

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - S/S Gadd Road 2858' SW of Falls Road (2323 Gadd Road) 8th Election District Jrd Councilmanic District Robert A. Killebrew, Jr., et ux Petitioners

* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

* Case No. 94-40-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Variance for the subject property known as 2323 Gadd Road, which is located near the intersection of Gadd Road and Falls Road in the Pine Hill Farms section of northern Baltimore County. The Petitions were filed by the legal owners of the subject property, Robert A. Killebrew, Jr., and his wife, Norma Killebrew. Within the Petition for Special Hearing, approval is sought for an amendment to the relief granted in prior Case No. 88-387-SPH to permit the use of Parcel 6B of the subject property for a private swimming pool and pool house, and, if required, for a sewage disposal area which will service the swimming pool and pool house, only, and to permit the use of Parcel 6B for a sewage disposal area for a proposed residence to be located on the abutting parcel, known as Lot 1. Within the Petition for Variance, relief is sought from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot line setback of 10 feet in lieu of the required 35 feet for a proposed dwelling. The relief requested is more particularly described on Petitioner's Exhibit 1, the plat to accompany the Petitions filed herein.

Appearing at the public hearing held in this matter were Robert and Norma Killebrew, property owners. Mr. & Mrs. Killebrew were represented by Robert A. Hoffman, Esquire. Also appearing on behalf of the Petitioners

were M. Eugene Gillespie, the Architect who designed the proposed structures, and John J. Stamm, the Professional Engineer who prepared the site plan marked as Petitioner's Exhibit 1. Neighbors to the subject property were also present, including Clark F. Mackenzie, who resides nearby, and Jeffrey M. Waters, who appeared on behalf of his mother, Rita Webber who owns adjoining property. These neighbors appeared in support of the relief requested. There were no Protestants present.

Testimony and evidence presented revealed that the Petitioners purchased two parcels, known as Lot 1 and Parcel 6B, which will be collectively referred to within this Order as the property. Lot 1 consists of a gross area of 6.260 acres and Parcel 6B contains 5.00 acres. Both parcels are zoned R.C. 2. The Petitioners propose to construct a single family dwelling on the rear of Lot 1 as shown on the site plan. The Petitioners also propose to construct a swimming pool and related pool house on the adjoining Parcel 6B, and, if required, a sewage disposal system for the swimming pool and pool house, only. Testimony and evidence presented was that the proposed locations for these improvements were the most practical from a site planning standpoint. Specifically, the rolling terrain which exists on much of the two parcels limits the area appropriate for the proposed dwelling and accessory structures. Moreover, the proposed location will protect certain aesthetic considerations, including providing a scenic vista from the dwelling and permitting the dwelling to blend in nicely with the surrounding character and nature of the locale.

Further testimony and evidence presented revealed that this property was subject to prior zoning Case No. 88-347-SPH. An excerpt of then Zoning Commissioner J. Robert Haine's opinion in that case is contained on the site plan and a copy of the entire opinion was submitted as an exhibit.

- 2 -

That case essentially dealt with certain density and non-density transfers as a result of the subdivision of an existing farm which was considerably large. As it applies in the instant case, Restrictions identified as (b), 3, and 5 within said Opinion are relevant to the subject property. Collectively, those restrictions label Parcel 6B as a non-density parcel and require that same cannot be merged by description with adjoining lands into the same deed. As importantly, the Order provides that none of the non-density parcels, including Parcel 6B, can be improved with a dwelling unit or any non-agricultural business operation. Clearly, the subject swimming pool does not constitute a business operation. Thus, the Petitioners' have requested the special hearing.

I have carefully reviewed the testimony and evidence presented, as well as the comments submitted by the various County reviewing agencies and Commissioner Haines' Order. In my view, a limited amendment as requested within the Petition for Special Hearing is appropriate. Although Parcel 6B will be improved with a swimming pool and pool house, these uses are clearly incidental to the proposed residential dwelling on Lot 1. There is no doubt that the proposed swimming pool and accessory building will contribute to the comfort and convenience of the occupants of the dwelling. Moreover, a limited amendment in the nature of what is requested herein, is consistent with the stated objectives in Commissioner Haines' Order, namely, to promote the character of this locale and prevent over-development. Clearly, the use of Parcel 6B as proposed will not be detrimental to the health, safety or general welfare of the locale. Thus, the Petition for Special Hearing shall be granted.

As to the Petition for Variance, same is necessary due to the internal lot line which divides Lot 1 and Parcel 6B. As noted above, both

- 3 -

tracts are under common ownership by Mr. & Mrs. Killebrew. Thus, the need for the variance is somewhat misleading in that the Petitioners own the land on both sides of this property line. Moreover, with the construction of the proposed dwelling and swimming pool, the lot line will provide no meaningful division of the property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict

- 4 -

the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the relief requested is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of September, 1993 that the Petition for Special Hearing to approve an amendment to the relief granted in prior Case No. 88-387-SPH to permit the use of Parcel 6B of the subject property for a private swimming pool and pool house, and, if required, for a sewage disposal area for service to the swimming pool and pool house, only, and to permit the use of Parcel 6B for a sewage disposal area for a proposed residence to be located on the abutting parcel, known as Lot 1, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance requesting relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear property line setback of 10 feet in lieu of the required 35 feet for a proposed dwelling on Lot 1, be and is hereby GRANTED, subject to the following restriction:

- 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 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.

- 5 -

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjjs

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

September 2, 1993

(410) 887-4386

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

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
S/S Gadd Road, 2858' SW of Falls Road
(2323 Gadd Road)
8th Election District - 3rd Councilmanic District
Robert A. Killebrew, Jr., et ux - Petitioners
Case No. 94-40-SPH

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjjs

cc: People's Counsel

file



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 2323 Gadd Road

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 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

an amendment to the relief granted in Case No. 88-387-SPH to permit the use of Parcel 6B for a private swimming pool and pool house and, if required, for a sewage disposal area for service to the swimming pool and pool house only; and to permit the use of Parcel 6B for a sewage disposal area for a proposed residence to be situated on the abutting parcel (Lot 1, plat EHK 44/95).

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

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

Legal Owner(s):

Robert A. Killebrew, Jr.

(Type or Print Name)

Signature

Norma Killebrew

(Type or Print Name)

Address

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 2323 Gadd Road

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 Variance from Section(s) 1A01.3.B.3 of the Baltimore County Zoning Regulations to permit a setback of 10 feet from a lot line in lieu of the required 35 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To be determined at hearing.

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

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

Legal Owner(s):

Robert A. Killebrew

(Type or Print Name)

Signature

Norma Killebrew

(Type or Print Name)

Address

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

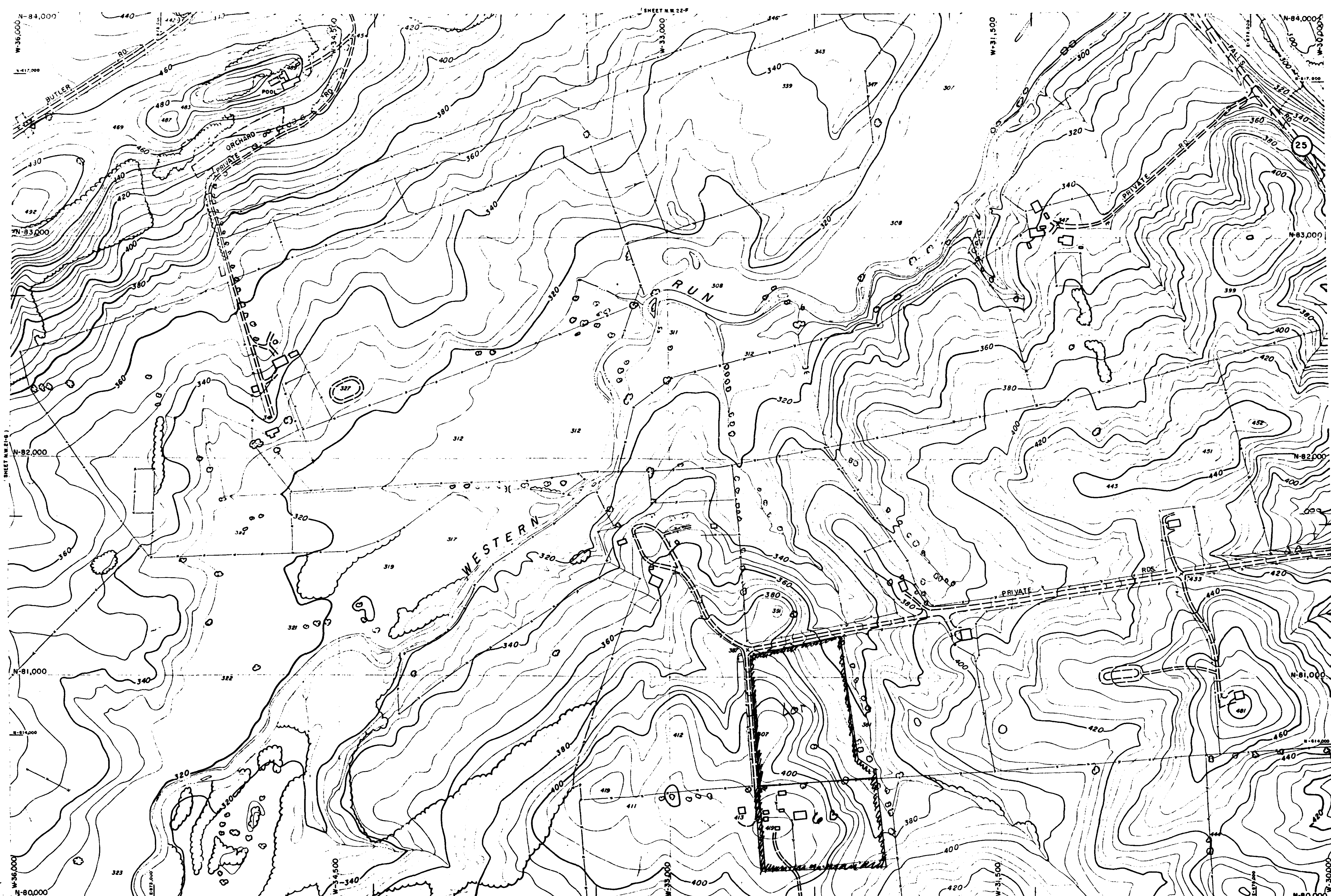
City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode

City State Zipcode



CC-SE
W-NE

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND

REVISIONS
BY DATE

SCALE
1" = 200'

LOCATION

SHEET

DATE OF
PHOTOGRAPHY

SOUTH OF BUTLER

N. W.

21-F

Topography Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND

PETITIONER'S
EXHIBIT No. 4

Description to accompany Variance
Petition.

