

10/18/00

IN THE MATTER OF * BEFORE THE
CHARLENE C. & FRED D. MILLER -Legal
Owners; DAVID W. MILLER -C.P. * COUNTY BOARD OF APPEALS
SW/S BLACKROCK R, 990' SE OF C/L * OF
GRACE ROAD (4535 BLACKROCK RD) * OF
5TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT * BALTIMORE COUNTY

* CASE NO. 00-270-SPHA

* * * * *

**ORDER OF DISMISSAL
OF PETITIONS**

This case comes to this Board by way of an appeal filed by the Office of People's Counsel for Baltimore County from an Order of the Zoning Commissioner dated February 2, 2000 in which the subject Petitions for Special Hearing and Variance were granted.

This matter was scheduled for public hearing on Tuesday, September 26, 2000 at 10:00 a.m.

The Board convened at 10:10 a.m., noting for the record the presence of Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel for Baltimore County. There was no one in attendance on behalf of the Petitioners, Charlene C. Miller and Fred D. Miller, Legal Owners; and David W. Miller, Contract Purchaser.

The Board recessed and a telephone call was placed to Petitioners by the Board's Administrator. Mrs. Miller indicated at that time via telephone that it was Petitioners' their intention not to proceed with the petitions as filed, and, further, that no one on behalf of Petitioners would be appearing at this hearing. She was then advised that the Petitions would be dismissed by the Board and that any relief granted by the Zoning Commissioner would then be null and void.

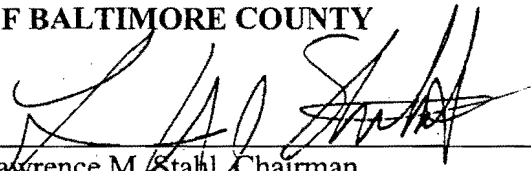
The Board reconvened and, upon Motion to Dismiss made by the Office of People's Counsel for Baltimore County and pursuant to Petitioners' failure to appear, the Petitions filed in this matter were dismissed.

IT IS THEREFORE, this 18th day of October, 2000 by the County Board of Appeals of Baltimore County

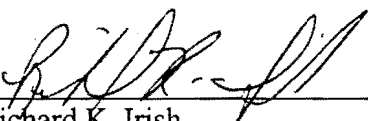
ORDERED that the Petition for Special Hearing and Petition for Variance filed in Case No. 00-270-SPHA are hereby **DISMISSED**, and it is further

ORDERED that the decision of the Zoning Commissioner in Case No. 00-270-SPHA, including any and all relief granted to Petitioners therein, is rendered **null and void**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence M. Stahl, Chairman

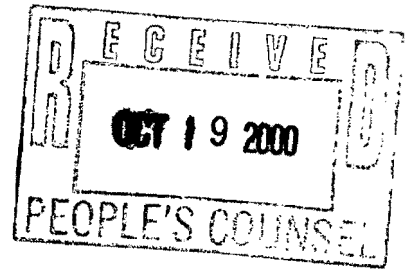
Lawrence S. Wescott

Richard K. Irish



County Board of Appeals of Baltimore County

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



October 18, 2000

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

RE: In the Matter of Charlene C. & Fred D. Miller –
Legal Owners; David W. Miller –Contract Purchaser
Case No. 00-270-SPHA / Dismissal of Petitions

Dear Counsel:

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

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

cc: Charlene and Fred Miller
David W. Miller
Pat Keller, Director /Planning
Lawrence E. Schmidt, ZC
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



2/2/00

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE – SW/S Blackrock Road,		
990' SE of the c/l Grace Road	*	ZONING COMMISSIONER
(4535 Blackrock Road)		
5 th Election District	*	OF BALTIMORE COUNTY
3 rd Councilmanic District		
	*	Case No. 00-270-SPHA
Fred D. Miller, et ux		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Fred D. and Charlene C. Miller, and their son, David W. Miller, Contract Purchaser. The Petitioners request a special hearing to approve the subject property as an undersized lot and a determination that the overall density will not be increased. In addition, variance relief is sought from Sections 1A01.3.B.2 and 3, and Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot size of 0.4762 acres in lieu of the minimum required 1.0 acre, side yard setbacks of 25 feet each in lieu of the required 35 feet, and approval of the property as an undersized lot as determined by the Zoning Commissioner. The subject property and requested relief are more particularly shown 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 Fred Miller, property owner, and his son, David W. Miller, Contract Purchaser/co-Petitioner. Also present was A. L. Snyder, the Registered Property Line Surveyor who prepared the site plan. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is roughly rectangular in shape and consists of 0.4762 acres, zoned R.C.2. The property is located on the southwest side of Blackrock Road, between Grace Road and Pleasant Meadows Road in northern Baltimore County. The Petitioners, Fred and Charlene Miller, are desirous of conveying the

subject parcel to their son, David W. Miller, who wishes to develop the property with a single family dwelling. Due to the size of the parcel and its R.C.2 zoning classification, the requested relief is necessary in order to proceed as proposed.

Copies of deeds of the parcel and a history of conveyances related thereto as contained in the Land Records of Baltimore County were submitted at the hearing. These records are persuasive that the subject parcel is a separate lot of record which existed in November, 1979, the date that the R.C. zoning classification was adopted by Baltimore County. That is, although undersized under the R.C.2 zoning regulations, it is clear that the subject property was a separately described "lot of record" as contained in the Land Records on that date and as defined by the B.C.Z.R.

As noted above, the property is presently owned by Fred and Charlene Miller who propose to convey same to their son, David. David Miller proposes to construct a two-story single family dwelling in which he and his family will reside. As shown on the site plan, the house will be set back approximately 100 feet from Blackrock Road and will maintain an adequate rear yard setback. Variance relief is requested in view of the narrow width of the lot to allow 25-foot setbacks on both sides. It is to be noted that the senior Mr. & Mrs. Miller own adjacent property. Lastly, building elevation drawings of the proposed dwelling were submitted for review and approval by the Office of Planning, which recommended approval of same within their Zoning Advisory Committee comment dated January 6, 2000.

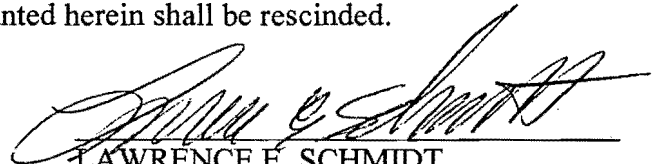
Based upon the testimony and evidence presented, I am persuaded to grant the relief requested. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the B.C.Z.R. for variance relief to be granted. I find that the property is unique by virtue of its size and configuration, and the fact that it has existed as a separate lot of record since prior to November, 1979. Moreover, it is clear that the Petitioners would suffer a practical difficulty if relief were denied and that there will be no detrimental impacts to the surrounding locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of February, 2000 that the Petition for Special Hearing to approve the subject property as an undersized lot and a determination that the overall density will not be increased, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1A01.3.B.2 and 3, and Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot size of 0.4762 acres in lieu of the minimum required 1.0 acre, side yard setbacks of 25 feet each in lieu of the required 35 feet, and approval of the property as an undersized lot as determined by the Zoning Commissioner, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

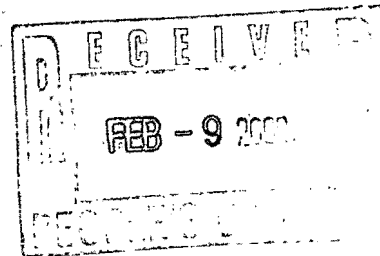


Baltimore County
Zoning Commissioner

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

February 2, 2000

Mr. & Mrs. Fred D. Miller
4535 Black Rock Road
Upperco, Maryland 21155



RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
SW/S Blackrock Road, 990' SE of the c/l Grace Road
(4535 Blackrock Road)
5th Election District - 3rd Councilmanic District
Fred D. Miller, et ux - Petitioners
Case No. 00-270-SPHA

Dear Mr. & Mrs. Miller:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: ✓ People's Counsel; Case File

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



PDM can't find
C- file # LMTC
Please get at ZC
Site plan & 2/17 noon
needs in ZC's
file & check whole
seems relevant
prop. tax info in
Pronto.
Cade



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4535 BLACK ROCK ROAD
which is presently zoned RC 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

an undersized lot, and determine that the overall density will not be increased.

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:

David W. Miller
Name - Type or Print

[Signature]
Signature

4535 Black Rock Rd 410 239 7335
Address Telephone No.
Upperco MD 21155
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

State

Zip Code

Legal Owner(s):

Fred D. Miller
Name - Type or Print

[Signature]
Signature

CHARLENE C. MILLER
Name - Type or Print
Charlene C. Miller
Signature

4535 Black Rock Rd 410 239 7335
Address Telephone No.
Upperco MD 21155
City State Zip Code

Representative to be Contacted:

above
Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1-2 hr

UNAVAILABLE FOR HEARING _____

Reviewed By MWK Date 12/23/99

Case No. 00-270-SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 12/23/99
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4535 BLACK ROCK ROAD

which is presently zoned RC-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 Variance from Section(s)

§ 101.3.B.2, § 101.3.B.3, and 304 to permit a lot size of 0.4762 acres in lieu of 1.0 acres, lot line setbacks of 25 ft in lieu of 35 ft., and to approve an undersized lot as determined by the zoning Commissioner.

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

TO BE DETERMINED @ HEARING

LOT CREATED PRIOR TO 1970

review

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

I, or we, agree to pay expenses of above Variance, 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:

David W. Miller
Name - Type or Print

[Signature]
Signature

4535 Black Rock Rd 410 239 7335
Address Telephone No.

Upperco md 21155
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Case No. 00-270-SPHA

REV 9/15/98

Legal Owner(s):

Fred D. [Signature] Miller
Name - Type or Print

[Signature]
Signature

Charkene C Miller
Name - Type or Print

[Signature]
Signature

4535 Black Rock Rd 410 239 7335
Address Telephone No.

Upperco md 21155
City State Zip Code

Representative to be Contacted:

2602
Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1-2 hr

UNAVAILABLE FOR HEARING -

Reviewed By MJK Date 12/23/99



County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

August 11, 2000

NOTICE OF ASSIGNMENT

CASE #: 00-270-SPHA

IN THE MATTER OF: CHARLENE C. & FRED D. MILLER -

Legal Owners; David W. Miller –C.P. 4535 Blackrock Rd
5th Election District; 3rd Councilmanic District

2/2/2000 – Petition for Special Hearing and Petition for Variance GRANTED by
Zoning Commissioner.

ASSIGNED FOR:

TUESDAY, SEPTEMBER 26, 2000 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).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellant

: Peter Max Zimmerman /People's Counsel for
Baltimore County

Petitioners /Legal Owners
Petitioner /Contract Purchaser

: Fred D. and Charlene C. Miller
: David Miller

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



County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

August 11, 2000

NOTICE OF ASSIGNMENT

CASE #: 00-270-SPHA

IN THE MATTER OF: CHARLENE C. & FRED D. MILLER -

Legal Owners; David W. Miller –C.P. 4535 Blackrock Rd
5th Election District; 3rd Councilmanic District

2/2/2000 – Petition for Special Hearing and Petition or Variance GRANTED by
Zoning Commissioner.

ASSIGNED FOR:

TUESDAY, SEPTEMBER 26, 2000 at 10:00 a.m.

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If you have a disability requiring special accommodations, please contact this office at least one week prior to
hearing date.

Kathleen C. Bianco
Administrator

c: Appellant

: Peter Max Zimmerman /People's Counsel for
Baltimore County

Petitioners /Legal Owners
Petitioner /Contract Purchaser

: Fred D. and Charlene C. Miller
: David Miller

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

Csd

BALTIMORE COUNTY, MARYLAND

INTEROFFICE MEMORANDUM

TO: WALLACE S. LIPPINCOTT, JR., DEPRM
FROM: PETER MAX ZIMMERMAN, PEOPLE'S COUNSEL FOR BALTO. COUNTY
CAROLE S. DEMILIO, DEPUTY PEOPLE'S COUNSEL Csd
SUBJECT: IN THE MATTER OF FRED & CHARLENE MILLER,
CASE NO. 00-270-SPHA - 4535 BLACKROCK ROAD, SW/S BLACKROCK
RD., 990' E OF C/L GRACE RD., 5TH ELECTION DISTRICT,
3RD COUNCILMANIC DISTRICT
CBA HEARING DATE: TUESDAY, 9/26/00, 10:00 A.M.
DATE: AUGUST 30, 2000

Dear Wally:

Our office requests your testimony as to your office's recommendations in the above-captioned zoning appeal case. The hearing is scheduled for Tuesday, September 26, 2000, beginning at 10:00 a.m. in the County Board of Appeals Hearing Room, Old Courthouse, Room 48.

Enclosed please find copies of the CBA's Hearing Notice and other pertinent documentation. Please call us at your convenience to discuss. Thank you for your cooperation.

PMZ/CSD/caf

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

RECEIVED JAN 27 2000

DATE: January 20, 2000

SUBJECT: Zoning Item #270
4535 Blackrock Road

Zoning Advisory Committee Meeting of January 10, 2000

_____ 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 Groundwater Management: Satisfactory soil evaluations must be conducted and a well must be drilled meeting all required setbacks.

X Agricultural Preservation: This parcel does not appear to meet Section 103.1 of the Zoning Regulations. If the parcel does not meet these conditions, it should not be approved as a density unit.

