IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION –	*	BEFORE THE
E/S Falls Road, 4,504' S of the c/l of Beckleysville Road	*	ZONING COMMISSIONER
(18607 Falls Road)	*	OF BALTIMORE COUNTY
5th Election District		
3rd Council District	*	Case No. 98-348-SPHX
Robert R. Boutwell, et ux	*	
Petitioners		

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This most unusual matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owners of the subject property, Robert R. Boutwell, and his wife, Maxine E. Boutwell, through their attorney, Edward C. Covahey, Jr., Esquire. The Petitioners request a special hearing to 1) approve the relocation of two of the permitted principal R.C.2 dwelling building rights and the reconfiguration of the lot lines within the tract boundaries of five existing contiguous lots of record; and, 2) to determine that the allocation of the two remaining R.C.4 building lots may be included within proposed Lot 3. In addition, special exception relief is requested to permit a trailer to be located in an R.C.2 zone, pursuant to Section 1A01.2.C.21 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief is more particularly shown on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

This matter came in for public hearing on May 19, 1998. At that time, representatives of the Boutwell family were present and were represented by Edward C. Covahey, Jr., Esquire. Also appearing on behalf of the Petitioners was Juri Maiste, a Land Surveyor who prepared the site plan for this property. In essence, the relevant facts of this matter are that Mr. & Mrs. Boutwell owned a large tract of land totaling 92.59 acres, split zoned R.C.2 and R.C.4, which was composed of a number of different individual lots as recorded in the Land Records of Baltimore County. The R.C.2 zoning classification encompassed 56.47 acres and the R.C.4 zoning classification

ORDER RECEIVED FOR FILING
Date 10/1/04
By

encompassed 36.12 acres. The Boutwells acquired their holdings piecemeal over the years from October 1943 to September 1971. As a further complication, the Boutwells made a series of conveyances of portions of their property over the years. The most relevant of these is an outconveyance to the Thompson family in 1984 and an outconveyance to the Wilson family in 1985. The tract conveyed to the Thompson family is now owned by Mr. & Mrs. Smick. The Petitioners now propose a reconfiguration and re-subdivision of their remaining holdings.

The issue generally presented under the Petition for Special Hearing requires a determination of the density currently available on the remaining Boutwell tract as well as the density rights that were conveyed to the Wilson and Thompson families. In open hearing back in 1998, the undersigned Zoning Commissioner continued the proceedings in that not all parties to the issue were present. That is, since a determination was being requested as to the density attributable to these various parcels, now under different ownership, the respective owners should have the opportunity for input. As is obvious, the continuance lasted for quite some time. During that intervening period, John Lewis in the Zoning Review Division of the Department of Permits and Development Management undertook a lengthy examination of the devolution of title for the Boutwell property. His notes are included in the case file, collectively as Petitioner's Exhibit 2, and provide an excellent summary of the conveyances and their impact on the density rights associated with the overall Boutwell tract.

Ultimately the Petitioners submitted a three-page site plan detailing the outconveyances from the original tract and the remaining holdings of the Boutwell tract. As shown on that plan, the conveyance to the Wilson family included one density unit, the conveyance to the Thompson family (now Smick) included four density units, and the remainder of the Boutwell tract contains nine (9) density units. The details of these conveyances and the remaining holdings of the Boutwell family are more particularly shown on the three-page exhibit marked as Petitioner's Exhibits A, B and C, and the Density Distribution Table contained thereon.

Based upon the testimony and evidence offered, the subsequent examination of the devolution of title by Mr. Lewis, and Petitioner's Exhibits 3A through 3C as noted above, the

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Date 10/1/04
By

amended special hearing relief and special exception relief shall be granted. In my judgment, the relief requested cures a long-standing unresolved issue relative to the original tract and the conveyances made therefrom. Moreover, all parties to the case are apparently agreeable to the distribution of density units shown on Petitioner's Exhibits 3A through 3C. As a condition of the relief granted, the three-page exhibit shall be incorporated into the case file to guide potential future subdivision of the Boutwell property.

I will also approve special exception relief to permit a trailer on the subject property, pursuant to Section 1A01.2.C.21 of the B.C.Z.R. The testimony and evidence offered in this regard was persuasive to a finding that there will be no detrimental impact upon adjacent properties and meets the standards of Section 502.1 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property and public hearing on this Petitions held, and for the reasons set forth above, the relief requested, as modified, shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of October 2004 that the Petition for Special Hearing, as modified, to approve the allocation of density rights associated with the original Boutwell tract, as more particularly shown on Petitioner's Exhibits 3A, 3B and 3C, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a trailer to be located in an R.C.2 zone, pursuant to Section 1A01.2.C.21 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be entered within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 10/15/04
By

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 18607 Falls Road

which is presently zoned RC-2 and RC-4

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1. To permit the relocation of two of the permitted principal RC-2 dwelling building rights and to permit the reconfiguration of lot lines within the tract boundaries of five existing contiguous lots of record.
2. To determine that the allocation of the remaining two RC-4 building lots be included within proposed Lot 3.

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

Legal Owner(s)

Robert R. Boutwell
(Type or Print Name)

Signature

Maxine E. Boutwell
(Type or Print Name)

Signature

Attorney for Petitioner

Edward C. Covahey, Jr.
(Type or Print Name)

Signature

614 Bosley Ave. 410-828-9441
Address Phone No.

Towson, MD 21204
City State Zipcode

115 Belmore Rd. 410-321-7919
Address Phone No

Lutherville, MD 21093
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert R. Boutwell
Name

115 Belmore Rd. 410-321-7919
Address Lutherville, MD 21093 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING
Date 1/1/04
By

98-348-SPHX

348

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 18607 Falls Road

which is presently zoned RC-2 and RC-4

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for to permit in a RC-2 zone a trailer pursuant to Section 1-A01.2.C.21 of the Baltimore County Zoning Regulations.

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

I, or we, agree to pay expenses of above Special Exception 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

Legal Owner(s):

Robert R. Boutwell
(Type or Print Name)

Signature

Maxine E. Boutwell
(Type or Print Name)

Signature

115 Belmore Rd. 410-321-7919
Address Phone No.

Lutherville, MD 21093
City State Zipcode

Attorney for Petitioner:

Edward C. Covahey, Jr.
(Type or Print Name)

Signature

614 Bosley Avenue 410-828-9441
Address Phone No.

Towson, MD 21204
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert R. Boutwell
Name

115 Belmore Rd. 410-321-7919
Address Lutherville, MD 21093 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING
Date 11/17/97
By

98-348-SPHX

348

MAISTE & WATTS, INC.
SURVEYORS and ENGINEERS

2923 Chenoak Avenue
Baltimore, Maryland 21234
(410) 882-0321
Fax (410) 661-8752

DESCRIPTION OF BOUTWELL PROPERTY FIFTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND, TO ACCOMPANY PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION

Beginning for the same in the center of Falls Road, Maryland Rte.No.25, at the distance of 4,504 feet southerly from the intersection of the centerline of Falls Road and the centerline of Beckleysville Road, thence leaving said place of beginning and running with the centerline of Falls Road, the two following courses: 1) North 00*23'48" West 310.49 feet and 2) North 03*46'25" West 296.15 feet; thence leaving Falls Road and running the 31 following courses: 3) North 80*37'12" East 310.40 feet; 4) North 09*22'48" West 150.00 feet; 5) North 80*37'12" East 238.02 feet; 6) North 12*13'48" West 176.73 feet; 7) North 77* 43'12" East 174.78 feet; 8) South 20*44'42" West 84.48 feet; 9) South 61*41'45" East 751.97 feet; 10) North 54*28'25" East 82.91 feet; 11) North 48*16'58" East 1079.80 feet; 12) North 03*34'00" West 348.86 feet; 13) North 08*04'51" East 162.41 feet; 14) North 41*07'30" East 184.62 feet; 15) South 59*30'50" East 925.25 feet;16) South 85*40'09" East 397.95 feet; 17) South 63*15'12" East 302.44 feet; 18) South 09*54'10" West 357.83 feet; 19) South 07*11'40" West 243.80 feet; 20) South 07*11'40' West 171.59 feet; 21) South 18*56'41" West 177.40 feet; 22) South 86*06'31" West 501.62 feet; 23) South 23*55'30" West 423.89 feet; 24) North 56*05'30" West 458.93 feet; 25) South 35*59'39" West 156.64 feet; 26) South 10*57'15" West 653.58 feet; 27) North 54*16'27" West 406.48 feet; 28) South 23*38'25" West 270.48 feet; 29) North 51*35'51" West 1581.03 feet; 30) North 76*29'00" West 128.60 feet; 31) South 38*00'40" West 609.98 feet; 32) South 53*22'20" West 102.62 feet and 33) North 65*32'01" West 18.82 feet to the place of beginning.
Containing 4,033,267 square feet or 92.59 acres of land, more or less.

STATE OF MARYLAND
JOHN MAISTE
NO. 9695
REGISTERED
PROFESSIONAL LAND SURVEYOR

98-348-SPHX

348

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 11781

DATE 20 Mar 98 ACCOUNT R-001-6150

348

AMOUNT $ 550.00

RECEIVED FROM: Boutwell

$ 250.00 $ 300.00

FOR: Special Hearing & Special Exception

1600 Farm Rd

98-348-SPHX

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF ZONING 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: #98-348-SPHX
18607 Falls Road
centerline Falls Road, 4504' S Beckleysville Road
5th Election District
3rd Councilmanic District
Legal Owner(s):
Robert R. Boutwell & Maxine E. Boutwell

Special Hearing: to permit the relocation of two of the permitted principal R.C.-2 dwelling building rights and to permit the reconfiguration of lot lines within the tract boundaries of five existing contiguous lots of record; and to determine that the allocation of the remaining two R.C.-4 building lots be included within proposed Lot 3.

Special Exception: to permit a trailer in a R.C.-2 zone.

Hearing: Thursday, May 7, 1998 at 9:00 a.m., in Room 407, County Courts Bldg., 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.

4/232 April 16 C221124

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/16/, 1998

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 4/21, 1998.

THE JEFFERSONIAN,

A. Henrikson

LEGAL AD. - TOWSON

PATRICK M. O'KEEFE

523 PENNY LANE
HUNT VALLEY, MD 21030

Phone Number
(410) 666-5366

INVOICE

SOLD TO:
Covahey & Boozer
614 Bosley Ave.
Towson MD 21204
Attention: Edward Covahey

INVOICE NUMBER 559
INVOICE DATE 4/24/98
TERMS TEN DAYS

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
1	POSTING OF ZONING SIGN Case #98-348-SPH 4/24/98 18607 Falls Road - Boutwell Property HEARING: May 19, 1998 @ 2:00 P.M.	50.00	50.00
		TOTAL	50.00

$50.00
PAY THIS AMOUNT

Questions concerning this invoice?
Call: (410) 666-5366

MAKE ALL CHECKS PAYABLE TO:
PATRICK M. O'KEEFE

THANK YOU FOR YOUR BUSINESS!

Baltimore County
Department of Permits and
Development Management

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

April 2, 1998

NOTICE OF ZONING 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: 98-348-SPHX
18607 Falls Road
centerline Falls Road, 4504' S Beckleysville Road
5th Election District - 3rd Councilmanic District
Legal Owner: Robert R. Boutwell & Maxine E. Boutwell

Special Hearing to permit the relocation of two of the permitted principal R.C.-2 dwelling building rights and to permit the reconfiguration of lot lines within the tract boundaries of five existing contiguous lots of record; and to determine that the allocation of the remaining two R.C.-4 building lots be included within proposed Lot 3. Special Exception to permit a trailer in a R.C.-2 zone.

