

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 E/S Evna Rd., 1800 ft. N of * ZONING COMMISSIONER
 Mt. Carmel Road * OF BALTIMORE COUNTY
 17137 Evna Road * Case Nos. 93-192-SPH
 7th Election District
 3rd Councilmanic District
 Kenneth E. Lentz, et ux
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 17137 Evna Road, located in the northern/rural section of Baltimore County near Mt. Carmel Road. The Petitioners seek a determination that the subject property has the density for, and can be improved with, a one single family dwelling pursuant to Section 1A01.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The Petition was filed by Kenneth E. and Carol C. Lentz, property owners, who were represented by Howard L. Alderman, Jr., Esquire. Appearing as an interested party was Mr. A.A. Windesheim. There were no Protestants present.

Testimony and evidence presented was brief and uncontradicted. The subject property is a 10.048 acre (+/-) parcel located in northern Baltimore County. The Petitioners acquired the parcel on December 19, 1987, as is documented by Petitioners' Exhibit No. 2, the deed evidencing the transfer of the property to the Petitioners. The parcel is zoned R.C.2. as shown on the site plan and marked as Petitioners' Exhibit No. 1.

The authority for the creation of the subject property as a building lot was established in the opinion and Order issued by then Zoning Commissioner Jr. Robert Haines, under case No. 88-131-SPH. Within that case,

Commissioner Haines opined that the property was lawfully transferred to the Petitioners and that they could erect a single family dwelling thereon. Further, Commissioner Haines discussed the balance of the larger tract from which the subject lot was subdivided. That tract was owned by Ralph P. Stern, et ux. Further, Commissioner Haines' conditioned his approval upon the implementation of certain restrictions. Evidence presented was that the Petitioners in this earlier case did not comply with these restrictions. Thus, the present Petition is presented to affirm that the failure of Mr. and Mrs. Stern to satisfy those restrictions will not, in any manner, invalidate the viability of the building lot owned by Mr. and Mrs. Lentz. In support of this position, the Petitioners produced copies of a letter from Zoning Coordinator, Carl Richards, dated May 5, 1992 and from Zoning Supervisor, James E. Dyer, dated October 5, 1990. These letters state that the approval granted in the prior case and the validity of the Lentz's lot is not affected by the Sterns failure to comply with the restrictions contained in Commissioner Haines' Order. I agree with these conclusions that the failure by the Sterns to meet the restrictions imposed should not be held against the Petitioners herein. It would be manifestly improper and unfair to invalidate the viability of the Lentz's parcel due to the failure of others. Thus, for this reason, I shall grant the Petition for Special Hearing, and thereby confirm that the subject property contains density for, and can be improved with, a one single family dwelling.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of January, 1993, that the Petition for Special Hearing seeking a determination that the subject property has the density for, and can be improved with, a one single family dwelling, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time as 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.

Lawrence E. Schmidt
 LAWRENCE E. SCHMIDT
 Zoning Commissioner
 for Baltimore County

LES/mmm

ORDER RECEIVED FOR FILING
 Date 1/25/93
 By J.P. Smith

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-4386

January 25, 1993

Howard L. Alderman, Jr., Esquire
 Levin and Gann
 305 W. Chesapeake Avenue
 Towson, Maryland 21204

RE: Petition for Special Hearing
 Kenneth E. Lentz, et ux, Petitioners
 Case No. 93-192-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Special Hearing has been granted, with restrictions.

In the event any party finds the decision rendered 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 the Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
 LAWRENCE E. SCHMIDT
 Zoning Commissioner
 for Baltimore County

LES:mmm
 encl.
 cc: Mr. and Mrs. Kenneth E. Lentz
 cc: Mr. A.A. Windesheim

ORDER RECEIVED FOR FILING
 Date 1/25/93
 By J.P. Smith

Petition for Special Hearing
 to the Zoning Commissioner of Baltimore County
 for the property located at 17137 Evna Road
 which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 25.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should determine that the subject property has the density for, and can be improved with one single-family dwelling pursuant to BCCR § 1A01.2.B.1.

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.

