

IN RE: PETITION FOR SPECIAL HEARING
NE/S Belmont Avenue, 4,600' NW of
the c/l of Tufton Avenue
(56.242 Acres)
4th Election District
3rd Councilmanic District

Clarence L. Elder
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-048-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Clarence L. Elder, through his attorney, G. Scott Barhight, Esquire. The Petitioner requests a special hearing to approve the location of the proposed single family dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in support of the request were Clarence L. Elder, property owner, Bruce E. Doak, Registered Property Line Surveyor who prepared the site plan for this property, and G. Scott Barhight, Esquire, attorney for the Petitioner. Also appearing in support of the request were other members of the Elder family and friends. Appearing as an interested person was Peter Winkenwerder, an adjacent property owner. There were no Protestants or other interested persons present.

The subject property is an irregular shaped parcel containing approximately 56.242 acres, zoned R.C.2, and is presently unimproved. The topography of the property is remarkable in that it features a significant area of steep slopes and is crossed by a small stream. The Petitioner proposes to develop the property with a single family dwelling in the location shown on the site plan submitted into evidence as Petitioner's Exhibit 1. As more particularly shown on the site plan,

ORDER RECEIVED FOR FILING

Date 12/17/99

By [Signature]

the proposed location for the dwelling is in an area where the property is the most level. Moreover, the proposed dwelling will be atop a ridge that runs along the east side of the property.

There are no zoning variances requested for the proposed construction. That is, the applicant is not requesting relief from any area setback requirements. Moreover, the proposed building location meets all building and zoning regulations. However, the special hearing relief being requested is due to a decision rendered by Deputy Zoning Commissioner Timothy M. Kotroco on February 26, 1996 in prior Case No. 96-169-SPH. In that case, the then property owners, Richard D. and Mary C. Maffezzoli, and Patricia A. Ward sought special hearing approval of the reconfiguration of lot lines within an overall tract of land. Deputy Commissioner Kotroco granted the relief which essentially created the subject 56.242-acre parcel. Moreover, his Order verified that a single building right was reserved to that property.

In granting the Petition, Deputy Commissioner Kotroco entered a restriction in his Order requiring that any party seeking to develop the subject parcel with a single family dwelling must request a special hearing to approve the location for said dwelling. As fully set forth in Deputy Commissioner Kotroco's Order, this restriction was imposed at the request of adjacent property owners, with the consent of the then Petitioners/property owners. Mr. Elder subsequently acquired the subject property and now wishes to build a home thereon. Thus, the instant Petition was filed to approve the location for the proposed dwelling.

As a preliminary matter, Mr. Elder, through his Counsel, moved for an Order which would permit him to dismiss the Petition for Special Hearing as moot. As more fully set forth in the written memorandum submitted at the hearing, the Petitioner argues that the restriction imposed by Deputy Commissioner Kotroco was illegal. Specifically, the Petitioner argues that the Hearing Officer has no authority to place such a limitation on this property under the Baltimore County Zoning Regulations, the Baltimore County Code, or case law. A full statement of the Petitioner's argument in this regard is contained within his Memorandum.

Although such an argument may or may not have merit, resolution of that question is unnecessary to resolve the issue presented in this matter. Specifically, I find that the Petitioner's

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Date 12/12/99
By [Signature]

present challenge to Mr. Kotroco's Order must be dismissed, as untimely. I explain. It is a well-settled principle of the law that a final judgment entered in any case represents the end of the litigation. Public policy demands that litigation be ended once the parties have had their day in court. (See e.g., Schneider v. Schneider, 35 Md. App. 250 (1970). In fact, the Maryland Rules (Rule 2-535) permit a court to exercise revisory power and control over a judgment more than 30 days after its entry, only in the event of fraud, mistake, or irregularity.

In this case, I find no evidence of fraud, mistake, or irregularity. Rather, the Petitioner's argument is an interpretation of the law; to wit, the authority of the Zoning Commissioner. The basis of Commissioner Kotroco's Order is not tainted by any of the doctrines of fraud, mistake, or irregularity. Therefore, under these circumstances, I find the Petitioner's challenge to Commissioner Kotroco's Order untimely. As such, it will be rejected. This is an issue which might ultimately be considered in another case, on another day.

Turning to the merits of the Petition for Special Hearing, testimony and evidence was received from Mr. Doak regarding the subject property. He presented uncontradicted and persuasive testimony that the area proposed for the dwelling is appropriate. In addition to not requiring any zoning variances, as set out above, Mr. Doak observed that the proposed location is the most level area of the property, is within an area where percolation and well tests have been successfully completed, and will prevent unreasonable use of the subject property.

Testimony was also received from Mr. Winkenwerder, the adjacent neighbor. His comments primarily related to the proposed means of access to the dwelling which had not yet been formulated at the time of the hearing. Obviously, the construction of any road or driveway must be cognizant of environmental concerns and public safety. Nonetheless, Mr. Winkenwerder's testimony and comments did not bear directly on the issue presented.

Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Special Hearing. In granting the relief, I will condition approval in accordance with the site plan submitted which specifically depicts the location of the proposed dwelling. Moreover, I will not incorporate any restrictions on the design, architectural style, or construction of the proposed

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Date 12/17/99
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dwelling, for so long as same meets appropriate building code and zoning requirements. Obviously, development must also comply with the appropriate environmental regulations as set out in the Baltimore County Code, and enforced by the Department of Environmental Protection and Resource Management (DEPRM).

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of December, 1999 that the Petition for Special Hearing seeking approval of the location of the proposed single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed dwelling shall be built in compliance with all appropriate building code and zoning requirements. Development must also comply with the appropriate environmental regulations as set out in the Baltimore County Code, and enforced by the Department of Environmental Protection and Resource Management (DEPRM).
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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12/17/99

12/17/99



Baltimore County
Zoning Commissioner

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

December 17, 1999

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, Suite 400
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/S Belmont Avenue, 4,600' NW of the c/l of Tufton Avenue
(56.242 Acre-Parcel)
4th Election District – 3rd Councilmanic District
Clarence L. Elder – Petitioner
Case No. 00-048-SPH

Dear Mr. Barhight:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Clarence L. Elder
12643 Greenspring Avenue, Owings Mills, Md. 21117
Mr. Bruce E. Doak, Gerhold Cross & Etzel
320 E. Towsontown Blvd., Towson, Md. 21286
Mr. Peter Winkenwerder
3700 Belmont Avenue, Glyndon, Md. 21071
DEPRM; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



CLARENCE L. ELDER

Petitioner

v.

PEOPOLE'S COUNSEL FOR
BALTIMORE COUNTY, et. al..

Protestants

* BEFORE THE

* ZONING COMMISSIONER'S OFFICE

* FOR

* BALTIMORE COUNTY

* Case No.: 048-SPH

* * * * *

**MEMORANDUM OF LAW IN SUPPORT OF
PETITIONER'S MOTION TO DISMISS THIS PETITION FOR SPECIAL HEARING**

COMES NOW, Petitioner, Clarence L. Elder, by and through his attorneys, G. Scott Barhight, Esq., and Whiteford, Taylor & Preston, and respectfully submits this Memorandum of Law in Support of his Motion to Dismiss the instant Petition for Special Hearing to approve the location of a proposed dwelling.

INTRODUCTION

Mr. Elder is the owner of property located on Belmont Road, near its intersection with Tufton Road, in northern Baltimore County. The subject property comprises 56.242 acres +/-, and is zoned R.C. 2. Mr. Elder plans on building a principal dwelling on this land for his and his family's personal use. Mr. Elder purchased this property from Dr. and Mrs. Maffezzoli, who appeared before Deputy Zoning Commissioner Timothy M. Kotroco in Case No. 96-169-SPH, at which time they were granted approval for reconfiguration of lot lines and the allocation of one building right to construct a residential dwelling on this 56.242 acre +/- parcel.

