PDM - Arnold Jablon 1/30/01

§ 26-278 PRESERVATION

99-49-SPHA-Cold Bottom LLC
CCT Affirms CBA
1/30/01 -James T. Smith, Jr.

IN THE PETITION OF KENNETH T. BOSLEY FOR JUDICIAL REVIEW OF THE OPINION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY IN THE CASE OF:	* * * * *	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
THE MATTER OF THE APPLICATION OF COLD BOTTOM LLC-OWNER	* * *	CASE: 03-C-00-001281

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OPINION and ORDER

The above entitled matter came before the Court on December 21, 2000 on a Petition for Judicial Review filed on behalf of Kenneth T. Bosley, Appellant/Protestant, and on the Answer thereto filed on behalf of Cold Bottom LLC, James S. Riepe and Gail P. Riepe, Appellees/Petitioners. Argument of counsel for all parties was presented. The Court has reviewed the Memoranda of counsel and the record.

As recited on page two of the Opinion of the Baltimore County Board of Appeals (hereinafter referred to as "CBA"), this case involves a farm consisting of approximately two hundred acres. Known as "Conclusion Farm" the property has a long and noteworthy history as an agricultural site extending back to the nineteenth century. A fieldstone home, the principal residence, was erected in the early part of the nineteenth century and subsequent building was constructed over the years to enhance the property's farming activities. These additional structures included a tool house, stone bank barn, ice house, corn crib, spring houses, blacksmith shop and hay barrack, all of which have historical significance going back to the nineteenth century. The main house, stone barn and several other structures are listed on either the Baltimore County Preservation Commission Landmarks List or the

Maryland Historical Trust Inventory of Historic Structures or on both. The property itself is within the Western Run Historic District, which is listed on the Department of the Interior's National Register of Historic Places.

In the early 1990's, Conclusion Farm was lost to the Bosley family due to intra-family litigation. Appellees first acquired the property in 1994. At the time of Appellees' acquisition, Conclusion Farm was in a poor, deteriorating condition. It is noted by the CBA on page three of its Opinion," the icehouse was indeed dismantled and siding removed, and a portion of the building collapsed in the process." The Board continued on page four of its Opinion alluding to Appellees' testimony respecting their plans to bring the farm back to useful purpose, and as many buildings as possible to a restored state, so that they would appear as close as possible to original vintage, while at the same time, providing necessities required for a growing family to enjoy as a residence with accommodating structures. In connection with their plans for the property, Appellees filed petitions for special hearing and requests for variances from provisions of the Baltimore County Zoning Regulations (hereinafter referred to as "BCZR"), and a request for waiver from Sec. 26-278 of the Baltimore County Code (hereinafter referred to as "BCC"). It is from the grant of the special hearings, waiver and variances that Appellant appeals.

Appellant's issues raised in this appeal have been combined to eliminate duplication and reworded by the Court as follows:

> 1) That the CBA erred in failing to deny the petitions for special hearing and requests for waiver and variances as said petitions and requests were procedurally flawed as a matter of law; and

a) That the petitions for special hearing and CBA's approval of construction addition and interior alterations to the main house on Conclusion Farm are precluded by BCC Sec. 26-278; and

b) That the petition for special hearing and request for side yard variance from the rear yard requirements of the BCZR incorrectly cited Sec. 400.2 dealing with setback requirements from the center line of alleys rather than Sec. 400.1 dealing with rear yard/side yard requirements; and

2) That the CBA's grant of a waiver of the requirements of BCC Sec. 26-278 was unsupported by substantial evidence in the record; and

3) That the CBA's approval of variances to permit the pool house to be constructed to a height of eighteen feet in the side yard was unsupported by substantial evidence in the record.

Although Appellees did not file a cross-appeal, they contend on appeal that the only matter before the CBA was whether the Zoning Commissioner abused his discretion in denying Appellant's request for re-hearing which was filed after the Zoning Commissioner's initial Opinion and Order. Appellees seem to contend that this Court should consider this matter as an appeal from denial of Appellant's request for rehearing by the Zoning Commissioner. Appellees further suggest that the standard of review in this event is the abuse of discretion standard.

The CBA has jurisdiction to hear all appeals that come from the Zoning Commissioner. The CBA made clear in its discussion during the proceedings below that it considered Appellant's appeal from the Zoning Commissioner to be an appeal from the entire decision and not merely an appeal from the Zoning Commissioner's denial of Appellant's re-hearing request. The case proceeded on this basis below and the Opinion of the CBA addressed Appellant's

complaints on a de novo basis. This Court will consider this appeal as it was considered by the CBA and addressed in the CBA's Opinion.

As is obvious from the articulation of the questions above, Appellant attacks the decision of the CBA on technical and substantive grounds. The technical arguments are that the CBA erred as a matter of law because BCC Sec. 26-278 cannot be waived and the incorrect citation to the BCZR Rules was given for the request for side yard variance for location of the icehouse/pool house on Appellees' property. The substantive arguments are that, even assuming the CBA has authority to grant a waiver from 26-278 of the BCC, the grant of the waiver and side yard and height restriction variances were unsupported by substantial evidence in the record.

Appellant's first technical complaint, namely, that the CBA erred in granting Appellees' petition for special hearing and in approving the construction of the addition and interior alternations to the main house, is based upon Appellant's interpretation of BCC Sec. 26-278. Appellant maintains that the legislature's use of the word "must" in Sec. 26-278 means that no deviation from the requirement to preserve is allowed, and, consequently, no waiver may be granted under any circumstances.

Although the CBA notes on page 12 of its Opinion that Appellees' request for waiver was made pursuant to BCC Sec. 26-171 as well as Sec. 26-278, the CBA agreed with the Director of Planning, that a waiver cannot be granted pursuant to Sec. 26-271. Sec. 26-171 provides as follows:

> (a) The following development is exempt from division 2 of this Article only. Compliance with divisions 3, 4 and 5 is required as is compliance with all applicable zoning regulations.

> (1) The building and preparation of land for building for a dwelling for (1) and (2) families (i) on a single lot or tract which is not part of a recorded Plat or (ii) on a lot or lots exempt from the lapse provisions of Sec. 26-216.
>
> (2) The building or preparation of land for building on a lot of record lawfully in effect at the time of the building and preparation of the land for building if the lot of record did not result from a subdivision of land exempt under Sec.26-170 . . .
>
> (7) The construction of residential accessory structures or minor commercial structures ... .

Beginning on page 12 of its Opinion, the CBA agreed with Petitioner's Exhibit No. 25, that " . . . this Section (26-171) specifies those sections in which a proposed development qualifies for a complete exemption from the requirements of division 2. A waiver might be granted under Sec. 26-172 authority in connection with a finding of eligibility under Sec. 26-171, but a waiver cannot be granted 'pursuant to' the latter section." The CBA determined that any waivers of Sec. 26-278 would have to be considered pursuant to BCC Sec. 26-172 and not the authority of Sec. 26-171.

BCC Sec. 26-171 deals with limited exemptions from the requirements of division 2 of Article V, Development Regulations of the BCC, and has no bearing on the matters raised in Appellant's appeal. Sec. 26-172(a) and (b) provide for the right of a hearing officer to grant a waiver of any or all requirements of divisions 3, 4, and 5 of Article V of the BCC. Sec. 26-278 is part of Article V, Division 4, General Design Standards and Requirements.

Petitioner's Exhibit No. 25, introduced before the CBA, is correspondence from the Director of the Office of Planning describing the authority of the CBA to consider waivers of Sec. 26-278. The Planning Director recommended that the CBA find that the development qualifies for a limited exemption under Sec. 26-171, and that either the proposed construction satisfied the requirements of Sec. 26-278 by preserving the historic structure or that the

proposed construction should be allowed by reason of waiver of the requirements of Sec. 26-278 pursuant to BCC Sec. 26-172(a).

Appellant 's argument that the language of Sec. 26-178 precludes any consideration of the issue of waiver is unpersuasive. BCC Sec. 26-278 reads as follows:

> Natural features (including water courses, waterfalls, beaches and significant vegetation) and historic structures or sites identified on any of the lists referred to in Sec. 26-203(c)(8) must be preserved. In particular, the County must find that an adequate method of protecting any known habitat of an endangered species has been proposed.

Appellant boldly suggests that BCC 26-278 is a Code enforcement section for lists created pursuant to BCC 26-540. Appellant ignores the placement of Sec. 26-278 in division 4 entitled General Design Standards and Requirements. His bold suggestion is unpersuasive.

Appellant suggests further that by use of the word "must" , the County Council has required that all historic structures be maintained in the exact condition in which they exist at the time, and that no changes or adjustments may be made. Illogical conclusions could follow from such a restrictive interpretation of Sec. 26-278.

The first argument that could be made is that an historic structure must be maintained in the deteriorated condition in which it exists at the time because Sec. 26-278 requires that it must be preserved "as is". Most historical structures would eventually be lost under any such interpretation of the statutory intent.

The second argument that might be made is that steps may be taken to prevent a further deterioration of an historic structure, but nothing beyond prevention of further deterioration would be allowed. Again, the end result would be a loss of the value of historic structures

to the owners themselves, as well as to the public at large.

A third argument that might be made is that steps may be taken to restore an historic structure to a healthy condition beyond its deteriorated state, but that no restoration beyond the condition of the structure as of the time would be allowed. Again, the historic value of many structures would be lost if the full historical significance of a structure could not be restored beyond the portion that might be left at any particular time. Additions to bring an historic structure back to its former glory would be precluded by such an interpretation of BCC, Sec. 26-278.

Appellant's suggestion of the legal interpretation to be applied to BCC, Sec. 26-2378 would undermine the goal of restoration of historic structures in Baltimore County and would eliminate a significant degree of the responsibility of the Baltimore County Landmarks Preservation Commission. The Commission is responsible for the review of plans for restoration and modifications to historic structures and, under Appellant's reading of Sec. 26-278, much of this responsibility would no longer exist. Sec. 26-278 does not require that historic structures be preserved "as is". It merely requires that such structures be preserved.

In considering Sec. 26-278, the CBA determined that a waiver from Sec. 26-278 to allow Appellees' main house addition and interior renovations should be granted. On page 13 of its Opinion, the CBA reviewed a number of exhibits which had been introduced, including Petitioner's Exhibit No. 25. On page 14, the CBA determined that a waiver was justified and that the requirements of Sec. 26-172(a) had been met. Consistent with the discussion above, the CBA was not precluded by the language of the statute from considering the issue of waiver of Sec. 26-278.

The findings of the CBA majority are supported by reports and minutes of the Landmarks Preservation Commission and other evidence in the record. On page 19 of its Opinion, the

CBA majority held " . . . that a waiver for improvements in the main house are justified in saving this entire site from further deterioration and, possibly loss for future generations." The majority of the CBA concluded that Appellees' " . . . proposal represents a reasonable and good faith effort to appropriately utilize the main house. At the same time, we believe that the proposals for additional construction, although significant in scope meet the criteria set out under the Guidelines for adoptive uses while still maintaining the historical character of the structure in question." (CBA Opinion, p. 19)

Although the CBA clearly found that a waiver for improvements to the main house was justified, the CBA also found that the proposed improvements maintained the historical character of the structure in question. This determination satisfies the requirements of BCC, Sec. 26-278 even without the grant of a waiver. In its Opinion the CBA repeatedly refers to the modifications to the main house as a restoration project. The majority of the CBA found

> " . . . the addition and interior changes to the main house are merely a continuation of the physical changes which have transpired over the years. The modification in the mid 1800s to the original house by way of an addition was also required to accommodate the ever changing needs of a farm site.
>
> In the instant case, the majority finds these changes to be an adaptation to the requirements of a modern day family, while still maintaining its historical character. The Petitioner has demonstrated these changes will maintain the historical appearance to the facade by incorporating the original stone wall, with new materials which will resemble the architectural look of the previous century. . . . (CBA Op. 18-19)"

The record before the Board supports the CBA's finding that a waiver of Sec. 26-278 was appropriate if the additions and revisions to the main house were considered so significant as to require a waiver. The record also supports the CBA majority's determination that the historic house would be preserved and the requirements of BCC Sec. 26-278 met because

Appellees' addition and interior changes would continue the main house's historical appearance and architectural look of the previous century.

Appellant next contends that Appellees' request for a side yard variance from the rear yard requirements of BCZR must be denied by reason of an erroneous reference to the BCZR Sec. 400.2. Sec. 400.2 deals with setback requirements from the center line of alleys. Substantively, Appellant contends that CBA approval of variances to permit the pool house to be constructed in the side yard to a height of 18 ft. was unsupported by substantial evidence in the record.

As to the technical argument, review of the record and Opinion of the CBA makes clear that everyone was aware of the side yard variance request. This relief was specifically described on page one of the majority opinion, in which part the dissent concurs, that Appellees were requesting a variance to allow the pool house/ guest house be built to a height of 18 feet in the side yard rather than the rear yard as required by the BCZR. The Order of the Board, although making reference to the incorrect Section 400.2 granted the variance to permit the location of the pool house/guest house in the side yard in lieu of the required rear yard location. As there was no prejudice to anyone in connection with the inaccurate cite to the BCZR, and as the hearing involved consideration of the very issue upon which the Order was passed, the technical deficiency in the Board's Opinion referring to Sec. 400.2 when 400.1 was the appropriate BCZR Section, entitles Appellant to no relief in this appeal.

Appellant further maintains that the evidence before the Board was insufficient to support the grant of side yard and height variances as Appellees' property is not unique and Appellee will experience no hardship if the variance requests are denied. In support of his position, Appellant cites Cromwell v. Ward, 102 Md.App. 691, a case which the CBA used in its analysis of Appellees' variance requests.

It is interesting to note that after Appellant has argued strenuously as to the historical significance of Conclusion Farm, even to the point of submitting plans for a Conclusion Farm Museum (CBA Opinion, p.8), on the issue of variance, Appellant contends that the property in question is not unique. Appellant argues that it is merely a 190 acre farm with an ice house that has been removed, which ice house was never unique because it is not one of the structures specifically protected on the Landmarks List.

Uniqueness of a property is discussed in North v. St. Mary's County, 99, Md.App. 502. Uniqueness in the context of variance, requires that the subject property have an inherent characteristic not shared by other properties in the area. An example given by the Court of Special Appeals in North, supra, is a property's "historical significance". The CBA had before it significant evidence with respect to the uniqueness of Appellees' property.

On page 16 of its Opinion, the CBA found unquestioned that Appellees' property was unique relative to its historical significance and unusual architectural aspect. The CBA agreed with Appellees that reconstruction of the ice house/pool house structure " . . .from an exterior posture will continue to enhance the totality of the historic farm, and blend in substantially with the other structures in the general area of the original ice house.... " (CBA Opinion, p.17) The CBA also determined that the side yard and rear yard are not of substantive relevance to the historic property. This conclusion is supported in the record as the proposed site or reconstruction is within a compound of farm buildings located far from any public roads.

The Board went on to consider the issue of hardship and practical difficulty and its findings are supported in the record. The Board noted on page 16 of its Opinion that the property had unique historical significance and was subject to an easement restricting future subdivision. The development rights of Conclusion Farm had been sold and donated to the Maryland Agricultural Land Preservation Foundation and the Maryland Environmental Trust. One

restriction in connection with the sale and donation of development rights is that all non-agricultural structures and improvements must be confined to a one acre parcel which includes the main house on the property.

The ice house/pool house is a reconstruction of a structure that existed when the property was purchased by Appellees. It will be located on the same foundation, and will incorporate the same dimensions, siding, roof line and style of doors and windows as existed on the ice house structure which was dismantled. The CBA's allowance of a variance for this reconstruction is supported by substantial evidence in the record.

For the aforegoing reasons, the decision of a majority of the CBA is hereby AFFIRMED, with the costs of this appeal to be paid by Appellant.

JAMES T. SMITH, JR.
JUDGE

January 30, 2001
DATE

JTS/sc
Copy: James W. Constable, Esq.
J. Carroll Holzer, Esq.
Baltimore County Board of Appeals

FEB - 2 2001

1/19/00

IN THE MATTER OF THE THE APPLICATION OF COLD BOTTOM LLC -OWNER / PETITIONERS FOR SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED ON THE NE AND SE/S WESTERN RUN ROAD AND GERBER LANE INTERSECTION (1219 GERBER LANE) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 99-49-SPHA

* * * * * * * * *

MAJORITY OPINION

This case comes to the Board of Appeals based upon an appeal from the Zoning Commissioner's Order in which the requested special hearing was granted and variance relief was granted with restrictions. The Petitioners are seeking a waiver to construct an addition to a building and undertake interior alterations under authority of the Baltimore County Code (BCC), Sections 26-171 and/or 26-172(a) or (b); or BCC Sections 26-203(c)(8) and 26-278. Additional relief is requested to construct a pool house /guest house on the north side of the main house. Variance relief is also being requested from Sections 400.2 and 400.3 of the Baltimore County Zoning Regulations (BCZR) to allow the pool house /guest house in the side yard instead of the required rear yard, in addition to a height of the proposed building to be 18 feet in lieu of the required maximum 15 feet. Reference was made extensively at the public hearing to the plat submitted as Petitioner's Exhibit No. 9.

A public hearing was held on July 27, 1999. James W. Constable, Esquire, represented the Owner /Petitioner. J. Carroll Holzer, Esquire, represented the Appellant /Protestant. Opening

statements were offered by both counsel in support of their respective positions.

This case involves a farm consisting of approximately 200 acres (+/-) known as "Conclusion Farm." The property has a long and noteworthy history as an agricultural site that extends back to the early 19th century. For many years, the farm was the homestead and property of the Bosley family. The Board readily acknowledges the rich and elegant history of the property that was described both by Mr. Constable in his opening statement and by Mr. Kenneth Bosley, Appellant /Protestant, during his hearing testimony. The Board also is cognizant of the Bosley name and tradition as being a prominent one in the agricultural history of Baltimore County. Indeed, as Mr. Bosley recited, it was the Bosley family that gave the name "Conclusion" to the principal residence consisting of a fieldstone home erected in the early portion of the 19th century, with subsequent buildings constructed over the years to enhance the property's farming activities. These included a tool house, stone bank barn, ice house, corn crib, spring houses, blacksmith shop, and hay barrack, among others. These also have historical significance going back to the 19th century.

During the course of the hearing, testimony was concurrent from both Mr. James S. Riepe and his witnesses relative to the historical significance of the farm. Situated within the Western Run Valley, it is one of the more significant farms that comprises the Western Valley -- an area that was historically significant enough to warrant inclusion of the farm and a significant number of

its buildings in listing the Western Run Valley in the National Register of Historical Districts. Indeed, the main house and a number of farm buildings and uses are listed in the Baltimore County Preservation Commission's List of Historical Structures.

At the commencement of the hearing, it was agreed that the exhibits submitted before the Zoning Commissioner would be entered as exhibits before this Board, with the same sequential numbering (Petitioner's No. 1 through No. 9, No. 10, No. 12, and Nos. 13 through 17), with new exhibits marked Petitioner's Exhibits No. 18 through No. 25. The Appellant also submitted Exhibits No. 1 through 3A, B and C.

The Petitioner's case consisted of testimony from Mr. James S. Riepe, property owner and General Manager, Cold Bottom, LLC, Sparks, Maryland. Mr. Riepe essentially described the Western Run area, the historical nature of "Conclusion," his purchase of the property when purchased from the Court-appointed trustee; and what he considered was the poor, deteriorating condition of the property, and he described in particular the ice house and the results of an inspection which reflected badly failing supports, rotted beams, and an ice pit that was filled in with broken wood and beams. The contractor engaged by the Petitioner suggested complete removal of the ice house for safety reasons. The ice house was indeed dismantled and siding removed, and a portion of the building collapsed in the process. Mr. Riepe referenced his purchase of the property from the Court-appointed trustee subsequent to the disputes that had arisen among Bosley family

members, who had owned the land since the early days of the State's founding. The present owners are Cold Bottom LLC, consisting of a number of area residents, among whom are Mr. and Mrs. Riepe. At the present time, the Riepes are acquiring the site from Cold Bottom, LLC, fully intending to reside on the property and restore /rehabilitate the site. The Maryland Environmental Trust is involved, with 140 acres of the property to be devoted to agricultural purposes.

Mr. Riepe described his projected plans to bring the farm back to useful purposes and as many buildings as possible to a restored state so that they would appear as close as possible to original vintage, yet provide the necessities required for a growing family to enjoy as a residence with accommodating structures. He described certain problem areas that required waivers and/or variances, referencing Petitioner's Exhibits No. 9 and No. 10 in detail. In his attempt to maintain the farm integrity, he opined that he had sought out an architect familiar with the history of Baltimore County who would endeavor to preserve the integrity and character of the farm and the buildings, yet provide for functional structures that could be enjoyed by his family. He wanted the property to retain its "farm feel," the stone house and outbuildings, yet redone to a practical and functional purpose, and yet retaining the original look of a farm. He described his activities with the Landmarks Preservation Commission (LPC) and their approval of the recommended changes after site visits. He was familiar with the ice house problems and need for variances.

The ice house itself was not an important factor, since the proposed structure would be rebuilt in the same footprint, and would be essentially the same building, in his opinion. If, however, the height was limited to 15 feet, he would not be able to put in the second floor. If the variance were not granted, he would not build in the rear of the house because of the profile that would exist. The important factor, in his analysis, was that the long and valued history of the ice house was still in the same place and from an exterior posture, would look like the original ice house.

On extensive cross-examination by Mr. Holzer, Mr. Riepe acknowledged that Mr. Bosley, Sr., had lived in the stone house, occupying two rooms, and that parts of the property were farmed with corn, and cows were raised on the property. Mr. Riepe stated that the prior owners had made no attempt to restore the property, and that in recent years only a caretaker was in attendance. He opined that the property was still under restoration, where permitted, and his family was in residence elsewhere. He stated that, per Petitioner's Exhibit No. 11, the primary historic buildings were still on the property, reciting those changes made from 1997 to the present time, all of which had been performed with the LPC's approval. He stated that the ice house changes were made after October 1998 and with the Zoning Commissioner's approval. He opined that the ice house had collapsed; and, if rebuilt, was considered as new construction per the Zoning Commissioner's Order. Improvements have been made based on the LPC approval, and the

permit granted by Baltimore County, even though Mr. Bosley had challenged same.

Mr. Riepe described the pool area as being in the rear outside of the main entrance. Questions were posed relative to the one-acre restrictions, agricultural uses, and the adaption of the garage in a "new way." Forty-five acres of the property are not in the Maryland Environmental Trust; 140 acres are in the Trust, and of that acreage, there will be no future development except as to the existing buildings. The barn silo, he opined, was torn down after 1997.

Mr. Walter Schamu also testified on behalf of the Petitioner. His C.V. was submitted as Petitioner's Exhibit No. 7. His personal focus as an architect is in historical properties. He referenced the U.S. Secretary of the Interior's standards and ten guidelines which were followed as a project guide for this site. Adaptive uses were described as to how to handle the restoration /rehabilitation process in a "gentle way" to demonstrate the historical significance and appreciation of such properties, blending a mix of the "new with the old." He stated that the buildings should retain appropriate characteristics of the old, but that additions are satisfactory and permitted. He described his many visits to the farm, described the property and the historical significance of the site. The buildings, he indicated, were in very bad shape, particularly the ice house. He stated that he worked closely with the Landmarks Preservation Commission on site visits and his presentation of "restoration and strategic

procedures." He opined that the ice house needed 18 feet in height, that the roof pitch had been maintained, and that the 18 feet is of the type that meets regulations imposed by the Secretary of the Interior's standards. He stressed that throughout his procedures Mr. Riepe had insisted that the properties retain their farm atmosphere, and considerable constraints had been imposed by Mr. Riepe. The ice house was not visible from the roadway. In all aspects, there still remained a unique quality, in his opinion, and the buildings represented a new use for the new millennium.

On cross-examination by Mr. Holzer, Mr. Schamu acknowledged that the ice house was not originally two stories in height, that it is changed in design, and that it was originally 3,500 square feet in the original footprint, and approximately 2,000 square feet had been added (Petitioner's Exhibit No. 11). He acknowledged that he had not seen the ice house during the period from 1994 to 1997, and his first view came after roughly three years of partnership /ownership. He opined that it could have been limited to 15 feet, but would have had to be completed with a flat roof. He described his attendance at the LPC meetings at which the farm was discussed. He acknowledged the minority vote of Mr. Goldsmith and two others on the LPC. Mr. Schamu's testimony concluded the Petitioner's case-in-chief.

Mr. Kenneth Bosley, Sparks, Maryland, testified at length concerning the historical significance of the site, going back to the days of the Lord Culvert grant. The original tract was 143 acres, more or less, and through the years, additional acreage had

been obtained. He was born on the farm, and the family conducted dairy farming activities on the premises. He acknowledged a family dispute that eventually forced him off the property in 1993. He vividly described the site, surrounding area, and the abundant and productive soil. In 1998, Conclusion Farms, Inc., applied to the Agricultural Land Preservation Unit. Because of the corporate entity, all stockholders needed to approve the application. However, because of objections raised, the application was denied.

Mr. Bosley cited the neighbors' desires to obtain the property and the subsequent litigation. He graphically described the main house, the ice house, and the changes he believed to be quite substantial (chimney changes, roof increases, the smokehouse, the back addition on the main house, wall enlargement in the main house, the party area, the summer kitchen and porches). He opined that when he was "evicted" the house was in good livable condition. The changes were all significant and rendered a different house altogether. The ice house, he opined, would no longer be an historical functioning ice house, the carriage house would be a garage, and the rear of the tool shed was to be used for cars. He cited a cemetery on the property with family /worker remains, and, in essence, the farm and buildings as proposed have no projection of yesterday because of the adaptive personal use by the Petitioner and his family. Mr. Bosley submitted his plans for a Conclusion Farm Museum (Protestant's Exhibit No. 2) and the LPC meeting minutes of May 14, July 9, and July 17, 1998 (Petitioner's Exhibits No. 3A, B and C).

In lieu of closing statements, the Board requested Briefs from counsel to be submitted simultaneously by September 9, 1999. A public deliberation occurred on October 12, 1999.

The Zoning Commissioner granted a waiver of Sections 26-203(c)(8) and 26-278 of the BCC. These sections of the Code refer to historical sites, structures and buildings, and require that any renovation or repairs to them be approved by the zoning authority under a special hearing petition. The minutes of the LPC indicate approval of the Petitioner's restoration and rehabilitation processes. The Zoning Commissioner approved the Petition "to prevent further deterioration." A special hearing was also necessary to approve the location of the proposed pool house /guest house. Based on Mr. Schamu's testimony, the Zoning Commissioner also granted permission to build a pool house /guest house on the north side of the main house. A variance was also granted to allow the pool house /guest house to be located in the side yard of the main house in lieu of the rear yard, and to allow the height of the building to be 18 feet instead of the permitted 15 feet, all subject to two conditions in the Zoning Commissioner's Opinion and Order dated October 9, 1998.

Subsequent thereto, the Appellant, Kenneth Bosley, filed a request for hearing on October 15, 1998, raising issues and allegations concerning the propriety of the Zoning Commissioner's Opinion and Order. The Zoning Commissioner, after review, denied the Request for Rehearing on December 18, 1998. Mr. Bosley then engaged Mr. Holzer as his attorney, and Mr. Holzer filed an appeal

to this Board on January 15, 1999 on behalf of the Appellant.

At the hearing and in his Brief, the Petitioner raised the "timeliness" of the appeal filed before this Board (BCC Sections 1 through 8.1 and Board of Appeals Rule 3[c]). Under the regulations, an appeal from the decision of the Zoning Commissioner must be filed within 30 days of the final action appealed. Since the Zoning Commissioner issued his Findings of Fact and Conclusions of Law on October 9, 1998, the appeal clock began to run on October 10, 1998. Since the Zoning Commissioner denied the request for rehearing on December 18, 1998, it was the Petitioner's contention that the appeal clock resumed running for an appeal of the Zoning Commissioner's original Order of October 9, 1998; and because five days of the appeal time period had expired between the date of the Zoning Commissioner's original Order and the filing of the request for hearing, only 25 days remained. Since the Appellant had taken advantage of the Zoning Commissioner's Rule K, which provides for "reconsideration," and that such a motion or reconsideration "stays all further proceedings in this matter," that includes the time limits for deadlines for the filing of any appeal.

Counsel for the Petitioner placed great emphasis on the word "stays" referencing the opinion that the period does not start over again but simply continues from that point on. That being the case, the appeal period clock began running for an appeal of the Zoning Commissioner's Order on October 9, 1998. Since five days had expired between the date of the Zoning Commissioner's Order (October 9, 1998) and the rehearing request (October 15, 1998), six

days of the appeal time had expired and only 24 days remained after December 18, 1998, the date the Zoning Commissioner denied the reconsideration motion.

Using that theory, the Appellant was required to file his appeal in 24 days from December 18, 1998 -- or no later than January 11, 1999. The appeal was actually filed on January 15, 1999. The Board was in agreement that, based on prior practices of this administrative body, wide discretion is allowed, in the interest of justice, to liberally construe the applicable rules of the Zoning Commissioner, and, indeed, this Body. It was the conclusion of this Board that the filing of the "Motion for Rehearing" was equivalent to the filing of a Motion for Reconsideration under Rule K of the Zoning Commissioner's rules. The filing of the Motion effectively "stopped" the running of the clock until the Zoning Commissioner denied the Appellant's Motion on December 18, 1998. At that point, the Appellant had 30 days to file his appeal "from the decision of the Zoning Commissioner of Baltimore County" rendered on December 18, 1998 (a copy of which was attached to the appeal).

Rule 3 of this Board's Rules of Practice and Procedure states that "unless otherwise provided for by statute, all appeals to the board of appeals subject to and limited by statutory authority to hear appeals, shall be made within thirty (30) days from the date of the final action appealed." This Board has always concluded that, as to appeals from such "motions for rehearing" or "motions for reconsideration" from the Zoning Commissioner, such appeals

shall be made "within thirty (30) days from the date of the final action appealed." "Final action appealed" means the last step in the appeal process within the confines of that particular administrative body. To construe otherwise would mean that, if an appellant chose to file a motion for rehearing /reconsideration on the 30th day of the appeal period, and that particular motion was denied, there might not be opportunity to file any additional appeal in light of time constraints. Such a construction would defeat the purposes of justice, unless time was of the essence and prejudice could be shown to the party whose interests were affected by such a construction. Neither appears to be applicable in this case. Therefore, the Board appropriately denied the Petitioner's request for dismissal as to the timeliness of the appeal filing.

Such being the case, this Board in hearing this case is a de novo tribunal with full power and authority to hear the case, along with the appropriate testimony and evidence, as would be the case in any de novo hearing.

The second question posed concerns the special hearing and request for waiver under Section 26-171 and/or Section 26-172(a) or (b); and Sections 26-203(c)(8) and 26-278 of the BCC. Section 26-171 pertains to "limited exemptions" and developments that are exempt from "Division 2 of this Article only." As referenced in Mr. Pat Keller's letter of August 24, 1998 to Arnold Jablon, Director of the Department of Permits & Development Management (Petitioner's Exhibit No. 25), this Section specifies those sections in which a proposed development qualifies for a complete

exemption from the requirements of Division 2. A waiver might be granted under Section 26-172 authority in connection with a finding of eligibility under Section 26-171, but a waiver cannot be granted "pursuant to" the latter section. Section 26-172(b) only allows waivers concerning a development plan to be submitted and subject to the hearing officer's approval. That section does not authorize a waiver from Section 26-278; that waiver could be granted only under the authority of Section 26-172(a). If the proposed construction must be subject to the development regulations at all, it should qualify for a limited exemption under Section 26-171, making the granting of a waiver under Section 26-172(b) unnecessary.

Section 26-203(c)(8) requires that, if the property is on one of the referenced lists, that information must be on the development plan. If the property is subject to a limited exemption, the matter is moot and Section 26-278 pertains to preservation of natural or historical features. Because the main building is on the final Baltimore County Landmarks Preservation List, the County requires either compliance with or a waiver of BCC Section 26-278. The Board has reviewed the minutes of the Landmarks Preservation Commission meetings of March 12, 1998 (Petitioner's Exhibit No. 1); April 9, 1998 (Petitioner's Exhibit No. 2); the LPC site visit of April 27, 1998 (Petitioner's Exhibit No. 3); and May 14, 1998 (Petitioner's Exhibit No. 4); July 20, 1998 (Petitioner's Exhibit No. 6); and John McGrain's letter of July 20, 1998 to Doug Swam, Permits Supervisor, approving the

issuance of a permit for the "restoration and expansion of the main dwelling house." This approval was granted by a vote of 7-3-0 (reference BCC 1989 as amended, Section 26-545). Reference is also made to Petitioner's Exhibit No. 25 wherein Pat Keller III, Director of Planning, recognized the Commission as the County's expert in historical preservation. This Board concurs that the waiver, in light of extensive discussion by the LPC, was justified and meets the requirements under Section 26-172(a).

With reference to the ice house, the Board, with varying thoughts, does concur that the visual photographs of the ice house as portrayed on Petitioner's Exhibit No. 10 reflect the structure severely deteriorated, in need of drastic repairs, and a structure that may have posed a safety hazard. The condition is also obviously one that had not arisen during the present ownership, but one that has been years in transition.

The minutes of the LPC's meetings do not specifically reference the ice house. The minutes of April 9, 1998 reference that "when Conclusion Farm was listed as a landmark, it was agreed to focus on precisely a specific period, the early 1800s; and not the entire history of the farm." Subsequently, a "technical committee" was appointed by the Commission to visit the subject site and make determinations, conclusions and recommendations to the full Commission. During that visit, there was no reference to the ice house in their subsequent report.

The minutes of July 17, 1998 also reference the fact that, while the district was accepted by the National Register of

Historical Places, "on October 12, 1995, the Landmarks Preservation Commission voted to place the main house, the spring house, the bank barn, the upping stone, and marble entrance on the Baltimore County Landmarks Preservation List." Again, no reference is made to the ice house. Based on the recommendations of the technical committee, the Commission, by a vote of 7-3-0 (abstention), Mr. John McGrain, County Historian, wrote his letter of July 20, 1998 to Doug Swam (Petitioner's Exhibit No. 6, BCC 1989, as amended, Section 26-545 [Permit for the restoration and expansion of the main dwelling]).

Whether we consider the ice house as being torn down or dismantled, or consider it as "reconstructed" as suggested by the Petitioner, or "new construction" as proffered by the Appellant, the old structure is gone, to be replaced by a pool house /guest house with second-floor office facilities for the Petitioners. While Mr. Bosley's interesting "Plan for Conclusion Farm Museum" provides an excellent commentary relative to "III. Ice House and Carriage Shed (1800s)," the Board can find no reference to the structure as being placed on the Final Landmarks Preservation List, despite what would appear to be a distinctive feature of the farm. The Board concludes that the Petitioner acted prudently in removing a deteriorating structure. As a consequence thereof, the Petitioner has requested permission to allow the construction of the pool house /guest house /office facility to be located on the north side of the main house (on the Baltimore County list).

The Board has carefully reviewed Petitioner's Exhibits 10, 12,

18, 21, 22, and 22A and B. While the adaptive use of the ice house is substantially functionally different from that of the previously existing structure, nevertheless it is within the same footprint of the original structure, and the architect has made a substantial effort to maintain the previously existing exterior of the ice house by incorporating the same dimensions, siding, roof line, and style of the windows and doors. It also satisfies the Secretary of the Interior's standards for historic preservation.

The pictorial review of the Board reflects a genuine effort on the part of the Petitioners to duplicate at least the exterior of the historic ice house -- which was included in the historical structures supporting application to the National Register. The Board has considered the standards imposed under Cromwell v. Ward, 102 Md.App. 691, relative to "uniqueness" and "practical difficulty or unreasonable hardship." The Petitioner cannot question the uniqueness of the property relative to its "historical significance," or such characteristics as "unusual, architectural aspects" (North v. St. Mary's County, 99 Md.App. 502). Even if the Board were to consider the pool house /guest house as "new construction," rather than "reconstruction," the concept of side yard and rear yard are not of substantive relevance to this historical property, which is subject to an easement restricting future subdivision. Because of the easement, the Petitioner is limited as to where a "new structure" could be placed, and limited to the 15-foot height requirement. The Board concurs that reconstruction of the structure from an exterior posture will

continue to enhance the totality of the historic farm, and blend in substantially with the other structures in the general area of the original ice house, based upon its review of the photographs and plats submitted during the hearing.

It is painfully obvious to the Board that the demolition of the structure was a necessity, and the interior adaption of the structure will provide a modern day usage to an historical structure, retaining exterior integrity without causing the need for a new structure within a narrow parameter that could drastically alter the historical qualities that distinguish the farm.

The Board does conclude that the Petitioner will suffer an unreasonable hardship and practical difficulty resulting from the disproportionate scope of the rear yard and height requirements caused by the property's historical uniqueness.

Turning to the request for a special hearing relative to the "construction of an addition to the main house and the interior alterations thereto," this Board recognizes that there is a disagreement in the panel with regard to this request.

In Baltimore County there exists a Landmarks Preservation Commission (LPC) which, as the name implies, is charged with investigating, evaluating and determining whether or not a given project meets or is in conflict with historic preservation guidelines and regulations. The entire Board agrees that the LPC spent considerable time, effort, investigation and discussion in its examination of the Petitioner's request.

After no less than three meetings, spanning many months, which included site visits, due consideration by the Technical Committee of the LPC, working in close consultation with Mr. Schamu, an architect in historical restoration, did indeed support the restoration project of the main house requested by the Petitioner. The Commission ultimately agreed with its Technical Committee's recommendation and approved the proposal.

This Board, as previously noted, heard testimony from Mr. Schamu who was accepted as an expert in historical restoration. His knowledge, as well as his expertise, of historical properties is not limited to the subject site, but encompasses other properties throughout Baltimore County. He stated his effort was to make the alterations to the main house mirror the same period dating to the mid-1800s. He opined that by applying the U.S. Secretary of the Interior Standards and ten guidelines, while incorporating materials which were vintage to this earlier time frame, the proposed renovations would achieve this transformation.

Thus, the majority finds the addition and interior changes to the main house are merely a continuation of the physical changes which have transpired over the years. The modification in the mid-1800s to the original house by way of an addition was also required to accommodate the ever-changing needs of a growing farm site.

In the instant case, the majority finds these changes to be an adaptation to the requirements of a modern day family, while still maintaining its historical character. The Petitioner has demonstrated these changes will maintain the historical appearance

to the facade by incorporating the original stone wall, with new materials which will resemble the architectural look of the previous century.

The Board must ask if not for the efforts and involvement of the neighboring community (which is affected by this site on a daily basis), and the private resources expended by the Petitioner, would time actually render this farm as nonexistent?

In conclusion, the Board finds, from the testimony and evidence presented before us as herein described, as well as the considerable materials generated by the Baltimore County Landmarks Preservation Commission, and the conclusions reached by the Commission, that a waiver for improvements to the main house are justified in saving this entire site from further deterioration and possible loss for future generations.

The majority of this Board believes that the Petitioner's proposal represents a reasonable and good faith effort to appropriately utilize the main house. At the same time, we believe that the proposals for additional construction, although significant in scope, meet the criteria set out under the Guidelines to allow for adoptive uses while still maintaining the historical character of the structure in question.

O R D E R

IT IS THEREFORE this 19th day of January, 2000 by the County Board of Appeals of Baltimore County

ORDERED that, pursuant to the Petition for Special Hearing, approval for a waiver, pursuant to Sections 26-171 and/or 26-

172(c)(8) of the Baltimore County Code, and of Sections 26-203(c)(8) and 26-278 of the Baltimore County Code to construct an addition to a building and undertake interior alterations be and is hereby **GRANTED**; and it is further

ORDERED that, pursuant to the Petition for Special Hearing, approval to allow construction of a pool house/guest house, to be located on the north side of the main house, be and is hereby **GRANTED**; and it is further

ORDERED that a variance from Sections 400.2 and 400.3 of the BCZR to permit the location of the pool house /guest house in the side yard, in lieu of the required rear yard, and to allow a height of the said building of 18 feet, in lieu of the required 15 feet, be and is hereby **GRANTED**, subject to the following restriction:

1. The restoration /rehabilitation of this property shall be in substantial accordance with the plan approved by the Landmarks Preservation Commission.

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

Thomas P. Melvin

Thomas P. Melvin

IN THE MATTER OF THE	*	BEFORE THE
THE APPLICATION OF		
COLD BOTTOM LLC -OWNER /	*	COUNTY BOARD OF APPEALS
PETITIONERS FOR SPECIAL		
HEARING AND VARIANCE ON	*	OF
PROPERTY LOCATED ON THE NE		
AND SE/S WESTERN RUN ROAD	*	BALTIMORE COUNTY
AND GERBER LANE INTERSECTION		
(1219 GERBER LANE)	*	CASE NO. 99-49-SPHA
8TH ELECTION DISTRICT		
3RD COUNCILMANIC DISTRICT	*	

* * * * * * * * *

CONCURRING /DISSENTING OPINION

This member of the Board concurs with the Majority Opinion of the Board, but dissents as to that portion of the Special Hearing relative to the "construction of an addition to the main house and the interior alterations thereto." While this member respects the judgement of the Commission members who voted on July 17, 1998 to approve the issuance of a permit to restoration and expansion of the "main dwelling house" by a vote of 7-3-0 (abstention), nevertheless, there is ample room for reasonable value judgement by inclusion of my dissent with the Board majority.

Returning to basics, under Baltimore County Code, Article X, Historical & Architectural Preservaion, (BCC) Section 26-532. Purpose:

> In providing for the protection, enhancement, and perpetuation of those structures and districts in the county of historic, architectural, archeological, or cultural merit, the following objectives are to be sought:
>
> 1. To safeguard the heritage of the county as embodied and reflected in such structures and districts;
>
> 2. To stabilize and improve property values in such districts and in the county generally;
>
> 3. To foster civic pride in the beauty and noble accomplishments of the past;

4. To strengthen the economy of the county; and

5. To promote the use of historic districts and landmarks for the education, pleasure and welfare of the residents of the county.

In adding the "main house" among "several other buildings" on the Baltimore County Preliminary Landmark Preservation List, the LPC found that "the main house met criteria #1 since it was associated with a personality, group or event (farming in Baltimore County in the 1800s). It was also noted that the farm also met criteria #2, since it was a distinctive example of a particular architectural style or period."

While emphasis has been placed by the Petitioner on the fact that the adaption of the dwelling to a modern use was done in accordance with the Secretary of the Interior's standards for historical preservation, no specific reference is made to those standards in any of the minutes of the LPC submitted to this Board, nor is the writer able to find any reference in the Petitioner's Brief that such standards were also utilized in the adaption suggested in the main house structure. While one must concede that the C.V. of Mr. Schamu is extremely impressive, one must also recognize that opinions expressed concerning adaption and preserving historical significance may often be influenced by the desire of the owner during rehabilitation /reconstruction to suit personal convenience at the sacrifice of maintaining historical integrity. The standards established by the Secretary of the Interior and design are frequently interpretive matters, and subject to individual analysis. Uniform standards are subject to

varying degrees of "gray matter." That is precisely why the County Council enacted legislation under BCC Section 26-533 to create a 15-member body, all residents of Baltimore County, to compose the LPC. Significantly, these citizens represent a broad spectrum of the Baltimore County community (Section 26-533/4). Specifically, at the March 23, 1998 meeting of the Landmarks Preservation Commission, Mr. Schamu was not present to explain the proposed "plans for alteration of the residence and barn bank." Mr. John Chalk, a member of the LPC, had been supplied with plans for the proposed alterations. Mr. Bosley testified at length concerning the property. Properly so, Mr. Chalk "noted that the LPC could only review plans if brought in by the applicant or their representative."

At the April 9, 1998 meeting, Mr. Schamu noted that the main house was on the LPC landmark list and that the owner wanted to "demolish some uncontributing structures; everything else was to be retained for a farm house." He noted the addition of a family room and garage, along with a "mud room" or "gallery" and that the additional building additions would add another 2,000 to 3,000 square feet to the 3,000 square-foot structure. At that time, the Commission agreed that the proposed work was correct in concept and should be developed.

Mr. Goldsmith requested that the site committee should make a written report after its site inspection of the barn bank, and the committee "respectfully requested more detailed drawings, with material specifications, to be submitted to the Commission for the

proposed changes and addition. It should be noted that the proposed addition of a garage was not brought to the attention of the committee at this site visit."

At the May 14, 1998 meeting of the LPC, Mr. Reynolds, a member, summarized the Conclusion Farm Technical Committee report and informed the full Commission that the committee supported the proposed restoration of the main house, the addition, and the removal of the portico.

There is a need at this point to reference Section 26-278 "Preservation of Natural or Historical Features" within Title 26, "Planning, Zoning and Subdivision Control," Division 4. General Design Standards and Requirements; Section 26-278:

> Natural features (including water courses, water falls, beaches and significant vegetation) and historic structures or sights identified on any of the lists referred to in Section 26-203(c)(8) must be preserved.

While reference is made to the "development plan" and no development plan is necessary for this particular undertaking, nevertheless that section must be tied in directly with Section 26-532 of Article X, Historical and Architectural Preservation, which has been referenced previously in this Opinion.

In Petitioner's Exhibit No. 2, page 7, reference is made concerning the stone farm house -- text reprinted from the State Historical Preservation survey, 1979. Pictures of the existing stone house are vividly portrayed.

Reference is also made to the LPC meeting of April 9, 1998 and the picture of the existing stone farm house, and the projected

portion of the new construction set back from the original house (north elevation) along with the main facade of Conclusion Farm reflecting the original farm house and the new spaces set back from the original house. Additionally, the rear facade is demonstrated reflecting the original building and also the new construction.

The ultimate questions are whether or not we have a reasonable adaptation of an historical dwelling that will "safeguard the heritage of the county as embodied and reflected in such structures and districts"; and "will promote the use of historic districts and landmarks for the education, pleasure and welfare of the residents of the County." As to the latter, the answer is "no" since the farm is personally owned by the Petitioners, and unless assessable to the public will not be available for the education, pleasure, and welfare of the County. Unlike modifications which were permitted in the recently resolved Hayfields case, where historic sites and structures were concerned, there is no availability for enjoyment of these sites by the general public unless invited on the premises by the Petitioner. The only availability would be by way of a "ride-by" to view the property from public roadways. Therefore, in the interest of the citizens of Baltimore County, modifications relative to such historical structures must be more carefully examined less the desire for personal satisfaction in an adaption overcomes the more important "preservation aspect." Mr. Schamu stated, at the April 9, 1998 meeting of the LPC, the original house to be 4,000 square feet (page 2). The proposed addition would add another 2,000 to 3,000 square feet (page 2).

At the July 9, 1998 LPC meeting (Protestant's Exhibit 3B), the Commission members discussed the proposed addition to the original building which was now described as 7,000 square feet. In response to a question from the Commission, the Petitioner responded that the original house was only 5,000 square feet. It was also acknowledged that the addition was bigger than the house, and everything was bigger than the original (page 16). A number of the witnesses who appeared at that particular LPC meeting recognized the fact that this was no longer a farm house from a fairly simple area, and that the addition was considerably more square footage than the original house. While it is not necessarily true that the addition should be subordinate to the house itself, nevertheless, the proposed addition presents a picture that the addition robs the main dwelling of its historical connotation as one views the photographs concerning the historical significance of the property as it currently exists and what it will look like after the addition is added. Obviously, the present owner is going to use the property for extensive entertainment, not as a "farm or for agricultural purposes." In submitting selected minutes of the meeting of the Landmarks Preservation Commission, the Petitioner's exclusion of the minutes of the meeting of July 2, 1998 are quite significant because it was at that meeting that considerable opposition was met concerning the addition and its overstatement as related to the original house.

In order to develop a clear perspective of what is transpiring in this case, one must read with intensity those entire minutes,

and it is anticipated that if this case is appealed that the reviewing appellate body will read those minutes and place emphasis upon what respected members of the community considered to be an improper approach to Section 26-532 and also compatibility with County standards as reflected on the technical committee's report submitted as a portion of Petitioner's Exhibit #3.

Taking into consideration economic and technical feasibility, (1) is the main house being "adapted for a new use that requires minimal change to the defining characteristics of the structure at its site; (2) does it avoid creating a false sense of historical development such as adding conjectural features or architectural elements; (3) are the interior changes such that they preserve distinctive features, finishes, and constructive techniques for examples of craftsmanship that characterized the property; (4) protects the historical integrity of the property and its environs by undertaking exterior alterations or other new construction in a manner that avoids or minimizes destruction of characteristic historical materials and that visually differentiates the old from the new and is compatible in massing, size, scale and architectural features; and (5) provides that the essential form and integrity of the historical property and its environments would be unimpaired if the new additions and adjacent or related new construction were removed in the future. These elements are at best all judgement calls. However, when one considers that one of the reasons the main stone house was placed on the final Landmarks Preservation List was due to the fact that it represented a "distinctive example

of a particular architectural style or period," one must seriously question the manner in which the addition and re-adaption has been drastically altered, due to the proposed addition in the form of a garage and living space in the rear of the house that hardly resembles that which was placed on the final Landmarks list. To that extent, this writer concurs that preservation is not what the plan is about but rather adaptive re-use for the personal enjoyment, satisfaction and entertainment usage of the Petitioner. For the reasons so stated, the writer files a dissent relative to the Petition for Special Hearing concerning the interior alterations and additions to the main stone house.

Charles L. Marks

DATE: January 19, 2000

9/10/99

IN THE MATTER OF	*	BEFORE
COLD BOTTOM, LLC-OWNER/		
PETITIONER 1219 GERBER LANE	*	COUNTY BOARD OF APPEALS
8TH ELECTION DISTRICT		
THIRD COUNCILMANIC	*	OF
	*	BALTIMORE COUNTY
	*	CASE NO.: 99-49-SPHA

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COUNTY BOARD OF APPEALS

POST HEARING MEMORANDUM

Petitioners/Appellees (collectively "Reipe") by their counsel, Wright, Constable & Skeen, L.L.P. and James W. Constable, submit this Post Hearing Memorandum to support (i) the Motion to Dismiss filed at the hearing, (ii) the request for a waiver and for variances, and (iii) to rebut certain contentions made by Appellant Kenneth Bosley ("Bosley") at the hearing.

A.

OVERVIEW

This is an appeal from a December 18, 1998 ruling of the Zoning Commissioner in which the Commissioner denied the Request for Re-Hearing filed by Bosley in a proceeding brought by Reipe to obtain variances and other relief. The case involves the Reipe farm of about 200 acres known as Conclusion. Conclusion began as a farm in the early nineteenth century and retains its agricultural focus to this day. The farm was the homestead of the Bosley family, one of the most respected agricultural families in Baltimore County's history. Conclusion is the name that the Bosleys gave to the main house, a field stone structure constructed in the early nineteenth century and substantially expanded in the latter part of the century. Many outbuildings used in the farming operation were constructed over the years, including a stone bank barn, tool house,

corn crib, ice house, spring house, hay barracks, and blacksmith shop. Many of these structures date back to the early nineteenth century. The ice house is the focus of the variance requests.

The farm is located within the Western Run Valley, a valley of farms that record the agricultural history of Baltimore County and that has remained intact as a truly agricultural community. Conclusion Farm and many of its buildings, including the ice house, were cited to justify listing Western Run Valley on the National Register of Historic Districts. The main house and several of the outbuildings are also listed on the Baltimore County Landmarks Preservation Commission Final List of Historic Structures. Some of the structures are on the Maryland Historical Trust Inventory of historic sites.

As noted by the Zoning Commissioner, and reaffirmed by Reipe and Schamu during testimony before this Board, the farm was allowed to deteriorate in recent years, and many of the buildings were in a state of disrepair, needing immediate attention. The farm was purchased by Reipe several years ago. As he testified, James Reipe has embarked on a mission to restore the farm to its previous splendor and move his family into it as their home. In pursuit of this restoration project, Reipe hired two architects, Walter Schamu and James Milner. These gentlemen and their firms are among the most respected in the United States in the restoration and renovation of historic structures. See Petitioners Exhibits 7, 8, and 20. Historic restoration is a complex art because it requires a knowledge of architectural history, construction, availability of historically authentic materials and skilled craftsmen, structural engineering as it applies to aged structures and construction techniques, and the ability to blend the priorities of preserving the historic integrity of structures with the needs and tastes of modern day family living.

The issues to be determined by the Zoning Commissioner were twofold. Because the main house is listed on the County Landmarks List, the proposed restoration and renovation required a waiver of Baltimore County Code Sections 2-278 under Baltimore County Code Sections 26-171 and/or 26-172(a) or (b). Because the ice house required dismantling and rebuilding for safety reasons, the County took the position that restoration would be new construction, and that variances would be necessary to rebuild it in the same location and at the approximate original height of about seventeen feet. See Sections 400.2 and 400.3 of the Baltimore County Code. (Petitioner does not believe that variances are required because this is not new construction but replacement of an agricultural structure with one that is historically correct.) The Zoning Commissioner granted the relief requested in his FINDINGS OF FACT AND CONCLUSIONS OF LAW filed October 9, 1998 after a lengthy hearing.

B.

BOSLEY'S APPEAL OF THE ZONING COMMISSIONER'S DETERMINATION ON THE ISSUES OF VARIANCES AND WAIVER WAS NOT TIMELY

Under Baltimore County Code, an appeal of a decision of the Zoning Commissioner must be filed within 30 days of the final action appealed. See BCC Section 1-8.1 and County Board of Appeals Rule 3 (c).

On October 9, 1998, the Zoning Commissioner issued his FINDINGS OF FACT AND CONCLUSIONS OF LAW. The Zoning Commissioner granted the relief requested by Reipe. If timely appealed by Bosley, Reipe would be required to present the case to this Board *de novo*. The appeal time clock commenced to run October 10, 1998.

On or about October 15, 1998, Bosley, the only Protestant before the Zoning Commissioner and appellant hereunder, filed a document entitled Request for Re-Hearing. The appeal clock was suspended.

Zoning Commissioner Rule K provides for a Motion For Reconsideration. If a Motion For Reconsideration is filed, the filing "stay[s] all further proceedings in the matter, including the time limits/deadlines for the filing of an appeal." See rule K. The operative word is "stay". The appeal time is stayed by the filing of the Motion For Reconsideration. [1] However, it does not start over.

On December 18, 1998, the Zoning Commissioner denied the Request For Re-Hearing by Order On Request For Re-Hearing. At that time, the appeal clock resumed running for an appeal of the Zoning Commissioner's original October 9, 1998 ORDER. Because five days of the appeal time period had expired between the date of the Zoning Commissioner's original ORDER and the filing of the Request for Re-hearing, only twenty-five days remained. Those twenty-five days expired prior to Bosley filing of his Notice of Appeal.

The situation herein is almost identical to that confronting the Court of Special Appeals in Hess v. Chalmers, 27 Md. App. 284 (1975). In Hess, Judge Wray of the Circuit Court for Anne Arundel County filed a Memorandum Opinion and Order on May 20, 1974 against the plaintiffs in a law suit involving an estate. Upon the filing of a Motion for Reconsideration the court stayed the Order on June 14, 1974 pending the outcome of the Motion. On July 22, 1974 the court dismissed the Motion for Reconsideration and vacated the stay Order. The plaintiffs

[1] A Request for Re-hearing is not the same as a Motion for Reconsideration. Reipe does not waive his contention that the Request for Re-hearing did not operate to stay the running of the time limit.

entered an appeal on August 19, 1974, within thirty days of July 22. The issues before the Court of Special Appeals of Maryland were (i) whether the notice of appeal filed on August 19, 1974 was timely and (ii) what was the subject matter of that appeal. The Court of Special Appeals held that the appeal was not timely because the daily count began on May 21; it was suspended on June 14 and resumed on July 22 with the lifting of the stay. "The countdown was resumed, not to start again from the beginning, but to take up where it left off." *Id.* at 288. Therefore, July 25 was day number thirty, and any appeal of the order dated May 20 filed after that date would be untimely. The court concluded that the appeal of August 19 was not timely with respect to the decree of May 20. See also: Casey v. Grossman, 123 Md. App. 751 (1998); S&G Realty Company, Inc. v. Woodmore Realty Corporation, et al., 255 Md. 684 (1969).

There are cases that have held that the time for appeal starts anew upon denial of a subsequent event in the case. However, in those cases, the statutory appeal structure specifically so requires. [2] In the case at hand, the statute is clear and unambiguous. Black's Law Dictionary (4th Ed., 1951) defines "stay" as " to stop, arrest, or forebear" citing State Foundation v. Oliver, 165 Md. 360, 169 A. 59, 61 (1933). A "stay of proceedings" is defined as a "temporary suspension" See Black's, supra. The Board of Appeals, being a creation of statute, cannot expand its powers beyond those conferred. It is respectively submitted, therefore, that the Board is without power to disregard the days prior to the filing of the Request for Re-Hearing. There is no prejudice to the attentive appellant by counting the days before the filing of a Request for

[2] Certain Workmen's' Compensation cases start the clock running from the last event in the file. This may also be true of appeals from a state trial court proceeding in which a judgement has not become enrolled. That is not applicable here.

Reconsideration and adding them to the days after the request has been decided. Appellant need only count correctly.

C.

SINCE THIS IS AN APPEAL OF A DENIAL OF A REQUEST FOR RE-HEARING, THE ONLY ISSUE IS WHETHER THERE WAS AN ABUSE OF DISCRETION

More importantly, the Notice of Appeal filed by Bosley specifically states that it was an appeal from the December 18, 1998 denial of the Request For Re-hearing and not from the original decision of the Zoning Commissioner. This was proper since the thirty day time period had expired for an appeal from anything but the denial of the Request. The state law is clear with respect to appeals of trial court proceedings. An appeal from the denial of a Request for Re-hearing must be denied unless there is a showing of an abuse of discretion by the trial court. Whereas, an appeal from the Zoning Commissioner's original order would result in a *de novo* hearing before this Board, an appeal from the denial of the Request for Re-hearing is limited to whether or not the Zoning Commissioner abused his discretion, i.e. was clearly erroneous, in denying the Request. There was no effort to show that he was clearly erroneous during the hearing before this Board. It is therefore respectfully submitted that the appeal be dismissed for failure to meet the "abuse of discretion" test.

D.

WAIVER UNDER SECTION 26-171 AND 26-172

The main dwelling is listed on the Baltimore County Landmarks Preservation Commission Final List . As such, the County requires either a compliance with or a waiver of

Baltimore County Code Section 26-278 which restricts changes to historic structures. The changes for which the building permit was sought were approved by the Landmarks Preservation Commission after several hearings and presentations. See LPC Minutes, Exhibits 1,2,3,4 and 5. That Commission serves as the County's expert in historic preservation. This was recognized by Arnold "Pat" Keller, III, Director of the Office of Planning. See Petitioner's Exhibit 25. A waiver, if deemed necessary at all, is justified and meets the tests under Section 26-172(a). It was requested by a Department Director (Mr. Keller); the size, scope and nature of the proposed dwelling modification does not justify strict compliance; a waiver is within the scope, purpose and intent of these regulations (the project has been approved by the Landmarks Preservation Commission and therefore has more than met the purpose of 26-278); all other county laws have been complied with; and compliance would cause an unnecessary hardship(it requires a duplication of hearings and proceedings). The aforementioned factors show compliance with the factors relevant to a waiver.

E.

REIPE MET HIS BURDEN OF PROOF TO JUSTIFY THE VARIANCES SOUGHT.

1. Uniqueness: The granting of variances requires the landowner to meet a two part test. First, he must show that the property is unique. If he does, he must than show that he will suffer a practical difficulty or unreasonable hardship resulting from the "disproportionate impact of the ordinance caused by the property's uniqueness." See Cromwell v. Ward, 102 Md. App. 691, 651 A. 2d 424 (1995). The uniqueness test was explained by the court in North v. St. Mary's County, 99 Md. App. 502, 638 A. 2d 1175 (1994).

> " 'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, *i.e.*, its shape,

topography, subsurface condition, environmental factors, historical significance, ***or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects ***" (Emphasis added)

The variances sought herein are to allow the reconstructed ice house in the side yard as opposed to the rear yard (BCZR 400.2) and to allow it retain its original height in excess of 15 feet (BCZC 400.3).

The restoration of the Conclusion Farm complex is an historical restoration project of exceptional merit. Historic preservation is an established policy of Baltimore County. The establishment of the Baltimore County Landmarks Preservation Commission codifies the policy. Section 26-532 of the Baltimore County Code states the purpose - " *** providing for the protection , enhancement, and perpetuation of those structures and districts in the county of historical, architectural, archeological, or cultural merit *** ". Also, Code Section 26-278 prohibits the destruction of certain historic structures. Various sections of the zoning code allow adaptive uses for historic buildings in zoning classifications that would not otherwise readily permit those uses. See, for instance, BCZR Sections 402B.1 (antique shops in residential zones), 402C.1 (art salons), 432.5 (assisted living facilities), 402D.2 (bed and breakfast establishments). Consider also the many tax benefits that are designed to encourage preservation of historic structures. The following support the uniqueness of the property:

a. The ice house is an integral part of the historic farm. Several of its surrounding structures are on the Landmarks List, the Maryland Historical Trust Inventory of Historic Structures, and the farm in its entirety supported the listing of the Western Run Valley on the National Register of Historic Places. Much of the farm is in an agricultural district under the Maryland Agricultural Land Preservation

Foundation program and is subject to an easement restricting future subdivision- thereby preserving the farm as a farm.

b. The ice house dates back to the early nineteenth century. See Protestant's Exhibit 2. It was included in the historic structures supporting the application to the National Register.

c. The ice house is essentially a reconstruction of the structure that was in place when the property was purchased. The owners are rebuilding the structure and adapting it to a use that is compatible with twentieth century living. Had Reipe not been required to dismantle the ice house for safety reasons, the variances would not be necessary for the reconstruction. Refer to the various drawings and photographs, particularly, Petitioner's Exhibits 10, 12, 18, 21, 22, 23, 24 A and B. The new ice house is approximately the same height as the original and is located on the same foundation. The new ice house is an attempt to duplicate the exterior of the historic ice house by incorporating the same dimensions, siding, roof line, style of the doors and windows. Mr Schamu, one of the architects, testified that it is designed in accordance with the Secretary of the Interior's Standards for Historic Preservation. To lower its height or remove it from its historic location would defeat the most basic concepts of historic preservation. The restoration project in its entirety has received the endorsement of the Baltimore County Landmarks Preservation Commission and has been commended by the Zoning Commissioner.

d. The concepts of side yard and rear yard have no relevance to this property. This is a compound of buildings a vast distance from the public roads (over 900 feet) and hardly visible to the public. There is no definable side or rear yard. This is not a case of an accessory structure placed in the side yard of a lot in a dense subdivision cluttering the views of the neighbors and public. Like most farms, the buildings are scattered on all sides of the dwelling.

e. There are already structures in excess of 15 feet and in the general area of this ice house. See plats and photographs.

2. Hardship: Petitioner will suffer an unreasonable hardship or practical difficulty resulting from the disproportionate impact of the rear yard and height requirements caused by the property's uniqueness.

   a. The ice house is an historic property. The rear yard and height restrictions, if applied to this project, make restoration impossible and violate the public policy of the county, state and federal government that fosters projects such as this. This, in and of itself, creates an unnecessary difficulty and unreasonable hardship. Without the variance, it creates an impossibility.

   b. The variances are only required because, for safety reasons, Reipe dismantled the structure before rebuilding it. If dismantling was not necessary, the ice house could be reconstructed as it is today without the need for variances.

   c. The owner is adapting the ice house to accommodate uses that he requires on the farm. He is utilizing the existing structure to avoid the necessity of building additional structures on the premises for those new uses (studio and

home office). Were he is not able to use the ice house, he would be required to dismantle the historic structure and build one or more additional structures within a one acre perimeter around the main dwelling in which building is permitted under the agricultural program. Such an alternative compromises the merits of the Conclusion Farm restoration project and defeats the purpose of preservation.

F.

REFERENCES TO ERRONOUS SECTIONS IN REQUEST FOR VARIANCE

Bosley, complained that the original request for variances did not contain the correct references to the applicable zoning regulations. Whether that contention is accurate or not, there is no question that Bosley was aware of the nature of the requests. Furthermore, the Zoning Commissioner was aware, and addressed the appropriate sections in his FINDINGS. In addition, the posted signage clearly advised viewers of the nature of the request. So did other notices. See Petitioner Exhibit 19. Neither Bosley nor any member of the public was misled.

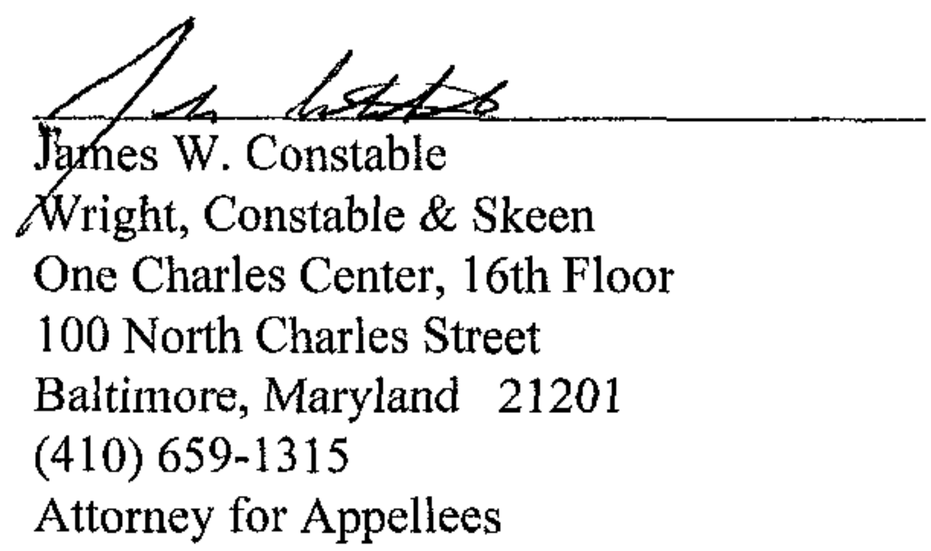
G.

BOSLEY'S CONTENTION THAT THERE IS LITIGATION PENDING THAT WILL REVERT THE FARM TO HIS FAMILY

At the hearing, Bosley stated that there was litigation pending that might result in the Bosley family regaining ownership of Conclusion Farm. This is a feeble attempt to mislead the Board. All litigation instituted by the Bosley family that could have created a cloud of Reipe's title to the property has been resolved in favor of Reipe and is final and binding and has withstood all appeals. In fact, in one of the cases, the Court awarded monetary sanctions against

some of the Bosley family and in favor of Reipe as a result of the frivolous nature of the action brought by those members of the Bosley family. [3] In an Opinion dismissing the appeal of an Order of the Circuit Court for Baltimore County which had the effect barring the revival of one of the Bosley family cases against Reipe and others, the Court of Special Appeals noted that "[t]he trial judge was well acquainted with the litigious propensities of the Bosleys". See attachment A (Unreported Opinion , Daniel M. Bosley, et al. V. Cold Botttom, LLC, et al., No 117, September Term, 1998.)

Respectfully submitted,



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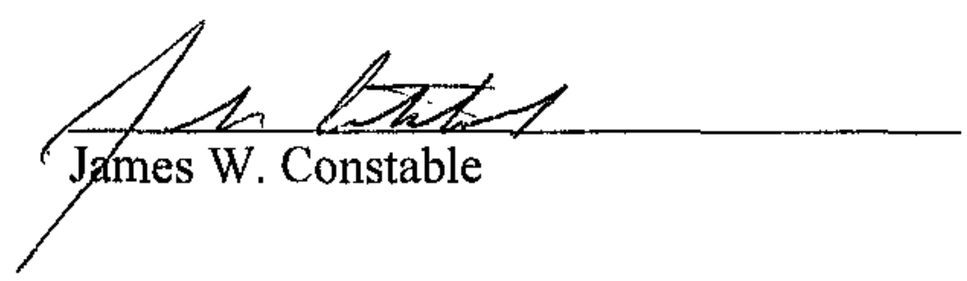
CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 10th day of September, 1999 a copy of the foregoing Motion to Dismiss/Motion to Limit Argument was hand delivered to A. Carroll Holzer, Esquire, 508 Fairmont Avenue, Towson, Maryland 21286.



James W. Constable

[3] Bosley, et al. v. Cold Bottom, LLC, et al. Circuit Court for Baltimore County, Case No. 86-CSP-2690, also designated 03-C-86-262690

9/9/99

IN THE MATTER OF:	*	BEFORE
COLD BOTTOM, LLC – OWNER/		
PETITIONER, 1219 GERBER LANE	*	COUNTY BOARD OF APPEALS
8TH ELECTION DISTRICT		
THIRD COUNCILMANIC DISTRICT	*	OF
	*	BALTIMORE COUNTY
	*	CASE NO.: 99-49-SPHA

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

MEMORANDUM OF KENNETH BOSLEY, APPELLANT/PROTESTANT IN LIEU OF ORAL ARGUMENT

Appellant/Protestant Bosley (hereinafter "Bosley") by his counsel J. Carroll Holzer and Holzer and Lee, hereby submit this Memorandum in Lieu of Final Oral Argument as requested by the Baltimore County Board of Appeals.

STATEMENT OF CASE

This matter arises as a result of Cold Bottom LLC, property owner, by James S. Reipe, General Manager, filing a Petition for Special Hearing and a Petition for Variance for the property located at 1219 Gerber Lane, known as Conclusion Farm. The Appellant/Protestant, Kenneth Bosley is a former owner of Conclusion Farm, as well the owner of property adjacent to Conclusion Farm, who still claims a potential interest in Conclusion Farm as a result of litigation currently pending before the Maryland Court of Special Appeals.

The Special Hearing Petition requests relief to approve a waiver pursuant to Sections 26-171 and/or 26-172(a)or(b) of the Baltimore County Code; of Sections 26-203(c)(8) and 26-278 of the Baltimore County Code, to construct an addition to a building (the Main house which is on the Final Baltimore County Landmarks List), to undertake interior alterations thereto, and to allow construction of a pool house/guest house to be located on the north side of the main house.

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COUNTY BOARD OF APPEALS

According to the Petition, Variance relief is sought from Sections 400.2 and 400.3 of the Baltimore County Zoning Regulations to permit the location of the pool house/guest house in the side yard in lieu of the required rear yard and to allow the height of the said building of eighteen feet in lieu of the required fifteen feet. From an Order of the Zoning Commissioner of Baltimore County granting approval to both Petitions on October 9, 1998, the Protestant/Appellant filed a request for rehearing on October 15, 1998 with the Zoning Commission. After response by the Petitioner in writing, the Zoning Commissioner denied the request for rehearing on December 18, 1998. Thereafter, Appellant/Protestant filed an appeal with the Baltimore County Board of Appeals on January 15, 1999.

STATEMENT OF FACTS

Conclusion Farm, the subject site involved in the instant Petition for Special Hearing and Variance had been in the Bosley family since the 1700's. From 1810 until the early 1990's the farm had been operated as a grain and dairy farm by members of the Bosley family including the Appellant Ken Bosley. Ken Bosley was born on, grew up and managed Conclusion Farm until the farm was lost to the family due to litigation in the early 1990's. According to the testimony of Ken Bosley, litigation involving ownership and the rights of the Bosley family to Conclusion Farm is still before the Maryland Court of Special Appeals, which if successful, might restore the ownership of the farm to the Bosley's. Of course this claim was contested by counsel for the Petitioner, James Constable, but there was no evidence or testimony presented to refute the sworn testimony of Bosley. In any event, Kenneth Bosley testified that he and his brothers still own property and five houses totaling forty acres surrounding the subject site. Bosley also testified that he has an easement across the subject property for certain limited purposes.

The Petitioner, who acquired the property in 1994, according to his testimony as part of a consortium and then, individually, in 1997, proposes to basically change the character of Conclusion Farm from an operating grain and dairy farm to a Manor type horse farm. To do so, Petitioner has requested a Special Hearing and Variance, the specifics of which will be discussed later herein. Bosley objects to the change of character and to the "alleged improvements" for a variety of reasons testified to before the Board. The Special Hearing request basically permits the Petitioner to alter the historic structure (main house) by permitting a substantial addition to the existing building with interior alterations. Permission is also requested to allow the construction of a pool/guest house and a pool to be located on the north side of the main house which is on the Baltimore County Landmarks List among others. The Variance relief is to permit the location of a pool/guest house in the side yard in lieu of the rear yard and to allow a height of eighteen feet in lieu of fifteen feet. It should be pointed out at this point that the pool/guest house is of new construction, replacing an ice house which was demolished by Petitioner.

In that the Conclusion Farm is on the Baltimore County Landmarks List, any change to the outside of the main house was required to be reviewed by the Landmarks Preservation Commission pursuant to the B.C.C. Three hearings took place before the Landmarks Commission, the first being on May 14th, 1998, the second being on July 9th, 1998 and the third being on Friday, July 17th, 1998. The transcripts of these hearings are marked as Protestant's Exhibit 3A, B and C respectively. The transcripts will enlighten the Board as to the concerns of Mr. Bosley that related to the manner that the Petitioners have proceeded in regard to the alleged preservation of the farm. During the May 14th hearing (Protestant's Exhibit 3A – page 8) Mr. Bosley raised the issue that the Petitioners tore down the silo to the barn without a demolition

permit. He then went on to explain (pp. 9-11) the integral relationship between the various elements of the barn. Interestingly enough, a member of the Commission recognized that in fact the Petitioners did improperly demolish the silo and in the words of Mr. Kelly, "Now, the silo being taken down was a problem. Nobody ever knew. I don't think it fell down". Kelly further said, "They didn't want it, but the point is, they never – they said they were going to handle it as part of the Commission's purview to review that. So I think we just ought to query those things rather than hold up anybody. We ought to find out their opinion on the three issues" (page 13). John McGrain, Baltimore County landsmarks historian acknowledged that the barn, the house, the Upingston and the gate post were listed. McGrain confirmed that the silo was part of the barn, it was attached and it was listed (page 13). In any event, the battle over the silo was an example of the Petitioners' taking action without permission in the alleged preservation of the historical site. Likewise, various sheds that were attached to the building in Mr. Kelly's view were part of the historic preservation (page 15).

Thereafter, on July 9th, 1998 the Landmarks Commission met again (Protestants Exhibit 3B.) This meeting began with a consideration of the Commission of the removal of the front porch by the Petitioner (page 3) and a consideration of the rear addition (the subject of the Special Hearing request, page 4). The pool/guest house was described by the Petitioner as originally being an old ice house which was removed and rebuilt as a pool/guest house (page 13-14). The pool/guest house will support the use of the pool (to be built) and have office facilities (page 14 – 15). Then the Commission discussed the addition to the original building which was described as about 7,000 square feet. (The Petioner acknowledged the size of the addition before the Board during the testimony of Mr. Schmue). In response to a question from the Commission, the Petitioner responded that the original house was only 5,000 square feet. The Petitioner

acknowledged that the addition is bigger than the house, that everything is bigger than the original (page 16). A witness, Douglas Carroll, who opposed the Commission's approval of the amendment characterized the change very well when he stated, "You got to remember that this house was a farm house from a fairly simple era. It's a better than average house, but was still a simple farm house. This house will be unrecognizable if this is done. It will be – the addition is more square footage than the original house. And I would suggest to the Commission cut back the plan for this house and keep some historic nature. This house will not be recognized. It will be a beautiful twenty-first century renovation job and I know Matt will do an incredible job. I've seen what he's done" (page 26). John Bernstein, Director of the Maryland Environmental Trust and former director of The Valleys Planning Council stated, "I do want to say that now that Doug has noticed that the addition is in fact larger than the main house, that generally it was my impression that one of the tenets of making the addition to a historic house is that the addition should be subordinate to the house itself. And further...and one of the key ones is that the addition should be an addition, it should not be larger than the house" (page 30 – 31). David H. Goldsmith, a member of the Landmarks Commission summed it up best when he said, "I'm thinking in the context of what the historical significance of this property is now and was versus what it's going to look like – after this proposal. And if we're changing that concept from an historical farm to a manor, in the state which is not used or not being used for that purpose, then we've lost the historical significance of the property. We've just let this man add on and build an estate. That's my point" (page 33). And Goldsmith further commented, "Just from, you know, guest house, large kitchen, this gallery, it's obvious that it's going to be used for entertainment. It's obviously not going to be used as it was in the past" (page 34). Even Timothy Dugan of the Baltimore County Planning staff raised an issue which went unresolved

and unanswered by the Petitioner when he stated, "Yeah. The gallery and the living room. And the rear wall of the existing building, there is a door and two windows. And if we're reading the floor plan correctly, it shows that one of the two windows will be enlarged to constitute a new doorway. ...And one of the Preservation's principles is to avoid if possible, doing irreversible change to the basic fabric of the original structure. So the staff would raise for your consideration the question, is that an essential – I realize it provides more convenient circulation between the music room and the new gallery, but is that an essential change to make a cut into what is at the moment an exterior wall and what in the future would be an interior wall inside of the new addition" (pp. 47-48). Ultimately, on July 9th, a motion to approve the plan failed for lack of receiving enough votes (pp. 67-68). The explanation from those members of the Commission voting against this very project was explained by Dr. Rhoda M. Dorsey (former President of Goucher College) when she stated, "I voted against the motion because I think that this is a very, very large extension" (page 71). Dorothy Foos (present Planning Board member) voted against, indicating that the addition is bigger than the original house (page 71). Dorothy Foos summarized for the Petitioner why three members of the Commission voted against and that was that, "The addition is overstated -in perspective to the original house" (page 72).

Thereafter on July 17th, 1998 the Commission again met to try to obtain approval for this project (Protestants Exhibit 3C). Again at this meeting of the Commission, another member of the public, Mrs. Francis Smith, testified that she had worked hard to get Conclusion Farm listed before the Landmarks Commission, and while she recognized that some modernization was needed on the house, she concluded by saying, "But my concern is changing the nature of what this Commission worked to landmark and preserve, which is namely a two hundred year old stone farm house in northern Baltimore County, and what it would appear to me it's becoming is

more – something along the lines of a T. Rowe Price luxury home and it will completely change the nature. ...It will completely change the nature of what this body worked hard to preserve" (pp. 10-11). Mr. Bosley again spoke against the changes (pp. 11, 12, 13). Bosley testified that the character of the property was being changed from a working farm and that the changes are "out of the scope of historic preservation. What they are doing here is not preservation and as a result what will happen is that this house, if it's allowed to proceed in the manner in which the architects have described, will be, country club surrounded by farm fields" (pp. 14-15). Perhaps the most eloquent statement in summary about this whole matter was made by Mr. Goldsmith, a member of the Landmarks Commission, between pages twenty-one and thirty-one. They have been attached to this Memorandum as Exhibit A, however, I would like to provide just a few quotes from his summary:

> ...When we went out on the technical committee I learned more about what that place was about and how it operated from Mr. Bosley than I did from anybody else. ...I have done a little bit of research on this project and on this property... 'Conclusion Farm' was accepted into the national register of historic places. So in the very beginning, in 1979 someone recognized that this was, in fact an historic area. It had context in that it was a farming area in the historic sense in the 1800's, so that put it – and that put it on the historic map if you will... Five structures were recommended to be placed on the preliminary landmarks list. They were the main house, the spring house, the bank barn, the Upingston and the marble entrance. ...We had two very important criteria that we used in preserving the main house. One was number one, and associated with a personality, group or event or series of events of historical importance. That context of farming in the 1800's and the 1900's. And also number two, a distinctive example of a particular architectural style or a period. No one can dispute that. ...On August 5, 1996 the Baltimore County Council placed the five structures on the final landmarks list (pp. 21-26).

Mr. Goldsmith then addressed the issue of the silo which was the subject of Mr. Bosley's testimony and concern before the Commission;

> [Goldsmith]...The silo was part of the farm and we were told it was in poor condition that it may or may not have to be torn down. When we got there the technical committee, it had been torn down. You didn't give us a chance to even look at it to make our own assessment which I think was incorrect and wrong. On July 9th we looked at the

drawings and that's when I think it really hit me that this is not really historic preservation in the context of historic preservation as we should feel it as a Commission. ...[the fact that the house was not in good condition]... that does not- that does not- I repeat- allow us to have that house overrun by sixty percent addition to what is there now. ...What this will do, this addition will do, will change it so that it will no longer have that context of a farm. It will be a manor house for the enjoyment and entertainment of the owners. ...If we approve this, we are setting a terrible precedent on this Commission, because everybody who has a property that's not in good shape will) be able to sell it to somebody who wants to put it in a different shape and expand it and take the life blood of the history out of it. ...that's exactly what they are doing...it's a wonderful idea but I do not think that a sixty percent increase of that property and what they are actually putting in it is in any way historical preservation (pp. 27-31).

Thereafter, the motion to approve the plan passed by the minimum votes needed of seven in favor, three against and one abstention. Clearly the Landmarks Commission was divided on this issue and only after a second vote did they receive the seven necessary for affirmance.

It is in this historical context that the CBA is being asked by the Appellant, Kenneth Bosley, to disapprove the plan in a hearing de novo.

QUESTIONS PRESENTED

Two Motions were filed prior to the hearing;

I. Appellee's Motion to Dismiss the Appeal Based Upon the Fact That It Was Not Timely.

II. Motion by Appellant for Clarification of Request from Petitioner Relating to the Various Relief Prayed.

The following issues are presented, in addition to the previous Motions, for the Board's consideration:

1. That this Board should deny the Petition for Special Hearing for Relief on the basis that the exterior addition to the main house does damage to the historical aspects of the main house and should not be approved.

2. That the Variance should not be granted on the basis that the pool/guest house was not renovation of an existing structure, but, in fact, was new construction which could have

complied with the rear yard requirement and could have met the height limitation imposed by the zoning regulations.

LEGAL ARGUMENT

MOTIONS ARGUMENTS

I. Appellee's Motion to Dismiss the Appeal Based Upon the Fact That It Was Not Timely

It is undisputed factually, that subsequent to the decision of the Zoning Commissioner on October 9th, 1998, Appellant Bosley filed a Request for a Rehearing raising issues concerning the Opinion of the Zoning Commissioner. This Request was timely filed. The Zoning Commissioner, in due time, filed a denial of that Request on December 18th , 1998. Thereafter, a timely appeal of the Zoning Commissioner's Denial of the Reconsideration and the original Zoning Commissioner's decision was made to this Board. The Appellee's Motion to Dismiss has already been ruled upon by the Board after oral argument by both parties.

Appellant submits that the Board was correct in ruling that the substantive effort of Mr. Bosley for rehearing, who was unrepresented by counsel at the time, constituted a Motion for Reconsideration. The Board is also correct in ruling that a Motion for Reconsideration "stays all further proceedings in the matter, including the time limits/deadlines for the filing of an appeal". The Board was further correct in denying the Appellee's argument that only twenty-five days were available to the Appellant for filing his appeal to the County Board of Appeals because five days had expired on the appeal period between the granting of the original Order and the filing of the Request for Rehearing.

Reviewing the Maryland Rules, particularly, Rule 2-532 dealing with Judgments N.O.V., Rule 2-533 Motions for New Trial, and Rule 2-534 Motions to Alter or Amend Judgment, it can be seen that the Board's decisions in this case are correct. In the annotations under Rule 2-534

many cases are cited which support the Board's decision. Unnamed Attorney v. Attorney Grievance Commission, 303 Md. 473 (1985) establishes that when a motion to alter or amend an otherwise final judgment is timely filed after the judgment's entry, the judgment loses its finality for purposes of appeal. A motion to Revise the Judgment timely filed will stay the time for filing an appeal until the court rules on the motion and will render nugatory any order for appeal filed before that ruling. Sieck v. Sieck, 66 Md. App. 37 (1986). See also B & K Rentals and Sales Company v. Universal Leaf Tobacco Company, 319 Md. 127 (1990) where a trial court's subsequent order denying Plaintiff's Motion for Judgment N.O.V. became the final order from which the time of appeal ran and was the only final appealable judgment in the case.

The Board should likewise continue to deny the second aspect of the Appellees Motion attempting to limit the scope of the appeal on the basis that a valid appeal to this Board is heard de novo including the Petition for Special Hearing as well as the Variance. Baltimore County Charter, Section 602.

II. Motion by Appellant for Clarification of Request from Petitioner Relating to the Various Relief Prayed

Appellant challenges the requested relief in the Special Hearing requesting a waiver to Section 26-171 and/or 26-172(a) or (b) and of Sections 26-203(c)(8). On the basis that this particular project of the Petitioner may not be waived under any of the aforegoing sections.

Petitioner is requesting that this Board find that pursuant to Section 26-278 that his request does satisfy that the historic structure particularly the main house, but also the other out buildings on the landmarks final list are "preserved". The precise language of Section 26-278 states "natural features (including water courses, water falls, beaches and significant vegetation)

and historic structures or sites identified on any of the lists referred to in Section 26-203(c)(8) must be preserved".

It is the Appellant's argument that once the structures are placed on the final landmarks list, the determination of the County Council has been made that the structures must be preserved. Section 26-278 further reinforces that language that the historic structure or site must be preserved. While the BCC does not indicate how it shall be preserved, preservation is the key language in the Code as well as in the charge to the Landmarks Commission.

While this argument leads into the first argument that is presented to the Board in the remainder of this Memorandum, it is clear that preservation is the key to the maintenance of the historic structure, and not adaptation. Appellants submit in regard to the Petitioner's requests for "waivers" are illegal from any perspective in regard to the approval process and that secondly, preservation means preservation not adaptation.

In addition, in this record before the Board, there is no substantial evidence presented by the Petitioner in regard to the preservation of the main house as well as the other structures. There is no evidence in the testimony of Petitioner and his expert that the house is being preserved; there is evidence that the house is being adapted to other uses by and an increase of sixty percent or more to the original farm house. Evidence has also been presented in regard to the change of the nature of what was intended to be preserved on the landmarks list in the words of Mr. Goldsmith and others previously quoted in the Statement of Facts.

Secondly, the Petition requested Variance relief from Section 400.2 and 400.3 of the Zoning Regulations. It did not request Variance relief from Section 400.1 which requires accessory buildings to be located only in the rear yard not the side yard. Therefore, the Petition

and the relief granted by the Zoning Commissioner was defective. This Board should discuss the Petition with leave to amend.

LEGAL ARGUMENTS

1. <u>That this Board should deny the Petition for Special Hearing for Relief on the basis that the exterior addition to the main house does damage to the historical aspects of the main house and should not be approved</u>.

This Board has the requirement under a de novo standard to review the evidence presented in regard to the Petition for Special Hearing as to whether or not the attempted renovations and adaptive uses are within the guidelines of Section 26-278 passed by the Baltimore County Council in 1978 and 1995. The purpose of the Landmarks Commission and the landmarks legislation is to provide for the protection of the historic structures in the County by "safeguarding the heritage of the County as embodied and reflected in such structures" and to "foster civic pride in the beauty and noble accomplishments of the past" (Baltimore County Code Section 26-532). The Landmarks Commission is required to determine whether a structure being placed on the preliminary and final list contributes to the heritage of the County by being associated with a personality, group, event or series of events of historical importance (Section 26-54(c)(1)). In this case it is clear from the evidence, the records of the Landmarks Commission, that the house in question was placed on the list under this category as an important historical typical farm house of Baltimore County. It was also placed on the list because of its "distinctive example of a particular architectural style or period" (Section 26-540 (c)(2)). It is this history that Mr. Goldsmith was referring to in the quoted sections of his comments as a member of the Landmarks Commission to its other members (See Statement of Facts). Likewise, it is the purpose of Section 26-278 under the Baltimore County Code to give credence

and support to the preservation of those structures by requiring that they "must be preserved" (Section 26-278).

Appellant finds fault with the decision of the Landmarks Commission and the Zoning Commissioner and requests this Honorable Board to deny the Special Hearing Request on the basis that the plan does not preserve the historical structure – i.e. the main house.

First, there is no evidence in the record from either the testimony of the Petitioner or his expert that the house will be preserved. To the contrary, the house is being drastically altered by way of an increased addition, garage, living space or to the point that the rear of the house does not even resemble what was placed on the final land marks list. The front of the house likewise, with the addition of the garage, has been totally changed in character as exampled by the testimony of Ms. Smith, Mr. Goldsmith, John Bernstein and other witnesses before the Landmarks Commission and a simple review of the plat and drawings that were shown to this Board. Clearly, preservation is not what this plan is about, adaptive reuse is what this plan is about and should be rejected by this Board. Thirdly, this Board may substitute its judgment for that of the Landmarks Commission as a result of the process involving a Petition for Special Hearing. Deference need not be granted to the Landmarks Commission but an independent and honest evaluation of the proposed plan must be conducted by the Board itself.

2. <u>That the Variance should not be granted on the basis that the pool/guest house was not the renovation of an existing structure but in fact was a new construction which could have complied with the rear yard requirement and could have met the height limitation imposed by the zoning regulations</u>.

In regard to the Variances requested, it is clear that this request illustrates the character of

the Petitioner much like the events surrounding the removal of the silo. In the words of Mr. Goldsmith, the silo should not have been removed until the Landmarks Commission had the opportunity to evaluate the impact of such removal or the ability of preservation. Instead the Petitioner removed the silo and eliminated any ability of the Landmarks Commission to properly evaluate it. Here the Petitioner has gone ahead and removed the ice house prior to obtaining approval of the Landmarks Commission or this Board and has torn down the ice house and seen fit to rebuild with a brand new structure to serve his purposes of reusing the property in a manner that he deems appropriate. The guest/pool house is intended to encompass office space as well as serving the pool to be built as well as guest accommodations. It is a new structure. It was capable of complying with the Baltimore County Zoning Regulations Section 400.1, 400.2 and 400.3 without any problem. Instead, the Zoning Regulations were ignored and the structure constructed where it fit the purpose of the Petitioner.

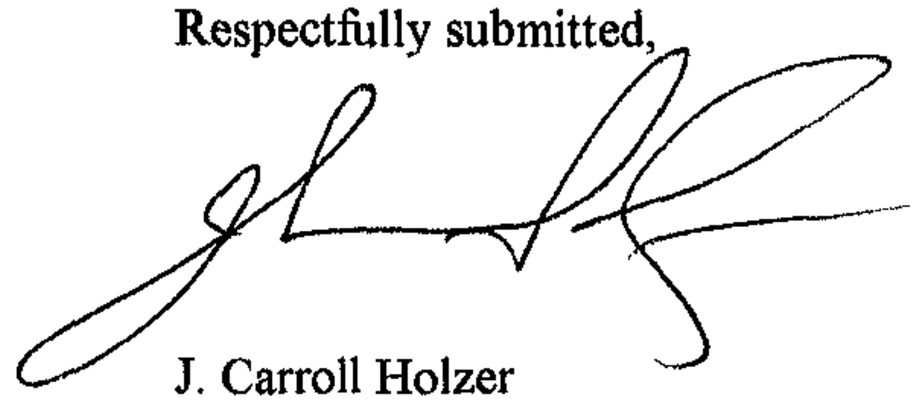
There is no hardship because the pool/guest house could have been rebuilt in compliance with the law. The testimony of Mr. Reipe as well as his expert, Walter Schmue, confirmed that fact. Schmue testified that the building is new and could have been relocated. It could have been made to comply with the fifteen foot height requirement and it could have been made one room instead of its present size, but the Petitioner wanted what he wanted. Reipe was very candid when he said that it could have been rebuilt anywhere. Reipe also believed its height is over fifteen feet. Reipe was more evasive when asked when he didn't obtain permission first before the building was constructed illegally. In any event, it is clear that the rebuilding of the pool/guest house is in violation of the Baltimore County Zoning Regulations and that in fact the regulations could have been complied with. The evidence does not meet the standards required

by Section 307 of the Baltimore County Zoning Regulations or by David Cromwell, et al. v. Ward, 102 Md. App. 691 (1995).

CONCLUSION

In conclusion, Appellant requests this Honorable Board to consider the eloquent words of a member of the Planning Board, Mr. Goldsmith, and deny the Petition for Special Hearing and deny the Petition for Variance.

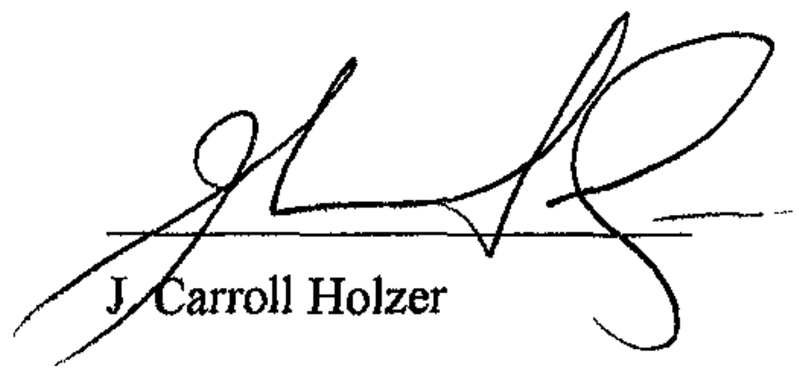
Respectfully submitted,



J. Carroll Holzer
508 Fairmount Avenue
Towson, MD 21286
(410) 825-6961

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 9th day of September, 1999 a copy of the foregoing Memorandum was mailed first class, postage pre-paid to James Constable, Esquire at 100 Light Street, 3rd Floor, Baltimore, MD 21202-1036.



J. Carroll Holzer

My Documents\Memos\Ken Bosley – Memo in lieu of final oral argument

1/14/99

IN RE:	**PETITIONS FOR SPECIAL HEARING AND VARIANCE - NE and SE/S Western Run Road and Gerber Lane (1219 Gerber Lane) 8th Election District 3rd Councilmanic District**	*	**BEFORE THE**
		*	**ZONING**
		*	**COMMISSIONER**
		*	**OF BALTIMORE COUNTY**
	Cold Bottom, LLC Petitioner	*	**Case No. 99-49-SPHA**

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

NOTICE OF APPEAL

Kenneth T. Bosley, Appellant in the above captioned case, by and through his attorney, J. Carroll Holzer and Holzer and Lee, hereby notes an appeal to the County Board of Appeals from the decision of the Zoning Commissioner of Baltimore County rendered on December 18, 1998, a copy of which is attached hereto.

