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IN RE: PETITION FOR SPECIAL HEARING SE/S Stringtown Road, 4850' NE of Falls Road (2119 Stringtown Road) 5th Election District 3rd Councilmanic District Robert F. Webbert, et ux Petitioners	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 99-11-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, Robert F. and Barbara P. Webbert. The Petitioners seek approval and confirmation of the accumulation and redistribution of the remaining R.C.2 development rights among three contiguous parcels, and to affirm a previous nondensity conveyance, by deed, of approximately .212 acres. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Robert and Barbara Webbert, property owners, Douglas C. Myers, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 11.162 acres, more or less, zoned R.C.2, and is located on the southeast side of Stringtown Road, east of its intersection with Falls Road in Butler. The property is part of an overall tract which originally contained 11.35 acres; however, a number of outconveyances of small parcels of land along the northern boundary of the subject property have occurred over the years and only 11.162 acres of the original tract remain. The

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property is presently improved with a single family dwelling; however, the Petitioners wish to subdivide the property to create three separate building lots in accordance with Petitioner's Exhibit 1. Thus, the Petitioners have requested this special hearing to confirm that three density units are associated with the overall tract. Proposed Lot 2 will consist of 3.104 acres and retain the existing dwelling, which in effect utilizes one of the density units associated with this property. Proposed Lots 1 and 3 will consist of 4.723 acres and 3.335 acres, respectively, and are each proposed to be developed with a single family dwelling. However, in order to proceed with the proposed subdivision, the requested special hearing relief is necessary to confirm that three density units are associated with the property, one of which has already been utilized by virtue of the existing dwelling.

After due consideration of the testimony and evidence presented, I find that there are three density units associated with the subject property and that the proposed subdivision to create three separate lots of record is appropriate. As noted above, one of the density units associated with the overall tract has been utilized by virtue of the existing dwelling. The two remaining density units will be utilized at such time as proposed Lots 1 and 3 are developed with single family dwellings and there shall be no further subdivision of any of the three proposed lots. Thus, it is clear that the relief requested can be granted and will not be detrimental to the public health, safety, and general welfare.

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

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THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 1st day of October, 1998 that the Petition for Special Hearing seeking approval and confirmation of the accumulation and redistribution of the remaining R.C.2 development rights among three contiguous parcels, and to affirm a previous nondensity conveyance by deed of approximately .212 acres, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> 1) Pursuant to Section 502.2 of the B.C.Z.R., new deeds for each of the proposed lots incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order. A copy of the recorded deeds shall be forwarded to the Department of Permits and Development Management (DPDM) for inclusion in the case file.

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

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10/05/99

IN THE MATTER OF THE THE APPLICATION OF ROBERT F. WEBBERT, ET UX - PETITIONERS FOR SPECIAL HEARING ON PROPERTY LOCATED ON THE SE/S STRINGTOWN ROAD, 4850' NE OF FALLS ROAD (2119 STRINGTOWN ROAD) 5TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 99-11-SPH

* * * * * * * * *

OPINION

This matter comes before the Board on appeal filed by the Office of People's Counsel for Baltimore County from the decision of the Deputy Zoning Commissioner dated October 1, 1998 in which Petition for Special Hearing granted the confirmation and redistribution of development rights among three contiguous parcels of R.C. 2-zoned property in northern Baltimore County.

The Petitioners, Robert and Barbara Webbert, were represented by Howard L. Alderman, Jr., Esquire. Carole S. Demilio, Deputy People's Counsel, appeared on behalf of the Office of People's Counsel. This matter was heard by this Board de novo on June 2, 1999. In lieu of final argument, both counsel submitted memorandums on July 16, 1999. Public deliberation was held on August 26, 1999, due notice of which was provided to all interested parties.

The subject property, known as 2119 Stringtown Road and consisting of approximately 11.6 acres, is zoned Rural Conservation (R.C.2) and is improved with a detached single-family dwelling. The subject property, which dates back to 1925, involved several minor in and out conveyances of land which are recorded among the Land Records of Baltimore County (Petitioner's Exhibits No. 2

through No. 8). These conveyances form the subject property which the Webberts purchased in 1996 by recorded deed (Petitioner's Exhibit No. 9). The Webberts themselves do not reside on the subject site but instead rent the existing homesite.

Petitioners claim there are four buildable lots associated with the property, but only wish to subdivide and develop this site into three parcels of roughly uniform size. The lot containing the existing dwelling would contain 3.104 acres, while the two proposed dwelling lots would consist of 3.335 acres and 4.723 acres, as shown on the Plat to Accompany Special Hearing (Petitioner's Exhibit #1). This is the matter on appeal as the Office of People's Counsel for Baltimore County contends that the subject site can only be subdivided into two buildable lots.

Mr. Douglas Myers, a licensed surveyor with 27 years experience and accepted as an expert in the field of surveying, testified on behalf of the Petitioners. Mr. Myers testified that he prepared the site plan (Petitioner's Exhibit No. 1), stating the existing house, lot lines, and proposed dwellings are all accurately shown. Mr. Myers also stated that his profession requires him to be familiar with the Baltimore County Zoning Regulations (BCZR). He opined that four dwelling rights exist on the subject site. Two exist on the lot outlined in red which contains roughly 10.391 +/- acres based on the R.C. 2 zoning classification. One dwelling right exists on the pink parcel (.306 +/- acre) based on Petitioner's Exhibit #2, Recorded Deed dated May 26, 1934, with the remaining dwelling right coming from the yellow

parcel (.541 +/- acre), Petitioner's Exhibit #5, Deed Recorded April 10, 1948.

Mr. Myers further stated that, by reconfiguring the three lots as shown on the prepared subdivision plat, each lot would exceed the one acre minimum requirement for the R.C.2 zoning classification. He also indicated that each proposed dwelling would meet all setbacks, and that the percolation test for on-site septic systems along with well requirements have been approved by Baltimore County.

On cross-examination, Mr. Myers testified that he was unaware of the property's zoning history. He also acknowledged that there were never any improvements made to the pink or yellow parcels by way of any previous construction. He indicated that these two lots have remained grassed over and appear as the yard to the existing house, while maintaining the current septic system.

People's Counsel offered the testimony of Mr. Paul Solomon. Mr. Solomon has appeared before this Board on numerous occasions and was accepted as an expert in land planning and zoning. Mr. Solomon stated that he began employment with Baltimore County in the early 1970s, working in the Office of Planning and Zoning for 22 years, until his retirement in the mid-1990s. During his tenure with Baltimore County, he was charged with developing the Comprehensive Zoning framework for the Rural Agricultural areas in northern Baltimore County. He was instrumental in the creation of the Resource Conservation zones. He indicated the intent of the R.C. zones was to preserve the agricultural land from future

development. He indicated that numerous undersized lots were created by deed in these rural areas over the years. The purpose of these smaller lots was to create additional yard space for existing homes, providing areas for septic systems, wells, access points, and to simply serve as buffer areas between neighboring properties.

From conducting a site visit and review of the proposed site plan, Mr. Solomon related these same uses to the subject site. He indicated that the two small parcels outlined in pink (.301 acre) and yellow (.470 acre) serve as the yard for the existing home. He indicated the yellow parcel also serves as a natural area for the existing septic system due to its downward slope, while both parcels create a buffer area between the house and Stringtown Road. He indicated it would have been unreasonable to utilize these parcels in any additional manner, particularly as building sites since they would have impacted directly to the existing house.

Mr. Solomon outlined the zoning history of the subject site dating back to 1970 when the property was zoned R.D.P. (Rural Deferred Planning) and R.C. 4 (Watershed Protection) in 1980, with the current R.C. 2 classification in place since 1996. He was unaware of the property's zoning classification prior to 1970. Mr. Solomon opined that only two dwelling rights exist on the subject site based on Section 1A01.3B1 and 2 of the BCZR which states:

B. Area regulations.

1. Subdivision for density. No lot of record lying within an R.C. 2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may

> be subdivided into more than two lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of one lot for each 50 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record, with the exception that any zoning petition site plan, subdivision plan or record plat filed with or approved by the county between November 27, 1979, and October 1, 1990, shall not be so affected and be considered valid, provided as to any zoning petition pending on appeal, that it be upheld on appeal.
>
> 2. Lot size. A lot having an area less than one acre may not be created in an R.C.2 Zone.

On cross-examination, Mr. Solomon stated that there are no density units which exist on either the yellow or pink parcels which would grant the three proposed building sites. He relied upon Sections 103.1 and 103.3 of the BCZR which classify property in the resource conservation zones. Section 103.3 states:

> ...in the case of property covered by a recorded subdivision plat which was approved by the Baltimore County Planning Commission or Board before the effective date of this subsection, and which remains in effect, buildings may be constructed, residential densities and lot lines may be established, and yards and other open areas may be laid out in accordance with that plan, subject to any conditions of the approval.

Mr. Solomon indicated that site has never been part of a recorded subdivision plat nor has it been part of an approved site plan or development plan. Thus Mr. Solomon concluded that, minus any vested rights attributed to the yellow and pink parcels, Section 1A01.3B.1 permits the Petitioners to subdivide and develop the subject site into one additional lot in combination with the existing homesite.

Petitioners contend that Section 103.3 of the BCZR does not pertain to lots of record which were established prior to the existence of zoning in Baltimore County. Petitioners state that Section 304.1 of the BCZR expressly permits the pink and yellow lots to be developed. Section 304.1 of the BCZR [Bill No. 47-1982] states:

> A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the are regulations contained in these regulations if:
>
> A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
>
> B. All other requirements of the height and area regulations are complied with; and
>
> C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

Petitioners believe that since they own the adjoining land as shown in red (Petitioner's Exhibit #1), subsection (c) bounds them to use portions of this land to meet the area and width requirements contained in these regulations. They indicate this is exactly what they are attempting to do by lot line adjustments.

It is undisputed that two building rights are permitted on the subject site pursuant to the R.C zoning regulations (Section 1A01.3B, BCZR). The question facing the Board is if the pink and yellow parcels are inherent of any density rights (and, if so, can the rights be transferred to create the three proposed lots shown on the subdivision plat.

The Board finds that any vested development rights pertaining

to these two small parcels became lost when the Baltimore County Council passed the R.C. zone regulations. The law of zoning holds that this Board, when making decisions, must apply the existing law to a case. Changes in zoning law apply prospectively only in the absence of intent expressed by the County Council to apply the law retroactively. Unless development rights have become vested, they can be lost in the enactment of more restrictive zoning laws. There is no vested right in zoning until construction is substantially begun. Rockville Fuel v. Gaithersburg, 266 Md 117, 291 A.2d 672; Colwell v. Howard County, 31 Md.App. 8, 354 A.2d 210.

Moreover, the Zoning Commissioner's Policy Manual, which was liberally quoted and relied upon by all parties, clearly states that the sale or transfer of small R.C.-zoned parcels may be permitted for non-density purposes such as access, agriculture, or other like purposes [Section 1A00.4.b(1]. Additionally, it states, at page 1A-10, "If the intent is to reconfigure the existing lots, the main purpose must be for the protection and preservation of farm land and not to create 'more uniform' lots for home sites."

The Board therefore finds that Section 304.1 of the BCZR was promulgated in order to allow a property owner to build on a lot which was created and "duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955" which would otherwise be rendered unbuildable. In this case, the Board finds that what the Petitioners are attempting to do is exactly that which the Zoning Commissioner's Policy Manual, as well as applicable law, does not permit. The purpose was not to allow Section 304.1 of the

BCZR to be used to reconfigure separate parcels of land. Clearly the Petitioners in this matter are not intent upon building upon the undersized lots; rather, Petitioners are attempting to utilize the language in 304.1 to circumvent what is otherwise the clear objective of the current Zoning Commissioner's Policy Manual, which is not to allow the transfer of small R.C.-zoned parcels for purposes other than those as stated in Section 1A00.4.b(1).

The Board therefore finds that the Petitioners are entitled only to the development of a total of two lots pursuant to Section 1A01.3B.1 and 2 of the Baltimore County Zoning Regulations.

O R D E R

IT IS THEREFORE this 15th day of October, 1999 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing in Case No. 99-11-SPH seeking approval and confirmation of the redistribution of the development rights among three contiguous parcels of R.C.2 zoned property be and the same is hereby **DENIED.**

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Panel Chairman

Thomas P. Melvin

Lynn Barranger

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
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October 15, 1999

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

RE: Case No. 99-111-SPH
Robert F. Webbert, et ux

Dear Mr. Zimmerman:

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

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

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Legal Administrator

encl.

cc: Howard L. Alderman, Jr., Esquire
Mr. and Mrs. Robert F. Webbert
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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RE: PETITION FOR SPECIAL HEARING 2119 Stringtown Road, SE/S Stringtown Rd, 4850' +/- NE of c/l Falls Road 5th Election District, 3rd Councilmanic	* * *	BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY
ROBERT P. & BARBARA P. WEBBERT Petitioners	*	**Case Number: 99-11-SPH**

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

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PEOPLE'S COUNSEL'S MEMORANDUM

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STATEMENT OF THE CASE

This is an appeal of a Petition for Special Hearing granted by the Deputy Zoning Commissioner. In 1996, the Petitioners, Mr. & Mrs. Robert Webbert, purchased 11.162 acres off Falls Road in northern Baltimore County. The site, 2119 Stringtown Road, is zoned Rural Conservation 2 (R.C. 2). The site is improved with a detached single-family dwelling. The Petitioners do not reside at the site. They purchased the site to subdivide and sell three separate residential lots.

People's Counsel maintains two density units are attributable to the 11.162 acres.

Mr. Webbert and the surveyor, Mr. Douglas C. Myers testified in the Petitioners' case.

People's Counsel presented Mr. Paul Solomon, a planning and zoning expert, with particular expertise in the rural areas of northern Baltimore County, and Richard W. McQuaid, a resident of northern Baltimore County, and president of the North County Coalition, Inc., who appeared on behalf of the association.

Petitioners introduced a color-coded site plan (Petitioners' #1). Reference in this Memorandum to the parcels on the plan is by the colored outlines - i.e. "red" parcel, "yellow" parcel, "pink" parcel, etc.

Petitioners' claim <u>four</u> density units for three parcels as follows:

"Pink" parcel	.301 acre	1 density unit.
"Yellow" parcel	.475 acre	1 density unit.
"Red" parcel	10.391 acres	2 density units.

They propose to utilize three density units to subdivide the entire site into two 3+ acre lots, and one 4+ acre lot.

People's Counsel contends that 2 density units exist on the entire 11.162 acres, based on the calculation that a maximum of two density units exist on sites 2-100 acres in the RC 2 zone.

QUESTIONS FOR THE COUNTY BOARD OF APPEALS

1. **Do the current regulations which establish 2 density units for land with 2-100 acres in the RC 2 zone, apply to this request to subdivide and develop an 11.162 acre site?**

2. **Is there density on an undeveloped lot less than 1 acre in the RC 2 zone?**

3. **Do vested rights apply to an undeveloped undersized lot in the RC 2 zone?**

4. **Does a nonconforming use apply to an undeveloped undersized lot?**

5. **Does the doctrine of merger set out by the Court of Appeals in Friends of the Ridge v. BG&E, 352 Md. 645 (1999) apply?**

6. **Does BCZR permit the transfer of development rights?**

7. **Is a "lot line adjustment" permitted by Baltimore County for Petitioners' relief?**

FACTS

For the most part, the facts are not in dispute. The Petitioners purchased the site from the William Palmer Trust. From time to time since 1925, William Palmer assembled property, acquiring and conveying various contiguous parcels. The front portion contains the dwelling, and the front and side yards slope toward Stringtown Road, which has existed since approximately the turn of the century. The rear is a wooded hillside. The house was constructed many years ago and is located on the red outlined parcel on Petitioners' site plan.

In 1970, the site was zoned **Rural Deferred Planning (RDP).** Under the Rural Conservation Zones enacted in 1975, the site was zoned **Resource Conservation Watershed (RC 4)** and remained so until rezoned to **Rural Conservation Agriculture (RC 2)** in 1996.

The chronological history of the Palmer parcels is attached hereto.

THE RC 2 ZONE PROVIDES FOR TWO DENSITY UNITS FOR THE SITE

A. BCZR 1A01.3 B.1 and .2 establishes the density restrictions in the RC 2 zone:

"*B. Area Regulations. [Bill No. 178-1979]*

1. Subdivision lot density. No lot of record lying within an R.C. 2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of one lot for each 50 acres of gross area...

2. Lot size. A lot having an area less than one acre may not be created in an R.C. 2 zone."

B. The CBA addressed similar issues of density in the RC 2 zone in 1994 in The Matter Of Dennis G. McGee, 94-42 SPH. In 1973, Mrs. Curtis, a predecessor in title to McGee, conveyed by deed .7 acre of her 12.5 acre tract to BGE for a utility tower. In 1979, the entire site was zoned RC 2. At her death in 1983, the remaining 11.2 acres was divided among her three children. McGee came to own one of the parcels in 1986 but did not develop. The other two lots were improved with single homes when McGee decided to develop. He was advised the two density units attributable to the 11.2 acres were utilized by the two Curtis children who previously built. McGee then argued BGE retained a density unit, which they could transfer to his parcel. The Board denied McGee and stated in its Opinion:

> *"However, that right to develop the lot,* [BGE lot] *or in other words that development right, became lost when the Baltimore County Council passed the R.C. zone legislation. The law of zoning holds that this Board, when making decisions, must apply the existing law to a case. Changes in zoning law apply prospectively only in the absence of intent expressed of the County Council to apply the law retroactively. Unless development rights have become vested, they can be lost in the enactment of more restrictive zoning laws. There is no vested right in zoning until construction is substantially begun.* [Citations omitted.] *Therefore, even if BG&E possessed the right to build upon the .7 acre lot, no*

evidence appears in this case that that development right had been vested in BG&E prior to the passage of the R.C. 2 legislation. When that legislation passed, it obliterated whatever non-vested right to build upon the .7 acre lot BG&E possessed. Therefore, if BG&E Company does not possess the right to build upon the .7 acre lot, then clearly, there is no right to build that it can transfer to McGee."

HISTORY OF THE RURAL ZONES

A. The first rural zones were the RDP and RSC (Rural-Suburban: Conservation) zones. Bill 100, 1970). The 1970 BCZR states the purpose of these zones in 1A001.1:

"a. Prevent untimely urban development of relatively open and rural lands.

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

Both the RDP and RSC zones required a 1 acre minimum building lot. (BCZR 1970, Sec. 1A00.3B.1).

B. The 1970 regulations also included Section 103.1, a general provision first enacted in 1955 and contained in the current BCZR:

"These regulations shall apply as of the date of their adoption but the provisions pertaining to use, height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to the (then) Baltimore County Planning Commission (now Planning Board) and approved or tentatively approved (including any approval made subject to any condition or conditions) under the then existing official procedure in Baltimore County, prior to the adoption of these regulations. The

Zoning Regulations applicable to any such development, subdivision or parcel of land as aforesaid shall be the Zoning Regulations in effect at the time such plan, as aforesaid, was originally submitted to the Baltimore County Planning Commission."

C. The County Council sought further protection of the rural areas in 1975 with the sweeping regulations in Bill 98-75. It established the framework of the RC 2, RC 4 and RC 5 zones as we know them today. Among the provisions is 1A00.1 attached hereto.

D. At the same time, Bill 98-75 enacted BCZR Section 103.3:

"In an R.C. 2, R.C. 3, R.C. 4 or R.C. 5 Zone, contrary provisions of Subsection 103.1 and any other contrary provisions of or pursuant to these regulations notwithstanding, in the case of property covered by a recorded subdivision plat which was approved by the Baltimore County Planning Commission or Board before the effective date of this subsection, and which remains in effect, buildings may be constructed, residential densities and lot lines may be established, and yards and other open areas may be laid out in accordance with that plan, subject to any condition of the approval.

Where such a plan has been so approved but does not indicate densities or the situations of buildings or yards or other open spaces, these may be established or situated only in accordance with the standards as prescribed and in force at the time of the lot recordation. [Bill No. 98-1975]."

E. Additional amendments to the rural zones occurred in 1979 with the passage of Bill 178-79. The Planning Board stated the purpose of these amendments to the **Resource Conservation** in its report of August 14, 1979:

"The amendments to regulations of the Resource Conservation classifications contained in the report would significantly strengthen those classifications to more fully achieve their intended purposes."

The amendments established specific provisions for density, uses, bulk and area that remain the law today. Subsequent refinements to the statutes have been enacted, but the general purposes and concepts remain consistent since 1979.

BCZR 1A01.3B.1 and .2 establishes the density restrictions in the RC 2 zone:

"B. Area Regulations. [Bill No. 178-1979]

1. Subdivision lot density. No lot of record lying within an R.C. 2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of one lot for each 50 acres of gross area...

2. Lot size. A lot having an area less than one acre may not be created in an R. C. 2 zone."

Petitioners here are, in effect, requesting a "density variance" from two to three. This Board determined in The Matter of Horodowicz that BCZR 307.1 (Variance statute) does not permit a variance to increase residential density.

APPLICATION OF THE ZONING REGULATIONS

A. The issues in this case fall back on the "generic" and fundamental BCZR 102.1:

"No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use."

See also Kowalski v. Lamar, 25 Md.App. 493 (1975) which prohibits a use not specifically listed in the zoning regulations.

This provision triggers reference to all the other zoning regulations set out in the preceding section of this Memorandum. Unfortunately, Petitioners overlook BCZR 102.1 and put the cart before the horse. They assume density on the "yellow" and "pink" parcels because they were created by deed prior to 1970. As a result of this initial error, their entire case falls astray. People's Counsel contends Section 102.1 requires application of the current RC 2 law. An 11.162 acre parcel has a total of 2 density units. There is no separate density on the pink and yellow lots because they do not satisfy the one acre minimum size. To affirm the Special Hearing, Petitioners must prove they fall within the exceptions to these standards.

B. BCZR 103.3 and BCZR 103. 1 are statutory exceptions to applying the RC 2 zone regulations to the proposed development. In short, these sections "grandfather" **only an approved development plan or an approved recorded subdivision plat, both of which must have been approved by the Baltimore County Planning Commission or Planning Board before the effective date of the otherwise applicable regulation.** It is undisputed this site has never been part of a recorded subdivision plat nor part of an approved site plan or development plan.

C. A second exception exists for the "nonconforming use". (BCZR 104, 101). It does not apply to the instant case for two reasons. First, "nonconforming" applies to a use, not to a vacant piece of property. A use which is planned rather than actually commenced prior to the enactment of a restrictive ordinance is not an existing use which is entitled to continue. Williams, American Law of Zoning, Section 6.23. Second, a nonconforming use loses its protected status when the use is changed. See Prince George's Co. v. E.L. Gardner, Inc., 293 Md. 259 (1982).

Here, the Petitioners propose to change the use from a single dwelling on 11.162 acres to three residential lots.

D. Appellate decisions have consistently ruled that courts and administrative agencies must apply the law in effect when the case is decided. In O'Donnell v. Bassler, 289 Md. 501 (1981), the Howard County Board of Appeals approved a special exception for an airfield. While

on appeal, the County Council passed a law in 1977 which abolished the use. The Circuit Court nevertheless applied old 1961 regulations. The Court of Special Appeals found the 1977 law would apply, but that, because "validly granted under the 1961 Regulations," the use could continue as a lawful nonconforming use. The Court of Appeals reversed, stating the 1977 law applies, absent vested rights, and that there was no nonconforming use. In Enviro-Gro v. Bockelmann, 88 Md.App. 323, 339 (1991) Judge Cathell applied the principle of Yorkdale Corp. v. Powell, 237 Md. 121, 124 (1964):

> *"Maryland consistently has followed the rule that 'an appellate court is bound to decide a case according to existing laws, even though a judgment rendered by the court below should be reversed as a consequence...' [Citations omitted.]. . . See also for this proposition that a change in the law after a decision below and before final decision by the appellate court will be applied by that Court unless vested or accrued substantive rights would be disturbed or unless the legislature shows a contrary intent..." [Citations omitted.]*

The instant case is not even a close call. Both the RC 2 and RC 4 zones, which prohibit the relief requested here, applied to the site over twenty years ago.

TESTIMONY OF PAUL SOLOMON

Mr. Paul Solomon appeared before this Board as an expert in land planning and zoning on numerous occasions. He was charged by Baltimore County to develop a comprehensive zoning framework for the rural agricultural areas in the northern county. Under his direction, the Resource Conservation zones were established.

Mr. Solomon stated unequivocally that the subject site is not entitled to three density units. He visited the site, reviewed its zoning history and the prior maps, reviewed BCZR, and the history of the RC zones, including County Council Bills and Planning Board reports.

He explained the County's intent in the 1970s to preserve agricultural land, open space and resources. He described the concept of minimum acreage and limitation of density to accomplish these goals. He confirmed the minimum acreage for development is 1 acre in the RC 2 zone, and 3 acres in the RC 4 zone.

Mr. Solomon's testimony supports the interpretation of the statute, which is clear on its face.

> *"A statute must be construed so as to 'ascertain and carry out the intent of the legislature.'" When a statute is unambiguous, the court need not look beyond the statute itself to identify the intent of the legislature."* Montgomery County v. Buckman, 33 Md. 516,523 (1994).

Mr. Solomon explained his office intended the newly enacted RC zones to apply to future development of all lots. The County Council, as a compromise, provided exceptions for developments plans or subdivisions approved by the Planning Board or its predecessor, the Planning Commission. Mr. Solomon agreed neither these exceptions, or vested rights and nonconforming use, apply to the instant case. Moreover, he explained the Planning Office did not intend to provide for any other exceptions, and particularly undersized lots conveyed for non density purposes.

The witness stated many undersized lots were created by deed in the rural areas. They were usually conveyed for fanning purposes, to provide additional yard space, access, areas for wells and septic systems, or buffer area between property lines.

Mr. Solomon said the acquisitions and out-conveyances in the instant case are good examples. He noted according to the site plan, the septic system for the existing house is located on the Yellow outlined parcel. It appeared to him the yellow and pink outlined parcels were out-conveyances from the larger parcel on the north side of Stringtown Road. It seems these parcels provided Mr. Palmer, the grantee and predecessor in title to the Petitioners, a buffer to the road,

and outflow for his septic system, since his site, on the south side, slopes downward toward Stringtown Road. The pink parcel is part of the front yard for the dwelling. It was a natural acquisition to complement the terrain and the path of the road.

He noted the pink and yellow parcels would serve no purpose to the owner of the tract on the north side of Stringtown Road. Mr. Solomon said it would appear unreasonable and unlikely Mr. Palmer purchased either the pink or yellow outlined lots as building lots for additional dwellings directly in front of his house.

From his observations, these undersized lots were used in combination with the larger parcel (outlined in red) and the dwelling, as part of the front and side yards of a home site. This testimony supports the position that the owner's intent was to merge the parcels into a single lot. Petitioners' witnesses did not dispute this fact.

Mr. Solomon remarked the out-conveyances outlined in green, blue and orange on the site plan support his testimony describing the purposes of undersized conveyances. Even Petitioners' surveyor admitted the blue outlined parcel was conveyed for access for the adjoining owner. There was no testimony of an intent to separately develop any of these undersized parcels.

It was Mr. Solomon's opinion, based on his working knowledge of these types of conveyances and the intent of the density provisions in the RC zones, that no density attached to the .301 "pink" parcel and the .470 "yellow" parcel. The total acreage purchased by the Webberts supported a maximum of two dwelling units, including the existing house.