HEARING: Thursday, May 7, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Edward C. Covahey, Jr., Esquire
Maxine & Robert Boutwell

NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 22, 1998.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

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

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.: 344

Petitioner: ROBERT R. & MAXINE E. BOUTWELL

Location: 18607 FALLS ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ROBERT BOUTWELL

ADDRESS: 115 BELMORE RD.
LUTHERVILLE, MD. 21093

PHONE NUMBER: 410-321-7919

AJ:ggs

(Revised 09/24/96)

98-348-SPHX

Printed with Soybean Ink

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

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

Subdivision name: _____

plat book# ____ ,folio# ____ ,lot# ____ ,section# ____

OWNER: _____

North

date: _____

prepared by: _____

Scale of Drawing: 1"= _____

North

Vicinity Map

scale: 1"=1000'

LOCATION INFORMATION

Election District:

Councilmanic District:

1"=200' scale map#:

Zoning:

Lot size: _____ acreage _____ square feet

	public	private
SEWER:	☐	☐
WATER:	☐	☐

	yes	no
Chesapeake Bay Critical Area:	☐	☐

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

-15-

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:

ZONING NOTICE

Case No.: 98-348-SPHA

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to Relocate two RC-2 building Rights And to Reconfigure lot lines w/in the tract boundaries of five contiguous lots of Record and to determine the allocation of the two Remaining RC-4 building rights; Special Exception to permit a trailer in an RC-2 zone

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

348

TO: PATUXENT PUBLISHING COMPANY
April 16, 1998 Issue - Jeffersonian

Please forward billing to:
Robert Boutwell 410-321-7919
115 Belmore Road
Lutherville, MD 21093

NOTICE OF ZONING 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: 98-348-SPHX
18607 Falls Road
centerline Falls Road, 4504' S Beckleysville Road
5th Election District - 3rd Councilmanic District
Legal Owner: Robert R. Boutwell & Maxine E. Boutwell

Special Hearing to permit the relocation of two of the permitted principal R.C.-2 dwelling building rights and to permit the reconfiguration of lot lines within the tract boundaries of five existing contiguous lots of record; and to determine that the allocation of the remaining two R.C.-4 building lots be included within proposed Lot 3. Special Exception to permit a trailer in a R.C.-2 zone.

HEARING: Thursday, May 7, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

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.

Baltimore County
Department of Permits and
Development Management

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

May 13, 1998

Edward C. Covahey, Jr., Esq.
614 Bosley Avenue
Towson, MD 21204

RE: Item No.: 348
Case No.: 98-348-SPHX
Petitioner: Robert and Maxine Boutwell
Location: 18607 Falls Road

Dear Mr. Covahey:

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 March 23, 1998.

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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 23, 1998

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 No. 348 & 355

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: Gary L. Kerns

AFK/JL

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

Due Date: April 13, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/gp

SUBJECT: Zoning Item #348

Boutwell Property, 18607 Falls Road

Zoning Advisory Committee Meeting of April 6, 1998

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

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

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

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

__X__ Ground Water Management: Soil evaluation must be conducted prior to approval as building lots.

__X__ Agriculture Preservation: Proposed lot location subject to prime and productive soils regulations and plan appears to conflict with the regulations.

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

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

Date: April 16, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for April 13, 1998
Item Nos. 348, 350, 352, 353, 355, 356, 357, 358, 359, and 360

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

RWB:HJO:jrb

cc: File

ZONE0413.NOC

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

April 7, 1998

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

RE: Baltimore County
Item N. 348
Robert Boutwell
MD 25
18607 Falls Road

Dear Ms. Eubanks:

We have reviewed the subject project and have no objection to the proposed special hearing.

A field inspection of the property reveals that the existing site distance is adequate. We do however, require that the property owner secure a Residential Access permit from our District #4 office.

Please contact Mr. Alan Price at 410-329-6752 for the required improvements conditional to obtaining this permit.

In the interim, if you have any questions, please contact Larry Gredlein at 410-545-5606. You may also E-mail him (lgredlein@sha.state.md.us).

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits Division

LG/eu

cc: Mr. David Malkowski
Mr. Alan Price w/att.

Baltimore County
Fire Department

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

April 16, 1998

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

RE: Property Owner: ROBERT R. BOUTWELL AND MAXINE E. BOUTWELL

Location: DISTRIBUTION MEETING OF APRIL 6, 1998

Item No.: 348 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.

3. The vehicle dead end condition shown at: THE ACCESS DRIVE EXCEEDS the maximum allowed by the Fire Department.

   A. THE ACCESS DRIVE WILL NEED TO BE A MINIMUM OF 16 FEET.2

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

RECEIVED

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE
887-4488 Ext. 241 Fax 887-4804

To: Development Coordination Date: April 24, 1998

From: Wally Lippincott, Jr.

Re: Boutwell Property, Sph 348

The request appears to be to transfer 2 RC 2 density units across a RC 4 line. Given that zoning lines typically are treated like property lines for purposes of density accumulation, this request raises concerns. It is recommended that this request be denied since there does not appear to be any mechanism that provides for this and because there does not appear to be any advantage to agriculture which is the primary purpose of the RC 2 zone.

Wallace S. Lippincott, Jr.

RE: PETITION FOR SPECIAL HEARING PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
18607 Falls Road, c/l Falls Rd, 4504' S of Beckleysville Rd	*	ZONING COMMISSIONER
5th Election District, 3rd Councilmanic	*	OF BALTIMORE COUNTY
Robert R. and Maxine E. Boutwell Petitioners	*	CASE NO. 98-348-SPHX

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

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 15th day of April, 1998, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., Esq., 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County
Zoning Commissioner

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

March 28, 2003

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S Falls Road, 4,504' S of the c/l of Beckleysville Road (18607 Falls Road)
5th Election District – 3rd Councilmanic District
Robert R. Boutwell, et ux - Petitioners
Case No. 98-348-SPHX

Dear Mr. Covahey:

As a follow-up to our meeting on March 12, 2003 and your subsequent correspondence of March 18, 2003 concerning the above-captioned matter, the following comments are offered.

I have had the opportunity to give this matter further consideration and have enclosed for your reference, copies of four prior zoning decisions in which a similar issue was raised. I am also providing herewith copies of these decisions to Mr. Snyder and Mr. Lewis of DPDM for their reference. Although the subject matter is not identical, these opinions may give the parties guidance as to how density transfers within the R.C. zone have been considered in the past. Obviously, the prior cases did not deal with the mix of R.C.2 and R.C.4 zoned land as in the present case.

In addition, I wish to draw your attention to two Sections of the B.C.Z.R. relative to development in the R.C.4 zone. Section 1A03.4.B.1.b thereof states that the maximum density of a tract to be developed with a conservancy area is 0.2 lots per acre; however, it is to be noted that optional development in the R.C.4 zone is permitted under Section 1A03.6 of the B.C.Z.R. The optional development does not require a conservancy zone, however, restricts density to a rate of 0.1 lots per acre. These differing regulations regarding density may impact the direction in which Mr. Boutwell wishes to proceed.

In the meantime, I will await further instruction from you as to what, if any, further proceedings may be necessary to resolve this matter. Please do not hesitate to call me should you have any questions in this regard.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Enclosures (Copies, Cases Nos. 96-80-SPH, 98-333-SPH, 02-028-SPH and 02-029-SPH)

cc: Michael L. Snyder, Esquire, Coady & Farley,
400 Allegheny Avenue, Towson, Md. 21204
Mr. John Lewis, DPDM
Case File

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on Recycled Paper

Baltimore County
Zoning Commissioner

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

May 14, 2003

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S Falls Road, 4,504' S of the c/l of Beckleysville Road (18607 Falls Road)
5th Election District – 3rd Councilmanic District
Robert R. Boutwell, et ux - Petitioners
Case No. 98-348-SPHX

Dear Mr. Covahey:

This letter is to confirm that pursuant to your letter of May 9, 2003 regarding the above-captioned property, a meeting has been scheduled for Tuesday, May 27, 2003 at 2:00 PM in my office to hopefully resolve this matter.

You have indicated within your letter that three separate site plans have been prepared detailing the prior zoning history of the subject property and the proposed subdivision, and that the preparation of these plans was coordinated with John Lewis of the Department of Permits and Development Management. Mr. Lewis has been kind enough to provide me with a copy of each drawing in advance of our meeting. Hopefully, at the conclusion thereof, all issues raised in the above-captioned matter will be resolved and a decision can finally be rendered.

In the meantime, please do not hesitate to call me should you have any questions in this regard.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Robert Boutwell, 115 Belmore Road, Lutherville, Md. 21093
Michael L. Snyder, Esquire, Coady & Farley,
400 Allegheny Avenue, Towson, Md. 21204
Mr. John Lewis, DPDM
Case File

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From: William Hughey
To: Counsel, People's
Date: 10/26/2004 9:48 AM
Subject: Re: Boutwell Rezoning

The czmp # was 3-036

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Pete Zimmerman, People's Council **Date:** 10/25/04

FROM: Bill Hughey, Office of Planning

SUBJECT: Boutwell Property, 98-348-SPHX

As a result of County Council action during the recently concluded 2004 CZMP, the RC-4 zoned portion of the Boutwell property was changed to RC-8. The RC-2 zoned portion of the property was not changed.

RECEIVED
OCT 25 2004
PEOPLE'S COUNSEL

Baltimore County
Zoning Commissioner

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

December 20, 1999

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S Falls Road, 4,504' S of the c/l of Beckleysville Road (18607 Falls Road)
5th Election District – 3rd Councilmanic District
Robert R. Boutwell, et ux - Petitioners
Case No. 98-348-SPHX

Dear Mr. Covahey:

This letter is to follow-up our several communications over the past months concerning the above-captioned matter.

I have recently met with John Lewis to discuss this case in detail. Mr. Lewis, in conjunction with Juri Maiste, the Professional Land Surveyor who prepared the site plan(s) for this property, have put forth significant effort to develop a summary of the history of this project. Although quite confusing, it appears that the senior Mr. Boutwell has subdivided the property over the years through a series of outconveyances. Moreover, apparently all of these conveyances were without zoning review or approval. Mr. Lewis has developed this history with an eye towards determining what transfers were permissible (legal) and to calculate the remaining density on the site. I would be happy to meet with you at your convenience to discuss Mr. Lewis' findings.

One issue raised through Mr. Lewis' review relates to outconveyances that were made to individuals not in the Boutwell family. There are two such properties at issue; one parcel conveyed to a Richard S. Thompson on the south side of the tract, and a second parcel conveyed to Edward Burke, Jr. and Penny Rae Wilson on the north side of the tract. The impact of these subdivisions is of note. Question has arisen as to what exactly was conveyed to these individuals in terms of rights to subdivision; that is, was there conveyed only the right to construct one single family dwelling or can either parcel be further subdivided? Obviously, these questions impact the potential subdivision of the Boutwell tract. It may well be necessary to have Mr. Thompson and Mr. Burke/Ms. Wilson intervene in this case in that their property would be impacted by any decision relating to the rights of subdivision to the Boutwell property. I would not approach them, but you may wish to communicate with them.