During the hearing for Case No. 96-169-SPH, testimony was presented by the Valleys Planning Council, the Baltimore County Landmarks Preservation Commission, and the Office of Planning, that Dr. Maffezzoli or any future owner should be restricted as to where a residence could be located on the 56.242 acre +/- parcel. These protestants opined that a dwelling should not be located atop the ridge line that runs through the parcel. Dr. Maffezzoli asserted that he should only be limited by the Baltimore County Zoning Regulations and any applicable building requirements, such as well and septic. He noted that the property affords its owner a tremendous view of the Valleys and that this is one of the virtues of the property which increase its economic value.

In his opinion dated 2/26/96, Mr. Kotroco found that any decision regarding an attempt to restrict the placement of a dwelling on this property was premature. He noted that no percolation tests had been performed, nor had any wells been dug to determine where appropriate locations for

such structures would be. Mr. Kotroco also noted that other naturally occurring features to this land may exist which could restrict development on the property for residential purposes. However, Mr. Kotroco imposed a restriction with his Order that a special hearing be held to determine the appropriate location for a dwelling on this parcel when the property owner sought to build such a dwelling.

Pursuant to the Order in Case No. 96-169-SPH, Mr. Elder filed the Petition for Special Hearing to approve the location of a proposed dwelling that is the subject of this instant matter. However, other than the Baltimore County Zoning Regulations, there is no authority on which a hearing officer could impose any limitation on the location of Mr. Elder's proposed dwelling. Since Mr. Elder is prepared to comply with all relevant zoning regulations, there is no basis on which a hearing officer could further limit the location of Mr. Elder's proposed dwelling.

ARGUMENT

I. The Hearing Officer is restricted in his ability to impose conditions.

It is the job of both the Zoning Commissioner and the Deputy Zoning Commissioner, as Hearing Officers, to enforce the Baltimore County Zoning Regulations ("BCZR"). To that end, they are authorized to conduct hearings regarding compliance with the zoning regulations. They are further authorized to conduct hearings involving the proper interpretation of the zoning regulations. *See*, BCZR §§ 500.6, 500.7, Baltimore County Zoning Commissioner Policy Manual, § 500, p. 5-1.1.¹ The BCZR provide that the zoning regulations are to be interpreted as "the minimum requirements for the promotion of the public health, safety, convenience and general welfare." *See*, BCZR § 600.

A hearing officer's power is founded in the authorities with which the hearing officer has been provided. These authorities are the Baltimore County Code ("BCC") and the BCZR. Therefore, in making a decision on a petition for special hearing, a hearing officer must base his Findings of Fact and Conclusion of Law on the power afforded him in these authorities. Nowhere in either the BCC or the BCZR are hearing officers provided with any other authority on which to base a decision on a petition for special hearing.

II. The Hearing Officer has no authority to place any limitations on the location of Mr. Elder's proposed dwelling, other than the limitations provided in the Baltimore County Zoning Regulations.

¹ In addition to special hearings, the hearing officers are authorized to conduct hearings on petitions for special exceptions and petitions for variances. *See*, Baltimore County Code ("BCC"), § 26-127. As is with regard to special hearings, in conducting hearings on special exceptions and variances, the hearing officers' power is subject to the provisions set forth in the zoning regulations. *Id.*

Mr. Elder's property is zoned R.C. 2. One-family detached dwellings are permitted by right in all R.C. 2 zones. See, BCZR § 1A01.2.B.1. There are bulk regulations for dwellings in R.C. 2 zoned land, and Mr. Elder is prepared to comply with all of these limitations. See, BCZR § 1A01.3. Mr. Elder has retained an expert witness who is a certified land surveyor, Mr. Bruce Doak, to testify on his behalf that the proposed dwelling does in fact meet all relevant regulations. Furthermore, as Mr. Doak will explain at the hearing of this matter, the proposed location of Mr. Elder's future home has been selected in accordance with all relevant zoning regulations. There are no development issues associated with this matter, and therefore the only relevant authority is the BCZR.

Part of Mr. Elder's property contains a ridge, and it is on a section of this ridge that Mr. Elder desires to build his home. Nowhere in the R.C. 2 regulations, or anywhere else in the BCZR, is there a provision restricting the location of a dwelling based upon whether it is located on a ridge or based upon whether it can be seen from any other point. Additionally, nowhere in either The Plan for the Valleys or its Supplement, published by the Valleys Planning Council, is there a reference to any policy of disfavoring houses on ridges. In fact, these publications call for preserving and protecting the valuable prime productive soils and the valuable valley walls. Mr. Elder took into account where the prime productive soils were on his property, and his site plan proposes building his home in an area that will best allow for the protection of the property's natural resources.

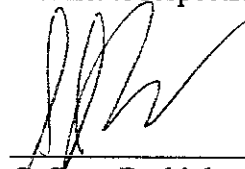
Presumably, there are persons opposed to Mr. Elder building a home on his ridge. However, any such opposition should not be considered by the hearing officer since Mr. Elder's proposed home already complies with all of the relevant zoning regulations. Therefore, there are no provisions in the BCZR or the BCC which provide a hearing officer the authority to restrict Mr. Elder from building a one-family dwelling on the ridge that exists on his land.

A zoning decision may not solely be grounded upon aesthetic reasons since to do so would be an improper use of the hearing officer's power. See, Coscan Washington, Inc. v. Maryland-National Capital Park & Planning Comm'n, 87 Md. App. 602, 590 A.2d 1080 (1991). In fact, a hearing officer's decision can only be based upon the authorities with which he is provided, and in this matter, there is no authority on which a hearing officer could prohibit Mr. Elder from building a home on his ridge. Arbitrary, capricious and unreasonable zoning decisions are prohibited. The legal system ensures that zoning decisions are competent, material, and based on substantial legal provisions and authorities.

"An expressly permitted use by zoning designation is tantamount to a legislative finding that he use [is] in harmony with the general zoning plan. Thus, in reviewing a site plan, the planning commission may consider only those factors specifically enumerated in the statute." Friel v. Triangle Oil Co., 76 Md. App. 96, 109, 543 A.2d 864 (1988) (internal citations omitted). Similarly, a hearing officer reviewing Mr. Elder's site plan for a permitted use may consider only the authorities he has been provided, and an Order on this matter must be based on these authorities.

CONCLUSION

For the reasons set forth above, Petitioner Clarence L. Elder respectfully requests that this Petition for Special Hearing be dismissed.



G. Scott Barhight
Whiteford, Taylor & Preston L.L.P.
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515
(410) 832-2000

Attorney for Petitioner,
Clarence L. Elder

182525



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Belmont Road
which is presently zoned R.C. - 2

This Petition shall be filed with the Department of Permits and 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 location of) a proposed dwelling

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

G. Scott Barhight, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston L.L.P.

Company Suite 400

210 West Pennsylvania Ave. (410) 832-2000

Address

Towson, Maryland

21204

Telephone No.

City

State

Zip Code

Legal Owner(s):

Clarence L. Elder

Name - Type or Print

Signature

Name - Type or Print

12643 Greenspring Avenue

Signature

Owings Mills, Maryland 21117

Address

Telephone No

City

State

Zip Code

Representative to be Contacted:

G. Scott Barhight, Esquire

Name Suite 400

210 West Pennsylvania Ave. (410) 832-2000

Address

Towson, Maryland

21204

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2.00 hrs.

UNAVAILABLE FOR HEARING

Reviewed By JLL

Date 8-3-99

Case No. 00-48-SPH

RE 9/15/98

COPIES AVAILABLE FOR FILING

Date

By

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. JERICH

July 26, 1999

Zoning Description
56.242 Acres, More or Less, Parcel of Land

Beginning for the same at a point on or near the centerline of Belmont Road, 4,600 feet, more or less, northwesterly, along the centerline of Belmont Road, from the intersection of the centerline of Belmont Road with the centerline of Tufton Avenue, running thence along Belmont Road the four following lines, viz; 1) North 64 degrees 21 minutes 01 seconds West 240.00 feet, 2) Northwesterly by a line curving to the right and having a radius of 265.00 feet for an arc distance of 233.66 feet (the chord of said arc bearing North 39 degrees 05 minutes 25 seconds West 226.16 feet, 3) North 13 degrees 49 minutes 49 seconds West 314.64 feet, 4) North 07 degrees 41 minutes 34 seconds West 273.72 feet, thence leaving Belmont Road, 5) North 43 degrees 29 minutes 06 seconds East 116 feet, 6) North 43 degrees 29 minutes 06 seconds East 1327.09 feet, 7) North 43 degrees 29 minutes 06 seconds East 481.46 feet, 8) South 31 degrees 38 minutes 37 seconds East 751.28 feet, 9) South 04 degrees 09 minutes 13 seconds West 1100.00 feet, 10) South 28 degrees 21 minutes 04 seconds West 516.78 feet, 11) South 28 degrees 21 minutes 04 seconds West 200.00 feet, 12) North 69 degrees 30 minutes West 830 feet, 13) North 04 degrees 14 minutes 43 seconds East 419.70 feet, 14) North 39 degrees 03 minutes 10 seconds West 170 feet, 15) South 41 degrees West 205 feet, and 16) South 15 degrees 40 minutes East 593.65 feet to the place of beginning.

