

IN RE: PETITION FOR SPECIAL HEARING
F/S c/o Evna Road, 980 ft. N of
c/o Mt. Carmel Road
17027 Evna Road
7th Election District
3th Councilmanic District
Karen E. Helbig, et al
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE No. 92-500-SPH

ORDER OF DISMISSAL

WHEREAS, the subject property owners, Karen E. Helbig and Linda L. Forrester, herein filed a Petition for Special Hearing, requesting an amendment to the site plan and Order in case No. 88-131-SPH, to allow a non-density transfer, a reconfiguration of property lines, a transfer of one density unit from Parcel B to Parcel A-1, a transfer of a second density unit from Parcel B to Parcel A-3 and an amendment of restrictions, 1, 2 and 3 of said Order. All as more particularly shown on the site plan submitted with the Petition; and,

WHEREAS, the matter was set in for a public hearing on November 18, 1992; and,

WHEREAS, at that hearing, counsel for the Petitioners, Gary Huddles, moved to dismiss the above captioned case and, thereby, withdraw the Petition for Special Hearing.

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County, this 24th day of November, 1992 that the Petition for Special Hearing filed herein, be and the same is hereby DISMISSED without prejudice.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER OF
BALTIMORE COUNTY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 24, 1992

Gary Huddles, Esquire
P.O. Box 15027
Baltimore, Maryland 21208

RE: Case No. 92-500-SPH
Petition for Special Hearing
Karen Helbig, et al, Petitioners

Dear Mr. Huddles:

Attached hereto is an Order of Dismissal regarding the above captioned matter.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att:
cc: Howard Alderman, Esquire
cc: J. Carroll Holzer, Esquire

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the site plan and ORDER in Case No. 88-131-SPH, to allow a non-density transfer, a reconfiguration of property lines, a transfer of one (1) density unit from Parcel B to Parcel A-1, a transfer of a second density unit from Parcel B to Parcel A-3, and an amendment of restrictions 1, 2 and 3 of said ORDER.

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

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

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
Gary Huddles, Esquire
(Type or Print Name)
Signature
P.O. Box 15027
Baltimore, Maryland 21208
City and State
Attorney's Telephone No.: 653-6500

Legal Owner(s):
Ralph P. Stern
(Type or Print Name)
Signature
Dianne L. Stern
(Type or Print Name)
Signature
**SEE ATTACHED PETITION

17027 Evna Road, 329-6542
Address Phone No.
Parkton, Maryland 21120
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Gary Huddles, Esquire
P.O. Box 15027, Balto., MD 21208
Address Phone No.
653-6500



ESTIMATED LENGTH OF HEARING - 1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER DATE
REVIEWED BY: DATE

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/17, 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 7/16, 1992.

THE JEFFERSONIAN,

S. Zake Olson
Publisher

NOTARY PUBLIC
I, of and for the State of Maryland, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Baltimore County Zoning Department, and that the same has been duly filed for record in the Office of the Notary Public, at Towson, Maryland, on this 17th day of July, 1992.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: July 16, 1992
Posted for: Special Hearing
Petitioner: Ralph P. Stern, et al and Dianne and Karen Helbig
Location of property: E.g. Evna Rd., 980' N. of Mt. Carmel Rd.
Location of Sign: In front of subject property, 17027 Evna Road
Remarks:
Posted by: S. J. Gotsch Date of return: July 17, 1992
Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: 10/24/92
Posted for: Special Hearing
Petitioner: Ralph P. Stern, et al
Location of property: E.g. Evna Rd., 980' N. of Mt. Carmel Rd.
Location of Sign: Partial entrance of private road leading to property - 17027 Evna Rd.
Remarks:
Posted by: M. J. Gotsch Date of return: 11/6/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/16, 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 9/16, 1992.

THE JEFFERSONIAN,

S. Zake Olson
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NOTARY PUBLIC
I, of and for the State of Maryland, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the Baltimore County Zoning Department, and that the same has been duly filed for record in the Office of the Notary Public, at Towson, Maryland, on this 16th day of September, 1992.

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

DESCRIPTION TO ACCOMPANY
ZONING PETITION
PROPERTY OF
RALPH P. AND DIANNE STERN

May 20, 1992

Beginning for the same at a point in the center of Evna Road, said point being located northerly 980' ± along Evna Road from the intersection formed by the center of Mt. Carmel Road and the center of Evna Road, running thence in the center of Evna Road and binding on the outline of the First Parcel of land which by deed dated December 31st, 1987, and recorded among the Land Records of Baltimore County in Liber S.M. 7384, folio 47, was conveyed by George S. Wareheim Jr., and wife, to Ralph P. Stern, and Dianne L. Stern, his wife, running thence on the outline of said deed the 12 following courses and distances, 1) by a curve to the right with a radius of 235.83' for a distance of 139.42', 2) N 30° 49' 26" E 197.25', 3) by a curve to the left with a radius of 200.00' for a distance of 181.68', 4) N 21° 13' 25" W 175.99', 5) N 30° 08' 23" W 195.67', 6) N 24° 43' 20" W 58.13', thence leaving the center of Evna Road, 7) N 70° 14' 00" E 476.95', 8) S 81° 04' E 169.00', 9) N 81° 37' E 229.00', 10) N 36° 38' 58" E 375.39', 11) N 33° 25' 15" E 973.50' and 12) N 41° 02' 52" E 119.11', running thence on an Easement as set forth in a Deed of Easement, dated January 9, 1987, and recorded among the Land Records of Baltimore County in Liber S.M. 7820, folio 569, was conveyed by Ralph P. Stern and wife, to Robert G. Maier and wife, running thence reversely on the 3rd and 2nd lines of said deed, 1) N 41° 02' 52" E 154.69', and 2) N 60° 12' 10" W 792.90' to the beginning of the 18th line of the First Parcel of aforesaid deed, running thence and binding on the outline of said First Parcel, the 8 following courses and distances, 1) N 47° 08' 01" E 283.18', 2) N 48° 00' 08" E 268.06', 3) N 45° 18' 15" E 551.86',

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

Account: R-001-6199
Number
PUBLIC HEARING FEES QTY PRICE
040 - SPECIAL HEARING (OTHER) Plead Mark Check/Paidable 92 Baltimore County
CASHIER VALIDATION LAST NAME OF OWNER: STERN, ET AL TOTAL: \$250.00

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

Account: R-001-6199
Number
040400077WICRRC
BA C009139PNOB-07-92

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

Account: R-001-6199
Number
PUBLIC HEARING FEES QTY PRICE
040 - SPECIAL HEARING (OTHER) Plead Mark Check/Paidable 92 Baltimore County
CASHIER VALIDATION LAST NAME OF OWNER: STERN, ET AL TOTAL: \$250.00
Please Note CASHIER VALIDATION BALTIMORE COUNTY \$61.93
BA C001139PNOB-07-92

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
July 20, 1992
Page 3

On September 11, 1989, as recorded in Liber 8303 Page 686, the property was deeded from Ralph and Diane Stern to Diane Stern. On this same deed, the property was conveyed as the main house, giving the former main house the designation tenant house.

On October 25, 1989, Liber 8308 Page 015, this property was separated by the deed description and said to contain 1 acre of land, was deeded to Linda L. Forrester, sister of Diane Stern.

Were these transactions in accordance with the agreement between the Sterns and the State of Maryland? In addition, was the subdivision done in accordance with the zoning laws of Baltimore County?

I also find a legend in the north east quadrant of the plat prepared by R. E. Raphael & Assoc. dated June 1, 1992, and revised June 11, 1992, numbered 2186 as follows "limits of 17.610 HC. 2 of non-density transfer case No. 88-131SPH". I believe an adjacent land owner protested the proposed variance setting forth a long list of valid criteria for her objection and I also believe the zoning commissioner at that time set forth certain objectives for Mrs. Stern to accomplish. Were these objectives ever completed? Is there any relationship between the present request and this previous request?

I am troubled to understand how new construction can be placed on a property and then the property can be subdivided without regard to the other residents of Baltimore County and the county zoning requirements. It also disturbs me that Mrs. Stern, who has worked as a real estate agent, licensed by the Maryland Real Estate Commission, may have blatantly ignored laws that she is required to know by her certification. It appears to me this lady has complete disregard for the land laws of Baltimore County and has twisted and manipulated the laws to achieve an unintended result.

I believe there are other manipulations of the land laws that have taken place and would welcome your help in these matters.

MRS. STERN SHOULD NOT BE PERMITTED TO PROFIT FROM HER WRONGDOING!

If there is a plat among your records that shows the Stern, Forrester, Helbig, Windesheim, Winter, and Lentz property lines, I would greatly appreciate a copy. There are several plats drawn by E. F. Raphael & Associates, but I have been unable to obtain a copy of one that shows all properties in question, or individual plats that can be pieced together. (Prior to 1987, all of the above mentioned property was part of an 155 acre farm owned by Beryl and George Wareheim.)

Very truly yours,

Alfred A. Windesheim

AAW/mg

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 FLOORS
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELEFAX 410-525-0950

LAW OFFICES
LEVIN & GANN

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELI LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

September 22, 1992

HAND DELIVERED

Ms. Gwendolyn Stephens
Office of Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 92-500-SPH
Entry of Appearance

Dear Ms. Stephens:

Enclosed, please find my entry of appearance in the above-referenced case on behalf of my clients, Mr. and Mrs. Kenneth Lentz. I spoke briefly this morning with Deputy Zoning Commissioner Kotroco regarding the rescheduling of this hearing and related issues.

At the last hearing held on this matter, the case was continued and Gary Huddles, Esquire, counsel for the Petitioner, agreed to assume the responsibility for coordinating the schedules of all concerned individuals regarding a new hearing date. The continuance was granted to enable the Petitioner to attempt to obtain the approvals required from the Maryland Agricultural Land Preservation Foundation ("Foundation").

I have just learned that the hearing has been rescheduled, without contact being made with concerned individuals, and in advance of the meeting of the Foundation where the Petitioner's request for approvals will be considered. Obviously, if the Foundation has not met prior to the zoning hearing, a further continuance will be necessary.

Mr. Kotroco and I discussed the following: 1) rescheduling the zoning hearing after the October meeting of the Foundation; 2) reposting of the subject property to give proper notice of the continued hearing; and 3) coordination of the rescheduled hearing with all concerned individuals.

Your assistance in ensuring that these items have been

Ms. Gwendolyn Stephens
Page 2
September 22, 1992

LEVIN & GANN, P. A.

addressed will be greatly appreciated. If you desire any further information in this regard, please let me know.

Very truly yours,

Howard L. Alderman, Jr.

HLA, Jr./gk

cc: Mr. and Mrs. Kenneth Lentz
Timothy Kotroco, Esquire
Gary Huddles, Esquire

LAW OFFICES
WINTER, VINCENT & HIRSCH

LESLIE A. WINTER, P.A.
LAWRENCE M. VINCENT
MICHAEL H. HIRSCH, P.A.

300 BALTIMORE AVENUE
SUITE 202
TOWSON, MARYLAND 21204
(410) 833-1700
FAX (410) 833-1700
NO TOLL FREE 1-800-431-1000

BALTIMORE OFFICE
1225 WEST MT. HOLLA AVENUE
BALTIMORE, MARYLAND 21217
(410) 885-1822

October 27, 1992

Mark J. Daneker, Esquire
Chairman
Baltimore County Agricultural
Land Preservation Board
Elders Road
Hydes, Maryland 21082

Dear Mr. Daneker:

As I believe you are aware, Ralph and Dianne Stern propose selling approximately nineteen (19) acres of undeveloped farmland to me, subject to your approval. This land is behind and directly adjacent to my property, and is much more readily accessible through my property than through the Stern property.

At present, no use is being made of the property. If you approve the proposed conveyance, and I am able to purchase the property from Mr. & Mrs. Stern, it will be used for pasture. In addition, if the conveyance is approved and the purchase is consummated, I agree to submit my property for sale to the Maryland Agricultural Land Preservation Program as soon as this program again becomes functional. In the alternative, I will consider submitting my property for sale in accordance with any local program instituted by Baltimore County.

Very truly yours,

Leslie A. Winter

LAW/COX
daneker.ltr

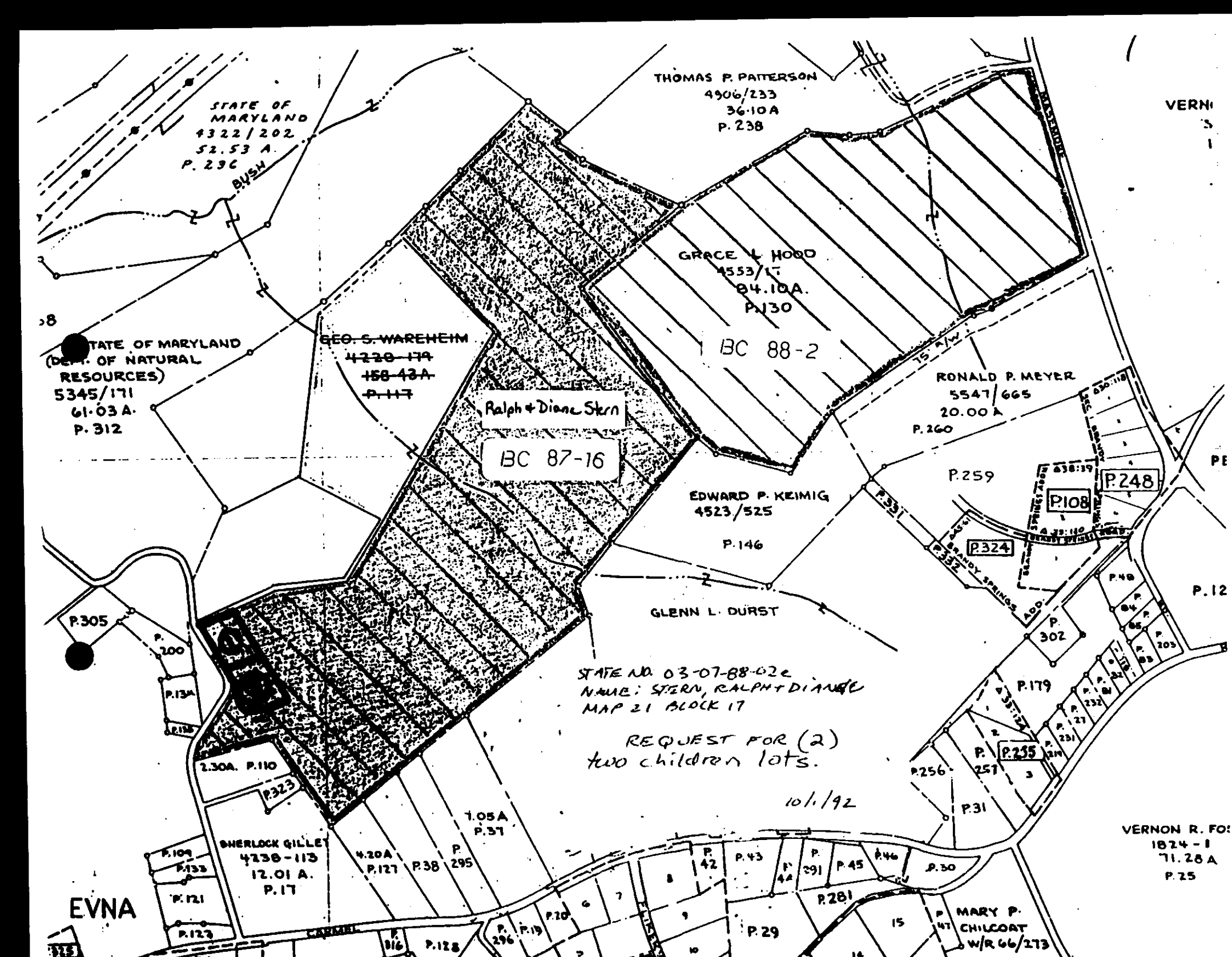
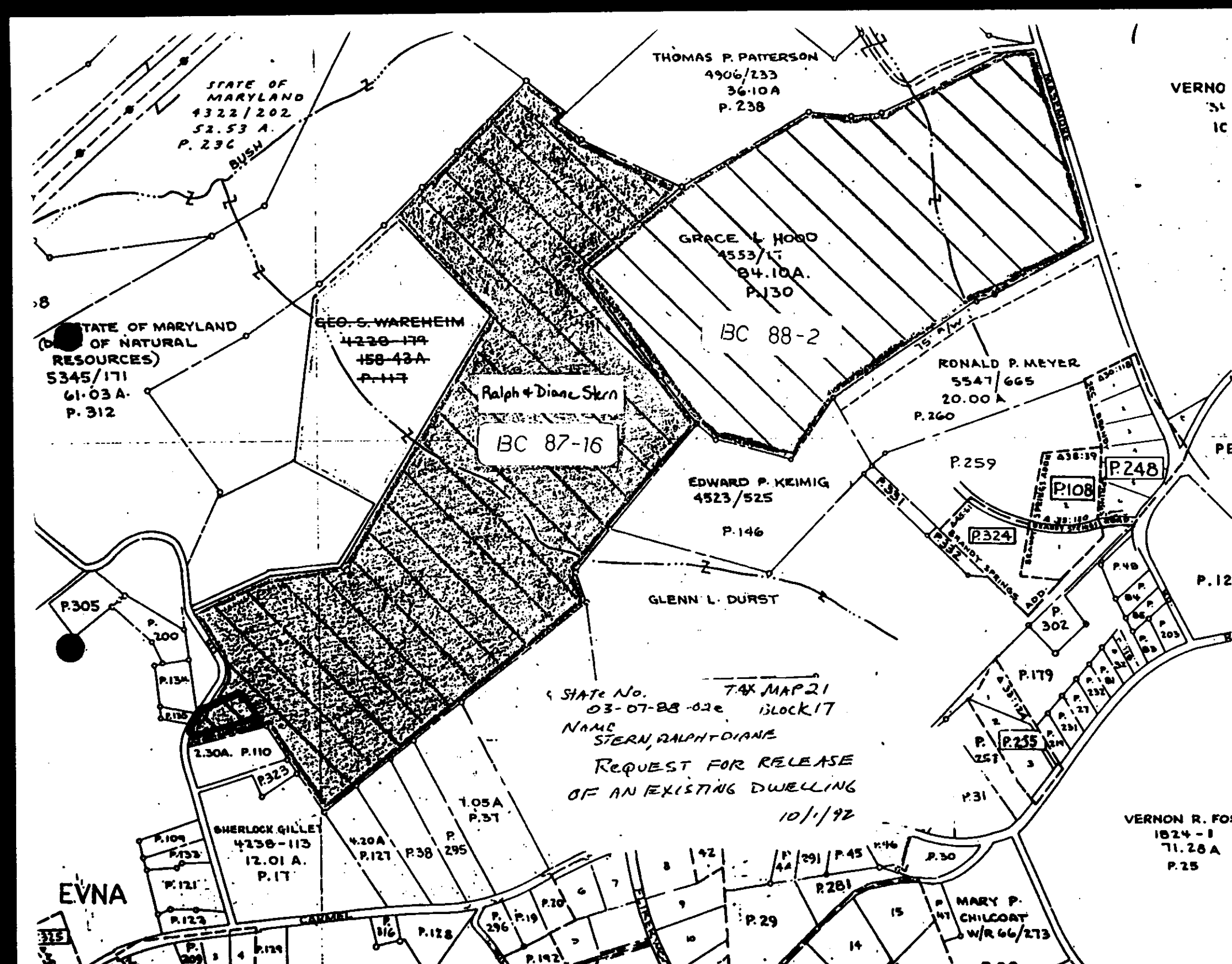
cc: Mr. Paul Scheidt
via mail & via facsimile (#841-5914)