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

Respectfully submitted,

J. Carroll Holzer
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellant

RECEIVED
PDM

RECEIVED
JAN 15 1999
PDM

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 14th day of January, 1999, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to James W. Constable, Esquire, 100 Light Street, 3rd Floor, Baltimore, MD 21202-1036, and County Board of Appeals, Basement Old Court House, 400 Washington Ave., Towson, MD 21204.

J. Carroll Holzer

NOTICES\A:\Bosley.NOA

12/8/98

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – NE and SE/S Western Run Road and Gerber Lane (1219 Gerber Lane) 8th Election District 3rd Councilmanic District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 99-49-SPHA
Cold Bottom, LLC Petitioners	*	

* * * * * * * * * * *

ORDER ON REQUEST FOR REHEARING

WHEREAS, this matter came before me for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Cold Bottom, LLC, at a public hearing held on September 11, 1998. The Petitioners sought approval of a waiver, pursuant to Sections 26-171 and/or 26-172(a) or (b) of the Baltimore County Code, of Sections 26-203(c)(8) and 26-278 of the Baltimore County Code to construct an addition to an existing historical building and undertake interior alterations thereto, and to allow construction of a pool house/guest house on the north side of the existing dwelling. In addition to the special hearing relief requested, the Petitioners sought variance relief from Sections 400.2 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the location of the proposed pool house/guest house in the side yard in lieu of the required rear yard, and to allow a height for said structure of 18 feet in lieu of the maximum allowed 15 feet.

Appearing at the hearing held in this matter were representatives of the property owner, James S. and Gail P. Riepe, their architects, Matthew Slater and Walter Schamu, and their attorney, James W. Constable, Esquire. Numerous other individuals appeared in opposition to the request, including Kenneth T. Bosley, Webster Bosley, and Kerry Bosley, whose family at one time owned the subject property.

Both sides offered extensive testimony in support of their respective positions. However, after due consideration of all of the testimony and evidence presented, I granted the

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Date 12/8/98
By

special hearing and variance relief, by my Order dated October 9, 1998. Subsequent to the issuance of said opinion, Kenneth T. Bosley, on behalf of the Protestants, filed a Request for Rehearing on October 15, 1998, in which they raised certain issues and made several allegations as to the propriety of my decision in the matter. Counsel for the Petitioners subsequently filed an Answer to the Request for Rehearing, received by me on November 10, 1998, in which they addressed those issues raised by the Protestants, to the satisfaction of this Zoning Commissioner.

Thus, after due consideration of all of the information contained within the Request for Rehearing filed by the Protestants, and the Answer to the Request for Rehearing filed by Counsel for the Petitioners, I am persuaded to deny the Request for Rehearing and shall so Order.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of December, 1998 that the Request for Rehearing of the above-captioned matter, filed by Kenneth T. Bosley, on behalf of the Protestants, be and the same is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Kenneth T. Bosley
P.O. Box 585, Sparks, Md. 21152

James W. Constable, Esquire
100 Light Street, 3rd Floor, Baltimore, Md. 21202-1036

People's Counsel; Case File

CASE FILE
12/18/98

11/12/99

12

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE	*	BEFORE THE
NE & SE/S Western Run Road &Gerber Lane Intersection	*	ZONING COMMISIONER
1219 Gerber Lane	*	OF BALTIMORE COUNTY
8th Election District		
3rd Councilmanic District	*	Case No. 99-49-SPHA
Cold Bottom, LLC, Petitioner		

ANSWER TO REQUEST FOR RE-HEARING

Petitioner, Cold Bottom, LLC, by its attorneys Wright, Constable & Skeen and James W. Constable, answers the Request for Re-Hearing filed by Protestant Kenneth T. Bosley and states:

1. Paragraph 1 of the request is not a sentence, and Petitioner does not comprehend the allegation. Nor does it appear to address any issue that was before the Zoning Commissioner in these proceedings.

2. The allegations contained in paragraph 2 are disputed. Furthermore, they do not raise an issue that is relevant to the proceedings before the Zoning Commissioner.

3. In answer to paragraph 3 of the Request for Re-Hearing, those issues were made part of the record in the case.

4. The issues raised in paragraph 4 of the Request for Re-Hearing are not issues before the Zoning Commissioner in this case.

5. Protestant, Kenneth T. Bosley, apparently forwarded documentation to the Zoning Commissioner after the hearing. He did not forward copies of that submission to the undersigned. After the undersigned received a copy of Mr. Bosley's Request for Re-Hearing and saw paragraph 5, he wrote to Mr. Bosley requesting copies of what Mr. Bosley had forwarded to the Zoning Commissioner. As of this date, Mr. Bosley has not given the undersigned any of the material requested. Furthermore, as stated during the hearing, the undersigned asked John McGrain of the Baltimore County Landmarks Preservation Commission to determine whether or not the "ice house" was on the Maryland Historical Trust Inventory. Mr. McGrain insisted that it was not.

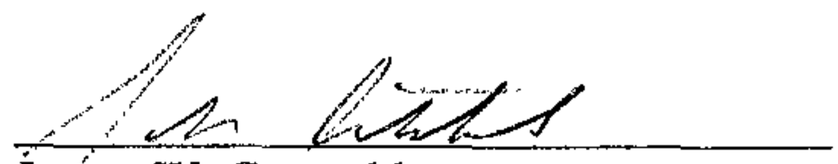
Notwithstanding the above, the relevant issues before the Zoning Commissioner regarding the ice house dealt with rebuilding it to closely approximate its historic features.

#60052

6. Paragraph 6 of the Request for Re-Hearing is simply not true and a reckless misrepresentation of the facts. The uncontroverted testimony in the case was that Conclusion Farm will be a personal residence.

7. The simple answer to paragraph 7 of the Request for Re-Hearing is that the record will underscore that this project is an historic restoration project of singular merit - a monument to the history of agriculture in Baltimore County and a monument to the Bosley family, a family long associated with the history of Baltimore County. To the extent that it impacts the historic preservation of the surrounding locale, as alleged by Mr. Bosley, that impact is beneficial.

Wherefore, Petitioner requests that the Request for Re-Hearing be denied.



James W. Constable
Wright, Constable & Skeen
100 Light Street, 3rd Floor
Baltimore, MD 21202

cc: Kenneth T. Bosley, Esq.
P.O. Box 585
Sparks, MD 21152

#60052

ATTACHMENT A

UNREPORTED

IN THE COURT

OF SPECIAL APPEALS

OF MARYLAND

No. 117

September Term, 1998

DANIEL M. BOSLEY, et al.

v.

COLD BOTTOM, LLC, et al.

Wenner,
Thieme,
Smith, Marvin H.
(Retired, Specially Assigned)
JJ.

Opinion by Smith, J.

Filed: October 30, 1998

Daniel M. Bosley, Sr., et al., (Bosley) come to this Court alleging that a trial judge abused his discretion in denying them permission to file an amended complaint by virtue of the untimeliness of the filing. We shall dismiss the appeal. We explain.

There were two cases in the Circuit Court for Baltimore County involving some of these parties. The first is a 1986 case numbered 03-C-86-262690. The second, this case, is a 1996 case numbered 03-C-96-008389. The motion for leave to amend which we are here asked to review was filed on August 22, 1997 in the 1986 case. Coldbottom filed its answer in both cases. The hearing on the motion for leave to amend was held on October 10, 1997, under the 1986 case number. On November 5, 1997, in the 1996 case Bosley attempted to note an appeal. On January 13, 1998, Bosley filed a motion for revision in the 1996 case in an attempt to correct the problem at issue - the incorrect filing of the motion for leave to amend in the 1986 case. This motion was denied by written order dated March 3, 1998. The letter which is serving as Bosley's notice of appeal in this case specifically states that they "are appealing Judge Byrnes' decision to deny plaintiff's motion for leave to amend." This cannot constitute an appeal from the March 3, 1998, denial of their motion for revision. It appears that by reason of the errors of Bosley there is no judgment in the 1996 case from which an appeal can be taken. Therefore, we shall

dismiss the appeal.

We would affirm were we to consider the matter on its merits. Although Bosley asserts that the trial judge "gave no time limit to amend the complaint during the hearing," the court minutes printed at E - 18 of the record extract clearly reflect that at the hearing on January 6, 1997, the court indicated "Plaintiff has fifteen (15) days to re-file." Instead of filing the amended complaint within fifteen days Bosley went off on an unsuccessful excursion in the United States District Court. The purported amendment was not filed until August 22, 1997. The trial judge was well acquainted with the litigious propensities of the Bosleys. It certainly was not an abuse of discretion to impose a fifteen day limit in this case on filing an amended complaint. For a discussion relative to judicial discretion see the recent case of *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312, 701 A.2d. 110 (1997). Given the fact that the parties waited from January 6, 1997, until August 22, 1997, to file the purported amendment, notwithstanding the 15 day limit imposed at the time leave originally was granted to amend, it certainly was not an abuse of discretion on the part of the trial judge here to deny leave to amend.

APPEAL DISMISSED.

APPELLANTS TO PAY THE COSTS.

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE NE & SE/S Western Run Road & Gerber Lane intersection 1219 Gerber Lane 8th Election District 3rd Councilmanic District Cold Bottom, LLC, Petitioner	* BEFORE THE * ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 99-49-SPHA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for Special Hearing and a Petition for Variance for the property located at 1219 Gerber Lane, known as the Conclusion Farm. The Petitions were brought by Cold Bottom, LLC, property owner, by James S. Riepe, General Manager. Special Hearing relief is requested to approve a waiver, pursuant to Sections 26-171 and/or 26-172(a)or(b) of the Baltimore County Code, of Sections 26-203(c)(8) and 26-278 of the Baltimore County Code to construct an addition to a building and undertake interior alterations. Relief is also requested to allow construction of a pool house/guest house, to be located on the north side of the main house. Variance relief is sought from Sections 400.2 and 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit the location of the pool house/guest house in the side yard in lieu of the required rear yard, and to allow a height of the said building of 18 ft. in lieu of the required 15 ft.

The subject property and requested relief are more particularly shown on the plat to accompany the Petitions, received into evidence as Petitioner's Exhibit No. 9.

Appearing at the public hearing held for this case was James S. Riepe and Gail P. Riepe on behalf of Cold Bottom, LLC, property owner. Also present was Matthew Slater and Walter Schamu, an architect specializing in historic preservation. The Petitioner was represented by James W. Constable, Esquire. Appearing at interested persons/Protestants in this case

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Date 10/19/98
By

were members of the Bosley family which, at one time, owned the property. These included Kenneth T. Bosley, Webster Bosley and Kerry Bosley.

An examination of the site plan shows that the property is approximately 146 acres in area, zoned R.C.2. The property is located in the northern rural area of Baltimore County. Vehicular access to the site is by way of Gerber Lane. The property lies a few miles west of the I-83 interchange with Belfast Road. The property is located within the Western Run Valley and Belfast Valley Historic District. The property has a rich history as a farm. Apparently, the property was originally developed in the early 1800s with the original farmhouse building. The original building was constructed as a dwelling for the family that owned the property. In the mid 1800s, an addition was added. Over the years, the property has continued to be used as a farm. Apparently, it was quite productive and is one of the more significant properties in Baltimore County, as it relates to the agricultural history of the region.

In the recent past, a dispute arose by and between members of the family which had owned the property for generations. Ultimately, litigation resulted between members of the family and, pursuant to a Court Order, the property was sold. It was acquired by Cold Bottom, LLC, an entity composed of a number of residents in the area. Mr. and Mrs. Riepe are members of that entity. They are acquiring the site from that company and intend on rehabilitating and residing on the property.

Subsequent to the hearing, I drove to the site at the request of the parties. Even from my lay perspective, it is clear that this was a magnificent property with a rich history. This rural/agricultural area of Baltimore County has not been changed by the growth and development which has transformed the character of much of the County. Unfortunately, however, the property has severely deteriorated. My inspection of the

buildings on the property show that most are in need of repair and rehabilitation. They are not habitable in their present condition and some appear to be in danger of collapse. In this regard, photographs and plats were submitted at the hearing which detailed the complex of buildings which surround the main dwelling. There is an old structure which was formerly used as an ice house, a frame workshop, a corn crib and numerous sheds and similar outbuildings.

Extensive testimony was received from Mr. Schamu about the Petitioner's plans to upgrade the site. In part, some of these plans are described in more detail in the written minutes from the meetings of the Landmarks Preservation Commission on March 12, 1998, April 9, 1998, May 14, 1998 and July 17, 1998. Letters supporting the project were also received from many neighbors.

Essentially, Mr. and Mrs. Riepe propose to repair and rehabilitate many of the buildings on the property. Additionally, several of the buildings will be adaptively reused to provide living quarters and amenities for the Riepe family. A pool is proposed to be constructed and repairs to the buildings are more particularly described on the site plan. In my judgment, the proposed restoration of the site is to be applauded. The deterioration of this property is unfortunate. Without the Petitioner's efforts, it appears that the site would further deteriorate and the ravages of time would soon cause deterioration of the structures which presently remain.

Special hearing and variance relief is requested to approve the Petitioner's plans. A waiver is requested of the applicable sections of the Baltimore County Code (Sections 26-203(c)(8) and 26-278). Collectively, these Code sections require that historic structures and buildings be preserved and that any renovations/repairs/improvements to them be ap-

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Date 10/19/98
By

proved by the zoning authority pursuant to a Petition for Special Hearing. In this regard, I note that the Landmarks Preservation Commission approved the property owners' concept restoration and rehabilitation plan. Apparently, the Commission agrees that Mr. and Mrs. Riepe's efforts are to be encouraged in order to prevent further deterioration of the property and an appropriate reuse of this site. In my judgment, a grant of the Petition for Special Hearing is appropriate. Relief should be granted to prevent further deterioration of the property. It is sincerely hoped that this once magnificent property can regain some of its former luster. Notwithstanding the litigious history of this property (which is not an issue before me) it is hoped that this property can be saved.

Special Hearing relief is also requested to approve the location of the proposed pool house/guest house. A layout of the renovations/rehabilitation is shown on the site plan. Mr. Shamu testified extensively about the purposes of the proposed layout. His testimony was compelling that the site plan submitted is viable and appropriate and is the best means to rehabilitate and reuse this site.

Lastly, variance relief is requested to permit the pool house/guest house to be located in the side yard in lieu of the rear yard, and be a height of 18 ft. in lieu of the required 15 ft. This relief is generated by the orientation of the main dwelling house and the location of the existing improvements. In this regard, I find that the Petitioner has complied with the requirements of Section 307 of the BCZR. The unique nature of this property is found in its historic nature/existing buildings. To require strict compliance would result in a practical difficulty upon the property owner. Moreover, I believe that relief can be granted so as not to cause detrimental impact to the surrounding locale.

In sum, I am appreciative of the fact that the Bosley family is no doubt disturbed to realize that this property, which was owned and farmed by their ancestors for many years, is no longer controlled by them. However, that matter is surely outside the scope of this Zoning Commissioner's jurisdiction and inquiry. The issue before me is to determine whether the Petitioner's proposed rehabilitation plans are appropriate and adequate under the Baltimore County Code. The overwhelming weight of the testimony and evidence presented is that they are. In my judgment, the Petitioner's plans should not only be approved but encouraged in the hope that this property can be rehabilitated to its former stature.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9th day of October 1998 that, pursuant to the Petition for Special Hearing, approval for a waiver, pursuant to Sections 26-171 and/or 26-172(c)(8) of the Baltimore County Code, and of Sections 26-203(c)(8) and 26-278 of the Baltimore County Code, to construct an addition to a building and undertake interior alterations, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing, approval to allow construction of a pool house/guest house, to be located on the north side of the main house, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 400.2 and 400.3 of the BCZR to permit the location of the pool house/guest house in the side yard, in lieu of the required rear yard, and to allow a height of the said building of 18 ft., in lieu of the required 15 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own

risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The restoration/rehabilitation of this property shall be in substantial accordance with the plan approved by the Landmarks Preservation Commission.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

CASE NOTED AND FILING
Date 10/9/98
By Mr. Horst

10/16/98

RECEIVED
OCT 16 1998
ZONING COMMISSIONER

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE NE & SE/S WESTERN RUN ROAD & Geber Lane intersection 1219 Gerber Lane 8th Election District 3rd Councilmanic District Cold Bottom, LLC Petitioner	* BEFORE THE * ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 99 – 49 – SPHA	

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

REQUEST FOR REHEARING BY KENNETH T. BOSLEY, PROTESTANT

Kenneth T. Bosley, Protestant, respectfully request a rehearing on the above entitled petition for a special hearing and the variance for the property and for reasons state:

1. That the actions approved by the Zoning Commissioner are not historic preservation but instead a re-development approval of these historic structures after these building have been torn apart without demolition permits.
2. That the deterioration of the structures as cited in the last paragraph of page 2 and first paragraph of page three of the opinion dated October 9, 1998 by the Zoning Commissioner, were not caused by the lack of care by your Petitioner, Kenneth T. Bosley, and, or his Corporation, Conclusion Farms, Inc., but by the action and lack of care of the Petitioner, Cold Bottom L.L.C. which resulted in almost demolition by intentional neglect.
3. That the opinion did not disclose that the external structure of the Baltimore County Council Final Landmark listed house is to be decimated and that windows will be knocked out to the floor level to connect the proposed massive additions to the

house thus changing the outside structure of the listed house. Also the Smoke House will be eradicated.

4. That no figures for impervious surfaces were provided by the Petitioner. Your Protestant presumes that the impervious surface will exceed the limits allowed in RC 4 by the BCZR.

5. That Mr. Constable, of Wright, Constable & Skeen, attorneys for Cold Bottom LLC wrongly stated that the ice house is not on the State Historical Inventory. Your Protestant forwarded this documentation to the Zoning Commissioner after the hearing.

6. That this alleged proposed restoration of the site is in fact not restoration but is a re-development of the buildings for a county retreat for company executives, Officers, Directors and their guests.

7. That approval does have an impact upon the historical preservation nature of the surrounding locale and of the whole County and State.

WHEREFORE, this request for a re-hearing is being made.

Kenneth T. Bosley 10/15/98

Kenneth T. Bosley
P O Box 585
Sparks, Maryland 21152
1 800 497-0880
Protestant

c.c. James W. Constable, Esquire
Wright, Constable & Skeen
3rd Floor
100 Light Street
Baltimore, MD 21202
Attorneys for Cold Bottom LLC

Baltimore County
Zoning Commissioner
Office of Planning

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

October 8, 1998

missing original order

James W. Constable, Esquire
3rd floor, 100 Light Street
Baltimore, Maryland 21202

RE: Petitions for Special Hearing and Variance
Case No. 99-49-SPHA
Cold Bottom, LLC, Petitioner

Dear Mr. Constable:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
c: Mr. and Mrs. James S. Riepe, Cold Bottom, LLC
P.O. Box 19, Butler, Maryland 21023
Mr. Kenneth T. Bosley, Box 585, Sparks, Maryland 21152
Mr. Webster Bosley, P.O. Box 724, Sparks, Maryland 21152
Mr. Kerry Bosley, P.O. Box 334, Cockeysville, Md. 21030

Printed with Soybean Ink
on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1219 Gerber Lane

which is presently zoned R.C.2

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

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

To allow The construction of a pool house / guest house to be located on the north side of the main house.

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s):

COLD BOTTOM L.L.C.
(Type or Print Name)

GENERAL MGR.
Signature

JAMES S. RIEPE
(Type or Print Name)

Signature

P.O Box 19
Address Phone No.

Butler MD 21023
City State Zipcode

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

Matthew Slater Inc
Name

410-561-2319
Address Phone No.

Attorney for Petitioner:

James W. Constable
(Type or Print Name)

Signature

3rd Fl 100 Light St
Address Phone No.

Baltimore MD 21212
City State Zipcode

410-539-5541

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE 7/29/98

Revised

99-49-SPHA

ITEM # 49

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1219 Gerber Lane

which is presently zoned R.C.2

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

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

~~The restoration with an addition of the main house.~~

a waiver pursuant to Sections 26-171, 26-172 (b), BBC of Sections 26-203 (c)(8) and Section 26-278 to construct addition to building and some interior alterations.

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

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

James W. Constable
(Type or Print Name)

Signature

3rd Fl 100 Light St
Address Phone No.

Baltimore MD 21212
City State Zipcode

410-539-5541

Legal Owner(s):

Cold Bottom L.L.C.
(Type or Print Name)

General Mgr.
Signature

James S. Riepe
(Type or Print Name)

Signature

P.O. Box 19
Address Phone No.

Butler MD 21093
City State Zipcode

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

Matthew Slater Inc
Name

410-561-2319
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE 7/27/98

Revised 9/5/95

99-49-SPHA

ITEM # 49

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1219 Gerber Lane

which is presently zoned R.C.2

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.2 and 400.3 (B.C. Zoning Reg) To permit location of a pool house/guest house on the side yard in lieu of the rear yard and to allow a height of 18' in lieu of 15'

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

See Attached Letter and please allow oral persuasion at the hearing

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

James W. Constable
(Type or Print Name)

Signature

3rd Fl 100 Light St.
Address Phone No.

Baltimore MD 21212
City State Zipcode

410-539-5541

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.

Legal Owner(s):

Cold Bottom L.L.C.
(Type or Print Name)

General Mgr.
Signature

James S. Riepe
(Type or Print Name)

Signature

P.O. Box 19
Address Phone No

Butler MD 21023
City State Zipcode

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

Matthew Slater Inc
Name

410-561-2319
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: RJC DATE 7/29/98

ITEM #49

Printed with Soybean Ink on Recycled Paper

Revised 9/5/95

99-49-SPHA

foregoing described land, the said courses and distances being the division lines established by the parties thereto.

PARCEL NO. 3:

Beginning for the same at the distance of 26-1/10 perches on the first or south 83-1/4 degrees west 79 perches line of that parcel of land which by deed dated October 13th 1927 and recorded among the land records of Baltimore County in Liber C.W.C. No. 650, folio 301, etc. was conveyed by Alice R. Bosley widow et al. to Joshua G. Bosley running thence binding on said line south 83 1/4 degrees west 52-9/10 perches to the end thereof running thence binding on the outlines of the aforesaid land the two following courses and distance, viz: south 11 degrees east 84-2/10 perches and north 67-1/4 degrees east 80-2/10 perches running thence for a line of division north 33 degrees west 68-94/100 perches to the place of beginning. Containing 30-88/100 acres of land more or less.

PARCEL NO. 4:

Beginning for the same at a point in the County Road leading from Bosley M. E. Church to Yeoho, South 2 degrees west 14 links or 14/25 of a perch from a rock marked with the letter "A" and running thence on a private road leading to the residence of Daniel Webster Bosley, now deceased, and on a part of the South 83 1/4 degrees west 122 - 84/100 perch line of the lot or parcel of land which by deed dated on or about December 31st, 1887, and recorded among the Land Records of Baltimore County in Liber J.W.S. No. 167, folio 421 etc., was conveyed by Daniel Webster Bosley and wife to Thomas C. Bosley, now deceased, former husband of the said Alice R. Bosley, and running thence and binding on part of said line and said road South 83 1/4 degrees west 79 perches to a planted iron pipe; thence leaving the outline of said land and running by line of division South 11 degrees east 84-2/10 perches to intersect the North 67 1/4 degrees east 154 1/2 perch line of said deed; thence binding on a part of said line North 67 1/4 degrees east 134-9/10 perches to the middle of the County Road aforesaid; thence leaving the said outlines of said farm and running on said County Road the two following courses and distances, to wit: North 54 1/4 degrees west 60-8/10 perches, and thence North 71-3/4 degrees west 13-1/10 perches to the first place of beginning. Containing 47 Acres of land, more or less.

SAVING AND EXCEPTING, however, all that part of the above described parcel of land, containing 30-88/100 acres of land, more or less, which by deed dated July 28, 1931 and recorded among the Land Records of Baltimore County in Liber L.McL.M. 873, folio 514, was granted and conveyed by Joshua G. Bosley, widower, to Webster Bosley and Anna M. Bosley, his wife, as tenants by the entireties.

SAVING AND EXCEPTING, therefrom, however, all that part of the above described parcel of land, containing 0.808 acres of land, more or less, which by Deed dated January 11, 1966 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4569, folio 93 was granted and conveyed by Webster Bosley unto Donald Richardson, et al.

AH92.P7.P9

Zoning Description for 1219 Gerber Lane

EXHIBIT "A"

PARCEL NO. 1:

Being a part of a tract of land known as "Conclusion" or by whatsoever name or names the same may be known, beginning for the same at a point on the Western Run Turnpike Road North 38-1/2 degrees East 3-1/10th perches from the center of a western gate post and running thence on said Turnpike Road North 32 degrees West 40-1/2 perches to the intersection of the South 46-1/2 degrees East 62 perch line the division line of the lands of the said Thomas C. Bosley, Sr. and Joseph Bosley, late of Baltimore County, deceased: thence on said line South 45 degrees East 38-1/10th perches to a private road, to the end of the said line, thence on said private road, South 37 degrees West 9-3/10ths perches to the place of beginning. Containing 1 acre and 16 square perches of land, more or less.

PARCEL NO. 2:

Being a part of the following tracts of land, viz: "Conclusion," "Bel Haven," "Bosley's Inheritance" and "Wheeler's Spot" or by whatsoever name or names the same may be known and described as follows: Beginning for the first piece of land at a point on the County Road leading to "Bosley's Church", South 2 degrees West 14 links from a rock marked with the letter A and running thence the two following courses and distances on a private road leading to the residence of said Daniel Webster Bosley, South 83-1/4 degrees West 122 perches and 84 hundredths of a perch: South 71-1/4 degrees West 68-9/10ths perches; thence on a private road leading to the Western Run Turnpike the three following courses and distances; South 14-1/2 degrees West 22-9/10th perches, South 29-1/4 degrees West 10-1/4 perches to a corner of Thomas C. Bosley's land, thence on the outlines of said farm, reversely and on the land of said Thomas C. Bosley, Sr. South 37 degrees West 39-9/10ths perches to a corner of the land conveyed by said Thomas C. Bosley, Sr. to the said Daniel Webster Bosley by Deed dated June 25th A.D., 1886, thence binding on said Deed reversely North 45 degrees West 38-1/10th perches to said Western Run Turnpike Road, thence on said road still North 45 degrees West 5-6/10ths perches to a corner of Ben Lee's lot thence on said Lot North 38-1/2 degrees West 19-7/10ths perches: thence on the land of Edwin Scott North 58 degrees East 4 perches to a planted stone, North 22-3/4 degrees East 28 perches to a planted stone; North 1-1/2 degrees East 63-6/10th perches to a planted stone standing on a public road leading to said Church thence on or near said road, all the following courses and distances: North 52-1/2 degrees East 37-4/10ths perches North 85-1/2 degrees East 40-1/2 perches: South 9 degrees West 4/10ths of a perch: South 88-1/4 degrees East 34-1/2 perches: North 67 degrees East 17 perches to a Hickory tree: North 80-1/2 degrees East 78-2/10ths perches to a stone: South 28 degrees East 68 and 96 hundredths perches: South 44-1/2 degrees East 28 and 4 hundredths perches: thence leaving outlines of said farm South 20-1/2 degrees East 2-4/10ths perches to the first place of beginning. Containing 145 acres and 45 square perches of land, more or less. Excepting and reserving therefrom a right-of-way in common with the said Daniel Webster Bosley, over the two private roads aforesaid, which are in part included within the first four courses and distances from the beginning point of the

ITEM # 49

99-49-SPHA

foregoing described land, the said courses and distances being the division lines established by the parties thereto.

PARCEL NO. 3:

Beginning for the same at the distance of 26-1/10 perches on the first or south 83-1/4 degrees west 79 perches line of that parcel of land which by deed dated October 13th 1927 and recorded among the land records of Baltimore County in Liber C.W.C. No. 650, folio 301, etc. was conveyed by Alice R. Bosley widow et al. to Joshua G. Bosley running thence binding on said line south 83 1/4 degrees west 52-9/10 perches to the end thereof running thence binding on the outlines of the aforesaid land the two following courses and distance, viz: south 11 degrees east 84-2/10 perches and north 67-1/4 degrees east 80-2/10 perches running thence for a line of division north 33 degrees west 68-94/100 perches to the place of beginning. Containing 30-88/100 acres of land more or less.

PARCEL NO. 4:

Beginning for the same at a point in the County Road leading from Bosley M. E. Church to Yeoho, South 2 degrees west 14 links or 14/25 of a perch from a rock marked with the letter "A" and running thence on a private road leading to the residence of Daniel Webster Bosley, now deceased, and on a part of the South 83 1/4 degrees west 122 - 84/100 perch line of the lot or parcel of land which by deed dated on or about December 31st, 1887, and recorded among the Land Records of Baltimore County in Liber J.W.S. No. 167, folio 421 etc., was conveyed by Daniel Webster Bosley and wife to Thomas C. Bosley, now deceased, former husband of the said Alice R. Bosley, and running thence and binding on part of said line and said road South 83 1/4 degrees west 79 perches to a planted iron pipe; thence leaving the outline of said land and running by line of division South 11 degrees east 84-2/10 perches to intersect the North 67 1/4 degrees east 134 1/2 perch line of said deed; thence binding on a part of said line North 67 1/4 degrees east 134-9/10 perches to the middle of the County Road aforesaid; thence leaving the said outlines of said farm and running on said County Road the two following courses and distances, to wit: North 54 1/4 degrees west 60-8/10 perches, and thence North 71-3/4 degrees west 13-1/10 perches to the first place of beginning. Containing 47 Acres of land, more or less.

SAVING AND EXCEPTING, however, all that part of the above described parcel of land, containing 30-88/100 acres of land, more or less, which by deed dated July 28, 1931 and recorded among the Land Records of Baltimore County in Liber L.McL.M. 873, folio 514, was granted and conveyed by Joshua G. Bosley, widower, to Webster Bosley and Anna M. Bosley, his wife, as tenants by the entireties.

SAVING AND EXCEPTING, therefrom, however, all that part of the above described parcel of land, containing 0.808 acres of land, more or less, which by Deed dated January 11, 1966 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4569, folio 93 was granted and conveyed by Webster Bosley unto Donald Richardson, et al.

AH92.04.09

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: #99-49-SPHA
1219 Gerber Lane
NE & SE/S Western Run Road and Gerber Lane intersection
8th Election District
3rd Councilmanic District
Legal Owner(s):
Cold Bottom LLC

Special Hearing: to approve a waiver pursuant to Sections 26- 171, 26-172(b), BCO of Sections 26-203(C)(8) and Section 26-278 to construct addition to building and some interior alterations and to allow the construction of a pool house/guest house to be located on the north side of the main house. **Variance:** to permit location of a pool house/guest house in the side yard in lieu of the rear yard and to allow a height of 18 feet in lieu of 15 feet.

Hearing: Friday, September 11, 1998 at 9:00 a.m., in Room 106, County Office Building, 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

8/396 Aug. 27 c253935

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/27, 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 8/27, 1998.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

[redacted]

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.: 49

Petitioner: Matthew Slater

Location: 1219 Gerber Lane

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Matthew Slater Inc

ADDRESS: 11736 Greenspring Ave
Lutherville MD 21093

PHONE NUMBER: 410-561-2319

AJ:ggs

(Revised 09/24/96)

99.49.SPHA

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 061808

DATE 1/19/99 ACCOUNT 001-6150

AMOUNT $ 385.00

RECEIVED FROM: J. Carroll Holzer

FOR: Appeal Case 99-49-SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
1/19/1999 1/19/1999 12:19:56
REG 0005 CASHIER MES REV DRAWER 3
5 MISCELLANEOUS CASH RECEIPT
Receipt # 072459 001.00
CR NO. 061808
385.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

ITEM # 49

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056654

DATE 7-29-98 ACCOUNT R001-6150

010 - RV
030 - SPH (R)

AMOUNT $ 100.00

RECEIVED FROM: MATHEW SATER

FOR: SPECIAL HEARING & VARIANCE
1219 GERBER LA
R.T.

99-49 SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
7/30/1998 7/29/1996 15:22:46
REC W501 CASHIER CLUN CML DRAWER 1
5 MISCELLANEOUS CASH RECEIPT
Receipt # 059864 GFTR
CR NO. 056654
100.00 CHECK: FN
Baltimore County, Maryland

99-49-SPHA

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 99-49 SPHA

Petitioner/Developer: Cold Bottom L.L.C.

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 1219 GERBER LA.

The sign(s) were posted on 3/8/99
(Month, Day, Year)

Sincerely,

Gary C Freund 3/8/99
(Signature of Sign Poster and Date)

GARY C. FREUND
(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)

9/96
cert.doc

CERTIFICATE OF POSTING

RE: Case No.: 99-49-SPHA

Petitioner/Developer: COLD BOTTOM, LLC, ETAL

Date of Hearing/Closing: 9/11/98

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 #1219 GERBER LANE

The sign(s) were posted on 8/27/98
(Month, Day, Year)

Sincerely,

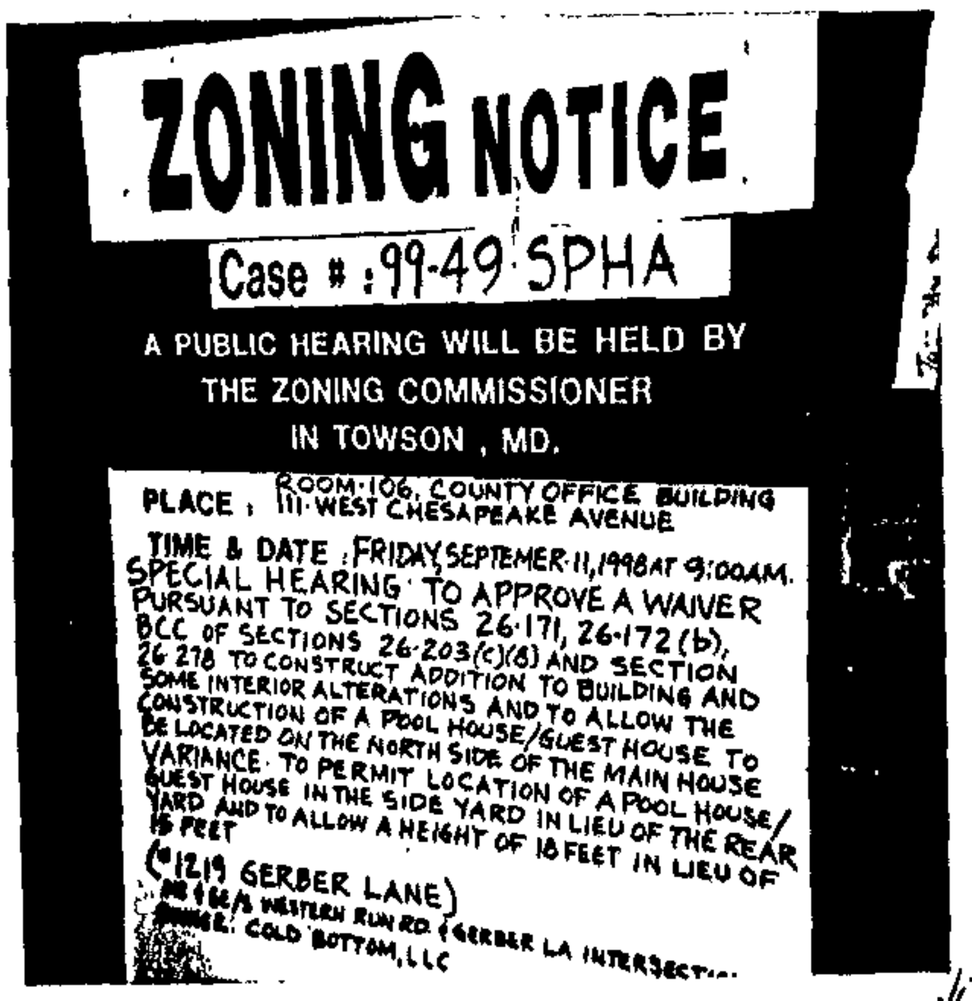
Patrick M. O'Keefe 9/2/98
(Signature of Sign Poster and Date)

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)



FIXED

99-49 SPHA
1219 GERBER LA.

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 # 49

ZONING NOTICE

Case No.: 99-49 SPHA

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

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL HEARING TO APPROVE A WAIVER PURSUANT TO SECTIONS 26-171, 26-172 (6), BCC OF SECTIONS 26-203 (C)(8) AND SECTION 26-278 TO CONSTRUCT ADDITION TO BUILDING AND INTERIOR ALTERATION, SPECIAL HEARING TO ALLOW THE USE OF →

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

POOL HOUSE / GUEST HOUSE AND VARIANCE TO PERMIT LOCATION OF PROPOSED POOL HOUSE TO BE LOCATED IN THE SIDE YARD IN LIEU OF REQUIRED REAR YARD AND TO ALLOW A HEIGHT OF 18 FT. IN LIEU OF REQUIRED 15 FT.

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

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

Subdivision name: _____

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

OWNER: _____

North

date: _____

prepared by: _____

Scale of Drawing: 1"= _____

North

Vicinity Map

scale: 1"=1000'

LOCATION INFORMATION

Election District:

Councilmanic District:

1"=200' scale map#:

Zoning:

Lot size: _____ acreage _____ square feet

	public	private
SEWER:	☐	☐
WATER:	☐	☐

	yes	no
Chesapeake Bay Critical Area:	☐	☐

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:

-15-

AH02-01-09

Baltimore County
Department of Permits and
Development Management

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

August 10, 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: 99-49-SPHA
1219 Gerber Lane
NE & SE/S Western Run Road and Gerber Lane intersection
8th Election District - 3rd Councilmanic District
Legal Owner: Cold Bottom LLC

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278 to construct addition to building and some interior alterations and to allow the construction of a pool house/guest house to be located on the north side of the main house. Variance to permit location of a pool house/guest house in the side yard in lieu of the rear yard and to allow a height of 18 feet in lieu of 15 feet.

HEARING: Friday, September 11, 1998 at 9:00 a.m. in Room 106, County Courts Building, 111 West Chesapeake Avenue

Arnold Jablon
Director

c: James W. Constable, Esquire
Cold Bottom, LLC
Matthew Slater, Inc.

NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 27, 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 27, 1998 Issue - Jeffersonian

Please forward billing to:
Matthew Slater, Inc. 410-561-2319
11736 Greenspring Avenue
Lutherville, MD 21093

NOTICE OF ZONING HEARING

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

CASE NUMBER: 99-49-SPHA
1219 Gerber Lane
NE & SE/S Western Run Road and Gerber Lane intersection
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Legal Owner: Cold Bottom LLC

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278 to construct addition to building and some interior alterations and to allow the construction of a pool house/guest house to be located on the north side of the main house. Variance to permit location of a pool house/guest house in the side yard in lieu of the rear yard and to allow a height of 18 feet in lieu of 15 feet.

HEARING: Friday, September 11, 1998 at 9:00 a.m. in Room 106, County Courts Building, 111 West Chesapeake Avenue

Lawrence E. Schmidt

59

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

April 12, 1999

NOTICE OF ASSIGNMENT

CASE #: 99-49-SPHA

IN THE MATTER OF: COLD BOTTOM LLC -Owner /Petitioner 1219 Gerber Lane
8th Election District; 3rd Councilmanic

(Z.C.'s Order in which special hearing relief GRANTED; variance relief GRANTED with restrictions.)

ASSIGNED FOR: **WEDNESDAY, JUNE 23, 1999 at 10:00 a.m.**

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

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

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

Postponed at request of Holzer; reset to 7-27-99

---

cc: Counsel for Appellant /Protestant: J. Carroll Holzer, Esquire
Appellant /Protestant: Kenneth T. Bosley

Counsel for Owner /Petitioner : James W. Constable, Esquire
Owner /Petitioner : Cold Bottom, LLC (James S. Riepe and Gail P. Riepe)

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

May 7, 1999

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 99-49-SPHA

IN THE MATTER OF: COLD BOTTOM LLC -Owner /Petitioner 1219 Gerber Lane
8th Election District; 3rd Councilmanic

(Z.C.'s Order in which special hearing relief GRANTED; variance relief GRANTED with restrictions.)

which was scheduled to be heard on 6/23/99 has been **POSTPONED** at the request of Counsel for Appellant /Protestant due to schedule conflict; and has been

RE6A6SSIGNED FOR: **TUESDAY, JULY 27, 1999 at 10:00 a.m.**

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

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

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Protestant: J. Carroll Holzer, Esquire
Appellant /Protestant: Kenneth T. Bosley

Counsel for Owner /Petitioner : James W. Constable, Esquire
Owner /Petitioner : Cold Bottom, LLC (James S. Riepe and Gail P. Riepe)

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink on Recycled Paper

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:
COLD BOTTOM L.L.C. -Owner
Case No. 99-49-SPHA

Having heard this matter on 7/27/99, public deliberation has been scheduled as follows:

DATE AND TIME : TUESDAY, OCTOBER 12, 1999 at 9:30 a.m.

LOCATION : Room 48, Basement, Old Courthouse

(NOTE: Memos due from Counsel by 3:30 p.m. on Friday, September 10, 1999 /Original and three (3) copies.)

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellant /Protestant: J. Carroll Holzer, Esquire
Appellant /Protestant: Kenneth T. Bosley

Counsel for Owner /Petitioner : James W. Constable, Esquire
Owner /Petitioner : Cold Bottom, LLC (James S. Riepe and Gail P. Riepe)

People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

copies: C.L.M.

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

September 10, 1998

James W. Constable, Esq.
100 Light Street, 3rd Floor
Baltimore, MD 21212

RE: Item No.: 49
Case No.: 99-49-SPHA
Location: 1219 Gerber Lane

Dear Mr. Constable:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 29, 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

Printed with Soybean Ink

Date: August 18, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/gp

SUBJECT: Zoning Item #49

Cold Bottom, L.L.C. - Gerber Lane, Sparks, MD

Zoning Advisory Committee Meeting of August 10, 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).

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

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

__X__ AP: Attached

Date: August 18, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley

SUBJECT: Zoning Item #49 - **REVISED COMMENTS**

Cold Bottom, L.L.C. - Gerber Lane, Sparks, MD

Zoning Advisory Committee Meeting of August 10, 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).

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

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

__X__ AP: **Revised comments attached, dated 8/19/98.**

C:\MSOFFICE\WINWORD\DOCS\COLDBOTT.DOC

BALTIMORE COUNTY, MARYLAND

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

To: Development Coordination Date: August 19, 1998
From: Wally Lippincott, Jr.
Re: SpH #49 -- Cold Bottom Farm LLC, Gerber Road, Sparks - **Revised Comments**

This property is under a Maryland Agricultural Land Preservation Foundation easement. The easement precludes residential, commerical or industrial uses of the agricultural land. Tenant buildings relating to the agricultural uses may be permitted subject to the approval of the Foundation.

The request for a pool house is a residential use and if approved by the Zoning Commissioner must be restricted to the one acre location surrounding the house. It appears as if the request is for adaptive reuse of an existing structure and will not consume any additional agricultural land. If the request is approved by the Zoning Commissioner, the approval should be forwarded to the Maryland Agricultural Land Preservation Foundation to determine whether the one acre site should be excluded from the easement. Please contact Wally Lippincott, Jr. at (410)887-4488 Ext. 241. for additional information or to submit an application to the Foundation.

#1

BALTIMORE COUNTY, MARYLAND

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

To: Development Coordination Date: August 17, 1998
From: Wally Lippincott, Jr. WL
Re: SpH #49 -- Cold Bottom LLC. Gerber Road, Sparks

This property is under a Maryland Agricultural Land Preservation Foundation easement. The easement precludes residential, commercial or industrial uses of the easement land. The easement provides for the request for tenant buildings related to the agricultural uses.

The proposed request appears to conflict with the easement. The pool must be within the one acre area that includes the house that was not subject to the easement. The landowner should contact Wally Lippincott, Jr. at (410) 887-4488 Ext. 241. for further information on the process to obtain approval for the pool.

With respect to the guest house, no such use is permitted on the easement. If the guest house is within the one acre area that includes the house and if approved by the Zoning Commissioner, then the request should be forwarded to the Baltimore County Agricultural Land Preservation Advisory Board for input prior to being sent to the Maryland Agricultural Land Preservation Foundation for their approval. Wally Lippincott, Jr. is the contact for the County Agricultural Board.

c. Paul Scheidt, Executive Director
Mark Daneker, Baltimore County Agricultural Board

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: August 18, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for August 17, 1998
Item Nos. 044, 045, 046, 047, 048,
049, 050, 051, 052, 053, 054

Revised Plats for Reclassification
Case #CR-98-367-A
(7218 Windsor Mill Road)

Revised Petition; Environmental
Impact Statement, Description, and
Plats for Reclassification
Case #R-97-465
(1856 Reisterstown Road)

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

RWB:HJO:jrb

cc: File

ZONE0717.NOC

Baltimore County
Fire Department

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

AUG. 12, 1998

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF AUG. 10, 1998.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 044, 045, 046, 047, 048, 049, 050, 051 AND 053.

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

cc: File

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4 1998

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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 8-11-99
Item No. 049 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

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

fio
9/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, Dept. of Permits and Development Management

DATE: August 24, 1998

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

SUBJECT: **1219 Gerber Lane**

INFORMATION

Item Number:	49
Petitioner:	Cold Bottom L.L.C.
Property Size	145 +/- ac.
Zoning:	RC2
Requested Action:	Special Hearing
Hearing Date	Thursday, Sept. 11, 1998, 9:00 a.m.

COMMENTS ON PROCEDURE - One of the two petitions requests approval of "a waiver pursuant to" Sections 26-171, 26-172 (b), BCC of Sections 26-203 (c)(8) and 26-278...." The first reference is incorrectly stated and the second two are inappropriate.

1. Section 26-171 lists the situations in which a proposed development qualifies for a complete exemption from the requirements in Division 2. A waiver might be granted (pursuant to the authority in Section 26-172) in conjunction with a finding of eligibility under Section 26-171, but a waiver could not be granted "pursuant to" the latter section.

2. Subsection 26-172 (b) only authorizes waivers from the requirement that a development plan be submitted and be subject to approval through a Hearing Officer's hearing. It does not authorize a waiver from Section 26-278; that waiver could be granted only under the authority of Subsection 26-172 (a). If the proposed construction must be subject to the development regulations at all, it should qualify for a limited exemption under Section 26-171, making the granting of a waiver under subsection 26-172 (b) unnecessary.

3. Subsection 26-203 (c)(8) is merely a requirement that, if the property is on one of the referenced lists, that information must be labeled on the development plan. If this particular property is processed through a limited exemption (instead of the 26-172 (b) waiver), the matter is moot. Even if a development plan is somehow required,

this waiver would be ineffectual because it merely deletes the information requirement; the waiver cannot change the fact that the property is on the list, which is the circumstance that would cause the need for compliance with Section 26-278.

RECOMMENDATIONS ON PROCEDURE - The Petition should be amended, at no prejudice or further cost of delay to the petitioner, (a) to request a finding that the development qualifies for a limited exemption (Sec. 26-171) and (b) to achieve one of two alternatives, either:

1. A ruling that, on its merits, the proposed construction of the addition does comply with intent of the "must be preserved" requirement in Section 26-278; or

2. Approval of a waiver from compliance with Section 26-278 if justified by the findings required to be made pursuant to subsection 26-172 (a) (1) or (2).

RECOMMENDATIONS ON THE DEVELOPMENT - The main house on the Conclusion Farm property is among the structures covered by Baltimore County Final Landmarks List Number 140. The Landmarks Preservation Commission reviewed the proposed additions at their April 9, 1998 meeting and subsequent meetings and voted approval of the restoration and expansion plans for the main dwelling by a vote of 7-3-1 at a meeting on July 17, 1998, continued from their July 9, 1998 meeting.

The Office of Planning's position is that the LPC's direct statutory authority (pursuant to Sections 26-542, et seq.) to approve or disapprove alterations to Landmarks List structures provides both a public forum and ample subject-matter expertise to assure compliance with the intent of Section 26-278. In cases involving Landmarks List structures (or within a County-enacted historic district), we believe, with full respect for the Hearing Officer's authority, that requiring a Special Hearing to obtain a decision by the Hearing Officer is at best redundant, causes unnecessary delay, confusion and expense, and could potentially lead to conflicting decisions by the two separate authorities.

In this case, therefore, we recommend that, in addition to confirming the eligibility for a limited exemption, the Hearing Officer should render a finding that, by virtue of having properly obtained approval from the Landmarks Preservation Commission, the proposed development is deemed to be in compliance with Section 26-278.

Section Chief: Jeffrey W. Long

AFK/JL/TD/jw

RE: PETITION FOR SPECIAL HEARING PETITION FOR VARIANCE	*	BEFORE THE
1219 Gerber Lane, NE & SE/S Western Run Road and Gerber Lane intersection, 8th Election District, 3rd Councilmanic	*	ZONING COMMISSIONER
	*	FOR
Legal Owners: Cold Bottom LLC	*	BALTIMORE COUNTY
Petitioner(s)	*	Case Number: 99-49-SPHA

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

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 18th day of August, 1998, a copy of the foregoing Entry of Appearance was mailed to James W. Constable, Esq., 100 Light Street, 3rd Floor, Baltimore, MD 21202, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County
Department of Permits and
Development Management

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

January 19, 1999

James W. Constable, Esquire.
3rd floor, 100 Light Street
Baltimore, Maryland 21202

Dear Mr. Constable:

RE: Petition for Variance and Special Hearing, Case No. 99-49-SPHA, 1219 Gerber Lane, 8th Election District:, Cold Bottom, L.L.C.- Petitioner

Please be advised that an appeal of the above referenced case was filed in this office on January 19, 1999 by. J. Carroll Holzer, Esquire on behalf of Kenneth T. Bosley. 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:cjs

c: People's Counsel
Mr. and Mrs. James S. Riepe, Cold Bottom, L.L.C., P. O. Box 19, Butler, MD. 21023
Mr. Webster Bosley, P. O. Box 724, Sparks, Maryland 21152
Mr. Kerry Bosley, P. O. Box 334, Cockeysville, MD. 21030

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COUNTY BOARD OF APPEALS

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APPEAL

Petitions for Variance, Special Hearing
NE and SE/S Western Run Road and Gerber Lane intersection
(1219 Gerber Lane)
8th Election District - 3rd Councilmanic District
Cold Bottom, L.L.C. - Owner
Case Number: 99-49-SPHA

99 JAN 20 AM 10:05

Petitions for Variance, Special Hearing
Description of Property
Certificate of Posting
Certification of Publication
Entry of Appearance of People's Counsel
Zoning Advisory Committee Comments
Petitioner(s) Sign-In Sheet
Citizen Sign-In Sheet

Petitioners' Exhibits:

1. Minutes, Landmarks Preservation Commission - dated March 12, 1998
2. Minutes, Landmarks Preservation Commission - dated April 9, 1998
3. Landmark Preservation Commission Technical Committee Report
4. Minutes, Landmarks Preservation Commission dated May 14, 1998
5. Minutes, Landmark Preservation Commission dated July 17, 1998
6. Inter-office correspondence to Doug Swam from John McGrain, dated July 20, 1998
7. Walter Schamu resume
8. John Milner resume
9. Conclusion Farm Site Plan
10. Photographs #1-12 - LARGE BOARD
11. Elevation drawing (OVER-SHEET) LARGE BOARD BOTH 11 & 12
12. Elevation drawing (UNDER-SHEET)
13. ~~Not found~~ ELEVATION DRAWING (2 SHEETS)
14. Letter from J. Dorsey Brown III dated 9/8/98
15. Letter from Joanne Hope Birsh and Stephen Plakotoris dated September 9, 1998
16. Letter from Christopher and Luci Goelet dated September 10, 1998
17. Letter from Mr. & Mrs. Cover dated September 9, 1998

Property Deed dated July 19, 1995
Six plats
Letter from Kenneth T. Bosley to Lawrence Schmidt dated September 15, 1998 with Plan for Conclusion Farm Museum booklet
Zoning Commissioner's Order dated October 9, 1998 (Granted)
Zoning Commissioner's Order on Request for Rehearing dated 12/18/98 (Denied)
Notice of Appeal received on January 15, 1999 from J. Carroll Holzer, Esquire on behalf of Kenneth T. Bosley

Continued on CBA Petitioners 1-17 @ CBA 7/29/99 Continued w/ 18-25

VE

C: J. Carroll Holzer, Esquire, HOLZER & LEE, 508 Fairmount Ave., Towson MD 21286
Kenneth T. Bosley, P.O. Box 585, Sparks, MD 21152
James W. Constable, Esquire, 100 ~~Light Street, 3rd Fl., Balto., MD 21202-1036~~
Cold Bottom, L.L.C., P.O. Box 19, Butler, MD 21023
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

James W. Constable Esquire
WRIGHT, CONSTABLE & SKEEN
100 N. Charles Street 16th Floor
Baltimore, MD 21201-3805

Case No. 99-49-SPHA

SPH -To approve waiver to construct addition to building and undertake interior alterations; allow construction of pool house /guest house on north side of main house; VAR -to permit location of pool house /guest house in side yard ilo required rear yard, and to allow height of said building of 18' ilo of allowed 15'.

10/09/98 -Order of the Z.C. in which Petition for Special Hearing was GRANTED; variance relief GRANTED with restrictions.
12/18/98 -Order of the Z.C. in which Request for Rehearing was DENIED.

4/12/99 -Notice of Assignment for hearing scheduled for Wednesday, June 23, 1999 at 10:00 a.m. sent to following:

J. Carroll Holzer, Esquire
Kenneth T. Bosley
James W. Constable, Esquire
Cold Bottom, LLC (James S. Riepe and Gail P. Riepe)
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

4/19/99 -Letter from J. Carroll Holzer requesting PP of hearing scheduled for 6/23/99 -- out of town on vacation 6/18 through 6/27/99.

5/07/99 -Upon final confirmation from counsel as to respective schedules and availability of witnesses, postponement granted; Notice of PP and Reassignment sent to parties; case reassigned to Tuesday, July 27, 1999 at 10:00 a.m. Copy to Counsel by FAX and US Mail this date.

7/27/99 -Hearing concluded; memos due from counsel by 3:30 p.m. on Friday, September 10, 1999. Memos filed 9/10/99 by Constable
9/09/99 by Holzer
To be scheduled for deliberation on 10/12/99. (Marks, Stahl, Melvin)

7/29/99 -Notice of Deliberation sent to parties; scheduled for Tuesday, October 12, 1999 at 9:30 a.m. (copy to C.L.M.)

10/12/99 -Deliberated; Agreement of Board as to ice house /variance relief requested; CLM to dissent as to Majority's Opinion on addition to dwelling house; LMS and TPM granted special hearing relief as to renovations /addition to the main dwelling house; CLM to dissent as to size of addition to main dwelling structure. Unanimous decision of Board as to waiver and variance relief. Order to be issued within 15 days; appeallate period to run from date of written Order and not from today's date.

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

DATE: September 3, 2002

TO: Arnold Jablon, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton TRS
Board of Appeals

SUBJECT: **Cold Bottom LLC**
PDM Case No.: 99-49-SPHA
Case No.: 99-49-SPHA
Circuit Court Case No.: 03-C-00-001281

Judge Smith of the Circuit Court issued an Order on 1/30/01 AFFIRMING BOA. The case was then appealed to the Court of Special Appeals. The Court of Special Appeals issued a Mandate on 4/2/2002 affirming the judgement. No further appeals have been taken in this matter. The Board of Appeals is closing and returning the file that is attached herewith.

Attachment: SUBJECT FILE ATTACHED

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF:		Cold Bottom, LLC -Petitioner /Owner Case No. 99-49-SPHA	
DATE	:	Tuesday, October 12, 1999	
BOARD /PANEL	:	Charles L. Marks Lawrence M. Stahl Thomas P. Melvin	(CLM) (LMS) (TPM)
SECRETARY	:	Kathleen C. Bianco Administrator	

PURPOSE: To deliberate Case No. 99-49-SPHA /Petition for Special Hearing and Petition for Variance /"Conclusion Farm"; appeal taken by Kenneth T. Bosley, Appellant /Protestant.

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:

First issue:

The Board discussed Petitioner's Brief filed by James Constable, Esquire, and his Motion to Dismiss. Question raised by Motion - was the appeal timely? Ruled at hearing that it could and should go forward. Reviewed Mr. Holzer's argument that Motion for Reconsideration and Motion or Rehearing are the same in that Mr. Bosley wanted the Zoning Commissioner to look at it again. Board discussed the meaning of "stay" as used in the Zoning Commissioner's rules; did not agree with Mr. Constable's argument that the clock picked up where it left off when the Motion was filed; but rather determined that the clock started over. If the reconsideration were filed on the 29th day and the Zoning Commissioner heard it on the 30th day and denies it, what time is left for appeal? In interest of justice, the appeal was accepted as timely filed from the "final decision" of the Zoning Commissioner and within the 30 day appeal period. The appeal on all issues was valid.

Second issue:

Deliberation then continued as to the waiver issues; regulations were reviewed in course of deliberation; Jeff Long's letter was also re-read relative to the LPC. At length discussion of Sections 26-171 and 26-278 followed.

Key issue - Did public have opportunity to attend meetings re Conclusion Farm; was public voice heard? Cited series of meetings of the LPC; public was present; concerns voiced.

Substance of case:

Variances - ice house height /use of ice house; main building

- is it a true case of preservation or rehabilitation to suit purchaser? Vote of LPC was not unanimous (7-3-0).

Discussed condition of property /severely deteriorated; this amount of deterioration could not have occurred in 3 /4 years.

Determined that farm is of historical significance; photos of ice house indicate deplorable conditions; reconstructed in same footprint.

As to main dwelling -- LMS and TPM agreed and voiced decision to grant special hearing for addition to the main dwelling as proposed; CLM did not agree; found size of addition to be too large; believed 60% was too much and too big; 25% increase to original structure would be okay, but 60% was too much; beyond what is needed. CLM found the waiver to be okay but could not agree with majority of Board as to size and scope of addition to the main dwelling, which is definitely determined was much too large.

Majority of Board (LMS and TPM) in favor of granting Petitioner's request as to SPH, as well as Variances; Dissent by CLM as to SPH only /size of addition is too large. As to variance, it is needed only if the ice house is in the same footprint; no problem with height; as long as exterior matches it's okay. Variance granted based on uniqueness /historical value. Granted special hearing and variance; Deny Motion to Dismiss; CLM to concur as to most, but scope of house addition.

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

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 special hearing and variance relief was granted by Majority (LMS and TPM); dissent by CLM as to size and scope of addition /too large.

Respectfully submitted,

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

W&S Wright, Constable & Skeen, L.L.P. | Attorneys at Law

100 Light Street, 3rd Floor • Baltimore, Maryland 21202-1036 • 410-539-5541 • Fax 410-659-1350

November 10, 1998

John Brentnall Powell, Jr.
Douglas G. Worrall
Michael J. Abromaitis
Monte Fried
James W. Constable
David W. Skeen
James D. Skeen*
Kenneth F. Davies
Stephen F. White
Brian S. Goodman
Frederick L. Kobb
Paul F. Evelius
Lois Fenner McBride
Charles J. Morton, Jr.

Associates
Mary Alice Smolarek*
Catherine H. Bellinger*
Carol J. Glover
Tracey D. King*
David J. Shuster*
Vivian Lee Adkins*
Ellen H. Arthur

Of Counsel
C. Gordon Haines*
Francis N. Iglehart
P. McEvoy Cromwell

Wm. P. Constable (1882-1976)
John D. Wright (1903-1976)

Other Location
307 West Allegheny Avenue
Towson, Maryland 21204-4258
Phone 410-825-0750
Fax 410-825-0715

Writer's Direct No.:
(410) 659-1315

RECEIVED
12 1998
ZONING COMMISSIONER

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

Re: Petitions for Special Hearing and Variance
Case Number: 99-49-SPHA
Cold Bottom, LLC - Petitioner

Dear Mr. Schmidt:

Yesterday, an Answer to Request For Re-Hearing was mailed to your offices. Unfortunately it contained several typographical errors, none of which were substantive.

I am enclosing herewith a corrected version. Would you please make the substitution.

Many thanks. I apologize for any inconvenience.

Sincerely,

James W. Constable

cc: Kenneth T. Bosley, Esq.
P.O. Box 585
Sparks, MD 21152

#60145
8169.2

* *Admitted in the District of Columbia and Maryland*

W&S Wright, Constable & Skeen, L.L.P. | Attorneys at Law

100 Light Street, 3rd Floor • Baltimore, Maryland 21202-1036 • 410-539-5541 • Fax 410-659-1350

October 21, 1998

John Brentnall Powell, Jr.
Douglas G. Worrall
Michael J. Abromaitis
Monte Fried
James W. Constable
David W. Skeen
James D. Skeen*
Kenneth R. Davies
Stephen F. White
Brian S. Goodman
Frederick L. Kobb
Paul F. Evelius
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David J. Shuster*
Vivian Lee Adkins*

Of Counsel
C. Gordon Haines*
Francis N. Iglehart
P. McEvoy Cromwell

Wm. P. Constable (1882-1976)
John D. Wright (1903-1976)

Other Location
307 West Allegheny Avenue
Towson, Maryland 21204-4258
Phone 410-825-0750
Fax 410-825-0715

Writer's Direct No.:
(410) 659-1315

Kenneth T. Bosley, Esq.
P.O. Box 585
Sparks, MD 21152

Re: Petition for Special Hearing and Variance
Case Number: 99-49-SPHA/Cold Bottom, LLC, Petitioner

Dear Mr. Bosley:

In the Request for Re-hearing that you recently filed, you refer in paragraph 5 to documents that you forwarded to the Zoning Commissioner. Would you be so kind as to send me copies of these documents? I do not believe that I have seen them.

Many thanks.

Sincerely,

James W. Constable

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

#59192
8169.2

* Admitted in the District of Columbia and Maryland

SMDA
ARCHITECTS

July 22, 1998

Mr. John Alexander
Baltimore County Zoning Board
401 Bosley Avenue
Towson, Maryland 21204

RE: Riepe Residence
Conclusion Farm
1219 Gerber Lane
TA #0803052900

Baltimore, Maryland

WALTER SCHAMU, FAIA
ANTHONY MACHOWSKI, AIA
1016 MORTON STREET
BALTIMORE, MARYLAND
21201
PHONE: 410-685-3582
FAX: 410-625-4790

Wheeling, West Virginia

VICTOR R. GRECO, AIA
14TH & CHAPLINE STREET
SUITE 505
WHEELING, WEST VIRGINIA
26003
PHONE: 304-233-0048
FAX: 304-233-7564

Dear Sir:

As the architect involved with the renovations for Conclusion Farm I am writing on behalf of the owners, Mr. and Mrs. James Riepe, to clarify the nature of the drawings we submitted for the pool house/guest house. As our drawings indicate, this is a very small (approximately 20' x 37') two-story structure. It will be used primarily as a pool house, incorporating facilities for changing and showering, and as a guest house to accommodate the overnight guests of the family.

As you may know, the renovations planned for Conclusion Farm include a comprehensive overhaul and preservation of the historic structures on the site. Work presently underway includes the analysis and stabilization of the landmarked buildings (the main house, bank barn, and spring house.) Work also includes rehabilitation of many of the outbuildings such as the corn crib, tractor shed, tool shed, and the ice house. The ice house has been disassembled and will be reconstructed in the same configuration as the new pool house/guest house. It is the owners' intent to maintain the farm-like, rural character of the main house, its many outbuildings, and the surrounding landscape. Since this proposed building essentially replaces an existing structure (that was collapsing), it is not an additional structure to the property.

We do not believe a request for a separate pool house/guest house is unusual. Separate guest quarters are common in historic rural properties such as Conclusion Farm. The nature of historic houses often limits the amount of space available within the house and the character and size of additions must be scaled to meet the existing house. The owners' current residence nearby has a similar guest house configuration and they wish to duplicate this arrangement at Conclusion Farm.

ITEM #49

We appreciate your review of this request. Please call our office should you have any questions. We are anxious to move ahead with this project.

Sincerely yours,

SMDA ARCHITECTS

Walter Schamu, FAIA
President

copy: Mr. and Mrs. James Riepe
Mr. Matthew Slater, Contractor

ITEM #49

HOLZER

& LEE

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

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

April 16, 1999

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

Re: Case No. 99-49-SPHA
In the Matter of: Cold Bottom LLC

Dear Ms. Bianco:

Please be advised that I just received your April 12, 1999, letter setting the above captioned case in for Wednesday, June 23, 1999 at 10:00 a.m. Please be advised that I will be out of town on vacation from Friday, June 18 through Sunday, June 27, 1999. I would therefore appreciate your postponing the above captioned matter and rescheduling it as promptly as possible.

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

Awaiting call
from Shelley
for Postponement
7/21 - 27 or
29

A:letters2/coldbotpostp.ltr

99 APR 19 PM 1:08

Possible 7/27

September 15, 1998

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
Towson, Maryland 21204

Re: Case No: 99-49 –SPHA
Conclusion Farms

Dear Commissioner Schmidt:

1. Enclosed is a copy of the CONCLUSION FARMS MUSEUM booklet that describes the Ice House on page .

2. Also enclosed is a page from the State Historical Inventory that describes the Ice House when this structure was listed on the State Listing.

Very truly yours,

Kenneth T. Bosley
P. O. Box 585
Sparks, MD 21152
1 800 497-0880
Individually and as an Officer,
Director and Stockholder of
Conclusion Farms, Inc.
(in litigation)

c.c. James Constable
Whight Constanble & Skeen

RECEIVED
SEP 1 8 1998
COMMISSIONER

MARYLAND HISTORICAL TRUST

INVENTORY FORM FOR STATE HISTORIC SITES SURVEY

1 NAME

HISTORIC

Conclusion

AND/OR COMMON

2 LOCATION

STREET & NUMBER

Gerber Lane & Thornton Mill Road

CITY, TOWN

Sparks

STATE

Maryland

— VICINITY OF

CONGRESSIONAL DISTRICT

8

COUNTY

Baltimore

3 CLASSIFICATION

CATEGORY	OWNERSHIP	STATUS	PRESENT USE	
—DISTRICT	—PUBLIC	—OCCUPIED	—AGRICULTURE	—MUSEUM
—BUILDING(S)	—PRIVATE	—UNOCCUPIED	—COMMERCIAL	—PARK
—STRUCTURE	—BOTH	—WORK IN PROGRESS	—EDUCATIONAL	—PRIVATE RESIDE
—SITE	**PUBLIC ACQUISITION**	**ACCESSIBLE**	—ENTERTAINMENT	—RELIGIOUS
—OBJECT	—IN PROCESS	—YES: RESTRICTED	—GOVERNMENT	—SCIENTIFIC
	—BEING CONSIDERED	—YES: UNRESTRICTED	—INDUSTRIAL	—TRANSPORTATIO
		—NO	—MILITARY	—OTHER:

4 OWNER OF PROPERTY

NAME

Conclusion Farms, Inc. c/o Webster Bosley

STREET & NUMBER

Gerber Lane

Telephone #:

CITY, TOWN

Sparks

— VICINITY OF

STATE, zip code

Md. 21152

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE, REGISTRY OF DEEDS, ETC

Baltimore County Courthouse

Liber #: 4858

Folio #: 359

STREET & NUMBER

Washington Avenue

CITY, TOWN

Towson

STATE

Md.

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

None

DATE

DEPOSITORY FOR SURVEY RECORDS

—FEDERAL —STATE —COUNTY —LOCAL

A.3.

CITY, TOWN

STATE

Continuation Sheet #2

Question #7 Description Continued

it the west end of the hall is original to this section; its round rail is supported by a large turned newel and tapered round balusters; it extends, with intermediate landings, clear to the third floor.

The kitchen wing's shed roof slopes toward the west; its cornice is a simplified version of that on the adjacent dwelling. The brick chimney rises flush with the northeast corner. The kitchen was in the lower storey, a few steps below the floor level of the adjacent dwelling. It retains its large fireplace in the northeast corner, fitted with a crane for cooking; ceiling joists are exposed. The second storey contained other service rooms.

REPRINTED FROM TEXT ENTERED STATE HISTORIC PRESERVATION OFFICE SURVEY 197

Early outbuildings include a stone spring house, a stone and frame barn, a stone-walled ice house beneath a larger framed structure, and a stone mounting block.

The one and one-half storey stone spring house stands west of the dwelling. Its east gable cantilevers over the wall to shelter the doorway to the spring room below and a flight of wooden steps to the room above.

The large stone bank barn stands north of the dwelling. The taller upper or loft storey cantilevers, in framed construction, over the lower south wall to shelter doors and windows to the animal stalls within the lower storey. Framed additions flank the large double doors to the loft on the north side, their shed roofs continuous with the roof above.

The stone-walled ice cellar occupies the space beneath the wester

A.6.

(See Continuation Sheet #3)

Continuation Sheet #3

Question #7 Description Continued

third of a tall one-storey circular-sawn, mortise-and-tenon framed structure, the walls of which are covered with vertical boarding; a gable centered on its southerly roof, facing the dwelling, embellishes this otherwise-plain windowless structure.

Two steps, single pieces of roughly-worked stone, lead to a third and larger stone forming the landing of the stone mounting block in the front yard of the dwelling.

Western Run-Belfast Historical Distr
Baltimore County, Md.

Question #9 Bibliography Continued

Interview with Mr. Webster Bosley, Spring, 1976

Hopkins, G. M. Atlas of Baltimore County, Maryland. (Philadelphia, 1877).

Sidney, J.C. Map of the City and County of Baltimore, Maryland. (Baltimore, 1850).

Continuation Sheet #2

Question #7 Description Continued

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(See Continuation Sheet #3)

Continuation Sheet #3

Question #7 Description Continued

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Sidney, J.C. Map of the City and County of Baltimore, Maryland. (Baltimore, 1850).

011133.724

DEED -- FEE SIMPLE -- INDIVIDUAL GRANTOR -- LONG FORM

1219 GERBER LANE
Property I.D. 08-03-052900,
08-03-052901, 08-03-052902
District 08

PLEASE RETURN TO:
THE TITLE COMPANY OF MARYLAND, INC.
400 East Joppa Rd
Towson, Maryland 21286
(410) 825-0177
TCM # 16458

This Deed, MADE THIS 19th day of July in the year one thousand nine hundred and ninety-five by and between DANIEL J. HANLEY, RECEIVER FOR CONCLUSION FARMS, INC. of BALTIMORE COUNTY, MARYLAND, Grantor(s), party of first part, and COLD BOTTOM L.L.C., Grantee(s), party of the second part.

WHEREAS, by Order of Court filed in the Circuit Court of Baltimore County (File No. 86CSP2690; Docket 23, Page 271) on October 17, 1990, the Court ordered an involuntary dissolution of Conclusion Farms, Inc. and appointed Daniel J. Hanley as Receiver for Conclusion Farms, Inc.

WHEREAS, by Order of the Circuit Court filed November 2, 1993, the Contract of Sale dated August 18, 1993 by and between Daniel J. Hanley, Receiver and Cold Bottom L.L.C., was ratified.

WITNESSETH, That in consideration of the sum of Five Dollars and other good and valuable considerations, the actual consideration paid in connection with this conveyance being ONE MILLION THREE HUNDRED AND FIFTY THOUSAND and 00/100ths Dollars ($1,350,000.00), this day paid, the receipt of which is hereby acknowledged, the said DANIEL J. HANLEY, RECEIVER FOR CONCLUSION FARMS, INC., Grantor(s), does grant and convey to the said COLD BOTTOM L.L.C.,, Grantee(s), its successors and assigns, in fee simple, all that/those lot(s) of ground situate in BALTIMORE COUNTY, Maryland, and described as follows, that is to say:

SEE ATTACHED, "EXHIBIT 'A'"

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE-LETTER OF INTENT
SIGNATURE MB DATE 7/20/95

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
LG 7-20-95
By Date

02A02H0123TL TRTX $20,250.09
BA C010:31AM07/20/95

ITEM # 49

99-49-SPHA

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said lot 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 COLD BOTTOM L.L.C., its successors and assigns, in fee simple.

AND the said party of the first part hereby covenants that he/she/they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; and that he/she/they will execute such further assurances of the same as may be requisite.

WITNESS the hand(s) and seal(s) of said grantor(s), party of the first part.

Witness:

(SEAL)
DANIEL J HANLEY, RECEIVER FOR CONCLUSION FARMS, INC.

STATE OF MARYLAND, Balto Co. , to wit:

I HEREBY CERTIFY, That on this 9th day of July, in the year one thousand nine hundred and ninety-five, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared DANIEL J. HANLEY, RECEIVER FOR CONCLUSION FARMS, INC., known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged the foregoing Deed to be his/her/their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission expires: 3/28/98

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

JAMES H. PATTERSON, Esquire (*)

ITEM # 49

EXHIBIT "A"

PARCEL NO. 1:

Being a part of a tract of land known as "Conclusion" or by whatsoever name or names the same may be known, beginning for the same at a point on the Western Run Turnpike Road North 38-1/2 degrees East 3-1/10th perches from the center of a western gate post and running thence on said Turnpike Road North 32 degrees West 40-1/2 perches to the intersection of the South 46-1/2 degrees East 62 perch line the division line of the lands of the said Thomas C. Bosley, Sr. and Joseph Bosley, late of Baltimore County, deceased: thence on said line South 45 degrees East 38-1/10th perches to a private road, to the end of the said line, thence on said private road, South 37 degrees West 9-3/10ths perches to the place of beginning. Containing 1 acre and 16 square perches of land, more or less.

PARCEL NO. 2:

Being a part of the following tracts of land, viz: "Conclusion," "Bel Haven," "Bosley's Inheritance" and "Wheeler's Spot" or by whatsoever name or names the same may be known and described as follows: Beginning for the first piece of land at a point on the County Road leading to "Bosley's Church", South 2 degrees West 14 links from a rock marked with the letter A and running thence the two following courses and distances on a private road leading to the residence of said Daniel Webster Bosley, South 83-1/4 degrees West 122 perches and 84 hundredths of a perch: South 71-1/4 degrees West 68-9/10ths perches; thence on a private road leading to the Western Run Turnpike the three following courses and distances; South 14-1/2 degrees West 22-9/10th perches, South 29-1/4 degrees West 10-1/4 perches to a corner of Thomas C. Bosley's land, thence on the outlines of said farm, reversely and on the land of said Thomas C. Bosley, Sr. South 37 degrees West 39-9/10ths perches to a corner of the land conveyed by said Thomas C. Bosley, Sr. to the said Daniel Webster Bosley by Deed dated June 25th A.D., 1886, thence binding on said Deed reversely North 45 degrees West 38-1/10th perches to said Western Run Turnpike Road, thence on said road still North 45 degrees West 5-6/10ths perches to a corner of Ben Lee's lot thence on said Lot North 38-1/2 degrees West 19-7/10ths perches: thence on the land of Edwin Scott North 58 degrees East 4 perches to a planted stone, North 22-3/4 degrees East 28 perches to a planted stone; North 1-1/2 degrees East 63-6/10th perches to a planted stone standing on a public road leading to said Church thence on or near said road, all the following courses and distances: North 52-1/2 degrees East 37-4/10ths perches North 85-1/2 degrees East 40-1/2 perches: South 9 degrees West 4/10ths of a perch: South 88-1/4 degrees East 34-1/2 perches: North 67 degrees East 17 perches to a Hickory tree: North 80-1/2 degrees East 78-2/10ths perches to a stone: South 28 degrees East 68 and 96 hundredths perches: South 44-1/2 degrees East 28 and 4 hundredths perches: thence leaving outlines of said farm South 20-1/2 degrees East 2-4/10ths perches to the first place of beginning. Containing 145 acres and 45 square perches of land, more or less. Excepting and reserving therefrom a right-of-way in common with the said Daniel Webster Bosley, over the two private roads aforesaid, which are in part included within the first four courses and distances from the beginning point of the

ITEM # 49

foregoing described land, the said courses and distances being the division lines established by the parties thereto.

PARCEL NO. 3:

Beginning for the same at the distance of 26-1/10 perches on the first or south 83-1/4 degrees west 79 perches line of that parcel of land which by deed dated October 13th 1927 and recorded among the land records of Baltimore County in Liber C.W.C. No. 650, folio 301, etc. was conveyed by Alice R. Bosley widow et al. to Joshua G. Bosley running thence binding on said line south 83 1/4 degrees west 52-9/10 perches to the end thereof running thence binding on the outlines of the aforesaid land the two following courses and distance, viz: south 11 degrees east 84-2/10 perches and north 67-1/4 degrees east 80-2/10 perches running thence for a line of division north 33 degrees west 68-94/100 perches to the place of beginning. Containing 30-88/100 acres of land more or less.

PARCEL NO. 4:

Beginning for the same at a point in the County Road leading from Bosley M. E. Church to Yeoho, South 2 degrees west 14 links or 14/25 of a perch from a rock marked with the letter "A" and running thence on a private road leading to the residence of Daniel Webster Bosley, now deceased, and on a part of the South 83 1/4 degrees west 122 - 84/100 perch line of the lot or parcel of land which by deed dated on or about December 31st, 1887, and recorded among the Land Records of Baltimore County in Liber J.W.S. No. 167, folio 421 etc., was conveyed by Daniel Webster Bosley and wife to Thomas C. Bosley, now deceased, former husband of the said Alice R. Bosley, and running thence and binding on part of said line and said road South 83 1/4 degrees west 79 perches to a planted iron pipe; thence leaving the outline of said land and running by line of division South 11 degrees east 84-2/10 perches to intersect the North 67 1/4 degrees east 134 1/2 perch line of said deed; thence binding on a part of said line North 67 1/4 degrees east 134-9/10 perches to the middle of the County Road aforesaid; thence leaving the said outlines of said farm and running on said County Road the two following courses and distances, to wit: North 54 1/4 degrees west 60-8/10 perches, and thence North 71-3/4 degrees west 13-1/10 perches to the first place of beginning. Containing 47 Acres of land, more or less.

SAVING AND EXCEPTING, however, all that part of the above described parcel of land, containing 30-88/100 acres of land, more or less, which by deed dated July 28, 1931 and recorded among the Land Records of Baltimore County in Liber L.McL.M. 873, folio 514, was granted and conveyed by Joshua G. Bosley, widower, to Webster Bosley and Anna M. Bosley, his wife, as tenants by the entireties.

SAVING AND EXCEPTING, therefrom, however, all that part of the above described parcel of land, containing 0.808 acres of land, more or less, which by Deed dated January 11, 1966 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4569, folio 93 was granted and conveyed by Webster Bosley unto Donald Richardson, et al.

ITEM #49

011135728

State of Maryland Land Instrument Intake Sheet

County: [redacted]

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

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

1 Type(s) of Instruments

Multiple instruments of the same transaction should be numbered to correspond with Sections 2, 6, 7, and 8. Number documents in the order to be recorded.

(☐ Check Box If Addendum Intake Form Is Attached.)

☑ Deed	Lease	Other
Deed of Trust	Contract	
Mortgage	Land Installment Cont.	

2 Consideration and Fees

Consideration Amount/Recordation Fees	Doc. 1	Doc. 2
Consideration, Including Assumed Indebtedness	$ 1,350,000.00	$
Recording Charge	$ 20.00	$
Surcharge	$	$
State Recordation Tax	$	$
State Transfer Tax	$	$
County Transfer Tax (if Applicable)	$	$
Other	$	$
Total Fees	$	$

Space Reserved for Circuit Court Clerk Recording Validation

INP FD SURE $ 5.00
RECORDING FEE 20.00
RECORDATION T 6,750.00
TR TAX STATE 6,750.00
TOTAL 13,525.00
Rec# BM65 Rcpt # 6165
SH EH Blk # 1038
Jul 28, 1995 03:29 PM

3 Exemptions (If Applicable) Cite or Explain Authority

Recordation Tax:
State Transfer:
County Transfer:

NA

4 Contact/Mail Information

[redacted] Mail Tax Bill To Person:
Name: James L. [illegible]
Firm: Title Co. [illegible] Group Inc
Address: 700 [illegible]
Towson, MD 21204
Phone:

[redacted] Mail Tax Bill To: ☐ Same as Property Address ☐ Address Provided on Instrument
Name:
Address:

5 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).

[redacted]	Liber	Folio	Parcel No.	Var. LOC
				X (5)
[redacted]	Sec/Blk (3c)	Plat Ref.	Sq.Ft./Acreage (4)	
			20	

[redacted] Conveyed (8)

[redacted] ☐ Partial Conveyance ☑ Whole Description/Amt. of Sq.Ft./Acreage Transferred: 6750 - 6750 -

If Partial Conveyance, List Improvements Conveyed:

6 Transferred From

[redacted] Doc. 1 - Grantor(s) Name(s)
Howard J. [illegible]
Jr Construction Company, Inc

[redacted] Doc. 2 - Grantor(s) Name(s) of Record, If Different From Grantor(s)

7 Transferred To

[redacted] Doc. 2 - Grantee(s) Name(s)
Lord Baltimore LLC

8 Other Names to Be Indexed

[redacted] Doc. 1 - Additional Names to be Indexed (Optional)

[redacted] Doc. 2 - Additional Names to be Indexed (Optional)

9 Special Instructions

[redacted] Special Recording Instructions (If Any)

10 Conveyance Type Check Box

☐ Private Sale with Improvements [1] ☐ Private Sale Unimproved [2] ☒ Multiple Accounts/ Property [3] ☐ All Other [9]

11 Assessment Information

IMPORTANT: ANSWER QUESTIONS BELOW AND ATTACH OR MUST ACCOMPANY EACH TRANSFER

☐ 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).

New Owner's (Grantee) Mailing Address: 601 [illegible] Run RD Reisterstown MD 21023

[redacted] Assessment Use Only—Do Not Write Below This Line

☐ Transfer Tax Exemption ☐ Agricultural Verification ☐ Assessor's Certification ☐ Full ☐ Tran. Process Verification

Transfer Number: Date Received: Date Recorded: Data Reference: Assigned Property No.

Liber	Folio	Map	Sub	Block	
Recording		Grid	Plat	Lot	
Total		Parcel	Section	Occ. Cd.	
REMARKS		Town Cd.	Ex. Sl.	Ex. Cd.	

Distribution: White - Clerk's Office \ Canary - SDAT \ Pink - Preparer

AOC-CC-200 (7/94)

ITEM # 49

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

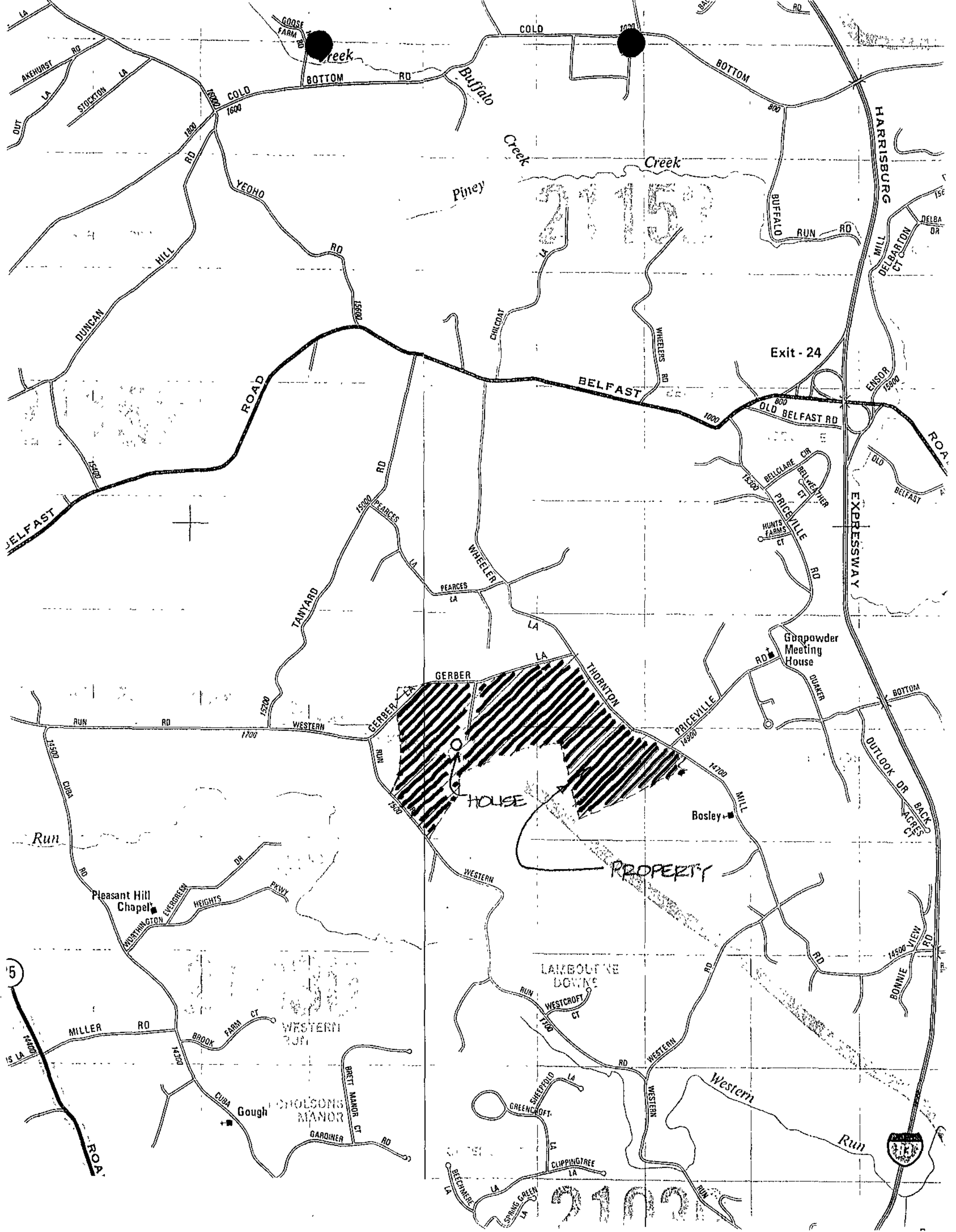
NAME	ADDRESS
JAMES W. CONSTABLE	3RD FL 100 LIGHT ST BALTIMORE, MD 21202
WALTER. SCHAFER	SMDA ARCHITECTS 1016 MONROEST BALTO, 21201
Matthew Slater	11736 Greenspring Ave Lutherville MD 21093
Gail P. Riepe	14921 Tenyard Rd Sparks 21152
JAMES S. RIEPE	" " " "

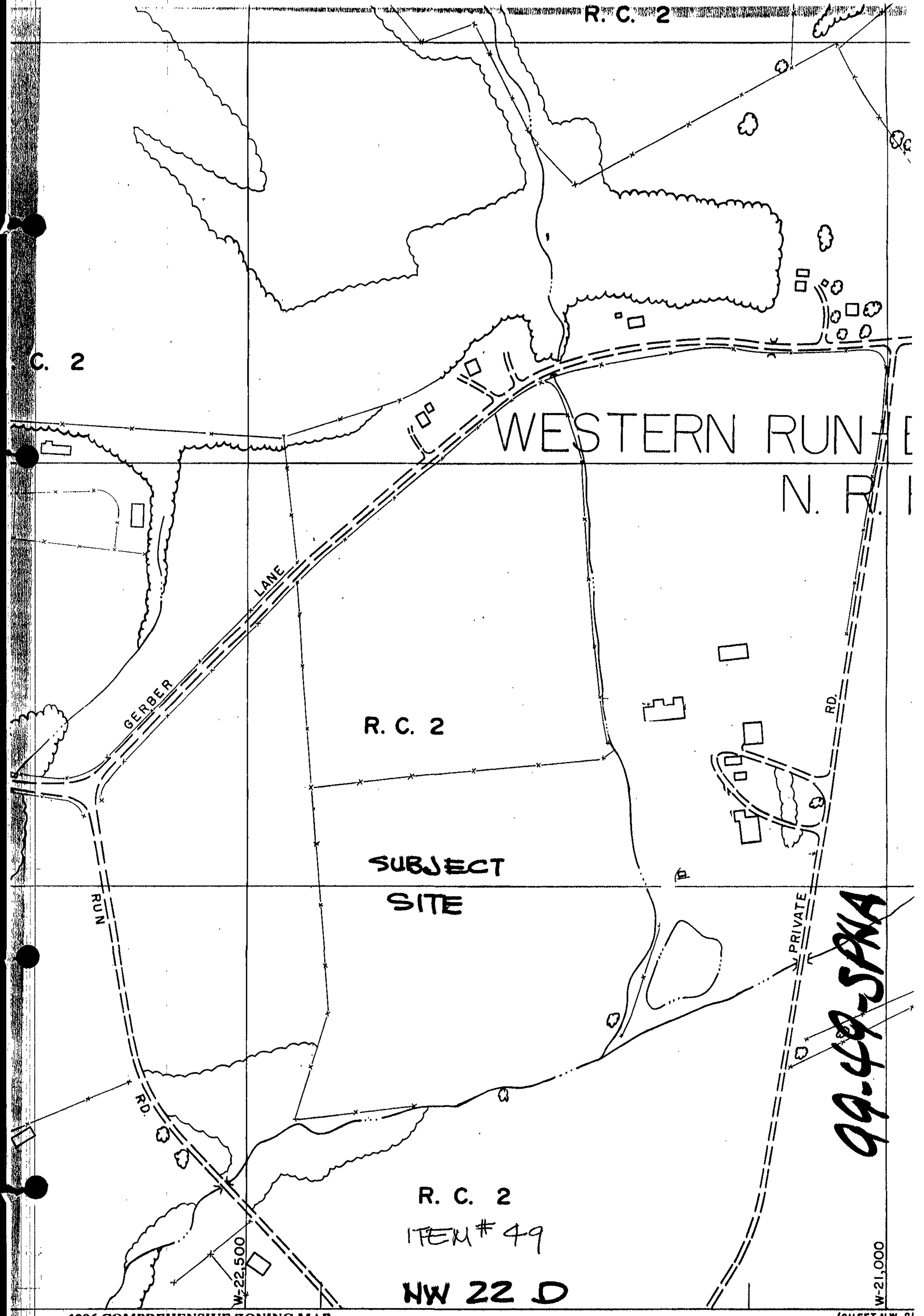
Printed with Soybean Ink on Recycled Paper

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
KENNETH T. BOSLEY	BOX 585, SPARKS, MD 21152
Webster Bosley	PO Box 724 Sparks MD 21152
Kerry Bosley	P.O. Box 334 Cockeysville, MD 21030


Exit - 24
HARRISBURG EXPRESSWAY
BELFAST ROAD
OLD BELFAST RD
COLD BOTTOM RD
Buffalo Creek
Piney Creek
Creek
YEOHO RD
DUNCAN HILL RD
TANYARD RD
WHEELER LA
WHEELERS RD
CHILCOAT LA
PEARCES LA
PRICEVILLE RD
GERBER LA
THORNTON LA
WESTERN RUN RD
MILL RD
QUAKER RD
OUTLOOK DR
BACK ACRES CT
BUFFALO RUN RD
DELBARTON CT
ENSOR
BELLCLARE CIR
BELLWEATHER CT
HUNTS FARMS CT
Gunpowder Meeting House
Bosley
HOUSE
PROPERTY
Pleasant Hill Chapel
WORTHINGTON
EVERGREEN HEIGHTS PKWY
CUBA RD
MILLER RD
BROOK FARM CT
Gough
NICHOLSONS MANOR
BRETT MANOR CT
GARDINER RD
LAKEBOURNE DOWNS
WESTCROFT CT
SHEEPFOLD LA
GREENCROFT
CLIPPINGTREE LA
BEECHMERE LA
SPRING GREEN LA
BONNIE VIEW RD
Western Run
Run



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

BALTIMORE
OFFICE OF PLANNI

Pilot. #1

BALTIMORE COUNTY, MARYLAND

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

To: Development Coordination Date: August 17, 1998
From: Wally Lippincott, Jr. WL
Re: SpH #49 -- Cold Bottom LLC. Gerber Road, Sparks

This property is under a Maryland Agricultural Land Preservation Foundation easement. The easement precludes residential, commercial or industrial uses of the easement land. The easement provides for the request for tenant buildings related to the agricultural uses.

The proposed request appears to conflict with the easement. The pool must be within the one acre area that includes the house that was not subject to the easement. The landowner should contact Wally Lippincott, Jr. at (410) 887-4488 Ext. 241. for further information on the process to obtain approval for the pool.

With respect to the guest house, no such use is permitted on the easement. If the guest house is within the one acre area that includes the house and if approved by the Zoning Commissioner, then the request should be forwarded to the Baltimore County Agricultural Land Preservation Advisory Board for input prior to being sent to the Maryland Agricultural Land Preservation Foundation for their approval. Wally Lippincott, Jr. is the contact for the County Agricultural Board.

c. Paul Scheidt, Executive Director
Mark Daneker, Baltimore County Agricultural Board

IN THE MATTER	*	BEFORE THE
OF THE APPLICATION OF COLD	*	COUNTY BOARD OF APPEALS
BOTTOM LLC - OWNER/PETITIONERS	*	OF
FOR SPECIAL HEARING & VARIANCE	*	BALTIMORE COUNTY
ON PROPERTY LOCATED ON THE NE	*	CASE No. 99-49-SPHA
AND SE/S WESTERN RUN ROAD AND	*	July 27, 1999
GERBER LANE INTERSECTION	*	
(1219 GERBER LANE)	*	
8th ELECTION DISTRICT	*	
3rd COUNCILMANIC DISTRICT	*	

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The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, at 10 o'clock a.m., July 27, 1999.

