

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE - S/S Cotter Road,
580' W of Beckleysville Road
(2526-A Beckleysville Road)
6th Election District
3rd Councilmanic District

Melvin E. Parrish, et al
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-73-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 2526-A Beckleysville Road, located in the vicinity of Middletown Road in Free-land. The Petitions were filed by the owners of the property, Melvin E. Parrish and Walter R. Parrish, and the Contract Purchaser, James David Lawson. The Petitioners seek approval of a lot line adjustment between two existing contiguous R.C.2 tracts of land, and to confirm the number of existing and future dwelling units for each lot. In addition to the special hearing relief sought, the Petitioners seek variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 101, Definitions, Accessory Use or Structure, to permit a barn which is not subordinate in area to the principle dwelling to remain as it presently exists, and from Sections 400.1 and 400.3 to permit the existing barn and miscellaneous outbuildings to remain in the front yard of the principle dwelling in lieu of the required side or rear yard location, and to permit the existing barn and two miscellaneous outbuildings (sheds) with heights greater than the 15-feet permitted to remain. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Appearing at the hearing on behalf of the Petitions were J. David Lawson, Contract Purchaser, James Grammer and Guy Ward, Professional Engineers with McKee and Associates, Inc., who prepared the site plan for this project, Randy Shelley, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the property which is the subject of this request consists of two tracts, (Tracts 3 and 4 of the Parrish Property) with a combined area of 23.009 acres, more or less, split zoned R.C.2, and a small sliver of R.C.4 in the northeast corner of the property adjacent to Cotter Road. The property is improved with a single family dwelling and a number of outbuildings, which are scattered over both tracts. The Petitioners propose a lot line adjustment to create one lot of 1.953 acres which would contain all of the existing structures. This lot, which is to be purchased by the Contract Purchaser, would be entirely zoned R.C.2, and contain only one (1) density unit, which is currently utilized by virtue of the existing dwelling. However, testimony indicated that the Contract Purchaser may raze the existing dwelling and convert an existing barn into residential living quarters, or rebuild a new dwelling. In any event, it is clear that only one (1) density unit shall be associated with this 1.953 acre lot.

In addition to the special hearing request, the Petitioners seek variance relief which is necessitated by virtue of the lot line adjustment and the size and location of some of the existing accessory structures. As shown on the site plan, the barn is larger than the existing dwelling. Furthermore, the height of this barn is greater than the maximum permitted 15 feet. In addition, several other outbuildings and sheds are actually located in the front yard of this parcel. Two of the sheds on the proper-

ORDER RECEIVED
10/15/66
J. D. Lawson

ty have a height of 17 feet in lieu of the maximum permitted 15 feet. Thus, variances are necessary to legitimize the barn and the height and location of several of these accessory structures. All of the requested variances are technical in nature and are necessitated by the fact that these structures have existed for many years. The requested variances will simply bring the property into compliance with current zoning regulations.

As noted above, the Contract Purchaser may decide to raze the existing dwelling rather than attempt renovations. It's possible that the house, given its age, is not worthy of renovation and therefore, may have to be removed. A new house could be constructed in its place, or the Petitioner might wish to convert the existing barn into residential living quarters. The location of the accessory structures and outbuildings on this lot could be affected by a newly constructed home or barn conversion. Whether the Petitioner razes the existing dwelling and constructs a new home in its place, or should he choose to convert the existing barn into a residential living unit, the variances to allow the accessory structures and outbuildings to remain in their present configuration and location should be granted. These buildings have existed on the property for many years and it would not be necessary for the Petitioners to remove any of these structures, regardless of whether the orientation of the replacement home, or converted barn change. Therefore, all of these structures shall be permitted to remain in their present location.

Furthermore, with the exception of the barn, none of the other accessory structures or outbuildings shall be converted for residential uses should the Petitioners decide to raze the existing home and not replace it. The key to this lot line adjustment is that there is only one (1) density unit associated with the 1.953 acre parcel, and that is all.

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

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

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structures which are the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of October, 1996 that the Petition for Special Hearing seeking approval of a lot line adjustment between two existing contiguous R.C.2 tracts of land, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

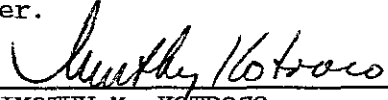
IT IS FURTHER ORDERED that only one (1) density unit shall be associated with the 1.953 acre parcel; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 101 to permit a barn which is not subordinate in area to the principle dwelling to remain, and from Sections 400.1 and 400.3 to permit the existing barn and miscellaneous outbuildings to remain in the front yard of the principle dwelling in lieu of the required side or rear yard location, and to permit the existing barn and two miscellaneous outbuildings (sheds) with heights greater than the maximum allowed 15 feet to remain, 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 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) Only one (1) density unit shall be associated with the 1.953 acre parcel, which is presently utilized by virtue of the existing dwelling. However, should the Petitioners desire to raze the existing dwelling, the one (1) density unit associated with this lot may be retained for use by either the converted barn or a new dwelling constructed on the lot. In no event shall any of the other outbuildings or sheds be converted for use as residential living quarters.

3) 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



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

October 10, 1996

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
S/S Cotter Road, 580' W of Beckleysville Road
(2526-A Beckleysville Road)
6th Election District - 3rd Councilmanic District
Melvin E. Parrish, et al - Petitioners
Case No. 97-73-SPHA

Dear Mr. Alderman:

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

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

Very truly yours,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Messrs. Melvin E. and Walter R. Parrish
20045 Middletown Road, Freeland, Md. 21053

Mr. James David Lawson
204 Mt. Carmel Road, Parkton, Md. 21120

Messrs. James Grammer and Guy Ward, McKee & Associates, Inc.
5 Shawan Road, Hunt Valley, Md. 21030

People's Counsel
Case File

MICROFILMED

#70



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

97-73 SH A

2524 A Backleysville Rd.

which is presently zoned

RC-2 / RL-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 line adjustment between two existing contiguous RC-2 tracts of land and to confirm the existing and future dwelling units for 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.

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

Contract Purchaser/Lessee

James David Lawson

(Type or Print Name)

Signature

204 Mt. Carmel Road

Address

Parkton, MD 21120

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s)

Melvin E. Parrish

(Type or Print Name)

Signature

Walter R. Parrish

(Type or Print Name)

Signature

20045 Middleton Road (410) 357-5156

Address

Phone No

Freeland

MD

21053

City

State

Zipcode

Name Address and phone number of representative to be contacted

McKee & Associates, Inc.

Name

5 Shawan Rd., Hunt Valley, MD 21030

Address

Phone No

(410) 527-1555

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

1-2 hr

2/11/90

8/14/90



RECEIVED

ORDER RECEIVED FOR FILING

Date

By

#170



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

97-73-SPHA

2526A Beckleyville Rd.

which is presently zoned

RC-2/RC-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 Variance from Section(s)

please see attached

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

please see attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

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

Contract Purchaser/Lessee:

James David Lawson

(Type or Print Name)

Signature

204 Mt. Carmel Road

Address

Parkton

City

MD

State

21120

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

State

Zipcode

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

Legal Owner(s):

Melvin E. Parrish

(Type or Print Name)

Signature

Walter R. Parrish

(Type or Print Name)

Signature

20045 Middleton Rd. (410) 357-5156

Address

Phone No.

Freeland

MD

21053

City

State

Zipcode

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

McKee & Associates, Inc.

Name

5 Shawan Rd., Hunt Valley, MD 21030

Address

(410) 527-1555

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

8/14/96

Printed with Soybean Ink
on Recycled Paper

ORDER RECEIVED FOR FILING

Date

BY

97-73 ^{SPH}A

Attachment to petition for variance at 2526A Beckleysville Road.

Requested variances:

1. Sec 101 Definitions--Accessory use or structure:(b) To permit an existing barn which is not subordinate in area to the principle dwelling to remain.
2. Sec. 400.1: To permit the existing barn and miscellaneous outbuildings to remain in the front yard of the principle dwelling in lieu of the required side or rear yard.
3. Sec. 400.3: To permit the existing barn, which has a height greater than the maximum allowed 15 feet for an accessory structure, to remain.
4. Sec. 400.3: To permit two miscellaneous outbuildings which have heights greater than the maximum allowed 15 feet for accessory structures, to remain.

HARDSHIP AND PRACTICAL DIFFICULTY:

1. The buildings are existing.
2. Pursuant to a lot line adjustment to allow the existing buildup to be retained under single ownership, the variances are necessary.
3. Other good and sufficient testimony to be presented at the hearing.

MICROFILMED

#170

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile: (410) 527-1563

97-73^{SPH}-A

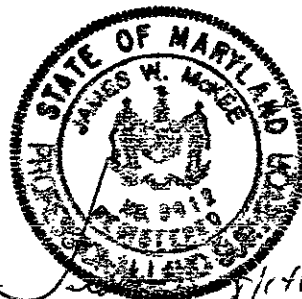
August 13, 1996

**ZONING DESCRIPTION TO
ACCOMPANY PETITION FOR
SPECIAL HEARING AT
2526A BECKLEYSVILLE ROAD
SIXTH ELECTION DISTRICT**

Beginning at a point on the south side of Cotter Road at a distance of 580 feet, more or less, west at the centerline of the nearest improved intersecting street, Beckleysville Road, as recorded in deed Liber 5180 Folio 594 as Tract III and IV the following fourteen lines:

- | | | |
|-----|-----------------|-----------------------------------|
| 1. | S 06° 28' 19" E | 61.88' |
| 2. | S 38° 37' 35" E | 356.42' |
| 3. | S 10° 24' 01" E | 62.70' |
| 4. | S 10° 24' 01" E | 82.50' |
| 5. | S 55° 47' 20" W | 490.39' |
| 6. | S 14° 31' 55" E | 584.10" |
| 7. | S 64° 28' 29" W | 581.09' |
| 8. | N 30° 31' 11" W | 792.00' |
| 9. | S 62° 54' 52" W | 277.19' |
| 10. | N 31° 51' 22" W | 217.19' |
| 11. | N 63° 09' 59" E | 282.34' |
| 12. | S 30° 31' 11" E | 165.00' |
| 13. | N 46° 26' 07" E | 1171.50' |
| 14. | N 68° 57' 09" E | 114.33' TO THE POINT OF BEGINNING |

Containing 100,227.20 square feet or 23.009 acres at land more or less. Lying in Sixth Election District, Third Councilmatic District.



MICROFILMED

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile: (410) 527-1563

97-73 ^{SPT} A

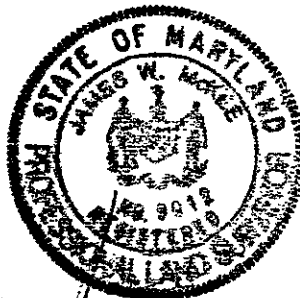
August 13, 1996

ZONING DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCE REQUEST AT 2526A BECKLEYSVILLE ROAD SIXTH ELECTION DISTRICT

Beginning at a point, said point being situated 705 feet, more or less, westerly from the centerline of Beckleysville Road (measured along Cotter Road) and 345 feet, more or less, southerly from Cotter Road thence running for the following four lines:

- | | | |
|----|-----------------|---------------------------------------|
| 1. | S 31° 55' 15" E | 250.20' |
| 2. | S 55° 47' 19" W | 387.89' |
| 3. | N 15° 05' 04" W | 248.73' |
| 4. | N 53° 04' 28" E | 316.75' to the point of the beginning |

Containing 85,051.185 square feet or 1.953 Acres of land, more or less. Lying in the Sixth Election District, Third Councilmatic District.



8/14/96

70

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 10

Posted for: Variance & Special Permit

Date of Posting 9/9/96

Petitioner:

J. David Lawson, Contract Purchaser

Location of property: 2526 A Rockleyville Road

Location of Sign: SB South side of Coffer Road 700' E west of

Rockleyville Road - see attached plan

Remarks: signs pushed along center Road as they would not be visible if posted on property frontage

Posted by W. J. M. M. M.

Signature

Date of return: Rockleyville Road

Number of Signs: 2

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CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/29, 1996

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 8/29, 1996.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. H. Enick

RECORDED

NOTICE OF HEARING
 The Zoning Board of Appeals of Baltimore County, Maryland, will hold a public hearing on the application of James David Larson, et al. for a Variance to permit an existing barn which is not subordinate in area to the principal dwelling to remain in the front yard of the principal dwelling in lieu of the required side or rear yard, to permit the existing barn, which has a height greater than the maximum allowed, 15 feet for an accessory structure, to remain, and to permit two miscellaneous outbuildings which have heights greater than the maximum allowed, 15 feet for accessory structures, to remain.
 Hearing: Wednesday, September 25, 1996 at 11:00 a.m. in Rm. 115, Old Courthouse.
JAYMONCE E. SCHMIDT
 Zoning Commissioner for Baltimore County
 NOTES: (1) Hearings are Handicapped Accessible for Special Accommodations Please Call 887-3353
 (2) For information concerning the file and/or Hearing, Please Call 887-3391.
 8/20/96 August 29, 078551

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

No. 024754

97-73

DATE 8-14-96 ACCOUNT 61-615

Item: 70

By: MX

AMOUNT \$ 170.00

RECEIVED FROM: McKee + Assoc, Inc. - 2526 A Beckleysville Rd.

010 - Res. Variance - \$ 50.00

030 - Res. Sp. Hk. - \$ 50.00

020 - 2 signs - \$ 70.00

FOR: RV + RSPH + \$ 170.00

2 SIGNS

0190000187MICARD

9170.00

BA 0010411000-14-96

DIS
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

CASE NUMBER: 97-73-A (Item 70)
2526A Beckleysville Road
S/S Cotter Road 580' W of c/l Beckleysville Road
6th Election District - 3rd Councilmanic
Legal Owner(s): Melvin and Walter Parrish
Contract Purchaser(s): James David Lawson

Variance to permit an existing barn which is not subordinate in area to the principal dwelling to remain; to permit the existing barn and miscellaneous outbuildings to remain in the front yard of the principal dwelling in lieu of the required side or rear yard; to permit the existing barn, which has a height greater than the maximum allowed 15 feet for an accessory structure, to remain; and to permit two miscellaneous outbuildings which have heights greater than the maximum allowed 15 feet for accessory structures, to remain.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Post by: 9/10/96 McKee & Associates 527-1555

MAILED 10 OCT 1996

Item Number: 070**Type:** Residential**Reviewer:** MJK**Legal Owner:** Melvin E. Parrish & Walter R. Parrish**Contract Purchaser:** James David Lawson**Critical Area?:** No**Election District:** 6th**Councilmanic District:** 3rd**Location:** S/S Cotter Road, 580' W of centerline Beckleysville Road (#2526A Beckleysville Road)**Existing Zoning:** R.C.-2 & R.C.-4

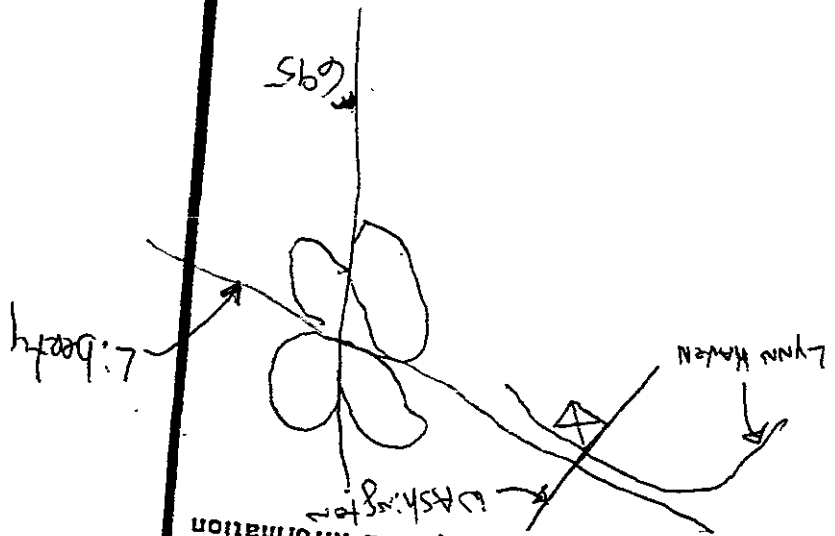
Proposed Zoning: VARIANCE to permit an existing barn which is not subordinate in area to the principle dwelling to remain; to permit the existing barn and miscellaneous outbuildings to remain in the front yard of the principle dwelling in lieu of the required side or rear yard; to permit the existing barn, which has a height greater than the maximum allowed 15 feet for an accessory structure, to remain; and to permit two miscellaneous outbuildings which have heights greater than the maximum allowed 15 feet for accessory structures, to remain.

Area: 1.953 acres**Attorney:** N/A**Miscellaneous:**

MICROFILMED

☐ Variance ☐ Special Hearing

pages 5 & 6 of the CHECKLIST for additional required information



North
Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 2
Councilmanic District: 2

T=200' scale map#: NW5.4
Zoning: D25.5
Lot size: 1.14 acreage
6489.00 square feet

SEWER: ☒ public ☐ private
WATER: ☒ ☐

Chesapeake Bay Critical Area: ☒ yes ☐ no

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

GAM

Not in Flood Plains / All K... H... g



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor 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.: 70 Petitioner: Melvin E. Parrish.

Location: 2526 A Beckleysville Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: J. David Lawson

ADDRESS: Malaw Building, 214 Mt. Carmel Road

Parkton, Maryland 21120

PHONE NUMBER: (410) 329-6535

MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

August 27, 1996

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:

SPH A
CASE NUMBER: 97-73-A (Item 70)
2526A Beckleysville Road
S/S Cotter Road, 580' W of c/l Beckleysville Road
6th Election District - 3rd Councilmanic
Legal Owner(s): Melvin and Walter Parrish
Contract Purchaser(s): James David Lawson

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HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

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

Arnold Jablon
Director

cc: Melvin and Walter Parrish
McKee & Associates
James David Lawson

- 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.

MICROFILMED



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

[Signature]
DIRECTOR

[Signature]
BUILDINGS ENGINEER



Baltimore County
Department of Permits and
Development Management

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

August 27, 1996

Corrected

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: 97-73-A (Item 70)
2526A Beckleysville Road
S/S Cotter Road, 580' W of c/l Beckleysville Road
6th Election District - 3rd Councilmanic
Legal Owner(s): Melvin and Walter Parrish
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Special Hearing to approve a lot line adjustment between two existing contiguous RC-2 tracts of land and to confirm the existing and future dwelling units for each.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Melvin and Walter Parrish
McKee & Associates
James David Lawson

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
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MICROFILMED



Baltimore County
Department of Permits and
Development Management

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

September 20, 1996

Mr. Melvin E. Parrish
20045 Middleton Road
Freeland, MD 21053

RE: Item No.: 70
Case No.: 97-73-A
Petitioner: Melvin Parrish, et al

Dear Mr. Parrish:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 14, 1996.

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 (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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY
PERSONNEL LAW

Sec. 21-9

EFFECT AND COVERAGE OF THE
PERSONNEL RULES AND REGULATIONS.

- (a) The Personnel Rules and Regulations adopted by the Board pursuant to the applicable provisions of this code shall not take effect unless and until the County Executive shall expressly approve their issuance and shall submit them, or amendments thereto, to the County Council with recommendation for their adoption. (Bill No. 17, 1990)
- (b) Notwithstanding any other provision of this title, the Personnel Rules and Regulations shall permit the County Administrative Officer to cause employees to be transferred within or between County agencies to meet workload peaks or emergency conditions; provided further, that no part of the Personnel Rules and Regulations shall govern administration of the County's work program including hours of work and attendance. (Balto. Co. Code, 1958, Section 22-9, Bill No. 14, 1957, Section 1, Bill No. 17, 1990)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 4, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 2526A Beckleysville Road

INFORMATION:

Item Number: 70

Petitioner: James David Lawson

Property Size: _____

Zoning: RC-2 & RC-4

Requested Action: Variance

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

Staff supports the applicant's request provided that future conversion to dwelling units of the identified structures is clearly restricted.

Prepared by: Jeffrey W. Law

Division Chief: Gary L. Kerns

AFK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 26, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 26, 1996
Item No. 071

The Development Plans Review Division has reviewed the subject zoning item. If granted, this office requests that the Hearing Officer requires conformance with the Landscape Manual's residential buffer standard to the extent needed.

RWB:HJO:jrb

cc: File

ZONE23F

MICROFILMED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

8-30-96

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 070 (MSK)

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

IMPROVED

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

TO: PDM

DATE: 9/5/96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Aug 26, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: # 70

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 30, 1996

FROM: *pub* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 3, 1996
Item Nos. 059, 061, 070, 073,
074, 075, 077, 078, 079, & 080

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 08/27/96

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 AUGUST 26. 1996.

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: 59, 70, 72, 73, 74, 75, 76, 77,
78, 79 AND 80.

2 555

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

cc: File

MICROFILMED



RE: PETITION FOR VARIANCE
2526A Beckleysville Road, S/S Cotter Rd,
580' W of c/l Beckleysville Road
6th Election District, 3rd Councilmanic

Legal Owner(s): Melvin & Walter Parrish
Contract Purchaser(s): James Lawson
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 97-73-A

* * * * *

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 19th day of September, 1996, a copy of the foregoing Entry of Appearance was mailed to McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, MD 21030, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

RECEIVED

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
TWO HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
SUITE 113
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

September 25, 1996

PLEASE DELIVER THE FOLLOWING PAGES TO.

NAME	TELEFAX NO.
Timothy Kotroco, Esquire	887-4386

FROM: HOWARD L. ALDERMAN, JR., ESQUIRE

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]. 2

CLIENT/MATTER: 2526A Beckleysville Road --- Parrish/Lawson, Petitioners

COMMENTS: Tim: here is proposed language to address the orientation and residential use issues. There is no pride of authorship, so modify as you deem necessary. Thanks and call me with any questions.

[x] ORIGINAL WILL NOT BE MAILED

If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible.
My return FAX Number is (410) 296-2801.

WARNING: UNAUTHORIZED INTERCEPTION OF THIS TELEFAX COMMUNICATION
COULD BE A VIOLATION OF FEDERAL AND MARYLAND LAW.

The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for expenses. Thank You.

MICROFILMED

Orienta:

If the owner of Tract 4 as reconfigured by this Order desires to erect a new dwelling in place of the existing dwelling which is to be removed, the front of any such new dwelling may be oriented in any direction desired consistent with the variance relief granted hereby permitting accessory structures to be located in the front and side yards.

Residential Use

None of the existing, accessory structures shown on Petitioner's Exhibit No. 1 shall be converted to residential use, except upon removal of the existing dwelling the existing barn may be converted to residential use, provided that no more than one (1) single family dwelling exists on Tract 4 as reconfigured by this Order

MICROFILMED

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD
TELEPHONE: (410) 527-1555

HUNT VALLEY, MARYLAND 21030
FACSIMILE: (410) 527-1563

DATE: 09/10/96

TO: Baltimore County P.D.M.

RE: Parrish Property

Case # 97-73-A item #70

ATTENTION: Gwen Stevens

Gentlemen:

☐ We are submitting

☒ Herewith

☐ Under separate cover

☐ We are forwarding

☒ We are returning

No.	Description
1	sign Certificate of Posting

☐ For processing

☐ For your use

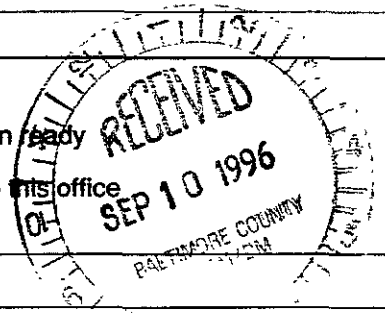
☐ For your review

☐ Please call when ready

☒ In accordance with your request

☐ Please return to this office

Remarks:



For further information, please contact the writer at this office.

Very truly yours,

McKee & Associates Inc.

Enclosures

MICROFILMED

SEP 11 1996

Guy C. Ward, R.S., Associate

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Howard L. Alderman Jr
James Grammer
Guy Ward
J. Daniel Lauson
Rick Shilly

ADDRESS

305 W. Chesapeake Ave #113 21204
McKee & Assoc
Five Shuman Road Hunt Valley
21030

2523 Cotter Rd. Millers MA.

3
MICROFILMED



Baltimore County
Department of Environmental Protection
and Resource Management

Eastern Regional
Community Services
North Point Government Center
7701 Wise Avenue
Baltimore, Maryland 21222
(410) 887-7128
Fax: (410) 887-7098

September 11, 1996

Mr. Melvin Parrish
20045 Middletown Road
Freeland, Maryland 21053

Re: 2526 A Beckleysville Road
Freeland, Maryland 21053

Dear Mr. Parrish:

The report of the investigation conducted on October 4, 1994, by representatives of this office indicated that some painted surfaces of the referenced property contain significant levels of lead. A notice of violation was issued by the Department of Community Development on November 29, 1994.

On April 30, 1996, Theresa Snodgrass advised this office by phone that her family had vacated the property and it is currently unoccupied.

You are reminded that a property owner may not sell, lease or dispose of the premises until (1) the notice of violation has been complied with, or (2) the owner provides a copy of the violation notice to the grantee, mortgagee, or lessee who accepts the responsibility to make corrections required by the notice of violation Section 18-72 of the Baltimore County Code.

For further information, contact Mr. Merle Schmidt at 887-7128 between 8:00 to 9:30 a.m., weekdays.

Very truly yours,

Yvonne S. DeLoatch, R.S.

Yvonne DeLoatch, R.S., Supervisor
Community Services DEPRM

YD:MLS:kh
A:Bll:Parrish.ltr

cc: Mr. Ian J. Forrest

cc: Wayne Flora - PADM

MICROFILMED

PETITIONER'S
EXHIBIT 3

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555

Facsimile: (410) 527-1563

September 23, 1996

Mr. Merle Schmidt, R.S.
Eastern Regional Community Services
North Point Government Center
7701 Wise Avenue
Baltimore, Maryland 21222

Re: 2526A Beckleysville Road
Freeland, Maryland 21053

Dear Mr. Schmidt:

Pursuant to our conversation of September 18, 1996 it is our understanding that the lead paint violation for the above listed property can be corrected through the razing of the subject structure. Furthermore, it is our understanding that no special abatement measures will be required when razing the dwelling. We are aware that a razing permit must be issued prior to demolition of the structure.

Our client, Mr. J. David Lawson, the contract purchaser of the property, has been advised of the above requirements and has received a copy of the letter from Yvonne S. Deloatch, R.S., Supervisor of your office, to Mr. Melvin Parrish the owner of the property.

We request that you review and endorse the statement below so that this information may be presented at the Zoning Variance and Special Hearing, Case #97-73-A, Item #70, on Wednesday, September 25, 1996. The variance and special hearing involve setback issues with respect to the subject structure which may need to be addressed in a different manner if the structure is to be razed.

TANNER'S

LAB 4

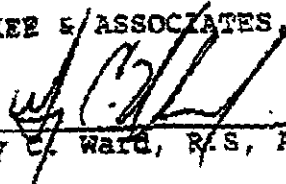
MICROFILMED

Letter to Mr. Merle Schmidt, R.S.
Re: 2526A Beckleysville Road
Freeland, Maryland 21053
September 23, 1996
Page Two

Thank you for your timely assistance to this matter.

Very truly yours,

MCKEE & ASSOCIATES, INC.


Guy C. Ward, R.S., Associate

GCW:ajw

The lead paint violation for the above listed property may be corrected by razing the subject structure. No special abatement procedures will be necessary, however, a razing permit must be issued by Baltimore County Office of Permits and Development Management prior to commencement of demolition. Worker protection during razing should be discussed with the appropriate state agency.

9/24/96
Date

Merle Schmidt R.S.
Mr. Merle Schmidt, R.S.
Baltimore County D.E.P.R.M.

R.C. 2

97-73-A

R.C. 2

R.C. 2

R.C. 4

R.C. 4

R.C. 2

R.C. 2

R.C. 2

4

R.C. 4

R.C. 4

R.C. 2

BALTIMORE COUNTY ZONING MAP N.W.35-F

PARRISH PROPERTY

6th ELECT. DIST. BALT. CO., MD.