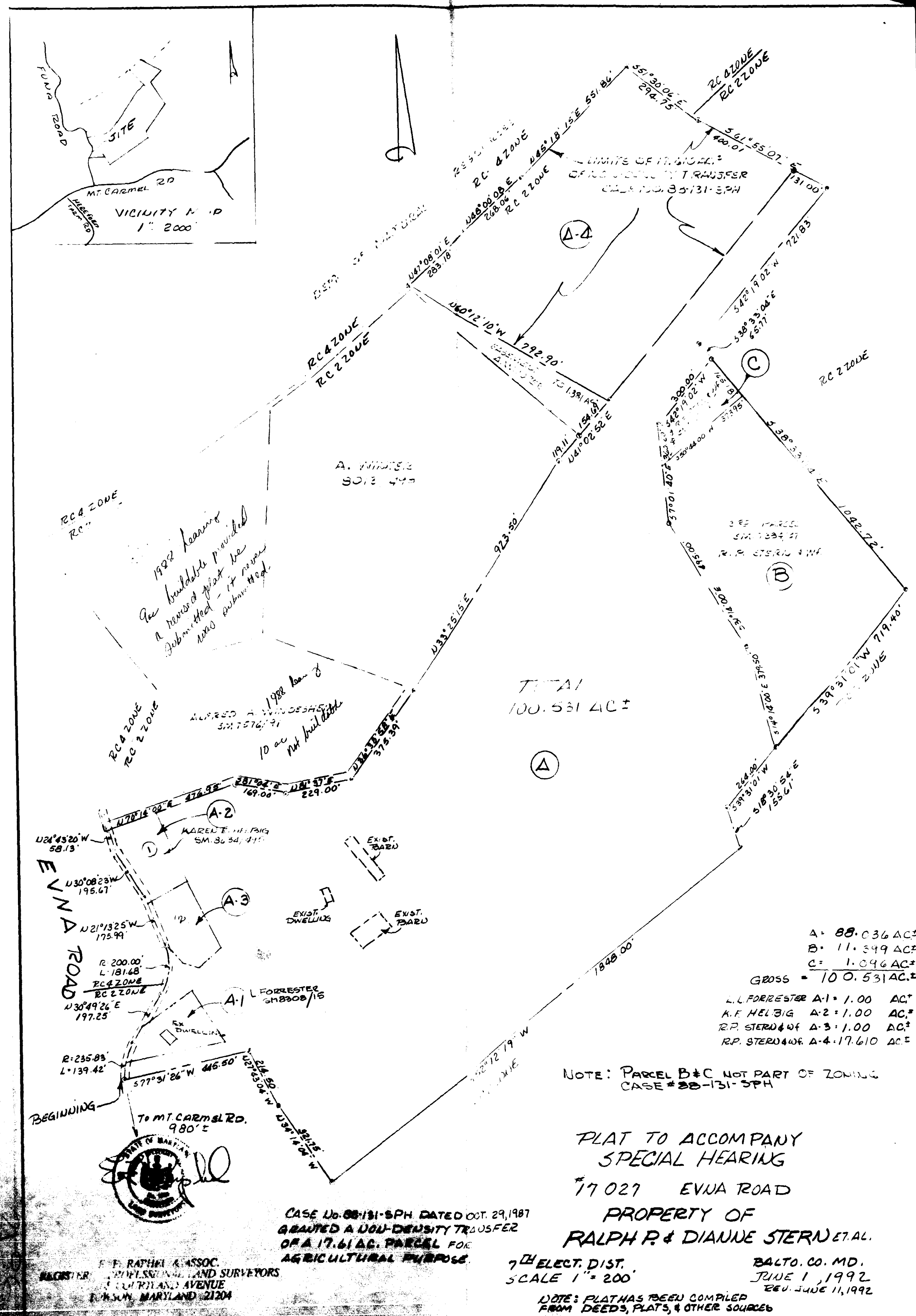
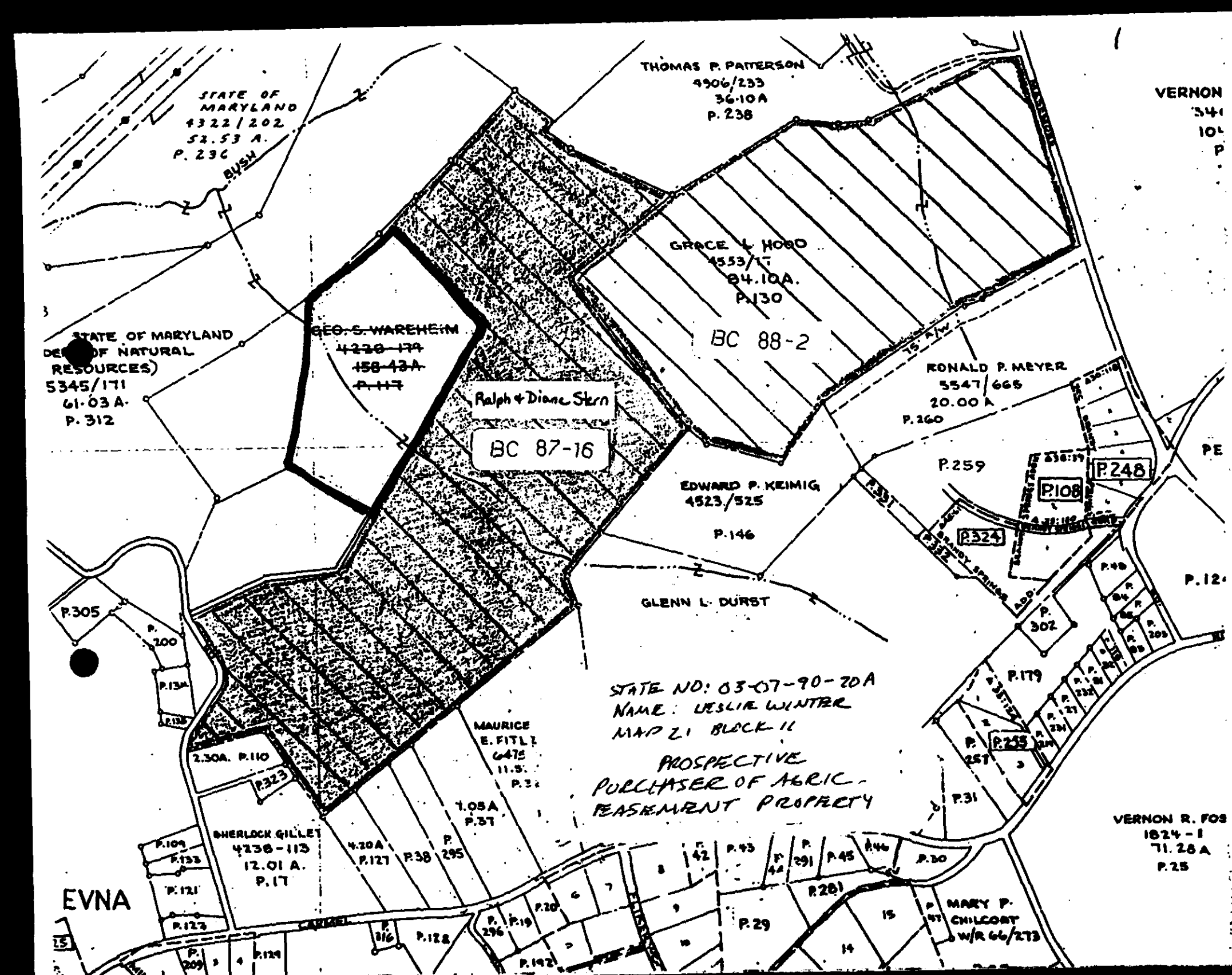
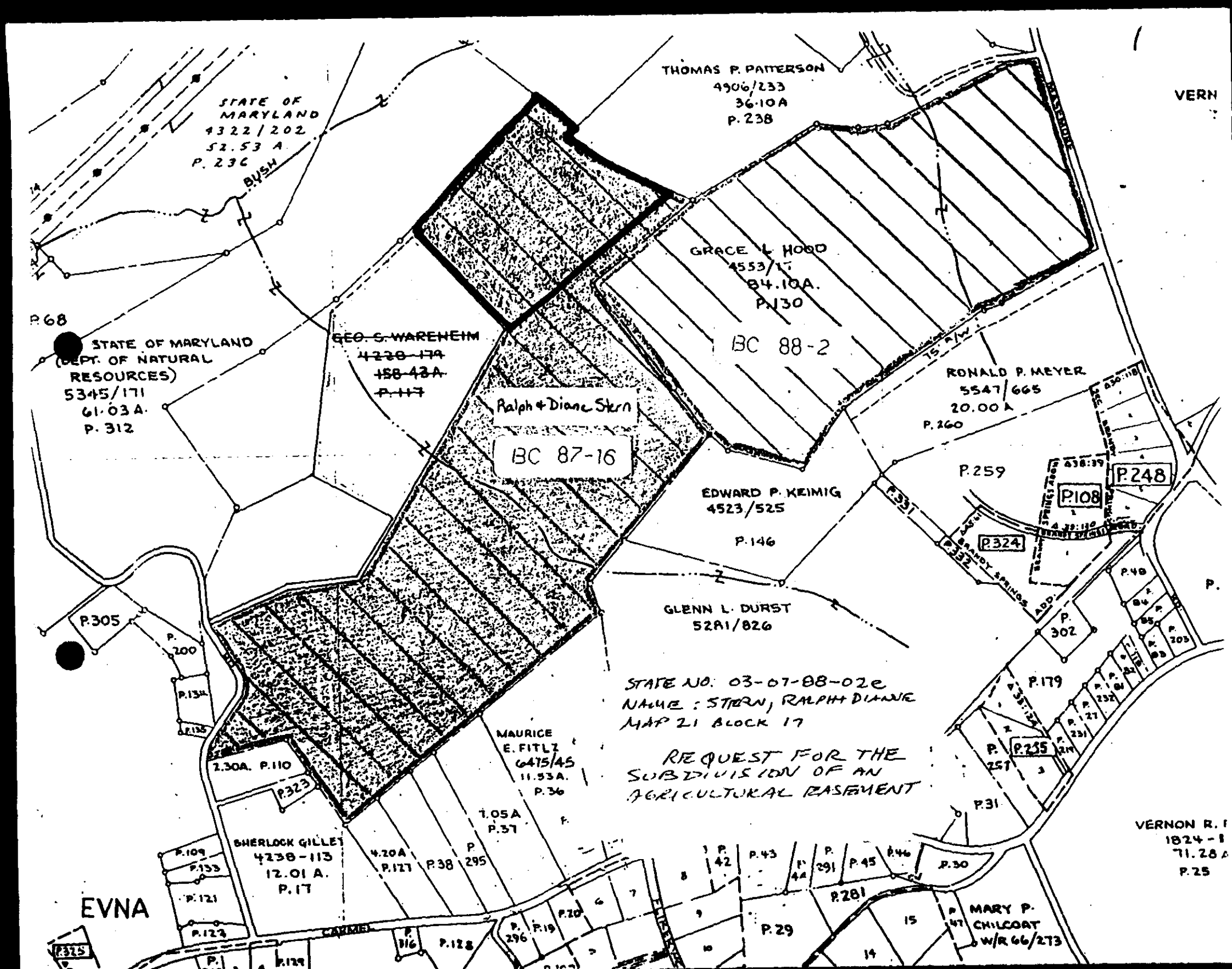
Mr. Wallace Lippincott

OCT 30 1992

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
1 A A WINDESHEIM	17119 EVNA RD
(Wife) 404 PARKER RD	PARKTON, MD 21120
V1704	357-5614
828-6432	
2 RICHARD M & MARGARET S. GREEN	17017 EVNA RD
WORK 685-6800	PARKTON, MD 21120
HOME 329-8007	
3 KAREN HELBIG	404 REGENERATE AVE.
377-8987	BALTIMORE, MD 21212
4 LINDA FORRESTER	17021 EVNA RD
357-5434	
5 Ken Lentz	7002 BRISTOL RD
821-5467	21212
6 Tom Helbig	17121 EVNA RD
823-7744	Parkton, MD 21120





IN RE: PETITION FOR SPECIAL HEARING
F/S c/o Evna Road, 980 ft. N of
c/o Mt. Carmel Road
17027 Evna Road
7th Election District
3th Councilmanic District
Karen E. Helbig, et al
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE No. 92-500-SPH

ORDER OF DISMISSAL

WHEREAS, the subject property owners, Karen E. Helbig and Linda L. Forrester, herein filed a Petition for Special Hearing, requesting an amendment to the site plan and Order in case No. 88-131-SPH, to allow a non-density transfer, a reconfiguration of property lines, a transfer of one density unit from Parcel B to Parcel A-1, a transfer of a second density unit from Parcel B to Parcel A-3 and an amendment of restrictions, 1, 2 and 3 of said Order. All as more particularly shown on the site plan submitted with the Petition; and,

WHEREAS, the matter was set in for a public hearing on November 18, 1992; and,

WHEREAS, at that hearing, counsel for the Petitioners, Gary Huddles, moved to dismiss the above captioned case and, thereby, withdraw the Petition for Special Hearing.

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County, this 24th day of November, 1992 that the Petition for Special Hearing filed herein, be and the same is hereby DISMISSED without prejudice.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER OF
BALTIMORE COUNTY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 24, 1992

Gary Huddles, Esquire
P.O. Box 15027
Baltimore, Maryland 21208

RE: Case No. 92-500-SPH
Petition for Special Hearing
Karen Helbig, et al, Petitioners

Dear Mr. Huddles:

Attached hereto is an Order of Dismissal regarding the above captioned matter.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att:
cc: Howard Alderman, Esquire
cc: J. Carroll Holzer, Esquire

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the site plan and ORDER in Case No. 88-131-SPH, to allow a non-density transfer, a reconfiguration of property lines, a transfer of one (1) density unit from Parcel B to Parcel A-1, a transfer of a second density unit from Parcel B to Parcel A-3, and an amendment of restrictions 1, 2 and 3 of said ORDER.

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Gary Huddles, Esquire

(Type or Print Name)

Signature

P.O. Box 15027

Address

Baltimore, Maryland 21208

City and State

Attorney's Telephone No.: 653-6500

Legal Owner(s):

Ralph P. Stern

(Type or Print Name)

Signature

Dianne L. Stern

(Type or Print Name)

Signature

**SEE ATTACHED PETITION

17027 Evna Road 329-6542

Address Phone No.

Parkton, Maryland 21120

City and State

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

Gary Huddles, Esquire

Name

P.O. Box 15027, Balto., MD 21208

Address Phone No.

653-6500



OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING - 1/2HR. +1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER DATE
REVIEWED BY: DATE

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/17, 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 7/16, 1992.

THE JEFFERSONIAN,

S. Zake Orlov

Publisher

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THE JEFFERSONIAN,

S. Zake Orlov

Publisher

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

DESCRIPTION TO ACCOMPANY
ZONING PETITION
PROPERTY OF
RALPH P. AND DIANNE STERN

May 20, 1992

Beginning for the same at a point in the center of Evna Road, said point being located northerly 980' ± along Evna Road from the intersection formed by the center of Mt. Carmel Road and the center of Evna Road, running thence in the center of Evna Road and binding on the outline of the First Parcel of land which by deed dated December 31st, 1987, and recorded among the Land Records of Baltimore County in Liber S.M. 7384, folio 47, was conveyed by George S. Wareheim Jr., and wife, to Ralph P. Stern, and Dianne L. Stern, his wife, running thence on the outline of said deed the 12 following courses and distances, 1) by a curve to the right with a radius of 235.83' for a distance of 139.42', 2) N 30° 49' 26" E 197.25', 3) by a curve to the left with a radius of 200.00' for a distance of 181.68', 4) N 21° 13' 25" W 175.99', 5) N 30° 08' 23" W 195.67', 6) N 24° 43' 20" W 58.13', thence leaving the center of Evna Road, 7) N 70° 14' 00" E 476.95', 8) S 81° 04' E 169.00', 9) N 81° 37' E 229.00', 10) N 36° 38' 58" E 375.39', 11) N 33° 25' 15" E 973.50' and 12) N 41° 02' 52" E 119.11', running thence on an Easement as set forth in a Deed of Easement, dated January 9, 1987, and recorded among the Land Records of Baltimore County in Liber S.M. 7820, folio 569, was conveyed by Ralph P. Stern and wife, to Robert G. Maier and wife, running thence reversely on the 3rd and 2nd lines of said deed, 1) N 41° 02' 52" E 154.69', and 2) N 60° 12' 10" W 792.90' to the beginning of the 18th line of the First Parcel of aforesaid deed, running thence and binding on the outline of said First Parcel, the 8 following courses and distances, 1) N 47° 08' 01" E 283.18', 2) N 48° 00' 08" E 268.06', 3) N 45° 18' 15" E 551.86',

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: July 16, 1992

Posted for: Special Hearing

Petitioner: Ralph P. Stern, et al and Dianne and Karen Helbig

Location of property: E.g. Evna Rd., 980' N. of Mt. Carmel Rd.

Location of Sign: In front of subject property 17027 Evna Rd.

Remarks:

Posted by: S. J. Orlov

Number of Signs: 1 Date of return: July 17, 1992

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: 10/24/92

Posted for: Special Hearing

Petitioner: Ralph P. Stern, et al

Location of property: E.g. Evna Rd., 980' N. of Mt. Carmel Rd.

Location of Sign: Partial entrance of private road leading to property - 17027 Evna Rd.

Remarks:

Posted by: M. J. Orlov

Number of Signs: 1 Date of return: 11/6/92

4) S 51° 30' 06" E 294.75', 5) S 61° 55' 07" E 400.01',
6) S 61° 55' 07" E 131.00', 7) S 42° 19' 02" W 721.83', and
8) S 38° 33' 04" E 65.77', running thence and still binding
on the outline of the property of Ralph P. and Dianne L. Stern
the 2 following courses and distances, 1) S 38° 33' 04" E 1042.72'
and 2) S 39° 31' 01" W 719.40' to the beginning of the 30th line
of the aforesaid First Parcel, running thence on the outline of
said First Parcel, the 6 following courses and distances,
1) S 39° 31' 01" W 264.00', 2) S 18° 30' 54" E 155.61',
3) S 52° 12' 19" W 1848.00', 4) N 34° 14' 04" W 321.75',
5) N 27° 43' 04" W 214.50' and 6) S 77° 31' 26" W 445.50'
to the place of beginning.

Containing 100.531 Acres of land, more or less.
Being known as 17027 Evna Road.