Correct Purchaser Name: Kenneth E. Lentz
 Type or Print Name: Kenneth E. Lentz
 Signature: *Kenneth E. Lentz*
 Address: 7002 Bristol Road, Baltimore, MD 21212
 City: Baltimore, State: MD, Zip: 21212

Signature: *Carol C. Lentz*
 Type or Print Name: Carol C. Lentz
 Address: 7002 Bristol Road, Baltimore, MD 21212
 City: Baltimore, State: MD, Zip: 21212

Signature: *Howard L. Alderman, Jr.*
 Type or Print Name: Howard L. Alderman, Jr., Esquire
 Address: 305 West Chesapeake Avenue, Suite 113, Towson, Maryland 21204
 City: Towson, State: Maryland, Zip: 21204
 Telephone: (410) 321-0600

ZONING DESCRIPTION FOR ZONING SPECIAL HEARING
 PREMISES KNOWN AS 17137 EVNA ROAD

BEGINNING at a point in the center line of Evna Road, located in the Seventh Election District of Baltimore County, Maryland, approximately 1800 feet from the intersection of Evna Road and Mt. Carmel Road, running thence the following courses and distances: 1) N 70° 14' 00" E 481.93 feet; 2) S 81° 04' E 171.07 feet; 3) N 81° 37' E 217.67 feet; 4) N 38° 30' S 382.81 feet; 5) N 65° 30' 08" W 540.53 feet; 6) N 3° 18' 38" E 721.29 feet; 7) S 55° 40' 02" W 321.17 feet; 8) S 62° 21' 18" W 611.31 feet; 9) S 35° 34' 34" E 568.06 feet; 10) N 73° 40' 04" E 438.11 feet; 11) S 65° 30' 08" E 535.58 feet; 12) S 36° 38' 58" W 346.29 feet; 13) S 81° 37' W 212.01 feet; 14) N 81° 04' W 172.11 feet; 15) South 70° 14' 00" W 484.42 feet to the center line of said Evna Road; 16) running thence along the center line of said Evna Road S 19° 22' E 10.0 feet to the place of beginning.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 7th Date of Posting: 1/22/93
 Posted for: Special Hearing
 Petitioner: Kenneth E. Lentz
 Location of property: 17137 Evna Rd., Mt. Carmel Rd.
 Location of Sign: Along driveway at intersection of Lewis road leading to property.
 Remarks: *See map*
 Posted by: *LES* Date of return: 1/25/93
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/31, 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 12/31, 1992

THE JEFFERSONIAN,
S. Zafe Orlov
 Publisher

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

receipt
 93-192-7

Date: 1/25/93
 PUBLIC HEARING FEES: \$50.00
 CHECK # 1137
 LEVIN & GANN PA
 \$50.00
 CHARG# 0039NICRHC
 BA C009120AM12-09-92
 Please Make Checks Payable To: Baltimore County

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

receipt

Date: 1/25/93
 93-192
 \$50.00
 CHARG# 0039NICRHC
 BA C009120AM12-09-92
 Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21284 (410) 887-3353

DATE: 1-6-93

Kenneth and Carol Lentz
7002 Bristol Road
Baltimore, Maryland 21212

RE:
CASE NUMBER: 93-192-SPH (Item 201)
E/S Evna Road, 1800' N of Mt. Carmel Road
17137 Evna Road
7th Election District - 3rd Councilmanic
Petitioner(s): Kenneth E. Lentz and Carol C. Lentz
HEARING: FRIDAY, JANUARY 15, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 74.00 is due for advertising and posting of the above captioned property and hearing date.

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

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21284. 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
ARNOLD JABLON
DIRECTOR

cc: Howard L. Alderman, Jr., Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21284 (410) 887-3353

DEC 21 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 93-192-SPH (Item 201)
E/S Evna Road, 1800' N of Mt. Carmel Road
17137 Evna Road
7th Election District - 3rd Councilmanic
Petitioner(s): Kenneth E. Lentz and Carol C. Lentz
HEARING: FRIDAY, JANUARY 15, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to determine that the subject property has the density for, and can be improved with one single-family dwelling.

Arnold Jablon
Arnold Jablon
Director

cc: Kenneth and Carol Lentz
Howard L. Alderman, Esq.

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

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21284 (410) 887-3353

December 31, 1992

Howard L. Alderman, Jr., Esquire
Levin & Gann, P. A.
305 West Chesapeake Avenue STE 113
Towson, MD 21284

RE: Case No. 93-192-SPH, Item No. 201
Petitioner: Kenneth E. Lentz, et ux
Petition for Special Hearing

Dear Mr. Alderman:

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

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

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

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

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21284 (410) 887-3353

Your petition has been received and accepted for filing this 9th day of December 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

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

Petitioner: Kenneth E. Lentz, et ux
Petitioner's Attorney: Howard L. Alderman

(Public Services) 01/04/93
Development Review Committee Response Form
Authorized signature: *Dennis A. Kennedy* Date: 1/6/93

