IN RE: PETITION FOR SPECIAL HEARING E/S Thornton Mill Road, 1200' N of Priceville Road 8th Election District 3rd Councilmanic District (E side of Thornton Mill Road, 1200' N of Priceville Road)	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 01-218-SPH
Holly C. & William G. Cumberland Petitioners	*	

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Holly and William Cumberland. The Petitioners are requesting a special hearing to approve the non-density transfer of two (2) parcels of property, one containing 1.98024 acres of land and the other containing 2.15383 acres of land. The Petition involves property located on the east side of Thornton Mill Road, 1200 ft. north of Priceville Road. The subject property is zoned RC 2.

Appearing at the hearing on behalf of the special hearing request was David Karceski, attorney at law, representing the Petitioners, Pat Schuebel and Charles P. Crocken. Appearing as interested citizens were Kenneth Bosley and Jody Westerlund, nearby residents. There were no protestants in attendance.

Testimony offered at the hearing demonstrated that Mr. and Mrs. Cumberland are desirous of accomplishing two (2) non-density transfers. The Petitioners submitted into evidence as Petitioners' Exhibit No. 1, a site plan of the two (2) parcels of property which are the subject of these non-density transfer requests. Highlighted in blue on the subject property is a 2.15383 acre parcel of property that is currently owned by William and Holly Cumberland, as husband and wife. They propose to convey to the adjacent property owner, Christopher Goelet, that parcel of

ORDER RECEIVED FOR FILING
By

property which will be combined with Mr. Goelet's larger land holdings. The subject transfer is for agricultural purposes and is not in any manner to be used in calculating additional density for the property owned by Mr. Goelet.

In addition to that non-density transfer request, the Petitioners are also proposing to transfer a 1.98024 acre parcel of property from William and Holly Cumberland, as husband and wife, to William Cumberland, individually, That particular parcel of property is shown in green on Petitioners' Exhibit No. 1. The purpose of this non-density transfer is to provide a 50 ft. wide strip of land over which access may be provided to a larger 67 acre parcel of land owned by Mr. Cumberland to Thornton Mill Road. This access is preferable in that it will not involve the disturbance of any areas that are currently farmed on the subject property, thereby preserving and protecting prime and productive soils. It will also serve the purpose of providing a means of access to Thornton Mill Road for the Petitioners' 67 acre parcel of land.

After due consideration of the testimony and evidence presented at the hearing and the lack of opposition to these two (2) minor non-density transfer requests, I find that the special hearing should be granted. It is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R. Therefore, permission for a non-density transfer of two (2) parcels of property, one containing 1.98024 acres of land and the other containing 2.15383 acres of land, zoned RC 2, is granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of January, 2001, that the Petitioners' Request for Special Hearing from Section 1A00.4.b (2) and (3) of the Zoning Commissioner's Policy Manual, to approve the non-density transfer of two (2) parcels of property, one containing 1.98024 acres of land and the other containing 2.15383 acres of land, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. Within ninety (90) days from the date of this Order, the Petitioners shall be required to prepare and record new deeds evidencing the transfer and conveyance of these two (2) non-density parcels to their respective recipients. The subject deeds shall reference this case and shall indicate that the conveyance of these parcels is not for the purpose of creating additional density. A copy of the deeds, once recorded in the Land Records of Baltimore County, shall be forwarded to the Department of Permits and Development Management (PDM) for inclusion in the case file.

2. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

IN THE MATTER OF THE APPLICATION OF HOLLY C. AND WILLIAM G. CUMBERLAND PETITIONERS FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE E/S OF THORNTON MILL ROAD, 1200' N OF PRICEVILLE ROAD 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * *	BEFORE THE COUNTY BOARD OF APPEAL OF BALTIMORE COUNTY Case No. 01-218-SPH

* * * * * * * * *

OPINION

A public hearing was held on June 19, 2001 to consider the appeal on the captioned matter, due notice of which was provided to all parties. The appeal was from a decision of the Deputy Zoning Commissioner relative to a Petition for Special Hearing that was granted by the Deputy Zoning Commissioner subject to two restrictions. The Appellant /Protestant was Mr. Kenneth Bosley, who appeared in proper person. David H. Karceski, Esquire, and Robert A. Hoffman, Esquire, represented the Petitioners. Mr. Karceski actually conducted Petitioner's case before the Board. Mr. Bosley has appeared before this Board on previous occasions on a *pro se* basis, and was familiar with the conduct of the case on a *de novo* basis.

Brief opening statements were offered by both parties. Mr. Karceski offered Mr. A. L. Snyder as his first witness. Petitioner's Exhibit No. 1 was Mr. Snyder's resume. Mr. Bosley agreed that Mr. Snyder was an expert as a property line surveyor. Mr. Snyder opined that he had prepared the site plan for the subject property (Petitioner's Exhibit No. 2) dated January 5, 2001, and he proceeded to review the site plan before the Board. The appeal involves the approval of non-density transfers of two (2) parcels of property. One parcel consisted of 2.15383 acres currently owned by William and Holly Cumberland, as husband and wife. The second parcel consisted of 1.98024 acres and is also owned by William and Holly Cumberland, as husband and wife, and it has been petitioned to propose transferring that small portion to Mr. William

Cumberland, individually. Parcel A (1.98024 acres) is shaded in green on the exhibit. Parcel B is shaded in blue on the exhibit. Mr. Snyder stated that the current zoning of the property was R.C. 2. The intention of the present owners was to transfer the 2.15383 acres to Mr. Christoper Goelet, the adjacent property owner, which would be combined with Mr. Goelet's current holdings. It was also Mr. Snyder's understanding that the land transfer was for agricultural purposes, and not for adding any density factor to Mr. Goelet's present holdings. As to the requested transfer of 1.98024 acres, Mr. Snyder opined that the non-density transfer was solely to provide a 50-foot wide strip of land over which access could be provided to a larger 67-acre land parcel owned by Mr. Cumberland to Thornton Mill Road. Mr. Snyder described the current use of the parcels as farm and wooded areas. He also discussed the access requested and, in his opinion, it was the most desirable route since it did not require disturbance of any of the currently farmed acreage. Providing this access, the relatively excellent productive soils would be retained. Petitioner's Exhibit No. 3 was introduced and questions propounded relative to the resource conservation zones, § 1A01.2 and § 1A01.3 of the *Baltimore County Zoning Regulations* (BCZR).

Section 1A01.2A (Use regulations) states:

> Preferred use permitted as of right. Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in R.C. 2 Zones.

Section 1A01.3B.1 (Area regulations) states:

> 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.

Mr. Snyder explained how the transfers would not impact the preferred uses under § 1A01.2 and how the transfer of the two smaller parcels would not increase the density factor. He testified that the non-density transfers are not uncommon for purposes of agriculture and easements.

Petitioner's Exhibit No. 4 reflected a portion of the Zoning Commissioner's Manual, § 1A00.4.b, "Sale or Transfer of Small Parcels":

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

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

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

Again Mr. Snyder emphasized that the purpose of transferring Parcel A would be for access to Thornton Mill Road. An alternate route would be to go through a wooded area with heavy slopes. Parcel A was the best grade and avoided going through farmland. Approving the transfer would preserve prime agricultural land. Parcel B would also preserve agricultural interests, and neither would increase density.

Mr. Karceski entered Petitioner's Exhibits 5 and 6, Findings of Fact and Conclusions of Law, both dated September 13, 2000; both involving transfers of non-density parcels in the same area involving Mr. Cumberland over the objection of Mr. Bosley. They were admitted for identification purposes only and whatever weight the Board might choose to assess to them. Mr.

Snyder opined that the approval of the transfers would not be detrimental to the health, safety and general welfare of the community, and they conformed to the legislative intent.

Mr. Bosley cross-examined Mr. Snyder relative to a prior surveyor's employment by Petitioners, soil content, the existence of one dwelling on the 93 acres, and his knowledge of any wetlands. Questions concerning downzoning were posed, along with children's lots and the existence of any recorded plats.

Mr. Robert W. Sheesley, President of Eco Sense, Inc., was the second witness offered by the Petitioner. Mr. Sheesley's resume was admitted as Petitioner's Exhibit No. 7. Mr. Bosley agreed to accept Mr. Sheesley as an expert in environmental matters. Mr. Sheesley testified that the requested transfers were in compliance with §§ 1A01.2 and 1A01.3, and § 1A00.4.b of the Zoning Commissioner's Manual relative to agricultural preservation. The R.C. 2 zones are among the most severe in the State. The uses that would be incurred would continue as to agriculture and limited easements rights. He agreed there was no density issue present. He commented relative to Petitioner's Exhibit No. 8, "DEPRM" comments relative to Zoning Advisory Committee meeting of December 4, 2000. Mr. Sheesley stated that there was no water or wetland at issue. He described his analysis of the property based on site visits and the sloping grade, and that the suggested easement would have a minimal effect on disturbance of the land. He indicated that a study had been undertaken by DEPRM relative to the minimal damage that would be affected in disturbing the existing farmlands and wooded areas. He opined that there was no detrimental effect as to any health, safety, or welfare issues. He opined that the proposed transfer conformed with the R.C. 2 regulations and the Zoning Commissioner's Manual and was well within the spirit and intent of the zoning ordinance.

Mr. Bosley raised issues involving soil content, the Cockeysville Marble status in the area, and a kiln located on the property. Mr. Karceski rested his case. Mr. Bosley submitted no witnesses but testified in the narrative. He is obviously concerned about development in the area and the diminution of farmland. He related his family history and ownership in proximity to the site, and his relationship with Conclusion Farm, buildings that were visible from I-83, a Quaker meeting house near the location, a lime kiln 100 feet by 100 feet as part of the property. He also questioned certain lot lines and what he continued to stress was, in his opinion, uncontrolled rampant development in the North County.

Mr. Karceski offered, as a proffer, an affidavit filed by Holly C. Cumberland, which, after objection by Mr. Bosley, was accepted for I.D. purposes only as Petitioner's Exhibit No. 9. Brief closing statements were offered by both parties. The Board recessed for 1 ½ hours to review their notes and evidence, followed by a public deliberation in the afternoon.

Mr. Bosley had requested a continuance due to the absence of the property owners from the proceedings. The Board ruled that the current owners were not required to be present at the proceedings and cited the Board's Rule 6.0, wherein a party to the hearings may be represented by Counsel at the proceedings. The Board, having reviewed the testimony and evidence offered at the hearing, has concluded that the Petitioner has met his burden by the weight of the testimony and evidence as required by law in these cases. Mr. Sheesley's testimony relative to the topography and accessibility to roadways was most convincing. His analysis concerning alternate routes relative to Petitioner's Exhibit No. 8 and maintenance of the farmland transfer and the minimal disturbance of the area was reasonable considering the height, elevation in the north ridge and lower elevation in the southern agricultural portion. The proposed transfer is unique according to land uniqueness as required by *Cromwell v. Ward*, 102 Md.App. 691, 651

A.2d 424 (1995). Practical difficulty, the second prong, is satisfied due to the topography. The agricultural area would have to be compromised for access if Parcel A is not utilized. The R.C. 2 zoning as reflected by both Mr. Snyder and Mr. Sheesley is to preserve the agricultural land areas. That requirement is satisfied according to Messrs. Snyder and Sheesley. Both also testified as to no detrimental effect concerning the health, safety and welfare of the community. Both also agreed that the spirit and intent of the zoning ordinances was being applied.

The Board is aware of Mr. Bosley's concern relative to development in the Northern area of Baltimore County and the possibility of downzoning. However, the transfer of these small portions satisfies the requirements of such transfers as reflected in legislation passed by the Baltimore County Council. Rezoning is also the sole prerogative of the County Council. There was simply no substantive testimony or evidence to warrant the Appellant's appeal to deny the Petitioners' request. In considering the matter, the Board gave no weight to Petitioner's Exhibits No. 5 and No. 6 and also Mrs. Cumberland's Affidavit (Petitioner's Exhibit No. 9).

O R D E R

THEREFORE, IT IS THIS 11th day of July, 2001 by the County Board of Appeals of Baltimore County

ORDERED that Petitioners' request for Special Hearing to approve the non-density transfer of two (2) parcels of property, one containing 1.98024 acres of land the other containing 2.15383 acres of land, be and is hereby **GRANTED**, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Within ninety (90) days from the date of this Order, the Petitioners shall be required to prepare and record new deeds evidencing the transfer and conveyance of these two (2) non-density parcels to their respective recipients. The subject deeds shall reference this case and shall indicate that the conveyance of these parcels is not for the purpose of creating additional density. A copy of the deeds, once recorded in the Land Records of

Baltimore County, shall be forwarded to the Department of Permits and Development Management (PDM) for inclusion in the case file.

2. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Charles L. Marks, Panel Chairman

C. Lynn Barranger

Richard K. Irish

PETITION OF:	*	ZONING COMMISIONER
HOLLY C. CUMBERLAND, ET.UX.	*	FOR
E/S THORNTON MILL ROAD,	*	BALTIMORE COUNTY
1200' N OF PRICEVILLE ROAD	*	
8TH ELECTION DISTRICT	*	CASE NO. 01-218 – SPH
	*	

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

NOTICE OF APPEAL

This is notice of appeal of the decision of January 17, 2001, by the Deputy Zoning Commissioner for Baltimore County, Timothy M. Kotroco, granting the Petition for Special Hearing, Case No. 01-218-SPH, Holly C. & William G. Cumberland, Petitioners.

Kenneth T. Bosley
PO Box 334
Cockeysville, MD 21030
1 800 497-0880
Appellant

Certificate of Service

I hereby certify, that on this 14th day of February, 2001, that a copy of the foregoing Notice of Appeal, was mailed postage prepaid, to: David H. Karceski, Esq., Venable Baetjer & Howard, 210 Allegheny Ave., Towson, Maryland 21204.