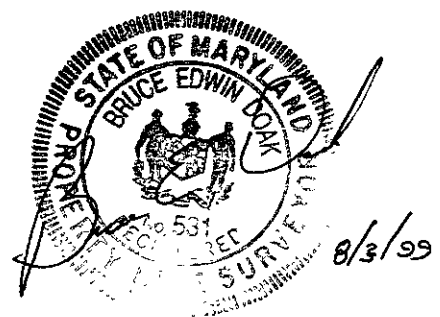
00-48-5PH

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

Containing 56.242 Acres of land, more or less.

This description only satisfies the requirements of the office of zoning and is not intended to be used for conveyance purposes.



48

BALTIMORE COUNTY, MARYLA
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

48
Item No. 070509

DATE 8.5.99 ACCOUNT R-001-6150
AMOUNT \$ 50.00

RECEIVED FROM: Whiteford Taylor &
FOR: Special Hearing Filing Fee

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTION TIME
10/3/1999 8/03/1999 13:20:30
M/G 00015 CASHIER PGT9 PER DEBITER
0001 5 528 7000000000000000
0001 00000 0000000000000000
CR NO. 070509
Nett Tot 50.00
50.00 CR
BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

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

Case: #00-048-SPH
N/S Belmont Road, 4600 4th
W of Catherine Tilton Avenue
4th Election District
3rd Councilmanic District
Legal Owner(s): Clarence Elder

Special Hearing: to approve (the location of) a proposed dwelling.

Hearing: Wednesday, September 22, 1999 at 10:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JTU/9/778 Sept: 7 0337908

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/9, 19 99

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 Tues 9/7, 19 99.

THE JEFFERSONIAN,

P. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 00-048-SPH
PETITIONER/DEVELOPER:
(Clarence L. Elder)
DATE OF Hearing
(Oct. 19, 1999)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 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
Belmont Ave. W/Of Tufton Ave. Baltimore, Maryland 21136_____

The sign(s) were posted on _____ 10-4-99 _____
[Month, Day, Year]

Sincerely,

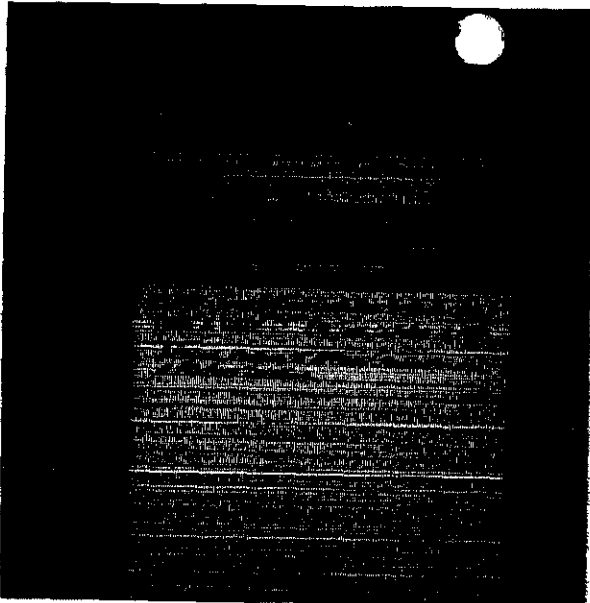

[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ (410)-687-8405 _____
[Telephone Number]



CERTIFICATE OF POSTING

RE: CASE # 00-48-SPH
PETITIONER/DEVELOPER
(Clarence L. Elder)
DATE OF Hearing
(Dec. 8, 1999)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 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
Belmont Ave. W/of Tufton Ave. Baltimore, Maryland 21136—

The sign(s) were posted on 11-22-99
[Month, Day, Year]

Sincerely,

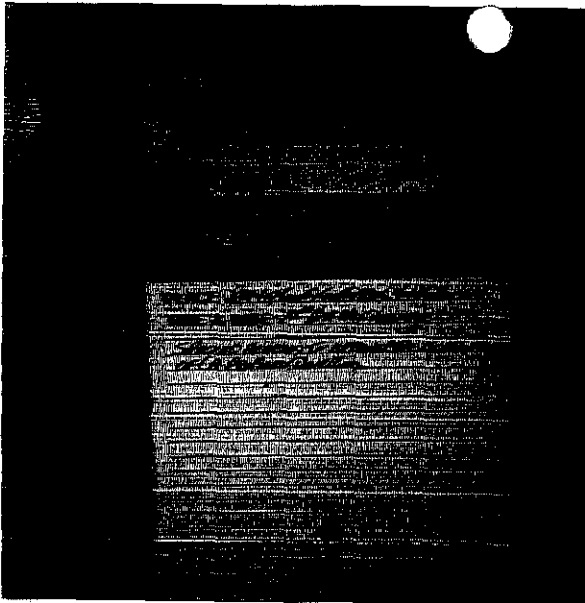

(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. ____

____ 325 Nicholson Road ____

____ Baltimore, Maryland 21221 ____

____ (410)-687-8405 ____
(Telephone Number)



CERTIFICATE OF POSTING

RE: Case No.: 00-048-SPH

Petitioner/Developer: _____

BARRY J. RENBAUM

Date of Hearing/Closing: 11/22/99

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 _____

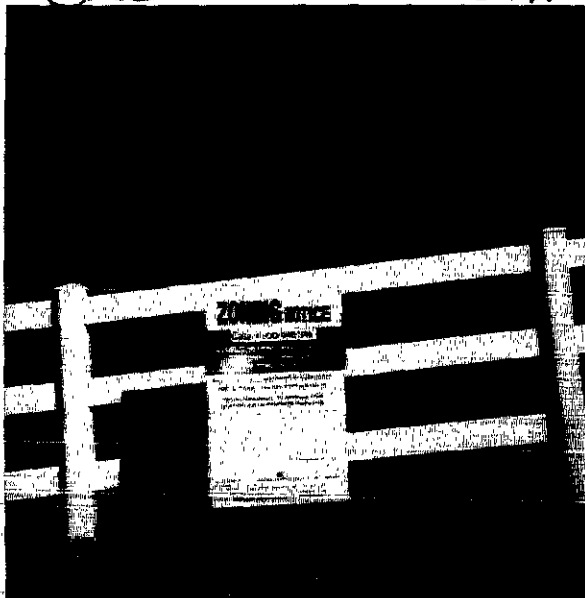
N/S BELMONT RD- 4600'± W. OF & TUFTON AVE

The sign(s) were posted on _____

11/5/99

(Month, Day, Year)

CASE # 00-048-SPH



Sincerely,

Richard E. Hoffmann 11/5/99
(Signature of Sign Poster and Date)

RICHARD E. HOFFMANN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

N/S BELMONT RD- 4600'± W. OF TUFTON AVE

POSTED 11/5/99

Richard E. Hoffmann 11/5/99

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-48-SPH
Petitioner: Clarence Elder
Address or Location: Belmont Rd. (Sagamore Farms)

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer Busse - Whiteford, Taylor + Preston
Address: 210 W. Pennsylvania Ave., 4th Floor
Towson, MD 21204
Telephone Number: 410. 832. 2077

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 7, 1999 Issue – Jeffersonian

Please forward billing to:

Jennifer Busse
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
4th Floor
Towson, MD 21204

410-832-2077

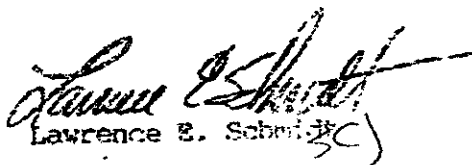
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CASE NUMBER: 00-048-SPH
N/S Belmont Road, 4600' +/- W of centerline Tufton Avenue
4th Election District – 3rd Councilmanic District
Legal Owner: Clarence L. Elder

Special Hearing to approve (the location of) a proposed dwelling.