Additionally, Mr. Solomon described the instant site as rolling hillside and partially wooded. He pointed out that such sites are protected as agricultural. The Master Plan states:

> "*ISSUE: Woodlands*
>
> *Woodland production is considered part of the agricultural industry but it is not always recognized as such.*

ACTIONS

1. Clearly determine the role of woodland protection with respect to agricultural preservation.

2. Provide for woodland production of nontimber products.

3. Promote the State Woodland Management Programs."

Later the Master Plan Northern Sector states:

"The agriculture industry includes ***small woodlots,*** *family farms and corporate farms."* (Emphasis added.)

Mr. Solomon strongly cautioned that granting the Petition here would result in an unintended density multiplier. It would frustrate the intent of the RC zones and violate the clear meaning of the statutes and the Master Plan.

ABSENCE OF VESTED RIGHTS

Young, American Law of Zoning, Section 6.21, states:

"A landowner does not have a vested right in the existing classification of his land. A landowner's right to establish a particular use can be summarily terminated by an amendment which reclassifies his land and outlaws the use in question."

The current zoning classification and its density standards apply in the absence of vested rights. To secure vested rights, an owner must show both detrimental reliance upon a validly issued permit and sufficient visible construction to give notice of utilization. In Sycamore Realty v. People's Counsel, 344 Md. 57 (1996), the Court of Appeals declined to relax vested rights standards or to adopt "zoning estoppel". The Webberts failed to satisfy these requirements before the 1996 rezoning to RC 2. (Nor did the Webberts, or the prior owner, satisfy these requirements before the 1970 RDP zoning and the 1975 and 1979 RC 4 zoning).

In P.G. County v. Sunrise Dev. L.P., 330 Md. 297 (1993), the developer enjoyed administrative approval of its apartment complex, had spent much money towards construction, and had put in a footing. But it had no construction above ground prior to down zoning. "Vested rights/fairness" claims failed even with expenses and steps toward intended use.

In Rockville Feed Co. v. Gaithersburg, 266 Md. 117 (1972), the developer received special exception approval and spent over $375,000. A zoning amendment eliminated the special exception use. The developer lacked the valid permit and substantial construction necessary to qualify for vested rights.

This Board denied development of an undersized lot in the Density Residential (D.R.) zone in The Matter of Grill, 94-163. The Court of Special Appeals upheld the CBA, and in an unreported Opinion (No. 268, September Term, 1996) stated at p. 16:

> *"Zoning matters involve a balancing of the interests of all property owners in an area. In enacting BCZR Section 304* [undersized lot statute not in the instant case] *Baltimore County struck a balance between the expectancy of interests of landowners who, in the 1940s and 1950s, had intended to build on land that was affected by the zoning scheme, and the long-term interests of the County in protecting against overdevelopment and overcrowding. At a minimum, forty years later, purchasers of land in Catonsville Gardens made their purchase with constructive knowledge of the zoning scheme."*

The CBA reached a similar decision in an undersized lot case, In The Matter of Blasy, recently affirmed by the Circuit Court.

Here, the Webberts lacked effective approval and actual use of three residential lots prior to the RC zoning. They need both, but have neither. The RC 2 standards apply to the Petition for Special Hearing.

THE MERGER DOCTRINE

The testimony of Petitioners' witnesses affirms the parcels outlined in red, yellow and pink on Petitioners' site plan have been used continuously as a single homestead. The septic system for the dwelling is located on the yellow outlined .301 acre parcel. The pink outlined .470 acre parcel, and the yellow parcel, comprise the front lawn. There are no natural or artificial barriers separating the colored parcels on the site plan.

From all appearances, as described by Mr. Solomon and the Petitioners' witnesses, Mr. Palmer used the entire site as front yard space between the dwelling and the road. The current tenants maintain the property in the same fashion.

The "merger" doctrine was adopted by the Court of Appeals in Friends of the Ridge v. BG&E, 352 Md. 645 (1999). Judge Cathell wrote:

> *"Efforts throughout the county, including Baltimore County, have been to restrict undersized parcels... These efforts have resulted in the creation and evolution in zoning of the doctrine of merger, which, in zoning cases, generally prohibits the use of individual substandard parcels if contiguous parcels have been, at any relevant time, in the same ownership and at the time of that ownership, the combined parcel was not substandard."*

Judge Cathell continues at p. 657, quoting Iannucci v. Zoning Board of Appeals, 592 A.2d. 970 (1991):

> *"Contiguous land owned by the same person does not necessarily constitute a single lot. A merger can occur, however, if the owner of contiguous parcels of land intends to form one tract. The owner's intent 'may be inferred from his conduct with respect to the land and the use which he makes of it.'... The plaintiff's assertion that the lots remain separate because they appear separately on the original subdivision plan is not persuasive. A reference to*

multiple lots 'from a map filed in the land records does not compel a finding of an absence of merger. . . . Such a conclusion conflicts with the basic proposition that in a determination of the factual issue of merger, the intent of the property owners must be ascertained and that no single factor is dispositive.'"

Here there is not even a subdivision plat showing a history of separate parcels. Furthermore, the red, yellow and pink parcels were combined into a single deed (albeit with separate descriptions) in the 1986 deed (Petitioners' #7). Separate deed descriptions do not defeat a *de facto* merger. Again Judge Cathell at p. 658:

"For title purposes, the platted lot lines may remain, but, by operation of law, a single parcel emerges for zoning purposes."

For purposes of calculating zoning density in this case, a single 11.162 acre lot exists, in fact, under the merger doctrine. It is entitled to two density units under the RC 2 zone.

Petitioners' argument that the acreage outlined in yellow and pink are "lots" with more autonomy and credibility than "parcels" or "tracts" is dismissed in Friends of the Ridge, *supra*:

"The term 'lots' as used in ordinances generally means parcels or tracts of land." Id.. *652.*

"In zoning, the term lot normally is generic and used interchangeably to describe parcels, tracts, pieces or sections of land." Id. *655.*

Again in footnote 12, p. 661:

"As we have said, unless otherwise indicated, 'lot' as used in zoning or subdivision definition is the equivalent of 'parcel' or 'tract.'"

From practical observations and the testimony of Paul Solomon, it appears **objectively** the intent was to merge the lots.

A LOT LINE ADJUSTMENT IS NOT PERMITTED TO CIRCUMVENT ZONING LAWS

A. Petitioners refer to their proposal as a "lot line adjustment". The label cannot euphemistically mask their plan as a subdivision and development. In truth, no such "lot line adjustment" process exists to increase density and bypass current law. There is no regulation in BCZR and Petitioners failed to cite authority.

The Zoning Commissioner's Policy Manual clearly prohibits it at p. 1A-10:

> *"If the intent is to reconfigure the existing lots, the main purpose must be for the protection and preservation of farm land and not to create 'more uniform' lots for home sites."*

The Petitioners' surveyor, Mr. Myers, admitted in cross examination that the lots shown on the site plan were drawn to create more uniform lots of 3.335, 3.104, and 4.723 acres for the existing dwelling and the two proposed dwellings.

B. Additionally, Mr. Myers suggested the County's separate approval of the wells and septic system is tantamount to approval of the three proposed lots. The development regulations which oversee such matters as wells and septic systems, are no substitute for zoning approval. Baltimore County Code (BCC) Section 26-180:

> ***"Compliance With Other Laws and Regulations.*** *In addition to compliance with these development regulations, all development shall comply with all other applicable laws, rules, or regulations of the county. All other laws, rules or regulations of the county affecting development are not superseded by these regulations unless specifically so provided herein."...*

(Emphasis added.)

A TRANSFER OF DEVELOPMENT RIGHTS IS PROHIBITED

People's Counsel strongly opposes density attributable to the undersized yellow and pink parcels. But even if one density unit exists for each parcel, it must be utilized on that parcel. Neither BCZR nor the BCC makes any provision to transfer density from one parcel to another.

Judge Barbara Howe of the Circuit Court for Baltimore County stated in The Matter Of Steven H. Gudeman, 89-CG-911:

> *"... there is also nothing in the statutes to allow transfers of density from one parcel to another... The transfer of density is a zoning function which cannot even be accomplished by amendments to the master plan duly approved by a Planning Commission or Planning Board, let alone by unilateral action by a zoning commissioner under the guise of 'policy.'"* West Montgomery Association v. MNCP&P Commission, 309 Md. 183 (1987).

CRITIQUE OF THE WITNESSES

A. **Mr. Douglas C. Myers** prepared the site plan. He is a licensed surveyor. He is not an expert in land planning and zoning, either by experience or education. He cannot render an opinion on density and the Resource Conservation Zones. He had no knowledge of the zoning history of the site.

Mr. Myers' testimony supports application of the merger doctrine. He acknowledged there are no natural or even artificial divisions among the yellow, pink and red parcels, but that all comprise a yard for the dwelling. He agreed the septic system for the residence has been located on the yellow lot for quite some time. He agreed the prior owner did not maintain the undersized yellow and pink lots for development, never constructed a house on either, and never tried to do so. Mr. Myers agreed the site could continue in its present use as a single home site. He saw no impediment to subdivide the red parcel to accommodate one additional dwelling and comply with a maximum of two density units.

Mr. Myers also acknowledged the undersized lots could not support a house, well and septic under current development standards.

B. Mr. Robert Webbert, who owns the property along with his wife, has been renting the site, including the dwelling. He did not claim lack of use for the site. He never refuted the "merger" of the yellow, pink and red parcels.

C. Richard McQuaid testified as a citizen of the area, and as the representative of the North County Coalition, Inc., an umbrella group representing several community associations in northern Baltimore County. Mr. McQuaid admitted into evidence the appropriate "Rule 8" papers. The Coalition opposes the proposed development as a violation of the density regulations, and the spirit and intent of the RC 2 zone. They are concerned that other owners of undersized parcels would use this case, if the relief were granted, to multiply density.

Mr. McQuaid is personally aware of numerous undersized parcels in the northern county. He agrees with Mr. Solomon that these parcels were never intended for development, or as a source of density for adjoining parcels.

SUMMARY

The decision in this case is crucial. Petitioners' requested relief contradicts the statutes and circumvents the intent of the Resource Conservation zones. Their position and arguments are, at the very least, unreasonable. The impact of the Board's decision extends beyond this site. Granting the Petition for Special Hearing would be a grave offense and injustice to the thirty-year effort of Baltimore County to protect the rural areas.

For all these reasons, the Petition for Special Hearing should be denied.

PETER MAX ZIMMERMAN
People's Counsel For Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of July, 1999, a copy of the foregoing People's Counsel's Memorandum was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioners.

CAROLE S. DEMILIO

Record lot: A lot or parcel of land that has been created in accordance with the provisions of Title 22, Section 32 of the Baltimore County Code, 1968 Edition and recorded among the Land Records of Baltimore County on or before the effective date of these regulations.

Residential zone: A zone classified as R. C., D. R., or R. A. E. "Zoned for residential purposes": Within a residential zone.

SECTION 3. *Be it further enacted,* that new subsection 103.3 be and it is hereby added to Section 103 of said Zoning Regulations; said new subsection to read as follows:

103. 3—In an R. C. 2, R. C. 3, R. C. 4, or R. C. 5 zone, contrary provisions of Subsection 103.1 and any other contrary provisions of or pursuant to these regulations notwithstanding, in the case of property covered by a recorded subdivision plat ~~or tentative approval of a Preliminary Plan and so marked~~ which was approved by the Baltimore County Planning Commission or Board before the effective date of this subsection, and which remains in effect, buildings may be constructed, residential densities and lot lines may be established, and yards and other open areas may be laid out in accordance with that plan, subject to any conditions of the approval. Where such a plan has been so approved but does not indicate densities or the situations of buildings or yards or other open spaces, these may be established or situated only in accordance with the standards as prescribed and in force at the time of the lot recordation.

SECTION 4. *Be it further enacted,* that Article 1A of said Zoning Regulations and Sections 1A00 and 1A01 thereunder be and they are hereby repealed and new Sections 1A00, 1A01, 1A02, 1A03 and 1A04 under new Article 1A be and they are hereby enacted in lieu thereof, said new Sections and Article to read as follows:

ARTICLE 1A—RESOURCE-CONSERVATION ZONES

Section 1A00—GENERAL PROVISIONS: ALL R. C. CLASSIFICATIONS.

1A00.1—Findings. It is found:

a. That development in the rural areas of Baltimore County has in recent years been taking place at an increasing rate;

b. That this development has occurred without the framework of a land use plan or other planning components;

c. That due to this and other factors, this development has formed very undesirable land use patterns;

d. that in general, these patterns are, or can be described as, urban sprawl;

e. that a significant amount of urban sprawl development is occurring as linear development along the various highways of the rural areas of the County as tracts of land immediately fronting along highways are "lotted off"; the utility of the road system is being impaired and future improvements will be frustrated if this process continues;

f. that it has been established that this development carries with it an extremely high cost to the County in a number of respects including:

1. the cost of servicing this pattern of development;

2. the cost with respect to its consumption and use of prime agricultural land, critical watershed areas, mineral extractive sites, as well as of other important natural resource areas;

3. the cost of future development opportunities due to the fact that viable, rational alternatives will be lost totally or comprised significantly by the present form of development;

g. that the aspect of the comprehensive plan that is applicable and which is being considered for rural Baltimore County embodies solutions to the various problems; and

h. that the effective implementation of this plan requires additional zoning classifications.

1A00.2—Purposes. Pursuant to the above findings it is the purpose of the Resource Censervation zones to:

a) discourage present land use patterns of development and to create a framework for planned or orderly development;

b) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas;

c) protect both natural and man-made resources from compromising effects of specific forms and densities of development;

d) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences.

1A00.3—Rezoning.

A. Filing of rezoning petitions.

1. No petition to reclassify an R. C. zone or part thereof as other than an R. C. zone may be accepted for filing by the Zoning Commissioner unless-

a. The Capital Program, duly adopted Baltimore County master or comprehensive plans, and the "county plan" required under Article 43, Section 387C of the Annotated Code of Maryland 1957, with

WEBBERT CASE – CHRONOLOGY OF LAND ACQUISITIONS AND OFF CONVEYANCES

YEAR	CONVEYANCE	ACERAGE	ZONE	COLOR OF PARCEL
1925	Lloyds to Palmer	11 acres, 56 perches	None	Red
1934	Palmer to Bull	.361 acre	None	Green
1934	Naylor to Palmer	.306 acre	None	Pink
1948	Naylor to Palmer	.548 acre	None	Yellow
1974	Palmer to G.Palmer	.14 acre	RDP	Orange
1986	Palmer to Palmer Trust	11.353 acre	RC 4	Red, Yellow,Pink
1994	Palmer Trust to Gencel	.212 acre	RC 4	Blue
1996	Palmer Trust to Webberts	11.162 acre	RC 2	Red, Yellow,Pink

"Pink" Parcel

DATE	CONVEYANCE	ACREAGE	ZONING	USE
5-26-34	Naylors to Wm Palmer	.306	No Zoning enacted	With 11 acres-Unimproved
1945		.306	Zoning but not in Rural areas	"
1955		.306	Zoning but not in Rural areas	"
1970		.306	RDP-Rural Deferred Planning 1 acre lot minimum	"
1975		.306	RC 4 Density .2x.306= .0612 NO DENSITY 3 acre lot minimum	"
1979		.306	RC 4	"
1986	Wm Palmer to G.Palmer,Trustee	.306	RC 4	"
4-15-96	G.Palmer to Webberts	.301	RC 2	"
12-1-96		.301	RC 2 Density-No Lot less than 1 Acre may be created	"

Yellow Parcel

DATE	CONVEYANCE	ACREAGE	ZONING	USE
1945	Prior to convey-ance		Zoning but not in Rural areas	
4-18-48	Naylors to Palmers	.548	Zoning but not in Rural areas	With 11 acres-Unimproved
1955		.548	Zoning but not in Rural areas	" "
1970		.548	RDP-Rural Deferred Planning Density - 1 acre min.	" "
1974	WmPalmer to G.Palmers .078 acres	.470	RDP	" "
1975		.470	RC 4- Density .2x .470=.094 NO DENSITY 3 acre lot minimum	"
1979		.470	RC 4	
1986	WmPalmer to G.Palmer,Trustee	.470	RC 4	"
4-15-96	G.Palmer to Webberts	.470	RC 2	"
12-1-96		.470	RC 2 Density-No Lot less than 1 Acre may be created	"

7/16/99

BEFORE THE

COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

Case No. 99-11-SPH

ROBERT F. and BARBARA P. WEBBERT

Petitioners/Appellees

2119 Stringtown Road
5th Election District
3rd Councilmanic District

APPELLEES' POST-HEARING MEMORANDUM

Robert and Barbara Webbert (the "Webberts" or "Appellees"), by and through their undersigned legal counsel, hereby submit this Post-Hearing Memorandum in accordance with the direction of the County Board of Appeals at the hearing held on the above-referenced case in lieu of closing argument.

STATEMENT OF THE CASE

This case involves the appeal of a final decision of the Deputy Zoning Commissioner for Baltimore County, dated October 1, 1998, wherein a Petition for Special Hearing was approved, with a single condition, for the "approval and confirmation of the accumulation and redistribution of the remaining RC-2 development rights" among three lots of record, owned by the Appellees on the southeast side of Stringtown Road (the "Subject Property").

The Deputy Zoning Commissioner granted the relief requested and his decision was appealed by the Baltimore County Office of People's Counsel ("People's Counsel"). This Board conducted a nearly day-long hearing on People's Counsel's appeal, at which time Appellees presented testimony and recorded ,documentary evidence in support of the relief prayed. The People's Counsel's case consisted of: i) unsubstantiated concerns of lay witnesses in opposition to the requested relief; and ii) purported expert zoning testimony from a former Baltimore County Environmental Planning Division Chief. At the conclusion of the case, this Board requested that counsel for the respective parties submit written memoranda in lieu of closing argument.

THE RELEVANT FACTS

The Subject Property is presently owned by Robert F. and Barbara P. Webbert, his wife.[1] The first, or Pink Lot[2], is comprised of approximately 0.306 ± acres and was created by a deed dated May 26, 1934, which is recorded among the Land Records of Baltimore County in Liber 938, folio 471. The second, or Yellow Lot, is comprised of approximately 0.541 ± acres and was created by a deed dated April 10, 1948, recorded among the Land Records of Baltimore County in Liber 1654, folio 291. The third, or Red Lot, is presently

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[1] The Appellees acquired title to the three lots comprising the Subject Property by virtue of a Confirmatory Deed, dated April 15, 1996, from George V. Plamer (Ms. Webbert's father), Trustee of the William A. Palmer (Ms. Webbert's grand-father) Trust, recorded among the Land Records of Baltimore County in Liber 11544, folio 539, confirming the prior conveyance to the Appellees by deed dated July 18, 1995, recorded among the Land Records of Baltimore County in Liber 11133, folio 414.

[2] The various lots and conveyances were described at the Board's hearing by reference to a copy of the *Plan to Accompany Special Hearing* that had been annotated with various colors and keyed to the deeds introduced by the Appellees.

comprised of approximately 11.16 ± acres and was created by a deed, dated October 10, 1925, recorded among the Land Records of Baltimore County in Liber 628, folio 070. After several, minor out-conveyances of acreage (described in detail below) and one non-density conveyance out of acreage which occurred after November 25, 1979, the Appellees sought to adjust the lot lines among the three lots. When the Lot Line Adjustment was presented to Baltimore County officials, the Webberts were advised that: i) a zoning Special Hearing would have to be held to confirm the number of residential dwellings that can be constructed on the Subject Property in light of the prior out-conveyances and the ownership of contiguous land; and ii) a Minor Subdivision Plan, depicting the modification of lot lines and resultant lot configuration, would have to be approved.

Although, the Subject Property has four "dwelling" or "density" rights (i.e. the right to construct one dwelling on each of the Pink and Yellow lots and the right to construct two dwellings on the Red lot), at the hearing before the Deputy Zoning Commissioner and again at the hearing before this Board, Mr. and Mrs. Webbert indicated that they were seeking to utilize only three (3) of the dwelling unit rights, thereby extinguishing the fourth. The requested relief was granted by the Deputy Zoning Commissioner, at a hearing were there were no protestants or other interested persons present, and an appeal of that decision was noted to this Board by the People's Counsel.

At this Board's hearing, the Webberts presented the testimony of Mr. Douglas Myers, an employee of C.A. Myers & Son, the surveying firm retained by the Appellees to prepare the *Plan to Accompany Special Hearing* (the "Plan"). Mr. Myers was accepted by the Board as an expert in matters of surveying. As submitted, the Plan bears the professional land

surveyor seals of both Charles A. Myers and Robert T. Fishpaugh.

Mr. Myers testified that he is required to be familiar with the *Baltimore County Zoning Regulations* ("BCZR") in the regular practice of his surveying profession.[3] With respect to the Plan, Mr. Myers testified that the lot lines, area and location of existing and proposed improvements and all other features are shown accurately.

As to the conveyances of the lots forming the Subject Property and the out conveyances therefrom, Mr. Myers' testimony indicated that:

- By deed dated October 10, 1925, recorded among the Land Records of Baltimore County in Liber 628, folio 070, 11.35 ± acres was conveyed into the Subject Property, as shown in red on the Plan (the "red lot");

- By deed dated May 26, 1934 and recorded among the Land Records of Baltimore County in Liber 934, folio 550, .361 ± acres was conveyed out of the Subject Property to M/M Bull to be combined with their existing lot, as shown in green on the Plan;

- By deed dated May 26, 1934 and recorded among the Land Records of Baltimore County in Liber 938, folio 471, .306 ± acres was conveyed into the Subject Property, as shown in pink on the Plan (the "pink lot");

- By deed dated April 10, 1948 and recorded among the Land Records of Baltimore County in Liber 1654, folio 291, .541 ± acres was conveyed into the Subject Property as shown in yellow on the Plan (the "yellow lot";

- By deed dated September 5, 1974 and recorded among the Land Records in Liber 5476, folio 305, .14 ± acres was conveyed out of the Subject Property as shown in orange on the Plan;

- By deed dated July 2, 1994 and recorded among the Land Records of Baltimore County in Liber 10664, folio 528, .212 ± acres was conveyed out of the Subject Property to Joan Gencel as shown in blue on the Plan to address a driveway encroachment issue.

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[3] Although Mr. Myers' familiarity with the body of the regulations contained within the BCZR was obvious, he was unclear as to the zoning classification of the Subject Property over the years since zoning was adopted in Baltimore County.

Mr. Myers also testified that, based upon his review of the Land Records, the Subject Property been held intact since September 4, 1974, saving and excepting the 1994 out conveyance to Mrs. Gencel and that none of the conveyances was a conveyance of "density". After consideration of the chain of title, Mr. Myers testified that, at present there were three (3) lots of record which, based on the existing RC-2 zoning classification, contained a total of four (4) dwelling unit rights; two (2) on the red lot, one (1) on the yellow lot, and one (1) on the pink lot and that, except as noted above, the lots have not been modified since November 25, 1979, the effective date of the current RC-2 zoning regulations.

With respect to the proposed reconfiguration of the lot lines forming the three lots, Mr. Myers testified that:

- none of the reconfigured lots would be less than the one acre minimum required for creation of new lots;
- as shown on the Plan, one principal dwelling can be located on each of the reconfigured lots in accordance with all applicable zoning setbacks;
- percolation tests for on-site sewage disposal have been conducted and septic reserve areas and water well areas have been approved by Baltimore County on each of the reconfigured lots.

Concluding his testimony before the Board, Mr. Myers opined that the relief requested can be granted within the spirit and intent of the BCZR, as he applies them in his surveying occupation, and that the reconfiguration of the lots will not be detrimental to the health, safety or welfare of the community or otherwise overcrowd the land.

On behalf of himself and his wife, Mr. Webbert testified that the Subject Property had been in his wife's family for decades and that he and Barbara Webbert had owned the property for approximately four years. Mr. Webbert described the existing improvements

on one of the lots which form the Subject Property and that none of the out conveyances described during Mr. Myers' testimony was intended to convey any "density" or rights to erect dwelling units. Mr. Webbert offered no testimony, either on direct or cross-examination, that would even suggest an intent by the Webberts or their predecessors in title to merge one or more of the existing lots.

In opposition to the relief requested, People's Counsel presented the testimony of Richard McQuaid, Ph.D and Paul Solomon, a former planner for Baltimore County. Over objection, Mr. McQuaid testified on behalf of the North County Coalition (an umbrella citizens group), that the requested relief, if granted, would result in dwellings being constructed on small lots throughout the rural areas of the County, in contravention of the County's goals for protection of agricultural land.

Mr. Solomon, qualified over objection only, testified as an expert witness in the limited area of land planning and zoning as it applies to the resource conservation zones, testified that prior to the enactment of the present RC (Resource Conservation) zones, the Subject Property was classified as RDP or Rural-Deferred Planning (of public utilities). Specifically, Mr. Solomon indicated that the Subject Property was classified as RDP in 1970, as RC4 (watershed protection) in 1980 and has been classified as RC2 since 1996. Mr. Solomon was unable to discuss the zoning of the Subject Property before 1970 and was unaware of the adoption of the Baltimore County Zoning Regulations in 1955.

On direct examination, Mr. Solomon testified that the only grandfathering provision for lots which existed prior to 1970 was contained in BCZR Section 103.3. According to Mr. Solomon's testimony, lots in the RC zones can not be improved with a residential dwelling,

unless shown on a subdivision plan approved by the Planning Board (or the Planning Commission which preceded it). Mr. Solomon indicated that, in his opinion, unless a lot which did not conform to the RC zone requirements had a building constructed on it, the owner's right to develop that lot would not be vested from the operation and effect of the RC zone's minimum lot size requirements. Mr. Solomon opined that the "explicit language" of BCZR Section 103.3 was the only exception for the improvement (with a dwelling) of lots not meeting the minimum lot size requirements in the RC zones and that individuals could own land in the County, on which taxes were being paid, which could not be so improved. On cross-examination, Mr. Solomon was unwilling (or unable) to differentiate between the "improvement" of a lot versus the "creation" of a lot. Finally, in Mr. Solomon's opinion, the Webberts have the right to create two lots on the red lot by virtue of the fact that it is greater than 10 acres in size and, in his opinion, they have no right to develop either the "pink" or "yellow" lots.

LEGAL ARGUMENT IN SUPPORT OF THE PETITION

THE "CREATION" OF LOTS

The Petitioners/Appellees are not seeking to create lots; the requested relief is to approve, as required by the BCZR, the equivalent of a "lot" line adjustment to make lots of record conform to and exceed current, minimum lot sizes

The Office of People's Counsel and its witnesses, apparently believe that the Webberts intend to create new lots. Such could not be further from the case pending before the Board. Rather, the Webberts have three lots, all of which were established prior to 1955,

the date of adoption of the Baltimore County Zoning Regulations. The confusion of People's Counsel and its witnesses is apparently based on Mr. Solomon's mis-understanding or not understanding the entire body of the Baltimore County Zoning Regulations.

In Section 101 of the BCZR, the term "Lot of Record" is defined as "a parcel of land with boundaries as recorded in the Land Records of Baltimore County on the same date as the effective date of the Zoning Regulation which governs the use, subdivision or other condition thereof." Clearly, the evidence shows that all three lots owned by the Webberts were recorded among the Land Records of Baltimore County prior to 1955. Mr. Solomon would have this Board understand the Zoning Regulations to prohibit the improvement of lots in the rural area of Baltimore County that are less than one acre in size. Specifically, Mr. Solomon's testimony relied on Section 103.3 of the BCZR which states that on property classified as Resource Conservation, "in the case of property covered by a recorded subdivision plat which was approved by the Baltimore County Planning Commission or Board **before the effective date of this subsection**, and which remains in effect, buildings may be constructed, residential densities and lot lines may be **established**, and yards and other open areas may be laid out in accordance with **that plan**, subject to any conditions of the approval." (Emphases added.) As to lots that are recorded in an approved plan, Mr. Solomon's interpretation appears to be accurate. However, neither Mr. Solomon's testimony nor Section 103.3 applies to Lots of Record which were established prior to the existence of zoning in Baltimore County and that are not otherwise shown on a plan approved by the Planning Commission or Planning Board.