In any event, please call me at your convenience to discuss this matter. Again, it may be appropriate for you and I to meet to review Mr. Lewis' summary and determine the best course.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Robert R. Boutwell
115 Belmore Road, Lutherville, Md. 21093
Maiste & Watts, Inc., 2923 Chenoak Avenue, Baltimore, Md. 21234
Case File

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on Recycled Paper

Baltimore County
Zoning Commissioner

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

December 17, 2001

Michael L. Snyder, Esquire
Coady & Farley
400 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S Falls Road, 4,504' S of the c/l of Beckleysville Road (18607 Falls Road)
5th Election District – 3rd Council District
Robert R. Boutwell, et ux - Petitioners
Case No. 98-348-SPHX

Dear Mr. Snyder:

Enclosed please find a copy of a letter dated December 5, 2001 from Edward C. Covahey, Jr., Esquire, regarding the above-captioned matter. As noted therein, this case remains open until such time as the issue of the one density unit that was subsequently conveyed to your client is resolved. Please speak with your client and advise me accordingly if we can conclude this matter in accordance with our prior discussions. Should you have any questions on the subject, please do not hesitate to call me.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Edward C. Covahey, Jr., Esquire
614 Bosley Avenue, Towson, Md. 21204
Case File

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Baltimore County
Zoning Commissioner

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

November 22, 1999

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S Falls Road, 4,504' S of the c/l of Beckleysville Road
(18607 Falls Road)
5th Election District – 3rd Councilmanic District
Robert R. Boutwell, et ux - Petitioners
Case No. 98-348-SPHX

Dear Mr. Covahey:

This is to acknowledge receipt of your letter dated November 18, 1999 concerning the above-captioned matter. I have also been advised by John Lewis that he will be meeting again with Mr. Maiste sometime this week to review the site plan for this property and the required additional documentation. Therefore, I will continue to hold my decision in the matter until his review is complete.

In the meantime, thank you for keeping me advised of the progress being made to date, and as soon as this matter has been resolved, kindly advise me accordingly.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Robert R. Boutwell
115 Belmore Road, Lutherville, Md. 21093
Maiste & Watts, Inc., 2923 Chenoak Avenue, Baltimore, Md. 21234
Case File

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on Recycled Paper

Baltimore County
Zoning Commissioner

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

November 3, 1999

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S Falls Road, 4,504' S of the c/l of Beckleysville Road
(18607 Falls Road)
5th Election District – 3rd Councilmanic District
Robert R. Boutwell, et ux - Petitioners
Case No. 98-348-SPHX

Dear Mr. Covahey:

Please accept this letter as a follow-up to my correspondence to you dated July 30, 1999. You may recall that I requested that you have the engineer resubmit the plats submitted into evidence in the above-captioned matter as Exhibits A and B, and by means of color-code or overlay, demonstrate the two out-conveyances that occurred since September 1971. I also requested that you submit a copy of the original deed for this property and the deeds for the two out-conveyances.

In that no word has been heard from you or the engineer since that date, and I am anxious to close the record in this case, please let me know at your earliest convenience whether the Petitioners wish to proceed with the special hearing request. If no word is heard from you within fifteen (15) days of the date of this letter, I am inclined to issue an Order of dismissal.

Thank you for your prompt attention to this matter.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Robert R. Boutwell
115 Belmore Road, Lutherville, Md. 21093
Majste & Watts, Inc., 2923 Chenoak Avenue, Baltimore, Md. 21234
Case File

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on Recycled Paper

Baltimore County
Zoning Commissioner

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

July 30, 1999

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S Falls Road, 4,504' S of the c/l of Beckleysville Road
(18607 Falls Road)
5th Election District – 3rd Councilmanic District
Robert R. Boutwell, et ux - Petitioners
Case No. 98-348-SPHX

Dear Mr. Covahey:

With reference to the above-captioned matter and the pending Petitions for Special Hearing and Special Exception, please accept my apologies for the lengthy delay in reviewing this rather complex matter. However, the history of Mr. & Mrs. Boutwell's holdings and the evolution of title and subdivision of the subject property is complex. In an effort to understand this evolution and properly rule on the pending Petitions, I recently met with John Lewis in the Department of Permits and Development Management (DPDM). Notwithstanding our examination, Mr. Lewis and I were unable to precisely resolve the issues presented in the Petitions. In order to assist us in our examination, I therefore request that additional information be submitted. Specifically, I am attaching herewith a copy of the R.C.2 Subdivision Fact Sheet, which is routinely given to Applicants at the time Petitions are filed for an R.C.2 zoned property. As you will note, the fact sheet requests that copies of the relevant deeds be provided and that any plats submitted be color-coded to demonstrate the evolution of title.

In this case, I would suggest that the project engineer (Maiste & Watts, Inc.) color-code Exhibits A and B, the plats submitted which indicate the property's ownership as of September 1971. By means of color-code or overlay, he can demonstrate the two out-conveyances since that time. Moreover, a copy of the original deed and the deeds for the out-conveyances should also be provided.

For purposes of calculating density, the applicable date for R.C.2 zoned land in Baltimore County is November 25, 1979. That is the date that the R.C.2 zones were created and the density for any parcel so zoned at that time is computed based upon the acreage as it existed on that date. The R.C.4 zoning designation was enacted four years earlier (1975) and the same process is utilized for computing density for R.C.4 zoned land.

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Therefore, please have the engineer resubmit the plan as set forth above and provide the requested deeds at your earliest convenience. Once an understanding of the state of the property prior to those dates and the out-conveyances since that time are attained, I am confident that a proper decision can be entered in this case.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Robert R. Boutwell
115 Belmore Road, Lutherville, Md. 21093
Maiste & Watts, Inc.
2923 Chenoak Avenue, Baltimore, Md. 21234
People's Counsel; Case File

Therefore, please have the engineer resubmit the plan as set forth above and provide the requested deeds at your earliest convenience. Once an understanding of the state of the property prior to those dates and the out-conveyances since that time are attained, I am confident that a proper decision can be entered in this case.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Robert R. Boutwell
115 Belmore Road, Lutherville, Md. 21093
Maiste & Watts, Inc.
2923 Chenoak Avenue, Baltimore, Md. 21234
People's Counsel; Case File

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

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

RECEIVED
OCT 29 2004
ZONING COMMISSIONER

File

October 29, 2004

William J. Wiseman, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: Robert R. Boutwell, et ux.
Case No.: 98-348-SPHX

Dear Mr. Wiseman,

This is in reference to previous Zoning Commissioner Lawrence E. Schmidt's opinion and order dated October 1, 2004 which approves a petition for special hearing. The case was brought to confirm that a proposed site plan is within the density restrictions of the relevant zoning classifications on the property. It had an unusually long gestation period, as noted in the opinion.

At the time of the filing of the petition, in 1998, the property was split-zoned R.C. 2, Agricultural, and R.C. 4, Watershed Protection. The October 1 opinion is based on the premise of these classifications. It does not, however, take into account that the R.C. 4 zoned section of the property has been rezoned to R.C. 8, the new Environmental Enhancement zone.

Upon receipt of the opinion, we contacted the area planner, William Hughey, who informed our office that the R.C.4 property was part of Issue 3-036. His inter-office correspondence of October 25-26, 2004 is enclosed.

We also reviewed Bill 76-04, which established the R.C. 8 zone, to see if there is any grandfather clause. We could not find such a clause. The approval of a special hearing, even if final before the effective date of the rezoning, would not confer vested rights. See, e.g. Powell v. Calvert County 368 Md. 400 (2002) and cases cited therein.

Therefore, it appears to this office that the file and site plan should reflect the rezoning of the R.C. 4 part of the property. Unless anyone can provide a legal reason to the contrary, the development on that section must conform to the new standards of the R.C. 8 zone. At this juncture, we trust that the parties and relevant departments may determine whether the

development as proposed in that area is consistent with the R.C. 8 zone, with or without adjustments.

Our purpose in writing this letter is not to demand any formal reconsideration, but rather to place in the file this important information of public record and to notify all the interested parties and departments of the situation. Presumably, they will take into account the rezoning as the property proceeds in the development review process.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio/RMW

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

PMZ/CSD/rmw

cc: Edward C. Covahey, Jr, Esquire
Michael L. Snyder, Esquire
John Lewis, PDM Planner
Timothy Kotroco, Director of PDM
William Hughey, OPZ Area Planner
Wallace Lippincott, DEPRM

Baltimore County
Department of Permits and
Development Management

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

April 17, 1998

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, MD 21204

RE: Case Number 98-348-SPHX
Petitioner: Boutwell
Location: 18607 Falls Road

Dear Mr. Covahey:

The above matter, previously assigned to be heard on Thursday, May 7, 1998 has been **rescheduled for Tuesday, May 19, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue**.

The new hearing date and time should be affixed to the hearing notice sign posted on the property as soon as possible.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

SCJ

Arnold Jablon
Director

AJ:scj

c: Maxine & Robert Boutwell

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

April 15, 1998

Edward C. Covahey, Jr.
Covahey & Boozer, P.A.
614 Bosley Avenue
Towson, MD 21204

RE: Case Number 98-348-SPHX
Petitioner: Boutwell
Location: 18607 Falls Road

Dear Mr. Covahey:

The above matter, previously assigned to be heard on Thursday, May 7, 1998 has been postponed at your request.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so.

If the property has been posted with notice of the hearing date, as quickly as possible a notice of postponement should be affixed to the sign(s). Then, upon notification of the new hearing date, such sign(s) must be changed to give notice of the new hearing date.

Very truly yours,

scj

Arnold Jablon
Director

AJ:scj

c: Maxine & Robert Boutwell

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on Recycled Paper

020

DISTRICT COURT OF MARYLAND FOR WORCESTER COUNTY
301 COMMERCE STREET
SNOW HILL MD 21863-1007

CITATION: 0T551544

TO: COVAHEY, EDWARD C
614 BOSLEY AVE
TOWSON MD 21204

STATE OF MARYLAND VS. GARRISON, SHARON ANN

DATE: 02/11/98

NOTICE OF POSTPONEMENT AND NEW TRIAL DATE

YOU ARE HEREBY NOTIFIED THAT THE TRIAL DATE OF MARCH 12, 1998, FOR THE CHARGE LISTED ON THE CITATION IDENTIFIED ABOVE, HAS BEEN POSTPONED. THE NEW TRIAL DATE IS MAY 07, 1998, AT 09:00 AM, ROOM 01 , 301 COMMERCE STREET , SNOW HILL , MD 21863-1007.

CHARGE: TA21902 B
DRIVING UNDER INFLUENCE OF ALCOHOL

BY ORDER OF MARTHA F. RASIN, CHIEF JUDGE
OF THE DISTRICT COURT OF MARYLAND

FOR QUESTIONS CONCERNING THIS DOCUMENT, TELEPHONE (301) 261-8325 FROM THE WASHINGTON D.C. AREA, (410) 974-7177 FROM THE BALTIMORE AREA, 1-800-492-2656 FROM OTHER MARYLAND AREAS, OR (410) 974-7179 FROM OUT OF STATE.

HEARING/SPEECH IMPAIRED CALLERS ONLY, TELEPHONE TTY/TT 1-800-925-9690 OR 1-800-492-2656 (VOICE) THROUGH MARYLAND RELAY SERVICE AT 1-800-735-2258.

ANY REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES SHOULD BE REQUESTED BY CONTACTING THE COURT IMMEDIATELY.

