

THIS IMAGE PAGE INCORRECTLY DISPLAYS THE CASE ADDRESS AS 810 COCKEYS MILL ROAD.
THE CORRECT CASE ADDRESSES FOR THE TWO SUBJECT PARCELS IS 640 and 644 COCKEYS MILL ROAD.

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S Cockeys Mill Road, 400' N of *
Franklin Valley Circle * DEPUTY ZONING COMMISSIONER
(810 Cockeys Mill Road) *
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Frederick P. Eckhardt, et al * Case No. 95-376-SPH
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 810 Cockeys Mill Road, located in the vicinity of Reisterstown. The Petition was filed by the owners of the property, Frederick P. Eckhardt, his wife, Nancy G. Eckhardt, and his brother, Henry James Eckhardt, through their attorney, Newton A. Williams, Esquire. The Petitioners seek approval of a lot line adjustment to reconfigure two existing triangular shaped lots of approximately 2.00 acres each into two rectangular shaped parcels of the same size. The subject property and relief sought are more particularly shown on the site plan submitted and accepted into evidence as Petitioner's exhibit 1.

Appearing at the hearing on behalf of the Petition were Frederick and Nancy Eckhardt, Patricia Cull, Robert T. Fishpaugh, Registered Land Surveyor, Douglas L. Burgess, Esquire, who appeared to represent the Petitioners on behalf of Mr. Williams, and Stephanie A. Jordan, Legal Assistant. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 4.047 acres, more or less, zoned R.C. 4 and is comprised of two unimproved triangular-shaped parcels as shown on Petitioner's Exhibit 1. At the present time, Parcel 1 contains 2.05 acres and Parcel 2 contains

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

2.0 acres. The Petitioners are desirous of reconfiguring the property to create two rectangular shaped lots which would be more in keeping with the character of other properties in this area. In addition, the proposed reconfiguration would create two parcels that could be better utilized for development with single family residences. After the lot line adjustment, Proposed Parcel 1 would consist of 2.020 acres, and Parcel 2 would contain 2.028 acres. Testimony indicated there will be no increase in density as a result of the proposed lot line adjustment as each lot is permitted one density unit as of right, and there will be no further subdivision of either of these parcels.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of June, 1995, that the Petition for Special Hearing to approve a lot line adjustment to reconfigure two existing triangular shaped lots into two rectangular shaped parcels, in accordance with Petitioner's Exhibit 1, 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

ORDER RECEIVED FOR FILING

Date

By

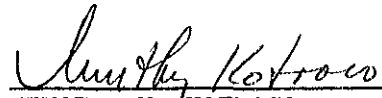
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time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with the Zoning Plans Advisory Committee comments submitted by Robert W. Bowling, Chief, Developers Engineering Section of the Department of Public Works, dated May 8, 1995, a copy of which has been attached hereto and made a part hereof.

3) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Administration and Development Management (ZADM) office for inclusion in the case file.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 6/12/95
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 12, 1995

Newton A. Williams, Esquire
Douglas L. Burgess, Esquire
Nolan, Plumbhoff & Williams
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
N/S Cockeys Mill Road, 400' N of Franklin Valley Circle
(810 Cockeys Mill Road)
4th Election District - 3rd Councilmanic District
Frederick P. Eckhardt, et al - Petitioners
Case No. 95-376-SPH

Dear Messrs. Williams & Burgess:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Frederick P. Eckhardt
1850 Old New Windsor Pike, New Windsor, Md. 21776

People's Counsel

File



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Petition for Special Hearing

95-376-SPH

to the Zoning Commissioner of Baltimore County

for the property located at N/S Cockeys Mill Road, 400' N of Franklin Valley

which is presently zoned Circle
R.C.4

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 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a lot/parcel line adjustment to reconfigure two (2) existing triangular shaped lots/parcels of about two (2) plus acres each into two (2) rectangular shaped parcels of about two (2) plus acres each.

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.

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s):

Frederick P. Eckhardt, HENRY JAMES ECKHARDT
(Type or Print Name)

Signature

Nancy G. Eckhardt

(Type or Print Name)

Signature

1850 Old New Windsor Pike

Address

Phone No.

New Windsor, Maryland 21776 (848-3747)

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams

Nolan, Plumhoff & Williams, Chtd.

Name 700 Court Towers

210 W. Pennsylvania Ave., 21204 - 823-7800

Address

Phone No.

Attorney for Petitioner:

Newton A. Williams

Nolan, Plumhoff & Williams, Chtd.
(Type or Print Name)

Signature

700 Court Towers

210 W. Pennsylvania Ave., 823-7800

Address

Phone No.

Towson, Maryland 21204

City

State

Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: MDK

DATE

4/19/95

MICROFILMED

ORDER RECEIVED FOR FILING

Date

By

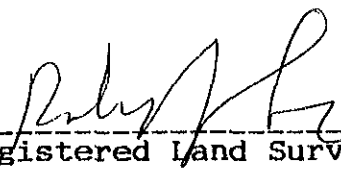
95-376-SPH
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94-61

April 5, 1995
Page 1 of 1

DESCRIPTION OF A 4.048 ACRE PARCEL

BEGINNING for the same at a point in or near the centerline of Cockey's Mill Road, said point being Westerly 400.0 feet, more or less, from Franklin Valley Circle; thence with the following courses and distances with the centerline of said Road with a line curving to the left having a radius of 1960.95 feet for an arc length of 236.29 feet; said curve having a chord of North 81°15'00" West 236.15 feet; thence North 84°42'08" West 124.11 feet to a point; thence leaving said Road North 03°40'16" East 493.69 feet to a point; thence South 82°32'27" East 361.11 feet; thence South 03°47'25" West 494.26 feet to the place of beginning. Containing 4.048 acres of land, more or less.



Registered Land Surveyor No. 6034

365

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-376-SPT

District: Hth Date of Posting: 5/3/95

Posted for: Special Hearing

Petitioner: Fred Lovick, Nancy & Henry Eckhardt

Location of property: N/S Cockey Mill Rd, W/ Franklin Valley Circle

Location of Signs: Facing roadway on property being zoned.

Remarks: _____

Posted by: [Signature] Date of return: 5/12/95
Signature

Number of Signs: 1



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 108 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: #95-376-BPH
(Item 365)
(no address)

N/S Cockeys Mill Road,
400' W of c/(Franklin Valley
Circle
4th Election District
3rd Councilmanic
Legal Owner(s):
Frederick P., Nancy G.
and Henry James Eckhardt
Hearing: Wednesday,
May 31, 1995 at 10:00
a.m. in Rm. 118, Old
Courthouse.

Special Hearing to approve
a lot/parcel line adjustment to
reconfigure 2 existing triangular
shaped lots/parcels of about 2
plus acres each into 2
rectangular shaped parcels of
about 2 plus acres each.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the file and/or Hearing, Please
Call 887-3391.
5/066 May 4.

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CERTIFICATE OF PUBLICATION

TOWSON, MD.,

5/5

, 19 95

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 5/4, 19 95.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

~~Publisher~~



Baltimore County
Department of Public Works
Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt
 175-376-SPH

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Account: R-001-6150

Number

Date 4/19/95

Taken In By: [Signature]
 Item: 365

Eckhardt, Frederick P. — N/S of Cockeys Mill Rd,
 400' Ac of Franklin Valley Oak

040- Special Hearing — \$ 250.00

CR0- 1550 — \$ 35.00

Total — \$ 285.00

APR 20 1995

0.SAC330.102MICHR
 BA 1009:33AND4-19-95

\$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



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/neighboring 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 accessed 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.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 365

Petitioner: Frederick P. Eckhardt

Location: N/S of Cockeys Mill Rd, 400' N Franklin Valley Circle

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Newton A. Williams of Nolan, Plumbhof, & Williams

ADDRESS: 700 Court Towers

210 W. Pennsylvania Ave, Towson, MD 21204

PHONE NUMBER: 823-7800

MICROFILMED

AJ:ggs

(Revised 04/09/93)



Baltimore County Government

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111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 28, 1995

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: 95-376-SPH (Item 365)
(no address)
N/S Cockeys Mill Road, 400' W of c/l Franklin Valley Circle
4th Election District - 3rd Councilmanic
Legal Owner(s): Frederick P., Nancy G., and Henry James Eckhardt
HEARING: WEDNESDAY, MAY 31, 1995 at 10:00 a.m. in Room 118 Old Courthouse.

Special Hearing to approve a lot/parcel line adjustment to reconfigure 2 existing triangular shaped lots/parcels of about 2 plus acres each into 2 rectangular shaped parcels of about 2 plus acres each.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Frederick P. Eckhardt, et al
Newton A. Williams, 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 AT 887-3391.



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Office of Planning, Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 19, 1995

Newton A. Williams, Esquire
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 365
Case No.: 95-376-SPH
Petitioner: F. P. Eckhardt, et ux

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 19, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



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BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: May 8, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 8, 1995
Item No. 365

The Developers Engineering Section has reviewed the subject zoning item. Cockeys Mill Road is an existing road, which shall ultimately be improved as a 50-foot street cross-section on a 70-foot right-of-way. Show the right-of-way to establish the building setback lines.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: May 10, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning 

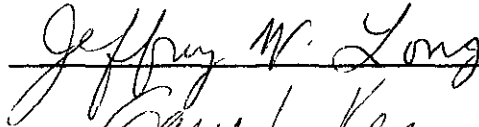
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

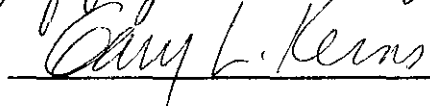
Item Nos. 365, 366 and 389.

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:



Division Chief:



PK/JL



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary

Hal Kassoff
Administrator

5296

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

Re: Baltimore County
Item No.: 365 (MSK)

Dear Ms. Watson:

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 project.

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

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/05/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAY 1, 1995.

Item No.: SEE BELOW

Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 362, 363, 364, 365, 366, 367, 369, 370, 371, 372, 373, 375, 376 and 377.

RECEIVED
MAY 8 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



RE: PETITION FOR SPECIAL HEARING
N/S Cockeys Mill Road, 400' W of c/l
Franklin Valley Circle, 4th Election
District, 3rd Councilmanic

Frederick, Nancy, and Henry Eckhardt
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-376-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice 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
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

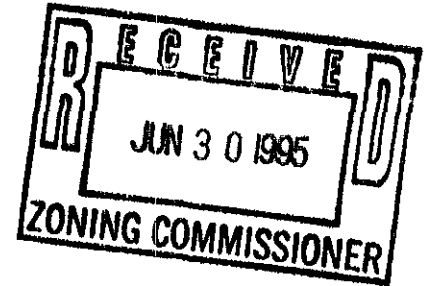
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

WILLIAMSON

NOLAN, PLUMHOFF AND WILLIAMS, CHTD.
210 W. PENNSYLVANIA AVE., STE. 700
TOWSON, MARYLAND 21204
410-823-7800
FAX: 410-296-2765



June 18, 1995

Timothy M. Kotroco
Deputy Zoning Commissioner
Old Court House
Towson, MD 21204

RE: Eckhardt, Case No. 95-376-SPH

Dear Commissioner:

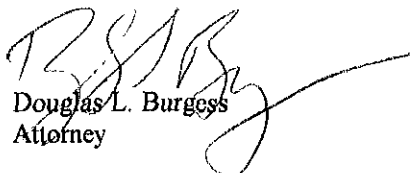
*Be He,
Put one in the file
Send other to Doug
Burgess. Sent
Tim Back
mer*

I am in receipt of your decision of June 12, 1995 in the above captioned matter and thank you for the same.

Kindly accept this letter as a motion to revise and amend the same.

On the top of page two of the decision you state that no there will be no increase in density created by the lot line adjustment. I would like an additional line of text thereabouts to state that each lot has one density unit consistent with our proffer regarding grand fathering of the old RSD zone at the hearing on this matter. This additional line of text will prevent any possible delays or confusion that may occur at the building permit level.

Kindest regards,


Douglas L. Burgess
Attorney

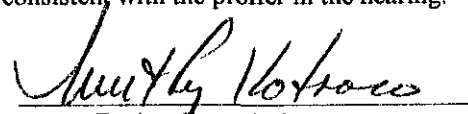
DLB

cc: Mr. and Mrs. Frederick P. Eckhardt
1850 Old New Windsor Pike
New Windsor, MD 21776

Response of Deputy Zoning Commissioner:

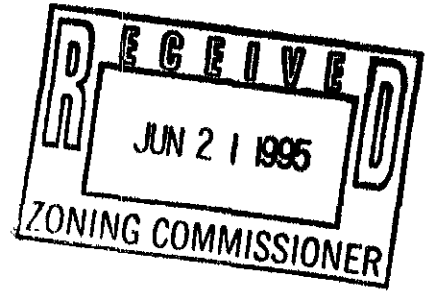
Please accept my countersignature on this letter as confirmation of one density unit for each lot shown on the plan to accompany special hearing in this matter consistent with the proffer in the hearing.

Date:


Deputy Zoning Commissioner
Timothy M. Kotroco

File

NOLAN, PLUMHOFF AND WILLIAMS, CHTD.
210 W. PENNSYLVANIA AVE., STE. 700
TOWSON, MARYLAND 21204
410-823-7800
FAX: 410-296-2765



June 18, 1995

Timothy M. Kotroco
Deputy Zoning Commissioner
Old Court House
Towson, MD 21204

RE: Eckhardt, Case No. 95-376-SPH

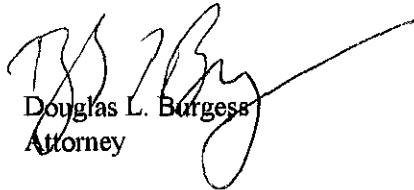
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Kindest regards,


Douglas L. Burgess
Attorney

DLB

cc: Mr. and Mrs. Frederick P. Eckhardt
1850 Old New Windsor Pike
New Windsor, MD 21776

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM R. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
J. JOSEPH CURRAN, III
STUART A. SCHADT

OF
NOLAN, PLUMHOFF & WILLIAMS

CHARTERED

SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340

(410) 823-7800
TELEFAX: (410) 296-2765

JAMES D. NOLAN
(1940-1980)

J. EARLE PLUMHOFF
(1940-1988)

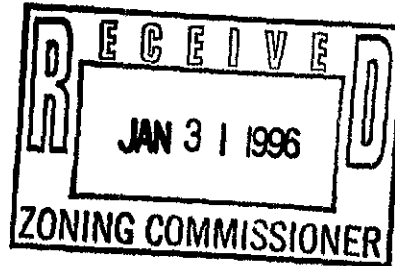
RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-

January 30, 1996

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY
via hand delivery

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
Office of Planning and Zoning
400 Washington Avenue
Towson, MD 21204



RE: Zoning Case Number 95-376-SPH

Dear Deputy Commissioner:

Please find enclosed copies of a letter to you from RTF, Inc. land surveyors, dated January 5, 1996 along with several enclosures, most importantly Joe Merrey's minor subdivision comment of 12/18/95.

I think I can be most helpful in answering Mr. Merrey's concerns, and would ask that if you follow and agree with my analysis, you countersign the enclosed copy of this letter, and return the same in the enclosed self addressed stamped envelope.

This matter came before you as a special hearing to confirm lot line adjustment. Your order confirmed the same. The plat to accompany the special hearing shows two existing lots of records of roughly two acres each in size. The proposed reconfiguration creates two lots of two acres each with a new configuration. My attached letter of June 18, 1995, countersigned by you confirms that there is one density unit on each lot consistent with the proffer at the hearing regarding grand fathering of old lots. The Memorandum of Title introduced at the hearing and also enclosed herewith indicates that these lots of records have been separately described and in the name of the Petitioner since their acquisition on July 17, 1964.

Enclosed is a copy of the 1955 Regulations, which allow lots of 40,000 square feet in the R.40, and this lot size has been far exceeded by these lots. Moving to the enactment of Bill 100, 1970, the RDP zone allowed one acre lots, and once again we exceeded this requirement. Moving further to more current regulations, page 1A-24B, paragraph four, exceptions for certain record lots, indicates that the standards in force at the time of the lot recordation can be used. Thus, I submit the basis of our lots being legitimate and having one density unit each is the 1955 regulations which require 40,000 square feet and our lots far exceed that, to wit, having 87,120 square feet each, thus far exceeding the standards.

Based on that, these are legitimate nonconforming lots of record consistent with the evidence and proffer at the hearing in this matter. There were no protestants at the hearing and no appeals taken from my Order. The spirit and intent of the hearing and the Order was to confirm a lot line adjustment with a total of two density units, one for each lot, and this was a final Order, not otherwise appealed. In response to Mr. Merrey's concerns, there may be an arguable discrepancy in the regulations regarding the interpretation of section 304.1 (contiguous ownership) versus section 1A-24B, which is a pure grand fathering provision. The Commissioner relied on the precise language of 1A-24B, the lack of any comment from zoning at the time

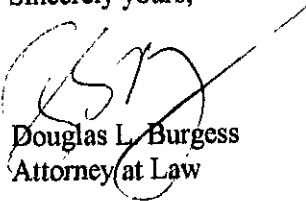
Mr. Timothy M. Kotroco

- 2 -

January 30, 1996

of the hearing on any 304.1 concerns, and the lack of protestants, as well as all the facts in the case, in coming up with the decision, which is now an enrolled Order. I will note that the Petitioners do not own any land around the lots in order to make the lots bigger. Mr. Merrey's memo implies that the extra land for the first lot be taken from the adjoining lot, thus potentially making the other lot smaller. If you reduce that argument to its conclusion, the Petitioner could arguably make one lot legitimately three acres, and leave the other one with one acre and still have two grandfathered lots, with the first one borrowing the 304.1 contiguous acre to create a three acre lot, and the second one left at the one acre size because there is "not sufficient adjoining land" under common ownership, the rest having already been used by the first 304.1 analysis. Given the facts in the case, the conflict in the regulations, and the otherwise imprudent result that would result in a rigid application of 304.1, I believe the spirit and intent of the regulations and the facts in the case warrant the lots be approved as shown, to wit, as two lots of two acres each. This is not to imply that the compatibility requirements need not be met, but this can be done administratively without the Commissioner's input unless a request for hearing is filed.

Sincerely yours,


Douglas L. Burgess
Attorney at Law

DLB
Enclosures

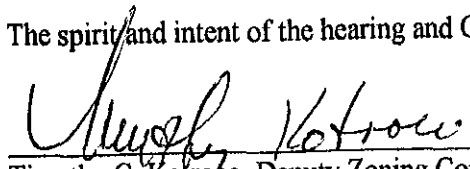
cc: RTF, Inc.
142 East Main Street
Westminster, MD 21157

Mr. and Mrs. Frederick P. Eckhardt
1850 Old New Windsor Road
New Windsor, MD 21776

Joseph C. Merrey
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, MD 21204

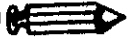
all copies w/o enclosures

The spirit and intent of the hearing and Order in this case is as stated herein:


Timothy C. Kotroco, Deputy Zoning Commissioner

RTF, INC.

142 East Main Street
Westminster, MD 21157
(410) 848-2040
(410) 876-1222



AND SURVEYORS

ROBERT T. FISHPAUGH, L. S.
PRESIDENT

January 5, 1996
RTF # 94-61

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
Office of Planning and Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Zoning Case # 95-376-SPH
Eckhardt Property
Minor Subdivision - 95197M

Mr. Kotroco,

During a review of a Minor Subdivision of Eckhardt Property on Cockey's Mill Road (95-197-M), a Mr. Joseph C. Merrey has decided that the subject lots do not meet the non-contiguous ownership requirements of Section 304.1 (BCZR). Additionally, Section 304 (BCZR) requires a "compatibility" review prior to issuance of building permits.

As directed by Mr. Merrey, this office is submitting a "spirit and intent letter" requesting that you make a determination as to whether the aforementioned undersized lot issues were addressed at the hearing for case # 95-376-SPH.

We are enclosing a Print, a copy of Mr. Merrey's comment letter and a copy of the findings from case # 95-376-SPH. We are asking that you make a determination and contact this office so that we can obtain Mr. Merrey's approval for the minor subdivision.

Should you need further information, please contact this office directly.

Very Truly Yours,

Robert T. Fishpaugh

RTF/110
C/LETTERS/94-61.LTR.9
enc: Print, Comment Letter, Findings Letter
cc: Mr. Newton Williams, Attorney for the Eckhardts
File

MICROFILMED

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: November 29, 1995

To:

✓ OPZ - Development Review (3) - Mr. McDaniel
PDM - Zoning Review - Mr. Richards
PDM - House Numbers & Street Names - Mr. Ogle
PDM - DPR (2) - Mr. Bowling
PDM - Real Estate - Mr. Beaumont
DEPRM - Development Coordination - Mr. Seeley
DEPRM - EIR - Mr. Pilson
DEPRM - SWM (2, Pre-App Permit Only) - Mr. Wirth
Rec & Parks - Mr. Grossman
Fire Dept - Capt. Paull - 1102F
SHA Mr. Small - (3)
Solid Waste Management - Mr. Weiss
C & P - Mr. Butcher

TO: JCM
[Handwritten initials and markings]

From:

Darryl D. Putty

Subject:

Project Name: ECKHARDT PROPERTY
Minor Sub No.: 95197M *Cockeys Mill Road*
District: 4C3
Engineer: R.T.F., INC.
Phone No.: 876-1222

Action:

Minor Subdivision Review

Please review the attached plan for compliance with current regulations and return comments to this office by **DEC. 20, 1995**. If you have no comments or do not need to review this plan, please indicate by placing your initials here

Please initial here if your agency requests the Office of Law, Real Estate, to acquire

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION

_____ FOREST BUFFER
_____ FLOODPLAIN
_____ PUBLIC WORKS AGRMT
_____ NONE OF THE ABOVE

MINORSUB.DOT

**ECKHARDT PROPERTY
Cockey's Mill Road
95-197-M**

Minor Subdivision Review

Plan Date: 6/30/93

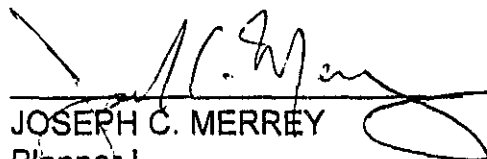
Comments Due: 12/20/95

Comments Date: 12/18/95

Comments Typed: 12/19/95

The subject minor subdivision presents two lots that do not meet the minimum area requirements of the R.C.-4 zoning regulations (3 acres). For undersized lots, a public hearing is required if the requirements of Section 304 of the Baltimore County Zoning Regulations (BCZR) cannot be satisfied. The subject lots do not meet the non-contiguous ownership requirement of Section 304.1 (BCZR). A reading of zoning case #95-376-SPH does not indicate that this issue was addressed. Additionally, Section 304 (BCZR) requires a "compatibility" review prior to the issuance of building permits. I have enclosed a copy of this form. I would suggest that a spirit and intent letter be prepared for submittal to Mr. Kotrocco, deputy zoning commissioner, for a determination as to whether the aforementioned undersized lot issues (technically variance issues) were addressed at the hearing for case #95-376-SPH.

Any requests for further information from the zoning office must include a reference to the minor subdivision file #95-197-M and written correspondence or revised plans must be accompanied by a copy of these comments.


JOSEPH C. MERREY
Planner I

JCM:scj

c: zoning case #95-376-SPH

Memorandum of Title

I personally conducted a search of the land records of Baltimore County from July 17, 1964 to the present for the Eckhardt property consisting of approximately 4.05 acres on the north side of Cockeys Mill Rd., 400 ft west of the centerline of Franklin Valley Circle.