Reviewer: Sue Farinetti
Reviewer: Wally Lippincott

Date: January 18, 2000
Date: January 20, 2000

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JAN - 7

HP
1/28

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

Date: January 6, 2000

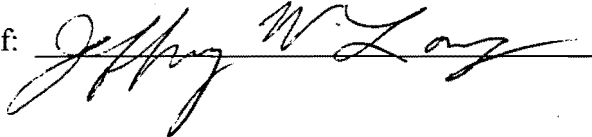
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions Item No. 270

The Office of Planning recommends approval of the subject undersized lot request (see attached) and any accompanying zoning relief pertaining to the subject property.

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

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FOR**

11/13/00

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. #270

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

RE: Undersized Lots

Residential Processing Fee Paid
(\$50.00)

Accepted by MJK
Date 12/02/99

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

FRED DAVID MILLER 4535 BLACKROCK RD HAMPSTEAD MD 21074 410 239 7335
Print Name of Applicant Address Telephone Number

Lot Address _____ Election District 5 Councilmanic District 3 Square Feet 20743

Lot Location: N ESW side/corner of BLACKROCK RD. 990 feet from N ESW corner of GRACE RD
(street) (street)

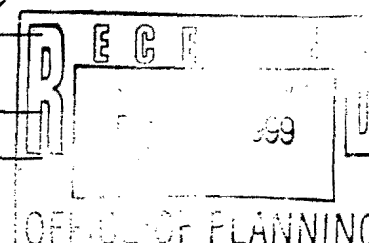
Land Owner: FRED DAVID MILLER Tax Account Number 2200025414

Address: 4535 BLACKROCK RD. HAMPSTEAD MD 21074 Telephone Number (410) 239 7335

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<u>✓</u>	<u>_____</u>
2. Permit Application	<u>N/A</u>	<u>_____</u>
3. Site Plan		
Property (3 copies)	<u>✓</u>	<u>_____</u>
Topo Map (2 copies): available in Room 206, County Office Building - (please label site clearly)	<u>✓</u>	<u>_____</u>
4. Building Elevation Drawings	<u>_____</u>	<u>✓</u>
5. Photographs (please label all photos clearly)		
Adjoining Buildings	<u>✓</u>	<u>_____</u>
Surrounding Neighborhood	<u>✓</u>	<u>_____</u>
6. Current Zoning Classification: <u>RC2</u>		



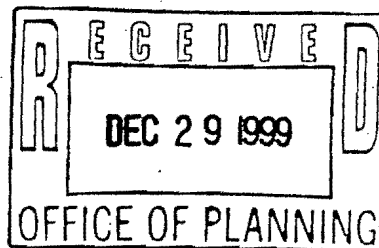
TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☒ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

Wm. Hughes

Signed by: Jeffrey M. Long
for the Director, Office of Planning and Community Conservation



Date: 1-3-2000

Healing 1/28/00

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: January 20, 2000

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

RECEIVED JAN 24 2000

SUBJECT: Zoning Advisory Committee Meeting
for January 17, 2000
Item Nos. 262, 263, 264, 269, (270)
and CR 99-411 (Vandermast Property)

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comment.

RWB:HJO:cab

cc: File

ZAC01170.NOC

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *AMS*
DATE: January 20, 2000
SUBJECT: Zoning Item #270
4535 Blackrock Road

RECEIVED JAN 27 2000

Zoning Advisory Committee Meeting of January 10, 2000

- ☐ 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.
- ☒ 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).
- ☒ Groundwater Management: Satisfactory soil evaluations must be conducted and a well must be drilled meeting all required setbacks.
- ☒ Agricultural Preservation: This parcel does not appear to meet Section 103.1 of the Zoning Regulations. If the parcel does not meet these conditions, it should not be approved as a density unit.

Reviewer: Sue Farinetti
Reviewer: Wally Lippincott

Date: January 18, 2000
Date: January 20, 2000



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

January 6, 2000

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

RE: Baltimore County
Item No. 270 (MJK)
4535 Blackrock Road
MD 88

RECEIVED JAN 10 2000

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval to the Special Hearing.

However, we will require the owner to obtain an access permit prior to the development of the lot. Please have the owner contact our office regarding the permit.

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,

Per Kenneth A. McDonald Jr., 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

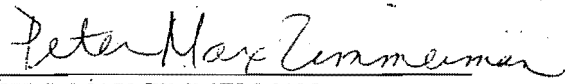
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

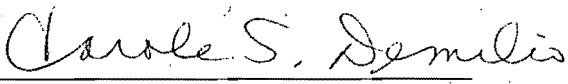
RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
4535 Black Rock Road, SW/S Black Rock Rd, *
990' E of c/I Grace Rd * FOR
5th Election District, 3rd Councilmanic *
Legal Owner: Fred D. & Charlene C. Miller * BALTIMORE COUNTY
Contract Purchaser: David W. Miller *
Petitioner(s) * Case No. 00-270-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 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 January, 2000 a copy of the foregoing Entry of Appearance was mailed to Fred D. & Charlene C. Miller, 4535 Black Rock Road, Upperco, MD 21155, Petitioners.

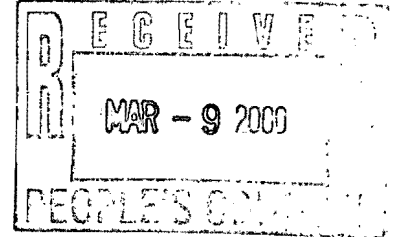

PETER MAX ZIMMERMAN



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

March 8, 2000



Mr. & Mrs. Fred D. Miller
4535 Blackrock Road
Upperco, MD 21155

Dear Mr. & Mrs. Miller:

Fred + Charlene Miller

RE: Case No. 00-270-SPHA, 4535 Blackrock Road, 5th Election District

Please be advised that an appeal of the above referenced case was filed in this office on February 22, 2000 by People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

Sincerely,

Arnold Jablon
Arnold Jablon
Director

AJ:scj

C: David Miller
People's Counsel



APPEAL

Petition for Special Hearing and Variance
4535 Blackrock Road
SW/S Blackrock Road, 990' SE of centerline Grace Road
5th Election District – 3rd Councilmanic District
Charlene C. & Fred D. Miller - Legal Owner
David W. Miller - Contract Purchaser
Case Number: 00-270-SPHA

Petitions for Special Hearing and Variance

Description of Property

Notice of Zoning Hearing (dated 1/5/00)

Certification of Publication (The Jeffersonian, 1/13/00)

Certificate of Posting (Patrick M. O'Keefe, 1/12/00)

Entry of Appearance by People's Counsel (dated 1/24/00)

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Plat of the Miller Property (dated 12/17/99)

Misc. (Not Marked as Exhibits):

1. Undersized Lot Approval
2. Copies of Deeds
3. Misc. Handwritten Notes

Zoning Commissioner's Order dated February 2, 2000 (Granted)

Notice of Appeal received on February 22, 2000 from People's Counsel.

C: Charlene & Fred Miller, 4535 Blackrock Road, Upperco, MD 21155
David Miller, 4535 Blackrock Road, Upperco, MD 21155
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

February 22, 2000

CAROLE S. DEMILIO
Deputy People's Counsel

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

Hand-delivered

Re: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
4535 Black Rock Road, SW/S Black Rock Rd,
990' E of c/l Grace Rd,
5th Election Dist., 3rd Councilmanic
Legal Owners: Fred D. & Charlene C. Miller
Contract Purchaser: David W. Miller
Case No.: 00-270-SPHA

Dear Mr. Jablon:

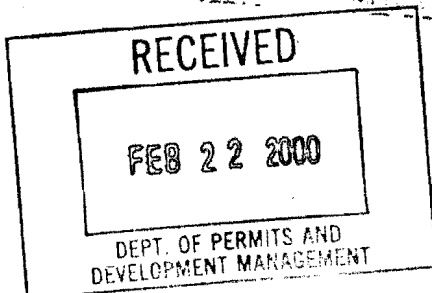
Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated February 2, 2000 of the Baltimore County Zoning Commissioner in the above-entitled case.

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

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel



PMZ/CSD/caf

cc: Fred D. & Charlene C. Miller, 4535 Black Rock Road, Upperco, MD 21155, Petitioners



OFFICE OF PEOPLE'S COUNSEL
Baltimore County, Maryland

(410) 887-2188

Date

2/24/00

To:

Paul Solomon

From:

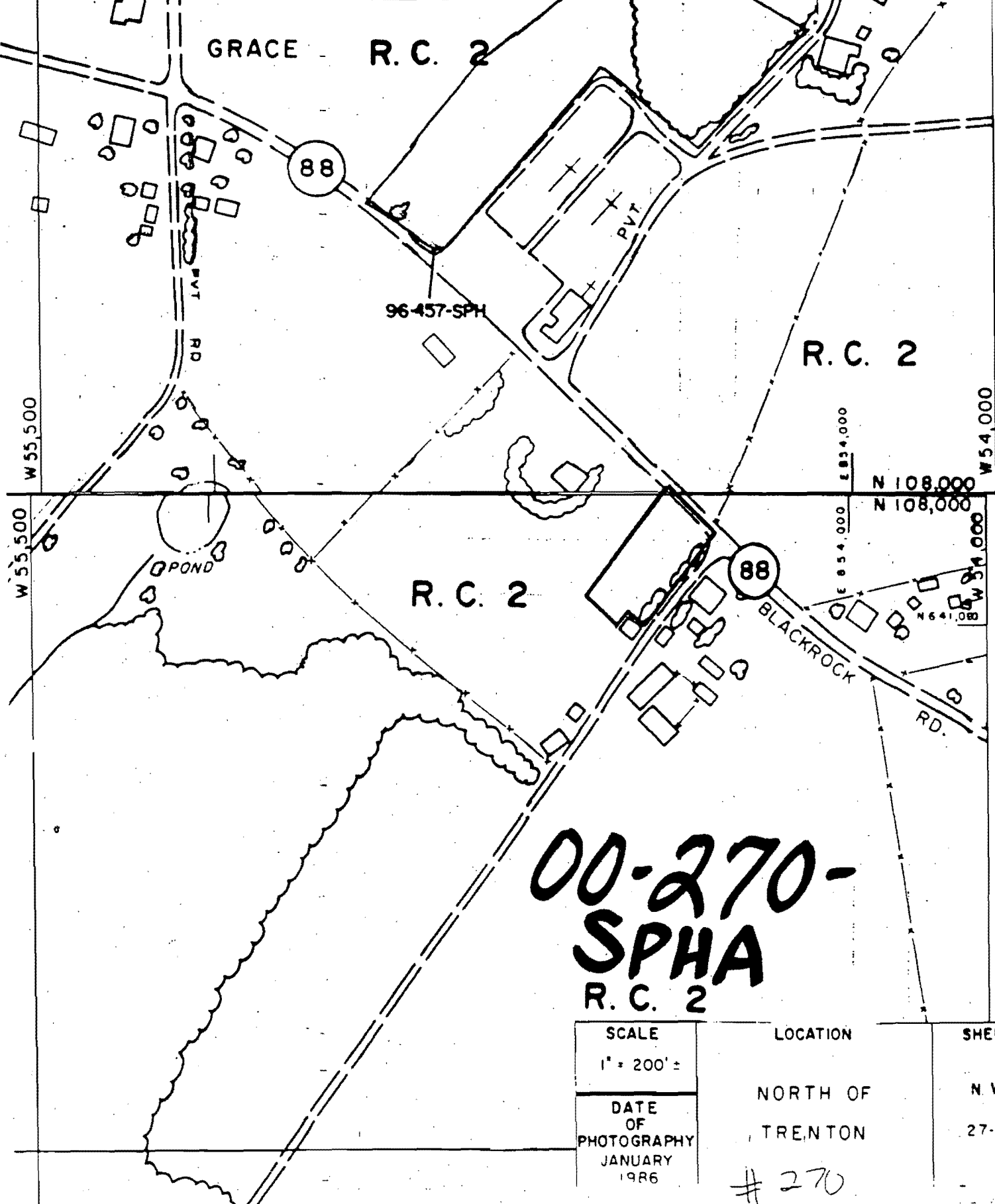
Peter ZIMMERMAN

- | | |
|--|---|
| ☐ Please Note & File | ☐ To be Signed |
| ☒ For Your Information | ☐ Please Comment |
| ☐ Please Note & Return | ☐ Please See Me |
| ☐ Please Handle | ☐ Investigate & Report |
| ☐ Please answer, Sending me Copy of your letter | |
| ☐ Please Prepare reply for my Signature | |

Remarks:

WOULD YOU TAKE A LOOK AT
THIS APPROVAL OF AN UNDERSIZED RC-2 LOT.
THE .47 ACRE LOT WAS ACTUALLY
BOUGHT IN 1996, EXERCISING AN
EARLIER OPTION. THE MILLERS OWN
OVER 40 ADJACENT ACRES.
IT LOOKS LIKE WEBBERTS,
BUT WITH LESS OF AN EXCUSE. PMZ

SCALE 1" = 200' ±	LOCATION GRACE	SHEET N.W. 28-J
DATE OF PHOTOGRAPHY JANUARY 1986		



SCALE 1" = 200' ±	LOCATION NORTH OF TRENTON	SHEET N.W. 27-J
DATE OF PHOTOGRAPHY JANUARY 1986	# 270	

This Deed, Made this 27 day of February, in the year one
thousand nine hundred and seventy-three, by and between EDMUND T. HORNER and
MILDRED M. HORNER, his wife, parties of the first part, Grantors; and FRED DAVID MILLER
and CHARLENE COCO MILLER, his wife, parties of the second part, Grantees.