HEARING: Wednesday, September 22, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 26, 1999

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: 00-048-SPH
N/S Belmont Road, 4600' +/- W of centerline Tufton Avenue
4th Election District – 3rd Councilmanic District
Legal Owner: Clarence L. Elder

Special Hearing to approve (the location of) a proposed dwelling.

HEARING: Wednesday, September 22, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: G. Scott Barhight, Esquire, 210 W. Pennsylvania Ave., Suite 400, Towson 21204
Clarence L. Elder, 12643 Greenspring Avenue, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SEPTEMBER 7, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



RE: PETITION FOR SPECIAL HEARING
Belmont Road, N/S Belmont Rd,
4600' +/- W of c/I Tufton Ave
4th Election District, 3rd Councilmanic

Legal Owner: Clarence L. Elder
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-48-SPH

* * * * *

ENTRY OF APPEARANCE

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


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of August, 1999 a copy of the foregoing Entry of Appearance was mailed to G. Scott Barbight, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioners.


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

October 15, 1999

Mr. G. Scott Barthight, Esq.
Whiteford, Taylor & Preston L.L.P
210 West Pennsylvania Avenue
Towson, MD 21204

Dear Mr. Barthight:

RE: 00-048-SPH , Belmont Road

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

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, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: September 2, 1999

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for August 30, 1998
Item No. 048

The Bureau of Development Plans Review has reviewed the subject zoning item. Per our record, aerial photo (no. NW18H - dated January, 1986), there is an existing building where the proposed dwelling is shown.

RWB:HJO:jrb

cc: File

ZAC08309.048

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *mb*

DATE: September 14, 1999

SUBJECT: Zoning Item #48
Elder Property, Belmont Road

Zoning Advisory Committee Meeting of August 23, 1999

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ 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 Plan should indicate how access is to be gained to the proposed building area and whether drive that straddles the property line will be used.
- X The proposed house location is on prime and productive soils, which conflicts with BCC Section 26-277 (C). Suggest to move proposed house on other areas of property that are not located on prime and productive soils.

hs
9/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 14, 1999

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

SUBJECT: Belmont Road

INFORMATION:

Item Number: 48

Petitioner: Clarence Elder

Zoning: RC-2

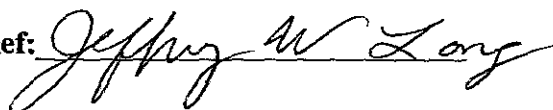
Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

While the ownership of the property has changed since this site was last subject of a zoning hearing, the February 2, 1996 Office of Planning comment (see attached) continues to express the position of the Office of Planning. In addition, the Landmarks Preservation Commission submitted comments (see attached). Subsequent to the hearing and in consideration of the comments submitted, the Deputy Zoning Commissioner, in his order, stated "that a special hearing be held to determine the appropriate location for a dwelling on this parcel at such time as an application for building permit has been filed for same."

Based upon the information provided by the applicant, the Office of Planning is unable to provide a recommendation at this time. On September 14, 1999, Bill Hughey, 3rd District Community Planner, contacted the applicant's attorney, Scott Barhight and informed him that the staff could not comment on the appropriateness of the house location, and asked for additional details. It is our understanding that this additional information regarding the proposed house location is not available at this time.

Section Chief:



AFK/JL

hs
9/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: September 3, 1999

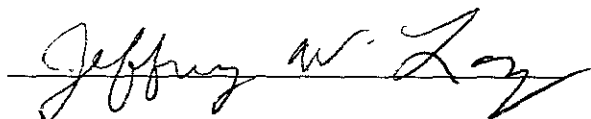
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 048

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 9 . 9 . 9 9

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

RE: Baltimore County
Item No. 048

J J S

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1- Kenneth A. McDonald Jr.
Acting Chief
Engineering Access Permits Division

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

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

JENNIFER R. BUSSE
DIRECT NUMBER
410 832-2077
jbusse@wtplaw.com

**WHITEFORD, TAYLOR & PRESTON
L.L.P.**

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1517 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

September 16, 1999

Via Facsimile - 410-887-5708

Sophia Jennings
Baltimore County Department of Permits and Development Management

Re: Postponement of hearing date for lack of Posting
Case #: 00-048-SPH
Legal Owner: Clarence L. Elder

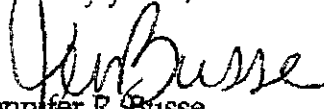
Dear Sophie:

Please re-set the hearing in this matter on account of the fact that it was not properly posted. A copy of the Notice of Zoning Hearing we received is attached, showing the current hearing date as 9/22/99 at 10:00 a.m.

I am truly sorry for the inconvenience I know this causes you. Please contact me with any concerns.

Thank you for your continued cooperation. I look forward to hearing from you.

Sincerely yours,


Jennifer R. Busse

JRB:jrb
Attachment

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

10/28/99
c8
GGS

October 28, 1999

Mr. Arnold Jablon, Director
Baltimore County Department of
Permits & Development Management
County Office Building
101 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 00-48-SPH,
Petitioner: Clarence L. Elder

Dear Mr. Jablon:

We are in receipt of the notice from your office rescheduling the above-captioned matter for a Hearing Officer's hearing. Enclosed with this letter is a copy of the notice we received from your office. Unfortunately, Mr. Bruce Doak, a land surveyor with the firm of Gerhold, Cross and Etzel, who has personally worked on this matter and who will necessarily serve as an expert witness on behalf of Mr. Elder in the hearing of this matter, has already committed to being out of town for the entire week of November 22, 1999. Therefore, we respectfully request that this matter be reset for a hearing at another time.

I apologize for any inconvenience this may cause. Thank you for your continued cooperation.

Very truly yours,

G. Scott Barhight/jib

G. Scott Barhight

GSB:pah
Enclosure

cc: Ms. Gwendolyn G. Stephens
Mr. Clarence L. Elder
Mr. Bruce Doak

130221

99-2794



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

OCTOBER 20, 1999

Barry J. Renbaum, Esq.
Brydpmwood
Glyndon, MD 21071

Dear Mr. Renbaum:

Re: Case Number: 00-48-SPH, Petitioner: Clarence L. Elder

The above matter has been rescheduled for hearing as follows:

MONDAY, NOVEMBER 22, 1999 at 9:00 A.M. IN ROOM 407, COUNTY
COURTS BUILDING, 401 BOSLEY AVENUE, TOWSON MD.

As you are aware, it is your responsibility to have the property
posted. This must be done no later than November 7, 1999.

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

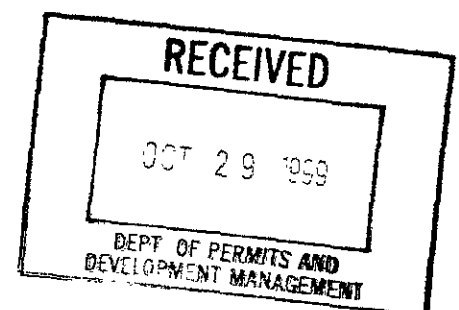
Very truly yours,

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:ggs

c: G. Scott Barhight, Esq.
Clarence L. Elder



RECEIVED

OCT 29 1999

DEPT OF PERMITS AND
DEVELOPMENT MANAGEMENT



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

September 21, 1999

Ms. Jennifer R. Busse
Whiteford, Taylor & Preston
210 West Pennsylvania Avenue
Towson, MD 21204-4515

Dear Ms. Busse:

RE: Case Number 00-048-SPH, Belmont Road

The above matter, previously assigned to be heard on September 22, 1999 has been postponed, as the property was not posted. It has been **rescheduled for Tuesday, October 19, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.** This rescheduled date was confirmed with you today.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. **The property must be posted by October 4, 1999.**

Very truly yours,

A handwritten signature in black ink, appearing to read "Arnold Jablon" with a stylized flourish at the end.