* * * * *

Reported by:

C.E. Peatt

1 BOARD MEMBERS:
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3 CHARLES L. MARKS, Chairman
4 LAWRENCE M. STAHL
5 THOMAS P. MELVIN
6
7
8 APPEARANCES:
JAMES W. CONSTABLE, Esquire
9 On behalf of Owner/Petitioner
10 J. CARROLL HOLZER, Esquire
11 On behalf of Appellant/Protestant
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2 PROCEEDINGS
3 THE CHAIRMAN: Let the record show the County
4 Board of Appeals for Baltimore County is in its regularly
5 scheduled session for today, July 27, at 10 a.m., relative
6 to Case No. 99-49-SPHA in the matter of Cold Bottom,
7 L.L.C., concerningthe Zoning Commissioner's order in which
8 special hearing relief was granted and variance relief was
9 granted with certain restrictions.
10 If counsel would please identify themselves, for
11 the record.
12 MR. CONSTABLE: Mr. Chairman, members of the
13 Board, I am James W. Constable. I represent the appellees
14 who are the petitioners below, Cold Bottom, L.L.C. and the
15 Reipe family.
16 MR. HOLZER: J. Carroll Holzer, on behalf of
17 Kenneth T. Bosley, the appellant.
18 THE CHAIRMAN: Thank you, Mr. Holzer. There was
19 a preliminary motion filed this morning, so we will
20 entertain that first.
21 MR. CONSTABLE: Thank you. Let me give a little

1 background that may be unnecessary, so I will be very
2 brief. The petitions before the Zoning Commissioner Larry
3 Schmidt back in the fall dealt with a variance to have an
4 accessory structure in excess of fifteen feet tall and
5 also to have the accessory structure in the side yard as
6 opposed to the back.
7 That's the section 401 and four hundred -- I
8 think three -- I think, of the Baltimore County zoning
9 regulations. There was also a petition for special
10 hearing dealing with Section 26-278 of the Baltimore
11 County Code which, parphrased, requires the preservation
12 of historic landmarks.
13 Under Section 26-171 and 172 of the Baltimore
14 County Code, the Zoning Commissioner, or the Hearing
15 Examiner, as they call it, or Hearing Officer, in that
16 section has the power to waive that requirement if certain
17 conditions are met. That's what the hearing was about,
18 those two items.
19 And after extensive testimony and a site visit by
20 the Hearing Examiner, he issued findings of fact and
21 conclusions of law on October 9th. At that point, in

1 accordance with the rules of the Zoning Commissioner and
2 the Board of Appeals, the clock for the appeal started to
3 run.
4 There is a rule saying that if a motion for
5 reconsideration is filed -- and I site that rule in my
6 written memorandum. I think it's rule 3C of the Zoning
7 Commissioner's rule -- the clock stops, the time limits
8 and deadline are stayed- -- and the word "stayed" is used,
9 if a motion for reconsideration is filed.
10 On October 15 -- I believe that date is right.
11 We can probably clarify that. -- Mr. Bosley personally,
12 not through Mr. Holzer, filed a document entitled, Request
13 for Rehearing.
14 Now, a Request for Rehearing is not the same
15 thing as a Motion for Reconsideration. That request for
16 rehearing is documented in the file. The Request for
17 Rehearing alleges six or seven different items, a number
18 of which dealt with any issues regarding the variance,
19 several dealt with issues such an impermeable surface,
20 that had nothing to do with the case.
21 It was very difficult to determine exactly what

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1 issues, relevant issues, Mr. Bosley was raising. But,
2 more importantly, nothing had to do with the variance.
3 The Motion for Reconsideration -- I'm sorry. The
4 Request for Rehearing was denied only after I filed the
5 response on December 18.
6 Now, it's our contention that the appeal period
7 was not stayed by a Request for Rehearing, as it would
8 have been for a Motion for Reconsideration.
9 If the Board would agree to that position, the
10 time limit for the filing of this appeal would have
11 expired thirty days after October 9th, which would be
12 around November 8. I think October has thirty-one days,
13 so November 8, and an appeal was not noted by November 8.
14 In the alternative, if the Board were to consider
15 a Request for Rehearing to be the equivalent of a Motion
16 for Reconsideration, then, as of December 18, which was
17 then when that Request for Rehearing was denied, the clock
18 would have started ticking again.
19 It's not a question of the clock starting over
20 again and thirty days running from that if there's an
21 appeal of the original finding of October 9. It's a

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1 question of resuming, starting again.
2 Now, if you count the days, five days had passed
3 between the original October 9 findings of Zoning
4 Commissioner Schmidt and the filing of the request.
5 According to this Board's own files, the Notice of Appeal
6 was filed by Mr. Holzer on January 15 of 1999.
7 If the clock started ticking again, January 15th
8 would be the thirty-second or thirty-third day after the
9 original finding made by Larry Schmidt, which would deem
10 an appeal of those original findings to be too late.
11 And since the Board of Appeals is a creature of
12 statute and cannot do anymore than grant them by statute,
13 this Board really, in all due respect, cannot entertain
14 the appeal.
15 In the alternative, if the Board were to find
16 that the appeal was within thirty days, then what is being
17 appealed is not the original findings of the Zoning
18 Commissioner, but, instead, the denial of the Request for
19 Rehearing, and the appeal was filed within thirty days of
20 that, filed within, I think twenty-eight or twenty-nine
21 days of that. And if you look at the Notice of Appeal --

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1 and this was filed by Mr. Holzer -- the Notice of Appeal
2 specifically states that it is an appeal from the denial
3 of the Request for Rehearing. It is not an appeal from
4 the original findings of the Zoning Commissioner.
5 If that is true, then we need guidance from the
6 Board as to which standard is to be used. The Request for
7 the Rehearing did not deal with the issue of a variance.
8 It would be my contention then that issue has
9 been resolved by the Zoning Commissioner, and that's gone.
10 It has not been appealed.
11 The only issue that is remotely addressed in the
12 Request for Rehearing is the issue dealing with the waiver
13 of Section 26-278 dealing with the requirement of
14 preserving historic properties, and the Zoning
15 Commissioner said that that was waived for good reason,
16 the Request for Rehearing, to the extent that it cited
17 relative contentions, can only zero in on that issue. It
18 can't be stretched far enough, it never mentioned the
19 variance issue once.
20 So the purpose of my motion is, one, to have the
21 appeal dismissed for not being timely and/or, two, to have

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1 it limited only to whether or not the Zoning Commissioner
2 was correct in dening the Request for Rehearing.
3 I think it's important to note in court anytime
4 you ask for a Rehearing or Motion for Reconsideration, you
5 really do it either by citing a mistake of law or
6 something like that or new evidence.
7 There wasn't any new evidence that was offered.
8 It was more or less a rhetorical request for rehearing it,
9 the same personal attacks against me, discussions about
10 impervious surfaces. I don't understand any relevance
11 whatsoever. But, most importantly, it had nothing
12 whatsoever to do with the variance. So that's the import
13 of my motion and that would govern the way we proceed with
14 this case.
15 We argue simply on whether or not the Zoning
16 Commissioner was correct in denying the Rehearing Request
17 or whether we treat this as a de novo hearing on the
18 variance and the waiver issues.
19 THE CHAIRMAN: Thank you. Mr. Holzer?
20 MR. HOLZER: Yes. Thank you. May it please the
21 members of the Board, number one, I was just handed this a

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1 few minutes before the Board convened this morning, and I
2 have had time to read it, and that's about all, and to try
3 to formulate a response in my head based on what I have in
4 front of me.
5 But I do have -- as the Board knows, I'm not
6 always at a loss for words -- so I do have what I think is
7 a response. But I would like to register an objection on
8 the record because, obviously, if the Board is to make a
9 ruling this morning and something untoward occurs, I will
10 not have had time to properly research the issue, but I
11 will give you, off the top of my head, an answer that I
12 think Mr. Bosley deserves.
13 Number one, to correct Mr. Constable's
14 characterization of what we have here in terms of Mr.
15 Schmidt, Mr. Schmidt sat as the Zoning Commissioner of
16 Baltimore County.
17 The petition was filed as a petition for variance
18 and a petition for special hearing on the zoning forms
19 that are provided by the zoning office, by PDM, and it's
20 clear that this is not in any way, shape, or form that he
21 was not functioning as a Hearing Officer under the

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1 development regulations classification of his dual hat
2 status of Hearing Officer.
3 It's clear that these are zoning matters. So to
4 characterize him as the Hearing Office in this case
5 deciding on issues of waiver is, I believe, incorrect.
6 The caption of the case, the petition number, and
7 everything, refers to the Zoning Commissioner of Baltimore
8 County, and it carries the classic case definition of SPH.
9 Secondly, I was not representing Mr. Bosley
10 below, and I was contacted shortly before the appeal was
11 filed to file the appeal after the denial of the
12 Reconsideration. I think that's important because of the
13 distinction that counsel is making in regard to what
14 occurred.
15 I think what you have here is basically a lay
16 person in regard to the rules and procedures of the Board
17 and so forth, although Mr. Bosley is certainly familiar
18 with the Board, familiar with the Zoning Commissioner,
19 because we all know he's been around the county and has
20 participated before.
21 But as far as calling something a Request for

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1 Rehearing versus a Motion for Reconsideration, I do
2 believe we can characterize him as a lay person in that
3 respect. All right. Let's look at what we have and what
4 I had to do as someone who was just coming into the case.
5 We had on October 8 the Zoning Commissioner
6 denying a petition for variance and a petition for special
7 hearing. He makes Findings of Fact and Conclusions of
8 Law, and he recites all of the sections in the first
9 paragraph of the zoning regulations and the development
10 regulations under the Code Section 26 that he is
11 interpreting and reviewing and he made the decision on --
12 I believe October 8 was the actual date of the decision --
13 and within five days, I believe it was, in what is styled
14 as as a Request for Rehearing by Kenneth Bosley Protestant
15 was filed.
16 And he says, respectfully requests a rehearing on
17 the above petition for special hearing and variance for
18 the property. So he included in the Request for Rehearing
19 both of the issues, and he filed that.
20 The Zoning Commissioner then reviewed, and,
21 frankly, Mr. Constable may know better than I, but I don't

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1 believe that the Zoning Commissioner had another hearing,
2 which he is not required to do.
3 I think he just reviewed what was presented and
4 then issued an order on December 18, 1998, denying the
5 Request for Rehearing. And in that order, and the Board
6 has it in front of you as part of the file, and I attached
7 it to my Notice of Appeal, in that, he recites again the
8 petition for special hearing and the petition for
9 variance, and he indicated what all the zoning relief was
10 requested and he reiterates the fact there was a hearing,
11 that he conducted the hearing, that he made certain
12 decisions based on certain evidence, and then he has a one
13 line paragraph, one sentence paragraph, after due
14 consideration, he denied it.
15 It is clear that this document of denying the
16 Request for Rehearing encompasses everything. It
17 encompasses the special hearing. It encompasses the
18 variance.
19 Now, we then get to the legal question, or
20 procedural question, I guess, that counsel is raising.
21 And, first, I think the first part -- I count three basic

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1 issues in his motion.
2 The first is that the Request for Rehearing was
3 not a Motion for Reconsideration. Well, I think that's
4 stylistic in terms of what is envisioned, because if you
5 read Paragraph K, under the Rules and Practice before the
6 Zoning Commissioner found in the zoning regulations,
7 Appendix G, a party may file a Motion for Reconsideration
8 of an order issued by the Zoning Commissioner. Such a
9 motion must be made in writing within thirty days of the
10 date of the original order. It must state with
11 specificity the grounds and reasons for the request.
12 The filing of a Motion for Reconsideration -- I
13 won't go beyond that --I won't get into that. So,
14 basically, that's what you have attached, that's what you
15 have filed by Mr. Bosley, the request to reconsider what
16 he did for various reasons.
17 So I think it's more a question of caption rather
18 than substance, the idea being if you don't like what he
19 did for some reason, you can specify the reasons that you
20 don't like what he did and bring it to his attention, and
21 he has a right to deny or grant a hearing or review what

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1 he's done and affirm it.
2 So I don't really think that that first issue is
3 all that significant in terms of this motion.
4 The second argument is novel and caught me,
5 initially, but I don't think it's correct. In other
6 words, saying that Mr. Bosley only had twenty-five days to
7 file an appeal because he waited five days to file the
8 Motion for Reconsideration, for a couple reasons, number
9 one, Rule K says that he has a right to file it within
10 thirty days. So if he filed it on the 30th day, his
11 Motion for Reconsideration is timely filed.
12 If it is denied, he would have no time to file an
13 appeal which would, therefore, mean you couldn't read this
14 rule with any logic, because it says it's staying.
15 Secondly, I would argue that the word "stay,"
16 means what it says. It stays the running of the thirty
17 days. Even if he filed it on the 30th day, he would have
18 thirty more days.
19 Thirdly, I believe the Maryland rules say that --
20 although since I was just handed this, I haven't had time
21 to check it -- but I used that in another case, and I

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1 believe with some certainly that's what the Maryland rules
2 say.
3 And, fourthly, I think there's a Court of Appeals
4 case that deals with that discussion. So while I'm not
5 armed with the citations, I believe I am correct.
6 For all of those reasons -- excuse me. The third
7 issue Mr. Constable raises is the limitation on the scope
8 of appeal and suggests that we should be limited only to
9 the discussion of whether 26-278 is appropriate, and that
10 whether or not the site is historically preserved and the
11 variances are not included. Well, I think I have
12 demonstrated that in both petitions, the Motion for
13 Reconsideration and the Order on the Motion for
14 Reconsidertion, the variances were included.
15 I would also add that my appeal was correct, I
16 believe, because I appealed the most recent order which I
17 attached to my appeal which covers all of those issues.
18 It covers the variance. It covers the special hearing.
19 And I believe, under our Charter designation of the
20 Baltimore County Board of Appeals, these zoning matters
21 fall within that and permit a hearing de novo, or require

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1 a hearing de novo.
2 Having said all that, I have exhausted my
3 knowledge off the top of my head, and I believe the motion
4 should be denied.
5 THE CHAIRMAN: Counsel.
6 MR. CONSTABLE: Just very briefly, I disagree
7 respectfully with Mr. Holzer on the issue of the calendar.
8 If you wait until the 30th day, then you're Motion for
9 Reconsideration is denied. There's no time.
10 This trap exists in the Maryland rules. There
11 are very fine lawyers caught in the trap when they lose a
12 case in the district court, file a Motion for
13 Reconsideration, or a Motion for Rehearing, whatever, and
14 goof. There are many appeals that have been dismissed
15 because of calendar so-called traps.
16 I think what you have to do is read the literal
17 words, which are clear. They are unequivocable. They are
18 not ambiguous. It's a stay. And the stay means one
19 thing, the clock stops running. It doesn't go back to
20 zero. It simply stops running. So there's a time gap.
21 But I think probably the most important thing

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1 here is the Notice of Appeal itself, because that says it
2 all. The Notice of Appeal is from the denial of an order
3 or denial of a Request for Rehearing.
4 Therefore, the scope of the appeal is whether or
5 not the Zoning Commissioner was acting properly in dening
6 that Request for Rehearing. That's what it is. It is
7 that document. Mr. Bosley didn't prepare that document.
8 Mr. Holzer prepared that document. And Mr. Holzer, I
9 know, I've known for years, is a very, very experienced
10 lawyer.
11 And I also know Mr. Bosley is no slouch. I have
12 dealt with him in three or four hearings, two before this
13 Board, and I think one before the Zoning Commissioner,
14 trained as a lawyer. I don't know whether he's still a
15 member of the Bar or ever actually went that step, but he
16 probably knows as much zoning as anybody else around
17 Baltimore County. Thank you.
18 THE CHAIRMAN: Okay. The motion will require
19 public deliberation.
20 MR. STAHL: You meantioned the case, the trap
21 that lawyers fall into. Do you have -- and here, again, I

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1 will just say generally one of the problems when the
2 motion is handed to us the day we get here, do you have a
3 citation?
4 MR. CONSTABLE: I do not. I do not have a
5 citation I can come up with. I was out of town just about
6 all of July, and that's why this thing was somewhat last
7 minute.
8 MR. STAHL: Because, as a practicing attorney, I
9 am somewhat aware of that, but I will confess my chapter
10 and verse on it is a little lost. My only question is,
11 since some of it will be based on the rule and some based
12 on other things, can we even at this point discuss it?
13 THE CHAIRMAN: My point, Larry, you are more
14 conversant with the law than I am, and my opinion, when
15 motions are filed on the day of the hearing, it's
16 obviously a disadvantage for other counsel. He's not had
17 an opportunity to digest the law and review it.
18 I view it as being a complicated situation. I
19 agree with Mr. Constable that we're a creature of statute
20 and you're limited to the appeals that can be taken and
21 the thirty days roll. And, in effect, however, when you

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1 view the history of this particular case, I think you're
2 dealing with a case of semantics, whether it's a Motion
3 for Reconsideration or Motion for Rehearing, it stays the
4 proceedings.
5 MR. STAHL: I have no problems with those issues.
6 I think if it was narrowed to the stylistic, I guess we
7 are to some degree discussing this under the rules, as
8 long as all the discussion we have is out in public, we
9 are okay.
10 THE CHAIRMAN: I have no problem with the
11 stylistic question. Although I understand counsel's
12 point, I think Mr. Holzer's point is very well taken in
13 terms of what the caption reads, whether it's a
14 Reconsideration or a Rehearing. I'm loathe to say one is
15 different than the other. I think the intent was to ask
16 Mr. Schmidt to take another look at it and decide if he
17 wanted to hear it again or not, or change anything.
18 But I am also concerned about the reference to
19 the rules and a little concerned about, where our rules
20 are silent, is there controlling Circuit Court rules? I
21 have the same problem you do, that when we don't have a

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1 chance to get it a week before and a chance to have
2 counsel's response, for people to mention those things,
3 and for us to look at it, I'm wondering what you guys
4 think about holding it sub curia, take it under
5 advisement, and hear the case. Put it on the record.
6 MR. STAHL: Frankly, if we get that far, most of
7 these cases wind up with memos at the end anyway. There
8 could be a citing of the appropriate Maryland rules and,
9 you know, it it's a clear issue, very often we'll decide
10 things based on the law. But when we are placed in this
11 kind of position, discretion being the better part of an
12 administrative body, hearing the evidence and holding it
13 under advisement is probably the best thing.
14 I understand your position. I understand you
15 just got back. We are all suffering from that one way or
16 another at this point. But especially when the objection
17 is a technical one that harks back to the way cases are
18 treated under the Maryland rules, there really has to be
19 an opportunity both for the other side and for the Board
20 to look at those rules, to consider those rules, to decide
21 to what extent they apply to us, and to make a ruling. I

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1 would love to just flip a coin now and say yea or nay.
2 THE CHAIRMAN: I don't have that much of a
3 problem as you do, Larry, being the practicing lawyer on
4 the Bench.
5 I see it as a clear case of what the Zoning
6 Commissioner rules state, which were very adequately
7 stated by Mr. Holzer. He had a Motion for
8 Reconsideration. It was denied. So, therefore, the
9 appellant filed an appeal to this Board within the thirty
10 days, period, is the way I look at it. So I think we do
11 have jurisdiction.
12 MR. STAHL: But we are both saying -- go ahead.
13 THE CHAIRMAN: That on a de novo basis, that
14 encompasses the hole structure. That involves the special
15 hearing and also the variance questions. So are we in
16 agreement on that?
17 MR. MELVIN: Yes.
18 MR. STAHL: I think both counsel are familiar
19 with us. As the Board knows, on occasion we have ended
20 cases, and after we heard them, because the procedural
21 ruling is clear enough, that we really can't do otherwise,

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1 and to do otherwise would lead matters on to the Circuit
2 Court saying you shouldn't have gone ahead, it was clear.
3 So we'll rule on the issue, eventually, and we thank you
4 for raising it. All motions are readily accepted in the
5 spirit in which they are offered, and I guess we'll hear
6 more about it as we move along.
7 THE CHAIRMAN: Having said that, we can proceed.
8 MR. HOLZER: Could I have a motion? I'm not
9 going to let him get away with what.
10 MR. STAHL: There is something about a straight
11 line.
12 MR. HOLZER: I'd like to request, for
13 clarification, or my clarification, and the Board's,
14 hopefully, exactly what sections of the Baltimore County
15 code the petition for special special hearing is
16 requesting interpretation of and what section of the
17 zoning regulations the variance is requesting an opinion
18 of this Board on.
19 And I believe that the reason for my request for
20 specificity will be discernable by the Board at a later
21 date.

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1 So I am requesting from Mr. Constable, if he will
2 tell me, what sections we are proceeding under in terms of
3 the special hearing and what sections we are proceeding
4 under in terms of the variance.
5 MR. CONSTABLE: It is my understanding that, on
6 the variance, we are dealing with Baltimore County zoning
7 regulations 400.1 and 400.3. And one of them deals with
8 side yard versus rear yard, and the other deals with the
9 fifteen-foot height restriction.
10 MR. HOLZER: Could I stop you right there? Are
11 you going to go into the code section? If I could stop
12 you right there and make my point.
13 MR. CONSTABLE: Sure. Go right ahead.
14 MR. HOLZER: That's what I thought they were
15 going under too, because that's what I read in the Zoning
16 Commissioner's decision. He said that the petition that
17 has been filed was under Section 400.2 and 400.3 of the
18 Baltimore County Zoning Regulations.
19 So I came over this morning and read the
20 petitions that are actually filed in this case. And you
21 will see that the petitions actually filed in this case is

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1 400.2 and 400.3. The Zoning Commissioner made a decision
2 on 400.1 and 400.3.
3 So I move to set aside the grant of approval, and
4 I think that at this stage of the game it's too late to
5 amend the appropriate section. I had this problem come up
6 before in a case before this Board arising on a case out
7 on Route 40 dealing with a mulch place. I can't remember
8 the name of if right now. But it dealt with an issue of
9 the appropriate section of the zoning regulations being
10 requested, and it was remanded back to the Zoning
11 Commissioner for refiling.
12 In other words, what we have in this case is a
13 request for relief under one section that really doesn't
14 apply, and relief was granted under that section by the
15 Zoning Commissioner.
16 And yet, since I was new to the case, I sat down
17 and read everything, and I realized they really wanted the
18 variance under Section 400.1, which dealt with whether an
19 accessory building could be located in the side yard or
20 rear yard. That's the whole thrust of this requested
21 relief on the variance. It's the whole thrust of the

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1 Zoning Commissioner's decision. And it's what you have
2 before you.
3 I wanted to find out whether it's ever been
4 amended at the Zoning Commissioner and, obviously, it had
5 not. And it's still here today.
6 So I move to dismiss that portion of the case
7 that deals with the approved variance, I guess, or request
8 that it be withdrawn and resubmitted correctly before the
9 Zoning Commissioner so he can interpret the section.
10 MR. STAHL: Are you saying that, just so I
11 understand it, are you saying that Commissioner Schmidt
12 used the improper number when he ruled -- let me finish my
13 question -- or are you saying that counsel by words asked
14 for one thing, but quoted the wrong sections?
15 MR. HOLZER: I say it's worse that that.
16 MR. STAHL: Where's the problem?
17 MR. HOLZER: The petition for relief filed with
18 the zoning office, the request relief from Section 400.2
19 and 400.3.
20 MR. STAHL: You're saying by description of what
21 they asked for, the descriptoin of what they asked for

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1 does not comport to those sections, but, rather, to a
2 third section?
3 MR. HOLZER: That is correct, 400.1. And it's
4 pretty clear that request under 400.2, which was accessory
5 buildings shall be set back not less than fifteen feet
6 from the center line of an alley, that's what they
7 requested. They have never requested a variance from
8 400.1.
9 MR. STAHL: Are you saying that they asked for
10 what they wanted, but cited the wrong section? And if
11 that true, if that's your position, wasn't your side,
12 whether you were in it or not, placed on notice of what
13 they wanted a variance to? Even if through some
14 machination the point number was the wrong number? Didn't
15 you know they were looking for a variance for a side
16 building?
17 MR. HOLZER: I don't know what Mr. Bosley knew.
18 I know that when he got to the hearing, they presented
19 evidence that dealt with an issue of whether or not a
20 variance could be granted to permit this accessory
21 building in the side yard, rather than the rear yard.

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1 They asked for that, but it's the wrong section.
2 MR. STAHL: But your side knew what it was, so
3 what you're talking about could have been a typographical
4 error that nobody caught in terms of a number, while the
5 sum and substance of what was being requested to be
6 varianced was clearly known by all?
7 MR. HOLZER: We can speculate as to whether it
8 was a typographical error or improper notice.
9 MR. STAHL: But they asked for a variance of the
10 side accessory building.
11 MR. HOLZER: And the Zoning Commissioner granted
12 it. He just granted it under the wrong section. That's
13 what he granted. He granted their relief, but their
14 relief prayed relief under the wrong section.
15 MR. STAHL: They made a mistake in the number
16 then and he followed.
17 MR. HOLZER: We don't know. Maybe Mr. Constable
18 had made a mistake. We have no idea. But the point of
19 the matter is that, at this point, this Board is now faced
20 with a meeting that he says we want relief under 400.2 and
21 400.3, and Mr. Constable just said we want it under 400.1.

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1 That's an amendment to what he asked for, and I
2 don't think this is an appropriate place to amend that
3 request, period.
4 MR. CONSTABLE: Well, I am taken a little by
5 surprise on this, because, frankly, I wasn't aware of the
6 mistake.
7 I did not file the original petition. That was
8 filed, I believe, by the contractor Matt Slater, and I'm
9 not sure I even saw it.
10 MR. HOLZER: It was signed by you. I think it
11 was signed by Mr. Constable, and it looked to me --
12 MR. CONSTABLE: But it was a typographical error.
13 MR. HOLZER: It wasn't typed. It was written.
14 MR. CONSTABLE: Let me have my chance, Mr.
15 Holzer. I don't think there was any secret throughout this
16 entire proceeding as to what is being sought. It was
17 argued. It was stated in the hearings. I even think in
18 the publication, in the posting of the property, it
19 described the relief required.
20 I think to, at this last minute, claim that this
21 typo, whoever made it, whatever existed, somehow, some

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1 way, should reverse this entire process that my clients
2 have been going through for about a year on this
3 restoration project would be grossly unfair.
4 And I think to raise that point now is somewhat
5 disengenuous. There's no prejudice at all to Mr. Bosley,
6 Mr. Bosley was never in the dark about what was going on
7 and what was being asked for.
8 I don't think Mr. Bosley is ever in the dark
9 about these things. He's right on his toes when it comes
10 to exactly what's going on and what's being asked.
11 So I would respectfully request that, to the
12 extent Mr. Holzer framed the motion that it be denied --
13 MR. HOLZER: What's good for the goose isn't good
14 for the gander?
15 MR. STAHL: I think we are going to handle it the
16 same way, for the same reason, having just heard it,
17 having just gotten it, the memor will just be that much
18 longer at the end.
19 MR. HOLZER: I think there's a request or
20 petition for special hearing. I'd like to hear what
21 sections he's proceeding under the special hearing.

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1 MR. CONSTABLE: The special hearing would be,
2 first of all, you started with Section 26-278, and that, I
3 paraphrased that earlier. It deals with preservation of
4 historic structures. And it includes by way of definition
5 in an earlier section the structures listed or contained
6 on the Maryland Historic Trust Inventory, and the main
7 house was contained on that.
8 Now, under 26-171 and 172, (a) and (b), there can
9 be a waiver of that requirement, and certain tests have to
10 be met if there is to be a waiver. One such test is --
11 and if you will bear with me, let me see if I can locate
12 that particular section.
13 MR. HOLZER: Directing your attention to 26-171,
14 what section of that section are you referring to?
15 MR. CONSTABLE: I am really referring to 172
16 under waivers. At the request of a development
17 director -- this is subsection (a) -- the Hearing Officer
18 may grant a waiver of any or all requirementa of division
19 three, four and five of these regulations, and then there
20 are certain findings that must be made.
21 Now, I believe that 26-278 is in division three,

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1 I believe. Seems odd it wouldn't be division two. But I
2 believe it's division three. The size and scope of the
3 nature of the proposed development does not justify strict
4 compliance with these regs. That's one. A waiver would
5 be within the scope of the purpose and intent of these
6 regulations. That's two. And all other county laws and
7 ordinance, regulations, have been complied with, or
8 compliance with these regulations would cause unnecessary
9 hardship.
10 Now, we do have a request from a department
11 director which I will introduce into evidence, that's the
12 request of Pat Keller from Planning and Zoning, that I
13 will introduce into evidence, and the Zoning Commissioner
14 had that before him as well, or at least saw it.
15 I believe the Zoning Commissioner also mentions
16 subsection (b) says a waiver from the requirement of
17 Section 26-203 of the code, and of this code, and from the
18 Hearing Officer's hearing may be granted, and then it
19 sites the different criteria there.
20 Section 26-203, the requirement there is really
21 listing what is in a development plan, what is historic in

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1 nature. The Zoning Commissioner mentioned that, that
2 really wasn't appropriate because this was not a
3 development plan. If it was, we would then move to -- if
4 Mr. Holzer is claiming it was, then we would move to
5 dismiss this appeal for another reason, and that is he has
6 not complied with the appeal provisions of that kind of a
7 development plan or ruling on a development plan.
8 And in this particular case, I have obviously, by
9 the mere fact that the special hearing was requested
10 itself, reinforces the listing of the nature of the
11 historic structures. So those are basically what I
12 believe the Zoning Commissioner was doing and the kind of
13 relief we were asking for.
14 Now, the Zoning Commissioner -- Pat Keller of
15 planning and zoning also requested that that Zoning
16 Commissioner find alternatively that the project -- and we
17 are dealing strictly with the main dwelling -- that the
18 project was preservation. So there was compliance with
19 26-278 as an alternative request to Pat Keller it be
20 preservation and, therefore, complies, or a waiver be
21 granted.

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1 MR. HOLZER: I just want to make sure you're
2 pursuing the petition for special hearing that you filed
3 that's in the record, and I gather from your statement
4 that it is because all of these sections were referred to.
5 THE CHAIRMAN: I am sure those points will be
6 more than adequately covered in the briefs to be filed
7 with us.
8 MR. HOLZER: I am sure they will be.
9 MR. CONSTABLE: Let me have one more word here.
10 Not in response to the argument, but Mr. Holzer was asking
11 what sections that we relied on. Now, I know that the
12 Board is somewhat familiar with this project, having dealt
13 with it before. And on the ice house, the Board has by
14 this time -- this Board undoubtedly is familiar with the
15 variance argument also. You will hear testimony, and Mr.
16 Holzer and I have stipulated all but several of the
17 exhibits that were before the Zoning Commissioner are
18 admissible here, and if it's okay, why don't we admit them
19 right now?
20 MR. HOLZER: I have no problem.
21 MR. CONSTABLE: Letters written by the neighbors.

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1 MR. HOLZER: I can tell you I don't have any
2 objection to anything that's in the file, Petitioner's No.
3 1 through whatever, except for Petitioner's Exhibit 14
4 through 17, which were basically just neighbors' letters.
5 THE CHAIRMAN: So you gentlemen have both seen
6 the file, you know what the front cover contains. It's
7 been mutually stipulated these will be received?
8 MR. HOLZER: Except for 14 through 17.
9 MR. CONSTABLE: The letters submitted by the
10 neighbors.
11 MR. HOLZER: I object to those.
12 THE CHAIRMAN: Why don't you object when they are
13 entered?
14 MR. CONSTABLE: Under the Baltimore County zoning
15 regulations, 300, I believe 300.1, I can't remember,
16 there's an exception to the height variance situation and
17 also for the side yard, rear yard, for agricultural
18 buildings. That's a picture of the ice house.
19 THE CHAIRMAN: Okay. We're in opening statements
20 now. Why don't we move along then?
21 MR. HOLZER: I don't want him to sidetrack me. I

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1 need to make my motion. My motion is that I believe that
2 the petition for special hearing is improperly brought and
3 should be dismissed, and I will give you the reasons
4 later. I just want to have it on the record.
5 THE CHAIRMAN: So noted. The memos are getting
6 longer and longer.
7 MR. CONSTABLE: I will make a brief opening,
8 because most of what I will say in opening has already
9 been said in this morning's rhetoric, but I will follow up
10 on the point here.
11 Briefly, these bottom photos in what was Exhibit
12 P-10, how would the Board like us to number those, the
13 same number?
14 MR. STAHL: Only if in the same order.
15 THE CHAIRMAN: We better start over again.
16 MR. HOLZER: Could I just suggest, for purposes
17 of simplicity for the Board and for us, that you just mark
18 the CBA number the same as what they are already numbered?
19 That way, we won't have two sets of numbers.
20 MR. CONSTABLE: That would make it easy.
21 MR. STAHL: Only for i.d.

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1 MR. HOLZER: You can put them in.
2 MR. STAHL: Just so we can find which one we are
3 talking about.
4 MR. HOLZER: I have no objection to any of that
5 coming in.
6 MR. CONSTABLE: Thank you, Mr. Holzer. This is
7 the variance icehouse in question, the bottom three
8 photographs. That, I believe, there would be a
9 stipulation the ice house was used to store ice and that
10 the ice was used to cool down agricultural products and
11 was part of the agricultural --
12 MR. HOLZER: Objection. I don't stipulate to
13 that. I will stipulate to the document, but I'm not
14 stipulating --
15 MR. CONSTABLE: If you don't want to stipulate
16 the ice house holds ice, that's fine. But I think that's
17 almost a totality, ice houses hold ice.
18 But our position, whether it's stipulated to or
19 not, is that the ice house was part of the agricultural
20 complex. Otherwise, they wouldn't be drinking an awful
21 lot of gin and tonics to use the ice stored in that ice

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1 house. That was probably to keep the milk cool, keep the
2 hams cooled down, various produce cooled down, that kind
3 of thing.
4 I know Mr. Holzer won't stipulate to this, but
5 the testimony will show that, probably through Mr. Reipe,
6 or Mr. Schamu, the architect who testified below, that
7 this ice house, in 1994, that when a group of syndicates,
8 Mr. Reipe as a member, purchased the property through a
9 court appointed trustee, the farm was in deplorable
10 condition, including the ice house, and that the ice house
11 basically was unsafe, both the icepit and the structure,
12 and there was no way to renovate it from the inside out
13 without dismantling it for safety sake, and it was
14 dismantled.
15 It has been rebuilt where it was before. And we
16 have pictures that -- here are the pictures of the new ice
17 house, the same fabric, the same structure, the same basic
18 footprint, and basically the same height as the original.
19 Now, there obviously have been changes to it for
20 an adaptive reuse, because people don't need an ice house
21 nowadays. But it is really a restructural or a renovation

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1 of an existing agricultural building, and for that reason,
2 under Section 300 of the Baltimore County zoning
3 regulations, it would not need a variance, so we could
4 would rely on that as well.
5 Now, we petitioned for the variance,
6 notwithstanding -- although we made this point below and
7 we made it to the zoning office before we even filed the
8 petition, we did petition -- because it seemed to be the
9 easiest course -- and we anticipated objection and
10 litigation and, as the Board knows, there's been a little
11 bit in the past -- and we figured, well, let's just do it
12 this way, and that's solves that problem.
13 Unfortunately, the problem still goes on, but
14 that's the best we can do. So we are relying on that, not
15 upon it was an existing building that we were renovating
16 so it would be grandfathered, but it was an agricultural
17 building which is also grandfathered.
18 Granted, the adaptive reuse is not agriculture in
19 nature, but the building itself was agricultural in
20 nature. Now, we have the two issues, the waiver issue and
21 we have the variance issue.

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1 The variance issue, the Cromwell v. Ward case
2 goes through the test. Section 26-127 of the county code
3 goes through the variance tests, the Baltimore County
4 regulations, the different variance tests, but
5 basically -- I'll paraphrase somewhat because I know the
6 Board is very familiar with it -- the petitioner must show
7 the property is unique. Is it unique in a way that makes
8 it different from other properties in the community?
9 That's number one.
10 And if we meet that test, according to Cromwell,
11 we then roll over into the next test, is there a practical
12 difficulty or is there an unnecessary hardship to be
13 suffered by the petitioner? Those are the tests.
14 Now, test number one -- and this is all brought
15 out by the Zoning Commissioner in his Findings of Fact --
16 goes through this. The testimony will show what makes
17 this property unique dealing with the ice house is the
18 historic context of this farm. The Bosley family ranks as
19 probably one of the most eminant and prominant families in
20 the Baltimore County agricultural community, and they put
21 together this agricultural complex, and it goes back into

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1 the 1800s, and is historic.
2 It is in the middle of the Western Run Historic
3 District and the National Register District. It has
4 national fame. Many of the landmarks or structures here
5 are on the Baltimore County Landmarks list. Not the ice
6 house, but the old stone barn, the main house, the Upping
7 Stone, which is like a mounting block for horses, things
8 like that for getting into carriages. The spring house.
9 All this is recognized. This is a very old, very historic
10 agricultural community.
11 The Reipes, Mr. and Mrs. Reipe and their group,
12 purchased this property from the trustee appointed by the
13 court and, ultimately, the Reipes purchased the property
14 individually, most of it, from that syndicate, because
15 they determined that they were going to bring this
16 agricultural complex back to its -- as close as they could
17 do it in terms of what they need in the 20th century --
18 they were going to try to restore this farm.
19 And their ambition was to keep as many of the
20 houses and structures of an historic nature that they
21 could keep practically and bring them back to adaptive

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1 reuses that would justify the expenditures, the vast
2 expenditure of money, and that's what this project has
3 been.
4 It is a restoration, historic restoration project
5 of unparalleled magnitude in Baltimore County. When this
6 is completed, this project will probably attain national
7 recognition for what they are doing, for the efforts that
8 they have made.
9 And it's really a monument to the Bosley family,
10 what they are doing. This property is also unique. This
11 ice house is also unique in that it is, unlike houses in
12 the community that are on one, two, three, four acre-lots,
13 this ice house is in a cluster of other agricultural
14 buildings and hardly visible from the road. It's way off
15 the road.
16 We have some panaramic pictures here from
17 different settings and it's very difficult to see
18 anything. It's in a cluster of agricultural buildings.
19 It is lower, in fact, than most of the buildings that
20 surround it, so it doesn't stand up and protrude. That's
21 what makes this a unique piece of property.

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1 It is also unique because it is an agricultural
2 piece of property. We have been through that in the
3 exceptions. Unnecessary hardship, practical difficulty.
4 Under that test, if you are to restore a piece of property
5 nowadays, you must have a use for the piece of property.
6 Obviously, you can't use this ice house. And one canot
7 afford to restore it and turn it into a museum. That's
8 not practical. The Reipes had to find an adaptive reuse
9 for the property, had to make it work. And to make it
10 work, it had to have a use. And the use that they
11 assigned to this property, which basically will mean they
12 will not have to put new construction up for this use, is
13 a home office for Mr. Reipe, and a playroom, kind of rec
14 room to be used, that can be made, if they build a
15 swimming pool, as a poolhouse. That's the adaptive use to
16 to that.
17 What they did, originally this was an icepit up
18 to a second story and then there was a log over it. It
19 was essentially, as a matter of speaking, two stories, but
20 ice below and then the loft above. They kept it as a
21 two-story dwelling, but they graded down so the lower

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1 floor was lower in the ground so you walk into it. This
2 picture shows it. You really walk in from the lower
3 level. That way, you could have the two floors. It did
4 require, in order to get those two floors in there, that
5 it be in excess of fifteen feet.
6 Now, to the best of our knowledge, it is no
7 taller or shorter than the original structure that was
8 there. The same fifteen feet. It is roughly oriented
9 about the same way, the same height, maybe a little lower
10 than the tool shed right behind it that has also been
11 preserved as a tool shed, so what you are seeing in the
12 finished product is essentially the same building that you
13 are seeing that had to be removed because it deteriorated
14 beyond repair, but with the add-on features for the
15 adaptive use to bring it up to the 20th century, the same
16 fabric and all that.
17 Now, that's basically all I will say in my
18 opening on the variance issue. As to the issue of the
19 waiver, the Zoning Commissioner had the power to either
20 find -- and we're dealing now strictly with the main
21 house -- that the main house was being preserved or there

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1 was grounds for a waiver. This project had been analyzed
2 and re-analyzed and re-re-analyzed by the county's own
3 expert board on historic preservation, which is the
4 Baltimore County Landmarks Preservation Commission.
5 We have exhibits in the file. Exhibits 1, 2,
6 3 -- I'm sorry -- 1, 2, 4 and 5 are of the various county
7 Landmark Commission minutes dealing with the project and
8 speaking glowingly of it, with a few exceptions, all of
9 which were worked out.
10 And then Exhibit 3 is their own technical
11 exhibit, report, which speaks glowingly of the project. In
12 that group selected by the county, by the county
13 commissioner and several at large, are the experts, and
14 they approved the process. Pat Keller, when he issued his
15 comments to the Zoning Commissioner on the request for the
16 variance made that point -- and I think his language was
17 quite clear and concise -- says I will put it, the main
18 house on the Conclusion Farm property, among the
19 structures covered by the Baltimore County Final Landmarks
20 list. The Landmarks Commission reviewed the proposed
21 addition after nine meetings and subsequent meetings and

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1 voted approval of the restoration and expansion plans by a
2 vote of seven approval, three against, and one
3 abstention -- I am assuming that what he's means there --
4 at a meeting held on July '98.
5 He also recommended the Hearing Officer should
6 render a finding by virtue of having approval from the
7 Landmarks Preservation Commission; proposed development
8 deems to be in compliance with 26-278. He found and
9 suggested in this correspondence that to require the
10 Zoning Commissioner to rehash this whole thing after the
11 Landmarks Preservation Commission has done it to be
12 redundant and causes unnecessary delays.
13 So it is our position that we have either
14 complied with 26-278 in that the historic property, the
15 essence of the main dwelling has been preserved, or that
16 we are entitled to a waiver under Section 172(a) or (b.)
17 That is conclusion of my opening, I am sure you
18 are glad to hear.
19 MR. HOLZER: I will reserve my opening until
20 later.
21 THE CHAIRMAN: Call your first witness.

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1 MR. CONSTABLE: Can we take about a five-minute
2 break?
3 THE CHAIRMAN: That's fine.
4 (A recess was taken.)
5 THE CHAIRAMN: Back on the record. Call your
6 first witness.
7 MR. CONSTABLE: Mr. Reipe.
8 JAMES REIPE,
9 having been called as a witness, was duly sworn and
10 testified as follows:
11 DIRECT EXAMINATION
12 BY MR. CONSTABLE:
13 Q. Mr. Reipe, could you state your name and give us
14 your address.
15 A. James F. Reipe, 14921 Tanyard Road, Sparks,
16 Maryland 21152.
17 Q. How long have you lived there?
18 A. I've lived there for eleven years.
19 Q. That's within the Western Run Valley?
20 A. Yes.
21 Q. Would you just give me a general description of

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1 that community?
2 A. The Western Run has remained a rural community
3 with only a few exceptions. There has been a change over
4 in generations. A lot of people who had being there for
5 many decades retired, moved to smaller areas, or long-term
6 care areas.
7 We were one of the first younger people -- I use
8 "younger" loosely -- younger people to move into the area.
9 The previous owners of our farm had converted the
10 original farm house back in the fifties, being there over
11 thirty years. And as some of the younger people have come
12 into the neighborhood, we all made quite a strong effort
13 to continue what the Fishers had done when they had
14 originally put the Western Run -- worked to get it into
15 the National Historical area, and we have tried to
16 preserve the land and use some of our own resources
17 periodically to buy land that could have been developed
18 and to --
19 COURT REPORTER: Can you please speak up?
20 A. To try to keep it agricultural.
21 Q. Now, the Western Run Valley is part of the

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1 National Register of Historic Places. Does that include
2 the farm known as Conclusion Farm that's the subject of
3 these proceeding?
4 A. Yes. All that land -- all the land in the valley
5 floor including our land is all in that area, the National
6 Historic area.
7 Q. When did you become involved in Conclusion Farm,
8 particularly in the purchase of the Conclusion Farm?
9 A. We first became aware that the farm was going to
10 be sold when the real estate agent hired by the trustee, I
11 guess, appointed by the court to sell the farm, sent a
12 letter to a number of us neighbors, and very wisely on his
13 part, showing the land subdivided into a number of sites,
14 to try to get our attention, and we spent five or six
15 months thinking about it.
16 And when another builder came in who we were
17 familiar with and who was going to sell off some pieces of
18 the property in order to finance the purchase of it, four
19 of us neighbors got together, formed a partnership, and
20 made a bid at the appraised value that the trustee had,
21 and that bid was accepted by the trustee.

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1 Q. Did you review the appraisal?
2 A. I did.
3 Q. Did the appraisal have any value assigned to the
4 improvements on the property?
5 A. The appraisor that the trustee had hired
6 indicated in that appraisal that the buildings were in
7 such condition that he would assign no value to the
8 buildings, and did his appraisal primarily on the hundred
9 ninety plus or minus acres.
10 Q. Did you inspect the property before your group
11 of -- before you and your neighbors purchased the
12 property?
13 A. We did. We went in with the trustee and real
14 estate agent and walked through the property. We did not
15 enter all the the buildings, but we entered enough of the
16 buildings to see the condition of them.
17 Q. How would you describe that condition?
18 A. Well, it varied. There were a number of
19 outbuildings that were in various stages of collapse.
20 Some of them were actually fully collapsed. An old
21 chicken house was fully collapsed. The barn was tied up

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1 with some cables, trying to hold it up. The stone bank
2 barn, the bottom of it, had three or four feet of cow
3 manure that had been there for decades and had rotted some
4 of the columns out, which was causing some of the
5 problems.
6 And the house had one gentleman, Mr. Bosley, Sr.,
7 living in two rooms. And the house, the rest of the
8 house, was not in good shape. The tile ceilings were
9 falling down. Most of the outbuildings were rotted and
10 the supporting joists, things like that.
11 Q. Did you inspect what has been referred to here as
12 the ice house, which is the building on the lower left of
13 Exhibit No. P-10, which is now Exhibit 10 for these
14 proceedings?
15 A. We did.
16 Q. Can you describe the condition of that building?
17 A. Well, it had -- it was at a rather rankish cant
18 which indicated perhaps the supports that were supporting
19 the structure of the ice house were not too stable. And
20 when one peaked inside, you could see some of the
21 supporting beams had rotted out.

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1 The ice pit was covered, partially covered, with
2 some old beams. We took a contractor through the
3 property.
4 The contractor had recommended that all -- almost
5 all the outbuildings be taken down; it would cost far too
6 much to try to rebuild them. And in some cases, they
7 could not be rebuilt.
8 Q. But you didn't do that?
9 A. We did not do that.
10 Q. Did you, however, have to dismantle the ice
11 house?
12 A. We had to dismantle the ice house and several of
13 the outbuildings. We, at the advice of the contractor and
14 architect, we took the sides off to examine the skeletal
15 structure to see whether they could be preserved. And in
16 two cases, the buildings were essentially being held up by
17 the siding, and when the siding was taken off, they began
18 to collapse. In one case, it did collapse.
19 Q. Did you make an effort to stockpile the siding?
20 A. We saved as many of the non-rotting building
21 materials as we could to be utilized again.

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1 Q. Let's get back to the farm itself. You mentioned
2 when you purchased it, there was a threat of development,
3 is that correct?
4 A. Yes.
5 Q. So I understand that you did not want to see that
6 farm developed?
7 A. I had purchased out of an estate several years
8 before that twelve acres adjoining Conclusion Farm that
9 had two sites on it. And those sites were subsequently
10 contributed to the MET, and none of my neighbors had
11 purchased land out of that estate that had development
12 sites on it, and all that land was subsequently
13 contributed to the MET.
14 Q. You mean Maryland Environmental Trust?
15 A. Yes.
16 Q. What's the impact of that?
17 A. The impact is that you gave your rights, waived
18 your rights to develop that site in perpituity, and, in
19 turn, having a lower valuation on the land which allows
20 you to take a dedcution, which does not cover the
21 difference, but at least it's a contribution towards the

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1 difference.
2 Q. So the land that was contributed, the development
3 rights contributed to the MET, are now preserved in
4 perpituity from development?
5 A. They are. And this Conclusion Farm is a key part
6 of that whole valley floor in the Western Run Valley, and
7 we did not want to see it with five or six big houses.
8 Q. Now, did you or your syndicate sell development
9 rights to the Maryland Agricultural Land Preservation
10 Foundation for that program?
11 A. Saying we are a partnership, in effect, would
12 input to us a lot more importance than we had. It was
13 just four neighbors to form a partnership to buy the farm.
14 We did, in fact, submit that land, about 140
15 acres of it, to the agricultural program, and it was
16 accepted. It's a tough bidding process, which you're
17 probably familiar with, and we subsequently contributed to
18 the balance with the exception of two sites, the site on
19 which the farmhouse sits and one additional site on
20 another end of the property. And all the remaining sites
21 were contributed to the Maryland Environmental Trust. So

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1 on the 190 acres now, there is just the farmhouse plus one
2 potential more site.
3 Q. Then there came a time you purchased the property
4 or some of the property from your partnership, is that
5 right?
6 A. Yes. My familiy purchased -- ended up purchasing
7 the farm. When it came time for us to sell it after we
8 had contributed the sites and gone into the ag program, it
9 was time for the four of us to sell the property. And at
10 that point our family decided that we would take on the
11 project of trying to restore the -- renovate the property.
12 Q. Tell me what your -- what I really describe as
13 the renovation project -- that you had in mind?
14 A. It's very painful to describe, both in length of
15 time and in amount of effort and resources.
16 Q. What did you intend to do?
17 A. The idea was to try and bring back the farm. The
18 bad news was the buildings were in very dilapidated
19 condition.
20 The good news was those buildings that were
21 whole, particularly the main house, had much that could be

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1 restored in them.
2 And our plan was to try and preserve as many of
3 the buildings as we could, and to try and rebuild them in
4 ways that looked like they had been there for as long as
5 they have. We have brought panelling from old buildings
6 in Pennsylvania and brought them down. And the ice house
7 is going to be sided with some of that. The tool shed has
8 been sided with some of that. We saved the panels we
9 could and bought other old panels to put on so when the
10 project is done, hopefully, it will look like, in some
11 respects, look like it looked before, but being in much
12 more sturdy and useable condition.
13 Q. I want to backtrack a little bit, and then we'll
14 move ahead. What is your understanding as to what
15 restrictions apply to farms that are in the Maryland
16 Agricultural Land Preservation Program as to development
17 or building non-agricultural improvements?
18 A. You're restricted in areas around the house, in
19 which you can do things. And I don't know exactly how big
20 that area is, but I know it's pretty tight around the
21 house.

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1 And I was told -- for example, we needed this
2 facility that we are using the ice house for, and I was
3 told I would have to build new construction in order to do
4 that, put another building up, which, to us, seemed
5 unnecessary and undesirable to add, with all those
6 outbuildings we had, to add a new structure on the
7 property.
8 So the idea was to use that ice house, to
9 reproduce its design and size and have a use for it that
10 would preclude us having to build another structure
11 somewhere.
12 Q. Is it your understanding that any new structure
13 would have to be built within a one-acre perimeter around
14 the main dwelling?
15 A. Right. Yes.
16 Q. What kind of additional structure would you have
17 built, were you not to use the ice house?
18 A. We would have built a two-story structure that
19 would have had these two spaces in it. We have in our
20 present farm a small building like that that we use, and
21 it has been very valuable to us. And we had this building

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1 site and building right there that accommodated it
2 perfectly and gave us to chance to preserve, in effect,
3 what was one of the old outbuildings.
4 Q. This was the alternative of either preserving an
5 old outbuilding or --
6 A. Or building a new structure somewhere within the
7 one-acre perimeter.
8 Q. If you did both, you would not have an adaptive
9 use of the ice house, I gather?
10 A. That is correct.
11 Q. And you have added an additional structure to
12 that complex?
13 A. Yes. We also had a problem with the ice house
14 with insurance, the condition of the farm. When the
15 neighbors bought it, it was such we could not get either
16 liability or fire insurance for it.
17 And one of the major concerns, as was pointed out
18 to me, and I can imagine, was a fifteen, twenty-foot deep
19 pit, and the pit had no other use. We couldn't make any
20 use of it. The walls inside were crumbling. It was a
21 drywall construction, so we had to -- the building was

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1 collapsing above it -- and this was a very large pit which
2 something had to be done with it. So with Mr. Schamu's
3 guidance and help, I think we came up with a very good
4 adaptive use.
5 MR. CONSTABLE: Now, may I bring the photo up to
6 the witness?
7 THE CHAIRMAN: Sure.
8 Q. Mr. Reipe, I am going to show you what's been
9 marked and admitted as Exhibit 10. I want to go through a
10 couple of these photos from that vantage point.
11 Photo one, view from Gerber road. Can you
12 describe where Gerber Road is?
13 A. It runs along the north end of the farm.
14 Q. And the structure that we are looking at is
15 not -- is that the main house?
16 A. The main house.
17 Q. And this is another view from Gerber Road, photo
18 two, looking at some farm building and the main house?
19 A. And the barn is on the right.
20 Q. Could you point out the main house? It's awful
21 hard --

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1 A. The largish structure on left, and the bank barn
2 is on the right.
3 Q. Can you see the ice house?
4 A. No.
5 Q. This is another view from Gerber Road in photo
6 three. Can you see the ice house in that photo?
7 A. No.
8 Q. I'll skip photo four because it doesn't really
9 show any improvements. To the best of my knowledge,
10 here's a view from West Thornton Mill Road. Where's that
11 in relation to the property?
12 A. That's the eastern border of the property.
13 Q. Can you estimate -- I assume the structure is, up
14 in the woods, the top photo, would be the main house and
15 the barn?
16 A. Right.
17 Q. Could you estimate the distance from Thornton
18 Mill Road to those structures?
19 A. Probably 1500 feet.
20 Q. How about the distance in photo three from Gerber
21 Road to those structures?

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1 A. I believe probably eight or 900 feet, seven, 800,
2 900 feet.
3 Q. And the bottom, we've got photos, and they are
4 not numbered, but they are of the ice house, what the ice
5 house looked like?
6 A. That's what it looked like. You can see the
7 angle, that it's tilted in the picture.
8 Q. The swinging door?
9 A. That's the view of the icepit with the -- behind
10 the open door.
11 Q. And photo eleven, existing shed, is that the
12 condition it was in when you purchased the property?
13 A. That's after we took the roof and siding off to
14 see whether we could preserve the structure.
15 Q. Has that building been saved?
16 A. That building has been saved.
17 Q. Now, what did you do to actually undertake the
18 renovation project? Let me ask it this way. Did you
19 hire an architect?
20 A. I did. We did hire an architect.
21 Q. Why don't you describe what you were looking for?

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1 A. We were seeking to get an architect who had
2 restoration experience, was familiar with the Baltimore
3 area, Baltimore County, and who could guide us on the
4 renovations, but who could also provide us with a
5 structure that would be useful to our family.
6 We were not interested in creating a museum, but
7 we were very interested in trying to preserve the house
8 for the next generations.
9 We interviewed a number of architects and
10 selected two, Walter Schamu, who's Baltimore based and a
11 very well-known historical architect, as well as his
12 contemporary, John Milner, who is based in Chadford,
13 Pennsylvania, extremely well-known as a specialist in 18th
14 and 19th century farmhouses, teaches at the Univerisity of
15 Pennsylvania School of Fine Arts. And the combination of
16 those two, we felt, would be able to give us the kind of
17 advice we needed in trying to save the buildings that we
18 could and put them back in the condition that would be
19 usable by us.
20 MR. CONSTABLE: For the purpose of the record,
21 the resumes of both Mr. Schamu and Mr. Milner are in

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1 evidence as Exhibits 7 and 8.
2 Q. Now, what instructions did you give these
3 architects?
4 A. Our instructions were to try to retain the feel
5 of the farm and the number of outbuildings as it was part
6 of the, I think, charm of the farm. And to restore the
7 house in ways that would be useful for us, and to design
8 an addition that would accommodate some modern uses,
9 primarily a kitchen, and a garage, and to end up with a
10 farm, when all was said and done, that in many ways would
11 look like it did perhaps a hundred years ago.
12 Q. Was it your understanding the ice house was
13 really part of the farming operation?
14 A. Yes.
15 Q. The farm building, so to speak?
16 A. There was no question that was an agricultural
17 outbuilding. And in the discussions with the Landmark
18 group, that was made clear as well.
19 Q. Now, some of the structures are on the Baltimore
20 County Landmarks Preservation Final List, or preliminary
21 list, I'm not sure which?

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1 A. Yes.
2 Q. Can you describe those structures?
3 A. Yes. None of those structures were on the list
4 when we acquired the farm. And subsequent to acquiring
5 the farm, the main house, the bank barn, the spring house,
6 the stepping or upping stone, and two gates, two large
7 stone gates, were all put on the landmarks list.
8 Q. The ice house was not put on the Landmarks list?
9 A. It was not put on the list. The tool shed was
10 not. The corn crib was not. And several of the other
11 buildings that have since fallen down were not on the
12 list.
13 Q. Did you understand the import of having
14 structures put on the list, what that entailed?
15 A. We did.
16 Q. What did you understand?
17 A. That any exterior improvements were subject to
18 the approval of the Landmarks Commission.
19 Q. Now, did you attempt to have the Landmarks
20 Commission approve of the proposed exterior improvements
21 to the listed structures?

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1 A. We did. We submitted our drawings to the
2 Landmark Commission, several variations. They came out,
3 physically visited the site. The really only point of
4 contention with us was the reconstructioon of the barn,
5 because the entire north stone wall had to be taken down.
6 And we were pleading with them to allow us to
7 only put up and replace part of it, and they would not
8 relent on that. So we had to reconstruct the entire north
9 stone wall, but they subsequently approved all our
10 recommendations.
11 Q. Now, describe, in general, the renovations to the
12 main house and the efforts that you made to preserve the
13 historic integrity?
14 A. The main house, as I said, the main thing that we
15 wanted was a living room and kitchen. And Mr. Milner,
16 with Mr. Schamu's assistance, came up with a design that
17 preserved the look of the house from the sides and from
18 the front, and added a kitchen and a living room to the
19 back of it. It was recommended that we put a bedroom
20 above the kitchen because, for design reasons, Mr. Milner
21 felt it should be a two-story addition, not a one-story

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1 addition, and we preserved all the remaining rooms in the
2 rest of the house.
3 One of the things we did was in the front, there
4 was a full porch across the 1854 wing which all rotted and
5 had to be taken down, and when it was taken down, we found
6 the original porchline from 1854, so we would be
7 reconstructing a small roof over the front door as it had
8 been originally.
9 Q. So there had been changes in the original
10 structure over the years?
11 A. Many changes. The original structure was
12 built -- Mr. McGrain can probably help me, but somewhere
13 between 1785 and 1810, and that is the two-story structure
14 on the right, we don't know when the smokehouse further to
15 the right was added. 1854, the entire left side of the
16 house was added, and a third-story across the top of the
17 old wing.
18 Q. Could you point out what is new?
19 A. From this angle, this is new. A garageway has
20 been sunk down so it will be less visible. And it's also
21 all stone here. Then, on the back, the living room with

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1 those windows to the right, right there, and then the
2 kitchen and back bedroom structure to the left.
3 Q. This is new here?
4 A. This is new, and immediately to its left.
5 Q. Here?
6 A. Yes. There were two old small structures
7 attached to the back of the house that the foundations
8 were crumbling that had to be taken down. We saved this
9 stone and, in effect, reconstructed them inside the house.
10 Q. Were those structures part of the 19th century
11 construction here?
12 A. They would have been later. My guess, they were
13 later.
14 Q. Was there anything changed in the exterior? I'm
15 not talking about additions, but anything taken off the
16 exterior, or changed, other than the portico and the
17 change of the garage?
18 A. No change.
19 Q. Why was this garage configured in the
20 illustration the way that it was?
21 A. The idea was to keep it as a profile so the old

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1 hour remained the domonant profile. As you can see from
2 the front, the main dominant profile -- see, the garage
3 was sunk down. And it subseqently worked out that it was
4 on the same grade as the bottom of the ice house pit.
5 Q. Now, in the middle picture, the middle building
6 on Exhibit No. 12, that's the ice house, I take it?
7 A. The ice house.
8 Q. And that is the tool shed?
9 A. The tool shed is actually a bit higher because,
10 as you see in the pictures, the tool shed is a higher
11 elevation than the ice house.
12 Q. So this is not a correct depiction. The ice
13 house is lower than the tool shed?
14 A. Yes.
15 Q. As opposed to being higher?
16 A. Yes.
17 Q. The lower picture in Exhibit 12, the photograph
18 is another picture of the ice house?
19 A. Yes.
20 Q. The changes that you have constructed to the main
21 house, were these changes that were recommended by your

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1 architect?
2 A. They were.
3 Q. With you satisfied with the architect following
4 your instructions to maintaining the historic integrity?
5 A. Yes.
6 Q. Do you have any idea how tall the ice house was
7 prior to its having to be dismantled?
8 A. It was -- if you're standing on the grade that is
9 reflected in the picture here from the front of the house,
10 I would guess it was in the 14, 15, 16, 17 foot range,
11 maybe 18. It appears to us standing on the same grade to
12 be about the same size in the new form as it was in the
13 old form in terms of its height.
14 Q. This was not an exhibit in the old case? Excuse
15 me --
16 MR. CONSTABLE: May I go off the record?
17 (Discussion held off the record.)
18 Q. Mr. Reipe, I am showing you a plat that I think
19 we previously discussed as being the ice house. Does that
20 look like the ice house?
21 A. That is.

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1 Q. And that is the way it has been built? Is that
2 the way it has been built?
3 A. It has picked up the same dormers on the original
4 ice house.
5 Q. Is the roof line the same and the --
6 A. The roof is not. That reflects a metal roof.
7 The roof is going to be wood shingle, which was the
8 original roof prior to the metal one, so we have put wood
9 shingles back on the old, the existing.
10 Q. On the south evaluation, it looks like a remnant
11 of a sliding door?
12 A. We are going to have a barn door that will slide
13 across the entry doors so it will retain the flavor of
14 being an agricultural outbuilding.
15 Q. That was in an effort to repeat the sliding door
16 that we see in Exhibit 10 and in the lower photograph?
17 A. Yes.
18 Q. The fabric of the exterior, will that be the same
19 type fabric as the old ice house?
20 A. Yes.
21 Q. As far as the elevation above -- let's see. The

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1 level of the roofline is about where --
2 A. Its about the same as it was below the tool shed
3 originally, instead of as part of the tool shed.
4 Q. I see a shed wing on the lower left-hand
5 photograph and the upper left-hand photograph. Was that
6 part of the original structure?
7 A. Right. There was a little shed off of it.
8 MR. HOLZER: Do you want to mark that as an
9 exhibit?
10 MR. CONSTABLE: Yes. I'm sorry. Actually, this
11 would be --
12 THE CHAIRMAN: Petitioners' No. 18, if we follow
13 the same sequence as the Zoning Commissioner. Exhibit 14,
14 15 and 16, Mr. Holzer objects to. This will be No. 18.
15 MR. CONSTABLE: I move it be admitted.
16 MR. HOLZER: No objection.
17 Q. Now, Mr. Reipe, you sat through my belabored
18 earlier remarks in opening statement and you heard me talk
19 about uniqueness for the purpose of the variance.
20 Could you describe or tell me, in your view, what
21 makes the ice house unique as opposed to other structures

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1 within the community?
2 A. Well, I think what we were told is that there's
3 several other icepits around Baltimore County that have
4 been preserved, so the idea of saving the hole in the
5 ground is not something that was important to us.
6 But, clearly, and in the discussions with the
7 Landmarks group and discussions with our architects, who
8 have much more experience than we do dealing with historic
9 structures, clearly, part of this significant value of
10 this farm was simply all those outbuildings that have been
11 constructed over the years. And the house, although nice,
12 is not a stately manor.
13 It's a farm house. The outbuildings belong with
14 it. And we felt particularly, because my wife and I like
15 the design of this ice house with the dormers and all,
16 that if we could recreate that ice house and had a use we
17 needed for it, that made it both unique, and as I
18 subsequently learned, adaptive use, that it made a lot of
19 sense to do that.
20 So we did see it as a unique building and part of
21 the fabric of the whole farm. And we were very pleased

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1 when Mr. Schamu suggested and came up with the idea that
2 we could, in effect, reproduce it and use it.
3 Q. Now, it has been rebuilt on the same location as
4 the old?
5 A. Roughly the same footprint, same direction, same
6 height, same, you know, give or take a foot.
7 Q. Same width?
8 A. Same width. It's essentially the same building.
9 And I have to say we were quite surprised on a 190 acre
10 farm with the property sitting in the middle, we had to go
11 through two months of approvals to build this, to rebuild,
12 in effect, in our, quote, side yard. But we understand
13 the rules, and we heard them again this morning.
14 Q. How visible would you say the ice house is from
15 the public road nearby?
16 A. It is virtually invisible because, from the
17 north, it is blocked by the tool shed. From the south, it
18 is blocked by the house. And from the west, it is
19 invisible due to hedges and fencelines and trees.
20 And the nearest road is a thousand feet away.
21 And to the east, as we saw in the picture, it's well over

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1 a thousand feet away. One might be able to barely make
2 out the outline of the house if it was in the winter and
3 you had the right angle.
4 Q. What practical difficulty or unnecessary hardship
5 would you undergo or have to undertake if the rebuilt ice
6 house had to be limited to fifteen feet in height?
7 A. Well, we'd obviously, if it is, in fact, over
8 fifteen feet, which I think it is from some grade, we
9 would have to, I presume, take it down. And then we would
10 have to rebuild a new structure, new construction.
11 Q. Say if you designed it originally to be within
12 fifteen feet?
13 A. We would not have been able to have the second
14 floor, basically. It would not have allowed, unless we
15 wanted to dig the lower floor down into the ground and
16 walk down into it, I suppose, and we wouldn't have -- it
17 would have made no sense, and even been more costly. So
18 it would have been a great disadvantage, and we would not
19 have done it.
20 Q. Would it have cost more, do you think?
21 A. It would have cost more.

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1 Q. And if you had not restored it, I believe you
2 testified earlier you would have to build additional --
3 A. We would have to build this space somewhere
4 within the perimeter.
5 Q. Now, one of the other factors or issues that you
6 probably heard us talk about this morning was the variance
7 to allow the ice house to be in the side yard as opposed
8 to the back yard as required.
9 Now, what would the practical difficulty or the
10 unnecessary hardship be of putting the ice house in the
11 back yard?
12 A. Again, I don't even know what the back yard is on
13 a hundred ninety acres. I suppose there's a technical
14 point. But if we would not have put it in the, quote,
15 back yard, if we considered -- we consider this the front
16 of the house and that the back of the house.
17 We would not build it in the back yard because it
18 would ruin the entire view of the house from that angle.
19 All the outbuildings were built out to the north of the
20 main house. There are no outbuildings other than the
21 spring house, which is down set low near the pond. There

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1 are no other outbuildings. They are all to the north of
2 the house.
3 Q. As you testified earlier, you would have built it
4 just where it was before?
5 A. Right where it was.
6 Q. That was the historic context?
7 A. That was.
8 MR. CONSTABLE: That's all I have.
9 THE CHAIRMAN: Mr. Holzer?
10 CROSS EXAMINATION
11 BY MR. HOLZER:
12 Q. While we are on that, let me follow up with Mr.
13 Constable's question. So I gather from all your testimony
14 that you could have rebuilt the ice house somewhere else,
15 but you chose not to because of all the considerations
16 that you have given us over the last half an hour?
17 A. What do you mean by "could have rebuilt it
18 somewhere else"?
19 Q. I mean, physically, you tore the building down.
20 So you could have put it in some other location than what
21 it is now? You physically could have put it someplace on

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1 a hundred ninety acres?
2 A. No. We were restricted, because that land has
3 been put in the Trust where we can put other buildings.
4 Q. But you're not restricted in terms of an acre
5 around the house though, is that correct? You're not
6 restricted that way?
7 A. I believe we are restricted for new construction
8 as to where we can put it.
9 Q. Let me ---
10 A. Oh, could we have moved it from this location?
11 Q. Could you moved it ten feet from this location to
12 more behind the property than it is now?
13 A. I don't know what's behind the property lines.
14 Q. We'll get to that. You're going to have ample
15 opportunity, believe me.
16 You could have, when you rebuilt it, you could
17 have built it in conformity with the zoning regulations by
18 either not having a second floor or by excavating, as you
19 did on some of the other buildings that you've redone, and
20 making it sit lower in the ground, could you not?
21 A. We didn't excavate others.

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1 Q. I thought you sank the garage down?
2 A. No. We said the profile of the garage -- you can
3 see the roof is a much longer angle. The grade of the
4 house flows away. So the garage was put down on the lower
5 grade.
6 Q. So the garage is fifteen feet over what you
7 believed the zoning regulations permitted?
8 A. The garage is?
9 Q. The ice house?
10 Q. No. The ice house -- the ice house is over
11 fifteen feet we believe from the upper grade.
12 Q. You physically could have built it consistent
13 with the zoning regulations but for the fact you may not
14 have had a second floor under those circumstances?
15 A. Not may not. Not would have had a second floor.
16 Q. Did you explore the possibility of excavating any
17 portion so it would sit lower and be consistent with the
18 zoning regulations?
19 A. We would have to walk down three feet or so into
20 a lowered room and we would have had to excavate that out,
21 and there's a great deal of stone there, which is visible

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1 right now, which would have probably precluded that.
2 Q. Did you explore that as an option?
3 A. Yes.
4 Q. Let me go back, because I really -- as you know,
5 I wasn't in attendance below, so you may have testified to
6 all these things before, but I'd like to have a little bit
7 of background.
8 What was the time period that the four neighbors
9 got together in the partnership and purchased the
10 property?
11 A. 1993.
12 Q. 1993?
13 A. And '94
14 Q. And then how long had the property been vacant
15 before that? If you know.
16 A. It probably had not been vacant -- as I stated
17 before in my testimony, the senior Mr. Bosley was living
18 there until the time the property was sold.
19 Q. So it was in use up until 1994 when you acquired
20 it, or when the four neighbors acquired it?
21 A. As I already testified, to the best of our

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1 knowledge, two rooms and the halls were used by Mr.
2 Bosley, and certain of the outbuildings were used by
3 another Mr. Bosley.
4 Q. Was the property being farmed?
5 A. Parts of it were being farmed and parts were not.
6 Q. Could you tell us, were they raising grain?
7 Raising cattle? Do you know what they were doing?
8 A. They had milk cows and they had corn.
9 Q. Was it basically a dairy farm, to your
10 understanding?
11 A. There were some cows there.
12 Q. Then when did you acquire your personal -- your
13 family's interest in the property?
14 A. Two years ago, 1997.
15 Q. And at the time you personally acquired it, had
16 anything been changed in terms of the main building and
17 the outhouses in terms of tearing anything down or adding
18 anything or making renovations?
19 A. Not to the exterior.
20 Q. Not to the exterior of the main house?
21 A. Right.

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1 Q. Or any of the barns? The silo? Any of the other
2 out buildings? Were any of those torn down between 1994
3 and 1997?
4 A. No.
5 Q. So, basically, the property sat from 1994 until
6 1997 without any activity on it, restoration or otherwise?
7 A. No restoration, but we had a person living in the
8 house that entire time.
9 Q. As a caretaker or something?
10 A. Right.
11 Q. So '97 would really begin the time frame then for
12 when activity began on the farm?
13 A. (Nodding head.)
14 Q. Strike that. I will rephrase it. I'm not trying
15 to confuse you. I am just trying to understand, myself.
16 In 1997 when you acquired, personally acquired
17 the property, you did so with the intention of moving from
18 your present home to ultimately living at Conclusion Farm?
19 A. Correction. The Reipes did not personally
20 acquire the property. My family acquired the partnership
21 that owned the property, so the record is clear.

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1 Yes, we bought it with the intention to renovate
2 and restore the property, and then to move there.
3 Q. Have you physically moved your family into the
4 property at the present time?
5 A. No. It is still under construction.
6 Q. So you're living at the Tanyard Road address you
7 gave us?
8 A. We are.
9 Q. Now, I see one of these exhibits that is sort of
10 a layout of the property, which I found very helpful to me
11 to understand what was there, and that's marked as
12 Petitioner's No. 11, could you tell me, based on
13 Petitioner's No. 11, what, if anything, have you removed
14 or torn down, basically, of any of the buildings or
15 portions of the buildings that are on this exhibit? If
16 you could just list those for me?
17 A. All of the buildings that are on that exhibit are
18 still on the property.
19 Q. So everything that's listed on that exhibit then
20 is still on the property. But you testified there are
21 some things that you did tear down.

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1 Could we start with the main house and tell me
2 what has changed from the main house since you acquired it
3 in 1997?
4 A. The only thing that was removed was two very
5 small rooms off the back of the main house, that the
6 foundation had collapsed, and they have been removed. And
7 other than that --
8 Q. They are not depicted on here?
9 A. No.
10 Q. And you testified earlier that some porch that
11 went across the whole front of the building, the main
12 house, was torn down?
13 A. It was removed.
14 Q. I gather that the front of the house is the area
15 defined on Petitioner's 11 by the circle? I mean, that
16 appears to be the front driveway, at least as it existed
17 in the past?
18 A. Uh-huh. Yes.
19 Q. Do you intend to continue to have that as the
20 front of the house?
21 A. That will be the main entrance to the house.

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1 Q. So in addition to the porch and some addition to
2 the back of the main house, nothing else was torn down,
3 other than the ice house?
4 A. Of what is on that exhibit?
5 Q. Yes.
6 A. Yes.
7 Q. Are there things that were torn down that are not
8 on this exhibit?
9 A. Yes.
10 Q. What were they?
11 A. There was a dairy barn, 1927 dairy block barn,
12 removed. It was of no historic value. And there was a
13 pole barn that we could not date, that was collapsing, and
14 when we took the siding off, it went over.
15 Q. Where would those be located in relationship --
16 A. Between the barn and his other outbuildings,
17 roughly.
18 Q. So somewhere in here?
19 A. Yes. The tractor shed over there under the print
20 we have preserved.
21 Q. Now, since 1997, other than the ice house which

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1 you indicated you removed and then rebuilt, have you made
2 other additions to the property from the way it was
3 originally?
4 A. The addition on there, in the back of the house.
5 Q. So you're telling me you physically have built,
6 rebuilt a front porch that is smaller or --
7 A. We have not rebuilt it yet, but it is going to be
8 rebuilt.
9 Q. Wasn't there a picture? I don't have a picture
10 of what the porch looked like completely going across the
11 house, but this is what you intend to do?
12 A. Right.
13 Q. That hasn't been done yet?
14 A. No. It has been approved by the Landmarks
15 Commission.
16 Q. Has this additional structure in the back which
17 is hatched marked new construction, has that additional
18 area all been done?
19 A. Yes.
20 Q. That's already been built?
21 A. Yes.

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1 Q. And, of course, we know the ice house has already
2 been rebuilt?
3 A. Uh-huh.
4 Q. Has anything else been rebuilt?
5 A. Every one of those outbuildings has had
6 construction.
7 Q. These hatched areas are the only new construction
8 in addition to that?
9 A. Yes.
10 Q. When did you rebuild or put the addition on the
11 main house, what time frame?
12 A. It has occurred from the time the Landmarks
13 Commission gave us approval to proceed until the
14 current -- is still under current construction.
15 Q. So once the Landmarks Commission --
16 A. I have to correct that. We were unable to start
17 after the Landmarks Commission -- because we then had to
18 go through the process of getting approval for the ice
19 house from the Zoning Commissioner.
20 Q. You mean the case we're here today on?
21 A. Yes. We did not start that until approval was

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1 received from the Zoning Commissioner.
2 Q. So sometime after the Zoning Commissioner, which
3 was October 9 of 1998, that was his decision, at that
4 point had you already torn the ice house down?
5 A. As I told you before, we did not tear the ice
6 house down. It was already collapsed. That was the
7 reason for the hearing, because somebody in the zoning
8 staff decided that it was new construction rather than
9 existing construction.
10 Q. In other words, the zoning staff determined that
11 the ice house had collapsed, or was at such a point that
12 anything that was done to it would be considered new
13 construction?
14 A. No, that's not -- that's not what they said.
15 Q. Tell me what they said.
16 A. What they said was that rebuilding the ice house
17 was going to be treateed as new construction; therefore,
18 we needed a height variance.
19 Q. And you also needed a variance for the side yard
20 versus the rear yard?
21 A. Yes.

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1 Q. So is it your testimony that after October of
2 1998 when you got the Zoning Commissioner's approval,
3 that's when the ice house was constructed, or
4 reconstructed?
5 A. Shortly after that. It wasn't immediately, but
6 shortly after.
7 Q. Is it totally completed now?
8 A. No. It is all framed in.
9 Q. When you say "framed in," does it have walls?
10 A. It has walls and a roof on it, and they are
11 beginning the inside.
12 Q. So the interior portion of the use that you would
13 put it to has not been started?
14 A. The floors are down, but the walls are not -- the
15 interior walls have not been put up.
16 Q. Were you aware at this time that in the Zoning
17 Commissioner's order it said there could be an appeal, and
18 that you would take the risk of any construction that was
19 done pursuant to his decision if it was later reversed?
20 A. I was aware it was -- there was a right to
21 appeal.

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1 Q. You were aware that there was a right to appeal,
2 there was the possibility that the permission that the
3 Zoning Commissioner had given might be reversed?
4 A. I didn't know what the outcome would be. I'm not
5 familiar with that.
6 Q. You are aware that condition number one to the
7 Zoning Commissioner's order was that the petitioner,
8 quote, is hereby made aware that proceeding at this time
9 is at its own risk until such time as the thirty-day
10 appellate process from this order has expired. If, for
11 whatever reason, this order is reversed, the petitioner
12 will be required to return, and be responsible for
13 returning, said property to its original condition. Are
14 you aware of that condition?
15 A. I read that report.
16 Q. Now, when did you say you did the addition behind
17 the main house or to the main house, at some time after
18 the Landmarks Commission had given you approval, or did
19 you wait until after the Zoning Commissioner had already
20 given you approval?
21 A. No. We did not need approval from the Zoning

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1 Commissioner to begin to modify the existing house.
2 Q. So when did you start to modify the existing
3 house?
4 A. Shortly after we received Landmark approval.
5 Q. Now, one of the questions that you filed for
6 petition for special hearing today was to determine
7 whether the additions, the modification to the main house,
8 was consistent with Baltimore County Code Section 26-278,
9 that is the question of whether any historical structure
10 must be preserved and what preserved meant.
11 Did you choose to make these additions to the
12 main house knowing this issue that you were raising in the
13 petition for special hearing could be denied against you?
14 A. No. We were unaware of that. The Maryland
15 Landmarks Commission instructed us we could commence
16 construction, that we had passed their hurdle, and that
17 was the authority and approval that we needed. And we
18 were, in turn, granted a permit by the county to begin
19 that construction.
20 Q. Who told you, if you know, that you needed to
21 file a petition for special hearing to interpret your

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1 activities in regard to these additions and modifications
2 to this section of the county code?
3 A. We were subsequently told, because Mr. Bosley
4 challanged it, and everything that has gone on with the
5 historical buildings in the county, that, actually, the
6 Landmarks Commission approval was not adequate, and that
7 because this property, apparently, unbeknownst to us, was
8 on -- the main house anyway -- was on the Maryland
9 Historical list, that we had to go through this additional
10 hearing process.
11 Q. Well, let me ask you about that.
12 A. And we did -- so the record is clear, we did not
13 begin construction until that was completed.
14 Q. Until what was completed?
15 A. Until we had gone through that second review at
16 the Zoning Commissioner.
17 Q. So the permit was not granted until after that
18 was approved? You mean in October of '98?
19 A. I don't remember the dates I had.
20 Q. That's the date of the order. That's why I was
21 asking the question before, because I was unclear.

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1 A. We were not granted the permit, Mr. Holzer, until
2 the Zoning Commissioner had blessed this. So we could not
3 have proceeded with the main house construction.
4 Q. So you're changing your testimony to say these
5 additions to the main house were not started until after
6 October the 9th of 1988?
7 A. The actual construction of it.
8 Q. So did the construction of the additions begin at
9 the same time of the reconstruction of the ice house?
10 A. I don't remember that. Actually, the ice house
11 did not start -- the main house started before the ice
12 house, but I don't know when the ice house started.
13 Q. But your testimony now is that both the ice house
14 and the additions started after the Zoning Commissioner's
15 decision of October 9?
16 A. My recollection, we were not granted a building
17 permit to the main house until after the Zoning
18 Commissioner had issued his opinion.
19 Q. I am just asking. Now, we know from your
20 testimony what existed there in 1997 when you acquired it
21 and we know what additions or modifications you have

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1 proposed or have actually performed.
2 Let me just ask you a question on this exhibit,
3 and I got a little confused because the ice house is
4 called a pool house/studio and in some places it's called
5 a pool house/guest house.
6 A. It's been called a lot of things.
7 Q. It probably has. It's been called a lot of
8 things, but the fact of the matter is that I assume you
9 intend to have a pool somewhere, and until this morning
10 when I saw this exhibit, I gathered that you designated it
11 as a future pool?
12 A. We may have one there.
13 Q. But at some point, you may have a pool together
14 with pool/guest house/office?
15 A. Right.
16 Q. And that pool would be in the -- if this is the
17 front -- in the area where the circle is at the bottom of
18 Exhibit 11 is the front of the house. Then I assume all
19 these additions are on the back of the house?
20 A. I don't consider that the back of the house. As
21 I said, you can characterize it anyway you want. The main

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1 entrance to the house is where it is indicated.
2 Q. By the circle?
3 A. By the circle. If you can describe to me what
4 the back of the house means, then I will help you.
5 Q. Okay. If you define the main entrance or front
6 door to, or the main entrance to the house as this area, I
7 am fine with that. But the future pool area will be on
8 the opposite side of the house than the main entrance?
9 A. It's going to be -- it will be north of that and
10 west of the house.
11 Q. And I assume the pool would have to be within the
12 confines of the one acre, or whatever the side limitation
13 is for the main house?
14 A. I'm not familiar with that restriction.
15 Q. I believe that somewhere in the file there's a
16 letter from Mr. Lippencott which you might be familiar
17 with that indicates that you are limited because of the
18 Maryland Environmental Trust, or the Ag Preservation, one
19 of the groups, limits the area you can use for
20 non-agricultural activities?
21 A. Right. I have no idea whether a swimming pool

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1 qualifies as a structure or anything else. So I have no
2 opinion on that.
3 Q. Let me see if I --
4 MR. CONSTABLE: I'm wondering what bearing this
5 has on the issues before the Board?
6 MR. HOLZER: It's all a question of whether this
7 fits under 278. Mr. Chairman, if I can just look at your
8 file for a second?
9 THE CHAIRMAN: Surely.
10 MR. HOLZER: I know what it is. It was under the
11 zoning advisory comments. For the record, I am taking out
12 of what has been marked 99-49-SPHA, a September 10, 1998,
13 cover letter from Carl Richards to Mr. Constable in regard
14 to this issue. It's commonly referred to as the zoning
15 advisory comments.
16 The second page thereof is a letter from
17 Baltimore County to the development coordinator from Wally
18 Lippincott. Frankly --
19 MR. CONSTABLE: Can I take a look at that first?
20 MR. HOLZER: I just had a chance to look at it
21 this morning myself.

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1 MR. STAHL: Is there an exhibit number on that?
2 MR. HOLZER: No. I will move it. Actually, what
3 I think would make more sense is to move the whole packet
4 of material because it's part of the file which is
5 normally the zoning advisory comments. It has comments
6 from the fire marshal. I mean, I don't need them all, but
7 it's the whole zoning advisory comment packet. Take a
8 look, see if you have any objection. I don't care one way
9 or another.
10 THE CHAIRMAN: Why don't we admit just the page.
11 MR. HOLZER: I'll let the Board pull it out. I
12 will mark this as Protestants' No. 1.
13 THE CHAIRMAN: So noted.
14 Q. it appears to indicate that the Maryland
15 Agricultural Land Preservation Foundation easement
16 conflicts with or may conflict with the proposed request
17 in regard to a pool. It says the pool must be within the
18 one acre area that includes the house that was not subject
19 to the easment.
20 And with respect to the guest house, no such use
21 is permitted in the easement as well. If the guest house

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1 is within the one acre that includes the house and if
2 approved by the Zoning Commissioner, then it's okay.
3 Were you aware of these comments at the time of
4 the Zoning Commissioner's analysis and the time you came
5 in?
6 A. I haven't seen that letter, but I am familiar
7 with what we had to do with this one acre restriction, and
8 we talked with Wallie Lippincott, and we are familiar with
9 that.
10 Q. So whatever pool that might go in has to go in
11 within that one acre?
12 A. If that's an accurate interpretation.
13 I have no idea whether it is an accurate interpretation.
14 Q. Is there any document that has the one acre area
15 defined by Wally Lippincott's office that describes how
16 much development can occur within the one acre around the
17 house?
18 A. None that I have seen.
19 Q. So we don't know right now where that acre would
20 be located, or how it would be related to the barn or the
21 main house at this point?

1 A. Presumably, that acre is going to surround the
2 main house. It can be any shape it wants to be, as long
3 as it is not larger than one acre.
4 Q. It must encompass all the non-agricultural
5 activities, is that correct?
6 A. I'm not familiar with that. All I know is the
7 letter you just showed me.
8 Q. Presumably, a pool for that purpose of the house
9 wouldn't be an agriculture activity?
10 A. Presumably.
11 Q. Nor is the existing pool house? And that was the
12 subject of the letter? That was the reason he wrote the
13 letter, that that did not appear to be an agricultural
14 activity to him?
15 Let me rephrase the question. This pool house
16 will not be used to do anything other than to be a guest
17 house, a pool house, or studio, office type thing for
18 yourself, is that correct?
19 A. It is going to be used as an adjunct to the main
20 house, primarily an office for me.
21 Q. That answers the question. Are all the additions

1 that you added to the main house, those are all uses that
2 would normally function with the rest of the residence,
3 such as a kitchen, bathroom, living room, dining room,
4 whatever else, bedroom?
5 A. Yes.
6 Q. Now, the garage is something new that did not
7 exist in the original house when you bought it?
8 A. Yes.
9 Q. And that is an adaptive use, I guess, for
10 purposes of living there now as opposed to the historical
11 creation? They didn't have garages back whenever you're
12 trying to historically --
13 A. It would be difficult to be an adaptive use,
14 because it didn't exist before.
15 Q. So adaptive use only means if it existed before?
16 You're re-using what existed before in a new way?
17 A. That's my understanding, but you would know that
18 better than me.
19 Q. No, I wouldn't, because you have been in this a
20 lot longer than I have and you have been subject to a lot
21 more analysis about it.

1 Is it fair to say, from my quick calculations,
2 you were testifying the Maryland Agricultural Trust has
3 140 of the total acreage, and that all of the balance,
4 minus one other lot and the one acre around here will be
5 in the MET? I got lost when you --
6 A. I don't have the paper with me to give you the
7 exact, because, as I mentioned before, there is one
8 additional site in the MET, about forty-five acres.
9 Q. Forty-five acres would not be in the MET?
10 A. Part of that land is in the MET. The sites are
11 not fixed sites on the property, as I understand it. So
12 the land and the deed, in effect, had these sites -- you
13 could put them almost wherever you wanted them.
14 So what we have -- what the Agricultural Trust
15 accepted was, I believe it's 140 plus or minus acres, that
16 was actually planted agricultural land, and the rest is
17 pasture. And certain of that land was submitted into the
18 MET.
19 Q. But I guess my question is, just out of 190
20 acres, plus or minus, whatever, how much of those 190
21 acres are preserved so there can be no future development,

1 I guess is another way of asking the question?
2 A. As I said, we are permitted to have two sites on
3 the property. One site is this existing building and one
4 site is elsewhere on the property.
5 Q. Could the other site include as much development
6 as is occurring here, for instance?
7 A. My understanding with MET, it is not as
8 restrictive as the Agricultural Trust. But beyond that, I
9 can't tell you. I'm note an expert in that.
10 Q. Now, again, you have been put through the task of
11 having to go through all those administrative boards and
12 analyses of what you're proposing to do.
13 I just want to make sure I understand that what
14 your plan proposes, whether it's in the future, such as
15 the pool in the future, or whether it's the main house as
16 it exists now, with the addition to the main house and the
17 ice house being used in the fashion you have described,
18 there is not an effort being made to be historically
19 accurate?
20 In other words, to only build or only design in
21 this plan what was there at some historical point?

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1 A. I think I disagree with you on that, Mr. Holzer.
2 Q. Please explain it.
3 A. Are you asking me?
4 Q. Don't get upset with me.
5 A. No. You're getting upset with me.
6 Q. No. I am trying to elicit from you your
7 explanation of how this historical main building is
8 affected or not affected by what you're doing in this
9 plan, and you can chose to answer that however --
10 A. Say it again. Maybe I can understand it better.
11 Q. I am trying to elicit from you an explanation as
12 to how the historical main building is or is not affected
13 by what you're doing.
14 A. What I'm doing where?
15 Q. In this proposed plan.
16 A. The entire plan, or just the ice house?
17 Q. The entire plan.
18 MR. CONSTABLE: I don't know how he can answer
19 the question. Maybe Walter Schamu, the architect, would
20 be the better person to ask that question.
21 MR. HOLZER: He uses the word adaptive reuse.

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1 Maybe Mr. Schamu is good to ask, but I'd like to ask the
2 property owner. Let me ask it another way.
3 Q. If we had an historical building, we know what an
4 historical building looks like. Let's take the shot tower
5 in Baltimore City. We all know what it looks like.
6 Suppose you're going to put a three-story office
7 building in conjunction with that shot tower and
8 adaptively reuse the shot tower in some fashion. Okay?
9 My question to you is, are you trying in this
10 plan to preserve the actual historical buildings that are
11 on the Landmarks list, or are you suggesting that
12 modification of what it looked like historically is
13 appropriate for your project?
14 A. What we have sought to do, and I think have
15 accomplished, to preserve the existing structures that we
16 could and in the fashion that they were originally
17 constructed.
18 And then, in addition, modify, in the case of the
19 main house, modify that structure consistent with what we
20 understood to be the Landmarks Commission guidelines to
21 modify that structure so that it had certain amenities

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1 that fit the way we all live now.
2 Not unlike, I might add, what was done in 1854
3 when the original two-story Federal building was expanded
4 by more than twice, perhaps three times its size, to
5 adjust to the use of the Bosleys in the middle of the 19th
6 century.
7 And we have done the same thing. We preserved
8 what's there and modified it in a way we think is
9 historically consistent with the way those buildings were
10 constructed, in the style with the way they were
11 constructed, in a fabric the buildings were constructed,
12 but that accommodates 20th century use.
13 And in the case of the outbuildings, we have
14 endeavored to preserve them exactly as they were. And the
15 ice house is the only adaptive reuse facility that we have
16 where we have preserved the exterior of that building and
17 adjusted the inside to accommodate current use.
18 Q. Does the garage affect the historical
19 significance of the main house when you attach it to the
20 main house when, obviously, historically, garages were not
21 attached to this Conclusion farm main house?

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1 A. You'd have to ask somebody more expert in the
2 area than me.
3 Q. But you're making no effort in this plan to be
4 able to show someone that might come to Conclusion Farm
5 that this is the way the Conclusion Farm main house looked
6 in 1850?
7 A. I disagree strongly with that. I think if you
8 looked at that first picture you would see the main
9 entrance to the house and the main buildings are all being
10 preserved just the way they were.
11 And that the garage -- excuse me -- the garage,
12 as you call it, was constructed in a way it loooks like an
13 adjoining outbuilding and constructed in a fabric and
14 design that would or could have been built in 1854, or
15 built for another use, obviously.
16 Q. Obviously, if I went to Mt. Vernon, I wouldn't
17 expect to see a garage and a pool in the back yard of Mt.
18 Vernon, because it wouldn't give me the same understanding
19 of George Washington's home as it does without it. So my
20 question to you was, you have testified as to what you
21 would do and you have testified about a pool that doesn't

1 exist --
2 A. I have already indicated I didn't want to have a
3 museum. I wasn't interested in Mt. Vernon. And it's not
4 accommodated to the 20th century. And this house is being
5 accommodated to the 20th century. So we can talk about
6 the shot tower and Mt. Vernon and --
7 Q. You answered the question better that time, maybe
8 much better. For purposes of the record, the Baltimore
9 County Landmarks list has the main house, and I know Mr.
10 McGrain is here, but it has the main house existing, as it
11 existed. I gather just this much of it?
12 A. No. All the parts as indicated is existing
13 construction.
14 Q. Let me rephrase the question. Did the main house
15 go on the Landmarks list with the additions that are shown
16 on Petitioner's 11 with the hatch marks?
17 A. I don't know what your answer to the question is.
18 Q. Let me ask you another question. When did the
19 main house go on the Landmarks list?
20 A. I already testified to that. It went on before
21 we purchased it.

1 Q. Before you purchased it?
2 A. Certainly. Before the construction began.
3 Q. So you didn't request that it be placed on there,
4 did you?
5 A. No.
6 Q. Do you know who did?
7 A. I wouldn't speculate.
8 Q. Is the bank barn still on the list?
9 A. Yes.
10 Q. The bank barn, the main house, is on the list.
11 The spring house is this house back here?
12 A. Uh-huh.
13 Q. The stone -- the upping stone, I don't know
14 whether it has it on there, but what is it? Is that just
15 a small stone?
16 A. Right. Shown right there in the middle of the
17 circle.
18 Q. And then the last thing would be the two gates.
19 Where are the two gate?
20 A. They are not shown there.
21 Q. Would that be out on the road entrance?

1 A. Out on the northern road entrance.
2 Q. Mr. Bosley wanted me to ask you when was the silo
3 torn down, do you recall? Was that after you acquired the
4 property?
5 A. Yes.
6 Q. Do you know when after 1997?
7 A. I don't remember when after.
8 Q. Did you have a permit to remove that at the time?
9 A. The silo was among the structures that was
10 falling down. It was ill-constructed. And I don't know
11 what the --
12 MR. CONSTABLE: I am going to object to the line
13 of questioning. The silo is not an issue.
14 THE CHAIRMAN: It really didn't come up during
15 the direct examination, so I will sustain the objection.
16 Q. The stone barnyard, do you know what I'm
17 referring to there? Did you alter the smokehouse roof?
18 MR. CONSTABLE: Objection. Same objection.
19 THE CHAIRMAN: I don't recall the smokehouse
20 coming up in the direct examination. Sustained.
21 MR. HOLZER: I have no further questions.

