than local needs and which are incorporated in the master plan.

*Master plan* means a composite of the mapped and written proposals for the systematic physical development of the county, which plan shall have been adopted by the planning board under section 26-81 of this Code, and shall have the scope specified in section 26-82 of this Code.

*Public works agreement* means an agreement with the county for the construction of water and sewer facilities, storm drains, streets, bridges, and other public structures.

*Street* means any street, avenue, boulevard, road, lane, parkway, freeway, viaduct, bridge, or other way, which is an existing state or county highway, or a street or way shown on a plat duly filed and recorded in the office of the clerk of the circuit court for the county, and includes the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavements, shoulders, curbs and gutters, sidewalks, parking areas, and other areas within the street right-of-way lines.

*Subdivision* means the division of a lot, tract, or parcel of land into two (2) or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development; except that the following divisions shall not be considered subdivisions within the meaning of this title, provided that no new streets or roads are involved: Division of land for agricultural purposes where the resulting parcels are three (3) acres or larger in size, divisions of property by testamentary or intestate provisions, or division of property upon court order. Subdivision also includes resubdivision and, where appropriate to the context, relates to the process and subdividing or to the lands or territory divided.

*Zoning map* means a chart or map or series of charts or maps which sets forth the currently permissible uses to which privately owned land in the county may be put and which has been adopted by ordinance of the county council in the manner hereinafter in this title provided.

(Code 1978, § 22-1)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

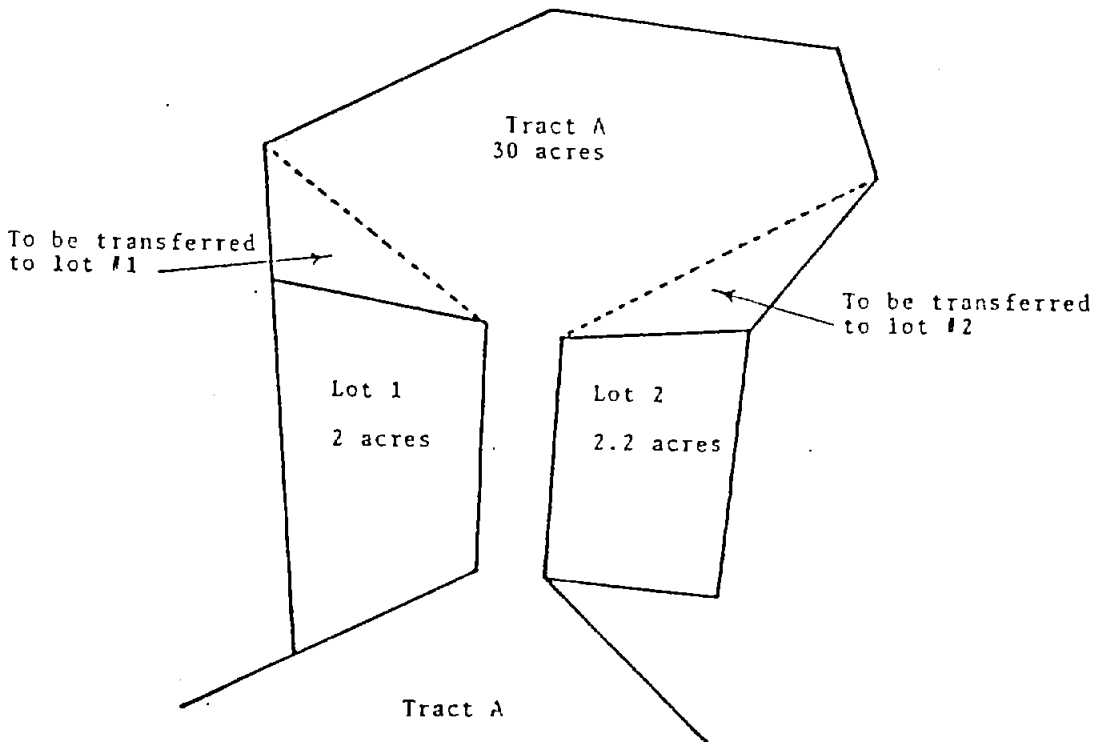
### Sec. 26-2. Office of planning and zoning.

(a) The office of planning and zoning shall be composed of a director of planning and zoning who may be referred to in this Code as director of planning and who shall administer the office of planning and zoning, a planning board, a zoning commissioner who shall administer the office of the zoning commissioner, and deputy zoning commissioner. The office shall perform such duties and functions as specified in or required by the laws and regulations of the county.

1A00.4.a AMENDMENTS TO DEVELOPMENT PLANS - INDIVIDUAL LOT OWNERS  
(See Section 1B01.3.A.7.C Z.C.P.M., Page 1B-21)

1A00.4.b SALE OR TRANSFER OF SMALL PARCELS

- (1) The sale or transfer of small R.C. zoned parcels, usually too small to meet the minimum lot size, for non-density purposes such as access, or agriculture, may be permitted.
- (2) In an R.C. 2 zone, a parcel could possibly be transferred from the overall development tract to an adjacent existing lot of record provided that the end result does not permit a re-subdivision into a greater number of lots.
- (3) Depending on the use and the size of the parcels, a special hearing before the Zoning Commissioner may be required to determine if a non-density transfer is permitted.



- (4) Persons shall be advised to read both the Circuit Court and Special Appeals Cases for Steven H. Gudeman, et ux, All Parties v. People's Counsel for Baltimore County.

BALTIMORE COUNTY CODE

§ 26-216

defined in subsection (c) of this section, in accordance with the following time limits as applicable:

- (1) Any plat, except a plat of a planned industrial park, recorded prior to the effective date of these regulations [June 11, 1982] shall expire five (5) years after recordation or on April 16, 1982, whichever is later.
- (2) Any plat of a planned industrial park recorded prior to the effective date of these regulations shall expire twelve (12) years after recordation.
- (3) Any plat, whether recorded or not, which is approved after the effective date of these regulations shall expire eight (8) years after the date of approval of the plan pursuant to which the plat was prepared. However, a plat for which there is an approved reclamation plan pursuant to division 5 of this article shall expire eight (8) years after the date of approval by the CRG of the plan pursuant to which the plat was approved but in no event later than twenty (20) years after the date of approval of the reclamation development plan by the planning board.

(b) Except as provided in subsection (d) of this section, upon the lapse of a plat for any undeveloped subdivision, section, or parcel thereof, the development thereafter of such undeveloped subdivision, section, or parcel shall comply with the development regulations in effect at the time of said development.

(c) A subdivision, section, or parcel thereof is hereby defined as developed and is therefore considered to be vested if any of the following has occurred with respect to such subdivision, section, or parcel:

- (1) Building permits have been issued; or
- (2) Substantial construction on required public or private improvements has occurred on such subdivision, section, or parcel pursuant to applicable regulations and require-

(d) Lots in the same ownership, not to exceed three (3) in number, if used for single-family dwellings, are exempt from the lapse provisions of this section.

(e) "Same ownership" as used in this section means any ownership interest by the same person, corporation, firm, entity, trust, estate, partnership, or unincorporated association.  
(Code 1978, § 22-68; Bill No. 18, 1990, § 2)

**Sec. 26-217. Extension of time limit for validity of subdivision plats and approved plans.**

(a) Any subdivision plat for an entire subdivision or any section or parcel thereof or any approved plan which would lapse and become invalid under the provisions of section 26-216 or section 26-210 on or after November 25, 1979, shall be extended and remain valid if:

- (1) With respect to an approved plan, the developer was prevented from recording a plat by reason of a deficiency in basic services for water, sewer, or transportation; or with respect to a recorded subdivision plat, the entire subdivision or any section or parcel thereof could not be developed, as defined under section 26-216(c), by reason of the existence of a deficiency in basic services for water, sewer, or transportation.
- (2) The deficiency either occurred or was in existence on or after November 25, 1979.

(b) With respect to an approved plan, the length of time of any extension shall be equivalent to the lesser of:

- (1) The period of time that the deficiency prevents a plat from being recorded; or
- (2) The period of time remaining for plan validity at the time of the deficiency determination.

(c) With respect to a recorded subdivision plat, the length of time of any extension shall be equivalent to the lesser of:

- (1) The period of time that the deficiency prohibits or prohibited development of the entire subdivision or any section or parcel thereof;

(h) The following graphic items pertaining to the plat shall be shown on the record plat:

- (1) A heavy line indicating the boundary of the subdivision.
- (2) Exact locations, widths, and names of all streets within the subdivision and widths of alleys and crosswalkways.
- (3) All easement reservations or rights-of-way provided for public services or utilities in the subdivision, and any limitations of such easements.
- (4) Accurate outlines of any areas to be reserved for common use by residents of the subdivision or for general public use, with the purposes indicated thereon.
- (5) Front building lines, shown graphically, with dimensions.
- (6) Block, lot, and improvement numbers and lines, with accurate bearings and dimensions of all block and lot lines, including lengths of arcs and radii.
- (7) Northpoint.

(i) All bearings on the record plat shall be referred to true meridian as established by the metropolitan district where traverse points are available or, if not available, to a coordinate system approved by the director of the department of public works.

(j) Plats for development in the critical area shall:

- (1) Clearly delineate the areas to remain undisturbed in accordance with the critical area finding plan; and
- (2) Contain a general notation regarding the method of preserving such undisturbed areas.

(Code 1978, § 22-66)

**Sec. 26-215. Same—Procedure for approval.**

(a) After plan approval, a plat may be submitted to the department of public works. Such plat may not be approved without approval of the following, if required:

- (1) Stormwater management plans;

- (2) Public works agreement;
- (3) Development plan, if required by the zoning regulations;
- (4) Security;
- (5) Necessary fees; and
- (6) Evidence of recordation of findings plan.

The items specified in subsections (a)(1) through (a)(3) of this section shall be approved or disapproved within thirty (30) days of submission if said action involves only approvals by county agencies, or sixty (60) days if said action involves approvals by state or federal agencies, and any disapproval shall be accompanied by a written statement of the reasons therefor. The time periods specified in this subsection may be extended by written agreement of the applicant.

(b) After receipt and approval of all items required in subsection (a) of this section, the director of public works shall promptly transmit the plat to the department of environmental protection and resource management and office of planning for their review for conformity with the plan, unless said plat was already reviewed by the departments for such conformity.

(c) Within ten (10) days after receipt of the plat, the directors of public works, environmental protection and resource management, and planning or their authorized representatives shall approve, modify with the consent of the applicant, or disapprove the plat. The applicant shall be notified in writing of the reasons for modification or disapproval.

(d) No plat may be recorded unless it has been approved by all three (3) directors above and the approvals have been so noted on the plat.

(e) No appeal shall be allowed from plat approval.

(Code 1978, § 22-67; Bill No. 18, 1990, § 2)

**Sec. 26-216. Time limit for validity of subdivision plats.**

(a) Unless extended pursuant to the provisions of section 26-217, a subdivision plat shall lapse and be invalid for either the entire subdivision or any section or parcel thereof, if such subdivision, section, or parcel has not been developed, as de-



Sludge Disposal Facility: Any facility used to contain, store, utilize, or dispose of stabilized sludge, including a surface impoundment, a site used for incineration, co-land-filling, land spreading, or composting of stabilized sludge. [Bill No. 46, 1982.]

Stabilized Sludge: The sludge that has been treated by a process to reduce putrescibility, significantly reduce pathogenic organisms and, except for lime stabilization, reduce the folatile [sic] solids content. [Bill No. 46, 1982.]

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes. [B.C.Z.R., 1955.]

Street: A motorway which is not a freeway or expressway, but which has a right of way more than 20 feet in width. [B.C.Z.R., 1955; Bill No. 100, 1970.]

Street Line: A line which divides the right of way of a street from other property: a street right-of-way line. [Bill No. 111, 1958.]

Subdivision: The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots or other divisions of land for the purpose, whether immediate or future, of building development for rental or sale, and including all changes in street or lot lines, provided, however, that this definition of a subdivision shall not include divisions of land for agricultural purposes. [B.C.Z.R., 1955.]

*Said for streets of houses*

["Subdivision, Cluster" and definition added by Bill No. 106, 1963; deleted by Bill No. 100, 1970.]

System of Rubble Disposal or Land Reclamation for Public or Private Use: System of rubble disposal or land reclamation for public or private use means the services, facilities or properties used in connection with the disposal of rubble or land reclamation, unless these activities are limited to rubble generated by a single individual or business and disposed of on the same property where generated. While limited operation of a rubble landfill can be accessory to agricultural use, it is not a primary agricultural activity. [Bill No. 97, 1987.]

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 1990, Legislative Day No. 19  
Bill No. 199-90

---

Mr. C.A. Dutch Ruppertsberger, III, Councilman  
By Request of County Executive

---

By the County Council, October 15, 1990

---

A BILL  
ENTITLED

AN ACT concerning

Roads Crossing Lots of Record

FOR the purpose of amending the Baltimore County Zoning Regulations in order to clarify and define whether roads crossing lots of record zoned RC2 create separate parcels of land.

BY repealing and reenacting, with amendments,

Section 1A01.3.B.1.  
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon; now, therefore

1. SECTION 1. Be it enacted by the County Council of Baltimore
2. County, Maryland, that Section 1A01.3.B.1. of the Baltimore County
3. Zoning Regulations, as amended, be and is hereby repealed and reen-
4. acted, with amendments, to read as follows:
5. 1A01.3--HEIGHT AND AREA REGULATIONS
6. B. Area regulations.
7. 1. Subdivision Lot Density. No lot of record lying
8. within an R.C. 2 zone and having a gross area of less than 2 acres
9. may be subdivided. No such lot having a gross area between 2 and
10. 100 acres may be subdivided into more than 2 lots (total), and such
11. a lot having a gross area of more than 100 acres may be subdivided
12. only at the rate of 1 lot for each 50 acres of gross area. IN CASES
13. WHERE LAND IN SINGLE OWNERSHIP IS CROSSED BY EXISTING OR PROPOSED
14. ROADS, RIGHTS-OF-WAY, OR EASEMENTS, THE PORTIONS OF LAND ON EITHER
15. SIDE OF THE ROAD, RIGHT OF WAY, OR EASEMENT SHALL NOT BE CONSIDERED

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike-out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

10/15/90

### § 3-106. Recording of assignments of mortgages.

The clerk of the court shall record photographically any assignment of a mortgage with an attachment or rider affixed to it containing the names of the parties as they appear on the original mortgage and a reference to the book number and page number where the mortgage is recorded. (An. Code 1957, art. 21, § 3-106; 1974, ch. 12, § 2.)

**Assignment may be written on mortgage record or endorsed on original mortgage.**

— The short form of assignment of mortgage formerly authorized by this section could be either written on the mortgage record or endorsed on the original mortgage itself. *Morrow v. Stanley*, 119 Md. 590, 87 A. 484 (1913).

**It does not require an acknowledgment.** — The short form of assignment of mortgage does not require an acknowledgment. *Frederick County Nat'l Bank v. Schlosser*, 152 Md. 609, 137 A. 351 (1927).

**And is not subject to statutory requirement as to time of recording.** — An assignment of a mortgage in the form prescribed by this section is not subject to statutory requirement as to when it shall be recorded. *Getz v. Johnston*, 143 Md. 543, 123 A. 74 (1923).

**This section does not prevent or affect equitable assignment of mortgages by assignment of mortgage debt, nor does it impair**

rights of assignee thereunder, or require assignment of mortgage to be recorded to perfect assignee's title to mortgage lien even against subsequent assignee claiming under recorded assignment. *Sapero v. Neiswender*, 23 F.2d 403 (4th Cir. 1928).

This section does not affect in any manner the equitable assignment of mortgages by the mere assignment of the mortgage debt. *Byles v. Tome*, 39 Md. 461 (1874); *Hewell v. Coulbourn*, 54 Md. 59 (1880); *Western Md. R.R. Land & Imp. Co. v. Goodwin*, 77 Md. 271, 26 A. 319 (1893).

**Formerly, recording was not required.** — Acts 1856, ch. 154, §§ 116 and 117, provided for a short assignment of mortgage, and gave it validity without requiring it to be recorded. An assignment by separate instrument, however, did not come under the purview of said act. *Lester v. Hardesty*, 29 Md. 50 (1868).

### § 3-107. Recording of vendor's liens.

When recording a deed or other instrument retaining a vendor's lien, the clerk shall leave a blank space at the foot of the document for the purpose of entering assignments and releases. (An. Code 1957, art. 21, § 3-107; 1974, ch. 12, § 2.)

### § 3-108. Recording of plats.

(a) *Applicability.* — The provisions of this section are in addition to any other provisions of the Code pertaining to recordation of subdivision plats.

(b) *In general.* — If the owner of land in the State subdivides his land for commercial, industrial, or residential use to be comprised of streets, avenues, lanes, or alleys and lots, and desires, for the purpose of description and identification, to record a plat of the subdivision among the land records of the county where the land lies, the clerk of the court shall accept and record the plat as prescribed in this section. The clerk may not accept the plat for record until the owner of land complies with the requirements prescribed in this section.

(c) *Description of plats.* — (1) In this subsection, "coordinate" means a number which determines the position of any point in a north or south and an east or west direction in relation to any other point in the same coordinate system.

(2) The plat shall be legible, drawn accurately and to scale and shall be submitted for recordation using black ink on transparent mylar, or linen or

black-line photo process comparable to original quality that will conform to archival standards. The State Highway Administration may substitute microfilm aperture cards showing property or rights-of-way to be acquired or granted. Microfilm aperture cards must meet archival standards for permanent records.

(3) The plat shall contain the courses and distances of all lines drawn on the plat.

(4) With respect to all curved lines, the plat shall show the length of all radii, arcs, and tangents and the courses and distances of all chords.

(5) The plat shall contain a north arrow which represents and designates either true or magnetic meridian as of a date specified on the plat or shall be referenced to a recognized coordinate system within the county.

(6) All courses shown on the plat shall be calculated from the plat meridian.

(7) No distance on the plat may be marked, "more or less," except on lines which begin, terminate, or bind on a marsh, stream, or any body of water.

(8) The plat shall show the position by coordinates of not less than four markers set in convenient places within the subdivision in a manner so that the position of one marker is visible from the position of one other marker. From these markers, commonly called "traverse points," every corner and line can be readily calculated and marked on the ground. These markers shall be made of hard durable stone or concrete and shall be planted at least three feet into the ground.

(9) If the subdivision lies in an area where a recognized coordinate system already is established and traverse points of the system can be found and used, the coordinate values shall be marked in the same datum as those on the points found and identified by datum on the plat. In this case no markers are required, but the owner of land shall comply with all other requirements.

(10) A certificate stating that the requirement of this subsection, as far as it concerns the making of the plat and setting of the markers, shall be put on the plat and signed by the owner of the land shown on the plat to the best of his knowledge and by the surveyor preparing it.

(d) *Number of copies; fee.* — Three linen copies of the plat shall be mailed or delivered to the clerk. The fee is \$5 for each set of plats, except that a fee is not required for plats or microfilm aperture cards showing property or rights-of-way to be acquired or granted by the State Highway Administration.

(e) *Surveyor's identification.* — Each plat shall be signed and sealed by a surveyor registered in the State.

(f) *Worcester County.* — (1) Resubdividing in manner different from unrecorded plat. In Worcester County, if an unrecorded plat exists showing a subdivision, from which any lot has been granted, and the owner of the subdivision, or any part of it, proposes to resubdivide it in a manner different from the unrecorded plat, a copy of the unrecorded plat shall be recorded as required by this section and in addition to any other plat required by this section. If no unrecorded plat exists, the owner shall record an affidavit to this fact.

(2) Resubdividing in manner different from recorded plat. In Worcester County if a recorded plat exists showing a subdivision, and the owner of the subdivision, or any part of it, proposes to resubdivide it in a manner different from the recorded plat, another plat shall be recorded. This plat shall indicate clearly the lines, designation of blocks and block numbers, lots and lot numbers, streets, alleys, rights-of-way, and all other easements or pertinent data of the original recorded plat, with the proposed resubdivision plat superimposed on it. The proposed resubdivision plat shall indicate clearly the lines, designation of blocks and block numbers, lots and lot numbers, streets, alleys, rights-of-way, and all other easements and pertinent data. This plat shall be recorded in addition to any other plats required by this section.

(3) Perimeter plat where contiguous tracts combined. In Worcester County, if the owner of two or more contiguous tracts of land proposes to combine the tracts and subdivide them, the owner shall have recorded a plat to be known as a perimeter plat as provided in this section and in addition to any other plat required by this paragraph. The perimeter plat shall show clearly the lines of the original tracts, include a title reference to each tract, and have a plat showing the proposed subdivision of the entire tract superimposed on it. If less than the entire tract is subdivided, at any one time, each subsequent subdivision plat likewise shall be superimposed on a perimeter plat which also shall show clearly all prior subdivisions made pursuant to this subsection.

(4) Approval of plat by governing body. Notwithstanding the provisions of subsections (b), (c), and (d) and in addition to the requirements of paragraphs (1), (2), and (3), if the subdivided lands are, in whole or in part, within the corporate limits of an incorporated municipality, the plat may not be accepted for record by the Clerk of the Circuit Court of Worcester County until it first has been submitted to and approved by the governing body of the municipality where the land is located, and the approval of the municipality has been indicated plainly on the plat.

(g) *Prior unrecorded plats in Cecil County.* — In Cecil County, if an unrecorded plat exists showing a subdivision created prior to June 1, 1945, from which any lot has been granted and to which reference has been made in a deed now of record, the owner of the subdivision or any lot, or any interested party may have recorded a copy of the unrecorded plat in a separate plat book to be maintained by the Clerk of the Circuit Court for Cecil County. Reference to the plat is not by itself a "description of the property sufficient to identify it with reasonable certainty" within the meaning of § 4-101. The person presenting the plat for recording shall pay to the clerk a fee of \$1 for each plat so offered. No other provision of this section applies to the recording of any plat in Cecil County.

(h) *Size of plat in Garrett County.* — In Garrett County the size of the sheet (plat) shall be 18 by 24 inches, including a one and one-half inch margin for binding along the left edge. When more than one sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale.

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June 22, 1994

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HAND DELIVERY

Mr. William Hackett, Chairman  
Baltimore County Board  
of Appeals  
400 Washington Avenue  
Room 49  
Towson, Maryland 21204

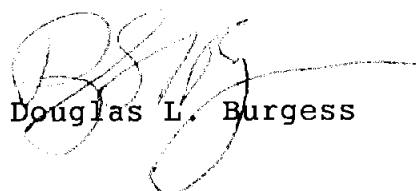
Re: In the Matter of Douglas Small  
Case No. 92-466-SPH

Dear Chairman Hackett:

The Petitioner, Douglas Small, has no opposition to the request of postponement of the above captioned matter pursuant to the request of Counsel for Mr. and Mrs. Bergland dated June 20, 1994.

Thank you for your attention to this matter.

Very truly yours,

  
Douglas L. Burgess

DLB/vrs

cc: J. Carroll Holzer, Esquire  
People's Counsel  
Mr. Douglas Small

94 JUN 22 PM 3:40  
COUNTY RECORDS SECTION

(i) *Size of plat in Wicomico County.* — (1) A plat filed in the land records of Wicomico County shall measure 18 by 24 inches or 24 by 36 inches, including a 1½ inch margin along the left edge. If more than one sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale.

(2) This subsection does not apply to single lot plats suitable for recording in the same manner as other land record instruments, or to plats dated prior to July 1, 1977.

(j) *Copies of certain plats in Caroline County.* — (1) Notwithstanding any other provision of this section, in Caroline County, any interested person may record a copy of a plat if:

(i) It is signed and dated prior to January 1, 1970; and

(ii) The general location of the property can be determined by reference to the plat; and

(iii) The person offering the plat for recording appends a verified statement that it is the original plat, to the best of the offerer's knowledge, information and belief.

(2) The recording of plats under this subsection shall not be construed as the creation or establishment of a subdivision or compliance with any other rules or regulations applicable to subdivisions.

(k) *Size of plat in Dorchester County.* — (1) A plat filed in the land records of Dorchester County shall measure 18 by 24 inches or 24 by 36 inches, including a 1 1/2 inch margin along the left edge. If more than one sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale.

(2) This subsection does not apply to single lot plats suitable for recording in the same manner as other land record instruments, or to plats dated prior to July 1, 1987.

(l) *Exception for certain conveyances in Charles County.* — In Charles County, a deed conveying a parcel of land containing more than 20 acres of unimproved land is not required to be accompanied by a survey plat.

(m) *Section inapplicable in certain counties.* — This section does not apply in Allegany, Harford, Montgomery, Prince George's, and Talbot counties, except to the extent any of these counties is expressly mentioned in this section. (An. Code 1957, art. 21, § 3-108; 1974, ch. 12, § 2; 1977, ch. 92; ch. 763, § 4; 1979, ch. 98; 1980, ch. 290; 1981, chs. 99, 383; 1987, chs. 152, 271.)

**Effect of amendments.** — Chapter 152, Acts 1987, effective July 1, 1987, inserted present subsection (k) and redesignated former subsection (k) to be present subsection (m), and in that subsection, deleted "Dorchester" following "Prince George's."

Chapter 271, Acts 1987, effective July 1, 1987, added present subsection (l).

**Quoted** in *Hirsch v. Maryland Dep't of Natural Resources*, 288 Md. 95, 416 A.2d 10 (1980).

**ARTICLE II. INDIVIDUAL WATER SUPPLIES**

**Sec. 35-36. Definitions.**

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section:

*Certified laboratory* means a water quality laboratory approved by the state department of health and mental hygiene which examines public drinking water to determine its compliance with or produces data for enforcement of:

- (1) The National Safe Drinking Water Act; or
- (2) State standards for public drinking water.

*Conveyance* means a transfer of ownership of real property by deed. Conveyance does not include an executory contract of sale; property passing by intestate succession or pursuant to the terms of a will; transfers from one (1) or more tenants in common or joint tenants to one (1) or more of their covenants; transfers between husband and wife; transfers between divorced persons pursuant to an agreement; gifts of real property; property sold pursuant to judicial sale, mortgage, foreclosure, or under a deed of trust.

*Improved lot* means a lot with one (1) or more existing residences. A residence also includes a mobile home.

*Unimproved lot* means a portion of a subdivision or other parcel of land intended for residential building development, whether immediate or future.

*Water supply* means all private sources of potable water, including bored, drilled, driven, and dug wells, springs, and cisterns.

*Well* means a hole made in the ground and improved for the extraction of groundwater. Tandem wells approved in accordance with the provisions of COMAR 26.04.04.07 Q(5) are also included in the definition of a well for this article.

(Code 1978, § 13-116; Bill No. 173, 1989, § 3)

*Cross reference*—Definitions and rules of construction generally, § 1-2.

**Sec. 35-37. Water well yield; bacteriological and chemical testing.**

(a) All wells for domestic use shall be tested for yield. The minimum water well yield requirement shall be a recovery rate of one (1) gallon per minute. The methods of testing for water yield shall be as determined by the department of environmental protection and resource management and published in the policy document entitled "Department of Environmental Protection and Resource Management—Policy Manual," as amended from time to time.

(b) A water supply must meet the requirements of the state department of health and mental hygiene as to bacteriological and chemical quality. Water samples shall be analyzed by a certified laboratory located in the state.

(c) The yield test results shall be valid for a period of three (3) years from the date of the test. The bacteriological and chemical quality test results shall be valid for a period of one hundred eighty (180) days from the date on which the sample is taken.

(Code 1978, § 13-117; Bill No. 173, 1989, § 2)

**Sec. 35-38. Conveyance of unimproved lots.**

(a) Except as otherwise provided, unimproved lots which are not served by a public or community water supply system may not be conveyed unless the seller(s) provides a well with an adequate supply of water meeting the requirements of section 35-37(a) of this article.

(b) Except for an unimproved lot or lots located within any county critical water area delineated in subsection (f) of this section, the prospective buyer(s) of any unimproved lot not served by a public or community water supply system shall have the right to waive the drilling of a well as provided in subsection (a) of this section, but only after written notice to the buyer(s) of the provisions of subsection (a) of this section in the form set forth below and written waiver in the form prescribed below filed by the buyer(s) with the department of environmental protection and resource management at least six (6) days prior to settlement and/or the date of conveyance to buyer(s), whichever shall first occur. Said written



waiver shall not be effective until the sixth day after filing as aforesaid; and during the five (5) days immediately preceding said effective date, said waiver may be revoked by buyer(s) upon written notice of revocation delivered or mailed by certified mail, postage prepaid, return receipt requested, to seller(s) or seller's(s') agent at seller's(s') home or business address or the business address of seller's(s') agent. Date of delivery includes the date of mailing as aforesaid.

(c) The form of written notice to buyer(s) shall be as follows:

NOTICE OF WELL WATER LAW

Since the property to be purchased by buyer(s) will be served by a private water supply system as the source of domestic water, the law of Baltimore County requires that, prior to conveyance of such property to any buyer(s), seller(s) must provide a well with a supply of water meeting the minimum water yield requirements of section 35-37(a) of the Baltimore County Code. Buyer is further advised that the quantity of water is important and that, unless buyer(s) specifically executes a "Waiver of Provision of Minimum Well Yield Prior to Conveyance," a well meeting the Baltimore County Code standards is required. Any waiver of this requirement must be filed by buyer(s) on a form prescribed by the Baltimore County Code and filed with the department of environmental protection and resource management at least six (6) days prior to settlement and/or the date of conveyance to buyer(s), whichever shall first occur. Any such waiver may be revoked by buyer(s) upon written notice of such revocation delivered or mailed by certified mail, postage prepaid, return receipt requested, to seller(s) or seller's(s') agent at seller's(s') home or business address or the business address of seller's(s') agent within five (5) days of the date of the aforesaid filing with the department of environmental protection and resource management. Date of delivery includes the date of mailing as aforesaid.

(d) The written waiver shall be a document separate from any other document and shall contain only the following:

WAIVER OF PROVISION OF MINIMUM WELL YIELD PRIOR TO CONVEYANCE

Buyer(s) hereby acknowledges that buyer(s) is aware that the property buyer(s) intends to purchase will be served by a private water supply system as a source of domestic water, that water quantity is most important for residential use of property, that section 35-37(a) of the Baltimore County Code requires seller(s) to provide a well with a supply of water meeting certain minimum water yield requirements, and that a building permit will not be issued for construction of a residence on any lot not served by a public or community water supply system unless it has a well which meets the required minimum water yield. Nevertheless, buyer(s) specifically elects to waive the requirement that a well must be provided which satisfies the yield requirements of the Baltimore County Code prior to settlement and/or the date of conveyance to buyer(s), whichever shall first occur, and buyer(s) elects to accept conveyance of the property located at \_\_\_\_\_ consisting of \_\_\_\_\_ acres without a well as provided by law, and knowingly and voluntarily executes this waiver on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Witness:

\_\_\_\_\_ (Buyer)  
\_\_\_\_\_ (Buyer)  
\_\_\_\_\_ (Address)  
\_\_\_\_\_ (Address)  
\_\_\_\_\_ (Telephone No.)  
\_\_\_\_\_ (Telephone No.)

(e) The prospective buyer(s) of any unimproved lot or lots not served by a public or community water supply system located within any of the boundaries of the county water critical areas delineated in subsection (f) of this section may not waive the drilling of a well as provided in subsection (a) of this section, except for conveyances as follows:

- (1) An unimproved lot conveyed to the owner of a contiguous lot for use in connection with that contiguous lot; provided that any such lot may not be separately reconveyed in the absence of a well which meets the

requirements of section 35-37(a) of this article unless otherwise exempted under the provisions of this subsection.

- (2) A subdivision or portion thereof conveyed for the purpose of resale; provided that none of the said lots may be reconveyed other than for purposes of resale in the absence of a well which meets the requirements of section 35-37(a) of this article unless otherwise exempted under the provisions of this subsection.
- (3) An unimproved lot which is not to be used for residential purposes within five (5) years from the date of conveyance; provided that there is compliance with the notice and waiver provisions of subsections (b), (c), and (d) of this section.

(f) The county critical water areas include all property underlain by the Loch Raven Schist and/or the Jones Falls Schist as delineated on the 1976 Geologic Map of Baltimore County and City prepared for the state by Crowley, Reinhardt and Cleaves.

(g) Any provisions of this article notwithstanding, no building permit shall be issued for the construction of a residence on any lot not served by a public or community water supply system unless the lot has a well which meets the requirements of section 35-37(a) of this article. (Code 1978, § 13-118; Bill No. 173, 1989, § 2)

#### **Sec. 35-39. Conveyance of improved lots.**

(a) Except as otherwise provided, an improved lot which is not served by a public or community water supply system may not be conveyed unless it has a water supply which meets the requirements of section 35-37(a) and (b) of this article.

(b) The prospective buyer(s) of any improved lot not served by a public or community water supply system shall have the right to waive the yield test and/or the chemical quality test provided in section 35-37(a) and (b) and take conveyance of such improved lot, but only after written notice to the buyer(s) of the provisions of subsection (a) of this section in the form provided below and written waiver in the form prescribed below filed by the buyer(s) with the department of environmental

protection and resource management at least six (6) days prior to settlement and/or the date of conveyance to buyer(s), whichever shall first occur. Said written waiver shall not be effective until the sixth day after filing, as aforesaid, and during the five (5) days immediately preceding said effective date, said waiver may be revoked by buyer(s) upon written notice of such revocation delivered or mailed by certified mail, postage prepaid, return receipt requested, to seller or seller's agent at seller's(s') home or business address or the business address of seller's(s') agent within said five-day period. Date of delivery shall include the date of mailing as aforesaid.

(c) The form of written notice to buyer(s) shall be as follows:

#### **NOTICE OF WELL WATER LAW**

Since the property to be purchased by buyer(s) will be served by a private water supply system as the source of domestic water, the law of Baltimore County requires that, prior to conveyance of such property to any buyer(s), seller(s) must provide a well with a supply of water meeting the minimum water yield requirements and bacteriological and chemical quality standards of section 35-37(a) and (b) of the Baltimore County Code. Buyer(s) is further advised that the quantity and quality of water is important and that, unless buyer(s) specifically executes a waiver of testing for minimum water yield and chemical quality standards, such tests must be made on the well existing on the property to be purchased by buyer(s) to determine whether same meets the minimum requirements established by Baltimore County Code. Any waiver of these testing requirements must be filed by buyer(s) on the form prescribed by the Baltimore County Code and filed with the Baltimore County Department of Environmental Protection and Resource Management at least six (6) days prior to settlement and/or the date of conveyance to buyer(s), whichever shall first occur. Any such waiver may be revoked by buyer(s) upon written notice of such revocation delivered or mailed by certified mail, postage prepaid, return receipt requested, to seller(s) or seller's(s') agent at seller's(s') home or business address

requirements of section 35-37(a) of this article unless otherwise exempted under the provisions of this subsection.

- (2) A subdivision or portion thereof conveyed for the purpose of resale; provided that none of the said lots may be reconveyed other than for purposes of resale in the absence of a well which meets the requirements of section 35-37(a) of this article unless otherwise exempted under the provisions of this subsection.
- (3) An unimproved lot which is not to be used for residential purposes within five (5) years from the date of conveyance; provided that there is compliance with the notice and waiver provisions of subsections (b), (c), and (d) of this section.

(f) The county critical water areas include all property underlain by the Loch Raven Schist and/or the Jones Falls Schist as delineated on the 1976 Geologic Map of Baltimore County and City prepared for the state by Crowley, Reinhardt and Cleaves.

(g) Any provisions of this article notwithstanding, no building permit shall be issued for the construction of a residence on any lot not served by a public or community water supply system unless the lot has a well which meets the requirements of section 35-37(a) of this article. (Code 1978, § 13-118; Bill No. 173, 1989, § 2)

**Sec. 35-39. Conveyance of improved lots.**

(a) Except as otherwise provided, an improved lot which is not served by a public or community water supply system may not be conveyed unless it has a water supply which meets the requirements of section 35-37(a) and (b) of this article.

(b) The prospective buyer(s) of any improved lot not served by a public or community water supply system shall have the right to waive the yield test and/or the chemical quality test provided in section 35-37(a) and (b) and take conveyance of such improved lot, but only after written notice to the buyer(s) of the provisions of subsection (a) of this section in the form provided below and written waiver in the form prescribed below filed by the buyer(s) with the department of environmental

protection and resource management at least six (6) days prior to settlement and/or the date of conveyance to buyer(s), whichever shall first occur. Said written waiver shall not be effective until the sixth day after filing, as aforesaid, and during the five (5) days immediately preceding said effective date, said waiver may be revoked by buyer(s) upon written notice of such revocation delivered or mailed by certified mail, postage prepaid, return receipt requested, to seller or seller's agent at seller's(s') home or business address or the business address of seller's(s') agent within said five-day period. Date of delivery shall include the date of mailing as aforesaid.

(c) The form of written notice to buyer(s) shall be as follows:

**NOTICE OF WELL WATER LAW**

Since the property to be purchased by buyer(s) will be served by a private water supply system as the source of domestic water, the law of Baltimore County requires that, prior to conveyance of such property to any buyer(s), seller(s) must provide a well with a supply of water meeting the minimum water yield requirements and bacteriological and chemical quality standards of section 35-37(a) and (b) of the Baltimore County Code. Buyer(s) is further advised that the quantity and quality of water is important and that, unless buyer(s) specifically executes a waiver of testing for minimum water yield and chemical quality standards, such tests must be made on the well existing on the property to be purchased by buyer(s) to determine whether same meets the minimum requirements established by Baltimore County Code. Any waiver of these testing requirements must be filed by buyer(s) on the form prescribed by the Baltimore County Code and filed with the Baltimore County Department of Environmental Protection and Resource Management at least six (6) days prior to settlement and/or the date of conveyance to buyer(s), whichever shall first occur. Any such waiver may be revoked by buyer(s) upon written notice of such revocation delivered or mailed by certified mail, postage prepaid, return receipt requested, to seller(s) or seller's(s') agent at seller's(s') home or business address

State of Maryland in and for Baltimore County personally appeared GEORGE WILLIAM NEUBERT JR AND GRACE W NEUBERT his wife the within named Grantors and they acknowledged the foregoing Deed to be their respective act

IN TESTIMONY WHEREOF I hereunto set my hand and Notarial Seal

(Notarial Seal)

Edward C Golder

Notary Public

Recorded Dec 19 1945 at 12 Noon and exd per

Robert J Spittel

Clerk

(Recorded by C A B)

(Exd by JRF)

100892	) THIS DEED Made this 8th day of February in the
Anna Emory Warfield Home	) year one thousand nine hundred and forty-six by
for Aged Women Incorporated	) and <del>between the ANNA EMORY WARFIELD HOME FOR AGED</del>
ET AL	) <del>WOMEN INCORPORATED</del> a body corporate duly incorpora-
DEED TO	) ted under the Laws of the State of Maryland party
Francis Small and wife	) <del>of the first part DOUGLAS R SMALL AND ELEANOR SMALL</del>
U S S \$71.50	) his wife of Baltimore County in the State of
S S \$65.00	) Maryland <del>parties of the second part FRANCIS</del>
	) <del>SMALL AND MIRIAM E W SMALL his wife of Baltimore</del>
	) <del>County in the State of Maryland parties of the third part</del>

WITNESSETH THAT WHEREAS by a Decree of the Circuit Court for Baltimore County in Equity dated on the 5th day of June 1945 and passed in a cause filed in said Court entitled "Anna Emory Warfield Home for Aged Women Incorporated vs Henry Maccler Warfield et al" Equity Docket No 46 folio 187 the above named Corporation was authorized and empowered to make sale of the five pieces or parcels of ground and the improvements thereon either at public or private sale

AND WHEREAS the said party of the first part in compliance with all the requisites of said decree did sell at private sale the said five fee simple lots or parcels of ground unto the said Douglas R Small et al for the sum of Sixty-five thousand Dollars (\$65,000.00)

AND WHEREAS the aforesaid sale has been duly reported to and ratified and confirmed by the said Circuit Court for Baltimore County in Equity

AND WHEREAS the purchase money aforesaid had been fully paid and satisfied to the said party of the first part

AND WHEREAS subsequent thereto the said Douglas R Small has sold the said five fee simple lots or parcels of ground unto the said parties of the third part and has requested the said party of the first part to join in the execution of these presents

NOW THEREFORE THIS DEED WITNESSETH that for and in consideration of the premises and the sum of Sixty-five thousand Dollars (\$65,000.00) paid by the said Douglas R Small

MICROFILMED TO FRANCIS SMALL BASE 1423/317 (1946)

unto the said party of the first part and in further consideration of the payment of the sum of Five Dollars (\$5.00) by the said parties of the third part to the said parties of the second part the receipt of all of which is hereby acknowledged the said party of the first part and the said parties of the second part do hereby grant and convey unto the said parties of the third part as tenants by the entireties their assigns and unto the survivor of them his or her heirs and assigns in fee simple all those five tracts or parcels of ground situate lying and being in the Tenth Election District of Baltimore County in the State of Maryland (a small acreage of the fifth tract herein described lying in the Fourth Election District of Harford County in the State of Maryland) the same being more particularly and at length described as follows that is to say

~~BEGINNING FOR THE FIRST TRACT~~ at a stone heretofore planted at the east corner of the land sold by Dr R Emory to John Thomas Tillman and at the north corner of the land belonging to John Cook and running thence and bounding on said Tillmans land ~~thence~~ <sup>1</sup>thirty-seven and one-quarters degrees west seventy-one and six-tenths perches to the center of the Merediths Ford and Jarrettsville Turnpike Road thence in the middle of said Turnpike Road <sup>2</sup>thence ~~thence~~ <sup>2</sup>sixty-six and one-half degrees east forty and one-fourth perches to the center of a culvert over a branch crossing said Turnpike near Stansturys Canning House thence <sup>3</sup>thence ~~thence~~ <sup>3</sup>sixty-six and one-quarters degrees east eight and one-quarters perches thence leaving the Turnpike and running in and with the entrance road to Thomas H Stansturys and James S Allisons <sup>4</sup>thence ~~thence~~ <sup>4</sup>south forty-five and one-half degrees east fifteen and two-tenths perches <sup>5</sup>thence ~~thence~~ <sup>5</sup>south fourteen and one-half degrees east fifteen perches <sup>6</sup>thence ~~thence~~ <sup>6</sup>south forty-five degrees east ten and nine-tenths perches <sup>7</sup>thence ~~thence~~ <sup>7</sup>south twenty-five and one-half degrees east fourteen and nine-tenths perches thence leaving said entrance road and running <sup>8</sup>thence ~~thence~~ <sup>8</sup>south forty-four and one-half degrees west five and three-quarters perches to a walnut tree thence <sup>9</sup>thence ~~thence~~ <sup>9</sup>south one degree west sixteen and one-half perches to a stone thence <sup>10</sup>thence ~~thence~~ <sup>10</sup>south two degrees east nineteen and four-tenths perches to land of Thomas H Stanbury thence bounding thereon <sup>11</sup>thence ~~thence~~ <sup>11</sup>south sixty-eight degrees west fifteen and one-quarter perches to a black oak tree thence bounding on the land of John Cook <sup>12</sup>thence ~~thence~~ <sup>12</sup>north thirty-nine and one-half degrees west twenty perches to the beginning ~~containing twenty-one acres two rods and thirty-nine square perches more or less~~

BEING the same tract or parcel of land which by Deed dated September 22 1919 and recorded among the Land Records of Baltimore County in Liber W 1 C No 516 folio 260 etc was granted and conveyed by Claude K Fowle unmarried unto S Davison Garfield in fee simple

~~BEGINNING FOR THE SECOND TRACT~~ at a stone heretofore planted at the beginning of that parcel of land which by Deed dated May 6 1869 and recorded among the Land Records of Baltimore County in Liber E 1 A No 62 folio 359 etc was conveyed by Edward B Stanbury to Thomas H Stanbury and running thence <sup>1</sup>thence ~~thence~~ <sup>1</sup>north eighteen degrees forty minutes west one hundred seventy-six feet four inches to a stake in a ravine thence <sup>2</sup>thence ~~thence~~ <sup>2</sup>south sixty-four degrees twenty-six minutes west one thousand one hundred feet to a stone heretofore planted as the beginning of that parcel of land which by Deed dated February 27 1894 and recorded among the aforesaid Land Records in Liber F 1 B No 204 folio 48 etc was conveyed by James L Stanbury et al to Thomas H Stanbury and

1st & 2nd Parcel  
Base

①

running thence <sup>3</sup> south seventy degrees twenty-three minutes west one thousand seventy feet to a black oak tree thence <sup>4</sup> south thirty-four degrees seventeen minutes east seven hundred seventy feet six inches to the center of Stanburys Hill Road thence with Stanburys Mill Road <sup>5</sup> south seventy degrees forty-two minutes west six hundred forty-four feet ten inches thence with Powells Lane <sup>6</sup> south thirty-nine degrees forty-five minutes east nine hundred nineteen feet to a stake thence <sup>7</sup> north seventy degrees east one thousand six hundred forty-eight feet thence <sup>8</sup> north forty-one degrees fifty minutes east one thousand and forty-four feet to a stake thence running for a line of division north thirty-five degrees fourteen minutes west one thousand and sixty-six feet two inches to the place of beginning. ~~Containing sixty-five and seventy-two one-hundredths acres of land more or less~~

BEING the same tract or parcel of land which by Deed dated September 22 1919 and recorded among the Land Records of Baltimore County in Liber W P C No 516 folio 258 etc was granted and conveyed by Jessie B Stanbury and husband unto the said S Davies Warfield in fee simple

~~BEING~~ ~~from the third thereof~~ at a stone heretofore planted near a branch in the woods at the end of the seventh line of the second division of the late Edward E Stanburys land as divided and partitioned in February 1867 and subsequently and running thence <sup>1</sup> south two degrees east nineteen and four-tenths perches to intersect the outline of Thomas H Stanburys land as per correction of January 24 1870 thence bounding thereon with bearings of that date <sup>2</sup> north sixty-seven and one-half degrees east fifty-two and three-quarter perches to a stone on the east side of a line thence <sup>3</sup> north sixty-one degrees east sixty-six and seven-tenths perches to intersect the outline of the whole tract thence with said outline <sup>4</sup> north twenty-two and one-half degrees west forty-seven perches to a stone thence <sup>5</sup> north fifty-six degrees west fifty-nine perches to a point in the Merediths Ford and Jarrettsville Turnpike Road and bounding on the outline of said land sold to Martha S Powell (now Mrs A L Emorys land) by Deed dated March 12 1886 recorded in J W L 150 folio 181 the three following courses as per said deed viz <sup>6</sup> south forty-nine degrees west thirty-two perches <sup>7</sup> south sixty-three degrees west thirty-six perches and <sup>8</sup> south sixty-five degrees west seven and three-quarters perches to the private entrance road from said Turnpike to said Stanburys residence thence leaving the Turnpike and running with and bounding on said entrance road the four following courses as per Magnetic bearings of the present date <sup>9</sup> south forty-five and one-half degrees east fifteen and two-tenths perches to a stone now planted thence <sup>10</sup> south fourteen and one-half degrees east fifteen perches to a stone now planted thence <sup>11</sup> south forty-five degrees east ten and nine-tenths perches to a stone now planted thence <sup>12</sup> south twenty-five and one-half degrees east fourteen and nine-tenths perches to a stone now planted thence leaving said private road and running <sup>13</sup> south forty-four and one-half degrees west five and three-quarter perches to a walnut tree and thence <sup>14</sup> south one degree west sixteen and one-half perches to the beginning. ~~Containing fifty-nine acres three rods and twenty-eight square perches of land more or less~~

3 Paral Base



BEING the same tract or parcel of land which by Deed dated November 18 1919 and recorded among the Land Records of Baltimore County in Liber W P C No 519 folio 126 etc was granted and conveyed by Frederick L Graefe and wife unto the said S Davias Warfield in fee simple

~~BEGINNING FOR THE FOURTH THEREOF~~ on the center of the "Old York Road " and at the end of the south forty-five and one-half degrees west one-hundred thirty-four and three-quarters perch line of the land which by Deed dated on or about February 1 1909 and recorded among the Land Records of said County in Liber W P C No 339 folio 52 etc was conveyed by William Cochran and wife to said Sidney Watters thence running with and binding on outlines of said land and on or near the center of said road and as now surveyed the following courses and distances <sup>1</sup> north seven and one-half degrees west eighteen perches <sup>2</sup> north five degrees west twenty perches <sup>3</sup> north four degrees east thirteen perches <sup>4</sup> north thirty-eight degrees west fifteen perches <sup>5</sup> north fifty-five degrees west twenty-nine perches <sup>6</sup> north seventy-one and one-quarter degrees west twenty-six and seven-tenths perches and thence binding on a part of the north sixty and three-quarters degrees west seventeen and four-tenths perch line of said Deed and on or near the center of said road <sup>7</sup> north fifty-eight and three-quarters degrees west fourteen and six-tenths perches thence leaving said outlines and said "Old York Road" and running for lines of division to wit <sup>8</sup> north five degrees east fifteen and one-tenth perches along the easterly side of the private road leading to the dwelling house on the land of said Watters and about two feet more or less from the fence on said last named road which said road is to be used in common by the said grantors and grantees hereof their heirs and assigns thence binding on the eastern side of said private road <sup>9</sup> north eighteen degrees east ten and two-tenths perches to a stake thence still binding on the east side of said private road <sup>10</sup> north twenty-one and one-quarter degrees east five and sixty-three one-hundredths perches to a stake thence binding on the southeast side of said private road <sup>11</sup> north two hundred twelve and one-half degrees east twenty-nine and one-tenth perches to a stake thence binding on the southerly side of said right-of-way <sup>12</sup> north seventy-nine degrees east twenty-four perches to a planted stake in the south side of an apple tree thence leaving said roadway and still running by lines of division <sup>13</sup> south twelve and one-half degrees east eleven and ninety-four one-hundredths perches to a planted stake on the west bank of a spring branch thence <sup>14</sup> south eighty-six and one-quarter degrees east twenty-five and sixty-three one-hundredths perches to a stake on the south side of a fence post thence <sup>15</sup> south forty and one-quarter degrees east six and six-tenths perches to a planted iron pin near the southeast corner of the barn-yard thence binding in part on the east side of the barnyard <sup>16</sup> north fifty-one and one-half degrees east twenty-five and twenty-one one-hundredths perches to a planted iron pin thence <sup>17</sup> north forty degrees west thirty and nine-tenths perches to a planted iron pin thence <sup>18</sup> north fifty and one-half degrees east fifty-five and forty-eight one-hundredths perches to a fence post standing on the south sixty-four and three-quarters degrees east forty-eight and four-tenths perches line of said Deed from said Cochran and wife to said Watters and thence binding on said line and the land of Mrs Elizabeth Valentine <sup>19</sup> south sixty-three and three-quarters degrees east

4th Parcel  
Base

1

twenty-nine and fifty-three one-hundredths perches to a planted fence post thence binding on and running with the outlines of said Watters Deed and also that of said Mrs Valentines <sup>20</sup> south five and three-quarters degrees west twenty-six perches to a fence post thence <sup>21</sup> south eighteen degrees east eighty-three perches to a fence post in the center of an old road now abandoned and thence binding on the outline of said Watters land and on or near the center of said abandoned road <sup>22</sup> south forty-eight and one-quarter degrees west one-hundred thirty-five and one-half perches to the first place of beginning. ~~CONTAINING ONE HUNDRED NINE ACRES AND SIXTY-TWO SQUARE PERCHES OF LAND MORE OR LESS.~~

TOGETHER WITH the use of the private road as aforesaid and the use of a road sixteen feet wide for the use of the said parties of the third part the said sixteen foot road to be an extension of the said private road in its present direction to intersect the north forty degrees west thirty and nine-tenths perches line of the above description

HAVING the same tract or parcel of land which by Deed dated June 10 1924 and recorded among the Land Records of Baltimore County in Liber W P C No 195 folio 168 etc was granted and conveyed by Sidney Watters and wife to the said S Davies Warfield in fee simple

~~CONTAINING FORTY-FIVE ACRES~~ In the center line of the Merediths Ford and Jarrovettsville Turnpike Road as established August 9 1918 for the County Commissioners of Baltimore County where the center line of said road intersects the center line of the Little Falls of the Gunpowder River said place of beginning being in the dividing line between Baltimore and Harford Counties and being also the northeasternmost end of said road as established for said County Commissioners of Baltimore County and running thence binding on the center line of said road as established as aforesaid south thirty-four degrees and five minutes west one hundred seventy-six feet south fifty-three degrees and five minutes west five hundred thirty-four feet south sixty-six degrees and fourteen minutes west four hundred twenty-one feet and one inch south sixty-six degrees and thirty-eight minutes west five hundred forty-nine feet and five inches south sixty-seven degrees and forty-three minutes west four hundred four feet and eight inches south sixty-five degrees and eleven minutes west five hundred forty-seven feet and five inches south sixty-four degrees and seventeen minutes west one hundred thirty-two feet south sixty degrees and seven minutes west one hundred three feet to a point <sup>11</sup> north twenty-six degrees and fifty-six minutes west twenty feet from a stone on the southeast side of said road said point being the beginning of the fourth line of the parcel of land described in a Deed from R Emory and wife to John T Tillman dated July 1 1893 and recorded among the Land Records of Baltimore County in Liber L B NO 199 folio 192 etc thence still binding on the center line of said Merediths Ford and Jarrovettsville Turnpike Road established as aforesaid <sup>9</sup> south fifty-eight degrees and ten minutes west two hundred forty-two feet and <sup>10</sup> south sixty degrees and nineteen minutes west forty-two feet four inches to intersect a line drawn south seventeen degrees and fifty-seven minutes east from a stone now planted near the northwest side of said road thence leaving said road and binding reversely on said line so drawn and continuing

5th Parcel Base

(1)





LAW OFFICES  
J. CARROLL HOLZER, PA  
THOMAS J. LEE  
J. HOWARD HOLZER  
1907-1989

TOWSON OFFICE  
305 WASHINGTON AVENUE  
SUITE 502  
TOWSON, MD 21204  
(410) 825-6961  
FAX: (410) 825-4923

CARROLL COUNTY OFFICE  
1315 LIBERTY ROAD  
ELDBERSBURG, MD 21784  
(410) 795-8556  
FAX: (410) 795-5535

June 20, 1994  
#6672

HAND DELIVERED  
Mr. William Hackett, Chairman  
County Board of Appeals  
Basement, Old Courthouse  
Towson, MD. 21204

Re: In the Matter of Douglas Small  
Case No. 92-466-SPH

Dear Chairman Hackett:

Please be advised that the above captioned hearing is scheduled for Thursday, June 23, 1994. I have to be out of town on that date and respectfully request a postponement of the above captioned case until a later date.