SCALE: 1"=200' AUGUST 13, 1996

R.C. 2

COTTER

BECKLEYSVILLE

PRIVATE

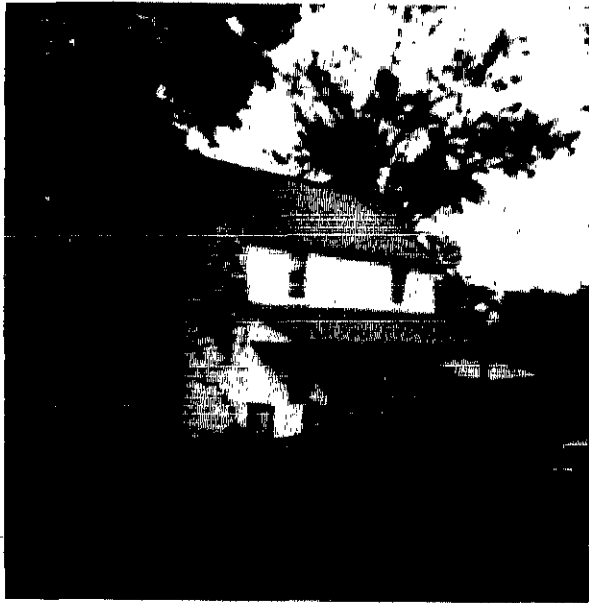
E 873,000

W 34,500

W 33,000

(SHEET N.W. 34-F)

PROPOSED #10



Pet Ex 2A



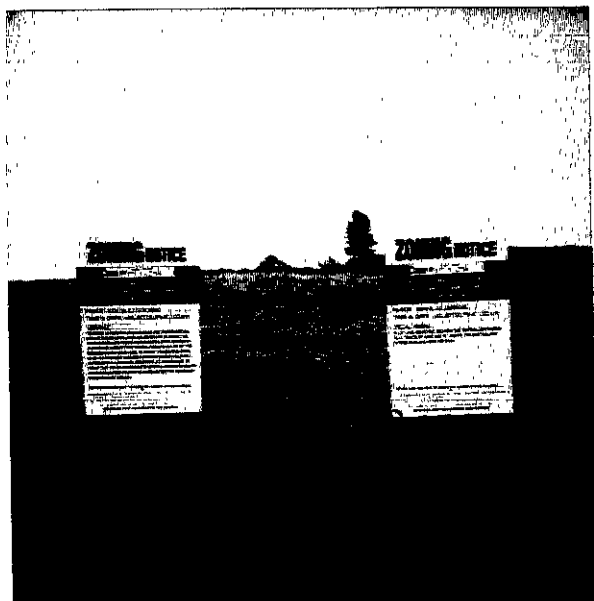
2B



2C



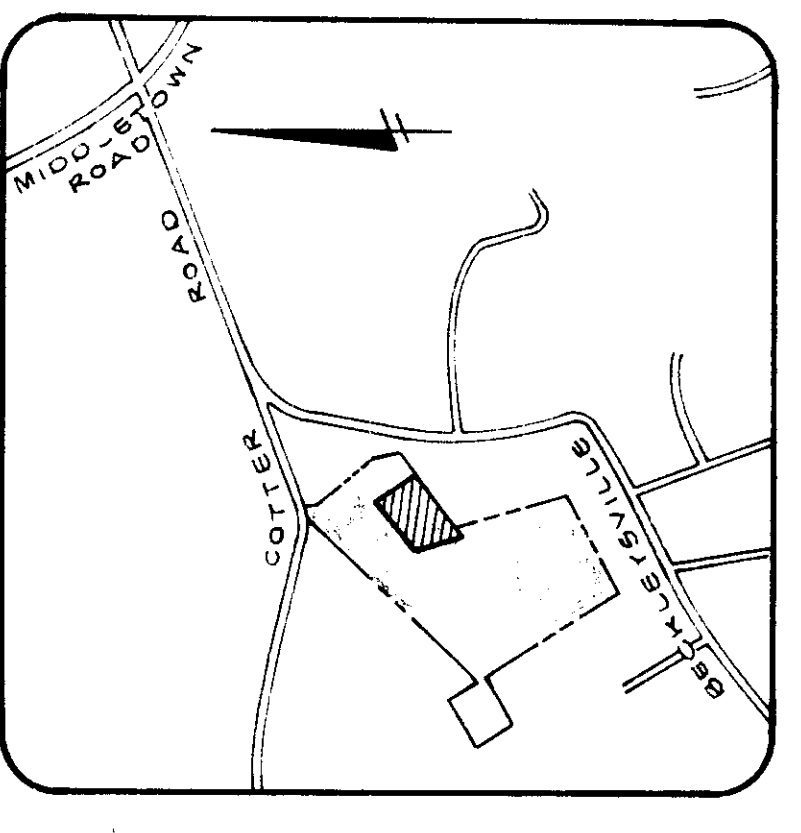
2D



2E

Petitioner's
Exhibits
2A-2E
photographs
Case 97-73-SPHA

MICROFILMED



VICINITY MAP
SCALE: 1" = 1000'

DENSITY CALCULATIONS

	ZONING	AREA	UNITS PERMITTED
EXISTING	TRACT 3 R.C.-2	20555 AC±	2
EXISTING	TRACT 3 R.C.-4	1386 AC±	1
EXISTING	TRACT 4 R.C.-4	1099 AC±	1
PROPOSED	TRACT 3 R.C.-2	19671 AC±	2
PROPOSED	TRACT 3 R.C.-4	1386 AC±	1
PROPOSED	TRACT 4 R.C.-2	1953 AC±	1

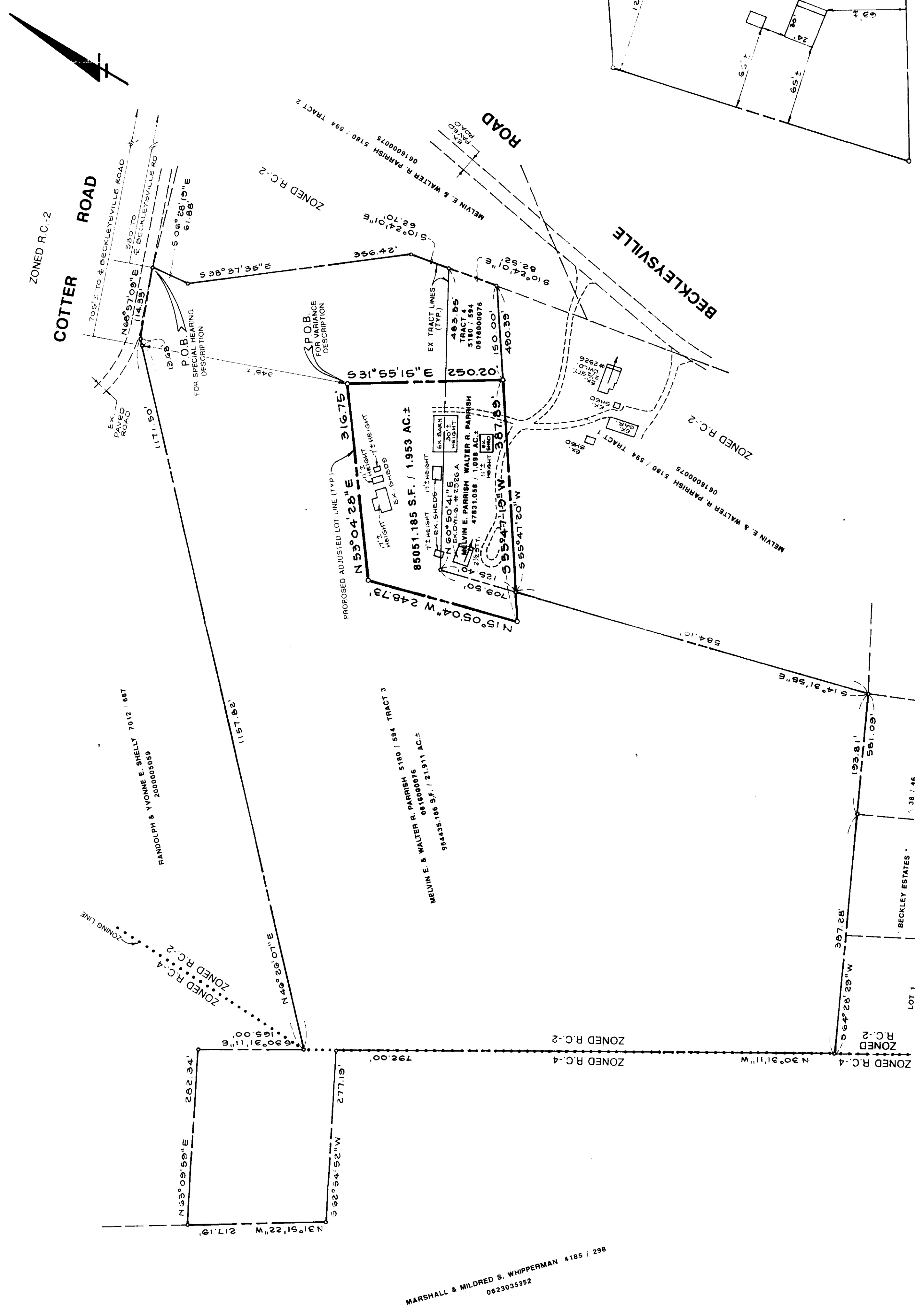


EXHIBIT 1
PETITIONER'S

SETBACK DETAIL
SCALE: 1" = 50'

97-73 SAH

PLAT TO ACCOMPANY PETITION
FOR
ZONING VARIANCE AND SPECIAL HEARING

PARRISH PROPERTY

2526 A BECKLEYSVILLE ROAD #70
6 TH. ELECTION DISTRICT BALTIMORE CO., MARYLAND
SCALE: 1" = 100'
DATE: 8 / 1 / 96

OWNER
MELVIN E. PARRISH
WALTER R. PARRISH
20045 MIDDLETOWN ROAD
FREELAND, MARYLAND 21053

CONTRACT PURCHASER
J. DAVID LAWSON
C/O LAWSON ENTERPRISES, INC.
MALAW BUILDING
214 MT. CARMEL ROAD
PARKTON, MD 21120



McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
HUNT VALLEY, MARYLAND 21030
(410) 527-1555

Drawn by: G.C.W.
Checked by: W.D.G.
Date: 8/14/96
James W. McKee
(Maryland Registered No. 9012)

CHANGES IN BUILDING USE IS PROPOSED.
PROPERTY IS NOT IN THE 100 YEAR FLOOD PLAIN
THERE ARE NO PRIOR ZONING HEARINGS ON THIS PROPERTY.

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 97-73-SPHA

STATEMENT OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 2526-A Beckleysville Road, located in the vicinity of Middletown Road in Free-land. The Petitions were filed by the owners of the property, Melvin E. Parrish and Walter R. Parrish, and the Contract Purchaser, James David Lawson. The Petitioners seek approval of a lot line adjustment between two existing contiguous R.C.2 tracts of land, and to confirm the number of existing and future dwelling units for each lot. In addition to the special hearing relief sought, the Petitioners seek variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 101, Definitions, Accessory Use or Structure, to permit a barn which is not subordinate in area to the principle dwelling to remain as it presently exists, and from Sections 400.1 and 400.3 to permit the existing barn and miscellaneous outbuildings to remain in the front yard of the principle dwelling in lieu of the required side or rear yard location, and to permit the existing barn and two miscellaneous outbuildings (sheds) with heights greater than the 15-feet permitted to remain. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's

Appearing at the hearing on behalf of the Petitions were J. David Lawson, Contract Purchaser, James Grammer and Guy Ward, Professional Engineers with McKee and Associates, Inc., who prepared the site plan for this project, Randy Shelley, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the property which is the subject of this request consists of two tracts, (Tracts 3 and 4 of the Parrish Property) with a combined area of 23.009 acres, more or less, split zoned R.C.2, and a small sliver of R.C.4 in the northeast corner of the property adjacent to Cotter Road. The property is improved with a single family dwelling and a number of outbuildings, which are scattered over both tracts. The Petitioners propose a lot line adjustment to create one lot of 1.953 acres which would contain all of the existing structures. This lot, which is to be purchased by the Contract Purchaser, would be entirely zoned R.C.2, and contain only one (1) density unit, which is currently utilized by virtue of the existing dwelling. However, testimony indicated that the Contract Purchaser may raze the existing dwelling and convert an existing barn into residential living quarters, or rebuild a new dwelling. In any event, it is clear that only one (1) density unit shall be associated with this 1.953 acre lot.

In addition to the special hearing request, the Petitioners seek variance relief which is necessitated by virtue of the lot line adjustment and the size and location of some of the existing accessory structures. As shown on the site plan, the barn is larger than the existing dwelling. Furthermore, the height of this barn is greater than the maximum permitted 15 feet. In addition, several other outbuildings and sheds are actually located in the front yard of this parcel. Two of the sheds on the proper-

ty have a height of 17 feet in lieu of the maximum permitted 15 feet. Thus, variances are necessary to legitimize the barn and the height and location of several of these accessory structures. All of the requested variances are technical in nature and are necessitated by the fact that these structures have existed for many years. The requested variances will simply bring the property into compliance with current zoning regulations.

As noted above, the Contract Purchaser may decide to raze the existing dwelling rather than attempt renovations. It's possible that the house, given its age, is not worthy of renovation and therefore, may have to be removed. A new house could be constructed in its place, or the Petitioner might wish to convert the existing barn into residential living quarters. The location of the accessory structures and outbuildings on this lot could be affected by a newly constructed home or barn conversion. Whether the Petitioner razes the existing dwelling and constructs a new home in its place, or should he choose to convert the existing barn into a residential living unit, the variances to allow the accessory structures and outbuildings to remain in their present configuration and location should be granted. These buildings have existed on the property for many years and it would not be necessary for the Petitioners to remove any of these structures, regardless of whether the orientation of the replacement home, or converted barn change. Therefore, all of these structures shall be permitted to remain in their present location.

Furthermore, with the exception of the barn, none of the other accessory structures or outbuildings shall be converted for residential uses should the Petitioners decide to raze the existing home and not replace it. The key to this lot line adjustment is that there is only one (1) density unit associated with the 1.953 acre parcel, and that is all.

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

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

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structures which are the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

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

IT IS ORDERED by the Deputy Zoning Commissioner for Special Hearing seeking approval of a lot line adjustment between two existing contiguous R.C.2 tracts of land, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that only one (1) density unit shall be associated with the 1.953 acre parcel; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 101 to permit a barn which is not subordinate in area to the principle dwelling to remain, and from Sections 400.1 and 400.3 to permit the existing barn and miscellaneous outbuildings to remain in the front yard of the principle dwelling in lieu of the required side or rear yard location, and to permit the existing barn and two miscellaneous outbuildings (sheds) with heights greater than the maximum allowed 15 feet to remain, 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 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) Only one (1) density unit shall be associated with the 1.953 acre parcel, which is presently utilized by virtue of the existing dwelling. However, the Contract Purchaser desires to raze the existing dwelling and convert the barn into residential living quarters.

In granting this permit, the site plan submitted, case and set forth and approved by this Order.

TIMOTHY M. KOTROO
Deputy Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

October 10, 1996

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

Howard L. Alderman, Jr., Esquire
Levin & Gann
405 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
5/8 Cotter Road, 580' W of Beckleysville Road
(2526-A Beckleysville Road)
6th Election District - 3rd Councilmanic District
Melvin E. Parrish, et al - Petitioners
Case No. 97-73-SPHA

Dear Mr. Alderman:

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

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

Very truly yours,

TIMOTHY M. KOTROO
Deputy Zoning Commissioner
for Baltimore County

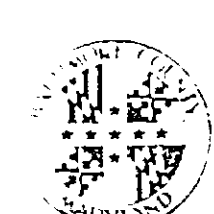
TNR:DLR

Messrs. Melvin E. and Walter R. Parrish
2045 Middletown Road, FreeLand, Md. 21053

Mr. James David Lawson
204 Mt. Carmel Road, Parkton, Md. 21120

Messrs. James Grammer and Guy Ward, McKee & Associates, Inc.
5 Shawan Road, Hunt Valley, Md. 21030

People's Counsel
Case File



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 2526 A Beckleysville Rd.
which is presently zoned RC-2/RC-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 502.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve

a lot line adjustment between two existing contiguous RC-2 tracts of land and to confirm the existing and future dwelling units for 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.

With this document I declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

James David Lawson

Type of Petitioner:

Signature

204 Mt. Carmel Road

Address

Parkton, MD 21120

City State Zip

Attorney for Petitioner:

Freeland, MD 21053

City State Zip

Name Address and phone number of representative to be contacted

McKee & Associates, Inc.

5 Shawan Rd., Hunt Valley, MD 21030

Address (410) 527-1555

City State Zip

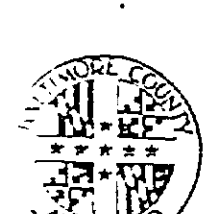
ESTIMATED LENGTH OF HEARING

1-2 hr

Next Two Months

ALL OTHER

REVIEWED BY DATE 8/14/96



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 2526 A Beckleysville Rd.
which is presently zoned RC-2/RC-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 Variance from Section(s)

please see attached

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

please see attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

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

With this document I declare and affirm, 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):

Melvin E. Parrish

Type of Petitioner:

Signature

204 Mt. Carmel Road

Address

Parkton, MD 21120

City State Zip

Attorney for Petitioner:

Freeland, MD 21053

City State Zip

Name Address and phone number of representative to be contacted

McKee & Associates, Inc.

5 Shawan Rd., Hunt Valley, MD 21030

Address (410) 527-1555

City State Zip

ESTIMATED LENGTH OF HEARING

1-2 hr

Next Two Months

ALL OTHER

REVIEWED BY DATE 8/14/96

estate, upon such terms and conditions as they may deem just and the decision of my Executor and her successor shall be binding and conclusive upon all persons and corporations interested therein.

In any case in which my Executor or her successor is required, pursuant to the provisions of this my Last Will and Testament, to divide any part of my estate into parts or shares, or to distribute such parts or shares, division or distribution in kind or in money, or partly in kind and partly in money and for the purpose of such allotment the judgment of my Executor or her successor concerning the propriety thereof, and the relative value for the purpose of division or distribution of the property and securities so allotted shall be binding and conclusive on all persons interested therein.

All of the foregoing powers shall be exercised without the necessity of prior application to, or subsequent ratification by any Orphans' Court or any other Court.

IN WITNESS WHEREOF: I have hereunto set my hand and affixed my seal this 17th day of July, 1944.

E. Grace Miller (SEAL)

Signed, sealed, published and declared by the said Testatrix, E. GRACE MILLER, as and for her Last Will and Testament, in the presence of us, who at her request, in her presence, and in the presence of each other, have hereunto subscribed our names as witnesses this 17th day of July, 1944.

John A. Cochran 509 Tithel Bldg.
Edwin F. Young 509 Tithel Bldg.
C. M. Tucker 509 Tithel Bldg.

FIRST CODICIL

I, E. GRACE MILLER, of Baltimore County, State of Maryland, do make, publish and declare this to be the First Codicil of my last Will and Testament dated July 17, 1944.

I declare ITEM FOUR null and void and in its place I insert the following:

"ITEM FOUR: I hereby constitute and appoint my daughter, MARJORIE M. SMITH to be the Personal Representative of this my Last Will and Testament, and I do hereby excuse my said Personal Representative and her successor hereinafter named from giving any bond for the faithful performance of their duties as such. In the event of the death, refusal or inability to act as Personal Representative of said MARJORIE M. SMITH, then I direct that LOUISE M. FOWBLE shall be Personal Representative hereunder in the place and stead of said MARJORIE M. SMITH.

I do hereby confer upon my Personal Representative and her successor all powers necessary, proper or convenient for the preservation, management and direction of my estate, and I do hereby authorize them to sell, assign, transfer, convey, exchange, divide, invest, reinvest, mortgage, lease, deed and otherwise deal with the whole or any portion of my estate, real or personal, as they, in their judgment, may deem proper, and to that end to make deeds, conveyances, leases, transfers and other instruments of writing and to receive payment and to do all other acts and things incident thereto; also I do hereby expressly authorize my Personal Representative and her successor to compromise and adjust any and all claims in connection with my estate, whether such claims be in favor of or against my estate, upon such terms and conditions as they may deem just and the decision of my Personal Representative and her successor shall be binding and conclusive upon all persons and corporations interested therein.

In any case in which my Personal Representative or her successor is required pursuant to the provisions of this my Last Will and Testament, to divide any part of my estate into parts or shares, or to distribute such parts or shares, they are authorized and empowered, in their sole discretion, to make such division or distribution in kind or in money, or partly in kind and partly in money and for the purpose of such allotment the judgment of my Personal Representative or her successor concerning the propriety thereof, and the relative value for the purpose of division or distribution of the property and securities so allotted shall be binding and conclusive on all persons interested therein.

All of the foregoing powers shall be exercised without the necessity of prior application to, or subsequent ratification by any Orphans' Court or any other Court.

IN WITNESS WHEREOF, I have hereunto set my Hand and Seal this 17th day of July, 1944.

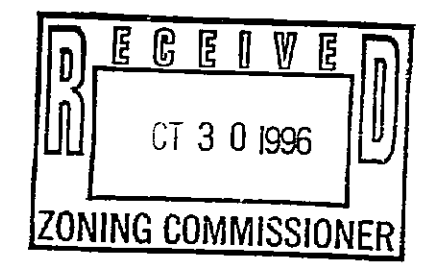
E. Grace Miller (SEAL)
E. Grace Miller, Testatrix
page one of two pages

Signed, sealed, published and declared by E. GRACE MILLER, the above named Testatrix, as and for a First Codicil to her last Will and Testament, in the presence of us, who at her request, in her presence and in the presence of each other, hereunto subscribe our names as witnesses.

Thomas W. Early residing at 1729 Glen Ridge Rd. 2124
Witness
John G. Gower residing at Parkton, Md. 21120
Witness
page two of two pages

By, Leidna

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
111 W. Chesapeake Ave.
Baltimore, MD 21204



Dear Mr. Commissioner:

Reference Case #: 97-74-SPH hearing of October 17 and our telephone conversation of October 17.

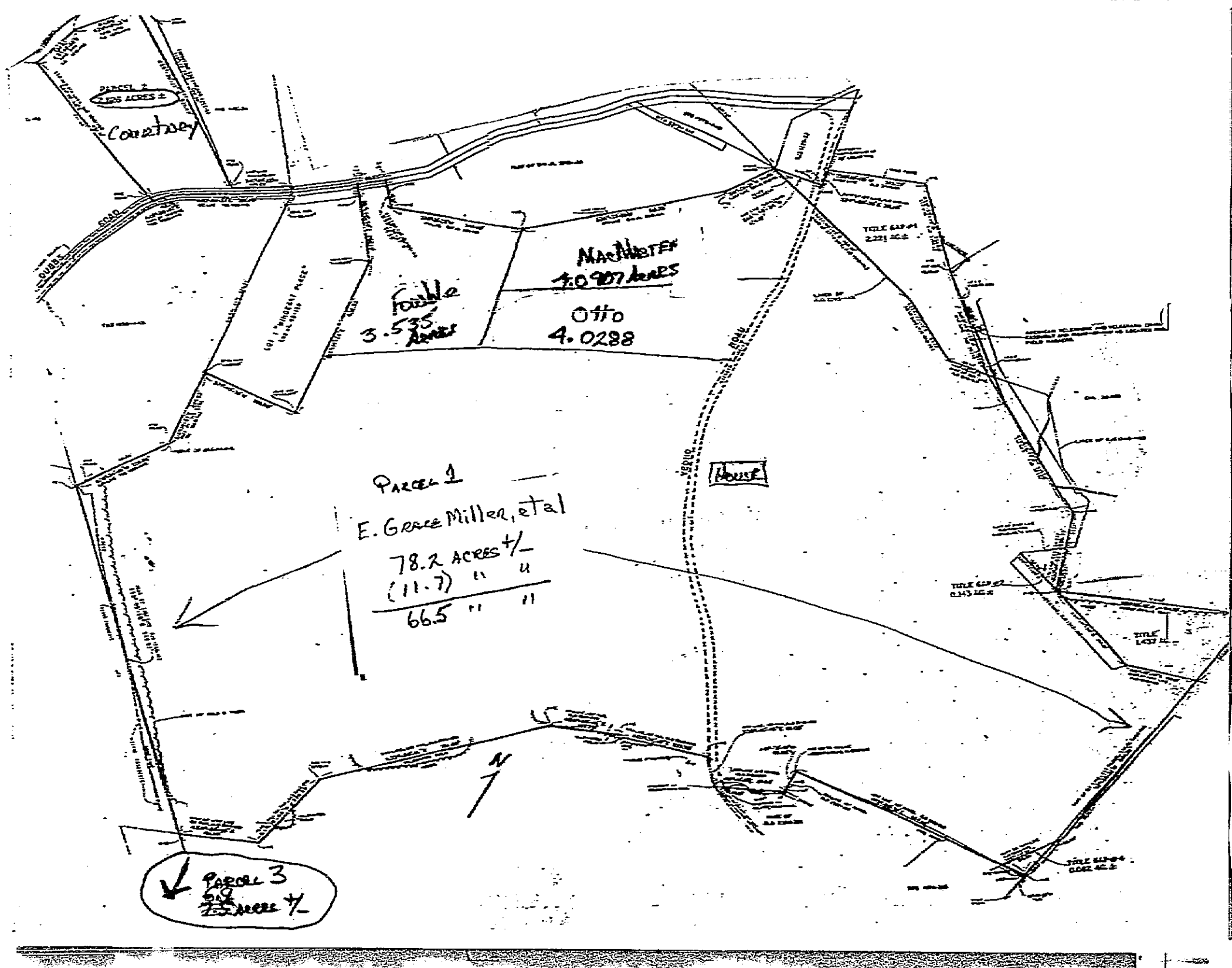
During the hearing you showed me a document signed by all four claimants, including Mrs. Mrs. Courtney. During our October 19 discussion, I requested a copy of said document be sent to me by teletax. On my return from travel yesterday, I found no copy of the document on my teletax machine.

Request you provide me a copy of the document, which I understand to be a letter from Mrs. Fowble, Mrs. Otto, Mrs. MacMaster, and Mrs. Courtney, signed by all. Kindly send same to me via teletax on (410) 322-0738. Note too, that when you issue your letter of decision on reference case, it should also be sent to me by teletax.

Thank you for your attention to this matter.

Sincerely,
David R. Smith

sent copy of document via teletax on 10/18/96



Friday, May 30, 1997

Cathy Bianco
Board Of Appeals
Room 49
Old Court House
Towson, MD 21204

RE: Case # 97-74 SPH

Dear Ms. Bianco,

Please put me in the folder to keep me informed of Case # 97-74 SPH on Dubbs Road. My name is Stacey Sutton and my address is 16702 Dubbs Road, Sparks, Maryland 21152.

Thank you for your consideration on this matter.

Sincerely,
Stacey A. Sutton
Stacey Sutton

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

NAME (Print)	ADDRESS	SIGNATURE
JANET MACHAMER, RN		<u>Janet Machamer</u>
EUGENE L. WU, MD	16726 DUBBS RD SPARKS MD 21152	<u>Eugene L. Wu</u>

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

NAME (Print)	ADDRESS	SIGNATURE
Rebecca B. Belson	16813 Yeoho Road SPARKS MD 21152	<u>Rebecca B. Belson</u>

97 JUN 2 - 5:38
RECEIVED
COUNTY BOARD OF APPEALS

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

NAME (Print)	ADDRESS	SIGNATURE
MICHAEL + DAVID JOHNSON	16550 YEHO RD	<i>Michael Johnson</i>

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

NAME (Print)	ADDRESS	SIGNATURE
Eugene Schweitzer	16924 Yeoho Rd	<i>Eugene Schweitzer</i>
Elizabeth Schweitzer	16924 Yeoho Rd.	<i>Elizabeth R. Schweitzer</i>

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

NAME (Print)	ADDRESS	SIGNATURE
Tidy L. Burke	16730 Dubbs Rd	<i>Tidy L. Burke</i>
Raymond D. Burke	"	<i>Raymond D. Burke</i>
Gloria Stuart	16616 Dubbs Rd	<i>Gloria Stuart</i>
T. Scott Stuart	"	<i>T. Scott Stuart</i>

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

NAME (Print)	ADDRESS	SIGNATURE
Margaret S. Brown	16004 Brattyboy Dam Rd	<i>Margaret S. Brown</i>
	Parkton, Md. 21120	

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

NAME (Print)	ADDRESS	SIGNATURE
Samuel N. Tzberg	16803 Yeoho Rd.	<i>Samuel N. Tzberg</i>
Vicki Mermelstein	16803 Yeoho Rd.	<i>Vicki Mermelstein</i>

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

NAME (Print)	ADDRESS	SIGNATURE
PATRICK R. O'Brien III	16918 B Yeoho Rd	<i>Patrick R. O'Brien III</i>
	PARKTON, MD 21120	<i>Patrick R. O'Brien III</i>
Stella H. O'Brien		<i>Stella H. O'Brien</i>

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

NAME (Print)	ADDRESS	SIGNATURE
Russ Clark	16819 Yeoho Rd	<i>Russ Clark</i>
Jayne Clark		<i>Jayne Clark</i>

PETITION TO BALTIMORE COUNTY ZONING COMMISSION

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

NAME (Print)	ADDRESS	SIGNATURE
Gregory J. Layko	16910 Brattyboy Dam Rd.	<i>Gregory J. Layko</i>
	Parkton, Md. 21120	

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbo Rd. (zoning committee file number 97-13-SW hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary School attendance boundary. I believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

I/we OPPOSE the zoning request change for the Fowble property on Yeave and Dabbs Rd zoning committee file number 97-1-SPH hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting the zoning change of this property will jeopardize efforts of the county to protect agricultural land.