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the
receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto the
said Grantees, as tenants by the entireties, their assigns, and unto the survivor of them,

his or her heirs and assigns, in fee simple, all that ----- lot(s) of ground
situate in the Fifth Election District of Baltimore County,
in the State of Maryland, and described as follows, that is to say:

BEGINNING for a corner at a steel pin, said corner being at the point of beginning of
reference deed; then with the outline of ref. deed (1) North 43 degrees 27 minutes 45
seconds East 642.72 feet to a steel pin at a flintstone; thence (2) North 03 degrees 31
minutes 01 seconds East 537.93 feet to an iron pipe; thence (3) South 36 degrees 46 minutes
28 seconds East 363.41 feet to a steel pin at a stone; then (4) North 42 degrees 32 minutes
50 seconds East 274.87 feet to a steel pin now placed at the northwest corner of a 2.0000
Acre Tract now cut out of the entire tract; then by the four following lines of division,
binding on the perimeter of said 2.0000 Acre Tract (5) South 45 degrees 43 minutes 16
seconds East 414.08 feet to a steel pin; then (6) North 38 degrees 53 minutes 13 seconds
East 28.35 feet to a steel pin; then (7) South 51 degrees 37 minutes 06 seconds East 19.63
feet to a steel pin; then (8) North 38 degrees 55 minutes 24 seconds East 149.36 feet to
a steel pin; thence continuing on the same line North 38 degrees 55 minutes 24 seconds East
35.70 feet to a point in the center of Black Rock Road, said point being in the 6th line
(South 40 degrees East 419.4 feet) of reference deed and 2.83 feet from the end thereof;
then with said line and the outline of reference deed (9) South 48 degrees 14 minutes 43
seconds East, 2.83 feet to a point in the center of the Black Rock Road; thence continuing
in the center of the Black Rock Road and by a line of division (10) South 47 degrees 06
minutes 49 seconds East 175.71 feet to a point in the center of said Black Rock Road; then
by a line of division (11) North 42 degrees East 3.6 feet to a point in the outline of the
entire tract and at the beginning of the South 40 degrees East 161.3 feet line of reference
deed; then following said reference deed, (12) South 48 degrees 48 minutes 43 seconds East
160.49 feet to a point on the south side of said road and 22.6 feet from the center line
thereof, as produced on the property line; then (13) South 08 degrees 42 minutes 49 seconds
East 20.00 feet to a steel pin; then continuing on the same line South 08 degrees 42
minutes 49 seconds East 777.26 feet to a steel pin at a stone; then (14) South 29 degrees
59 minutes 55 seconds East 216.33 feet to a steel pin; then (15) South 28 degrees 26
minutes 05 seconds West 436.18 feet to a steel pin at a pipe; then (16) South 80 degrees
48 minutes 53 seconds West 1040.75 feet to a steel pin at a stone; then (17) North 74 degrees
30 minutes 00 seconds West 66.08 feet to a steel pin; then (18) North 30 degrees 41
minutes 55 seconds East 663.67 feet to an iron pipe; then (19) North 65 degrees 45 minutes
22 seconds West 285.30 feet to a railroad spike in the center of a 16.5 foot wide right of
way; then continuing on the same line North 65 degrees 45 minutes 22 seconds West 167.88
feet to an iron pipe; then continuing on the same line North 65 degrees 45 minutes 22
seconds West 476.26 feet to a steel pin, the place of beginning, containing 45.5822 acres.

BEING the same lot of ground which by Deed dated July 29, 1971 and recorded among the
Land Records of Baltimore County in Liber O.T.C. No. 5205, folio 983, was granted and
conveyed by Peter B. Ruy and wife to the within named Grantors, in fee simple.

NO CONSIDERATION - NO TITLE EXAMINATIONNOT SUBJECT TO TRANSFER TAX and/or DOCUMENTARY STAMPSAcct #
17-00-012329D E E D

THIS DEED, made this 1st day of FEBRUARY, Nineteen
Hundred and Ninety-Four, by and between ELWOOD W. MICHAEL and
MARJERY E. MICHAEL, his wife, of Carroll County, State of Maryland,
Grantors and MARJERY E. MICHAEL, of Carroll County, State of
Maryland, Grantee.

NOW, THEREFORE, this Deed witnesseth that for and in
consideration of the sum of TEN DOLLARS (\$10.00), and other good
and valuable considerations, the receipt whereof is hereby
acknowledged, the said ELWOOD W. MICHAEL and MARJERY E. MICHAEL,
his wife, do hereby grant and convey unto the said MARJERY E.
MICHAEL her heirs, personal representatives and assigns, forever in
fee simple, all that lot or parcel of land situate in the Fifth
Election District of Baltimore County in the State of Maryland,
containing Fifty-Seven acres and Forty-nine One Hundredths of an
acre (57.49) of land, more or less.

BEING the same land conveyed unto Elwood W. Michael and
Marjery E. Michael, his wife, the within Grantors, by deed of
Elwood W. Michael, Personal Representative of the Estate of
Missouri Michael, deceased, and Elwood W. Michael, individually,
dated February 6, 1986 and recorded among the Land Records of
Baltimore County, Maryland in Liber 7145, folio 209&c.

SAVING AND EXCEPTING THEREFROM the following:

(1) All that tract or parcel of land containing 10 acres
of land, more or less, as described in a deed from Curvin L.
Michael and Missouri Michael, his wife, to Elwood W. Michael and
Marjery E. Michael, his wife, dated December 30, 1976, and record
among the Land Records of Baltimore County in Liber 5714 folio
755&c.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE

DATE

State of Maryland
Assessor
for Baltimore County

Signature RE 6-22-94
Date 6-22-94

Baltimore County, Maryland Land Instrument Intake Sheet

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

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, §§33-126 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property Article, §12-101 through 12-113, as amended, and Tax-Property Article, §13-101 through 13-406, as amended, it is certified that an instrument of writing dated conveying title to, or creating liens or encumbrances upon, real or personal property is offered for record in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows:

Property Tax ID No.	☒ 17-00-012329	☐ Lot/Block	Map/Grid/Parcel No.
	☐ Subdivision/Tract	☒ Lot Acreage	Prorated Deed Ref.
2 AC		7145/2095tc.	
☒ Grant Address (or description if partial conveyance) 740 SE Grace RD/SS Black Rock RD Upperco, Maryland 21155			
☐ Grantee(s) (check box if additional sheets are attached) ELWOOD W. MICHAEL MARJERY E. MICHAEL Owner of record (if different from grantor)			
☐ Grantee(s) (check box if additional sheets are attached) MARJERY E. MICHAEL			
☒ Deed ☐ Deed of Trust ☐ Mortgage ☐ Lease			
☐ Assignment of Mgt/DOT ☐ Contract ☐ Land Installment Cont. ☐ Power of Attorney			
☐ Financing Statement ☐ Other (Specify)			

Baltimore County Easement Status Claimed:	Section 12-108; Section 13-207
Homeowners' Tax Easement Status Claimed:	Yes ☒ No ☐
Water Easement Status Claimed:	

Consideration Amount		County Taxes to be Paid	
Purchase Price/Consideration (including any new mortgage)	\$ -0-	Transfer Tax Consideration	
Real Property		\$ x 1.6% = \$	
Personal Property			
Balance of Assumed Mortgage			
Other			
Total Consideration	\$ -0-		
or Assumed Factor	\$		
Recording Fees		Special Recording Instructions (if any)	
Recording Charge	\$		
State Transfer Tax			
County Recording Tax			
Severance			
Other			
Total	\$		

Instrument Prepared By		Return Instrument To		Mailing Address for Tax Bill	
Name:	Frederick H. Stalfo	Name:	F.H. Stalfo, Esq.	Name:	Marjery E. Michael
Firm:	FH STALFO				P.O. Box 12
Address:	1331 Main Street	Address:	P.O. Box 243	Address:	Baltimore, MD
	Upperco, MD 21074		Baltimore, MD 21074		21074
Phone:	(410) 239-7151				

Certification	I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief.
Signature:	<i>Frederick H. Stalfo</i>
Date:	June 21, 1994

IMPORTANT:	BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER
Yes ☒ No ☐	Will grantee be living at property conveyed?
Yes ☒ No ☐	Is grantor currently receiving a homeowners' tax credit?
Yes ☒ No ☐	Is property conveyed subject to agricultural transfer tax? If yes, enter amount:
Yes ☒ No ☐	If agricultural assessment on conveyance is to continue, have you attached a letter of intent?
Yes ☒ No ☐	Partial conveyance? If yes, amount of acreage transferred:
	List improvements conveyed:
	If subdivision occurred after July 1, indicate former property tax ID number:

Optional Exempting Information	A delay in processing may be incurred if a conveyance deed is not accompanied by an adequate property description, preferably a survey or area calculation. A partial conveyance may require additional processing time.
Yes ☐ No ☒	Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage:
Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage):	

Location and improvement address:	
☐ Terminal Verification ☐ Agricultural Verification ☐ Trans. Process Verification ☐ Whole ☐ Dec. ☐ Part	
☐ Deed Plotter ☐ Deed Reference ☐ Assigned Property No	

C REC 15.00

CC IMP 5.00

FFD 0.00

SM 13 FRK 20.00

ASATSI 1201 302 114:20

06/22/94

TRANSFER TAX NOT REQUIRED
 Director of Finance
 BALTIMORE COUNTY MARYLAND
 Per *John P. [Signature]*
 6/22/94 sec 23-139 H

This Deed

MADE THIS 6th day of November in the year One Thousand Nine Hundred Ninety Five by and between Marjery E. Michael, party of the first part, and Betty Jane Sparks, party of the second part.

Witnesseth, That in consideration of the sum of One Hundred Twenty Five Thousand Dollars and NO Cents (\$125,000.00), the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said party of the second part, as Sole Owner, his/her personal representatives, heirs and assigns, in fee simple, that parcel of ground situate in Baltimore County, Maryland and described as follows, that is to say:

See Exhibit A attached hereto and made a part hereof.

BEING the same parcel of ground which by deed dated February 1, 1994 and recorded among the Land Records of Baltimore County, Maryland in Liber SM No. 10605, folio 229 was granted and conveyed by Elwood W. and Marjery E. Michael unto Marjery E. Michael, the Grantors herein.

THE WITHIN GRANTEE(S) DO HEREBY CERTIFY UNDER THE PENALTY(IES) OF PERJURY THAT THE LAND CONVEYED HEREIN IS RESIDENTIALLY IMPROVED OWNER OCCUPIED REAL PROPERTY AND THAT THE RESIDENCE WILL BE OCCUPIED BY US AS EVIDENCED BY THE SIGNATURE(S) BELOW.

This is to certify the within instrument was prepared under the supervision of an Attorney duly admitted to practice before the Court of Appeals of the State of Maryland.

F. Michael Grace
F. Michael Grace

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 described lot of ground and premises to the said party of the second part as Sole Owner, his/her personal representatives, heirs and assigns, in fee simple.

And the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said Grantor(s) and Grantee(s).

Test:

[Signature]

Marjery E. Michael
MARJERY E. MICHAEL (SEAL)

[Signature]

Betty Jane Sparks
BETTY JANE SPARKS (SEAL)

***Being also the parcel of ground described in a Confirmatory Deed of even date and recorded or intended to be recorded immediately prior hereto, which was granted and conveyed by Marjery E. Michael unto Marjery E. Michael.

The confirmatory deed has been created to correct legal description.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE *[Signature]* DATE *1-16-96*

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

[Signature] *1-16-96*

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074

(410) 239-7744

(410) 374-9695

Description

1.5262 Acre Parcel

November 9, 1995

all that parcel of land, situate, lying and being in the Fifth Election District of Baltimore County, Maryland, on the south side of Black Rock Road (Maryland Route 88) approximately one and one quarter miles southeast of the Baltimore County Carroll County line and which according to a survey by A. L. Snyder, Surveyor, Inc., Albert LeRoy Snyder, Registered Property Line Surveyor No. 26, is described as follows:

Beginning for the same at a 7/8" steel pin found at the beginning of that 2.0000 acre parcel of land reserved in an agreement dated December 10, 1966, between Curvin L. Michael and Missouri Michael, his wife, and Peter B. Ruy and Adelina S. Ruy, his wife, recorded among the Land Records of Baltimore County Maryland in Liber O.T.G. 4704 folio 300 etc., and at the end of the fourth or N 42° 32' 50" E 274.87 feet line of that tract of land which was conveyed by Edmund T. Horner and Mildred M. Horner his wife, to Fred David Miller and Charlene Coco Miller, his wife, by deed dated February 27, 1973, and recorded among the aforementioned Land Records in Liber E.H.K., Jr. 5341 folio 237 etc., thence leaving the outlines of the Miller land and running with and binding on the first, and part of the second lines of the aforementioned 2.0000 acre reserved parcel the following two courses and distances

This Deed, MADE THIS 6th day of November in the year One Thousand Nine Hundred Ninety Five by and between Marjery E. Michael, party of the first part, and Fred David and Charlene Coco Miller, party of the second part.

Witnesseth, That in consideration of the sum of Two Thousand Dollars, the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said party of the second part, as Tenants by the Entireties, his/her personal representatives, heirs and assigns, in fee simple, that parcel of ground situate in Baltimore County, Maryland and described as follows, that is to say:

See Exhibit A attached hereto and made a part hereof

BEING the same parcel of ground which by deed dated February 1, 1994 and recorded among the Land Records of Baltimore County, Maryland in Liber SM No. 10605, folio 229 was granted and conveyed by Elwood W. and Marjery E. Michael unto Marjery E. Michael, the Grantors herein.

THE WITHIN GRANTEE(S) DO HEREBY CERTIFY UNDER THE PENALTY(IES) OF PERJURY THAT THE LAND CONVEYED HEREIN IS RESIDENTIALLY IMPROVED OWNER-OCCUPIED REAL PROPERTY AND THAT THE RESIDENCE WILL BE OCCUPIED BY US AS EVIDENCED BY THE SIGNATURE(S) BELOW.

