IN THE MATTER OF ERNEST W. VANDERMAST, III-LEGAL OWNER; JOSEPH E. BUCHANAN, II-CONTRACT PURCHASER/PETITIONER 2209-2341 VANDERMAST LANE AND 1000-1021 GOFF ROAD 15th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT	* BEFORE THE * COUNTY BOARD OF APPEALS * OF * BALTIMORE COUNTY * CASE NO. 97-576-SPH

* * * * * * * * * *

ORDER OF DISMISSAL

This matter is before the Board on an appeal taken by J. Carroll Holzer, Esquire on behalf of Carl Maynard, Keith Roberts, Leroy Sennett and the Back River Neck Community Association, and the Office of People's Counsel, from a decision of the Zoning Commissioner dated September 4, 1997, in which the requested zoning relief was GRANTED in part and DENIED in part. This subject matter has been held on the Board's docket since April 14, 1998, and no further action has occurred in this matter.

The Board convened on June 11, 2009 for Case No.: CBA-09-007, as assigned for hearing. At that scheduled hearing, and on the record, Lawrence E. Schmidt, Esquire, on behalf of the Petitioners, withdrew the Petition for Special Hearing in this matter (Case No.: 97-576-SPH) as reflected in the transcript of that hearing.

THEREFORE, IT IS this 16th day of June, 2009 by the County Board of Appeals of Baltimore County,

ORDERED that the appeals filed in Case No. 97-576-SPH be and the same are hereby **DISMISSED**.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Maureen E. Murphy, Panel Chair

Pull w/ Vandermast

97-576-SPH

WILL THIS CASE BE DISMISSED ON THE RECORD PRIOR TO THE HEARING COMMENCING ON THE CURRENT VANDERMAST

IN RE:	PETITION FOR SPECIAL HEARING NE/S Holly Neck Road and Goff Road 2209-2341 Vandermast Lane 5th Councilmanic District 15th Election District Ernest Vandermast, III Legal Owner Joseph E. Buchanan, II Contract Purchaser	*	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY
	Petitioners	*	Case No. 97-576-SPH

* * * * * * * * * * * * *

NOTICE OF APPEAL

Appellants Carl Maynard, Keith Roberts, Leroy Sennett, individually, and Back River Neck Community Association by and through their attorney J. Carroll Holzer and Holzer and Lee, hereby note an appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner of Baltimore County rendered on September 4, 1997.

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the costs of the appeal.

Respectfully submitted,

J. Carroll Holzer
Holzer and Lee
305 Washington Avenue
Suite 502
Towson, Maryland 21204
410-825-6961
Attorney for Appellants

RECEIVED
RYE 9/16/97
ZONING OFFICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of September, 1997 a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, P.O. Box 5517, Towson, MD 21285-5517 and Peter Max Zimmerman, Esq. People's Counsel for Baltimore County, 400 Washington Ave., Old Courthouse, Towson, MD 21204.

J. Carroll Holzer

NOTICES\A:\BackRiv.NOA

9/1/97

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NE/S Holly Neck Road and Goff
Road (2209-2341 Vandermast Lane; * DEPUTY ZONING COMMISSIONER
1000 to 1021 Goff Road)
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District
* Case No. 97-576-SPH
Ernest W. Vandermast, III,
Legal Owner; and, Joseph E. *
Buchanan, II - Contract Purchaser - Petitioners

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Ernest W. Vandermast, III, and the Contract Purchaser, Joseph E. Buchanan, II. The Petitioners seek approval that 22 dwelling units existing on the subject property are legal nonconforming uses. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibits 1 and 1A.

Appearing at the hearing on behalf of the Petition were Ernest and Arnold Vandermast, property owners, Joseph E. Buchanan, II, Contract Purchaser, Grace Thomas, Robert W. Lazzaro, Bob Beverungen, and Patrick O'Keefe. The Petitioners were represented by Robert A. Hoffman, Esquire and Patricia A. Malone, Esquire. Appearing as Protestants in the matter were Carl Maynard, President of the Back River Neck Peninsula Community Association, Inc., Keith Roberts, President of the Holly Neck Improvement Association, Inc., Leroy Sennett and Jack U. Mowll. The Protestants were represented by J. Carroll Holzer, Esquire.

Testimony and evidence offered revealed that the subject property consists of a gross area of 60 acres, more or less, of which 12 acres are

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Date 9/2/97
By

zoned R.C.5 and the remaining 48 acres zoned R.C.20. The property and its respective zoning classifications are highlighted on the site plan marked as Petitioner's Exhibit 1. The property is a waterfront parcel located on the north side of Holly Neck Road in Essex and is traversed by Goff Road and Vandermast Lane. It abuts Sue Creek along the northern boundary line and Cedar Creek along the southeastern property line. Access to the property is available from Goff Road and Vandermast Lane, both of which lead out to Holly Neck Road. Improvements on the property include 22 dwelling units, 13 of which are located in the R.C.5 zoned portion of the site, and the remaining 9 located in the R.C.20 zone.

As noted above, this property was the subject of prior Case No. 95-412-SPH in which the Petitioners came before this Deputy Zoning Commissioner seeking similar relief as set forth above. In that case, testimony revealed that the Petitioners had been issued a violation by the Baltimore County Department of Health for failing septic systems on the property and that in order to determine how many of the dwellings could be approved for connection to the public sewer system, the Petitioners needed to prove the dwellings were legal and nonconforming. Hence, the Petition for Special Hearing in Case No. 95-412-SPH was filed. However, at that hearing, the Petitioners were unable to provide substantive proof for a nonconforming use to be granted and the relief requested was denied on January 17, 1996. Subsequently, the Petitioners filed an appeal of my decision to the County Board of Appeals, whereupon the People's Counsel for Baltimore County filed a Motion to Dismiss same on the basis that certain Petition filing requirements were not met at the time the hearing took place before me. By Order issued October 17, 1996, the Board found my decision in that case to be null and void and granted the Motion to Dismiss entered by the People's

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By

Counsel. The Board further allowed the Petitioners to file a new Petition for Special Hearing to determine that the subject dwellings are legal and nonconforming, provided all filing requirements and Zoning Commissioner's Rules of Procedure are met. The Petitioners now come before me seeking approval to legitimize those dwellings so that they can obtain approval to connect those units to the public sewer system in that area.

The Petitioners submitted into evidence as Petitioner's Exhibits 2A through 2J various Baltimore County Comprehensive Zoning Maps of the subject property which show the zoning classifications for the property from 1945 through 1996. The Petitioners also submitted into evidence as Petitioner's Exhibit 4 the zoning history of the subject property in chart form, showing the year and zoning classification for the property, its designation and the number of units permitted by the zoning classification in effect. The historical zoning chart of the subject property is as follows:

ZONING HISTORY FOR PROPERTY

YEAR:	ZONING:	ACREAGE:	PERMISSIBLE DENSITY:	UNITS AVAILABLE:
1945	A or B Res.	60±	(1 unit per 5,000 square feet)	500±
	R-40	60±	(1 unit per 40,000 square feet)	60±
1955	R-40	60±	(1 unit per 40,000 square feet)	60±
1966	RDP	60±	(1 unit per acre)	60±
1971	RC-5	60±	(.667 dwellings units per acre)	40±
1976	RC-5	60±	(.667 dwellings units per acre)	40±
1980	RC-5	60±	(.667 dwellings units per acre)	40±
1984	RC-5 RC-20	12± 48±	(.667 dwellings units per acre) (1 unit per 20 acres)	8± 2±
1988	RC-5 RC-20	12± 48±	(.667 dwellings units per acre) (1 unit per 20 acres)	8± 2±
1992	RC-5 RC-20	12± 48±	(.667 dwellings units per acre) (1 unit per 20 acres)	8± 2±
1996	RC-5 RC-20	12± 48±	(.667 dwellings units per acre) (1 unit per 20 acres)	8± 2±

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In addition to the aforementioned zoning history of the subject property, the Petitioners submitted into evidence as Petitioner's Exhibits 3A through 3G the relative excerpts from the Baltimore County Zoning Regulations (B.C.Z.R.) and the density that would be permitted in the given zoning classification for the zoning years from 1945 to 1996. These provisions of the zoning regulations were utilized when calculating the number of units available on the zoning chart produced by the Petitioners.

As to the historical use of the subject property, Mr. Ernest Vandermast III was called upon to testify. Mr. Vandermast testified that he was born in 1948 and his first recollection of the subject property dates back to 1952. Mr. Vandermast had vivid recollection of the utilization of the subject property and the buildings thereon from 1952 until the present time. Mr. Vandermast testified that the property was owned by his great aunts in 1952 and that he and other members of his family would vacation on the subject property at given times of the year. Mr. Vandermast testified that he was physically on the subject property each and every year and recalls that there have been 22 dwelling units on the subject property since 1952. His recollection is based upon the fact that when he and other members of the family visited with his great aunts on the subject property, they would be taken to each and every dwelling unit on the property to meet the very residents who lived on site. Mr. Vandermast's recollection of the various families who resided in the 22 dwelling units on the property was impeccable. He specifically recalled each and every one of the 22 dwelling units shown on Petitioner's Exhibit 1A as being occupied continuously and without interruption as residential units from 1952 until the present date. As an exception to this, Mr. Vandermast did point out that Units 16 and 13 are presently uninhabitable and have been

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By

so for the past year or so. He is therefore not requesting that these two units be given nonconforming status. However, the remaining 20 units have been on the property and used as residences since 1952.

Mr. Vandermast further testified that he and several of his cousins have inherited the property due to the death of his great aunts who were in control of the property until 1986. Since 1986, Mr. Vandermast has been personally involved with the management of the property. He hired a company to assist him in managing the property, given that he is a doctor of veterinary medicine and currently resides in the state of Maine.

Also called to testify was Ms. Grace Thomas, Ernest Vandermast's mother. Ms. Thomas is a resident of Portland, Maine; however, she has vivid recollection of the number of dwelling units on the property from 1944 until 1975. Ms. Thomas corroborated the testimony offered by her son and testified that since 1944 when she first visited the property, she and her family have visited the property each and every year. Ms. Thomas testified that the owners of the property who were Mr. Vandermast's great aunts, would in fact, take her and her children and other members of the family around to each and every resident on the subject site for introductions. Therefore, she was very familiar with the property and the individuals who lived thereon from her annual visits to the site. She also corroborated the testimony presented by her son that from 1952 to the present time, 20 of the residential units on the property have been occupied continuously and without interruption, noting that the two units previously identified by Mr. Vandermast have been unoccupied for the past 18 months or more. However, Ms. Thomas added to and built upon the testimony offered by Mr. Vandermast in that her recollection of the subject

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date 9/19/22

property and uses thereon dates back to 1944, well prior to the recollection of Mr. Vandermast.

Also testifying on behalf of the request was Mr. Arnold Vandermast, who is a cousin to Ernest Vandermast and one of the heirs to the subject property. Arnold Vandermast's recollection of the subject property dates from 1956 when he was 6 years old. As indicated by the others who testified, his great aunts would take the children and other family members around to each and every house on the property to introduce the residents to members of the Vandermast family. Arnold Vandermast testified that he vacationed each and every year on the subject property and stated that, without a doubt, from 1956 until the present time, all 22 units on the subject property were used as residences, saving and excepting Units 16 and 13, which had become uninhabitable over the couple of years and were being used for storage. Mr. Arnold Vandermast testified that the subject property contained 20 dwelling units in total, given that two had been abandoned. Again, his testimony dates from 1956 until the present time.

Each of the witnesses who testified to the historical account of the dwellings on the property, testified based on their personal knowledge and observations. Furthermore, they were able to relate family historical accounts as to the use of the property. Given their vivid recollection and their personal observations of the property, it was not necessary to concern ourselves with family hearsay. These witnesses all had specific and vivid recollection of the residential uses on this property dating back many years.

As noted above, however, several individuals appeared in opposition to the Petitioners' request. The only individual who testified was

Dr. Jack Mowll. Dr. Mowll has lived adjacent to the subject property for the past 59 years. Dr. Mowll for the most part agreed with much of the historical recollection of the witnesses who testified; however, he did not agree in total with the Vandermasts' recollection of the uses on the property. Dr. Mowll testified that 4 of the houses in question were not in existence in 1945. He identified those 4 houses as Units 1, 9, 19 and 20. Dr. Mowll's recollection of the historical use of the subject site was not as vivid or specific as that offered by the Vandermast family.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petitioner must produce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation. Moreover, it must be shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Furthermore, regulations are provided regarding the alteration and/or enlargement of such use.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the origi-

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Date 9/12/97
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nal use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

> "(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;
>
> (b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;
>
> (c) Does the current use have a substantially different effect upon the neighborhood;
>
> (d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."
>
> McKemy v. Baltimore County, Md., Supra.

Given the testimony and evidence offered by the Petitioners' witnesses as well as the sole Protestant who testified, I find by clear and convincing evidence that the Vandermast property has contained 20 dwelling units which have been utilized as residences since 1944 and that such use has been continuous and without interruption. Furthermore, I find that the only units that are not nonconforming are Units 16 and 13 which have become uninhabitable for residential use and are currently utilized for storage purposes. Therefore, of the 22 residential units existing on the property, only 20 are given approval as legal, nonconforming dwelling units.

It should be noted that preliminary motions were raised by J. Carroll Holzer, Esquire, attorney for the Protestants. Specifically, Mr. Holzer requested a postponement of this case, given the fact that he had recently been retained to represent the Protestants and that he had been on vacation just prior to the hearing date. His request for postponement was denied, and the hearing proceeded on the merits.

Mr. Holzer also raised a Motion to Dismiss the case, based on the insufficiency of the Petitioners' site plan in this case, which was offered at the hearing held on August 8, 1997 and marked into evidence as Petitioner's Exhibits 1 and 1A. Submitted along with the Petitioners request for Special Hearing was a site plan identified as Protestant's Exhibit 1. The Petitioners admitted that there was a mistake in locating the R.C.5/R.C.20 zoning line and where that line bisected the property. Therefore, at the hearing, the Petitioners submitted a site plan virtually identical to the one filed with the Petition, except that the R.C.5/R.C.20 zoning line was correctly shown on the revised Petitioner's Exhibits 1 and 1A. Mr. Holzer further argued that both Petitioners' Exhibits 1 and 1A and Protestant's Exhibit 1 failed to meet the requirements for acceptance for filing a site plan as specified in Rule 2 of the Zoning Commissioner's Rules of Practice and Procedure. Mr. Holzer argued that there are a number of items required to be on the plan that are not shown, and that the plan as submitted should be dismissed as being unacceptable with Rule 2 of the Zoning Commissioner's Rules.

In response to Mr. Holzer's Motion, Mr. Hoffman and Ms. Malone argued that were there any deficiencies on the plan, it should have been brought to the attention of the Petitioners at the time of filing the Petition with the Department of Permits and Development Management where

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Date 9/12/97
By

Petitions are accepted for filing. Testimony revealed that the plan was reviewed by Mr. Mitch Kellman, a Zoning Technician in that Department and that Mr. Kellman found same to be acceptable. After reviewing the site plan submitted into evidence as Petitioner's Exhibit 1, which does bear a Professional Engineer's seal, I find that the site plan submitted is appropriate and acceptable and meets the requirements of the Rules of Practice and Procedure as contained within the B.C.Z.R. Given the subject matter of the Petition for Special Hearing, I find that the site plan submitted sufficiently locates all of the dwellings which are the subject of this request. I further find that since the site plan is drawn to scale, the dimensions of the houses and their distances between same are all adequately shown on the plan. I believe that there is sufficient information contained on the plan that allows me to effectively rule upon this nonconforming use request. Therefore, Mr. Holzer's objection to the plan and his Motion to Dismiss this hearing shall be denied.

One other Motion was raised by Mr. Holzer and concerned a letter submitted by Peter Zimmerman on behalf of the People's Counsel for Baltimore County. However, Mr. Holzer later retracted and withdrew that Motion. It should be noted that an Entry of Appearance was submitted to this office on July 17, 1997 signed by Peter Max Zimmerman and Carole S. Demilio on behalf of the Office of People's Counsel. However, neither Mr. Zimmerman or Ms. Demilio appeared at the hearing. Therefore, upon Motion made by Mr. Hoffman, the appearance of the Office of People's Counsel shall hereby be stricken from the case, given that no representative from that Office appeared at the hearing to argue the Motion. Furthermore, any Motion that was attempted to be made by the Office of People' Counsel shall also be denied and stricken from the record, given that no representative of that

Office appeared at the hearing. Furthermore, given their failure to appear at the hearing, their appearance shall be stricken from this file and any further participation in this case shall be prohibited.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of September, 1997 that a legal, nonconforming use exists of 20 dwelling units on the subject property, in accordance with Petitioner's Exhibits 1 and 1A, and as such, the Petition for Special Hearing be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the legal, nonconforming use of Units 16 and 13 as shown on Petitioner's Exhibits 1 and 1A be and is hereby DENIED and the Petitioners are prohibited from utilizing same for residential purposes; and,

IT IS FURTHER ORDERED that Motion to Dismiss entered on behalf of the Protestants by J. Carroll Holzer, Esquire, based on their position that the site plan submitted is insufficient and unacceptable in accordance with Rule 2 of the Zoning Commissioner's Rules of Procedure, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Entry of Appearance submitted by the Office of People's Counsel is hereby stricken from the record, given that no representative of that Office appeared at the hearing before me, and given their lack of appearance, the Office of People's Counsel shall be prohibited from any further participation in this hearing process.

ORDER RECEIVED FOR FILING
Date 9/4/97
By BJS

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

September 4, 1997

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

RE: PETITION FOR SPECIAL HEARING
NE/S Holly Neck Road and Goff Road
(2209-2341 Vandermast Lane, and 1000 to 1021 Goff Road)
15th Election District - 5th Councilmanic District
Ernest W. Vandermast, III, Legal Owner;
Joseph E. Buchanan, II - Contract Purchaser - Petitioners
Case No. 97-576-SPH

Dear Mr. Hoffman & Ms. Malone:

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

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

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Ernest W. Vandermast, III, 87 Hadlock Road, Falmouth, ME 04105
Mr. Arnold Vandermast, Jr., 2403 Howard Drive, Winter Park, FL 32789
Mr. Joseph E. Buchanan, II, 9712 Magledt Road, Baltimore, MD 21234

J. Carroll Holzer, Esq., 305 Washington Ave., #502, Towson, MD 21204
Mr. Carl Maynard, 1546 Denton Road, Baltimore, MD 21221
Mr. Keith Roberts, 1910 Marsh Road, Baltimore, MD 21221
Mr. Leroy Sennett, 1716 Beachwood Avenue, Baltimore, MD 21221
Mr. Jack U. Mowll, 1030 Goff Road, Baltimore, MD 21221

People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

#576

CRITICAL AREA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2209 TO 2341 VANDERMAST LANE
1000 TO 1021 GOFF RD
CORNER N/S VANDERMAST LANE, W/S GOFF Rd

which is presently zoned RC-5 RC-20

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

THE LEGAL, NONCONFORMING USE OF 22 DWELLING UNITS OF CASE 95-412-SPH TO FILED AS PERMITTED BY THE COUNTY BOARD OF APPEALS.

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

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

Contract Purchaser/Lessee:

JOSEPH E BUCHANAN II
(Type or Print Name)

Joseph E Buchanan II
Signature

9712 MAGLEDY RD
Address

BALTO MD. 21234
City State Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s)

ERNEST W. VANDERMAST III
(Type or Print Name)

Joseph E Buchanan II
Signature

JOSEPH E BUCHANAN II
(Type or Print Name)

Signature

87 HADLOCK RD 1-207-797-5960
Address Phone No

FALMOUTH MAINE 04105
City State Zipcode

Name, Address and phone number of representative to be contacted

JOSEPH E BUCHANAN II
Name

9712 MAGLEDY RD 410-882-5827
Address Phone No.

BALTO 21234

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 3-4 hr.

unavailable for Hearing

the following dates _____ Next Two Months

ALL / OTHER _____

REVIEWED BY: MTR DATE 6/20/97

#SEE POWER OF ATTORNEY

Zoning Administration & Development Management

#5 72

DuVal & Associates, P.A.
Engineers • Surveyors

8 Edgarwood Court
Phoenix, Maryland 21131
(410) 666-5467
Fax (410) 583-4688

May 23, 1997

ZONING DESCRIPTION OF VANDERMAST PROPERTY

Holly Neck Road
15th Election District
Baltimore County, Maryland

BEGINNING at a point on the north side of Holly Neck Road which is 30 feet wide at the distance of 90 feet, more or less, east of the centerline of Vandermast Road; thence running the following courses and distances, viz:

1.	S 47°02'38" W	540.18'
2.	S 56°20'00" W	92.00'
3.	S 61°40'00" W	100.00'
4.	S 64°35'00" W	85.00'
5.	S 74°20'00" W	92.00'
6.	S 84°00'00" W	155.00'
7.	S 86°03'23" W	244.00'
8.	S 84°35'25" W	181.84'
9.	S 80°00'56" W	304.81'
10.	N 29°02'21" W	95.64'
11.	N 29°02'21" W	26.95'
12.	N 29°02'21" W	189.55'
13.	N 42°03'39" W	298.86'
14.	S 87°20'39" E	215.24'
15.	N 40°47'38" W	138.22'
16.	N 49°12'22" E	46.17'
17.	N 20°15'00" W	200.00'
18.	N 58°15'00" W	40.00'
19.	N 04°30'00" W	70.00'
20.	N 49°35'00" E	130.00'
21.	N 39°30'00" E	75.00'
22.	N 52°15'00" E	75.00'
23.	N 81°20'00" E	265.00'
24.	N 16°45'00" E	170.00'
25.	N 59°30'00" W	30.00'
26.	N 12°40'00" W	55.00'
27.	N 32°40'00" E	85.00'
28.	N 62°55'00" E	85.00'
29.	N 21°05'00" E	65.00'
30.	S 64°50'00" W	160.00'

DuVal & Associates, P.A.
Engineers • Surveyors

8 Edgarwood Court
Phoenix, Maryland 21131
(410) 666-5467
Fax (410) 583-4688

ZONING DESCRIPTION ..... (Contd.)

31. N 59°35'00" W 80.00'
32. N 05°30'00" E 75.00'
33. N 49°40'00" E 170.00'
34. N 60°00'00" E 190.00'
35. N 75°25'00" E 145.00'
36. S 52°10'00" E 115.00'
37. S 78°10'00" E 60.00'
38. N 64°50'00" E 155.00'
39. N 53°50'00" E 160.00'
40. N 37°50'00" E 55.00'
41. N 53°00'00" E 90.00'
42. N 41°19'44" E 92.59'
43. S 62°21'34" E 828.14'
44. S 50°25'00" W 75.00'
45. S 69°55'00" W 170.00'
46. N 49°30'00" W 30.00'
47. S 66°55'00" W 35.00'
48. S 89°55'00" W 35.00'
49. S 47°30'00" W 90.00'
50. S 31°00'00" W 50.00'
51. S 01°45'00" W 85.00'
52. S 19°10'00" W 40.00'
53. S 44°50'00" W 150.00'
54. S 40°10'00" W 85.00'
55. S 24°45'00" W 55.00'
56. S 41°40'00" W 75.00'
57. S 18°25'00" W 65.00'
58. S 12°00'00" E 50.00'
59. S 07°10'00" E 40.00'
60. S 65°20'00" E 50.00'
61. S 85°10'00" E 50.00'
62. S 82°40'00" E 40.00'
63. S 76°45'00" E 95.00'
64. N 26°20'00" E 24.63'
65. S 29°36'55" E 302.04' to the place of beginning.

Containing 59.64 acres of land, more or less.

BEING all of the property as recorded among the Land Records of Baltimore County in Deed Liber S.M. 7800, Folio 086 and Deed Liber S.M. 7800, Folio 091.

CERTIFICATE OF POSTING

RE: Case No.: 97-576 SPH

Petitioner/Developer: BUCHANAN, ETAL

Date of Hearing/Closing: 8/8/97

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 GOFF RD. & VANDERMAST RD.

The sign(s) were posted on 7/18/97
(Month, Day, Year)

Sincerely,

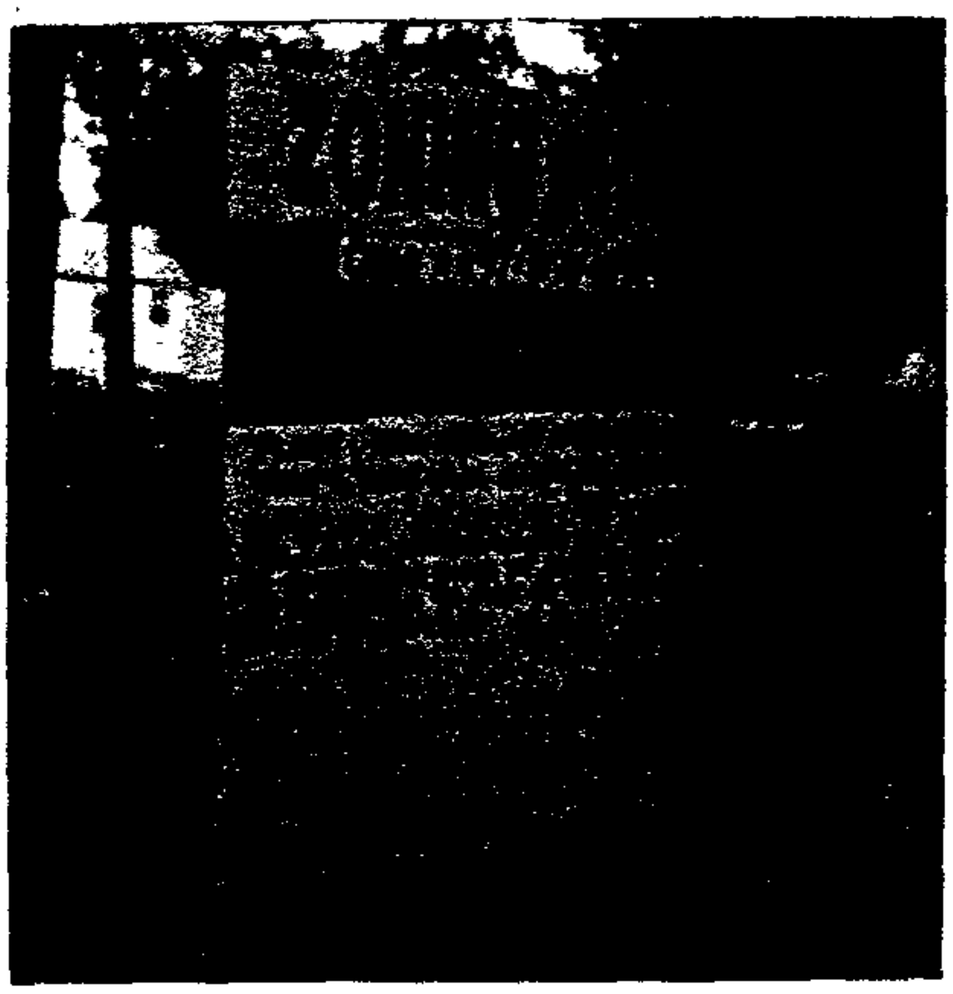
Patrick M. O'Keefe 7/19/97
(Signature of Sign Poster and Date)

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)



GOFF & VANDERMAST RD.
97-576 SPH
7/18/97 H(8/8/97)

BALTIMORE COUNTY, MARYLAND
'FICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 038162

DATE 6-20-97 ACCOUNT 01-615

By: mdk

Item: 576

AMOUNT $ 100.00

RECEIVED FROM: Terra-Nova Development Inc. - Venkerman Prop

(New Item #)

FOR: 110- Revision of Zoning Variance —— # 100.00

'RIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
PROCESS ACTUAL TIME
6/20/1997 6/20/1997 08:51:11
REG WS02 CASHIER JRIC TNR DRAWER 1
5 MISCELLANOUS CASH RECEIPT
Receipt # 001427 OFLN
CK NO. 038162
$100.00 CHECK
Baltimore County, Maryland

BALTIMORE COUNTY, MARYLAND
(:E OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 044210

DATE 9/22/97 ACCOUNT R-001-6150

AMOUNT $ 210.00

RECEIVED FROM: J. Carroll Holzer, P.A.

FOR: Appeal - Case #97-576-SPH

RYE

BUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
PROCESS ACTUAL TIME
9/23/2077 9/22/1997 14:54:59
REG WS01 CASHIER CLUM CML DRAWER 1
5 MISCELLANOUS CASH RECEIPT
Receipt # 022590 OFLN
CK NO. 044210
210.00 CHECK
Baltimore County, Maryland

Baltimore County
Department of Permits and
Development Management

Development Processi
County Office Building
111 West Chesapeake Ave
Towson, Maryland 2120-

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 576

Petitioner: Ernest W. Vandermast III

Location: 2209 to 2341 Vandermast Lane, 1000 to 1021 Goff

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joseph E. Buchanan II

ADDRESS: 9712 Maylett Rd.

Balto MD 21234

PHONE NUMBER: 410-882-5827

AJ:ggs

(Revised 09/24/96)

Printed with Soybean Ink

Exhibit B

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 576

ZONING NOTICE

Case No.: 97-576-SPH

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

PLACE: *_____

DATE AND TIME: *_____

REQUEST: ~~###~~ special hearing to approve the legal, nonconforming use of 22 dwelling units of case 95-412-SPH as permitted to file by the County Board of Appeals

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

9/96
post.4.doc

*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.

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

November 21, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-576-SPH

IN THE MATTER OF: ERNEST W. VANDERMAST, III -Legal Owner; JOSEPH E. BUCHANAN II -Contract Purchaser /Petitioners 2209-2341 Vandermast Lane and 1000-1021 Goff Road 15th E; 5th C

(Petition for Special Hearing GRANTED in part (as to 20 of 22 existing dwelling units) and DENIED in part (as to nonconforming status of 2 of 22 existing dwelling units /D.Z.C.)