R2
002620A

Baltimore County 2004 Comprehensive Zoning Map Process

Final Log of Issues

August 31, 2004

Issue Number	Owner, Petitioner / Location	Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendation		Planning Board Recommendations		County Council Decision		Comment
3-035	Margaret E. Knapp	2615 Meredith Rd, 2600' West of W. Liberty Rd										
		RC 2	4.631	RC 5	4.631	RC 2	4.631	RC 2	4.631	RC 5	4.631	
		Total	4.631	Total	4.631	Total	4.631	Total	4.631	Total	4.631	
3-036	Prettyboy Watershed Preservation Society	Prettyboy Watershed										
		RC 2	61.086	RC 2	39.984	RC 7*	7,104.660	RC 2	34.984	RC 2	34.984	* Publicly Held Land
		RC 4	12,485.045	RC 5	2.341	RC 5	2.341	RC 4	5,408.987	RC 4	237.937	
		RC 5	4.841	RC 7	12,508.647	RC 4	5,408.987	RC 5	2.341	RC 5	2.342	See Issues 3-105, 3-106, 3-107, 3-109
		Total	12,550.972	Total	12,550.972	RC 2	34.984	RC 7*	7,104.660	RC 7*	7,104.661	
						Total	12,550.972	Total	12,550.972	RC 8	5,171.048	
										Total	12,550.972	
3-037	US 30 LLC	13302 Hanover Pike, 900' South of Weywood Dr										
		RC 2	105.576	RC 5	107.438	RC 2	107.438	RC 2	107.438	RC 4	107.438	
		RC 4	1.862	Total	107.438	Total	107.438	Total	107.438	Total	107.438	
		Total	107.438									
3-038	Hampton Improvement Assocation	Between Dulaney Valley Rd and Providence Rd, North of I-695										
		DR 1	440.882	RC 4	832.835	DR 2	2.926	DR 1	440.882	DR 1	832.835	
		DR 2	387.598	Total	832.835	DR 1	825.554	DR 2	387.598	Total	832.835	
		DR 3.5	0.276			RC 4	4.079	DR 3.5	0.276			
		RC 4	4.079			DR 3.5	0.276	RC 4	4.079			
		Total	832.835			Total	832.835	Total	832.835			

Trailer Permit

PERMIT NO. 31-B

YEAR 1997-98

TRAILER PERMIT

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

ROBERT R BOUTWELL
115 NELMORE RD
LUTHERVILLE MD 21093

Date Issued January 15, 1997

Type Extended Occupancy

Use Residential

A permit is hereby granted to Robert R. Boutwell to park a trailer on the property of same located at 18607 Falls Road, 21155

This Permit Expires: Dec. 31, 1998

Director

REV. 1/96

DPL 78—Rev. 1-3-69

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
County Office Building
Towson, Maryland 21204

1983-84
YEAR

PERMIT #107B

TRAILER PERMIT

Date issued July 15, 1983

A Permit is hereby granted to Greg Boutwell to park a trailer on the property of Robert Boutwell located at 18607 Falls Road in accordance with Baltimore County Council Bill No. 109, 1964 Session.

TYPE OF PERMIT Temporary

USE OF TRAILER Residential

THIS PERMIT EXPIRES 10 days after completion of dwelling

Director

NB 20

July 11, 2000

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
County Courts Building, Suite 405
401 Bosley Avenue
Towson, Maryland 21204

Re: 18607 Falls Road
Case No. 98-348-SPHX

Dear Commissioner Schmidt:

Please be advised that we are the successors in title to the land acquired by Mr. & Mrs. Wilson from Robert R. and Maxine E. Boutwell. This is to confirm that our property is entitled to one (1) density unit, and that any other density units that were associated with our property were to be retained by Robert R. and Maxine E. Boutwell.

We are doing this in order to facilitate Mr. Boutwell in subdividing his property.

Thank you for any consideration you extend to Mr. Boutwell.

Very truly yours,

Penny R. Wilson

Edward B. Wilson Jr

7-16-00

In the event Zoning Regulations change in the future, Mr. & Mrs. Wilson shall retain any benefit and density units.

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
MICHAEL T. PATE
STACIE D. TRAGESER
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING
YONA OPENDEN

*ALSO ADMITTED TO D.C. BAR

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

RECEIVED
SEP 27 2004
ZONING COMMISSIONER

September 24, 2004

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
401 Bosley Ave., Suite 405
Towson, Maryland 21204

Re: Petitions for Special Hearing and Special Exception
E/S Falls Road, 4.505' S of the c/l of Beckleysville Rd. (18607 Falls Rd.)
5th Election District - 3rd Councilmanic District
Robert R. Boutwell - Petitioner
Case No. 98-348-SPHX

Dear Commissioner Schmidt:

I am in receipt of Michael Snyder's letter dated September 20, 2004 and echo the sentiments expressed in his letter.

The citizens of Baltimore County were very fortunate to have someone of your insight and capability to serve in such an important job. It was always fun to appear before you, and win, lose or draw, all in attendance knew they had a fair shake.

BEST.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr
0922ldr12
cc: Mr. Robert Boutwell
Michael L. Snyder, Esq.

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
MICHAEL T. PATE
STACIE D. TRAGESER
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING

*ALSO ADMITTED TO D.C. BAR

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

RECEIVED
MAY 16 2003
ZONING COMMISSIONER

May 14, 2003

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
County Courts Building
401 Bosley Ave., Suite 405
Towson, Maryland 21204

Michael L. Snyder, Esq.
Coady & Farley
400 Allegheny Avenue
Towson, Maryland 2 1204

Mr. Juri Maiste
2923 Chenoak Avenue
Baltimore, Maryland 21234

Mr. Robert R. Boutwell
115 Belmore Road
Lutherville, Maryland 21093

Re: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S Falls Road, 4,505' S of the c/l of Beckleysville Rd. (18607 Falls Road)
5th Election District - 3rd Councilmanic District
Robert R. Boutwell, et ux - Petitioners
Case No. 98-348-SPHX

Gentlemen:

The Zoning Commissioner has scheduled a meeting on Tuesday, May 27, 2003 at 2:00 p.m. with respect to the Boutwell density calculations.

I would like Juri Maiste and Bob Boutwell in my office by at least 1:30 p.m. that date.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr
0514ldr08

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
THOMAS P. DORE
MICHAEL T. PATE
STACIE D. TRAGESER
BRUCE EDWARD COVAHEY
JENNIFER MATTHEWS HERRING

*ALSO ADMITTED TO D.C. BAR

410-828-9441

FAX 410-823-7530

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

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MAY 13 2003

ZONING COMMISSIONER

May 9, 2003

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
County Courts Building
401 Bosley Ave., Suite 405
Towson, Maryland 21204

Re: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S Falls Road, 4,505' S of the c/l of Beckleysville Rd. (18607 Falls Road)
5th Election District - 3rd Councilmanic District
Robert R. Boutwell, et us - Petitioners
Case No. 98-348-SPHX

Dear Commissioner Schmidt:

With respect to the above-captioned, the Boutwells' engineers, in accordance with our meeting of March 12, 2003, have prepared three separate site drawings for the property:

1. The first details the tracts as of 1971 and the density allowed as of that date.

2. The second plan details the out conveyances of the Thompson-Wilson tract and the density allocated to each tract.

3. Drawing 3 details the property with the five lots as proposed.

I understand from Juri Maiste, the engineer, that he coordinated the plat preparations with John Lewis. In order to resolve this matter, it would appear that perhaps another meeting at your convenience attended by Michael Snyder, John Lewis, Juri Maiste, the engineer, and Mr. Boutwell could resolve this matter. Your continuing indulgence in this matter is appreciated.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr
0507ldr15
cc: Michael L. Snyder, Esq.
Mr. Robert R. Boutwell

COVAHEY & BOOZER, P. A.
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ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

RECEIVED
MAR 19 2003
ZONING COMMISSIONER

March 18, 2003

Mr. Juri Maiste
2923 Chenoak Avenue
Baltimore, Maryland 21234

Re: 18607 Falls Road - Density Calculations
(98-348-SPHX)

Dear Juri:

I had anticipated that you would attend the meeting held on Wednesday, March 12, 2003 re: the above, at which Lawrence Schmidt, the Zoning Commissioner, John Lewis from Zoning, Michael Snyder, counsel for Mr. and Mrs. Smick, Bob Boutwell and I were present to attempt to resolve the convoluted issues with respect to the density calculations.

In order to bring this matter to a head, the Zoning Commissioner has requested that two additional plats be prepared. The first plat must show the entire Boutwell tract prior to the out-conveyances to Thompson, Smick's predecessor in title, and Wilson. In addition, the zoning lines are to be shown on same and the acreage computed within each separate zone, and the density calculations computed for each zone based on the acreage within each zone. This should not show the proposed lots.

The second plat would then show the existing lot lines of the Thompson and Wilson out-conveyance and the lot lines for the proposed lots. Each out-conveyance to Thompson and Wilson keyed to the zoning lines has to be computed as to acreage and the density with respect to these two out-conveyances. Once this is accomplished, this will show the density units left.

The Commissioner is entertaining the proposal that the density units may be shifted from one zone to the other, depending on the existing zoning precedent as he determines it.

Once the above is accomplished, I have been instructed to coordinate with Michael Snyder, counsel for Mr. and Mrs. Smick, and possibly the Wilsons, with respect to Wilson and Smick being bound by the decision of the

Zoning Commissioner as to the density units applicable to the Boutwell tract, the Wilson tracts, and the Smick tract.

John Lewis has now been authorized by the Zoning Commissioner to discuss this with you.

It is imperative that this be done as quickly as possible while it is relatively fresh in everyone's minds. You need to coordinate with Bob Boutwell with respect to the issue of compensation, etc.

Very truly yours,

/s/

Edward C. Covahey, Jr.

ECC,Jr./ldr
0317ldr05
cc: Lawrence E. Schmidt, Zoning Commissioner
John Lewis, Office of Zoning & Planning
Michael L. Snyder, Esq.
Mr. Robert Boutwell

Wed
3/12
10 AM

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW

614 BOSLEY AVENUE

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STACIE D. TRAGESER

* ALSO ADMITTED TO D. C. BAR

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

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MAR 4 2003

ZONING COMMISSIONER

February 20, 2003

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
401 Bosley Ave., Suite 405
Towson, Maryland 21204

Re: Case No. 98-348-SPHX
Petitioner: Robert R. Boutwell

Dear Commissioner Schmidt:

We are unable to resolve the above-captioned matter with respect to obtaining what would appear to be an existing density unit from the Smicks, who are represented by Michael Snyder. Bob Boutwell is now 82 years of age, and the subdivision proposal was submitted in order that he could attend the gifting of parcels of his property to his children. Bob and I had an appointment scheduled for Tuesday morning, February 18, 2003 - the day after the big blizzard when all County offices, etc. were closed. Never having missed a day in the office in 38 years, when I arrived a little late at 8:15 a.m., Bob Boutwell was at the door. This matter is so important to him that he walked from past Seminary Avenue to my office as he was snowbound.

I would appreciate it if you could arrange a meeting with Bob Boutwell, Juri Maiste (the engineer) and me, so that we can try and resolve this matter. It is obvious that the Smicks and Bob Boutwell cannot reach an accommodation.

You will recall, this is a very complex matter because of the fact that the property is zoned RC 2 and RC 4.

HELP.

Very truly yours,

Edward C. Covahey, Jr.

0220ldr04
cc: Mr. Robert R. Boutwell

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
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MICHAEL T PATE
STACIE D. TRAGESER

* ALSO ADMITTED TO D. C. BAR

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

RECEIV
MAR 4 20
ZONING COMMIS

February 20, 2003

Michael L. Snyder, Esq. (337-0200)
Coady & Farley
400 Allegheny Avenue
Towson, Maryland 21204

Re: Boutwell - Falls Road

Dear Michael:

Bob Boutwell met with me on Tuesday, February 18, 2003 at our scheduled appointment date of 8:00 a.m. It was the day after the great blizzard. No one else was on the road, and Bob walked from north of Seminary Avenue to my office. He is ready to fire me and beat me up.

I understand that you and Bob had a conversation with respect to a proposal concerning exactly what your clients desire.

