

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE * ZONING COMMISSIONER
NW/S Gadd Road, 1500 ft. W of *
Falls Road * OF BALTIMORE COUNTY
2310 & 2200 Gadd Road *
8th Election District * Case No. 97-262-SPHA
3rd Councilmanic District *
Legal Owner: J. Harlan Williams, *
Jr. (2200 Gadd Road) *
Legal Owner & Contract Purchaser *
Clark F. & Ann S. Mackenzie *
(2310 Gadd Road), Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and a Petition for Zoning Variance for adjoining properties located at 2200 Gadd Road (Parcel 242) and 2310 Gadd Road (Parcel 198) in northern Baltimore County. The Petitions are filed by the present owner of 2200 Gadd Road, J. Harlan Williams, Jr., and the Contract Purchasers of same, Clark F. and Ann S. MacKenzie, his wife. Mr. and Mrs. MacKenzie also own and are Petitioners for the other property which is the subject of this Petition known as 2310 Gadd Road. Special Hearing relief is requested to approve: (1) The transfer of a density (subdivision) right from 2200 Gadd Road (Parcel 242) to 2310 Gadd Road (Parcel 198) and, (2) to confirm the continued legitimacy of the farm use on the reduced acreage of Parcel 242 (2200 Gadd Road) for a farm of 10.9 acres. Variance relief is sought from Section 1A01.3.B.3 of the BCZR to permit side yard setbacks of 20 ft. each (40 ft. building separation) between an existing residence and existing farm buildings in lieu of the required 35 ft. (70 ft. building separation). The structures at issue under the Petition for Variance are all located on the property known as 2200 Gadd Road. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Variance.

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Date

2/20/97

By

Ch. G. Gosh

Appearing at the requisite public hearing held for this case was James E. Matis, the Professional Engineer who prepared the site plan. Representing Mr. Williams and Mr. and Mrs. MacKenzie was G. Scott Barhight, Esquire. John Bernstein, the Executive Director of the Valleys Planning Council (VPC) also participated at the hearing.

The facts under consideration in this case are relatively simple and not in dispute. Mr. Williams presently owns the property known as 2200 Gadd Road (Parcel No. 242). This parcel is 26.2 acres in area, zoned R.C.2. The property is improved with an existing residence and 2 barns/stable buildings. Collectively, these stables contain 11 stalls. Much of the 26.2 acres contained within the parcel is used as a horse farm and as pasture. Photographs of the site were presented which showed that the property is fenced and divided into several pastures in which horses are kept and raised. Mr. and Mrs. MacKenzie own the adjoining property, known as 2310 Gadd Road (Parcel 198). The MacKenzie property is 18.9 acres and also zoned R.C.2. That property is also improved with a residence and is likewise used for horses and agricultural purposes. In addition to that parcel, Mr. and Mrs. MacKenzie own other adjacent lands in the vicinity. The properties at issue both front Gadd Road and are located not far from the Western Run and the intersection of Gadd Road with Falls Road (Md. Route 25).

Apparently, Mr. Williams is desirous of selling his property and Mr. and Mrs. MacKenzie are under contract to purchase same. It is significant to note that Mr. and Mrs. MacKenzie will purchase the entire area of parcel 242. Moreover, since they will be the owners of the entire acreage of parcels 198 and 242 when the sale is consummated, Mr. and Mrs. MacKenzie propose an adjustment to the lot line which separates parcel 198 from parcel 242. As shown on the site plan, that lot line will be moved in an

easterly direction, towards the existing residence and barns on the lot presently owned by Mr. Williams. A plot of land 15.3 acres in area, which is presently part of parcel 242, will be affected by the lot line adjustment and will become part of parcel 198. After the lot line adjustment, parcel 198 will become 34.2 acres in area and parcel 242 will be reduced from 26.2 acres to 10.9 acres. The Petition for Special Hearing is filed to approve this lot line adjustment and also to allow continued agricultural activities on the 10.9 acre parcel which will be the entire acreage of parcel 242.

It is to be noted that both parcels 242 and 198 are "lots of record" as that phrase is defined in the BCZR. Both parcels are separate lots with boundaries recorded in the Land Records of Baltimore County; said recordation prior to the date the R.C.2 zoning classification was adopted. It is also significant to note that the R.C.2 zoning classification for these properties governs their subdivision. The R.C.2 regulations provide that any lot between 2 and 100 acres can be subdivided once, so as to create two different lots; each with its own principal use. In their present configuration, both parcel 198 (18.98 acres) and parcel 242 (26.2 acres) can be subdivided once so that, collectively, four total lots could be created. The Petitioners are cognizant of this limit and are not attempting to increase same. However, they wish special hearing relief to be afforded so that, in the future, parcel 198 can be subdivided so as to create 3 lots and no subdivision will be permitted of the resulting 10.9 acres of parcel 242. Although the rights of density are not identified in the R.C. regulations, expressed in those terms, the Petitioners seek an Order stating that parcel 198 will contain 3 density units and the parcel 10.9 acres will contain only 1 density unit.

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It was also disclosed at the public hearing that the properties at issue are subject to a covenant executed by Mr. and Mrs. MacKenzie, Mr. Williams, John D. Gadd and a joint venture entity under the control of Mr. Williams and Mr. MacKenzie. That covenant is recorded at Liber 5832, page 960 of the Land Records of Baltimore County. The covenant restricts the use of the subject properties and prohibits a split, division, or subdivision of same, as those terms are defined within the document. The proposed lot line adjustment, however, it is argued, is permitted by that covenant.

Addressing first the lot line adjustment, I am persuaded that same should be granted. It is significant to note that the Petitioners do not propose to create a number of lots greater than what is permitted. As noted above, presently the two properties collectively could each be subdivided once, so that 4 lots could cumulatively be created. That number will not be increased, however, 3 lots may hereinafter be created within the new boundaries of parcel 198. The 10.9 acre lot may not hereinafter be subdivided. It is also significant to note that Mr. and Mrs. MacKenzie are acquiring all of parcel 242 from Mr. Williams. Factually, this is not a case of Mr. Williams subdividing his property and selling off a piece to the MacKenzies rather the acquisition of an entire property and or internal lot line adjustment. Based upon these facts, I am persuaded that the lot line adjustment should be approved. Clearly, there will be no detrimental impact of such an Order upon these properties or the neighborhood. To the contrary, the properties will continue to be used for agricultural purposes and the proposal is consistent with the spirit and intent of the regulations.

The second phase of the Petition for Special Hearing requests confirmation of the continued legitimacy of the farm use on the reduced area of parcel 242 (10.9) acres. As noted above, this acreage contains two stables

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Date 2/20/97
By [Signature]

which, collectively, contain 11 stalls. Testimony produced at the hearing was that the subject property is valuable horse land and is surrounded with similarly used agricultural parcels.

Interestingly, a comment was received from the Department of Environmental Protection and Resource Management (DEPRM) which incorporated a request from the Baltimore County Agricultural Land Preservation Advisory Board. That Board apparently met on January 22, 1997 and requested that the land owner agree to place a restrictive covenant on the property limiting the number of large animals on the reduced acreage farm to one animal (horse, cow, or burro) per 2 acres of pasture. As a reason for this proposed restriction, the comment states that "... the facilities on this property will support more animals than there is pasture to support the animals."

No one was present at the hearing from either DEPRM or the Agricultural Land Preservation Advisory Board to testify in support of this requested restriction. It is also interesting to note that the comment references Section 100.6 of the BCZR. That section prescribes a limitation on the number of animals for each acre of pasture land. For large livestock, including horses, burros and cattle, Section 100.6 provides that there should be only one animal for each acre of grazing or pasture land. The Zoning Plans Advisory Committee comment from DEPRM and the Agricultural Land Preservation Advisory Board comment are silent on why the limitation in Section 100.6 of the BCZR should be disregarded in favor of a limitation twice as severe. That is, there is no testimony or evidence in the record of this case to support the position that only 1 large animal per two acres of pasture should be permitted, when Section 100.6 of the BCZR expressly sets the ratio at 1 horse per one acre.

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For this reason, I decline to accept the comment from DEPRM and the report from the Baltimore County Agricultural Land Preservation Advisory Board. Without some appropriate rationale for this limitation, I see no reason for its imposition.

Moreover, testimony offered from Mr. Matis was that the reduced acreage farm encompassing the remains of parcel 242 contains approximately 10 acres of pasture land. Slightly less than one acre, representing the difference in the total acreage, is utilized by the existing residence and yard immediately adjacent thereto. In that it is uncontradicted that the reduced farm area will contain 10 acres of pasture, I will limit the number of horses which can be kept on the property to 10. Such a limitation is entirely consistent with Section 100.6 of the BCZR and, by clear meaning of the words used therein, consistent with the intent of the County Council.

In addition to the Petition for Special Hearing, several variances are sought. It is to be noted that these variances are necessary to justify existing conditions and are not brought about by the proposed lot line adjustment. Specifically, the existing stables are both approximately 40 ft. from the house, known as 2200 Gadd Road. Under a strict reading of the BCZR, a 70 ft. setback (35 ft. for each building) would be required. Obviously, variance relief is justified in this instance. Strict adherence to the regulations would necessitate the dismantling and relocation of these buildings, which have been in place for many years. Clearly, there is no detrimental impact to either this property or surrounding properties brought about by the location of these buildings. To the contrary, their grouping within close proximity preserves more open pasture area. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the BCZR, as construed by the case law. Thus, the Petition for Variance shall be granted.

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Date

By

7/20/97
Jm. G. Gadd

Finally, additional restrictions will be added to the granting of the relief herein to further protect the property and its environs. These restrictions were requested by Mr. Bernstein from the VPC and are appropriate. First, the relief granted shall be restricted by the addition of a condition herein requiring that any alteration to the site plan, (Petitioners' Exhibit No. 1) in the future will be permitted only through a Petition for Special Hearing. That is, any future lot line adjustments or development of the site will require that the then property owner file a Petition for Special Hearing, amending the relief granted herein. Second, in the event Mr. MacKenzie ultimately decides to subdivide parcel 198, so as to create three lots from that parcel (two lots and the existing lot surrounding the residence known as 2310 Gadd Road); such subdivision shall be considered a major subdivision and will subject the then property owner to the development review process as codified in the Baltimore County Code. Presently, those regulations exempt subdivision of property into three lots or fewer from its provisions. The intent of this restriction is to be consistent with that limitation; i.e., in the event these parcels collectively or ultimately are subdivided into four lots, such subdivision shall be considered a major subdivision and not exempt from the development review process.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 20th day of February 1997 that, pursuant to the Petition for Special Hearing, approval for the transfer of a density right from 2200 Gadd Road (Parcel 242) to 2310 Gadd Road (Parcel 198) be and is hereby GRANTED; and,

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Date

By

IT IS FURTHER ORDERED that approval to confirm the continued legitimacy of the farm use on the reduced acreage of Parcel 242 (2200 Gadd Road) for a farm of 10.9 acres, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1A01.3.B.3 of the BCZR to permit side yard setbacks of 20 ft. each (40 ft. building separation) between an existing residence and existing farm buildings in lieu of the required 35 ft. (70 ft. building separation), be and is hereby GRANTED, subject to the following restrictions:

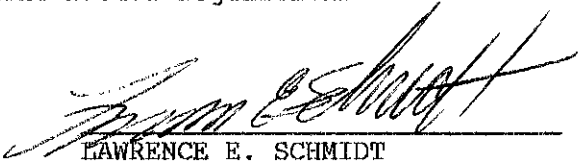
1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner(s) shall keep no more than 10 large animals (horses) on the reduced acreage farm known as 2200 Gadd Road.
3. In the event that the Petitioner(s), or other successors in title, desire to amend/alter the site plan (Petitioners' Exhibit No. 1); said amendment shall only be permitted through a Petition for Special Hearing.
4. In the event that the Petitioner(s), or other successors in title, wish to subdivide the property known as 2310 Gadd Road into 3 lots; said subdivision shall not be considered "minor" under the development regulations and shall require the property owner to submit its plans pursuant to the development review regulations for a major subdivision.

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Date

By

LES:mmm


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

IN THE MATTER OF
2200 AND 2310 GADD ROAD,
CLARK F. AND ANN S. MACKENZIE,
LEGAL OWNERS AND PETITIONERS
NW/S GADD ROAD, 1500 ft. W OF
FALLS ROAD
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

RE: PETITIONS FOR SPECIAL
HEARING AND VARIANCE

APPELLANTS: PEOPLE'S COUNSEL
FOR BALTIMORE COUNTY

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY

*

*

Case No: 97-262-SPHA

*

* * * * *

OPINION

This case comes to the Baltimore County Board of Appeals based on an appeal by People's Counsel of the Order of the Zoning Commissioner for Baltimore County granting the Petitions for Special Hearing and Variances, with conditions, dated February 20, 1997. People's Counsel filed a timely appeal to this Board. A hearing was conducted by the Board on September 25, 1997.

Peter M. Zimmerman, Esquire and Carole S. DeMilio, Esquire appeared for the Office of People's Counsel. G. Scott Barhight, Esquire represented the Petitioners, Clark and Ann MacKenzie.

The Amended Petition for Special Hearing relief requested, pursuant to a revised Plan, is to (1) preserve the right to establish a future single residential lot for that 15.3 acres, plus or minus, designated on Petitioners' Exhibit 3 as Area "B", and to preserve the

right to subdivide the 18.9 acres, plus or minus, designated on Petitioners' Exhibit 3 as Area "C", into two lots, and (2) to confirm the continued legitimacy of the reduced acreage farm use, designated on Petitioners' Exhibit 3 as the 10.9 acres, plus or minus, designated as Area "A". The Petition for Variance was from Section 1A01.3.B.3 (Section 404.5) to permit side-yard setbacks of 20 feet each (40 feet building separation) between an existing residence and existing farm buildings in lieu of the required 35 feet (70 feet building separation).

People's Counsel appealed because the original Petition requested a transfer of zoning density between two separately owned lots of record in the RC-2 (Agricultural) zone. Prior to the hearing, the parties reached an agreement as to how to proceed, which would both accomplish Petitioners' essential purpose and satisfy People's Counsel's concerns.

The Petitioners agreed to submit a revised Plan to accompany the amended Petition for Special Hearing, which would eliminate any transfer of subdivision lot density in the RC-2 zone. People's Counsel agreed to conditionally withdraw its appeal of the Petition for Variance approval if the Amended Petition for Special Hearing was granted by the County Board of Appeals.

The subject property is currently zoned RC-2, and is located off Falls Road in northern Baltimore County. It consists of two separate

parcels as of 1979, the date of enactment of the RC-2 subdivision lot density law. BCZR 1A01.3.B.1. As shown on the tax maps, Parcel 198, consisting of 18.9 acres, plus or minus, has been owned by the Petitioners for some time, has the subdivision right of two (2) density units, is presently improved with a single residential home, and is known as 2310 Gadd Road. Parcel 242, as shown on the tax maps, consists of 26.2 acres, plus or minus, was formerly owned by Mr. J. Harlan Williams, and was recently purchased by the Petitioners. Parcel 242 has the subdivision right of two (2) density units, is presently improved with a single residential home and two horse stables, and is known as 2200 Gadd Road.

At the hearing, Mr. James Matis, a licensed professional civil engineer, was qualified as an expert witness in civil engineering and provided testimony to the Board on the amendments on the Amended Petition for Special Hearing and the facts and circumstances of the case. According to Mr. Matis, the Petitioners desired to purchase Parcel 242 from Mr. Williams to enlarge their holdings and to sell a portion of what is currently known as Parcel 242, all as described on Petitioner's Exhibit 3, the Plat To Accompany Amended Special Hearing Request For Board Of Appeals Case No. 97-262-SPHA.

To understand the requested relief, it is best to refer to Petitioners' Exhibit 3. This plat identifies the three areas of the subject property in question. Area "A" is a portion of what is currently Parcel 242. It is improved with a single residence and outbuildings. Pursuant to the lot line adjustment approved by the Baltimore County Development Review Committee, Area "A" will be a transferable lot of 10.9 acres, plus or minus. One residential lot density is being assigned to Area "A". No further subdivision of Area "A" will be permitted.

Area "C" is the 18.9 acre area currently known as Parcel 198. Area "C" has the subdivision right of two density units.

Area "B" as shown on Petitioner's Exhibit 3, is a portion of what is currently Parcel 242 and is contiguous to Area "C" (Parcel 198). Area "B" consists of 15.3 acres, plus or minus. It is unimproved. Area "B", pursuant to a previously approved lot line adjustment, is to become a part of Parcel 198 for deed recordation and tax assessment purposes, but not a part of Parcel 198 for zoning or subdivision lot density calculation. One residential lot density is assigned to Area "B".

The one subdivision lot density assigned to Area "B" may not be transferred to Area "C". It is the intent of the Petitioners to preserve the right to establish a future single residential lot on Area

"B" and not to transfer any zoning subdivision lot density from Area "B" into Area "C". As a result, Area "B" may be developed as a single residential lot in the future.

The Petitioners proceeded in this fashion rather than through the customary minor subdivision process due to restrictive covenants which are recorded in the Land Records of Baltimore County which prohibited subdivision of Parcel 242. However, according to Mr. Matis, the covenants permit lot line adjustments. The restrictions of these covenants survive until December 31, 2002. At that time, the Petitioners may request subdivision of Area "B" as a single one density lot and request subdivision of Area "C" into two lots. Area "A" may never be subdivided further.

With regard to that portion of the Petition for Special Hearing relative to the continued legitimacy of the reduced acreage farm, Mr. Matis briefly described the facts and circumstances regarding the farm lot. As noted, People's Counsel's concern with the earlier Zoning Commissioner's Order was that it permitted the transfer of zoning subdivision lot density from what is currently Parcel 242 into what is currently Parcel 198. In accordance with Petitioners' Exhibit 3, People's Counsel is satisfied that no zoning subdivision lot density

will be transferred from what is currently Parcel 242 into what is currently Parcel 198.

