

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
E/S Hutschenreuter Road, 3860' * DEPUTY ZONING COMMISSIONER
E of c/1 of Harford Turnpike Rd. * OF BALTIMORE COUNTY
11th Election District *
5th Councilmanic District *
Allan L. Snyder and * Case No. 93-40-SPH
John Burton Schneider, Trustees
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Allan L. Snyder, Personal Representative and Trustee, and John Burton Schneider, Trustee. The Petition as filed requests a special hearing to approve the division of the subject property between Allan L. Snyder and his wife, Jennie Snyder, and the adjacent owners, Albert C. Barnhart and his wife, Kathryn Lee Barnhart, for the non-density transfer of 11.00 acres, as described on Petitioner's Exhibit 1.

At the onset of the hearing in discussing the matter with the Petitioners, it became apparent that the Petition for Special Hearing should be amended to accurately reflect the Petitioners' intentions. The Petitioners advised this Deputy Zoning Commissioner that they seek to subdivide a 27.4135 acre parcel of land into three separate parcels. One parcel containing 2.4135 acres of property, more or less, is to be conveyed to the State of Maryland. This parcel is shaded in blue on Petitioner's Exhibit 1. The second parcel contains 14 acres of land, more or less, and is improved with a single family dwelling. This parcel, which is shaded in pink on Petitioner's Exhibit 1, is to be conveyed to the adjoining property owners, Albert C. and Kathryn Barnhart. The remaining 11.00 acre parcel, which is unimproved, would be retained by the Petitioners. This

parcel is shaded in yellow on Petitioner's Exhibit 1. The Petition for Special Hearing was so amended and the hearing proceeded.

Appearing on behalf of the Petition were Allan L. Snyder, property owner. Mr. Snyder was represented by Linwood O. Jarrell, Jr., Esquire. Also appearing on behalf of the Petition were Albert and Kathryn Barnhart, Contract Purchasers. The Barnharts were represented by Keith S. Franz, Esquire. There were no Protestants.

Testimony indicated that the property which is the subject of this matter contains approximately 27.4135 acres, more or less, zoned R.C. 2 and is located on Hutschenreuter Road near Harford Road. The Petitioners are desirous of transferring the pie-shaped parcel of land containing 2.4135 acres to the State of Maryland to add this acreage to the Gunpowder State Park. Testimony indicated that the State of Maryland owns the adjacent parcel depicted in white on Petitioner's Exhibit 1, which is the old Nike missile site. The non-density transfer of this 2.4135 acre parcel would allow the State to have a contiguous parcel once this conveyance is completed. Testimony revealed that this parcel will be included as park property and therefore, will satisfy the requirement that this non-density transfer be for agricultural purposes.

Testimony further revealed that Albert C. and Kathryn Barnhart own land adjacent to the 14 acre parcel owned by the Petitioners. There currently exists a single family dwelling on this 14 acre parcel of land which is depicted in pink on Petitioner's Exhibit 1.

After due consideration of the testimony and evidence presented, it is clear that the non-density transfer of the 2.4135 acre parcel described above would be for agricultural purposes only, and would further the purpose and intent of the R.C. 2 zone as those purposes and intentions

are stated in Section 1A01.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.). As such, the request for a non-density transfer of 2.4135 acres to the State of Maryland shall be granted. Also, the transfer of the 14 acre parcel of property containing one density unit to the Barnharts shall also be approved. Furthermore, I find that the relief requested in the special hearing shall be granted in that it is clear from the testimony that the granting of the relief would not be contrary to the spirit and intent of the B.C.Z.R. and would not be detrimental to the public health, safety or general welfare.

However, I find it necessary to make a determination concerning the density associated with the remaining 11 acres of land. It has been stated, and it is clear, that the transfer of the 2.4135 acre parcel to the State of Maryland shall in no way be construed to be for anything but non-density purposes. In addition, the transfer of the 14 acre parcel to the Barnharts contains with it one density unit by virtue of the fact that a single family dwelling exists thereon. Therefore, pursuant to the R.C.2 regulations, the remaining 11 acres of land to be retained by the Petitioners shall be afforded one density unit, as I find that to be the proper amount of density associated with this 11 acre parcel.

As a condition of the relief granted, it shall be incumbent upon the Petitioners to record in the Land Records of Baltimore County new deeds describing the parcels of land which have been created pursuant to this case. Said deeds should reference this case. More specifically, the Petitioners shall be required to record one deed for the 14 acre transfer to the Barnharts, and one deed outlining and describing the 11 acre parcel which will be retained by them. A copy of the two recorded deeds shall be

forwarded to the Zoning Administration Office for inclusion in the case file.

Finally, the Petitioners shall not be required at this time to record a deed describing the 2.4135 acre parcel which is to be conveyed to the State of Maryland. This is due to the fact that the State of Maryland is in the process of appropriating the money for the purchase of this property and cannot pay the purchase price at this time. Once the State pays the purchase price, the Petitioner shall cause the third deed to be recorded in the Land Records of Baltimore County. In the event the State fails to procure the purchase price for this parcel within six (6) months of the date of this Order, a new hearing shall be held in order to cause title to this 2.4135 acre parcel to be transferred back to the Petitioners herein.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of January, 1993 that the Petition for Special Hearing to approve the non-density transfer of one 2.4135 acre parcel, identified in blue on Petitioner's Exhibit 1, to the State of Maryland, and one 14 acre parcel, identified in pink on Petitioner's Exhibit 1, to Albert C. and Kathryn Barnhart, 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.