E. F. RAPHEL #246
Registered Professional
Land Surveyor

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

Account: R-001-6199

PUBLIC HEARING FEES QTY PRICE

040 - SPECIAL HEARING (OTHER) Please Mail Checks Payable to Baltimore County

Cashier Validation LAST NAME OF OWNER: STERN, ETAL TOTAL: \$250.00

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

04040077WICRRC
BA C009139PNOB-07-92

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

92-500

Account: R-001-6199

PUBLIC HEARING FEES QTY PRICE

040 - SPECIAL HEARING (OTHER) Please Mail Checks Payable to Baltimore County

Cashier Validation LAST NAME OF OWNER: STERN, ETAL TOTAL: \$250.00

Please Mail Checks Payable to Baltimore County \$61.93
BA C001139PNOB-07-92

COUNTY
G AND ZONING
ING MAP

SCALE
1" = 200'
DATE
PHOTOGRAPHY
J 1986

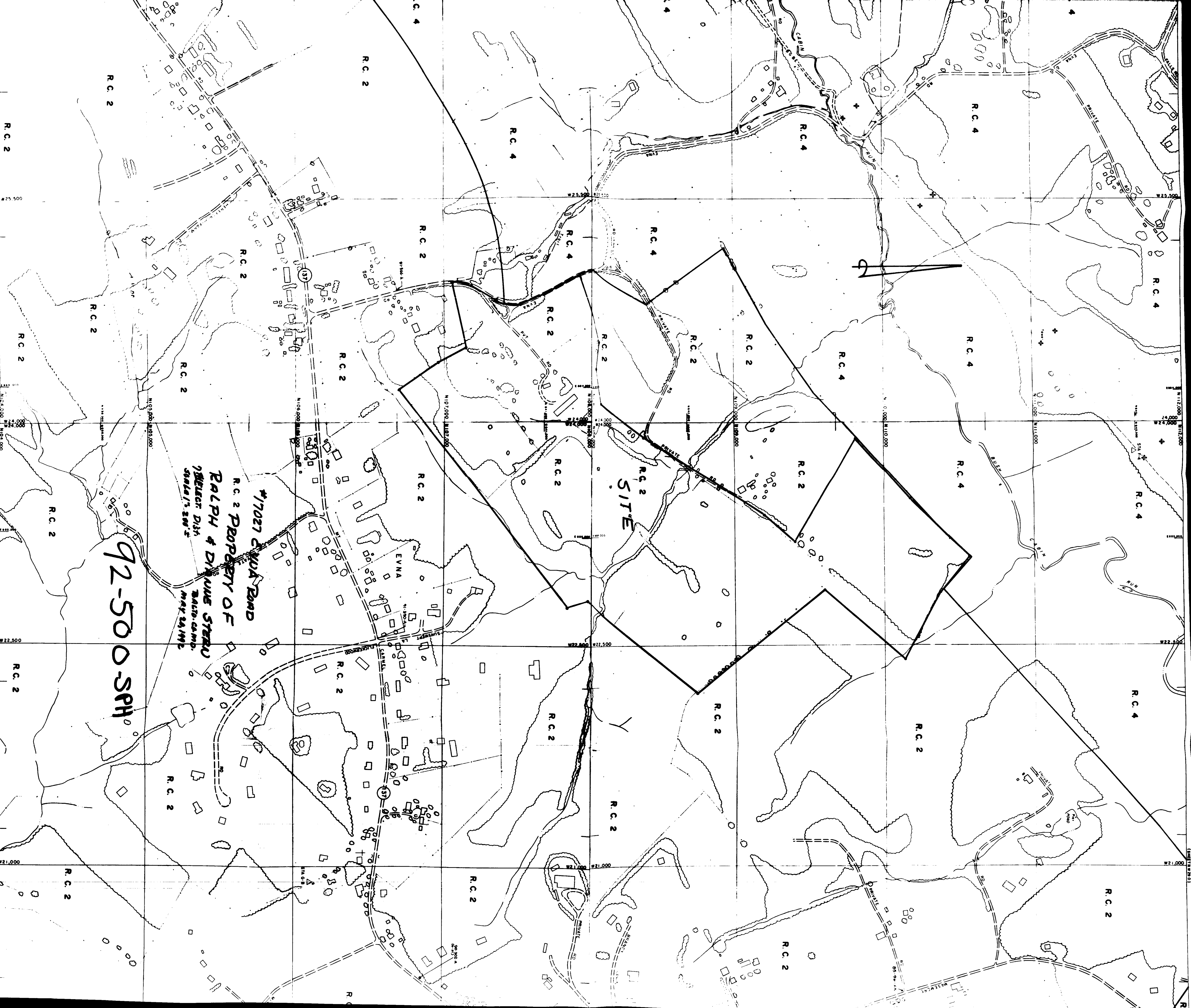
LOCATION
CEDAR GROVE

SHEET
N W
27-E

HH-SW

1986 COMPREHENSIVE ZONING MAP
Adopted by the Board of Commissioners
on May 13, 1986
#1528

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP





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: 7/21/92

Ralph and Dianne Stern
17027 Evna Road
Parkton, Maryland 21204

RE: 92-500-SPH (Item 528)
S of c/l Evna Road, 980' W of c/l Mt. Carmel Road
17027 Evna Road
7th Election District - 3rd Councilmanic
Petitioner(s): Ralph P. Stern, et al
HEARING: THURSDAY, AUGUST 6, 1992 at 10:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 61.93 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.

ARNOLD JABLON
DIRECTOR

cc: Gary Huddles, Esq.

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

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:

92-500-SPH (Item 528)
S of c/l Evna Road, 980' W of c/l Mt. Carmel Road
17027 Evna Road
7th Election District - 3rd Councilmanic
Petitioner(s): Ralph P. Stern, et al
HEARING: THURSDAY, AUGUST 6, 1992 at 10:00 a.m. in Rm. 106, Office Building.

Special Hearing to approve an amendment to the site plan and Order in Case 88-131-SPH to allow a non-density transfer, a reconfiguration of property lines, a transfer of one density unit from Parcel B to Parcel A-1, a transfer of a second density unit from Parcel B to Parcel A-3, and an amendment of restrictions 1, 2 and 3 of said Order.

Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Ralph and Dianne Stern
Gary Huddles, Esq.

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

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

111 West Chesapeake Avenue
Towson, MD 21204

July 20, 1992

(410) 887-3353

Gary Huddles, Esquire
P.O. Box 15027
Baltimore, MD 21208

RE: Item No. 528, Case No. 92-500-SPH
Petitioner: Ralph P. Stern, et al
Petition for Special Hearing

Dear Mr. Huddles:

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.

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 25th day of June, 1992

Arnold Jablon
DIRECTOR

Received By:
W. Carl Reichert Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Ralph P. Stern, et al
Petitioner's Attorney: Gary Huddles

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: Dennis A. Kennedy Date: 7/13/92

Project Name: Stonegate at Patapsco (Azreal Property)
File Number: 90476
Waiver Number: ZON DED
Zoning Issue: TE (Waiting for developer to submit plans first)
Meeting Date: 6-1-92

COUNT 1

Baltimore County - Southwestern Bell Mobile Systems
DED STP 533 6-29-92

COUNT 1

✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester 528 7-6-92 NC
DED DEPRM RP STP TE
✓ Mark M. Dunn And Darlene Dunn 534 NC
DED DEPRM RP STP TE
✓ Philip E. English And Deborah B. English 535 NC
DED DEPRM RP STP TE
✓ Clark F. And Ann S. MacKenzie 536 NC
DED DEPRM RP STP TE
✓ Charles J. And E. Mae Sinay 537 NC
DED DEPRM RP STP TE
✓ Amoco Oil Company 538 NC
DED DEPRM RP STP TE
✓ John And Judy Hasler 539 NC
DED DEPRM RP STP TE
✓ Paul J. And Marlene A. Leono 540 NC
DED DEPRM RP STP TE
✓ W. Claymore And Carol H. Sieck 541 NC
DED DEPRM RP STP TE

92-500-SPH AUG 6, 1992

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

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

DATE: July 23, 1992

SUBJECT: Ralph and Dianne Stern Property

INFORMATION:
Item Number: 528

Petitioner: Ralph P. Stern

Property Size: 117 acres

Zoning:

Requested Action: Special Hearing

Hearing Date: 7/1

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting an amendment to the site plan and order in case 88-131-SPH, to allow a non density transfer, a reconfiguration of property lines, a transfer of one density unit from Parcel B to Parcel A-1, a transfer of a second density unit from Parcel B to Parcel A-3 and an amendment of restrictions 1,2, and 3 of said order.

The Office of Planning and Zoning in coordination with the Department of Environmental Protection and Resource management recommends that the comments provided by Wallace Lippincott, Program Administrator, Agricultural Preservation Program, should take precedence.

Prepared by: Francis Morsey

Division Chief: Eric McDaniel

FW/EMC:rdn

528ZAC.JM/ZAC1

RECEIVED
JUL 28 1992
ZONING OFFICE

20 - Wimblev

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: Kathy J. Family Date: 7/10/92

Project Name: Stonegate at Patapsco (Azreal Property)
File Number: 90476
Waiver Number: ZON DED
Zoning Issue: TE (Waiting for developer to submit plans first)
Meeting Date: 6-1-92

COUNT 1

✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester 528 N/C 7-6-92
DED DEPRM RP STP TE
✓ Mark M. Dunn And Darlene Dunn 534 N/C
DED DEPRM RP STP TE
✓ Philip E. English And Deborah B. English 535 N/C
DED DEPRM RP STP TE
✓ Clark F. And Ann S. MacKenzie 536 N/C
DED DEPRM RP STP TE
✓ Charles J. And E. Mae Sinay 537 N/C
DED DEPRM RP STP TE
✓ Amoco Oil Company 538 N/C
DED DEPRM RP STP TE
✓ John And Judy Hasler 539 N/C
DED DEPRM RP STP TE
✓ Paul J. And Marlene A. Leono 540 N/C
DED DEPRM RP STP TE
W. Claymore And Carol H. Sieck 541 W/C
DED DEPRM RP STP TE

COUNT 9
FINAL TOTALS
COUNT 10

Baltimore County Government
Fire Department

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

July 13, 1992

(410) 887-4500

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

RE: Property Owner: RALPH P. STERN AND DIANNE L. STERN & KAREN E. HELBIG AND LINDA L. FORRESTER

Location: 17027 EVNA ROAD

Item No.: + 528 (CAM) Zoning Agenda: JULY 6, 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 Arnold Noted and Approved
Planning/Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED

IN THE MATTER OF * BEFORE THE ZONING
17027 Evna Rd. near Mt. * COMMISSIONER OF
Carmel Rd. Ralph Stern * BALTIMORE COUNTY
Petitioner * CASE NO. 92-500-SPH Item # 528
* * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Catherine Milton
Zoning Office
County Office Bldg. Towson

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 118, Old Courthouse
(Place where attendance is required)

on Wednesday the 18th day of November, 1992,
19__, at 1:00 PM.

YOU ARE COMMANDED TO produce the following documents or objects: All memos, correspondence, plats, site plans, letters, recommendations, and other documents relative to the above matter.

J. Carroll Holzer, Esq. 305 W. Chesapeake Ave. #105 Towson
(Name of Party or Attorney, Address and Phone Number requesting subpoena) 825-6961

Date November 13, 1992

Zoning Commissioner

SHERIFF'S RETURN

() Served and copy delivered on date indicated below.

() Unserved, by reason of

Date: Fee: \$

SHERIFF

Department of Recreation and Parks
Development Review Committee Resolution
Authorized signature Date 7/14/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester	528	7-6-92	
DED DEPRM RP STP TE		No Comments	
✓ Mark M. Dunn And Darlene Dunn	534		
DED DEPRM RP STP TE		No Comments	
✓ Philip E. English And Deborah B. English	535		
DED DEPRM RP STP TE		No Comments	
✓ Clark F. And Ann S. Mackenzie	536		
DED DEPRM RP STP TE		No Comments	
✓ Charles J. And E. Mae Sinay	537		
DED DEPRM RP STP TE		No Comments	
✓ Amoco Oil Company	538		
DED DEPRM RP STP TE		No Comments	
✓ John And Judy Hasler	539		
DED DEPRM RP STP TE		No Comments	
✓ Paul J. And Marlene A. Leone	540		
DED DEPRM RP STP TE		No Comments	
✓ W. Claymore And Carol H. Steck	541		
DED DEPRM RP STP TE		No Comments	
COUNT 9			
FINAL TOTALS			
COUNT 9			
*** END OF REPORT ***			

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

TO: Lawrence Schmidt, Zoning Commissioner DATE: November 12, 1992

FROM: Wallace S. Lippincott, Jr., Program Administrator Agricultural Preservation Program

SUBJECT: Property of Ralph & Dianne Stern, SpM 92-528



Since the previous comment letter of July 22, 1992, the Stern's have appeared before the Baltimore County Agricultural Land Preservation Advisory Board. This issue is now scheduled to go before the Maryland Agricultural Land Preservation Advisory Board of Trustees on November 24, 1992.

The local advisory board met on October 15, 1993 and made its recommendations in response to requests made by the Stern's. The enclosed requests and local board recommendations have been submitted to the State Foundation. The Foundation awaits a response on whether these requests can meet the rules and regulations of Baltimore County.

As indicated in my July 22, 1992 comment on this case, the property owner's sold an easement on this property to the Agricultural Land Preservation Program (citations of regulations and a copy of the easement was provided). In accordance with the rights provided under that easement, they have requested an exclusion of an existing dwelling, release of two children lots and an agricultural subdivision.

The requests for the release of the pre-existing dwelling and two children lots is in accordance with Sec. 2-513 of the Ann. Code of Md. The Baltimore County Code Sec. 26-368 adopts these provisions. Furthermore with respect to these provisions that provide for additional subdivision, the BCZR clearly state in Sec. 1A01.4 that use and development of land within the agricultural program shall be pursuant to Sec. 2-513 and specifically acknowledge that it should in cases of conflict. The right to subdivide the property for any purposes is precluded in accordance with the easement except upon written approval of the grantee of the easement (Foundation).

The Baltimore County Agricultural Land Preservation Advisory Board reviewed these requests for whether they were allowable within the context of the easement and as to what would be impact on the farm. Their conclusions are summarized below:

Lawrence Schmidt, Zoning Commissioner
November 12, 1992
Page 2

1. Request for exclusion of existing dwelling (Forrester Property) was reviewed and recommended. The board had recommended approval of the request to create this tenant building on July 1, 1987 but subject to the condition that the log building be designated the main dwelling and that it not be subdivided from the property. The Stern's have offered to forgo the right to release this building and to forgo the right to request the separate release of an owner's lot. Both of which releases are permitted by the easement. The Board recommended approval of this request subject to these restrictions. The Board did not recommend the expunging of the Forrester deed transfer as a condition of the recommendation.

2. The request for two children's lots was reviewed and recommended. Alternative locations were discussed, however, the locations requested were those previously recommended by the Board. Furthermore, they both have been tested for septic and have had wells dug. The Board did not recommend the expunging of the Karen Helbig deed transfer as a condition of the recommendation.

3. The request for the agricultural subdivision was recommended for approval. The applicant indicated that this portion of the property is not being used in her farming operation. Furthermore, her farm operation is breeding, raising and training of horses and a large part of the value in the farm is in the capital improvements of the barns, etc. The Board recommended that this transfer occur only subject to the condition that the receiving landowner donate his development rights of otherwise enter into an easement on his property which is currently in an agricultural district. Enclosed is the landowner's reply to that recommendation.

In closing the concerns that the adjacent landowners have regarding the potential for sale of the children's lots is a concern that is not widely abused. However, the Maryland Agricultural Land Preservation Board of Trustees has adopted policies which have not yet been made into law which impose tighter restrictions.

From a program administrators standpoint, it may be in the interest of the County to consider recommending to the State that the policies governing children lots be imposed on this property. This action would give both the County and the State greater assurance that the regulations are met.

STERN/TXTS8P

MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
PROPOSALS TO ELIMINATE LOOPHOLES
RE: OWNER'S AND CHILDREN'S LOT EXCLUSIONS

- Define "use" to mean that the owner or child will live in the dwelling as "primary residence".
- Landowner or child must live in the dwelling for at least one year.
- Construction of the dwelling must begin within one year from date the release document is recorded in the land records. If construction has not begun, a revision clause will go into effect and the approval will be null and void meaning the lot will be placed back under easement restrictions.
- NOTE: Foundation will approve the concept of an owner's or children's lot release but the actual release will not be prepared until landowner can show evidence that they are ready to build within one year.
- Landowner's with multiple district/easement properties will only be allowed one owner's lot and his/her children will only be allowed 1 children's lot (not to exceed set density) regardless of the number of properties owned. Landowner will be asked to sign a waiver agreeing to these stipulations.
- Children must be of legal age before the Foundation will release a lot in their name. Landowner should document their intentions or desire to release lots for minors in the form of a letter to the Foundation, update their Last Will and Testament, etc. in order to provide for lots intended for children who are not yet of legal age. This will serve as a type of protection, in the event the landowner dies before requesting Foundation approval for children's lots.
- Foundation may approve lot exclusions based on a density of one lot per 20 acres or portion thereof. However, no lot, under any circumstances, may be released on properties less than 6 acres. In addition, no lots may be released on properties less than 20 acres if a dwelling already exists on the land. The Foundation may approve the release of 1 lot (childrens/owners) on properties less than 20 acres, but greater than 6 acres, only if there are no existing dwellings on the land.
- If a landowner or a landowner's child changes their mind after recording a released lot and they want to put the lot back under easement restrictions, they may do so as long as they reimburse the Foundation for that 1 - 2 acre lot. Landowner may be responsible for additional costs to verify clear title, update title insurance, obtain survey if necessary, amendment to the Deed of Easement, etc. Foundation will pay for re-recording of the previously recorded lot.

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 13, 1992

Gary Huddles, Esquire
P.O. Box 15027
Baltimore, Maryland 21208

Howard L. Alderman, Jr., Esquire
Levin and Gann, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Case No. 92-500-SPH
Petition for Special Hearing
E/S Evna Road, 980 ft. N of Mt. Carmel Rd.
Ralph P. Stern, et ux, et al, Petitioners

Gentlemen:

Confirming recent telephone conversations, it has been agreed upon that the above captioned case will be scheduled for public hearing on Wednesday, November 18, 1992 at 1:00 P.M. in Room 118 of the Old Court House, 400 Washington Avenue, Towson, Maryland 21204.

Also, please be advised that the Petitioners, in this matter, will bear the cost for the posting of a sign on said property.

By a copy of this letter, all interested parties have been notified of the November 18th date.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mn

cc: Karen E. Helbig/Linda L. Forrester
Ralph P. and Dianne L. Stern
Tony Winter
Kenneth Lentz
Richard and Margaret Green
A.A. Mindesheim
cc: Gwendolyn Stephens, Docket Clerk, Office of Zoning Administration

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

TO: Larry Schmidt, Zoning Commissioner DATE: July 22, 1992

FROM: Wallace S. Lippincott Jr., Program Administrator Agricultural Preservation Program

SUBJECT: Property of Ralph and Dianne Stern SpM 92-528

This property (100.816 acres) was approved by the Maryland Agricultural Land Preservation Foundation as an Agricultural District in July, 1988 (File #03-07-98-02). An easement extinguishing the development rights on 98.816 acres was purchased by the Foundation on August 18, 1989.

Baltimore County adopted this program and the regulations are in Baltimore County Code Article VI. Agricultural Land Preservation, Section 26-366 to Section 26-372. These regulations adopt the State program in accordance with the Annotated Code of Maryland, Agricultural Article, Title 2, Subtitle 5, § 2-501 et seq. as amended.

This program in essence creates a permanent easement over agricultural land that precludes further development. The use and development of lands in the program are governed by the State statutes as provided for in BCZR 1A01.4, Maryland Agricultural Land Preservation Program.

Under the terms of the easement, pre-existing dwellings can be excluded upon approval by the Foundation. The Forrester property (8308/15) had a tenant dwelling on the property prior to easement sale. As noted in the enclosed letter by the Foundation Executive Director, this property may be excluded, but only upon Foundation approval. The separate ownership of this existing tenant building without Foundation approval may constitute a violation of the State agreement.

The issue is further complicated by other actions taken by the Sterns as documented in the September 23, 1991 letter from Paul Solomon to the Sterns. There is no record in the files of a response from the Sterns to this letter.

It appears to me that the Sterns must resolve some of these issues before any action can take place. As a first step they should respond to Paul Solomon's letter. Following that, the Baltimore County Agricultural Land Preservation Board can review requests for lot exclusions under the auspices of the Maryland Agricultural Land Preservation Foundation. These recommendations will then be given to the State Foundation for their action.

Memo to Larry Schmidt
July 24, 1992
Page 2

Given the above circumstances, it may be advisable to consider postponing the Special Hearing. A meeting with the Sterns, a representative of the Zoning Office, and myself could be held to determine how to proceed in a manner to resolve the issues of the landowner, County, and State.