ASSIGNED FOR: THURSDAY, APRIL 16, 1998 at 10:00 a.m.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Carl Maynard
: Keith Roberts
: Leroy Sennett
: Back River Neck Comm Assn.

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

Counsel for Petitioners : Robert A. Hoffman, Esquire
Petitioner /Legal Owner : Ernest W. Vandermast III
Petitioner /Contract Purchaser : Joseph E. Buchanan II
Arnold Vandermast, Jr.

Jack U. Mowll

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

RECEIVED
- 1 1997
PDM

Printed with Soybean Ink on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

July 29, 1997

Mr. Ernest W. Vandermast, III
87 Hadlock Road
Falmouth, Maine 04105

RE: Item No.: 576
Case No.: 97-576-SPH
Petitioner: Ernest Vandermast, III

Dear Mr. Vandermast:

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 June 20, 1997.

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 (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 8, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

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

Item Nos. 576 and 577

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Arnold F. Keller

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\NOCOM\SHELLA.DOC

Baltimore County Government
Fire Department

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

(410) 887-4500

July 2, 1997

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

RE: Property Owner: Ernest W. Vandermast III & Joseph E. Buchanan II
Sharon T. Strouse

Location: DISTRIBUTION MEETING OF June 30, 1997

Item No.: 576, and 569 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.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

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

Printed on Recycled Paper

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 7.1.97
Item No. 574 MJK

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,

P. J. Gredlein

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

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

TO: Arnold Jablon, Director
Permits and Development Management

DATE: July 15, 1997

FROM: R. Bruce Seeley, Project Manager

SUBJECT: Vandermast Property
Zoning Item # 576
Zoning Advisory Committee Meeting of June 30, 1997

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

ENVIRONMENTAL IMPACT REVIEW SECTION

1. The Chesapeake Bay Critical Area regulations will apply at the time of subdivision, building permit application, lot line adjustment request, or request for any other regulated activity.
2. The following activities may void some or all grandfathering rights in the Critical Area:
   a. expansion of building footprints involving existing, viable structures;
   b. subdivision;
   c. lot line adjustments.

3. Subdivision or lot line adjustment involving property zoned RC-20 may require growth allocation.

DEVELOPMENT COORDINATION

The Circuit Court of Maryland for Baltimore County issued a Temporary Restraining Order against Ernest W. Vandermast and Joseph E. Buchanan on June 26, 1997. This Order restrains and enjoins them, or anyone acting on their behalf, to:

1. Re-rent any units on the Vandermast property once the current tenant's lease expires or the current tenant vacates or is evicted from the property;
2. Compile a list of the current tenants on the property, stating each tenant's name, address, telephone number and the duration of their tenancy, and provide same to Plaintiff within 15 days of the Order;
3. Transferring the title to the property to anyone, by any instrument.

A copy of this order is attached.

Furthermore, it was stated by Dr. Vandermast, in writing, that the 22 residences have "substandard" septic systems (see attached letter). A violation notice was sent to Dr. Vandermast on April 28, 1997 (copy attached), ordering him to correct the violations. As of this date, no known corrections have been attempted.

Soil evaluation tests conducted on March 12, 1997 indicate the soil conditions are generally unfavorable for the proper function of a conventional sewage disposal system.

If there are any questions regarding these comments, please contact me at (410) 887-5859.

RE: PETITION FOR SPECIAL HEARING 2209-2341 Vandermast Lane and 1000-1021 Goff Road, Corner N/S Vandermast Lane, W/S Goff Road, 15th Election District, th Councilmanic	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Legal Owners: Ernest W. Vandermast, III and Joseph E. Buchanan II Contract Purchaser: Joseph E. Buchanan II Petitioners	*	CASE NO. 97-576-SPH

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of July, 1997, a copy of the foregoing Entry of Appearance was mailed to Joseph E. Buchanan II, 9712 Magledt Road, Baltimore, MD 21234, Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County
Department of Permits and
Development Management

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

September 22, 1997

Messrs. Ernest Vandermast, III &
Joseph Buchanan, II
87 Hadlock Road
Falmouth, Maine 04105

RE: Petition for Special Hearing
NE/S Holly Neck Road and Goff Road
(2209-2341 Vandermast Ln, and 1000-1021 Goff Road)
15th Election District
5th Councilmanic District
Ernest W. Vandermast, III, Legal Owner; Joseph E. Buchanan, II, Contract Purchaser - Petitioners
Case No. 97-576-SPH

Dear Messrs. Vandermast and Buchanan:

Please be advised that an appeal of the above-referenced case was filed in this office on September 18, 1997 by J. Carroll Holzer, Esquire on behalf of Carl Maynard, Keith Roberts, Leroy Sennett, and Back River Neck Community Association and on September 19, 1997 by Peter Max Zimmerman and Carole S. Demilio on behalf of People's Counsel. 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 410-887-3180.

Sincerely,

ARNOLD JABLON
Director

AJ:rye

c: Mr. Jack U. Mowll
People's Counsel

Printed with Soybean Ink
on Recycled Paper

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

CAROLE S. DEMILIO
Deputy People's Counsel

September 19, 1997

RECEIVED
SEP 19 1997

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

Hand-delivered

Re: PETITIONS FOR SPECIAL HEARING
2209-2341 Vandermast Lane and
1000-1021 Goff Road, Corner N/S
Vandermast Lane, W/S Goff Road
15th Election Dist, 5th Councilmanic
Legal Owners: ERNEST W. VANDERMAST III
AND JOSEPH E. BUCHANAN II
Contract Purchaser: JOS. E. BUCHANAN II
Petitioners
Case No. 97-576-SPH

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 September 4, 1997 of the Baltimore County Deputy 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
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Robert A. Hoffman, Esq., attorney for Petitioners

J. Carroll Holzer, Esq., attorney for Protestants Back River Neck Peninsula Comm. Assn., Holly Neck Improvement Assn., Leroy Sennett, and Jack Mowll

APPEAL

Petition for Special Hearing
NE/S Holly Neck Road and Goff Road
(2209-2341 Vandermast Lane, and 1000-1021 Goff Road)
15th Election District - 5th Councilmanic District
Ernest W. Vandermast, III, Legal Owner;
Joseph E. Buchanan, II, Contract Purchaser - Petitioners
Case No. 97-576-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners and Protestants Sign-In Sheets

Petitioners' Exhibits:
1 - Plat to Accompany Petition for Special Hearing
2A - 1945 Baltimore County Use District Map
2B - 1955 Photogrammetric Map of Baltimore County Metropolitan Area
2C - 1966 Baltimore County Zoning Map
2D - 1971 Photogrammetric Map of Baltimore County Metropolitan Area
2E - 1976 Photogrammetric Map of Baltimore County Metropolitan Area
2F - 1980 Photogrammetric Map of Baltimore County Metropolitan Area
2G - 1984 Photogrammetric Map of Baltimore County Metropolitan Area
2H - 1988 Baltimore County Zoning Map
2I - 1992 Baltimore County Zoning Map
2J - 1996 Baltimore County Zoning Map
3A-G - Copies of Baltimore County Zoning Regulations
4 - Zoning History for Property
5A-V - Twenty-two Photographs
6A - 1986 U.S. Individual Income Tax Return
6B - 1996 U.S. Partnership Return of Income
7 - Sworn Affidavit

Protestants' Exhibits:
1 - Plat to Accompany Petition for Special Hearing
2 - Maryland Property Valuation Record Residential Worksheet

Ruling on Motion to Dismiss from Robert O. Schuetz, Chairman, Margaret Worall, and Charles L. Marks dated October 17, 1996 for Case #95-412-SPH

County Council of Baltimore County, MD Legislative Session 1996, Legislative Day No. 1, Bill No. 9-96

Letter from Peter Max Zimmerman and Carole S. Demilio, People's Counsel for Baltimore County to Lawrence E. Schmidt, Zoning Commissioner dated August 8, 1997

Deputy Zoning Commissioner's Order dated September 4, 1997 (Granted in Part, Denied in Part)

Notice of Appeal received on September 18, 1997 from J. Carroll Holzer, Esquire on behalf of Carl Maynard, Keith Roberts, Leroy Sennett, and Back River Neck Community Association

Notice of Appeal received on September 19, 1997 from Peter Max Zimmerman and Carole S. Demilio on behalf of People's Counsel

c: Robert A. Hoffman, Esquire, Patricia A. Malone, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204
Mr. Ernest W. Vandermast, III, 87 Hadlock Road, Falmouth, ME 04105
Mr. Arnold Vandermast, Jr., 2403 Howard Dr., Winter Park, FL 32789
Mr. Joseph E. Buchanan, II, 9712 Magledt Rd., Baltimore, MD 21234
J. Carroll Holzer, Esquire, 305 Washington Avenue, Suite 502, Towson, MD 21204
Mr. Carl Maynard, 1546 Denton Road, Baltimore, MD 21221
Mr. Keith Roberts, 1910 Marsh Road, Baltimore, MD 21221
Mr. Leroy Sennett, 1716 Beachwood Avenue, Baltimore, MD 21221
Mr. Jack U. Mowll, 1030 Goff Road, Baltimore, MD 21221
People's Counsel of Baltimore County, M.S. 2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

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

CAROLE S. DEMILIO
Deputy People's Counsel

August 8, 1997

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

RECEIVED
AUG - 8 1997
ZONING COMMISSIONER

Hand-delivered

Re: Petition for Special Hearing
2209-2341 Vandermast Lane and 1000-1021 Goff Road, Corner N/S Vandermast Lane, W/S Goff Road, 15th Election District, 5th Councilmanic
PETITIONERS: Ernest W. Vandermast III and Joseph E. Buchanan II
Case No. 97-576-SPH
HEARING DATE: August 8, 1997, 2 p.m.

Dear Mr. Schmidt:

Our office has reviewed the Petition for Special Hearing and other documents in this case. This site is located in the designated Chesapeake Bay Critical Area of Baltimore County.

There is no indication in our file that the Chesapeake Bay Critical Area Commission has been notified of the application, recommended findings and hearing notice, as required by BCZR § 500.14C.

It is our position that failure to comply with the mandatory notification requirement voids a decision of the Zoning Commissioner. The language of BCZR § 500.14D is clear in this matter.

If your office has provided the notice required in BCZR 500.14C, kindly provide us with a copy of the correspondence, as well as any notice of receipt from the Chesapeake Bay Critical Area Commission.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

CSD/caf

cc: Ernest W. Vandermast, III

Joseph E. Buchanan, II

Baltimore County
Department of Environmental Protection
and Resource Management

Office of the Director
401 Bosley Avenue, Suite 416
Towson, Maryland 21204
(410) 887-3733
Fax: (410) 887-4804

April 28, 1997

Ernest W. Vandermast, D.V.M.
2403 Howard Drive
Winter Park, Florida 32789

RE: VANDERMAST PROPERTY
VANDERMAST LANE, VANDERMAST
ROAD & GOFF LANE
PROPERTY TAX ACCT. # 15-22-000235
15-22-000730
15-22-000234

Dear Dr. Vandermast:

As the result of meetings involving Mr. Joseph Buchanan, your agent for this property, and local elected officials, every courtesy has been extended to allow Mr. Buchanan the opportunity to submit an appropriate plan for re-development of this property. As you, yourself, noted in your January 21, 1997 letter to this Department, the 22 existing dwellings on the property all have failing waste water disposal systems. Regular site inpsections by this Department over the past several months confirm your observation. This condition is creating a nuisance and a health hazard which are in violation of Sections 22.1 and 35.74 of the Baltimore County Code.

On April 14, 1997 a development plan was submitted to this Department by Mr. Buchanan ostensibly to meet the requirements set forth in the December 10, 1996 letter to Mr. Buchanan from Arnold F. Keller, III, Director of Planning. This plan is unsatisfactory and does not provide the information agreed to in my October 23, 1996 meeting with Mr. Buchanan.

Given the fact that no satisfactory re-development plan has been submitted, despite several months of good faith effort on the County's part with Mr. Buchanan, plus the fact that

Printed with Soybean Ink

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

TOWSON OFFICE
305 WASHINGTON AVENUE
SUITE 502
TOWSON, MD 21204
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@MAIL.BCPL.LIB.MD.US

July 24, 1997
#6943

HAND DELIVERED
Lawrence Schmidt
Zoning Commissioner
County Courts Building
4th Floor
Towson, Maryland 21204

Re: ***Vandermast Lane***
Case No. 97-576-SPH

Dear Zoning Commissioner:

It has come to my attention through a conversation with the People's Counsel on July 23, and my clients, the Back River Neck Community Association, that a hearing on a non-conforming use of 22 dwelling units permitted by the CBA in Case No. 95-412-SPH is scheduled to be held on Friday, August 8 at 2:00p.m. Because I will be away on vacation from today, July 24, until August 7, I respectfully request that the Zoning Commissioner grant a postponement until a mutually agreeable time between the parties can be set.

I have not had any opportunity to discuss the Special Hearing with my clients, the Back River Neck Community Association, but a cursory review of the Petition and plat indicate that the plat is deficient and inadequate for purposes of the hearing. Nor am I aware that the County has reviewed the Petition for Compliance with Section 500.14 of the B.C.Z.R. and the Critical Area Legislation.

I appreciate your prompt attention in this matter.

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

JCH:alt
cc: Back River Neck C.A., Carl Maynard
People's Counsel, Peter Zimmerman
C:\LETTERS\SCHMIDT LT

97-2516

5/24/97 TO MDH 5/28/97 ea

ERNEST W.VANDERMAST D.V.M.
47 Babbidge Road
Falmouth,Maine 04105
Telephone 1-207-797-5960

Joseph E Buchanan
9712 Magledt Rd
Baltimore, Maryland 21234

May 27,1997

Dear Joe,

Thank you for your help.

This is to notify all who may be concerned that the following is and has been true

Mr. Buchanan is the contract purchaser of the property owned by my family in Baltimore County, Maryland known as the Vandermast Property located off Holly Neck Rd on Back River Neck

Because the of the property's unique situation my family and I have worked with Mr Buchanan closely to bring about the resolution of the problems with it.

Mr. Buchanan has the authority to enter into and/or make any necessary applications to the County and both our behalf as well as his. This would of course include the application for variance for non-conforming use with the planning board

If there are any questions or additional documents necessary to expedite this process, please do not hesitate to ask

Thank you for your help and consideration.

Respectfully,

Ernest W. Vandermast D.V.M.

attn: Mitch Kiliman
cc Pat O'Keefe

#576

For
#97-576-A
SPH

Ernest W. Vandermast D.V.M.
47 Babbidge Rd.
Falmouth. Maine 04105
Tel. 1-207-797-5960

RECEIVED
FEB 6
DEPRM
ADMIN
FE 12

Ms. Yvonne S. DeLoatch
Regional Community Services
7701 Wise Avenue
Baltimore, Md. 21222

Jan. 21, 1997

Dear. Ms Deloatch.

Thank you for the opportunity to respond via affidavit to your request to dye test the properties down on Vandermast Rd., Vandermast Lane. and Goff Rd. As I stated to you on the phone yesterday it would be extremely difficult if not impossible to get you into all 22 homes simultaneously in order to do this. In addition. I have had no problem as I have been stating for the last seven years in admitting to the problem that we have had down there for the past 4o years that I am aware of.

Historically what has happened down there has been a comedy of errors. I have been in charge of that property for some ten years now and have run into one problem after another with regards to the wastewater disposal situation. Most of the data with regards to the situation is a matter of public record and some of it is within your own files.

Back in 1989 I made EPA aware of this situation via Mr. Joseph Buchanan who has been most helpful with regards to what has gone on there. At that point Ms. Sorrow and Mr. Powell from your department came and examined the problem. At that point myself and Mr. Buchanan did a site walk and concluded that not one system on that property was functioning properly. Mr. Powell did on site percolation tests by hand all over that property and concluded that there were no suitable sites for "modern" sub-surface wastewater disposal systems. Ms. Sorrow concurred. Subsequently, Mr. Buchanan brought a backhoe down there and under the supervision of EPA and public works did deep samplings of the property. The same conclusion was reached as before---no suitable sites.

In late 1990 it was determined that this property was in the comprehensive plan for the Cedar Beach collection system---so we patiently awaited hook up to that system. In fact I personally did a site walk with the Public works representative and we matched county engineering to the homes on that property and discussed at length the location of grinders. Acquisition contacted me about easements, and we appeared to be ready to roll. In fact sewerage was run acrossed the property without any easements in order to serve two homes that were not mine. Somehow, I had mysteriously been removed from the area to be served without the opportunity to submit any evidence to the contrary. I have no

cc: HSD 2/13/97

idea who made that decision, but clearly it was made in the face of overwhelming evidence that it was in the public good to include those 22 homes in the plan.

Myself and Mr. Buchanan attempted several times to figure out why that property had been removed from the area to be served to no avail. In 1993 I received my first citation from your department and had to seek legal help in order to present my case. In June of 1994 I believe it was myself, my attorney, and Mr. Buchanan found ourselves in court over this situation. We have never tried to hide this problem, we have never tried to shirk our responsibilities nor attempted to cloud the issue involved. There has never been any question in my mind that this is a public health hazard and a nuisance.

The judge in the case after hearing all of the evidence decided to give us a year to work the problem out with all of the departments involved. Mr. Thomas from public works testified that there was plenty of capacity to hook up to sewerage, Ms. Sorrow testified that the only solution environmentally was to hook up to sewerage, and I concurred. Mr. Buchanan was instructed to immediately apply for twenty two permits for sewerage hook up which was done that day. I was ordered to exercise all due diligence to keep the pollution minimal. which i have done. Zoning was asked to hear a case for a variance for non-complying use which was done. Unfortunately, Mr. Kotroco took eight months to deny the variance for non-conforming use which led me back to an appeal. The appeal was met with public opposition for what reason I do not know. As we now sit, I am in no man's land as I have been for some seven years. I am at the point where my only recourse seems to be a federal court.

The salient points from my point of view are as follows.

1) Was this property zoned illegally in the first place?? There has been public water all over the property since 1956 or before.

2) Why has EPA not been more aggressive for the last 7 years in not insisting that this property be hooked to sewer??

3) Why was sewerage designed at public expense for that property and then not put into place??

4) Why did a zoning officer not issue a favorable opinion with regards to this situation when testimony clearly was to the contrary. (I believe as does my attorney that this officer secumbed to political pressure and we are prepared to prove that he let testimony after public hearing influence his decision).

5) Who are the five or six members of the community who have thwarted the efforts to clean up a public health issue under the Guise of "public good"?

The questions go on and on with this one don't they?? I actually flew witnesses from all over the country at my expense to show beyond a shadow of doubt that this property has existed as such for some 55 years--only to not be heard.

Now as for the portion you are interested in let me state as follows. These twenty two homes all have substandard subsurface wastewater disposal systems. There is no possible way with the soil conditions present on that property to put in a

functional subsurface wastewater system. There is sewerage on that property and I am willing to hook up all 22 homes to it at my expense immediately if I am permitted to do so.

I have held the density of the existing homes to a bare minimum by selective rental process in order to minimize the problem. I have faithfully complied with the court's order to prevent as much as possible the pollution of the environment. I have never attempted to hide from this situation---by the way I am a Doctor of Veterinary Medicine and am probably more qualified than any one in the county to say what constitutes a health hazard!!!!

In chart form I will tell you what I know about the density, and functionality of these systems. I thank

1021 Goff Rd ---2 adults one child--500 gallon tank--faulty leachfield
1020 Goff Rd.----1 adult 500 gallon tank---no leach field
1014 Goff Rd.----3 adults--1000 gallon tank--leach field questionable
1010 Goff Rd.----2 adults--500 gallon capacity concrete cesspool
1008 Goff Rd.----2 adults--500 gallon capacity concrete cesspool
1006 Goff Rd. ---1 adult---shared 500 gallon concrete tank
1004 Goff Rd----1 adult--- " " " " "
1002 Goff Rd.---1 adult---- shared 500 gallon concrete tank
1000 Goff Rd.---2 adults--- " " " "
2209 Vandermast Lane----- 350 gallon fiberglass tank
2210 Vandermast Ln.. 2 adults--500 gallon shared tank
2212 Vandermast Ln..--2 adults one child-5oo gallon shared tank
2214 Vandermast Lane--2 adults--500 gallon tank
2222 Vandermast Lane--2 adults--5oo gallon tank
2244 Vandermast Lane 2 adults 2 children--1000 gallon tank
2254A Vandermast Lane-vacant now --500 gallon tank
2254B Vandermast Rd. 2 adults 500 gallon tank
2300 Vandermast Rd. 1 adult --1000 gallon tank (leach bed cited by W.Wood in 1993).
2304 Vandermast Rd. 3 adults--1000 gallon tank
2257 Vandermast lane 2 adults 1 child 1000 gallon tank (faulty leach bed)
2239 Vandermast Lane 2 adults--500 gallon tank (faulty leachbed)
2341 Vandermast lane 2 adults 2 children 500 gallon tank(faulty leachbed)

Hopefully this diatribe will result in a positive action by the "powers that be" rather than protracted legal and time expense. If there are any further questions do not hesitate to ask.

Respectfully,

E.W.Vandermast D.V.M.

cc: Bud Clark esq.
J.E.Buchanan
Robert Lazarro Esq.
George G. Perdikakis
file

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
CARL MAYNARD PRESIDENT - BACK RIVER NECK PENINSULA COMM. ASSN. IN	1546 DENTON RD 21221
LEROY SENNETT	1716 BEACHWOOD AVE 21221
Keith Roberts Pres. Holly Neck Improvement Assn. Inc.	1910 MARSH RD. 21221
JACK W. MOWELL	1030 GOFF RD 21221

Petitioner

PLEASE PRINT CLEARLY

~~PROTESTANT~~(S) SIGN-IN SHEET

NAME	ADDRESS
Patricia A. Malone	210 Allegheny Ave Towson
Robert A. Hoffman	" "
[illegible]	523 PENNY LANE 21030
Joseph E Burkhauser	9712 MAGLEY RD 21234
Ft Washington Office	47 Babbage Rd. Falmouth, Me 04105
Arnold Underwood Jr.	2403 Howard Rd. Winter Park, FL 32789
Grace Thomas	53 Bartley Cove, Portland, Me 04103
ROBERT W LAZZARO	102 W. PENNSYLVANIA AVE (STE 200) 21204
Bob Beverungen	7 Hunter Lake Court Hyperion, Md 21155

BALTIMORE COUNTY, MARYLAND a body corporate and politic	*	IN THE
Plaintiff	*	CIRCUIT COURT
vs.	*	FOR
ERNEST W. VANDERMAST, et al 37 Hudlock Road Falmouth, Maine 04105	*	BALTIMORE COUNTY
Defendants	*	Case No. C97-6291

For #97-576-A SPH

* * * * * * * *

ORDER GRANTING TEMPORARY RESTRAINING ORDER

Upon consideration of the Motion for Temporary Restraining Order and specific facts in the supporting Affidavit, an it clearly appearing from the Motion and Affidavit that:

A. 25 of the Dwelling Units located on the Vandermast property have failing septic systems discharging liquid, sewage effluent to the ground surface and into Sue Creek, waters of the State.

B. Such condition has created a nuisance as determined by the Baltimore County Department of Environmental Protection and Resource Management, which is prejudicial to the public health or safety, or welfare, or detrimental to the environment.

C. The continuation of the occupancy of these 25 dwelling units is the cause of the nuisance, which, if left to remain as is, will continue to be prejudicial to public health or safety or welfare or detrimental to the environment, and that immediate substantial, and irreparable harm will result to the citizens of Baltimore County, before an advisory hearing may be held on the propriety of a preliminary or final injunction.

It is therefore this 21st day of June, 1997, ORDERED by the Circuit Court of Maryland for Baltimore County, that a Temporary Restraining Order is hereby issued against the Defendants, Ernest W. Vandermast and Joseph E. Buchanan, restraining and enjoining them, or anyone acting on their behalf, to:

1. Re-rent any units on the Vandermast property once the current tenant's lease expires or the current tenant vacates or is evicted from the property;

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2. Compile a list of the current tenants on the property, stating each tenant's name, address, telephone number and the duration of their tenancy, and provide same to the Plaintiff within 15 days of this Order.

3. Transferring the title to the property to anyone, by any instrument.

It is further ORDERED that the Plaintiff is relieved of posting bond.

NOTICE TO THE DEFENDANTS

You may apply for a modification or dissolution of the Temporary Restraining Order on two (2) days' notice, or such shorter notice as the Court may prescribe.

This Temporary Restraining Order will expire within 35 days after its entry, ~~or on the~~ ~~day of~~ _____ ~~, 1997~~, unless extended once by their court on showing of good cause or as consented by the defendants.

JUDGE

Send Copies to: William O. Jensen, Jr., Assistant County Attorney, 2nd Floor, Old Court House
400 Washington Avenue, Towson, Maryland 21204
Ernest W. Vandermast, 87 Hadlock Road, Falmouth, MA 04105
Joseph Buchanan, 9712 Magledt Road, Baltimore, Maryland 21234

C:\OFFICE\WPWIN\WOJ\PLEADS\VANDERMA.RES
O/L File No.: 95E-006
6/18/97

This Copy Test
SUZANNE MENSH, Clerk

Per _____
Deputy Clerk

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To Karen Kitchen | From Kathe
Co./Dept. | Co.
Phone # | Phone # 887-3180
Fax # 1424 | Fax #

For #97-576-A SPH

IN THE MATTER OF
THE APPLICATION OF
JOSEPH E. BUCHANAN II -PETI
FOR A SPECIAL HEARING ON PR
LOCATED ON THE NORTH SIDE
VANDERMAST LANE AT GOFF ROAD
(VANDERMAST PROPERTY)
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* OF

* BALTIMORE COUNTY

* CASE NO. 95-412-SPH

* * * * * * * * * * *

95-412-SPH

RULING ON MOTION TO DISMISS

This case comes as an appeal of the January 17, 1995 Order of the Deputy Zoning Commissioner in which a Petition for approval of 22 dwelling units on the instant property as a legal nonconforming use was denied. As a preliminary matter to hearing the case on the merits, People's Counsel, joined by Protestants, moved for dismissal; argument on the Motion was heard from Peter Max Zimmerman, People's Counsel for Baltimore County; J. Carroll Holzer, Esquire, Counsel for Protestants, and C. William Clark, Esquire, Counsel for Petitioners/Appellants. The Board openly deliberated the matter following conclusion of argument on the Motion.

People's Counsel moves to dismiss this case, citing the Rules of Procedure of the Zoning Commissioner which stipulate that certain Petition requirements be fulfilled before moving forward. People's Counsel asserts that no site plan exists in accordance with the Zoning Commissioner's Rules, arguing that the consequence is an insufficient Petition, which is therefore a deficiency too great to overlook. People's Counsel asserts that the Board has appellate jurisdiction in matters before the Zoning Commissioner, even though the Board hears such matters de novo.

Further, People's Counsel argues that, because no site plan was available for review, the County agencies, although having provided comments in this matter, did not have adequate opportunity for review of the Petition, nor did the concerned citizens and attorneys in this matter. People's Counsel asserts that, since the Deputy Zoning Commissioner did not review the case on the merits as proscribed by the Rules of Procedure before the Zoning Commissioner, this Board has no authority to consider this case on the merits. Protestants argue that moving forward is prejudicial to the Protestants and prevents County review in the matter, further stating that the lack of a site plan unfairly places the Protestants in the posture of not being able to cross-examine witnesses.

The Appellants argue that the issue should have been raised before the date of the hearing, and that such practice is unfair to the Petitioner. Further, the Appellants point out that the Deputy Zoning Commissioner purposely overlooked the site plan deficiency in his written Opinion and Order; further, that Baltimore County accepted the Petition and performed its review with the information contained in the file. Appellants concede that the information in the file does not comply in form with the Zoning Commissioner's Rules of Procedure, rule #2. If the Board were to determine the lack of a site plan to be a material detect, then the Appellants would request a continuance, stating that zoning matters are an evolutionary process in furtherance of their argument.

The Board notes that the Rules of Procedure before the County

Board of Appeals do not include rules of discovery found in the Court system in this State; furthermore, the Board notes that the burden of compliance with filing requirements rests with the Petitioner at the time of filing. It should be noted that the Petitioner in this case has attempted to comply with an Order of the District Court to enable him to satisfactorily address environmental concerns on the instant site, and in a fashion which would not be unduly financially burdensome.

The Board recognizes that the Deputy Zoning Commissioner attempted to insure that both parties were in a position to come to an agreement in this issue, and in so doing, perhaps may have overstepped his authority. The Zoning Commissioner's Rules of Procedure stipulate a requirement, which is not optional, in filing a Petition for Special Hearing in matters such as nonconforming use. This Board finds that the initial filing requirements by the Deputy Zoning Commissioner were not enforced. Therefore, the Board finds that in allowing the Petitioner to file without a site plan, the Deputy Zoning Commissioner has overstepped his authority.

Further, the Baltimore County Zoning Regulations (BCZR), Section 500.14C, stipulates that the Zoning Commissioner (or in his stead, Deputy Zoning Commissioner) shall send to the Chesapeake Bay Critical Area Commission a complete copy of the application and the recommended findings and the hearing notice, pursuant to matters within the Chesapeake Bay critical area, such as this case. The Board has reviewed the entire file and, on its own finds that no such action was taken in this particular matter.

BCZR Section 500.14D reads:

> "The Zoning Commissioner shall not render a decision on any such petition of which a copy must be sent to the Commission until the Zoning Commissioner has received notice of receipt by the Commission, and any such decision in violation of this paragraph shall be null and void."