The County Council enacted a separate provision of the BCZR to deal with

undersized lots. In addition to the express language adopted by the County Council, the Zoning Commissioner has also adopted a long standing interpretation on this subject, which has also been codified as part of the *Code of County Regulations*. Specifically, BCZR Section 304.1 provides:

> A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:
>
> A. **Such lot shall have been duly recorded** either **by deed** or in a validly approved subdivision **prior to March 30, 1955**;
>
> B. All other requirements of the height and area regulations are complied with; and
>
> C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

BCZR Section 304.1 (emphasis added)

Thus, if the Webberts owned only the pink and yellow lots as shown on Petitioner's Exhibit No. 1, BCZR Section 304.1 expressly permits them to erect dwellings thereon which meet all other height and area requirements. However, in this case, the Webberts also own the red lot as shown on Petitioner's Exhibit No. 1 and are therefore bound by the provisions of BCZR Section 304.1.C. That is, in order to build on the Lots of Record identified as the pink and yellow lots, the Webberts are required to incorporate portions of the adjoining land which they own (red lot) to conform the yellow and pink lots to the width and area requirements contained in the regulations. This is precisely what the Webberts are attempting to do by lot line adjustment and the Special Hearing which is presently on appeal before this Board.

Mr. Solomon's limited knowledge and expertise with the BCZR offers little, if any, guidance to this Board in applying the applicable regulations to the Webbert's proposal. Specifically, the Zoning Commissioner's Policy Manual as it pertains to the RC zones, provides that "in an R.C.2 Zone, a parcel could possibly be transferred from the overall development tract to an adjacent existing Lot of Record provided that the end result does not permit a re-subdivision into a greater number of lots." (Emphasis added.) (A copy of this portion of the Policy Manual is included under Tab No. 1). Moreover, the same Policy Manual has interpreted Section 304 of the BCZR which pertains to the use of undersized, single-family lots. This policy, also adopted as part of the *Code of County Regulations*, provides that:

> It is obvious that Section 304 of the Baltimore County Zoning Regulations recognizes the existence of parcels of property that did not meet the minimum lot sizes mandated at the time the minimum lot size regulations were passed. To do otherwise would have the effect of rendering such undersized lots useless, and such legislation would be unconstitutional.

(Emphasis added.) (A copy of the applicable section of the Policy Manual is included with this Memorandum under Tab No. 2)

Rather than dealing with the applicable law and regulations in a straight forward manner and with the candor due this Board, Mr. Solomon, instead, attempted to introduce ***proposed*** amendments to the Baltimore County Zoning Regulations as prepared by the Baltimore County Planning Board in 1969.[4] Mr. Solomon also attempted to shift this Board's attention away from the applicable sections of the BCZR by making reference to the

---

[4] This document exists in the record as People's Counsel Exhibit No. 2.

prior regulations that were adopted under the Rural Deferred Planning Classification.[5]

The qualification of Mr. Solomon as an expert witness in zoning matters was objected to by counsel for the Webberts for good reason. Based upon the objections raised, Mr. Solomon's zoning expertise was limited to zoning as it pertains to the Resource Conservation portions of the BCZR. Had Mr. Solomon been fully familiar with the entire body of regulation adopted as the BCZR, it is suggested that his both testimony and/or opinion would have been dramatically different.

It has long been held by the appellate courts of this state that a statute that has been enacted and is unambiguous on its face will be given its plain meaning. This Board, when interpreting a statute, must ascertain and carry out the intent of the legislature. The statute under review itself provides the "clearest indication" of the intent of the legislature absent any ambiguity. *United Parcel Service v. Comptroller*, 69 Md. App. 458, 469 (1986). If there is no ambiguity, a reviewing court "need not look elsewhere to ascertain the intent of the General Assembly." *Baltimore Building and Construction Trades v. Barnes*, 290 Md. 9, 15 (1981).

The rule of statutory construction is equally applicable to administrative regulatory construction. *Dorsey v. Beads*, 288 Md. 161, 176 (1980). The Maryland Court of Appeals has long held that:

> A court may not insert or omit words to make a statute express an intention not evidenced in its original form ....

Dorsey at 176.

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[5] The RDP regulations exist in the record as People's Counsel No. 3.

Clearly, Section 304 of the BCZR cannot be more plain on its face. Likewise, the regulations that have been adopted from the policies and interpretations of that section support the proposal by the Webberts. Neither People's Counsel nor Mr. Solomon can avoid the plain application of the applicable regulations.

Moreover, Mr. Solomon's testimony relied primarily on the minimum lot size of the applicable regulations. Referring this Board specifically to Section 1A01.3.B.2 of the BCZR, it is clear that in a R.C.2 Zone, "a lot having an area less than one acre may not be created ...." The Webberts are not seeking to create new lots. Rather, they are merely doing that which is required by Section 304 of the BCZR. That is, they have existing Lots of Record which were created by deed prior to March 30, 1955 (*see* BCZR Section 304.1.A) and which they are now attempting to conform to the width and area requirements contained in the present requirements of BCZR Section 1A01.3, as it pertains to land zone R.C.2. Clearly, Mr. Solomon's testimony that property owners can own undersized lots that cannot be improved is completely contrary to the applicable body of Zoning Regulations applied in Baltimore County.

Additionally, the purported fear expressed by Dr. Richard McQuaid on behalf of the North County Coalition that to permit Lots of Record that were smaller than one acre to be developed would destroy the spirit and intent of the R.C. zones cannot be seriously entertained. Dr. McQuaid's testimony in opposition to the requested relief, as a lay witness, based on the unsupported fear of rampant subdivision has no legal effect or import given the contrary enactment of regulation by the County Council. Specifically, the appellate courts

of this state have long held that:

> Zoning is not a plebiscite and therefore testimony in opposition restricted solely to lay witnesses, petitions of objection to the proposal by residents, and testimony amounting to unsupported dislike and fear of (a) project . . . **amounted to no evidence at all.**

Entzian v. Prince George's County, 32 Md. App. 256, 262-63 (1976), *quoting Rockville Fuel and Feed Company, Inc. V. Board of Appeals of the City of Gaithersburg*, 257 Md. 183 (1970) (Emphasis supplied.)

For all of the above reasons, the Webbert's proposal should be approved as they are proceeding pursuant to Section 304 of the BCZR as required by its express terms and by the codified regulation interpreting said section. If the Office of People's Counsel, Mr. Solomon, Dr. McQuaid or the North County Coalition disagree with the presently adopted regulations, their remedy is misplaced before this Board. Rather, their remedy, if any to which they are entitled, is with the County Council.

THE DOCTRINE OF MERGER

The Doctrine of Merger which seeks to "merge" undersized lots so as to make them less non-conforming is not applicable in the State of Maryland (if at all), absent as showing of the common property Owner's intent to merge said properties; the instant relief requested is to make undersized lots more conforming.

During the hearing before this Board, the concept of merger of parcels was never discussed. However, People's Counsel examined Mr. Myers extensively regarding the existence or non-existence of physical features or boundaries which may delineate, visually, the three separate lots. As a result, counsel for the Webberts supposes that People's Counsel will suggest to this Board that under a presumed application of a "merger doctrine", the pink

and yellow lots were automatically merged into the red lot. Mr. Myers was very candid in describing the fact that there are no natural boundaries that exist along the present lot lines and that there have been no physical improvements made along the lot lines which would otherwise delineate the three separate lots.[6] Mr. Myers did testify that the pink and yellow lots as shown on Petitioner's Exhibit No. 1 had been grassed and seeded and that absent installation of survey points, flags or markers, it would be impossible to tell exactly where the existing lot lines are. This, however, does not effect the continued, legal existence of these three, separate Lots of Record and People's Counsel will be hard pressed to suggest any applicable legal authority in support of any allegation of merger based on "grassed and seeded" areas. The same can be said for the lot lines which define the perimeter of the red lot where it adjoins lands owned by others (as well as thousands of other lots in the County).

The Maryland Court of Appeals considered the Doctrine of Merger in a reported opinion issued earlier this year. In the case of *Friends of the Ridge v. BE*, 352 Md. 645, 724 A.2d 34 (1999), this state's highest court was called upon to determine whether or not a variance was necessary in the R.C.5 zone with respect to an enlargement of an electric substation to be constructed on several, existing Lots of Record. That Court stated explicitly that zoning ordinances "do not create lots." *Friends* at 650. Rather, the Court stated specifically that zoning ordinances establish minimum dimensional requirements and sizes of lots. The Court also noted that zoning ordinances, to a certain extent, regulate the use of

---

[6] During one exchange, Mr. Myers was questioned as to whether or not fences had been erected along the various common lot lines. While, in some instances (such as more urbanized areas), fences may "make good neighbors" such is not the general practice in the more rural areas of Baltimore and other counties.

property.

Given the ownership by the Webberts of the red parcel, they have never disputed that they do not have a right to erect a dwelling on the pink and yellow lots without combining portions of the red lot to bring all existing lots of record into conformance with the minimum lot sizes requirements of the BCZR. The Webberts have proposed to enlarge the pink and yellow lots, by combining portions of the red lot, to form two new lots each in excess of three acres in size (the remaining red lot would continue to exceed the minimum 1 acre size). The Court of Appeals has stated specifically that throughout the country, including Baltimore County, efforts "have been to restrict undersized parcels, not oversized parcels." *Friends* at 653. Moreover, the Court noted that as far as it could discern, "the zoning doctrine of lot merger has never been applied in any jurisdiction to limit the creation of parcels that <u>exceed</u> minimum dimensional requirements; merger has been applied only to prohibit the <u>later creation of undersized</u> parcels." *Friends* at 653. (Emphasis added.) Thus, the Court has described exactly what the Webberts are proposing, namely to create parcels that exceed the minimum dimensional requirements set out in the BCZR.

The Doctrine of Merger has been applied in other jurisdictions where contiguous parcels are in a single ownership, each of which do not comply with the present zoning dimensional requirements, but the combined land area of all of the undersized lots could be used without violating such minimum zoning requirements. Once combined by way of merger, one of the separate, former, nonconforming parcels cannot thereafter be considered nonconforming nor could a variance be granted to permit use of that undersized parcel. Clearly, the Webberts are not seeking to erect dwellings on undersized parcels nor are they

seeking a variance from any provision of the BCZR.

In discussing the history of the Doctrine of Merger, the Court of Appeals noted that there are no Maryland cases adopting that doctrine (*Id.* *See* Footnote 8.) The Court indicated that the doctrine is "designed to limit the creation of undersized parcels by *presuming* that merger can occur when contiguous lots exist in ownership. *Friends* at 656. (*Italic* emphasis in original; other emphasis added.) The Maryland Court of Appeals in *Friends of the Ridge*, discussed the holding of the Connecticut Appellate Court in *Annecy v. Zoning Board of Appeals*, 25 Conn. App. 85, 592 A.2d 970 (1991), where that court decided that a merger can occur if the owner of contiguous parcels of land intends to form one tract. *Friends* at 656-57. The Maryland Court, though holdings of appellate tribunals in other jurisdictions, went on to describe the types of intent necessary to invoke the doctrine of merger with the most obvious being where physical structures have been constructed across lot lines. The Court noted that, in ascertaining the intent of the property owners no single fact is dispositive (*Friends* at 657); and that where a party asserts a merger of land (such as counsel for the Appellees believes the Office of People's Counsel will be arguing) the burden is placed upon that party (People's Counsel) to establish the owner's intent to integrate the adjoining lots. *Id.*

In the case before this Board, the Office of People's Counsel has failed to produce any evidence to establish that the Webberts or their predecessors in title ever intended to merge the subject lots. The lack of physical boundaries or structural boundaries separating the lots of record are not dispositive. Lots of Record continue to exist throughout Baltimore and other counties where no physical or structural boundaries are in place along lot lines of

record. The fact that the Webberts may have seeded the pink and yellow lots with grass in the same matter as the red lot, does not create the requisite intent to merge lots of record.

Assuming, for purposes of argument only, that the existence of the septic reserve area (on the pink lot) for the existing dwelling on the red lot was a physical or constructed feature which, in some manner, evidences intent of merger between the pink and red lots, the relief requested by the Webberts should still be granted as a matter of law and regulation. As acknowledged by both Mr. Myers and Mr. Solomon, the red parcel can be subdivided into two separate lots. There is no evidence whatsoever to suggest that the yellow lot has in any way been merged with the red lot, therefore it retains the dwelling/density right which existed prior to the adoption of zoning in the County. Therefore, the Webberts have proposed a total of three lots, which configuration is entirely appropriate under the law.

Baltimore County Code Section 26-171(b)(1) of the County's Development Regulations clearly recognizes lot line adjustments as an exemption to the community input meeting and the hearing officer's hearing otherwise required for subdivision pursuant to Baltimore County Development Regulations. The concept of lot line adjustments was expressly recognized by the Maryland Court of Appeals in footnote 12 of *Friends of the Ridge* at page 661. The Webberts are proposing to adjust the lot lines of adjacent parcels and to subdivide the red parcel. As testified to by Mr. Myers and confirmed by Mr. Webbert, a minor subdivision approval is pending for the proposed two lots, being Lot Nos. 1 and 2 as shown on Petitioner's Exhibit 1. The lot line adjustment to create Lot No. 3 (combining the yellow lot with a portion of the red lot) will also be confirmed and reviewed as part of the Minor Subdivision process.

In summary, to the extent that People's Counsel intends to argue the Doctrine of Merger, such has not been recognized in Maryland nor should it be recognized by this Board. The Office of People's Counsel has failed to meet its required burden to establish actual intent by the Webberts or their predecessors to merge the three lots of record, or any one or more of them, which have existed prior to the adoption of zoning in Baltimore County.

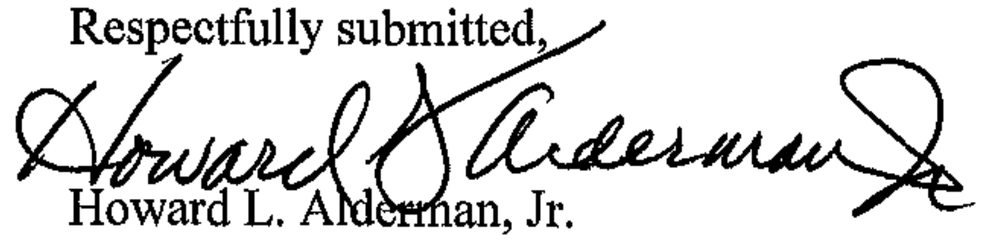
CONCLUSION

The Webberts own three separate and distinct lots that were created before the adoption of zoning in Baltimore County. Two of those lots (pink and yellow) do not meet the currently adopted minimum lot size requirements of the BCZR. None of the lots are shown on a plan approved by the Planning Board or its predecessor, the Planning Commission, as there were created by the recordation of a deed **before** the creation of either planning body. The third lot (red) can be subdivided into two lots under the current zoning regulations.

The legislative body of Baltimore County has adopted express provisions applicable to lots which were created prior to the adoption of zoning in the County. The Webberts, through the proposed lot line adjustment between the "undersized" yellow lot and the red lot and the minor subdivision of the pink and red lots (after combination) seek to make the two "undersized" lots conform to and **exceed** the current, minimum lot size requirements specified in the BCZR.

This Board should apply the law to the evidence presented and approve the Special Hearing relief requested, permitting the approval of the Minor Subdivision as shown on Petitioners' Exhibit No. 1 to be finalized.

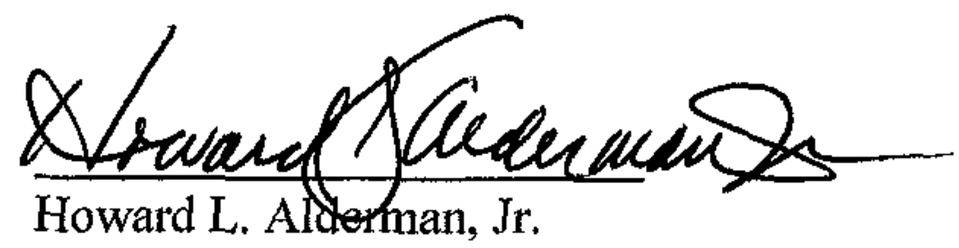
Respectfully submitted,



Howard L. Alderman, Jr.
Levin & Gann, P.A.
305 West Chesapeake Avenue, Suite 113
Towson, Maryland 21204
410-321-0600 [voice]
410-296-2801 [fax]
Attorneys for Petitioners/Appellees

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of July, 1999, a copy of the foregoing Appellees' Post-Hearing Memorandum was mailed by first class mail, postage prepaid, to Carole S. Demilio, Deputy People's Counsel for Baltimore County, 400 Washington Avenue, Old Courthouse, Towson, Maryland 21204.



Howard L. Alderman, Jr.

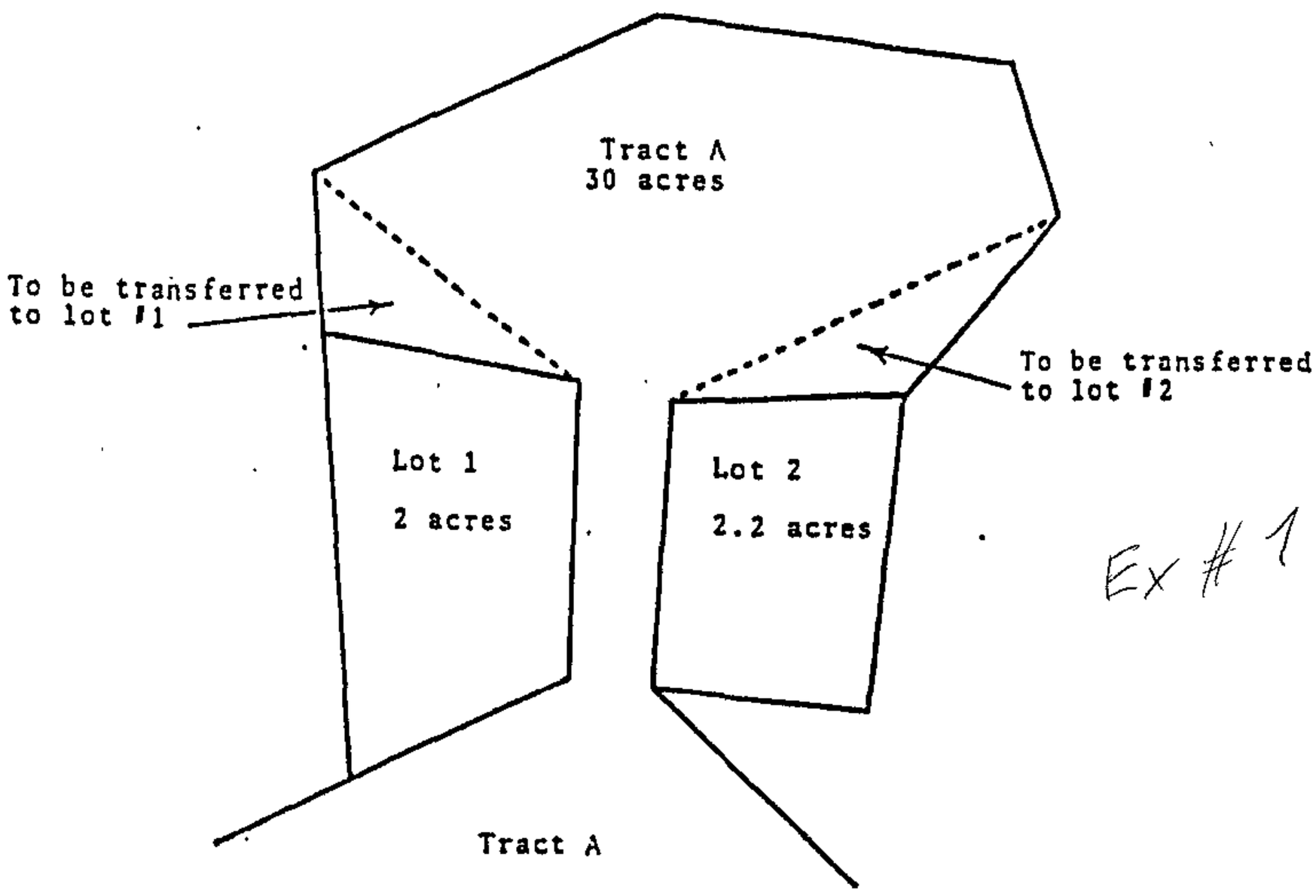
1A00.4.a AMENDMENTS TO DEVELOPMENT PLANS - INDIVIDUAL LOT OWNERS
(See Section 1B01.3.A.7.C Z.C.P.M., Page 1B-21)

1A00.4.b SALE OR TRANSFER OF SMALL PARCELS

(1) The sale or transfer of small R.C. zoned parcels, usually too small to meet the minimum lot size, for non-density purposes such as access, or agriculture, may be permitted.

(2) In an R.C. 2 zone, a parcel could possibly be transferred from the overall development tract to an adjacent existing lot of record provided that the end result does not permit a re-subdivision into a greater number of lots.

(3) Depending on the use and the size of the parcels, a special hearing before the Zoning Commissioner may be required to determine if a non-density transfer is permitted.



Ex #1

(4) Persons shall be advised to read both the Circuit Court and Special Appeals Cases for Steven H. Gudeman, et ux, All Parties v. People's Counsel for Baltimore County.

SECTION 3[illegible] USE OF UNDERSIZED SINGLE-FAMILY LOTS [illegible]rior to the application for a building permit, the applicant must provide satisfactory documentation. The applicant may be required to furnish:

a. a copy of the pre-1955 deed or subdivision plat;
b. (no additions)
c. contiguous ownership

It is obvious that Section 304 of the Baltimore County Zoning Regulations recognizes the existence of parcels of property that did not meet the minimum lot sizes mandated at the time the minimum lot size regulations were passed. To do otherwise would have the effect of rendering such undersized lots useless, and such legislation would be unconstitutional.

1. Section 304 B.C.Z.R., however, is silent as to when contiguous ownership would serve as a bar to its implementation, i.e., contiguous ownership in existence only at the time this regulation was passed or contiguous ownership in existence at that time and at any time thereafter.

2. It is therefore important to consider the intent of the owner who attempts to invoke the applicability of Section 304 BCZR. Each situation must be judged individually by the particular facts and circumstances presented. If the intent to avoid the regulations is obvious, Section 304c. cannot be invoked and variances must be required. An obvious method used is called "checkerboarding". The owner of a tract of land consisting of undersized lots makes conveyances of certain lots in order to create a pattern of ownership which qualifies each parcel as an undersized lot in a single and separate ownership, thereby avoiding the necessity of public hearing and notice for a variance. Often this is done by transferring title to members of the owner's family or to his business associates, e.g., to officers of the corporation which purchased the tract. Another method is to sell adjoining undersized lots which were recently purchased to individual, bona fide buyers. This would permit the new owner of a single undersized lot to build without a variance, where such permission would not have been granted to the owner of the entire tract.

Ex #2

3. If a single owner of contiguous undersized lots has purchased the property in good faith and without any intent to avoid the area requirements, 304c. may be used to allow the owner to build pursuant thereto. Good faith also must be determined by the facts and circumstances of each situation, but such factors as dates of purchase of the parcels, the purpose of the purchase, the intent of the purchase, can be utilized to so determine. This office has traditionally applied the "six year rule" to determine good faith, and that rule shall be one criteria to be used. The rule holds that if the single owner of an undersized lot contiguous to another parcel owned by him has transferred ownership of one to another, 304c. would apply if such new ownership has been held for a period of at least six years. This rule shall not preclude exceptions where it is clear, and equitable, that single ownership of contiguous property was not intended to avoid area requirements.

4. Ownership Information Including:

(i) a property tax computer printout for all adjacent properties, in addition to the subject property;

(ii) copies of the deeds for all adjacent properties, in addition to the subject property; and

(iii) a notarized affidavit stating that the applicant has had no financial interests for the prior six years in any adjacent properties.

<u>Interpretation:</u> The Zoning Commissioner retains the right Section 500.6 B.C.Z.R. to interpret whether the spirit and intent of these Regulations are being adhered to on a case-by-case basis (see Section 101 - Ownership Z.C.P.M., Page 1-23)

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2119 Stringtown Road

which is presently zoned R.C. 2

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

SEE ATTACHED

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:

N/A
(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

Robert F. Webbert
(Type or Print Name)

Robert F. Webbert
Signature

Barbara P. Webbert
(Type or Print Name)

Barbara P. Webbert
Signature

c/o Gray & Son, Inc.
P.O. Box 8 (410) 771-4311
Address Phone No.

Butler, Maryland 21023
City State Zipcode

Name, Address and phone number of representative to be contacted.
Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Name
305 W. Chesapeake Avenue
Suite 113 (410) 321-0600
Address Phone No.
Towson, Maryland 21204

Attorney for Petitioner:

Howard L. Alderman, Jr., Esquire
(Type or Print Name) Levin & Gann, P.A.

Howard L. Alderman, Jr.
Signature
305 West Chesapeake Ave.
Suite 113 (410) 321-0600
Address Phone No.
Towson, MD 21204
City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: RT. DATE 7/7/98

ITEM # 11

ORDER RECEIVED FOR FILING
Date 7/7/98
By

99-11-SPH

Attachment 1

PETITION FOR SPECIAL HEARING

Address: 2119 Stringtown Road

Legal Owner: Robert F. & Barbara P. Webbert

Contract Purchaser: N/A

Present Zoning: R.C. 2

REQUESTED RELIEF:

- Special Hearing to confirm the accumulation and redistribution of the remaining R.C.2 development rights among three (3) contiguous parcels in common ownership by virtue of separate deeds; and

- Special Hearing to affirm a previous non-density conveyance by deed of approximately .212 acres.

FOR ADDITIONAL INFORMATION CONTACT:

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

(410) 321-0600
Fax: (410) 296-2801
halderma@counsel.com

ORDER RECEIVED FOR FILING
Date 10/1/03
By

ITEM #11

ALL that lot or parcel of land situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland and described as follows, that is to say:

Beginning on the Southeast side of Stringtown Road, 4850 feet Northeast of Falls Road, thence, South 28 degrees 09 minutes 08 seconds East 230.76 feet, North 66 degrees 19 minutes 15 seconds East 346.69 feet, South 81 degrees 22 minutes 05 seconds East 330.99 feet, South 50 degrees 02 minutes 51 seconds East 44.93 feet, North 30 degrees 12 minutes 13 seconds East 878.15 feet, North 26 degrees 14 minutes 02 seconds West 154.28 feet, South 49 degrees 15 minutes 24 seconds West 22.09 feet, South 52 degrees 56 minutes 43 seconds West 160.25 feet, South 58 degrees 01 minute 42 seconds West 48.56 feet, South 40 degrees 24 minutes 24 seconds East 15.21 feet, South 59 degrees 10 minutes 55 seconds West 169.45 feet, North 40 degrees 24 minutes 24 seconds West 149.49 feet to the Southeast side of Stringtown Road, thence running along said road, South 49 degrees 35 minutes 36 seconds West 309.00 feet, South 32 degrees 10 minutes 00 seconds East 100.00 feet, South 56 degrees 07 minutes 09 seconds West 520.00 feet, North 35 degrees 20 minutes 51 seconds West 28.50 feet to the Southeast side of the former location of Stringtown Road, thence running along said road, South 53 degrees 56 minutes 59 seconds West 127.09 feet and South 55 degrees 50 minutes 52 seconds West 112.40 feet to the beginning, containing eleven acres and one hundred sixty two thousandths of an acre (11.162) of land, more or less.