ORDER RECEIVED FOR FILING
Date 1/27/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/27/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/27/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 1/27/93
By [Signature]

7) Within sixty (60) days of the date of this Order, the Petitioners shall cause to be recorded among the Land Records of Baltimore County the appropriate deeds incorporating the relief granted herein. A copy of each recorded deed shall be forwarded to the Zoning Administration Office for inclusion in the case file.

IT IS FURTHER ORDERED that the remaining 11 acre parcel of land to be retained by the Petitioners shall have a total of one density unit.

[Signature]
TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

TMK:bjjs

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 27, 1993

Linwood O. Jarrell, Jr., Esquire
6717 Harford Road
Baltimore, Maryland 21234

RE: PETITION FOR SPECIAL HEARING
E/S Hutschenreuter Road, 3860' E of the c/1 of Harford Road
11th Election District - 5th Councilmanic District
Allan L. Snyder, et al - Petitioners
Case No. 93-40-SPH

Dear Mr. Jarrell:

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,

[Signature]
TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

TMK:bjjs

cc: Keith S. Franz, Esquire
101 E. Chesapeake Avenue, 5th Floor, Towson, Md. 21204

Mr. Allan L. Snyder
405 Edgewood Road, Edgewood, Md. 21040

Mr. & Mrs. Albert C. Barnhart
5207 Hutschenreuter Road, Glen Arm, Md. 21057

People's Counsel

110

ORDER RECEIVED FOR FILING
Date 1/27/93
By [Signature]

- 5 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Petition for Special Hearing
93-40-SPH
to the Zoning Commissioner of Baltimore County

for the property located at End of Hutschenreuter Road
11th Election District which is presently zoned RC2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 503.7 of the Zoning Regulations of Baltimore County, an adjacent owner, Albert C. Barnhart and Kathryn Lee Barnhart, his wife, and Allan L. Snyder and Jennie Snyder, his wife. Both parcels to be continued as Agricultural Land, the non-density transfer of 11.00 acres.

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

- (1) Contract Purchaser: Albert C. Barnhart and wife
Allan L. Snyder
Legal Owner: Allan L. Snyder, Personal Representative
- (2) 5207 Hutschenreuter Road
405 Edgewood Road
Glen Arm, Maryland 21057
Edgewood, MD 21040

Attorney for Petitioner:

Linwood O. Jarrell, Jr., Esquire

[Signature]

6717 Harford Road
Baltimore, MD 21234

405 Edgewood Road

Edgewood, MD 21040

[Signature]

6717 Harford Road
Baltimore, MD 21234

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6717 Harford Road
Baltimore, MD 21234

ORDER RECEIVED FOR FILING
Date 1/27/93
By [Signature]

ESTIMATED LENGTH OF HEARING: 1 1/2

RESERVED BY: [Signature]

DATE: 1/27/93

FILED IN: 93-40-SPH

DON LYNCH & ASSOCIATES, INC.

A LAND SURVEY CORPORATION
4807 HARFORD ROAD
BALTIMORE, MARYLAND 21214
TEL 254-4330
FAX 254-3299

Hutschenreuter Road Property

Beginning at a point South 28° East 3860 feet from the intersection of the center line of Harford Turnpike Road and the center line of Hutschenreuter Road thence running 1) North 64° 56' 16" West 268.92 feet thence 2) North 9° 35' 45" East 241.20 feet to the Southeast corner of the former military reservation thence continuing the same course and along the East side of said military reservation 3) North 9° 35' 45" East 380.07 feet thence 4) along part of the North side of reservation North 80° 24' 15" West 694.55 feet thence 5) North 9° 35' 45" East 39.00 feet thence South 35° 24' 15" East 21.21 feet thence 6) South 80° 24' 15" East 1311.13 feet thence 7) North 39° 42' 00" East 145.11 feet thence 8) North 60° 31' 58" West 418.44 feet thence 9) North 29° 28' 02" East 80.00 feet thence 10) South 60° 31' 58" East 547.00 feet thence South 39° 42' 00" West 636.23 feet thence 11) South 10° 03' 59" East 173.42 feet thence 12) South 73° 51' 16" West 369.15 feet to the place of beginning.

Containing 11.000 acres more or less.



36

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 8/14/92

Posted for: Social Services

Petitioner: Maribay, Albert C. Barhart

Location of property: 111 West Chesapeake Ave, Towson, MD 21284

Location of signs: Front of 111 West Chesapeake Ave, at the intersection of 11th St. Signs to be posted on both sides.