For this Board to allow a continuance in this matter would be tantamount to allowing the Petitioner to skip the procedures properly before the Zoning Commissioner and place the special hearing in original jurisdiction before this Board. Section 501.6 of the BCZR indicates that appeals from the Zoning Commissioner shall be heard by the Board of Appeals de novo.

Section 501.7 of the BCZR reads:

> "The decision and order of the Board of Zoning Appeals may affirm or reverse in whole, or in part, any decision or order of the Zoning Commissioner, or may modify the Order appealed from and direct the issuance of a permit for such modified use as it may deem proper, subject, however, to zoning regulations and restrictions."

In light of the limitations placed upon the Board of Appeals in the de novo hearing pursuant to BCZR Section 501.7, this Board is placed in an appellate role in such matters, and not in one of original jurisdiction. Therefore, this Board is not in a position to grant a continuance.

The limitations placed on the Board under BCZR Section 501.7 state that the Board may not remand for hearing pursuant to the requirements lacking as stated above; however, because of noncompliance with BCZR Section 500.14D, this Board finds that the

decision of the Deputy Zoning Commissioner is null and void.

The Deputy Zoning Commissi stated in his opinion certain feelings as to the merits of the ase and may have found for the Petitioner, but for the lack of sufficiency in the merits to make a finding for legal nonconforming use. Because the decision of the Deputy Zoning Commissioner is null and void, it is the opinion of this Board that the Petitioner may be allowed to file a new Petition for Special Hearing to determine that the 22 dwelling units are a legal nonconforming use, so long as the Petitioner is willing to submit a lawful Petition.

THEREFORE, pursuant to the aforementioned, the Motion for Dismissal be and is hereby GRANTED without prejudice, and the Order of the Deputy Zoning Commissioner dated January 17, 1996 is declared null and void.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Robert O. Schuetz, Chairman

Margaret Worrall

Charles L. Marks

Date of issuance:
October 17, 1996

For #97-576-A SPH

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1996, LEGISLATIVE DAY NO. 1

BILL NO. 9-96 PASSED

Mr. Vincent J. Gardina, Councilman

By Request of County Executive

BY THE COUNTY COUNCIL, January 2, 1996

A BILL
ENTITLED

AN ACT concerning

Baltimore County Zoning Regulations

FOR the purpose of bringing the County's Chesapeake Bay Critical Area zoning requirements into compliance with the State Critical Area Law and Criteria; streamlining the review of Critical Area zoning issues; and providing for an intrafamily transfer process in R.C. 20 and R.C. 50 zones.

By Repealing
Sections 307.2 and 403.2
Sections 500.14.B through 500.14.E
Baltimore County Zoning Regulations

By Adding
Section 105.E and Section 1A05.5
Baltimore County Zoning Regulations

By Repealing and Reenacting, with amendments,
Sections 101 the definition of "Wetland", 101A, 103.5, 104.5, 105.D, 403.1, 417.8 and 500.14.A
Sections 1A05.1.A.5, 1A05.2.A.9, 1A05.3.A.2, and 1A05.4.B
Baltimore County Zoning Regulations

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

PHR:bj 11/27/95

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 307.2, Section 403.2 and Sections 500.14.B through 500.14.E, of the Baltimore County Zoning Regulations, be and they are hereby repealed.

Section 307 - Variances

[307.2 - In addition to the authority and limitations set forth in Section 307.1 above, within the Chesapeake Bay Critical Area, the Zoning Commissioner, or upon appeal, the Board of Appeals of Baltimore County, shall have the power to authorize the expansion of those uses in existence at the time of the effective date of this subsection; any order granting a variance pursuant to this subsection shall contain findings of fact which shall include the following:

1. That special conditions or circumstances exist that are peculiar to the land or structure within the Critical Area of the county;

2. That strict compliance with the Critical Area Regulations would result in the practical difficulty, unreasonable hardship or severe economic hardship;

3. That strict compliance with the Critical Area Regulations will deprive the applicant of rights commonly enjoyed

by other properties in similar areas within the Critical Area of the county;

4. That the granting of a variance will not confer upon an applicant any special privilege that would be denied by the Critical Area Regulations to other lands or structures within the Critical Area of the county;

5. That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property;

6. That the granting of a variance will be in harmony with the general spirit and intent of the Critical Area Regulations of the county; and

7. That the variance conforms to the requirements as stated in Section 500.14, BCZR.]

Section 403 - Excavations, Controlled

[403.2 Within the Chesapeake Bay Critical Area, controlled excavations are subject to the following regulations:

(1) Definition - controlled excavation means "surface mining," which includes:

a. Any activity or process constituting all or

part of a process for the extraction or removal of minerals from their original location in the Critical Area;

b. The extraction of sand, gravel, rock, stone, earth, or fill from borrow pits for highway construction purposes or other public facilities;

c. Operations engaged in processing minerals at the site of extraction;

d. Removal of overburden and mining of limited amounts of any mineral when done for the purpose of prospecting and to the extent necessary to determine the location, quantity, or quality of any natural deposit; and any extraction or removal operations, if the affected land exceeds one acre or more in area.

(2) Surface mining operations in the Critical Area shall be sited to minimize pollution from sedimentation and siltation, chemical and petrochemical use and spillage, noise, and the storage or disposal of wastes, dusts and spoils. The operation shall be conducted to permit the rapid reclamation of the site, including the wash ponds, when the operation has terminated.

(3) Site specification:

a. Surface mining operations, including access

roads, accessory or related improvements, equipment and storage areas:

(i) Must comply with the habitat protection area and buffer regulations specified in Sections 26-451 and 26-449 in the Baltimore County Code;

(ii) Shall not disturb land with highly erodible soil;

(iii) Shall not be permitted if the mining activity would prevent the use of the site for agricultural or forestry purposes for more than twenty-five years;

(iv) Must, upon completion of the mining operation, return the property to a condition capable of sustaining agricultural or forest use or to another use permitted by these zoning regulations; and

(v) Shall incorporate a multi-purpose berm or buffer to protect neighboring residential sites from the pollutants specified in the Policy Section of this Subsection.

b. Wash plants including ponds, spoil piles and associated equipment must be hydrologically self-contained, unless it can be conclusively proven to the approving authority that there will be no risk of water quality degradation.]

Section 500 - Zoning Commissioner and/or Deputy Zoning

Commissioner

500.14 Within the Chesapeake Bay Critical Area:

[B. The recommendations shall be provided to the Zoning Commissioner within thirty (30) days after the Department is notified by certified mail, return receipt requested, by the petitioner of the filing of the petition with the Office of the Zoning Commissioner, unless the Department by written request to the Zoning Commissioner, with good cause shown, moves that additional time not to exceed an additional thirty (30) days is required to prepare and file said recommendations with the Zoning Commissioner.

C. After receiving the recommended findings specified in paragraph A, and scheduling the hearing, the Zoning Commissioner shall send to the Chesapeake Bay Critical Area Commission a complete copy of the application and the recommended findings and the hearing notice. Before the close of the next business day after receipt of a copy of an application from the applicant or the local approving authority, the Commission will in accordance with Natural Resources Article, Section 8-1811 send written notice of receipt to the applicant and to the Zoning Commissioner. A failure of the Commission to send a timely notice of receipt shall render Natural Resources Article Section

8-1211(b)(3) and subparagraph D below inapplicable as to that petition.

D. The Zoning Commissioner shall not render a decision on any such petition of which a copy must be sent to the Commission until the Zoning Commissioner has received notice of receipt by the Commission, and any such decision in violation of this paragraph shall by null and void.

E. A copy of the opinion and order deciding the application shall promptly be sent by the Zoning Commissioner to the Critical Area Commission.]

SECTION 2. BE IT FURTHER ENACTED, that Sections 105.E and 1A05.5 be and they are hereby added to the Baltimore County Zoning Regulations, to read as follows:

Section 105 - Prohibited uses - the establishment or expansion of the following uses is prohibited in all Chesapeake Bay Critical Areas:

E. NON-MARITIME HEAVY INDUSTRIES, EXCEPT THOSE USES PERMITTED IN THE UNDERLYING ZONE AS AUTHORIZED BY THESE REGULATIONS. SUCH USES MAY BE PERMITTED ONLY IN INTENSELY DEVELOPED AREAS AS DEFINED BY THE COUNTY CODE, AND ONLY AFTER THE ACTIVITY OR FACILITY HAS DEMONSTRATED THAT THERE WILL BE A NET IMPROVEMENT IN WATER QUALITY TO THE ADJACENT BODY OF WATER.

Section 1A05 - R.C. 20 and R.C. 50 Zones

1A05.5 BONA FIDE INTRAFAMILY TRANSFERS.

NOTWITHSTANDING DENSITY LIMITATIONS ESTABLISHED IN SECTION 1A05.4, A BONA FIDE INTRAFAMILY TRANSFER MAY BE MADE, SUBJECT TO THE FOLLOWING ADDITIONAL REQUIREMENTS:

A. A BONA FIDE INTRAFAMILY TRANSFER MAY BE MADE PROVIDED ALL OF THE FOLLOWING IS SATISFIED:

1. THE PARCEL OF LAND WITH BOUNDARIES AS RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY IS 7 ACRES OR GREATER;

2. THE PARCEL OF LAND WAS RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY ON OR BEFORE MARCH 1, 1986; AND

3. THE PROPERTY OWNER REQUESTING THE INTRAFAMILY TRANSFER WAS THE OWNER OF THE PROPERTY ON OR BEFORE MARCH 1, 1986.

B. IN THE R.C. 20 ZONE, A BONA FIDE INTRAFAMILY TRANSFER MAY BE MADE PROVIDED THAT THE SUBDIVISION COMPLIES WITH THE FOLLOWING DENSITY LIMITATIONS:

1. A LOT HAVING A GROSS AREA OF 7 ACRES OR

MORE BUT LESS THAN 12 ACRES MAY BE SUBDIVIDED INTO 2 LOTS.

2. A LOT HAVING A GROSS AREA OF 12 ACRES OR MORE BUT LESS THAN 60 ACRES MAY BE SUBDIVIDED INTO 3 LOTS. THE LOTS MAY BE CREATED AT DIFFERENT TIMES.

3. A LOT HAVING A GROSS AREA OF 60 ACRES OR MORE MAY BE SUBDIVIDED IN ACCORDANCE WITH SECTION 1A05.4.B.1.

C. IN THE R.C. 50 ZONE, A BONA FIDE INTRAFAMILY TRANSFER MAY BE MADE PROVIDED THAT THE SUBDIVISION COMPLIES WITH THE FOLLOWING DENSITY LIMITATIONS:

1. A LOT HAVING A GROSS AREA OF 7 ACRES OR MORE BUT LESS THAN 40 ACRES MAY BE SUBDIVIDED INTO 2 LOTS.

2. A LOT HAVING A GROSS AREA OF 40 ACRES OR MORE BUT LESS THAN 150 ACRES MAY BE SUBDIVIDED INTO 3 LOTS. THE LOTS MAY BE CREATED AT DIFFERENT TIMES.

3. A LOT HAVING A GROSS AREA OF 150 ACRES

OR MORE MAY BE SUBDIVIDED IN ACCORDANCE WITH SECTION 1A05.4.B.2.

D. LOTS CREATED AS PART OF A BONA FIDE INTRAFAMILY TRANSFER SHALL BE 60,000 SQUARE FEET OR LESS, WITH 1 LOT CONTAINING THE REMAINING ACREAGE. EXCEPTIONS CAN BE MADE IN REGARD TO THESE STANDARDS IN CASES WHEN THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT OR HIS DESIGNEE FINDS THAT A GREATER OR LESSER SIZE IS PREFERABLE FOR AT LEAST ONE OF THE FOLLOWING REASONS:

1. SEWERAGE AND WATER SYSTEM REQUIREMENTS;
2. UNIQUE PHYSICAL CHARACTERISTICS OF THE SITE;
3. ADJACENT DEVELOPMENT CHARACTERISTICS; OR
4. OTHER FACTORS WHICH CREATE PRACTICAL DIFFICULTIES IN SATISFYING THESE LOT SIZE REQUIREMENTS.

E. ANY LOT CREATED BY A BONA FIDE INTRAFAMILY TRANSFER SHALL CONTAIN A NOTE ON THE SUBDIVISION PLAN AND A RESTRICTION IN THE

DEED RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY STATING THAT THE LOT IS CREATED SUBJECT TO THE PROVISIONS OF THIS SECTION FOR THE PURPOSE OF CONSTRUCTING A DWELLING HOUSE FOR USE BY THE GRANTEE. ANY LOT CREATED BY A BONA FIDE INTRAFAMILY TRANSFER MAY NOT BE CONVEYED SUBSEQUENTLY TO ANY PERSON OTHER THAN A MEMBER OF THE OWNER'S IMMEDIATE FAMILY EXCEPT UNDER PROCEDURES ESTABLISHED PURSUANT TO SUBSECTION G OF THIS SECTION. THIS SUBSECTION DOES NOT PREVENT THE CONVEYANCE OF THE LOT TO A THIRD PARTY AS SECURITY FOR A MORTGAGE OR DEED OF TRUST.

F. BUILDING PERMITS AND USE AND OCCUPANCY CERTIFICATION SHALL BE RELEASED ONLY TO THE GRANTEE AS OWNER.

G. EXCEPT BY ORDER OF A COURT OF LAW, THE CONVEYANCE OF AN INTRAFAMILY TRANSFER LOT TO ANY PERSON OTHER THAN THE OWNER'S IMMEDIATE FAMILY WITHIN 5 YEARS OF ORIGINAL TRANSFER MAY OCCUR ONLY ON THE APPROVAL OF THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

OR HIS DESIGNEE UPON A FINDING OF:

1. A CHANGE IN CIRCUMSTANCES HAS OCCURRED SINCE THE ORIGINAL TRANSFER WAS MADE THAT IS NOT INCONSISTENT WITH THIS SUBTITLE AND THAT WARRANTS AN EXCEPTION;

2. OTHER CIRCUMSTANCES ARE PRESENT AND THE PROPERTY CAN NO LONGER BE RETAINED BY THE IMMEDIATE FAMILY; AND

3. OTHER CIRCUMSTANCES CONSISTENT WITH THIS SECTION AND WITH THE CRITICAL AREA CRITERIA TO MAINTAIN LAND AREAS NECESSARY TO SUPPORT THE PROTECTIVE USES OF AGRICULTURE, FORESTRY, OPEN SPACE, AND NATURAL HABITATS IN RESOURCE CONSERVATION AREAS WARRANT AN EXCEPTION.

SECTION 3. BE IT FURTHER ENACTED, that Section 101 the definition of "Wetland", Section 101A, Section 103.5, Section 104.5, Section 105.D, Section 403.1, Section 417.8, Section 500.14.A, Section 1A05.1.A.5, Section 1A05.2.A.9, Section 1A05.3.A.2, and Section 1A05.4.B, of the Baltimore County Zoning Regulations, be and they are hereby repealed and reenacted, with amendments, to read as follows:

Section 101 - Definitions

[Wetland: A private wetland or a state wetland as defined in Section 9-101 of the Natural Resources article of the Annotated Code of Maryland, 1974, and, if a private wetland, as delineated under Section 9-301 of that article.]

WETLAND (NONTIDAL): THOSE AREAS THAT ARE INUNDATED OR SATURATED BY SURFACE OR GROUND WATER AT A FREQUENCY AND DURATION SUFFICIENT TO SUPPORT, AND THAT UNDER NORMAL CIRCUMSTANCES DO SUPPORT, A PREVALENCE OF VEGETATION TYPICALLY ADAPTED FOR LIFE IN SATURATED SOIL CONDITIONS, COMMONLY KNOWN AS HYDROPHYTIC VEGETATION. THE DETERMINATION OF WHETHER AN AREA IS A NONTIDAL WETLAND SHALL BE MADE IN ACCORDANCE WITH THE PUBLICATION KNOWN AS THE "FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS," PUBLISHED IN 1987 AND AS MAY BE AMENDED.

WETLAND (TIDAL): ALL STATE AND PRIVATE TIDAL WETLANDS, MARSHES, SUBMERGED AQUATIC VEGETATION, LANDS, AND OPEN WATER AFFECTED BY THE DAILY AND PERIODIC RISE AND FALL OF THE TIDE WITHIN THE CHESAPEAKE BAY AND ITS TRIBUTARIES, AND ADDITIONAL TIDAL WETLANDS IDENTIFIED THROUGH SITE INSPECTION BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT THAT ARE SUBJECT TO THE DAILY AND PERIODIC RISE AND FALL OF THE TIDE.

Section 101A - Critical Area Definitions

In addition to the terms and words defined in Section 101, the following words and terms as used in these regulations have the meanings indicated for application within the Chesapeake Bay Critical Area. Except as otherwise noted, these definitions are applicable only within the Chesapeake Bay Critical Area and shall supersede all other definitions. For the definitions in these Zoning Regulations of words not defined in this Section, refer to SECTION 26-438 OF THE BALTIMORE COUNTY CODE AND COMAR, Title [14] 27, Subtitle [15] 01, Chapter 01. Any word or term not defined in Section 101, Section 101A, SECTION 26-438 OF THE BALTIMORE COUNTY CODE, or in COMAR, Title [14] 27, Subtitle [15] 01, shall have the ordinarily accepted definition as set forth in the most recent edition of Websters Third New International Dictionary of the English Language, Unabridged.

[Afforestation means the establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas which are not presently in forest cover.]

Agriculture means all methods of production, processing, [storage and] STORAGE, AND management of livestock, crops, vegetation, and soil. This includes [,] but is not limited to [,] the related activities of tillage, fertilization, pest

control, harvesting, and marketing. It also includes [,] but is not limited to [,] the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and [poultry and] POULTRY, AND handling their by-products.

[Anadromous fish means fish that travel upstream (from their primary habitat in the ocean) to freshwaters in order to spawn.

Best Management Practices (BMPs) means conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment.]

BONA FIDE INTRAFAMILY TRANSFER MEANS A TRANSFER TO A MEMBER OF THE OWNER'S IMMEDIATE FAMILY OF A PORTION OF THE OWNER'S PROPERTY FOR THE PURPOSE OF ESTABLISHING A RESIDENCE FOR THAT FAMILY MEMBER.

Buffer means a naturally vegetated area or vegetated area established or managed in accordance with COMAR [14.15.09] 27.01.09 to protect aquatic, wetland, shoreline, and terrestrial environments from man-made disturbances.

Chesapeake Bay Critical Area means separately and in sum, all lands and [waters] water designated on the official Critical Area map of Baltimore County as Intensely Developed Areas or

Limited Development Areas and on the official zoning map of Baltimore County as R.C.20 zones or R.C.50 zones, pursuant to [Maryland] Annotated Code OF MARYLAND, Natural Resources article, Section 8-1807(c).

Chesapeake Bay Critical Area Criteria means the regulations promulgated by the Chesapeake Bay Critical Area Commission in the Code of Maryland Regulations, Title [14] 27, Subtitle [15] 01.

Chesapeake Bay Critical Area Law means the regulations set forth in the [Maryland] Annotated Code OF MARYLAND, Natural Resources article, title [b] 8, subtitle 18, SECTIONS 8-1801 ET SEQ., "Chesapeake Bay Critical Area Protection Program" [, Sections 8-1801 et seq.].

[Clearcutting means the removal of the entire stand of trees in one cutting with subsequent afforestation obtained by natural seeding from adjacent stands or from trees that were cut, from advanced regeneration or stump sprouts, or from planting of seeds or seedlings by man.]

Cluster Development, notwithstanding the definition of the term "cluster subdivision" in Section 26-168, means a residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat, forest [preservation or] PRESERVATION,

OR other permanent open space uses on the remainder.

[Colonial Nesting Water Birds means herons, egrets, terns, and/or glossy ibis, which for purposes of nesting, congregate (that is "colonize") in relatively few areas, at which time the regional populations of these species are highly susceptible to local disturbances.

Commercial Harvesting means a commercial operation that would alter the composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.]

[Conservation Easement means a non-possessory interest in land which, for the purpose of conserving natural resources for continued productivity and/or for future use or preservation, restricts the manner in which the land may be developed.]

Critical Area Farm means all land within the Chesapeake Bay Critical Area which is classified by the [Maryland] STATE Department of Assessment and Taxation as either ["agriculture-residential",] "AGRICULTURE-RESIDENTIAL," code 33, or ["agriculture"] "AGRICULTURE," code 05.

[Developed Woodlands means those areas within the Chesapeake Bay Critical Area of 1 acre or more in size which predominantly contain trees and natural vegetation and which also include

residential, commercial, or industrial structures and uses.

Endangered Species means any species of plant or animal which has been designated as such by regulations by the Secretary of the Maryland Department of Natural Resources, or which has been determined to be an "endangered" species pursuant to the Federal Endangered Species Act, 16 U.S.C. Subsection 1531 et seq., and which inhabits the State of Maryland during some part of its life cycle.

Findings means a written decision rendered by the zoning commissioner after a public hearing for a special exception, variance, or special hearing that a project is consistent with the goals of the Critical Area law as specified in COMAR 14.15.10.01.O.]

Fisheries Activities means commercial water-dependent fisheries [facilities including] FACILITIES, INCLUDING structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and [reptiles and] REPTILES, AND also including related activities such as wholesale and retail sales, [storage and fabrication] STORAGE, AND FABRICATION of fisheries and shellfishing equipment, product storage facilities, crab shedding, off-loading docks, and related fuel facilities, shellfish culture operations, and shore-based

facilities necessary for aquaculture operations.

[Forest means a biological community within the Chesapeake Bay Critical Area, dominated by trees and other woody plants covering a land area of 1 acre or more. This also includes forest that have been cut but not cleared.

Forest Interior Dwelling Birds means the species of birds identified by the Maryland Forest, Park and Wildlife Service which require relatively large forested tracts in order to breed successfully such as various species of flycatchers, warblers, vireos, and woodpeckers.

Forest Management means the protection, manipulation, and utilization of the forest to provide multiple benefits, such timber harvesting, water transpiration, wildlife habitat, and the like.

Habitat Protection Area means any existing area of open water, tidal or non-tidal wetland, stream or river channel, stream or river bank, or upland, of any type and size, and including a reasonable protective area, within the Critical Area of Baltimore County which is delineated for compliance with at least one of the following elements of the Critical Area criteria (COMAR 14.15.09);

1) Spawning habitat for anadromous fish;

2) Habitat of a species of plant or animal listed by state or federal authorities as endangered, threatened, or in need of conservation (i.e., critical species), or a designated natural heritage area;

3) Forest interior-breeding bird habitat;

4) Colonial water bird nesting habitat;

5) Habitat for the feeding, resting or grouping of wintering and migrating waterfowl species;

6) Habitat which serves as a wildlife corridor;

7) Habitat which is determined to be of local significance.

Highly Erodible Soils means those soils with a slope greater than 15 percent; or those soils with a K Value greater than 0.35 and with slopes greater than 5 percent.

Hydric Soils means soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

Hydrophytic vegetation means those plants cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson, F. et al, 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water

habitats).]

[IMMEDIATE FAMILY] MEANS A FATHER, MOTHER, SON, DAUGHTER, LEGALLY ADOPTED SON OR DAUGHTER, GRANDSON, OR GRANDDAUGHTER.

[Intensely Developed Area (IDA)] means an overlay area delineated on the official Chesapeake Bay Critical Area map of [Baltimore] THE County in accordance with COMAR [14.15.02.03] 27.01.02.03.

[K Value means the soil erodibility factor in the universal soil loss equation as identified in the soil survey of Baltimore County.]

[Limited Development Area (LDA)] means an overlay area delineated on the official Chesapeake Bay Critical Area map of [Baltimore] THE County in accordance with COMAR [14.15.02.04] 27.01.02.04.

[Local Protection Program] means the program for the Critical Area in [Baltimore] THE County prepared and approved in accordance with ANNOTATED CODE OF MARYLAND, NATURAL RESOURCES ARTICLE Section 8-1809 [of the Chesapeake Bay Critical Area Law].

[Mean High Water Line] means the average level of high tides at a given location.

[Natural Heritage Area] means any communities of plants or animals which are considered to be among the best statewide

examples of their kind, and are designated by regulation by the Secretary of the Department of Natural Resources.

Non-Point Source Pollution means pollution which is generated by diffuse land use activities rather than from an identifiable or discrete facility, and is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than by direct discharge.

Non-tidal wetlands means those lands in the Critical Area, where the water table is usually at or near the surface, or lands where the soil or substrate is covered by shallow water at some time during the growing season, and which are usually characterized by one or both of the following:

1) At least periodically, the lands support predominantly hydrophytic vegetation; and

2) The substrate is predominated by undrained hydric soils.

Excluded from this definition are tidal wetlands regulated under Title 9 of Natural Resources Article, Annotated Code of Maryland, and existing farm ponds and other man-made bodies of water whose purpose is to impound water for agriculture, water supply, recreation, or water fowl purposes.

Offsets means structures, actions or fees-in-lieu thereof that compensate for undesirable impacts of land uses.

Overburden means the strata of material in its natural state, before its removal by surface mining, overlying a mineral deposit, or in between mineral deposits.

Palustrine means all non-tidal wetlands dominated by trees, shrubs persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one-half part per 1,000 parts of water.

Private Harvesting means the cutting and removal of trees for personal, non-commercial use.

Project Approval means the approval of development as required by law, other than development by a state or local government agency, in the Chesapeake Bay Critical Area by the County Review Group, Zoning Commissioner, or, on appeal, the Board of Appeals of Baltimore County. The term includes approval of subdivision plans, plats and site plans; and granting of variances, special exceptions, special hearing.]

[Reclamation means the reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including waterbodies.]

[Reforestation means the establishment of a forest through artificial reproduction or natural regeneration.]

Resource Conservation Area (RCA) means an area zoned RC-20 or RC-50 on the official zoning map of [Baltimore] THE County in accordance with COMAR [14.15.02.05] 27.01.02.05.

[Seasonally Flooded Water Regime means a condition where surface water is present for extended periods, especially during the early growing season, and when surface water is absent, the water table is often near the land surface.

Selection means the removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

Species in Need of Conservation means any species of animal which has been designated as such by regulation by the Secretary of the Department of Natural Resources pursuant to Natural Resources Article, Subsection 10-2A-03 and 4-2A-03, Annotated Code of Maryland.

Soil Conservation and Water Quality Plans means land-use plans for farms prepared and approved in accordance with COMAR 14.15.06.03A(3), that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future.

Spoil Pile means the overburden and reject materials as piled or deposited during surface mining.

Thinning means a forest practice which may include harvesting used to accelerate tree growth of quality trees in the shortest interval of time.

Threatened Species means any species of plant or animal designated as such by regulation by the Secretary of the Department of Natural Resources, or which has been determined to be a "threatened" species pursuant to the Federal Endangered Species Act, cited above.

Tidal Wetlands means all state wetlands and all private wetlands as defined and regulated pursuant to Title 9 in the Natural Resources Article of the Annotated Code of Maryland, and also means such additional tidal wetlands as may be identified by Department of Environmental Protection and Resource Management in accordance with procedures and standards approved by the Maryland Department of Natural Resources.]

TRANSPORTATION FACILITIES MEANS ANYTHING THAT IS BUILT, INSTALLED OR ESTABLISHED TO PROVIDE A MEANS OF TRANSPORT FROM ONE PLACE TO ANOTHER INCLUDING, BUT NOT LIMITED TO, TRUCKING FACILITIES, AIRPORTS, RAILWAY STATIONS AND OTHER USES WHICH IN THE JUDGEMENT OF THE DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT WITH THE RECOMMENDATION OF THE DIRECTOR OF DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT ARE

CONSIDERED TRANSPORTATION FACILITIES. TRANSPORTATION FACILITIES DO NOT INCLUDE BOATYARDS, MOTORWAYS, RAILWAYS, OR WATER-DEPENDENT FACILITIES.

[Tributary streams means those perennial and intermittent streams in the Critical Area as mapped on the most recent U.S. Geological Survey 7½ minute topographic quadrangle maps (scale 1:24,000) or as may be identified through site inspection by the department of environmental protection and resource management.]

Utility Transmission Facilities means fixed structures that convey or distribute resources, wastes, or both, [including, but not limited to,] INCLUDING BUT NOT LIMITED TO electric lines, water conduits, and sewer lines.

[Wash Plant means a facility where sand and gravel is washed during processing.]

WATER-DEPENDENT MEANS A TEMPORARY OR PERMANENT STRUCTURE OR ACTIVITY, WHICH BY REASON OF ITS INTRINSIC NATURE OR OPERATION, REQUIRES LOCATION IN OR OVER STATE OR PRIVATE TIDAL WETLANDS, OR AT OR NEAR THE SHORELINE WITHIN THE BUFFER.

[Wildlife Corridor means a strip of land having vegetation that provides habitat and a safe passageway for wildlife and delineated in accordance with COMAR 14.15.09.04C.

Wintering and Migrating Waterfowl Habitat means an area of

open water and land where adjacent fowl gather during migration and throughout the winter season. These areas are "historic" in the sense that their location is common knowledge and because these areas have been used regularly during recent times.]

103.5 - The following provisions apply to GRANDFATHERING REQUIREMENTS OF THE CHESAPEAKE BAY CRITICAL AREA LOCAL PROTECTION PROGRAM AND TO the residential densities at which certain land within the critical area may be developed after [the effective date of this subsection] JUNE 13, 1988:

A. THE COUNTY SHALL PERMIT THE CONTINUATION, BUT NOT NECESSARILY THE INTENSIFICATION OR EXPANSION, OF ANY USE IN EXISTENCE ON JUNE 13, 1988. IF THE EXISTING USE DOES NOT CONFORM WITH THE PROVISIONS OF THE LOCAL PROTECTION PROGRAM, ITS INTENSIFICATION OR EXPANSION MAY BE PERMITTED ONLY IN ACCORDANCE WITH SECTION 104.5 OF THESE REGULATIONS AND WITH THE VARIANCE PROVISIONS AND PROCEDURES OUTLINED IN SECTION 26-207, 26-445, OR 26-453 OF THE BALTIMORE COUNTY CODE, WHICHEVER IS OR ARE APPLICABLE.

