



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

April 10, 1998

James D. Grammer, Associate
 McKee & Associates, Inc.
 Shawan Place
 5 Shawan Road
 Hunt Valley, MD 21030

RE: Zoning Verification
 Lot One PB 48/41
 7th Election District

Supplemental

Dear Mr. Grammer:

#93 23-SPH

This letter
 January 20, 1998,
 Schmidt and you on

was a written response to your request dated
 one conversation between Commissioner

In your letter dated ~~January 20, 1998~~, 1998, you requested a determination of the remaining development (subdivision) rights left on Lot One PB 48/41. Research indicated that this property was subject in zoning case 93-23-SPH and the issue of development rights on this lot, while raised, were not determined. Because of this we agreed that consultation with the Zoning Commissioner was in order.

After a review, and as was indicated to you in a telephone conversation, Mr. Schmidt indicated the following:

1. The Board of Appeals changed the Commissioner's order by consent order and the impact of the change on Parcel "B-1" was unclear.
2. The land swap of Parcels "B-1 and 7" may have resulted in a change of development rights, but since this particular issue was not part of the original request and the land owners were not parties to the petition, no determination was made.

Mr. Schmidt suggested the following courses of action:

1. Request a special hearing for a determination of the remaining development rights on this parcel of ground.
2. Contact Doug Burgess and Rob Hoffman to determine the intent of the consent order and whether it would have had a bearing on the subdivision potential of this lot.
3. Set up a meeting with Mr. Schmidt to discuss the above in further detail.



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James D. Grammer, Associate
April 10, 1998
Page 2

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,



Catherine A. Milton
Planner II
Zoning Review

CAM:ch

c: Zoning Case 93-23-SPH
Lawrence Schmidt, Zoning Commissioner



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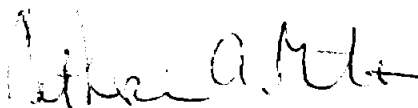


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Sincerely,



Catherine A. Milton
Planner II
Zoning Review

CAM:ch

c: Zoning Case 93-23-SPH
Lawrence Schmidt, Zoning Commissioner

IN RE: PETITION FOR SPECIAL HEARING
 N/S Cold Bottom Road, 108' W of the C/1 of Cedar Grove Road (16301 Cedar Grove Road)
 5th and 7th Election Districts
 3rd Councilmanic District
 Elise Boyce Kelsey, et al
 Petitioners

BEFORE THE
 COUNTY BOARD OF APPEALS OF
 BALTIMORE COUNTY

CASE NO. 93-23-SPH

CONSENT ORDER

WHEREAS, Appellee filed a Petition for Special Hearing before the Zoning Commissioner of Baltimore County requesting an analysis of the density of certain parcels and a determination of the number of remaining density units in those parcels; and

WHEREAS, the Petition for Special Hearing was granted by the Zoning Commissioner by Findings of Fact and Conclusions of Law, dated October 7, 1992, which concluded that eight (8) density units remained available for use on the subject parcel;

WHEREAS, William A. Witte et al, Appellants herein, noted an appeal to this Board of the decision of the Zoning Commissioner;

WHEREAS, Appellee and Appellants have reached an agreement resolving all disputes between them;

NOW, THEREFORE, it is this 18th day of June, 1993, by the Board of Appeals of Baltimore County,

ORDERED, that the the Findings of Fact and Conclusions of Law of the Zoning Commissioner, dated October 7, 1992, granting Appellee's Petition for Special Hearing be and the same is hereby AFFIRMED and incorporated herein by reference; and it is further

ORDERED, that the Petition be subject to the following conditions:

- (1) the last sentence of the first paragraph on page 6 of the Findings of Fact and Conclusions of Law shall be deleted such that the Petitioner shall no longer record a deed combining Tract F with Tract A;
- (2) the first full sentence on page 11 of the Findings of Fact and Conclusions of Law shall be deleted such that the Petitioner shall no longer record a deed combining Parcels A1, A1-A, B2 and Tract F as one lot of record;
- (3) the second sentence of the third full paragraph on page 11 of the Findings of Fact and Conclusions of Law shall be changed to clarify that Parcels A1, A1-A, B2 and Tract F are collectively entitled to four (4) density units;
- (4) Restriction 2 on page 12 of the Findings of Fact and Conclusions of Law shall be deleted such that the Petitioner shall be required to record a deed combining Tract F with the remaining land of Tract A; and

it is further

ORDERED, that as evidenced on the transcript of the Board of Appeals, the Appellants by entering into this Consent Order have not agreed to any subdivision of the property, nor to the transfer of any density or any lot line adjustments within the subject tracts, nor waive any rights they may have

with regard to any future subdivision or development of this parcel; and it is further

ORDERED, that the Appellee shall notify counsel for Appellants prior to the application for any future and further zoning or development approvals for the property for a period of five (5) years from the date of this Order.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
 William T. Hackett

Michael B. Savoy
 Michael B. Savoy

John G. Disney
 John G. Disney

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

Douglas L. Burgess
 Douglas L. Burgess, Esquire
 Attorney for Appellee
 210 W. Pennsylvania Avenue
 Court Towers, Suite 700
 Towson, Maryland 21204

CRD00202PW



County Board of Appeals of Baltimore County

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

June 18, 1993

Robert A. Hoffman, Esquire
 VENABLE, BAETJER & HOWARD
 210 Allegheny Avenue
 P.O. Box 5517
 Towson, MD 21285-5517

RE: Case No. 93-23-SPH
 Elise Boyce Kelsey, et al

Dear Mr. Hoffman:

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

Very truly yours,
Kathleen C. Weidenhammer
 Kathleen C. Weidenhammer
 Administrative Assistant

encl.

cc: Douglas L. Burgess, Esquire
 James H. Ridgely, Esquire
 Ms. Elise Boyce Kelsey
 People's Counsel for Baltimore County
 P. David Fields
 Lawrence E. Schmidt
 Timothy M. Kotroco
 W. Carl Richards, Jr.
 Docket Clerk /ZADM
 Arnold Jablon, Director/ZADM

IN RE: PETITION FOR SPECIAL HEARING
 N/S Cold Bottom Road, 108' W of the C/1 of Cedar Grove Road (16301 Cedar Grove Road)
 5th & 7th Election Districts
 3rd Councilmanic District
 Elise Boyce Kelsey, et al
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY

Case No. 93-23-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing requesting an analysis of the density of the subject property, certain density transfers, other non-density transfers, and a determination of the number of remaining density units for the subject property, known as 16301 Cedar Grove Road in the Sparks section of Baltimore County. The Petition was filed by Elise Boyce Kelsey and James H. Ridgely, Trustees under the Last Will and Testament of Eliza Gillet Boyce. The Trusts under which Ms. Kelsey and Mr. Ridgely act as Trustees are the owners of the subject property. The subject property consists of approximately 270 acres, zoned R.C.2, and is comprised of numerous parcels identified as Parcels A through F, as more particularly shown on Petitioner's Exhibit 1, the plat to accompany the Petition for Special Hearing.

Appearing at the public hearing on behalf of the Petition was James H. Ridgely, Esquire. Mr. Ridgely did not appear in a representative capacity, but rather as Trustee. Also appearing on behalf of the Petition was James S. Kline, an expert land planner from George W. Stephens, Jr. & Associates, Inc., the engineering firm that prepared Petitioner's Exhibit 1. The Petitioners were represented by Douglas L. Burgess, Esquire. Appearing as Protestants in the matter were numerous residents of the subject locale. These included individual adjacent property owners as well

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 Date *6/22/93*
 By *[Signature]*

as a representative of the Valleys Planning Council. The Protestants were represented by Robert A. Hoffman, Esquire.

As filed, the Petition for Special Hearing presented five (5) issues. These included a request for an analysis of the density of the subject parcels, certain density transfers, other non-density transfers, and a determination of the number of remaining density units. However, prior to the presentation of testimony and evidence, the Petitioners amended their Petition for Special Hearing. Specifically, the Petitioners request that the Zoning Commissioner only analyze the density units present and determine the number of units available for the subject site. No transfers are now requested.

Prior to making such an analysis, an understanding of the history of the property is relevant. This history was explained by Mr. Ridgely and can be recounted through his testimony. Further, examination of the colorized plat, marked Petitioner's Exhibit 1, is helpful in determining the chain of title and development of the property.

Mr. Ridgely testified that he is an attorney and has been Trustee of a Trust created under the Last Will and Testament of Eliza Gillet Boyce since her death in 1983. He is familiar with the history of the subject site. He testified that Mrs. Boyce originally owned a one-third interest in the subject property. However, she ultimately acquired sole interest in all that property shown on the plan, with the exception of Tract F, in approximately 1955. That is, over time Mrs. Boyce acquired the lands which are comprised of Parcels A1, A1-A, B1, B2, C, D, E1 and E2 as depicted on Petitioner's Exhibit 1. Taken collectively, these parcels encompass 247.5 acres, plus or minus, and are shown as Tract A (see Petitioner's Exhibit 2, the deed of acquisition dated February 15, 1955).

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 Date *6/22/93*
 By *[Signature]*

From these holdings, the first out conveyance occurred in late 1964. At that time, Mrs. Boyce transferred by gift a portion of the tract encompassing Parcel E1. That parcel, which contains approximately 23.9 acres, was conveyed to the Vestry of Immanuel Parish, a religious corporation of the State of Maryland. The parcel was gifted for use by that religious institution. Subsequently, however, Mrs. Boyce reacquired Parcel E1 in August 1968, as evidenced by deed dated August 1, 1968 and recorded among the Land Records of Baltimore County at Liber 4904, Page 703 (see Petitioner's Exhibit 3.) Further, within the saving and excepting clause of that deed, a second parcel was identified which is now known as Parcel E2. That parcel, which lies south of Parcel E1, contains approximately 4.4 acres. Thus, it is clear that by the aforementioned deed of August 1, 1968, a lot of record for Parcel E1 was recorded in the Land Records of Baltimore County, as was a lot of record for that tract identified as Parcel E2. Both tracts are now owned by one of the Trusts created by Mrs. Boyce's will.

Chronologically, the next conveyance from the subject property was a transfer of that land known as Parcel C, which lies at the southernmost end of the subject tract. Parcel C, which contains approximately 11.9 acres, was conveyed by Mrs. Boyce on April 23, 1979, at which time a plat creating a subdivision known as Gillet Woods was recorded among the Land Records of Baltimore County (see Petitioner's Exhibit 4). Subsequently, Parcel C was subdivided into two lots and developed.

The next conveyance occurred in September 1981 and created those tracts known as B1 and F. Parcel B1 is located on the southeastern end of the subject property and contains 15.2 acres. It was part of Mrs. Boyce's original holdings. Tract F, which runs along the eastern side of the

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 Date *6/22/93*
 By *[Signature]*

subject property, is the only relevant property which was not part of the original Tract A. Rather, in September 1981, Mrs. Boyce and her neighbors, Mr. & Mrs. Chartchallis, arranged for a land swap/sale. At that time, Mrs. Boyce conveyed Parcel B1 to her neighbors in exchange for Tract F, which contains approximately 22 acres, along with certain cash considerations (see Petitioner's Exhibits 5 and 6).

The next and last conveyance occurred in November 1988 and involved that land known as Parcel D containing 6.1 acres (see Petitioner's Exhibit 7). Ultimately, this parcel was subdivided to create two lots and is now developed.

Based upon these conveyances, the holdings of the Trusts (two Trusts were created under Mrs. Boyce's Last Will and Testament) can be summarized as follows: From the original property owned by Mrs. Boyce, known as Tract A and containing 247.5 acres, Parcels B1, C and D have been sold to others. Further, Tract F has been acquired, thus, the Trusts' present holdings encompass Parcels A1, A1-A, B2, F, E1 and E2. In fact, evidence was presented that the one Trust created by Mrs. Boyce owns Parcels A1-A, E1 and E2, whereas the other Trust owns Parcels A1, B2 and F.

Having identified the history of the subject site, attention must now be turned to addressing the question presented within the subject Petition. Specifically, how many density units are available to the subject property now owned by the Trusts? The relevant date for consideration of this issue is November 24, 1979, the date that R.C. zoning was adopted by Baltimore County. Section 1A01.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) establishes area standards for R.C.2 properties. That Section of the regulations provides that for any lot of record having a gross area of between 2 and 100 acres, there shall be no subdivision

ORDER RECEIVED FOR FILING
 Date *6/22/93*
 By *[Signature]*

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21284

October 7, 1992 (410) 887-4386

Douglas L. Burgess, Esquire
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
N/S Cold Bottom Road, 108' W of the c/l of Cedar Grove Road
(16301 Cedar Grove Road)
5th & 7th Election Districts - 3rd Councilmanic District
Elise Boyce Kelsey, et al - Petitioners
Case No. 93-23-SPH

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,
Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:ibis
cc: James H. Ridgely, Esquire
308 W. Pennsylvania Avenue, Towson, Md. 21204

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

People's Counsel
File

93-23-SPH 24
Petition for Special Hearing
to the Zoning Commissioner of Baltimore County

for the property located at 16301 Cedar Grove Rd., Sparks, MD 21152
which is presently zoned RC2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the density analysis, density transfer, non-density transfer and the remaining number of permitted units as is shown on the Plat accompanying this petition.

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

Legal Owner: Elise Boyce Kelsey, Tr'ee u/w Eliza Gillet Boyce
Signature: *Elise Boyce Kelsey*
Address: 308 W. Pennsylvania Ave., Towson, MD 21204
Phone No: (410) 296-6040
City: Towson, MD 21204
Date: 10/7/92

93-23-SPH 24
ZONING REQUESTS

- To confirm the density analysis.
- To permit a non-density transfer of Area A-1a to Parcel E-1.
- To transfer 1 or both units permitted on E-2 to A-1, B-2 or Tract F.
- If both units are permitted to be transferred from E-2 a request is made to make a non-density transfer of E-2 to E-1.
- In a broader scope, generally to utilize the 7 units of density remaining in any reasonable and workable design.

93-23-SPH 24
DENSITY ANALYSIS

- Area B-1 and Area B-2 were considered one parcel when subdivided in 1981 and are not subject to Bill 199-90 thus Parcel B-2 may stand on its own having a remaining density of one unit. And B-1 may not be subdivided any further.
- Parcel D was subdivided prior to Bill 199-90 and stands on its own and may not be further subdivided (lots sold). A plat was recorded with each deed.
- Tract F is adjacent property and part of a 1981 subdivision which may not be further subdivided and a density of one unit remains.
- Parcel C was recorded 4/23/79 and consists of 2 lots. At that time RC-2 density permitted was much higher (more than 100 acres, 20 lots and 1 additional lot for each 25 acres in excess of 100 acres) Bill 98-75. Thus should not limit density of existing parcels.
- Parcel E-1 was created by Deed in August of 1968 and has a permitted density of 2 units.
- Parcel E-2 was created by Deed in August of 1968 and has a permitted density of 2 units.
- Parcel A-1 (160 Ac.±) is the remainder of Tract A and includes area A-1a (2 Ac.±) and has a density of 3 units.
- Total density remaining (Parcel A-1, B-2, E-2 and Tract F) = 7 units.

93-23-SPH 24
Overall Gross Area

Tract	Overall Gross Area
Tract A	247.5 Ac.±
Parcel D	6.1 Ac.±
Parcel E-2	4.4 Ac.±
Parcel C	11.9 Ac.±
Parcel E-1	23.9 Ac.±
Parcel B-1	15.2 Ac.±
Parcel B-2	2.5 Ac.±
Area A-1a	2 Ac.±
Parcel A	186 Ac.±
Parcel A minus Parcel B-2	161 Ac.±
Tract F is not part of Tract A	22 Ac.±

24
TITLE

- Parcel 'A', Elisa Gillet Boyce, Deed 2655/443 Parcel 'B-2', Elisa Gillet Boyce, Deed 2655/443 (Recorded March 1955)
- Parcel B-1, Plat of "Elisa Gillet Boyce Property" 48/41, Recorded in November 1988 and Lot #2 R.J. Bailey, Jr. - Deed w/plat 8059/222 Recorded in December 1988
- Parcel 'C', Plat of "Gillet Woods", 44/68 Recorded 4/23/79 (Lot #1 - M.C. Orman - 7317/233) (Lot #2 - M.S. Aiello - 7682/395)
- Parcel 'D', Lot #1 - C. Cole, Deed w/plat 8023/489, Recorded in November 1988 and Lot #2 R.J. Bailey, Jr. - Deed w/plat 8059/222 Recorded in December 1988
- Parcel 'E-1' and 'E-2' - Elisa Gillet Boyce, Deed 4904/703 Recorded in August 1968
- Tract 'F', Elise G. Boyce, Deed 6331/105 Recorded in September 1981

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
456 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21284

Description of a 208.990 +/-
Acre Parcel of Land
BACON HALL - BOYCE PROPERTY
November 23, 1992
Revised: November 24, 1992
page - 2 -

Beginning for the same at a point on the eastern right of way line of the 50.00 foot right of way shown on the State Roads Commission of Maryland Plat No. 12048, issued April 26, 1954, said 50.00 foot wide right of way now being known as Cedar Grove Road, said point of beginning also being at the northwesternmost corner of that parcel of land shown on a Plat entitled "Lots 1 & 2 GILLET WOODS" dated November 27, 1978, recorded among the Plat Records of Baltimore County, Maryland in Plat Book E.H.K., Jr. 44 folio 68, running thence leaving said point of beginning, binding on the eastern side of said right of way 50.00 feet wide, 1) North 10 degrees 58 minutes 08 seconds West 871.99 feet, running thence continuing to bind on the eastern side of said right of way, variable width, shown on said State Roads Commission of Maryland Plat No. 12048, the four following courses, viz: 2) North 73 degrees 40 minutes 10 seconds East 97.00 feet, 3) North 23 degrees 59 minutes 50 seconds East 30.00 feet, 4) northwesterly by a curve to the right having a radius of 220.00 feet for a distance of 211.32 feet, said curve being subtended by a chord bearing North 38 degrees 29 minutes 09 seconds West 203.29 feet and 5) South 79 degrees 01 minutes 52 seconds West 14.64 feet to a point on or near the centerline of said Cedar Grove Road, formerly known as Gillet Road, and to intersect the 3rd or North 11 degree 06 minutes 00 second West 510.00 foot line of that 28.305 acre parcel of land described in a Deed dated August 1, 1988 between The Vestry of Immanuel Parish, Baltimore County and Elise Gillet Boyce, recorded among the Land Records of Baltimore County, Maryland in Liber O.T.G. 4904 folio 703, running thence binding on or near the centerline of said Cedar Grove Road, binding on the remainder of said 3rd line and all of the 4th line of said Deed, the two following courses, viz: 6) North 10 degrees 52 minutes 52 seconds West 189.46 feet and 7) North 16 degrees 23 minutes 49 seconds West 102.71 feet, running thence leaving said Cedar Grove Road, binding on all of the 6th through the 7th lines of said Deed, the three following courses, viz: 8) North 70 degrees 53 minutes 58 seconds West 324.46 feet, 9) North 15 degrees 14 minutes 50 seconds West 293.02 feet and 10) North 57 degrees 28 minutes 01 seconds East 125.00 feet to a point on or near the centerline of said Cedar Grove Road, running thence binding on or near the centerline of said Cedar Grove Road and binding on all of the 8th through the 13th line of said Deed, the six following courses, viz: 11) North 32 degrees 30 minutes 59 seconds West 143.53 feet, 12) northwesterly by a curve to the left having a radius of 200.00 feet for a distance of 195.12 feet, said curve being subtended by a chord bearing North 80 degrees 28 minutes 01 seconds West 187.48 feet, 13) North 88 degrees 25 minutes 02 seconds West 314.00 feet, 14) North 87 degrees 52 minutes 19 seconds West 300.17 feet, 15) North 82 degrees 56 minutes 18 seconds West 100.72 feet and 16) North 78 degrees