WSL:ju

cc: Mr. Paul Scheidt
Mr. Mark Daneker
Mr. J. James Dieter

STERNI/WQAG

RECEIVED
JUL 27 1992
ZONING OFFICE

92-500-SPH 8-6-92 725/22
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: July 30, 1992

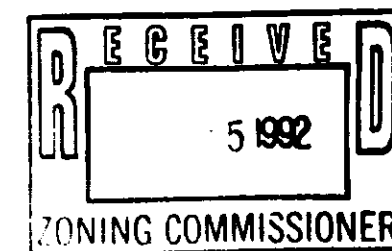
FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item 528
17027 Evna Road
Zoning Advisory Committee Meeting of July 6, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

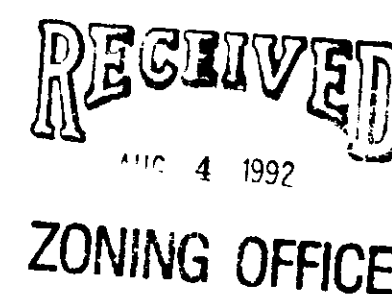
Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Also see attached comments from Mr. Wallace S. Lippincott, Jr.



JLP:sp

JABLON/S/TXTSBP



Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

August 14, 1992

(410) 887-3733

Mr. Gary Huddles
Suite 250
Commercentre East
1777 Reisterstown Road
P. O. Box 15027
Baltimore, Maryland 21208

Re: Ralph & Dianne Stern, Sph 82-528

Dear Mr. Huddles:

Please find enclosed a suggested course of actions to resolve the Stern's situation arising from our meeting on August 7, 1992. I have made some minor changes to some of the proposals and a more significant change to item 1. Please respond as to whether these are acceptable to your client. In addition, it is important that the Farm Credit Bank as co-grantor of the covenants be agreeable to whatever solution is decided upon.

First, let me reiterate a recommended course of procedures. As indicated in my July 22, 1992 letter to the Zoning Commission, the requests made in the petition must go before the Baltimore County Agricultural Land Preservation Board and the Maryland Agricultural Land Preservation Foundation. It is advisable that this be done prior to the Zoning hearing. To move things along in a timely manner, it is essential that the Stern's furnish me with a letter requesting the exclusions, etc by August 28, 1992 at the latest. This is so that I can get the request on the September agenda of the Maryland Agricultural Land Preservation Foundation.

Below are my suggestions for Mrs. Stern to resolve the issues we spoke of on August 7, 1992. Please bear in mind that although I have consulted with a variety of people, the final decision on these matters is the recommendation of the County Agricultural Board and approval of the State Foundation Board.

Thank you for your assistance in this matter. Do not hesitate to call me at 887-2904 if you have any questions.

Respectfully,

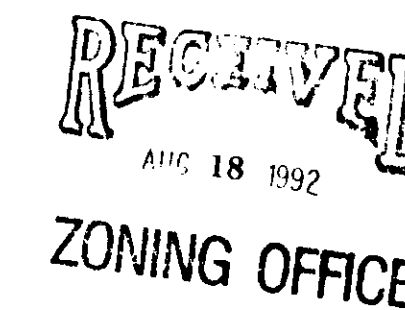
Wallace S. Lippincott, Jr.
Program Administrator
Agricultural Land Preservation Program

WSL:ju
cc: Paul Scheidt
Mark Daneke

Mr. Gary Huddles
August 14, 1992
Page 2

- (1) Request of the Foundation through the Local Baltimore County Board that the Forrester property 8308/15 which was subdivided in violation of the easement agreement (8258/291) be released from the easement. As a condition of this release, require the existing dwelling on the remainder of the property be designated as the owners building and restricted by the Foundation from any rights of release. This is in accordance with the tenant building recommendation of the Baltimore County Agricultural Land Preservation Board dated 7/1/87 (see enclosure).
- (2) Convey parcel A-2 which was deeded to Karen Helbig in violation of the easement (8258/291) back to Mrs. Stern. Submit the proof of that action, new deed, tax map, plat with proposed location of a children's lot to Maryland Foundation through the Baltimore County Board. Also, include an affidavit stating the requested lot would be for the child's use only to build a house for that child's use. Once built, the house and property will remain in the child's ownership for a minimum of one year.
- (3) Any request for the subdivision and sale of parcel indicated on the June 11, 1992 plat as 17.610 acres shall be made to the Maryland Agricultural Land Preservation Foundation through the Baltimore County Board. The request will include a written statement, deeds, a plat and other documentation to provide justification for the request.
- (4) A letter will be submitted that indicated the Stern's are in full compliance with the Zoning Commission's order for Sph 88-131. This is necessary because the Maryland Agricultural Land Preservation Foundation requires certification that the above requests can meet Baltimore County regulations.

HUDDLES/MQAG



Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

October 19, 1992

(410) 887-3733

Mr. Paul Scheidt, Executive Director
Maryland Agricultural Land Preservation Foundation
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Re: Ralph & Dianne Stern
File No. 03-07-88-02
17021 Evna Road
Forrester Property

Dear Mr. Scheidt:

The Baltimore County Agricultural Land Preservation Advisory Board voted on 10/15/92 at its scheduled meeting to recommend approval of the request to exclude this preexisting dwelling subject to the conditions listed below. The exclusion of this lot will have no effect on the agricultural operation of the farm. It has fee simple access to Evna Road.

1. Forgo any right to request a release of an owner's lot.

2. Forgo any right to request the release of the log cabin as a preexisting dwelling.

As indicated in the request letters, the petitioner has requested the above conditions. Furthermore, these conditions must be recorded in the land records prior to the release of this lot.

Thank you for your consideration of this matter. I will be happy to provide any additional information you may need.

Respectfully,

Wallace S. Lippincott, Jr.
Program Administrator
Agricultural Land Preservation Program

WSL:ju
SCHEIDT/MQAG

Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

October 19, 1992

(410) 887-3733

Mr. Paul Scheidt, Executive Director
Maryland Agricultural Land Preservation Foundation
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Re: Subdivision of Easement
Ralph & Dianne Stern
File No. 03-07-88-02

Dear Mr. Scheidt:

The Baltimore County Agricultural Land Preservation Advisory Board voted on 10/15/92 at its scheduled meeting to recommend approval of the agricultural subdivision of this property subject to the following conditions:

1. It be transferred to the Winter Property which is in an agricultural district, file no 03-07-90-20A.
2. That the Winter's donate their development rights or otherwise enter into an easement on their District property.

The subject parcel has Class II and III soils, but is not currently in production. It lies between the Winter property and State owned watershed property. Although the subdivision will reduce the total amount of tillable land from the Stern property, it is not necessary for her current agricultural operation.

Thank you for your consideration of this matter. I will be happy to provide any additional information you may need.

Respectfully,

Wallace S. Lippincott, Jr.
Program Administrator
Agricultural Land Preservation Program

WSL:ju

SCHEIDT/MQAG

Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

October 19, 1992

(410) 887-3733

Mr. Paul Scheidt, Executive Director
Maryland Agricultural Land Preservation Foundation
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Re: Children's lots
Ralph & Dianne Stern
File No. 03-07-88-02

Dear Mr. Scheidt:

The Baltimore County Agricultural Land Preservation Advisory Board voted on 10/15/92 at its scheduled meeting to recommend approval of two children's lots on the subject property. These lots were approved at a previous Board meeting but not passed on to the Foundation Board for its decision.

These two lots will be located on Class II soils but they will not interfere with the existing stabling and horse training operation. The lots will have road frontage.

Mrs. Stern has indicated that one child, Karen Helbig, is ready to begin building in the near future. The other child, David Marx, is not planning to build in the near future. She has also indicated both are of legal age and are her children.

Thank you for your consideration of this matter. I will be happy to provide any additional information you may need.

Respectfully,

Wallace S. Lippincott, Jr.
Program Administrator
Agricultural Land Preservation Program

WSL:ju

SCHEIDT/MQAG

TO: Arnold Jablon, Director
Zoning Administration & Development Management

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

DATE: July 23, 1992

SUBJECT: Ralph and Dianne Stern Property

INFORMATION:
Item Number: 1528

Petitioner: Ralph P. Stern

Property Size: 117 acres

Zoning:

Requested Action: Special Hearing

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting an amendment to the site plan and order in case 88-131-SPH, to allow a non density transfer, a reconfiguration of property lines, a transfer of one density unit from Parcel B to Parcel A-1, a transfer of a second density unit from Parcel B to Parcel A-3 and an amendment of restrictions 1, 2, and 3 of said order.

The Office of Planning and Zoning in coordination with the Department of Environmental Protection and Resource Management recommends that the comments provided by Wallace Lippincott, Program Administrator, Agricultural Preservation Program, should take precedence.

Prepared by: Francis Murray

Division Chief: Eric McDaniel

FM/EMC:rdn



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

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 9/14/92

(410) 887-3353

Karen E. Helbig and Linda L. Forrester
404 Regester Avenue
Baltimore, Maryland 21212

Ralph Stern and Dianne Stern
17027 Evna Road
Parkton, Maryland 21208

RE:
Case Number: 92-500-SPH
Hearing Date: October 6, 1992

Dear Petitioner(s):

Please be advised that \$ 64.33 is due for advertising of the above 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.

ARNOLD JABLON
DIRECTOR

cc: Gary Huddles, Esq.

COUNTY
G AND ZONING
ING MAP

SCALE
1" = 200'
DATE
PHOTOGRAPHY
J 1986

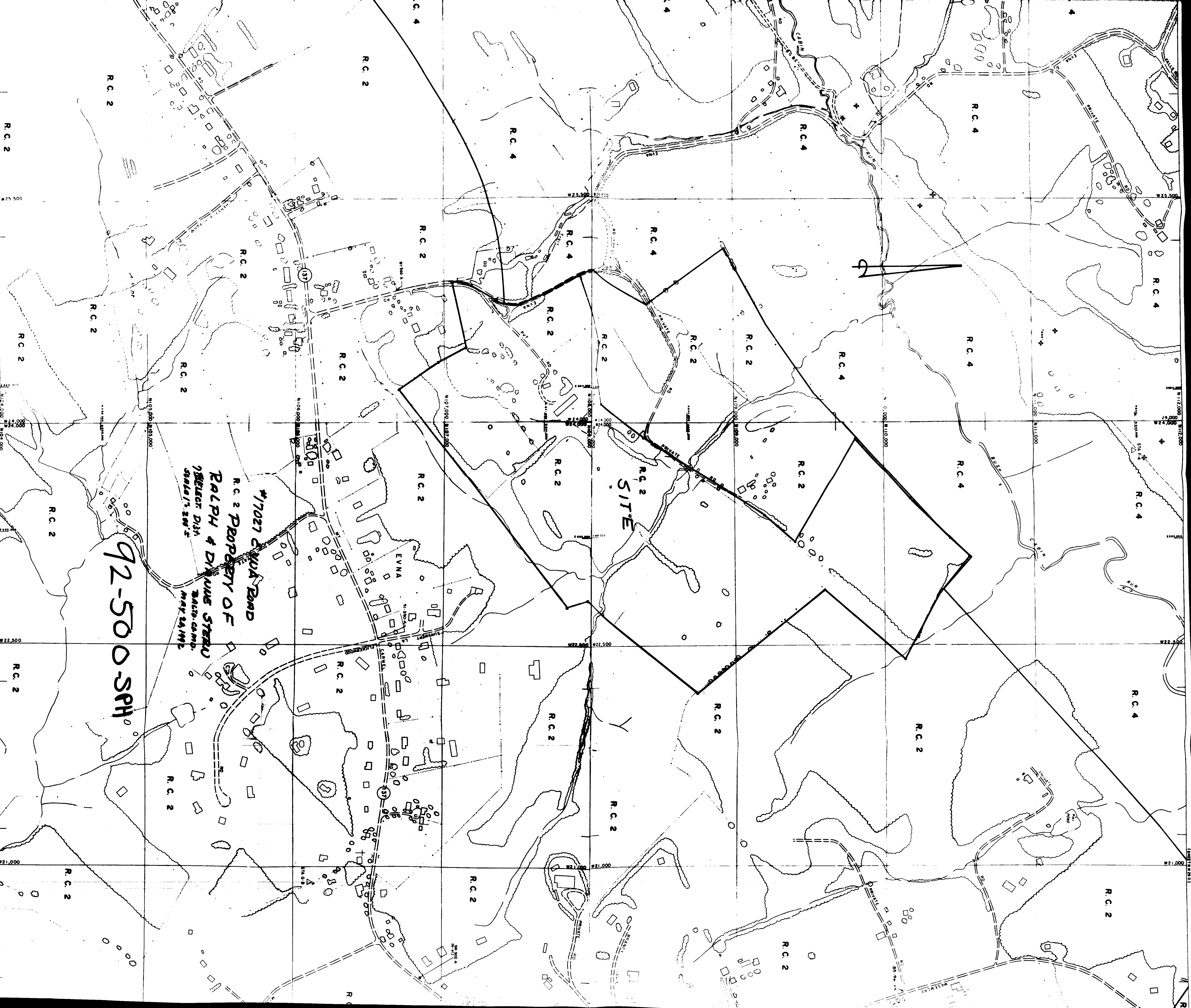
LOCATION
CEDAR GROVE

SHEET
N W
27-E

HH-SW

1986 COMPREHENSIVE ZONING MAP
Adopted by the Board of
Public Works, Baltimore
City, Maryland
May 14, 1986

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP



LAND DEVELOPMENT SERVICE, INC.

Civil Engineers & Land Surveyors
45 N. Main Street, Bel Air, MD. 21014
838-0308 893-1838

July 31, 1989

DESCRIPTION

Lot 2, Part of Property of Ralph P. and Dianne L. Stern
Election District 7, Baltimore County, Maryland

Beginning for the same at a point in the center of Evna Road at the beginning of the Eighth Line of the first parcel of land which by deed dated December 31, 1987 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K. Jr. 7384 Folio 47, was conveyed by George S. Wareheim, Jr. and Beryl A. Wareheim to Ralph P. Stern and Dianne L. Stern, his wife, and running thence, binding in the center of Evna Road and binding on part of said Eighth Line (1) North 21' 13' 25" West 154.49 feet, thence leaving the center of said road and running for lines of division now drawn, the following five (5) courses and distances viz.; (2) North 65° 09' 03" East, passing over an iron pipe now set 24.17 feet from the beginning of this course, in all 154.30 feet to an iron pipe now set, (3) South 27° 57' 17" East 258.09 feet to an iron pipe now set, (4) South 46° 43' 54" West 100.00 feet to an iron pipe now set, (5) North 76° 18' 12" West 64.06 feet to an iron pipe now set, (6) North 44° 00' 22" West, passing over an iron pipe now set 51.46 feet from the end of this course, in all 100.79 feet to the place of beginning.

Containing 1.00 acre of land, more or less.

Subject to a 25 feet wide highway widening strip for Evna Road along the First Line of the above described lot.

Being part of the first parcel of land which by deed dated December 31, 1987, and recorded as aforesaid in Liber E.H.K. Jr. 7384 Folio 47, was conveyed by George S. Wareheim, Jr. and Beryl A. Wareheim to Ralph P. Stern and Dianne L. Stern, his wife.

September 22, 1992

Mr. Paul W. Scheidt
Executive Director of Maryland Agricultural
Land Preservation Foundation
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

RE: 17027 Evna Road
LOT 2

Dear Mr. Scheidt:

This letter is to formally apply for an exclusion of a once acre child's lot for our son, David B. Marx.

This lot will be used to build a personal residence for my son, David B. Marx. It will have little or no impact on the agricultural use of the land. It has ample road frontage access.

Enclosed is a description of the lot, as well as a letter of intent.

Thank you for your cooperation in this matter.

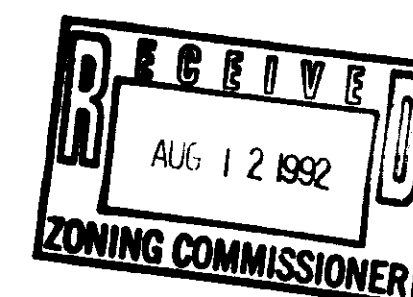
Very truly yours,

Dianne L. Stern
Dianne Lears Stern

Ralph P. Stern
Ralph P. Stern

Alfred A. Windeshelm
17119 Evna Road
Parkton, MD 21120

August 11, 1992



Timothy M. Kotroco
Deputy Zoning Commissioner
400 Washington Avenue
Room 113
Towson, MD 21204

Dear Mr. Kotroco:

I am writing to confirm my understanding that we will be contacted by the zoning commissioner's office to determine an acceptable date for us and the other interested parties in the matter of Ralph and Diane Stern's request for a special hearing to make some change in their existing property. This matter had been designated as Case Number 92-500.

I have difficulty comprehending the postponement of the Special Hearing at the last minute by the parties requesting the hearing.

I am not certain as to whether or not all of the interested parties in this matter were present and I request the County to post the property in accordance with the prescribed rules to make certain interested parties are appropriately advised.

Also, to help us sort out the density and the effect on the interested parties, we urge the zoning commission to obtain a plat of the parcels owned by Mr. & Mrs. George Wareheim in December 1986, and reflect thereon the transactions consummated by the Sterns relative to that property and any contiguous property from 1986 to date.

I am available for any input which you feel I can make that is relevant to help resolve these open matters. My office telephone number is (410) 828-6432.

Very truly yours,

Alfred A. Windeshelm
A. A. Windeshelm

AAW/mg

September 23, 1991

Mr. and Mrs. Ralph P. Stern
Candle Valley Equestrian Center
17027 Evna Road
Parkton, Maryland 21120

Dear Mr. & Mrs. Stern:

I am writing in an attempt to advise you as to what steps you must initiate in order to resolve the various issues which you have created by illegally subdividing your farm property in regard to a one acre lot deeded to your sister, Ms. Linda L. Forrester.

First, and most critically, you must undo the illegal subdivision by reuniting the one acre lot subdivided to the large farm parcel from which it was previously attached. As long as the tenant dwelling, which is located on this illegally subdivided one acre, continues to be occupied by individuals who are engaged in the farming operation it can continue to exist. (A copy of a letter dedicated to you from Mr. Arnold Jablon, Director, Zoning Administration and Development Management is attached.)

By deed referenced as Liber 8303/Page 686 dated September 11, 1989, you deed must be expunged since it is illegal to transfer the status of an approved tenant dwelling to another dwelling.

Once the above two issues are resolved, the Baltimore County Agricultural Land Preservation Advisory Board will consider the proposal outlined in your letter of July 24, 1991, a copy of which is attached. In reviewing this proposal, the Board will first seek the opinion of the Office of Planning and Zoning as to the legality of the proposal. The most obvious question in my mind is whether or not the status of an approved tenant dwelling can be changed to that of an owner's lot.

The resolution of the illegal subdivision will resolve the apparent violation with the terms of the recorded Deed of Easement or agreement you executed with the State of Maryland in selling the development rights to the State. (See letter to you from the Maryland Agricultural Land Preservation Foundation dated 7/12/91.) Additionally, it will allow the Baltimore County Office of Planning and Zoning to complete its comments in regard to your

Mr. and Mrs. Ralph Stern
September 23, 1991
Page 2

request for two children lots. These Office of Planning and Zoning comments must be submitted to the Maryland Agricultural Land Preservation Foundation before they will review your request for these two lots. (See attached memo from W. A. Lippincott dated 9/5/91.) As you know, the Baltimore County Agricultural Land Preservation Advisory Board has already recommended approval to the Foundation subject to Baltimore County Office of Planning and Zoning certification that these lots are consistent with County Planning and development requirements. If the Baltimore County Office of Planning and Zoning does not find this subdivision of children lots to be consistent with Baltimore County planning and development requirements, the lots will not be approved by the Foundation.

You will also note from the attached memo to Douglas A. Swann dated 5/21/91 that no building permits will be issued for the children lots until these issues are resolved and until the lots are actually deeded to both children.

It is hoped that this letter will serve to put into perspective for all concerned the various components of this issue. Please call me if you have any questions.