Based upon the facts, and the testimony offered in this matter, it is the conclusion of the Board that the Petitioner has complied with requirements to approve the Petition for Special Hearing, as amended and there is now no inappropriate density transfer between zoning lots of record. In light of the fact that all requirements have been met and that the only party present and interested, People's Counsel, is now satisfied, the Board will grant the Amended Petition for Special Hearing in accordance with Petitioner's Exhibit 3 and the restrictions set forth below, and dismiss the appeal of the grant of the Petition for Variance.

ORDER

THEREFORE, IT IS THIS 11th day of December, 1997 by
the County Board of Appeals of Baltimore County

ORDERED that the appeal by People's Counsel of that portion of the Zoning Commissioner's Order dated February 20, 1997 granting the requested variances is hereby dismissed; and

IT IS FURTHER ORDERED that the Amended Petition for Special Hearing to

(A) confirm the continued legitimacy of the reduced acreage farm use, designated on Petitioners' Exhibit 3 as the 10.9 acres, plus or

minus, designated as Area "A", being part of what is currently Parcel 242; and

(B) preserve the right to establish a future single residential lot for that 15.3 acres, plus or minus, designated on Petitioners' Exhibit 3 as Area "B", being part of what is currently Parcel 242, and

(C) preserve the right to subdivide the 18.9 acres, plus or minus, designated on Petitioners' Exhibit 3 as Area "C", being what is currently Parcel 198 into two lots,

BE and is hereby GRANTED, subject to the following restrictions:

1. The Petitioners shall keep no more than 10 large animals (i.e., horses) on the reduced acreage farm known as Area "A".

2. In the event that the Petitioners, or other successors in title, desire to amend/alter the site plan (Petitioners' Exhibit 3); said amendment shall only be permitted through a Petition for Special Hearing. (This condition does not, however, apply to (i) a subdivision to establish Area B, which is currently a portion of Parcel 242, as a single residential lot, or (ii) to a subdivision of Area "C", which is currently Parcel 198, into two (2) residential lots, unless required by the applicable subdivision regulations.)

3. In the event that the Petitioners, or other successors in title, wish to subdivide the areas known as Area "B" as one lot, and Area "C" into two lots, said subdivision shall not be considered "minor" under the Development Regulations and shall require the property owner to submit its plans pursuant to the Development Review Regulations for a major subdivision. This condition does not apply if Area "B" is subdivided as one lot and Area "C" is subdivided as one lot.

4. That no subdivision lot density shall be transferred among Areas "A", "B" and "C".

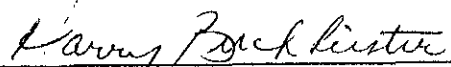
5. That this Order and a copy of Petitioners' Exhibit 3 shall be recorded among the Land Records of Baltimore County.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Charles L. Marks, Acting
Chairman



Harry Buchheister



Donna M. Felling



County Board of Appeals of Baltimore County

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

To work
for file
File

December 11, 1997

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Case No. 97-262-SPHA
Clark and Ann Mackenzie, L.O.
/2310 Gadd Road

Dear Mr. Zimmerman:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

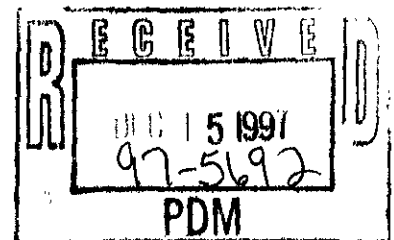
Very truly yours,

Charlotte E. Rodchiff

Kathleen C. Bianco
Legal Administrator

encl.

cc: G. Scott Barhight, Esquire
Mr. & Mrs. Clark F. Mackenzie
Mr. & Mrs. Charles Evans
James E. Matis, P.E.
/Matis, Warfield, Inc.
Jack Dillon
/Valleys Planning Council
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
✓ Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
NW/S Gadd Road, 1500' W of Falls Road	*	ZONING COMMISSIONER
8th Election District, 3rd Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner: J. Harland Williams, Jr.		
(2200 Gadd Road)	*	CASE NO. 97-262-SPHA
Legal Owner: Clark F. and Ann S. MacKenzie		
(2310 Gadd Road)	*	
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 3rd day of February, 1997, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esq., 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN



Petition for Special Hearing

97-062-5757A

to the Zoning Commissioner of Baltimore County

for the property located at 2310 Gadd Road (Parcel 198) & 2200 Gadd Road (Parcel 242) which is presently zoned R.C.2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve

(1) the transfer of a density right from 2200 Gadd Road (Parcel 242) to 2310 Gadd Road (Parcel 198), and

(2) should confirm the continued legitimacy of the farm use on the reduced acreage of Parcel 242 (2200 Gadd Road) for a farm of 10.9 acres.

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

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

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/ of 2200 Gadd Road
Clark F. MacKenzie + ANN S. MacKENZIE
(Type or Print Name)
Clark F. MacKenzie
Signature

Legal Owner(s): of 2200 Gadd Road
J. Harlan Williams, Jr.
(Type or Print Name)
J. Harlan Williams, Jr.
Signature

2310 Gadd Road
Address

19 Seminary Dr. Lutherville MD 21093
(Address)

Cockeysville Maryland 21030
City State Zipcode

Clark F. & Ann Schaffer MacKenzie
(Legal Owners of 2310 Gadd Road)
Clark F. MacKenzie
Signature

Attorney for Petitioner:

G. Scott Parhight & Whiteford, Taylor & Preston, L.L.P.
(Type or Print Name)
G. Scott Parhight
Signature

(Signatures) Phone No.

210 W. Pennsylvania Ave. 832-2000
Address Phone No.

2310 Gadd Rd. Cockeysville Md 21030
(Address)

Towson, Maryland 21204
City State Zipcode

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

(Representing Petitioner Clark F. MacKenzie)

Name Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates _____ Next Two Month

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

DROP-OFF
NO REVIEW
12/17/96 ucr





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

2310 Gadd Road (Parcel 198) &
2200 Gadd Road (Parcel 242)

which is presently zoned

R.C. 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1A01.3.B.3 (Sect. 404.5) to permit side yard setbacks of 20 feet each (40 feet building separation) between an existing residence and existing farm buildings, in lieu of the required 35 feet (70 feet building separation).

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

(TO BE PRESENTED AT HEARING)

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

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

(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, of 2200 Gadd Road

Clark F. MacKenzie & ANN S. MacKenzie J. Harlan Williams, Jr.

(Type or Print Name)

Legal Owner(s): of 2200 Gadd Road

(Type or Print Name)

Signature

Signature

2310 Gadd Road (Parcel 198)

19 Seminary Dr. Lutherville, Md 21093

Address

(Address)

Cockeysville, MD 21030

Clark F. & Ann Schaffer MacKenzie

City

State

Zipcode

(Legal Owners of 2310 Gadd Road)

Attorney for Petitioner:

G. Scott Barhight & Whiteford, Taylor & Preston, L.L.P.

(Signatures)

Signature

2310 Gadd Rd. Cockeysville, MD 21030

(Address)

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

210 West Pennsylvania Avenue 832-2000

Address

Phone No.

Towson, Maryland 21204

City

State

Zipcode

(Representing Petitioner Clark F. MacKenzie)

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE



Printed with Soybean Ink on Recycled Paper

DROP OFF

NO REVIEW

12/17/96 WER

MATIS WARFIELD
CONSULTING ENGINEERS

262

97-262
SPHA

**Description To Accompany
Zoning Petition for
Special Hearing and Variances
Nos. 2200 and 2310 Gadd Road
3rd Election District**

Description of Parcel 242:

Beginning for the same at a point on the north side of Gadd Road, said point distant 900 feet +/- westerly from the point of intersection of the centerlines of Falls Road and Gadd Road, running thence and binding along the north side of Gadd Road

1. North 89°09'00" West 1405.89 feet thence leaving said Gadd Road and running thence the four following courses viz:
2. North 05°18'40" East 821.09 feet,
3. North 88°24'00" East 651.86 feet,
4. North 83°11'36" East 602.55 feet, and
5. South 04°55'00" East 931.45 feet to the place of beginning

Containing 26.2 acres +/-.

Description of Parcel 198:

Beginning for the same at a point on the north side of Gadd Road, said point distant 2300 feet +/- westerly from the point of intersection of the centerlines of Falls Road and Gadd Road, running thence and binding along the north side of Gadd Road the two following courses viz:

1. North 89°09'00" West 212.56 feet,
2. South 86°57'00" West 771.62 feet thence leaving said Gadd Road and running thence the four following courses viz:
3. By a curve to the right having a radius of 25.00 feet for a distance of 42.92 feet,
4. North 05°18'40" East 803.39 feet,
5. North 88°24'00" East 1011.32 feet, and
6. South 05°18'40" West 821.09 feet to the place of beginning

Containing 18.9 acres +/-.

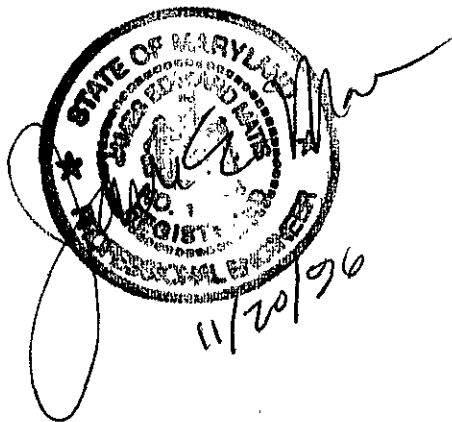
Description of Lot Adjustment Area:

Beginning for the same at a point on the north side of Gadd Road, said point distant 1500 feet +/- westerly from the point of intersection of the centerlines of Falls Road and Gadd Road, running thence and binding along the north side of Gadd Road

1. North 89°09'00" West 813.99 feet thence leaving said Gadd Road and running thence the four following courses viz:
2. North 05°18'40" East 821.09 feet,
3. North 88°24'00" East 651.86 feet,
4. North 83°11'36" East 130.31 feet, and
5. South 02°51'30" West 864.36 feet to the place of beginning

Containing 15.3 acres +/-.

This description is intended for zoning purposes only and is not for use in conveyance of land.



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: #97-282-SPHA
(Item 262)

NW/S Gadd Road, 1500' W
of Falls Road

8th Election District
3rd Councilmanic

2200 Gadd Road, Legal Owner(s): J. Harland Williams, Jr.
2310 Gadd Road, Legal Owner(s): Clark F. and Ann Schaffer MacKenzie

Special Hearing: to approve the transfer of a density right from 2200 to 2310 Gadd Road and to confirm the continued legitimacy of the farm use on 2200 Gadd Road.

Variance: to permit side yard setbacks of 20 feet each between an existing residence and existing farm buildings in lieu of the required 35 feet.

Hearing: Friday, February 7, 1997 at 9:00 a.m. in Rm. 106, County Office Building.

LAWRENCE 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 887-3351.

1/203 Jan. 16

C112455

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

1/16

, 1997

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 1/16, 1997.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

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

No. 028514

DROP-OFF -- NO REVIEW
ITEM #262

DATE 12/17/96 ACCOUNT 001-6150

AMOUNT \$ 100.00 (WCR)

RECEIVED FROM: Whiteford, Taylor & Preston

#010 - VARIANCE

#030 - SPECIAL HEARING

FOR: 2310 & 2200 Gadd Road (Parcels 198 & 242)

02691#0345NICHRC

\$100.00

BA C002:24PM12-17-96

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

RE: Case No.: 97-262 SPHA

Petitioner/Developer: CLARK MACKENZIE, ETAL

C/O JULIE WRIGHT, ESQ

Date of Hearing/Closing: 2/7/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #2000 & #2310 GADD RD.

The sign(s) were posted on

1/17/97

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 1/24/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

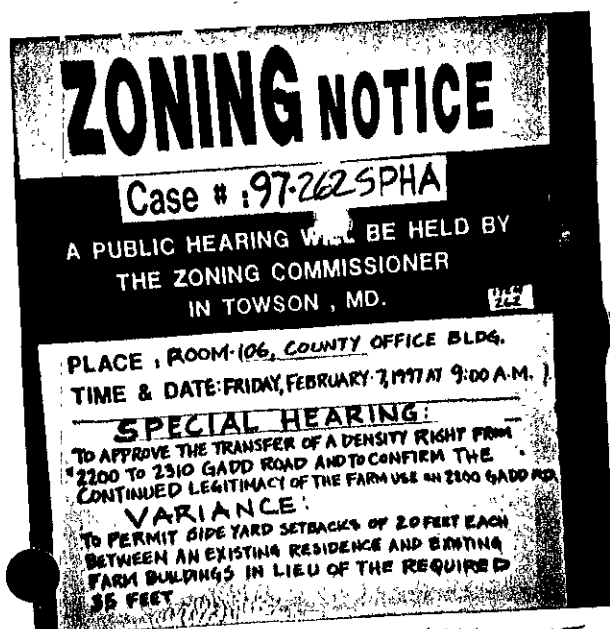
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Pager (410) 646-8354

(Telephone Number)



CLARK & ANN S. MACKENZIE
#2000 GADD RD
#2310 GADD RD
NW/3 GADD RD 1500' W OF FALLS RD.

CERTIFICATE OF POSTING

copy

RE: Case No.: 97-262-SPHA

Petitioner/Developer: CLARK & ANN S. MACKENZIE
ETAL
c/o JULIE WRIGHT, ESQ

Date of Hearing/Closing: 2/7/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at # 2200 & #2310 GADD ROAD

The sign(s) were posted on _____

1/14/97 - corrected.
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 1/17/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

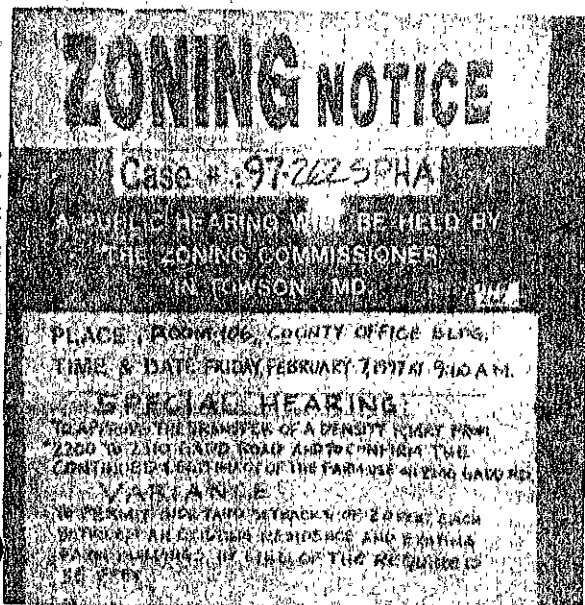
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Pager (410) 646-8354

(Telephone Number)



CLARK & ANN S. MACKENZIE

#2000 GADD RD

#2310 GADD RD

1/17/97

CERTIFICATE OF POSTING

RE: Case No.: 97-262-SPHA

Petitioner/Developer: _____

WILLIAMS, MACKENZIE

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

2200 GADD ROAD

The sign(s) were posted on 5/9/97
(Month, Day, Year)

Sincerely,

Gary Fend 5/12
(Signature of Sign Poster and Date)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ITEM 262

ZONING NOTICE

Case No.: 97-262.SPH A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: _____

DATE AND TIME: _____

REQUEST: VARIANCE TO PERMIT SIDE YARD
SETRBACKS OF 20 FEET EACH BETWEEN AN
EXISTING RESIDENCE AND EXISTING FARM
BUILDINGS IN LIEU OF THE REQUIRED
35 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Request for Zoning: Variable Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ITEM 262

ZONING NOTICE

Case No.: 97-262-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO APPROVE THE
TRANSFER OF A DENSITY RIGHT FROM 2200
TO 2310 GADD ROAD AND TO CONFIRM THE
CONTINUED LEGITIMACY OF THE FARM USE ON
2200 GADD ROAD.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTUMENT PUBLISHING COMPANY
January 16, 1997 Issue - Jeffersonian

Please forward billing to:

G. Scott Barhight
Whiteford Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue
Towson, MD 21204
832-2000

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: 97-262-SPHA (Item 262)
NW/S Gadd Road, 1500' W of Falls Road
8th Election District - 3rd Councilmanic
2200 Gadd Road, Legal Owner: J. Harland Williams, Jr.
2310 Gadd Road, Legal Owner: Clark F. and Ann Schaffer MacKenzie

Special Hearing to approve the transfer of a density right from 2200 to 2310 Gadd Road and to confirm the continued legitimacy of the farm use on 2200 Gadd Road.
Variance to permit side yard setbacks of 20 feet each between an existing residence and existing farm buildings in lieu of the required 35 feet.

HEARING: FRIDAY, FEBRUARY 7, 1997 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE 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.



Baltimore County
Department of Permits and
Development Management

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

January 10, 1997

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: 97-262-SPHA (Item 262)
NW/S Gadd Road, 1500' W of Falls Road
8th Election District - 3rd Councilmanic
2200 Gadd Road, Legal Owner: J. Harlan Williams, Jr.
2310 Gadd Road, Legal Owner: Clark F. and Ann Schaffer MacKenzie

Special Hearing to approve the transfer of a density right from 2200 to 2310 Gadd Road and to confirm the continued legitimacy of the farm use on 2200 Gadd Road.
Variance to permit side yard setbacks of 20 feet each between an existing residence and existing farm buildings in lieu of the required 35 feet.

HEARING: FRIDAY, FEBRUARY 7, 1997 at 9:00 a.m. in Room 106, County Office Building.


Arnold Jablon
Director

cc: J. Harlan Williams, Jr.
Clark F. & Ann Schaffer MacKenzie
G. Scott Barhight, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JANUARY 19, 1997.
(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.





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

June 25, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-262-SPHA

IN THE MATTER OF: J. HARLAN WILLIAMS, JR. -Legal
Owner /2200 Gadd Road; CLARK F. AND ANN S.
MACKENZIE -Legal Owners /2310 Gadd Road -
Petitioners

(Petitions for Special Hearing and Variance GRANTED
with restrictions.)

*PP@reg.
of Barhight,
sent to 9/25/97*

ASSIGNED FOR:

WEDNESDAY, AUGUST 13, 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
Administrator

cc: Appellant : People's Counsel for Baltimore County
Counsel for Petitioners : G. Scott Barhight, Esquire
Petitioners : Mr. & Mrs. Clark F. Mackenzie
: J. Harlan Williams, Jr., Esquire

James E. Matis, P.E. /Matis, Warfield, Inc.