[A.] B. Each individual lot or parcel of land that was either a lot of record or a record lot on December 1, 1985 may be developed with a single family dwelling, if a dwelling was not already in existence and if a single family dwelling was a use

permitted on the property under zoning in effect on December 1, 1985, notwithstanding that such development may be inconsistent with the density provisions of the approved local protection program, and provided that this right to develop:

1. Is subject to all zoning regulations, other than density or lot size, in effect at the time the right is to be exercised, unless

2. The lot or parcel is within the recorded plan or plat of a land subdivision approved by the county before December 1, 1985, in which case the limitations and rights pertaining to the approved plan or plat shall govern.

C. GROWTH ALLOCATION WILL NOT BE REQUIRED FOR SUBDIVISIONS OF LAND WHERE EACH RESULTANT PARCEL OR LOT CONTAINS A DWELLING WHICH EXISTED ON DECEMBER 1, 1985.

[B.] D. Residential subdivision of land other than for single family dwellings as covered in [paragraph A] PARAGRAPHS B AND C, herein, is permitted in accordance with an approved final development plan or record plat, if the approval was granted by the county before June 1, 1984.

[C.] E. For non-residential developments, a lot or parcel of land may be developed with a use permitted on the property under the zoning or use regulations in effect on December 1,

1985, notwithstanding that such development may be inconsistent with the provisions of division VI, section 26-436, et al, Baltimore County Code, and provided that this right to develop:

1. Is subject to the zoning regulations in effect at the time the right is to be exercised; unless

2. The lot or parcel is within the recorded or approved plat or plan of a land subdivision approved by the county before December 1, 1985, in which case the limitations and rights pertaining to the approved plat or plan shall govern.

[D.] F. The rights conferred above are subject to:

1. The provisions in section 26-216, Baltimore County Code, pertaining to the time limit for validity of subdivision plats; and, if applicable, to the provisions of section 103.3 and 103.4, BCZR; and

2. THE PROVISIONS IN SECTIONS 26-447 THROUGH 26-451 AND SECTION 26-454, BALTIMORE COUNTY CODE, PERTAINING TO WETLANDS, BUFFERS, HABITAT PROTECTION AREAS, AND WATER-DEPENDENT FACILITIES.

[2.] 3. Other applicable county laws or regulations in effect at the time a right is exercised.

Section 104 - Nonconforming Uses.

104.5 - Any use which becomes or continues to be

nonconforming which exists within the Chesapeake Bay Critical Area on or before the effective date of this Subsection is subject to provisions of Section 104.1 and Section 104.2 above, and to the VARIANCE provisions AND PROCEDURES of Section [307, BCZR] 26-207, 26-445, OR 26-453 OF THE BALTIMORE COUNTY CODE, WHICHEVER IS OR ARE APPLICABLE.

Section 105 - Prohibited uses - the establishment or expansion of the following uses is prohibited in all Chesapeake Bay Critical Areas:

D. Transportation facilities, and utility transmission facilities, except those necessary to serve [permitted] uses PERMITTED IN THE UNDERLYING ZONE PER THE BALTIMORE COUNTY ZONING REGULATIONS. SUCH USES MAY BE PERMITTED ONLY IN INTENSELY DEVELOPED AREAS, AND ONLY AFTER THE ACTIVITY OR FACILITY HAS DEMONSTRATED THAT THERE WILL BE A NET IMPROVEMENT IN WATER QUALITY TO THE ADJACENT BODY OF WATER.

Section 403 - Excavations, Controlled

403.1 Applications for Special Exceptions hereunder, accompanied by four sets of detailed plans showing proposed use of land during excavation and grading plans after excavation shall be directed to the zoning commissioner. Any Special Exception granted hereunder may include the right to erect and

operate buildings, machinery, and equipment for a temporary period, consistent with other provisions of the order of the Zoning Commissioner, or the Board of Zoning Appeals on appeal. All pertinent requirements of the Baltimore County Health Department [and DEPRM] Regulations and the Baltimore County Building Code shall be incorporated by the Zoning Commissioner and the Board of Appeals, on appeal, in approving any application hereunder.

Section 417 - Waterfront construction

417.8 - Waterfront construction must also comply with all applicable provisions of [section] SECTIONS 26-454 THROUGH 26-467 in the Baltimore County Code pertaining to water-dependent facilities, WATER-DEPENDENT STRUCTURES, NONWATER-DEPENDENT STRUCTURES, AND SHORE EROSION PROTECTION WORKS, AND SECTION 103.5 OF THESE REGULATIONS PERTAINING TO GRANDFATHERING in the Chesapeake Bay Critical Area.

Section 500 - Zoning Commissioner and/or Deputy Zoning Commissioner

500.14 Within the Chesapeake Bay Critical Area:

[A.] No decision may be rendered by the Zoning Commissioner on any petition for special exception, variance or special hearing unless the Zoning Commissioner has received from

the Director of the Department of Environmental Protection and Resource Management OR HIS DESIGNATED REPRESENTATIVE written recommendations [, which shall be prepared in consultation with the Director of the Office of Planning and Zoning,] describing how the proposed request would:

[1.] A. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

[2.] B. Conserve fish, wildlife, and plant habitat; and

[3.] C. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Section 1A00 - General Provisions: All R.C. Classifications

1A05.1 General Provisions

A. Legislative Findings

5. The County is obligated to enact zoning and other regulations for implementing the "Resource Conservation Area" requirement of the Critical Area Criteria (COMAR [14.15.02.05]

27.01.02.05);

1A05.2 Table of Land Use Regulations

In the R.C. 20 and R.C. 50 zones, the letter "P" in the following table indicates a land use permitted by right in the respective zone(s), and the letters "SE" indicate a use permitted by Special Exception pursuant to Section 502.7:

	Zone	
	R.C. 20	R.C. 50
A. Natural Resources and Agricultural Uses		
9. Surface mining by controlled excavation subject to the provisions of Section 403, BCZR, AND SECTION 14-265,OF THE BALTIMORE COUNTY CODE.	SE	SE

1A05.3 General and Special Land Use Regulations

In addition to the provisions in the table of land use regulations, land uses in R.C. 20 and R.C. 50 zones are subject to the following requirements:

A. Commercial and Industrial Development

2. Expansion of a commercial or industrial use in an R.C. 20 or R.C. 50 zone may be permitted only in accordance with SECTION 104.5 OF THE BCZR, AND the variance [procedure] PROVISIONS AND PROCEDURES specified in Section [307.2] 26-207, 26-445, OR 26-453 OF THE BALTIMORE COUNTY CODE, WHICHEVER IS OR ARE APPLICABLE.

1A05.4 - Height and Area Regulations

B. Subdivision Lot Density:

1. In the R.C. 20 Zone, no lot of record having a gross area of 20 or less acres may be subdivided. A lot of record with a gross area of more than 20 acres may be subdivided only at a rate of 1 lot for each 20 acres of gross area. EXCEPTIONS CAN BE MADE ONLY IF THE SUBDIVISION IS A BONA FIDE INTRAFAMILY TRANSFER IN ACCORDANCE WITH SUBSECTION 1A05.5 OF THIS SECTION.

2. Within the R.C. 50 Zone, no lot of

record having a gross area of 20 or less acres may be subdivided. A lot of record with a gross area between 20 and 100 acres may be subdivided once, provided that the average density is not less than 1 unit per 20 acres. A lot of record having a gross area of more than 100 acres may be subdivided only at a rate of 1 lot for each 50 acres of gross area. EXCEPTIONS CAN BE MADE ONLY IF THE SUBDIVISION IS A BONA FIDE INTRAFAMILY TRANSFER IN ACCORDANCE WITH SUBSECTION [illegible].5 OF THIS SECTION.

SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five days from the date of its enactment.

C:\PHR:bj/zoning

(SHEET S.E.1-J)

E 54,000 E 55,500 E 57,000 E 58,500 E 60,000

N 828,000 N 826,000

S 4,000 S 5,000 S 6,000 S 7,000 S 8,000

CREEK

SUE

POTTERY FARM

R.C. 20

R.C. 5

D.R. 5.5

M.L. N 829,000

PRIVATE ROAD

ROAD

POPLAR ROAD

SILVER ROAD

PINE RD.

MARSH ROAD

MARSH CREEK

BL

RIVER ROAD

PRIVATE LN.

LANE

WALL

PIERS

PIER

92-315-A

89-415PH

93-363-A

93-465-A

91-81-A (G.-2.C.)

93-361-A (G.-2.C.)

93-147-SPHA

VANDERMAST ROAD

GOFF ROAD

SITE

HOLLY ROAD

MAPLE ROAD

CEDAR ROAD

NECK ROAD

SCHAFFERS ROAD

GOLUPSKI ROAD

PHILLIPS ROAD

(SHEET S.E.2-I)

(SHEET S.E.2-K)

(SHEET S.E.3-J)

E-NE ZZ-NW

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

Chairman, County Council

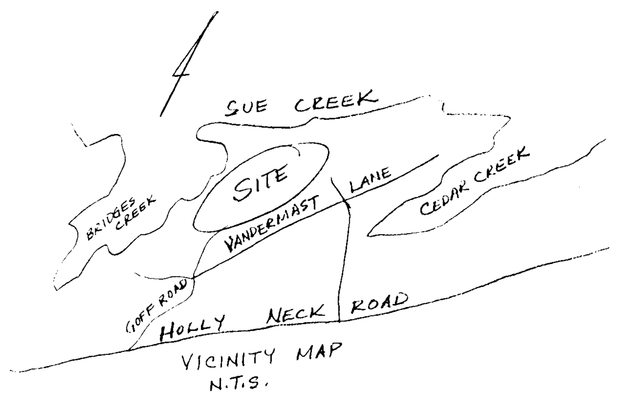
1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

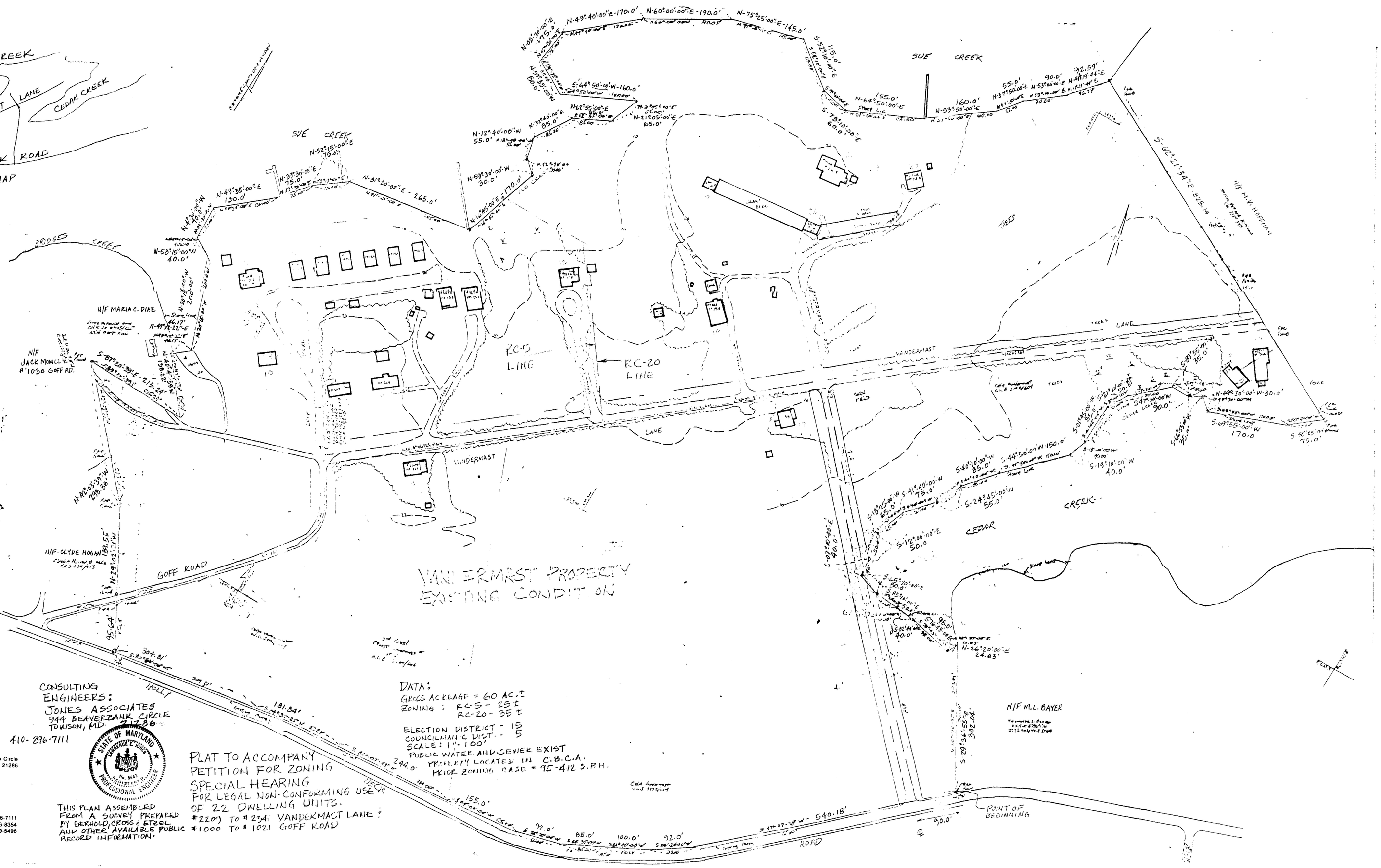
SCALE	LOCATION	SHEET
1" = 200'±	HOLLY NECK	S.E. 2-J
DATE OF PHOTOGRAPHY JANUARY 1986	#576	

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

97-576-SPH



VICINITY MAP
N.T.S.



#576

944 Beaverbank Circle
Towson, Maryland 21286
• JONES ASSOCIATES • consulting engineers
Patrick M. O'Keefe, Sr.
Developm ent Specialist
Office: (410) 296-7111
Pager: (410) 646-8354
FAX: (410) 339-5496

CONSULTING ENGINEERS:
JONES ASSOCIATES
944 BEAVERBANK CIRCLE
TOWSON, MD 21286
410-296-7111

STATE OF MARYLAND — DONNETT TYRONE JONES — No. 5643 — REGISTERED PROFESSIONAL ENGINEER

THIS PLAN ASSEMBLED FROM A SURVEY PREPARED BY GERHOLD, CROSS & ETZEL AND OTHER AVAILABLE PUBLIC RECORD INFORMATION.

PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING FOR LEGAL NON-CONFORMING USE OF 22 DWELLING UNITS.
#2201 TO #2341 VANDERMAST LANE &
#1000 TO #1021 GOFF ROAD

DATA:
GROSS ACREAGE = 60 AC.±
ZONING: RC-5 - 25 ±
RC-20 - 35 ±

ELECTION DISTRICT - 15
COUNCILMANIC DIST. - 5
SCALE: 1" = 100'
PROPERTY LOCATED IN C.B.C.A.
PRIOR ZONING CASE # 95-412 S.P.H.
PUBLIC WATER AND SEWER EXIST

R. C. 20

SITE

R.C. 5

BMB

BL

R.C. 5

BMB

R.C. 5

BL

R.C. 5

R. C. 20

R. C. 20

R.C. 5

R. C. 20

R.C. 20

E-NE ZZ-NW

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92,184-92,185-92,186-92,187-92,188-92,189-92

William A. Howard III
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'±	HOLLY NECK	S.E. 2-K
DATE OF PHOTOGRAPHY JANUARY 1986		

97-576-SPH

#576

(19970576)

19970576 -SPH

STRIPPED

(APPEAL WAS COLLATED + STRIPPED)

105

Baltimore County
Department of Permits and
Development Management

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

July 29, 1997

Mr. Ernest W. Vandermast, III
87 Hadlock Road
Falmouth, Maine 04105

RE: Item No.: 576
Case No.: 97-576-SPH
Petitioner: Ernest Vandermast, III

Dear Mr. Vandermast:

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 June 20, 1997.

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 (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 8, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

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

Item Nos. 576 and 577

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Carl Richards

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\NOCOM\SHELLA.DOC

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 7.1.97
Item No. 572 MJK

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,

R. J. Gredlein

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Baltimore County Government
Fire Department

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

(410) 887-4500

July 2, 1997

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

RE: Property Owner: Ernest W. Vandermast III & Joseph E. Buchanan II
Sharon T. Strouse

Location: DISTRIBUTION MEETING OF June 30, 1997

Item No.: 576, and 569 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.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

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

cc: File

Printed on Recycled Paper

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

TO: Arnold Jablon, Director
Permits and Development Management

DATE: July 15, 1997

FROM: R. Bruce Seeley, Project Manager

SUBJECT: Vandermast Property
Zoning Item # 576
Zoning Advisory Committee Meeting of June 30, 1997

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

ENVIRONMENTAL IMPACT REVIEW SECTION

1. The Chesapeake Bay Critical Area regulations will apply at the time of subdivision, building permit application, lot line adjustment request, or request for any other regulated activity.
2. The following activities may void some or all grandfathering rights in the Critical Area:
   a. expansion of building footprints involving existing, viable structures;
   b. subdivision;
   c. lot line adjustments.
3. Subdivision or lot line adjustment involving property zoned RC-20 may require growth allocation.

DEVELOPMENT COORDINATION

The Circuit Court of Maryland for Baltimore County issued a Temporary Restraining Order against Ernest W. Vandermast and Joseph E. Buchanan on June 26, 1997. This Order restrains and enjoins them, or anyone acting on their behalf, to:

1. Re-rent any units on the Vandermast property once the current tenant's lease expires or the current tenant vacates or is evicted from the property;
2. Compile a list of the current tenants on the property, stating each tenant's name, address, telephone number and the duration of their tenancy, and provide same to Plaintiff within 15 days of the Order;
3. Transferring the title to the property to anyone, by any instrument.

A copy of this order is attached.

Furthermore, it was stated by Dr. Vandermast, in writing, that the 22 residences have "substandard" septic systems (see attached letter). A violation notice was sent to Dr. Vandermast on April 28, 1997 (copy attached), ordering him to correct the violations. As of this date, no known corrections have been attempted.

Soil evaluation tests conducted on March 12, 1997 indicate the soil conditions are generally unfavorable for the proper function of a conventional sewage disposal system.

If there are any questions regarding these comments, please contact me at (410) 887-5859.

RE: PETITION FOR SPECIAL HEARING 2209-2341 Vandermast Lane and 1000-1021 Goff Road, Corner N/S Vandermast Lane, W/S Goff Road, 15th Election District, th Councilmanic	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Legal Owners: Ernest W. Vandermast, III and Joseph E. Buchanan II Contract Purchaser: Joseph E. Buchanan II Petitioners	*	CASE NO. 97-576-SPH

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of July, 1997, a copy of the foregoing Entry of Appearance was mailed to Joseph E. Buchanan II, 9712 Magledt Road, Baltimore, MD 21234, Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND a body corporate and politic Plaintiff vs. ERNEST W. VANDERMAST, et al 37 Hadlock Road Falmouth, Maine 04105 Defendants	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY Case No. 97-C-3911

* * * * * * * *

ORDER GRANTING TEMPORARY RESTRAINING ORDER

Upon consideration of the Motion for Temporary Restraining Order and specific facts in the supporting Affidavit, an it clearly appearing from the Motion and Affidavit that:

A. 25 of the Dwelling Units located on the Vandermast property have failing septic systems discharging liquid, sewage effluent to the ground surface and into Sue Creek, waters of the State.

B. Such condition has created a nuisance as determined by the Baltimore County Department of Environmental Protection and Resource Management, which is prejudicial to the public health or safety, or welfare, or detrimental to the environment.

C. The continuation of the occupancy of these 25 dwelling units is the cause of the nuisance, which, if left to remain as is, will continue to be prejudicial to public health or safety or welfare or detrimental to the environment, and that immediate substantial, and irreparable harm will result to the citizens of Baltimore County, before an advisory hearing may be held on the propriety of a preliminary or final injunction.

It is therefore this 20 day of June, 1997, ORDERED by the Circuit Court of Maryland for Baltimore County, that a Temporary Restraining Order is hereby issued against the Defendants, Ernest W. Vandermast and Joseph E. Buchanan, restraining and enjoining them, or anyone acting on their behalf, to:

1. Re-rent any units on the Vandermast property once the current tenant's lease expires or the current tenant vacates or is evicted from the property;

Post-it® Fax Note 7671 Date 7/10/97 # of pages ▶ 3

2. Compile a list of the current tenants on the property stating each tenant's name, address, telephone number and the duration of their tenancy, and provide same to the Plaintiff within 15 days of this Order.

3. Transferring the title to the property to anyone, by any instrument.

It is further ORDERED that the Plaintiff is relieved of posting bond.

NOTICE TO THE DEFENDANTS

You may apply for a modification or dissolution of the Temporary Restraining Order on two (2) days' notice, or such shorter notice as the Court may prescribe.

This Temporary Restraining Order will expire within 35 days after its entry, ~~or on the~~ ~~day of~~ _____, ~~1997~~, unless extended once by their court on showing of good cause or as consented by the defendants.

JUDGE

Send Copies to: William O. Jensen, Jr., Assistant County Attorney, 2nd Floor, Old Court House
400 Washington Avenue, Towson, Maryland 21204
Ernest W. Vandermast, 87 Hadlock Road, Falmouth, MA 04105
Joseph Buchanan, 9712 Magledt Road, Baltimore, Maryland 21234

C:\OFFICE\WPWIN\WOJ\PLEADS\VANDERMA.RES
O/L File No.: 95E-006
6/18/97

True Copy Test
SUZANNE MENSH, Clerk

Per

Deputy Clerk

Baltimore County
Department of Environmental Protection
and Resource Management

Office of the Director
401 Bosley Avenue, Suite 416
Towson, Maryland 21204
(410) 887-3733
Fax: (410) 887-4804

April 28, 1997

Ernest W. Vandermast, D.V.M.
2403 Howard Drive
Winter Park, Florida 32789

RE: VANDERMAST PROPERTY
VANDERMAST LANE, VANDERMAST ROAD & GOFF LANE
PROPERTY TAX ACCT. # 15-22-000235
15-22-000730
15-22-000234

Dear Dr. Vandermast:

As the result of meetings involving Mr. Joseph Buchanan, your agent for this property, and local elected officials, every courtesy has been extended to allow Mr. Buchanan the opportunity to submit an appropriate plan for re-development of this property. As you, yourself, noted in your January 21, 1997 letter to this Department, the 22 existing dwellings on the property all have failing waste water disposal systems. Regular site inpsections by this Department over the past several months confirm your observation. This condition is creating a nuisance and a health hazard which are in violation of Sections 22.1 and 35.74 of the Baltimore County Code.

On April 14, 1997 a development plan was submitted to this Department by Mr. Buchanan ostensibly to meet the requirements set forth in the December 10, 1996 letter to Mr. Buchanan from Arnold F. Keller, III, Director of Planning. This plan is unsatisfactory and does not provide the information agreed to in my October 23, 1996 meeting with Mr. Buchanan.

Given the fact that no satisfactory re-development plan has been submitted, despite several months of good faith effort on the County's part with Mr. Buchanan, plus the fact that

Printed with Soybean Ink

the discharge violations persist, we have no choice but to pursue a court injunction to end the violations. This injunction will be filed on May 28, 1997 or shortly thereafter unless discharge of sewage to ground water is permanently remedied.

It is unfortunate that a satisfactory resolution has not been reached, however, discharge violations must be eliminated as quickly as possible.

Very truly yours,

George G. Perdikakis, Director

GGP:pms

c: The Honorable Vincent Gardina
The Honorable Thomas Bromwell
Joseph Buchanan, 9712 Magledt Rd., Balto., MD 21234
Virginia Barnhart, Esq.
Arnold F. "Pat" Keller, III
David Thomas
Ian Forrest
Thomas L. Vidmar

CERTIFIED MAIL #P 314-426-138

vander.ggp

Ernest W. Vandermast D.V.M.
47 Babbidge Rd.
Falmouth, Maine 04105
Tel. 1-207-797-5960

RECEIVED
FEB 6
DEPRM
ADMIN.

Ms. Yvonne S. DeLoatch
Regional Community Services
7701 Wise Avenue
Baltimore, Md. 21222

Jan. 21, 1997

RECEIVED
FEB 12

Dear. Ms Deloatch,

Thank you for the opportunity to respond via affidavit to your request to dye test the properties down on Vandermast Rd., Vandermast Lane, and Goff Rd. As I stated to you on the phone yesterday it would be extremely difficult if not impossible to get you into all 22 homes simultaneously in order to do this. In addition, I have had no problem as I have been stating for the last seven years in admitting to the problem that we have had down there for the past 4o years that I am aware of.

Historically what has happened down there has been a comedy of errors. I have been in charge of that property for some ten years now and have run into one problem after another with regards to the wastewater disposal situation. Most of the data with regards to the situation is a matter of public record and some of it is within your own files.

Back in 1989 I made EPA aware of this situation via Mr. Joseph Buchanan who has been most helpful with regards to what has gone on there. At that point Ms. Sorrow and Mr. Powell from your department came and examined the problem. At that point myself and Mr. Buchanan did a site walk and concluded that not one system on that property was functioning properly. Mr. Powell did on site percolation tests by hand all over that property and concluded that there were no suitable sites for "modern" sub-surface wastewater disposal systems. Ms. Sorrow concurred. Subsequently, Mr. Buchanan brought a backhoe down there and under the supervision of EPA and public works did deep samplings of the property. The same conclusion was reached as before---no suitable sites.

In late 1990 it was determined that this property was in the comprehensive plan for the Cedar Beach collection system---so we patiently awaited hook up to that system. In fact I personally did a site walk with the Public works representative and we matched county engineering to the homes on that property and discussed at length the location of grinders. Acquisition contacted me about easements, and we appeared to be ready to roll. In fact sewerage was run acrossed the property without any easements in order to serve two homes that were not mine. Somehow, I had mysteriously been removed from the area to be served without the opportunity to submit any evidence to the contrary. I have no

cc: HSD 2/13/97

idea who made that decision, but clearly it was made in the face of overwhelming evidence that it was in the public good to include those 22 homes in the plan.

Myself and Mr. Buchanan attempted several times to figure out why that property had been removed from the area to be served to no avail. In 1993 I received my first citation from your department and had to seek legal help in order to present my case. In June of 1994 I believe it was myself, my attorney, and Mr. Buchanan found ourselves in court over this situation. We have never tried to hide this problem, we have never tried to shirk our responsibilities nor attempted to cloud the issue involved. There has never been any question in my mind that this is a public health hazard and a nuisance.

The judge in the case after hearing all of the evidence decided to give us a year to work the problem out with all of the departments involved. Mr. Thomas from public works testified that there was plenty of capacity to hook up to sewerage, Ms. Sorrow testified that the only solution environmentally was to hook up to sewerage, and I concurred. Mr. Buchanan was instructed to immediately apply for twenty two permits for sewerage hook up which was done that day. I was ordered to exercise all due diligence to keep the pollution minimal, which i have done. Zoning was asked to hear a case for a variance for non-complying use which was done. Unfortunately, Mr. Kotroco took eight months to deny the variance for non-conforming use which led me back to an appeal. The appeal was met with public opposition for what reason I do not know. As we now sit, I am in no man's land as I have been for some seven years. I am at the point where my only recourse seems to be a federal court.

The salient points from my point of view are as follows.

1) Was this property zoned illegally in the first place?? There has been public water all over the property since 1956 or before.

2) Why has EPA not been more aggressive for the last 7 years in not insisting that this property be hooked to sewer??

3) Why was sewerage designed at public expense for that property and then not put into place??

4) Why did a zoning officer not issue a favorable opinion with regards to this situation when testimony clearly was to the contrary. (I believe as does my attorney that this officer secumbed to political pressure and we are prepared to prove that he let testimony after public hearing influence his decision).

5) Who are the five or six members of the community who have thwarted the efforts to clean up a public health issue under the Guise of "public good"?

The questions go on and on with this one don't they?? I actually flew witnesses from all over the country at my expense to show beyond a shadow of doubt that this property has existed as such for some 55 years--only to not be heard.

Now as for the portion you are interested in let me state as follows. These twenty two homes all have substandard subsurface wastewater disposal systems. There is no possible way with the soil conditions present on that property to put in a

functional subsurface wastewater system. There is sewerage on that property and I am willing to hook up all 22 homes to it at my expense immediately if I am permitted to do so.

I have held the density of the existing homes to a bare minimum by selective rental process in order to minimize the problem. I have faithfully complied with the court's order to prevent as much as possible the pollution of the environment. I have never attempted to hide from this situation---by the way I am a Doctor of Veterinary Medicine and am probably more qualified than any one in the county to say what constitutes a health hazard!!!!