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ENGINEERS
456 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21284

Description of a 208.990 +/-
Acre Parcel of Land
BACON HALL - BOYCE PROPERTY
November 23, 1992
Revised: November 24, 1992
page - 2 -

49 minutes 01 seconds West 111.74 feet to intersect the 11th or South 18 1/2 degree East 180 perch line of that parcel of land described in a Deed dated February 15, 1985, between Herman Von Groning and Elise Gillet Boyce, recorded among the Land Records of Baltimore County, Maryland in Liber G.L.B. 2858 folio 443, running thence leaving said Cedar Grove Road, binding reversely on part of said last mentioned 11th line, for part of the distance binding on the eastern outline of that parcel of land shown on a Plat entitled "MERRYMAN PROPERTY", dated April 12, 1982, recorded among the Plat Records of Baltimore County, Maryland in Plat Book E.H.K., Jr. 49 folio 34, 17) North 23 degrees 23 minutes 37 seconds West 913.38 feet to the northernmost corner of said last mentioned Plat (49/34) and to the point designated 16 shown on a Plat entitled "Final Subdivision Plat of Section TW ARDEN VALLEY", dated January 7, 1983, recorded among the Plat Records of Baltimore County, Maryland in Plat Book E.H.K., Jr. 50 folio 5, running thence continuing to bind reversely on part of said last mentioned 11th line and binding reversely on all of the 10th line of the herein second mentioned Deed (2655/443) and also binding on part of the southern outline of said last mentioned Plat (50/5), the two following courses, viz: 18) North 22 degrees 46 minutes 54 seconds West 558.78 feet and 19) North 70 degrees 45 minutes 52 seconds East 1191.30 feet, running thence leaving said last mentioned Plat outline, binding reversely on all of the 9th and 8th lines of said herein second mentioned Deed (2655/443), the two following courses, viz: 20) South 55 degrees 28 minutes 02 seconds East 892.39 feet and 21) North 70 degrees 07 minutes 18 seconds East 440.37 feet to the beginning of said last mentioned 8th line and to the end of the 8th or South 89 degree 50 minute 50 second West 577.63 foot line of that parcel of land described in a Deed dated September 22, 1981, between Taras I. Charchalis, et ux and Elise Gillet Boyce, recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 6331 folio 105, running thence binding reversely on all of said last mentioned 8th line, 22) North 70 degrees 06 minutes 54 seconds East 577.63 feet to intersect the southwest right of way line of Baltimore-Harrisburg Expressway (I-83) shown on the State Roads Commission of Maryland Plat No. 21152, issued December 23, 1988, running thence binding on the southwest right of way line of (I-83) shown on said Plat No. 21152 and binding reversely on all the 7th, 8th, 6th, 4th, 3rd, 2nd and 1st lines of the herein third mentioned Deed (6331/105), the seven following courses, viz: 23) South 15 degrees 03 minutes 59 seconds East 39.48 feet, 24) South 34 degrees 37 minutes 02 seconds East 324.14 feet, 25) South 37 degrees 36 minutes 35 seconds East 280.79 feet, 26) South 45 degrees 33 minutes 56 seconds East 234.78 feet, 27) South 71 degrees 29 minutes 51 seconds East 55.89 feet, 28) South 78 degrees 44 minutes 41 seconds East 62.89 feet and

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Revised: November 24, 1992
page - 3 -

29) South 45 degrees 27 minutes 24 seconds East 48.72 feet, running thence continuing to bind on said southwest right of way line of (I-83) shown on said Plat No. 21152 and binding on the southwest right of way line of Baltimore-Harrisburg Expressway (I-83) shown on the State Roads Commission of Maryland Plat No. 21151, issued December 2, 1988 and State Roads Commission of Maryland Plat No. 38715, issued March 1, 1988 and also binding reversely on all of the 26th, 25th, 24th, 23rd, 22nd, 21st, 20th, 19th and 18th lines of said herein third mentioned Deed (6331/105), the nine following courses, viz: 30) South 38 degrees 15 minutes 15 seconds East 48.27 feet, 31) South 55 degrees 42 minutes 16 seconds East 51.66 feet, 32) South 39 degrees 40 minutes 52 seconds East 196.35 feet, 33) South 26 degrees 03 minutes 13 seconds East 148.35 feet, 34) South 26 degrees 30 minutes 20 seconds East 344.18 feet, 35) South 18 degrees 31 minutes 38 seconds East 258.57 feet, 36) southeasterly by a curve to the left having a radius of 3955.10 feet for a distance of 102.60 feet, said curve being subtended by a chord bearing South 25 degrees 35 minutes 48 seconds East 102.59 feet and 38) South 22 degrees 15 minutes 23 seconds East 102.59 feet and 39) leaving said southwest right of way line of (I-83), binding reversely on all of the 17th, 16th and 15th lines of said herein third mentioned Deed (6331/105), the three following courses, viz: 39) North 88 degrees 17 minutes 31 seconds West 92.25 feet, 40) North 31 degrees 53 minutes 12 seconds West 159.53 feet and 41) North 79 degrees 35 minutes 12 seconds East 222.03 feet, to intersect the 2nd line of said herein second mentioned Deed (2655/443), running thence binding reversely on part of said last mentioned Deed (2655/443), 42) South 10 degrees 19 minutes 17 seconds East 876.00 feet to a point in or near the centerline of Bacon Hall Road at the northeasternmost corner of that parcel of land shown on a Plat entitled "Plat of A Portion of Elise Gillet Boyce Property", recorded among the Plat Records of Baltimore County, Maryland in Plat Book E.H.K., Jr. 48 folio 41, running thence binding on the northernmost outline of said Plat (Book E.H.K., Jr. 48 folio 41) and binding in or near the centerline of said Bacon Hall Road, 43) North 75 degrees 39 minutes 43 seconds West 712.72 feet, running thence leaving said Bacon Hall Road, binding on the westernmost outline of said Plat (Book E.H.K., Jr. 48 folio 41), 44) South 03 degrees 11 minutes 11 seconds West 877.20 feet to intersect the northernmost outline of the herein second mentioned Plat (Book E.H.K., Jr. 44 folio 68), running thence binding on part of the northernmost outline of said herein second mentioned Plat (Book E.H.K., Jr. 44 folio 68), 45) North 82 degrees 18 minutes 00 seconds West 1148.15 feet to the point of beginning.
Containing 208.990 Acres of land more or less.

93-23-SPH 24

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENNELWORTH DRIVE, SUITE 100, TOPICKON, MARYLAND 21204

DESCRIPTION TO ACCOMPANY
A ZONING PETITION.

July 2, 1992
RE: "Bacon Hall"
Tract 'A' Overall

Place of beginning being located North 78' 7" 30" West 108'±
from the point of intersection of the center lines of Cedar Grove
Road and Cold Bottom Road thence in a clockwise direction:
1 - South 78' 7" 30" East 2,186.25'±
2 - North 6' West 3,106.13'±
3 - North 27' West 33'±
4 - North 39' 30' West 152.63'±
5 - North 29' 45' West 318.45'±
6 - South 80' West 924'±
7 - North 12' 30' West 870.38'±
8 - South 75' West 445.5'±
9 - North 53' West 891'±
10 - South 75' 1,179.95'±
11 - South 18' 30' East 2,970'±
12 - South 75' 30' East 528'±
13 - North 72' 30' East 198'±
14 - South 6' West 1,010.63'± and
15 - North 74' 30' East 280.5'± to the place of beginning.
(Containing 247.5 acres of land more or less)

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED
FOR DEEDS OR AGREEMENTS)

STATE OF MARYLAND
No. 3000
REGISTERED
PROFESSIONAL ENGINEER

Subject to and together with the use in common with others
entitled thereto in and to the bed of Cedar Grove Road and Bacon Hall
Road formerly known as Piney Hill Road or Gillet Road.

Subject to rights terms and conditions granted to The State of
Maryland to the use of The State Roads Commission of Maryland by Deed
dated June 11, 1958, recorded among the Land Records of Baltimore
County, Maryland in Liber G.L.B. 2947 folio 444, see the State Roads
Commission of Maryland Plat No. 12048, issued April 28, 1954.

Subject to rights terms and conditions granted to The State of
Maryland to the use of The State Roads Commission of Maryland by Deed
dated April 24, 1972, recorded among the Land Records of Baltimore
County, Maryland in Liber W.J.R. 3685 folio 414, see the State Roads
Commission of Maryland Plat No. 21151, issued December 2, 1958 and
State Roads Commission of Maryland Plat No. 21152, issued December 23,
1958.

Subject to rights terms and conditions granted to The State of
Maryland to the use of The State Roads Commission of Maryland by Deed
dated April 24, 1972, recorded among the Land Records of Baltimore
County, Maryland in Liber O.T.G. 5265 folio 599, see the State Roads
Commission of Maryland Plat No. 36715, issued March 1, 1968.

93-23-SPH 24

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENNELWORTH DRIVE, SUITE 100, TOPICKON, MARYLAND 21204

DESCRIPTION TO ACCOMPANY
A ZONING PETITION.

July 2, 1992
RE: "Bacon Hall"
"B-2"

Beginning at the point of intersection of the center lines of
Cedar Grove Road and Bacon Hall Road thence in a clockwise direc-
tion:
1 - Easterly along the center line of Bacon Hall Road 1,440'±
2 - Binding on Parcel "B-1" southerly 877.20'±
3 - Binding on Parcel "C" westerly 1,117'± to the center line
of Cedar Grove Road and
4 - Along the center of Cedar Grove Road 925'± to the place of
beginning.
Containing approximately 25 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED
FOR DEEDS OR AGREEMENTS)

STATE OF MARYLAND
No. 3000
REGISTERED
PROFESSIONAL ENGINEER

93-23-SPH 24

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENNELWORTH DRIVE, SUITE 100, TOPICKON, MARYLAND 21204

DESCRIPTION TO ACCOMPANY
A ZONING PETITION.

July 2, 1992
RE: "Bacon Hall"
"C"

Beginning at the point of intersection of the center lines of
Cedar Grove Road and Cold Bottom Road thence in a clockwise direc-
tion:
1 - South 82' 34' 46" East 2,080'±
2 - North 10' 34' 24" West 263'±
3 - North 82' 34' 46" West 2,075'± and
4 - South 11' 18' 04" East 265'± to the place of beginning.
Containing 11.9 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED
FOR DEEDS OR AGREEMENTS)

STATE OF MARYLAND
No. 3000
REGISTERED
PROFESSIONAL ENGINEER

93-23-SPH 24

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENNELWORTH DRIVE, SUITE 100, TOPICKON, MARYLAND 21204

DESCRIPTION TO ACCOMPANY
A ZONING PETITION.

July 2, 1992
RE: "Bacon Hall"
"D"

Beginning at the point of intersection of the center lines of
Cedar Grove Road and Cold Bottom Road thence in a clockwise direc-
tion:
1 - Northerly along the center line of Cedar Grove Road,
1,050'±
2 - South 72' 30' East 180'±
3 - South 6' West 1,010'±
4 - North 74' 30' East 280.5'± along the center line of Cold
Bottom Road and
5 - Still along the center line of Cold Bottom Road South 78'
7' 30" East 108'± to the place of beginning.
Containing 6.1 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED
FOR DEEDS OR AGREEMENTS)

STATE OF MARYLAND
No. 3000
REGISTERED
PROFESSIONAL ENGINEER

93-23-SPH 24

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENNELWORTH DRIVE, SUITE 100, TOPICKON, MARYLAND 21204

DESCRIPTION TO ACCOMPANY
A ZONING PETITION.

July 2, 1992
RE: "Bacon Hall"
"E-1"

Beginning at a point in the center of Cedar Grove Road north-
erly 140'± along the center of said Road from its intersection with
center of Bacon Hall Road, thence in a counter clockwise direction:
1 - North 11' 06' 00" West 510'±
2 - North 16' 36' 57" West 102.71'±
3 - North 71' 07' 08" West 324.46'±
4 - North 15' 27' 58" West 293.02'±
5 - North 57' 15' 53" East 125.00'±
6 - North 32' 44' 07" West 143.53'±
7 - R = 200.00'±, L = 195.13'±, Chd North 60' 41' 09" West
187.48'±
8 - North 88' 38' 10" West 314.00'±
9 - North 88' 05' 27" West 300.17'±
10 - North 83' 09' 26" West 100.72'±
11 - North 77' 02' 50" West 102.61'±
12 - South 23' 19' 26" East 1356.00'±
13 - South 88' 23' 09" West 348.26'± and
14 - North 69' 34' 02" East 561.89'± to the place of begin-
ning.
Containing 23.9 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED
FOR DEEDS OR AGREEMENTS)

STATE OF MARYLAND
No. 3000
REGISTERED
PROFESSIONAL ENGINEER

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED
FOR DEEDS OR AGREEMENTS)

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED
FOR DEEDS OR AGREEMENTS)

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED
FOR DEEDS OR AGREEMENTS)

93-23-5PH 2A

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
648 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21284

Description to Accompany
Zoning Petition.

July 1, 1992

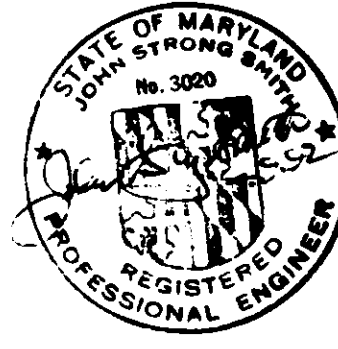
RE: "Bacon Hall"
"E-2"

Beginning at a point located in the center of Cedar Grove Road northerly 140'± from its intersection with Bacon Hall Road thence in a clockwise direction:

- 1 - South 69° 34' 02" West 561.89'±
- 2 - North 88° 23' 09" West 348.26'±
- 3 - South 23° 19' 26" East 140.00'±
- 4 - South 80° 19' 26" East 528.00'±
- 5 - North 67° 40' 34" East 378.10'± and
- 6 - North 11° 00' 00" West 265.00'± to the place of beginning.

Containing 4.4 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED IN DEEDS OR AGREEMENTS)



93-23-5PH 2A

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
648 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21284

Description to Accompany
A Zoning Petition.

July 9, 1992

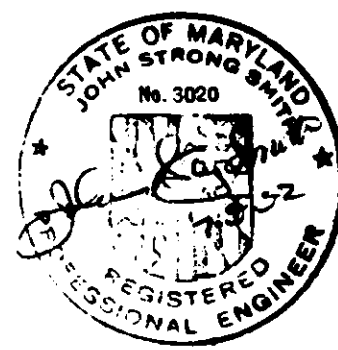
RE: "Bacon Hall"
"Tract F"

Beginning at a point located westerly 2,375'± from point of intersection of the center lines of Cedar Grove Road and Bacon Hall Road thence in a clockwise direction:

- 1 - Along the west right-of-way line of I-83 northerly 2,954.68'±
- 2 - South 69° 50' 50" West 517.63'
- 3 - South 17° 36' 10" East 870.38'±
- 4 - South 74° 27' 30" East 924.00'±
- 5 - South 31° 17' 30" East 318.45'±
- 6 - South 45° 02' 30" East 152.63'±
- 7 - South 32° 32' 30" East 33.00'±
- 8 - South 10° 34' 24" East 1,112.00'±
- 9 - South 79° 54' 10" East 222.03'±
- 10 - South 32° 11' 45" East 159.53'± and
- 11 - South 88° 36' 04" East 92.25'± to the place of beginning.

Containing 22 acres of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR DEEDS OR AGREEMENTS)



93-23-5PH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 5th & 7th Date of Posting: 7/1/92

Posted for: Special Hearing

Petitioner: James H. Ridgely, et al.

Location of property: 16301 Cedar Grove Rd., 100' W of Cedar Grove Rd., 5th & 7th Election Districts - 3rd Concomitant

Location of Sign: 16301 Cedar Grove Rd., 100' W of Cedar Grove Rd., 5th & 7th Election Districts - 3rd Concomitant

Remarks:

Posted by: [Signature] Date of return: 8/10/92

Number of Signs: 1

93-23-5PH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 5th & 7th Date of Posting: 7/1/92

Posted for: Appeal

Petitioner: Elise Boyce Kelsey, et al.

Location of property: 16301 Cedar Grove Rd., 100' W of Cedar Grove Rd., 5th & 7th Election Districts - 3rd Concomitant

Location of Sign: 16301 Cedar Grove Rd., 100' W of Cedar Grove Rd., 5th & 7th Election Districts - 3rd Concomitant

Remarks:

Posted by: [Signature] Date of return: 8/10/92

Number of Signs: 1

93-23-5PH

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 5th & 7th Date of Posting: 7/1/92

Posted for: Appeal

Petitioner: Elise Boyce Kelsey, et al.