Very truly yours,

J. Carroll Holzer

cc: Doug Burgess  
People's Counsel

94 JUN 20 PM 12:33

CARROLL COUNTY BOARD OF APPEALS

the same course in all ~~north~~ <sup>11</sup> ~~seventeen~~ degrees and fifty-seven minutes west one thousand six hundred thirty-three feet and six inches to a stone now planted thence ~~north~~ <sup>12</sup> ~~fifty-~~ one degrees and twenty-three minutes east eight hundred eighty-three feet to a stone now planted thence ~~north~~ <sup>13</sup> ~~twenty-four~~ degrees and thirty-nine minutes west eighty feet to a stone now planted thence ~~north~~ <sup>14</sup> ~~sixty-six~~ degrees and twenty-four minutes east one hundred forty-five feet to a stone now planted thence ~~south~~ <sup>15</sup> ~~thirty-nine~~ degrees and sixteen minutes west forty feet to a stone now planted thence ~~south~~ <sup>16</sup> ~~eighty-four~~ degrees and sixteen minutes east four hundred fifty-nine feet to a stone now planted thence ~~north~~ <sup>17</sup> ~~fifty~~ degrees and eight minutes east one thousand four hundred fifty-three feet to a stone now planted thence ~~south~~ <sup>18</sup> ~~fifty-eight~~ degrees and thirty minutes east crossing the Little Falls of the Gunpowder River one thousand five hundred eighty-eight feet to a stone now planted on the northwest side of the Herediths Ford and Jarrettsville Road thence still ~~south~~ <sup>19</sup> ~~fifty-eight~~ degrees and thirty minutes east twenty feet to the center line of said road and thence binding on the center line of said road ~~south~~ <sup>20</sup> ~~thirty-four~~ degrees and ten minutes west nine hundred thirteen feet and three inches to the place of beginning ~~Containing one-hundred thirty-six and fourteen one-hundredths acres of land more or less of which one hundred twenty-three and seventy-eight one-hundredths acres more or less lie in Baltimore County and twelve and thirty-six one-hundredths acres more or less lie in Harford County~~

TOGETHER WITH the exclusive right to develop maintain convey and take water from the spring or spring head set forth and mentioned in a Deed from Theodore W Forbes et al Executors etc unto the said S Davies Warfield dated July 14 1919 and recorded among the Land Records of Baltimore County in Liber W P C No 510 folio 428 etc and also recorded among the Land Records of Harford County in Liber J A R No 164 folio 276 etc

BEING the same parcel of tract of land mentioned and described in the aforesaid Deed from Theodore W Forbes et al Executors etc to the said S Davies Warfield hereinbefore referred to and recorded as aforesaid

TOGETHER with the buildings and improvements thereupon and the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

TO HAVE AND TO HOLD the said lots of ground and premises unto and to the use of the said parties of the third part tenants by the entireties their assigns and unto the survivor of them his or her heirs and assigns in fee simple forever

AND the said parties of the second part namely Douglas R Small and Jane W Small his wife hereby covenant that they have not done nor suffered to be done any act matter or thing whatsoever to encumber the properties hereby granted that they will warrant specially the property hereby granted and conveyed and they will execute such further assurances of said land as may be requisite

WITNESS the signature of the said body corporate by the hand of Henry M Warfield its president and its corporate seal hereto affixed and also

WITNESS the hands and seals of the parties of the second part hereto

5th Parcel  
Base

11

Attest

Sarah V Planchard

Secretary

Witness

Edward C Golder

Witness

Edward C Golder

ANNA EMORY WARFIELD HOME FOR AGED  
WOMEN INCORPORATED

(Corporate Seal)

By Henry M Warfield  
President

Douglas R Small (SEAL)

Jane W Small (SEAL)

STATE OF MARYLAND BALTIMORE CITY TO WIT

I HEREBY CERTIFY That on this 8th day of February in the year one thousand nine hundred and forty-six before me the subscriber a Notary Public of the State of Maryland in and for Baltimore County personally appeared Henry M Warfield the President of ANNA EMORY WARFIELD HOME FOR AGED WOMEN INCORPORATED one of the within named Grantors and he acknowledged the foregoing Deed to be the act of said body corporate

AS WITNESS my hand and notarial Seal

(Notarial Seal)

Edward C Golder  
Notary Public

STATE OF MARYLAND CITY OF BALTIMORE TO WIT

I HEREBY CERTIFY That on this 8th day of February in the year one thousand nine hundred and forty-six before me the subscriber a Notary Public of the State of Maryland in and for Baltimore County personally appeared DOUGLAS R SMALL AND JANE W SMALL his wife two of the within named grantors and they acknowledged the foregoing Deed to be their respective act and in my presence signed and sealed the same

AS WITNESS my hand and Notarial Seal

(Notarial Seal)

Edward C Golder  
Notary Public

Recorded Feb 11 1946 at 12:20 P M and exd per

Robert J Spittel  
Clerk

(Recorded by C A E)

(Exd by W & K)



G.L.B. 1815, folio 13, conveyed to Samuel H. Shriver and Eleanor R. Shriver, his wife, covering a tract of 136.14 acres, more or less, and being the same tract of parcel of land fifthly described in the aforesaid deed from the Anna Emory Warfield Home, etc.

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

To Have and To Hold the said lots of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Douglas R. Small, his - - - - - heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors.

TEST:

W. H. Lathrop  
W. H. Lathrop

A. H. Syren  
A. H. Syren

Francis Small (SEAL)  
Francis Small

Miriam E. W. Small (SEAL)  
Miriam E. W. Small

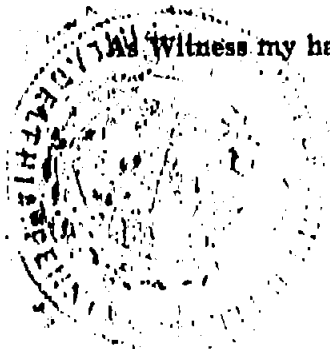
STATE OF PENNSYLVANIA, CITY AND COUNTY OF PHILADELPHIA, TO WIT:

I HEREBY CERTIFY, That on this 22d day of April,

in the year one thousand nine hundred and fifty-two, before me, the subscriber, a Notary Public of the State of Pennsylvania, in and for the County and City of Philadelphia aforesaid, personally appeared FRANCIS SMALL and MIRIAM E. W. SMALL, his wife,

the above named grantors, and they acknowledged the foregoing Deed to be their act.

Witness my hand and Notarial Seal.



Amelia H. Syren, Notary Public.  
NOTARY PUBLIC  
My Commission Expires January 4, 1953

In the Courts of Common Pleas of Philadelphia County  
State of Pennsylvania }  
County of Philadelphia, ss.

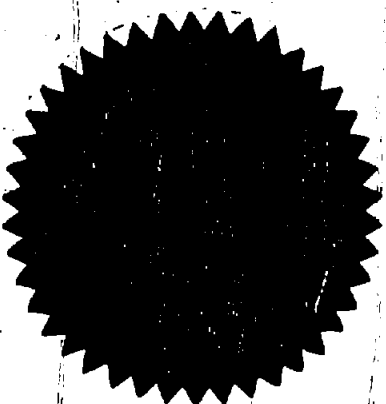
I, Meredith Hanna, Prothonotary of the Courts of Common Pleas of said county, which are Courts of Record having a common seal, being the officer authorized by the laws of the State of Pennsylvania to make the following Certificate,

do Certify, That Amelia H. Syren, Esquire, whose name is subscribed to the certificate of the acknowledgment of the annexed instrument and thereon written, was at the time of such acknowledgment a NOTARY PUBLIC for the Commonwealth of Pennsylvania, residing in the County aforesaid, duly commissioned and qualified to administer oaths and affirmations and to take acknowledgments and proofs of Deeds or Conveyances for lands, tenements and hereditaments to be recorded in said State of Pennsylvania, and to all whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere; and that I am well acquainted with the hand writing of the said NOTARY PUBLIC and verily believe the signature thereto is genuine, and I further certify that the said instrument is executed and acknowledged in conformity with the laws of the State of Pennsylvania.

The impression of the seal of the Notary Public is not required by law to be filed in this office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, this 22nd day of APRIL, 1952, in the year of our Lord one thousand nine hundred and fifty-two (1952).

Benjamin C. Clark, Prothonotary.  
Benjamin C. Clark, Deputy Prothonotary  
Durante Absentia, Secundum Legem.



REC'D FOR RECORD April 26, 1952 - 10:45 A.M. & RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, LIBER G.L.B. 2102 FOLIO 453 GEORGE L. BYERLY, CLERK.

This Deed, Made this

10<sup>th</sup>

day of ~~June~~ July

in the year one thousand nine hundred and sixty-two, by and between DOUGLAS R.

SMALL and JANE W. SMALL, his wife

of Baltimore County, in the State of Maryland, of the first part, and

FRANCIS SMALL, of Baltimore County, in the State of Maryland, - - - -

of the second part.

Witnesseth, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, - - - -

the said Douglas R. Small and Jane W. Small, his wife, - - - -

do grant and convey unto the said Francis Small, his - - - -

heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Baltimore County, Maryland, aforesaid, and described as follows, that is to say:—

Beginning for the same in the center of Allison Road at a point distant North 72 degrees 01 minute 30 seconds East (as the course is referred to the magnetic meridian of 1958) 1047.27 feet from a Black Oak Tree standing at the beginning of the fourth line of the parcel of land secondly described in a deed dated February 8, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1423 folio 317 which was conveyed by the Anna Emory Warfield Home for Aged Women Incorporated to Francis Small and wife, said place of beginning also being distant 713.24 feet measured northerly along the center of Allison Road from the intersection of the center of Allison Road with the center of Stansbury Mill Road and running thence and binding in the center of Allison Road South 4 degrees 29 minutes East 244 feet, thence leaving said road and running for lines of division the four following courses and distances viz: South 85 degrees 47 minutes 30 seconds West, passing over a pipe set near the west side of Allison Road and binding for a part on a fence there situate, 472.04 feet to a pipe, North 4 degrees 12 minutes 30 seconds West 174.04 feet to a pipe, North 77 degrees 48 minutes East 161.36 feet to a pipe and North 77 degrees 06 minutes 20 seconds East, passing over a pipe set near the west side of Allison Road, 314.68 feet to the place of beginning.

Containing 2.26 Acres of land more or less.

Being a part of the land which by a deed dated April 22, 1952 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2102 folio 453 was conveyed by Francis Small and wife to Douglas R. Small.

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

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Francis Small, his



heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seal of said grantors

TEST:

Handwritten signatures of Douglas R. Small and Jane W. Small, with printed names below. A circular notary seal is visible to the right.

STATE OF MARYLAND, COUNTY OF BALTIMORE

to wit:

I HEREBY CERTIFY, That on this 10th day of June, July, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County of Baltimore aforesaid, personally appeared Douglas R. Small and Jane W. Small, his wife,

the above named grantors, and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.

TRANSFER TAX NOT REQUIRED

Norman W. Wood  
Director of Finance

Per: [Signature]  
Authorized Signature

Handwritten signature of Notary Public, Notary Seal, and recording information: Rec'd for record AUG 2 1962, Per Walter J. Rasmussen, Clerk, Mail to James J. Rasmussen, Receipt No. 226357.



Maryland  
PCA

# DEED OF TRUST

(Real Estate)

THIS DEED OF TRUST, made this 12th day of June  
in the year nineteen hundred and seventy-nine, by and between DOUGLAS R. SMALL  
and JENNIFER R. SMALL, his wife

JUN 12-79 253124# \*\*\*339.00  
JUN 12-79 253124CS \*\*\*320.00  
JUN 12-79 253123C# \*\*\*19.00

of Baltimore County, in the State of Maryland, hereinafter called the  
"Grantor" and PAUL A. NEWCOMER and RICHARD A. McALLISTER of the  
counties of Harford and Baltimore, State  
of Maryland, respectively, Trustees, either or both of whom may act, hereinafter called "Trustee".

WITNESSETH: That for value received the said Grantor doth hereby grant and convey unto the said Trustee the following property, to wit:

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

BEGINNING for the same at a stone heretofore set at the beginning of the parcel of land secondly described in a deed dated February 8, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1423 folio 317 which was conveyed by Anna Emory Warfield Home for Aged Women Incorporated et al to Francis Small and wife and running thence with and binding on the first line of said parcel of land, North 19 degrees 02 minutes West 176.33 feet to the beginning of the fourth line of the parcel of land thirdly described in the afore-said deed, thence running with and binding on the fourth and fifth lines of said last mentioned parcel of land, North 19 degrees 02 minutes West 781.67 feet and North 51 degrees 32 minutes West 966 feet to a point in the center of the Jarrettsville Road and in the first line of a parcel of land which by a deed dated January 12, 1971 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5158 folio 110 was conveyed by Thomas Sheridan and wife to Robert W. Povleski and wife, thence running with and binding on a part of said first line and on the second, third, fourth and fifth lines and on a part of the sixth line of said parcel of land and binding in the center of the Jarrettsville Road, the six following courses and distances viz: South 34 degrees 05 minutes West 41.28 feet, South 53 degrees 05 minutes West 534 feet, South 66 degrees 14 minutes West 421.08 feet, South 66 degrees 38 minutes West 549.42 feet, South 67 degrees 43 minutes West 404.67 feet and South 65 degrees 11 minutes West 139.70 feet to the end of the first line of the parcel of land firstly described in the afore-said deed from Anna Emory Warfield Home for Aged Women Incorporated et al to Francis Small and wife, thence leaving said road and binding reversely on the first and last lines of said parcel of land, the two following courses and distances viz: South 35 degrees 07 minutes East 1174.62 feet to a large stone heretofore set and South 35 degrees 07 minutes East 329.08 feet to a black oak tree standing at the beginning of the fourth line of the aforesaid first herein referred to secondly described parcel of land, thence running with and binding on said fourth line, South 35 degrees 07 minutes East 782.10 feet to a point in the center of the Stansbury Mill Road and in the seventeenth or South 71 degrees 33 minutes 20 seconds West 650 foot line of a parcel of land which by a deed dated June 5, 1957 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3173, folio 237 was conveyed by Douglas R. Small and wife to Calvin K. Braecklein and wife, thence binding reversely on a part of the seventeenth line and reversely on the sixteenth line of

7 pages  
136.14  
RRG 4264  
352  
Feb 4, 1964  
Harford CO  
641/420  
1 map  
7 pages  
34.86A

L-80-Md.  
12:77

For Release see

PARTIAL RELEASE

Liber 5156 Fol. 52

LIBER 6931 FOLIO 554

WRJ 3816/341 Mar 3, 1961 / 2564-186

1 map  
12.66  
A

said parcel of land, the two following courses and distances viz: North 69 degrees 55 minutes 43 seconds East 291.61 feet and North 65 degrees 48 minutes 20 seconds East 373 feet, thence leaving Stansbury Mill Road and binding in the bed of Allison Road, North 5 degrees 00 minutes West 145 feet to the beginning of the fifteenth or North 77 degrees 27 minutes 40 seconds East 203 foot line of a parcel of land which by a deed dated July 15, 1964 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4330 folio 462 was conveyed by Douglas R. Small and wife to the State of Maryland to use of Department of Forests and Parks, thence leaving Allison Road and running with and binding on the fifteenth to twenty-fourth lines inclusive of said parcel of land, the ten following courses and distances viz: North 85 degrees 07 minutes 40 seconds East 113.50 feet, North 85 degrees 07 minutes 40 seconds East 85.35 feet, North 4 degrees 52 minutes 20 seconds West 113.50 feet, North 85 degrees 07 minutes 40 seconds East 323.25 feet, North 23 degrees 36 minutes 06 seconds East 249 feet, North 83 degrees 06 minutes 08 seconds East 277.85 feet, South 57 degrees 19 minutes 41 seconds East 268.46 feet, South 26 degrees 51 minutes 45 seconds East 148.09 feet and North 87 degrees 09 minutes 11 seconds East 336.18 feet to the beginning of the last line of the parcel of land secondly described in the aforesaid deed from Anna Emory Warfield Home for Aged Women Incorporated et al to Francis Small and wife and thence running with and binding on said last line, North 35 degrees 34 minutes West 1066.20 feet to the place of beginning. M.S.P.

SAVING AND EXCEPTING therefrom all that parcel of land containing 2.26 Acres more or less which by a deed dated July 10, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 4024 folio 567 was conveyed by Douglas R. Small and wife to Francis Small.

THE net area hereby conveyed being 114.65 Acres of land more or less, as described in a description prepared from Deeds by Gerhold, Cross & Etzel, Registered Professional Land Surveyors on March 8, 1979.

BEING a part of the land which by a deed dated April 22, 1952 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2102 folio 453 was conveyed by Francis Small and wife to Douglas R. Small.

SUBJECT to a Right of Way Agreement dated July 8, 1963 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4170 folio 453 between Douglas R. Small and wife and the Colonial Pipeline Company.

TOGETHER with all hereditaments and appurtenances hereunto belonging and all improvements thereon and all fixtures and accessories now or hereafter annexed or attached thereto.

IN TRUST to secure unto the TOWSON PRODUCTION CREDIT ASSOCIATION of Bel Air (hereinafter called "Beneficiary") the payment when due of all indebtedness of the Grantor to the Beneficiary now existing or hereafter arising within TEN years from the date hereof in amounts not exceeding in the aggregate outstanding at any one time the sum of Eighty Thousand and 00/100 - - - - - DOLLARS (\$ 80,000.00 ); together with interest thereon in accordance with the terms of the note or notes evidencing such indebtedness; and IN TRUST to secure unto the Beneficiary the performance of each and every covenant and agreement of this deed of trust and of the notes secured hereby;

Notwithstanding anything to the contrary herein contained, the indebtedness secured by this deed of trust shall not include any indebtedness now existing or arising in the future between the same parties hereto secured by lands not described herein.

WHEREVER used herein the masculine gender shall include the feminine and neuter and the neuter gender shall include the masculine and feminine and the singular form shall include the plural and all the covenants and agreements of Grantor shall extend to and bind his heirs, devisees, successors and assigns.

The Grantor covenants and agrees with the Trustee and Beneficiary as follows:

First: That nothing herein contained shall be construed to obligate the Beneficiary to make loans and advances to the Grantor and that the sole purpose of this deed of trust is to provide collateral security for presently existing indebtedness and for loans and advances which in the absolute discretion of the Beneficiary may hereafter be made to the Grantor;

Second: That he warrants specially the property hereby conveyed; that he is seized thereof in fee simple and has a right to convey same; that he has done no act to encumber the same; that he will execute such further assurances thereof as may be requisite; and that he will use the proceeds of loans secured hereby solely for the purposes set forth in his applications for said loans;

Third: That should the title to the herein described property be acquired by any person, persons, partnership or corporation, other than the Grantor, by voluntary or involuntary grant or assignment, or in any other manner without the Beneficiary's written consent, or should the same be encumbered by the Grantor, his heirs, personal representatives and assigns, without the Beneficiary's written consent, then all said indebtedness shall at the option of the Beneficiary immediately become due and owing as herein provided;

Fourth: That he will pay or cause to be paid when due said principal sum of all indebtedness hereby secured, and any renewals or extensions thereof, together with all interest thereon, and all other sums payable by him in accordance with the terms of this deed of trust and note(s) secured hereby, or any renewals or extensions and that he hereby expressly waives the benefit of all exemptions, homestead or otherwise; under the laws of this and any other state and agrees to pay the said indebtedness without any set-off whatever;

Fifth: That he will pay when due all taxes, liens, judgments or assessments heretofore or hereafter levied, assessed or constituting liens upon the property hereby conveyed; and in the event Grantor fails to pay the same or fails to maintain insurance as hereinafter provided, the Beneficiary may make such payment or provide such insurance and the amount paid therefor shall become a part of the indebtedness secured hereby and bear interest from the date of payment at the highest rate permitted by law;

Sixth: That he will keep all improvements now or hereafter located on the premises in good repair; that he will maintain and work the premises hereby conveyed in a good and husbandlike manner; that he will commit no waste and that he will not cut or remove or permit to be cut or removed any wood or timber from said premises except for domestic use without the written consent of the Trustee or Beneficiary and the Trustee or Beneficiary shall have the right of injunction or otherwise to prevent the cutting or removal of any wood or timber from said premises irrespective of whether or not the balance of the security is ample to protect the Beneficiary;

Seventh: That he will permit the Trustee or Beneficiary through its authorized agents to enter upon the mortgaged property at any reasonable time for the purpose of inspecting the order, condition and repair of the buildings, improvements and other collateral located on the premises and herein secured;

Eighth: That he will insure and keep insured buildings and other improvements now or which may hereafter be placed on the said premises against loss or damage by fire, lightning, windstorm or tornado in companies and amounts satisfactory to the Beneficiary, any policy evidencing such insurance to be deposited with and loss thereunder to be payable to the Beneficiary as its interest may appear. In the event of loss Grantor will give immediate notice by mail to the Beneficiary, who may make proof of loss if not made promptly by Grantor, and each insurance company concerned is hereby authorized and directed to make payment for such loss to the order of the Beneficiary only, instead of to the



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

April 12, 1994

NOTICE OF ASSIGNMENT

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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District  
SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

*PP'd on  
see 6/23, do  
be reset*

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

ASSIGNED FOR: THURSDAY, JUNE 23, 1994 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire Counsel for  
Protestant/Appellant  
Mr. Eric Bergland Protestant/Appellant  
Douglas L. Burgess, Esquire Counsel for Petitioner  
Stephen J. Nolan, Esquire  
Mr. Douglas R. Small Petitioner

Manor Area Association  
c/o James Constable, Esquire

People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Added to file:  
Jeffrey P. Hanes, Esquire  
(Counsel for Contract Purchasers /  
James & Laura Davison)

Kathl n C. Weid nhammer  
Administrative Assistant

PLEASE RETURN SIGN AND POST TO ROOM 49 ON DAY OF HEARING.



Grantor and the Beneficiary jointly, and the insurance proceeds, or any part thereof, may be applied by the Beneficiary at its option to the reduction of the principal balance of the debt secured hereby without regard to the amortization plan or the payment of interest and property expenses, or to the restoration or repair of the damaged property. In event of foreclosure of this deed of trust or other transfer of title to the mortgaged property in extinguishment of the indebtedness secured hereby, all right, title and interest of the Grantor in and to any insurance policies then in force shall pass to the purchaser or grantee;

Ninth: That if at any time hereafter the said Beneficiary or Trustee shall become a party to any suit or legal proceedings instituted by any third party involving the title of the land hereby conveyed, or in any way affecting the validity or integrity hereof or of the loan hereby secured, it is hereby covenanted and agreed that said Beneficiary and Trustee shall have the right to employ attorneys to represent it in such suit or other legal proceedings, and to pay such attorneys' reasonable fees for legal services rendered, and any sum so paid by the Beneficiary shall become a part of the debt hereby secured and shall be payable on demand with interest;

Tenth: That he will use the proceeds of the loan(s) secured hereby solely for the purposes set forth in his application(s) for said loan(s);

Eleventh: That he hereby assigns to the Beneficiary as additional collateral all royalties or other monies due or to become due from any surface or subsurface right or for any right or privilege other than for agricultural purposes in any way affecting or pertaining to the property hereby conveyed and all monies which may become due in any condemnation proceedings affecting the said premises, and all sums received may be applied at the option of the Bank to the discharge of any part or all of the indebtedness hereby secured, whether or not the same be due and payable or, at the option of the Bank, such sums may be returned to the Grantor, and that Grantor will not grant any surface or subsurface rights without the written consent of the Beneficiary;

Twelfth: Said Grantor hereby grants to the Beneficiary the right and power to appoint a substitute trustee, or trustees, for any cause, including declination to accept the trust, resignation, death, incapacity, disability, refusal to act, removal or absence from the state of the Trustee herein designated, or of any substituted trustee hereunder, and it is agreed that, upon the exercise of this power by the Beneficiary, the substituted trustee, or trustees, shall be vested with all the powers, rights, authorities, and duties vested in the Trustee herein designated and the Beneficiary shall designate and appoint the substitute trustee, or trustees, by an instrument duly executed and acknowledged and filed for recordation in the office of the clerk of the court wherein this deed of trust is recorded;

Thirteenth: That upon default in the payment of the indebtedness secured hereby or any part thereof as the same shall become due and payable or in the event of the breach of any of the terms, covenants and agreements of this deed of trust or of notes secured hereby or in the event the Grantor should die or file a petition under the Bankruptcy Act or make an assignment for the benefit of creditors or become insolvent or file a petition for an arrangement with creditors, the entire indebtedness secured hereby shall at the option of the Beneficiary become immediately due and payable and in addition to other remedies provided by law, the Trustee or Beneficiary shall have the right without notice to take possession of the property herein described and to operate, manage or lease the same and make any reasonable and needed expenditures for the operation, maintenance and management of the said property and expenditures thus made or expenses incurred shall become a part of the indebtedness hereby secured and shall be payable by the Grantor immediately with interest; and, further, in the event of default as aforesaid and in addition to remedies herein provided or otherwise provided by law, the Grantor hereby assents to the passage of a decree for the sale of the property herein described and it authorizes the said Trustee or successor to sell the same at public auction in the manner authorized and required by law or Rules of Court and hereby agrees that distribution of proceeds of such sale shall be made as follows: FIRST, to the payment of all expenses incident to the said sale and all other expenses of the trust including a commission to the Trustee in the amount authorized by the Rules of Court plus a fee of \$50; SECOND, to the payment of the Beneficiary of all indebtedness secured hereby with interest; and THIRD, the surplus (if any) shall be distributed to the Grantor upon the surrender of possession of the said property to the purchaser at such sale;

Fourteenth: That in the event foreclosure proceedings are commenced as authorized the same may be withdrawn or discontinued only upon payment by the Grantor of all indebtedness secured hereby and interest, all advertising expenses and court costs, and all other expenses incident to a sale by a Trustee including a commission and fee to the Trustee as hereinabove provided;

Fifteenth: That in the event said property shall be sold under the powers hereby granted, or under a decree or order of any court having jurisdiction to decree or order a sale thereof, all the annual crops pitched or cultivated thereon at the time the Trustee or Beneficiary makes its election to call the loan, and all the annual crops pitched or cultivated thereon at the time of sale shall pass with the said property to the purchaser of such sale;

Sixteenth: That without affecting the liability of the Grantor or any other person (except any person expressly released in writing) for payment of any indebtedness secured hereby or for performance of any obligation contained herein and without affecting the rights of Trustee or Beneficiary with respect to any security not expressly released in writing, and without affecting the priority of the lien of this deed of trust, Trustee or Beneficiary may, at any time and from time to time, either before or after the maturity of said indebtedness, and without notice to or the consent of any party hereto or any other party; (a) release any person liable for payment of all or any part of the indebtedness or for performance of any obligation; (b) make any agreement extending the time or otherwise altering the terms of payment of all or any part of the indebtedness, or modifying or waiving any obligation or subordinating, modifying or otherwise dealing with the lien or charge hereof; (c) exercise or refrain from exercising or waive any right Trustee or Beneficiary may have; (d) accept additional security of any kind; (e) release or otherwise deal with any property, real or personal, securing the indebtedness, including all or any part of the property conveyed hereby without affecting the lien priority of this deed of trust on the remainder of the property, for the full amount of any indebtedness unpaid;

Seventeenth: This Deed of Trust is subject to the Farm Credit Act of 1971 and all acts amendatory thereof or supplementary thereto.

WITNESS the hand and seal of the Grantor the day and year aforesaid.

WITNESS:

Susan R. Britcher  
Susan R. Britcher

Douglas R. Small (SEAL)  
Douglas R. Small

Susan R. Britcher  
Susan R. Britcher

Jennifer R. Small (SEAL)  
Jennifer R. Small

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

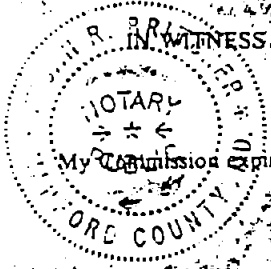
\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

STATE OF MARYLAND, COUNTY OF HARFORD, to wit:

I HEREBY CERTIFY, that on this 12th day of June, 1979, before me, the undersigned, a Notary Public of the State of Maryland, in and for the County of Harford personally appeared DOUGLAS R. SMALL and JENNIFER R. SMALL, his wife

known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained; and at the same time appeared Charles E. Smith and made oath in due form of law that the consideration set forth in said deed of trust is true and bona fide as therein set forth, and that he is the duly authorized agent of the within named Beneficiary to make this affidavit.



IN WITNESS WHEREOF I hereunto set my hand and Notarial Seal.

*Susan R. Britcher*  
Susan R. Britcher Notary Public

690  
DEED OF TRUST

300 FROM  
DOUGLAS R. SMALL and  
JENNIFER R. SMALL, his wife

TO  
PAUL A. NEWCOMER and  
RICHARD A. McALLISTER, Trustees  
TOWSON PRODUCTION  
CREDIT ASSOCIATION  
Beneficiary

Received for Record \_\_\_\_\_, 19\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M. Same day  
Recorded in Liber \_\_\_\_\_ No. \_\_\_\_\_ Folio \_\_\_\_\_  
etc. one of the Land Records of \_\_\_\_\_  
County. Recording fees, etc. \$ 14 \_\_\_\_\_ paid.  
Clerk: \_\_\_\_\_

TO THE CLERK:  
After this deed of trust has been recorded and above certificate completed, please mail to

TOWSON PRODUCTION CREDIT ASSOCIATION  
730 Belair Rd  
P.O. 648  
Bel Air MD 21014

SEARCHED  
INDEXED  
SERIALIZED  
FILED  
JUN 12 1979  
BALTO. CO.

79 JUN 12 AM 11:10  
LIBER 6032  
PAGE 690

Eric Bergd, Made this 29<sup>th</sup> day of May  
DOUGLAS R. SMALL, Personal Representative of the Estate of Miriam E.W. Small, of the State of Maryland, Grantor, and  
ERIC L. BERGLAND, JR. and ANN A. BERGLAND, his wife, of the State of Maryland, Grantees,

WITNESSETH, that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the Grantor(s) do hereby grant, convey, and assign unto the Grantee(s), as tenants by the entireties, their assigns, the survivor of them and unto the survivor's personal representatives, heirs and assigns

to have and to hold unto and to the use of said Grantee(s), as hereinabove recited, together with the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining, in fee simple

AGRICULTURAL TRANSFER TAX  
NOT APPLICABLE

STATE DEPARTMENT OF  
ASSESSMENTS & TAXATION

SIGNATURE *[Signature]* DATE *6-5-85*

*[Signature]* 6585  
Baltimore County DATE *6-5-85*, State of

all that lot or lots of ground and premises situate in Maryland, and described as follows:

BEGINNING for the same in the center of Allison Road at a point distant North 72 degrees 01 minute 30 seconds East (as the course is referred to the magnetic meridian of 1958) 1047.27 feet from a Black Oak Tree standing at the beginning of the fourth line of the parcel of land secondly described in a deed dated February 8, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1423 folio 317 which was conveyed by the Anna Emory Warfield Home for Aged Women Incorporated to Francis Small and Wife, said place of beginning also, being distant 713.24 feet measured northerly along the center of Allison Road from the intersection of the center of Allison Road with the center of Stansbury Mill Road and running thence and binding in the center of Allison Road South 4 degrees 29 minutes East 244 feet, thence leaving said road and running for lines of division the four following courses and distances viz: South 85 degrees 47 minutes 30 seconds West, passing over a pipe set near the west side of Allison Road and binding for a part on a fence there situate 472.04 feet to a pipe, North 4 degrees 12 minutes 30 seconds West 174.04 feet to a pipe, North 77 degrees 48 minutes East 161.36 feet to a pipe and North 77 degrees, 05 minutes 20 seconds East, passing over a pipe set near the west side of Allison Road, 314.68 feet to the place of beginning. Containing 2.26 Acres of land more or less. The improvements thereon being known as 15024 Allison Road.

BEING the same property which by Deed dated July 10, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 4024, folio 567, was granted and conveyed by Douglas R. Small and wife to Francis Small, who departed this life on December 3, 1969, leaving a Last Will and Testament which has been duly probated and is now of record in the office of the Register of Wills of Baltimore County in Wills Liber J.L.D. No. 116, folio 361, which Last Will and Testament bequeathed the described property to Miriam E.W. Small, who departed this life on . See Estate of Miriam E.W. Small in Orphans Court of Carroll County, wherein the said Douglas R. Small was duly appointed Personal Representative.

THE GRANTOR hereby certifies that the actual consideration paid or to be paid for this conveyance is \$209,000.00.

AND the said Grantor(s) covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted; and that they will execute such further assurances of the same as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singlar, and the use of any gender shall be applicable to all genders.

WITNESS the hand(s) and seal(s) of the said Grantor(s):

Witness:

*Jeffrey P. Mc Cormack*

*Douglas R. Small* P.R. (SEAL)  
Douglas R. Small, Personal Representative  
of the Estate of Miriam E.W. Small

*St. Charles, Maryland* (SEAL)

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 29<sup>th</sup> day of May 1985, before me, a Notary Public of the State aforesaid, personally appeared

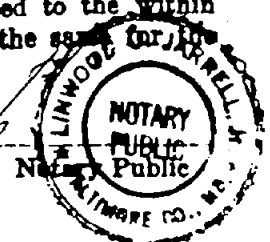
DOUGLAS R. SMALL, PERSONAL REPRESENTATIVE of the ESTATE of MIRIAM E.W. SMALL

known to me (or satisfactorily proven) to be the person(s) whose name(s) are subscribed to the within instrument, who signed same in my presence, and acknowledged that they have executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

*Linwood O. Jewell, Jr.*

Linwood O. Jewell, Jr.



MICROFILMED

BERGLAND

6935/341

THIS PARTIAL RELEASE OF DEED OF TRUST, made this 24th day of May, 1985, witnesseth:

WHEREAS, PAUL A. NEWCOMER, is one of the Trustees with full authority to act on behalf of both Trustees under a Deed of Trust from Douglas R. Small and Jennifer R. Small, his wife, dated June 12, 1979, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No. 6032, folio 690, said Deed of Trust having been given to secure payment of a certain Deed of Trust Note, of even date therewith, made by Douglas R. Small and wife to the beneficiary under the Deed of Trust.

P/REL  
EHK JR I  
#64305 C002 R03

13.00  
0 #  
13.00  
T08:54  
05/11/85

WHEREAS, said Douglas R. Small and Jennifer R. Small, his wife, have requested that the hereinafter described property be released from the legal operation and effect of the aforesaid Deed of Trust and Deed of Trust Note and the beneficiary under the Deed of Trust has agreed to so release the hereinafter described property.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar (\$1.00), in hand paid, by said Douglas R. Small and wife to the holder of the Deed of Trust, the said Trustee does hereby grant, convey and release unto the said Douglas R. Small and Jennifer R. Small, his wife, their personal representatives and assigns, in fee simple, all the following described parcel of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a point in the center of Allison Road and at the end of the first line of a parcel of land which by a deed dated July 10, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R.No. 4024 folio 567 was conveyed by Douglas R. Small and wife to Francis Small and running thence leaving said road and running with and binding on the second and third lines of said parcel of land, the two following courses and distances viz: South 85 degrees 47 minutes 30 seconds West 472.04 feet and North 4 degrees 12 minutes 30 seconds West 174.04 feet, thence leaving said outline and running for lines of division, the three following courses and distances viz: South 77 degrees 48 minutes West 30.29 feet, South 4 degrees 12 minutes 30 seconds East 169.83 feet and South 38 degrees 22 minutes 10 seconds East 636.17 feet to the center of Stansbury Mill Road, thence binding in the center of said road, North 65 degrees 53 minutes East 168.60 feet to the intersection of the center of Stansbury Mill Road with the center of Allison Road and thence binding in the center of Allison Road, the two following courses and distances viz: North 6 degrees 18 minutes 20 seconds West 360.31 feet and North 4 degrees 29 minutes West 108.93 feet to the place of beginning. Containing 4.00 Acres of land more or less.

OK

The aforesaid particularly described lot is by these presents fully released and discharged from the legal operation and effect of said Deed of Trust, said Deed of Trust Note having been endorsed to show the Release of said





AGRICULTURAL DECLARATION OF INTENT

PL 10-19-05 1303 (Less than 20 Acres)  
10-19-05 1301 PL. NEV-20-00-003553

ACCOUNT # 10-19-05 1440 PL  
NAME ERIC L. BERGLAND, JR. and Ann A. BERLAND  
LOCATION Allison Road and Stansbury Mill Rd.  
DISTRICT 10 MAP BLOCK ACREAGE 4 PARCEL

2250  
[935-341

I, Eric Berglund, Ann A. Berglund, THE PURCHASER  
OF THE REAL PROPERTY LOCATED AT 15024 Allison Road

AND DESCRIBED AS \_\_\_\_\_  
HEREBY DECLARE MY INTENTION TO CONTINUE AND/OR PLACE INTO AGRICULTURAL

USE ALL OF THE ABOVE PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF  
ARTICLE 81, SECTION 19 (b) OF THE ANNOTATED CODE OF MARYLAND AND THE  
REGULATIONS OF THE DEPARTMENT OF ASSESSMENTS AND TAXATION, FOR A PERIOD  
OF AT LEAST FIVE (5) CONSECUTIVE FULL TAXABLE YEARS FOLLOWING THIS DATE.

SHOULD THE LAND NOT REMAIN IN AGRICULTURAL USE, THE OWNER MUST  
NOTIFY THE DEPARTMENT OF ASSESSMENTS AND TAXATION UNDER THE PENALTY OF  
PERJURY. FAILURE TO COMPLY WITH THE PROVISIONS FOR AGRICULTURAL USE

ASSESSMENT WHICH INCLUDES THE BUILDING OF NON-AGRICULTURAL STRUCTURES  
ON ALL OR PART OF THE PARCEL IN THE FIRST FIVE (5) YEARS FOLLOWING THE  
TRANSFER WILL REQUIRE THE IMPOSITION OF THE AGRICULTURAL TRANSFER TAX

PLUS 12% SIMPLE INTEREST PER ANNUM FOR EACH YEAR SINCE THE TRANSFER,  
TO THE DATE OF THE DISCOVERY OF THE VIOLATION.

I DECLARE UNDER THE PENALTIES OF PERJURY, PURSUANT TO  
ARTICLE 81, SECTION 5 OF THE ANNOTATED CODE OF MARYLAND,  
THAT THIS DECLARATION (INCLUDING ANY ACCOMPANYING FORMS  
AND STATEMENTS) HAS BEEN EXAMINED BY ME AND THE INFORMA-  
TION CONTAINED HEREIN, TO THE BEST OF MY KNOWLEDGE AND  
BELIEF, IS TRUE, CORRECT AND COMPLETE.

Eric Berglund  
Signature  
Date 10-29-1980

CERTIFIED TRUE COPY  
BY [Signature]  
DATE 9-22-9

PETITIONER'S  
EXHIBIT 3

20-00-003553  
16,000 for  
4 ac in Allison Rd  
adjacent to 20 21 ac.  
Parcel with Jpg.  
10-25-80  
Pd.



STATE OF MARYLAND

# State Department of Assessments and Taxation

Baltimore County Office, Kenneth Robbins, Supervisor

I, ERIC L. BERGLAND Jr.

personally appeared in the Assessment Office on June 5, 1985

to request that the property located in 10<sup>th</sup> District  
Residential

Property Number All of 10-19051440 Card Number 2285

AGRICULTURAL PART OF 10-19-051301 and 10-19-051302  
Account

TOTAL ACREAGE Purchased from above 3 accounts

TOTAL 6.26 ACRES to be combined into 1 account  
1 acre homesite and 5.26 in pasture.

Eric L. Bergland Jr.  
Signature

15024 Allison Rd.  
Address

MONKTON, Md. 21111

Joseph Miller  
Counter-Signed

6-5-85  
Date

CERTIFIED TRUE COPY

BY Joseph Miller

DATE 7-22-92

LAW OFFICES

**NOLAN, PLUMHOFF & WILLIAMS**

**CHARTERED**

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340

(410) 823-7800

TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)

J. EARLE PLUMHOFF  
(1940-1988)

RALPH E. DEITZ  
(1918-1990)

OF COUNSEL

T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL  
823-7857

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN\*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
E. BRUCE JONES\*\*  
J. JOSEPH CURRAN, III  
CHRISTINE K. McSHERRY

\*ALSO ADMITTED IN D.C.

\*\*ALSO ADMITTED IN NEW JERSEY

March 31, 1994

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

Re: Case No. 92-466-SPH/Douglas R. Small

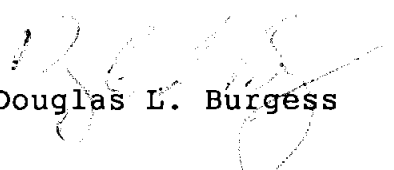
Dear Sirs:

Kindly accept the above-captioned case in for a hearing on the merits at the earliest possible date.

I anticipate that this should be scheduled for one (1) day as settlement negotiations in the matter have broken down and a full hearing on the merits is anticipated.

Thanking you for your kind attention to this matter, I am

Very truly yours,

  
Douglas L. Burgess

DLB/vrs

cc: Carroll Holzer  
Douglas R. Small, Sr.  
Richard A. Moore

RECEIVED  
COUNTY BOARD OF APPEALS  
94 APR -1 AM 10:44



**CERTIFICATION FEES:** Cost of certifications, if any, required by the lending institution for water, septic, roof, electrical system, heating and plumbing shall be paid by the Buyer except in the case of a Veterans Administration mortgage, then cost shall be paid by the Seller.

**ALTERNATE FINANCING:** It is further understood and agreed that should the Buyer make application for and accept financing through a lending institution or other source whereby the interest, terms of payment, amount of loan or any one of these differs from the financing conditions hereinbefore set forth, upon notification to the Buyer from said lending institution or party that the financing as requested has been approved and a loan commitment granted, the preceding mortgage conditions of this contract shall be deemed to have been fully satisfied and of no further effect, provided said alternate mortgage does not increase closing costs to the Seller, or exceed the time allowed to secure the mortgage commitment as called for above.

**IF PROPERTY SUBJECT TO GROUND RENT:** If the property being purchased hereunder is subject to a ground rent in an annual amount as set forth in this Contract of Sale, said ground rent must be timely paid. Otherwise the revisionary owner of the ground rent may bring action of ejectment against Buyer pursuant to section B-402(c) of the Real Property Article, Annotated Code of Maryland (1974 Ed., as amended). As a subsequent result of such ejectment action, the revisionary owner of the ground rent may be discharged from the lease and obtain title to the property in fee.

**HOME INSPECTION:** There are several home inspection firms that are qualified to inspect the aforementioned property for a fee, to determine the condition of the structural and mechanical systems, including well and septic systems. Buyer declines (unless otherwise specified in the Special Conditions of this Agreement) these inspections with the full knowledge and understanding that neither the brokers nor the agents are responsible for undisclosed defects in the Property.

**SMOKE DETECTOR:** If applicable as required by local statute, the Seller of the above referenced dwelling unit, does hereby certify to the new occupants of said premises that all smoke detectors, as required by applicable laws, are now installed and in proper working condition.

**WARRANTY DEED:** Upon payment as provided of the unpaid purchase money, a deed for the property containing covenants of special warranty and further assurance shall be executed at the Buyer's expense by the Seller, which shall convey the property to the Buyer.

**TITLE:** Title to the property shall be good of record and in fact, and merchantable, free of liens and encumbrances except as specified herein and except: use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the subdivision in which the property is located, and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the property.

**ADJUSTMENTS:** Where applicable, ground rent, rent and water rent shall be adjusted and apportioned as of date of settlement, and all taxes, general or special, and all other public or government charges or public or private assessments against the premises which are or may be payable on an annual basis (including Metropolitan District, Sanitary Commission, Community Association or other benefit charges, assessments, liens or encumbrances for sewer, water, drainage or other public improvements completed or commenced on or prior to the date hereof, or subsequent thereto), are to be adjusted and apportioned as of the date of settlement and are to be assumed and paid thereafter by Buyer, whether or not assessments have been levied as of date of settlement.

**POSSESSION:** Vacant possession of the premises shall be given to the Buyer as of settlement at which time the Seller will deliver the premises free and clear of trash and debris, and broom clean as well as walks clear of snow, lawn mowed and pool clean. Buyer reserves the right to walk-through inspection of the property within three (3) days prior to settlement.

**RISK OF LOSS:** The herein described property is to be held at the risk of the Seller until legal title has passed or possession has been given to Buyer. If, prior to the time legal title has passed or possession has been given to Buyer, all or a substantial part of the property is destroyed or damaged, without fault of the Buyer, then this contract, at the option of the Buyer, shall be null and void and of no further effect, and all monies paid hereunder shall be returned promptly by Seller to Buyer.

**INSURANCE:** It is also understood and agreed that the Seller shall immediately have all of the insurance policies on the property so endorsed as to protect all parties hereto of their interests may appear, and shall continue said insurance in force during the life of this Contract. In the event it shall be determined by the Buyer that the property is inadequately insured by the Seller, the Buyer shall have the right, at Buyer's option and expense, to obtain such insurance, or additional insurance, as shall be satisfactory to Buyer. Flood insurance may be required by the mortgage lender and Buyer agrees to pay for same.

**STAMPS, RECORDATION & TRANSFER TAX:** The cost of all documentary stamps, required by law, recordation tax and transfer tax, where required by law, shall be divided equally between the parties hereto.

**DEFAULT:** Failure on the part of Buyer to comply with the terms, covenants and conditions of this Contract of Sale, shall constitute a default and forfeiture of the deposit monies hereunder and shall entitle the Seller to retain the deposits delivered by Buyer, and to pursue such other rights and remedies as may be available, at law or in equity, including, without limitation, an action for specific performance of this Contract of Sale and/or monetary damages. Notice of such default shall be given, in writing, by the Seller to the Buyer.

**PERFORMANCE AND TIME OF ESSENCE:** This contract contains the final and entire Agreement between the parties hereto and neither they nor their Agents shall be bound by any terms, conditions or representations not herein written, time being the essence of this Agreement. It is also mutually understood that the real estate brokers and agents who negotiated this contract cannot assume any responsibility for the condition of the property nor for the performance of any part of this contract by the parties hereto. Seller covenants that as of settlement (or prior possession) the electrical, plumbing, heating, air-conditioning and any other electro-mechanical equipment included in this contract will be in operating condition unless otherwise stated in this contract and that the Seller shall deliver the premises in substantially the same physical condition as of the date of final ratification of this Contract of Sale. The parties hereto bind themselves, their heirs, executors, administrators, successors and assigns for the faithful performance of this contract.

**AGRICULTURAL TRANSFER TAX:** This clause is to give the Buyer notice that the property described hereinabove may be subject to the Agricultural Transfer Tax as set forth under Article 81, Section 278F of the Annotated Code of Maryland, and/or a tax set forth under Article 81, Section 19B of the Annotated Code of Maryland for which the Buyer shall be responsible.

**NOTICES TO BUYER:** (1) YOU ARE ENTITLED TO SELECT YOUR OWN TITLE INSURANCE COMPANY, SETTLEMENT COMPANY, ESCROW COMPANY OR TITLE ATTORNEY. (2) If the property being purchased hereunder is an unimproved parcel of land, intended to be used for residential purposes, you should, before signing this contract, consult with the appropriate public authorities to ascertain whether public sewage and water facilities are available, or if not, whether the property will be approved by such authorities for the installation of a well and/or private sewage disposal system.

**NOTICE TO PURCHASER AND ALL OTHER PARTIES:** Any person aggrieved in accordance with Article 56, Section 217A of the Maryland Code may be entitled to recover compensation from the Maryland Real Estate Guaranty Fund for his actual loss, as proven before the Maryland Real Estate Commission, in an amount not exceeding \$25,000 in consideration of any claim. A purchaser or other aggrieved person is not protected by the Guaranty Fund in an amount in excess of \$25,000 for any claim.

This is a legally binding contract; if not understood seek competent advice. The date of this contract shall be that day which both Seller and Buyer agree to all the terms and conditions set forth herein.

