

IN RE: PETITION FOR SPECIAL HEARING
W/S Ashbourne Road, 130' S of
June Road
(5532 Ashbourne Road)
13th Election District
1st Councilmanic District

Lloyd H. Williams, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-13-SPH
*

* * * * *

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 owners of the subject property, Lloyd H. and Pauline Williams. The Petitioners request approval of the use of the subject property as a legal, nonconforming, two-apartment dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing in support of the request were Pauline Williams, property owner, and Gay Rittenhouse, whose father built the home on the subject property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 5,750 sq.ft., more or less, zoned D.R. 5.5, and is improved with a two-story dwelling containing two apartments. Mrs. Williams testified that she purchased the subject property approximately 10 years ago from the original owner. Her investigation of the property at that time revealed that the dwelling was built in 1941 by Mr. Charles Rittenhouse, the father of the witness who appeared with Mrs. Williams. Both Mrs. Williams and Ms. Rittenhouse testified that the dwelling was converted into two apartments in 1954 and has remained that way since that time.

ORDER RECEIVED FOR FILING

Date 9/8/97

By [Signature]

Further testimony revealed that many of the homes in this area of Halthorpe Heights have been converted to two apartment dwellings. Mrs Williams testified that her property was not originally developed as a two-apartment dwelling, but was converted in 1954. Further testimony indicated that the subject property has been used as a two-apartment dwelling continuously and without interruption up to the present time and that ample parking exists on site.

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 controlling year in this case is 1955 for a two apartment use.

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 original 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:

COPIES RECEIVED FOR FILING
Date 9/19/87
37

"(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."

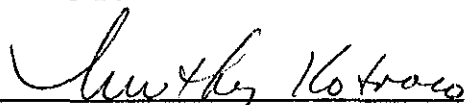
McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used continuously and without interruption as a two-apartment dwelling since prior to 1955, which is the controlling date to establish the use as nonconforming, and as such, the relief requested should be granted.

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 Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of September, 1997 that the Petition for Special Hearing seeking approval of the use of the subject property as a legal, nonconforming, two-apartment dwelling, in accordance with Petitioner's Exhibit 1, is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 9/8/97
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

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

September 8, 1997

Mr. & Mrs. Lloyd H. Williams
1830 Palo Circle
Baltimore, Maryland 21227

RE: PETITION FOR SPECIAL HEARING
W/S Ashbourne Road, 130' S of June Road
(5532 Ashbourne Road)
13th Election District - 1st Councilmanic District
Lloyd H. Williams, et ux - Petitioners
Case No. 98-13-SPH

Dear Mr. & Mrs. Williams:

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

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

Very truly yours,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel; Case Files



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

5532 ASHBORNE RD BALTO, MD 21227

which is presently zoned P.R.5.5

This Petition shall be filed with the Department of Permits & Development Management

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

A 2 APARTMENT DWELLING
AS A LEGAL NON CONFORMING USE.

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:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

PAULINE WILLIAMS

(Type or Print Name)

Pauline Williams

Signature

LLOYD H. WILLIAMS

(Type or Print Name)

Lloyd H. Williams Jr.

Signature

W 410 747-7220

1830 PARO CIRCLE H 410 247-1674

Address

Phone No

BALTIMORE

MD

21227

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1HR

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

7/10/97

Revised 9/5/95

TUES OR
THURS ONLY
PREFER AS
EARLY AS POSSIBLE.

ORDER RECEIVED FOR FILING

Date

By

13

98-13-SHA

Zoning Description

Zoning description for 5532 Ashbourne Rd., Balto. 21227
Beginning at a point on the West side of
Ashbourne Rd. which is 30 feet of right-of-way width
wide at the distance of ^{130 FT} 1050 ft. south of the centerline
of the nearest intersecting street ~~Sulphur Spring Rd.~~ ^{JUNE RD.}
which is 30 ft. wide. Being lot #44 Block section 2
in the subdivision of Halethorpe Heights as recorded in
Baltimore County Plat book #12 Folio # 62 containing 5750
square feet. Also known as 5532 Ashbourne Rd. and
located in the 13th Election District, 1st Councilmanic
District.