Kenneth T. Bosley

RECEIVED
FEB 14 2001
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

PETITION OF:	*	ZONING COMMISIONER
HOLLY C. CUMBERLAND, ET.UX.	*	FOR
E/S THORNTON MILL ROAD,	*	BALTIMORE COUNTY
1200' N OF PRICEVILLE ROAD	*	
8TH ELECTION DISTRICT	*	CASE NO. 01-218 - SPH

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

REQUEST FOR A REHEARING

Protestant, Kenneth T. Bosley, requests a re-hearing on the above cited Special Hearing held on Wednesday, January 10, 2001, and for reasons therefore says:

1. That the Plan was not properly advertised since there was no posting on Wheeler's lane for tract No. 2 and for the and new planned parcels A and B.
2. That the Plan does not show that the properties are located within the Belfast – Western Run Historical District and if that the Plan has the approval of the Baltimore County Landmarks Preservation Commission.
3. That the Plan does not show the adjoining farm lands that are located in the Baltimore County Agricultural preservation district and the Maryland Environmental Trust district.
4. That the Plan does not locate or show the adjoining properties north of the Herzberger tract on Wheeler's lane which are adjacent to parcel A + B of the Plan which was the site of a historic log cabin for over a century.
5. That the Plan does not provide the name and address of the local agents for the petitioners.
6. That the survey plat presented to the County D. R. C. meeting is different than the plat given to the Zoning Commissioner for record.

And for other good and sufficient reasons to be advanced at the re-hearing.

Kenneth T. Bosley
PO Box 334
Cockeysville, MD 21030
1 800 497-0880
Protestant

JAN 18

Certificate of Service

I hereby certify, that on this 19th day of January, 2001, that a copy of the foregoing Request for A Rehearing, was mailed postage prepaid, to: David H. Karceski, Esq., Venable Baetjer & Howard, 210 Allegheny Ave., Towson, Maryland 21204.

Kenneth T. Bosley

County Board of Appeals of Baltimore County

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

July 11, 2001

Mr. Kenneth T. Bosley
PO Box 334
Cockeysville, MD 21030

RE: *In the Matter of: Holly C. and William G. Cumberland*
- Legal Owners /Petitioners /Case No. 02-218-SPH

Dear Mr. Bosley:

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 of Procedure*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** 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,

Kathleen C. Bianco
Administrator

Enclosure

c: David H. Karceski, Esquire
Robert A. Hoffman, Esquire
Charles P. Crocken
Jody Westerlund
Holly C. and William G. Cumberland
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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Baltimore County
Zoning Commissioner

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

January 17, 2001

David Karceski, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No 01-218-SPH
Property: E/S Thornton Mill Road,
1200' N of Priceville Road

Dear Mr. Karceski:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Census 2000 For You, For Baltimore County Census 2000

Printed with Soybean Ink on Recycled Paper

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

Copies to:

Mr. & Mrs. William G. Cumberland
3550 Cross Creek Lane
Malibu, CA 90265

Mr. Charles Crocken
902 Lee Avenue
Sykesville, MD 21784

Mr. Kenneth T. Bosley
Box 585
Sparks, MD 21152

Ms. Jody Westerlund
15132 Wheeler Lane
Sparks, MD 21152

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at East side of Thornton Mill Road, 1200 FT. North of Priceville Road

which is presently zoned RC2

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

Special Hearing to approve the transfer of 1.9835 acres of RC2 zoned land and 2.1490 acres of RC2 zoned land as non-density land transfers pursuant to Zoning Commisioner's Policy Manual Section 1A00.4.b(2) and (3).

Special Hearing to amend the site plan previously approved in Case Nos. 01-059-SPH and 01-060-SPH. DHK

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

Holly C. Cumberland
Name - Type or Print

Holly C. Cumberland
Signature

William G. Cumberland
Name - Type or Print

William G. Cumberland
Signature

3550 Cross Creek Lane (310) 465-2127
Address Telephone No.

Malibu CA 90265
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman, Esquire
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue (410) 494-6262
Address Telephone No.

Towson MD 21204
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman, Esquire
Name
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue (410) 494-6262
Address Telephone No.

Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 11/22/00

Case No. 01-208-SPH

REV 9/15/98

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

PARCEL 'A'

ZONING DESCRIPTION 1.9835 ACRE NON-DENSITY LAND TRANSFER
WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND TO
WILLIAM G. CUMBERLAND - WHEELER LANE SPARKS. MARYLAND

BEING A PART OF THAT LAND CONVEYED BY CLARENCE E. RITTER AND LOIS M. RITTER TO WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND BY DEED DATED DECEMBER 5. 1975. AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY. MARYLAND IN LIBER 5590. FOLIO 592. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT IN WHEELER LANE 588.9 FEET ± NORTH OF THE INTERSECTION OF WHEELER LANE AND GERBER LANE THENCE LEAVING WHEELER LANE WITH NEW LINES OF DIVISION AS NOW SURVEYED (1) S 00°-32'-02" E 170.00 FEET THENCE (2) S 51°-37'-59" E 650.00 FEET THENCE RUNNING WITH THE BOUNDARY OF SAID CUMBERLAND PROPERTY (3) S 01°-40'-19" E 960.43 FEET THENCE (4) N 81°-21'-33" W 50.78 FEET THENCE LEAVING SAID BOUNDARY (5) N 01°-40'-19" W 928.67 FEET THENCE (6) S 51°-37'-59" E 650.61 FEET THENCE (7) S 00°-32'-02"E 116.63 FEET THENCE RUNNING WITH WHEELER LANE (8) S 41°-24'-08" W 71.28 FEET THENCE (9) S 05°-01'-05"W 24.35 FEET TO THE POINT OF BEGINNING. CONTAINING 1.9835 ACRES OF LAND MORE OF LESS.

CRC-35
HLY-1AC.DES

STATE OF MARYLAND
LEONARD THOMAS BOWMAN
No. 10659
REGISTERED
PROFESSIONAL LAND SURVEYOR

11-21-00

01-218-SPH

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

PARCEL 'B'

ZONING DESCRIPTION 2.14 ACRE NON-DENSITY LAND TRANSFER
WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND TO
CHRISTOPHER GOELET - WHEELER LANE SPARKS, MARYLAND

BEING A PART OF THAT LAND CONVEYED BY CLARENCE E. RITTER AND LOIS M. RITTER TO WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND BY DEED DATED DECEMBER 5, 1975, AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 5590, FOLIO 592, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING FOR THE SAME AT A POINT IN WHEELER LANE 588.9 FEET ± NORTH OF THE INTERSECTION OF WHEELER LANE AND GERBER LANE THENCE LEAVING WHEELER LANE AND RUNNING WITH THE BOUNDARY OF SAID PROPERTY AS NOW SURVEYED (1) S 58°-44'-19" E 449.70 FEET THENCE (2) S 25°-26'-59" E 362.95 FEET THENCE LEAVING SAID BOUNDARY WITH THE FOLLOWING LINES OF DIVISION (3) N 51°-37'-59" W 650.00 FEET THENCE (4) N 00°-32'-02" W 170.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.1490 ACRES OF LAND MORE OF LESS.

CRC-35
HLY-2AC.DES

STATE OF MARYLAND
LEONARD THOMAS BOHLINGER
No. 10859
REGISTERED
PROFESSIONAL LAND SURVEYOR

11-21-00

01-218-SPH

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

TRACT #1

ZONING DESCRIPTION WILLIAM G. CUMBERLAND PROPERTY
67.901 ACRES LOCATED AT THORNTON MILL ROAD SOUTH
OF GERBER LANE IN SPARKS. MARYLAND

BEING A PART OF THAT LAND CONVEYED BY BELFAST FARMS COMPANY TO WILLIAM G. CUMBERLAND BY DEED DATED DECEMBER 21. 1978 AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY. MD. IN LIBER E.H.K.. JR. 5973. FOLIO 428 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT IN THORNTON MILL ROAD 834 FEET ± SOUTH OF THE INTERSECTION WITH GERBER LANE THENCE LEAVING SAID ROAD (1) N 56°-23'-50" E 762.71 FEET THENCE (2) N 04°-53'-50" E 585.89 FEET THENCE (3) N 23°-13'-50" E 618.85 FEET THENCE (4) N 87°-58'-20" E 605.00 FEET THENCE (5) N 03°-18'-40" W 309.14 FEET THENCE (6) S 85°-08'-38" E 208.28 FEET THENCE (7) S 79°-47'-27" E 240.89 FEET THENCE (8) S 25°-25'-52" E 57.53 FEET THENCE (9) S 26°-34'-40" E 356.17 FEET THENCE (10) N 63°-25'-20" E 167.00 FEET THENCE (11) WITH A CURVE TO THE LEFT LENGTH = 121.63 FEET AND RADIUS = 202.00 FEET THENCE (12) N 28°-55'-20" E 40.00 FEET THENCE (13) WITH A CURVE TO THE LEFT LENGTH = 39.27 FEET AND RADIUS = 25.00 FEET THENCE (14) N 28°-18'-50" E 142.25 FEET THENCE (15) N 76°-00'-00" E 115.50 FEET THENCE (16) S 74°-54"-00" E 407.44 FEET THENCE (17) S 28°-01'-30" E 553.43 FEET THENCE (18) S 65°-03"-00" W 16.00 FEET THENCE (19) N 28°-39'-00" W 544.59 FEET THENCE (20) N 74°-09'-00" W 400.62 FEET THENCE (21) S 28°-18'-50" W 1,438.73 FEET THENCE (22) S 24°-09'-40" E 423.52 FEET THENCE (23) S 24°-39'-40 E 291.76 FEET THENCE (24) S 46°-39'-20" W 802.06 FEET THENCE (25) N 33°-25'-40" W 981.67 FEET THENCE (26) S 54°-34'-20" W 570.47 FEET THENCE (27) S 54°-34'-20" W 375.71 FEET THENCE (28) N 49°-42'-10" W 125.40 FEET THENCE (29) N 33°-36'-10" W 333.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 67.901 ACRES OF LAND MORE OR LESS.

CRC-35
HLY-67AC.DES

STATE OF MARYLAND
LEONARD THOMAS BOMBERGER
No. 10859
REGISTERED
PROFESSIONAL LAND SURVEYOR

11-21-00

01-218-SPH

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

TRACT #2.

ZONING DESCRIPTION WILLIAM G. CUMBERLAND AND
HOLLY C. CUMBERLAND PROPERTY 34.19 ACRES LOCATED
AT WHEELER LANE AND GERBER LANE - SPARKS. MARYLAND

BEING THAT PARCEL OF LAND CONVEYED BY CLARENCE E. RITTER AND LOIS M. RITTER TO WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND BY DEED DATED DECEMBER 5. 1975 AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY. MARYLAND IN LIBER 5590. FOLIO 592 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT IN WHEELER LANE 588.9 FEET ± NORTH OF THE INTERSECTION OF WHEELER LANE AND GERBER LANE THENCE LEAVING WHEELER LANE AND RUNNING WITH THE BOUNDARY OF SAID PROPERTY AS NOW SURVEYED (1) S 58°-44'-19" E 449.70 FEET. THENCE (2) S 25°-26'-59" E 362.95 FEET THENCE (3) S 01°-40'-19" E 960.43 FEET THENCE (4) N 81°-21'-33"W 324.82 FEET THENCE (5) S 80°-16'-33"W 583.87 FEET THENCE (6) N 48°-16'-55" W 762.71 FEET TO A POINT IN THORNTON MILL ROAD THENCE (7) S 41°-43'05" W 834.67 FEET TO A POINT IN WHEELER LANE AT THE INTERSECTION WITH GERBER LANE THENCE (8) S 30°-45'-55" E 7.59 FEET THENCE RUNNING WITH WHEELER LANE (9) S 41°-24'-08" W 564.39 FEET THENCE (10) S 05°-01'-05" W 24.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 34.19 ACRES OF LAND MORE OF LESS.

CRC-35
HLY-34AC.DES

STATE OF MARYLAND
LEONARD THOMAS BOYGER
NO. 10859
REGISTERED
PROFESSIONAL LAND SURVEYOR

11-21-00

01-218-SPH

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074
(410) 239-7744 (410) 374-9695 phone/fax

STATE OF MARYLAND
ALBERT LEROY SNYDER
No. 26
PROPERTY LINE SURVEYOR

ZONING DESCRIPTION
Non-Density Parcel "A"
The Cumberland Property
1.98024 Acres
January 3, 2001

Beginning at an 1/2" steel bar found on the northeast side of Wheeler Lane (15 feet wide macadam paving) at a distance of 590 feet northwesterly from the intersection of the centerlines of Wheeler Lane and Gerbers Lane; thence the following courses,

1.) South 33 degrees 34 minutes 22 seconds East 73.49 feet; thence,

2.) South 76 degrees 26 minutes 33 seconds East 115.355 feet; thence,

3.) North 53 degrees 23 minutes 13 seconds East 650.105 feet; thence,

4.) South 76 degrees 38 minutes 28 seconds East 928.38 feet; thence,

5.) North 23 degrees 36 minutes 27 seconds East 50.81 feet; thence,

6.) North 76 degrees 38 minutes 28 seconds West 960.72 feet; thence,

7.) South 53 degrees 23 minutes 13 seconds West 650.00 feet; thence,

8.) North 76 degrees 26 minutes 33 seconds West 145.81 feet to the point of beginning.

Containing 1.98024 acres of land, more or less.

Being a part of that parcel of land conveyed by Clarence E. Ritter and Lois M. Ritter, his wife, to William G. Cumberland and Holly Cumberland, his wife, by deed dated December 5, 1975 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K.,Jr. 5590 folio 592 etc., and parcel being located in the Eighth Election District and Councilmanic District 3 of Baltimore County, Maryland.

This is a zoning description and is not intended to be used as a legal description or for the transfer of the parcel described herein

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074
(410) 239-7744 (410) 374-9695 phone/fax

ZONING DESCRIPTION
Non-Density Parcel "B"
The Cumberland Property
2.15383 Acres
January 3, 2001

Beginning at a railroad spike found on the northeast edge of Wheeler Lane (15 feet wide macadam paving) at a distance of 610 feet northwesterly from the intersection of the centerlines of Wheeler Lane and Gerbers Lane; thence the following courses,

1.) South 69 degrees 51 minutes 08 seconds East 24.325 feet; thence,

2.) South 76 degrees 26 minutes 33 seconds East 145.81 feet; thence,

3.) North 53 degrees 23 minutes 13 seconds East 650.00 feet; thence,

4.) South 84 degrees 35 minutes 27 seconds West 362.98 feet; thence,

5.) South 46 degrees 16 minutes 05 seconds West 449.72 feet to the point of beginning.