99-11-SPH

ITEM # 11

C. A. Myers

C. A. Myers, Surveyor

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: #99-11-SPH
2119 Stringtown Road
SE/S Stringtown Road, 4850' +/- NE from centerline Falls Road
5th Election District
3rd Councilmanic District
Legal Owner(s):
Barbara P. & Robert F. Webbert

Special Hearing: to confirm the remaining R.C.-2 development rights among 3 contiguous parcels; and to affirm a non-density conveyance of approximately .212 acre.

Hearing: Monday, August 24, 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.

8/023 Aug. 6 C248670

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/6/, 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 8/6/, 1998.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

[redacted]

H۴۲:۱۱ ۶۶

ITEM # 11

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056182

DATE 7-7-98 ACCOUNT R001-6150

030 - SPH (3) LOTS AMOUNT $ 150.00 ~~XX~~

RECEIVED FROM: Robert Webbert

FOR: (SPH) # 2119 Stringtown Rd
Reg/c

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

99-11-SPH

CASHIER'S VALIDATION

PAID RECEIPT
PROCESS ACTUAL TIME
7/07/1998 7/07/1998 09:29:36
DET USOC CASHIER MGR MRU DRAWER
5 MISCELLANEOUS CASH RECEIPTS
Receipt # 02609
CR NO. 056182
150.00 CHECK
Baltimore County, Maryland

CERTIFICATE OF POSTING

RE: Case No.: 99-11-SPH

Petitioner/Developer:

ROBERT F. WEBBERT

Date of Hearing/Closing:

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

[redacted]

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2119 STRINGTOWN RD.

The sign(s) were posted on 1/6/99
(Month, Day, Year)

Sincerely,

Gary C Freund 1/6/99
(Signature of Sign Poster and Date)

GARY C. FREUND
(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

9/96
cert.doc

Taken to COB for duplication:

Petitioner's Exhibit #1 - Plat
to acc. SPH - colored copy

David J. Irwin

By: David Irwin Date: 5/25/99

Returned: 5-25-99

CERTIFICATE OF POSTING

RE: Case No.: 99-11-SPH

Petitioner/Developer: WEBBERT, ETAL
C/O LEVIN & GANN, P.A.

Date of Hearing/Closing: 9/10/98

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

Attention. Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #2119 STRINGTOWN RD

The sign(s) were posted on 8/18/98
(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 8/24/98
Patrick M O'Keefe 8/24/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)

2119 STRINGTOWN RD.
99-11 SPH

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.: 11

Petitioner: ROBERT F. AND BARBARA P. WEBBERT

Location: 2119 STRINGTOWN ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: HOWARD L. ALDERMAN, ESQUIRE

ADDRESS: 305 WEST CHESAPEAKE AVENUE, SUITE 113
TOWSON, MARYLAND 21204

PHONE NUMBER: 410 · 321 · 0600

AJ:ggs

(Revised 09/24/96)

99-11-SPH

Printed with Soybean Ink
on Recycled Paper

Exhibit B

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

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

Format for Sign Printing, Black Letters on White Background:

ITEM # 11

ZONING NOTICE

Case No.: 99-11-SPH

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

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO APPROVE THE ACCUMULATION AND REDISTRIBUTION OF THE REMAINING RC 2 DEVELOPMENT RIGHTS AMONG THREE (3) CONTIGUOUS PARCEL IN COMMON OWNERSHIP BY VIRTUE OF SEPARATE DEEDS; AND TO AFFIRM A PREVIOUS NON-DENSITY CONVEYANCE BY DEED OF APPROXIMATELY 0.212 AC.

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

99-11-SPH

Baltimore County
Department of Permits and
Development Management

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

July 22, 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: 99-11-SPH
2119 Stringtown Road
SE/S Stringtown Road, 4850' +/- NE from centerline Falls Road
5th Election District -- 3rd Councilmanic District
Legal Owner: Barbara P. & Robert F. Webbert

Special Hearing to confirm the remaining R.C.-2 development rights among 3 contiguous parcels; and to affirm a non-density conveyance of approximately .212 acre.

HEARING: Monday, August 24, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Howard L. Alderman, Jr., Esquire
Barbara & Robert Webbert

NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 9, 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

TO: PATUXENT PUBLISHING COMPANY
August 6, 1998 Issue - Jeffersonian

Please forward billing to:
Howard L. Alderman, Esquire 410-321-0600
305 W. Chesapeake Avenue
Suite 113
Towson, MD 21204

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: 99-11-SPH
2119 Stringtown Road
SE/S Stringtown Road, 4850' +/- NE from centerline Falls Road
5th Election District -- 3rd Councilmanic District
Legal Owner: Barbara P. & Robert F. Webbert

Special Hearing to confirm the remaining R.C.-2 development rights among 3 contiguous parcels; and to affirm a non-density conveyance of approximately .212 acre.

HEARING: Monday, August 24, 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.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

July 29, 1999

NOTICE OF DELIBERATION

IN THE MATTER OF:
ROBERT F. WEBBERT, ET UX -Petitioner
Case No. 99-11-SPH

Having heard this matter on 6/02/99, public deliberation has been scheduled as follows:

DATE AND TIME : THURSDAY, AUGUST 26, 1999 at 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

(NOTE: Memos filed by Counsel 7/16/99.)

Kathleen C. Bianco
Administrator

---

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

Counsel for Petitioners : Howard L. Alderman, Jr., Esquire
Petitioners : Mr. & Mrs. Robert F. Webbert

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

copies: L.M.B..

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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

August 19, 1998

Howard L. Alderman, Jr., Esq.
Levin & Gann, P.A.
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

RE: Item No.: 11
Case No.: 99-11-SPH
Location: 2119 Stringtown Road

Dear Mr. Alderman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 7, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

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on Recycled Paper

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: July 31, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for July 27, 1998
Item Nos. 011, 012, 013, 014, 015, 016, 017, and 018

Case Number 98-473-X (7501 Oakleigh Road

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

RWB:HJO:jrb

cc: File

ZONE0727.NOC

R05 / 6wcr

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 10, 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. 492, 2, 3, 4, 9, and 10

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.

Section Chief: Jeffrey W. Long

AFK/JL

M:\DEVREV\ZAC\492.DOC

RECEIVED
JUL 13 1998
PDM

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 7·17·97
Item No. 011 RT

Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

RECEIVED
JUL 17
PDM

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

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 7·14·99
Item No. 010 JCM

Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

L. J. Gredlein

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

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

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

Baltimore County
Fire Department

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

July 27, 1998

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

RE: Property Owner: ROBERT F. WEBBERT AND BARBARA P. WEBBERT

Location: DISTRIBUTION MEETING OF JULY 20, 1998

Item No.: 011 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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

   *Driveways for lots 1 & 3 must be minimum width of 16 ft.

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

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on Recycled Paper

Due Date: July 27, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/fp

SUBJECT: Zoning Item #11

Palmer Property - 2119 Stringtown Road

Zoning Advisory Committee Meeting of July 20, 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:

_____ 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).

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 21, 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. 11

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) 887-3480.

Section Chief: Jeffrey W. Long

AFK/JL

RECEIVED
JUL 23 1998
PDM

C:\MSOFFICE\WINWORD\ZAC\NOCOM\11.DOC

	*	BEFORE THE
RE: PETITION FOR SPECIAL HEARING 2119 Stringtown Road, SE/S Stringtown Road, 4850' +/- NE of c/l Falls Rd	*	ZONING COMMISSIONER
5th Election District, 3rd Councilmanic	*	FOR
Legal Owners: Robert P. and Barbara P. Webbert	*	BALTIMORE COUNTY
Petitioners	*	Case Number: 99-11-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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 1998, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 28, 1998

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

Hand-delivered

Re: PETITION FOR SPECIAL HEARING
2119 Stringtown Road, SE/S Stringtown Rd
4850' +/- NE of c/l Falls Rd
5th Election Dist., 3rd Councilmanic
Robert F. and Barbara P. Webbert, Petitioners
Case No.: 99-11-SPH

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Finding of Fact and Conclusions of Law dated October 1, 1998 of the Baltimore County Deputy Zoning Commissioner in the above-entitled case.

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

Very truly yours,

RECEIVED
OCT 29 1998
PDM

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/caf

cc: Howard L. Alderman, Jr., Esq., Levin & Gann, 305 W. Chesapeake Avenue, Towson, MD 21204, Attorney for Petitioners

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

November 5, 1998

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

Dear Mr. Alderman:

RE: Petition for Special Hearing, Case No.: 99-11-SPH, 2119 Stringtown Road, District: 5c3, Robert F. Webbert and Barbara P. Webbert - Petitioners

Please be advised that an appeal of the above referenced case was filed in this office on October 29, 1998 by Peter Max Zimmerman and Carole S. Demilio on behalf of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:rye

c: People's Counsel

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APPEAL

Petition for Special Hearing
SE/S Stringtown Road, 4850' NE of Falls Road
(2119 Stringtown Road)
5th Election District - 3rd Councilmanic District
Robert F. Webbert, et ux - Petitioners
Case Number: 99-11-SPH

RECEIVED
PM 4:17
9- NOV 98
COUNTY BOARD OF APPEALS

Petition for Special Hearing

Description of Property

Certificate of Posting

Certification of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners Sign-In Sheet

Petitioners' Exhibits: 1 - Plat to Accompany Special Hearing
2 - Copy of Deed made October 10 1925 between John A. Lloyd, et al and William A. Palmer
3 - Copy of Deed made May 26, 1934 between William A. Palmer & WF and Murriel E. Bull & WF
4 - Copy of Deed made May 26, 1934 between John G. Naylor & Wf and William A. Palmer & Wf
5 - Copy of Deed made April 10, 1948 between John G. Naylor and Wm. A. Palmer, et al
6 - Copy of Deed made September 5, 1974 between William A. Palmer and Mildred V. Palmer and George V. Palmer and Jane G. Palmer
7 - Copy of Deed made July 2, 1994 by George V. Palmer, Trustee under a certain Trust Agreement between William A. Palmer and George V. Palmer
8 - Copy of Deed made January 15, 1986 between William A. Palmer and George V. Palmer, Trustee
9 - Copy of Deed made April 15, 1996 between George V. Palmer, Trustee of the William A. Palmer Trust and Robert F. Webbert and Barbara P. Webbert

E

Deputy Zoning Commissioner's Order dated October 1, 1998 (Granted)

Notice of Appeal received on October 29, 1998 from Peter Max Zimmerman and Carole S. Demilio on behalf of People's Counsel

c: Howard L. Alderman, Jr., Esquire, Levin & Gann, 305 W. Chesapeake Avenue, Towson, MD 21204
Mr. & Mrs. Robert F. Webbert, c/o Gray & Son, Inc., P.O. Box 8, Butler, MD 21023
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 99-11-SPH

SPH -Approval & confirmation of accumulation and redistribution of remaining R.C. 2 development rights among three contiguous parcels; affirm previous nondensity conveyance, by deed, of approximately .212 acres.

10/01/98 -D.Z.C.'s decision in which Petition was GRANTED with restriction.

4/12/99 -Notice of Assignment for hearing scheduled for Wednesday, June 2, 1999 at 10:00 a.m. sent to following:

Peter Max Zimmerman, People's Counsel
for Baltimore County
Carole S. Demilio, Deputy People's Counsel
Howard L. Alderman, Jr., Esquire
Mr. & Mrs. Robert F. Webbert
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

6/02/99 -Hearing concluded as to testimony & evidence; memos due from counsel Friday, 7/09/99; deliberation to be scheduled and notice sent. (L.M.B.)

7/08/99 -FAX from H. Alderman, Esquire - requesting extension of time for filing memos by both counsel to Friday, 7/16; no objection to this request by C. Demilio. Confirmed with C Fischer as to no objection.
- Letter to H. Alderman by FAX; copy to C. Demilio hand-delivered; request for extension granted; memos now due by 3:30 p.m. on Friday, 7/16/99.

7/16/99 -Memo filed by: Alderman 7/16/99
People's Counsel 7/16/99

7/27/99 -Copies of Memos to Stahl (L) and Melvin (M); Barranger (B) copy to be mailed.

7/29/99 -Notice of Deliberation sent to parties; scheduled for Thursday, August 26, 1999 at 9:30 a.m.; copy to L.M.B. with memo on delib; Copy of Counsel memos also mailed to B with copy of notice.

8/26/99 -Deliberation concluded; Petition for Special Hearing DENIED by unanimous decision of the Board (Stahl, Melvin, Barranger); written Opinion and Order to be issued; appellate period to run from date of written Order.

Baltimore County
Department of Permits and
Development Management

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

August 3, 1998

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

RE: Case Number 99-11-SPH
Petitioner: Webbert
Location: 2119 Stringtown Road

Dear Mr. Alderman:

The above matter, previously assigned to be heard on Monday, August 24, 1998 has been postponed at your request. The hearing has been **rescheduled for Thursday, September 10, 1998 at 9:00 a.m. in Room 407,** County Courts Building, 401 Bosley Avenue, Towson.

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. 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,

Arnold Jablon
Director

AJ:scj

c: Barbara & Robert Webbert

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

July 8, 1999

Howard L. Alderman, Jr., Esquire
LEVIN & GANN, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, MD 21204

RE: In the Matter of Webbert Property
Case No. 99-11-SPH

Dear Mr. Alderman:

This office is in receipt of your letter of July 8, 1999 requesting an extension of time for counsel to file memoranda in the subject matter until Friday, July 16, 1999, without objection by Ms. Demilio.

As indicated by telephone this date, your request has been granted and said Memoranda are now due by 3:30 p.m. on Friday, July 16, 1999.

Very truly yours,

Kathleen C. Bianco
Administrator

cc: Carole S. Demilio
Deputy People's Counsel

FILE

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: L. Stahl
T. Melvin
L. Barranger

DATE: July 29, 1999

FROM: Kathi

SUBJECT: Case No. 99-11-SPH /Robert F. Webbert, et ux /Deliberation (8/26/99 at 9:30 a.m.)

The subject matter has been scheduled for public deliberation on Thursday, August 26, 1999 at 9:30 a.m. A copy of the Notice of Deliberation is attached for your information and calendar.

Memos were filed by Mr. Alderman and Ms. Demilio on Friday, July 16, 1999; a copy of each memo was given to Tom and Larry on Tuesday, July 27th. Copies of those memos are attached herewith to Lynn's copy only.

Should you have any questions regarding the above, or need any additional information, please call me.

kathi

Attachment (Notice for L. M. B)
(Memos for B. only)

FILE

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: June 5, 2000

TO: Arnold Jablon, Director
Permits & Development Management

FROM: Charlotte E. Radcliffe
Board of Appeals

SUBJECT: **CLOSED FILES:**

99-11-SPH –Robert F. Webbert, et ux
99-54-SPHXA –David M. Coleman-LO; Francis Honeywell-CP
99-57-A –Stamatios Papastefanou, et ux
99-73-SPHXA –Donald E. Warrener, Jr.
99-113-A – Emil A. Budnitz, Jr. –LO;Jeff Budnitz-CP
99-215-SPH – Ida A & Benjamin A. Petrilli
99-242-XA –Ernest Diegert-LO; Eller Media Co.-CP
99-279-A – Ruth Phillips & Andrew Erdman
99-291-SPH –Schoolden's Automotive Repair, Inc.
99-310-X – Eastern Boulevard Center, Inc. (Famous Pawn, Inc.)
99-318 –Roddick Realty Partnership I-LO;
and Cloverland Farms Dairy, Inc.-CP
99-359-A –Shirley & David Morrison-LO; David Waldhauser-CP
99-492-SPH –William A. and Mary H. Kraft
99-504-SPHXA –Estate of Sol Goldman-LO; Eller Media-CP

Since the above captioned cases have been finalized and no further appeals were taken, we are hereby closing the files and returning same to your office herewith.

Attachments: Case File Nos.: 99-11-SPH; 99-54-SPHXA; 99-57-A; 99-73-SPHXA w/ large exhibit box; 99-113-A; 99-215-SPH w/ large exhibit; 99-242-XA; 99-279-A; 99-291-SPH; 99-310-X; 99-318-X; 99-359-A; 99-492-SPH; and 99-504-SPHXA

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF:		Robert F. Webbert, et ux -Petitioner Case No. 99-11-SPH	
DATE	:	Thursday, August 26, 1999	
BOARD /PANEL	:	Lawrence M. Stahl Thomas P. Melvin Lynn Barranger	(LMS) (TPM) (LB)
SECRETARY	:	Kathleen C. Bianco Administrator	

PURPOSE: To deliberate Case No. 99-11-SPH /Petition for Special Hearing /Configuration and redistribution of RC 2 development rights /3 contiguous parcels. Appeal taken by the Office of People's Counsel.

The Board, having convened for public deliberation as scheduled by notice dated July 29, 1999, and upon deliberation between panel members, reached a final decision as follows:

Deliberation took place this date and included discussion relative to appropriate zoning regulations, including questions raised as to Section 304 of BCZR and how it applies here. Also discussed was Section 1A01.3B and R.C. regulations. Exhibits reviewed, including plan and proposed lots.

Petitioner proposing three lots: 3.104 with existing house
4.723
3.335

In response to questions raised by Ms. Barranger, and after discussion of her findings and conclusions, Mr. Melvin presented his findings from testimony and evidence and the conclusions he had reached -- basically -- that Section 304.1 does not apply in this case -- Petitioner does not meet the three necessary criteria, and more specifically the third criteria in that he does own sufficient adjoining land; therefore, he does not own an undersized lot rendered unbuildable by the regulations and therefore, he must comply with the RC regulations which apply to this 11 acre parcel.

Deliberation and discussion continued as to applicability of 304.1, including comments by Mr. Stahl; at conclusion of same, the Board unanimously found that 304.1 does not apply in this case. Therefore, attention was turned to the R.C. regulations which do apply to the subject property.

There is one existing house; parcel is therefore subdividable into one additional lot per R.C. 2 regulations; R.C. 2 permits two on a lot of this size.

Robert F. Webbert, et ux -Petitioners
Case No. 99-11-SPH /Minutes of Deliberation

Inasmuch as only one additional house would be permitted, Petitioner's request will be denied. Board has found that 304 does not apply; therefore, under applicable R.C. regulations, Petitioner cannot subdivide the subject property as requested. Petition for Special Hearing denied.

~~~~~~~~~~~~~~~~~~~~

NOTE: Written Opinion and Order to be issued by the Board as required by statute. Appellate period to run from date of written Order; anyone feeling aggrieved by the Board's decision may appeal to Circuit Court.

This document confirms for the file that public deliberation was held this date in the subject matter and a final decision rendered in which the requested relief by special hearing was denied.

Respectfully submitted,

Kathleen C. Bianco
Administrator
~~~~~~~~~~~~~~~~~~~~

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

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

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

Soph

July 30, 1998

Hand Delivered

Sophie Jennings
Department of Permits and
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Robert F. and Barbara P. Webbert
2119 Stringtown Road
Case No.: 99-11-SPH
Request for Postponement

Dear Ms. Jennings:

I am writing to request a postponement of the Zoning Commissioner's hearing in the above-referenced Petition for Special Hearing. Presently the hearing is scheduled for Monday, August 24, 1998.

I have scheduled a vacation for the week of August 15, 1998 through and including August 24, 1998 and will be unavailable to attend the hearing. Mr. and Mrs. Webbert also will be unavailable to attend the hearing. Please reschedule the hearing in this case at the earliest available opportunity after the scheduled hearing date.

Thank you for your consideration and assistance in this matter. If I may provide additional information, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

Howard L. Alderman, Jr.

cc: Mr. and Mrs. Webbert

RECEIVED
JUL 30 1998
PDM

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

TOWSON OFFICE
305 W. CHESAPEAKE AVENUE
TOWSON, MD 21204
410-321-0600

ELLIS LEVIN (1893-1960)

ROBERT D. PORTER

July 7, 1998

By Hand Delivery

Baltimore County Department of
Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 2119 Stringtown Road
Robert F. & Barbara P. Webbert,
Petitioners
Petition for Special Hearing

Dear Sir or Madam:

With regard to the above-referenced matter, I enclose herewith for filing the following:

- Three (3) original Petitions for Special Hearing;
- Three (3) Zoning Descriptions of the subject property;
- One (1) 200' scale zoning map;
- 12 copies of the Plat to accompany the Petition;
- One (1) copy of the Plat color-coded to show title to the parcels; and
- A check in the amount of $150.00 to cover the filing fees.

Thank you for your assistance with this matter. Please feel to contact me should you have any questions regarding the enclosed materials.

Very truly yours,

Robert D. Porter

cc: Mr. and Mrs. Webbert

99-11-SPH

ITEM # 11

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

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

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.
Halderman@counsel.com

July 16, 1999

RECEIVED
COUNTY BOARD OF APPEALS
99 JUL 16 PM 2:07

VIA HAND DELIVERY
Charles L. Marks, Chairman
County Board of Appeals for Baltimore County
400 Washington Avenue
Old Court House, Room 49
Towson, Maryland 21204

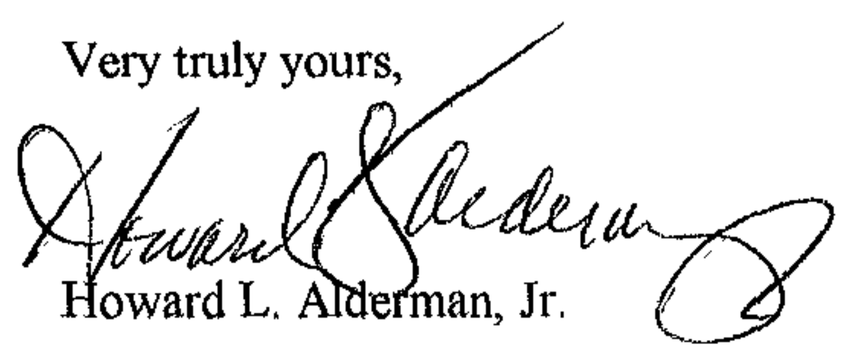
Re: Robert F. and Barbara P. Webbert, Petitioners/Appealees
Case No.: 99-11-SPH
Appellee's Post-Hearing Memorandum

Dear Mr. Marks:

At the conclusion of the Board's hearing on the above-referenced matter, Counsel for the respective parties were instructed to submit post-hearing memoranda in lieu of closing argument. On behalf of my clients, Mr. and Mrs. Robert F. Webbert, I am pleased to provide you herewith one original and three copies of the Memorandum that I am filing on their behalf.

Should you or any member of the Board need additional information or desire clarification of any issue or argument raised in the enclosed Memorandum, please do not hesitate to contact me. Thank you and the members of the Board for your cooperation and consideration in providing the time necessary to prepare the enclosed document.

Very truly yours,



Howard L. Alderman, Jr.

HLA,Jr./dmh
Enclosures
cc: Mr. and Mrs. Robert F. Webbert (w/enclosure)
Carole S. DeMilio, Deputy People's Counsel for Baltimore County (w/enclosure)

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

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

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR
halderman@counsel.com

March 25, 1999

VIA TELEFAX & REGULAR MAIL

Lawrence M. Stahl, Acting Chairman
County Board of Appeals for Baltimore County
400 Washington Avenue
Towson, Maryland 21204

RE: Request for Extension of Time to File
Post-Hearing Memorandum
Webbert Property
Case No. 99-11-SPH

Dear Mr. Stahl:

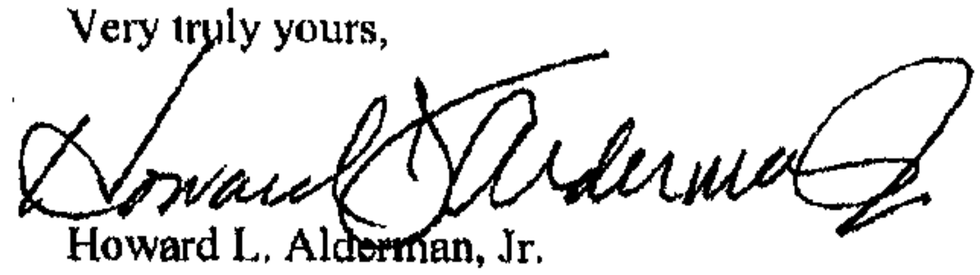
At the conclusion of the Board's hearing on the above-referenced case, the Board requested Post-Hearing Memoranda from counsel. I explained to the Board the staffing difficulties that exist in my office due to recent departures and the date for filing of memoranda was set for Friday, July 9, 1999.

Due to only a minor improvement to our staffing situation to date, I have been unable to complete the Petitioner's Memorandum. The purpose of this letter is to request an extension of time for both counsel to file memoranda until Friday, July 16, 1999. I have spoken with Carole S. Demilio, Deputy People's Counsel regarding this and she has graciously consented to the extension hereby requested.

The requested extension will not impair the Board's time frame for ruling in this matter; this is a Zoning Special Hearing case which does not require the Board to rule within a specified time period. Thank you and the other members of the Board for their consideration of this request.