Sincerely,

Paul J. Solomon
Program Administrator
Agricultural Land Preservation Program

PJS:ju

cc: Mr. Mark Daneker
Mr. Michael P. Tanczyn
Mr. Arnold Jablon
Mr. Paul W. Scheidt
Mr. Wallace S. Lippincott
Mr. Linda Forrester
Mr. Catherine Milton, Zoning Office
Mr. Douglas A. Swann
Mr. Jeremy Criss, Montgomery County

October 23, 1989

Mr. and Mrs. Ralph P. Stern
17021, 17027 Evna Road
Parkton, Maryland 21120

Dear Mr. and Mrs. Stern:

Please be advised that the existing log dwelling or main dwelling on your farm on 17021, 17027 Evna Road is to permanently remain as the main dwelling as required under the approved tenant dwelling application dated, May 21, 1987. (See attached tenant dwelling application.)

Additionally, be advised that the tenant dwelling approved by this same application cannot be subdivided from the farm, but must be permanently part of the farm. This tenant dwelling is permitted to exist on the farm provided that the person or persons residing therein is a farmer whose principal vocation will be farming of your farm property. It is not clear that this is the case. Please advise the Board of the current status of the tenant or tenants residing in the tenant dwelling and confirm, if possible, that their principal vocation is farming.

For further information, please contact me at 539-5040 or Mr. Paul J. Solomon at 887-2904.

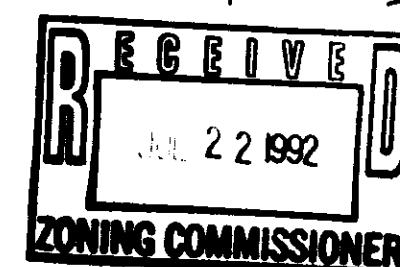
Sincerely,

Mark J. Daneker
Chairman
Baltimore County Agricultural Land
Preservation Advisory Board

MJD:tjg
Attachment

Alfred A. Windeshelm
17119 Evna Road
Parkton, MD 21120

July 20, 1992



PERSONAL & CONFIDENTIAL

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue
Baltimore, MD 21204

Dear Mr. Schmidt:

I am a resident of Baltimore County, living at 17119 Evna Road, which is the property just north of a property titled to Diane and Ralph Stern. I believe this is the appropriate title on the property; however, it has been moved around several times since I have been there and I am not really sure of how it is titled today.

I have been advised that on August 6, 1992, there will be a hearing listed as Case Number 92-550, requesting zoning variance. I am opposed to any variance on that property, and I would like the opportunity to make oral comments at this hearing. Please enter my name as a protestant and put me on the mail distribution list to receive all notices.

THE PLAT FILED WITH THE PETITION IS INACCURATE

I call your attention to the plat, which has been prepared by E.F. Raphael & Associates that has been filed with the request for zoning variance. The northern boundary of the property runs as part of the southern boundary of my property. However, in between the two parcels, are two fee simple strips running along that whole northern boundary. One is 20 feet wide, which belongs to Mr. & Mrs. Winter and the second is 10 feet wide, which belongs to Mr. & Mrs. Kenneth Lentz. I do not see the Lentz 10 ft wide fee simple strip situated on this plat.

I presently have a 99 year lease agreement on this 10 ft wide fee simple strip, recorded in the Land Records of Baltimore County in Liber 7670, Page 620. This 10 foot strip was leased to me by Mrs. Stern back in 1987 as part of a complicated transaction in which I purchased 9.009 acres from Dr. John Adams, and Mrs. Stern acquired approximately 10 acres from Dr. John Adams in the same transaction. Mrs. Stern represented Dr. Adams, the seller, as well as me, the buyer, in the real estate transaction of acquiring the 9.009 acres and improvements thereon. At the time, Mrs. Stern was working as a real estate agent for Merrill Lynch Realty and she said she was acquiring the 10.048 acre parcel to construct her personal residence.

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
July 20, 1992
Page 2

FAILURE TO DISCLOSE CONVEYANCES

Mrs. Stern signed this agreement on 5/26/87, subsequently selling the 10.048 acre parcel (which is connected to Evna Road by the 10 ft wide fee simple right-of-way referenced in the lease) to Mr. & Mrs. Kenneth E. Lentz on 12/19/87. However, their deed did not reflect the 99 year lease agreement that I referenced above. Mrs. Stern failed to disclose the ground lease when she conveyed the 10 acre parcel. This has caused both the Lentz's and myself to incur considerable legal fees in a mutual attempt to have this matter resolved.

ENVIRONMENTAL AND SOIL CONSERVATION ARE NOT BEING PRACTICED

I have lived at this location for the last five years and have worked diligently to continually upgrade and improve the property. On the other hand, I have witnessed the deterioration of the Stern property by green pastures becoming dirt basins because of uncontrolled erosion, by large trees dying from improper treatment and protection from animals, by old vehicles being junked and left on the property and by the spring fed pond looking like a holding still pond.

ILLEGAL SUBDIVISION IN EXCESS OF PERMITTED DENSITY & REDESIGNATION OF TENANT HOUSE

I am particularly disturbed by the chain of events that surround the property referenced as A-1 in the petition for Special Hearing, Item Number 528. I attended a hearing concerning a variance approval by the zoning commissioner in regard to this property. I do not have the date of this hearing but I believe it to be in 1988. At that time, Mrs. Stern requested a variance to allow her to build the residence which now stands on property A-1. She stated its use to be that of a tenant house. I do not recall any subdivision of the property at that time.

I believe at that time, the Zoning Commissioner ruled "the property cannot be subdivided and the creation of any new building lot is prohibited". I am relying on the authorities to enforce these rulings.

RELiance ON AUTHORITIES FOR COMPLIANCE

On July 24, 1989, Ralph and Diane Stern entered an agreement with the State of Maryland, to the use of Maryland Agricultural Land Preservation Foundation, recorded in Baltimore County Land Records in Liber 8258, Page 289. Section A.(1)(a) page 4 of the agreement states: The land on which a tenant house is constructed may not be subdivided or conveyed to any persons. In addition, the tenant house may not be conveyed separately from the original parcel.

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
July 20, 1992
Page 3

On September 11, 1989, as recorded in Liber 8303 Page 686, the property was deeded from Ralph and Diane Stern to Diane Stern. On this same deed, the property was conveyed as the main house, giving the former main house the designation tenant house.

On October 25, 1989, Liber 8308 Page 015, this property was separated by the deed description and said to contain 1 acre of land, was deeded to Linda L. Forrester, sister of Diane Stern.

Were these transactions in accordance with the agreement between the Sterns and the State of Maryland? In addition, was the subdivision done in accordance with the zoning laws of Baltimore County?

I also find a legend in the north east quadrant of the plat prepared by R. E. Raphael & Assoc. dated June 1, 1992, and revised June 11, 1992, numbered 2186 as follows "Limits of 17.610 HC. 2 of non-density transfer case No. 88-131SPH". I believe an adjacent land owner protested the proposed variance setting forth a long list of valid criteria for her objection and I also believe the zoning commissioner at that time set forth certain objectives for Mrs. Stern to accomplish. Were these objectives ever completed? Is there any relationship between the present request and this previous request?

I am troubled to understand how new construction can be placed on a property and then the property can be subdivided without regard to the other residents of Baltimore County and the county zoning requirements. It also disturbs me that Mrs. Stern, who has worked as a real estate agent, licensed by the Maryland Real Estate Commission, may have blatantly ignored laws that she is required to know by her certification. It appears to me this lady has complete disregard for the land laws of Baltimore County and has twisted and manipulated the laws to achieve an unintended result.

I believe there are other manipulations of the land laws that have taken place and would welcome your help in these matters.

MRS. STERN SHOULD NOT BE PERMITTED TO PROFIT FROM HER WRONGDOING!

If there is a plat among your records that shows the Stern, Forrester, Helbig, Windesheim, Winter, and Lentz property lines, I would greatly appreciate a copy. There are several plats drawn by E. F. Raphael & Associates, but I have been unable to obtain a copy of one that shows all properties in question, or individual plats that can be pieced together. (Prior to 1987, all of the above mentioned property was part of an 155 acre farm owned by Beryl and George Wareheim.)

Very truly yours,

Alfred A. Windesheim

AAW/mg

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 FLOORS
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELEFAX 410-525-0950

LAW OFFICES
LEVIN & GANN

A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELI LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

September 22, 1992

HAND DELIVERED

Ms. Gwendolyn Stephens
Office of Zoning Administration and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 92-500-SPH
Entry of Appearance

Dear Ms. Stephens:

Enclosed, please find my entry of appearance in the above-referenced case on behalf of my clients, Mr. and Mrs. Kenneth Lentz. I spoke briefly this morning with Deputy Zoning Commissioner Kotroco regarding the rescheduling of this hearing and related issues.

At the last hearing held on this matter, the case was continued and Gary Huddles, Esquire, counsel for the Petitioner, agreed to assume the responsibility for coordinating the schedules of all concerned individuals regarding a new hearing date. The continuance was granted to enable the Petitioner to attempt to obtain the approvals required from the Maryland Agricultural Land Preservation Foundation ("Foundation").

I have just learned that the hearing has been rescheduled, without contact being made with concerned individuals, and in advance of the meeting of the Foundation where the Petitioner's request for approvals will be considered. Obviously, if the Foundation has not met prior to the zoning hearing, a further continuance will be necessary.

Mr. Kotroco and I discussed the following: 1) rescheduling the zoning hearing after the October meeting of the Foundation; 2) re-posting of the subject property to give proper notice of the continued hearing; and 3) coordination of the rescheduled hearing with all concerned individuals.

Your assistance in ensuring that these items have been

Ms. Gwendolyn Stephens
Page 2
September 22, 1992

LEVIN & GANN, P. A.

addressed will be greatly appreciated. If you desire any further information in this regard, please let me know.

Very truly yours,

Howard L. Alderman, Jr.

HLA, Jr./gk

cc: Mr. and Mrs. Kenneth Lentz
Timothy Kotroco, Esquire
Gary Huddles, Esquire

WINTER, VINCENT & HIRSCH

LESLIE A. WINTER, P.A.
LAWRENCE W. VINCENT
MICHAEL H. HIRSCH, P.A.

100 BALTIMORE AVENUE
SUITE 202
TOWSON, MARYLAND 21204
(410) 823-1700
FAX (410) 823-1700
NO TOLL FREE 1-800-431-1000

BALTIMORE OFFICE
1225 WEST MT. HOLLA AVENUE
BALTIMORE, MARYLAND 21217
(410) 885-1822

October 27, 1992

Mark J. Daneker, Esquire
Chairman
Baltimore County Agricultural
Land Preservation Board
Elders Road
Hydes, Maryland 21082

Dear Mr. Daneker:

As I believe you are aware, Ralph and Dianne Stern propose selling approximately nineteen (19) acres of undeveloped farmland to me, subject to your approval. This land is behind and directly adjacent to my property, and is much more readily accessible through my property than through the Stern property.

At present, no use is being made of the property. If you approve the proposed conveyance, and I am able to purchase the property from Mr. & Mrs. Stern, it will be used for pasture. In addition, if the conveyance is approved and the purchase is consummated, I agree to submit my property for sale to the Maryland Agricultural Land Preservation Program as soon as this program again becomes functional. In the alternative, I will consider submitting my property for sale in accordance with any local program instituted by Baltimore County.

Very truly yours,
Leslie A. Winter

LAW/cox
daneker.ltr

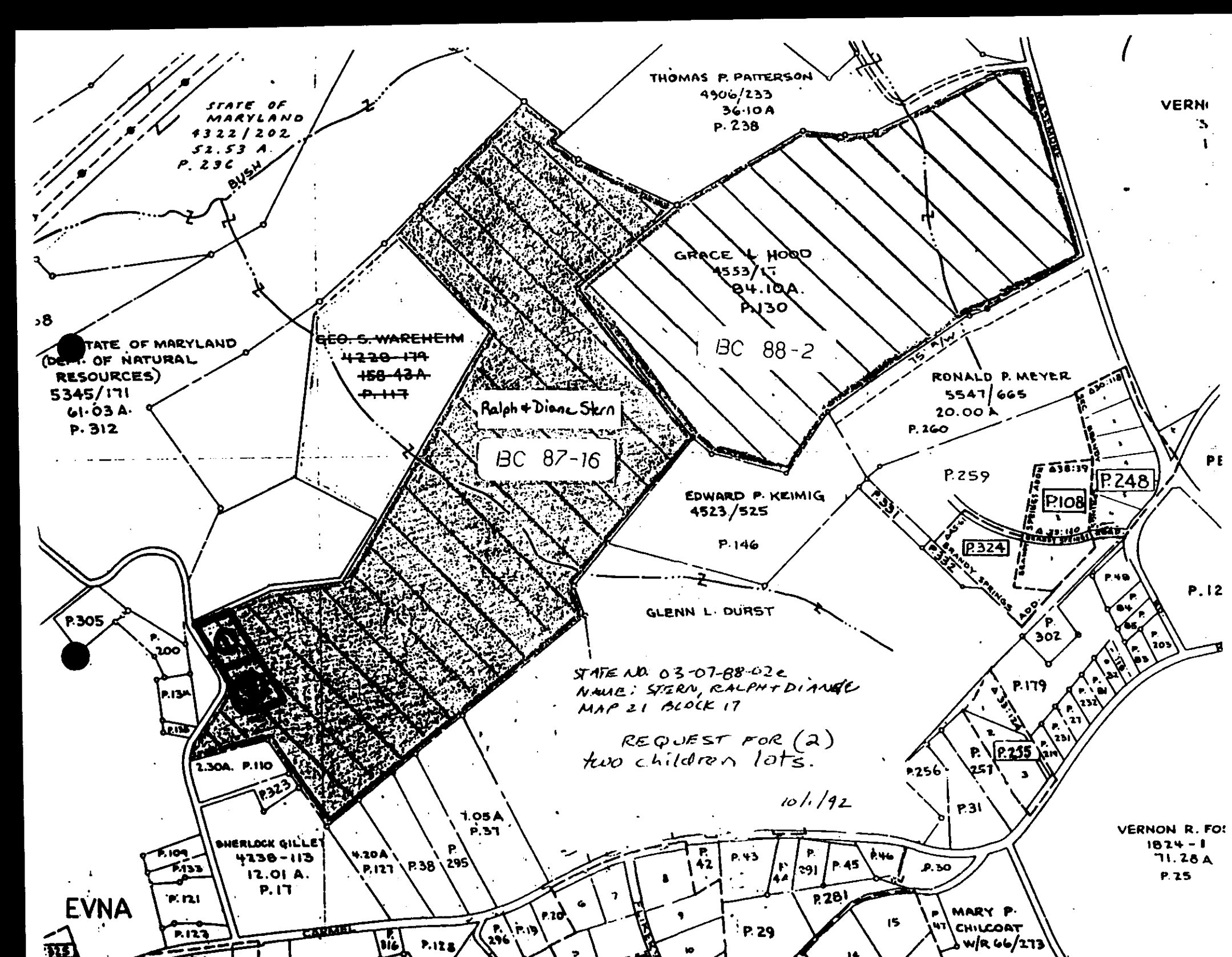
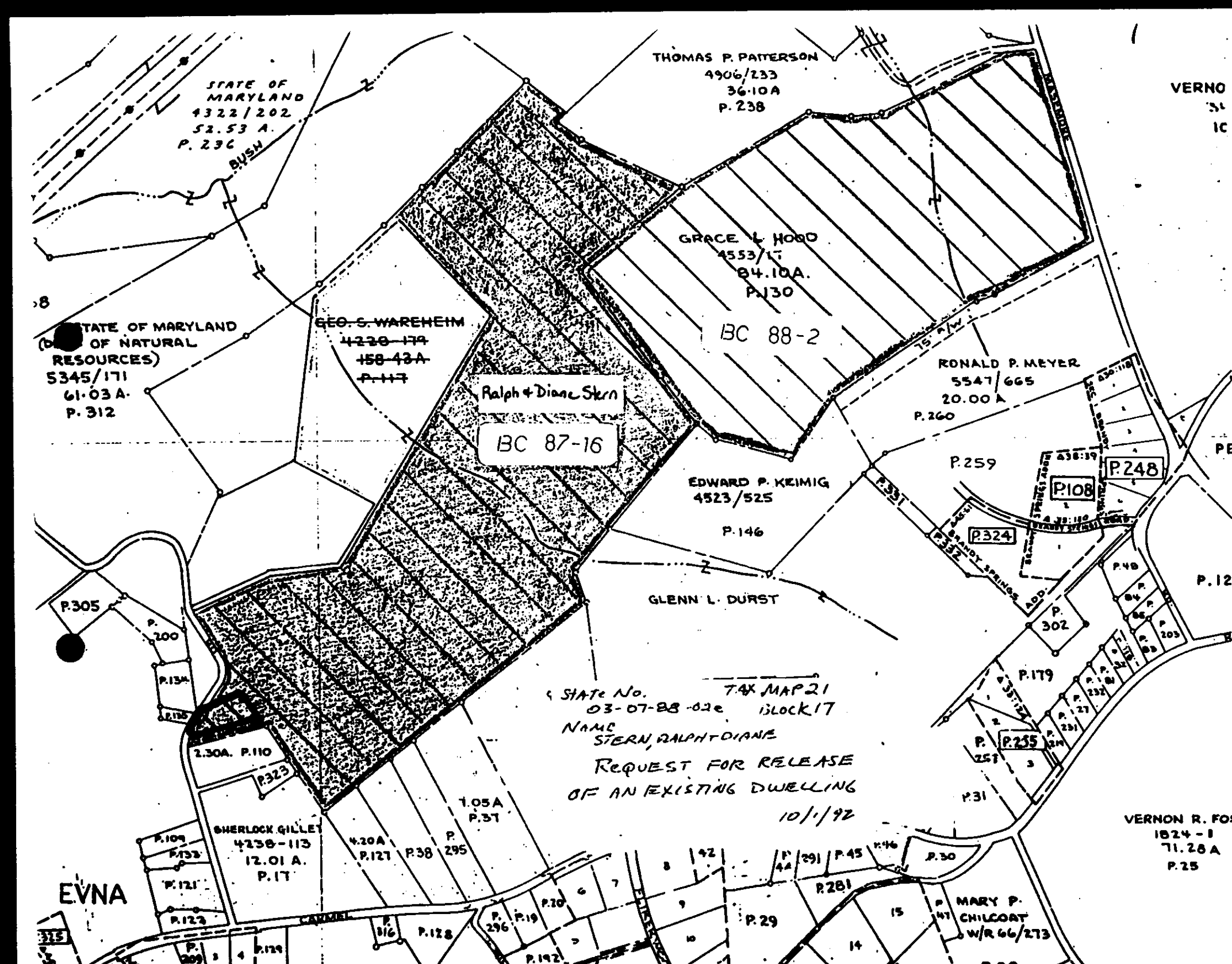
cc: Mr. Paul Scheidt
via mail & via facsimile (#841-5914)