July 26, 1993

LOT 1 Beginning for the same on the south side of Gadd Road, 45.00 feet wide, at the point having Baltimore County Metropolitan District coordinate values of North 81187.66 and West 32236.41, said point of beginning being located South 78 degrees 02 minutes 25 seconds West 2858 feet +/- from the centerline intersection of said Gadd Road, 45.00 feet wide and Falls Road, running thence leaving said point of beginning, the five following courses:
1) South 06 degrees 27 minutes 00 seconds East 562.69 feet,
2) South 72 degrees 50 minutes 45 seconds East 94.94 feet,
3) South 05 degrees 04 minutes 32 seconds East 53.16 feet,
4) South 85 degrees 37 minutes 30 seconds East 527.75 feet and
5) North 04 degrees 14 minutes 30 seconds West 568.45 feet,
running thence binding on the fillier leading to the south side of said Gadd Road.
6) northeasterly by a curve to the right having a radius of 25.00 feet for a distance of 35.62 feet, said curve being subtended by a chord bearing North 36 degrees 34 minutes 40 seconds East 32.68 feet to the south side of said Gadd Road, running thence binding on the south side of said Gadd Road,
7) North 77 degrees 23 minutes 50 seconds East 399.74 feet to said point of beginning.
Containing 6.260 acres of land more or less.

PARCEL 68 Beginning for the same at a point designated 4, having Baltimore County Metropolitan District coordinate values of North 80541.23 and West 32077.38 and shown on a Plat entitled "PINE HILL FARMS", dated March 1, 1988, recorded among the Plat Records of Baltimore County, Maryland in Plat Book S.M. 58 folio 86, said point of beginning being located South 64 degrees 50 minutes 27 seconds West 2914 feet +/- from the centerline intersection of Gadd Road and Falls Road, running thence leaving said point of beginning, the four following courses:
1) South 03 degrees 40 minutes 19 seconds East 398.23 feet to point 49 on said Plat,
2) South 85 degrees 48 minutes 05 seconds West 546.94 feet to point 48 on said Plat,
3) North 03 degrees 40 minutes 19 seconds West 398.23 feet to point 3 on said Plat and
4) North 85 degrees 48 minutes 05 seconds East 546.95 feet to said point of beginning.
Containing 5.000 acres of land more or less.

(NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS)

41

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: 7/13/93
Posted for: Special Hearing - Variance
Petitioner: Robert A. Hoffman & Norma Killebrew
Location of property: 2323 Gadd Rd, 2858' SW of Falls Rd
Location of Signs: Along Highway on property N. side
Remarks: None
Posted by: [Signature] Date of return: 7/28/93
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug. 12, 1993
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. 12, 1993.

THE JEFFERSONIAN,
A. Henrichsen
LEGAL AD. - TOWSON

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

receipt

Date: 7/28/93

Robert Killabrow, Jr. - 2323 Gadd Rd.

* 101 - Variance --- \$ 50.00

* 030 - Special Hearing 50.00

* 080 - 2 Signs --- 70.00

\$ 170.00

Account: R-001-4150

Number: 41

Taken by JF/cam

01A01N031SHCHRC

BA C009117A07-28-93

\$170.00

Please Make Checks Payable To Baltimore County

Cashier Validation

TO: PUBLISHED PUBLISHING COMPANY
August 12, 1993 Issue - Jeffersonian

Please forward billing to:
Barbara A. White
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204
410-494-6200

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 NUMBER: 94-40-A (Item 41)
2323 Gadd Road
S/S Gadd Road, 2858' SW of Falls Road
8th Election District - 3rd Councilmanic
Petitioner(s): Robert Killabrow, Jr. and Norma Killebrew
HEARING: WEDNESDAY, SEPTEMBER 1, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve an amendment to the relief granted in case #88-387-SPH to permit the use of Parcel 68 for a private swimming pool and pool house and, if required, for a sewage disposal area for service to the swimming pool and pool house only; and to permit the use for Parcel 68 for a sewage disposal area for a proposed residence to be situated on the abutting parcel (Lot 1, plat EIR 44/95).
Variance to permit a setback of 10 feet from a lot line in lieu of the required 35 feet.

LAWRENCE E. SCHULTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 23, 1993

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

RE: Case No. 94-40-SPHA, Item No. 41
Petitioner: Robert Killabrow, et ux
Petition for

Dear :

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 July 28, 1993, and a hearing was 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.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

8-5-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 41 (JRF)

Dear Ms. Kehring:

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,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-8063 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 5, 1993

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 NUMBER: 94-40-A (Item 41)
2323 Gadd Road
S/S Gadd Road, 2858' SW of Falls Road
8th Election District - 3rd Councilmanic
Petitioner(s): Robert Killabrow, Jr. and Norma Killebrew
HEARING: WEDNESDAY, SEPTEMBER 1, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve an amendment to the relief granted in case #88-387-SPH to permit the use of Parcel 68 for a private swimming pool and pool house and, if required, for a sewage disposal area for service to the swimming pool and pool house only; and to permit the use for Parcel 68 for a sewage disposal area for a proposed residence to be situated on the abutting parcel (Lot 1, plat EIR 44/95).
Variance to permit a setback of 10 feet from a lot line in lieu of the required 35 feet.

Arnold Jablon
Director

cc: Robert and Norma Killebrew
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3351.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 12, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 40, 41, 45, 53, 54, 55, 56, 57, 59, 61 and 63.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long

Division Chief: Emily L. Kerns

PK/JL:lw

ZAC. 40/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Zoning Advisory Committee
FROM: Captain Jerry Pfeifer
SUBJECT: August 16, 1993 Meeting
DATE: August 6, 1993

- #40 No Comments
- #41 No Comments
- #42 No Comments
- #43 No Comments
- #44 Fence shall be equipped with gates that are a minimum of 32" in width, in order to allow egress from fenced area.
- #45 Buildings shall comply with the 1991 Life Safety Code and shall be equipped with hard-wired smoke detectors.
- #47 Townhouses for which the initial building permits were applied after July 1, 1992 are required by State Law to be sprinklered. A fire hydrant is required at Blackfoot Ct. and Pawnee Rd. and Blackfoot Ct. and Road A.
- #48 No Comments
- #49 It is recommended that the driveway be a minimum of 12'.

JLP/dmc

RECEIVED
AUG 11 1993
ZADM

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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
FROM: J. Lawrence Pilsner
Development Coordinator, DEPRM
SUBJECT: Zoning Item #41 - Killebrew Property
2323 Gadd Road
Zoning Advisory Committee Meeting of August 9, 1993
September 14, 1993

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 and Forest Conservation.

This plan has been reviewed for prime and productive soils and impact on agricultural resources. The proposal will have no adverse impact on prime and productive soils and no significant impact on agricultural resources.

The proposal appears to be on MBD3 soils which are non-prime and productive soils although they can be useful for pasture. The placement of the swimming pool in the location shown on the plan would therefore result in little loss of agricultural resource.

However, the area directly behind the proposed pool location and over the ridge is prime and productive and is currently part of a larger area used for pasturage of cattle and horses. Any further intrusion of non-agricultural uses into this area would conflict with the protection of agricultural resources.

JLP:sp
KILLEB/DEPRM/TXTSPB

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
AND VARIANCE : OF BALTIMORE COUNTY
S/S Gadd Rd., 2850' SW of Falls :
Rd. (2323 Gadd Rd.), 8th Election :
Dist., 3rd Councilmanic Dist. : Case No. 94-40-SPHA
ROBERT KILLEBREW, JR., et ux, :
Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 19th day of August, 1993, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Howard, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

RECEIVED
AUG 20 1993
ZADM

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

BUILDING PERMIT

PERMIT #: B156371 CONTROL #: NR DIST: 08 PREC: 02
DATE ISSUED: 08/03/93 TAX ACCOUNT #: 1400008958 CLASS: 33

PLANS: CONST 2 PLOT 7 R PLAT 0 DATA 0 ELEC YES PLUM YES
LOCATION: 2323 GADD RD
SUBDIVISION: JOHN D GADD PROPERTY

OWNERS INFORMATION
NAME: KILLEBREW, ROBERT + NORMA
ADDR: 5603 WAYCREST LANE, BALTO., MD. 21210

TENANT:
CONTR: BEAM + PARKINS CONSTR. CO., INC.
ENGR: SELLER
WORK: CONSTRUCT SFD-PARTIAL BASEMENT W/CRAWL-SPACE
GARAGE-4 FIREPLACES(N) (SIDE PROJECTIONS).
4 BEDROOMS. 131X79X39.5-10, 8715F.