Containing 2.15383 acres of land, more or less.

Being a part of that parcel of land conveyed by Clarence E. Ritter and Lois M. Ritter, his wife, to William G. Cumberland and Holly Cumberland, his wife, by deed dated December 5, 1975 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K.,Jr. 5590 folio 592 etc., and parcel being located in the Eighth Election District and Councilmanic District 3 of Baltimore County, Maryland.

This is a zoning description and is not intended to be used as a legal description or for the transfer of the parcel described herein.

STATE OF MARYLAND
ALBERT LEROY SNYDER
No. 26
PROPERTY LINE SURVEYOR

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074
(410) 239-7744 (410) 374-9695 phone/fax

ZONING DESCRIPTION
Tract No. 1 of the Cumberland Property
The Remainder of E.H.K.,Jr. 5975 folio 428
67.842 acres
January 3, 2001

Beginning at a railroad spike found in Thornton Mill Road (17 feet wide macadam paving) at a distance of 812 feet southeasterly from the intersection of the centerlines of Thornton Mill Road and Gerbers Lane; thence the following courses,

1.) North 56 degrees 46 minutes 33 seconds East 762.71 feet; thence,

2.) North 05 degrees 16 minutes 33 seconds East 585.89 feet; thence,

3.) North 23 degrees 36 minutes 33 seconds East 618.85 feet; thence,

4.) North 88 degrees 21 minutes 03 seconds East 605.00 feet; thence,

5.) North 02 degrees 55 minutes 57 seconds West 309.14 feet; thence,

6.) South 84 degrees 45 minutes 55 seconds East 208.28 feet; thence,

7.) South 79 degrees 24 minutes 44 seconds East 240.89 feet; thence,

8.) South 25 degrees 16 minutes 32 seconds East 57.76 feet; thence,

9.) South 26 degrees 11 minutes 57 seconds East 356.17 feet; thence,

10.) North 63 degrees 48 minutes 03 seconds East 167.00 feet; thence,

11.) along a curve to the left having a radius of 202.00 feet and an arc length of 121.63 feet, being subtended by a chord bearing North 46 degrees 33 minutes 03 seconds East for a distance of 119.80 feet; thence,

12.) North 29 degrees 18 minutes 03 seconds East 40.00 feet; thence,

13.) along a curve to the left having a radius of 25.00 feet and an arc length of 39.27 feet, being subtended by a chord bearing North 15 degrees 41 minutes 57 seconds West for a distance of 35.36 feet; thence,

14.) North 28 degrees 41 minutes 33 seconds East 142.25 feet; thence,

15.) North 76 degrees 23 minutes 22 seconds East 115.46 feet; thence,

16.) South 74 degrees 31 minutes 17 seconds East 407.44 feet; thence,

17.) South 27 degrees 38 minutes 47 seconds East 553.43 feet; thence,

18.) South 65 degrees 25 minutes 43 seconds West 16.00 feet; thence,

19.) North 28 degrees 16 minutes 17 seconds West 544.59 feet; thence,

20.) North 73 degrees 46 minutes 17 seconds West 400.62 feet; thence,

21.) South 28 degrees 41 minutes 33 seconds West 1438.73 feet; thence,

22.) South 23 degrees 46 minutes 57 seconds East 423.52 feet; thence,

23.) South 24 degrees 16 minutes 57 seconds East 291.67 feet; thence,

24.) South 47 degrees 02 minutes 03 seconds West 802.06 feet; thence,

25.) North 33 degrees 02 minutes 57 seconds West 981.67 feet; thence,

26.) South 54 degrees 57 minutes 03 seconds West 570.47 feet; thence,

27.) South 54 degrees 57 minutes 03 seconds West 375.71 feet; thence,

28.) North 49 degrees 19 minutes 27 seconds West 125.40 feet; thence,

29.) North 33 degrees 13 minutes 27 seconds West 333.00 feet to the point of beginning.

Containing 67.842 acres of land, more or less.

Being a part of that parcel of land conveyed by Belfast Farms Company to William G. Cumberland by deed dated December 28, 1978 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K.,Jr. 5975 folio 428 etc., and being located in the Eighth Election District and Councilmanic District 3 of Baltimore County, Maryland.

This is a zoning description and is not intended to be used as a legal description or for the transfer of the parcel described herein.

STATE OF MARYLAND
ALBERT LEROY SNYDER
No.
PROPERTY LINE SURVEYOR

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074
(410) 239-7744 (410) 374-9695 phone/fax

ZONING DESCRIPTION

Tract No. 2 of the Cumberland Property
Entire Parcel of E.H.K.,Jr. 5590 folio 592
34.18666 acres
January 3, 2001

Beginning at a railroad spike found on the northeast edge of Wheeler Lane (15 feet wide macadam paving) at a distance of 610 feet northwesterly from the intersection of the centerlines of Wheeler Lane and Gerbers Lane; thence the following courses,

1.) South 69 degrees 51 minutes 08 seconds East 24.325 feet; thence,

2.) South 33 degrees 34 minutes 22 seconds East 564.405 feet; thence,

3.) North 74 degrees 11 minutes 43 seconds East 7.705 feet; thence,

4.) South 33 degrees 13 minutes 53 seconds East 834.43 feet; thence,

5.) North 56 degrees 46 minutes 33 seconds East 762.49 feet; thence,

6.) North 05 degrees 14 minutes 51 seconds East 584.67 feet; thence,

7.) North 23 degrees 36 minutes 27 seconds East 324.82 feet; thence,

8.) North 76 degrees 38 minutes 28 seconds West 960.72 feet; thence,

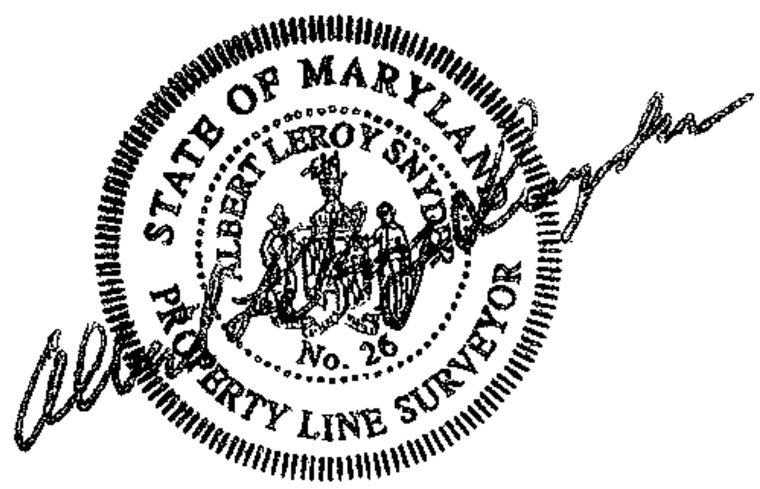
9.) South 84 degrees 35 minutes 27 seconds West 362.98 feet; thence,

10.) South 46 degrees 16 minutes 05 seconds West 449.72 feet to the point of beginning.

Containing 34.18666 acres of land, more or less.

Being all that parcel of land conveyed by Clarence E. Ritter and Lois M. Ritter, his wife, to William G. Cumberland and Holly Cumberland, his wife, by deed dated December 5, 1975 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K.,Jr. 5590 folio 592 etc., and being located in the Eighth Election District and Councilmanic District 3 of Baltimore County, Maryland.

This is a zoning description and is not intended to be used as a legal description or for the transfer of the parcel described herein.



CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

PARCEL - "A"
ZONING DESCRIPTION 1.9834 ACRE NON-DENSITY LAND TRANSFER
WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND TO
WILLIAM G. CUMBERLAND - WHEELER LANE SPARKS, MARYLAND

BEING A PART OF THAT LAND CONVEYED BY CLARENCE E. RITTER AND LOIS M. RITTER TO WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND BY DEED DATED DECEMBER 5, 1975, AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 5590, FOLIO 592, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT IN WHEELER LANE 588.9 FEET ± NORTH OF THE INTERSECTION OF WHEELER LANE AND GERBER LANE THENCE LEAVING WHEELER LANE WITH NEW LINES OF DIVISION AS NOW SURVEYED (1) S 75°-32'-33"E 170.02 FEET THENCE (2) N 53°-22'-11"E 649.90 FEET THENCE RUNNING WITH THE BOUNDARY OF SAID CUMBERLAND PROPERTY (3) S 76°-39'-00" E 960.74 FEET THENCE (4) S 23°-35'-42" W 50.81 FEET THENCE LEAVING SAID BOUNDARY (5) N 76°-39'-00" W 928.40 FEET THENCE (6) S 53°-22'-11" E 650.49 FEET THENCE (7) N 75°-32'-33"W 116.82 FEET THENCE RUNNING WITH WHEELER LANE (8) N 33°-34'-46" W 71.18 FEET THENCE (9) N 69°-51-10 "W 24.29 FEET TO THE POINT OF BEGINNING. CONTAINING 1.9834 ACRES OF LAND MORE OF LESS.

CRC-35
HLY-1AC.DES

01-03-01

Revised 01-28-SPH(1/4/01)

CH LES R. CROCKEN & ASSOCIAT INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

PARCEL - "B"
ZONING DESCRIPTION 2.1484 ACRE NON-DENSITY LAND TRANSFER
WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND TO
CHRISTOPHER GOELET - WHEELER LANE SPARKS. MARYLAND

BEING A PART OF THAT LAND CONVEYED BY CLARENCE E. RITTER AND LOIS M. RITTER TO WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND BY DEED DATED DECEMBER 5. 1975. AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY. MARYLAND IN LIBER 5590. FOLIO 592. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING FOR THE SAME AT A POINT IN WHEELER LANE 588.9 FEET ± NORTH OF THE INTERSECTION OF WHEELER LANE AND GERBER LANE THENCE LEAVING WHEELER LANE AND RUNNING WITH THE BOUNDARY OF SAID PROPERTY AS NOW SURVEYED (1) N 46°-15'-12" E 449.69 FEET THENCE (2) N 84°-34'-01"E 362.95 FEET THENCE LEAVING SAID BOUNDARY WITH THE FOLLOWING LINES OF DIVISION (3) S 53°-22'-11" W 649.90 FEET. THENCE (4) N 75°-32'-33" W 170.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.1484 ACRES OF LAND MORE OF LESS.

CRC-35
HLY-2AC.DES

James T. Billegan

01-03-01

Revised 01-218-SPH (1/4/01)

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

TRACT - "ONE"
ZONING DESCRIPTION WILLIAM G. CUMBERLAND PROPERTY
67.8529 ACRES LOCATED AT THORNTON MILL ROAD SOUTH
OF GERBER LANE IN SPARKS, MARYLAND

BEING A PART OF THAT LAND CONVEYED BY BELFAST FARMS COMPANY TO WILLIAM G. CUMBERLAND BY DEED DATED DECEMBER 21, 1978 AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MD. IN LIBER E.H.K., JR. 5973, FOLIO 428 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT IN THORNTON MILL ROAD 834 FEET ± SOUTH OF THE INTERSECTION WITH GERBER LANE THENCE LEAVING SAID ROAD (1) N 56°-45'-31" E 762.71 FEET THENCE (2) N 05°-13'-30" E 584.53 FEET THENCE (3) N 23°-35'-42" E 618.83 FEET THENCE (4) N 88°-14'-36" E 603.95 FEET THENCE (5) N 03°-02'-59" W 309.14 FEET THENCE (6) S 84°-52'-57" E 208.28 FEET THENCE (7) S 79°-31'-46" E 240.89 FEET THENCE (8) S 24°-57'-33" E 58.22 FEET THENCE (9) S 26°-20'-47" E 356.50 FEET THENCE (10) N 63°-42'-59" E 167.00 FEET THENCE (11) WITH A CURVE TO THE LEFT LENGTH = 121.63 FEET AND RADIUS = 202.00 FEET THENCE (12) N 29°-13'-00" E 40.00 FEET THENCE (13) WITH A CURVE TO THE LEFT LENGTH = 39.27 FEET AND RADIUS = 25.00 FEET THENCE (14) N 28°-36'-24" E 142.25 FEET THENCE (15) N 76°-17'-40" E 115.50 FEET THENCE (16) S 74°-36"-21" E 407.44 FEET THENCE (17) S 27°-43'-51" E 553.43 FEET THENCE (18) S 65°-20"-39" W 16.00 FEET THENCE (19) N 28°-21'-21" W 544.59 FEET THENCE (20) N 73°-51'-21" W 400.62 FEET THENCE (21) S 28°-35'-44" W 1.438.73 FEET THENCE (22) S 23°-48'-41" E 423.70 FEET THENCE (23) S 24°-18'-41 E 291.67 FEET THENCE (24) S 47°-00'-19" W 802.06 FEET THENCE (25) N 33°-04'-41" W 981.67 FEET THENCE (26) S 54°-59'-25" W 570.47 FEET THENCE (27) S 54°-59'-25" W 375.41 FEET THENCE (28) N 49°-20'-29" W 125.40 FEET THENCE (29) N 33°-14'-29" W 333.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 67.8529 ACRES OF LAND MORE OR LESS.

CRC-35
HLY-67AC.DES

Gerald T. Bollinger
01-03-01

Revised 01-218-SPH (1/4/01)

CH. ES R. CROCKEN & ASSOCIAT. INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

TRACT - "TWO"
ZONING DESCRIPTION WILLIAM G. CUMBERLAND AND
HOLLY C. CUMBERLAND PROPERTY 34.1875 ACRES LOCATED
AT WHEELER LANE AND GERBER LANE - SPARKS. MARYLAND

BEING THAT PARCEL OF LAND CONVEYED BY CLARENCE E. RITTER AND LOIS M. RITTER TO WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND BY DEED DATED DECEMBER 5. 1975 AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY. MARYLAND IN LIBER 5590. FOLIO 592 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT IN WHEELER LANE 588.9 FEET ± NORTH OF THE INTERSECTION OF WHEELER LANE AND GERBER LANE THENCE LEAVING WHEELER LANE AND RUNNING WITH THE BOUNDARY OF SAID PROPERTY AS NOW SURVEYED (1) N 46 -15'-12" E 449.69 FEET. THENCE (2) N 84 -34'-01" E 362.95 FEET THENCE (3) S 76°-39'-00" E 960.74 FEET THENCE (4) S23°-35'-42"W 324.79 FEET THENCE (5) S 05°-13'-30"W 584.53 FEET THENCE (6) S 56°-45'-31" W 762.71 FEET TO A POINT IN THORNTON MILL ROAD THENCE (7) N 33°-14'-29" W 834.39 FEET TO A POINT IN WHEELER LANE AT THE INTERSECTION WITH GERBER LANE THENCE (8) S 73°-38'-31" W 7.71 FEET THENCE RUNNING WITH WHEELER LANE (9) N 33°-34'-46" W 564.50 FEET THENCE (10) N 69°-51'-10" W 24.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 34.1875 ACRES OF LAND MORE OF LESS.