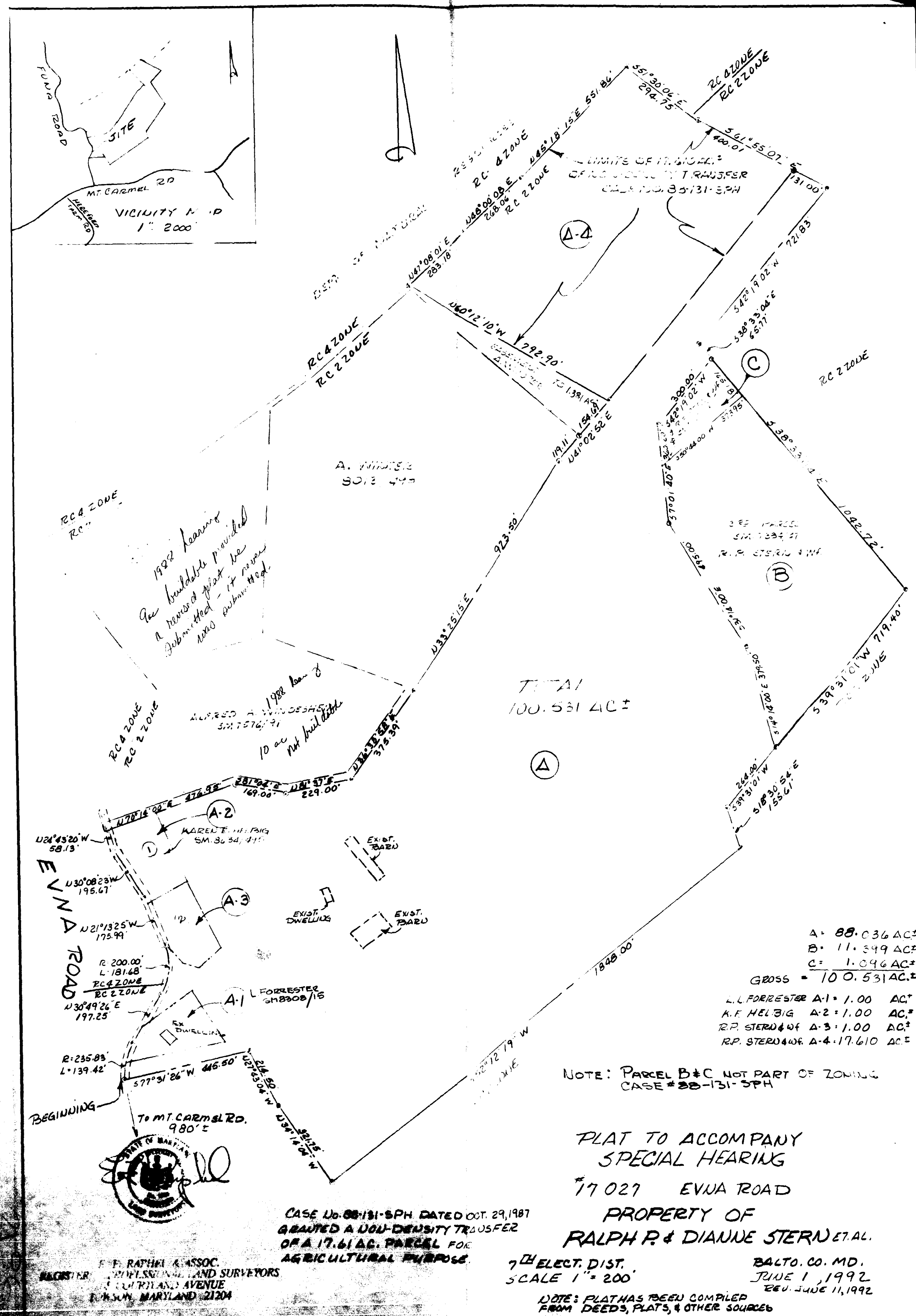
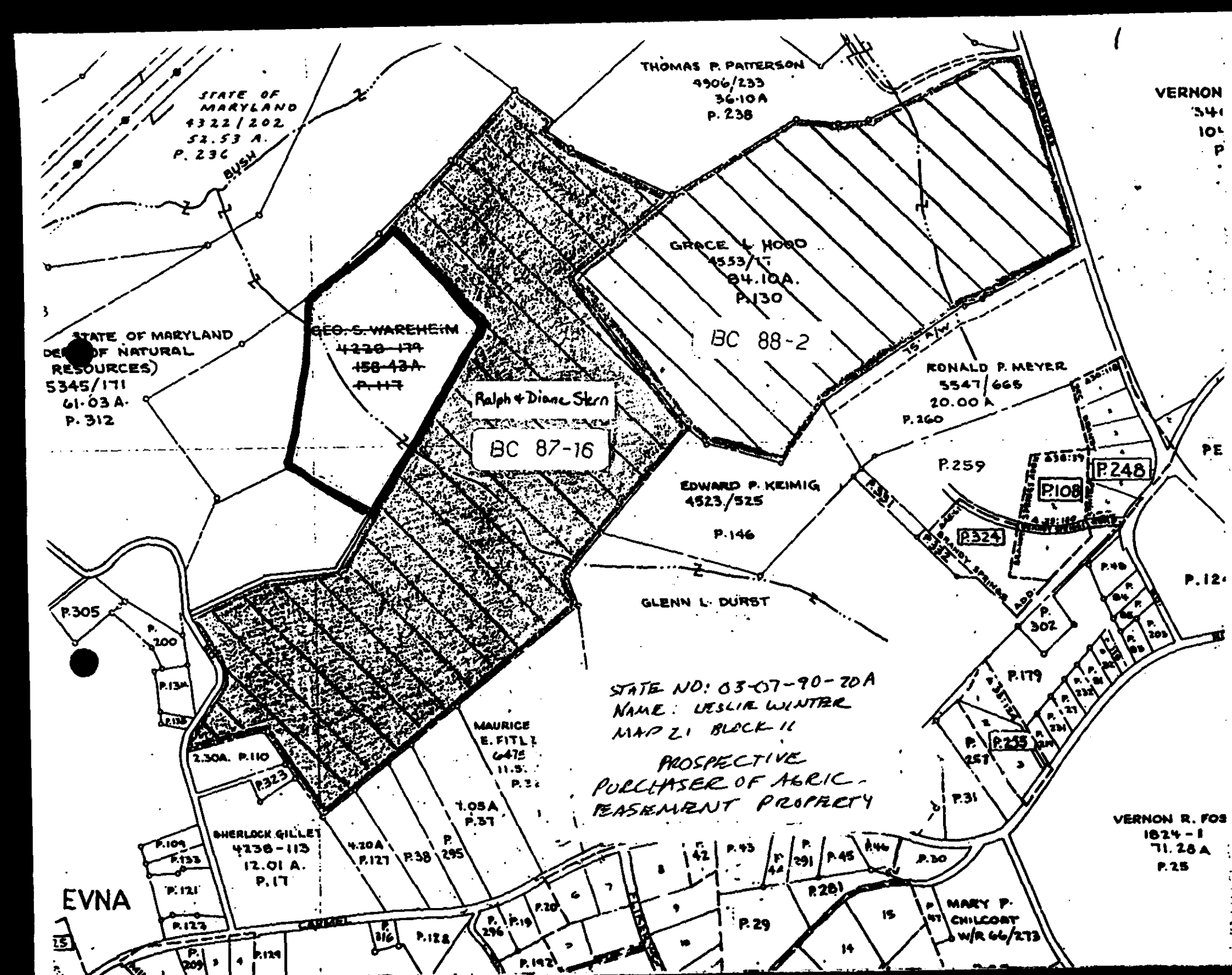
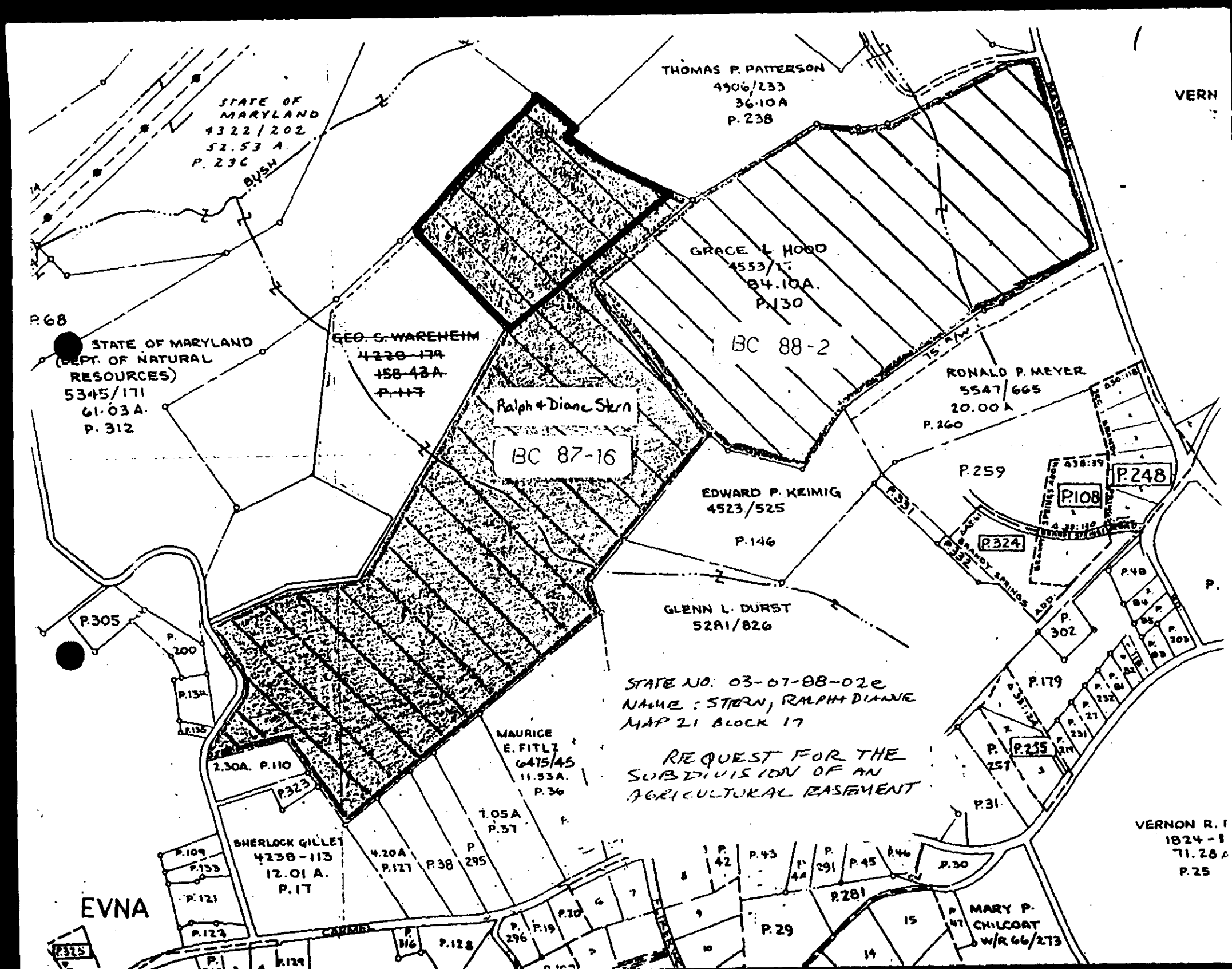
Mr. Wallace Lippincott

OCT 30 1992

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
1 A A WINDESHEIM	17119 EVNA RD
(Wife) 404 PARKER RD	PARKTON, MD 21120
V1704	357-5614
828.6.43	
2 RICHARD M. & MARGARET S. GREEN	17017 EVNA RD
WORK 685-6800	PARKTON, MD 21120
HOME 329-8007	
3 KAREN HELBIG	404 REGESTER AVE.
377-8987	BALTIMORE, MD 21212
4 LINDA FORRESTER	17021 EVNA RD
357-5434	
5 Ken Lentz	7002 BRISTOL RD
821-5467	21212
6 Tom Helbig	17121 EVNA RD
823-7744	Parkton, MD 21120







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: 7/21/92

Ralph and Dianne Stern
17027 Evna Road
Parkton, Maryland 21204

RE: 92-500-SPH (Item 528)
S of c/l Evna Road, 980' W of c/l Mt. Carmel Road
17027 Evna Road
7th Election District - 3rd Councilmanic
Petitioner(s): Ralph P. Stern, et al
HEARING: THURSDAY, AUGUST 6, 1992 at 10:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 61.93 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.

ARNOLD JABLON
DIRECTOR

cc: Gary Huddles, Esq.

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

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:

92-500-SPH (Item 528)
S of c/l Evna Road, 980' W of c/l Mt. Carmel Road
17027 Evna Road
7th Election District - 3rd Councilmanic
Petitioner(s): Ralph P. Stern, et al
HEARING: THURSDAY, AUGUST 6, 1992 at 10:00 a.m. in Rm. 106, Office Building.

Special Hearing to approve an amendment to the site plan and Order in Case 88-131-SPH to allow a non-density transfer, a reconfiguration of property lines, a transfer of one density unit from Parcel B to Parcel A-1, a transfer of a second density unit from Parcel B to Parcel A-3, and an amendment of restrictions 1, 2 and 3 of said Order.

Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Ralph and Dianne Stern
Gary Huddles, Esq.

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

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

111 West Chesapeake Avenue
Towson, MD 21204

July 20, 1992

(410) 887-3353

Gary Huddles, Esquire
P.O. Box 15027
Baltimore, MD 21208

RE: Item No. 528, Case No. 92-500-SPH
Petitioner: Ralph P. Stern, et al
Petition for Special Hearing

Dear Mr. Huddles:

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.

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 25th day of June, 1992

Arnold Jablon
DIRECTOR

Received By:
W. Carl Reichert Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Ralph P. Stern, et al
Petitioner's Attorney: Gary Huddles

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: Dennis A. Kennedy Date: 7/13/92

Project Name: Stonegate at Patapsco (Azreal Property)
File Number: 90476
Waiver Number: ZON DED
Zoning Issue: TE (Waiting for developer to submit plans first)
Meeting Date: 6-1-92

COUNT 1

Baltimore County - Southwestern Bell Mobile Systems
DED STP 533 6-29-92

COUNT 1

✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester 528 7-6-92 NC
DED DEPRM RP STP TE
✓ Mark M. Dunn And Darlene Dunn 534 NC
DED DEPRM RP STP TE
✓ Philip E. English And Deborah B. English 535 NC
DED DEPRM RP STP TE
✓ Clark F. And Ann S. MacKenzie 536 NC
DED DEPRM RP STP TE
✓ Charles J. And E. Mae Sinay 537 NC
DED DEPRM RP STP TE
✓ Amoco Oil Company 538 NC
DED DEPRM RP STP TE
✓ John And Judy Hasler 539 NC
DED DEPRM RP STP TE
✓ Paul J. And Marlene A. Leono 540 NC
DED DEPRM RP STP TE
✓ W. Claymore And Carol H. Sieck 541 NC
DED DEPRM RP STP TE

92-500-SPH AUG 6, 1992 7103-92

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

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

DATE: July 23, 1992

SUBJECT: Ralph and Dianne Stern Property

INFORMATION:
Item Number: 528

Petitioner: Ralph P. Stern

Property Size: 117 acres

Zoning:

Requested Action: Special Hearing

Hearing Date: 7/1

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting an amendment to the site plan and order in case 88-131-SPH, to allow a non density transfer, a reconfiguration of property lines, a transfer of one density unit from Parcel B to Parcel A-1, a transfer of a second density unit from Parcel B to Parcel A-3 and an amendment of restrictions 1,2, and 3 of said order.

The Office of Planning and Zoning in coordination with the Department of Environmental Protection and Resource management recommends that the comments provided by Wallace Lippincott, Program Administrator, Agricultural Preservation Program, should take precedence.

Prepared by: Francis Morsey

Division Chief: Eric McDaniel

FM/EMC:rdn

528ZAC.JM/ZAC1

RECEIVED
JUL 28 1992
ZONING OFFICE

20 - Wimblev

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: Kathy J. Family Date: 7/10/92

Project Name: Stonegate at Patapsco (Azreal Property)
File Number: 90476
Waiver Number: ZON DED
Zoning Issue: TE (Waiting for developer to submit plans first)
Meeting Date: 6-1-92

COUNT 1

✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester 528 N/C 7-6-92
DED DEPRM RP STP TE
✓ Mark M. Dunn And Darlene Dunn 534 N/C
DED DEPRM RP STP TE
✓ Philip E. English And Deborah B. English 535 N/C
DED DEPRM RP STP TE
✓ Clark F. And Ann S. MacKenzie 536 N/C
DED DEPRM RP STP TE
✓ Charles J. And E. Mae Sinay 537 N/C
DED DEPRM RP STP TE
✓ Amoco Oil Company 538 N/C
DED DEPRM RP STP TE
✓ John And Judy Hasler 539 N/C
DED DEPRM RP STP TE
✓ Paul J. And Marlene A. Leono 540 N/C
DED DEPRM RP STP TE
✓ W. Claymore And Carol H. Sieck 541 W/C
DED DEPRM RP STP TE

COUNT 9
FINAL TOTALS
COUNT 10

Baltimore County Government
Fire Department

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

JULY 13, 1992

(410) 887-4500

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

RE: Property Owner: RALPH P. STERN AND DIANNE L. STERN & KAREN E. HELBIG AND LINDA L. FORRESTER

Location: 17027 EVNA ROAD

Item No.: + 528 (CAM) Zoning Agenda: JULY 6, 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 Arnold Noted and Approved
Planning/Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED

IN THE MATTER OF * BEFORE THE ZONING
17027 Evna Rd. near Mt. * COMMISSIONER OF
Carmel Rd. Ralph Stern * BALTIMORE COUNTY
Petitioner * CASE NO. 92-500-SPH Item # 528
* * * * *

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Catherine Milton
Zoning Office
County Office Bldg. Towson

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only; (X) Personally appear and produce documents or objects;

at Room 118, Old Courthouse
(Place where attendance is required)

on Wednesday the 18th day of November, 1992,
19____, at 1:00 PM.

YOU ARE COMMANDED TO produce the following documents or objects: All memos, correspondence, plats, site plans, letters, recommendations, and other documents relative to the above matter.

J. Carroll Holzer, Esq. 305 W. Chesapeake Ave. #105 Towson
(Name of Party or Attorney, Address and Phone Number requesting subpoena) 825-6961

Date November 13, 1992

Zoning Commissioner

SHERIFF'S RETURN

() Served and copy delivered on date indicated below.

() Unserved, by reason of _____

Date: _____ Fee: \$ _____

SHERIFF

Department of Recreation and Parks
Development Review Committee Resolution
Authorized signature _____ Date 7/14/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester	528	No Comments	7-6-92
DED DEPRM RP STP TE			
✓ Mark M. Dunn And Darlene Dunn	534	No Comments	
DED DEPRM RP STP TE			
✓ Philip E. English And Deborah B. English	535	No Comments	
DED DEPRM RP STP TE			
✓ Clark F. And Ann S. Mackenzie	536	No Comments	
DED DEPRM RP STP TE			
✓ Charles J. And E. Mae Sinay	537	No Comments	
DED DEPRM RP STP TE			
✓ Amoco Oil Company	538	No Comments	
DED DEPRM RP STP TE			
✓ John And Judy Hasler	539	No Comments	
DED DEPRM RP STP TE			
✓ Paul J. And Marlene A. Leone	540	No Comments	
DED DEPRM RP STP TE			
✓ W. Claymore And Carol H. Steck	541	No Comments	
DED DEPRM RP STP TE			

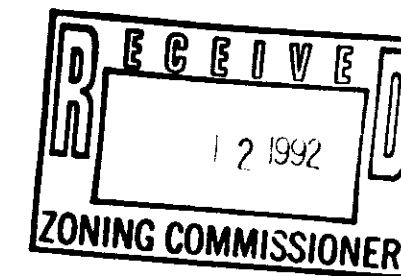
COUNT 9
FINAL TOTALS
COUNT 9
*** END OF REPORT ***

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

TO: Lawrence Schmidt, Zoning Commissioner DATE: November 12, 1992

FROM: Wallace S. Lippincott, Jr.,
Program Administrator
Agricultural Preservation Program

SUBJECT: Property of Ralph & Dianne Stern, SpM 92-528



Since the previous comment letter of July 22, 1992, the Stern's have appeared before the Baltimore County Agricultural Land Preservation Advisory Board. This issue is now scheduled to go before the Maryland Agricultural Land Preservation Advisory Board of Trustees on November 24, 1992.

The local advisory board met on October 15, 1993 and made its recommendations in response to requests made by the Stern's. The enclosed requests and local board recommendations have been submitted to the State Foundation. The Foundation awaits a response on whether these requests can meet the rules and regulations of Baltimore County.

As indicated in my July 22, 1992 comment on this case, the property owner's sold an easement on this property to the Agricultural Land Preservation Program (citations of regulations and a copy of the easement was provided). In accordance with the rights provided under that easement, they have requested an exclusion of an existing dwelling, release of two children lots and an agricultural subdivision.