Witness as to Seller's Signature and Date	Seller's Signature	(SEAL)	Date
Witness as to Seller's Signature and Date	Seller's Signature	(SEAL)	Date
Witness as to Buyer's Signature and Date	Buyer's Signature	(SEAL)	3-9-85
Witness as to Buyer's Signature and Date	Buyer's Signature	(SEAL)	Mar 9, 1985

**TO SAVE TIME AND INCONVENIENCE AT THE SETTLEMENT, WE SUGGEST THE FOLLOWING:**

- TO THE SELLER:** All signers of this contract should be present at settlement to acknowledge and sign deed or advance notice should be given if conditions prevent their attending. As soon as this contract is signed, you or your Realtor will notify your insurance company to protect the buyer under your policy. Do not cancel policy until after settlement, at which time request reimbursement for any unused premium.
- Seller should provide Buyer a copy of the latest assessment data indicating classification.
  - You or your Realtor should notify your mortgage company as soon as this contract is signed.
  - Do not remove fixtures, shrubbery or any other items permanently attached to the property.
  - Bring with you all agreements relating to the premises and any existing leases, also receipts for taxes, ground rent, and water rent paid for the year. Bring all keys to the property.
  - Gas, electric, and water meters should be read as close to the date of settlement as possible.
  - The maintenance of this property is your responsibility until settlement. Keep it in good condition. Be sure that proper precautions are taken to protect plumbing and heating systems in winter, if you vacate before settlement, keep lawn mowed, etc. Upon vacating, remove all possessions and leave property in a clean manner for the Buyers.
- TO THE BUYER:** All persons to be in title, and/or responsible where a mortgage is to be created, should be present at time of settlement.
- Lender will require Buyer to bring fully paid insurance policies on improved property being purchased to settlement.
  - Buyer should have cash or certified check made payable to yourself for payment of estimated settlement costs and balance due under this contract.
  - Establish gas and electric service in your name commencing with the day of settlement.

ADDENDUM TO CONTRACT

If at any time during the next 10 years, Seller shall receive a bona fide offer from any third party, but excluding any relatives of Seller, to purchase the additional 12  $\pm$  acres located generally south of the property sold hereunder, Buyer shall have the right within 30 days after receiving notice from the Seller of the price and other terms of such offer, to purchase such additional 12  $\pm$  acres upon the terms set forth in such offer. If the Buyer does not elect within such 30 day period to purchase the property, Seller may then sell the property to such third party provided the sale is on substantially the same terms and conditions as set forth in the original offer.

Seller and Buyer agree that prior to settlement a survey shall be made of the adjoining 4  $\pm$  acres sold hereunder, such survey to be made at Seller's expense, for the purpose of establishing the exact southern and western boundary between the adjoining 4  $\pm$  acres sold hereunder and remaining acreage not sold by the Seller. A fence shall be erected along such border as in due time after such survey and the expense of erecting and maintaining such fence shall be borne equally by buyer and seller. The boundary established by such survey shall be mutually agreeable to Seller and Buyer. Buyer shall be responsible for any subdivision (and costs thereof) required in connection with the sale of the adjoining 4  $\pm$  acres.

It is understood by both Buyer and Seller that the property sold hereunder consists of two contiguous parcels; the first consists of 4  $\pm$  acres at \$16,000 conveyed by Douglas R. Small and the second consists of a house and barn situated on 2.26  $\pm$  acres at \$209,000





A. U. S. DEPARTMENT OF HOUSING AND AN DEVELOPMENT  
**SETTLEMENT STATEMENT**

6. TYPE OF LOAN  
 1.  FHA 2.  FmHA 3.  CONV. UNINS  
 4.  VA 5.  CONV. INS.  
 6. FILE NUMBER: 7. LOAN NUMBER:  
 8. MORTGAGE INSURANCE CASE NUMBER:

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. NAME OF BORROWER: Eric L. Bongard Jr. Cecilia Bongard	E. NAME OF SELLER: Douglas R. Small, Personal Representative of Estate of Martin E. Small	F. NAME OF LENDER: Baltimore Loan Association Baltimore Loan Association
G. PROPERTY LOCATION: 1500 2nd Avenue Road (2, 2 & 3rd) Baltimore, Md.	H. STOCKSDALE, JARRELL & CVACH 6717 HARFORD ROAD BALTIMORE, MD. 21234 PLACE OF SETTLEMENT Route 6 Philadelphia, Md.	I. SETTLEMENT DATE: 5/29/55

J. SUMMARY OF BORROWER'S TRANSACTION		K. SUMMARY OF SELLER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:		400. GROSS AMOUNT DUE TO SELLER:	
101. Contract sales price	209,000.00	401. Contract sales price	209,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	747.50	403.	
104. Title Cont. & Ass. Parcel	1623.24	404.	
105.		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes to		406. City/town taxes to	
107. County taxes 5/24 to 6/30	149.74	407. County taxes 5/29 to 6/30	149.74
108. Assessments to		408. Assessments to	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. GROSS AMOUNT DUE FROM BORROWER	232,844.48	420. GROSS AMOUNT DUE TO SELLER	209,149.74
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:		500. REDUCTIONS IN AMOUNT DUE TO SELLER:	
201. Deposit or earnest money	6,000.00	501. Excess deposit (see instructions)	6,000.00
202. Principal amount of new loan(s)	82,500.00	502. Settlement charges to seller (line 1400)	747.50
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan	
205.		505. Payoff of second mortgage loan	
206.		506. Open Taxes	
207.		507. Open Water Bill	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes to		510. City/town taxes to	
211. County taxes to		511. County taxes to	
212. Assessments to		512. Assessments to	
213. Ground Rent		513. Ground Rent	
214. Water		514. Water	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. TOTAL PAID BY/FOR BORROWER	94,500.00	520. TOTAL REDUCTION AMOUNT DUE SELLER	15,257.00
300. CASH AT SETTLEMENT FROM/TO BORROWER		600. CASH AT SETTLEMENT TO/FROM SELLER	
301. Gross amount due from borrower (line 120)	232,844.48	601. Gross amount due to seller (line 420)	209,149.74
302. Less amounts paid by/for borrower (line 220)	94,500.00	602. Less reductions in amount due seller (line 520)	15,257.00
303. CASH ( <input type="checkbox"/> FROM ) ( <input type="checkbox"/> TO ) BORROWER	138,344.48	603. CASH ( <input type="checkbox"/> TO ) ( <input type="checkbox"/> FROM ) SELLER	193,892.74

**PETITIONER'S  
 EXHIBIT 5**

**SETTLEMENT CHARGES**

		PAID FROM BORROWER'S FUNDS AT SETTLEMENT		PAID FROM SELLER'S FUNDS AT SETTLEMENT		
701	\$					
702	\$					
703	Commission paid at Settlement				6,540.00	
800	ITEMS PAYABLE IN CONNECTION WITH LOAN					
801	Loan Origination Fee	2.00 %	to	6,000.00	1,770.00	
802	Loan Discount	%				
803	Appraisal Fee	to	125.00		P.S.C.	
804	Credit Report	to	27.50		P.S.C.	
805	Lender's Inspection Fee					
806	Mortgage Insurance Application Fee to					
807	Assumption Fee					
900	ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE					
901	Interest from	to	@ \$	/day		
902	Mortgage Insurance Premium for	months to				
903	Hazard Insurance Premium for	years to		Disclosed to Escrow		
904		years to				
905						
1000	RESERVES DEPOSITED WITH LENDER					
1001	Hazard insurance	months @ \$		per month		
1002	Mortgage insurance	months @ \$		per month		
1003	City property taxes	months @ \$		per month		
1004	County property taxes	11 months @ \$	141.00	per month	1,595.00	
1005	Annual assessments	11 months @ \$		per month	46.00	
1006	Ground Rent	months @ \$		per month		
1100	TITLE CHARGES					
1101	Settlement or closing fee	to	Stocksdale, Jarrell & Cvach		570.00	
1102	Abstract or title search	to				
1103	Title examination	to	Stocksdale, Jarrell & Cvach - For Lender		540.00	
1104	Title insurance binder	to				
1105	Document preparation	to	Stocksdale, Jarrell & Cvach		65.00	
1106	Notary fees	to			5.00	
1107	Attorney's fees	to				
	<i>(includes above items numbers;)</i>					
1108	Title insurance	to	Stocksdale, Jarrell & Cvach - Agents for Security Title Guarantee Corp.		582.50	
	<i>(includes above items numbers;)</i>					
1109	Lender's coverage	\$ 88.50	Required \$ 202.00			
1110	Owner's coverage	\$ 227.00	Optional \$ 380.50			
1111	Lien Report & Copies				36.00	
1112	Judgment Reports				6.00	
1113						
1200	GOVERNMENT RECORDING AND TRANSFER CHARGES					
1201	Recording fees: Deed \$	14.00	Mortgage \$	19.00	Releases \$	21.00
1202	City/county tax/stamps: Deed \$	104.50	Mortgage \$			522.50
1203	State tax/stamps: Deed \$		Mortgage \$			
1204	Transfer Tax - Local \$	3244.00	State \$	104.50		2194.50
1300	ADDITIONAL SETTLEMENT CHARGES					
1301	Survey	to	<del>Stocksdale</del>			
1302	Pest inspection	to	Atlas Exterminator - Paid by Seller			
1303	Securing Release Statement and Release					
1400	TOTAL SETTLEMENT CHARGES (enter on lines 103, Section J and 502, Section K)				7471.50	9257.00

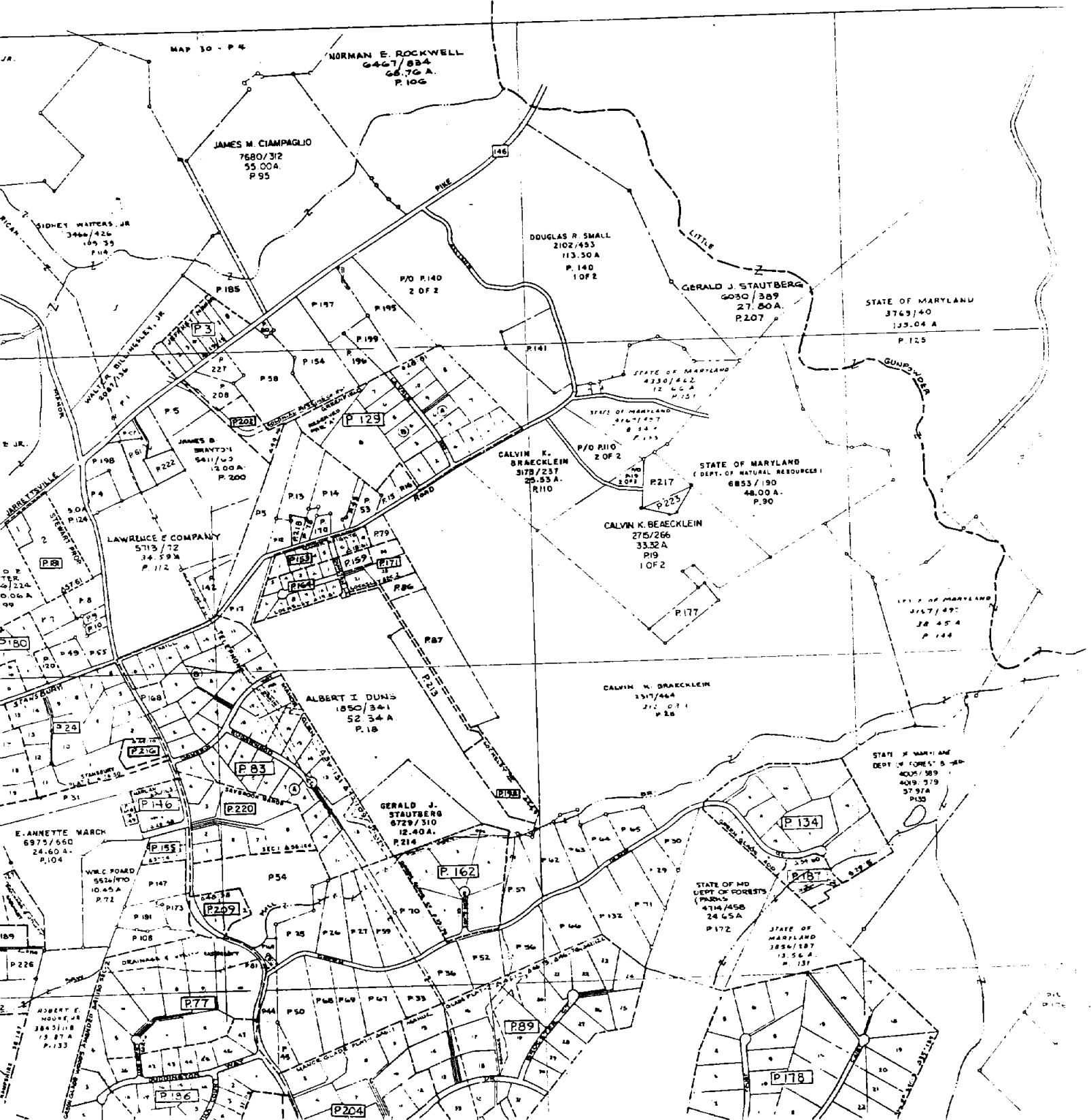
**MORTGAGORS MONTHLY PAYMENT**

Principal & Interest	\$ 964.98
Mortgage Guaranty Insurance	—
Taxes (Estimated) <i>4 payments</i>	147.02
Ground Rent	—
Hazard Insurance	—
Mortgage Life Insurance	—
<b>Total</b>	<b>\$ 1112.00</b>
Rate <u>12 1/2</u> %	Term <u>25</u> Years
1st payment due	<u>6/29/55</u>

The undersigned acknowledge receipt of a copy of the Settlement Statement, agree to correctness thereof, and authorize disbursement of funds as stated herein. It is agreed that any error or omission in the above settlement will be corrected by the parties hereto.

# PETITIONER'S EXHIBIT 6

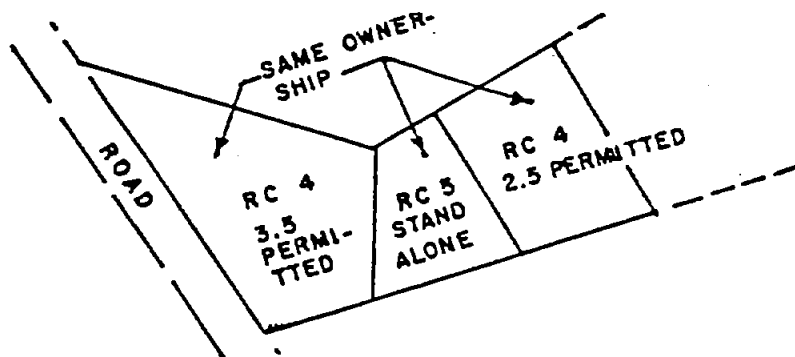
JU



# RSD-7 R.C. ZONES UNDER THE SAME OWNERSHIP

If R.C. zoned land under the same ownership is separated by a different R.C. zone, then the density should be calculated and utilized by each zone parcel. In the following example the R.C. 4 density would be two for one parcel and three for the other. The five lots would have to be located in the respective permitted density parcels of the property. The R.C. 5 area would be figured and utilized separately.

If R.C. zoned land is proposed to be clustered in the same zone, on the same property, across another zone, a special hearing would be required before the Zoning Commissioner. In the following example a special hearing would be required to request that six density units be permitted in the R.C. 4 zone and/or that three units be permitted on the 2.5 density units parcel.



If R.C. zoned land under the same ownership is divided by a public road, parcels on both sides of the road should be figured separately for density as if they were separate recorded lots, the density may not be transferred or accumulated across the roads, unless;

In the judgement of the Zoning Supervisor and/or the Commissioner, a special hearing may be applied for to transfer or accumulate density across a road.

**PETITIONER'S  
EXHIBIT 7**



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

*Newton A. Williams*  
*20 W. Penn. Ave*  
*Towson, Md. 21286*  
*823-7800*

ARNOLD JABLON  
ZONING COMMISSIONER

JEAN M. H. JUNG  
DEPUTY ZONING COMMISSIONER

SUBJECT: POLICY MANUAL

DATE: 9/20/85

This POLICY MANUAL is a compilation of legislative, executive, and administrative public policies. These policies are promulgated by the Zoning Commissioner of Baltimore County, pursuant to the Baltimore County Charter, §522.1, and the Baltimore County Zoning Regulations, §500.8. The principles enunciated herein have the limited purposes of facilitating and improving the implementation of procedures throughout the Baltimore County Department of Planning & Zoning Administrative Offices.

The policies organized here are subject to alteration, modification, or revision in accordance with the authority under which they are initially adopted. As such, the policies have no binding effect within a Court of law, although they may be utilized by the Courts to interpret and construe pertinent zoning regulations. Hofmeister v. Frank Realty Co., Inc., 373 A 2d 273 (1977); Farber's, Inc. v. Comptroller of the Treasury of the State of Maryland, 266 Md 44 (1972).

This Manual could not have been prepared without the experience and knowledge of James Dyer, Zoning Supervisor; Diana Itter; Douglas Swam; and Nicholas Commodari, Zoning Coordinator; and especially without the time, effort and ability of Carl Richards.

OFFICE: 828-3909

TITLE HISTORY OF THE  
PROPERTY OF DOUGLAS R. SMALL

July 17, 1992

By a deed dated February 8th, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. 1423, folio 317, Anna Emory Warfield Home for Aged Women Incorporated conveyed 5 tracts of land totaling 410 Ac. ±, lying on both sides of Jarrettsville Pike, to Douglas R. Small and Jane W. Small, his wife, and Francis Small and Miriam E. W. Small, his wife.

Then on April 22nd, 1952, Francis Small and Miriam E. W. Small, his wife, conveyed by deed G.L.B. 2102, folio 453, to Douglas R. Small, the same 5 tracts of land, but saving and excepting a parcel conveyed to Louise Walters of 6.68 Ac. ± recorded February 8, 1946 in Liber R.J.S. 1447, folio 145 and also that part that was conveyed to Samuel H. Shriver and Eleanor R. Shiver, his wife, containing 136.14 Ac. ± and recorded February 28, 1950 in Liber G.L.B. 1815, folio 13, which was the 5th tract of the original deed.

Of the parcel<sup>2</sup> containing 85.72 Ac. ± of the conveyance to Douglas R. Small by deed dated April 22nd, 1952 and recorded in G.L.B. 2102, folio 453, which is also the 2nd parcel of the original deed conveyed to Douglas R. Small and Jane W. Small, his wife, and Francis Small and Miriam E. W. Small, his wife, in deed R.J.S. 1423, folio 317, the out conveyances from the 2nd parcel since April 22, 1952, by Douglas R. Small are as follows:

- 1) A parcel of land containing 34.86 Ac. ± to Calvin K. Braeck and Helen Braecklein, his wife, by deed dated June 5th, 1952 and recorded in Liber G.L.B. 3173, folio 237.
- 2) A parcel of land containing 2.26 Ac. ± to Francis Small, by deed dated July 10, 1962 and recorded in Liber W.J.R. 402 folio 567. On May 29, 1985 the Personal Representative conveyed this 2.26 Ac. parcel to Eric L. Bergland, Jr. and Ann A. Bergland, his wife, and recorded in Liber E.H.K. 6935, folio 342.

September 23, 1993.) Said case was not appealed and is a final zoning decision.

Counsel for Petitioner also explained that, based on the 1979 lots of record, the affirmance of the Zoning Commissioner's decision in the Small petition, as well as the Bergland petition, creates no additional (net) R.C. 2 density beyond that contemplated by BCZR 1A01.3B1 and is within the spirit of the law. The decision acts to confirm and attribute to different contiguous areas the density that exists, consistent with the units shown on the attached plat. Of the 32.33 acres remaining from the original Small lot of record (36.33 acres less the 4-acre Bergland out-conveyance), the proposed Parcel 2A contains one density unit and the remainder of the lot of record also contains one density unit for a total of two density units.

Counsel for Petitioner further explained to the Board that the individual parties, Small and the Berglands, had agreed that the Board of Appeals should affirm the Zoning Commissioner's Opinion with the following additional conditions:

1. Small, his successors and assigns, hereby agrees to the following restrictions on the 8.333-acre parcel labelled parcel "A" that he owns shown on the attached Exhibit A:
  - a. Any permanent above-ground structure erected for the purposes of human habitation on the parcel labelled "A" on said Plat shall be constructed and maintained at a distance from Stansbury Mill Road shown by the line shown on Exhibit A labelled "Front Building Setback Line," to wit, said structure should be placed to the north and west of said line, on the side of the line farthest away from the Stansbury Mill Road.
  - b. No structure for human habitation shall be erected or maintained by Small on the portion of the property to



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

(410) 887-3180

April 21, 1993

NOTICE OF 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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District  
SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

which was scheduled for hearing on April 29, 1993 has been  
POSTPONED at the request of Counsel for Petitioner; and has been

REASSIGNED FOR: WEDNESDAY, JULY 28, 1993 at 10:00 a.m.

cc: J. Carroll Holzer, Esquire Counsel for  
Protestant/Appellant

Mr. Eric Bergland Protestant/Appellant

Douglas L. Burgess, Esquire Counsel for Petitioner  
Stephen J. Nolan, Esquire

Mr. Douglas R. Small Petitioner

Manor Area Association  
c/o James Constable, Esquire

~~People's Counsel for Baltimore County not needed~~  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr.  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer  
Administrativ Assistant





- 3) A parcel of land containing 12.66 Ac.<sup>±</sup> to the State of Maryland, to the use of Department of Forest and Parks by deed dated July 15, 1964 and recorded in Liber O.T.G. 4330, folio 462.
- 4) A parcel of land containing 4.00 Ac.<sup>±</sup> to Eric L. Bergland Jr. his wife, by deed dated Jay 29, 1985 and recorded in Liber E.H.K. Jr. 6935, folio 342.

There have been no prior zoning hearings held on this property.

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
 15024 Allison Road  
 W/S Allison Road, 713' N of \* DEPUTY ZONING COMMISSIONER  
 c/1 Stansbury Mill Road \* OF BALTIMORE COUNTY  
 10th Election District \* Case No.: 94-59-SPH  
 3rd Concilmanic District \* (Item 63)  
 Eric L. Bergland  
 Petitioner

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition For Special Hearing filed by the legal owner of the subject property, Eric L. and Ann Bergland, by and through their attorney, J. Carroll Holzer, Esquire, in which the Petitioner requests the transfer of one existing density unit from property described by Deed 6935/341 to an adjoining parcel owned by the Berglands identified by Deed 6935/342 containing no density units. The request by the Berglands is to transfer one (1) density from the 2.26 acre parcel to the 4.00 acre parcel so that each parcel shall contain one density unit.

Appearing on behalf of the Petitioners was J. Carroll Holzer, the Petitioners Eric and Ann Bergland, Douglas Small, and James Patton, engineer.

Testimony indicated that at present there are two (2) density units contained on the 2.26 acre parcel currently occupied by the Berglands. The Berglands also acquired from Douglas Small a 4.00 acre parcel which has been previously determined by this Deputy Zoning Commissioner in Case No.: 92-466-SPH to contain no density unit.

ORDER RECEIVED FOR FILING  
 ORDER RECEIVED FOR FILING  
 Date 9/23/13  
 By [Signature]

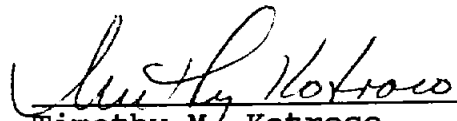
LAW OFFICES  
 C HOI HOLZER, MAHER, DEMILIO  
 & LEE  
 305 W 305 W. CHESAPEAKE AVENUE  
 SUITE 105  
 T TOWSON, MARYLAND  
 21204  
 (410) 825-6960  
 F. FAX: (410) 825-6964

~~X~~ OK 10/27  
 Char TO  
 Pick up  
 SIGNED COPY  
 10-27

EXHIBIT B

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and the Petitioner required to file a new Petition.

IT IS FURTHER ORDERED that the Petition For Special Hearing requesting the transfer of one density unit to the parcel described in Deed 6935/342 is hereby granted.

  
\_\_\_\_\_  
Timothy M. Kotroco  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 9/23/13  
By [Signature]

miscplea\berg

LAW OFFICES  
HOLZER, MAHER, DEMILIO  
& LEE  
305 W. CHESAPEAKE AVENUE  
SUITE 105  
TOWSON, MARYLAND  
21204  
(410) 825-6960  
FAX (410) 825-6964



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

January 7, 1993

PCF: ✓  
PMZ: \_\_\_\_\_

*Road 1/2  
was in  
RC zone.*  
*Set up  
post.  
Should not  
need to attend  
had many  
to discuss  
4/19/93  
No -  
Private fight*

NOTICE OF 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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District

*4/19/93*  
*Issue is whether  
4 acres transferred in  
1985 contained a density  
unit.  
DZC H: It did NOT +  
remain parcel has 2  
DZC's -  
PRIVATE MATTER  
Road is not here*

SPH-to approve lawful existence of single density units on remainder of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on Parcel 2 and one on Parcel 2A; DENYING Petition as requested.

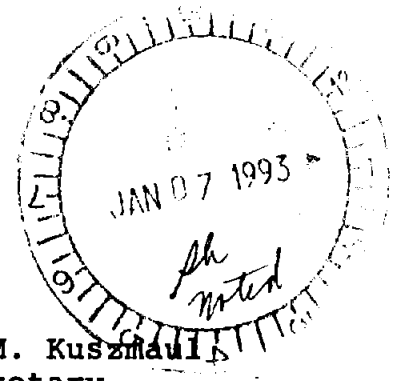
which was scheduled for hearing on January 6, 1993 was continued on the record at the request of all parties and has been

REASSIGNED FOR: THURSDAY, APRIL 29, 1993 AT 10:00 a.m.

RECEIVED  
COUNTY BOARD OF APPEALS

93 APR 19 PM 12:21

- |  |                        |
|--|------------------------|
| Mr. Eric Bergland                                | Protestant/Appellant   |
| Mr. Douglas R. Small                             | Petitioner             |
| Stephen J. Nolan, Esquire                        | Counsel for Petitioner |
| Douglas L. Burgess, Esquire                      | " " "                  |
| Manor Area Association                           | " " "                  |
| J. Carroll Holzer, Esquire                       | " " "                  |
| 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 | " " "                  |



LindaLee M. Kusznau  
Legal Secretary



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue

January 7, 1993

NOTICE OF 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. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District

*PP'd to  
7/28/93 @  
10:00 a.m.*

SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

which was scheduled for hearing on January 6, 1993 was continued on  
the record at the request of all parties and has been

REASSIGNED FOR: THURSDAY, APRIL 29, 1993 AT 10:00 a.m.

- cc: Mr. Eric Bergland Protestant/Appellant
- Mr. Douglas R. Small Petitioner
- Stephen J. Nolan, Esquire Counsel for Petitioner
- Douglas L. Burgess, Esquire " " "
- Manor Area Association
- J. Carroll Holzer, Esquire
- 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

LindaLee M. Kuszmaul  
Legal Secretary



NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN \*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
E. BRUCE JONES \* \*  
GREGORY J. JONES  
J. JOSEPH CURRAN, III  
CHRISTINE K. MCSHERRY

\*ALSO ADMITTED IN D.C.  
\*\*ALSO ADMITTED IN NEW JERSEY

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**

**CHARTERED**  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)  
J. EARLE PLUMHOFF  
(1940-1988)  
RALPH E. DEITZ  
(1918-1990)  
OF COUNSEL  
T. BAYARD WILLIAMS, JR.  
RICHARD L. SCHAEFFER\*  
WRITER'S DIRECT DIAL  
823- 7857

October 24, 1992

HAND DELIVERY

Baltimore County Board of Appeals  
Attention: Katherine Weidenhammer  
Old Courthouse  
Towson, Maryland 21204

RE: Doug Small Property  
Case No.: 92-466-SPH

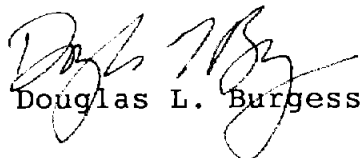
Dear Kathy:

Kindly set the above captioned matter in for a hearing at the earliest possible date. If there is a cancellation or another day where we can fit in a hearing, kindly so advise.

I would appreciate it if you would work with myself, opposing counsel Carroll Holzer, and the People's Counsel to confirm that any date that you propose is clear on our calendars and our client's before it is set. I anticipate the entire case will take four hours total, but other counsel can comment on that estimate.

Thanking you for your kind attention to this matter, I am

Very truly yours,

  
Douglas L. Burgess

DLB/caa

cc: Carroll J. Holzer, Esq.  
People's Counsel  
Mr. Douglas Small

80-5-11 92 OCT 26 PM 5:08  
RECEIVED  
COUNTY BOARD OF APPEALS  
TOWSON, MARYLAND

RONALD L. MAHER  
J. CARROLL HOLZER  
CAROLE S. DEMILIO  
THOMAS J. LEE

J. HOWARD HOLZER  
1907-1989

LAW OFFICES  
HOLZER, MAHER, DEMILIO & LEE  
305 W. CHESAPEAKE AVENUE  
SUITE 105  
TOWSON, MARYLAND 21204  
(410) 825-6960  
FAX (410) 825-6964

CARROLL COUNTY OFFICE  
1315 LIBERTY ROAD  
ELDERSBURG, MARYLAND 21784  
(410) 795-8556  
FAX (410) 795-3535

SUITE 700  
1725 DE SALES STREET, N.W.  
WASHINGTON, D.C. 20036

October 27, 1992  
#6672

Baltimore County  
Board of Appeals  
Old Courthouse  
400 Washington Avenue  
Room 49  
Towson, Maryland 21204  
ATTN: Ms. Katherine Weidenhammer

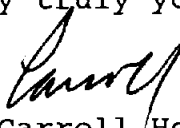
RE: Doug Small Property  
Case No.: 92-466-SPH

Dear Kathy:

I received a letter from Doug Burgess on the above captioned property. I agree with him that we should try to coordinate our calendars before setting this date; otherwise, I can foresee problems. I would suggest that the case will take longer than four (4) hours to try, perhaps a whole day.

I would also suggest that in addition to People's Counsel and myself, as Protestants, you have a potential additional Protestant in the attorney for the community association who I do not know at this point. In any event, I would appreciate receiving a call before this case is assigned.

Very truly yours,

  
J. Carroll Holzer

JCH:mlg

cc: Mr. Doug Small  
People's Counsel  
Mr. Rick Bergland

92 OCT 28 AM 10:50  
RECEIVED  
COUNTY BOARD OF APPEALS



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

Hearing Room -  
R m 48, Old Courthouse  
400 Washington Avenue

October 28, 1992

NOTICE OF ASSIGNMENT

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CASE NO. 92-466-SPH

DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District

SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

ASSIGNED FOR: WEDNESDAY, JANUARY 6, 1993 AT 10:00 a.m.

cc: Mr. Eric Bergland Protestant/Appellant  
Mr. Douglas R. Small Petitioner  
Stephen J. Nolan, Esquire Counsel for Petitioner

Manor Area Association

J. Carroll Holzer, Esquire  
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

LindaLee M. Kuszmaul  
Legal Secretary







County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

October 29, 1992

Douglas L. Burgess, Esquire  
NOLAN, PLUMHOFF & WILLIAMS, CHTD.  
Suite 700, Court Towers  
210 W. Pennsylvania Avenue  
Towson, MD 21204


Re: Case No. 92-466-SPH  
Douglas Small

Dear Doug:

The Board is in receipt of your request for the earliest hearing date possible for the above-captioned case.

This matter has already been scheduled for hearing on January 6, 1993, and at this time the Board has no earlier date on its docket to which this case could be reassigned. (Notices were sent out on a number of cases during this past week, this one included.) We will however keep your letter on file should an appropriate date become available which would permit sufficient time for rescheduling, at which time we would be sure to confirm availability of all parties involved.

Very truly yours,

  
Kathleen C. Weidenhammer  
Administrative Assistant

cc: J. Carroll Holzer, Esquire  
People's Counsel for Baltimore County  
Mr. Douglas Small  
Mr. Eric Bergland

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



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 6, 1992

Stephen J. Nolan, Esquire  
Court Towers, Suite 700  
210 W. Pennsylvania Avenue  
Baltimore, MD 21204

RE: Item No. 499, Case No. 92-466-SPH  
Petitioner: Douglas R. Small  
Petition for Special Hearing

Dear Mr. Nolan:

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 indicate the appropriateness of the zoning action requested, but 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 preliminary review by Zoning personnel.

RECEIVED



Zoning Plans Advisory Committee Comments

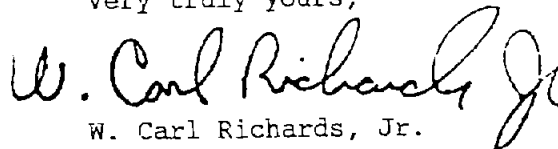
Date: July 6, 1992

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, engineers and applicants 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 forfeiture loss of the filing fee.

Very truly yours,



W. Carl Richards, Jr.  
Zoning Coordinator

WCR:jw

Enclosures

the west and south of Allison Road owned by Douglas R. Small that is to the north and west of the Bergland home, as pictorially shown by the parcel labelled "B" on the attached Exhibit A.

- c. There will be no above-ground structures of any kind on plot of land labelled "C" on attached Exhibit A.

These terms coincide with the restrictive covenant agreed to privately between Small and Bergland.

2. The zoning approval so granted shall be with the acknowledgement of the companion case of Eric and Anne Bergland, Case No. 94-59-SPH.

The People's Counsel objected on the record to condition number one, indicating the Board had no authority to incorporate private agreements in a special hearing case pertaining to R.C. 2 subdivision lot density. The Board overruled People's Counsel's objections.

Accordingly, in view of the decision of the Zoning Commissioner and the record and exhibits of the case before him, the agreement between the individual parties, the explanation detailed heretofore, and the fact no new R.C. 2 density is created by this decision, the Board has decided to affirm the Zoning Commissioner's decision, adopting the same as its own, with the additional conditions enumerated above.

O R D E R

IT IS THEREFORE this 4th day of November, 1994 by the County Board of Appeals of Baltimore County

ORDERED that the 8.5-acre parcel of land located west of Allison Road and identified as Parcel 2A on the attached Petitioner's Exhibit A shall contain one density unit, and the

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  
28th day of May, 1992

A handwritten signature in cursive script that reads "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

Received By:

A handwritten signature in cursive script that reads "W. Carl Richards Jr.".

Chairman,  
Zoning Plans Advisory Committee

Petitioner: Douglas R. Small

Petitioner's Attorney: Stephen J. Nolan



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

TO: Larry Goetz  
Planning & Zoning

DATE: July 22, 1992

FROM: Wally Lippincott, Jr.

SUBJECT: Small Property, SpH 499

As a follow up to our discussion, here are some additional comments.

It does appear that this circumstance is not covered by the grandfathering provision in the RC2 lot of record-density provision (1990). The purpose of the grandfathering was to include those who had moved forward towards development under the old policy provisions.

In this case, it appears the Bergland Jr. property (6935/342) is a lot of record. This is not grandfathered, nor is there a need to. It exists and has one unit of density. The remainder of the property was not recorded as a lot of record, or record plat, or under any of the grandfathering provisions.

Whether there are three remaining density units and whether this can be granted by hearing or requires a change in the law is not for me to say. It is important, however, that the decision maker be aware of the 1990 County Council action on this issue. Also, that the intent of the law change was to close a loop hole that provided for subdivision of RC2 at a density greater than provided by County Council.

WSL:ju

c: Hillorie Richman

GOETZ2/WQAG

Project Name \_\_\_\_\_  
File Number \_\_\_\_\_ Waiver Number \_\_\_\_\_ Zoning Issue \_\_\_\_\_ Meeting Date \_\_\_\_\_

Stonegate at Patapsco (Azreal Property)

90476 \_\_\_\_\_ 6-1-92

ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

✓ Keith M. And Patricia M. Lambert 496 6-2-92 NC

DED DEPRM RP STP TE

COUNT 1

✓ Samuel Frank And David Granat 494 6-8-92 NC

DED DEPRM RP STP TE

✓ Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning 495 NC

DED DEPRM RP STP TE..

✓ William J. And Elizabeth G. Wachter 497 NC

DED DEPRM RP STP TE

✓ Aneita R. And James S. Henry 498 NC

DED DEPRM RP STP TE

✓ Douglas R. Small 499 NC

DED DEPRM RP STP TE

✓ Lyle L. Boltinghouse 500 NC

DED DEPRM RP STP TE

✓ Glenn A. And Patricia A. Sudano 501 NC

DED DEPRM RP STP TE

✓ Howard W. Dawson, Sr. 503 NC

DED DEPRM RP STP TE

COUNT 8

MICROFILMED

6/16/92  
8

DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature Raher J. Familip

06/15/92  
Date 6/16/92

Project Name  
File Number                      Waiver Number                      Zoning Issue                      Meeting Date

Albert F. And Ann B. Nocar  
478                      N/C                      6-1-92

DEPRM                      TE

Maryland Marine Manufacturing Co., Inc.  
479                      N/C

DEPRM                      TE

Stonegate at Patapsco (Azeal Property)  
90476  
ZON DED                      TE (Waiting for developer to submit plans first)

COUNT 3

Keith M. And Patricia M. Lambert  
496                      N/C                      6-2-92

DED DEPRM RP STP TE

COUNT 1

Samuel Frank And David Granat  
494                      N/C                      6-8-92

DED DEPRM RP STP TE

Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning  
495

DED DEPRM RP STP TE

William J. And Elizabeth G. Wachter  
497                      N/C

DED DEPRM RP STP TE

Aneita R. And James S. Henry  
498                      N/C

DED DEPRM RP STP TE

Douglas R. Small  
499                      N/C

DED DEPRM RP STP TE

Lyle L. Boltinghouse  
500                      N/C

DED DEPRM RP STP TE

Glenn A. And Patricia A. Sudano  
501                      N/C

DED DEPRM RP STP TE

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMO

TO: Hearing Officer Date: June 19, 1992

FROM: Larry Goetz *LG*  
Planner I

SUBJECT: Small Property - Special Hearing 92-466-SPH, Item 499

This case of subdivision of R.C.-1 is complicated by the following factors .

1. Change in zoning regulations B.C.Z.R. 1A01.3.B.1, October 1, 1990, Bill 199-1990.
2. "Subdivision " of Bergland, Jr. parcel by deed as opposed to zoning petition, minor subdivision plan or record plat.
3. Adjacent ownership of land by Small not shown on plat to accompany Special Hearing.

There are 4 ways to look at the question "How many density units remain on Parcel 2 (of the 5 parcels from 1952). Note: there is one density unit already on the land.

1. Three density units remain: Allison Road subdivided the property according to Zoning Regulations in effect before 1990 and zoning commissioners policy R.S.D.-7.  
Subdivision by deed in 1985 was valid. The parcel on each side of road is allowed 2 density units.
2. One density unit remains: The road does not subdivide for density purpose. The subdivision by deed was valid.
3. No density units remain: Subdivision by deed not valid.
4. Two density units remain: Allison Road did not subdivide for density purposes and yet a subdivision by deed occurred in 1985 then east-west parcel are "connected" either physically or by deed.

IG:jaw

*Lets discuss this.*

92-466-SPH

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

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

DATE: June 30, 1992

FROM: J. Lawrence Pilson *JLP/AM*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item 499  
#15101 Allison Road  
Zoning Advisory Committee Meeting of June 8, 1992

This plan must go through minor subdivision and as such, must comply with prime and productive soils policies (Section 22-99, Baltimore County Code 1978 as amended). For this reason the subdivision line on the "remainder of Parcel 2" cannot be approved.

This property is not located within an Agricultural Preservation Area, however, it is adjacent to existing land in agricultural use. Additional density and subdivision conflicts with the perpetuation of agriculture through the subdivision of tracts of land into smaller and smaller pieces and through the additional density that can result in conflicts between farming and residential uses.

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, contact the Development Coordination Section at extension 2762.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:sp

JABLON/S/TXTSBP

MICROFILMED

Baltimore County Government  
Fire Department

4/4/92  
622492  
JW



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

(410) 887-4500

JUNE 3, 1992

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

RE: Property Owner: DOUGLAS R. SMALL

Location: #15101 ALLISON ROAD

Item No.: 499 (LJG) Zoning Agenda: JUNE 8, 1992

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: Capt. Jerry Deif Noted and Approved \_\_\_\_\_  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
JUN 4 1992

ZONING OFFICE

MICROFILMED

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature \_\_\_\_\_

*Walter P. Kim*

Date 6/15/92

Project Name  
File Number      Waiver Number      Zoning Issue      Meeting Date

✓ Keith M. And Patricia M. Lambert  
DED DEPRM RP STP TE      496      6-2-92  
No Comment

COUNT 1

✓ Samuel Frank And David Granat  
DED DEPRM RP STP TE      494      6-8-92  
No Comment

✓ Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning  
DED DEPRM RP STP TE      495  
No Comment

✓ William J. And Elizabeth G. Wachter  
DED DEPRM RP STP TE      497  
No Comment

✓ Aneta R. And James S. Henry  
DED DEPRM RP STP TE      498  
No Comment

✓ Douglas R. Small  
DED DEPRM RP STP TE      499  
No Comment

✓ Lyle L. Boltinghouse  
DED DEPRM RP STP TE      500  
No Comment

✓ Glenn A. And Patricia A. Sudano  
DED DEPRM RP STP TE      501  
No Comment

✓ Howard W. Dawson, Sr.  
DED DEPRM RP STP TE      502  
No Comment

COUNT 8

FINAL TOTALS  
COUNT 9

\*\*\* END OF REPORT \*\*\*

*WALTER P. KIM*

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

RECEIVED  
COUNTY BOARD OF APPEALS

92 AUG 28 PM 2:26



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

August 28, 1992

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

RE: Petition for Special Hearing  
E/S Allison Road, 150' N of the c/1 of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road)  
10th Election District, 3rd Councilmanic District  
DOUGLAS R. SMALL - Petitioner  
Case No. 92-466-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on July 28, 1992 by Eric Bergland, Protestant. 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*  
Lawrence E. Schmidt  
Zoning Commissioner

LES:cer

Enclosures

cc: Douglas R. Small, 15101 Allison Road, Monkton, MD 21111

Manor Area Association c/o Mr. James Constable  
13th Floor, 250 West Pratt Street, Baltimore, MD 21201

J. Carroll Holzer, Esquire - Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue, Towson, MD 21204

People's Counsel of Baltimore County  
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File



APPEAL

Petition for Special Hearing  
E/S Allison Road, 150' N of the c/1 of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road)  
10th Election District - 3rd Councilmanic District  
DOUGLAS R. SMALL - Petitioner  
Case No. 92-466-SPH

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

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) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits:

1. Plat to accompany Petition
2. No Exhibit marked "2"
3. Agricultural Declaration of Intent
4. Residential Contract of Sale
5. Settlement Statement
6. Assessment Map
7. RSD-7 - Policy Manual Section
8. Red-Lined Drawing of Total of Parcel 2
9. Red-Lined Drawing of remainder of Parcel 2
10. Red-Lined Drawing of remainder of Parcel 2
11. Title History of the Small Property

Deputy Zoning Commissioner's Order dated July 28, 1992 (Denied)

Notice of Appeal received August 11, 1992 from Eric Bergland, Protest.

cc: Douglas R. Small, 15101 Allison Road, Monkton, MD 21111

Manor Area Association c/o Mr. James Constable  
13th Floor, 250 West Pratt Street, Baltimore, MD 21201

J. Carroll Holzer, Esquire - Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue, Towson, MD 21204

People's Counsel, 400 Washington Avenue, 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 ZADM  
Public Services

**MICROFILMED**

23.83-acre parcel of land located to the east of Allison Road and identified as Remainder of Parcel 2 on Petitioner's Exhibit A shall contain one density unit, subject to the following restrictions:

1. Within thirty (30) days of the date of this Order, the Petitioner shall submit a new site plan of the subject property incorporating the relief granted herein.

2. Pursuant to Section 502.2 of the BCZR, two new deeds, one for the 8.5-acre parcel and one for the 23.83-acre parcel, have been recorded among the Land Records of Baltimore County. Said deeds incorporated a reference to the Zoning Commissioner's case and the restrictions and conditions set forth therein. A copy of the recorded deeds shall be forwarded to the Board of Appeals office for inclusion in the case file.

3. Small, his successors and assigns, hereby agrees to the following restrictions on the 8.333-acre parcel that he owns shown on the attached Exhibit A:

a. Any permanent above ground structure erected for the purposes of human habitation on the parcel labelled "A" on said Plat shall be constructed and maintained at a distance from Stansbury Mill Road shown by the line shown on Exhibit A labelled "Front Building Setback Line," to wit, said structure should be placed to the north and west of said line, on the side of the line farthest away from the Stansbury Mill Road.

b. No structure for human habitation shall be erected or maintained by Small on the portion of the property to the west and south of Allison Road owned by Douglas R. Small that is to the north and west of the Bergland home, as pictorially shown by the parcel labelled "B" on the attached Exhibit A.

c. There will be no above-ground structures of any kind on plot of land labelled "C" on attached Exhibit A.

4. The zoning approval so granted shall be with acknowledgement of the attached companion case of Eric and Anne Bergland, Case No. 94-59-SPH; and it is further

**ORDERED**, that the Zoning Commissioner's Order of July 28,

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



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

September 14, 1992

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

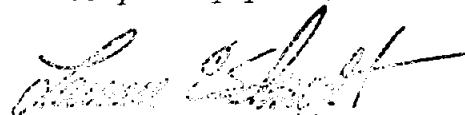
RE: Petition for Special Hearing  
E/S Allison Road, 150' N of the c/1 of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road)  
10th Election District, 3rd Councilmanic District  
DOUGLAS R. SMALL - Petitioner  
Case No. 92-466-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on August 11, 1992 by Eric Bergland, Protestant. 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: Douglas R. Small, 15101 Allison Road, Monkton, MD 21111

Manor Area Association c/o Mr. James Constable  
13th Floor, 250 West Pratt Street, Baltimore, MD 21201

J. Carroll Holzer, Esquire - Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue, Towson, MD 21204

People's Counsel of Baltimore County  
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File





APPEAL

Petition for Special Hearing  
E/S Allison Road, 150' N of the c/1 of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road)  
10th Election District - 3rd Councilmanic District  
DOUGLAS R. SMALL - Petitioner  
Case No. 92-466-SPH

Petition(s) for Special Hearing ✓

Description of Property ✓

Certificate of Posting ✓

Certificate of Publication ✓

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

*entered 10/1/92*

Zoning Plans Advisory Committee Comments ✓

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

Petitioner(s) and Protestant(s) Sign-In Sheets ✓

- Petitioner's Exhibits:
1. Plat to accompany Petition ✓
  2. No Exhibit marked "2"
  3. Agricultural Declaration of Intent
  4. Residential Contract of Sale
  5. Settlement Statement
  6. Assessment Map
  7. RSD-7 - Policy Manual Section
  8. Red-Lined Drawing of Total of Parcel 2
  9. Red-Lined Drawing of remainder of Parcel 2 ✓
  10. Red-Lined Drawing of remainder of Parcel 2
  11. Title History of the Small Property ✓

Deputy Zoning Commissioner's Order dated July 28, 1992 (Denied) <sup>aff one on 2</sup> " " <sup>on 2A</sup>  
Notice of Appeal received August 11, 1992 from Eric Bergland, Protest. <sub>Leave as requested</sub>

cc: Douglas R. Small, 15101 Allison Road, Monkton, MD 21111  
Stephen Nolan, Esq. Suite 700, Coral Towers, 216 W. Hampden  
Manor Area Association c/o Mr. James Constable  
13th Floor, 250 West Pratt Street, Baltimore, MD 21201  
\*Eric Bergland, 15024 Allison Rd., Monkton 21111  
J. Carroll Holzer, Esquire - Holzer, ~~Mahe~~ Demilio & Lee  
305 ~~West Chesapeake Avenue~~, Towson, MD 21204  
Washington Ave, Suite 502  
People's Counsel, 400 Washington Avenue, Towson, MD 21204

Request Notification: P. David Fields Director of Planning & Zoning

4/12/94 - Following parties notified of hearing set for Thursday,  
June 23, 1994 at 10:00 a.m.:

J. Carroll Holzer, Esquire  
Mr. Eric Bergland  
Douglas L. Burgess, Esquire  
Stephen J. Nolan, Esquire  
Mr. Douglas R. Small  
Manor Area Association  
c/o James Constable, Esquire  
People's Counsel for Baltimore County  
P. David Fields  
Lawrence E. Schmidt  
Timothy M. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

---

4/14/94 -Letter from Jeffrey P. Hanes, Esquire, counsel for contract purchasers of subject property (James and Laura Davison), requesting opportunity to review file; information re transcript from 7/28/94 (matter continued on record). T/C to Mr. Hanes this date; confirmed hours for reviewing file; that message would be left for Carolyn Peatt; and that we would send him a copy of the Notice of Assignment for hearing on 6/23/94.

---

6/20/94 -Letter hand-delivered from J.Carroll Holzer, Esquire -requesting postponement of 6/23/94 hearing; will be out of town on that date.

---

6/21/94 -No response to date from D. Burgess, Esquire (copy to have been FAXED to him by JC Holzer on 6/20/94). T/C to office; left message on Voice Mail regarding Holzer's request for postponement; comments, etc.?

---

6/22/94 -Conference call with Sterling Leese and Doug Burgess --Mr. Burgess has no objection to the granting of Mr. Holzer's postponement request. Sterling will appear on Thursday 6/23/94 and request postponement on record due to lateness of request; Michael Sauer will chair on behalf of Board.

Notified People's Counsel (PMZ) of status of 6/23/94 hearing /to be postponed on record; also alerted CP. Contacted H.R.M. --do not need to come in on 6/23/94; M. Sauer will handle. /kcw

D. Burgess to provide letter confirming above conversation.

---

6/22/94 -Letter from D. Burgess - indicating no objection to postponement requested by C. Holzer on behalf of his clients.

---

6/23/94 -Postponed on the record; to be reset.

7/07/04 -Notice of Assignment for hearing scheduled for Wednesday, August 24, 1994 at 10:00 a.m. sent to following:

J. Carroll Holzer, Esquire  
Mr. Eric Bergland  
Manor Area Association  
c/o Mr. James Constable  
Douglas L. Burgess, Esquire  
Stephen J. Nolan, Esquire  
Mr. Douglas R. Small  
Jeffrey P. Hanes, Esquire  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr. /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM

---

7/14/94 -Request for postponement from J. C. Holzer /out of town on vacation that week.

7/15/94 -Request for postponement GRANTED; case rescheduled to Friday, September 9, 1994 at 10:00 a.m.

---

9/08/94 -Per telephone call from D. Burgess, this matter has been resolved between parties; settlement on record at scheduled hearing on 9/09/94 at 10:00 a.m.; advised Board for purpose of their schedules /that 10:00 a.m. hearing would be for settlement only.

---

9/09/94 -Counsel for Petitioner and Appellants appeared, as well as People's Counsel. Copy of covenants between Petitioner and Protestants presented to Board; agreement of parties put on record. Proposed Order to be prepared by Counsel and submitted to Board for review. (H.B.M.)

DOUGLAS R. SMALL  
92-466-SPH

---

10/26/92 -Letter from Douglas Burgess, Esquire /Counsel for Petitioner /requesting  
early hearing date if available.

10/28/92 - Following parties notified of hearing set for January 6, 1993 at 10:00 a.m.:

Mr. Eric Bergland  
Mr. Douglas R. Small  
Stephen J. Nolan, Esquire  
Manor Area Association  
J. Carroll Holzer, Esquire  
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

-----  
10/26/92 -Letter recvd from Doug Burgess, Esquire /Counsel for Douglas Small -- requesting early hearing date if possible. Est. hearing time /4 hours.  
10/28/92 -Letter recvd from Carroll Holzer, Counsel for Mr. Eric Bergland /response to above letter /believes full day should be allotted; agrees that all parties should agree to any early date given.