Changes OK
P.W. 7/10/97

Owners: Lloyd H. Williams &
Pauline Williams

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: #96-13-SPH
5532 Ashbourne Road
W/S Ashbourne Road, 130' S

of June Road
13th Election District
1st Councilmanic
Legal Owners:
Pauline Williams and Lloyd Williams

Special Hearing: to approve a 2-apartment dwelling as a legal non-conforming use

Hearing: Thursday, August 28, 1997 at 10:00 a.m., Room 407 Courts Building, 401 Bosley 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

7/453 July 31 C162240

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/31, 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 7/31, 1997.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

13 JLL No. 041023

DATE 7/10/97 ACCOUNT R0016150

AMOUNT \$ 74.00

RECEIVED FROM: WILLIAMS

FOR: 1 RVSPH FILING + 24 XEROX COPIES

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
7/10/1997 7/10/1997 10:19:40

REG #506 CASHIER KNCH KXN INYMER 6
5 MISCELLANEOUS CASH RECEIPT

Receipt # 005146
OR NO. 041023

74.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

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:

#13

ZONING NOTICE

Case No.: 98-13-SPH

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

PLACE: *

DATE AND TIME: *

REQUEST: A SPECIAL HEARING TO APPROVE A 2 APARTMENT DWELLING
AS A LEGAL NONCONFORMING USE.

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



Baltimore County
Department of Permits and
Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

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

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

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 13 - Petitioner: WILLIAMS
Location: 5532 ASHBORNE RD. BALTO. MD. 21227

PLEASE FORWARD ADVERTISING BILL TO:

NAME: PALLINE WILLIAMS
ADDRESS: 1830 PALO CIRCLE
BALTO. MD. 21227

PHONE NUMBER: 410 2471674 W/410 7477220



TO: PUTUXENT PUBLISHING COMPANY
July 31, 1997 Issue - Jeffersonian

Please forward billing to:

Pauline Williams
1830 Palco Circle
Baltimore, MD 21227
410-247-1674

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 NUMBER: 98-13-SPH
5532 Ashbourne Road
W/S Ashbourne Road, 130' S of June Road
13th Election District - 1st Councilmanic
Legal Owner(s): Pauline Williams and Lloyd Williams

Special Hearing to approve a 2 apartment dwelling as a legal non-conforming use.

HEARING: THURSDAY, AUGUST 28, 1997 at 10:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

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

July 25, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-13-SPH
5532 Ashbourne Road
W/S Ashbourne Road, 130' S of June Road
13th Election District - 1st Councilmanic
Legal Owner(s): Pauline Williams and Lloyd Williams

Special Hearing to approve a 2 apartment dwelling as a legal non-conforming use.

HEARING: THURSDAY, AUGUST 28, 1997 at 10:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in black ink, which appears to read "Arnold Jablon". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

Arnold Jablon
Director

cc: Pauline and Lloyd Williams

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 13, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

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

August 22, 1997

Mr. and Mrs. Lloyd Williams
1830 Palo Circle
Baltimore, MD 21227

RE: Item No.: 13
Case No.: 97-13-SPH
Petitioner: Lloyd Williams, et ux

Dear Mr. and Mrs. Williams:

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 July 10, 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,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over a rectangular stamp that contains the name "W. Carl Richards, Jr." in a bold, sans-serif font.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Date: August 4, 1997
Department of Permits & Development
Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division ~~APPROVED~~ ROBERT W. BOWLING

SUBJECT: Zoning Advisory Committee Meeting
for August 4, 1997
Item No. 013

The Development Plans Review Division has reviewed the subject zoning item. The issue of on-site parking shall be addressed.