I/we OPPOSE the zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-GPW, hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school district. We believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

I/We OPPOSE this zoning request change for the Fowble property on Yeoho and Dubbs Rd. (zoning committee file number 97-74-SPH hearing on October 17, 1995). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, the school is sited in the Suburban Elementary school building moratorium area. I/we believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

I/we OPPOSE the zoning request change for the Fowble property on Veoho and Dubbo Aids. (zoning committee file number 97-35H hearing on October 17, 1995). The current RC-C zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary School District. I believe that permitting the zoning change of this property could jeopardize efforts of the county to protect agricultural land.

1/ I/we OPPOSE the zoning request for the Fowble property on Vecho and Dubois, a zoning committee file number 97-74-SPH, which was heard at the public hearing on October 17, 1996). The current RC-2 zoning that exists for this property, as well as for the surrounding area was implemented specifically to protect critical agriculture. In addition, this region is included in the 5th District Elementary school building moratorium area. I/we believe that permitting this zoning change of this property could jeopardize efforts of the county to protect agricultural land.

1/we OPPOSE the zoning request change for the Fowble property
 2/one and Dubbs Rd. (zoning committee file number 97-74-SPH
 3/hearing on October 17, 1996). The current RC-2 zoning that
 4/exists for this property, as well as for the surrounding area was
 5/implemented specifically to protect critical agriculture. In
 6/this school district is included in the 5th district Elementary
 7/school building moratorium. I/we believe that permitting
 8/the zoning change of this property could jeopardize efforts of
 9/the county to protect agricultural land.

~~SECRET~~ SIGN-IN SHEET

<u>NAME</u>	<u>ADDRESS</u>
Mary P Shaffer	16929 Veho. Ra
(Cindy) Brenda Thomas P. Leburn	Par'kton md 21120
P. J. Scott	6619 Dulles Rd Sparks, Md 21152
\$ R. Sm 171	6616 DeBos Rd Sparks 21152
	16701 Veho Rd Sparks 21152

Liber 1346

WITNESS the hand and seal of said grantors

TEST
John A. Cochran
As to both
STATE OF MARYLAND CITY OF BALTIMORE TO WIT:
I HEREBY CERTIFY that on this 30th day of June in the year one thousand nine hundred and forty-four before me the undersigned a Notary Public of the State of Maryland in and for Baltimore City aforesaid personally appeared John H. Heiser and Kathleen H. Heiser his wife the above named grantors and they acknowledged the foregoing Deed to be their act AS WITNESS my hand and Notarial Seal

(Notarial Seal)
Recorded July 20 1944 at 1:00 P.M. and per
Examiners JAP

63750
THIS RELEASE made this fourteenth day of July 1944 by Sun Federal Savings and Loan Association a duly incorporated body under the Laws of the United States of America
WITNESSETH That whereas all the covenants of the hereinafter described Mortgage have been performed and the whole sum of money and interest secured thereby has been paid the said body corporate doth grant and release unto Arnold D. Bryan and Myrtle Bryan his wife their heirs and assigns all that lot of ground and premises described in a mortgage from the said Arnold D. Bryan and Myrtle Bryan his wife to the said body corporate dated May 19 1943 recorded in the Land Records of Baltimore County in Liber R 7 3 No 1262 folio 541 free and clear from the operation of said Mortgage
AND the said body corporate doth hereby constitute and appoint Harry A. Kohlerman to be its Attorney in its name and as its act to acknowledge this Release before anyone legally authorized to take said acknowledgment
AS WITNESS the corporate seal of said body corporate and the signature of its President
Signed Sealed and Delivered
In the presence of
Helena Reymann
(Corporate Seal)
STATE OF MARYLAND CITY OF BALTIMORE TO WIT:
I HEREBY CERTIFY that on this fourteenth day of July 1944 before me the undersigned a Notary Public of said State in and for Baltimore City aforesaid personally appeared Harry A. Kohlerman the Attorney named in the foregoing Deed of Release and by virtue and in pursuance of the authority therein conferred on him acknowledged the said Deed of Release to be the act of said body corporate
As witness my hand and Notarial Seal
(Notarial Seal)
My commission expires May 7 1945

LOUISE M. FOWLE
Box 32
201 Timonium Road
Timonium, Maryland 21093
Plaintiff

vs.

JEAN MACMASTER
P.O. Box 341
Cocoa Beach, Florida 32931
DORIS OTTO
Box 59
Lindon, Pennsylvania 17744
MARY COURTNEY
Rural Route 1, Box 519
Cockeysville, Maryland 21030
Defendants

175/67/83E-14

BILL OF COMPLAINT FOR PARTITION

Louise M. Fowle, Plaintiff, by her attorney, William F. C. Marlow, Jr., respectfully represents unto this Honorable Court:

1. That the Plaintiff is an owner as tenant in common in certain real property situate in Baltimore County, State of Maryland, which real property was acquired by Deed dated July 27, 1932 and recorded among the Land Records for Baltimore County in Liber E.H.K.Jr. No. 6446, Folio 110, et cetera, a copy of which is attached hereto, made a part hereof, and labeled "Exhibit 1".
2. That the Defendants and each of them are owners as tenants in common of the real property set forth in Paragraph One hereof.
3. That there are no other individuals or other entities having an ownership interest in said real property as tenants in common or otherwise.
4. That the Plaintiff is entitled to a partition in kind of said real property as a matter of right.

WHEREFORE, the Plaintiff herein requests:

- a. That the said lands be partitioned in kind in order that the real property set forth hereinabove held by the Plaintiff and the Defendants as tenants in common be divided into distinct portions so that they may hold them in severalty.
- b. That the Plaintiff may have such other and further relief as her case may require.

AND, AS IN DUTY BOUND, ETC.

William F. C. Marlow, Jr.
Louise M. Fowle

WILLIAM F. C. MARLOW, JR.
Marlow & Peddicord
504 Baltimore Avenue
Towson, Maryland 21204
821-1013
ATTORNEY FOR PLAINTIFF

LOUISE M. FOWLE
Plaintiff

vs.

JEAN MACMASTER
DORIS OTTO
and
MARY COURTNEY
Defendants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
IN EQUITY

175/67/83E-14

JOINT PETITION - Partition of Property

Louise M. Fowle, Plaintiff, by her attorney, William F. C. Marlow, Jr., and Jean MacMaster, Doris Otto and Mary Courtney, Defendants, by their attorney, Mark F. Hanley, Jr., respectfully represent unto this Honorable Court:

1. That on or about January 4, 1933 the Plaintiff filed a Bill of Complaint seeking as relief the partition of certain real property situate in Baltimore County, Maryland, title to which is vested in the Plaintiff and Defendants as tenants in common.
2. That the Plaintiff is entitled to the aforesaid relief as a matter of right.
3. That the parties hereto have settled their disputes and have agreed to the partition of the real property which is the subject of this litigation in accordance with the Plat attached hereto, made a part hereof and labeled "Exhibit 1".
4. That said real property may be divided and Decreed as set forth above without the necessity of a Trustee being appointed.

Wherefore, the Plaintiff and Defendants respectfully request that this Honorable Court Order and Decree:

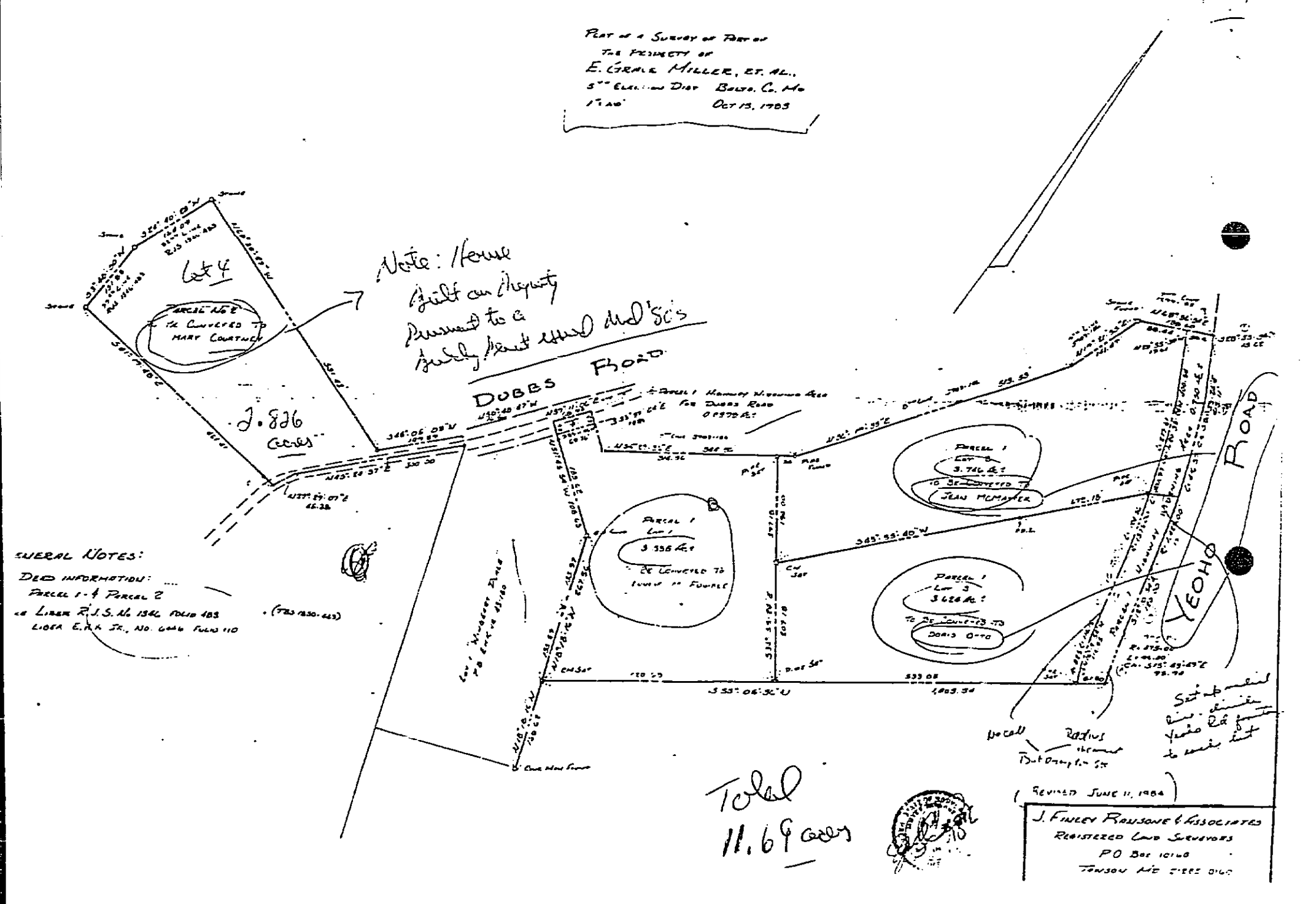
- (a) That Deeds for the real property which is the subject of this litigation be executed by the parties conveying

same in accordance with the Plat attached hereto labeled "Exhibit 1".

(b) That the parties hereto each bear in equal shares the costs of these proceedings.

(S) PARR F. HANLEY, JR.
Attorney for Defendants

(S) WILLIAM F. C. MARLOW, JR.
Attorney for Plaintiff



EDWARD DENATERS

1st No's

BEING the same property described in a Deed dated May 12, 1981 and recorded among the aforesaid Land Records in Liber EHKJr. No. 6286 folio 395 from E. Grace Miller et al unto Mary Courtney.

rec'd for record OCT 21 1982 at 1100
Per Elmer H. Kabline, Jr., Clerk
Mail to W. L. Paddock
Receipt No. 1007

This Deed, Made This 16th day of October
in the year one thousand nine hundred and eighty-four
by and between
LOUISE M. FOWLE, JEAN MacMASTER, DORIS OTTO and MARY COURTNEY,
of Baltimore County, State of Maryland
of the first part, and
LOUISE M. FOWLE,
of the second part.

Witnesseth, That in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the actual consideration paid or to be paid is \$0.00.

the said Louise M. Fowle, Jean MacMaster, Doris Otto and Mary Courtney,

do grant and convey to the said Louise M. Fowle, her
personal representatives/successors and assigns
in fee simple, all
that lot of ground situate in the Fifth Election District of Baltimore
County, State of Maryland,
and described as follows, that is to say:

For Description, see Exhibit 1 attached hereto and made a part hereof.

BEING part of a parcel of land which by a deed dated July 27, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6446, Folio 110 which was conveyed by E. Grace Miller, et al., to Louise M. Fowle, et al.

BEING also part of all that real property which was the subject of Equity Case No. 83-14, Docket 175, Folio 67 entitled Fowle vs. MacMaster, et al. as filed in The Circuit Court for Baltimore County, Maryland.

TRANSFER TAX NOT REQUIRED
Baltimore County, Maryland
For *[Signature]*
Date 8/9/85 Sec. 11.55

166A

EXHIBIT 1

ALL that piece or parcel of land situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland, and described more particularly as follows to wit:

BEGINNING for the same at a concrete monument at the beginning of the first parcel of land which by a deed dated July 27, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6446 folio 110 which was conveyed by E. Grace Miller, et al., to Louise M. Fowle, et al.; and running thence and binding on the first, second, third, fourth, and part of the fifth lines of said conveyance the five following courses and distances viz: North 18 degrees 18 minutes 16 seconds West 267.56 feet to the center of a brass disc marked "Wingert" heretofore set in the top of a concrete monument; thence North 51 degrees 45 minutes 54 seconds West 208.62 feet to a point in the center of Dubbs Road, thence blinding in the center of said road North 39 degrees 11 minutes 06 seconds East 68.93 feet, thence leaving said road, South 53 degrees 39 minutes 54 seconds East 74.23 feet to a steel pipe heretofore set, thence North 56 degrees 27 minutes 36 seconds East 314.56 feet to an iron pipe now set, thence leaving said outline and running for a line of division now made South 34 degrees 55 minutes 24 seconds East passing over a concrete monument now set 190.00 feet from the beginning of said division line for a total distance of 397.18 feet to intersect the last or South 55 degrees 05 minutes 36 seconds West 1,005.54 feet line of the aforementioned conveyance from Miller, et al.; to Fowle, et al.; thence running and binding on said last line, South 55 degrees 05 minutes 36 seconds West 420.69 feet to the place of beginning.

CONTAINING 3.535 acres of land more or less.

SUBJECT to the road bed of Dubbs Road which by a deed dated October 11, 1915 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 453 folio 314 was conveyed by Edward B. Miller, et al., to the County Commissioners of Baltimore County.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lot of ground and premises to the said Louise M. Fowle, her

personal representatives/successors and assigns
in fee simple.

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

Witness the hand and seals of said grantors.

Test:
[Signature] Louise M. Fowle (SEAL)
[Signature] Jean MacMaster (SEAL)
[Signature] Doris Otto (SEAL)
[Signature] Mary Courtney (SEAL)

STATE OF MARYLAND, County of Balto. to wit:
I HEREBY CERTIFY, That on this 16th day of October
in the year one thousand nine hundred and eighty-four
the subscriber, a Notary Public of the State aforesaid, personally appeared Louise M. Fowle, Jean MacMaster, Doris Otto and Mary Courtney, Grantors herein,

known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires:

July 1, 1986

Mail to *[Signature]*
Address *[Signature]*

This Deed, Made This 16th day of October
in the year one thousand nine hundred and eighty-four
by and between
LOUISE M. FOWLE, JEAN MacMASTER, DORIS OTTO and MARY COURTNEY,
of Baltimore County, State of Maryland
of the first part, and
JEAN MacMASTER,
of the second part.

Witnesseth, That in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the actual consideration paid or to be paid is \$0.00.

the said Louise M. Fowle, Jean MacMaster, Doris Otto and Mary Courtney,

do grant and convey to the said Jean MacMaster, her
personal representatives/successors and assigns
in fee simple, all
that lot of ground situate in the Fifth Election District of Baltimore
County, State of Maryland,
and described as follows, that is to say:

For Description, see Exhibit 1 attached hereto and made a part hereof.

BEING part of a parcel of land which by a deed dated July 27, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6446, Folio 110 which was conveyed by E. Grace Miller, et al., to Louise M. Fowle, et al.

BEING also part of all that real property which was the subject of Equity Case No. 83-14, Docket 175, Folio 67 entitled Fowle vs. MacMaster, et al. as filed in The Circuit Court for Baltimore County, Maryland.

TRANSFER TAX NOT REQUIRED
Baltimore County, Maryland
For *[Signature]*
Date 8/9/85 Sec. 11.55 C

166B

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lot of ground and premises to the said Jean MacMaster, her

and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors.

Test: William F. Markle Jr. (SEAL)
Louise M. Fowle (SEAL)
Jean MacMaster (SEAL)
Doris Otto (SEAL)
Mary Courtney (SEAL)

STATE OF MARYLAND, County of Balto., to wit:
I HEREBY CERTIFY, That on this 16th day of October, 1985, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Louise M. Fowle, Jean MacMaster, Doris Otto and Mary Courtney, Grantors herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

In WITNESS WHEREOF, I hereunto set my hand and official seal.
William F. Markle Jr. Notary Public

My Commission expires:
July 1, 1986

Mail to Marlene R. Hinton
Address 404 Allegany Cove
21204

ALL that piece or parcel of land situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland, and described more particularly as follows to wit:

BEGINNING for the same at an iron pipe now set in the fifth or North 56 degrees 27 minutes 36 seconds East 344.56 feet line of a parcel of land which by a Deed dated July 27, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6446, Folio 110 which was conveyed by E. Grace Miller, et al. to Louise M. Fowle, et al. said pipe being distant North 56 degrees 27 minutes 36 seconds East 314.56 feet from the beginning of said fifth line, the four following courses and distances viz: North 56 degrees 27 minutes 36 seconds East 30.00 feet to an iron pipe, North 19 degrees 21 minutes 35 seconds East 513.53 feet, North 19 degrees 21 minutes 35 seconds East 141.49 feet to a stone found, and North 65 degrees 36 seconds East 30.00 feet to the westerly side of Yeoho Road as now laid out, 50 feet wide, thence running and binding on the westerly side of said road the two following courses and distances viz: South 28 degrees 55 minutes 54 seconds East 10.61 feet, thence by a line curving toward the right having a radius of 1,375.00 feet for an arc distance of 277.61 feet, the chord of said arc bearing South 23 degrees 08 minutes 52 seconds East 277.13 feet to an iron pipe now set, thence leaving said road and running for a line of division now made South 43 degrees 55 minutes 40 seconds West 672.18 feet to a concrete monument, thence North 34 degrees 55 minutes 24 seconds West 190.00 feet to the place of beginning.

CONTAINING 3.746 acres of land more or less.

BEGINNING for the second thereof at a point on the west side of Yeoho Road as now laid out, 50 feet wide, at a point in the eighth line of a parcel of land which by Deed dated July 27, 1982 was conveyed by E. Grace Miller, et al. to Louise M. Fowle, et al. and E.H.K., Jr. No. 6446, Folio 110; thence binding on a part of said eighth line North 65 degrees 36 minutes 54 seconds East 50.16 feet to the end thereof; thence running on the east side of said road and binding on the ninth and part of the tenth lines of said conveyance, the two following courses and distances:

1) South 28 degrees 55 minutes 54 seconds East 15.62 feet and
2) by a curve to the right with a radius of 1425.00 feet, an arc distance of 287.71 feet, said arc being subtended by a chord bearing South 23 degrees 08 minutes 52 seconds East 287.22 feet; thence for a new line of division now established South 72 degrees 38 minutes 11 seconds West 50.00 feet to an iron pipe set on the west side of said road; thence running on the west side of said road, the two following courses and distances:
1) by a curve to the left with a radius of 1375.00 feet, an arc distance of 277.61 feet, said arc being subtended by a chord bearing North 23 degrees 08 minutes 52 seconds West 277.14 feet, and
2) North 28 degrees 55 minutes 54 seconds West 19.61 feet to the place of beginning.

CONTAINING 0.3447 acres of land, more or less.

This Deed, MADE THIS 16th day of October

in the year one thousand nine hundred and eighty-five by and between LOUISE M. FOWLE, JEAN MACMASTER, DORIS OTTO and MARY COURTNEY,

of Baltimore County, State of Maryland of the first part, and DORIS OTTO

of the second part.

Witnesseth, That in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the actual consideration paid or to be paid is \$0.00,

the said Louise M. Fowle, Jean MacMaster, Doris Otto and Mary Courtney,

do grant and convey to the said Doris Otto, her

personal representatives, heirs, assigns and assigns, in fee simple, all

that lot of ground situate in the Fifth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

For Description, see Exhibit 1 attached hereto and made a part hereof.

THE part of a parcel of land which by a deed dated July 27, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6446, Folio 110 which was conveyed by E. Grace Miller, et al., to Louise M. Fowle, et al.

EDMG also part of all that real property which was the subject of Equity Case No. 83-14, Docket 175, Folio 67 entitled Fowle vs. MacMaster, et al. as filed in The Circuit Court for Baltimore County, Maryland.

TRANSFER TAX NOT REQUIRED
D. of Finance
BALTIMORE COUNTY, MARYLAND
By William F. Markle Jr.
Notary Public
Date 11/18/85 Sec. 11-85

1666
1985 8/9/85 1985 8/9/85

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lot of ground and premises to the said Doris Otto, her

and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

Witness the hands and seals of said grantors.

Test: William F. Markle Jr. (SEAL)
Louise M. Fowle (SEAL)
Jean MacMaster (SEAL)
Doris Otto (SEAL)
Mary Courtney (SEAL)

STATE OF MARYLAND, County of Balto., to wit:
I HEREBY CERTIFY, That on this 16th day of October, 1985, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Louise M. Fowle, Jean MacMaster, Doris Otto and Mary Courtney, Grantors herein,

known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

In WITNESS WHEREOF, I hereunto set my hand and official seal.
William F. Markle Jr. Notary Public

My Commission expires:
July 1, 1986

Mail to Marlene R. Hinton
Address 404 Allegany Cove
21204



Baltimore County
Department of Permits and
Development Management

Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

February 7, 2000

Mrs. Louise M. Fowble
201 West Timonium Road
Timonium, MD 21093

Mrs. Doris Otto
1301 Louisa Street
Williamsport, PA 17701

Mrs. Jean MacMaster
300 South Sykes Creek, Apt. 204
Merritt Island, FL 32952

Mrs. Mary Courtney
16406 Dubbs Road
Sparks, MD 21152

Dear Mrs. Fowble, Otto, MacMaster and Courtney:

RE: Petition for Special Hearing
NWS of Dubbs Road, SE/S of Yeoho Road
(Parcel 2 and Lots 1, 2 and 3 of Parcel 1 of the Smith Property) 5th Election District
Special Hearing Case 97-74-SPH
(Code Enforcement Case 00-0314)

It has come to our attention that a violation of Special Hearing Case 97-74-SPH (copy attached) may have occurred as relates to the above referenced parcels/lots. Specifically, it is alleged that the three (3) lots contained on Parcel 1 are being sold and/or utilized as separate building lots, in violation of the Zoning Commissioner's order issued in that case. While Parcel 2 (referenced above) was also included in the petition for Case 97-74-SPH, it is not the subject of the alleged violation nor the subject of this letter.

As mentioned in the Zoning Commissioner's order and Petitioner's Exhibit 4, Judge Edward A. DeWaters, Jr. of the Circuit Court for Baltimore County did issue a Consent Decree on June 28, 1984, that subdivided/conveyed by deed the parcel/lots that were the subject of Special Hearing Case 97-74-SPH. However, it is the contention of this department

Come visit the County's Website at www.co.ba.md.us

Mrs. Fowble, Otto, MacMaster and Courtney
February 7, 2000
Page 2

that the Circuit Court decree governs private ownership only, and does not determine compliance with RC2 zoning or subdivision lot density regulations. This department further contends that the three (3) lots on Parcel 1 (created by Circuit Court partition) are unbuildable and must remain free of any structures. This point is reiterated in Director Arnold Jablon's letter of April 13, 1995 (copy enclosed) and in the Zoning Commissioner's Findings of Fact and Conclusion of Law contained in Special Hearing Case 97-74-SPH.

In conclusion, please be advised that a copy of this letter will be forwarded to all relevant division heads and bureau chiefs within the county to prevent the issuance of any building permits relative to the three (3) lots on Parcel 1. If a building permit is inadvertently obtained, an immediate order will be issued rescinding the permit and requiring the removal of any structures or structural elements built on the lots. Receipt of this letter shall be considered your formal notice to advise all future property owners of the unbuildable status of these lots.

If you have any questions, please contact me at 410-887-3351, ext. 7290

Sincerely,

Jeffrey Perlow
Jeffrey Perlow
Code Enforcement Officer
Department of Permits & Development

JIT/mc

Enclosure
cc: Todd Morrell, Morrell Properties
David Smith



Baltimore County
Zoning Commissioner

November 24, 1999

Suite 405, County Courts Bldg.
401 Reley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Mr. David R. Smith
16701 Yeoho Road
Sparks, Maryland 21152

RE: PETITION FOR SPECIAL HEARING
NWS of Dubbs Road, SE/S of Yeoho Road
(Parcel 2 and Lots 1, 2 and 3 of Parcel 1 of the Smith Property)
5th Election District - 3rd Councilmanic District
Louise Fowble, Doris Otto, Jean MacMaster and Mary Courtney - Petitioners
Case No. 97-74-SPH

Dear Mr. Smith:

In response to your letters dated March 9, 1999 and November 8, 1999 concerning the above-captioned matter, the following comments are offered.

First, I do not recall receiving your letter of March 9, 1999 and cannot respond to the comments raised in that letter. However, I am in receipt of your more recent letter dated November 8, 1999 to which you attached a copy of your previous letter. In any event, it appears that the nature of both letters concerns an alleged violation of the decision I rendered in this case.

Please be advised that the Department of Permits and Development Management (DPDM) office has a Code Enforcement Division therein which is responsible for enforcing the Baltimore County Zoning and Building Code Regulations. Therefore, if a complaint is registered with that agency, an inspector will be dispatched to the site to determine if, in fact, a violation has occurred. Moreover, that agency is responsible for enforcing any restrictions or terms and conditions imposed in any Order issued by the Zoning Commissioner's Office.

Therefore, by copy of this letter, your correspondence is being forwarded to the Code Enforcement Division of DPDM for a response. In the event you have any further questions or concerns regarding this matter, please contact the Code Enforcement Division at 887-3351 and speak with the inspector for this area of Baltimore County, or Mr. Arnold Jablon, Director of DPDM, for further assistance. I trust that I have addressed all of your concerns.

Very truly yours,

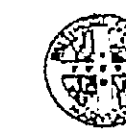
Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
For Baltimore County

LES/bjs

cc: Code Enforcement Division, DPDM
Case File

Come visit the County's Website at www.co.ba.md.us

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

April 13, 1995

(410) 887-3353

Mrs. Louise Fowble
201 West Timonium Road
Timonium, Maryland 21093

Mrs. Doris Otto
1301 Louisa Street
Williamsport, Pennsylvania 17701

Mrs. Jean MacMaster
300 South Sykes Creek, Apt. 204
Merritt Island, Florida 32952

RE: Partition of 11 acres
Yeoho and Dubbs Roads
5th Election District

Dear Mrs. Fowble, Mrs. Otto & Mrs. MacMaster:

It has recently been brought to the attention of this office that, in or about 1984, property currently owned by you was subdivided into three distinct parcels by court order. I apologize for having to write this letter to you, but I must provide you with notice that such a subdivision violates Baltimore County laws.

Although the court may have been within its right to partition the 11 acres located at Yeoho and Dubbs Roads, such a partition was in violation of the Baltimore County zoning regulations. The original parcel from which the 11 acres was separated, consisting of approximately 18 acres, could be subdivided into two buildable lots; however, neither the 67-acre or 11-acre parcel which were then created could be further subdivided.

The issue at hand is whether the three lots created by partition in 1984 are buildable and whether they are in compliance with county zoning and development regulations. The Baltimore County zoning regulations do not permit the 11 acres, zoned R.C.2, to be further subdivided. Therefore, in the opinion of this office, the lots created by the court order are unbuildable.

If you disagree, I suggest that you file a petition for special hearing for an interpretation as to whether this determination is correct. Please call 887-3391 for information on filing procedures. It is important that this issue be resolved.

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
October 15, 1986
Page Two

divided a tract into more lots than allowed in the RC zone. Reversing the County Board of Appeals, the Court held that the law prevailed, even though the will predated it. A property owner may not by will dictate the effectiveness of future public law. There is nothing in the filing of the private partition case here, subsequent to the zoning legislation, which would confer any greater authority to displace the public enactment.