Jack Dillon /Valleys Planning Council

Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director /PDM

Virginia W. Barnhart, County Attorney





Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

NOTICE OF POSTPONEMENT & REASSIGNMENT

cc: Appellant : People's Counsel for Baltimore County

Counsel for Petitioners : G. Scott Barhight, Esquire

Petitioners : Mr. & Mrs. Clark F. Mackenzie

: ~~J. Harlan Williams, Jr., Esquire~~ per *G. Barhight*
7-25-90

Mr. & Mrs. Charles Evans

James E. Matis, P.E. /Matis, Warfield, Inc.

Jack Dillon /Valleys Planning Council

Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director /PDM

Virginia W. Barnhart, County Attorney





Baltimore County
Department of Permits and
Development Management

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

January 31, 1997

G. Scott Barghight, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No.: 262
Case No.: 97-262-SPHA
Petitioner: J. Harlan Williams, Jr.

Dear Mr. Barhight:

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 December 17, 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 cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



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

REVISED COMMENTS

TO: Mr. Arnold Jablon, Director January 31, 1997
Zoning Administration and
Development Management

FROM: R. Bruce Seeley *RBS*
DEPRM

SUBJECT: Zoning Item #262
2200 & 2310 Gadd Road
Zoning Advisory Committee Meeting of December 30, 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).

Agriculture Preservation

These are revised zoning hearing comments regarding the request for a reduced farm on this property. The Baltimore County Agricultural Land Preservation Advisory Board met on January 22, 1997 and approved the request for reduced acreage based upon:

Landowner will agree to place a restrictive covenant on the property owner, his assigns, or heirs that limits the number of large animals (horses and cows, etc.) to one animal per two (2) acres of pasture. Otherwise, livestock is to be limited in accordance with the livestock stocking table in Section 100.6 of the BCZR. The reason for this restriction is the facilities on this property will support more animals than there is pasture to support the animals.

RBS:DL:GP:sp

GADDROAD/DEPRM/TXTSBP

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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

January 7, 1997

FROM: R. Bruce Seeley *RBS/gp*
DEPRM

SUBJECT: Zoning Item #262
2200 & 2310 Gadd Road
Zoning Advisory Committee Meeting of December 30, 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).

Agriculture Preservation

This proposal is not for Agricultural purpose, nor does it promote agricultural purposes. Also, the remaining parcel will be too small to justify legitimate farm use. It is recommended that the applicant apply for variances for size and location of existing building as accessory structure to a residential property.

RBS:DL:GP:sp

GADDROAD/DEPRM/TXTSBP



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 12-31-96
Item No. 262 (WCR)

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

Don Alfano

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: January 3, 1997

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

SUBJECT: Zoning Advisory Committee Meeting
for January 6, 1997
Item Nos. 258, 259, 261, 262,
263, 265, 267, 268

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

RWB:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: January 13, 1997

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item No. 262

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

Prepared by:

Jeffrey W. Long

Division Chief:

Pat Keller

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 01/08/97

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 DEC. 30, 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: 258, 259, 261,
262, 263, 265, 266, 267, 268 AND 269.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Baltimore County
Department of Permits and
Development Management

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

March 24, 1997

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston, L.L.P.
210 West Pennsylvania Avenue
Towson, MD 21204

RE: Petitions for Zoning
Variance & Special Hearing
NW/S Gadd Road, 1500' W
of Falls Road
(2200 & 2310 Gadd Road)
8th Election District
3rd Councilmanic District
J. Harlan Williams, Jr.
(2200 Gadd Road) - Legal
Owner
Clark F. & Ann S.
Mackenzie (2310 Gadd Road)
- Legal Owner & Contract
Purchaser
Case No. 97-262-SPHA

Dear Mr. Barhight:

Please be advised that an appeal of the above-referenced case was filed in this office on March 12, 1997 by Peter Max Zimmerman and Carole S. Demilio on behalf of the People's Counsel of Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a faint, larger signature.

ARNOLD JABLON
Director

AJ:rye

c: James E. Matis, P.E.
Mr. John Bernstein
People's Counsel



Printed with Soybean Ink
on Recycled Paper

APPEAL

Petitions for Zoning Variance and Special Hearing
NW/S Gadd Road, 1500 ft. W of Falls Road
(2200 & 2310 Gadd Road)
8th Election District - 3rd Councilmanic District
J. Harlan Williams, Jr. (2200 Gadd Road) - Legal Owner
Clark F. & Ann S. Mackenzie (2310 Gadd Rd) - Legal Owners
Case No. 97-262-SPHA

Petitions for Zoning Variance and Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners Exhibit: 1 - Plat to Accompany Zoning Variance and Special
Hearing

Nine Photographs not Marked as Exhibits

Declaration of Covenants and Restrictions dated November 30, 1977

Inter-Office Correspondence for Reduced Acreage Farm from Arnold
Jablon, Director of Zoning Administration and Development, to
Department of Environmental Protection and Resource Management dated
January 22, 1997

Letter from Clark F. Mackenzie to Lawrence E. Schmidt, Zoning
Commissioner for Baltimore County, dated February 6, 1997

Zoning Commissioner's Order dated February 20, 1997 (Granted)

Notice of Appeal received on March 12, 1997 from Peter Max Zimmerman
and Carole S. Demilio on behalf of the People's Counsel for Baltimore
County

c: G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, LLP, 210
W. Pennsylvania Avenue, Towson, MD 21204
Mr. & Mrs. Clark F. Mackenzie, 2310 Gadd Rd., Cockeysville, MD 21030
J. Harlan Williams, Jr., Esquire, 19 Seminary Drive, Lutherville,
Maryland 21093
James E. Matis, P.E., Matis, Warfield, Inc., 6600 York Road, Suite
209, Baltimore, MD 21212
Mr. John Bernstein, Valleys Planning Council, P.O. box 5402, 212
Washington Avenue, Towson, MD 21285-5402
People's Counsel of Baltimore County, M.S. 2010

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

APPEAL

Petitions for Zoning Variance and Special Hearing
NW/S Gadd Road, 1500 ft. W of Falls Road
(2200 & 2310 Gadd Road)
8th Election District - 3rd Councilmanic District
J. Harlan Williams, Jr. (2200 Gadd Road) - Legal Owner
Clark F. & Ann S. Mackenzie (2310 Gadd Rd) - Legal Owners
Case No. 97-262-SPHA

✓ Petitions for Zoning Variance and Special Hearing

✓ Description of Property

✓ Certificate of Posting

✓ Certificate of Publication

✓ Entry of Appearance of People's Counsel

✓ Zoning Advisory Committee Comments

Petitioners Exhibit: 1 - Plat to Accompany Zoning Variance and Special Hearing

Nine Photographs not Marked as Exhibits

✓ Declaration of Covenants and Restrictions dated November 30, 1977

✓ Inter-Office Correspondence for Reduced Acreage Farm from Arnold Jablon, Director of Zoning Administration and Development, to Department of Environmental Protection and Resource Management dated January 22, 1997

✓ Letter from Clark F. Mackenzie to Lawrence E. Schmidt, Zoning Commissioner for Baltimore County, dated February 6, 1997

✓ Zoning Commissioner's Order dated February 20, 1997 (Granted)

✓ Notice of Appeal received on March 12, 1997 from Peter Max Zimmerman and Carole S. Demilio on behalf of the People's Counsel for Baltimore County

c: G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, LLP, 210 W. Pennsylvania Avenue, Towson, MD 21204

Mr. & Mrs. Clark F. Mackenzie, 2310 Gadd Rd., Cockeysville, MD 21030

~~J. Harlan Williams, Jr., Esquire, 19 Seminary Drive, Lutherville, Maryland 21093~~

James E. Matis, P.E., Matis, Warfield, Inc., 6600 York Road, Suite 209, Baltimore, MD 21212

Mr. John Bernstein, Valleys Planning Council, P.O. box 5402, 212 Washington Avenue, Towson, MD 21285-5402

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

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

Mr. and Mrs. Charles Evans
2200 Gadd Road
Cockeysville, MD 21030
(Interested parties - send copies
of notice and opinions)

Out
per
S. Barhight
2-25-97

Jack Dillon

✓ E



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

March 12, 1997

CAROLE S. DEMILIO
Deputy People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITIONS FOR SPECIAL HEARING & VARIANCE
2200 Gadd Road & 2310 Gadd Road
NW/S Gadd Road, 1500' W of Falls Road,
8th Election District, 3rd Councilmanic
J. HARLAN WILLIAMS, JR., Legal Owner
(2200 Gadd Road)
CLARK F. & ANN S. MACKENZIE, Legal Owners
(2310 Gadd Road) & Contract Purchasers
(2200 Gadd Road)
Case No. 97-262-SPHA

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Order dated February 20, 1997 of the Baltimore County Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

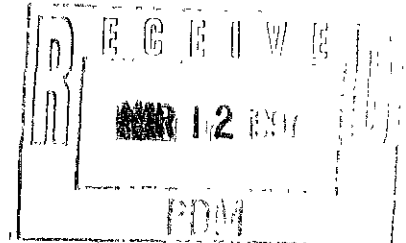
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: G. Scott Barhight, Esq., Whiteford, Taylor & Preston,
210 W. Pennsylvania Avenue, Towson, MD 21204

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



COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Clark F. and Ann S. Mackenzie -Petitioners
 Case No. 97-262-SPHA

DATE : September 25, 1997 @ conclusion of hearing

BOARD /PANEL : Charles L. Marks, Acting Chairman (CLM)
 Donna M. Felling (DMF)
 Harry E. Buchheister, Jr. (HEB)

SECRETARY : Kathleen C. Bianco
 Administrator

Among those present at the deliberation were Scott Barhight, Esquire, Counsel for Petitioner; and Peter Max Zimmerman, People's Counsel for Baltimore County, and S. Carole Demilio, Deputy People's Counsel.

CLM: The Board, having heard the presentation of the hearing relative to Case No. 97-262-SPH, my reading of the Wesley Chapel case indicates this is a case that requires deliberation and so the Board will deliberate.

It seems to me that the case that has been presented by Mr. Barhight has been adequately presented, and People's Counsel appears to be in agreement with the amended plan, Petitioner's Exhibit 3 dated September 22, 1997 since People's Counsel's function is to defend the maps that have been approved by the Council.

And with the amended plan, the appeal as to variance request that had been approved by the Zoning Commissioner will be dismissed, and Petitioner's amended plan, #3, will be recorded in the Land Records for Baltimore County; and that the Zoning Commissioner's conditions, which were originally issued, relative to condition #2, 3 and 4, which will be modified, will be made a part of the Board's decision.

The record noting there have been no protestants at this hearing or any other hearing in this matter, I would have no objections to approving the special hearing relative to this amended plan with plat being recorded and conditions incorporated, the parties having come to an agreement.

HEB: I agree with everything Mr. Marks has said.

DMF: Ditto.

CLM: Is there anything else before the Board: Mr. Buchheister? (No.)
Ms. Felling? (No.)

You will get together with the draft order. We are adjourned.

* * * * *

Respectfully submitted, .


Kathleen C. Bianco
Administrator

Case No. 97-262-SPHA

SPH -To approve transfer of density right from 2200 to 2310; to confirm continued legitimacy of farm use of 2200;

VAR -to permit side yd setbacks of 20' each (40' bldg separation) between existing residence and existing farm bldgs ilo 35' (70' bldg separation).

2/20/97 -Z.C.'s Order in which Petitions for Special Hearing and Variance were GRANTED with restrictions.

6/25/97 - Notice of Assignment for hearing scheduled for Wednesday, August 13, 1997 at 10:00 a.m. sent to following:

People's Counsel for Baltimore County
G. Scott Barhight, Esquire
Mr. & Mrs. Clark F. Mackenzie
J. Harlan Williams, Jr., Esquire
James E. Matis, P.E. /Matis, Warfield, Inc.
Jack Dillon /Valleys Planning Council
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

7/02/97 -Letter from S. Barhight, Esquire, Counsel for Petitioners, requesting postponement of hearing scheduled for 8/13/97 due to scheduling conflicts as indicated in his letter. Awaiting response to said request.

7/09/97 -No objection to said postponement per P. Zimmerman; to be pp'd and reassigned.

7/24/97 -Notice of PP and Reassignment sent to parties; postponement request granted; case rescheduled to Thursday, September 25, 1997 at 10:00 a.m. Added M/M C. Evans to file and notice.

7/25/97 -Letter from S. Barhight; M/M MacKenzie have purchased all rights and interests; requests removal of Mr. Williams from this matter.

9/25/97 -Hearing before Board; Board deliberated at conclusion of same; granted special hearing in accordance with resolution reached between Petitioner and PC; appeal as to variance request withdrawn by PC; proposed Order to be submitted by counsel setting forth grant of special hearing; withdrawal of variance appeal by PC; and details of resolution as reached between parties. (C.F.B.)

7/14/98 -Pursuant to the Board's Order dated 12/11/97 - Restriction #5, "That this Order and a copy of Petitioners' Exhibit 3 shall be recorded among the Land Records of Baltimore County." -- the original Order was given to Terry Shriver of Miles & Stockbridge this date for recording. (a copy of the Order has been certified for the file and is to be considered as a True Copy of the original).



Baltimore County
Department of Permits and
Development Management

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

December 16, 1996

G. Scott Barhight, Esquire
210 West Pennsylvania Avenue
Towson, MD 21204

97 262-
5171A

RE: Drop-Off Petition (Item #262)
2310 & 2200 Gadd Road
3rd Election District

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper forms pertaining to this. There is a form indicating the posting standards required by Baltimore County, as well as a list of vendors serving the Baltimore County area. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to Gwendolyn Stephens.

If you have any questions regarding the sign posting, please do not hesitate to contact Gwendolyn Stephens at 887-3391.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures





Baltimore County
Department of Permits and
Development Management

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

January 21, 1997

G. Scott Barhight, Esquire
210 West Pennsylvania Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #262)
2310 & 2200 Gadd Road
3rd Election District

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$50.00 revision fee.

1. Need telephone numbers of owner and contract purchaser.
2. Note that site is not within 100 year floodplain.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Sullivan, Jr.", with a stylized flourish at the end.

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:scj

Enclosure (receipt)

c: Zoning Commissioner

GGS





Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

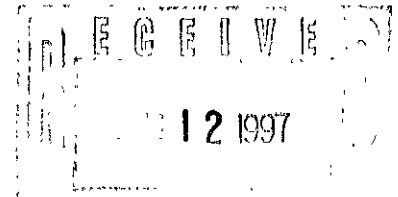
5/13/97 99-4177
8
TO WCR
for file

PETER MAX ZIMMERMAN
People's Counsel

August 11, 1997

CAROLE S. DEMILIO
Deputy People's Counsel

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Suite 400
Towson, MD 21204



Re: 2200 Gadd Road
2310 Gadd Road
Case No. 97-262-SPHA

Dear Mr. Barhight:

Consistent with our meeting with you and Clark MacKenzie on August 1, 1997, we are writing to outline a potential resolution of this case which both satisfies our legal concerns and Mr. MacKenzie's property concerns. As noted, this office's concern is that the proposal as now framed and approved by the Zoning Commissioner involves a transfer of density which we believe impermissible under current zoning law. BCZR 1A01. See West Montgomery Citizens v. MNCP&P Comm'n, 309 Md. 183 (1987).

The modification under discussion includes the following elements:

1. Parcel 198 (2310 Gadd Road) is the 18.9 acre parcel owned by Mr. and Mrs. MacKenzie and used as their residence.
2. Parcel 242 is the separate 26.2 acre parcel which the MacKenzies just purchased from J.H. Williams.
3. Each parcel has been used for residential and/or horse farming purposes, including pasture.
4. Under current zoning practice, each parcel ordinarily is entitled to be subdivided once, producing two (2) subdivision lots.
5. Under the modified proposal, Parcel 198 will retain its 2 density units intact based on current practice.
6. Under the modified proposal, Parcel 242 will be divided into two (2) parcels. The existing homesite will be on a new 10.9 acre parcel intended for resale for residential purposes, involving one (1) "density unit"; the remaining 15.3 acres will comprise the other new parcel, but for the present will be used

G. Scott Barhight, Esquire
August 11, 1997
Page Two

for agricultural purposes only, with one (1) density unit reserved for potential future residential development or resale. Neither of these two "new" parcels may be further subdivided.

7. From our point of view, the main thing is that there is no longer any transfer of subdivision lot density.

8. The modified proposal shall involve an amended petition, site plan and documentation suitable for recording in the land records, to be prepared by petitioner and reviewed prior to the conclusion of the matter.

9. The modified proposal would still be subject to any applicable development or subdivision regulations.

10. This modified proposal shall be circulated to the various departments for comment: Planning, Environment, and Permits and Development Management, and to other interested parties: Valleys Planning Council, neighboring citizens.

11. If all of the above proceeds satisfactorily, the revised plan shall be presented at the Board of Appeals hearing for their review.

12. As to the variances proposed concerning existing buildings on Parcel 242, the petitioner would still have the burden to prove they satisfy the standards of BCZR 307.1

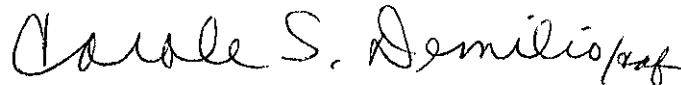
If the above outline is consistent with your understanding, we suggest you prepare the amended petition and coordinate with county departments and interested citizens.