This is to certify the within instrument was prepared under the supervision of an Attorney duly admitted to practice before the Court of Appeals of the State of Maryland.

F. Michael Grace
F. Michael Grace

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 described lot of ground and premises to the said party of the second part as Sole Owner, his/her personal representatives, heirs and assigns, in fee simple.

And the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said Grantor(s) and Grantee(s).

Test:

Marjery E. Michael

MARJERY E. MICHAEL

(SEAL)

INF FD SURE	\$ 5.00
RECORDING FEE	20.00
RECORDATION T	10.00
TR TAX STATE	10.00
TOTAL	45.00
Rest BARS	Rest \$ 18868
Scan 16671296	Blk # 88451

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

12-1-96
Date

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE 12 DATE 1-1-96



THIS DEED, Made this 10th day of December, in the year one thousand nine hundred and sixty-six, by and between CURVIN L. MICHAEL and MISSOURI MICHAEL, his wife, of Baltimore County, State of Maryland, parties of the first part, and PETER B. RUY and ADELINA S. RUY, his wife, of Baltimore County, State of Maryland, parties of the second part.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs and assigns, in fee simple, all that tract or parcel of land situate in the Fifth Election District of Baltimore County, Maryland, and described as follows, that is to say:

BEGINNING for a corner at a steel pin, said corner being at the point of beginning of reference deed; then with the outline of ref. deed (1) N 43 degrees 27 minutes 45 seconds E, 642.72 feet to a steel pin at a flintstone; then (2) N 03 degrees 31 minutes 01 seconds E, 537.93 feet to an iron pipe; then (3) S 36 degrees 46 minutes 28 seconds E, 363.41 feet to a steel pin at a stone; then (4) N 42 degrees 32 minutes 50 seconds E, 274.87 feet to a steel pin now placed at the northwest corner of a 2.0000 Acre Tract now cut out of the entire Tract; then by the four following lines of division, binding on the perimeter of said 2.0000 Acre Tract (5) S 45 degrees 43 minutes 16 seconds E, 414.08 feet to a steel pin; then (6) N 38 degrees 53 minutes 13 seconds E, 28.35 feet to a steel pin; then (7) S 51 degrees 37 minutes 06 seconds E, 19.63 feet to a steel pin; then (8) N 38 degrees 55 minutes 24 seconds E, 149.36 feet to a steel pin; then continuing on the same line N 38 degrees 55 minutes 24 seconds E, 35.70 feet to a point in the center of Black Rock Road, said point being in the 6th line (S 40 degrees E, 419.4 feet) of reference deed and 2.83 feet from the end thereof; then with said line and the outline of reference deed (9) S 43 degrees 14 minutes 43 seconds E, 2.83 feet to a point in the center of the Black Rock Road; then continuing in the center of the Black Rock Road and by a line of division (10) S 47 degrees 06 minutes 49 seconds E, 175.71 feet to a point in the center of said Black Rock Road; then by a line of division (11) N 42 degrees E, 3.6 feet to a point in the outline of the entire tract and at the beginning of the S 40 degrees E, 161.3 feet line of reference deed; then following said reference deed (12) S 48 degrees 48 minutes 43 seconds E, 160.49 feet to a point on the south side of said road and 22.6 feet from the center line thereof as produced on the property line; then (13) S 08 degrees 42 minutes 49 seconds E, 20.00 feet to a steel pin; then continuing on the same line S 08 degrees 42 minutes 49

PAID 15 66 JUL 12

212.50 MSC

872/424

27707) This Deed made this 31st day of July in the year one thousand
 T Watson Tracey & Wife) nine hundred and thirty one by and between T Watson Tracey
 Deed To) and Marie E Tracey his wife of Baltimore County in the State
 Curvin L Michael & Wife) of Maryland of the first part grantors and Curvin L Michael
) and Missouri Michael his wife of the County and State afore-
 said parties of the second part grantees

Witnesseth that in consideration of the sum of Five Thousand Dollars (\$5000.00) the said T Watson Tracey and Marie E Tracey his wife do grant and convey unto the Curvin L Michael and Missouri Michael his wife as tenants by the entireties their heirs and assigns the survivor the heirs and assigns of the survivor in fee simple all that lot or parcel of ground situated in the Fifth Election District of Baltimore County in the State of Maryland aforesaid and described as follows

Beginning for the outlines to include the same at a marked Gum tree the beginning in a deed from Richard C Tracey trustee to William Tracey ~~trustee to William Tracey~~ dated March 28 1870 recorded among the Land Records of Baltimore County in Liber E H A No 66 folio 37 etc running thence with said deed with due allowance for the magnetic variation North 50 degrees East 643.5 feet to a Flint stone North 11 degrees East 636.25 feet South 28 degrees 30 minutes East 367.1 feet North 50 degrees 30 minutes East 470.25 feet to a stone set up in the West edge of the Blackbrook Road thence with said road South 40 degrees East 419.4 feet to the end of the first line in a deed from J Franklin Armacost and wife to William Tracey dated November 9 1903 recorded in Liber N B M No 271 folio 488 thence with said deed North 29 degrees 5 minutes East 13.5 feet to a stone on the East side of said Blackbrook Road North 29 degrees 5 minutes East 650.5 feet to a stone on the South side of J B Bentz's road and until it intersects the third line in a deed from James B Bentz to William Tracey dated January 28 1880 recorded in Liber W M I No 116 folio 153 thence binding on said line reversely South 86 degrees 50 minutes East 482 feet more or less to intersect that lot of land conveyed by T Watson Tracey to William W Bentz and wife thence binding on said lot South 3 degrees 15 minutes East 633.6 feet more or less to intersect the outlines of Harry W Bentz's property thence running with said property South 87 degrees West 713.5 feet to a stone on the East side of the Blackbrook Road continuing the same course South 87 degrees West 17.4 feet to a point in said road and until it intersects the fifth line of the above mentioned deed from Richard C Tracey trustee to William Tracey thence with said line South 40 degrees East 1613 feet to a stone the end thereof it being on the West side of the road thence continuing with the last mentioned deed South 45 minutes East 792 feet to a stone South 23 degrees 45 minutes East 66 feet to the end of the first line of the second lot described in a deed from W Howard Ruby and others to T Watson Tracey dated March 6th 1916 recorded in Liber W P C No 457 folio 342 thence with said lot reversely South 23 degrees 45 minutes East 161.6 feet South 36 degrees 15 minutes West 99 feet thence continuing the same course and running with the 9th line of the first mentioned deed from Richard C Tracey Trustee South 36 degrees 15 minutes West 264 feet thence reversing the lines of the first Lot described in the above mentioned deed from W Howard Ruby and others to T Watson Tracey South 36 degrees 15 minutes West 79.2 feet to a stone South 89 degrees 45 minutes West 1046.1 feet to a stone North 66 degrees 45 minutes West 66 feet to a stone North 37 degrees 45 minutes East 660 feet to a stone thence with the last line of the deed from Richard C Tracey trustee to William Tracey North 58 degrees 30 minutes West 930.6 feet to the place of beginning containing fifty seven acres and forty nine one hundredths of an acre (57.49) of land more or less

TIME LINE

931

57 acres

966

45 acres sold
Buyer can buy
100' of 2 acres
or

476 acres

973

45 acres sold to
Millers; 100' option
passes to Millers

976

10 acres conveyed
w/ original 57

986

2 acres conveyed
subject to 100 ft.
option

995

1.52 acres sold

995

476 bought by
Millers for \$2000

TIMELINE

1931

57 acres

1966

45 acres sold
Buyer can buy
100' of 2 acres
or

.476 acres

1973

45 acres sold to
Millers; 100' option
passes to Millers

1976

10 acres conveyed
w/ original 57

1986

2 acres conveyed
subject to 100 ft.
option

1995

1.52 acres sold

995

.476 bought by
Muller for \$2000

TIMELINE

- 1931 57 acres
- 1966 45 acres sold
Buyer can buy
100' of 2 acres
or
476 acres
- 1973 45 acres sold to
Millers; 100' option
passes to Millers
- 1976 10 acres conveyed
out of original 57
- 1986 2 acres conveyed
subject to 100 ft.
option
- 1995 1.52 acres sold
- 1995 476 bought by
Millers for \$2000

#99080

JULY 31 1931

LMCLM 872/424

CURVIN L. MICHAEL & MISSOURI MICHAEL ACQUIRED 57.49 AC.
OF LAND FROM T. WATSON TRACEY & MARIE E. TRACEY.

DECEMBER 10, 1966 OTG 4704/294

CURVIN L. MICHAEL & MISSOURI MICHAEL^(WF) CONVEYED
45.5822 AC. TO PETER B. RUX AND ADELINA S. RUX^(WF)
(PART OF THE 57.49 AC DESCRIBED IN LMCLM 872/424)
WITH THE PROVISION THAT SHOULD THEY (THE MICHAELS)
OR THEIR HEIRS, EXECUTORS, AND/OR ASSIGNS AT ANY TIME
DECIDE TO SELL OR ASSIGN THE TWO ACRE PARCEL, WHICH
THEY HAVE RETAINED & WHICH IS ADJACENT TO THE 45.5822
AC, CONVEYED TO THE RUXS, THE RUXS WOULD HAVE
90 DAYS TO ACQUIRE A 100 FEET WIDE PARCEL AT THE
EASTERN END OF THE 2 AC PARCEL. (SEE THE AGREEMENT
DATED & RECORDED SIMULTANEOUSLY WITH OTG 4704/294)

DECEMBER 10, 1966 OTG 4704/300 AGREEMENT

CURVIN L. MICHAEL & MISSOURI MICHAEL^(WF) AND PETER B. RUX
AND ADELINA S. RUX^(WF) WHICH RESERVES A TWO ACRE
TRACT^{FOR THE MICHAELS} (THE MICHAELS)
AND FURTHER STATES THAT SHOULD THEY DESIRE TO
CONVEY THE TWO ACRE TRACT AT ANY TIME THEY MUST
FIRST GIVE 90 DAYS WRITTEN NOTICE TO THE RUXS, THEIR
HEIRS OR ASSIGNS OF THEIR INTENTION TO SELL OR DISPOSE
OF THE TWO AC. LOT, GIVING THE RUXS THE OPTION TO BUY
THE LOT^{WITHIN THE 2 AC LOT} (CONTAINING 20,719 SF) FOR THE SUM OF \$2,000⁰⁰

FEBRUARY 27, 1973 EHK J2. 5341/237

FRED DAVID MILLER & CHARLENE COCO MILLER ACQUIRED THE
45.5822 AC TRACT FROM EDMUND T. HORNER & MILDRED
M. HORNER^(WF) WHICH THE HORNERS ACQUIRED FROM PETER
B. RUX & WF ON JULY 29, 1971 RECORDED IN OTG 5205/983

FEBRUARY 6, 1988

ELWOOD W. MICHAEL - PERSONAL REPRESENTATIVE OF THE ESTATE OF
MISSOURI CONVEYED THE TWO ACRE TRACT TO ELWOOD
W. MICHAEL AND MARJERY E. MICHAEL (WF) ELL JR 7145
FOLIO 209 ETC.

FEBRUARY 1, 1994

ELWOOD W. MICHAEL AND MARJERY E. MICHAEL (WF) CONVEYED
THE SAME TWO ACRE TRACT TO MARJERY E. MICHAEL
SM 10605 / 230

NOVEMBER 6, 1995

MARJERY E. MICHAEL CONVEYED THE SMALL RESERVED PARCEL,
100 FEET WIDE, TO FRED DAVID MILLER AND CHARLENE
COCO MILLER, THE CURRENT OWNERS OF THE 45,5822 AC
TRACT. THE SMALL PARCEL CONTAINS 0.4762 ACRES ±

NOVEMBER 6, 1995

MARJERY E. MICHAEL CONVEYED THE REMAINDER OF THE
TWO ACRE TRACT (1.5262 ACRES) TO BETTY JANE SPARKS
BY DEED SM 11384 / 31

Real Property
InformationMaryland Department of Assessments and Taxation
Real Property System[\[Go Back\]](#)

BALTIMORE COUNTY

[\[Start Over\]](#)

DISTRICT: 05 ACCT NO: 0518072230

Owner Information

Owner Name: MILLER FRED DAVID
MILLER CHARLENE COCO **Use:** AGRICULTURAL

Mailing Address: 4535 BLACK ROCK RD
UPPERCO MD 21155-9544 **Principal Residence:** YES

Transferred**From:** HORNER EDMUND F AG USE 83-84 **Date:** 03/07/1973 **Price:** \$75,000

Deed Reference: 1) / 5341/ 237 **Special Tax Recapture:**
2) AGRICULTURAL TRANSFER TAX

Tax Exempt: NO**Location Information [View Map]**

Premises Address: 4535 BLACK ROCK RD **Zoning:** **Legal Description:**
45.5822 AC
SWS BLACK ROCK RD
1100FT SES OF GRACE RD

Map	Grid	Parcel	Subdiv	Sect	Block	Lot	Group	Plat No:
19	18	71					81	Plat Ref:

Special Tax Areas**Town:****Ad Valorem:****Primary Structure Data**

Year Built:	Enclosed Area:	Property Land Area:	County Use:
1887	2,454 SF	45.58 AC	05

Value Information

	Base Value	Current Value	Phase-In Value		Phase-in Assessments	
			As Of	As Of	As Of	As Of
			01/01/1999	07/01/2000	07/01/1999	07/01/2000
Land:	52,700	62,700				
Impts:	93,130	95,180				
Total:	145,830	157,880	153,862	61,200	62,810	
Pref Land:	12,700	12,700	12,700	6,350	6,350	


**Real Property
Information**
**Maryland Department of Assessments and Taxation
Real Property System**
[\[Go Back\]](#)

BALTIMORE COUNTY

[\[Start Over\]](#)

DISTRICT: 05 ACCT NO: 2200025414

Owner Information
Owner Name: MILLER DAVID FRED
MILLER CHARLENE COCO

Use: AGRICULTURAL

Mailing Address: 4535 BLACK ROCK RD
UPPERCO MD 21155

Principal Residence: NO

Transferred
From: MICHAEL MARJERY E

Date: 01/16/1996 **Price:** \$2,000

Deed Reference: 1) /11384/ 17
2)

Special Tax Recapture:
AGRICULTURAL TRANSFER TAX

Tax Exempt: NO

Location Information [\[View Map\]](#)
Premises Address:
Zoning:
Legal Description:

BLACK ROCK RD

.4762 AC

SW BLACK ROCK RD

990 FT SE OF GRACE RD

Map	Grid	Parcel	Subdiv	Sect	Block	Lot	Group	Plat No:
19	18	46					81	Plat Ref:

Special Tax Areas
Town:
Ad-Valorem:
Primary Structure Data
Year Built:
Enclosed Area:
Property Land Area:
County Use:

0000

.48 AC

05

Value Information

	Base Value	Current Value	Phase-In Value		Phase-in Assessments	
			As Of 01/01/1999	As Of 07/01/2000	As Of 07/01/1999	As Of 07/01/2000
Land:	130	130				
Impts:	0	0				
Total:	130	130		130	60	60
Pref Land:	130	130		130	60	60

VT

RD

VD

96-457-SPH

10 acres

R.C. 2

R.C. 2

1.52 acres

4762 acres

45,5822 acres

88

BLACKROCK

RD.