Location of property: 16301 Cedar Grove Rd., 100' W of Cedar Grove Rd., 5th & 7th Election Districts - 3rd Concomitant

Location of Sign: 16301 Cedar Grove Rd., 100' W of Cedar Grove Rd., 5th & 7th Election Districts - 3rd Concomitant

Remarks:

Posted by: [Signature] Date of return: 8/10/92

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 7, 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 Aug 6, 1992

THE JEFFERSONIAN,
S. Z. [Signature]
Publisher

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

No. 107526

DATE: 8/10/92 ACCOUNT: R-001-6150

AMOUNT: \$ 250.00

RECEIVED FROM: [Signature]

FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21284

Account: R-001-6150
Number: 93-23-5PH

DATE: 8/10/92

AMOUNT: \$ 210.00

RECEIVED FROM: [Signature]

FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284

Account: R-001-6150
Number: H9300024

PAID PER HAND-WRITTEN RECEIPT DATED 7/20/92

7/27/92

PUBLIC HEARING FEES

040 -SPECIAL HEARING (OTHER) 1 X \$250.00

LAST NAME OF OWNER: BOYCE

TOTAL: \$250.00

Please Make Checks Payable To: Baltimore County

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

No. 124108

DATE: 8-21-92 ACCOUNT: R-001-6150

AMOUNT: \$ 67.62

RECEIVED FROM: BOYCE

FOR: P.A. 93-23-5PH (9-10-92 HEARING)

VALIDATION OR SIGNATURE OF CASHIER

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: 8/10/92

James H. Ridgely, Esq., Tr'ee u/v Eliza Gillet Boyce
308 W. Pennsylvania Avenue
Towson, Maryland 21204

RE:
CASE #93-23-5PH (Item 24)
W/S Cold Bottom Road, 100' W of c/l Cedar Grove Road
16301 Cedar Grove Road (Bacon Hall - Boyce Property)
5th & 7th Election Districts - 3rd Concomitant

Petitioner(s): Elise Boyce Kelsey, Tr'ee u/v Eliza Gillet Boyce and
James H. Ridgely, Tr'ee u/v Eliza Gillet Boyce

HEARING: THURSDAY, SEPTEMBER 10, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse

Dear Petitioner(s):

Please be advised that \$ 67.62 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL BEY ISSUED. 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.

[Signature]
ARNOLD JERMAN
DIRECTOR

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 30, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #93-23-5PH (Item 24)
W/S Cold Bottom Road, 100' W of c/l Cedar Grove Road
16301 Cedar Grove Road (Bacon Hall - Boyce Property)
5th & 7th Election Districts - 3rd Concomitant

Petitioner(s): Elise Boyce Kelsey, Tr'ee u/v Eliza Gillet Boyce and
James H. Ridgely, Tr'ee u/v Eliza Gillet Boyce

HEARING: THURSDAY, SEPTEMBER 10, 1992 at 9:00 a.m. in Rm. 118, Old Courthouse

Special Hearing to approve the density analysis, density transfer, non-density transfer and the remaining number of permitted units as shown on the plat.

[Signature]
LAWRENCE H. SCHMIDT

Zoning Commissioner of
Baltimore County

cc: James H. Ridgely, Esq.

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

James H. Ridgely, Esquire
308 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 24, Case No. 93-23-SPH
Petitioner: Elise Boyce Kelsey, et al
Petition for Special Hearing

Dear Mr. Ridgely:

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.

Your petition has been received and accepted for filing this
20th day of July, 1992

Carl Jablon

ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards, Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Elise Boyce Kelsey, et al
Petitioner's Attorney: James H. Ridgely

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature *James H. Ridgely* Date *8/11/92*

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
90476	Stonegate at Patapsco (Azreal Property)			6-1-92
ZON DED	TE (Waiting for developer to submit plans first)			
COUNT 1				
DEPRM RP STP	Theresa A. Mahlstedt	4		7-13-92
COUNT 1				
DEPRM RP STP	Owings Run Apartments			7-20-92
COUNT 1				
DEPRM RP STP TE	Lois L. Ruckman	10		8-3-92 NC
DEPRM RP STP TE	Colonial Village Company	19		NC
DEPRM RP STP TE	James W. Jr. And Terry A. Hooke	20		NC
DEPRM RP STP TE	Arthur G. And Helen P. Magsamen	21		Comment
DEPRM RP STP TE	Fuchs Spices, U.S.A., Inc.	22		Comment
DEPRM RP STP TE	Susan J. Blum	23		Comment
DEPRM RP STP TE	Elise Boyce Kelsey, Trustee u/w Eliza Gillet Boyce Et Al	24		NC

November 12, 1992

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

RE: Petition for Special Hearing
N/S Cold Bottom Road, 108' W of the c/l of Cedar Grove Road
(16301 Cedar Grove Road)
5th & 7th Election Districts, 3rd Councilmanic District
ELISE BOYCE KELSEY, ET AL - Petitioner
Case No. 93-23-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on November 5, 1992 by Robert A. Hoffman, Attorney on behalf of five (5) protestants. All materials relative to the case are being forwarded herewith.

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

Very truly yours,

Carl Jablon

ARNOLD JABLON - Director
Zoning Administration and
Development Management

AJ:cer

cc: Elise Boyce Kelsey - 308 W. Pennsylvania Ave. Towson, MD 21204

James H. Ridgely, Esquire
308 W. Pennsylvania Avenue Towson, MD 21204

Douglas L. Burgess, Esquire
210 W. Pennsylvania Avenue, Suite 700, Towson MD 21204

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

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

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
DEPRM RP STP TE	Elise Boyce Kelsey, Trustee u/w Eliza Gillet Boyce Et Al	24	No Comment	8-3-92
DEPRM RP STP TE	Raymond F. And Deborah D. Borsetti	25	No Comment	
DEPRM RP STP TE	Robert L. And Jeannette McElroy	26	No Comment	
DEPRM RP STP TE	Gary G. And Ilene S. Waitt	27	No Comment	
DEPRM RP STP TE	Bruce P. And India V. Curry	6	No Comment	
DEPRM RP STP TE	Herbert B. And Edith G. Querido	7	No Comment	
DEPRM RP STP TE	Emma E. Hubbard	8	No Comment	
DEPRM RP STP TE	Arthur Thomas Ward, III	9	No Comment	

COUNT 14
FINAL TOTALS
COUNT 19
* * * END OF REPORT * * *

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
DEPRM STP	Lois L. Ruckman	10	no comments	8-3-92
DEPRM STF TE	Colonial Village Company	19	in process	
DEPRM	James W. Jr. And Terry A. Hooke	20	written comments	
DEPRM	Fuchs Spices, U.S.A., Inc.	22	in process	
DEPRM STP TE	Susan J. Blum	23	in process	
DEPRM STP	Elise Boyce Kelsey, Trustee u/w Eliza Gillet Boyce Et Al	24	in process	
DEPRM	Raymond F. And Deborah D. Borsetti	25	no comments	
DEPRM	Robert L. And Jeannette McElroy	26	no comments	
DEPRM STP	Gary G. And Ilene S. Waitt	27	no comments	
DEPRM	Bruce P. And India V. Curry	6	written comments	
DEPRM	Herbert B. And Edith G. Querido	7	written comments	
DEPRM	Arthur Thomas Ward, III	9	in process	

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
90476	Stonegate at Patapsco (Azreal Property)			6-1-92
ZON DED	TE (Waiting for developer to submit plans first)			
COUNT 1				
DEPRM RP TE	Eugene C. Salvo	18	W/C	7-27-92
COUNT 1				
DEPRM RP STP TE	Lois L. Ruckman	10	N/C	8-3-92
DEPRM RP STP TE	Colonial Village Company	19	M/T	
DEPRM RP STP TE	James W. Jr. And Terry A. Hooke	20	N/C	
DEPRM RP STP TE	Arthur G. And Helen P. Magsamen	21	W/C	
DEPRM RP STP TE	Fuchs Spices, U.S.A., Inc.	22	W/C	
DEPRM RP STP TE	Susan J. Blum	23	M/T	
DEPRM RP STP TE	Elise Boyce Kelsey, Trustee u/w Eliza Gillet Boyce Et Al	24	N/C	
DEPRM RP STP TE	Raymond F. And Deborah D. Borsetti	25	N/C	
DEPRM RP STP TE	Robert L. And Jeannette McElroy	26	N/C	

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
DEPRM STP	Robert T. and Lorri A. Burgess	51		8-24-92
DEPRM STP	Chester L. And Virginia J. Farley	52	in process	
DEPRM STP	Mark Allan Claypoole	53	No comments	
DEPRM STP	Ritz Enterprises	55	No comments	
DEPRM	Etta E. Plonden and Joan and Garland Arrington	57	in process	
COUNT 17				
DEPRM	Colonial Village Company	19	8-3-92 in process	
DEPRM	Fuchs Spices, U.S.A., Inc.	22	written comments in process	
DEPRM	Susan J. Blum	23	in process	
DEPRM STP	Elise Boyce Kelsey, Trustee u/w Eliza Gillet Boyce Et Al	24	written comments	
DEPRM	Arthur Thomas Ward, III	9	in process no comment	
COUNT 3				
DEPRM RP STP TE	Maiden Choice Associates	54	in process written comments	

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: *[Signature]* Date: 08/06/92

File Number	Waiver Number	Zoning Issue	Meeting Date
90476		Stonegate at Patapasco (Aerial Property)	6-1-92
ZON DED TE (waiting for developer to submit plans first)			
COUNT 1			
Theresa A. Mahlstedt	4		7-13-92
DED DEPRM RP STP			
COUNT 1			
Owings Run Apartments			7-20-92
DED DEPRM (SWM) (EIRD)			
COUNT 1			
Lois L. Ruckman	10		8-3-92 NC
DED DEPRM RP STP TE			
Colonial Village Company	19		NC
DED DEPRM RP STP TE			
James W. Jr. And Terry A. Hooke	20		NC
DED DEPRM RP STP TE			
Arthur G. And Helen P. Magsamen	21		Comment
DED DEPRM RP STP TE			
Fuchs Spices, U.S.A., Inc.	22		Comment
DED DEPRM RP STP TE			
Susan J. Blum	23		Comment
DED DEPRM RP STP TE			
Elise Boyce Kelsey, Trustee u/w Eliza Gillet Boyce Et Al	24		NC
DED DEPRM RP STP TE			

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Office of Planning and Zoning

DATE: August 12, 1992

SUBJECT: Bacon Hall-Boyce Property

INFORMATION:
Item Number: 24
Petitioner: Elise Boyce Kelsey
Property Size: 247.5 acres
Zoning: RC2
Requested Action: Special Hearing
Hearing Date: / /



SUMMARY OF RECOMMENDATIONS:
The petitioner is seeking a Special Hearing before the Zoning Commissioner to approve a density analysis, density transfer, non-density transfer and the remaining number of permitted units as shown on the plat.

Office of Planning and Zoning recommends that due to the extreme complexity of this plat that a revised plat be submitted using the following guidelines:

The Zoning Commissioner's Policy Manual states, in part, the following under Section 1A01.3.B.1:

a. Subdivision or further subdividing of legally existing R.C.-2 zoned lots of record prior to Bill 178-79 (effective 11/25/79) is permitted provided that:

(1) only the most recent deed shall be used to determine the number of lots of record and that;

(2) the lots recorded met the existing zoning regulations at that time.

b. If the property is recorded by multiple deeds or the deed contains multiple parcels, or the subdivision needs further clarification, the following information must be provided:

(1) A scaled site plan showing the boundaries of the parcel as they were on November 25, 1979 with the zone line plotted upon it.

(2) Drawings showing any changes in boundary and/or ownership since that time.

(3) All deeds recorded that show change in boundaries or ownership.

ZAC COMMENTS

(4) A letter stating the devolution of title and what is being requested.

(5) Drawings should be color-coded to match accompanying deed.

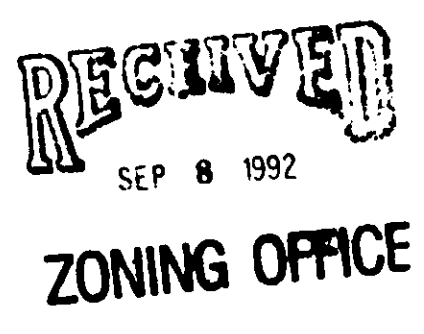
(6) All of the above should be signed and sealed by a surveyor, engineer or title attorney and must be submitted for review at least 15 working days prior to zoning approval or the CBO meeting.

c. When legally existing parcels or deeds qualify to be subdivided or resubdivided, each separate parcel must be subdivided individually.

d. If the intent is to reconfigure the existing lots, the main purpose must be for the protection and preservation of farm land and not to create "more uniform" lots for homesites.

The petitioner should be advised to read both the Circuit Court and the Court of Special Appeals for Steven H. Gudeman, et ux, All Parties vs. People's Counsel for Baltimore County. This particular case pertains to the division of a tract by a road and its relationship to density.

Prepared by: *[Signature]*
Division Chief: *[Signature]*
FM/EMCD:rdn



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

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

DATE: September 10, 1992

FROM: J. Lawrence Pilsen
Development Coordinator, DEPRM

SUBJECT: Zoning Item #24
#16301 Cedar Grove Road
Zoning Advisory Committee Meeting of August 3, 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.

- No comment on the confirmation of density analysis.
- No comment on nondensity transfer of Area A-1a to Parcel E-1.
- Request to transfer 1 or 2 units from E-2 to A-1, B-2 or Tract F is too vague to determine its impact on agricultural operations or on prime and productive soils (see Bill 113-92). This request raises concerns because if transferred to a location where it conflicts with prime and productive soils, there will be problems in plan approval. The petitioner should present information that the transfer will better protect prime and productive soils and agricultural activities. In general development which clusters new development adjacent to existing buildings, does not involve running roads through fields which fragments the resource, does not locate new uses adjacent to neighboring existing agricultural operations, and locating the buildings off the prime and productive are measures to evaluate the proposal.
- No comment.
- The same comment as 3 above.

LP:sp
GROVERD/TXTSP

Baltimore County Government
Fire Department

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

AUGUST 6, 1992 (410) 887-4500

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

RE: Property Owner: ELISE BOYCE KELSEY, TR'EE U/W ELIZA GILLET BOYCE AND JAMES H. RIDGELY, TR'EE U/W ELIZA GILLET BOYCE

Location: #16301 CEDAR GROVE ROAD

Item No.: +24 (MJK) Zoning Agenda: AUGUST 3, 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: *[Signature]* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK
RECEIVED
ZONING OFFICE

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48, Old Courthouse
400 Washington Avenue
January 15, 1993

NOTICE OF ASSIGNMENT

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

CASE NO. 93-23-SPH
ELISE BOYCE KELSEY, ET AL
N/S Cold Bottom Road, 100' W of c/l Cedar Grove Road (16301 Cedar Grove Road)
5th & 7th Election Districts
3rd Councilmanic District

SPH-density (analysis of transfer, # of remaining density units, etc.)

10/7/92 - S.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: TUESDAY, APRIL 6, 1993 AT 10:00 a.m.

cc: James H. Ridgely, Esquire Counsel for Petitioner
Ms. Elise Boyce Kelsey Petitioner
Robert A. Hoffman, Esquire -Counsel for Protestants/Appellants
Douglas L. Burgess, Esquire
People's Counsel for Balto. Co.
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotrocco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

Lindalee N. Ruzmaul
Legal Secretary

1/15/93 - Following parties notified of hearing set for April 6, 1993 at 10:00 a.m.:

James H. Ridgely, Esquire
Ms. Elise Boyce Kelsey
Robert A. Hoffman, Esquire
Douglas L. Burgess, Esquire
People's Counsel for Balto. Co. out
P. David Fields
Public Services
Lawrence E. Schmidt
Timothy M. Kotrocco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

4/06/93 -Hearing scheduled before Board; agreement of parties /settlement reached put on record. Consent agreement executed by parties to be submitted; Opinion and Order of Board to be issued after receipt of said agreement.

RIDGELY & HANLEY
ATTORNEYS AT LAW
308 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4423
(410) 296-6040
FAX (410) 296-6047

JAMES H. RIDGELY
T. BRUCE HANLEY (IND. & CO. BARR.)

LINDA J. HENRY
LEGAL ASSISTANT

March 24, 1993

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Special Hearing
N/S Cold Bottom Road, 108 feet west of the center line of Cedar Grove Road (16301 Cedar Grove Road)
5th and 7th Election Districts - 3rd Council Manic District
Elise Boyce Kelsey, et al. - Petitioners
Case No. 93-23-SPH

Dear Mr. Schmidt:

Pursuant to your findings of fact and conclusions of law in the above referenced case, we sent you a description of a 208.99 acre parcel. I have been informed that there are two calls missing in that description originally sent you. Enclosed please find a new description which corrects those discrepancies. Would you be kind enough to delete the first description from your records and substitute the enclosed in lieu thereof.

Sincerely,
[Signature]

JHR/bb
Enclosure

RIDGELY & HANLEY
ATTORNEYS AT LAW
308 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204 4423
(410) 296-6040
FAX (410) 296-6047

December 3, 1992

The Honorable Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 93-23-SPH

Dear Commissioner Schmidt:

Pursuant to Item Two of your Order dated October 7, 1992 in the above matter, we enclose herewith a description of the property comprising Tract F and the remaining land of Tract A as described in that matter.

We are sure that you are aware of the fact that your opinion has been appealed, thus holding your Order in abeyance.

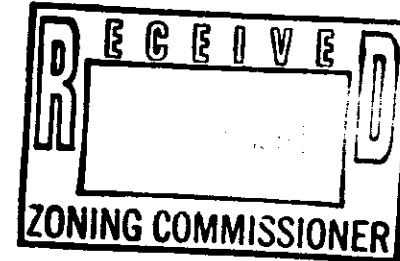
We do not intend to file the Deed containing this description until such time as appeals have run out in this matter. However, we did wish you to be aware of the fact that we had complied with that portion of your Order and will file such a Deed at the appropriate time.