Very truly yours,



Peter Max Zimmerman

People's Counsel for Baltimore County



Carole S. Demilio

Deputy People's Counsel

PMZ/caF

cc: Wallace Lippincott, DEPRM
Arnold Jablon, Esq., Director, PDM ✓
Arnold F. "Pat" Keller, Director, Planning

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 28, 1998
Permits & Development Management

FROM: Charlotte E. Radcliffe 
County Board of Appeals

SUBJECT: Closed File: 97-262-SPHA
J. Harlan Williams, Jr. (2200 Gadd Road)
Clark F. & Ann S. Mackenzie (2310 Gadd Road)

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-262-SPHA)

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 351-0573

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
2029522@mcimail.com

July 2, 1997

DELIVERY BY HAND

Kristine K. Howanski, Chair
County Board of Appeals of Baltimore County
Room 49, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

**Re: Notice of Assignment
2200 and 2310 Gadd Road
Mr. and Mrs. Clark F. MacKenzie, Petitioners
Case No. 97-262-SPHA**

Dear Ms. Howanski:

This office recently received the Notice of Assignment in the above-referenced case scheduling this hearing for Wednesday, August 13, 1997. Unfortunately, I will be out of the state during that entire week and unavailable to attend the hearing. Therefore, as counsel for the Petitioner, I respectfully request a postponement of the August 13, 1997 hearing date.

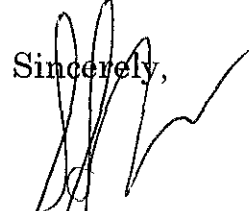
In order to avoid any future requests for postponement, please contact my office before rescheduling the hearing. Mr. Clark MacKenzie and Mr. James Matis will be my primary witnesses and I want to coordinate the new date with all of our calendars. Additionally, People's Counsel will also need to be contacted regarding their schedule.

97 JUL -2 AM 11:09
RECEIVED
COUNTY BOARD OF APPEALS

Kristine K. Howanski, Chair
July 2, 1997
Page 2

Thank you for your kind attention to this matter.

Sincerely,



G. Scott Barhight

GSB:sll

cc: Ms. Kathleen C. Bianco
Mr. J. John Dillon
Peter M. Zimmerman, Esquire
Mr. Clark F. MacKenzie
Mr. James E. Matis, P.E.

110679

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

40 COLUMBIA CORPORATE CENTER
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COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

G. SCOTT BARIHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
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1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

July 24, 1997

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

Re: 2200 Gadd Road
Case No. 97-262-SPHA

Dear Mrs. Bianco:

The Notice of Assignment indicates that J. Harlin Williams, Jr., Esquire is one of the Petitioners in this matter. Mr. and Mrs. MacKenzie have purchased all of the rights and interests of Mr. Williams in the subject property. As such, Mr. Williams is no longer an interested party or Petitioner. Please amend your files to remove Mr. Williams from the mailing list and to indicate that Mr. and Mrs. MacKenzie are the sole Petitioners.

Should you have any questions or comments, please feel free to contact me.
Thank you for your kind attention to this matter.

Sincerely,

G. Scott Barhight

GSB:sll

cc: Peter M. Zimmerman, Esquire
Mr. Clark F. MacKenzie

112550

RECEIVED
COUNTY BOARD OF APPEALS
97 JUL 25 PM 12:20



County Board of Appeals of Baltimore County

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

July 25, 1997

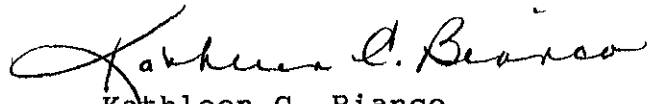
G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

RE: Case No. 97-262-SPHA
2200 Gadd Road

Dear Mr. Barhight:

In response to your letter of July 24th concerning the subject property, I have amended our file to indicate that Mr. and Mrs. Clark MacKenzie are sole petitioners in this matter. However, prior to receipt of your letter, a Notice of Postponement and Reassignment was issued in accordance with the information contained in our file at that time and, therefore, will not reflect this amendment.

Very truly yours,


Kathleen C. Bianco
Administrator

c: Peter Max Zimmerman
People's Counsel for Baltimore County
Mr. and Mrs. Clark F. MacKenzie
J. Harlan Williams, Esquire



file copy

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
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gbarhight@wtplaw.com

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FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

December 2, 1997

VIA HAND DELIVERY

Charles L. Marks
Acting Chairman of the
Board of Appeals
County Board of Appeals of Baltimore County
Old Court House
400 Washington Avenue
Room 49
Towson, Maryland 21204

RECEIVED
COUNTY BOARD OF APPEALS
97 DEC -2 PM 1:19

Re: Case No. 97-262-SPHA
2200 and 2310 Gadd Road
Petitioners: Clark F. and Ann S. MacKenzie
Agreed Opinion and Order

Dear Mr. Chairman:

Consistent with the instructions of the Board at the Hearing on the above-referenced matter, enclosed is a proposed Opinion and Order which has been approved for form and substance by People's Counsel, as well as the Petitioners. Please review this proposed Opinion and Order, and if acceptable, have it executed as the final Opinion and Order of the Board of Appeals in this matter.

Should you have any questions or comments regarding this matter, please feel free to contact me. We appreciate your patience in awaiting the draft Opinion and Order while the specific language was being worked out among the parties. Thank you for your kind attention to this matter.

Sincerely,



G. Scott Barhight

Charles L. Marks
December 2, 1997
Page 2

GSB:mbb

cc: Mr. Clark F. MacKenzie (w/encl.)
Richard E. Levine, Esquire (w/encl.)
James E. Matis, P.E. (w/encl.)
Peter M. Zimmerman, Esquire (w/encl.)
Carole S. DeMilio, Esquire (w/encl.)

122947

RURAL ACCESSORY USES

Reference S. 400, 101, 404.2
BALTIMORE COUNTY, MARYLAND

TO BE SUPPLIED BY
THE APPLICANT

INTER-OFFICE CORRESPONDENCE

TO

Department of Environmental Protection
and Resource Management

Date

1/22/97

FROM Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

Contract Purchaser:
Clark F. MacKenzie
Ann S. MacKenzie
2300 Gadd Road
Cockeysville, MD 21010
821-8585

SUBJECT REDUCED ACREAGE FARM

Election District <u>3</u>		Phone # <u>832-1778</u>											
Owner: <u>J. Harlan Williams, Jr.</u>	Tax Account Number												
Address: <u>19 Seminary Drive</u>	<table border="1"> <tr> <td>1</td> <td>7</td> <td>0</td> <td>0</td> <td>0</td> <td>1</td> <td>4</td> <td>6</td> <td>6</td> <td>1</td> </tr> </table>			1	7	0	0	0	1	4	6	6	1
1	7	0	0	0	1	4	6	6	1				
<u>Lutherville, Maryland 21093</u>													

Pursuant to the Zoning Commissioner's policy A-17, this office is officially requesting verification of the legitimacy of a farm use To continue on the reduced acreage on the referenced property. In the judgement of the Zoning Supervisor and/or the Zoning Commissioner, in consideration of your findings, a special hearing may be required before the Zoning Commissioner prior to any zoning approvals. We are submitting a copy of:

the proposed lot + overall subdivision plan
the deed to the property
the state tax map for that area,

map	block	parcel
33	22	242

We appreciate your verification and/or recommendations concerning this property.

PROPERTY ADDRESS:

2200 GADD ROAD

LEGITIMACY OF A FARM USE ON THE REDUCED ACREAGE

☒ Yes ☐ No ☐ Comment

Approve contingent upon landowner agreeing to place a restrictive covenant on property limiting number of large animals (horses + cows) to one per 2 acres of pasture and meeting otherwise meeting the live stock ratio BCZR 100.6. The capacity of facilities after proposed subdivision will support more animals than there is pasture to support

Signed:

WA Leppincott
Representative of the Agricultural
Land Preservation Board for
Baltimore County

Date:

1/23/97

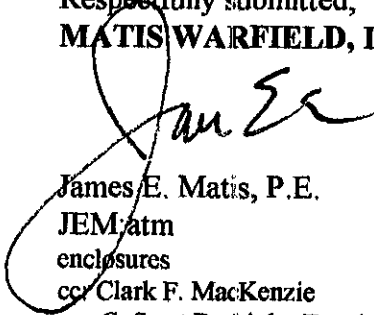
MATIS WARFIELD
CONSULTING ENGINEERS

MEMORANDUM

To: Mr. Arnold Jablon, Director/PADM
From: James Matis, P.E. /Matis Warfield, Inc.
Re: 2200 Gadd Road/Parcel 242 Tax Map 33
26.2 acres+/-/RC-2 Zoning
Date: November 25, 1996

The property is presently improved with a single family dwelling and farm buildings containing 11 horse stalls, as depicted on the attached print. The present owner, J. Harlan Williams, Jr., currently raises horses on the property. The horses are generally confined to the fenced pasture located at the rear of the property. The owners of the adjoining property to the west, Clark F. and Ann S. MacKenzie are negotiating to purchase the property from Mr. Williams. Subsequent to their purchase of this property, the MacKenzie's will seek to adjust the lot line between the two adjoining parcels, thereby reducing the acreage of Parcel 242 to 10.9 acres. The reduced acreage farm parcel will include the residence, the farm buildings holding the 11 horse stalls, and the fenced horse pasture. In light of the aforesaid, it is our contention that the reduced acreage parcel can maintain designation as a farm use.

Respectfully submitted,
MATIS WARFIELD, INC.


James E. Matis, P.E.

JEM/atm

enclosures

cc: Clark F. MacKenzie

G. Scott Barhight, Esquire

Wallace S. Lippencott, Jr.

Wally,
Zoning Petition has
been filed.
F.Y.I., Clark is purchasing
all of Parcel 242. He is
negotiating contract to sell
farm lot (10.9 acres) to
current renter.

Based on my site visit and
inspection of the buildings
it seems apparent that
the "reduced acreage parcel"
will be a legitimate
farm use.



Clark F. MacKenzie
Chairman of the Board

February 6, 1997

The Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Old Courthouse, Room 112
400 Washington Avenue
Towson, Maryland 21204

Re: Gadd Road Property
Case No. 97-262-SPHA

Dear Mr. Schmidt:

I am writing to express my concern regarding a suggested condition proposed by the Agricultural Land Preservation Board upon the farm which is the subject of the above-referenced case. The Board is suggesting that two acres of pasture be required per horse. It is my understanding that the Baltimore County Zoning Regulations require that one acre of pasture be available per horse. I am also aware of information from agronomists at Pennsylvania State University that a good rule is to provide at least one acre of good quality pasture per horse and to rotate horses through several paddocks.

Notwithstanding the law found in the Zoning Regulations and the recommendation of experts in agronomy, the proposal is to require two acres of pasture per horse. This will have a significant detrimental impact on the value of this farm. Currently there are 11 stalls in structures located at the farm. The site consists of approximately 11 acres, of which approximately 10 acres are available for pasture. The current farm lot area presently serves these two barns. Pursuant to the Zoning Regulations, I believe we meet the spirit and intent of the one horse per acre requirement. Being forced to permit only 5 horses at this farm will have a significant detrimental impact on the operation of the farm and its value. It seems contrary to common sense and good management practices to prohibit use of stalls which are in place when the law permits their use.

This area is rich farmland which specializes in horse farming. Many nearby families (i.e., Petersons, Griswolds, and Fenwicks) all maintain quality horse farms without inappropriate limitations as being proposed in this case.

The Honorable Lawrence E. Schmidt
February 6, 1997
Page Two

The 11 stalls are situated in two barns with an approximate replacement value of \$75,000. Prohibiting the full and appropriate use of these barns seems confiscatory in nature.

The farm itself contains multiple pastures to permit the adequate rotation of horses, also suggested by agronomists. The property has no wetlands or streams to interfere in the pasture activities.

It is my expectation that this land will sell for in excess of \$600,000. Anyone buying this farm clearly will be doing so with the intent to maintain it as an active horse farm, consistent with the existing character of the neighborhood.

Given the requirements of the Zoning Regulations and the good management practices suggested by the Penn State agronomists, I am very comfortable with a limitation of a maximum of 11 horses permitted on the farm. It is clear to me that I should not be able to build additional stalls and to overburden the available pastures with too many horses. However, it is equally clear to me that I should not be punished by an artificial limitation that will decrease the appropriate utilization of the existing structures and pasture. It just seems contrary to the purposes of the R.C. zones to promote these kinds of agricultural activities.

Thank you for considering my thoughts on this matter. Thank you for your kind attention and support.

Sincerely,

Clark F. MacKenzie

Clark F. MacKenzie

CFM:las

cc: G. Scott Barhight, Esquire

MATIS WARFIELD, INC.

CONSULTING ENGINEERS

6600 York Road • Suite 209

Baltimore, Maryland 21212

Phone (410) 377-7596 Fax: (410) 377-7657

Letter of Transmittal

RECEIVED NOV 26 1996

To: Whiteford, Taylor & Preston
4th Floor Court Towers Building
210 West Pennsylvania Avenue
Towson, Maryland 21204
Attn: Julie Wright

Date: November 25, 1996
Re: MacKenzie
Gadd Road

We are: ☒ Forwarding
☒ Herewith

☐ Submitting
☐ Under separate cover

☐ Returning

Number	Item	John S. REVIEWED No VIOLATIONS
12	Copies of Zoning Plat	
3	Copies of Descriptions	
1	Copy of 200 scale Zoning Map Exhibit	
6	Zoning Petitions	
1	Set of additional prints, descriptions, exhibits for your records	
1	Copy of Reduced Acreage Farm Verification Form + Supporting Memo	

☐ For your use
☐ For your review
☐ For processing
☐ Approval requested
☐ Meeting requested

☐ As requested
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted
☐ Please return to this office
☐ Please call when ready

Remarks: For filing at Zoning Office

DROP-OFF
NO REVIEW

12/17/96

262

cc: Clark MacKenzie

By: James E. Matis, P.E.

THIS DECLARATION OF COVENANTS AND RESTRICTIONS, made this 30th day of ~~November~~, 1977, by JOHN D. GADD, party of the first part, CLARK F. MACKENZIE and ANN SHAEFFER MACKENZIE, his wife, parties of the second part, J. HARLAN WILLIAMS, JR., party of the third part, and GADD ROAD JOINT VENTURE, party of the fourth part.

WHEREAS, party of the first part has this date conveyed to the parties of the second part the fee simple interest in the parcel of land identified as PARCEL ONE and described in Exhibit A attached hereto and made a part hereof, and has this date conveyed to the party of the third part the fee simple interest in the parcel of land identified as PARCEL TWO and described in Exhibit A, and has this date conveyed to the party of the fourth part the fee simple interest in the parcel of land identified as PARCEL THREE and described in Exhibit A; and

WHEREAS, following the aforesaid conveyances, the party of the first part has retained the fee simple interest in a contiguous tract of land identified as PARCEL FOUR and described on Exhibit A; and

WHEREAS, it was an express and mutual condition of the aforesaid conveyances from the party of the first part to the other parties hereto that the parcels of land owned by the parties hereto and described on Exhibit A (hereinafter collectively referred to as "the Property") be subjected to certain restrictions as hereinafter set forth for the mutual benefit of the parties hereto and their successors in title to the Property;

NOW, THEREFORE, this Declaration of Covenants and Restrictions witnesseth, that for and in consideration of the conveyances described hereinabove and the consideration paid therefor, and for and in consideration of the mutuality of the following covenants, the parties hereto do hereby establish and impose upon the Property the restrictions hereinafter set forth to be jointly and/or severally observed and enforced by the parties hereto, their heirs, personal representatives, successors and/or assigns, to wit:

1. Those portions of the Property described and identified as PARCELS ONE, TWO and THREE on Exhibit A attached hereto shall not be split, divided or subdivided for sale, resale, gift, transfer, devise or otherwise.

2. That portion of the Property described and identified as PARCEL FOUR on the attached Exhibit A shall not be split, divided or subdivided for sale, resale, gift, transfer, devise or otherwise into more than a total of four (4) separate parcels or lots.

3. For purposes of these restrictions, the terms "split, divided or subdivided" shall mean the division of one of the parcels described on Exhibit A as they presently exist into two or more separate parcels (without regard for the size thereof) under separate and distinct ownership, whether by conveyance or by the filing of subdivision plats; provided, however, that a reduction in the size of either PARCEL ONE or PARCEL TWO by adding a portion thereof to abutting property also owned by the respective owners of PARCELS ONE and TWO shall not be considered a subdivision of such parcels for purposes hereof; *PROVIDED THAT NO BUILDINGS MAY BE ERECTED UPON SUCH PORTIONS ADDED TO THE ABUTTING PROPERTY.*

4. No more than one (1) principal residence building and no more than one (1) secondary residence building shall be constructed and maintained on the portions of the Property described and identified as PARCELS ONE, TWO and THREE on the attached Exhibit A.

*Parcel 3 = Williams
Parcel Two = Clark
Parcel One = Gadd
Parcel Four = Gadd*

TRANSFER TAX NOT REQUIRED

10-3-77
Authorized Signature
William J. Colburn
Authorized Signature

5. No more than a total of four (4) principal residence buildings and no more than a total of three (3) secondary residence buildings may be constructed and maintained on the portion of the Property described and identified as PARCEL FOUR on the attached Exhibit A.

6. For purposes of these restrictions, a residence building having less than two thousand (2,000) square feet of floor area (excluding any basement) shall be considered a "secondary residence building."

7. For purposes of these restrictions, the residence building existing as of the date hereof on PARCEL FOUR shall be considered a "principal residence building"; the residence building existing as of the date hereof on PARCEL ONE shall be considered a "secondary residence building"; and the apartment existing as of the date hereof in a barn on PARCEL FOUR shall not be considered a residence.

8. The restrictions hereinabove set forth in this Declaration are intended to run with, burden and bind the Property, and any and every conveyance of any part of the Property shall be absolutely subject to the said restrictions whether or not it shall be so expressed in the deed, lease or other conveyance thereof.

9. The hereinabove set forth restrictions shall inure to the benefit of and shall be enforceable by parties hereto and such of their heirs, personal representatives, successors and/or assigns and shall succeed to their ownership of the Property until December 31, 2002. Prior to December 31, 2002, this Declaration may not be amended in any respect except by the execution of an instrument signed by all of the parties hereto, or their successors in title to the Property, which instrument shall be filed for recording among the Land Records of Baltimore County, Maryland, or in such other place of recording as may be appropriate at the time of the execution of such instrument.

IN WITNESS WHEREOF, this Declaration has been duly executed as of the day and year first above written.

WITNESS:

Robert W. Cannon
ROBERT W. CANNON

Henry B. Peck, Jr.
HENRY B. PECK, JR.