-----  
10/29/92 -Letter to D. Burgess /case has been scheduled; no other date available at this time; availability of all parties will be confirmed prior to any rescheduling.

-----  
1/06/93 -Possible settlement being pursued; additional time needed by all parties. Mutual request for stay to work out details put on record; plat entered by Counsel for Mr. Small as Petitioner's Exhibit "A" and matter continued to Thursday, April 29, 1993 at 10:00 a.m. /notices to be sent.

-----  
1/7/93 - Notice of POSTPONEMENT AND REASSIGNMENT sent to above parties - new date of April 29, 1993 at 10:00 a.m.

-----  
4/20/93 -Ltr from D. Burgess, counsel for Petitioner /requesting PP to some time in late July due to hospitalization of his client, Mr. Small. To be PP'd and reset to 7/28.

-----  
4/21/93 -Notice of PP and Reassignment sent to parties; case rescheduled to Wednesday, July 28, 1993 at 10:00 a.m.

-----  
7/28/93 -Hearing scheduled; settlement agreement put on record by counsel; Board to hold this case pending filing of Petition for Special Hearing with Zoning; order to be issued by the Board in Case No. 92-466-SPH upon finalization of attendant matter before Zoning Commissioner (resulting from above-referenced Petition for Special Hearing regarding density transfer).

-----  
4/01/94 -Letter from Douglas Burgess, Esquire -Counsel for Petitioner; requesting that case be set in for hearing on merits; settlement negotiations have "broken down" and a full hearing on merits is requested.

4/21/92  
6/17/92  
S

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF PLANNING AND ZONING**  
New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

**MEMORANDUM**

**TO:** Arnold Jablon, Director  
Zoning Administration & Development Management

**FROM:** Office of Planning and Zoning

**DATE:** June 17, 1992

**SUBJECT:** Douglas R. Small Property

**INFORMATION:**

**Item Number:** 499

**Petitioner:** Douglas R. Small

**Property Size:** 46.13 acres

**Zoning:** RC 2

**Requested Action:** Special Hearing

**Hearing Date:**     /    /    

**SUMMARY OF RECOMMENDATIONS:**

The petitioner is requesting a special hearing to confirm the lawful existence of the single density unit on Parcel 2A and two remaining density units on the remainder of Parcel 2.

The Office of Planning has no comment on this particular petition.

If the Zoning Commissioner confirms two density units on the remainder of parcel 2, then the Office of Planning will have comments on this site as it proceeds through the minor subdivision process.

**Prepared by:** Francis Morsey

**Division Chief:** \_\_\_\_\_

FM:rdn

**RECEIVED**

JUN 22 1992

**ZONING OFFICE**

**MICROFILMED**

IN RE: PETITION FOR SPECIAL HEARING  
E/S Allison Road, 150' N  
of c/l Stansbury Mill Road  
15101 Allison Road  
10th Election District  
3rd Councilmanic  
DOUGLAS R. SMALL,  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-466-SPH

\* \* \* \* \*

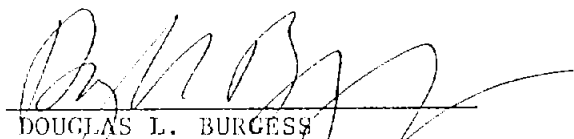
SUBPOENA

TO: Wally Lippincott  
Department of Environmental Protection  
and Resource Management  
4th Floor, County Courts Building  
Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally  
before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore  
County in Room Zoning Commissioner's Hearing Room

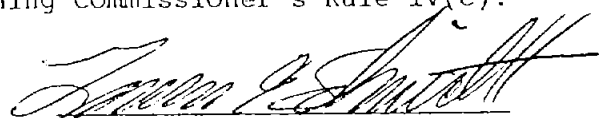
and to bring your file regarding Douglas R. Small Property,  
15101 Allison Road, Monkton, Maryland 21111

on the 16th day of July 1992, at 11:30 a.m.  
regarding the above captioned  
case, for the purpose of testifying at the request of \_\_\_\_\_  
Douglas R. Small, Petitioner.

  
DOUGLAS L. BURGESS  
Nolan, Plumhoff & Williams, Chtd.  
Suite 700, Court Towers  
210 West Pennsylvania Avenue  
Towson, MD 21204  
(410) 823-7800

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

  
Zoning Commissioner/Deputy  
Zoning Commissioner  
for Baltimore County

Issued: 7/10/92

IN RE: PETITION FOR  
*Douglas B. Small,*  
*Special Hearing*

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. *92-466 S.P.H.*

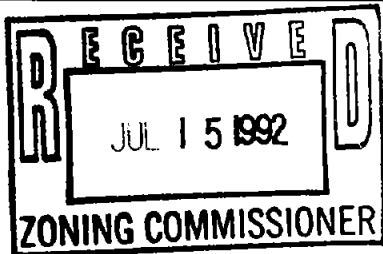
\* \* \* \* \* *Item # 499*

SUBPOENA

TO: *Mr Larry Goetz*  
*Planner #1*  
*Baltimore County Office Bldg*  
*Towson Md 21204*

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room *106, County Office Bldg.*

and to bring *the full file, all plats, maps, comments, correspondence & memoranda of all kinds relating to this project* on the *16* day of *July* 19*92* regarding the above captioned case, for the purpose of testifying at the request of *protestors*



*J. Carroll Holzer by R. M...*  
*J. Carroll Holzer*  
*Holzer Robert & Beverly*  
*Suite 105*  
*Towson Md 21204*

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

*Smalley M. Katooco*  
Zoning Commissioner/Deputy  
Zoning Commissioner  
for Baltimore County

Issued: \_\_\_\_\_

MICROFILMED



IN THE MATTER OF

Douglas R. Small

E/s Allison Rd., 150' N

Stansbury Mill Rd.

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* BALTIMORE COUNTY  
\* CASE NO. 92-466-SPH

\* \* \* \* \*

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday January 6, 1993 at 10 A.M. at Room \_\_\_\_\_, located at BOA Hearing Rm. Basement Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Wally Lippincott  
Address: DEPRM  
County Courts Bldg. Towson

Name: J. Carroll Holzer, Esq.  
Firm: 305 W. Chesapeake Ave. #105  
Address: Towson, Md. 21204  
825-6961

RECEIVED  
COUNTY BOARD OF APPEALS  
- 7 JAN - 1, 1993

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

151  
County Board of Appeals of  
Baltimore County

Cost: \$ \_\_\_\_\_

Summoned: \_\_\_\_\_, 19 \_\_\_\_\_

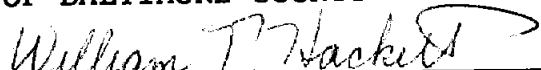
Not served: \_\_\_\_\_, 19 \_\_\_\_\_

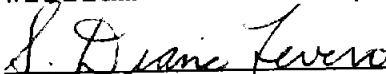
Sheriff of Baltimore County

1992, herein is hereby affirmed, with the conditions enumerated heretofore adopted herein as part of this Order affirming the decision.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
\_\_\_\_\_  
William T. Hackett, Chairman

  
\_\_\_\_\_  
S. Diane Levero

  
\_\_\_\_\_  
Harry E. Buchheister, Jr.

IN THE MATTER OF

Douglas R. Small

E/s Allison Rd., 150' N

Stansbury Mill Rd.

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* BALTIMORE COUNTY  
\* CASE NO. 92-466-SPH

\* \* \* \* \*

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday January 6, 1993 at 10 A.M. at Room \_\_\_\_\_, located at BOA Hearing Rm. Basement Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Carl Richards  
Address: Zoning Office  
County Office Bldg. Towson

Name: J. Carroll Holzer, Esq.  
Firm: 305 W. Chesapeake Ave. #105  
Address: Towson, Md. 21204  
825-6961

RECEIVED  
COUNTY BOARD OF APPEALS  
JAN - 11 PM '93

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

151  
County Board of Appeals of  
Baltimore County

Cost: \$ \_\_\_\_\_

Summoned: \_\_\_\_\_, 19\_\_\_\_

Not served: \_\_\_\_\_, 19\_\_\_\_

Sheriff of Baltimore County

IN THE MATTER OF

Douglas R. Small E/s

15101 Allison Rd.

4th Election District

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* BALTIMORE COUNTY  
\* CASE NO. 92-466-SPH

\* \* \* \* \*


SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday July 28 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Wally Lippin Gitt  
Address: Planning Office / DEPRM  
County Courts Bldg. Towson

Name: J. Carroll Holzer, Esq.  
Firm: Holzer, Maher & Demilio  
Address: 305 W. Chesapeake Ave. #105  
Towson, Md. 825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

  
\_\_\_\_\_  
County Board of Appeals of  
Baltimore County

Cost: \$ \_\_\_\_\_

Summoned: \_\_\_\_\_, 19\_\_\_\_

Not served: \_\_\_\_\_, 19\_\_\_\_

Sheriff of Baltimore County

RECEIVED  
COUNTY BOARD OF APPEALS  
93 JUL 23 AM 10:22

IN THE MATTER OF  
Douglas R. Small E/s  
15101 Allison Rd.  
4th Election District

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* BALTIMORE COUNTY  
\* CASE NO. 92-466-SPH

STERLING  
Leese  
TO  
Provide  
AFFIDAVITS

\* \* \* \* \*


SUBPOENA

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Witness: Larry Goetz  
Address: Zoning  
County Office Bldg. Towson

Name: J. Carroll Holzer, Esq.  
Firm: Holzer, Maher & Demilio  
Address: 305 W. Chesapeake Ave. #105  
Towson, Md. 825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

  
County Board of Appeals of  
Baltimore County

Cost: \$ \_\_\_\_\_

Summoned: \_\_\_\_\_, 19\_\_\_\_

Not served: \_\_\_\_\_, 19\_\_\_\_

Sheriff of Baltimore County

RECEIVED  
COUNTY BOARD OF APPEALS

93 JUL 23 AM 10:22

IN THE MATTER OF

Douglas R. Small E/s

15101 Allison Rd.

4th Election District

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* BALTIMORE COUNTY  
\* CASE NO. 92-466-SPH

\* \* \* \* \*

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the County Board of Appeals of Baltimore County at the hearing for the matter captioned above on Wednesday July 28 at 10:00 a.m. at Room 48, located at Basement, Old Courthouse and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

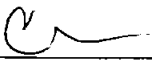
Witness: Custodian, zoning files  
Address: Zoning office, County Office Bldg. Towson, Md.

Alise produce file in  
Case # 89-383-SPH

Green Power  
Verren Power Larson, et al.  
petitioners

Name: J. Carroll Holzer, Esq.  
Firm: Holzer, Maher & Demilio  
Address: 305 W. Chesapeake Ave. #105  
Towson, Md. 825-6961

The witness named above is hereby ordered to so appear before the County Board of Appeals. The Board requests the Sheriff to issue the summons set forth herein.

  
County Board of Appeals of  
Baltimore County

Cost: \$ \_\_\_\_\_

Summoned: \_\_\_\_\_, 19\_\_\_\_

Not served: \_\_\_\_\_, 19\_\_\_\_

Sheriff of Baltimore County

RECEIVED  
COUNTY BOARD OF APPEALS

93 JUL 23 10:23

499  
92-466-SPH

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN \*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
LOUIS G. CLOSE, III  
E. BRUCE JONES \* \*  
GREGORY J. JONES  
J. JOSEPH CURRAN, III

LAW OFFICES  
**NOLAN, PLUMHOFF & WILLIAMS**

**CHARTERED**  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX: (410) 296-2765

JAMES D. NOLAN  
(RETIRED 1980)  
J. EARLE PLUMHOFF  
(1940-1988)  
RALPH E. DEITZ  
(1918-1990)  
OF COUNSEL  
T. BAYARD WILLIAMS, JR.  
RICHARD L. SCHAEFFER\*  
WRITER'S DIRECT DIAL  
823-  
7853

\*ALSO ADMITTED IN D.C.  
\*\*ALSO ADMITTED IN NEW JERSEY

May 28, 1992

Mr. Laurence J. Goetz  
Baltimore County Zoning Office  
Baltimore County Office Building  
111 Chesapeake Avenue  
Towson, Maryland 21204

Re: Mr. Douglas R. Small  
Petition for Special Hearing

Dear Mr. Goetz:

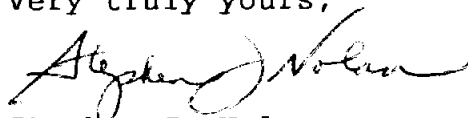
Pursuant to our meeting on May 26, I am filing herewith the enclosed Petition for Special Exception together with our firm's check in the amount of Three Hundred (\$300.00) Dollars.

Also enclosed please find:

1. Ten <sup>12</sup>(10) copies of the site plan prepared by E.F. Raphael and Associates;
2. One (1) 200 scale map;
3. One (1) 200 scale photographic map with subject property delineated.

We would greatly appreciate a hearing at the earliest possible date. Thank you for your assistance in this matter.

Very truly yours,



Stephen J. Nolan

SJN/mao

encl.

cc: Mr. E.F. Raphael  
Mr. Richard A. Moore  
Gaylord Brooks Realty Company  
Mr. Douglas R. Small

**MICROFILMED**

August 11, 1992

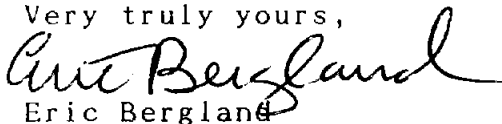
Ms. Charlotte Radcliffe  
Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

Re: Case No. 92-466-SPH  
E/S Allison Road, 150' N. of  
C/L of Stansbury Mill Road  
(15101 Allison Road)  
10th Election District  
3rd Councilmanic District  
Douglas R. Small - Petitioner

Dear Ms. Radcliffe:

The purpose of this letter is to formally file an appeal to the County Board of Appeals on the subject case. Attached is my check no. 1853 in the amount of \$210.00.

Very truly yours,



Eric Bergland  
15024 Allison Road  
Monkton, MD 21111

cc: Mr. J. Carroll Holzer  
Attorney at Law  
Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue  
Towson, MD 21204

cc: Manor Area Association  
c/o Mr. James Constable  
13th Floor  
250 West Pratt Street  
Baltimore, MD 21201

**PAYMENT**  
8-11-92 *ce*  
ZONING OFFICE



COUNTY BOARD OF APPEALS

TELEPHONE MESSAGE

DATE: 2/04/93

TIME: 8:59 a.m.

FOR : Mr. Staley

FROM : Ann Bergland

TELEPHONE : 666-1289

REGARDING : Case No. 92-466-SPH /Douglas R. Small  
E/s Allison Road, 150' N /Stansbury Mill Road  
(15101 Allison Road) 4th E; 3rd C

The sign posted at the above property has been removed. She's requesting that it be re-posted /scheduled for hearing on April 29, 1993.

TAKEN BY: kathi

*Copy to  
Mr. Staley 2/05/93*

*Mrs. Bergland  
called again  
on 2/10/93.*

Some notes will  
represent Detention  
at hearing on 7/28/93  
per r/c from D. Berger.

7/20/93

8-12-93

Kathi has old plan with red and green lines on it. Needs to refile SPH before ZC. BOA file says Steve Nolan will submit amended plan. There is an agreement in BOA file that the case will be held open until the SPH on the density units.

Hackett chaired BOA hearing (7-28-93). He will be in the office on Tuesday.

Sophia

RECEIVED  
COUNTY BOARD OF APPEALS  
JEFFREY P. HANES  
ATTORNEY AT LAW

22 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204

94 APR 14 PM 3:49

TELEPHONE (410) 828-9244

FAX (410) 321-8512

April 13, 1994

Mr. William Hackett, Chairman  
Board of Appeals  
Room 49  
400 Washington Ave.  
Towson, Maryland 21204

Re: Case No. 92-466-SPH  
E/S Allison Road, 150' N. of C/L of Stansbury Mill Rd.  
(parcels 2 and 2A Allison Rd.) 10th Election District,  
3rd Councilmanic District, Douglas R. Small-Petitioner

Dear Mr. Hackett:

I represent James and Laura Davison, who are contract purchasers of the real property involved in the captioned Petition.

It is my understanding that the Petitioner and Protestant reached a settlement prior to and/or at the time of a hearing which was scheduled last summer. Subsequently, to the best of my understanding, the parties have been unable to complete their settlement, and a new hearing on the merits has been requested.

I would appreciate the opportunity to review all documents in the existing Board of Appeals files, including any notes or memoranda regarding the parties' prior settlement. Please contact me at your earliest opportunity to respond to this request.

Thank you for your anticipated cooperation.

Very truly yours,

  
Jeffrey P. Hanes

JPH:jmd

cc: Mr. and Mrs. James S. Davison

4/14/94 -T/C to J. P. Hanes; file open for review during normal business hours; will leave message for Carolyn Peatt, court reporter on 7/28/94 (date matter continued on record for settlement agreement) regarding inquiry as to copy of transcript for 7/28/93; will send to Mr. Hanes a copy of Notice of Assignment /case scheduled for 6/23/94 before Board./k



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

November 4, 1994

J. Carroll Holzer, P.A.  
HOLZER and LEE  
305 Washington Avenue, Suite 502  
Towson, MD 21204

RE: Case No. 92-466-SPH  
Douglas R. Small

Dear Mr. Holzer:

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.

Very truly yours,

*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Mr. Eric Bergland  
Manor Area Association  
c/o Mr. James Constable  
Douglas L. Burgess, Esquire  
Mr. Douglas R. Small  
Jeffrey P. Hanes, Esquire  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Timothy H. Kotroco  
W. Carl Richards, Jr., /ZADM  
Docket Clerk /ZADM  
Arnold Jablon, Director /ZADM



LAW OFFICES

**NOLAN, PLUMHOFF & WILLIAMS**

**CHARTERED**

SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340

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JAMES D. NOLAN  
(RETIRED 1980)

J. EARLE PLUMHOFF  
(1940-1988)

RALPH E. DEITZ  
(1918-1990)

OF COUNSEL

T. BAYARD WILLIAMS, JR.

WRITER'S DIRECT DIAL  
823- 7857

NEWTON A. WILLIAMS  
THOMAS J. RENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN \*  
ROBERT L. HANLEY, JR.  
ROBERT S. GLUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
E. BRUCE JONES \*\*  
J. JOSEPH CURRAN, III

\* ALSO ADMITTED IN D. C.  
\*\* ALSO ADMITTED IN NEW JERSEY

October 25, 1994

Via Hand Delivery

Board of Appeals for Baltimore County  
Old Courthouse  
Towson, Maryland 21204

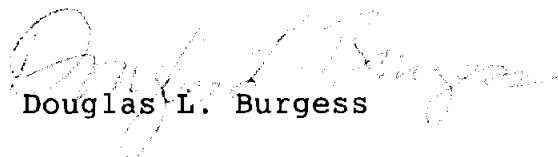
Re: 92-466-SPH

Gentlemen:

Enclosed please find for signature an Order which has been circulated previously to all counsel.

Please have the same executed at your earliest convenience.

Very truly yours,

  
Douglas L. Burgess

DLB/bmf  
Enclosures - Order  
Site Plan for  
Compliance

cc: Carroll Holzer, Esquire  
(with enclosures)  
Peter Zimmerman, Esquire,  
People's Counsel  
(with enclosures)

94 OCT 25 PM 3:59



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
(410) 887-3180

February 16, 1995

J. Carroll Holzer, P.A.  
HOLZER and LEE  
305 Washington Avenue, Suite 502  
Towson, MD 21204

RE: Case No. 94-466-SPH  
Douglas R. Small  
4th District

Dear Mr. Holzer:

As no further appeals have been taken regarding the subject matter, we have closed the file and returned same to the Office of Zoning Administration and Development Management, along with any exhibits entered in this matter. The Zoning Office maintains the permanent file.

Anyone interested in either the file or the exhibits is advised to contact Gwen Stephens in Zoning Administration at 887-3391 immediately upon receipt of this letter. By copy of this letter, all parties of record that may have an interest in this file have been notified.

Sincerely,

*Charlotte E. Radcliffe*  
Charlotte E. Radcliffe  
Legal Secretary

cc: Mr. Eric Bergland /Manor Area Association  
c/o Mr. James Constable  
Douglas L. Burgess, Esquire  
Mr. Douglas R. Small  
Jeffrey P. Hanes, Esquire  
People's Counsel for Baltimore County



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Zoning Administration &  
Development Management

**DATE:** February 16, 1995

**FROM:** Charlotte E. Radcliffe *CR*  
County Board of Appeals

**SUBJECT:** Closed File: Case No. 92-466-SPH  
DOUGLAS R. SMALL  
District 4

As no further appeals have been taken regarding the subject case, we are closing the file and returning same to you herewith.

Attachment



To: Larry Goetz  
From: Wm. Lippincott, Jr.  
RE: Small Prop. Spt 499

As a follow up to  
our discussion, here <sup>are</sup> some  
additional ~~information~~ <sup>comments</sup>.

It does appear that this  
circumstance is not covered by  
the grandfathering provision in  
the RC 2 lot of record-density  
provision (1990). The purpose of  
the grandfathering was to include  
those who had moved forward  
towards development under the  
old policy provisions.

In this case, it appears the  
Bergland Jr property (6935/342)  
is a lot of record. This is  
not grandfathered, nor is there  
a need to. It ~~is~~ exists and  
has one unit of density. The  
remainder of the property was  
a lot of record.

SMALL PROPERTY DEEDS

92-466 SPH

- 1 - 5/57 - 3173/237 Douglas Small → Calvin & Helene Braeklein 34.86 AC
- 2 - 7/62 - 4024/567 Douglas & Francis Small → Miriam Small 2.26 AC
- 3 - 7/64 - 4330/462 Douglas Small → State of MD 12.66 AC
- 4 - 5/85 - 6935/341 Miriam Small to Bergland 2.26 AC
- 5 - 5/85 - 6935/342 Douglas Small to Bergland 4.00 AC

J. Spetz 7/21/92

RECORDED

To: Hearing Officer  
From: Larry Goehy  
Subject: Additional Information  
Date: 5-28-92

Petition filed by Ms. Zmc, para-legal for attorney Nelson was informed that devolution of title (RSD-10 policy) for RC-2 would be necessary. It should be submitted to file at least 10 days before hearing.

It seems as if petitioner small owns other adjacent land. Kate Melton actually ~~is~~ is more familiar with details of case than I am.

Larry

MICROFILMED

DO NOT SHALL BEAT  
LEGAL PRECEDENTS

1. BCZR §1A01.3  
RCCZ HEIGHT + AREA REGULATIONS
2. POLICY MANUAL 1A01.3.B.1 (p. 1A-10) (OLD RSD 10)  
"SUBDIVIDING EXISTING R.C. LOTS"
3. RSD-7, '85 EDITION POLICY MANUAL
4. BILL 199-90, COUNTY COUNCIL, ENACTED OCT. 15, 1990
5. GUDENMAN v. PEOPLE'S COUNSEL, CSA, UNREPORTED, 1/22/91
6. BCZR §103.1 - PROSPECTIVE APPLIC. OF LAW
7. COUNTY CODE §26-1 & §26-168 "SUBDIVISION" DEFINED
8. BCZR §101 "SUBDIVISION" DEFINED
9. COUNTY CODE §26-216 "VESTING" DEFINED
10. R.P. Code §3-108 PLATS PERMISSIVE
11. COUNTY CODE §26-168 "AGRICULTURAL PURPOSES" DEFINED
12. COUNTY CODE §26-170 "EXEMPTION DEV. REGS - AG. PURPOSES"

DOUBLE SMALL  
ZONED PRECEDENTS

13. IN RE: GARRETT POWER, CASE NO. 89-383-SPH  
(9.818 over non-density transfer from Power to Larsen  
affirmed by Commissioner - ruling made  
after transaction + w/o benefit of written agreement  
betw. the parties
14. IN RE: JOHN B. HARRISMAN, Case No. 85-281-SPH  
Commissioner gutten enunciates spirit + intent  
test and promotion of agricultural purposes standard  
by which all special hearings are judged.
15. IN RE: Ralph P. Stern, Case No. 88-131-SPH
16. WELL WATER LAW - BMTD CO. CODE § 35-36 et seq.
17. RSD - 8      SALE OR TRANSFER OR  
SMALL RE ZONED PRTY.

Grantee buyer

22-40

40-50

2-11-46 F&M ← Anna Emory Warfield deed 1423/317

50-60

4-26-52 D ← Francis Small & wf deed 2102/453

6-12-57 D & F Calvin Braecklein & wf mort 3173/240

12-23-58 D & J ← Sidney Watter jr mtg 3466/430

60-70

11-13-61 (?) Francis W ← Marie Binder & Husb deed 3920/59

8-2-62 F ← D & wf deed 4024/567

7-15-63 D & J ← Colonial Pipeline Co agrmt 4170/453

9-24-63 D & J ← " " agrmt 4206/187

70-80

8-13-75 D ← Richard Small W 2nd mtg 5556/424

80-80

6-11-85 D & JE ← Paul A Newcome Tr par rel 6931/554

86-90

4-26-89 D & JE ← Donald F Hering/sub tr tel ~~815~~ 8156/582

Grantor Small

D&J = Douglas & Jane

F&M = Francis & Miriam

D&JE = Douglas & Jennifer

22-40

40-50

- 2-11-46 D&J → Francis Small & wf deed 1423/317
- 3-28-46 F&M → Louise Watters deed 1447/145
- 11-18-46 F&M → Cons Gas Elec L&P Co agmt 1524/265
- 11-30-46 F&M → " " " " agmt 1512/566
- 3-1-50 F&M → Samuel Shriver & wf deed 1815/13

50-60 see below

- 6-12-57 D&J → Calvin Braecklein & wf deed 3173/237

60-70

- 8-2-62 D&J → Francis Small deed 4024/567
- 4-4-63 D&J → Colonial Pipeline option 4125/101
- 7-9-63 D → Calvin Braecklein & wf release 3173/579
- 7-15-63 D&J → Col. Pipeline agmt 4170/453
- 9-24-63 D&J → " " " 4206/187
- 7-21-64 D&J → St of md Dept of Forest deed 4330/462
- 3-1-66 D&J → Sidney Watters jr release 3466/673

70-80

- 4-28-77 D → Richard Small 2<sup>nd</sup> mtg rel 5746/869
- 4-6-79 D&JE → BGE agmt 6006/781
- 6-12-79 D&JE → Paul Newcomer Tr Deed Tr 6032/690

80-86

- 6-14-85 Douglas R/PR & Miriam E W/DEC → Eric L. Berglund jr deed 6935/341
- 6-14-85 D → Eric L. Berglund jr deed 6935/342
- \*4-26-52 F&M → Doug deed 2102/453
- 12-23-58 D&J → Sidney Watters jr deed 3466/426

MICROFILMED

RE: PETITION FOR SPECIAL HEARING : BEFORE THE COUNTY BOARD OF APPEALS  
E/S Allison Rd., 150' N of C/L  
of Stansbury Mill Rd. (Parcels : OF BALTIMORE COUNTY  
2 and 2A Allison Rd.)  
10th Election District : Zoning Case No. 92-466-SPH  
3rd Councilmanic District  
:  
DOUGLAS R. SMALL, Petitioner  
: : : : : :

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  
100 Washington Avenue  
Towson, Maryland 21204  
(410) 887-2188

I HEREBY CERTIFY that on this 1<sup>st</sup> day of October, 1992, a copy of the foregoing Entry of Appearance was mailed to Douglas L. Burgess, Esquire, Nolan, Plumhoff & Williams, 210 W. Pennsylvania Ave., Suite 700, Towson, MD 21204; J. Carroll Holzer, Esquire, Holzer, Maher, Demilio & Lee, 305 W. Chesapeake Ave., Towson, MD 21204; and Mr. and Mrs. Eric Bergland, 15024 Allison Rd., Monkton, MD 21111.

Phyllis Cole Friedman  
Phyllis Cole Friedman

92 OCT - 1 AM 8:50

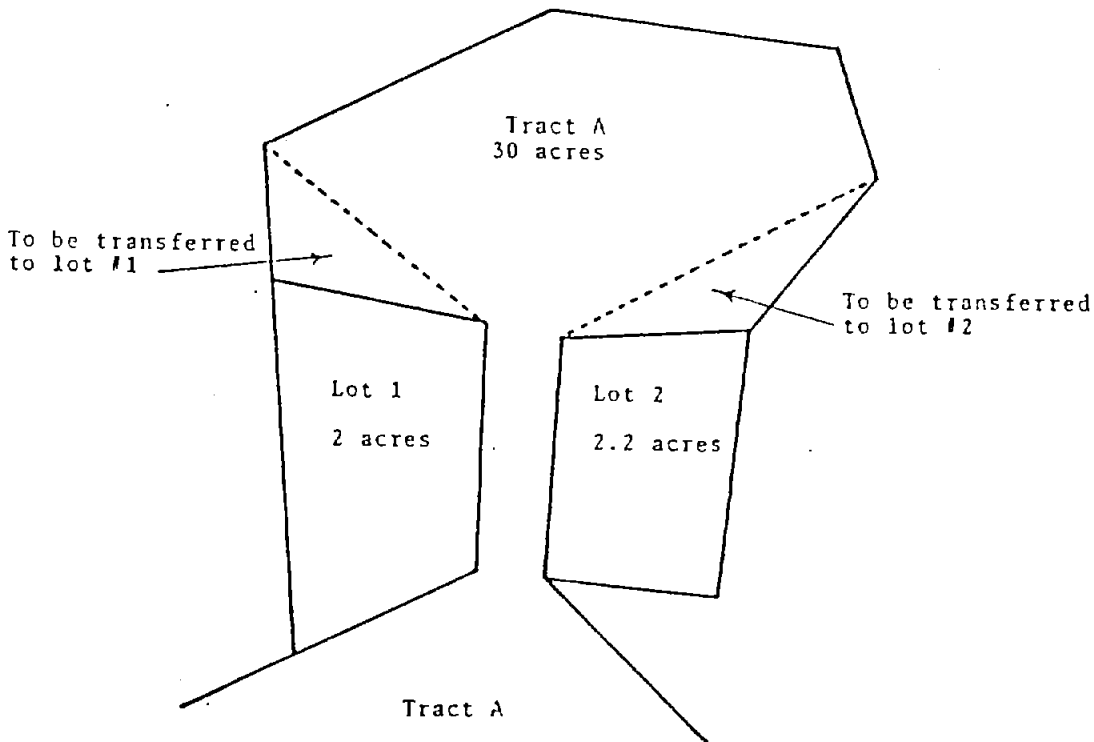
RECEIVED  
COUNTY BOARD OF APPEALS



1A00.4.a AMENDMENTS TO DEVELOPMENT PLANS - INDIVIDUAL LOT OWNERS  
(See Section 1B01.3.A.7.C Z.C.P.M., Page 1B-21)

1A00.4.b SALE OR TRANSFER OF SMALL PARCELS

- (1) The sale or transfer of small R.C. zoned parcels, usually too small to meet the minimum lot size, for non-density purposes such as access, or agriculture, may be permitted.
- (2) In an R.C. 2 zone, a parcel could possibly be transferred from the overall development tract to an adjacent existing lot of record provided that the end result does not permit a re-subdivision into a greater number of lots.
- (3) Depending on the use and the size of the parcels, a special hearing before the Zoning Commissioner may be required to determine if a non-density transfer is permitted.



- (4) Persons shall be advised to read both the Circuit Court and Special Appeals Cases for Steven H. Gudeman, et ux, All Parties v. People's Counsel for Baltimore County.

Sludge Disposal Facility: Any facility used to contain, store, utilize, or dispose of stabilized sludge, including a surface impoundment, a site used for incineration, co-land-filling, land spreading, or composting of stabilized sludge. [Bill No. 46, 1982.]

Stabilized Sludge: The sludge that has been treated by a process to reduce putrescibility, significantly reduce pathogenic organisms and, except for lime stabilization, reduce the folatile [sic] solids content. [Bill No. 46, 1982.]

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes. [B.C.Z.R., 1955.]

Street: A motorway which is not a freeway or expressway, but which has a right of way more than 20 feet in width. [B.C.Z.R., 1955; Bill No. 100, 1970.]

Street Line: A line which divides the right of way of a street from other property: a street right-of-way line. [Bill No. 111, 1958.]

Subdivision: The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots or other divisions of land for the purpose, whether immediate or future, of building development for rental or sale, and including all changes in street or lot lines, provided, however, that this definition of a subdivision shall not include divisions of land for agricultural purposes. [B.C.Z.R., 1955.]

*Said for streets of houses*

["Subdivision, Cluster" and definition added by Bill No. 106, 1963; deleted by Bill No. 100, 1970.]

System of Rubble Disposal or Land Reclamation for Public or Private Use: System of rubble disposal or land reclamation for public or private use means the services, facilities or properties used in connection with the disposal of rubble or land reclamation, unless these activities are limited to rubble generated by a single individual or business and disposed of on the same property where generated. While limited operation of a rubble landfill can be accessory to agricultural use, it is not a primary agricultural activity. [Bill No. 97, 1987.]

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 1990, Legislative Day No. 19  
Bill No. 199-90

---

Mr. C.A. Dutch Ruppertsberger, III, Councilman  
By Request of County Executive

---

By the County Council, October 15, 1990

---

A BILL  
ENTITLED

AN ACT concerning

Roads Crossing Lots of Record

FOR the purpose of amending the Baltimore County Zoning Regulations in order to clarify and define whether roads crossing lots of record zoned RC2 create separate parcels of land.

BY repealing and reenacting, with amendments,

Section 1A01.3.B.1.  
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon; now, therefore

1. SECTION 1. Be it enacted by the County Council of Baltimore  
2. County, Maryland, that Section 1A01.3.B.1. of the Baltimore County  
3. Zoning Regulations, as amended, be and is hereby repealed and reen-  
4. acted, with amendments, to read as follows:
5. 1A01.3--HEIGHT AND AREA REGULATIONS
6. B. Area regulations.
7. 1. Subdivision Lot Density. No lot of record lying  
8. within an R.C. 2 zone and having a gross area of less than 2 acres  
9. may be subdivided. No such lot having a gross area between 2 and  
10. 100 acres may be subdivided into more than 2 lots (total), and such  
11. a lot having a gross area of more than 100 acres may be subdivided  
12. only at the rate of 1 lot for each 50 acres of gross area. IN CASES  
13. WHERE LAND IN SINGLE OWNERSHIP IS CROSSED BY EXISTING OR PROPOSED  
14. ROADS, RIGHTS-OF-WAY, OR EASEMENTS, THE PORTIONS OF LAND ON EITHER  
15. SIDE OF THE ROAD, RIGHT OF WAY, OR EASEMENT SHALL NOT BE CONSIDERED

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike-out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

10/15/90

black-line photo process comparable to original quality that will conform to archival standards. The State Highway Administration may substitute microfilm aperture cards showing property or rights-of-way to be acquired or granted. Microfilm aperture cards must meet archival standards for permanent records.

(3) The plat shall contain the courses and distances of all lines drawn on the plat.

(4) With respect to all curved lines, the plat shall show the length of all radii, arcs, and tangents and the courses and distances of all chords.

(5) The plat shall contain a north arrow which represents and designates either true or magnetic meridian as of a date specified on the plat or shall be referenced to a recognized coordinate system within the county.

(6) All courses shown on the plat shall be calculated from the plat meridian.

(7) No distance on the plat may be marked, "more or less," except on lines which begin, terminate, or bind on a marsh, stream, or any body of water.

(8) The plat shall show the position by coordinates of not less than four markers set in convenient places within the subdivision in a manner so that the position of one marker is visible from the position of one other marker. From these markers, commonly called "traverse points," every corner and line can be readily calculated and marked on the ground. These markers shall be made of hard durable stone or concrete and shall be planted at least three feet into the ground.

(9) If the subdivision lies in an area where a recognized coordinate system already is established and traverse points of the system can be found and used, the coordinate values shall be marked in the same datum as those on the points found and identified by datum on the plat. In this case no markers are required, but the owner of land shall comply with all other requirements.

(10) A certificate stating that the requirement of this subsection, as far as it concerns the making of the plat and setting of the markers, shall be put on the plat and signed by the owner of the land shown on the plat to the best of his knowledge and by the surveyor preparing it.

(d) *Number of copies; fee.* — Three linen copies of the plat shall be mailed or delivered to the clerk. The fee is \$5 for each set of plats, except that a fee is not required for plats or microfilm aperture cards showing property or rights-of-way to be acquired or granted by the State Highway Administration.

(e) *Surveyor's identification.* — Each plat shall be signed and sealed by a surveyor registered in the State.

(f) *Worcester County.* — (1) Resubdividing in manner different from unrecorded plat. In Worcester County, if an unrecorded plat exists showing a subdivision, from which any lot has been granted, and the owner of the subdivision, or any part of it, proposes to resubdivide it in a manner different from the unrecorded plat, a copy of the unrecorded plat shall be recorded as required by this section and in addition to any other plat required by this section. If no unrecorded plat exists, the owner shall record an affidavit to this fact.

(2) Resubdividing in manner different from recorded plat. In Worcester County if a recorded plat exists showing a subdivision, and the owner of the subdivision, or any part of it, proposes to resubdivide it in a manner different from the recorded plat, another plat shall be recorded. This plat shall indicate clearly the lines, designation of blocks and block numbers, lots and lot numbers, streets, alleys, rights-of-way, and all other easements or pertinent data of the original recorded plat, with the proposed resubdivision plat superimposed on it. The proposed resubdivision plat shall indicate clearly the lines, designation of blocks and block numbers, lots and lot numbers, streets, alleys, rights-of-way, and all other easements and pertinent data. This plat shall be recorded in addition to any other plats required by this section.

(3) Perimeter plat where contiguous tracts combined. In Worcester County, if the owner of two or more contiguous tracts of land proposes to combine the tracts and subdivide them, the owner shall have recorded a plat to be known as a perimeter plat as provided in this section and in addition to any other plat required by this paragraph. The perimeter plat shall show clearly the lines of the original tracts, include a title reference to each tract, and have a plat showing the proposed subdivision of the entire tract superimposed on it. If less than the entire tract is subdivided, at any one time, each subsequent subdivision plat likewise shall be superimposed on a perimeter plat which also shall show clearly all prior subdivisions made pursuant to this subsection.

(4) Approval of plat by governing body. Notwithstanding the provisions of subsections (b), (c), and (d) and in addition to the requirements of paragraphs (1), (2), and (3), if the subdivided lands are, in whole or in part, within the corporate limits of an incorporated municipality, the plat may not be accepted for record by the Clerk of the Circuit Court of Worcester County until it first has been submitted to and approved by the governing body of the municipality where the land is located, and the approval of the municipality has been indicated plainly on the plat.

(g) *Prior unrecorded plats in Cecil County.* — In Cecil County, if an unrecorded plat exists showing a subdivision created prior to June 1, 1945, from which any lot has been granted and to which reference has been made in a deed now of record, the owner of the subdivision or any lot, or any interested party may have recorded a copy of the unrecorded plat in a separate plat book to be maintained by the Clerk of the Circuit Court for Cecil County. Reference to the plat is not by itself a "description of the property sufficient to identify it with reasonable certainty" within the meaning of § 4-101. The person presenting the plat for recording shall pay to the clerk a fee of \$1 for each plat so offered. No other provision of this section applies to the recording of any plat in Cecil County.

(h) *Size of plat in Garrett County.* — In Garrett County the size of the sheet (plat) shall be 18 by 24 inches, including a one and one-half inch margin for binding along the left edge. When more than one sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale.

(i) *Size of plat in Wicomico County.* — (1) A plat filed in the land records of Wicomico County shall measure 18 by 24 inches or 24 by 36 inches, including a 1½ inch margin along the left edge. If more than one sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale.

(2) This subsection does not apply to single lot plats suitable for recording in the same manner as other land record instruments, or to plats dated prior to July 1, 1977.

(j) *Copies of certain plats in Caroline County.* — (1) Notwithstanding any other provision of this section, in Caroline County, any interested person may record a copy of a plat if:

(i) It is signed and dated prior to January 1, 1970; and

(ii) The general location of the property can be determined by reference to the plat; and

(iii) The person offering the plat for recording appends a verified statement that it is the original plat, to the best of the offerer's knowledge, information and belief.

(2) The recording of plats under this subsection shall not be construed as the creation or establishment of a subdivision or compliance with any other rules or regulations applicable to subdivisions.

(k) *Size of plat in Dorchester County.* — (1) A plat filed in the land records of Dorchester County shall measure 18 by 24 inches or 24 by 36 inches, including a 1 1/2 inch margin along the left edge. If more than one sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale.

(2) This subsection does not apply to single lot plats suitable for recording in the same manner as other land record instruments, or to plats dated prior to July 1, 1987.

(l) *Exception for certain conveyances in Charles County.* — In Charles County, a deed conveying a parcel of land containing more than 20 acres of unimproved land is not required to be accompanied by a survey plat.

(m) *Section inapplicable in certain counties.* — This section does not apply in Allegany, Harford, Montgomery, Prince George's, and Talbot counties, except to the extent any of these counties is expressly mentioned in this section. (An. Code 1957, art. 21, § 3-108; 1974, ch. 12, § 2; 1977, ch. 92; ch. 763, § 4; 1979, ch. 98; 1980, ch. 290; 1981, chs. 99, 383; 1987, chs. 152, 271.)

**Effect of amendments.** — Chapter 152, Acts 1987, effective July 1, 1987, inserted present subsection (k) and redesignated former subsection (k) to be present subsection (m), and in that subsection, deleted "Dorchester" following "Prince George's."

Chapter 271, Acts 1987, effective July 1, 1987, added present subsection (l).

Quoted in *Hirsch v. Maryland Dep't of Natural Resources*, 288 Md. 95, 416 A.2d 10 (1980).

**ARTICLE II. INDIVIDUAL WATER SUPPLIES**

**Sec. 35-36. Definitions.**

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section:

*Certified laboratory* means a water quality laboratory approved by the state department of health and mental hygiene which examines public drinking water to determine its compliance with or produces data for enforcement of:

- (1) The National Safe Drinking Water Act; or
- (2) State standards for public drinking water.

*Conveyance* means a transfer of ownership of real property by deed. Conveyance does not include an executory contract of sale; property passing by intestate succession or pursuant to the terms of a will; transfers from one (1) or more tenants in common or joint tenants to one (1) or more of their covenants; transfers between husband and wife; transfers between divorced persons pursuant to an agreement; gifts of real property; property sold pursuant to judicial sale, mortgage, foreclosure, or under a deed of trust.

*Improved lot* means a lot with one (1) or more existing residences. A residence also includes a mobile home.

*Unimproved lot* means a portion of a subdivision or other parcel of land intended for residential building development, whether immediate or future.

*Water supply* means all private sources of potable water, including bored, drilled, driven, and dug wells, springs, and cisterns.

*Well* means a hole made in the ground and improved for the extraction of groundwater. Tandem wells approved in accordance with the provisions of COMAR 26.04.04.07 Q(5) are also included in the definition of a well for this article.

(Code 1978, § 13-116; Bill No. 173, 1989, § 3)

*Cross reference*—Definitions and rules of construction generally, § 1-2.

**Sec. 35-37. Water well yield; bacteriological and chemical testing.**

(a) All wells for domestic use shall be tested for yield. The minimum water well yield requirement shall be a recovery rate of one (1) gallon per minute. The methods of testing for water yield shall be as determined by the department of environmental protection and resource management and published in the policy document entitled "Department of Environmental Protection and Resource Management—Policy Manual," as amended from time to time.

(b) A water supply must meet the requirements of the state department of health and mental hygiene as to bacteriological and chemical quality. Water samples shall be analyzed by a certified laboratory located in the state.

(c) The yield test results shall be valid for a period of three (3) years from the date of the test. The bacteriological and chemical quality test results shall be valid for a period of one hundred eighty (180) days from the date on which the sample is taken.

(Code 1978, § 13-117; Bill No. 173, 1989, § 2)

**Sec. 35-38. Conveyance of unimproved lots.**

(a) Except as otherwise provided, unimproved lots which are not served by a public or community water supply system may not be conveyed unless the seller(s) provides a well with an adequate supply of water meeting the requirements of section 35-37(a) of this article.

(b) Except for an unimproved lot or lots located within any county critical water area delineated in subsection (f) of this section, the prospective buyer(s) of any unimproved lot not served by a public or community water supply system shall have the right to waive the drilling of a well as provided in subsection (a) of this section, but only after written notice to the buyer(s) of the provisions of subsection (a) of this section in the form set forth below and written waiver in the form prescribed below filed by the buyer(s) with the department of environmental protection and resource management at least six (6) days prior to settlement and/or the date of conveyance to buyer(s), whichever shall first occur. Said written





requirements of section 35-37(a) of this article unless otherwise exempted under the provisions of this subsection.

- (2) A subdivision or portion thereof conveyed for the purpose of resale; provided that none of the said lots may be reconveyed other than for purposes of resale in the absence of a well which meets the requirements of section 35-37(a) of this article unless otherwise exempted under the provisions of this subsection.
- (3) An unimproved lot which is not to be used for residential purposes within five (5) years from the date of conveyance; provided that there is compliance with the notice and waiver provisions of subsections (b), (c), and (d) of this section.

(f) The county critical water areas include all property underlain by the Loch Raven Schist and/or the Jones Falls Schist as delineated on the 1976 Geologic Map of Baltimore County and City prepared for the state by Crowley, Reinhardt and Cleaves.

(g) Any provisions of this article notwithstanding, no building permit shall be issued for the construction of a residence on any lot not served by a public or community water supply system unless the lot has a well which meets the requirements of section 35-37(a) of this article. (Code 1978, § 13-118; Bill No. 173, 1989, § 2)

#### **Sec. 35-39. Conveyance of improved lots.**

(a) Except as otherwise provided, an improved lot which is not served by a public or community water supply system may not be conveyed unless it has a water supply which meets the requirements of section 35-37(a) and (b) of this article.

(b) The prospective buyer(s) of any improved lot not served by a public or community water supply system shall have the right to waive the yield test and/or the chemical quality test provided in section 35-37(a) and (b) and take conveyance of such improved lot, but only after written notice to the buyer(s) of the provisions of subsection (a) of this section in the form provided below and written waiver in the form prescribed below filed by the buyer(s) with the department of environmental

protection and resource management at least six (6) days prior to settlement and/or the date of conveyance to buyer(s), whichever shall first occur. Said written waiver shall not be effective until the sixth day after filing, as aforesaid, and during the five (5) days immediately preceding said effective date, said waiver may be revoked by buyer(s) upon written notice of such revocation delivered or mailed by certified mail, postage prepaid, return receipt requested, to seller or seller's agent at seller's(s') home or business address or the business address of seller's(s') agent within said five-day period. Date of delivery shall include the date of mailing as aforesaid.

(c) The form of written notice to buyer(s) shall be as follows:

#### **NOTICE OF WELL WATER LAW**

Since the property to be purchased by buyer(s) will be served by a private water supply system as the source of domestic water, the law of Baltimore County requires that, prior to conveyance of such property to any buyer(s), seller(s) must provide a well with a supply of water meeting the minimum water yield requirements and bacteriological and chemical quality standards of section 35-37(a) and (b) of the Baltimore County Code. Buyer(s) is further advised that the quantity and quality of water is important and that, unless buyer(s) specifically executes a waiver of testing for minimum water yield and chemical quality standards, such tests must be made on the well existing on the property to be purchased by buyer(s) to determine whether same meets the minimum requirements established by Baltimore County Code. Any waiver of these testing requirements must be filed by buyer(s) on the form prescribed by the Baltimore County Code and filed with the Baltimore County Department of Environmental Protection and Resource Management at least six (6) days prior to settlement and/or the date of conveyance to buyer(s), whichever shall first occur. Any such waiver may be revoked by buyer(s) upon written notice of such revocation delivered or mailed by certified mail, postage prepaid, return receipt requested, to seller(s) or seller's(s') agent at seller's(s') home or business address

requirements of section 35-37(a) of this article unless otherwise exempted under the provisions of this subsection.

- (2) A subdivision or portion thereof conveyed for the purpose of resale; provided that none of the said lots may be reconveyed other than for purposes of resale in the absence of a well which meets the requirements of section 35-37(a) of this article unless otherwise exempted under the provisions of this subsection.
- (3) An unimproved lot which is not to be used for residential purposes within five (5) years from the date of conveyance; provided that there is compliance with the notice and waiver provisions of subsections (b), (c), and (d) of this section.

(f) The county critical water areas include all property underlain by the Loch Raven Schist and/or the Jones Falls Schist as delineated on the 1976 Geologic Map of Baltimore County and City prepared for the state by Crowley, Reinhardt and Cleaves.

(g) Any provisions of this article notwithstanding, no building permit shall be issued for the construction of a residence on any lot not served by a public or community water supply system unless the lot has a well which meets the requirements of section 35-37(a) of this article. (Code 1978, § 13-118; Bill No. 173, 1989, § 2)

**Sec. 35-39. Conveyance of improved lots.**

(a) Except as otherwise provided, an improved lot which is not served by a public or community water supply system may not be conveyed unless it has a water supply which meets the requirements of section 35-37(a) and (b) of this article.

(b) The prospective buyer(s) of any improved lot not served by a public or community water supply system shall have the right to waive the yield test and/or the chemical quality test provided in section 35-37(a) and (b) and take conveyance of such improved lot, but only after written notice to the buyer(s) of the provisions of subsection (a) of this section in the form provided below and written waiver in the form prescribed below filed by the buyer(s) with the department of environmental

protection and resource management at least six (6) days prior to settlement and/or the date of conveyance to buyer(s), whichever shall first occur. Said written waiver shall not be effective until the sixth day after filing, as aforesaid, and during the five (5) days immediately preceding said effective date, said waiver may be revoked by buyer(s) upon written notice of such revocation delivered or mailed by certified mail, postage prepaid, return receipt requested, to seller or seller's agent at seller's(s') home or business address or the business address of seller's(s') agent within said five-day period. Date of delivery shall include the date of mailing as aforesaid.

(c) The form of written notice to buyer(s) shall be as follows:

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IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
E/S Allison Road, 150' N of the DEPUTY ZONING COMMISSIONER  
c/1 of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road) \* OF BALTIMORE COUNTY  
10th Election District  
3rd Councilmanic District \* Case No. 92-466-SPH  
Douglas R. Small  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Douglas R. Small, by and through his attorney, Douglas Burgess, Esquire, in which the Petitioner requests approval and confirmation of the lawful existence of one density unit on Parcel 2A and two remaining density units on the Remainder of Parcel 2, as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Douglas R. Small, the Petitioner; Richard A. Moore, Real Estate Broker; and Eugene F. Raphael, Registered Professional Land Surveyor. Appearing as Protestants in the matter were Eric and Ann Bergland, and the Manor Area Association, represented by J. Carroll Holzer, Esquire.

Testimony indicated that the subject property, known as Parcel 2A and the Remainder of Parcel 2 of the Douglas Small Property, consists of 32.33 acres, more or less, zoned R.C. 2 and is presently unimproved. The Petitioner is desirous of subdividing the parcel, known as Remainder of Parcel 2, to create two lots and filed the instant Petition to approve and confirm that Parcel 2A contains one density unit and the Remainder of Parcel 2 contains two density units, in accordance with the site plan submitted and identified as Petitioner's Exhibit 1.