RWB:HJO:jrb

cc: File

ZONE804.013



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 7-25-97
Item No. 013 JUL

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

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

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

TO: PDM
FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: 7/28/92

DATE: 7/31/92

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

Item #'s:

11
13
14
17

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 29, 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):

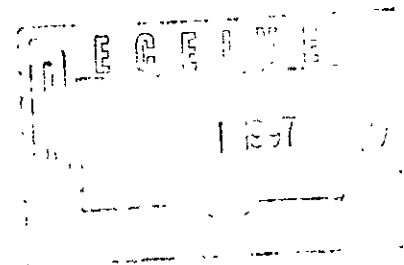
Item Nos. 10, 11, 12, 13, 16, and 19

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 M. Long

Division Chief: Pat Keller

AFK/JL





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

August 6, 1997

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

RE: Property Owner: Pauline Williams & Lloyd H. Williams

Location: DISTRIBUTION MEETING OF July 28, 1998

Item No.: 013 Zoning Agenda:

Gentlemen:

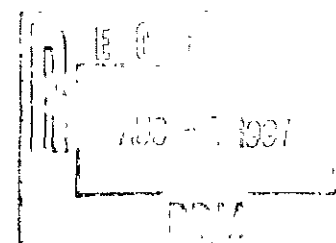
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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



RE: PETITION FOR SPECIAL HEARING
5532 Ashbourne Road, W/S Ashbourne Road,
130' S of June Road, 13th Election
District, 1st Councilmanic

Lloyd and Pauline Williams
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 98-13-SPH

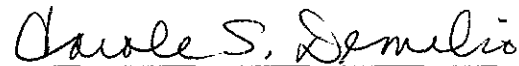
* * * * *

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.



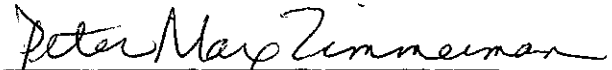
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 6th day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to Lloyd and Pauline Williams, 1830 Palo Circle, Baltimore, MD 21227, Petitioners.



PETER MAX ZIMMERMAN

Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing
 PROPERTY ADDRESS: 5532 ASHBOURNE RD.
 Subdivision name: HAIETHORPE HEIGHTS
 see pages 5 & 6 of the CIRCULAR

PROPERTY ADDRESS: 5532 ASHBURN'NE RD.