In the absence of a rezoning, the petitioners must comply with the RC zone subdivision lot density. Otherwise, the entire RC-2 zone would be subject to private rearrangement, in effect, a rezoning by another name.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County
Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel

PMZ/csf
Enclosure

cc: Michael Gisriel, Esq., 210 E. Lexington St., Suite 400,
Baltimore, MD 21202

Ms. Gloria Stuart, 16616 Dubbs Road, Sparks, MD 21152

John Bernstein, Valleys Planning Council, P.O. Box 5402,
Towson, MD 21285

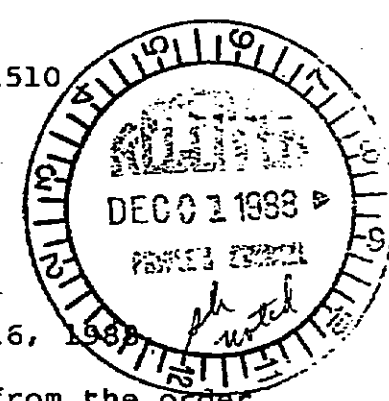
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
Appellant
vs.
THOMAS JEROME GRAZIANO, et al
Appellees

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
88 CG 1510

OPINION

This case came before the Court on November 16, 1986, on People's Counsel for Baltimore County's appeal from the order of the County Board of Appeals dated March 1, 1988. The Board's decision on this matter was that the Petition for Special Hearing should be granted, providing a stipulation be entered among the Land Records of Baltimore County that so long as the zoning remains R.C. 2 no further subdividing or building permits will be permitted.

The facts in this case are that Lizetta Bedgar owned a large farm in northern Baltimore County. In 1976, she parceled off through the subdivision process nine parcels, some of which were sold and some of which went to relatives. She retained title to what is known as Tract A, consisting of some 21.7 acres. At that time, she made known, through the preparation of her will, that upon her death two further parcels were to be allocated, one to her grandson and one to Mr. Graziano. In 1979, the R.C. 2 regulations took effect and Tract A containing the 21 plus acres thereupon became a single parcel, even though it was her avowed intention to allot the two six-acre parcels to her grandson and to her employee. In 1981 Mrs. Bedgar passed away. As was stated in her will, the



trustee of her estate distributed the lots, one to the grandson and one to Mr. Graziano. Mr. Graziano applied for a building permit and said permit was denied because Tract A was zoned R.C.2 and two houses had already been developed.

The County Board of Appeals reversed the Zoning Commissioner stating that since Mr. Graziano assumed in 1976 that he would receive a viable inheritance, that it would be arbitrary for the Board to deny him the building permit making the 5 plus acre parcel a viable use of land. The Appellee (Thomas Graziano) also argues that Section 22-42(4) of the Baltimore County Code exempts this property from the requirements of R.C. 2 zoning.

This Court, although sympathetic to Mr. Graziano under the facts, doesn't feel that the Board has properly interpreted the law. The controlling statutory authority is Baltimore County Zoning Regulation 1A01.3B1. It states that no lot of record lying within an R.C. 2 zone and having a gross area between 2 and 100 acres may be subdivided into more than 2 lots. Despite Mrs. Bedgar's intention, she has no right to change the law merely by writing a will which contains intentions contrary to the law existing at the time of her death. As to Appellee's argument that Section 22-42(4) of the Baltimore County Code exempts this property from R.C. 2 zoning requirements, this section exempts such properties from having to go through the County Review Group, but has no effect on the Baltimore County Zoning Regulations.

While the Board of Appeals could not legally grant Mr. Graziano the relief he desires under the law, he may yet be able to obtain permission to build a home on his property. Certainly,

Mr. Graziano can request a special exception to the zoning regulation in the form of a documented site plan.

In summary, on review of the evidence and the law this Court finds the County Board of Appeals' order to be contrary to the law. Accordingly the decision of the County Board of Appeals is reversed. Appellees to pay the costs.

Dated 11/29/88

Dana M. Levitz
DANA M. LEVITZ, Judge

Copies sent to:

Phyllis Cole Friedman, Esquire
Peter Max Zimmerman, Esquire
Jeffrey H. Gray, Esquire
County Board of Appeals

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NW/S Dubbs Road and SE/S Yeoho Road
(Parcel 2 and Lots 1, 2 and 3 of * ZONING COMMISSIONER
Parcel 1 of the Smith Property) * OF BALTIMORE COUNTY
5th Election District *
3rd Councilmanic District * Case No. 97-74-SPH
Louise Fowble, Doris Otto, Jean MacMaster and
Mary Courtney - Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for four (4) separately described parcels of land located adjacent to Dubbs Road and Yeoho Road in north central Baltimore County. The Petition was filed by the owners of the property, Louise Fowble, Doris Otto, Jean MacMaster and Mary Courtney, through their attorney, Michael Gisriel, Esquire. The Petitioners seek approval of the designation of the subject property as four (4) separately described building lots of ground, pursuant to Court Order. Stated in another fashion, the Petitioners seek approval that the four (4) parcels in question, being separately owned by each Petitioner, can be sold and/or utilized as separate building lots. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were John F. Fowble, son of Louise Fowble, and Michael Gisriel, Esquire, attorney for the Petitioners. Appearing in opposition to the request were Mary P. Shaffer, Cindy Burton (sister of Thomas R. Coburn), R. Scott Stuart, and David R. Smith, all nearby property owners. Also appearing as a Pro-Testant in the matter was John Bernstein, a representative of the Valleys Planning Council.

Although this case is somewhat unusual and complex as it relates to the issues presented, the material facts are not in dispute. As noted above, the subject properties are located in north central Baltimore County near the intersection of Dubbs Road and Yeoho Road. The properties are zoned R.C.2, a highly restrictive zoning classification. As is the case with many properties in the north County, the parcels were originally part of a large farm which has been subdivided over the years. This family farm was originally owned by the Gorsuch family and documents in the Land Records of Baltimore County disclose ownership by that family since the mid-1800s.

In 1944, approximately 137 acres of the original farm tract were conveyed to Grace Miller, and her daughter, Marjorie Smith. In addition, to Ms. Smith, Ms. Miller had four other daughters, namely, the Petitioners identified herein as Louise Fowble, Doris Otto, Jean MacMaster and Mary Courtney. The four sisters are now elderly, ranging in age from 76 to 82 years of age. None were present at the hearing due to frail health, but were represented by Dr. John Fowble, a veterinarian. Dr. Fowble is the son of Louise Fowble, and is a nephew to the other sisters.

Subsequent to their acquisition of the 137 acre parcel in 1944, Ms. Miller and her daughter, Ms. Smith, caused there to be several subdivisions of the property. Thus, new lots were created, some of which are in ownership of other family members, and others conveyed to third parties. In any event, it is clear that the property was comprised of three lots of record, as of November 23, 1979. This date is significant in that it is the date that the R.C. zoning classification was adopted in Baltimore County. It is the date utilized to determine the rights of subdivision available to rural properties which are zoned R.C. As is well-settled,

the acreage of individual R.C. lots are determined as of that date and the applicable rights of subdivision computed by the size of that acreage.

As the testimony and evidence offered at the public hearing on this case made clear, it is undisputed that the old farm property, owned by Ms. Miller and her daughter, Ms. Smith, was comprised of three lots of record as of November, 1979. The first lot consists of 2.826 acres and is identified as Parcel 2 on the site plan. Parcel 2 is now owned by one of the Petitioners, Mary Courtney. The second lot has been identified as Parcel 3 and is unrelated to the instant Petition. The third lot, Parcel 1 is comprised of the balance of the property, roughly 78 acres, and includes the four lots which are the subject of this case. It is to be emphasized that these three parcels were the only lots of record which existed as of November, 1979, and thus, the rights of subdivision must be computed based on their designation as individual lots and the acreage of each.

Notwithstanding the County's zoning regulations and the impact of the R.C. zoning designation and enactment in November, 1979, Ms. Miller apparently wanted to make a provision for her four daughters in the early 1980s. Thus, she caused to be conveyed unto Ms. Courtney, Ms. Fowble, Ms. Otto and Ms. MacMaster, a portion of the property jointly owned by her and Ms. Smith. Specifically, the lot of record now owned by Mary Courtney and identified as Parcel 2, containing 2.826 acres, was conveyed, as well as a parcel located on the north side of the farm, comprised of approximately 11.7 acres, more or less. In 1983, Grace Miller died. Thus, Ms. Smith took title to the land jointly owned by her and her mother by operation of law. Her sisters, the Petitioners in this case, were joint owners of the 11.7 acres and Parcel 2 previously conveyed.

As noted above, and shown clearly on the site plan, the 11.7 acres and Parcel 2 were actually not one contiguous piece of land. Parcel 2, the Courtney property, is situated west of the 11.7 acres and separated by other properties and Dubbs Road. In 1984, Ms. Fowble filed a Bill of Complaint for Partition in the Circuit Court for Baltimore County (Petitioner's Exhibit 4). She sought a partition of the land acquired by her and her sisters in 1982 from their mother. The Bill of Complaint was answered by a joint Petition filed by the other three sisters, and ultimately, a Consent Decree was entered by the Court on June 28, 1994. This Decree subdivided the lands acquired by the Petitioners in 1982 into four parcels. Ms. Courtney retained the separate piece described above as encompassing 2.826 acres and known as Parcel 2. Ms. Fowble acquired a lot containing 3.535 acres in area, identified as Lot 1 of Parcel 1. Ms. MacMaster acquired a lot 3.746 acres in area, identified as Lot 2 of Parcel 1, and Ms. Otto acquired a lot containing 3.624 acres, identified as Lot 3 of Parcel 1.

In 1985, Ms. Courtney decided to construct a single family dwelling on her property. Thus, a building permit was issued and ultimately the house was constructed. The three alleged lots owned by the other sisters are unimproved.

The matter now comes before me as a request seeking confirmation of these transfers and the legitimacy of the creation of these lots. Mr. Gisriel proffered that Ms. Fowble, Ms. MacMaster and Ms. Otto have decided to sell their unimproved lots and desire confirmation that each can be marketed, sold and developed as a separate building lot. It is of particular relevance that the Fowble, MacMaster, and Otto lots are unimproved at this time.

UNDER RECEIVED FOR FILING
Date 11/29/88
By [Signature]

UNDER RECEIVED FOR FILING
Date 11/29/88
By [Signature]

UNDER RECEIVED FOR FILING
Date 11/29/88
By [Signature]

UNDER RECEIVED FOR FILING
Date 11/29/88
By [Signature]

Attachment to petition for variance at 2526A Beckleysville Road.

Requested variances:

1. Sec 101 Definitions--Accessory use or structure (b) To permit an existing barn which is not subordinate in area to the principle dwelling to remain.
2. Sec. 400.1: To permit the existing barn and miscellaneous outbuildings to remain in the front yard of the principle dwelling in lieu of the required side or rear yard.
3. Sec. 400.3: To permit the existing barn, which has a height greater than the maximum allowed 15 feet for an accessory structure, to remain.
4. Sec. 400.3: To permit two miscellaneous outbuildings which have heights greater than the maximum allowed 15 feet for accessory structures, to remain.

HARDSHIP AND PRACTICAL DIFFICULTY:

1. The buildings are existing.
2. Pursuant to a lot line adjustment to allow the existing building to be retained under single ownership, the variances are necessary.
3. Other good and sufficient testimony to be presented at the hearing.

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (410) 527-1555
Facsimile: (410) 527-1563

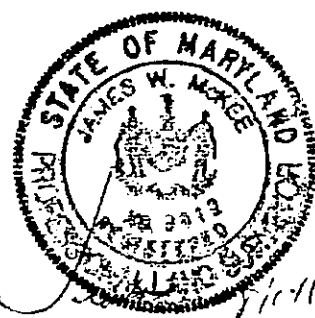
August 13, 1996

ZONING DESCRIPTION TO
ACCOMPANY PETITION FOR
SPECIAL HEARING AT
VARIANCE REQUEST AT
2526A BECKLEYSVILLE ROAD
SIXTH ELECTION DISTRICT

Beginning at a point on the south side of Cotter Road at a distance of 580 feet, more or less, west at the centerline of the nearest improved intersecting street, Beckleysville Road, as recorded in deed. Liber 5180 Folio 594 as Tract III and IV the following fourteen lines:

1. S 06° 28' 19" E 61.88'
2. S 38° 37' 35" E 356.42'
3. S 10° 24' 01" E 62.70'
4. S 10° 24' 01" E 82.50'
5. S 55° 47' 20" W 490.39'
6. S 14° 31' 55" E 584.10'
7. S 64° 28' 29" W 581.09'
8. N 30° 31' 11" W 792.00'
9. S 62° 54' 52" W 277.19'
10. N 31° 51' 22" W 217.19'
11. N 63° 09' 59" E 282.34'
12. S 30° 31' 11" E 165.00'
13. N 46° 26' 07" E 1171.50'
14. N 68° 57' 09" E 114.33' TO THE POINT OF BEGINNING

Containing 100,227.20 square feet or 23.09 acres at land more or less. Lying in Sixth Election District, Third Councilmatic District.



MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (410) 527-1555
Facsimile: (410) 527-1563

August 13, 1996

ZONING DESCRIPTION TO
ACCOMPANY PETITION FOR
VARIANCE REQUEST AT
2526A BECKLEYSVILLE ROAD
SIXTH ELECTION DISTRICT

Beginning at a point, said point being situated 705 feet, more or less, westerly from the centerline of Beckleysville Road (measured along Cotter Road) and 345 feet, more or less, southerly from Cotter Road then running for the following four lines:

1. S 31° 55' 15" E 250.20'
2. S 55° 47' 19" W 387.89'
3. N 15° 05' 04" W 248.73'
4. N 53° 04' 28" E 316.75' to the point of the beginning

Containing 85,051.185 square feet or 1.953 Acres of land, more or less. Lying in the Sixth Election District, Third Councilmatic District.



CASE NUMBER: 97-73-A (Item 70)
2526A Beckleysville Road
S/S Cotter Road, 580' W of c/l Beckleysville Road
6th Election District - 3rd Councilmanic
Legal Owner(s): Melvin and Walter Parrish
Contract Purchaser(s): James David Lawson

Variance to permit an existing barn which is not subordinate in area to the principal dwelling to remain; to permit the existing barn and miscellaneous outbuildings to remain in the front yard of the principal dwelling in lieu of the required side or rear yard; to permit the existing barn, which has a height greater than the maximum allowed 15 feet for an accessory structure, to remain; and to permit two miscellaneous outbuildings which have heights greater than the maximum allowed 15 feet for accessory structures, to remain.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Post by: 9/10/96 McKee & Associates 527-1555

ZAC Agenda

Item Number: 070 Type: Residential
Legal Owner: Melvin E. Parrish & Walter R. Parrish

Reviewer: MJK

Contract Purchaser: James David Lawson

Critical Area?: No Election District: 6th Councilmanic District: 3rd
Location: S/S Cotter Road, 580' W of centerline Beckleysville Road (#2526A Beckleysville Road)

Existing Zoning: R.C.-2 & R.C.-4

Proposed Zoning: VARIANCE to permit an existing barn which is not subordinate in area to the principle dwelling to remain; to permit the existing barn and miscellaneous outbuildings to remain in the front yard of the principle dwelling in lieu of the required side or rear yard; to permit the existing barn, which has a height greater than the maximum allowed 15 feet for an accessory structure, to remain; and to permit two miscellaneous outbuildings which have heights greater than the maximum allowed 15 feet for accessory structures, to remain.

Area: 1.953 acres

Attorney: N/A

Miscellaneous:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: _____ Date of Posting: _____
Posted for: _____
Petitioner: _____
Location of property: _____
Location of Sign: _____
Remarks: _____
Posted by: _____ Signature: _____ Date of return: _____
Number of Signs: _____



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

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

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 70 Petitioner: Melvin E. Parrish

Location: 2526 A Beckleysville Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: J. David Lawson

ADDRESS: Malaw Building, 214 Mt. Carmel Road

Parkton, Maryland 21120

PHONE NUMBER: (410) 329-6535



Baltimore County
Department of Permits and
Development Management

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

August 27, 1996

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: 97-73-A (Item 70)
2526A Beckleysville Road
S/S Cotter Road, 580' W of c/l Beckleysville Road
6th Election District - 3rd Councilmanic
Legal Owner(s): Melvin and Walter Parrish
Contract Purchaser(s): James David Lawson

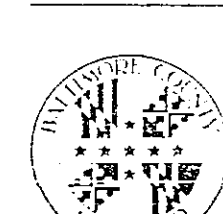
Variance to permit an existing barn which is not subordinate in area to the principal dwelling to remain; to permit the existing barn and miscellaneous outbuildings to remain in the front yard of the principal dwelling in lieu of the required side or rear yard; to permit the existing barn, which has a height greater than the maximum allowed 15 feet for an accessory structure, to remain; and to permit two miscellaneous outbuildings which have heights greater than the maximum allowed 15 feet for accessory structures, to remain.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Melvin and Walter Parrish
McKee & Associates
James David Lawson

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.



Baltimore County
Department of Permits and
Development Management

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

August 27, 1996

Corrected
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: 97-73-A (Item 70)
2526A Beckleysville Road
S/S Cotter Road, 580' W of c/l Beckleysville Road
6th Election District - 3rd Councilmanic
Legal Owner(s): Melvin and Walter Parrish
Contract Purchaser(s): James David Lawson

Variance to permit an existing barn which is not subordinate in area to the principal dwelling to remain; to permit the existing barn and miscellaneous outbuildings to remain in the front yard of the principal dwelling in lieu of the required side or rear yard; to permit the existing barn, which has a height greater than the maximum allowed 15 feet for an accessory structure, to remain; and to permit two miscellaneous outbuildings which have heights greater than the maximum allowed 15 feet for accessory structures, to remain.
Special hearing to approve a lot line adjustment between two existing contiguous RC-2 tracts of land and to confirm the existing and future dwelling units for each.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Melvin and Walter Parrish
McKee & Associates
James David Lawson

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.

EXHIBIT 1

ALL that piece or parcel of land situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland, and described more particularly as follows to wit:

BEGINNING for the same at an iron pipe now set in the last or South 55 degrees 05 minutes 36 seconds West 1,005.54 feet line of a parcel of land which by a Deed dated July 27, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6446, Folio 110 which was conveyed by E. Grace Miller, et al. to Louise M. Fowble, et al. said pipe being distant North 55 degrees 05 minutes 36 seconds East 420.69 feet from the end of said last line, and running thence for lines of division now made the two following courses and distances viz: North 34 degrees 55 minutes 24 seconds West 207.18 feet to a concrete monument now set and North 43 degrees 55 minutes 40 seconds East 672.18 feet to an iron pipe set in the westerly side of Yeoho Road as now laid out, 50 feet wide, thence running and binding on the westerly side of said road the three following courses and distances viz: by a line curving toward the right having a radius of 1,375.00 feet for an arc distance of 124.36 feet, the chord of said arc bearing North 14 degrees 46 minutes 42 seconds West 124.32 feet, North 12 degrees 10 minutes 54 seconds West 120.00 feet, thence by a line curving toward the left having a radius of 825.00 feet for an arc distance of 116.15 feet, the chord of said arc bearing South 16 degrees 12 minutes 54 seconds East 116.05 feet to an iron pipe now set, thence leaving said road, and running and binding on the aforementioned last line, North 55 degrees 05 minutes 36 seconds East 533.05 feet to the place of beginning.

CONTAINING 3.624 acres of land more or less.

BEGINNING for the same at an iron pipe set in the last line of a parcel of land which by Deed dated July 27, 1982 was conveyed by E. Grace Miller, et al. to Louise M. Fowble, et al. and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6446, Folio 110, said pipe being at a point in the westernmost line of Yeoho Road, 50 feet wide as now laid out; thence binding on the westernmost side of said Yeoho Road, the three following courses and distances:

1) by a curve to the right with a radius of 825.00 feet, an arc distance of 116.15 feet, said arc being subtended by a chord bearing North 16 degrees 12 minutes 54 seconds West 116.05 feet;

2) North 12 degrees 10 minutes 54 seconds West 120.00 feet and

3) by a curve to the left with a radius of 1375.00 feet, an arc distance of 124.36 feet, said arc being subtended by a chord bearing North 14 degrees 46 minutes 42 seconds West 124.32 feet to a pipe set; thence for a new line of division now established North 72 degrees 38 minutes 11 seconds East 50.00 feet to intersect the tenth line of the above-mentioned conveyance at a point on the east side of Yeoho Road; thence running on the east side of said Yeoho Road and on the remainder of said tenth line and on the eleventh and twelfth lines of said conveyance, the three following courses and distances:

1) by a curve to the right with a radius of 1425.00 feet, an arc distance of 128.88 feet, said arc being subtended by a chord bearing South 14 degrees 46 minutes 22 seconds East 128.84 feet;

2) South 12 degrees 10 minutes 54 seconds East 120.00 feet and

3) by a curve to the left with a radius of 775.00 feet, an arc distance of 96.00 feet, said arc being subtended by a chord bearing South 15 degrees 43 minutes 49 seconds East 95.94 feet; thence binding on part of the last line of the above-mentioned conveyance South 55 degrees 05 minutes 36 seconds West 51.60 feet to the place of beginning.

CONTAINING 0.4048 acres of land, more or less.

LIB: 6975: 802

PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION
NO CONSIDERATION

(A)

This Deed, Made This 16th day of October

in the year one thousand nine hundred and eighty-four

LOUISE M. FOWBLE, JEAN MACMASTER, DORIS OTTO and MARY COURTNEY,

by and between

Baltimore County, State of Maryland

MARY COURTNEY - J.S.H. 10/16/84

of the first part, and

of the second part.

Witnesseth, That in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the actual consideration paid or to be paid is \$0.00,

the said Louise M. Fowble, Jean MacMaster, Doris Otto and Mary Courtney,

do grant and convey to the said Mary Courtney, her

personal representatives, assigns and assigns, in fee simple, all

that lot of ground situate in the Fifth Election District of Baltimore County, State of Maryland,

and described as follows, that is to say:

For Description, see Exhibit 1 attached hereto and made a part hereof.

BEING part of a parcel of land which by a deed dated July 27, 1982 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6446, Folio 110 which was conveyed by E. Grace Miller, et al., to Louise M. Fowble, et al.

BEING also part of all that real property which was the subject of Equity Case No. 83-14, Docket 175, Folio 67 entitled Fowble vs. MacMaster, et al. as filed in The Circuit Court for Baltimore County, Maryland.

TRANSFER TAX NOT REQUIRED

Director of Finance

BALTIMORE COUNTY, MARYLAND

By *[Signature]*

Notary Public

Dated 10/16/84 Sec. 11-85 C

10/16/84

10/16/84

10/16/84

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10/16/84

Harlow & Poddicoord 464-8048

LIB: 6975: 803

Exhibit I

BEGINNING for the second at a stone heretofore set by others at the beginning of the thirty-second or South 23 degrees West 10 perch line of the parcel of land described in a deed dated June 30, 1944, and recorded among the Land Records of Baltimore County in Liber R38 No. 1346 folio 483, which was conveyed by John W. Heisse and wife to E. Grace Miller et al, thence running with and binding on said thirty-second line and on the thirty-third line thereof, as now surveyed, referring all bearings of the present description to the magnetic meridian of October, 1978, by the two following courses and distances respectively, viz: South 24 degrees 40 minutes 23 seconds West 164.09 feet to a stone heretofore set by others, and South 3 degrees 48 minutes 50 seconds West 131.83 feet to a stone heretofore set by others at the end of the sixth or North 76 degrees 47 minutes West 443.1 foot line of the parcel of land described in a deed dated December 28, 1951 and recorded among the Land Records of Baltimore County in Liber CLA No. 2058 folio 450 which was conveyed by E. Grace Miller, divorcee, to Howard V. Scarff, Jr. and wife; thence binding reversely for a part on said sixth line, and reversely for a part on the fifth line thereof, as now surveyed, South 81 degrees 19 minutes 48 seconds East passing over a pipe heretofore set by others at the distance of 441.84 feet for a total distance of 461.41 feet to and in the macadam paving of the Dubbs Road and to intersect the second or South 31 degrees 55 minutes 30 seconds West 75 foot line of the parcel of land described in a deed dated May 8, 1950 and recorded among the aforesaid Land Records in Liber TBS No. 1850 folio 443, which was conveyed by Lewis A. Gorsuch et al to Matthew J. Treas and wife; thence binding reversely on a part of said second line and reversely on the first line thereof, as now surveyed, and running in or near the center of the macadam paving of Dubbs Road by the two following courses and distances respectively, viz: North 27 degrees 29 minutes 07 seconds East 45.38 feet and North 45 degrees 24 minutes 37 seconds East 300.00 feet to the beginning of the sixth or North 46 degrees 04 minutes West 16.3 foot line of the parcel of land firstly described in a deed dated March 7, 1961, and recorded among the aforesaid Land Records in Liber WJR No. 3817, folio 505 which was conveyed by Ruth A. Pearce, unmarried, to Clyde A. Foster and wife; thence leaving the macadam paving of Dubbs Road and running with and binding on said sixth line, as now surveyed, North 50 degrees 48 minutes 47 seconds West 16.56 feet to the end of the sixth or last or North 50 degrees 55 minutes 30 seconds East 150.00 foot line of the parcel of land described in a deed dated June 28, 1964 and recorded among the aforesaid Land Records in Liber RRG No. 4492 folio 54 which was conveyed by E. Grace Miller et al to Charles R. Franklin and wife; thence binding reversely on said sixth or last line, as now surveyed, South 45 degrees 05 minutes 03 seconds West 149.89 feet binding on or near the northwest side of Dubbs Road, thence running to establish a new line of division to correct the erroneous fifth line of said last mentioned deed so as to agree with the call thereof, North 68 degrees 30 minutes 27 seconds West 531.43 feet to the place of beginning. Containing 2.858 acres of land more or less.

SUBJECT to the roadbed of Dubbs Road more fully described in a deed dated October 11, 1915 and recorded among the Land Records of Baltimore County in Liber WPC No. 452 folio 314 which was conveyed by Edward B. Miller et al to the County Commissioners of Baltimore County.

BEING the same property described in a Deed dated May 12, 1981 and recorded among the aforesaid Land Records in Liber EHKr. No. 6286 folio 395 from E. Grace Miller et al unto Mary Courtney.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To HAVE AND TO HOLD the said described lot of ground and premises to the said Mary Courtney, her

personal representatives, assigns and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

Witness the hand s and seals of said grantors.

Test:

[Signature] (SEAL)
[Signature] (SEAL)
[Signature] (SEAL)
[Signature] (SEAL)
[Signature] (SEAL)

STATE OF MARYLAND, County of Balto. to wit: I HEREBY CERTIFY, That on this 16th day of October in the year one thousand nine hundred and eighty-four before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Louise M. Fowble, Jean MacMaster, Doris Otto and Mary Courtney, Grantors herein,

known to me (or satisfactorily proven) to be the person s whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act and in my presence signed and sealed the same.