The title history is as follows

- ◆ On July 17, 1964, Fred P. Eckhardt and Henry James Eckhardt took title as joint tenants to an approximately 4.05 acre parcel of land from Elsie Bradley Clubb. Said deed was recorded in the land records of Baltimore County at Liber 4330 folio 079. **This parcel was separately described as two lots of record with their own metes and bounds, the first said parcel being approximately 2.05 acres and the second being approximately 2.0 acres in size.**
- ◆ Title remained in said parties unchanged until June 30, 1993, at which time Fred P. Eckhardt conveyed his one half undivided interest in the property unto himself and his wife Nancy G. Eckhardt. **The parcel descriptions contained in said deed were exactly the same as the foregoing deed of July 17, 1964, to wit preserving the two lots of record and their metes and bounds as described therein.**
- ◆ There are no other deeds or conveyances in the land records after said conveyance of June 30, 1993. Accordingly, based on the scope of my requested examination, it is my opinion that Fred P. Eckhardt and Nancy G. Eckhardt have a one half undivided interest in the property, their interest being held as tenants by the entirety as to the two of them. Henry James Eckhardt has a one half undivided interest in the property, his interest being held as tenant in common along with the forenamed grantees. Please note that the conveyance by Fred to himself and his wife destroyed the former joint tenancy by operation of law and resulted in the creation of a tenancy in common.
- ◆ This memorandum of title was prepared for the Zoning Commissioner of Baltimore County, and is not intended for other use.

Stephanie A. Jordan
Legal Assistant
Nolan, Plumhoff, and Williams, Chtd.

Exhibits List

- 1) Deed, dated 17 July, 1964 from Elsie Bradley Clubb to Fred P. Eckhardt and Henry James Eckhardt.
- 2) Deed, Dated 30 June, 1993 from Fred P. Eckhardt to himself and his wife, Nancy G. Eckhardt.
- 3) Descriptions of proposed two parcels, using a modern, accurate survey.
- 4) Plat delineating old property lines, and proposed two parcels.

NOLAN, PLUMHOFF AND WILLIAMS, CHTD.

210 W. PENNSYLVANIA AVE., STE. 700
TOWSON, MARYLAND 21204
410-823-7800
FAX: 410-296-2765

June 18, 1995

Timothy M. Kotroco
Deputy Zoning Commissioner
Old Court House
Towson, MD 21204

RE: Eckhardt, Case No. 95-376-SPH

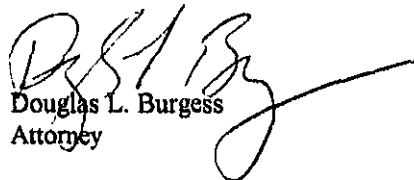
Dear Commissioner:

I am in receipt of your decision of June 12, 1995 in the above captioned matter and thank you for the same.

Kindly accept this letter as a motion to revise and amend the same.

On the top of page two of the decision you state that no there will be no increase in density created by the lot line adjustment. I would like an additional line of text thereabouts to state that each lot has one density unit consistent with our proffer regarding grand fathering of the old RSD zone at the hearing on this matter. This additional line of text will prevent any possible delays or confusion that may occur at the building permit level.

Kindest regards,


Douglas L. Burgess
Attorney

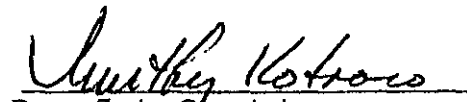
DLB

cc: Mr. and Mrs. Frederick P. Eckhardt
1850 Old New Windsor Pike
New Windsor, MD 21776

Response of Deputy Zoning Commissioner:

Please accept my countersignature on this letter as confirmation of one density unit for each lot shown on the plan to accompany special hearing in this matter consistent with the proffer in the hearing.

Date:


Deputy Zoning Commissioner
Timothy M. Kotroco

1A03.3--Use Regulations. [Bill No. 98, 1975.]

- A. Uses permitted as of right. The following uses, only are permitted as of right in R.C. 4 zones: [Bill No. 98, 1975.]
1. Dwellings, one-family detached. [Bill No. 98, 1975.]
 2. Farms and limited-acreage wholesale flower farms (see Section 404). [Bills No. 98, 1975; No. 51, 1993.]
 3. Open space, common. [Bill No. 98, 1975.]
 - 3a. Public schools. [Bill No. 63, 1980; No. 47, 1982; Bill No. 47, 1985.]
 4. Telephone, telegraph, electrical-power, or other similar lines or cables-all underground; underground gas, water, or sewer mains or storm drains; other underground conduits except underground interstate and intercontinental pipe lines. [Bill No. 98, 1975.]
 5. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of Paragraphs b, c, e, or f of Subsection 415.1 and Subsection 415.2A.1, as applicable. [Bill No. 98, 1975.]
 - 5a. Antennas used by CATV systems operated by companies franchised under Title 2, Article VI, Division 2 of the Baltimore County Code 1978, if situated on property owned by the county, state or federal government or by a governmental agency. [Bill No. 220, 1981.]
 - 5b. Transit facilities. [Bill No. 91, 1990.]
 6. Accessory uses or structures, including, but not limited to the following: [Bill No. 98, 1975.]
 - a. Excavations, uncontrolled. [Bill No. 98, 1975.]
 - b. Farmer's roadside stand and produce stand, subject to the provisions of Section 404.4. [Bill No. 98, 1975; Bill No. 41, 1992.]
 - c. Home occupations. [Bill No. 98, 1975.]

- d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25 per cent of the total floor area of that residence; and does not involve the employment of more than one non-resident employee. [Bills No. 98, 1975; No. 105, 1982.]
 - e. Parking spaces, including recreational vehicles (subject to the provisions of Section 415A). [Bill No. 98, 1975.]
 - f. Swimming pools, tennis courts, garages, utility sheds, satellite receiving dishes (subject to Section 429), or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400). [Bill No. 98, 1975; Bill No. 71, 1987.]
7. Commercial film production, subject to Section 435. [Bill No. 57, 1990.]
- B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 4 zones: [Bill No. 98, 1975.]
- 1. Antique shops (subject to the provisions of Section 402B). [Bill No. 98, 1975.]
 - 2. Camps, including day camps. [Bill No. 98, 1975.]
 - 3. Community buildings, swimming pools, or other uses of a civic, social, recreational, or educational nature, including picnic grounds and tennis facilities, provided that no tennis facility shall comprise more than 4 courts (see Section 406A). [Bill No. 98, 1975; No. 62, 1978.]
 - 3a. Churches and other buildings for religious worship. [Bill No. 45, 1982.]
 - 4. Dwellings or other buildings converted to tea rooms or restaurants, as provided in Subsection 402.3. [Bill No. 98, 1975.]
 - 5. Excavations, controlled (subject to the provisions of Section 403) except removal of top soil from the site is expressly prohibited. [Bill No. 98, 1975.]

6. Fish hatcheries. [Bill No. 98, 1975.]
7. Golf courses, country clubs, or other outdoor recreation clubs, and game preserves. [Bill No. 98, 1975.]
- 7a. Home occupations of disabled persons, where the use is established in a structure originally constructed as a dwelling or as accessory to a dwelling or where the use is established in a structure that is situated on the same lot as a dwelling, and which the zoning commissioner finds to be compatible with its surrounding neighborhood; provided that :
 - (1) only three persons including the disabled person and the members of his immediate family who are residents of the dwelling are employed in the use on the premises; and
 - (2) in any case the use is conducted by a disabled person whose domicile is the dwelling to which the use is accessory and whom the hearing authority finds is so severely disabled as to be unable to engage in his occupation away from the premises of his home.

Any provision of subsection 502.2 to the contrary notwithstanding, any special exception granted pursuant to this item shall expire upon the first to occur of the following:

- (1) five years after the issuance of the permit;
- (2) the death of a disabled person;
- (3) the termination of the disability; or
- (4) the failure of the disabled person to permanently reside at the premises.

A new special exception for the use may be granted when the previous special exception expires but only upon the completion of the entire application and hearing process in the same manner as if it were the initial application for this special exception. It is the purpose of this provision to prevent the use of residential property for business purposes by an occupant other than a disabled person and to ensure that any occupation permitted pursuant to this item will be conducted in a manner appropriate to its surroundings.
[Bill No. 27, 1981.]

- 7b. Horticultural nurseries, subject to the provisions of Section 404.1 and 404.2. {Bill No. 41, 1992.}
- 7c. Landscape service operations, subject to provisions of Section 404.1 and 404.3. {Bill No. 41, 1992.}

- 7d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25 per cent of the total floor area of that residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees. [Bill No. 105, 1982.]
8. Public utility uses not permitted as of right, including underground interstate and intercontinental pipe lines. [Bill No. 98, 1975.]
- 8a. Rail passenger station, subject to Section 434. [Bill No. 91, 1990]
9. Riding stables. [Bill No. 98, 1975.]
10. Shooting preserves including hunting and fishing preserves. [Bill No. 98, 1975.]
11. Shooting ranges, including, but not limited to, archery, pistol, skeet, trap, target (small bore rifle only) except that any such use existing at the time of date of enactment of this subsection may continue at the same level, provided that within 365 days of the enactment date of this legislation, they shall file for a use permit as prescribed under the now existing zoning regulation Section 500.4, and turkey shoots. [Bill No. 98, 1975.]
12. Trailers (subject to the provisions of Section 415.1D). [Bill No. 98, 1975.]
13. Volunteer fire company or ambulance-rescue facilities. [Bill No. 98, 1975.]
14. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure, or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400: (b) that if it is a rigid-structure antenna,

it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line. [Bill No. 98, 1975.]

15. Farm market, subject to the provisions of Section 404.4. {Bill No. 41, 1992.}

16. Winery as an agricultural support use, including accessory retail and wholesale distribution of wine produced on-premises. Temporary promotional events, such as wine tasting or public gatherings associated with the winery, are permitted, within any limits set by the special exception. {Bill No. 51, 1993.}

1A03.4--Height and Area Regulations. [Bill Nos. 98, 1975; 178, 1979; 113, 1992.]

A. Height. No structure hereafter erected in an R.C. 4 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300. [Bill No. 98, 1975.]

B. Area regulations. [Bill No. 98, 1975; Bill No. 178, 1979; Bill No. 113, 1992.]

1. Lot density. {Bill No. 113, 1992.}

a. A tract to be developed in an R.C.4 zone with a gross area of less than 6 acres may not be subdivided, and a tract to be developed with a gross area of at least 6 acres but not more than 10 acres may not be subdivided into more than 2 lots (total), each of which must be at least 3 acres, except as otherwise provided in Subsection 103.3 or in paragraph 4 below. [Bills No. 98, 1975; 178, 1979; 113, 1992.]

b. The maximum gross density of a tract to be developed with a gross area of more than 10 acres is 0.2 lot per acre. Any lots created hereafter, except as provided in paragraph 4 below, shall be in accordance with the following standards for rural cluster development: {Bill No. 113, 1992.}

(1) A minimum of 70% of the gross area of the tract to be developed shall be designated as the conservancy area. Only one of the permitted dwelling units, including any existing dwellings, may be located in the conservancy area. The

conservancy area is subject to the standards contained in 1A03.5.

- (2) All of the remaining permitted density shall be located in the building area on lots with a minimum lot size of 1 acre.
- (3) Subject to the conditions of the performance standards of Section 1A03.5G, any building or structure officially included on the preliminary or final list of the Landmarks Preservation Commission or the National Register of Historic Areas, and included in the conservancy area, need not be included in the calculation of the total permitted density, subject to the following requirements:
 - (a) there is an area of sufficient size surrounding the building, structure or landmark to preserve the integrity of its historic setting;
 - (b) an overall photographic and written description of the building, structure or landmark identified for preservation has been submitted; and
 - (c) documentation of the preservation, restoration and protection for the building, structure or landmark has been submitted and approved by the director of planning prior to issuance of any building permit for the development.

- 2. Building setbacks. Except for agricultural buildings, any non-residential principal building hereafter constructed in an R.C.4 zone shall be situated at least 100 feet from the centerline of any street and at least 50 feet from any lot line other than a street line, except as otherwise provided in paragraph 4, below. Any residential principal building shall be set back according to the following minimum setback requirements: [Bill No. 98, 1975; Bill No. 113, 1992.]
 - a. 25 feet from any building face to a public street right-of-way or property line;
 - b. 35 feet from a front building face to the edge of paving of a private road;
 - c. setbacks for buildings located adjacent to arterial roadways shall be increased by 20 feet;
 - d. 100 feet between a building face and an adjacent R.C.2 zone line;
 - e. 100 feet between a building face and a reservoir property line; and
 - f. 50 feet between a building face and an adjacent conservancy area which will be used for agricultural purposes.

3. Coverage. Except for a rural cluster development, which is subject to the performance standards contained in 1A03.5, no more than 10 percent of any lot in an R.C.4 zone may be covered by impermeable surfaces (such as structures or pavement). No more than 25 per cent of the natural vegetation may be removed from any lot in an R.C.4 zone. [Bills No. 98, 1975; 178, 1979; 113, 1992.]
4. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the land records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning on or before December 22, 1975 and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone, may be approved for residential development in accordance with the standards prescribed and in force at the time of the lot recordation. [Bill No. 98, 1975.]
5. Dwelling units per lot. No more than one dwelling unit shall be located on any lot in an R.C.4 zone, except that tenant dwellings may be approved if the land preservation advisory board certifies that: {Bill No. 113, 1992.}
 - a. any such proposed dwelling is required for the operation of the farm for the use of bona fide tenant farmers; and
 - b. that any such dwelling, in the location proposed, will not interfere with the operation of the farm.

1A03.5--Performance Standards For Rural Cluster Development
{Bill No. 113, 1992.}

In an R.C.4 zone, only a rural cluster development is permitted on a tract to be developed with a gross area of more than 10 acres. A minimum of seventy percent (70%) of the tract acreage shall be designated a conservancy area. The balance of the tract is the building area. {Bill 113, 1992.}

- A.1. It is the intention of these regulations that the acreage of the conservancy area, whenever possible, be contiguous and that it include the following features of the tract to be developed as determined by the standards contained in the Comprehensive Manual of Development Policies:
 - a. prime and productive soils;
 - b. steep slopes, as defined in Title 26 of the Baltimore County Code;
 - c. wetlands;

- d. stream buffers, as defined in Title 14 of the Baltimore County Code;
 - e. forests, as defined in Title 14 of the Baltimore County Code;
 - f. open space; and
 - g. significant views and other natural or historic features to be protected.
- 2. The conservancy area may not include within it any area with a diameter of less than 100 feet unless the directors of planning and zoning and environmental protection and resource management determine that such an area will best protect the natural resources of the tract to be developed as a rural cluster development.
- 3. The conservancy area may include buildings existing at the time of the approval of the rural cluster development.
- 4. The directors of planning and zoning and environmental protection and resource management shall determine whether the conservancy area meets the requirements of this paragraph and the standards of the Comprehensive Manual of Development Policies.
- B. Each lot in a rural cluster development shall contain its own private sewage system and water system, and each such system shall be located within the lot. If the director of environmental protection and resource management finds that a lot cannot support a proposed dwelling unit without endangering the potable water supply, endangering the metropolitan district reservoirs, or creating a health or environmental nuisance for neighboring properties, a dwelling unit is not permitted on such lot.
- C.1. Subject to approval by Baltimore County as to legal form and sufficiency, the conservancy area shall be held in unified ownership and control which may take the form of a homeowners' association, condominium association, public or private organization, land trust, corporation or individual. The owner shall assume all responsibility for the maintenance and continued protection of the conservancy area, including any recreational amenities.
- 2. The conservancy area shall be held in single ownership unless a dwelling lot, as permitted by Section 1A03.4B.1.b.(1), is located in the conservancy area.

D. Easement for Conservancy Area. Prior to final approval of any record plat, or, in the case of a tract less than 20 acres in size which is to be subdivided into 3 or fewer lots, prior to final approval of a plan, a permanent preservation easement on the conservancy area shall be recorded among the land records of Baltimore County to run with the land and continue in perpetuity.

1. The easement shall be granted to the county or such other agency or entity which the county approves, and shall permanently restrict further subdivision of the conservancy area.

2. The easement shall allow for the continued agricultural, forest or similar open space use as provided in Subsection 1A03.5G.

3. If any portion of a conservancy area is also required to be recorded as a forest buffer easement, pursuant to Section 14-340 of the Baltimore County Code, the terms of Section 14-340 shall prevail.

4. The conservancy area agreement shall be in a form approved by the county attorney who shall consult with the director of environmental protection and resource management.

E. In the case of a tract more than 20 acres in size which is to be subdivided into 3 or fewer lots, a conservancy area shall be shown on the minor subdivision plan and recorded in the land records of Baltimore County. A permanent preservation easement as described in Section 1A03.5D shall be granted if further subdivision subjects the tract to the development plan review process of Title 26 of the Baltimore County Code.

F. The maximum area for clearing and grading for each residential lot is 20,000 square feet. This area shall be shown on the plan at the time of permit application.

G. The conservancy area shall remain undisturbed, except as utilized for:

1. agricultural uses, including a farm, farmette, or limited acreage flower farm;
2. forestry;
3. open space, which may include hiking or equestrian trails or passive recreational areas which do not require paving;

4. isolated open space pockets in the building area that are either surrounded by housing units or run along rights-of-way as approved by the directors of planning and zoning and environmental protection and resource management (such areas shall be managed by a homeowners' association or similar entity as open space and are not to be included in the conservancy area easement delineation);
 5. a single-family dwelling as permitted by Section 1A03.4B.1.b.(1).
- H. Except as needed as access to existing buildings or to the lot permitted under Section 1A03.4B.1.b.(1), roads are not permitted in a conservancy area, unless the provision thereof will result in better protection of natural resources. The directors of planning and zoning, public works, and environmental protection and resource management shall make this determination.
- I. Stormwater management facilities and storm drains are not permitted in the conservancy area except in cases where their provision will result in improved water quality or reduced impact on water quantity and will not result in the loss of prime and productive soils, as approved by the directors of planning and zoning and environmental protection and resource management.

1A03.6--Additional Standards {Bill 113, 1992.}

Under provisions adopted pursuant to the authority of the Comprehensive Manual of Development Policies, development in R.C.4 zones may be made subject to additional standards of lot area, yard space, open space, building distribution, or other aspects or characteristics of site planning or project design. Such standards shall be based upon specified existing, prospective, or stipulated conditions or circumstances of development, and shall be designed to further the specific purposes of this article and the purposes of these zoning regulations in general.

NOTE:* AND BE IT FURTHER ENACTED that any development which has received CRG approval, concept plan approval, reclamation plan approval, or any other project vested by law, or any development for which a concept plan has been accepted for filing by the department of public works to the effective date (July 1, 1992) of this Act (Agricultural Preservation/Rural Cluster Development) shall be governed by the regulations in effect at the time of such approval, vesting, or acceptance for filing, as the case may be. {Bill No. 113, 1992.}

* This provision does not appear in the BCZR, but is included in Bill 113, 1992 and its effect is to provide grandfather provision to impact of this legislation.

1A03.7--Inconveniences Arising From Agricultural Operations.
{Bill No. 113, 1992.}

Any dwelling in an R.C.4 zone may be subject to inconveniences or discomforts arising from agricultural operations, including but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The county shall not consider an agricultural operation to be a public or private nuisance, if the operation complies with these regulations and all federal, state or county health or environmental requirements.

ARTICLE 1A—RURAL AND RURAL-SUBURBAN LOW-INTENSITY ZONES
[Bill No. 100, 1970.]

Section 1A00—R.D.P. ZONES (RURAL: DEFERRED-PLANNING). [Bill No. 100, 1970.]

1A00.1—General Provisions. [Bill No. 100, 1970.]

- 1.¹ Purpose. The R.D.P. zoning classification is established, pursuant to the legislative findings set forth above,² in order to:
 - a. Prevent untimely urban development of relatively open rural land; and
 - b. Foster conditions favorable to agriculture and other low-intensity uses appropriate in rural areas, considering both the magnitude of total land acreage needed for such uses and the current prospective needs for developable urban land.
[Bill No. 100, 1970.]
2. Intent as to application of R.D.P. zoning classification to property or removal therefrom. It is intended:
 - a. That rural land shall be classified within R.D.P. zones unless the Capital Budget and Five-Year Capital Program of Baltimore County and duly adopted official Baltimore County master plans, including the "county plan" required under Article 43, Section 387C of the Annotated Code of Maryland, 1957 (1965 Replacement Volume) as amended, all consistently indicate that such land is to be serviced by public sewerage and water-supply systems and, in the case of those said documents which determine the timing of construction, also consistently provide for the adequacy and availability of service to said land by such systems within a period of six years after the time of consideration with respect to zoning classification; provided further, however, that such nonserviced land as is specifically herein described (in this Subparagraph 3³ or other provisions in these regulations) as being appropriately otherwise classified shall also be excepted from the category of land which shall be classified as R.D.P.;
 - b. That land classified as R.D.P. shall not be reclassified (rezoned) until such time as the documents hereinabove noted have been officially changed or replaced in kind and thereby then indicate possible appropriateness of reclassification under the criteria hereinbefore stated;

1. The line designating this subparagraph and those immediately following as parts of a Paragraph "A" was deleted from Bill No. 100, 1970 by amendment after introduction.

2. Findings deleted from Bill No. 100, 1970 by amendment after introduction.

3. Now Subparagraph 2, as a result of amendment of Bill No. 100, 1970 after introduction.

- c. That reclassification of land as R.D.P. shall not represent a commitment by Baltimore County with respect to type of future development, but only that more particular planning for the use of such land shall be executed in the future; and
- d. That certain distinct existing areas of compact development, such as certain approved subdivisions or the immediate environs of typical rural business centers, are not normally to be classified as R.D.P.

[Bill No. 100, 1970.]

- 3. Special Policy for Certain Developments. In view of possible overriding public benefits to be derived from certain large-scale unit developments, the establishment of such developments is hereby excepted from application of the policy hereinbefore stated to the extent indicated under Section 430 ("Unit Developments"). [Bill No. 100, 1970.]

- B.⁴ Locational Requirement. No R.D.P. zone shall be established or re-established within the urban-rural demarcation line, but said line may be re-established to include an R.D.P. zone or part thereof existing at the time said line is re-established. [Bill No. 100, 1970.]

1A00.2—Use Regulations. [Bill No. 100, 1970.]

- A.⁵ Uses Permitted as of Right. The following uses, only, are permitted as of right in R.D.P. zones:

- 1. Farms, or, on existing undersized lots, limited-acreage wholesale flower farms.⁶
- 2. One-family detached dwellings.
- 3. Churches or other buildings for religious worship.
- 4. Trailers (see Section 415).
- 5. Research institutes, as defined in Section 101 and as permitted and regulated in D.R. 1 zones (see Section 418).
- 6. Hospitals.
- 7. Telephone, telegraph, electrical-power or other electrical lines, all underground with the exception of such lines as are permitted above ground in D.R. zones.
- 8. Other cables; conduits; gas, water, or sewer mains; or storm-drain systems: all underground.
- 9. Railroads or other transportation lines.

4. Line designating preceding provisions as Paragraph "A" deleted--see note 1 above.

5. All provisions of this paragraph from Bill No. 100, 1970.

6. Since a limited-acreage wholesale flower farm consists of less than three acres of land (see Section 101), and since the minimum lot size in R.D.P. zones is one acre (rather than ten acres, as set forth in Bill No. 100, 1970 before amendment), there is a question as to the effect of the phrase "on existing undersized lots".

10. Animal boarding places (regardless of class), kennels, veterinarians' offices or veterinarians, subject to the provisions of Section 421.
 11. Excavations, uncontrolled.
 12. Schools, except business or trade schools or such schools as are permitted as special exceptions (Paragraph B, below), but including schools for agricultural training.
 13. Accessory uses or buildings (not subject to the provisions of Section 400), including, but not limited to:
 - a. An office or studio of a doctor, dentist, lawyer, architect, engineer, artist, musician, or other professional person, provided that such office or studio is established within the same building as that serving as his bona fide residence; does not occupy more than 25 per cent of the total floor area of such residence as existing on the effective date of this provision;⁷ and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees; provided, further, that signs relative to such use shall be prohibited except as noted in Section 413.
 - b. Home occupations as defined in Section 101, also subject to the sign provisions of Section 413.
 - c. Parking space, including residential-garage space.
- B.⁸ Uses Permitted by Special Exception. The following uses, only, are permitted as special exceptions:
1. Airports
 2. Antique shops (see Section 402B).
 3. Boat yards.
 4. Cemeteries.
 5. Commercial beaches
 6. Community buildings, swimming pools, or other structural or land uses devoted to civic, social, recreational, or educational activities.
 7. Conservatories for music or other arts.
 8. Dwellings or other buildings converted to tea rooms or restaurants, as provided in Subsection 402.3, or tea rooms or restaurants expressly constructed for such purpose, but otherwise subject to the same such restrictions.
 9. Excavations, controlled (see Section 403), provided renovation or appropriate adaptation of the land is assured within a reasonable time, as determined by the Zoning Commissioner.
 10. Golf courses, country clubs, or other outdoor recreation clubs; also quasi-public camps, including day camps.