Subdivision name: HALETHORPE HEIGHTS

plat books 12, folios 62, lots 44, sections 2

OWNER: LLOYD & PAULINE WILLIAMS

see pages 5 & 6 of the CHECKLIST for additional required information

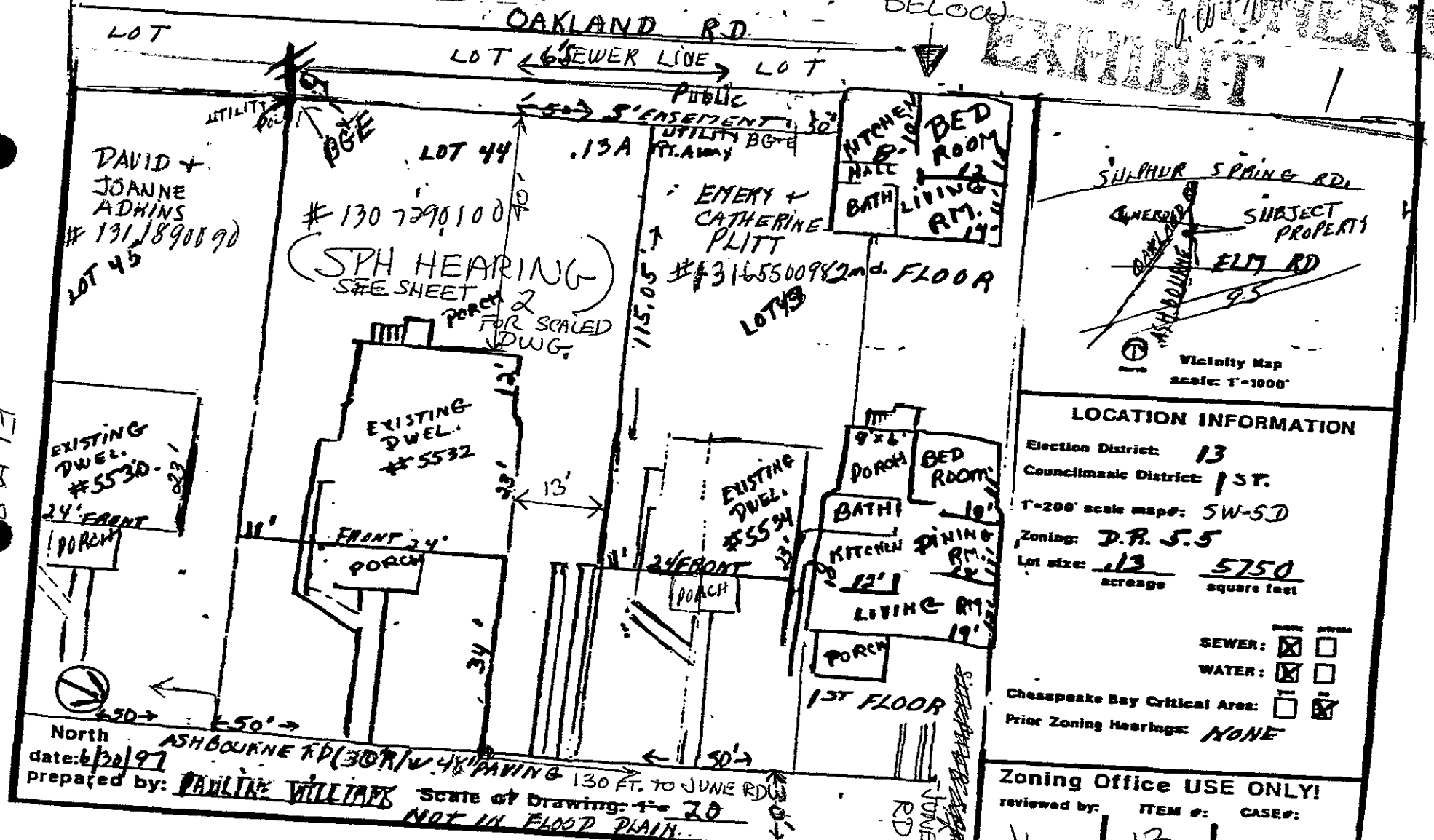
FLOOR PLANS
BELOW

AWES
CO

DETROIT
EXHIBIT

Changes
P. W. 7/10/67

Required information



SULPHUR SPRING RD

OAKLAND

ASHDOWN LN

ELM RD

9.5

North Arrow

Vicinity Map

Scale: 1"=1000'

LOCATION INFORMATION

Election District: 13
Councilmanic District: 1ST.
T=200' scale map#: SW-5D
Zoning: D.R. 5.5
Lot size: 13 5750
acres square feet

Public Private
SEWER: ☒ ☐
WATER: ☒ ☐
Local Area: ☐ ☒
NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