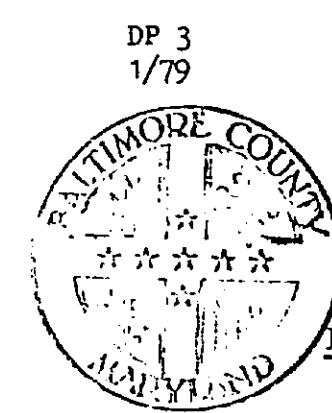
In WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature] Notary Public

My Commission expires:

July 1, 1986

Mail to *[Signature]*
Address *[Signature]*

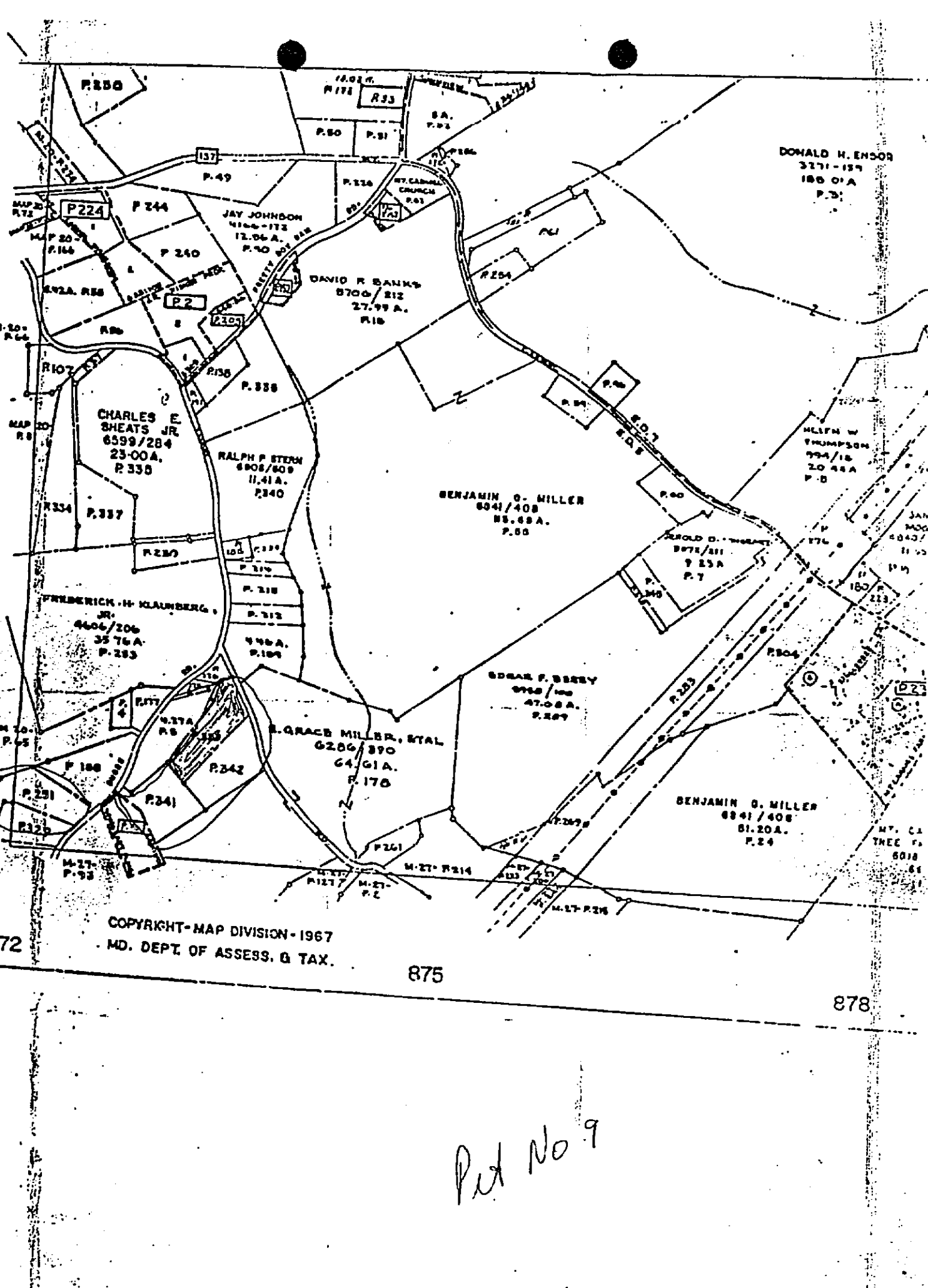
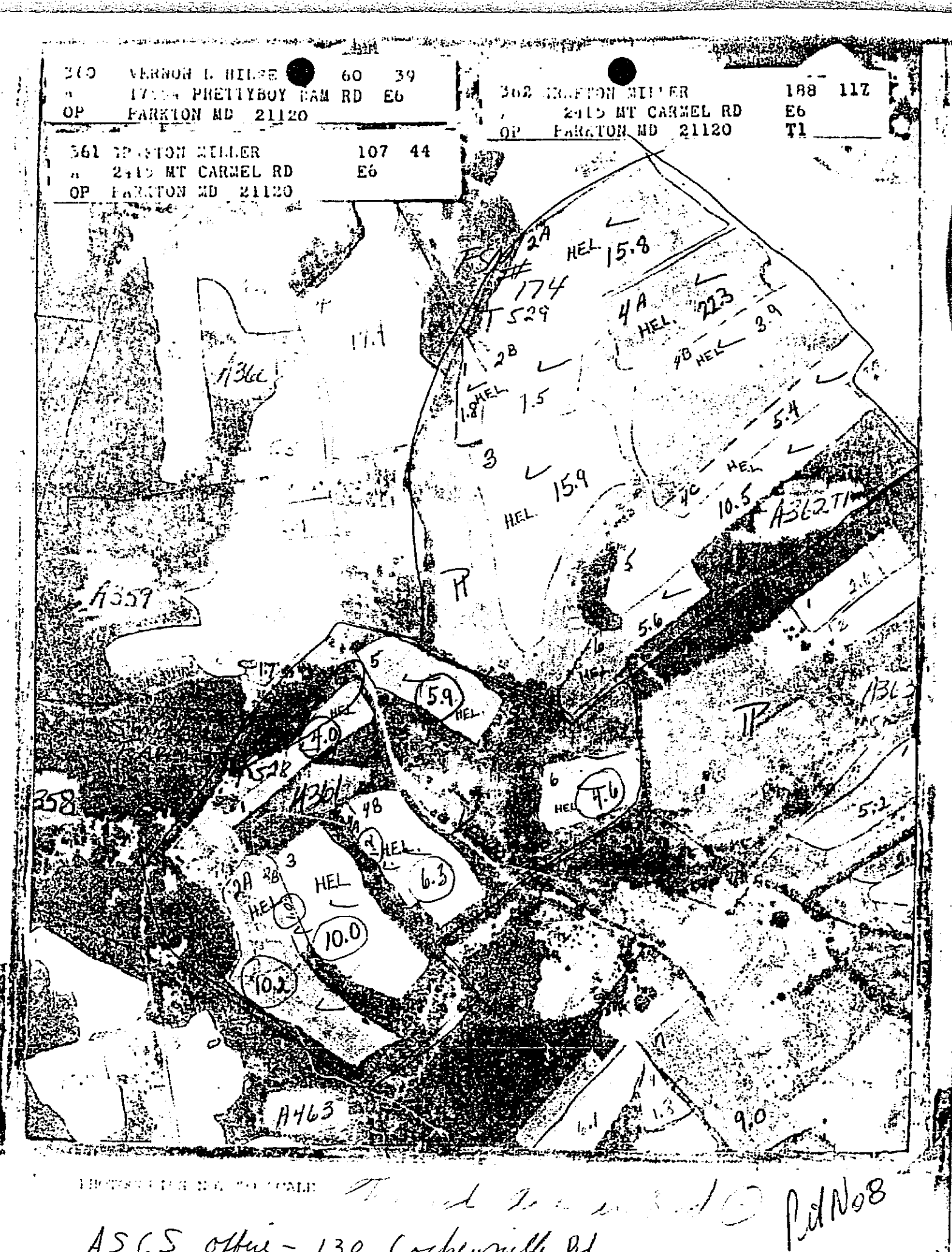


Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.

BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

BUILDING ADDRESS: 16606 DUBBS ROAD
OWNER: MARY COURTNEY
10517 YORK RD, COCKEYSVILLE, MD 21030
DATE: 8-11-87
PERMIT NO: 91396
TYPE OF IMPROVEMENT: RESIDENTIAL
TYPE OF USE: RESIDENTIAL
CONSTRUCTION: 1984, 50 BLOCK CODE
CONSTRUCT SINGLE FAMILY DWELLING WITH ATTACHED 2-CAR GARAGE, UNFINISHED BASEMENT, NO DECKS OR PORCHES. INSTALL MASONRY FIRE-PLACE IN FAMILY ROOM. OUTSIDE PROJECTION NOT TO EXCEED 4'x10'. DISTURBED AREA OVER 5,000 SQ. FT.
OWNERSHIP: ☒ INDIVIDUALLY OWNED ☐ JOINTLY OWNED
ESTIMATED COST: \$80,000
VACANT LOT



MARTT
Mid-Atlantic Real Estate Information Technologies, Inc.
1501 West Mount Royal Avenue
Baltimore, Maryland 21217

EXCLUSIVE RIGHT TO SELL LISTING CONTRACT (the "Contract")
DATE: 8-11-87
PROPERTY: 16606 DUBBS ROAD, COCKEYSVILLE, MD 21030
LISTING PRICE: \$269,700
TERMS: 12 MONTHS
COMMISSION: 6% OF SELLING PRICE
SIGNATURES: [Agent Signature] [Owner Signature]

CENTRAL MARYLAND MULTIPLE LISTING SERVICE, INC.
CLASS 5
5
RESIDENTIAL LOTS UNIMPROVED LAND
1501 MOUNT ROYAL AVENUE, BALTIMORE, MARYLAND 21217
410-462-9100

FEATURES: ☒ BROKER LEAD ☐ CENTRAL LEAD
COUNTY: [] **LIST NO.:** []

1. TYPE OF PROPERTY: 1. Residential Lot, 2. Commercial Lot, 3. Industrial Lot, 4. Other (Specify)

2. LOCATION: 1. Street, 2. Highway, 3. Other (Specify)

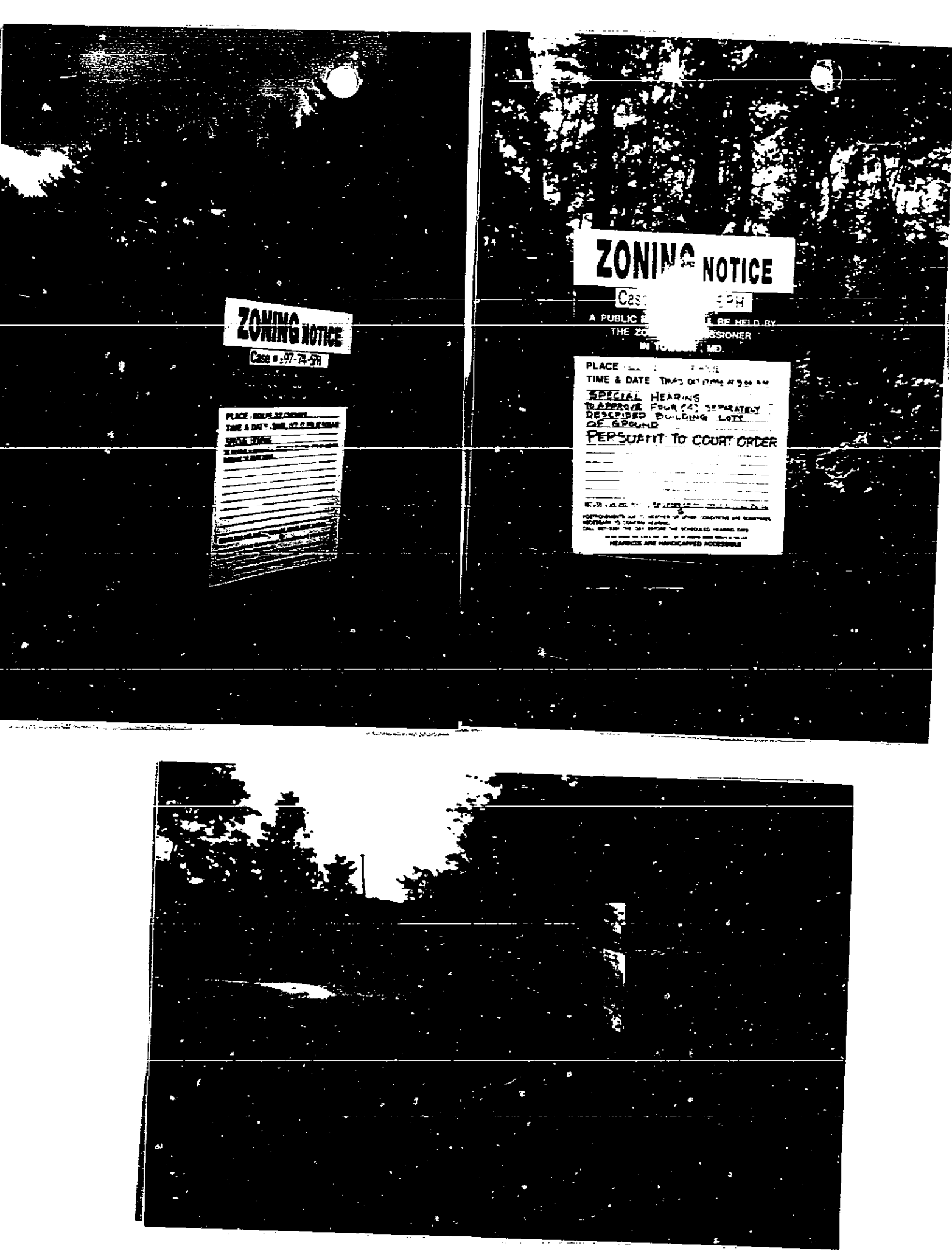
3. ACCESS: 1. Front, 2. Side, 3. Rear, 4. Other (Specify)

4. UTILITIES: 1. Water, 2. Sewer, 3. Gas, 4. Electric, 5. Other (Specify)

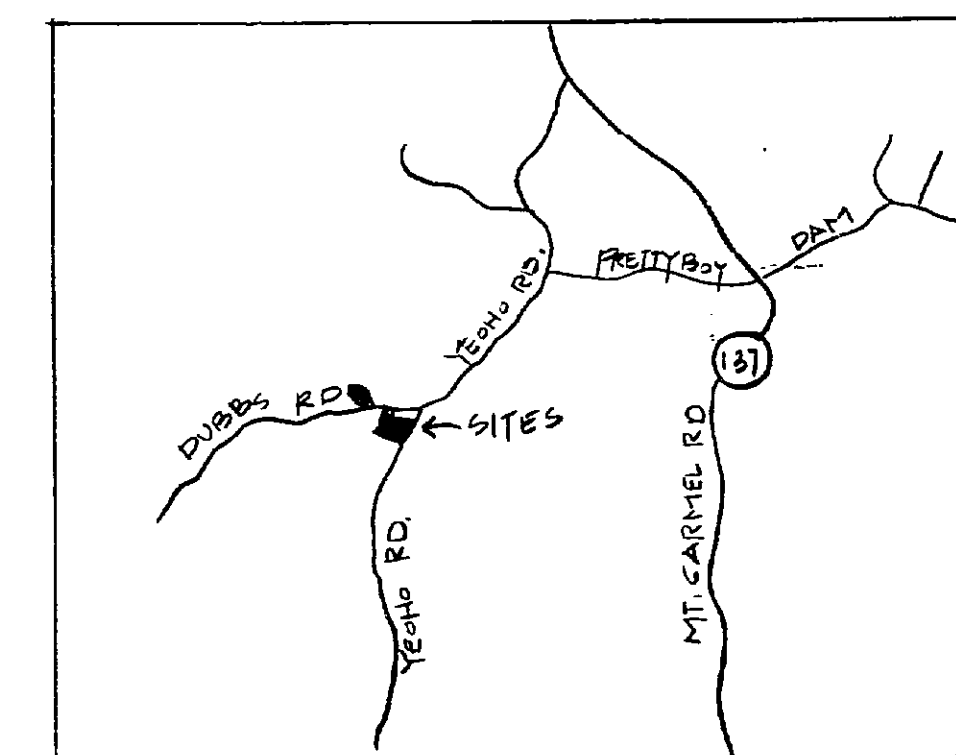
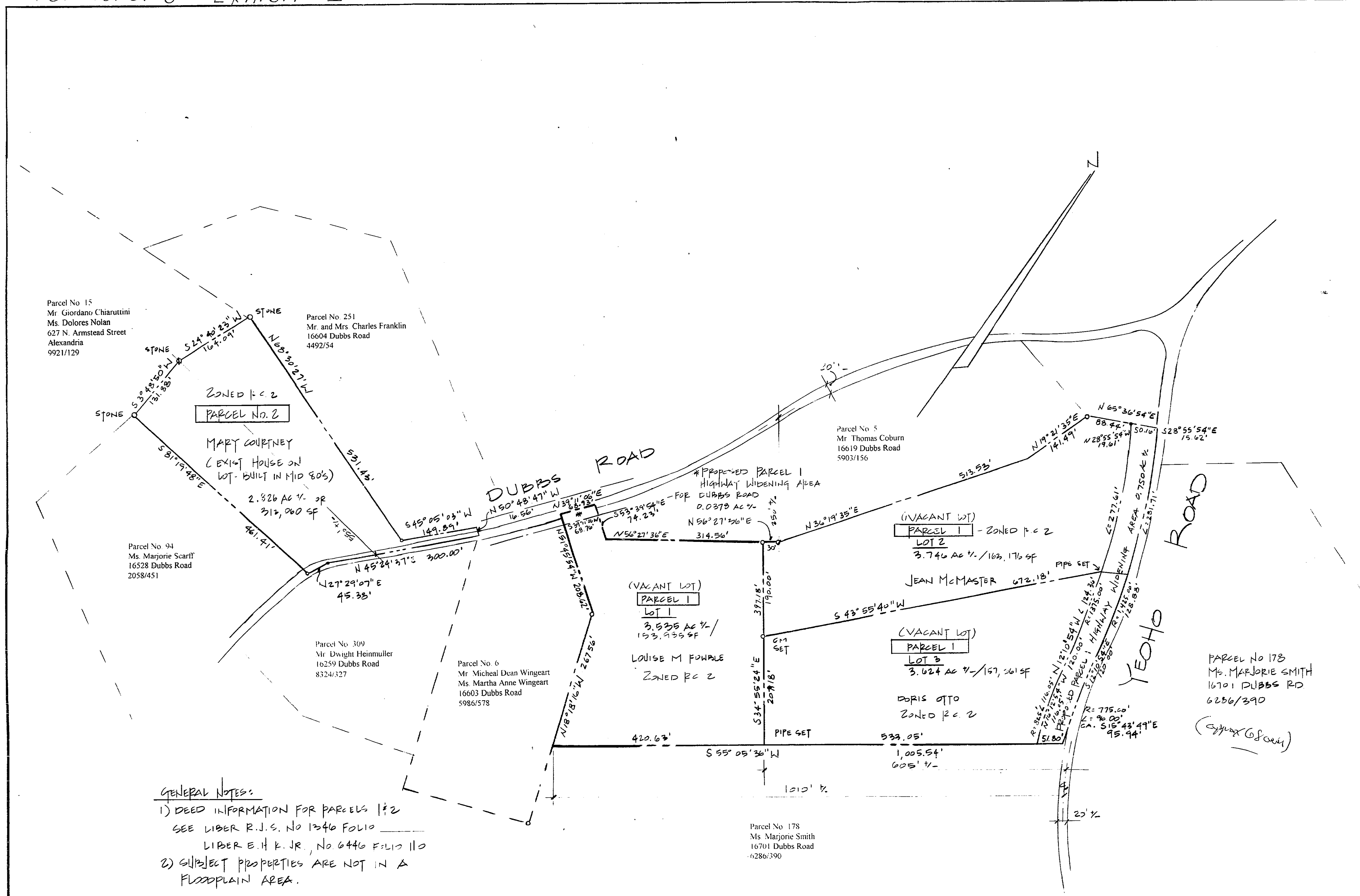
5. ZONING: 1. Residential, 2. Commercial, 3. Industrial, 4. Other (Specify)

6. OTHER: 1. Other (Specify)

ZONING NOTICE
Case # 97-74-SH
PLACE TO BE HEARD: []
DATE: []
TIME: []
SPECIAL: []



Petitioner's Exhibit 1



VICINITY MAP
SCALE: 1" = 2000'

LOCATION INFORMATION:

COUNCILMANIC DISTRICT: 3
ELECTION DISTRICT: 5
1" = 200' SCALE MAP # : NW 26-F
NW 27-F

LOT SIZES:
PARCEL NO 2 : 2.826 ACRES / 122,060 SF
PARCEL NO. 1 - LOT NO. 1 : 3.535 ACRES / 153,985 SF
PARCEL NO. 1 - LOT NO. 2 : 3.746 ACRES / 163,176 SF
PARCEL NO. 1 - LOT NO. 3 : 3.624 ACRES / 157,261 SF

SEWER: PRIVATE
WATER: PRIVATE

CHESAPEAKE BAY CRITICAL AREA: NO
PRIOR ZONING HEARINGS: NONE

Pet. No 1

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

SCALE: 1" = 100'-0"

PREPARED BY: THEREZA ADAMS
DATE: JULY 24, 1996

OWNERS:

PARCEL No. 2	PARCEL No. 1 - LOT 1	PARCEL No. 1 - LOT 2	PARCEL No. 1 - LOT 3
Mrs. Mary Courtney 16606 Dubbs Road Sparks, Maryland 21152	Mrs. Louise Fowble 201 W. Timonium Road Timonium, Maryland 21093	Mrs. Jean MacMaster Apartment 204 300 S. Sykes Creek Merritt Island, Florida 32952	Mrs. Doris Otto 1301 Louisa Street Williamsport, Pennsylvania 17701

NOTE: LOT BOUNDARIES IN QUESTION TAKEN FROM ORIGINAL SURVEY
PREPARED BY J. FINLEY RANSONE & ASSOC.
REGISTERED LAND SURVEYORS
TOWSON, MD 21205 - D160 - REVISED 6.11.84

ZONING OFFICE USE ONLY:

REVIEWED BY: ITEM #: CASE #:

97-74-SHA

Parcel No. 15
Mr. Giordano Chiaruttini
Ms. Dolores Nolan
627 N. Armstead Street
Alexandria
9921/129

Parcel No. 251
Mr. and Mrs. Charles Franklin
16604 Dubbs Road
4492/54

Parcel No. 94
Ms. Marjorie Scarff
16528 Dubbs Road
2058/451

Parcel No. 309
Mr. Dwight Heinmuller
16259 Dubbs Road
8324/527

Parcel No. 6
Mr. Michael Dean Wingard
Ms. Martha Anne Wingard
16603 Dubbs Road
5986/578

Parcel No. 5
Mr. Thomas Coburn
16619 Dubbs Road
5903/156

Parcel No. 178
Ms. Marjorie Smith
16701 Dubbs Road
6286/390

Parcel No. 178
Ms. Marjorie Smith
16701 Dubbs Rd.
6286/390

GENERAL NOTES:

- 1) DEED INFORMATION FOR PARCELS 1 & 2
SEE LIBER R.J.S. NO 1346 FOLIO
LIBER E.H.F. JR, NO 6446 FOLIO 110
- 2) SUBJECT PROPERTIES ARE NOT IN A
FLOODPLAIN AREA.

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

SCALE: 1"=100'-0"

PREPARED BY: THERESA ADAMS
DATE: JULY 24, 1996

OWNERS: PARCEL NO. 2

Mrs. Mary Courtney
16606 Dubbs Road
Sparks, Maryland 21152

PARCEL NO. 1 - LOT 1

Mrs. Louise Fowble
201 W. Timonium Road
Timonium, Maryland 21093

PARCEL NO. 1 - LOT 2

Mrs. Jean MacMaster
Apartment 204
300 S. Sykes Creek
Merritt Island, Florida 32952

PARCEL NO. 1 - LOT 3

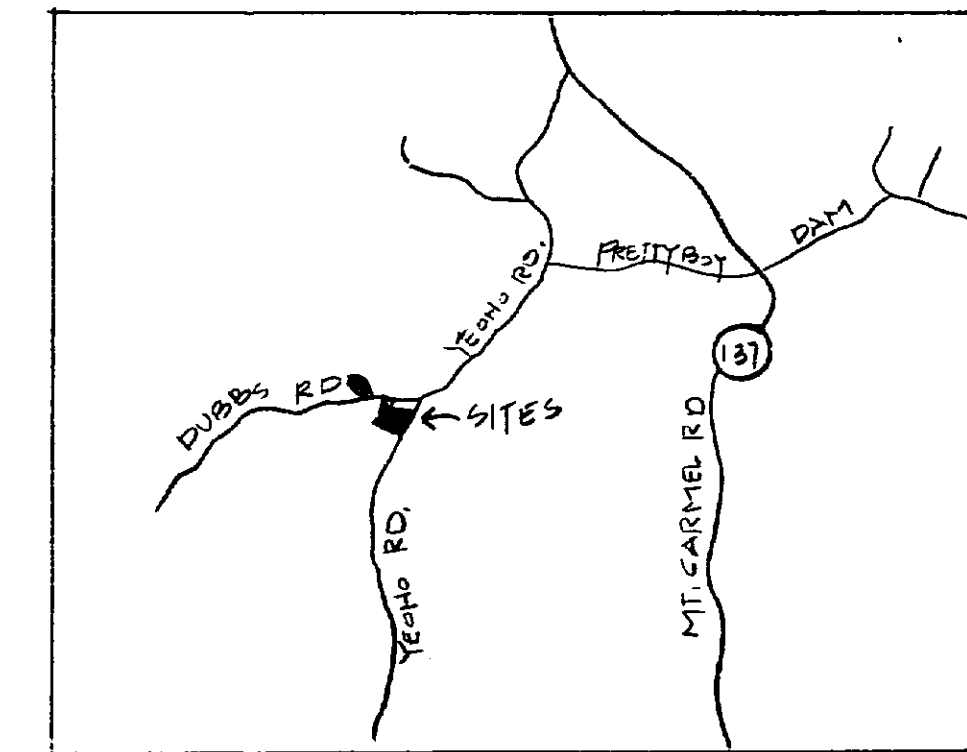
Mrs. Doris Otto
1301 Louisa Street
Williamsport, Pennsylvania 17701

NOTE: LOT BOUNDARIES IN QUESTION TAKEN FROM ORIGINAL SURVEY

PREPARED BY J. FINLEY RANSONE & ASSOC.

REGISTERED LAND SURVEYORS

TOWSON, MD 21205-0160 - REVISED 6.11.84



VICINITY MAP
SCALE: 1"=2000'

LOCATION INFORMATION:

COUNCILMANIC DISTRICT: 3

ELECTION DISTRICT: 5

1" = 200' SCALE MAP # : NW 26-F
NW 27-F

LOT SIZES:

PARCEL NO. 2 : 2.826 ACRES / 312,060 SF

PARCEL NO. 1 - LOT NO. 1 : 3.535 ACRES / 153,985 SF

PARCEL NO. 1 - LOT NO. 2 : 3.746 ACRES / 163,176 SF

PARCEL NO. 1 - LOT NO. 3 : 3.624 ACRES / 157,861 SF

SEWER: PRIVATE

WATER: PRIVATE

CHESAPEAKE BAY CRITICAL AREA: NO

PRIOR ZONING HEARINGS: NONE

97-74-5PH

ZONING OFFICE USE ONLY:

REVIEWED BY: ITEM #: CASE #:

JF

72

The Issue presented by this special hearing is a follows:

97-74-SPH

Do four (4) building lots exist in the four (4) separately described lots of record owned respectively by the following four (4) sisters:

- (A) Louise M. Fowble - 3.595 acres Parcel 1 - lot 1,
- (B) Jean MacMaster - 3.746 acres Parcel 1 - lot 2,
- (C) Doris Otto - 3.624 acres Parcel 1 - lot 3,
- (D) Mary Courtney - 2.826 acres Parcel 2. (See attached Plat Exhibit No. 1)

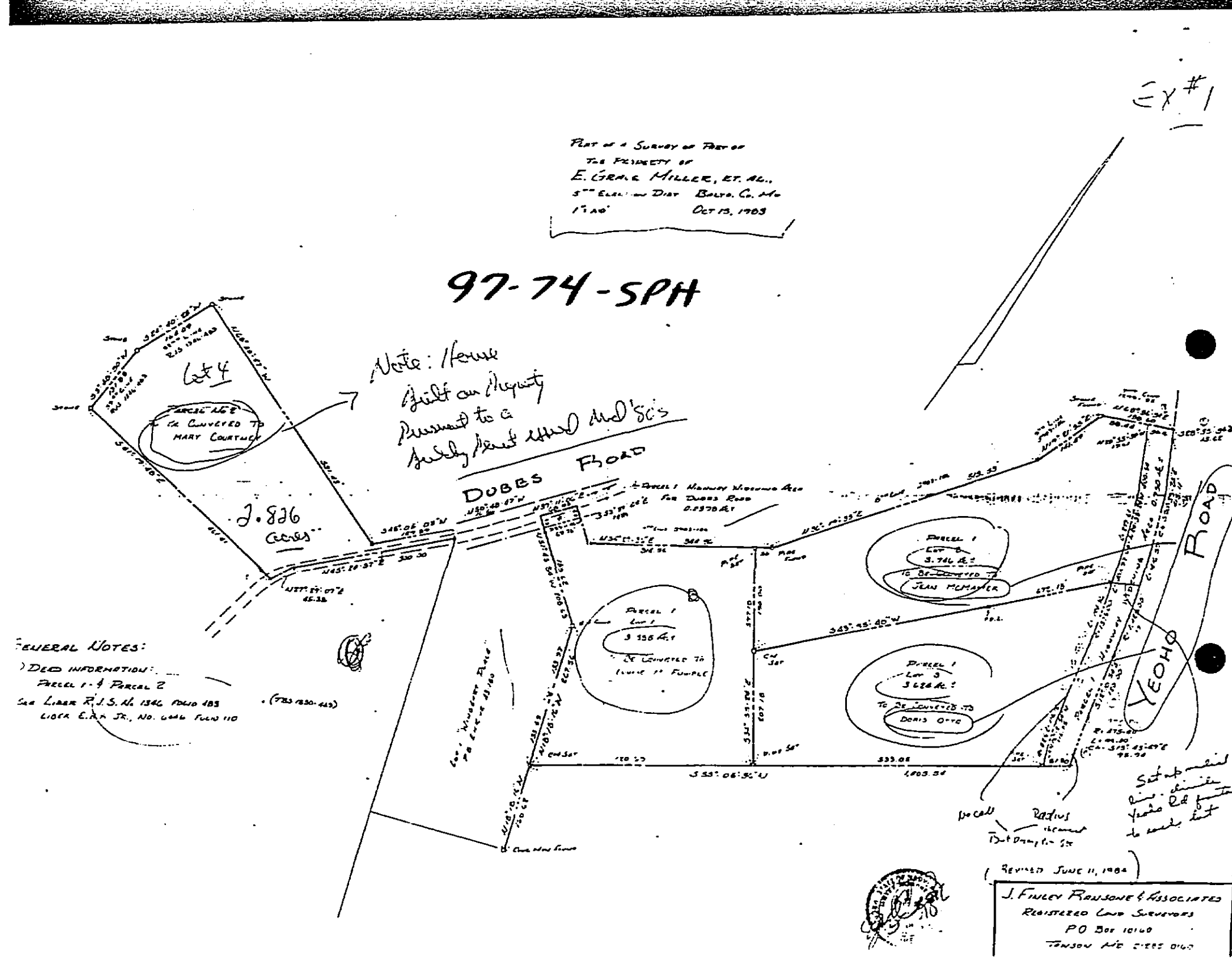
These four (4) lots of ground were created by a Baltimore County Court Order signed on June 28th, 1984 by Judge Edward DeWaters to settle and conclude a partition suit filed pursuant to Section 14-107(a) of the Real Property Article, Annotated Code of Maryland. Judge DeWaters in said Decree ordered that "the real property which is the subject of these proceedings be subdivided and conveyed by Deeds duly executed by the parties hereto in accordance with the Plat attached to the Joint Petition as filed herein and labeled "Exhibit 1"

Pursuant to the aforesaid Circuit Court Order the four sisters then had Deeds executed and recorded which resulted in a Baltimore County Circuit Court ordered subdivision as aforesaid and consequently four (4) separately described Building lots of record. One of the sisters, Mary Courtney then applied for and received a Building Permit from Baltimore County and subsequently in 1985/1986 built a house on her 2.826 acre tract (i.e. Parcel No. 2). Mrs. Courtney is now contemplating selling her home and the other three sisters, i.e., Mrs. Jean MacMaster, Mrs. Louise Fowble and Mrs. Doris Otto have listed their respective lots of record for sale with O'Connor, Piper & Flynn (OPF) as separate building lots. They are seeking this Special Hearing and an Order from the Baltimore County Zoning Commissioner confirming the existence of the four (4) building lots on advice from the Baltimore County Office of Permits and Development Management.