Project Name	Waiver Number	Zoning Issue	Meeting Date	
Robert E. Ryan and Marianne H. Gillette	199		12-21-92	NC
DED DEPRM RP STP				
Baker Land Company	200			NC
DED DEPRM RP STP				
Kenneth E. and Carol C. Lentz				NC
DED DEPRM RP STP				
Aubrey N. and Ruth N. Freeman	202			NC
DED RP STP				
COUNT 4				
Charles A. Wagandt	203		12-28-92	Comment
DED DEPRM RP STP TE				
Walter Dempsey Lee and Carolyn Shaw	204			NC
DED DEPRM RP STP TE				
Thomas Booth, Louis and Elmer Morsberger	205			Comment
DED DEPRM RP STP TE				
Michael J. and Bonnie Conner	207			NC
DED DEPRM RP STP TE				
Wyanness Associates Limited Partnership	208			Comment
DED DEPRM RP STP TE				
James G. and Pamela J. Miller	209			NC
DED DEPRM RP STP TE				
Sarkis G. and Susan T. Aghazarian	210			NC
DED DEPRM RP STP TE				
Pickersgill, Inc.	212			

Rec'd 1/14/93

DPW/Traffic Engineering
Development Review Committee Response Form 12/28/92
Authorized signature: *William R. L. R.* Date: 12/28/92

Project Name	Waiver Number	Zoning Issue	Meeting Date	
Nancy E. and David M. Paige	194	MLC	12-14-92	
RP STP TE				
COUNT 1				
Robert E. Ryan and Marianne H. Gillette	199	MLC	12-21-92	
DED DEPRM RP STP TE				
Baker Land Company	200	MLC		
DED DEPRM RP STP TE				
Kenneth E. and Carol C. Lentz	201	MLC		
DED DEPRM RP STP TE				
Aubrey N. and Ruth N. Freeman	202	MLC		
DED DEPRM RP STP TE				
COUNT 4				
Stonegate at Patapsco (Azeal Property)			6-1-92	
ZON DED TE (Waiting for developer to submit plans first)				
COUNT 1				
FINAL TOTALS				
COUNT 6				
*** END OF REPORT ***				

Rec'd 1/4/93

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Re: Baltimore County
Item No. 4201 (CA17)
KENNETH E. LENTZ & CAROL C. LENTZ

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21284

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Robert A. Small
John Costabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350
Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 565-6451 D.C. Metro - 1-800-495-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 22, 1992

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

SUBJECT: Petitions from Zoning Advisory Committee
(December 21, 1992)

The Office of Planning and Zoning has no comments on the following petitions:
Shirley and Ronda Swab, Item No. 190
Robert and Marianne Gillette, Item No. 199
Baker Land Company, Item No. 200
Kenneth and Carol Lentz, Item No. 201
Aubrey and Ruth Freeman, Item No. 202
James and Josephine Hartman, Item No. 206