CRC-35
HLY-34AC.DES

Jona M Billger

01-05-01

Revised 01-218-SPH(1/4/01)

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 21, 2000 Issue – Jeffersonian

Please forward billing to:
Barbara W. Ormord
210 Allegheny Avenue
Towson, MD 21204

410 494-6200

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: 01-218-SPH
Thornton Mill Road
E/S Thornton Mill Road, 1200' N of Priceville Road
8th Election District – 3rd Councilmanic District
Legal Owners: Holly C. & William C. Cumberland

Special Hearing to approve the transfer of 1.9835 acres and 2.1490 acres as non-density land transfers and to amend the site plan previously approved in case nos. 01-059-SPH and 01-060-SPH.

HEARING: Wednesday, January 10, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

GDZ

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.

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/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of 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: 01-218-SPM

Petitioner: CUMBERLAND

Address or Location: E/S OF THORNTON MILL RD., 1200 FT. N. OF PRICEVILLE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARBARA W. ORMORD

Address: 210 ALLEGHENY AVE

TOWSON, MD 21204

Telephone Number: 410 494-6200

Revised 2/20/98 - SCJ

BALTIMORE COUNTY, MARYLAN
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. *6770

DATE 11/17/00 ACCOUNT R 001-6150

AMOUNT $ 250.00

RECEIVED FROM: Venable, Baetjer & Howard, LLP
C/O M. T. DONATO MILLER,
FOR: 200 FT N. OF FAIRVILLE RD.
(01-218-SPH)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT ACTUAL TIME
11/20/2000 11/17/2000 12:16:35
REG W005 CASHIER MSTR MGS DRAWER 5
Dept 5 528 ZONING VERIFICATION
Receipt # 185464 UNIT
CK NO. 006770
Rcpt Tot 250.00
250.00 CK .00 CH
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MAR D
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. *0108

DATE 1/4/2001 ACCOUNT R-001-6150

AMOUNT $ 50.00

RECEIVED FROM: Charles R. Crockey, P.E.

FOR: Revision Fee
Case # 01-218-SPH

Revised - JNP

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT ACTUAL TIME
1/05/2001 1/04/2001 15:27:45
REG W002 CASHIER DOB. DOD DRAWER 2
Dept 5 528 ZONING VERIFICATION
Receipt # 186580 UNIT
CK NO. 040100
Rcpt Tot 50.00
50.00 CK .00 CH
Baltimore County, Maryland

JNP

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 90057

DATE 2/14/01

ACCOUNT 001-006-6150

AMOUNT $ 210 —

RECEIVED FROM: Kenneth R. Busley

FOR: Appeal Case No: 01-218-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT ACTUAL TIME
2/15/2001 2/14/2001 15:17:15
MISC MISC CASHIER MISC REC OTHER 5
>>RECEIPT # 290081 OTLN
Dept 4 570 ZONING VERIFICATION
OR NO. 090057
Recpt tot 210.00
.00 CK 300.00 CH
90.00 CG
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: # 01-218-SPH
Thornton Mill Road
E/S Thornton Mill Road, 1200' N of Priceville Road
8th Election District - 3rd Councilmanic District
Legal Owner(s): Holly C. & William C. Cumberland

Special Hearing: to approve the transfer of 1.9835 acres and 2.1490 acres as non-density land transfers and to amend the site plan previously approved in case nos. 01-059-SPH and 01-060-SPH.

Hearing: Wednesday, January 10, 2001 at 2:00 p.m. in Room 407, County Courts Building, 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.

12/152 Dec. 21 C440604

CERTIFICATE OF PUBLICATION

TOWSON, MD, 12/21, 2000

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 12/21, 2000.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

[redacted]

CERTIFICATE OF POSTING

RE: Case No.: 01-218 SPH

Petitioner/Developer: CUMBERLAND, ETAL
C/O V.B.H. AMY

Date of Hearing/Closing: 1/10/01

C

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 THORNTON MILL RD. @ 1200'± NORTH PRICEVILLE RD.

The sign(s) were posted on 12/19/00
(Month, Day, Year)

01-218 SPH

1/10/01

Sincerely,

Patrick M. O'Keefe 12/22/00
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

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

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

RE: Case No.: 01-218-SPH

Petitioner/Developer: HOLLY & WM. CUMBERLAND

Date of Hearing/Closing: _____

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 THORNTON MILL RD. @ GERBERS LA.

The sign(s) were posted on 3/1/01
(Month, Day, Year)

Sincerely,

Gary C Freund 3/1/01
(Signature of Sign Poster and Date)

GARY C. FREUND
(Printed Name)

_____
(Address)

_____
(City, State, Zip Code)

_____
(Telephone Number)

9/96
cert.doc

w

County Board of Appeals of Baltimore County

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

RECEIVED
JUN 13 2001
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

*** **HEARING ROOM** – *Room 48* ***
Basement –Old Courthouse
400 Washington Avenue

APPEAL HEARINGS SCHEDULED FOR THE WEEK OF **JUNE 18, 2001**

TUESDAY	06/19	**10 am**	Holly C. and William G. Cumberland E/s Thornton Mill Road, 1200' N of 01-218-SPH Priceville Road 8th E; 3rd C SPH – To approve non-density transfer of two (2) Parcels (1.98024 acres and 2.15383 acres) of property zoned RC2
WEDNESDAY	06/20		(00-184-X /Escalante - PP'd to 10/11/01)
THURSDAY	06/21	**10 am**	Albert J. Bierman – Legal Owner SE/c Pulaski Highway and Chesaco Avenue 99-239-A (7947 Pulaski Highway) 15th E; 5th C VAR –Front property line setback of 0' ilo required 15' for existing storage bins

c: Executive Office
Law Office
Director /PDM
People's Counsel
Planning Office
Court Info. Desk
County Council
Board Members
Court Reporter

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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

December 1, 2000

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: 01-218-SPH
Thornton Mill Road
E/S Thornton Mill Road, 1200' N of Priceville Road
8th Election District – 3rd Councilmanic District
Legal Owners: Holly C. & William C. Cumberland

Special Hearing to approve the transfer of 1.9835 acres and 2.1490 acres as non-density land transfers and to amend the site plan previously approved in case nos. 01-059-SPH and 01-060-SPH.

HEARING: Wednesday, January 10, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

GDZ

Arnold Jablon
Director

C: Robert A. Hoffman, Esquire, and Barbara Ormord, Venable, Baetjer & Howard, LLP, 210 Allegheny Avenue, Towson 21204
Holly C. & William C. Cumberland, 3550 Cross Creek Lane, Malibu, CA 90265

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 22, 2000.**
(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.

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on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

April 13, 2001

NOTICE OF ASSIGNMENT

CASE #: 01-218-SPH

IN THE MATTER OF: Holly C. and William G. Cumberland –Petitioners /Owners E/s Thornton Mill Road, 1200' N of Priceville Road
8th Election District; 3rd Councilmanic District

1/17/2001 – Petition for Special Hearing GRANTED with restrictions by DZC.

ASSIGNED FOR: **TUESDAY, JUNE 19, 2001 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 /Protestant : Ken Bosley

Counsel for Petitioners : David H. Karceski, Esquire
Robert A. Hoffman, Esquire

Petitioners : Holly C. and William G. Cumberland

Charles P. Crocken
Jody Westerlund

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

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Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 8, 2001

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 01-218-SPH, Thornton Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 22, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Holly C. & William G. Cumberland, 3550 Cross Creek Lane, Malibu, CA 90265
People's Counsel

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: March 8, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For January 22, 2001
Item Nos. 266, 267, 268, 269

and

Case No. 01-218-SPH (Cumberland Property)

and

Case No. 01-217-A (1431 Fuselage Avenue)

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

RWB:HJO:jrb

cc: File

ZAC-1-22-2001-NOC-382001.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: December 12, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For December 11, 2000
Item Nos. 211, 212, 215, 216, 218, 219,
220, and 221

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

RWB:HJO:jrb

cc: File

ZAC-12-11-2000-NO COMMENT ITEMS-12122000.doc

Sent 1/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 12, 2000

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

JAN 12

SUBJECT: Zoning Advisory Petition(s): **Case(s) 01-218 &01-269.**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A Cunningham

Section Chief: Jeffrey W Long

AFK/JL:MAC

\\NCH_NW\VOL3\WORKGRPS\DEVREV\ZAC\nocomment.doc

Item 1110

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 7, 2000

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

-7

SUBJECT: Zoning Advisory Petition(s): **Case(s) 01-218 & 220**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A Cunningham

Section Chief: Jeffrey W. Long

AFK/JL:MAC

\\NCH_NW\VOL3\WORKGRPS\DEVREV\ZAC\nocomment.doc

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F Williams
Administrator

Date: 1·10·01

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

RE: Baltimore County
Item No. 01-218-SPH

Dear. Ms. Jackson:

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,

L. J. Gredlein

for Kenneth A. McDonald Jr., 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

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12·1·00

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

RE: Baltimore County
Item No. 218 JNP

Dear. Ms. Jackson:

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,

for Kenneth A. McDonald Jr., 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RMS

DATE: December 15, 2000

SUBJECT: Zoning Item #218
Cumberland Property
Thornton Mill Road

PAGE: 1 of 2

Zoning Advisory Committee Meeting of December 4, 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:

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

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

__X__ Locating dwellings, wells, septic areas, driveways, or any other proposed disturbances within forest on this site is subject to approval by this office. There are no guarantees of approvals.

__X__ Location of the driveway requires an alternatives analysis. The analysis must be submitted to Environmental Impact Review, and it must include the description of potential means of access and associated constraints.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

DATE: December 15, 2000

SUBJECT: Zoning Item #218
Cumberland Property
Thornton Mill Road

PAGE: 2 of 2

_X_ The proposed Parcel A may constitute subdivision of Tract 2. A lot line adjustment to add Parcel A to Parcel 41 (Tract 1) would be more appropriate if acceptable.

_X_ The 2.1490 acre Parcel B should be incorporated into the description of the Goelet Property, so as not to be a separate parcel.

_X_ Agricultural Preservation: This zoning petition should be supported. This transfer is for road access to the proposed dwelling location on Tract 1. Such access would eliminate the need to go through any productive agricultural land to access the proposed dwelling location.

Reviewer: Bruce Seeley Date: December 15, 2000
Reviewer: Paul Dennis Date: December 13, 2000
Reviewer: Wally Lippincott Date: December 13, 2000

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS

DATE: February 1, 2001

SUBJECT: Zoning Item #218 Revised Plat
Cumberland Property
Thornton Mill Road

PAGE: 1 of 2

Zoning Advisory Committee Meeting of January 16, 2001

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

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

__X__ Locating dwellings, wells, septic areas, driveways, or any other proposed disturbances within forest on this site is subject to approval by this office. There are no guarantees of approvals. Alternate locations for these items must be investigated.

__X__ Location of the driveway requires an alternatives analysis. The analysis must be submitted to Environmental Impact Review, and it must include the description of potential means of access and associated constraints.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

DATE: December 15, 2000

SUBJECT: Zoning Item #218
Cumberland Property
Thornton Mill Road

_X_ The proposed Parcel A may constitute subdivision of Tract 2. A lot line adjustment to add Parcel A to Parcel 41 (Tract 1) would be more appropriate if it meets the lot line adjustment criteria. Subdivision, or clearing greater than 40,000 ft^2 of forest, requires compliance with the Baltimore County Forest Conservation Regulations.

_X_ Agricultural Preservation: This zoning petition should be supported. This proposal, if approved, will provide for an alternate access rather than an access through the prime agricultural soils.

Reviewer: Bruce Seeley Date: February 1, 2001
Reviewer: Paul Dennis Date: February 1, 2001
Reviewer: Wally Lippincott Date: February 1, 2001

Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

February 15, 2001

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Case No. 01-218-SPH, E/S Thornton Mill Road, 1200' N of Priceville Road

Please be advised that an appeal of the above-referenced case was filed in this office on February 14, 2001 by Kenneth Bosley. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

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

Sincerely,

Arnold Jablon
Director

AJ:scj

c: Kenneth Bosley, PO Box 334, Cockeysville, MD 21030
Holly and William Cumberland, 3550 Cross Creek Lane, Malibu, CA 90265
David H. Karceski, Esquire, Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204
Charles Crocken, 902 Lee Avenue, Sykesville, MD 21784
Jody Westerlund, 15132 Wheeler Lane, Sparks, MD 21152
People's Counsel

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on Recycled Paper

APPEAL

Petition for Special Hearing
E/S Thornton Mill Road, 1200' N of Priceville Road
8th Election District – 3rd Councilmanic District
Holly C. and William G. Cumberland - Legal Owners
Case Number: 01-218-SPH

Petition for Special Hearing (filed 11/22/00)

Description of Property
Description of Property (revised 1/4/01)

Notice of Zoning Hearing (dated 12/1/00)

Certification of Publication (12/21/00– The Jeffersonian)

Certificate of Posting (12/19/00 – Patrick M. O'Keefe)

Entry of Appearance by People's Counsel (dated 12/7/00)

Petitioner(s) Sign-In Sheet

Interested Citizen(s) Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1 Plan to Accompany Special Hearing for Parcels "A" & "B" and Tracts #1 and #2 of the Cumberland Properties (dated 1/5/01) AND Zoning Descriptions for Property on Above Plan AND Plan to Accompany Special Hearing for Parcel No. One of the William G. Cumberland Property (dated 8/7/00)

Misc. (Not Marked as Exhibits):

- Letter from Charles R. Crocken, P.E. to Mr. Lawrence Schmidt, Esquire (dated 11/15/00)
- Letter from Charles R. Crocken, P.E. to Mr. Lawrence Schmidt, Esq. (dated 1/3/00)
- Request for a Rehearing from Kenneth T. Bosley, Esquire (received 1/18/01)
- Letter from Timothy M. Kotroco, Deputy Zoning Commissioner to Mr. Kenneth T. Bosley (dated 1/19/01)

Deputy Zoning Commissioner's Order dated 1/17/01 (Granted with Restrictions)

Notice of Appeal received on 2/14/01 from Kenneth T. Bosley

c: Robert A. Hoffman, Esquire, Venable Baetjer and Howard, LLP, 210 Allegheny Avenue, Towson, MD 21204
Kenneth L. Bosley, PO Box 334, Cockeysville, MD 21030
Holly and William Cumberland, 3550 Cross Creek Lane, Malibu, CA 90265
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 01-218-SPH

Holly C. and William G. Cumberland – Petitioners
SPH–To approve non-ensity transfer of two parcels of property zoned R.C. 2

1/17/2001 –DZ.C.'s decision in which Petition for Special Hearing was GRANTED with restrictions.