In chart form I will tell you what I know about the density, and functionality of these systems. I thank

1021 Goff Rd ---2 adults one child--500 gallon tank--faulty leachfield
1020 Goff Rd.----1 adult 500 gallon tank---no leach field
1014 Goff Rd.----3 adults--1000 gallon tank--leach field questionable
1010 Goff Rd.----2 adults--500 gallon capacity concrete cesspool
1008 Goff Rd.----2 adults--500 gallon capacity concrete cesspool
1006 Goff Rd. ---1 adult---shared 500 gallon concrete tank
1004 Goff Rd----1 adult--- " " " " "
1002 Goff Rd.---1 adult---- shared 500 gallon concrete tank
1000 Goff Rd.---2 adults--- " " " "
2209 Vandermast Lane----- 350 gallon fiberglass tank
2210 Vandermast Ln.. 2 adults--500 gallon shared tank
2212 Vandermast Ln..--2 adults one child-5oo gallon shared tank
2214 Vandermast Lane--2 adults--500 gallon tank
2222 Vandermast Lane--2 adults--5oo gallon tank
2244 Vandermast Lane 2 adults 2 children--1000 gallon tank
2254A Vandermast Lane-vacant now --500 gallon tank
2254B Vandermast Rd. 2 adults 500 gallon tank
2300 Vandermast Rd. 1 adult --1000 gallon tank (leach bed cited by W.Wood in 1993).
2304 Vandermast Rd. 3 adults--1000 gallon tank
2257 Vandermast lane 2 adults 1 child 1000 gallon tank (faulty leach bed)
2239 Vandermast Lane 2 adults--500 gallon tank (faulty leachbed)
2341 Vandermast lane 2 adults 2 children 500 gallon tank(faulty leachbed)

Hopefully this diatribe will result in a positive action by the "powers that be" rather than protracted legal and time expense. If there are any further questions do not hesitate to ask.

Respectfully,

E.W.Vandermast D.V.M.

cc: Bud Clark esq.
J.E.Buchanan
Robert Lazarro Esq.
George G. Perdikakis
file

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1996, LEGISLATIVE DAY NO. 1

BILL NO. 9-96 PASSED

Mr. Vincent J. Gardina, Councilman

By Request of County Executive

BY THE COUNTY COUNCIL, January 2, 1996

A BILL
ENTITLED

AN ACT concerning

Baltimore County Zoning Regulations

FOR the purpose of bringing the County's Chesapeake Bay Critical Area zoning requirements into compliance with the State Critical Area Law and Criteria; streamlining the review of Critical Area zoning issues; and providing for an intrafamily transfer process in R.C. 20 and R.C. 50 zones.

By Repealing
Sections 307.2 and 403.2
Sections 500.14.B through 500.14.E
Baltimore County Zoning Regulations

By Adding
Section 105.E and Section 1A05.5
Baltimore County Zoning Regulations

By Repealing and Reenacting, with amendments,
Sections 101 the definition of "Wetland", 101A, 103.5, 104.5, 105.D, 403.1, 417.8 and 500.14.A
Sections 1A05.1.A.5, 1A05.2.A.9, 1A05.3.A.2, and 1A05.4.B
Baltimore County Zoning Regulations

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

PHR:bj 11/27/95

Case No. 97-576-SPH

SPH -Approval that 22 dwelling units existing on the subject property are legal nonconforming uses.

9/04/97 -D.Z.C.'s Order in which Petition for Special Hearing was GRANTED in part (as to the nonconforming status of 20 of 22 existing dwelling units); and DENIED in part (as to the remaining 2 of 22 dwelling units).

11/21/97 - Notice of Assignment for hearing scheduled for Thursday, April 16, 1998 at 10:00 a.m. sent to following:

J. Carroll Holzer, Esquire
Carl Maynard
Keith Roberts
Leroy Sennett
Back River Neck Comm Assn.
Peter Max Zimmerman, People's Counsel for Baltimore County
Carole S. Demilio, Deputy People's Counsel
Robert A. Hoffman, Esquire
Ernest W. Vandermast III
Joseph E. Buchanan II
Arnold Vandermast, Jr.
Jack U. Mowll
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

4/13/98 -Letter from C. William Clark, Counsel for Petitioner, indicating joint request for postponement; to be reset only upon request.

4/14/98 -Confirmed postponement w/P. Zimmerman, C. Holzer and B. Clark -- notice of postponement sent to parties; case will be rescheduled upon request of either party; being held at this time.

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2765
email: npw@nolanplumhoff.com
Web: www.nolanplumhoff.com

C. WILLIAM CLARK
(410) 823-7800
EMAIL
cwclark@nolanplumhoff.com

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

April 6, 1998

RECEIVED
COUNTY BOARD OF APPEALS
98 APR 13 PM 2:06

The Honorable Christine K. Howanski, Esq.
Chair, County Board of Appeals
Room 49
Court House
Towson, MD 21204

Re: Petition for Special Hearing
Vandermast Property, Case No. 97-576-SPH

Dear Ms. Howanski:

Please be advised that I represent the Petitioner in the above captioned case. J. Carroll Holzer, Esquire, represents Protestants. We are jointly requesting a postponement of the above captioned matter now set for April 16, 1998, because an agreement has been reached regarding the manner in which, and the procedure by which, the Petitioner shall proceed in order to subdivide and develop the property. It is not known, at this time, whether or not all of the requirements that Baltimore County may impose can be met, but at this point, the parties wish to pursue that option rather than conducting a hearing on the Petition for Special Hearing for Non-Conforming Use, presently before the Board. Peter Max Zimmerman, of the Office of the People's Counsel, has been advised, both of the agreement, and of the request for the postponement. It is my understanding that he does not oppose the postponement request.

Please advise us whether or not this will be granted, and whether or not it will be necessary for us to place something on the record concerning this matter. Until then, I remain

Very truly yours,

C. William Clark

CWC/cs

Enclosure

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

November 21, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-576-SPH

IN THE MATTER OF: ERNEST W. VANDERMAST, III -Legal Owner; JOSEPH E. BUCHANAN II -Contract Purchaser /Petitioners 2209-2341 Vandermast Lane and 1000-1021 Goff Road 15th E; 5th C

(Petition for Special Hearing GRANTED in part (as to 20 of 22 existing dwelling units) and DENIED in part (as to nonconforming status of 2 of 22 existing dwelling units /D.Z.C.)

rec'd copy of request for postponement

ASSIGNED FOR: **THURSDAY, APRIL 16, 1998 at 10:00 a.m.**

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Carl Maynard
: Keith Roberts
: Leroy Sennett
: Back River Neck Comm Assn.

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

Counsel for Petitioners : Robert A. Hoffman, Esquire
Petitioner /Legal Owner : Ernest W. Vandermast III
Petitioner /Contract Purchaser : Joseph E. Buchanan II
Arnold Vandermast, Jr.

Jack U. Mowll

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Kathi Bianco for Petitioner

Printed with Soybean Ink on Recycled Paper

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

CAROLE S. DEMILIO
Deputy People's Counsel

August 8, 1997

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

RECEIVED
AUG - 8 1997
ZONING COMMISSIONER

Hand-delivered

Re: Petition for Special Hearing
2209-2341 Vandermast Lane and 1000-1021 Goff Road, Corner N/S Vandermast Lane, W/S Goff Road, 15th Election District, 5th Councilmanic
PETITIONERS: Ernest W. Vandermast III and Joseph E. Buchanan II
Case No. 97-576-SPH
HEARING DATE: August 8, 1997, 2 p.m.

Dear Mr. Schmidt:

Our office has reviewed the Petition for Special Hearing and other documents in this case. This site is located in the designated Chesapeake Bay Critical Area of Baltimore County.

There is no indication in our file that the Chesapeake Bay Critical Area Commission has been notified of the application, recommended findings and hearing notice, as required by BCZR § 500.14C.

It is our position that failure to comply with the mandatory notification requirement voids a decision of the Zoning Commissioner. The language of BCZR § 500.14D is clear in this matter.

If your office has provided the notice required in BCZR 500.14C, kindly provide us with a copy of the correspondence, as well as any notice of receipt from the Chesapeake Bay Critical Area Commission.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Baltimore County
Department of Permits and
Development Management

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

September 22, 1997

RECEIVED
COUNTY BOARD OF APPEALS
97 SEP 24 AM 9:33

Messrs. Ernest Vandermast, III &
Joseph Buchanan, II
87 Hadlock Road
Falmouth, Maine 04105

RE: Petition for Special Hearing
NE/S Holly Neck Road and Goff Road
(2209-2341 Vandermast Ln, and 1000-1021 Goff Road)
15th Election District
5th Councilmanic District
Ernest W. Vandermast, III, Legal Owner; Joseph E. Buchanan, II, Contract Purchaser - Petitioners
Case No. 97-576-SPH

Dear Messrs. Vandermast and Buchanan:

Please be advised that an appeal of the above-referenced case was filed in this office on September 18, 1997 by J. Carroll Holzer, Esquire on behalf of Carl Maynard, Keith Roberts, Leroy Sennett, and Back River Neck Community Association and on September 19, 1997 by Peter Max Zimmerman and Carole S. Demilio on behalf of People's Counsel. 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 410-887-3180.

Sincerely,

ARNOLD JABLON
Director

AJ:rye

c: Mr. Jack U. Mowll
People's Counsel

Printed with Soybean Ink
on Recycled Paper

MARYLAND PROPERTY VALUATION RECORD
RESIDENTIAL WORKSHEET

1. PROPERTY ADMINISTRATIVE DATA

Account No.	04151522000234	Notice Date	03/18/96
District	15	Zoning	
Card Seq	154230000000	Year Built	1917
Owner's Name	VANDERMAST ARNOLD E,JR,ETAL	Grade	2
Address	1014 GOFF RD	Condition	Average
CamaSet	15.08 CamaSubset 78	DwellingType	StdUnit
Microsol No	83117	Foundation Area	480
MVI/Model No	175	Enclosed Area	480
Occupancy	NoData	Sec. 1 Perimeter	88
Curtilage	106190	Total Perimeter	88

#2

16,190 * * *

8. ACCESSORY STRUCTURES

TYPE	GRADE	SIZE/UNITS	RATE	DEPR	COST
DWELL2		1	10,897.90		10,898
DWELL3		1	12,665.40		12,665

9. TOTAL ACCESSORY STRUCTURES VALUE 23,560 * * *

10. TOTAL IMPROVEMENT VALUE 39,750 * * * *

PROTESTANT'S EXHIBIT NO. 2

MARYLAND PROPERTY VALUATION RECORD
RESIDENTIAL WORKSHEET

1. PROPERTY ADMINISTRATIVE DATA

Account No.	0415152200023	Notice Date	03/18/96
District	15	Zoning	
Card Seq	154220000000	Year Built	1945
Owner's Name	VANDERMAST ARNOLD E,JR,ETAL	Grade	2
Address	2214 VANDERMAST LA	Condition	Average
CamaSet	15.08 CamaSubset 78	DwellingType	StdUnit
Microsol No	83118	Foundation Area	560
MVI/Model No	175	Enclosed Area	560
Occupancy	NoData	Sec. 1 Perimeter	104
Curtilage	0		

#3

[illegible] VALUE	22,610 * * *

8. ACCESSORY STRUCTURES

TYPE	GRADE	SIZE/UNITS	RATE	DEPR	COST
SHREHSE7		1	30,300.00		30,300

9. TOTAL ACCESSORY STRUCTURES VALUE	30,300 * * *
10. TOTAL IMPROVEMENT VALUE	52,910 * * * *

MARYLAND PROPERTY VALUATION RECORD
RESIDENTIAL WORKSHEET

1. PROPERTY ADMINISTRATIVE DATA

Account No.	04151522000730			Notice Date	03/18/96
District	15			Zoning	
Card Seq	154210000000			Year Built	1941
Owner's Name	VANDERMAST M M,ET AL			Grade	3
Address	2244 VANDERMAST		LA	Condition	Average
CamaSet	15.08	CamaSubset	78	DwellingType	StdUnit
Microsol No	83178			Foundation Area	1114
MVI/Model No	196			Enclosed Area	2066
Occupancy	NoData			Sec. 1 Perimeter	124
Curtilage	184220			Total Perimeter	174

#4

7. DWELLING VALUE 68,080 * * *

8. ACCESSORY STRUCTURES

TYPE	GRADE	SIZE/UNITS	RATE	DEPR	COST
DWELL2		1	22,119.00		22,119
DWELL3		1	18,634.50		18,635
DWELL4		1	28,037.60		28,038
DWELL5		1	28,421.40		28,421

9. TOTAL ACCESSORY STRUCTURES VALUE 97,210 * * *

10. TOTAL IMPROVEMENT VALUE 165,290 * * * *

Petitioner's Exhibit 4

ZONING HISTORY FOR PROPERTY

YEAR:	ZONING:	ACREAGE:	PERMISSIBLE DENSITY:	UNITS AVAILABLE:
1945	A or B Res.	60±	(1 unit per 5,000 square feet)	500±
1955	R-40	60±	(1 unit per 40,000 square feet)	60±
1966	R-40	60±	(1 unit per 40,000 square feet)	60±
1971	RDP	60±	(1 unit per acre)	60±
1976	RC-5	60±	(.667 dwellings units per acre)	40±
1980	RC-5	60±	(.667 dwellings units per acre)	40±
1984	RC-5	60±	(.667 dwellings units per acre)	40±
1988	RC-5 RC-20	12± 48±	(.667 dwellings units per acre) (1 unit per 20 acres)	8± 2±
1992	RC-5 RC-20	12± 48±	(.667 dwellings units per acre) (1 unit per 20 acres)	8± 2±
1996	RC-5 RC-20	12± 48±	(.667 dwellings units per acre) (1 unit per 20 acres)	8± 2±

Petitioners #3

1987 BCZR AS AMENDED THROUGH 1996

Section 1A04--R.C.5 (RURAL-RESIDENTIAL) ZONE [Bill No. 98, 1975.]

1A04.1--General Provisions. [Bill No. 98, 1975.]

A. Legislative Statement of Findings. [Bill No. 98, 1975.]

1. Declaration of findings. It is found:

a. that the rural-residential development that has occurred in Baltimore County heretofore has been of a scattered and generally disorderly nature; [Bill No. 98, 1975.]

b. that this form of development constitutes a wasteful use of land and is fiscally expensive to serve with respect to the provision of basic services; [Bill No. 98, 1975.]

c. that in some cases lot sizes are inadequate to assure long term adequacy of on-lot sewer and water systems; [Bill No. 98, 1975.]

d. that unless measures are implemented to assure more rational growth patterns, including adequate lot size, undue financial hardships will be placed on Baltimore County and the life, safety and general welfare of the citizens of the County will be adversely affected; [Bill No. 98, 1975.]

e. that specific areas which are highly suitable for rural-residential development do exist; and [Bill No. 98, 1975.]

f. that these areas are adequate to accommodate anticipated future growth in the rural area and that future growth should be directed to these areas. [Bill No. 98, 1975.]

B. Purpose. The R.C.5 zoning classification is established pursuant to the legislative findings above, in order to: [Bill No. 98, 1975.]

1. Provide for rural-residential development in suitable areas in which basic services are not anticipated. [Bill No. 98, 1975.]

2. Eliminate scattered and generally disorderly patterns of future rural-residential development. [Bill No. 98, 1975.]

Petitioners #3F

Section 1A04—R. C. 5 (RURAL-RESIDENTIAL) ZONE [Bill No. 98-75]

1A04.1—General Provisions. [Bill No. 98-75]

A. Legislative Statement of Findings [Bill No. 98-75]

1. Declaration of findings. It is found:

a. That the rural-residential development that has occurred in Baltimore County heretofore has been of a scattered and generally disorderly nature; [Bill No. 98-75]

b. That this form of development constitutes a wasteful use of land and is fiscally expensive to serve with respect to the provision of basic services; [Bill No. 98-75]

c. That in some cases lot sizes are inadequate to assure long term adequacy of on-lot sewer and water systems; [Bill No. 98-75]

d. That unless measures are implemented to assure more rational growth patterns, including adequate lot size, undue financial hardships will be placed on Baltimore County and the life, safety and general welfare of the citizens of the County will be adversely affected; [Bill No. 98-75]

e. That specific areas which are highly suitable for rural-residential development do exist; and [Bill No. 98-75]

f. That these areas are adequate to accommodate anticipated future growth in the rural area and that future growth should be directed to these areas. [Bill No. 98-75]

B. Purpose. The R. C. 5 zoning classification is established pursuant to the legislative findings above, in order to: [Bill No. 98-75]

1. Provide for rural-residential development in suitable areas in which basic services are not anticipated. [Bill No. 98-75]

2. Eliminate scattered and generally disorderly patterns of future rural-residential development. [Bill No. 98-75]

3. Assure that encroachments onto productive or critical natural resource areas will be minimized. [Bill No. 98-75]

4. Provide a minimum lot size which is sufficient to provide adequate area for the proper functioning of on-lot sewer and water systems. [Bill No. 98-75]

1975 BCZR

FOR OFFICE USE ONLY
DO NOT REMOVE OR COPY

Petitioners
#3E

Section 1A04—R. C. 5 (RURAL-RESIDENTIAL) ZONE (Bill 98, 1975)

1A04.1—General Provisions. (Bill 98, 1975)

A. Legislative Statement of Findings (Bill 98, 1975)

1. Declaration of findings. It is found:

a. That the rural-residential development that has occurred in Baltimore County heretofore has been of a scattered and generally disorderly nature;

b. That this form of development constitutes a wasteful use of land and is fiscally expensive to serve with respect to the provision of basic services;

c. That in some cases lot sizes are inadequate to assure long term adequacy of on-lot sewer and water systems;

d. That unless measures are implemented to assure more rational growth patterns, including adequate lot size, undue financial hardships will be placed on Baltimore County and the life, safety and general welfare of the citizens of the County will be adversely affected;

e. That specific areas which are highly suitable for rural-residential development do exist; and

f. That these areas are adequate to accommodate anticipated future growth in the rural area and that future growth should be directed to these areas. (Bill 98, 1975)

B. Purpose. The R. C. 5 zoning classification is established pursuant to the legislative findings above, in order to:

1. Provide for rural-residential development in suitable areas in which basic services are not anticipated.

2. Eliminate scattered and generally disorderly patterns of future rural-residential development.

3. Assure that encroachments onto productive or critical natural resource areas will be minimized.

4. Provide a minimum lot size which is sufficient to provide adequate area for the proper functioning of on-lot sewer and water systems. (Bill 98, 1975)

1975

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

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

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

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

a. Prevent untimely urban development of relatively open rural land; and

b. Foster conditions favorable to agriculture and other low-intensity uses appropriate in rural areas, considering both the magnitude of total land acreage needed for such uses and the current prospective needs for developable urban land.

[Bill No. 100, 1970.]

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

a. That rural land shall be classified within R.D.P. zones unless the Capital Budget and Five-Year Capital Program of Baltimore County and duly adopted official Baltimore County master plans, including the "county plan" required under Article 43, Section 387C of the Annotated Code of Maryland, 1957 (1965 Replacement Volume) as amended, all consistently indicate that such land is to be serviced by public sewerage and water-supply systems and, in the case of those said documents which determine the timing of construction, also consistently provide for the adequacy and availability of service to said land by such systems within a period of six years after the time of consideration with respect to zoning classification; provided further, however, that such nonserviced land as is specifically herein described (in this Subparagraph 3[3] or other provisions in these regulations) as being appropriately otherwise classified shall also be excepted from the category of land which shall be classified as R.D.P.;

b. That land classified as R.D.P. shall not be reclassified (rezoned) until such time as the documents hereinabove noted have been officially changed or replaced in kind and thereby then indicate possible appropriateness of reclassification under the criteria hereinbefore stated;

---

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

1963 BCZR

Petitioners

#3C

ARTICLE 2—ZONES: USE, HEIGHT, AND AREA REGULATIONS

R. 40 Zone—Residence, One-Family

Section 200—USE REGULATIONS

The following uses only are permitted:

200.1—One-family detached dwellings.

200.2—Conversion of a one-family dwelling as conditioned in Section 402.

200.3—Churches and other buildings for religious worship, including church schools and private schools.

200.4—Trailers, as limited by Section 415.

200.5—Research institutes, as defined in Section 101, if located on a site of 15 acres or more and if in compliance with Section 418.2.

200.7—Offices of a doctor or dentist but with no hospital facilities, and offices or studios of a lawyer, architect, engineer, or artist, when these or offices of similar professions are situated in the same dwelling used by any of the foregoing persons as his residence. Not more than 25% of the floor area of the dwelling shall be used for offices or studios; not more than one non-resident professional associate and two non-resident employees shall be permitted. Signs are prohibited except as noted in Section 413.

200.8—Home occupations, as heretofore defined in Section 101, provided that no sign shall be displayed except as noted in Section 413.

200.9—Accessory buildings and uses as limited by Section 400.

200.10—Hospitals, Class A, as defined in Section 101 and as limited by Section 407.

200.11—Public utility uses as follows:

a. Telephone and telegraph lines.

b. Electric light and power lines, including transformers and transformer banks, when located on poles, on or contiguous to public highways, alleys, rear lot lines, railroad rights-of-way or if carrying less than 35,000 volts.

1963

1945 BCZR

32. Trailer: A vehicle used, or intended for use as a conveyance upon the public street or highways, so designed, constructed, reconstructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a movable dwelling or sleeping place.

33. Trailer Camp: Any land upon which, habitually or infrequently, one or more trailer or house cars, when detached from its automobile, or means of locomotion, or a combined car and house trailer, are placed or located, and whether or not used for occupancy as dwelling or otherwise, and shall include any structure or building used as a service building for such camp or intended for use as a part of the equipment of such camp.

34. Wayside Stand: A temporary structure including tables, or other method for display and sale of farm products or commodities.

35. Yard: An open space on the same lot asthe building and unoccupied and unobstructed from the ground up (except such accessory buildings, or projections as are expressly permitted in these regulations) and not including a court.

36. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the foundation wall of the building.

37. Yard, Rear: A yard extending across the full width of the lot measured between the rear lot line and the main building.

38. Yard, Side: A yard extending from the front yard to the rear yard and measured from the side lot line to the building.

39. Zone: An area for which the regulations governing the use of buildings and land are identical.

SECTION II—ZONES

For the purposes of these regulations, the County is hereby divided into Seven (7) Zones as follows:

"A" Residence Zone - - - (Cottage)
"B" Residence Zone - (Semi-detached)
"C" Residence Zone - - (Apartment)
"D" Residence [illegible] - - - (Group)
"E" Commerc[illegible]
"F" Light Ind[illegible] Zone.
"G" Heavy Industrial Zone.

SECTION III—"A" RESIDENCE ZONE

A. Use Regulations: In any "A" Residence Zone, except as hereinafter expressly provided, no building or land shall be used and no building or structure shall be hereafter erected, altered, repaired or used except for one or more of the following uses:

1. Church, parochial school, convent or monastery.

2. Dwelling, single family.

3. Dwelling, two-family.

4. Farming and buildings incidental thereto.

5. Home Occupations, provided that no sign or signs shall be displayed on the lot so used exceeding a total of two square feet in area, not projecting more than one foot beyond the building, and not illuminated.

Petition #3A

Petitioners - B-B

ARTICLE 2—ZONES: USE, HEIGHT, AND AREA REGULATIONS

R. 40 Zone—Residence, One-Family

Section 200—USE REGULATIONS

The following uses only are permitted:

200.1—One-family detached dwellings.

200.2—Conversion of a one-family dwelling as conditioned in Section 402.

200.3—Churches and other buildings for religious worship, including church schools and private schools.

200.4—Trailers, as limited by Section 415.

200.5—Country club, golf course, or other outdoor recreation clubs, including club house, and quasi-public camps, including day camps, but no such use shall be located on less than 3 acres, and no building or parking lot thereon shall be located within 60 feet of any property line.

200.6—Community building, swimming pool, or other structural or land use devoted to civic, social, recreational and educational activities of the community.

200.7—Offices of a doctor or dentist but with no hospital facilities, and offices or studios of a lawyer, architect, engineer, or artist, when these or offices of similar professions are situated in the same dwelling used by any of the foregoing persons as his residence. Not more than 25% of the floor area of the dwelling shall be used for offices or studios; not more than one non-resident professional associate and two non-resident employees shall be permitted. Signs are prohibited except as noted in Section 413.

200.8—Home occupations, as heretofore defined in Section 101, provided that no sign shall be displayed except as noted in Section 413.

200.9—Accessory buildings and uses as limited by Section 400.

200.10—Hospitals, Class A, as defined in Section 101 and as limited by Section 407.

200.11—Public utility uses as follows:

a. Telephone and telegraph lines.

b. Electric light and power lines, including transformers and transformer banks, when located on poles, on or contiguous

1955

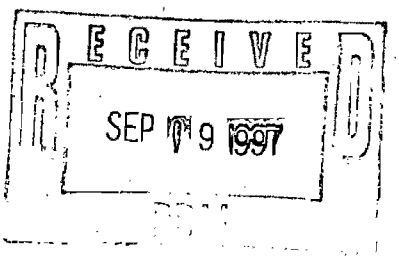
Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

September 19, 1997



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

Hand-delivered

Re: PETITIONS FOR SPECIAL HEARING
2209-2341 Vandermast Lane and
1000-1021 Goff Road, Corner N/S
Vandermast Lane, W/S Goff Road
15th Election Dist, 5th Councilmanic
Legal Owners: ERNEST W. VANDERMAST III
AND JOSEPH E. BUCHANAN II
Contract Purchaser: JOS. E. BUCHANAN II
Petitioners
Case No. 97-576-SPH

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 September 4, 1997 of the Baltimore County Deputy 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: Robert A. Hoffman, Esq., attorney for Petitioners

J. Carroll Holzer, Esq., attorney for Protestants Back River Neck Peninsula Comm. Assn., Holly Neck Improvement Assn., Leroy Sennett, and Jack Mowll

4548-10 01

PETITIONER'S EXHIBIT 6A

Form **1040** Department of the Treasury, Internal Revenue Service
U.S. Individual Income Tax Return 1986

For the year January 1-December 31, 1986, or other tax year beginning , 1986, ending , 19 . OMB No. 1545-0074

Your first name and initial (if joint return, also give spouse's name and initial)	Last name	Your social security number
EDNA	VANDERMAST	705-05-2688

Present home address (number and street, or rural route) — Spouse's social security no.

2244 VANDERMAST LANE

City, town or post office, state and ZIP code

BALTIMORE MD 21221

If this address is different from the one shown on your 1985 return, check here ▶ ☐

Presidential Election Campaign — Do you want $1 to go to this fund? Yes ☐ No ☐ If joint return, does your spouse want $1 to go to this fund? Yes ☐ No ☐ **Note:** *Checking "Yes" will not change your tax or reduce your refund.*

For Privacy Act and Paperwork Reduction Act Notice, see Instructions.

Filing Status

Check only one box.

1 [X] Single
2 [ ] Married filing joint return (even if only one had income)
3 [ ] Married filing separate return. Enter spouse's social security number above and full name here.
4 [ ] Head of household (with qualifying person). (See page 5 of Instructions.) If the qualifying person is your unmarried child but not your dependent, enter child's name here.
5 [ ] Qualifying widow(er) with dependent child (year spouse died ▶ 19). (See page 6 of Instructions.)

Exemptions

Always check the box labeled Yourself. Check other boxes if they apply.

6a [X] Yourself [X] 65 or over [ ] Blind
b [ ] Spouse [ ] 65 or over [ ] Blind

Enter number of boxes checked on 6a and b ▶ 2

c First names of your dependent children who lived with you — Enter number of children listed on 6c ▶

d First names of your dependent children who did not live with you — Enter number of children listed on 6d ▶
(If pre-1985 agreement, check here ▶ ☐ .)

e Other dependents: (1) Name	(2) Relationship	(3) Number of months lived in your home	(4) Did dependent have income of $1,080 or more?	(5) Did you provide more than one-half of dependent's support?

Enter number of other dependents ▶

f Total number of exemptions claimed (also complete line 36) — Add numbers entered in boxes above ▶ 2

Income

Please attach Copy B of your Forms W-2, W-2G, and W-2P here.

If you do not have a W-2, see page 4 of Instructions.

Please attach check or money order here.

7	Wages, salaries, tips, etc. *(attach Form(s) W-2)*	7	
8	Interest income *(also attach Schedule B if over $400)*	8	1,288.
9a	Dividends *(also attach Schedule B if over $400)* ____ 9b Exclusion ____		
c	Subtract line 9b from line 9a and enter the result	9c	
10	Taxable refunds of state and local income taxes, if any, from the worksheet on page 9 of Instructions	10	
11	Alimony received	11	
12	Business income or (loss) *(attach Schedule C)*	12	
13	Capital gain or (loss) *(attach Schedule D)*	13	
14	40% of capital gain distributions not reported on line 13 (see page 9 of Instructions)	14	
15	Other gains or (losses) *(attach Form 4797)*	15	
16	Fully taxable pensions, IRA distributions, and annuities not reported on line 17 (see page 9)	16	1,224.
17a	Other pensions and annuities, including rollovers. Total received 17a		
b	Taxable amount, if any, from worksheet on page 10 of Instructions	17b	
18	Rents, royalties, partnerships, estates, trusts, etc. *(attach Schedule E)*	18	4,361.
19	Farm income or (loss) *(attach Schedule F)*	19	
20a	Unemployment compensation (insurance). Total received 20a		
b	Taxable amount, if any, from worksheet on page 10 of Instructions	20b	
21a	Social security benefits. (see page 10). 21a		
b	Taxable amount, if any, from the worksheet on page 11. (Tax-exempt interest ____)	21b	
22	Other income (list type and amount)	22	
23	Add the amounts shown in the far right column for lines 7 through 22. This is your **total income** ▶	23	6,873.

Adjustments to Income

(See Instructions on page 11.)

24	Moving expense *(attach Form 3903 or 3903F)*	24	
25	Employee business expenses	25	
26	IRA deduction, from the worksheet on page 12	26	
27	Keogh retirement plan and self-employed SEP deduction	27	
28	Penalty on early withdrawal of savings	28	
29	Alimony paid (last name ____ and social security no. ____)	29	
30	Deduction for married couple when both work *(attach Schedule W)*	30	
31	Add lines 24 through 30.	31	0.
32	Subtract line 31 from line 23. *This is your* **adjusted gross income.** ▶	32	6,873.