At the time of the aforesaid Circuit Court ordered subdivision, i.e., June 28, 1984, Section 22-42(4) of the Baltimore County Zoning Regulations specifically deferred to the above-referenced code section by virtue of the following language (i.e. Exception)

"(4) The subdivision of property pursuant to Court Order, a bill or law of intestate succession."

Even though all the land in question is and has been zoned RC-2, it certainly appears that the law, the doctrine of estoppel in addition to simple fairness, equity and reasonableness all would support the result of four (4) building lots in each of the four sisters as contemplated by the June 28, 1984 Subdivision Order, the resulting four (4) Deeds as shown on the attached Plat and Mrs. Courtney's obtaining of her building permit. Finally, I know of no local or community opposition to our request which would be in keeping with the general nature and character of the surrounding area. The Petitioners request that the Zoning Commissioner issue an order confirming the extreme of the four (4) building lots as shown on the attached plat which request is the subject of our Petition for Special Hearing.



LOUISE M. FOWBLE
Plaintiff
v.
JEAN MACMASTER
DORIS OTTO
and
MARY COURTNEY
Defendants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
IN EQUITY
175/67/83R-14

Consent DECREE

The Court having considered the Joint Petition of the Plaintiff and Defendants, being all parties to the above-entitled action, it is this 28th day of June, 1984 by the Circuit Court for Baltimore County sitting in Equity:

ADJUDGED, ORDERED AND DECREED that the real property which is the subject of these proceedings be subdivided and conveyed by Deeds duly executed by the parties hereto in accordance with the Plat attached to the Joint Petition as filed herein and labelled "Exhibit 1", and it is further

ADJUDGED, ORDERED AND DECREED that the parties hereto each bear in equal proportions the costs of these proceedings.

True Copy Test

ELMER H. ROHME, JR., CLERK

EDWARD DEWATERS

97-74-SPH

ZONING DESCRIPTION FOR: PARCEL NO. 1 - LOT NO. 1

As recorded in Deed Liber E.H.K., Jr. No. 6446, Folio 110 N. 18°16' W. 267.56 FT., N. 51°45'44" W. 208.62 FT., N. 39°11'06" E. 68.93 FT., S. 53°59'54" E. 74.23 FT., N. 56°27'36" E. 314.56 FT., S. 34°52'24" E. 397.18 FT., S. 55°03'36" W. 420 FT. to the place of beginning.

ZONING DESCRIPTION FOR: PARCEL NO. 1 - LOT NO. 2

97-74-SPH

As recorded in Deed Liber E.H.K., Jr. No. 6446, Folio 110 N. 56°27'36" E. 30 FT., N. 36°19'35" E. 513.53 FT., N. 19°21'35" E. 141.49 FT., N. 65°36'54" E. 88.44 FT., S. 28°55'54" E. 19.61 FT., line curving to right radius 1,375 ft. 277.61 FT., S. 43°55'40" W. 672.18 FT., N. 34°52'24" W. 190 FT. To the place of beginning.

ZONING DESCRIPTION FOR: PARCEL NO. 1 - LOT NO. 3

97-74-SPH

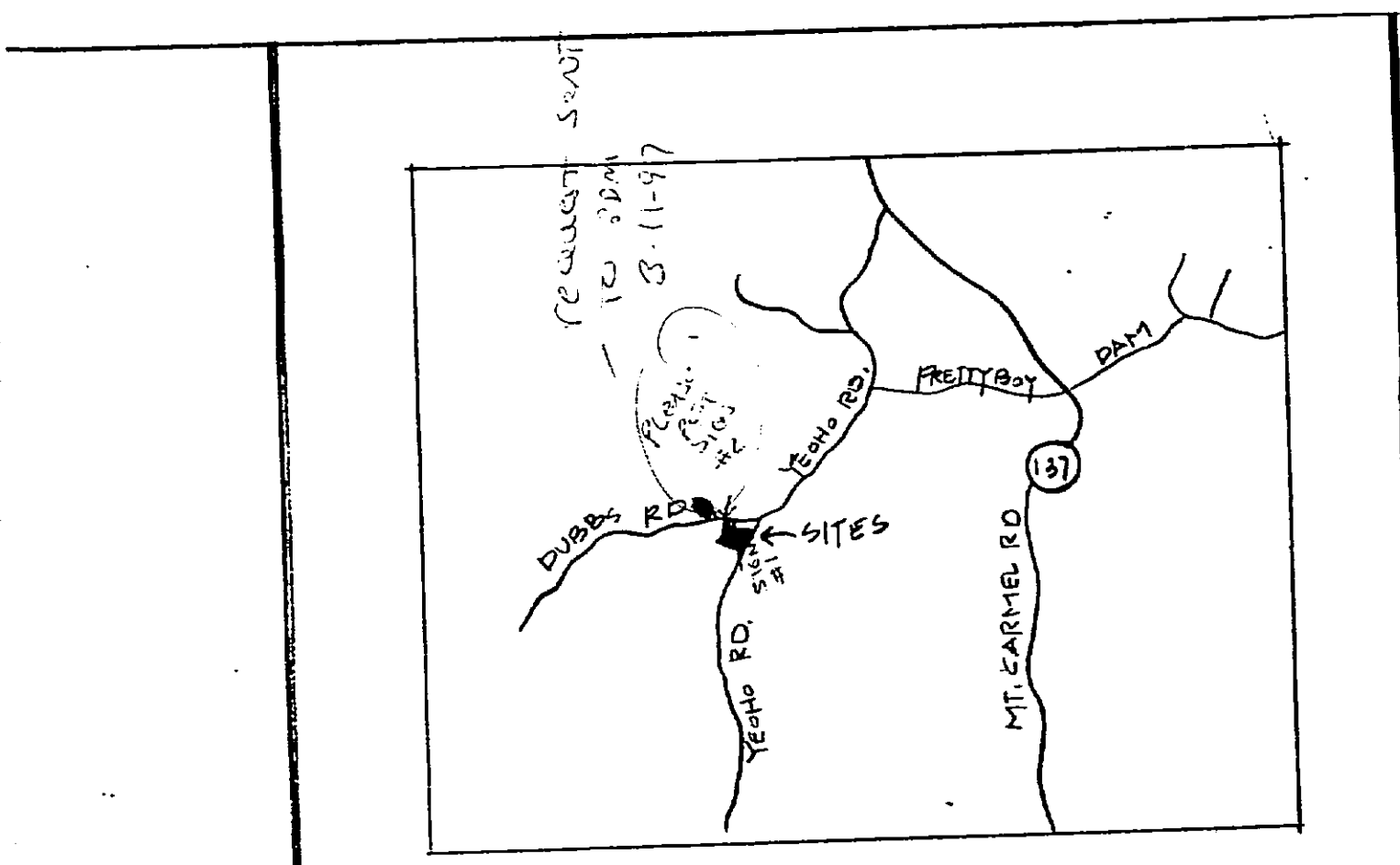
As recorded in Deed Liber E.H.K., Jr. No. 6446, Folio 110 N. 34°55'24" W. 207.18 FT., N. 43°55'40" W. 672.18 FT., line curving towards right with radius 1,375 ft. Arc of 124.36 FT., N. 14°46'42" W. 124.32 FT., N. 12°10'54" W. 120 FT., line curving left with radius of 825 FT. Arc of 116.15 FT., N. 55°03'36" E. 533.05 FT. To place of beginning.

ZONING DESCRIPTION FOR: 16606 DUBBS ROAD - PARCEL NO. 2

97-74-SPH

As recorded in Deed Liber E.H.K., Jr. No. 6446, Folio 110 S. 24°02'31" W. 164.09 FT., N. 68°30'27" W. 531.43 FT., S. 45°05'03" W. 149.89 FT., N. 50°48'47" W. 16.56 FT., N. 45°24'37" E. 300.00 FT., N. 27°29'37" E. 45.38 FT., S. 81°19'48" E. 461.41 FT., S. 3°48'50" W. 131.88 FT. To the place of beginning.

Item # 72



VICINITY MAP
SCALE: 1" = 2000'

Case No. 97-74-SPH
Louise Fowble, Doris Otto, Jean McMaster and Mary Courtney - Petitioners
NW/s Dubbs Road and SE/s Yachco Rd (Parcel 2 and Lots 1, 2 and 3 of Parcel 1 of the Smith Property)
5th Election District
Appealed: 11/22/96
(see attached copy of vicinity map)

Posted 12/3/96
Hunter Ave
97-74-SPH
COM

TO: FUTURE PUBLISHING COMPANY
September 5, 1996 Issue - Jeffersonian
Please forward billing to:
Michael Gieriel, Esq.
210 E. Lexington Street, #400
Baltimore, MD 21202
539-0513

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: 97-74-SPH (Item 72)
Yachco and Dubbs Road
E of Dubbs and W of Yachco Road
5th Election District - 3rd Councilmanic
Legal Owner(s): Louise Fowble, Doris Otto, Jean McMaster, and Mary Courtney
Special Hearing to approve 4 separately described building lots of ground pursuant to Court Order.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.



Baltimore County
Department of Permits and
Development Management

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

August 27, 1996

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: 97-74-SPH (Item 72)
Yachco and Dubbs Road
E of Dubbs and W of Yachco Road
5th Election District - 3rd Councilmanic
Legal Owner(s): Louise Fowble, Doris Otto, Jean McMaster, and Mary Courtney
Special Hearing to approve 4 separately described building lots of ground pursuant to Court Order.

HEARING: WEDNESDAY, SEPTEMBER 25, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Bel Jahn
Arnold Jablon
DIRECTOR

cc: Michael Gieriel, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO SM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3391.



Baltimore County
Department of Permits and
Development Management

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

September 9, 1996

NOTICE OF REASSIGNMENT

Rescheduled from 9/25/96
CASE NUMBER: 97-74-SPH (Item 72)
Yachco and Dubbs Road
E of Dubbs and W of Yachco Road
5th Election District - 3rd Councilmanic
Legal Owner(s): Louise Fowble, Doris Otto, Jean McMaster, and Mary Courtney
Special Hearing to approve 4 separately described building lots of ground pursuant to Court Order.

HEARING: THURSDAY, OCTOBER 17, 1996 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson Maryland.

Bel Jahn
ARNOLD JABLON
DIRECTOR

cc: Michael Gieriel, Esq.

BALTIMORE COUNTY, MARYLAND
ELECTRICAL INSPECTION FEE SCHEDULE
EFFECTIVE APRIL 1, 1997
MINIMUM FEE FOR ELECTRICAL PERMITS IS \$17.00

PERMIT EXPIRATION	INVESTIGATION FEE
A permit shall expire one year from the date it was issued unless it is extended, in which case it can only be extended for one additional year. The maximum duration of an electrical permit is two years.	Whenever any work for which a permit is required under this code has been commenced without authorization of such permit, a special investigation shall be made before a permit may be issued for such work. In addition to the regular permit fee, an investigation fee of \$40.00 shall be collected.
ROUGH WIRING	FIXTURES
switches, receptacles, and lights to be counted as outlets:	
1 to 50 outlets . . . \$17.00	1 to 50 fixtures . . . \$17.00
For each additional 25 outlets for each additional 25 fixtures or fraction thereof . . . \$ 3.00	For each additional 25 fixtures or fraction thereof . . . \$ 3.00
CHANGED INSTALLATIONS, where wiring and fixtures are installed and can be inspected on one visit, apply rough wiring schedule based on total number of outlets.	
FEES - NEW RESIDENCE - FLAT RATE - INCLUDES ALL APPLIANCES & SERVICE	
Not over 100 amp. service . . . \$44.00	
Not over 200 amp. service . . . \$52.00	
Over 200 amp. service . . . \$57.00	
ADDITIONAL	
FEES - NEW APPOINTMENTS - INCLUDES ALL APPLIANCES & SERVICE	
Not over 100 amp. service . . . \$44.00	
Not over 200 amp. service . . . \$52.00	
Over 200 amp. service . . . \$57.00	
ADDITIONS & REMOVING - Use Rough Wiring and Fixture Schedules. Allowance such as electric ranges, range tops, ovens, air conditioners, water heaters, dishwashers, dryers, ceiling fans, electric heating units, etc., installed in dwelling after permits are issued. A charge of \$5.00 will be made for the first unit installed and a charge of \$2.00 for each additional unit or outlet.	
INDUSTRIAL AND COMMERCIAL EQUIPMENT - such as air conditioners, motors, generators, commercial heaters, transformers, capacitors, voltmeters and similar devices.	
Single unit or group not exceeding 5 motors whose total capacity does not exceed: 1 hp or 1/2 hp . . . \$5.00	
1 hp to 25 hp, 1/2 hp or 3/4 hp . . . \$17.00 - \$5.00	
Over 25 hp to 100 hp or 3/4 hp . . . \$17.00 - \$5.00	
Over 100 hp or 3/4 hp or KVA . . . \$17.00 - \$5.00	
Over 5 hp, 1/2 hp or KVA . . . \$17.00 - \$5.00	
NOTE: Where above motor fees exceed \$75.00 and inspection can be completed within 90 days of filing application, 99% of the above fees for the amount over \$75.00.	
NEW SERVICE - RELOCATION OR CHANGE IN SERVICE	
Not over 400 amps . . . \$17.00	
Over 400, not over 800 amps . . . \$25.00	
Over 800 amps . . . \$41.00	

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
March 18, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-74-SPH
IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yachco Rd (Parcel 2 and Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic
(Petition for Special Hearing DENIED.)

ASSIGNED FOR: THURSDAY, MAY 28, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

cc: Counsel for Appellants /Petitioners: Michael Gieriel, Esquire
Louise Fowble, Doris Otto, Jean McMaster, & Mary Courtney
Protestants: David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
March 18, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-74-SPH
IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yachco Rd (Parcel 2 and Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic
(Petition for Special Hearing DENIED.)

ASSIGNED FOR: THURSDAY, MAY 28, 1997 at 10:00 a.m.

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cc: Counsel for Appellants /Petitioners: Michael Gieriel, Esquire
Louise Fowble, Doris Otto, Jean McMaster, & Mary Courtney
Protestants: David R. Smith
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Mary P. Shaffer

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
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Virginia W. Barnhart, Co Atty

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
March 18, 1997
AMENDED April 15, 1997

AMENDED NOTICE OF ASSIGNMENT

** /AS TO DAY OF WEEK ONLY /DATE REMAINS THE SAME **
CASE #: 97-74-SPH
IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yachco Rd (Parcel 2 and Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic
(Petition for Special Hearing DENIED.)

ASSIGNED FOR: WEDNESDAY, MAY 28, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

cc: Counsel for Appellants /Petitioners: Michael Gieriel, Esquire
Louise Fowble, Doris Otto, Jean McMaster, & Mary Courtney
Protestants: David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

LAW OFFICES
BOULAND, GISRIEL & BRUSH, LLC

6300 STEVEN FOREST ROAD
SUITE 100
COLUMBIA, MARYLAND 21046
300 FREDERICK ROAD
SUITE 100
CATTOWVILLE, MARYLAND 21228

201 N. CHARLES STREET
BALTIMORE, MARYLAND 21201-14105
TEL: (410) 752-6000
(410) 539-0813
FAX: (410) 625-3859

120 SECOND STREET
LOUVELL, MARYLAND 20707
705 RUSSELL AVENUE
SUITE 407
GANTHERSBURG, MARYLAND 20877
TEL: (410) 752-6000
(410) 539-0813
FAX: (410) 625-3859

May 7, 1997

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204
Attn: Kathleen C. Bianco
Legal Administrator

Re: Request for Postponement -
Case No. 97-74-SPH
In The Matter of: Louise Fowble, et al.

Dear Ms. Bianco:

Pursuant to Rule 2(b) of the Board's Rules of Procedure, please consider this a Request for Postponement of the above captioned case (copy of Notice attached) by all the Appellants/Petitioners by and through Michael Gisriel, Esq., counsel for Petitioners. We ask that this case be postponed for at least 90 days for the following reasons:

1. Appellants/Petitioners have been attempting to obtain a transcript of a June 1994 Hearing before Judge DeWaters which will materially impact and affect this case. Said transcript has been delayed and will not be available by May 28, 1997; and
2. Also, several of the Appellants/Petitioners will be out of town and unable to attend the Hearing currently scheduled for Wednesday, May 28, 1997.

Therefore, the Appellants/Petitioners humbly request that this Board postpone the aforesaid Wednesday, May 28, 1997 Hearing date until sometime after 90 days from the said date of Wednesday, May 28, 1997. Please call if you have any questions or require any additional information. Please notify me of the rescheduled date and time and I'll notify the Appellants/Petitioners.

County Board of Appeals of Baltimore County
May 7, 1997
Page Two

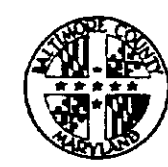
Thank you for your kind consideration of this matter. I remain

Very truly yours,

Michael Gisriel
Michael Gisriel

MG:wlf
Enclosure

cc: People's Counsel for Baltimore County
All Appellants/Petitioners



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 18, 1997
AMENDED April 15, 1997

AMENDED NOTICE OF ASSIGNMENT
** /AS TO DAY OF WEEK ONLY /DATE REMAINS THE SAME **

CASE #: 97-74-SPH IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yeoho Rd (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic
(Petition for Special Hearing DENIED.)

** Correct day of the week for this hearing is Wednesday, 5/28/97.

ASSIGNED FOR: WEDNESDAY, MAY 28, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellants /Petitioners: Michael Gisriel, Esquire
Appellants /Petitioners : Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney

Protestants : David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

People's Counsel for Baltimore County

Pat Keller Arnold Jablon, Director /PDM
Lawrence E. Schmidt Virginia W. Barnhart, Co Atty

Printed with Soy-based Ink
on Recycled Paper



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 9, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 97-74-SPH IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yeoho Rd (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic
(Petition for Special Hearing DENIED.)

which was scheduled for hearing on 5/28/97 has been POSTPONED at the request of Appellants /Petitioners, for reasons as stated in said request; and has been

REASSIGNED FOR: THURSDAY, SEPTEMBER 18, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellants /Petitioners: Michael Gisriel, Esquire
Appellants /Petitioners : Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney

Protestants : David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

John Bernstein, Exec. Dir. /Valleys Planning Council
Sam Nitzberg

People's Counsel for Baltimore County

Pat Keller Arnold Jablon, Director /PDM
Lawrence E. Schmidt Virginia W. Barnhart, Co Atty

Printed with Soy-based Ink
on Recycled Paper

SEP-02-97 TUE 04:00 PM

FAX NO. 4106253859

P.01/01

LAW OFFICES
BOULAND, GISRIEL & BRUSH, LLC

6300 STEVEN FOREST ROAD
SUITE 100
COLUMBIA, MARYLAND 21046
300 FREDERICK ROAD
SUITE 100
CATTOWVILLE, MARYLAND 21228

201 N. CHARLES STREET
BALTIMORE, MARYLAND 21201-14105
TEL: (410) 752-6000
(410) 539-0813
FAX: (410) 625-3859

FAX TRANSMISSION

To: Kathleen C. Bianco, Legal Administrator
County Board of Appeals of Baltimore County

Date: September 2, 1997

Fax #: (410) 887-3182

Pages: 1, including this cover sheet.

From: Michael Gisriel

Subject: Strike Attorney Appearance and Request for Postponement
Case No. 97-74-SPH
Louise Fowble, et al. NWS Dubbs and Yeoho Roads
Thursday, September 18, 1997 at 10:00 A.M.

COMMENTS: Dear Kathleen:

Pursuant to our telephone conversation regarding the above captioned matter, please strike my appearance as attorney for Louise Fowble, et al. in the above captioned matter and also please postpone the scheduled hearing currently set in for Thursday, September 18 at 10:00 A.M. to let the Fowbles, et al. secure another attorney. Please notify Louise Fowble, c/o her son, John F. Fowble, V.M.D., P.O. Box 32, Timonium, Maryland 21094-0032 (Tel. No. 410-252-1922).

Thank you for your kind attention to this matter. Continued best regards, I remain

Very truly yours,
Michael Gisriel
Michael Gisriel

CONFIDENTIALITY NOTICE

The documents accompanying this facsimile transmission contain confidential information belonging to the sender which may be legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance of the contents of this transmission is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone arrange for return of the original documents to us.

11/26/97 at 1:00 PM



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 9, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 97-74-SPH IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yeoho Rd (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic
(Petition for Special Hearing DENIED.)

which was scheduled for hearing on 5/28/97 has been POSTPONED at the request of Appellants /Petitioners, for reasons as stated in said request; and has been

REASSIGNED FOR: THURSDAY, SEPTEMBER 18, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellants /Petitioners: Michael Gisriel, Esquire
Appellants /Petitioners : Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney

Protestants : David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

John Bernstein, Exec. Dir. /Valleys Planning Council
Sam Nitzberg
Stacey Sutton

People's Counsel for Baltimore County

Pat Keller Arnold Jablon, Director /PDM
Lawrence E. Schmidt Virginia W. Barnhart, Co Atty

Printed with Soy-based Ink
on Recycled Paper



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 3, 1997

SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 97-74-SPH IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yeoho Rd (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic
(Petition for Special Hearing DENIED.)

which was scheduled for hearing on 9/18/97 has been POSTPONED at the request of Appellants /Petitioners, for reasons as stated in said request; and has been

REASSIGNED FOR: WEDNESDAY, NOVEMBER 26, 1997 at 1:00 p.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Appellants /Petitioners : Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney

Protestants : David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

Jack Dillon, Exec. Dir. /Valleys Planning Council
Sam Nitzberg
Stacey Sutton

People's Counsel for Baltimore County

Pat Keller Arnold Jablon, Director /PDM
Lawrence E. Schmidt Virginia W. Barnhart, Co Atty

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on Recycled Paper



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 24, 1997

NOTICE OF ASSIGNMENT /MOTION ONLY HEARING

CASE #: 97-74-SPH IN THE MATTER OF: LOUISE FOWBLE, ET AL -Petitioners
NW/s Dubbs Rd and SE/s Yeoho Rd (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District; 3rd Councilmanic
(Petition for Special Hearing DENIED.)

Prior to the hearing scheduled on the merits of this case, the Board has scheduled a Motion Hearing for receiving oral argument only on the Motion to Dismiss filed by People's Counsel; no evidence or testimony to be received at this Motion Hearing, which has been

ASSIGNED FOR: WEDNESDAY, OCTOBER 22, 1997 at 10:30 a.m.

NOTICE: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Appellants /Petitioners : Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney

Protestants : David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer

Jack Dillon, Exec. Dir. /Valleys Planning Council
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People's Counsel for Baltimore County

Pat Keller Arnold Jablon, Director /PDM
Lawrence E. Schmidt Virginia W. Barnhart, Co Atty

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Baltimore County
Department of Permits and
Development Management

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

September 20, 1996

Mr. Melvin E. Parrish
20045 Middleton Road
Freeland, MD 21053

RE: Item No.: 70
Case No.: 97-73-A
Petitioner: Melvin Parrish, et al

Dear Mr. Parrish:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 14, 1996.

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 (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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

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

WCR/re
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: September 4, 1996
FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 2526A Beckleysville Road

INFORMATION:

Item Number: 70

Petitioner: James David Lawson

Property Size:

Zoning: RC-2 & RC-6

Requested Action: Variance

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Staff supports the applicant's request provided that future conversion to dwelling units of the identified structures is clearly restricted.

Prepared by: *Jeffrey M. Law*

Division Chief: *Carol L. Kloss*

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 26, 1996
Department of Permits & Development
Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 26, 1996
Item No. 071

The Development Plans Review Division has reviewed the subject zoning item. If granted, this office requests that the Hearing Officer requires conformance with the Landscape Manual's residential buffer standard to the extent needed.

RWB:HJO:jrb

cc: File

ZONE23F



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Patricia F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 070 (MSK)

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 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/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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

TO: PDM DATE: 9/15/96
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: 8/26/96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 70

RBS:sp
BRUCE2/DEPRM/TXTSP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 30, 1996
Department of Permits & Development
Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 3, 1996
Item Nos. 059, 061, 070, 073,
074, 075, 077, 078, 079, & 080

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE24

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 08/27/96

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 AUGUST 26, 1996.

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: 59, 70, 72, 73, 74, 75, 76, 77,
78, 79 AND 80.

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

cc: File

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on Recycled Paper

RE: PETITION FOR VARIANCE * BEFORE THE
2526A Beckleysville Road, S/S Cotter Rd, * ZONING COMMISSIONER
580' W of c/l Beckleysville Road * OF BALTIMORE COUNTY
6th Election District, 3rd Councilmanic *
Legal Owner(s): Melvin & Walter Parrish * CASE NO. 97-73-A
Contract Purchaser(s): James Lawson *
Petitioners * * * * *

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.

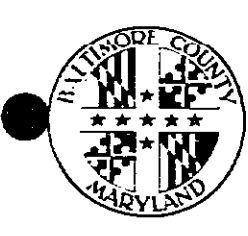
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of September, 1996, a copy of the foregoing Entry of Appearance was mailed to McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, MD 21030, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Case No. 97-74-SPH
Louise Fowble, Doris Otto, Jean McMaster
& Mary Courtney - Petitioners
NW/s Dubbs Road and SE/s Yeoho Road (Parcel 2 and
Lots 1, 2 and 3 of Parcel 1 of the Smith Property)
5th Election District
(see attached copy
of vicinity map)
Appealed: 11/22/96



Baltimore County
Department of Permits and
Development Management

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

September 20, 1996

Michael Gisriel, Esquire
Gisriel & Brush, P.A.
210 E. Lexington Street, Suite 400
Baltimore, MD 21202

RE: Item No.: 72
Case No.: 97-74-SPH
Petitioner: Louise Fowble, et al

Dear Mr. Gisriel:

The Zoning Advisory Committee (ZAC), which consists of representa-
tives from Baltimore County approval agencies, has reviewed the plans
submitted with the above referenced petition, which was accepted for
processing by Permits and Development Management (PDM), Zoning Review, on
August 12, 1996.

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 (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
Roslyn Eubanks in the zoning office (887-3391).

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

WCR/re
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: August 30, 1996
FROM: Robert W. Bowling, Chief
Development Plans Review Division
SUBJECT: Zoning Advisory Committee Meeting
for September 3, 1996
Item No. 072

The Development Plans Review Division has reviewed the subject
zoning item.

Yeoho Road is an existing road which shall ultimately be improved
as a 40-foot street cross section on a 60-foot right-of-way.

Dubbs Road is an existing road which shall ultimately be improved
as a 40-foot street cross section on a 60-foot right-of-way.