3/15/01 – Letter from Holly Cumberland requesting expedited hearing; two contracts "hinge on this case."

3/19/01 – T/C to Ms. Cumberland – advising her that earliest date would in some time in June 2001; docket is full up until that time.

4/13/01 – Notice of Assignment sent to following; scheduled for hearing on Tuesday, June 19, 2001 at 10 a.m.:

Ken Bosley
David Karceski, Esquire
Robert A. Hoffman, Esquire
Charles P. Crocken
Jody Westerlund
Holly C. and William G. Cumberland
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

6/19/01 – Concluded hearing (Marks, Barranger, Irish); deliberated at conclusion of hearing after brief recess; G – special hearing to approve non-density transfer of two parcels as requested. Written Opinion and Order to be issued; appellate period to run from date of written Order.

RE: PETITION FOR SPECIAL HEARING Thornton Mill Road, E/S Thornton Mill Rd, 1200' N of Priceville Rd 8th Election District, 3rd Councilmanic	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
Legal Owner: William G. & Holly C. Cumberland Petitioner(s)	*	BALTIMORE COUNTY
	*	Case No. 01-218-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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of December, 2000 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF:	Holly C. and William G. Cumberland Case No. 01-218-SPH	
DATE :	Tuesday, June 19, 2001	
BOARD /PANEL :	Charles L. Marks C. Lynn Barranger Richard K. Irish	(CLM) (LB) (RKI)
RECORDED BY :	Kathleen C Bianco /Administrator	

PURPOSE: To deliberate Case No. 01-218-SPH /Petition for Special Hearing – To approve non-density transfer of two parcels; granted by Deputy Zoning Commissioner; appeal filed by Kenneth T. Bosley.

Panel members discussed:

- Reviewed notes, file and exhibits
- Issues: uniqueness; practical difficulty; spirit and intent; health, safety and general welfare – can non-density transfer be allowed?
- Discussed testimony of Sheesley re topography; agricultural aspects
- Petitioner's Exhibit 8 – DEPRM comments re various means of access; Sheesley – no understory; could minimize cutting
- Alternative analysis; Petitioner's Exhibit 2 – plat
- Two cases cited – deemed not applicable here
- RC 2 regs re usage; ZC's manual – same effect as law
- Reviewed and discussed *Cromwell v. Ward*
- Weight factor – on Petitioner's side
- Reviewed and discussed Bosley's comments; concern re erosion of farmland
- Issue: Request for variance of BCZR 400.1 /accessory buildings, other than on a farm as to location in yard and distance from property line (2-1/2 feet)
- Two experts offered – credibility of testimony of both – accepted
- No additional density allowed by transfer

Conclusions /Decision:

- Law is law – usage is allowed
- Usage complies with RC zone; Petitioner has met burden
- Cumberlands need not be here; represented by Counsel; permitted by Rules of CBA
- Look at law – apply facts to law; Petitioner has met same
- Spirit and Intent – RC 2 preserves; this will do that
- Understand Bosley's concerns but law is the law
- Single family dwelling is permitted usage

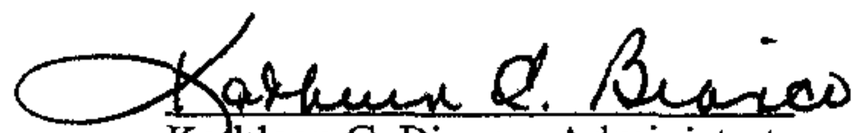
- Unanimous decision of the Board in this public deliberation that this request fails (1) as to uniqueness; no testimony or evidence that the property is unique; (2) assuming first prong was met, fails as to practical difficulty and unreasonable hardship for reasons as stated; and (3) further would fail as to spirit and intent; does not satisfy the plain spirit and intent of the law.

✓ CLM – Special Hearing GRANTED
✓ LB – Agrees; special hearing GRANTED
✓ RKI – Would grant special hearing; no contradicting testimony

- Upon determination that Petitioners have met burden, special hearing is GRANTED. To be approved with added language /restriction to be included in Order re deeding of property – from DZC's Order. Written Opinion and Order to be issued by the Board; appellate period to run from date of written Order and not today's date.

NOTE: These minutes, which will become part of the case file, are intended only to indicate for the record that a public deliberation took place this date regarding this zoning case. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted



Kathleen C. Bianco, Administrator
County Board of Appeals

Baltimore County
Zoning Commissioner

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

January 19, 2001

Mr. Kenneth T. Bosley
P. O. Box 334
Cockeysville, Maryland 21030

Re: Petition for Special Hearing
Case No. 01-218-SPH
Property: E/S Thornton Mill Road
1200' N of Priceville Road

Dear Mr. Bosley:

I am in receipt of your request for rehearing received on January 18, 2001. Please be advised that an order dated January 17, 2001 was issued in the-above case under my signature granting the relief requested by the petitioners. Therefore, your request for rehearing is denied and any appeal from my decision should be filed within 30 days from the date of the order.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj

c: David H. Karceski, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

Census 2000 For You, For Baltimore County Census 2000

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Editing App-2001 table with form F: Record 16 of 22 Edit ▲=▼

App-2001 # 16

FILE#: 01-218-SPH
NAME: Cumberland, Holly C. and William G.
STREET: Thornton Mill Rd, E/s, 1200' N of Priceville Rd
TYPE: SPH /non-density transfer of 2 parcels in RC-2
DISTRICT: 8;3
DATE APPEALED: 2/14/2001
HRG. DATE:
ORDER DATE:
DECISION:
CLOSED:
UP:

- T/c from Holly Cumberland
  - Her attorney will request "Expedited scheduling" (contract under way)

3/19/01 Ex W. Cumberland - earlier at this time - early June 2001.

RECEIVED COUNTY BOARD OF APPEALS 01 MAR 15 PM 2:55

From Holly Cumberland "EXPEDITE HEARING" Request

NOTE: Petition for SPH was HAND-WRITTEN NOTE RE: AMENDING PREV. APPROVED SITE PLAN. THIS NOTE WAS APPARENTLY NOT AN ISSUE RAISED BEFORE THE ZC.

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

November 15. 2000

Mr. Lawrence Schmidt. Esq.
Zoning Commissioner
Baltimore County DPM
111 W. Chesapeake Avenue
Towson. MD 21204

SUBJECT: William G. Cumberland and
Holly C. Cumberland Property
REQUEST FOR SPECIAL HEARING

Dear Mr. Schmidt.

The petitioners Holly C. Cumberland and William G. Cumberland are looking forward to the day when they return to Baltimore County from California, when Mr. Cumberland retires. They intend to construct a home upon the hill at the area shown on Tract No. 1 on the enclosed plan. The location is in a saddle below the crest of the hill. an attractive and unobtrusive location.

The property consists of steep wooded slopes and sloping farmland meeting the county criteria for prime and productive soils (see limit of woods upon enclosed plan). Soil percolation tests have been conducted and the area shown for the septic system has been found to be satisfactory.

To conserve the prime and productive soils and avoid steep wooded slopes. below the home site the Cumberlands propose to construct a driveway from Wheeler Lane. through their adjacent land (Tract No.2 on the plan) to the home site. In addition to saving the cultivated land, the proposed driveway location minimizes the impact of the driveway upon the vista from adjoining properties.

In order to construct the proposed driveway, the petitioners' request a Special Hearing for approval of two non-density land transfers in compliance with the spirit and intent of Section 1A00.4b (3) of the Zoning Commissioner's Policy Manual. as depicted upon the enclosed plan.

01-209-SPH

Parcel 'A', 1.9835 acres, is to be conveyed by the petitioner's from Tract No.2 to Tract No.1 for construction of the driveway. Parcel 'B', 2.1490 aces, which is severed from Tract No. 2 by the proposed driveway is to be conveyed by the petitioners to the adjoining property owner and placed in agriculture preservation.

Transfer of the proposed parcels will not create additional density nor adversely impact the character of the area. Due to shape of the parcels and topography neither parcel could be used as a potential home site in the future.

We trust you will find the above information satisfactory for your use in review of the petitioner's request.

Submitted by,

Charles R. Crocken P.E.
President

encl.

cc. Holy Cumberland, Owner
Robert Hoffman, Esq.
Vernable, Baetjer and Howard LLP

crc-35
hlv-zon.req

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

January 3. 2000

Mr. Lawrence Schmidt. Esq.
Zoning Commissioner
Baltimore County
111 W. Chesapeake Avenue
Towson. MD 21204

SUBJECT: William G. Cumberland and
Holly C. Cumberland Property
Zoning Case 01-218-SPH

ATTENTION: Mr. Jeff Purlo. Zoning Associate

As per I conversation this date. I am submitting revised copies of the of the zoning descriptions and zoning plat for the above zoning case. As you know a special hearing is scheduled for January 10. 2001 for approval of two non-density land transfers from the Cumberland Property. (See Plans)

Upon review of our work CRC realized the bearings on several of the property lines on the zoning plat did not match our final work. Therfore. to avoid any future confusion etc. we have revised the zoning descriptions and plat. Nothing has changed tha would affect the nature of the request: the size. location and shape of the parcels etc has not changed.

We trust you will find the information satisfactory.

Sincerely.

Charles R. Crocken P.E.
Prsident

encl.

cc Holly Cumberland. Owner
David Carceski. atty.
shape of the

Revised 01-218-SPH (1/4/01)

Cumberland

3550 Cross Creek Lane
Malibu, California 90265

3/6/01
8
WCR

March 6, 2001

Mr. Arnold Jablon
Director, Permits and Licenses
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3900 (Tel)
410-887-2824 (FAX)

Re: Case No 01-218-SPH E/S Thornton Mill Rd, 1200' North of Priceville Rd

Dear Mr. Jablon,

I am in receipt of your February 15, 2001 letter, advising that Kenneth Bosley has appealed the above referenced case.

I request an **expedited** hearing in this matter. **Two** separate dated contracts hinge on this case. In both cases, neighbors are buying this land under circumstances extremely advantageous to the area. If these contracts fail, everyone -- ironically, possibly including Mr. Bosley's siblings -- would be unhappy.

Thank you,

Holly Cumberland

Holly Cumberland, Victim
310-456-2127

COUNTY BOARD OF APPEALS
01 MAR 15 AM 11:22

6/12/01
Possible early June 2001

IN THE MATTER OF PETITION FOR SPECIAL HEARING	*	BEFORE THE
	*	ZONING COMMISSIONER
THORNTON MILL ROAD, E/S OF THORNTON MILL ROAD 1200' NORTH OF PRICEVILLE ROAD	*	FOR
	*	BALTIMORE COUNTY
WILLIAM G. & HOLLY C. CUMBERLAND – LEGAL OWNERS	*	CASE NO. 01-218-SPH

* * * * * * * * *

AFFIDAVIT OF HOLLY C. CUMBERLAND

I, Holly C. Cumberland, hereby declare and affirm as follows:

1. I am over twenty-one years of age and I am competent to testify to the matters set forth in this Affidavit.

2. The matters set forth in this Affidavit are based upon my own personal knowledge.

3. My husband, William G. Cumberland, and I are co-owners of "Tract No. 2" as shown on the Plat entitled "PLAT TO ACCOMPANY REQUEST FOR SPECIAL HEARING."

4. My husband is the sole owner of "Tract No. 1" as shown on the Plat entitled "PLAT TO ACCOMPANY REQUEST FOR SPCIAL HEARING."

5. I discussed with my husband the non-density transfer of 1.98024 acres of land from Tract No. 2 to Tract No.1.

6. He and I are in agreement that the 1.98024 acres will be transferred for the sole purpose of providing Tract No. 1 with road access to Thornton Mill Road.

7. The location of the fifty-foot road access strip as shown on the Plat would eliminate the need to disturb any productive agricultural land on Tract No 1.

8. I also discussed with my husband the non-density transfer of 2.15383 acres of land from Tract No. 2 to Christopher Goelet.

9. He and I are in agreement that the 2.15383 acres will be transferred to Mr. Goelet for the sole purpose of providing a buffer between the fifty-foot road access strip that will serve Tract No. 1 and Mr. Goelet's property to the north of Tract Nos. 1 and 2.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing affidavit are true.

Date: Jan. 6, 2000

Holly C. Cumberland
Holly C. Cumberland

I HEREBY CERTIFY that on this 6th day of January, 2001, before me, a Notary Public of the State of ~~Maryland~~ CALIFORNIA, **Holly C. Cumberland** personally appeared and made oath in due form of law that the matters and facts set forth above are true.

AS WITNESS my hand and Notarial Seal.