7. Regarding the effective date of the provisions of Bill No. 100, 1970, see note 3, Section 100.

8. All provisions of this paragraph from Bill No. 100, 1970.

11. Golf driving ranges, miniature-golf ranges, or baseball-batting ranges.
12. Helistops.
13. Marinas.
14. Public-utility uses not permitted as of right.
15. Residential art salons (see Section 402C).
16. Riding stables (commercial or noncommercial).
17. Sanitary landfills (see Section 412).
18. Shooting ranges.
19. Volunteer-fire-company facilities.
20. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400; (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line
21. Large-scale unit developments, as provided in Section 430

1A00.3—Height and Area Regulations. [Bill No. 100, 1970.]

- A. Height. No structure in an R.D.P. zone shall exceed a height of 35 feet, except as otherwise specifically provided in these Zoning Regulations (see Section 300). [Bill No. 100, 1970.]
- B. Area Regulations. [Bill No. 100, 1970.]
 1. Lot Area. No lot less than 1 acre in net area shall be hereafter created in an R.D.P. zone, subject to attaining percolation tests satisfactory to the Baltimore County Department of Health and conforming to the applicable health requirements. [Bill No. 100, 1970.]
 2. Minimum Linear Dimension. Except as otherwise provided in Subparagraph 3, below, the minimum linear dimension of any lot hereafter created in an R.D.P. zone shall be 150 feet. For the purposes of these regulations, the minimum linear dimension of any lot shall be the diameter of the largest circle in a horizontal plane which may be inscribed within the lot boundaries. [Bill No. 100, 1970.]
 3. The minimum distance between any building in an R.D.P. zone and any lot line other than a street line shall be 50 feet; the minimum distance between the building and the center line of any street shall be 75 feet. [Bill No. 100, 1970.]

Section 1A01—R.S.C. ZONES (RURAL-SUBURBAN: CONSERVATION). [Bill No. 100, 1970.]

1A01.1—Legislative Statement of Findings¹ and Policy. [Bill No. 100, 1970.]

A. General Purpose. The R.S.C. zoning classification is established, in order to: [Bill No. 100, 1970.]

1. Provide for residential use without community health hazard within areas which will not be serviced by public sewerage and water-supply systems; [Bill No. 100, 1970.]
2. Provide for the appropriate zoning of land where low-density institutions may feasibly be established;² [Bill No. 100, 1970.]

B. Application of R.S.C. Zoning Classification to Property or Removal Therefrom. It is intended: [Bill No. 100, 1970.]

1. That land which is planned to remain unserved by public sewerage and water-supply systems shall be classified as R.S.C., with the exception of any distinct existing areas of compact development which are to remain unserved by such facilities; [Bill No. 100, 1970.]
2. That the fact that land has been duly classified as R.S.C. by the County Council through its adoption of a comprehensive zoning map shall be prima facie evidence that there is no intent by the County to provide the public utility services that would make such land appropriate for classification within another category, and land which has been thus classified as R.S.C. may not be reclassified unless a) both public sewerage and public water-supply systems have been extended thereto prior to the time a petition for such a reclassification is considered, b) such land does not lie within the watershed area of a public water reservoir, and c) such land does not lie within an area designated as a regionally significant green space on a duly adopted official Baltimore County master plan. [Bill No. 100, 1970.]

1A01.2—Use Regulations. [Bill No. 100, 1970.]

A.³ Uses Permitted as of Right. The following uses, only, are permitted as of right in R.S.C. zones:

1. Farms or, on existing undersized lots, limited-acreage wholesale flower farms⁴

1. Findings deleted from Bill No. 100, 1970 by amendment after introduction.
 2. Thus (semicolon) in Bill No. 100, 1970 (other subparagraphs deleted from Bill No. 100, 1970 by amendment after introduction).
 3. All provisions of this paragraph from Bill No. 100, 1970.
 4. Since a limited-acreage wholesale flower farm consists of less than three acres of land (see Section 101), and since the minimum lot size in R.S.C. zones is one acre (rather than three acres, as set forth in Bill No. 100, 1970 before amendment), there is a question as to the effect of the phrase. "on existing undersized lots".

2. One-family detached dwellings
3. Churches or other buildings for religious worship
4. Research institutes, as defined in Section 101 and permitted in D.R. 1 zones (see Section 418)
5. Hospitals
6. Telephone, telegraph, electrical-power, or other electrical lines, all underground with the exception of such lines as are permitted above ground in D.R. zones
7. Other cables; conduits; gas, water, or sewer mains; or storm-drain systems: all underground
8. Railroads or other transportation lines
9. Schools, except business or trade schools or such schools as are permitted as special exceptions (Paragraph B, below), but including schools for agricultural training
10. Excavations, uncontrolled
11. Accessory uses or buildings (not subject to the provisions of Section 400), including, but not limited to:

a. An office or studio of a doctor, dentist, lawyer, architect, engineer, artist, musician, or other professional person, provided such office or studio: is established within the same building as that serving as the bona fide residence of such person; does not occupy more than 25 per cent of the total floor area of such residence; and does not involve the employment of more than one nonresident professional associate nor more than two other nonresident employees; provided, further, that signs relative to such use shall be prohibited except as noted in Section 413

b. Home occupations, as defined in Section 101, also subject to the sign provisions of Section 413

c. Parking space, including residential-garage space

B.⁵ Uses Permitted by Special Exception. The following uses, only, are permitted as special exceptions:

1. Airports
2. Antique shops (see Section 402B)
3. Cemeteries
4. Colleges (not including business or trade schools)
5. Community buildings, swimming pools, or other structural or land uses devoted to civic, social, recreational, or educational activities
6. Conservatories for music or other arts
7. Dwellings or other buildings converted to tea rooms or restaurants, as provided in Subsection 402.3, or tea rooms or restaurants expressly constructed for such purpose, but otherwise subject to the same such restrictions
8. Excavations, controlled (see Section 403)

5. All provisions of this paragraph from Bill No. 100, 1970.

9. Animal boarding places (regardless of class), kennels, veterinarians' offices or veterinarians, subject to the provisions of Section 421
10. Golf course,⁶ country clubs, or other outdoor recreation clubs; also quasi-public camps, including day camps
11. Helistops
12. Residential art salons (see Section 402C)
13. Riding stables (commercial or noncommercial)
14. Sanitary landfills (see Section 412)
15. Volunteer-fire-company facilities
16. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure or an accessory use if attached to another structure, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400; (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line

1A01.3—Height and Area Regulations. [Bill No. 100, 1970.]

A. Height. No structure in an R.S.C. zone shall exceed a height of 35 feet, except as otherwise specifically provided in these Zoning Regulations (see Section 300). [Bill No. 100, 1970.]

B. Area Regulations. [Bill No. 100, 1970.]

1. Lot Area. No lot less than 1 acre in net area shall be hereafter created in an R.S.C. zone, subject to attaining percolation tests satisfactory to the Baltimore County Department of Health and conforming to the applicable health requirements. [Bill No. 100, 1970.]
2. The minimum linear dimension for any lot hereafter created in an R.S.C. zone shall be not less than 150 feet. For the purposes of these regulations, the minimum linear dimension of any lot shall be the diameter of the largest circle within a horizontal plane which may be inscribed therein. [Bill No. 100, 1970.]
3. The minimum distance between any building in an R.S.C. zone and any lot line other than a street line shall be 50 feet; the minimum distance between the building and the center line of any street shall be 75 feet. [Bill No. 100, 1970.]

⁶. Thus (singular) in Bill No. 100, 1970.

THESE IMAGE
THE CORRECT

BALTIMORE COUNTY
ZONING REGULATIONS

1963

BOOK NO 246

This is the property of:

Name

HUGH E. GELSTON

Address

408 BOSLEY AVE.
204 W. PLENA AVE.

TOWSON - MARYLAND

Phone

LA 3-8747

MICROFILMED

Provisions

General

R-40 Zone

R-20 Zone

E-10 Zone

R. 40 ZONE

Section 201—HEIGHT REGULATIONS

No building shall exceed a height of 35 feet or 3 stories, except as provided in ARTICLE 3.

Section 202—AREA REGULATIONS

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

202.1—Lot Area and Width—Each principal building hereafter erected shall be located on a lot having an area of not less than 40,000 square feet and a width at the front building line of not less than 150 feet, except that for two or more lots in the same ownership, and in the same tract, a minimum lot area of 30,000 square feet is permitted if the average of all the lot sizes in the same ownership and in the same tract equals 40,000 square feet or more. A wedge shaped lot at the end of a cul-de-sac street may have a width at the front building line of not less than 100 feet (see Section 304).

202.1.1—In a cluster subdivision a minimum lot area of 25,000 square feet is permitted, provided that the average area of all lots in the subdivision equals at least 30,000 square feet and that the total area in residential lots plus the area of the local open space tract(s) equals or exceeds the number of lots multiplied by 40,000 square feet. In such subdivision not more than 75 per cent of the lots may be less than 30,000 square feet in area and the minimum permitted width at the front building line is 100 feet.

202.2—Front Yard—For dwellings, the front building line shall be not less than 50 feet from the front lot line and not less than 75 feet from the center line of the street; for other principal buildings—70 feet from the front lot line and not less than 95 feet from the center line of the street.

202.3—Side Yards—For dwellings, 20 feet wide for one side yard and not less than 50 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 50 feet from the side lot line and not less than 75 feet from the center line of the street; for other principal buildings—40 feet wide, except that for a corner lot the building line along the side street shall be not less than 65 feet from the side lot line and not less than 90 feet from the center line of the street.

202.4—Rear Yard—50 feet deep.

R. 6 Zone—Residence, One and Two-Family

Section 209—USE REGULATIONS

The following uses only are permitted:

209.1—Uses permitted and as limited in R. 40 Zone;

209.2—Two family dwellings, as defined in Section 101;

209.3—Special Exceptions—Same as R. 10 Zone, except sanitary landfills and trailer parks which are not permitted (see Sections 270 and 502).

Section 210—HEIGHT REGULATIONS

Same as R. 40 Zone.

Section 211—AREA REGULATIONS

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

211.1—Lot Area and Width—Except as noted below, each one-family dwelling and each other principal non-residential building hereafter erected shall be located on a lot having an area of not less than 6,000 square feet and a width at the front building line of not less than 55 feet; each two-family dwelling hereafter erected shall be located on a lot(s) having an area of not less than 10,000 square feet and a width at the front building line of not less than 80 feet for a duplex dwelling and 90 feet for the pair of lots occupied by a semi-detached dwelling (see Section 304). At least five per cent and six per cent (one-family and two-family dwelling types, respectively) of the gross residential acreage of the tract must be allocated to local open space tract(s). To meet this requirement the developer may reduce the minimum permitted lot size by not more than five per cent of the minimum required area.

211.2—Front Yard—For dwellings, the front building line shall be not less than 25 feet from the front lot line and not less than 50 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—40 feet from

R. 6 ZONE

the front lot line and not less than 65 feet from the center line of the street, except as specified in Section 303.1.

211.3—Side Yards—For one-family dwellings, 8 feet wide for one side yard and not less than 20 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 25 feet from the side lot line and not less than 50 feet from the center line of the side street; for two-family dwellings, side yards shall be as provided in Sections 214.1 and 214.3; for other principal buildings, same as in Section 208.3.

211.4—Rear Yard—30 feet deep.

211.5—Density—the maximum permitted gross residential density for one-family dwellings is 4.5, and the maximum permitted gross residential density for two-family dwellings is 6.0. If there is a mixture of residential use types, a combination of the local open space standards as specified in section 44-2 of the Baltimore County Code, 1958, as amended, may be used to determine density and to yield the total acreage required for local open space tracts.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

DOUG BURGESS

210 W. PENNA AVE STE 700
TOWSON, MD 21204

Fred R Eckhardt

1850 old New Windsor Pike

New Windsor Ind. 21776

Dancy Eckhardt

1850 Old New Windsor Pk.

New Windsor 21776

Patricia Cull

2208 Cedar Hill Drive

Funksburg, Md. 21048

ROBERT T. FISHPAUGH

142 E. MAIN ST

WESTMINSTER MD. 21157

Stephanie A Jordan

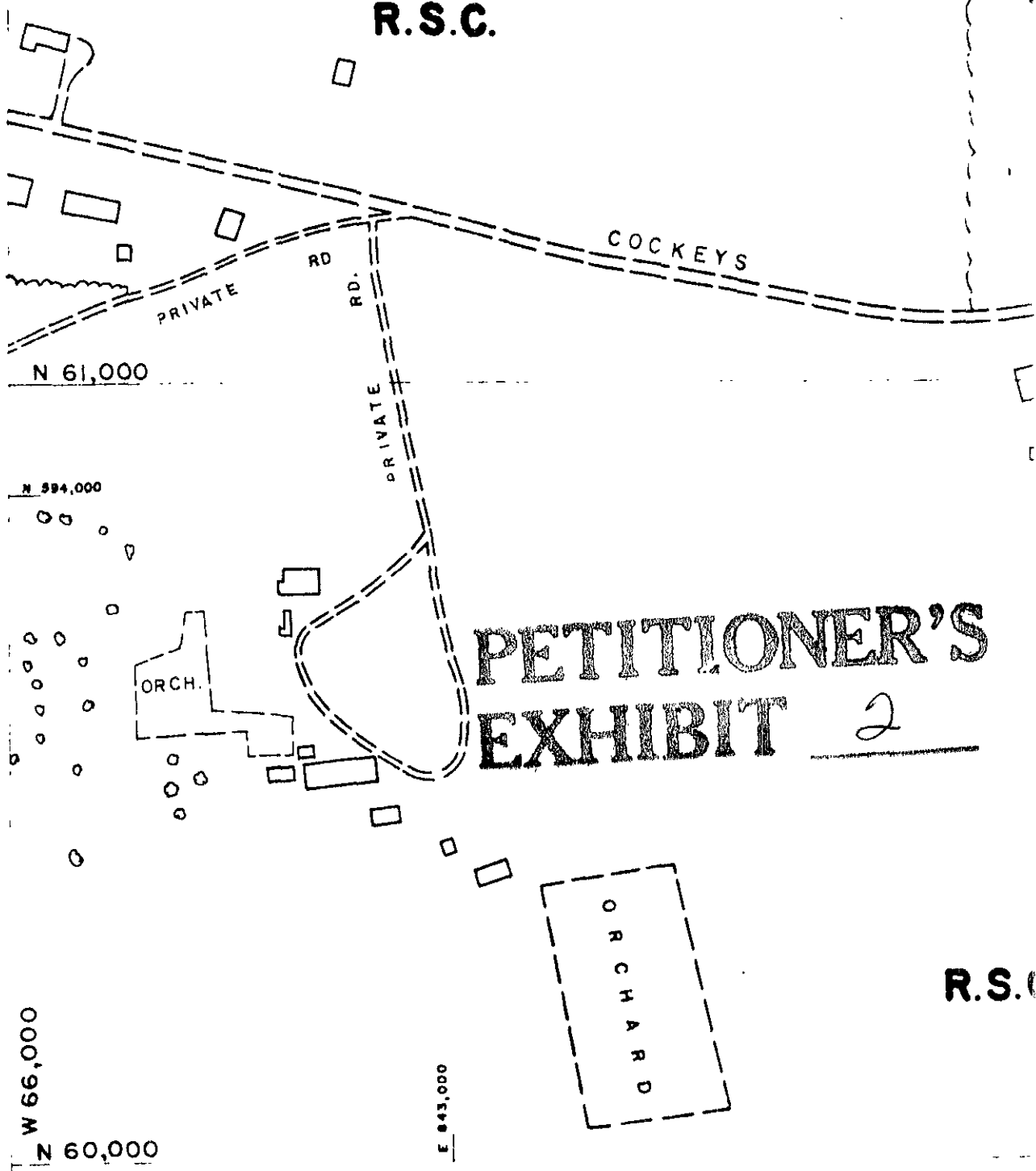
210 W Penn Ave
Ste 700 Towson MD
21204



100 FEET N.W.

BALTIMORE

R.S.C.



PETITIONER'S
EXHIBIT 2

R.S.C.

X - SE

Y - NE

ADOPTED BY THE

Memorandum of Title

I personally conducted a search of the land records of Baltimore County from July 17, 1964 to the present for the Eckhardt property consisting of approximately 4.05 acres on the north side of Cockeys Mill Rd., 400 ft west of the centerline of Franklin Valley Circle.

The title history is as follows

- ◆ On July 17, 1964, Fred P. Eckhardt and Henry James Eckhardt took title as joint tenants to an approximately 4.05 acre parcel of land from Elsie Bradley Clubb. Said deed was recorded in the land records of Baltimore County at Liber 4330 folio 079. **This parcel was separately described as two lots of record with their own metes and bounds, the first said parcel being approximately 2.05 acres and the second being approximately 2.0 acres in size.**
- ◆ Title remained in said parties unchanged until June 30, 1993, at which time Fred P. Eckhardt conveyed his one half undivided interest in the property unto himself and his wife Nancy G. Eckhardt. **The parcel descriptions contained in said deed were exactly the same as the foregoing deed of July 17, 1964, to wit preserving the two lots of record and their metes and bounds as described therein.**
- ◆ There are no other deeds or conveyances in the land records after said conveyance of June 30, 1993. Accordingly, based on the scope of my requested examination, it is my opinion that Fred P. Eckhardt and Nancy G. Eckhardt have a one half undivided interest in the property, their interest being held as tenants by the entirety as to the two of them. Henry James Eckhardt has a one half undivided interest in the property, his interest being held as tenant in common along with the forenamed grantees. Please note that the conveyance by Fred to himself and his wife destroyed the former joint tenancy by operation of law and resulted in the creation of a tenancy in common.
- ◆ This memorandum of title was prepared for the Zoning Commissioner of Baltimore County, and is not intended for other use.

**PETITIONER'S
EXHIBIT 3**

Stephanie A. Jordan
Legal Assistant
Nolan, Plumhoff, and Williams, Chtd.

Exhibits List

- 1) Deed, dated 17 July, 1964 from Elsie Bradley Clubb to Fred P. Eckhardt and Henry James Eckhardt.
- 2) Deed, Dated 30 June, 1993 from Fred P. Eckhardt to himself and his wife, Nancy G. Eckhardt.
- 3) Descriptions of proposed two parcels, using a modern, accurate survey.
- 4) Plat delineating old property lines, and proposed two parcels.

No ConsiderationNO TITLE SEARCH

THIS DEED, made this 17th day of July, in the year nineteen hundred and sixty-four, by and between ELSIE BRADLEY CLUBB, of Baltimore County, State of Maryland, party of the first part, and FRED P. ECKHARDT, of the State of New York, and HENRY JAMES ECKHARDT, of Baltimore County, State of Maryland, parties of the second part.

WITNESSETH, that in consideration of the sum of Five (\$5.00) Dollars, and other good and valuable considerations, this day paid, the receipt whereof is hereby acknowledged, the said ELSIE BRADLEY CLUBB does hereby grant and convey, subject to the reservations, benefits and powers reserved unto her, the said party of the first part, as hereinafter set forth, unto the said parties of the second part, as joint tenants, and not as tenants in common, their assigns, the survivor of them, and the survivor's heirs and assigns, in fee simple, subject to said reservations, benefits and powers, all those lots of ground lying and being in the Fourth Election District of Baltimore County, and described as follows, that is to say:

BEGINNING for the first at a point in or near the centre of Cockey's Mill Road (formerly called Benson Mill Road) at the end of the South 26-3/4 degrees East 66-1/4 perches line mentioned in the deed from Charles W. Marsh to James J. McDonnell and wife, dated February 3rd, 1942, and recorded among the Land Records of Baltimore County in Liber C. H. K. No. 1205 folio 539, etc., said point also being the beginning point of a parcel land deeded by Frederick S. Eckhardt and wife to Clifton Earl Clubb and wife, dated February 7th, 1939, and recorded among the Land Records of Baltimore County in Liber C. W. B., Jr. No. 1053, folio 243, etc., running thence as surveyed June, 1945, by line of division North 12 degrees and 59 minutes East 491.7 feet to an iron pipe, North 71 degrees and 4 minutes West 363 feet to a stake intersecting the said 66-1/4 perches line at the end of the first or North 26-3/4 degrees West 38 perches line mentioned in said deed Eckhardt to Clubb, run-

ing thence reversely along said line South 22 degrees and 49 minutes East 627 feet to the place of beginning. Containing in all 2.05 acres of land more or less.

BEGINNING for the second at a stone set up in the ground in the centre of the Benson Mill Road, sometimes known as Keyser Avenue, where the lands now or formerly belonging to David Uhler join the land now or formerly belonging to William Gore; running thence binding on the lands of the said David Uhler the two following courses and distances: North twenty-six and three-quarter degrees West thirty-eight perches; thence South ten degrees West twenty-nine and eight-tenths perches to a point in the centre of the said Benson Mill Road North seventy-seven degrees West twenty-two perches from the first place of beginning; thence binding on the centre of said Benson Mill Road South seventy-seven degrees East twenty-two perches to the place of beginning. Containing two acres of land, more or less.

BEING, the same lots of ground which were granted and conveyed unto the party of the first part and Clifton Earl Clubb by the two following Deeds:

1) Deed dated February 12, 1946 and recorded among the Land Records of Baltimore County in Liber R. J. S. No. 1448, folio 222, from Elmer L. Shaffer and Lillie M. Shaffer, his wife, unto Clifton Earl Clubb and Elsie Bradley Clubb, his wife. 2) Deed dated February 7, 1939 and recorded among the Land Records of Baltimore County in Liber C. W. B., Jr. No. 1053, folio 243, from Frederick S. Eckhardt and Nellie Pitts Eckhardt, unto Clifton Earl Clubb and Elsie Bradley Clubb, his wife.

The said Clifton Earl Clubb, having departed this life prior hereto, thereby vesting title in the above said lots of ground solely in the said Grantor hereth.

TOGETHER with the buildings and improvements thereupon erected, made of being and all and every the rights, alleys, ways, waters, privileges, appurtenances, and advantages, to the same belonging or anywise

appertaining.

TO HAVE AND TO HOLD, the said lots of ground and premises unto and to the use and benefit of the said parties of the second part as joint tenants and not as tenants in common, their assigns, the survivor of them, and the survivors heirs and assigns in fee simple, RESERVING however unto the party of the first part, the Grantor herein, the full and absolute power during her natural life to sell, lease, mortgage, rent or otherwise dispose of or encumber the said properties hereinbefore described, in whole or in part (except to dispose of the same by Last Will And Testament) in any manner, and for any consideration that she may see fit in her sole discretion, without the necessity of the Grantees herein, or any other person or persons whatsoever joining in or being made party to any Deed, Assignment, Lease, Mortgage, or other conveyance, or instrument, effectuating the disposal of said properties in any manner, and to retain unto herself all of the purchase money, mortgage money, rent or other considerations or proceeds arising from or out of said property or the disposal thereof for her sole and absolute use; it being the intention of said Grantor to retain unto herself the sole and absolute power to deal with and dispose of said properties absolutely in any manner whatsoever (except by Last Will and Testament) during the term of her natural life in the same manner and to the same extent as if these presents had never been executed.

AND the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property granted; and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said Grantor.