Remarks:

Posted by: Albert C. Barhart Date of return: 8/20/92

Number of Signs: 4

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

receipt

Date: 8/04/92 Account # 4-01-6190 Number

8/04/92 H9300036

PUBLIC HEARING FEES: 000

000 SPECIAL HEARING - OTHER: 1 X \$250.00

LAST NAME OF OWNER: SYDNER TOTAL: \$250.00

04A0480DA0M1CHRC \$250.00
84 C011559A0D0-04-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

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: 9-10-92

Albert and Kathryn Bernhart
5207 Hutschewer Road
Olen Ave, Maryland 21057

Allan and Jennie Snyder
405 Edgewood Road
Edgewood, Maryland 21040

RE:
CASE NUMBER: 93-40-SPH (Item 36)
E/S Hutschewer Road, 3860' E of c/l Harford Turnpike Road
11th Election District - 5th Councilmanic
Legal Owner(s): Allan L. Snyder, Personal Representative, et al
Contract Purchaser(s): Albert C. Bernhart, et al
HEARING: THURSDAY, OCTOBER 1, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 69.55 is due for advertising and posting of the above captioned property and hearing data.

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

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

ARNOLD JABLON
DIRECTOR

cc: Linwood O. Jarrell, Jr., Esq.

Printed on Recycled Paper

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

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

August 28, 1992

NOTICE OF HEARING

The Zoning Commission 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 NUMBER: 93-40-SPH (Item 36)
E/S Hutschewer Road, 3860' E of c/l Harford Turnpike Road
11th Election District - 5th Councilmanic
Legal Owner(s): Allan L. Snyder, Personal Representative, et al
Contract Purchaser(s): Albert C. Bernhart, et al
HEARING: THURSDAY, OCTOBER 1, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Special Hearing to approve the division of the property between an adjacent owner, Albert C. Bernhart and Kathryn Lee Bernhart, his wife and Allan L. Snyder and Jennie Snyder, his wife; the non-tenancy transfer of 11.00 acres.

Laurence E. Schardt
Laurence E. Schardt
Zoning Commissioner of Baltimore County

cc: Albert C. Bernhart, et al
Allan L. Snyder, et al
Linwood J. Jarrell, Esq.

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

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CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/14, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/13, 1992

THE JEFFERSONIAN,
S. Zafe Orlan
Publisher

[Signature]

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

Case #93-40-SPH (Item 36)
E/S Hutschewer Road,
3860' E of c/l Harford
Turnpike Road
11th Election District
5th Councilmanic
Legal Owner(s):
Allan L. Snyder,
Personal Representative,
et al
Contract Purchaser(s):
Albert C. Bernhart, et al
HEARING: THURSDAY,
OCTOBER 1, 1992 at 9:00
a.m. in Rm. 106, Office Building.

Special hearing to approve the division of the property between an adjacent owner, Albert C. Bernhart and Kathryn Lee Bernhart, his wife and Allan L. Snyder and Jennie Snyder, his wife; the non-tenancy transfer of 11.00 acres.

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

receipt

Date: 10-1-92 Account # 4-01-6190 Number

93-40

PUBLIC HEARING FEES: 000

000 SPECIAL HEARING - OTHER: 1 X \$69.55

LAST NAME OF OWNER: SYDNER TOTAL: \$69.55

04A0480DA0M1CHRC \$69.55
84 C011559A0D0-04-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

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

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

August 31, 1992

Linwood O. Jarrell, Esquire
6717 Harford Road
Baltimore, MD 21234

RE: Item No. 36, Case No. 93-40-SPH
Petitioner: Allan L. Snyder, et al
Petition for Special Hearing

Dear Mr. Jarrell:

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

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

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

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

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

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

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

Arnold Jablon
ARNOLD JABLON
DIRECTOR

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

Petitioner: Allan L. Snyder, et al
Petitioner's Attorney: Linwood O. Jarrell

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

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

Development Review Committee Response Form
Authorized signature: *Deanna A. Leonard* Date: 8/27/92

Project Name: Stonegate at Patapsco (Aerial Property) Meeting Date: 6-1-92

File Number: 90476 Waiver Number: Zoning Issue: TE (Waiting for developer to submit plans first)

COUNT 1

File Number	Waiver Number	Zoning Issue	Meeting Date
✓ James And Linda Heier	35	8-24-92	NC
✓ Allan L. Snyder Et. Al.			NC
✓ Salvo Auto Parts	37		NC
✓ Adela M. Lombardi And Florence Kunsky	38		NC
✓ Helaine G. And Melvin R. Troesch	39		NC
✓ Baltimore Country Club of Baltimore City	40		NC
✓ Robert E. And Cynthia A. Lyons	43		NC
✓ Perring Woods Court Corporation	44		NC
✓ Perring Woods Court Corporation	45		NC
✓ Helen Mooney Murphy	46		NC
✓ Michael E. Turley	47		comment

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

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

DPH/Traffic Engineering
Development Review Committee Response Form
Authorized signature: *William R. D'A...* Date: 8/25/92

Project Name: Stonegate at Patapsco (Aerial Property) Meeting Date: 6-1-92

File Number: 90476 Waiver Number: Zoning Issue: TE (Waiting for developer to submit plans first)