Notary Public, STATE OF CALIFORNIA ss COUNTY OF LOS ANGELES

My Commission Expires: 7/4/01

TO1DOCS1/DHK01/#110397 v1

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

PARCEL - "A"
ZONING DESCRIPTION 1.9834 ACRE NON-DENSITY LAND TRANSFER
WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND TO
WILLIAM G. CUMBERLAND - WHEELER LANE SPARKS. MARYLAND

BEING A PART OF THAT LAND CONVEYED BY CLARENCE E. RITTER AND LOIS M. RITTER TO WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND BY DEED DATED DECEMBER 5. 1975. AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY. MARYLAND IN LIBER 5590. FOLIO 592. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT IN WHEELER LANE 588.9 FEET ± NORTH OF THE INTERSECTION OF WHEELER LANE AND GERBER LANE THENCE LEAVING WHEELER LANE WITH NEW LINES OF DIVISION AS NOW SURVEYED (1) S 75°-32'-33"E 170.02 FEET THENCE (2) N 53°-22'-11"E 649.90 FEET THENCE RUNNING WITH THE BOUNDARY OF SAID CUMBERLAND PROPERTY (3) S 76°-39'-00" E 960.74 FEET THENCE (4) S 23°-35'-42" W 50.81 FEET THENCE LEAVING SAID BOUNDARY (5) N 76°-39'-00" W 928.40 FEET THENCE (6) S 53°-22'-11" E 650.49 FEET THENCE (7) N 75°-32'-33"W 116.82 FEET THENCE RUNNING WITH WHEELER LANE (8) N 33°-34'-46" W 71.18 FEET THENCE (9) N 69°-51-10 "W 24.29 FEET TO THE POINT OF BEGINNING. CONTAINING 1.9834 ACRES OF LAND MORE OF LESS.

CRC-35
HLY-1AC.DES

STATE OF MARYLAND
LEONARD THOMAS BOSLEY
No. 10852
REGISTERED
PROFESSIONAL LAND SURVEYOR

01-03-01

Revised 01-28-SPH(1/4/01)

CHARLES R. CROCKEN & ASSOCIATES INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

PARCEL - "B"
ZONING DESCRIPTION 2.1484 ACRE NON-DENSITY LAND TRANSFER
WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND TO
CHRISTOPHER GOELET - WHEELER LANE SPARKS. MARYLAND

BEING A PART OF THAT LAND CONVEYED BY CLARENCE E. RITTER AND LOIS M. RITTER TO WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND BY DEED DATED DECEMBER 5. 1975. AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY. MARYLAND IN LIBER 5590. FOLIO 592. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING FOR THE SAME AT A POINT IN WHEELER LANE 588.9 FEET ± NORTH OF THE INTERSECTION OF WHEELER LANE AND GERBER LANE THENCE LEAVING WHEELER LANE AND RUNNING WITH THE BOUNDARY OF SAID PROPERTY AS NOW SURVEYED (1) N 46°-15'-12" E 449.69 FEET THENCE (2) N 84°-34'-01"E 362.95 FEET THENCE LEAVING SAID BOUNDARY WITH THE FOLLOWING LINES OF DIVISION (3) S 53°-22'-11" W 649.90 FEET THENCE (4) N 75°-32'-33" W 170.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.1484 ACRES OF LAND MORE OF LESS.

CRC-35
HLY-2AC.DES

STATE OF MARYLAND
GERARD THOMAS BOLINGER
No. 10850
REGISTERED PROFESSIONAL LAND SURVEYOR

01-03-01

Revised 01-218-SPH (1/4/01)

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

TRACT - "ONE"
ZONING DESCRIPTION WILLIAM G. CUMBERLAND PROPERTY
67.8529 ACRES LOCATED AT THORNTON MILL ROAD SOUTH
OF GERBER LANE IN SPARKS. MARYLAND

BEING A PART OF THAT LAND CONVEYED BY BELFAST FARMS COMPANY TO WILLIAM G. CUMBERLAND BY DEED DATED DECEMBER 21. 1978 AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY. MD. IN LIBER E.H.K.. JR. 5973. FOLIO 428 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT IN THORNTON MILL ROAD 834 FEET ± SOUTH OF THE INTERSECTION WITH GERBER LANE THENCE LEAVING SAID ROAD (1) N 56°-45'-31" E 762.71 FEET THENCE (2) N 05°-13'-30" E 584.53 FEET THENCE (3) N 23°-35'-42" E 618.83 FEET THENCE (4) N 88°-14'-36" E 603.95 FEET THENCE (5) N 03°-02'-59" W 309.14 FEET THENCE (6) S 84°-52'-57" E 208.28 FEET THENCE (7) S 79°-31'-46" E 240.89 FEET THENCE (8) S 24°-57'-33" E 58.22 FEET THENCE (9) S 26°-20'-47" E 356.50 FEET THENCE (10) N 63°-42'-59" E 167.00 FEET THENCE (11) WITH A CURVE TO THE LEFT LENGTH = 121.63 FEET AND RADIUS = 202.00 FEET THENCE (12) N 29°-13'-00" E 40.00 FEET THENCE (13) WITH A CURVE TO THE LEFT LENGTH = 39.27 FEET AND RADIUS = 25.00 FEET THENCE (14) N 28°-36'-24" E 142.25 FEET THENCE (15) N 76°-17'-40" E 115.50 FEET THENCE (16) S 74°-36"-21" E 407.44 FEET THENCE (17) S 27°-43'-51" E 553.43 FEET THENCE (18) S 65°-20"-39" W 16.00 FEET THENCE (19) N 28°-21'-21" W 544.59 FEET THENCE (20) N 73°-51'-21" W 400.62 FEET THENCE (21) S 28°-35'-44" W 1.438.73 FEET THENCE (22) S 23°-48'-41" E 423.70 FEET THENCE (23) S 24°-18'-41 E 291.67 FEET THENCE (24) S 47°-00'-19" W 802.06 FEET THENCE (25) N 33°-04'-41" W 981.67 FEET THENCE (26) S 54°-59'-25" W 570.47 FEET THENCE (27) S 54°-59'-25" W 375.41 FEET THENCE (28) N 49°-20'-29" W 125.40 FEET THENCE (29) N 33°-14'-29" W 333.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 67.8529 ACRES OF LAND MORE OR LESS.

CRC-35
HLY-67AC.DES

STATE OF MARYLAND
THOMAS BOHAGEN
REGISTERED PROFESSIONAL LAND SURVEYOR

01-03-01

Revised 01-218-SPH (1/4/01)

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21158

TRACT - "TWO"
ZONING DESCRIPTION WILLIAM G. CUMBERLAND AND
HOLLY C. CUMBERLAND PROPERTY 34.1875 ACRES LOCATED
AT WHEELER LANE AND GERBER LANE - SPARKS. MARYLAND

BEING THAT PARCEL OF LAND CONVEYED BY CLARENCE E. RITTER AND LOIS M. RITTER TO WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND BY DEED DATED DECEMBER 5. 1975 AND RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY. MARYLAND IN LIBER 5590. FOLIO 592 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT IN WHEELER LANE 588.9 FEET ± NORTH OF THE INTERSECTION OF WHEELER LANE AND GERBER LANE THENCE LEAVING WHEELER LANE AND RUNNING WITH THE BOUNDARY OF SAID PROPERTY AS NOW SURVEYED (1) N 46°-15'-12" E 449.69 FEET. THENCE (2) N 84°-34'-01" E 362.95 FEET THENCE (3) S 76°-39'-00" E 960.74 FEET THENCE (4) S23°-35'-42"W 324.79 FEET THENCE (5) S 05°-13'-30"W 584.53 FEET THENCE (6) S 56°-45'-31" W 762.71 FEET TO A POINT IN THORNTON MILL ROAD THENCE (7) N 33°-14'-29" W 834.39 FEET TO A POINT IN WHEELER LANE AT THE INTERSECTION WITH GERBER LANE THENCE (8) S 73°-38'-31" W 7.71 FEET THENCE RUNNING WITH WHEELER LANE (9) N 33°-34'-46" W 564.50 FEET THENCE (10) N 69°-51'-10" W 24.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 34.1875 ACRES OF LAND MORE OF LESS.

CRC-35
HLY-34AC.DES

STATE OF MARYLAND
THOMAS BOWLEN
REGISTERED
PROFESSIONAL LAND SURVEYOR

01-03-01

Revised 01-218-SPH(1/4/01)

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DAVID KARCESKI	210 ALLEGHENY AVENUE TOWSON MARYLAND
Pat Schuebel	O.P.T.
Charles R. Urban (geotech engineer)	902 Lee Avenue Sykesville Md. 21784

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Interested Citizen

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
KENNETH T. BOSLEY	BOX 585, SPARKS, MD-21152
JODY WESTERLUND	15132 WHEELER LN. SPARKS

A. L. Snyder
Surveyor, Inc.
1911 Hanover Pike
Hampstead, Maryland 21074
(410) 239-7744 (410) 374-9695 phone/fax

Resumé

Albert LeRoy Snyder, Property Line Surveyor

Schooling: High School – Towson Catholic High – Towson, Maryland
1 year at Johns Hopkins – McCoy College, Baltimore

Licensing: State of Maryland – Property Line Surveyor No. 26, March 8, 1971
State of West Virginia – Land Surveyor No. 338, April, 1972

Work Experience:
Leo W. Radar – Registered Surveyor, June 1954 to December 1961
The Wilson T. Ballard Co. – Engineers and Surveyors, December 1961 to July 1976
Snyder & Law – Surveyors, July 1976 to April 1980
A. L. Snyder – Surveyor, April 1980 to September 1991
A. L. Snyder, Surveyor, Inc. – Surveyor, September 1991 to present

Expert Witness Testimony:
December 13, 2000 – Towson, Baltimore County, Maryland
Nadine Miller Zoning Appeal – Case #00-332-A
4089 Piney Grove Road
July 13, 2000 – Westminster, Carroll County, Maryland
Board of Zoning Appeals – Case #A-00-3
Warren L. Wheeler – Applicant
February 28, 1996 – Towson, Baltimore County, Maryland – Circuit Court
Windsor Realty vs. Hodges; Drenning vs. Hodges
March 14, 1990 – Towson, Baltimore County, Maryland
April 10, 1990 For Judge Dana Levitz
Pochepko, et al vs. Seato, et al - #88 CG 2479
February 27, 1990 – Westminster, Carroll County, Maryland
Jenkins vs. Wheeler – Case #4628

June 15, 2001

PLT #1

Section 1A01
R.C.2 (Agricultural) Zone

1A01.1 General provisions.

A. Legislative statement of findings.

1. Declaration of findings. It is found:

a. That Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;

b. That the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry;

c. That scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;

d. That continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;

e. That heretofore Baltimore County has been unable to effectively stem the tide of new residential subdivisions in productive agricultural areas of Baltimore County;

f. That Baltimore County has certain wetlands along Chesapeake Bay and its tributaries which serve as breeding grounds and nursery areas for the bay's biotic life; and

g. That Baltimore County possesses numerous areas which are highly suitable for urban development, including residential subdivisions which are not located in areas of productive agricultural land.

B. Purposes. The R.C.2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

1A01.2 Use regulations.

A. Preferred use permitted as of right. Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in R.C.2 Zones.

B. Uses permitted as of right.[3] The following uses only are permitted as of right in all R.C.2 Zones: **[Bill No. 178-1979]**

1. Dwellings, one-family detached. **[Bill No. 178-1979]**

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[3] **Editor's Note: "Churches and schools for agriculture training," originally included in this section by Bill No. 98-1975, were moved to Section 1A01.2.C by Bill No. 178-1979.**

PBT
3

2. Farms and limited acreage wholesale flower farms (Section 404). **[Bill Nos. 178-1979; 51-1993]**

3. Open space, common. **[Bill No. 178-1979]**

4. Public schools. **[Bill Nos. 63-1980; 47-1982; 47-1985]**

5. Streets and ways. **[Bill No. 178-1979]**

6. Telephone, telegraph, electrical-power or other lines or cables, provided that any such line or cable is underground; underground gas, water or sewer mains or storm drains; or other underground conduits, except interstate or international pipelines. **[Bill No. 178-1979]**

7. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of Subsection B, C, E or F of Section 415.1 and Section 415.2.A.1 or 415.3.C.1, as applicable. **[Bill No. 178-1979]**

8. Antennas used by CATV systems operated by companies franchised under Title 8, Article II, Division 1, of the Baltimore County Code, 1988 Edition, as revised, if situated on property owned by the county, state or federal government or by a governmental agency. **[Bill No. 220-1981]**

9. Accessory uses or structures, including, but not limited to, the following:

   a. Excavations, uncontrolled. **[Bill No. 178-1979]**

   b. Farmer's roadside stand and produce stand, subject to the provisions of Section 404.4. **[Bill Nos. 178-1979; 41-1992]**

   c. Home occupations (see Section 101). **[Bill Nos. 124-1978; 178-1979]**

   d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25% of the total floor area of that residence; and does not involve the employment of more than one nonresident employee. **[Bill Nos. 78-1979; 105-1982]**

   e. Parking space, including residential-garage space and space for recreational vehicle (Section 415A). **[Bill No. 178-1979]**

   f. Piers, wharves, docks and bulkheads, subject to the provisions of Section 417. **[Bill No. 178-1979]**

   g. Radio operator antennas, subject to Section 426A. **[Bill Nos. 178-1979; 30-1998]**

   h. Swimming pools, tennis courts, garages, utility sheds, satellite receiving dishes (subject to Section 429) or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400). **[Bill No. 178-1979; Bill No. 71-1987]**

i. Tenant houses, including trailers used as tenant houses. **[Bill No. 178-1979]**

j. Rubble landfills, provided that the actual fill area does not exceed 3% of the total contiguous acreage of the property in the same ownership and subject to the provisions of Section 412.7 only. **[Bill No. 97-1987]**

k. Signs, subject to Section 450. **[Bill No. 89-1997]**

10. Commercial film production, subject to Section 435. **[Bill No. 57-1990]**

11. Transit facilities. **[Bill No. 91-1990]**

C. Uses permitted by special exception.[4] The following uses, only, may be permitted by special exception in any R.C.2 Zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity; and, in the case of any use permitted under Item 29, further provided that the hearing authority finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses: **[Bill No. 178-1979]**

1. Airports. **[Bill No. 178-1979]**

2. Animal boarding places (regardless of class), kennels, veterinarians' offices or veterinariums (see Section 421). **[Bill No. 178-1979]**

3. Antique shops (see Section 402B). **[Bill No. 178-1979]**

4. Camps, including day camps. **[Bill No. 178-1979]**

5. Community care centers provided that no residential community care center, i.e., a center which serves as the residence of the persons for whom care is provided, shall provide care for more than 15 persons per site, and no day community care center shall provide care for more than 15 persons per acre nor more than 75 persons per site. **[Bill Nos. 178-1979; 157-1986]**

6. Churches or other buildings for religious worship. **[Bill No. 178-1979]**

7. Excavations, controlled. **[Bill No. 178-1979]**

8. Farm market, subject to the provisions of Section 404.4. **[Bill Nos. 178-1979; 41-1992]**

9. Fishing and shellfishing facilities, Class I and II. **[Bill No. 178-1979]**

10. Golf courses or country clubs. **[Bill No. 178-1979]**

11. Home occupations of disabled persons, where the use is established in a structure originally constructed as a dwelling or as accessory to a dwelling

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4 ***Editor's Note:*** **The following uses were included in this section by Bill No. 98-1975, and deleted by Bill No. 178-1979: "baseball batting ranges," "cemeteries," "community bldgs. swimming pools," "fish hatcheries," "golf driving ranges, miniature-golf," "helistops," "hospitals," "nursing, convalescent homes," "railroads," "sanitariums" and "shooting preserves."**

or where the use is established in a structure that is situated on the same lot as a dwelling and which the Zoning Commissioner finds to be compatible with its surrounding neighborhood, provided that:

a. Only three persons, including the disabled person and the members of his immediate family who are residents of the dwelling, are employed in the use on the premises; and

b. In any case the use is conducted by a disabled person whose domicile is the dwelling to which the use is accessory and whom the hearing authority finds is so severely disabled as to be unable to engage in his occupation away from the premises of his home.