1 MR. CONSTABLE: No questions on redirect.
2 THE CHAIRMAN: The witness may be excused.
3 Thank you, sir. I think this would be a good time to take
4 a lunch break until about 1:30.
5 (A luncheon recess was taken.)
6 - - - - - - - - - - -
7 AFTERNOON SESSION
8 - - - - - - - - - -
9 THE CHAIRMAN: Back on the record. Mr.
10 Constable.
11 MR. CONSTABLE: Thank you, Mr. Chairman, members
12 of the Board. If we can put on the record that the
13 picture of the sign that was posted notifying the public
14 of the hearing on the variance and the special hearing on
15 Section 26-278, that is in the Board's file, that can be
16 made an exhibit, for the record.
17 MR. MELVIN: No. 19.
18 THE CHAIRMAN: Any objection, Mr. Holzer?
19 MR. HOLZER: No.
20 THE CHAIRMAN: That will be so admitted.
21 MR. CONSTABLE: What I'd like to do next, before

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1 I call Mr. Schamu, is put into the record the minutes of
2 the Landmarks Preservation Commission and the approprite
3 numbers. Exhibit 1 is the minutes of the meeting of March
4 12, 1998. Exhibit 2, minutes of the meeting of April 9,
5 1998. Exhibit 3 is the technical meeting report.
6 Although that was not dated with specificity, I believe it
7 was on or about April 27, 1998. Exhibit 4 would be the
8 minutes of the meeting of May 14, 1998. And Exhibit 5
9 would be the minutes of the meeting of July 17, 1998. And
10 then Exhibit C is the letter from John McGrain to the
11 Buildings Engineeer. That would be the equivalent of a
12 certificate of appropriateness to allowing the project to
13 go forward to the extent or subject to any future risks.
14 Now, I would like to refer the Board to several
15 comments in these meetings that I think are helpful. In
16 the minutes of the April 9, 1998 meeting, section four
17 dealing with permit applications, subsection a deals with
18 Conclusion Farm.
19 At the bottom of the page, Mr. Carsky and members
20 move to advise the farm owners the work proposed for the
21 dwelling was correct in concept and should be further

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1 developed.
2 Then in the technical committee report, I read on
3 page three, the committee was pleased with the owners'
4 selection of architects and builder and feel that the
5 interest of all parties involved will result in the most
6 positive restoration and preservation of a beautiful
7 historic farm in Baltimore County.
8 Now, this is a technical committee of the
9 Landmarks Preservation Commission that had gone out to
10 review the changes to the main house as well as the barn.
11 In the minutes, also of May 14, 1998, in section
12 three under permit applications, subsection c, Mr.
13 Reynolds noted that although the committee was greatly
14 impressed by the caliber of the overall project, it goes
15 on to talk about they still had some concerns about the
16 stone barn, which was later resolved, but I note that they
17 were greatly impressed. This is the caliber of project
18 that we have been talking about.
19 In the minutes of July 17, 1998, which is the
20 meeting that approved the final plans for the main
21 dwelling, Mr. Rodgers, Tim Rodgers, a member of the

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1 commission, remarked Conclusion Farm was in deplorable
2 condition and praised the prospective residents for saving
3 the building.
4 So I would like to read into the record and those
5 are exhibits stipulated to.
6 MR. HOLZER: No. I don't have any objection to
7 the documents going in as evidence, but I'm not
8 stipulating as to the contents, or what you read, or that
9 I agree with it.
10 THE CHAIRMAN: Simply stated, the Board is going
11 to have an opportunity to read all those.
12 MR. HOLZER: I am going to do the same thing to
13 him he did to me, so I wanted to give him full latitude.
14 I am agreeing that's an accurate reflection of what the
15 minutes are, and it is what it is.
16 So I'm not agreeing with it, but I agree it is
17 what it is. I assume you will do the same thing with what
18 I am about to do as far as the transcript.
19 THE CHAIRMAN: Let the record reflect you're
20 actually going to --
21 MR. HOLZER: If not, then maybe I will object to

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1 all these.
2 MR. CONSTABLE: With that being said, unless the
3 Commission would have any questions of Mr. McGrain?
4 THE CHAIRMAN: No. I think the Landmarks
5 Preservation Committee minutes speak for themselves, and
6 Mr. McGrain's comments are certainly incorporated in there
7 as the county historian. I see no need for him, unless
8 you do.
9 MR. STAHL: It's your witness.
10 MR. CONSTABLE: Thank you, Mr. McGraian.
11 THE CHAIRMAN: Thank you, Mr. McGrain.
12 MR. HOLZER: One moment, Mr. McGrain, before you
13 leave. So I don't have any trouble, I have just one
14 question.
15 Are you aware in your file of the Landmarks
16 Commission hearing transcripts that were transcribed by
17 Towson Reporting Service for May 14, July 9th?
18 MR. McGRAIN: I know they were transcribed.
19 MR. HOLZER: Do you have them in your file?
20 MR. McGRAIN: I think they are strictly Mr.
21 Bosley's.

1 MR. HOLZER: Thank you.
2 MR. CONSTABLE: Mr. Chairman, I was chairman of
3 the Landmarks Preservation Commission for about five
4 yuears and on it for an additional five, so he and I give
5 each other a lot of latitude. Walter, are you back there?
6 Would you approach?
7 MR. HOLZER: I will stipulate to Mr. Schamu's
8 expertise based on the Petitioner's Exhibit No. 7, which I
9 believe is his resume.
10 THE CHAIRMAN: That is correct.
11 MR. CONSTABLE: I would like to update the
12 resume, so what I am going to do, Carroll --
13 MR. HOLZER: I'll accept another one as well.
14 MR. CONSTABLE: I will show it to you.
15 W A L T E R S C H A M U,
16 having been called as a witness, was duly sworn and
17 testified as follows:
18 THE CHAIRMAN: Just for the record, Mr. Schamu,
19 spell your full name.
20 THE WITNESS: Walter Schmau. S-c-h-a-m-u.
21 DIRECT EXAMINATION

1 BY MR. CONSTABLE.
2 Q. Mr. Schamu, I am going to show you a copy of your
3 resume.
4 A. Right.
5 Q. The most recent resume. Is that your resume?
6 A. Yes.
7 Q. Is it accurate?
8 A. Yes.
9 Q. Prepared by you?
10 A. Yes I.
11 MR. CONSTABLE: I move this be admitted as No.
12 20.
13 MR. HOLZER: No objection.
14 MR. CONSTABLE: Thank you for the stipulation,
15 Mr. Holzer, but I do want to just go back, briefly.
16 Q. We won't go through all the technical stuff about
17 licenses and all that, but just your experience in
18 historic property and historic renovation.
19 A. Very briefly, thirty years experience in
20 architecture trade from the University of Pennsylvania and
21 moving down here in 1980 -- sorry -- 1970, and opened my

1 office in 1982 with particular focus on historic
2 preservation and restoration of projects, some of which
3 you may know, the landmarks buildings in downtown
4 Baltimore, the Alex Brown building, the Maryland Club
5 Building, the Washington College, William Smith Hall and
6 the Custom House in Chestertown.
7 It's a focus of our practice, although we have a
8 regional practice, do all kinds of work. My particular
9 interest is in the study of that endeavor working in the
10 realm of historic preservation.
11 Q. Are you familiar with the Secretary of the
12 Interior Standards?
13 A. Yes.
14 Q. Would you explain those?
15 A. The Department of Interior has put out ten
16 guidelines by which when, particularly when state or
17 federal moneys are used in the restoration or remaking of
18 historic projects, those ten guidelines, ten commandments,
19 as we call them, are used, and pretty much have to be
20 adhered to if you want certification of an historic
21 structure. Those were basically in our head, and we use

1 them as guidelines in all our work.
2 Q. Can you summarize the policy contained within
3 those guidelines regarding adaptive reuses and mixture of
4 the new with the old?
5 A. The guidelines are written to give architects and
6 the general public some method of approaching really all
7 sorts of preservation and restoration projects, so they
8 are broadly written and have to be applied, I guess, with
9 a great deal of specificity as to the individual project.
10 In general, they try to address teaching us as
11 preservationists how to handle the older buildings in a
12 possible way, trying to bring them back, when additions
13 are called for, appropriate additions, appropriate
14 materials, use of appropriate scale and architectural
15 fabric treatment, and it's the "appropriateness," is the
16 operative word.
17 Q. It is not uncommon to mix the new with the old?
18 A. It is not.
19 Q. And why is that?
20 A. Well, they want you to really to be able to look
21 at a building, have the building tell the story of its

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1 development and its changes over time.
2 As we know, this building has added on -- the
3 main house at Conclusion Farm was added onto significantly
4 in the 1850s, and other changes occurred, I'm sure, over
5 the years. They like the building to be pretty much as a
6 book, a guideline.
7 Number 10 specifically says contemporary
8 additions in and of themselves will not be discouraged,
9 which is an odd way of saying they are not going to be
10 encouraged, but not going to be discouraged.
11 So in the design of these additions, what we do,
12 we try to work with the appropriateness, work within the
13 character of the existing building, and let the older
14 pieces shine, and the additions are really subservient to
15 the structure and the main historic part of the building.
16 Q. Do the guidelines frown upon additions to
17 historic structures?
18 A. They pretty much recognize that buildings change
19 over time. That's exactly the quote from the guidelines.
20 They would discourage you from going on the roof, adding
21 something to change the profile of the building as you saw

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1 it in the horizon or on the skyline. But for the most
2 part, you can add on.
3 They do discourage you from adding onto the
4 primary facade. They do want you to add onto the side or
5 back, or the less significant portions of the building.
6 Q. Now, when were you engaged by the Reipes to help
7 design additions and help them with their restoration of
8 the project?
9 A. I talked to them in the spring, early summer of
10 '97.
11 Q. What did they request you to do?
12 A. They had, as previously testified, they had put
13 together a review process and interviewed several
14 architects at the time. They were interested in what I
15 could bring to the table with my experience, locally. And
16 they had also talked to John Milner, and asked if John
17 Milner and I could work together in what would be a rather
18 significant restoration of his property including not only
19 the main building, but all the outbuildings. They asked
20 us to find a landscape architect, also brought a landscape
21 design person on board.

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1 My roll was to be the coordinating architect, to
2 do the overseeing of the whole project. There were many
3 facets to the project that hadn't been discussed, bringing
4 in the power lines, reworking of roadways, substantial
5 trees that needed to be preserved and new trees brought
6 in, a many faceted project, and remains a fascinating
7 project from any point of view.
8 It was a major undertaking and they wanted to
9 have, in their opinion, I guess, enough help that no
10 mistakes were made.
11 Q. You mentioned John Milner. Can you tell the
12 Board who John Milner is?
13 A. John Milner is restoration preservation architect
14 recognized nationally, if not internationally, as a leader
15 in his field. His expertise, and particular expertise in
16 this case, was on 19th century farmhouse buildings. He's
17 done 19th and 18th century restoration, and I believe his
18 CV is in the file right now.
19 MR. CONSTABLE: His CV, members of the Board, is
20 Exhibit 8.
21 A. It was a great honor to work with John. He's

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1 really a draftsman of what he does and has brought to this
2 project an enormous amount of experience in restoration of
3 the buildings.
4 Q. When did you first visit the property?
5 A. I believe the earliest was in July, from my
6 recollection, and my proposal to the Reipes was in July of
7 '97.
8 Q. You made a personal visit to the property?
9 A. Yes.
10 Q. Can you describe what you found?
11 A. Well, we found the farmstead, as I called it, the
12 main farm building, it was in pretty sad shape. Basically
13 all these buildings needed some sort of repair or
14 restoration.
15 There were no systems in place that I can
16 remember. The plumbing, electrical, heating, all that was
17 pretty much abandoned. The buildings, the paint on the
18 porches and adjacent buildings had all pretty much worn
19 away. Some of the outbuildings, as Mr. Reipe has
20 testified to, were in a state of not near collapse to
21 potential collapse. The ice house was leaning to the

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1 north several degrees, which shows in photographs. It was
2 a weeded, abandoned, pretty much desolate spectacle.
3 Q. The ice house, in your experience, was the ice
4 house part of an agricultural complex, a complex of
5 agricultural buildings?
6 A. Yes, it was.
7 Q. It's use was for the storage of ice for
8 agricultural purposes?
9 A. We believe so.
10 Q. And it was a two-story structure, wasn't it?
11 A. Yes.
12 Q. What was the second story used for?
13 A. I did not go up to the second story. There was a
14 partial stair that had pretty much deteriorated. Several
15 of the treads on the stairs were missing. I believe there
16 was a loft space on the upper floor of the ice house.
17 Q. You have heard Mr. Reipe describe the historic
18 character of the neighborhood. In order to save time,
19 would you have anything to add to what he said, or do you
20 agree with him?
21 A. I agree, obviously, with the sweeping

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1 generalization it's an historic property. It's obvious.
2 Some of the expectations that he had going in, which were
3 often dashed by older buildings, you see six or eight or
4 ten layers of paint, or a lot of the material that the
5 facing has been changed over time.
6 I think one of the nice aspects of the Conclusion
7 Farm is that the original wood graining on the historic
8 doors of the 1854 section was really still there, one
9 coat, hadn't been over-painted. The wood doors were
10 there.
11 The mantles for the most part that were left in
12 the building seemed original. So a lot of original fabric
13 was still in place, and that was exciting to John and me,
14 and to the Reipes to find.
15 Q. You heard Mr. Reipe discuss what parts of the
16 building as it existed in 1997 or '94, perhaps, were
17 removed.
18 Can you describe those?
19 A. He mentioned, and there is photographic evidence
20 of some small one-story stone additions off the back, one
21 being used as a toilet room. The other he referred to,

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1 whether it was the case or not, as the still. It was just
2 kind of a window. A room tucked off the main hall. Those
3 were in bad shape, as the western side of the property. A
4 lot of repointing was necessary throughout the building of
5 the masonry which was the concrete in between the stones.
6 The front porches were in a very deteriorated state.
7 Those also were removed.
8 That was an issue with the the Landmark folks.
9 We disassembled them, saved all the pieces, sat the pieces
10 on the lawn, and did it really go to the archeology on the
11 building, to understand what, really, the original tracery
12 might have been of a similar or of a different roof. We
13 did find a different roof at the front door or portico
14 roof. Rather than continue as the porch roof across the
15 front, those pieces were removed during sort of a
16 discovery period of what the building held for us.
17 Q. Did you make an effort along with Mr. Milner to
18 work closely with the Baltimore County Landmarks
19 Preservation Commission?
20 A. Yes. We made several presentations them, and
21 they did visit the site.

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1 Q. Can you describe, briefly, the presentations?
2 Pardon the leading nature. You made a presentation on the
3 initial concept?
4 A. Yes. And we received an approval in concept of
5 what we were to do. They generally look favorably upon
6 restoration and stabilization of buildings that certainly
7 were on the Landmarks list.
8 They looked at the additions we were proposing
9 and schematic stage to the house and looked favorably upon
10 those. They were to the rear or view side of the house,
11 rather than the approach side. They asked that they could
12 make a site visit to determine, in fact, the nature of the
13 barn restoration, since there was a dispute at that time
14 as to how extensive and how literally that should be
15 rebuilt, whether stone, or, as Mr. Reipe said, in a lesser
16 manner.
17 We were trying to cut down on the cost of the
18 barn restoration. They visited the site. I believe Mr.
19 Bosley was there for that visit. They were comments made
20 as to the age of the various buildings and investigations
21 of just all the property that was there. They seemed

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1 satisfied we were proceeding in the right manner.
2 Q. Let's switch to the ice house for a moment that's
3 shown in the various pictures that are up there as well
4 as --
5 MR. CONSTABLE: Did we mark this as an exhibit?
6 MR. MELVIN: That's No. 18, if you want to mark
7 that now.
8 Q. Exhibit 18 is a picture of the ice house as
9 built, I understand. Perhaps the siding has not been put
10 on?
11 A. The project is incomplete at the moment, but
12 under construction. Those are the drawings by which the
13 contractors proceed. So, yes, that is the building.
14 Q. Now, you were here when MrReipe Redit testified
15 that he, for adaptive reuse purposes, he needed two
16 stories?
17 A. Yes.
18 Q. In your experience as an architect, how difficult
19 would it have been for him to get two stories in this ice
20 house, if the ice house was limited to fifteen feet?
21 A. Well, we really couldn't do it. The attic space,

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1 or the second story space for the roof pitches the
2 building had, and has today, we wanted to maintain those
3 roof pitches, because they were part of the profile of the
4 original building, the original setting of it next to the
5 building, so we came up with a plan that we have before
6 you today.
7 Q. It was two-story before?
8 A. Yes.
9 Q. I think you heard Mr. Holzer make a suggestion
10 that you could have dug deeper. Would that have been a
11 feasible solution?
12 A. It's always possible. In a way, we felt we
13 compromised remarkably well the garage and the family
14 entrance area to the house and this lower level of the ice
15 house could be at the same level.
16 I suppose you could also dig down deeper. There
17 is rock there. There is a large outcropping of rock that
18 was discovered as we excavated for these foundations. We
19 felt we should stabilize, really, the upper portions, set
20 it as it was before, and try to lower the grade below and
21 it wouldn't be viewed from the front and is a nice way

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1 tying the ice house back into the main structure.
2 Q. Had the condition of the ice house not
3 deteriorated quite to the extent it had to be dismantled,
4 would you have, or your contractor, to the best of your
5 knowledge, done the renovation within the standing
6 structure?
7 A. We could have. We could have put a one room --
8 basically a one-room function in there. As we are showing
9 on this, we do have a fifteen-by-fourteen or so addition
10 which has a bathroom in it that could have been appended
11 onto the main ice house the same way, but would not have
12 really accommodated them as they had wished.
13 Q. In your opinion, is the renovation in Exhibit 18
14 the type of historic restoration that would meet with the
15 Secretary of Interior Standards?
16 A. I believe it would. I believe it's working in
17 the vocabulary of a rural farm architectural statement or
18 rural statement. We have actually replicated as closely
19 as we could the farm and roof form. The original ice
20 house had a single gable or single dormer. We added two
21 dormers on it and, obviously, added windows for light and

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1 ventilation.
2 I don't think we'd be fooling anybody if we
3 looked at it and said this isn't of the modern period.
4 We used new windows in it. We put -- actually,
5 it's a cedar shaped roof on it. I think it's within the
6 appropriateness of the guidelines. I think it's in the
7 nature of the buildings, smaller outbuildings next to the
8 main house.
9 I think we'd be going against the stream if we
10 were to abandon this idea of putting it within that
11 one-acre circle, and a newer building somewhere else on
12 the property. The house really has no back door. It is
13 viewed from all sides when standing around it. So this
14 seemed to be the obvious place to build and rebuild what
15 was there.
16 Q. Would you, as an architect, consider the ice
17 house today as built an historic restoration of an
18 existing ice house?
19 A. I would -- it's on the same footprint,
20 essentially the same size, same feel, and look. It was
21 our intent to replicate as closely as possible.

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1 Q. Do you know how tall the ice house was, the
2 original ice house, prior to dismantling it?
3 A. It was dismantled. We have gauged it really by
4 the photographs. We believe it was every bit of what it
5 is right now, sixteen to seventeen feet.
6 We don't believe it was a conforming structure
7 when it was there in all its glory standing straight until
8 the year and a half ago, so it is now approximately --
9 measured this within the last two weeks and photographed
10 the building -- it is approximately seventeen feet from
11 the ridge line of the main roof down to the grade on the
12 east side.
13 Q. Seventeen?
14 A. Seventeen.
15 Q. Now, there's a tool shed behind the ice house, is
16 that not right?
17 A. Yes.
18 Q. That's the original tool shed?
19 A. Yes, it is.
20 Q. That's been renovated?
21 A. Yes.

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1 Q. To your recollection, sometime in 1997 when you
2 first visited the property, was the tool shed higher or
3 lower than the ice house?
4 A. The tool shed was higher in the photographs we
5 have, I think.
6 Q. As of today, is the tool shed higher or lower
7 than the ice house?
8 A. The photograph, two weeks ago, the tool shed has
9 been skeletonized and stabilized and foundation put
10 underneath it. And it is approximately eighteen feet from
11 the ridge to the adjacent grade, but it also sits higher
12 on the slope.
13 Q. Now, I am going to show you some photographs.
14 The first one I'm going to mark for identification,
15 Exhibit 21, tell me who took the photograph.
16 A. I took this photograph two weeks ago. It's
17 looking west, or southwest, I guess, forty-five degrees,
18 back at the main house, showing the new garage and showing
19 the ice house and the tool shed.
20 Q. Is this an accurate depiction?
21 A. Yes, it is.

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1 MR. CONSTABLE: I am going to move this in as
2 Exhibit 21.
3 THE CHAIRMAN: So admitted.
4 Q. Now, while the Board is taking a look, the ice
5 house is the building with the dormers?
6 A. Yes, it is.
7 Q. And behind that is the tool shed?
8 A. To the right, yes.
9 Q. And below that to the left would be the garage,
10 the new garage, slightly lower?
11 A. Yes.
12 Q. And the profiles here, the elevations, are
13 approximately the same as they existed before?
14 A. I believe they are.
15 Q. Now, the next photograph looks like some of the
16 same structures, but from a different angle?
17 A. This is the same subject matter. I just went
18 further out in the field to get a straight-on elevation
19 photograph of those two buildings. The building on the
20 right is the corn crib.
21 MR. CONSTABLE: I am going to mark this

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1 Petitioner's 22.
2 MR. HOLZER: No problem.
3 THE CHAIRMAN: Admitted.
4 Q. Again, the ice house has the dormers, and the
5 tool shed and the corn crib?
6 A. Yes.
7 Q. The corn crib was one of the structues in
8 existence?
9 A. Yes.
10 Q. The Reipes have preserved that structure?
11 A. Yes.
12 Q. Was that sructure in good or bad condition?
13 A. It was servicable. It was in moderate condition.
14 They put a roof on it, replaced some of the siding, but it
15 basically was in moderate to good condition.
16 Q. Another picture. Again, this is a little
17 different than 22?
18 A. This is similar to the other exhibit. It shows
19 the adjacency of the garage and the main house. It's the
20 same place, just shifting the camera slightly to the left.
21 MR. CONSTABLE: Mark this as Petitioner's No.

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1 23.
2 THE CHAIRMAN: Any objection?
3 MR. HOLZER: No.
4 THE CHAIRMAN: Admitted.
5 MR. CONSTABLE: Thank you.
6 Q. Now, I'm going to show you two pictures on one
7 piece of paper on your firm's stationery. Can you
8 describe those, when they were taken, who took them?
9 A. These were taken by me approximately at the
10 initiation of my involvement in the project, so it would
11 the summer of '97. The upper photograph labled
12 Conclusion Farm is standing on a hill which is really to
13 the southeast, I guess, of the main property, so you have
14 a view down looking at the farm buildings.
15 The lower photograph labled outbuildings is a
16 view from the west side of the property looking east back
17 up at the ice house, which is leaning, I will say, two to
18 three degrees to the north. The tool shed and the corn
19 crib beyond.
20 MR. CONSTABLE: Mark this as Petitioner's 24.
21 MR. HOLZER: No objection.

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1 THE CHAIRMAN: Admitted. 24A and B.
2 Q. The ice house as it existed prior to it being
3 dismantled in the lower picture, and you can see the
4 dormer, and I believe the building on the left, Mr.
5 Schamu, is it the tool house?
6 A. Yes, it is. And behind that to the left would be
7 the corn crib.
8 Q. Now, do you know whether the ice house appears in
9 the top picture?
10 A. I'd have to see it again. I believe it does. It
11 might be one of the view vantage points where you can see
12 the ice house looking down on the site.
13 Q. So if you spot it?
14 A. See the gable, and the door that's open? That's
15 the ice house.
16 Q. So it's the little house just to the right of the
17 main house, is that right?
18 A. Yes.
19 MR. CONSTABLE: That's what he was pointing at,
20 that house right there, and the tool shed would be behind
21 that.

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1 Q. Would you say that, as of '97 when the photo was
2 taken, this was a good depiction of the cluster of the
3 agricultural buildings?
4 A. Very good.
5 Q. I don't know whether I asked you this. I think I
6 did. In your opinion, did the renovations meet the
7 Secretary of Interior Standards?
8 A. I believe they did.
9 Q. Now, you know the main dwelling is on the
10 Maryland Environmental Trust Inventory and also on the
11 final list of the Landmarks Preservation Commission?
12 A. Yes.
13 Q. So you would assume that it's historic?
14 A. Yes. We have the actual listing that John
15 McGrain's office developed on the property, so we are
16 familiar with the various stages of evolution of the
17 builodings, the building that we knew were on the actual
18 list, and the history of the property back to the early
19 1800s.
20 Q. In your opinion as an architect who dealt in
21 historic preservation before, is that dwelling house as an

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1 historic structure being preserved?
2 A. I believe it has, remarkably well. I can
3 elaborate.
4 Q. Go ahead and elaborate.
5 A. From the roof, down the layers of roof that were
6 taken off, there's a new metal roof on the property. All
7 the stone has been carfully repointed not only with just a
8 cement mixture but with a darker sand gravel mixture that
9 was appropriate to the original mortor application. We
10 went to extensive lengths to find masons to do the work.
11 The four porches taken off were falling off. We found
12 evicence of earlier porches and a portico over the front,
13 so we have done that archology on the front of the
14 building. The windows, as much as we can, have been
15 maintained in the old building, the old glass. It
16 probably goes against what a lot of people who want brand
17 new windows want to do, and we tried to retain as much of
18 the old character of the building as possible.
19 On the interior, the floors have been maintained,
20 have been sanded, and probably not sealed, what we call
21 screened, so they will have the texture and quality of the

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1 original wood floors that were in the building. The
2 architecture treatment on the inside, wain coatings of the
3 mantles, where they exist, would be retained. And the
4 main historic portion of the building, the 1800 portion
5 where we found evidence of it would be retained. Where
6 it's been pulled off or missing would be replicated and
7 put back in.
8 All of the interior spaces including the very
9 shallow roof, ceiling area of the third floor bedrooms
10 will be retained. There was an opportunity to add
11 skylights to those bedrooms because the windows are quite
12 low to the floor. They have no view from the third floor.
13 There will be no skyights at all in the property.
14 Again, the dictates of what was there is to be
15 retained and the restoration has been really the mark of
16 what we have been providing. The markers of what we have
17 been providing.
18 Q. Did Mr. Reipe or the Reipes tell you that they
19 wanted a building that could be a home office, perhaps a
20 poolhouse, or studio?
21 A. Sure, that was discussed, as we talked about the

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1 use of and what to do with the ice house. It seemed
2 natural, a small office area away from the main house and
3 the noise and confusion of the main house would make
4 sense. There's been discussion of a swimming pool. We
5 have shown it on the site plan. I don't know to this date
6 whether they intend to put one in or not.
7 Q. Had the ice house not been rebuilt to act as an
8 office and studio, what would the alternataives be for the
9 Reipes?
10 A. Well, the alternatives would be to find another
11 building there that might be used for that, the corn crib
12 or tractor shed or the tool shed. Those didn't seemed to
13 lend themselves. They still have a varying use. They
14 need a tractor shed. The tool shed has a place to park
15 the trailer, and the tool shed will be a workshop. The
16 other option would be to inscribe that circle somehow and
17 find a place to build yet another building.
18 Q. Yet another building or yet two other buildings?
19 A. Or perhaps two other buildings to -- if you
20 separate the office function from the poolhouse function
21 and restore, of course, the ice house.

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1 Q. From the standpoint of maintaining the historic
2 integrity of this farm, would that have been a variable
3 solution, or preferred solution?
4 A. Not preferred. I think part of the appeal of the
5 buildings as they sit right now, as they did two years
6 ago, is that these buildings mark this way up the hill
7 towards the barn. It's really a remarkable site, and the
8 Reipes want to retain that. It was their intent to turn
9 the farm into a farm in the sense they are not farmfields,
10 but they wanted the look and feel of the county house to
11 be maintained.
12 Q. Would you say the ice house and that project on
13 the ice house is unique in comparison with other buildings
14 in the vicinity?
15 A. I would say it is. I mean, there are certainly
16 other opportunities, other buildings around. Mr. Reipe
17 talked about a similar building on his Tanyard Road house
18 that was an outbuilding taken over. But it's unique for
19 us to find an owner who wants to work within the
20 constraints and limitatiions of some of these existing
21 buildings, rather than just tear tear them down and build

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1 brand new and put in, for example, a four-car garage
2 instead of a two-car garage.
3 I think great restraint was used throughout the
4 property on all the buildings, to not overburden the
5 existing buildings with any major additions or any
6 significance changes. They still had to accommodate their
7 lifestyle. I think we did that remarkably well.
8 Q. The historic character of the ice house within
9 the complex of historic farm buildings, in that context,
10 was that ice house unique as opposed to any other
11 structures within the county, your average structure?
12 A. I don't know. I would say it's probably other
13 ice houses around similar to this. There are other
14 iceputs.
15 Q. Well, I'm not talking about whether there are
16 other iceputs. I am talking about whether it's a unique
17 structure?
18 A. No.
19 Q. It's not a unique structure?
20 A. The one that we took down?
21 Q. Yes.

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1 A. Not necessarily. It's an old frame building with
2 log posts stuck in the ground. There are plenty of those
3 in the county. What we built back is unique in the sense
4 it's got a new use and it's straight now, and not leaning
5 towards the north.
6 Q. Was the ice house part of the history of that
7 farm?
8 A. Yes.
9 Q. And it's on the same site?
10 A. Yes, it is.
11 Q. It's the same width and depth, approximately?
12 A. It is.
13 Q. And approximately the same height?
14 A. Yes, it is.
15 Q. And approximately oriented the same direction?
16 A. It is.
17 Q. Do you know whether it's visible from Gerber Road
18 or Thornton Mill Road?
19 A. It's pretty hard to see it. It's really blocked
20 on the north from other buildings, and on the east it's
21 far over the fields. I suppose, from Thornton Mill, you

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1 might be able to see it in the wintertime.
2 The summer, it's difficult to see, blocked by the
3 main house from the south. From the west, you have no
4 view until you come up through the field. Certainly can't
5 see it from the road.
6 Q. If you were to grade this restoration project for
7 Conclusion Farm on a one to ten scale, where would you
8 grade it?
9 MR. HOLZER: Objection. I would hope he would
10 grade himself being ten the best, but I don't think that's
11 appropriate.
12 THE CHAIRMAN: I'll let him answer.
13 A. We think it's poster child for the restoration
14 and for doing the project the right way. I am amazed at
15 all the controversy and the back and forth about the
16 simple building. One does have to put one's architecture
17 ego into check when you're doing historic restoration and
18 preservation projects.
19 I identified with this because it's unique in the
20 sense of an old building that was there. When we were
21 done, it still looks like an old building that was there.

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1 It doesn't have my name on it, other than we helped bring
2 it back and restore the whole property to what we feel is
3 an excellent example, I guess, of adaptive use, or re-use
4 of existing historic structures with a new use for the
5 20th century, soon to be 21st.
6 MR. CONSTABLE: Thank you. That's all I have.
7 CROSS EXAMINATION.
8 BY MR. HOLZER:
9 Q. So I guess what you're really saying is that when
10 you qualify it by adaptive use or re-use -- this is the
11 first time I've come across those words. I don't deal
12 with renovation all that much. -- but really what you are
13 saying is that your efforts, Mr. Schamu, and that of the
14 other architect, were not to restore the main building,
15 the main house, to its appearance in any one year such as
16 1850 or 1790 or 1900, is that correct?
17 A. Not quite correct.
18 Q. Tell me how I'm not correct.
19 A. Well, we didn't exactly throw a dart at a
20 calendar and say we are going to take it back to 1970 or
21 1890. We did do research, and understand that there's an

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1 1800 portion, an 1854 portion. The federal style material
2 that was in the federal building, we like to retain. The
3 more Victorian-Edwardian, whatever it was as it came along
4 later was a different period, so we recognized it.
5 By taking off the front porch, we found an
6 earlier portico porch which predated, I am going to guess,
7 say, a 1900 porch, so we have a bit of mixed calendar here
8 as to what the date was.
9 Q. Well, be that as it may, my real question is -- I
10 guess if I'm a school kid in Baltimore County and I'm
11 reading the history books, and I'd like to go see what a
12 farmhouse looked like that the Baltimore County Landmarks
13 Commission has decided to preserve as representative of an
14 old historic farmhouse, I really can't see that when I
15 look at this, when I look at your redesign of that
16 building, can I?
17 A. Are you testifying?
18 Q. I am asking a question. Can I?
19 A. I can.
20 Q. You can. But if I am a school child that's in
21 the eighth grade, when I go look at that building, I don't

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1 see what it looked like in 1790 or 1850 or 1900?
2 I see a possible swimming pool. I see a two-car
3 garage. I see a modern addition to the back. I see lots
4 of things that remind me of every other house in a
5 subdivision in northern Baltimore County, don't I?
6 A. I am not sure I know how to respond, but I don't
7 see that. I see a building that tells a story over a
8 period of a decade. And I can explain that to a child and
9 probably explain that to a lawyer.
10 Q. I doubt that. I have grave reservations that
11 you're that good. You may be that good as an architect.
12 Let me ask you this way. For those of us who
13 have grown up and we see what the world looks like today,
14 there are examples of what buildings looked like in the
15 1700s and the 1800s and the 1900s.
16 For instance, things that are of historical value
17 to us, whether it be the shot tower, whether it be Mt.
18 Vernon, or whether it be Ft. McHenry, and we go to those
19 things to see what it was like in those days that we
20 didn't have the opportunity to see, to remind us of what
21 it was like, or to remind us of what it looked like.

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1 And when I walk up the road today to look at this
2 plan, if this plan is approved and built, I will not be
3 reminded or see what the Bosley farmhouse looked like in
4 the 1850s, will I?
5 A. It has changed.
6 Q. Yes. Now -- and I admit it may have been changed
7 by the Bosleys or buy his predecessors in making
8 additions, historically, but at some point the value of
9 that building, at least to some people, is so they can see
10 what it looked like in 1800, isn't it? Isn't that the
11 idea of preservation?
12 A. Not exactly. I'm sorry. You're talking about a
13 house here, not a museum you're talking about changing.
14 Q. Okay. So this is only a house as opposed to
15 what?
16 A. Well, I reference the house because that's really
17 the only piece of this that has changed. We have added an
18 addition. The barn is the barn. The tool shed is the
19 tool shed. The corn crib is the corn crib. The spring
20 house is still the spring house.
21 Q. But the house is on the Landmarks Commission

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1 list?
2 A. Yes, it is.
3 Q. That's why we're here?
4 A. Yes, it is. Well, I'm sorry. We're here for the
5 ice house.
6 Q. No. We are here for that as well, sir.
7 A. Okay.
8 Q. In your resume, have you ever -- you certainly
9 have impressive credentials, and your name is well-known
10 in regard to all of these things projects you have. Have
11 you ever had as a project the restoration of a farm?
12 A. I have done farm buildings, but not farms.
13 Q. Let me just ask you, as a person interested in
14 history and so forth, trying to gasp the magnitude of
15 these changes that are in this plan, could you tell me --
16 and I am sure you must have it in your notes somewhere --
17 in the main house, how many square feet, or in terms of
18 the footprint, what was the square footage of the
19 footprint of the original house as it was in 1997?
20 A. It is in the minutes somewhere. I am going to go
21 back, and in my own mind it was around 3500 or so square

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1 feet.
2 Q. If you now add the -- let's forget the porch. I
3 know was larger, now it's smaller -- but let's take the
4 new addition in the back that you have in hatch marks on
5 Petitioner's 11, plus the garage -- and let's forget the
6 ice house for the moment -- what's the increase in
7 footprint square footage?
8 A. I believe John Milner testified they took off
9 the -- I believe the original house was around 3500 square
10 feet. Additions were added exclusive of the garage to
11 bring it up to 5500, so another 2000 or so square feet was
12 added, and the garage would take the total property up
13 over six.
14 Q. So from 3500 to over 6,000 square feet. Now, I
15 forget what the proper architectural term is, but we are
16 talking about the footprint only.
17 What about the combined square footage of the
18 first and second floors? Can you tell me what the total
19 of the square footage of the existing house versus once
20 all the addition was done, combined footage?
21 A. That is the sixty-five. That's total.

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1 Q. So that's total?
2 A. As I recall it, the main house was around
3 thirty-five. 3500 feet square feet added. The gallery
4 kitchen took it up to fifty-something. And the garage
5 took it up to -- up around 6,000 total for that.
6 Q. The gallery --
7 MR. CONSTABLE: He's talking first and second
8 floor.
9 MR. HOLZER: I was only talking about the
10 footprint.
11 THE WITNESS: I was talking total square footage.
12 Q. So 3500 to 6500?
13 A. Approximately.
14 Q. You did not see this property in 1994 when your
15 clients and the partnership acquired the property, did
16 you?
17 A. I did not.
18 Q. So between 1994 and 1997, a period of three
19 years, you don't know how much deterioration was caused to
20 the buildings by the ownership, or the partnership, which
21 just didn't do anything to protect it?

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1 A. I have no knowledge of that.
2 Q. Your description of how poorly it looked was
3 after three years of ownership by the partnership,
4 correct?
5 A. Correct.
6 Q. Now, forgive me for using maybe the wrong way of
7 saying this, but it's easier to get to the bottom line, I
8 think. The ice house is a brand new building, isn't that
9 correct?
10 A. Yes.
11 Q. The ice house, when it was relocated, could have
12 been relocated to the rear yard?
13 MR. CONSTALBE: Wait a minute. The ice house was
14 not relocated.
15 Q. Let me rephrase. The ice house could have been
16 relocated to the rear yard from a pure physical standpoint
17 in terms of the adequate area to put it?
18 A. Sure.
19 Q. The reason why you opined that it's better to
20 rebuild it where it was, was for various aesthetic
21 reasons? Is that a fair statement?

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1 A. Certainly aesthetic. Historic too.
2 Q. Aesthetic and historic. Okay. And, certainly,
3 nothing precluded the property owner from building an
4 additional building in the proper zoning location to use
5 as an office, or to use as a guesthouse, as we have
6 previously testified?
7 A. Well, no, that's not my knowledge.
8 Q. So in other words -- let me say this. There's no
9 reason why, when the ice house was rebuilt, that it could
10 not have been limited to fifteen feet, which is the zoning
11 requirement, but for the desires of the property owner to
12 be able to utilize the building for a studio or for
13 guestrooms or whatever?
14 A. Well, I mean, perhaps I should take the full onus
15 of building it to seventeen feet. We have a pretty good
16 understanding of what was there. We were trying to
17 recreate what was there. We had no idea rebuilding a
18 building that was there -- as Mr. Reipe said -- would
19 cause these flags to go down that we needed a permit for a
20 building as an ancillary use in a side yard. I struggled
21 over all this and wondered exactly why the tempest in the

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1 teapot over this. Had I sloped the roof in a flatter
2 condition, I could have solved the fifteen foot problem,
3 but made a quite rather ugly, unattractive building.
4 Q. So the building could have complied with the
5 zoning regulations, even in its present location with two
6 stories --
7 A. With a flat roof, perhaps. Actually, if you
8 think about it, with an eight-foot ceiling height, I am
9 sure the reason in the zoning code is that fifteen feet
10 really pretty much precludes a useable two-story building.
11 Q. But you said that the building that was there has
12 steps and a loft so, obviously, they used it in this
13 fashion?
14 A. Well, the loft was, I am sure, fairly shallow.
15 Q. It wasn't the kind of interior space that the
16 property owner wanted to have, is that correct?
17 A. To say the least.
18 Q. So his desire to have a larger living space in
19 the ice house is what basically drove your design and the
20 height and style?
21 A. Well, I can't really testify to that. I can only

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1 say that we tried to recreate the building that was there
2 and add to it those amenities which would make it a
3 serviceable and usable building.
4 Q. You didn't have to add a second story so that
5 they could have an office or guestroom up there? You
6 could have rebuilt the ice house and he could have used it
7 in some other fashion? He could have used the first floor
8 as a guesthouse?
9 MR. CONSTABLE: That's argument.
10 Q. Isn't that true?
11 A. That's true.
12 MR. HOLZER: I'm not arguing. I am just asking.
13 Q. Now, I just have a few more questions. It was
14 earlier in your testimony, or the property owner in his
15 testimony, who indicated that part of the charm of this
16 property was the number of outbuildings?
17 A. Yes.
18 Q. And so an additional outbuilding within the
19 one-acre area that one could build would not necessarily
20 detract from the main house, would it have?
21 A. It's a question of where you put it.

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1 Q. Right.
2 A. And we are limited by that inscribed circle an on
3 acre.
4 Q. You haven't inscribed that circle yet. As I
5 understand it, that acre has not been defined on any of
6 these plats, so you have flexibility in which to put it
7 wherever you would like, would you not?
8 A. Well, I certainly wouldn't put it on the approach
9 side. I probably wouldn't put it on the view side. And
10 there really is two approach sides now since there's a
11 road coming in from Western Run.
12 So by process of elimination and by process of
13 historical reference, it seems to be in the right place to
14 build it where it is.
15 Q. I have this problem with this historical
16 reference that works when you want it to and doesn't when
17 you don't wan't it to.
18 Frankly, I don't see how the view looking out the
19 rear of the house is all that great, and it's something
20 you want to maintain as a pristine view and not put a
21 building back there.

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1 How do you put a future pool back there? How
2 does that add to the historical value of the Conclusion
3 Farm and the main house?
4 MR. CONSTABLE: I am objecting. There's no pool
5 in there.
6 MR. HOLZER: It's part of the plan.
7 A. No. I showed a pool, not approved, by the way,
8 by the Reipes. It's sunken. It would be hidden by
9 landscaping.
10 Q. But the pool isn't what I am worried about. I'm
11 not worried about looking at a pool. My question is more
12 from an historical standpoint.
13 If this is an historical building on the
14 Landmarks list and it's something that we, as a county,
15 want to preserve, how do we further that preservation by
16 plopping a pool, which is a 1999 feature, into a house
17 that you recognize was built in what, 1700?
18 MR. CONSTABLE: I object. It's a rhetorical
19 question. The pool is not part of these proceedings. It
20 doesn't exist.
21 MR. HOLZER: It's a legitimate question. It's

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1 shown on the plan.
2 A. It's shown on the plan. It would probably be
3 painted black, not a turquoise thing sitting out there.
4 It's going to be built into the landscaping, if built at
5 all, to make it look more like a pond than a pool.
6 It's a landscape feature, and I have done it
7 successfully for other people where you move the landscape
8 around the pool. You can see it's not a classic olympic
9 size pool. It's kind of kidney shaped. There's ways to
10 do it, make it look appropriate to the building, and not
11 be a 20th century eyesore out there. We are actually
12 pretty good at it.
13 Q. Maybe I can go back to my other question of
14 trying to relate. Basically, what you're saying, I guess,
15 is what the property owner said, he's not trying to have a
16 museum out there?
17 A. That is correct.
18 Q. So, therefore, within that context of a mind set,
19 you're not bothered by changing the main house in various
20 ways that cause it not to look like it may have looked in
21 the 1800s?

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1 A. How we recognize the 20th century, we brought two
2 automobiles adjacent to the property. We brought in
3 indoor plumbing, and indoor kitchen and other amenities to
4 the property. So we don't shy from that.
5 Q. Is it fair to say that, when you opined as to the
6 question of whether or not the main house was preserved,
7 that experts in your field could differ with that opinion?
8 A. Probably.
9 Q. Did you attend all the various meetings of the
10 Landmarks Preservation?
11 A. I missed one. I was on vacation, I believe, a
12 year ago for one of the meetings, but I attended at least
13 two of them.
14 Q. July 9th, would you have been on vacation?
15 A. Last year? I don't remember.
16 Q. If you weren't there then, you can just tell me
17 and I will withdraw the question. But in the July 9th
18 meeting of the Landmarks Preservation Commission, one of
19 the -- on page 31, one of the members of the --
20 MR. CONSTABLE: What are you referring to?
21 MR. HOLZER: Page 33 of the July 9, 1998

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1 transcript from the Conclusion Farm Final Landmarks
2 meeting.
3 MR. CONSTABLE: Can I see that, Mr. Holzer?
4 MR. HOLZER: Sure. I am going to refer to this
5 maybe on a couple occasions.
6 Q. I will just try to summarize this, and I will
7 give it to you, if you would like to read it in context.
8 Mr. Goldsmith, one of the members of the
9 Landmarks Commission, made the statement, and he says
10 this. "I'm thinking in the context of what the historical
11 significance of this property is now and was versus what
12 it's going to look like after this proposal.
13 "And if we'ree changing that concept from an
14 historical farm to a manor, an estate which is not used or
15 not being used for that purpose, then we'e lost the
16 historical significant of the property. We've just let
17 this man add on and build an estate."
18 Do you agree or do you disagree that this
19 proposal changes the nature of the use of Conclusion Farm?
20 A. I think I said earlier, testified earlier, we
21 were turning the farm into a farm. I still believe that.

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1 A residence into a residence. The barn is a barn change
2 from cattle to horses. A corn crib is a corn crib. I
3 don't see where the change has happened.
4 Q. Mr. Timothy Dugan -- do you know who he is? He's
5 a representative of the Baltimore County Planning Office
6 assigned to the Landmarks Commission.
7 A. Yes.
8 Q. In that same hearing, he raised this comment. He
9 said one of the preservation principles is to avoid, if
10 possible, doing irreversible changes to the basic fabric
11 of the original structure, so that the staff would raise
12 that for your consideration. The question is, is that
13 essneitally which he was relating to, the addition in the
14 back of the main house and the rear wall and windows and
15 doors that were being altered?
16 MR. CONSTABLE: Before you answer the question,
17 Mr. Holzer, is Mr. Dugan a member of the Landmarks
18 Commission? He's not?
19 MR. HOLZER: No. He's a representative of the
20 Planning Office.
21 MR. CONSTABLE: But he has nothing whatsoever to

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1 do with the Landmarks Commission?
2 MR. HOLZER: As I understand it, he is the county
3 staff person that is there who provides questions or
4 answers, or makes minutes or whatever, is my understanding
5 of his function. I may be wrong, because you're more of
6 an expert than I.
7 MR. CONSTABLE: I'm not sure. When I was
8 Chairman of the Commission, Mr. Dugan was present from
9 time to time on limited issues, but had no real standing.
10 MR. HOLZER: He's certainly not on the
11 Commission, but I do know he's a member of the Baltimore
12 County Planning Office, and he was there this evening of
13 July 9th, asking these questions.
14 MR. CONSTABLE: My only point is -- and I know
15 Mr. Dugan, he's a fine fellow -- is that his questions,
16 his comments, his views, really do not have any probative
17 value when it comes to rulings of the Baltimore County
18 Landmarks Preservation Commission. He would be no more
19 than an impartial witness or partial witness in the
20 audience.
21 MR. HOLZER: I think he's the staff person

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1 assigned to convey the questions from the various members
2 of the deprtment, or whatever.
3 MR. CONSTABLE: We are speculating, but go ahead.
4 Q. It's just a simple question. If you can't answer
5 it, then you can't. Did you recognize one of the
6 preservation principles is to avoid changing the basic
7 fabric of the structure, the original structure?
8 A. Yes. Very much so.
9 Q. And I would gather, from your opinion, that by
10 adding the additions that you have added, you don't
11 believe you're changing the basic structure of the
12 original house?
13 A. Right. We are not.
14 Q. And you also would reason, based on your last
15 answer, or your answer previously, that someone could have
16 another opinion as to that conclusion?
17 A. Certainly, someone could. I think anything we
18 have done on this building could be taken down. The only
19 thing on the west side that we have changed, as I recall,
20 is we have lowered a sill at one of the windows going from
21 the front of the building to the back, which is through a

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1 stone wall.
2 Q. I wasn't referring to that. I'm sorry. I
3 thought we were referring to the major --
4 A. Attitude in preservation, as we are doing now, on
5 the Baltimore and Ohio Railroad downtown is adding a
6 canopy outside, gently touching as lightly as possible the
7 old building. So in the likely event the canopy has to
8 come off, it's not covering the acuing (phonetic) line for
9 admission into the museum. This kind of an additive
10 feature onto a historic building has to be done in such a
11 delicate way, in such a removable way, the thing could be
12 taken down, not harming the original structure. And
13 taking the structure back to what was, in the unlikely
14 event someone would buy Conclusion Farm, want to remove
15 what these owners have done, they could remove those back
16 portions and essentially the original exterior wall facing
17 the west side would be there with the exception on one
18 sill that's been lowered. In my mind, that's gentle
19 preservation.
20 Q. Friday, July 17, of 1998 was, I believe, the last
21 meeting at which the -- let me go back. On July 9 of

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1 1988, are you aware that the Commission failed to vote in
2 favor of this request? Your proposed request?
3 A. I was not at the hearing. I believe there was
4 not enough people present. There was not a quorum.
5 Q. That's not correct, but they only had six votes
6 affirmative instead of seven, so it did not pass?
7 A. I was aware of that.
8 Q. So it had to come back July 17 of 1998. Did you
9 attend that meeting when it did pass?
10 A. I believe I did.
11 Q. I will be very quick on these last few questions.
12 On that particular day, Mr. Goldsmith, a member of the
13 Commission again spoke. And I would refer to the Board --
14 I am going to offer the copies of these transcripts to the
15 Board. Unfortunately, I marked them up and I need to copy
16 them.
17 THE CHAIRMAN: That's fine.
18 Q. On page 21, Mr. Goldsmith gave his opinion before
19 the vote. And he was one of the minority votes. He was
20 not one of the seven. He was one voting against.
21 Page 21 through 30 for his comments. And he

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1 summarizes the history and background of the Landmarks
2 Preservation efforts on Conclusion Farm.
3 MR. CONSTABLE: For the record, I am going to
4 object. I am going to object to the reading of this
5 transcript. I don't think that's proper.
6 MR. HOLZER: I'm not going to read all that.
7 Q. Were you present at the Conclusion Farm when the
8 Landmarks Commission did a site visit?
9 A. Yes, I was.
10 Q. Mr. Goldsmith made an issue about the silo on the
11 farm --
12 MR. CONSTABLE: Objection. This has nothing to
13 do with the issue before this Board.
14 THE CHAIRMAN: I'll let him answer.
15 Q. The silo was torn down before the technical
16 committee got there to take a look at it, and Mr.
17 Goldsmith was very concerned that he didn't even have a
18 chance to make his own assessment of whether or not the
19 silo could be repaired. Do you recall him expressing
20 that?
21 A. Yes, I do.

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1 Q. He then expersses this point on July 9th. We
2 looked at the drawing and that's when it hit me this is
3 not really historic preservation in the context of
4 historic preservation as we should view it as a
5 Commission.
6 And he then said the house was overrun by sixty
7 percent addition and he felt this was not appropriate.
8 What is your reaction to his position in regard
9 to this sixty percent increase in area in terms of
10 additions to the original building?
11 A. Well, we discussed it. It had been added onto in
12 the 1850s by a factor of, you know, 2.5 or three. Again,
13 it was more than doubled, not only to the side, but they
14 came back, scraped off the roof, and added a third floor
15 on the 1800 portion.
16 Historical presedense was there to do it. That's
17 one thing you can lean on. The other site, when we were
18 doing what we were doing in a very appropriate way, we
19 were surpressing -- if that's the word -- the garage
20 addition to make it less present on the landscape. We
21 talked about that. We were taking down the poles with the

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1 porch on the front, which we moved, added to the mass of
2 the building and lessen it so in some way some of the
3 outside cover space was reduced. I think all these things
4 can be argued. I'm not sure there's a right answer. But
5 our answer for this property was to proceed in the way we
6 proceeded.
7 Q. All the expansion that took place that you're
8 referring to in your answer just now occurred prior to the
9 time that the house was placed on the Landmarks Commission
10 list, final list?
11 A. That's irrelevant, isn't it?
12 Q. Well, I'll let you answer the question whether
13 it's relevant. It seems to me --
14 MR. CONSTABLE: He just did.
15 A. I just did.
16 Q. So you don't believe that in 1995 or 1996, August
17 of '96 when it was placed by the Baltimore County Council
18 on the Landmarks list, that the house, as it existed, with
19 whatever additions had been applied over the years, that
20 that's what they intended to preserve?
21 A. And that's what we preserved, to a large extent.

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1 I don't understand why you keep hammering on what we did
2 or did not preserve. We preserved the original fabric,
3 the original building of that historic farmhouse.
4 Q. Well, maybe there's more to preservation than
5 just preserving the stones and the wood that may have
6 existed there. Maybe there is the preservation of what
7 the thing looks like, whatever it is, whether it's a house
8 or a shot tower or Ft. McHenry. Who wants to see Ft.
9 McHenry if you've got a brand new addition?
10 A. But you're going back to the identity. If George
11 Washington had an automobile, he'd probably have a garage,
12 or if George Washington had a horse and carriage, so he'd
13 have a stable. I think we can argue forever. But I think
14 the reality is you have an engineer and architect, two
15 architects, to do the best you can with what you've got,
16 and gave us a few amenities.
17 And I think we did a remarkable job here in doing
18 just that within the guidelines and within the historic
19 context of which we work.
20 Q. I'm not arguing you aren't a wonderful architect,
21 and didn't do the best you can --

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1 A. This is an awfully good project of how to add on
2 to historic buildings.
3 Q. Perhaps your opinion and the basis for historic
4 preservation may different. That's all I understand.
5 MR. HOLZER: I will strike that. That's
6 argument. No further questions. Wait a minute.
7 Q. Is the icepit still in the ice house?
8 A. No.
9 Q. That's been filled in?
10 A. Fell apart.
11 Q. It's been filled in?
12 A. It fell apart. It just absolutely collapsed on
13 itself.
14 Q. It was a pit, a deep pit?
15 A. Dry stacked cobblestones, slide pitch (phonetic)
16 to the side. As soon as the building was disassesmbled,
17 the stones just fell in.
18 Q. Is it filled in with dirt or something?
19 A. We lowered the lower level of the ice house,
20 brought it down to the driveway level, so it basically
21 vanished.

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1 Q. So you did lower the ice house?
2 A. We lowered the lower level, kept the house right
3 where it is.
4 Q. Why couldn't you have lowered two more feet and
5 met the zoning requirement?
6 A. Hadn't thought of that, because -- plus rock is
7 there, and you'd be in a hole.
8 MR. HOLZER: I've got a great line, but I can't
9 say it. Thank you. No further questions.
10 THE CHAIRMAN Mr. Constable?
11 REDIRECT EXAMINATION
12 BY MR. CONSTABLE:
13 Q. Mr. Holzer pointed out the fact you didn't visit
14 the property until 1979, and I believe that when I asked
15 you some questions on direct, you said you found the
16 property in -- loosely put -- a state of deterioration.
17 You described it in some detail?
18 A. Yes.
19 Q. Have you visited historic properties in
20 deteriorated condition from time to time during your
21 career?

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1 A. Yes, I have.
2 Q. Are you familiar with how properties deteriorate?
3 What causes deterioration?
4 A. Yes.
5 Q. How long it takes for things to happen?
6 A. Yes.
7 Q. Properties are left to the elements?
8 A. Yes, I am.
9 Q. Did you draw any conclusion as to how long this
10 deterioration had been going on prior to your visit to the
11 property?
12 MR. HOLZER: I object. I mean, he said he
13 didn't know.
14 THE CHAIRMAN: Overruled. I think he can answer
15 that question.
16 A. The place looked abandoned to me, like it had
17 been abandoned for many years, ten years.
18 Q. Mr. Holzer pointed out, I believe, if the rebuilt
19 ice house had a flat roof, it would be under eighteen or
20 seventeen feet, fifteen feet, whatever. Would it look
21 like an ice house if it had a flat roof?

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1 A. No.
2 Q. Mr. Holzer read some comments and questions by a
3 Mr. Goldstein during one of the Landmarks Preservation
4 Commission meetings. Do you know Mr. Goldstein?
5 A. Only -- I saw him on the --
6 Q. Do you know whether he's an architect?
7 A. I do not know.
8 Q. Do you have any idea what his profession is?
9 A. I don't believe he's an architect. I believe the
10 architect is Mr. Chaulk and Mr. Kelly on the Commission.
11 So I don't know.
12 Q. But you never heard of Mr. Goldstein as somebody
13 with any expertise in the architectural profession?
14 A. No.
15 MR. CONSTABLE: That's all I have.
16 MR. HOLZER: Nothing.
17 THE CHAIRMAN: The witness is excused. Thank you
18 you. Do you have anything else, Mr. Constable?
19 MR. CONSTABLE: Argument.
20 THE CHAIRMAN: Mr. Holzer? How much time do you
21 need?

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1 MR. HOLZER: I'd like five minutes so I can talk
2 to my witness. I would think whatever time it takes for
3 him to go through his testimony, and I just want to put in
4 a couple documents, which I have already referred to.
5 MR. CONSTABLE: I do have one more thing. I know
6 Mr. Holzer is going to object, but I want it on the record
7 anyway. Hopefully, his objection will be overruled.
8 I offer for admission Exhibits 15, 16, 17 -- 14,
9 15, 16 and 17 are the letters from the neighbors. I
10 understand they are hearsay, but I also understand the
11 rules of evidence are not as strict as they would be in a
12 court of law. And the Board can take those letters and
13 either read them or tear them up, but I believe they
14 should be in the record. They may have some probative
15 value. The Board may find they have none. But at least
16 the Board should have them in front of them.
17 THE CHAIRMAN: The Board will accept them for
18 whatever weight the Board wants to consider as such.
19 MR. HOLZER: I will move to strike Petitioner's
20 Exhibit No. 8, which I previously admitted, or said that I
21 would admit, because Mr. Milner never testified.

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1 And I didn't know that he was or was not going
2 to. I had no objection if he would, but I don't believe
3 his curriculum vitae is relevant if he's not a witness.
4 MR. CONSTABLE: It's relevant to the extent it
5 shows the team of people with regard to represent this
6 project, who were garnered to present the project, and Mr.
7 Holzer did allow that to come in. He stated that could
8 come in, and he knew perfectly well Mr. Milner wasn't
9 here.
10 MR. HOLZER: No, I really didn't. I have no idea
11 who Mr. Milner is.
12 MR. CONSTABLE: Carroll, you know everybody else
13 in the room.
14 THE CHAIRMAN: The Board will take it for
15 whatever weight.
16 MR. CONSTABLE: There was one other document that
17 I wanted to bring in. It was the Pat Keller comment to
18 the Zoning Commissioner dealing with the various issues.
19 We referred to that.
20 MR. HOLZER: I am going to move it in myself.
21 It's already in your Board file, but it's not marked as an

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1 exhibit.
2 MR. CONSTABLE: Here it is.
3 MR. HOLZER: I have no objection.
4 THE CHAIRMAN: We'll take it as Petitioner's No.
5 25. If you want to take five minutes, Mr. Holzer?
6 MR. HOLZER: Sure. That came in as Petitioner's
7 what?
8 THE CHAIRMAN: Twenty-five.
9 MR. HOLZER: Thank you.
10 (A recess was taken.)
11 THE CHAIRMAN: Mr. Holzer.
12 MR. HOLZER: Mr. Bosley.
13 KENNETH T. BOSLEY,
14 having been called as a witness, was duly sworn and
15 testified as follows:
16 DIRECT EXAMINATION
17 BY MR. HOLZER
18 Q. Mr. Bosley, could you give your name and present
19 address, please?
20 A. Kenneth T. Bosley. My address is Box 585,
21 Sparks, Maryland 21152.

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1 Q. Mr. Bosley, you're Kenneth T. Bosley. You're not
2 unfamiliar with the Board of Appeals and testifying, so I
3 am going to try to just focus your attention in a couple
4 different areas, and you feel free to go ahead and tell
5 the Board what you would like to tell them.
6 First, I'd like to ask you, very briefly, if I
7 could, tell us a little bit about the past history of your
8 family, not necessarily this farm, but just of the family.
9 How long have they been in Baltimore County and
10 this particular location, and give us a little bit of
11 background.
12 A. Well, to go way back, I guess, the brothers came
13 over from England and were farmers and rented ground from
14 the Calverts in order to farm. And one member of the
15 family cleared Conclusion Farm with four October oxen,
16 with four men, and four acres a day, except for the large
17 trees.
18 Q. About when was that?
19 A. Seventeen-something. 1700s-something.
20 Q. Has your family lived on that Conclusion Farm
21 property basically ever since?

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1 A. Yes. Each successive generation bought out the
2 older heirs, that sort of thing, and struggled to pay the
3 taxes on the farm.
4 Q. How many acres were in the original Conclusion
5 Farm? Was it is as today, 190 acres, approximately?
6 A. No. The original Conclusion Farm was roughly a
7 143 acres. Other tracts were added as the years went by.
8 Q. What about yourself, did you live on the
9 property?
10 A. Yes. I was born on the farm. And at the time I
11 was born on the farm, ten of us lived in the house. My
12 father was a dairy farmer, as so his father, the
13 grandfather, before him.
14 Q. Did you grow up on the farm?
15 A. I grew up on the farm and worked on the farm.
16 Q. Tell us when did you last live there?
17 A. Well, up to 1993, I had an office in the farm up
18 until the time my brother and we were evicted from the
19 property. I had an an office, worked there, at which time
20 I did quite a bit, help remodel the house, doing repair
21 work on the barn and outbuildings, and helped with the

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1 other chores around the farm, until we were evicted.
2 Q. In terms of your attachment to Conclusion Farm,
3 could you describe that to the Board?
4 A. Well, we farmed the farm as a dirt farmers,
5 worked on it seven days a week, 365 days a year. We had a
6 hundred head of cattle on the farm. We had grain on the
7 farm. Raised vegetables. Even sold them on the streets
8 of Towson when I was fourteen or fifteen ten years old.
9 We had a dairy farm.
10 Q. Was the dairy farm continued in operation until
11 1993 when you left?
12 A. Yes.
13 Q. Do you want to tell us a little bit about the
14 property itself?
15 A. Well, the property --
16 Q. In other words, the condition of the farm, the
17 condition of the buildings, the structures that we have
18 been talking about all day.
19 A. Yes. The farm had prime and productive soils. In
20 1888 -- I'm sorry -- in 1988, we applied to the
21 Agricultural Land Preservation Board to put the farm in

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1 agricultural land preservation.
2 We had our corporation called Conclusion Farm,
3 Inc., which was owned, was stocked by all members of our
4 family. The county and the state of Maryland says all of
5 the stockholders have to approve of going into the Ag
6 Preservation. And because we had a holdout on a
7 stockholder that did not want to go into the Ag
8 Preservation -- they thought we wouldn't get enough money
9 out of it -- so our application was denied, because they
10 wanted all of the stockholders to approve of it.
11 And then, subsequently, we found out that there
12 were neighbors, four or five neighbors interested in
13 taking over our farm by any means they could, and that is
14 what happened. And my older brothers and sister -- I have
15 four of them between eighty and eighty-five years old --
16 and, apparently, this was a move to take the farm away
17 from them.
18 MR. CONSTABLE: I'm going to object. This is an
19 accusation which is inflammatory.
20 THE CHAIRMAN: Rephrase.
21 A. I can explain a little but further. We had to

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1 get on the farm -- we were paying stockholder dividends,
2 so it was not a question of the farm going into bankrupty.
3 We were earning money on the farm as a working farm.
4 Q. Now, that has all been the matter of litigation,
5 is that correct? Which I don't want to get into.
6 A. Right. Some still pending, some of it.
7 Q. There is still pending litigation which could
8 possibly result in you're getting the farm back, is that
9 correct?
10 A. That is correct.
11 Q. So from the standpoint --
12 MR. CONSTABLE: I am going to have to object.
13 That calls for a legal conclusion. It's simply not true
14 and calls for a legal conclusion. I don't think the
15 witness is capable of answering that.
16 MR. HOLZER: It's his personally.
17 MR. CONSTABLE: The last case was the appeal
18 dealing with any issues relating to ownership filed before
19 the Court of Appeals of Maryland about a year ago. Six
20 months ago -- I probably have the opinion here, somewhere.
21 Q. Mr. Bosley, what is your basis for saying you

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1 still have a possibility of getting the farm back?
2 A. The basis is that my brother's lawyer has filed
3 an appeal of what Mr. Constable is talking about.
4 Because the attorney which my brother hired was
5 also hired by the Reipes -- and this has happened two or
6 three situations -- so it's gotten into such a situation
7 now in the whole situation, where every time --
8 Q. Let me interrupt --
9 THE CHAIRMAN: We understand there is litigation
10 pending, and there may or may or may not be a possibility
11 title may revert.
12 MR. STAHL: My only concern, whether it reverts
13 at some point or somebody buys it isn't the issue to what
14 we're here for.
15 THE CHAIRMAN: I don't agree with that.
16 MR. HOLZER: The reason, there's a possibility of
17 litigation which could cause reversion means Mr. Bosley
18 has a possible interest in this issue which gives him not
19 only standing, but interest in determining the outcome of
20 this renovation.
21 MR. CONSTABLE: Nobody is questioning standing of

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1 Mr. Bosley in this particular --
2 THE WITNESS: I want it, for the record --
3 THE CHAIRMAN: One at a time. It's sufficient
4 for the record to show there's litigation pending and a
5 distinct possibililty some title might revert back to Mr.
6 Bosley.
7 MR. CONSTABLE: I have to respectfully disagaree.
8 There's no litigation pending that involves the ownership
9 of this property. It's simply not pending. Every case
10 that he's brought and, by golly, the Bosleys have been
11 bringing case after case after case, has been thrown out.
12 in fact, in two cases, the court has awarded
13 sanctions requiring the members of the Bosley --
14 MR. HOLZER: I object to this.
15 THE CHAIRMAN: In your brief, you may cover the
16 subject sufficiently to go forward. Mr. Bosley has an
17 interest in the property, period.
18 MR. HOLZER: Thank you.
19 Q. Mr. Bosley, do you also own property adjacent to
20 this Conclusion Farm?
21 A. Yes. I have an interest in the property with my

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1 brother. Our family has forty acres surrounding
2 Conclusion Farm.
3 My three brothers and a niece own a total of five
4 houses surrounding Conclusion Farm. There are two houses
5 on Thornton Mill road and three houses on Gerber Lane. I
6 also have an in interest in Conclusion Farm, in ten acres
7 of the field facing Gerber Lane, ten acres of a sewer
8 easement. Because of the possibility of sewers failing on
9 those houses because they were built in the wetlands years
10 ago, near wetlands, I have a separate deed from my father
11 in order to utilize the ten acres right by the barn,
12 between the barn and Gerber Lane, to use that for a septic
13 system and well, if that's necessary.
14 Q. So, in other words, part of the subject site that
15 we're discussing here today, you have a ten acre easement
16 for purposes of that septic?
17 A. Correct.
18 MR. CONSTABLE: I object to that. It's simply
19 not ture, and and it's not relevant to this case.
20 THE CHAIRMAN: We'll let it in. Just proceed.
21 MR. HOLZER: Thank you

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1 Q. Now, Mr. Bosley, could you tell us what concerns,
2 if any, you have in regard to this plan, specifically the
3 plan that is on the board for purposes of two things.
4 One, the amendment of an addition to the existing
5 main house as well as the variance as it relates to the
6 icehouse. Okay. Those are the two subjects for you to
7 address today. What concerns, if any, do you have in
8 regard to what they are proposing?
9 A. Well, I have a concern about the house, not what
10 they are proposing, but what they have actually already
11 done. You know, you can see from the highway they have
12 taken away the brick, ballast brick from the four chimneys
13 and put stone instead of the ballast bricks. The ballast
14 bricks were brought from England years ago on the ships.
15 The roof, we had a new roof put on the smokehouse, and
16 that was taken off and a copper roof put on the tar house
17 and the addition. And, of course, at the back part of the
18 house, the addition which they put on, they are blocking
19 off about ten windows and so, so you don't even see them
20 anymore.
21 And, of course, the smokehouse area, they have

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1 taken the roofline and took off the new roof that I had
2 put on there. When I say -- I am talking about, as
3 president of the corporation, I arranged for it to be put
4 on. The new roof was put on about '92 or '93, a year or
5 so before we left the farm. And it was a sloping roof
6 with a very minimum slope so the smokeroom above the
7 chimney below would have a smaller place in order to fill
8 it full of smoke, for the smokehouse. And that roof has
9 been -- the wall of that has been enlarged and a gabled
10 roof put on it. Talking about a gable roof, a sloping
11 roof of forty-five degrees. The pantry area, which was in
12 excellent condition as far as the stone walls were
13 concerned, that was torn down without a permit, as far as
14 as I can determine. The summer kitchen, which was on the
15 back part of the house on the south side, that was torn
16 down without a permit. And that had an excellent cement
17 floor to it and walls and everything.
18 And, of course, I think we have already covered
19 the porches. The porches were in excellent condition
20 except maybe several of the -- one log particularly should
21 be replaced. And when we painted the porches in 1990, and

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1 the porch areas, one porch needed possibly a day's work to
2 it, and it would have been in excellent condition.
3 Other than that, the house inside was in good
4 condition, except maybe it was several rooms needed
5 painting on the inside because of the plaster.
6 Q. If I could interrupt you, what concerns you about
7 the fact what existed there has been, at least in some
8 other people's minds, have been improved by a new modern
9 addition, a larger, nice garage, how does that affect you
10 in terms of your interest in the property, if you have any
11 at this point, and as an adjacent property owner, how does
12 that affect you?
13 A. It affects me because it's no longer the same
14 house. It's a different house. The whole ambiance and
15 the whole outside has been changed.
16 The appearance of it has being changed. For
17 instance, some years later if I take my grandchildren
18 there to look at this property outside, it wouldn't be the
19 same house.
20 As far as the ice house is concerned, the ice
21 house was built in the sand area so the bottom part of the

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1 ice, when melted, would leak out into the sand. The ice
2 house, we used to put ice in it for family use, put straw
3 over top of the ice, and have ice all summer, blocks of
4 ice. And the ice house above it had a carriage house, in
5 which the carriages, years ago, were stored.
6 And the pit of the ice house was in excellent
7 condition because it was large granite stones, and those
8 walls of that were perfect. They never moved. So when
9 Mr. Schamu talks about it being collapsing, that's, as
10 far as I am concerned, that's absolutely false and untrue.
11 Q. What about the change in the use of the ice house
12 from an ice house to what is, in effect, an additional
13 office and studio or guesthouse or poolhouse use?
14 A. Well, the farm is an historical farm. The ice
15 house is an historical use of the building. And when you
16 change the composition of the building, or the
17 technological change of the building from an ice house to
18 something other than that, then you have destroyed the
19 historical ambiance of the building.
20 Q. Did you ever have a two-garage attached to the
21 building at anytime while you were living there, similiar

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1 as to what's being proposed now?
2 A. No.
3 Q. Not to the ice house. To the main house?
4 A. No. The carriage house across from it was used
5 as a car garage. And in 1940, my father, and I helped
6 him, built an addition to the garage, about a six-foot
7 addition to it with a slate roof, because in 1940 -- the
8 cars were smaller -- and Ford came out with bigger cars,
9 so the newer cars didn't fit, so he extended the garage a
10 little bit.
11 Q. Where was the building that you used?
12 A. That's what they call the tool shed.
13 Q. This?
14 A. Yes.
15 Q. This is the ice house?
16 A. That's the tool shed. See that addition added on
17 beyond the line.
18 Q. Here?
19 A. That's where the larger cars that came out after
20 1940.
21 Q. But the tool shed is not on the Landmarks list,

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1 is it?
2 A. No. It should be, because it's mortice stone,
3 peg and hand hewed logs, and everything.
4 Q. But it was not on the Landmarks list?
5 A. It was not, because the Landmarks Commission
6 wanted to put the most significant buildings on first, and
7 they'd be glad to look at the other buildings and put them
8 on the list later.
9 And they did not get around to that because they
10 had made so many changes in the composition of the
11 Landmarks Commission members.
12 MR. CONSTABLE: I would move that be struck, that
13 last comment.
14 THE CHAIRMAN: I agree. That should be stricken.
15 Q. You had a plan for Conclusion Farms that you give
16 in me and had copies made. Could you tell us what this
17 is?
18 A. Yes. This is a pamphlet I prepared, because we
19 had gotten to the point if we had gotten the Ag
20 Preservation money from the State of Maryland, that we
21 were going to convert part of the farm into a farm museum.

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1 And my brothers and sister were getting old, so
2 we wanted to continue the use of the farm as and preserve
3 the farm. Of course, our family has preserved it over
4 these years, 200 years, or so, so we felt this would be an
5 attempt to preserve it, and it would be on the Landmarks
6 Preservation list along with being on the Maryland
7 preservation, the Ag Preservation.
8 And, too, I was getting older, and I wanted to
9 note the use of a number of these structures as I had
10 known them over the years.
11 Q. Do you recall when you prepared this document?
12 A. Yes. I prepared this in 1992, I think, or '93,
13 because we had a settlement place for our litigation and
14 that was in the works.
15 And I had painted six of the roofs of the
16 buildings and was there during that period of time '92,
17 '93. So in '92, '93, basically is the date for the
18 preparation of this.
19 MR. HOLZER: I would offer this as Protestant's
20 Exhibit 2. I think counsel has a copy I have given him
21 already.

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1 THE CHAIRMAN: Any objection, Mr. Constable?
2 MR. CONSTABLE: No objection. Admitted as what
3 number?
4 MR. MELVIN: No. 2.
5 Q. Mr. Bosley, the Board will have the opportunity
6 to read that and we'll have the opportunity to refer to
7 it, so I'm not going to ask you anymore questions about
8 it, other than to say this document generally covers the
9 nature of all the buildings, to your knowledge, and their
10 historical value, at least from your opinion?
11 A. Right. During the period of '92 and '93. And it
12 also mentions about the family graveyard that was on the
13 property.
14 Q. Is that still on the property?
15 A. Well, it's been bulldozed over by the Cold Bottom
16 L.L.C.
17 MR. CONSTABLE: I object and move to strick that.
18 Again, that's inflammatory and inacurate. Inflammatory as
19 far as I am concerned.
20 THE CHAIRMAN: Why don't you rephrase the
21 question.

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1 Q. If I can take it step-by-step, Mr. Bosley, is
2 there family cemetery on this subject site?
3 A. Yes, there was. For the burial of farm workers
4 that came on the property, and of the older Bosley
5 members.
6 Q. Were there headstones or any indication of where
7 the cemetery was?
8 A. Yes.
9 Q. To someone other than yourself?
10 A. Yes, there were stones. Most of them were
11 fieldstones, and the headstones, the original headstones
12 of particular members of the family were moved from that
13 site to the new Bosley church when that was built in 1875.
14 But a lot of farm workers, years ago, a hundred
15 years ago on the farm in the summertime, twenty or thirty
16 hired workers lived in the area, black and white, and a
17 lot of them, when they passed away, came back to be buried
18 there.
19 Q. I don't know whether you can do it or not, but is
20 it some way identifable as to where on Petitioner's
21 Exhibit 11 the location of that was?

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1 A. Yes. It was an area which we never touched,
2 exhibit for mowing over it. And it was east of the -- I'm
3 sorry. They don't show the equipment shed.
4 MR. CONSTABLE: Isn't it over here?
5 A. Yes, yes. It was east of here and down on the
6 hill area here. And then the other area was a slope where
7 we used to have a garden. And then the highway road
8 coming in, which was down here. In other words, this road
9 came in down here.
10 Q. For purposes of Petitioner's 11, it would be down
11 somewhere around the P3 indication?
12 MR. CONSTABLE: I object to this line of
13 questioning. I don't see the relevance. We are talking
14 about the main house and ice house.
15 MR. HOLZER: I don't think there is any
16 relevance, but it was a cemetery there. Now, whether it's
17 still there or not, won't want ask him that question.
18 Q. All right, Mr. Bosley. What, if anything else,
19 are you concerned about in regard to this plan
20 specifically either in regard to the ice house variance or
21 in regard to whether or not the main house is being

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1 preserved?
2 A. The smokehouse was a functional technological
3 smokehouse for the preparation of hogs in which the
4 chimney and the smokehouse area has been eliminated. And,
5 of course, what we call the pantry, that area has been
6 eliminated.
7 And, of course, the area where they added a new
8 addition on has been filled in with hundreds of loads of
9 dirt, and that area was really a wetland, and that's been
10 filled in by dirt sloping down to the spring house.
11 Q. I will try one more time, and I will ask it a
12 different way, and then let it alone.
13 What possible damage would there be to you if
14 this plan is approved and you ultimately get the property
15 back with this nice big new house and pool and garage and
16 studio and guesthouse?
17 I mean, if you ultimately get this property back,
18 wouldn't you be falling into a bonus? My question is,
19 what possible detriment to you is it by having this plan
20 approved?
21 MR. CONSTABLE: I'm going to object. Just one

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1 second, Mr. Bosley. I am going to object purely because
2 of the hypothetical nature of the question.
3 "If you get the property back." There's no
4 testimony of any credibilty that he would get the property
5 back, other than by purchasing it, if it was for sale.
6 The property doesn't belong to him.
7 THE CHAIRMAN: I'm going to sustain the
8 objection. The Board is more interested in noting Mr.
9 Bosley's objections relative to the historical
10 connotations of the property, even if he were a private
11 citizen, what objection does he have to the contemplated
12 plan?
13 Q. You've already gotten all that, I believe.
14 Are there any other concerns that you have in regard to
15 their plan, from an historical perspective?
16 A. Well, could I add the fact I am objecting to the
17 plan and all the testimony that's been attached to the
18 plan that I consider to be false?
19 For example, we created a corporation called
20 Conclusion Farm, incorporated in 1968 to preserve the
21 farm. And we paid taxes on it.

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1 In the 1990s, the buildings were assessed for and
2 county taxes were paid, and the taxes on it were roughly
3 $3,000 a year. The value of the buildings by the county
4 assessment in the nineties was between three and $400,000.
5 And now they come along saying these building are
6 in such deplorable shape, "We have to tear them down."
7 And that's not not true. I worked on six of the
8 roofs and hand-painted them myself in '92 or '93, because
9 I am into painting roofs, have done it all my life, even
10 when I was a kid. So I painted the roofs. We did our
11 maintenance on the buildings, because we are able to do
12 that. I used to teach shop in high school. I know how to
13 to work wood.
14 So what I'm saying is that I object to the fact
15 that the entire farm is being changed from being an
16 agricultural and dirt farm into what I consider to be an
17 estate for the use of several riding horses for personal
18 use.
19 Q. This is sort of a rhetorical question, but, Mr.
20 Bosley, you did attend, did you not, almost, if not all,
21 of the hearings before the Landmarks Preservation in

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1 regard to this particular plan and register your
2 objections at that time?
3 A. Yes, I did, the ones I had notice of or checked
4 on. One of my complaints is that the Landmarks Commission
5 does not give you notice of these things.
6 Q. You also had opportunity to appear and object at
7 the Zoning Commissioner's hearing and testify, I guess,
8 similarly to what you have just said here today in the
9 Zoning Commissioner's case? Is that correct?
10 A. Correct.
11 Q. I'll ask you one last time. Is there anything
12 else that you would like to say while you have the
13 opportunity?
14 A. I guess the last thing I would like to say,
15 generally, in the county when farms are sold, it's because
16 the family doesn't have the finances, the money, to
17 maintain or keep the farm.
18 In this case, it was not the case. We have
19 another corporation called Bellamy Farms, Incorporated, on
20 York Road, Incorporated, on York Road, of 135 acres. We
21 always farmed that farm in conjunction with this farm, so

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1 we had a large farm operation going. We even farmed both
2 of these farms together with eight mules when I was a kid.
3 But Conclusion Farm was our pride and joy as far
4 as the farm, and it was what we called the home farm.
5 And it was a farm where it had all the buildings
6 that we could use for the farm operation. Bellamy Farms
7 on York Road does not have any buildings.
8 I think that's an important thing. I'd like to
9 mention the farm itself, you have to have the buildings in
10 order to operate the farm. But, more importantly, you
11 have to have a family that has the farming ability and
12 will to work hard.
13 And when you get rid of the family -- we have
14 twenty-five members of my family who are intertested in
15 this property and have an interest in it -- and now they
16 are being thrown out as far as being able to be involved
17 in a farming operation.
18 So it appears that in Baltimore County we are
19 aren't going to have any farms anymore, because it's being
20 taken over by whatever process.
21 MR. HOLZER: Thank you. I have no further

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1 questions.
2 THE CHAIRMAN Mr. Constable?
3 CROSS EXAMINATION
4 BY MR. CONSTABLE:
5 Q. Referring to Exhibit 2, Mr. Bosley, the
6 Conclusion Farm Museum that you documented -- I guess
7 Kenneth T. Bosley is you, correct? It says agricultural
8 engineer?
9 A. Correct.
10 Q. Can you tell me what that means?
11 A. It's what it implies. I went to --
12 Q. Do you have a certificate of engineering?
13 A. I graduated from Sparks High School, agricultural
14 high school, and then I went to the University of Maryland
15 and studied agricultural engineering. I received a
16 degree.
17 Q. In agricultural engineering?
18 A. Yes. Major in agricultural engineering, working
19 at the agricultural engineering department as an
20 assistant.
21 Q. Now, you're also trained as lawyer, aren't you?

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1 A. I have a master's degree, did work on a doctorate
2 in science education, and also went to seven years night
3 law school.
4 Q. Did you ever get a degree?
5 A. Yes.
6 Q. In law?
7 A. Yes.
8 Q. Ever pass the Bar?
9 A. No, I did not, because my background is in
10 engineering and farming, and not in the legal profession.
11 Q. You understand, don't you, a substantial portion
12 of the Conclusion Farm property is now in the Maryland
13 Agricultural Land Preservation Program? You heard
14 testimony to that effect?
15 A. I heard testimony about it, but we never received
16 any notice they were going to apply for it.
17 And when it came before the County Council, the
18 Agricultural Preservation Board didn't even know it
19 occurred.
20 Q. Well, maybe I don't need to ask the question, but
21 are you denying it is an agricultural district under the

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1 Ago Program, and that the development rights have been
2 purchased and easements granted to the Maryland
3 Agricultural Land Preservation?
4 A. For the 143 acres for which the Reipes
5 received -- the gang I call them -- that received a
6 million dollars.
7 Q. So you admit it is in that program?
8 A. Correct.
9 Q. You know something about that program, don't you?
10 A. Yes, because we applied for it.
11 Q. And that program has certain restrictions
12 regarding what you can do with the land, doesn't it?
13 A. Correct.
14 Q. And it requires good farming practice to be
15 exercised, doesn't it?
16 A. Well, requiring it and being enforced is
17 something else.
18 Q. My point is that now that it is in the program,
19 it's been put in the program by the present owners of the
20 property, or their predecessors and their partnership, it
21 is guaranteed to be an agricultural operation, for, I

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1 think -- correct me if I'm wrong -- but twenty-five years,
2 and then there's a possibility things can change, but it's
3 a twenty-five year program?
4 A. Right. And then they can sell it, and pay back
5 a portion of it.
6 Q. But you agree for the next twenty-five years,
7 that will remain a farm?
8 A. Yes. Same thing that our family went to do.
9 Q. Do you agree that when you're in the program
10 there is -- I don't want to put words in your mouth --
11 there is a restriction of an acre around the main house in
12 which non-agricultural uses can be built, non-agricultural
13 structures can be constructed, are you familiar with that?
14 A. Yes, I am familiar with that, but I don't see it
15 here.
16 Q. Well, I don't think the line has been drawn.
17 MR. CONSTABLE: I don't think I have any more
18 questions. Thank you.
19 MR. HOLZER: I have nothing further.
20 THE CHAIRMAN: Thank you, Mr. Bosley, very much.
21 MR. HOLZER: I would like to offer if I could --

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1 unfortunately, I didn't realize last night when I was
2 reading through this, I underlined them in yellow, I'd
3 like to offer them with the understanding, Mr. Constable,
4 we'll produce them in clean copies so the yellow
5 markings -- I have taken the stickers off.
6 MR. CONSTABLE: I'll get copies of these?
7 Because I do not have copies.
8 MR. HOLZER: You can run them off and send them
9 back.
10 THE CHAIRMAN: Off the record.
11 (Discussion held off the record.
12 MR. STAHL: We can leave the record open for you
13 to submit that, get copies tomorrow or the next day.
14 MR. HOLZER: Let me just mark them on the record.
15 Protestant's Exhibit 3A would be the transcript of the
16 Landmarks Preservation next hearing, May 14, 1998,
17 consisting of twenty-one pages. I will mark it right now,
18 Protestant's Exhibit 3A.
19 Then the next one would be the July 9, 1998,
20 meeting of the Baltimore County Landmarks Preservation
21 hearing, consisting of seventy-nine pages. I will mark

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1 that as Protestant's Exhibit 3B.
2 The last document would be the meeting of the
3 Baltimore County Landmarks Preservation Commission dated
4 July 17, 1998, 3C, and that's thirty-four pages.
5 MR. CONSTABLE: For the record, I object to the
6 admission of those documents. Classic hearsay testimony
7 from people not here, so that's a record of the objection.
8 THE CHAIRMAN: So noted. We'll take them in and
9 take a look at them.
10 MR. HOLZER: That would be our case.
11 THE CHAIRMAN: When can you file your briefs
12 within the time constraints, recognizing summer, we'll
13 probably not deliberate this case until around October 12.
14 Off the record.
15 (Discussion held off the record.
16 THE CHAIRMAN: Briefs will be due by September
17 10th, which is Friday, simultaneously, no later than 3
18 p.m.
19 MR. CONSTABLE: Reply briefs?
20 THE CHAIRMAN: No.
21 MR. STAHL: You will do the classic give us what

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1 you think of the testimony we need to see, make any
2 comments about any other testimony you think we need to
3 hear, give us the questions you think we need to decide
4 and the law you think bears on it, how you think we should
5 get to where you want us to get.
6 THE CHAIRMAN: Okay. September 10th, no later
7 than 3 p.m. for the briefs to be submitted.
8 We'll set the public deliberation in for Tuesday,
9 October the 12th, at 9:30. Thank, you gentlemen.
10 (Hearing concluded.)
11 * * * * *
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1 MEETING

2 of the

3 BALTIMORE COUNTY

4 LANDMARKS PRESERVATION COMMISSION

5

6

7

8 Room 407, County Courts Building

9 401 Bosley Avenue

10 Towson, Maryland 21204

11

12 Friday, July 17, 1998

13 4:30 p.m.

14

15

16

17

18

19

20 Reported by:

21 C.E. Peatt

Prot. Exh 3C

COMMISSION MEMBERS:

ROBERT C. SCOTT, Chairman

SANDRA CASLIN
THOMAS E. CARSKI
DR. RHODA DORSEY
DAVID GOLDSMITH
H. ROSITA HILL
MARLENE KOEPPEL
THOMAS LLOYD REYNOLDS
TIMOTHY M. RODGERS
N. LARK SCHULZE
BARBARA WEEKS

2

1 THE CHAIRMAN:: I'd like to begin this meeting by
2 thanking everyone for taking Friday afternoon to come.
3 This is a special meeting called by the Chairman,
4 myself, Robert Scott, within fourteen days of the request
5 from the regular meeting of July 9, 1998.
6 The property at issue is the Conclusion Farm,
7 located at 1519 Gerber Road, the Final Landmarks List 135.
8 All members have been given a copy of the
9 technical report, so let's move into a five-minute
10 presentation by representatives of both sides, Conclusion
11 Farm, and the other side also to have five minutes to make
12 a presentation.
13 Then Commission members can ask questions and
14 address those issues that concern them with Conclusion
15 Farm. So we are going to limit representatives to five
16 minutes.
17 And I want you to, first, Conclusion Farms, to
18 address the footage, the square footage that was at issue
19 on July 9th. If you'd come forward and identify yourself.
20 MR. MILNER: John Milner. My firm is John Milner
21 Architects, working with my client, the owner of the

2

1 property, and Walter Schmau, to restore the house and the
2 outbuildings.
3 I just wanted to review very quickly the square
4 footage issue. The original building on the site was this
5 structure right here which was two stories in height, and
6 it was 1280 square feet. In 1854, this section was added,
7 the third floor of this section was added, this building
8 was added.
9 The total square footage of those additions in
10 1854 was 4490 square feet, which gave us a total of
11 approximately 5770 square feet at the completion of the
12 improvements in 1854. We are -- we have designed an
13 addition which is approximately 2900 square feet, not
14 including the garage. It's a total of 3500 square feet,
15 including the garage.
16 MR. GOLDSTEIN: What would it be with the
17 addition of the garage?
18 DR. DORSEY: Did you say thirty-five --
19 MR. MILNER: It's approximately 3500 square feet
20 including the garage. The garage is 681 square feet.
21 THE CHAIRMAN: It's 2900 square feet without the

garage?

MR. MILNER: It's 3500 less 680, would be the house. Our addition without the garage.

DR. DORSEY: Where did 7000 come from?

MS. HILL: That's what he said --

MR. REYNOLDS: At the last meeting, they said it was 7000 --

MR. SLATER: When you file for a permit in the county, the square footage is -- they count -- what we gave you, what these numbers reflect, is the square footage of the living space. No porches. No basement.

We have eliminated all those peripheral spaces that we pay for in the permit process, but are not at issue here.

What we're talking about is the living space, so 5779 is the actual square footage of the original building, and what we are adding is the 3500 in living space and -- plus the garage.

MR. REYNOLDS: No. I was -- I misunderstood then. I didn't --

MR. SLATER: I think -- we didn't realize it was

quite the issue it was, but we're trying to clarify it a little bit.

THE CHAIRMAN: Any other questions or concerns from Commission members with respect to square footage?

Would you address the issue of the garage?

MR. MILNER: Is there a special issue?

THE CHAIRMAN: How many cars will it hold?

MR. MILNER: It's a two-car garage. This is the front facade that you see when you come in the property. We have tucked the garage down. This is actually set back from the face of this building. It's set back about twenty feet or something like that, and the wall of this garage sort of grows out of the retaining wall, which is coming across here, and the actual grade is down at this level. So the garage is partially buried in the ground to deemphasize its mass.

And we kept a very low roof slope, so, again, it sort of deemphasizes the mass.

MR. SLATER: It's actually 34 feet behind the front line of the building.

MILNER: The frontmost line?

3

1 MR. SLATER: Right.

2 MILNER: The access to the garage is down here.

3 There's a driveway that comes around, comes down a grade,

4 and this is where you pull into the garage. And this is a

5 stone retaining wall here which effectively lowers the

6 profile of the building.

7 DR. DORSEY: Is the floor level of the garage on

8 the same level as the floor level of the house, are you

9 saying, or is it lower?

10 Mr. MILNER: It's slightly lower. You can see

11 the level here. This is the floor level of the garage.

12 And at several locations within the addition we are

13 stepping up to the floor level of the existing house.

14 The addition on the back, this one, which

15 accommodates the kitchen and family room area is several

16 steps down from the level of the house, again to kind of

17 keep the addition down as much as we can and work with the

18 grade which is sloping off at the back.

19 MR. SLATER: I think it's a total of five steps

20 down from the original house floor level, two steps down

21 into the first addition off the back, and then two steps

3

1 down into the connector wing as you go through the garage,
2 and another step down into the garage. So it's
3 actually -- probably about three feet lower.
4 THE CHAIRMAN: Any other issues of concern? We
5 still have time.
6 Any other issues of concern from Commission
7 members? Any questions?
8 MR. REYNOLDS: We had that one other one about
9 the window and the door, whether they were going to remove
10 the window and make it a doorway?
11 THE CHAIRMAN: Okay.
12 MR. REYNOLDS: Did you all talk about that?
13 MR. MILNER: Yes. To improve -- to make
14 circution possible, or make it better within the house, we
15 were going to take out the one window and make it a door
16 and save the window frame and save the stonage that comes
17 out from underneath it.
18 Other than that, we are not really -- we are
19 not -- our concept here is not to do anything that's
20 irreversible. And one of the reasons why our clients
21 wanted to build an addition, so that they could preserve

3

1 the interior of the existing house and the smaller rooms
2 without taking out partitions and making the rooms larger.
3 MS. WEEKS: Where's the window that's being made
4 into a door frame?
5 MR. MILNER: It's --
6 MS. WEEKS: Inside?
7 MR. MILNER: -- in the plan. It's better to look
8 at it in the plan.
9 MR. SLATER: See the floor plan?
10 MS. WEEKS: Yes. But if it's inside, then it's
11 not beyond our purview.
12 MR. MILNER: It's inside the addition.
13 MS. WEEKS: Then the addition -- okay, then it's
14 outside now what will become interior.
15 MR. SLATER: Right. Do you want to see it?
16 MS. WEEKS: No.
17 THE CHAIRMAN: Any Commission members want to see
18 that?
19 MR. MILNER: Other windows which are being
20 enclosed by the addition are being maintained as windows.
21 It's just that one was changed for circulation reasons.

3

MS. WEEKS: Uh-huh.

THE CHAIRMAN: Any other questions? If not, then thank you very much for your presentation. You still have a minute left, in case you need another minute. I'm now going -- yes, sir?

VOICE: I was curious. Is the barn an issue, the bank barn?

MS. CASLIN: No.

THE CHAIRMAN: No. If there is no further questions from this group, I am going to call for a five-minute presentation by opposition.

MS. SMITH: My name is Frances Smith. I came --

THE CHAIRMAN: Okay. If you'd come closer? Thank you.

MS. SMITH: I came today because I worked rather hard with the Landmarks Commission several years ago to get Conclusion Farm landmarked to begin with.

And, really, why I came here is not that I have problems with an addition being added on. I recognize that there's some need for a modern kitchen in that kind of facility.

3 1 But my concern is changing the nature of what
2 this Commission worked to landmark and preserve, which is
3 namely a 200-year old stone farmhouse in north Baltimore
4 County, and what it would appear to me it's becoming is
5 more -- something along the lines of a T-Rowe Price luxury
6 home, and it will completely change the nature.
7 It will be -- yes, I would love to live there
8 myself -- but it will completely change the nature of what
9 this body worked hard to preserve. Thank you.
10 THE CHAIRMAN: Thank you. Any further comments?
11 Mr. Bosley.
12 MR. BOSLEY: Members of the Commission, I thank
13 you very much for the opportunity to talk about this
14 property, because I was born there and my family farmed
4 15 their, dairy farming, did most all the work ourselves, and
16 this was a means of survival for us.
17 As I may have told you before, this property was
18 manipulated from us, and the manipulation has resulted in
19 a scam operation by four neighbors to take the property
20 from us.
21 And, as you know, this is 200-acre dairy farm.