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As is the case in dealing with the issue of density in an R.C. 2 zone, it becomes necessary to give a historical background of the property. It also becomes necessary to take into consideration the size and configuration of the property as it existed on November 25, 1979, the effective date of the R.C. 2 regulations which govern this particular parcel of land. The Petitioner provided a history of the property and offered into evidence as Petitioner's Exhibit 9 a site plan which had been prepared by E. F. Raphael and Associates and depicts the property as it existed on November 25, 1979. On that particular date, the subject property existed as one parcel of land containing 36.33 acres, more or less, all of which is shaded in pink on Petitioner's Exhibit 9. It should be noted that the subject property is bisected by Allison Road. As of November 25, 1979, pursuant to the density calculations provided in the R.C. 2 regulations, this 36.33 acre parcel was entitled to two density units. That calculation was based upon Section 1A01.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) which states that "Any lot of a gross area between 2 and 100 acres may be subdivided into no more than two lots (total)." An issue arose at the hearing concerning the existence of Allison Road which bisects the subject property into two separate lots. Apparently, the old policy of the Zoning Office was that when a parcel of land in single ownership is traversed by a public road, then the parcels on either side of the public road should be figured separately for density purposes as if they were separately recorded lots. I do not agree with this policy. I do not agree that the existence of a public road bisecting an individual's property would permit that individual to increase the density associated with that property. That same issue was addressed by the Court of Special Appeals of Maryland in the case of Steven H. Gudeman, et ux, vs. People's

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Council for Baltimore County. The unreported opinion of that Court, filed January 22, 1991, clearly states that the existence of a road transecting a parcel of property would not serve to change one lot of record into two lots of record. I agree with that Court's interpretation of calculating density in an R.C. 2 zone. Therefore, the subject property, as it existed in 1979, was entitled to no more than two density units.

This matter is further complicated by what transpired in 1985. At that time, the Petitioner, acting as personal representative of the Estate of his late mother, Francis Small, conveyed 2.26 acres which contained his mother's home, to the Protestants, Eric and Ann Bergland. That 2.26-acre parcel was not part and parcel of the subject property in 1979, and as such, has no bearing on my decision in this matter. However, what does factor into my decision is the fact that at the same time that the Berglands purchased the 2.26 acres of land with the family home from the Estate of Frances Small, they also negotiated to purchase from the Petitioner another 4-acre parcel located immediately adjacent to the subject 2.26 acres. At the hearing, the Berglands testified that they were desirous of purchasing this additional acreage for their use along with the 2.26 acre parcel. Mrs. Bergland testified that she did not desire to live in the country on such a small lot and that they therefore negotiated to purchase the additional 4-acre parcel from Douglas Small.

By deeds of even date, the Berglands purchased the 2.26-acre parcel of property from the Estate of Frances Small, and the 4-acre parcel from the Petitioner, Douglas Small. The two parcels were never merged and remain today as two separate deeds.

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The issue then arose as to whether the 4-acre parcel transferred to the Berglands is a "lot of record" as that term is defined in the B.C.Z.R. A lot of record is defined as follows:

"A parcel of land with boundaries as recorded in the Land Records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof."

The effective date of the zoning regulation which governs the use and subdivision of this 4-acre lot is November 25, 1979, the effective date of the R.C. 2 zoning regulations. This 4-acre lot, which was conveyed in 1985 to the Berglands, was not in existence at the time the R.C. 2 zones came into being in 1979. Therefore, it is the opinion of this Deputy Zoning Commissioner that the 4-acre parcel of land does not constitute a lot of record as that term is defined in the B.C.Z.R. Because of that, this 4-acre parcel of land does not benefit from the grandfathering provisions contained in County Council Bill No. 199-90. Furthermore, I find that there was no zoning petition, site plan, subdivision plan, or record plat filed with or approved by the County between November 25, 1979 and October 1, 1990 regarding any of the parcels of property in question, and therefore, the grandfathering provisions do not apply.

The Berglands argued that at the time they purchased the 4-acre parcel of land, they also purchased one density unit from the Petitioner. I disagree with the Berglands on this point and find that no density unit was associated with the 4-acre parcel of land they purchased in 1985 for the following reasons. The evidence presented indicated that the Berglands paid \$16,000 for the subject 4-acre parcel. Testimony presented by Richard Moore, who has been involved in the sale and development of real estate in the rural areas of Baltimore County for the past 27 years,

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indicated that the purchase price for that 4-acre parcel was consistent with the price paid for farm land in 1985. Mr. Moore stated that in his opinion, had the subject 4-acre parcel of land enjoyed a density unit, the sale price of the property would have been approximately 5 times the price paid of \$16,000, or \$80,000. Furthermore, at the time of the sale of the subject 4-acre parcel to the Berglands, Mr. Small testified that he had a verbal agreement with the Berglands that permitted his cattle and horses to graze upon the subject 4-acre parcel. Testimony indicated that the grazing and pasturing of farm animals on the subject 4-acre parcel continued from 1985 up until last year. This fact also leads me to believe that the sale of the 4-acre parcel was not for density purposes or for the construction of a dwelling thereon. Additionally, the contract of sale makes no mention that a density unit was included in the sale nor does it make any mention of any well water or any waiver of the notice of well water which is governed by Section 35-38 of the Baltimore County Code. Furthermore, the Berglands have paid agricultural tax on the subject 4-acre parcel since their purchase in 1985 and have so indicated their intention to use the property for agricultural purposes by virtue of the agricultural declaration of intent which was signed by both Eric and Ann Bergland. A copy of the agricultural declaration of intent was submitted into evidence as Petitioner's Exhibit 3. Additionally, the deed which conveyed the 4-acre parcel to the Berglands was stamped "Agricultural Transfer Tax Not Applicable - Letter of Intent" on the face of the deed. Another factor that I considered in determining that a density unit is not associated with the 4-acre parcel is that at the same time the Berglands purchased that parcel, they purchased the Small's family home on the 2.26 acre lot, which was located immediately adjacent to and north of the sub-

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ject 4-acre parcel. Had they purchased the 4-acre parcel only, one could more easily infer that a density unit was being conveyed. However, the Berglands had already purchased a home in which to live and in my opinion, were only seeking to acquire additional acreage and not a density unit. Therefore, in the opinion of this Deputy Zoning Commissioner, there are two density units remaining for the Petitioner's property. The subject property as it exists today is depicted on Petitioner's Exhibit 10, a site plan of the property prepared by E. F. Raphael and Associates on July 9, 1992. Said site plan depicts one parcel of property to the west of the Berglands' property, containing 8.5 acres of land, more or less, and a second parcel of land located to the east of the Bergland property, containing 23.83 acres of land, more or less. In the opinion of this Deputy Zoning Commissioner, the entire parcel of land has enjoyed two density units since 1979. Those two density units shall be distributed as follows: One density unit shall be allocated for the 8.5 acre parcel of land situated to the west of Allison Road, and one density unit shall be allocated to the 23.83 acre parcel of land located to the east of Allison Road. For the reasons previously stated, the 4-acre parcel of land which was conveyed to the Berglands in 1985 contains no density units and should be merged with the 2.26-acre parcel containing the original family home of Francis Small, thereby creating one 6.26-acre parcel of land.

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Parcel 2 on Petitioner's Exhibit 1 shall contain one density unit, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and the Petitioner required to file a new Petition.
- 2) Within thirty (30) days of the date of this Order, the Petitioner shall submit a new site plan of the subject property incorporating the relief granted herein.
- 3) Pursuant to Section 502.2 of the B.C.Z.R., two new deeds, one for the 8.5 acre parcel and one for the 23.83 acre parcel, shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order. Said deeds shall incorporate a reference to this case and the restrictions and conditions set forth herein. A copy of the recorded deeds shall be forwarded to the Zoning Commissioner's Office for inclusion in the case file.

IT IS FURTHER ORDERED that the Petition for Special Hearing requesting the approval and confirmation of the lawful existence of one density unit on Parcel 2A and two remaining density units on the Remainder of Parcel 2, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

[Signature]  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

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Date 7/28/92  
By [Signature]

MICROFILMED

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 28, 1992

Douglas L. Burgess, Esquire  
Nolan, Plumhoff & Williams  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
E/S Allison Road, 150' N of the c/1 of Stansbury Mill Road  
(15101 Allison Road)  
10th Election District - 3rd Councilmanic District  
Douglas R. Small - Petitioner  
Case No. 92-466-SPH

Dear Mr. Burgess:

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

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

Very truly yours,  
[Signature]  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Eric Bergland  
15024 Allison Road, Monkton, Md. 21111  
Manor Area Association, c/o Earl Young,  
Manor Road, Monkton, Md. 21111  
People's Counsel

File

J. Carroll Holzer

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To: Hearing Officer  
From: Larry Gandy  
Subject: Additional Information  
Date: 5-28-92

Petition filed by Mr. Zmc. para legal for attorney Tuller was informed that resolution of title (PSD-10 policy) for RC-2 would be necessary. It should be submitted to file at least 10 days before hearing.

It seems as if petitioner small owned other adjacent land. Kate Milton actually is more familiar with details of case than I am.

*Janey*

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DOUG SMALL  
LEGAL PROCEEDINGS

1. RC 2 R §1A01.3  
RC 2 HEIGHT + AREA REGULATIONS
2. POLICY MANUAL 1A01.3.5.1 (p.18-20) (OLD 1930/10)  
"SUBDIVISION EXISTING R.C. LOTS"
3. PSD-7, '85 EDITION POLICY MANUAL
4. BILL 199-90, COUNTY COUNCIL, ENACTED OCT. 15, 1990
5. GARDNER v. PEOPLE'S CHURCH, CSA, UNREPORTED, 1/22/91
6. BC 2 R §103.1 - PRIMITIVE APPLIC. OF LAW
7. COUNTY CODE §26-1 & 26-168 "SUBDIVISION" DEFINED
8. BC 2 R §101 "SUBDIVISION" DEFINED
9. COUNTY CODE § 26-216 "VESTING" DEFINED
10. R.P. Code §3-108 PLATS PERMISSIVE
11. COUNTY CODE §26-168 "AGRICULTURAL PURPOSES" DEFINED
12. COUNTY CODE § 26-170 "GRANTOR OR RECIPIENT - AG PURPOSES"

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DOUG SMALL  
LEGAL PROCEEDINGS

13. IN RE: GARRETT POWER, CASE NO. 89-303-SPH  
(P. 811 case non-density transfer from Parents to Son  
affirmed by Commission - ruling made  
after transaction + wife bought if written by  
her. In public
14. IN RE: JOHN B. MARRIOTT, CASE NO. 85-281-SPH  
Commissioner John Marriott appoint + intent  
that and provision of equitable program should  
by which RC special hearing are judged.
15. IN RE: Ralph P. Stein, Case No. 88-131-SPH
16. WILL WATER LAW - BALTO CO. CODE § 35-36 et seq.
17. PSD-8 \$ME OR TRANSFER OR  
SMALL RE 20250 PRT.

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Grantor Buyer

- 22-40
- 40-50
- 2-11-46 F&M → Anna Emorywayfield deed 1423/317  
50-60
- 4-26-52 D ← Francis Small fwy deed 2102/453
- 6-12-57 D ← Calvin Braucklein fwy mort 3173/240
- 12-23-58 D ← Sidney Watter jr mtg 3466/430  
60-70
- 11-13-60 D ← Francis W ← Marie Binder + Husb deed 3920/59
- 8-2-62 F ← D + Wf deed 4024/567
- 7-15-63 D ← Colonial Pipeline CO agrmt 4170/453
- 9-24-63 D ← " agrmt 4206/187  
70-80
- 8-13-75 D ← Richard Small W 2nd mtg 5556/424  
80-86
- 6-11-85 D ← Paul A Newcomer Tr par rel 6931/554  
86-90
- 4-26-89 D ← Donald F Hering/Sub Tr rel 8154/582

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PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Richard A. Moore	P.O. Box 400, Annapolis, Md. 21401
E.F. Vaphel	205 COURTHOUSE AVE. TOWSON
DOUG BURGESS	210 W. PENNA. AVE. TOWSON
Douglas Small	15101 ALISON RD. MONKTON

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
ERIC BERGLAND	15024 ALISON RD.
Ann BERGLAND	MONKTON, Md. 21111
Margaret Anne Gero	570 Earl Young
Bonnie T. Mabe	Manor Rd
	Manor Rd
	Manor Rd

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Grantor Small  
D&J = Douglas & Jane F&M = Francis & Miriam  
D&JE = Douglas & Jennifen  
22-40

- 40-50
- 2-11-46 D&J → Francis Small & wif deed 1423/317
- 3-28-46 F&M → Louise Watters deed 1447/145
- 11-18-46 F&M → Cons Gas Elec L&P CO agrmt 1524/265
- 11-30-46 F&M → " " agrmt 1512/566
- 3-1-50 F&M → Samuel Shriver & wif deed 1815/13
- 50-60 see below
- 6-12-57 D&J → Calvin Braucklein & wif deed 3173/240  
60-70
- 8-2-62 D&J → Francis Small deed 4024/567
- 4-4-63 D&J → Colonial Pipeline option 4125/101
- 7-9-63 D → Calvin Braucklein & wif release 3173/240
- 7-15-63 D&J → Col. Pipeline agrmt 4170/453
- 9-24-63 D&J → " " 4206/187
- 7-21-64 D&J → St of md Dept of Forest deed 4330/462
- 3-1-66 D&J → Sidney Watters jr release 3466/430  
70-80
- 4-28-77 D → Richard Small 2nd mtg rel 5546/424
- 4-6-79 D&JE → BGE agrmt 6006/781
- 6-12-79 D&JE → Paul Newcomer Tr Deed Tr 6032/690  
80-86
- 6-14-85 Douglas R/PR & Miriam E W/DEC →  
Eric L. Berglund jr deed 6935/344
- 6-14-85 D → Eric L. Berglund jr deed 6935/344
- 4-26-52 F&M → Doug deed 2102/453
- 12-23-58 D&J → Sidney Watters jr deed 3466/430

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1A01.3—HEIGHT AND AREA REGULATIONS [Bill No. 98-75]

A. Height regulation. No structure hereafter erected in an R.C. 2 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300. [Bill No. 98-75]

B. Area regulations. [Bill No. 178-79]

1. Subdivision Lot Density. No lot of record lying within an R.C. 2 zone and having a gross area of less than 2 acres shall be subdivided. No such lot having a gross area between 2 and 100 acres may be subdivided into more than 2 lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of 1 lot for each 50 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way, or easements, the portions of land on either side of the road, right-of-way, or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record with the exception that any zoning petition site plan, subdivision plan or record plat filed with or approved by the County between November 27, 1979 and October 1, 1990 shall not be so affected and be considered valid, provided as to any zoning petition pending on appeal, that it be upheld on appeal. [Bill No. 178-79; Bill No. 199-1990]
2. Lot size. A lot having an area less than 1 acre may not be created in an R.C. 2 zone. [Bill No. 178-79]
3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C. 2 zone may be situated within 75 feet of the centerline of any street or within 35 feet of any lot line other than a street line. [Bill No. 178-79]
4. Principal dwellings per lot. No more than 1 principal dwelling is permitted on any lot in an R.C. 2 zone. [Bill No. 178-79]

1A01.4—MARYLAND AGRICULTURAL LAND PRESERVATION PROGRAM

The use or development of land in an agricultural district established in accordance with Section 2-509 of the Agricultural Code of the Annotated Code of Maryland, 1974, 1979 Cumulative Supplement, shall be governed by agricultural land preservation provisions

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- (2) To implement the future growth and development of the county in accordance with the master plan.
  - (3) To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of land and undue congestion of population.
  - (4) To protect the character and the social and economic stability of all parts of the county and to encourage orderly and beneficial development.
  - (5) To protect and conserve the value of property throughout the county and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
  - (6) To implement public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, drainage, schools, parks, street lights and sidewalks, open space tracts, playgrounds, and other recreation facilities and other public requirements and facilities.
  - (7) To provide the most beneficial relationships between the uses of land and buildings and the circulation of traffic throughout the county, having particular regard to the avoidance of congestion in the streets and highways, the provisions of access for fire-fighting and other emergency equipment, and the pedestrian traffic movement appropriate to the various uses; and to provide for the proper location and width of streets and building lines.
  - (8) To establish reasonable standards of design and procedures for development, in order to further the orderly layout and use of land and to ensure that the same standards are applied to all applicants and developments; and to ensure proper descriptions of property boundaries.
  - (9) To encourage the wise use and management of natural resources throughout the county in order to preserve the integrity, stability, and beauty of the community and the value of property.
  - (10) To preserve the natural beauty and topography of the county and to ensure appropriate development with regard to these natural features.
  - (11) To provide for open spaces in order to offer recreational opportunities close to home, to enhance the appearance of neighborhoods through the preservation of natural green spaces, to counteract the effects of urban congestion and monotony, and to encourage participation by all age groups in the use and care of local open space tracts.
  - (12) To ensure an adequate supply of land suitable for development.
  - (13) To simplify and clarify the development review and approval process.
- (b) Compliance with the development regulations hereinafter set forth shall be deemed the fulfillment of the development policies set forth in section 26-166 and purposes set forth in this section. (Code 1978, § 22-38)
- Sec. 26-168. Definitions.
- As used in these regulations, the following words and terms have the meanings indicated:
- Accessory structure means a building or other improvement to property, the use or intended use of which is subordinate and customarily incidental to the use of the principal building and located on the same lot, parcel, or tract, including additions or modifications to the principal building.
- Agricultural purposes means any use of land which directly contributes to the production, processing, or storage of agricultural products.
- Alley means a right-of-way twenty (20) feet or less in width, which provides service access for vehicles to the side or rear of abutting property designated as an alley on either an unrecorded or recorded plat or dedicated as such by deed.
- Applicant means any person who is an owner, contract purchaser, or the legally authorized representative of either requesting approval of development pursuant to these regulations.

MICROFILMED 1758

lined in subsection (c) of this section, in accordance with the following time limits as applicable:

- (1) Any plat, except a plat of a planned industrial park, recorded prior to the effective date of these regulations (June 11, 1982) shall expire five (5) years after recodification or on April 16, 1982, whichever is later.
(2) Any plat of a planned industrial park recorded prior to the effective date of these regulations shall expire twelve (12) years after recodification.
(3) Any plat, whether recorded or not, which is approved after the effective date of these regulations shall expire eight (8) years after the date of approval of the plan pursuant to which the plat was prepared. However, a plat for which there is an approved recodification plan pursuant to division 5 of this article shall expire eight (8) years after the date of approval of the CRG of the plan pursuant to which the plat was approved but in no event later than twenty (20) years after the date of approval of the recodification development plan by the planning board.

(b) Except as provided in subsection (d) of this section, upon the lapse of a plat for any undeveloped subdivision, section, or parcel thereof, the development thereafter of such undeveloped subdivision, section, or parcel shall comply with the development regulations in effect at the time of said development.

(c) A subdivision, section, or parcel thereof is hereby defined as developed and is therefore considered to be vested if any of the following has occurred with respect to such subdivision, section, or parcel:

- (1) Building permits have been issued; or
(2) Substantial construction on required public or private improvements has occurred on such subdivision, section, or parcel pursuant to the applicable regulations and requirements of the department of public works.

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Sludge Disposal Facility: Any facility used to contain, store, utilize, or dispose of stabilized sludge, including a surface impoundment, a site used for incineration, co-landfilling, land spreading, or composting of stabilized sludge. (Bill No. 46, 1982.)

Stabilized Sludge: The sludge that has been treated by a process to reduce putrescibility, significantly reduce pathogenic organisms, and, except for lime stabilization, reduce the volatile (sic) solids content. (Bill No. 46, 1982.)

Stair: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such building. (S.C.2.R., 1955.)

Street: A roadway which is not a freeway or expressway, but which has a right of way more than 20 feet in width. (S.C.2.R., 1955; Bill No. 100, 1970.)

Street Line: A line which divides the right of way of a street from other property: a street right-of-way line. (Bill No. 111, 1958.)

Subdivision: The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots or other divisions of land for the purpose, or sale, and including all changes in street or lot lines, provided, however, that this definition of a subdivision shall not include divisions of land for agricultural purposes. (S.C.2.R., 1955.)

Subdivision Closure: and definition added by Bill No. 106, 1963; deleted by Bill No. 100, 1970.

System of Rubble Disposal or Land Reclamation for Public or Private Use: System of rubble disposal or land reclamation for public or private use means the services, facilities or properties used in connection with the disposal of rubble or land reclamation, unless these activities are limited to rubble generated by a single individual or business and disposed of on the same property where generated. While limited operation of a rubble landfill can be accessory to agricultural use, it is not a primary agricultural activity. (Bill No. 97, 1967.)

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APPROVED JUL 0 1 1989

Mr. C.A. Dutch Ruppertsberger, III, Councilman
By Request of County Executive

By the County Council, October 13, 1990

A BILL
ENTITLED

AN ACT concerning

Roads Crossing Lots of Record

FOR the purpose of amending the Baltimore County Zoning Regulations in order to clarify and define whether roads crossing lots of record zoned R2 create separate parcels of land.

BY repealing and reenacting, with amendments,

Section 1401.3.B.1.
Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon; now, therefore

SECTION 1. Be it enacted by the County Council of Baltimore

County, Maryland, that Section 1401.3.B.1. of the Baltimore County

Zoning Regulations, as amended, be and is hereby repealed and reen-

acted, with amendments, to read as follows:

1401.3 - HEIGHT AND AREA REGULATIONS

B. Area regulations.

1. Subdivision lot density. No lot of record lying

within an R.C. 2 zone and having a gross area of less than 2 acres

may be subdivided. No such lot having a gross area between 2 and

100 acres may be subdivided into more than 2 lots (total), and such

a lot having a gross area of more than 100 acres may be subdivided

only at the rate of 1 lot for each 50 acres of gross area. IN CASES

WHERE LAND IN SINGLE OWNERSHIP IS CROSSED BY EXISTING OR PROPOSED

ROADS, RIGHTS-OF-WAY, OR EASEMENTS, THE PORTIONS OF LAND ON EITHER

SIDE OF THE ROAD, RIGHT OF WAY, OR EASEMENT SHALL NOT BE CONSIDERED

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[bracketed] indicates matter stricken from existing law.
Strike-out indicates matter stricken from bill.
Underlining indicates amendments to bill.

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ARTICLE II. INDIVIDUAL WATER SUPPLIES

Sec. 35-38. Definitions.

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Certified laboratory means a water quality laboratory approved by the state department of health and mental hygiene which examines public drinking water to determine its compliance with or produces data for enforcement of:

- (1) The National Safe Drinking Water Act; or
(2) State standards for public drinking water.

Conveyance means a transfer of ownership of real property by deed. Conveyance does not include an executory contract of sale, property passing by intestate succession or pursuant to the terms of a will, transfers from one (1) or more tenants in common or joint tenants to one (1) or more of their co-tenants; transfers between husband and wife; transfers between divorced persons pursuant to an agreement; gifts of real property; property sold pursuant to judicial sale, mortgage, foreclosure, or under a deed of trust.

Improved lot means a lot with one (1) or more existing residences. A residence also includes a mobile home.

Unimproved lot means a portion of a subdivision or other parcel of land intended for residential building development, whether immediate or future.

Water supply means all private sources of potable water, including bored, drilled, driven, and dug wells, springs, and cisterns.

Well means a hole made in the ground and improved for the extraction of groundwater. Ponds wells approved in accordance with the provisions of COMAR 26.04.04.07 (26) are also included in the definition of a well for this article. (Code 1978, § 13-116; Bill No. 173, 1989, § 3)
Cross reference - Definitions and rules of construction generally § 1-2.

MICROFILMED

Witness: Herd, Made this 28th day of May, 1985, by and between

DOUGLAS R. SMALL, Personal Representative of the Estate of Miriam E.W. Small, of the State of Maryland, Grantor, and
ERIC L. BERGLAND, JR. and ANN A. BERGLAND, his wife, of the State of Maryland, Grantees.

WITNESSETH, that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the Grantor(s) do hereby grant, convey, and assign unto the Grantee(s), as tenants by the entireties, their assigns, the survivor of them and unto the survivor's personal representatives, heirs and assigns

to have and to hold unto and to the use of said Grantee(s), as hereinabove recited, together with the build- ings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining. In fee simple

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
STATE DEPARTMENT OF ASSESSMENTS & TAXATION
DATE: 5/28/85

all that lot or lots of ground and premises situate in Maryland, and described as follows:
BEGINNING for the same in the center of Allison Road at a point distant North 72 degrees 01 minute 30 seconds East (as the course is referred to the magnetic meridian of 1958) 1007.27 feet from a Black Oak Tree standing and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1423 folio 317 which was conveyed also, being distant 713.24 feet measured northerly along the center of Allison Road from the intersection of the center of Allison Road with the center of Stansbury Mill Road and running thence and binding in the center division the four following courses and distances: 12 minutes 30 seconds East 174.04 feet to a pipe, North 77 degrees 48 minutes East 161.36 feet to a pipe and 12 minutes 30 seconds West 174.04 feet to a pipe, North 77 degrees 48 minutes West side of Allison Road, 314.68 feet to the place of beginning. Containing 2.26 Acres of land more or less.

BEING the same property which by Deed dated July 10, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 4024, folio 567, was granted and conveyed by Douglas R. Small and wife to Francis Small, who departed this life on December 3, 1969, leaving a Last Will and Testament which has been duly probated and is now of record in the office of the Register of Wills of Baltimore County in Wills Liber J.L.D. No. 116, folio 361, which Last Will and Testament bequeathed the described property to Miriam E.W. Small, who departed this life on [redacted]. See Estate of Miriam E.W. Small in Orphans Court of Carroll County, wherein the said Douglas R. Small was duly appointed Personal Representative.

THE GRANTOR hereby certifies that the actual consideration paid or to be paid for this conveyance is \$209,000.00.

AND the said Grantor(s) covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted; and that they will execute such further assurances of the same as may be requisite. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS the hand(s) and seal(s) of the said Grantor(s):

Witness: Douglas R. Small, Personal Representative of the Estate of Miriam E.W. Small, and Eric L. Bergland, Jr. and Ann A. Bergland, his wife.

STATE OF MARYLAND, CITY OF BALTIMORE, to-wit: this 28th day of May, 1985, before me, a Notary Public of the State aforesaid, personally appeared

DOUGLAS R. SMALL, PERSONAL REPRESENTATIVE of the Estate of Miriam E.W. Small, and ERIC L. BERGLAND, JR. and ANN A. BERGLAND, his wife, known to me (or satisfactorily proven) to be the person(s) whose name(s) are subscribed to the within instrument, who signed same in my presence, and acknowledged that they have executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

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BERGLAND 6935/341

THIS DEED - COPIES - City or County LIBER 4024 PAGE 567

This Deed, Made this 10th day of May, 1985

In the year one thousand nine hundred and sixty-two by and between DOUGLAS R. SMALL and JANE W. SMALL, his wife, of Baltimore County, in the State of Maryland, of the first part, and FRANCIS SMALL, of Baltimore County, in the State of Maryland, of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations,

the said Douglas R. Small and Jane W. Small, his wife, do grant and convey unto the said Francis Small, his heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Baltimore County, Maryland,

aforesaid, and described as follows, that is to say: -

Beginning for the same in the center of Allison Road at a point distant North 72 degrees 01 minute 30 seconds East (as the course is referred to the magnetic meridian of 1958) 1007.27 feet from a Black Oak Tree standing at the beginning of the fourth line of the parcel of land secondly described in a deed dated February 8, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1423 folio 317 which was conveyed by the Anna Emory Warfield Home for Aged Women Incorporated to Francis Small and wife, said place of beginning also being distant 713.24 feet measured northerly along the center of Allison Road from the intersection of the center of Allison Road with the center of Stansbury Mill Road and running thence and binding in the center of Allison Road South 4 degrees 29 minutes East 244 feet, thence leaving said road and running for lines of said road and running for lines of division the four following courses and distances: 12 minutes 30 seconds East 174.04 feet to a pipe, North 77 degrees 48 minutes East 161.36 feet to a pipe and 12 minutes 30 seconds West 174.04 feet to a pipe, North 77 degrees 48 minutes West side of Allison Road, 314.68 feet to the place of beginning. Containing 2.26 Acres of land more or less.

Being a part of the land which by a deed dated April 22, 1952 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2102 folio 453 was conveyed by Francis Small and wife to Douglas R. Small.

And also saving and excepting so much thereof as was by deed dated February 8, 1946 and recorded among said Land Records in Liber R.J.S. 1447, folio 189, from Francis Small and Miriam E.W. Small, his wife, to Louise Matters, covering a tract of 6.68 acres, more or less, and being a part of the tract or parcel of land fourthly described in the deed from the Anna Emory Warfield Home, etc. aforesaid, and also saving and excepting so much thereof as was by deed dated February 8, 1950 and recorded among said Land Records in Liber

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§ 3-106. Recording of assignments of mortgages. The clerk of the court shall record photographically any assignment of a mortgage with an attachment or rider affixed to it containing the names of the parties as they appear on the original mortgage and a reference to the book number and page number where the mortgage is recorded. (An. Code 1957, art. 21, § 3-106; 1974, ch. 12, § 2.)

Assignment may be written on mortgage record or endorsed on original mortgage. The short form of assignment of mortgage formerly authorized by this section could be either written on the mortgage record or endorsed on the original mortgage itself. Morrow v. Stanley, 112 Md. 390, 87 A. 484 (1913).

It does not require an acknowledgment. The short form of assignment of mortgage does not require an acknowledgment. Frederick County Nat'l Bank v. Schlosser, 152 Md. 609, 137 A. 251 (1927).

And is not subject to statutory requirements as to time of recording. An assignment of a mortgage in the form prescribed by this section is not subject to statutory requirements as to when it shall be recorded. Gels v. Johnson, 141 Md. 543, 123 A. 74 (1923).

This section does not prevent or effect equitable assignment of mortgages by assignment of mortgage debt, nor does it impair rights of assignee thereunder, or require assignment of mortgage to be recorded to perfect assignor's title to mortgage loan even against subsequent assignee claiming under recorded assignment. Spitzer v. Schneider, 29 PA 603 (4th Cir. 1924).

This section does not affect in any manner the equitable assignment of mortgages by the mere assignment of the mortgage debt. Byles v. Tame, 39 Md. 461 (1874); Howell v. Coulbourn, 54 Md. 59 (1880); Western Md. R.R. Land & Imp. Co. v. Goodwin, 77 Md. 271, 26 A. 319 (1902).

Formerly, recording was not required. Act 1906, ch. 154, § 118 and 117, provided for a short assignment of mortgage, and gave it validity without recording to be recorded. An assignment by separate instrument, however, did not come under the purpose of said act. Lester v. Hardisty, 29 Md. 59 (1909).

§ 3-107. Recording of vendor's liens. When recording a deed or other instrument retaining a vendor's lien, the clerk shall leave a blank space at the foot of the document for the purpose of entering assignments and releases. (An. Code 1957, art. 21, § 3-107; 1974, ch. 12, § 2.)

§ 3-108. Recording of plats. (a) Applicability. - The provisions of this section are in addition to any other provisions of the Code pertaining to recodification of subdivision plats. (b) In general. - If the owner of land in the State subdivides his land for commercial, industrial, or residential use to be comprised of streets, avenues, lanes, or alleys and lots, and desires, for the purpose of description and identification, to record a plat of the subdivision among the land records of the county where the land lies, the clerk of the court shall accept and record the plat as prescribed in this section. The clerk may not accept the plat for record until the owner of land complies with the requirements prescribed in this section.

(c) Description of plats. - (1) In this subsection, "coordinate" means a number which determines the position of any point in a north or south and an east or west direction in relation to any other point in the same coordinate system. (2) The plat shall be legible, drawn accurately and to scale and shall be submitted for recodification using black ink on transparent mylar, or linen or

THIS DEED - COPIES - City or County LIBER 2102 PAGE 453

This Deed, Made this twenty-second day of April, 1985

In the year one thousand nine hundred and fifty-two by and between FRANCIS SMALL and MIRIAM E. W. SMALL, his wife, of Baltimore County, in the State of Maryland, of the first part, and DOUGLAS R. SMALL, of Baltimore County, in the State of Maryland, of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations,

the said Francis Small and Miriam E. W. Small, his wife, do grant and convey unto the said Douglas R. Small, his heirs and assigns, in fee simple, all those lots of ground, situate, lying and being in Baltimore County, Maryland,

aforesaid, and described as follows, that is to say: -

All those five (5) lots or parcels of land which, by deed dated February 8, 1946, were granted and conveyed by the Anna Emory Warfield Home for Aged Women, Incorporated, Party of the First Part, and Douglas R. Small and Jane W. Small, his wife, Parties of the Second Part, to Francis Small and Miriam E. W. Small, his wife, Parties of the Third Part, said deed being recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1423, folio 317, and covering a total of 410 acres, more or less.

Saving and excepting so much thereof as has heretofore been conveyed away by deed dated February 8, 1946 and recorded among said Land Records in Liber R.J.S. 1447, folio 189, from Francis Small and Miriam E. W. Small, his wife, to Louise Matters, covering a tract of 6.68 acres, more or less, and being a part of the tract or parcel of land fourthly described in the deed from the Anna Emory Warfield Home, etc. aforesaid, and also saving and excepting so much thereof as was by deed dated February 8, 1950 and recorded among said Land Records in Liber

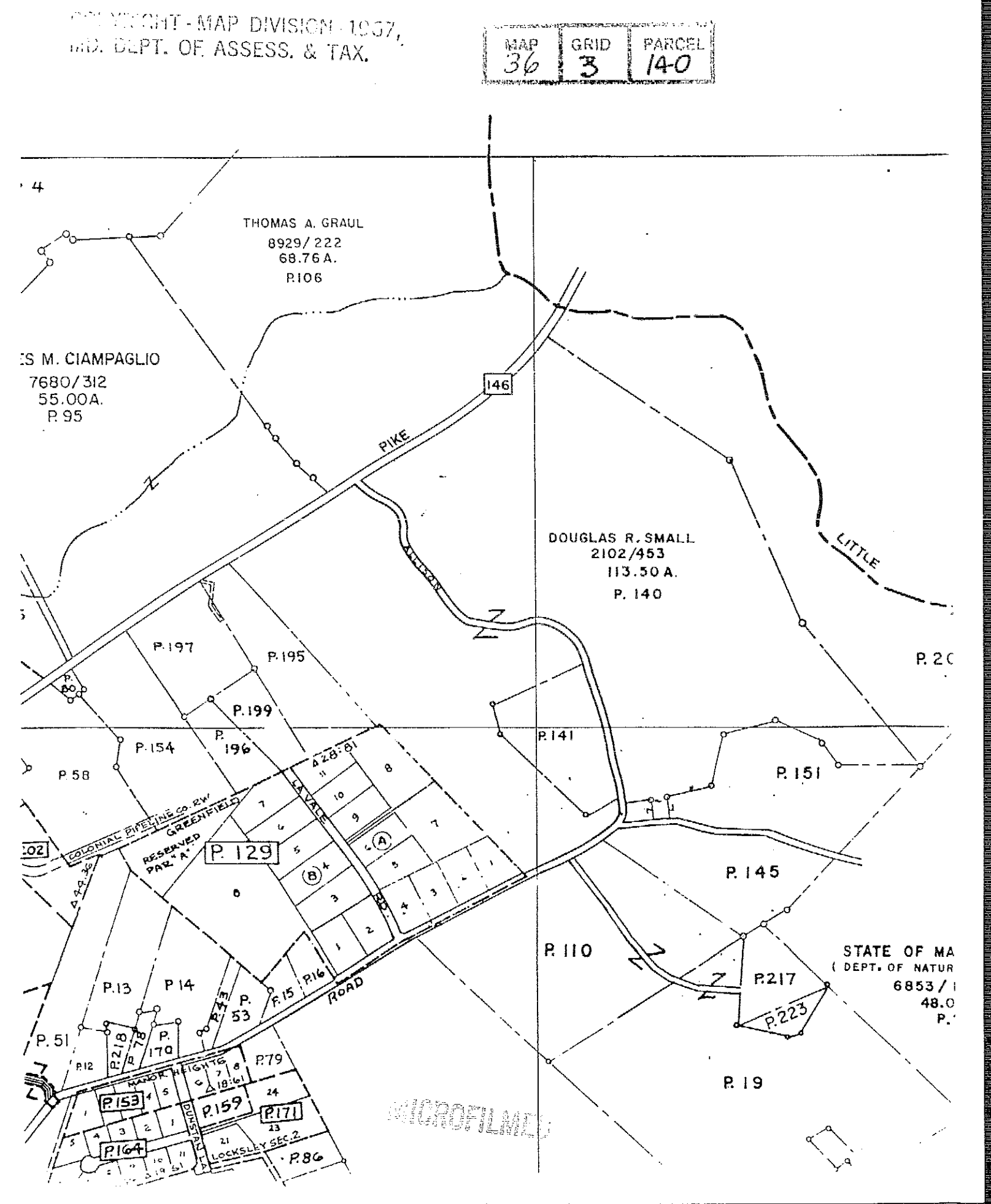
MICROFILMED

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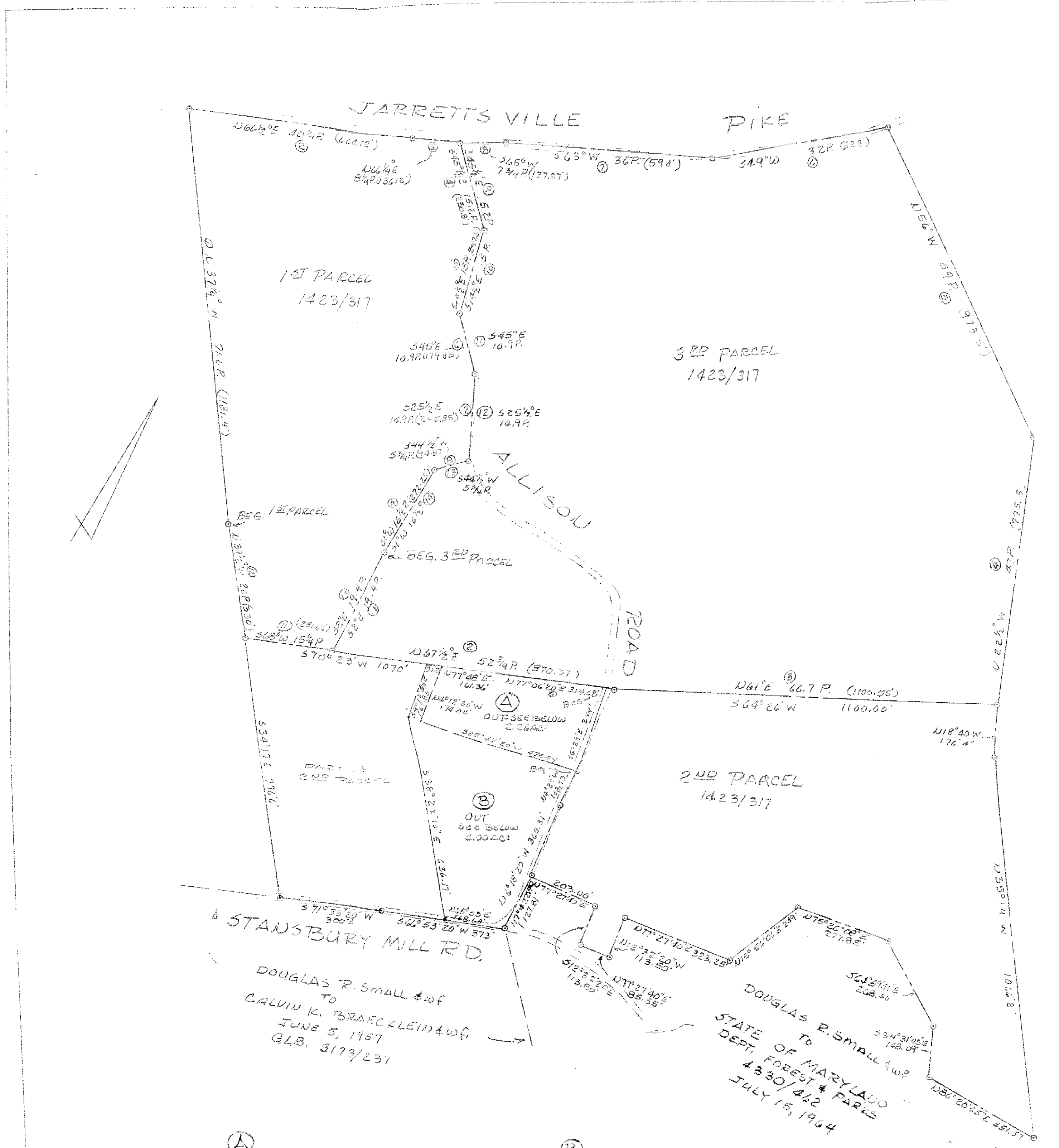
DEED OF MARYLAND IN AND FOR BALTIMORE COUNTY HEREBY RECORDED UNDER 11111111  
 FRANKIE ANN HARRIS & FRANKIE ANN HARRIS his wife the within named Grantors and they acknowledged  
 the within Deed to be their respective act  
 IN TESTIMONY WHEREOF I have hereunto set my hand and Notarial Seal  
 (Notarial Seal) Edward C. Golder  
 Notary Public  
 Recorded Dec 19 1965 at 12 Noon and 1st pr  
 Robert J. Spittel  
 Clerk  
 (Recorded by C.A.T.) (Exp by 2/17)

100812 ) THE DEED made this 8th day of February in the  
 Ann & Mary Harfield How ) was one thousand nine hundred and fifty-six (1956)  
 for Ann & Mary Harfield How ) and between the within named Grantors and the within named Grantees  
 ET AL ) FRANKIE ANN HARRIS & FRANKIE ANN HARRIS his wife  
 DEED TO ) and under the laws of the State of Maryland party  
 Francis Small and wife ) of the first part; DOUGLAS R. SMALL and MARIAM E.W. SMALL  
 of Baltimore ) and wife of Baltimore County in the State of  
 of 265.00 ) Maryland parties of the second part; and FRANKIE  
 County in the State of Maryland parties of the third part  
 WHEREAS THE DEED made by a Decree of the Circuit Court for Baltimore County  
 in Equity dated on the 5th day of June 1945 and passed in a cause filed in said Court  
 entitled "Ann & Mary Harfield How for Ann & Mary Harfield vs Henry Packer Harfield  
 et al" Equity Pocket No 46 folio 187 the above named Court was authorized and  
 empowered to make sale of the five pieces or parcels of ground and the improvements  
 thereon either at public or private sale  
 AND WHEREAS the said party of the first part in compliance with all the requi-  
 sitions of said Decree did sell at private sale the said five fee simple lots or pieces  
 of ground unto the said Douglas R Small et al for the sum of Sixty-five thousand  
 Dollars (\$65,000.00)  
 AND WHEREAS the proceeds of said sale have been duly reported to and verified and  
 confirmed by the said Circuit Court for Baltimore County in Equity  
 AND WHEREAS the purchase money aforesaid had been fully paid and satisfied to  
 the said party of the first part  
 AND WHEREAS subsequent thereto the said Douglas R Small has sold the said  
 five fee simple lots or pieces of ground unto the said parties of the third part and  
 has requested the said party of the first part to join in the execution of these  
 presents  
 IT IS THEREFORE THE ORDER OF THE COURT that for and in consideration of the premises  
 and the sum of Sixty-five thousand Dollars (\$65,000.00) paid by the said Douglas R Small

TAX NO.  
 MAP 36  
 GRI 3  
 20-00-00  
 19051301 - 21.74 AC  
 1019051303 - 44.60 AC  
 1019051302 - 47.165 AC - house



MICROFILMED TO FRANCIS SMALL BASE 1423/317 (446)



APRIL 23, 1952  
 2102/453  
 FRANKIE ANN HARRIS & MARIAM E.W. SMALL  
 DOUGLAS R. SMALL  
 THOMAS A. GRAUL  
 W. R. S. 1188 147

Ⓐ  
 JULY 10, 1962  
 W.J.R. 4024/567  
 Douglas R. Small & wife  
 TO  
 FRANCIS SMALL  
 2.20 AC  
 FRANCIS SMALL DIED DEC. 3, 1967 & BY WILL  
 BEQUEATHED PROPERTY TO MARIAM E.W. SMALL (WIFE)  
 WHO LATER DIED AND DOUGLAS R. SMALL WAS  
 APPOINTED PERSONAL REPRESENTATIVE  
 MAY 29, 1985  
 E.H.K. JR. 6935/341  
 Douglas R. Small P.R. of es. of MARIAM E.W. SMALL  
 TO  
 ERIC L. BERGLAND JR. & WIFE  
 2.20 AC

Ⓑ  
 MAY 29, 1985  
 E.H.K. JR. 6935/342  
 DOUGLAS R. SMALL  
 TO  
 ERIC L. BERGLAND JR. & WIFE  
 4.00 AC

PROPERTY OF  
 DOUGLAS R. SMALL  
 10th ELEC. DIST. BALTS. & MD  
 JULY 9, 1992 1" = 200'

NOTE: PLOTTED FROM DEEDS ONLY  
 F. F. RAFFEL & ASSOC.  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 205 COURTLAND AVENUE  
 TOWSON, MARYLAND 21284

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
E/S Allison Road, 150' N of the DEPUTY ZONING COMMISSIONER  
c/1 of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road) \* OF BALTIMORE COUNTY  
10th Election District  
3rd Councilmanic District \* Case No. 92-466-SPH  
Douglas R. Small  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Douglas R. Small, by and through his attorney, Douglas Burgess, Esquire, in which the Petitioner requests approval and confirmation of the lawful existence of one density unit on Parcel 2A and two remaining density units on the Remainder of Parcel 2, as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Douglas R. Small, the Petitioner; Richard A. Moore, Real Estate Broker; and Eugene F. Raphael, Registered Professional Land Surveyor. Appearing as Protestants in the matter were Eric and Ann Bergland, and the Manor Area Association, represented by J. Carroll Holzer, Esquire.

Testimony indicated that the subject property, known as Parcel 2A and the Remainder of Parcel 2 of the Douglas Small Property, consists of 32.33 acres, more or less, zoned R.C. 2 and is presently unimproved. The Petitioner is desirous of subdividing the parcel, known as Remainder of Parcel 2, to create two lots and filed the instant Petition to approve and confirm that Parcel 2A contains one density unit and the Remainder of Parcel 2 contains two density units, in accordance with the site plan submitted and identified as Petitioner's Exhibit 1.

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Date 7/28/92  
By [Signature]

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As is the case in dealing with the issue of density in an R.C. 2 zone, it becomes necessary to give a historical background of the property. It also becomes necessary to take into consideration the size and configuration of the property as it existed on November 25, 1979, the effective date of the R.C. 2 regulations which govern this particular parcel of land. The Petitioner provided a history of the property and offered into evidence as Petitioner's Exhibit 9 a site plan which had been prepared by E. F. Raphael and Associates and depicts the property as it existed on November 25, 1979. On that particular date, the subject property existed as one parcel of land containing 36.33 acres, more or less, all of which is shaded in pink on Petitioner's Exhibit 9. It should be noted that the subject property is bisected by Allison Road. As of November 25, 1979, pursuant to the density calculations provided in the R.C. 2 regulations, this 36.33 acre parcel was entitled to two density units. That calculation was based upon Section 1A01.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) which states that "Any lot of a gross area between 2 and 100 acres may be subdivided into no more than two lots (total)." An issue arose at the hearing concerning the existence of Allison Road which bisects the subject property into two separate lots. Apparently, the old policy of the Zoning Office was that when a parcel of land in single ownership is traversed by a public road, then the parcels on either side of the public road should be figured separately for density purposes as if they were separately recorded lots. I do not agree with this policy. I do not agree that the existence of a public road bisecting an individual's property would permit that individual to increase the density associated with that property. That same issue was addressed by the Court of Special Appeals of Maryland in the case of Steven H. Gudeman, et ux, vs. People's

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Date 7/28/92  
By [Signature]

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Council for Baltimore County. The unreported opinion of that Court, filed January 22, 1991, clearly states that the existence of a road transecting a parcel of property would not serve to change one lot of record into two lots of record. I agree with that Court's interpretation of calculating density in an R.C. 2 zone. Therefore, the subject property, as it existed in 1979, was entitled to no more than two density units.

This matter is further complicated by what transpired in 1985. At that time, the Petitioner, acting as personal representative of the Estate of his late mother, Francis Small, conveyed 2.26 acres which contained his mother's home, to the Protestants, Eric and Ann Bergland. That 2.26-acre parcel was not part and parcel of the subject property in 1979, and as such, has no bearing on my decision in this matter. However, what does factor into my decision is the fact that at the same time that the Berglands purchased the 2.26 acres of land with the family home from the Estate of Frances Small, they also negotiated to purchase from the Petitioner another 4-acre parcel located immediately adjacent to the subject 2.26 acres. At the hearing, the Berglands testified that they were desirous of purchasing this additional acreage for their use along with the 2.26 acre parcel. Mrs. Bergland testified that she did not desire to live in the country on such a small lot and that they therefore negotiated to purchase the additional 4-acre parcel from Douglas Small.

By deeds of even date, the Berglands purchased the 2.26-acre parcel of property from the Estate of Frances Small, and the 4-acre parcel from the Petitioner, Douglas Small. The two parcels were never merged and remain today as two separate deeds.

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Date 7/28/92  
By [Signature]

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The issue then arose as to whether the 4-acre parcel transferred to the Berglands is a "lot of record" as that term is defined in the B.C.Z.R. A lot of record is defined as follows:

"A parcel of land with boundaries as recorded in the Land Records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision, or other condition thereof."

The effective date of the zoning regulation which governs the use and subdivision of this 4-acre lot is November 25, 1979, the effective date of the R.C. 2 zoning regulations. This 4-acre lot, which was conveyed in 1985 to the Berglands, was not in existence at the time the R.C. 2 zones came into being in 1979. Therefore, it is the opinion of this Deputy Zoning Commissioner that the 4-acre parcel of land does not constitute a lot of record as that term is defined in the B.C.Z.R. Because of that, this 4-acre parcel of land does not benefit from the grandfathering provisions contained in County Council Bill No. 199-90. Furthermore, I find that there was no zoning petition, site plan, subdivision plan, or record plat filed with or approved by the County between November 25, 1979 and October 1, 1990 regarding any of the parcels of property in question, and therefore, the grandfathering provisions do not apply.