TEST:

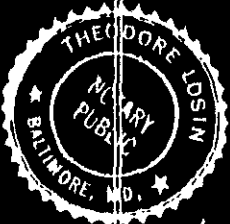
Theodore Losin
THEODORE LOSIN

Elsie Bradley Clubb (SEAL)
ELSIE BRADLEY CLUBB

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 17th day of July, 1964, before me, the subscriber, a Notary Public, of the State of Maryland, in and for the City aforesaid, personally appeared Elsie Bradley Clubb, the within named Grantor, and she acknowledged the foregoing Deed to be her act.

AS WITNESS my hand and Notarial Seal.



My Commission Expires - May, 1965

Theodore Losin
NOTARY PUBLIC

TRANSFER TAX NOT REQUIRED

7-20-64
Norman W. Wood
Director of Finance

Per: Stanley J. Mordein
Authorized Signatory

Rec'd for record JUL 20 1964 at 9:17 AM
Per Robert R. Gill, Clerk
Mail to: Stanley J. Mordein
Receipt No. 118902 \$ 950

GKH/S93104

D E E D

THIS DEED, dated this 30th day of June, in the year nineteen hundred and ninety-three, from FRED P. ECKHARDT, of Carroll County, Maryland, ("the Grantor"), to FREDERICK P. ECKHARDT (sometimes also known as Fred P. Eckhardt) and NANCY G. ECKHARDT, his wife, of Carroll County, Maryland, (collectively, "the Grantees"), WITNESSETH:

WHEREAS, the Grantor holds an undivided one-half interest in the hereinafter-described property as joint tenant with Henry James Eckhardt, of Baltimore County, Maryland; and

WHEREAS, the Grantor desires to sever the joint tenancy and convey his undivided one-half interest in the hereinafter-described property to the Grantees as tenants by the entirety, thereby creating a tenancy in common between the Grantors, possessing an undivided one-half interest, and Henry James Eckhardt, possessing the other undivided one-half interest.

NOW, THEREFORE, in consideration of the premises and other valuable consideration, BUT NO ACTUAL MONETARY CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, FRED P. ECKHARDT, the Grantor, grants and conveys to FREDERICK P. ECKHARDT and NANCY G. ECKHARDT, his wife, the Grantees, as tenants by the entirety, their assigns, the survivor of them, and the personal representatives and assigns of the survivor of them, in fee simple, all of the Grantor's UNDIVIDED ONE-HALF INTEREST in those two (2) lots or parcels of land located in the Fourth Election District of Baltimore County, Maryland, and described as follows:

BEGINNING for the first at a point in or near the center of Cockey's Mill Road (formerly called Benson Mill Road) at the end of the South 26-3/4 degrees East 66-1/4 perches line mentioned in the deed from Charles W. Marsh to James J. McDonnell and wife, dated February 3rd, 1942, and recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1205 folio 539, etc., said point also being the beginning point of a parcel of land deeded by Frederick S. Eckhardt and wife to Clifton Earl Clubb and wife, dated February 7th, 1939, and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. No. 1053, folio 243, etc., running thence as surveyed June, 1945, by line of division North 12 degrees and 59 minutes East 491.7 feet to an iron pipe, North 71 degrees and 4 minutes West 363 feet to a stake intersecting the said 66-1/4 perches line at the end of the first or North 26-3/4 degrees West 38 perches line mentioned in said deed Eckhardt to Clubb, running thence reversely along said line South 22 degrees and 49 minutes East 627 feet to the place of beginning. Containing in all 2.05 acres of land, more or less.

BEGINNING for the second at a stone set up in the ground in the center of the Benson Mill Road, sometimes known as Keyser Avenue, where the lands now or formerly belonging to David Uhlen join the land now or formerly belonging to David Uhlen.

NOT APPLICABLE

SIGNATURE ATDATE 6/30/93

By

Date

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

belonging to William Gore; running thence binding on the lands of the said David Uhler the two following courses and distances: North twenty-six and three-quarter degrees West thirty-eight perches; thence South ten degrees West twenty-nine and eight-tenths perches to a point in the center of the said Benson Mill Road North seventy-seven degrees West twenty-two perches from the first place of beginning; thence binding on the center of said Benson Mill Road South seventy-seven degrees East twenty-two perches to the place of beginning. Containing two acres of land, more or less.

BEING all of the property described in a Deed from Elsie Bradley Clubb to Fred P. Eckhardt, the Grantor, and Henry James Eckhardt, as joint tenants, and not as tenants in common, dated July 17, 1964 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4330, Page 78 et seq.

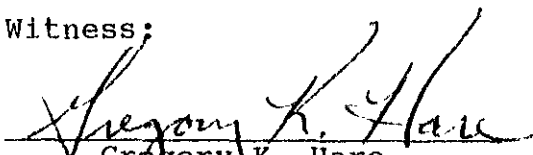
TOGETHER with the buildings and improvements thereon and the rights, alleys, ways, waters, easements, privileges, appurtenances, and advantages thereto belonging or appertaining.

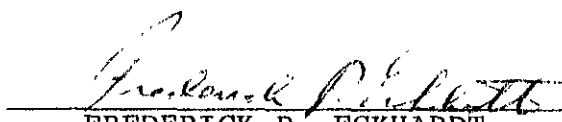
TO HAVE AND TO HOLD the above-described property together with the rights, privileges, appurtenances, and advantages thereto belonging or appertaining, to the proper use and benefit of FREDERICK P. ECKHARDT and NANCY G. ECKHARDT, his wife, the Grantees, as tenants by the entirety, their assigns, the survivor of them, and the personal representatives and assigns of the survivor of them, forever in fee simple.

AND THE GRANTOR hereby covenants that he has not done or suffered to be done any act, matter, or thing whatsoever to encumber the property conveyed; that he will warrant specially the property granted; and that he will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the Grantor has signed this Deed as an instrument under seal on the date first above written.

Witness:


Gregory K. Hare

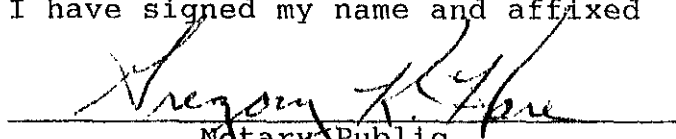
 (SEAL)
FREDERICK P. ECKHARDT

STATE OF MARYLAND, CARROLL COUNTY, TO WIT:

I HEREBY CERTIFY that on this 30th day of June, 1993, before me, the undersigned, a notary public of the State of Maryland, personally appeared FREDERICK P. ECKHARDT, known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the instrument for the purposes therein contained.

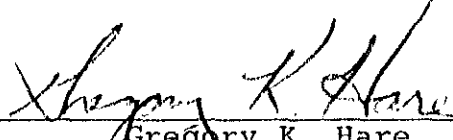
IN WITNESS WHEREOF, I have signed my name and affixed my notarial seal.




Notary Public
My commission expires: 1-1-97

NO TITLE EXAMINATION 3/20

I HEREBY CERTIFY that the foregoing instrument was prepared by, or under the supervision of, the undersigned, an attorney at law duly admitted to practice before the Court of Appeals of the State of Maryland.



Gregory K. Hare

AFTER RECORDING, RETURN TO:
Gregory K. Hare
247 East Main Street
Westminster, Maryland 21157

Baltimore County, Maryland Land Instrument Intake Sheet

(Type or print in black ink only—all copies must be legible)

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, §33-126 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property Article, §12-101 through 12-113, as amended, and Tax-Property Article, §13-101 through 13-408, as amended, it is certified that an instrument of writing dated JUNE 30, 1993 conveying title to, or creating liens or encumbrances upon, real or personal property is offered for record in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows: 04-03-037353

1	Description of Property (Check box(es) for item(s) to be indexed in land records)	☒ Property Tax ID No. <u>04-03-037352 and</u>	☐ Lot/Block	Map/Grid/Parcel No.
		☐ Subdivision/Tract	☒ Lot Acreage <u>2.05 ac./2 mp.</u>	Prior Deed Ref. <u>4330/78</u>
		Street Address (or description if partial conveyance) <u>PICKET S. MILL RD.</u>		
2	Transferred From	Grantor(s) (☐ check box if additional sheets are attached) <u>Fred P. Eckhardt</u>		
3	Transferred To	Owner of record (if different from grantor) <u>Fred P. Eckhardt & Henry James Eckhardt</u>		
4	Type of Instrument	Grantee(s) (☐ check box if additional sheets are attached) <u>Frederick P. Eckhardt (aka Fred P. Eckhardt) Nancy G. Eckhardt, h/wife</u>		
5	Exemptions (Cite authority or explain briefly)	☒ Deed	☐ Assignment of Mtg/DOT	☐ Financing Statement
		☐ Deed of Trust	☐ Contract	☐ Other (Specify)
		☐ Mortgage	☐ Land Installment Cont.	
		☐ Lease	☐ Power of Attorney	
6	Consideration and Tax Calculations Make check payable to Baltimore County, MD (410) 887-2416	Baltimore County Exempt Status Claimed: <u>2 Brothers to 1 under Proper</u> Recordation Tax Exempt Status Claimed: <u>INTEREST TO BROTHER + WIFE</u> State Exempt Status Claimed:		
7	Fees and Recording Instructions Make check payable to Clerk of the Circuit Court (410) 887-2650	Consideration Amount		County Taxes to be Paid
		Purchase Price/Consideration (including any new mortgage)	\$ <u>-0-</u>	Transfer Tax Consideration \$ <u> </u> x 1.6% = \$ <u>-0-</u>
		Real Property		
		Personal Property		
		Balance of Assumed Mortgage		
		Other		
		Total Consideration or Assessed Factor	\$ <u>-0-</u>	Office of Finance Use Only Agent: <u>PAID</u> Tax Bill: <u>PAID</u>
				C.B. Credit: <u> </u> Ag. Tax/Other: <u> </u>
8	Contact/Mail Information	Recording Fees		Special Recording Instructions (if any) <u>16/5</u>
		Recording Charges	\$ <u> </u>	
		State Transfer Tax		
		County Recordation Tax		
		Surcharge		
		Other		
		Total	\$ <u> </u>	
9	Certification	Instrument Prepared By		Return Instrument To
		Name: <u>Gregory K. Hare</u>	Name: <u>SAME</u>	
		Firm: <u>Attorney at Law</u>	Firm: <u> </u>	
		Address: <u>247 East Main St</u>	Address: <u> </u>	Mailing Address for Tax Bill
		Westminster, Md. 21157		Name: <u> </u>
		Phone: <u>410-848-7800</u>		Address: <u>1830 OLD NEW</u>
				<u>WINDSOR RD.</u>
				<u>NEW WINDSOR, MD. 21776</u>
10	Assessment Information (410) 321-2299	I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief. Signature: <u>Gregory K. Hare</u> Date: <u>6-30-93</u>		
		IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER		
		Yes ☒ No ☐	Will grantee be living at property conveyed?	
		Yes ☒ No ☐	Is grantor currently receiving a homeowners' tax credit?	
		Yes ☐ No ☐	Is property conveyed subject to agricultural transfer tax? If yes, enter amount:	
		Yes ☐ No ☐	If agricultural assessment on conveyance is to continue, have you attached a letter of intent?	
		Yes ☒ No ☐	Partial conveyance? If yes, amount of acreage transferred:	
			List improvements conveyed:	
			If subdivision occurred after July 1, indicate former property tax ID number:	
		Optional Expediting Information A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time.		
		Yes ☐ No ☒	Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage:	
		Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage):		
		Location and improvement address:		
		Assessment Use Only - Do Not Write Below This Line		
		Terminal Verification	Deed Plotter	
		Agricultural Verification	Deed Reference	
		Tran Process Verification	Assigned Property No	
		Whole	Desc.	Part

Space Reserved for Circuit Clerk Recording Validation

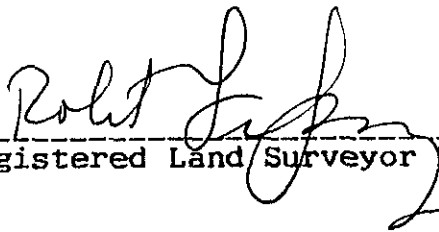
Date: 6/30/93 Sec. 33-129 C

Per:
Baltimore County, Maryland
Director of Finance
TRANSFER TAX NOT REQUIRED

Space Reserved for County Transfer Tax

DESCRIPTION OF A 2.020 ACRE PARCELPARCEL 1

BEGINNING for the same at a point at the end of the North 12°59' East 491.7 foot line, Part One, of a tract of land conveyed unto FREDERICK P. ECKHARDT and NANCY G. ECKHARDT, his wife, by deed dated June 30, 1993 and recorded among the Land Records for Baltimore County in Liber 9864, folio 459, running thence reversely on said line South 03°47'25" West 494.26 feet to a point in or near the center of Cockey's Mill Road; thence with the centerline of said Road with a line curving to the left having a radius of 1960.95 feet for an arc length of 180.19 feet; said curve having a chord of North 80°25'49" West 180.13'; thence leaving said Road North 03°40'32" East 487.68 feet; thence South 82°32'27" East 180.56 feet to the place of beginning. Containing 2.020 acres of land, more or less.



Registered Land Surveyor No. 6034

MAKE CHECKS
PAYABLE TO:
BALTIMORE COUNTY, MD.

BALTIMORE COUNTY, MARYLAND
STATE AND COUNTY REAL PROPERTY TAXES

TAXPAYER'S COPY
DETACH AND RETAIN
TELEPHONE: 887-2403

LEVY PERIOD
JULY 1, 1993-JUNE 30, 1994

ELECTION DISTRICT
04

BILL CODE
1-1

ASSESSMENT
21,460

PROPERTY NUMBER YEAR
04-03-037352 94 1

BILL DATE
07/01/93

METROPOLITAN CHARGES

SEWER BENEFIT
SEWER SERVICE
WATER BENEFIT
WATER DISTRIBUTION
TOTAL METROPOLITAN

OWNER'S NAME AND ADDRESS

ECKHARDT FRED P
ECKHARDT HENRY JAMES
1850 OLD NEW WINDSOR
NEW WINDSOR MD 21776

PROPERTY STATUS
NON-OWNER
OCCUPIED

COUNTY TAX
STATE TAX

RATE
PER \$100

2.865
.21

CHARGES

614.83
45.07

PROPERTY DESCRIPTION

7920 N OF REISTERSTOWN
2.05 AC REAR NS
COCKEYS MILL RD

LOT BLOCK SEC PLAT BOOK FOLIO
00 000

CONSTANT YIELD 2.791 DIFFERENCE 0.074

GROSS BILL 659.90

INTEREST/
DISCOUNT

NET
TOTAL

MAKE CHECKS
PAYABLE TO:
BALTIMORE COUNTY, MD.

BALTIMORE COUNTY, MARYLAND
STATE AND COUNTY REAL PROPERTY TAXES

TAXPAYER'S COPY
DETACH AND RETAIN
TELEPHONE: 887-2403

LEVY PERIOD
JULY 1, 1993-JUNE 30, 1994

ELECTION DISTRICT
04

BILL CODE
1-1

ASSESSMENT
21,400

PROPERTY NUMBER YEAR
04-03-037353 94 9

BILL DATE
07/01/93

METROPOLITAN CHARGES

SEWER BENEFIT
SEWER SERVICE
WATER BENEFIT
WATER DISTRIBUTION
TOTAL METROPOLITAN

OWNER'S NAME AND ADDRESS

ECKHARDT FRED P
ECKHARDT HENRY JAMES
1850 OLD NEW WINDSOR
NEW WINDSOR MD 21776

PROPERTY STATUS
NON-OWNER
OCCUPIED

COUNTY TAX
STATE TAX

RATE
PER \$100

2.865
.21

CHARGES

613.11
44.94

PROPERTY DESCRIPTION

7920 N REISTERSTOWN RD
2 AC NS COCKEYS MILL
COCKEYS MILL RD

LOT BLOCK SEC PLAT BOOK FOLIO
00 000

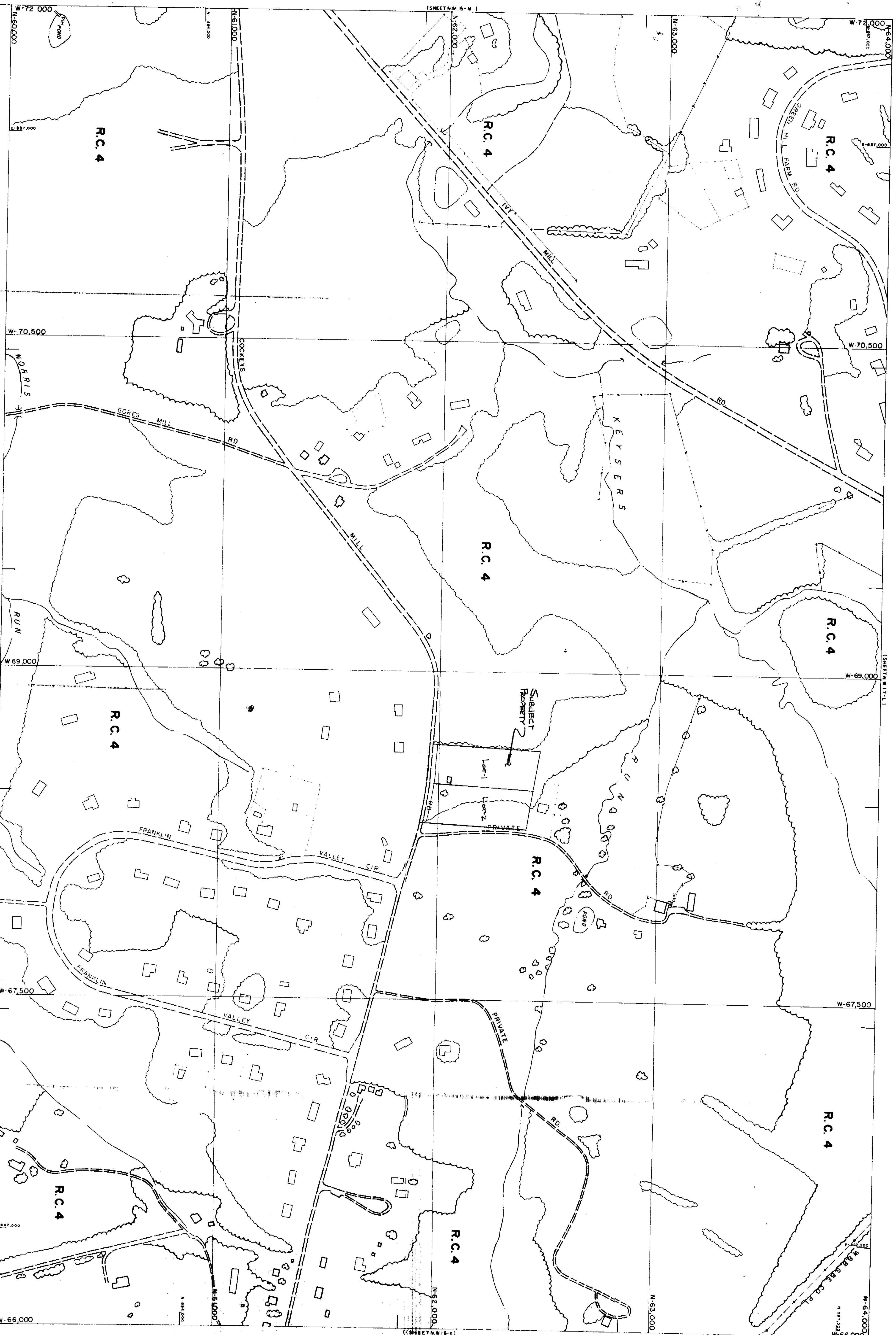
CONSTANT YIELD 2.791 DIFFERENCE 0.074

GROSS BILL 658.05

INTEREST/
DISCOUNT

NET
TOTAL

PETITIONER'S
EXHIBIT 4



Y	X
-	-
2	5
E	E

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

~~1988 COMPREHENSIVE ZONING MAP
Adopted by the Board of County Council
On 11, 1988
BHM Nos. 144-86, 145-88, 145-89, 146-89, 147-89, 148-89, 149-89, 150-89~~

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

SCALE
1" = 200'

LOCATION	

SHEET

William A. House
Chairman, County Council

OF
PHOTOGRAPH
JANUARY
1995

REISTERSTOWN

N. H.

95-37654H

325 #

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS: 810 COCKEY'S MILL ROAD

SUBDIVISION NAME: ECKHARDT PROPERTY
TAX MAP: 4B BLOCK 8 PARCEL 333

OWNER: FREDERICK P ECKHARDT &
NANCY G. ECKHARDT, M/W

9864-459
JUNE 30, 1993

TAX ACCOUNT NUMBERS - P1: 0403037352
P2: 0403037353

Current Property Lines/Old Metes/Bounds
Proposed Property Lines/Modern Survey

PLAT 3 OF 3
"GOULINE PROPERTY"
PLATBOOK 65, PAGE 004
- EXISTING ZONING: RC-4

FIRST AMERICAN PROPERTIES
OF MARYLAND
TAX ACCT # 32000140513



EXISTING DWELLING
(UNDER CONSTRUCTION)

EX WELL

UTILITY POLE
UNRELIABLE NUMBER

18.5 TAR SCHIP
Beg. Proposed Parcel Two

COCKEY'S

EX WELL

BRICK &
ALUM
5th LEVEL

EX DWELLING
#631 COCKEY'S MILL ROAD
DARRELL L. STUART &
FRANCINE I. STUART
TAX ACCT # 1700011281

2 STORY
BRICK
ALUM

EX DWELLING
#629 COCKEY'S MILL ROAD
QUINCY C. MASON &
PATRICIA MASON
TAX ACCT # 1700011282

SECTION TWO
"FRANKLIN VALLEY"
PLATBOOK 40, PAGE 79
- EXISTING ZONING: RDP

GREGORY M. JONES
ELAINE F. JONES
TAX ACCT # 1700011285

ECKHARDT PROPERTY
NORTH SIDE OF COCKEY'S MILL ROAD
4TH ELECTION DISTRICT, BALTIMORE CO., MD

N/F
ROBERT R. HIGGS &
BETTY S. HIGGS M/W
3395 ~ 4666
AUGUST 7, 1958

EXISTING
SEPTIL
CO

EXIST. DWELLING
#638 COCKEY'S MILL ROAD
TAX ACCT # 0408055620

1 STORY
BRICK

EX WELL

PIPE FOUND

Beg. Proposed Parcel One

EXISTING
PARCEL-1
(#0403037352)
2.05 AC ±

PROPOSED PARCEL-1
2.020 AC ±

PROPOSED PARCEL-2
2.028 AC ±

WOODED

EXISTING
PARCEL-2
(#0403037353)
2.0 AC ±

OLD
FOUNDATION

N 12° 59' E 491.7
S 03° 47' 25" W

491.7

491.7

491.7

491.7

491.7

491.7

491.7

491.7

491.7

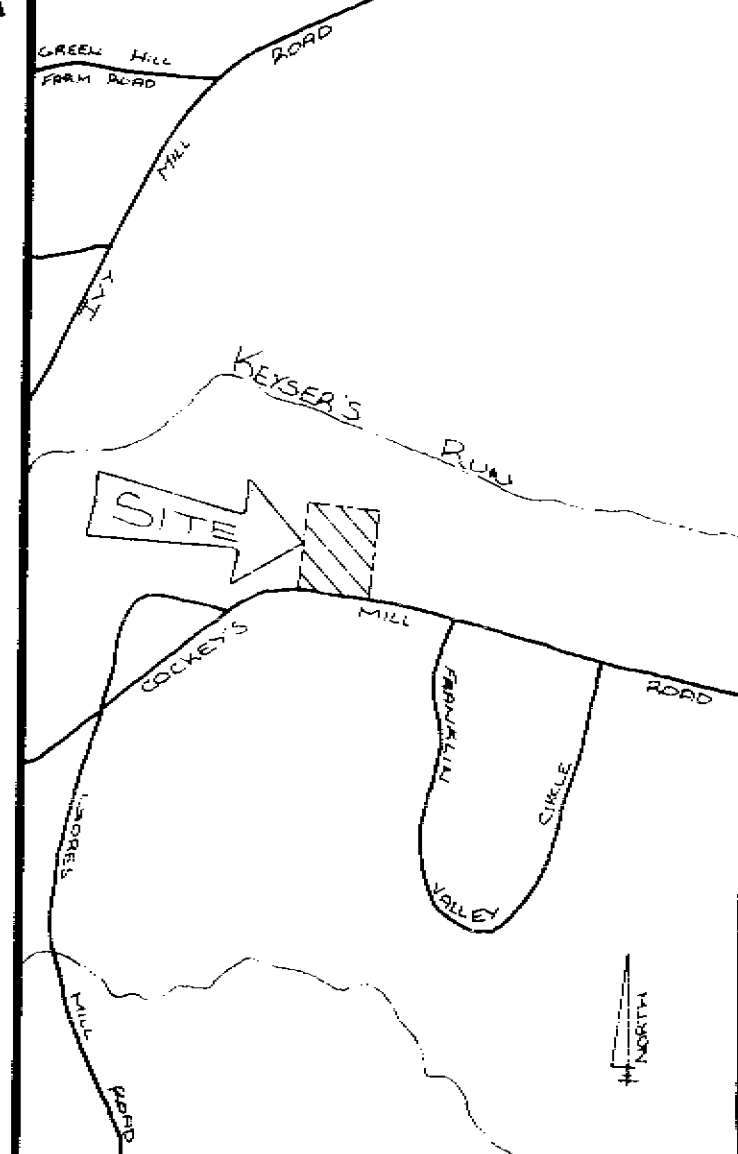
491.7

491.7

491.7

491.7

491.7



VICINITY MAP
SCALE: 1"=1000'

LOCATION INFORMATION

COUNCILMATIC DISTRICT: 3

ELECTION DISTRICT: 4

1"=200' SCALE MAP

ZONING: RC-4

LOT SIZE: 4.047 AC ± 176,287.32 sq ft
ACREAGE SQUARE FEET

SEWER: ☐ ☒
WATER: ☐ ☒

CHESAPEAKE BAY CRITICAL AREA: ☐ ☒

PRIOR ZONING HEARINGS:

95-376-SPH
PETITIONER'S
EXHIBIT 1

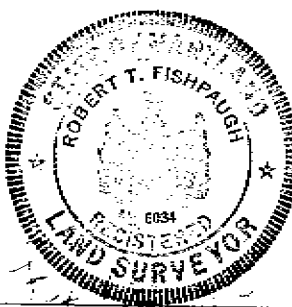
REVISED: 4/5/05 BEG POINT
REVISION: 12-11-05 NE

ZONING OFFICE USE ONLY!