Yours sincerely,

James H. Ridgely

JHR/bb

cc: Douglas L. Burgess, Esquire
210 W. Pennsylvania Ave., Suite 700
Towson, MD 21204



VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
BALTIMORE, MD
WASHINGTON, D.C.
MURKIN, VA
ROCKVILLE, MD
BELAIR, MD
RICHARD H. VENABLE (BAR #10)
LAWRENCE H. BAETJER (BAR #10)
CHARLES W. HOWARD (BAR #10)
ROBERT A. HOFFMAN

November 5, 1992

Lawrence E. Schmidt,
Zoning Commissioner
First Floor, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
N/S Cold Bottom Road, 108' W of the c/l Cedar Grove Road
(16301 Cedar Grove Road)
Case No. 93-23-SPH

Dear Commissioner Schmidt:

On behalf of the following protestants in the above-referenced zoning case, I hereby note an appeal from the Zoning Commissioner's Finding of Facts and Conclusions of Law, dated October 7, 1992:

William A. Witte
16407 Cedar Grove Road
Sparks, Maryland 21152

Terry R. Dunkin
801 Bacon Hall Road
Sparks, Maryland 21152

Christopher Dreyer
16411 Cedar Grove Road
Sparks, Maryland 21152

John W. Sieverts
800 Bacon Hall Road
Sparks, Maryland 21152



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Allegheny Ave 21204
James H. Ridgely	16301 Cedar Grove Rd
Terry R. Dunkin	801 Bacon Hall Rd.
William A. Witte	16407 CEDAR GROVE RD.
CHRIS DREYER	16411 CEDAR GROVE RD
KEN CLEMMENS	16412 CEDAR GROVE RD.
August W. Warrick	Valley Planning Council P.O. Box 5402 Towson, Md. 21204
Paul B. Bourquin	23 Arden Valley Ct
Michael J. Smith	210 Old Patuxent Rd 21030

Should be Pet's on Pet's

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Doug Burgess	210 W. PENN. AVE. STE. 700 21204
James H. Ridgely	308 W. Penna Ave. Towson Md. 21204
James L. Blum	G.W. STEINER & ASSOC 858 KENILWORTH DR 21204

Appeal Checklist - Case No. 92-23-SPH
November 12, 1992
Page 2

Zoning Commissioner's Order dated October 7, 1992 (Granted with restrictions)

Notice of Appeal received on November 5, 1992 from Robert A. Hoffman, Attorney on behalf of five (5) protestants

cc: Elise Boyce Kelsey - 308 W. Pennsylvania Ave. Towson, MD 21204

James H. Ridgely, Esquire
308 W. Pennsylvania Avenue Towson, MD 21204

Douglas L. Burgess, Esquire
210 W. Pennsylvania Avenue, Suite 700, Towson MD 21204

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

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

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

APPEAL
Petition for Special Hearing
N/S Cold Bottom Road, 100' W of the c/l of Cedar Grove Road
(16301 Cedar Grove Road)
5th & 7th Election District - 3rd Councilmanic District
ELISE BOYCE KELSEY, ET AL - Petitioner
Case No. 93-23-SPH

- Petition(s) for Special Hearing
- Description of Property
- Certificate of Posting
- Certificate of Publication
- Entry of Appearance of People's Counsel
- Zoning Plans Advisory Committee Comments
- Director of Planning & Zoning Comments (Included with ZAC Comments)
- Petitioner(s) and Protestant(s) Sign-In Sheets
- Petitioner's Exhibits:
- Plat to accompany Special Hearing petition
 - Deed 2655/443 (2/15/55)
 - Deed 4904/703 (8/1/69 - Immanuel Parish)
 - Plat 44/68 (4/23/79)
 - Deed 6331/105 (9/22/81)
 - Plat 48/41 (9/18/81)
 - Deed 8023/489
 - Last Will & Testament of Eliza Gillet Boyce
 - Photo of Cabon Hall & Cedar Grove
 - Qualifications of James S. Kline
 - Zoning Map
 - Aerial View Map
 - Soils Map and Topography
 - Master Road Listing and RSD-7 Policy
 - Copy of Bill No. 199-90
 - Copy of tax map (Lots A, B, C, & D)
 - Deeds 6333/849 and 6331/102
 - Deed 6331/841
- Protestant's Exhibits:
- Deed 5844/395

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

November 12, 1992

(410) 887-3353

RECEIVED
COUNTY CLERK
NOV 13 PM 3 01

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

RE: Petition for Special Hearing
N/S Cold Bottom Road, 108' W of the c/l of Cedar Grove Road
(16301 Cedar Grove Road)
5th & 7th Election Districts, 3rd Councilmanic District
ELISE BOYCE KELSEY, ET AL - Petitioner
Case No. 93-23-SPH

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on November 5, 1992 by Robert A. Hoffman, Attorney on behalf of five (5) protestants. All materials relative to the case are being forwarded herewith.

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

Very truly yours,

Arnold Jablon

Arnold Jablon - Director
Zoning Administration and
Development Management

AJ:cer

cc: Elise Boyce Kelsey - 308 W. Pennsylvania Ave. Towson, MD 21204

James H. Ridgely, Esquire
308 W. Pennsylvania Avenue Towson, MD 21204

Douglas L. Burgess, Esquire
210 W. Pennsylvania Avenue, Suite 700, Towson MD 21204

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

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

- As of 11/12/92 photo of Bacon Hall + Cedar Grove*
- EXHIBIT LIST** *Kline CV #10*
- SPECIAL HEARING - Bacon Hall - Boyce Par.**
- PLAT TO ACCOMPANY SP. HEARING (No 1)
 - 200 Scale Official Zoning Map - Pet 11
 - AERIAL Pet 12
 - SOILS MAP + TOPO. - Pet 13
 - TITLE DEED, 2655/443, 2/15/55 (No 2)
 - PLAT 48/41, 9/18/81 - No 6
 - RSD-7, POLICY MANUAL, LANS CROSSED BY ROAD
 - BAKON HALL RD. - PUBLIC ROAD
 - BILL 199-90
 - DEED + PLAT THURSHAW DEVELOPMENT 802/899, 9/3/89 (No 4)
 - PLAT 44/68, 4/23/79 (No 4)
 - DEED 4904/703, 8/1/69, IMMANUEL PARISH + NO 3
BOYCE 2 DESCRIPTIONS
 - B. TAX MAP 1989 (No 17)
Pet 18
 - DEED 6331/105, 9/22/81 (No 5)
 - LWT of Eliza Gillet Boyce (No 8)

This Deed, Made this 15th day of FEBRUARY in the year one thousand nine hundred and fifty-five, by and between HERMANN VON GRONING, widower, a citizen of the Kingdom of The Netherlands, party of the first part; and ELISE GILLET BOYCE, of Baltimore County, State of Maryland, party of the second part.



Witnesseth, that in consideration of the sum of Five Dollars and other valuable considerations, this day paid, the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said party of the second part, her heirs and assigns, in fee simple, an undivided one-third interest in all that tract or parcel of land,

beginning for the same at a stone planted at the end of the north 74 degrees east, 17 perches line of said whole 'Lot No. 1', and running thence bounding on the south 75 degrees 71 minutes east, 159 1/2 perches line of said whole 'Lot No. 1', south 75 degrees 71 minutes east, 132 1/2 perches to a stone planted at the end of 27 perches measured from a stone marked 'A', planted at the end of said 159 1/2 perches line; thence bounding on the fence that formerly divided Charles Gillet and wife's part from Roland Gillet and wife's part, north 6 degrees west, 188 perches; thence north 27 degrees west 2 perches; north 39 degrees west, 9 perches; north 29 3/4 degrees west, 19 1/2 perches; south 80 degrees west 56 perches, to intersect the north 12 degrees west, 72 3/4 perch line of a former conveyance to Samuel Chapman Smith, in or about the year 1869; thence bounding on said line, north 12 degrees west, 52 3/4 perches to intersect the south 75 degrees west, 104 1/2 perches line of said whole 'Lot No. 1'; thence bounding on said line, south 75 degrees west, 27 perches, to a flint stone at the end of said line, still bounding on the outlines of said whole 'Lot No. 1', north 53 degrees west, 54 perches; south 55 degrees west, 71 perches, to a stone; south 18 degrees east 180 perches, to a stone, south 75 degrees east, 32 perches; north 72 degrees east, 12 perches; south 6 degrees west, 6 1/2 perches, to a stone; north 74 degrees east, 17 perches, to the place of beginning. Containing 247 acres and 3 rods of land, more or less.

BEING a portion of that property which by deed dated October 9, 1911, and recorded among the Land Records of Baltimore County in Liber B.L.B. No. 385, folio 171, was granted and conveyed by Harriet H. Gillet unto the Safe Deposit and Trust Company in trust for the purposes therein mentioned and reserving unto herself the power to appoint the same absolutely by will; the said Harriet H. Gillet subsequently survived the said Hermann von Groning, and departed this life on or about December 22nd, 1953.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said party of the second part, her heirs and assigns, in fee simple, all that lot or parcel of ground situate in Baltimore County, State of Maryland, and described as follows:

THIS DEED, Made this 1st day of August, 1968, by and between THE VESTRY OF IMMANUEL PARISH, BALTIMORE COUNTY, a religious corporation of the State of Maryland (See Incorporation Records in the Office of the Clerk of the Circuit Court for Baltimore County, Liber J.B. No. 1, folio 96, and also Liber W.M.L. No. 2, folio 196), of the first part, Grantor, and ELISE GILLET BOYCE, Widow, (formerly known as Eliza S. Gillet), of Baltimore County, State of Maryland, of the second part, Grantee.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does grant and convey unto the said party of the second part, her heirs and assigns, in fee simple, all that lot or parcel of ground situate in Baltimore County, State of Maryland, and described as follows:

BEGINNING FOR THE SAME at the end of the eleventh or South 18 1/2 degrees East 180 perch line of the land conveyed by Herman Von Groning to Elise Gillet Boyce, by deed dated February 15, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2655, folio 443, and running thence bounding on the twelfth line of said Deed South 80 degrees 19 minutes 26 seconds East 528.00 feet, thence North 67 degrees 40 minutes 34 seconds East, binding for part of the distance on the thirteenth line of said deed, in all 378.10 feet to a point on or near the center of Gillet Road, thence binding on or near the center of Gillet Road the two following courses and distances, viz: first North 11 degrees 06 minutes 00 seconds West 510.00 feet, and second North 16 degrees 36 minutes 57 seconds West 102.71 feet, thence for

Lot No 3

This Deed, Made This 22nd day of September in the year one thousand nine hundred and eighty-one by and between TARAS I. CHARCHALIS and TATJANA N. CHARCHALIS, his wife

of Baltimore County, State of Maryland, parties of the first part, and ELISE GILLET BOYCE of Baltimore County, State of Maryland, party of the second part

WHEREAS, the actual consideration paid or to be paid is \$16,320.00 Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said TARAS I. CHARCHALIS and TATJANA N. CHARCHALIS, his wife AGRICULTURAL TRANSFER TAX NOT APPLICABLE SIGNATURE DATE

grant and convey to the said ELISE GILLET BOYCE, her heirs, personal representatives, successors and assigns forever in fee simple, all that lot of ground situate in Baltimore County, State of Maryland and described as follows, that is to say:

BEGINNING for the same at a point on the Northwest Right-of-Way line of Interstate Route No. 83, opposite and at the distance of 105.00 feet measured in a Southwesterly direction and at right angles from the baseline of Right-of-Way Station 563+00.00 as laid out and shown on the State Roads Commission of Maryland Plat No. 21152 dated December 23, 1958, said place of beginning being also situate at the end of the 10th or North 36° 33' 48" West 48.27 foot line of the land which by deed dated January 8, 1975 and recorded among the Land Records of Baltimore County in Liber E.H.R., Jr. 5592, folio 348, was conveyed by Broadwater, Inc., to Taras I. Charchalis and Tatjana N. Charchalis, his wife, thence leaving said place of beginning and running with and binding on said Northwest Right-of-Way line of Interstate Route No. 83, and running also with and binding on the 11th through 17th lines of said deed, as now established by the State of Maryland Grid System, the following courses and distances, viz: (North 45° 45' 57" West 48.72 feet) to a point, thence (North 79° 03' 16" West 62.99 feet) to a point, thence (North 71° 48' 24" West 55.96 feet) to a point, thence (North 45° 52' 29" West 234.76 feet) to a point, thence (North 37° 05' 08" West 250.79 feet) to a point, thence (North 34° 55' 35" West 324.16 feet) to a point, and thence (North 32° West 39.46 feet) to a point, thence (North 15° 22' Way line of Interstate Route No. 83 and running with and binding on 18th, 19th, 20th, 21st, 22nd and part of 24th lines of said deed the following courses and distances, viz: South 69° 50' 50" West and passing over a stone at the distance of 201.83 feet, in all, 577.63 feet to a point, thence (South 17° 36' 10" East 870.38 feet) to a point, thence (North

(continued over)

Lot No 5

This Deed, Made This 31st day of August in the year one thousand nine hundred and eighty-eight by and between Thredaht Development Group, Inc.

of Baltimore County, State of Maryland, party of the first part, and Charles Gillet, and Elise Gillet Boyce of Baltimore County, State of Maryland, party of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said Thredaht Development Group, Inc. grant and convey to the said Charles Gillet and Elise Gillet Boyce, their heirs, personal representatives, successors and assigns forever in fee simple, all that lot of ground situate in Baltimore County and described as follows, that is to say:

SEE ATTACHED EXHIBIT A FOR FULL DESCRIPTION

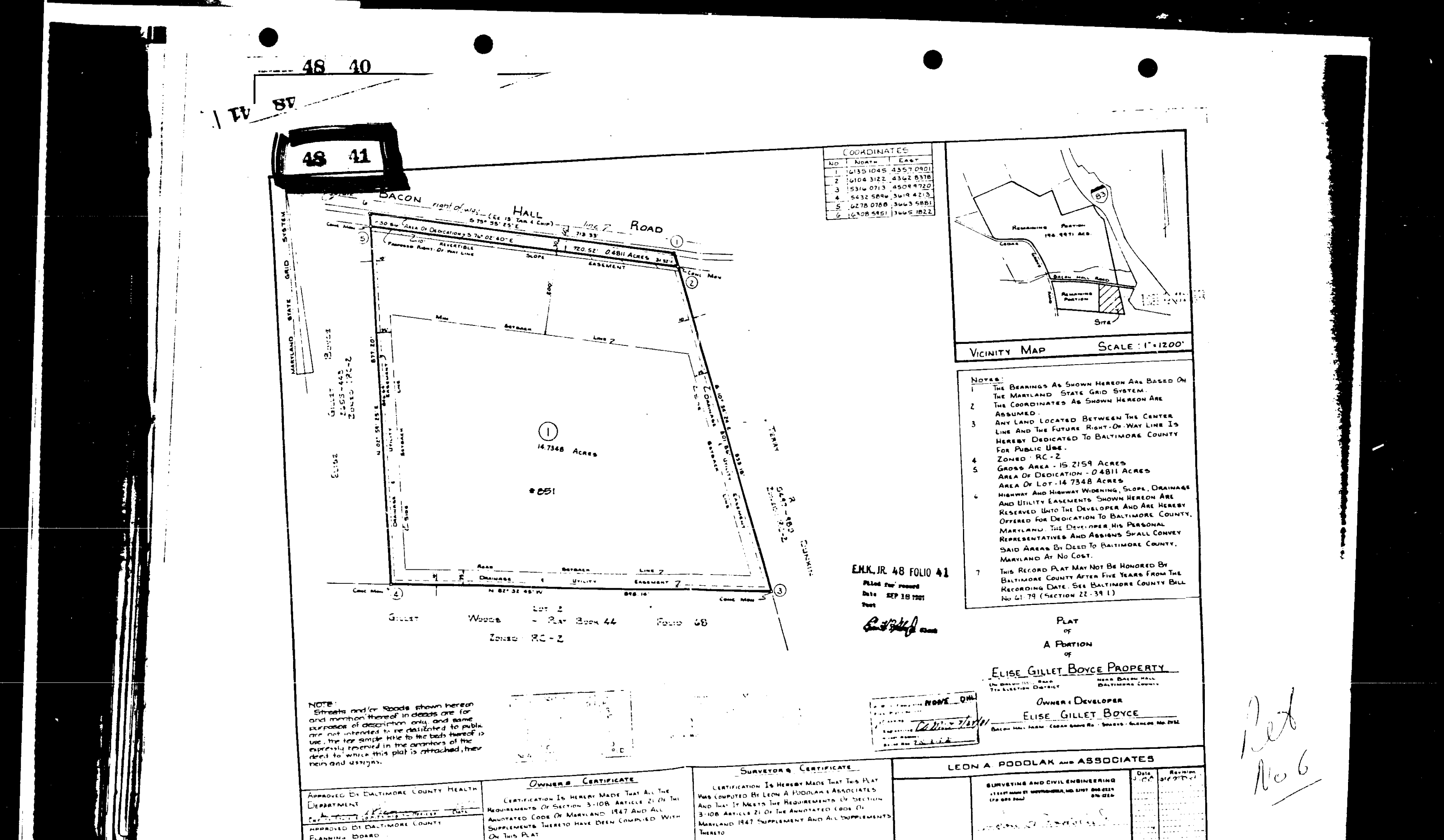
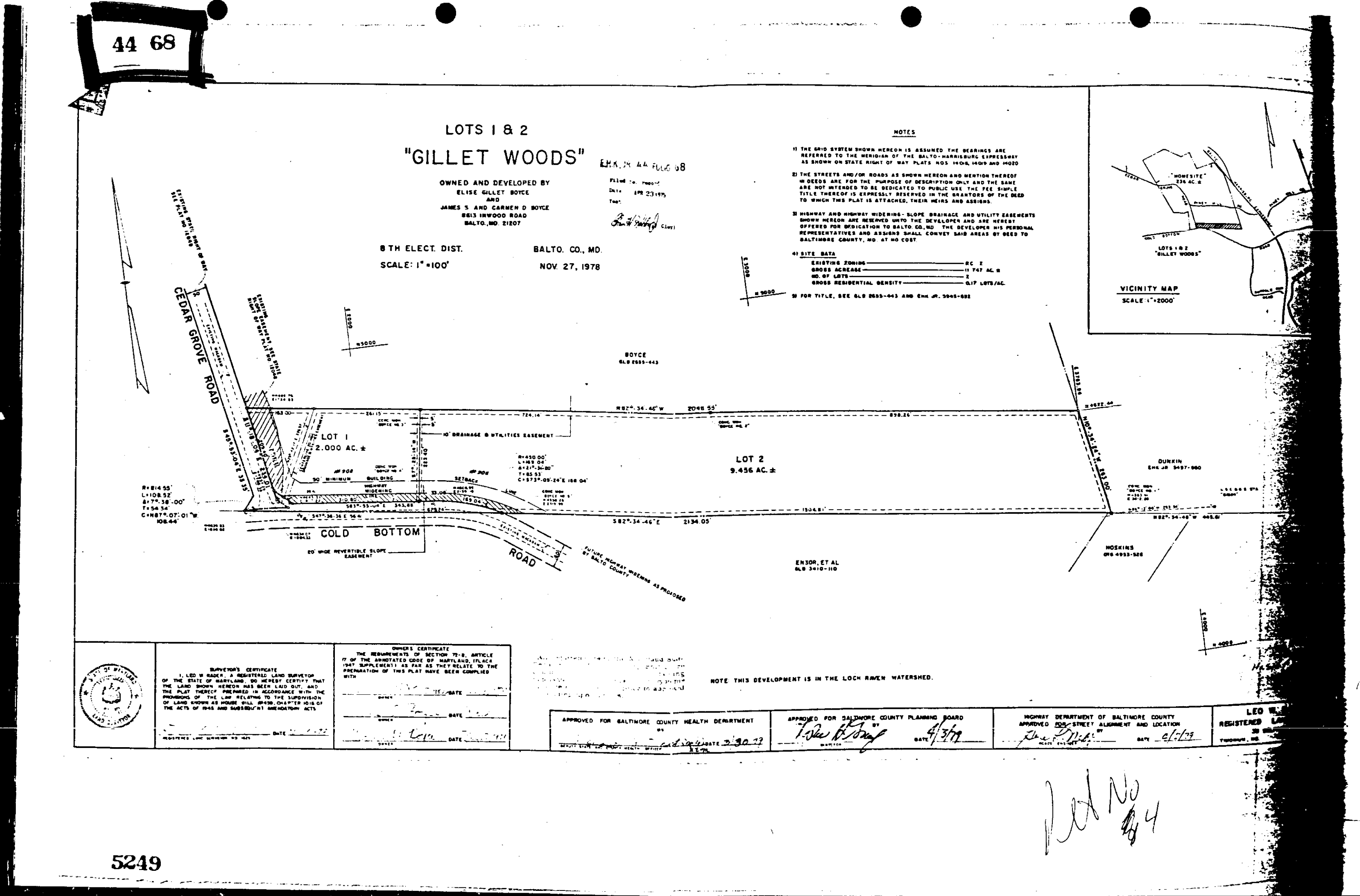
BEING THE SAME PROPERTY WHICH BY DEED DATED APRIL 18, 1969 and recorded among the Land Records of Baltimore County in Liber 28 2087 folio 593 was granted and conveyed by Thredaht Development Group, Inc., grantor herein.