BLDG. CODE: 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SFD
900,000.00 EXISTING USE: VACANT LOT

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION
USE: DW. FAMILY
FOUNDATION: BLOCK
SEWAGE: PRIV. PROPOSED BASEMENT: PARTIAL
WATER: PRIV. EXISTS

LOT SIZE AND SETBACKS

SIZE: 6,268ACRES
FRONT STREET:
SIDE SETB: 390
FRONT SETB: 260/45
SIDE STR SETB:
REAR SETB: 128

TIME: 09:09:46
DATE: 07/28/93
AUTOMATED PERMIT TRACKING SYSTEM
LAST UPDATE: 05/24/93
PANEL: BP1003M

PERMIT #: B156371
PROPERTY ADDRESS:
2323 GADD RD.
SUBDIV: JOHN D GADD PROPERTY
TAX ACCOUNT #: 1400008958 DISTRICT/PRECINCT: 08 02
OWNER INFORMATION (LAST, FIRST)
NAME: KILLEBREW, ROBERT + NORMA
ADDR: 5603 WAYCREST LANE, BALTO., MD. 21210
APPLICANT INFORMATION
NAME: THOMAS H. BEAM
COMPANY: BEAM + PARKINS CONSTR. CO., INC.
ADDR: 2431 SNYDERBURG RD.
HAMPSTEAD, MD. 21074
PHONE: 239-7329 LICENSE #:

INSPECTOR: GBR
NOTES: CUP/SAS
REV. SITE PLANS - NO FEE
REV. PLANS - NO FEE 5/21/93... DLS
PASSWORD:

ENTER PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQUIRY

TIME: 09:09:49
DATE: 07/28/93
AUTOMATED PERMIT TRACKING SYSTEM
LAST UPDATE: 05/04/93
PANEL: BP1004M

PERMIT #: B156371
PLANS: CONST 2 PLOT 7 PLAT 0 DATA 0 EL 1 PL 1
BUILDING CODE: 1
IMPRV: 1
USE: 01

FOUNDATION: BASE
CONSTRUC FUEL SEWAGE WATER
CENTRAL AIR 1
ESTIMATED COST
900,000.00
PROPOSED USE: SFD
EXISTING USE: VACANT LOT

RESIDENTIAL CAT 1
EFF: 1 BED: 4 2 BED: 4 3 BED: 4 TOT BED: 4 TOT APTS: 4
FAMILY BEDROOMS: 4
PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU
PANEL: BP1005M

TIME: 09:09:58
DATE: 07/28/93
AUTOMATED PERMIT TRACKING SYSTEM
LAST UPDATE: 05/04/93
PANEL: BP1006M

PERMIT #: B156371
BUILDING SIZE
FLOOR: 19871
WIDTH: 131
HEIGHT: 79
STORIES: 2+BSMT
LOT NOS: 1
CORNER LOT: 1

LOT SIZE AND SETBACKS
SIZE: 6,268ACRES
FRONT STREET:
SIDE STREET:
FRONT SETB: 390
SIDE SETB: 260/45
SIDE STR SETB:
REAR SETB: 128

ASSESSMENTS
LAND: 0001880.00
IMPROVEMENTS: 0000000.00
TOTAL ASS: 0001880.00

ZONING INFORMATION
DISTRICT:
PETITION:
DATE:
MAP:

PLANNING INFORMATION
MASTER PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU
PANEL: BP1010M

TIME: 09:10:14
DATE: 07/28/93
AUTOMATED PERMIT TRACKING SYSTEM
LAST UPDATE: 05/24/93
PANEL: BP1011M

PERMIT #: B156371
AGENCY: DATE: CODE: COMMENTS

BLD PLAN 03/05/93 01 JPP 3/5/93 SEALED
BEDI CTL 03/29/93 01 KS/TT
ZONING 05/05/93 01
SUB SERV 05/24/93 01 REC'D COPY OF 4886/799 FLOOD STUDY/CAM
ENVRNMT 03/05/93 12 MC/C.W.M./155F/MW/ EIR X-3226

PERMITS

94-40-A #41

Baltimore County Government
Office of Zoning Administration
and Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:
Item No.: 41
Petitioner: Robert Killebrew, Jr.
Location: 2323 Gadd Road

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Barbara A. White
ADDRESS: Venable, Baetjer & Howard
210 Allegheny Ave., Towson, Md. 21204
PHONE NUMBER: 410-494-6220

Arnold Jablon, Director

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Barbara A. White
ADDRESS: Venable, Baetjer & Howard
210 Allegheny Ave., Towson, Md. 21204
PHONE NUMBER: 410-494-6220

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Barbara A. White
ADDRESS: Venable, Baetjer & Howard
210 Allegheny Ave., Towson, Md. 21204
PHONE NUMBER: 410-494-6220

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Barbara A. White
ADDRESS: Venable, Baetjer & Howard
210 Allegheny Ave., Towson, Md. 21204
PHONE NUMBER: 410-494-6220

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Barbara A. White
ADDRESS: Venable, Baetjer & Howard
210 Allegheny Ave., Towson, Md. 21204
PHONE NUMBER: 410-494-6220

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Barbara A. White
ADDRESS: Venable, Baetjer & Howard
210 Allegheny Ave., Towson, Md. 21204
PHONE NUMBER: 410-494-6220

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Barbara A. White
ADDRESS: Venable, Baetjer & Howard
210 Allegheny Ave., Towson, Md. 21204
PHONE NUMBER: 410-494-6220

TOWSON
210 EAST BALDWIN
TOWSON, MARYLAND 21204
TEL: 410-887-3353
FAX: 410-887-3354

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

REL AIR
210 EAST BALDWIN
TOWSON, MARYLAND 21204
TEL: 410-887-3353
FAX: 410-887-3354

TO: Baltimore County
Z.A.D.M.
Towson, Maryland 21204
DATE: May 19, 1993
REFERENCE: Building Permit #B156371
2323 Gadd Road

ATTENTION: Ms. Catherine A. Milton

We are:
☐ Submitting ☐ Herewith ☐ Under Separate Cover
☐ Forwarding
☐ Returning

COPIES DESCRIPTION
1 Deed 6086/790
1 Plat 44/95

RECEIVED
MAY 20 1993
BALTIMORE COUNTY
ZADM/DM

Remarks: Per your request to Beam and Parkins Construction Co., Inc. dated May 7, 1993.

Please note that the plotted flood plain boundary shown on the Grading Plan is taken from the M&B of the above plat.

For further information, please contact the writer at this office.
JJS:kmp
Enclosures
cc: Mrs. R. Killebrew
Beam & Parkins Construction Co.
Mr. W. Gillespie

Sincerely yours,
John J. Stamm, P.E.

VENABLE, BAETJER AND HOWARD

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204-5517
FAX: (410) 887-3354

ROBERT A. HOFFMAN

July 21, 1994

Re: Case No. 94-40-A
Robert A. Killebrew, Jr., et ux, Petitioner

Dear Carl:

Enclosed is a copy of the Findings of Fact and Conclusions of Law in the referenced case which permitted, among other things, the construction of a pool and pool house on a piece of property located along Gadd Road, west of Falls Road. The Killebrews' architect, Mr. W. Eugene Gillespie, has asked that I write you regarding a very minor modification to the location of the pool and the pool house as shown on the plat that accompanied that Petition for Special Hearing and Variance.

Please refer to the enclosed, red-lined plans. If the pool and pool house stay in their current location, the health of three mature trees would be adversely affected and perhaps even die. Adjusting the location of the pool and the pool house to the location shown in red would in fact protect these existing trees, as well as give the Killebrews some measure of privacy by virtue of the existing trees located approximately 55 feet to the west. Accordingly, it is respectfully submitted that this minor modification to the plat to accompany the Petition for Special Hearing and Variance should be approved as being within the spirit and intent of the zoning opinion. As you will also note from the enclosed opinion, the Killebrews' neighbors supported the requested relief.

RECEIVED
JUL 21 1994
ZADM

IN RE: PETITION FOR SPECIAL HEARING • BEFORE THE
SW/S Falls Road, 1,268' NW • ZONING COMMISSIONER
of the C/I of Miller Road • OF BALTIMORE COUNTY
8th Election District •
3rd Councilmanic District •
Cadd Road Realty Corp., et al •
Petitioners • Case No. 98-347-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to appraise (a) the transfer or cluster of density units on three contiguous agricultural tracts with the net effect that there will be no increase in the total number of permitted building lots on the three tracts; and (b) the transfer of non-density parcels (i.e., land whose area may no longer be considered in determining permissible development or subdivision in the future) to adjacent landowners, as more particularly described on Petitioner's Exhibits 1, 6, 7, 16, 17 and 18.

The Petitioners, by Clark F. MacKenzie, who testified both as a principal in the group constituting the Petitioners and as an expert in land development generally, appeared, testified and was represented by John P. Machen, Esquire. Also appearing on behalf of the Petition was Charles E. Fick with George William Stephens, Jr. and Associates, Consulting Engineers. Also in attendance at the hearing, but not testifying, were Dr. and Mrs. Frederick B. Peterson, Mrs. Clark F. MacKenzie, and Mr. and Mrs. Richard S. Pineau. There were no Pro-testants.