4

1 There's the same attorneys who represent the Gibbs
2 property, which is in trust by Mercantile Trust, and
3 that's to the east of this property and practically
4 adjoins the expressway of I-83.
5 There's some miss-numbers that have been
6 indicated here. The smokehouse was built earlier, in 1810,
7 and that was a smokehouse that's in this section. And it
8 has a flat roof. There is also four chimneys shown here,
9 and if the addition is made, they will be taking out one
10 of the chimneys.
11 All these chimneys worked up until the time of
12 several years ago. And the new possessors of the property
13 have not done anything as far as maintaining the property.
14 In fact, they have torn down and demolished a
15 number of the structures without a building permit or a
16 demolition permit.
17 It is also -- I might pass this around -- this is
18 an enlargement of a photograph that was taken by the Green
19 Spring Hunt Club when they visited the property at a
20 cocktail party in the fall, and it was a party that was
21 hosted by Cold Bottom, Incorporated, and Cold Botton,

4

1 Incorporated is still the owner of this property, and it
2 is obvious that the name of Reip has cropped up. He's not
3 the owner.
4 I just checked the Land Records a little while
5 ago, and the Cold Bottom name is still on the permit that
6 was presented to the buildings engineer when he demanded
7 that they obtain permits.
8 The property is in litigation as far as the
9 Landmarks is concerned. I appealed the decision that was
10 made last month.
11 So, in a sense, this body does not have
12 jurisdiction to maintain an appeal until the Board of
13 Appeals determines whether or not the issues that were
14 presented before are proper.
15 Nevertheless, you all have proceeded. The
16 attorney that's representing our interests in the Board of
17 Appeals is Carroll Holzer and he is handling that appeal
18 before the County Board of Appeals.
19 There is one thing that has certainly developed
20 in this case. There is also a case up before the Court of
21 Special Appeals filed by my brother's family, because we

4

1 had a settlement on the farm amongst the family of 25
2 members, or 25 Bosley members, we had a settlement and
3 that was tossed aside by, as I said before, by a corrupt
4 venture.
5 It's quite obvious to me that what is happening
6 here, a zoning type manipulation that's going to go on if
7 this is allowed to proceed, the building, that it will
8 turn into a situation where it will be a private country
9 club for the exclusive use of the four neighbors for their
10 pleasure.
11 Their farms, several of them are very small. They
12 are not farmers. They are investors. They never have owned
13 a farm or worked on a farm, and these invstors probably
14 own several acres of adjoining property, except one
15 investor does own a larger tract.
16 So it is obvious this is out of the scope of
17 historic preservation. What they are doing here is not
18 preservation. It is actually reconstruction of a house for
19 what they want to do with it.
20 This is not preservation and, as a result, what
21 will happen is that this house, if it's allowed to proceed

4 1 in the manner in which the architects have described, this
2 will become a country club surrounded by farm fields that
3 will be farmed by anybody that will rent it and, as such,
4 this will be the trend in Baltimore County.
5 We are losing farms every day in Baltimore
6 County. And, as a result, this is one of the
7 manipulations that's occurring in order to take property
8 from the farmers that have existed there.
9 And I might add that there is still another suit
10 pending, but I won't get into that. And, as I said
11 before, this restoration has -- that is planned here is
12 not in accordance with the designs of restoration of
13 property.
14 This house was lived in by my brother up until
15 about three years ago. I worked on it, helped him
16 maintain it, and it was in need of a little repair here
5
17 and there, does not need complete pointing up like they
18 have done on one of the rear sides and torn down the
19 additions. There was a porch on the back, they completely
20 tore that down.
21 So there's four things they have already torn

5 1 down on this property, on this particular house, including
2 the buildings that they have torn down in the barn area.
3 So it is quite apparent that this will be
4 developed into a private club and an office building for
5 the wealthy executives that will use that with their
6 computers and faxes, and that sort of thing, so they don't
7 have to go into Baltimore, and that is a trend in the
8 county, many of the people are using their homes as
9 offices.
10 So what we have here is not a farm in this
11 proposal. It is an office building and it is a country
12 club.
13 They already restored the pond. The pond needed a
14 little restoring, but they completely redid the pond. They
15 completely filled in some wet areas around the property.
16 And all this was done without a permit, in
17 violation of the federal rules of filling in wetlands.
18 So there's many things that have gone on here
19 that are not proper, and they will be addressed at another
20 forum. Thank you.
21 THE CHAIRMAN; Thank you very much. Are there

5

1 any questions from any of the Commission members?

2 MS. WEEKS: Is the chimney being eliminated?

3 MR. MILNER: No, it's not. All the fireplaces and

4 chimneys are being restored.

5 MR. SLATER: And all the fireplaces do not work.

6 MS. KOEPPEL: Why did they say there were four --

7 are there not four?

8 MR. REYNOLDS: If you look at the side, by the

9 side, see the --

10 MS. KOEPPEL: So there's one behind it?

11 MR. REYNOLDS: Yes

12 MS. KOEPPEL: So there are four chimneys?

13 MR. MILNER: The fireplaces are all being

14 restored in operating condition. The smokehouse was not

15 built in 1810. It was built in 1854, or slightly later.

16 MS. WEEKS: The center section that has porches

17 on it in the photograph that was circulated, what is

18 happening -- I mean, from your drawing, it looks as though

19 that's now filled in?

20 Mr. MILNER: The porch is being reconstructed.

21 The porch was in a state of collapse, and we took it down

5

1 and saved the posts and are putting back what we can, or
2 replicating what we can't put back, because it was
3 deteriorating. So --
4 MS. WEEKS: So that drawing shows the porch is
5 being reconstructed?
6 Mr. MILNER: Yes, the porch that was removed here
7 was a 20th century porch on concrete slab. We found the
8 evidence of the original porch and feel very strongly this
9 is a restoration project, and we want to restore that
10 porch to what it was in 1854.
11 MR. BOSLEY: Of course, I take issue. The porch
12 was in good shape, except the one beam across the front
13 the water got into. And that's all --
14 MS. WEEKS: Is there any change to the roof --
15 the roof that exists now?
16 MR. MILNER: The existing roofs are being
17 maintained. This roof is being slightly elevated to give
18 some more headroom up here, but all the other roofs are
19 being kept exactly as they are. They are going to be
20 sheet and copper, standing seam copper.
21 THE CHAIRMAN: Any other questions?

5

1 MR. REYNOLDS: My question is, if it's still in
2 litigation, who owns the property, how can we say yea or
3 nay?
4 MS. SCHULZE: That's not really our issue. We
5 don't have to be concerned with that, and should not be.
6 MR. REYNOLDS: We don't?
7 MS. SCHULZE: No.
8 MS. CASLIN: We are just concerned with the
9 present.
10 MR. RODGERS: I don't know who all from the group
11 has gone out there, but I was there about a year ago, and
12 this place was in deploreable condition. And these people
13 live done round the road, and I've been in their
14 residence, and they redid an old stonehouse, and a credit
15 to them, they built a magnificant job.
16 What they are planning on doing here is -- it's a
17 saving for an old building. Nobody else would come
18 through.
19 I mean, he's fortunate to be able to afford it,
20 but he's going to spend it in the right way and save an
21 old building.

5 1 MR. BOSLEY: Mr. Rodgers, what's happened, after
2 they took possession of it, they allowed people to come in
3 and take out anything they wanted, and didn't do any
4 maintenance work the last three or our years.
5 And when you own property like this -- we always
6 had to maintain it, every month or so do something, and
7 they allowed people to come in and take things, what they
8 wanted off the property, because the issue was that they
9 were going to tear down all the buildings until we got the
10 Landmarks petition filed.
11 THE CHAIRMAN: Thank you.
12 MR. SLATER: May I respond to that, please? May
13 I respond to that?
14 THE CHAIRMAN: I'll let you respond to that, and
15 then I went to go to Lark.
16 MR. SLATER: Like I said, I was brought into this
6 17 after they had purchased the property, and I don't know
18 any history of the legal side of it, but there were things
19 stolen out of the building, mantles were being ripped off
20 the walls.
21 We actually got a tenant in there, to live in the

6

1 house to protect it from being vandalized. So they had a
2 tenant in there for the last two years, I believe, to
3 protect the property.
4 It's not that anyone was allowed to go in there
5 and take whatever they wanted. We were trying to prevent
6 people from going onto the property.
7 THE CHAIRMAN: Thank you. Lark?
8 MS. SCHULZE: I move we go ahead and approve the
9 plans to restore and preserve this property in accordance
10 with the plans that have been submitted.
11 MR. GOLDSMITH: I have a statement. I'd like to
12 make a comment before that motion is entertained.
13 THE CHAIRMAN: Okay.
14 MR GOLDSMITH: Mr. Chairman, members of the
15 Commission, I think that, as members of this Commission,
16 we have a responsibility as appointed members to preserve
17 the history of this county, and part of that
18 responsibility is to have the knowledge of what we are
19 actually considering and what we are actually talking
20 about, the context of a piece of property and, in our
21 case, the structures on that property which need or should

6

1 be preserved.

2 I don't know how many of you have done any

3 research on this project, other than to see these drawings

4 and perhaps to go out on a technical committee.

5 And, in fact, when we went out on the technical

6 committee, I learned more about what that place was about

7 and how it operated from Mr. Bosley than I did from

8 anybody else.

9 But let me refresh your memories and educate you

10 a little bit, if you would, because I have done a little

11 bit of research on this project and on this property.

12 First of all, on March 13, 1979, the Maryland

13 Historic Trust created the Western Run-Belfast Road

14 Historic District. In it, they included Conclusion Farm.

15 It was accepted into the National Register of Historic

16 Places.

17 So in the very beginning, in 1979, someone

18 recognized that this was, in fact, an historic area. It

19 had context in that it was a farming area in the historic

20 sense in the 1800s, so that put it -- and that put it on

21 the historic map, if you will.

6

1 On August 10, 1995, a petition was filed with the
2 Landmarks Preservatino Commission to place Conclusion Farm
3 on the Baltimore County Landmarks Preservation List.
4 There were some sixteen sites actually designated
5 as sites or structures on the original Historic Trust of
6 the Western Run-Belfast Historic District.
7 Not all of those are existing today, but there
8 are some very important ones which remain.
9 On August 10, 1995, when the petition was filed
10 with this Commission, the sites for consideration were
11 authorized to be advertised in the Jeffersonian, a
12 newspaper of general circulation in Baltimore County which
13 deals with historic preservation.
14 On October 12, 1995, the Landmarks Preservation
15 Commission held a public hearing to consider adding
16 several structures on Conclusion Farm to the Preliminary
17 Landmarks List.
18 Five structures were recommended to be placed on
19 the Preliminary Landmarks List. They were the main house,
20 the springhouse, the bank barn, the upping stone, and the
21 marble entrance.

6 1 The minutes from that meeting indicate that the
2 votes were very favorable. Number one, the main house,
3 it was a unanymous vote. I think there were probably ten
4 people because the other votes were not up to ten. But,
5 more importantly, we had two very important criteria that
6 we used in preserving the main house.
7 One was number one, and associated with a
8 personality, group or event or series of events of
9 historical importance. That context of
10 farming in the 1800s and the 1900s.
11 And also, number two, a distinctive example of a
12 particular architectural style or a period. No one can
13 dispute that.
14 The springhouse also carried the criteria of
15 number one and number two that I just enumerated. That
16 was passed by a vote of nine to nothing. Only one person
17 abstained.
18 The springhouse also carried by a nine to nothing
19 vote, and it also met criteria one and two.
20 The bank barn also met criteria one and two. That
21 was passed seven to nothing, with three abstentions.

6 1 The upping stone was used -- the criteria used
2 was number one. There were nine for it and one abstention.
3 The marble entrance criteria was number one. The
7 4 number of votes was -- it was a nine to nothing vote, with
5 one abstention.
6 So there was considerable discussion, there was
7 consider insight, there was considerable evaluation before
8 those were actually placed on the Landmarks List, which
9 meant that the Commission did its job.
10 I think I was not a member, and I don't know how
11 many people here were members at that time, but there were
12 people here who did look at that and who did use the
13 criteria and followed the procedures for preservation for
14 which this Commission is responsible.
15 On August 5, 1996, the Baltimore County Council
16 placed the five structures on the Final Landmarks List.
17 Those, again, were the main house, the
18 springhouse, the bank barn, the upping stone and the
19 marble entrance.
20 On April 27, 1998, the technical committee of the
21 Landmarks Preservation Committee appointed by the Chairman

7

1 conducted an on-site visit of Conclusion Farm.

2 The committee met with representatives of the

3 owner who conducted a tour of the farm with concentration

4 on the bank barn and the main house.

5 Other proposed work was also discussed. A

6 written report was prepared and presented at the May 14,

7 1998 meeting of the Commission.

8 No final decision was made, however, by the

9 Commission.

10 At this point, I think it was basically we were

11 talking about a concept plan, not the final plan. I think

12 it was a very well done report. I was a member of that,

13 but I did not, unfortunately, write a minority member

14 report, but there were some five issues that I think I

15 took issue with, most of those in terms of historic

16 preservation, which I felt were not the case here.

17 May 14, 1998, the representatives of the current

18 owners of Conclusion Farm appeared before the Landmarks

19 Preservation Commission for the purpose of presenting the

20 concept plans for restoration. I think we know what that

21 was about, and how it went.

7 1 On July 9, the representatives came again, and I
2 must say that after -- from the time we looked at the
3 concept and they made the presentation in April, I was
4 concerned particularly about the silo.
5 The silo was part of the farm, and we were told
6 that it was in poor condition, and that it may or may not
7 have to be torn down.
8 When we got there, the technical committee, it
9 had been torn down.
10 You didn't give us a chance to even look at it to
11 make our own assessment, which I think was incorrect and
12 wrong.
13 On July 9th, we looked at the drawings, and
14 that's when I think it really hit me this is not really
15 historic preservation in the context of historic
16 preservation as we should view it as a Commission.
17 And on Thursday, I was informed about this
18 particular special meeting.
19 The proposed restoration of the existing main
20 house building and the bank barn, I think, is a step in
21 the right direction.

7 1 While I disagree that it is in poor shape, there
2 is no reason to think that it can't be restored almost to
3 its original state of 1854, or thereabouts, in the context
4 of what this farm was and had been. It provided -- well,
5 first of all, it had slaves. It had hard working people
6 who were tenants. It even had, I understand, at one time,
7 Civil War troops who came and stayed there and used the
8 property. It was a productive farm.
9 It wasn't just somebody's idea of, you know, what
10 to do. It was, historically, a historic farm in terms of
11 what it accomplished and who it served.
12 The Bosley family has owned that property for
13 almost a hundred years or more. That's 200 years. It's
14 very significant that this family kept that farm going,
15 and it's unfortunate they were not able to keep it in good
16 condition.
17 That does not -- that does not -- I repeat --
18 allow us to have that house overrun by sixty percent
19 addition to what is there now.
20 I appreciate the fact that you are restoring it,
21 that it will be viewed as a historic restoration. The same

7 1 way with the bank barn which gives it, again, context in
2 terms of its history.
3 What this will do, this addition will do, will
4 change it so that it will no longer have that context of a
5 farm. It will be a manor house for the enjoyment and
6 entertainment of the owners.
7 This property was also recommended as a musium
8 back in the seventies, I believe, or the eighties.
9 Unfortunately, there wasn't enough money or
8 10 enough interest at the time, but there was a very good
11 proposal presented to preserve all that in the context of
12 an active farm which could be, number one, restored and
13 preserved and as a viewing by people and teaching by
14 people of what farming was in those days, what implements
15 were used, how the animals were cared for, what crops were
16 grown, and how people actually -- not just survived -- but
17 how they actually lived.
18 I am sure this farm was, under the Bosleys
19 residence, was a very happy place. It was a farm. These
20 people ran it like a farm.
21 What we are going to see, if this addition, the

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1 sixty percent addition goes through, is no longer going to
2 be a farm.
3 Oh, there may be some horses and there may be
4 some farming going on, but it will no way in any context
5 of history be preserved as a farm.
6 If we approve this, we are setting a terrible
7 precedent on this Commission, because everybody who has a
8 property that's not in good shape will be able to sell it
9 to somebody who wants to put it in a different shape and
10 expand it and take the life blood of the history out of
11 it.
12 That's exactly what they are doing, these people
13 are proposing to do in this case. That's my opinion. I
14 think that's exactly what they are doing.
15 It's a wonderful idea, but I do not think that a
16 sixty percent increase of that property and what they are
17 actually putting in it is in any way historic
18 preservation.
19 I thought about it a long time as to what really
20 is the solution, or even if there's even a solution, and
21 I'm not sure there is, except that I sort of came to the

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1 conclusion that a limited extention of that property
2 probably would be all right, again, if it's kept in the
3 context of the original farmhouse, and I would say
4 probably no more then twenty-five percent.
5 That would be my recommendation. If we approve
6 this, ladies and gentlemen of the Commission, we are
7 setting a terrible precedent for historic preservation,
8 and we are not carrying out our responsibilities. Thank
9 you.
10 THE CHAIRMAN: Any further comments? I
11 appreciate the vice-chair's comments. I, however, differ
12 with respect to the Commission.
13 I think that we are upholding our obligation as
14 Commissioners in doing what we feel is in the best
15 interests of the county, so we differ with our
16 differences. Sandra.
17 MS. CASLIN: I move on Lark's motion.
18 THE CHAIRMAN:: Lark, would you make your motion
19 again?
20 MS. SCHULZE: I move that we as a Commission
21 approve the proposal to renovate and preserve this

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1 property in accordance with the plans as been presented.

2 MS. WEEKS: Second.

3 THE CHAIRMAN: Seconded by Barbara. I would call

4 for a voice vote, an individual vote. Tom Carsky.

5 MR. CARSKY: Yes.

6 THE CHAIRMAN: Sandra?

7 MS. CASLIN: Yes.

8 THE CHAIRMAN: Tom Reynolds. Mr. Reynolds?

9 MR. REYNOLDS: Can I abstain?

10 THE CHAIRMAN:: Abstain. Tom Reynolds abstains.

11 Rhoda.

12 DR. DORSEY: No.

13 THE CHAIRMAN: David?

14 MR. GOLDSMITH: No.

15 THE CHAIRMAN: Marlene

16 MS. KOEPPEL: Yes.

17 THE CHAIRMAN: Bonnie?

18 MS. HILL: No.

19 THE CHAIRMAN: R. Hill. Your vote was no?

20 MS. HILL: No.

21 THE CHAIRMAN: Tim?

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1 MR. RODGERS: Yes.

2 THE CHAIRMAN: Lark Schulze?

3 MS. SCHULZE: Yes.

4 THE CHAIRMAN: Barbara Weeks?

5 MS. WEEKS: Yes.

6 THE CHAIRMAN: And Robert Scott, Chair, yes.

7 I am showing seven yes. One, two, three, four

8 five, six, seven. I am showing seven yes. Is that what

9 you recorded?

10 KIMBERLY: Yes.

11 THE CHAIRMAN: One, two, three no, and one

12 abstained. Is that what you show, Kim?

13 KIMBERLY: (Nodding head.)

14 THE CHAIRMAN: Okay. Kim is nodding her head.

15 That's it. Motion passed. Do we agree the motion passed?

16 VOICE: Un-huh.

17 THE CHAIRMAN: So the motion passed. Let's be

18 clear. Okay?

19 We had Carsky, yes. Sandra, yes. Tom Reynolds,

20 abstained. Rhoda, no. David, no. Marlene, yes. R.

21 Hill, no. Tim Rodgers, yes. Lark Schultz, yes. R.

8 1 Scott, the Chair, yes. And Barbara Weeks, yes.

2 So we all agree. The motion passed. Again,

3 thank you for coming, and this meeting is adjourned.

4 (Meeting concluded.)

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1 STATE OF MARYLAND)
)ss
2 COUNTY OF BALTIMORE)

3 I, Carolyn E. Peatt, a Notary Public in and
4 for the State and County aforesaid, do hereby certify that
5 the aforegoing is a true and accurate transcription of the
6 proceedings indicated.

7

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9 Carolyn E. Peatt
Notary Public

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13 My commission expires June 24, 1999.

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LANDMARKS PRESERVATION COMMISSION HEARING

May 14, 1998
7:45 p.m.

HEARING ON CONCLUSION FARM

County Courts Building
401 Bosley Avenue
Fourth Floor
Towson, Maryland 21204

Prot. Exh 3 A

1 MR. SCOTT: Conclusion Farm is up for discussion.
2 Tom, I believe you went out to the farm. So let me ask
3 that you give your report to the commission.
4 MR. REYNOLDS: I wrote up a small one. It was
5 sent out. I'll go over it here. Basically we were all in
6 agreeance with what they wanted to do with the house,
7 portico, the addition on the house, portico. We didn't
8 really have a problem with what they wanted to do and how
9 they were going to go about doing it. The biggest problem
10 came with the bank barn. They wanted to take down that
11 whole rear wall out of stone, come in ten feet with stone,
12 put boards the rest of the way to the doorway. My
13 personal feeling was I wanted to see stone. I mean that
14 is the original intent of the barn. It was to be stone.
15 The farm is hundreds of years old. Hopefully it will be
16 around for hundreds of years. The whole subcommittee felt
17 if they could give us another proposal other than wood
18 from ten feet to the center of the door, we would be in a
19 little more agreeance. I said to them after the meeting
20 to come in and make another proposal to us about it.
21 MR. SCOTT: Did not.

MS. WEEKS: Have you told them that was -- we would like to see another option, and they haven't?

MR. REYNOLDS: I told them exactly what I just said here, that we were all in agreeance. Could not tell them to go ahead and do anything until after we came back and had a final vote here. I said, "Why don't you bring" -- the one gentleman said -- he says, "How about if we laminate, put a stone laminate up?" Tom Carski suggested that also. I even told them -- I said, "That would be a very good proposal to bring to us." They are going to do a tremendous job. It is a huge project. If they do everything they say they are going to do, I'm sure it will turn out fine, but I still have a very strong -- I would like to see stone on that back wall.

MS. SCHULZE: If I understand your report, it is that the subcommittee really is in favor of the renovations to the main house, but did not have approval for the bank barn?

MR. KELLY: Certain renovations?

MR. REYNOLDS: Yes.

MS. SCHULZE: If we were to act on it, all we

1 would do is -- is that what you are recommending? That we
2 did not, and then they could always come back.
3 MR. REYNOLDS: Yes. Well, I told them -- like I
4 said, they were going to come here. We couldn't vote. We
5 didn't have enough members. I told them to bring another
6 proposal for the back side of the bank barn and basically
7 told them what to bring, and they didn't come.
8 MS. SCHULZE: But we could split it up and
9 approve --
10 MR. REYNOLDS: Sure. Bo, he wanted to see more
11 detailed drawings.
12 MR. KELLY: Well, one of things that -- I think
13 we all agreed on the house. The question is whether --
14 how far to bring the stone around, whether it could be
15 stone veneer. As I understand it, the architect, who is
16 not here today, Walter Schlue, we asked him to give us an
17 alternative. He said, "Tell me -- don't give me an
18 alternative." He said, "Tell me what I got to do." So
19 let's tell him. Let's tell him we would like to see stone
20 all the way up to the door, veneer.
21 MR. REYNOLDS: They were even -- the one

1 contractor, he suggested, which I thought was a great
2 idea, they tear that old stone down. Instead of making
3 that -- that wall is probably what, a foot thick? Sixteen
4 inches. Probably sixteen, eighteen inches thick where
5 they would run either a poured wall from the foundation
6 all the way down to the bank barn so it is down in the
7 ground. We had no problem with them blocking, pouring it
8 clean on up to the roof as long as they gave us stone.
9 They can put --
10 MR. KELLY: Veneer. We are talking about veneer.
11 Maybe six to eight inches of stone instead of a
12 sixteen-inch wall. You'll bring it up in block. Try to
13 each keep the joints so that they match the existing --
14 the flat. The veneer could come down and be flat. Veneer
15 can sometimes be flat like that and lay horizontally to
16 match the stonework. If I think we wanted to see stone
17 right up to the door -- stone veneer up to the door laid
18 sympathetically with the rest of the stone, that's all
19 they need to hear. If they object to it, come back.
20 MR. REYNOLDS: It's a beautiful barn. It is an
21 absolutely beautiful barn.

1 MR. KELLY: It's hanging by a thread right now.
2 No question.
3 MS. WEEKS: Did you tell Walter that it can be --
4 you said to Walter, "We want --
5 MR. KELLY: He said to Walter, "Give us an
6 alternative." Walter came into the office I think and
7 said, "Tell me --
8 MS. WEEKS: "What alternative do you want?"
9 MR. KELLY: "Just tell us."
10 MS. WEEKS: Well, tell him.
11 MR. KELLY: Then if he has a problem with it,
12 he'll come back.
13 MS. WEEKS: We can discuss it. They have a good
14 argument.
15 MR. REYNOLDS: They seemed -- when I made that
16 suggestion to them, at the time, they were all like,
17 "Okay. That doesn't sound like a problem." I think they
18 were satisfied with that too.
19 MR. SCOTT: Can I get a motion to accept?
20 MS. SCHULZE: I notice at the end of your report
21 you talk about the garage. It seems to me the motion

ought to end. If they propose to do a garage, that they have to take that in --

MR. REYNOLDS: I'll take blame for that, that I didn't bring that up. It slipped my mind that they wanted to put that garage on.

MS. WEEKS: I thought that was part of the whole addition on the rear. Is it part of the whole addition on the rear?

MR. REYNOLDS: Yes. But I didn't hear them talk about it.

MR. KELLY: You mean the doors? We approved the window on the side.

MS. WEEKS: That included a garage.

MR. REYNOLDS: I must have been --

MS. WEEKS: That was part of the plan that they showed last month. So by approving that addition, we are approving the garage?

MR. REYNOLDS: Yeah.

MR. SCOTT: Can I get a motion on that?

MR. BOSLEY: Mr. Chairman, can I make some comments before.

MR. SCOTT: Let's get that motion on the floor.

MR. KELLY: So moved.

MS. WEEKS: Second.

MR. SCOTT: All in favor?

THE COMMISSION: Aye.

MR. SCOTT: Opposed?

MR. FOX: Abstaining.

MR. SCOTT: One member abstaining from the vote. Richard Fox abstaining.

Yes, sir. I think we've heard you twice. I don't know if there is anything else that you can really add to this discussion that we have not heard.

MR. BOSLEY: Yes, sir. I think that there is something that I can add. That's why I'm here tonight.

MR. SCOTT: We'll allow you to make --

MR. BOSLEY: Thank you.

MR. SCOTT: Is it new?

MR. BOSLEY: Yes. It's new, because April the 19th the silo was torn down. The silo is part of the barn. The silo was torn down without a demolition permit.

MR. SCOTT: Okay.

1 MR. BOSLEY: Then in the back part of the barn
2 there are two sheds that are attached to the barn, and
3 those sheds, from an engineering point of view, keep out
4 the cold, the wind, the snow, and the rain away from the
5 barn doors particularly. That was done years ago because
6 the barn doors open to allow wagons to go in and out.
7 They have to be protected.
8 I have a picture here of similar barns in the
9 area which show these sheds at the rear of the barn. Here
10 is one drawing done by Henry Chanley Forman of a barn that
11 was in the Sparks area. It shows the two sheds that are
12 around the rear door of the barn.
13 Of course, the barn door is on the north side and
14 needs protection, because the over jets usually on the
15 barn is on the south side, and, of course, it's on the
16 south side where the sun comes in and where the cows enter
17 the barn. That's a barn that was in Sparks. Eighteen
18 hundred barn, or actually seventeen hundred type barn.
19 I have another picture of the barn located
20 --which I took yesterday -- at Quaker Bottom Number 1, and
21 this property is an eighteen hundred barn. It's at that

1 curve as you go through Quaker Bottom Road. This barn was
2 before the Landmarks Commission something like ten years
3 ago when they made improvements or additions to the barn.
4 Give that picture.
5 MR. SCOTT: What would you like for us to do?
6 You tell me what you would like for us to do as a
7 commission.
8 MR. BOSLEY: I would like the commission to
9 consider that there be those two rear sheds to the back of
10 the barn to preserve this architectural engineering
11 feature which was a practical feature that was developed
12 in the seventeen hundreds to make the barn a practical
13 working barn for entering, and one of the sheds was used
14 for granary in eighteen hundred.
15 The other side of the shed was -- my grandfather
16 used it as a threshing area with a merry-go-round of
17 horses. They had horses in there that went in a
18 merry-go-round. It attached to a power unit for
19 threshing. A lot of times it took them all winter to
20 thrash the grain out. They had the grain in the barn.
21 They brought the sheaves of wheat to the threshing

1 machine. Of course, this provided power. That was one of
2 the reasons they had the shed in back of the barn there.
3 Then they took the grain across in front of the
4 rear door to the granary and stored the grain there until
5 they took it to the mill at various times.
6 Then there is the other issue of the mule shed
7 which is on the west side that they did not agree to do
8 anything to, but there is stonework there that according
9 to a neighbor's farm, which is listed in this book,
10 before -- pre-Revolutionary War which indicates that stone
11 work of that nature was done in the -- before the
12 Revolutionary War, before the Declaration of Independence,
13 on the Scott property, which is located on Tanyard Road
14 and Western Run Road. It mentions that that type of
15 structure was done way before the Revolutionary War and in
16 the 1730s or 40s. We have evidence that there was
17 activity -- stonework in that area. It's in this Chanley
18 Forman's book.
19 It also indicates in here that before Goucher
20 College -- the architect from Goucher -- the president of
21 Goucher College, before they built, it went out to look at

1 the same stonework in the neighboring Scott property
2 because they wanted to copy the pattern and the design of
3 the stonework. Of course, Goucher College was built of
4 Butler stone which is a couple miles north. So they
5 followed that same design that was in the Scott property
6 of that area.
7 MR. KELLY: Mr. Chairman, Mr. Bosley has brought
8 up three issues. The barn -- the entrance on the north
9 side, the flanking to the entrance to the barn on the
10 back, the west barn he feels is very early. Now, I
11 questioned the architect, the fellow who did the history
12 research on this very point on the west barn. He says
13 that the barn preceded the mule shed, and he can prove
14 that by the way it's joined. So we've got a lot of things
15 here that Mr. Bosley is bringing out tonight. I think we
16 could ask for clarification from the architect as to the
17 evidence that it was not as early. They seem to have
18 quite a bit of evidence about that. Then we could ask him
19 about the date of two sheds in the front, and I think
20 we'll find that they are very late. You can ask them why
21 they took down the silo. Now, the silo being taken down

1 was a problem. Nobody ever knew. I don't think it fell
2 down.
3 MS. HILL: I think the --
4 MR. KELLY: They didn't want it, but the point is
5 they never -- they said they were going to handle it as
6 part of the commission's purview to review that. So I
7 think we just ought to query those things rather than hold
8 up anybody. We ought to find out their opinion on the
9 three issues. We can make that up for --
10 MS. WEEKS: Is the silo listed?
11 MR. KELLY: The property was listed.
12 MR. SCOTT: Was this barn?
13 MR. KELLY: John, do you know?
14 JOHN: The barn, the house, the Upingston, and
15 the -- something else -- gateposts were what we listed.
16 MR. KELLY: The gateposts, the house --
17 JOHN: The Upingstone and the big stone barn were
18 the things listed.
19 MR. BOSLEY: And the springhouse.
20 MR. KELLY: So the silo is part of the barn?
21 MS. KOEPPEL: It was attached.

1 JOHN: It was freestanding. I mean it is a
2 separate and younger building.
3 MS. SCHULZE: It was not listed.
4 MS. HILL: I don't think it was listed. When we
5 asked about the silo, they said it was not listed.
6 MS. KOEPPEL: And it was not attached to the
7 barn?
8 MR. KELLY: Let them clarify that.
9 MR. BOSLEY: It was attached to the barn by --
10 the doorway in the silo was an entrance to take the
11 ensilage and distribute it in the barn, and also the silo
12 had stair steps. Rounds where you climb up. Of course,
13 that whole area was enclosed so in the wintertime you
14 could climb up inside of the walls, and the silo had walls
15 which were attached to the barn. So there was an
16 attachment to the barn from the foundation, the footing,
17 all the way up forty foot, and the silo was -- had
18 electricity in it, which was part of the barn electricity.
19 It also had water, and all of it was attached to the barn.
20 Of course, as Mr. Reynolds brought out, it was a
21 early tile silo when they first started making silos out

1 of red clay tile. Prior to that time, the silos were out
2 of wood. This was one of the first silos that was made
3 out of ceramic clay tile. So it was ceramic tile.
4 Ceramic block tile.
5 MS. CASLIN: Mr. Chairman, it seems to me that
6 the silo is gone, and I guess it's a matter of
7 interpretation as to whether or not the silo is considered
8 part of our purview as it would attach to the barn or not.
9 If it's part of our purview, then my suggestion is that we
10 send an appropriate letter to whatever the group that does
11 the reprimanding as far as proceeding without permit.
12 Everything else, unless we have a formal application of
13 adding to landmarks list, I don't see where this is
14 pertinent to our meeting today. Because we suggested in
15 the minutes we had for months that we had a two-minute
16 time limit. I think we have gone past our two minutes.
17 MR. KELLY: I would only take exception to one
18 thing. That is, they are attached to the building. These
19 three sheds that we are talking about are attached to the
20 barn, so therefore they are part of the purview. I just
21 think they ought to tell us if they're not historic. Just

1 tell us that. We have one opinion that says --
2 MS. CASLIN: Is it them telling us, or is it us
3 having to determine? That is the question. When the
4 technical committee was visiting, was there notice made of
5 these sheds attached?
6 MR. KELLY: There was a discussion. I discussed
7 it with the historic architect about the mule shed, and he
8 said that it was later than the barn, which is in direct
9 opposition of what we've heard here tonight.
10 MS. CASLIN: What's the material it was made
11 from?
12 MR. KELLY: It was made from stone, but the way
13 it was worked is that the barn had a window inside of it,
14 so obviously it was on the exterior before that shed was
15 ever built. At least that was his justification. I think
16 he is probably right. You know, the stone, whether it's
17 Welch stone or what the dates are -- I think he ought to
18 tell us if it has any importance.
19 MR. SCOTT: Do you want to put that in a motion
20 that we have the architect inform the commission as to --
21 what?

1 MR. KELLY: The historic importance of three
2 sheds that are adjoining. I would presume that --
3 MR. REYNOLDS: Which ones are you talking about?
4 MR. KELLY: These two and this.
5 MR. REYNOLDS: This one is down. That one has
6 fallen down.
7 MR. KELLY: They are going to --
8 MR. REYNOLDS: They are going to keep the
9 foundation.
10 MR. KELLY: They are going to keep the foundation
11 and just put the new roof on. This one he says is older
12 than the barn. The historic architect says it's not as
13 old as the barn. I think we ought to get him to put it in
14 writing.
15 MR. SCOTT: Put that in a motion?
16 MR. KELLY: Yeah. I would like the architect --
17 historic architect to justify the --
18 MR. REYNOLDS: Remember, this is no longer
19 standing. This had a flat door on it. They didn't want
20 to rebuild all this. They wanted to --
21 MR. KELLY: They wanted to keep the stonework.

1 MR. REYNOLDS: Keep the stonework, and he said
2 use this for like a manure storage place.
3 MR. KELLY: It's not as old as -- he thinks it is
4 not as old. I think we ought just put that in writing so
5 we have it.
6 MR. REYNOLDS: These two here, they were add-ons.
7 MR. KELLY: They were add-ons.
8 MR. BOSLEY: I might add that they were -- they
9 used to be frame, and the frame got old. They were
10 replaced with cinder block on the one, and the other was
11 stone underneath, but added cinder block on top of stone.
12 So you look under the shed on the right-hand side where
13 the granary was, all that is stonework underneath. Frame
14 on top.
15 MS. KOEPPEL: What do you mean? Don't you mean
16 for the roof or --
17 MR. BOSLEY: It has a small shed underneath. The
18 granary had a stone foundation.
19 MR. REYNOLDS: This one over here did have a
20 stone foundation to it.
21 MR. KELLY: We'll work on the wording of that.

1 It's just simply to get the explanation.

2 MR. SCOTT: We have a motion that --

3 MR. KELLY: To accept the subcommittee report

4 and --

5 MR. REYNOLDS: In my subcommittee report, I did

6 state that we did not have a problem with taking those two

7 sheds down.

8 MS. KOEPPEL: But he is saying the sheds are old.

9 They have been redone, but the stone foundation is

10 older --

11 MS. CASLIN: But it seems to me that the

12 technical committee went out and looked at it.

13 MR. REYNOLDS: My feeling was that naturally, as

14 you know, it would be nice to keep it all. We talked

15 about it. I was more concerned about the whole entire

16 rear wall of the barn than I was the two sheds. I think

17 you end up with a better looking barn without the two

18 sheds. That's my personal opinio. N whether everybody

19 feels that way --

20 MR. KELLY: If you take the sheds away -- you

21 don't see the stone. I mean until you take them away.

1 MR. REYNOLDS: There is no sense in making them
2 stone. The two sheds do hide it, I mean, other than
3 seeing it from the inside. You won't be able to see it
4 from the inside because it will be blocked. I think from
5 the road and from just a historical point I think you'll
6 have a much more attractive project without the two sheds.
7 MR. SCOTT: Can we get a motion to accept the
8 subcommittee's recommendation?
9 MS. CASLIN: I move to accept the subcommittee's
10 recommendation.
11 MS. SCHULZE: I second.
12 MR. BOSLEY: Mr. Chairman, I have comments on
13 the house.
14 MR. SCOTT: All in favor?
15 THE COMMISSION: Aye.
16 MR. SCOTT: Opposed. That's it. Thank you very
17 much.
18 MR. BOSLEY: Mr. Chairman, I have a couple
19 comments on the house. There is a lot of confusion here
20 as to which porch they are talking about.
21 MR. SCOTT: But I think the subcommittee has

1 spoken. They have gone and taken a look at it, and now
2 they've made a decision. I thank you very much for --
3 MR. BOSLEY: Thank you.
4 (Hearning concluded at 8:10 p.m.)
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MEETING

OF THE

BALTIMORE COUNTY

LANDMARKS PRESERVATION HEARING

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Room 407, County Courts Building

401 Bosley Avenue

Towson, Maryland 21204

July 9, 1998

7:28 p.m.

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Reported By:
Shannon M. Wright

TOWSON REPORTING COMPANY

Prot Exh 3B

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THE CHAIRMAN: Next item on our agenda, 1519 Gerber Road, Conclusion Farm, Final Landmark List Number 135. Mark? Is Mark here? Anyone here --

KIMBERLY ABE: Matt Slater, but first we're going to show the film that I took out at the site visit on July 7th, two days ago. It's not very good, I mean in terms of the cinematography.

THE CHAIRMAN: This is a film showing from what, Kimberly, for the record?

KIMBERLY ABE: This is some footage of our site visit. Tom Carski was able to make it, and Dotty Foos, about eight o'clock on July 7th.

THE CHAIRMAN: Okay. The record will reflect that this is film being shown from a site visit with respect to commission members viewing this site. And the commission members are Tom Carski and -- who was the other one? And Dotty. Dotty Foos.

KIMBERLY ABE: That's the front facade, and that's where the porch had been, the front porch.

1 This is where the two-story porch had been.
2 MARLENE KOEPPEL: And what happened to
3 that?
4 KIMBERLY ABE: We will let that explain
5 it. I'm just kind of doing a 180 of the site. Okay.
6 This is the site again. This is a graded area that
7 there were some complaints about, but apparently that
8 was all related to putting in a septic system.
9 Once again, this is the front facade. The
10 main house, which is a Final Landmark List structure.
11 That's where the porch had been. And in your packet,
12 there was the proposal for the smaller reduced version
13 of the porch that Walter said was, apparently, a
14 replica of what they thought was an original porch.
15 And this is where the two-story porch was
16 removed. And prior to that, last week is when John
17 Reisinger -- in July -- I'm sorry. I forget the date.
18 June -- July 1st is when John Reisinger went up on the
19 site and looked at it.
20 Over here is the bank barn, and that's the
21 other Final Landmark List structure, Tom. This is the

1 back -- the rear facade of the house.
2 THOMAS LLOYD REYNOLDS: See where they put
3 an additional onto it?
4 DR. RHODA M. DORSEY: Yeah.
5 KIMBERLY ABE: I was talking really low
6 for some reason. Sounds like a golf tournament.
7 DR. RHODA M. DORSEY. You talk low.
8 KIMBERLY ABE: Well, I didn't know how
9 loud -- because I do in general?
10 DR. RHODA M. DORSEY: Yeah.
11 KIMBERLY ABE: Oh, okay. This is the one
12 side of the bank barn that's been recently repointed.
13 We really zoom in. The bank barn, it's the title of
14 the type of barn.
15 THE CHAIRMAN: 3C will give a scenario.
16 KIMBERLY ABE: Matt Slater will fill in
17 all the details. This is the side -- the south side
18 of the bank barn that's visible from the public road.
19 THOMAS LLOYD REYNOLDS: North.
20 KIMBERLY ABE: North. Excuse me.
21 THOMAS LLOYD REYNOLDS: We said --

1 KIMBERLY ABE: That's a wall within those
2 two sheds. I just -- you know, I didn't know what to
3 do with the camera.
4 MARLENE KOEPPEL: So they take the sheds
5 down, but leave that wall?
6 KIMBERLY ABE: That's my latest
7 understanding. I guess they haven't removed them
8 because the structure is still relatively unstable.
9 It's almost the end.
10 DR. RHODA M. DORSEY: Good try.
11 KIMBERLY ABE: First time.
12 DR. RHODA M. DORSEY: Where can you go but
13 up? Lovely scenery.
14 KIMBERLY ABE: I know. I kind of got
15 carried away with it. One more site here. I think
16 that's pretty much it. So for those who haven't been
17 able to get to the site, at least that gives you some
18 kind of feeling.
19 THE CHAIRMAN: Thank you very much, Kim.
20 Okay. I've not seen this particular site myself,
21 and that was very helpful. Shed some light on it.

1 SANDRA CASLIN: I like this.
2 THE CHAIRMAN: As I understand it, we have
3 someone here who would like to follow up the --
4 MATT SLATER: Sure. My name is Matt
5 Slater. I'm the builder, and I'm just here to answer
6 questions, however you want. I understand we've
7 caused some commotion. So I can do this several ways.
8 You want me to just walk from how it was
9 from our standpoint, or do you want to ask specific
10 questions?
11 DAVID H. GOLDSMITH: Why don't you take us
12 through the very beginning when we talk about the
13 concept plan, what you've done with that concept
14 plan --
15 MATT SLATER: Okay. I've brought a set of
16 plans.
17 DAVID H. GOLDSMITH: -- the removal,
18 additions with the main house first, the barn second,
19 and the sheds last.
20 MATT SLATER: Okay. Understand, this is
21 a -- this is a historic preservation of an entire

1 property. It's not one house. It's a whole
2 complex of several barns, a number of buildings.
3 There are three -- three of the buildings on the
4 property are historically registered. The bank barn,
5 which you saw in there, and the main house and a
6 springhouse, which is down by the pond.
7 The person directing this is a historic
8 architect by the name of John Milner, who's based in
9 Pennsylvania. And he's the one who's doing all the
10 drawings. Those are his prints. They're -- part of
11 the problem has come in evolving these prints, because
12 what he's doing is a historic restoration, so what he
13 wants is everything to be as it was when the building
14 was built.
15 That's why we took down the main front
16 porch, because he was sure that there was another
17 porch underneath it, and he wanted to see the
18 foundation, and he wanted to see the imprint on the
19 stone where the old porch was attached. And that --
20 DAVID H. GOLDSMITH: Was that made clear
21 to the commission?

1 MATT SLATER: Pardon?

2 DAVID H. GOLDSMITH: When you made your

3 first presentation, was that made clear to the

4 commission?

5 MATT SLATER: Right. When we had the

6 walk-through -- the first walk-through out at the

7 site, that was one of the things we talked about, was

8 that we were going to be taking down that old porch,

9 taking it off and not putting it back. What was going

10 back was going to be whatever they found underneath

11 there, which you can see -- on the front elevation,

12 you can see the new porch, which is what he thinks was

13 there originally.

14 THE CHAIRMAN: Can you recall the date --

15 do you recall the date that this was first -- roughly?

16 MATT SLATER: No.

17 THOMAS LLOYD REYNOLDS: We did talk about

18 it when we had our site visit, and I think I even --

19 it was noted with what I wrote up that that's what

20 they want to do, and everybody at the meeting that

21 evening didn't seem to have a problem with it.

1 MATT SLATER: This is where we start.
2 THOMAS LLOYD REYNOLDS: Did you find what
3 you wanted to find?
4 MATT SLATER: Yeah, we found -- exactly.
5 We found the old foundation walls, and you can see --
6 even now, you can see the imprint of the old roof line
7 where the old -- the old shingles were cemented onto
8 the stonework. And it's exactly -- that porch that
9 you see there matches that profile exactly.
10 Where the problem seems to be coming in is
11 the two-story porch, which is probably -- I can
12 probably take most credit for this. Now, I thought it
13 was understood that we were taking it off, and I
14 thought that this came up during that first meeting.
15 It was not -- it's going back on exactly
16 the same way. And you'll see on the drawings, the
17 elevation drawings, the two-story porch that you see
18 there is exactly the porch that was there in that
19 first walk-through. And we still have that porch.
20 We took it down in sections. We removed
21 the handrail sections, we took the columns down, but

1 the thing was collapsing. I mean, the floor systems
2 were coming apart, and it was not safe.
3 And one of the things that we're doing is
4 repointing all of the old stonework around the
5 building. And we've had the masons working, you can
6 see in the photographs there, coming around the
7 corner. So we removed that porch.
8 They're running through there repairing
9 stonework. We took it down to the bottom of the
10 foundation because the foundation walls were very
11 porous, and there was water pouring through the
12 basement every time it rained. So part of their job
13 was to parge it.
14 So that porch came down, but is going back
15 exactly the same way. So from our standpoint, we
16 weren't -- we weren't destroying anything. I mean,
17 now -- and I think this is probably my
18 misunderstanding because it was at my direction that
19 all this took place.
20 The other thing that happened at the same
21 time was the septic system on the house was shot

1 completely. So we applied for a permit to relocate
2 the septic system to a new area farther up closer to
3 the house. And we had a new well drilled, because the
4 water source was from the springhouse which is not
5 legal anymore.
6 So we had -- we set the septic system, ran
7 the piping into the building and then back out to tie
8 because we have other buildings that are connected to
9 the septic system. And we have a trailer that we set,
10 because we had a tenant in the house, and she had to
11 be moved out of the house.
12 So we have permits for all the septic
13 work, all the trailer work, all the underground work.
14 All of that was permitted and inspected, and that's
15 what all the digging that you saw. When you see the
16 photographs with the piles of mud everywhere, that was
17 during the process of laying all these underground
18 lines in.
19 Then once we had her moved out, then we
20 got everything stabilized again. But during this
21 whole time now, the architect is evolving the plans,

1 which, theoretically, should have been on file for
2 permit six weeks ago. But due to the schedule of --
3 of when we got the prints, we didn't get them until
4 last Thursday, and I filed them Thursday afternoon.
5 So this set of prints that you see now has
6 been put in as an application for the permit for the
7 building.
8 DAVID H. GOLDSMITH: This is what you
9 filed?
10 MATT SLATER: Right.
11 THE CHAIRMAN: This is what you filed, and
12 you don't have a permit at this point?
13 MATT SLATER: I don't have a permit, no,
14 because you guys have to put in -- but it's on -- it's
15 been -- the application's been made.
16 THE CHAIRMAN: Okay.
17 MATT SLATER: So the other thing we put
18 down, there were some buildings that came down, and
19 then just the general cleanup of the area is what
20 we've been doing. It's basically -- we've been raking
21 the ground, removing all the concrete, the old

1 concrete, old road systems, old farm implements.
2 You name it, we dug it up. And we've just
3 been basically clearing the site, getting everything
4 ready for the day that we get the permit, and we can
5 start actually, you know, excavating the foundation
6 work and that sort of thing.
7 DAVID H. GOLDSMITH: What does the permit
8 application cover now? Does it cover all the
9 structures?
10 MATT SLATER: The one for here? No,
11 there's a permit for this.
12 DAVID H. GOLDSMITH: For the house?
13 MATT SLATER: Right, for the main house.
14 And then we're filing a permit for a pool house/guest
15 house, which is just beside this building. And then
16 we're filing for a permit for the barn work, the
17 restoration of the barn.
18 DR. RHODA M. DORSEY: What's the pool
19 house/guest house?
20 MATT SLATER: That's a whole separate
21 building. Does that have the site plan on it? Does

1 that show a site plan?

2 DR. RHODA M. DORSEY: I don't see one.

3 THOMAS E. CARSKI: No.

4 MATT SLATER: You see, there are a number

5 of buildings, and right beside this building is

6 something that was an old icehouse of some kind. And

7 that's being rebuilt into a -- it's a pool house/guest

8 house, but we're in the process with the planning

9 commission or the zoning commission of getting them --

10 their okay so that we can file for that permit.

11 But that's a separate -- we're doing a

12 separate permit for each building.

13 DAVID H. GOLDSMITH: It's a separate --

14 THE CHAIRMAN: You have three different

15 permits. You've got one for a pool house/guest house,

16 barn work, and for the main house?

17 MATT SLATER: Right, the main -- right.

18 This is the site plan. This would be where the house

19 is. This is the main house that you're looking at

20 now, and then this will be a guest house. It goes --

21 takes care of the pool, and it has guest facilities.

1 And then they call that an office -- they
2 called that an office when they made this, but this is
3 sort of a work shed building there. And then there's
4 another -- what used to be a corncrib-type, hay
5 storage building there. Here's a tractor shed up
6 here, and then there's the main horse farm over here.
7 And then the springhouse down at the bottom by the
8 pond.
9 DAVID H. GOLDSMITH: This last area is an
10 addition?
11 MATT SLATER: Yeah, this -- no. This is
12 the original, original, original, these three. On
13 your plans, it's the heavy dark lines showing the old
14 stone walls, and then this kitchen area. This is
15 the -- this is actually the oldest part of the house
16 here.
17 DOROTHY FOOS: I mean this right there.
18 DAVID H. GOLDSMITH: Why don't you all
19 come over so we can all gather around the same sheet
20 of music.
21 DR. RHODA M. DORSEY: How much square foot

1 does this have?
2 MATT SLATER: I think about 7,000 square
3 feet.
4 DR. RHODA M. DORSEY: And what's there
5 now?
6 MATT SLATER: Pardon?
7 DR. RHODA M. DORSEY: What was the
8 original house square foot?
9 MATT SLATER: I think five. Five or six
10 maybe.
11 DR. RHODA M. DORSEY: The addition is
12 bigger than the house.
13 MATT SLATER: Everything is bigger than
14 the original. This was the original.
15 DAVID H. GOLDSMITH: Why don't you go over
16 this again for everybody. This is the main house,
17 right?
18 MATT SLATER: Right. When you look at the
19 plans, it has the heavy -- shows the heavy lines, the
20 darker lines, those are the stone foundation walls of
21 this part right here. This is the original, the

1 oldest part of the building, and this was like a
2 smokehouse. You have those three, this being the
3 front of the building here.
4 And then we're adding on a one-story
5 gallery there, a two-story room there, and then
6 one-story here. That's a one-story gallery.
7 DOROTHY FOOS: Here's your one-story
8 gallery, right?
9 MATT SLATER: All right. Looking at it
10 from the back --
11 DAVID H. GOLDSMITH: The back? This is
12 from here.
13 MATT SLATER: This is the original
14 building, the higher part and this part here. And
15 then this is our addition here. This is the gallery,
16 that's the kitchen and master bedroom up above it, and
17 then this is a connector wing to the garage.
18 DAVID H. GOLDSMITH: Right here?
19 MATT SLATER: Right.
20 DR. RHODA M. DORSEY: What is the --
21 what's this made of, this addition?

1 MATT SLATER: This is stone and -- it's
2 stone and then wood siding. Looking at it from the
3 front. From the front of the house, there's the
4 garage. This is actually an elevation change.
5 DAVID H. GOLDSMITH: Is that set back
6 slightly from here, right?
7 MATT SLATER: Yeah, yeah, yeah, this is
8 back quite a bit. This almost sits back to the main
9 part of this building here. And then if you look at
10 it from this end here, standing down the hill and
11 looking up at it, that's the original building.
12 That's the --
13 THOMAS LLOYD REYNOLDS: Do you see the
14 roof on all of it?
15 MATT SLATER: Yeah, you can see the roof
16 on everything.
17 DAVID H. GOLDSMITH: This is the new
18 entranceway?
19 MATT SLATER. Yeah. That's what they
20 think the original entrance looked like. And --
21 DAVID H. GOLDSMITH: And is this a porch

1 here?

2 MATT SLATER: This is the one that we took

3 down that we're going to put back up. Right, right,

4 that's exactly what it will look like.

5 DAVID H. GOLDSMITH: This will match here?

6 MATT SLATER: Yeah, I believe that these

7 and these match.

8 DAVID H. GOLDSMITH: Yeah.

9 MATT SLATER: We haven't gotten that much

10 detail from the architect, except for what you see

11 here.

12 THOMAS LLOYD REYNOLDS: What are you going

13 to do with the -- the wall that is behind -- sits

14 there behind the porch? Are you going to reface that

15 with -- that doesn't have any stone showing?

16 MATT SLATER: No. This is all plaster,

17 all stucco-sort of finish. We're -- it's up in the

18 air. They want us to not do anything with it, but

19 they also want it to be structurally sound, and

20 there's some things that happened. This doorway was

21 actually -- used to be larger. And when they reduced

1 it, they just filled in with rubble about an eight- or
2 ten-inch space down the side, and it's all cracking
3 apart there.
4 So there is some structural repair work
5 that has to be done, but it's been painted, and I
6 would assume that they're going to repaint it. But I
7 think he wants us basically to break it down and get
8 the loose stuff off and leave it the way it is.
9 I mean, Mr. Milner really is -- I mean,
10 we're saving everything. You know, he's putting back
11 all of the old shutters. I'm supposed to repair them.
12 DR. RHODA M. DORSEY: Lots of luck.
13 MATT SLATER: I know. And, you know,
14 we're saving everything on the inside of the building.
15 So even stuff that we don't actually reuse is all
16 being saved.
17 THE CHAIRMAN: All right.
18 THOMAS LLOYD REYNOLDS: Did they decide
19 what they're going to do with the ice pit?
20 MATT SLATER: Well, I mean, it's --
21 they're not taking it out. They're not making a

1 stairway. That's too crazy. Right now when you see
2 the plan for that -- I should have brought that with
3 me, but there's a -- they're talking about putting a
4 stone floor down and doing an outline of the size of
5 that in stone.
6 THOMAS LLOYD REYNOLDS: Well, there you
7 go. That will be neat.
8 MATT SLATER: Something to remind them of
9 that.
10 THOMAS LLOYD REYNOLDS: That's the first
11 time I had ever seen one.
12 DR. RHODA M. DORSEY: Is this in the
13 house?
14 THOMAS LLOYD REYNOLDS: No, that's in a
15 shed right outside.
16 MATT SLATER: This building right here had
17 an old ice pit in it. It's --
18 THOMAS LLOYD REYNOLDS: 20-by-20
19 stone-lined.
20 MATT SLATER: They were going to bring --
21 try and bring a stair into it and then come up in

1 through the building, but structurally everything
2 became a nightmare. So I think all those --
3 THE CHAIRMAN: Okay. Anything further
4 from -- any other questions from -- comments from any
5 of the commissioners?
6 THOMAS E. CARSKI: I mean, I went out the
7 other day along with Dorothy, and apparently there was
8 some problem with the removal of the right-hand side
9 of the porch. Although I think it's true that it
10 probably wasn't brought up when we had our site visit
11 originally, it clearly -- frankly, I was surprised it
12 wasn't brought up, because it looked like it might
13 fall down while we were there.
14 So it doesn't surprise me that it came
15 down, and I don't see any earth-shattering problem
16 with the removal of it. He's correct he did
17 restore -- he dismantled it and saved the parts, and
18 how many of them will be reusable, I'm not certain.
19 But I don't see any big deal.
20 As far as the -- his presentation here, I
21 think this is pretty much in line with what I heard

1 when we were there before as far as the house is
2 concerned. You know, so that portion of it is -- you
3 know, I don't see any differences here.
4 THE CHAIRMAN: Okay. So --
5 THOMAS E. CARSKI: I make a motion that we
6 approve his design plan as is shown in the drawings
7 for the house portion of the farm. Do you want to
8 talk about the -- do you want to talk about the barn,
9 too?
10 MATT SLATER: The barn, yeah, if we can.
11 I mean, if it's a separate issue, sure, yeah.
12 MARLENE KOEPPEL: Who's Gail and Jim?
13 MATT SLATER: This is Gail and Jim, yeah.
14 THOMAS LLOYD REYNOLDS: No. Who is Gail
15 and Jim? They're the --
16 MATT SLATER: Gail and Jim Riepe? They're
17 the owners. Actually, their kids are the owners
18 technically, but I think they're the owners, yeah.
19 THE CHAIRMAN: Can you shed some light on
20 what -- what does the policy say with respect to this?
21 MATT SLATER: Regarding?

1 THE CHAIRMAN: Regarding the exception or
2 approval of -- regarding a permit? As I understand
3 it, application has been submitted, but there's been
4 no permit granted.
5 TIMOTHY DUGAN: Correct, there couldn't be
6 until the commission makes a ruling on the certificate
7 of appropriateness to proceed. That's what's in front
8 of you this evening in regard to the permit
9 application for the work on the house.
10 Now, correct me if I'm wrong, you have not
11 yet filed permits for the work on the barn?
12 MATT SLATER: Right. No. We came to do
13 that, and they said we had to have drawings made for
14 it, so -- but we haven't done anything on the barn,
15 except for points, but --
16 TIMOTHY DUGAN: If you're ready -- if you
17 have enough information for the commission to look at
18 the concept --
19 MATT SLATER: Yeah, I'd like to.
20 TIMOTHY DUGAN: The commission could not
21 vote approval.

1 MATT SLATER: Right. That sounds
2 reasonable. Right. Do you want to do the barn or --
3 THOMAS LLOYD REYNOLDS: Take care of the
4 house first.
5 THE CHAIRMAN: Well, let's do the house.
6 I see a gentleman out there that is trying to be
7 recognized and trying to be heard, so I think we
8 should afford the opportunity to do that. So if you
9 would --
10 DOUG CARROLL: I just wanted to say
11 something. I'm Doug Carroll who -- we met last week.
12 THE CHAIRMAN: Right.
13 DOUG CARROLL: And I -- I'm sorry. I have
14 missed a couple meetings here to do with the farm.
15 But I came today because I was very concerned about
16 what I had heard about had happened to the house. And
17 Matt, who is really an excellent builder, has
18 reassured me about that.
19 I feel happy about it now. I think he is
20 going to do the right thing, but I did want to say
21 something to the commission regarding the plans I just

1 saw. You got to remember that this house was a
2 farmhouse from a fairly simple era. It's a
3 better-than-average house, but was still a simple
4 farmhouse.
5 This house will be unrecognizable if this
6 is done. It will be -- the addition is more square
7 footage than the original house. And I would suggest
8 to the commission cut back the plans for this house
9 and keep some historic nature.
10 This house will not be recognized. It
11 will be a beautiful 21st Century renovation job, and I
12 know Matt will do an incredible job. I've seen what
13 he's done. It will not be in any way recognizable as
14 the Bosley house. I just want to remind the
15 commission of that.
16 I think that's a philosophical direction
17 that you all have to decide, because this kind of
18 question has been coming up over and over again. It
19 would be like me adding a huge addition and making it
20 essentially unrecognizable. So it's something that
21 you all have to decide.

1 THE CHAIRMAN: Any questions with respect
2 to the comments?
3 DOROTHY FOOS: Didn't you say you have
4 photographs?
5 MATT SLATER: I have photographs of the
6 barn.
7 DOROTHY FOOS: Okay.
8 MATT SLATER: Can I respond to that a
9 little bit? Because I disagree completely with him.
10 Not -- I mean, I respect Doug a lot, but I think that
11 the architect has gone to incredible lengths not to
12 disturb the basic house.
13 If you look at that house, the original
14 three sections of that building, the front facade is
15 basically the same. The south facade basically has
16 been left alone. And as much of the north facade --
17 or the fact that we've tried to keep all of the
18 construction going off the back of the barn, and kept
19 it down low. So it does change the building. There's
20 no question about that.
21 MARLENE KOEPPEL: Back of the house you

1 mean?

2 THE CHAIRMAN: Back of the house.

3 MATT SLATER: The back part of the house,

4 right. But to, you know, drive up to that house, I

5 mean, with that kind of thought process, the original

6 part of that house was one-third of it. So you

7 can't -- I mean, if you go with the idea that nothing

8 can change, because it was originally only built as a

9 200-square-foot farmhouse, you know, you're going to

10 lock yourself into some -- basically just they will

11 get knocked down. You know, you'll lose the whole

12 thing then.

13 Anyway, once again, a philosophical

14 argument more than anything else.

15 DOROTHY FOOS: The addition is, in fact,

16 larger --

17 DR. RHODA M. DORSEY: Than the original.

18 THE CHAIRMAN: Than the original.

19 DOROTHY FOOS: -- than the original house.

20 MATT SLATER: Right.

21 DOROTHY FOOS: What you're putting on the

1 back of the house is, indeed, bigger than --
2 MATT SLATER: Right, but if you take off
3 things like the garage and the -- you have to realize
4 that what we've added on basically is one family room,
5 one kitchen, and a bedroom above it.
6 DOROTHY FOOS: One pool, right?
7 MATT SLATER: Well, the pool, yeah. That
8 will happen.
9 DOROTHY FOOS: One guest house?
10 MATT SLATER: Well, the guest house, but
11 those buildings were there. We kept the guest house
12 in the same profile as the icehouse, which is we
13 couldn't reuse those buildings. They were collapsing
14 on themselves, but the design of the guest house, as
15 you'll see when it comes through, it looks very much
16 like the original building.
17 So, I mean, this is where the skill of the
18 architect in Pennsylvania, Mr. Milner, is that -- I
19 mean, he wants to preserve the thing completely. And
20 that's his -- that's his driving force. And I think
21 he's done a good job at that, for what it's worth

1 anyway.

2 THE CHAIRMAN: Any other questions?

3 Comments? Is there another gentleman in the audience?

4 If you would come forth and identify yourself and

5 purpose of speaking.

6 JOHN BERNSTEIN: My name is John

7 Bernstein. I'm the director of Maryland Environmental

8 Trust. We have an easement on part of this property.

9 It's not an easement on the house, but I do want to

10 say that now that Doug has noticed that the addition

11 is, in fact, larger than the main house, that

12 generally it was my impression that one of the tenets

13 of making the addition to a historic house is that the

14 addition should be subordinate to the house itself.

15 And I think Mr. Milner is a very famous,

16 very well-known architect; however, he may have

17 received instructions in this particular case that led

18 him to create an addition that was very large. And

19 with the best design intent in the world, he may not

20 be able to do what he ought to do here, given the

21 traditional rules that one uses for adding to historic

1 houses.

2 And one of the key ones is that the

3 addition should be an addition, it shouldn't be larger

4 than the house. So, again, just a philosophical --

5 THE CHAIRMAN: Like to respond to that?

6 MATT SLATER: Well, I mean, I would just

7 say if you look -- when I look at the plans, it's

8 the -- it's the taller, big stone building that you

9 see. What we've done in the back is we've kept it

10 down -- we've kept everything to one story to keep the

11 profiles low. We've took the garage down so that

12 it's -- the profile of the garage is down low in the

13 ground.

14 And the only part where it comes up to two

15 stories is where the bedroom, which needed a

16 connection to the second floor bedrooms. So, I mean,

17 it depends on if you measure everything on square

18 foot -- I would want to go back and measure the square

19 foot, if that's what the decision would be based on.

20 But I think visually, if you look at that

21 building, if you look at those plans, the main house,

1 the main stone house is still by far the dominant
2 profile. I mean, I agree with you fundamentally, but
3 I think that in this situation, we haven't created
4 that situation.
5 JOHN BERNSTEIN: It's a matter for
6 argument, isn't it?
7 MATT SLATER: Right.
8 DAVID H. GOLDSMITH: How does the owner
9 intend to use the property?
10 MATT SLATER: As their home.
11 DAVID H. GOLDSMITH: As their home?
12 MATT SLATER: Yeah.
13 DAVID H. GOLDSMITH: What's going to be
14 the use of the barn?
15 MATT SLATER: A horse barn.
16 DAVID H. GOLDSMITH: Horse barn?
17 MATT SLATER: Right.
18 DAVID H. GOLDSMITH: I mean, no farming at
19 all on the property?
20 MATT SLATER: Well, I think -- yeah, I
21 think they -- the farm -- the property is for a farm

1 now, and I think it will -- I mean, I can't swear to
2 this, but I would assume that they're going to keep it
3 all as agricultural use. You know, they use it to
4 raise corn and various other things now. They're just
5 restoring the -- the complex where the buildings are.
6 I don't think that they have any intention of changing
7 anything else.
8 DAVID H. GOLDSMITH: It's not going to be
9 used as a, quote, estate with parties, people coming
10 to and fro as a social --
11 MATT SLATER: No, I don't think so. Jim
12 and Gail, they live --
13 DAVID H. GOLDSMITH: I'm thinking in the
14 context of what the historical significance of this
15 property is now and was versus what it's going to look
16 like after -- after this proposal. And if we're
17 changing that concept from a historical farm to a
18 manor, an estate which is not used or not being used
19 for that purpose, then we've lost the historical
20 significance of the property. We've just let this man
21 add on and build an estate. That's my point.

1 SANDRA CASLIN: I don't think we can
2 comment on the social activities.
3 DAVID H. GOLDSMITH: Just from, you know,
4 guest house, large kitchen, this gallery, it's obvious
5 that it's going to be used for entertainment. It's
6 obviously not going to be used as it was in the past.
7 MATT SLATER: Well, no, I don't think you
8 can say that.
9 SANDRA CASLIN: People throughout the
10 ages --
11 DAVID H. GOLDSMITH: Not in this house.
12 Ask the Bosleys.
13 KERRY BOSLEY: There was no alcohol in
14 that house. Nobody drank.
15 THE CHAIRMAN: Have you taken a look at
16 the barn? Have you seen the barn?
17 DOROTHY FOOS: Not yet.
18 DAVID H. GOLDSMITH: No.
19 THE CHAIRMAN: I certainly would like to
20 have a site visit to take a look at this barn.
21 THOMAS E. CARSKI: I've seen the barn.

1 You can go over to the barn if you want to. I have
2 been there twice.
3 (Discussions were held among the
4 commissioners.)
5 THE CHAIRMAN: Any other comments from
6 commissioners? Let him walk us through the barn. I
7 want to hear about that.
8 DR. RHODA M. DORSEY: I beg your pardon?
9 THE CHAIRMAN: Any other comments or
10 questions?
11 MARLENE KOEPPEL: I think the major part
12 of this addition is in the back. I think the front of
13 the house looks basically the same. He's got the
14 garage, but that's way back, and it's all in the back
15 of the house. And the house is in horrible condition,
16 and it needs a lot of money put into it, and you've
17 got to make it livable in the 21st Century than keep
18 it the way it was. Nobody is going to pour that kind
19 of money into it.
20 MATT SLATER: They are preserving. I
21 mean, they're preserving all the barns, the buildings

1 that are there now in the condition they're in. You
2 know, we're restoring as much as we can to -- and it
3 will be used as -- they will have horses there, not
4 cows, you know, so there is that difference.
5 THOMAS LLOYD REYNOLDS: But you haven't
6 come to a conclusion about the north side of the barn?
7 MATT SLATER: Oh, yeah. Well, when we get
8 to the barn, I have a whole spiel.
9 THE CHAIRMAN: Tom, did you have a
10 comment?
11 THOMAS E. CARSKI: Well, I mean, I happen
12 to agree with you. I just think that the benefit you
13 get out of the thing -- the house is in deplorable
14 shape. It's certainly not something I'd be wanting to
15 drag anybody up there to look at and say, what a
16 wonderful period house it is. But I think that these
17 people have done a remarkable job, looking at the
18 front elevations and the side elevations.
19 And, yeah, they're going to make it
20 bigger, and they'd make it to fit their needs and
21 their life-style. But the benefits you get out of it

1 by the entranceway and the things that they're
2 attempting to preserve and restore, in my opinion, are
3 more than overwhelming.
4 And they want to have another thousand
5 square feet added. I could care less, because I do
6 happen to agree with him, most of the stuff is kept
7 low, and the profile is there, and they have
8 maintained a lot of those outbuildings. I mean, I've
9 visited the site twice, and I think -- although the
10 architect isn't here, I was certainly impressed by the
11 fact that he clearly had his pulse on historic
12 preservation.
13 And I would certainly say that he looked
14 to me as if he was a guy that had had that intent.
15 You know, I don't agree with the argument of these two
16 gentlemen, though.
17 THE CHAIRMAN: Okay. Any other comments
18 before we go on to the barn?
19 MATT SLATER: Okay? Okay. Most of you
20 have seen the barn. The barn is in worse shape than
21 the house. And we've been going through a lot of

1 different ideas on what to do with it, because the
2 idea is to convert it into a horse barn, which is what
3 it was originally, I believe.
4 And -- but there are two walls on the
5 north side of the building, big thick walls like this
6 that are 25, 20 feet tall that have leaned out. And
7 they're leaning -- they're leaning out a foot or more.
8 And, structurally, we've had three or four engineers
9 come and look at the project, and everybody says no
10 matter what you do, you have to take these walls down.
11 So the last site visit that we had -- the
12 first site visit we had when we walked around the
13 barns, we made a proposal that if we had to take the
14 walls down, that we'd be allowed to just return them
15 in six feet from the corners, rather than bringing
16 them all the way back in.
17 And we put it out as a request, and
18 everyone -- you know, we had the discussions, and then
19 we got a letter from you. And, once again, this was a
20 little misunderstanding, because we understood that
21 what you said was, we would prefer that you put the

1 walls back in their original dimensions. And if you
2 disagree with that, you have the right to appeal it.
3 Well, we didn't disagree with it. We just
4 decided we would just put the building back the way it
5 was and not worry about it. So we never came back to
6 you with anything, which apparently we were supposed
7 to.
8 But what we're planning to do on the barn
9 now is basically nothing, except tie it back together.
10 We have to take those two walls down, but we're going
11 to take them down to the floor, and then build them
12 back up again. So they will be in the same
13 dimensions.
14 So the only physical change to the
15 building, other than re-siding it and that sort of
16 thing, is the two lean-to sheds on the north side will
17 be taken off, and that would expose those two 20- or
18 25-foot sections.
19 THOMAS LLOYD REYNOLDS: You're going to
20 put those walls back in solid stone?
21 MATT SLATER: Right. We're not going to

1 go all the way down and take -- see, we had a couple
2 of proposals from barn builders who wanted to come in
3 and basically dismantle the barn beam by beam, take it
4 all the way down, redo the stonework, and then rebuild
5 us a new barn inside.
6 But the Riepes don't want the barn to be
7 nice and straight. They like the sways in the roof,
8 they like that worn look. And nobody could tell us
9 that they could do that and give us back the sway in
10 the roof, that it was going to be straight.
11 So we decided not to do any of that, just
12 to -- to have the building tied together from the
13 inside, and then we'll restabilize it structurally,
14 rebuild those walls. And then we're going to put back
15 the original roof, which was a wood-shingled roof, and
16 replace the bad siding with -- well, it would be a new
17 siding, but old siding. I mean, reused old siding.
18 So it will look just like it looked in
19 that photograph, but it will be -- you know, it will
20 have the doors on it. And then there's a concrete
21 floor in the basement, which held all cow stalls and

1 things like that. We're going to tear all that out
2 and replace it with the clay or whatever it is that
3 horses stand on. But from a structural standpoint,
4 you won't know that anything has happened.
5 THOMAS LLOYD REYNOLDS: What are you going
6 to do with the foundation wall that was so bad on that
7 north side?
8 MATT SLATER: Well, once the upper wall is
9 off of it, we're going to repair it, but we're not
10 going to dig it all out. We decided -- basically
11 we've looked at it so many times now that we just
12 decided it wasn't necessary to do that. And to dig it
13 all the way down to the bottom of the foundation just
14 opened up too much of a can of worms.
15 We were afraid the whole thing would end
16 up falling in. So right now -- and this is where the
17 permit thing -- because we went to get a permit for
18 it, and then the county said we have to have drawings
19 first, even if you're not doing anything to it.
20 So there's an engineer that's working with
21 the architect who's doing the structural details of

1 what he wants us to do to the barn, and he's doing a
2 set of drawings, and then we'll be submitting that. I
3 wanted to have that for tonight, but he couldn't get
4 it ready, so that's what -- that will come across your
5 desk also in the next couple of weeks or next month, I
6 guess. But that's the situation on the barn.
7 THOMAS LLOYD REYNOLDS: That's good.
8 MATT SLATER: Yeah, I think it's a good --
9 but it took a long time to get to that decision,
10 though.
11 THE CHAIRMAN: Any questions or comments
12 from any of the commission members?
13 THOMAS E. CARSKI: Tom, does that satisfy
14 the concerns you had that day?
15 THOMAS LLOYD REYNOLDS: Yes, absolutely.
16 I mean, I'm tickled. And I --
17 MATT SLATER: Good.
18 THOMAS LLOYD REYNOLDS: -- think it's
19 going to look wonderful when you're done.
20 MATT SLATER: It's been all cleaned out,
21 all the stuff shoveled out of it. You'd be amazed

1 even now how much better it looks.
2 THOMAS LLOYD REYNOLDS: I'm curious. Why
3 did you all decide to go ahead and put the stone back
4 the way it was?
5 MATT SLATER: Well, it was just -- it was
6 one of those things, it was more of a discussion, and
7 we just said if we have to take everything down, it
8 wasn't necessary to build it all back up, but we've
9 been through so many conversations --
10 THOMAS LLOYD REYNOLDS: You're going to
11 put the same thickness on that north wall?
12 MATT SLATER: Right, same, you know, 18 or
13 20 inches thick, whatever that is.
14 THOMAS LLOYD REYNOLDS: Good deal.
15 MATT SLATER: Yeah. You won't be able to
16 tell the difference once it's done. And it will still
17 have that --
18 THOMAS LLOYD REYNOLDS: Are you going to
19 use the same stone that you pull out of it? Are you
20 going to be -- you going to be able to --
21 MATT SLATER: Yeah.

1 THOMAS LLOYD REYNOLDS: Do you have to
2 clean it all up?
3 MATT SLATER: Yeah, but it will -- believe
4 me, it will come down clean. There's hardly any
5 mortar left in those walls. It's amazing they're
6 still there. When we repointed the upper part of
7 those gable ends, I mean, there was nothing. You
8 could stick your arm right through. There's nothing
9 in those walls.
10 THOMAS E. CARSKI: Let me ask you a
11 technical question. When you apply for a permit,
12 you're not -- you're going to apply for what type of
13 permit on this barn?
14 MATT SLATER: We're just applying for a
15 building permit just to do work.
16 THOMAS E. CARSKI: So the drawings you
17 submit, though, are going to be for the structural
18 changes you're talking about?
19 MATT SLATER: Right. And they'll do --
20 they'll have a floor plan of what's there, and an
21 elevation plan of what's there.

1 THOMAS E. CARSKI: Right.
2 MATT SLATER: So other than just the
3 request to change the roof material and to do the
4 structural work, I mean, basically it's a technical
5 formality here because we're not really changing
6 anything. We're not moving anything around or making
7 any structural moves like that. We're just trying to
8 restabilize so it will be safe.
9 THOMAS E. CARSKI: Okay.
10 THE CHAIRMAN: Okay.
11 THOMAS LLOYD REYNOLDS: It had wood
12 shingles?
13 MATT SLATER: Wood shingles was the
14 original roof, yeah.
15 THOMAS LLOYD REYNOLDS: It's standing seam
16 now, correct?
17 MATT SLATER: Yeah. It's like a tin roof,
18 right, but I think it's on top of shingles, if I
19 remember. That's what the porch on the -- on the
20 house, when we took off the old porch, it was all
21 wood-shingled roofs.

THOMAS LLOYD REYNOLDS: Is that what you're going to put back on the --

MATT SLATER: No. I think it's a standing seam roof going on.

THOMAS LLOYD REYNOLDS: Are you talking about the double porch, or the little --

MATT SLATER: No. On all the roof systems on the main house will be standing-seam roof, and then the barns and the outbuildings are wood-shingled.

THE CHAIRMAN: Okay. Let's finalize this, and let's get it in a motion so we can -- we can move forward on it. Tim, is there anything that we overlooked?

TIMOTHY DUGAN: I'm a little hesitant to raise this, but I'll do it anyway, because it's up to the staff to be sure that the commission does consider things, and I know the commission in the past has looked at this sort of detail.

DR. RHODA M. DORSEY: Look at what? I'm sorry, Tim.

TIMOTHY DUGAN: This sort of detail on

1 similar projects.
2 DR. RHODA M. DORSEY: Thank you.
3 TIMOTHY DUGAN: With the emphasis on
4 Mr. Milner's concern for it as -- being as faithful as
5 possible in restoring it, there's one element that
6 seems inconsistent with that. If you look at the
7 floor plan for the main floor --
8 DR. RHODA M. DORSEY: Could we have our --
9 you took our plan.
10 MATT SLATER: Sure. You want the main
11 floor?
12 TIMOTHY DUGAN: Yes. On the rear of the
13 house where the new wing will be built, the gallery
14 and living room --
15 DR. RHODA M. DORSEY: In the rear of the
16 house where the new wing will be built?
17 TIMOTHY DUGAN: Yeah. The gallery and the
18 living room. In the rear wall of the existing
19 building, there is a door and two windows. And if
20 we're reading the floor plan correctly, it shows that
21 one of the two windows will be enlarged to constitute

1 a new doorway. Is that correct?
2 MATT SLATER: Yeah. We were going to take
3 it -- just take it down to the floor, right.
4 TIMOTHY DUGAN: And one of the
5 preservation principles is to avoid, if possible,
6 doing irreversible change to the basic fabric of the
7 original structure. So staff would raise for your
8 consideration the question, is that an essential -- I
9 realize it provides more convenient circulation
10 between the music room and the new gallery, but is
11 that an essential change to make a cut into what is at
12 the moment an exterior wall and what in the future
13 would be an interior wall inside of the new addition?
14 MATT SLATER: Yeah, I mean, I can't really
15 answer that. That's an architectural decision, but I
16 think the thought process was that it was an interior
17 space.
18 TIMOTHY DUGAN: It will become?
19 MATT SLATER: Right. I mean, it's not
20 visible from the exterior, so, I mean, I would guess.
21 I don't know, though. I don't know. I mean, it's --

1 TIMOTHY DUGAN: Raise it for your
2 consideration.
3 THE CHAIRMAN: Okay. Thank you very much,
4 Tim.
5 THOMAS LLOYD REYNOLDS: It's still nice to
6 keep that in its original so when you are in the house,
7 that, you know, you can see this is the original wall,
8 this is where a window was. I mean, I think it's a
9 very good point.
10 THE CHAIRMAN: It's a valid point, it
11 really is. Can you say it won't be done?
12 MATT SLATER: No. I mean, you're asking
13 me if I can change it? No, I can't change it. The
14 architect -- I'm going to have to bring it up to the
15 architect. I don't have the power to change the
16 plans.
17 DR. RHODA M. DORSEY: But if we make it as
18 a recommendation, then you'll take it to --
19 MATT SLATER: I can recommend it to them,
20 but, I mean, their impression to me is going to be, I
21 thought that the -- that the interior/exterior rule

1 existed. And if --

2 MARLENE KOEPPEL: I think if you're

3 allowing the addition, you're covering that as an

4 exterior wall, and they can take that out and say

5 they're not doing it, and after they're in, they can

6 take it out.

7 MATT SLATER: Great recommendation.

8 THE CHAIRMAN: Okay. Let's see if we can

9 format --

10 MATT SLATER: I'll bring it up to the

11 architect. I'll tell him what your concerns are, but

12 you have to tell me how formal that is. I mean, how

13 firm should I be with him?

14 THE CHAIRMAN: Very.

15 DR. RHODA M. DORSEY: Firm.

16 MATT SLATER: Okay. I'll be very firm. I

17 won't do it. I'm doing the building. I just won't do

18 it.

19 THE CHAIRMAN: All right. Can we get this

20 in motion?

21 THOMAS E. CARSKI: I'll make a motion.

1 I'll make a motion -- a twofold motion. I'll start
2 with the barn. Make a motion that we approve the
3 preliminary -- well, let's see. I can't say a plan
4 because you don't have a plan.
5 DR. RHODA M. DORSEY: Proposal.
6 THOMAS E. CARSKI: A preliminary proposal
7 set forth pending the submission of the plans for
8 permit purposes, and forming a small subcommittee to
9 review, which would be Tom Reynolds because he's the
10 only barn guy in here. And to be assured that the
11 changes to the barn reflect what this gentleman has
12 just told us so there really isn't any change to the
13 exterior of the barn, and, then, indeed, most of it is
14 structural.
15 Secondly, I would recommend that we
16 approve the house drawings.
17 DAVID H. GOLDSMITH: That's one motion.
18 THOMAS E. CARSKI: Well, it's all one
19 motion.
20 DAVID H. GOLDSMITH: Well, no, can't be.
21 SANDRA CASLIN: Separate motion.

1 DAVID H. GOLDSMITH: You've got one permit
2 that covers these structures.
3 THOMAS E. CARSKI: Okay. So the motion --
4 fine. So the motion is that we approve the barn in
5 concept, and form a small subcommittee to review the
6 plans when submitted for plans to be assured that
7 there are no changes to the barn, other than the
8 structural stuff we've discussed here today.
9 DOROTHY FOOS: Second.
10 DR. RHODA M. DORSEY: Second.
11 THE CHAIRMAN: Second by Dotty. All in
12 favor?
13 COMMISSION MEMBERS: Aye.
14 THE CHAIRMAN: Opposed? Ayes have it,
15 unanimous. Second? Do you have a second?
16 THOMAS E. CARSKI: Yeah, my second motion
17 is that we would approve these plans as they are
18 submitted, and I would recommend that we -- we
19 prepare -- as they come through the system of permits,
20 since he's already filed, that we prepare the
21 appropriate letter of approval for the thing. And

1 that's the motion.
2 DAVID H. GOLDSMITH: Actually, is there
3 going to be a notice to proceed, or a certificate of
4 appropriateness.
5 THE CHAIRMAN: Certificate of
6 appropriateness.
7 DR. RHODA M. DORSEY: Does the window have
8 to go in this?
9 THE CHAIRMAN: Let's put the window third.
10 THOMAS E. CARSKI: I purposely ignored the
11 motion. I agree with Ms. Koeppel. I mean, what the
12 hell, you're talking about hiding a window that's an
13 exterior wall that became an interior wall. And once
14 you get a permit, they can come back in and make it a
15 opening if they want to. And you're not going to see
16 it anyway. It's all hidden by the new addition.
17 MARLENE KOEPPEL: It's nitpicking.
18 THOMAS E. CARSKI: I don't think it makes
19 any difference. What do we need?
20 THE CHAIRMAN: Need a second motion.
21 DAVID H. GOLDSMITH: How specific do you

1 want the motion? The reason I'm asking is because
2 you've got seven or eight -- seven structures here?
3 You want to list -- enumerate the structures so we're
4 very clear in case we get contested in the future as
5 to what we did or what we did not do? Does the permit
6 include all these?
7 MATT SLATER: No. It's just the main
8 house. Just the plan you have in front of you.
9 DAVID H. GOLDSMITH: What about all these
10 other structures?
11 THOMAS E. CARSKI: When he comes back with
12 the pool, he's going to bring a permit back for the
13 pool. And if you want to have -- the pool's not going
14 to be a structural --
15 DAVID H. GOLDSMITH: What about the garage
16 and guest house and office?
17 MATT SLATER: We have separate -- we're
18 filing separate permit applications for the different
19 buildings.
20 DR. RHODA M. DORSEY: Not for the garage.
21 The garage is part of this. Correct?

1 MATT SLATER: The garage that you're
2 talking about is connected to the building, yes, but
3 there's another tractor shed that you're talking
4 about.
5 DAVID H. GOLDSMITH: Are you talking about
6 just the house?
7 THOMAS E. CARSKI: Dave, all those little
8 buildings that he's talking about, the pool and guest
9 house, have to go in a separate permit, and they're
10 going to come back before us, so you'll get a chance
11 to look at the landscape plans and that type of thing.
12 THE CHAIRMAN: Dave, did you want to have
13 something to say about the window?
14 DAVID H. GOLDSMITH: No. I would like to
15 amend the motion to read that we maintain the
16 integrity of that window into the gallery area.
17 DR. RHODA M. DORSEY: Tom has to agree.
18 THOMAS E. CARSKI: That's fine.
19 MARLENE KOEPPEL: David, what is on the
20 plan by the larder? It says, in fill existing door.
21 I mean, they're changing that structure all the way

1 around there because it's now interior. Do you see
2 what I'm saying? By the larder, what does that mean,
3 in fill existing door?
4 DOROTHY FOOS: Where the door -- the
5 original door was, they have altered the original
6 doorway, and they just have some rubble tucked in
7 there.
8 MATT SLATER: No, no.
9 DOROTHY FOOS: I'm not looking at what
10 you're looking at.
11 MARLENE KOEPPEL: They're closing off a
12 door there, because --
13 MATT SLATER: It's a closet from one side,
14 because we have that 24-inch deck, so it's not a
15 walk-through.
16 DR. RHODA M. DORSEY: Was this off the
17 kitchen, Marlene?
18 MARLENE KOEPPEL: Yes. See the larder
19 between the office, between the dining room and the
20 larder?
21 MATT SLATER: I'll show you.

1 SANDRA CASLIN: See the furthest square?
2 MATT SLATER: This was a door going out
3 into what used to be a wooden bathroom back there. So
4 they don't want to walk through here, so it's a
5 closet.
6 DR. RHODA M. DORSEY: What's out here?
7 MATT SLATER: There's nothing there. It
8 will be. It's just like a storage area.
9 DR. RHODA M. DORSEY: Okay.
10 THE CHAIRMAN: Okay. You put your motion
11 forth, Dave?
12 DAVID H. GOLDSMITH: Maintain the
13 integrity of the door.
14 THE CHAIRMAN: To maintain the integrity
15 of the door. I second that motion. And let's take a
16 vote on it.
17 DAVID H. GOLDSMITH: And the window.
18 THE CHAIRMAN: And the window. Okay.
19 KIMBERLY ABE: Bob, can you repeat that
20 thoroughly from beginning to end?
21 THE CHAIRMAN: Dave, make your motion.

KIMBERLY ABE: Can you start from the beginning? It's --

THE CHAIRMAN: Okay. You did approve.

DOROTHY FOOS: But I think Kim needs the whole thing.

THE CHAIRMAN: She needs to write it down, and we want to make sure she writes it down. Will you go back --

THOMAS E. CARSKI: I make the motion that we approve the house plans with the following amendments to them, and that is -- David, what are the amendments? What are the two things you want -- what page of the drawing are they on?

THE CHAIRMAN: A2.

DAVID H. GOLDSMITH: Drawing A9.

MARLENE KOEPPEL: A2.

THE CHAIRMAN: A2.

DAVID H. GOLDSMITH: I'm sorry. A2. To maintain the integrity of the existing window and door of the main structure leading to the gallery.

THOMAS LLOYD REYNOLDS: It would be doors,

1 DR. RHODA M. DORSEY: We asked Tim what
2 the difference was in why the planning office was
3 concerned about this one in particular. And I think
4 what he had to say is germane to the discussion over
5 there, but they need to listen.
6 THE CHAIRMAN: Okay. Let's hear what
7 Tim --
8 TIMOTHY DUGAN: The preservation principle
9 is if you can avoid making irreversible changes to the
10 basic structure, you should avoid it. The question of
11 sealing the existing doorway, which is opening number
12 105 on drawing A2, is a reversible change.
13 If you put up drywall now, you can go back
14 later and remove the drywall and have a door. If you
15 take out the original stone wall of the wall below a
16 existing window opening, that can -- you can make an
17 effort to restore that, but it will -- it is likely to
18 be detectible as an alteration in the future.
19 If that alteration is not essential to be
20 made now as part of the renovation project, if that
21 can be avoided, then it's best to be avoided.

1 DAVID H. GOLDSMITH: We're talking about
2 4-103?
3 THOMAS LLOYD REYNOLDS: Matt said he
4 wasn't going to do it. So we're --
5 DAVID H. GOLDSMITH: Modify that just to
6 limit it to the door. 109 identified as 4-103 on
7 drawing A2.
8 KIMBERLY ABE: Got it.
9 THE CHAIRMAN: Okay. You get that, Kim?
10 You need a second on that? If you do, I second it,
11 the modifications.
12 KIMBERLY ABE: Okay.
13 THE CHAIRMAN: Okay. All in favor?
14 DAVID H. GOLDSMITH: Chairman, I recommend
15 we have a voice -- a roll call vote on this issue.
16 MARLENE KOEPPEL: On the amendment?
17 THE CHAIRMAN: On the whole issue?
18 DAVID H. GOLDSMITH: On the motion.
19 THE CHAIRMAN: On the motion?
20 DOROTHY FOOS: Why?
21 DAVID H. GOLDSMITH: I just think it's

1 important. This is an important decision to us. It
2 may be challenged along the way. We have a long way
3 to go between this and the final construction. I just
4 feel more comfortable that, for the record, it might
5 be advisable for our own --
6 THOMAS LLOYD REYNOLDS: This is to let
7 them go ahead and do this addition?
8 DAVID H. GOLDSMITH: This is a notice to
9 proceed on the permit which has been filed. So --
10 SANDRA CASLIN: With the recommendation.
11 DAVID H. GOLDSMITH: With the
12 recommendation of maintaining the door.
13 THOMAS E. CARSKI: What, do you have one
14 door now, or --
15 DAVID H. GOLDSMITH: Just one.
16 THOMAS E. CARSKI: Point to the one in the
17 back.
18 DAVID H. GOLDSMITH: Right here.
19 THE CHAIRMAN: Okay.
20 TIMOTHY DUGAN: Maintain the window
21 instead of the door.

1 THOMAS E. CARSKI: He wants to maintain a
2 window versus a door? Out of curiosity, what problems
3 does that represent to you, any?
4 MATT SLATER: Circulation problems. I'll
5 go back to the architect and recommend it. I mean,
6 I'd like to ask a little bit of a pointed question,
7 and that's, legally, can you guys stop us from doing
8 interior work?
9 THE CHAIRMAN: It's not interior work.
10 DOROTHY FOOS: It's not interior work if
11 you're hitting the main wall.
12 MATT SLATER: Right, but I don't
13 understand. I mean, clarify it for me because I don't
14 understand the distinction. If the -- if it was an
15 exterior door, I can understand completely why you
16 would be concerned. Because it's an interior door,
17 and from the exterior of the building anywhere where
18 you stand, you'll never see that.
19 THOMAS LLOYD REYNOLDS: But it doesn't
20 become --
21 MATT SLATER: So, you know, I just want --

1 THOMAS LLOYD REYNOLDS: It doesn't become
2 an interior wall until we approve this plan. If we
3 don't approve this plan, this is an exterior wall.
4 MATT SLATER: Right. Okay. I mean, I'm
5 just -- you know, I just -- I'm trying to understand,
6 you know, how far it can go on the interior, because
7 I've got to explain to the architect that he's got to
8 change this --
9 SANDRA CASLIN: It's my understanding --
10 MATT SLATER: -- and make it work.
11 SANDRA CASLIN: Well, I don't mean to tell
12 you your business. It seems to me -- it's my
13 understanding that once the permit goes into place,
14 you can build the addition, and then your exterior
15 wall becomes an interior wall, and you can do what you
16 want. Is that my understanding?
17 THOMAS E. CARSKI: Uh-huh.
18 SANDRA CASLIN: It's just the
19 recommendation from this group is that we can't --
20 MATT SLATER: Right. Okay. I understand
21 what you're saying.

1 SANDRA CASLIN: Some of us don't feel we
2 can conceivably tell you that it's okay to change it
3 until it becomes an interior wall, which is your
4 business and not ours. Is that right?
5 THE CHAIRMAN: Exactly. Now, Dave put on
6 the motion that we all vote individually. And I would
7 agree with that, and I'll call the roll. Either yea
8 or nay. Tom Carski?
9 THOMAS E. CARSKI: Are we yea and nay on
10 the motion, or are we yea and nay on the approval?
11 THE CHAIRMAN: On your motion, right?
12 DR. RHODA M. DORSEY: With the amendment.
13 THE CHAIRMAN: With the amendment.
14 SANDRA CASLIN: Okay.
15 DAVID H. GOLDSMITH: Motion to issue a
16 notice to proceed on the permit. Does the permit have
17 a number?
18 MATT SLATER: It should have a number,
19 yes.
20 KIMBERLY ABE: It has a number. I can
21 assign it.

1 DAVID H. GOLDSMITH: Identify it by the
2 number.
3 KIMBERLY ABE: It's on your plan.
4 THE CHAIRMAN: What's the number?
5 KIMBERLY ABE: I can look it up. I can
6 verify it tomorrow. That's fine.
7 THE CHAIRMAN: You can look it up? Okay.
8 KIMBERLY ABE. There it is.
9 THE CHAIRMAN: Tom Carski?
10 THOMAS E. CARSKI: Yes.
11 THE CHAIRMAN: Yes. Tom Carski, yes.
12 Sandra?
13 SANDRA CASLIN: Yes.
14 THE CHAIRMAN: Reynolds?
15 THOMAS LLOYD REYNOLDS: Yes.
16 THE CHAIRMAN: Dorsey?
17 DR. RHODA M. DORSEY: No.
18 THE CHAIRMAN: Foos?
19 DOROTHY FOOS: No.
20 THE CHAIRMAN: Goldsmith?
21 DAVID H. GOLDSMITH: No.