Should you or any member of the Board desire any additional information in this regard, please do not hesitate to contact me.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
c: Carole S. Demilio, Deputy People's Counsel

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Barbara Webbert	15425 Falls Rd. Sparks, Md. 21152
Robert Webbert	15425 Falls Rd. Sparks, Md. 21152
Douglas C. Myers	5732 EMORY ROAD, UPPERCO, MD. 21155
Howard L. Alderman Jr Esq	Levin & Gann PA 305 W. Chesapeake Av Suite 113 Towson MD 21204

Printed with Soybean Ink
on Recycled Paper

	*	BEFORE THE
RE: PETITION FOR SPECIAL HEARING 2119 Stringtown Road, SE/S Stringtown Road, 4850' +/- NE of c/l Falls Rd 5th Election District, 3rd Councilmanic	* * *	ZONING COMMISSIONER FOR
Legal Owners: Robert P. and Barbara P. Webbert	*	BALTIMORE COUNTY
Petitioners		
	*	Case Number: 99-11-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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 1998, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PETITIONER'S EXHIBIT 2

County in Liber W P C No 565 folio 105 etc being also a portion of the land which was conveyed by Mary J Burton and husband to the said Benjamin W Shanklin by deed dated May 16th 1916 and recorded among the said Land Records in Liber W P C No 462 folio 282 etc

Together with all the ways roads rights waters water courses easements privileges appurtenances remainders and reversions thereunto belonging resulting therefrom effecting issuing out of or appurtenant thereto and in particular the right privilege and easement to cut down trim and move all trees branches bushes or other obstructions upon other lands of the said parties of the first and second parts their heirs and assigns which may at any time interfere with or be liable to interfere with or fall upon the transmission line or lines proposed to be erected and maintained by the said company its successors and assigns

To have and to hold the above described parcel of land unto and to the proper use and benefit of the said Susquehanna Transmission Company of Maryland its successors and assigns forever in fee simple

And the said parties of the first part and second parts hereby covenant that they will warrant specially the property hereby conveyed and that they will execute such other and further assurances of the same as may be requisite

As witness the hands and seals of the said parties of the first and second parts

Test

R L Burton

Edw Hannan

James H Burton

G Emory Turnbull (Seal)

Myrtle Turnbull (Seal)

Benjamin W Shanklin (Seal)

State of Maryland Baltimore County to wit

I hereby certify that on this 7th day of July 1925 before me the subscriber a Justice of the Peace of the State of Maryland in and for the County aforesaid duly commissioned and qualified personally appeared G Emory Turnbull and Myrtle Turnbull his wife and Benjamin W Shanklin the above named grantors and they acknowledged the foregoing deed to be their respective act

Witness my hand and seal

James H Burton J P

Justice of the Peace

Recorded Oct 10 1925 at 8.30 A M & Exd Per William P Cole Clerk

628/70

19160 - R S $1.50

John A Lloyd Et al

Deed to

William A Palmer

This Deed made this 10th day of October in the year nineteen hundred and twenty five by and between John A Lloyd and Birtie M Loyd his wife of the first part and George H Zouck of the second part who joins in this deed to realese the land herein conveyed from the legal operation of a Mortgage thereon and William A Palmer and Mildred V Palmer his wife of the third part all of Baltimore County in the State of Maryland

Witnesseth that for and in consideration of the payment of the sum of five dollars the receipt of which is hereby acknowledged and for other good and valuable considerations the said John A Lloyd and Birtie M Lloyd his wife and the said George H Zouck Mortgagee do grant and convey unto the said William A Palmer and Mildred V Palmer his wife as tenants by the entireties all that lot or parcel of land binding on the southerly side of the Stringtown Public Road near Butler in the 5th Election District of said County and described as follows to wit

Beginning for the same at the distance of 5 perches from the beginning of the South 25¾ degrees West 64 perch line of the land described in a deed from Levi Naylor and wife to Thomas O Matthews thence running with and binding on said land and on the land which by deed dated on or about May 1st 1896 and recorded among the land records of said county in Liber L M B No 215 folio 337 &c was conveyed by Henry C Matthews to James Naylor South 25¾ degrees west 59 perches to the end of said line thence North 53½ degrees west 2-7/10 perches to a point between two bounded water oak stumps thence North 86 degrees west 20 perches to a stone planted in a spanish oak stump thence south 64 degrees west 21 perches to a point by a marked chestnut tree thence North 31 degrees west 14 perches to the said County Road thence binding thereon north 53 degrees east 3/4 of a perch thence leaving the outlines of said deed and running for lines of division as surveyed in the year A D 1917 and on said road North 51½ degrees east 20-19/100 perches thence north 58 degrees east 52-13/100 perches thence North 53 degrees east 14-3/10 perches thence running across said road south 37 degrees East 92/100 of a perch to a corner of the land which by deed dated on or about April 23rd A D 1901 and recorded among the land records of said county in Liber N B M No 251 ~~Folio No 251~~ folio 578 &c was conveyed by the said Thomas O Matthews to John A Lloyd and thence binding on said land as then surveyed south 38½ degrees east 6-1/10 perches to the first place of beginning Containing 11 acres and 56 square perches of land more or less Being all the land which by deed dated on or about April 10th A D 1919 and recorded among the land records of said county in liber W P C No 509 folio 144 &c was conveyed by James Harrison Naylor and wife to the said John A Lloyd

Together with the buildings and improvements thereon and the rights roads ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

To have and to hold the land and premises hereby granted and conveyed together with all the rights privileges and appurtenances thereto belonging or appertaining unto the said William A Palmer and Mildred V Palmer his wife as tenants by the entireties their heirs and assigns the survivor of them and the heirs and assigns of said survivor in fee simple

And the said grantors of the first part herein covenant that they have not done nor suffered to be done any act matter or thing to encumber said land and premises that they will warrant specially the same and that they will execute such further assurances as may be requisite

Witness the hands and seals of the said Grantors

John A Lloyd (Seal)

Test

Birtie M Lloyd (Seal)

L O Machin J P

George H Zouck (Seal)

State of Maryland Baltimore County to wit

I hereby certify that on this 10th day of October in the year A D 1925 before me the subscriber a Justice of the Peace of the State of Maryland in and for the County aforesaid personally appeared John A Lloyd and Birtie M Lloyd his wife and George H Zouck the grantors named in the foregoing deed and they each acknowledged the same to be their respective act and deed

Loren Ogden Machin J P

Justice of the Peace

550

Recorded Oct 1 1934 at 12.45 P M and Exd Per C Willing Browne Jr Clerk

For value received the Home Owners' Loan Corporation hereby releases the above and within mortgage As Witness its corporate seal and the signature of Chas B Lyddane Regional Treasurer this 22nd day of MAy 1942

WITNESS
Donald L Ward
(Corporate seal)

HOME OWNERS' LOAN CORPORATION
BY Chas B Lyddane
Regional Treasurer

EXD U&P

Recorded May 28 1942 at 8.30 A M & Exd per Christian H Kahl Clerk

PETITIONER'S EXHIBIT 3

1934

28810)
William A Palmer & WF) This Deed Made this 26th day of May in the year nineteen hundred
Deed To) and thirty four by and between William A Palmer and Mildred V Palmer
Murriel E Bull & WF) his wife of Baltimore County State of Maryland parties of the first
----------) part hereinafter called the grantors and Murriel E Bull and Evelyn E Bull his wife of the County and State aforesaid parties of the second part

Witnesseth that in consideration of the sum of Five Dollars ($5.00) and other valuable considerations the receipt whereof is hereby acknowledged the said William A Palmer and Mildred V Palmer his wife do grant and convey unto the said Murriel E Bull and Evelyn E Bull his wife as tenants by the entireties their assigns the survivor of them the heirs and assigns of the survivor in fee simple all that lot or parcel of land situate lying and being in the Fifth Election District of Baltimore County State of Maryland aforesaid and described as follows that is to say

Beginning for the outline to include the same at a stone the end of one hundred and thirty six feet in the North fifty one and one quarter degrees East twenty and nineteen one hundredths perches line in a deed from John A Lloyd et al to William A Palmer and wife dated October 10th 1925 recorded among the Land Records of Baltimore County in Liber W P C No 628 folio 70 &c and running thence with said line with due allowance for magnetic declination North fifty two degrees and six minutes East one hundred and ninety seven feet to the end thereof thence continuing with said deed North fifty eight degrees fifty one minutes East three hundred twenty four and seven tenths feet to a stone the beginning in a deed from John G Naylor and wife to William A Palmer and wife dated May 26th 1934 and the end of the third line in a deed from John G Naylor and wife to Murriel E Bull and wife dated May 26 1934 thence by lines of division as now located and agreed upon South thirty two degrees ten minutes West twenty feet to a post South fifty five degrees forty five minutes West five hundred and twenty feet to a white oak tree marked with the usual bonandary marks thence North thirty five degrees forty three minutes West twenty eight and five tenths feet to the place of beginning containing three hundred sixty one one thousandths (0.361) of an acre of land more or less

Being a part of the same land the said grantors obtained by deed from John A Lloyd et al dated October 10th 1925 recorded among the Land Records of Baltimore County in Liber W P C

No 628 folio 70 &c

Together with the buildings and improvements thereupon erected made or being and all/ and every the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in any wise appertaining

To Have and To Hold the tract or parcel of land and premises hereinbefore described and hereby intended to be granted and conveyed with the appurtenances unto the said Murriel E Bull and Evelyn E Bull his wife as tenants by the entireties their assigns the survivor of them the heirs and assigns of the survivor in fee simple

And the said Grantors covenant that they will warrant specially the property hereby granted and conveyed and that they will execute such further assurances as may be requisite

Witness the hands and seals of said grantors

Test

Paul Martin

William A Palmer (Seal)

Mildred V Palmer (Seal)

State of Maryland Baltimore City To Wit

I Hereby Certify That on this 26th day of May in the year nineteen hundred and thirty four before me the subscriber a Notary Public of the State of Maryland in and for Baltimore City aforesaid personally appeared William A Palmer and Mildred V Palmer his wife and severally acknowledged the foregoing Deed to be their respective act

As Witness my hand and Notarial Seal

(Notarial Seal)

Paul Martin

Notary Public

Recorded Aug 28 1934 at 2.15 P M and Exd Per C Willing Browne Jr Clerk

---

28811)
Murriel E Bull & WF)
Mtge To)
John C Naylor & WF)
----------)

This Mortgage Made this 26th day of May in the year nineteen hundred and thirty four by and between Murriel E Bull and Evelyn E Bull his wife Mortgagors of Baltimore County in the State of Maryland of the first part John C Naylor and Frances L Naylor his wife of the County and State aforesaid Mortgagee of the second part

Whereas the said Mortgagors owe and stand justly indebted unto the said Mortgagee in the sum of five hundred and fifty dollars ($550.00) for which amount they the said Mortgagors have passed unto the Mortgagee their promissory note bearing even date herewith payable one year after the date thereof with interest at the rate of four per cent per annum payable annually

And for the more effectually securing the prompt payment of said sum of money together with all interest accrued thereon when and as the same may be due and payable according to the tenor and effect of the said promissory note these presents are executed

Now This Mortgage Witnesseth that in consideration of the premises and the sum of One Dollar the said Mortgagors do grant and convey unto the said Mortgagee their assigns the survivor of them his or her heirs and assigns in fee simple all that lot of parcel of ground situate and lying in the Fifth Election District of Baltimore County aforesaid and described as follows

Beginning for the outlines to include the same at a stone the end of one hundred thirty six feet in the North fifty one and one quarter degrees East twenty and nineteen one hundredths perches line in a deed from John A Lloyd et al to William A Palmer and wife dated October 10th 1925 recorded among the Land Records of Baltimore County in Liber W P C No 628 folio 70 &c it being the beginning in a deed from John C Naylor and wife to the said

CWB. 938/471

FOR VALUE RECEIVED the HOME OWNERS' LOAN CORPORATION hereby releases the above and within mortgage AS Witness its corporate seal and the signature of H A Bechtel ASSISTANT REGIONAL TREASURER this 8th day of April 1946

WITNESS
Olga M Severi
(Corporate seal)

HOME OWNERS' LOAN CORPORATION
H A Bechtel
Assistant Regional Treasurer

Recorded Apr 11 1946 at 3.10 P M & Exd per Robert J Spittel Clerk

EXHIBIT 4

29383
John G Naylor & Wf
Deed to
William A Palmer & Wf

This Deed made this 26th day of May in the year nineteen hundred and thirty-four by and between John G Naylor and Frances L Naylor his wife of Baltimore County State of Maryland parties of the first part hereinafter called the Grantors and William A Palmer and Mildred V Palmer his wife of the County and State aforesaid parties of the second part

Witnesseth that in consideration of the sum of Five Dollars ($5.00) and other valuable considerations the receipt whereof is hereby acknowledged the said John G Naylor and Frances L Naylor his wife do grant and convey unto the said William A Palmer and Mildred V Palmer his wife as tenants by the entireties their assigns the survivor of them the heirs and assigns of the survivor in fee simple all that lot or parcel of land situate lying and being in the Fifth Election District of Baltimore County State of Maryland aforesaid and described as follows that is to say

Beginning for the outlines to include the same at a stone the end of three hundred twenty-four and seven-tenths feet in the north fifty-eight degrees east fifty-two and thirteen-hundredths perches line in a deed from John A Lloyd et al to William A Palmer and wife dated October 10th 1925 recorded among the Land Records of Baltimore County in Liber W P C No 628 folio 70 &c said point being the end of the third line in a deed from John G Naylor and wife to Murriel E Bull and wife dated May 26th 1934 running thence with said line reversely north thirty-two degrees ten minutes west eighty feet to a stone in the south edge of the right of way of the Stringtown Road thence bounding thereon north forty-nine degrees five minutes east one hundred forty-five feet to a stone thence by a line of division south thirty-one degrees thirty minutes east one hundred and six and three-tenths feet to a stone in the first mentioned line thence reversing the same south fifty-eight degrees fifty-one minutes west one hundred forty-one and five-tenths feet to the place of beginning containing three hundred and six one-thousandths of an acre of land more or less

Being a part of the same land conveyed to the said grantors by deed from James Naylor dated January 18th 1918 recorded among the Land Records of Baltimore County in Liber W P C No 492 folio 506 &c

Together with the buildings and improvements thereupon erected made or being and all and every the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

To have and to hold the tract or parcel of land and premises hereinbefore described and

hereby intended to be granted and conveyed with the appurtenances unto the said William A Palmer and Mildred V Palmer his wife as tenants by the entireties their assigns the survivor of them the heirs and assigns of the survivor in fee simple

And the said grantors covenant that they will warrant specially the property hereby granted and conveyed and that they will execute such further assurances as may be requisite

Witness the hands and seals of said grantors

Test

Paul Martin

John G Naylor (SEAL)

Frances L Naylor (SEAL)

State of Maryland Baltimore City to wit

I Hereby certify that on this 26th day of May in the year nineteen hundred and thirty-four before me the subscriber a Notary Public of the State of Maryland in and for Baltimore City aforesaid personally appeared John G Naylor and Frances L Naylor his wife and severally acknowledged the foregoing deed to be their respective act

As witness my hand and Notarial Seal

(Notarial Seal)

Paul Martin

Notary Public

Recorded Sept 7 1934 at 2.45 P M and Exd per C Willing Browne Jr Clerk

---

DEL PER TICKET AUG - 8 1945

29388 : This Deed made this Sixth day of September in the year one thousand nine hundred and thirty-four by and between Property Sales Company a body corporate of Baltimore City in the State of Maryland of the first part and Gorman L Seders and Evelyn W Seders his wife of Baltimore County in the State of Maryland of the second part

Property Sales Company
Deed to
Gorman L Seders & Wf
U S S-$7.50

Witnesseth that in consideration of the sum of Five Dollars ($5.00) to it in hand paid receipt whereof is hereby acknowledged the said party of the first part does hrant and convey unto the said parties of the second part as tenants by entireties their personal representatives and assigns all that lot of ground situate in Baltimore County aforesaid and described as follo s that is to say

Beginning for the same at the corner formed by the intersection of the north side of Kingston Road and the east side of Marlborough Road and running thence easterly along the north side of Kingston Road seventy feet thence northerly parallel with Marlborough Road one hundred and twenty feet thence westerly parallel with Kingston Road seventy feet to the east side of Marlborough Road thence southerly along the east side of Marlborough Road one hundred and twenty feet to the place of beginning the improvements thereon being known as No 608 Kingston Road

Being and intended to convey all of Lots Nos 1 and 2 and the westernmost twenty feet of Lot No 3 in Block # 9 on the Plat of Stonsleigh recorded among the Land Records of Baltimore County in Plat Book W P C No 7 folio 87 with the exception of a portion comprising the northernmost five feet of said lots and being the first lot of ground which by deed dated July 23 1934 and left for record among the Land Records of Baltimore County on July 25th 1934 was conveyed by Louis Schaefer to the grantor herein

Together with the buildings thereupon and the rights alleys ways waters privileges appurtenances and advantages thereto belonging or in any wise appertaining

To have and to hold the said described lot of ground and premises unto and to the use of the said Gorman L Seders and Evelyn W Seders his wife as tenants by entireties their personal representatives and assigns for all the residue of the term of years yet to come and unexpired therein with the benefit of renewal forever subject to the payment of the annual rent of one

Vitti & Associates, Inc.
Engineering & Surveying
1717 York Road, Suite 102 • Lutherville, Maryland 21093
(410) 252-6212

Deed Description
0.212 Acres of Land, More or Less
Parcel of Ground
To Be Conveyed By
Palmer to Gencel
Part of Parcel 106, Grid 21,
Tax Map 27
15th Election District
Baltimore County, Maryland

Beginning for the same at a iron pipe heretofore set in the center of the former Stringtown Road (now used in common) at the end of the North 31 Degree 34 Minute West, 15.20 foot line described in a Deed dated November 14, 1947 and recorded among the Land Records of Baltimore County, Maryland in Liber J.W.B. 1619, Folio 174, which was a conveyance from John C. Naylor, widower to Helen M. Knapp, running thence and binding on said line, by the magnetic meridian of 1947, reversely South 31 Degrees 34 Minutes East, 15.2 feet to an iron pipe heretofore set, thence South 25 Degrees 49 Minutes East, 114.55 feet to an iron bar now set at the beginning of the South 26 1/2 Degree West, 2.2 perch line described in the first parcel in a Deed dated April 29, 1926 and recorded among the Land Records of Baltimore County, Maryland in Liber W.P.C. 629, Folio 437, which was a conveyance from John A. Lloyd and Birtie Lloyd, his wife, to James Knapp, running thence and binding on the last named line South 33 Degrees, 39 Minutes West, 36.3 feet to an iron bar now set where once stood a stone. Thence for two new lines of division across the Lands of William A. Palmer, as now surveyed, South 33 Degrees 39 Minutes 00 Seconds West, 39.16 feet to an iron bar now set, and North 25 Degrees 49 Minutes 00 Seconds West, 153.36 feet to an iron bar now set in the second or North 49 Degree 57 Minute 20 Second East, 76.05 foot line of a parcel of ground which by Deed dated December 21, 1990, and recorded among the Land Records of Baltimore County, Maryland in Liber 8698, Folio 471 was a conveyance from Richard A. Gribble and Susan A. Gribble, his wife, to Richard A. Gribble. Thence

SCHEDULE A

WITNESS the hands and seals of the said Mortgagors

TEST

Sadie D T Deaver

Lee J. Ogle (SEAL)

Elvira Louise Ogle (SEAL)

STATE OF MARYLAND CITY OF BALTIMORE TO WIT

I HEREBY CERTIFY That on this 16th day of April in the year One Thousand nine hundred and forty-eight before me the subscriber a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid personally appeared Lee J Ogle and Elvira Louise Ogle his wife the Mortgagors named in the foregoing Mortgage and they acknowledged the aforegoing Mortgage to be their act

At the same time also appeared Gustav Herzer Jr the President of the said Equitable Building And Savings Association of Baltimore City and made oath in due form of law that the consideration set forth in said Mortgage is true and bona-fide as therein set forth

WITNESS my hand and Notarial Seal

(Notarial Seal)

Sadie D T Deaver Notary Public

Rec Apr 22 1948 at 11:30 A M & exd per T Braden Silcott Clerk Rec M.K.

Exd by SG&AG

1654/291

51516 John G Naylor
Deed to Wm A Palmer et al
US $.55 St $.55

THIS DEED Made this 10th day of April in the year nineteen hundred and forty-eight by and between John G Naylor widower of Baltimore County State of Maryland party of the first part hereinafter called the Grantor and William A Palmer and Mildred V Palmer his wife of the county and State aforesaid parties of the second part

WITNESSETH that in consideration of the sum of Five Dollars and other valuable considerations the receipt whereof is hereby acknowledged the said John G Naylor doth grant and convey unto the said William A Palmer and Mildred V Palmer his wife as tenants by the entireties their assigns the survivor of them the heirs and assigns of the survivor in fee simple all that lot or parcel of land situate lying and being in the Fifth Election Distrit of Baltimore County State of Maryland and described as follows that is to say

BEGINNING for the outlines to include the same at an iron axle set for the end of the third line in a deed from John G Naylor and wife to William A Palmer and wife dated May 26 1934 recorded among the Land Records of Baltimore County in Liber C.W.B.Jr. No.938 etc. running thence on that line as now surveyed by magnetic bearings (1947) with due allowance of the magnetic declination north 30 degrees 05 minutes West 106.3 feet to an iron axle at the end of the second line of the above mentioned deed and on the south East side of the Stringtown Road thence along the south side of that road North 50 degrees 20 minutes East 192 feet to an iron pin thence by a line of division and running at right angle with the last line herein South 39 degrees 40 minutes East 138.5 feet to an iron rod and to intersect the outline of the said John G Naylor property thence binding thereon and along other land

DEL PER TICKET JUN 23 1949

PETITIONER'S EXHIBIT 5

of the said William A Palmer and wife as n[illegible]rveyed South 59 degrees 22 minutes West 209.7 feet to the place of beginning containing 548 one thousandths of an acre (0.548) of land more or less

BEING a part of the same land conveyed by deed dated January 18 1918 recorded among the Land Records of Baltimore County in Liber W P C No 492 folio 506 etc from James Naylor to John G Naylor

TOGETHER with the buildings and improvements thereupon erected made or being and all and every the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

TO HAVE AND TO HOLD the tract or parcel of land and premises hereinbefore described and hereby intended to be granted and conveyed with the appurtenances unto the said William A Palmer and Mildred V Palmer his wife as tenants by the entireties their assigns the survivor of them the heirs and assigns of the survivor in fee simple

AND the said Grantor covenants that he will warrant specially the property hereby granted and conveyed and that he will execute such further assurances as may be requisite

WITNESS the hand and seal of the said Grantor

TEST Herbert F Lee John G Naylor (SEAL)

STATE OF MARYLAND BALTIMORE COUNTY TO WIT

I HEREBY CERTIFY that on this 10th day of April in the year nineteen hundred and forty-eight before me the subscriber a Notary Public of the State of Maryland in and for Baltimore County aforesaid personally appeared John G Naylor widower and he acknowledged the foregoing Deed to be his act

WITNESS my hand and Notarial Seal

(Notarial Seal) Comm Exp May 30 1949 Herbert F Lee Notary Public

Rec Apr 22 1948 at 11:30 A M & exd per T Braden Silcott Clerk Rec M K

Exd by SG&AG

51517 William R Geer et al : THIS DEED Made this 21st day of April in the year one

Deed to Daniel W Hubers et al : thousand nine hundred and forty-eight by and between

US $4.95 St $4.95 : William R Geer and Elsa B Geer his wife of Baltimore County

State of Maryland parties of the first part and Daniel W Hubers and Gerald L Cochran of the same place parties of the second part

WITNESSETH that in consideration of the sum of Five Dollars and other valuable considerations this day paid the receipt whereof is hereby acknowledged the said parties of the first part do hereby grant and convey unto the said parties of the second part as tenants in common their heirs and assigns in fee simple subject to the mortgage hereinafter mentioned that lot of ground situate in Baltimore County in the State of Maryland and described as follows that is to say

BEING known and designated as Lot 8 on the Amended Plat of Marlyn Terrace which plat is recorded among the Land Records of Baltimore County in Plat Book C H K No 13 folio 17

The improvements thereon being known as #914 Renfrew Street

BEING the same property which by deed dated October 11 1946 and recorded among the Land Records of Baltimore County in Liber R J S No 1517 folio 191 was granted and conveyed by William T Morris to the said parties of the first part in fee simple and

BEING also the same property which by mortgage dated August 1 1946 and recorded among the aforesaid Land Records in Liber R J S No 1486 folio 220 was mortgaged and conveyed by William T Morris to the Loyola Federal Savings and Loan Association which mortgage was made to secure the repayment of a loan of forty-two hundred and ninety dollars and interest

TOGETHER with the buildings and improvements thereupon and the rights alleys ways waters

5476/305

EHK. Jr.

LIBER 5476 PAGE 305

FEE SIMPLE DEED
(Individual Form)
FILE No. 11515

NO TITLE EXAMINATION
NO CONSIDERATION TRANSFER TAX NOT REQUIRED

LAW OFFICES
STENGEL, ASKEW & WILSON
Towson, Maryland 21204

William F. Laudeman
Acting Director of Finance
Per: Authorized Signature

This Deed, Made this 5th day of September

in the year one thousand nine hundred and seventy-four ----------, by and between

WILLIAM A. PALMER AND MILDRED V. PALMER, his wife, ----------

of Baltimore County ---------- in the State of Maryland, of the first part, Grantor(s), and

GEORGE V. PALMER AND JANE G. PALMER, his wife, ----------

of the second part, Grantee(s).

PETITIONERS EXHIBIT 6

SEP 11-74 228557 ****1150
SEP 11-74 228557C ****1150

Witnesseth, that in consideration of the sum of Five Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party(ies) of the first part do(es)

grant and convey unto the said party(ies) of the second part as tenants by the entireties--

his or her ~~(or their)~~ Personal Representative /heirs and assigns, in fee simple, all that (those) lot(s) or parcel(s) of ground situate in Baltimore County ----------, State of Maryland, and described as follows:

BEGINNING FOR THE SAME at a point on the southeast side of Stringtown Road at the beginning of the land described in the deed from John G. Naylor to George V. Palmer and wife, dated September 22, 1948 and recorded among the Land Records of Baltimore County in Liber T.B.S. 1697 page 296, said point also being at the beginning of the third line of the land described in the deed from John G. Naylor to William A. Palmer and wife, dated April 10, 1948 and recorded among said Land Records in Liber T.B.S. 1654 page 291, running thence binding on said third line and binding reversely on the last line of said first mentioned land, (1) S 39° 40' E 138.5 feet to a point on the N 58° E 52.13 perch line of the land described in the deed from John A. Lloyd and others to William A. Palmer and wife, dated October 10, 1925 and recorded among said Land Records in Liber W.P.C. 628 page 70, thence binding on a part of said 52.13 perch line and also binding reversely on the third line of said land conveyed in Liber T.B.S. 1697 page 296, (2) N 59° 22' E 144.19 feet, thence for a new line of division binding on the southeasterly extension of the second line of said last mentioned land, (3) S 39°

40' E 15.19 feet, thence by a line parallel to and 15.00 feet southerly from said 52.13 perch line, (4) S 59° 22' W 169.5 feet, thence by a line parallel to and distant 25.00 feet southwesterly from the third line of said land conveyed in Liber T.B.S. 1654 page 291, (5) N 39° 40' W 149.7 feet to a point on the southeast side of said Stringtown Road, thence binding on the southeast side of said Stringtown Road and also binding on part of the second line of said last mentioned land, (6) N 50° 20' E 25.00 feet to the place of beginning, as per survey of MCA Engineering Corporation dated August 1, 1974.

Containing 0.14 of an acre of land, more or less.

BEING part of the two following deeds as recorded among the Land Records of Baltimore County:

1. John A. Lloyd and others to William A. Palmer and wife, dated October 10, 1925, in Liber W.P.C. 628 page 70.
2. John G. Naylor to William A. Palmer and wife, dated April 10, 1948, in Liber T.B.S. 1654 page 291.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

To Have and To Hold the said lot(s) of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said party(ies) of the second part,

his or her (~~or their~~ Personal Representative heirs and assigns, in fee simple, as tenants by the entireties -----

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

Whenever used, the singular number shall include the *plural, the plural the singular*, and the use of any gender shall be applicable to all genders.

Witness the hand(s) and seal(s) of said grantor(s):

Witness:

Robin Butterworth

William A. Palmer (SEAL)
WILLIAM A. PALMER

Mildred V. Palmer (SEAL)
MILDRED V. PALMER

STATE OF MARYLAND, BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 6th day of September in the year one thousand nine hundred and seventy-four---------- , before me, the subscriber, a Notary Public of the State aforesaid, *personally appeared* WILLIAM A. PALMER and MILDRED V. PALMER, his wife, ----------

known to me (or satisfactorily proven) to be the person(s) whose name(s) is(are) subscribed to the within Deed, who signed the same in my presence, and acknowledged that he, she, or they executed the same for the purposes therein contained.

As Witness my hand and Notarial Seal.

Eva M. Smith
Notary Public

Rec'd for record SEP 11 1974 at 9 32 A M
Per Elmer H. Kahline, Jr., Clerk
Mail to STENGEL & ASKEW
Receipt No. ✓ $ 11.50

My Commission expires on: July 1, 1978

1066 528

5th Election District
Prior Deed Ref. 7078/13
0.212 acres

NO TITLE SEARCH

DEED

THIS DEED, made this 2nd day of June, in the year One Thousand Nine Hundred Ninety-Four, by and from GEORGE V. PALMER, Trustee under a certain Trust Agreement between William A. Palmer and George V. Palmer, Trustee, dated January 15, 1986 and recorded among the Land Records of Baltimore County in E.H.K., Jr. Liber No. 7078 page 6, party of the first part, and JOAN GENCEL (formerly known as Joan McHale), party of the second part.