REVIEWED BY: ITEM # CASE #

R.T.F., INC.
PROFESSIONAL LAND SURVEYORS
142 East Main Street
Westminster, Maryland 21157
876-1222 848-2040

Checked By: A.S. Date: 11-29-04
Drawn By: J.B. Date: 4-29-04
Scale: 1"=50' Job No: 94-C61



ROBERT T. FISHPAUGH R.L.S. #6034

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS: 810 COCKEY'S MILL ROAD

SUBDIVISION NAME: ECKHARDT PROPERTY
TAX MAP: 48 BLOCK: 8 PARCEL: 333

OWNER: FREDERICK P. ECKHARDT &
NANCY G. ECKHARDT, M/W

9864~459
JUNE 30, 1993

TAX ACCOUNT NUMBERS - R1: 0403037352
R2: 0403037353

N/F
ROBERT B. HIGGS &
BETTY S. HIGGS M/W
3395~466
AUGUST 7, 1958

EXIST. DWELLING
#638 COCKEY'S MILL ROAD
TAX ACCT. #0408055620

PLAT 3 OF 3
"GOULINE PROPERTY"
PLATBOOK 65, PAGE 004
-EXISTING ZONING: RC-4

FIRST AMERICAN PROPERTIES
OF MARYLAND
TAX ACCT. # 2200014093

N/F
NORMA J. SULLIVAN &
BETTY S. HIGGS
7804~507
FEBRUARY 1, 1988
TAX ACCT. # 0419032925

TOTAL AREA
4.048 AC.±

VICINITY MAP
SCALE: 1"=1000'

LOCATION INFORMATION

COUNCILMATIC DISTRICT: 3

ELECTION DISTRICT: 4

1"=200 SCALE MAP: NW-1/4

ZONING: RC-4

LOT SIZE: 4.047 AC.± 176,287.32²
ACREAGE SQUARE FEET

SEWER: ☐ PUBLIC ☒ PRIVATE
WATER: ☐ PUBLIC ☒ PRIVATE

CHESAPEAKE BAY CRITICAL AREA: ☐ YES ☒ NO

PRIOR ZONING HEARINGS:

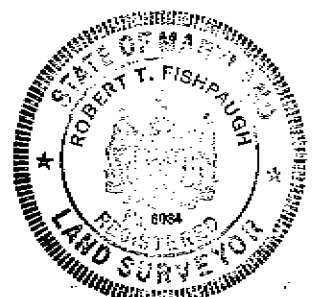
MICROFILMED

95-376-SPH

REVISED: 4/5/95 BEG. POINT
REVISED: 3.17.95 PL

ZONING OFFICE USE ONLY!

REVIEWED BY:	ITEM #	CASE #
MLK	365	



ROBERT T. FISHPAUGH R.L.S. #6034

R.T.F., INC.
PROFESSIONAL LAND SURVEYORS

142 East Main Street
Westminster, Maryland 21157
876-1222 848-2040

Checked By: A.S. Date: 11-23-94
Drawn By: TJB Date: 4-29-94
Scale: 1"=50' Job #: 94-601

COCKEY'S

MILL

ROAD

SECTION TWO
"FRANKLIN VALLEY"
PLATBOOK 40, PAGE 79
-EXISTING ZONING: RDP

ECKHARDT PROPERTY
NORTH SIDE OF COCKEY'S MILL ROAD
4TH ELECTION DISTRICT, BALTIMORE CO., MD.

BRICK &
ALUM.
B1-LEVEL

EX. DWELLING
#631 COCKEY'S MILL ROAD
DARRELL J. STUART &
FRANKLIN J. STUART
TAX ACCT. # 1700011281

2 STORY
BRICK
ALUM.

EX. DWELLING
#629 COCKEY'S MILL ROAD
QUINCY C. MASON &
PATRICIA MASON
TAX ACCT. # 1700011282

GREGORY M. JONES
ELAINE F. JONES
TAX ACCT. # 1700011285



NOTE: COORDINATES BASED ON THE FOLLOWING BALTIMORE COUNTY CONTROL.

STATION	NORTH	WEST
10/04	61789.12	68862.87
10/05	61922.85	68810.34

NOTE: THERE ARE NO WELLS WITHIN 100' OF THIS PROPERTY, UNLESS SHOWN HERE ON.

NOTE: LOT-1 SEPTIC SYSTEM TO BE INSTALLED @ MIN. DEPTH OF 4'
LOT-2 SEPTIC SYSTEM TO BE INSTALLED @ MIN. DEPTH OF 5'

AREA OF DISTURBANCE

LOT 1	20,400 ±
LOT 2	25,040 ±
TOTAL	45,040 ±

PLAT 3 OF 3
"GOULINE PROPERTY"
PLATBOOK 65, PAGE 004
-EXISTING ZONING: RC-4

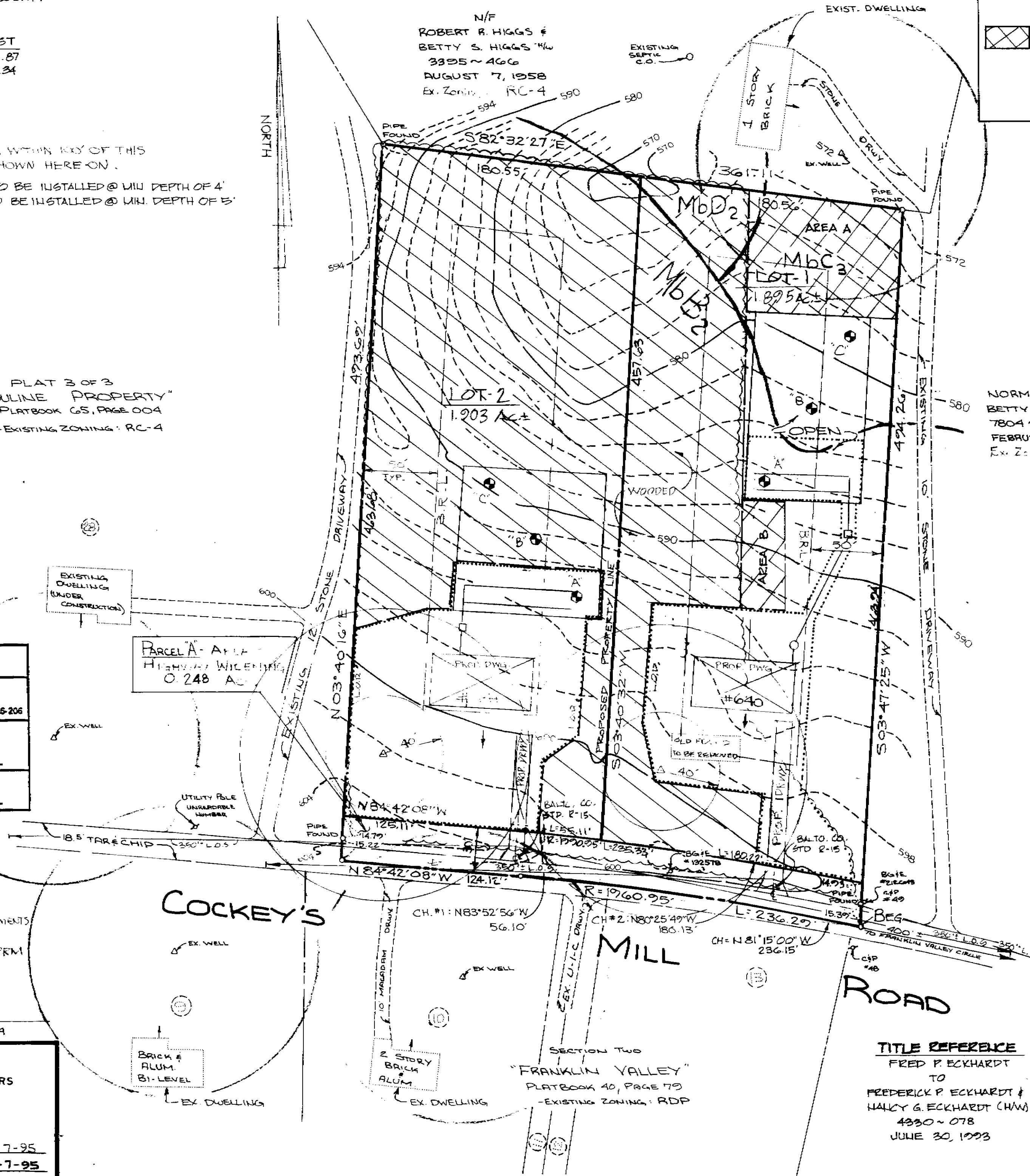
BALTIMORE COUNTY MINOR SUBDIVISION Project No. 95197M	
DEVELOPMENT REGULATIONS ☐ Exempt from Division 2 ☐ Panhandle, exempt from Sections 25-202 & 25-206	
ZADM CERTIFICATION ☐ Approved ☐ Disapproved	
By: _____	Date: _____
APPROVED, DEPRM	
By: _____	Date: _____

REVISED: 1-4-96 - COUNTY COMMENTS
REVISED: 12-4-95
REVISED: 10/1/95
REVISED: 9/11/94

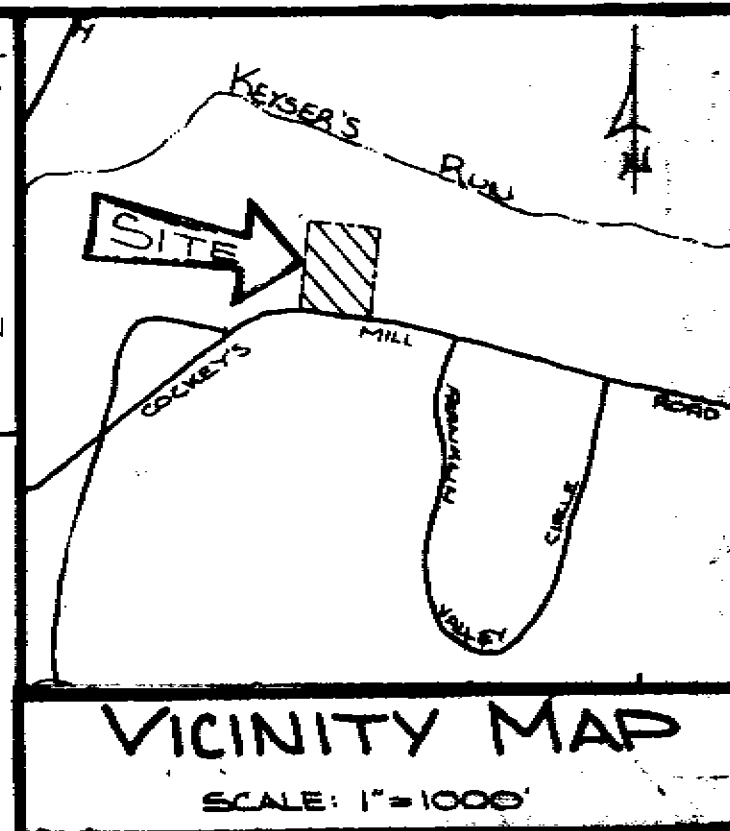
ROBERT T. FISHPAUGH 6034

R.T.F., INC.
PROFESSIONAL LAND SURVEYORS
142 East Main Street
Westminster, Maryland 21157
876-1222 848-2040

Checked By: A.S. Date: 6-7-95
Drawn By: J.B. + A.R.B. Date: 6-7-95
Scale: 1" = 50' Job No: 94-61



- ☒ FOREST CONSERVATION EASEMENT (2.0 AC ±)
- ☒ REFORESTATION AREA-A (0.2 AC ±)
- ☒ REFORESTATION AREA-B (0.05 AC ±)



DATA BLOCK

- GROSS AREA: 4.046 AC ±
- NET AREA: 3.798 AC ±
- EXISTING ZONING: RC-4
- No. of LOTS ALLOWED: TWO
- No. of LOTS PROPOSED: TWO
- ELECTION DISTRICT: 4
- COUNCILMANIC DISTRICT: 3
- CENSUS TRACT: 404800
- WATERSHED: No Service Area/32
- SOIL TYPE: MbB2 MAP: 20
- DEED REFERENCE: 9864 ~ 459
- TAX ACCOUNT NO.: P-1 = 0403037352
P-2 = 0403037353
- SUB-SEWER: No Service Area 32

TO THE BEST OF MY KNOWLEDGE, THERE ARE NO:

- HISTORIC BUILDINGS ON SITE.
- WETLANDS AREAS
- CRITICAL AREAS
- ARCHAEOLOGICAL AREA
- ENDANGERED SPECIES HABITAT
- EX. WELLS, SEPTICS OR UNDERGROUND STORAGE TANKS
- HAZARDOUS MATERIALS ON THIS SITE.

PETITION FOR SPECIAL HEARING
CASE # 95-376-SPH
GRANTED: LOT LINE ADJUSTMENT TO RECONFIGURE 2 EX. TRIANGULAR SHAPED LOTS INTO 2 RECTANGULAR SHAPED PARCELS.

NOTE: L.O.S. DENOTES LIMIT OF SIGHT.
NOTE: AREAS BETWEEN THE SIGHT & CURB LINE MUST BE CLEARED, GRADED & KEPT FREE OF ANY OBSTRUCTION.

MINOR SUBDIVISION OF ECKHARDT PROPERTY

NORTH SIDE OF COCKEY'S MILL ROAD
4TH ELECTION DISTRICT BALTO. CO., MD.

for
OWNER/DEVELOPER

FREDERICK P. ECKHARDT +
NANCY G. ECKHARDT HW
1850 OLD NEW WINDSOR RD.
NEW WINDSOR, MD. 21776

TITLE REFERENCE

FRED P. ECKHARDT
TO
FREDERICK P. ECKHARDT +
NANCY G. ECKHARDT (HW)
4330 ~ 078
JULIE 30, 1993

MICROFILMED

Co. # 95197m

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

PROPERTY ADDRESS: 810 COCKEY'S MILL ROAD

SUBDIVISION NAME: ECKHARDT PROPERTY
TAX MAP: 48 BLOCK: 8 PARCEL: 333

OWNER: FREDERICK P. ECKHARDT &
NANCY G. ECKHARDT, M/W
4330/78
JULY 17, 1964

N/F
ROBERT R. HIGGS &
BETTY S. HIGGS M/W
3395 ~ 4666
AUGUST 7, 1958

EXIST. DWELLING
#638 COCKEY'S MILL ROAD
TAX ACCT. # 0408055620

PLAT 3 OF 3
"GOULINE PROPERTY"
PLATBOOK 65, PAGE 004
-EXISTING ZONING: RC-4

FIRST AMERICAN PROPERTIES
OF MARYLAND
TAX ACCT. # 2200014093

N/F
NORMA J. SULLIVAN &
BETTY S. HIGGS
7804 ~ 507
FEBRUARY 1, 1988
TAX ACCT. # 0419032925

VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

COUNCILMATIC DISTRICT: 3

ELECTION DISTRICT: 4

1" = 200' SCALE MAP: NW - L - 16

ZONING: RC-4

LOT SIZE: 40.47 AC ± 176,287.32 ±
ACREAGE SQUARE FEET

SEWER: ☐ PUBLIC ☒ PRIVATE
WATER: ☐ PUBLIC ☒ PRIVATE

CHESAPEAKE BAY CRITICAL AREA: ☐ YES ☒ NO

PRIOR ZONING HEARINGS:

ZONING OFFICE USE ONLY!

REVIEWED BY:	ITEM #	CASE #

NORTH

COCKEY'S

MILL

ROAD

SECTION TWO
"FRANKLIN VALLEY"
PLATBOOK 40, PAGE 79
-EXISTING ZONING: RDP

ECKHARDT PROPERTY

NORTH SIDE OF COCKEY'S MILL ROAD
4TH ELECTION DISTRICT, BALTIMORE CO., MD.

R.T.F., INC.
PROFESSIONAL LAND SURVEYORS

142 East Main Street
Westminster, Maryland 21157
876-1222 848-2040

Checked By: JTB Date: 4-22-94
Drawn By: JTB Date: 4-22-94
Scale: 1" = 50' Job No: 94-C61

BRICK &
ALUM
B1 LEVEL

-EX DWELLING
#631 COCKEY'S MILL ROAD
DARRELL STUART &
FRANCINE I. STUART
TAX ACCT. # 1700011281

2 STORY
BRICK
ALUM

-EX DWELLING
#629 COCKEY'S MILL ROAD
QUINCY C. MASON &
PATRICIA MASON
TAX ACCT. # 1700011282

GREGORY M. JONES
ELAINE F. JONES
TAX ACCT. # 1700011285

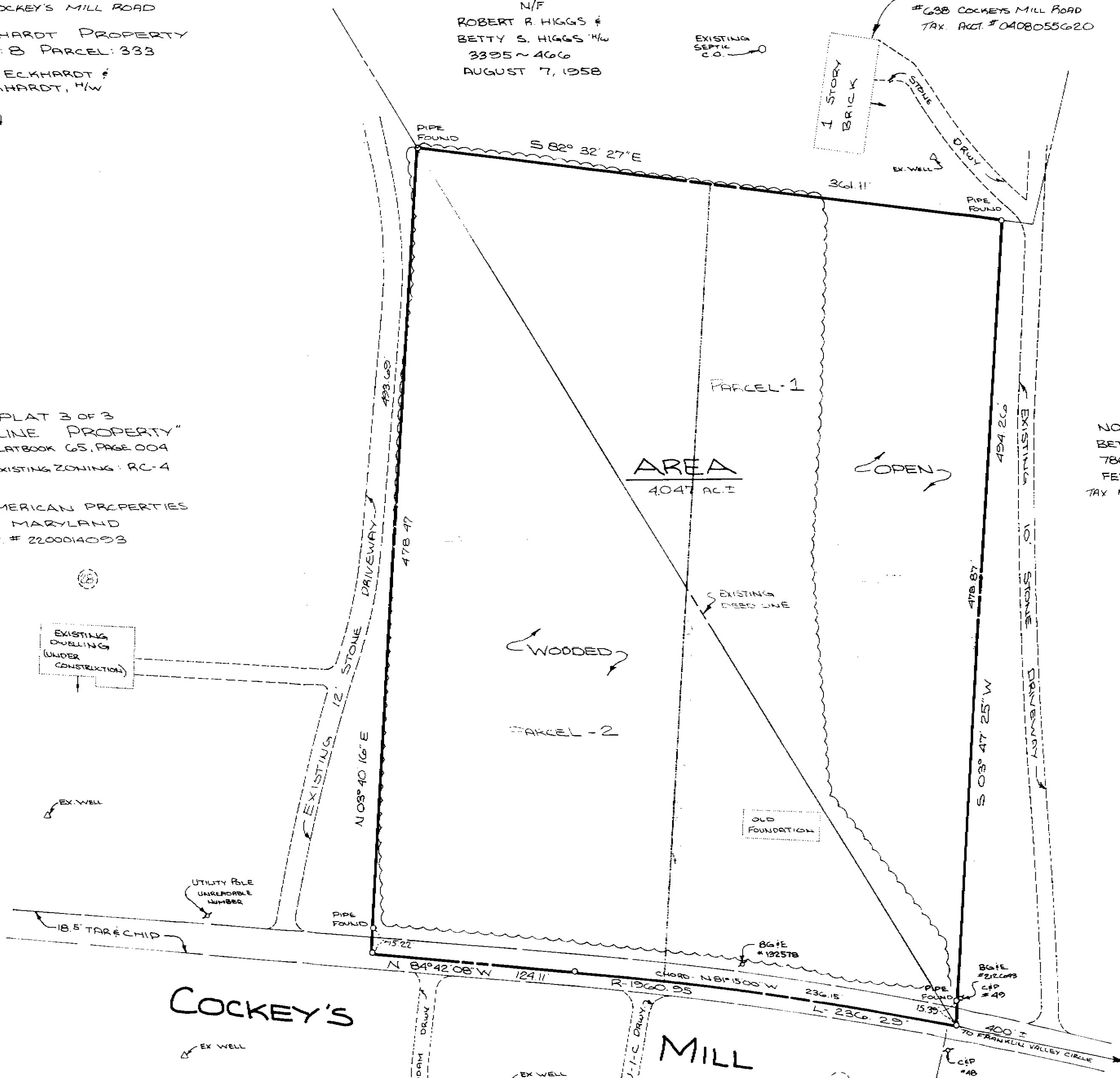
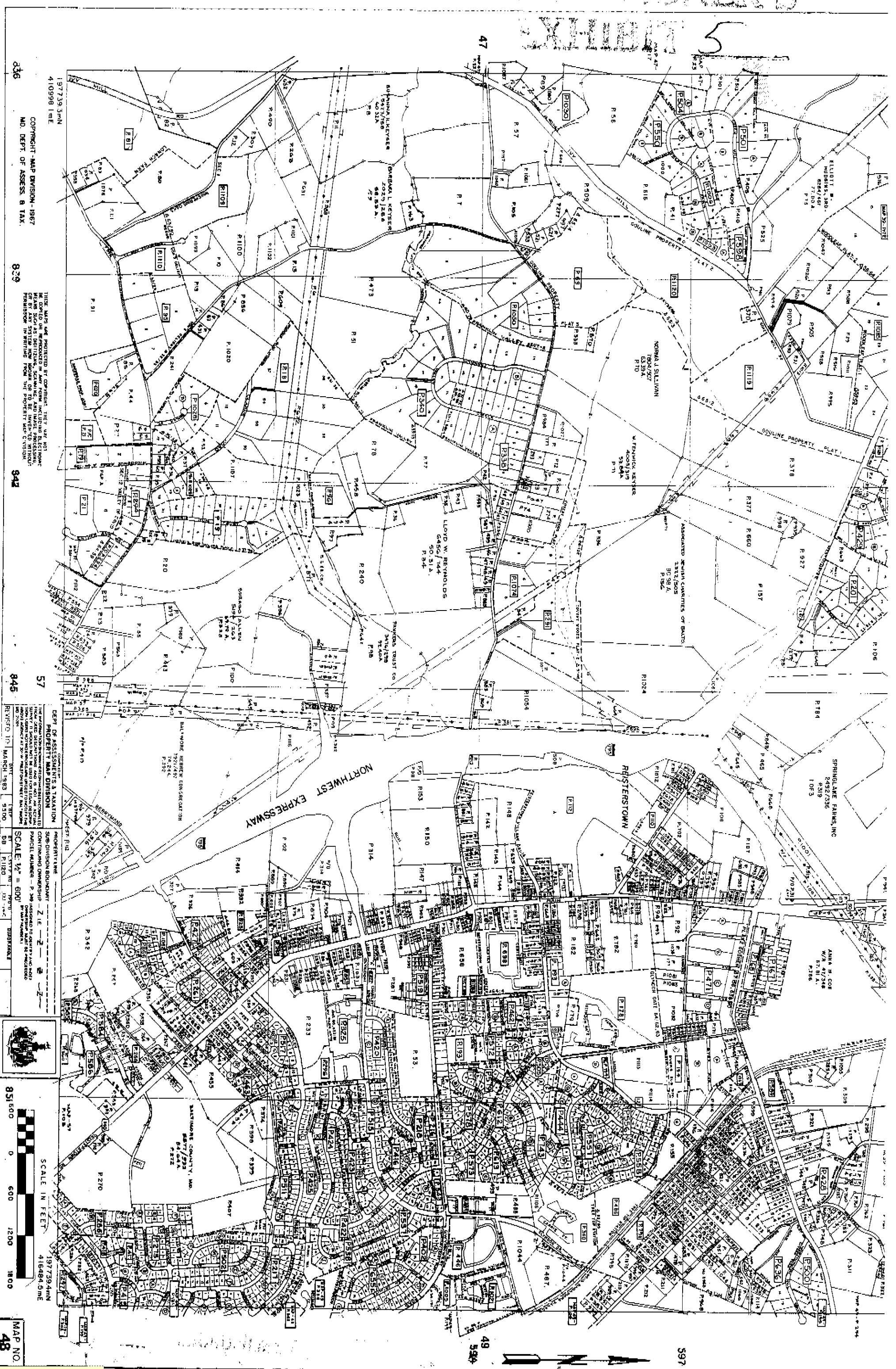


EXHIBIT 5



197739 3rd N
410998 1st E
COPYRIGHT - MAP DIVISION - 1967
MD. DEPT. OF ASSESS. & TAX.