E 854,000

E 854,000

N 108,000

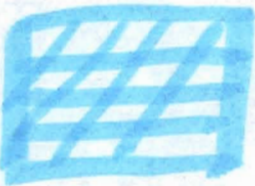
N 108,000

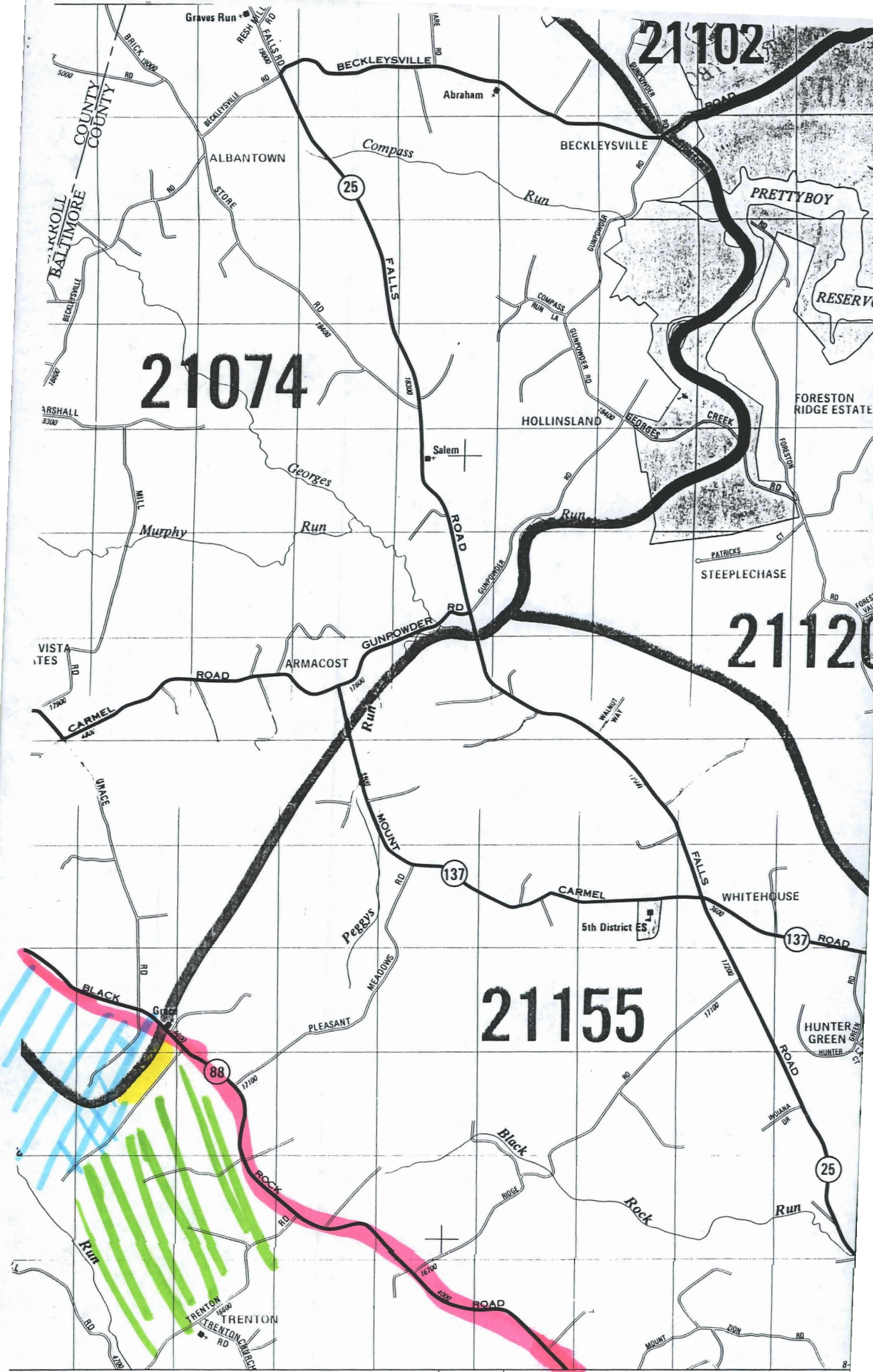
W 54,000

W 54,000

N 641,088

TIME LINE

1931				57 acres
1966				45 acres sold Buyer can buy 100' of 2 acres  +  or .476 acres 
1973				45 acres sold to Millers; 100' option passes to Millers
1976				10 acres conveyed out of original 57
1986		+		2 acres conveyed subject to 100 ft. option
1995				1.52 acres sold
1995				.476 bought by Muller for \$2000



21074

21102

21120

21155

Miller

- zoning history - how long was area RC2
- any recorded plat: subdivision plan or site plan approved by county prior to 1979 or b/w ¹⁹⁷⁹ 1979 & Oct 1, 1990 -
- lot ≥ 1 acre C/P to be created in RC2
- any vested right to develop site
 - apply ^{CBA rule} existing law - Rockville Dual & lot/well
 - get snake case brief on vested rights cases
- get zoning comm. Policy manual
- is the for non-density purpose is access agreed to be a other like purposes 1A00.4.6(1)
- Check 304. - lot created at best in 1986 but only option -
 - ① create lot ≥ 1 acre & use father's density.
- * - ask father his density -
- variance requested - variance C/P variance density under 307.1

- purpose of RC2 zero - limit density

- do exceptions apply?

- purpose of this strip for Miller?

- no vested rights - no permanent nor
substantial construction

- no transfer of density rights - see p. 16 of
memo -

Owner

farm?

density

- RC 2 when

- recorded plat, subdivision plat or site plan approved by Baltimore Co. govt.

- prop. ever subdivided after your purchase

- identify tax assessor print-out

Wally

- name, position, duties, work / RC zones particularly RC 2
- familiar w/ site
- testified as expert before -
-
- zoning map
 - predominant zone in area
 - predominant use in area
- purpose of limited density 2 for up to 100 acres (1 acre minimum)
- effect of density permitted on 4+ acre lots -
are you aware of these undersized lots
created by deed in RC 2 zone
 - created w/o benefit of Metro Co agencies
approval
- implications of this train parcel can be
developed -

Size

Maps

History of site

our position

BC2R - 1A01.3

103.1

103.3

307

Miller Case

7-31-31 Tracy to Curvin & Missouri Michael
57.49 acres

12-10-66 Michaels to Ruys
45.5822 acres

Contained provision that if Michaels
sell the 2 acre parcel adjacent to
45.5822 acres, Ruys ^{or successors} can buy 100' ft
Strip along Black Rock Rd &
Michaels will not build on this
Strip (See agreement)

12-10-66 Michaels to Ruys
2 acres reserved by Michaels with
right of Ruys to buy 100 ft Strip
(20,719 sq. ft.)

2-27-73 Horner (successor to Ruys on 7-29-71)
to Millers
45.5822 acres

2-6-86 Mr Michael died then Mrs Michael
~~Mr Michael to himself when wife died~~
2 acres (57.49 ~~square~~ ^{acres} excepting
100
Mrs Michael's PR & legatee is Elwood
Michael
2 acres (57.49 less 10 acres previously ⁽¹⁹⁴⁶⁾
deeded to Elwood & less 45.5822
from elder Michaels to Ruys)
subject to 100 ft option

2-1-94 Elwood Michael to his wife Margery Michael
2 acres (57[±] saving & excepting 10[±] 45[±])
subject to 100' option

11-6-95 Margery Michael to Betty Sparks
1.5862 (part of 2 acres)

11-6-95 Margery Michael to Millers (Petitioners)
.4762 acres (20,742.58 sq ft) (part
of 2 acres)

"Option to Buy" 100' if 2 acres sold

2 acres sold by Michael in 1995 to Sparks +
Millers (Successors to Ruys) bought .4[±] acre for
\$2000.

.4[±] acre parcel actually created in 1995

FEBRUARY 6, 1988

ELWOOD W. MICHAEL - PERSONAL REPRESENTATIVE OF THE ESTATE OF MISSOURT CONVEYED THE TWO ACRE TRACT TO ELWOOD W. MICHAEL AND MARJERY E. MICHAEL (WF) EIR JR 7145 FOLIO 209 ETC.

FEBRUARY 1 1994

ELWOOD W. MICHAEL AND MARJERY E. MICHAEL (WF) (CONJUGES) THE SAME TWO ACRE TRACT TO MARJERY E. MICHAEL SM 10605 / 230

NOVEMBER 6, 1995

MARJERY E. MICHAEL CONVEYED THE SMALL RESERVED PARCEL, 100 FEET WIDE, TO FRED DAVID MILLER AND CHARLENE COCO MILLER, THE CURRENT OWNERS OF THE 45,5822 AC TRACT. THE SMALL PARCEL CONTAINS 0.4762 ACRES $\pm$

NOVEMBER 6, 1995

MARJERY E. MICHAEL CONVEYED THE REMAINDER OF THE TWO ACRE TRACT (1.5262 ACRES) TO BETTE JANE SPARKS BY DEED SM 11384 / 31

#99080

JULY 31 1931

LMCLM 872/424

CURVIN L. MICHAEL & MISSOURI MICHAEL ACQUIRED 57.49 AC.
OF LAND FROM T. WATSON TRACEY & MARIE E. TRACEY.

DECEMBER 10, 1966 OTG 4704/294

CURVIN L. MICHAEL & MISSOURI MICHAEL^(WF) CONVEYED
45.5822 AC. TO PETER B. RUY AND ADELINA S. RUY^(WIFE)

(PART OF THE 57.49 AC DESCRIBED IN LMCLM 872/424)

WITH THE PROVISION THAT SHOULD THEY (THE MICHAELS)
OR THEIR HEIRS, EXECUTORS, AND/OR ASSIGNS AT ANY TIME
DECIDE TO SELL OR ASSIGN THE TWO ACRE PARCEL, WHICH
THEY HAVE RETAINED & WHICH IS ADJACENT TO THE 45.5822
AC. CONVEYED TO THE RUYs, THE RUYs WOULD HAVE
90 DAYS TO ACQUIRE A 100 FEET WIDE PARCEL AT THE
EASTERN END OF THE 2 AC PARCEL. (SEE THE AGREEMENT
DATED & RECORDED SIMULTANEOUSLY WITH OTG 4704/294)

DECEMBER 10, 1966 OTG 4704/300 AGREEMENT

CURVIN L. MICHAEL & MISSOURI MICHAEL^(WIFE) AND PETER B. RUY

AND ADELINA S. RUY^(WIFE) WHICH RESERVES A TWO ACRE
TRACT^{FOR THE MICHAELS} (THE MICHAELS)

TRACT AND FURTHER STATES THAT SHOULD THEY DESIRE TO
CONVEY THE TWO ACRE TRACT AT ANY TIME THEY MUST
FIRST GIVE 90 DAYS WRITTEN NOTICE TO THE RUYs, THEIR
HEIRS OR ASSIGNS OF THEIR INTENTION TO SELL OR DISPOSE
OF THE TWO AC. LOT, GIVING THE RUYs THE OPTION TO BUY
THE LOT^{WITHIN THE 2 AC LOT &} (CONTAINING 20,719 SF) FOR THE SUM OF \$2,000⁰⁰

FEBRUARY 27, 1973 EHK 52. 5341/237

FRED DAVID MILLER & CHARLENE COCO MILLER ACQUIRED THE
45.5822 AC TRACT FROM EDMUND T. HORNER & MILDRED
M. HORNER^(WIFE) WHICH THE HORNERS ACQUIRED FROM PETER
B. RUY & WIFE ON JULY 29, 1971 RECORDED IN OTG 5205/983

- f. Spirits manufacture, including the manufacture of alcohol to be used in gasoline/alcohol mixtures, but excluding the production of these mixtures. [Bill Nos. 178-1979; 51-1993]
- g. Firewood operations. [Bill No. 151-1992]
- h. Winery, including accessory retail and wholesale distribution of wine produced on-premises. Temporary promotional events, such as wine tastings or public gatherings associated with the winery, are permitted, within any limits set by the special exception. [Bill No. 51-1993]
- i. Bottled water plant, if the source of the water is located on the same site as the plant, and provided that the Director of Environmental Protection and Resource Management makes a recommendation that the proposed facility will not adversely affect the quality or capacity of surface water or groundwater. [Bill No. 51-1993]

1A01.3 Height and area regulations.