WITNESSETH, that for and in consideration of the payment this day by the party of the second part to the party of the first part *of the sum of TWO THOUSAND FIVE HUNDRED DOLLARS ($2,500.00)*, the said party of the first part does hereby grant and convey to and unto the said party of the second part, her personal representatives, heirs and assigns, in fee simple, all that lot, piece or parcel of land, with improvements thereon, situate, lying and being in the Fifth Election District of Baltimore County, Maryland, and more particularly described as follows:

SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER with the buildings and improvements thereon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot or parcel of ground and premises above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said party of the second part, her *personal representatives, heirs and assigns, in fee simple.*

THOMAS, RONALD & COOPER, P.A.
ATTORNEYS AT LAW
SUITE 344
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
296 6777

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
7/22/94
Date

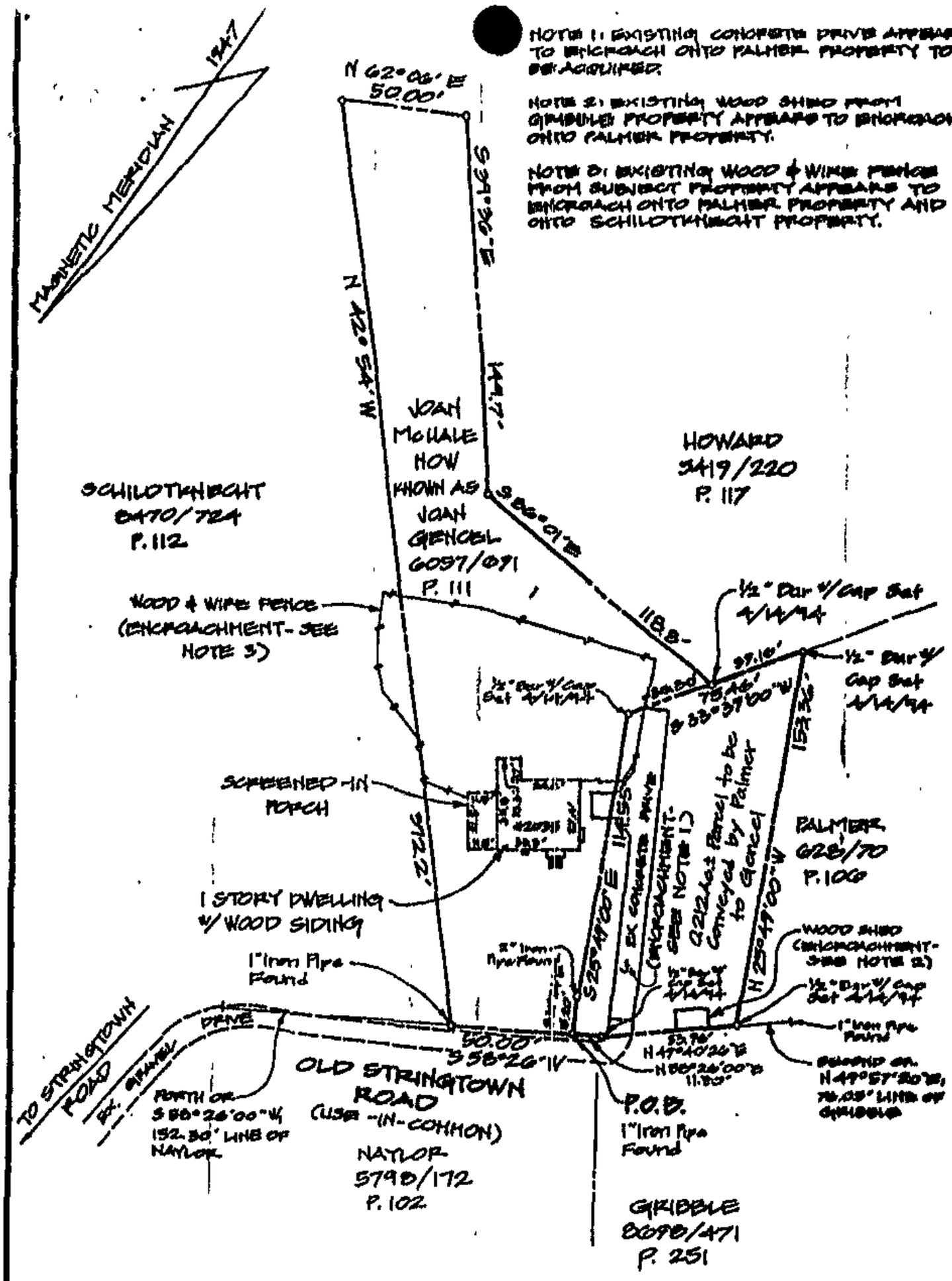
AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE DATE 7/22/94

PETITIONER'S EXHIBIT 7

NOTE 1: EXISTING CONCRETE DRIVE APPEARS TO ENCROACH ONTO PALMER PROPERTY TO BE ACQUIRED.

NOTE 2: EXISTING WOOD SHED FROM GRIBBLE PROPERTY APPEARS TO ENCROACH ONTO PALMER PROPERTY.

NOTE 3: EXISTING WOOD & WIRE FENCE FROM SUBJECT PROPERTY APPEARS TO ENCROACH ONTO PALMER PROPERTY AND ONTO SCHILOTKNECHT PROPERTY.



TAX MAP 27, GRID 21
5th ELECTION DISTRICT
BALTIMORE COUNTY, MD.

NOTE: THE PURPOSE OF THIS PLAT OF SURVEY IS TO SHOW 0.212 Ac.± PARCEL OF GROUND TO BE CONVEYED BY PALMER TO GRENGEL

STATE OF MARYLAND ANTHONY JOSEPH VITTI REGISTERED PROFESSIONAL LAND SURVEYOR 4/14/94

PLAT OF SURVEY: PALMER TO GRENGEL

VITTI & ASSOCIATES, INC.
Engineering & Surveying
1717 YORK ROAD SUITE 102 LUTHERVILLE, MD 21093
252-5212

job no.:	93-82
scale:	1"=50'
date:	4/14/94
drawn:	JDF
checked:	AJV

running with and binding on part of said line, as now surveyed, North 49 Degrees 40 Minutes 26 Seconds East, 53.96 feet to an iron bar now set at the end of the Gribbie line. Said point also being the end of the fourth or South 58 Degree 26 Minute 00 Second West, 152.30 foot line of a parcel of ground which by Deed dated August 29, 1977, and recorded among the Land Records of Baltimore County, Maryland in Liber 5798, Folio 172 was a conveyance from Harry Woodrow Naylor and Mary Virginia Naylor, his wife, to Philip Eugene Naylor and Grace Ann Naylor, his wife. Thence running reversely with and binding on part of said line, as now surveyed, North 58 Degrees 26 Minutes 00 Seconds East, 11.3 feet to the place of beginning.

Containing 0.212 Acres of Land, More or Less, as now surveyed, on April 14, 1994, by Vitti & Associates, Inc. and shown on a plat attached hereto, and intended to be recorded herewith, as part of the description contained herein.

Being part of the property which by Deed dated October 10, 1925 and recorded among the Land Records of Baltimore County, Maryland in Liber W.P.C. 628, Folio 70 was a conveyance from John A. Lloyd and Birtle M. Lloyd, his wife, of the first part and George H. Zouck of the second part to William A. Palmer and Mildred V. Palmer, his wife.

STATE OF MARYLAND
ANTHONY JOSEPH VITTI
No. 10001
REGISTERED
PROFESSIONAL LAND SURVEYOR
5/10/94

IN WITNESS WHEREOF the said party of the first part has hereunto caused this instrument to be executed as of the day and year first above written.

WITNESS:

Linda L. Miller

(SEAL)
GEORGE V. PALMER, Trustee
under a certain Trust Agreement
dated January 15, 1986.

STATE OF MARYLAND, COUNTY OF Cecil, to wit:

I HEREBY CERTIFY, that on the 11th day of July, 1994, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared GEORGE V. PALMER, known to me (or satisfactorily proven), who acknowledged that he, being duly authorized so to do, executed the foregoing Deed for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Debra Marie Piwowarczyk
Notary Public

My Commission expires: 7/31/95

This is to certify that the foregoing Deed was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice law in the State of Maryland.

Keith E. Ronald

After recording, please return to:

Keith E. Ronald, Esquire
Thomas, Ronald & Cooper, P.A.
409 Washington Ave., Ste. 314
Towson, Maryland 21204

THOMAS, RONALD
& COOPER, P.A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
296-6777

022046 JUL 21 94 564.555

Baltimore County, Maryland
Land Instrument Intake Sheet

(Type or print in black ink only—all copies must be legible)

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, §33-126 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property Article, §12-101 through 12-113, as amended, and Tax-Property Article, §13-101 through 13-408, as amended, it is certified that an instrument of writing dated _____ conveying title to or creating liens or encumbrances upon, real or personal property is offered for record in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows:

Parker

1 Description of Property (Check box(es) for item(s) to be indexed in land records)

Property Tax ID No.: 05-16-000199 | Tax Map/Block | Map/Grid/Parcel No.

Subdivision/Tract | Lot Acreage | Prior Deed Ref.: 2078/13 | VAR. L.O.G.

Street Address (or description if partial conveyance): 0.212 acre parcel to neighboring property to correct driveway encroachment

2 Transferred From

Grantor(s) (check box if additional sheets are attached): George W. Palmer, Trustee

Owner of record (if different from grantor)

3 Transferred To

Grantee(s) (check box if additional sheets are attached): John Gencel

4 Type of Instrument

[X] Deed | [ ] Deed of Trust | [ ] Mortgage | [ ] Lease | [ ] Assignment of Mtg/DOT | [ ] Contract | [ ] Land Installment Cont. | [ ] Power of Attorney | [ ] Financing Statement | [ ] Other (Specify)

5 Exemptions (Cite authority or explain briefly)

Baltimore County Exempt Status Claimed:
Recordation Tax Exempt Status Claimed:
State Exempt Status Claimed:

6 Consideration and Tax Calculations Make check payable to Baltimore County, MD (410) 887-2416

Consideration Amount		County Taxes to be Paid
Purchase Price/Consideration (including any new mortgage)	$ 2,500.00	Transfer Tax Consideration $ 2,500.00 x 1.6% = $ 40.00
Real Property		
Personal Property		
Balance of Assumed Mortgage		Office of Finance Use Only
Other		Agent: BZ Tax Bill: 1296.39
Total Consideration	$ 2,500.00	C.B. Credit: ____ Ag. Tax/Other: ____
or Assessed Factor	$	

7 Fees and Recording Instructions Make check payable to Clerk of the Circuit Court (410) 887-2650

Recordation Fees		Special Recording Instructions (If any)
Recording Charges	$ 20.00	20
State Transfer Tax	12.50	12.50
County Recordation Tax	12.50	12.50
Surcharge	5.00	5
Other		
Total	$ 50.00	

8 Contact/Mail Information

Instrument Prepared By	Return Instrument To	Mailing Address for Tax Bill
Name: Keith Howard	Name: Keith Howard	Name: John Gencel
Firm: SR 314	SR 314	
Address: 400 Washington Ave. Towson, Md 21204	Address: 400 Washington Ave. Towson, MD 21204	Address: 2035 Stringham Road Sparks, MD 21152
Phone: (410) 296-6177		

9 Certification

I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief.

Signature: _____ Date: 7/20/94

10 Assessment Information (410) 321-2299

IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

- [ ] Yes [✓] No Will grantee be living at property conveyed?
- [ ] Yes [✓] No Is grantor currently receiving a homeowners' tax credit?
- [ ] Yes [✓] No *Is property conveyed subject to agricultural transfer tax? If yes, enter amount:*
- [ ] Yes [ ] No If agricultural assessment on conveyance is to continue, have you attached a letter of intent?
- [✓] Yes [ ] No Partial conveyance? If yes, amount of acreage transferred: 0.212 acres
- List improvements conveyed: none
- If subdivision occurred after July 1, indicate former property tax ID number:

Optional Expediting Information A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time.

- [✓] Yes [ ] No Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage: 9.7 acres
- Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage):
- Location and improvement address: 2119 Stringham Road

Assessment Use Only - Do Not Write Below This Line

Terminal Verification | Agricultural Verification | Trans. Process Verification | Whole | Desc. | Part | Deed Plotter | Deed Reference | Assigned Property No

Recording Validation | Clerk Circuit Court | Space Reserved for Circuit Court

H RC/F 20.00
H T TX 12.50
H DOC 12.50
HC IMP 5.00
DEED # 0 #
SH CLERK 50.00
#455780 COOB R01 T09:44
07/25/94

Space Reserved for County Tax Collector

CHG 009:55AM07-21-94 #0102 TRTX

$40.00

E.H.K. Jr.
LIBER 7078 FOLIO 013

NO CONSIDERATION
NO TITLE SEARCH

THIS DEED, Made this 15th day of January in the year one thousand nine hundred and eighty-six by and between WILLIAM A. PALMER of Baltimore County in the State of Maryland, of the first part, Grantor, and GEORGE V. PALMER, TRUSTEE, of Baltimore County in the State of Maryland, under Trust Agreement between William A. Palmer and George V. Palmer, Trustee, dated the 15th day of January, 1986 and recorded among the Land Records of Baltimore County prior hereto, of the second part, Grantee.

WITNESSETH, That in consideration of the sum of Zero (-0-) Dollars, the said party of the first part does grant and convey unto the said party of the second part, Trustee as aforesaid, *his successor Trustees and assigns, in fee simple, all those* parcels of land situate and being in the Fifth Election District of Baltimore County, State of Maryland as described or referred *to in "SCHEDULE A" attached hereto and made a part hereof.*

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, *ways, waters, privileges, appurtenances and advantages to the* same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said lots of ground and premises above described and mentioned and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or in anywise appertaining unto and to the proper use and benefit of the said party of the second part, Trustee as aforesaid, his successor Trustees and assigns, in fee simple.

AND the said party of the first part hereby covenants that he will warrant specially the property granted and that he will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the Grantor:

C RC/F 14.00
DEED 0
EHK JR T 14.00
H01315 C001 R02 T14:0

Witness:

David A Wilson

William A. Palmer
William A. Palmer

01/30/8

STATE OF MARYLAND, Baltimore County, to wit:

I HEREBY CERTIFY, That on this 15th day of January, in the year one thousand nine hundred and eighty-six, before me, the

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
JR 1-20-86
CLERK
DATE

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE JR DATE 1-20-86

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per Joseph W. Cox
Authorized Signature
Date 1/20/86 Sec. 11.85 C

W. LEE THOMAS, P.A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777

14

subscriber, a Notary Public of the State and County aforesaid, personally appeared William A. Palmer, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Deed, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: 7/1/86

Mail To

W. LEE THOMAS, P.A.
ATTORNEYS AT LAW
SUITE 214
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777

SCHEDULE A

Attached to and made a part of a Trust Agreement between William A. Palmer and George V. Palmer, Trustee dated January, 1986

All those parcels of land situate in the Fifth Election District of Baltimore County as described or referred to in the following:

1. Deed from John A. Lloyd and Birtie M. Lloyd, his wife, to William A. Palmer and Mildred V. Palmer, his wife, dated October 10, 1925 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 628, folio 70. Saving and excepting therefrom so much as was granted and conveyed by William A. Palmer and Mildred V. Palmer, his wife, to George V. Palmer and Jane G. Palmer, his wife, by Deed dated September 5, 1974 and recorded among the Land Records of Baltimore County in Liber E.H.K,Jr. No. 5476, folio 305.

2. Deed from John G. Naylor and Frances L. Naylor, his wife, to William A. Palmer and Mildred V. Palmer, his wife, dated May 26, 1934 and recorded among the Land Records of Baltimore County in Liber C.W.B.,Jr. No. 938, folio 471.

3. Deed from John G. Naylor, widower, to William A. Palmer and Mildred V. Palmer, his wife, dated April 10, 1948 and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1654, folio 291. Saving and excepting therefrom so much as was granted and conveyed by William A. Palmer and Mildred V. Palmer, his wife, to George V. Palmer and Jane G. Palmer, his wife, by Deed dated September 5, 1974 and recorded among the Land Records of Baltimore County in Liber E.H.K,Jr. No. 5476, folio 305.

Mail To

W. LEE THOMAS, P.A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
296-6777

S.M. 0011544 539

FIFTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
2119 Stringtown Road

NO TITLE SEARCH

THIS CONFIRMATORY DEED, made this 15th day of April, in the year one thousand nine hundred and ninety-six, by and between GEORGE V. PALMER, TRUSTEE OF THE WILLIAM A. PALMER TRUST, of Baltimore County, in the State of Maryland, of the first part, Grantor, and ROBERT F. WEBBERT and BARBARA P. WEBBERT, husband and wife, of Baltimore County in the State of Maryland, of the second part, Grantees.

The Grantor conveyed to the Grantees the property described on the attached Schedule A property description which is located in Baltimore County, Maryland, by Deed dated July 18, 1995, which Deed has been recorded among the Land Records of Baltimore County in Liber SM No. 11133, folio 414. The Grantor and Grantee have since discovered that the Plat recorded with the aforesaid Deed as Schedule B contained a course and distance which did not appear on any of the prior deeds conveying the subject three parcels and the recorded Plat omitted one of the courses and distances of the property and the Grantor and Grantees now desire to correct those errors.

The Grantor, for the consideration recited in the Deed from the Grantor to the Grantees referred to above, and for no other consideration, hereby grants, regrants, conveys and reconveys, and confirms to the Grantees, as tenants by the entireties, their assigns, the survivor of them, and the heirs, personal representatives and assigns of the survivor, in fee simple, all those three lots or parcels of ground situate in the Fifth Election District of Baltimore County, State of Maryland, and described as follows:

> See Schedule A for property description and Schedule B for Plat prepared by C. A. Myers and Son, Inc., both of which are attached hereto.
>
> BEING the same three lots or parcels of ground which by Deed dated January 15, 1986, and recorded among the Land Records of Baltimore County in Liber EHK JR. No. 7078, folio 13, were granted and conveyed by William A. Palmer, unto George V. Palmer, Trustee of the William A. Palmer Trust, the within Grantor.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

TO HAVE AND TO HOLD the said three lots or parcels of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part as tenants by the entireties, their assigns, the survivor of them, and the heirs, personal representatives and assigns of the survivor, in fee simple.

AND the said party of the first part hereby covenants that he has not done nor suffered to be done any act, matter or thing whatsoever to encumber the property hereby granted; that he will warrant specially the property hereby granted and conveyed, and that he will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said Grantor and Grantees.

Witness:

WILLIAM A. PALMER TRUST

Gail G. Cooper

By _____ (SEAL)
George V. Palmer, Trustee

Gail G. Cooper

_____ (SEAL)
Robert F. Webbert

Gail G. Cooper

_____ (SEAL)
Barbara P. Webbert

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 15th day of April, in the year one thousand nine hundred and ninety-six, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared GEORGE V. PALMER, Trustee of the William A. Palmer Trust, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Deed, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission expires on: 1-1-98

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 15th day of April, in the year one thousand nine hundred and ninety-six, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared ROBERT F. WEBBERT, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Deed, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Barbara Ann Davis
Notary Public

My Commission expires on: 1-1-98

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, that on this 15th day of April, in the year one thousand nine hundred and ninety-six, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared BARBARA P. WEBBERT, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Deed, who signed the same in my presence, and acknowledged that she executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Barbara Ann Davis
Notary Public

My Commission expires on: 1-1-98

After recording, please return to:
Gail G. Cooper, Esquire
409 Washington Avenue
Suite 314
Towson, MD 21204

This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland attorney or by a party to this instrument.

Gail G. Cooper
Gail G. Cooper

C.A. MYERS & SON, INC.
LAND SURVEYORS
5732 EMORY ROAD
UPPERCO, MD 21155

ALL those three lots or parcels of land situate, lying and being in the Fifth Election District of Baltimore County, State of Maryland and described as follows, that is to say:

BEGINNING for the outlines of the first parcel to include the same at a flint stone found at the end of the North 86 degrees West 20 perches line described in a Deed from John A. Lloyd et al,. to William A. Palmer and Wife, dated October 10, 1925, recorded among the Land Records of Baltimore County in Liber W.P.C. No. 628 folio 70 etc., said point also being at the end of the North 89 degrees 28 minutes 12 seconds West 330.99 foot line as shown on a plat entitled "Resubdivision of Lot 3, DUNCAN HILL MANOR", dated December 21, 1992, recorded in Plat Book Liber S.M. No. 65 folio 69, thence binding reversely on the outlines of said plat the following line and also binding reversely on the first above mentioned Deed the four following lines, South 81 degrees 22 minutes 05 seconds East 330.99 feet to a flint stone found and South 50 degrees 02 minutes 51 seconds East 44.93 feet to a stone found at the end of the North 68 degrees 22 minutes 02 seconds West 124.42 foot line described in a Deed from Dora A. Gregg and husband to William Melvin Gregg, Jr. and Wife, dated July 26, 1974, recorded in Liber E.H.K., Jr. No,. 5468 folio 241 etc., thence binding on that Deed the following line, North 30 degrees 12 minutes 13 seconds East 479.30 feet to a pipe found at the end of the North 57 degrees 31 minutes 05 seconds West 305.53 foot line described in a Deed from Agnes E. Howard to Donald S. Howard and Wife, dated November 6, 1973, recorded in Liber E.H.K. Jr. No. 5419 folio 220 etc., thence binding on that Deed the following line, North 30 degrees 12 minutes 13 seconds East 398.85 feet to a pipe now set, thence running by a new line of division as now surveyed. north 26 degrees 14 minutes 02 seconds West 0.92 feet to an iron pin found at the end of the South 33 degrees 39 minutes 00 seconds West 39.16 foot line described in a Deed from George V. Palmer, Trustee to Joan Gencel, dated July 2, 1994, recorded in Liber S.M. No. 10664 folio 528 etc., thence binding on that Deed the following line, North 26 degrees 14 minutes 02 seconds West 153.36 feet to an iron pin found in the abandoned road bed of Stringtown Road at the end of 22.09 feet in the North 49 degrees 57 minutes 20 seconds East 76.05 foot line described in a Deed from Richard A. Gribble and Wife to Richard A. Gribble, dated December 21, 1990, recorded in Liber S.M. No. 8698 folio 471 etc., thence running in the former road bed of Stringtown Road and binding reversely on that Deed the following line, South 49 degrees 15 minutes 24 seconds West 22.09 feet to a pipe found on the Southeast side of said former road bed at the end of the North 53 degrees 42 minutes 30 seconds East 70.15 foot line described in a Deed from Morris K. Cofiell and Wife, to Alvin M. Fendlay and Wife, dated November 18, 1960, recorded in Liber W.J.R. No. 3782 folio 619 etc., thence binding reversely on that Deed the following line, South 52 degrees 56 minutes 43 seconds West 70.12 feet to a point in said former road bed at the end of the South 39 degrees 40 minutes East 174.9 foot line described in a Deed from John G. Naylor to Howard R. Thompson and Wife, dated September 22, 1948, recorded in Liber T.B.S. No. 1697 folio 294 etc., thence running in or near the centerline of said former road bed and binding on that Deed the two following lines, South 52 degrees 56 minutes 43 seconds West 90.13 feet to a pipe now set and South 58 degrees 01 minutes 42 seconds West 48.56 feet to a pipe now set at the end of the North 59 degrees 22 minutes East 144.19 foot line of the second parcel described in a Deed from John E. Blizzard III and Wife to David W. Zeigler and Wife, dated November 30, 1984, recorded in Liber E.H.K. Jr. No. 6833 folio 429 etc., thence binding on that Deed the three following lines, South 40 degrees 24 minutes 24 seconds East 15.21 feet to a pipe now set, thence running along the southeast side of said former road bed the following line, South 59 degrees 10 minutes 55 seconds West 169.45 feet to a pipe now set, thence, North 40 degrees 24 minutes 24 seconds West 16.19 feet to a point in the above mentioned former road bed and to intersect the South 59 degrees 22 minutes West 209.70 foot line described in a Deed from John G. Naylor to William A. Palmer and Wife, dated April 10, 1948, recorded in Liber T.B.S. No. 1694 folio 291 etc., thence running in the above mentioned former road bed the two following lines and binding on the last mentioned Deed the following line, South 59 degrees 10 minutes 45 seconds West 183.51 feet to a point at the end of the South 31 degrees 30 minutes East 106.3 foot line described in a Deed from John G. Naylor and Wife to William A. Palmer and Wife, dated May 26, 1934, recorded in Liber C.W.B. Jr. No. 938 folio 471 etc., thence binding on that Deed the following line South 59 degrees 10 minutes 45 seconds West 141.50 feet to an iron rod found at the end of the North 58 degrees 51 minutes East 324.70 foot line of the second parcel of land described in a Deed from Frances M.

Wolford to Evelyn E. Bull et al., dated June 20, 1968, recorded in Liber O.T.G. No. 4918 folio 020 etc., thence leaving the aforementioned former road bed and binding on the second parcel of land described in the last mentioned Deed the three following lines, South 32 degrees 10 minutes 00 seconds East 20.00 feet to a stone found, South 56 degrees 07 minutes 09 seconds West 520.00 feet to a 13 inch white oak tree found, marked with twelve notches, thence, North 35 degrees 20 minutes 51 seconds West 28.50 feet to a pipe now set on the southeast side of the above mentioned abandoned road bed of Stringtown Road and to intersect the North 51¼ degrees East 20.19 perches line described in the first above mentioned Deed from John A. Lloyd et al. to William A. Palmer and Wife, dated October 10, 1925, recorded in Liber W.P.C. No. 628 folio 70 etc., thence running along the abandoned road bed and binding reversely on the last mentioned Deed the two following lines, South 53 degrees 56 minutes 59 seconds West 127.09 feet and South 55 degrees 50 minutes 52 seconds West 12.40 feet to a pipe found on the southeast side of the present road bed of Stringtown Road, 40 feet wide, at the end of the North 27 degrees 22 minutes 50 seconds West 229.12 foot line described in a Deed from Harold Ray Beebe and Wife to Rose Marie Dalton, dated May 7, 1976, recorded in Liber E.H.K. Jo. No. 5631 folio 289 etc., thence leaving the side of said road, binding reversely on the first aforementioned Deed the two following lines and binding reversely on the last mentioned Deed the following line, South 28 degrees 09 minutes 08 seconds East 230.76 feet to a point set South 28 degrees 09 minutes 08 seconds East 1.64 feet from an old boundary stone found at the beginning point described in the last mentioned Deed, said point also being set at the end of 346.69 feet in the South 58 degrees 13 minutes 08 seconds West 611.92 foot line as shown on the above mentioned plat entitled "Resubdivision of Lot 3, DUNCAN HILL MANOR", thence binding reversely on the outlines of said plat the following line, North 66 degrees 19 minutes 15 seconds East 346.69 feet to the place of beginning, containing Ten acres and three hundred ninety one thousandths (10.391) of an acre of land, more or less.