836
839
842
845
57

DEPT. OF ASSESSMENTS & TAXATION
PROPERTY MAP DIVISION
CONTINUING OWNERSHIP - Z 1 E - Z 2 - Z 3
SCALE 1" = 600'
MARCH 1983

851 600 0 600 1200 1800
SCALE IN

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
N/S Cockey's Mill Road, 400' N of * DEPUTY ZONING COMMISSIONER
Franklin Valley Circle (810 Cockey's Mill Road) * OF BALTIMORE COUNTY
4th Election District * Case No. 95-376-SPH
3rd Councilmanic District
Frederick P. Eckhardt, et al
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 810 Cockey's Mill Road, located in the vicinity of Reisterstown. The Petition was filed by the owners of the property, Frederick P. Eckhardt, his wife, Nancy G. Eckhardt, and his brother, Henry James Eckhardt, through their attorney, Newton A. Williams, Esquire. The Petitioners seek approval of a lot line adjustment to reconfigure two existing triangular shaped lots of approximately 2.00 acres each into two rectangular shaped parcels of the same size. The subject property and relief sought are more particularly shown on the site plan submitted and accepted into evidence as Petitioner's exhibit 1.

Appearing at the hearing on behalf of the Petition were Frederick and Nancy Eckhardt, Patricia Cull, Robert T. Fishbaugh, Registered Land Surveyor, Douglas L. Burgess, Esquire, who appeared to represent the Petitioners on behalf of Mr. Williams, and Stephanie A. Jordan, Legal Assistant. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 4.047 acres, more or less, zoned R.C. 4 and is comprised of two unimproved triangular-shaped parcels as shown on Petitioner's Exhibit 1. At the present time, Parcel 1 contains 2.05 acres and Parcel 2 contains

2.0 acres. The Petitioners are desirous of reconfiguring the property to create two rectangular shaped lots which would be more in keeping with the character of other properties in this area. In addition, the proposed reconfiguration would create two parcels that could be better utilized for development with single family residences. After the lot line adjustment, Proposed Parcel 1 would consist of 2.020 acres, and Parcel 2 would contain 2.028 acres. Testimony indicated there will be no increase in density as a result of the proposed lot line adjustment as each lot is permitted one density unit as of right, and there will be no further subdivision of either of these parcels.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of June, 1995, that the Petition for Special Hearing to approve a lot line adjustment to reconfigure two existing triangular shaped lots into two rectangular shaped parcels, in accordance with Petitioner's Exhibit 1, 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

- 2 -

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with the Zoning Plans Advisory Committee comments submitted by Robert W. Bowling, Chief, Developers Engineering Section of the Department of Public Works, dated May 8, 1995, a copy of which has been attached hereto and made a part hereof.

3) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Administration and Development Management (ZADM) office for inclusion in the case file.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

June 12, 1995

(410) 887-4386

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

Newton A. Williams, Esquire
Douglas L. Burgess, Esquire
Nolan, Plumbhoff & Williams
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
N/S Cockey's Mill Road, 400' N of Franklin Valley Circle
(810 Cockey's Mill Road)
4th Election District - 3rd Councilmanic District
Frederick P. Eckhardt, et al - Petitioners
Case No. 95-376-SPH

Dear Messrs. Williams & Burgess:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Frederick P. Eckhardt
1850 Old New Windsor Pike, New Windsor, Md. 21776

People's Counsel

file

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at N/S Cockey's Mill Road, 400' N of Franklin Valley Circle which is presently zoned R.C. 4

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 a lot/parcel line adjustment to reconfigure two (2) existing triangular shaped lots/parcels of about two (2) plus acres each into two (2) rectangular shaped parcels of about two (2) plus acres each.

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.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature

Address
City State Zipcode

Attorney for Petitioner:
Newton A. Williams
Nolan, Plumbhoff & Williams, Chtd.
(Type or Print Name)
Signature
700 Court Towers
210 W. Pennsylvania Ave., 823-7800
Towson, Maryland 21204

Who do I submit this petition and affidavit, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Frederick P. Eckhardt, HENRY JAMES ECKHARDT
(Type or Print Name)
Signature
Frederick P. Eckhardt, Henry James Eckhardt

Nancy G. Eckhardt
(Type or Print Name)
Signature
Nancy G. Eckhardt

1850 Old New Windsor Pike
Address Phone No.

New Windsor, Maryland 21776 (848-3747)
City, State, Address and phone number of representative to be contacted. Zipcode

Newton A. Williams
Nolan, Plumbhoff & Williams, Chtd.
Name 700 Court Towers
210 W. Pennsylvania Ave., 21204 - 823-7800
Address Phone No.

ESTIMATED LENGTH OF HEARING: 1 hr.
available for hearing

RECEIVED BY: *TMK* DATE: 6/12/95

94-61

April 5, 1995
Page 1 of 1

DESCRIPTION OF A 4.048 ACRE PARCEL

BEGINNING for the same at a point in or near the centerline of Cockey's Mill Road, said point being Westerly 400.0 feet, more or less, from Franklin Valley Circle; thence with the following courses and distances with the centerline of said Road with a line curving to the left having a radius of 1960.95 feet for an arc length of 236.29 feet; said curve having a chord of North 81°15'00" West 236.15 feet; thence North 84°42'08" West 124.11 feet to a point; thence leaving said Road North 03°40'16" East 493.69 feet to a point; thence South 92°32'27" East 361.11 feet; thence South 03°47'25" West 494.26 feet to the place of beginning. Containing 4.048 acres of land, more or less.

Robert T. Fishbaugh
Registered Land Surveyor No. 6034

365

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 44 Date of Posting: 5/17/95
Posted for: Special Hearing
Petitioner: Frederick P. Eckhardt, Henry James Eckhardt
Location of property: N/S Cockey's Mill Rd., W. Franklin Valley Circle
Location of Signs: Posting on driveway on parcel being rezoned
Remarks:
Posted by: *Timothy M. Kotroco* Date of return: 5/18/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/5, 1995

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 5/4, 1995.

THE JEFFERSONIAN,
Al. Henrichson
LEGAL AD. - TOWSON

Baltimore County
Zoning Administration &
Development Management
111 W. Lincoln Avenue
Towson, Maryland 21204

receipt
95-376-SPH

Date 4/11/95

Account R 001-6150

Number

Taken In Pay: 200K
Item: 365

Eckhardt, Frederick P. - N/S Cockey's Mill Rd.,
W. Franklin Valley Circle

0400 Special Hearing - \$ 250.00

CK - 1 sign - \$ 35.00

Total - \$ 285.00

33403W0109M1CHRC
BA C099:36AM04-19-95 \$285.00

Please Make Checks Payable To Baltimore County

Cashier Validation

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.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 365
Petitioner: Frederick P. Eckhardt
Location: N/S of Cockeys Mill Rd, 400' N Franklin Valley Circle
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Newton A. Williams, Esquire, 210 W. Pennsylvania Avenue
ADDRESS: 700 East Towson
210 W. Pennsylvania Ave, Towson, MD 21204
PHONE NUMBER: 823-7800

AJ:ggg

(Revised 04/09/93)

Printed with Soybean Ink
on Recycled Paper

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: 95-376-SPH (Item 365)
(no address)
N/S Cockeys Mill Road, 400' W of c/l Franklin Valley Circle
4th Election District - 3rd Councilmanic
Legal Owner(s): Frederick P., Nancy G., and Henry James Eckhardt
HEARING: WEDNESDAY, MAY 31, 1995 at 10:00 a.m. in Room 118 Old Courthouse.

Special Hearing to approve a lot/parcel line adjustment to reconfigure 2 existing triangular shaped lots/parcels of about 2 plus acres each into 2 rectangular shaped parcels of about 2 plus acres each.

Arnold Jablon
Arnold Jablon
Director

cc: Frederick P. Eckhardt, et al
Newton A. Williams, 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 AT 887-3351.

Printed with Soybean Ink
on Recycled Paper

Newton A. Williams, Esquire
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 365
Case No.: 95-376-SPH
Petitioner: F. P. Eckhardt, et ux

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 19, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 8, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section
RE: Zoning Advisory Committee Meeting
for May 8, 1995
Item No. 365

The Developers Engineering Section has reviewed the subject zoning item. Cockeys Mill Road is an existing road, which shall ultimately be improved as a 50-foot street cross-section on a 70-foot right-of-way. Show the right-of-way to establish the building setback lines.

RWB:aw

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

TO: Mr. Arnold Jablon, Director May 11, 1995
Zoning Administration and Development Management
FROM: J. Lawrence Pilson, JLP
Development Coordinator, DEPRM
SUBJECT: Zoning Item #365 - Eckhardt Property
810 Cockeys Mill Road
Zoning Advisory Committee Meeting of May 1, 1995

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

Ground Water Management

Prior to development as dwelling lots, soil percolation tests must be conducted on each parcel.

JLP:TE:sp

ECKHARDT/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 10, 1995
Zoning Administration and Development Management
FROM: Pat Keller, 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. 365, 366 and 389.

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

Prepared by: *Jeffrey W. Long*
Division Chief: *Jeffrey W. Long*

PK/JL

ZAC365/PZONE/ZAC1

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

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

Dear Ms. Watson:

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 project.

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
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/05/95

Arnold Jablon
Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1100

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAY 1, 1995.

Item No.: SEE BELOW Zoning Agenda:

Geotieson

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be connected or incorporated into the final plans for the property.

9. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 362, 363, 364, 365, 366, 367, 368, 370, 371, 372, 373, 374, 375, 376 and 377.

RECEIVED
MAY 8 1995
ZADM

REVIEWER: LT. ROBERT P. SQUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1100F

cc: File

Printed on Recycled Paper

RE: PETITION FOR SPECIAL HEARING
N/S Cockeys Mill Road, 400' W of c/l
Franklin Valley Circle, 4th Election
District, 3rd Councilmanic
Frederick, Nancy, and Henry Eckhardt
Petitioners
* * * * *
BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-376-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice 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
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

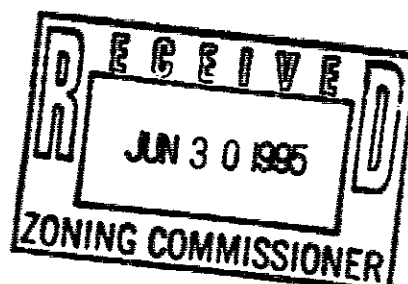
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

NOLAN, PLUMHOFF AND WILLIAMS, CHTD.
210 W. PENNSYLVANIA AVE., STE. 700
TOWSON, MARYLAND 21204
410-823-7800
FAX: 410-296-2765

June 18, 1995



Timothy M. Kotroco
Deputy Zoning Commissioner
Old Court House
Towson, MD 21204

RE: Eckhardt, Case No. 95-376-SPH

Dear Commissioner:

I am in receipt of your decision of June 12, 1995 in the above captioned matter and thank you for the same. Kindly accept this letter as a motion to revise and amend the same.

On the top of page two of the decision you state that no there will be no increase in density created by the lot line adjustment. I would like an additional line of text therabouts to state that each lot has one density unit consistent with our proffer regarding grand fathering of the old RSD zone at the hearing on this matter. This additional line of text will prevent any possible delays or confusion that may occur at the building permit level.

Kindest regards,

Douglas L. Burgess
Douglas L. Burgess
Attorney

DLB

cc: Mr. and Mrs. Frederick P. Eckhardt
1850 Old New Windsor Pike
New Windsor, MD 21776

Response of Deputy Zoning Commissioner:

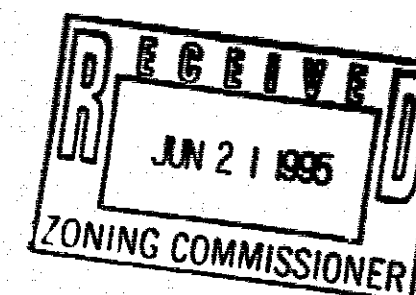
Please accept my countersignature on this letter as confirmation of one density unit for each lot shown on the plan to accompany special hearing in this matter consistent with the proffer in the hearing.

Date:

Timothy M. Kotroco
Deputy Zoning Commissioner
Timothy M. Kotroco

NOLAN, PLUMHOFF AND WILLIAMS, CHTD.
210 W. PENNSYLVANIA AVE., STE. 700
TOWSON, MARYLAND 21204
410-823-7800
FAX: 410-296-2765

June 18, 1995



Timothy M. Kotroco
Deputy Zoning Commissioner
Old Court House
Towson, MD 21204

RE: Eckhardt, Case No. 95-376-SPH

Dear Commissioner:

I am in receipt of your decision of June 12, 1995 in the above captioned matter and thank you for the same.

Kindly accept this letter as a motion to revise and amend the same.

On the top of page two of the decision you state that no there will be no increase in density created by the lot line adjustment. I would like an additional line of text therabouts to state that each lot has one density unit consistent with our proffer regarding grand fathering of the old RSD zone at the hearing on this matter. This additional line of text will prevent any possible delays or confusion that may occur at the building permit level.

Kindest regards,

Douglas L. Burgess
Douglas L. Burgess
Attorney

DLB

cc: Mr. and Mrs. Frederick P. Eckhardt
1850 Old New Windsor Pike
New Windsor, MD 21776

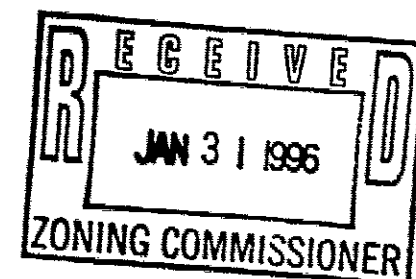
NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLISHART, JR.
STEPHEN J. NOLAN
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHANOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES
J. JOSEPH CURRAN, III
STUART A. SCHADT

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
(410) 823-7800
TELEFAX: (410) 296-2765

JAMES O. NOLAN
RETIRED (1980)
J. EARLE PLUMHOFF
(1940-1995)
RALPH E. DEITZ
(1980-1980)

WRITER'S DIRECT ORAL
823:

January 30, 1996



Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
Office of Planning and Zoning
400 Washington Avenue
Towson, MD 21204

RE: Zoning Case Number 95-376-SPH

Dear Deputy Commissioner:

Please find enclosed copies of a letter to you from RTF, Inc. land surveyors, dated January 5, 1996 along with several enclosures, most importantly Joe Merrey's minor subdivision comment of 12/18/95.

I think I can be most helpful in answering Mr. Merrey's concerns, and would ask that if you follow and agree with my analysis, you countersign the enclosed copy of this letter, and return the same in the enclosed self addressed stamped envelope.

This matter came before you as a special hearing to confirm lot line adjustment. Your order confirmed the same. The plat to accompany the special hearing shows two existing lots of records of roughly two acres each in size. The proposed reconfiguration creates two lots of two acres each with a new configuration. My attached letter of June 18, 1995, countersigned by you confirms that there is one density unit on each lot consistent with the proffer at the hearing regarding grand fathering of old lots. The Memorandum of Title introduced at the hearing and also enclosed herewith indicates that these lots of records have been separately described and in the name of the Petitioner since their acquisition on July 17, 1964.

Enclosed is a copy of the 1955 Regulations, which allow lots of 40,000 square feet in the R-40, and this lot size has been far exceeded by these lots. Moving to the enactment of Bill 100, 1970, the RDP zone allowed one acre lots, and once again we exceeded this requirement. Moving further to more current regulations, page 1A-24B, paragraph four, exceptions for certain record lots, indicates that the standards in force at the time of the lot recordation can be used. Thus, I submit the basis of our lots being legitimate and having one density unit each is the 1955 regulations which require 40,000 square feet and our lots far exceed that, to wit, having 87,120 square feet each, thus far exceeding the standards.

Based on that, these are legitimate nonconforming lots of record consistent with the evidence and proffer at the hearing in this matter. There were no protests at the hearing and no appeals taken from my Order. The spirit and intent of the hearing and the Order was to confirm a lot line adjustment with a total of two density units, one for each lot, and this was a final Order, not otherwise appealed. In response to Mr. Merrey's concerns, there may be an arguable discrepancy in the regulations regarding the interpretation of section 304.1 (contiguous ownership) versus section 1A-24B, which is a pure grand fathering provision. The Commissioner relied on the precise language of 1A-24B, the lack of any comment from zoning at the time

RTF, INC.

AND SURVEYORS

ROBERT T. FISHPAUGH, L.L.
PRESIDENT

142 East Main Street
Westminster, MD 21157
(410) 868-2040
(410) 876-1222

January 5, 1996
RTF # 94-61

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
Office of Planning and Zoning
Suite 112, Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Zoning Case # 95-376-SPH
Eckhardt Property
Minor Subdivision - 95197M

Mr. Kotroco,

During a review of a Minor Subdivision of Eckhardt Property on Cockey's Mill Road (95-197-M), a Mr. Joseph C. Merrey has decided that the subject lots do not meet the non-contiguous ownership requirements of Section 304.1 (BCZR). Additionally, Section 304 (BCZR) requires a "compatibility" review prior to issuance of building permits. As directed by Mr. Merrey, this office is submitting a "spirit and intent letter" requesting that you make a determination as to whether the aforementioned undersized lot issues were addressed at the hearing for case # 95-376-SPH. We are enclosing a Print, a copy of Mr. Merrey's comment letter and a copy of the findings from case # 95-376-SPH. We are asking that you make a determination and contact this office so that we can obtain Mr. Merrey's approval for the minor subdivision. Should you need further information, please contact this office directly.

Very Truly Yours,

Robert T. Fishpaugh

RTF/110
C/LETTERS/94-61 LTR 9
enc: Print, Comment Letter, Findings Letter
cc: Mr. Newton Williams, Attorney for the Eckhardts
File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
INTER-OFFICE CORRESPONDENCE

DATE: November 29, 1995

To: ☒ OPZ - Development Review (3) - Mr. McDaniel
☒ PDM - Zoning Review - Mr. Richards
☒ PDM - House Numbers & Street Names - Mr. Ogle
☒ PDM - DPR (2) - Mr. Bowling
☒ PDM - Real Estate - Mr. Beaumont
☒ DEPRM - Development Coordination - Mr. Seeley
☒ DEPRM - EIR - Mr. Pilson
☒ DEPRM - SWM (2, Pre-App Permit Only) - Mr. Wirth
☒ Rec & Parks - Mr. Grossman
☒ Fire Dept - Capt. Paull - 1102F
☒ SHA Mr. Small - (3)
☒ Solid Waste Management - Mr. Weiss
☒ C & P - Mr. Butcher

From: Darryl D. Putty

Subject: Project Name: ECKHARDT PROPERTY
Minor Sub No.: 95197M
District: 4C3
Engineer: R.T.F., INC.
Phone No.: 876-1222

Action: Minor Subdivision Review

Please review the attached plan for compliance with current regulations and return comments to this office by DEC. 20, 1995. If you have no comments or do not need to review this plan, please indicate by placing your initials here

Please initial here if your agency requests the Office of Law, Real Estate, to acquire
HIGHWAY WIDENING
GREENWAY
DRAIN/UTILITY EASEMENT
FOREST CONSERVATION
FOREST BUFFER
FLOODPLAIN
PUBLIC WORKS AGRMT
NONE OF THE ABOVE

MINORSUB.DOT

ECKHARDT PROPERTY
Cockey's Mill Road
95-197-M

Minor Subdivision Review
Plan Date: 6/30/93
Comments Due: 12/20/95
Comments Date: 12/18/95
Comments Typed: 12/19/95

The subject minor subdivision presents two lots that do not meet the minimum area requirements of the R.C.-4 zoning regulations (3 acres). For undersized lots, a public hearing is required if the requirements of Section 304 of the Baltimore County Zoning Regulations (BCZR) cannot be satisfied. The subject lots do not meet the non-contiguous ownership requirement of Section 304.1 (BCZR). A reading of zoning case #95-376-SPH does not indicate that this issue was addressed. Additionally, Section 304 (BCZR) requires a "compatibility" review prior to the issuance of building permits. I have enclosed a copy of this form. I would suggest that a spirit and intent letter be prepared for submittal to Mr. Kotroco, deputy zoning commissioner, for a determination as to whether the aforementioned undersized lot issues (technical variance issues) were addressed at the hearing for case #95-376-SPH.

Any requests for further information from the zoning office must include a reference to the minor subdivision file #95-197-M and written correspondence or revised plans must be accompanied by a copy of these comments.

JCM:scj

c: zoning case #95-376-SPH

Joseph C. Merrey
JOSEPH C. MERREY
Planner I

Memorandum of Title

I personally conducted a search of the land records of Baltimore County from July 17, 1964 to the present for the Eckhardt property consisting of approximately 4.05 acres on the north side of Cockeys Mill Rd., 400 ft west of the centerline of Franklin Valley Circle.