Arnold Jablon
Director

AJ:scj

C: Clarence L. Elder, 12643 Greenspring Avenue, Owings Mills 21117



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

October 15, 1999

Barry J. Renbaum, Esq.
Brydonwood
Glyndon, MD 21071

Dear Mr. Renbaum:

RE: Case Number: 00-048-SPH, Petitioner: Clarence L. Elder

The above matter, previously scheduled for October 19, 1999, has been postponed at your request. Once the hearing has been rescheduled, you will be notified by mail.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate reposting of the property now lies with you.

Upon receipt of the new hearing date, one of the currently approved vendors/posters must be contacted to post the new sign (listing enclosed). He/she will take care of the posting and associated paperwork and bill you for their services.

Very truly yours,

Arnold Jablon
Director

AJ:ggs

c: G. Scott Barhight, Esq.
Clarence L. Elder

zc office
FYI

**WHITEFORD, TAYLOR & PRESTON
L.L.P.**

SEVEN MOUNTAIN STATE
BALTIMORE, MARYLAND 21202-1025
TELEPHONE 410 447-2000
FAX 410 752-7992

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE NW
WASHINGTON, D.C. 20046-9405
TELEPHONE 202 659-6800
FAX 202 541-0375

50 COLUMBIA CORPORATE CENTER
10440 LEE PATRICK PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0715

1407 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

FACSIMILE TRANSMITTAL**FAX NUMBERS****(410) 832-2015****(410) 832-2199**

TOTAL PAGES (including cover sheet) 2		Date November 23, 1999
FIRM NAME: Zoning Commissioner's Office		File No.: 5142/002
ATTENTION: Robin	FAX #: 410-887-3468	
FROM: Jennifer R. Busse Direct Dial - 410-832-2077		
RE: Clarence L. Elder		
SPECIAL INSTRUCTIONS: Please see attached.		
<u>PRIVILEGED AND CONFIDENTIAL:</u> All information transmitted hereby is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via the U.S. mail.		

182192



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

November 5, 1999

G. Scott Barnight, Esq.
Whiteford, Taylor & Preston, LLP
210 West Pennsylvania Avenue
Towson, MD 21204

Dear Mr. Barnight:

Re: Case Number: 00-48-SPH, Petitioner: Clarence L. Elder

The above matter has been rescheduled for hearing as follows:

WEDNESDAY, DECEMBER 8, 1999 AT 10:00 A.M. IN ROOM 407, COUNTY
COURTS BUILDING, 401 BOSLEY AVENUE, TOWSON MD.

As you are aware, it is your responsibility to have the property
posted. This must be done no later than November 23, 1999.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:ggg

c: Barry J. Renbaum, Esq.
Clarence L. Elder

SPB
(*) please tel
on K
C. L. Elder
11/23/99
6
(1) Set
per Bg.
(2) Post
property

LAW OFFICE
BARRY J. RENBAUM
BRYDONWOOD
GLYNDON, MARYLAND 21071

AREA CODE 410
526-1456

10/13/99
Gwen
To - Barry
10/14/99
uor

FACSIMILE: (410) 526-7836

REPLY TO: BRYDONWOOD

October 11, 1999

Mr. Arnold E. Jablon,
Zoning Commissioner, Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Special Hearing No. 00048 5PH

Dear Commissioner Jablon:

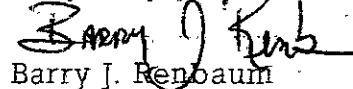
Please accept this letter as my request for a postponement respecting the above-captioned special hearing currently scheduled for October 19, 1999. The stated purpose of the hearing is to seek approval of a proposed building site on a tract in Worthington Valley popularly known as "The Hill at Sagamore Farm." Your records will confirm that this parcel of land has been the center of controversy among area residents for many years. Any meaningful community input at the hearing would require at least thirty days preparation.

I am informed that on October 4th or 5th a hearing notice was posted on the outer fringes of the subject property only to disappear the following day; its remnants were thereafter discovered on an adjacent property. Another hearing sign appeared in its place sometime after sunset on October 10th. As I understand Baltimore County Zoning Regulation, Section 500.7, the time and place for the hearing must be "...conspicuously posted on the property for a period of at least 15 days before the time of the hearing." This was not done; accordingly, any hearing conducted incident to the defective posting would be irreparably tainted. Cf. Section 500.2.(a), B.C.Z.R.

Please notice this office by letter as to the date and time of the rescheduled hearing. In addition, I respectfully request that the hearing notice be posted on the property's pastureland fronting Belmont Road for a period of thirty days prior to the hearing.

Thank you for your consideration in this matter.

Very truly yours,


Barry J. Renbaum

BJR:rr

99-2659

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

PETER WINKENWÖRDER

ADDRESS

3700 BELMONT AVENUE
GLYNDEN, MARYLAND 21071



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

CLARENCE L. ELDER

12643 GREENSPRING AVE

OWINGS, MILLS MD 21117

BRUCE DAKE GORHOLA, CROSS & EDEL 320 E. TOWSON TOWNE RD. TOWSON MD. 21286

LOUIS ELDER & Barbara Elder

12643 Greenspring Ave; Owings Mills 21117

LeAnn Elder

310 E Chatsworth Ave. Reisterstown 21136

Cherry Elder & Deborah Morgan

36 Bond Ave. Reisterstown 21136



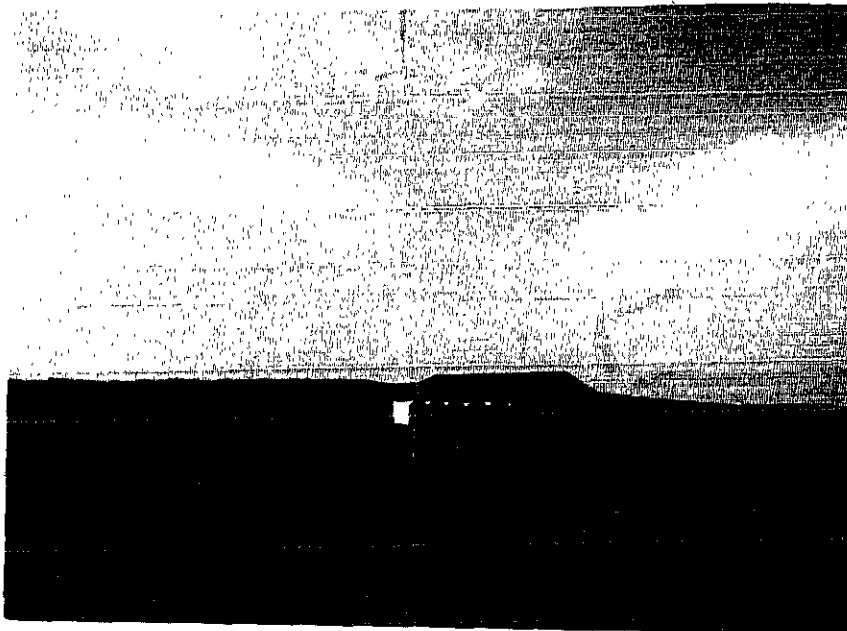
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Exhibit

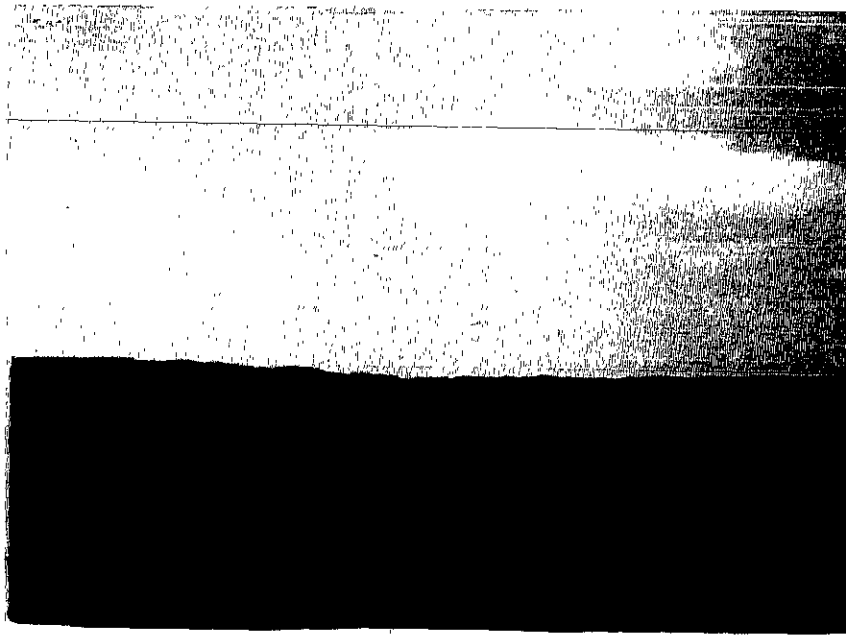
3A-3C

and

⁵
photographs

Case # 00-048-SPH









STRICT MAP OF
COUNTY, MARYLAND

Topography Compiled by Photogrammetric Methods
MAPS INCORPORATED-BALTIMORE 22, MARYLAND

REVISIONS	DATE	BY	DATE
1	1950	W. M.	
2	1950	W. M.	