The undersigned officer of the Grantor certifies that this conveyance is not part of a transaction in which there is a sale, lease, mortgage or other transfer of all or substantially all of the property and assets of said Grantor.

AGRICULTURAL TRANSFER TAX NOT APPLICABLE SIGNATURE DATE

RECEIVED FOR TRANSFER State Tax Department BALTIMORE COUNTY MARYLAND 11/17/68

Lot No 6



LAST WILL AND TESTAMENT

OF ELIZA GILLET BOYCE

I, ELIZA GILLET BOYCE (sometimes called ELISE GILLET BOYCE), of Baltimore County, State of Maryland, hereby revoke any previous Wills and Codicils and declare this to be my Last Will and Testament.

ITEM ONE: I hereby direct my Personal Representatives to pay from my residuary estate all of my just debts, medical expenses, funeral and burial expenses (without Court order), and all Federal and State Inheritance and Estate taxes due and payable by my estate or due by reason of my death, including taxes arising on or from assets passing other than under this Will, (including but not limited to contribute to an insurance) and no one shall be called upon to contribute to the payment of such taxes. My Personal Representatives, in their sole discretion, may claim the expenses of administration as income tax deductions or estate tax deductions and no one shall have the right to question their decision.

ITEM TWO: I make no provision in my Will for my son, LAWRENCE P. BOYCE, or his daughter, because, at his request, I transferred a substantial amount of my assets to him during my lifetime.

ITEM THREE: I make no provision in my Will for my son, WILLIAM GRAHAM BOYCE, JR., or his children, because, at his request, I transferred a substantial amount of my assets to him during my lifetime.

ITEM FOUR: I give and bequeath all my jewelry and silverware to my daughter, ELISE BOYCE KELSEY.

ITEM FIVE: I hereby give, devise and bequeath that portion of my property known as "Bacon Hall Farm" and lying to the West of Gillet Road, situate in the Seventh Election District of Baltimore County, together with all improvements thereon and my interest in any part thereof, as well as any farm machinery, implements and supplies regularly used thereon at the time of my death, together with all unexpired insurance policies thereon, unto my Trustees hereinafter named for the uses and purposes hereinafter set forth.

My Trustees shall allow my grandson, WILLIAM GRAHAM BOYCE, III, to use such property in his business as a horse trainer and riding instructor so long as he shall desire during his lifetime, provided that my said grandson shall pay all expenses incident to the property, such as but not limited to, insurance (which shall be in limits agreeable to my Trustees), taxes, assessments, maintenance of fences, buildings and fields.

Should my said grandson not desire to use said property for the aforesaid purposes or should he be unable to maintain the property in accordance with the desires of my Trustees, then and in any of the above events, my said Trustees shall sell the property for the highest price obtainable, my children, LAMBERT GITTINGS BOYCE and ELISE BOYCE KELSEY, or either of them, if



Ret No 9

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC. ENGINEERS P.O. BOX 6828, TOWSON, MARYLAND 21284 James S. Kline (Planner & Designer)

(Harford Community College) 11+ Years Engineering

(Employment) 3 Years Baltimore County Bureau of Land Acquisition

3 Years Purdue & Jacobs Civil Engineers & Land Surveyors

16 Years George William Stephens, Jr. & Associates, Inc. Civil Engineers & Land Surveyors

Education: Geometry, Trigonometry, Algebra, Physics, Engineering, Drafting

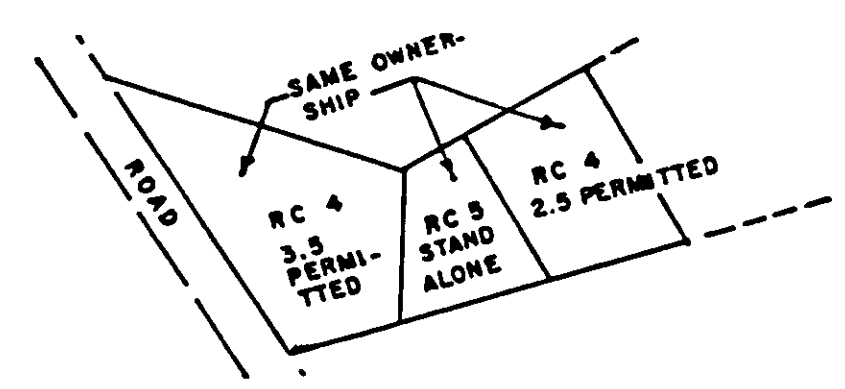
Experienced In: Drafting, Title Research, Grading, Environmental Reports, Zoning Application, Record Plans, Development Plans, Public Works Agreements, Residential & Commercial Site Planning, Private Water & Sewerage Layouts, All Phases of Land Development Research

Table with columns: ROAD NUMBER, ROAD NAME, LOCATION POINT / AREA, MILES YR ROAD, BEGINNING LOCATION, ENDING LOCATION. Lists various roads and their details.

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

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

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



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

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

Ret No 11

No 8

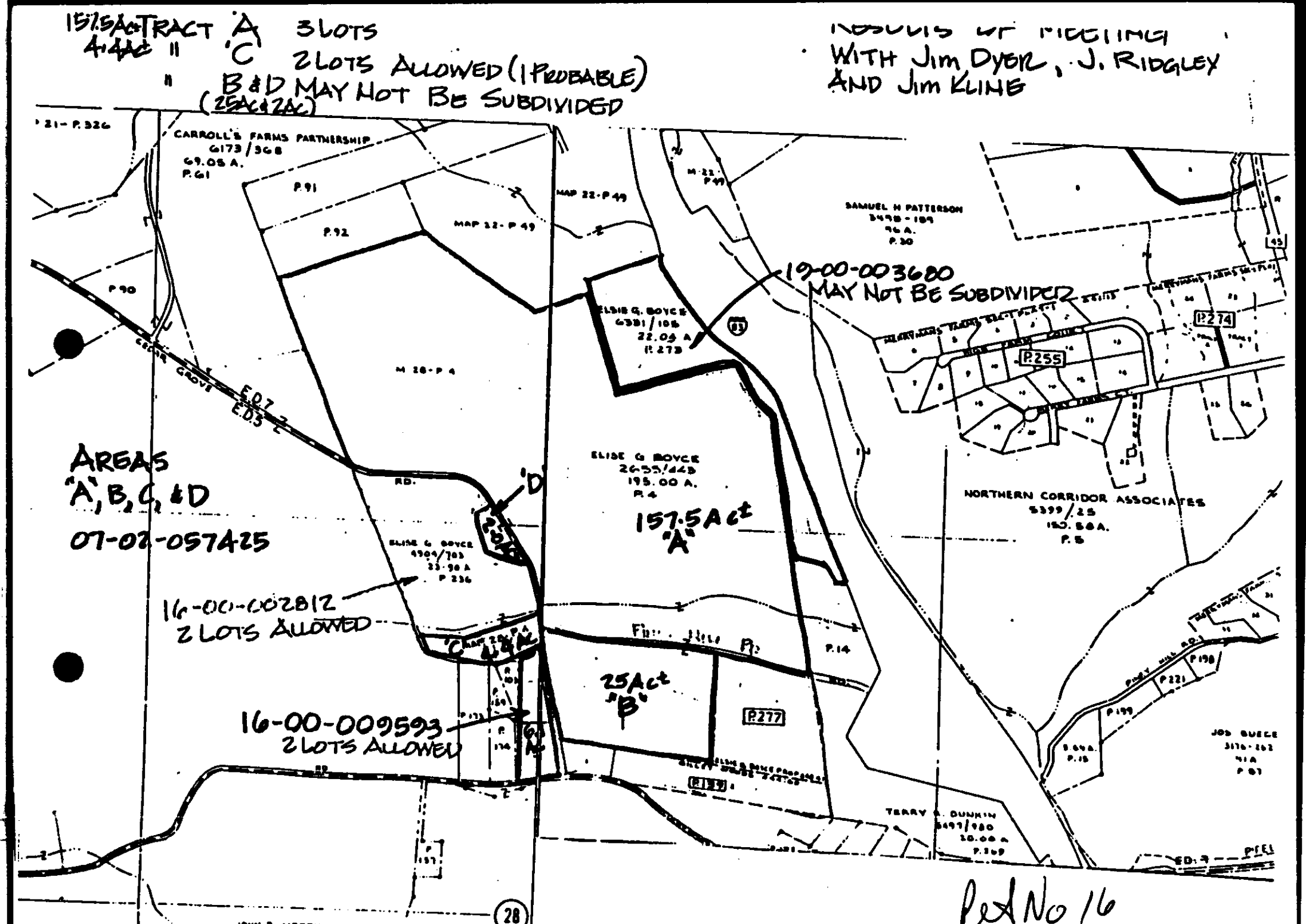
Ret No 10

Eliza Boyce

AGRICULTURAL TRANSFER TAX NOT APPLICABLE. SIGNATURE: [Signature] DATE: 10/6/81. COUNTY HIGHWAY DEED. 66333 187849. TRANSFER TAX NOT REQUIRED.

THIS DEED, Made this 8th day of September, in the year 1981, by ELISE GILLET BOYCE (formerly known as ELIZA S. GILLET), of Baltimore County, State of Maryland, Grantor. WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey unto Baltimore County, Maryland, its successors and assigns, in fee simple, for public highway purposes, all that lot of ground situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland, and described as follows, that is to say: BEING a parcel of land containing 0.4811 acre, more or less, a portion of which is situate in the bed of BACON HILL ROAD and a portion of which is to be used for the widening thereof, as laid out and shown indicated "AREA OF DEDICATION" on the Plat of a Portion of "ELISE GILLET BOYCE PROPERTY", which Plat is recorded among the Plat Records of Baltimore County in Liber E.H.K., Jr. No. 48, folio 41. TOGETHER with the right to create, use and maintain on the area of the land as shown indicated "10' REVERSIBLE SLOPE EASEMENT" on the aforesaid Plat of a Portion of "ELISE GILLET BOYCE PROPERTY", recorded as aforesaid, such slopes as are necessary to retain and support the highway and/or adjacent property; it being agreed between the parties hereto, however, that at such time as the contour of the land over which this slope easement is granted is changed so that the easement required for slopes is no longer necessary to retain, support or protect the highway construction within the area conveyed in fee simple, then said easement for slopes shall cease to exist. FOR TITLE TO ELISE GILLET BOYCE (formerly known as Eliza S. Gillet), see the following: Deed dated July 1, 1903 and recorded among the Land Records of Baltimore County in Liber N.S.M. No. 267, folio 531 from Safe Deposit and Trust Company, Trustee, to Edward M. Gillet, Jr., Mary G. Gillet, Eliza S. Gillet, and Harriet M. Gillet; said Edward M. Gillet, Jr. died on or about September 1, 1905, intestate, and leaving surviving him as his next of kin and sole heirs at law his widow, Babetta R. Gillet, and his sisters, Mary G. Gillet, Eliza S. Gillet and Harriet M. Gillet. See also Deed dated July 24, 1906 and recorded among the aforesaid Land Records in Liber W.P.C. No. 301, folio 22 from Babetta R. Gillet, widow, to Mary G. Gillet, Eliza S. Gillet and Harriet M. Gillet. See also Deed dated July 16, 1906 and recorded among the aforesaid Land Records in Liber W.P.C. No. 330, folio 422 from Mary Gittings Gillet, unmarried, to Eliza Gillet Boyce (formerly known as Eliza S. Gillet) and now known as Elise Gillet Boyce and W. Graham Boyce, her husband, as tenants by the entireties; said W. Graham Boyce died on or about July 4, 1942.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 1990, Legislative Day No. 12 Bill No. 122-20 Mr. C.A. Dutch Ruppersberger, III, Councilman By Request of County Executive By the County Council, October 15, 1990 A BILL ENTITLED AN ACT concerning Roads Crossing Lots of Record FOR the purpose of amending the Baltimore County Zoning Regulations in order to clarify and define whether roads crossing lots of record sound R.C. create separate parcels of land. BY repealing and reenacting, with amendments, Section 1401.3.B.1. Baltimore County Zoning Regulations, as amended WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation and has held a public hearing thereon; now, therefore SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland, that Section 1401.3.B.1. of the Baltimore County Zoning Regulations, as amended, be and it hereby repealed and reenacted, with amendments, to read as follows: 1401.3--HEIGHT AND AREA REGULATIONS B. Area regulations. 1. Subdivision Lot Density. No lot of record lying within an R.C. 2 zone and having a gross area of less than 2 acres may be subdivided. No such lot having a gross area between 2 and 100 acres may be subdivided into more than 2 lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of 1 lot for each 50 acres of gross area. IN CASES WHERE LAND IN SINGLE OWNERSHIP IS CHANGED BY EXISTING OR PROPOSED ROADS, RIGHTS-OF-WAY, OR EASEMENTS, THE PORTION OF LAND ON EITHER SIDE OF THE ROAD, RIGHT OF WAY, OR EASEMENT SHALL NOT BE CONSIDERED EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. BRACKETS INDICATE MATTER DELETED FROM EXISTING LAW. DASHES INDICATE MATTER DELETED FROM BILL. UNDERLINES INDICATE MATTER TO BE ADDED TO BILL.



DEED - FEE SIMPLE - INDIVIDUAL GRANTEE - LONG FORM LIBER 6631 PAGE 102. This Deed, Made This 22nd day of September in the year one thousand nine hundred and eighty-one by and between ELISE GILLET BOYCE of Baltimore County, State of Maryland, party of the first part, and TARAS I. CHARCHALIS and TATJANA N. CHARCHALIS, his wife of Baltimore County, State of Maryland, parties of the second part. WHEREAS, the actual consideration paid or to be paid is \$16,320.00. WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said ELISE GILLET BOYCE AGRICULTURAL TRANSFER TAX AMOUNT 652.70 SIGNATURE [Signature] DATE 9/24/81 do es grant and convey to the said TARAS I. CHARCHALIS and TATJANA N. CHARCHALIS, his wife, as tenants by the entireties, their heirs, personal representatives and assigns forever, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say: BEGINNING for the same at a railroad spike heretofore set in the bed of Bacon Hill Road at the end of the 24th or South 10° 34' 24" East 1987.05 foot line of the land which by deed dated January 6, 1975 and recorded among the Land Records of Baltimore County, in Liber E.H.K., Jr. 5502, folio 348, was conveyed by Broadwater, Inc., to Taras I. Charchalis and Tatjana N. Charchalis, his wife, said place of beginning being also situate at the beginning of the 9th or South 10° 34' 24" East 1095 more or less foot line of the land which by deed of Broadwater, Inc., dated December 17, 1974 and recorded among said Land Records in Liber E.H.K., Jr. 5497, folio 980 was conveyed unto Terry R. Dunkin and Cheryl S. Dunkin, his wife, thence leaving said place of beginning and running with and binding on a portion of said 9th line, as now surveyed, and referring all courses of this description to the meridian established by the State of Maryland Grid System South 10° 34' 24" East and passing over a concrete monument at the distance of 31.32 feet, in all, 833.18 feet to a concrete monument and survey entitled, "Gillet Woods", dated November 27, 1978 and recorded among said Land Records in Plat Book E.H.K., Jr. 64, folio 68, thence running with and binding on a portion of the North boundary line of said lot North 82° 32' 45" West 898.14 feet to a concrete monument marked "Boyce No. 2", thence leaving said North boundary line of Lot No. 2 and running for new lines of division through the land described in a deed from Hermann Von Groning, Widower, to Elise Gillet Boyce, dated February 15, 1955 and recorded among said Land Records in Liber G.L.B. 2655 folio 443, the two following courses and distances viz: North 02° 59' 25" East and (continued over)

Form DP-11-10-1972
 THIS DEED AND AGREEMENT made this 8th day of SEPTEMBER, in the year Nineteen Hundred and SEVENTY-EIGHT, between ELISE GILLET BOYCE (formerly known as ELISA S. GILLET), of Baltimore County, State of Maryland,

part of the first part, and BALTIMORE COUNTY, MARYLAND, a body corporate and political party of the second part.

WHEREAS, the party of the second part desires to construct and maintain sewers, drains, water pipes and other municipal utilities and services in and across the land hereinafter described, and the party of the first part is willing to grant such right.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar, the receipt whereof is hereby acknowledged, the said party of the first part hereby grants and conveys unto Baltimore County, Maryland, a body corporate and political party of the second part, the right to lay, construct and maintain sewers, drains, water pipes and other municipal utilities and services in, on, through and across the land of the party of the first part, situate in Baltimore County, State of Maryland, said sewers, drains, water pipes and other municipal utilities and services to be laid in the easement which is described as follows:

Situate in the Seventh Election District of Baltimore County.