The subject property presently consists of three contiguous parcels of approximately 50 acres, 75 acres, and 151 acres, is zoned R.C. 2, and is located on the west side of Falls Road and two miles north of Shawan Road as shown on Petitioner's Exhibits 1 and 2. Based on the testimony of Mr. MacKenzie and as shown in photographs introduced at the hearing identified as Petitioner's Exhibits 4A, 4B, 8A, 8B, 8C, 8D, 8E, 8F, 15 and 16, the property is for the most

6086 792
Item 2
RW 79-241
Form D.P.W. 101-Rev. 10-73
THIS DEED AND AGREEMENT made this 30th day of August, in the year
Nineteen Hundred and Seventy-nine, between JOHN D. GADD, of the County of Baltimore,
State of Maryland,

part y of the first part, and BALTIMORE COUNTY, MARYLAND, a body corporate and
public 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
part y 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 grant and
convey unto Baltimore County, Maryland, a body corporate and public, its successors and as-
signs, the right to lay, construct and maintain sewers, drains, water pipes and other municipal utili-
ties 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 Eighth Election District of Baltimore County.

FIRST: IN AND TO the "10' DRAINAGE & UTILITY EASEMENT" and the "100 YR. FLOOD
PLAIN EASEMENT" as laid out and shown indicated on PLAT OF "JOHN D. GADD", which
PLAT is recorded among the Plat Records of Baltimore County in Plat Book E.H.K.Jr. No.
44, folio 95.

SECOND: IN AND TO the 100 year flood plain easement and drainage and utility
easements as laid out and shown indicated on PLAT NO. 2 "JOHN D. GADD", which PLAT
is recorded among the Plat Records of Baltimore County in Plat Book E.H.K.Jr. No.
44, folio 142.

FOR TITLE: See Deed dated March 15, 1950, and recorded among the Land Records
of Baltimore County in Liber T.B.S. No. 1828, folio 42, from J. Irving Enzor and
Elizabeth E. Enzor, his wife, to John D. Gadd and Mary Stewart Gadd, his wife; the
said Mary Stewart Gadd departed this life prior hereto, thereby vesting absolute
title in John D. Gadd.

TRANSFER TAX NOT REQUIRED
BALTIMORE COUNTY, MARYLAND
10-10-79

AND the party of the first part do hereby agree that Baltimore County, Maryland, its
successors and assigns, shall have the right and privilege of entering upon the aforesaid land, when-
ever it may be necessary to make openings and excavations, and to lay, construct and maintain said
municipal utilities 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 in, on or over the said easement by the party of the first part, his
personal representatives, successors and assigns; not shall the existing grade be
changed without prior approval of Baltimore County Bureau of Engineering.

BALTIMORE COUNTY, MARYLAND
Office of Finance - Revenue Division
6086 792
Item 2
RW 79-241

REAL PROPERTY TRANSFER - CONSIDERATION AFFIDAVIT
Complete affidavit - original and 1 copy - for each instrument other than
mortgage or deed of trust (with or without consideration). Sign and return both copies.

In compliance with Baltimore County Code Title 11, Article IX, Sections 11-69 through
11-82, as amended, it is certified that an instrument described below, representing a
transfer of real property including, but not limited to, fee simple estate, leasehold
estate, limited estate and legal or equitable interests in real property, is offered
for record in Baltimore County. The subject property is identified as follows:

Property Account # _____	Easement	Prior Deed Reference: Liber TBS 1828 Folio 42
Date of Instrument _____		Amount of Mortgage \$ _____
Documents Presented		Other (Cash, etc.) \$ _____
☐ Deed	☐ Agreement	Total Consideration \$ <u>None</u>
☐ Deed of Trust	☐ Mortgage	Assessed Factor \$ _____
☐ Contract	☐ Lease over 7 yrs.	Exempt Status Claimed Per Baltimore County Code 11-80(a)
☐ Other	☒ Right-of-way or Easement Agreement	*Total consideration is transfer tax base.

Person offering instrument for recording:

Name Harry E. Young, Jr.

Title Co. Land Acc.

Address _____

Phone _____

Grantor: _____

John D. Gadd

Mailing Address _____

Transferred property known as:

1st: IN AND TO the "10' DRAINAGE & UTILITY
EASEMENT" and "100 YR. FLOOD PLAIN
EASEMENT" as laid out and shown on PLAT
OF "JOHN D. GADD" ENKJR 44/95;
2nd: IN AND TO the 100 year flood plain eas-
ement and drainage and utility easements
shown laid out on PLAT NO. 2 "JOHN D.
GADD" ENKJR 1

I HEREBY CERTIFY under the penalties of perjury that the information given above is true
to the best of my personal knowledge and belief.

Signed Harry E. Young, Jr. Date 9/25/79

OFFICE OF FINANCE USE ONLY:

Agent _____ Amount \$ _____ Invoice # _____ Date _____

Tax Bill _____ C. B. Credit _____ Other Credit _____

Comments _____

IMPORTANT!
YELLOW COPY MUST BE RECORDED WITH
INSTRUMENT IN THIS CONSIDERATION
IS NOT REC'D.

AS WITNESS the due execution hereof by the aforesaid part y of the first part.

TEST:

John D. Gadd John D. Gadd (SEAL)
John D. Gadd

STATE OF MARYLAND, BALTIMORE County, to wit:

I HEREBY CERTIFY, that on this 30th day of August, in the year Nineteen
Hundred and Seventy-nine, before me, the undersigned, a Notary Public of the State of Maryland,
in and for the County of Baltimore, personally appeared JOHN D. GADD,

part y to the within Deed and Agreement, and he acknowledged the same to be
his act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS my Hand and Notarial Seal, this 30th day of August, 1979.
Notary Public

STATE OF MARYLAND, BALTIMORE

I HEREBY CERTIFY, that on this 30th day of August, in the year Nineteen
Hundred and Seventy-nine, before me, the undersigned, a Notary Public of the State of Maryland,
in and for the County of Baltimore, personally appeared

part y to the within Deed and Agreement, and he acknowledged the same to be
his act, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS my Hand and Notarial Seal, this 30th day of August, 1979.
Notary Public

APPROVED as to legal form and sufficiency of this instrument, and as to the validity of the
this 30th day of August, 1979, at Baltimore, Maryland.
Assistant County Solicitor
8/15/79

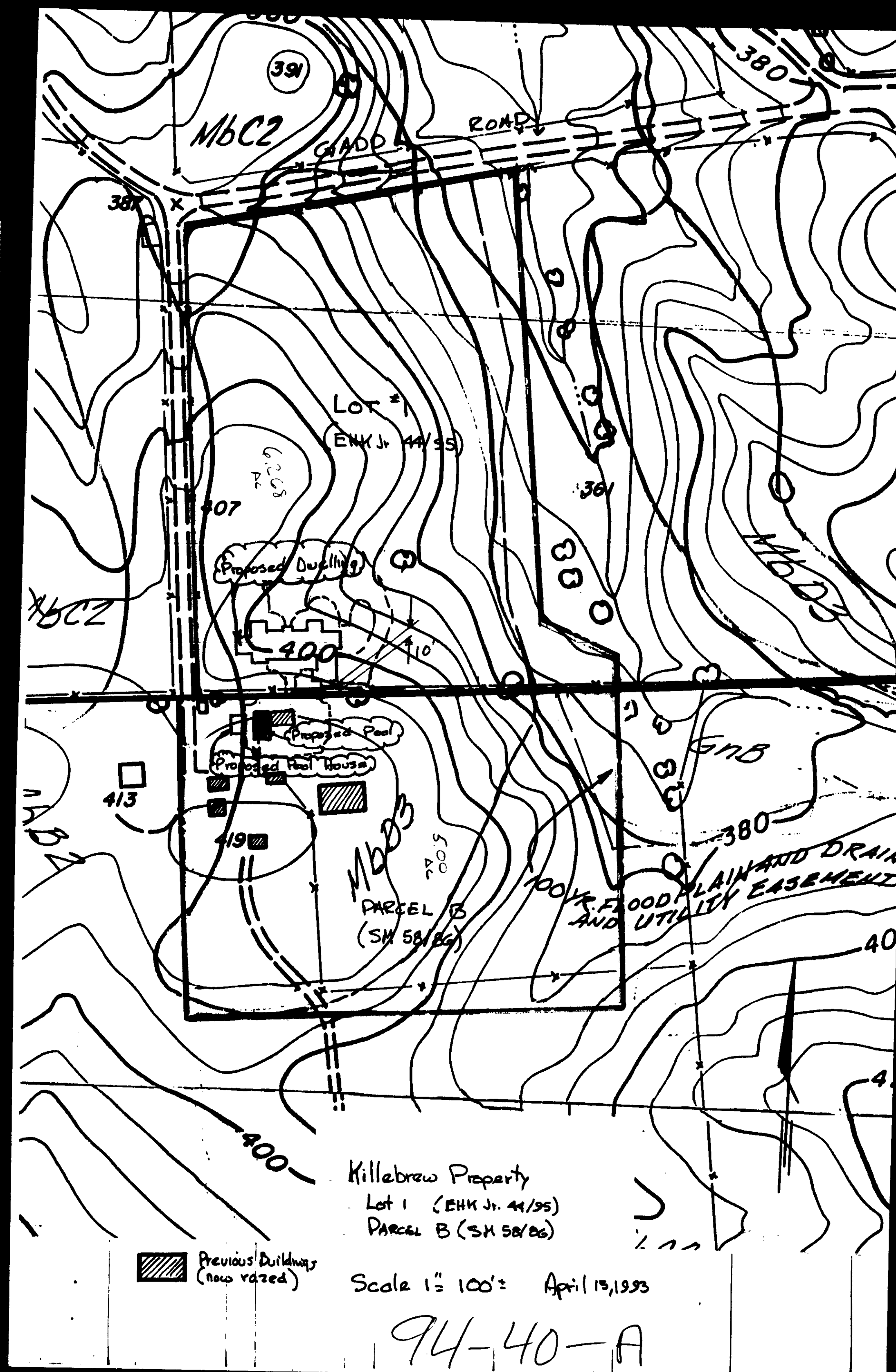
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Allegheny Ave.
Jeffrey W. Waters	2403 Galed Road
CLARE F. MacKENZIE	2310 GAOD ROAD.
Bob Killebrew	5603 Waycrest Road.
BENE KILLESPIE	113 ST. DONATUS RD
Pedie Killebrew	5603 Waycrest Rd. 21210