BEGINNING for the outlines of the second parcel to include the same at a stone found on the southeast side of the present road bed of Stringtown Road at the end of the North 32 degrees 10 minutes West 80.00 foot line described in the above mentioned Deed fom John G. Naylor and Wife to William A. Palmer and Wife, dated May 26, 1934, recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 938 folio 471 etc., thence running along the southeast side of the present road bed of Stringtown Road and binding on the last mentioned Deed the four following lines, North 49 degrees 35 minutes 36 seconds East 145.00 feet to a point at the end of the North 30 degrees 05 minutes West 106.3 foot line described in the above mentioned Deed from John G. Naylor to William A. Palmer and Wife, dated April 10, 1948, recorded in Liber T.B.S. No. 1694 folio 291 etc., thence leaving the side of said road and binding reversely on the last mentioned Deed the following line, South 31 degrees 02 minutes 45 seconds East 104.13 feet to a point in the former road bed of Stringtown Road at the end of the South 59 degrees 10 minutes 45 seconds West 183.51 foot line of the above described first parcel, thence running in the former road bed of Stringtown Road and binding on said first parcel of this Deed, South 59 degrees 10 minutes 45 seconds West 141.50 feet to an iron rod found at the end of the South 32 degrees 10 minutes East 80 foot line of the first parcel of land described in a Deed from Frances M. Wolford to Evelyn E. Bull et al., dated June 20, 1968 .ded in Liber O.T.G. No. 4918 folio 020 etc., thence leaving the abandoned road bed and bin ng reversely on that Deed, North 32 degrees 10 minutes 00 seconds West 80.00 feet to the place of beginning, containing Three hundred and one thousandth (0.301) of an acre of land, more or less.

BEGINNING for the outlines of the third parcel to include the same at a pipe now set on the southeast side of the present road bed of Stringtown Road at the end of 164.00 feet in the North 50 degrees 20 minutes East 189 foot line described in the above mentioned Deed from John G. Naylor to William A. Palmer and Wife, dated April 10, 1948, recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1694 folio 291 etc., said point also being at the end of the North 39 degrees 40 minutes West 149.7 foot line of the second parcel described in a Deed from John E. Blizzard III and Wife to David W. Zeigler and Wife, dated November 30, 1984, recorded in Liber E.H.K. Jr. No. 6833 folio 429 etc., thence leaving the side of said road and binding reversely on the last mentioned Deed the following line, South 40 degrees 24 minutes 24 seconds East 133.30 feet to a point in the former road bed of Stringtown Road and to intersect the South 59 degrees 22 minutes West 209.70 foot line described in the above mentioned Deed from John G. Naylor to William A. Palmer and Wife, dated April 10, 1948, recorded in Liber T.B.S. No. 1694 folio 291 etc., thence running in the former road bed of Stringtown Road and binding on the last mentioned Deed the three following lines, South 59 degrees 10 minutes 45 seconds West 183.51 feet to a point at the end of the South 31 degrees 30 minutes East 106.3 foot line described in the above mentioned Deed from John G. Naylor and Wife to William A. Palmer and Wife, dated May 26, 1934, recorded in Liber C.W.B. Jr. No. 938 folio 471 etc., thence leaving the former road bed

of Stringtown Road and binding reversely on the last mentioned Deed, North 31 degrees 02 minutes 45 seconds West 104.13 feet to a point on the southeast side of the present road bed of Stringtown Road, thence running along the side of said road, North 49 degrees 35 minutes 36 seconds East 164.00 feet to the place of beginning, containing Four hundred and seventy thousandths (0.470) of an acre of land, more or less.

BEING all of the same three parcels of land described in a Deed from William A. Palmer to George V. Palmer, Trustee, dated January 15, 1986, recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 7078 folio 13 etc.

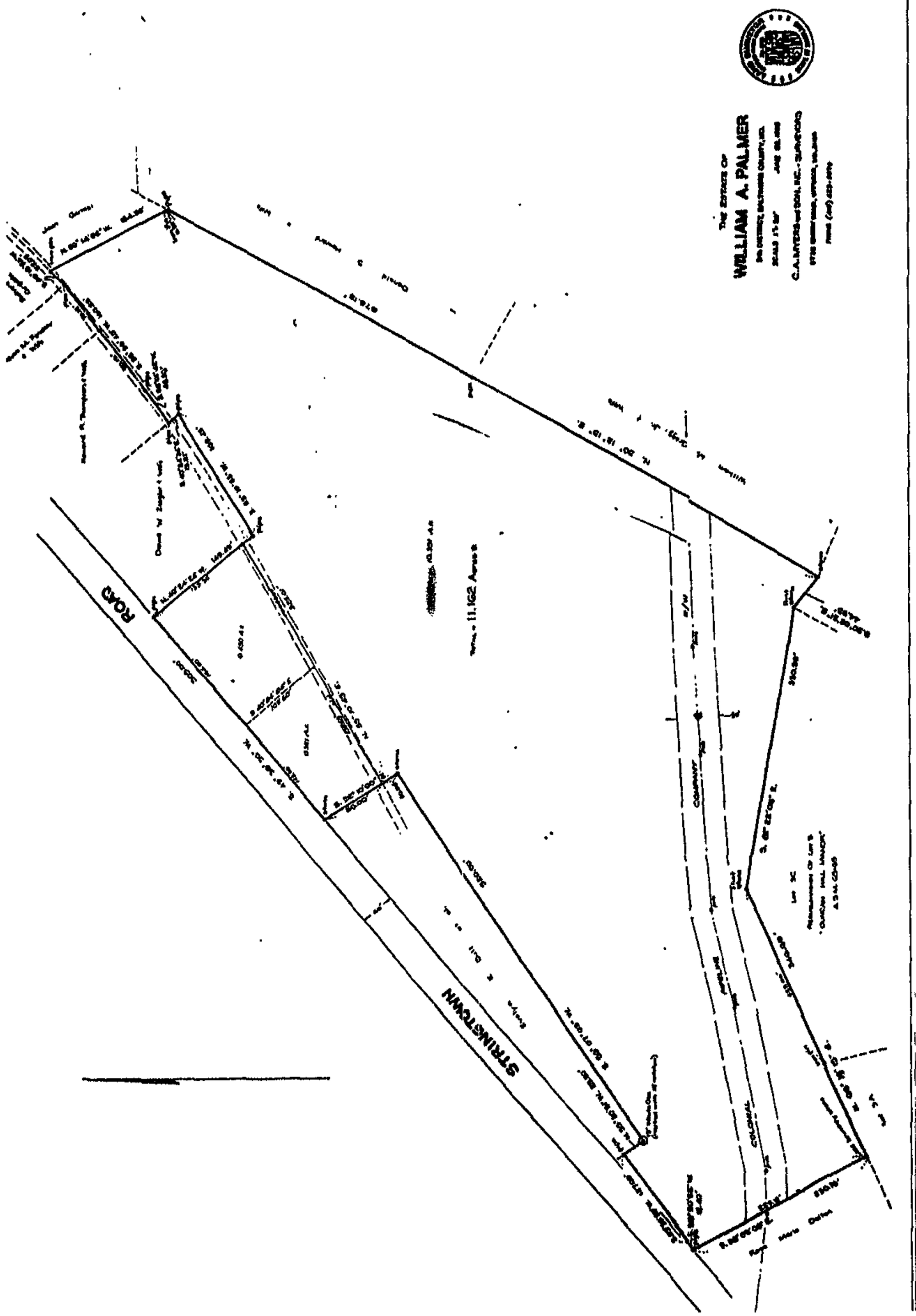
AS surveyed June 26, 1995 by C. A. Myers, Surveyor.

C. A. Myers

C. A. Myers, Surveyor

0011544 545

SCHEDULE B



0011544 546

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

INP FD SURE $ 5.00
RECORDING FEE 20.00
TOTAL 25.00
Rcpt# 8481 Rcpt # 14769
SM SR Blk # 2156
Apr 22, 1996 02:06 pm

1 Type(s) of Instruments (☐ Check Box if Addendum Intake Form is Attached.)

☒ Deed; Deed of Trust; Mortgage; Lease; Other; Other

2 Conveyance Type Check Box

Improved Sale Arms-Length [1]; Unimproved Sale Arms-Length [2]; Multiple Accounts Arms-Length [3]; ☒ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation: Confirmatory Deed
State Transfer: Confirmatory Deed
County Transfer: Confirmatory Deed

To Clear Discrepancy

4 Consideration and Tax Calculations

Consideration Amount	
Purchase Price/Consideration	$
Any New Mortgage	$
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value	$

Finance Office Use Only — Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$
X ( ) % =	$
Less Exemption Amount –	$
Total Transfer Tax =	$
Recordation Tax Consideration	$
X ( ) per $500 =	$
TOTAL DUE	$
Agent:	
Tax Bill:	
C.B. Credit:	
Ag. Tax/Other:	

EXEMPT

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20.00	$
Surcharge	$ 5.00	$
State Recordation Tax	$	$
State Transfer Tax	$	$
County Transfer Tax	$	$
Other	$	$
Other	$	$

6 Description of Property — SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG ☐ (5)
05	05-16-000100	7078/13			
05	05-16-000251				

Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2): 2119 Stringtown Road

Other Property Identifiers (if applicable) | Water Meter Account No.

Residential ☐ or Non-Residential ☐ | Fee Simple ☐ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☒ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s): George V. Palmer, Trustee
Doc. 2 - Grantor(s) Name(s):
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)
Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8 Transferred To

Doc. 1 - Grantee(s) Name(s): Robert F. & Barbara Webbert
Doc. 2 - Grantee(s) Name(s):

New Owner's (Grantee) Mailing Address: 15425 Falls Rd., Sparks, MD 21152

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)
Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person
Name: Gail G. Cooper
Firm: Thomas, Ronald & Cooper, P.A.
Address: 409 Washington Ave., Suite 314
Towson, MD 21204 Phone: (410) 296-6777

☒ Return to Contact Person
☐ Hold for Pickup
☐ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☒ No Does transfer include personal property? If yes, identify:
☒ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Trans. Process Verification
Transfer Number: Date Received: Deed Reference: Assigned Property No.:

	19	19				
Year			Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY MARYLAND
Per
Authorized Signature
Date 4/22/96 Sec. 33-139

Distribution: White - Clerk's Office

PETITIONER #10

Baltimore County
Department of Environmental Protection
and Resource Management

BUREAU OF RESOURCE MANAG.
AND ENGINEERING SERVICES
Ground Water Management
401 Bosley Avenue, Suite 416
Towson, Maryland 21204
(410) 887-2762
Fax: (410) 887-4804

March 5, 1997

Mr. Robert Webbert
P.O. Box 8
Butler, MD 21023

Re: 2 new lots located 2121 & 2117 Strington Road
and 1 existing (2119 Strington Road), Palmer Properties, D-5

Dear Mr. Webbert:

A representative of this office, Mr. Thomas I. Bodrogi, R.S., conducted soil evaluations on the referenced property on February 26, 1997. In order for this office to continue processing this property, a Revised Plan, drawn to scale no greater than 1" equals to 100', will be required. The following comments will guide you in your revised drawing and, in addition, apprise you of other requirements, prior to approval of the soil percolation tests.

Topography of the property.

Accurate location(s) of:

- Test pits and sewage disposal reserve area(s).
- Additional test conducted on existing lot.
- Proposed water well(s).
- Proposed dwelling(s).
- Existing water well(s) on site and within 100 ft. of the property lines.
- Existing septic system(s) on site and within 100 ft. of the property lines.

Septic reserve area must be 25 ft. From slopes over 28% on lot 1.

In order to subdivide this property, the owner/developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. For additional subdivision information, contact the Development Coordination office, Bureau of Engineering Services at (410) 887-3980.

If there are any questions regarding this Revised Plan Request, please contact this office at (410) 887-2762.

Sincerely,

J. Robert Powell, R.S.
GROUND WATER MANAGEMENT

JRP:pj

d:palmer

Printed with Soybean Ink
on Recycled Paper

Real Property Information

Maryland Department of Assessments and Taxation
Real Property System

[Go Back] BALTIMORE COUNTY [Start Over]

DISTRICT: 05 ACCT NO: 2200023515

Owner Information

Owner Name: WEBBERT ROBERT F
WEBBERT BARBARA P

Mailing Address: 15425 FALLS RD
SPARKS MD 21152

Use: RESIDENTIAL

Principal Residence: NO

Transferred

From: PALMER GEORGE V TRUSTEE **Date:** 07/20/1995 **Price:** $135,000

Deed Reference: 1) /11544/ 539
2)

Potential Tax Liability:
* NONE *

Tax Exempt: NO

Location Information [View Map]

Premise Address:
2119 STRINGTOWN RD

Zoning:

Legal Description:
IMPS 11.162 AC
2119 STRINGTOWN RD SES
4800 FT SW OF YEOHO RD

Map	Grid	Parcel	Subdiv	Sect	Block	Lot	Group	Plat No:
27	21	106					81	Plat Ref:

Special Tax Areas

Town:

Ad Valorem:

Primary Structure Data

Year Built:	Enclosed Area:	Property Land Area:	County Use:
1909	1,306 SF	11.16 AC	04

Value Information

	Base Value	Current Value As Of 01/01/1996	Phase-In Value As Of 07/01/1999	Phase-in Assessments As Of 07/01/1998	Phase-in Assessments As Of 07/01/1999
Land:	68,320	68,320			
Impts:	43,880	43,880			
Total:	112,200	112,200	112,200	44,880	44,880
Pref Land:	0	0	0	0	0

PEOPLES COUNSEL #1

PREFERENTIAL LAND VALUE

INCLUDED IN LAND VALUE

Partial Exempt Assessments

	Code	07/01/1998	07/01/1999
County	000	0	0
State	000	0	0
Municipal	000	0	0

[Go Back] [Start Over]

Final Report of the
BALTIMORE COUNTY PLANNING BOARD

PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS

Baltimore County Office of Planning and Zoning
Towson, Maryland 21204
September 4, 1969

PEOPLE'S COUNSEL #2

Add the following new articles immediately after the conclusion of Article 1:

ARTICLE 1A—RURAL AND RURAL-SUBURBAN LOW-INTENSITY ZONES

Section 1A00—R.D.P. Zones (Rural: Deferred Planning).

1A00.1—General Provisions.

A. Legislative Statement of Findings and Policy.

1. Declaration of Findings. It is found:

a. That new development in Baltimore County has occurred to an appreciable degree in the form of urban sprawl;

b. That there are disadvantages experienced by the residents of prematurely developed outlying areas which are part of the urban-sprawl pattern, namely inefficiencies, diseconomies, and inconveniences resulting from the nonscheduled and thus necessarily lagging construction or installation of various public facilities, from the inadequacy or lack of choice in retail shopping or service establishments, from a relatively time-consuming journey to work, and from a prospectively lasting absence or insufficiency in choice of transportation mode;

c. That, characteristically, commercial as well as industrial and other major-employment activities in such areas are similarly hampered by the same and related inefficiencies, diseconomies, and inconveniences;

d. That urban sprawl leads to increasingly excessive capital outlays for public facilities;

e. That the processes of urban sprawl have typically been such as to induce qualities of environmental incoherence and unsightliness;

f. That conversely, a pattern of urban containment obviates the deleterious effects of urban sprawl, and that, notably in the case of a high rate of development activity, total capital outlays for public facilities within the context of urban containment can be substantially lower than the aforementioned excessive outlays required to support urban sprawl, for an equivalent or greater level of service, in that user-proximity, system-compactness, and other advantages of containment provide for substantially more efficient and economical installation;

g. That sound policies to prevent urban sprawl would not inhibit desirable urban growth, but, to the contrary, would result in continuing accommodation of undiminished urban growth within relatively compact, rationally expanding areas of urban development;

h. That, for the foreseeable future, it is in the public interest to reserve suitable rural lands for agricultural purposes and for certain other needed low-intensity uses appropriately located in rural areas;

i. That detailed public planning for future urban development in certain outlying rural areas is not desirable in view of (1) prevailing uncertainties as to long-range demographic trends, (2) the necessarily indefinite or uncertain nature of economic projections as they may affect the selection of alternative development patterns applied to outlying, presently rural areas, (3) the similarly indefinite or uncertain nature of various other data and projections that would be necessary to the preparation of such plans, (4) patterns of land ownership and typical sizes of individual or conglomerate land holdings, particularly as these matters relate to a possible trend or inducement toward a greater employment of unit-development systems where desirable, (5) an anticipation that numerous relevant planning studies being undertaken, at the time of the enactment of this Section 1A00, by Baltimore County, by agencies of the governmental jurisdictions at other levels, and by private agencies, as well as certain relevant studies expected to be commenced in a period of several years hereafter, will produce findings essential to such planning, (6) the fact that the present urban area and certain limited, adjacent areas suitable for the orderly accommodation of urban growth (including the provision of open spaces of various sizes and functions) together contain land which is vacant or sparsely developed but which has

been determined to be suitable and sufficient in extent to accommodate urban development and any probable increment of population growth for a period of more than a decade hereafter;

j. That, in view of the foregoing, further urban sprawl would be inimical to the public interest and, conversely, an affimative policy to foster a pattern of urban containment is essential to the general welfare of the County;

k. That typical agricultural usage, or other use or development of land at very low intensity, clearly provides for a potential feasibility of development at urban intensity, where desirable, in future stages of the County's growth, while urban development would not be feasible after pre-emption of rural land for development at typical suburban intensities; and

l. That the promulgation of zoning regulations to prohibit the subdivision of land in outlying rural areas into small tracts is an accepted, valid, appropriate, and otherwise reasonable action to inhibit urban sprawl and to minimize the prospective health hazards brought about by development of moderately sized lots not serviced by public water-supply or sewerage systems.

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

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

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

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

a. That rural land shall be classified within R.D.P. zones unless the Capital Budget and Five-Year Capital Program of Baltimore County and duly adopted official Baltimore County master plans, including the "county plan" required under Article 43, Section 387C of the Annotated Code

of Maryland, 1957 (1965 Replacement Volume), as amended, all consistently indicate that such land is to be serviced by public sewerage and water-supply systems and, in the case of those said documents which determine the timing of construction, also consistently provide for the adequacy and availability of service to said land by such systems within a period of six years after the time of consideration with respect to zoning classification; provided further, however, that such nonserviced land as is specifically herein described (in this Subparagraph 3 or other provisions in these regulations) as being appropriately otherwise classified shall also be excepted from the category of land which shall be classified as R.D.P.;

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

c. That reclassification of land as R.D.P. shall not represent a commitment by Baltimore County with respect to type of future development, but only that more particular planning for the use of such land shall be executed in the future; and

d. That certain distinct existing areas of compact development, such as certain approved subdivisions or the immediate environs of typical rural business centers, are not normally to be classified as R.D.P.

4. Special Policy for Certain Developments. In view of possible overriding public benefits to be derived from certain large-scale unit developments, the establishment of such developments is hereby excepted from application of the policy hereinbefore stated to the extent indicated under Section 430 ("Unit Developments").

B. Locational Requirement. No R.D.P. zone shall be established or re-established within the urban-rural demarcation line, but said line may be re-established to include an R.D.P. zone or part thereof existing at the time said line is re-established.

1A00.2— Use Regulations.

A. Uses Permitted as of Right. The following uses, only, are permitted as of right in R.D.P. zones:

1A00.3—Height and Area Regulations.

A. Height. No structure in an R.D.P. zone shall exceed a height of 35 feet, except as otherwise specifically provided in these Zoning Regulations (see Section 300).

B. Area Regulations.

1. Lot Area. No lot less than 10 acres in net area shall be hereafter created in an R.D.P. zone, except as provided in Subparagraph 3, below.

2. Minimum Linear Dimension. Except as otherwise provided in Subparagraph 3, below, the minimum linear dimension of any lot hereafter created in an R.D.P zone shall be 300 feet. For the purposes of these regulations, the minimum linear dimension of any lot shall be the diameter of the largest circle in a horizontal plane which may be inscribed within the lot boundaries.

3. Exception for Lots of Record. A lot of record on the effective date of this section as enacted in its entirety may be subdivided so as to create additional lots of smaller area or dimension than permitted under Subparagraphs 1 and 2, but only in accordance with the provisions below (and subject to applicable provisions of the Subdivision Regulations).

a. No lot so created shall be smaller than 3 acres in area.

b. The maximum number of lots created shall be as follows:

Area of Existing Lot of Record	Maximum Total Number of Lots Created Therefrom
Less than 10 acres, but not less than 6 acres	2
Less than 25 acres, but not less than 10 acres	3
Less than 50 acres, but not less than 25 acres	4
50 acres or more	5

c. Of the total number of lots created from the original lot of record, only one may be situated so that all or part thereof is within 300 feet of any street which exists at the time the subdivision is established, unless the lot lines of the existing lot are so situated that compliance with this requirement would preclude creation of the maximum number of lots permitted under sub-subparagraph l. In the latter case, more than one lot or portion thereof may lie within such distance, subject to approval by the Planning Board.

d. The lot may be so subdivided only by its present owner, as recorded among the Land Records of Baltimore County on the effective date of this section, or by his heirs in successive ownership of the lot.

4. The minimum distance between any building in an R.D.P. zone and any lot line other than a street line shall be 50 feet; the minimum distance between the building and the center line of any street shall be 75 feet.

B. Area Regulations.

1. Lot Area. No lot less than 3 acres in net area shall be hereafter created in an R.S.C. zone, except as provided below.

2. The minimum linear dimension for any lot hereafter created in an R.S.C. zone shall be not less than 200 feet. For the purposes of these regulations, the minimum linear dimension of any lot shall be the diameter of the largest circle within a horizontal plane which may be inscribed therein.

3. The minimum distance between any building in an R.S.C. zone and any lot line other than a street line shall be 50 feet; the minimum distance between the building and the center line of any street shall be 75 feet.

4. Subparagraph 1, above, notwithstanding, a lot in a cluster subdivision in an R.S.C. zone may be less than three acres, but not less than one acre, provided:

   a. The total of the net area of all lots plus the area of local open space in the subdivision divided by the number of lots therein is not less than three acres;

   b. The minimum horizontal distance between the outflow of any septic system and any water well or any other septic-system outflow shall be 400 feet.

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

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

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

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

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

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

[Bill No. 100, 1970.]

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

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

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

---

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

PEOPLE'S COUNSEL #3

c. That reclassification of land as R.D.P. shall not represent a commitment by Baltimore County with respect to type of future development, but only that more particular planning for the use of such land shall be executed in the future; and

d. That certain distinct existing areas of compact development, such as certain approved subdivisions or the immediate environs of typical rural business centers, are not normally to be classified as R.D.P.

[Bill No. 100, 1970.]

3. Special Policy for Certain Developments. In view of possible overriding public benefits to be derived from certain large-scale unit developments, the establishment of such developments is hereby excepted *from application of the policy hereinbefore stated to the extent* indicated under Section 430 ("Unit Developments"). [Bill No. 100, 1970.]

B.[4] Locational Requirement. No R.D.P. zone shall be established or re-established within the urban-rural demarcation line, but said line may be *re-established to include an R.D.P. zone or part thereof existing at the* time said line is re-established. [Bill No. 100, 1970.]

1A00.2—Use Regulations. [Bill No. 100, 1970.]

A.[5] *Uses Permitted as of Right. The following uses, only, are permitted as of* right in R.D.P. zones:

1. Farms, or, on existing undersized lots, limited-acreage wholesale flower farms.[6]
2. *One-family detached dwellings.*
3. Churches or other buildings for religious worship.
4. Trailers (see Section 415).
5. Research institutes, as defined in Section 101 and as permitted and regulated in D.R. 1 zones (see Section 418).
6. Hospitals.
7. Telephone, telegraph, electrical-power or other electrical lines, all underground with the exception of such lines as are permitted above ground in D.R. zones.
8. Other cables; conduits; gas, water, or sewer mains; or storm-drain systems: all underground.
9. Railroads or other transportation lines.

---

4. *Line designating preceding provisions as Paragraph "A" deleted--see note 1 above.*
5. *All provisions of this paragraph from Bill No. 100, 1970.*
6. *Since a limited-acreage wholesale flower farm consists of less than three acres of land (see Section 101), and since the minimum lot size in R.D.P. zones is one acre (rather than ten acres, as set forth in Bill No. 100, 1970 before amendment), there is a question as to the effect of the phrase "on existing undersized lots".*

11. Golf driving ranges, miniature-golf ranges, or baseball-batting ranges.
12. Helistops.
13. Marinas.
14. Public-utility uses not permitted as of right.
15. Residential art salons (see Section 402C).
16. Riding stables (commercial or noncommercial).
17. Sanitary landfills (see Section 412).
18. Shooting ranges.
19. Volunteer-fire-company facilities.
20. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400; (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line
21. Large-scale unit developments, as provided in Section 430

1A00.3—Height and Area Regulations. [Bill No. 100, 1970.]

A. Height. No structure in an R.D.P. zone shall exceed a height of 35 feet, except as otherwise specifically provided in these Zoning Regulations (see Section 300). [Bill No. 100, 1970.]

B. Area Regulations. [Bill No. 100, 1970.]

1. Lot Area. No lot less than 1 acre in net area shall be hereafter created in an R.D.P. zone, subject to attaining percolation tests satisfactory to the Baltimore County Department of Health and conforming to the applicable health requirements. [Bill No. 100, 1970.]

2. Minimum Linear Dimension. Except as otherwise provided in Subparagraph 3, below, the minimum linear dimension of any lot hereafter created in an R.D.P. zone shall be 150 feet. For the purposes of these regulations, the minimum linear dimension of any lot shall be the diameter of the largest circle in a horizontal plane which may be inscribed within the lot boundaries. [Bill No. 100, 1970.]

3. The minimum distance between any building in an R.D.P. zone and any lot line other than a street line shall be 50 feet; the minimum distance between the building and the center line of any street shall be 75 feet. [Bill No. 100, 1970.]

North County Coalition, Inc ASSOCIATION

RESOLVED: That at the March 22, 1999 meeting of the North County Coalition, Inc. Association held on March 22, 1999, it was decided by the Association that responsibility for review and action on all zoning matters for the period March 22, 1999 - March 22, 2000 be placed in the (Board of Directors) (~~Zoning Committee~~) consisting of the following members:

Sterling Leese	Charlotte Pine	Ron Pradis
Mike Rerer	Dr. Richard McQuaid	George Neubeck
Foster Nichols	Harold Lloyd	Brad Kunhardt
George Harman	Janet Rittenhouse	Jodie Kronsberg
Martha Lessner	Rebecca Riegel	George McCeney
Douglas Behr	Tom Hourihan	Mark Habricht
	Sharon Thieleke	David Boyd

AS WITNESS OUR HANDS AND SEAL THIS 22 day of March, 1999.

ATTEST:

North County Coalition, Inc Association

Rebecca Riegel
Secretary

Richard W. McQuaid
President

PEOPLES COUNSEL

#4

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (~~Zoning Committee~~) of the North County Coalition, Inc. Association.

Richard W. McLeod

North County Coalition, Inc. Association

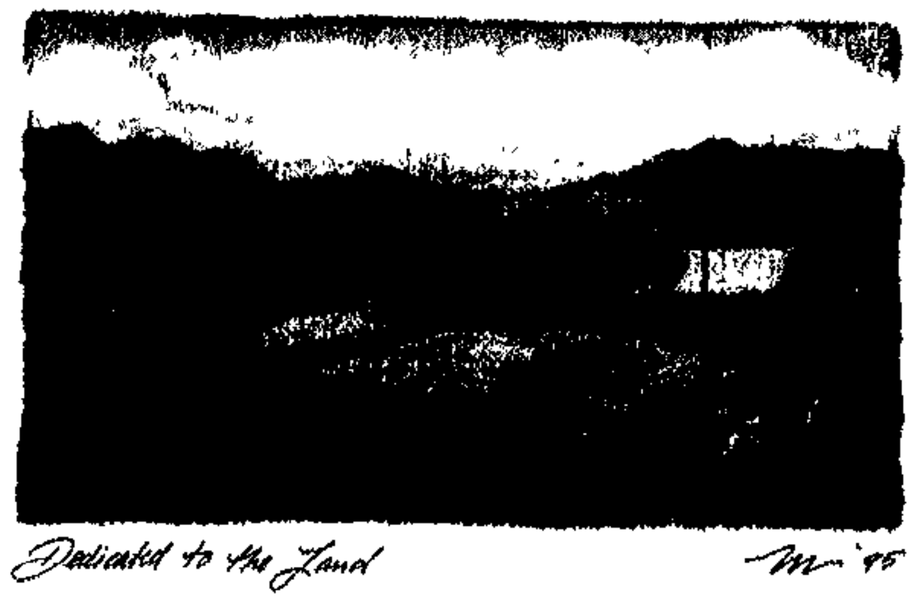
ATTEST:

Rebecca Riegel
Secretary

Richard W. McLeod
President

DATE: March 22, 1999

NORTH COUNTY COALITION



The membership of the North County Coalition, Inc. (NCC) is limited to those organizations within the limits of NCC's geographic area with more than twenty-five members. The meetings consists the president and one or two representatives from each member organization, with each organization having one vote. These are the "general meetings" referred to in the charter and are currently being held monthly.