1 THE CHAIRMAN: Marlene?
2 MARLENE KOEPPEL: Yes.
3 THE CHAIRMAN: Tim's not here. Rosita?
4 H. ROSITA HILL: Yes.
5 THE CHAIRMAN: And myself, Robert Scott,
6 yes.
7 DR. RHODA M. DORSEY: What did you say?
8 THE CHAIRMAN: "Yes." We have a roll call
9 vote. Did you get that, Kim?
10 KIMBERLY ABE: Three for -- I mean, six
11 for and three against.
12 THE CHAIRMAN: Okay. That's what I have.
13 You need it again?
14 KIMBERLY ABE: No.
15 THE CHAIRMAN: Okay.
16 DAVID H. GOLDSMITH: I think you have
17 three opposed. Dorsey, Foos and Goldsmith oppose.
18 KIMBERLY ABE: Yes, that's correct.
19 DAVID H. GOLDSMITH: Okay.
20 THE CHAIRMAN: Six-three vote. Okay. For
21 the record, any further discussion on this? Okay. If

1 not, thank you, sir.

2 MATT SLATER: Okay. Thank you.

3 TIMOTHY DUGAN: Chairman?

4 KIMBERLY ABE: Bob, you need seven.

5 THE CHAIRMAN: You need seven?

6 KIMBERLY ABE: Commission fails. You need

7 seven votes.

8 THE CHAIRMAN: How many did we have?

9 KIMBERLY ABE: Six.

10 THOMAS E. CARSKI: You voted on the

11 motion, not on the approval of the house. What did

12 you just vote on, the amendment to the motion?

13 THE CHAIRMAN: The amendment to the

14 motion.

15 KIMBERLY ABE: No. You voted the total

16 motion.

17 DR. RHODA M. DORSEY: We voted on the

18 total motion.

19 KIMBERLY ABE: It didn't pass. You need

20 seven, so that's --

21 THE CHAIRMAN: It did not pass.

1 KIMBERLY ABE: Matt, don't leave.
2 THE CHAIRMAN: Matt, I want to tell you
3 that it did not pass.
4 MATT SLATER: It didn't pass?
5 THE CHAIRMAN: She said we needed seven.
6 Kim, how many did we need?
7 KIMBERLY ABE: We need seven affirmative
8 votes from the commission, and we had six.
9 MATT SLATER: Okay. So what's the next
10 step?
11 THE CHAIRMAN: Next month.
12 MATT SLATER: Can I ask why? Can I ask
13 you guys why you didn't vote for it?
14 DOROTHY FOOS: I don't think it's ethical
15 to say that you can do what the heck you want after --
16 you know, after all is said and done and people aren't
17 looking anymore, then you can --
18 MATT SLATER: I didn't say that.
19 DOROTHY FOOS: No. I'm saying -- I should
20 have said it seems to me that --
21 MATT SLATER: Well, why can't you --

1 instead of stopping the project dead in the water, why
2 can't you just put that into the minutes?
3 DOROTHY FOOS: Because my motion would be
4 that you must maintain the line of the original house,
5 and you can't --
6 THOMAS E. CARSKI: But that's what the
7 motion was. He amended my motion to say that you
8 couldn't change the door, and --
9 DOROTHY FOOS: Right.
10 THOMAS E. CARSKI: Right? And I voted
11 based on the fact that David amended my motion. My
12 motion was a blanket motion as is. He amended it to
13 include the window, and I said okay, fine.
14 DOROTHY FOOS: But you would be altering
15 the main line of the house.
16 SANDRA CASLIN: But we're saying he
17 shouldn't.
18 THOMAS E. CARSKI: You understand the
19 motion was that he didn't want that -- he didn't want
20 the window to become the door?
21 DOROTHY FOOS: Right.

1 THOMAS E. CARSKI: So I agreed with that.
2 So what we just voted on was the approval of the plan
3 predicated on the fact that that -- on the plans where
4 it's shown as a door remain as a window, and that's
5 what I thought you three wanted. But you voted
6 against the motion.
7 DR. RHODA M. DORSEY: I voted against the
8 motion because I think that this is a very, very large
9 extension, and I would be much happier with a smaller.
10 Because I think you have an extension that dwarfs the
11 original house. The door -- you know, the door bit is
12 a side issue for me.
13 DOROTHY FOOS: However, it's -- the
14 addition is bigger than the original house.
15 THOMAS E. CARSKI: Okay.
16 MATT SLATER: Based on what?
17 DOROTHY FOOS: Based on what you told us,
18 the square footage.
19 MATT SLATER: So if I just eliminate the
20 garage building, then it's not large -- take away the
21 garage, and then it's not? I mean, looking at what

1 we're adding onto the building in terms of size. Are
2 you going to give me a specific number that I have to
3 tell the architect he's got to go to?
4 DOROTHY FOOS: No.
5 MATT SLATER: Well, you've got to give us
6 something. We can't stop the project completely dead
7 because of a door-window situation. I mean, please
8 try and clarify this for me, because I'm going to have
9 to go back and deal with some -- we've gone through a
10 lot to accommodate this to come to get to this point.
11 And to have you say throw it out and start again right
12 now is a little tough to deal with.
13 DOROTHY FOOS: The three of us -- I can
14 speak for the three of us. The addition is overstated
15 in the -- in prospective to the original house and --
16 MATT SLATER: But show me specifically,
17 please. When I look at the elevations, and I want you
18 to tell me specifically what it is that I have to
19 point out to the architect to do here to take it down.
20 DOROTHY FOOS: Well, I'm not an architect,
21 so I can't tell you.

1 MATT SLATER: I know, but they're going to
2 have to redo the plans. This is the original.
3 (Discussion was held between commission
4 members and Matt Slater.)
5 MATT SLATER: I think when you -- you
6 know, this is all kept down. This building is up high
7 above it. This is the back of the house.
8 THOMAS LLOYD REYNOLDS: I agree with you
9 all completely that -- but I also agree with Matt. If
10 you look at the original, you know, this was the
11 original house, and this is the existing and new
12 addition. And, I mean, that's -- that's the only --
13 but I agree, I hated to see the original house -- this
14 part get hidden, but I did like how the architect --
15 when you look at it from the side, you can't see all
16 except this new --
17 DR. RHODA M. DORSEY: Nobody quibbles with
18 that.
19 DOROTHY FOOS: No, nobody said that.
20 THE CHAIRMAN: But the objection here is
21 the fact that for you guys --

1 with everybody on it. What did they call that? A
2 conceptual -- a design concept in which we presented
3 these drawings in conceptual form just the way you're
4 seeing now. And we got conceptual approval, and
5 that's why we went through the work of refinishing all
6 this up, because we -- at that time, you know --
7 DR. RHODA M. DORSEY: When you say
8 conceptual, what was the approximate size?
9 MATT SLATER: Right. There was a set of
10 plans with floor plans and everything, and it showed
11 the way it is basically.
12 THOMAS LLOYD REYNOLDS: I might have them,
13 Matt. Here you go.
14 MATT SLATER: That's part of it. See, we
15 had a meeting where they --
16 THE CHAIRMAN: Can we get -- try to
17 resolve this?
18 DAVID H. GOLDSMITH: Mr. Chairman, since I
19 voted for the -- against the motion, I'd like to
20 propose a motion to -- motion to reconsider, and
21 that's going to be based on reconsideration of the

1 motion with no vote tonight, but that we continue
2 this -- this application for one more month, because
3 we have six members -- six members who are absent who
4 have not had an opportunity to review this.
5 I think it might be unfair. I have my
6 own -- the three of us have our own personal view on
7 this. We're probably denying the rights of other
8 members. How about reconsideration of the motion to
9 disapprove this -- disapproving this, and that we
10 continue the hearing until next month?
11 THE CHAIRMAN: August 13th.
12 DAVID H. GOLDSMITH: Right.
13 THE CHAIRMAN: I second that motion.
14 MARLENE KOEPPEL: August what?
15 DR. RHODA M. DORSEY: What does this do
16 to --
17 THE CHAIRMAN: It's going to hold it up.
18 MATT SLATER: It stops it dead in the
19 water. It stops it dead in the water.
20 THE CHAIRMAN: I do agree that we do have
21 people that are not here. Perhaps they can shed more

1 light on this for those who voted against it.
2 DR. RHODA M. DORSEY: That's right. And
3 some of the people who had what -- I mean, the
4 conceptual meeting agreed.
5 THOMAS LLOYD REYNOLDS: Barbara Weeks, she
6 didn't have -- I mean, I don't want to speak for her,
7 but she didn't have a problem.
8 MATT SLATER: No. We got a very distinct
9 go ahead.
10 THE CHAIRMAN: Okay. Let's second David's
11 motion, and any objection to the motion, and the
12 second. It's going to stop them dead in the water.
13 SANDRA CASLIN: I mean, the only other
14 alternative is to go with the vote as it's stated, and
15 I would not like to see that happen. So I would go
16 along with this motion just so we could at least give
17 this process another option.
18 MATT SLATER: But -- okay. But -- so --
19 THE CHAIRMAN: Okay. Any objection to the
20 motion by David and second by me, The Chair?
21 H. ROSITA HILL: I don't have an

1 objection, but I think that every effort should be
2 made to confirm that everyone will be here so we don't
3 go through the same thing again. Because we are in
4 the summer, but what we do get, as you know, in the
5 mail is the agenda. So if maybe we highlighted each
6 person --
7 MARLENE KOEPPEL: What's the date?
8 THE CHAIRMAN: Okay. The next meeting is
9 August 13th. And Tim, Kim, you should make every
10 effort to make sure that those members who are absent
11 are here on August 13th. And as Chair, I will try to
12 get the full panel together on August 13th for this
13 vote. Okay? As we stand now, David has recommended a
14 motion, I've seconded it, no objection. Any further
15 discussion? That's it.
16 (Hearing concluded at 8:49 p.m.)
17
18
19
20
21

1 STATE OF MARYLAND)
) ss
2 COUNTY OF BALTIMORE)

3 I, Shannon M. Wright, a Notary Public in and
4 for the State and County aforesaid, do hereby certify
5 that the aforegoing is a true and accurate
6 transcription of the proceedings indicated.

7 I certify that I am not of counsel, attorney,
8 or relative of any party, or otherwise interested in
9 the event of this suit.

10 In witness whereof, I have hereunto set my
11 hand and affixed my notarial seal this 28th day of
12 July 1998.

13

14 Shannon M. Wright
Notary Public

15

16 My commission expires July 1, 1999.

17

18

19

20

21

Baltimore County
Landmarks Preservation Commission

401 Bosley Avenue
Towson, Maryland 21204
410-887-3495
Fax: 410-887-5862

Preliminary Agenda*
for the
Thursday, July 9, 1998
MEETING
beginning at 7:00 p.m. in
Room 407, County Courts Building
401 Bosley Avenue
(enter from the Courthouse Plaza)
Towson, Maryland

****

Meeting
of the
Landmarks Preservation Commission
Mr. Scott, Chairman

Call to order, introduction of Commissioners, statement of operating procedures, and announcements

1. **Review of today's Agenda**

2. **Minutes of the June 11, 1998 meeting**

3. **Action on building permits**

   a. 605 Upland Road (Sudbrook Park Historic District)

   b. 1605 Front Avenue (Lutherville Historic District)

   c. 1519 Gerber Road, "Conclusion Farm" (Final Landmarks List #135)

   d. Others, if received

4. **Public hearing - None**

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EXHIBIT
P1

MINUTES
Landmarks Preservation Commission
March 12, 1998

PRESENT: **MEMBERS:**

Mr. Robert C. Scott
Ms. Marlene Koeppel
Mr. W. Boulton Kelly
Mr. Richard Fox
Ms. Rosita Hill
Mr. John P. Chalk
Dr. Rhoda M. Dorsey
Ms. Dorothy Foos
Ms. N. Lark Schulze
Mr. Thomas Carski
Ms. Sandra Caslin
Mr. Thomas L. Reynolds

GUESTS:

Mr. Tim Dugan
Ms. Kimberly Abe
Mr. Lenwood Johnson
Ms. Frances Toth
Mr. Kenneth T. Bosley
Ms. Rita Fromm
Mr. Newton Williams
Mr. Roland Lintz
Mr. Richard Cook
Mr. Walt Ratterman
Ms. Jeanne Ratterman
Ms. Donna Spicer
Mr. Tuck Tyler, BGE
Mr. Amos Harvey
Dr. Elizabeth Legenhausen
Mr. Stephen Nolan
Mr. Albert W. Rubeling Jr.
Mr. Jim Patton
Mr. Michael Ruby

The meeting was convened at 7:04 p.m. with a quorum of twelve members

1. **Operating Statement**

Mr. Scott noted for the record that the LPC operated under Section 26 of the Baltimore County Code, 1988, the Secretary of the Interior's Standards, and the Commission's own guidelines.

2. **Announcements**

Mr. Dugan reminded the members that the County Council would hold a hearing on the accumulated Landmark Lists on Monday evening, March 16.

From the desk of
KATHLEEN BIANCO

These are exhibits
from 2 c. hearing
LESS # 10, 11, 12
and 18- Large exhs
and 19 thru 25
which were entered
before CBA

3. **Adoption of Minutes**

Ms. Caslin moved and Mr. Carski seconded a motion to accept the January minutes. The motion was passed unanimously. Mr. Kelly moved to accept the February minutes; the motion was seconded by Mr. Fox and unanimously passed. Mr. Dugan noted some corrections requested by Mr. Goldsmith: that it was Mr. Goldsmith rather than Ms. Schulze who had urged the proponents of the German Reformed Church cemetery to provide a list of the burials; additionally, Ms. Caslin and Mr. Goldsmith were also part of the site visit to the Redeemer Classical Christian School.

4. **Vice Chairman Election**

In the postponed election of a vice chairman, there were nine votes for Mr. Goldsmith (Koeppel, Hill, Schulze, Fox, Chalk, Carski, Reynolds, Scott, Caslin) and two votes (Dorsey, Kelly) for Ms. Weeks.

5. **Permit Requests from the Baltimore County Building Engineer for Alteration of a Structure in a County Historic District**

a. Lutherville Permit

Ms. Frances Toth of 1720 Kurtz Avenue Lutherville, accompanied by her contractor, explained that the replacement of a rear deck involved seven feet of additional surface. Mr. McGrain noted that this was a relatively young infill house in the historic district. The members thoroughly studied the plan and footprint of the house and setting. Ms. Toth had a letter of support from the Lutherville History Committee. Ms. Caslin urged approval of the plan, which was unanimously accepted. The Secretary was directed to issue a Notice to Proceed.

6. **Continuation of February 1998 Public Hearing for Structures to be placed on the Preliminary Landmarks List**

a. Baynesville School

Ms. Donna Spicer, Executive Director of the Loch Raven Business Council stated that there was little of historic value surviving in the neighborhood and believed that the community needed a site like the school to serve as a public meeting place. Mr. Kelly asked if the school-bus lot was owned by the County. Ms. Spicer replied that it was and noted the proposed swap of land by the County and BGE. Dr. Dorsey noted that the members had visited the site and found it a very ordinary building; she thought the school was a poor candidate as an anchor for the community.

Mr. Tuck Tyler of the BGE real estate division explained that the utility and the County proposed to swap properties of nearly equal appraised value. The County would acquire seven acres for parking at Essex while BGE would probably sell the Baynesville parcel. If the commercial potential of the Baynesville lot were diminished by historic listing, his company would probably withdraw from the transaction. Mr. Kelly thought that it would be difficult to find a setting for community use in that area; the adjoining commercial area "subsumes the small building." The school did not have historic value in his opinion. Ms. Caslin thought it had more nostalgic value than historic. Ms. Spicer thanked the LPC for its consideration of the

issue. Mr. Fox noted he wished to abstain from the vote, as did Ms. Foos. No motion to list the site was forthcoming and it was unanimously agreed to drop the issue.

b. Nacirema Barn

Mr. Kelly as Chair of the Commission's Nacirema Barn committee, reported that the members had asked the owner and his attorney for additional data which had not yet been received. Mr. Dugan noted receipt of a letter from Councilman McIntire dated March 12 (today) supporting the listing (at Tab 4 in the LPC notebooks). Mr. Scott agreed that Mr. Kelly would continue to Chair this committee.

c. German Reformed Church Cemetery

Mr. Newton Williams introduced himself, Mr. Richard Cook, and his client, Mr. Walter Ratterman. Mr. Williams discussed the history of the church's closure, its ownership by Chestnut Grove Presbyterian Church, and Mr. Ratterman's purchase of the property with plans to make the disused church an office. There was an extensive discussion of the upkeep of cemeteries in general. Ms. Shulze noted that the LPC could only act if the site met one of the five criteria. Mr. Cook explained that the persons buried at Jacksonville represented the history of German immigration. Mrs. Foos expanded on that theme and noted the association of Jacksonville with large historic churches in Baltimore City. She would feel more comfortable if the cemetery were on the list.

Mr. Lenwood Johnson noted the destruction of Laurel cemetery in Baltimore to build a now-extinct department store. Mr. Lintz believed that Chestnut Grove Church had failed to care for the shrubbery and was generally remiss; he noted that his grandfather had built the parsonage and had set up a perpetual fund that had been shrunken by inflation.

Mr. Scott thanked those present for their information. Mr. Kelly believed that the site met several criteria and that there was a willing owner. Ms. Foos moved to place the German Reformed Church Cemetery on the Preliminary Landmarks List based on meeting the Commission's Criterion No. 1. (It is associated with a personality, group, event, or series of events of historical importance.) Dr. Dorsey seconded the motion. The listing was approved with eleven votes supporting the motion. Mr. Carski abstained. Mr. Williams sought an agreement on what space was meant by the term "cemetery." Ms. Caslin suggested "the enclosed area" to which everyone assented.

7. **Permits, Conclusion Farm**

Mr. Chalk reported that the architect Walter Shamu supplied him plans for alteration of the residence and bank barn; the owners were also working with architects John Milner & Associates and landscape architect Ed Schull. Mr. Schamu was not present to explain the plan. A Mr. Kenneth Bosley supplied testimony on the property, in particular he noted that some small outbuildings were removed. Mr. Chalk noted that LPC could only review plans if brought in by the applicant or their representative. Mr. Scott thanked Mr. Bosley for his information.

8. **Office of Planning Items**

a. St. James Academy

Mr. Stephen Nolan and his architect Al Reubling explained a plan for a multi-purpose and performing arts center. Mr. Reubling presented elevations and site plans showing that the design was adapted to the design of the old parish hall. Dr. Legenhausen, headmistress, explained the intent to defend the very beautiful site; the plans had already incorporated ideas from community meetings. Mr. Dugan noted that the LPC was being asked to comment to the Planning Board because the project "involved" a Final Landmarks List Site (i.e., St. James P. E. Church). Mr. Fox inquired about parking. Mr. Reubling noted that most events involved parking on the grass but they would add sixty impervious space, and take some parking away from the vicinity of the stone-wall around the church. Mr. Dugan noted that the Planning Board would need to know if the facades were compatible. Mr. Carski asked about the wall covers. The LPC generally agreed that the facades were compatible. Ms. Caslin moved to accept the plans as shown. The motion was seconded by Dr. Dorsey and unanimously passed.

b. Bishop Property

There was a plan for a minor subdivision of the Elizabeth Bishop (or Merryman-Moore house) property near Sparks. Mr. Dugan noted that Ms. Abe had made a site visit to this Preliminary Landmarks List structure. OP had raised questions about aforestation, etc. The owner plans to plant larger trees than usually requested in development plans. OP believes that the intended plantings will be sufficient. After some discussion of access road and drives, the plan was unanimously supported.

c. St. Paul's Schools

Mr. Jim Patton presented site plans and elevations of a gymnasium that was partially set into a hillside within view of the Brooklandwood Mansion, a National Register site. Mr. Dugan noted that the house was a "must be preserved site" within a development plan. Mr. Patton showed how the new structure "steps down the hill" to merge with the old Kinsolving gym. He noted that the mansion was painted white historically because of the porosity of its brick walls. The new buildings would be red brick with white columns and white trim. He also explained an improved traffic pattern and ring road. The members commented on the excellence of the plan and unanimously agreed that the new work was compatible with Brooklandwood.

d. Butler Peddler

No proponent was present for this structure in a National Register Historic District.

e. Robertson House

Mr. Dugan noted that drawings of a proposed minor subdivision were at Tab 7 in the Commissioners' notebooks. Mr. Dugan noted the 1994 study of Oak Forest Park by LPC intern Dan Rosen. He noted the new owner's desire to modify a lot line and create another lot. OP is opposed to the plan as incompatible with the neighborhood. However, no proponent was present. No action was taken.

EXHIBIT
P2

approved in concept, amendments 12 out 4/15 forward

MINUTES
Landmarks Preservation Commission
April 9, 1998

Present

Mr. Robert C. Scott, Chairman
Mr. David Goldsmith, Vice-Chairman
Mrs. Marlene Koeppell
Mr. W. Boulton Kelly
Ms. Rosita Hill
Mr. Thomas L. Reynolds
Mrs. Barbara Weeks
Mr. Timothy Rodgers
Mrs. Dorothy Foos
Mr. Thomas Carski
Dr. Rhoda Dorsey
Mr. W. Lark Schulze

Not Present

Mr. Richard Fox
Mr. John P. Chalk
Mrs. Sandra Caslin

Planning Office staff present included Kimberly Abe, John McGrain, and Lenwood Johnson. Citizens present included Walter Schamu, Kenneth Bosley, Sharon Lappalainen, Roy Lappalainen, Lydia Steadman, Rick Campbell, Robert Hoffman, and Michael Ruby.

The meeting was convened at 7:14 p.m., with a quorum of 11.

1. **Opening Statement**

Mr. Scott stated for the record that the Commission operated under Section 26 of the County Code, the Secretary of the Interior's Standards, and its own Design Guidelines.

2. **Announcements**

Mr. Scott announced that he, Mrs. Weeks, Mr. Kelley, Ms. Hill, Mr. Goldsmith, Mrs. Foos, and Dr. Dorsey attended the CLG workshop sponsored by the MHT and MAHDC at Sykesville, the previous Saturday.

3. **Minutes of March 12, 1998**

Mr. Goldsmith provided two pages of corrections to the Minutes of March 12. Dr. Dorsey suggested that there was no need to mention the cost of the Breakfast. It was moved by Mr. Scott to accept the Minutes with Mr. Goldsmith's amendments. Mr. Rodgers seconded the motion, which was unanimously passed. Mr. Kelly raised the question of whether there was a distinction between a "certificate of appropriateness" and "a notice to proceed." Mr. McGrain

noted that permit applicants are usually sent a letter that "constitutes a certificate of appropriateness." Ms. Abe agreed to search for a legal definition.

4. Permit Applications

a. Conclusion Farm - Walter Schamu, Baltimore architect, apologized for not attending the March meeting, and requested that the LPC provide conceptual review comments and advice on restoration and expansion plans for Conclusion Farm, specifically on the addition, possible changes to the portico , and the Bank Barn. He prefaced his presentation by noting that the proposal was not an absolute restoration and that he needed to consider modern adaptations. He noted that several designers were involved and that final plans would be submitted later by the property owner of record, Cold Bottom Limited Corporation. Both Mr. Schamu and John Milner of Chadds Ford, Pa., were retained by the owners. Mr. Schamu displayed a map of the premises, and pointed out the various outbuildings. He explained that the main house would be expanded to the west, thereby preserving the front exterior which is visible from the public road. He noted that the Main House, the Bank Barn, the Spring House, the Upping Stone, and the Marble Entrance were on the County's Landmark list. The owner wanted to demolish some non-contributing structures; everything else was to be retained for a farm residence.

Mr. Schamu also displayed a floor plan of the house and to justify the possible reduction of some of the front portico, explained his theory that the house once had a one-bay entrance porch. A family room and garage would be added, along with a "mud room" or "gallery." The proposed building additions would add another 2,000 to 3,000 sq. ft. to the 4,000 sq. ft. structure.

Mr. Schamu also described the problems with the Bank Barn, where the stone ends were leaning. Both civil engineers and Amish barn builders had given their advice, which was generally to take the walls and timber framing down and rebuild it all. LPC had extensive questions and comments about the Bank Barn, specifically the feasibility of its stabilization. Mr. Schamu discussed the owners proposal to eliminate the silo since it would not be needed as part of the proposed horse farm activities. The owners, however are have found adaptive reuses for other out-buildings such as the tractor shed, the corn crib, and the ice-house. After debate about the removal of the silo, Mr. Rodgers explaining that when Conclusion Farm was listed as a Landmark it was agreed to focus on preserving a specific period, the early 1800's, and not the entire history of the farm. In light of the questions as to what construction techniques should be used to restore the Bank Barn, in addition to other questions with the project, eventually it was agreed to have a committee visit the barn in the next two weeks with Tom Reynolds as the chair, along with Mr. Carski, Mr. Kelly, Dr. Dorsey, Mrs. Weeks, Ms. Schulze, and Mr. Rodgers. Mr. Schamu agreed to set up dates agreeable to his engineer.

Mr. Carski moved to advise the farm owners that the work proposed for the dwelling was correct in concept and should be further developed. Dr. Dorsey seconded the motion,

which was unanimously passed. Mr. Goldsmith requested the committee to report its findings in written form.

Mr. Kenneth Bosley offered further data. Mr. Scott noted that he appreciated Mr. Bosley's offer but would prefer to hear his statements after the site visit. Mr. Bosley noted that the silo dated from 1929. He also claimed that various pending suits cast a cloud over the title to this property. Mr. Bosley submitted the National Register form describing Conclusion Farm, written in 1978. Ms. Schulze noted that the court case described was not within the purview of the LPC.

b. Steadman Fence, Relay - Ms. Lydia Steadman proposed a natural wood picket fence for her property at 800 Francis Avenue in the Relay historic district. After thorough discussion, the Commission voted to issue a certificate of appropriateness. The motion was made by Mr. Carski, seconded by Ms. Schulze, and unanimously passed.

c. Demolition of a Garage, Sudbrook - Rick Campbell, contract purchaser of 513 Sudbrook Road, had already filed for a demolition permit to demolish a garage that had been bisected by a falling tree about 10 years ago. Mr. Kelly asked Mr. McGrain about the style of the structure. Mr. McGrain said it was a small, vernacular, ca. 1920s, frame garage, cut in two by the tree. Mr. Campbell provided photographs taken the week before. Mr. Goldsmith suggested that the seller really ought to pay the cost of demolition since it was probably a long-standing violation. Mrs. Weeks moved to support the demolition application and issue a certificate of appropriateness. Dr. Dorsey seconded the motion, which was unanimously passed.

d. Harper House, 5117 South Rolling Road, Relay - Mr. Chalk had sent the Secretary a FAX stating that the proposed installation of "Acadia Windows" would be a great improvement at the home of James and Diane Harper in the Relay historic district. The members examined the materials submitted by the owner, photos of the house and catalogue pages of the proposed windows. Mr. Carski was in favor of accepting Mr. Chalk's opinion. Mrs. Weeks was concerned about the substitute shutters. The Chairman felt that in the absence of Mr. Chalk, the issue should be tabled. Mr. Goldsmith moved to table the matter. The motion was seconded by Dr. Dorsey, and unanimously accepted.

e. Lapplainen House, Sudbrook - Mrs. Sharon Lapplainen explained that 50% of her roof slate at 700 Cliveden Road had deteriorated and would cost $14,000 to $20,000 to replace. Her request to substitute Tamco brand, Oxford Gray, laminated fiberglass material, was supported by the local committee. The new material had a saw-toothed edge. There was thorough discussion of the visual impact on the house and surrounding structures. Mr. Kelly moved to accept the proposal and to issue a certificate of appropriateness. Mr. Goldsmith seconded the motion, which was unanimously passed.

Landmarks Preservation Commission
Minutes of April 9, 1998

5. Continued Public Hearing to place Nacirema Barn on the Preliminary Landmarks List

Mr. Kelley noted receipt of descriptive materials about the Nacirema Barn restoration project, received April 3. There had not been time to convene the committee, but the meeting was to take place following the Annual Breakfast at Goucher College on April 22 at approximately 8:15 to 9:00 a.m. The LPC took no action at this time; thereby continuing the hearing to the Commission's next meeting.

6. Subdivision Planning Items

a. Gibbs Property - Ms. Abe explained a plan provided for in the Will of Mr. Gibbs to create two lots for his daughters on Thornton Mill Road. The lots had been located into a wooded area as urged by the Office of Planning and DEPRM, to conserve arable acreage, to get away from a stream, and to protect the view from the Final Landmarks List site, Bosley U.M. Church. Mr. Robert Hoffman, as attorney for the owners, confirmed the situation and noted that the Zoning Commissioner had accepted the plan with stringent restrictions against any further subdivision. Dr. Dorsey moved to support the recommendations of OP, DEPRM, and the Zoning Commissioner. Mr. Kelly seconded the motion, which was unanimously passed.

b. Chaubert Property - Ms. Abe explained a plan to divide 9 acres on St. Thomas Lane within the Green Spring Valley N.R. Historic District into 3 lots. The plan did not involve any MHT sites. The members examined the site plan and agreed that the Final Landmark, St. Thomas P.E Church was some distance away. Mr. Rodgers noted that he was familiar with the property. There was a consensus that comment was not necessary.

7. Breakfast Update

Mrs. Foos noted that acceptances were arriving in the mail. There was some discussion of whether the County Executive and Senator Sarbanes would attend. Mr. Kelly agreed to invite Mr. Sarbanes directly.

8. Rules of Procedure Committee Report

Mr. Goldsmith noted that the document had gone to the Office of Law on March 5 but he had received no reply. Ms. Schulze stated that "it has been read by some people."

9. Nacirema Barn Technical Committee Report

Mr. Kelly noted that Agenda Item 9 was already covered under Nacirema Barn, Item 5.

Landmarks Preservation Commission
Minutes of April 9, 1998

10 New Business

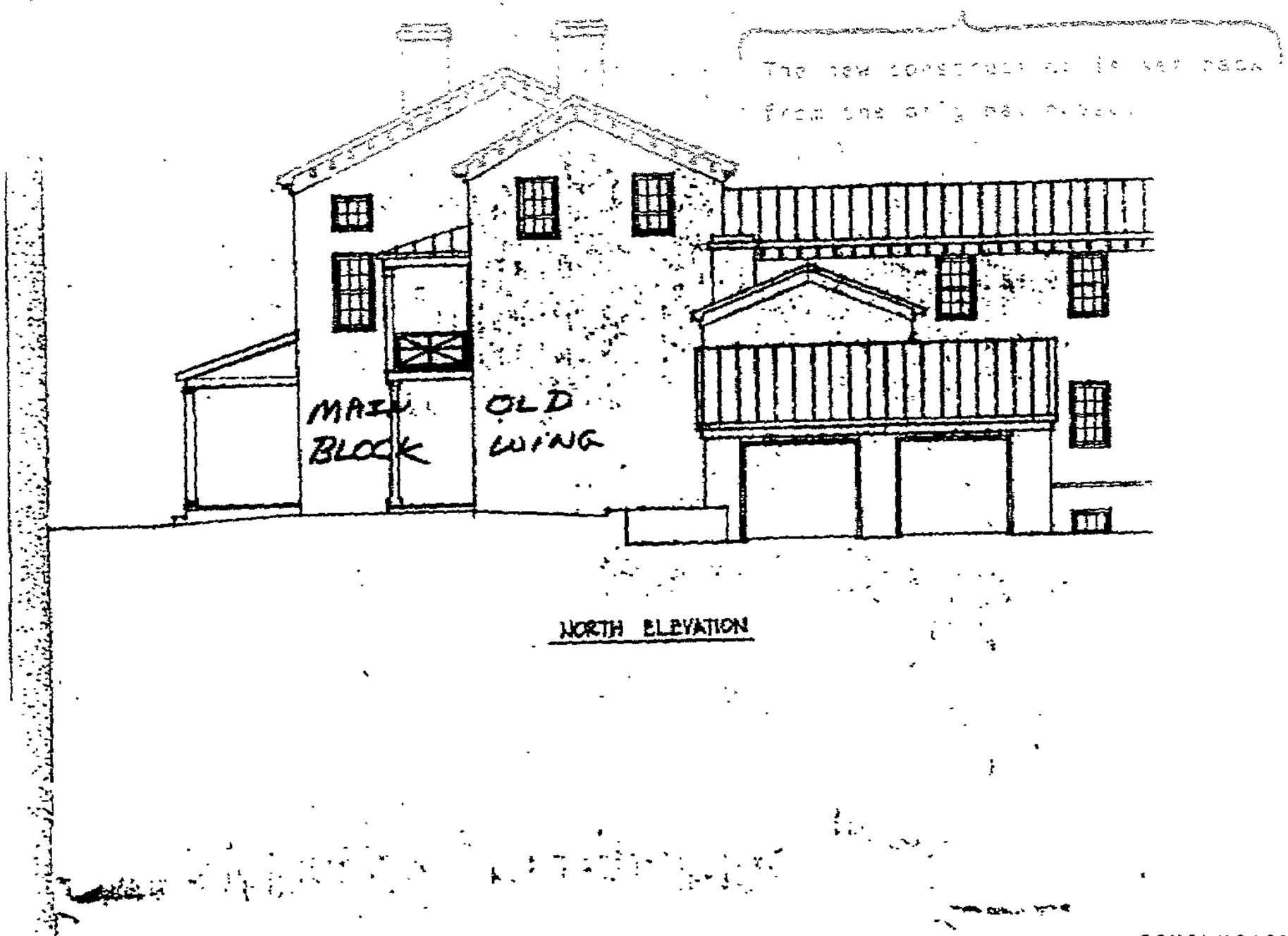
Mr. Scott introduced the Resolution which was proposed to the members at the 6:30 p.m. personnel issue meeting regarding the Office of Planning's Recommendation to appoint Ms. Abe the Administrative Secretary of the Commission and list Mr. McGrain as "County Historian." Acting under Section 26-536, Mr. Goldsmith moved to make Ms. Abe the Administrative Secretary. Dr. Dorsey seconded the motion, which was unanimously passed, to take effect May 1, 1998. The same parties moved, seconded, and passed a motion to classify Mr. McGrain as County Historian. Mr. Scott urged Mr. McGrain to continue to attend the meetings, to which he agreed.

11 Adjournment

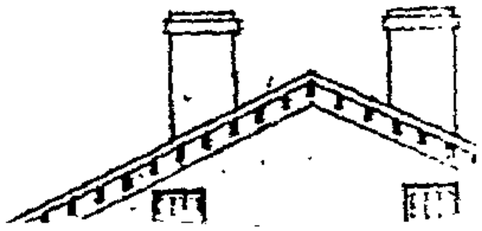
It was unanimously agreed at 9:10 p.m. to adjourn.

SMith

1995



CONCLUSION FARM: NORTH OR RIGHT-HAND SIDE by John Milner Architects, Inc.



EAST ELEVATION

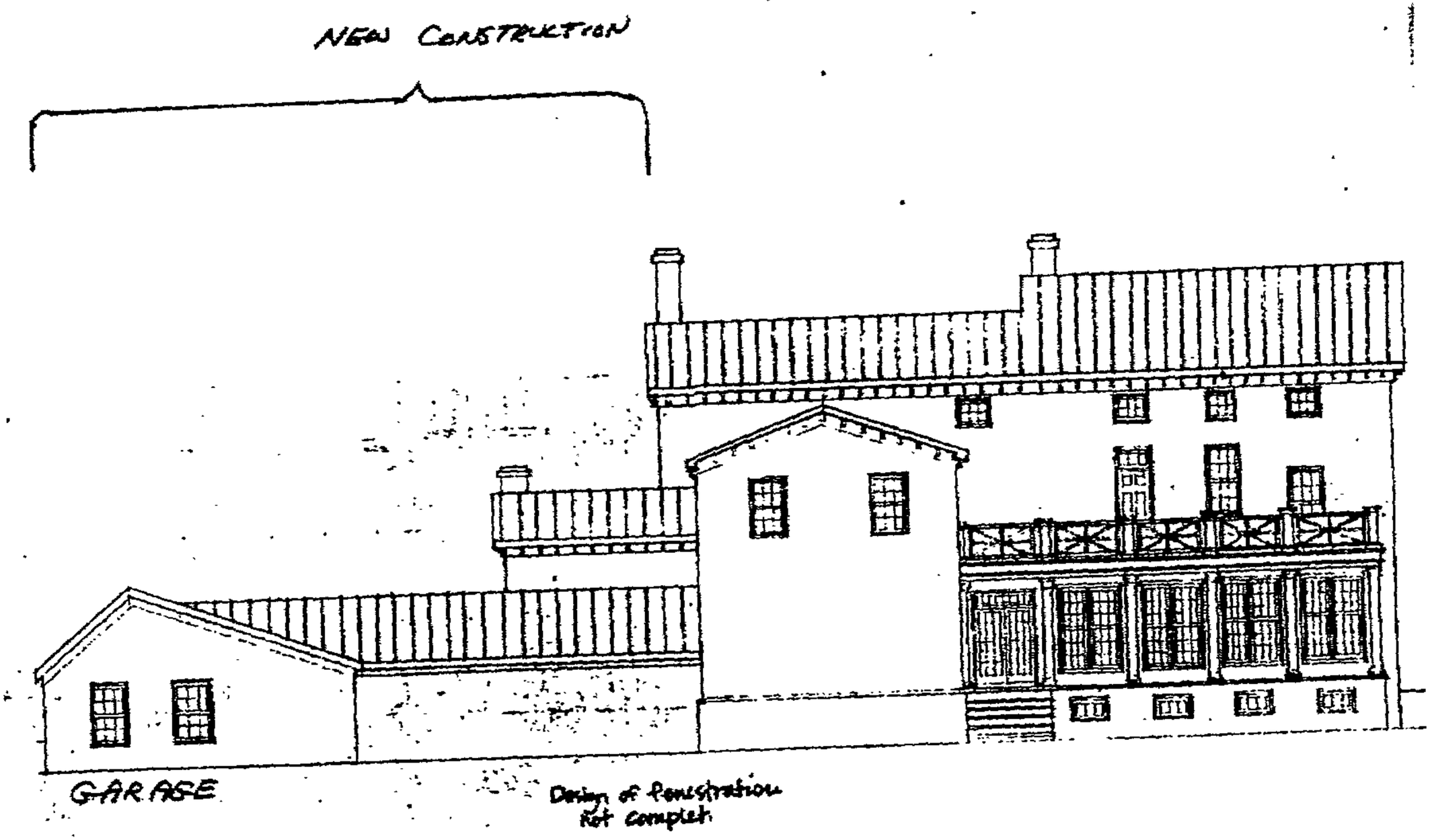
Conclusion Farm
JOHN MILNER ARCHITECTS, INC.

ISSUED
MAR 17 19

MAIN FACADE: CONCLUSION FARM

by John Milner Architects, Inc

1998



REAR FACADE: CONCLUSION FARM
by John Milner Architects, Inc
1998

EXHIBIT
P3

Baltimore County
Landmarks Preservation Commission

TECHNICAL COMMITTEE REPORT

****

1. CASE/FILE NUMBER: Conclusion Farm rehab/additions, April 1998
2. STRUCTURE/ PROPERTY NAME : Conclusion Farm
3. ADDRESS/ LOCATION: 1219/1519 Gerber Lane, Western Run Valley
4. DATE AND TIME OF SITE VISIT: 5:00 p.m. April 27, 1998
5. CURRENT OWNER AND OCCUPANT: Cold Bottom L.L.C. (James S. Riepe 14921
6. PRELIMINARY OR FINAL LANDMARKS LIST NUMBER: #135 Landmarks List (Tanyard Rd. Sparks
7. DESCRIPTION OF OWNER'S /COMMISSION'S REQUEST, ISSUES OR PROBLEMS TO BE ADDRESSED DURING THE ON-SITE INSPECTION:

(see attached)

8. COMMITTEE OBSERVATIONS AND FINDINGS (specify findings of compatibility with County standards as summarized on page 2.)

(see attached)

3 e.

9. TECHNICAL COMMITTEE RECOMMENDATIONS TO THE FULL COMMISSION (Include a minority report if applicable)

(see attached)

10. TECHNICAL COMMITTEE CHAIRPERSON: Thomas Lloyd Reynolds

11. TECHNICAL COMMITTEE MEMBERS: Mr. W. Boulton Kelly, Mr. David Goldsmith Mr. Thomas Carski, Ms. Barbara Weeks

NOTE: Submit Technical Committee Report to the Landmarks Preservation Commission Administrative Secretary seven (7) calendar days prior to the next meeting of the Commission. Attach supporting materials (photographs, drawings, documents) used by the Technical Committee in conducting this on-site inspection.

Compatibility with County Standards

1. Overall, consistent with the historic characteristics of the structure (s) and , where applicable, the district

2. Taking into consideration economic and technical feasibility:

- Used for its historic purpose or adapted for a new use that requires minimal change to the defining characteristics of the structure and its site
- Avoids removal of historic materials or alteration of features and spaces that characterize the property
- Avoids creating a false sense of historical development such as by adding conjectural features or architectural elements
- Preserves changes over time which have acquired historic significance in their own right
- Preserves distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property
- Repairs rather than replaces distinctive deteriorated features, or , if the severity of deterioration necessitates replacement, matches the old feature in design, color, texture and other visual qualities and, where possible, material; substantiates the replacement of missing features by documentary, physical, or pictorial evidence.
- Avoids the use of chemical or physical treatments for surface cleaning that cause damage to historic materials
- Protects and preserves significant archaeological resources affected by the project; uses approved mitigation measures, if applicable
- Protects the historic integrity of the property and its environs by undertaking exterior alteration or other new construction in a manner that avoids or minimizes destruction of characteristic historic materials: that visually differentiates the old from the new; and that is compatible in massing, size, scale and architectural features
- Provides that the essential form and integrity of the historic property and its environs would be unimpaired if the new additions and adjacent or related new construction were removed in the future

3 e.

Technical Committee Report

(1) To inspect the Main House for the purpose of requested changes and additions.
(2) The removal of the existing front portico on Main House
(3) Restoration projects planned for the Bank barn
(4) The Upping Stone

The committee reviewed the request for an addition to the rear of the Main House. It is the Committee's recommendation that the request to proceed be honored contingent upon submittal, to the full Commission, of further detailed drawings

The Committee discussed the request from the Owners/Architects to remove a portion of the existing portico on the front of the Main House. The Architect recommended a small entry roof similar to houses of the period. The Committee found no problem with the request.

After much discussion with the Architects and Builder on the proposed restoration of the existing bank barn, the committee's findings were initially mixed. The Committee agreed that the rear wall must be reconstructed. The Architects proposed to build a 6 foot wide return on each corner of the rear wall and wood face a block wall either side to the center door. Salvaged wood to come from other buildings on the property. The existing wall is entirely stone as is each end of the barn. It was strongly suggested by the Chairperson, Tom Reynolds, that the entire rear wall be reconstructed of stone in keeping with the original design of the barn. After further discussion, Committee Member, Tom Carski, suggested that we ask the Architects to submit alternatives to their initial proposal for the wall. The Committee had no problem with the removal of two attached "shed-like" structures, now existing, on either side of the center door .

The Upping Stone in the front of the Main House and its immediate surrounding area should be addressed in order to help preserve its historic value.

The Committee was pleased with the Owners selection of Architects and Builder and feel that the interest of all parties involved will result in the most positive restoration and preservation of a beautiful historic farm in Baltimore County.

We respectfully request more detailed drawings, with material specifications, be submitted to the Commission for the proposed changes and addition..

It should be noted that the proposed addition of a garage was not brought to the attention of the Committee at this visit.

Technical Committee Chairperson: Mr. Thomas Reynolds

Technical Committee Members: Mr. W. Boulton Kelly, Mr. David Goldsmith, Mr. Thomas Carski, Mrs. Barbara Weeks

EXHIBIT
P 4.

MINUTES
Landmarks Preservation Commission
May 14, 1998

Present

Ms. Marlene Koeppel
Mr. Boulton Kelly
Mr. Thomas Lloyd Reynolds
Mr. Richard Fox
Ms. Rosita Hill
Ms. Barbara Weeks
Ms. Sandra Caslin
Mr. Tom Carski
Ms. N. Lark Schulze
Mr. Robert Scott
Mr. John Chalk

Not Present

Mr. David Goldsmith
Mr. Tim Rodgers
Dr Rhoda Dorsey
Mrs. Dorothy Foos

Planning Office staff present included Kimberly Abe, John McGrain, Tim Dugan, and Lenwood Johnson.

Citizens present included. Bruce Sholk, Jeffrey Scherr, Margery Fahrenbach, Kathy Sweet, Diana Harper, James Harper, Phineas Dixon, Kenneth Bosley, Fred Goldman, Roy Herb, Rodger Katzenberg, Larry Sewer, Earl Collins, Jeff Spokes, Jim Colemore, and D. Louis.

The meeting was convened at 7.02 p.m.

Opening Statement

Mr. Scott stated for the record that the Commission operated under Section 26 of the County Code, the Secretary of the Interior's Standards, and its own Design Guidelines.

Announcements

1. **Review of Agenda**

   No changes to the agenda were made

2. **Minutes of April 9, 1998**

   Mrs. Caslin moved to approve the April 9, 1998 Minutes Mrs. Weeks seconded the motion, which was unanimously passed.

3. **Permit Applications**

   a. 5117 South Rolling Road, Relay Historic District - Diana Harper described her proposals to replace deteriorating asbestos shingles with vinyl siding, to replicate shutters that had existed at an earlier period in time, and to upgrade older windows with newer, energy efficient replacement windows. She noted that in the 1950's the house was altered from its original state with the removal of the wrap-around porch, the architectural trim, and the German siding.

She remarked that she believed the proposed alterations would be an improvement to the overall appearance of the house. Ms. Harper also noted that her home was on the edge of the historic district and that it was set far back on a 350 foot deep lot. Mrs Weeks inquired as to whether the shutters would be operable, and if not, that they should still be sized appropriately to fit the window so as to make the shutters look as if they are authentic. Mr. Kelly asked if the proposed vinyl siding had grooves to give the effect of German siding. Ms. Harper displayed her sample siding with imitation grooves. Ms. Koeppel made a motion to issue a Certificate of Appropriateness, conditioned that the shutters were sized to fit the windows. The motion was seconded by Mr. Kelly and passed unanimously.

b. 2 Waugh Avenue, Glyndon Historic District - Fred Goldman, owner, explained his proposal to cover his home with vinyl siding and referenced photos identifying other nearby structures with vinyl siding Mrs. Weeks expressed concern about the potential elimination of original architectural trim and features and materials (such as the cedar shingles on the 3rd floor).
Mrs. Weeks also expressed dissatisfaction with the steadily increasing loss of original materials and trim, house by house, in all the districts. Mr. Goldman claimed that these features and materials would be preserved under the siding and that he was working closely with the contractor to attempt to mold the vinyl siding to replicate some of the features. Mrs Caslin motioned to approve the proposal and issue a Notice to Proceed, with a strong recommendation that siding not be used to replace the shakes in the 3rd floor upper dormers. Mrs. Koeppel seconded the motion, which was passed unanimously.

c. 11825 Reynolds Rd. (Franklinville Historic District) - No action was taken in absence of the project applicant.

d. 11909 Woodberry Place (Franklinville Historic District) - Ms. Abe explained that Mr. Barton, the owner, was not able to attend, and that he had hoped the information he supplied regarding his proposed storage shed would be adequate enough that the LPC could make a decision without him. The Commission discussed the project and surrounding site and decided they needed pictures showing the site line from the proposed shed. No action was taken by the LPC.

e 1219-1519 Gerber Lane "Conclusion Farm" (Final Landmarks List #14) - Mr. Reynolds summarized the Conclusion Farm Technical Committee report and informed the full Commission that the committee supported the proposed restoration of the main house, the addition, and the removal of the portico, but that they did not support the elimination of any existing stonework facade along the north side of the bank barn. Mr. Reynolds noted that although the committee was greatly impressed by the caliber of the overall project, they still were not willing to approve the removal of any existing stonework on the bank barn. They had asked the applicant to return to the Commission with other proposals for the bank barn wall. Ms. Abe communicated that Mr. Walter Schamu, the applicant, had asked that the LPC, at the May 14th meeting, provide the applicant with an explicit request as to how to restore the north side of the bank barn. Mr. Kelly then made a motion to request to see the full length of the existing barn, less the existing width of the current barn door opening, be covered with a stone veneer (at minimum 6-8 inches thick) that matches the existing stonework. Mr. Reynolds seconded the motion, which was passed unanimously. Mr. Fox abstained.

Mr Bosley stated that the two sheds on the north side of the bank barn, which under the proposed project would be eliminated, buffered the cold winds away from the barn door openings. Mr. Bosley also claimed that the mule shed, which is also attached to the barn on the western edge, actually pre-ates the barn. He claimed that that type of stonework was mentioned in Chandlee Forman's works on early Maryland architecture.

In response to Mr. Bosley's testimony, Mr. Kelly informed the Commission that he spoke with the architect on site in regards to this claim, and that the architect informed him that the mule shed was a later structure as was indicated by the way the structures were joined. Mr. Kelly would like to get more information on this from the architect when they return to the Commission. Mr. Kelly would also like to inquire about the silo removal. Ms. Hill informed him that at the last meeting the applicants had made it clear that they were going to remove the silo and that the silo was not a Landmarks List structure Mr. McGrain also informed him that he believed that the silo was freestanding, and a separate and younger building. Several Commissioners discussed whether the silo was in fact attached to the bank barn, which is a protected structure. Given this commentary, Mr. Kelly requested that the Commission get clarification on these points when the applicant returns. Mr. Reynolds motioned to approve the technical committee's recommendations regarding the concept restoration and rehabilitation plan. The motion was seconded by Ms. Schulze, and unanimously passed.

f. <u>605 Upland Road (Sudbrook Park Historic District)</u>

Mr. Roy Herb, the applicant, explained that he built the brick pier outside his apartment building because there had been mail problems and other service delivery problems due to the absence of a clearly identifiable address in front of the building. He explained how his father had spoken with Mr. McGrain the prior week and presented evidence of an existing pier at the current site. He presented Commissioners with photos of the frame cedar shingle house and identified existing brick piers in the district at 517 Sudbrook Lane. Mr. Herb also claimed that he was not aware that he needed a permit to erect something he saw as a necessity and an improvement to his property. Mr. Reynolds inquired as to whether he was aware he was within a historic district and the applicant responded affirmatively.

Mr. Rodger Katzenberg from Sudbrook Park Inc., testified on behalf of the local committee He noted that Mr. Herb was well aware of the procedures since he had been before the local committee before on other matters. He noted that Mr. Herb had been sent two letters regarding this issue. Mr. Katzenberg explained that existing pier structures should not be presumed to be precedent-setting since brick piers are not consistent with the historical period captured by the district. Mr. Katzenberg claimed that had Mr. Herb been in contact with the local committee, these points could have been conveyed. Mr. Herb and Mr. Katzenberg further debated the subject. Mr. Reynolds told Mr. Herb that he should have gone to the local committee for advice and approval and that he undermined the whole process by completing work without local committee input, hoping to overturn it at the LPC. In reply, Mr. Herb pointed out the time constraints he faced in getting a contractor for the work. Ms. Koeppel noted that the structure needed to be "historic", not just attractive.

Mr. McGrain provided background information as to the history of this permit application and explained that John Reisinger had issued an extension on removal of the pier upon his request that the LPC re-evaluate the pier given the new data supplied about the possibility of a pre-existing pier, supplied by the elder Mr. Herb. Mr. Kelly inquired as to whether a stone veneer was a possible solution. Mr. Katzenberg explained how they'd like to be involved in reviewing the design and that they'd like to utilize local, rough field stone. Mrs. Weeks made a motion to require the applicant to appear before the local committee which meets the 2nd Tuesday of the month, to resolve the design and materials questions, and then to bring the item back to the full Commission at the June 11th meeting. Ms. Hill seconded the motion, which was passed unanimously. Mr. Chalk voted in opposition to the motion.

g. 135 Village Green Drive, "Trentham" (Final Landmarks List # 14)

Ms. Abe summarized Doug Carroll's request to replace his slate roof with gray slate line shingles. Mr. Carroll hoped that the LPC architects would be familiar enough with the material to approve his request. Mrs. Weeks raised concerns about the details of the roof replacement project. Several Commissioners desired more information before they could make a decision, so they tabled the item until the project is more clearly defined by the applicant or a representative.

h. 722 Howard Road (Sudbrook Park Historic District)

Mr Earl Collins described his proposal to eliminate a corrugated shed/garage that was likely a 1930's structure, and thereby a non-contributing structure in the district. The applicant referenced the support letter from Sudbrook Inc. Mrs. Koeppel motioned to issue a Certificate of Appropriateness for the proposed demolition request. Mr. Reynolds seconded the motion which was unanimously approved.

i. 1017 Windsor Road (Sudbrook Park Historic District)

Jeff Spokes stated that the proposed repairs to his home entailed the replacement of deteriorating metal porch materials and the repair of a stone walkway. He received advice from the Commissioners to avoid the use of pressure-treated wood which had a short life span. Mrs. Weeks motioned to issue a Certificate of Appropriateness for the repairs as proposed. Mr. Reynolds seconded the motion, which was unanimously passed.

j. 739 Howard Road(Sudbrook Park Historic District)

Larry Sener, the applicant, described his proposal to install a fence, a shed, and a pool. He explained that the majority of the homes in the immediate area had fences. Mr. Katzenberg from Sudbrook Inc. explained that the local committee wanted to see the fence set back a minimum of five feet. Mr. Carski raised the question as to why the applicant's proposal now included a pool, since the project proposal to the local committee per the May 13th letter provided from Sudbrook Inc. did not mention a pool proposal Mrs. Koeppel motioned to issue a Certificate of Appropriateness for the proposed fence and shed, provided that the fence was set back a minimum of five feet. The motion was seconded by Ms. Schulze, and unanimously approved.

4. Public Hearing (continued from April 9, 1998)

a. Nacirema Barn

Mr. Kelly state that several Commissioners met with the Office of Law for a closed meeting to obtain legal advice and then upon that advice, he informed the applicant , Bruce Sholk, and his legal representative, Jeffrey Scherr, that they had two choices. They could either freeze all work on the structure and come before the Commission with a description of the project as is, or they could finish their work and then at that point come before the commission. He explained to the Commissioners that the LPC can't vote to list a structure if work is in progress since the modifications could significantly affect the determination of the structure's historicity

The LPC tabled the item until further notice from the applicant.

5. **Recommendations on development proposals**

a. Mr. Dugan described the lot line adjustment proposal for the "Long Property" located at 10400 Stevenson Rd. at Old Valley Road. Greenspring Valley. Lot #3 contains "The Flowers and Fancies shop" (MHT # BA 1636. ca. 1851) and the "Stevenson Railroad Station" (MHT # BA 1651. ca. 1901). The site is within the Greenspring Valley National Register District.
Mr. Dugan informed the Commission that the Office of Planning brought this item before the Commission for advisory comment since the project contains MHT sites. There was no action taken on this item.

b. Mr. Dugan briefly described the proposed subdivision of the "Owings Property" located at 111 Sunny Meadow Lane, Pikesville. He informed the Commissioners that this project was before the LPC for advisory comment if necessary because of the identification of archaeological resources (MHT # 18 BA 353) on the property. Staff had analyzed the proposal and determined that no building is proposed on the archaelogical site which is in the unbuildable flood plain and forest buffer There was no action taken on this item.

c. Ms. Abe briefly described the proposed lot line adjustment proposal for the "Post Property" located at 1609 Pot Springs Road. Dulaney Valley. The property contains the "L.C. Post House"(MHT BA # 534, ca. 1873). The applicant was available to provide a detailed description of the proposal to move the property line 15 feet in order to allow for the development of the adjacent lot. Mr. Dugan explained the Planning Office's concern about the impacts of development of the rear lot behind the MHT site. There was no action taken on this item.

d. Ms Abe summarized the proposed for an addition to an existing building on the "Sacred Heart School" property located at 65 Sacred Heart Lane, Glyndon. The property contains the original "Sacred Heart Chapel")MHT # BA 730, ca. 1873). Jim Colemore, representative for the project, explained the proposed changes and intended uses for the existing gymnasium. No action was taken on this item.

6. **Other Business**

Mr. Scott directed the Commissioners attention towards Mr. Goldsmith's draft orientation plan material that had been included in the packet.

Mr. Scott announced the County Executive's recommendation in the budget for $100,000 for the Countywide Comprehensive Historic Resource Survey. Mr. Dugan explained that the budget still awaits County Council vote.

Adjournment

The meeting adjourned at 9:40 p.m.

KA:rlh

EXHIBIT
P5

MINUTES
Landmarks Preservation Commission
July 17, 1998

Present

rlene Koeppel
mas Lloyd Reynolds
ita Hill
bara Weeks
dra Caslin
n Carski
ark Schulze
id Goldsmith
ert Scott
Rodgers
la Dorsey

Not Present

Mr. John Chalk
Mrs. Dorothy Foos
Mr. Boulton Kelly
Mr. Richard Fox

ning Office staff present included Kimberly Abe, John McGrain, and Tim Dugan.

zens present included Mike Ruby, Webster Bosley, Kenneth Bosley, Francis Smith, Walter Matt Slater, and John Milner.

meeting was convened at 4:30 p.m.

n building permits

9 Gerber Lane

Scott announced that this was a special meeting within fourteen days of the regular meeting on 9, 1998. He asked all members to review the copy of the LPC technical report completed in l and that presentations be limited to five minutes.

Milner, the architect for Conclusion Farm, explained that the original building was 1,280 square . In 1854, another 4,490 square-feet were added. The currently proposed addition adds another 0 square-feet of living space to create a 5,770 square-foot structure.

Milner explained that the two-car garage is situated down below to the side of the building, and back thirty-feet from the front wall. Mr. Milner said the proposed design keeps a very low roof e to de-emphasize the mass. Mr. Slater noted that garage level is almost a total of three feet w the original house floor level.

Reynolds inquired about the proposed alterations to the original windows. Mr. Milner ained that overall, the proposed design had little impact on the original structure. Mr. Milner rked that one reason their client wanted to build an addition was so that they could preserve the ior of the existing house and the smaller rooms without taking out partitions and making the s larger.

'arks Preservation Commission
: of July 17, 1998

's. Francis Smith, a neighbor, stated her opposition to the addition, noting that several years ago ; worked hard with the LPC to list Conclusion Farm on the preliminary landmarks list with the 'ent to preserve a 200-year-old farmhouse. Ms. Smith claimed that this project does not meet that 'l and changes it into a luxury house.

'. Ken Bosley noted that he was born on this property and that over the years it was a means of vival. He claimed that the property was wrongfully taken from their family. Mr. Bosley also 'ted that the applicant had torn down a number of structures without a building permit or a nolition permit. Mr. Bosley referenced a photograph of the house prior to any recent alterations stated that he did not conceive of this project as historic preservation, but rather reconstruction 'he historic house into a country club. Mr. Bosley expressed concern over the increasing loss of 'nland in the County as evidenced by the elimination of this family-run farm.

Milner commented that all the chimneys were being retained and restored into operating order, the two-story porch was being reconstructed, and that the existing roofs were going to be 'htly elevated to be replaced with standing seam copper material. Mr. Rodgers remarked that 'clusion Farm was in "deplorable" condition and praised the prospective residents for saving an 'uilding.

Goldsmith stated to the commissioners that they had the responsibility to be fully informed 'it each issue on which they take action, specifically the historical context of a piece of property 'ell as the structures themselves. He offered to provide background information. He described 'istoric context by noting that the Maryland Historical Trust created the Western Run-Belfast J Historic District in 1979, including Conclusion Farm along with sixteen other sites as 'sentative of farming culture in north Baltimore County in the 1800s. The district was accepted the National Register of Historic Places. On October 12, 1995 the Landmarks Preservation 'mission voted to place the main house, the spring house, the bank barn, the upping stone, and marble entrance on the Baltimore County Preliminary Landmarks Preservation List. Goldsmith noted that the LPC found that the main house met criteria Number One since it was 'ciated with a personality, group, or event (farming in the Baltimore County in the 1800s). Goldsmith noted that the farm also met criteria Number Two, since it was a distinctive example particular architectural style or period.

'Goldsmith then noted that the current LPC made a site visit to Conclusion Farm on April 27, 3, concentrating on the alterations proposed to the main house and bank barn. He stated that the 'missioners witnessed that the silo had been torn down before their arrival even though the 'mission had clearly expressed interest in seeing the silo. Mr. Goldsmith then remarked that 'n he studied the drawings on July 9, 1998, he came to the determination that the proposal, as is, 'l what the Commission should view as historic preservation, except for the restoration portions. Goldsmith claimed that he had properly analyzed the farm's history and considered the fact that 'l slaves, that at one time Civil War troops used the property, and that it was a productive farm 'ver 200 years. Mr. Goldsmith then concluded that the proper plan should be to restore the 'e to it's original state and allow an addition up to twenty-five percent of the current structure. Goldsmith stated that the sixty percent addition as proposed would change the farm so 'tantially that it would lose its historic context. Mr. Goldsmith stated that approval of this 'tion would be a terrible precedent illustrating that the current LPC is not carrying out its 'nsibilities, because from here on out, everyone who has a property in poor condition can 'by change it's original shape, expand it, and take the life blood of the history out of it in the 'ess.

. Scott followed those remarks with a statement that he felt the Commission was upholding their ponsibility. Ms. Schulze moved that the LPC approve the proposal to renovate and preserve nclusion Farm as presented. Seven commissioners voted in favor of the motion, with Goldsmith and Dr. Dorsey voting in opposition.

nment

meeting adjourned at 5:30 p.m.

EXHIBIT
P6

INTER-OFFICE CORRESPONDENCE

BALTIMORE COUNTY, MARYLAND

Doug Swam
Permit Supervisor

John McGrain
County Historian

Subject: Conclusion Farm; Main House Permit
1519 Gerber Lane, Cockeysville

Date: July 20, 1998

This memo is for your records to report that the Landmarks Preservation Commission of July 3, 1998, was continued to the afternoon of July 17, at which time, the permit for the restoration and expansion of the dwelling house was approved by a vote of 7-3-0. This memo constitutes a notice to proceed as expressed in the Baltimore County Code, 1988, as amended, Section 26-545.

John McGrain
County Historian

EXHIBIT
P7

SMDA
ARCHITECTS

WALTER SCHAMU

Born: 1944 - Syracuse N.Y.

Education: 1968 - Masters Degree/ Architecture from the University of Pennsylvania

Service 1968-1971 - Engineering Officer US Navy

1971-1976 - Architect with Ewing Cole, Architects, Philadelphia

1976-1982 - Architect with Ayers/Saint Architects, Baltimore, Maryland

Occupation: 1982-Present Architect, President of SMDA Architects - a ~~ten~~ 15 person architectural design firm with offices in Baltimore, MD. and Wheeling, West Virginia.

Past President - Baltimore Chapter of the American Institute of Architects

Past-President/Founder of The Baltimore Architecture Foundation

Member of the College of Fellows of the American Institute of Architects

Director of Research for the Baltimore Architecture Foundation and Founder of The Historic Architects Roundtable (aka "The Dead Architects Society")

Projects: New Dormitories, The Maryland Institute of Art

Business and Industry Center-Dundalk Comm. College

Renovations to the Avalon Theater, Easton, MD

Renovations to Trinity Church, Towson, Maryland

Numerous private residences throughout Maryland

RENOVATIONS TO THE MARYLAND CLUB
RENOVATIONS TO HERR ARMS BUILDING
for CITIZENS CORE BANK

Baltimore, Maryland

WALTER SCHAMU, FAIA
ANTHONY MACHOWSKI, AIA
1016 MORTON STREET
BALTIMORE, MARYLAND
21201
PHONE: 410-685-3582
FAX: 410-625-4790

Wheeling, West Virginia

VICTOR R. GRECO, AIA
14TH & CHAPLINE STREET
SUITE 505
WHEELING, WEST VIRGINIA
26003
PHONE: 304-233-0048
FAX: 304-233-7564

EXHIBIT
P8

JOHN MILNER ARCHITECTS, inc.

Route 1 & Route 100, P.O. Box 937, Chadds Ford, Pennsylvania 19317 • (610) 388-0111 • Fax (610) 388-0119

John D. Milner, AIA Mary Werner DeNadai, AIA

John D. Milner, AIA, President

John D. Milner, AIA, is a registered architect with 30 years of specialized experience in the field of historic preservation. Mr. Milner's experience has been project specific at all task levels from on-site architectural investigation to project management. His particular expertise is in the detailed analysis of historic buildings to document their physical and cultural history, and the development of strategies, technical procedures and design solutions for their restoration and adaptive reuse. He has applied that expertise to the restoration and rehabilitation of numerous buildings and sites, a representative listing of which is included herein.

Mr. Milner entered private practice in 1968, founding the firm of John Milner Architect, later known as John Milner Associates. In 1989, he and Mary Werner DeNadai, AIA, sold their interests in John Milner Associates and established John Milner Architects, Inc. in order to return to more direct project involvement. Their eleven member firm focuses on the restoration and reuse of historic buildings and the design of new residential and institutional structures.

In addition to his professional practice, Mr. Milner is an Adjunct Associate Professor of Architecture in the University of Pennsylvania's Graduate Program in Historic Preservation, teaching courses in the Documentation and Analysis of Existing Buildings and American Construction Technology. He has been selected by the National Endowment for the Arts and the General Services Administration to serve as a National Peer Architect for the review of designs for major new federal buildings, primarily courthouses.

Professional Registration

Registered Architect: Pennsylvania, New York, New Jersey, Rhode Island, Massachusetts, Delaware, Maryland, District of Columbia, Virginia, South Carolina, Tennessee, Florida, Ohio, Michigan, and North Carolina. Certified by the National Council of Architectural Registration Boards.

Representative Projects

Mr. Milner has served as Principal-in-Charge or Project Architect/ Project Manager of the following projects undertaken by his current or former firms:

Philadelphia City Hall
Historic Structure Report for the Restoration Master Plan
Philadelphia, PA

Fonthill, Henry Chapman Mercer's House
Conservation Plan and Building Restoration
Doylestown, PA

Henry Melchoir Muhlenberg House
Architectural Investigation/Assessment and Building Restoration
Trappe, PA

Old City Hall/Rockwell Museum
Restoration and Adaptive Reuse
Corning, New York

Historic Fairmount Waterworks
Adaptive Reuse Feasibility Study and Building Restoration
Philadelphia, PA

Market Street Houses at Franklin Court
Restoration and Reconstruction
Philadelphia, PA

Overseer's House at Hampton National Historic Site
Building Assessment and Historic Structure Report
Towson, MD

Manor House and Outbuildings at Cherry Hill Farm
Restoration and Renovation
Charlottesville, VA

Manor House at Rushton
Restoration and Renovation
Newtown Square, PA

Peter Wentz Farmstead
Restoration and New Reception/Education Building
Worcester, PA

Manor Houses at Audley Farm and Tuleyries Farm
Restoration and Adaptive Reuse
Berryville and White Post, VA

Christ Church
Restoration, Adaptation and New Addition
Alexandria, VA

Moravian Buildings (Sun Inn, Tannery, and Waterworks)
Restoration and Adaptive Reuse
Bethlehem, PA

William Scarbrough House
Restoration and Adaptive Reuse
Savannah, GA

Historic Fayette Townsite
Master Plan
Upper Peninsula, MI

Historic Village of Davenport
Master Plan
Davenport, IA

Teaching Experience

1990 - present	Adjunct Associate Professor of Architecture, Graduate Program in Historic Preservation, Graduate School of Fine Arts, University of Pennsylvania
1986 - 1990	Member of Faculty, Graduate Program in Historic Preservation, Graduate School of Fine Arts, University of Pennsylvania
1976 - 1986	Member of Faculty, Department of Architecture, Graduate School of Fine Arts, University of Pennsylvania

Lectures

Guest lecturer on historic preservation at Columbia University, University of Virginia, Washington University, University of Florida, and Drexel University.

Organizational Affiliations: Current

Member, American Institute of Architects and Pennsylvania Society of Architects
Member, The Octagon Committee of the American Architectural Foundation
Member, 1998 Fine Arts Jury of the American Academy in Rome
Board of Directors, The Athenaeum of Philadelphia

Member, Carpenters Company of City and County of Philadelphia
National Peer Architect, the General Services Administration and National Endowment for the Arts

Organizational Affiliations: Past

President, Philadelphia Architectural Salvage, Inc.
Vice President, Philadelphia Historic Preservation Corporation
Board of Directors, Chester County Historical Society
President, Historic Delaware County
Member, National Register Review Committee, Commonwealth of Pennsylvania
Chairman, Historic Preservation Board, Commonwealth of Pennsylvania

Honor Awards received by his current and former firms

1995 Design Excellence Award; Philadelphia Chapter, AIA, Complex of Farm Buildings in Chester County, PA.
1997 Preservation Achievement Award; Preservation Alliance of Greater Philadelphia, Restoration of The Abiah Taylor House.
1997 Preservation Achievement Award; Preservation Alliance of Greater Philadelphia, Architectural Conservation of Fonthill Museum.
Presidential Design Award, Restoration and Reconstruction of Franklin Court, Philadelphia, with Venturi & Rauch
National Honor Award, American Institute of Architects, Restoration and Reconstruction of Franklin Court, Philadelphia, with Venturi & Rauch
Citation, Washington Metropolitan Chapter, American Institute of Architects, Excellence in Historic Preservation and Architecture, 633 Pennsylvania Avenue, Washington, DC, with Geier Brown Renfrow, Simon A. Hershon, MRG Constructors, Inc., Hartman-Cox Architects, Central National Bank Redevelopment Group
Merit Award, Washington Metropolitan Chapter, American Institute of Architects, Preservation Design for Central National Triangle, Washington, DC, with Hartman-Cox Architects, Central National Bank Redevelopment Group
Historic Preservation Commendation, Pennsylvania Historical and Museum Commission, Adaptive Reuse Feasibility Study, Historic Fairmont Waterworks,
Philadelphia Civic Award, The Foundation for Architecture, Restoration of the former Fidelity Mutual Life Insurance Company Building, Philadelphia, to Reliance Standard Life Insurance Company
Historic Preservation Commendation, Pennsylvania Historical and Museum Commission, Adaptive Restoration of Reliance Standard Life Insurance Company Building, Philadelphia

Award for Commercial Design and Restoration, Old Philadelphia Development Corporation, Adaptive Restoration of Reliance Standard Life Insurance Company Building, Philadelphia
Award of Merit, U.S. Corps of Engineers, Relocation and Restoration of Gruber Wagon Works, Berks County, Pennsylvania
Award of Excellence, Architectural Woodwork Institute, Immanuel Episcopal Church, New Castle, Delaware, with Immanuel Episcopal Church, Eisenhardt Mills, Inc., John E. Healy & Sons
Lighting Design Award, Illuminating Engineering Society of North America, Bethlehem Main Street Revitalization, Bethlehem, Pennsylvania

J. DORSEY BROWN III
ON • THE • RUN
POST OFFICE BOX 19
BUTLER, MARYLAND 21023-0019

EXHIBIT
P 14

September 8, 1998

To whom it may concern.

I am writing this letter both as an adjoining property owner and someone who has known the Riepes for over 16 years. Being a neighbor I am very familiar with Conclusion Farm and the state of disrepair that has occurred over the past 9 years. Thank goodness the Riepes have come along to restore the house and outbuildings in keeping with its long history as a model farm. What will require considerable effort and work, I feel very fortunate to have the Riepes want to take on this undertaking.

Specifically our property is on menu of Conclusion Farm. I am familiar with the plans for the restoration and wholeheartedly support their efforts

to rebuild and restore the buildings. The plans for the Ice House as an accessory building to the main house is most consistent with the quality of their restoration efforts. If a variance is needed, I strongly support the approval of the variance in view of the fact that the structure is so far from public view that 3 feet would not be noticeable.

I will be glad to answer any further questions the Zoning Board may have, but do hope they will approve the variance sought by the Reepes.

Sincerely Yours

J Dasey Brauns

EXHIBIT
P15

Jack's Hill Farm

1310 Western Run Road
Hunt Valley, MD 21030

September 9,1998

To Whom It May Concern,

We are writing this letter in full support of the restoration of Conclusion Farm. Our Farm adjoins Conclusion on two sides. We have owned this property for six years, and have watched the deterioration of this historic farm under the original ownership. We have known the Riepes for four years, and we trust that their efforts to return this farm to its former beauty will be successful.

We have viewed the plans in detail, and feel that the 3 feet that the ice house will exceed cannot possibly impact the historic nature of the property. Therefore, we do not object to the waiver or variance.

We will continue to fully support this project, and look forward to the day we can enjoy the view of the restored farm from our hilltop.

Joanne Hope Birsh
Stephen Plakotoris

Joanne Hope Birsh
Stephen Plakotoris

EXHIBIT
P.16

September 10, 1998

Zoning Commissioner
Baltimore County

Dear Sir:

We are writing regarding the public hearing to consider the zoning petition for Conclusion Farm. We are neighbors of Conclusion Farm, having a farm several hundred yards away, and drive by this property regularly. As you are likely aware, the farm had deteriorated over the years and was obviously not in good repair. Several of our neighbors had acquired the Farm when the Court appointed a Trustee to sell the property. They placed a number of development sites into conservation easements and then sold the Farm to our neighbors, the Riepe's.

We could not be more pleased that they have taken on the challenge of bringing this wonderful farm back to working condition and have undertaken the long and costly task of restoring so many of the buildings on the property.

We urge you to allow them to proceed by granting a waiver from the Maryland Historical List and providing the variance for reconstruction of the ice house as a outbuilding to be used as a study and pool house. Allowing adaptive uses of old buildings is one of the best ways we can preserve some of these properties. Permitting a building several feet taller than the 15 foot limit is not an issue when one considers it sits in the middle of nearly 200 acres and is not even visible from the public roads surrounding the farm.

In our view, the County should be encouraging, not discouraging, people like the Riepe's and others who seek to preserve our heritage. We hope you will act favorably upon their application.

Sincerely,

Christopher and Luci Goelet
15115 Wheeler Lane
Sparks, Maryland

EXHIBIT

P17

9/9/98

To Whom It May Concern,

We are writing on behalf of James and Gail Riepe to support their efforts to renovate Conclusion Farm, and restore it to its proper state.

We currently live over the hill from Conclusion Farm and the Riepes. Our family has been living in the Western Run Valley for four generations now. My grandparents, Mac & Betty Fisher owned Bellaven Farm which adjoins Conclusion Farm, so we are very familiar with the area in question.

We have always been opposed to any development of the Western Run Valley, and have

fought to preserve the farms which give it, its charm and character. Having reviewed the current plans for Concession Farm we wholeheartedly support the Ripes in their efforts to restore Concession Farm to a state of grandeur. It is self-evident that the Ripes intent is to preserve and maintain the historical characteristics of the house and farm. The plans reveal the detail and care taken to preserve Concession Farm as a truly historical property, as well as improve the grounds and out buildings which are in a current state of disrepair.

We support the issuing of a waiver or variance regarding the additional 3 feet to the icehouse which we feel in no way will detract from the historic value of the site.

We understand that the Bailey family, having until recently owned Conclusion Farm, are concerned about maintaining its historical integrity and character. We believe the plans put forth by the Riepes do exactly that.

Sincerely,

Renee M. Cove

Renee M. Cove
1245 Western Run Rd.
Cockeysville, Md.
(410) 771-4898 21030

PBT 24

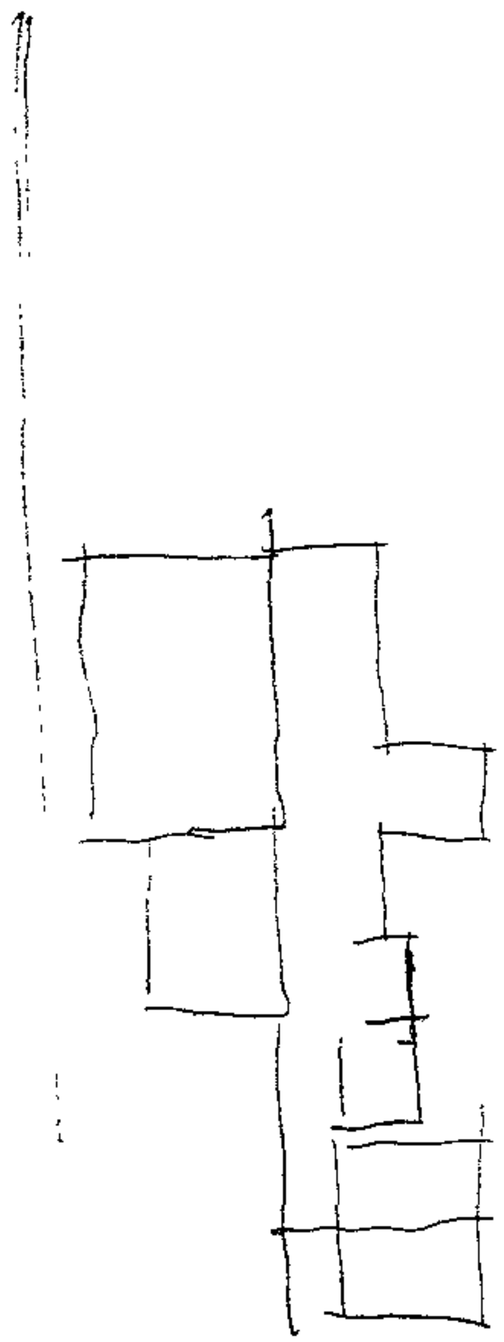
SMDA
ARCHITECTS

A

CONCLUSION FARM

B

OUT BUILDINGS



Pet. #20

SMDA
ARCHITECTS

Walter G. Schamu, FAIA, President

Education

Bachelor or Arts, 1966, University of Pennsylvania
Master of Architecture, 1968, University of Pennsylvania

Service

Engineering Officer US Navy, 1968 - 1971

Professional Registration

Registered Architect: Pennsylvania, Maryland, Virginia, and Florida. Certified by the National Council of Architectural Registration Boards.

Representative Projects

1001 Cathedral Street, Baltimore, Maryland
Restoration of a 4-story building in the Mt. Vernon Historic District.

Baltimore Artists' Housing, Baltimore, Maryland
Renovation of 10 row houses into 31 artists' studios.

The Reiman Block Apartments, Baltimore, Maryland
Renovation of 8 row houses on the National Register of Historic Places.

The Avalon Theater & Restaurants, Easton, Maryland
Historic 1922 theater renovation certified by the Maryland Historical Trust.

The Augustine Herman Inn, South Chesapeake City, Maryland
Restoration of a historic 1830 inn and restaurant.

The Inn at Perry Cabin, St. Michaels, Maryland
Renovation of an 1812 inn.

Trinity Episcopal Church, Towson, Maryland
Restoration of a 130-year-old church.

The Maryland Club, Baltimore, Maryland
Fire restorations and additions to a historic private club.

Baltimore, Maryland

WALTER SCHAMU, FAIA
ANTHONY MACHOWSKI, AIA
1016 MORTON STREET
BALTIMORE, MARYLAND
21201
PHONE: 410-685-3582
FAX: 410-625-4790

Wheeling, West Virginia

VICTOR R. GRECO, AIA
14TH & CHAPLINE STREET
SUITE 505
WHEELING, WEST VIRGINIA
26003
PHONE: 304-233-0048
FAX: 304-233-7564

Chevy Chase Bank, Baltimore, Maryland
Restoration and renovation of a historic 1901 bank building.

William Smith Hall, Washington College, Chestertown, Maryland
Restoration and renovation of a historic 1916 academic building.
MD STATE HOUSE RESTORATION. / circa 1770.

Activities

Member, Past President, Baltimore Chapter of the American Institute of Architects
Member, Past President, Founder, The Baltimore Architecture Foundation
Member, College of Fellows of the American Institute of Architects
Chairman, Maryland Committee for the Preservation of Architectural Records
Member, Founder, The Historic Architects Roundtable
Appointed Member, The American Institute of Architects' national Historic Resource Committee

Employment

1971 - 1976	Architect with Ewing Cole, Architects, Philadelphia, PA
1976 - 1980	Architect with Ayers/Saint Architects, Baltimore, MD
1988 - 1982	Architect with Browne Worrall & Johnson, Inc., Baltimore, MD
1982 - Present	Founder and President of SMDA Architects, Inc., Baltimore, MD

SMDA
ARCHITECTS

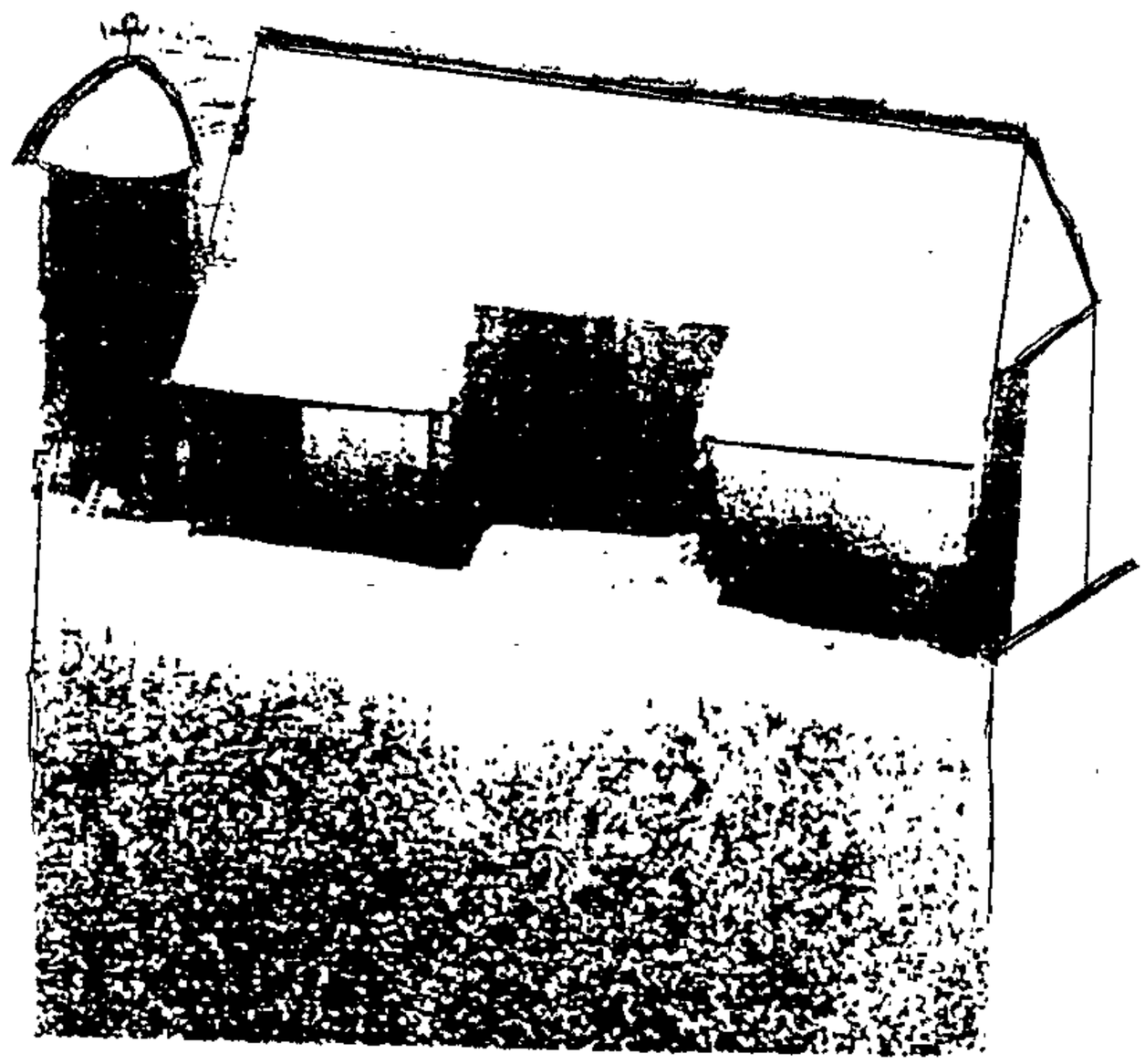
Name & Title:	Walter Schamu, FAIA, President
Name of Firm:	SMDA Architects
Education:	Master of Architecture, 1968, University of Pennsylvania
Registration:	Maryland, 1977 NCARB Certified
Service:	1968 - 1971 Engineering Officer US Navy
Employment:	1971 - 1976 Architect with Ewing Cole, Architects; Philadelphia, PA 1976 - 1980 Architect with Ayers/Saint Architects; Baltimore, MD 1980 - 1982 Architect with Browne Worrall & Johnson, Inc.; Baltimore, MD 1982 - Present Founder & President of SMDA Architects
Activities:	Past President, Baltimore Chapter of the American Institute of Architects Founder/Past President, The Baltimore Architecture Foundation Member, College of Fellows of the American Institute of Architects Chairman, Maryland Committee for the Preservation of Architectural Records Founder, The Historic Architects Roundtable (aka "The Dead Architects Society") Appointed Member, The American Institute of Architects' national Historic Resource Committee
Projects:	1001 Cathedral Street, Baltimore, MD, 1990, $1,500,000 *Restoration of a 4-story, 20,000 sf building in the Mt. Vernon Historic District.* Baltimore Artists' Housing, Baltimore, MD, 1987, $1,200,000 *Renovation of 10 row houses into 31 artists' studios.* The Reiman Block Apartments, Baltimore, MD, 1985, $2,500,000 *Renovation of 8 rowhouses on the National Register of Historic Places.* The Avalon Theatre & Restaurants, Easton, MD, 1989, $2,000,000 *Historic 1922 theatre renovation certified by the Maryland Historical Trust.* The Augustine Herman Inn, South Chesapeake City, MD, 1984, $800,000 *Restoration of a historic 1830 inn and restaurant.* The Inn at Perry Cabin, St. Michaels, MD, 1987, $1,000,000 *Renovation of an 1812 inn and 150-seat restaurant.* Trinity Episcopal Church, Towson, MD, 1990, $700,000 *Restoration of a 130-year-old church.* The Maryland Club, Baltimore, MD, 1996, $3,500,000 *Fire restoration & additions to a historic private club.* Chevy Chase Bank, Baltimore, MD, 1997, $3,000,000 *Restoration & renovation of a historic 1901 bank building.* Wm. Smith Hall, Washington College, Chestertown, MD, 1998, $2,500,000 *Restoration & renovation of a historic 1916 academic building.*

PROT #2

Plan For

Conclusion Farm Museum

200 Years of Dairy and general Farming in Baltimore County



By: Kenneth T. Bosley

Agricultural Engineer

PO Box 334

Hunt Valley, MD 21030

1-800 497-0880

PLAN FOR

CONCLUSION FARM HISTORIC MUSEUM

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INTRODUCTION

This is a plan for development and preservation of Conclusion Dairy Farm as a working Farm Museum and Show Place.

The Farm is located within and between a few miles of the I 83 Interchanges of Shawan Road and Belfast Road. It is also in the heart of the Western Run and Belfast Valley Historical District.

The Farm's products have won Blue Ribbons and 1st Place at the Maryland State Fair. It has been recognized a number of times by the Gunpowder Farmers Club as a Show Place.

The design of it's Barns have been copied by a number of builders in the area for their workability for efficient farm chores.

As a teenager, this Author was recognized by Seventeen Magazine and Successful Farmer publication and Westinghouse Electric Corporation as a National Outstanding Teenager for his projects on this Farm.

Many of it's stone buildings with oak beams, hand hewed, morticed and pegged, are 200 years old.

Adjoining the Farm is the Village of Leeville. Our Bosley ancestors granted house sites to freed slaves from Martha Washington and General Lee's Plantation in Virginia just prior to the Civil War. As a freed slave named from George Washington, George Lee's descendants still reside there. The Conclusion Farm provided employment and food for these large families for over one hundred years.

It's house and Barns have been approved to be listed by the State Historical Preservation Office.

The Bosley Family has a large collection of horse drawn equipment used during the 1800's. We also have 1700's tools and farm implements like grain cradled, blacksmith tools, carpenters equipment and special items like an 1890's buggy and sleigh. In addition we have farm butchering tools hay handling tools, dairy equipment and many other antiques.

The Bosley family own currently and operate four Satellite farms surrounding Conclusion Farm. One Farm now has two large Clydesdale horses in it's pasture just waiting to pull the plow.

A Foundation will be created to operate the Museum funded entirely by the Bosley family.

This Farm will help to attract tourists to Baltimore County and will provide needed Summer jobs to intern students. There are five large motels located in Hunt Valley and Timonium less than 10 minutes driving time away. The Farm has been worked for 250 years for when the land was cleared by four oxen and four men doing four acres per day.

The technology of our past farming operations comprising the science and technology of the past era must be preserved for future generations.

CONCLUSION FARMS, INC.
SPARKS, MD. 21152

Maryland Historical Trust

March 13, 1979

Dear Property Owner:

It is a pleasure to inform you that Western Run-Belfast Road Historic District, Baltimore County, Maryland has been accepted onto the National Register of Historic Places, Office of Archeology and Historic Preservation, a division of the Heritage Conservation and Recreation Service, United States Department of the Interior.

This listing carries with it certain protections at the federal level and in time will help measurably with preservation and protection at the state and local levels. Listing on the National Register makes all property owners eligible to be considered for federal matching grants-in-aid for historic preservation and special consideration for certain federal low-interest loan programs. Listing also provides federal income tax incentives for rehabilitation of historic structures within National Register historic districts if they are used for commercial purposes and state tax incentives for rehabilitation of all historic structures within National Register historic districts.

A map showing the boundaries of the National Register district is located on the back of this letter.

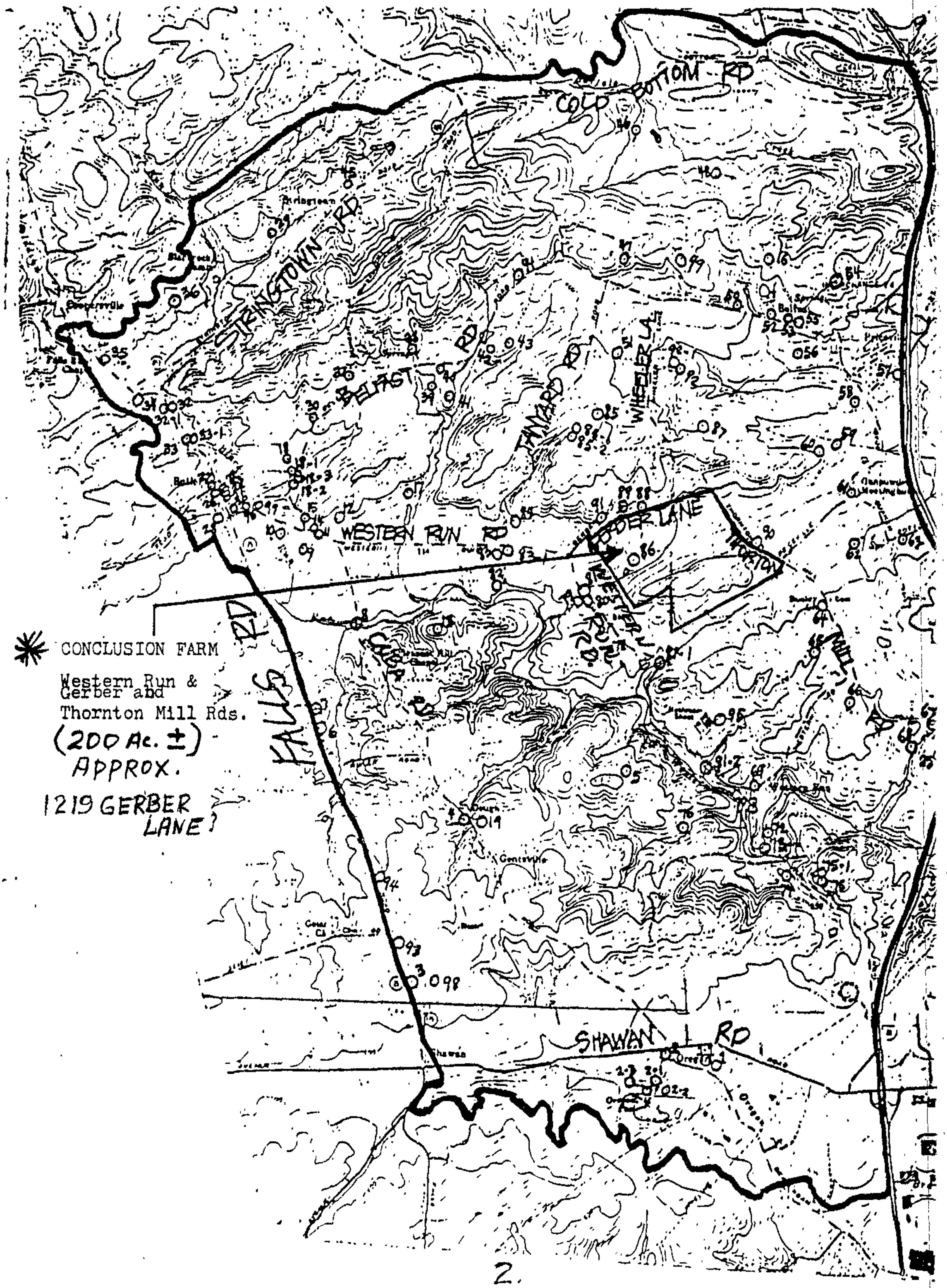
Please let us know if you should have any questions or want any additional information.

Sincerely,

J. Rodney Little
State Historic
Preservation Officer

JRL/PMJ/lkm
cc: Catherine F. Black
James T. Wollon, Jr.
William C. Trimble
Henry R. Lord
J. Hurst Purnell
Charles L. Wagandt
John V. Murphy
Arnold Fleischmann
Leslie H. Graef

Shaw House, 21 State Circle, Annapolis, Maryland 21401 (301) 269-2212, 269-2438
Department of Economic and Community Development


COLD BOTTOM RD
SPRINGTOWN RD
BELFAST RD
WESTERN RUN RD
GERBER LANE
THORNTON
CONCLUSION FARM
Western Run &
Gerber and
Thornton Mill Rds.
(200 Ac. ±)
APPROX.
1219 GERBER
LANE
FALLS RD
SHAWAN RD

2.

STRUCTURES

I. SMOKEHOUSE

Adjoining main dwelling to the North, 1st floor, contains the original (1700-1800's) cooking fireplace. The Dutch Oven for bread making has been stoned up but it's location can still be identified. From 1850's, approximately, the room was used as a wash house for clothes and for hog butchering, i.e., making scrapple, palm-horse, and lard making.