COUNT 1

File Number	Waiver Number	Zoning Issue	Meeting Date
✓ James And Linda Heier	35	8-24-92	NC
✓ Allan L. Snyder Et. Al.			NC
✓ Salvo Auto Parts	36		NC
✓ Adela M. Lombardi And Florence Kunsky	37		NC
✓ Helaine G. And Melvin R. Troesch	38		NC
✓ Baltimore Country Club of Baltimore City	39		NC
✓ Robert E. And Cynthia A. Lyons	40		NC
✓ Perring Woods Court Corporation	43		NC
✓ Perring Woods Court Corporation	44		NC
✓ Perring Woods Court Corporation	45		NC
✓ Helen Mooney Murphy	46		NC
✓ Michael E. Turley	47		NC

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

RE: Property Owner: ALLAN L. SNYDER, PERSONAL REP & ALLAN L. SNYDER & JOHN BURTON SCHNEIDER, TRUSTEES

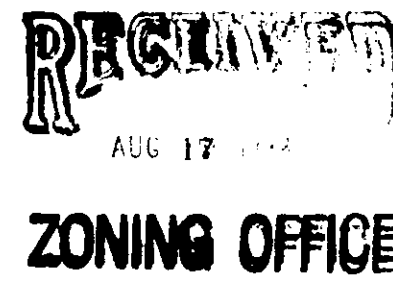
Location: E/S HUTSCHENREUTER ROAD
 Item No.: + 36 (JLL) Zoning Agenda: AUGUST 17, 1992

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]*
 Planning Group
 Special Inspection Division

JP/KEK



Department of Recreation and Parks
 Development Review Committee Response
 Authorized signature: *[Signature]* Date: 8/3/92

File Number	Waiver Number	Zoning Issue	Meeting Date
DEPRM RP	No Comment	28	8-10-92
DEPRM RP	No Comment	30	
DEPRM RP	No Comment	31	
DEPRM RP	No Comment	32	
DEPRM RP	No Comment	33	
DEPRM RP	No Comment	34	
DEPRM RP STP TE	No Comment	35	8-24-92
DEPRM RP STP TE	No Comment	36	
DEPRM RP STP TE	No Comment	37	
DEPRM RP STP TE	No Comment	38	
DEPRM RP STP TE	No Comment	39	
DEPRM RP STP TE	No Comment	40	

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 28, 1992
 FROM: J. Lawrence Pilon
 Development Coordinator, DEPRM
 SUBJECT: Zoning Item #36
 E/S Hutschenreuter Road, 3860' E of centerline Harford
 Turnpike Road
 Zoning Advisory Committee Meeting of August 17, 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.
 RC-2 properties must comply with Bill 113-92, specifically the prime and productive soil policies. The soil of this site is Class III and thus portion to the State. The test for the subdivision of the remainder is what effect it will have on the agricultural use of the property.

LP:sp
 ZONING/TXTSPP
 RECEIVED stamp dated OCT 5 1992
 ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE
 TO: Arnold Jablon, Director
 Zoning Administration & Development Management
 FROM: Pat Keller, Deputy Director
 Office of Planning and Zoning
 DATE: September 10, 1992
 SUBJECT: Snyder Property
 INFORMATION:
 Item Number: 36
 Petitioner: Allan L. Snyder and John Burton Schneider
 Property Size: 11.0 acres
 Zoning: RC 2
 Requested Action: Special Hearing
 Hearing Date: / /
 SUMMARY OF RECOMMENDATIONS:
 This petitioner is requesting a special hearing to approve the division of property between adjacent owners, Albert C. Barnhart and Allan L. Snyder.
 If the 2.4135 acre parcel has any density remaining then a means of access should be provided and shown on the plan. Otherwise, a land locked parcel would result. In the future, if this parcel changes ownership, then a problem of access will exist.
 Prepared by: *[Signature]*
 Division Chief: *[Signature]*
 PK/EMCD/PH:rdn
 ITH.36/ZAC1

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 20, 1992
 Linwood O. Jarrell, Jr., Esquire
 Stockdale, Jarrell & Cvach
 6717 Harford Road
 Baltimore, MD 21234
 RE: Special Hearing Application
 Bessie Snyder Property
 Hutschenreuter Road
 11th Election District
 Dear Mr. Jarrell:
 In response to your recent inquiry, I am in receipt of the Special Hearing forms, contract, and descriptions, etc. However, petitions can only be filed in person. Additionally, in order to properly complete the application for zoning review the following revisions and/or additions must be made:
 1. On the 3 petition forms, suggested wording change to "the non-density transfer of 11.00 acres".
 2. Three copies of a zoning description of the 11 acre parcel only.
 3. A check for \$250.00 made payable to Baltimore County, Maryland.
 4. Twelve copies of the proposed subdivision plat.
 5. One copy of the zoning 1 inch = 200 ft. scale zoning map with the sites highlighted and to scale.
 6. The appropriate deeds.
 7. One color coded plat.
 Enclosed are the forms accompanying your letter of July 14, 1992 plus those submitted during your two appointments in response to your letters dated January 29, 1992 and March 30, 1992 plus three blank petition forms and a self explanatory sample procedural booklet. Upon completion contact Julie A. Winarski at 887-3391 to schedule a filing appointment with a planner.