James E. Bradley, Jr.
JAMES E. BRADLEY, JR.

Henry B. Peck, Jr.
HENRY B. PECK, JR.

Henry B. Peck, Jr.
HENRY B. PECK, JR.

Henry B. Peck, Jr.
HENRY B. PECK, JR.

John D. Gadd
JOHN D. GADD

Clark F. MacKenzie
CLARK F. MacKENZIE

Ann Shaeffer MacKenzie
ANN SHAEFFER MacKENZIE

Harlan Williams, Jr.
HARLAN WILLIAMS, JR.

GADD ROAD JOINT VENTURE
By Western Run Corporation, Joint Venturer

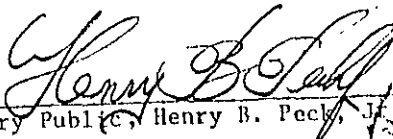
By Harlan Williams, Jr. (SEAL)
Harlan Williams, Jr., President

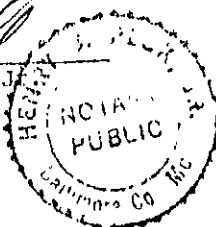
By Clark F. MacKenzie (SEAL)
Clark F. MacKenzie, Joint Venturer

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 30th day of November, 1977, before me, a Notary Public of the State aforesaid personally appeared JOHN D. GADD, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Declaration of Covenants and Restrictions, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.


Notary Public, Henry B. Peck, Jr.

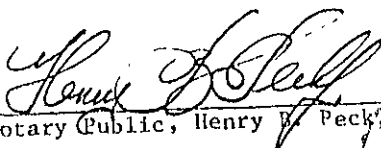


My Commission Expires: July 1, 1978.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 30th day of November, 1977, before me, a Notary Public of the State aforesaid personally appeared CLARK F. MACKENZIE and ANN SHAEFFER MACKENZIE, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within Declaration of Covenants and Restrictions, and acknowledged that they executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.


Notary Public, Henry B. Peck, Jr.

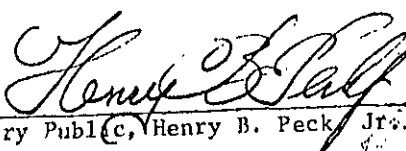


My Commission Expires: July 1, 1978.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 30th day of November, 1977, before me, a Notary Public of the State aforesaid personally appeared J. HARLAN WILLIAMS, JR., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Declaration of Covenants and Restrictions, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and notarial seal.


Notary Public, Henry B. Peck, Jr.

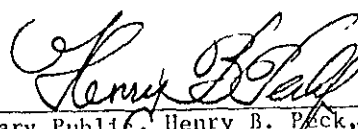
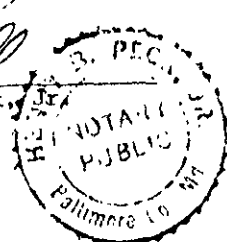


My Commission Expires: July 1, 1978.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 30th day of November, 1977, before me, a Notary Public of the State aforesaid personally appeared J. HARLAN WILLIAMS, JR., President of WESTERN RUN CORPORATION, Joint Venturer of GADD ROAD JOINT VENTURE, and he as such President, being authorized so to do, executed the foregoing Declaration of Covenants and Restrictions for the purposes therein contained, by signing the name of the Corporation by himself as President.

AS WITNESS my hand and notarial seal.

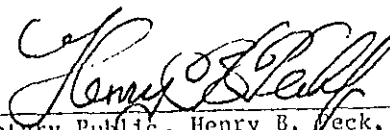

 Notary Public, Henry B. Peck, Jr.


My Commission Expires: July 1, 1978.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 30th day of November, 1977, before me, a Notary Public of the State aforesaid personally appeared CLARK F. MacKENZIE, Joint Venturer of GADD ROAD JOINT VENTURE, known to me to be the person whose name is subscribed to the within Declaration of Covenants and Restrictions, and who, in my presence signed and sealed the same and acknowledged that he executed the same for the purposes therein contained, as a Joint Venturer of Gadd Road Joint Venture.

AS WITNESS my hand and notarial seal.


 Notary Public, Henry B. Peck, Jr.


My Commission Expires: July 1, 1978.

0062-113 10000000 11-2-1
 0062-113 10000000 11-2-1

JAMES B. SPAMER & ASSOCIATES
PROFESSIONAL ENGINEERS & LAND SURVEYORS
P. O. BOX 9804 - BALTIMORE, MD. 21204

BY W.O.L.
DATE 11-30-77

PARCEL CASE

SHEET 1 OF 1
FILE _____

Beginning for the same at a stone heretofore set at the end of the sixth line of the parcel of land which by a deed dated December 7, 1970 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 5149 folio 701 was conveyed by the representations of the Estate of George William Abell to Clark F. MacKenzie and Ann S. MacKenzie, his wife, said point of beginning being also the beginning of the last or tenth line of the second parcel of land which by a deed dated March 15, 1950 and recorded among the aforesaid land records in Liber T.B.S. No. 1828 folio 42 was conveyed by J. Irving Ensor and wife to John D. Gadd and wife, and running thence binding on a part of said last line of the Gadd conveyance and reversely with a part of said sixth line of said MacKenzie conveyance and along a fence there situate, as now surveyed,

- (1) South $50^{\circ} 18' 40''$ West 803.39 feet to an iron pipe now set at the north end of the 25 foot radius curve at the west end of the 40 foot road known as Gadd Road (formerly Denwood Road) which was conveyed to Baltimore County by John D. Gadd and wife and recorded among the aforesaid land records in T.B.S. No. 1899 folio 27 and shown on a plat recorded in Highways Book No. 15 folio 28, 29 & 30, thence binding on said north side of Gadd Road,
- (2) by a line curving left with a radius of 25 feet the distance of 42.92 feet and a chord bearing South $43^{\circ} 52' 10''$ East 37.84 feet to an iron pipe now set,
- (3) North $86^{\circ} 57' 00''$ East 771.62 feet to an iron pipe now set and
- (4) South $89^{\circ} 09' 00''$ East 212.56 feet to an iron pipe now set, thence leaving Gadd Road for a line of division now made parallel to the first line herein described,
- (5) North $50^{\circ} 18' 40''$ East 821.09 feet to a concrete monument heretofore set at the beginning of the last line of the parcel of land which by a deed dated June 6, 1972 and recorded among the aforesaid land records in Liber E.H.K.Jr. No. 5272 folio 885 was conveyed by H. Robertson Fenwick to Clark F. MacKenzie and Ann S. MacKenzie, his wife, thence binding on said last line and with a part of the ninth line of the aforesaid Gadd conveyance,
- (6) South $88^{\circ} 24' 00''$ West 1011.32 feet to the place of beginning.

Containing 18.917 acres of land more or less.

Being part of the tract of land which by a deed dated March 15, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1828 folio 42 was conveyed by J. Irving Ensor and Elizabeth E. Ensor, his wife, to John D. Gadd and Mary Gadd, his wife. The said Mary Gadd has heretofore departed this life, thereby vesting fee simple title in and to the said property in the said John D. Gadd by right of survivorship.

EXHIBIT A

PAGE 1 OF 4

JAMES B. SPAMER & ASSOCIATES
PROFESSIONAL ENGINEERS & LAND SURVEYORS
P. O. BOX 9804 - BALTIMORE, MD. 21204

BY W.O.L.DATE 11-30-77Parcel TwoSHEET 1 OF 1

FILE _____

Beginning for the same at an iron pipe now set in the second line of the parcel of land which by a deed dated August 12, 1974 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 5472 folio 706 was conveyed by J. Harlan Williams, Jr. and wife to The Western Run Corporation, said point of beginning being South $83^{\circ} 11' 36''$ West 605.37 feet from a concrete monument heretofore set at the beginning of said parcel of land, and running thence, binding on the remainder of said second line and with a part of the last line of the first parcel of land which by a deed dated March 15, 1950 and recorded among the aforesaid land records in Liber T.R.S. No. 1828 folio 42 was conveyed by J. Irving Ensor and wife to John D. Gadd and wife, as now surveyed,

- (1) South $83^{\circ} 11' 36''$ West 602.55 feet to an iron pipe now set, thence with the third line of The Western Run Corporation conveyance and with a part of the ninth line of the second parcel of the Gadd conveyance,
- (2) South $88^{\circ} 24' 00''$ West 651.86 feet to a concrete monument heretofore set, thence for a line of division now made parallel to the last line of the second parcel of the Gadd conveyance,
- (3) South $5^{\circ} 18' 40''$ West 821.09 feet to an iron pipe now set on the north side of a 40 foot road known as Gadd Road (formerly Denwood Road) which was conveyed to Baltimore County by John D. Gadd and wife, and recorded among the aforesaid land records in T.R.S. No. 1899 folio 27 and shown on the plat recorded in Highways Book No. 15 folio 28, 29, and 30, thence binding on said north side of Gadd Road,
- (4) South $89^{\circ} 09' 00''$ East 1405.89 feet to an iron pipe now set, thence leaving Gadd Road for a line of division now made near or along an existing fence,
- (5) North $4^{\circ} 55' 00''$ West 931.45 feet to the place of beginning.

Containing 26.207 acres of land more or less.

Being part of the tract of land which by a deed dated March 15, 1950 and recorded among the Land Records of Baltimore County in Liber T.R.S. No. 1828 folio 42 was conveyed by J. Irving Ensor and Elizabeth E. Ensor, his wife, to John D. Gadd and Mary Gadd, his wife. The said Mary Gadd has heretofore departed this life, thereby vesting fee simple title in and to the said property in the said John D. Gadd by right of survivorship.

EXHIBIT A

PAGE 2 OF 4

JAMES B. SPAMER & ASSOCIATES
PROFESSIONAL ENGINEERS & LAND SURVEYORS
P. O. BOX 9804 - BALTIMORE, MD. 21204

BY W.O.L.EXHIBIT ASHEET 1 OF 1DATE 11-30-77PARCEL THREE

FILE _____

Beginning for the same at a concrete monument heretofore set in or near the center of old and abandoned Falls Road at the beginning of the parcel of land which by a deed dated August 12, 1974 and recorded among the Land Records of Baltimore County in Liber E.B.K. Jr. No. 5472 folio 706 was conveyed by J. Harlan Williams, Jr. and wife to The Western Run Corporation, said point of beginning being also the beginning of the next to last line of the first parcel of land which by a deed dated March 15, 1950 and recorded among the aforesaid land records in Liber T.B.S. No. 1828 folio 42 was conveyed by J. Irving Ensor and wife to John D. Gadd and wife, and running thence binding on said next to last and last lines and with the first and second lines of The Western Run Corporation conveyance, as now surveyed,

- (1) South $83^{\circ} 11' 36''$ West 605.37 feet to an iron pipe now set, thence for a line of division now made near or along an existing fence,
- (2) South $4^{\circ} 55' 00''$ East 931.45 feet to an iron pipe now set on the north side of the 40 foot road known as Gadd Road (formerly Donwood Road) which was conveyed to Baltimore County by John D. Gadd and wife and recorded among the aforesaid land records in T.B.S. No. 1899 folio 27 and shown on a plat recorded in Highways Book No. 15 folio 23, 24 and 30, thence binding on said north side of Gadd Road,
- (3) South $89^{\circ} 09' 00''$ East 215.50 feet to an iron pipe now set,
- (4) by a line curving left with a 1182.00 foot radius the distance of 117.46 feet and a chord bearing North $82^{\circ} 46' 10''$ East 116.07 feet to an iron pipe now set,
- (5) North $74^{\circ} 41' 20''$ East 171.17 feet to an iron pipe now set and
- (6) by a line curving left with a 20.00 foot radius the distance of 39.53 feet and a chord bearing North $29^{\circ} 23' 10''$ East 35.74 feet to an iron pipe now set on the west side of Falls Road (40 feet wide), thence binding thereon,
- (7) North $15^{\circ} 21' 00''$ West 377.22 feet to an iron pipe now set in the sixth line of the first parcel of the John D. Gadd conveyance, thence with the remainder of said sixth line and with a part of the seventh line thereof,
- (8) North $40^{\circ} 03' 30''$ West 89.29 feet to an iron pipe now set and,
- (9) North $4^{\circ} 03' 30''$ West 177.0 feet to an iron pipe now set in the west side of Falls Road (40 feet wide), thence binding thereon,
- (10) North $15^{\circ} 54' 00''$ West 100.25 feet to an iron pipe now set in the eighth line of the first parcel of the John D. Gadd conveyance, thence with the remainder of said eighth line and with the ninth line thereof, as now surveyed,
- (11) North $35^{\circ} 23' 30''$ West 170.96 feet and
- (12) North $1^{\circ} 13' 30''$ West 16.82 feet to the place of beginning.

Containing 16.233 acres of land more or less.

Being part of the tract of land which by a deed dated March 15, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1828 folio 42 was conveyed by J. Irving Ensor and Elizabeth F. Ensor, his wife, to John D. Gadd and Mary Gadd, his wife. The said Mary Gadd has heretofore departed this life, thereby vesting fee simple title in and to the said property in the said John D. Gadd by right of survivorship.

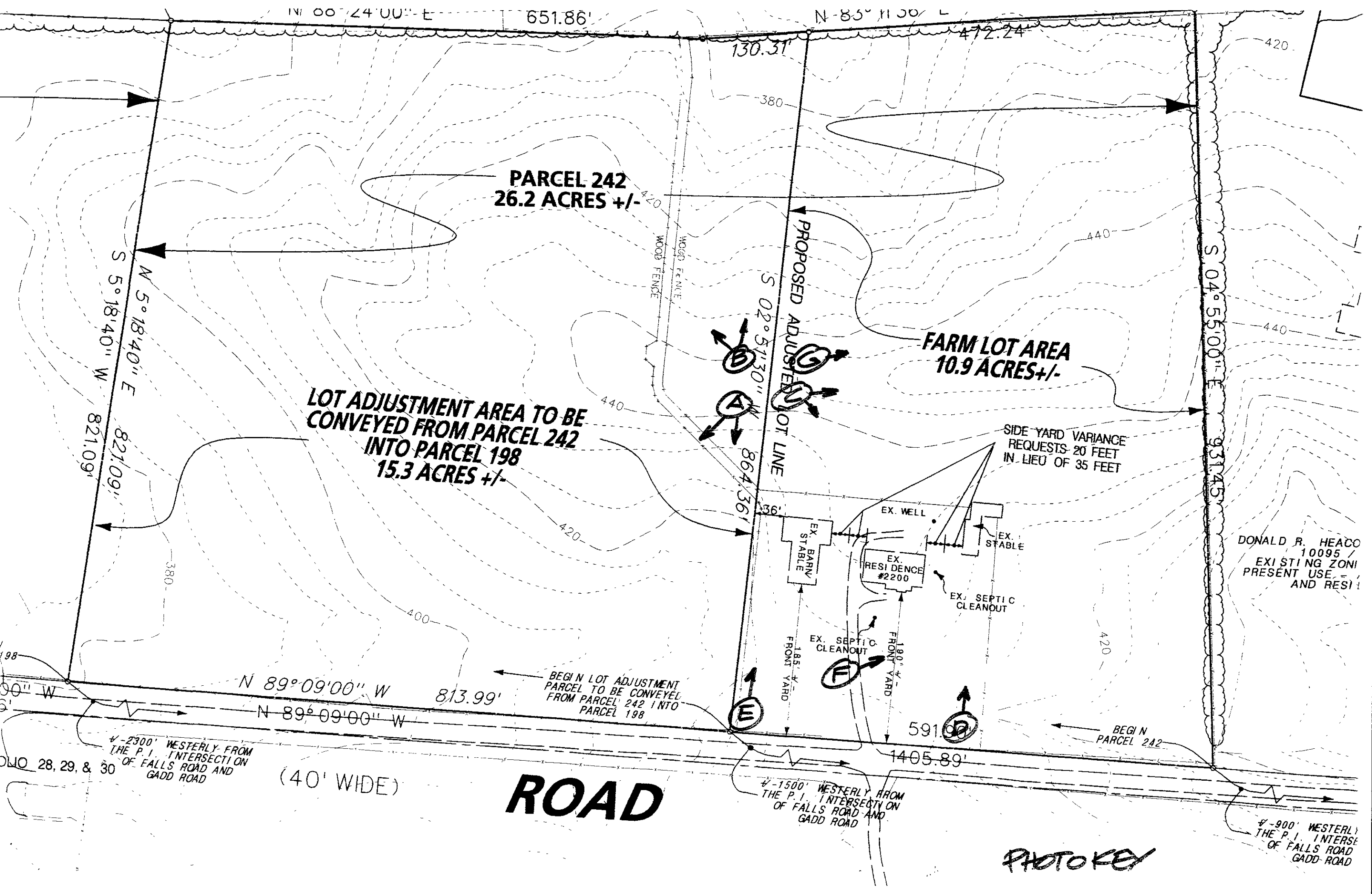
EXHIBIT A

PAGE 3 OF 4

PARCEL FOUR

All that certain tract of land containing approximately 61 acres, more or less, located on the south side of Gadd Road, west of Falls Road (State Rt. 25) in the Eighth Election District of Baltimore County, Maryland, being all of that tract of land which by deed dated March 15, 1950 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1828 folio 42, was conveyed by J. Irving Ensor and Elizabeth E. Ensor, his wife, to John D. Gadd and Mary Gadd, his wife, SAVING AND EXCEPTING those three parcels of land identified as Parcel One, Parcel Two and Parcel Three and hereinbefore described in this Exhibit A to Declaration of Covenants and Restrictions.