II. 2nd FLOOR SMOKEROOM

A hole in the chimney wall lets smoke enter the room when uncovered and a cover or board is placed on top of the roof chimney. After smoking up meat, the room is used for meat hanging and storage. A hogs head barrel and a large barrel are still in the room. The outside wall had to be torn out and replaced to move them into the room (about 1975).

The smoked hams are hung on the meat hooks situated on the rafters. The hog heads are loaded with meat, salted with brine water that will float an egg and then sealed up with it's lid. This preserves the meat for 1 to 2 years. The entrance to the second story room is concealed as the door and stairway are not readily visible. This is done to deter meat theft. The door has a large cross bar that can be locked.

III. ICEHOUSE and CARRIAGE SHED (1800's)

The icehouse storage area is underground. It is a stone wall 24 feet deep and has a 45 feet perimeter (1080 square feet of faced wall). It's location is very important - on a hill that would have no surface water that could run into the storage hole. Planks placed over the hole allowed storage for horse carriages, and the area that has a South door was also used for carriage housing. The overhead bays on the second floor were used for extra and spare carriage parts storage and for horse harness storage (sort of a tack room). The icehouse was built in the 1800's (early). New pine siding and a standing seam metal roof (added over cedar shingle roof) were done in 1925. The one south facing dorner window provided light and ventilation to the second story bays. Ice poles and ice saws were stored there too.

IV. BUGGY SHED, BUILT 1800's

This building ws used for the storage of the buggies and run-a-bouts on the farm. Latter years an extension of one of the bays, next to the dairy building was added - about 4 feet, to shed a large automobile during the 1930's. The building was recently used as a shop and for harness, spare machinery parts and for storage of the buggy and sleigh on the 2nd floor and also for general farm storage. The building is constructed of hand hewed oak framing.

V. BLACKSMITH SHOP - BUILT 1800's

The shop was located by the farm entrance white gatepost away from the corn barn. (The noise of the metal work would disturb the cows, mules and horses located in the barnyard.)

In the 1930's the building was moved to house pigs - The original hand hewed framing is intact. The only modification was the installation of a heavy plank floor for the pigs in place of the dirt floors.

VI. HAY BARRACK- 2 BAYS & DRIVE THRU CENTER- 1800s*

This large building was constructed of hand hewed oak framing and used to store loose hay. During the 1800's thru 1920 hay making was done on the farm for a cash crop. Five ton loads of loose hay pulled by 4 to 6 mules were moved out of this building for a 24 hour trip to Baltimore to supply hay to the city Police Department, Piano factories and Highlandtown Breweries. The hay making was done in the Summer and the hay hauling in the winter months. (The hay carriage is now stored in the loft of the cinder block equipment storage shed which is the northern most long building closest to Gerber Lane.)

In 1910, my Father received 2nd prize at the State Fair for best in show in the State of a two horse team run-a-bout wagon competition.

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* Drive thru is required for hay carriages because horse teams cannot back up a wagon unless changed to pull from the rear.

VII. CORN HOUSE - 1937

Corn cribs hold 200 barrels of corn (2,000 bushels). The building has 24 hinged opening gates to throw in and to obtain ear corn from it's bins. Constructed of oak, the cribs allow the natural air drying of corn. The large drive thru doors permitted this and the center bay was used for loaded hay wagons and trucks to be under cover. Each of the end bays were used for equipment storage and hammer mill grinding of corn inside of the building while the overhead of the cribs was used for storage of loose cattle feed.

VIII. COW BARN - 1936

This building was built to Baltimore City health department specifications for the sanitary production of milk sold in the city during that period. The barn stalled 24 milk cows and a hayloft to hold 50 tons of loose hay. The building had to have a smooth air tight ceiling, exacting window ventilation, flushing manure gutters of concrete and drive through doors on each end of the building. The structure is served by running water and electric lighting and power. The adjoining overhead rail tract to the barn permitted a large bucket to be loaded inside the barn and pushed out to be dumped (at a lower elevation into a manure spreader). The barn yard, stoned and concreted surface permitted an additional 24 cows to await milking and feeding after the first milking operation was completed.

IX. BARNYARD STONE WALL - 1800's

This wall, constructed in the early 1800's for fencing of the barn yard, is made of hand cut stones. The adjacent near by stream served as a watering hole for the cattle. These stones came from the former Bosley quarry which can now be seen in the winter time located 1 mile south of the intersection of Gerber Lane and Western Run Road.

X. MACHINERY SHED - 1949

This building constructed of concrete blocks and 8 inch square oak framing was built entirely by the Bosley family. The oak trees were logged out of their woods by them. The building served for housing a combine and other harvesting equipment while doors along the whole southern length of the building permitted fast storage of individual farm machinery in each of the four bays.

XI. STONE BANK BARN

Hand cut stone from the farm's quarry. Mortice and peg framing, tapered rafters, bank barn built in 1790 - one of the largest in Maryland. Cantilever overjet, and rafters. Approx. Size - 80 feet by 40 feet, drive on in flooring with hay and grain loads. - 5 bays for storage

(Partial new roof, rafters and siding.)

(Attached red clay terra cotta tile silo - 14 feet diameter by 40 feet high.)

Also has a track in the rafters eves that was used to pull loose hay up into the hay mows. A mule or a horse placed outside the barn would pull a one inch diameter rope that would be connected to a large grapple hay fork that was attached to pulleys and would pull the load up to the roof to connect to a four roller trolley which would run on the track to then dump the hay into the mow at any place a person would pull another small trip rope.

XII. STONE BRIDGE

A stone bridge was made by pulling large flat stones over a wall constructed by large squared type boulders. The bridge constructed in the early 1790's was used to haul stones from the Western Run Quarry. At that time the oxen would pull the stones in the loose road dirt attached by chains. Four oxen would pull a boulder equal to the double of their weight. At least a 5 ton stone. Some large oxen would weigh 2000 pounds. The bridge was built using no mortar but only the stones' weight to hold the bridge in place.

XIII. HORSE BLOCK (also known as an Upping Stone)

Located in the farm house yard is a horse block which has stone steps and this structure would be used to mount upon horses to ride. A similar block is located about a mile away at the Quaker meeting house. This was an important structure to be used on Sundays so that a person would not get their Sunday best clothes dirty or wrinkled while mounting and dismounting their horse.

XIV. STONE FARM HOUSE

The house is a three storey stone house, three bays in length, with a slightly lower three storey, three bay stone wing. The first two storeys of the wing comprise the original house, measuring approximately 20 by 31 feet, dating from the period 1800-1810; the larger portion of the house and the third storey over the original part were added, as indicated by a signature and datestone high in the south gable

JB

1854

The principal front of this dwelling faces east. A one-storey shed-roofed porch extends across the east front of the older wing, the depth of which is a little more than half that of the adjacent later addition; west or rear walls are flush. A two storey, two bay, shed-roofed kitchen wing extends north from the northwest corner of the original house; communication between the original house and the kitchen wing is by a smaller shed-roofed addition across two bays of the original house's west facade, within the corner formed by the older house and the kitchen wing.

A hall extends through the southerly bay of the house and the two bays to the north are divided into double parlors in the first storey with two bedrooms in each of the upper storeys. Most interior details of this section are original including the artificial grained finish on much of the woodwork: the double doors connecting the parlors, typical six - panel doors with loose mouldings, corner-block trim and mantels with plain pilasters supporting plain frieze with end-blocks. The staircase at the west end of the hall is original to this section; its round rail is supported by a large turned newel and tapered round

balusters; it extends, with intermediate landings, clear to the third floor.

The kitchen wing's shed roof slopes toward the west; its cornice is a simplified version of that on the adjacent dwelling. The brick chimney rises flush with the northeast corner. The kitchen was in the lower storey, a few steps below the floor level of the adjacent dwelling. It retains its large fireplace in the northeast corner, fitted with a crane for cooking; ceiling joists are exposed. The second storey contained other service rooms.

---------- *Text reprinted from State Historic Preservation Office Survey - 1979*

XV. SPRING HOUSE-1795

The stone Spring House was built as one of the first important farm buildings. It's purpose was to cool milk and cream and provide domestic water from it's spring head. The building is also located between two running streams. The stone floor structure allows running cool water to flow thru the building.

In the 1800's, a hydraulic cast iron ram was installed in the running stream allowing the water to be pushed up hill to the third floor tank storage. By gravity, the water can flow down for lower floor room usage.

XVI. MARBLE GATEPOSTS

The entrance to Conclusion Farm is adorned by two large marble gateposts built from Cockeysville marble. The marble quarry was in operation in the 1800's and was located south of the farm in Cockeysville.

Stone Bank Barn at Conclusion Farm - 1995

Pictured above are three member of Martin Roofing Company, Hampstead, MD, installing a new roof on the section of the Barn that was hit by a Hurricane in 1995. Construction of new taperred rafters, sheathing, and siding for the damage was accomplished.

The track in the foreground of the picture is the manure cart track which has a trip mechanism to pull allowing dumping of the contents of the bucket to be dumped in to a manure spreader or a pile. The bucket held about 500 pounds of manure, equivalent to over a 55 gallon drum or barrel.

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* Gilmore's Confederate Raiders took over this Barn to feed their horses and rest on their way from Glyndon to Towson to burn the Baltimore County Court House during July 9, 1864.

CONCLUSION FARM CEMETERY

Prior to 1826, the only cemetery in the area was one located east of the stone bank barn and on the knoll north of the main dwelling house and protected by an apple orchard. The Clemens in their history "Marble Hill to Maryland Line" dated 1976, stated:

> *" Bosley - At first called Cole's Meeting, this congregation was gathering at the home of Thomas Cole in the Western Run Valley before 1800 and was supposedly started by Richard Owings, the first American-born Methodist preacher. The first stone chapel was built in 1800 near Thomas Cole's house. In 1826 the congregation outgrew this house of worship and a new one was built on land donated by Daniel Bosley. Fifty years later the present church was built on the site of the 1826 church."*

Burials in this cemetery included both back and white farm employees' families. Martha Gorsuch married Joseph Bosley and was given two slaves by her parents as wedding presents. Since the Bosley family had such close ties to the Quakers, they did not own any slaves. Martha gave her two slaves their freedom when they came to Conclusion Farm. Nat and Lou, former Gorsuch slaves, lived in the main stone farm house and worked on the farm and upon death were buried in this cemetery in the 1900's. (Late 1890's to 1900's.) The farm employed from 20 to 35 workers to plant and harvest the wheat, hay, corn and oats crops during the Spring thru Fall seasons up until the 1950's transition from mules to tractor farming.

Martha Gorsuch Bosley was the Daughter of Captain Issac Gorsuch who made 99 trips across the Atlantic in a Fells Point Clipper sailing ship. In the War of 1812, Captain Gorsuch's family fled their farm in North Point when invaded by the British and moved to Glencoe. This site is now the location of the well known Glencoe Gardens and antique shop located on the west side of York Road and owned by Mrs. Price.

Copy of an Awarding Speech before the Gunpowder Agriculture Club:

L* 1876

JOSEPH BOSLEY

"In my presenting this Premium Set to thee on behalf of the Gunpowder Club, I feel as I have heretofore on similar occasions, a want of ability to do the occasion and the Club justice. If my selection of this Premium Set* does not come up to the expectations of the recipient, and the members of the Club, I am alone to blame. I have but one apology to make, as though it much better to have something that would be service, and ready to be looked at. And while we recognize the one who receives this as the one who now first suggested the idea of offering a Premium for the best acre of corn. I feel glad that he has secured this Premium and when he feels hungry and thirsty and approaches this pitcher and fills this goblet and drinks the cool water thee looks back with pleasure to the many instructions and social meetings of this Club."

* Silver set with tray, gallon Pitcher, and Goblets inscribed as follows:

AWARDED TO JOSEPH BOSLEY

by the G.A. C. for the largest yield of corn grown on one acre by any of it's competing members in the season of 1876.

Amt. 22 BAR. 7 BU. 2 pecks. *

Committee on behalf of the Club

J. M. Price
J. M. Gorsuch
E. H. Matthews

* 277 bushels, 7 Pecks (ear corn) or 114 Bushels (shelled corn)

Hand made-wooden horse rake used to make hay in 1800s.

HORSE-DRAWN PLOWS

The Ordinary Walking Plow.—The walking plow (Fig. 105) was the first type of plow developed to the extent that it was considered a success. Many men worked upon the development of the walking

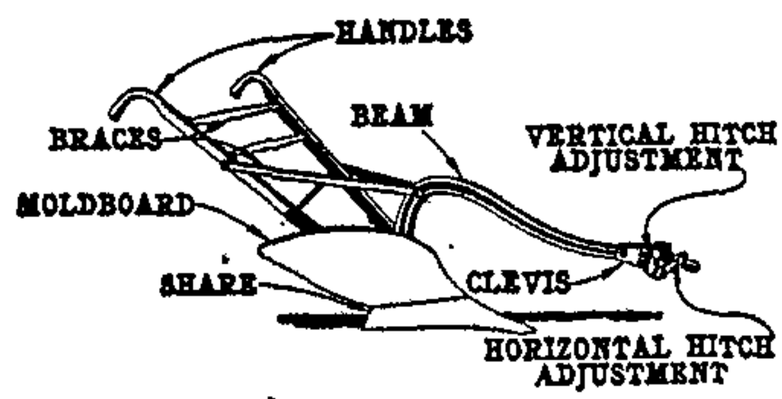


Fig. 105.—Common steel walking plow.

plow, but the steel plow was not developed until near the middle of the eighteenth century. The first successful walking steel plow was invented by John Lane, Sr., in 1833.

ACTIVITIES

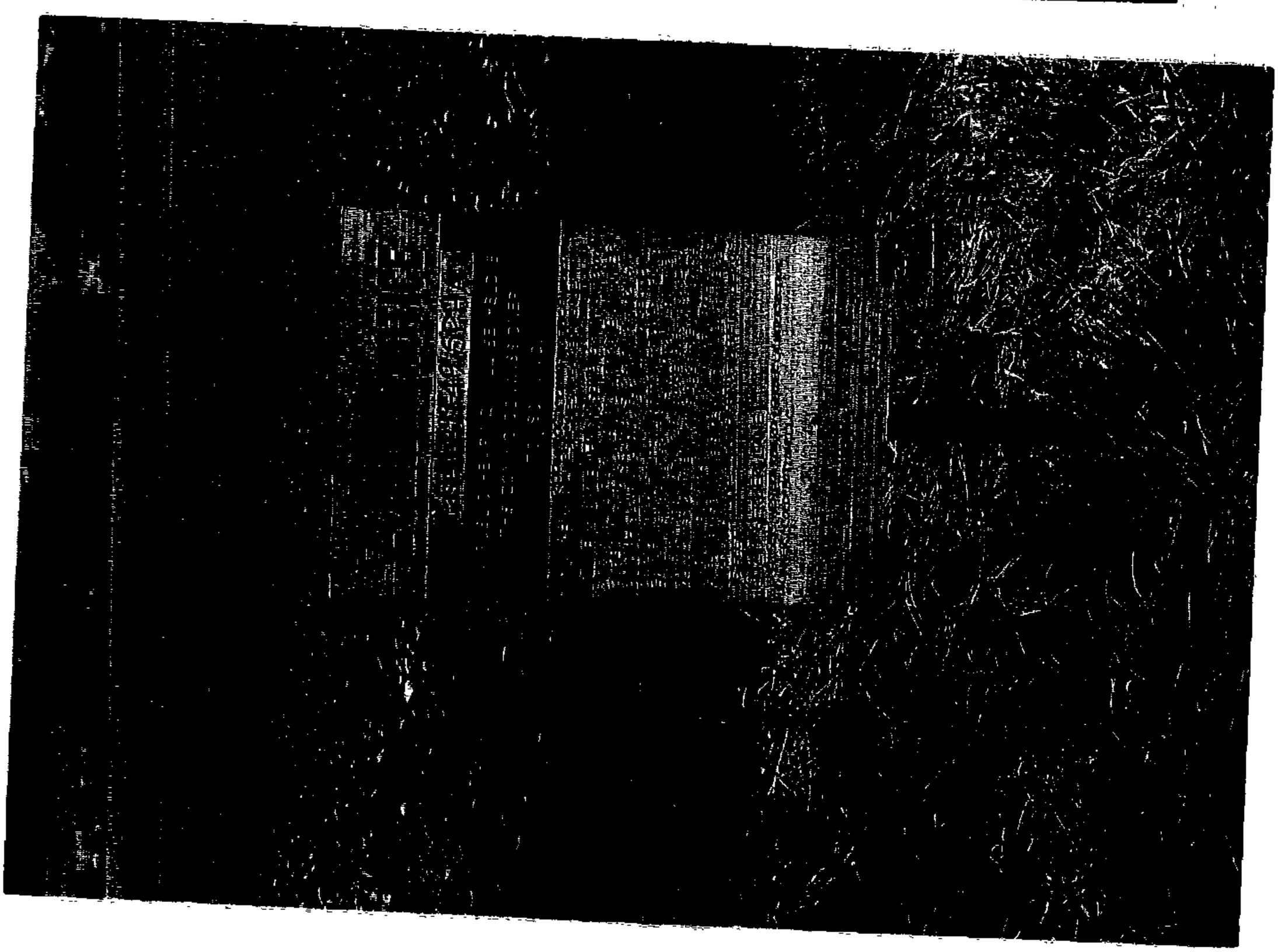
WORKING FARM DEMONSTRATIONS

To Include:

1. **Construction - including blacksmithing and horseshoing**
2. **Draft Horses and Mules - Plowing, harrowing, planting and mowing**
3. **Hand planting and cultivation - corn and wheat shocks**
4. **Early tractors - Belt power transmission**
5. **Storage of ice and vegetables**
6. **Storage of meat in barrels**
7. **Storage of milk in the spring house.**
8. **Hay, wheat and corn storage in special purpose farm structures- -**
   For handling of wheat bundles, hay cocks and corn stalk bundles.
9. **Lawn mowing -cutting grass with a horse mower powered by animal power.**
10. **Hand milking of cows.**

Note:

These activities could be scheduled for elementary and school groups and special weekend demonstration during the Maryland State Fair time frame. Also, modern farming, planting and harvest practices could be observed during the special events days in the spring and fall season.



99-49-SPHA

Petitioner's exhibits

PHOTOS

Pet. Ex. #s ~~19~~, ~~21~~, ~~22~~ & ~~23~~
(5 7 8 & 9)

Walter G. Schamu, FAIA **President**

Schamu, Machowski, Doo & Associates, Architects

Walter Schamu has been practicing architecture for over 20 years and has extensive experience in the design of institutional, residential and commercial projects. Some of his most recent work includes adaptive-use designs for historic structures and new designs for country club facilities. Mr. Schamu has been honored by *Baltimore Magazine's* design awards for multiple and single family housing. He is the founder of the Baltimore Foundation for Architecture, past president of the Baltimore Chapter of the American Institute of Architects and chairman of its Architectural Archive Committee.

Professional Background

1982-Present	SMDA Architects, Baltimore, Maryland
1980-82	Browne Worrall & Johnson, Inc., Baltimore, Maryland
1976-80	Ayers/Saint, Baltimore, Maryland
1971-76	Ewing, Cole, Erdman & Eubank, Philadelphia
1968-71	Line Officer, U.S. Navy

Project Experience

Booth House, The Salvation Army Emergency Residence - Baltimore
Wakefield Valley Golf Club - Westminster, Maryland
Avalon Theatre and Restaurants - Easton, Maryland
The Inn at Perry Cabin - St. Michael's, Maryland
1001 Cathedral Street - Baltimore, Maryland
Talbot Country Club - Easton, Maryland
Baltimore Artists' Housing - Baltimore, Maryland
Christ Church renovations - Chestertown, Maryland
Augustine Herman Inn - South Chesapeake City, Maryland
The Reiman Block Housing - Baltimore, Maryland
Trinity Episcopal Church historic restoration - Towson, Maryland
Maryland School for the Blind - Baltimore, Maryland

Education/Academic Honors

1968 University of Pennsylvania - M. of Arch.
1966 University of Pennsylvania - B.A.
1965 University of Pennsylvania - Honors Program

Registration

Maryland
Pennsylvania
NCARB Certified

Gen

SMDA
ARCHITECTS

Historic Setting Projects

Bayard House Restoration
Augustine Herman Inn
Restoration of historic inn & restaurant which received certification from the Maryland Historical Trust.
South Chesapeake City, MD
1984/$800,000

The Reiman Block Apartments Renovation
Worked with the Maryland Historical Trust & the US Department of the Interior to have the entire block listed on the National Register of Historic Places.
Baltimore, MD
1985/$2,500,000

Churchill Place Condominiums
Adaptive reuse of historic church.
Baltimore, MD
1986/$1,100,000

Inn at Perry Cabin Restoration
Restoration & additions to an 1812 inn & restaurant.
St. Michaels, MD
1987/$1,000,000

Balitmore Artists' Housing
Renovation of 10 row houses into 31 artists studios approved by the Maryland Historical Trust & the Baltimore Commission for Historic & Architectural Preservation.
Baltimore, MD
1987/$1,200,000

Avalon Theater & Retaurants
Historic 1922 theatre renovation & new restaurants which received certification from the Maryland Historical Trust.
Easton, MD
1989/$2,000,000

1001 Cathedral Street Restoration
Restoration of a 4-story building in the historic Mt. Vernon neighborhood reviewed by the US Department of the Interior and the Maryland Historical Trust.
Baltimore, MD
1990/$1,500,000

Trinity Episcopal Church Restoration
Restoration of a 130-year-old church.
Towson, MD
1990/$650,000

The Commons Student Housing
Maryland Institute College of Art
New dormitory in the Bolton Hill Historic District.
Baltimore, MD
1992/$8,600,000

Booth House Renovation & Addition
The Salvation Army Emergency Residence
Renovation and addition to a historic townhouse in the Mt. Vernon Historic District approved by the Maryland Historical Trust & the Baltimore Commission for Historic & Architectural Preservation.
Baltimore, MD
1992/$1,600,000

Chestertown Housing
New apartment building in the Chestertown Historic District reviewed and approved by the National Historic Trust.
Chestertown, MD
1992/$300,000

Washington Square Housing
New & renovated units in the historic Washington Hill neighborhood.
Baltimore, MD
1993/$3,854,000

The Maryland Club Restoration
Fire restoration & additions to historic private club adjacent to the Mt. Vernon Historic District.
Baltimore, MD
1996/$8,000,000

Alex Brown Building Restoration
Restoration & renovations to historic 1901 bank building in the Baltimore Business District for Chevy Chase Bank.
Baltimore, MD
1997/$3,000,000

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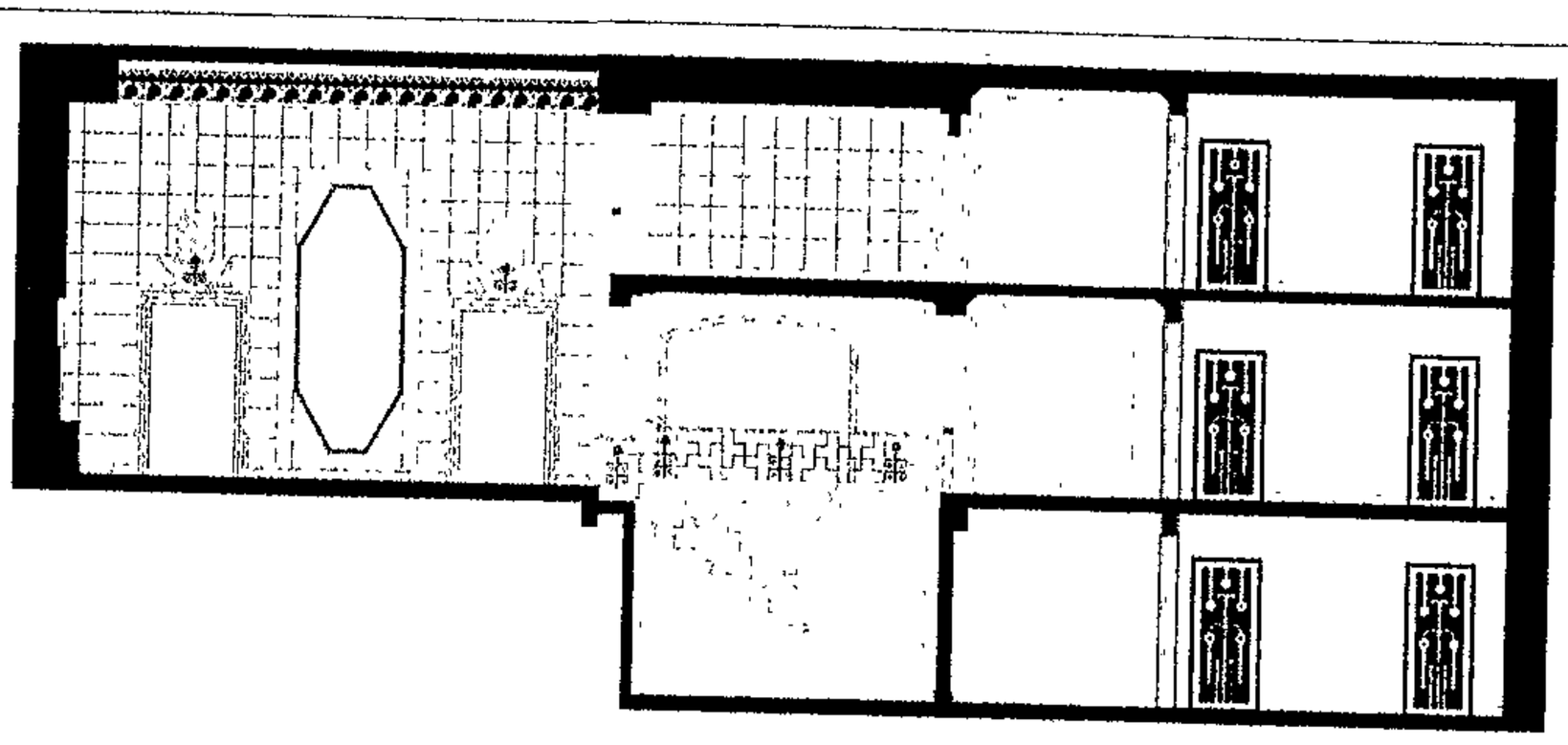
William Smith Hall
Restoration & Renovation
Washington College
Renovations to historic academic building and theatre.
Chestertown, MD
1998/$2,500,000

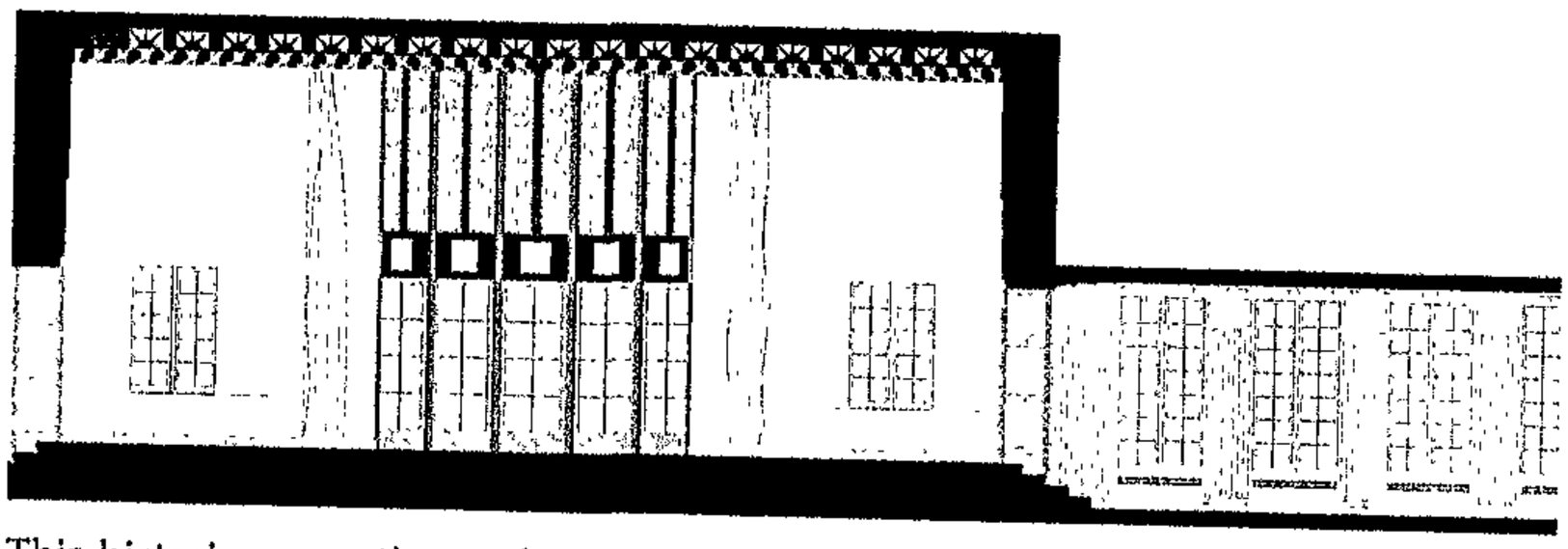
Polish National Alliance
Elderly Housing
Renovations to historic 1921 school building to create 22 apartments on 3rd and 4th floors.
Baltimore, MD
1998/$1,000,000

Kennedy-Warren Lobby
Refurbishment
Washington DC
1998/$500,000

SMDA
ARCHITECTS

Kennedy-Warren Apartment Building
Washington, DC





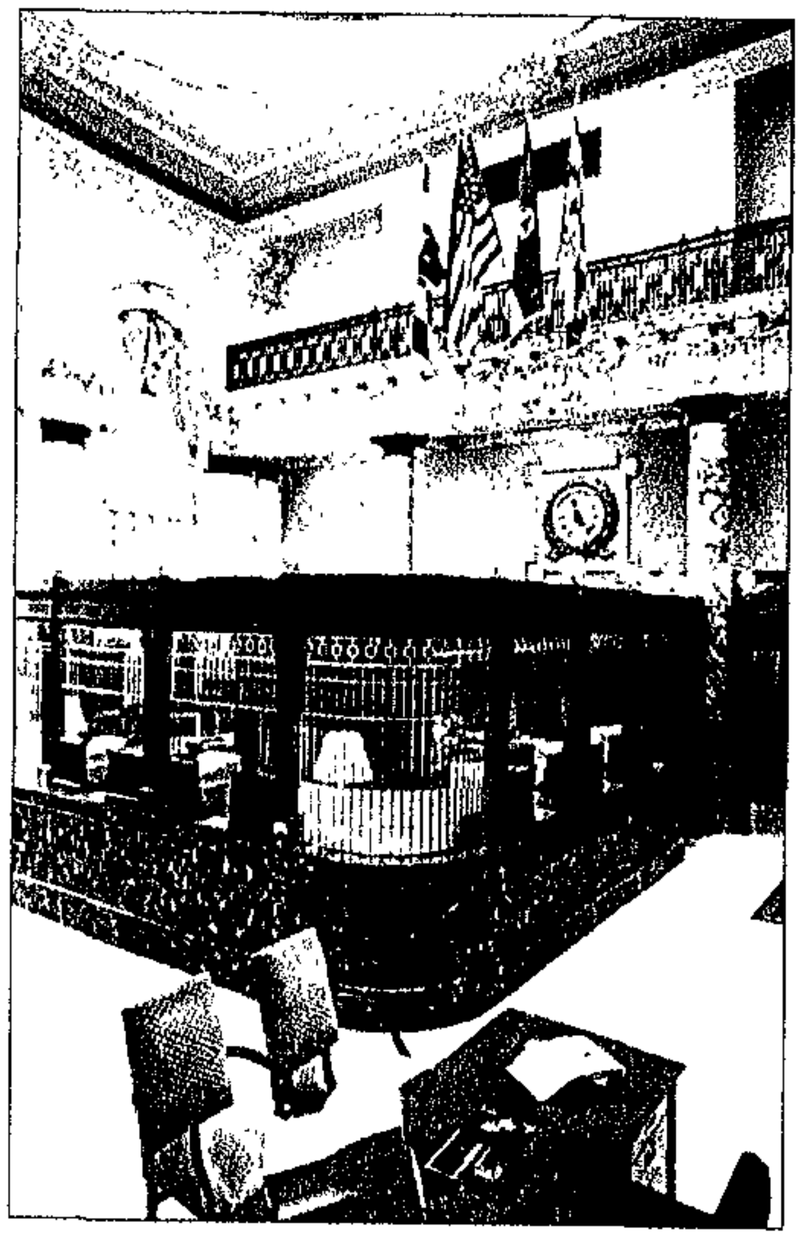
This historic renovation and restoration of an early 1930's apartment building, fashioned in the Decorative Arts Style, required an extensive paint color and finish material analysis of the building's public spaces.
Johnson-Berman, the interior designers, will reintroduce the rich palette of colors and finishes unveiled during initial surveys, together with period furniture, to the present-day "white-washed" sterile spaces.
Challenges to the restoration are the unimposing introduction of modern heating, cooling and lighting as well as the provision for handicapped accessibility.

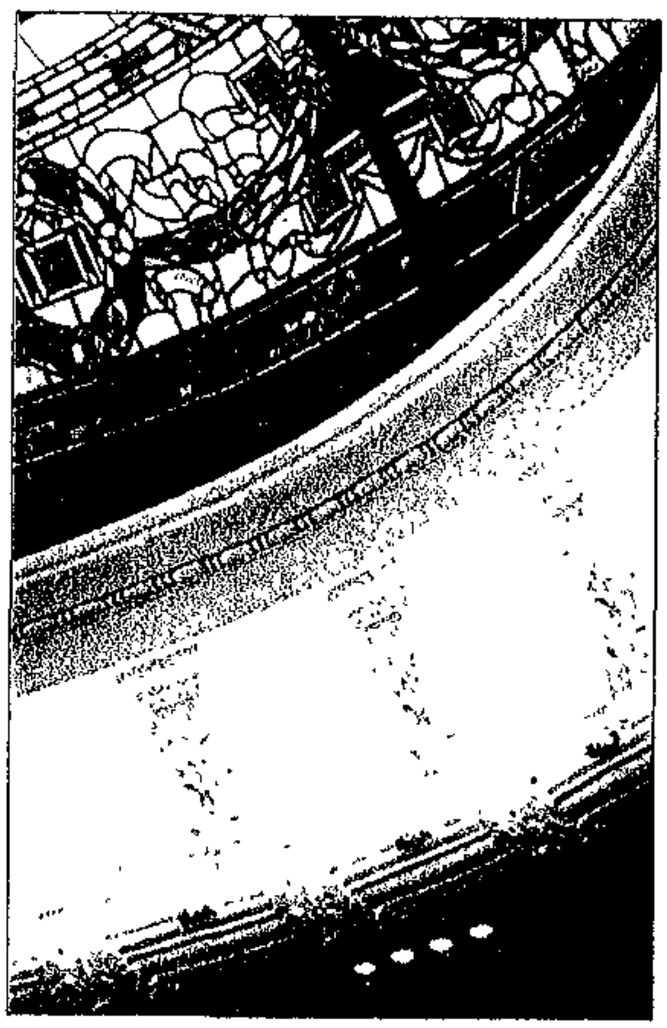
1998/$500,000

SMDA
ARCHITECTS

Chevy Chase Bank

Baltimore, MD



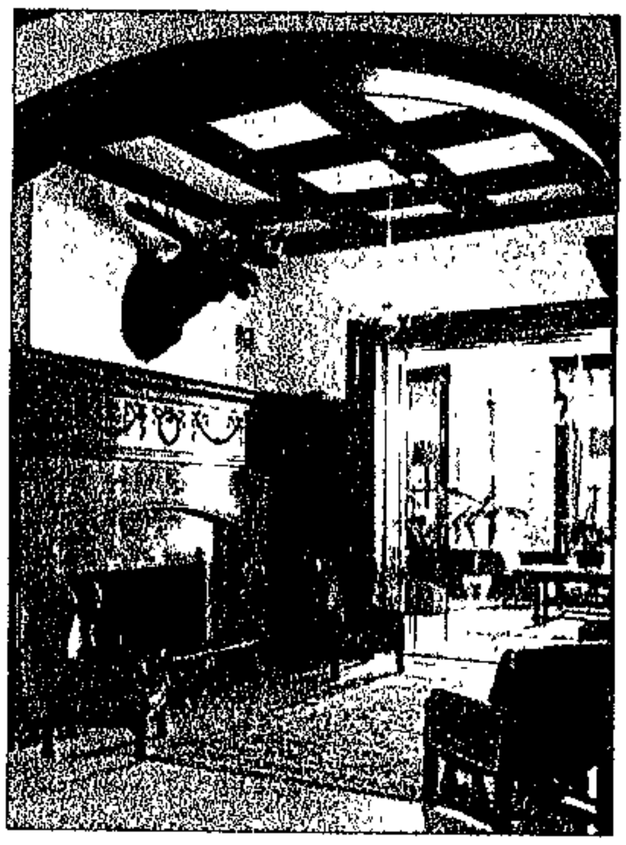


Following a comprehensive Building Condition Report, this historic 1901 Beaux Art style banking structure was renovated and restored. The first floor banking room was designed to approximate its original condition.
The existing 27ft diameter stained glass ceiling dome was cleaned, linen wall coverings and wood paneling installed and a decorative marble and wood teller station recreated. Johnson-Berman were interior designers for the project.

1997/$3,000,000

SMDA
ARCHITECTS

The Maryland Club
Baltimore, MD

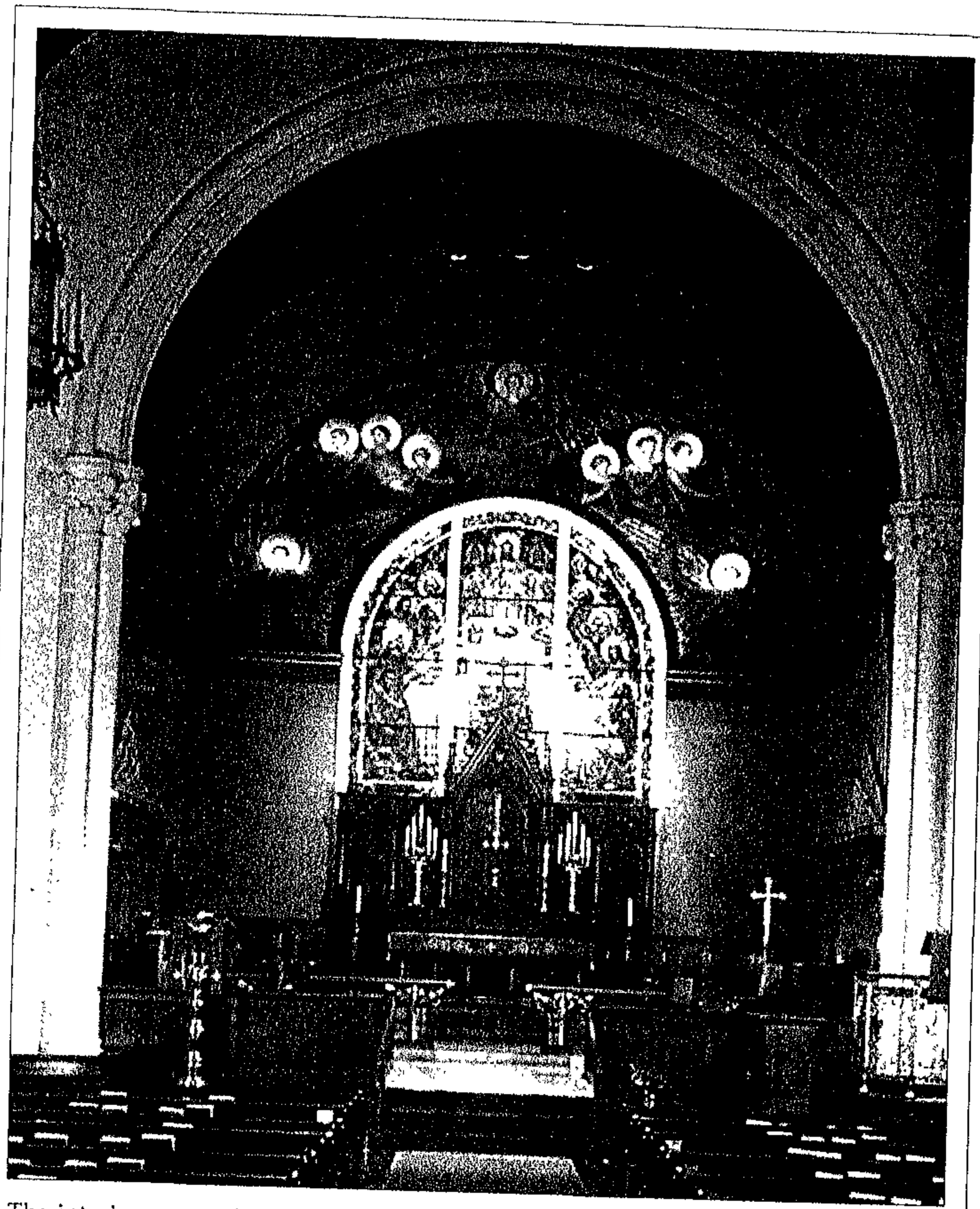


SMDA Architects led design efforts to restore
the badly fire-damaged Maryland Club.
Interior spaces were restored to their former grandeur
with the assistance of Johnson-Berman, Interior Designers.
The locker room, exercise area and squash courts
were updated and expanded.
The kitchen and pantries were renovated
to better service club dining areas.

1996/$8,000,000

SMDA
ARCHITECTS

Trinity Episcopal Church Restoration
Towson, MD

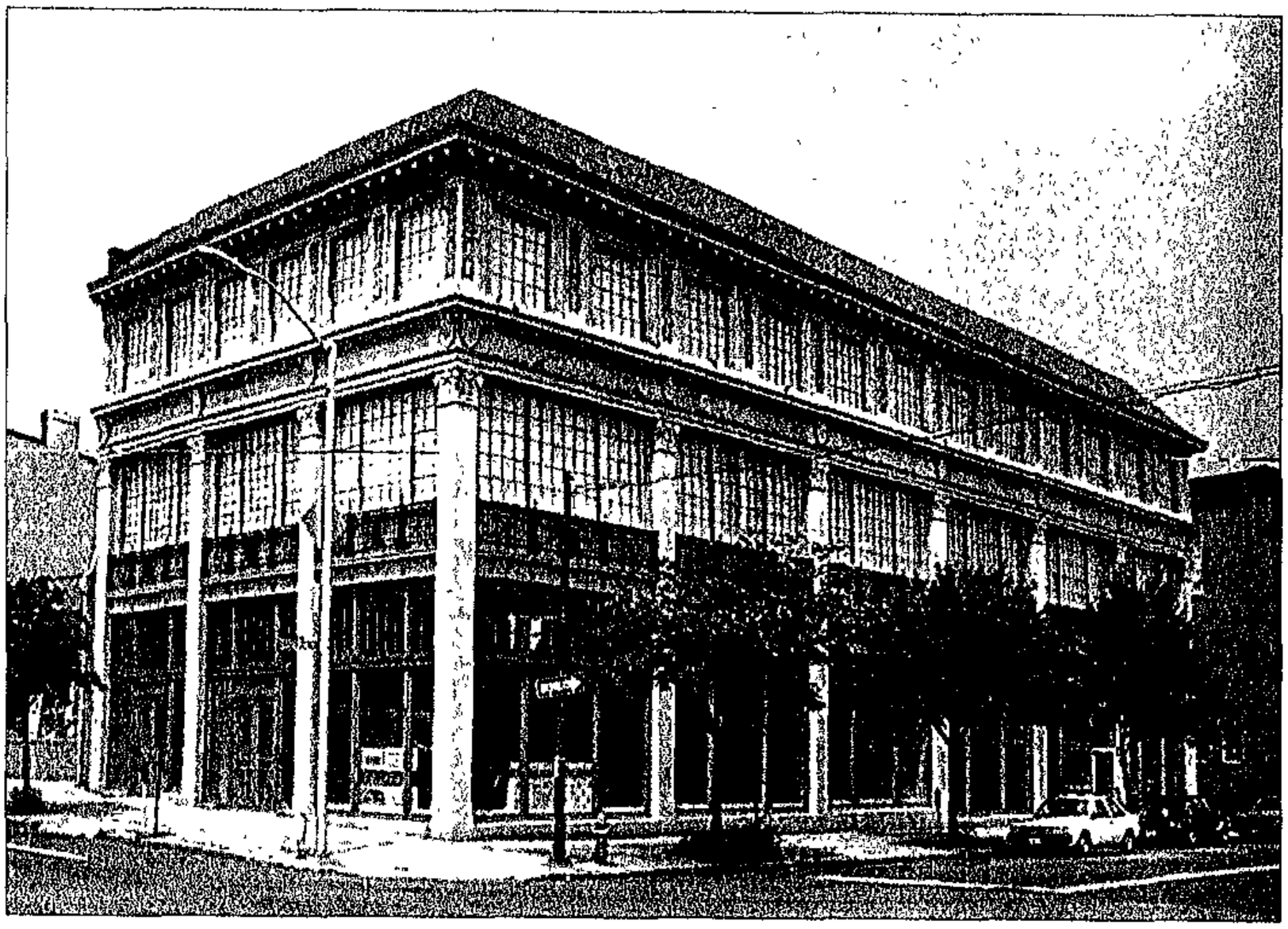


The interior restoration of this 130-year-old church involved the removal of rotting floor joists and their replacement with new joists and oak flooring. A paint investigation led to a decision to preserve the original ceiling, which had been covered by acoustical tiles under a coat of plaster, for future restoration. Wood detailing earned the project an Architectural Woodwork Institute "Master Craftsmanship Award."

1990/$650,000

SMDA
ARCHITECTS

1001 Cathedral Street
Baltimore, MD



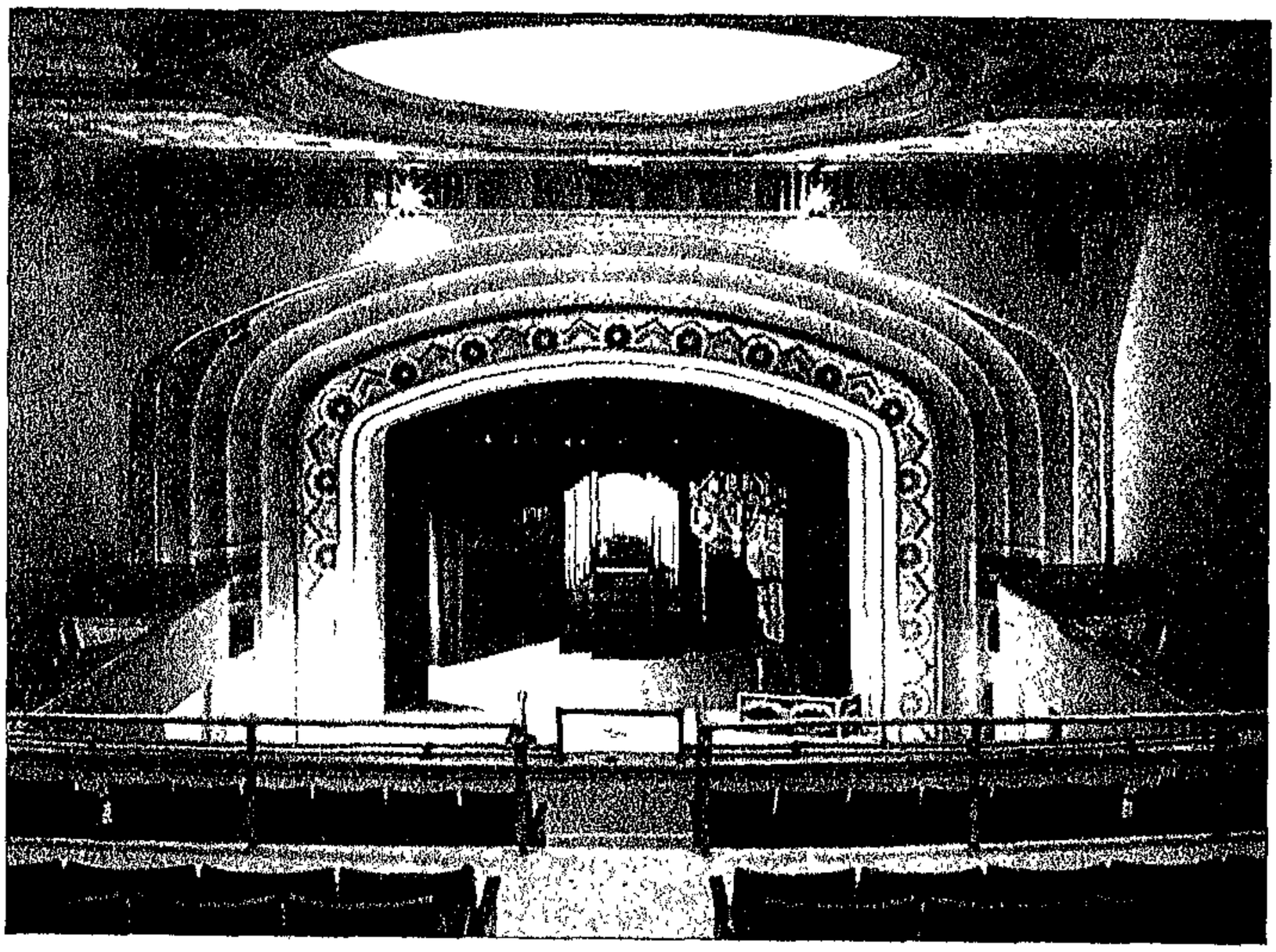
Renovation of this 4-story, 20,000 sf building in Baltimore's historic Mt. Vernon neighborhood was accomplished within U.S. Department of the Interior guidelines and under the watchful eye of the Maryland Historic Trust.
Since the building had been severely damaged by fire, new floor plans were developed placing office suites over first floor rental space.

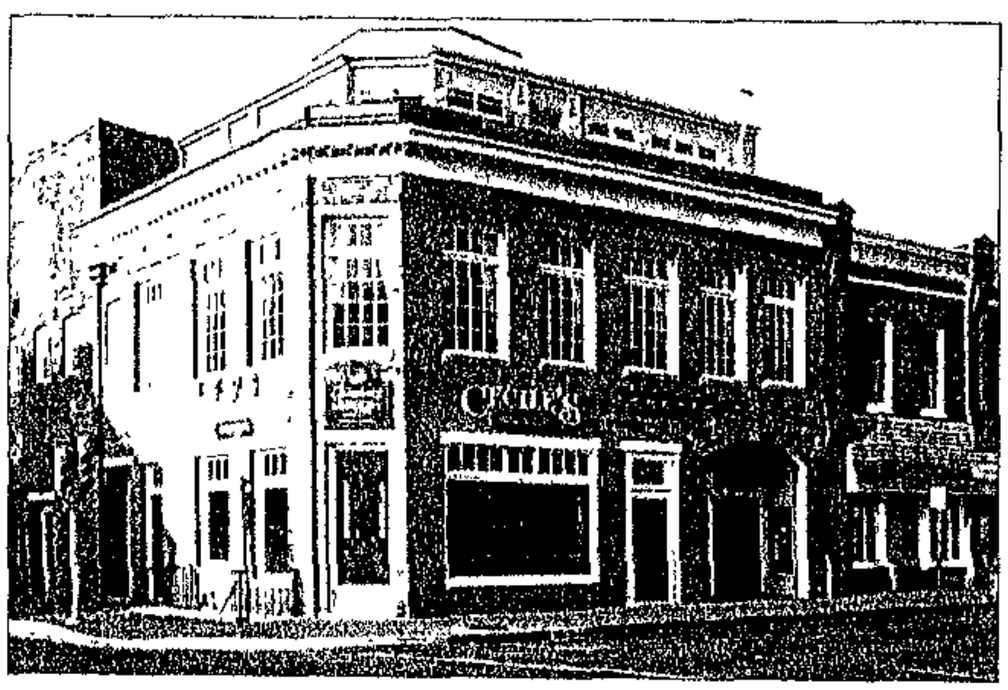
1990/$1,500,000

SMDA
ARCHITECTS

Avalon Theatre and Restaurants

Easton, MD



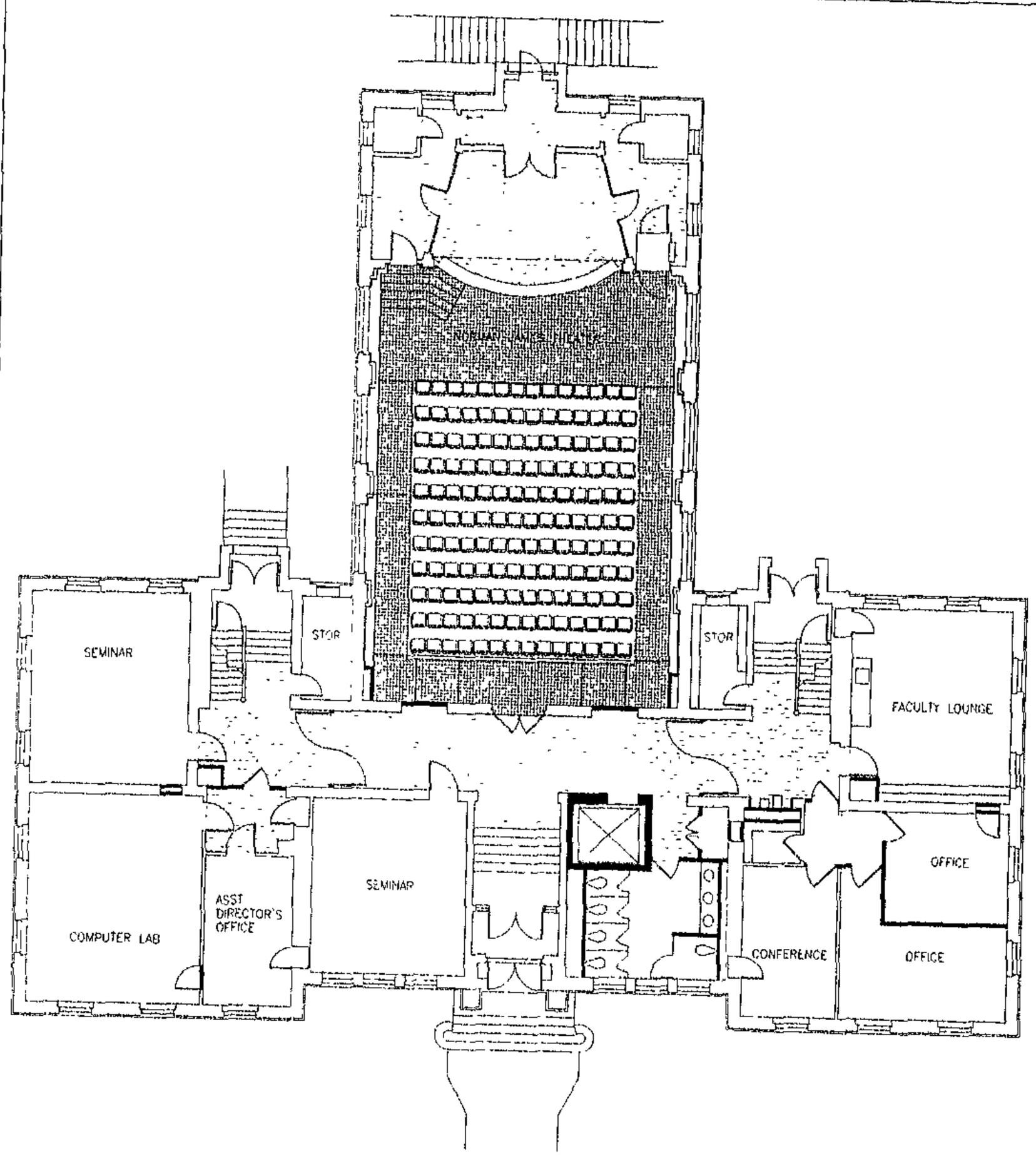


A 1922 movie theater on Maryland's Eastern Shore was renovated to include the restoration of original art-deco details in the 480-seat theater and the addition of house storage and rehearsal space in a newly-dug basement. A four-star restaurant, a tavern, and a third-floor deck restaurant were added to the 13,000 sf facility.

1988/$2,000,000

SMDA
ARCHITECTS

William Smith Hall Renovations
Washington College
Chestertown, MD

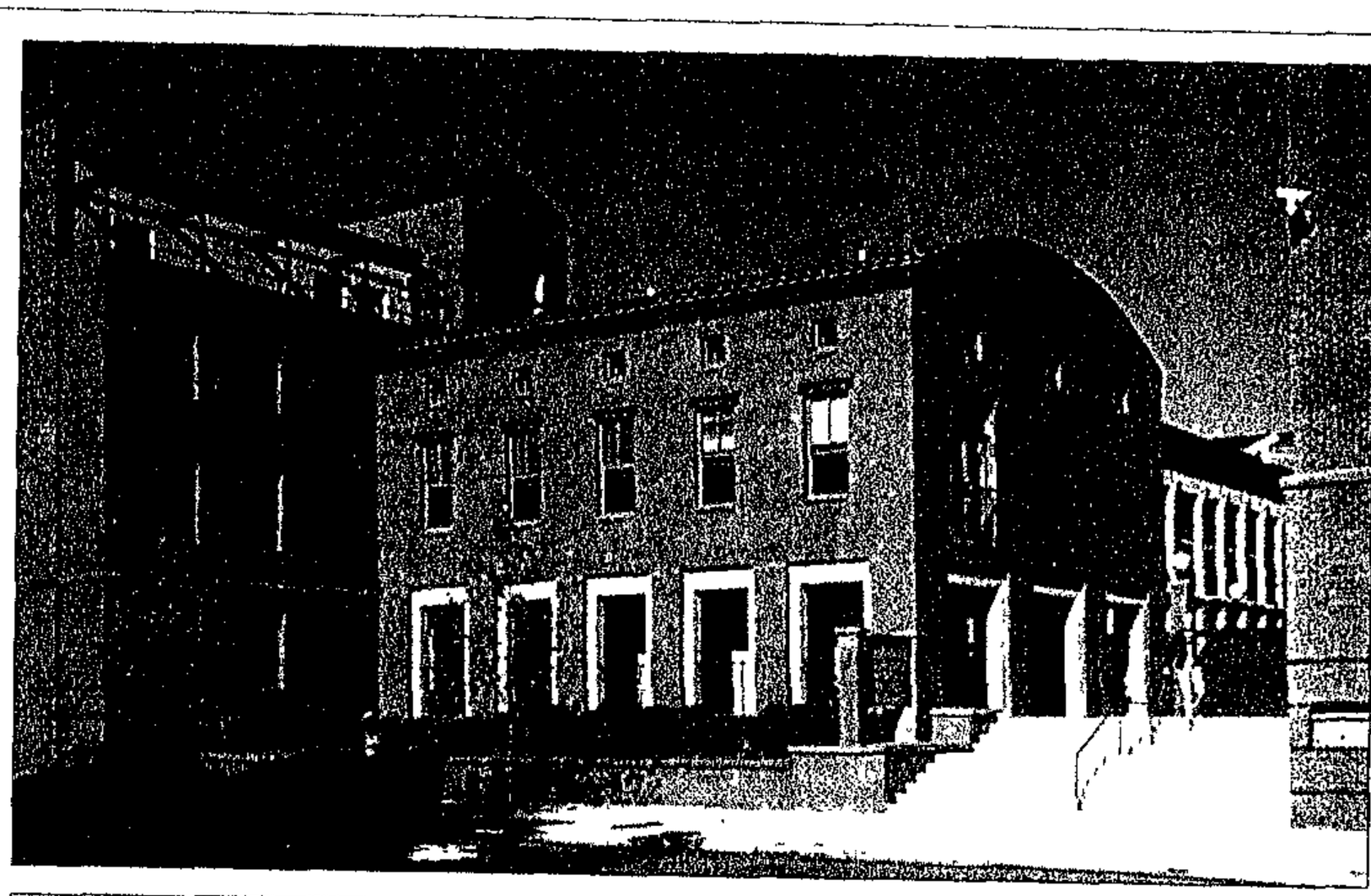


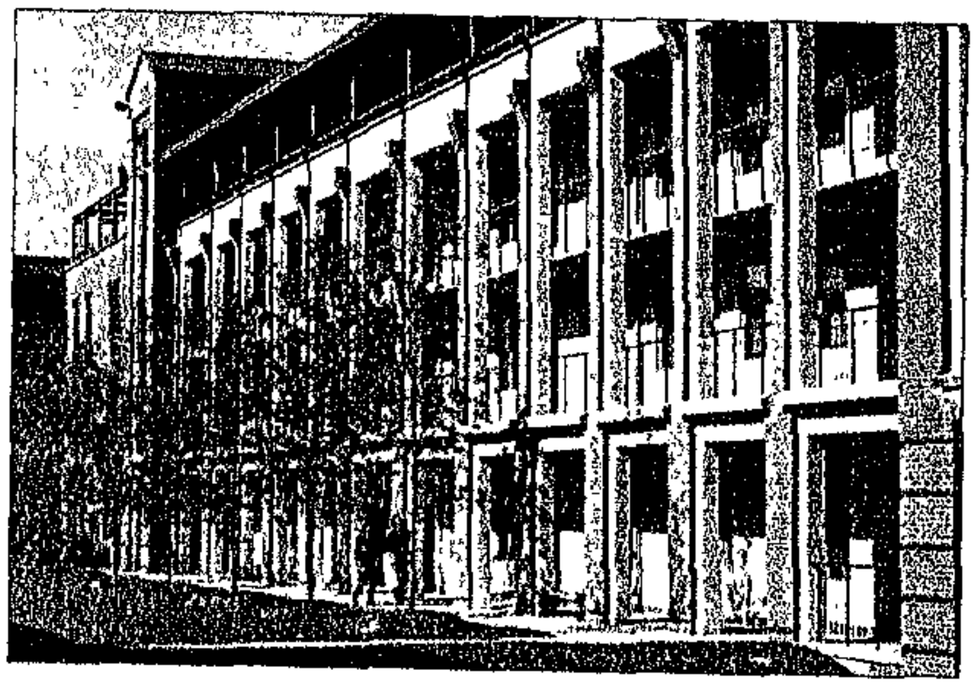
Renovation and restoration of this 1830's classroom building will provide modern teaching space, faculty offices and a recital/lecture hall seating 233. Modifications to this hall will allow access to the handicapped. Mechanical and electrical systems will be replaced and new toilet facilities provided.
The project has been reviewed by the State Historic Preservation Office.

1998/$2,500,000

SMDA
ARCHITECTS

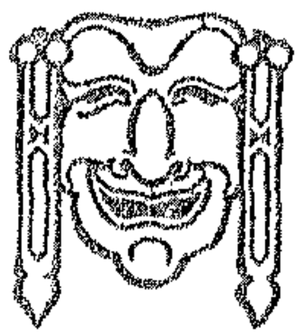
The Commons
Maryland Istitute College of Art
Baltimore, MD





The Commons, the Institute's first dormitory consisting of 99 apartments for 350 students, is planned around a campus green.
Seventeen studio spaces for two students each are located throughout this housing complex.
Additional facilities include a large multipurpose room, laundry and vending spaces.
Baltimore Chapter AIA Honor Award, 1993.

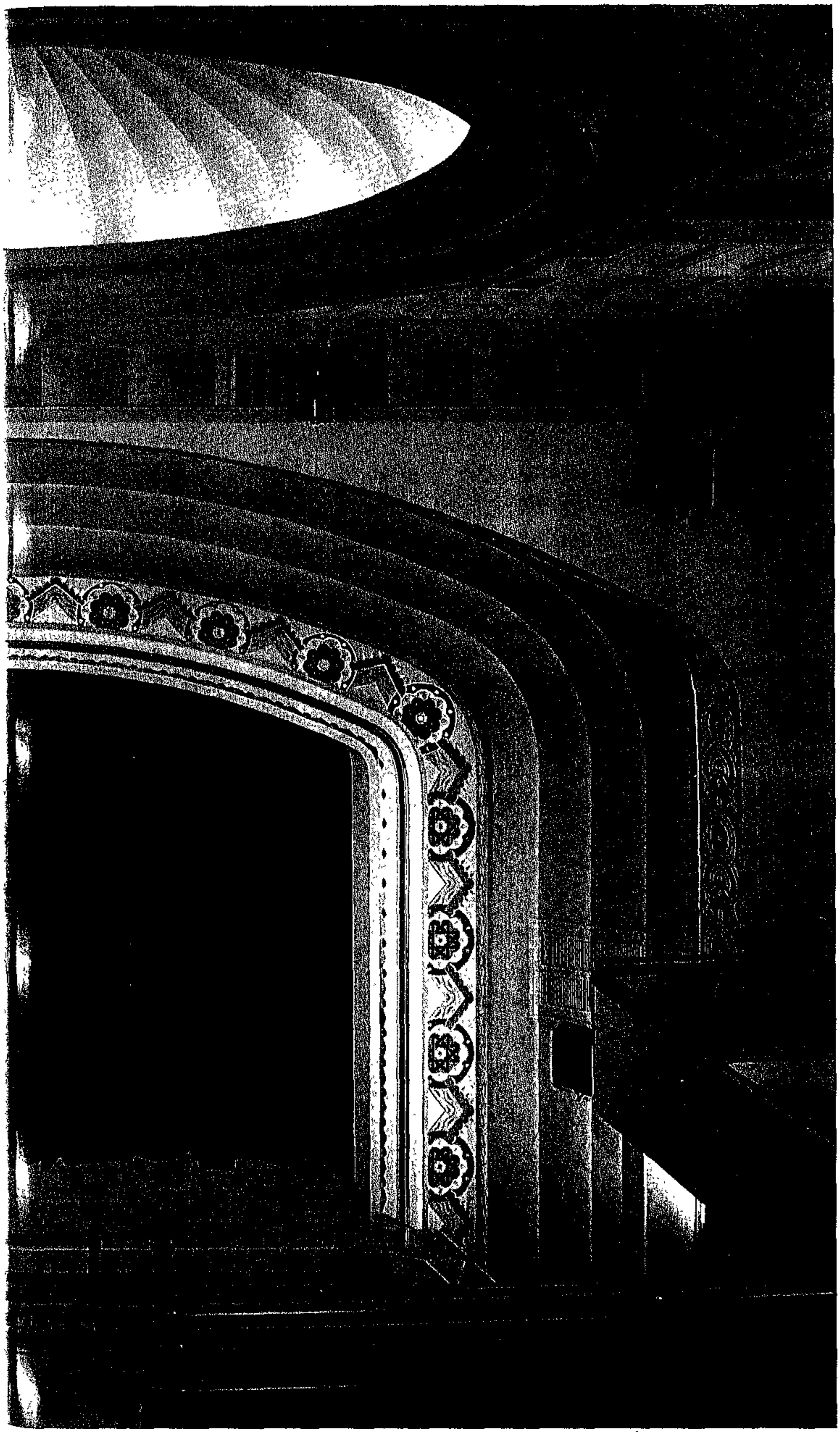
1992/$8,600,000



EASTON'S AVALON THEATRE

A DREAM REBORN

By SUSAN STILES DOWELL
Photography by
J. TYLER CAMPBELL



If the buildings we erect reflect the culture we know, how much more does a theatre reveal our dreams?

CONSIDER THE GRAND OLD AVALON in Easton, one-time home of vaudeville on the Eastern Shore and purveyor of motion picture magic for half a century. Only when it closed in 1985, abandoned for movies in the mall and VCR viewing, did folks remember the dazzle it brought to their lives: Ann Miller on stage; Joel McCrea celebrating his movie première; Gary Cooper and Fay Wray immortalizing Talbot County with local filming of "The First Kiss." Its world première at the Avalon entertained 3,500 in a single day in 1928.

The Avalon Theatre was the stuff of dreams, of youthful ambition and romance for five successive generations in Easton. Saturday matinees nurtured a crowd that could say with certain knowing fondness, "everyone has a story about the Avalon." For them, the eclipse of "The Shore's Most Beautiful Showplace" was unacceptable. Living in a town more apt to adapt its architectural white elephants than eliminate them, a number of determined individuals reached out for the ways and means to save the old dreams. The result is that today the Avalon lives, and its state-of-the-art reincarnation promises an even bigger impact as the Mid-Shore Center for the Performing Arts.

Original photographs of the Avalon's interior were consulted during the renovation. The intent, says designer Frances Gibbons, was to create "bands of electric color and star-shaped designs accented by silver leaf around the proscenium." Boxes were restored to provide additional seating.

The story of the Avalon's rescue begins where all good preservation efforts start—with a noteworthy building. In 1921, the "New Theatre" complex opened across the street from the Avon Hotel, now the Tidewater Inn. Its $100,000 price tag included a luxurious three-story auditorium seating 700, adjacent refreshments "store," second-floor ballroom pendulously elegant with a prism chandelier, basement billiards parlor, basement kitchen, and dumbwaiter facilitating food service between three floors. The *Easton Star-Democrat* was impressed. It reported: "Inspection of the completed building develops that no house in the South will compare with it in all its details."

This precursor of the Avalon, in all but name, was a veritable palace for a town the size of Easton. And folks went ga-ga over the silk draperies, leaded glass doors, sinuous oak-paneled lobby, plush leather seats, gilt architectural ornament, and 800-pipe organ. What they couldn't see was more astonishing: modern vacuum and fire prevention systems; an exhaust fan in the dome replacing the theatre's air supply every three minutes; a projection booth constructed of concrete and iron for fire containment with equipment motors fitted below ground for sound proofing. In no time, the New Theatre edged Music Hall, Easton's only other theatre, out of business. Notice of its closing cited "the futility of continuing motion pictures in the face of approaching opposition of the magnitude of 'The New' Theatre."

"There's several million in it now, but you couldn't build the Avalon today for 10 million."
WALTER SCHAMU, architect

For 13 years, Easton's deluxe dream machine spun stage and movie magic for folks from the farms and hamlets of the mid-shore:

THE INSIDE OF THE CUP
A Powerful Romance of Plain Worth
and Gilded Hypocrisy
Uplifting! Thrilling!

The glamour produced a steady stream of customers, among them Porter Matthews and two friends discovering, as 10-year-olds, that the "smell of the grease paint" could be as profitable as it was entertaining. "It was just something boys do," Matthews laughs at the memory. "We'd save a dollar and take it up to the theatre to buy 'the deal,' 11 10-cent tickets for a dollar. Then we'd sell 10 for 10 cents each to get in free on the one left over. We might not sell our dollar's worth every time, but one of us, no matter how often he got stuck with 20 or 30 cents worth, was always urging us back into it the following Saturday." Who was that enterprising 10-year-old boy? Matthews chuckles. "The same man who built Harborplace and the city of Columbia. You might say that old theatre gave Jim Rouse his incentive for business!"

The New Theatre became the Avalon in 1934 with the General Amusement Company's sell-out to the Schine Theater chain. A glitzy revamping of the vaudeville palace stamped art deco motifs on the big auditorium and stage. Out went the sedate box seats, dated pipe organ, and stenciled decor; even the second-floor ballroom was phased out of use. This was the era of Hollywood razzamatazz as the movie stage took precedence with exclamatory lighting and design surrounds.

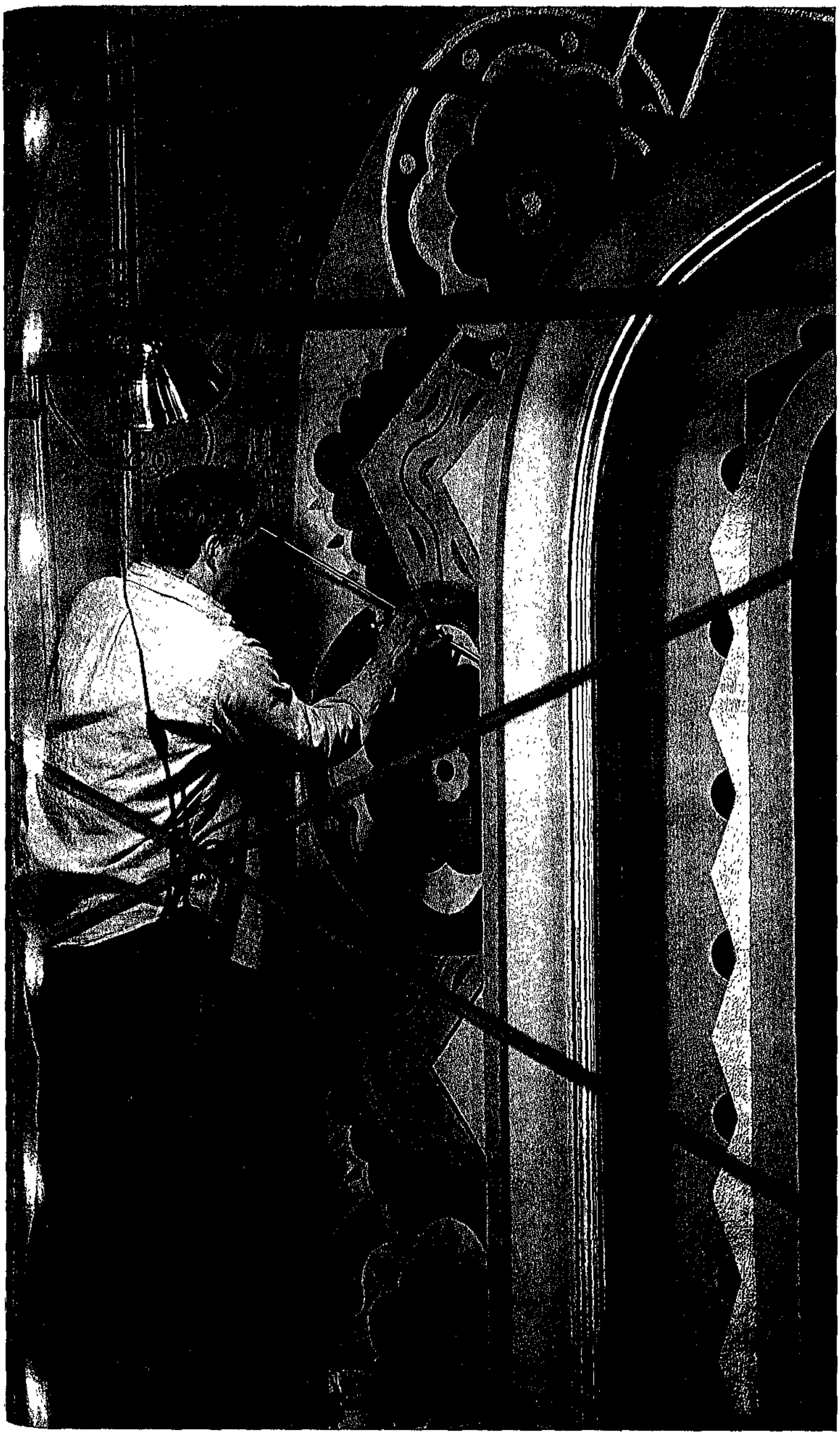
For the new man sent from upstate New York to manage the Avalon in 1937, the theatre's magnitude belied the size of the town it served. The man's name was Charles Howard, and as he approached a sign on the outskirts reading "Easton 3 miles," he knew with a sinking sensation he was headed for a place much smaller than the one he'd left. He proceeded to his destination but was so disappointed he didn't unpack his bags for a week. What kept young Howard in town was a local music teacher and concert pianist named Cecile, whom he met through his work at the Avalon. In the best movieland tradition, he fell in love with Cecile, married her, and stayed in Easton for the rest of his life.

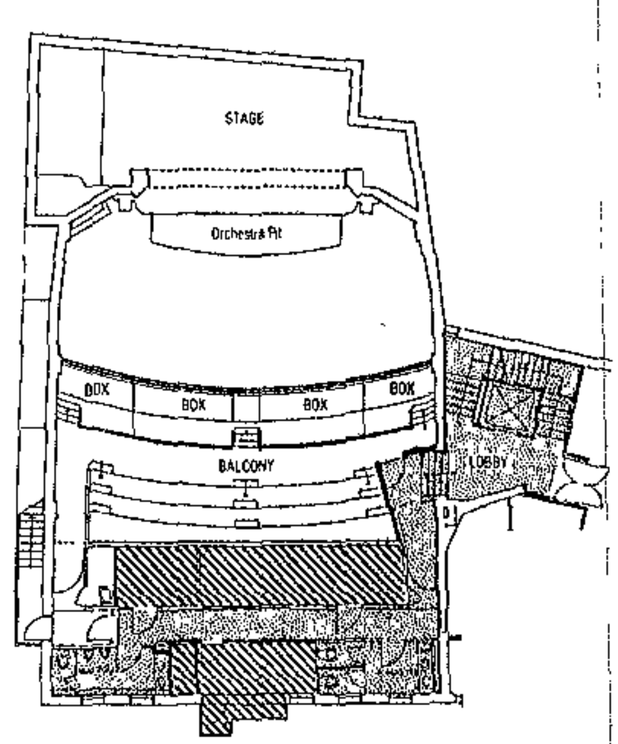
Romance of the storybook sort flourished naturally in the dreamy, cushy confines of the Avalon picture palace, as well. More than a few mid-shore families can recall wartime romances.

"By then Hill's Pharmacy occupied the room that had functioned for refreshments during the New Theatre days," explains Easton resident Pam O'Brien. "My mother [a young woman of 21 at the time] was at the movies one day during the war and left her seat to go to the soda fountain in Hill's in the next room. A man in service uniform slipped into the seat next to her, and their eyes met in the mirror opposite. After a few moments, the man declared, 'I don't know who you are, but I'm going to marry you.'" O'Brien notes that her mother, with proper feminine aplomb, fled back to the theatre. About a year later, however, she fulfilled the prophecy and has been happily married to the man in the mirror for 42 years.

The postwar years played euphorically for the Avalon, much like they did for any small-town theatre in America. Hoards of youngsters queued up like clockwork every weekend for matinees. After a considerable pause in feature presentations to facilitate clean-up operations, the older generation filed in for their entertainment. Parents seldom saw the mischief wrought by their sons and daughters: soft drinks that fell with great regularity from the balcony onto heads below and clandestine joy rides to the third floor in the off-limits and purportedly defunct basement dumbwaiter. One youngster collected fireflies in a jar and let them loose in the dark theater just before the movie started. He still remembers his disappointment when, instead of twinkling, they just crawled away.

The 1960s and '70s marked the gradual decline of the Avalon. A third permutation of the decor in green- and orange-painted masonite did not disguise the theatre's overall neglect, notably evident as large water stains on the walls in the 1970s. The fact was, ticket sales had plummeted from 150,000 a year to non-profitable status in the early 1980s, and Doug Hanks, of





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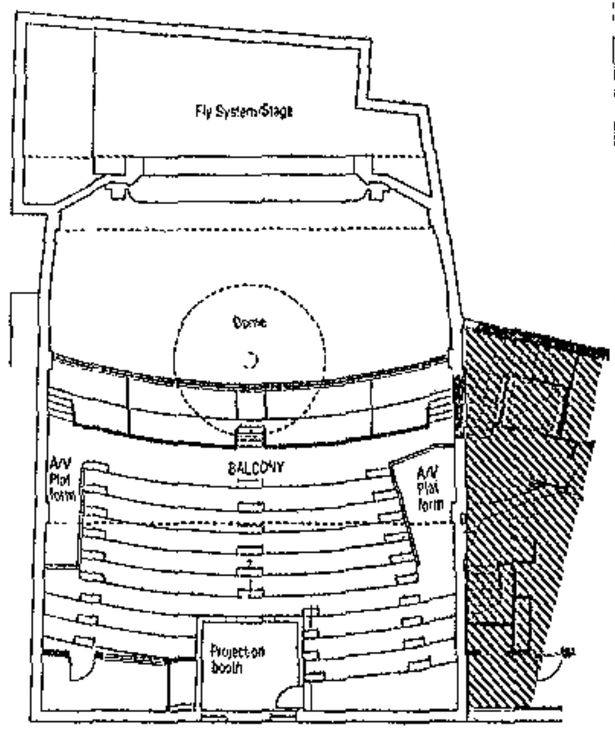

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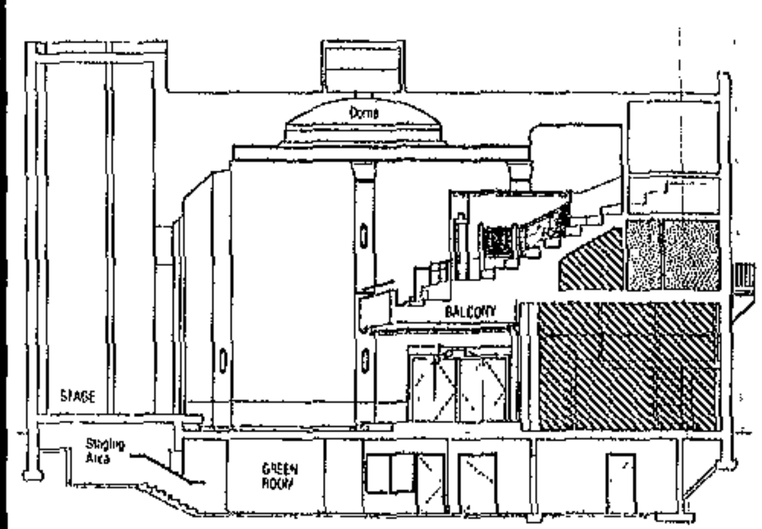


NORTH VIEW

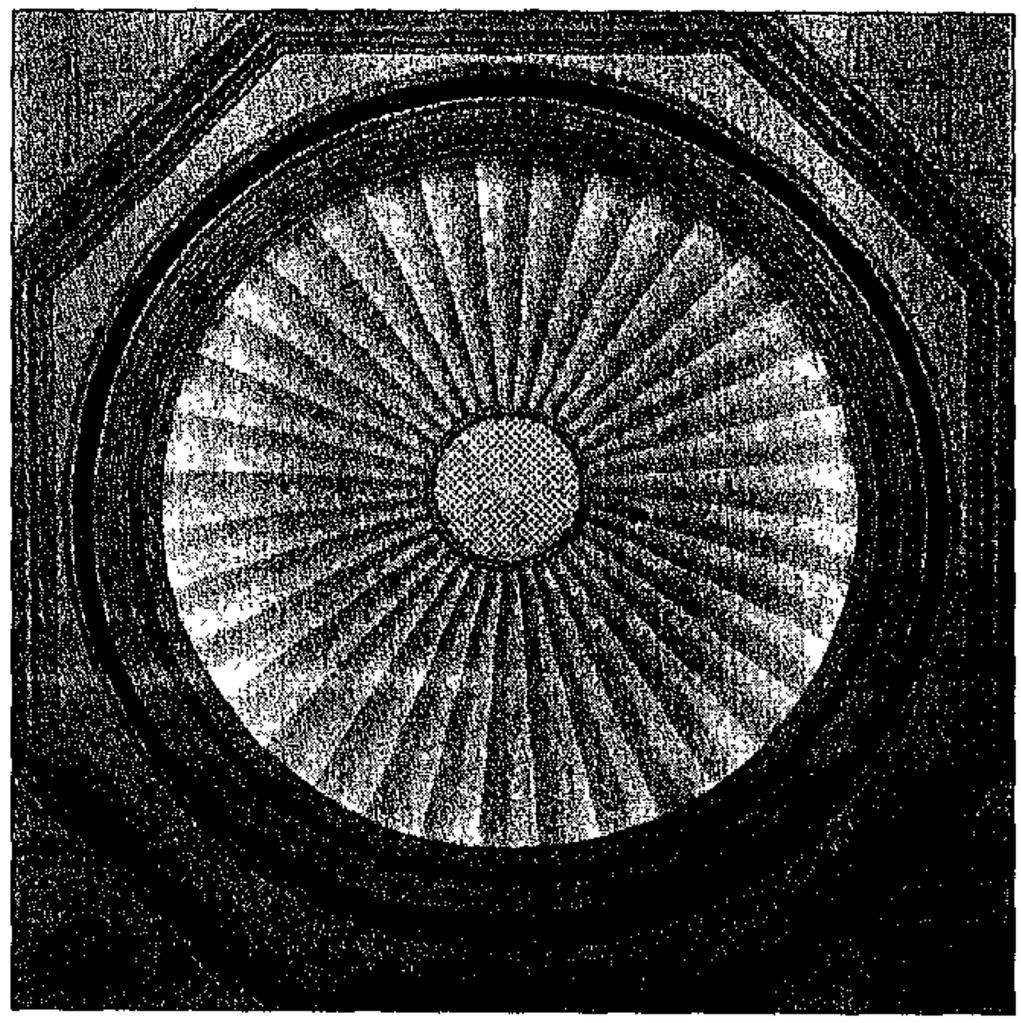
ABOVE. *Cutaway floor plans of the restored theatre. The original first floor was removed and ground dug out to make room for the basement level.*
LEFT. *Finishing touches are put on the trim around the stage.*

Doug Hanks Realty in Easton, was faced with the unpleasant prospect of converting the grand old theatre into a retail office complex.

Enter Dick Edgar, a Baltimore County-based developer with residential Hunt Valley to his credit and a track record in Easton for adapting old buildings like the 19th-century Odd Fellows Hall and a local Coca-Cola Bottling Plant to contemporary usefulness. He and his wife, Molly, had purchased a second home in Talbot County and felt, with Dick's four successfully completed building rehabilitation projects, that they were "significant investors in the life of the town." When they discovered, on a stroll down Dover Street, that the blank marque and locked doors of the Avalon meant out-of-business, Dick Edgar promptly knocked on the door of Doug Hanks Realty. "What are your plans for it?" he asked Hanks.

"The fact is, Hanks had held off converting the Avalon to non-theatre use," Edgar recounts. "An offer had been made, but he harbored a love for the building as a theater and turned it down. When I said I thought the community would profit by making the Avalon a performing arts center, he enthusiastically agreed to lower his price to that end. I purchased an option for 12 months to convert the theatre to a performing arts center."

Edgar knew he couldn't afford to single-handedly turn the Avalon into a cultural arts center and assiduously courted the community for support in achieving the kind of non-profit status that would bring in contributions and subsidies from the public and private sectors. As such stories unfold (and here the drama is particularly appropriate), help arrived from a most serendipitous source with only two months left on the purchase option.



The skylight dome features a geometric pattern in muted tones.

"I received a phone call from a man looking to relocate his restaurant because his lease was up," Edgar says. "I told him I really couldn't help him because the property of mine he had his eye on wasn't ready for tenants. Besides, I had my hands full with the Avalon Theatre project." Edgar remembers that his mention of the Avalon brought the conversation to a stand-still. "Are you there?" he asked the gentleman on the other end of the line.

"My father," came the reply, "left his home in upstate New York to manage the Avalon Theatre for the Schine organization in 1937, and I was born in Talbot County 10 years later. As a boy, I practically grew up in that theatre." Will Howard, restauranteur in search of a new lease, had stumbled upon the warm memories of his past and the challenge of his future in a single conversation with an ambitious developer. From such spontaneous moments is inspiration born.

In short order, the two men created a plan to "condominium-ize" the theatre complex into two units. Will Howard would operate three restaurants in Condominium A, including a four-star restaurant named for his mother, Cecile. Howard became a partner with Dick Edgar, and a non-profit organization would own and operate the performing arts center in Condominium B, the old theatre. "Will's appearance provided a creative and complementary use for a large part of the building," Edgar says in retrospect. "It enabled us to take the plan to Mayor George Murphy. He, in turn, committed Easton to get behind the restoration of the theatre and the fundraising to eventually implement the existence of a non-profit Mid-Shore Center for the Performing Arts."

Restoration of the theatre began in November 1987. Architect Walter Schamu, of the Baltimore firm Schamu, Machowski, Doo & Associates, worked closely with the Maryland Historical Trust to determine which of the theatre's several design permutations in its more than 60-year lifetime should be retained and just which period features, like the curved, oak-paneled lobby, could not be tampered with. Schamu, whose architectural thesis for his degree at the University of Pennsylvania was an urban cultural arts center, describes theatres as unique species of design, "a controlled architectural environment, much like a church, that must fade away when the [dramatic] action begins." With no former plan, no two walls parallel, and requests for multi-use that demanded more space than the theatre afforded, Schamu found the Avalon the most difficult project of his career.

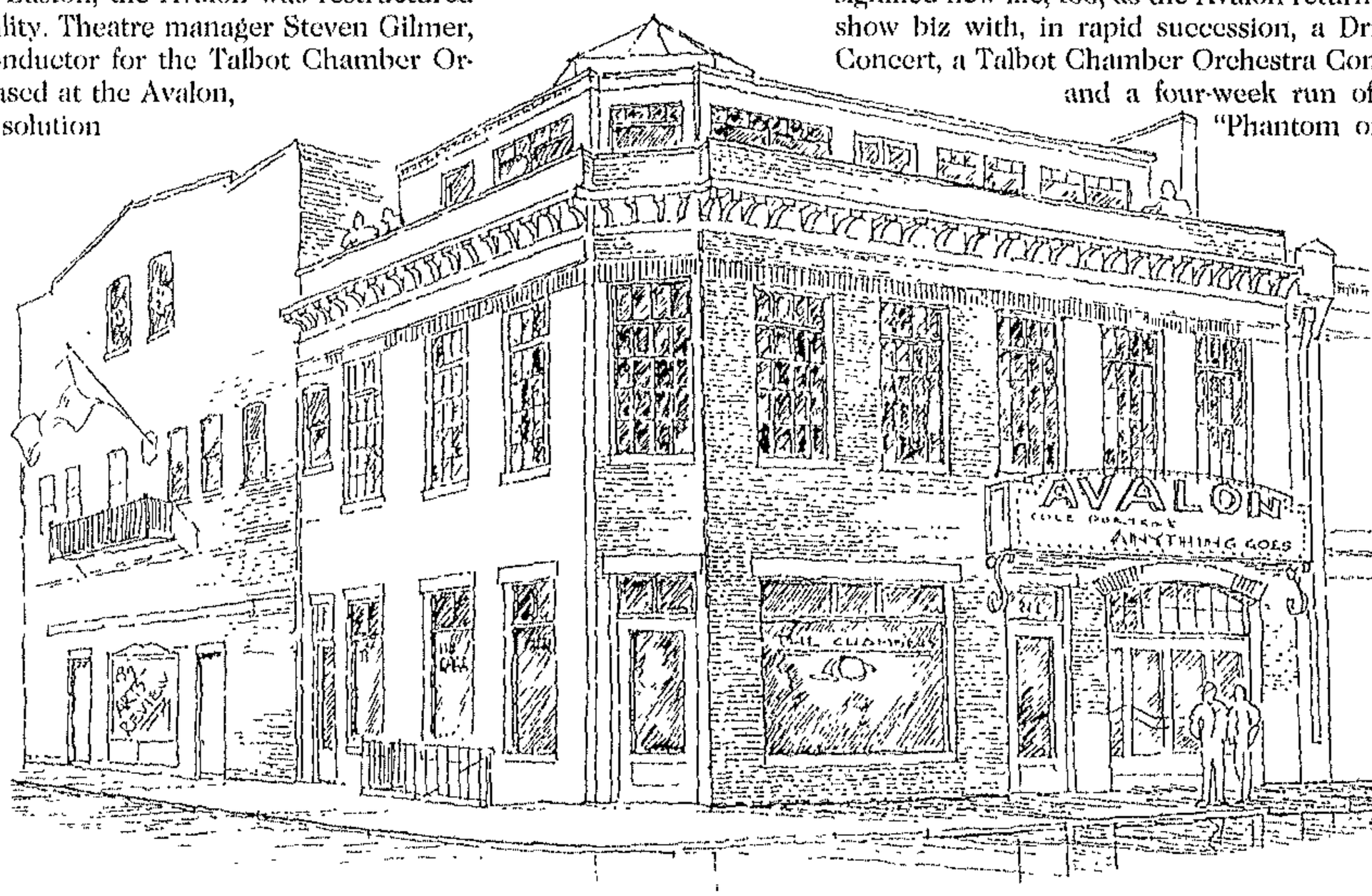
"We took the whole first floor of the theatre out and dug down to make a basement for changing, storage, and rehearsal facilities," Schamu recounts. "We knew that the water table was not too far below the surface and that fragile soil conditions exist in Easton as we underpinned the entire perimeter of the building and dug 10 feet down to sink the floor."

Dick Edgar, who watched as water was pumped from several areas of the basement, likened the feat to "levitating a 60-year-old building on a few interior arch supports." The moment, appropriately described as tender during which the Tidewater Building and Supply Company laid the final reinforcement, capped three months of anxious but resolute work.

Throughout the winter of 1989, craftsmen from the Gibbons Studios of Baltimore removed layers of dirt, paint, fabric, and damage to restore the Avalon's circa 1934 art deco interi-

ors. Frances Gibbons, who consulted photographs taken by S. Robbins Holliday on his then-new flash equipment of the theatre's interiors in 1939, describes a brilliant interior: "Bands of electric color and star-shaped designs accented in silver leaf around the proscenium gave the illusion of a tunnel at the end of which was the movie screen." He restored long rods of multicolored electric lights to the wall and ordered 14 different patterns in pressed tin from a company in Missouri to restore the nearly rotted-out circa 1921 ceiling. Box seats, although constructed for the theatre in 1921, were also restored in the interests of more seating.

To meet the needs of three different cultural groups in Easton, the Avalon was restructured for versatility. Theatre manager Steven Gilmer, who is conductor for the Talbot Chamber Orchestra based at the Avalon, created a solution for the orchestra pit that would adapt to more stage space or more audience seating.



After nearly 70 years of providing entertainment from Vaudeville to motion pictures, the Avalon begins a new career as a center for the performing arts.

The theatre is now prepared for concerts, small operas, plays, dinner theatre, trade shows, dances, movies, graduations, and conferences. A week-long event on the order of a Spoleto Festival is not out of the question, and Mayor Murphy has been in touch with his Charleston, South Carolina, counterpart about the logistics.

Of course, upgrading the old theatre to accommodate the desires of a multi-use clientele has required more money than anyone expected. The town of Easton lent $350,000 originally, but the mayor returned three times for more funding and says the town, in assuming a $700,000 mortgage, views the theatre as an economic project for the revitalization of Easton's downtown. Seeing the monies advanced for the Avalon from public and private contributions has been a source of pride to Easton's mayor. "This town has deep pockets," says George Murphy, "and a generous heart." He was delighted with the Governor's response to the unfinished theatre when, more than a year ago, Murphy slipped the Governor a note following his tour of the Avalon asking for matching State funding. The loan, which has since come to fruition, is indicative of the potential the $2.7 million (in State and private funds) Avalon restoration has for making an impact on the economic and cultural life of the mid-Eastern Shore.