AGI

95-2396893

PETITIONER'S EXHIBIT 6B

Form **1065** Department of the Treasury Internal Revenue Service

U.S. Partnership Return of Income

For calendar year 1996, or tax year beginning ____, 1996 and ending ____, 19

OMB No. 1545-0099

1996

A Principal business activity: REAL ESTATE

B Principal product or service: REAL ESTATE

C Business code number: 6511

Use the IRS label. Otherwise, please print or type.

Name of partnership: VANDERMAST JOINT VENTURE
C/O ERNEST W. VANDERMAST, III

Number, street, and room or suite no. (If a P.O. box, see page 10 of the instructions.): 87 HADLOCK RD.

City or town, state, and ZIP code: FALMOUTH, ME 04105

D Employer identification number: 52-1767771

E Date business started: 09/10/1991

F Total assets: $ 601263.

G Check applicable boxes: (1) ☐ Initial return (2) ☐ Final return (3) ☐ Change in address (4) ☐ Amended return

H Check accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ▶

I Number of Schedules K-1. Attach one for each person who was a partner at any time during the tax year ▶ 6

Caution: Include only trade or business income and expenses on lines 1a through 22 below. See the instructions for more information.

Income	1a	Gross receipts or sales	1a	
	b	Less returns and allowances	1b	1c
	2	Cost of goods sold (Schedule A, line 8)		2
	3	Gross profit. Subtract line 2 from line 1c		3
	4	Ordinary income (loss) from other partnerships, estates, and trusts (attach schedule)		4
	5	Net farm profit (loss) (attach Schedule F (Form 1040))		5
	6	Net gain (loss) from Form 4797, Part II, line 20		6
	7	Other income (loss) (attach schedule)		7
	8	**Total income (loss).** Combine lines 3 through 7		8
Deductions (see instructions for limitations)	9	Salaries and wages (other than to partners) (less employment credits)		9
	10	Guaranteed payments to partners		10
	11	Repairs and maintenance		11
	12	Bad debts		12
	13	Rent		13
	14	Taxes and licenses		14
	15	Interest		15
	16a	Depreciation	16a	
	b	Less depreciation reported on Schedule A and elsewhere on return	16b	16c
	17	Depletion (Do not deduct oil and gas depletion.)		17
	18	Retirement plans, etc.		18
	19	Employee benefit programs		19
	20	Other deductions (attach schedule)		20
	21	**Total deductions.** Add the amounts shown in the far right column for lines 9 through 20		21
	22	**Ordinary income (loss)** from trade or business activities. Subtract line 21 from line 8		22 0.

Please Sign Here

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than general partner or limited liability company member) is based on all information of which preparer has any knowledge.

▶ _____ Signature of general partner or limited liability company member ▶ _____ Date

Paid Preparer's Use Only

Preparer's signature ▶ _____ Date 2/27/97 Check if self-employed ▶ ☐ Preparer's social security no. 212 62 9477

Firm's name (or yours if self-employed) and address ▶ C. DAVID HEISLER & ASSOCIATES, PA
102 W. PENNSYLVANIA AVE., SUITE 200
TOWSON, MD

E.I. No. ▶ 52-1366060 ZIP code ▶ 21204

H761 **For Paperwork Reduction Act Notice, see page 1 of separate instructions.** Form 1065 (1996)

611001
11-08-96

PETITIONER'S EXHIBIT 7

SWORN AFFIDAVIT

The current addressed buildings were inhabited by the following individuals on the Vandermast estate in 1944:

1000 Goff Road: The Shivelys
1002 Goff Road: The Sollers
1004 Goff Road: The Jandas
1006 Goff Road: The Moellers
1008 Goff Road: The Wachters
1010 Goff Road: The Buckleys
1014 Goff Road: Arnold E. Vandermast Sr.
1020 Goff Road: The Ecks
1021 Goff Road: The Loefflers
2209 Vandermast Lane: The Gosnells
2210 Vandermast Lane: The Worells
2212 Vandermast Lane: Mr. Bitt
2214 Vandermast Lane: Ernest W. and Marie Vandermast
2222 Vandermast Lane: The Jones
2244 Vandermast Lane: The Misses Vandermast(Edna, Kathryn, Celia, Mayme and Elsie)
2254 Vandermast Lane: The Rogers
2257 Vandermast Lane: The Uldrikis
2300 Vandermast Lane: George and Helen Vandermast
2304 Vandermast Lane: The Ealines
2339 Vandermast Lane: The Mays
2341 Vandermast Lane: The R. Murrays
No Current Address: (This house burned 1959): The Voegels

I declare that I have examined this document and to the best of my knowledge and belief, it is true, correct, and complete. My knowledge is based on the fact that I resided on the estate at 1014 Goff Road.

Roberta H. Vandermast

Signed:_____ Roberta H. (Hicks) Vandermast

Subscribed and sworn to before me this 7th day of August, A.D., 1997
Notary Public in and for Orange County, State of Florida.
My Commission expires: 7-23-99.

No. Notary Public: Julie A Rizzo

JULIE A. RIZZO
COMMISSION # CC 469728
EXPIRES JUL 23, 1999
BONDED THRU
ATLANTIC BONDING CO., INC.

NOTARY PUBLIC STATE OF FLORIDA

Petitioner

PLEASE PRINT CLEARLY

~~PROTESTANT~~(S) SIGN-IN SHEET

NAME	ADDRESS
Patricia A. Malone	210 Allegheny Ave Towson
Robert A. Hoffman	" "
[signature]	523 PENNY LANE 21030
Joseph E Bustamante III	9712 MAGLEBY RD 21234
[signature]	47 Babbidge Rd. Falmouth, Me 04105
Arnold Vandermast Jr	2403 Howard Rd. Winter Park, FL 32789
Grace Thomas	53 Bartley Cove, Portland, Me. 04103
Robert W. LAZZARO	102 W. Pennsylvania Ave (Ste 200) 21204
Bob Beverungen	7 Hunter Lake Court Hyperco, Md 21155

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
CARL MAYNARD PRESIDENT - BACK RIVER NECK PENINSULA COMM. ASSN. INC.	1546 DENTON RD 21221
LEROY SENNETT	1716 BEACHWOOD AVE 21221
Keith Roberts Pres. Holly Neck Improvement Assn. Inc.	1910 MARSH RD. 21221
JACK U. MOWLL	1030 GOFF RD 21221

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

April 14, 1998

NOTICE OF POSTPONEMENT

CASE #: 97-576-SPH

IN THE MATTER OF: ERNEST W. VANDERMAST, III -Legal Owner; JOSEPH E. BUCHANAN II -Contract Purchaser /Petitioners 2209-2341 Vandermast Lane and 1000-1021 Goff Road 15th E; 5th C
(Petition for Special Hearing GRANTED in part (as to 20 of 22 existing dwelling units) and DENIED in part (as to nonconforming status of 2 of 22 existing dwelling units /D.Z.C.)

which was scheduled to be heard by the Board on April 16, 1998 has been **POSTPONED** by joint request of counsel; to be reset only upon request of either party.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: **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).**

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : Carl Maynard
: Keith Roberts
: Leroy Sennett
: Back River Neck Comm Assn.
Appellant : Peter Max Zimmerman, People's Counsel for Baltimore County
Carole S. Demilio, Deputy People's Counsel

Counsel for Petitioners : C. William Clark, Esquire
Petitioner /Legal Owner : Ernest W. Vandermast III
Petitioner /Contract Purchaser : Joseph E. Buchanan II
Arnold Vandermast, Jr.

Jack U. Mowll

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink on Recycled Paper

IN RE:	PETITION FOR SPECIAL HEARING NE/S Holly Neck Road and Goff Road 2209-2341 Vandermast Lane 5th Councilmanic District 15th Election District Ernest Vandermast, III Legal Owner Joseph E. Buchanan, II Contract Purchaser	*	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY
	Petitioners	*	Case No. 97-576-SPH

* * * * * * * * * * * * *

NOTICE OF APPEAL

Appellants Carl Maynard, Keith Roberts, Leroy Sennett, individually, and Back River Neck Community Association by and through their attorney J. Carroll Holzer and Holzer and Lee, hereby note an appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner of Baltimore County rendered on September 4, 1997.

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the costs of the appeal.

Respectfully submitted,

J. Carroll Holzer
Holzer and Lee
305 Washington Avenue
Suite 502
Towson, Maryland 21204
410-825-6961
Attorney for Appellants

PAYMENT
RUE 9/18/97
ZONING OFFICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of September, 1997 a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, P.O. Box 5517, Towson, MD 21285-5517 and Peter Max Zimmerman, Esq. People's Counsel for Baltimore County, 400 Washington Ave., Old Courthouse, Towson, MD 21204.

J. Carroll Holzer

NOTICES\A:\BackRiv.NOA

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
NE/S Holly Neck Road and Goff
Road (2209-2341 Vandermast Lane; * DEPUTY ZONING COMMISSIONER
1000 to 1021 Goff Road)
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District
* Case No. 97-576-SPH
Ernest W. Vandermast, III,
Legal Owner; and, Joseph E. *
Buchanan, II - Contract Purchaser - Petitioners

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Ernest W. Vandermast, III, and the Contract Purchaser, Joseph E. Buchanan, II. The Petitioners seek approval that 22 dwelling units existing on the subject property are legal nonconforming uses. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibits 1 and 1A.

Appearing at the hearing on behalf of the Petition were Ernest and Arnold Vandermast, property owners, Joseph E. Buchanan, II, Contract Purchaser, Grace Thomas, Robert W. Lazzaro, Bob Beverungen, and Patrick O'Keefe. The Petitioners were represented by Robert A. Hoffman, Esquire and Patricia A. Malone, Esquire. Appearing as Protestants in the matter were Carl Maynard, President of the Back River Neck Peninsula Community Association, Inc., Keith Roberts, President of the Holly Neck Improvement Association, Inc., Leroy Sennett and Jack U. Mowll. The Protestants were represented by J. Carroll Holzer, Esquire.

Testimony and evidence offered revealed that the subject property consists of a gross area of 60 acres, more or less, of which 12 acres are

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Date 9/5/97
By

zoned R.C.5 and the remaining 48 acres zoned R.C.20. The property and its respective zoning classifications are highlighted on the site plan marked as Petitioner's Exhibit 1. The property is a waterfront parcel located on the north side of Holly Neck Road in Essex and is traversed by Goff Road and Vandermast Lane. It abuts Sue Creek along the northern boundary line and Cedar Creek along the southeastern property line. Access to the property is available from Goff Road and Vandermast Lane, both of which lead out to Holly Neck Road. Improvements on the property include 22 dwelling units, 13 of which are located in the R.C.5 zoned portion of the site, and the remaining 9 located in the R.C.20 zone.

As noted above, this property was the subject of prior Case No. 95-412-SPH in which the Petitioners came before this Deputy Zoning Commissioner seeking similar relief as set forth above. In that case, testimony revealed that the Petitioners had been issued a violation by the Baltimore County Department of Health for failing septic systems on the property and that in order to determine how many of the dwellings could be approved for connection to the public sewer system, the Petitioners needed to prove the dwellings were legal and nonconforming. Hence, the Petition for Special Hearing in Case No. 95-412-SPH was filed. However, at that hearing, the Petitioners were unable to provide substantive proof for a nonconforming use to be granted and the relief requested was denied on January 17, 1996. Subsequently, the Petitioners filed an appeal of my decision to the County Board of Appeals, whereupon the People's Counsel for Baltimore County filed a Motion to Dismiss same on the basis that certain Petition filing requirements were not met at the time the hearing took place before me. By Order issued October 17, 1996, the Board found my decision in that case to be null and void and granted the Motion to Dismiss entered by the People's

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Counsel. The Board further allowed the Petitioners to file a new Petition for Special Hearing to determine that the subject dwellings are legal and nonconforming, provided all filing requirements and Zoning Commissioner's Rules of Procedure are met. The Petitioners now come before me seeking approval to legitimize those dwellings so that they can obtain approval to connect those units to the public sewer system in that area.

The Petitioners submitted into evidence as Petitioner's Exhibits 2A through 2J various Baltimore County Comprehensive Zoning Maps of the subject property which show the zoning classifications for the property from 1945 through 1996. The Petitioners also submitted into evidence as Petitioner's Exhibit 4 the zoning history of the subject property in chart form, showing the year and zoning classification for the property, its designation and the number of units permitted by the zoning classification in effect. The historical zoning chart of the subject property is as follows:

ZONING HISTORY FOR PROPERTY

YEAR:	ZONING:	ACREAGE:	PERMISSIBLE DENSITY:	UNITS AVAILABLE:
1945	A or B Res.	60±	(1 unit per 5,000 square feet)	500±
1955	R-40	60±	(1 unit per 40,000 square feet)	60±
1966	R-40	60±	(1 unit per 40,000 square feet)	60±
1971	RDP	60±	(1 unit per acre)	60±
1976	RC-5	60±	(.667 dwellings units per acre)	40±
1980	RC-5	60±	(.667 dwellings units per acre)	40±
1984	RC-5	60±	(.667 dwellings units per acre)	40±
1988	RC-5 RC-20	12± 48±	(.667 dwellings units per acre) (1 unit per 20 acres)	8± 2±
1992	RC-5 RC-20	12± 48±	(.667 dwellings units per acre) (1 unit per 20 acres)	8± 2±
1996	RC-5 RC-20	12± 48±	(.667 dwellings units per acre) (1 unit per 20 acres)	8± 2±

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Date 11/14/97
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In addition to the aforementioned zoning history of the subject property, the Petitioners submitted into evidence as Petitioner's Exhibits 3A through 3G the relative excerpts from the Baltimore County Zoning Regulations (B.C.Z.R.) and the density that would be permitted in the given zoning classification for the zoning years from 1945 to 1996. These provisions of the zoning regulations were utilized when calculating the number of units available on the zoning chart produced by the Petitioners.

As to the historical use of the subject property, Mr. Ernest Vandermast III was called upon to testify. Mr. Vandermast testified that he was born in 1948 and his first recollection of the subject property dates back to 1952. Mr. Vandermast had vivid recollection of the utilization of the subject property and the buildings thereon from 1952 until the present time. Mr. Vandermast testified that the property was owned by his great aunts in 1952 and that he and other members of his family would vacation on the subject property at given times of the year. Mr. Vandermast testified that he was physically on the subject property each and every year and recalls that there have been 22 dwelling units on the subject property since 1952. His recollection is based upon the fact that when he and other members of the family visited with his great aunts on the subject property, they would be taken to each and every dwelling unit on the property to meet the very residents who lived on site. Mr. Vandermast's recollection of the various families who resided in the 22 dwelling units on the property was impeccable. He specifically recalled each and every one of the 22 dwelling units shown on Petitioner's Exhibit 1A as being occupied continuously and without interruption as residential units from 1952 until the present date. As an exception to this, Mr. Vandermast did point out that Units 16 and 13 are presently uninhabitable and have been

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Date 9/1/22
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so for the past year or so. He is therefore not requesting that these two units be given nonconforming status. However, the remaining 20 units have been on the property and used as residences since 1952.

Mr. Vandermast further testified that he and several of his cousins have inherited the property due to the death of his great aunts who were in control of the property until 1986. Since 1986, Mr. Vandermast has been personally involved with the management of the property. He hired a company to assist him in managing the property, given that he is a doctor of veterinary medicine and currently resides in the state of Maine.

Also called to testify was Ms. Grace Thomas, Ernest Vandermast's mother. Ms. Thomas is a resident of Portland, Maine; however, she has vivid recollection of the number of dwelling units on the property from 1944 until 1975. Ms. Thomas corroborated the testimony offered by her son and testified that since 1944 when she first visited the property, she and her family have visited the property each and every year. Ms. Thomas testified that the owners of the property who were Mr. Vandermast's great aunts, would in fact, take her and her children and other members of the family around to each and every resident on the subject site for introductions. Therefore, she was very familiar with the property and the individuals who lived thereon from her annual visits to the site. She also corroborated the testimony presented by her son that from 1952 to the present time, 20 of the residential units on the property have been occupied continuously and without interruption, noting that the two units previously identified by Mr. Vandermast have been unoccupied for the past 18 months or more. However, Ms. Thomas added to and built upon the testimony offered by Mr. Vandermast in that her recollection of the subject

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property and uses thereon dates back to 1944, well prior to the recollection of Mr. Vandermast.

Also testifying on behalf of the request was Mr. Arnold Vandermast, who is a cousin to Ernest Vandermast and one of the heirs to the subject property. Arnold Vandermast's recollection of the subject property dates from 1956 when he was 6 years old. As indicated by the others who testified, his great aunts would take the children and other family members around to each and every house on the property to introduce the residents to members of the Vandermast family. Arnold Vandermast testified that he vacationed each and every year on the subject property and stated that, without a doubt, from 1956 until the present time, all 22 units on the subject property were used as residences, saving and excepting Units 16 and 13, which had become uninhabitable over the couple of years and were being used for storage. Mr. Arnold Vandermast testified that the subject property contained 20 dwelling units in total, given that two had been abandoned. Again, his testimony dates from 1956 until the present time.

Each of the witnesses who testified to the historical account of the dwellings on the property, testified based on their personal knowledge and observations. Furthermore, they were able to relate family historical accounts as to the use of the property. Given their vivid recollection and their personal observations of the property, it was not necessary to concern ourselves with family hearsay. These witnesses all had specific and vivid recollection of the residential uses on this property dating back many years.

As noted above, however, several individuals appeared in opposition to the Petitioners' request. The only individual who testified was

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Date 9/5/07
By

Dr. Jack Mowll. Dr. Mowll has lived adjacent to the subject property for the past 59 years. Dr. Mowll for the most part agreed with much of the historical recollection of the witnesses who testified; however, he did not agree in total with the Vandermasts' recollection of the uses on the property. Dr. Mowll testified that 4 of the houses in question were not in existence in 1945. He identified those 4 houses as Units 1, 9, 19 and 20. Dr. Mowll's recollection of the historical use of the subject site was not as vivid or specific as that offered by the Vandermast family.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petitioner must produce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation. Moreover, it must be shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Furthermore, regulations are provided regarding the alteration and/or enlargement of such use.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations caused the use of the property to become illegal.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the origi-

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nal use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

> "(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;
>
> (b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;
>
> (c) Does the current use have a substantially different effect upon the neighborhood;
>
> (d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."
>
> McKemy v. Baltimore County, Md., Supra.

Given the testimony and evidence offered by the Petitioners' witnesses as well as the sole Protestant who testified, I find by clear and convincing evidence that the Vandermast property has contained 20 dwelling units which have been utilized as residences since 1944 and that such use has been continuous and without interruption. Furthermore, I find that the only units that are not nonconforming are Units 16 and 13 which have become uninhabitable for residential use and are currently utilized for storage purposes. Therefore, of the 22 residential units existing on the property, only 20 are given approval as legal, nonconforming dwelling units.

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It should be noted that preliminary motions were raised by J. Carroll Holzer, Esquire, attorney for the Protestants. Specifically, Mr. Holzer requested a postponement of this case, given the fact that he had recently been retained to represent the Protestants and that he had been on vacation just prior to the hearing date. His request for postponement was denied, and the hearing proceeded on the merits.

Mr. Holzer also raised a Motion to Dismiss the case, based on the insufficiency of the Petitioners' site plan in this case, which was offered at the hearing held on August 8, 1997 and marked into evidence as Petitioner's Exhibits 1 and 1A. Submitted along with the Petitioners request for Special Hearing was a site plan identified as Protestant's Exhibit 1. The Petitioners admitted that there was a mistake in locating the R.C.5/R.C.20 zoning line and where that line bisected the property. Therefore, at the hearing, the Petitioners submitted a site plan virtually identical to the one filed with the Petition, except that the R.C.5/R.C.20 zoning line was correctly shown on the revised Petitioner's Exhibits 1 and 1A. Mr. Holzer further argued that both Petitioners' Exhibits 1 and 1A and Protestant's Exhibit 1 failed to meet the requirements for acceptance for filing a site plan as specified in Rule 2 of the Zoning Commissioner's Rules of Practice and Procedure. Mr. Holzer argued that there are a number of items required to be on the plan that are not shown, and that the plan as submitted should be dismissed as being unacceptable with Rule 2 of the Zoning Commissioner's Rules.

In response to Mr. Holzer's Motion, Mr. Hoffman and Ms. Malone argued that were there any deficiencies on the plan, it should have been brought to the attention of the Petitioners at the time of filing the Petition with the Department of Permits and Development Management where

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Date 9/2/97
By

Petitions are accepted for filing. Testimony revealed that the plan was reviewed by Mr. Mitch Kellman, a Zoning Technician in that Department and that Mr. Kellman found same to be acceptable. After reviewing the site plan submitted into evidence as Petitioner's Exhibit 1, which does bear a Professional Engineer's seal, I find that the site plan submitted is appropriate and acceptable and meets the requirements of the Rules of Practice and Procedure as contained within the B.C.Z.R. Given the subject matter of the Petition for Special Hearing, I find that the site plan submitted sufficiently locates all of the dwellings which are the subject of this request. I further find that since the site plan is drawn to scale, the dimensions of the houses and their distances between same are all adequately shown on the plan. I believe that there is sufficient information contained on the plan that allows me to effectively rule upon this nonconforming use request. Therefore, Mr. Holzer's objection to the plan and his Motion to Dismiss this hearing shall be denied.

One other Motion was raised by Mr. Holzer and concerned a letter submitted by Peter Zimmerman on behalf of the People's Counsel for Baltimore County. However, Mr. Holzer later retracted and withdrew that Motion. It should be noted that an Entry of Appearance was submitted to this office on July 17, 1997 signed by Peter Max Zimmerman and Carole S. Demilio on behalf of the Office of People's Counsel. However, neither Mr. Zimmerman or Ms. Demilio appeared at the hearing. Therefore, upon Motion made by Mr. Hoffman, the appearance of the Office of People's Counsel shall hereby be stricken from the case, given that no representative from that Office appeared at the hearing to argue the Motion. Furthermore, any Motion that was attempted to be made by the Office of People' Counsel shall also be denied and stricken from the record, given that no representative of that

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Date 9/4/97
By

Office appeared at the hearing. Furthermore, given their failure to appear at the hearing, their appearance shall be stricken from this file and any further participation in this case shall be prohibited.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of September, 1997 that a legal, nonconforming use exists of 20 dwelling units on the subject property, in accordance with Petitioner's Exhibits 1 and 1A, and as such, the Petition for Special Hearing be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the legal, nonconforming use of Units 16 and 13 as shown on Petitioner's Exhibits 1 and 1A be and is hereby DENIED and the Petitioners are prohibited from utilizing same for residential purposes; and,

IT IS FURTHER ORDERED that Motion to Dismiss entered on behalf of the Protestants by J. Carroll Holzer, Esquire, based on their position that the site plan submitted is insufficient and unacceptable in accordance with Rule 2 of the Zoning Commissioner's Rules of Procedure, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Entry of Appearance submitted by the Office of People's Counsel is hereby stricken from the record, given that no representative of that Office appeared at the hearing before me, and given their lack of appearance, the Office of People's Counsel shall be prohibited from any further participation in this hearing process.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 9/11/97
By BJS

#576

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2209 TO 2341 VANDERMAST LANE
1000 TO 1021 GOFF Rd
CORNER N/S VANDERMAST LANE W/S GOFF

which is presently zoned RC-5 RC-20

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 THE LEGAL, NONCONFORMING USE OF 22 DWELLING UNITS OF CASE 95-412-SPH AS PERMITTED TO FILE BY THE COUNTY BOARD OF APPEALS

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

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

Contract Purchaser/Lessee:

JOSEPH E BUCHANAN IV
(Type or Print Name)

Joseph E Buchanan IV
Signature

9312 MAGLEDY RD
Address

BALTO, MD 21234
City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

ERNEST W. VANDERMAST III
(Type or Print Name)

Signature

JOSEPH E BUCHANAN #
(Type or Print Name)

Signature

87 HADDOCK RD 1-207-797-5960
Address Phone No.

FALMOUTH MAINE 04105
City State Zipcode

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

JOSEPH E. BUCHANAN #
Name

9312 MAGLEDY RD. 410-882-5827
Address Phone No.
21234

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 3-4 hr

unavailable for Hearing the following dates _____ Next Two Months

ALL / OTHER _____

REVIEWED BY: MTR DATE 6/20/97

SEE POWER OF ATTORNEY

ORDER RECEIVED FOR FILING
Date 6/20/97
By Rog

Zoning Administration & Development Management

#576

DuVal & Associates, P.A.
Engineers • Surveyors

8 Edgarwood Court
Phoenix, Maryland 21131
(410) 666-5467
Fax (410) 583-4688

May 23, 1997

ZONING DESCRIPTION OF VANDERMAST PROPERTY

Holly Neck Road
15th Election District
Baltimore County, Maryland

BEGINNING at a point on the north side of Holly Neck Road which is 30 feet wide at the distance of 90 feet, more or less, east of the centerline of Vandermast Road; thence running the following courses and distances, viz:

1.	S 47°02'38" W	540.18'
2.	S 56°20'00" W	92.00'
3.	S 61°40'00" W	100.00'
4.	S 64°35'00" W	85.00'
5.	S 74°20'00" W	92.00'
6.	S 84°00'00" W	155.00'
7.	S 86°03'23" W	244.00'
8.	S 84°35'25" W	181.84'
9.	S 80°00'56" W	304.81'
10.	N 29°02'21" W	95.64'
11.	N 29°02'21" W	26.95'
12.	N 29°02'21" W	189.55'
13.	N 42°03'39" W	298.86'
14.	S 87°20'39" E	215.24'
15.	N 40°47'38" W	138.22'
16.	N 49°12'22" E	46.17'
17.	N 20°15'00" W	200.00'
18.	N 58°15'00" W	40.00'
19.	N 04°30'00" W	70.00'
20.	N 49°35'00" E	130.00'
21.	N 39°30'00" E	75.00'
22.	N 52°15'00" E	75.00'
23.	N 81°20'00" E	265.00'
24.	N 16°45'00" E	170.00'
25.	N 59°30'00" W	30.00'
26.	N 12°40'00" W	55.00'
27.	N 32°40'00" E	85.00'
28.	N 62°55'00" E	85.00'
29.	N 21°05'00" E	65.00'
30.	S 64°50'00" W	160.00'

DuVal & Associates, P.A.
Engineers • Surveyors

8 Edgarwood Court
Phoenix, Maryland 21131
(410) 666-5467
Fax (410) 583-4688

ZONING DESCRIPTION ..... (Contd.)

31. N 59°35'00" W 80.00'
32. N 05°30'00" E 75.00'
33. N 49°40'00" E 170.00'
34. N 60°00'00" E 190.00'
35. N 75°25'00" E 145.00'
36. S 52°10'00" E 115.00'
37. S 78°10'00" E 60.00'
38. N 64°50'00" E 155.00'
39. N 53°50'00" E 160.00'
40. N 37°50'00" E 55.00'
41. N 53°00'00" E 90.00'
42. N 41°19'44" E 92.59'
43. S 62°21'34" E 828.14'
44. S 50°25'00" W 75.00'
45. S 69°55'00" W 170.00'
46. N 49°30'00" W 30.00'
47. S 66°55'00" W 35.00'
48. S 89°55'00" W 35.00'
49. S 47°30'00" W 90.00'
50. S 31°00'00" W 50.00'
51. S 01°45'00" W 85.00'
52. S 19°10'00" W 40.00'
53. S 44°50'00" W 150.00'
54. S 40°10'00" W 85.00'
55. S 24°45'00" W 55.00'
56. S 41°40'00" W 75.00'
57. S 18°25'00" W 65.00'
58. S 12°00'00" E 50.00'
59. S 07°10'00" E 40.00'
60. S 65°20'00" E 50.00'
61. S 85°10'00" E 50.00'
62. S 82°40'00" E 40.00'
63. S 76°45'00" E 95.00'
64. N 26°20'00" E 24.63'
65. S 29°36'55" E 302.04' to the place of beginning.

Containing 59.64 acres of land, more or less.

BEING all of the property as recorded among the Land Records of Baltimore County in Deed Liber S.M. 7800, Folio 086 and Deed Liber S.M. 7800, Folio 091.

RE: Case No.: 97-576 SPH

Petitioner/Developer: ERNEST W. VANDERMAST

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 HOLLY NECK RD & GOFF RD.

The sign(s) were posted on 10/28/97
(Month, Day, Year)

Sincerely,

Gary Freund 10/28
(Signature of Sign Poster and Date)

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

9/96
cert.doc

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 in Towson, Maryland on the property identified herein as follows:

Case: #97-576-SPH
2209-2341 Vandermast Lane and 1000-1021 Goff Road
corner N/S Vandermast Lane,
W/S Goff Road
15th Election District
5th Councilmanic
Legal Owner(s):
Ernest W. Vandermast, III
and Jospeh E. Buchanan, II
Contract Purchaser(s):
Joseph E. Buchanan, II
Special Hearing: to approve the legal, nonconforming use of 22 dwelling units of case 95-412-SPH as permitted to file by the County Board of Appeals.
Hearing: Friday, August 8, 1997 at 2:00 p.m., Room 601 County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing. Please Call (410) 887-3391.

7/174 July 10 C156917

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 10, 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 July 10, 1997

THE JEFFERSONIAN,

A. Henriksen

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case No.: 97-576 SPH

Petitioner/Developer: BUCHANAN, ETAL

Date of Hearing/Closing: 8/8/97

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 GOFF RD. & VANDERMAST RD.