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

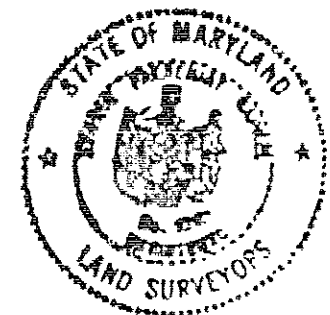
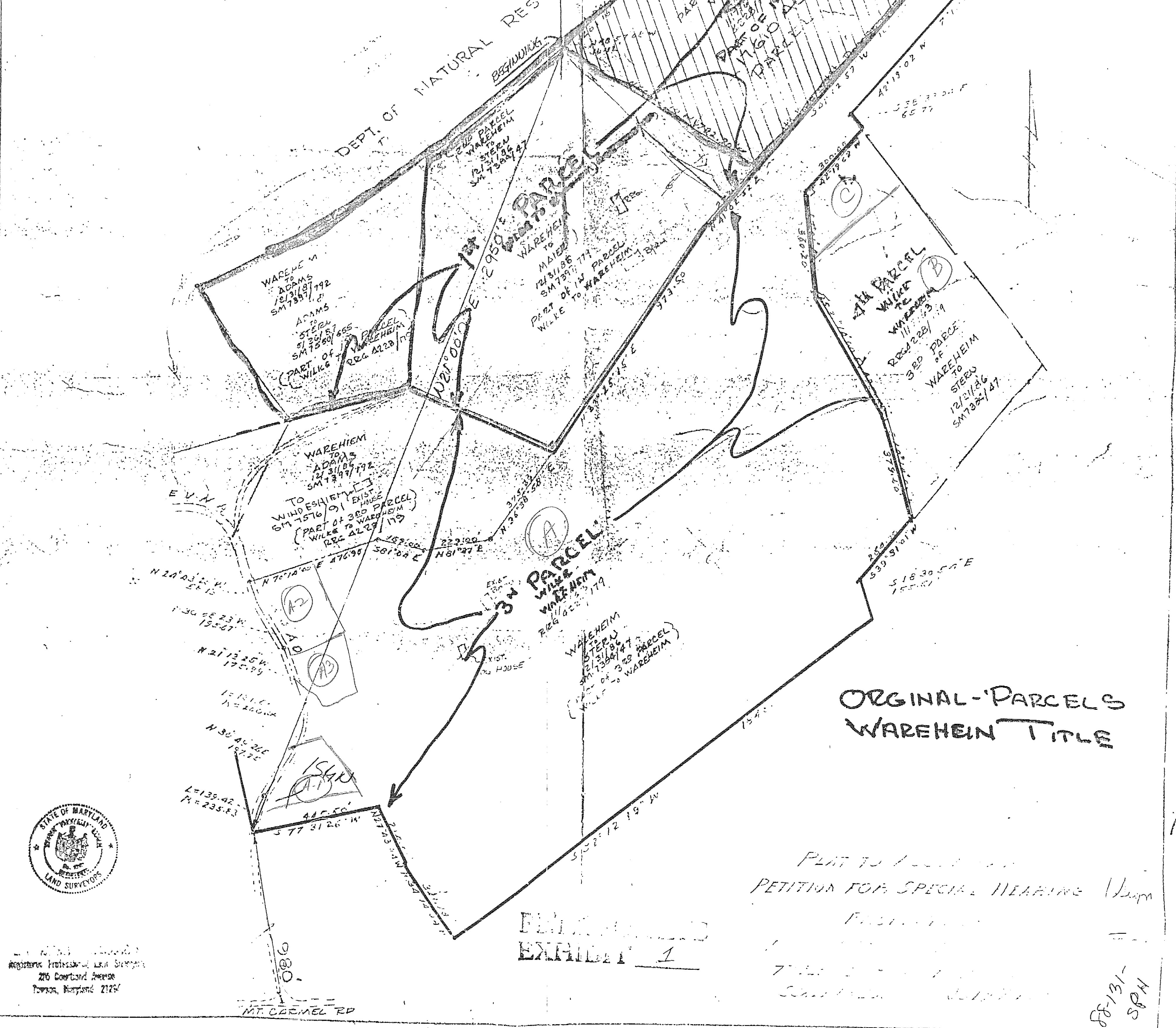
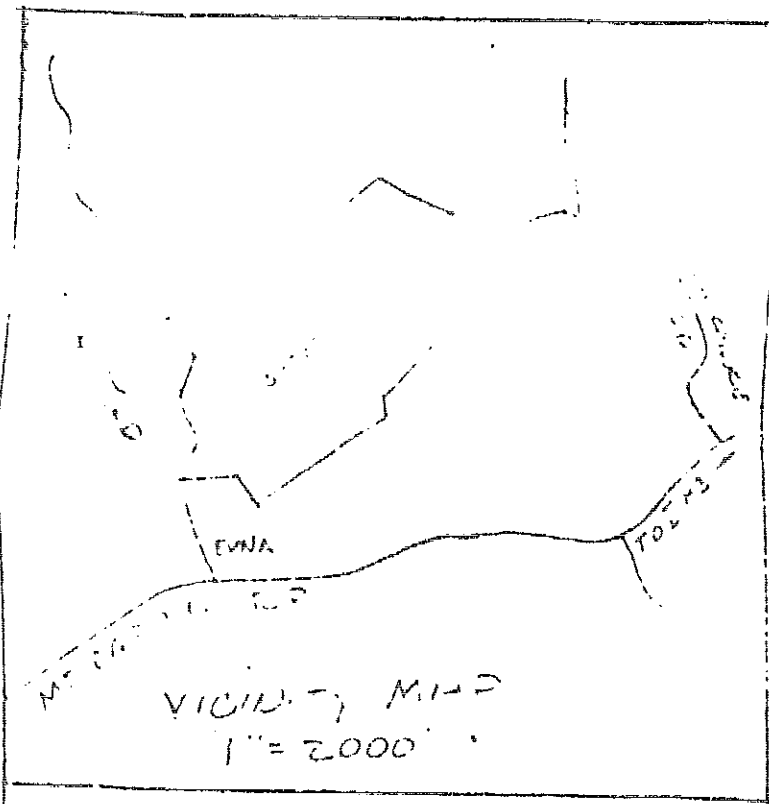
Prepared by: *Francis Morsey*

Division Chief: _____

PK/FH:rdn

190.200/ZAC1
Rec'd 1/4/93

TITLE PLATS



REGISTERED PROFESSIONAL LAND SURVEYOR
216 COASTLAND AVENUE
PARKES, MARYLAND 21254

ORIGINAL-PARCELS
WAREHEIM TITLE

EXHIBIT 1

PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING
FILED IN CASE NO. 11-11-11
COUNTY OF MONTGOMERY, MARYLAND

88-131-
SPH