I need to get this matter resolved, and I have suggested that Bob get a real lawyer such as Stephen Miles to handle same.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr
2204ldr04
cc: Mr. Robert Boutwell

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
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MICHAEL T. PATE
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ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

December 5, 2001

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
401 Bosley Ave., Suite 405
Towson, Maryland 21204

Re: Case No. 98-348-SPHX
Petitioner: Robert R. Boutwell
E/S Falls Road, 4,504' S of the c/l of Beckleysville Road
(18607 Falls Road)

Dear Commissioner Schmidt:

You will, recall we met on Thursday, October 16, 2001 with respect to the above-captioned property. The meeting was attended by John Lewis from Zoning and Bob Boutwell. The zoning issue involves the two outconveyances which may have transferred more than one density unit. The owners of the one tract of land executed a letter confirming that they are entitled to only one density unit as a consequence of the outconveyance. You will recall that the other density unit was conveyed to a couple who are being represented by Attorney Mike Snyder, and we called Mike Snyder from your office with respect to same to determine if the owners of that tract would execute a document acknowledging that they were entitled to only one density unit. This has not been forthcoming, and it would appear to me it would be appropriate in order to resolve the matter to reduce the application by the density unit lost by the outconveyance to Richard Thompson and Jane E. Thompson, which was subsequently conveyed to Mike Snyder's client.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr
1204ldr07
cc: Mr. Robert R. Boutwell

COVAHEY & BOOZER, P. A.
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EDWARD C. COVAHEY, JR.
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ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

July 10, 2001

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
401 Bosley Ave., Suite 405
Towson, Maryland 21204

Re: Case No. 98-348-SPHX (18607 Falls Road)
Petitioner: Robert R. Boutwell
E/S Falls Road, 4,504' S of the c/l of Beckleysville Road

Dear Commissioner Schmidt:

You will recall the above-captioned matter and the questions of the density units with respect to the proposal of the Applicant, Robert Boutwell, to subdivide his property so that he can make off conveyances to his three children. This matter was originally heard on May 19, 1998, and several discussions were held thereafter with County representatives and the surveyor. Since the case was heard, one of the Applicants, Maxine Boutwell, has died, and Robert Boutwell is now 80 years old and would like to be able to resolve this matter during his lifetime.

Bob Boutwell periodically pops in my office unannounced, and I would appreciate the opportunity to meet with you in an attempt to resolve this outstanding case. My letter to you dated February 20, 2001 included a letter from Penny Wilson and Edward B. Wilson, Jr., whereby they acknowledge that they are not entitled to more than one density unit.

I would appreciate it if we could schedule a short meeting with appropriate County representatives, if necessary, in an attempt to resolve this matter.

Thank you for your attention to this matter.

Very truly yours,

Edward C. Covahey, Jr.

0710ldr14
cc: Mr. Robert R. Boutwell

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
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ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

February 20, 2001

FEB 20

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
401 Bosley Ave., Suite 405
Towson, Maryland 21204

Re: Case No. 98-348-SPHX
Petitioner: Robert R. Boutwell
E/S Falls Road, 4,504' S of the c/l of Beckleysville Road
(18607 Falls Road)

Dear Commissioner Schmidt:

You will recall the above-captioned case involving the Boutwell property which was originally heard on May 19, 1998 involving the reconfiguration of lot lines and other issues. Kate Milton, whom I understand is no longer with the County, originally worked on this matter and provided invaluable assistance in trying to "figure it out." Subsequent to the hearing, the engineer met with John Lewis, and pursuant to your letter dated November 3, 1999, submitted Exhibits A and B in order to detail the outconveyances. In resolving whether the two outconveyances in some manner transfer more than one density unit, enclosed herewith is a letter dated July 11, 2000 addressed to you and executed by Edward Wilson and Pamela Wilson confirming that the one outconveyance designated on the northwestern portion of the Special Hearing plat is entitled to only one density unit. This should facilitate resolving this matter, and accordingly, I would like to meet with you, the engineer, and such other representatives that you think may be of assistance. Since the hearing, Bob Boutwell's wife has died, he is over 80 years of age, and he is attempting to accomplish this reconfiguration in order to provide for his three children.

Your assistance in attempting to resolve this matter would be sincerely appreciated.

Very truly yours,

Edward C. Covahey, Jr.

Enclosure
0216ldr02
cc: Mr. Robert R. Boutwell

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
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THOMAS P. DORE
MICHAEL T. PATE
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ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD 21204

September 27, 2000

Lawrence E. Schmidt, Zoning Commissioner
of Baltimore County
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: Case No. 98-348-SPHX
18607 Falls Road

Dear Commissioner:

You will recall the above-captioned matter with respect to your letter dated November 3, 1999 querying the two out-conveyances. Subsequent to your letter and pursuant to meeting with you, we have obtained written acknowledgment and consent from Mr. & Mrs. Wilson with respect to the one out-conveyance that their property is limited to one density unit. We are in the process of obtaining a similar consent concerning the other out-conveyance.

The purpose of this letter is to apprise you of the fact that Bob Boutwell is pursuing this matter.

If I obtain the second anticipated consent, it would appear appropriate to present same to you for incorporating it into the record, and possibly meeting with you, John Lewis and the engineer, Juri Maiste, in order to clarify the complicated density issues raised in this matter.

Your indulgence is appreciated.

Very truly yours,

Edward C. Covahey, Jr.

0925ldr08
cc: Mr. Robert Boutwell
Mr. Juri Maiste

SEP 28

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
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FAX 410-823-7530

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DiPAULA *
THOMAS P. DORE
ROGER J. SULLIVAN
MICHAEL T. PATE

* ALSO ADMITTED TO D. C. BAR

ANNEX OFFICE
SUITE 320
606 BALTIMORE AVE.
TOWSON, MD. 21204

24

November 23, 1999

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
County Courts Building, Suite 405
401 Bosley Avenue
Towson, Maryland 21204

Re: 18607 Falls Road
Case No. 98-348-SPHX

Dear Commissioner Schmidt:

Enclosed please find copy of letter dated November 19, 1999 from the engineer with respect to the above-captioned case. It would appear that your request has been complied with.

If there is anything else desired, please contact me immediately.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr
Enclosure
1123ldr09

cc: Mr. Robert R. Boutwell

COVAHEY & BOOZER, P. A.

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ANNEX OFFICE
SUITE 320
606 BALTIMORE AVE.
TOWSON, MD. 21204

November 18, 1999

RECEIVED
22

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
County Courts Building, Suite 405
401 Bosley Avenue
Towson, Maryland 21204

Re: *18607 Falls Road*
Case No. 98-348-SPHX

Dear Commissioner Schmidt:

I am advised by Juri Maiste with respect to the above-captioned, that he met with John Lewis last week regarding same, and that another meeting was scheduled for November 16, 1999, however, John Lewis had to cancel, and he has advised Maiste that he will meet with him again and review the additional documentation so that hopefully your concerns may be appropriately addressed.

I am by separate copy of this letter advising Juri Maiste of the necessity that we all act as expeditiously as possible to resolve this matter.

Your indulgence is appreciated.

Very truly yours,

Edward C. Covahey, Jr.

Write to Covahey, I appreciate the update, I'll continue to hold file. Please keep me advised
JGS

ECC,Jr./ldr
1118ldr04

cc: Mr. Robert R. Boutwell
Juri Maiste, P.L.S.

COVAHEY & BOOZER, P. A.
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MICHAEL T. PATE

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ANNEX OFFICE
SUITE 320
606 BALTIMORE AVE.
TOWSON, MD. 21204

November 11, 1999

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
County Courts Building, Suite 405
401 Bosley Avenue
Towson, Maryland 21204

Re: 18607 Falls Road
Case No. 98-348-SPHX

Dear Commissioner Schmidt:

I received your letter dated November 3, 1999 re: the above, on November 10, 1999. Upon receipt of your July 30, 1999 letter, I discussed same with the engineer and had presumed that the necessary materials had been submitted to your office.

In the meantime, I would appreciate it if you would hold dismissing this action until I can coordinate obtaining color coded Exhibits A and B, which I agree would assist in trying to resolve what is a somewhat complex matter.

The Commissioner's indulgence is appreciated.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr
1110ldr01

cc: Mr. Robert R. Boutwell
Juri Maiste, P.L.S.

COVAHEY & BOOZER, P. A.

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ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD. 21204

February 10, 1999

Lawrence E. Schmidt, Zoning Commissioner
Baltimore County Office of Planning & Zoning
400 Washington Avenue, Suite 112
Towson, Maryland 21204

RECEIVED
FEB 11
ZONING COMMISSIONER

Re: Boutwell - 18607 Falls Road
Case No. 98-348-SPHX

Dear Commissioner Schmidt:

Not unmindful of my reputation for snatching defeat from the jaws of victory, I was called by the Petitioners, both of whom are approaching 80 years of age, inquiring as to the status of the case. You will recall in this case that the referenced subdivision was a mechanism for the Petitioners transferring portions of their property to their children. I was advised on Monday, February 1, 1999 that Mrs. Boutwell is seriously ill, and Bob Boutwell feels duty bound to try and resolve the property issues while he is in relatively sound health.

I know it ain't easy!

THANKS.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr
081dr.05

cc: Mr. & Mrs. Robert Boutwell

98-[redacted]48 SPHX

To: Soph. 4/14/98

4/13/98 ✓ To JT? of

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW

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FAX 410-823-7530

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ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD. 21204

April 13, 1998

5.7.98
9:00 AM
Rm. 407
County Courts Building

RECEIVED
APR [redacted]
98-1437
PDM

HAND-DELIVERED

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

Re: Boutwell Property
18607 Falls Road
Hearing Date: May 7, 1998

Dear Mr. Jablon:

Please postpone the above-captioned hearing from May 7, 1998 in that I have the case of State of Maryland v. Garrison set for the District Court for Worcester County the same date, all in accordance with notice, a copy of which is attached.

I would be appreciated if one of your attaches could contact me with respect to rescheduling same so it does not otherwise conflict with my calendar.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./ldr
Enclosure
131ldr.06

COADY & FARLEY

ATTORNEYS AND COUNSELLORS AT LAW

400 ALLEGHENY AVENUE

TOWSON, MARYLAND 21204

(410) 337-0200

FACSIMILE (410) 337-0164

EMAIL: general@coadyandfarley.com

MICHAEL L. SNYDER
PATRICIA O'C.B. FARLEY
THOMAS J. RYAN

JOHN A. FARLEY, JR., OF COUNSEL
JOHN T. COADY, EMERITUS

CHARLES P. COADY (1868-1934)
JOHN A. FARLEY (1893-1958)
CHARLES P. COADY, JR. (1901-1983)

THOMAS J. CARACUZZO (1914-1994)

RECEIVED

SEP 20 2004

ZONING COMMISSIONER

September 20, 2004

Lawrence E. Schmidt, Zoning Commissioner
for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S Falls Road, 4.505' S of the c/l of Beckleysville Rd. (18607 Falls Road)
5th Election District – 3rd Councilmanic District
Robert R. Boutwell, et ux – Petitioners
Case No. 98-348-SPHX

Dear Commissioner Schmidt:

I represent Mr. and Mrs. Eckhardt Smink in the captioned matter.

On May 27, 2003 you conducted a Hearing with all of the parties in this matter. My notes from that Hearing indicate that you were to enter an Order confirming that Boutwell has nine density units applicable to his property and that Mr. and Mrs. Smink have four density units applicable to their property. To my knowledge you have not as yet entered this Order. It is my understanding that you will be leaving your position as Zoning Commissioner as of September 30. We would most appreciate receiving this Order in this matter at your earliest convenience.

Best wishes on your future endeavors. Your outstanding service to Baltimore County and its citizens is greatly appreciated and will be missed.