JL / 13

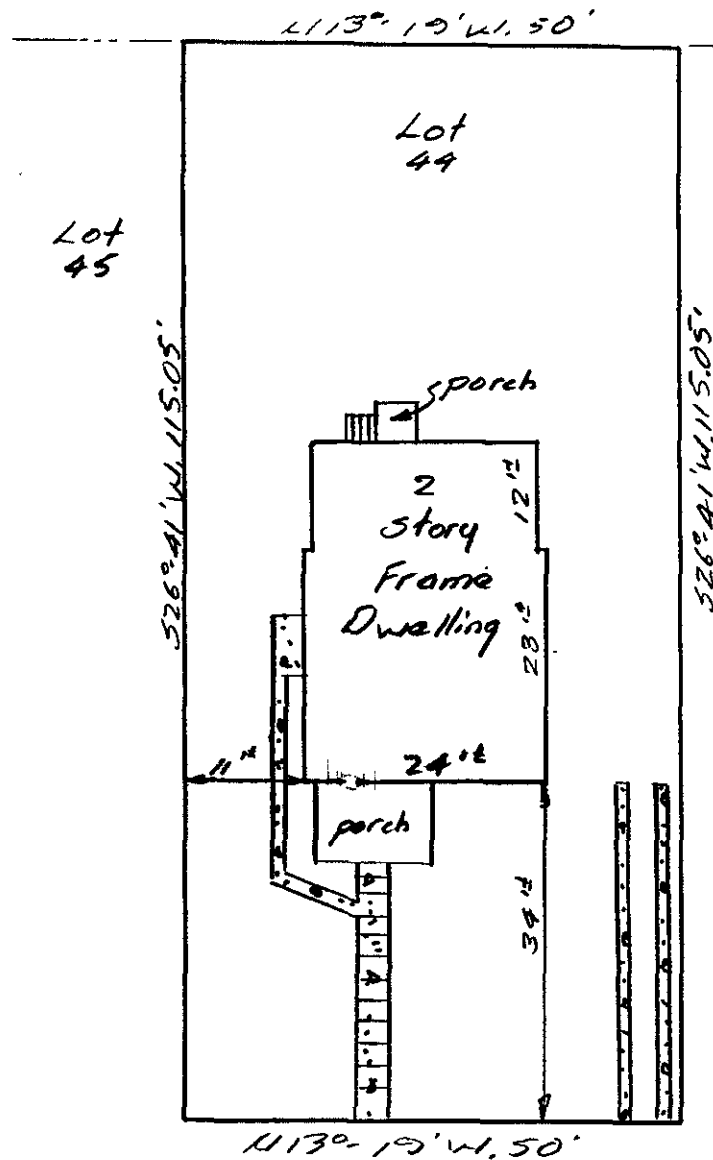
王德林

Lot Number: 44

Block/Section: -

Plat Reference: Book 12, Page 62

Title of Plat: Revised Plat.
Section 2, Halethorpe
Heights



ATED THE
SITUATED
KNOWN AS
OWN.
FOR THE
TY LINES.

187

Recorded August 23 1940 at 10 P M and exd per G Willing Browne Notary Public
Clark

Charles C Rittenhouse et al

) KNOW ALL MEN BY THESE PRESENTS That Charles C.

Deed to

) Rittenhouse and Mary S K Rittenhouse his wife and

County Commissioners of Balto. Co) Charles K Rittenhouse of Baltimore City and State of

-----) Maryland in consideration of One Dollar the receipt of which is hereby acknowledged by these presents release assign quit claim grant and convey unto the County Commissioners of Baltimore County a municipal corporation of the State of Maryland its successors and assigns the right to lay maintain and remove water and sewer pipe or pipes through in under and across certain property situated in Baltimore County as follows

Situated in the 13th Election District of Baltimore County and more particularly described as follows

First in all those streets avenues roads lanes and reservations as shown on Plat No 2 of Halethorpe Heights said plat being recorded among the plat records of Baltimore County in Plat Book No 12 folio 18

Second in all those streets roads reservations as shown on a plat from Elm Road northerly to Sulphur Spring Road the said plat was prepared by E V Coonan and Company dated April 29 1940

The above described areas being rights-of-way and is further shown on the Baltimore County Metropolitan District drawing No. 40-472 which is attached hereto and made a part hereof

It is hereby agreed that no foundation or structure will be built on the said right-of-way to prevent the construction or maintenance of the said sewer and water pipe or pipes

And does grant the said County Commissioners of Baltimore County its successors and assigns all the rights and privileges in the aforesaid right of way or bed of said right-of-way which they would have if they were the owner thereof in fee simple it being understood nevertheless that neither the execution hereof nor anything herein contained shall be regarded as a dedication of the bed of said right-of-way to public use except for the purpose herein set forth nor shall the delivery of this deed and acceptance thereof be regarded as the acceptance of any dedication of the bed of said right-of-way to public use except for the purpose herein set forth nor shall the delivery of this deed and acceptance thereof be regarded as the acceptance of any dedication of the bed of said right-of-way heretofore made except for the purpose herein set forth it being the intention of the parties hereto that except in so far as necessarily altered for the purpose herein expressly provided for the rights of all persons and corporations in the bed of said right-of-way shall after delivery hereof continue the same as though this instrument had never been executed