BEING an easement 10 feet wide across Lot No. 1, as laid out and shown indicated "SEWERAGE & UTILITY EASEMENT" on the Plat of a Portion of "ELISE GILLET BOYCE PROPERTY", which Plat is recorded among the Plat Records of Baltimore County in Liber P.H.K., Jr. No. 15, folio 47.

FOR INTITLE TO ELISE GILLET BOYCE (formerly known as Eliza S. Gillet), see the following: Deed dated July 1, 1903 and recorded among the Land Records of Baltimore County in Liber N.B.W. No. 281, folio 331 from Safe Deposit and Trust Company, Trustee, to Edward M. Gillet, Jr., Mary G. Gillet, Eliza S. Gillet and Harriet M. Gillet; said Edward M. Gillet, Jr. died on or about September 8, 1905, intestate, and Harriet surviving as his next of kin and sole heirs at law his widow, Sabette R. Gillet, and his sisters, Mary G. Gillet, Eliza S. Gillet and Harriet M. Gillet. See also Deed dated July 24, 1906 and recorded among the aforesaid Land Records in Liber P.H.C. No. 301, folio 22 from Sabette R. Gillet, widow, co Mary G. Gillet, Eliza S. Gillet and Harriet M. Gillet.

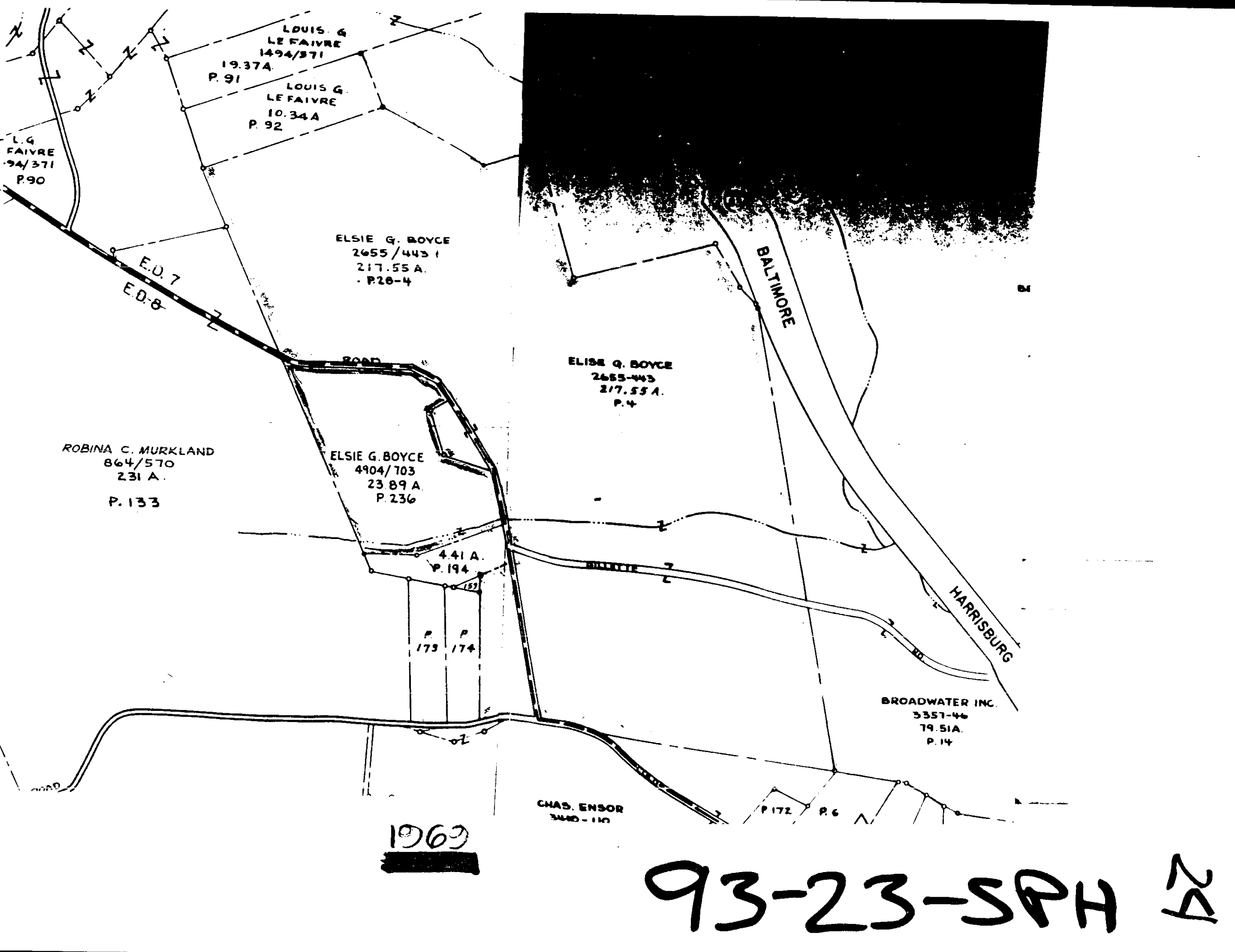
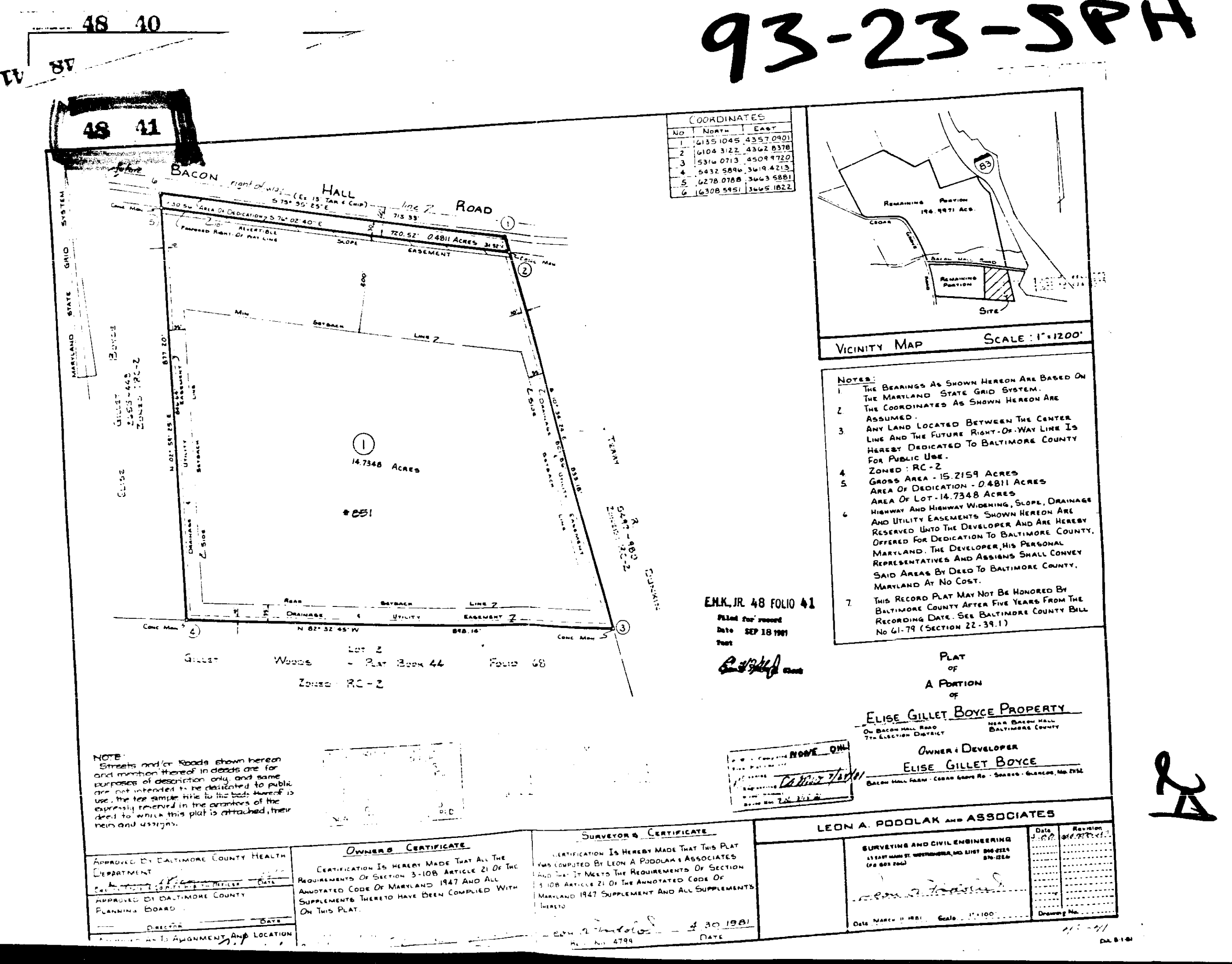
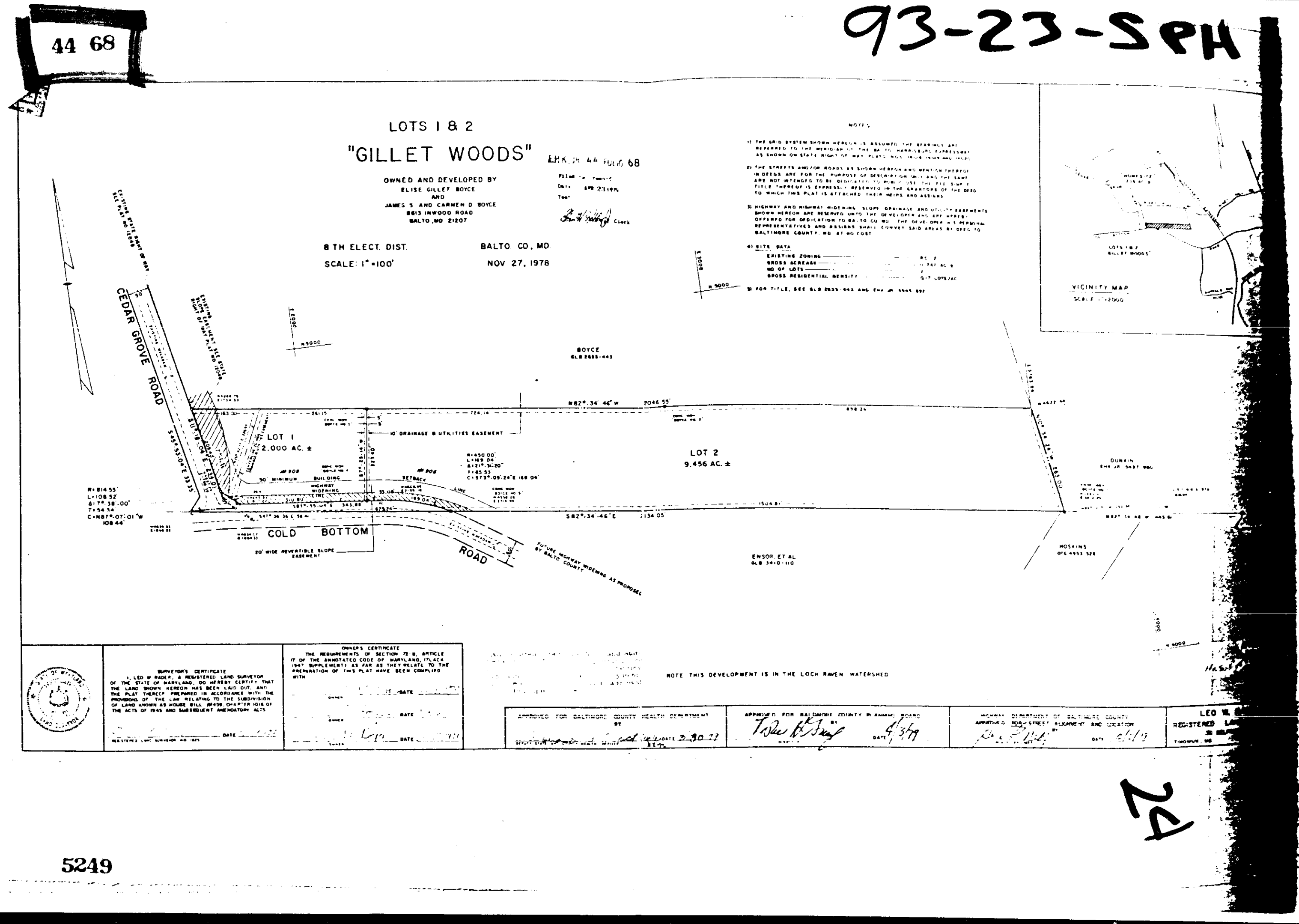
See also Deed dated July 19, 1908 and recorded among the aforesaid Land Records in Liber P.H.C. No. 330, folio 44 from Mary Ottobene Gillet, unmarried, to Eliza Gillet Boyce (formerly known as Eliza S. Gillet and now known as Elise Gillet Boyce) and to Graham Boyce, her husband, as tenants by the entireties; said M. Graham Boyce died on or about July 24, 1942.

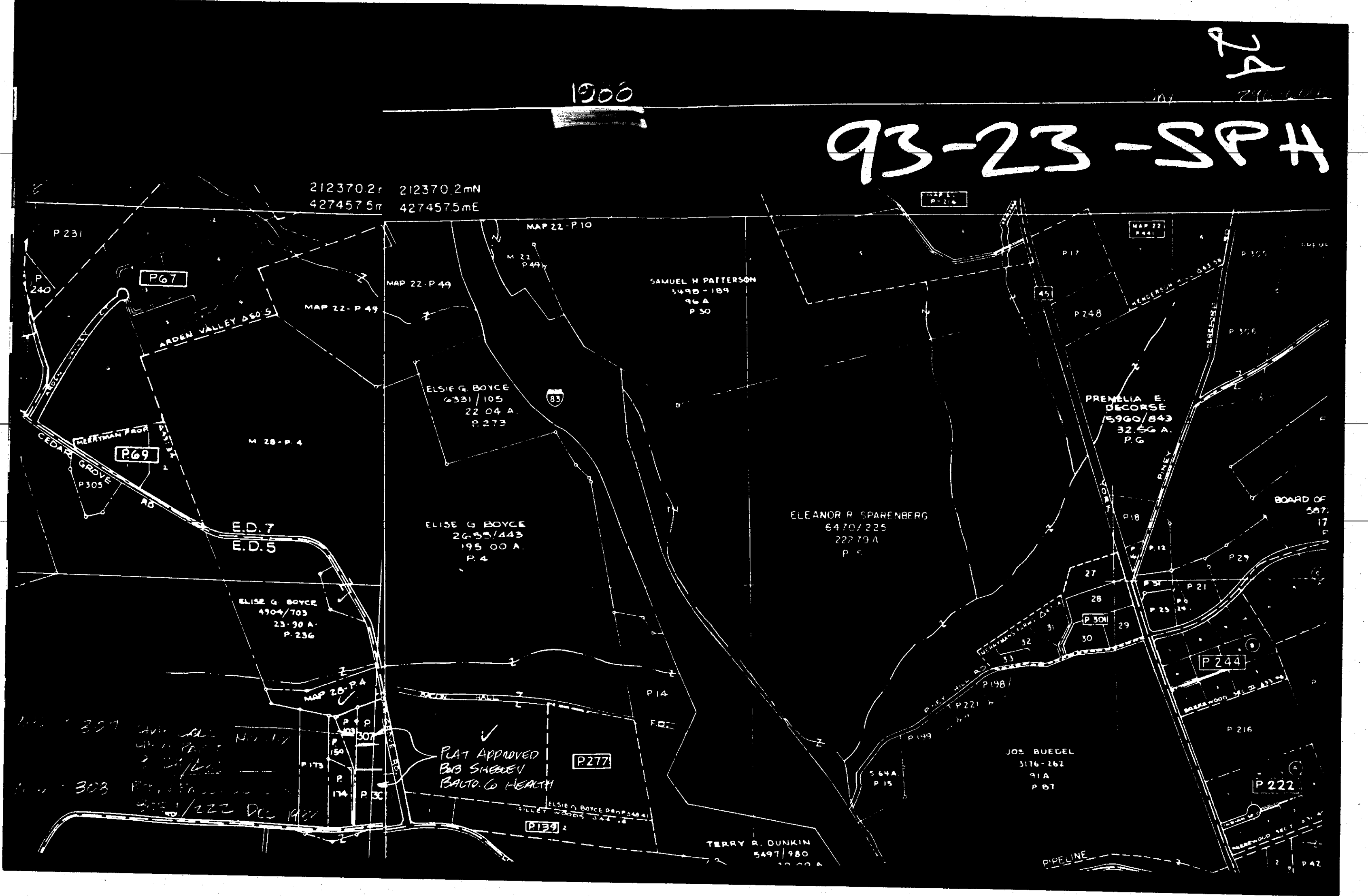
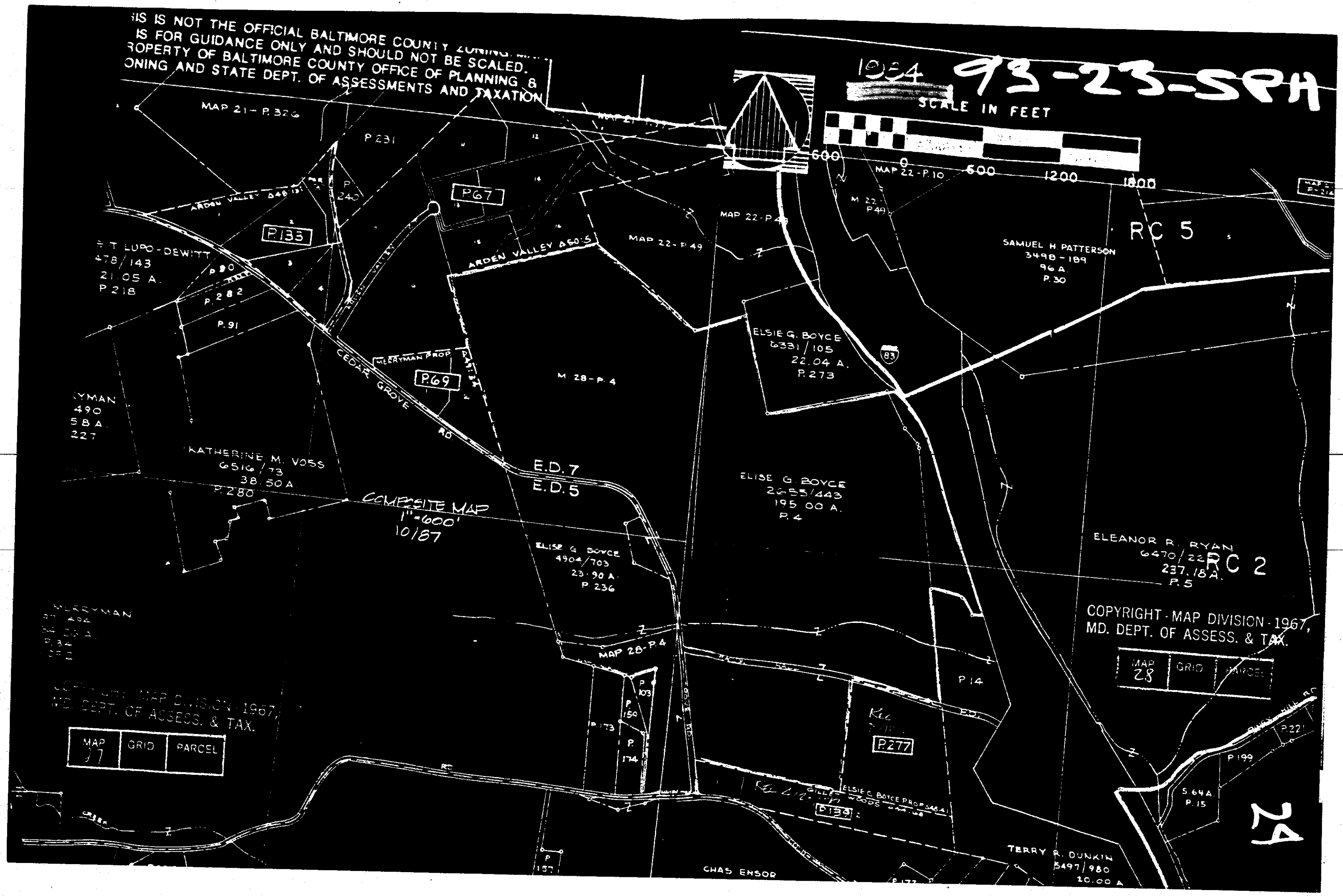
See also Deed dated October 9, 1911 and recorded among the aforesaid Land Records in Liber P.H.C. No. 343, folio 171 from Harriet M. Gillet unto the Safe Deposit and Trust Company in trust for the purpose therein mentioned and reserving unto herself the power to appoint the same absolutely by Will; the said Harriet M. Gillet subsequently died intestate on January 22, 1912, and departed this life on or about December 22, 1953, and by her last Will, duly probated and now of record in the Office of the Register of Wills for Baltimore County in Liber P.H.C. No. 48, folio 539 appointed the property unto the said Harriet M. Gillet, in exercise of the power vested in her under the Deed of Trust of the said Harriet M. Gillet, to be devised unto the said Elise Gillet Boyce by Deed dated July 1, 1954 and recorded in said Land Records in P.H.B. No. 2653, folio 403. The party of the first part does hereby agree that Baltimore County, Maryland, its agents and assigns, shall have the right and privilege of entering upon the aforesaid land, when and as may be necessary, to make openings and excavations, and to lay, construct and maintain said sewers, drains and appurtenances, provided, however, that the ground shall be restored and left in good condition, and it is further agreed that no buildings or similar structures of any kind shall be erected on or over the said easement by the party of the first part, her personal representatives, successors and assigns nor shall the existing grade be changed without prior approval of Baltimore County Bureau of Engineering.