#36
 LINE 5616 PAR 976
 93-40-5PH
 THIS DEED, Made this 22nd day of March, 1976, by and between Edward L. Kiefer and Bessie E. Snyder, Personal Representatives of the Estate under the Last Will and Testament of John S. Snyder, formerly known as John S. Schneider, of Baltimore County, State of Maryland, parties of the first part, and Allan L. Snyder and Allan Leroy Snyder, Trustees under the aforesaid Last Will and Testament, of Baltimore County, State of Maryland, parties of the second part.
 WITNESSETH, that in consideration of the sum of Five (\$5.00) Dollars, the receipt of which is hereby acknowledged, the Estate under the Last Will and Testament of John S. Snyder, later 128 folio 130, etc. do hereby grant and convey unto Bessie E. Snyder and Allan Leroy Snyder, and their successors in Trust for the purposes described in the aforesaid Last Will and Testament of John S. Snyder in fee simple forever all that certain lot or parcel of land situated in the Eleventh Election District of Baltimore County and particularly described as follows, to wit: Being all of and only the right, title, and estate of the said John S. Snyder:
 [Detailed description of land boundaries and area follows]

EXHIBIT A
 DESCRIPTION OF PROPOSED "MARYLAND STATE PARKS DEPT." ACQUISITION
 Having been part of the Remainder of the John Simon Schneider Property described in State of Maryland LIBER 5423, FOLIO 118 and bordering upon the Southmost boundary of an included "NIKE SITE" as described in State of Maryland LIBER 4772, TRACT A-100-1, a triangular parcel of land, presently in process of conveyance to the State of Maryland Department of Forests and Parks, will herein be described:
 BEGINNING at the extreme Southeast corner of said "NIKE SITE" at a cemented steel pipe marking the intersection of the South 10 degree 07 minute 31 second West "NIKE" boundary line and the Southmost South 79 degree 52 minute 29 second East "NIKE" boundary line (1) thence from said point of beginning and as a continuation of the South 10 degree 07 minute 31 second West "NIKE" boundary line, South 10 degrees 07 minutes 31 seconds West for a distance of 231.52 feet to a SECOND POINT at the intersection with the Southwesterly 1347.55 foot boundary line of said Schneider Remainder Property, said SECOND POINT being marked by a driven steel pipe (2) thence from said SECOND POINT North 65 degrees 00 minutes 03 seconds West for a distance of 901.95 feet and along said 1347.55 foot Schneider boundary line to a driven steel pipe marking a THIRD POINT at the intersection of said 1347.55 foot Schneider boundary line with said Southmost "NIKE" boundary line of bearing South 79 degrees 52 minutes 29 seconds East (3) thence from said THIRD POINT South 79 degrees 52 minutes 29 seconds East along said Southmost "NIKE" boundary line for a distance of 871.73 feet to the point or place of beginning, this parcel containing an area of 2.32 acres, more or less.

OPTION CONTRACT
 WITH THE
 STATE OF MARYLAND
 Agency DNR
 File Number 23/171
 THIS OPTION, granted this _____ day of _____ in the year 19____
 BY: _____ Name _____ Address _____
 Allen Leroy Snyder c/o Linwood O. Jarrell, Jr.
 Personal Representative for the Estate Stockdale, Jarrell & Cvach
 of Bessie E. Snyder (deceased) and 6717 Harford Road
 Baltimore, Maryland 21234
 Allan Leroy Snyder as Trustee under the
 Will of John S. Snyder (deceased)
 SS#: 52-6448583
 and the following, who join in this option for the purpose of agreeing to release the land improvements and/or rights hereinafter described from the operation and effect of any mortgage and/or lien which they may hold upon the property of the above mentioned persons.
 the parties of the first part, hereinafter called the "Grantor(s)", to the State of Maryland, to the use of the Department of Natural Resources and the party of the second part, hereinafter called "Grantee".
 Witnesseth: That in consideration of the sum of One Dollar (\$1), the receipt of which is hereby acknowledged, the said "Grantor(s)" do(es) hereby give and grant to the "Grantee", its successors and assigns, the exclusive right and option to purchase at any time during the period of 6 months from the date hereof, the following property now owned by said "Grantor(s)" and described as follows:
 Being 1.16 ± acres of unimproved property located in the Eleventh Election District Baltimore County, Maryland. Being part of a larger parcel containing 27.15 ± acres of improved property recorded among the Land Records of Baltimore County, Maryland, in a Deed dated March 27, 1976, Liber 5616, folio 976 (Tax map 63, Grid 3, Parcel 46 and tax map 54, Grid 21, Parcel 46.
 At and for the price of Seven Thousand and 00/100 _____ Dollars, (\$ 7,000.00) lawful money of the United States of America, and upon the following terms of payment: Cash, without interest, at the time of the transfer of title to the "Grantee". Real estate taxes which are assessed on a regular annual basis will be adjusted to the date of transfer of title. All other taxes, assessments, and levies of any kind, if any, will be adjusted pursuant to the provisions of Real Property Article, Section 14-104, Annotated Code of Maryland, as amended.
 All expenses for examination of title and conveyancing shall be paid by the "Grantee".
 It is understood and agreed between the parties that this option contract is subject to approval by the State Board of Public Works.
 Notice of election by the "Grantee", its successors or assigns, to purchase the aforesaid property, shall be in writing and shall be given to the "Grantor(s)", their heirs, personal representatives, successors or assigns, within 6 months from the date of this option.
 A period of 6 months, from the date of notice of election to purchase, shall be allowed the "Grantee" within which to ascertain the validity and marketability of the title of said "Grantor", and on or before the expiration of said 6 month period, on demand of the "Grantee", the "Grantor" shall convey to the "Grantee" by a special warranty deed (or Deeds) a good and marketable (fee simple leasehold) title to the aforesaid property, free and clear of any and all liens or encumbrances.
 The "Grantor" shall not mortgage, encumber or otherwise dispose of the aforesaid property, or any part thereof prior to the expiration of this option without first having obtained the prior written consent of the said "Grantee", its successors or assigns, to do so.
 All loss or damage to the aforesaid property or any improvements thereon by fire or other casualty shall be at the risk of the "Grantor", until a deed has been executed, delivered and accepted by the "Grantee".