The title history is as follows

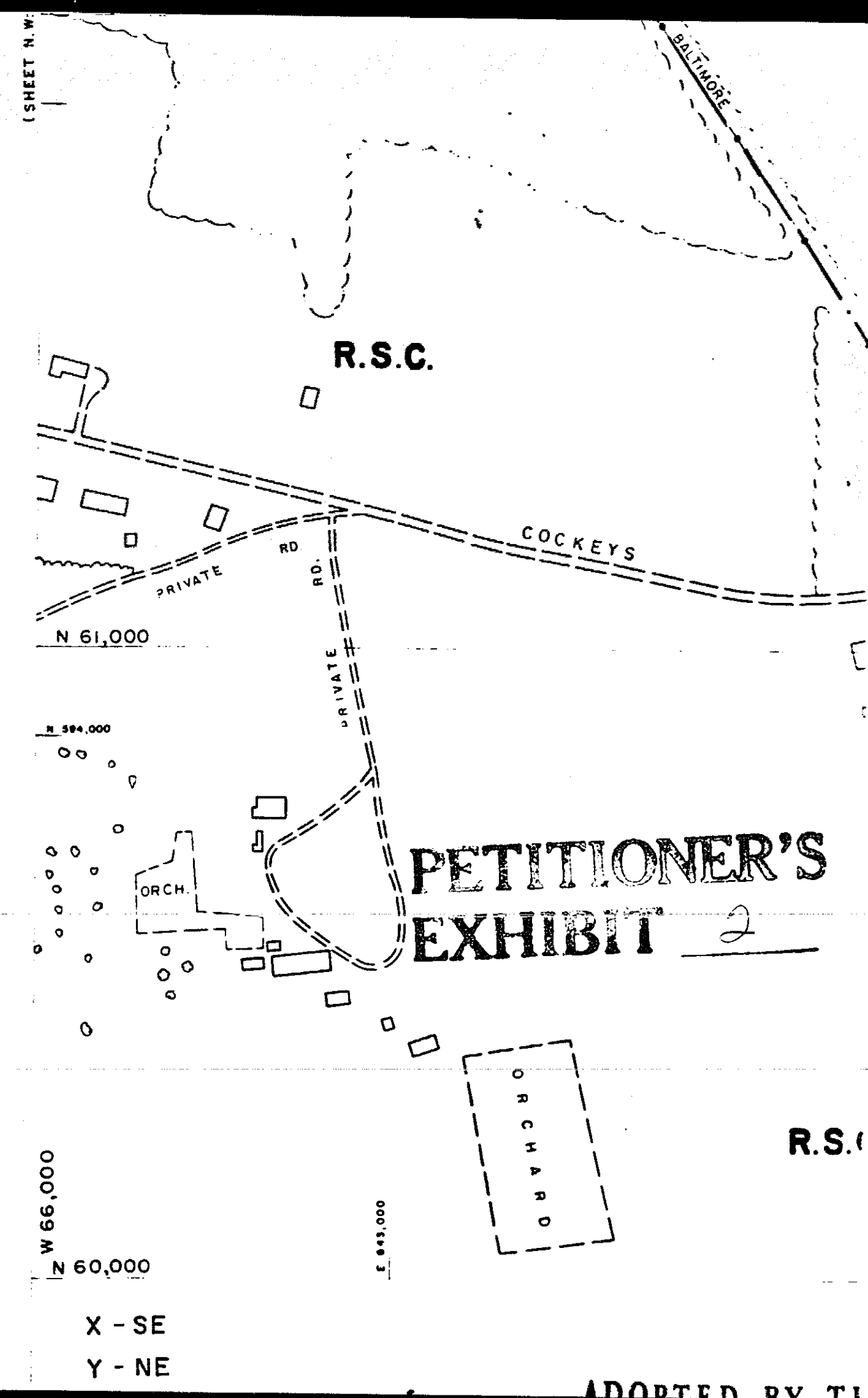
- On July 17, 1964, Fred P. Eckhardt and Henry James Eckhardt took title as joint tenants to an approximately 4.05 acre parcel of land from Elsie Bradley Chubb. Said deed was recorded in the land records of Baltimore County at Liber 4330 folio 079. This parcel was separately described as two lots of record with their own metes and bounds, the first said parcel being approximately 2.05 acres and the second being approximately 2.0 acres in size.
- Title remained in said parties unchanged until June 30, 1993, at which time Fred P. Eckhardt conveyed his one half undivided interest in the property unto himself and his wife Nancy G. Eckhardt. The parcel descriptions contained in said deed were exactly the same as the foregoing deed of July 17, 1964, to wit preserving the two lots of record and their metes and bounds as described therein.
- There are no other deeds or conveyances in the land records after said conveyance of June 30, 1993. Accordingly, based on the scope of my requested examination, it is my opinion that Fred P. Eckhardt and Nancy G. Eckhardt have a one half undivided interest in the property, their interest being held as tenants by the entirety as to the two of them. Henry James Eckhardt has a one half undivided interest in the property, his interest being held as tenant in common along with the forenamed grantees. Please note that the conveyance by Fred to himself and his wife destroyed the former joint tenancy by operation of law and resulted in the creation of a tenancy in common.
- This memorandum of title was prepared for the Zoning Commissioner of Baltimore County, and is not intended for other use.

Stephanie A. Jordan
Legal Assistant
Nolan, Plumhoff, and Williams, Chtd.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DOUG BURRESS	210 W. PENNA AVE STS 700 TOWSON, MD 21204
Fred P. Eckhardt	1850 Old New Windsor Pike New Windsor, Md. 21776
Dorothy Eckhardt	1850 Old New Windsor Pike New Windsor 21776
Patricia Cull	2208 Cedar Hill Drive Franklin, Md. 21048
ROBERT T. FISHAUGH	142 E. MAIN ST WESTMINSTER Md. 21157
Stephanie Jordan	210 W. PENNA AVE Ste 700 Towson MD 21204

Printed with Soybean Ink
on Recycled Paper

Memorandum of Title

I personally conducted a search of the land records of Baltimore County from July 17, 1964 to the present for the Eckhardt property consisting of approximately 4.05 acres on the north side of Cockeys Mill Rd., 400 ft west of the centerline of Franklin Valley Circle.

The title history is as follows

- On July 17, 1964, Fred P. Eckhardt and Henry James Eckhardt took title as joint tenants to an approximately 4.05 acre parcel of land from Elsie Bradley Clubb. Said deed was recorded in the land records of Baltimore County at Liber 4330 folio 079. This parcel was separately described as two lots of record with their own metes and bounds, the first said parcel being approximately 2.05 acres and the second being approximately 2.0 acres in size.
- Title remained in said parties unchanged until June 30, 1993, at which time Fred P. Eckhardt conveyed his one-half undivided interest in the property unto himself and his wife Nancy G. Eckhardt. The parcel descriptions contained in said deed were exactly the same as the foregoing deed of July 17, 1964, to wit preserving the two lots of record and their metes and bounds as described therein.
- There are no other deeds or conveyances in the land records after said conveyance of June 30, 1993. Accordingly, based on the scope of my requested examination, it is my opinion that Fred P. Eckhardt and Nancy G. Eckhardt have a one-half undivided interest in the property, their interest being held as tenants by the entirety as to the two of them. Henry James Eckhardt has a one-half undivided interest in the property, his interest being held as tenant in common along with the forenamed grantees. Please note that the conveyance by Fred to himself and his wife destroyed the former joint tenancy by operation of law and resulted in the creation of a tenancy in common.
- This memorandum of title was prepared for the Zoning Commissioner of Baltimore County, and is not intended for other use.

PETITIONER'S
EXHIBIT 3

Stephanie A. Jordan
Legal Assistant
Nolan, Plumhoff, and Williams, Chtd.

© 1993 NOLAN, PLUMHOFF & WILLIAMS, CHTD.

LIBER 4330 PAGE 078

No Consideration

NO TITLE SEARCH

THIS DEED, made this 17th day of July, in the year nineteen hundred and sixty-four, by and between ELSIE BRADLEY CLUBB, of Baltimore County, State of Maryland, party of the first part, and FRED P. ECKHARDT, of the State of New York, and HENRY JAMES ECKHARDT, of Baltimore County, State of Maryland, parties of the second part.

WITNESSETH, that in consideration of the sum of Five (\$5.00) Dollars, and other good and valuable considerations, this day paid, the receipt whereof is hereby acknowledged, the said ELSIE BRADLEY CLUBB does hereby grant and convey, subject to the reservations, benefits and powers reserved unto her, the said party of the first part, as hereinafter set forth, unto the said parties of the second part, as joint tenants, and not as tenants in common, their assigns, the survivor of them, and the survivor's heirs and assigns, in fee simple, subject to said reservations, benefits and powers, all those lots of ground lying and being in the Fourth Election District of Baltimore County, and described as follows, that is to say:

BEGINNING for the first at a point in or near the centre of Cockeys Mill Road (formerly called Benson Mill Road) at the end of the South 26-3/4 degrees East 66-1/4 perches line mentioned in the deed from Charles W. Marsh to James J. McDonnell and wife, dated February 3rd, 1942, and recorded among the Land Records of Baltimore County in Liber C.W.M. No. 1205 folio 539, etc., said point also being the beginning point of a parcel land deeded by Frederick S. Eckhardt and wife to Clifton Earl Clubb and wife, dated February 7th, 1939, and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. No. 1053, folio 243, etc., running thence as surveyed June, 1945, by line of division North 12 degrees and 59 minutes East 491.7 feet to an iron pipe, North 71 degrees and 4 minutes West 363 feet to a stake intersecting the said 66-1/4 perches line at the end of the first or North 26-3/4 degrees West 38 perches line mentioned in said deed Eckhardt to Clubb, running

LIBER 3864 PAGE 159

GKH/S93104

DEED

THIS DEED, dated this 3rd day of June, in the year nineteen hundred and ninety-three, from FRED P. ECKHARDT, of Carroll County, Maryland, ("the Grantor"), to FREDERICK P. ECKHARDT (sometimes also known as Fred P. Eckhardt) and NANCY G. ECKHARDT, his wife, of Carroll County, Maryland, (collectively, "the Grantees"), WITNESSETH:

WHEREAS, the Grantor holds an undivided one-half interest in the hereinafter-described property as joint tenant with Henry James Eckhardt, of Baltimore County, Maryland; and

WHEREAS, the Grantor desires to sever the joint tenancy and convey his undivided one-half interest in the hereinafter-described property to the Grantors as tenants by the entirety, thereby creating a tenancy in common between the Grantors, possessing an undivided one-half interest, and Henry James Eckhardt, possessing the other undivided one-half interest.

NOW, THEREFORE, in consideration of the premises and other valuable consideration, BUT NO ACTUAL MONETARY CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, FRED P. ECKHARDT, the Grantor, grants and conveys to FREDERICK P. ECKHARDT and NANCY G. ECKHARDT, his wife, the Grantees, as tenants by the entirety, their assigns, the survivor of them, and the personal representatives and assigns of the survivor of them, in fee simple, all of the Grantor's UNDIVIDED ONE-HALF INTEREST in those two (2) lots or parcels of land located in the Fourth Election District of Baltimore County, Maryland, and described as follows:

BEGINNING for the first at a point in or near the center of Cockeys Mill Road (formerly called Benson Mill Road) at the end of the South 26-3/4 degrees East 66-1/4 perches line mentioned in the deed from Charles W. Marsh to James J. McDonnell and wife, dated February 3rd, 1942, and recorded among the Land Records of Baltimore County in Liber C.W.M. No. 1205 folio 539, etc., said point also being the beginning point of a parcel of land deeded by Frederick S. Eckhardt and wife to Clifton Earl Clubb and wife, dated February 7th, 1939, and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. No. 1053, folio 243, etc., running thence as surveyed June, 1945, by line of division North 12 degrees and 59 minutes East 491.7 feet to an iron pipe, North 71 degrees and 4 minutes West 363 feet to a stake intersecting the said 66-1/4 perches line at the end of the first or North 26-3/4 degrees West 38 perches line mentioned in said deed Eckhardt to Clubb, running thence reversely along said line South 22 degrees and 49 minutes East 627 feet to the place of beginning. Containing in all 2.05 acres of land, more or less.

BEGINNING for the second at a stone set up in the ground in the center of the Benson Mill Road, sometimes known as Keyser Avenue, where the lands now or formerly belonging to David Wilson, of the land now or formerly of the Department of Assessments & Taxation for Baltimore County

SIGNATURE

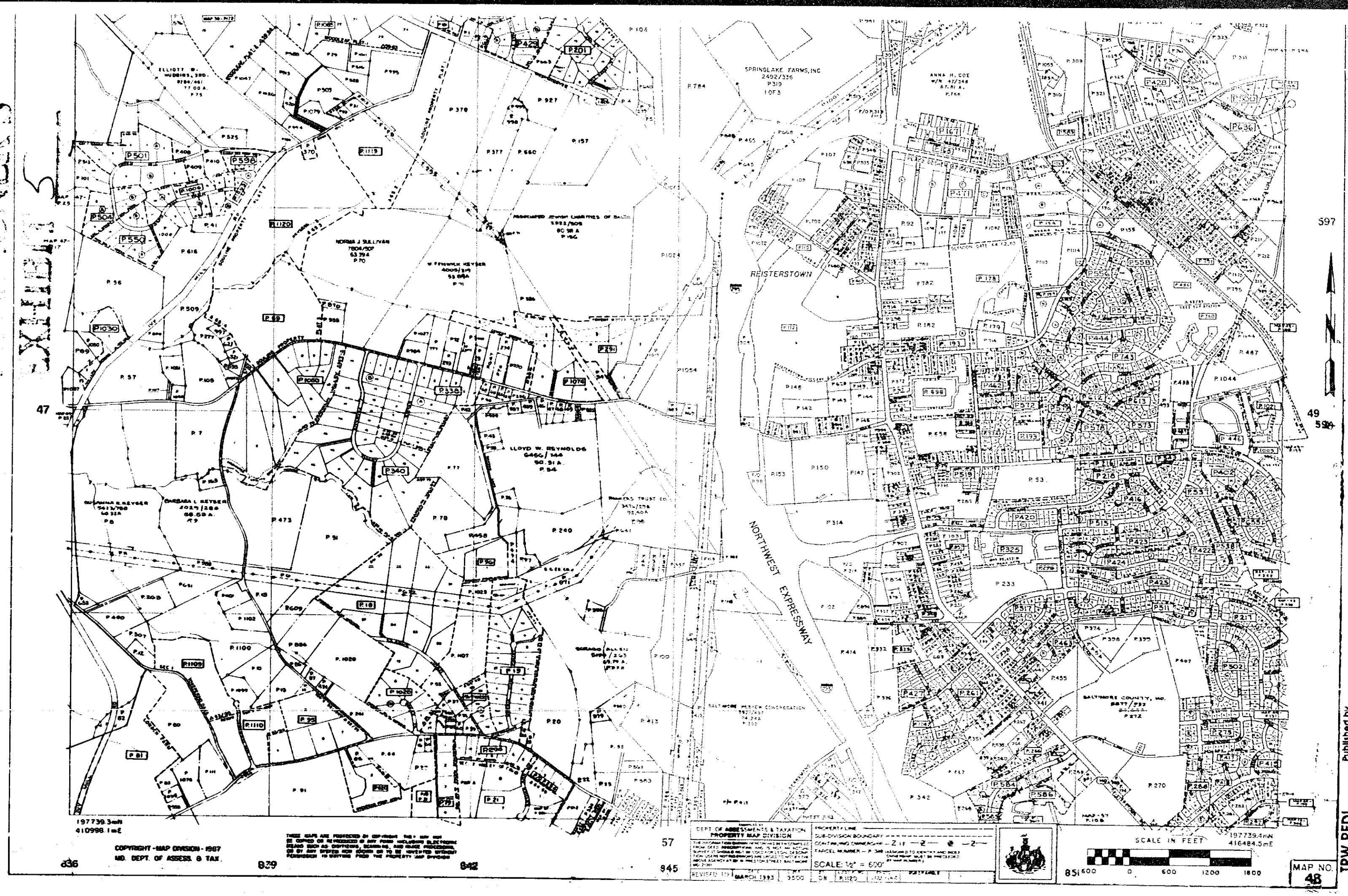
DATE 4/4/93

4/4/93

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MD.		BALTIMORE COUNTY, MARYLAND STATE AND COUNTY REAL PROPERTY TAXES		TAXPAYER'S COPY DETACH AND RETAIN TELEPHONE 887-2403	
LEVY PERIOD JULY 1, 1993-JUNE 30, 1994	SECTION 04	BL CODE 1-1	ASSESSMENT 21,460	PROPERTY NUMBER 04-03-037352 94 1	BILL DATE 07/01/93
METROPOLITAN CHARGES		PROPERTY TAXES		CHARGES	
SEWER BENEFIT SEWER SERVICE WATER BENEFIT WATER DISTRIBUTION TOTAL METROPOLITAN	COUNTY TAX STATE TAX		2,865 21		614.83 45.07
OWNER'S NAME AND ADDRESS ECKHARDT FRED P. ECKHARDT HENRY JAMES 1850 OLD NEW WINDSOR NEW WINDSOR MD 21776		GROSS BILL 659.90		INTEREST/ DISCOUNT NET TOTAL	
PROPERTY DESCRIPTION 7920 W OF REISTERSTOWN RD 2.05 AC REAR NS COCKEYS MILL RD		LOT BLOCK SEC PLAT BOOK FOLIO 00 000		CONSTANT YIELD 2.791 DIFFERENCE 0.074	

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MD.		BALTIMORE COUNTY, MARYLAND STATE AND COUNTY REAL PROPERTY TAXES		TAXPAYER'S COPY DETACH AND RETAIN TELEPHONE 887-2403	
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METROPOLITAN CHARGES		PROPERTY TAXES		CHARGES	
SEWER BENEFIT SEWER SERVICE WATER BENEFIT WATER DISTRIBUTION TOTAL METROPOLITAN	COUNTY TAX STATE TAX		2,865 21		613.11 44.94
OWNER'S NAME AND ADDRESS ECKHARDT FRED P. ECKHARDT HENRY JAMES 1850 OLD NEW WINDSOR NEW WINDSOR MD 21776		GROSS BILL 658.05		INTEREST/ DISCOUNT NET TOTAL	
PROPERTY DESCRIPTION 7920 W OF REISTERSTOWN RD 2 AC NS COCKEYS MILL COCKEYS MILL RD		LOT BLOCK SEC PLAT BOOK FOLIO 00 000		CONSTANT YIELD 2.791 DIFFERENCE 0.074	

PETITIONER'S EXHIBIT 4



Exhibits List

- 1) Deed, dated 17 July, 1964 from Elsie Bradley Clubb to Fred P. Eckhardt and Henry James Eckhardt.
- 2) Deed, Dated 30 June, 1993 from Fred P. Eckhardt to himself and his wife, Nancy G. Eckhardt.
- 3) Descriptions of proposed two parcels, using a modern, accurate survey.
- 4) Plat delineating old property lines, and proposed two parcels.

NOLAN, PLUMHOFF AND WILLIAMS, CHTD.
210 N. Frederick Ave., Ste. 700
Towson, Maryland 21204
410-283-7600
Fax: 410-283-7595

June 18, 1995

Timothy M. Kotroco
Deputy Zoning Commissioner
Old Court House
Towson, MD 21204

RE: Eckhardt, Case No. 95-376-SPH

Dear Commissioner:

I am in receipt of your decision of June 12, 1995 in the above captioned matter and thank you for the same.

Kindly accept this letter as a motion to revise and amend the same.

On the top of page two of the decision you state that no there will be no increase in density created by the lot line adjustment. I would like an additional line of text thereabouts to state that each lot has one density unit consistent with our proffer regarding grand fathering of the old RSD zone at the hearing on this matter. This additional line of text will prevent any possible delays or confusion that may occur at the building permit level.

Kindest regards,

Douglas L. Burgess
Douglas L. Burgess
Attorney

DLB

cc: Mr. and Mrs. Frederick P. Eckhardt
1850 Old New Windsor Pike
New Windsor, MD 21776

Response of Deputy Zoning Commissioner:

Please accept my countersignature on this letter as confirmation of one density unit for each lot shown on the plan to accompany special hearing in this matter consistent with the proffer in the hearing.

Date:

Timothy M. Kotroco
Deputy Zoning Commissioner
Timothy M. Kotroco

1A00, Zoning Regulations. [Bill No. 98, 1975.]

A. Uses permitted as of right. The following uses, only are permitted as of right in R.C. 4 zones: [Bill No. 98, 1975.]

1. Dwellings, one-family detached. [Bill No. 98, 1975.]
2. Farms and limited-acreage wholesale flower farms (see Section 404). [Bills No. 98, 1975; No. 51, 1993.]
3. Open space, common. [Bill No. 98, 1975.]
- 3a. Public schools. [Bill No. 63, 1980; No. 47, 1982; Bill No. 47, 1985.]
4. Telephone, telegraph, electrical-power, or other similar lines or cables-all underground; underground gas, water, or sewer mains or storm drains; other underground conduits except underground interstate and intercontinental pipe lines. [Bill No. 98, 1975.]
5. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of Paragraphs b, c, e, or f of Subsection 415.1 and Subsection 415.2A.1, as applicable. [Bill No. 98, 1975.]
- 5a. Antennas used by CATV systems operated by companies franchised under Title 2, Article VI, Division 2 of the Baltimore County Code 1978, if situated on property owned by the county, state or federal government or by a governmental agency. [Bill No. 220, 1981.]
- 5b. Transit facilities. [Bill No. 91, 1990.]
6. Accessory uses or structures, including, but not limited to the following: [Bill No. 98, 1975.]
 - a. Excavations, uncontrolled. [Bill No. 98, 1975.]
 - b. Farmer's roadside stand and produce stand, subject to the provisions of Section 404.4. [Bill No. 98, 1975; Bill No. 41, 1992.]
 - c. Home occupations. [Bill No. 98, 1975.]

REV 8/93

1A-20

3. Coverage. Except for a rural cluster development, which is subject to the performance standards contained in 1A00.5, no more than 10 percent of any lot in an R.C. 4 zone may be covered by impermeable surfaces (such as structures or pavement). No more than 25 percent of the natural vegetation may be removed from any lot in an R.C. 4 zone. [Bills No. 98, 1975; 178, 1992; 113, 1992.]

4. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the land records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning on or before December 22, 1975 and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone, may be approved for residential development in accordance with the standards prescribed and in force at the time of the lot recordation. [Bill No. 98, 1975.]

5. Dwelling units per lot. No more than one dwelling unit shall be located on any lot in an R.C. 4 zone, except that tenant dwellings may be approved if the land preservation advisory board certifies that: [Bill No. 113, 1992.]

- a. any such proposed dwelling is required for the operation of the farm for the use of bona fide tenant farmers; and
- b. that any such dwelling, in the location proposed, will not interfere with the operation of the farm.

1A00.5--Performance Standards For Rural Cluster Development [Bill No. 113, 1992.]

In an R.C. 4 zone, only a rural cluster development is permitted on a tract to be developed with a gross area of more than 10 acres. A minimum of seventy percent (70%) of the tract acreage shall be designated a conservancy area. The balance of the tract is the building area. [Bill 113, 1992.]

A.1. It is the intention of these regulations that the acreage of the conservancy area, whenever possible, be contiguous and that it include the following features of the tract to be developed as determined by the standards contained in the Comprehensive Manual of Development Policies:

- a. prime and productive soils;
- b. steep slopes, as defined in Title 26 of the Baltimore County Code;
- c. wetlands;

REV 8/93

1A-24B

ARTICLE 1A—RURAL AND RURAL-SUBURBAN LOW-INTENSITY ZONES [Bill No. 100, 1970.]

Section 1A00—R. D. P. ZONES (RURAL: DEFERRED-PLANNING). [Bill No. 100, 1970.]

1A00.1—General Provisions. [Bill No. 100, 1970.]

1. ² Purpose. The R. D. P. zoning classification is established, pursuant to the legislative findings set forth above,² in order to:

- a. Prevent untimely urban development of relatively open rural land; and
- b. Foster conditions favorable to agriculture and other low-intensity uses appropriate in rural areas, considering both the magnitude of total land acreage needed for such uses and the current prospective needs for developable urban land. [Bill No. 100, 1970.]