The requests for the release of the pre-existing dwelling and two children lots is in accordance with Sec. 2-513 of the Ann. Code of Md. The Baltimore County Code Sec. 26-368 adopts these provisions. Furthermore with respect to these provisions that provide for additional subdivision, the BCZR clearly state in Sec. 1A01.4 that use and development of land within the agricultural program shall be pursuant to Sec. 2-513 and specifically acknowledge that it should in cases of conflict. The right to subdivide the property for any purposes is precluded in accordance with the easement except upon written approval of the grantee of the easement (Foundation).

The Baltimore County Agricultural Land Preservation Advisory Board reviewed these requests for whether they were allowable within the context of the easement and as to what would be impact on the farm. Their conclusions are summarized below:

Lawrence Schmidt, Zoning Commissioner
November 12, 1992
Page 2

1. Request for exclusion of existing dwelling (Forrester Property) was reviewed and recommended. The board had recommended approval of the request to create this tenant building on July 1, 1987 but subject to the condition that the log building be designated the main dwelling and that it not be subdivided from the property. The Stern's have offered to forgo the right to release this building and to forgo the right to request the separate release of an owner's lot. Both of which releases are permitted by the easement. The Board recommended approval of this request subject to these restrictions. The Board did not recommend the expunging of the Forrester deed transfer as a condition of the recommendation.

2. The request for two children's lots was reviewed and recommended. Alternative locations were discussed, however, the locations requested were those previously recommended by the Board. Furthermore, they both have been tested for septic and have had wells dug. The Board did not recommend the expunging of the Karen Helbig deed transfer as a condition of the recommendation.

3. The request for the agricultural subdivision was recommended for approval. The applicant indicated that this portion of the property is not being used in her farming operation. Furthermore, her farm operation is breeding, raising and training of horses and a large part of the value in the farm is in the capital improvements of the barns, etc. The Board recommended that this transfer occur only subject to the condition that the receiving landowner donate his development rights of otherwise enter into an easement on his property which is currently in an agricultural district. Enclosed is the landowner's reply to that recommendation.

In closing the concerns that the adjacent landowners have regarding the potential for sale of the children's lots is a concern that is not widely abused. However, the Maryland Agricultural Land Preservation Board of Trustees has adopted policies which have not yet been made into law which impose tighter restrictions.

From a program administrators standpoint, it may be in the interest of the County to consider recommending to the State that the policies governing children lots be imposed on this property. This action would give both the County and the State greater assurance that the regulations are met.

STERN/TXTSBP

MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
PROPOSALS TO ELIMINATE LOOPHOLES
RE: OWNER'S AND CHILDREN'S LOT EXCLUSIONS

- Define "use" to mean that the owner or child will live in the dwelling as "primary residence".
- Landowner or child must live in the dwelling for at least one year.
- Construction of the dwelling must begin within one year from date the release document is recorded in the land records. If construction has not begun, a revision clause will go into effect and the approval will be null and void meaning the lot will be placed back under easement restrictions.
- NOTE: Foundation will approve the concept of an owner's or children's lot release but the actual release will not be prepared until landowner can show evidence that they are ready to build within one year.
- Landowner's with multiple district/easement properties will only be allowed one owner's lot and his/her children will only be allowed 1 children's lot (not to exceed set density) regardless of the number of properties owned. Landowner will be asked to sign a waiver agreeing to these stipulations.
- Children must be of legal age before the Foundation will release a lot in their name. Landowner should document their intentions or desire to release lots for minors in the form of a letter to the Foundation, update their Last Will and Testament, etc. in order to provide for lots intended for children who are not yet of legal age. This will serve as a type of protection, in the event the landowner dies before requesting Foundation approval for children's lots.
- Foundation may approve lot exclusions based on a density of one lot per 20 acres or portion thereof. However, no lot, under any circumstances, may be released on properties less than 6 acres. In addition, no lots may be released on properties less than 20 acres if a dwelling already exists on the land. The Foundation may approve the release of 1 lot (childrens/owners) on properties less than 20 acres, but greater than 6 acres, only if there are no existing dwellings on the land.
- If a landowner or a landowner's child changes their mind after recording a released lot and they want to put the lot back under easement restrictions, they may do so as long as they reimburse the Foundation for that 1 - 2 acre lot. Landowner may be responsible for additional costs to verify clear title, update title insurance, obtain survey if necessary, amendment to the Deed of Easement, etc. Foundation will pay for re-recording of the previously recorded lot.

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 13, 1992

Gary Huddles, Esquire
P.O. Box 15027
Baltimore, Maryland 21208

Howard L. Alderman, Jr., Esquire
Levin and Gann, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Case No. 92-500-SPH
Petition for Special Hearing
E/S Evna Road, 980 ft. N of Mt. Carmel Rd.
Ralph P. Stern, et ux, et al, Petitioners

Gentlemen:

Confirming recent telephone conversations, it has been agreed upon that the above captioned case will be scheduled for public hearing on Wednesday, November 18, 1992 at 1:00 P.M. in Room 118 of the Old Court House, 400 Washington Avenue, Towson, Maryland 21204.

Also, please be advised that the Petitioners, in this matter, will bear the cost for the posting of a sign on said property.

By a copy of this letter, all interested parties have been notified of the November 18th date.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mn

cc: Karen E. Helbig/Linda L. Forrester
Ralph P. and Dianne L. Stern
Tony Winter
Kenneth Lentz
Richard and Margaret Green
A.A. Mindesheim
cc: Gwendolyn Stephens, Docket Clerk, Office of Zoning Administration

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

TO: Larry Schmidt, Zoning Commissioner DATE: July 22, 1992

FROM: Wallace S. Lippincott Jr.,
Program Administrator
Agricultural Preservation Program

SUBJECT: Property of Ralph and Dianne Stern
SpM 92-528

This property (100.816 acres) was approved by the Maryland Agricultural Land Preservation Foundation as an Agricultural District in July, 1988 (File #03-07-98-02). An easement extinguishing the development rights on 98.816 acres was purchased by the Foundation on August 18, 1989.

Baltimore County adopted this program and the regulations are in Baltimore County Code Article VI. Agricultural Land Preservation, Section 26-366 to Section 26-372. These regulations adopt the State program in accordance with the Annotated Code of Maryland, Agricultural Article, Title 2, Subtitle 5, § 2-501 et seq. as amended.

This program in essence creates a permanent easement over agricultural land that precludes further development. The use and development of lands in the program are governed by the State statutes as provided for in BCZR 1A01.4, Maryland Agricultural Land Preservation Program.

Under the terms of the easement, pre-existing dwellings can be excluded upon approval by the Foundation. The Forrester property (8308/15) had a tenant dwelling on the property prior to easement sale. As noted in the enclosed letter by the Foundation Executive Director, this property may be excluded, but only upon Foundation approval. The separate ownership of this existing tenant building without Foundation approval may constitute a violation of the State agreement.

The issue is further complicated by other actions taken by the Sterns as documented in the September 23, 1991 letter from Paul Solomon to the Sterns. There is no record in the files of a response from the Sterns to this letter.

It appears to me that the Sterns must resolve some of these issues before any action can take place. As a first step they should respond to Paul Solomon's letter. Following that, the Baltimore County Agricultural Land Preservation Board can review requests for lot exclusions under the auspices of the Maryland Agricultural Land Preservation Foundation. These recommendations will then be given to the State Foundation for their action.

Memo to Larry Schmidt
July 24, 1992
Page 2

Given the above circumstances, it may be advisable to consider postponing the Special Hearing. A meeting with the Sterns, a representative of the Zoning Office, and myself could be held to determine how to proceed in a manner to resolve the issues of the landowner, County, and State.

WSL:ju

cc: Mr. Paul Scheidt
Mr. Mark Daneker
Mr. J. James Dieter

STERNI/WQAG

RECEIVED
JUL 27 1992
ZONING OFFICE

92-500-SPH 8-6-92 725/22
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: July 30, 1992

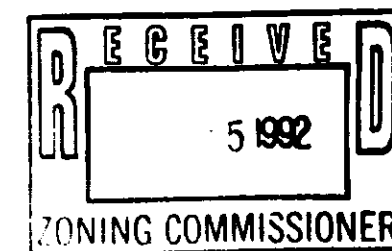
FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item 528
17027 Evna Road
Zoning Advisory Committee Meeting of July 6, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

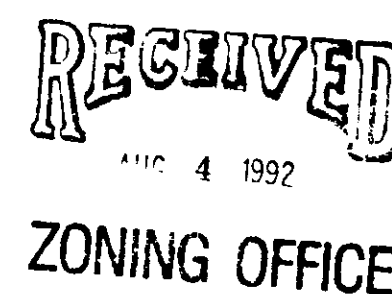
Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Also see attached comments from Mr. Wallace S. Lippincott, Jr.



JLP:sp

JABLON/S/TXTSBP



Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

August 14, 1992

(410) 887-3733

Mr. Gary Huddles
Suite 250
Commercentre East
1777 Reisterstown Road
P. O. Box 15027
Baltimore, Maryland 21208

Re: Ralph & Dianne Stern, Sph 82-528

Dear Mr. Huddles:

Please find enclosed a suggested course of actions to resolve the Stern's situation arising from our meeting on August 7, 1992. I have made some minor changes to some of the proposals and a more significant change to item 1. Please respond as to whether these are acceptable to your client. In addition, it is important that the Farm Credit Bank as co-grantor of the covenants be agreeable to whatever solution is decided upon.

First, let me reiterate a recommended course of procedures. As indicated in my July 22, 1992 letter to the Zoning Commission, the requests made in the petition must go before the Baltimore County Agricultural Land Preservation Board and the Maryland Agricultural Land Preservation Foundation. It is advisable that this be done prior to the Zoning hearing. To move things along in a timely manner, it is essential that the Stern's furnish me with a letter requesting the exclusions, etc by August 28, 1992 at the latest. This is so that I can get the request on the September agenda of the Maryland Agricultural Land Preservation Foundation.

Below are my suggestions for Mrs. Stern to resolve the issues we spoke of on August 7, 1992. Please bear in mind that although I have consulted with a variety of people, the final decision on these matters is the recommendation of the County Agricultural Board and approval of the State Foundation Board.

Thank you for your assistance in this matter. Do not hesitate to call me at 887-2904 if you have any questions.

Respectfully,

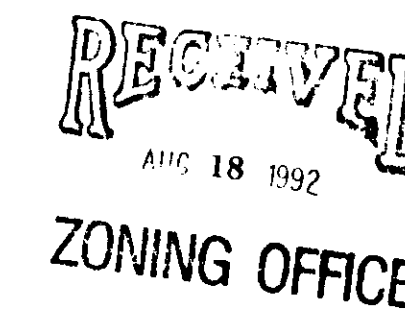
Wallace S. Lippincott, Jr.
Program Administrator
Agricultural Land Preservation Program

WSL:ju
cc: Paul Scheidt
Mark Daneke

Mr. Gary Huddles
August 14, 1992
Page 2

- (1) Request of the Foundation through the Local Baltimore County Board that the Forrester property 8308/15 which was subdivided in violation of the easement agreement (8258/291) be released from the easement. As a condition of this release, require the existing dwelling on the remainder of the property be designated as the owners building and restricted by the Foundation from any rights of release. This is in accordance with the tenant building recommendation of the Baltimore County Agricultural Land Preservation Board dated 7/1/87 (see enclosure).
- (2) Convey parcel A-2 which was deeded to Karen Helbig in violation of the easement (8258/291) back to Mrs. Stern. Submit the proof of that action, new deed, tax map, plat with proposed location of a children's lot to Maryland Foundation through the Baltimore County Board. Also, include an affidavit stating the requested lot would be for the child's use only to build a house for that child's use. Once built, the house and property will remain in the child's ownership for a minimum of one year.
- (3) Any request for the subdivision and sale of parcel indicated on the June 11, 1992 plat as 17.610 acres shall be made to the Maryland Agricultural Land Preservation Foundation through the Baltimore County Board. The request will include a written statement, deeds, a plat and other documentation to provide justification for the request.
- (4) A letter will be submitted that indicated the Stern's are in full compliance with the Zoning Commission's order for Sph 88-131. This is necessary because the Maryland Agricultural Land Preservation Foundation requires certification that the above requests can meet Baltimore County regulations.

HUDDLES/MQAG



Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

October 19, 1992

(410) 887-3733

Mr. Paul Scheidt, Executive Director
Maryland Agricultural Land Preservation Foundation
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Re: Ralph & Dianne Stern
File No. 03-07-88-02
17021 Evna Road
Forrester Property

Dear Mr. Scheidt:

The Baltimore County Agricultural Land Preservation Advisory Board voted on 10/15/92 at its scheduled meeting to recommend approval of the request to exclude this preexisting dwelling subject to the conditions listed below. The exclusion of this lot will have no effect on the agricultural operation of the farm. It has fee simple access to Evna Road.

1. Forgo any right to request a release of an owner's lot.

2. Forgo any right to request the release of the log cabin as a preexisting dwelling.

As indicated in the request letters, the petitioner has requested the above conditions. Furthermore, these conditions must be recorded in the land records prior to the release of this lot.

Thank you for your consideration of this matter. I will be happy to provide any additional information you may need.

Respectfully,

Wallace S. Lippincott, Jr.
Program Administrator
Agricultural Land Preservation Program

WSL:ju
SCHEIDT/MQAG

Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

October 19, 1992

(410) 887-3733

Mr. Paul Scheidt, Executive Director
Maryland Agricultural Land Preservation Foundation
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Re: Subdivision of Easement
Ralph & Dianne Stern
File No. 03-07-88-02

Dear Mr. Scheidt:

The Baltimore County Agricultural Land Preservation Advisory Board voted on 10/15/92 at its scheduled meeting to recommend approval of the agricultural subdivision of this property subject to the following conditions:

1. It be transferred to the Winter Property which is in an agricultural district, file no 03-07-90-20A.
2. That the Winter's donate their development rights or otherwise enter into an easement on their District property.

The subject parcel has Class II and III soils, but is not currently in production. It lies between the Winter property and State owned watershed property. Although the subdivision will reduce the total amount of tillable land from the Stern property, it is not necessary for her current agricultural operation.

Thank you for your consideration of this matter. I will be happy to provide any additional information you may need.

Respectfully,

Wallace S. Lippincott, Jr.
Program Administrator
Agricultural Land Preservation Program

WSL:ju

SCHEIDT/MQAG

Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

October 19, 1992

(410) 887-3733

Mr. Paul Scheidt, Executive Director
Maryland Agricultural Land Preservation Foundation
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

Re: Children's lots
Ralph & Dianne Stern
File No. 03-07-88-02

Dear Mr. Scheidt:

The Baltimore County Agricultural Land Preservation Advisory Board voted on 10/15/92 at its scheduled meeting to recommend approval of two children's lots on the subject property. These lots were approved at a previous Board meeting but not passed on to the Foundation Board for its decision.

These two lots will be located on Class II soils but they will not interfere with the existing stabling and horse training operation. The lots will have road frontage.

Mrs. Stern has indicated that one child, Karen Helbig, is ready to begin building in the near future. The other child, David Marx, is not planning to build in the near future. She has also indicated both are of legal age and are her children.

Thank you for your consideration of this matter. I will be happy to provide any additional information you may need.

Respectfully,

Wallace S. Lippincott, Jr.
Program Administrator
Agricultural Land Preservation Program

WSL:ju

SCHEIDT/MQAG

TO: Arnold Jablon, Director
Zoning Administration & Development Management

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

DATE: July 23, 1992

SUBJECT: Ralph and Dianne Stern Property

INFORMATION:
Item Number: 1528

Petitioner: Ralph P. Stern

Property Size: 117 acres

Zoning:

Requested Action: Special Hearing

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting an amendment to the site plan and order in case 88-131-SPH, to allow a non density transfer, a reconfiguration of property lines, a transfer of one density unit from Parcel B to Parcel A-1, a transfer of a second density unit from Parcel B to Parcel A-3 and an amendment of restrictions 1, 2, and 3 of said order.

The Office of Planning and Zoning in coordination with the Department of Environmental Protection and Resource Management recommends that the comments provided by Wallace Lippincott, Program Administrator, Agricultural Preservation Program, should take precedence.

Prepared by: Francis Murray

Division Chief: Eric McDermott

FM/EMC:rdn



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

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 9/14/92

(410) 887-3353

Karen E. Helbig and Linda L. Forrester
404 Regester Avenue
Baltimore, Maryland 21212

Ralph Stern and Dianne Stern
17027 Evna Road
Parkton, Maryland 21208

RE:
Case Number: 92-500-SPH
Hearing Date: October 6, 1992

Dear Petitioner(s):

Please be advised that \$ 64.33 is due for advertising of the above 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.

ARNOLD JABLON
DIRECTOR

cc: Gary Huddles, Esq.

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
E/S Evna Road, 980' N of * ZONING COMMISSIONER
Mt. Carmel Road * OF BALTIMORE COUNTY
7th Election District *
3rd Councilmanic District *
Case No.: 92-500-SPH

ENTRY OF APPEARANCE

Madame Clerk:

Please enter the appearance of the undersigned counsel in the above-captioned matter, on behalf of Mr. and Mrs. Kenneth Lentz. The undersigned should be consulted prior to the rescheduling of the hearing on this case and should receive copies of all correspondence related thereto.

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.
LEVIN & GANN, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204
(410) 321-0600

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of September, 1992, a copy of the foregoing Entry of Appearance was mailed, postage prepaid, First Class United States Mail to: Gary Huddles, Esquire, P.O. Box 15027, Baltimore, MD 21208.

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

19 (CONTINUED) SAMPLE BALTIMORE COUNTY, MARYLAND

TO BE SUPPLIED BY
THE APPLICANT

INTER-OFFICE CORRESPONDENCE

TO Mr. John J. Dillon Jr., Planner in Charge
Agricultural Land Preservation Advisory
Board for Baltimore County, Planning Office
Room 406, New Courts Building, Towson, Md.

FROM Mr. Arnold Jablon, Zoning Commissioner
111 W. Chesapeake Ave. Towson, Maryland

SUBJECT Application for tenant ☒ Dwelling ☐ Trailer
Election District 17
Owner: RALPH P. & DIANNE LEARS 584 phone 343-1233
Address: 17021, 17027 EVNA RD. Tax Account
PARKTON, MD 21120 Number
20 00 01 2635

Pursuant to the Zoning Commissioner's policies RM-13 and RM-19, this office is officially requesting verification of the legitimacy of a farm use and the need for an on-site full time tenant farmer on the above referenced property. In the judgement of the Zoning Supervisor and/or the Zoning Commissioner, in consideration of your findings, a special hearing may be required before the Zoning Commissioner prior to any zoning approvals. We are submitting a copy of:

1. the signed and notarized tenant affidavit
2. the deed to the property
3. the state tax map for that area, 21 17 1346

We appreciate your verification and/or recommendations concerning this property.

LEGITIMACY OF A FARM USE

☒ Yes ☐ No ☐ Comment Land RC2, Agricultural Assessment, Farming operation consists of approximately 45 horses, 51 acres presently in crop and will be converted to pasture land. 19 acres will be planted in alfalfa.

NEED FOR AN ON-SITE TENANT FARMER

☒ Yes ☐ No ☐ Comment The Advisory Board approves the application for a tenant dwelling contingent upon the proposition that the existing dog dwelling will constitute the main dwelling now and in the future. The Advisory Board will not approve an application for an additional tenant dwelling or main dwelling beyond two dwellings.

Signed: *Jimmy V. Guy* Date: 7-1-87

Representative of the Agricultural
Land Preservation Board for
Baltimore County

Serving People and Maryland's Number One Industry - Agriculture

William Donald Scheeler
Governor
Melvin A. Swineberg
Lt. Governor

Wayne A. Cawley, Jr.
Secretary
Robert L. Walker
Deputy Secretary

STATE OF MARYLAND DEPARTMENT OF AGRICULTURE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION August 24, 1990

Ralph and Dianne Stern
17027 Evna Road
Parkton, Maryland 21120

RE: MALPF File No. 03-07-88-02

Dear Mr. and Mrs. Stern:

This correspondence concerns the agricultural preservation easement the Foundation purchased on your 100.816 acre farm located in Baltimore County.