RWB:HJO:jrb

cc: File

ZONE24A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM
DATE: September 4, 1996
FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: Yeoho and Dubbs Road

INFORMATION:

Item Number: 72
Petitioner: Fowble, Otto, McMaster and Courtney Property
Property Size:
Zoning: RC-2
Requested Action: Special Hearing
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff defers to the judgement of
the Zoning Commissioner regarding an interpretation of the Court Order.

Prepared by: *Jeffrey M. Day*
Division Chief: *Carol L. Kavan*
AFK:JL

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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 6, 1996
FROM: Robert A. Wirth *RAW/140*
DEPRM
SUBJECT: Zoning Item #72 - Fowble Property
Yeoho & Dubbs Roads
Zoning Advisory Committee Meeting of August 26, 1996

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

Environmental Impact Review

Development of the property must comply with the Regulations for the
Protection of Water Quality, Streams, Wetlands and Floodplains (Sections
14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation
Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

Agricultural Preservation Program

This request should not be granted. The provisions of the RC-2 zone,
especially the density factor, was implemented specifically to protect
agriculture and reduce sprawl. Despite the merits of the appeal, the
landowner may seek other avenues to meet the spirit of the will. This same
issue was presented in the Graziano case on Middletown and Friesland Roads
and in that case it was ultimately decided that the density prevails.

Any decision that would permit zoning to be exceeded by will would erode the
efforts of the County to protect agricultural land and reduce sprawl.

RAW:PD:WL:sp

FOWBLE/DEPRM/TXTSPB



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 072 (RT)

Dear Ms. Eubanks:

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 affected by any State
Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-6256 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department
700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 08/27/96

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 AUGUST 26, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

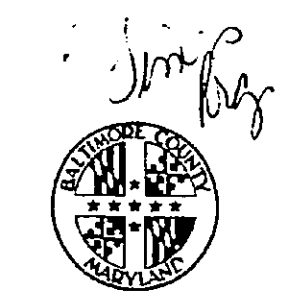
Pursuant to your request, the referenced property has been surveyed
by this Bureau and the comments below are applicable and required to
be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 59, 70, 72, 73, 74, 75, 76, 77,
78, 79 AND 80.

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

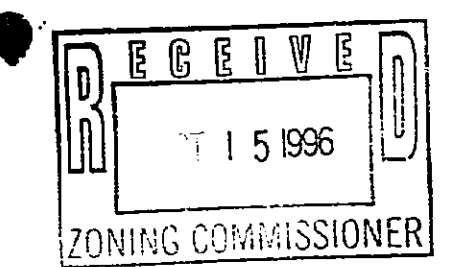
cc: File

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on Recycled Paper



PETER MAX ZIMMERMAN
People's Counsel

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204
(410) 887-2188



CAROLE S. DEMILIO
Deputy People's Counsel
October 15, 1996

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
Old Courthouse, Room 118
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petition for Special Hearing
Yeoho and Dubbs Road, E of Dubbs
and W of Yeoho Road, 5th Election
District, 3rd Councilmanic
District
PETITIONERS: LOUISE FOWBLE, DORIS
OTTO, JEAN MacMASTER, MARY COURTNEY
Case No. 97-74-SPH
Hearing Date: 10/17/96, 9:00 a.m.

Dear Mr. Schmidt:

Upon citizen inquiry, we reviewed this case in light of the
office's charter responsibility to defend the comprehensive zoning
maps. Sec. 524.1.

We found there exists a legal issue of great public
interest. An apparent question is whether a 1984 court-ordered
partition of property between sisters pursuant to RP Art. Sec.
14-107(a) supersedes or displaces the 1979 agricultural (RC-2)
zone designation, and subdivision lot density provision. BCZR
1A01.3B. Part of Bill 178-79, this key zoning provision states
that lots of record between 2 and 100 acres in size may not be
subdivided into more than 2 lots.

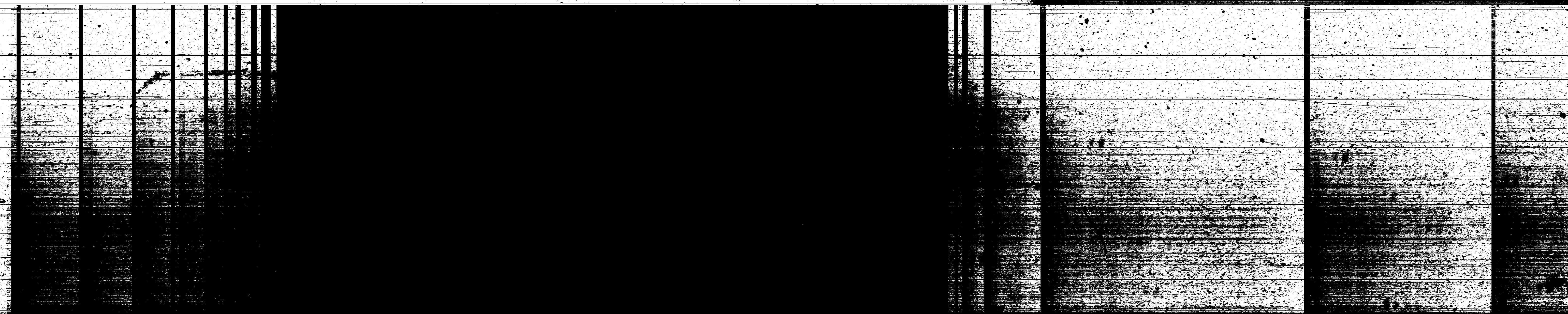
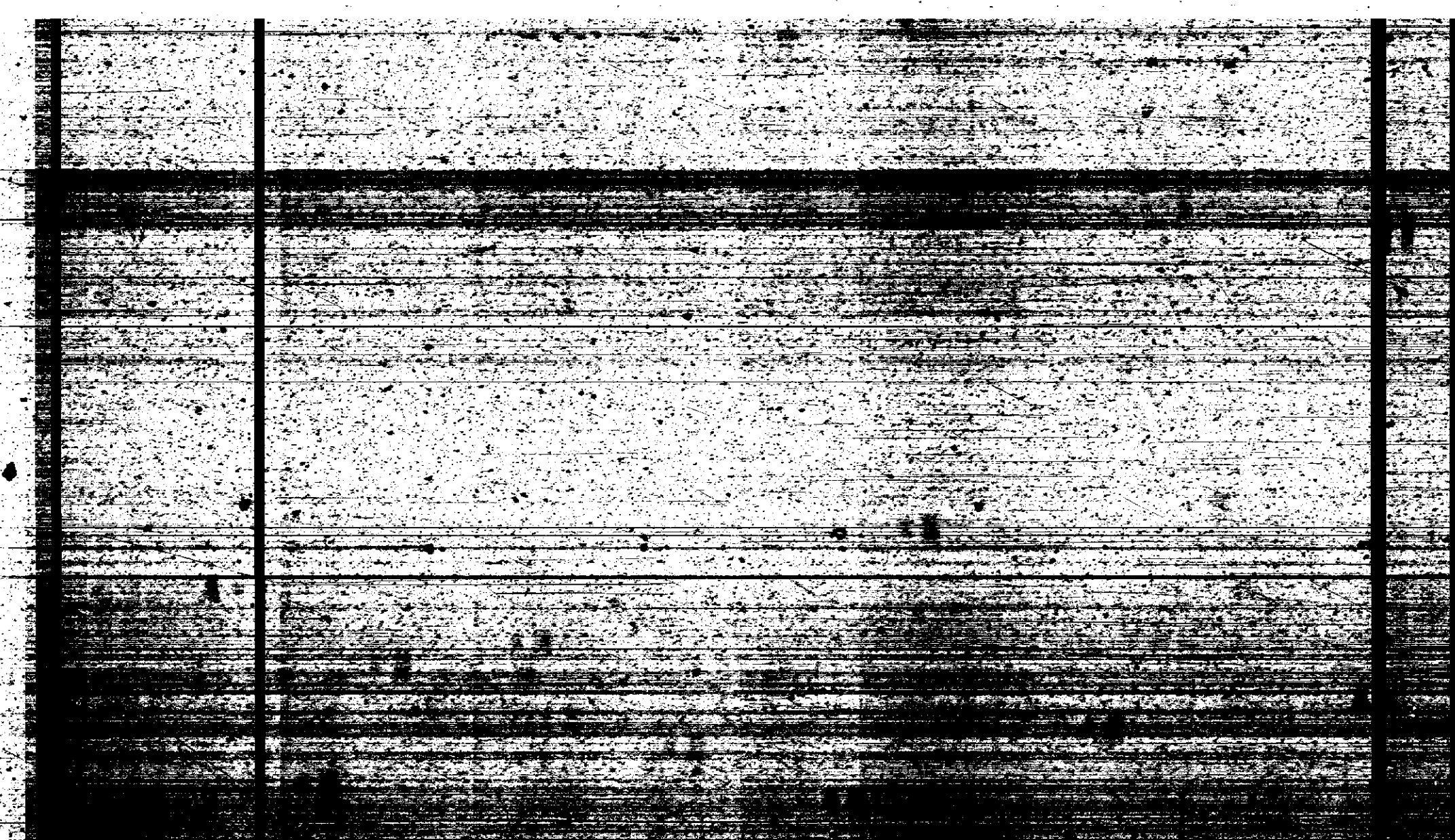
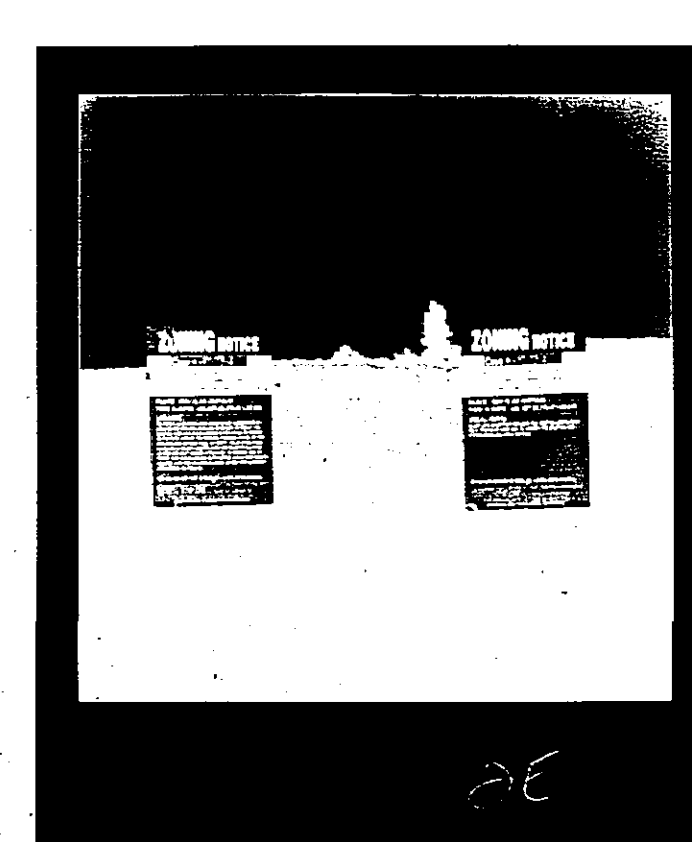
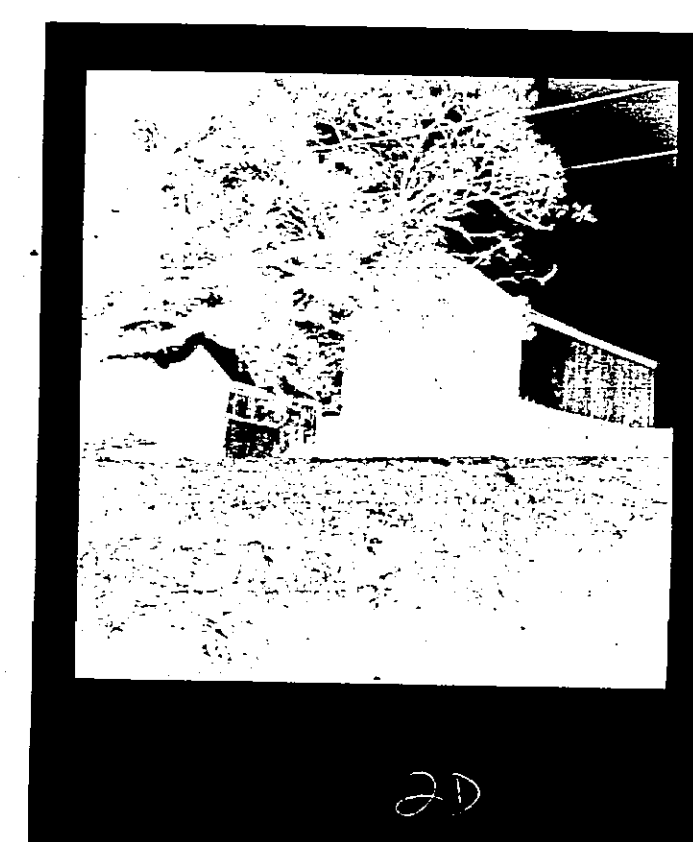
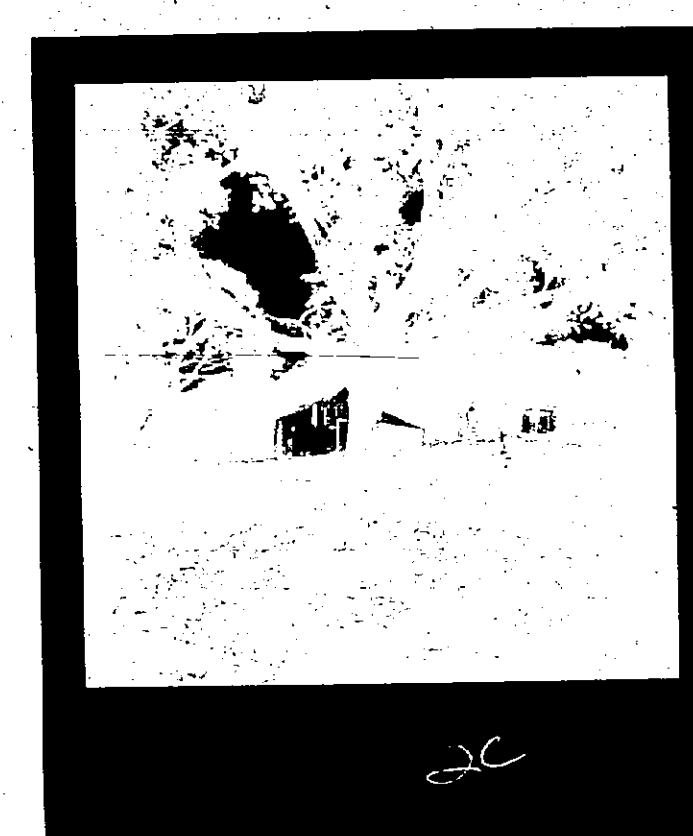
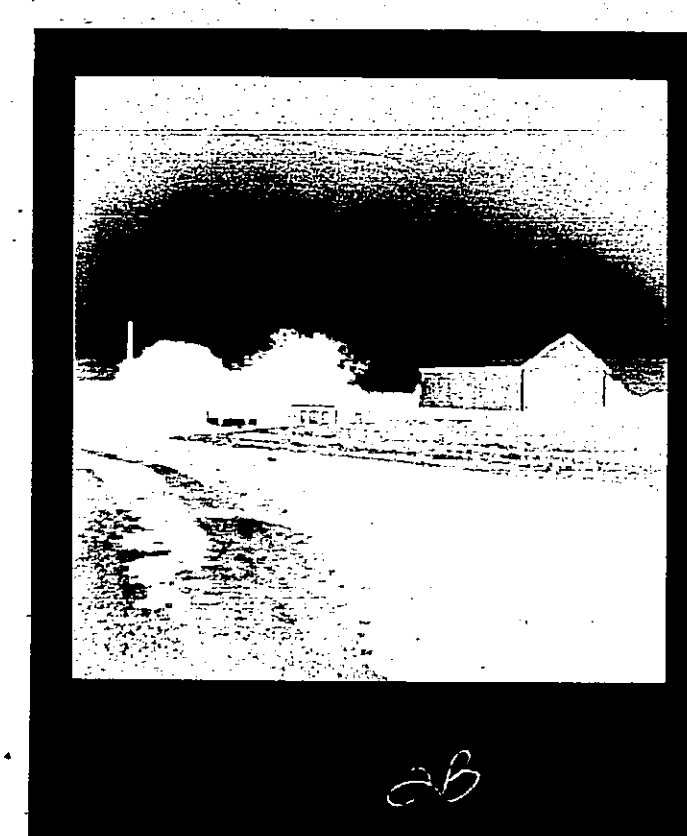
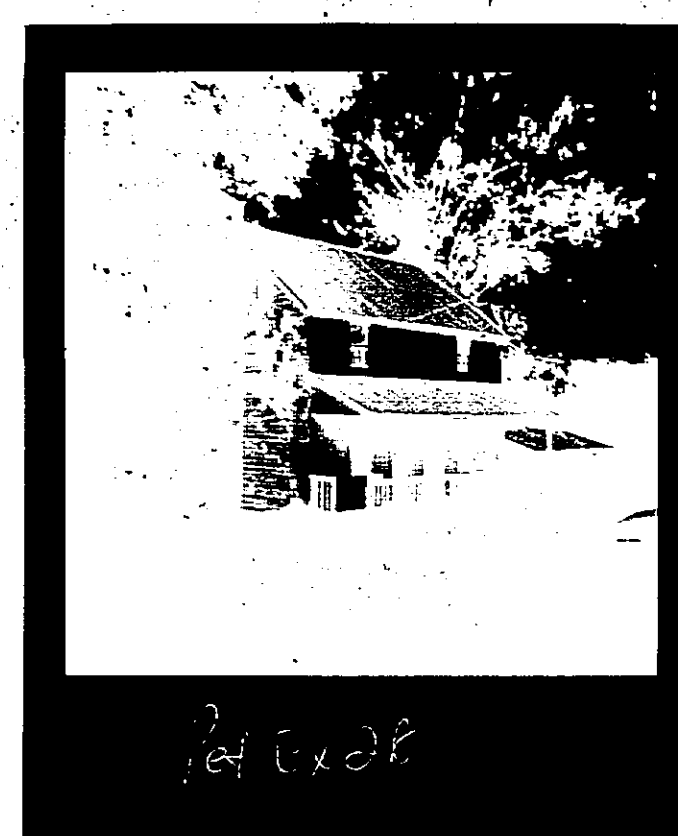
Briefly stated, a Circuit Court partition order cannot and
does not preempt or supersede county zoning legislation. The
property in question must be evaluated for compliance with RC-2
zone subdivision lot density independently of the privately
instituted partition proceedings. Moreover, there does not appear
to be any doctrine of equity or estoppel which defeats the
comprehensive zoning ordinance.

The Circuit Court dealt with a somewhat similar issue in the
attached Graziano case, 88-CG-1510, involving a will which

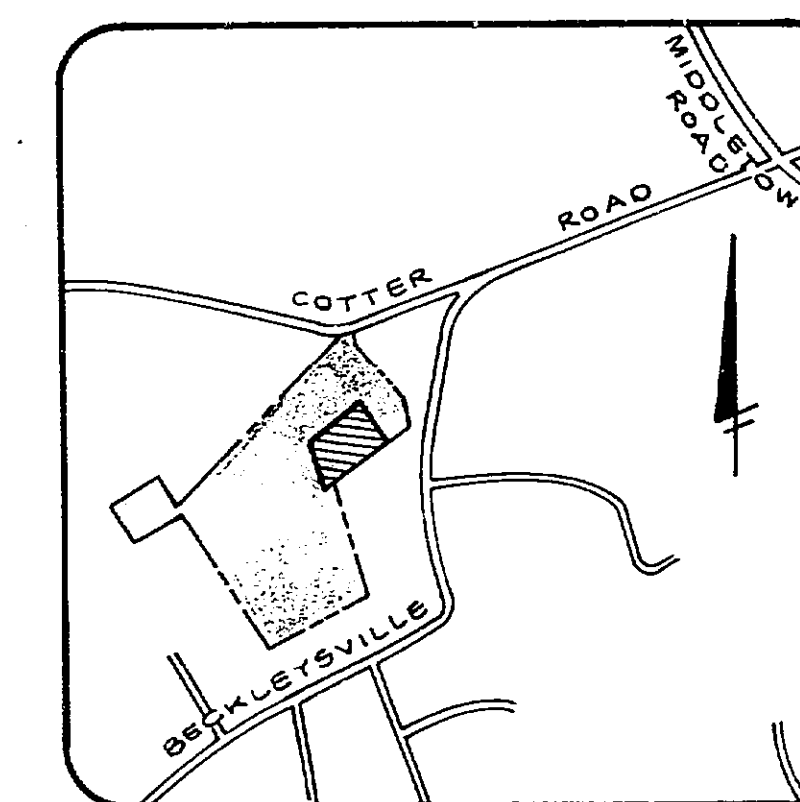
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PCF: ✓
PMZ: ✓

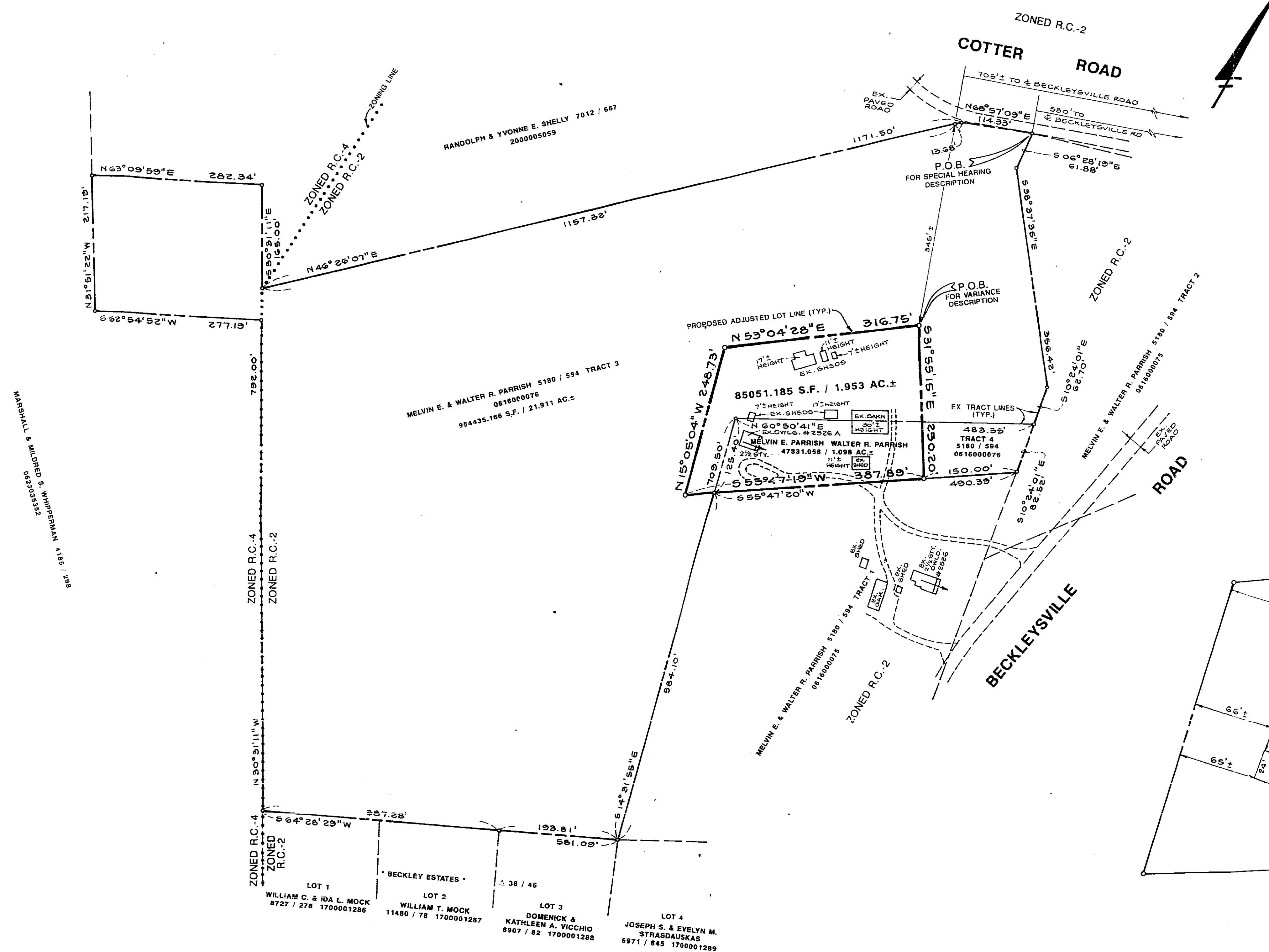
Petitioner's
Exhibits
2A-2E
photographs
Case 97-13-SPHA



CHANGES IN BUILDING USE IS PROPOSED.
 SUBJECT PROPERTY IS NOT IN THE 100 YEAR FLOOD PLAIN.
 THERE ARE NO PRIOR ZONING HEARINGS ON THIS PROPERTY.

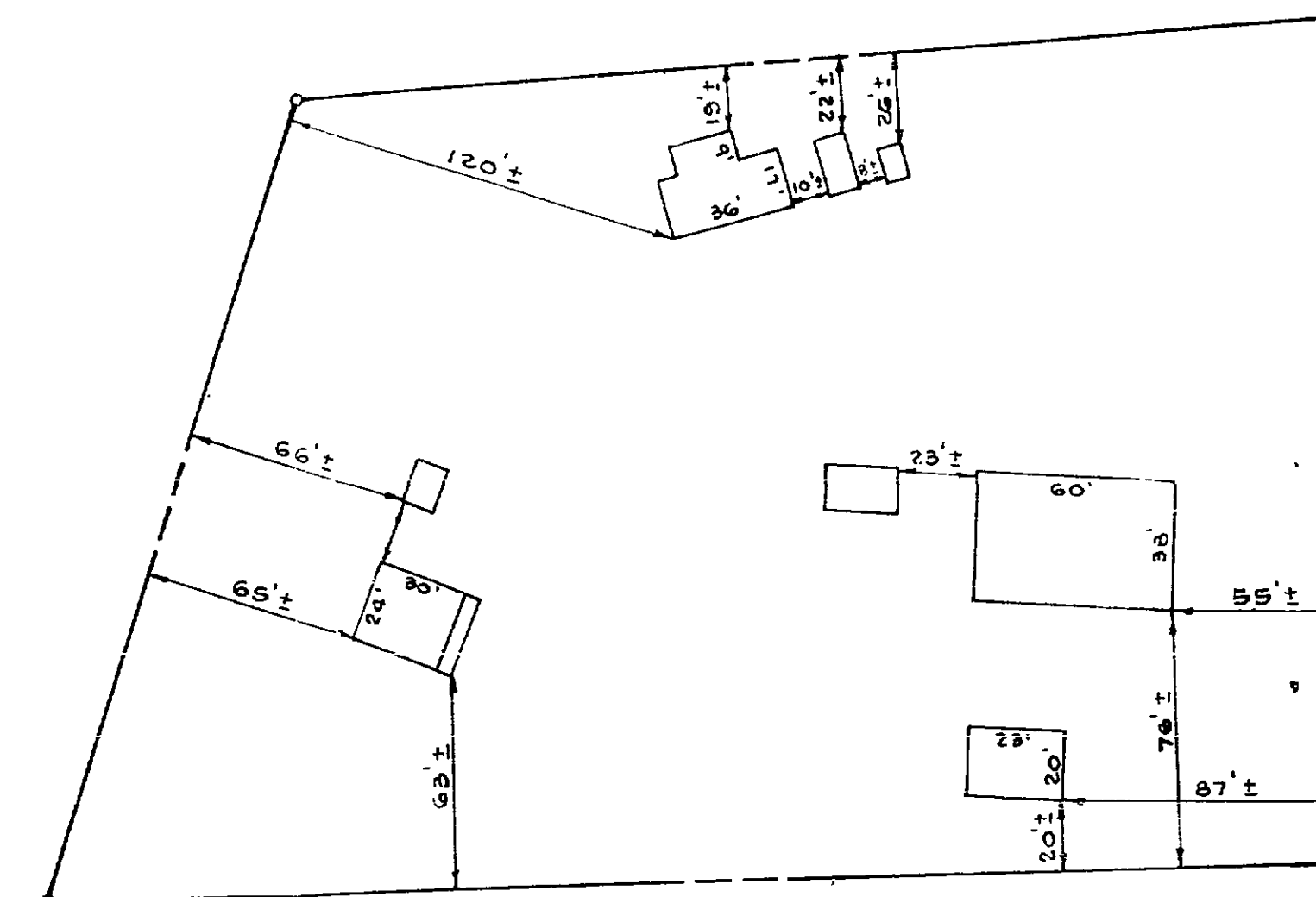


VICINITY MAP
 SCALE: 1" = 1000'



DENSITY CALCULATIONS

EXISTING TRACT	ZONING AREA	UNITS PERMITTED
EXISTING TRACT 3	R.C.-2 20.825 AC±	2
EXISTING TRACT 3	R.C.-4 1.386 AC±	1
EXISTING TRACT 4	R.C.-4 1.055 AC±	1
PROPOSED TRACT 3	R.C.-2 19.671 AC±	2
PROPOSED TRACT 3	R.C.-4 1.386 AC±	1
PROPOSED TRACT 4	R.C.-2 1.953 AC±	1



SETBACK DETAIL
 SCALE: 1" = 50'

PETITIONER'S
 EXHIBIT

97-73 S.H.A.
 PLAT TO ACCOMPANY PETITION
 FOR
 ZONING VARIANCE AND SPECIAL HEARING

PARRISH PROPERTY

2526 A BECKLEYSVILLE ROAD #70

6 TH. ELECTION DISTRICT BALTIMORE CO., MARYLAND
 SCALE: 1" = 100' DATE: 8 / 1 / 96

McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development
 SHAWAN PLACE, SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
 (410) 527-1555



Prepared by: G.C.W.
 Drawn by: W.D.G.
 Checked by: G.C.W.
 Number: 88-80

James W. McKee Date
 (Maryland Registered No. 9012)

CONTRACT PURCHASER
 J. DAVID LAWSON
 C/O LAWSON ENTERPRISES, INC.
 MALAW BUILDING
 214 MT. CARMEL ROAD
 PARKTON, MD 21120

OWNER
 MELVIN E. PARRISH
 WALTER R. PARRISH
 20045 MIDDLETOWN ROAD
 FREELAND, MARYLAND 21053

IN THE MATTER OF
THE APPLICATION OF
LOUISE FOWBLE, ET AL
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE NW/
SIDE DUBBS RD AND SE/S YECHO
RD (PARCEL 2 & LOTS 1, 2 & 3
OF PARCEL 1 OF SMITH PROPERTY)
5TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Zoning Commissioner in Case No. 97-74-SPH in which Petitioners' request for special hearing relief was denied by Order dated October 30, 1996.