2. Intent as to application of R. D. P. zoning classification to property or removal therefrom. It is intended:

- a. That rural land shall be classified within R. D. P. zones unless the Capital Budget and Five-Year Capital Program of Baltimore County and duly adopted official Baltimore County master plans, including the "county plan" required under Article 43, Section 387C of the Annotated Code of Maryland, 1957 (1965 Replacement Volume) as amended, all consistently indicate that such land is to be serviced by public sewerage and water-supply systems and, in the case of those said documents which determine the timing of construction, also consistently provide for the adequacy and availability of service to said land by such systems within a period of six years after the time of consideration with respect to zoning classification; provided further, however, that such non-serviced land as is specifically herein described (in this Subparagraph 3² or other provisions in these regulations) as being appropriately otherwise classified shall also be excepted from the category of land which shall be classified as R. D. P.;
- b. That land classified as R. D. P. shall not be reclassified (rezoned) until such time as the documents hereinabove noted have been officially changed or replaced in kind and thereby then indicate possible appropriateness of reclassification under the criteria hereinbefore stated;

1. The line designating this subparagraph and those immediately following as parts of a Paragraph "A" was deleted from Bill No. 100, 1970 by amendment after introduction.
2. Findings deleted from Bill No. 100, 1970 by amendment after introduction.
3. Now subparagraph 2, as a result of amendment of Bill No. 100, 1970 after introduction.

1A00: 1

BALTIMORE COUNTY ZONING REGULATIONS

1963

BOOK NO 246

This is the property of:

Name HUGH E. BELSTON
Address 108 ROSLEY AVE.
20816 BELTONE AVE.
TOWSON, MARYLAND
Phone 777-5297

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS: 7810 COCKEY'S MILL ROAD
 SUBDIVISION NAME: ECKHARDT PROPERTY
 TAX MAP: 48 BLOCK: B PARCEL: 333
 OWNER: FREDERICK P. ECKHARDT &
 NANCY G. ECKHARDT, M/W
 9864-459
 JUNE 30, 1993
 TAX ACCOUNT NUMBERS: R1: 0403037352
 R2: 0403037353

N/F
 ROBERT R. HIGGS &
 BETTY S. HIGGS M/W
 3355 ~ 4660
 AUGUST 7, 1958

EXIST. DWELLING
 #628 COCKEY'S MILL ROAD
 TAX ACCT # 0408055620

PLAT 3 OF 3
 "GOULINE PROPERTY"
 PLATBOOK GS, PAGE 004
 - EXISTING ZONING: RC-4

FIRST AMERICAN PROPERTIES
 OF MARYLAND
 TAX ACCT # 2200014033

PROPOSED PARCEL 2
 2.028 AC ±

PROPOSED PARCEL 1
 2.020 AC ±

TOTAL AREA
 4.048 AC ±

VICINITY MAP
 SCALE: 1"=1000'

LOCATION INFORMATION

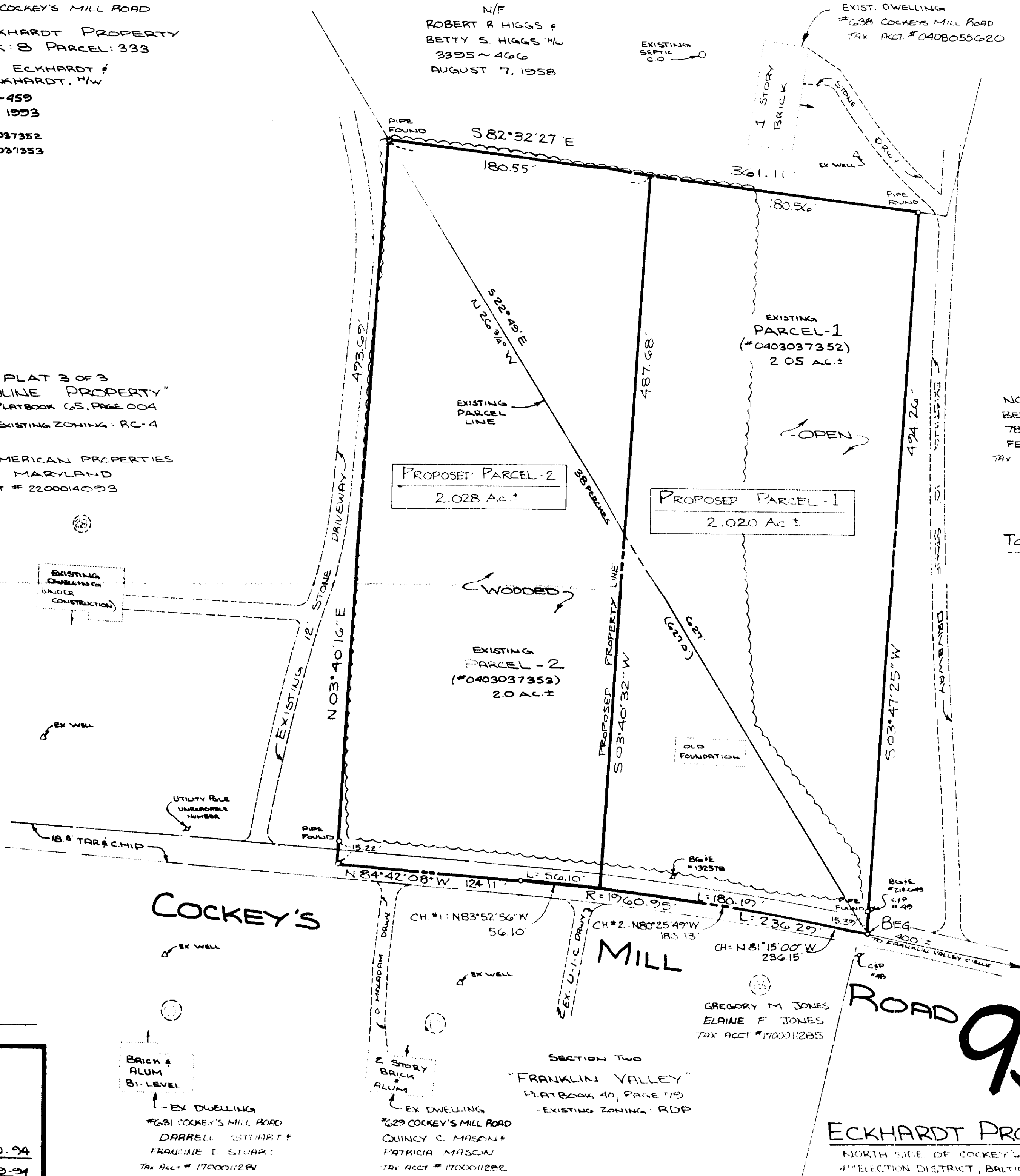
COUNCILMATIC DISTRICT: 3
 ELECTION DISTRICT: 4
 1"=200 SCALE MAP 11/11/64
 ZONING: RC-4
 LOT SIZE: 4.047 AC ± 176,287.320
 ACRES ACRES
 SEWER: ☐ PUBLIC ☒ PRIVATE
 WATER: ☐ ☒
 CHESAPEAKE BAY CRITICAL AREA: ☐ YES ☒ NO
 PRIOR ZONING HEARINGS:

ZONING OFFICE USE ONLY!

REVIEWED BY: ITEM # CASE #
 MTK 365

95-376-SPH

Robert T. Fishbaugh
 ROBERT T. FISHBAUGH R.L.S. #6034
R.T.F., INC.
 PROFESSIONAL LAND SURVEYORS
 142 East Main Street
 Westminster, Maryland 21157
 876-1222 848-2040
 Checked By: A.S. Date: 11-29-94
 Drawn By: J.B. Date: 4-23-94
 Scale: 1"=50' Job No: 94-61



PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS: 7810 COCKEY'S MILL ROAD
 SUBDIVISION NAME: ECKHARDT PROPERTY
 TAX MAP: 48 BLOCK: B PARCEL: 333
 OWNER: FREDERICK P. ECKHARDT &
 NANCY G. ECKHARDT, M/W
 9864-459
 JUNE 30, 1993
 TAX ACCOUNT NUMBERS: R1: 0403037352
 R2: 0403037353

N/F
 ROBERT R. HIGGS &
 BETTY S. HIGGS M/W
 3355 ~ 4660
 AUGUST 7, 1958

EXIST. DWELLING
 #628 COCKEY'S MILL ROAD
 TAX ACCT # 0408055620

PLAT 3 OF 3
 "GOULINE PROPERTY"
 PLATBOOK GS, PAGE 004
 - EXISTING ZONING: RC-4

FIRST AMERICAN PROPERTIES
 OF MARYLAND
 TAX ACCT # 2200014033

PROPOSED PARCEL 2
 2.028 AC ±

PROPOSED PARCEL 1
 2.020 AC ±

TOTAL AREA
 4.048 AC ±

VICINITY MAP
 SCALE: 1"=1000'

LOCATION INFORMATION

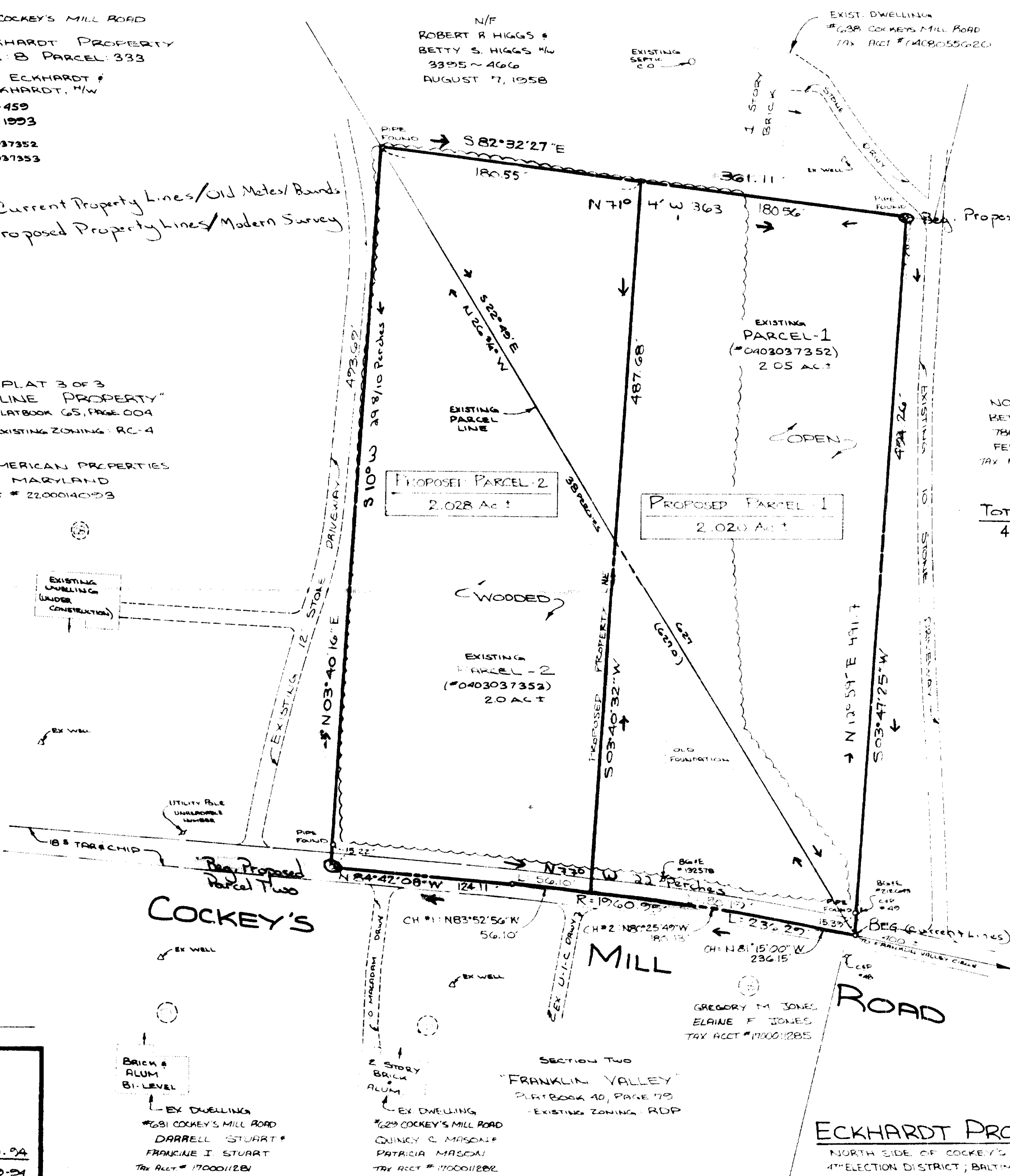
COUNCILMATIC DISTRICT: 3
 ELECTION DISTRICT: 4
 1"=200 SCALE MAP
 ZONING: RC-4
 LOT SIZE: 4.047 AC ± 176,287.320
 ACRES ACRES
 SEWER: ☐ PUBLIC ☒ PRIVATE
 WATER: ☐ ☒
 CHESAPEAKE BAY CRITICAL AREA: ☐ YES ☒ NO
 PRIOR ZONING HEARINGS:

ZONING OFFICE USE ONLY!

REVIEWED BY: ITEM # CASE #
 MTK 365

95-376-SPH
**PETITIONER'S
 EXHIBIT 1**

Robert T. Fishbaugh
 ROBERT T. FISHBAUGH R.L.S. #6034
R.T.F., INC.
 PROFESSIONAL LAND SURVEYORS
 142 East Main Street
 Westminster, Maryland 21157
 876-1222 848-2040
 Checked By: A.S. Date: 11-29-94
 Drawn By: J.B. Date: 4-23-94
 Scale: 1"=50' Job No: 94-61



PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 780 COCKEY'S MILL ROAD
SUBDIVISION NAME: ECKHARDT PROPERTY
TAX MAP: 48 BLOCK: B PARCEL: 333
OWNER: FREDERICK P ECKHARDT &
NANCY G ECKHARDT, M/W
4330/78
JULY 17, 1964

PLAT 3 OF 3
"GOULINE PROPERTY"
PLATBOOK 45, PAGE 004
-EXISTING ZONING: RC-4

FIRST AMERICAN PROPERTIES
OF MARYLAND
TAX ACCT # 2200014093

N/F
ROBERT R HIGGS &
BETTY S HIGGS M/W
3395 ~ 466
AUGUST 7, 1958

EXIST. DWELLING
#638 COCKEY'S MILL ROAD
TAX ACCT # 0408055620

N/F
NORMA J. SULLIVAN
BETTY S HIGGS
7804 ~ 507
FEBRUARY 1, 1988
TAX ACCT # 0410032925

VICINITY MAP
SCALE: 1"=1000'

LOCATION INFORMATION

COUNCILMANIC DISTRICT: 3
ELECTION DISTRICT: 4
1"=200' SCALE MAP: NW - L-10
ZONING: RC-4
LOT SIZE: 4047 AC ± 176,287 SQ FT
ACREAGE SQUARE FEET
SEWER: ☐ Public ☒ Private
WATER: ☐ ☒
CHESAPEAKE BAY CRITICAL AREA: ☐ YES ☒ NO
PRIOR ZONING HEARINGS:

ZONING OFFICE USE ONLY!

REVIEWED BY: ITEM # CASE #

R.T.F., INC.
PROFESSIONAL LAND SURVEYORS

142 East Main Street
Westminster, Maryland 21157
876-1222 848-2040

Checked By: JB Date: 4-29-94
Drawn By: JB Date: 4-29-94
Scale: 1"=50' Job No: 94-61

NOTE: COORDINATES BASED ON THE
FOLLOWING BALTIMORE COUNTY
CONTROL:

STATION	NORTH	WEST
10/04	61289.12	68562.87
10/05	61222.85	68510.94

NOTE: THERE ARE 12 WELLS WITHIN 100' OF THIS
PROPERTY, UNLESS SHOWN HERE ON.
NOTE: LOT-1 SEPTIC SYSTEM TO BE INSTALLED @ MIN DEPTH OF 4'
LOT-2 SEPTIC SYSTEM TO BE INSTALLED @ MIN DEPTH OF 5'

AREA OF DISTURBANCE
LOT 1 20,000 sq ft
LOT 2 25,040 sq ft
TOTAL 45,040 sq ft

PLAT 3 OF 3
"GOULINE PROPERTY"
PLATBOOK 45, PAGE 004
-EXISTING ZONING: RC-4

BALTIMORE COUNTY MINOR SUBDIVISION
Project No. 95197m
DEVELOPMENT REGULATIONS
☐ Exempt from Division 2
☐ Paraphrase, exempt from Sections 25-202 & 25-206
ZADM CERTIFICATION
☐ Approved ☐ Disapproved
By: _____ Date: _____
APPROVED, DEPRM
By: _____ Date: _____

REVISED: 1-4-96 - COUNTY COMMENTS
REVISED: 12-4-95
REVISED: 10/11/95
REVISED: 9/11/95
ROBERT T. FISHPAUGH, L.S. 6034

R.T.F., INC.
PROFESSIONAL LAND SURVEYORS
142 East Main Street
Westminster, Maryland 21157
876-1222 848-2040

Checked By: A.S. Date: 6-7-95
Drawn By: JB + ARB Date: 6-7-95
Scale: 1"=50' Job No: 94-61

N/F
ROBERT R HIGGS &
BETTY S HIGGS M/W
3395 ~ 466
AUGUST 7, 1958
EXIST. ZONING: RC-4

EXIST. DWELLING

FOREST CONSERVATION
EASEMENT
(2.0 AC ±)
REFORESTATION
AREA-A
0.1 AC ±
REFORESTATION
AREA-B
0.05 AC ±

VICINITY MAP
SCALE: 1"=1000'

DATA BLOCK

1. GROSS AREA: 4.046 AC ±
2. NET AREA: 3.726 AC ±
3. EXISTING ZONING: RC-4
4. No. of LOTS PROPOSED: TWO
5. No. of LOTS ALLOWED: TWO
6. ELECTION DISTRICT: 4
7. COUNCILMANIC DISTRICT: 3
8. CENSUS TRACT: 404800
9. WATERSHED: No Service Area/32
10. SOIL TYPE: MBS2 MAP: 20
11. DEED REFERENCE: 9864 ~ 459
12. TAX ACCOUNT No: P-1: 0408037353
P-2: 0408037353
13. SUB-SEWER: No Service Area
32

TO THE BEST OF MY KNOWLEDGE, THERE
ARE NO:

- 1) HISTORIC BUILDINGS ON SITE.
- 2) WETLANDS AREAS
- 3) CRITICAL AREAS
- 4) ARCHAEOLOGICAL AREA
- 5) ENDANGERED SPECIES HABITAT
- 6) EX WELLS, SEPTICS OR UNDERGROUND
STORAGE TANKS.
- 7) HAZARDOUS MATERIALS ON THIS SITE.

PETITION FOR SPECIAL HEARING
CASE # 05-376-SPH
GRANTED: LOT LINE ADJUSTMENT TO
RECONFIGURE 2 EX TRIANGULAR SHAPED
LOTS INTO 2 RECTANGULAR SHAPED
PARCELS.

NOTE: L.O.S. DENOTES LIMIT OF SIGHT.
NOTE: AREAS BETWEEN THE SIGHT & CURB LINE MUST BE CLEARED,
GRADED & KEPT FREE OF ANY OBSTRUCTION.

MINOR SUBDIVISION
OF

ECKHARDT PROPERTY

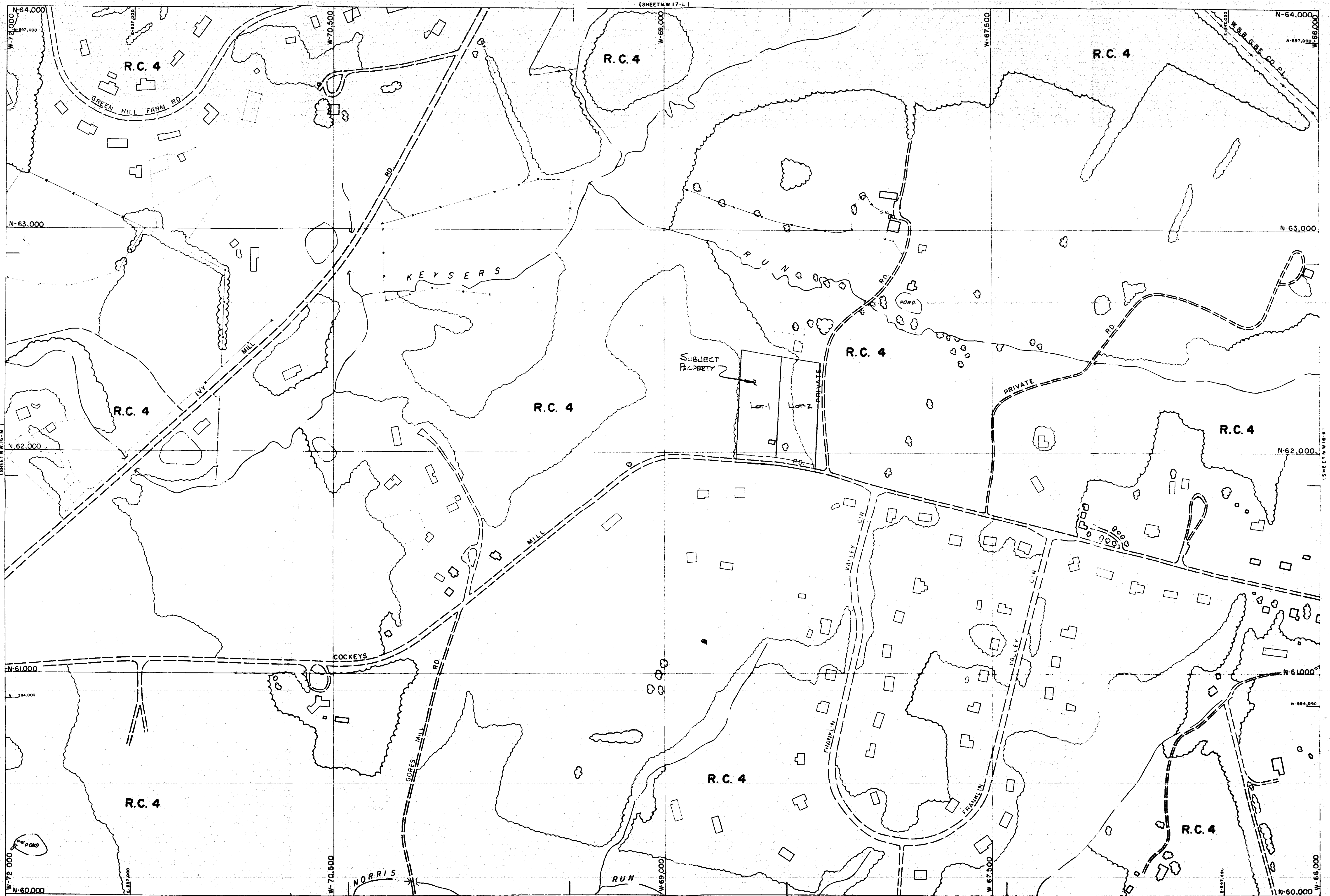
NORTH SIDE OF COCKEY'S MILL ROAD
4TH ELECTION DISTRICT BALTO. CO., MD.

for
OWNER/DEVELOPER

FREDERICK P ECKHARDT &
NANCY G ECKHARDT M/W
1850 OLD NEW WINDSOR RD.
NEW WINDSOR, MD. 21776

TITLE REFERENCE
FEED P ECKHARDT
TO
FREDERICK P ECKHARDT &
NANCY G ECKHARDT (M/W)
4330 ~ 078
JUNE 30, 1993

C. # 95197m



X - SE Y - NE	1988 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88	BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING		1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992 Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92	SCALE 1" = 200' ±	LOCATION WEST OF REISTERSTOWN	SHEET N. W. 16-L
	THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210	Chairman, County Council	OFFICIAL ZONING MAP		DATE OF PHOTOGRAPHY JANUARY 1986		

95-376-SPH