The Foundation has recently learned that Linda L. Forrester has purchased a 1.00 acre parcel from this 100.816 acre tract improved by a dwelling that existed prior to the sale of the easement. If this is the case, it would be a violation of the Deed of Easement, which prohibits any subdivision of this tract without the Foundation's prior approval. However, since this 1.00 acre parcel has been improved by a pre-existing dwelling, it may be possible to have this 1.00 acre parcel removed from the easement's restrictions. In order to do this you must obtain the Foundation's approval.

Please contact me or Mrs. Iva Prantz about this matter as soon as possible at (301) 841-5860.

Sincerely,

Paul V. Scheldt
Paul V. Scheldt
Executive Director

PVS:if

cc: Paul Solomon
Settlement File

50 HARRY S. TRUMAN PARKWAY, ANNAPOLIS, MARYLAND 21403
(301) 841-5700
Baltimore/Annapolis Area
(301) 281-8106
Washington Metro Area

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

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 92-500-SPH
LEGAL OWNER: Ralph P. Stern, et al
LOCATION: 17027 Evna Road

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

TUESDAY, OCTOBER 6, 1992 AT 9:00 A.M.

IN THE BALTIMORE COUNTY ROOM 118, OLD COURTHOUSE,
100 WASHINGTON AVENUE, TOWSON, MARYLAND 21204.

Laurence S. Scheldt
Laurence S. Scheldt

ZONING COMMISSIONER
BALTIMORE COUNTY

cc: Ralph P. Stern
Karen E. Helbig/Linda L. Forrester
Gary Huddles Esq.
Tony Winter
Ken Lentz
Richard & Margaret Green
A A Windesheim

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 24, 1992

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-500-SPH
PETITIONER(S): RALPH P. STERN, ET AL
LOCATION: 17027 EVNA ROAD

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON OCTOBER 6, 1992, HAS BEEN POSTPONED AT THE REQUEST OF HOWARD L. ALDERMAN, ATTORNEY FOR THE PROTESTANT, KENNETH LENTZ.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Carl J. Jablon

Arnold Jablon
Director

cc: Howard L. Alderman, Esq.
Gary Huddles, Esq.
Karen E. Helbig/Linda L. Forrester
Tony Winter
Kenneth Lentz
Richard & Margaret Green
A A Windesheim

AJ:ggg

State of Maryland
Department of Agriculture
Maryland Agricultural Land Preservation Foundation
DISTRICT AGREEMENT

This Agricultural Land Preservation District Agreement, dated June 16, 1988, is between the Maryland Agricultural Land Preservation Foundation (Foundation), a unit of the State of Department of Agriculture, and RALPH P. STERN, DIANNE L. STERN.

I/We the landowner(s) of the land described below agree with the Foundation pursuant to Agriculture Article, §2-509, Maryland Annotated Code, to maintain the land in agricultural use and in an agricultural preservation district for 5 years from the date this agreement is recorded among local county land records. It is agreed that the landowner(s) may terminate this district upon written notice to the Foundation one year in advance of the termination date.

The Foundation may purchase a farmland preservation easement from the landowner(s) encumbering the land described in this district agreement, provided the landowner(s) have not violated this agreement and the land qualifies according to State law and Foundation regulations.

The landowner(s) agree(s) that this district creates an encumbrance upon the land, and binds future owners, heirs, successors or assigns and precludes the subdivision and development of the land for residential, commercial or industrial purposes, or the construction of buildings or structures on the land other than farm buildings; however, upon written application to the Foundation, subject to local zoning and subdivision regulations, the landowner who originally established the district may convey one acre or less to each of his children for the purpose of constructing one dwelling intended for his or her use. Also, the landowner(s) may construct housing for tenants fully engaged in operation of the farm, but this shall not exceed one tenant house for each 100 acres. The landowner agrees that any lots excluded while the land is in a district will not be further sub-divided and will be deducted from the landowner's total eligible lots for himself or his children after an easement is sold to the Foundation.

The Foundation shall not offer to purchase a development rights easement from the landowner if the land in a district is less than 100 acres unless: (1) it is contiguous to land in a district of less than 100 acres; or (2) the land in a district is less than 100 acres but together total 100 acres, and all landowners apply, receive offers and accept at the same time the Foundation's offer to purchase their easements.

The subject property contains 100.816 total acres, more or less as referenced below, located in Baltimore County, Maryland and is described as follows:

Metes and Bounds Description as Attached or Reference to Recorded Deed:
7384147 Survey & Map 144 acres right of way

The landowner(s) hereby certify that the information contained herein is true and accurate to the best of their knowledge.

Ralph P. Stern Date 11/9/87
Dianne L. Stern Date 11/9/87
Wayne A. Cawley, Jr. Date 5-24-88
Lucille Mauler Date 6-16-88
Lucille Mauler Date 11/9/88

Secretary of Agriculture Wayne A. Cawley, Jr.
State Treasurer Lucille Mauler

This District is created by a local ordinance.
DISTRICT FILE NUMBER: 03-07-88-02 (to be assigned by the Foundation)

State of Maryland, County of BALTIMORE, To Wit:
I hereby certify that, on this 16 day of NOVEMBER 19 87, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared RALPH P. STERN, DIANNE L. STERN, known to me (or satisfactorily proven) to be the landowner(s) named in the foregoing agreement and acknowledged that they executed the same for the purposes therein contained and, in my presence, signed and sealed the same.

As Witness my hand and Notarial Seal.

My Commission Expires: July 1992

State of Maryland, County of Anne Arundel, To Wit:
I hereby certify that, on this 24 day of May 19 88, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared WAYNE A. CAWLEY JR., known to me (or satisfactorily proven) to be the Chairman of the Board of Trustees of the Maryland Agricultural Land Preservation Foundation and acknowledged that he executed the same in that capacity and for the purposes therein contained and, in my presence, signed and sealed same.

As Witness my hand and Notarial Seal.

My Commission Expires: 7-1-90

State of Maryland, County of Anne Arundel, To Wit:
I hereby certify that, on this 24 day of June 19 88, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared WAYNE A. CAWLEY JR., known to me (or satisfactorily proven) to be the Secretary of the Department of Agriculture, and acknowledged that he executed the same in that capacity and for the purposes therein contained and, in my presence, signed and sealed same.

As Witness my hand and Notarial Seal.

My Commission Expires: 7-1-90

State of Maryland, County of Anne Arundel, To Wit:
I hereby certify that, on this 24 day of June 19 88, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Lucille Mauler, known to me (or satisfactorily proven) to be the Treasurer of the State of Maryland, and acknowledged that he executed the same in that capacity and for the purposes therein contained and, in my presence, signed and sealed same.

As Witness my hand and Notarial Seal.

My Commission Expires: 7-1-90

APPLICATION FOR REBID
BALTIMORE COUNTY PLANNING
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

Building Address: 17021, 17027 EVNA RD. PARKTON, MD 21120
Owner: RALPH P. STERN, ET AL
Building Address: 17021, 17027 EVNA RD. PARKTON, MD 21120
Owner: RALPH P. STERN, ET AL
Building Address: 17021, 17027 EVNA RD. PARKTON, MD 21120
Owner: RALPH P. STERN, ET AL

The Advisory Board approves the application for a tenant dwelling contingent upon the proposition that the existing dog dwelling will constitute the main dwelling now and in the future. The Advisory Board will not approve an application for an additional tenant dwelling or main dwelling beyond two dwellings.

As Witness my hand and Notarial Seal.

My Commission Expires: 7-1-90

LAND DEVELOPMENT SERVICE, INC.

Civil Engineers & Land Surveyors
45 N. Main Street, Bel Air, MD. 21014
838-0308 893-1838

July 31, 1989

DESCRIPTION
Lot 2, Part of Property of Ralph P. and Dianne L. Stern
Election District 7, Baltimore County, Maryland

Beginning for the same at a point in the center of Evna Road at the beginning of the Eighth Line of the first parcel of land which by deed dated December 31, 1987 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K. Jr. 7384 Folio 47, was conveyed by George S. Wareheim, Jr. and Beryl A. Wareheim to Ralph P. Stern and Dianne L. Stern, his wife, and running thence, binding in the center of Evna Road and binding on part of said Eighth Line (1) North 21' 13' 25" West 154.49 feet, thence leaving the center of said road and running for lines of division now drawn, the following five (5) courses and distances viz.; (2) North 65° 09' 03" East, passing over an iron pipe now set 24.17 feet from the beginning of this course, in all 154.30 feet to an iron pipe now set, (3) South 27° 57' 17" East 258.09 feet to an iron pipe now set, (4) South 46° 43' 54" West 100.00 feet to an iron pipe now set, (5) North 76° 18' 12" West 64.06 feet to an iron pipe now set, (6) North 44° 00' 22" West, passing over an iron pipe now set 51.46 feet from the end of this course, in all 100.79 feet to the place of beginning.

Containing 1.00 acre of land, more or less.

Subject to a 25 feet wide highway widening strip for Evna Road along the First Line of the above described lot.

Being part of the first parcel of land which by deed dated December 31, 1987, and recorded as aforesaid in Liber E.H.K. Jr. 7384 Folio 47, was conveyed by George S. Wareheim, Jr. and Beryl A. Wareheim to Ralph P. Stern and Dianne L. Stern, his wife.

September 22, 1992

Mr. Paul W. Scheidt
Executive Director of Maryland Agricultural
Land Preservation Foundation
50 Harry S. Truman Parkway
Annapolis, Maryland 21401

RE: 17027 Evna Road
LOT 2

Dear Mr. Scheidt:

This letter is to formally apply for an exclusion of a once acre child's lot for our son, David B. Marx.

This lot will be used to build a personal residence for my son, David B. Marx. It will have little or no impact on the agricultural use of the land. It has ample road frontage access.

Enclosed is a description of the lot, as well as a letter of intent.

Thank you for your cooperation in this matter.

Very truly yours,

Dianne L. Stern
Dianne Lears Stern

Ralph P. Stern
Ralph P. Stern

Alfred A. Windeshelm
17119 Evna Road
Parkton, MD 21120
August 11, 1992



Timothy M. Kotroco
Deputy Zoning Commissioner
400 Washington Avenue
Room 113
Towson, MD 21204

Dear Mr. Kotroco:

I am writing to confirm my understanding that we will be contacted by the zoning commissioner's office to determine an acceptable date for us and the other interested parties in the matter of Ralph and Diane Stern's request for a special hearing to make some change in their existing property. This matter had been designated as Case Number 92-500.

I have difficulty comprehending the postponement of the Special Hearing at the last minute by the parties requesting the hearing.

I am not certain as to whether or not all of the interested parties in this matter were present and I request the County to post the property in accordance with the prescribed rules to make certain interested parties are appropriately advised.

Also, to help us sort out the density and the effect on the interested parties, we urge the zoning commission to obtain a plat of the parcels owned by Mr. & Mrs. George Wareheim in December 1986, and reflect thereon the transactions consummated by the Sterns relative to that property and any contiguous property from 1986 to date.

I am available for any input which you feel I can make that is relevant to help resolve these open matters. My office telephone number is (410) 828-6432.

Very truly yours,

Alfred A. Windeshelm
A. A. Windeshelm

AAW/mg

September 23, 1991

Mr. and Mrs. Ralph P. Stern
Candle Valley Equestrian Center
17027 Evna Road
Parkton, Maryland 21120

Dear Mr. & Mrs. Stern:

I am writing in an attempt to advise you as to what steps you must initiate in order to resolve the various issues which you have created by illegally subdividing your farm property in regard to a one acre lot deeded to your sister, Ms. Linda L. Forrester.

First, and most critically, you must undo the illegal subdivision by reuniting the one acre lot subdivided to the large farm parcel from which it was previously attached. As long as the tenant dwelling, which is located on this illegally subdivided one acre, continues to be occupied by individuals who are engaged in the farming operation it can continue to exist. (A copy of a letter dedicated to you from Mr. Arnold Jablon, Director, Zoning Administration and Development Management is attached.)

By deed referenced as Liber 8303/Page 686 dated September 11, 1989, you deed must be expunged since it is illegal to transfer the status of an approved tenant dwelling to another dwelling.

Once the above two issues are resolved, the Baltimore County Agricultural Land Preservation Advisory Board will consider the proposal outlined in your letter of July 24, 1991, a copy of which is attached. In reviewing this proposal, the Board will first seek the opinion of the Office of Planning and Zoning as to the legality of the proposal. The most obvious question in my mind is whether or not the status of an approved tenant dwelling can be changed to that of an owner's lot.

The resolution of the illegal subdivision will resolve the apparent violation with the terms of the recorded Deed of Easement or agreement you executed with the State of Maryland in selling the development rights to the State. (See letter to you from the Maryland Agricultural Land Preservation Foundation dated 7/12/91.) Additionally, it will allow the Baltimore County Office of Planning and Zoning to complete its comments in regard to your

Mr. and Mrs. Ralph Stern
September 23, 1991
Page 2

request for two children lots. These Office of Planning and Zoning comments must be submitted to the Maryland Agricultural Land Preservation Foundation before they will review your request for these two lots. (See attached memo from W. A. Lippincott dated 9/5/91.) As you know, the Baltimore County Agricultural Land Preservation Advisory Board has already recommended approval to the Foundation subject to Baltimore County Office of Planning and Zoning certification that these lots are consistent with County Planning and development requirements. If the Baltimore County Office of Planning and Zoning does not find this subdivision of children lots to be consistent with Baltimore County planning and development requirements, the lots will not be approved by the Foundation.

You will also note from the attached memo to Douglas A. Swann dated 5/21/91 that no building permits will be issued for the children lots until these issues are resolved and until the lots are actually deeded to both children.

It is hoped that this letter will serve to put into perspective for all concerned the various components of this issue. Please call me if you have any questions.

Sincerely,

Paul J. Solomon
Program Administrator
Agricultural Land Preservation Program

PJS:ju

cc: Mr. Mark Daneker
Mr. Michael P. Tanczyn
Mr. Arnold Jablon
Mr. Paul W. Scheidt
Mr. Wallace S. Lippincott
Mr. Linda Forrester
Mr. Catherine Milton, Zoning Office
Mr. Douglas A. Swann
Mr. Jeremy Criss, Montgomery County

October 23, 1989

Mr. and Mrs. Ralph P. Stern
17021, 17027 Evna Road
Parkton, Maryland 21120

Dear Mr. and Mrs. Stern:

Please be advised that the existing log dwelling or main dwelling on your farm on 17021, 17027 Evna Road is to permanently remain as the main dwelling as required under the approved tenant dwelling application dated, May 21, 1987. (See attached tenant dwelling application.)

Additionally, be advised that the tenant dwelling approved by this same application cannot be subdivided from the farm, but must be permanently part of the farm. This tenant dwelling is permitted to exist on the farm provided that the person or persons residing therein is a farmer whose principal vocation will be farming of your farm property. It is not clear that this is the case. Please advise the Board of the current status of the tenant or tenants residing in the tenant dwelling and confirm, if possible, that their principal vocation is farming.

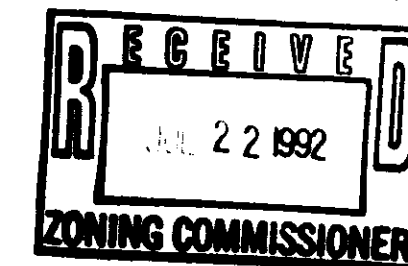
For further information, please contact me at 539-5040 or Mr. Paul J. Solomon at 887-2904.

Sincerely,

Mark J. Daneker
Chairman
Baltimore County Agricultural Land
Preservation Advisory Board

MJD:tjg
Attachment

Alfred A. Windeshelm
17119 Evna Road
Parkton, MD 21120
July 20, 1992



PERSONAL & CONFIDENTIAL

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue
Baltimore, MD 21204

Dear Mr. Schmidt:

I am a resident of Baltimore County, living at 17119 Evna Road, which is the property just north of a property titled to Diane and Ralph Stern. I believe this is the appropriate title on the property; however, it has been moved around several times since I have been there and I am not really sure of how it is titled today.

I have been advised that on August 6, 1992, there will be a hearing listed as Case Number 92-550, requesting zoning variance. I am opposed to any variance on that property, and I would like the opportunity to make oral comments at this hearing. Please enter my name as a protestant and put me on the mail distribution list to receive all notices.

THE PLAT FILED WITH THE PETITION IS INACCURATE

I call your attention to the plat, which has been prepared by E.F. Raphael & Associates that has been filed with the request for zoning variance. The northern boundary of the property runs as part of the southern boundary of my property. However, in between the two parcels, are two fee simple strips running along that whole northern boundary. One is 20 feet wide, which belongs to Mr. & Mrs. Winter and the second is 10 feet wide, which belongs to Mr. & Mrs. Kenneth Lentz. I do not see the Lentz 10 ft wide fee simple strip situated on this plat.

I presently have a 99 year lease agreement on this 10 ft wide fee simple strip, recorded in the Land Records of Baltimore County in Liber 7670, Page 620. This 10 foot strip was leased to me by Mrs. Stern back in 1987 as part of a complicated transaction in which I purchased 9.009 acres from Dr. John Adams, and Mrs. Stern acquired approximately 10 acres from Dr. John Adams in the same transaction. Mrs. Stern represented Dr. Adams, the seller, as well as me, the buyer, in the real estate transaction of acquiring the 9.009 acres and improvements thereon. At the time, Mrs. Stern was working as a real estate agent for Merrill Lynch Realty and she said she was acquiring the 10.048 acre parcel to construct her personal residence.

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
July 20, 1992
Page 2

FAILURE TO DISCLOSE CONVEYANCES

Mrs. Stern signed this agreement on 5/26/87, subsequently selling the 10.048 acre parcel (which is connected to Evna Road by the 10 ft wide fee simple right-of-way referenced in the lease) to Mr. & Mrs. Kenneth E. Lentz on 12/19/87. However, their deed did not reflect the 99 year lease agreement that I referenced above. Mrs. Stern failed to disclose the ground lease when she conveyed the 10 acre parcel. This has caused both the Lentz's and myself to incur considerable legal fees in a mutual attempt to have this matter resolved.

ENVIRONMENTAL AND SOIL CONSERVATION ARE NOT BEING PRACTICED

I have lived at this location for the last five years and have worked diligently to continually upgrade and improve the property. On the other hand, I have witnessed the deterioration of the Stern property by green pastures becoming dirt basins because of uncontrolled erosion, by large trees dying from improper treatment and protection from animals, by old vehicles being junked and left on the property and by the spring fed pond looking like a holding still pond.

ILLEGAL SUBDIVISION IN EXCESS OF PERMITTED DENSITY & REDESIGNATION OF TENANT HOUSE

I am particularly disturbed by the chain of events that surround the property referenced as A-1 in the petition for Special Hearing, Item Number 528. I attended a hearing concerning a variance approval by the zoning commissioner in regard to this property. I do not have the date of this hearing but I believe it to be in 1988. At that time, Mrs. Stern requested a variance to allow her to build the residence which now stands on property A-1. She stated its use to be that of a tenant house. I do not recall any subdivision of the property at that time.

I believe at that time, the Zoning Commissioner ruled "the property cannot be subdivided and the creation of any new building lot is prohibited". I am relying on the authorities to enforce these rulings.

RELiance ON AUTHORITIES FOR COMPLIANCE

On July 24, 1989, Ralph and Diane Stern entered an agreement with the State of Maryland, to the use of Maryland Agricultural Land Preservation Foundation, recorded in Baltimore County Land Records in Liber 8258, Page 289. Section A.(1)(a) page 4 of the agreement states: The land on which a tenant house is constructed may not be subdivided or conveyed to any persons. In addition, the tenant house may not be conveyed separately from the original parcel.