Sincerely yours,

Michael L. Snyder

MLS:lbs
cc: Edward C. Covahey, Jr., Esquire
Mr. and Mrs. Eckhardt Smink

APR ASSOCIATES, INC.
ENGINEERS • SURVEYORS

Friday, November 19, 1999

Mr. Lawrence E. Schmidt
Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Boutwell Property - Falls Road
Baltimore County, Maryland
Case No. 98-348-SPHX

Dear Mr Schmidt:

I met with John Lewis of your office on Monday, Nov.15 of this week and again on Thursday, Nov.18. At John's request I modified Exhibit "B" slightly to clarify the original ownership and the two out-conveyances. This drawing is titled Exhibit "B-1" and is what John requested in lieu of the color coding of Exhibits "A" and "B", which you mentioned. I also provided John with copies of the Boutwell Deed by which he obtained the original five parcels, and also copies of out-conveyance deeds in 1984 and 1985 to the Wilsons and Thompsons.
Please call on me if I can be of further assistance.

Sincerely,

Juri Maiste

Juri Maiste

Bette
file in Boutwell & Kold
+ all we have from
John Lewis

cc: Edward C. Covahey, Jr., Esquire
614 Bosley Avenue, Towson, Md. 21204

7427 Harford Road
Baltimore, Maryland 21234-7160
(410) 444-4312
Fax: (410) 444-1647

APR ASSOCIATES, INC.
ENGINEERS · SURVEYORS

Wednesday, November 10, 1999

15

Mr. Lawrence E. Schmidt
Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Boutwell Property - Falls Road
Baltimore County, Maryland
Case No. 98-348-SPHX

Dear Mr Schmidt:

In response to your letter of Nov.3, 1999 I am meeting with John Lewis of your office to review outstanding issues in this case which should assist you in your decisions regarding this case.

Please call me anytime should there be any questions.

Sincerely,

Juri Maiste

Please note that Maiste & Watts was merged with APR Associates as of Arril, 1998. Please send future correspondence to me at APR Assoc.

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1979
TAX MAP.

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MARLIN VIZ PLAT 24:18
HOLLINSLAND SEC. 3 A.9 112

DWARKEN, WILIS
4655/33
16.89A
P. 144

PAULIE.
BLINKEN
5369/187
16.85A
P.150

ROBERT R. BOUTWELL
5222/476
96.24A
P. 87

TIMOTHY M.
HYNES
5574/733
10.08A.
P.93

WILLIAM L. THEOBALD
5803/442
37.33 A.
P.13

JULIA M.
APPLEFELD
5525/281
12.59A
P.14

CULOTTA

APPLEFELD
4/632
0.34 A.
176

DONALD E. COLE
5080/693
104.10 A.
P.61

VINCENT V. GLORIOSO
4374/246
8.35A.
P.55

RAYMOND K.
SWIFT
4807/10
21.93A
P.143

JOHN J. SWIFT
4878/677
11.95 A.
P. 148

CHESLIE H. HINEGARDNER
2247/326
45.55A
P.58

DONALD W
4690/27
17.00 A
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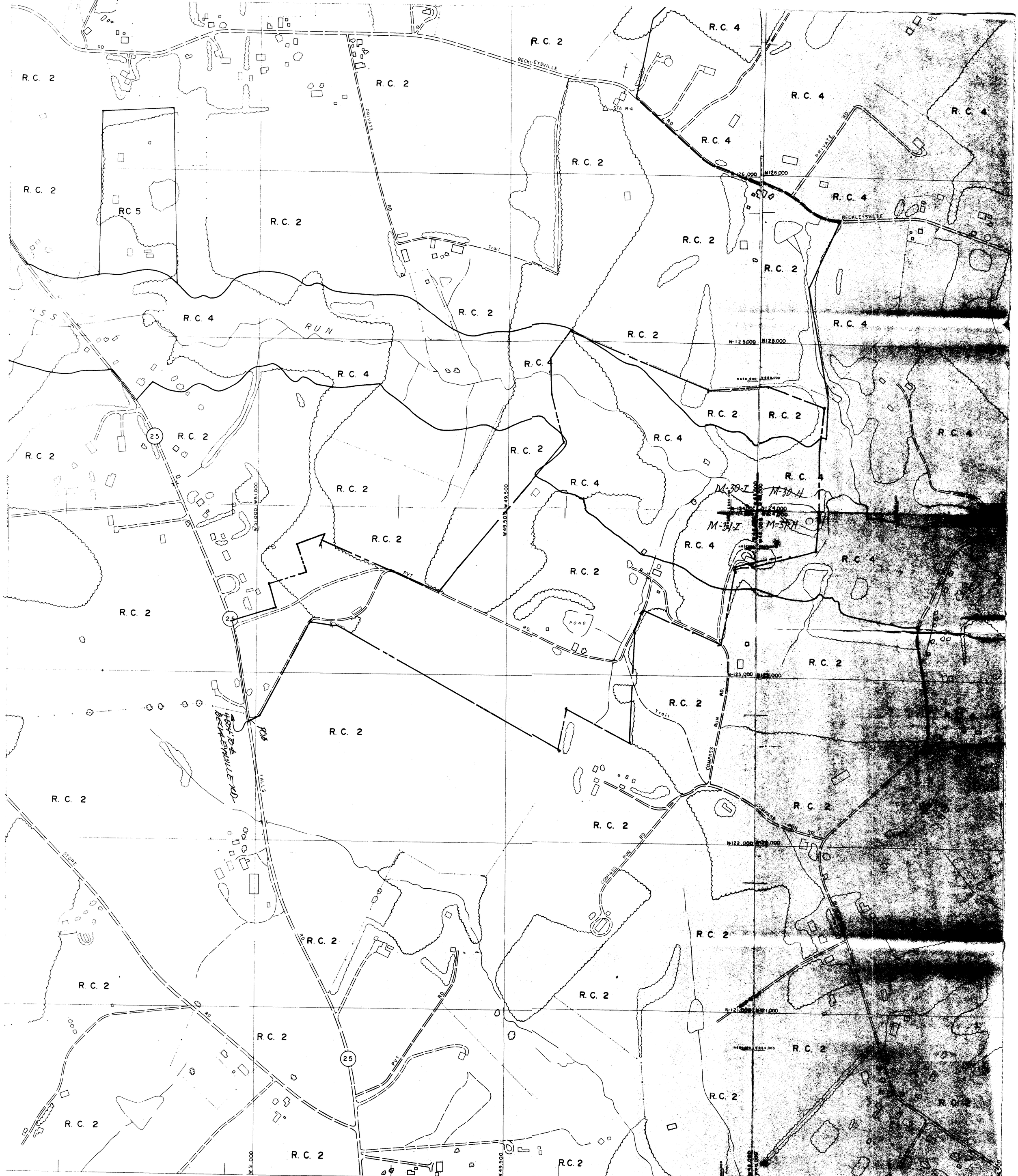
HARRY W. SCHULTHEIS
ET AL



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

98-348-SPHX

SCALE	LOCATION	SHEET
1" = 200'±	SOUTH OF ALBANTOWN	N.W. 31-1
DATE OF PHOTOGRAPHY JANUARY 1986		

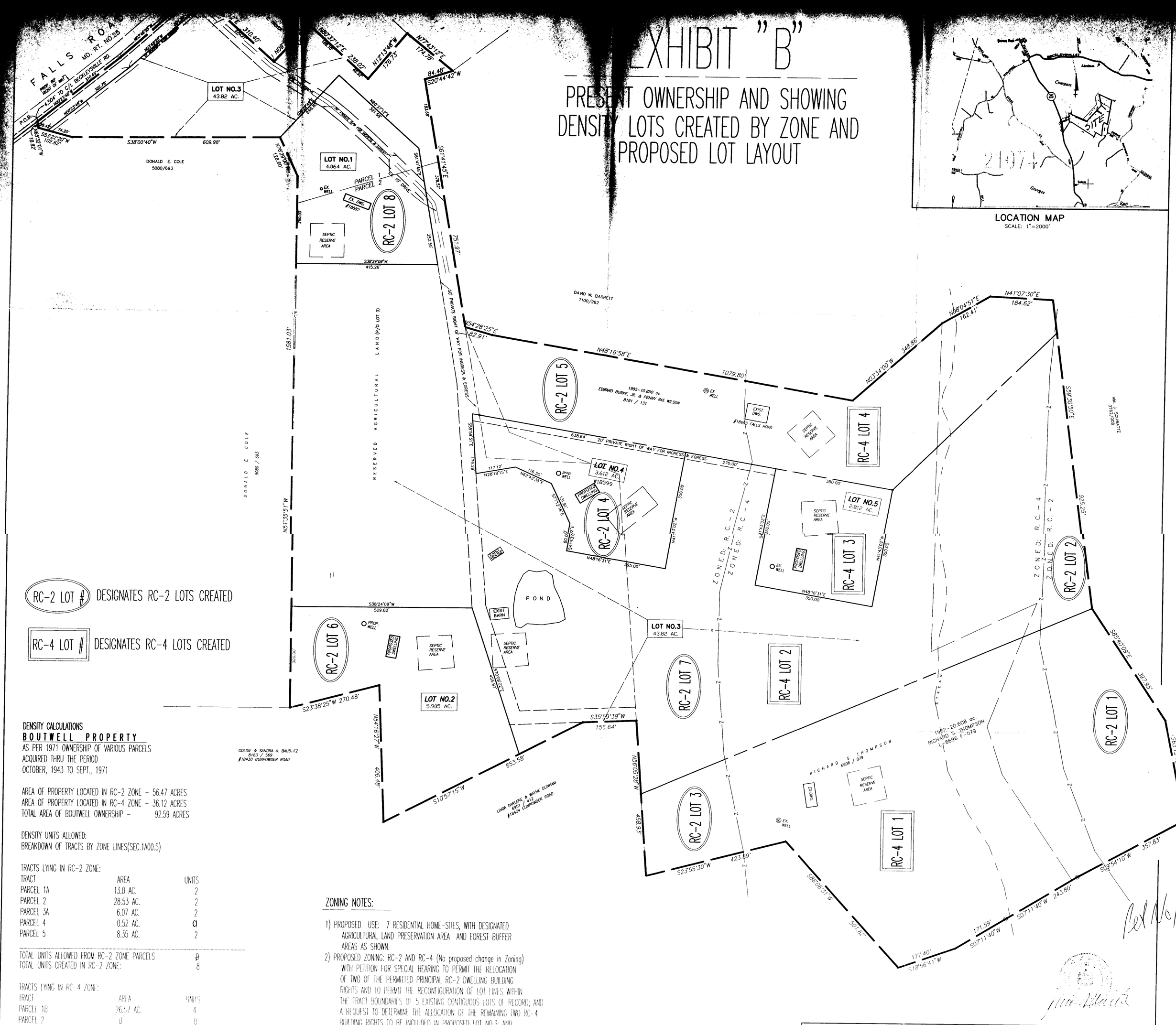
J J.-SW J J.-SE

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

Kenneth A
Chairman, Coun

EXHIBIT "B"

PRESENT OWNERSHIP AND SHOWING DENSITY LOTS CREATED BY ZONE AND PROPOSED LOT LAYOUT



RC-2 LOT # DESIGNATES RC-2 LOTS CREATED

RC-4 LOT # DESIGNATES RC-4 LOTS CREATED

DENSITY CALCULATIONS

BOUTWELL PROPERTY

AS PER 1971 OWNERSHIP OF VARIOUS PARCELS
ACQUIRED THRU THE PERIOD
OCTOBER, 1943 TO SEPT., 1971

AREA OF PROPERTY LOCATED IN RC-2 ZONE - 56.47 ACRES
AREA OF PROPERTY LOCATED IN RC-4 ZONE - 36.12 ACRES
TOTAL AREA OF BOUTWELL OWNERSHIP - 92.59 ACRES

DENSITY UNITS ALLOWED:
BREAKDOWN OF TRACTS BY ZONE LINES(SEC.1A00.5)

TRACTS LYING IN RC-2 ZONE:

TRACT	AREA	UNITS
PARCEL 1A	13.0 AC.	2
PARCEL 2	28.53 AC.	2
PARCEL 3A	6.07 AC.	2
PARCEL 4	0.52 AC.	0
PARCEL 5	8.35 AC.	2

TOTAL UNITS ALLOWED FROM RC-2 ZONE PARCELS 8
TOTAL UNITS CREATED IN RC-2 ZONE: 8

TRACTS LYING IN RC-4 ZONE:

TRACT	AREA	UNITS
PARCEL 1B	26.57 AC.	4
PARCEL 2	0	0
PARCEL 3B	9.55 AC.	2
PARCEL 4	0	0
PARCEL 5	0	0

TOTAL UNITS ALLOWED FROM RC-4 ZONE PARCELS 6
TOTAL UNITS CREATED IN RC-4 ZONE: 6

ZONING NOTES:

1) PROPOSED USE: 7 RESIDENTIAL HOME-SITES, WITH DESIGNATED AGRICULTURAL LAND PRESERVATION AREA AND FOREST BUFFER AREAS AS SHOWN.
2) PROPOSED ZONING: RC-2 AND RC-4 (No proposed change in Zoning) WITH PETITION FOR SPECIAL HEARING TO PERMIT THE RELOCATION OF TWO OF THE PERMITTED PRINCIPAL RC-2 DWELLING BUILDING RIGHTS AND TO PERMIT THE RECONFIGURATION OF LOT LINES WITHIN THE TRACT BOUNDARIES OF 5 EXISTING CONTIGUOUS LOTS OF RECORD; AND A REQUEST TO DETERMINE THE ALLOCATION OF THE REMAINING TWO RC-4 BUILDING RIGHTS TO BE INCLUDED IN PROPOSED LOT NO.3; AND TO REQUEST A SPECIAL EXCEPTION TO PERMIT A TRAILER PURSUANT TO SECTION 1A01.2.C.21.
3) PRESENT USE: FOUR RESIDENTIAL HOUSE SITES WITH VARIOUS ACCESSORY BUILDINGS AS SHOWN.
4) THIS PROPERTY WAS THE SUBJECT OF PREVIOUS ZONING CASE NO.85-296-SPHA, WHICH CASE BY ORDER DATED JULY 30, 1987 WAS DISMISSED WITH PREJUDICE.

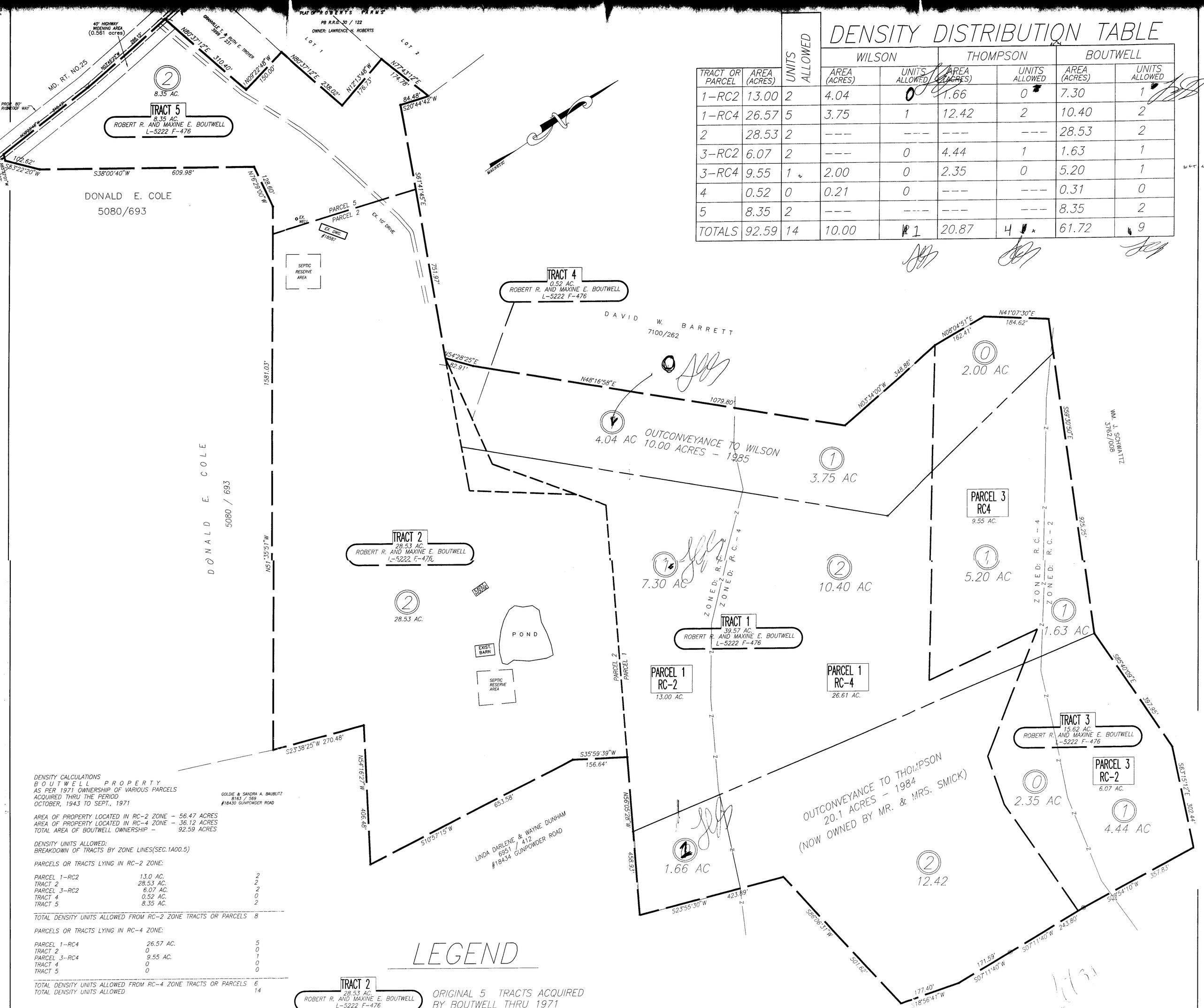
Petitioner's Exhibit No. 1

PLAT TO ACCOMPANY SPECIAL HEARING BOUTWELL PROPERTY #18607 FALLS ROAD	OWNER: ROBERT R. AND MAXINE E. BOUTWELL DEED REF. L-5222 F-476 TAX ACCT. NO. 05-03-017460
	MAISTE & WATTS, INC. SURVEYORS AND ENGINEERS

08-348-SPHX

DENSITY DISTRIBUTION TABLE

TRACT OR PARCEL	AREA (ACRES)	UNITS ALLOWED	WILSON AREA (ACRES)	WILSON UNITS ALLOWED	THOMPSON AREA (ACRES)	THOMPSON UNITS ALLOWED	BOUTWELL AREA (ACRES)	BOUTWELL UNITS ALLOWED
1–RC2	13.00	2	4.04	0	1.66	0	7.30	1
1–RC4	26.57	5	3.75	1	12.42	2	10.40	2
2	28.53	2	---	---	---	---	28.53	2
3–RC2	6.07	2	---	0	4.44	1	1.63	1
3–RC4	9.55	1	2.00	0	2.35	0	5.20	1
4	0.52	0	0.21	0	---	---	0.31	0
5	8.35	2	---	---	---	---	8.35	2
TOTALS	92.59	14	10.00	1	20.87	4	61.72	9



DENSITY CALCULATIONS
B O U T W E L L P R O P E R T Y
AS PER 1971 OWNERSHIP OF VARIOUS PARCELS
ACQUIRED THRU THE PERIOD
OCTOBER, 1943 TO SEPT., 1971

AREA OF PROPERTY LOCATED IN RC-2 ZONE – 56.47 ACRES
AREA OF PROPERTY LOCATED IN RC-4 ZONE – 36.12 ACRES
TOTAL AREA OF BOUTWELL OWNERSHIP – 92.59 ACRES

DENSITY UNITS ALLOWED:
BREAKDOWN OF TRACTS BY ZONE LINES(SEC.1A00.5)

PARCELS OR TRACTS LYING IN RC-2 ZONE:

PARCEL 1–RC2	13.0 AC.	2
TRACT 2	28.53 AC.	2
PARCEL 3–RC2	6.07 AC.	2
TRACT 4	0.52 AC.	0
TRACT 5	8.35 AC.	2
TOTAL DENSITY UNITS ALLOWED FROM RC-2 ZONE TRACTS OR PARCELS		8

PARCELS OR TRACTS LYING IN RC-4 ZONE:

PARCEL 1–RC4	26.57 AC.	5
TRACT 2	0	0
PARCEL 3–RC4	9.55 AC.	1
TRACT 4	0	0
TRACT 5	0	0
TOTAL DENSITY UNITS ALLOWED FROM RC-4 ZONE TRACTS OR PARCELS		6
TOTAL DENSITY UNITS ALLOWED		14

HISTORY TO PRESENT OWNERSHIP

PARCELS CONVEYED OUT FROM 1971 OWNERSHIP TRACTS:
1) 1984 – 20.02 ACRE PARCEL TO R. S. THOMPSON(DEED 6696–79)
   9.1 AC. IN RC-2 ZONE
   11.0 AC. IN RC-4 ZONE
   EXISTING DWELLING LOCATED IN RC-4 ZONE
2) 1985 – 11.00 ACRE PARCEL TO MR.&MRS.WILSON(DEED 819–131)
   5.2 AC. IN RC-2 ZONE
   5.8 AC. IN RC-4 ZONE
   EXISTING DWELLING LOCATED IN RC-2 ZONE

PRESENT TRACT AREA – 61.57 ACRES
45.572 ACRES IN RC-2 ZONE
16 ACRES IN RC-4 ZONE
PRESENT OCCUPANCY:
2 DWELLINGS LOCATED IN THE RC-2 ZONE