Rec'd for record DEC 6 1977 at 9³⁴ PM
Per Elmer H. Kahline, Jr., Clerk
Mail to Cook, Howard et al
Receipt No. 29.00



PARCEL 242
26.2 ACRES +/-

FARM LOT AREA
10.9 ACRES +/-

**LOT ADJUSTMENT AREA TO BE
CONVEYED FROM PARCEL 242
INTO PARCEL 198**
15.3 ACRES +/-

PROPOSED ADJUSTED LOT LINE

**SIDE YARD VARIANCE
REQUESTS 20 FEET
IN LIEU OF 35 FEET**

DONALD R. HEACO
10095 /
EXISTING ZONING
PRESENT USE -
AND RESIDENTIAL

ROAD

PHOTO KEY

1/4 - 2300' WESTERLY FROM
THE P.I. INTERSECTION
OF FALLS ROAD AND
GADD ROAD

(40' WIDE)

1/4 - 1500' WESTERLY FROM
THE P.I. INTERSECTION
OF FALLS ROAD AND
GADD ROAD

1/4 - 900' WESTERLY
THE P.I. INTERSE
OF FALLS ROAD
GADD ROAD

Exhibit To Accompany
Zoning Petition
Part of 200 Scale
Zoning Map NW 21-F

262

R. C. 2

97-262-SPHA

R. C. 4

R. C. 4

INGTON VALLEY
N.R.H.D.

N-82,000

R. C. 2

PARCEL 242

R. C. 2

PARCEL 198

92-503-A

R. C. 2

ROAD

R. C. 2

GADD

R. C. 2

1"=200'

N-81,000

94-40-A



Photo B
Looking northwest from
proposed adjusted lot line

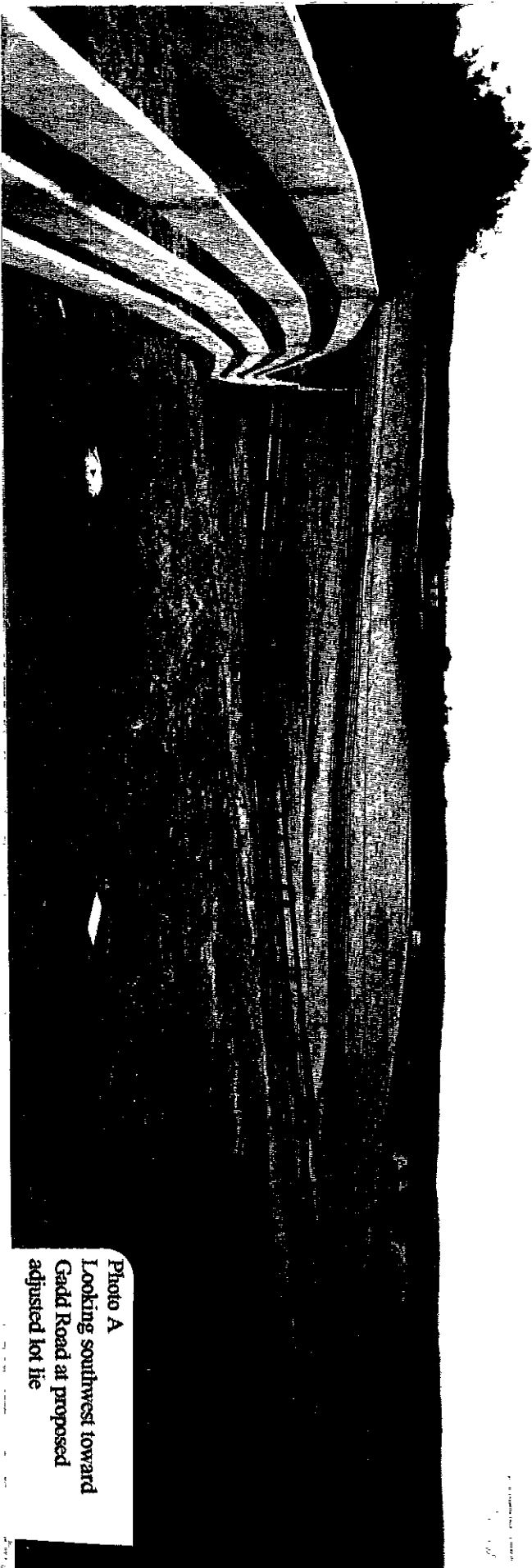
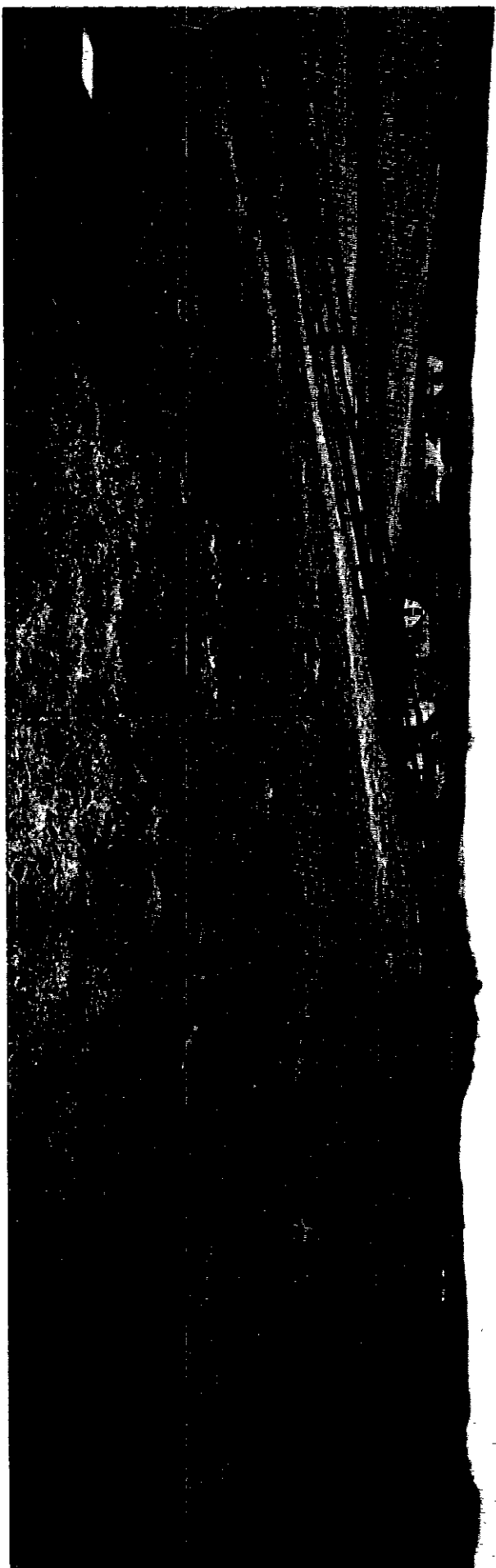


Photo A
Looking southwest toward
Gadd Road at proposed
adjusted lot line



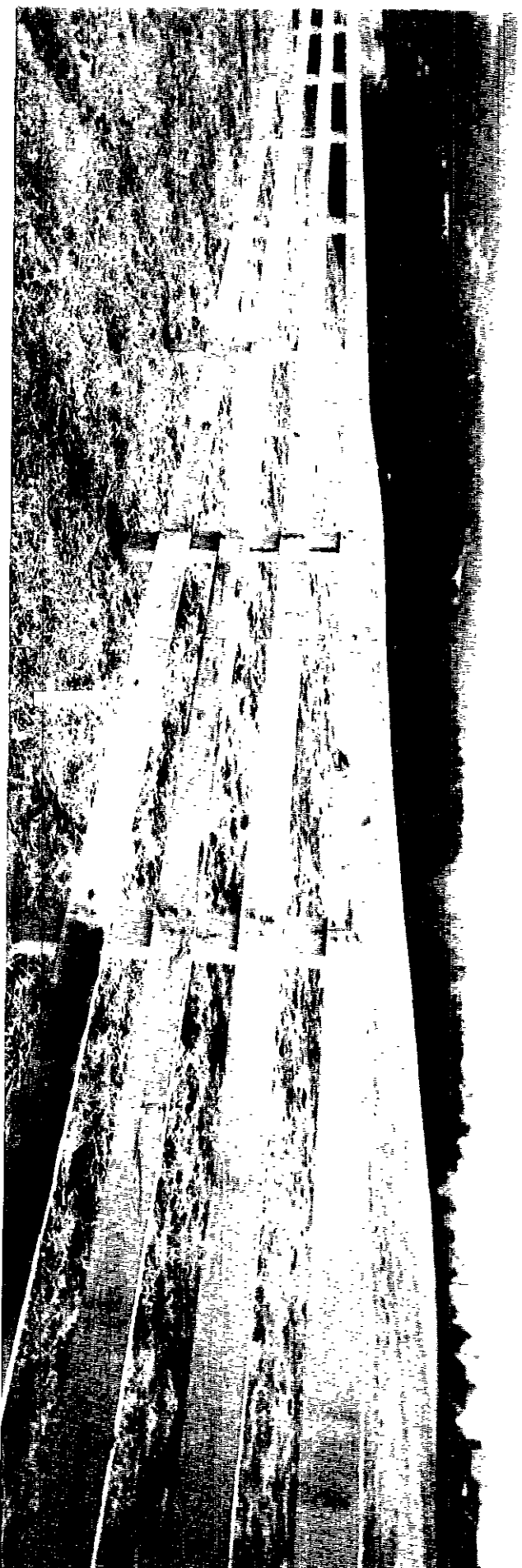


Photo C
Looking east to
Farm Lot Rear Pasture







Photo D
Looking north to existing
residence and pasture



Photo E
Looking north to
Stable and pasture
Farm Lot

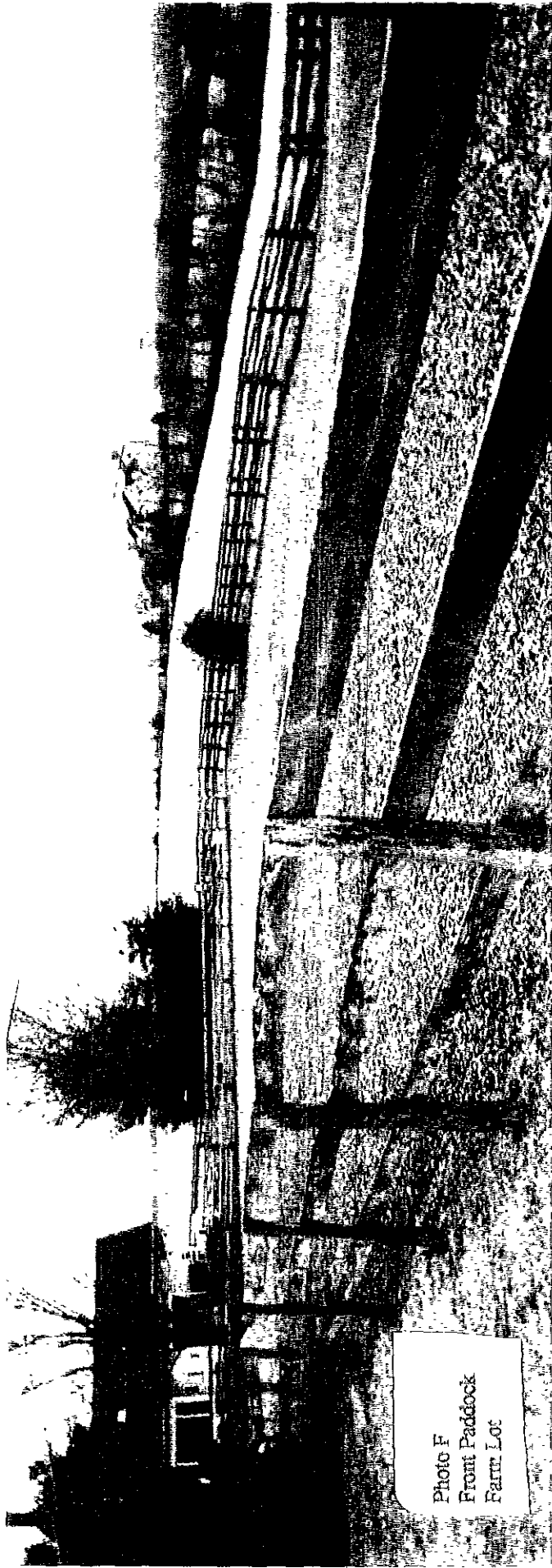


Photo F
Front Paddock
Farm Lot





Photo G
Mr. William's horses
in rear pasture
Farm Lot



Exhibit To Accompany
Zoning Petition
Part of 200 Scale
Zoning Map NW 21-F

97-262-SHA

N-83,000

262

R. C. 2

R. C. 4

R. C. 4

R. C. 2

N-82,000

PARCEL 242

R. C. 2

92-503-A

PARCEL 198

R. C. 2

ROAD

R. C. 2

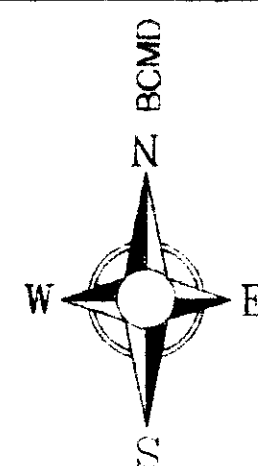
GADD

R. C. 2

1"=200'

N-81,000

94-40-A

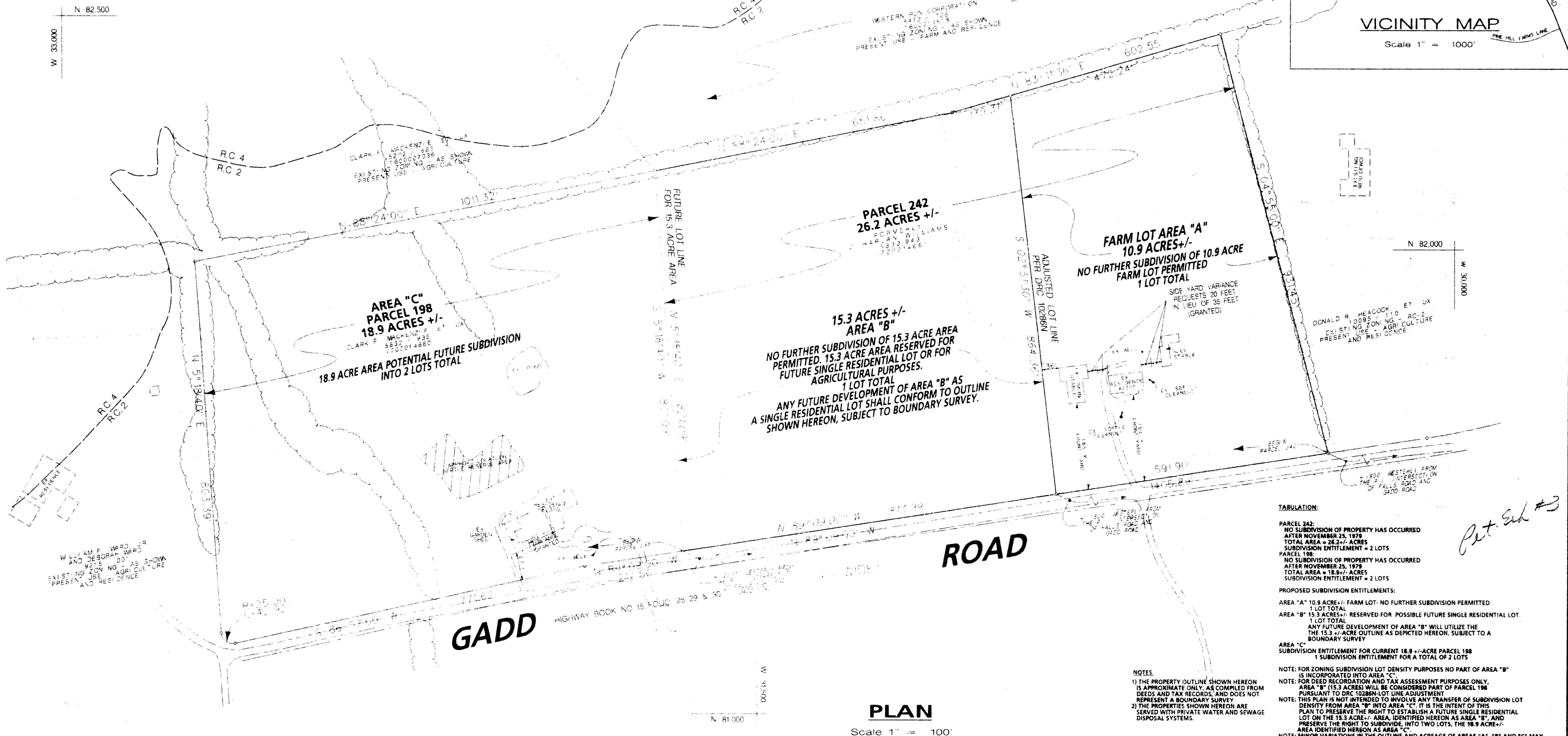
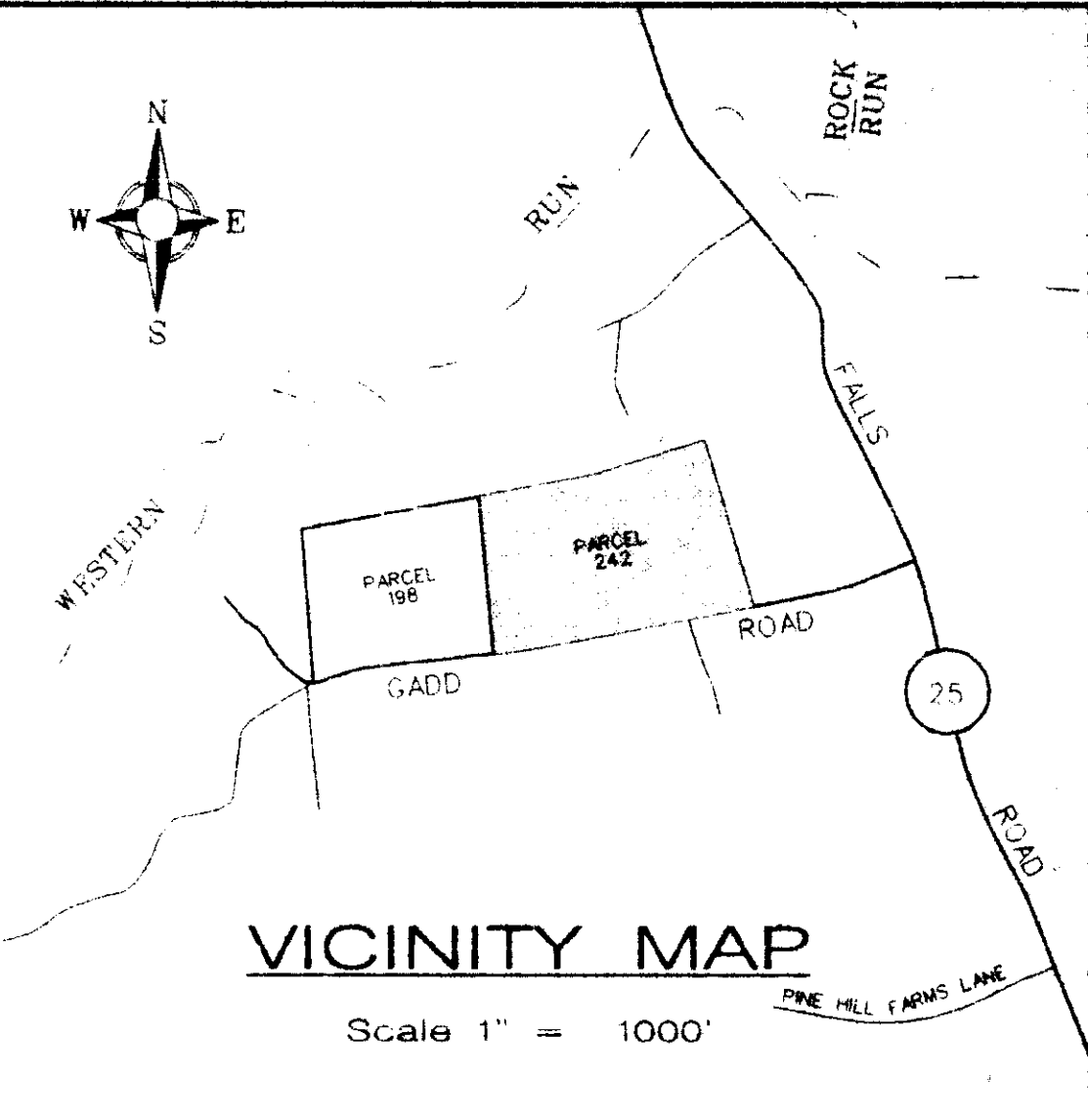