- A. Height regulation. No structure hereafter erected in an R.C.2 Zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.
- B. Area regulations. [Bill No. 178-1979]
 - 1. Subdivision lot density. No lot of record lying within an R.C.2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of one lot for each 50 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record, with the exception that any zoning petition site plan, subdivision plan or record plat filed with or approved by the county between November 27, 1979, and October 1, 1990, shall not be so affected and be considered valid, provided as to any zoning petition pending on appeal, that it be upheld on appeal. [Bill No. 199-1990]
 - 2. Lot size. A lot having an area less than one acre may not be created in an R.C.2 Zone.
 - 3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C.2 Zone may be situated within 75 feet of the center line of any street or within 35 feet of any lot line other than a street line.
 - 4. Principal dwellings per lot. No more than one principal dwelling is permitted on any lot in an R.C.2 Zone.

1A01.4 Maryland Agricultural Land Preservation Program. The use or development of land in an agricultural district established in accordance with § 2-509 of the Agricultural

- 102.3 No portion of an alley shall be considered as any part of a side or rear yard.
- 102.4 No dwelling, other than a multifamily building, shall be built on a lot containing less than 20,000 square feet which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel, except as provided for panhandle lots in Section 26-266 of the Baltimore County Code, 1988 Edition, as revised. [Bill Nos. 172-1989; 2-1992]
- 102.5 On a corner lot in any residential zone, no planting, fence, wall, building or other obstruction to vision more than three feet in height shall be placed or maintained within the triangular area bounded on two sides by the front and side street property lines, or by projections of said lines to their point of intersection, and on the third side by a straight line connecting points on said lot lines (or their projections), each of which points is 25 feet distant from the point of intersection. At the intersection of a street and an alley, the dimension corresponding to the 25 feet noted above shall be 15 feet and 10 feet at the intersection of two alleys. Poles, posts and guys for streetlights and for other utility services shall not be considered obstructions to vision within the meaning of this section. [Resolution, November 21, 1956]
- 102.6 No building permit shall be issued for any commercial, industrial or apartment development until the proposed plan for vehicular access thereto shall have been first approved by the Baltimore County Department of Permits and Development Management. [Resolution, November 21, 1956]

Section 103

Application of Zoning Regulations

[BCZR 1955]

- 103.1 These regulations shall apply as of the date of their adoption but the provisions pertaining to use, height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to the (then) Baltimore County Planning Commission (now Planning Board) and approved or tentatively approved (including any approval made subject to any condition or conditions) under the then existing official procedure in Baltimore County, prior to the adoption of these regulations.³² The Zoning Regulations applicable to any such development, subdivision or parcel of land as aforesaid shall be the Zoning Regulations in effect at the time such plan, as aforesaid, was originally submitted to the Baltimore County Planning Commission.

Provided further, however, that the use and development of land in M.L. Zones shall not be affected by the foregoing provision, but development is permitted in accordance with any preliminary development plan approved by the Office of Planning before the effective date of this further proviso, even though such development may be counter to then-current regulations for M.L. Zones, if, on the fifth anniversary of such effective date, construction either is completed or is substantially commenced and diligently being pursued to completion; otherwise, the

³² Editor's Note: Refers to the Baltimore County Zoning Regulations (BCZR) adopted March 30, 1955.

regulations generally in effect at the time such use or development is to be established shall control.³³ [Resolution, November 21, 1956; Bill No. 100-1970]

103.2 When any public use ceases or when title of unzoned public land passes into private ownership, public land or buildings shall not be used for private purposes until they shall have been zoned in conformance with these regulations.

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

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

103.4 If a subdivision plan or plat approval application to any lot, other than a lot in a planned industrial park, has lapsed under the provisions of Section 26-216 of Title 26 of the Baltimore County Code, 1998, as amended, development of that lot in contravention of the use, height, area or other land use or development standards of these regulations may not be undertaken pursuant to the following provisions of these Zoning Regulations:

Section 103.1
Section 103.3
Section 1A01.3.B.2
Section 1A02.3.B.6
Section 1A03.4.B.4
Section 1A04.3.B.5
Section 1B01.1.B.2
Section 1B02.3
Section 304

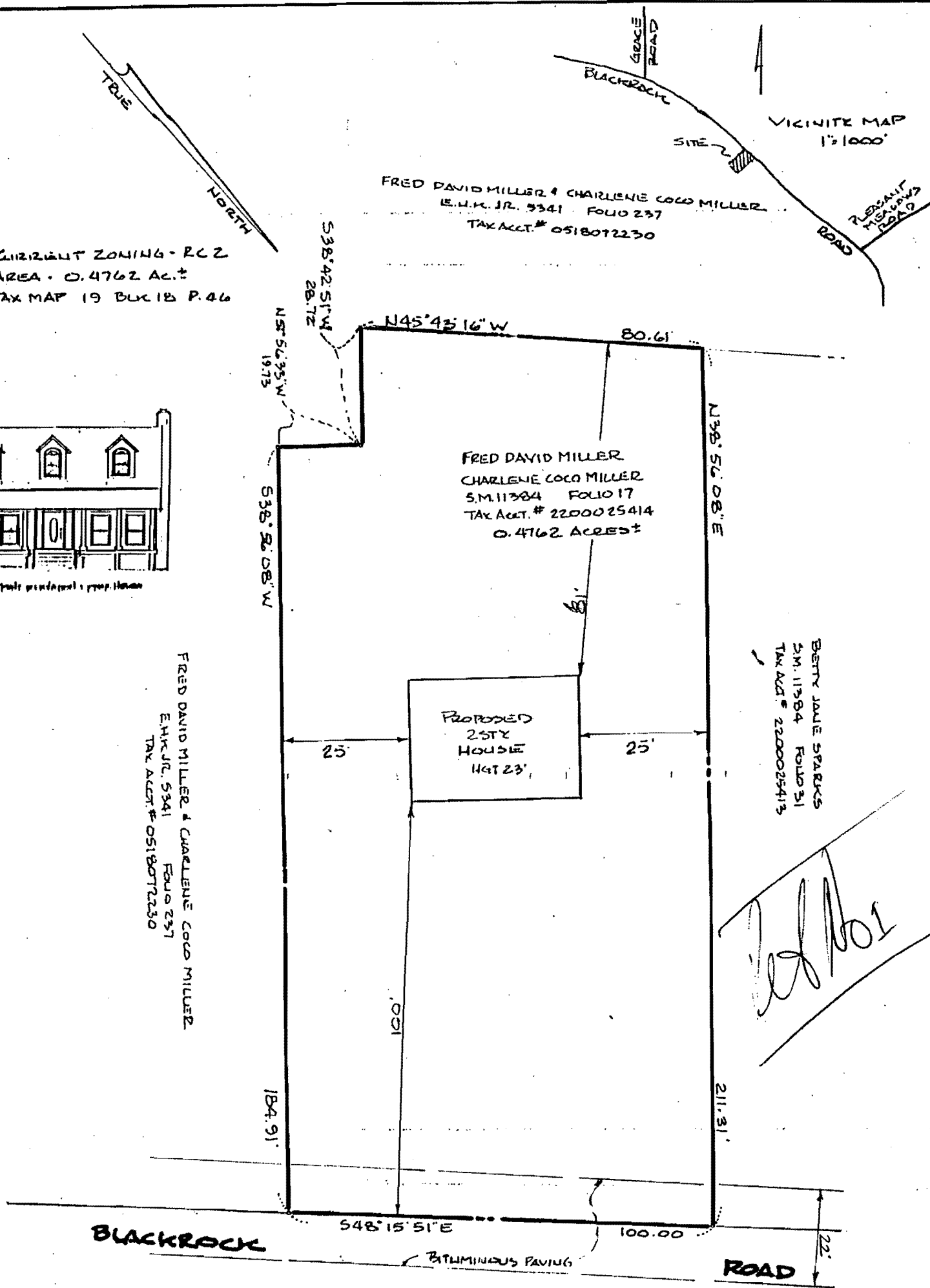
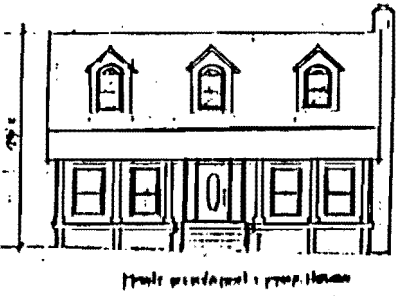
[Bill No. 61-1979]

103.5 The following provisions apply to grandfathering requirements of the Chesapeake Bay Critical Area Local Protection Program and to the residential densities at which certain land within the Critical Area may be developed after June 13, 1988: [Bill Nos. 32-1988; 9-1996]

³³ Editor's Note: M.L. Grandfather Clause. This provision (second paragraph) was added by Bill No. 100-1970, which provided (Section 20) that "any amendments herein...shall be effective only upon the adoption by the County Council of any new Zoning Maps on or before March 31, 1971." The subsequent Zoning Maps were passed by the County Council on March 24, 1971. However, the bill also states (Section 21) that "this act shall take effect forty-five days after its enactment." The bill was enacted on August 5, 1970, and the forty-fifth day thereafter was September 19, 1970.



- NOTES:
- 1.) CURRENT ZONING - RC 2
 - 2.) AREA - 0.4762 AC.±
 - 3.) TAX MAP 19 BLK 1B P. 46



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING FOR THE MILLER PROPERTY

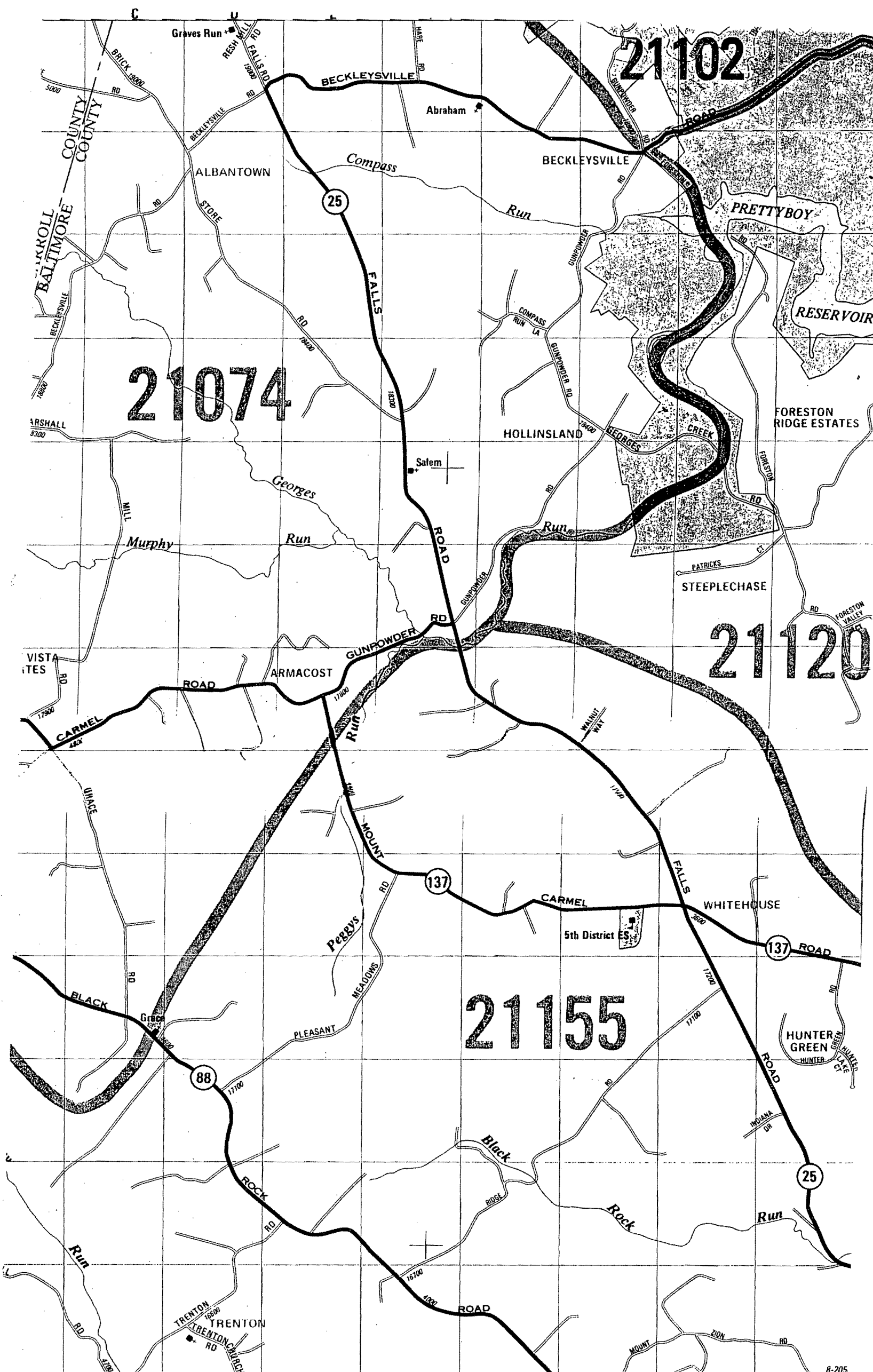
5TH ELECTION DISTRICT BALTIMORE COUNTY MD.
3RD COUNCILMANIC DISTRICT
DATE: DECEMBER 17 1999
SCALE: 1"=30'