PETITIONER'S
EXHIBIT 2

Recorded Sept 10 1940 at 1.45 P M and Exd per C Willing Crowne Jr Clerk

158847 : Agreement made this 26th day of August 1940 by and between
 Charles C Rittenhouse & Wf : Charles C Rittenhouse and Mary Rittenhouse his wife and Charles
 et al : K Rittenhouse unmarried herein called the "Grantors" and Con-
 Agrmt with : solidated Gas Electric Light and Power Company of Baltimore
 Con C E L & P Co : a Maryland corporation herein called the "Grantee"

DEL PER INDEX NOV 26 1940

The grantors hereby grant to the grantee its successors licensees and assigns for value received the right to construct operate and maintain electric lines including the necessary poles crossarms electric and other wires anchors guys conduits and equipment and gas lines including mains service pipes and equipment in over under and through the land of the Grantors acquired from Montward Development Company by deed dated March 29 1937 and recorded among the Land Records of Baltimore County in Liber C W B Jr No 996 folio 292 which said land is situated in and described as follows That tract of land situated on the east side of Oakland Road being bounded on the north by Sulphur Spring Road on the east by Herbert's Branch and on the south by Elm Road containing the beds of Oakland Road Ashbourn Road Elm Road and Sulphur Spring Road all as more particularly shown on a plat prepared by E V Coonan and Company Surveyors and Civil Engineers dated April 29 1940

The electric lines and Gas lines shall be located along and in the beds of streets roads alleys and other highways and paths and reservations and may be extended to properties adjacent to the above land of the Grantors electric lines may also be located along rear boundary lines of lots and dividing lines between lots and wires may be strung between the above mentioned poles and to any building from the nearest pole thereto all as the proper extension of the service of the grantee may require and all as said highways reservations and lots are now or hereafter laid out Where necessary anchors may be placed not more than ten feet inside of lot lines

Together with the right of access at all times to the electric lines and gas lines the right to trim top or cut down trees adjacent to the electric lines to provide ample clearance

and the right to make necessary openings and excavations for the purpose of examining repairing replacing altering or extending the said lines provided that all openings or excavations shall be properly refilled and the property left in good and safe condition the Grantors agreeing that there shall not be erected structures of any kind over such lines

Mention of highways herein is for descriptive purposes only and is not intended as a dedication of the same to public use

In witness whereof the Grantors have caused this agreement to be properly executed

Witness

Elizabeth K Rittenhouse

Charles C Rittenhouse (SEAL)

Mary S K Rittenhouse (SEAL)

Charles K Rittenhouse (SEAL)

State of Maryland City of Baltimore to wit

I Hereby certify that on this 26th day of August 1940 before me the subscriber a Notary Public of the State of Maryland in and for the city of Baltimore aforesaid personally appear Charles C Rittenhouse and Mary L K Rittenhouse his wife also Charles K Rittenhouse unmarried and acknowledged the foregoing agreement to be their act and deed

Witness my hand and Notarial Seal

(Notarial Seal)

Richard S Diehl

Notary Public

Recorded Sept 10 1940 at 1.45 P M and xcd per C Willing Browne Jr Clerk

158948

The undersigned hereby grant to Consolidated Gas Electric and Light

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To whom it May Concern:

As of 1941, Reiterhouse built
the property, in 1954 employees of
Mr. Reiterhouse built the house as a
2-appt.

The Reiterhouses built quite a
few 2 apartments in Arbutus.

Jay Reiterhouse,
Charles Reiterhouse.

**PETITIONER'S
EXHIBIT 3**



1996 COMPREHENSIVE ZONING
ADOPTED by
THE BALTIMORE COUNTY COMMISSION
JANUARY 8, 1997

G-SW
C-NW

#13