Any provision of Section 502.2 to the contrary notwithstanding, any special exception granted pursuant to this item shall expire upon the first to occur of the following:

(1) Five years after the issuance of the permit;

(2) The death of a disabled person;

(3) The termination of the disability; or

(4) The failure of the disabled person to permanently reside at the premises.

A new special exception for the use may be granted when the previous special exception expires but only upon the completion of the entire application and hearing process in the same manner as if it were the initial application for this special exception. It is the purpose of this provision to prevent the use of residential property for business purposes by an occupant other than a disabled person and to ensure that any occupation permitted pursuant to this item will be conducted in a manner appropriate to its surroundings. **[Bill No. 27-1981]**

12. Horticultural nurseries, subject to the provisions of Sections 404.1 and 404.2. **[Bill No. 41-1992]**

13. Hunting or fishing preserves. **[Bill No. 178-1979]**

14. Landscape service operations, subject to the provisions of Sections 404.1 and 404.3. **[Bill No. 41-1992]**

15. Offices for agriculture-related uses. **[Bill Nos. 178-1979; 37-1988]**

16. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25% of the total floor area of that residence; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees. **[Bill No. 105-1982]**

17. Public utility uses not permitted as of right. **[Bill No. 178-1979]**

18. Rail passenger station, subject to Section 434. **[Bill No. 91-1990[5]]**

19. Residential art salons (see Section 402C). **[Bill No. 178-1979]**

20. Standard restaurants or tearooms converted from dwellings (Section 402.3). **[Bill Nos. 178-1979; 110-1993]**

21. Riding stables. **[Bill No. 178-1979]**

22. Sanitary landfills, or rubble landfills in which the actual fill area exceeds 3% of the total contiguous acreage of the property in the same ownership. However, the fill area of a rubble landfill may not exceed 7% of the total contiguous acreage, nor may the fill area exceed a depth of 20 feet unless the Zoning Commissioner specifically finds that the landfill should be exempt from the depth limitation (see Section 412). **[Bill Nos. 178-1979; 97-1987]**

23. Schools, including schools for agricultural training, private preparatory schools, business or trade schools, conservatories or colleges. **[Bill No. 178-1979]**

24. Shooting ranges, including archery, pistol, skeet, trap or small-bore rifle ranges, or turkey shoots. **[Bill No. 178-1979]**

25. Sludge disposal facility – landspreading (Section 412A.2.E). **[Bill No. 46-1982]**

26. Trailers, as provided in Section 415.1.D. **[Bill No. 178-1979]**

27. Volunteer fire company or ambulance-rescue facilities. **[Bill No. 178-1979]**

28. Wireless telecommunications towers, subject to Section 426. **[Bill No. 30-1998]**

29. The following "agricultural-support" uses as principal commercial uses: **[Bill Nos. 178-1979; 51-1993]**

    a. Farm-machinery sales, storage or service; blacksmithing. **[Bill No. 178-1979]**

    b. Feed or grain mills or driers. **[Bill No. 178-1979]**

    c. Fertilizer sales or storage. **[Bill No. 178-1979]**

    d. Sawmills. **[Bill No. 178-1979]**

    e. Slaughterhouses or manufacture, processing or packing of fruit, vegetables, animal or meat products, or by-products. **[Bill No. 178-1979]**

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[5] **Editor's Note: Former Item 14, "Research institutes (see Section 418)," which followed this item, was repealed by Bill No. 122-1984.**

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

Article of the Annotated Code of Maryland shall be governed by agricultural land preservation provisions enacted by the County Council pursuant to § 2-513 of that Article in the case of any conflict between those provisions and these regulations. **[Bill No. 178-1979]**

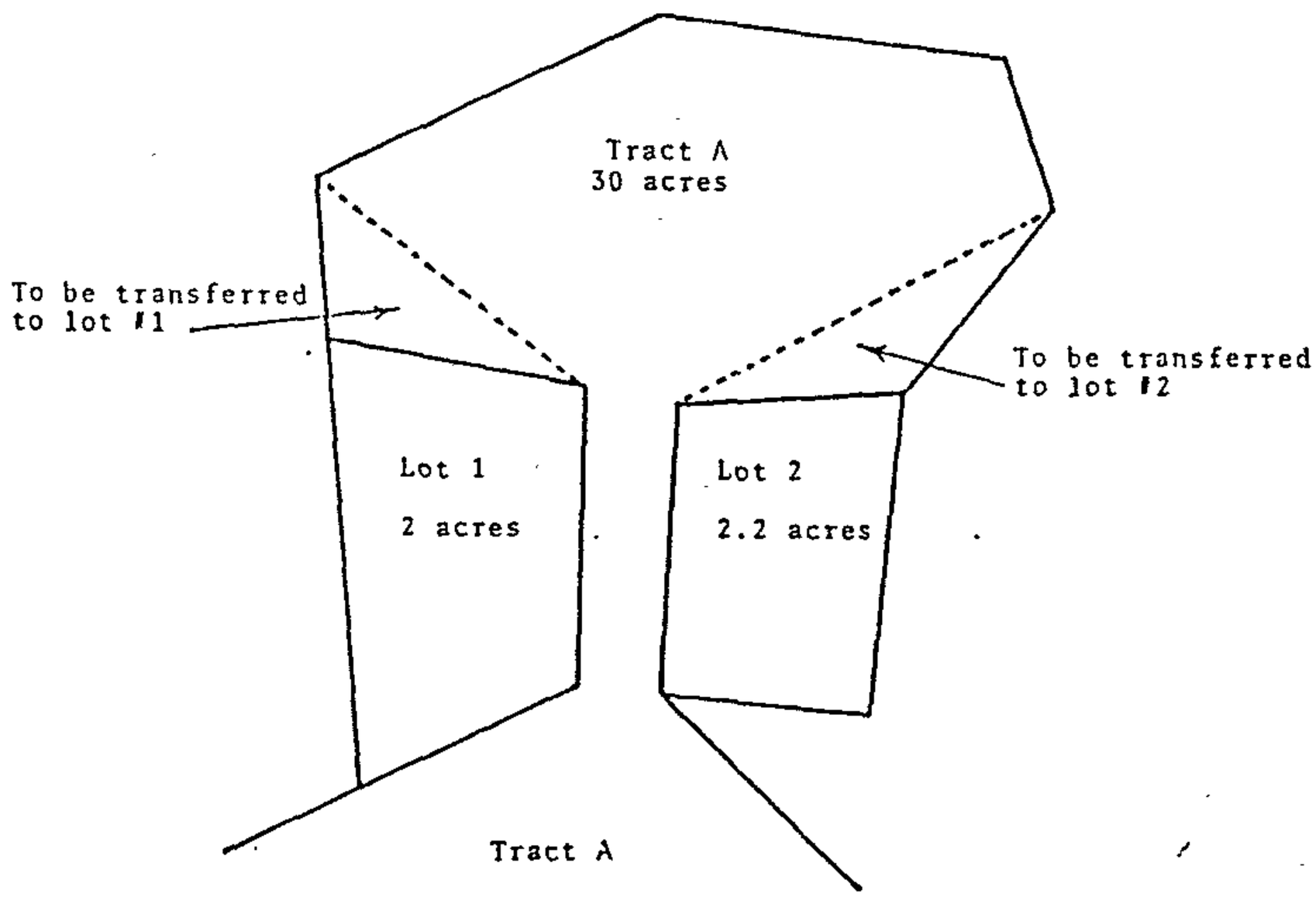
1A00.4.a AMENDMENTS TO DEVELOPMENT PLANS - INDIVIDUAL LOT OWNERS
(See Section 1B01.3.A.7.C Z.C.P.M., Page 1B-21)

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

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

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

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



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

PET 4

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
1470' SW of intersection		
Priceville Road and Hunt Farms Court	*	DEPUTY ZONING COMMISSIONER
8th Election District		
3rd Councilmanic District	*	OF BALTIMORE COUNTY
(West side Priceville Road,		
north of Thornton Mill Road)	*	CASE NO. 01-059-SPH
William G. Cumberland, Legal Owner	*	
and		
Lynn R. MacFarlane, Contract Purchaser	*	
Petitioners		

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, William Cumberland. The Petitioner is requesting a special hearing for property located at the west side of Priceville Road, north of Thornton Mill Road, which property is zoned RC 2. The special hearing request is from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a non-density transfer of 4.10128 acres from William Cumberland to adjacent property owner, Lynn MacFarlane.

Appearing at the hearing on behalf of the special hearing request were Ed Halle, Jr., attorney at law, representing the Petitioner and Lynn MacFarlane the recipient of the non-density transfer.

Testimony and evidence indicated that the owner of the property, William Cumberland, owns approximately 84 acres in this particular parcel of property. Apparently, Mr. Cumberland has other land holdings in this area of the County in addition to the property which is the subject of this special hearing request. Mr. Cumberland has negotiated with Ms. MacFarlane to transfer 4.10128 acres of his property to be added to Ms. MacFarlane's farm. She testified that she is in need of additional pasture land for her farm animals. The requested non-density transfer would be to further agricultural purposes and in no way would be requested to increase density with the property owned by Ms. MacFarlane. Furthermore, Mr. Halle indicated that the 4.10128 acre parcel, which is to be transferred, will be placed into the Land Preservation Trust easement. After considering the

9/13/00 R. Jackson

6/19/01 PET #5

testimony and evidence offered at the hearing, I find that the special hearing request should be granted.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R. Therefore, permission for a non-density transfer of the 4.10128 acre parcel of land zoned RC 2 is granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of September, 2000, that the Petitioner's Request for Special Hearing from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a non-density transfer of 4.10128 acres from William Cumberland to adjacent property owner, Lynn MacFarlane, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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

2. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

9/13/00
R. Jamison

TMK:raj

IN RE: PETITION FOR SPECIAL HEARING 1470' SW of intersection Priceville Road and Hunt Farms Court 8th Election District 3rd Councilmanic District (West side Priceville Road, north of Thornton Mill Road)	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 01-060-SPH
William G. Cumberland, Legal Owner and Christopher Goelet, Contract Purchaser Petitioners	* * *	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, William Cumberland. The Petitioner is requesting a special hearing request from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a non-density transfer of 12.32684 acres of land to Mr. Christopher Goelet, adjacent property owner, for property located at the west side of Priceville Road, north of Thornton Mill Road, which property is zoned RC 2.

Appearing at the hearing on behalf of the special hearing request were Christopher Goelet, the recipient of the non-density transfer and Ed Halle, Jr., attorney at law, representing the Petitioner. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 12.32684 acres and is part of a larger 84 acre tract of land owned by Mr. William Cumberland. Mr. Cumberland has negotiated with Mr. Christopher Goelet to transfer to him this 12.32684 acre parcel of property. The transfer in question will further agricultural purposes and will in no way be used to increase density for Mr. Goelet. Furthermore, Mr. Halle represented and submitted into evidence as Petitioner's Exhibit No. 2

ORDER RECEIVED FOR FILING
Date 6/13/01
By

6/19/01 PET #6

evidence that the property to be transferred pursuant to this request shall be placed into the Land Preservation Trust easement. In order for this transfer to occur, the special hearing is necessary. After considering the testimony and evidence offered at the hearing, I find that the special hearing request should be granted.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R. Therefore, permission for a non-density transfer of the 12.32684 acre parcel of land zoned RC 2 is granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of September, 2000, that the Petitioner's Request for Special Hearing from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a non-density transfer of 12.32684 acres of land to Mr. Christopher Goelet, adjacent property owner, for property located at the west side of Priceville Road, north of Thornton Mill Road, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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

2. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING
Date 9/13/00
By L. Jameson

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

CERTIFIED MAIL
Date 9/13/00
By R. Jenkins

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS

DATE: December 15, 2000

SUBJECT: Zoning Item #218
Cumberland Property
Thornton Mill Road

PAGE: 1 of 2

Zoning Advisory Committee Meeting of December 4, 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:

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

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

__X__ Locating dwellings, wells, septic areas, driveways, or any other proposed disturbances within forest on this site is subject to approval by this office. There are no guarantees of approvals.

__X__ Location of the driveway requires an alternatives analysis. The analysis must be submitted to Environmental Impact Review, and it must include the description of potential means of access and associated constraints.

6/19/01 PET #8

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

DATE: December 15, 2000

SUBJECT: Zoning Item #218
Cumberland Property
Thornton Mill Road

X The proposed Parcel A may constitute subdivision of Tract 2. A lot line adjustment to add Parcel A to Parcel 41 (Tract 1) would be more appropriate if acceptable.