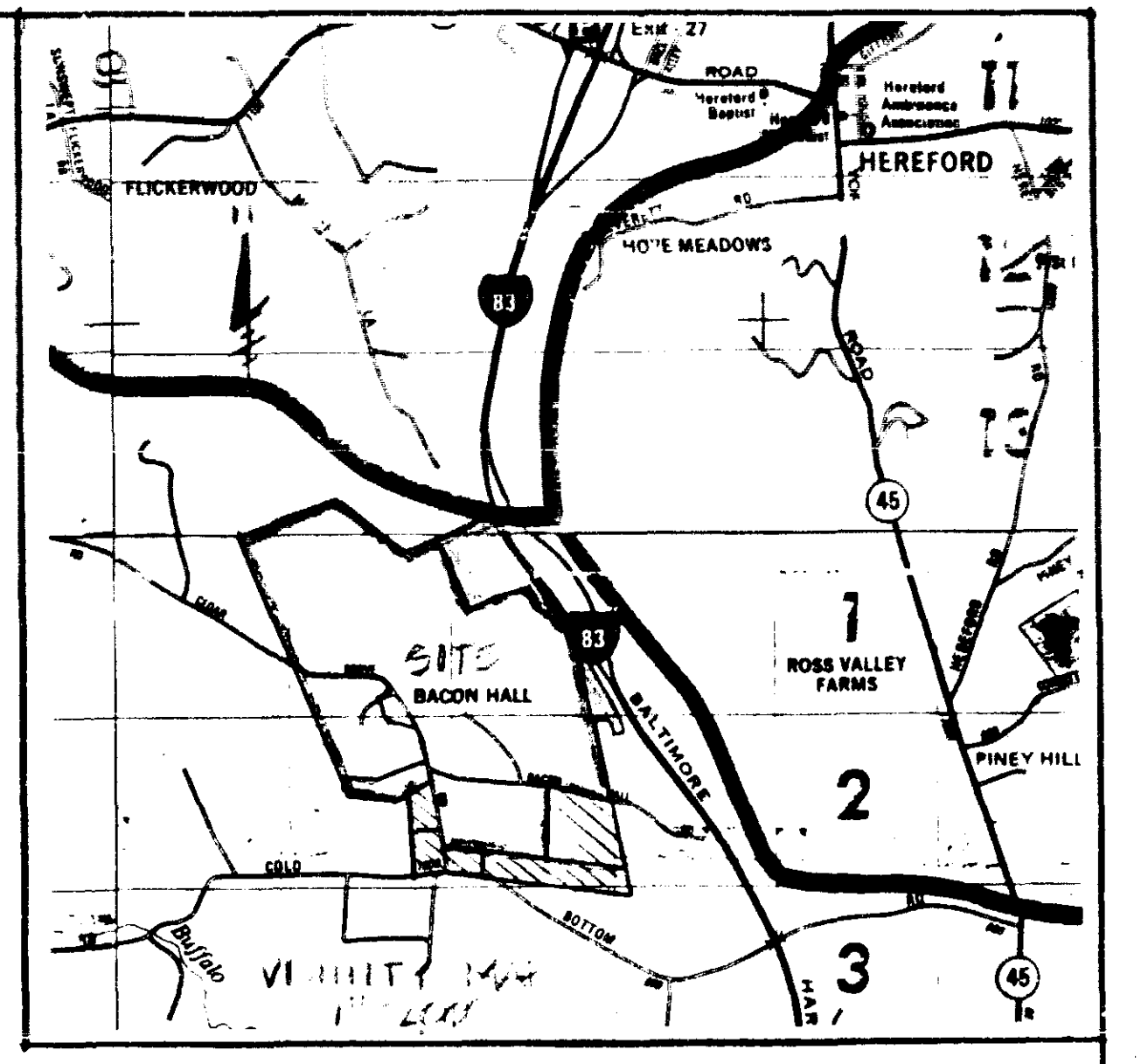
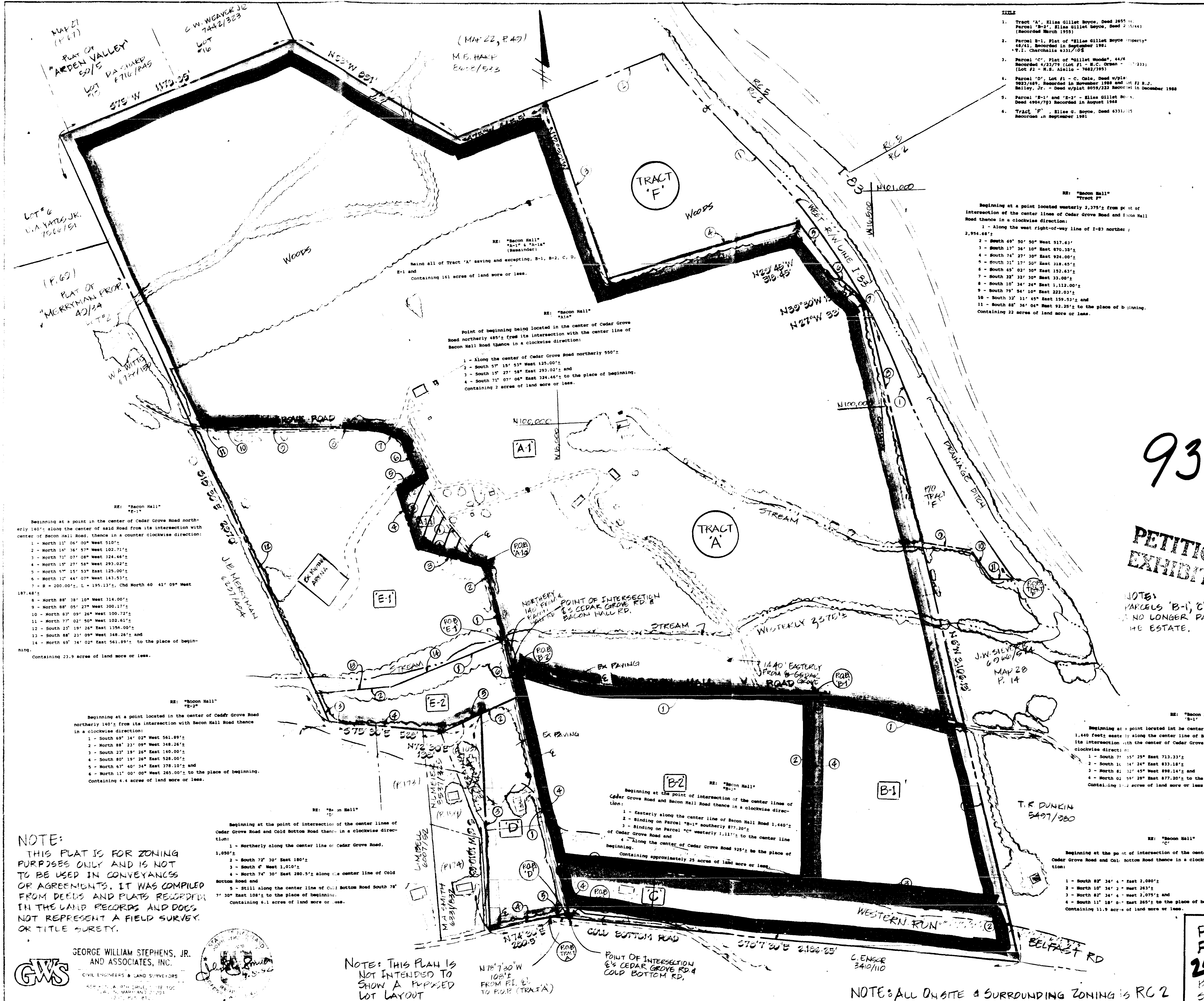
THIS DEED, Made this 2nd day of December in the year one thousand nine hundred seventy-seven, by and between ELISE GILLET BOYCE, Widow, (formerly known as Eliza S. Gillet) of Baltimore County, State of Maryland, of the first part, Grantor, and JAMES S. BOYCE and CARVEN D. BOYCE, his wife, of Baltimore County, State of Maryland, of the second part, Grantee.

WITNESSETH, that in consideration of the sum of One Dollar and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, the survivor's heirs and assigns, in fee simple, all that lot or parcel of ground situate in Baltimore County, State of Maryland, and described as follows:

BEGINNING for the same at a stone heretofore set at the end of the South 78° 07' 1/2" East 159 1/2' porch line of Lot #1 as described in a Deed dated May 6, 1868 and recorded in the Land Records of Baltimore County, Liber E.H.A. No. 58, folio 579. Said tract being conveyed by John Philipot, et al, Trustee to Matilda M. Rhett, etc. Thence binding reversely on said line North 78° 07' 30" West 208.71 feet to a pipe now set, thence continuing along said line 834.04 feet to an iron pipe now set, thence leaving said line for the following three new lines of division, North 11° 52' 30" East 208.71 feet to a pipe now set, South 78° 07' 30" East 834.84 feet to a pipe now set and South 11° 52' 30" West 208.71 feet to the firstly described pipe. Together with the 20 foot Right of Way for use in common with others and lying on the Northeast side of the South 78° 07' 1/2" East 159 1/2' porch line of said Lot #1 and running and binding reversely along said line for a distance of 600.0 feet, so intersect the Northeast Right of Way line of Cold Bottom Road, containing 4 acres, more or less.







- TITLE**
- Tract "A", Elias Gillet Boyce, Deed 2695/11, Parcel "B-2", Elias Gillet Boyce, Deed 2104/11 (Recorded March 1955)
 - Parcel B-1, Plat of "Elias Gillet Boyce Property" 48/41, Recorded in November 1961
 - Parcel "C", Plat of "Gillet Woods", 44/4, Recorded 4/23/79 (Lot #1 - H.C. Orphan "7822/193") (Lot #2 - H.C. Orphan - "7822/193")
 - Parcel "D", Lot #1 - C. Cole, Deed 49/18, 903/44, Recorded in November 1968 and Lot #2 R.J. Bailey, Jr. - Deed 49/18, 903/222 Recorded in December 1968
 - Parcel "E-1" and "E-2" - Elias Gillet Boyce, Deed 484/79, Recorded in August 1948
 - Tract "F" - Elias G. Boyce, Deed 631/11, Recorded in September 1961

- RE: "Bacon Hall" Tract "F"**
- Beginning at a point located westerly 2,375' from pt of intersection of the center lines of Cedar Grove Road and Bacon Hall Road thence in a clockwise direction:
- Along the west right-of-way line of I-83 northerly 2,934.48'
 - South 69° 50' 50" West 517.43'
 - South 17° 34' 10" East 870.33'
 - South 74° 29' 30" East 924.00'
 - South 25° 15' 20" East 316.45'
 - South 45° 02' 30" East 151.43'
 - South 33° 32' 30" East 33.00'
 - South 10° 34' 24" East 3,132.00'
 - South 79° 24' 10" East 322.03'
 - South 32° 11' 45" East 159.33' and
 - South 88° 34' 04" East 93.25' to the place of beginning. Containing 22 acres of land more or less.

- RE: "Bacon Hall" Tract "A" Overall**
- Place of beginning being located North 78° 31' 30" West 108' from the point of intersection of the center lines of Cedar Grove Road and Cold Bottom Road thence in a clockwise direction:
- South 78° 31' 30" East 2,184.25'
 - North 4° West 3,104.13'
 - North 27° West 33'
 - North 19° 30' West 152.63'
 - North 28° 45' West 318.45'
 - South 80° West 324'
 - North 12° 30' West 870.18'
 - South 75° West 445.5'
 - North 53° West 493'
 - South 75° West 1,178.93'
 - North 18° 30' East 2,470'
 - South 73° 30' East 528'
 - North 32° 30' East 198'
 - South 4° West 3,010.41' and
 - North 74° 30' East 280.5' to the place of beginning. (Containing 247.5 acres of land more or less.)

93-23-SPH

PETITIONER'S EXHIBIT No. 1

NOTE: PARCELS 'B-1', 'C' & 'D' ARE NO LONGER PART OF THE ESTATE.

- Area B-1 and Area B-2 were considered one parcel when subdivided in 1961 and are not subject to Bill 1994-01. Parcel B-2 may stand on its own having a remaining density of one unit. Area B-1 may not be subdivided any further.
- Parcel D was subdivided prior to Bill 1994-01 and stands on its own and may not be further subdivided. Parcel A-1 - a plat was recorded with each deed.
- Tract F is adjacent property and part of a 1961 subdivision which may not be further subdivided and a density of one unit remains.
- Parcel C was recorded 4/23/79 and consists of 2 lots. At that time AC-2 density permitted was much higher (more than 100 units per acre) and additional units would be permitted in excess of 100 acres Bill 1994-01. This should not limit density of existing parcels.
- Parcel B-1 was created by Deed in August of 1968 and has a permitted density of 2 units.
- Parcel E-2 was created by Deed in August of 1968 and has a permitted density of 2 units.
- Parcel A-1 (168 AC-2) is the remainder of Tract A and includes Area A-1 (2 AC-2) and has a density of 3 units.
- Total density remaining (Parcel A-1, B-2, E-2 and Tract F) = 7 units.