SITE DATA:

AREA OF PARCEL 242 = 26.2 ACRES
AREA OF PARCEL 198 = 18.9 ACRES
EXISTING ZONING = RC-2
PRESENT USE:
PARCEL 242 = HORSE FARM AND SINGLE FAMILY RESIDENCE
PARCEL 198 = FARM AND SINGLE FAMILY RESIDENCE
PROPOSED USE = SAME
OPEN SPACE = N/A
COUNCILMANIC DISTRICT = 8
DEED REFERENCE:
PARCEL 198 - 5832 / 945
TAX ACCOUNT NUMBERS
PARCEL 242 - 1700014661
PARCEL 198 - 1700014660
STORMWATER MANAGEMENT: N/A (NO DISTURBANCE PROPOSED)
LOT LINE ADJUSTMENT: SEE DRC 10286N 10/28/96

PREVIOUS ZONING CASES: (PARCEL 198)

CASE 92-503-A
VARIANCE GRANTED TO PERMIT 62 FEET BETWEEN PRINCIPAL STRUCTURES AND TO ALLOW A 22 FEET HIGH ACCESSORY STRUCTURE SUBJECT TO THE FOLLOWING:
THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER. HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL SUCH TIME AS THE 30 DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.



TABULATION:

PARCEL 242:
NO SUBDIVISION OF PROPERTY HAS OCCURRED
AFTER NOVEMBER 25, 1979
TOTAL AREA = 26.2 +/- ACRES
SUBDIVISION ENTITLEMENT = 2 LOTS
PARCEL 198:
NO SUBDIVISION OF PROPERTY HAS OCCURRED
AFTER NOVEMBER 25, 1979
TOTAL AREA = 18.9 +/- ACRES
SUBDIVISION ENTITLEMENT = 2 LOTS
PROPOSED SUBDIVISION ENTITLEMENTS:
AREA "A" 10.9 ACRES +/-: FARM LOT- NO FURTHER SUBDIVISION PERMITTED
1 LOT TOTAL
AREA "B" 15.3 ACRES +/-: RESERVED FOR POSSIBLE FUTURE SINGLE RESIDENTIAL LOT
1 LOT TOTAL
ANY FUTURE DEVELOPMENT OF AREA "B" WILL UTILIZE THE 15.3 +/- ACRE OUTLINE AS DEPICTED HEREON, SUBJECT TO A BOUNDARY SURVEY
AREA "C"
SUBDIVISION ENTITLEMENT FOR CURRENT 18.9 +/- ACRE PARCEL 198
1 SUBDIVISION ENTITLEMENT FOR A TOTAL OF 2 LOTS
NOTE: FOR ZONING SUBDIVISION LOT DENSITY PURPOSES NO PART OF AREA "B" IS INCORPORATED INTO AREA "C"
NOTE: FOR DEED RECORDATION AND TAX ASSESSMENT PURPOSES ONLY, AREA "B" (15.3 ACRES) WILL BE CONSIDERED PART OF PARCEL 198
PURSUANT TO DRC 10286N LOT LINE ADJUSTMENT
NOTE: THIS PLAN IS NOT INTENDED TO INVOLVE ANY TRANSFER OF SUBDIVISION LOT DENSITY FROM AREA "B" INTO AREA "C". IT IS THE INTENT OF THIS PLAN TO PRESERVE THE RIGHT TO ESTABLISH A FUTURE SINGLE RESIDENTIAL LOT ON THE 15.3 ACRES +/- AREA, IDENTIFIED HEREON AS AREA "B", AND PRESERVE THE RIGHT TO SUBDIVIDE INTO TWO LOTS, THE 10.9 ACRES +/- AREA IDENTIFIED HEREON AS AREA "A"
NOTE: MINOR VARIATIONS IN THE OUTLINE AND ACREAGE OF AREAS "A", "B" AND "C" MAY OCCUR AS THE RESULT OF A BOUNDARY SURVEY OF THE PROPERTIES. THE FINAL SURVEYED METES AND BOUNDS WILL BE ESTABLISHED TO COMPLY, AS CLOSELY AS POSSIBLE, TO THIS PLAN.

NOTES:

- 1) THE PROPERTY OUTLINE SHOWN HEREON IS APPROXIMATE ONLY, AS COMPILED FROM DEEDS AND TAX RECORDS, AND DOES NOT REPRESENT A BOUNDARY SURVEY.
- 2) THE PROPERTIES SHOWN HEREON ARE SERVED WITH PRIVATE WATER AND SEWAGE DISPOSAL SYSTEMS.

PLAN

Scale 1" = 100'

MATIS WARFIELD, INC.
CONSULTING ENGINEERS
6600 York Road, Suite 209
Baltimore, Maryland 21212
Phone: (410) 377-7596

John Z...
7/25/97

LEGAL OWNER

PARCEL 198 & 242*
CLARK F. MACKENZIE &
ANN SCHAEFFER MACKENZIE
2310 GADD ROAD
COCKEYSVILLE, MD 21030

*NOTE: PARCEL 242 PREVIOUSLY OWNED BY J. HARLAN WILLIAMS AT TIME OF ZONING HEARING.

PETITIONER

CLARK F. MACKENZIE
2310 GADD ROAD
COCKEYSVILLE, MD 21030
C/O MACKENZIE COMPANIES
2328 WEST JOPPA ROAD
SUITE 200
LUTHERVILLE, MD 21093
410-821-8585

THIS PLAN IS INTENDED FOR ZONING PURPOSES ONLY AND IS NOT FOR USE IN THE CONVEYANCE OF LAND.

AMENDED SPECIAL HEARING REQUESTS

- 1) TO PRESERVE THE RIGHT TO ESTABLISH A FUTURE SINGLE RESIDENTIAL LOT FOR THAT 15.3 +/- ACRE AREA DESIGNATED HEREON AS AREA "B", AND TO PRESERVE THE RIGHT TO SUBDIVIDE THE 18.9 +/- ACRE AREA, DESIGNATED HEREON AS AREA "C", INTO TWO LOTS, AND
 - 2) TO CONFIRM THE CONTINUED LEGITIMACY OF THE REDUCED ACREAGE FARM USE, DESIGNATED HEREON AS THE 10.9 +/- ACRE AREA "A".
- VARIANCES HAVE BEEN GRANTED PURSUANT TO CASE 97-262-SPHA TO SECTION 1A01.3 B.3 (SECTION 404.5) TO PERMIT SIDE YARD SETBACKS OF 20 FEET EACH (40 FEET BUILDING SEPARATION) BETWEEN AN EXISTING RESIDENCE AND EXISTING FARM BUILDINGS IN LIEU OF THE REQUIRED 35 FEET (70 FEET BUILDING SEPARATION).

DATE: 11/21/96

REV. DATE: 9/9/97
INCORPORATE COMMENTS
OUTLINED BY OFFICE OF
PEOPLE'S COUNSEL

REV. DATE: 9/22/97
FINAL PLAN FOR BOARD
CONSIDERATION

PLAN TO ACCOMPANY AMENDED SPECIAL HEARING REQUESTS FOR BOARD OF APPEALS CASE #97-262-SPHA

Nos. 2200 & 2310 GADD ROAD

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 100'

ELECTION DISTRICT 3
SHEET 1 OF 1

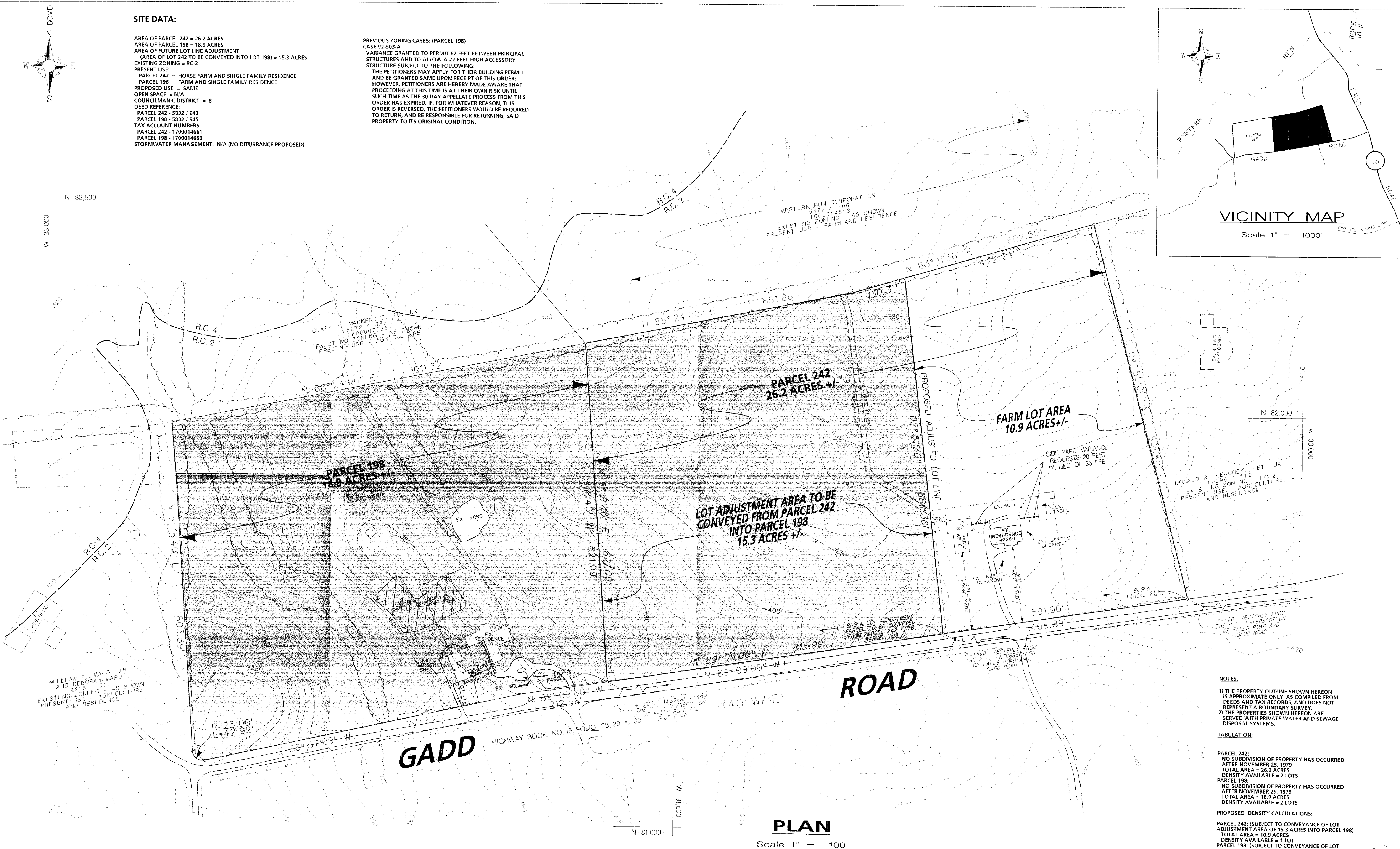
SITE DATA:

AREA OF PARCEL 242 = 26.2 ACRES
 AREA OF PARCEL 198 = 18.9 ACRES
 AREA OF FUTURE LOT LINE ADJUSTMENT
 (AREA OF LOT 242 TO BE CONVEYED INTO LOT 198) = 15.3 ACRES
 EXISTING ZONING = RC-2
 PRESENT USE:
 PARCEL 242 = HORSE FARM AND SINGLE FAMILY RESIDENCE
 PARCEL 198 = FARM AND SINGLE FAMILY RESIDENCE
 PROPOSED USE = SAME
 OPEN SPACE = N/A
 COUNCILMANIC DISTRICT = 8
 DEED REFERENCE:
 PARCEL 242 - 5832 / 943
 PARCEL 198 - 5832 / 945
 TAX ACCOUNT NUMBERS
 PARCEL 242 - 1700014661
 PARCEL 198 - 1700014660
 STORMWATER MANAGEMENT: N/A (NO DISTURBANCE PROPOSED)

PREVIOUS ZONING CASES: (PARCEL 198)
 CASE 92-503-A
 VARIANCE GRANTED TO PERMIT 62 FEET BETWEEN PRINCIPAL
 STRUCTURES AND TO ALLOW A 22 FEET HIGH ACCESSORY
 STRUCTURE SUBJECT TO THE FOLLOWING:
 THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT
 AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER;
 HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT
 PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL
 SUCH TIME AS THE 30 DAY APPELLATE PROCESS FROM THIS
 ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS
 ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED
 TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID
 PROPERTY TO ITS ORIGINAL CONDITION.

VICINITY MAP

Scale 1" = 1000'



NOTES:

- 1) THE PROPERTY OUTLINE SHOWN HEREON IS APPROXIMATE ONLY, AS COMPILED FROM DEEDS AND TAX RECORDS, AND DOES NOT REPRESENT A BOUNDARY SURVEY.
- 2) THE PROPERTIES SHOWN HEREON ARE SERVED WITH PRIVATE WATER AND SEWAGE DISPOSAL SYSTEMS.

TABULATION:

PARCEL 242:
 NO SUBDIVISION OF PROPERTY HAS OCCURRED
 AFTER NOVEMBER 25, 1979
 TOTAL AREA = 26.2 ACRES
 DENSITY AVAILABLE = 2 LOTS
 PARCEL 198:
 NO SUBDIVISION OF PROPERTY HAS OCCURRED
 AFTER NOVEMBER 25, 1979
 TOTAL AREA = 18.9 ACRES
 DENSITY AVAILABLE = 2 LOTS
 PROPOSED DENSITY CALCULATIONS:
 PARCEL 242: (SUBJECT TO CONVEYANCE OF LOT
 ADJUSTMENT AREA OF 15.3 ACRES INTO PARCEL 198)
 TOTAL AREA = 10.9 ACRES
 DENSITY AVAILABLE = 1 LOT
 PARCEL 198: (SUBJECT TO CONVEYANCE OF LOT
 ADJUSTMENT AREA OF 15.3 ACRES INTO PARCEL 198)
 TOTAL AREA = 34.2 ACRES
 DENSITY AVAILABLE = 3 LOTS

MATIS WARFIELD, INC.
CONSULTING ENGINEERS
 6600 York Road, Suite 209
 Baltimore, Maryland 21212
 Phone: (410) 377-7596

LEGAL OWNERS
 PARCEL 198
 CLARK F. MACKENZIE &
 ANN SCHAEFFER MACKENZIE
 2310 GADD ROAD
 COCKEYSVILLE, MD 21030
 PARCEL 242
 J. HARLAN WILLIAMS, JR.
 19 SEMINARY DRIVE
 LUTHERVILLE, MD 21093

PETITIONER
 CLARK F. MACKENZIE
 2310 GADD ROAD
 COCKEYSVILLE, MD 21030
 C/O MOPF
 2328 WEST JOPPA ROAD
 SUITE 200
 LUTHERVILLE, MD 21093
 410-821-8585

THIS PLAN IS INTENDED FOR ZONING PURPOSES
 ONLY AND IS NOT FOR USE IN THE CONVEYANCE
 OF LAND.

A SPECIAL HEARING IS REQUESTED PURSUANT TO SECTION 500.7
 TO PERMIT THE TRANSFER OF A DENSITY RIGHT FROM PARCEL
 242 TO PARCEL 198 AND TO CONFIRM THE CONTINUED LEGITIMACY
 OF THE FARM USE ON THE REDUCED ACREAGE OF PARCEL 242.
 VARIANCES ARE REQUESTED TO SECTION 1A01.3.B.3 (SECTION
 404.5) TO PERMIT SIDE YARD SETBACKS OF 20 FEET EACH
 (40 FEET BUILDING SEPARATION) BETWEEN AN EXISTING
 RESIDENCE AND EXISTING FARM BUILDINGS IN LIEU OF
 THE REQUIRED 35 FEET, (70 FEET BUILDING SEPARATION).