Clark Mackenzie
W. Eugene Gillespie AIA
113 St. Dunstan's Road
Baltimore, Maryland 21212
(410) 532-9138



Jeff Winters - represents Mrs. Hebbles

 Printed with Soybean Ink
on Recycled Paper

Killebrew Property
Lot 1 (EHM Jr. 44/95)
Parcel B (SH 58/06)
Scale 1" = 100' April 13, 1993

94-40-A

Site Plan Details:

- Property Address:** 18-00-00858
- Handwritten Notes:** 44/95, 0.268 ACRES +/-
- Roads:** GADD ROAD (312.74' wide), COCKEYVILLE ROAD (52.64' wide)
- Property Dimensions:** 121.1' (north), 132.1' (west), 260' (east), 220' (south)
- Driveway:** 100' wide, 25' deep
- Septic Area:** 10,000 GP RESERVED SEPTIC AREA
- Drainage & Utility Easement:** 10' wide
- Well:** 45' from driveway
- North Arrow:** N
- Scale:** 1" = 50'

Permit Stamp:

O.K. TO FILE
 DEPT. OF ENVIRONMENTAL PROTECTION & RESOURCE MGMT.
 FINAL APPROVED PLAN
 2 Mar 92

NOTE:
 THE OWNERS REQUEST PERMISSION TO USE A SEWAGE EJECTOR PUMP FOR THE POWDER ROOM & UTILITY SINK IN THE BASEMENT.
 ARCHITECT: W. EUGENE GILLESPIE, AIA

Property Information:
 OWNERS: NORMA & ROBERT S. KILLEBREW
 TAX I.D.#: 18-00-00858

Project Title: KILLEBREW RESIDENCE

Location: 2828 GADD ROAD, COCKEYVILLE, MARYLAND 21030

Scale: 1" = 50'
Date: 18 FEB 92

ZONING HISTORY

CASE NO. 88-347-SPH
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve (a) the transfer or cluster of density units on three contiguous agricultural tracts with the net effect that there will be no increase in the total number of permitted building lots on the three tracts; and (b) the transfer of non-density parcels (i.e., land whose area may no longer be considered in determining permissible development or subdivision in the future) to adjacent landowners, as more particularly described on Petitioner's Exhibits 1, 6, 7, 17 and 18.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of February 1998, that pursuant to Zoning Commissioner Policies RSD-4 and RSD-10 dealing with the reconfiguration of three parcels of land, that the property located at 14234 Falls Road, as shown on Petitioner's Exhibits 1, 17 and 18, be reconfigured, and further, that clustering of density units and the transfer of non-density parcels, as more clearly defined below and as shown on Petitioner's Exhibits 1, 17 and 18, be approved as follows:

a) Two density units from the 1/4 acre parcel and one density unit from the 1/2 acre parcel will be consolidated on the 1 1/2 acre parcel to create lots 1, 2A, 2B, 2C, 3 and 4. Lot 1 has existing residential improvements, and Lot 4 has an existing tenant house and will be allocated a density unit for a principal dwelling. In addition, Lot 2, which is the 5/8 acre parcel, shall retain one density unit and shall not be subdivided.

b) An 8 acre portion of the 15 1/2 acre parcel and the entire 7 1/2 acre parcel will be conveyed to adjacent landowners. These are non-density parcels, and no buildings, other than agriculturally related structures, shall be constructed thereon.

and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions:

1) All of the permitted density for the aforementioned parcels, specifically Parcels 1, 2A, 2B, 2C, 3, 4 and 5, shall hereinafter be considered utilized and such parcels shall not be further subdivided.

2) All deeds from the Petitioner of any part of the subject property, including the conveyance used to limit 5. Naylor by which Lot 5 is to be reconfigured to include the fee simple driveway strip, shall refer to this Order by reference to the Case Number. The deeds to Parcels 1, 2A, 2B, 2C, 3, 4 and 5 shall all clearly state that the parcels may not be further subdivided. Copies of all such deeds shall be submitted to the Zoning Commissioner within thirty (30) days of the date of purchase of any parcel and made a part of this case file.

3) All deeds from the Petitioner conveying the non-density parcels, Lots 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K, 1L, 1M, 1N, 1O, 1P, 1Q, 1R, 1S, 1T, 1U, 1V, 1W, 1X, 1Y, 1Z, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L, 2M, 2N, 2O, 2P, 2Q, 2R, 2S, 2T, 2U, 2V, 2W, 2X, 2Y, 2Z, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K, 3L, 3M, 3N, 3O, 3P, 3Q, 3R, 3S, 3T, 3U, 3V, 3W, 3X, 3Y, 3Z, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4I, 4J, 4K, 4L, 4M, 4N, 4O, 4P, 4Q, 4R, 4S, 4T, 4U, 4V, 4W, 4X, 4Y, 4Z, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 5I, 5J, 5K, 5L, 5M, 5N, 5O, 5P, 5Q, 5R, 5S, 5T, 5U, 5V, 5W, 5X, 5Y, 5Z, shall be subject to the restriction that the acreage so transferred may not be considered in determining the right to improve or subdivide the adjoining lands of the respective grantees and state clearly that these parcels may not be improved with a dwelling unit or any non-agricultural business operation.

4) All such non-density parcels, Lots 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K, 1L, 1M, 1N, 1O, 1P, 1Q, 1R, 1S, 1T, 1U, 1V, 1W, 1X, 1Y, 1Z, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L, 2M, 2N, 2O, 2P, 2Q, 2R, 2S, 2T, 2U, 2V, 2W, 2X, 2Y, 2Z, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K, 3L, 3M, 3N, 3O, 3P, 3Q, 3R, 3S, 3T, 3U, 3V, 3W, 3X, 3Y, 3Z, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4I, 4J, 4K, 4L, 4M, 4N, 4O, 4P, 4Q, 4R, 4S, 4T, 4U, 4V, 4W, 4X, 4Y, 4Z, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 5I, 5J, 5K, 5L, 5M, 5N, 5O, 5P, 5Q, 5R, 5S, 5T, 5U, 5V, 5W, 5X, 5Y, 5Z, shall not be merged by description with the adjoining lands of the respective grantees.

5) The Petitioner shall prepare and record a record plat with the foregoing restrictions noted therein and a copy shall be submitted to the Zoning Commissioner for the file.