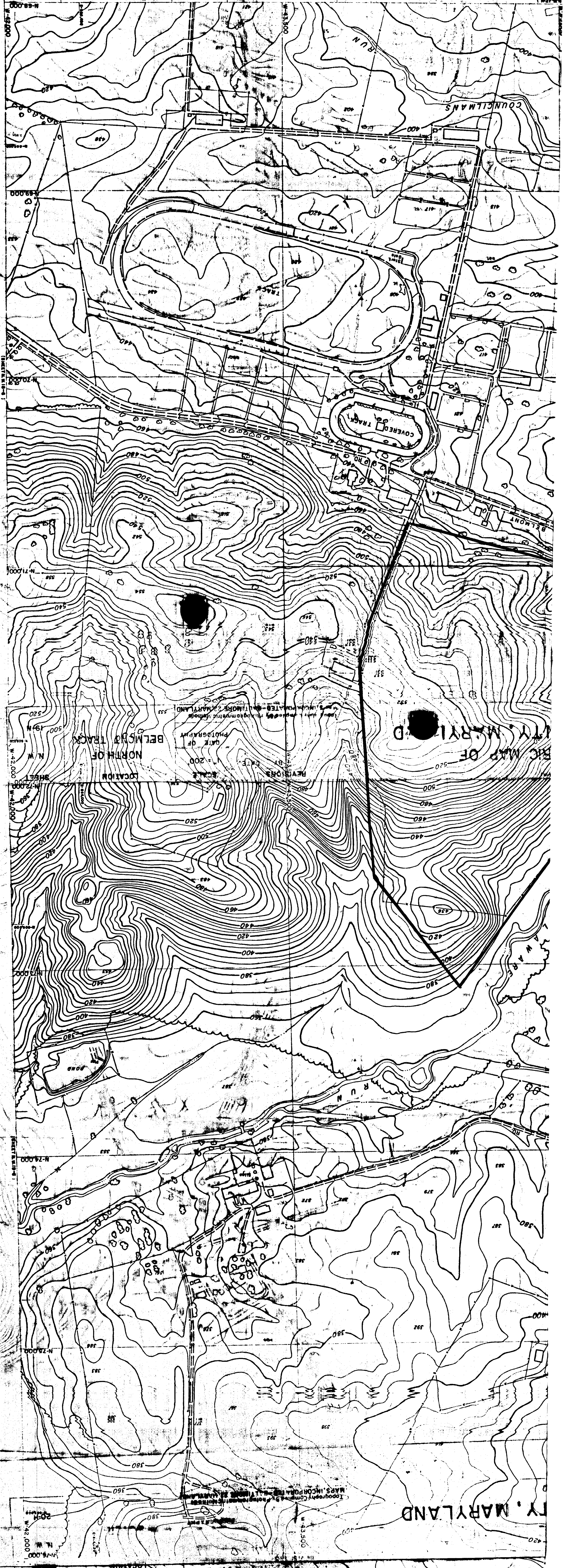
DATE OF PHOTOGRAPHY
1950

SCALE
1" = 200'