The "Grantor" hereby grants permission to the "Grantee", its agents or employees to enter upon the aforesaid property for the purpose of surveying or making tests.

The "Grantor" hereby agrees to give the "Grantee" full possession of the herein described property at time of settlement, unless special arrangements to the contrary have been made prior thereto.

Upon receipt of notice from the "Grantee" of its election to purchase, the "Grantor" shall immediately give notice in writing in accordance with the laws applicable to Baltimore County) to all tenants and lessees terminating all tenancies and leases.

This option shall not be revocable for a period of 6 months from the date of this option, and shall remain in force thereafter until terminated by the "Grantor". Such termination may be effected at any time after the expiration of the aforesaid 6 month period by the "Grantor" giving thirty (30) days prior written notice to the "Grantee" of such termination, provided, however, that no right to terminate shall be exercised by the "Grantor" after the "Grantee" has elected to purchase the property herein described.

In the event the "Grantor" cannot convey a good, merchantable, and unencumbered (see simple ~~title~~) title to the "Grantee" as aforesaid then the "Grantee" shall have the following rights:

1. The "Grantee" may permit the "Grantor" to take any action necessary to perfect his title and remove any legal grounds of objection to said title, at the sole cost and expense of the "Grantor". Any such action must be completed within 90 days from the receipt of notice from the "Grantee" of such legal defect or defects in the said title; or
2. The "Grantee" may take any and all such action as may be deemed necessary to perfect the title to the aforesaid property, and any and all costs and expenses incurred in connection therewith shall be paid by the "Grantor" to the "Grantee".

It is hereby understood and agreed between the parties hereto that the "Grantees" may conduct a survey to determine the exact acreage of the subject property and based on said survey payment will be at the rate of \$ 1.75 per acre, with \$ 175 being allowed for the improvements thereon, notwithstanding the consideration recited on the first page of this option contract.

SPECIAL CONDITIONS:

The Grantors further agree to a gift of 1.16 acres also being part of the larger parcel. The total acreage being conveyed to Grantee being 2.32 acres as shown on attached Exhibit A.

It is further agreed that the consideration recited herein is complete payment for the (fee simple ~~title~~) title to this property; that it includes the title and interest of any lessee, tenant or other parties, as well as the "Grantors" and it is the obligation of the "Grantors" herein to assume the responsibility of satisfying the rights of any said lessee, tenant and other parties under leases on this property, including but not limited to all moving expenses.

This option shall be binding upon the parties hereto and their respective heirs, personal representatives, successors and assigns and this option contains the entire understanding between the parties hereto.

AS WITNESS, the hands and seals of the parties hereto.

WITNESSES:

Allen Leroy Snyder (SEAL)
 Allen Leroy Snyder, Personal Representative
 for the Estate of Bessie E. Snyder (deceased),
 and as Trustee under the Will of John S. Snyder
 _____ (SEAL)
 _____ (SEAL)
 _____ (SEAL)
 _____ (SEAL)

By: Michael J. Nelson
 Title: Deputy Assistant Secretary

Approved by Board of Public Works of the State of Maryland at a meeting held on the _____ day of _____, 19____

WITNESS:

 Governor

 Secretary

 Comptroller

 Treasurer

July 14, 1992

Mr. John Sullivan
 c/o Zoning Commissioner of Baltimore County
 County Office Building
 Towson, Maryland 21204

Re: Bessie Snyder Property - Hutschenreuter Road

Dear Mr. Sullivan:

Enclosed please find the Petition for Special Hearing in triplicate, for the purpose of obtaining permission to sell a portion of the parcel to an adjoining property owner.

The parcel includes 2.32 acres to be conveyed to the State of Maryland which will connect with the Gunpowder State Park and the former missile site which is presently owned by the State of Maryland.