J. Robert Harris
J. Robert Harris
Zoning Commissioner of
Baltimore County

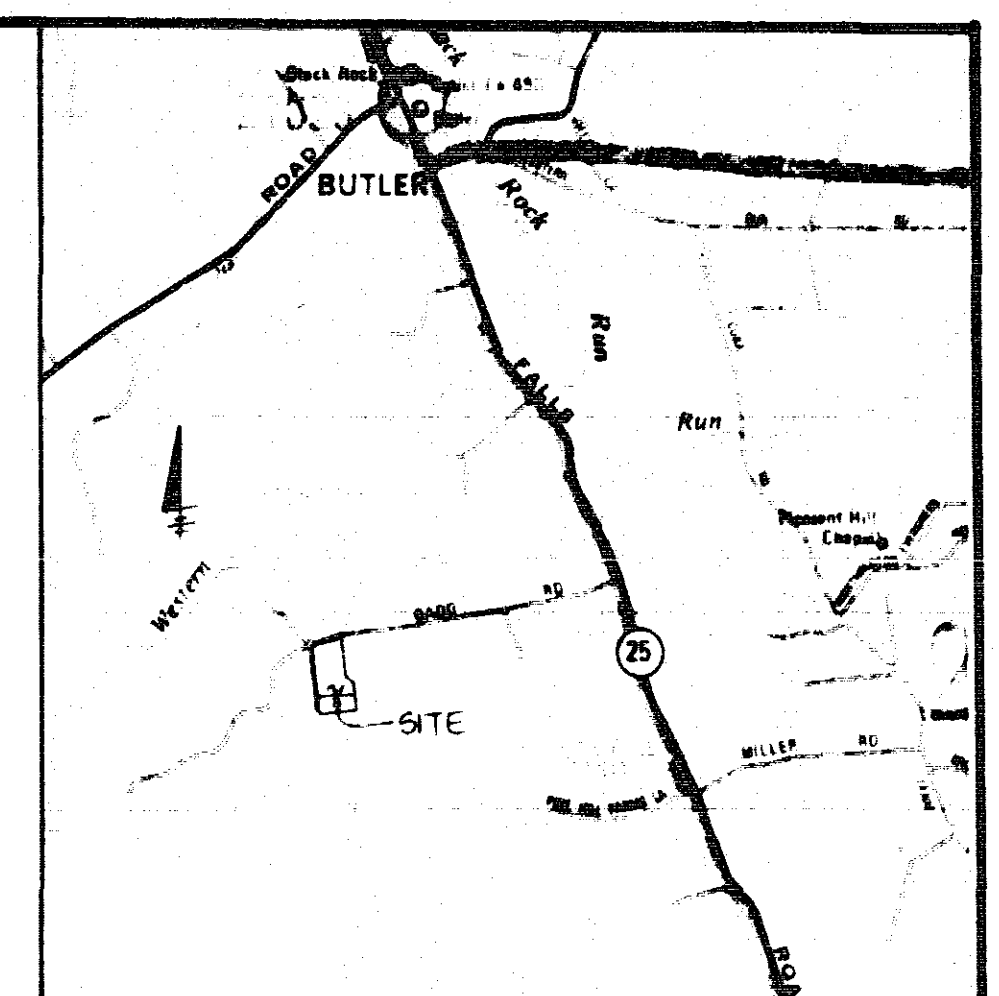
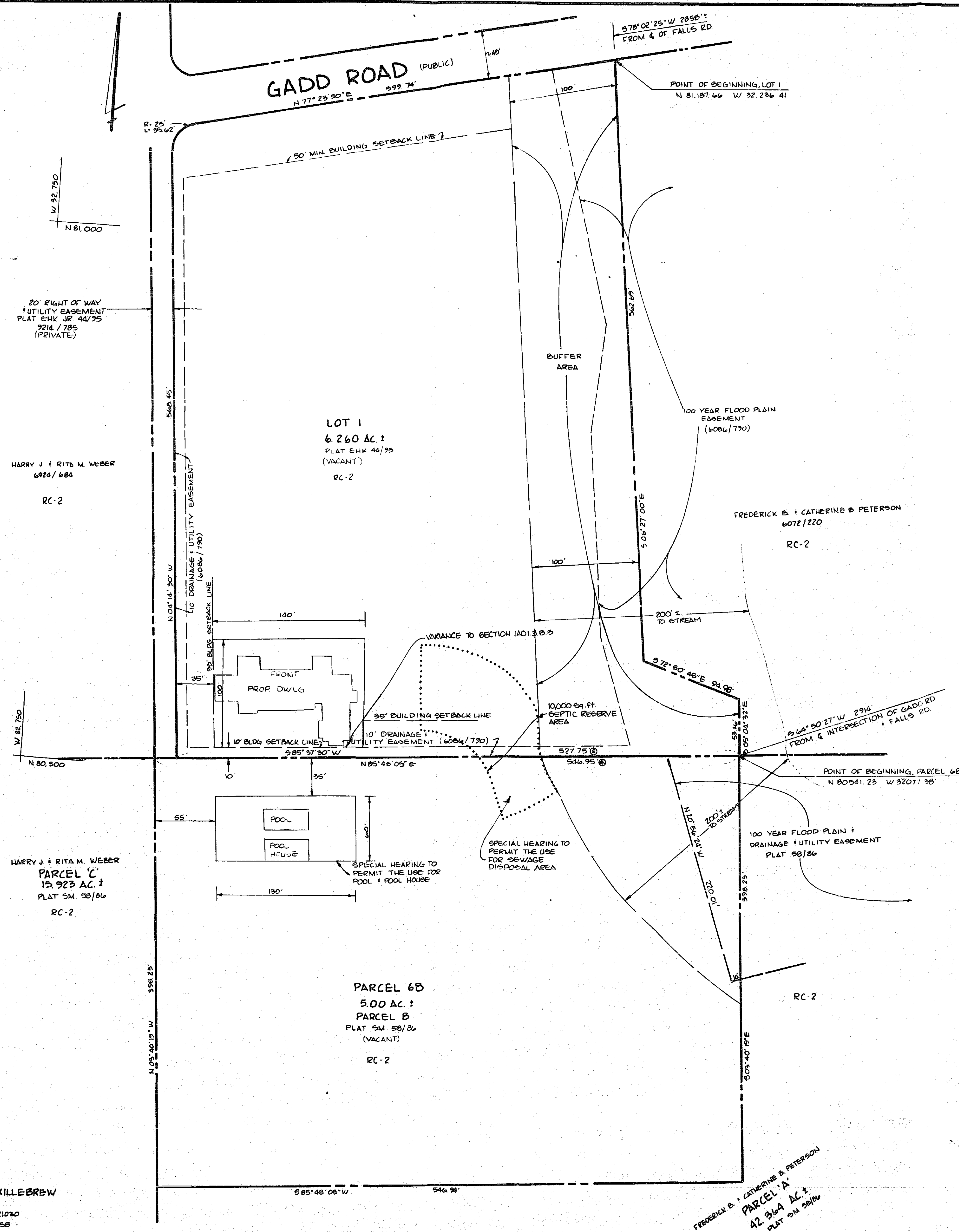
NOTE: THE BEARINGS AND DISTANCES ON THE BOUNDARY OF LOT 1 ARE BASED ON A FIELD SURVEY OF LOT 1, SHOWN ON PLAT EHK 44/95, AND THE BEARINGS AND DISTANCES OF THE BOUNDARY OF PARCEL 6B ARE BASED ON THE BOUNDARY OF PARCEL 6, SHOWN ON PLAT SM 58/86. THE APPARENT DISCREPANCY IN THE BEARINGS AND DISTANCE OF THE COMMON LINE BETWEEN LOT 1 AND PARCEL 6B IS CONSIDERED TO BE INSIGNIFICANT FOR ZONING PURPOSES.

THIS PLAT IS FOR ZONING PURPOSES ONLY AND SHALL NOT BE USED FOR THE ESTABLISHMENT OF PROPERTY BOUNDARIES.

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

OWNER
ROBERT & NORMA KILLEBREW
2525 GADD ROAD
COCKEYSVILLE, MD 21030
TAX ID# 18-00-008958

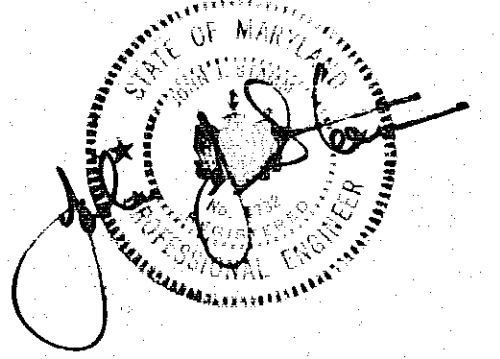


VICINITY MAP
SCALE: 1" = 200'

SITE DATA

AREA - LOT 1 - 6.260 AC. 272,685 SF ± (GROSS ± NET)
PARCEL 6B - 5.00 AC. 217,000 SF ± (GROSS ± NET)
ZONE - RC-2 (MAP NW 21-F)
OWNER - ROBERT & NORMA KILLEBREW
LIBER 9394 PAGE 782
PROPERTY # 10-00-008958

PETITIONER'S EXHIBIT No. 1



94-40-A

PLAT TO ACCOMPANY PETITION

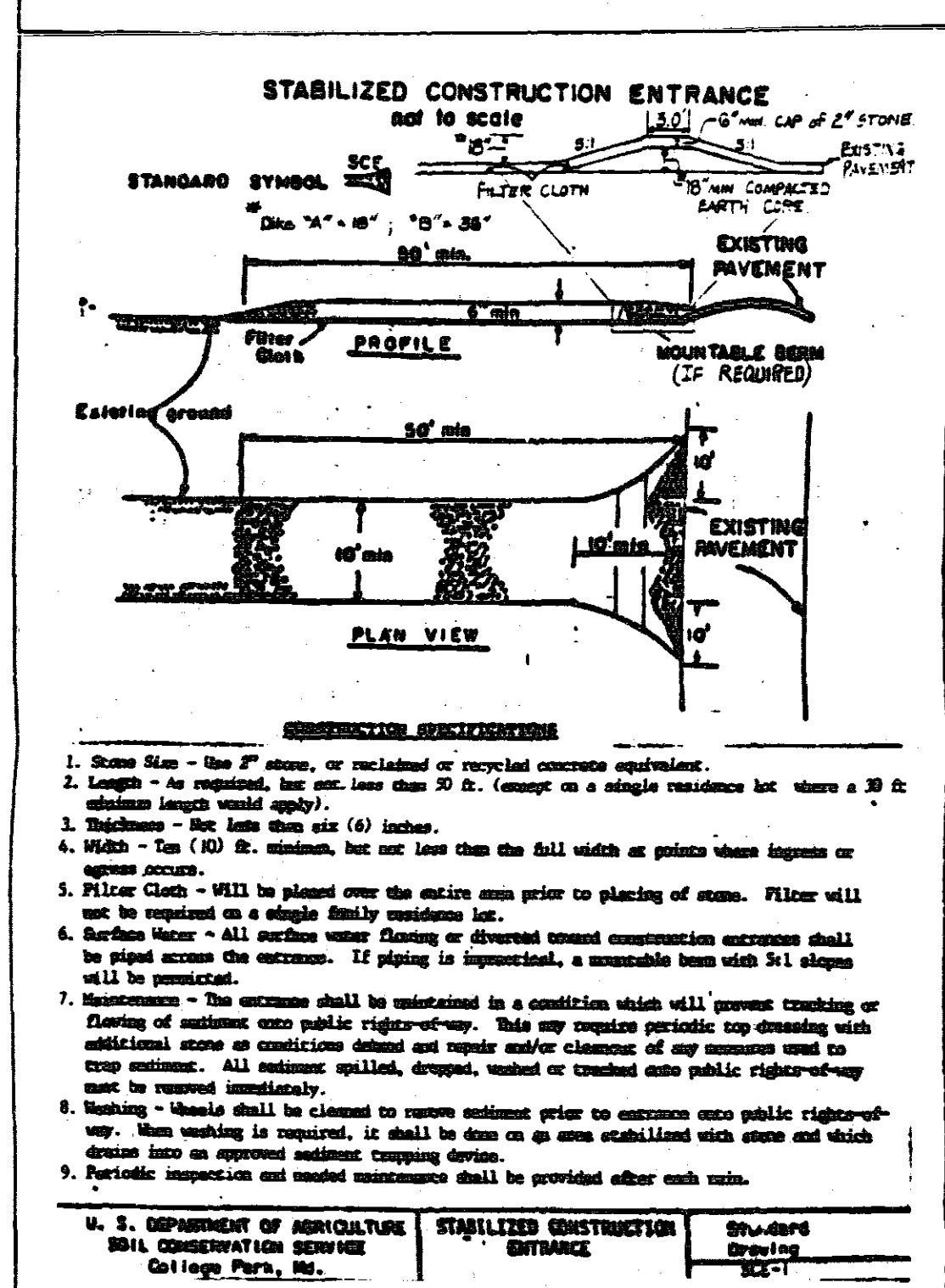
For a variance to Section 1A01.3.B.3 of the Baltimore County Zoning Regulations to permit a setback of 10 feet from a lot line in lieu of the required 35 feet.