WHEREAS, the Board is in receipt of a dismissal of appeal filed by Louise M. Fowble, et al, Appellants /Petitioners, dated October 21, 1997 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioners /Appellants request that the appeal filed in this matter be dismissed as of this date;

IT IS HEREBY ORDERED this 31st day of October, 1997 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Christine K. Nowanski
Christine K. Nowanski, Chairman
Charles L. Marks
Charles L. Marks
Donna M. Felling
Donna M. Felling

10/21/1997 14:47 41086032027 JBAPOSTAL PAGE 02

Louise M. Fowble
201 West Timonium Road
P.O. Box 32
Timonium, MD 21094-0032
(410) 252-1922
October 21, 1997

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Avenue
Towson, MD 21204

Re: Case #: 97-74-SPH

Dear Sir or Madam:

Please dismiss the above captioned appeal.

Thank you for your assistance with this matter.

Sincerely yours,
Louise M. Fowble
Louise M. Fowble for the Appellants/Petitioners



County Board of Appeals of Baltimore County

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

October 31, 1997

Louise M. Fowble
201 W. Timonium Road
P.O. Box 32
Timonium, MD 21094-0032

Re: Case No. 97-74-SPH
Louise M. Fowble, et al -Petitioners

Dear Ms. Fowble:

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

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

encl.

cc: John F. Fowble, VMD
David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer
Sam Nitzberg
Stacey Sutton
Jack Dillon, Executive Director /VPC
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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RE: PETITION FOR SPECIAL HEARING
Yeoho and Dubbs Road, E of Dubbs and W
of Yeoho Road, 5th Election District,
3rd Councilmanic
Louise Fowble, Doris Otto, Jean
MacMaster, and Mary Courtney
Petitioners
* * * * *

MOTION TO DISMISS APPEAL

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY moves to dismiss the appeal, as a matter of law, based on uncontradicted material facts:

1. The subject property of 137 acres, zoned RC-2, agricultural, comprised 3 lots of record (parcels) as of November 27, 1979 (the effective date of relevant Bill 178-79), each between 2 and 100 acres (78, 2.8, and 56).
2. Pursuant to Bill 178-79, the amended BCZR 1A01.3B allows subdivision lot density of two for each lot of record between two and one hundred acres. See attached BCZR.
3. Based on the law, and its consistent implementation, each of the subject lots of record is entitled to be subdivided to a resulting lot density of 2.
4. In or about 1982, the owners conveyed 11.7 acres of "Parcel 1," the 78-acre lot of record, to four sisters, the Petitioners herein. This was the one allowed subdivision of Parcel 1, and no others are allowed under the current zoning classification.
5. However, the Petitioners, by private law Petition for Partition, obtained a Court Order further subdividing the 11.7 acres into 3 lots. This exceeds by two the allowed subdivision lot density.

6. The Petitioners now seek to establish, by Special Hearing, that these are all legitimate development lots.
7. In effect, they seek to elevate their private partition arrangements, as ratified by Court Order, over the public zoning law.
8. But the private partition case, under Md. Code Real Property Art. Sec. 14-107, governs private ownership only, and does not determine zoning or subdivision lot density. Neither interested citizens nor People's Counsel are notified of such cases, or are parties bound by the decision. Public law is not affected.
9. Therefore, the Petition for Special Hearing must be dismissed or denied.
10. It conflicts with basic RC-2 zoning law on subdivision lot density.
11. People's Counsel stated this position in the attached letter to the Zoning Commissioner dated October 15, 1996, and included a Circuit Court decision in a similar case. People's Counsel v. Graziano, 88-CG-1510.
12. The Zoning Commissioner correctly denied the Petition.
13. There is, furthermore, no basis, as a matter of law, for Petitioners' fallback theories of estoppel, laches, or equity. Lipsitz v. Parr, 164 Md. 222 (1933); Board of Co. Comm'rs v. Snyder, 186 Md. 642 (1946); Delbrook Homes v. Mayers, 248 Md. 80 (1967); City of Hagerstown v. Longmeadow Shopping Center, 264 Md. 181 (1972); Sycamore Realty Co. v. People's Counsel, 344 Md. 57 (1996). See also In re Long Green Valley Assn. (Circuit Court No. 94-CV-10257), a CBA appeal.

WHEREFORE, People's Counsel requests that the County Board of Appeals dismiss the Petitioners' appeal.

Peter Max Zimmermann
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 11th day of September, 1997, a copy of the foregoing Motion to Dismiss Appeal was mailed to Louise Fowble, 201 W. Timonium Road, Timonium, MD 21093, Doris Otto, 1301 Louisa Street, Williamsport, PA 17701, Jean MacMaster, 300 S. Sykes Creek, Merritt Island, FL 32952, and Mary Courtney, 16606 Dubbs Road, Sparks, MD 21152, Petitioners; and to David Smith, 16701 Yeoho Road, Sparks, MD 21152, Mr. and Mrs. Scott Stuart, 16616 Dubbs Road, Sparks, MD 21152, Thomas Coburn, 16619 Dubbs Road, Sparks, MD 21152, and Mary Shaffer, 16929 Yeoho Road, Parkton, MD 21120, Protestants.

Peter Max Zimmermann
PETER MAX ZIMMERMAN

1A01.3---HEIGHT AND AREA REGULATIONS [Bill No. 98-75]

- A. Height regulation. No structure hereafter erected in an R.C. 2 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300. [Bill No. 98-75]
- B. Area regulations. [Bill No. 178-79]
 1. Subdivision lot density. No lot of record lying within an R.C. 2 zone and having a gross area of less than 2 acres may be subdivided. No such lot having a gross area between 2 and 100 acres may be subdivided into more than 2 lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of 1 lot for each 50 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way, or easements, the portions of land on either side of the road, right-of-way, or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record with the exception that any zoning petition site plan, subdivision plan or record plat filed with or approved by the county between November 27, 1979 and October 1, 1990 shall not be so affected and be considered valid, provided as to any zoning petition pending on appeal, that it be upheld on appeal. [Bill No. 178-79; Bill No. 199-1990]
 2. Lot size. A lot having an area less than 1 acre may not be created in an R.C. 2 zone. [Bill No. 178-79]
 3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C. 2 zone may be situated within 75 feet of the centerline of any street or within 35 feet of any lot line other than a street line. [Bill No. 178-79]
 4. Principal dwellings per lot. No more than 1 principal dwelling is permitted on any lot in an R.C. 2 zone. [Bill No. 178-79]

1A01.4---MARYLAND AGRICULTURAL LAND PRESERVATION PROGRAM

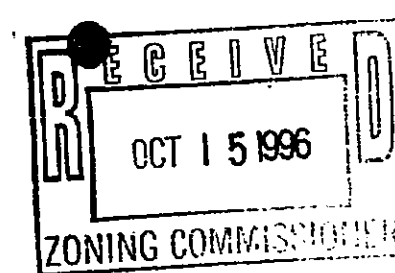
The use or development of land in an agricultural district established in accordance with section 2-509 of the agricultural article of the Annotated Code of Maryland, 1974, 1979 Cumulative Supplement, shall be governed by agricultural land preservation provisions



PETER MAX ZIMMERMAN
People's Counsel

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204
(410) 887-2188



October 15, 1996

CAROLE S. DEMILIO
Deputy People's Counsel

Lawrence E. Schmidt, Esquire
Baltimore County Zoning Commissioner
Old Courthouse, Room 118
400 Washington Avenue
Towson, MD 21204

Hand-delivered

Re: Petition for Special Hearing
Yeoho and Dubbs Road, E of Dubbs
and W of Yeoho Road, 5th Election
District, 3rd Councilmanic
PETITIONERS: LOUISE FOWBLE, DORIS
OTTO, JEAN MACMASTER, MARY COURTNEY
Case No. 97-74-SPH
Hearing Date: 10/17/96, 9:00 a.m.

Dear Mr. Schmidt:

Upon citizen inquiry, we reviewed this case in light of the office's charter responsibility to defend the comprehensive zoning maps. Sec. 524.1.

We found there exists a legal issue of great public interest. An apparent question is whether a 1984 court-ordered partition of property between sisters pursuant to RP Art. Sec. 14-107(a) supersedes or displaces the 1979 agricultural (RC-2) zone designation, and subdivision lot density provision. BCZR 1A01.3B. Part of Bill 178-79, this key zoning provision states that lots of record between 2 and 100 acres in size may not be subdivided into more than 2 lots.

Briefly stated, a Circuit Court partition order cannot and does not preempt or supersede county zoning legislation. The property in question must be evaluated for compliance with RC-2 zone subdivision independently of the privately instituted partition proceedings. Moreover, there does not appear to be any doctrine of equity or estoppel which defeats the comprehensive zoning ordinance.

The Circuit Court dealt with a somewhat similar issue in the attached Graziano case, 88-CG-1510, involving a will which

APPEAL

Petition for Special Hearing
NW/S Dubbs Road and SE/S Yeoho Road
(Parcel 2 and Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District - 3rd Councilmanic District
Louise Fowble, Doris Otto, Jean MacMaster & Mary Courtney - Petitioners
Case No. 97-74-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication not Found

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Protestants Sign-In Sheet

Petitioners' Exhibits: 1 - Plat to Accompany Petition for Special Hearing
2 - Title History
3 - Title Deed
4 - Circuit Court Bill of Complaint for Partition
5 - Copy of Deed
6A-6D - Four Copies of the Deed
7 - Building Permit
8 - Map
9 - Assessment Tax Map
10 - Exclusive Right to Sell Listing Contract

Nineteen Letters of Opposition

Opinion of Circuit Court for Baltimore County dated November 29, 1988

Last Will and Testament of E. Grace Miller

Letter from Arnold Jablon to Louise Fowble, Doris Otto, and Jean MacMaster dated April 13, 1995

Letter from Louise Fowble, Doris Otto, Jean MacMaster, and Mary Courtney to Baltimore County Zoning Commissioner dated July 11, 1996

Letter from Peter Max Zimmerman and Carole S. Demilio of People's Counsel for Baltimore County to Lawrence E. Schmidt dated October 15, 1996

Letter from David R. Smith to Lawrence Schmidt dated October 26, 1996

Zoning Commissioner's Order dated October 30, 1996 (Denied)

Notice of Appeal received on November 22, 1996 from Michael Gisriel, Esquire on behalf of Louise Fowble, Doris Otto, Jean MacMaster, and Mary Courtney

c: Michael Gisriel, Esquire, Gisriel & Brush, P.A., 210 E. Lexington Street, Suite 400, Baltimore, MD 21202
Mr. David R. Smith, 16701 Yeoho Road, Sparks, MD 21152
Mr. R. Scott Stuart, 16616 Dubbs Road, Sparks, MD 21152
Mr. Thomas R. Coburn, 16619 Dubbs Road, Sparks, MD 21152
Ms. Mary P. Shaffer, 16923 Yeoho Road, Parkton, MD 21120
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

APPEAL

Petition for Special Hearing
NW/S Dubbs Road and SE/S Yeoho Road
(Parcel 2 and Lots 1, 2 and 3 of Parcel 1 of Smith Property)
5th Election District - 3rd Councilmanic District
Louise Fowble, Doris Otto, Jean MacMaster & Mary Courtney - Petitioners
Case No. 97-74-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication not Found

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

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People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Notices, etc. to Petitioner (Fowble)
c/o her son: John F. Fowble, VMD
P.O. Box 32
Timonium, MD 21094-0032

INTERESTED PARTY:
✓ Sam Nitzberg
16803 Yeoho Road
Sparks-Glencoe, MD 21152

Case No. 97-74-SPH

SPH -To approve four parcels in question, being separately owned by each Petitioner, to be sold and/or utilized as separate building lots.

10/30/96 -Zoning Commissioner's Order in which Petition for Special Hearing was DENIED.

3/18/97 -Notice of Assignment for hearing scheduled for Wednesday, May 28, 1997 at 10:00 a.m. sent to following:

Michael Gisriel, Esquire
Louise Fowble, Doris Otto,
Jean MacMaster, & Mary Courtney
David R. Smith
R. Scott Stuart
Thomas R. Coburn
Mary P. Shaffer
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

4/15/97 -Pursuant to telephone call from David Smith regarding discrepancy between day of week and date of hearing, an Amended Notice was issued this date to correct that issued on 3/18/97. Date as shown on original Notice is correct; however, the day of the week is Wednesday.
- Spoke with both Mr. Smith and Michael Gisriel by telephone this date in this regard.

5/08/97 -Letter requesting postponement filed by Michael Gisriel, Esquire, on behalf of Appellants /Petitioners; requested document (CCT hearing transcript) not available by 5/28/97 and also schedule conflicts on behalf of his clients. To be PP'd without objection by PC and notice to be sent.

5/09/97 -Notice of PP and Reassignment sent to parties; matter rescheduled to Thursday, September 18, 1997 at 10:00 a.m.

6/02/97 -Letter from Stacey Sutton requesting placement in file as interested party for notification, etc.

8/25/97 -T/C from Petitioner's son; possibility there may be need for change in representation; also possible that request for postponement may be sent.

9/02/97 -Letter from Michael Gisriel, Esquire, striking appearance as attorney for Petitioners /Appellants; also requesting postponement to allow sufficient time for Petitioners to retain legal counsel.
- T/C to Dr. Fowble (son of Petitioner); advised of request and that we would schedule at first date on Board's docket.

9/03/97 -Second Notice of PP and Reassignment sent to parties (amended notice to reflect Jack Dillon as Exec Director, VPC); matter rescheduled to Wednesday, November 26, 1997 at 1:00 p.m. - Hearing scheduled on merits

9/11/97 -Motion to Dismiss Appeal filed by People's Counsel.

9/24/97 -Notice of Assignment sent to parties; Motion only hearing scheduled for Wednesday, October 22, 1997 at 10:30 a.m. on Motion to Dismiss

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 11, 1998
Permits & Development Management
FROM: Charlotte E. Radcliffe
County Board of Appeals
SUBJECT: Closed File:
97-74-A /Louise Fowble, et al

As no further appeals have been taken in the above captioned case, which was dismissed by Order dated October 31, 1997, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-74-A)

LOUISE FOWBLE, ET AL
CASE NO. 97-74-SPH

Page 2

10/21/97 -T/C from John Fowble, VMD - Petitioners /Appellants in this matter will be withdrawing their appeal in Case No. 97-74-SPH; intend to begin "at the beginning" before the Zoning Commissioner; have consulted new counsel. Dr. Fowble will FAX a copy of the withdrawal letter this date; Motion Hearing scheduled for 10/22/97 to be pulled from docket; Board to be notified upon receipt of letter.

- Received FAX copy of dismissal letter from Louise Fowble et al; Order of Dismissal prepared /kcb. Notified panel; notified CP and Towson Reporting; also notified People's Counsel, as well as J. Dillon and the residence of Stacey Sutton; left messages for RS Stuart, TR Coburn; and S. Nitzberg. Unable to locate telephone numbers in white pages for Mr. DR Smith and Ms. MP Shaffer.

- Motion hearing of 10/22/97 pulled from docket, as well as hearing scheduled for Wednesday, 11/26/97. This matter has been withdrawn and dismissed. Order to be issued.

THE VALLEYS PLANNING COUNCIL, INC.

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-256-5409 (FAX)

April 24, 1997

Mr. Robert Schuetz
Baltimore County Board of Appeals
Old Court House
Towson, MD 21204

Re: 97-74-SPH

Dear Mr. Schuetz:

The Valleys Planning Council opposes Petitioners' Request on Appeal to confirm the existence of four building lots at this site, and urges you to uphold the opinion of the Zoning Commissioner denying the Petition.

Simply put, we cannot see how an order of the Circuit Court can preempt the clearly stated zoning law of Baltimore County that was in force at that time. The RC-2 law and an analysis of this case indicate that only two lots may legally exist here.

Very truly yours,

John Bernstein
John Bernstein
Executive Director

97 APR 29 PM 7:43
COUNTY BOARD OF APPEALS

**THE VALLEYS
PLANNING COUNCIL, INC.**

212 Washington Avenue
P.O. Box 5402
Towson, Maryland 21285-5402
410-337-6877
410-296-5409 (FAX)

October 7, 1996

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Room 112
Old Court House
Towson, MD 21204

Re: 97-74-SPH 11 Acres at Yeoho and Dubbs Roads

Dear Mr. Kotroco:

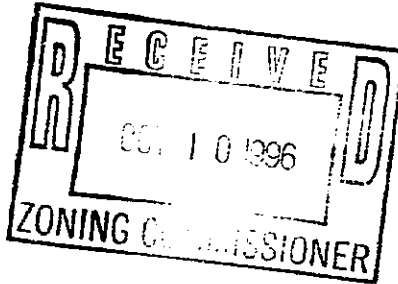
The Valleys Planning Council opposes the Petitioners' request to confirm 4 building lots at this site.

It is clear from the Baltimore County Zoning regulations, Sec. 1A01.3B, that any RC-2 lot of record which was in existence before 1979 and contains between 2 and 100 acres may be subdivided into at most 2 building lots.

In the present case, the Land Records show that the property originally consisted of 89 acres, more or less, in three record parcels of 78, 2.826, and 7.5 acres. Each of these parcels was separately described before November, 1979. On the 78-acre parcel, therefore, two building lots, at most, were allowable.

Pursuant to Baltimore County Court order, in 1984, 4 lots were created out of two of these parcels. One lot corresponded to the 2.826-acre parcel owned by Mary Courtney, which, as shown above, was never part of the 78-acre parcel and need not concern us further.

The other three lots, however, were created out of approximately 11 acres of the 78-acre parcel. This created four lots - the three lots belonging to Otto, Fowble, and McMaster, and the 67-acre remainder parcel, presently improved with a house - where only two are allowed under the BCZC. Therefore, an illegal subdivision occurred. See the attached letter from Arnold Jablon, Director of PDM, in corroboration of this.



Page 2

In support of the subdivision, petitioners advance the theory that Sec. 22-42 (4) of the 1978 Baltimore County Code, then in force, exempts this subdivision from the provisions of the Baltimore County Zoning Regulations. This is clearly mistaken. The first sentence of Section 22-42 states that the exemption in question is from Division 2 of the Development Regulations, which has to do only with the development review process. There is no implication that the section provides an exemption from the Zoning Regulations.

Further, it is unclear how the doctrine of estoppel applies. Petitioners have taken no action in reliance upon the Court order. They have not sold the three lots, nor have they built houses upon them. There is no equitable issue that would not be addressed by the sale of the parcels as one unit, with one building right, and subsequent distribution of the proceeds. In fact, all three of the unbuilt lots are on the market at this time.

Finally, this letter is evidence of community opposition to the Petition.

Thank you for your attention to this matter.

Sincerely,

John Bernstein
John Bernstein
Executive Director

**LAW OFFICES
GISRIEL & BRUSH, P.A.**

210 EAST LEXINGTON STREET
BALTIMORE, MARYLAND 21202-3514
TEL: (410) 539-0513
(301) 589-1249 (FAX)
FAX: (410) 625-3859

210 EAST LEXINGTON STREET
BALTIMORE, MARYLAND 21202-3514

TEL: (410) 539-0513
(301) 589-1249 (FAX)
FAX: (410) 625-3859

November 21, 1996

Zoning Administration
and Development Office
of Baltimore County
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204
Attn: Appeals Coordinator

Re: Petitioner's Notice of Appeal-
PETITION FOR SPECIAL HEARING
NWS Dubbs Road and SE/S Yeoho Road
(Parcel 2 and Lots 1, 2 and 3 of Parcel 1 of the Smith Property)
5th Election District - 3rd Councilmanic District
Louise Fowble, Doris Otto, Jean McMaster, Mary Courtney -
Petitioners Case No. 97-74-SPH

Dear Appeals Coordinator:

My clients, Louise Fowble, Doris Otto, Jean McMaster and Mary Courtney, Petitioners, by and through me as their attorney hereby appeal the decision dated October 30, 1996 rendered in the above-captioned matter by the Zoning Commissioner for Baltimore County to the Baltimore County Board of Appeals. Pursuant to your direction, enclosed please find my check for \$175 made payable to Baltimore County for said appeal on behalf of my above named clients.

Please let me know the date, time and place said appeal will be heard by the Board of Appeals. If you need any additional information or have any questions, please don't hesitate to contact me. I remain

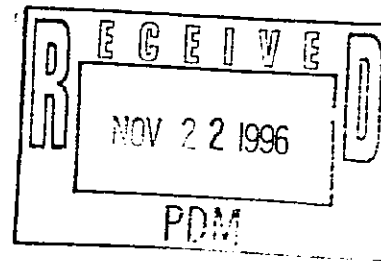
Very truly yours,

Michael Gisriel
Michael Gisriel

MG:wlf

Enclosure

cc: Dr. John Fowble, Petitioner's Representative
Baltimore County Board of Appeals



10/21/1997 14:47 41056832827 JSAP337A PAGE 31

To: Kathleen C. Bianco Fax: 410 887-3182

From: Louise M. Fowble, et al Date: 10/21/97

Re: Case # 97-74-SPH Pages: DisplayText cannot span more than 1

CC: [Click here and type name]

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Frank
PLEASE PUT ME ON THE MAILING
LIST FOR ANY INFORMATION
CONCERNING ZONING APPEAL CASE
#97-74-SPH
(Property located between Yeoho Rd + Dubbs Rd.)
My name + address: SAN NITZBERG
16803 YEOHO RD
SPARKS, GEORGIA, MD 21152

July 11, 1996

Zoning Commissioner of Baltimore County
County Office Building - 1st Floor
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing for the
Property located at Yeoho and Dubbs
Roads - North Central Baltimore County,
Maryland (5th Election District) totaling
approximately 13.6 acres in toto

Dear Baltimore County Zoning Commissioner:

This letter authorizes our attorney, Michael Gisriel, Esq., whose office is 210 E. Lexington Street, Suite 400, Baltimore, Maryland 21202 (Tel. 410-539-0513/FAX 410-625-3859) to act as our attorney and legal representative for the above captioned matter. Mr. Gisriel has full authority to act on our behalf for the above captioned matter including but not limited to the authority to sign the Petition for Special Hearing and all documents related thereto on our behalf. We are

Louise Fowble
Mrs. Louise Fowble
201 W. Timonium Road
Timonium, Maryland 21093

Jean McMaster
Mrs. Jean McMaster
Apartment 204
300 S. Sykes Creek
Merritt Island, Florida 32952

Mrs. Doris Otto
Mrs. Doris Otto
1301 Louisa Street
Williamsport, Pennsylvania 17701

Mrs. Mary Courtney
Mrs. Mary Courtney
16606 Dubbs Road
Sparks, Maryland 21152

Very truly yours,

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

April 13, 1995

(410) 887-3353

Mrs. Louise Fowble
201 West Timonium Road
Timonium, Maryland 21093
Mrs. Doris Otto
1301 Louisa Street
Williamsport, Pennsylvania 17701
Jean McMaster
300 South Sykes Creek, Apt. 204
Merritt Island, Florida 32952

Re: Partition of 11 acres
Yeoho and Dubbs Roads
5th Election District

Dear Mrs. Fowble, Mrs. Otto & Mrs. McMaster:

It has recently been brought to the attention of this office that, in or about 1984, property currently owned by you was subdivided into three distinct parcels by court order. I apologize for having to write this letter to you, but I must provide you with notice that such a subdivision violates Baltimore County laws.

Although the court may have been within its right to partition the 11 acres located at Yeoho and Dubbs Roads, such a partition was in violation of the Baltimore County zoning regulations. The original parcel from which the 11 acres was separated, consisting of approximately 78 acres, could be subdivided into two buildable lots; however, neither the 67-acre or 11-acre parcel which were then created could be further subdivided.

The issue at hand is whether the three lots created by partition in 1984 are buildable and whether they are in compliance with county zoning and development regulations. The Baltimore County zoning regulations do not permit the 11 acres, zoned R.C.2, to be further subdivided. Therefore, in the opinion of this office, the lots created by the court order are unbuildable.

If you disagree, I suggest that you file a petition for special hearing for an interpretation as to whether this determination is correct. Please call 887-3391 for information on filing procedures. It is important that this issue be resolved.

Printed with Soybean Ink
on Recycled Paper

Mrs. Louise Fowble
Mrs. Doris Otto
Mrs. McMaster
Page Two
April 13, 1995

It is the responsibility of the county to ensure notice to subsequent purchasers that the lots are unbuildable. Therefore, if you fail to request such a hearing, the county will have no choice but to record such a notice in the land records office of Baltimore County.

If you have any questions regarding the above, please feel free to call this office.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Director

AJ:ljb

cc: Douglas G. Worrall, Esquire

LAST WILL AND TESTAMENT

OF
E. GRACE MILLER

I, E. GRACE MILLER, of Baltimore County, Maryland, being of sound and disposing mind, memory and understanding, do hereby make, publish and declare this as and for my Last Will and Testament, hereby revoking all other Wills and Codicils to Wills by me heretofore made.

ITEM ONE: I hereby direct my Executor, hereinafter named, to pay from my estate all of my just debts and funeral expenses and any taxes due by me or by my estate.

ITEM TWO: In the event that my daughter, MARJORIE M. SMITH shall have predeceased me, I give, devise and bequeath my entire interest in and to the Baltimore County property containing approximately one hundred forty-seven (147) acres heretofore owned by John W. Haines and Kathleen M. Haines, his wife to myself and my said daughter, MARJORIE M. SMITH, as joint tenants, unto the survivor of us, and in the event of my death, unto my said daughter, MARJORIE M. SMITH, living at the time of my death in equal shares, per stirpes and not per capita, as tenants in common.

ITEM THREE: All the real, residue and remainder of my estate and property, whether real, personal or mixed of whatever kind, nature and description, and wheresoever situate, which I may own at the time of my death, or over which I may have power of disposition at the time of my death, I hereby give, devise and bequeath unto my descendants living at the time of my death, in equal shares, share and share alike, per stirpes and not per capita.

ITEM FOUR: I hereby constitute and appoint my daughter, MARJORIE M. SMITH to be the Executrix of this my Last Will and Testament, and I do give my said Executrix and her successor hereinafter named from event of the death, refusal or inability to act as Executrix of said MARJORIE M. SMITH, then I direct that JOHN W. HAINES shall be Executor hereunder in the place and stead of said MARJORIE M. SMITH.

I do hereby confer upon my Executrix and her successor all powers necessary, proper or convenient for the preservation, management and direction of my estate, and I do hereby authorize them to sell, assign, transfer, convey, exchange, divide, and to that end to make deeds, conveyances, loans, judgments, whole or any portion of my estate, real or personal, as they, in their judgment, may deem proper, and to that end to make deeds, conveyances, loans, other acts and things incident thereto; also I do hereby expressly authorize my Executrix and her successor to compromise and adjust any and all claims in connection with my estate, whether such claims be in favor of or against my