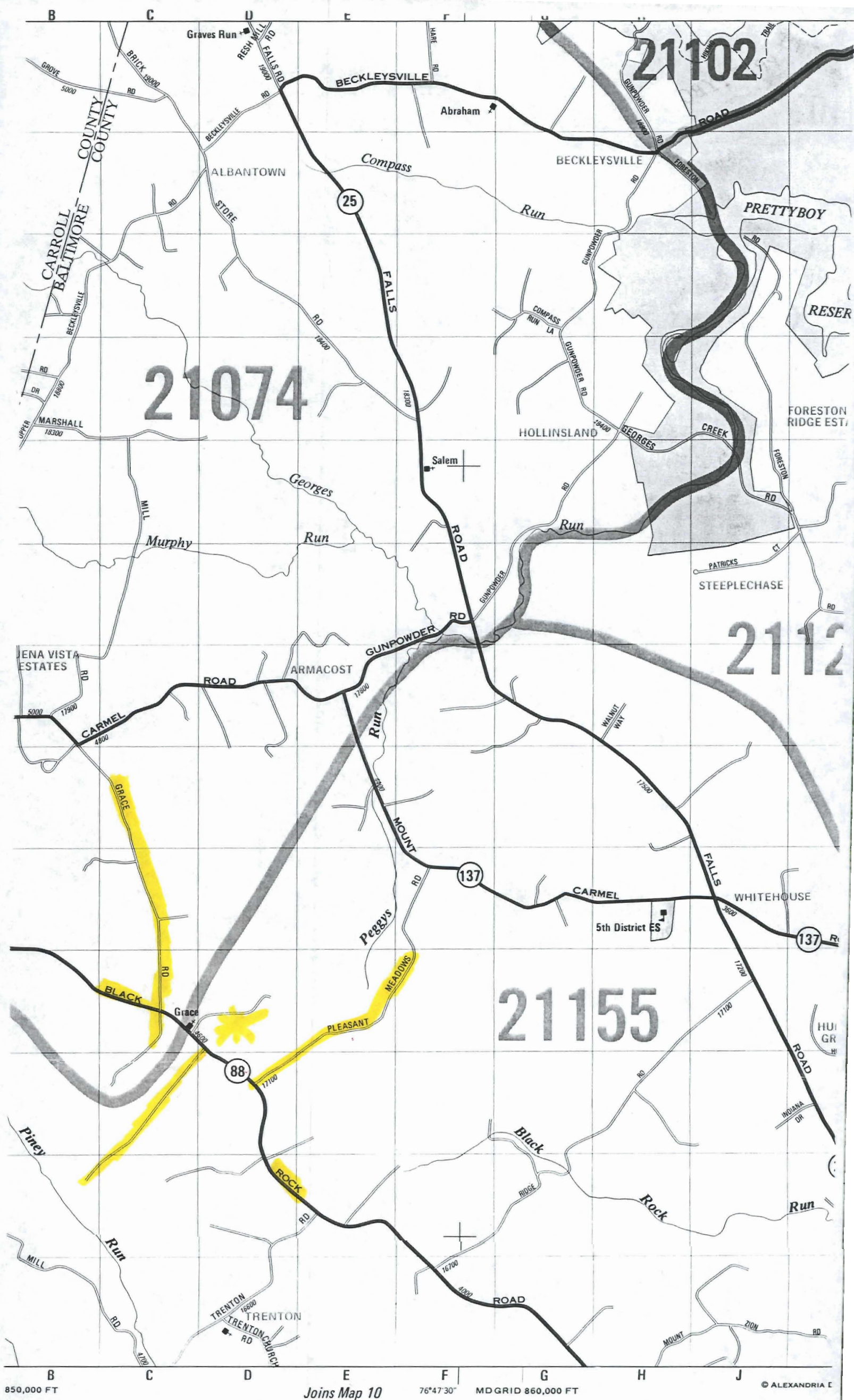


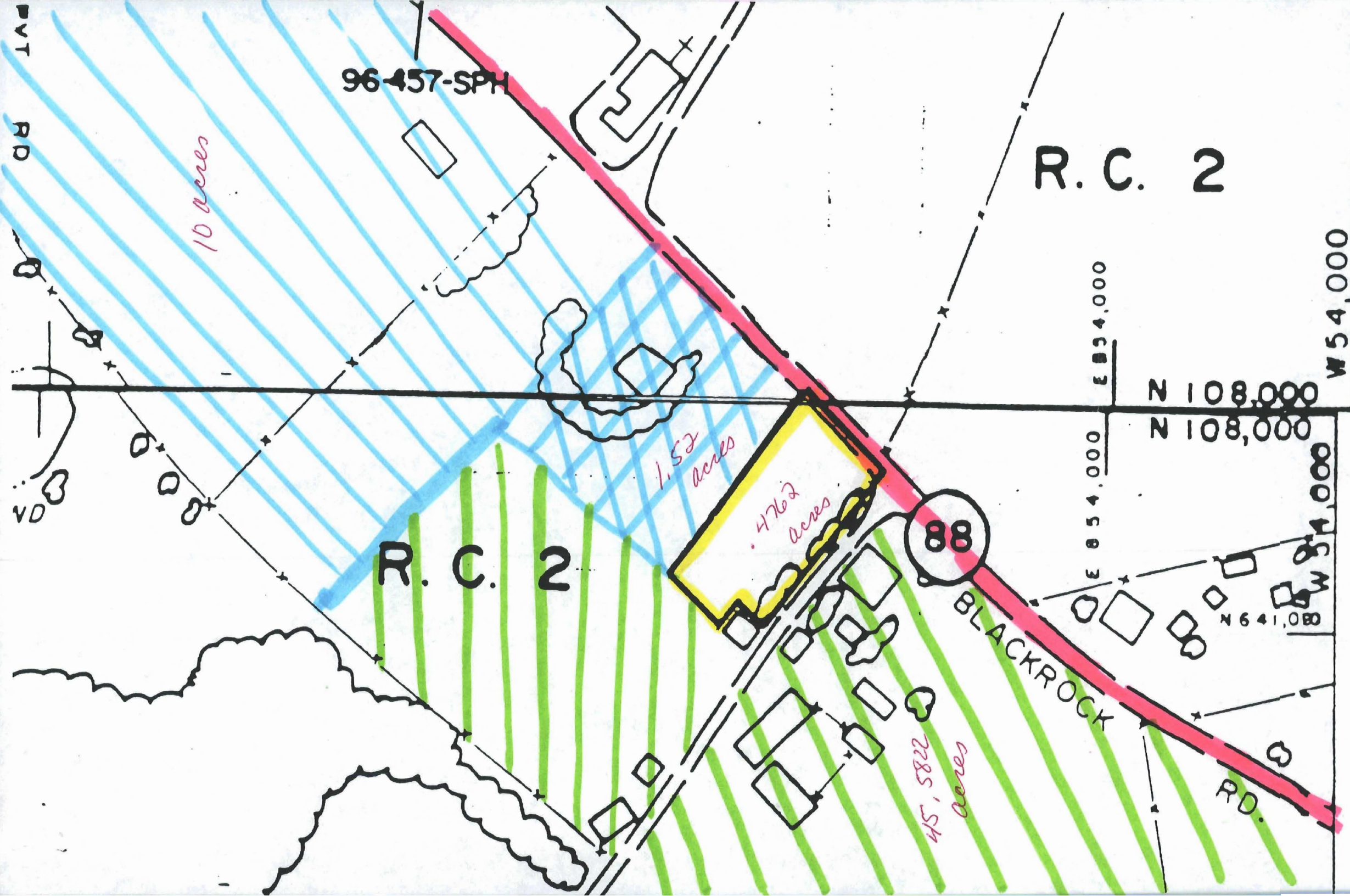
PREPARED BY:
A.L. SNYDER
SURVEYOR, INC.
1911 HANOVER PIKE
HAMPSTEAD, MD. 21074
410-239-7744

00-270-SPHA

#270







MT
RD

96-457-SPH

10 acres

R.C. 2

W 54,000

N 108,000
N 108,000

E 854,000
E 854,000

W 54,000

N 641,000

R.C. 2

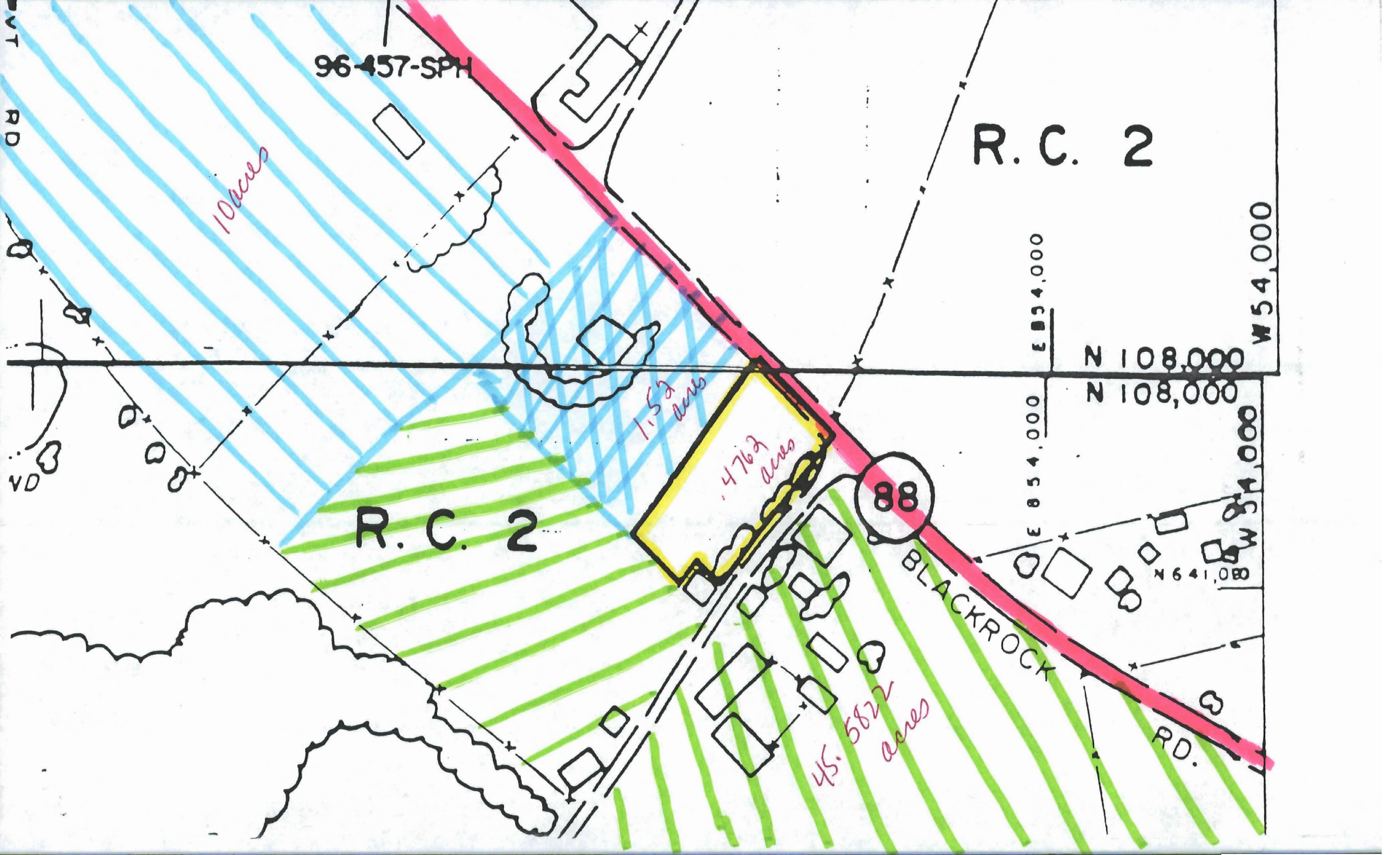
1.52 acres
.4762 acres

88

BLACKROCK

RD.

45.5822 acres



VT
RD

96-457-SPH

10 acres

R.C. 2

E 854,000

N 108,000

W 54,000

E 854,000

N 108,000

W 34,000

R.C. 2

1.52 acres

4762 acres

88

BLACKROCK

45.5822 acres

RD.