For a Special Hearing to amend the relief granted in Case No. 88-387-SPH to permit the use of Parcel 6B for a private swimming pool and pool house and if required sewage disposal area, if required for service to the swimming pool and pool house only, and to permit the use of Parcel 6B for a sewage disposal area for a proposed residence to be situated on the abutting parcel (Lot 1, plat EHK 44/95).

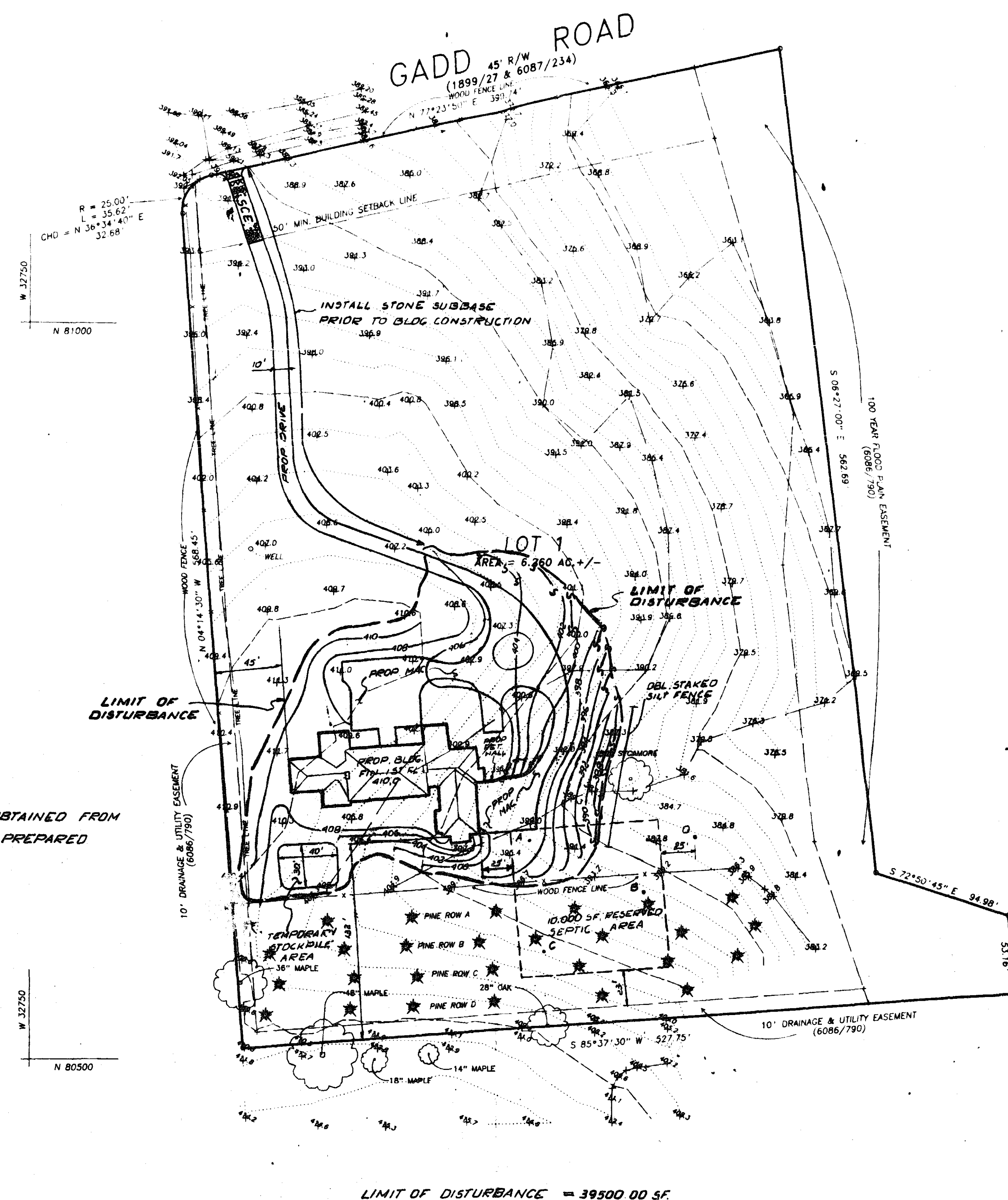
NOTE: The restrictive covenants referred to in Case No. 88-347-SPH, recorded in the Land Records of Baltimore County in Liber 7738, Page 291 and amended in Liber 7871, Page 368, shall be further amended by the appropriate declarant to permit the intended use of Parcel 6B (Parcel 6).

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50'

41 ELECTION DISTRICT # 5
JULY 20, 1995



NOTE: PROPOSED GRADES OBTAINED FROM
SITE GRADING PLAN PREPARED
BY LDR.



PLAN
SCALE: 1" = 50'

REQUIRED NOTES ON ALL SEDIMENT CONTROL PLANS

1. General Notes

- A. Refer to "1983 Health Standards and Specifications for Soil Erosion and Sediment Control" for standard details and detailed specifications of each practice specified herein.
- B. With the approval of the sediment control inspector, minor field amendments may be made to insure the control of sediment. Changes to the approved plan must require prior approval of the sediment control inspector and the Department of Environmental Protection and Resource Management.
- C. At the end of each working day, all sediment control practices will be inspected and left in operational condition.
- D. Following initial soil disturbance or redistribution, permanent or temporary stabilization shall be completed within: (a) seven calendar days to the surface of all perimeter controls, ditches, channels, and perimeter slopes; and all adjacent areas within three horizontal feet of the perimeter; and (b) fourteen days to all other disturbed or graded areas on the project site which will remain idle over fourteen days.
- E. Any change to the grading proposed on this plan which would alter the surface drainage pattern requires reconsultation of a revised plan to the Baltimore County Department of Environmental Protection and Resource Management.
- F. Any variation from the sequence of operations stated on this plan requires the approval of the sediment control inspector and the Baltimore County Department of Environmental Protection and Resource Management prior to initiation of the change.
- G. Excess cut or borrow material shall go to or come from, respectively, a site with an open grading permit.

11. Permanent Seeding notes:

All disturbed areas shall be stabilized as follows:

- A. Seeded preparation: Loosen upper three inches of soil by raking, disking or other acceptable means before seeding.
- B. Soil Amendments:

1. Preferred:

- Apply two tons per acre Dolomitic Limestone (92 lbs/1000 sq. ft.) and 500 lbs. per acre 10-10-10 fertilizer (44 lbs./1000 sq. ft.). Before seeding, harrow or disc into upper three inches of soil. At time of seeding, apply 400 lbs. per acre 10-0-0 Ureaform Fertilizer (44 lbs./1000 sq. ft.).
2. Acceptable:
- Apply two tons per acre dolomitic limestone (92 lbs/1000 sq. ft.) and 1000 lbs. per acre 10-10-10 fertilizer (22 lbs./sq. ft.) before seeding. Harrow or disc into upper three inches of soil.

2. Method

- For the periods March 1 thru April 30, and August 1 thru October 15, seed with 40 lbs. per acre (1.4 lbs./1000 sq. ft.) of Kentucky 31 Tall Fescue. For the period May 1 thru July 31, seed with 50 lbs. of Kentucky 31 Tall Fescue per acre and 2 lbs. per acre (.05 lbs./1000 sq. ft.) of Wapungo Lowgeraine. During the period of October 16 thru February 29, protect site by:
- Option (1): 2 tons per acre of well anchored straw mulch and seed as soon as possible in spring.
- Option (2): Use seed.
- Option (3): Seed with 60 lbs./acre Kentucky 31 Tall Fescue and mulch with 2 tons/acre well anchored straw.

Welch's:

- Apply 1-1/2 to 2 tons per acre (70 to 90 lbs./1000 sq. ft.) of unrotted small grain straw immediately after seeding. Anchor mulch immediately after application using mulch anchoring tool or 210 gallons per acre (5 gal./1000 sq. ft.) of Emulsified Asphalt on flat areas. On slopes eight feet or higher, use Emulsified Asphalt at rate of 18 gal./1000 sq. ft.) for anchoring.