We have previously forwarded to you copies of Deeds to the adjacent property owners. The original parcel was obtained by John and Bessie Schneider by Deed dated October 17, 1950 and recorded in Liber TBS 1885, Folio 240 containing 93 acres. By declaration of taking recorded in Liber 2812, Folio 434 in the United States District Court for the District of Maryland, a parcel containing 1.38 acres, a parcel containing .69 acres and a parcel containing 1.38 acres was acquired by the United States Government. By Deed dated December 11, 1962 and recorded in Liber 4083, Folio 594, the State of Maryland acquired 57.02 acres.

By contract, one of the sons of the decedent desires to retain 11 acres, survey description attached, and the balance to be conveyed to Albert C. Barnhart and Kathryn Lee Barnhart.

In addition to the Petitions, we attach copy of Option Contract from the State of Maryland, survey description of portion to be acquired by Allan Snyder, and copy of contract from the Estate and Trustees to Mr. and Mrs. Barnhart and Mr. and Mrs. Snyder.

Mr. John Sullivan - 2 - July 14, 1992

Please advise us when we might expect a hearing date.

Very truly yours,

Linwood O. Jarrell, Jr.

LOJjr/pk
 Enclosures

P.S. The original name on the property was Schneider. Subsequently, by Order of Court the name was changed to Snyder.

3520-92
 WCL
 To John S. 1/30
 STOCKSDALE, JARRELL & CVACH
 6717 HARFORD ROAD
 BALTIMORE, MARYLAND 21234-7708
 TELEPHONE (410) 284-6877
 FAX NO. (410) 444-1388

93-40-SPH

January 29, 1992

Mr. Arnold Jablon
 Director
 Zoning Administration
 and Development Management
 Office of Zoning Administration
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Re: Hutchenreuter Road -
 Bessie Snyder Estate

Dear Mr. Jablon:

This office represents the above referenced Estate which owns approximately 27 acres on Hutchenreuter Road.

In the midst of the property, the State of Maryland owns an area formerly being a Nike Site of the United States Government. Beyond that property line the State of Maryland is owner of park land and the State has attempted to acquire the small parcel between their two properties from Mrs. Snyder and the Estate.

We have attempted to negotiate with the State for some months to avoid a condemnation proceeding and just last week the State has expressed an intention to move forward with a settlement.

As to the remaining portion, an adjacent property owner desires to purchase approximately 14 acres, leaving 11 acres for one of the sons of the decedent.

We enclose herewith a drawing of the portion to be taken by the State together with notes which should be helpful in your immediate review.

Our purpose in writing is to request your serious consideration in permitting the exclusion of the 2.38 acre parcel to be obtain by the State so that we might move forward with a mini-subdivision resulting in a two parcel distribution, rather

93-40-SPH

than three parcel. We enclose check for \$35.00 which I believe is required for any review by your office.

Very truly yours,

Linwood O. Jarrell, Jr.
 Linwood O. Jarrell, Jr.

LOJjr:mk

RECEIVED
 JAN 30 1992
 ZONING OFFICE

LAW OFFICES
 STOCKSDALE, JARRELL & CVACH
 6717 HARFORD ROAD
 BALTIMORE, MARYLAND 21234-7708
 TELEPHONE (410) 284-6877
 FAX NO. (410) 444-1388

September 15, 1992

Mr. Arnold Jablon, Director
 Baltimore County Zoning Administration
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Re: Case Number: 93-40-SPH

Dear Mr. Jablon:

Enclosed please find photocopy of your letter of September 10 and our check for \$69.55.

Very truly yours,

Linwood O. Jarrell, Jr.
 Linwood O. Jarrell, Jr.

LOJjr/pk

Enclosure

LAW OFFICES
 STOCKSDALE, JARRELL & CVACH
 6717 HARFORD ROAD
 BALTIMORE, MARYLAND 21234
 TELEPHONE (410) 284-6877
 FAX NO. (410) 444-1388

January 8, 1993

Mr. Timothy M. Kotroco
 Deputy Zoning Commissioner for
 Baltimore County
 Suite 113, Courthouse
 400 Washington Avenue
 Towson, Maryland 21204

Re: Hutchenreuter Road
 Case No. 93-40-SPH

Dear Mr. Kotroco:

Thank you for your letter of December 8th with the draft copy of your opinion.

I agree with your findings of fact and proposed order but wish to request an additional ten (10) day period before having you formalize the same. Although the State insisted on the right to obtain the 2 acre parcel, they now advise us that performance depends on approval of a bond issue which will be resolved January 13, 1993, and if passed, this parcel will be in the first ones to be settled. It is solely because your proposed order requires us to present three deeds within sixty days that we ask for this additional time.

Very truly yours,

Linwood O. Jarrell, Jr.
 Linwood O. Jarrell, Jr.