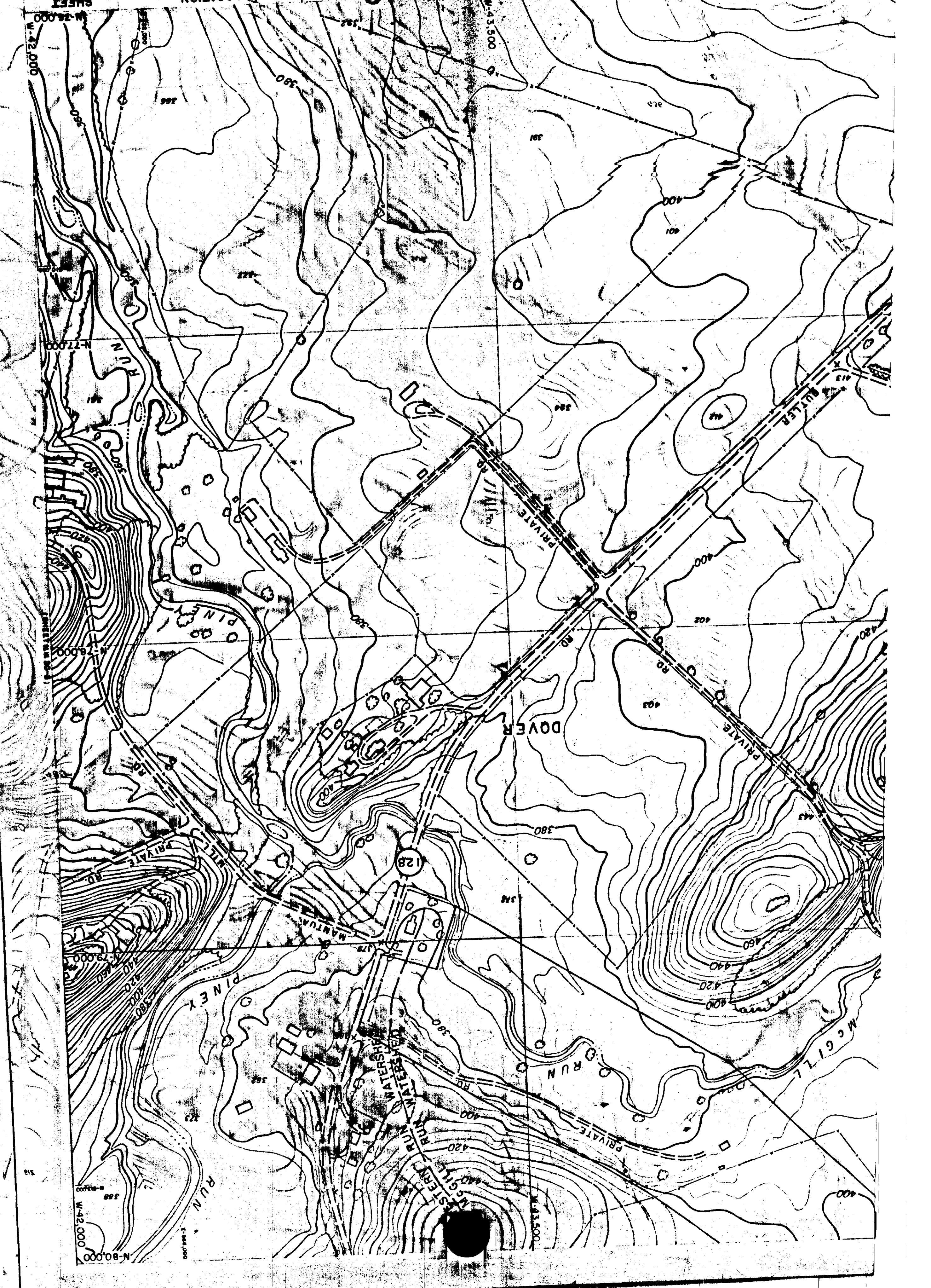
LOCATION
BELMONT TRACK

SHEET
W-2-N-W

18-M



TY, MARYLAND



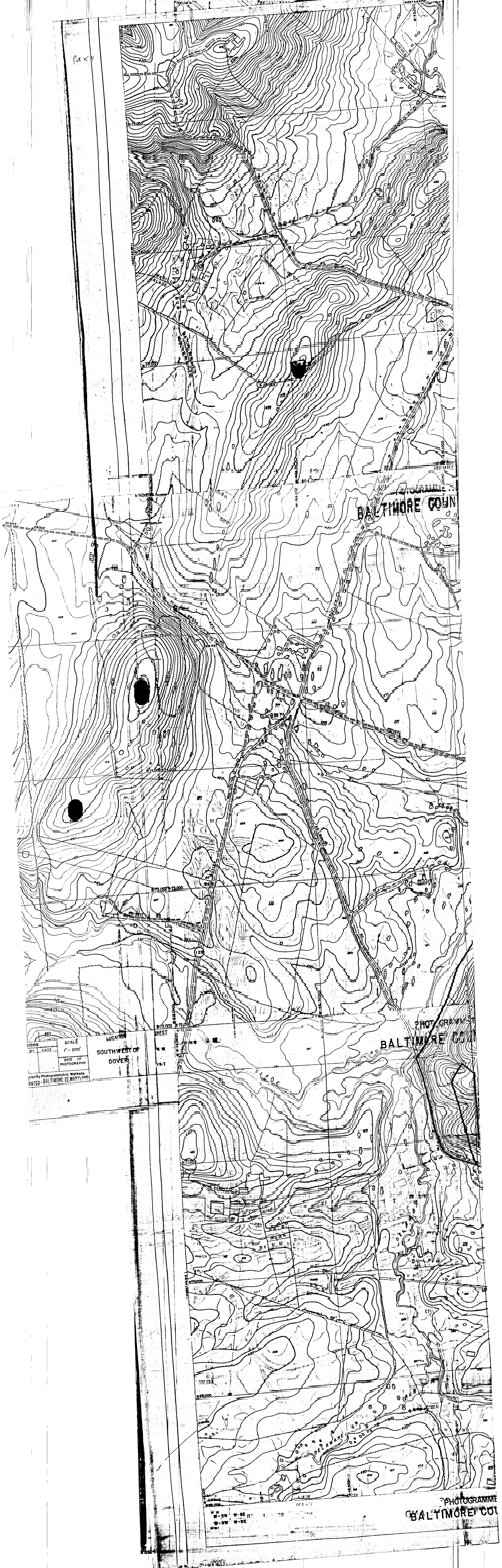
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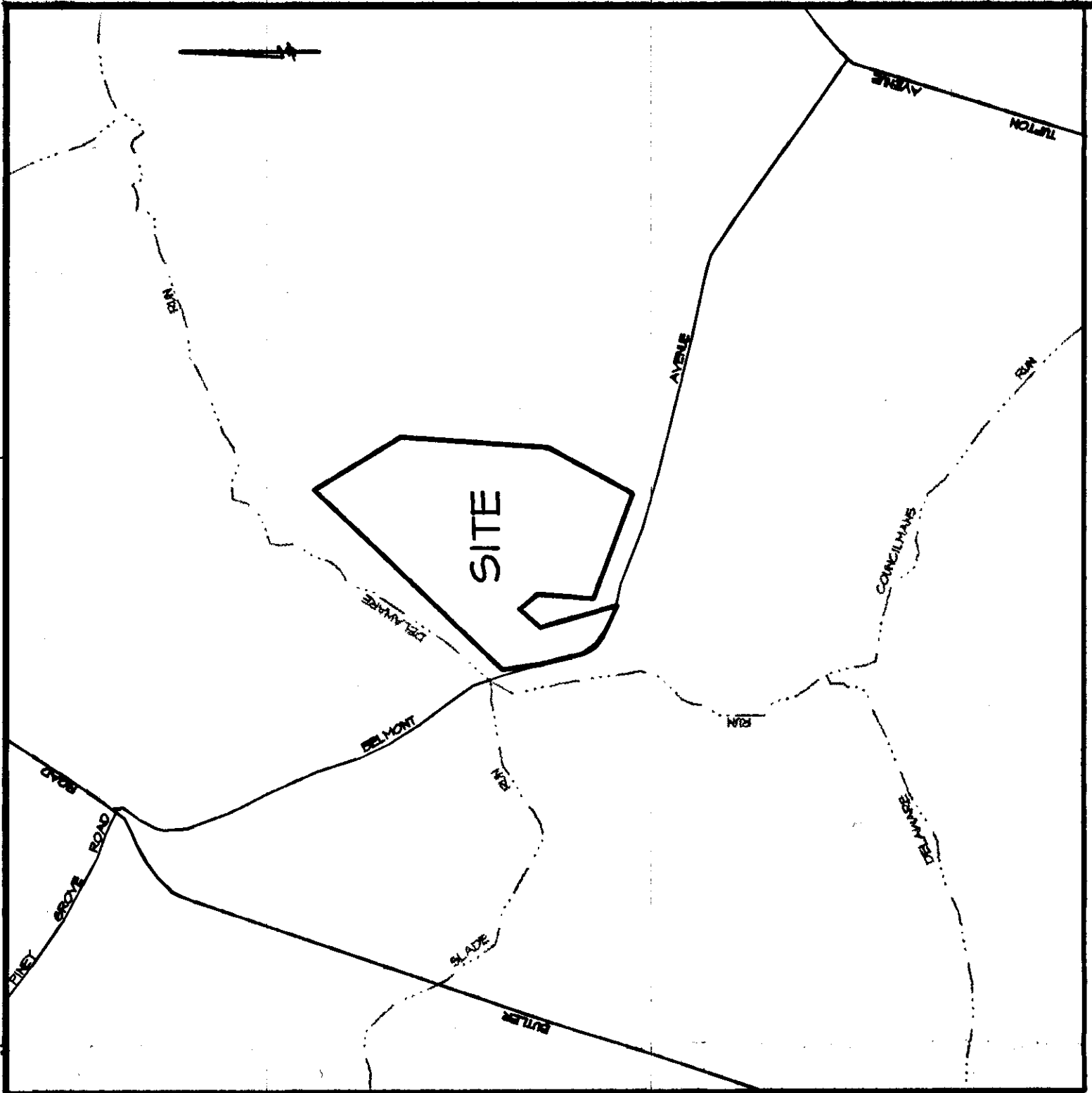
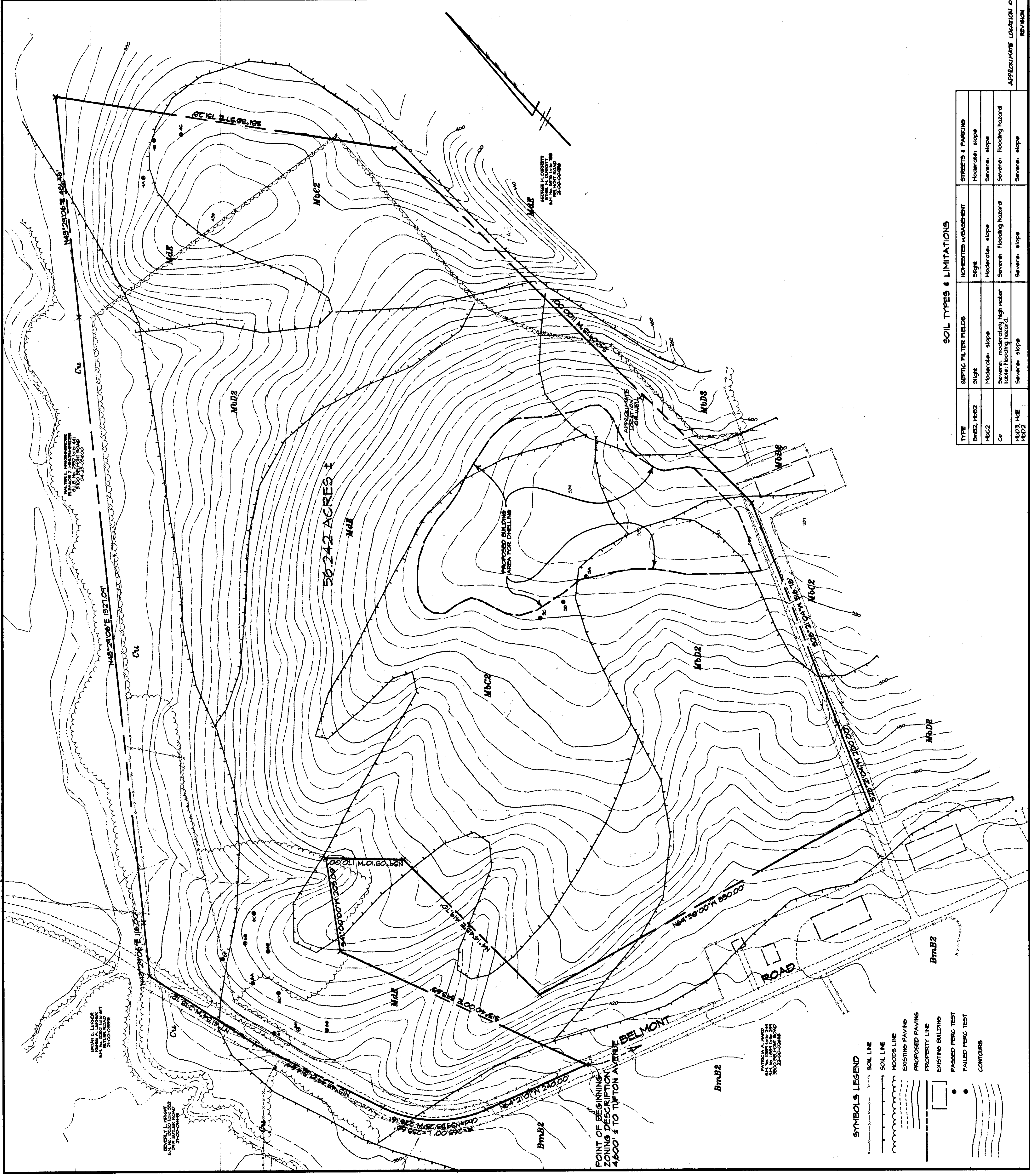
DOVER