The sign(s) were posted on 7/18/97
(Month, Day, Year)

Sincerely,

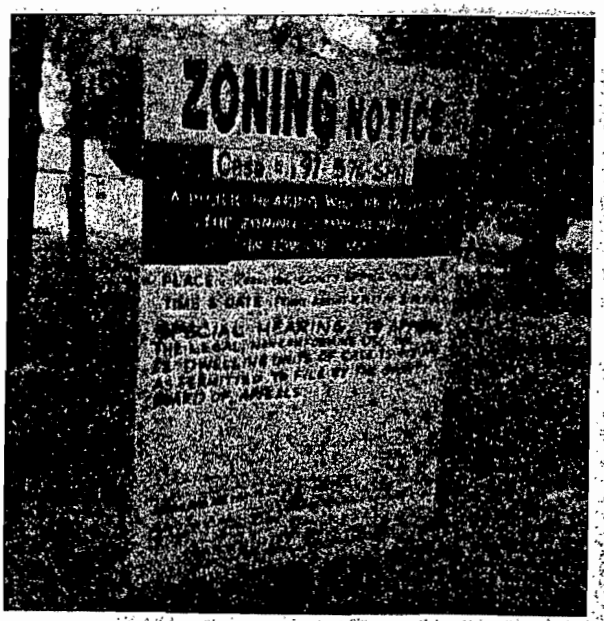
Patrick M. O'Keefe 7/19/97
(Signature of Sign Poster and Date)

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)



GOFF & VANDERMAST RD.
97-576 SPH
7/18/97 H(8/8/97)

1

Petitions
5A

(2)

Pet
#56

Pet #5

(4)

Pet. 5 D

Pet. 5E

Pet 5F

(7)

Pet 56

(8)

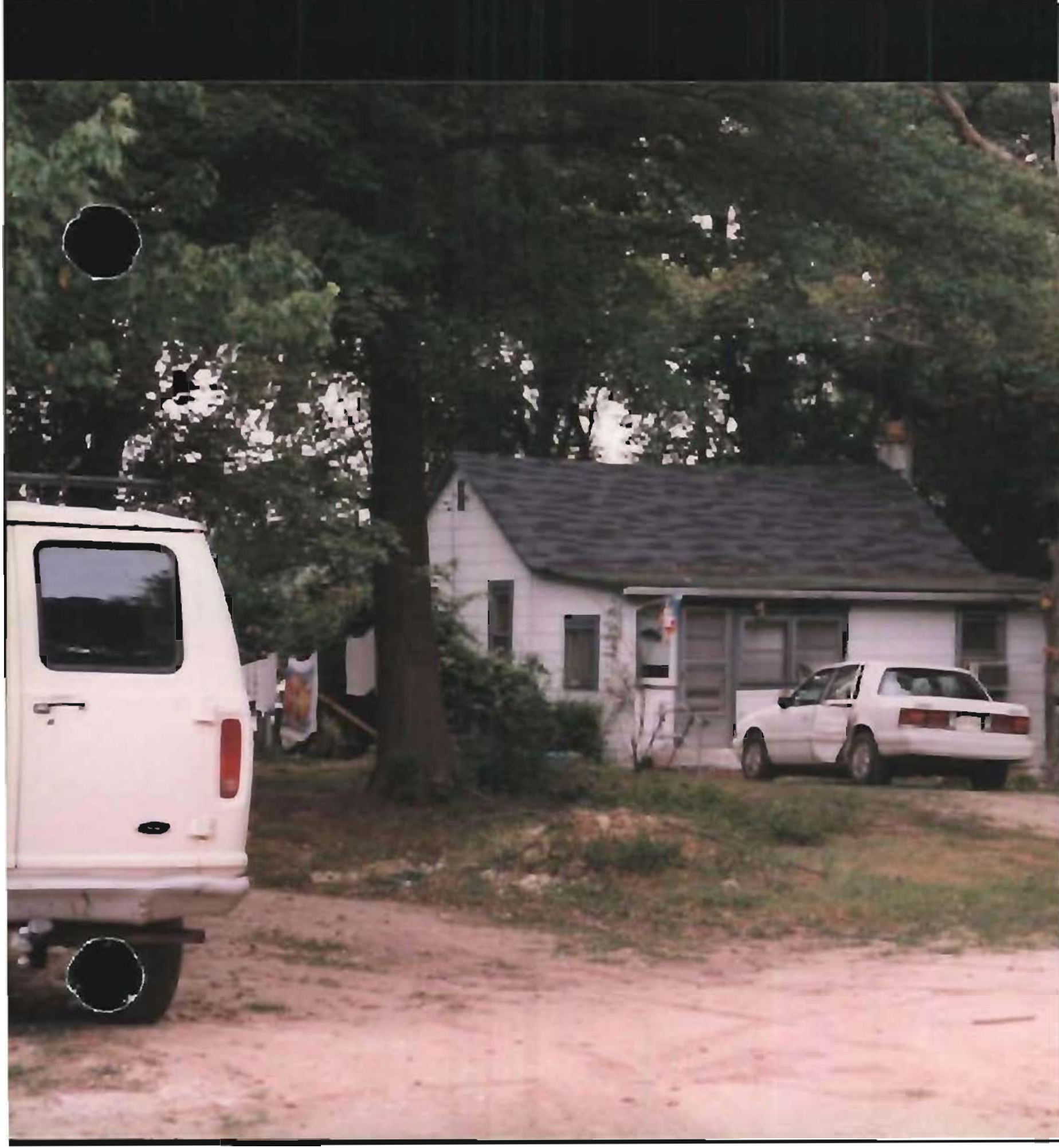
Pet 54

(10)

Pet 5 J

(11)

Pet 5K



[redacted]

Pet 5L

[redacted]

Pet. 5 m

(14)

Pet. 5 N

pet 5 p

(19)

Pet 55

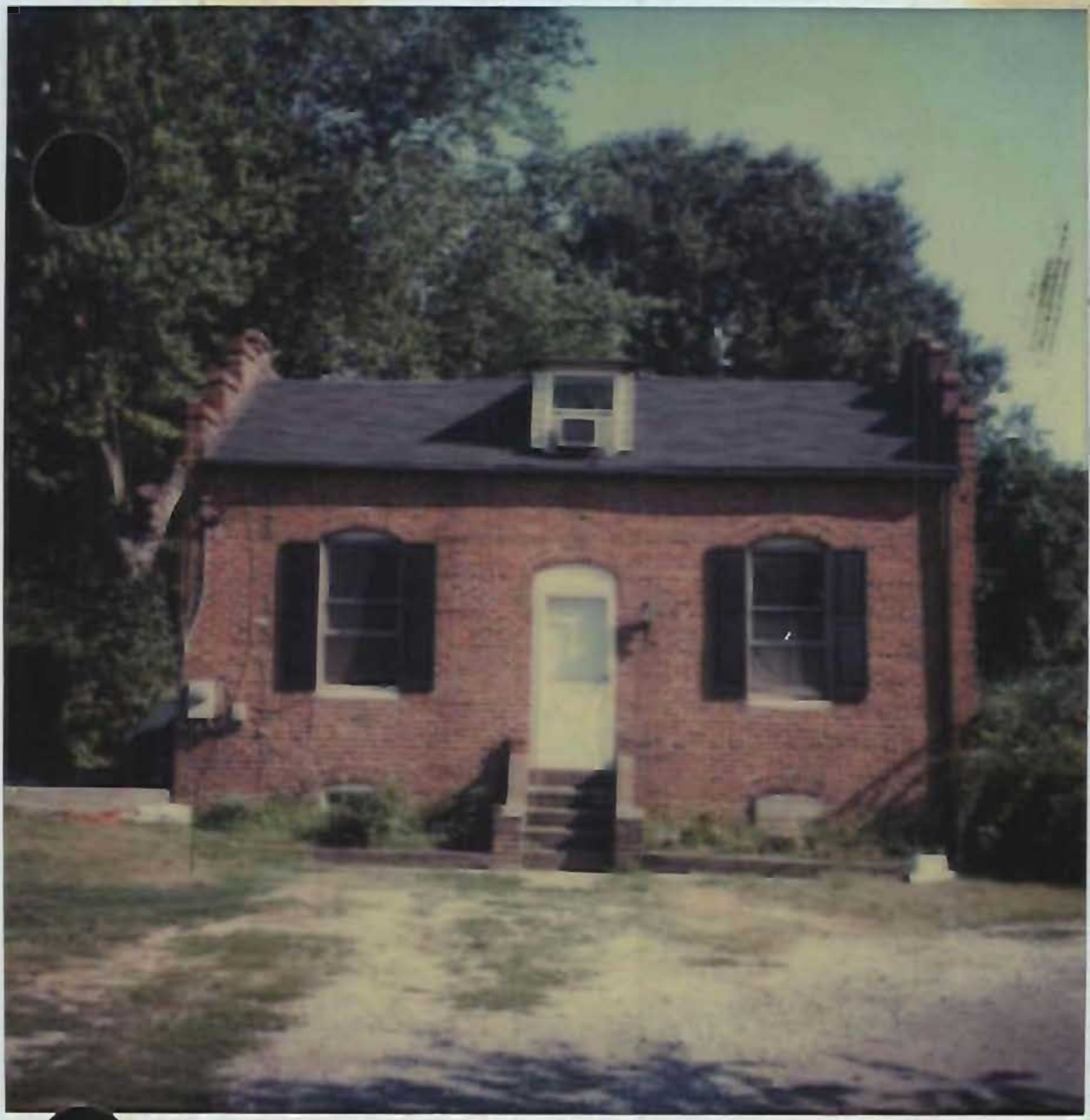
VANDERMAST
VANDERMAST

(20)

Pet 5T

(22)

Pet 5V



UNIT 17

1164701074 3 POLAROID

Plot 5 Q

UNIT 18

1164701074 3 POLAROID

Pet #5 R

(SHEET S.E. 1K)

(SHEET S.E. 2J)

(SHEET S.E. 2L)

(SHEET S.E. 3K)

E-NE ZZ-NW

1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
ON OCTOBER 30, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Kamenetz
Chairman, County Council

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	HOLLY NECK	S.E. 2-K
DATE OF PHOTOGRAPHY JANUARY 1986		

(SHEET S.E.1-J)

(SHEET S.E.2-I)

(SHEET S.E.2-K)

(SHEET S.E.3-J)

E 54,000 E 55,500 E 57,000 E 58,500 E 60,000

S 4,000 S 5,000 S 6,000 S 7,000 S 8,000

N 829,000 N 826,000

R.C. 20

R.C. 5

D.R.3.5

SUE CREEK

POTTERY FARM

PRIVATE ROAD

POPULAR ROAD

SILVER ROAD

MARSH ROAD

POPLAR RD.

PINE RD.

LOWER SILVER RD.

SILVER LN.

POPULAR LN.

CREEK ROAD

PRIVATE ROAD

HOLLY ROAD

MAPLE ROAD

CEDAR NECK ROAD

SCHAFFERS ROAD

GOLUPSKI LANE

LANE ROAD

97-221-SPH
97-222-A

97-111-A

VANDERMAST ROAD

GOFF ROAD

PHILLIPS ROAD

PIERS

PIER

WALL

E-NE ZZ-NW

1996 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Kamenetz
Chairman, County Council

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1996

SCALE	LOCATION	SHEET
1" = 200'±	HOLLY NECK	S.E. 2-J
DATE OF PHOTOGRAPHY JANUARY 1986		

Petitioners # 2J

1996

(SHEET S.E. 1K)

(SHEET S.E. 2J)

(SHEET S.E. 2L)

(SHEET S.E. 3K)

R. C. 20

R.C. 5

BMB

BL

R. C. 20

R.C. 5

R. C. 20

R.C. 5

R. C. 20

R.C. 5

R. C. 20

BALTIMORE YACHT CLUB RD.

PIER

PIERS

WALL

BEACH

BRORING

PRIVATE ROAD

HOLLY AVE

FRANKLEWITZ ROAD

HENRIETTA NECK ROAD

ENGLEBERTH ROAD

BROWNS COVE ROAD

PHILLIPS ROAD

BREEZY POINT BEACH

BREEZY PT. CT.

WELLS POINT

93-20-A

92-350-A

91-106-SPH

95-245-A

93-268-A

94-37-A

93-178-SPHA

94-99-A

93-199-A

94-452-A

95-401A

N 529,000

N 528,000

S 4,000

S 5,000

S 6,000

S 7,000

S 8,000

E 61,500

E 63,000

E 64,500

E 66,000

E-NE ZZ-NW

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92,184-92,185-92,186-92,187-92,188-92,189-92

William A. Howard IV
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	HOLLY NECK	S.E. 2-K
DATE OF PHOTOGRAPHY JANUARY 1986		

(SHEET S.E.1-J)

(SHEET S.E.2-I)

(SHEET S.E.2-K)

(SHEET S.E.3-J)

E-NE ZZ-NW

1992

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

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

Chairman, County Council

1992

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard IV
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'±	HOLLY NECK	S.E. 2-J
DATE OF PHOTOGRAPHY JANUARY 1986		

Petitions #21

(SHEET S.E. 1K)

(SHEET S.E. 2J)

(SHEET S.E. 3K)

R. C. 20

R.C. 5

BL

90-251-SPH
G-2C-103

92-300-A

91-149-A
G-2C

88-107-SPHA

89-483-A

90-364-A
G-2C

BALTIMORE YACHT CLUB RD.

CEDAR DRIVE

FRANKLIN RD.

PRIVATE ROAD

HOLLY NECK

HENRIETTA AVE.

BROWNS COVE ROAD

ENGELSMITH WALL

BEACH ROAD

BRORING ROAD

PHILIP ROAD

BREEZY POINT BEACH

BREEZY PT. CT.

WELLS POINT

PIER

PIERS

WALL

S4,000

S5,000

S6,000

S7,000

S8,000

E60,000

E61,500

E63,000

E64,500

E66,000

N529,000

N528,000

N526,000

E-NE ZZ-NW

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

Chairman, County Council

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	HOLLY NECK	S.E. 2-K
DATE OF PHOTOGRAPHY JANUARY 1986		

E-NE ZZ-NW

1988

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

Chairman, County Council

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard IV
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200'±	HOLLY NECK	S.E. 2-J
DATE OF PHOTOGRAPHY JANUARY 1986		

Petitioners #2

R . C . 5 .

R . C . 5 .

R . C . 5 .

R . C . 5 .

BL

BL

89-43-A

88-191-A

87-341-A

86-17-A

85-220-A

85-284 SPH
S4830
E64300

BRDRING

88-360-A

85-128A
S7180
E62350

89-3-SPH

88-62-A

87-226-A

E-NE ZZ-NW

1984 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
NOV. 13, 1984
BILL NO. 134-84
136-84, 137-84

CHAIRMAN, COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF

BALTIMORE COUNTY METROPOLITAN AREA

OFFICIAL ZONING MAP

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1"=200'	HOLLY NECK	S E
		DATE OF PHOTOGRAPHY		2 K
				✓-OK

Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP LANSING MICH

D.R. 5.5

ML

D.R. 5.5

SUE CREEK

BL

BL

BL

R. C. 5.

R. C. 5.

R. C. 5.

R. C. 5.

R. C. 5.

MLR

E-NE ZZ-NW

89-3-SPH

P.O.B.

88-243-A

1984

1984 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
NOV. 13, 1984
BILL NOS. 134-84, 135-84,
136-84, 137-84, 138-84, 139-84

CHAIRMAN, COUNTY COUNCIL

Petitions #26

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP

REVISIONS	SCALE	LOCATION	SHEET
BY DATE	1" = 200'	HOLLY NECK	SE 2-J

DATE OF PHOTOGRAPHY

Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP. LANSING, MICH.

✓-OK

R . C . 5 .

BL

BL

R . C . 5 .

R . C . 5 .

R . C . 5 .

84-200A
S7485
E62540

E - NE . ZZ - NW

1980 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
ON
BILL NOS. 177-80, 185-80, 186-80,
187-80 AND 189-80

CHAIRMAN, COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF

BALTIMORE COUNTY METROPOLITAN AREA

OFFICIAL ZONING MAP

D.R. 5.5

D.R. 5.5

R. C. 5.

R. C. 5.

R. C. 5.

R. C. 5.

R.C.5.

SUE CREEK

BL

BL

BL

MLR

E-NE ZZ-NW

1980

1980 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT 13, 1980
BILL NOS. 184-80, 185-80, 186-80
AND 190-80

CHAIRMAN, COUNTY COUNCIL

Petition #
2-F

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP

REVISIONS	BY	DATE

SCALE 1" = 200'

DATE OF PHOTOGRAPHY

LOCATION HOLLY NECK

SHEET SE 2-3

Topography Compiled By Photogrammetric Methods
AERIAL SURVEYS - CARE LANSING, MICH.

R . C . 5 .

R . C . 5 .

R . C . 5 .

R . C . 5 .

BL

BL

77-233 A
S4160
E65090

79-240 A
S4170
E65810

(SHEET S.E. IK)

(SHEET S.E. 2J)

(SHEET S.E. 3K)

N 329,000

N 328,000

N 327,000

N 326,000

S 4,000

S 5,000

S 6,000

S 7,000

S 8,000

E 60,000

E 61,500

E 63,000

E 64,500

E 66,000

PIER

PIERS

WALL

BEACH

BROKING

PRIVATE ROAD

HOLLY AVE

HENRIETTA AVE

COVE ROAD

ISLAND TRAIL

BROWNS LANE

CHURCH ROAD

BREEZY POINT BEACH

WELLS POINT

FOUND

E-NE ZZ-NW

1976 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT. 7, 1976 & OCT. 8, 1976
BILL NOS. 108-76, 109-76, 110-76, 111-76, 112-76, 113-76, and 114-76

CHAIRMAN COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP

1976

REVISIONS			SCALE	LOCATION	SHEET
	BY	DATE	1" = 200'	HOLLY NECK	S E 2-K
			DATE OF PHOTOGRAPHY DEC 1954		

Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP LANSING MICH.

D. R. 5.5

D. R. 5.5

R. C. 5.

R. C. 5.

R. C. 5.

R. C. 5.

MLR

E-NE ZZ-NW

BL

BL

BL

77-232 A
S5165
E57710

77-39A
S4915
E58070

79-214A
S5620
E57720

81-16A
S6100
E57530

SUE CREEK

POTTERY FARM ROAD

PRIVATE ROAD

POPULAR ROAD

SILVER ROAD

MARSH ROAD

HOLLY AVE

MAPLE CREEK

CEDAR BEACH

CEDAR ROAD

PRIVATE ROAD

GOLUPSKI NECK ROAD

SCHAFFERS ROAD

PHILLIPS ROAD

VANDERMAST LANE

GOFF ROAD

FOUND ROAD

PIERS

PIER

WALL

LANE

E 54,000

E 55,500

E 57,000

E 58,500

E 60,000

N 529,000

N 528,000

S 4,000

S 5,000

S 6,000

S 7,000

S 8,000

(SHEET S E 2-I)

(SHEET S E 2-J)

(SHEET S E 3-J)

(SHEET S E 2-H)

1976 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT. 7, 1976 & OCT. 8, 1976
BILL NOS. 108-76, 109-76, 110-76, 111-76,
112-76, 113-76, and 114-76

CHAIRMAN, COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP

REVISIONS	BY	DATE

SCALE
1" = 200'

DATE OF PHOTOGRAPHY
DEC. 1954

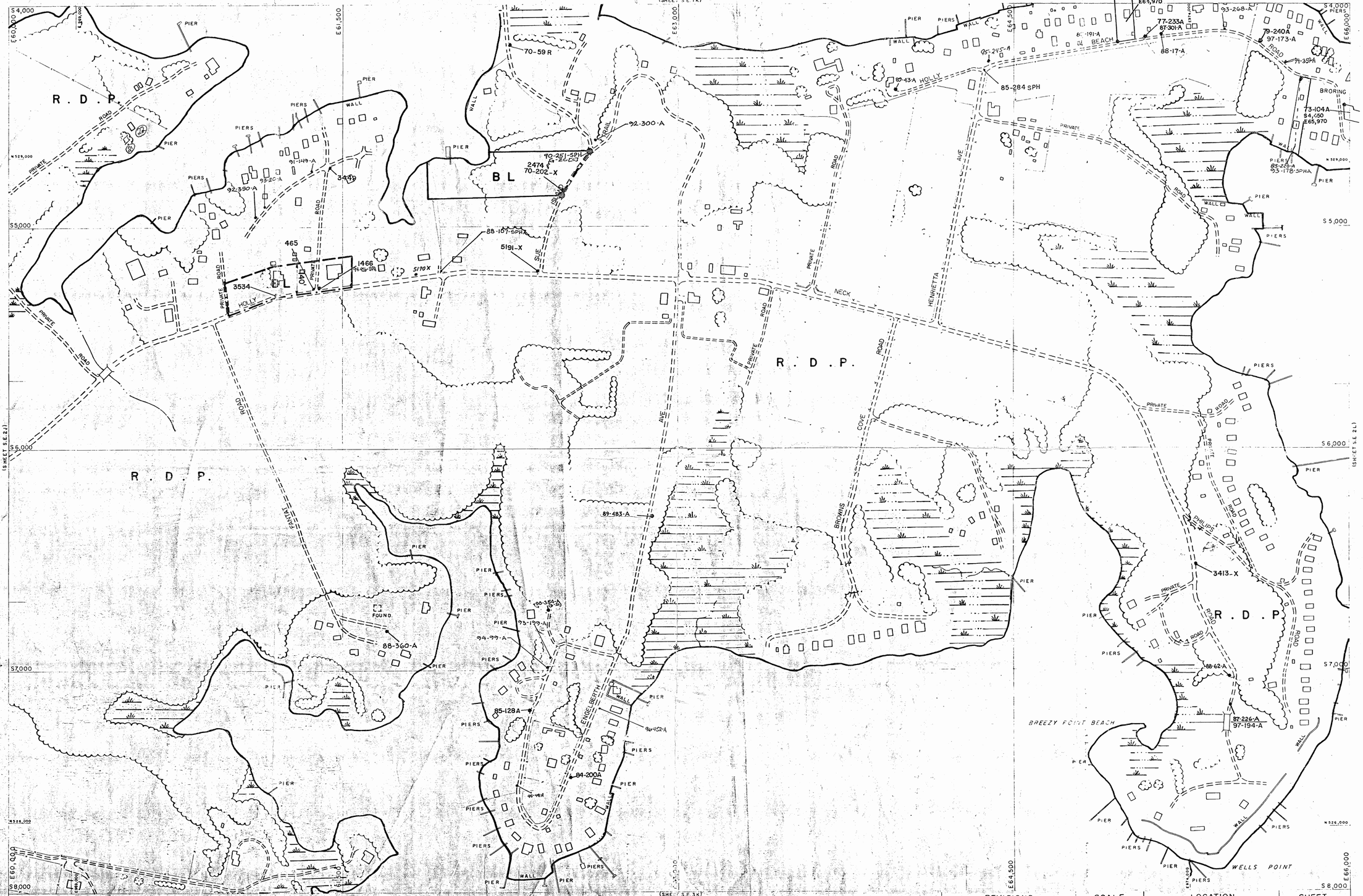
Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP. LANSING MICH.

LOCATION
HOLLY NECK

SHEET
S.E. 2-J

Petition #2E

6-2-76



E-NE ZZ-NW

ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
MARCH 24, 1971
BY BILLS NOS. 28, 29, 30, 31, and 32

PHOTOGRAMMETRIC MAP OF

BALTIMORE COUNTY METROPOLITAN AREA

OFFICIAL ZONING MAP

REVISIONS			SCALE	LOCATION	SHEET
	BY	DATE	1" = 200'	HOLLY NECK	S.E. 2-K
			DATE OF PHOTOGRAPHY DEC 1954		

Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP. LANSING MICH.

1971

D. R. 5.5

PUBLIC

D. R. 5.5

R. D. P.

R. D. P.

R. D. P.

MLR

BL

BL

BL

CREEK

SUE

POTTERY FARM ROAD

PRIVATE ROAD

LANE

VANDERMAST ROAD

VANDERMAST

GOLUPSKI ROAD

PHILLIPS ROAD

POPULAR ROAD

SILVER ROAD

MARSH ROAD

PEACH AVE.

CREEK

MAPLE AVE.

CEDAR ROAD

CEDAR ROAD

HOLLY ROAD

NECK ROAD

SCHAFFERS ROAD

GOLF ROAD

PRIVATE ROAD

PRIVATE ROAD

PRIVATE ROAD

PRIVATE ROAD

PRIVATE ROAD

PRIVATE ROAD

PRIVATE ROAD

2-50'

3178

4089

3228

844

731

3112-S

1899-W

686

74-90A
$5,275
E56,140

68-115A

68-287-A

77-39A

77-232-A

79-214A

81-16A

89-41-SPH

97-221-SPH

97-222-A

92-315-A
95-46-XA

96-315-A

96-342-SPHA

96-343-SPHA

96-435-A

95-228-A

93-147-SPHA

96-314-A

93-363-A

93-465-A

91-81-A

96-341-A
(C-263)

96-313-A

95-289-A

97-111-A

88-243-A

89-3-SPH

95-412-SPH

(SHEET S.E.1-J)

(SHEET S.E.2-I)

(SHEET S.E.2-K)

(SHEET S.E.3-J)

S 4,000

S 5,000

S 6,000

S 7,000

S 8,000

N 529,000

N 526,000

E 54,000

E 55,500

E 57,000

E 58,500

E 60,000

E 943,000

E 948,000

E-NE ZZ-NW

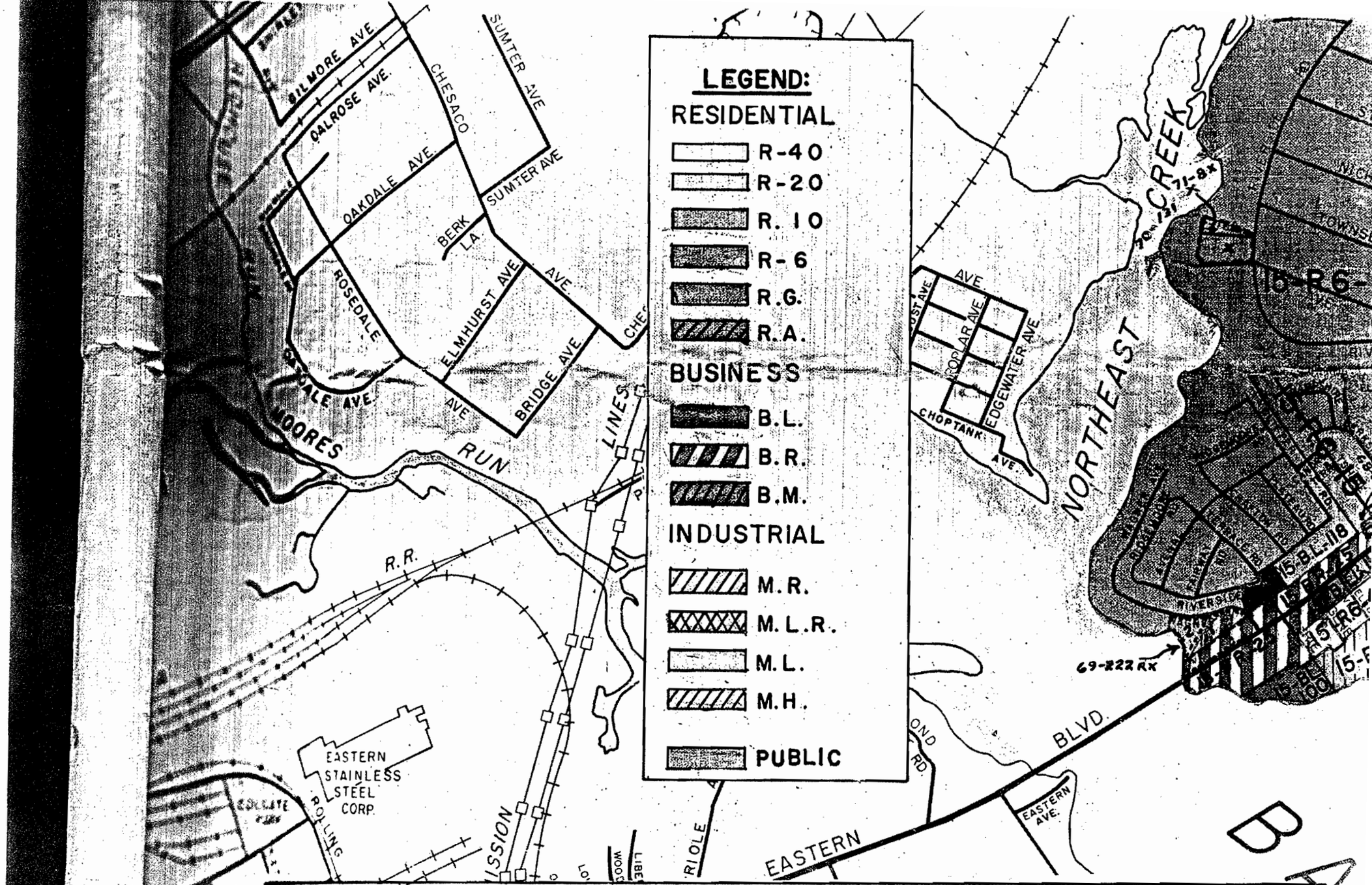
Petitions #2D

ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
MARCH 24, 1971
BY BILLS NOS. 28, 29, 30, 31, and 32

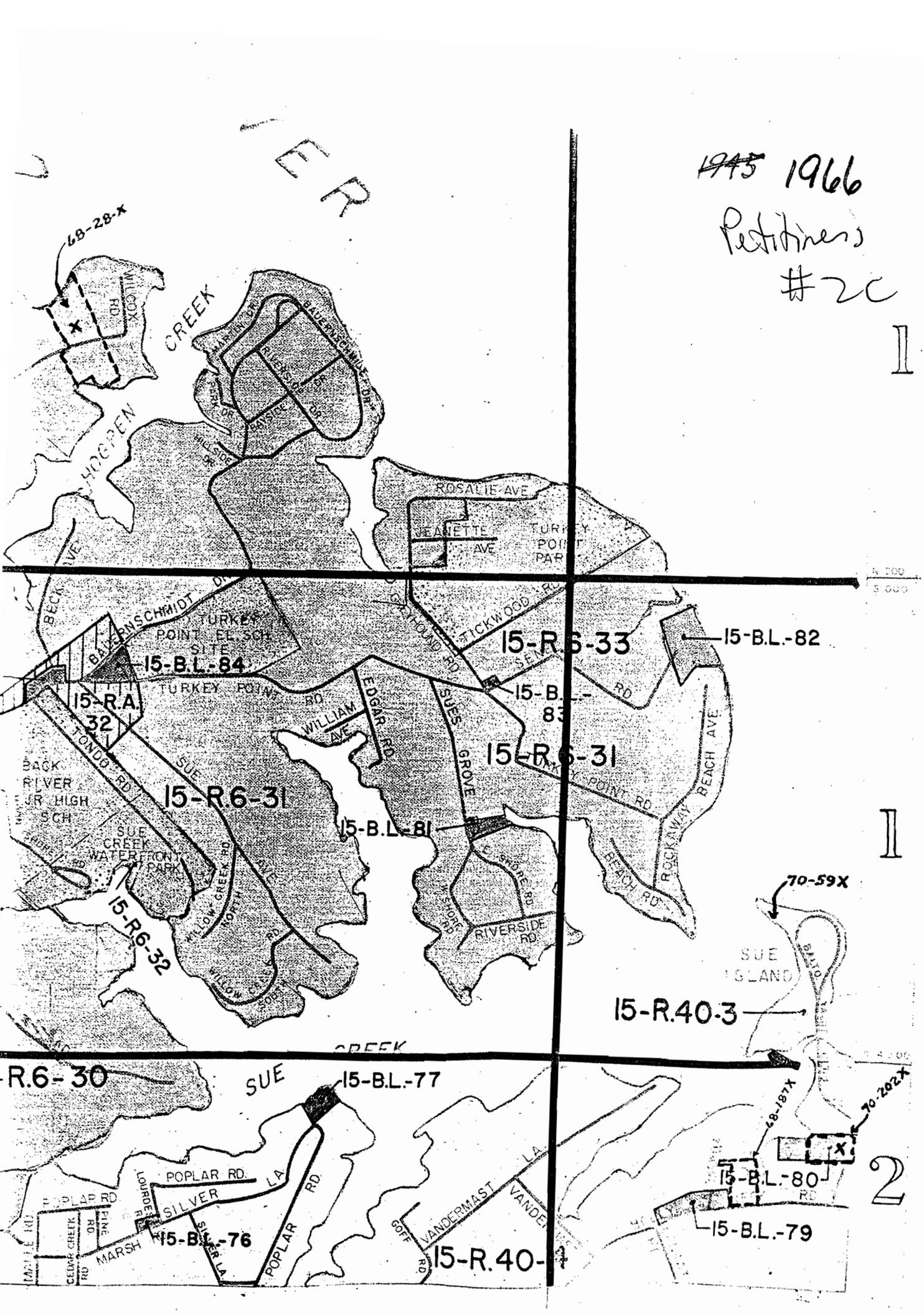
PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA
OFFICIAL ZONING MAP

REVISIONS			SCALE	LOCATION	SHEET
	BY	DATE	1" = 200'	HOLLY NECK	S.E. 2-J
			DATE OF PHOTOGRAPHY DEC 1954		

Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP. LANSING MICH.