The Berglands argued that at the time they purchased the 4-acre parcel of land, they also purchased one density unit from the Petitioner. I disagree with the Berglands on this point and find that no density unit was associated with the 4-acre parcel of land they purchased in 1985 for the following reasons. The evidence presented indicated that the Berglands paid \$16,000 for the subject 4-acre parcel. Testimony presented by Richard Moore, who has been involved in the sale and development of real estate in the rural areas of Baltimore County for the past 27 years,

7/28/92

- 4 -

indicated that the purchase price for that 4-acre parcel was consistent with the price paid for farm land in 1985. Mr. Moore stated that in his opinion, had the subject 4-acre parcel of land enjoyed a density unit, the sale price of the property would have been approximately 5 times the price paid of \$16,000, or \$80,000. Furthermore, at the time of the sale of the subject 4-acre parcel to the Berglands, Mr. Small testified that he had a verbal agreement with the Berglands that permitted his cattle and horses to graze upon the subject 4-acre parcel. Testimony indicated that the grazing and pasturing of farm animals on the subject 4-acre parcel continued from 1985 up until last year. This fact also leads me to believe that the sale of the 4-acre parcel was not for density purposes or for the construction of a dwelling thereon. Additionally, the contract of sale makes no mention that a density unit was included in the sale nor does it make any mention of any well water or any waiver of the notice of well water which is governed by Section 35-38 of the Baltimore County Code. Furthermore, the Berglands have paid agricultural tax on the subject 4-acre parcel since their purchase in 1985 and have so indicated their intention to use the property for agricultural purposes by virtue of the agricultural declaration of intent which was signed by both Eric and Ann Bergland. A copy of the agricultural declaration of intent was submitted into evidence as Petitioner's Exhibit 3. Additionally, the deed which conveyed the 4-acre parcel to the Berglands was stamped "Agricultural Transfer Tax Not Applicable - Letter of Intent" on the face of the deed. Another factor that I considered in determining that a density unit is not associated with the 4-acre parcel is that at the same time the Berglands purchased that parcel, they purchased the Small's family home on the 2.26 acre lot, which was located immediately adjacent to and north of the sub-

ORDER RECEIVED FOR FILING  
Date 7/28/92  
By [Signature]

MICROFILMED

ject 4-acre parcel. Had they purchased the 4-acre parcel only, one could more easily infer that a density unit was being conveyed. However, the Berglands had already purchased a home in which to live and in my opinion, were only seeking to acquire additional acreage and not a density unit. Therefore, in the opinion of this Deputy Zoning Commissioner, there are two density units remaining for the Petitioner's property. The subject property as it exists today is depicted on Petitioner's Exhibit 10, a site plan of the property prepared by E. F. Raphael and Associates on July 9, 1992. Said site plan depicts one parcel of property to the west of the Berglands' property, containing 8.5 acres of land, more or less, and a second parcel of land located to the east of the Bergland property, containing 23.83 acres of land, more or less. In the opinion of this Deputy Zoning Commissioner, the entire parcel of land has enjoyed two density units since 1979. Those two density units shall be distributed as follows: One density unit shall be allocated for the 8.5 acre parcel of land situated to the west of Allison Road, and one density unit shall be allocated to the 23.83 acre parcel of land located to the east of Allison Road. For the reasons previously stated, the 4-acre parcel of land which was conveyed to the Berglands in 1985 contains no density units and should be merged with the 2.26-acre parcel containing the original family home of Francis Small, thereby creating one 6.26-acre parcel of land.

ORDER RECEIVED FOR FILING  
Date 7/28/92  
By [Signature]

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Parcel 2 on Petitioner's Exhibit 1 shall contain one density unit, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and the Petitioner required to file a new Petition.
- 2) Within thirty (30) days of the date of this Order, the Petitioner shall submit a new site plan of the subject property incorporating the relief granted herein.
- 3) Pursuant to Section 502.2 of the B.C.Z.R., two new deeds, one for the 8.5 acre parcel and one for the 23.83 acre parcel, shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order. Said deeds shall incorporate a reference to this case and the restrictions and conditions set forth herein. A copy of the recorded deeds shall be forwarded to the Zoning Commissioner's Office for inclusion in the case file.

IT IS FURTHER ORDERED that the Petition for Special Hearing requesting the approval and confirmation of the lawful existence of one density unit on Parcel 2A and two remaining density units on the Remainder of Parcel 2, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

[Signature]  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 7/28/92  
By [Signature]

MICROFILMED

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 28, 1992

Douglas L. Burgess, Esquire  
Nolan, Plumhoff & Williams  
210 W. Pennsylvania Avenue, Suite 700  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
E/S Allison Road, 150' N of the c/1 of Stansbury Mill Road  
(15101 Allison Road)  
10th Election District - 3rd Councilmanic District  
Douglas R. Small - Petitioner  
Case No. 92-466-SPH

Dear Mr. Burgess:

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

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

Very truly yours,  
[Signature]  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Eric Bergland  
15024 Allison Road, Monkton, Md. 21111

Manor Area Association, c/o Earl Young,  
Manor Road, Monkton, Md. 21111

People's Counsel

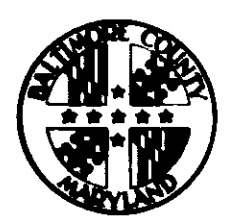
File

J. Carroll Holzer

- 5 -

- 6 -

- 7 -



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 15101 Allison Road which is presently zoned R.C.2

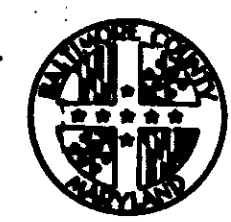
This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 800.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve and confirm the lawful existence of the single density unit on Parcel 2A and two (2) remaining density units on the remainder of Parcel 2.

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

Legal Owner: Douglas R. Small. Signature: Douglas R. Small. Address: 15101 Allison Road, Monkton, MD 21111. Attorney for Petitioner: Stephen J. Nolan, Esquire. Address: 210 W. Pennsylvania Avenue, Towson, MD 21204.

ORDER RECEIVED FOR FILING DATE 7/28/92 BY [Signature]

499



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 15101 Allison Road which is presently zoned R.C.2

for [Signature]

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

Legal Owner: Douglas R. Small. Signature: Douglas R. Small. Address: 15101 Allison Road, Monkton, MD 21111. Attorney for Petitioner: Stephen J. Nolan, Esquire. Address: 210 W. Pennsylvania Avenue, Towson, MD 21204.

MICROFILMED

E. F. RAPHEL & ASSOCIATES Registered Professional Land Surveyors 205 COURTLAND AVENUE TOWSON, MARYLAND 21284

DESCRIPTION TO ACCOMPANY ZONING PETITION PARCEL 2 A PROPERTY OF DOUGLAS R. SMALL May 19, 1992

Beginning for the same at a point in the center of Allison Road, said point being located northwesterly 150' ± along Allison Road from the intersection formed by the center of Allison Road and the center of Stansbury Mill Road, running thence on Allison Road, and binding on the outline of Parcel 2, of the property of Douglas R. Small, the 2 following courses and distances, 1) N 6° 18' 20" W 220' ± and 2) N 4° 29' 00" W 400' ± thence leaving Allison Road and still binding on the outline of Parcel 2, the 13 following courses and distances, 1) N 56° 46' E 1110' ±, 2) S 26° 23' 30" E 176' ±, 3) S 42° 49' 00" E 1065' ±, 4) S 81° 08' 46" W 336.09', 5) N 34° 17' 14" W 148.09', 6) N 64° 45' 10" W 268.46', 7) S 75° 40' 39" W 277.85', 8) S 16° 10' 37" W 249.00', 9) S 77° 42' 11" W 323.25', 10) S 12° 17' 49" E 113.50', 11) S 77° 42' 11" W 85.35', 12) N 12° 17' 49" W 113.50' and 13) S 77° 42' 11" W 204.33' to the place of beginning.

Containing 23.83 Acres of land, more or less. Being the easternmost part of Parcel 2 of the land which by deed dated April 22, 1952 and recorded among the Land Records of Baltimore County in Liber G.L.B. 2102, folio 453, was conveyed by Francis Small, and wife, to Douglas R. Small.



E. F. Raphael # 2246 Registered Professional Land Surveyor

MICROFILMED

499

E. F. RAPHEL & ASSOCIATES Registered Professional Land Surveyors 205 COURTLAND AVENUE TOWSON, MARYLAND 21284

DESCRIPTION TO ACCOMPANY ZONING PETITION PARCEL 2 A PROPERTY OF DOUGLAS R. SMALL May 19, 1992

Beginning for the same at a point in the center of Stansbury Mill Road, said point being located southwesterly 170' ± along Stansbury Mill Road, from the intersection formed by the center of Stansbury Mill Road and the center of Allison Road, running thence in Stansbury Mill Road and binding on the outline of Parcel 2 A of the property of Douglas R. Small S 63° 00' 00" W 500' ±, thence leaving Stansbury Mill Road and still binding on the outline of Parcel 2 A, the 4 following courses and distances, 1) N 42° 27' 30" W 776.5' ±, 2) N 70° 23' E 540' ±, 3) S 4° 12' 30" E 169.83', and 4) S 38° 22' 10" E 636.17' to the place of beginning.

Containing 8.5 acres of land, more or less. Being the westernmost part of Parcel 2 of the land which by deed dated April 22, 1952, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2102, folio 453, was conveyed by Francis Small and wife, to Douglas R. Small and designated as Parcel 2 A on the plat for the Special Hearing.



E. F. Raphael # 2246 Registered Professional Land Surveyor

499

## CERTIFICATE OF POSTING

District: 1014 Date of Posting: 6/18/92. Posted for: Special Hearing. Petitioner: Douglas R. Small. Location of property: 15101 Allison Rd. Location of signs: Facing Allison Rd. Remarks: Property of Douglas R. Small. Number of signs: 1. Date of return: 7/1/92.

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

Table with columns: Date, Account Number, Description, Qty, Price. Includes PUBLIC HEARING FEES, APPEAL FEES, POSTING SIGNS / ADVERTISING. Total: \$250.00.

04AD480083MICHRC \$250.00 BA C01D46ANDS-28-92

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

Table with columns: Date, Account Number, Description, Qty, Price. Includes APPEAL FEES, POSTING SIGNS / ADVERTISING. Total: \$210.00.

04AD48011012MICHRC \$210.00 BA C01D35PMDB-28-92

## CERTIFICATE OF PUBLICATION

TOWSON, MD. June 11, 1992. 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 June 11, 1992.

THE JEFFERSONIAN, S. Zake Orlov Publisher

MICROFILMED

Baltimore County Zoning Administration & Development Management 111 West Chesapeake Avenue Towson, Maryland 21204

Table with columns: Date, Account Number, Description, Qty, Price. Includes REVISED PLANS. Total: \$50.00.

Legal Owner: Douglas R. Small & Lindsay D. Dryden, Jr. Address: 15101 Allison Road. Attorney: Stephen J. Nolan. DIAD10039MICHRC \$50.00 BA C01D100A...

MICROFILMED

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

Table with columns: Date, Account Number, Description, Qty, Price. Includes PUBLIC HEARING FEES, POSTING SIGNS / ADVERTISING. Total: \$60.40.

04AD480125MICHRC \$60.40 BA C01D126ANDS-30-92

MICROFILMED

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

Date: 6-18-92. Douglas R. Small 15101 Allison Road Monkton, Maryland 21111

RE: CASE #92-466-SPH (Item 499) 1/5 Allison Road, 150' W of c/y Stansbury Mill Road 15101 Allison Road 10th Election District - 3rd Councilmatic Petitioner(s): Douglas R. Small HEARING: THURSDAY, JULY 16, 1992 at 11:30 a.m. in Rm. 106, Office Building.

Dear Petitioner(s): Please be advised that \$60.40 is due for advertising and posting of the above captioned property and hearing date. THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SIGN(S) RETURNED ON THE DAY OF THE HEARING OR THE CHECK SHALL NOT BE RETURNED. DO NOT REMOVE THE SIGN & POST SIGN(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 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

ARLENE JAMES DIRECTOR cc: Stephen J. Nolan, Esq. MICROFILMED



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

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

JUNE 5, 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 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-466-SPH (Item 499)  
4/8 Allison Road, 150' x of c/1 Stansbury Hill Road  
15101 Allison Road  
10th Election District - 3rd Councilmanic  
Petitioner(s): Douglas R. Small  
HEARING: THURSDAY, JULY 16, 1992 at 11:30 a.m. in Rm. 106, office building.

Special hearing to approve or confirm the lawful existence of the single density units on the remainder of Parcel 2.

*Lawrence E. Schaidt*  
Lawrence E. Schaidt  
Zoning Commissioner of Baltimore County

cc: Douglas R. Small  
Stephen J. Nolan, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

MICROFILMED

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

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

July 6, 1992

Stephen J. Nolan, Esquire  
Court Towers, Suite 700  
210 W. Pennsylvania Avenue  
Baltimore, MD 21204

RE: Item No. 499, Case No. 92-466-SPH  
Petitioner: Douglas R. Small  
Petition for Special Hearing

Dear Mr. Nolan:

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 indicate the appropriateness of the zoning action requested, but 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 preliminary review by zoning personnel.

MICROFILMED

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 28th day of May, 1992

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Douglas R. Small  
Petitioner's Attorney: Stephen J. Nolan

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

TO: Larry Goetz  
Planning & Zoning

DATE: July 22, 1992

FROM: Wally Lippincott, Jr.

SUBJECT: Small Property, SPH 499

As a follow up to our discussion, here are some additional comments.

It does appear that this circumstance is not covered by the grandfathering provision in the RC2 lot of record-density provision (1990). The purpose of the grandfathering was to include those who had moved forward towards development under the old policy provisions.

In this case, it appears the Bergland Jr. property (6935/342) is a lot of record. This is not grandfathered, nor is there a need to. It exists and has one unit of density. The remainder of the property was not recorded as a lot of record, or record plat, or under any of the grandfathering provisions.

Whether there are three remaining density units and whether this can be granted by hearing or requires a change in the law is not for me to say. It is important, however, that the decision maker be aware of the 1990 County Council action on this issue. Also, that the intent of the law change was to close a loop hole that provided for subdivision of RC2 at a density greater than provided by County Council.

WSL:ju  
cc: Hillorie Richman  
GOETZ2/WQAG

06/15/92

Development Review Committee Response Form  
Authorized signature *Dennis H. Kennedy* Date 6/15/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Patasco (Azeal Property)			6-1-92
ZON DED TE (Waiting for developer to submit plans first)			
COUNT 1			
Keith M. And Patricia M. Lambert	496		6-2-92 NC
COUNT 1			
Samuel Frank And David Granat	494		6-8-92 NC
COUNT 1			
Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning	495		NC
COUNT 1			
William J. And Elizabeth G. Wachter	497		NC
COUNT 1			
Aneita R. And James S. Henry	498		NC
COUNT 1			
Douglas R. Small			NC
COUNT 1			
Lyle L. Boltinghouse	500		NC
COUNT 1			
Glenn A. And Patricia A. Sudano	501		NC
COUNT 1			
Howard W. Dawson, Sr.	503		NC
COUNT 1			

MICROFILMED

06/15/92

Development Review Committee Response Form  
Authorized signature *Richard J. Family* Date 6/16/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Albert F. And Ann B. Nocar	478	NIC	6-1-92
COUNT 3			
Maryland Marine Manufacturing Co., Inc.	479	NIC	
COUNT 3			
Keith M. And Patricia M. Lambert	496	NIC	6-2-92
COUNT 1			
Samuel Frank And David Granat	494	NIC	6-8-92
COUNT 1			
Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning	495	NIC	
COUNT 1			
William J. And Elizabeth G. Wachter	497	NIC	
COUNT 1			
Aneita R. And James S. Henry	498	NIC	
COUNT 1			
Douglas R. Small	499	NIC	
COUNT 1			
Lyle L. Boltinghouse	500	NIC	
COUNT 1			
Glenn A. And Patricia A. Sudano	501	NIC	
COUNT 1			

MICROFILMED

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

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

DATE: June 30, 1992

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item 499  
#15101 Allison Road  
Zoning Advisory Committee Meeting of June 8, 1992

This plan must go through minor subdivision and as such, must comply with prime and productive soils policies (Section 22-99, Baltimore County Code 1978 as amended). For this reason the subdivision line on the "remainder of Parcel 2" cannot be approved.

This property is not located within an Agricultural Preservation Area, however, it is adjacent to existing land in agricultural use. Additional density and subdivision conflicts with the perpetuation of agriculture through the subdivision of tracts of land into smaller and smaller pieces and through the additional density that can result in conflicts between farming and residential uses.

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, contact the Development Coordination Section at extension 2762.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:sp  
JABLON/S/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE MEMO

TO: Hearing Officer

DATE: June 19, 1992

FROM: Larry Goetz  
Planner 1

SUBJECT: Small Property - Special Hearing 92-466-SPH, Item 499

This case of subdivision of R.C.-1 is complicated by the following factors:

- Change in zoning regulations B.C.Z.R. 1A01.3.B.1, October 1, 1990, Bill 199-1990.
- "Subdivision" of Bergland, Jr. parcel by deed as opposed to zoning petition, minor subdivision plan or record plat.
- Adjacent ownership of land by Small not shown on plat to accompany Special Hearing.

There are 4 ways to look at the question "How many density units remain on Parcel 2 (of the 5 parcels from 1952). Note: there is one density unit already on the land.

- Three density units remain: Allison Road subdivided the property according to Zoning Regulations in effect before 1990 and zoning commissioners policy R.S.D.-7. Subdivision by deed in 1985 was valid. The parcel on each side of road is allowed 2 density units.
- One density unit remains: The road does not subdivide for density purpose. The subdivision by deed was valid.
- No density units remain: Subdivision by deed not valid.
- Two density units remain: Allison Road did not subdivide for density purposes and yet a subdivision by deed occurred in 1985 then east-west parcel are "connected" either physically or by deed.

LG:jaw

lets discuss this

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

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: June 30, 1992

FROM: J. Lawrence Pilson JLP/JM  
Development Coordinator, DEPRM

SUBJECT: Zoning Item 499  
#15101 Allison Road  
Zoning Advisory Committee Meeting of June 8, 1992

This plan must go through minor subdivision and as such, must comply with prime and productive soils policies (Section 22-99, Baltimore County Code 1978 as amended). For this reason the subdivision line on the "remainder of Parcel 2" cannot be approved.

This property is not located within an Agricultural Preservation Area, however, it is adjacent to existing land in agricultural use. Additional density and subdivision conflicts with the perpetuation of agriculture through the subdivision of tracts of land into smaller and smaller pieces and through the additional density that can result in conflicts between farming and residential uses.

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, contact the Development Coordination Section at extension 2762.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:sp

JABLON/S/TATSBP

MICROFILMED

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

JUNE 3, 1992

(410) 887-4500

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

RE: Property Owner: DOUGLAS R. SMALL

Location: #15101 ALLISON ROAD

Item No.: 499 (LJG) Zoning Agenda: JUNE 8, 1992

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: *Carl Jerry Smith* Noted and Approved  
Planning Group V Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
JUN 4 1992

ZONING OFFICE

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Department of Recreation and Parks  
Development Review Committee Response  
Authorized signature *[Signature]* Date 6/15/92

File Number	Waiver Number	Zoning Issue	Meeting Date
✓	Keith M. And Patricia M. Lambert	496	6-2-92
DED DEPRM RP STP TE	No Comment		
COUNT 1			
✓	Samuel Frank And David Granat	494	6-8-92
DED DEPRM RP STP TE	No Comment		
✓	Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning	495	
DED DEPRM RP STP TE	No Comment		
✓	William J. And Elizabeth G. Wachte	497	
DED DEPRM RP STP TE	No Comment		
✓	Aneta R. And James S. Henry	498	
DED DEPRM RP STP TE	No Comment		
✓	Douglas R. Small	499	
DED DEPRM RP STP TE	No Comment		
✓	Lvie L. Boltinhouse	500	
DED DEPRM RP STP TE	No Comment		
✓	Glenn A. And Patricia A. Sudano	501	
DED DEPRM RP STP TE	No Comment		
✓	Howard W. Dawson, Sr.	503	
DED DEPRM RP STP TE	No Comment		
COUNT 8			
FINAL TOTALS			
COUNT 9			
*** END OF REPORT ***			

MICROFILMED

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

August 28, 1992

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

RE: Petition for Special Hearing  
E/S Allison Road, 150' N of the c/l of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road)  
10th Election District, 3rd Councilmanic District  
DOUGLAS R. SMALL - Petitioner  
Case No. 92-466-SP4

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on July 28, 1992 by Eric Bergland, Protestant. 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,

*[Signature]*  
LARRY E. SCHMIDT  
Zoning Commissioner

LES:cer

Enclosures

cc: Douglas R. Small, 15101 Allison Road, Monkton, MD 21111

Manor Area Association c/o Mr. James Constable  
13th Floor, 250 West Pratt Street, Baltimore, MD 21201

J. Carroll Holzer, Esquire - Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue, Towson, MD 21204

People's Counsel of Baltimore County  
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File

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APPEAL

Petition for Special Hearing  
E/S Allison Road, 150' N of the c/l of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road)  
10th Election District - 3rd Councilmanic District  
DOUGLAS R. SMALL - Petitioner  
Case No. 92-466-SP4

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

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) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1. Plat to accompany Petition

2. No Exhibit marked "2"

3. Agricultural Declaration of Intent

4. Residential Contract of Sale

5. Settlement Statement

6. Assessment Map

7. RSD-7 - Policy Manual Section

8. Red-Lined Drawing of Total of Parcel 2

9. Red-Lined Drawing of remainder of Parcel 2

10. Red-Lined Drawing of remainder of Parcel 2

11. Title History of the Small Property

Deputy Zoning Commissioner's Order dated July 28, 1992 (Denied)

Notice of Appeal received August 11, 1992 from Eric Bergland, Protest.

cc: Douglas R. Small, 15101 Allison Road, Monkton, MD 21111

Manor Area Association c/o Mr. James Constable  
13th Floor, 250 West Pratt Street, Baltimore, MD 21201

J. Carroll Holzer, Esquire - Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue, Towson, MD 21204

People's Counsel, 400 Washington Avenue, 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 ZAM  
Public Services

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
OFFICE OF PLANNING AND ZONING  
New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director  
Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: June 17, 1992

SUBJECT: Douglas R. Small Property

INFORMATION:  
Item Number: 499

Petitioner: Douglas R. Small

Property Size: 46.13 acres

Zoning: RC 2

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a special hearing to confirm the lawful existence of the single density unit on Parcel 2A and two remaining density units on the remainder of Parcel 2.

The Office of Planning has no comment on this particular petition.

If the Zoning Commissioner confirms two density units on the remainder of parcel 2, then the Office of Planning will have comments on this site as it proceeds through the minor subdivision process.

Prepared by: *Francis Murray*

Division Chief: \_\_\_\_\_

FM:rdn

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JUN 22 1992

ZONING OFFICE

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue  
(410) 887-3180

October 28, 1992

NOTICE OF ASSIGNMENT

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. 92-466-SP4 DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District

SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

ASSIGNED FOR: WEDNESDAY, JANUARY 6, 1993 AT 10:00 a.m.

cc: Mr. Eric Bergland Protestant/Appellant

Mr. Douglas R. Small Petitioner

Stephen J. Nolan, Esquire Counsel for Petitioner

Manor Area Association

J. Carroll Holzer, Esquire  
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

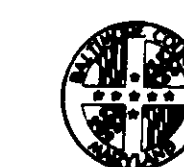
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OCT 29

ZONING OFFICE

LindaLee N. Kuszmaul  
Legal Secretary

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
Hearing Room -  
Room 48, Old Courthouse  
400 Washington Avenue  
(410) 887-3180

January 7, 1993

NOTICE OF 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. 92-466-SP4 DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury  
Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District

SPH-to approve lawful existence of  
single density units on remainder  
of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on  
Parcel 2 and one on Parcel 2A; DENYING  
Petition as requested.

which was scheduled for hearing on January 6, 1993 was continued on  
the record at the request of all parties and has been

REASSIGNED FOR: THURSDAY, APRIL 29, 1993 AT 10:00 a.m.

cc: Mr. Eric Bergland Protestant/Appellant

Mr. Douglas R. Small Petitioner

Stephen J. Nolan, Esquire Counsel for Petitioner

Douglas L. Burgess, Esquire  
Manor Area Association

J. Carroll Holzer, Esquire  
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

RECEIVED ZONING OFFICE  
DATE: 1/12/93

LindaLee N. Kuszmaul  
Legal Secretary

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County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
Hearing Room - (410) 887-3180  
Room 48, Old Courthouse  
400 Washington Avenue April 21, 1993

NOTICE OF 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. 92-466-SPH DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury Mill Road (15101 Allison Road) 4th Election District; 3rd Councilmanic District  
SPH-to approve lawful existence of single density units on remainder of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on Parcel 2 and one on Parcel 2A; DENYING Petition as requested.

which was scheduled for hearing on April 29, 1993 has been POSTPONED at the request of Counsel for Petitioner; and has been

REASSIGNED FOR: WEDNESDAY, JULY 28, 1993 at 10:00 a.m.

- cc: J. Carroll Holzer, Esquire Counsel for Protestant/Appellant
Mr. Eric Bergland Protestant/Appellant
Douglas L. Burgess, Esquire Counsel for Petitioner
Stephen J. Nolan, Esquire
Mr. Douglas R. Small Petitioner
Manor Area Association c/o James Constable, Esquire
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

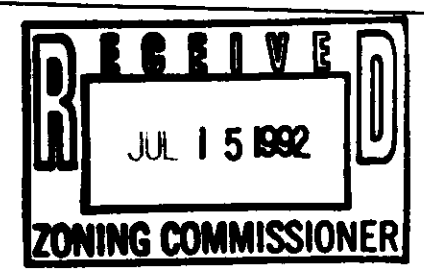
Kathleen C. Weidenhammer Administrative Assistant MICROFILMED

IN RE: PETITION FOR DOUGLAS R. SMALL, Special Hearing
BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Case No. 92-466-SPH, Item 499

TO: Mr. Larry Goetz, 714 W. 71st St., Towson, Md 21284

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106, County Office Bldg.

and to bring the full file, all plats, maps, documents, copies of all records of all kind relating to this case, for the purpose of testifying at the request of Protestants



Mr. Sheriff/Private Process Server: Please process in accordance with Zoning Commissioner's Rule IV(c).
Issued: 7/10/92 MICROFILMED

IN RE: PETITION FOR SPECIAL HEARING DOUGLAS R. SMALL, Petitioner
BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Case No. 92-466-SPH

TO: Wally Lippincott, Department of Environmental Protection and Resource Management, 4th Floor, County Courts Building, Towson, Maryland 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room Zoning Commissioner's Hearing Room

and to bring your file regarding Douglas R. Small Property, 15101 Allison Road, Monkton, Maryland 21111 on the 16th day of July 1992, at 11:30 a.m., regarding the above captioned case, for the purpose of testifying at the request of Douglas R. Small, Petitioner

DOUGLAS L. BURGESS, Notary Public, Plumhoff & Williams, Chtd., Suite 700, Court Towers, 210 West Pennsylvania Avenue, Towson, MD 21204 (410) 823-7800

Mr. Sheriff/Private Process Server: Please process in accordance with Zoning Commissioner's Rule IV(c).
Issued: 7/10/92 MICROFILMED

August 11, 1992

Ms. Charlotte Radcliffe, Baltimore County Government, Zoning Commissioner, Office of Planning and Zoning, 111 West Chesapeake Avenue, Towson, MD 21204

Re: Case No. 92-466-SPH, E/S Allison Road, 150' N. of C/L of Stansbury Mill Road (15101 Allison Road), 10th Election District, 3rd Councilmanic District, Douglas R. Small - Petitioner

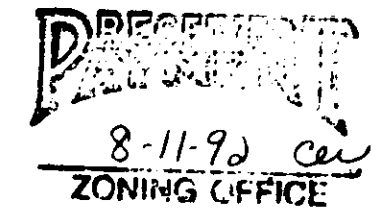
Dear Ms. Radcliffe:

The purpose of this letter is to formally file an appeal to the County Board of Appeals on the subject case. Attached is my check no. 1853 in the amount of \$210.00.

Very truly yours, Eric Bergland, 15024 Allison Road, Monkton, MD 21111

cc: Mr. J. Carroll Holzer, Attorney at Law, Holzer, Maher, Demilio & Lee, 305 West Chesapeake Avenue, Towson, MD 21204

cc: Manor Area Association, c/o Mr. James Constable, 13th Floor, 250 West Pratt Street, Baltimore, MD 21201



92-466-SPH 499

NEWTON A. WILLIAMS, THOMAS J. HENNER, WILLIAM P. ENGLEHART, JR., STEPHEN J. NOLAN, ROBERT L. HANLEY, JR., ROBERT S. GUSHAKOW, STEPHEN M. SCHENNING, DOUGLAS L. BURGESS, ROBERT E. CAHILL, JR., LOUIS G. CLOSE, E. BRUCE JONES, GREGORY J. JONES, J. JOSEPH CURRAN, II, JAMES D. NOLAN, RETIRED 9800, J. EARLE PLUMHOFF, RETIRED 9800, RALPH E. DEITZ, 988-8800, T. BAYARD WILLIAMS, JR., RICHARD L. SCHAEFFER, WRITER'S DIRECT DIAL 882-7853

NOLAN, PLUMHOFF & WILLIAMS, CHARTERED, SUITE 700, COURT TOWERS, 210 WEST PENNSYLVANIA AVENUE, TOWSON, MARYLAND 21204-5340, (410) 823-7800, TELEFAX: (410) 298-2785

May 28, 1992

Mr. Laurence J. Goetz, Baltimore County Zoning Office, Baltimore County Office Building, 111 Chesapeake Avenue, Towson, Maryland 21204

Re: Mr. Douglas R. Small, Petition for Special Hearing

Dear Mr. Goetz:

Pursuant to our meeting on May 26, I am filing herewith the enclosed Petition for Special Exception together with our firm's check in the amount of Three Hundred (\$300.00) Dollars.

- Also enclosed please find:
1. Ten (10) copies of the site plan prepared by E.F. Raphael and Associates;
2. One (1) 200 scale map;
3. One (1) 200 scale photographic map with subject property delineated.

We would greatly appreciate a hearing at the earliest possible date. Thank you for your assistance in this matter.

Very truly yours, Stephen J. Nolan

SJN/mao, encl., cc: Mr. E.F. Raphael, Mr. Richard A. Moore, Gaylord Brooks Realty Company, Mr. Douglas R. Small

MICROFILMED

E. F. RAPHEL & ASSOCIATES, Registered Professional Land Surveyors, 208 COURTLAND AVENUE, TOWSON, MARYLAND 21284

TITLE HISTORY OF THE PROPERTY OF DOUGLAS R. SMALL

July 17, 1992

By a deed dated February 8th, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. 1423, folio 317, Anna Smory Warfield Home for Aged Women Incorporated conveyed 5 tracts of land totaling 410 Ac. ±, lying on both sides of Jarrettsville Pike, to Douglas R. Small and Jane W. Small, his wife, and Francis Small and Miriam E. W. Small, his wife.

Then on April 22nd, 1952, Francis Small and Miriam E. W. Small, his wife, conveyed by deed G.L.B. 2102, folio 453, to Douglas R. Small, the same 5 tracts of land, but saving and excepting a parcel conveyed to Louise Walters of 6.68 Ac. ± recorded February 8, 1946 in Liber R.J.S. 1447, folio 145 and also that part that was conveyed to Samuel H. Shriver and Eleanor R. Shiver, his wife, containing 136.14 Ac. ± and recorded February 28, 1950 in Liber G.L.B. 1815, folio 13, which was the 5th tract of the original deed.

Of the parcel containing 85.72 Ac. ± of the conveyance to Douglas R. Small by deed dated April 22nd, 1952 and recorded in G.L.B. 2102, folio 453, which is also the 2nd parcel of the original deed conveyed to Douglas R. Small and Jane W. Small, his wife, and Francis Small and Miriam E. W. Small, his wife, in deed R.J.S. 1423, folio 317, the out conveyances from the 2nd parcel since April 22, 1952, by Douglas R. Small are as follows:

- 1) A parcel of land containing 34.86 Ac. ± to Calvin K. Braecklein and Helen Braecklein, his wife, by deed dated June 5th, 1957 and recorded in Liber G.L.B. 3173, folio 237.
2) A parcel of land containing 2.26 Ac. ± to Francis Small, by deed dated July 10, 1962 and recorded in Liber W.J.R. 4024, folio 567. On May 29, 1985 the Personal Representative conveyed this 2.26 Ac. parcel to Eric L. Bergland, Jr. and Ann A. Bergland, his wife, and recorded in Liber E.H.K. Jr. 6935.

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92-466 SPH

To: Larry Goetz, From: Wally Lippincott, Jr., RE: Small Prop. SpH 499

As a follow up to our discussion, here are some additional info.

It does appear that this circumstance is not covered by the grandfathering provision in the R.C. to lot of record - density provision (190). The purpose of the grandfathering was to include those who had moved forward towards development under the old policy provisions.

In this case, it appears the Bergland property (6935/342) is a lot of record. This is not grandfathered, nor is there a deed to it. It exists and has one unit of density. The remainder of the property was not grandfathered as a lot of record.

MICROFILMED

SMALL PROPERTY DEEDS

92-466 SPH

- 1-5/57 + 3173/237 Douglas Small -> Calvin & Helen Braecklein 34.86 Ac
2-7/62 - 4024/567 Douglas & Francis Small -> Miriam Small 2.26 Ac
3-7/64 - 4330/462 Douglas Small -> State of MD 12.60 Ac
4-5/85 - 6935/341 Miriam Small to Bergland 2.26 Ac
5-5/85 - 6935/342 Douglas Small to Bergland 4.00 Ac

J. Goetz 7/21/92

MICROFILMED



lined in subsection (c) of this section, in accordance with the following time limits as applicable:

- (1) Any plat, except a plat of a planned industrial park, recorded prior to the effective date of these regulations (June 11, 1982) shall expire five (5) years after recordation or on April 16, 1982, whichever is later.
(2) Any plat of a planned industrial park recorded prior to the effective date of these regulations shall expire twelve (12) years after recordation.
(3) Any plat, whether recorded or not, which is approved after the effective date of these regulations shall expire eight (8) years after the date of approval of the plan pursuant to which the plat was prepared. However, a plat for which there is an approved reclamation plan pursuant to division 5 of this article shall expire eight (8) years after the date of approval of the CRG of the plan pursuant to which the plat was approved but in no event later than twenty (20) years after the date of approval of the reclamation development plan by the planning board.

(b) Except as provided in subsection (d) of this section, upon the lapse of a plat for any undeveloped subdivision, section, or parcel thereof, the development thereafter of such undeveloped subdivision, section, or parcel shall comply with the development regulations in effect at the time of said development.

(c) A subdivision, section, or parcel thereof is hereby defined as developed and is therefore considered to be vested if any of the following has occurred with respect to such subdivision, section, or parcel:

- (1) Building permits have been issued; or
(2) Substantial construction on required public or private improvements has occurred on such subdivision, section, or parcel pursuant to the applicable regulations and requirements of the department of public works.

MICROFILMED

Sludge Disposal Facility: Any facility used to contain, store, utilize, or dispose of stabilized sludge, including a surface impoundment, a site used for incineration, co-landfilling, land spreading, or composting of stabilized sludge. (Bill No. 46, 1982.)

Stabilized Sludge: The sludge that has been treated by a process to reduce putrescibility, significantly reduce pathogenic organisms, and, except for lime stabilization, reduce the volatile (sic) solids content. (Bill No. 46, 1982.)

Stair: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such building. (S.C.2.R., 1955.)

Street: A roadway which is not a freeway or expressway, but which has a right of way more than 20 feet in width. (S.C.2.R., 1955; Bill No. 100, 1970.)

Street Line: A line which divides the right of way of a street from other property: a street right-of-way line. (Bill No. 111, 1958.)

Subdivision: The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots or other divisions of land for the purpose, or sale, and including all changes in street or lot lines, provided, however, that this definition of a subdivision shall not include divisions of land for agricultural purposes. (S.C.2.R., 1955.)

Subdivision Closure: Definition added by Bill No. 106, 1963; deleted by Bill No. 100, 1970.

System of Rubble Disposal or Land Reclamation for Public or Private Use: System of rubble disposal or land reclamation for public or private use means the services, facilities or properties used in connection with the disposal of rubble or land reclamation, unless these activities are limited to rubble generated by a single individual or business and disposed of on the same property where generated. While limited operation of a rubble landfill can be accessory to agricultural use, it is not a primary agricultural activity. (Bill No. 97, 1967.)

MICROFILMED

APPROVED JUL 0 1 1989

Mr. C.A. Dutch Ruppertsberger, III, Councilman
By Request of County Executive

By the County Council, October 13, 1990

A BILL
ENTITLED

AN ACT concerning

Roads Crossing Lots of Record

FOR the purpose of amending the Baltimore County Zoning Regulations in order to clarify and define whether roads crossing lots of record should create separate parcels of land.

BY repealing and reenacting, with amendments,

Section 1401.3.B.1. Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon; now, therefore

SECTION 1. Be it enacted by the County Council of Baltimore

County, Maryland, that Section 1401.3.B.1. of the Baltimore County

Zoning Regulations, as amended, be and is hereby repealed and reen-

acted, with amendments, to read as follows:

1401.3 - HEIGHT AND AREA REGULATIONS

B. Area regulations.

1. Subdivision lot Density. No lot of record lying

within an R.C. 2 zone and having a gross area of less than 2 acres

may be subdivided. No such lot having a gross area between 2 and

100 acres may be subdivided into more than 2 lots (total), and such

a lot having a gross area of more than 100 acres may be subdivided

only at the rate of 1 lot for each 50 acres of gross area. IN CASES

WHERE LAND IN SINGLE OWNERSHIP IS CROSSED BY EXISTING OR PROPOSED

ROADS, RIGHTS-OF-WAY, OR EASEMENTS, THE PORTIONS OF LAND ON EITHER

SIDE OF THE ROAD, RIGHT OF WAY, OR EASEMENT SHALL NOT BE CONSIDERED

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [bracketed] indicates matter stricken from existing law. Strike-out indicates matter stricken from bill. Underlining indicates amendments to bill.

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ARTICLE II. INDIVIDUAL WATER SUPPLIES

Sec. 35-38. Definitions.

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section:

Certified laboratory means a water quality laboratory approved by the state department of health and mental hygiene which examines public drinking water to determine its compliance with or produces data for enforcement of:

- (1) The National Safe Drinking Water Act; or
(2) State standards for public drinking water.

Conveyance means a transfer of ownership of real property by deed. Conveyance does not include an executory contract of sale, property passing by intestate succession or pursuant to the terms of a will, transfers from one (1) or more tenants in common or joint tenants to one (1) or more of their co-tenants; transfers between husband and wife; transfers between divorced persons pursuant to an agreement; gifts of real property; property sold pursuant to judicial sale, mortgage, foreclosure, or under a deed of trust.

Improved lot means a lot with one (1) or more existing residences. A residence also includes a mobile home.
Unimproved lot means a portion of a subdivision or other parcel of land intended for residential building development, whether immediate or future.

Water supply means all private sources of potable water, including bored, drilled, driven, and dug wells, springs, and cisterns.

Well means a hole made in the ground and improved for the extraction of groundwater. Tension wells approved in accordance with the provisions of COMAR 26.04.04.07 (26) are also included in the definition of a well for this article. (Code 1978, § 13-116; Bill No. 173, 1989, § 3) Cross reference - Definitions and rules of construction generally § 1-2.

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Sec. 35-37. Water well yield; bacteriological and chemical testing.

(a) All wells for domestic use shall be tested for yield. The minimum water well yield requirement shall be a recovery rate of one (1) gallon per minute. The methods of testing for water yield shall be as determined by the department of environmental protection and resource management and published in the policy document entitled "Department of Environmental Protection and Resource Management - Policy Manual," as amended from time to time.

(b) A water supply must meet the requirements of the state department of health and mental hygiene as to bacteriological and chemical quality. Water samples shall be analyzed by a certified laboratory located in the state.

(c) The yield test results shall be valid for a period of three (3) years from the date of the test. The bacteriological and chemical quality test results shall be valid for a period of one hundred eighty (180) days from the date on which the sample is taken. (Code 1978, § 13-117; Bill No. 173, 1989, § 2)

Sec. 35-38. Conveyance of unimproved lots.

(a) Except as otherwise provided, unimproved lots which are not served by a public or community water supply system may not be conveyed unless the seller(s) provides a well with an adequate supply of water meeting the requirements of section 35-37(a) of this article.

(b) Except for an unimproved lot or lots located within any county critical water area delineated in subsection (D) of this section, the prospective buyer(s) of any unimproved lot not served by a public or community water supply system shall have the right to waive the drilling of a well as provided in subsection (a) of this section, but only after written notice to the buyer(s) and the provisions of subsection (a) of this section in the form set forth below and written waiver in the form prescribed below filed by the buyer(s) with the department of environmental protection and resource management at least six (6) days prior to settlement and on the date of conveyance to the buyer(s), whichever shall first occur. Said written

Witness: Herd, Made this 29th day of May 1985 by and between

DOUGLAS R. SMALL, Personal Representative of the Estate of Miriam E.W. Small, of the State of Maryland, Grantor, and ERIC L. BERGLAND, JR. and ANN A. BERGLAND, his wife, of the State of Maryland, Grantees.

WITNESSETH, that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the Grantor(s) do hereby grant, convey, and assign unto the Grantee(s), as tenants by the entireties, their assigns, the survivor of them and unto the survivor's personal representatives, heirs and assigns

to have and to hold unto and to the use of said Grantee(s), as hereinabove recited, together with the build- ings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining. In fee simple

AGRICULTURAL TRANSFER TAX NOT APPLICABLE STATE DEPARTMENT OF ASSESSMENTS & TAXATION

Signature of Douglas R. Small, dated 5/28/85, and Eric L. Bergland, Jr. and Ann A. Bergland, dated 5/28/85.

all that lot or lots of ground and premises situate in Maryland, and described as follows: BEGINNING for the same in the center of Allison Road at a point distant North 72 degrees 01 minute 30 seconds East (as the course is referred to the magnetic meridian of 1958) 1007.27 feet from a Black Oak Tree standing and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1423 folio 317 which was conveyed also, being distant 713.24 feet measured northerly along the center of Allison Road from the intersection of the center of Allison Road with the center of Stansbury Mill Road and running thence and binding in the center division the four following courses and distances: 12 minutes 30 seconds East 244 feet, thence leaving said road and running for lines of over a pipe set near the west side of Allison Road and binding in the center division the four following courses and distances: 12 minutes 30 seconds West 174.04 feet to a pipe, North 77 degrees 06 minutes 20 seconds East 161.36 feet to a pipe and North 77 degrees 06 minutes 20 seconds West 174.04 feet to a pipe, North 77 degrees 06 minutes 20 seconds East 161.36 feet to the place of beginning. Containing 2.26 Acres of land more or less.

BEING the same property which by Deed dated July 10, 1962 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 4024, folio 567, was granted and conveyed by Douglas R. Small and wife to Francis Small, who departed this life on December 3, 1969, leaving a Last Will and Testament which has been duly probated and is now of record in the office of the Register of Wills of Baltimore County in Wills Liber J.L.D. No. 116, folio 361, which Last Will and Testament bequeathed the described property to Miriam E.W. Small, who departed this life on [redacted]. See Estate of Miriam E.W. Small in Orphans Court of Carroll County, wherein the said Douglas R. Small was duly appointed Personal Representative.

THE GRANOR hereby certifies that the actual consideration paid or to be paid for this conveyance is \$209,000.00.

AND the said Grantor(s) covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted; and that they will execute such further assurances of the same as may be requisite. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WITNESS the hand(s) and seal(s) of the said Grantor(s):

Witness: Douglas R. Small (SEAL), Eric L. Bergland, Jr. (SEAL), Ann A. Bergland (SEAL).

STATE OF MARYLAND, CITY OF BALTIMORE, to-wit: this 29th day of May 1985 before me, a Notary Public of the State aforesaid, personally appeared

DOUGLAS R. SMALL, PERSONAL REPRESENTATIVE of the Estate of Miriam E.W. Small, and ERIC L. BERGLAND, JR. and ANN A. BERGLAND, his wife, known to me (or satisfactorily proven) to be the person(s) whose name(s) are subscribed to the within instrument, who signed same in my presence, and acknowledged that they have executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal. [Notary Seal: ERIC L. BERGLAND, Notary Public, State of Maryland]

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BERGLAND 6935/341

REPUBLICAN DEED - City or County LIBER 4024 PAGE 567

This Deed, Made this 10th day of May 1985

In the year one thousand nine hundred and sixty-two by and between DOUGLAS R. SMALL and JANE W. SMALL, his wife of Baltimore County, in the State of Maryland, of the first part, and FRANCIS SMALL, of Baltimore County, in the State of Maryland, of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations,

the said Douglas R. Small and Jane W. Small, his wife, do grant and convey unto the said Francis Small, his heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in Baltimore County, Maryland

aforesaid, and described as follows, that is to say: Beginning for the same in the center of Allison Road at a point distant North 72 degrees 01 minute 30 seconds East (as the course is referred to the magnetic meridian of 1958) 1007.27 feet from a Black Oak Tree standing at the beginning of the fourth line of the parcel of land secondly described in a deed dated February 8, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1423 folio 317 which was conveyed by the Anna Emory Warfield Home for Aged Women Incorporated to Francis Small and wife, said place of beginning also being distant 713.24 feet measured northerly along the center of Allison Road from the intersection of the center of Allison Road with the center of Stansbury Mill Road and running thence and binding in the center of Allison Road South 4 degrees 29 minutes East 244 feet, thence leaving said road and running for lines of division the four following courses and distances: 12 minutes 30 seconds East 244 feet, thence leaving said road and running for lines of division the four following courses and distances: 12 minutes 30 seconds West 174.04 feet to a pipe, North 77 degrees 06 minutes 20 seconds East 161.36 feet to a pipe and North 77 degrees 06 minutes 20 seconds West 174.04 feet to a pipe, North 77 degrees 06 minutes 20 seconds East 161.36 feet to a pipe and North 77 degrees 06 minutes 20 seconds West 174.04 feet to the place of beginning. Containing 2.26 Acres of land more or less.

Being a part of the land which by a deed dated April 22, 1952 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2102 folio 453 was conveyed by Francis Small and wife to Douglas R. Small.

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§ 3-106. Recording of assignments of mortgages. The clerk of the court shall record photographically any assignment of a mortgage with an attachment or rider affixed to it containing the names of the parties as they appear on the original mortgage and a reference to the book number and page number where the mortgage is recorded. (An. Code 1957, art. 21, § 3-106; 1974, ch. 12, § 2.)

Assignment may be written on mortgage record or endorsed on original mortgage. The short form of assignment of mortgage formerly authorized by this section could be either written on the mortgage record or endorsed on the original mortgage itself. Mortgage - Statute, 112 Md. 280, 87 A. 484 (1913). It does not require an acknowledgment. The short form of assignment of mortgage does not require an acknowledgment. Formerly, recording was not required. - Acte 1956, ch. 154, 19 118 and 117, provided for a short assignment of mortgage, and gave it validity without requiring to be recorded. An assignment by separate instrument, however, did not come under the purpose of said act. Lester v. Hardisty, 29 Md. 59 (1959).

§ 3-107. Recording of vendor's liens. When recording a deed or other instrument retaining a vendor's lien, the clerk shall leave a blank space at the foot of the document for the purpose of entering assignments and releases. (An. Code 1957, art. 21, § 3-107; 1974, ch. 12, § 2.)

§ 3-108. Recording of plats.

(a) Applicability. - The provisions of this section are in addition to any other provisions of the Code pertaining to recordation of subdivision plats. (b) In general. - If the owner of land in the State subdivides his land for commercial, industrial, or residential use to be comprised of streets, avenues, lanes, or alleys and lots, and desires, for the purpose of description and identification, to record a plat of the subdivision among the land records of the county where the land lies, the clerk of the court shall accept and record the plat as prescribed in this section. The clerk may not accept the plat for record until the owner of land complies with the requirements prescribed in this section. (c) Description of plats. - (1) In this subsection, "coordinate" means a number which determines the position of any point in a north or south and an east or west direction in relation to any other point in the same coordinate system. (2) The plat shall be legible, drawn accurately and to scale and shall be submitted for recordation using black ink on transparent mylar, or linen or

This Deed, Made this twenty-second day of April, 1985

In the year one thousand nine hundred and fifty-two by and between FRANCIS SMALL and MIRIAM E. W. SMALL, his wife, of Baltimore County, in the State of Maryland, of the first part, and DOUGLAS R. SMALL, of Baltimore County, in the State of Maryland, of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations,

the said Francis Small and Miriam E. W. Small, his wife, do grant and convey unto the said Douglas R. Small, his heirs and assigns, in fee simple, all those lots of ground, situate, lying and being in Baltimore County, Maryland

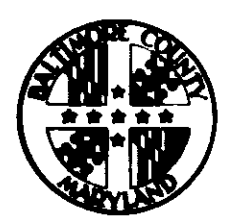
aforesaid, and described as follows, that is to say: All those five (5) lots or parcels of land which, by deed dated February 8, 1946, were granted and conveyed by the Anna Emory Warfield Home for Aged Women, Incorporated, Party of the First Part, and Douglas R. Small and Jane W. Small, his wife, Parties of the Second Part, to Francis Small and Miriam E. W. Small, his wife, Parties of the Third Part, said deed being recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1423, folio 317, and covering a total of 410 acres, more or less.

Saving and excepting so much thereof as has heretofore been conveyed away by deed dated February 8, 1946 and recorded among said Land Records in Liber R.J.S. 1447, folio 189, from Francis Small and Miriam E. W. Small, his wife, to Louise Matters, covering a tract of 6.68 acres, more or less, and being a part of the tract or parcel of land fourthly described in the deed from the Anna Emory Warfield Home, etc. aforesaid, and also saving and excepting so much thereof as was by deed dated February 8, 1950 and recorded among said Land Records in Liber

REPUBLICAN DEED - City or County LIBER 2102 PAGE 453

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# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 15101 Allison Road which is presently zoned R.C.2

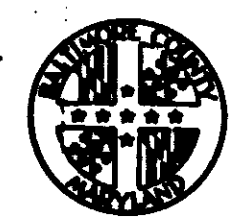
This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 800.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve and confirm the lawful existence of the single density unit on Parcel 2A and two (2) remaining density units on the remainder of Parcel 2.

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

Legal Owner: Douglas R. Small. Signature: Douglas R. Small. Address: 15101 Allison Road, Monkton, MD 21111. Attorney for Petitioner: Stephen J. Nolan, Esquire. Address: 210 W. Pennsylvania Avenue, Towson, MD 21204.

ORDER RECEIVED FOR FILING

499



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 15101 Allison Road which is presently zoned R.C.2

for DRS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 800.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve and confirm the lawful existence of two (2) remaining density units on the remainder of Parcel 2, namely one (1) density unit on the 8.5 Ac ± parcel west of Allison Road and one (1) density unit on the 23.83 Ac ± parcel east of Allison Road.

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

Legal Owner: Douglas R. Small. Signature: Douglas R. Small. Address: 15101 Allison Road, Monkton, MD 21111. Attorney for Petitioner: Stephen J. Nolan, Esquire. Address: 210 W. Pennsylvania Avenue, Towson, MD 21204.

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E. F. RAPHEL & ASSOCIATES Registered Professional Land Surveyors 205 COURTLAND AVENUE TOWSON, MARYLAND 21284

DESCRIPTION TO ACCOMPANY ZONING PETITION PARCEL 2 A PROPERTY OF DOUGLAS R. SMALL May 19, 1992

Beginning for the same at a point in the center of Allison Road, said point being located northwesterly 150' ± along Allison Road from the intersection formed by the center of Allison Road and the center of Stansbury Mill Road, running thence on Allison Road, and binding on the outline of Parcel 2, of the property of Douglas R. Small, the 2 following courses and distances, 1) N 6° 18' 20" W 220' ± and 2) N 4° 29' 00" W 400' ± thence leaving Allison Road and still binding on the outline of Parcel 2, the 13 following courses and distances, 1) N 56° 46' E 1110' ±, 2) S 26° 23' 30" E 176' ±, 3) S 42° 49' 00" E 1065' ±, 4) S 81° 08' 46" W 336.09', 5) N 34° 17' 14" W 148.09', 6) N 64° 45' 10" W 268.46', 7) S 75° 40' 39" W 277.85', 8) S 16° 10' 37" W 249.00', 9) S 77° 42' 11" W 323.25', 10) S 12° 17' 49" E 113.50', 11) S 77° 42' 11" W 85.35', 12) N 12° 17' 49" W 113.50' and 13) S 77° 42' 11" W 204.33' to the place of beginning.

Containing 23.83 Acres of land, more or less. Being the easternmost part of Parcel 2 of the land which by deed dated April 22, 1952 and recorded among the Land Records of Baltimore County in Liber G.L.B. 2102, folio 453, was conveyed by Francis Small, and wife, to Douglas R. Small.