[illegible]

N.W.

Pet X



Vicinity Map

1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED RECORDED IN BALTIMORE COUNTY IN S.M. NO. 127193 1610 570.
2. THE TOPOGRAHY SHOWN HEREON IS FROM A DEED RECORDED IN BALTIMORE COUNTY SOIL SURVEY MAP NO. 21.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 21.
4. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 21.
5. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 21.
6. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 21.
7. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 21.
8. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 21.
9. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 21.
10. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 21.

OWNER: ELDER, BARBARA K. ELDER, 3111-1025, 4100 BELMONT ROAD, BALTIMORE, MD 21206

FLAT TO ACCOMPANY A PETITION
FOR A SPECIAL HEARING
TO APPROVE THE LOCATION
OF A PROPOSED DWELLING
ON THE

ELDER PROPERTY

BELMONT ROAD
Deed Ref: S.M. No. 127193 folio 570
Tax Account No.: 22-00-024468
Zoned R.C. 2
Tax Map 40; Grid 16; Parcel 159
4th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 100' JULY 22, 1999

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towson Boulevard
Towson, Maryland 21286
(410) 823-4470

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOUSES & GARAGES	STREETS & PARKING
BmB2, HbB2	Slight	Slight	Moderate slope
HbC2	Moderate slope	Moderate slope	Severe slope
Cu	Severe, moderately high water table, flooding hazard	Severe, flooding hazard	Severe, flooding hazard
HbC3, HbE	Severe slope	Severe slope	Severe slope

SYMBOLS LEGEND

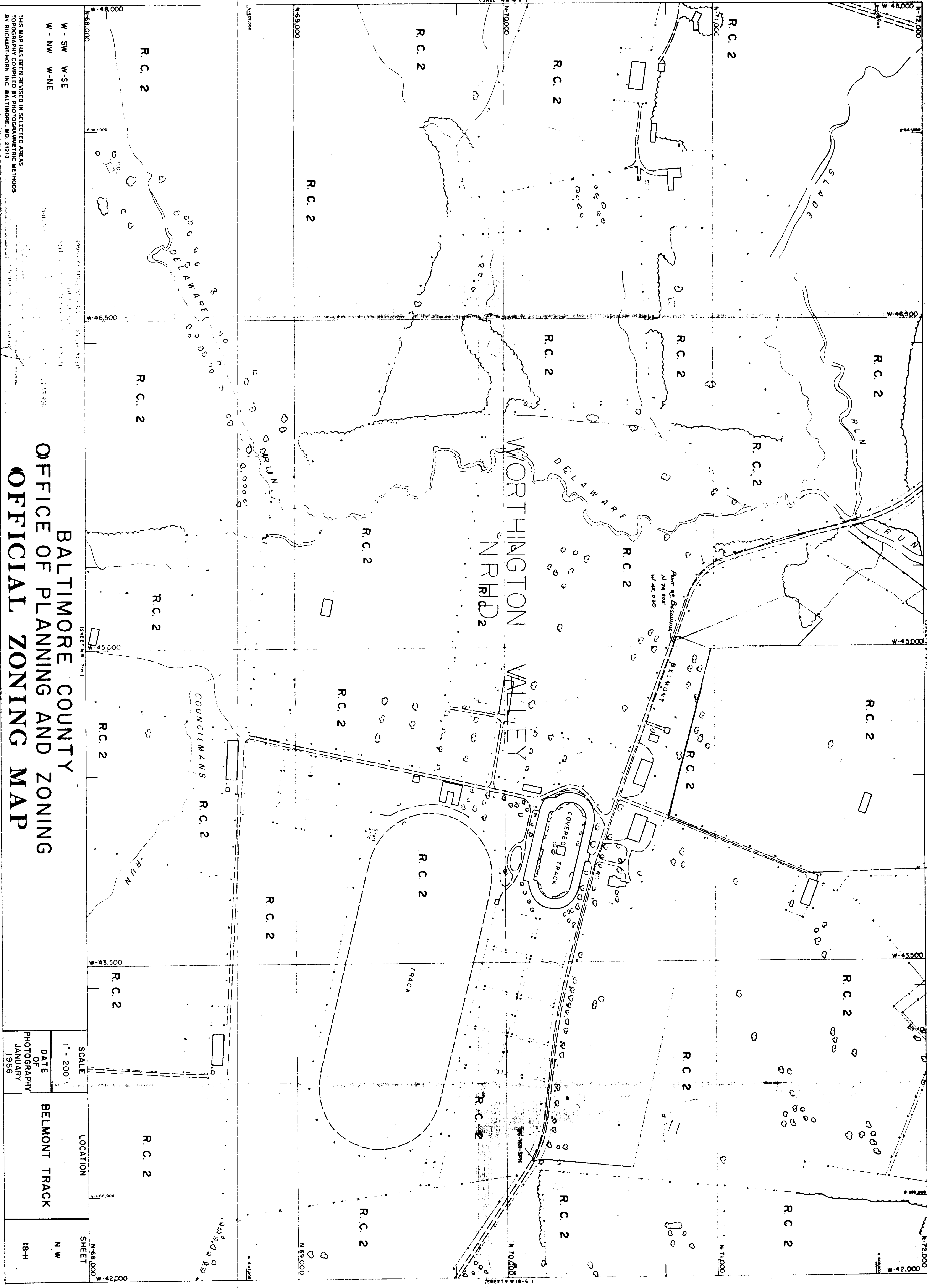
- SOIL LINE
- MOODS LINE
- EXISTING PAVING
- PROPOSED PAVING
- PROPERTY LINE
- EXISTING BUILDING
- PASSED PERC TEST
- FAILED PERC TEST
- CONTOURS

TECHNICIAN: N.E.A.

DATE: 10/19/99

APPROVALS LOCATION OF WELL SHOWN

REVISION



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

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

W - SW W-SE
W - NW W-NE

1" = 200'

SCALE

LOCATION

SHEET

DATE OF PHOTOGRAPHY

JANUARY 1986

18-H

00.048-SPH

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