ZONING MAP FOR THE FIFTEENTH ELECTION DISTRICT, EXCEPT FOR CERTAIN PORTIONS WHICH HAVE BEEN ADOPTED ON THE COMPREHENSIVE REZONING MAP FOR THE PATAPSCO NECK PLANNING AREA AND THE COMPREHENSIVE ZONING MAP FOR THE NORTHEASTERN PLANNING AREA, ACCOMPANYING AN ORDINANCE OF THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, KNOWN AS BILL NUMBER 84 OF THE


~~1945~~ 1966
Petitioners
#2C
II
II
2
68-28-X
WILCOX RD
CREEK
HOGPEN
BAUER SCHMIDT DR
RIVERSIDE DR
BAYSIDE DR
BERRY DR
MILESIDE DR
ROSALIE AVE
LAFAYETTE AVE
TURKEY POINT PARK
BECK AVE
BAYERNSCHMIDT DR
TURKEY POINT EL. SCH. SITE
15-B.L.-84
TURKEY POINT RD
15-R.A. 32
TONDO RD
SUE
BACK RIVER JR. HIGH SCH
SUE CREEK WATERFRONT PARK
15-R6-31
15-R6-32
WILLOW CREEK RD NORTH
WILLOW CREEK RD
WILLIAM AVE
EDGAR RD
SUES GROVE
GREYHOUND RD
TICKWOOD RD
15-R6-33
15-B.L.-82
15-B.L.-83
15-R6-31
15-B.L.-81
ROCKAWAY POINT RD
ROCKAWAY BEACH AVE
BEACH RD
E. SHORE RD
W. SHORE RD
RIVERSIDE RD
70-59X
SUE
ISLAND
15-R.40-3
CREEK
-R.6-30
SUE
15-B.L.-77
POPLAR RD
LA
SILVER
LOURDES RD
POPLAR RD
CEDAR CREEK RD
PINE
MARSH
15-B.L.-76
SILVER LA
POPLAR RD
GOFF RD
VANDERMAST LA
VANDE
15-R.40-4
68-197X
70-202X
15-B.L.-80
RD
15-B.L.-79

4B

15 R40 4

15 R40 4

15 R40 4

15 BL 80

15 BL 79

68-187X BOAT YARD

15 R40 4

15 R40 4

15 R40 4

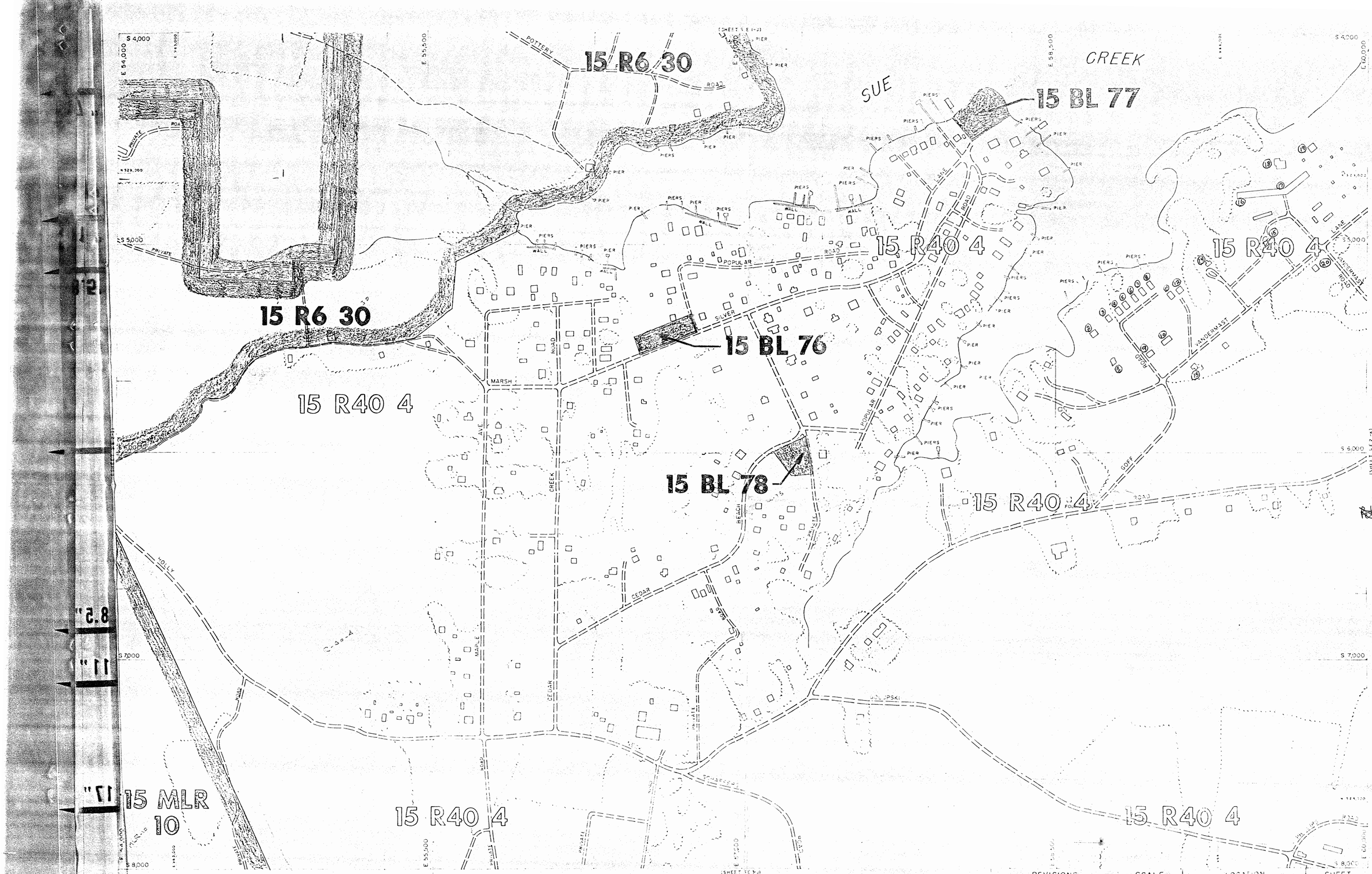
PHOTOGRAMMETRIC MAP OF

BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	HOLLY NECK	S E
		DATE OF PHOTOGRAPHY		2-K
				EASTERN AREA

Topography Created By Photogrammetric Methods
ADAMS AERIAL SURVEY CORP LANSING MICH

1955



PHOTOGRAMMETRIC MAP OF

BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	HOLLY NECK	S.E. 2-J
		DATE OF PHOTOGRAPHY DEC 1954		

Topography Compiled By Photogrammetric Methods
ADAMS AERIAL SURVEY CORP DETROIT MICH

EASTERN AREA

1955

Petitioner's Exhibit 2B

ZONING DISTRICT NO. 15

ZONING DEPARTMENT + BALTIMORE COUNTY

USE DISTRICT MAP

FIFTEENTH ELECTION DISTRICT OF BALTIMORE COUNTY

SECTION "C"

SCALE

0 500 1000 1500 2000

500 FEET TO ONE INCH

LEGEND

- "A" RESIDENCE ZONE - R-G ✓
- "B" RESIDENCE ZONE - R-G ✓
- "C" RESIDENCE ZONE - R-A
- "D" RESIDENCE ZONE - R-S
- "E" COMMERCIAL ZONE - B L
- "F" INDUSTRIAL ZONE - M L
- G INDUSTRIAL ZONE
- X - SPECIALS

Unmarked either "A" or "B"

MAP PREPARED & PLOTTED
BY STANLEY J. KROLL=
SENIOR DRAFTSI

15 TH

Petitioner's Exhibit 2A

1945

SHORE

AVE.

SHORE RD. ROAD EAST SHORE RD.

WEST RIVERSIDE RD.

ROCKAWAY BEACH

ROCKAWAY

BALTIMORE YACHT CLUB

SUE ISLAND

CREEK

SUE

RD.

378

4089

POPLAR AVE.

SILVER LANE RIVER DRIVE

731

ROAD SILVER LA AVE

3228

POPLAR

3112

MARSH

RD.

NECK

BEACH

GEDAR

BEACH RD.

Pet. Zoning MAP EXHIBITS TO 1996

1945 ZONING MAP

5191

BOAT YARD & MARINA

BALTIMORE YACHT

SEDAR GROVE RD.

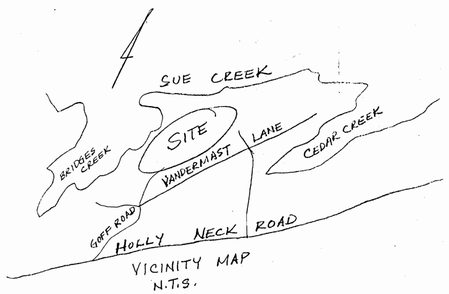
MIKE MITZ ROAD

EANTAT ROAD

ENGELBERTH AVE.

BROWNS

Petitioners #1a



VICINITY MAP
N.T.S.

VANDERMAST PROPERTY
EXISTING CONDITION

DATA:
GROSS ACREAGE = 60 AC.±
ZONING : RC-5 - 12 ±
RC-20 - 48 ±

ELECTION DISTRICT - 15
COUNCILMANIC DIST. - 5
SCALE: 1"= 100'
PUBLIC WATER AND SEWER EXIST
PROPERTY LOCATED IN C.B.C.A.
PRIOR ZONING CASE # 95-412 S.P.H.

CONSULTING ENGINEERS:
JONES ASSOCIATES
944 BEAVERBANK CIRCLE
TOWSON, MD. 21286
410-296-7111

PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING FOR LEGAL NON-CONFORMING USES OF 22 DWELLING UNITS.

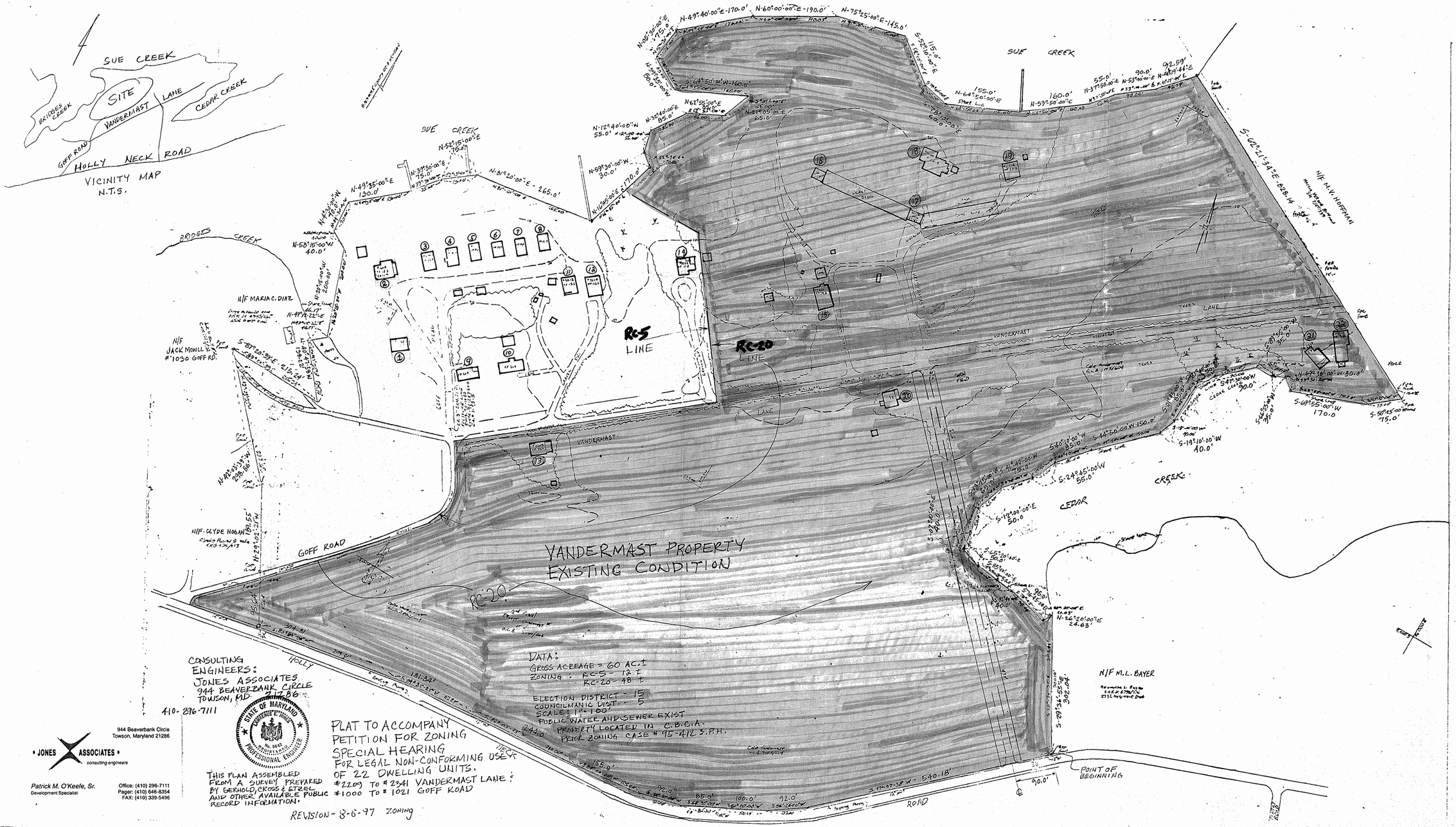
THIS PLAN ASSEMBLED FROM A SURVEY PREPARED BY GERALD CROSS & ETZEL AND OTHER AVAILABLE PUBLIC RECORD INFORMATION.
#2209 TO #2241 VANDERMAST LANE
#1000 TO #1021 GOFF ROAD

REVISION - 8-6-97 ZONING

STATE OF MARYLAND
CHARLES E. JONES
No. 9682
REGISTERED PROFESSIONAL ENGINEER

JONES ASSOCIATES
consulting engineers
944 Beaverbank Circle
Towson, Maryland 21286
Patrick M. O'Keefe, Sr.
Development Specialist
Office: (410) 296-7111
Pager: (410) 646-8354
FAX: (410) 339-5496

Petitioners
#1



944 Beaverbank Circle
Towson, Maryland 21286
• JONES ASSOCIATES •
consulting engineers
Patrick M. O'Keefe, Sr.
Development Specialist
Office: (410) 296-7111
Pager: (410) 646-8354
FAX: (410) 339-5496

Prot #1

97-576-SPH

VANDERMAST PROPERTY
EXISTING CONDITION

DATA:
GROSS ACREAGE = 60 AC.±
ZONING : RC-5 - 25 ±
RC-20 - 35 ±

ELECTION DISTRICT - 15
COUNCILMANIC DIST. - 5
SCALE: 1"= 100'
PUBLIC WATER AND SEWER EXIST
PROPERTY LOCATED IN C.B.C.A.
PRIOR ZONING CASE # 95-412 S.P.H.

CONSULTING ENGINEERS:
JONES ASSOCIATES
944 BEAVERBANK CIRCLE
TOWSON, MD. 21286
410-296-7111

#576

944 Beaverbank Circle
Towson, Maryland 21286

• JONES ASSOCIATES • consulting engineers

Patrick M. O'Keefe, Sr.
Development Specialist

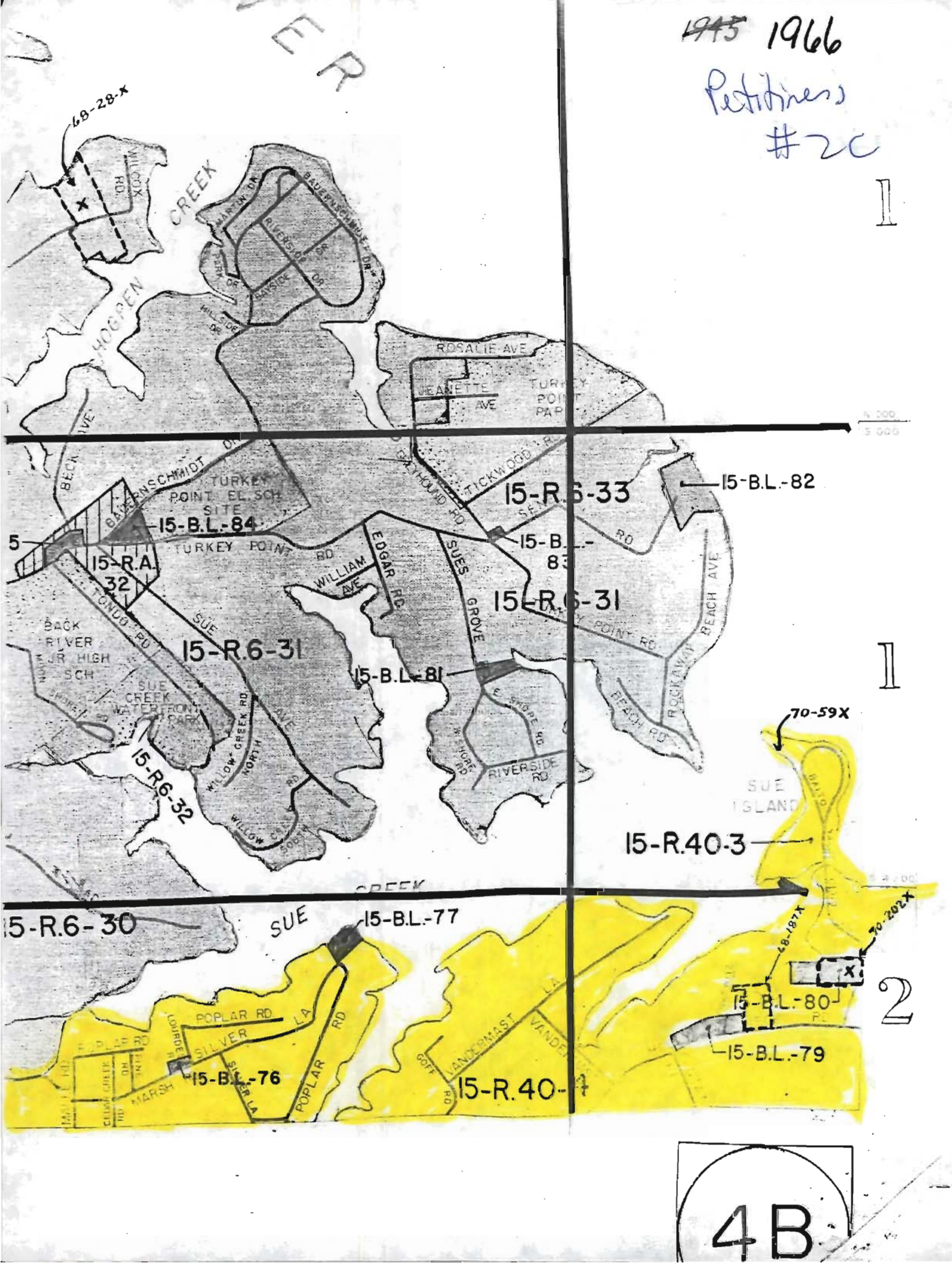
Office: (410) 296-7111
Pager: (410) 546-8354
FAX: (410) 339-5496

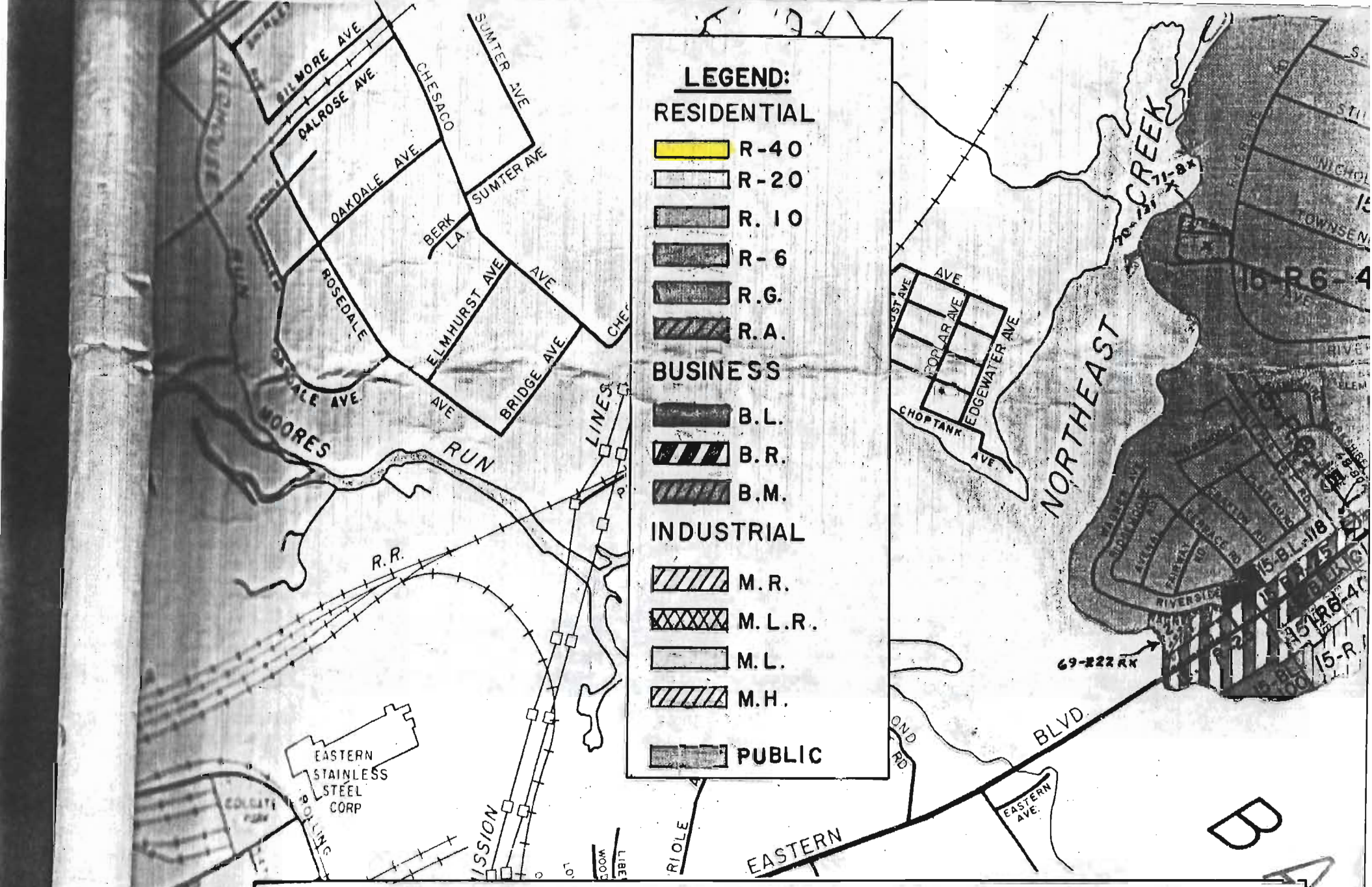
STATE OF MARYLAND
PATRICK M. O'KEEFE
No. 9640
ASSISTANT
PROFESSIONAL ENGINEER

THIS PLAN ASSEMBLED FROM A SURVEY PREPARED BY GERHOLD, CROSS & ETZEL AND OTHER AVAILABLE PUBLIC RECORD INFORMATION.

PLAT TO ACCOMPANY PETITION FOR ZONING SPECIAL HEARING FOR LEGAL NON-CONFORMING USE OF 22 DWELLING UNITS.
#2209 TO # 2341 VANDERMAST LANE &
#1000 TO # 1021 GOFF ROAD

N/F MARIA C. DIAZ
N/F JACK MOWLL #1030 GOFF RD.
N/F CLYDE HOGAN
N/F M.L. BAYER
N/F M.V. HOFFMAN
GOFF ROAD
VANDERMAST
HOLLY NECK ROAD
SUE CREEK
BRIDGES CREEK
CEDAR CREEK
RC-5 LINE
RC-20 LINE
POINT OF BEGINNING


~~1945~~ 1966
Petitioners #2C
68-28-X
WILCOX RD.
CREEK
HOGPEN
MARTIN DR.
BADENSCHMIDT DR.
RIVERSIDE DR.
BAYSIDE DR.
WILSON DR.
ROSALIE AVE.
JEANETTE AVE.
TURKEY POINT PARK
BECKY AVE.
BADENSCHMIDT DR.
TURKEY POINT EL. SCH. SITE
15-B.L.-84
TURKEY POINT RD.
15-R.A. 32
TONDO RD.
SUE
15-R.6-31
BACK RIVER JR HIGH SCH
SUE CREEK WATERFRONT PARK
WILLOW CREEK RD. NORTH
WILLOW CREEK RD.
15-R.6-32
15-R.6-30
SUE
15-B.L.-77
POPLAR RD.
SILVER LA.
POPLAR RD.
LOURDES RD.
MARSH
15-B.L.-76
15-R.40-
GOFF RD.
VANDERMAST LA.
15-B.L.-79
15-B.L.-80
48-187-X
70-202-X
15-R.40-3
70-59X
SUE ISLAND
RIVERSIDE RD.
W. SHORE RD.
E. SHORE RD.
REACH RD.
ROCKAWAY BEACH AVE.
15-B.L.-81
SUES GROVE
EDGAR RD.
WILLIAM AVE.
15-R.6-31
15-B.L.-83
TICKWOOD RD.
GREYHOUND RD.
15-R.6-33
15-B.L.-82
I
I
2
4B



ZONING MAP FOR THE FIFTEENTH ELECTION DISTRICT, EXCEPT FOR CERTAIN PORTIONS WHICH HAVE BEEN ADOPTED ON THE COMPREHENSIVE REZONING MAP FOR THE PATAPSCO NECK PLANNING AREA AND THE COMPREHENSIVE ZONING MAP FOR THE NORTHEASTERN PLANNING AREA, ACCOMPANYING AN ORDINANCE OF THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, KNOWN AS BILL NUMBER 84 OF THE 1966 SESSION AS AMMENDED AND PASSED ON THE SIXTH DAY OF SEPTEMBER, 1966.