There are currently twenty organizations representing nearly all civic minded residents in Northern Baltimore County.

:Member Organizations:

Citizens' Allliance of North Baltimore Co.
Glen Arm Comunity Assoc
Glyndon Community Assoc.
Hanover Road Assoc.
Hunt Cup Hill Improvement Assoc.
Kingsville Assoc.
Long Green Valley Assoc.
Maryland Line Area Assoc.
Mason-Dixon Watchdog Assoc.
Monkton Preservation Assoc.
Northwest Reisterstown Assoc
Outpost Community Assoc.
Piney Run Assoc.
Powers Ave. Community Assoc.
Ravenhurst Community Assoc.
Seminary Springs HOA
Greater Sparks-Glencoe Comm. Assoc.
Locksley Conserve Neighborhood Assoc.
Weisburg Community Assoc.

The Organization's geographic llimits are:

North--Mason-Dixon Line
East --Haroford County Line
South-Hunt Valley, Shawan Rd.
West --Carroll County Line

NORTH COUNTY COALITION, INC
1501 Harris Mill Road
Parkton, Maryland 21120
410 343-1089

North County Coalition, Inc ASSOCIATION

RESOLVED: That the position of the North County Coalition, Inc Association as adopted by the (Board of Directors) (~~Zoning Committee~~) on the zoning matter known as:

Webbert Property Appeal

is that:

The North County Coalition, Inc opposes the ruling that parcels of less than one acre on RC2 could be treated as building lots. Such a ruling undermines the spirit and intent of the RC2 zoning Regulation and sets a precedent for further incursions of this sort in RC2 and all RC zones

AS WITNESS OUR HANDS AND SEAL THIS 22 day of April, 19 99.

ATTEST:

North County Coalition Inc Association

Rebecca Riegel
Secretary

Richard W. McJunkin
President

04/28/1999 09:36 4108887187 BOARD OF APPEALS PAGE 03

IN THE MATTER OF:	*	BEFORE THE
THE APPLICATION OF	*	COUNTY BOARD OF APPEALS
ROBERT F. WEBBERT, ET UX.	*	BALTIMORE COUNTY
(2110 Stringtown Road)	*	Case No. 99-11-SPH
5th ELECTION DISTRICT	*	June 2, 1999
4th COUNCILMANIC DISTRICT	*	

* * * * *

Excerpt testimony of Paul Solomon, in the above-entitled matter which came on hearing before the County Board of Appeals of Balimore County at 400 Washingon Avenue, Towson, Maryland 21204 at 10 a.m., June 2, 1999.

* * * * *

Reported by:

C.E. Peatt

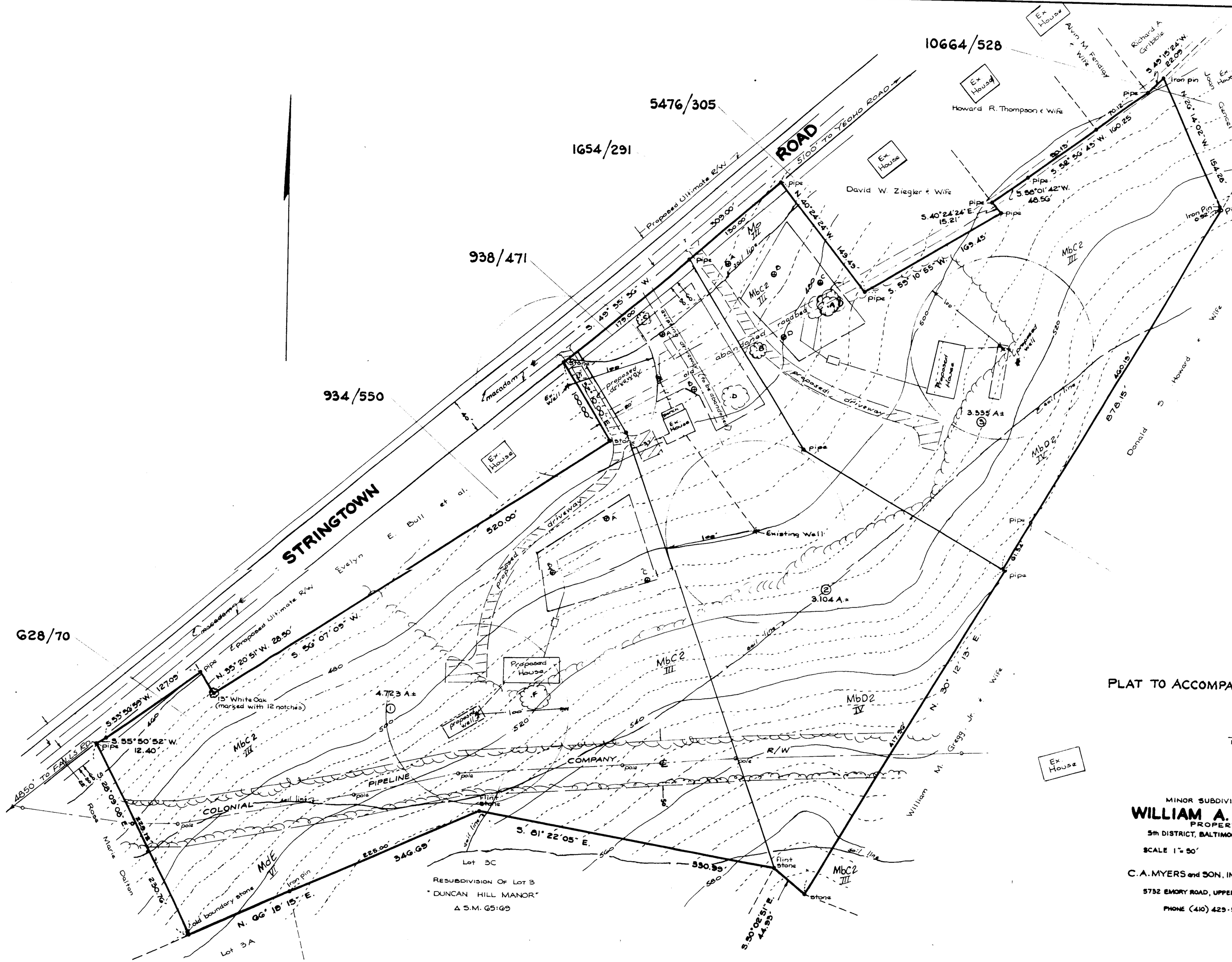
DD-NW

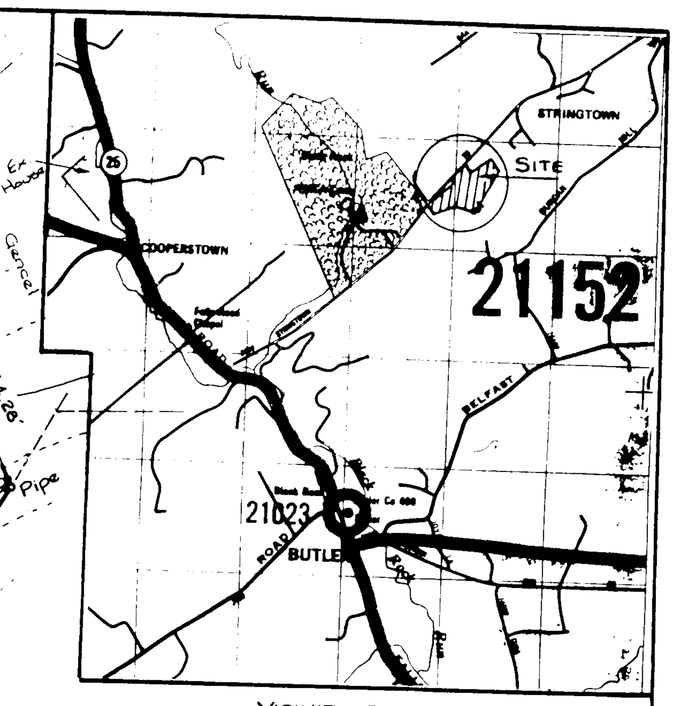
PGOPLES COUNSEL
#5

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

PHOTOGRAMMETRIC
BALTIMORE COUNTY
OFFICIAL ZON

People's Counsel #6





VICINITY SKETCH
Scale 1"=2000'
Map No. 11

DENSITY CALCULATIONS:
Gross Area: 11.162 Acres
Net Area: 11.162 Acres
Zoning Classification: RC 2
Lots Allowed:
Lots Proposed: 5
Owner: Mr. & Mrs. Robert F. Wobbert
P. O. Box 8
Butler, Md., 21023
Tax Account No.
Deed Reference:
Tax Map No. 27, Block No. 21, Parcels 41, 106 & 116
Census Tract:
Regional Planning District:
School District:
Watershed:
Subwatershed:

Note: "This property as shown on the plan has been held intact since _____. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwelling."

PLAT TO ACCOMPANY SPECIAL HEARING

Robert T. Fishpaugh

MINOR SUBDIVISION OF
WILLIAM A. PALMER
PROPERTY
5th DISTRICT, BALTIMORE COUNTY, MD. C-3

SCALE 1"=50' JUNE 26, 1995

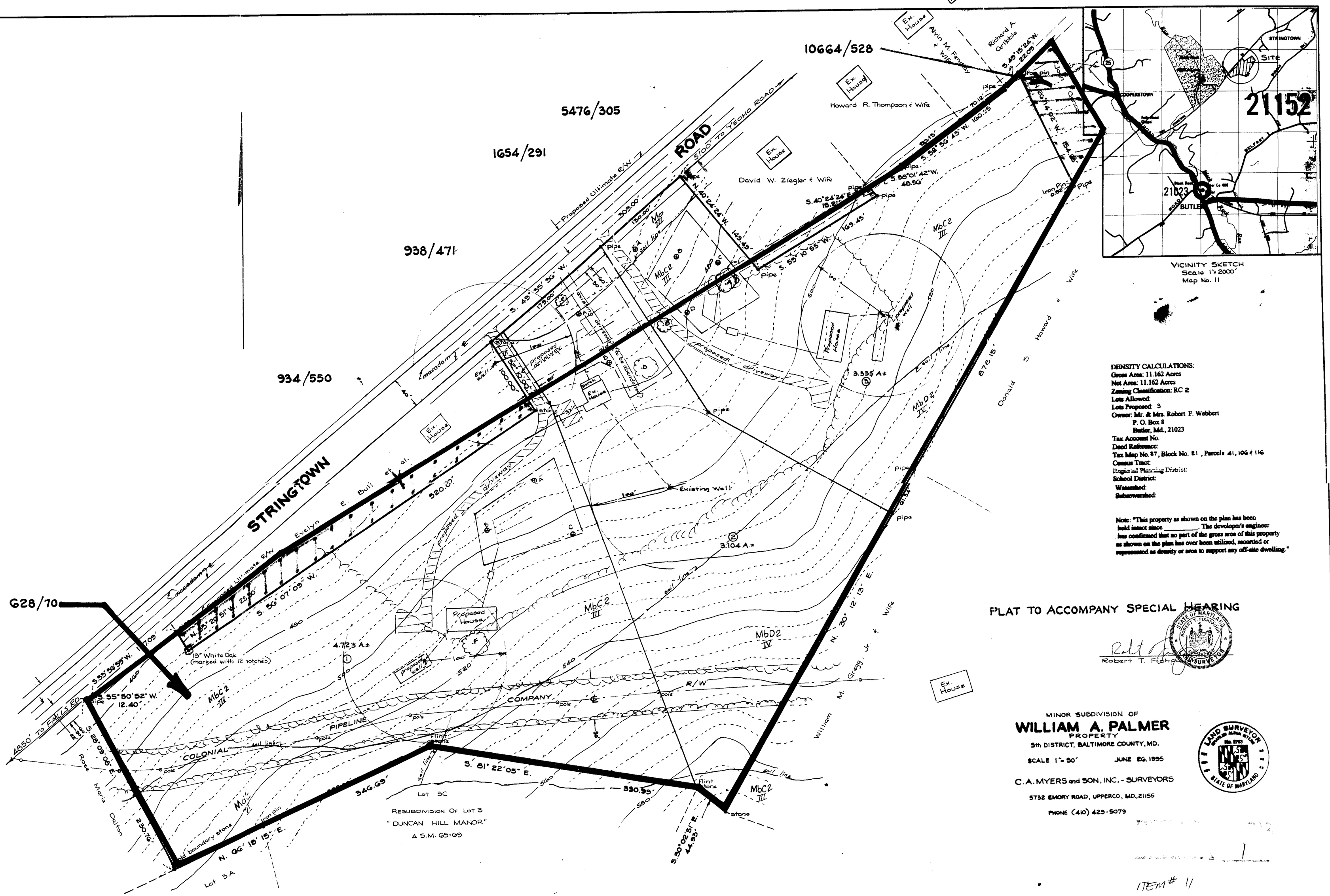
C.A. MYERS and SON, INC. - SURVEYORS
5732 EMORY ROAD, UPPERCO, MD. 21155
PHONE (410) 429-5079

LAND SURVEYOR CHARLES A. MYERS No. 5790 STATE OF MARYLAND

ITEM #11

99-11-SPH

1/F5



VICINITY SKETCH
Scale 1" = 2000'
Map No. 11

DENSITY CALCULATIONS:
Gross Area: 11.162 Acres
Net Area: 11.162 Acres
Zoning Classification: RC 2
Lots Allowed:
Lots Proposed: 3
Owner: Mr. & Mrs. Robert F. Webbert
P. O. Box 8
Butler, Md., 21023
Tax Account No.
Deed Reference:
Tax Map No. 27, Block No. 21, Parcels 41, 106 & 116
Census Tract:
Regional Planning District:
School District:
Watershed:
Subwatershed:

Note: "This property as shown on the plan has been held intact since _____. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwelling."

PLAT TO ACCOMPANY SPECIAL HEARING

Robert T. Fishpaw

STATE OF MARYLAND ROBERT T. FISHPAW No. 8780 LAND SURVEYOR

MINOR SUBDIVISION OF
WILLIAM A. PALMER
PROPERTY
5th DISTRICT, BALTIMORE COUNTY, MD.

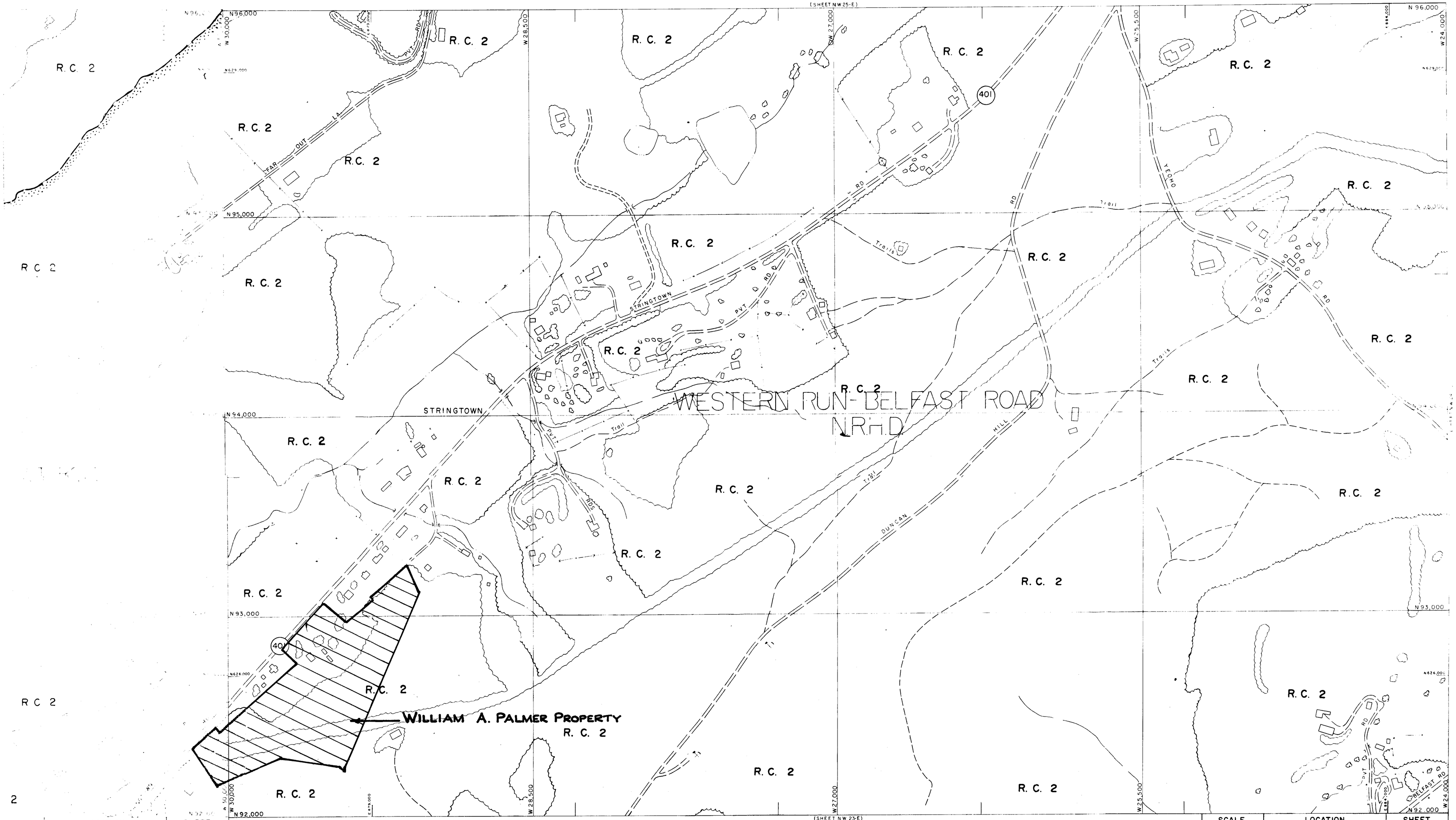
SCALE 1" = 50' JUNE 26, 1995

C.A. MYERS and SON, INC. - SURVEYORS
5732 EMORY ROAD, UPPERCO, MD., 21155
PHONE (410) 429-5079

LAND SURVEYOR No. 8780 STATE OF MARYLAND

ITEM # 11

99-11-SPH



SCALE	LOCATION	SHEET
1" = 200' ±	NORTH OF COOPERSVILLE	NW 24-F

DATE OF PHOTOGRAPHY JANUARY 1986

DD-NW

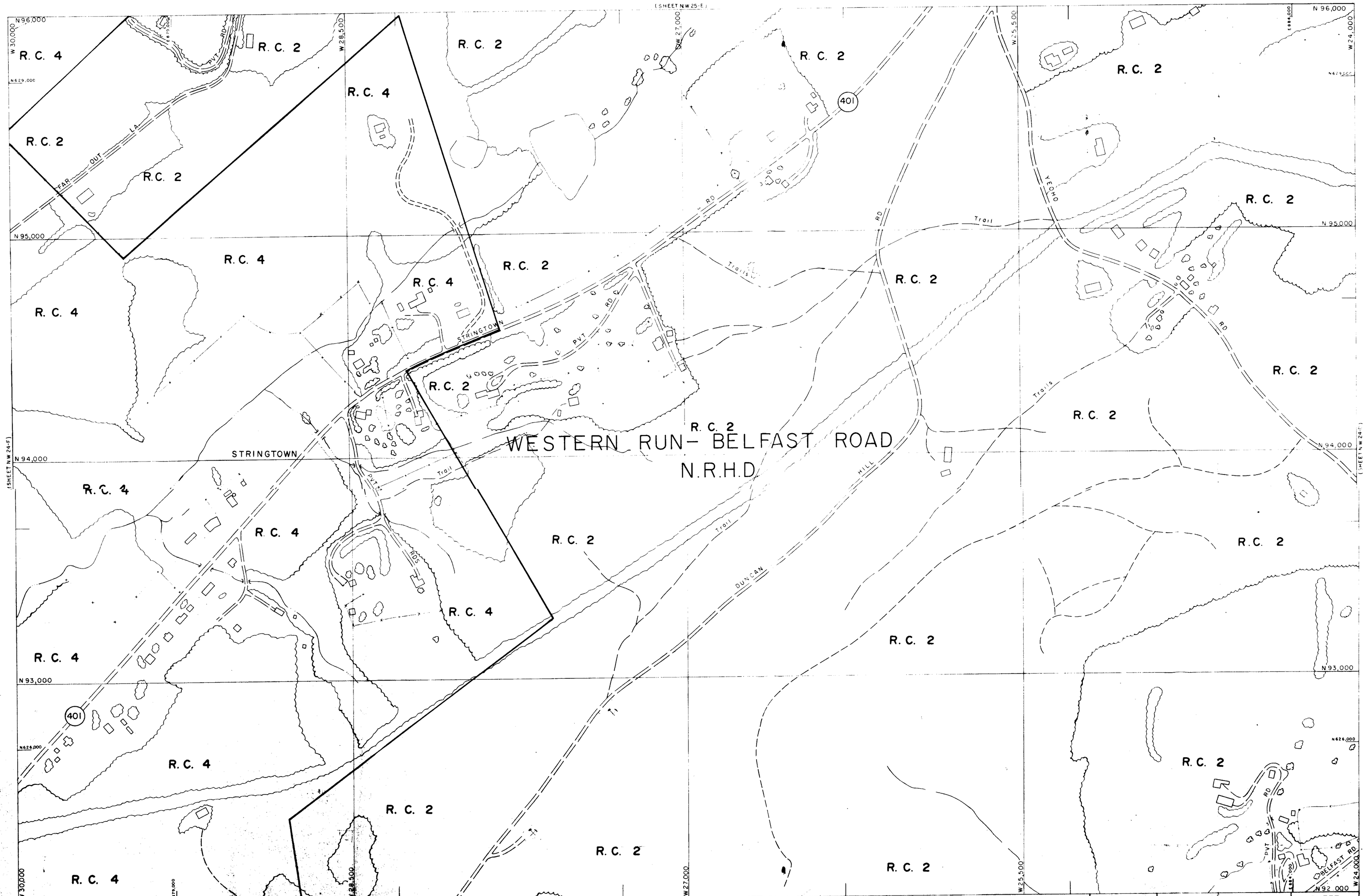
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	ITEM # 11 STRINGTOWN	N.W. 24-E

DATE OF PHOTOGRAPHY JANUARY 1986

99-11-SPH



DD-NW

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TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

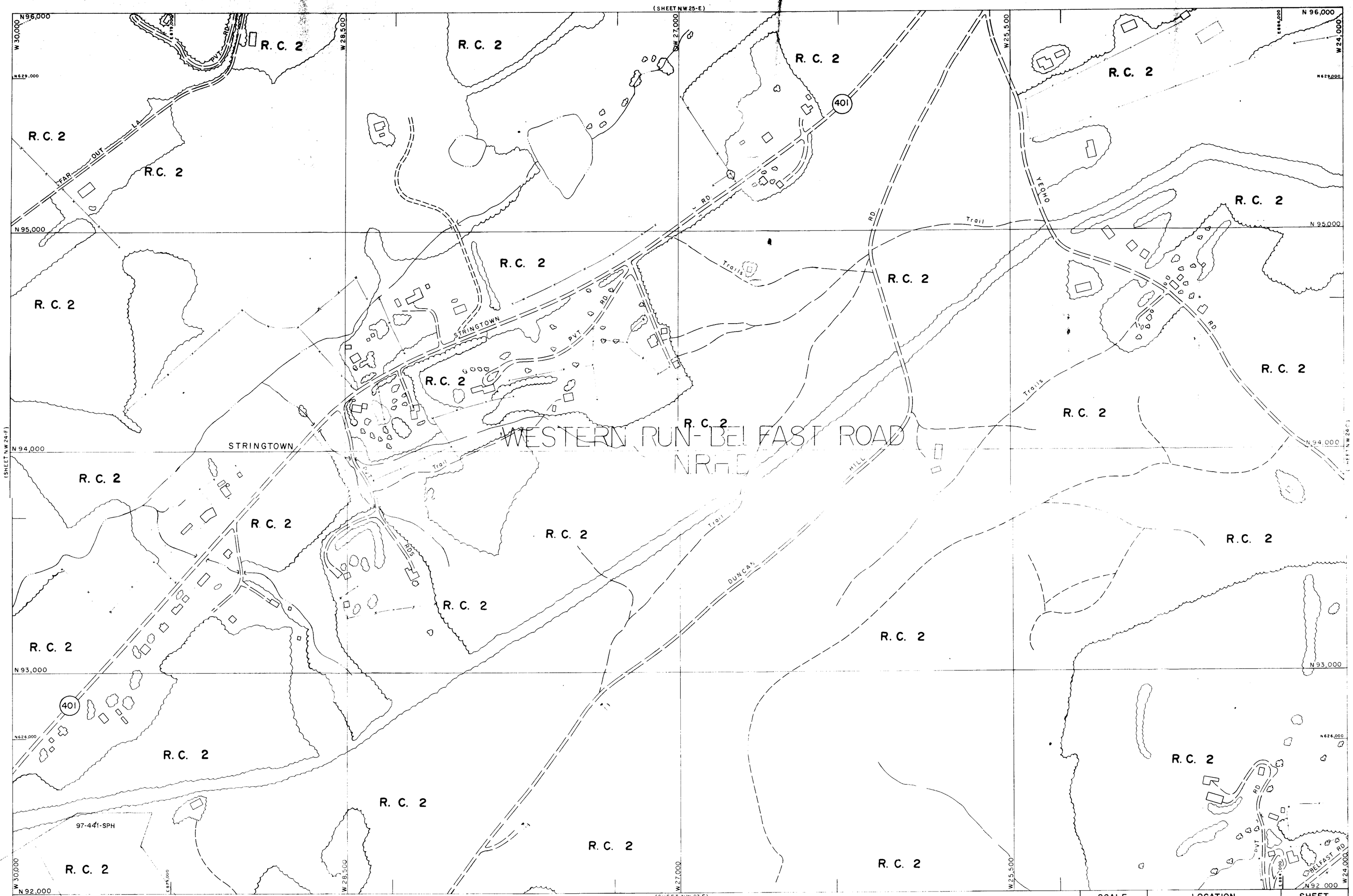
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

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

William J. Howard IV
Baltimore County Council

SCALE	LOCATION	SHEET
1" = 200' ±	STRINGTOWN	N.W. 24-E
DATE OF PHOTOGRAPHY JANUARY 1986		

People Council #69



DD-NW

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	STRINGTOWN	N.W. 24-E
DATE OF PHOTOGRAPHY JANUARY 1986		

Peoples Counsel #8