348

8. Inspect all seedling areas and make necessary
and reseedings.

III. Temporary Seeding Notes

- A. Seedbed preparation:
Lomax upper two inches by discing, raking or other acceptable means before seeding.
- B. Soil amendment:
Apply 600 lbs. acre (16 lbs./1000 sq. ft.) of 10-10-10 fertilizer.
- C. Seeding:
For periods March 1 thru April 30, and from August 10 thru September 15 seed with 2-1/2 lbs. of annual ryegrass (3.2 lbs. 1000 sq. ft.), for the period May 1 thru August 14, seed with 3 lbs. of annual ryegrass (3.6 lbs. 1000 sq. ft.), for the period August 15 thru February 28, protect with straw.
- D. Seeding:
For the period November 1 thru February 28, protect with straw by applying 2 tons per acre of well weathered straw mulch.

and other

- D. Mulching:
Apply 1-1/2 to 2 tons per acre (70 - 90 lbs./1000 sq. ft.) of untreated coal-grass straw immediately after seeding. Anchor mulch immediately after application using mulch anchoring or 218 gallons per acre (5 gal./1000 sq. ft.) of gasolitized asphalt on flat areas. On slopes 8 feet or higher, use 348 gallons per acre (8 gal./1000 sq. ft.) for anchoring.

IV. Vegetative Stabilization with Sod

A. Specifications

1. Class of turfcross sod shall be Maryland or Virginia State Certified, or Maryland or Virginia State approved sod.
2. Sod shall be machine cut at a minimum soil thickness of 3/4 inch, plus or minus 1/8 inch. The time of cutting measurement for thickness shall exclude top growth - 1/4 inch.
3. Standard size sections of sod shall be strong enough to support their own weight and retain their size and shape when suspended vertically with a firm grasp on the upper 10 percent of the section.
4. Individual pieces of sod shall be cut to the suppliers with and length. Maximum allowable deviation from standard widths and lengths shall be 5 percent. Broken pieces torn at uneven ends will not be acceptable.
5. Sod shall not be harvested or transplanted when moisture content (successively dry or wet) may adversely affect its survival.
6. Sod shall be harvested, delivered and installed within a period of 36 hours. Sod not transplanted within this period shall be inspected and approved prior to its installation.

B. Site Preparation

- Fertilizer and lime application rates shall be determined by soil tests. Under unusual circumstances where there is insufficient time for a complete soil test, fertilizer and lime materials may be applied in amounts shown under 2, below:
1. Prior to sodding, the surface shall be cleared of all trees, stumps, and brush, and all rocks, gravel, garbage and other objects that would interfere with planting fertilizing or maintenance operations
 2. Where the soil is acid or composed of heavy clays, ground limestone shall be spread at the rate of 2 tons/acre or 100 pounds per 1,000 square feet. In soil, 1,000 pounds per acre or 5 pounds per 1,000 square feet will uniformly 10 to 10 fertilizer equivalent shall be uniformly applied and mixed into the top 3 inches of soil with the required time
 3. All areas receiving and shall be uniformly fine graded. Hard-packed earth shall be scarified prior to placement of sod

C. ~~Sod~~ Installation

1. During periods of excessively high temperature the soil shall be lightly irrigated immediately prior to laying the sod.
2. The first row of sod shall be laid in a straight line with subsequent rows placed parallel to and tightly wedged against each other. Lateral joints shall be staggered to promote more uniform growth and strength. However that sod which is stretched or pulled will still be acceptable. Butted light is in order to prevent voids which would cause air drying of the roots.
3. On sloping areas where erosion may be a problem, sod shall be laid with the roots facing up and down the contour and with staggered joints. Secure the sod by tamping and pegging or other approved methods.
4. As sodding is completed in any one section, the entire sodding shall be rolled with a heavy square solid contact of roots with the soil surface. Sod shall be watered immediately after rolling or tamping until the underside of the sod is wet and soil is firm. Do not use a spray nozzle. Note: The operations of laying, tamping and irrigating for any piece of sod shall be completed within eight hours.

C. Soil Maintenance

1. In the absence of adequate rainfall, watering shall be performed daily or as often as necessary during the first week and in sufficient quantities to maintain moist soil to a depth of 4 inches. Watering shall be done during the heat of the day to prevent wilting.
2. After the first week, soil shall be watered as necessary to maintain adequate moisture and insure establishment.
3. First mowing should not be attempted until and is firmly rooted. No more than 1/3 of the green leaf shall be removed by the initial cutting or subsequent cuttings. Green height shall be maintained between 2 and 4 inches unless otherwise specified.
4. Maintenance of established sod should follow specific maintenance schedule, sub 54-1.

94-40-A

**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**

CIVIL ENGINEERS & LAND SURVEYORS

658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

OWNER
NORMA & ROBERT S. KILLEBREW

2323 GADD ROAD
COCKEYSVILLE, MD 21030

TAX ID # 18-00-008958

GRADING, SEDIMENT & EROSION CONTROL PLAN
EOP

KILLEBREW LOT 1 / GADD ROAD

DATE: MARCH 1993

PN007069



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 26401

PETITIONER'S
EXHIBIT 105

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

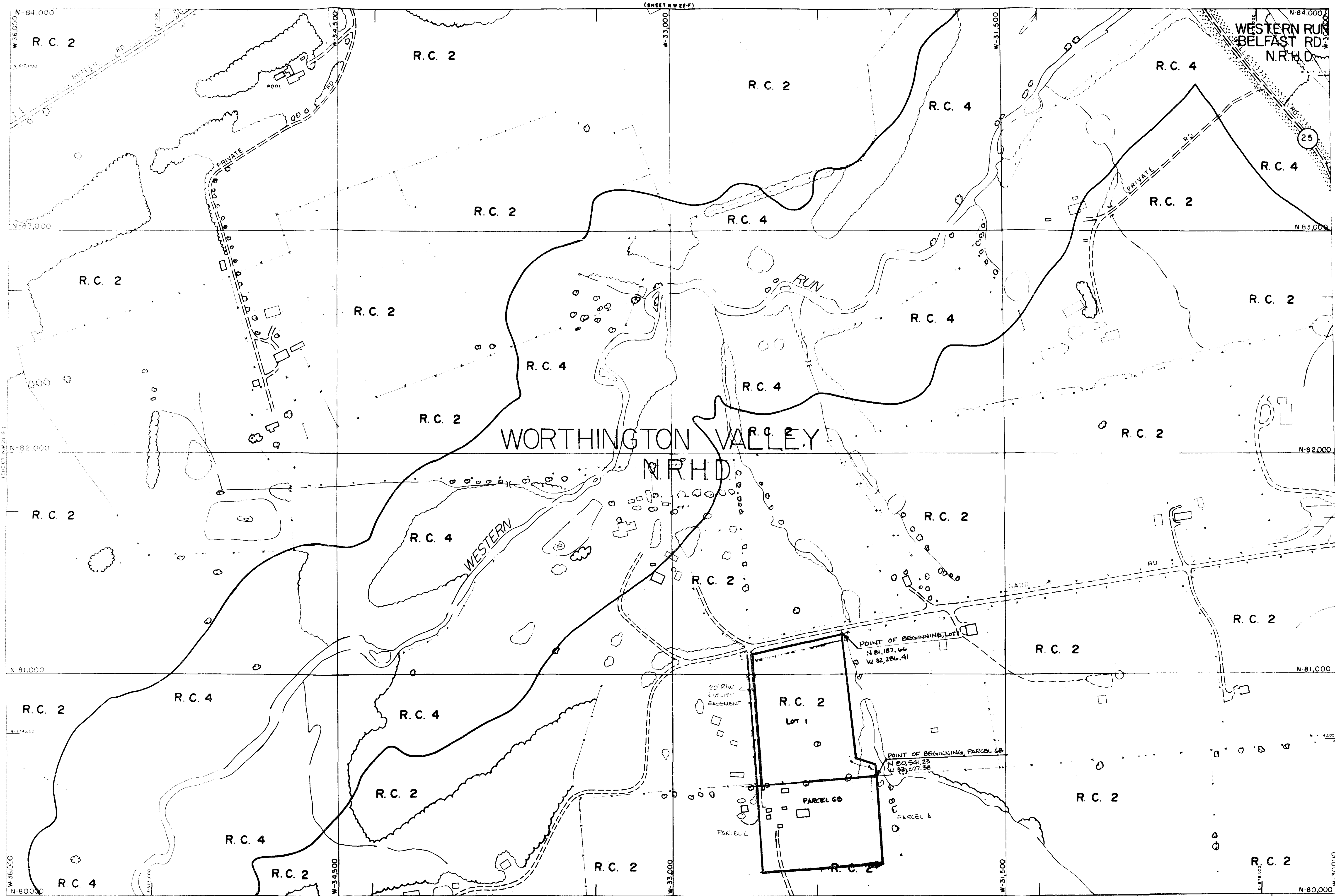
LOCATION

SOUTH OF BUTLER

SHEET

NW
21-F

MICROFILMED



CC - SE
W - NE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
B.C. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

John F. Voss
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
B.C. Nos. 153-92, 154-92, 155-92, 156-92, 157-92, 158-92, 159-92

William A. Howard
Chairman, County Council

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
SOUTH OF BUTLER

SHEET
N W
21-F

94-40-A #41