Tract	Overall Gross Area	247.5 AC-1
Parcel D	Gross Area	6.1 AC-2
Parcel B-2	Gross Area	4.4 AC-2
Parcel C	Gross Area	11.9 AC-1
Parcel E-1	Gross Area	21.9 AC-1
Parcel B-1	Gross Area	15.2 AC-1
Parcel B-2	Gross Area	2.5 AC-2
Area A-1a	Gross Area	2 AC-2
Parcel A & E-2	Gross Area	146 AC-2
Parcel A EXCLUDING Parcel B-2	Gross Area	164 AC-2
Tract F is not part of Tract A	Gross Area	22 AC-1

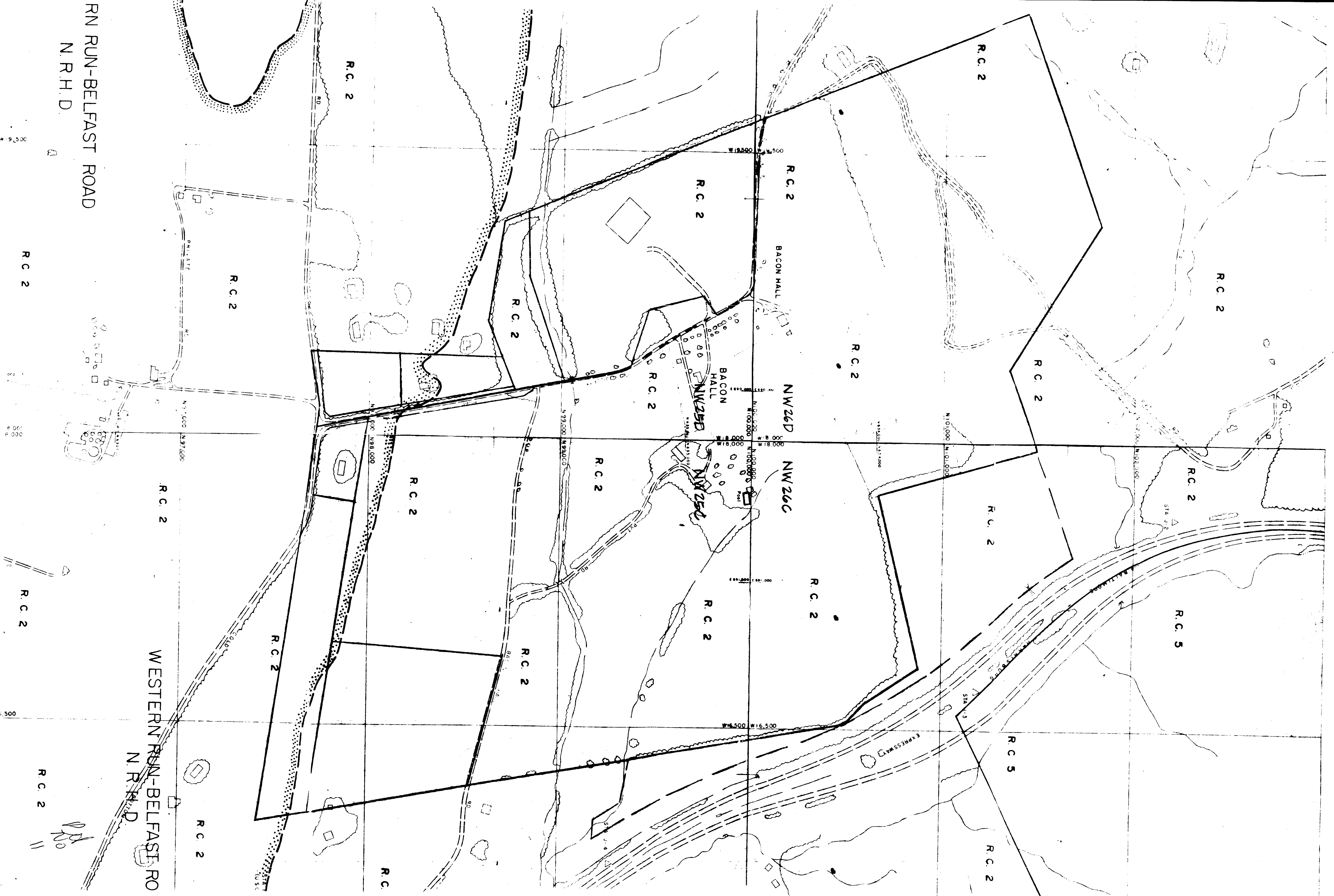
- OWNERS: ESTATE OF ELIAS GILLET BOYCE**
 C/O JAMES H. RIDLEY
 308 W. PENNA. AVE.
 TOWSON, MD 21286
- DATE: 7/6/92**

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 1000 W. WASHINGTON ST., SUITE 100
 BALTIMORE, MD 21201

NOTE: THIS PLAN IS NOT INTENDED TO SHOW A PROPOSED LOT LAYOUT

NOTE: ALL ON SITE & SURROUNDING ZONING IS RC 2

PLAT TO ACCOMPANY A ZONING PETITION FOR A SPECIAL HEARING
24 BACON HALL - BOYCE PROP.
 BALTO. CO., MD. - ELEC. DIST. EAST COUNCIL MANIC DIST. 3
 SCALE: 1" = 200'



RN RUN-BELFAST ROAD
N.R.H.D.

R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 2

NW 26D

NW 26C

BACON HALL

BACON HALL

R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 2

R.C. 5

R.C. 2

R.C. 2

R.C. 2

R.C. 5

R.C. 2

WESTERN RUN-BELFAST ROAD
N.R.H.D.

R.C. 2

R.C.

R.C. 2

R.C. 2

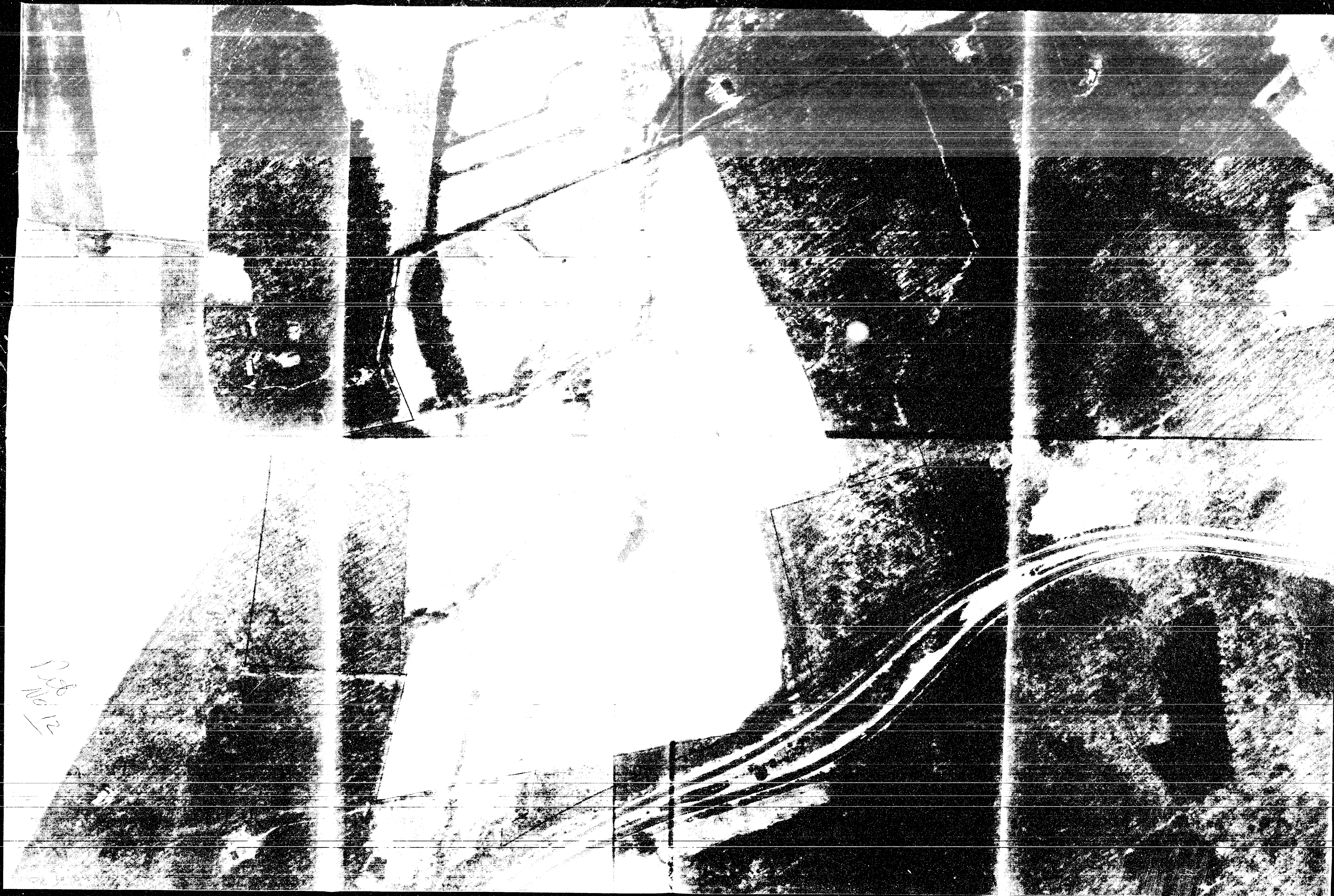
R.C. 2

R.C. 2

R.C. 2

R.C. 2

11



Red
No. 12



which shall result in the creation of more than two (2) lots. Further, Section 101 of the B.C.Z.R. defines the term "lot of record" as "A parcel of land with boundaries recorded in the Land Records of Baltimore County on the same date as the effective date of the zoning regulations which govern the use, subdivision or other conditions thereof." Thus, applying the above-quoted regulations, it must be determined the available densities as of November 24, 1979 in order to perform the density analysis.

Taking the issue most easily resolved first, it is clear that Parcels E1 and E2 were lots of record prior to November 24, 1979. As indicated, these lots of record were created when Mrs. Boyce reacquired this property from the Church in 1968, before the adoption of R.C. zoning. Within that deed dated August 1, 1968, there is a legal description of both parcels. Thus, in that those lots of record existed and both are between 2 and 100 acres in size, it is clear that Parcel E1 contains two (2) density units and Parcel E2, likewise, may be utilized to support two (2) density units.

The next parcel for consideration is Parcel C. As is the case with Parcels E1 and E2, this parcel was clearly identified as a lot of record by way of the conveyance by Mrs. Boyce to create the plat of Gillet Woods on or about April 23, 1979. In fact, this property was conveyed out of Mrs. Boyce's holdings before the November 1979 date. Thus, it is clear that the conveyance of Parcel C does not affect density available to the balance of the subject property, in that Mrs. Boyce was no longer in title to Parcel C on the effective date of R.C. zoning in Baltimore County.

Attention is next given to Parcels B1 and F which were created as a result of the Boyce/Chartcallis land swap/sale in September 1981. There was little evidence presented about this transaction. Did Mrs. Boyce and

ORDER RECEIVED FOR FILING
Date 10/12/92
By [Signature]

- 5 -

Mr. & Mrs. Chartcallis intend on transferring density units within their swap? Was Tract F part of a larger tract owned by the Chartcallises? The answers to these questions are unclear and the Chartcallises and/or present owners of Parcel B-1 are not parties to the Petition. Indeed the land swap/sale might be considered an illegal subdivision. Further, for reasons which will be fully explained hereinafter within the discussion of Parcel B2, Parcel B1 must be considered a part of Tract A and not an independent lot of record as of November 24, 1979. It is to be noted that this land swap/sale occurred in September 1981, well after the adoption of the relevant R.C. 2 zoning. Thus, I must conclude that the transfer of properties between Mrs. Boyce and the Chartcallises resulted in no net change in the density available to the Boyce land. In order to prevent future confusion and for reasons set forth hereinafter, I shall require the Petitioner to record a deed combining Parcel F with the remaining land of Tract A.

The next parcel to be examined is Parcel B2 which contains approximately 25 acres of land. This rectangular parcel is located on the southern portion of the tract. To the north, it is bounded by Bacon Hall Road. To the south, its common boundary is with Parcel C, which was previously sold as set forth above. To the west, Parcel B2 abuts Cedar Grove Road. On the remaining side (east), the parcel abuts Parcel B1.

The Petitioners aver that Parcel B2, of its own accord and as a distinct parcel separate and apart from the balance of Tract A, supports one density unit. The basis of the Petitioners' position is as follows: As noted above, R.C. zoning was established by Baltimore County in November 1979. The height, area, and setback requirements for R.C. zoned property are set forth in Section 1A01.3 of the B.C.Z.R. After the enactment of the R.C. zoning regulations, this office established a Policy Manual to

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ensure consistent interpretations of the B.C.Z.R. Policy RSD-7 provided: "If R.C. zoned land under the same ownership is divided by a public road, parcels on both sides of the road should be figured separately for density as if they were separate recorded lots..." This policy was ultimately challenged in an unreported decision in the Court of Special Appeals, in the case known as Steven H. Gudeman, et ux, v. People's Counsel for Baltimore County, September Term, 1990, No. 396. Within that decision, the Court stated "it seems clear to us that the Board of Appeals was correct in its finding that the existence of the road transecting the subject property did not serve to change the one lot of record into two lots of record." Thus, the policy was declared by the Court to be in conflict with the regulations and was struck down.

Recognizing this holding, the County Council thereafter amended Section 1A01.3.B of the B.C.Z.R. by the enactment of Bill No. 199-90. The language of this Bill overrode the Policy Manual and adopted the Court's holding by providing that transecting roads, rights-of-way and easements did not sever one tract of land into two or more lots of record. However, the Bill provided language to grandfather certain tracts which had been reserved by the County under Policy Manual RSD-7. Specifically, the Bill provided that any zoning Petition site plan, subdivision plan or record plat filed with or approved by Baltimore County between November 27, 1979 and October 1, 1990 would not be affected by the Gudeman holding and the language contained within Bill No. 199-90.

Applying this evolution of the law to the instant case, the Petitioners maintain that Parcels B1 and B2 constituted one lot of record prior to October 1, 1990 and were therefore an independent parcel, unconnected with the balance of Tract A for density purposes. Specifically, it is

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averred that the conveyance of Parcel B1 to Mr. & Mrs. Chartcallis in 1981 created a lot of record comprised of those properties known as Parcels B1 and B2. That is, B1 and B2 were one lot, comprised of land which was located adjacent to properties owned by others on the south and east and severed from the rest of the Boyce tract by public roads on the north and west. Thus, it is argued that these two parcels were collectively one lot of record and when B1 was sold in 1981, they were subdivided with one density unit transferred with B1 and one remaining with Parcel B2.

Although imaginative, this argument fails for several reasons. As the Petitioners admit, there was no "Zoning Petition, site plan, subdivision plan or record plat" filed or approved by Baltimore County to create the B1/B2 lot of record. Further, neither parcel can be considered a "lot of record" as that phrase is defined in the B.C.Z.R. No where in there recorded in the Land Records of Baltimore County a legal description of Parcel B2 or the collective B1/B2 property.

Undaunted by the above, the Petitioner offers another creative argument in support of its proposition. It points to the record plat filed in EMK, Jr. 48, Folio 41 on September 18, 1991 at the time Parcel B1 was conveyed by Mrs. Boyce to Mr. & Mrs. Chartcallis (see Petitioner's Exhibit G). Referring to the vicinity map thereon, the Petitioners argue that this map constitutes a subdivision plan and/or record plat and therefore meets the grandfather provisions of Bill #199-90. Although ingenious, this argument must also fail. There is no legal description of Parcel B2 thereon and the vicinity map refers only to Parcel B2 as the "remaining portion" of the Boyce tract. Clearly, the record plat filed in September 1981 was prepared solely with the intent of transferring Parcel B1 to the Chartcallises and was never intended to be, nor legally constituted, a

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record plat or subdivision plan as provided in the grandfathering clause of Bill No. 199-90. Thus, it is clear that B2 is not a lot of record and must be considered part and parcel of the overall property (Tract A).

Turning next to Parcel D, this is a rectangular shaped property on the southwestern corner of the tract, containing 6.1 acres in area. As indicated heretofore, Parcel D was created by way of conveyance of same in 1988 (Petitioner's Exhibit 7). Filed with the deed reflecting said conveyance was a "Plat of Subdivision - Boyce Property" dated January 25, 1988. This plat was approved by the Department of Environmental Protection and Resource Management (DEPRM) on February 3, 1988. Parcel D was ultimately subdivided into two lots, one containing 2.449 acres in area, and the other of 3.04 acres.

The Petitioners aver that the two density units utilized by this subdivision should not be attributed to the balance of Tract A currently held by the Trusts. The Petitioners note that the plat subdividing this property was approved by Baltimore County, prior to October 1, 1990. Indeed, it appears that Parcel D is properly grandfathered in accordance with the provisions of Bill No. 199-90. In fact, it is clear that a "subdivision plan" was approved by the County between November 27, 1979 and October 1, 1990. Thus, in view of that subdivision plan and the fact that Parcel D is bounded on the west, north and south sides with different lots of record and separated from Tract A by a public road, it is clear that the two density units utilized by Parcel D should not be subtracted from those available in Tract A.

The final parcel for consideration is that small 2-acre tract shown on Petitioner's Exhibit 1 as Parcel A1-A. There was little testimony and evidence presented about this parcel; however, it appears that same is

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an "orphan" tract resulting from the transfers in Parcel E1 previously set forth herein. Following a thorough review of the evidence and testimony presented, I can find no basis to conclude that this is a distinct lot of record. Thus, it shall be considered as part of the balance of Tract A and therefore does not support its own density unit.

Therefore, for purposes of density analysis, a determination must first be made of the acreage of Tract A which is subject to the density regulations contained in Section 1A01.3.B of the B.C.Z.R. Clearly, Tract A does not include those parcels that were conveyed to others prior to November 1979. Therefore, Parcel C must be excluded as it was transferred in April 1979. Further, Tract A does not include any lots of record which were created prior to November 1979, i.e., Parcels E1 and E2. Despite the fact that they are still owned by the Trusts, they are independent lots of record which were created prior to November 1979. Also to be eliminated from Tract A are any lots of record which were created after November 1979, but were grandfathered by the language of Bill No. 199-90. Thus, Parcel D is excluded for the reasons set forth above. After deleting the parcels noted above (Parcels C, E1, E2 and D), the total remaining acreage for Tract A on November 24, 1979 included all that land known as Parcels A-1, A1-A, B1 and B2, or 201.2 acres total. However, because Parcel B1 was conveyed out in 1981, and Tract F was acquired as part of the land swap/sale, the present holdings of the Trusts encompass Parcels A1, A1-A, B2 and Tract F or 208 acres. In either case, (the acreage in 1979 or at present) Tract A has sufficient acreage to be subdivided to create four buildable lots. In that there was insufficient testimony for me to conclude whether there were any density transfers or density unit retentions as part of the land swap/sale in 1981, I will consider only the amount of

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acreage in computing density. Further, I shall require the Petitioner to record one deed, combining Parcels A1, A1-A, B2 and Tract F as one lot of record for future development.

Therefore, in applying the density calculations set forth in Section 1A01.3.B of the B.C.Z.R., wherein two density units are allowed to the first 100 acres of a tract and one density unit is allowed for each remaining 50 acres thereafter, Tract A, consisting of 201.2 acres as of November 24, 1979, or 208 acres presently, has a total available density of four units.

Further, Parcel E1, which contains 23.9 acres, is a lot of record which was created prior to 1979 and is between 2 and 100 acres in size, is entitled to two density units. Parcel E2, containing 4.4 acres, is also a lot of record created prior to 1979, is between 2 and 100 acres in size, is therefore entitled to two density units. Parcels C and D do not detract from the total density units available to Tract A for the reasons set forth above.

In summation, the holdings of the Trusts at present support the subdivision of the property for development of eight (8) dwelling units. These are comprised of four density units in Parcels A1, A1-A, B1 and Tract F; two density units in Parcel E1; and two density units in Parcel E2. At this point, there has been no request for a density transfer of any of these units. Thus the decision rendered herein shall be limited to the findings and conclusions hereinabove stated.

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

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THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of October, 1992 that eight (8) density units remain available to the subject property as follows: four density units for the collective property comprised of Parcels A1, A1-A, B1 and Tract F; two density units for Parcel E1; and two density units for Parcel E2; and as such, the Petition for Special Hearing to analyze the number of density units attributable to the subject property and determine the number of remaining units available for the subject site, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Pursuant to Section 502.2 of the B.C.Z.R., a new deed combining Tract F with the remaining land of Tract A shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Commissioner for inclusion in the case file. Said deed shall incorporate a reference to this case and the restrictions and conditions set forth herein.
- 3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

[Signature]
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

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