E. F. Raphael & Associates Registered Professional Land Surveyor

MICROFILMED

499

E. F. RAPHEL & ASSOCIATES Registered Professional Land Surveyors 205 COURTLAND AVENUE TOWSON, MARYLAND 21284

DESCRIPTION TO ACCOMPANY ZONING PETITION PARCEL 2 A PROPERTY OF DOUGLAS R. SMALL May 19, 1992

Beginning for the same at a point in the center of Stansbury Mill Road, said point being located southwesterly 170' ± along Stansbury Mill Road, from the intersection formed by the center of Stansbury Mill Road and the center of Allison Road, running thence in Stansbury Mill Road and binding on the outline of Parcel 2 A of the property of Douglas R. Small S 63° 00' 00" W 500' ±, thence leaving Stansbury Mill Road and still binding on the outline of Parcel 2 A, the 4 following courses and distances, 1) N 42° 27' 30" W 776.5' ±, 2) N 70° 23' E 540' ±, 3) S 4° 12' 30" E 169.83', and 4) S 38° 22' 10" E 636.17' to the place of beginning.

Containing 8.5 acres of land, more or less. Being the westernmost part of Parcel 2 of the land which by deed dated April 22, 1952, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2102, folio 453, was conveyed by Francis Small and wife, to Douglas R. Small and designated as Parcel 2 A on the plat for the Special Hearing.



E. F. Raphael & Associates Registered Professional Land Surveyor

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## CERTIFICATE OF POSTING

District: 1014 Date of Posting: 6/18/92. Posted for: Special Hearing. Petitioner: Douglas R. Small. Location of property: 15101 Allison Rd. Location of signs: Facing Allison Rd. Remarks: Property of Douglas R. Small. Number of signs: 1.

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

Table with columns: PUBLIC HEARING FEES, APPEAL FEES, POSTING SIGNS / ADVERTISING. Total: \$250.00.

04AD480083M1CHR 250.00

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

Table with columns: PUBLIC HEARING FEES, APPEAL FEES, POSTING SIGNS / ADVERTISING. Total: \$210.00.

04AD480110M1CHR 210.00

## CERTIFICATE OF PUBLICATION

TOWSON, MD. June 11, 1992. 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 June 11, 1992.

THE JEFFERSONIAN, S. Zake Orlov Publisher

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Baltimore County Zoning Administration & Development Management 111 West Chesapeake Avenue Towson, Maryland 21204

Table with columns: PUBLIC HEARING FEES, APPEAL FEES, POSTING SIGNS / ADVERTISING. Total: \$350.00.

04AD10039M1CHR 350.00

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

Table with columns: PUBLIC HEARING FEES, APPEAL FEES, POSTING SIGNS / ADVERTISING. Total: \$60.40.

04AD480125M1CHR 60.40

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

111 West Chesapeake Avenue Towson, MD 21204 (410) 887-3353. DATE: 6-18-92. Douglas R. Small 15101 Allison Road Monkton, Maryland 21111

RE: CASE #92-466-SPH (Item 499) 1/5 Allison Road, 150' W of c/y Stansbury Mill Road 15101 Allison Road 10th Election District - 3rd Councilmatic Petitioner(s): Douglas R. Small HEARING: THURSDAY, JULY 16, 1992 at 11:30 a.m. in Rm. 106, Office Building.

Dear Petitioner(s): Please be advised that \$60.40 is due for advertising and posting of the above captioned property and hearing date. THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SIGN(S) RETURNED ON THE DAY OF THE HEARING OR THE CHECK SHALL NOT BE RETURNED. DO NOT REMOVE THE SIGN & POST SIGN(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 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl John

MARKED JAMES DIRECTOR cc: Stephen J. Nolan, Esq.

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

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

JUNE 5, 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 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #92-466-SPH (Item 499)  
4/8 Allison Road, 150' x of c/1 Stansbury Hill Road  
15101 Allison Road  
10th Election District - 3rd Councilmanic  
Petitioner(s): Douglas R. Small  
HEARING: THURSDAY, JULY 16, 1992 at 11:30 a.m. in Rm. 106, office building.

Special hearing to approve or confirm the lawful existence of the single density units on the remainder of Parcel 2.

*Lawrence E. Schaidt*  
Lawrence E. Schaidt  
Zoning Commissioner of Baltimore County

cc: Douglas R. Small  
Stephen J. Nolan, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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

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

July 6, 1992

Stephen J. Nolan, Esquire  
Court Towers, Suite 700  
210 W. Pennsylvania Avenue  
Baltimore, MD 21204

RE: Item No. 499, Case No. 92-466-SPH  
Petitioner: Douglas R. Small  
Petition for Special Hearing

Dear Mr. Nolan:

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 indicate the appropriateness of the zoning action requested, but 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 preliminary review by zoning personnel.

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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 28th day of May, 1992

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Douglas R. Small  
Petitioner's Attorney: Stephen J. Nolan

MICROFILMED

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

TO: Larry Goetz  
Planning & Zoning

DATE: July 22, 1992

FROM: Wally Lippincott, Jr.

SUBJECT: Small Property, SPH 499

As a follow up to our discussion, here are some additional comments.

It does appear that this circumstance is not covered by the grandfathering provision in the RC2 lot of record-density provision (1990). The purpose of the grandfathering was to include those who had moved forward towards development under the old policy provisions.

In this case, it appears the Bergland Jr. property (6935/342) is a lot of record. This is not grandfathered, nor is there a need to. It exists and has one unit of density. The remainder of the property was not recorded as a lot of record, or record plat, or under any of the grandfathering provisions.

Whether there are three remaining density units and whether this can be granted by hearing or requires a change in the law is not for me to say. It is important, however, that the decision maker be aware of the 1990 County Council action on this issue. Also, that the intent of the law change was to close a loop hole that provided for subdivision of RC2 at a density greater than provided by County Council.

WSL:ju  
cc: Hillorie Richman  
GOETZ2/WQAG

06/15/92

Development Review Committee Response Form  
Authorized signature: *Dennis H. Kennedy* Date: 6/15/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Patasco (Aerial Property)			6-1-92
COUNT 1			
Keith M. And Patricia M. Lambert	496		6-2-92 NC
COUNT 1			
Samuel Frank And David Granat	494		6-8-92 NC
COUNT 1			
Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning	495		NC
COUNT 1			
William J. And Elizabeth G. Wachter	497		NC
COUNT 1			
Aneita R. And James S. Henry	498		NC
COUNT 1			
Douglas R. Small			NC
COUNT 1			
Lyle L. Boltinghouse	500		NC
COUNT 1			
Glenn A. And Patricia A. Sudano	501		NC
COUNT 1			
Howard W. Dawson, Sr.	503		NC
COUNT 1			

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06/15/92

Development Review Committee Response Form  
Authorized signature: *Richard J. Family* Date: 6/16/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Albert F. And Ann B. Nocar	478	NIC	6-1-92
COUNT 3			
Keith M. And Patricia M. Lambert	496	NIC	6-2-92
COUNT 1			
Samuel Frank And David Granat	494	NIC	6-8-92
COUNT 1			
Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning	495	NIC	
COUNT 1			
William J. And Elizabeth G. Wachter	497	NIC	
COUNT 1			
Aneita R. And James S. Henry	498	NIC	
COUNT 1			
Douglas R. Small	499	NIC	
COUNT 1			
Lyle L. Boltinghouse	500	NIC	
COUNT 1			
Glenn A. And Patricia A. Sudano	501	NIC	
COUNT 1			

MICROFILMED

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

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

DATE: June 30, 1992

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item 499  
#15101 Allison Road  
Zoning Advisory Committee Meeting of June 8, 1992

This plan must go through minor subdivision and as such, must comply with prime and productive soils policies (Section 22-99, Baltimore County Code 1978 as amended). For this reason the subdivision line on the "remainder of Parcel 2" cannot be approved.

This property is not located within an Agricultural Preservation Area, however, it is adjacent to existing land in agricultural use. Additional density and subdivision conflicts with the perpetuation of agriculture through the subdivision of tracts of land into smaller and smaller pieces and through the additional density that can result in conflicts between farming and residential uses.

In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, contact the Development Coordination Section at extension 2762.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:sp  
JABLON/S/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE MEMO

TO: Hearing Officer

DATE: June 19, 1992

FROM: Larry Goetz  
Planner 1

SUBJECT: Small Property - Special Hearing 92-466-SPH, Item 499

This case of subdivision of R.C.-1 is complicated by the following factors:

- Change in zoning regulations B.C.Z.R. 1A01.3.B.1, October 1, 1990, Bill 199-1990.
- "Subdivision" of Bergland, Jr. parcel by deed as opposed to zoning petition, minor subdivision plan or record plat.
- Adjacent ownership of land by Small not shown on plat to accompany Special Hearing.

There are 4 ways to look at the question "How many density units remain on Parcel 2 (of the 5 parcels from 1952). Note: there is one density unit already on the land.

- Three density units remain: Allison Road subdivided the property according to Zoning Regulations in effect before 1990 and zoning commissioners policy R.S.D.-7. Subdivision by deed in 1985 was valid. The parcel on each side of road is allowed 2 density units.
- One density unit remains: The road does not subdivide for density purpose. The subdivision by deed was valid.
- No density units remain: Subdivision by deed not valid.
- Two density units remain: Allison Road did not subdivide for density purposes and yet a subdivision by deed occurred in 1985 then east-west parcel are "connected" either physically or by deed.

LG:jaw

lets discuss this



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

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: June 30, 1992

FROM: J. Lawrence Pilson JLP/JM  
Development Coordinator, DEPRM

SUBJECT: Zoning Item 499  
#15101 Allison Road  
Zoning Advisory Committee Meeting of June 8, 1992

This plan must go through minor subdivision and as such, must comply with prime and productive soils policies (Section 22-99, Baltimore County Code 1978 as amended). For this reason the subdivision line on the "remainder of Parcel 2" cannot be approved.

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Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:sp

JABLON/S/TATSBP

MICROFILMED

700 East Joppa Road Suite 901  
Towson, MD 21204-5500 (410) 887-4500

JUNE 3, 1992

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

RE: Property Owner: DOUGLAS R. SMALL  
Location: #15101 ALLISON ROAD  
Item No.: 499 (LJG) Zoning Agenda: JUNE 8, 1992

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: *Carl Jerry Smith* Noted and Approved  
Planning Group V Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
JUN 4 1992

ZONING OFFICE

MICROFILMED

Department of Recreation and Parks  
Development Review Committee Response  
Authorized signature: *[Signature]* Date: 6/15/92

File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Keith M. And Patricia M. Lambert	496	No Comment	6-2-92
DED DEPRM RP STP TE			
COUNT 1			
✓ Samuel Frank And David Granat	494	No Comment	6-8-92
DED DEPRM RP STP TE			
✓ Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning	495	No Comment	
DED DEPRM RP STP TE			
✓ William J. And Elizabeth G. Wichter	497	No Comment	
DED DEPRM RP STP TE			
✓ Anita R. And James S. Henry	498	No Comment	
DED DEPRM RP STP TE			
✓ Douglas R. Small	499	No Comment	
DED DEPRM RP STP TE			
✓ Lvie L. Boltinhouse	500	No Comment	
DED DEPRM RP STP TE			
✓ Glenn A. And Patricia A. Sudano	501	No Comment	
DED DEPRM RP STP TE			
✓ Howard W. Dawson, Sr.	503	No Comment	
DED DEPRM RP STP TE			
COUNT 8			
FINAL TOTALS			
COUNT 9			
*** END OF REPORT ***			

MICROFILMED

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

August 28, 1992

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

RE: Petition for Special Hearing  
E/S Allison Road, 150' N of the c/l of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road)  
10th Election District, 3rd Councilmanic District  
DOUGLAS R. SMALL - Petitioner  
Case No. 92-466-SP4

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on July 28, 1992 by Eric Bergland, Protestant. 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,

*[Signature]*  
LARRY E. SCHMIDT  
Zoning Commissioner

LES:cer

Enclosures

cc: Douglas R. Small, 15101 Allison Road, Monkton, MD 21111

Manor Area Association c/o Mr. James Constable  
13th Floor, 250 West Pratt Street, Baltimore, MD 21201

J. Carroll Holzer, Esquire - Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue, Towson, MD 21204

People's Counsel of Baltimore County  
Old Courthouse, 400 Washington Avenue, Towson, MD 21204

File

File

File

File

APPEAL

Petition for Special Hearing  
E/S Allison Road, 150' N of the c/l of Stansbury Mill Road  
(Parcels 2 and 2A Allison Road)  
10th Election District - 3rd Councilmanic District  
DOUGLAS R. SMALL - Petitioner  
Case No. 92-466-SP4

Petition(s) for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

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) and Protestant(s) Sign-In Sheets

Petitioner's Exhibits: 1. Plat to accompany Petition

2. No Exhibit marked "2"

3. Agricultural Declaration of Intent

4. Residential Contract of Sale

5. Settlement Statement

6. Assessment Map

7. RSD-7 - Policy Manual Section

8. Red-Lined Drawing of Total of Parcel 2

9. Red-Lined Drawing of remainder of Parcel 2

10. Red-Lined Drawing of remainder of Parcel 2

11. Title History of the Small Property

Deputy Zoning Commissioner's Order dated July 28, 1992 (Denied)

Notice of Appeal received August 11, 1992 from Eric Bergland, Protest.

cc: Douglas R. Small, 15101 Allison Road, Monkton, MD 21111

Manor Area Association c/o Mr. James Constable  
13th Floor, 250 West Pratt Street, Baltimore, MD 21201

J. Carroll Holzer, Esquire - Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue, Towson, MD 21204

People's Counsel, 400 Washington Avenue, 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. Kotrocco, Deputy Zoning Commissioner  
W. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, Director of ZAM  
Public Services

MICROFILMED

BALTIMORE COUNTY, MARYLAND  
OFFICE OF PLANNING AND ZONING  
New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director  
Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: June 17, 1992

SUBJECT: Douglas R. Small Property

INFORMATION:  
Item Number: 499

Petitioner: Douglas R. Small

Property Size: 46.13 acres

Zoning: RC 2

Requested Action: Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:  
The petitioner is requesting a special hearing to confirm the lawful existence of the single density unit on Parcel 2A and two remaining density units on the remainder of Parcel 2.

The Office of Planning has no comment on this particular petition.

If the Zoning Commissioner confirms two density units on the remainder of parcel 2, then the Office of Planning will have comments on this site as it proceeds through the minor subdivision process.

Prepared by: *Francis Murray*

Division Chief: \_\_\_\_\_

PH:rdn

RECEIVED  
JUN 22 1992

ZONING OFFICE

MICROFILMED

499.ZAC/ZAC1

County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
Hearing Room - Room 48, Old Courthouse  
400 Washington Avenue  
October 28, 1992

NOTICE OF ASSIGNMENT

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. 92-466-SP4 DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District

SPH-to approve lawful existence of single density units on remainder of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on Parcel 2 and one on Parcel 2A; DENYING Petition as requested.

ASSIGNED FOR: WEDNESDAY, JANUARY 6, 1993 AT 10:00 a.m.

cc: Mr. Eric Bergland Protestant/Appellant

Mr. Douglas R. Small Petitioner

Stephen J. Nolan, Esquire Counsel for Petitioner

Manor Area Association

J. Carroll Holzer, Esquire People's Counsel for Baltimore County

Public Services

P. David Fields

Lawrence E. Schmidt

Timothy M. Kotrocco

W. Carl Richards, Jr.

Docket Clerk - Zoning Administration

RECEIVED  
OCT 29

ZONING OFFICE

Linda M. Kusmaul  
Legal Secretary

MICROFILMED

County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
Hearing Room - Room 48, Old Courthouse  
400 Washington Avenue  
January 7, 1993

NOTICE OF 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. 92-466-SP4 DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury Mill Road (15101 Allison Road)  
4th Election District;  
3rd Councilmanic District

SPH-to approve lawful existence of single density units on remainder of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on Parcel 2 and one on Parcel 2A; DENYING Petition as requested.

which was scheduled for hearing on January 6, 1993 was continued on the record at the request of all parties and has been

REASSIGNED FOR: THURSDAY, APRIL 29, 1993 AT 10:00 a.m.

cc: Mr. Eric Bergland Protestant/Appellant

Mr. Douglas R. Small Petitioner

Stephen J. Nolan, Esquire Counsel for Petitioner

Douglas L. Burgess, Esquire Manor Area Association

J. Carroll Holzer, Esquire People's Counsel for Baltimore County

Public Services

P. David Fields

Lawrence E. Schmidt

Timothy M. Kotrocco

W. Carl Richards, Jr.

Docket Clerk - Zoning Administration

RECEIVED ZONING OFFICE  
DATE: 1/12/93

Linda M. Kusmaul  
Legal Secretary

Printed on Recycled Paper

County Board of Appeals of Baltimore County  
OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
Hearing Room - (410) 887-3180  
Room 48, Old Courthouse  
400 Washington Avenue  
April 21, 1993

NOTICE OF 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. 92-466-SPH DOUGLAS R. SMALL  
E/s Allison Rd., 150' N Stansbury Mill Road (15101 Allison Road) 4th Election District; 3rd Councilmanic District  
SPH-to approve lawful existence of single density units on remainder of Parcel 2

7/28/92 - D.Z.C.'s Order AFFIRMING one on Parcel 2 and one on Parcel 2A; DENYING Petition as requested.

which was scheduled for hearing on April 29, 1993 has been POSTPONED at the request of Counsel for Petitioner; and has been

REASSIGNED FOR: WEDNESDAY, JULY 28, 1993 at 10:00 a.m.

- cc: J. Carroll Holzer, Esquire Counsel for Protestant/Appellant
Mr. Eric Bergland Protestant/Appellant
Douglas L. Burgess, Esquire Counsel for Petitioner
Stephen J. Nolan, Esquire
Mr. Douglas R. Small Petitioner
Manor Area Association c/o James Constable, Esquire
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

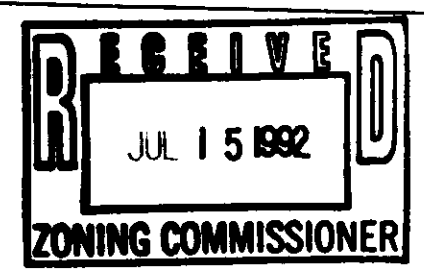
Kathleen C. Weidenhammer Administrative Assistant  
MICROFILMED

IN RE: PETITION FOR  
Douglas R. Small,  
Special Hearing

- BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Case No. 92-466-SPH.
Tt 499

TO: Mr. Larry Goetz  
114 Wm +1  
Pinto County Office Bldg  
Towson Md 21204  
SUBPOENA  
You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106, County Office Bldg

and to bring the full file, all plats, maps, documents, copies of all records of all kind relating to this case, for the purpose of testifying at the request of Protestants



Received from J. Carroll Holzer, Esquire  
Suite 105  
Towson Md 21204

Mr. Sheriff/Private Process Server: Timothy M. Kotroco  
Zoning Commissioner/Deputy Zoning Commissioner for Baltimore County  
Please process in accordance with Zoning Commissioner's Rule IV(c).  
Issued: MICROFILMED

IN RE: PETITION FOR SPECIAL HEARING  
E/S Allison Road, 150' N of c/l Stansbury Mill Road 15101 Allison Road 10th Election District 3rd Councilmanic District DOUGLAS R. SMALL, Petitioner

- BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Case No. 92-466-SPH

TO: Wally Lippincott  
Department of Environmental Protection and Resource Management  
4th Floor, County Courts Building  
Towson, Maryland 21204  
SUBPOENA  
You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room Zoning Commissioner's Hearing Room

and to bring your file regarding Douglas R. Small Property, 15101 Allison Road, Monkton, Maryland 21111 on the 16th day of July 1992, at 11:30 a.m. regarding the above captioned case, for the purpose of testifying at the request of Douglas R. Small, Petitioner

Received from Douglas L. Burgess  
Suite 700, Court Towers  
210 West Pennsylvania Avenue  
Towson, MD 21204  
(410) 823-7800

Mr. Sheriff/Private Process Server: Zoning Commissioner/Deputy Zoning Commissioner for Baltimore County  
Please process in accordance with Zoning Commissioner's Rule IV(c).  
Issued: 7/10/92 MICROFILMED

August 11, 1992

Ms. Charlotte Radcliffe  
Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

Re: Case No. 92-466-SPH  
E/S Allison Road, 150' N. of C/L of Stansbury Mill Road (15101 Allison Road) 10th Election District 3rd Councilmanic District Douglas R. Small - Petitioner

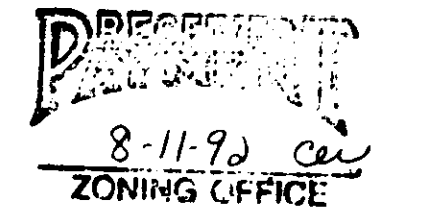
Dear Ms. Radcliffe:

The purpose of this letter is to formally file an appeal to the County Board of Appeals on the subject case. Attached is my check no. 1853 in the amount of \$210.00.

Very truly yours,  
Eric Bergland  
Eric Bergland  
15024 Allison Road  
Monkton, MD 21111

cc: Mr. J. Carroll Holzer Attorney at Law  
Holzer, Maher, Demilio & Lee  
305 West Chesapeake Avenue  
Towson, MD 21204

cc: Manor Area Association  
c/o Mr. James Constable  
13th Floor  
250 West Pratt Street  
Baltimore, MD 21201



92-466-SPH 499

NEWTON A. WILLIAMS  
THOMAS J. HENNER  
WILLIAM P. ENGLEHART, JR.  
STEPHEN J. NOLAN  
ROBERT L. HANLEY, JR.  
ROBERT S. GUSHAKOW  
STEPHEN M. SCHENNING  
DOUGLAS L. BURGESS  
ROBERT E. CAHILL, JR.  
LOUIS G. CLOSE, III  
E. BRUCE JONES, III  
GREGORY J. JONES  
J. JOSEPH CURRAN, III  
LAW OFFICES  
NOLAN, PLUMHOFF & WILLIAMS  
CHARTERED  
SUITE 700, COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-5340  
(410) 823-7800  
TELEFAX: (410) 298-2785  
JAMES D. NOLAN  
RETR 0800  
J. EARLE PLUMHOFF  
RETR 0800  
RALPH E. DEITZ  
RETR 0800  
T. BAYARD WILLIAMS, JR.  
RICHARD L. SCHAEFFER  
WRITER'S DIRECT DIAL  
883-7853

May 28, 1992

Mr. Laurence J. Goetz  
Baltimore County Zoning Office  
Baltimore County Office Building  
111 Chesapeake Avenue  
Towson, Maryland 21204

Re: Mr. Douglas R. Small  
Petition for Special Hearing

Dear Mr. Goetz:  
Pursuant to our meeting on May 26, I am filing herewith the enclosed Petition for Special Exception together with our firm's check in the amount of Three Hundred (\$300.00) Dollars.

- Also enclosed please find:  
1. Ten (10) copies of the site plan prepared by E.F. Raphael and Associates;  
2. One (1) 200 scale map;  
3. One (1) 200 scale photographic map with subject property delineated.

We would greatly appreciate a hearing at the earliest possible date. Thank you for your assistance in this matter.

Very truly yours,  
Stephen J. Nolan  
Stephen J. Nolan

SJN/mao  
encl.  
cc: Mr. E.F. Raphael  
Mr. Richard A. Moore  
Gaylord Brooks Realty Company  
Mr. Douglas R. Small

MICROFILMED

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

TITLE HISTORY OF THE PROPERTY OF DOUGLAS R. SMALL July 17, 1992

By a deed dated February 8th, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. 1423, folio 317, Anna Smory Warfield Home for Aged Women Incorporated conveyed 5 tracts of land totaling 410 Ac. ±, lying on both sides of Jarrettsville Pike, to Douglas R. Small and Jane W. Small, his wife, and Francis Small and Miriam E. W. Small, his wife.

Then on April 22nd, 1952, Francis Small and Miriam E. W. Small, his wife, conveyed by deed G.L.B. 2102, folio 453, to Douglas R. Small, the same 5 tracts of land, but saving and excepting a parcel conveyed to Louise Walters of 6.68 Ac. ± recorded February 8, 1946 in Liber R.J.S. 1447, folio 145 and also that part that was conveyed to Samuel H. Shriver and Eleanor R. Shiver, his wife, containing 136.14 Ac. ± and recorded February 28, 1950 in Liber G.L.B. 1815, folio 13, which was the 5th tract of the original deed.

Of the parcel containing 85.72 Ac. ± of the conveyance to Douglas R. Small by deed dated April 22nd, 1952 and recorded in G.L.B. 2102, folio 453, which is also the 2nd parcel of the original deed conveyed to Douglas R. Small and Jane W. Small, his wife, and Francis Small and Miriam E. W. Small, his wife, in deed R.J.S. 1423, folio 317, the out conveyances from the 2nd parcel since April 22, 1952, by Douglas R. Small are as follows:

- 1) A parcel of land containing 34.86 Ac. ± to Calvin K. Braecklein and Helen Braecklein, his wife, by deed dated June 5th, 1957 and recorded in Liber G.L.B. 3173, folio 237.  
2) A parcel of land containing 2.26 Ac. ± to Francis Small, by deed dated July 10, 1962 and recorded in Liber W.J.R. 4024, folio 567. On May 29, 1985 the Personal Representative conveyed this 2.26 Ac. parcel to Eric L. Bergland, Jr. and Ann A. Bergland, his wife, and recorded in Liber E.H.K. Jr. 6935.

MICROFILMED

92-466 SPH

To: Larry Goetz  
From: Wally Lippincott, Jr.  
RE: Small Prop. SpH 499

As a follow up to our discussion, here are some additional information.

It does appear that this circumstance is not covered by the grandfathering provision in the R.C.B. lot of record - density provision (190). The purpose of the grandfathering was to include those who had moved forward towards development under the old policy provisions.

In this case, it appears the Bergland property (6935/342) is a lot of record. This is not grandfathered, nor is there a deed to it. It exists and has one unit of density. The remainder of the property was not grandfathered as a lot of record.

MICROFILMED

SMALL PROPERTY DEEDS 92-466 SPH

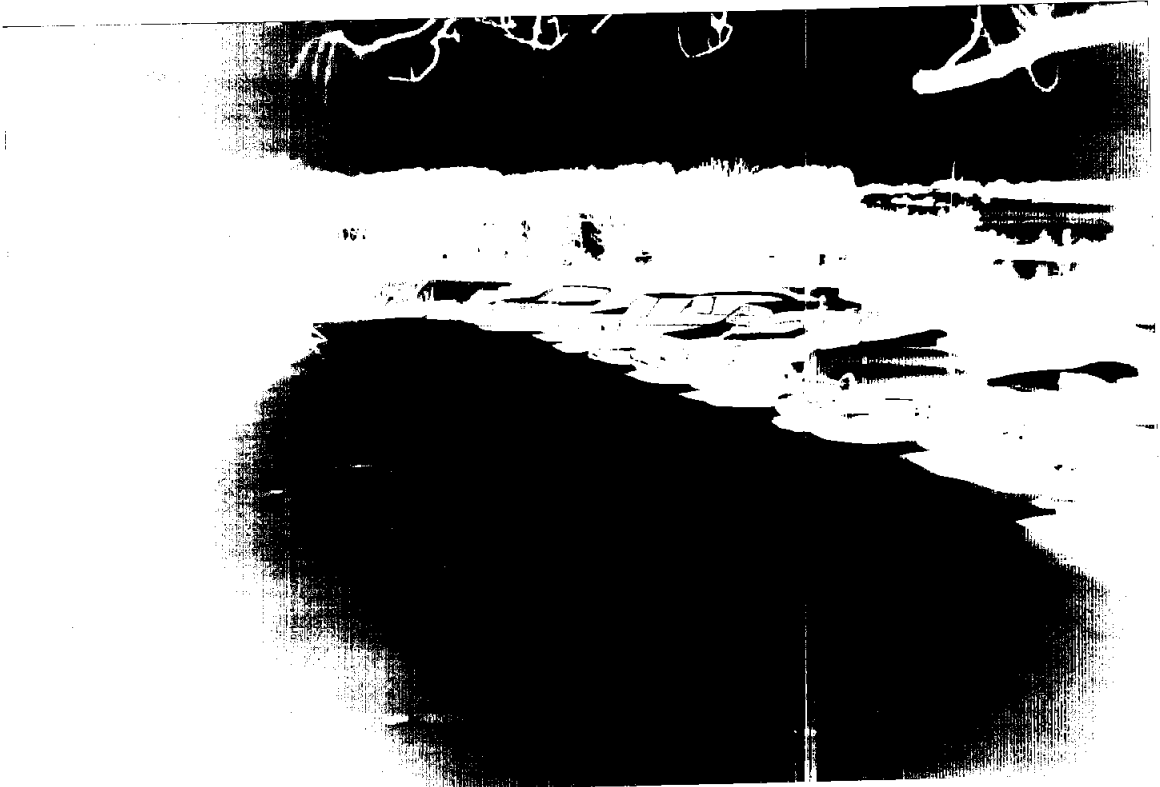
- 1-5/57 + 3173/237 Douglas Small -> Calvin & Helen Braecklein 34.86 Ac
2-7/62 - 4024/567 Douglas & Francis Small -> Miriam Small 2.26 Ac
3-7/64 - 4330/462 Douglas Small -> State of MD 12.60 Ac
4-5/85 - 6935/341 Miriam Small to Bergland 2.26 Ac
5-5/85 - 6935/342 Douglas Small to Bergland 4.00 Ac