LOJjr:ahd

cc: Keith S. Franz, Esquire
 401 Washington Avenue, Suite 502
 Towson, Md. 21204

RECEIVED
 JAN 7 1993
 ZONING COMMISSIONER

LAW OFFICES
 STOCKSDALE, JARRELL & CVACH
 6717 HARFORD ROAD
 BALTIMORE, MARYLAND 21234
 TELEPHONE (410) 284-6877
 FAX NO. (410) 444-1388

February 5, 1993

Mr. Timothy M. Kotroco
 Deputy Zoning Commissioner
 for Baltimore County
 Suite 113 Courthouse
 400 Washington Avenue
 Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
 E/S Hutchenreuter Road, 3860' E of the
 c/l of Harford Road - 11th Election District
 5th Councilmanic District - Allan L. Snyder,
 et al - Petitioners - Case No. 93-40-SPH

Dear Mr. Kotroco:

This will acknowledge and thank you for your letter of January 27 with the new Findings of Fact and Order. I have been advised unofficially that the Board of Public Works of the State of Maryland has approved the purchase of the two-acre strip and therefore we should be able to settle that portion within the six month period.

I have a surveyor presently working on the plat to be recorded.

Again, I do appreciate your personal interest in this matter.

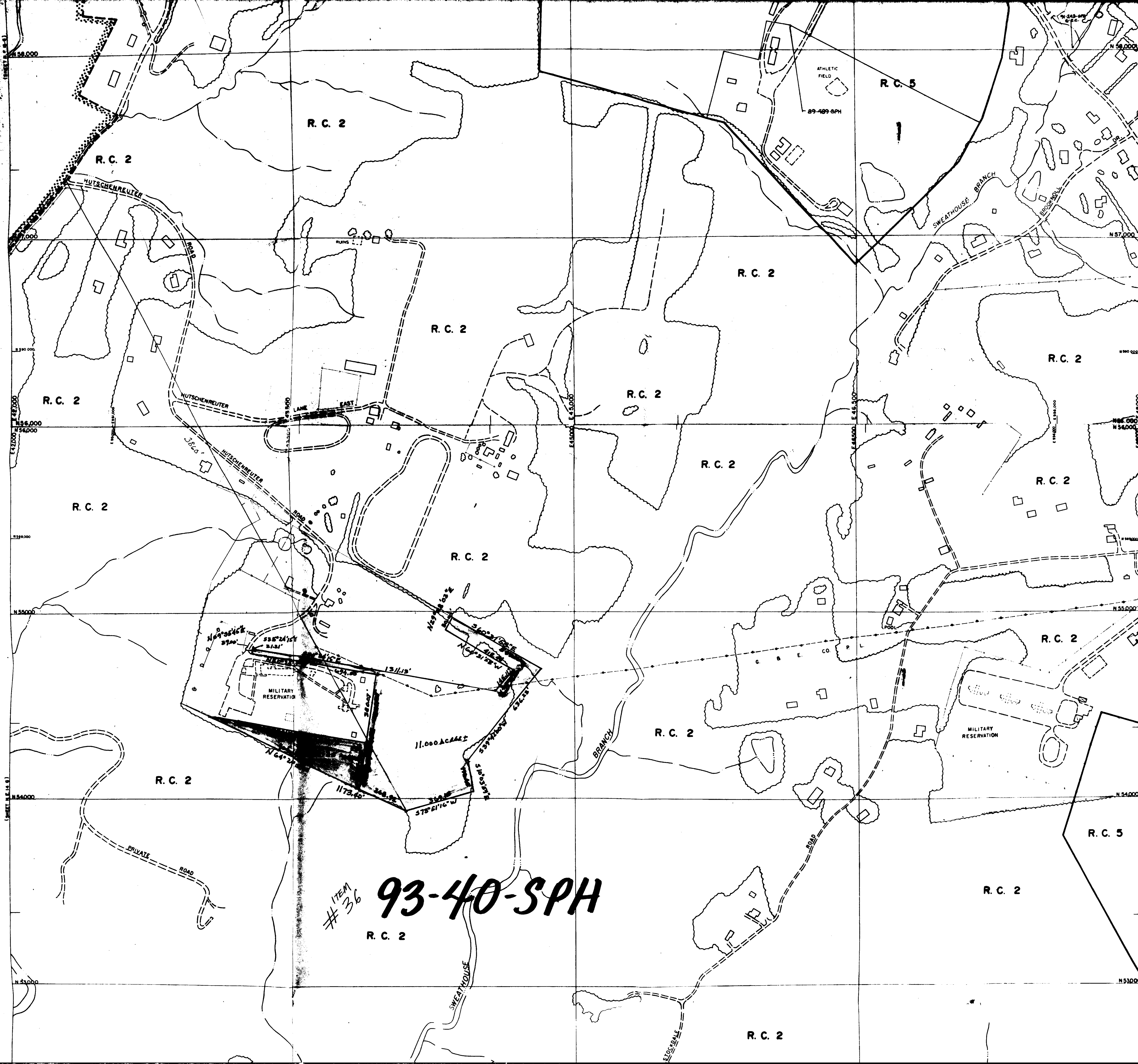
Very truly yours,

Linwood O. Jarrell, Jr.
 Linwood O. Jarrell, Jr.

LOJjr:ahd

cc: Keith S. Franz, Esquire

RECEIVED
 FEB 8 1993
 ZONING COMMISSIONER



ITEM # 36

93-40-SPH

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MILITARY RESERVATION

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