VD

N 641,08

CVT
RD

96-457-SPH

10 acres

R.C. 2

E 854,000

N 108,000

N 108,000

W 54,000

E 854,000

N 641,080

W 54,000

R.C. 2

1.52 acres

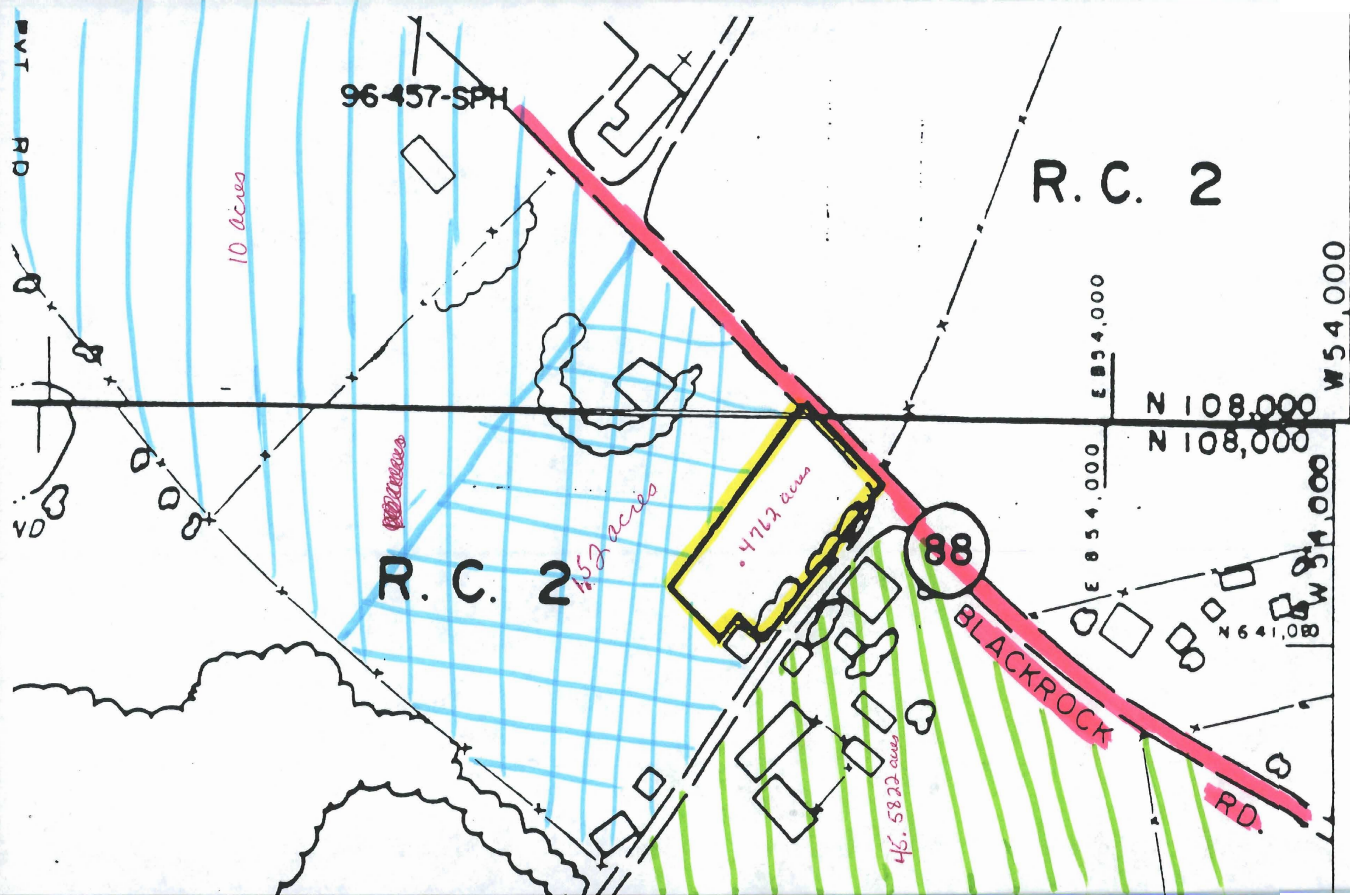
4762 acres

88

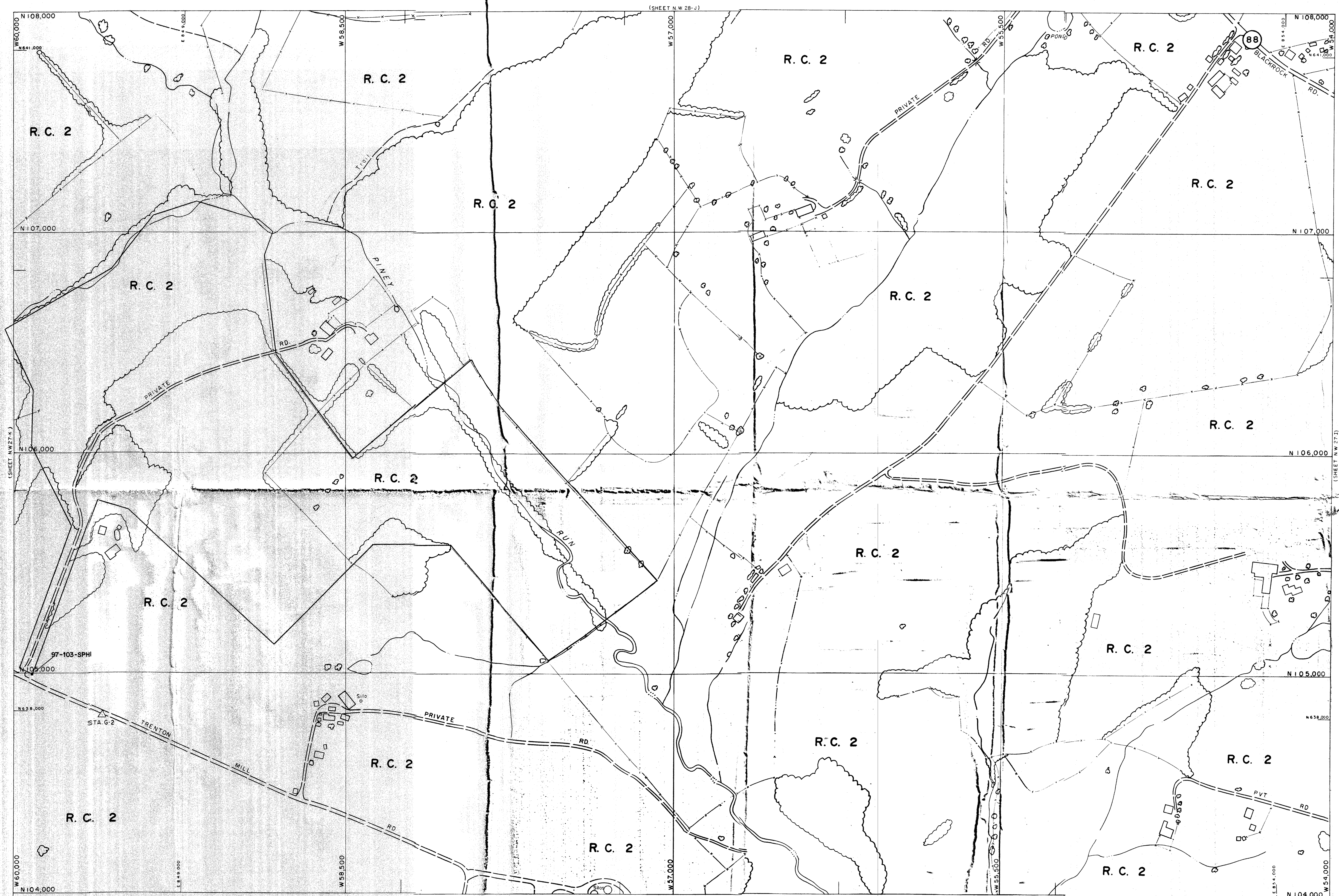
BLACKROCK

45,5822 acres

RD.



NW 28-J
↑



FF - SE GG - SW

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
Kevin Kamenev
Chairman, County Council

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

SCALE	LOCATION	SHEET
1" = 200' ±	NORTH OF TRENTON	N.W. 27-J
DATE OF PHOTOGRAPHY		
JANUARY 1986		

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER
NW 27-J



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

Kevin Kamenev
Chairman, County Council

FF-SE GG-SW
FF-NE GG-NW

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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION GRACE	SHEET N.W. 28-J
DATE OF PHOTOGRAPHY JANUARY 1986		

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER

NW28-J



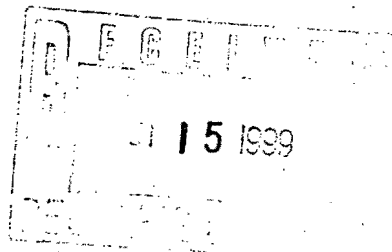
County Board of Appeals of Baltimore County

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

FAX: 410-887-3182

October 15, 1999

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



RE: Case No. 99-011-SPH
Robert F. Webbert, et ux

Dear Mr. Zimmerman:

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

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

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Legal Administrator

encl.

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

*C:-
Please send a done
copy to Wally
Hippino the Bal
Bolomon Cnd*



copy

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

O P I N I O N

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

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

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

RE: PETITION FOR SPECIAL HEARING
 2119 Stringtown Road, SE/S Stringtown Rd,
 4850' +/- NE of c/l Falls Road
 5th Election District, 3rd Councilmanic

* BEFORE THE
 * COUNTY BOARD OF APPEALS
 * FOR BALTIMORE COUNTY
 * Case Number: 99-11-SPH

ROBERT P. & BARBARA P. WEBBERT
 Petitioners

* * * * *

PEOPLE'S COUNSEL'S MEMORANDUM

Table of Contents

Statement of the Case	1
Questions for the County Board of Appeals	2
Facts	2
The R.C.-2 Zone Provides for Two Density Units for the Site	2
History of the Rural Zones	4
Application of the Zoning Regulations	6
Testimony of Paul Solomon	8
Absence of Vested Rights	11
The Merger Doctrine	13
A Lot Line Adjustment Is Not Permitted to Circumvent Zoning Laws	15
A Transfer of Development Rights Is Prohibited	16
Critique of the Witnesses	16
Douglas C. Myers	16
Robert Webbert	17
Richard McQuaid	17
Summary	17

RECEIVED
 COUNTY BOARD OF APPEALS
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IN THE MATTER OF: * BEFORE THE

THE APPLICATION OF * COUNTY BOARD OF APPEALS

ROBERT F. WEBBERT, ET UX. * BALTIMORE COUNTY

(2110 Stringtown Road) * Case No. 99-11-SPH

5th ELECTION DISTRICT * June 2, 1999

4th COUNCILMANIC DISTRICT *

* * * * *

Excerpt testimony of Paul Solomon, in the

above-entitled matter which came on hearing before the

County Board of Appeals of Baltimore County at 400

Washington Avenue, Towson, Maryland 21204 at 10 a.m., June

2, 1999.

* * * * *

Reported by:

C.E. Peatt

CHRISTIAN B. ANDERSON, et ux.
SPH - Resubdivision and Realignment
of Lot 1 of Meredith's Range

Petitioners

BOARD OF APPEALS

OF

BALTIMORE COUNTY

Case No. 85-170-SPH

* * * * *

ORDER

Pursuant to the original Petition filed in this proceeding, the Petitioners herein sought approval to resubdivide and realign Lot 1 of "Meredith's Range" and two other parcels contiguous thereto, containing 14.63 acres so as to create three building lots as shown on the sight plan prepared by Development Design Group, marked Petitioner's Exhibit 1 before the Deputy Zoning Commissioner of Baltimore County.

After hearing testimony and reviewing the exhibits, the Deputy Zoning Commissioner of Baltimore County, on January 25, 1985 granted the resubdivision and realignment of Lot 1 Meredith's Range Road and two other parcels continuous thereto, containing a total of 17.63 acres so as to create three building lots, in accordance with Petitioner's Exhibit 1.

On February 15, 1985 Phyllis Cole Friedman, Peoples Counsel for Baltimore County and Peter Max Zimmerman, Deputy Peoples Counsel for Baltimore County, filed a Notice of Appeal from the decision of the Deputy Zoning Commissioner of January 25, 1985.

On February 22, 1985 S. Eric DiNenna, P.A. filed an Appeal from said Order of the Deputy Zoning Commissioner on behalf of Dr. Emil Kfoury and Elizabeth Kfoury, his wife.

On March 19, 1985 notice of assignment was sent by the County

IN THE MATTER OF THE
THE APPLICATION OF
DENNIS G. MCGEE
FOR A SPECIAL HEARING ON
PROPERTY LOCATED ON THE WEST-
SIDE FALLS ROAD, 2500 FT. S
OF BENSON MILL ROAD
(15906 FALLS ROAD)
5TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 94-42-SPH

* * * * *

O P I N I O N

Dennis McGee filed a Petition for Special Hearing through his attorney Hurst R. Hessey, Esquire, seeking approval to combine two lots for the purpose of obtaining a building permit for single family dwelling. This petition was denied by Order of the Zoning Commissioner and subsequently appealed to this Board. At the hearing on the Petition, the Board received testimony and evidence from which we find the following facts.

Bessie R. Curtis, widow of Levy Curtis, originally owned approximately 14 acres of land in northern Baltimore County. This 14-acre parcel was located adjacent to Falls Road and was roughly J-shaped. The tract is and has been zoned R.C.2 since 1979 and is improved with a single family dwelling and several outbuildings. The dwelling is located on the front portion of the property, immediately next to Falls Road.

On or about May 6, 1971, Mrs. Curtis transferred approximately 1.451 acres to her son, Thomas Curtis, and his wife, Dorothy R. Curtis. Ultimately, the younger Mr. Curtis constructed a single family dwelling on that lot. That conveyance reduced Mrs. Curtis' holdings to 12.5 acres, more or less. Thereafter, on or about April 26, 1973, Mrs. Curtis conveyed a second parcel of approximately .7 acres to the Baltimore Gas and Electric Company (BG & E). Apparently, the purpose of this transfer was to provide an area for BG & E to construct a utility tower for the Company's

88-490-SPH

PCTF: ✓
PMZ: ✓

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

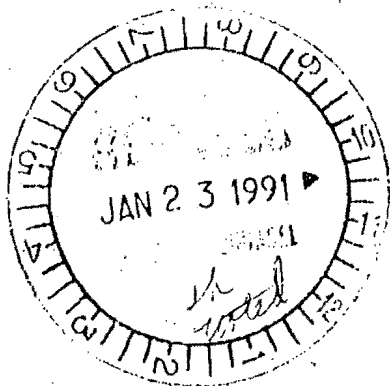
No. 396

September Term, 1990

Steven H. Gudeman et ux.

v.

People's Counsel for Baltimore County



Bell, R.B.
Fischer,
Thayer, (specially
assigned)

JJ.

Per Curiam

Filed: January 22, 1991