On March 11, 1990, the Avalon Theatre was dedicated in a ribbon cutting ceremony. The date marked the completion of the restoration and the official transfer of the property to the Mid-Shore Center for the Performing Arts. It signified new life, too, as the Avalon returned to show biz with, in rapid succession, a Drifters Concert, a Talbot Chamber Orchestra Concert, and a four-week run of the "Phantom of the Opera" by the Baltimore Actors Theatre. Dance, choral arts, and National Shakespearean Company bookings are imminent, and, someday, Easton may host a mid-shore cultural arts festival. Mayor Murphy, who might well consider his indefatigable three-year crusade for the Avalon well concluded, is yet researching Charleston's successful operation of the Spoleto Festival USA.

As theatre restorations go, the Avalon is first class. Architect Walter Schamu states frankly, "There's several million in it now, but you couldn't build the Avalon today for ten million." Even more than money, however, is the value of the dreams and ambitions that have flickered across its nearly 70-year history.

That Easton treasures those dreams there can be no doubt. What higher regard can there be than the perpetuation of the place that inspired them? ❖

SUSAN STILES DOWELL, *author of the* Great Houses of Maryland, *is a regular contributor to* MARYLAND Magazine.

DESIGN

Baltimore Architect Selected For State House Renovation

SMDA Joins With Johnson-Berman For Winning Bid

Officials of the **Maryland Department of General Services** have selected Baltimore's **SMDA Architects** to design the final phase of renovations of **Maryland's State House.**

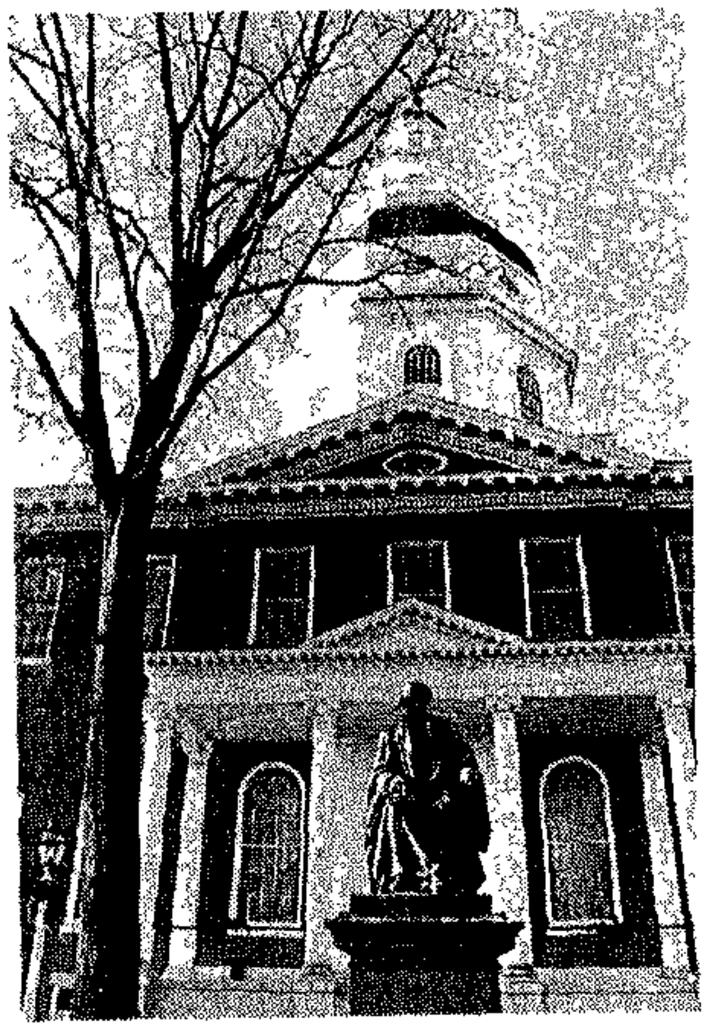
SMDA, in a joint venture with **Johnson-Berman**, a Baltimore interior design firm, was the top-ranked of nine firms that submitted technical proposals for the interior renovations to the historic building, DGS officials said.

The **General Professional Services Selection Board**, a panel that approves the selection of architects and engineers for state building projects, gave its assent this week to fee negotiations between representatives of DGS and the joint venture.

Charles Damron, the department's chief of maintenance engineering, told the GPSSB the work will involve asbestos abatement; repair to wooden and marble walls and floors; replastering ceilings; and improvements to mechanical, electrical, plumbing, communications, lighting, clock and security systems.

The estimated construction cost is between $1.9 million and $2 million, Damron said.

Design time is projected at four months and construction at 12 months.



The State House is getting a $2 million facelift.

The project will be handled in two phases, because construction cannot take place while the General Assembly is meeting in the building. Therefore, work is slated to begin in April 1999 and last until December. Then, after the legislative session, work will resume and be completed during 2000.

Currently, the building's sprinkler system, heating, air conditioning and electrical wiring systems all are being upgraded. That work will cost about $5 million.

Commercial real estate

Bank to open first city branch in 'absolute jewel' of building

Chevy Chase FSB to lease Alex. Brown's former headquarters

By KEVIN L. MCQUAID
SUN STAFF

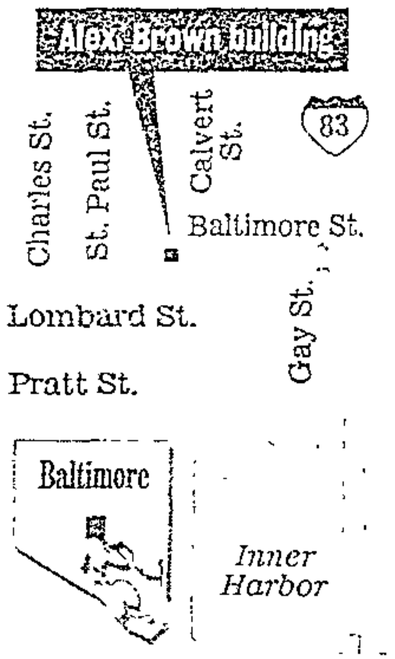
Chevy Chase Bank FSB will breathe new life into one of the city's most historic buildings by October, when it opens its first city branch in Alex. Brown Inc.'s former headquarters on Baltimore Street.

In taking over the building at Baltimore and Calvert streets, Chevy Chase hopes to restore the faded, two-story brick and stone structure — one of the few downtown buildings to survive the Great Baltimore Fire of 1904 — to its original prominence.

"It's one of the most important banking buildings in America," said B. F. Saul II, Chevy Chase's founder and chairman. "It's an absolute jewel."

Sprucing up the 96-year-old building won't be cheap, though. Although exact figures haven't been determined, it is estimated Chevy Chase will have to spend roughly $1 million to refurbish 135 E. Baltimore St.'s stained-glass dome, marble floors, English oak paneling, original balconies and plaster work.

The savings bank — head-



SUN STAFF

for private banking and commercial lending and heating and air conditioning units. It also will have to make certain the building meets building code and Americans With Disabilities Act requirements.

"We intend to touch it with the gentlest hands possible," said Walter Schamu, president of SMDA Architects of Baltimore, which is designing the renovations. "We plan to replicate as much of the original building as we can, and give it another 100 years of life. It's really a landmark structure."

The building's exterior — including its imposing brown metal doors — will be cleaned but not significantly altered, despite chips in its stone columns and faded paint coating the steel bars on its windows. Most of the dents date to the fire, and will remain as a testament to its resilience, Schamu said.

Although gone, Alex. Brown won't be forgotten. As part of the renovation, Saul said, Chevy Chase plans to include a room in the building devoted to memorabilia from the nation's oldest investment house. The room likely will be open to the public.

Alex. Brown, founded in 1800, moved out of the 15,000- [*See Chevy, 10c*]

THE SUN

JED KIRSCHBAUM : SU

Great Fire survivor: *Chevy Chase Bank FSB hopes to restore the historic former hea quarters of Alex. Brown Inc. at Baltimore and Calvert streets to its former prominence.*

Bank to lease Alex. Brown's former headquarters

[Chevy, from Page 1c]

square-foot building that had been its nominal headquarters several weeks ago as part of a consolidation into a 30-story skyscraper two blocks away. The new Alex. Brown Building, completed five years ago at a cost of $90 million, is 30 times the size of 135 E. Baltimore St.

Under a lease signed with owner Brown Realty Co., a group of founder Alexander Brown's descendants, Chevy Chase has committed to 135 E. Baltimore St. through 2017, and has options through 2037.

The lease is expected to cost Chevy Chase about $4.8 million, based on market rates.

"This met all of our objectives," said Jack "Jay" Griswold, a Brown Realty Co. partner and former Alex. Brown executive. He is currently a managing director of local investment firm Armada Partners and chairman of the Maryland Historical Society.

"For the family, we did not want a Chinese restaurant or something like that that was not in concert with Alex. Brown's history," said Griswold, whose family members still work at Alex. Brown.

"We think it's a win for the city and a win for the building. It's a question of preserving a building that should be preserved."

Chevy Chase, which operates 118 branches and has assets of $6.7 billion, may also spark renewed life in the surrounding block from other out-of-town businesses.

For instance, Camp Hill, Pa.-based Rite Aid Corp. has purchased two former Alex. Brown buildings adjacent to 135 E. Baltimore St., where it plans to relocate and expand a nearby store, and Promus Hotels Corp. of Memphis is eyeing the abandoned Southern Hotel for a possible Embassy Suites.

In both the Rite Aid and Promus cases, the original structures would be preserved.

"We've been concentrating on building a solid branch network in the Washington, D.C., area and in Howard and Anne Arundel counties," said Saul, who founded Chevy Chase in 1969. "But when this opportunity came along, it seemed like a natural."

Architecture

Best work this year thinks small

■ Projects: *The most successful buildings seem to be the little gems rather than the huge efforts.*

By EDWARD GUNTS
SUN ARCHITECTURE CRITIC

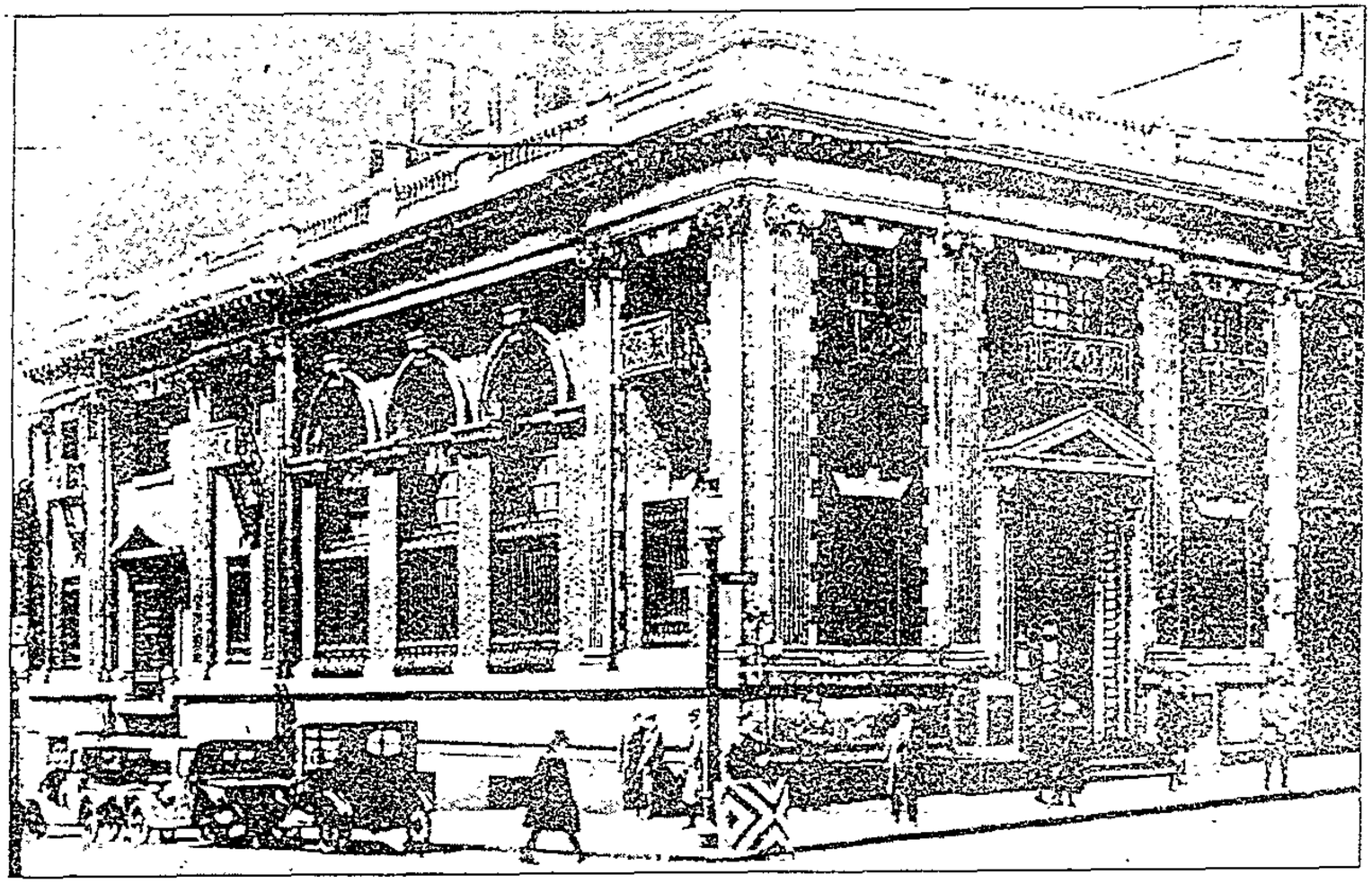
On the rear wall of a just-renovated apartment building in Baltimore's Mount Vernon historic district, an unusually theatrical detail hints at the property's new use.

High above the alley are bas-reliefs of the masks of Comedy and Tragedy.

Projecting from a flat stucco wall like gargoyles, the masks provide a clue that the apartments inside have been created for interns and artists affiliated with Center Stage, two blocks away.

"No one told the contractor to do it," marveled project manager Del Risberg. "He just put them there because he knew the apartments were for Center Stage, and he wanted to express that connection in the architecture."

That unexpected touch of whimsy pretty much sums up the fall season in local architecture.



Conversion: *The Alex. Brown & Sons headquarters becomes a branch of Chevy Chase Bank this season.*

There will be projects both good and bad, as always. But in many cases the most pleasing work may be found where it is least expected. And this year, more than most, the best projects seem to be the small gems rather than the blockbusters.

One of the most fascinating buildings to open this fall will be the conversion of the former Alex. Brown & Sons headquarters, at Baltimore and Calvert streets, to a branch of Chevy Chase Bank. Architect Walter Schamu of SMDA Associates and interior designers Henry Johnson and Robert Berman — the same team that saved the venerable Maryland Club after a 1995 fire — went to great lengths to restore the Alex. Brown building, stained-glass dome and all.

"What we're doing, basically, is turning a bank into a bank," Schamu said. "It's a natural for Chevy Chase."

Other relatively small projects with great promise include the North Hall of the Peabody Conservatory, redesigned by Ziger/Snead Inc. for use as an organ recital hall; and the conversion of former Pratt Library No. 2, in Union Square, to a community center and headquarters for the Neighborhood Design Center. It is a model for the way other library branches could be recycled for community use.

On the other end of the spectrum are a variety of large-scale projects that have been under construction for years and are finally finished or nearing completion.

Chief among them is the $140 million William Donald Schaefer International Pier at the Baltimore-Washington International Airport, set for completion by Nov. 1. Designed by the STV Group/William Nicholas Bodouva + Associates, it is the same sort of high-profile civic amenity for the Baltimore-Washington region as the $180 million Jack Kent Cooke Stadium that opened last week in Landover.

THE SUN

EDITORIALS

Demolishing a piece of history

Old USF&G building: *Another gem will be lost if it is wrecked to make room for parking.*

THE GOOD NEWS is that the old Alex. Brown Inc. headquarters at Baltimore and Calvert streets — one of the few downtown buildings to survive the great 1904 fire — is undergoing a costly interior and exterior refurbishing that will return it to its former glory.

The bad news is that just a block away, the old USF&G headquarters, which was built soon after the catastrophic conflagration, is in danger of being demolished.

The lesson? That economics drives everything — even though different people may assess long-term economic viability differently.

The restoration of the neoclassical Alexander Brown building is being made possible by a Montgomery County bank that wants the corner location for a branch and values history. "It's one of the most important banking buildings in America," says B. F. Saul II, founder and chairman of Chevy Chase Bank FSB. "It's an absolute jewel." We agree.

In contrast, the owner of the old USF&G high-rise property around the corner has reached a vastly different conclusion.

Orion Construction Corp. has given up on plans to convert the vacant eight-story colossus at Calvert and Redwood streets and now wants to raze it to build a 500-car garage in its place. If demand warrants, six levels of office space might be added later.

The demolition of the old USF&G headquarters would be an architectural loss that would scar the aesthetic harmony of a stretch that at one time was Baltimore's Wall Street. Regardless of what happens to this landmark, though, the ambiance of the block is threatened because the vacant old Southern Hotel, at the opposite end of the block, already is slated for demolition and redevelopment.

In the past three decades, some truly wonderful downtown buildings have been lost. The Tower Building, at Baltimore Street and Guilford Avenue, is among them. Although it was torn down in the late 1980s for redevelopment, the site is still a surface parking lot.

Baltimore's downtown is in dire need of more parking. But the worst thing that could happen to the old USF&G headquarters building is that it is demolished and then nothing happens.

That kind of limbo must be avoided.

BALTIMORE inc.

edited by Ken Iglehart

Schamu: "We turned a bank into a bank."

banking on nostalgia

Bank branches. In the cost-efficient, post-merger-mania '90s, we all know they're supposed to be modern, sterile, and a little cold looking to scare off deadbeat loan applicants. And for the sake of the shareholders, they should be just as economically sensible as formica, glass, and eight-foot drop ceilings can make them.

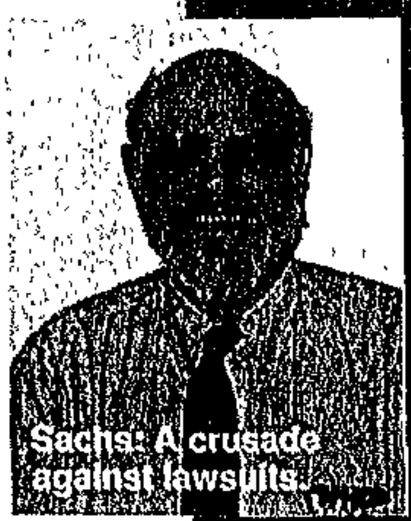
So then, what's happened in the old Alex. Brown building at 135 East Baltimore Street? The answer is Chevy Chase Bank's costly and impressive renovation that successfully merges 19th-century form with modern function.

One of the few downtown buildings to have survived the Great Fire of 1904, the Alex. Brown building—recently vacated by the brokerage firm—is the oldest private banking house in America. It's also now the most noticeable outpost of Chevy Chase Bank, which is migrating north from the Washington suburbs.

According to Chevy Chase executive VP Leslie Nicholson, Chevy Chase founder and chairman B. F. Saul II started talking with the Griswold family, owners of the building, a year ago. "We thought that this was the most significant banking structure, certainly on the East Coast and possibly in the United States," says Nicholson. "We wanted to see it brought back to its original grandeur."

Enter *this* bank branch and you are transported to the early 1900s. There's a 25-foot Tiffany glass dome. Tellers stand in a marble, brass, and wood cage in the middle of the bank, and managers work behind roll-top desks that conceal computers. Italian marble graces the floor and an original portrait by Thomas Corner of Alex. Brown looking down upon his four sons enhances the marble walls, which were once yellowed by decades of environmental staining. From the second floor, a bouquet of flags crowns the balcony. Interior design company Johnson-Berman designed a yellow-and-blue

a plague of lawsuits



Sachs: A crusade against lawsuits.

A lawsuit is filed in America every 1.5 seconds. Almost 60 percent of Marylanders who file lawsuits win them. Marylanders filed *the most* auto-accident lawsuits in the nation in 1994, and at close to a million cases a year, ranks fourth in all civil filings.

The average American pays $1,200 a year for civil lawsuits in the form of extra product and insurance costs.

Depressed yet by the increasing refusal of people to take responsibility for their own stupidity or bad luck? Who you gonna call? A *lawyer?* No, but you might try Annapolis City Council member Joseph Sachs. Annoyed by the I'm-a-victim trend, Sachs came up with his own answer to the problem, the Baltimore Regional Citizens Against Lawsuit Abuse (BRCALA).

Sachs finds two main problems with lawsuit abuse: "Number one, the system gets subverted. The abuse of the system keeps legitimate cases from moving along. Number two, there are hidden costs built into everything to cover the costs of the suits"—like $500 of a $3,000 maternity stay, about $20 from a $100 stepladder, even $8 of an $11.50 childhood DPT vaccine,

flag with the Calvert Cross from the Maryland state flag especially for the bank.

"We love to do historic buildings," says Walter Schamu, president of SMDA Architects, who, along with Henry Johnson of Johnson-Berman interior architects, was responsible for the redesign. Schamu and his crew, fresh from a successful restoration at the historic Maryland Club, also found Alex. Brown's original office, complete with a decorative ceiling concealed for nearly a century.

"We turned a bank into a bank," says Schamu, whose job it was to restore the 97-year-old building without harming the original three-level structure. "I love it. I'm very proud of it." And he should be. The firm re-created the bank on the first floor, where previously Alex. Brown had work space. ATMs, computers, and security cameras were installed, but not in plain view.

Bank officials won't disclose the renovation price (we'll guess $1 million). But it was certainly more than the cost of your average $400,000 steel-and-glass mall branch. We know what you bankers and accountants out there are thinking: Why Baltimore, and why spend the money?

Since there has been a downtown rebirth over the past 20 years, the Alex. Brown building's refurbishment was "consistent with some of the great things happening in Baltimore," says Nicholson. "It maintains and preserves an important part of the heritage of Baltimore."

He related that some of the people who attended the opening "had been there in the '20s when it was still being used for banking. One person even said, 'It really looked wonderful then, but I think it looks better now.'"

• STACEY H. SCHLEIN

PHOTOS OF LISA BARROW COURTESY OF MPT

FOR A GOOD DEAL ON WORKERS, CALL DOWNTOWN

How does central city per-capita income compare with that of the region? In places like Dallas, Seattle, and Charlotte, city wage-earners make 100 percent or more of their region's average. Cleveland and Detroit wage-earners make 53 percent. Baltimore is at 64.3 percent.

source: Greater Baltimore Committee/ U.S. Census Bureau

according to BRCALA.

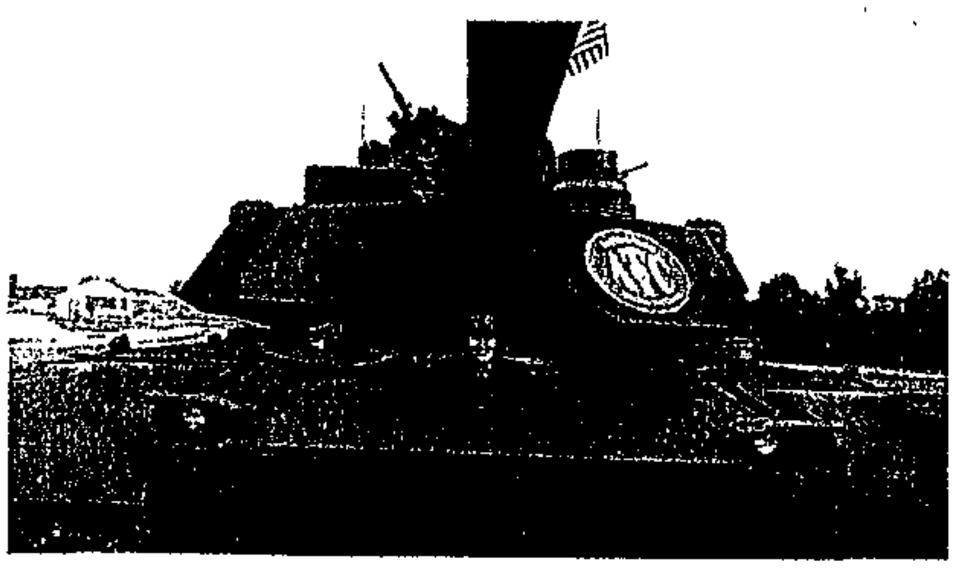
"I remember 15 or 20 years ago," says BRCALA executive director Mary Knlep, "if I was walking on the sidewalk and I tripped and fell, I'd get up and look around to make sure nobody saw me. Now, when people trip and fall, they are not looking to see if anyone saw them. They're looking to sue."

So how do you sign up? There is a form to sign, which allows the group to list your name when distributing information about lawsuit abuse.

Board of directors chair Vicki Almond notes, "We're getting radio spots, we're getting advertisement billboards. We're getting the message out that lawsuit abuse affects everyone."

• JEREMY MAGRUDER

madame motorhead



When Lisa Barrow was growing up in Severna Park, she had a typically touchy-feely career goal: She liked people, she figured, so she'd be a social worker. So what's up with the tank?

"That was one of those times," she chuckles, referring to a 70-ton M1A2 Abrams she road tested as a TV gag a year ago, "when I got in there and immediately asked myself, what the heck am I doing here?"

Barrow has asked herself that a few times in her 11 years as a reporter and associate producer of "MotorWeek," Maryland Public Television's review of all things wheeled. In a field considered as manly as football, Barrow frequently takes on the most macho assignments of all, gamely navigating all-terrain vehicles through cholera-infested jungles or across wind-swept Mongolian steppes.

"Usually it's just me and the boys out there," she says. "There is one advantage: no line for the restroom." That is, where there *is* a restroom.

In person, the 39-year-old Glyndon resident doesn't come across as the Indiana Jane type: She is tall and slender, with carefully coifed hair and conservative makeup. It is only when she walks that you can sense the tomboy: Her shoulders swing freely, and her legs strain to keep from taking natural strides too long for her companion to match.

Barrow originally joined MPT in 1981 as a director in its control room, where she spent the next six years. When a position opened up on "MotorWeek," she lobbied her boss hard for it. "I must have put my resumé on his desk three times," she chuckles.

The boss relented, and once she swung her first assignment overseas she found herself "addicted to my job." These days, she spends about half her time on the road, hitting auto events from Detroit to Finland to Belize.

Barrow claims to be the only full-time female automotive reporter on American television. And while she brushes off questions about male chauvinism, she doesn't forget those little indignities, like the time she won second place in a Finnish ice-driving contest. She was only allowed a trophy in the "women's division," even though she was the only woman there.

They sure didn't know Barrow. She can talk your ear off about the finer points of car trends, car parts, or the pleasure of driving the world's most coveted sets of wheels.

"I drove a Jaguar home last night," she says, eyes shining. "It was soooo smooth."

Guys, eat your hearts out.

• HANNAH FELDMAN

Barrow: First place in the women's division.

THE SUN

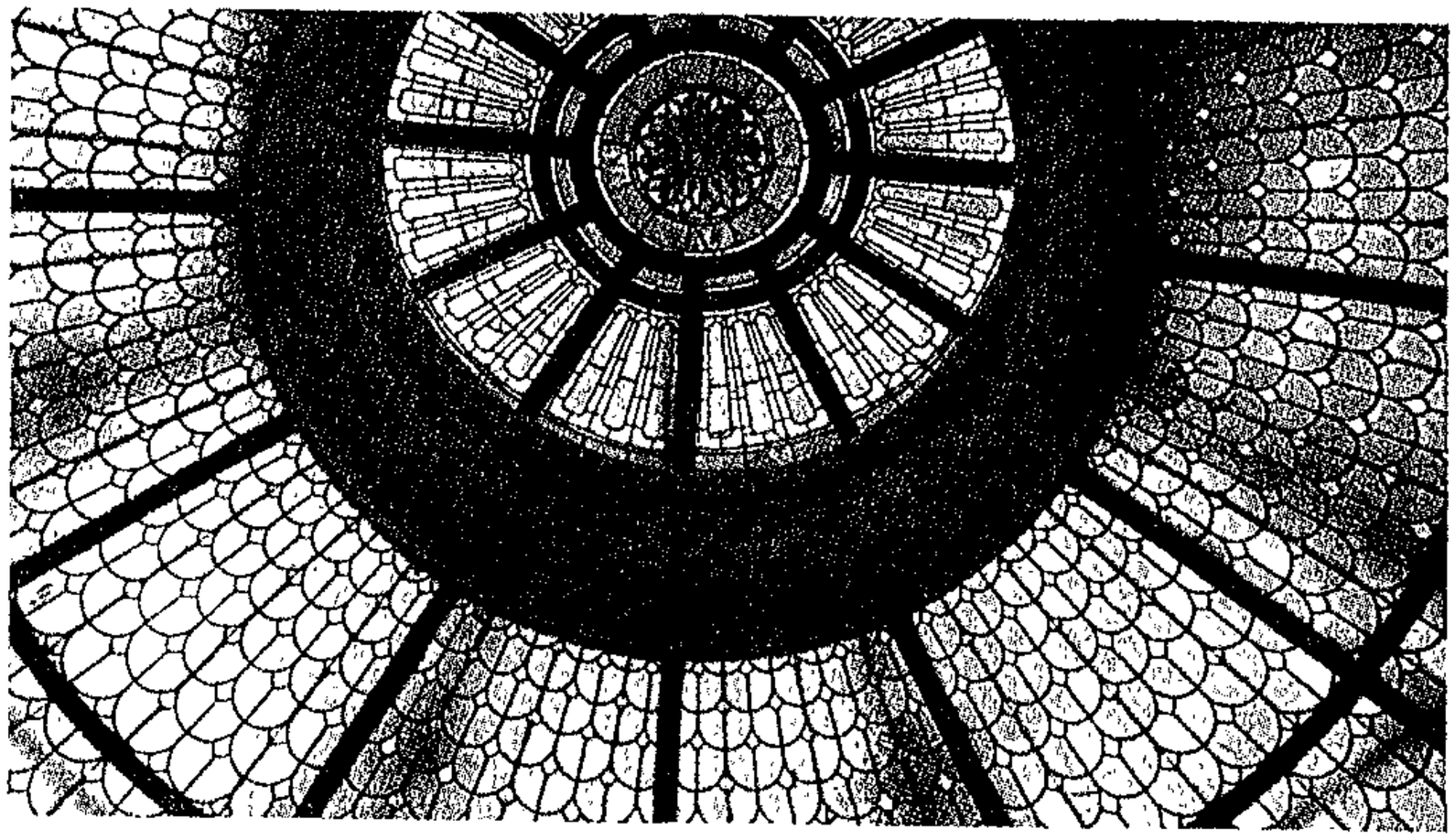
October 22, 1997 Baltimore, Maryland 50 cents

Bank's past and future

Renovation: A 1901 landmark has been restored to its former glory, adapted for modern times.

BY: Edward Gunts
SUN STAFF

"It's one of the most important banking buildings in America."
B.F. Saul II, *founder and chairman of the Chevy Chase Bank*



JED KIRSCHBAUM : SUN STAFF PHOTO

Old-time grandeur: Chevy Chase Bank will open a branch in the old Alex. Brown building. The building's restored glass dome.

In an age when most banks are gearing up for the electronic future as it's likely to unfold in Bill Gates' cyberspace, Baltimore's newest financial institution looks more like a scene out of Charles Dickens' London.

When Chevy Chase Bank opens its first Baltimore-area branch Nov. 12, tellers will greet customers from inside an old-time banking cage, while managers toil by lamplight at roll-top desks.

The building has the sort of grandeur that hasn't been seen in decades: Floors of marble from the same Italian quarry where Michelangelo got his stone. Damask-covered walls. English oak cabinetry. A 40-foot-high ceiling with a Tiffany glass dome.

This homage to the past has been fashioned inside the former headquarters of Alex. Brown & Sons, a 1901 landmark at 135 E. Baltimore St. The building became vacant when Alex. Brown employees moved to a nearby high-rise earlier this year, and Chevy Chase wasted no time signing a long-term lease.

"It's one of the most important banking buildings in America," Chevy Chase founder and chairman B. F. Saul II said this year. "It's an absolute jewel."

Completed in 1901 and expanded in 1905, the building is one of the few downtown that survived the Great Fire of 1904. Legend has it that when the fire began, Alexander Brown, grandson of the founder, sat on the roof of the building and dared the flames to come closer. Soon afterward, the winds suddenly shifted and the building was spared.

In 1929, when depositors lined up outside the front door to withdraw their savings after the stock market crashed, Alexander Brown went out and assured them that their deposits were safe. Because the family had so much credibility, depositors dispersed quietly, and there was no run on the bank.

"I don't know that there's any other building in Baltimore that people love more," said Walter Schamu, president of SMDA Architects, the local firm in charge of the restoration.

No easy task

But restoring the Alex. Brown building was no easy feat for Schamu and his collaborators, the interior design team of Henry Johnson and Robert Berman. Ilex

Construction & Development Inc. was the general contractor as well as the firm responsible for the elaborate cabinetry, millwork and furnishings.

Although the building was constructed as a public bank, it had not served that purpose for decades. When the Banking Act of 1933 required that public banks be separate from private investment brokerages, Alex. Brown chose to become a private brokerage and turned the banking floor into office space. The wooden tellers' cage in the middle was removed to give the brokers more work space.

Schamu said the design team began by consulting the original building plans, by Parker and Thomas, which showed the location of the lost tellers' cage and other fixtures.

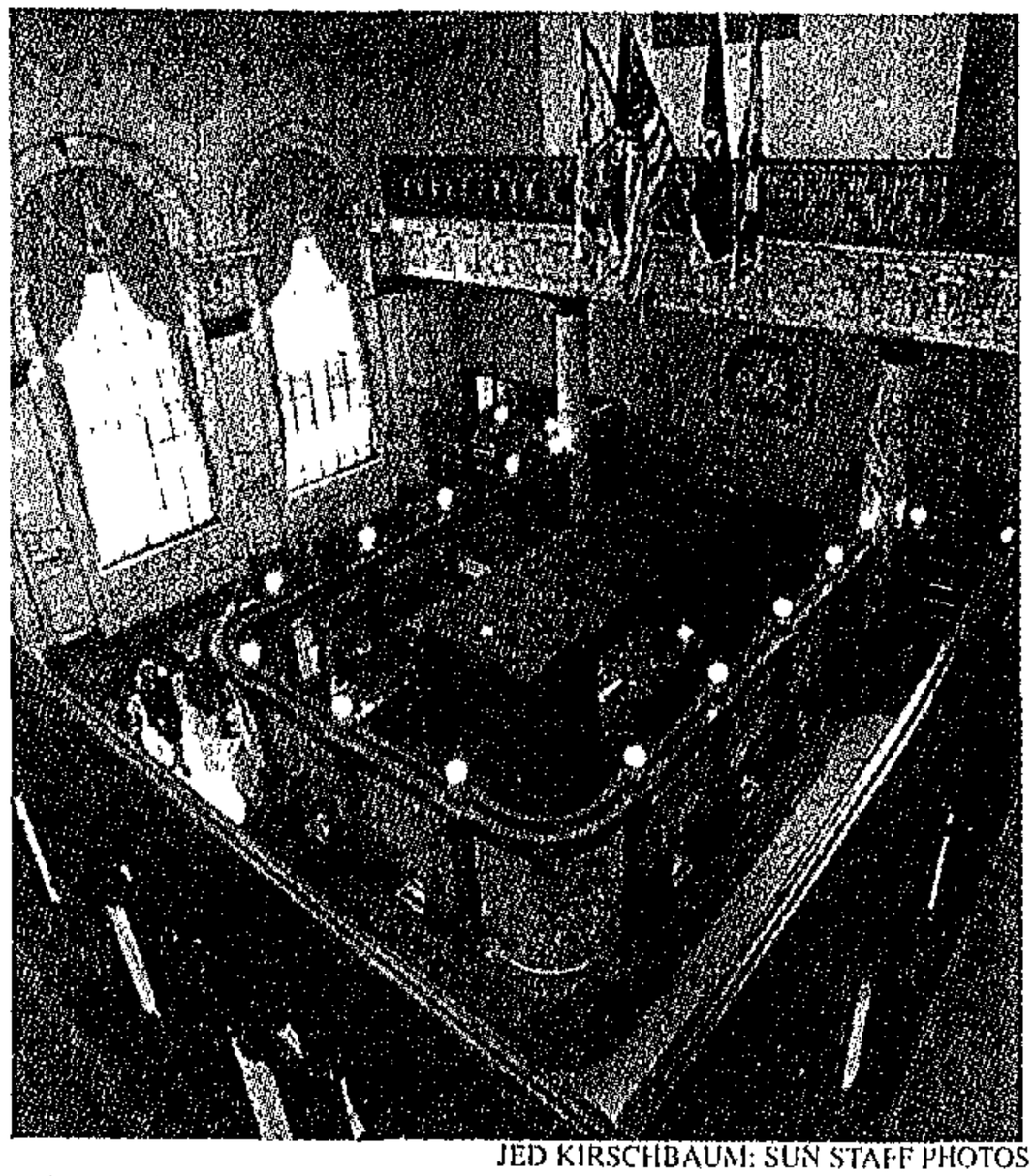
"Fortunately, we could find the original drawings and photographs. From them, we tried to re-create what was actually here and adapt it to Chevy Chase's needs. What we've done, basically, is turn a bank into a bank. Our goal was: if you walk in the front door, it should look pretty much the way it did when the building first opened."

The main banking room set the tone for the work.

"It's a marble room, basically — a fabulous cube," Johnson said.

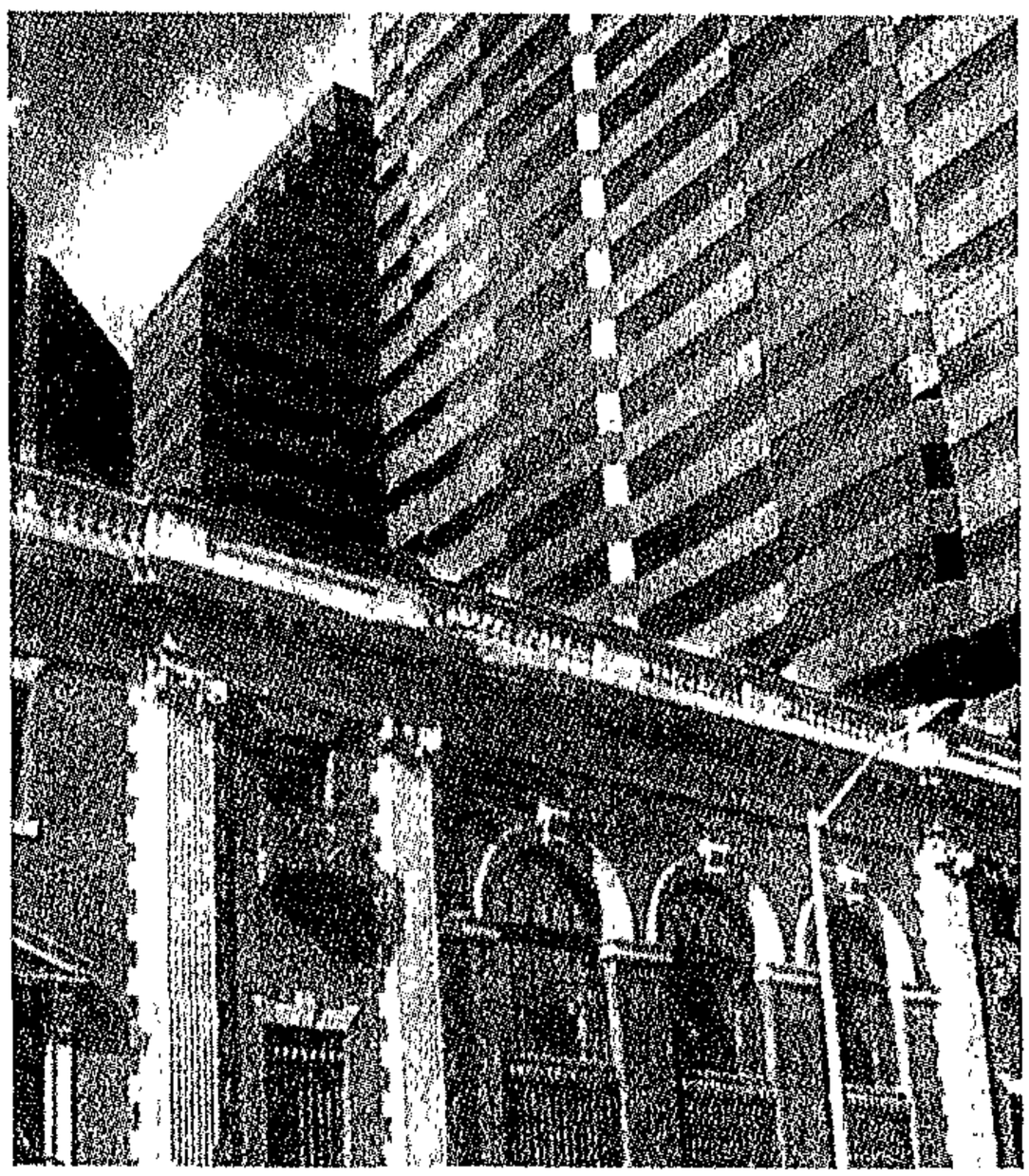
But the design team didn't want the building to look brand new, Johnson added.

"The last thing we wanted is a new, tarted-up kid on the block," he said. "It wasn't a new building. It is an old building. Every inch of the building was handled with the gentlest touch."



JED KIRSCHBAUM: SUN STAFF PHOTOS

Above, the tellers' area is shown from a balcony. *Below*, the building's downtown setting.



Respect

"It all goes back to Mr. Saul's very healthy respect for the building," he continued. "When you look around the area, everything is being sort of brutalized. There's a concrete parking garage nearing completion down the street. I thought the world had slowed down from some of that, but they just keep tearing buildings down. I think it's interesting that the newest business in the city chose to respect the past, rather than eradicate it."

Alex. Brown, founded in 1800 and now owned by Bankers Trust New York Corp., moved out of the 15,000-square-foot building that had been its longtime headquar- ters as part of a consolidation of its local offices into a 30-story skyscraper two blocks away. The Baltimore Street building is owned by descendants of the Brown family.

Although Chevy Chase has not disclosed figures, the cost of restoring the shell and modifying it for its new use has been estimated at roughly $1 million. That includes installing a new vault, teller stations, offices for private banking and commercial lending, and new mechanical systems.

As part of the restoration, crews cleaned the marble walls with a poultice solution, removing stains caused by years of cigar smoke. The

glass dome was repaired and restored. Instead of disturbing the lead-based paint on the walls, the team covered painted surfaces with damask — a rich material that both dignifies the space and absorbs noise. In lieu of hanging fixtures, high intensity fiber optic lights have been recessed into the ceiling — one of the first such installations in Baltimore.

New old look

The building hasn't looked this way since the 1920s, said Jack S. "Jay" Griswold, a descendant of Alexander Brown, former Alex. Brown executive and partner of Brown Realty Co., which owns the building.

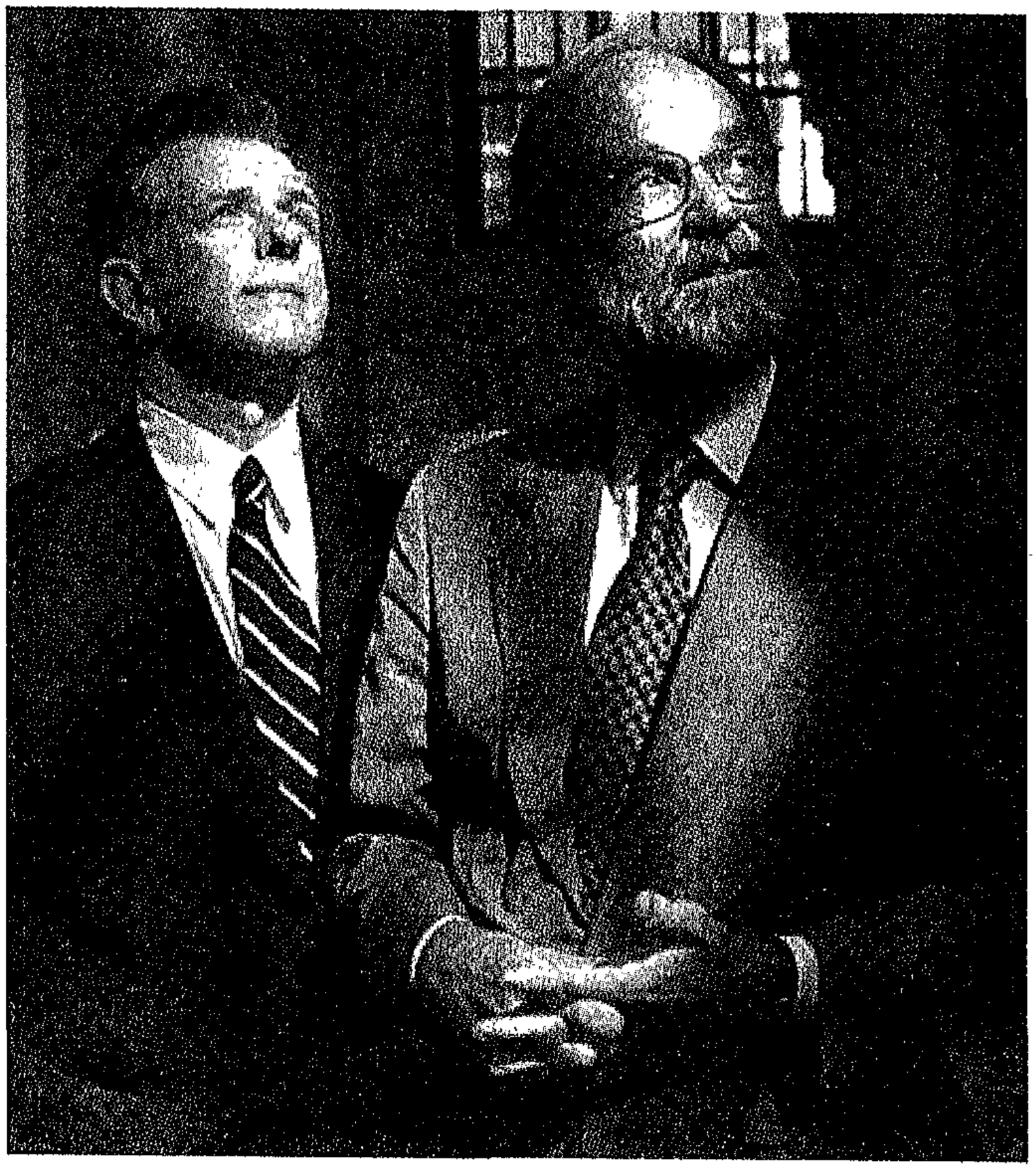
"I think it's so clever, the way they brought the modern conveniences in and kept the historical integrity of the building," Griswold said.

Sometimes, Schamu said, the team members were like archaeologists, uncovering layers of history.

A large conference room had three ceilings, he said. "You take one down and find another and take that down and find the original."

The designers are particularly proud of a vault that has been installed on the main banking level. Its door bears the same leaf pattern found on the door of an older safe in the basement, which was too heavy to move upstairs.

The interior designers specified period furniture to match the character of the building, and hired local craftsmen to make it.



JED KIRSCHBAUM / SUN STAFF

Men of vision: Henry Pinckney Johnson (left), of the interior design team of Henry Johnson and Robert Berman, and Walter Schamu, president of SMDA Architects, admire the restored building.

Johnson-Berman created a flag for the bank to hang in the main room — a yellow and blue banner featuring the "Calvert cross" from the Maryland state flag.

Before this, Chevy Chase Bank had no company flag, Johnson said. "Can you imagine David Rockefeller not having a flag?"

The building's exterior — including its imposing brown metal doors — was "power washed" with water but not significantly altered, despite chips in its stone columns and faded paint coating the steel bars on its windows. Most of the dents date to the fire, and were left as a testament to its resilience, Schamu said. A stone ramp was added at the entrance to make the building accessible to the disabled.

Museum

As part of the restoration, the bank and the Griswold family are creating a museum of Alex. Brown artifacts,

including ledgers, prints and memorabilia from the fire.

But in a sense, the entire building has become a museum.

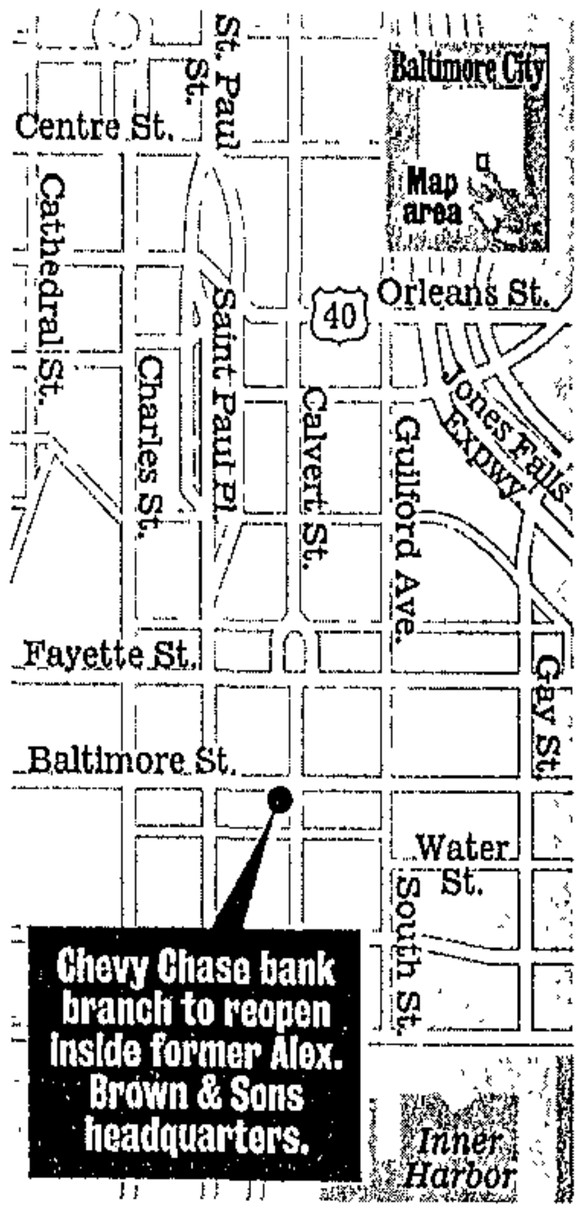
In the main banking room, Brown descendants left a large painting by Thomas Corner of Alexander Brown and his four sons, and a series of wooden models of ships' hulls — a reminder of the Brown family's involvement in the shipping industry.

Restored washroom

Johnson added a portrait of Cecilius Calvert, the family member after whom Calvert Street is named. Walls of the stately conference room are filled with rare prints of Baltimore history, including an enormous 1869 bird's-eye view of the city. The designers even restored an executive washroom that contains a working pull chain toilet — making it one of the oldest continuously operating bathrooms in America.

Where they had to put in modern amenities, designers tried to be as careful as they could. Tellers' windows have bulletproof glass, but not the unsightly metal grilles that customers typically speak into; the glass has been layered so sound travels through. The bank put an automated teller machine on the east side of the building, but it's in a recessed area where it isn't too obtrusive.

Just as important is what's not seen at all: Security cameras, a necessary evil, are tastefully concealed behind ceiling molding. Computer terminals are hidden within the roll-top desks.



SUN STAFF

With construction nearly complete, company employees moved into the building last week to begin preparing for the grand opening. As part of that occasion, the bank intends to make a sizable donation to the Maryland Historical Society, whose chairman is Jack Griswold.

Good response

Schamu said he's pleased with the way the restoration turned out and the response he's received.

"Two Baltimore businessmen were standing by the front of the building the other day, peering through the glass doors. They looked as if they could have been old Alex. Brown types, inspecting the work. One said to the other, 'Well, it still looks like an old building to me.' I take that as a compliment. That's just what we set out to do."

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PET 25

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, Dept. of Permits and Development Management

DATE: August 24, 1998

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

SUBJECT: **1219 Gerber Lane**

Post-it® Fax Note 7671	Date Sept 4	# of pages ▶ 2
To V. Constable	From K. Aze	
Co./Dept.	Co	
Phone #	Phone # 887-3211	
Fax #	Fax #	

INFORMATION

Item Number:	49
Petitioner:	Cold Bottom L.L.C.
Property Size	145 +/- ac.
Zoning:	RC2
Requested Action:	Special Hearing
Hearing Date	Thursday, Sept. 11, 1998, 9:00 a.m.

COMMENTS ON PROCEDURE - One of the two petitions requests approval of "a waiver pursuant to" Sections 26-171, 26-172 (b), BCC of Sections 26-203 (c)(8) and 26-278...." The first reference is incorrectly stated and the second two are inappropriate.

1. Section 26-171 lists the situations in which a proposed development qualifies for a complete exemption from the requirements in Division 2. A waiver might be granted (pursuant to the authority in Section 26-172) in conjunction with a finding of eligibility under Section 26-171, but a waiver could not be granted "pursuant to" the latter section.

2. Subsection 26-172 (b) only authorizes waivers from the requirement that a development plan be submitted and be subject to approval through a Hearing Officer's hearing. It does not authorize a waiver from Section 26-278; that waiver could be granted only under the authority of Subsection 26-172 (a). If the proposed construction must be subject to the development regulations at all, it should qualify for a limited exemption under Section 26-171, making the granting of a waiver under subsection 26-172 (b) unnecessary.

3. Subsection 26-203 (c)(8) is merely a requirement that, if the property is on one of the referenced lists, that information must be labeled on the development plan. If this particular property is processed through a limited exemption (instead of the 26-172 (b) waiver), the matter is moot. Even if a development plan is somehow required,

this waiver would be ineffectual because it merely deletes the information requirement; the waiver cannot change the fact that the property is on the list, which is the circumstance that would cause the need for compliance with Section 26-278.

RECOMMENDATIONS ON PROCEDURE - The Petition should be amended, at no prejudice or further cost of delay to the petitioner, (a) to request a finding that the development qualifies for a limited exemption (Sec. 26-171) and (b) to achieve one of two alternatives, either:

1. A ruling that, on its merits, the proposed construction of the addition does comply with intent of the "must be preserved" requirement in Section 26-278; or

2. Approval of a waiver from compliance with Section 26-278 if justified by the findings required to be made pursuant to subsection 26-172 (a) (1) or (2).

RECOMMENDATIONS ON THE DEVELOPMENT - The main house on the Conclusion Farm property is among the structures covered by Baltimore County Final Landmarks List Number 140. The Landmarks Preservation Commission reviewed the proposed additions at their April 9, 1998 meeting and subsequent meetings and voted approval of the restoration and expansion plans for the main dwelling by a vote of 7-3-1 at a meeting on July 17, 1998, continued from their July 9, 1998 meeting.

The Office of Planning's position is that the LPC's direct statutory authority (pursuant to Sections 26-542, et seq.) to approve or disapprove alterations to Landmarks List structures provides both a public forum and ample subject-matter expertise to assure compliance with the intent of Section 26-278. In cases involving Landmarks List structures (or within a County-enacted historic district), we believe, with full respect for the Hearing Officer's authority, that requiring a Special Hearing to obtain a decision by the Hearing Officer is at best redundant, causes unnecessary delay, confusion and expense, and could potentially lead to conflicting decisions by the two separate authorities.

In this case, therefore, we recommend that, in addition to confirming the eligibility for a limited exemption, the Hearing Officer should render a finding that, by virtue of having properly obtained approval from the Landmarks Preservation Commission, the proposed development is deemed to be in compliance with Section 26-278.

Section Chief: Jeffrey W. Long

AFK/JL/TD/jw

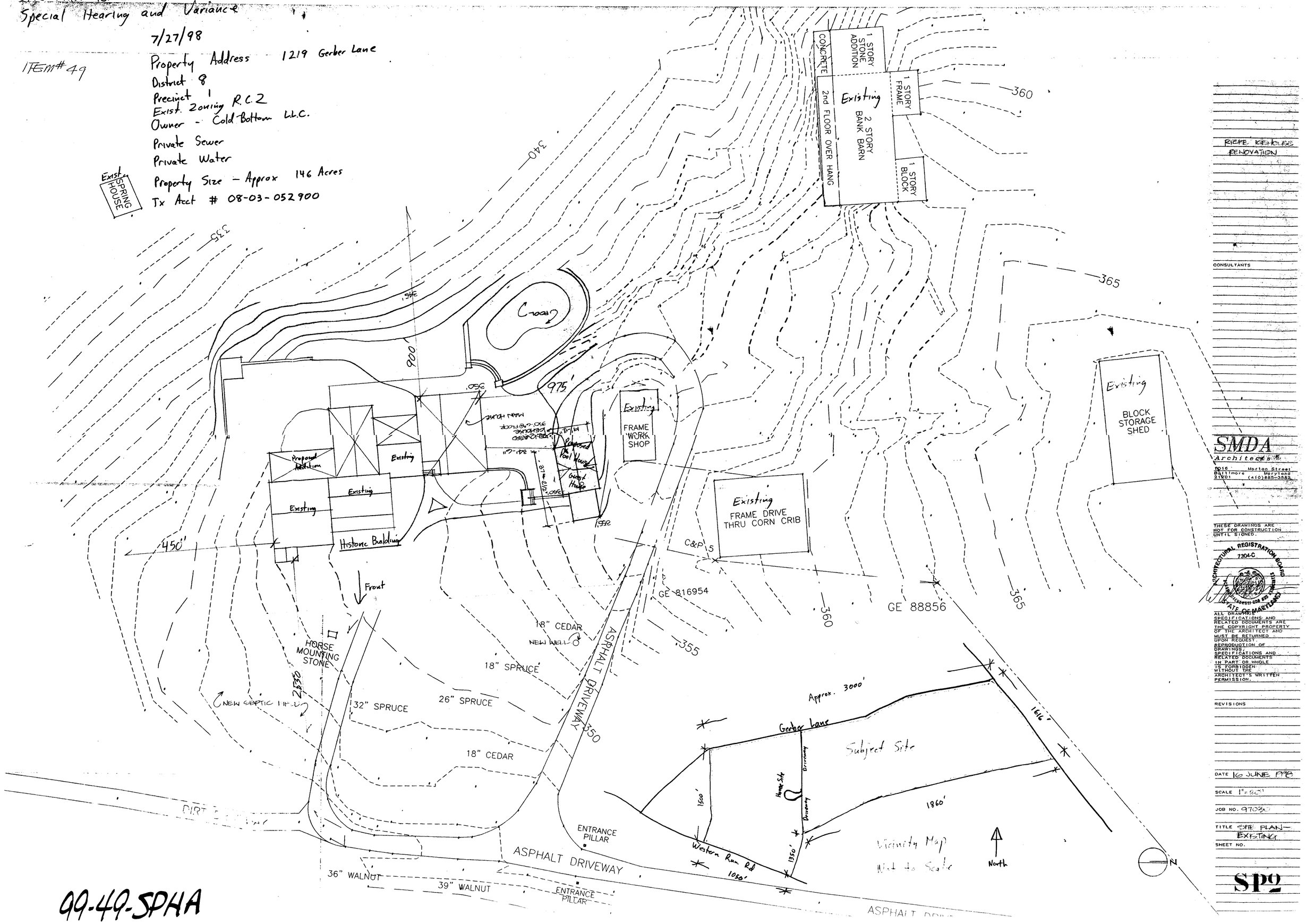
M:\DEVREV\ZAC\49.DOC

Site Plan for
Special Hearing and Variance

7/27/98

ITEM# 49

Property Address 1219 Gerber Lane
District 8
Precinct 1
Exist. Zoning R.C.2
Owner - Cold Bottom L.L.C.
Private Sewer
Private Water
Property Size - Approx 146 Acres
Tx Acct # 08-03-052900



99-49-SPHA

ITEM # 49

MELVIN LEROY HERZBERGER, Jr.
& PEGGY FRANCES HERZBERGER, HIS WIFE
S. M. 7382/774
PARCEL 47; TAX MAP 33

ARISTIDES C. ALEVIZATOS
& DOROTHY A. ALEVIZATOS, TRUSTEES
S. M. 12144/586
PARCEL 46; TAX MAP 33

WILLIAM J. MEIER
& ANN W. MEIER, HIS WIFE
O. T. G. 5189/490
PARCEL 201; TAX MAP 33

N74°11'12"E 1296.12'

S13°24'43"E 1137.84'

WILLIAM G. CUMBERLAND
E. H. K. Jr. 5975/428
PARCEL 41; TAX MAP 34

GERBER LANE

N48°52'49"E 618.21'

OVERLAP DISTANCE
AT CORNER = 4.58'
AREA CONTAINED IN
OVERLAP =2397 S.F.±

TOTAL TRACT AREA,
ALL PARCELS
8350955' SQUARE FEET or
191.712 ACRES±

GLENN MILES BOSLEY, Sr.
& LOIS DANIEL BOSLEY, HIS WIFE
E. H. K. Jr. 7075/015
PARCEL 16; TAX MAP 34

W. P. C. 342/97

S47°55'12"E 479.94'

S25°51'33"E
39.60'

S27°22'07"E
231.50'

LOCATION OF
ICEHOUSE

N04°02'11"W 1062.00'

JAMES S. RIEPE
& GAIL P. RIEPE, HIS WIFE
S. M. 9296/777
PARCEL 97; TAX MAP 33

S17°53'27"W 723.33'

JOANNE HOPE BIRSH
S. M. 9017/170
PARCEL 304; TAX MAP 33

N15°28'04"W 1382.83'

S62°10'39"W 2037.86'

N16°49'18"E 457.84'

N52°47'48"E
66.00'

N44°02'59"W 330.14'

THOMAS M. WALTERS
S. M. 8454/447
PARCEL 146; TAX MAP 33

N50°28'51"W
92.40'

LEONEL K. ENSOR
& RUTH M. ENSOR, HIS WIFE
L. M.L. M. 847/151
PARCEL 14; TAX MAP 34

MELISSA L. BERGE
S. M. 8790/811
PARCEL 299; TAX MAP 33

WESTERN RUN RD.

99-49-SPHA

ITEM # 49

MELVIN LEROY HERZBERGER, Jr.
& PEGGY FRANCES HERZBERGER, HIS WIFE
S. M. 7582/774
PARCEL 47; TAX MAP 33

ARISTIDES C. ALEVIZATOS
& DOROTHY A. ALEVIZATOS, TRUSTEES
S. M. 12144/566
PARCEL 46; TAX MAP 33

WILLIAM J. MEIER
& ANN W. MEIER, HIS WIFE
O. T. C. 5189/490
PARCEL 201; TAX MAP 33

N74°11'12"E 1296.12'

GERBER LANE

S33°24'43"E 1137.84'

WILLIAM G. CUMBERLAND
E. H. K. Jr. 5975/428
PARCEL 41; TAX MAP 34

N48°52'49"E 618.21'

OVERLAP DISTANCE
AT CORNER = 4.58'
AREA CONTAINED IN
OVERLAP = 2397 S.F.±

TOTAL TRACT AREA,
ALL PARCELS
8350955' SQUARE FEET or
191.712 ACRES±

GLENN MILES BOSLEY, Sr.
& LOIS DANIEL BOSLEY, HIS WIFE
E. H. K. Jr. 7075/015
PARCEL 10; TAX MAP 34

W. P. C. 342/97

S47°55'12"E 479.94'

S25°51'33"E
39.60'

S27°22'07"E
231.30'

LOCATION OF
ICEHOUSE

S77°53'27"W 723.33'

JOANNE HOPE BIRSH
S. M. 9017/170
PARCEL 304; TAX MAP 33

N16°28'04"W 1328.35'

S62°10'39"W 2037.86'

LEONIEL K. ENSOR
& RUTH M. ENSOR, HIS WIFE
L. McL. M. 847/151
PARCEL 14; TAX MAP 34

N16°40'18"E 457.84'

52°47'48"E
66.00'

N64°02'39"W 330.17'

N50°28'51"W
92.40'

MARE M. WALTERS
M. 8404/442
TAX MAP 33

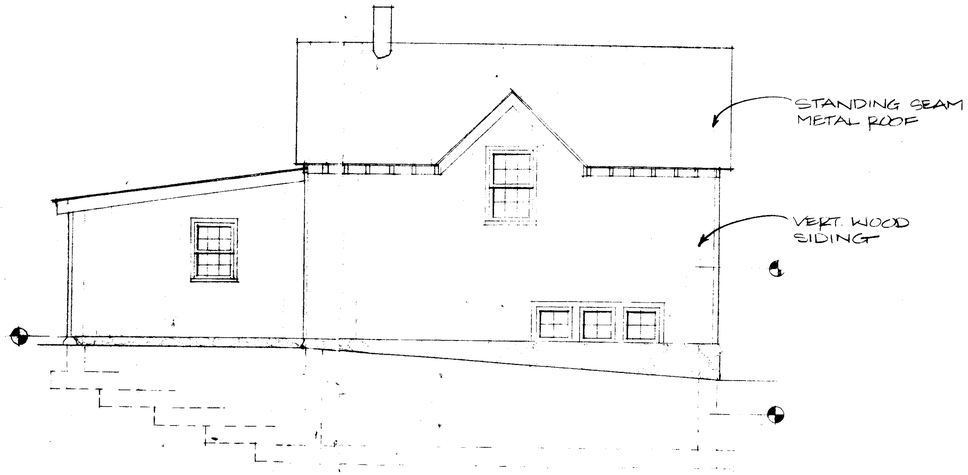
MEDUSSA L. BERGE
S. M. 6790/611
PARCEL 299; TAX MAP 33

WESTERN RUN ROAD

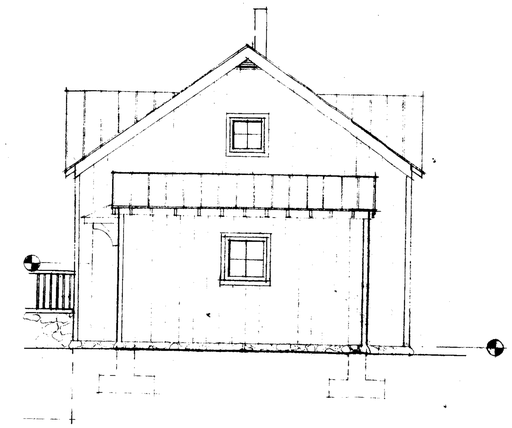
99-49-SPHA

SP1

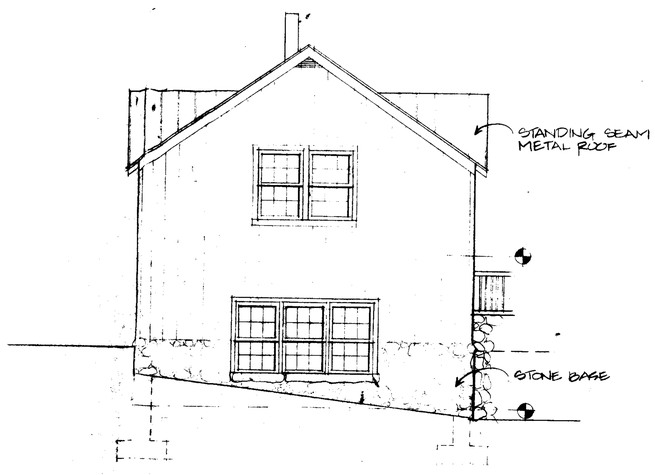
EXHIBIT
P13



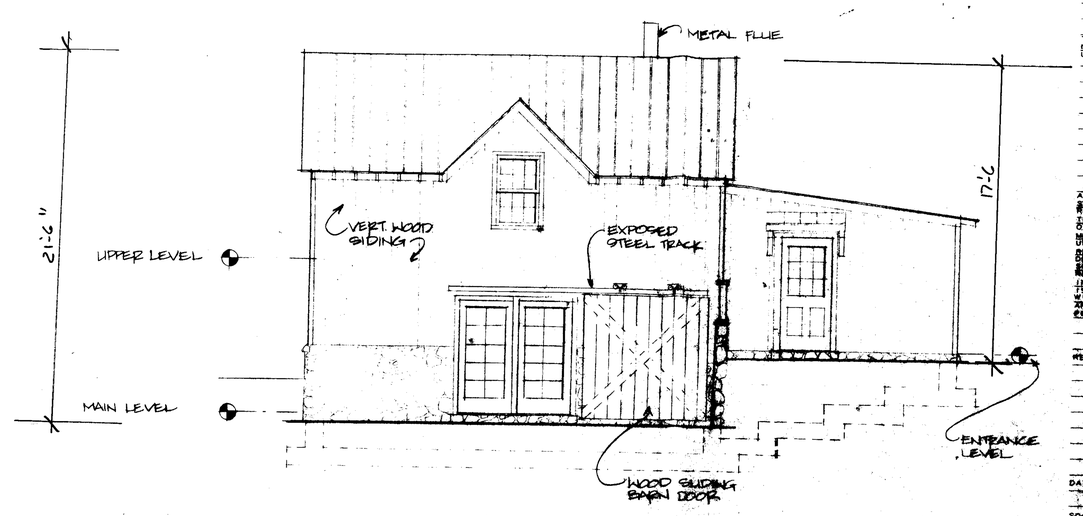
SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

RIEPE ICEHOUSE RENOVATION

CONSULTANTS

SMDA Architects

1016 Morrison Street
Baltimore Maryland
21201 (410)685-2888

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REVISIONS

DATE 16 JUNE 1998

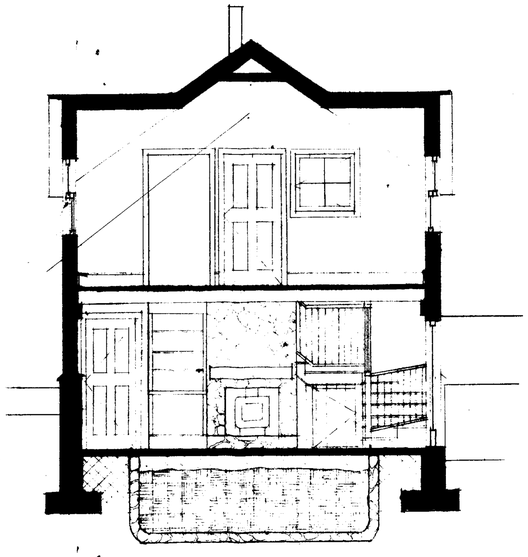
SCALE 1/4" = 1'-0"

JOB NO. 97030

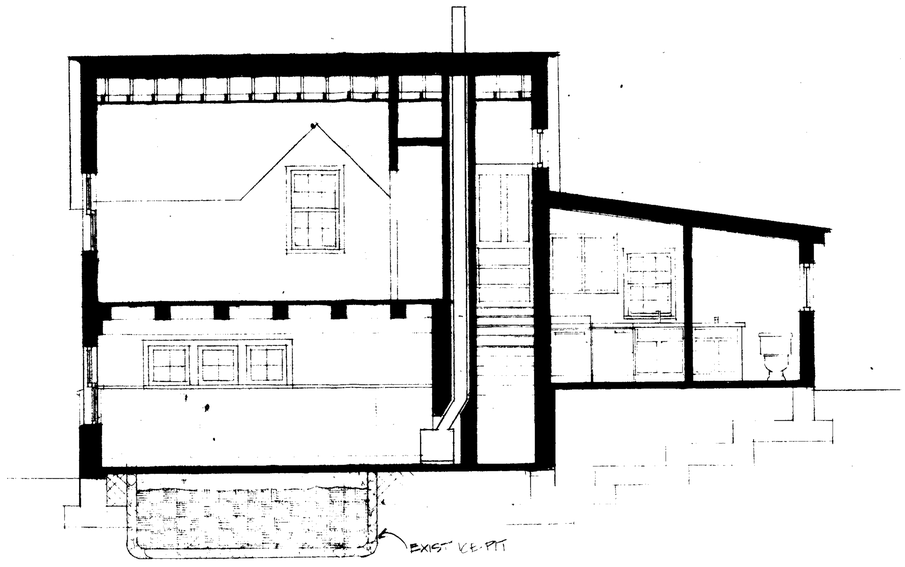
TITLE ELEVATIONS

SHEET NO.

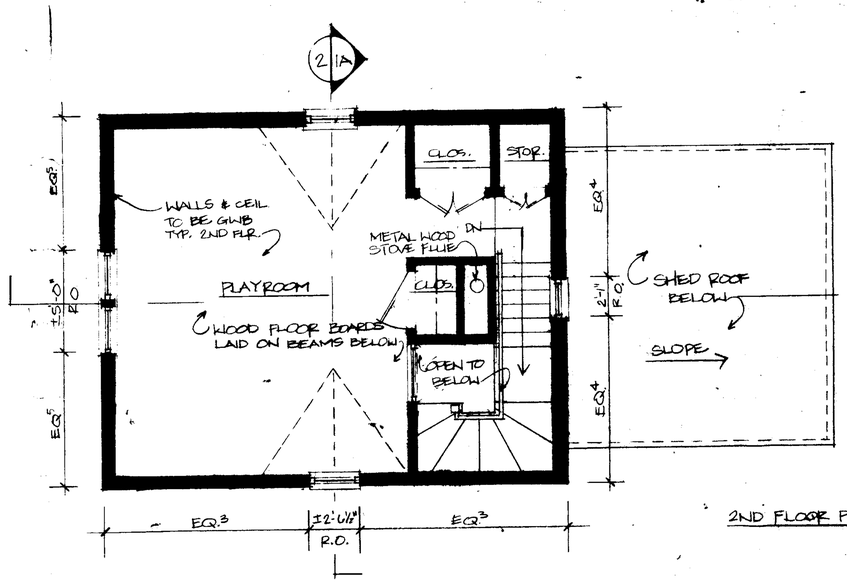
Case 99-49-SPHA



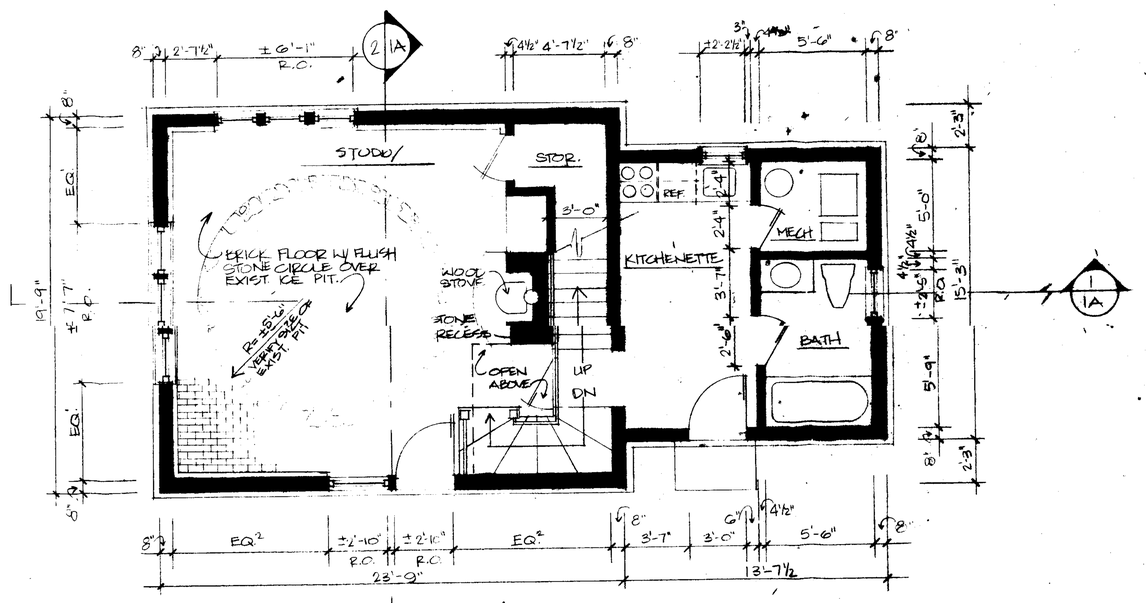
SECTION 1/1A



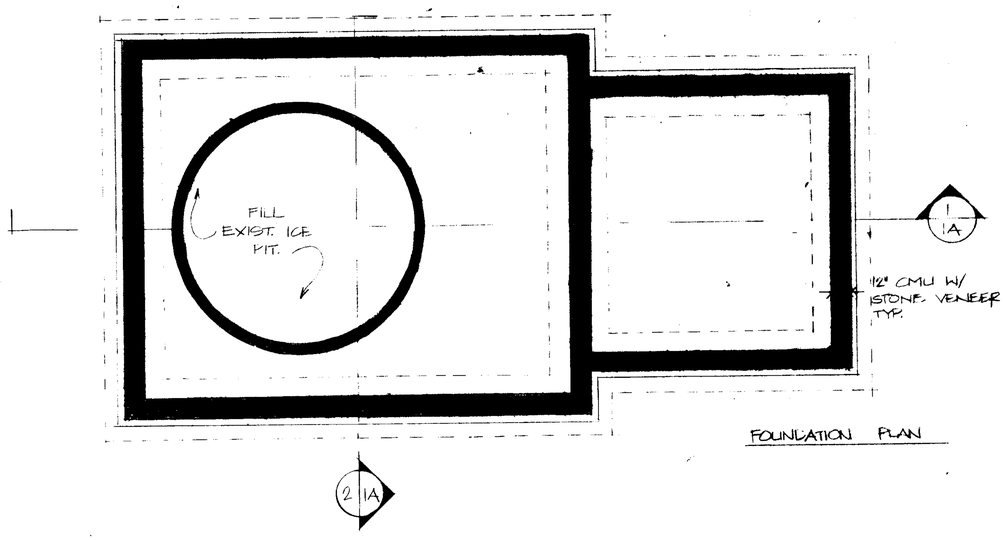
SECTION 2/1A



2ND FLOOR PLAN



1ST FLOOR PLAN



FOUNDATION PLAN

RIEPP RESIDENCE RENOVATION

CONSULTANTS

SMDA
Architects
1018 [illegible]
Baltimore [illegible]
21201 (410) [illegible]

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REVISIONS

DATE 16 JUNE 1998

SCALE 1/4" = 1'-0"

JOB NO. 97030

TITLE PLANS & SECTIONS

SHEET NO.

A1

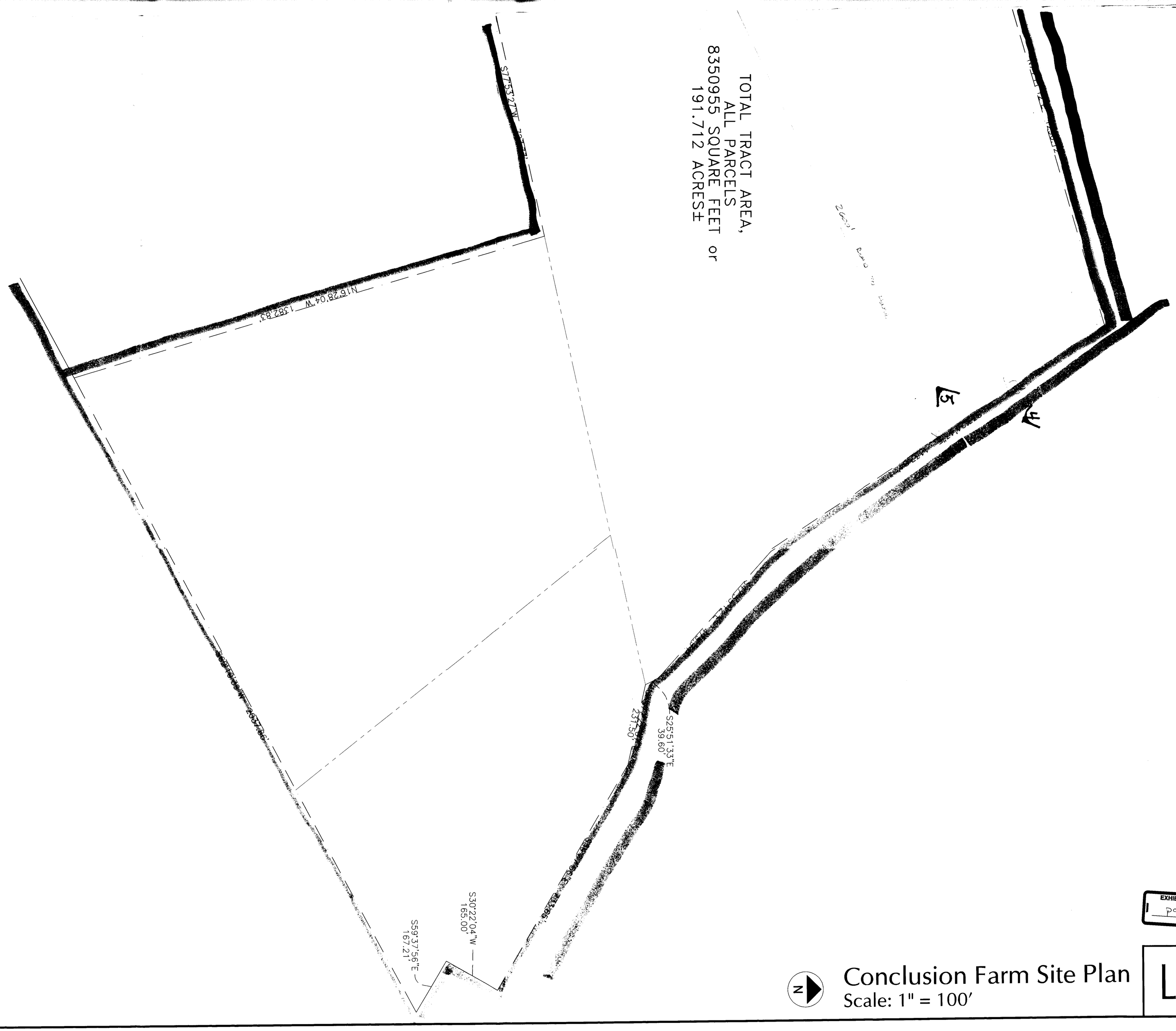


EXHIBIT
P9

Conclusion Farm Site Plan

Scale: 1" = 100'

L2

ITEM # 49

MELVIN LEROY HERZBERGER, Jr.
& PEGGY FRANCES HERZBERGER, HIS WIFE
S. M. 7382/774
PARCEL 47; TAX MAP 33

ARISTIDES C. ALEVIZATOS
& DOROTHY A. ALEVIZATOS, TRUSTEES
S. M. 12144/566
PARCEL 46; TAX MAP 33

WILLIAM J. MEIER
& ANN W. MEIER, HIS WIFE
O. T. G. 5189/490
PARCEL 201; TAX MAP 33

N74°11'12"E 1296.12'

S33°24'43"E 1137.84'

WILLIAM G. CUMBERLAND
E. H. K. Jr. 5975/428
PARCEL 41; TAX MAP 34

GERBER LANE

N46°52'49"E 518.21'

OVERLAP DISTANCE
AT CORNER = 4.58'
AREA CONTAINED IN
OVERLAP =2397 S.F.±

TOTAL TRACT AREA,
ALL PARCELS
8350955' SQUARE FEET or
191.712 ACRES±

GLENN MILES BOSLEY, Sr.
& LOIS DANIEL BOSLEY, HIS WIFE
E. H. K. Jr. 7075/015
PARCEL 16; TAX MAP 34

W. P. C. 342/97

S47°55'12"E 478.94'

S25°51'33"E
39.80'

S77°22'07"E
231.50'

LOCATION OF
ICEHOUSE

S77°53'21"W 723.33'

JOANNE HOPE BIRSH
S. M. 9017/170
PARCEL 304; TAX MAP 33

N18°26'04"W 1362.83'

S62°10'39"W 2037.86'

LEONIEL K. ENSOR
& RUTH M. ENSOR, HIS WIFE
L. Mcl. M.- 847/151
PARCEL 14; TAX MAP 34

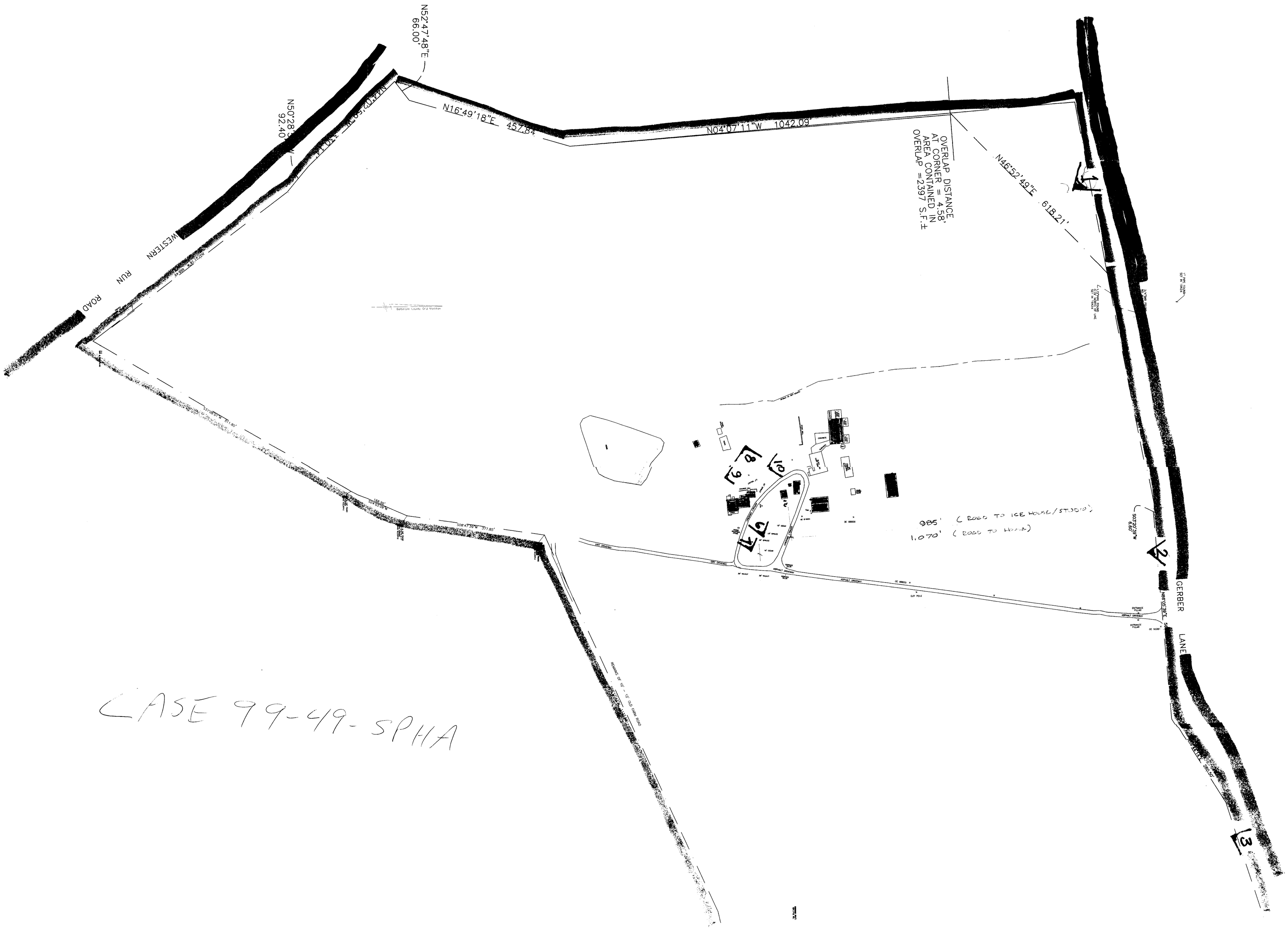
N52°47'48"E
66.00'

N50°28'51"W
92.40'

WESTERN RUN ROAD

WEBSTER L. BERGE
S. M. 6700/811
PARCEL 289; TAX MAP 33

99-49-SPHA



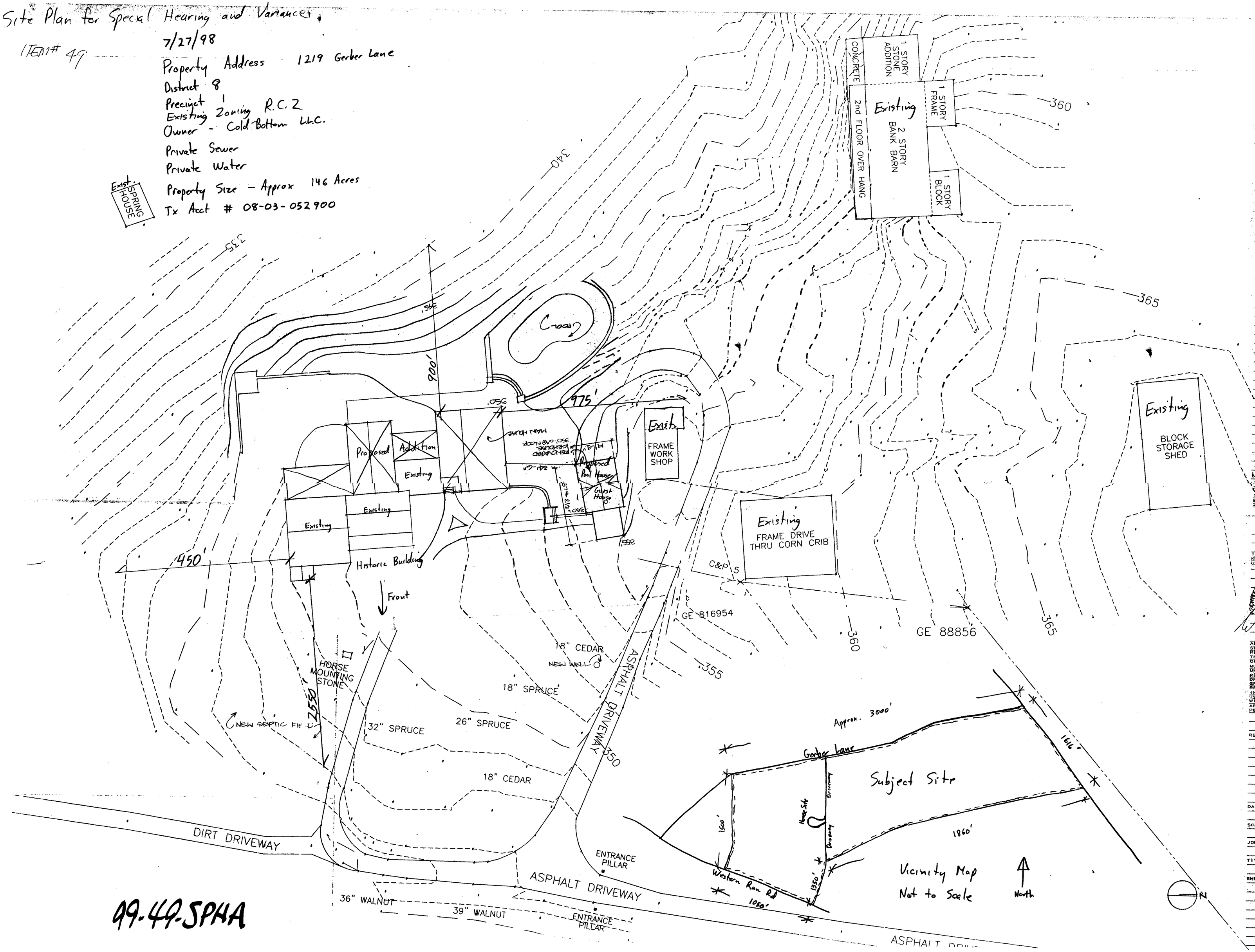
CASE 99-49-SPHA

Site Plan for Special Hearing and Variances

ITEM # 49

7/27/98

Property Address 1219 Gerber Lane
District 8
Precinct 1
Existing Zoning R.C.2
Owner - Cold Bottom L.L.C.
Private Sewer
Private Water
Property Size - Approx 146 Acres
Tx Acct # 08-03-052900



99-49-SPHA

RIEFE KEYHOUSE RENOVATION

CONSULTANTS

SMDA architects
1016 Morton Street
Baltimore Maryland
21201 (410)685-3582

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ARCHITECTURAL REGISTRATION BOARD 7304-C STATE OF MARYLAND

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REVISIONS

DATE 16 JUNE 1998

SCALE 1" = 20'

JOB NO. 97030

TITLE SITE PLAN - EXISTING

SHEET NO.

SP2

MARYLAND HISTORICAL TRUST

INVENTORY FORM FOR STATE HISTORIC SITES SURVEY

1 NAME

HISTORIC

Conclusion

AND/OR COMMON

2 LOCATION

STREET & NUMBER

Gerber Lane & Thornton Mill Road

CITY, TOWN

Sparks

— VICINITY OF

CONGRESSIONAL DISTRICT

8

STATE

Maryland

COUNTY

Baltimore

3 CLASSIFICATION

CATEGORY	OWNERSHIP	STATUS	PRESENT USE	
—DISTRICT	—PUBLIC	—OCCUPIED	—AGRICULTURE	—MUSEUM
—BUILDING(S)	—PRIVATE	—UNOCCUPIED	—COMMERCIAL	—PARK
—STRUCTURE	—BOTH	—WORK IN PROGRESS	—EDUCATIONAL	—PRIVATE RESID
—SITE	**PUBLIC ACQUISITION**	**ACCESSIBLE**	—ENTERTAINMENT	—RELIGIOUS
—OBJECT	—IN PROCESS	—YES: RESTRICTED	—GOVERNMENT	—SCIENTIFIC
	—BEING CONSIDERED	—YES: UNRESTRICTED	—INDUSTRIAL	—TRANSPORTAT
		—NO	—MILITARY	—OTHER:

4 OWNER OF PROPERTY

NAME

Conclusion Farms, Inc. c/o Webster Bosler

STREET & NUMBER

Gerber Lane

Telephone #:

CITY, TOWN

Sparks

— VICINITY OF

STATE, zip code

Md. 21152

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE, REGISTRY OF DEEDS, ETC

Baltimore County Courthouse

Liber #: 4858

Folio #: 359

STREET & NUMBER

Washington Avenue

CITY, TOWN

Towson

STATE

Md.

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

None

DATE

DEPOSITORY FOR SURVEY RECORDS

—FEDERAL —STATE —COUNTY —LOCAL

A.3.

CITY, TOWN

STATE