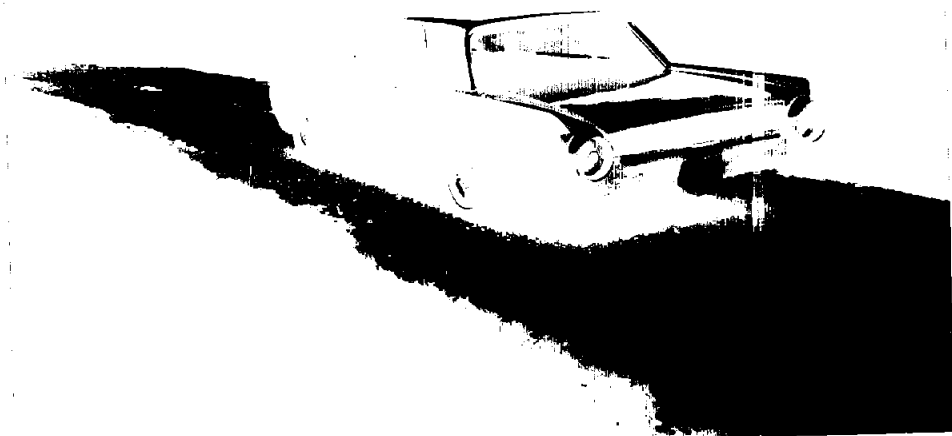
J. Goetz 7/21/92

MICROFILMED





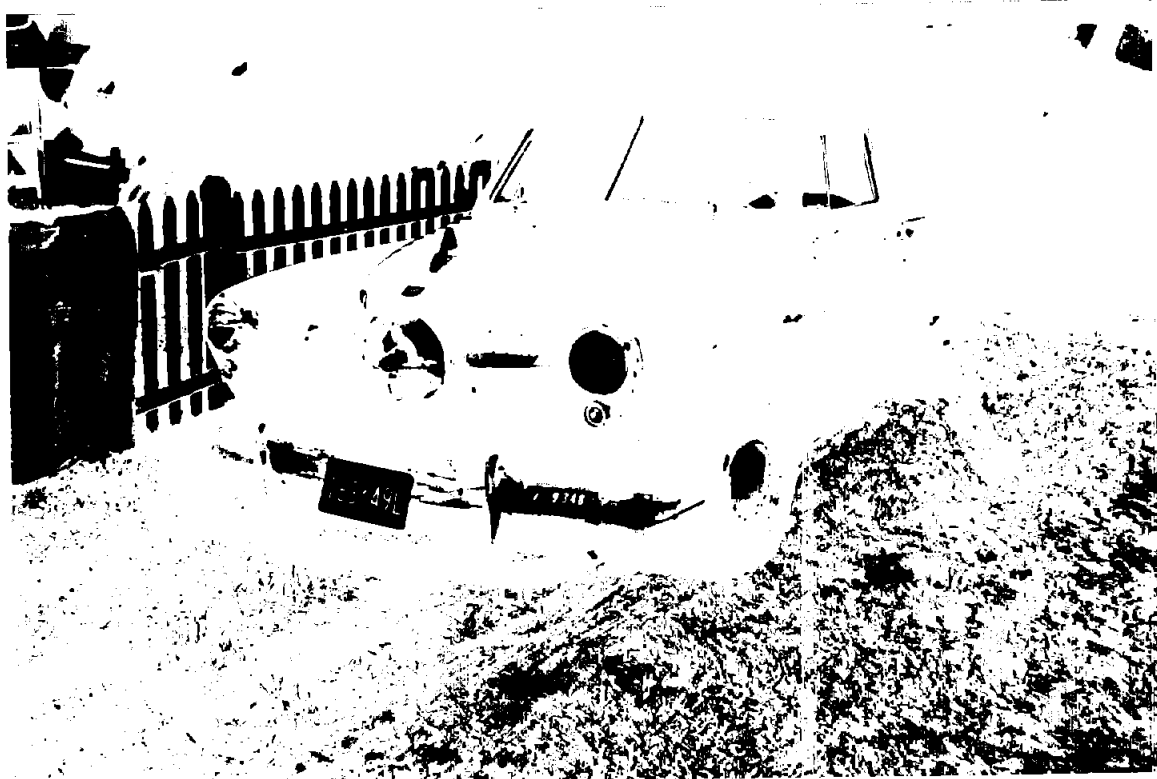


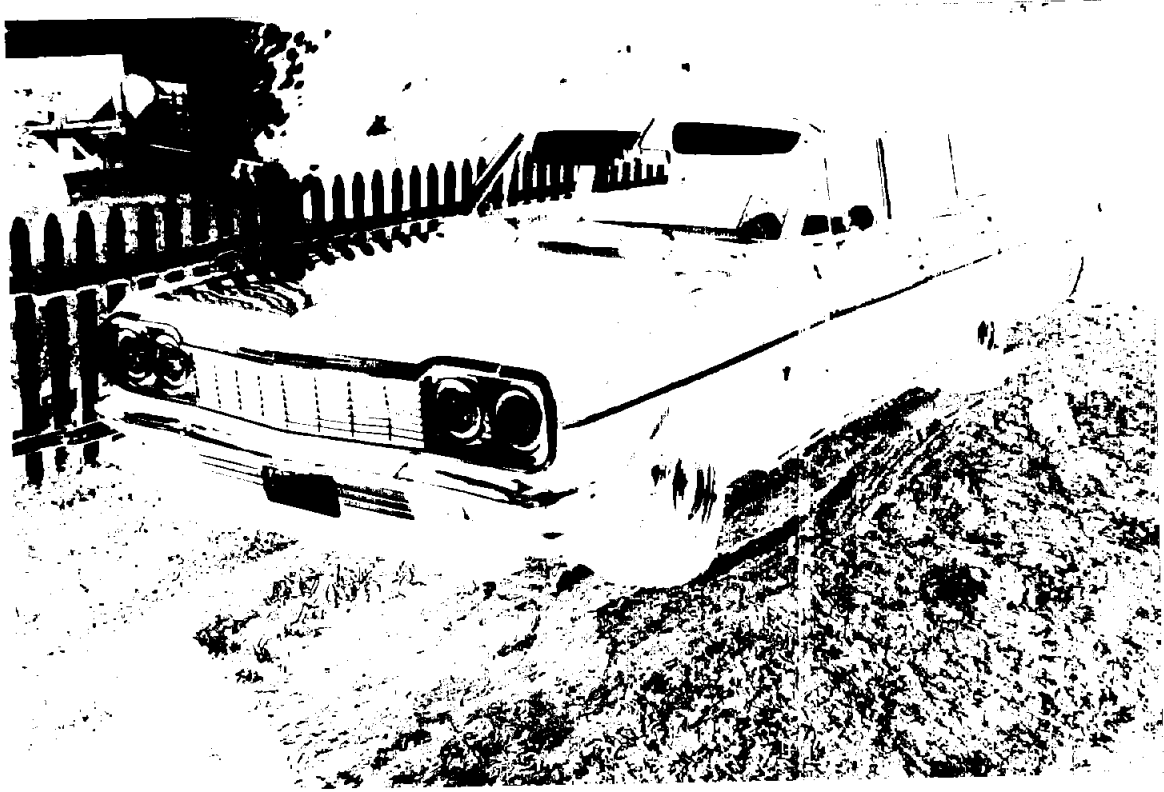


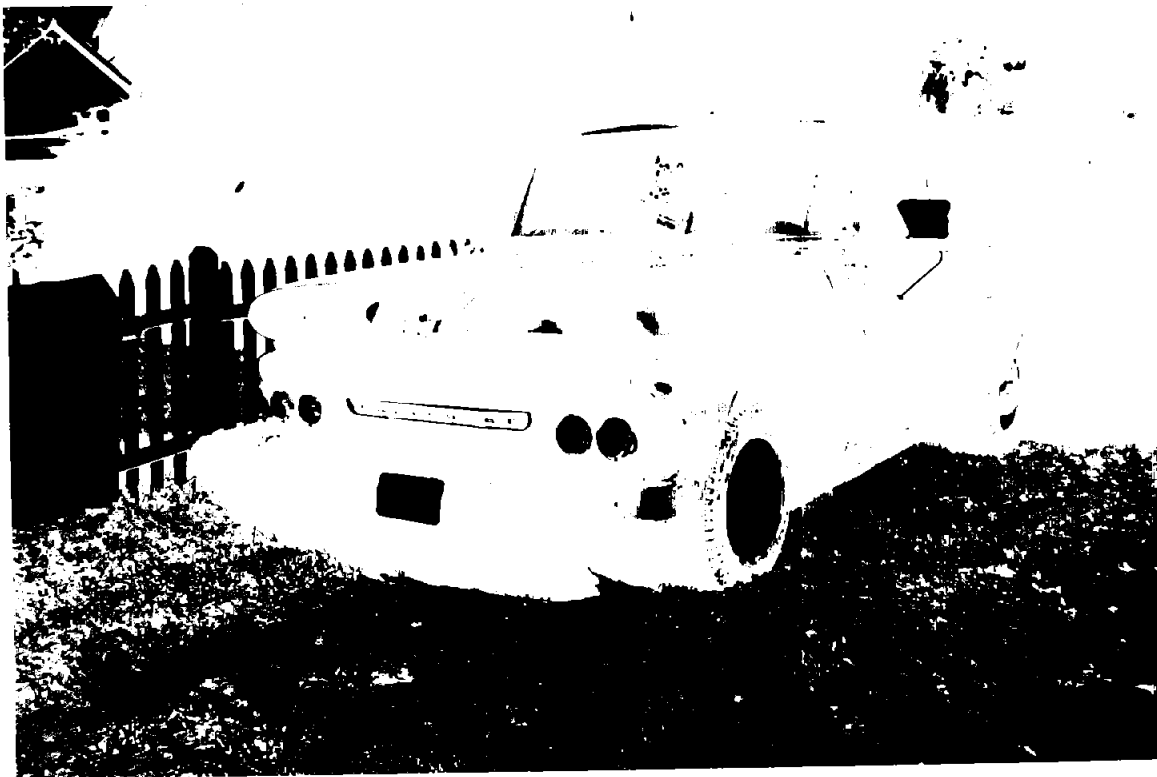


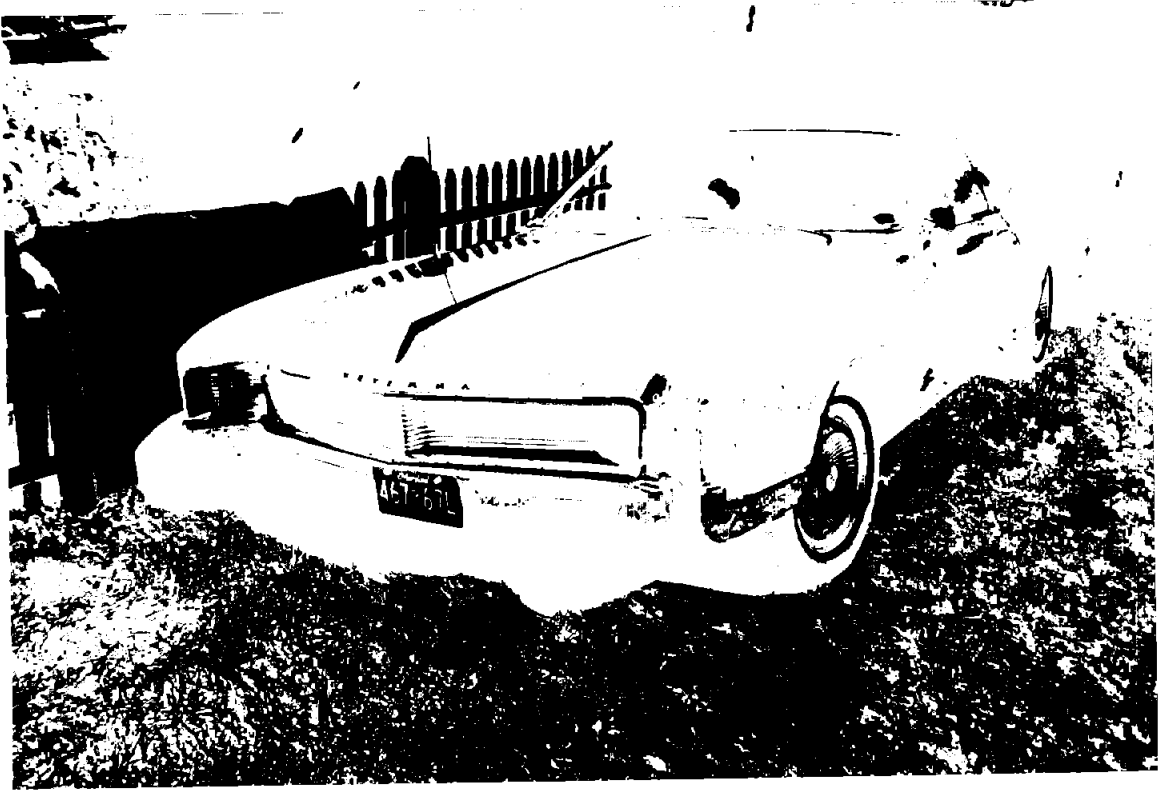


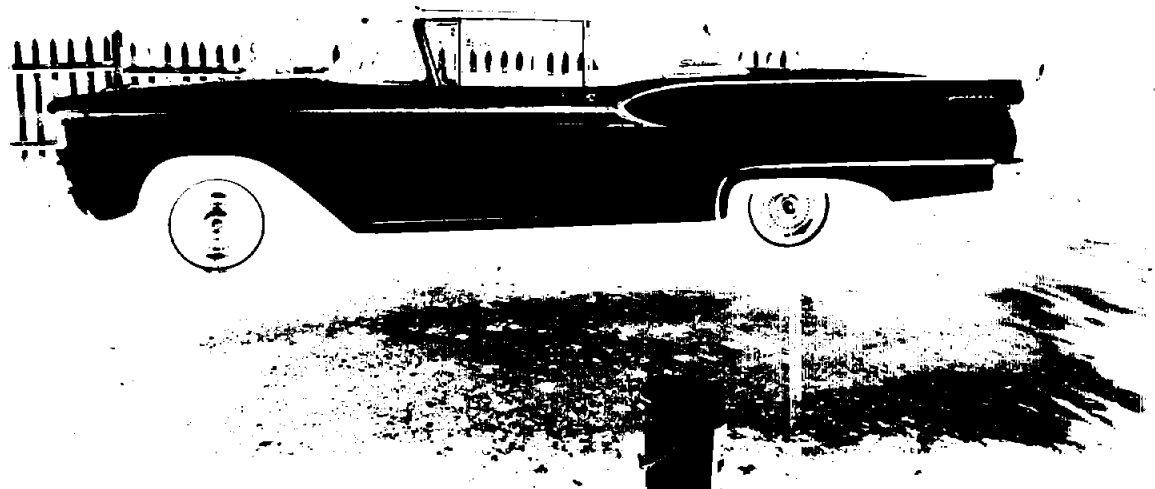


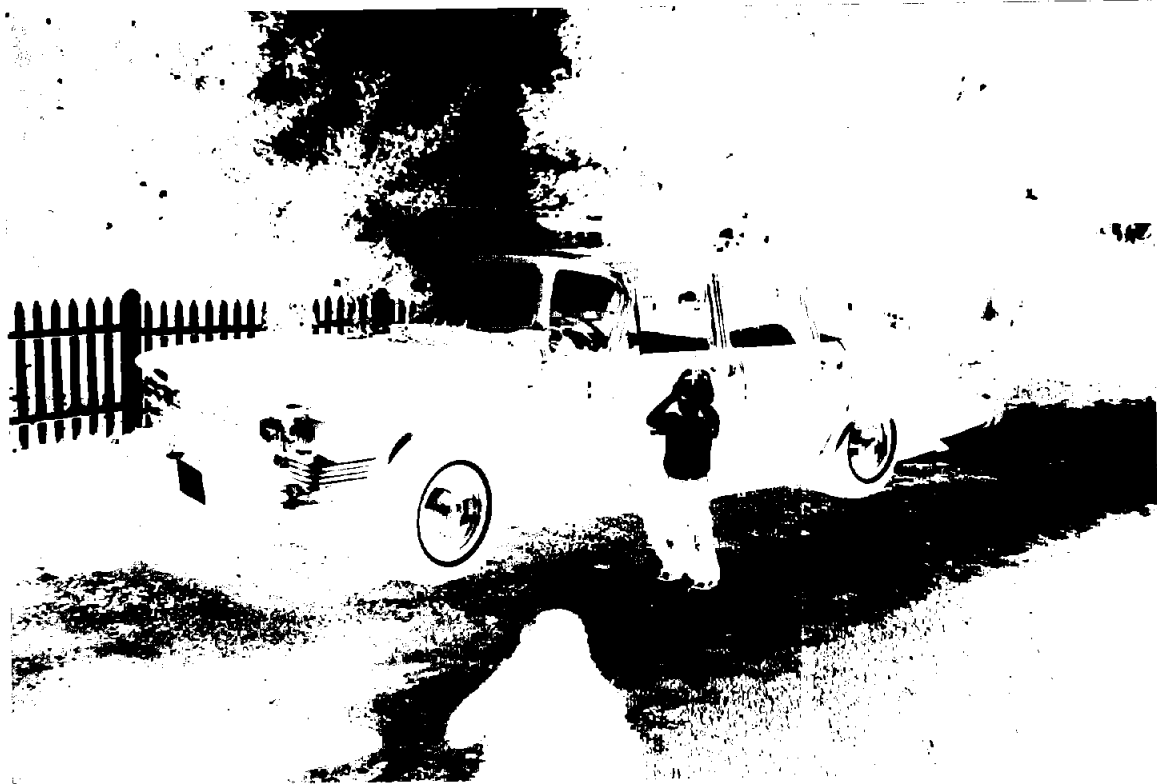


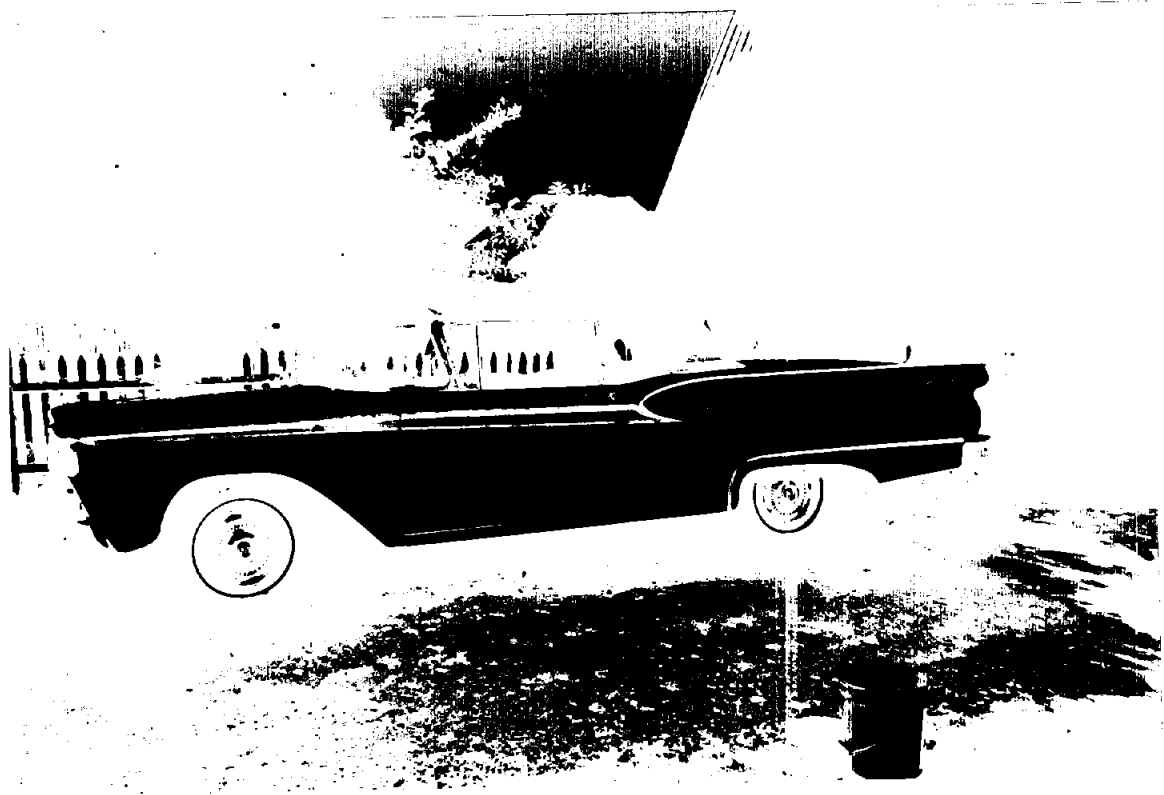






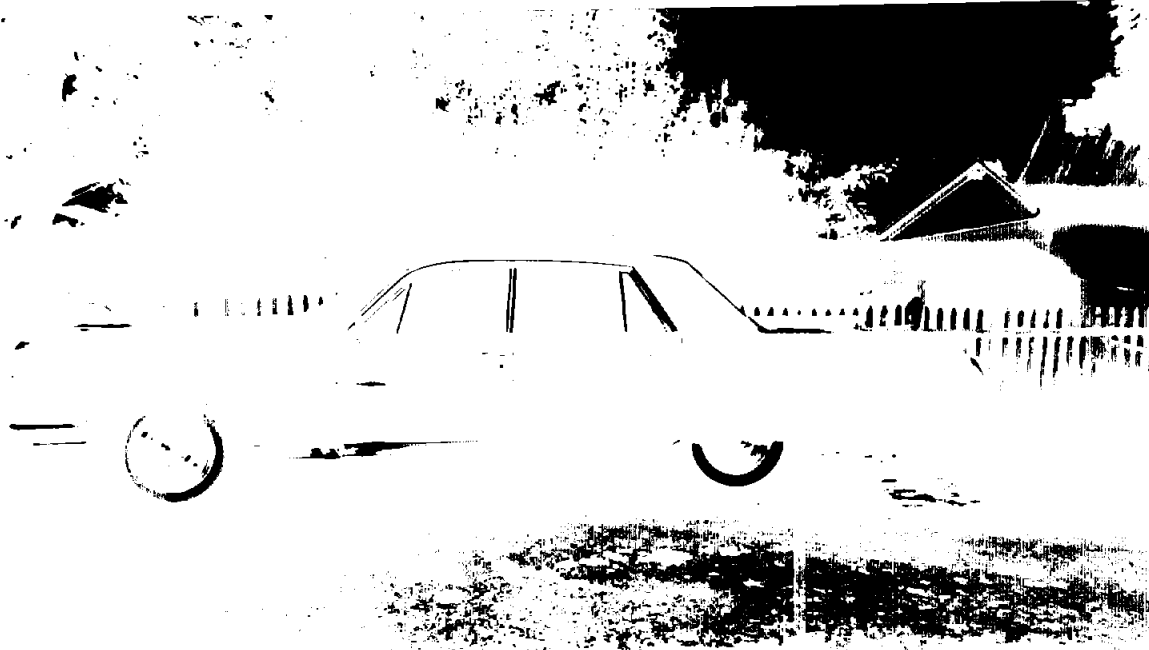






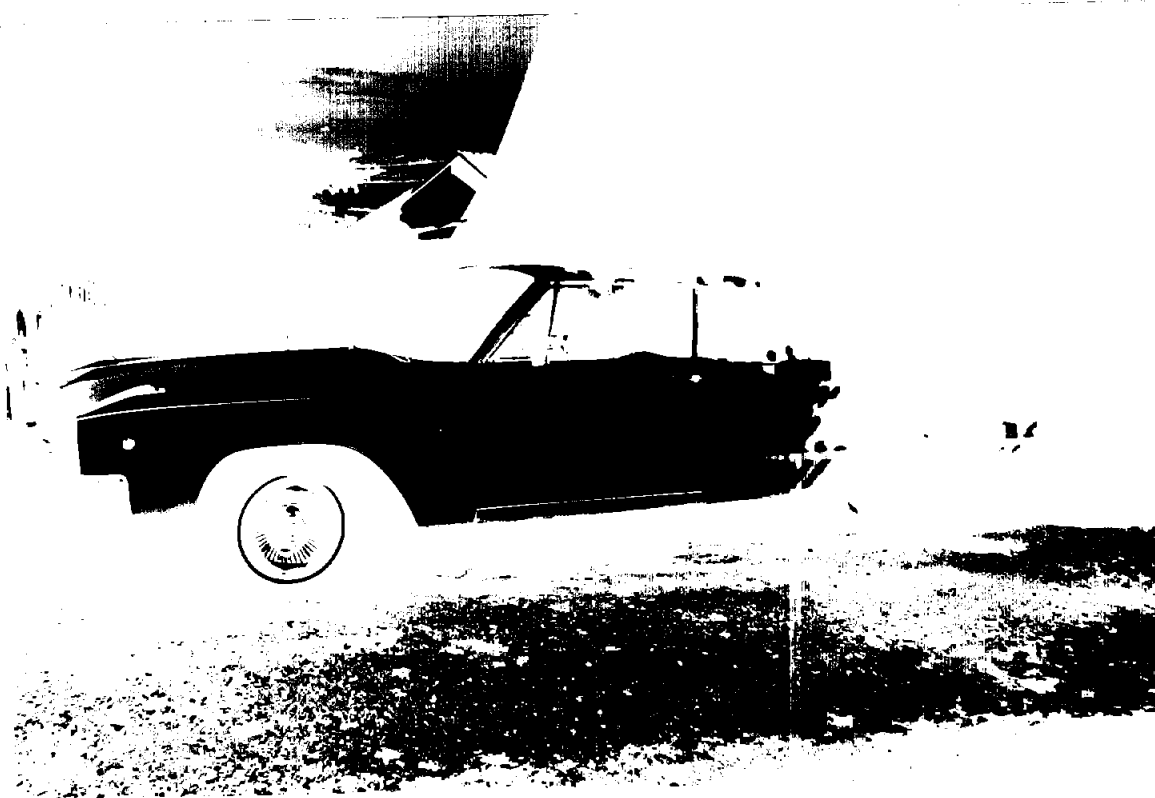


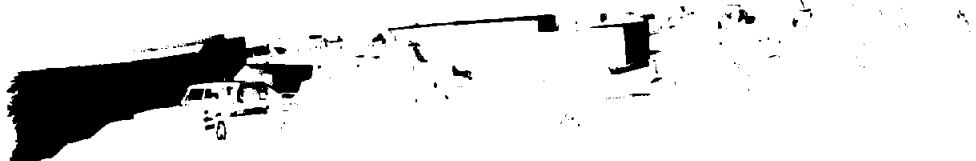




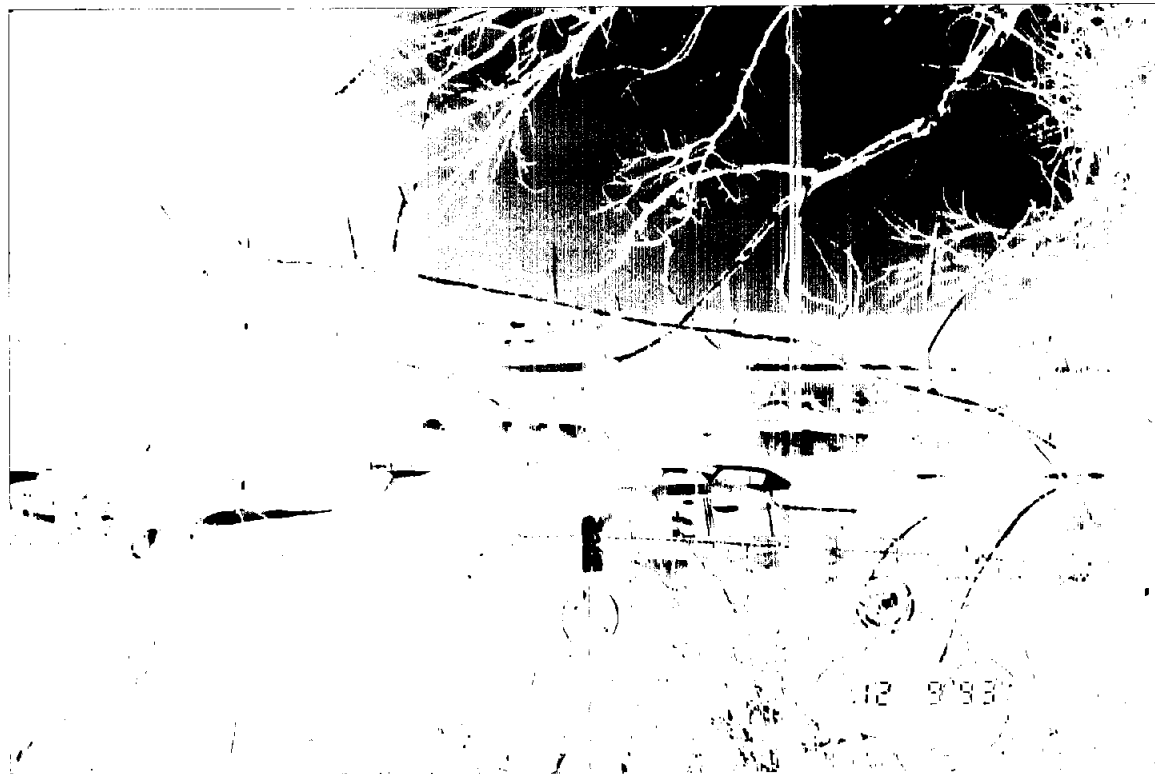


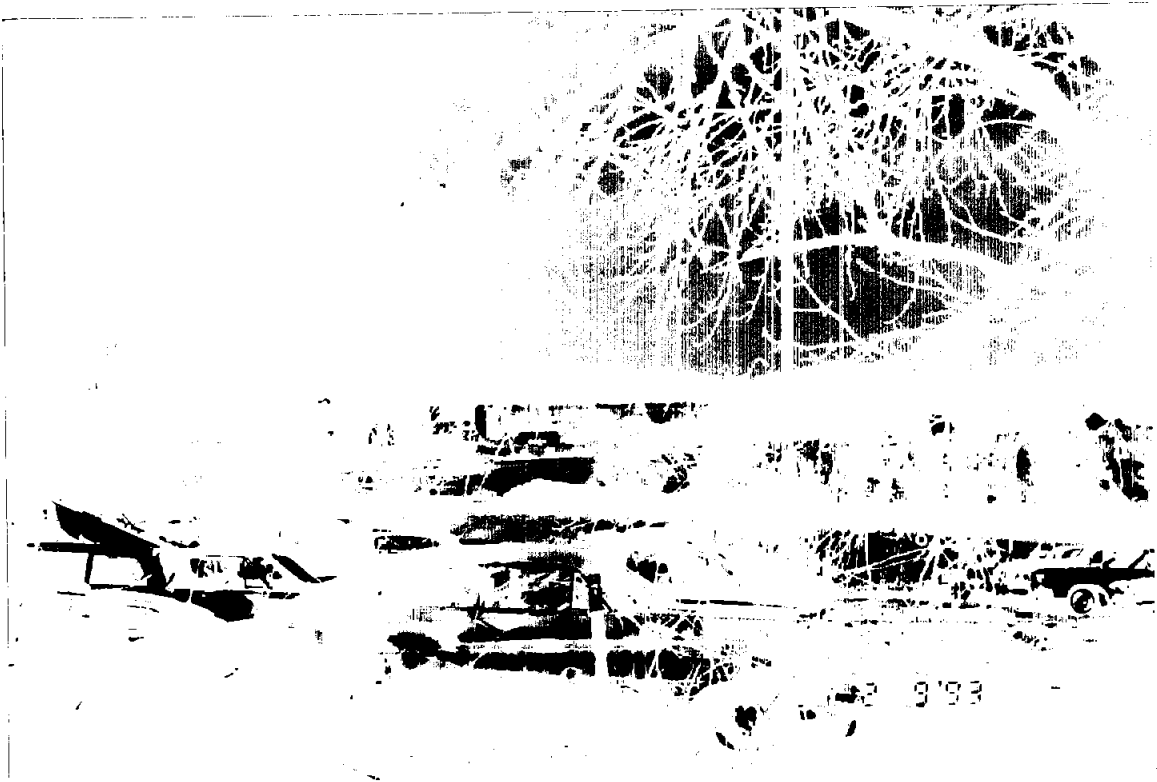




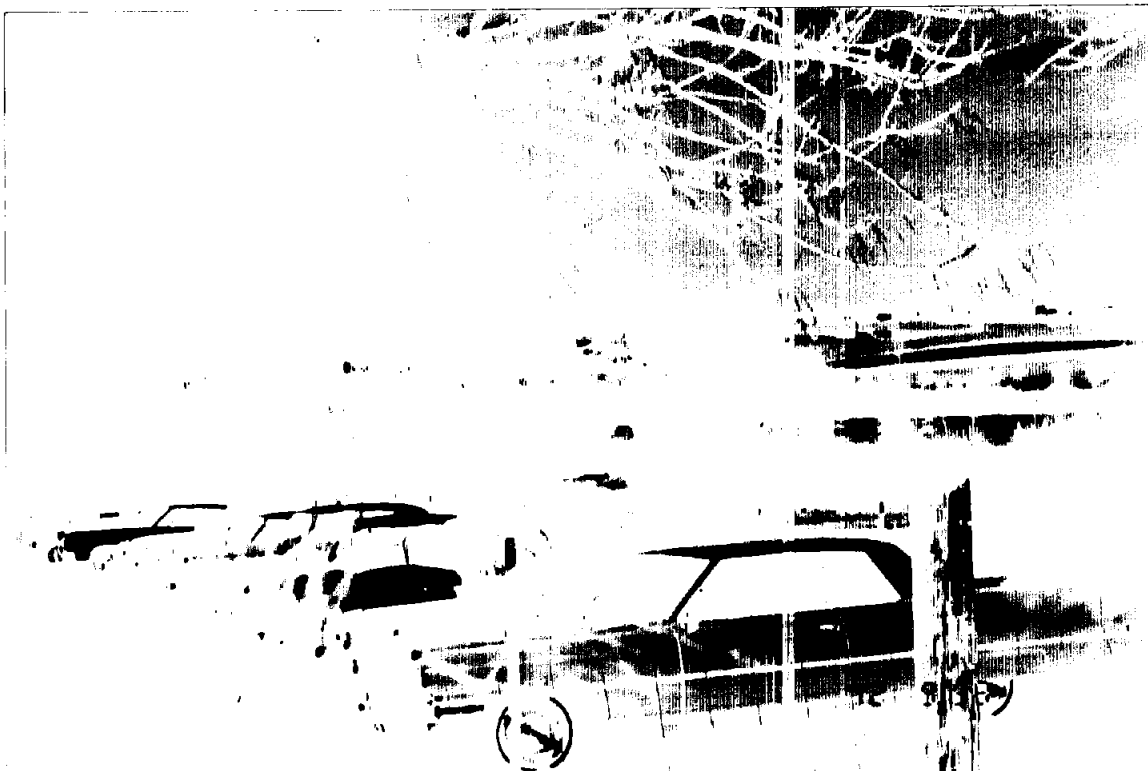


12 13 93



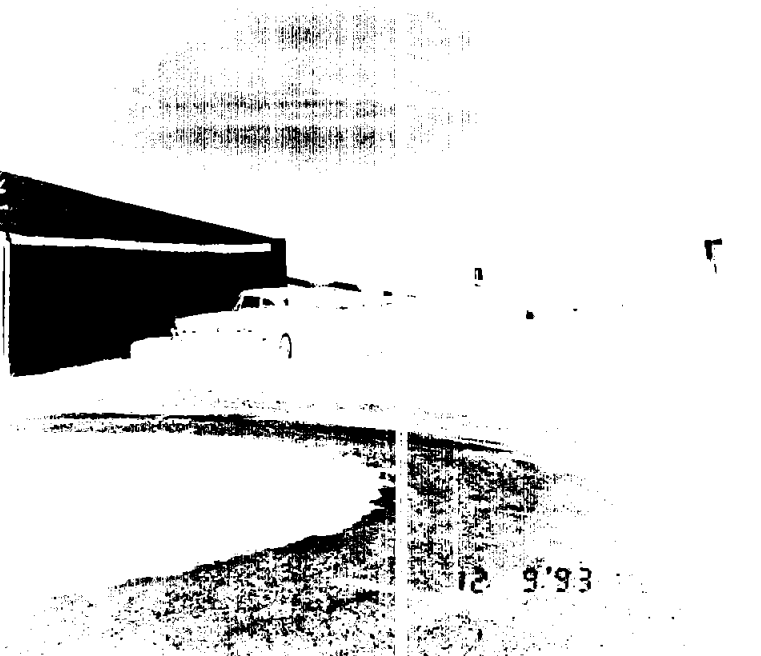


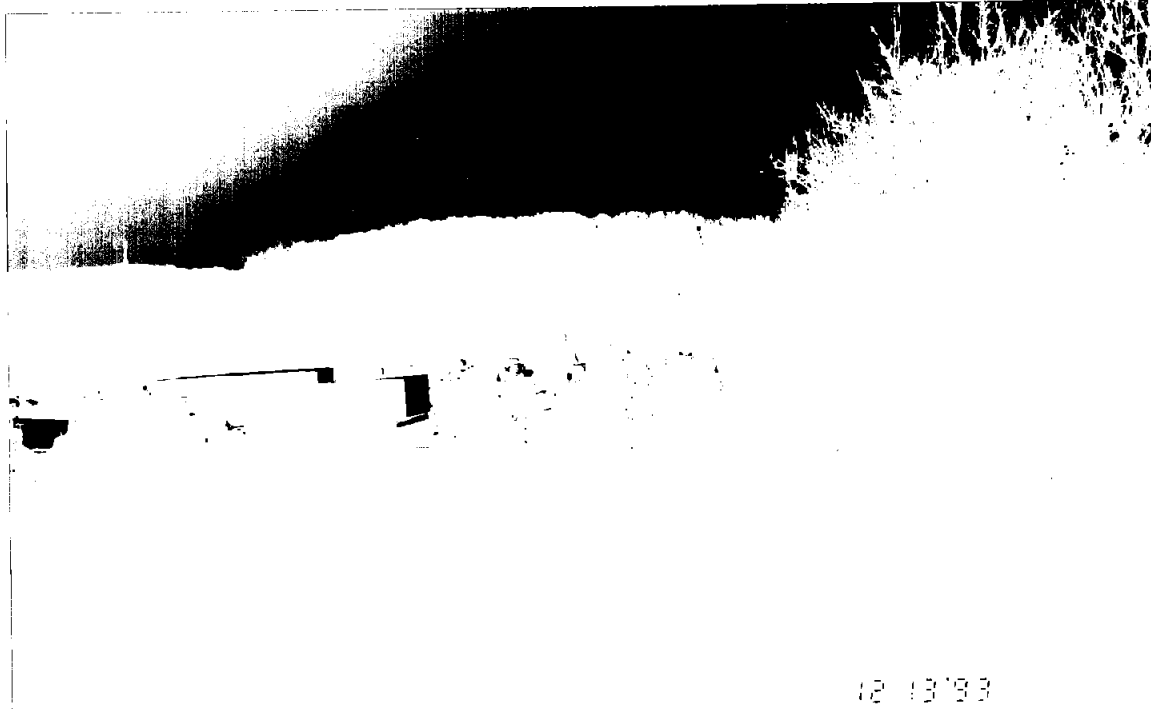
9'93



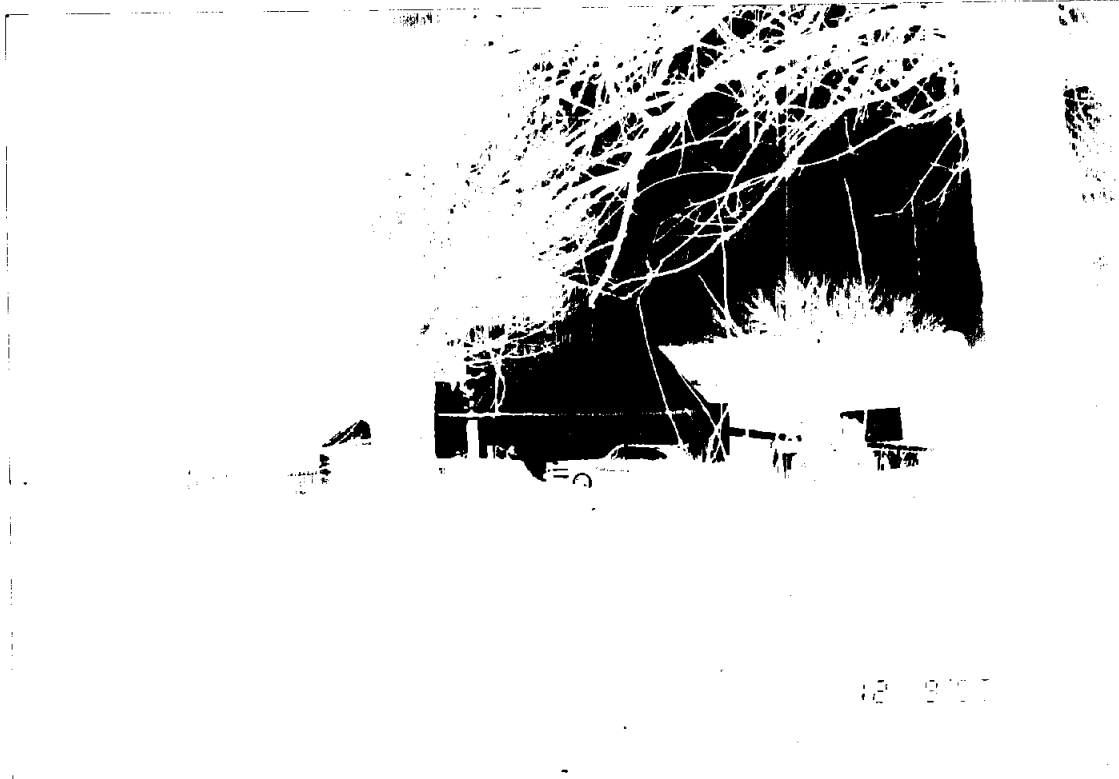








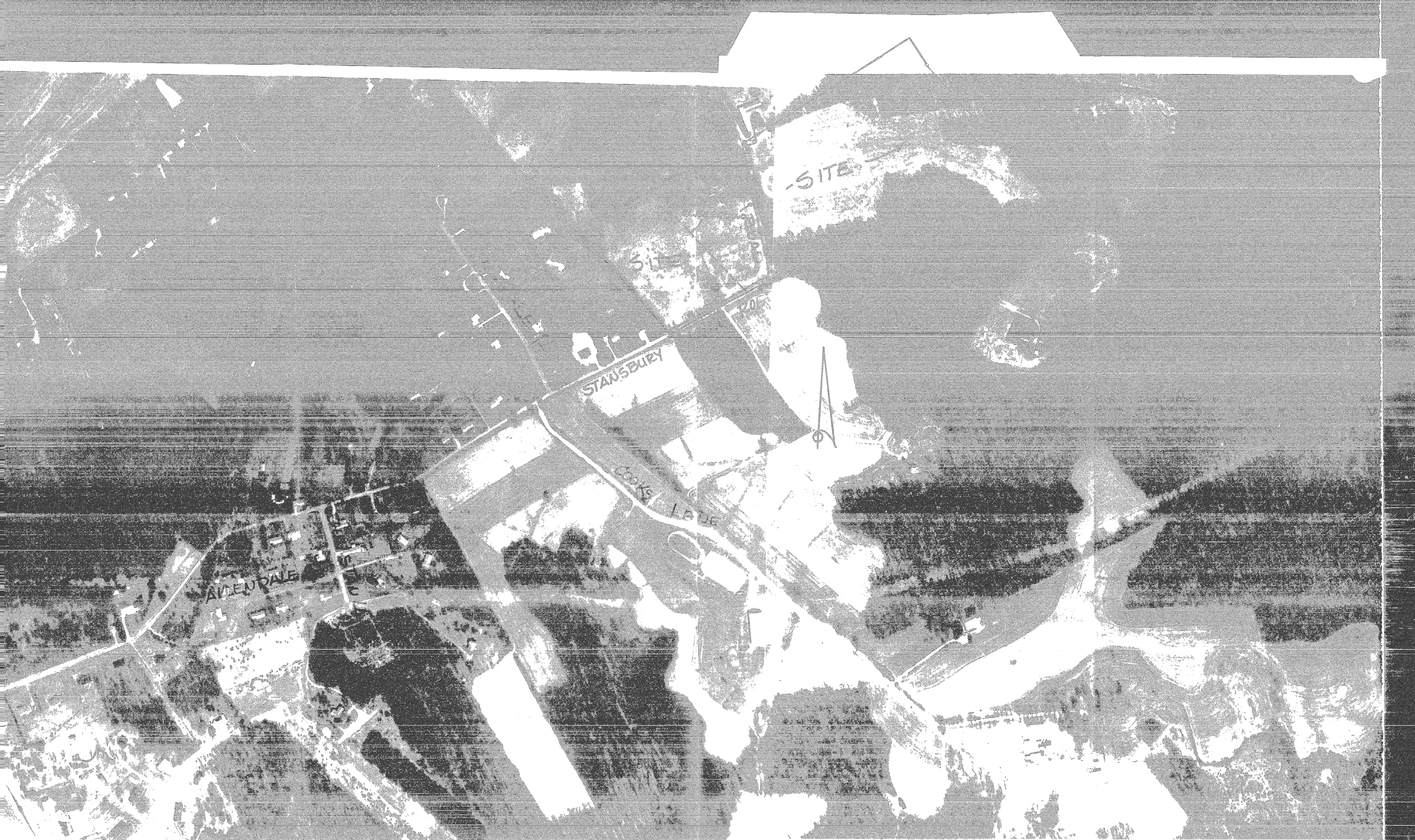
12 13'83



12 1917







BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

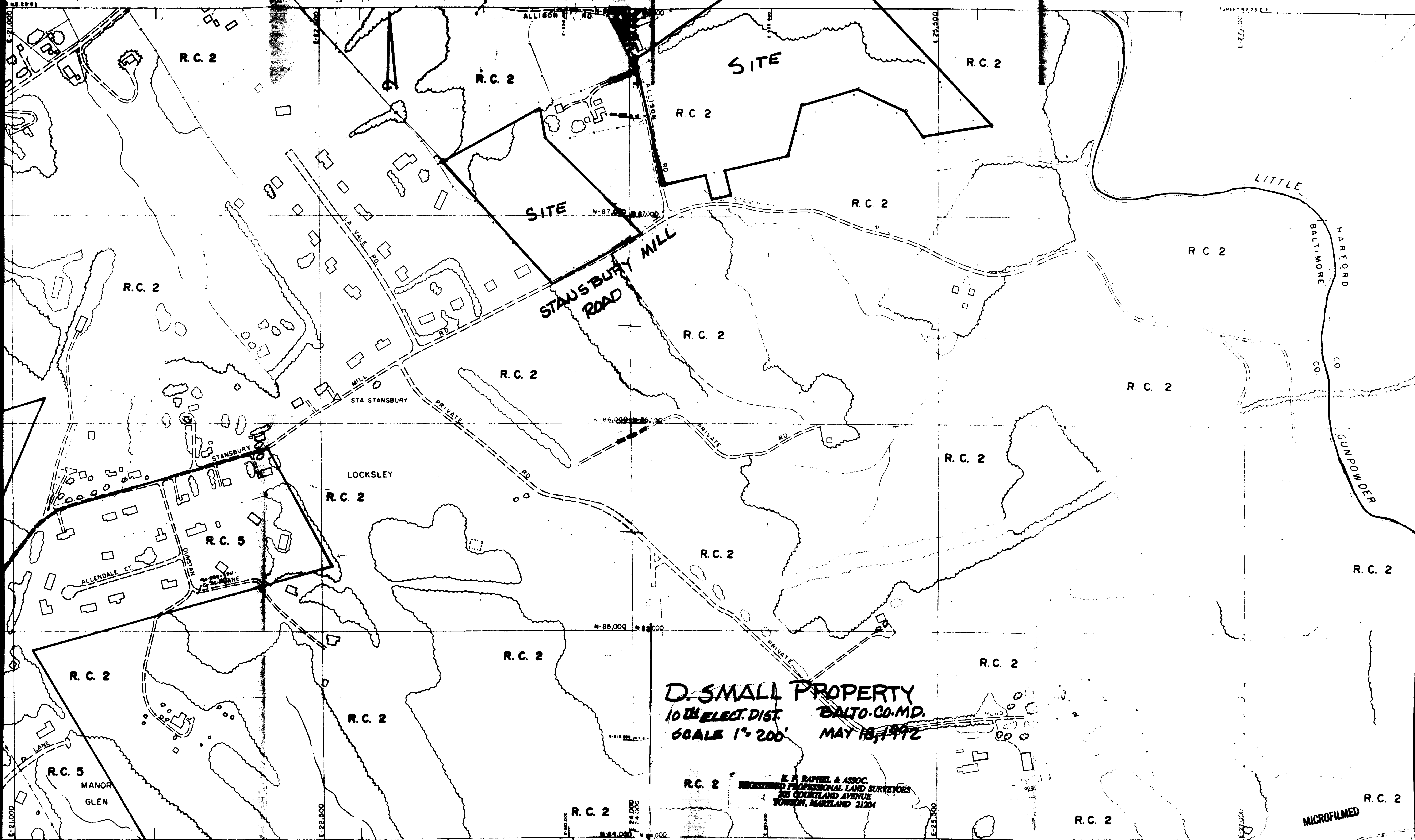
**D. SMALL PROPERTY**  
10<sup>TH</sup> ELEC. DIST. BALTO. CO. MD.  
SCALE 1" = 200'  
DATE OF PHOTOGRAPHY  
JANUARY 1986  
477

SCALE 1" = 200' ±  
LOCATION MANOR ROAD AND  
STANSBURY  
MILL ROAD  
SHEET NE 22-D

MICROFILMED

PHOTOGRAPHICS, INC.  
7 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND  
PHOTOGRAPHIC MA



**D. SMALL PROPERTY**  
 10<sup>TH</sup> ELECT. DIST. BALTO. CO. MD.  
 SCALE 1" = 200' MAY 18, 1992

**E. F. RAFFEL & ASSOC.**  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 205 COURTLAND AVENUE  
 TOWSON, MARYLAND 21284

MICROFILMED

BALTIMORE COUNTY  
 PLANNING AND ZONING  
 ZONING MAP

SCALE 1" = 200' ±	LOCATION MANOR ROAD AND STANSBURY MILL ROAD
DATE OF PHOTOGRAPHY JANUARY 1986	

SHEET  
 N.E. **92-466-59A**  
 22-D  
 1986 COMPREHENSIVE ZONING MAP  
 Adopted by the Baltimore County Council  
 Oct. 13, 1988  
 22-02 104-09, 105-01, 105-02, 107-02, 108-02, 109-02, 109-03

BALTIMORE COUNTY  
 OFFICE OF PLANNING AND ZONING  
 OFFICIAL ZONING MAP



MAP 36  
GR1 3 P140

TAX NO.

20-00-00

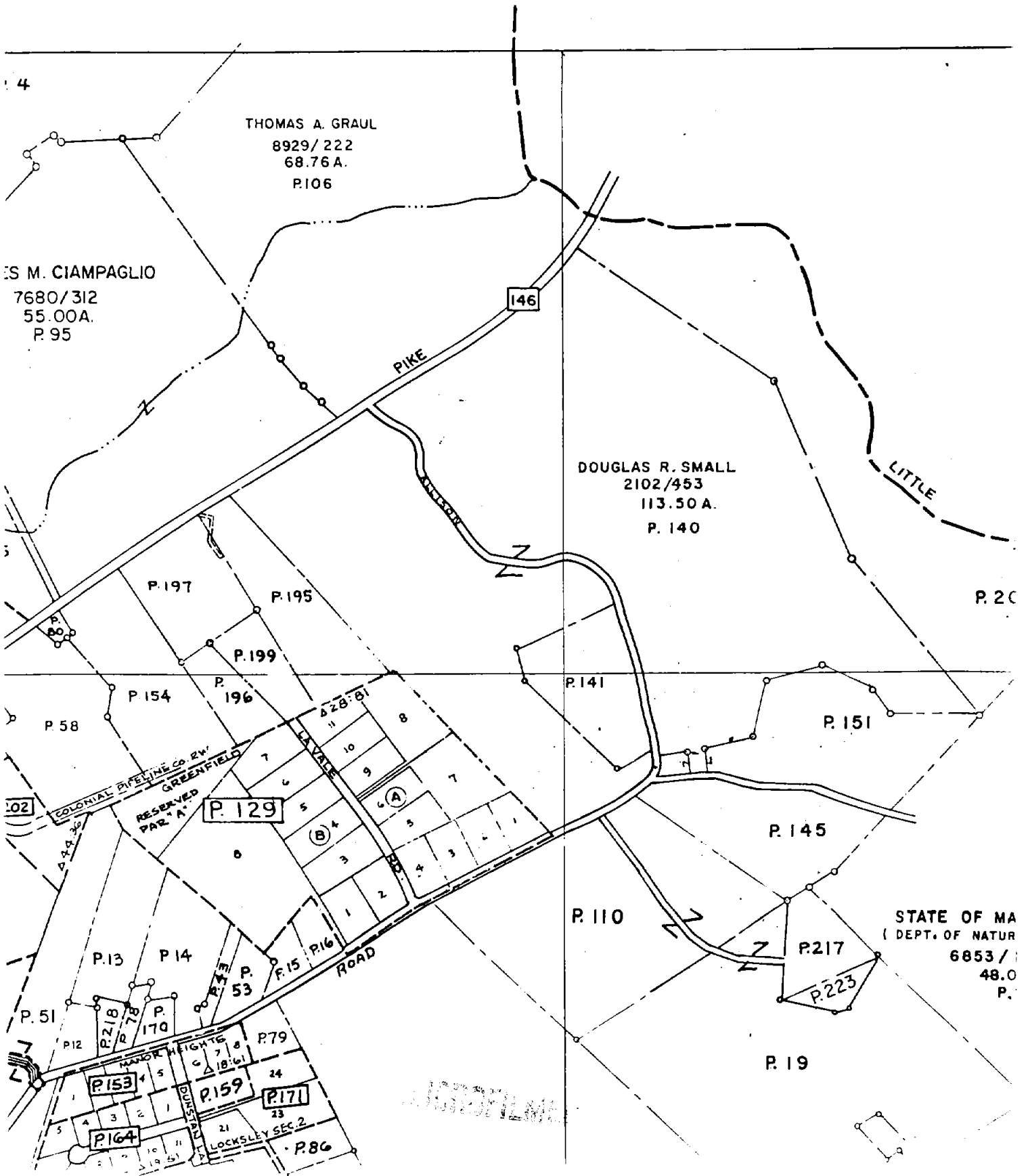
1019051301 - 21.74 AC

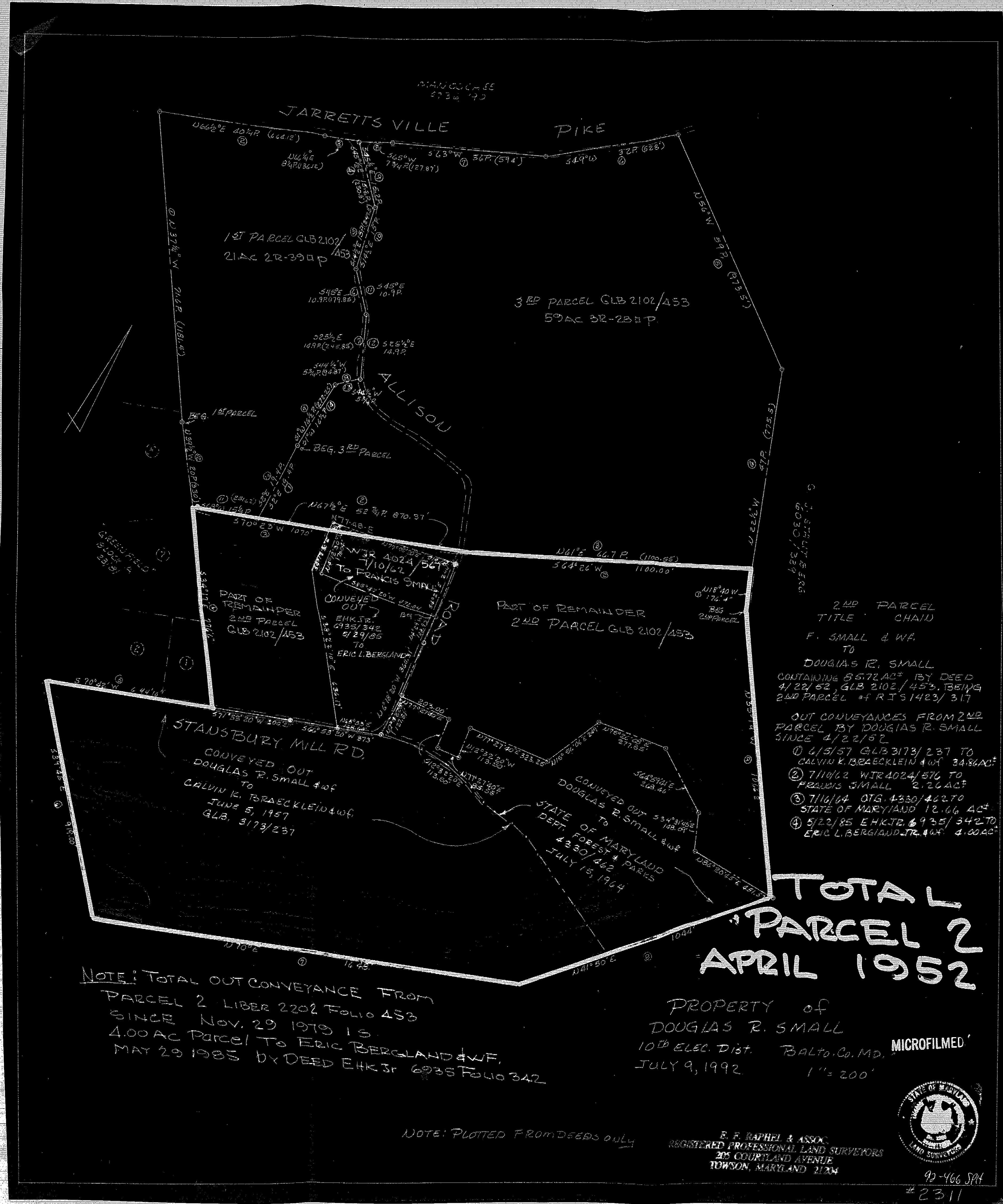
1019051303 - 44.60 AC

1019051302 - 47.165 AC - house

COPYRIGHT - MAP DIVISION - 1967,  
MD. DEPT. OF ASSESS. & TAX.

MAP 36	GRID 3	PARCEL 140
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NOTE: TOTAL OUT CONVEYANCE FROM  
 PARCEL 2 LIBER 2202 Folio 453  
 SINCE NOV. 29 1919 IS  
 1.00 AC Parcel To ERIC BERGLAND d.w.f.  
 MAY 29 1985 BY DEED EHK Jr 6935 Folio 342

PROPERTY of  
 DOUGLAS R. SMALL  
 10<sup>th</sup> ELEC. Dist. BALTO. Co. MD.  
 JULY 9, 1992 1" = 200'

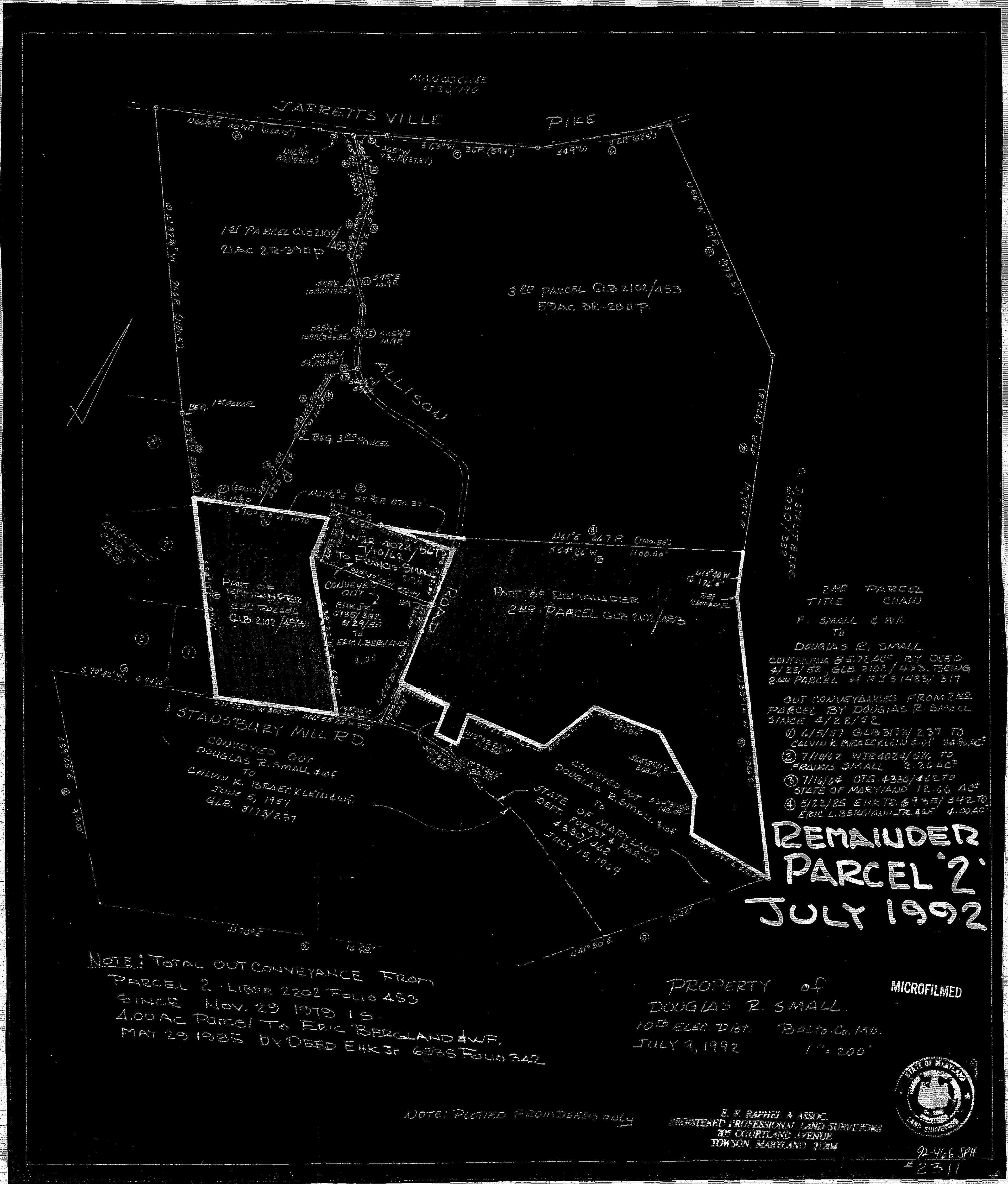
MICROFILMED



R. F. RAFFEL & ASSOC.  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 205 COUNTRAIL AVENUE  
 TOWSON, MARYLAND 21286

9D-466 SMH  
 #2311

NOTE: PLOTTED FROM DEEDS ONLY



NOTE: TOTAL OUT CONVEYANCE FROM PARCEL 2 LIBER 2202 FOLIO 453 SINCE NOV. 29 1979 IS 4.00 AC PARCEL TO ERIC BERGLAND & W/F, MAY 29 1985 BY DEED EHK 31 6935 FOLIO 342

2ND PARCEL TITLE CHAIN  
 F. SMALL & W/F TO  
 DOUGLAS R. SMALL  
 CONTAINING 8.672 AC BY DEED 4/22/52, GLB 2102/453, BEING 2ND PARCEL #4 RJ'S 1423/317  
 OUT CONVEYANCES FROM 2ND PARCEL BY DOUGLAS R. SMALL SINCE 4/22/52  
 1) 6/5/57 GLB 3173/237 TO CALVIN K. BRAECKLEIN & W/F 34.80 AC  
 2) 7/10/62 WTR 4024/576 TO FRANKIE SMALL 2.26 AC  
 3) 7/16/64 OTG 4330/462 TO STATE OF MARYLAND 12.66 AC  
 4) 5/22/85 EHK 31 6935/342 TO ERIC L. BERGLAND & W/F 4.00 AC

PROPERTY of DOUGLAS R. SMALL  
 10th ELEC. DIST. BALTO. CO. MD.  
 JULY 9, 1992 1"=200'

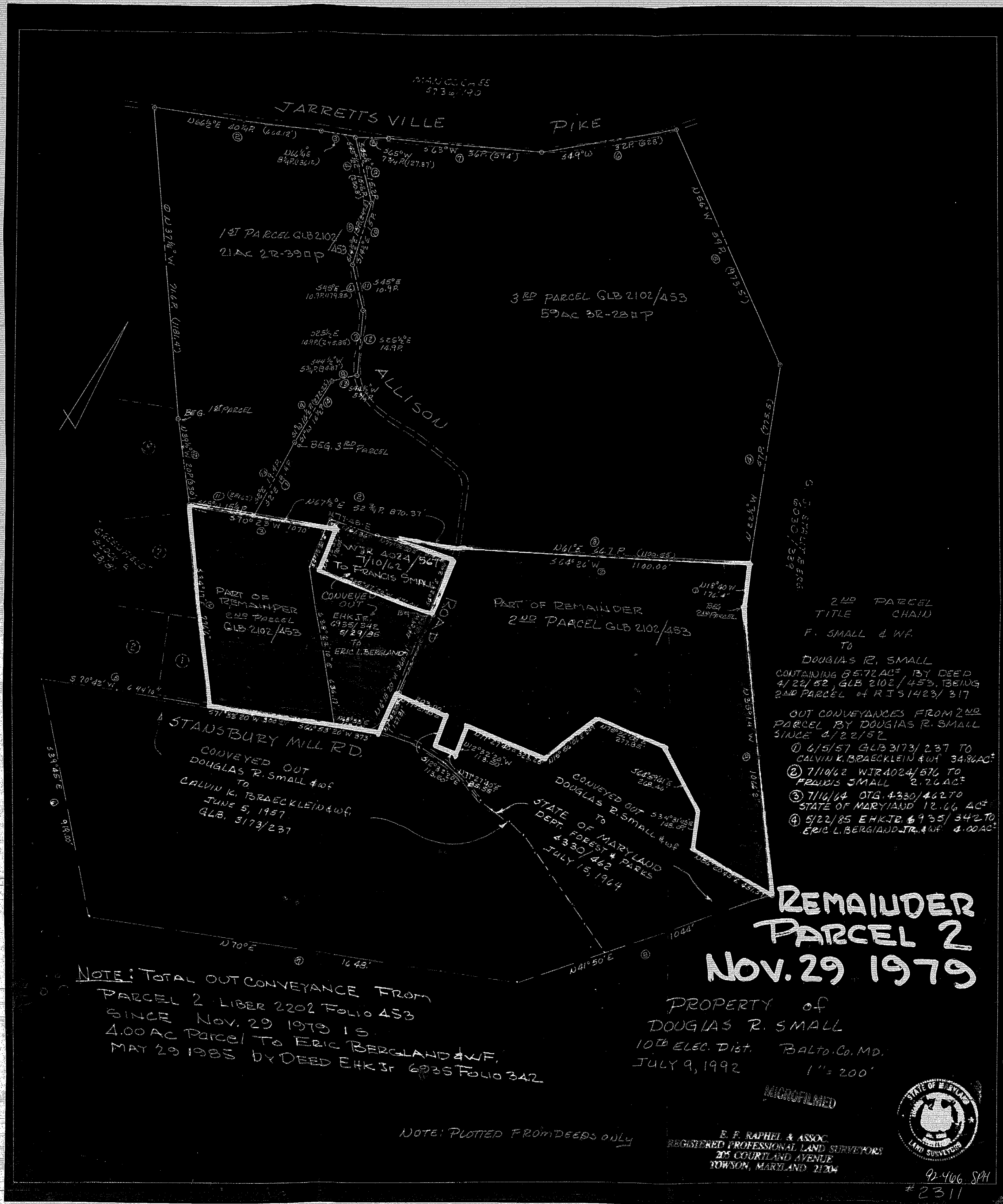
MICROFILMED

NOTE: PLOTTED FROM DEEDS ONLY

E. E. RAFFERTY & ASSOC.  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 205 COURTLAND AVENUE  
 TOWSON, MARYLAND 21286



92-466 SPH  
 #2311



MARCOCES  
273 ac 199

JARRETTSVILLE PIKE

1<sup>ST</sup> PARCEL GLB 2102  
21 AC 2R-39HP

3<sup>RD</sup> PARCEL GLB 2102/453  
59 AC 3R-23HP

ALLISON

BEG. 3<sup>RD</sup> PARCEL

PART OF  
REMAINDER  
2<sup>ND</sup> PARCEL  
GLB 2102/453

WTR 4024/576  
7/10/62  
TO FRANCIS SMALL

CONVEYED OUT  
BY  
E.H.K. JR.  
6935/342  
5/29/85  
TO  
ERIC L. BERGLAND

PART OF REMAINDER  
2<sup>ND</sup> PARCEL GLB 2102/453

2<sup>ND</sup> PARCEL  
TITLE CHAIN

F. SMALL & W.F.

TO

DOUGLAS R. SMALL

CONTAINING 8572 AC<sup>2</sup>, BY DEED

4/22/52, GLB 2102/453, BEING

2<sup>ND</sup> PARCEL & R.T.S. 1423/317

OUT CONVEYANCES FROM 2<sup>ND</sup>

PARCEL BY DOUGLAS R. SMALL

SINCE 4/22/52

① 6/5/57 GLB 3173/237 TO

CALVIN K. BRAECKLEIN & W.F. 348 AC<sup>2</sup>

② 7/10/62 WTR 4024/576 TO

FRANCIS SMALL 2.70 AC<sup>2</sup>

③ 7/10/64 OTG 4230/462 TO

STATE OF MARYLAND 12.00 AC<sup>2</sup>

④ 5/22/85 E.H.K. JR. 6935/342 TO

ERIC L. BERGLAND & W.F. 4.00 AC<sup>2</sup>

STANBURY MILL RD.

CONVEYED OUT

DOUGLAS R. SMALL & W.F.

TO

CALVIN K. BRAECKLEIN & W.F.

JUNE 5, 1957

GLB. 3173/237

CONVEYED OUT

DOUGLAS R. SMALL & W.F.

TO

STATE OF MARYLAND

DEPT. FOREST & PARKS

4330/462

JULY 15, 1964

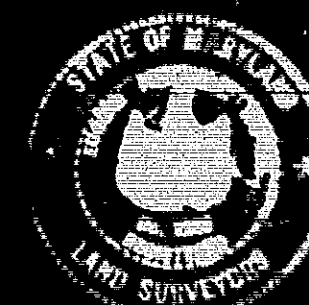
REMAINDER  
PARCEL 2  
NOV. 29 1979

NOTE: TOTAL OUT CONVEYANCE FROM  
PARCEL 2 - LIBER 2202 Folio 453  
SINCE NOV. 29 1979 IS  
4.00 AC Parcel To ERIC BERGLAND & W.F.  
MAY 29 1985 BY DEED E.H.K. JR. 6935 Folio 342

PROPERTY of  
DOUGLAS R. SMALL  
10<sup>TH</sup> ELEC. DIST. BALTO. Co. MD.  
JULY 9, 1992 1" = 200'

NOTE: PLOTTED FROM DEEDS ONLY

E. F. RAPEL & ASSOC.  
REGISTERED PROFESSIONAL LAND SURVEYORS  
205 COURTLAND AVENUE  
TOWSON, MARYLAND 21284



92-4106 SPH  
#2311

PET.  
NO. 92  
AND S  
1)

AT THE W. S. E. CORNER

SITE PLAN  
RESTRICT

LITTLE

**SMALL**

POWDER

FALLS

G.T. STAUTBERG  
6030/389  
RC 2 ZONE

542°49'E 1065±

526°23'30"E  
176±

**STANBURY**

1110±

COLONIAL PIPELINE

REMAINDER OF PARCEL 2  
(EAST OF ALLISON ROAD)

GROSS ACREAGE 23.83 AC±  
RESTRICTED TO ONE (1) DENSITY UNIT

277.85  
572°40'39"W

U64°45'10"W  
268.46

U34°17'14"W  
148.09

STATE OF MICHIGAN  
4330/1472  
RC 2 ZONE

D. R. SMALL  
RC 2 ZONE  
2<sup>ND</sup> PARCEL SUB 2102/493

D. R. SMALL  
PART OF  
3<sup>RD</sup> PARCEL  
GLB 2102/453

ROAD

①

BEGINNING

REMAINDER OF PARCEL 2  
(WEST OF ALLISON ROAD)

PARCEL 2 A

8.5 AC±  
GROSS ACREAGE  
RESTRICTED TO  
ONE (1) DENSITY UNIT

①

BEGINNING

STANBURY MILL ROAD

C.R. BRAECKLEND  
3173/237  
RC 2 ZONE

D.R. SMALL  
1<sup>ST</sup> PARCEL  
GLB 2102/452

GREENFIELD  
400/91  
ZONE

8" CHESTNUT TREE

3182

563°00'W 500±

170±

577°27'11"W

206.33

U13°12'09"W

113.50±

571°42'11"W

85.35±

512°17'49"E

113.50±

517°22'11"W

323.25±

516°19'31"W

249.00±

572°40'39"W

277.85

577°27'11"W

206.33

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