LEGEND

TRACT 2 — 28.53 AC. — ROBERT R. AND MAXINE E. BOUTWELL L-5222 F-476 — ORIGINAL 5 TRACTS ACQUIRED BY BOUTWELL THRU 1971

PARCEL 1 RC-4 — 26.61 AC. — ZONING PARCELS CREATED FROM ORIGINAL TRACTS BY ZONING LINES

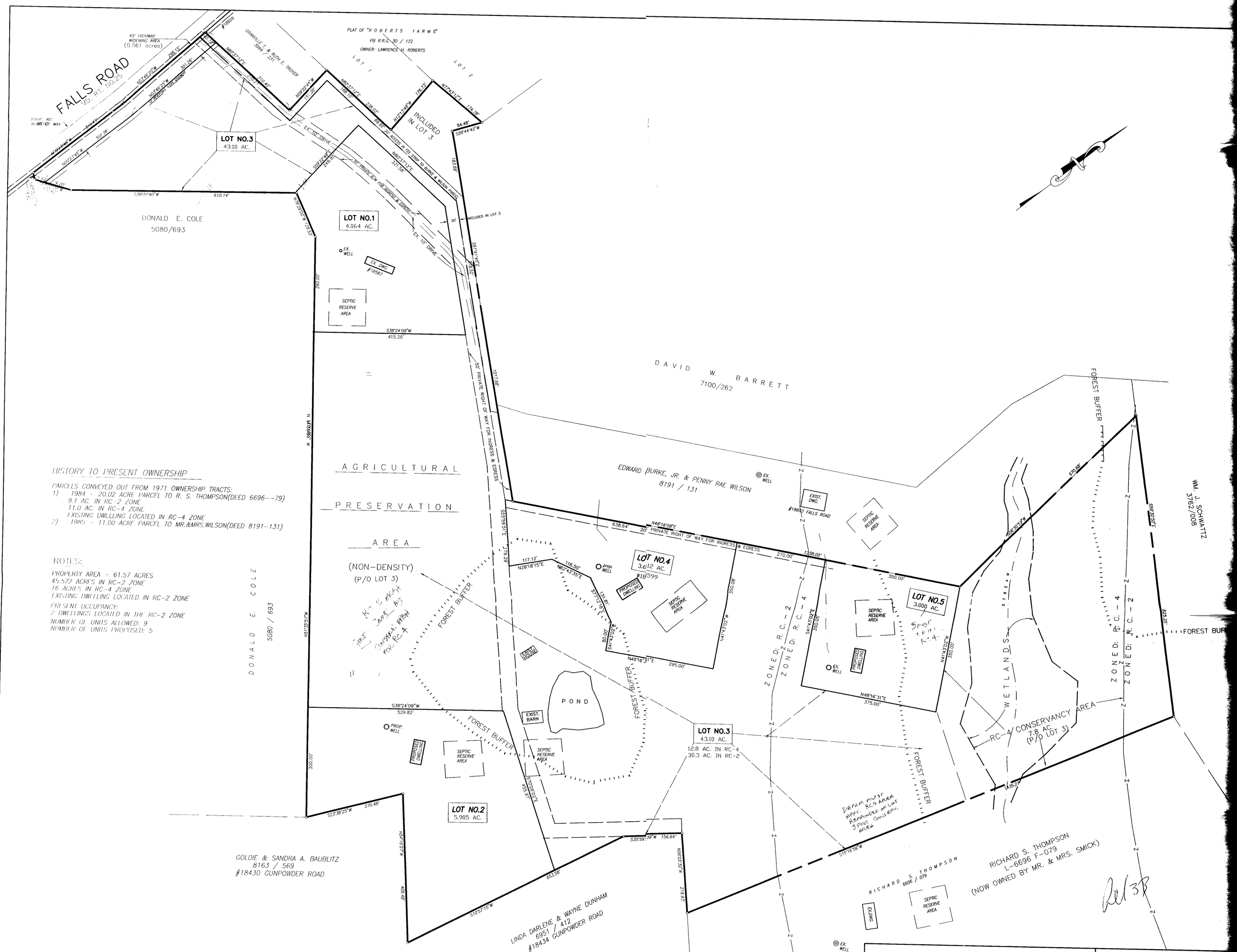
(2) — 10.40 AC — DENSITY UNITS ALLOTTED TO ORIGINAL TRACTS AND ZONING PARCELS AS SPLIT BY OUTCONVEYANCE LINES

APR. 16,2003
SCALE: 1"=100'

PLAT SHOWING CURRENT DENSITY DISTRIBUTION
AFTER OUTCONVEYANCES TO WILSON & THOMPSON
BOUTWELL PROPERTY
#18607 FALLS ROAD
BALTIMORE COUNTY, MARYLAND

OWNER: ROBERT R. AND MAXINE E. BOUTWELL
DEED REF. L-5222 F-476
TAX ACCT. NO. 05-03-077460

JOB MASTER LAND SURVEYING
2024 HUNTINGTON AVENUE
BALTIMORE, MARYLAND 21214



HISTORY TO PRESENT OWNERSHIP

PARCELS CONVEYED OUT FROM 1971 OWNERSHIP TRACTS:

1) 1984 - 20.02 ACRE PARCEL TO R. S. THOMPSON(DEED 6696--79)
   9.1 AC. IN RC-2 ZONE
   11.0 AC. IN RC-4 ZONE
   EXISTING DWLLLING LOCATED IN RC-4 ZONE
2) 1985 - 11.00 ACRE PARCEL TO MR.&MRS.WILSON(DEED 8191-131)

NOTES:

PROPERTY AREA - 61.57 ACRES
45.572 ACRES IN RC-2 ZONE
16 ACRES IN RC-4 ZONE
EXISTING DWELLING LOCATED IN RC-2 ZONE

PRESENT OCCUPANCY:
2 DWELLINGS LOCATED IN THE RC-2 ZONE
NUMBER OF UNITS ALLOWED: 9
NUMBER OF UNITS PROPOSED: 5

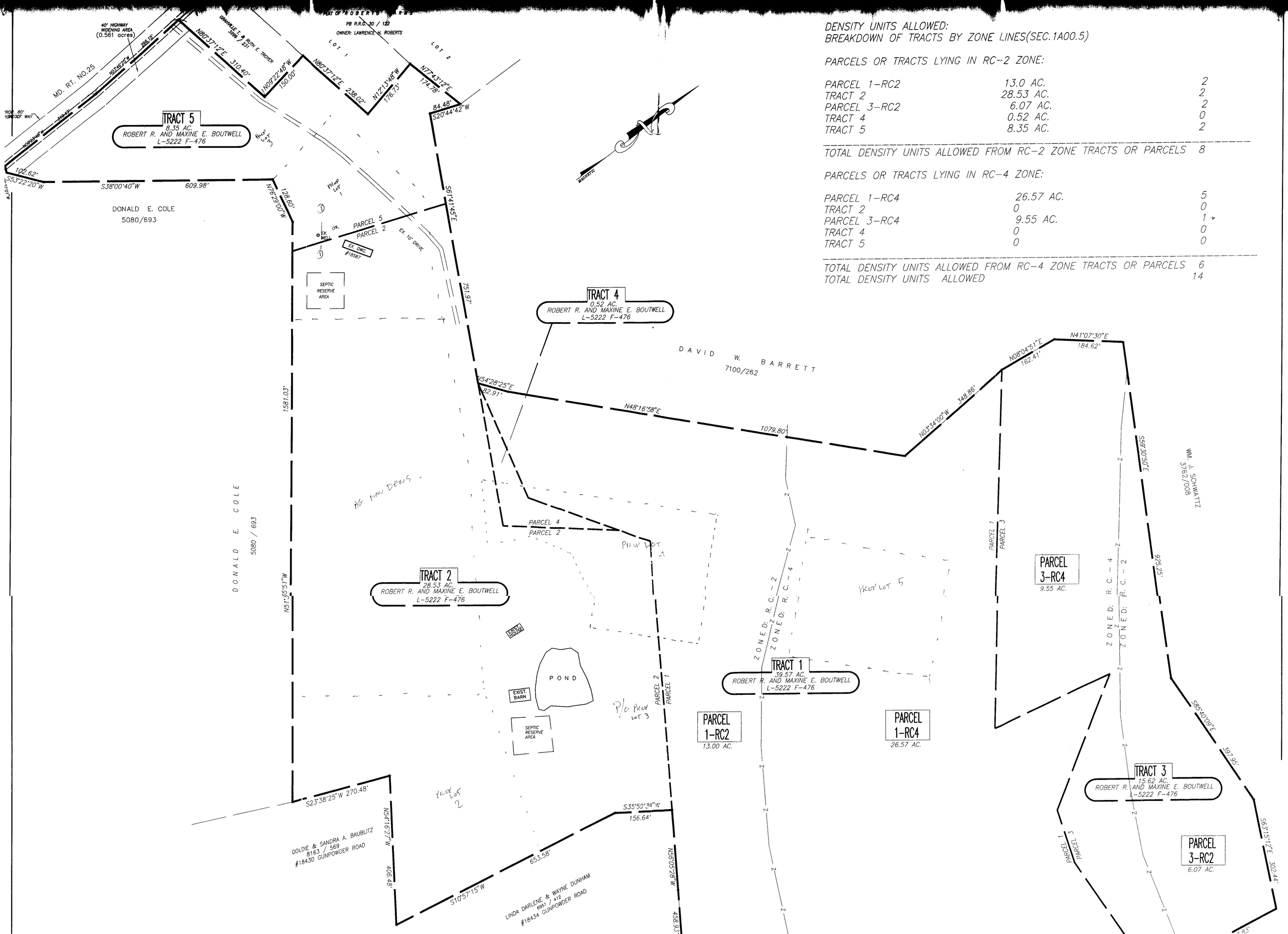
DATE: APRIL 16,2003
SCALE: 1"=100'
PROJ. NO.97-105

DEVELOPMENT PLAN
BOUTWELL PROPERTY
#18607 FALLS ROAD

5--TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

OWNER: ROBERT R. AN
MAXINE E. BOUTWELL
DEED REF. L-5222 F-476
TAX ACCT. NO. 05-03-077460

JURI MAISTE
LAND SURVEYOR
2923 CHENOAK AVENUE
BALTIMORE, MARYLAND 21234
PHONE (410) 661-8752



DENSITY UNITS ALLOWED:
BREAKDOWN OF TRACTS BY ZONE LINES(SEC.1A00.5)

PARCELS OR TRACTS LYING IN RC--2 ZONE:

PARCEL 1-RC2	13.0 AC.	2
TRACT 2	28.53 AC.	2
PARCEL 3-RC2	6.07 AC.	2
TRACT 4	0.52 AC.	0
TRACT 5	8.35 AC.	2

TOTAL DENSITY UNITS ALLOWED FROM RC-2 ZONE TRACTS OR PARCELS 8

PARCELS OR TRACTS LYING IN RC-4 ZONE:

PARCEL 1-RC4	26.57 AC.	5
TRACT 2	0	0
PARCEL 3-RC4	9.55 AC.	1
TRACT 4	0	0
TRACT 5	0	0

TOTAL DENSITY UNITS ALLOWED FROM RC-4 ZONE TRACTS OR PARCELS 6
TOTAL DENSITY UNITS ALLOWED 14

DENSITY CALCULATIONS
B O U T W E L L P R O P E R T Y
AS PER 1971 OWNERSHIP OF VARIOUS TRACTS
ACQUIRED THRU THE PERIOD
OCTOBER, 1943 TO SEPT., 1971

AREA OF PROPERTY LOCATED IN RC-2 ZONE - 56.47 ACRES
AREA OF PROPERTY LOCATED IN RC-4 ZONE - 36.12 ACRES
TOTAL AREA OF BOUTWELL OWNERSHIP - 92.59 ACRES

HISTORY TO PRESENT OWNERSHIP

PROPERTIES CONVEYED OUT FROM 1971 OWNERSHIP TRACTS:
1) 1984 - 20.02 ACRE PARCEL TO R. S. THOMPSON(DEED 6696--79)
   9.1 AC. IN RC-2 ZONE
   11.0 AC. IN RC-4 ZONE
   EXISTING DWELLING LOCATED IN RC-4 ZONE
2) 1985 - 11.00 ACRE PARCEL TO MR.&MRS.WILSON(DEED 8191-131)
   4.2 AC. IN RC-2 ZONE
   5.8 AC. IN RC-4 ZONE
   EXISTING DWELLING LOCATED IN RC-2 ZONE

PRESENT TOTAL AREA - 61.57 ACRES
45.572 ACRES IN RC-2 ZONE
16 ACRES IN RC-4 ZONE
PRESENT OCCUPANCY:
2 DWELLINGS LOCATED IN THE RC-2 ZONE

LEGEND

TRACT 2
28.53 AC.
ROBERT R. AND MAXINE E. BOUTWELL
L-5222 F-476
ORIGINAL 5 TRACTS ACQUIRED BY BOUTWELL THRU 1971

PARCEL 1-RC4
26.57 AC.
ZONING PARCELS CREATED FROM ORIGINAL TRACTS BY ZONING LINES

OWNERSHIP AND ZONING BY PARCELS - AS OF 1971

BOUTWELL PROPERTY

#18607 FALLS ROAD

OWNER: ROBERT R. AND MAXINE E. BOUTWELL
DEED REF. L-5222 F-476
TAX ACCT. NO. 08-03-077460

DATE: APRIL 19, [illegible]
SCALE: 1"=100'
APRIL 19, 1971