DATE: 11/21/96

**PLAT TO ACCOMPANY ZONING PETITION
 FOR SPECIAL HEARING AND VARIANCES**

Nos. 2200 & 2310 GADD ROAD

BALTIMORE COUNTY, MARYLAND
 SCALE: 1" = 100'

ELECTION DISTRICT 3
 SHEET 1 OF 1

SITE DATA:

AREA OF PARCEL 242 = 26.2 ACRES
 AREA OF PARCEL 198 = 18.9 ACRES
 AREA OF FUTURE LOT LINE ADJUSTMENT
 (AREA OF LOT 242 TO BE CONVEYED INTO LOT 198) = 15.3 ACRES
 EXISTING ZONING = RC-2
 PRESENT USE:
 PARCEL 242 = HORSE FARM AND SINGLE FAMILY RESIDENCE
 PARCEL 198 = FARM AND SINGLE FAMILY RESIDENCE
 PROPOSED USE = SAME
 OPEN SPACE = N/A
 COUNCILMANIC DISTRICT = 8
 DEED REFERENCE:
 PARCEL 242 - 5832 / 943
 PARCEL 198 - 5832 / 945
 TAX ACCOUNT NUMBERS
 PARCEL 242 - 1700014661
 PARCEL 198 - 1700014660
 STORMWATER MANAGEMENT: N/A (NO DISTURBANCE PROPOSED)

PREVIOUS ZONING CASES: (PARCEL 198)
 CASE 92-503-A
 VARIANCE GRANTED TO PERMIT 62 FEET BETWEEN PRINCIPAL
 STRUCTURES AND TO ALLOW A 22 FEET HIGH ACCESSORY
 STRUCTURE SUBJECT TO THE FOLLOWING:
 THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT
 AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER;
 HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT
 PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL
 SUCH TIME AS THE 30 DAY APPELATE PROCESS FROM THIS
 ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS
 ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED
 TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID
 PROPERTY TO ITS ORIGINAL CONDITION.

VICINITY MAP

Scale 1" = 1000'

WESTERN RUN CORPORATION
 5472 708
 1600014513 AS SHOWN
 EXISTING ZONING = FARM AND RESIDENCE
 PRESENT USE = FARM AND RESIDENCE

CLARK F. MACKENZIE ET UX
 5272 5832
 1600007036 AS SHOWN
 EXISTING ZONING = AGRICULTURE
 PRESENT USE = AGRICULTURE

PARCEL 198
 18.9 ACRES +/-

PARCEL 242
 26.2 ACRES +/-

FARM LOT AREA
 10.9 ACRES +/-

**LOT ADJUSTMENT AREA TO BE
 CONVEYED FROM PARCEL 242
 INTO PARCEL 198**
 15.3 ACRES +/-

ROAD

GADD

PLAN

Scale 1" = 100'

NOTES:

- 1) THE PROPERTY OUTLINE SHOWN HEREON IS APPROXIMATE ONLY, AS COMPILED FROM DEEDS AND TAX RECORDS, AND DOES NOT REPRESENT A BOUNDARY SURVEY.
- 2) THE PROPERTIES SHOWN HEREON ARE SERVED WITH PRIVATE WATER AND SEWAGE DISPOSAL SYSTEMS.

TABULATION:

PARCEL 242:
 NO SUBDIVISION OF PROPERTY HAS OCCURRED
 AFTER NOVEMBER 25, 1979
 TOTAL AREA = 26.2 ACRES
 DENSITY AVAILABLE = 3 LOTS
PARCEL 198:
 NO SUBDIVISION OF PROPERTY HAS OCCURRED
 AFTER NOVEMBER 25, 1979
 TOTAL AREA = 18.9 ACRES
 DENSITY AVAILABLE = 2 LOTS
PROPOSED DENSITY CALCULATIONS:
PARCEL 242: (SUBJECT TO CONVEYANCE OF LOT
 ADJUSTMENT AREA OF 15.3 ACRES INTO PARCEL 198)
 TOTAL AREA = 10.9 ACRES
 DENSITY AVAILABLE = 1 LOT
PARCEL 198: (SUBJECT TO CONVEYANCE OF LOT
 ADJUSTMENT AREA OF 15.3 ACRES INTO PARCEL 198)
 TOTAL AREA = 34.2 ACRES
 DENSITY AVAILABLE = 3 LOTS

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LEGAL OWNERS
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 CLARK F. MACKENZIE &
 ANN SCHAEFFER MACKENZIE
 2310 GADD ROAD
 COCKEYSVILLE, MD 21030
PARCEL 242
 J. HARLAN WILLIAMS, JR.
 19 SEMINARY DRIVE
 LUTHERVILLE, MD 21093

PETITIONER
 CLARK F. MACKENZIE
 2310 GADD ROAD
 COCKEYSVILLE, MD 21030
 C/O MOPF
 2328 WEST JOPPA ROAD
 SUITE 200
 LUTHERVILLE, MD 21093
 410-821-8585

THIS PLAN IS INTENDED FOR ZONING PURPOSES
 ONLY AND IS NOT FOR USE IN THE CONVEYANCE
 OF LAND.

A SPECIAL HEARING IS REQUESTED PURSUANT TO SECTION 500.7
 TO PERMIT THE TRANSFER OF A DENSITY RIGHT FROM PARCEL
 242 TO PARCEL 198 AND TO CONFIRM THE CONTINUED LEGITIMACY
 OF THE FARM USE ON THE REDUCED ACREAGE OF PARCEL 242.
 VARIANCES ARE REQUESTED TO SECTION 1A013.B.3 (SECTION
 404 IS) TO PERMIT SIDE YARD SETBACKS OF 20 FEET EACH
 (40 FEET BUILDING SEPARATION) BETWEEN AN EXISTING
 RESIDENCE AND EXISTING FARM BUILDINGS IN LIEU OF
 THE REQUIRED 35 FEET, (70 FEET BUILDING SEPARATION).

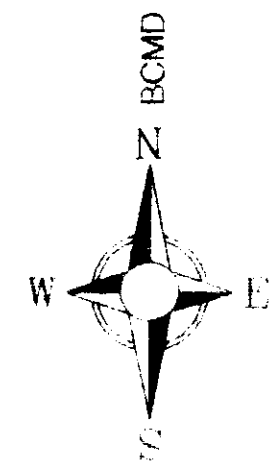
DATE: 11/21/96

**PLAT TO ACCOMPANY ZONING PETITION
 FOR SPECIAL HEARING AND VARIANCES**

Nos. 2200 & 2310 GADD ROAD

BALTIMORE COUNTY, MARYLAND
 SCALE: 1" = 100'

ELECTION DISTRICT 3
 SHEET 1 OF 1

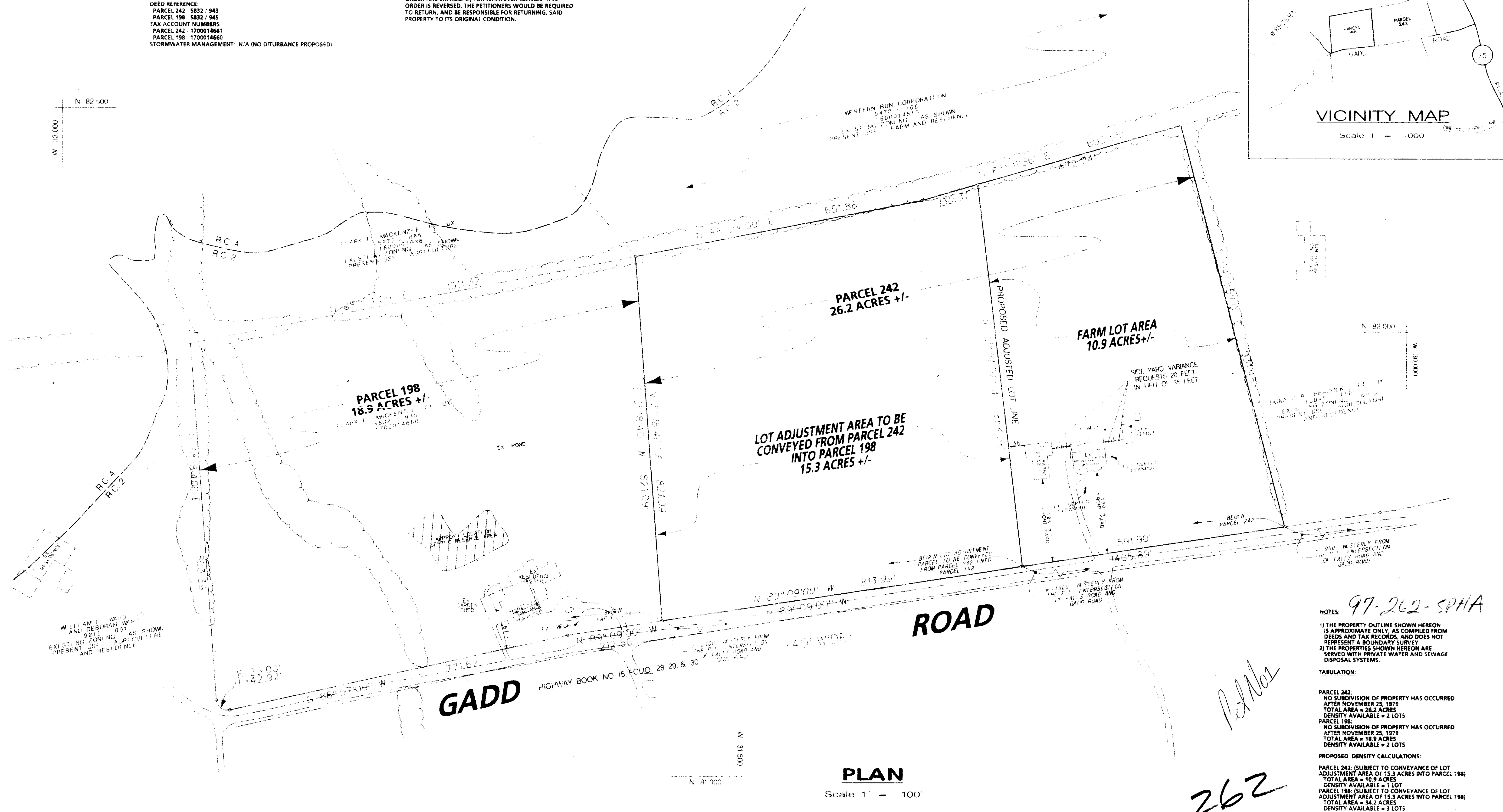
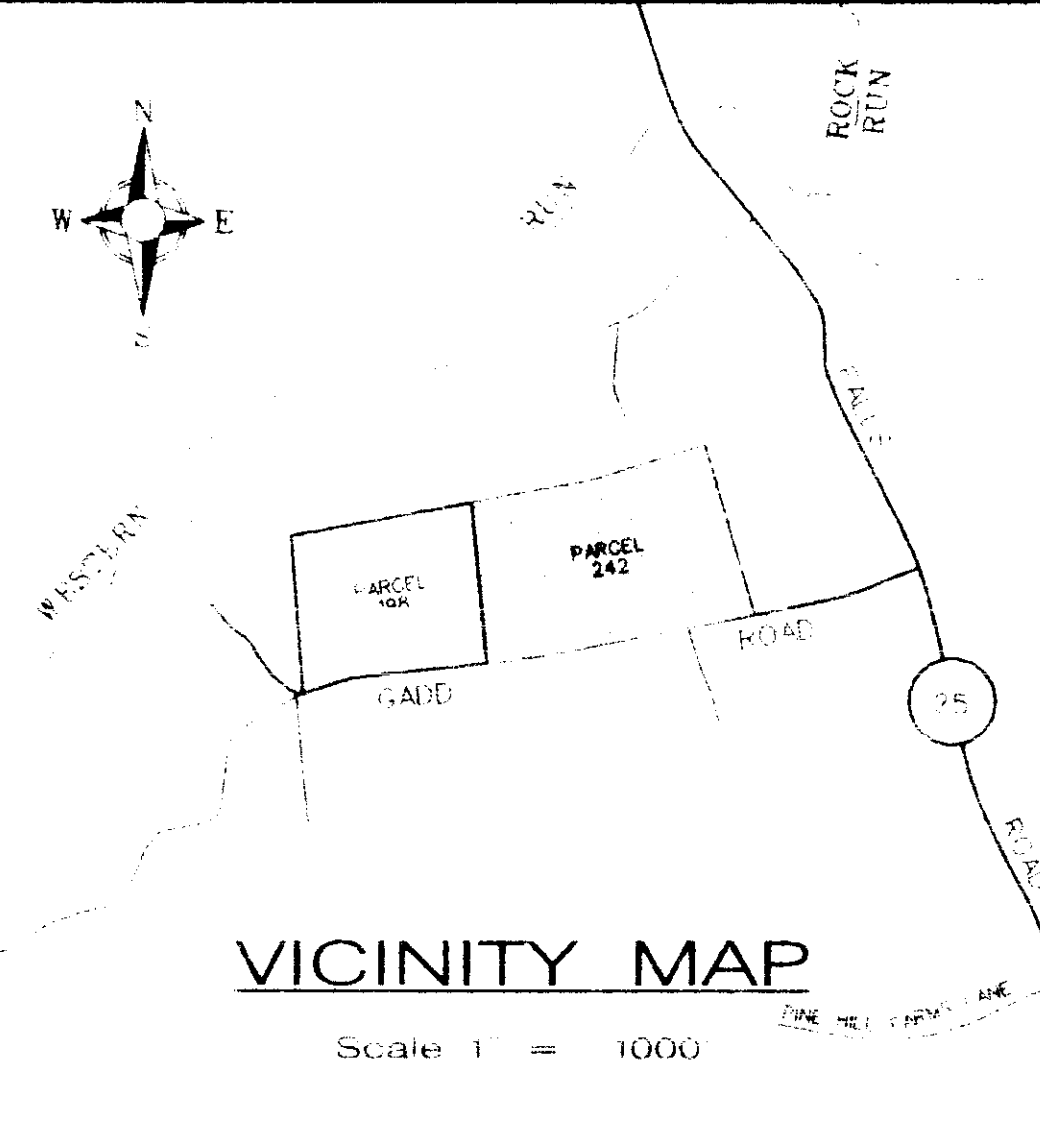


SITE DATA:

AREA OF PARCEL 242 = 26.2 ACRES
AREA OF PARCEL 198 = 18.9 ACRES
AREA OF FUTURE LOT LINE ADJUSTMENT
(AREA OF LOT 242 TO BE CONVEYED INTO LOT 198) = 15.3 ACRES
EXISTING ZONING = RC-2
PRESENT USE:
PARCEL 242 = HORSE FARM AND SINGLE FAMILY RESIDENCE
PARCEL 198 = FARM AND SINGLE FAMILY RESIDENCE
PROPOSED USE = SAME
OPEN SPACE = N/A
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PARCEL 242 - 1700014661
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STORMWATER MANAGEMENT: N/A (NO DISTURBANCE PROPOSED)

PREVIOUS ZONING CASES (PARCEL 198)

CASE 92-503-A
VARIANCE GRANTED TO PERMIT 62 FEET BETWEEN PRINCIPAL
STRUCTURES AND TO ALLOW A 22 FEET HIGH ACCESSORY
STRUCTURE SUBJECT TO THE FOLLOWING:
THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT
AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER;
HOWEVER, PETITIONERS ARE HEREBY MADE AWARE THAT
PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL
SUCH TIME AS THE 30 DAY APPELLATE PROCESS FROM THIS
ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS
ORDER IS REVERSED, THE PETITIONERS WOULD BE REQUIRED
TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID
PROPERTY TO ITS ORIGINAL CONDITION.



NOTES: 97-262-SPHA

- 1) THE PROPERTY OUTLINE SHOWN HEREON IS APPROXIMATE ONLY, AS COMPILED FROM DEEDS AND TAX RECORDS, AND DOES NOT REPRESENT A BOUNDARY SURVEY.
- 2) THE PROPERTIES SHOWN HEREON ARE SERVED WITH PRIVATE WATER AND SEWAGE DISPOSAL SYSTEMS.

TABULATION:

PARCEL 242:
NO SUBDIVISION OF PROPERTY HAS OCCURRED
AFTER NOVEMBER 25, 1979
TOTAL AREA = 26.2 ACRES
DENSITY AVAILABLE = 2 LOTS
PARCEL 198:
NO SUBDIVISION OF PROPERTY HAS OCCURRED
AFTER NOVEMBER 25, 1979
TOTAL AREA = 18.9 ACRES
DENSITY AVAILABLE = 2 LOTS
PROPOSED DENSITY CALCULATIONS:
PARCEL 242: (SUBJECT TO CONVEYANCE OF LOT
ADJUSTMENT AREA OF 15.3 ACRES INTO PARCEL 198)
TOTAL AREA = 10.9 ACRES
DENSITY AVAILABLE = 1 LOT
PARCEL 198: (SUBJECT TO CONVEYANCE OF LOT
ADJUSTMENT AREA OF 15.3 ACRES INTO PARCEL 198)
TOTAL AREA = 34.2 ACRES
DENSITY AVAILABLE = 3 LOTS

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SUITE 200
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THIS PLAN IS INTENDED FOR ZONING PURPOSES
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OF LAND

A SPECIAL HEARING IS REQUESTED PURSUANT TO SECTION 500.7
TO PERMIT THE TRANSFER OF A DENSITY RIGHT FROM PARCEL
242 TO PARCEL 198 AND TO CONFIRM THE CONTINUED LEGITIMACY
OF THE FARM USE ON THE REDUCED ACREAGE OF PARCEL 242
VARIANCES ARE REQUESTED TO SECTION 1401.3.B.3 (SECTION
404.5) TO PERMIT SIDE YARD SETBACKS OF 20 FEET EACH
(40 FEET BUILDING SEPARATION) BETWEEN AN EXISTING
RESIDENCE AND EXISTING FARM BUILDINGS IN LIEU OF
THE REQUIRED 35 FEET, (70 FEET BUILDING SEPARATION).

DATE: 1/21/96

**PLAT TO ACCOMPANY ZONING PETITION
FOR SPECIAL HEARING AND VARIANCES**
Nos. 2200 & 2310 GADD ROAD

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 100'

ELECTION DISTRICT 3
SHEET 1 OF 1