X The 2.1490 acre Parcel B should be incorporated into the description of the Goelet Property, so as not to be a separate parcel.

X Agricultural Preservation: This zoning petition should be supported. This transfer is for road access to the proposed dwelling location on Tract 1. Such access would eliminate the need to go through any productive agricultural land to access the proposed dwelling location.

Reviewer: Bruce Seeley Date: December 15, 2000
Reviewer: Paul Dennis Date: December 13, 2000
Reviewer: Wally Lippincott Date: December 13, 2000

PROPOSED NON-DENSITY LAND TRANSFERS:

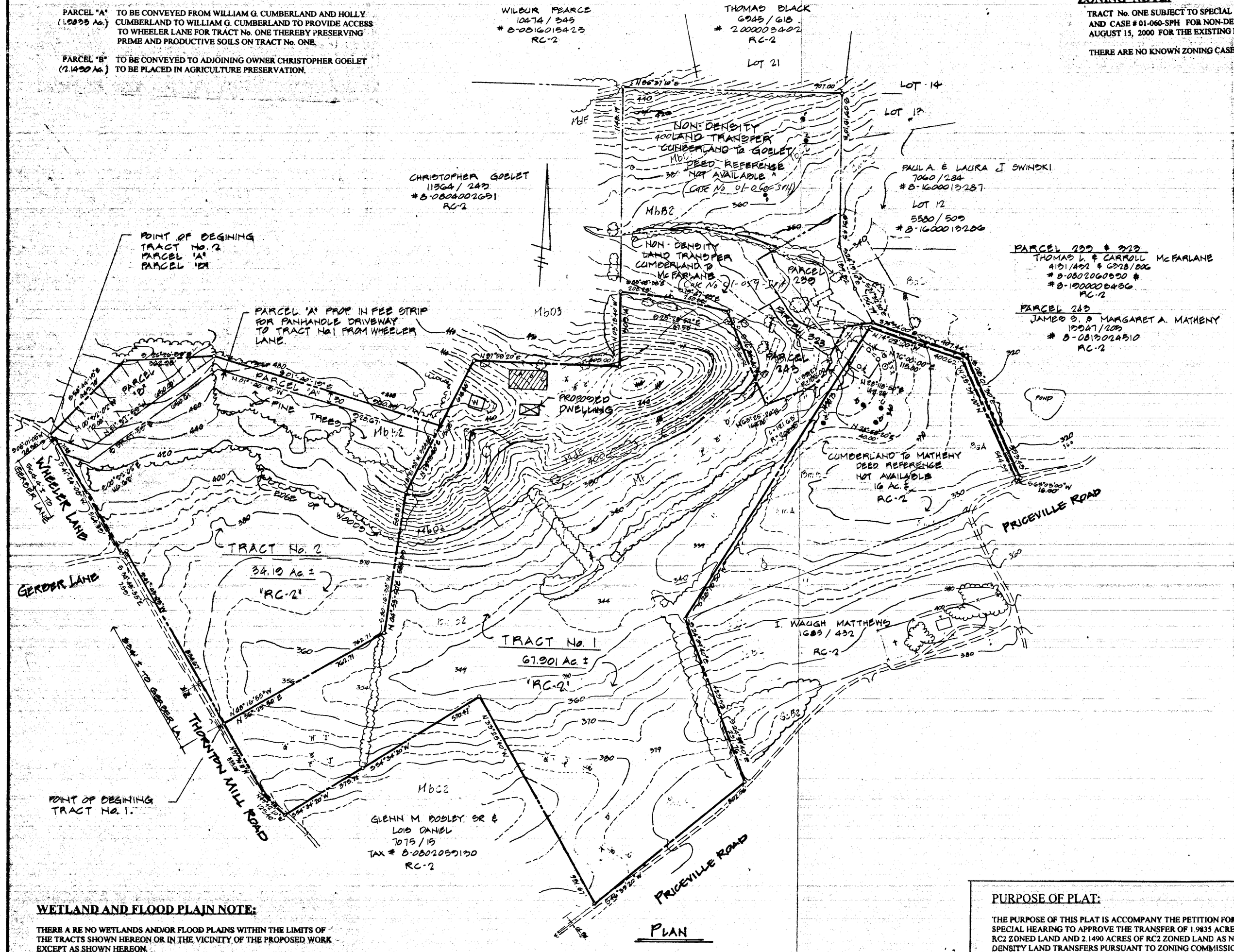
PARCEL "A" (1.9835 Ac.) TO BE CONVEYED FROM WILLIAM G. CUMBERLAND AND HOLLY CUMBERLAND TO WILLIAM G. CUMBERLAND TO PROVIDE ACCESS TO WHEELER LANE FOR TRACT No. ONE THEREBY PRESERVING PRIME AND PRODUCTIVE SOILS ON TRACT No. ONE.

PARCEL "B" (2.1490 Ac.) TO BE CONVEYED TO ADJOINING OWNER CHRISTOPHER GOELET TO BE PLACED IN AGRICULTURE PRESERVATION.

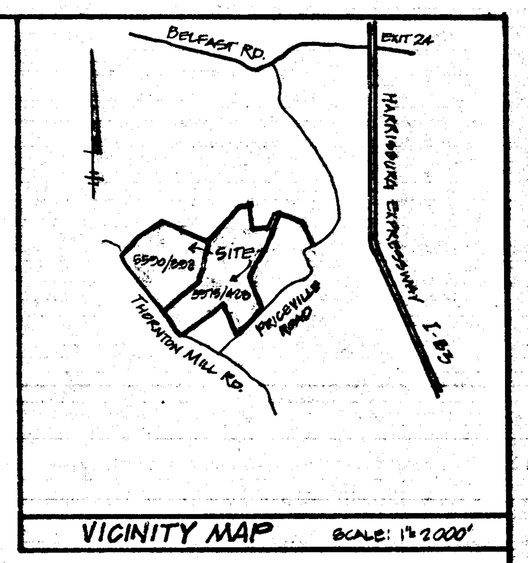
ZONING NOTE:

TRACT No. ONE SUBJECT TO SPECIAL HEARING CASE # 01-059-SPH AND CASE # 01-060-SPH FOR NON-DENSITY LAND TRANSFERS APPROVED AUGUST 15, 2000 FOR THE EXISTING PARCELS AS SHOWN UPON THE PLAN.

THERE ARE NO KNOWN ZONING CASES APPLICABLE TO TRACT No. TWO



PLAN



VICINITY MAP SCALE: 1"=2000'

SITE DATA:

1. GROSS AREA OF PROPERTY:
   TRACT NO. ONE = 67.901 ACRES
   TRACT NO. TWO = 34.192 ACRES
2. ZONING CLASSIFICATION = "RC-2"
3. OWNER:

TRACT NO. ONE	TRACT NO. TWO
WILLIAM G. CUMBERLAND	WILLIAM G. & HOLLY C. CUMBERLAND
3550 CROSS CREEK LANE	SAME
MALIBU, CA. 90265	SAME
TELEPHONE 1-800-457-2127	SAME

4. TAX ACCOUNT NO. TRACT ONE = 802-02-023312
   TRACT TWO = 808-18-037790
5. TITLE REFERENCE:

TRACT No. ONE	TRACT No. TWO
WILLIAM G. CUMBERLAND	WILLIAM G. & HOLLY C. CUMBERLAND
LIBER 5975, FOLIO 428	LIBER 5590, FOLIO 592
DECEMBER 28, 1988	DECEMBER 5, 1975

6. ELECTION DISTRICT ..... 8 TH.
   CENSUS TRACT 4072
   REGIONAL PLANNING DISTRICT 301A
   COUNCILMANIC DISTRICT ..... 3 RD
   SHOOL DISTRICT ..... SPARKS
   WATERSHED ..... LOCH RAVEN
   SUB-SEWERSHED ..... LOCH RAVEN
7. BOUNDARY TRACT No. ONE BASED UPON CURRENT DEEDS AND BOUNDARY TRACT No. TWO BASED UPON SURVEY BY CRC & ASSOC. PREPARED OCTOBER, 2000. TOPOGRAPHY SHOWN HEREON BASED UPON BALTIMORE COUNTY AERIAL TOPOGRAPHY.
8. WATER SERVICE = PRIVATE, SEWER SERVICE = PRIVATE
9. THE PROPERTY SHOWN HEREON IS NOT LOCATED IN ANY CHESAPEAKE BAY CRITICAL AREA.

PLAT TO ACCOMPANY REQUEST FOR SPECIAL HEARING FOR WILLIAM G. CUMBERLAND AND HOLLY C. CUMBERLAND PROPERTY

WETLAND AND FLOOD PLAIN NOTE:

THERE A RE NO WETLANDS AND/OR FLOOD PLAINS WITHIN THE LIMITS OF THE TRACTS SHOWN HEREON OR IN THE VICINITY OF THE PROPOSED WORK EXCEPT AS SHOWN HEREON.

DELINQUENT ACCOUNTS:

THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, ANY PERSON WITH A FINANICAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

WELL AND SEPTIC NOTE:

THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS LOCATED WITHIN 100 FEET OF THE PROPOSED LOT BOUNDARIES EXCEPT AS SHOWN HEREON.

DENOTES PROPOSED SEPTIC AREA
W DENOTES PROPOSED WELL LOCATION

PURPOSE OF PLAT:

THE PURPOSE OF THIS PLAT IS ACCOMPANY THE PETITION FOR A SPECIAL HEARING TO APPROVE THE TRANSFER OF 1.9835 ACRES OF RC2 ZONED LAND AND 2.1490 ACRES OF RC2 ZONED LAND AS NON-DENSITY LAND TRANSFERS PURSUANT TO ZONING COMMISSIONER'S POLICY MANUAL SECTION 1A00.4.b(2) AND (3).

11-15-00

CHARLES R. CROCKEN & ASSOCIATES, INC.
Civil Engineering • Land Planning
P.O. BOX 307
WESTMINSTER, MARYLAND 21157
Tel. (410) 549-2708

11-15-00
DATE

STATE OF MARYLAND — CHARLES R. CROCKEN — REG. 7865 — PROFESSIONAL ENGINEER

PROFESSIONAL ENGINEER NO. 7865

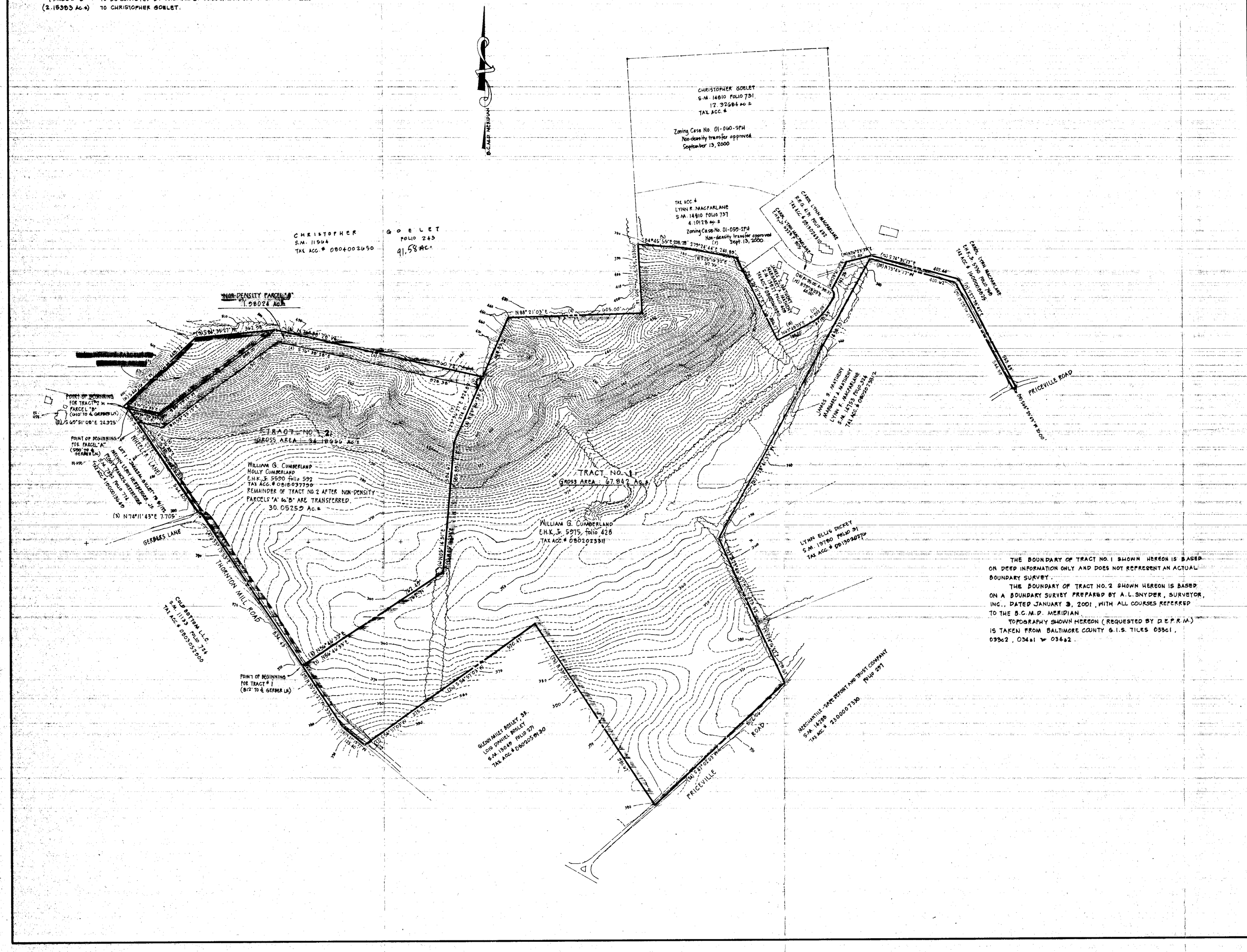
TAX MAP 34	PARCEL 41
DESIGNED BY:	CRC/CHC
DRAWN BY:	CRC/CHC
PROJECT NO.:	
DATE:	OCTOBER 27, 2000
SCALE:	1" = 200'
DRAWING NO. 1 OF 1	

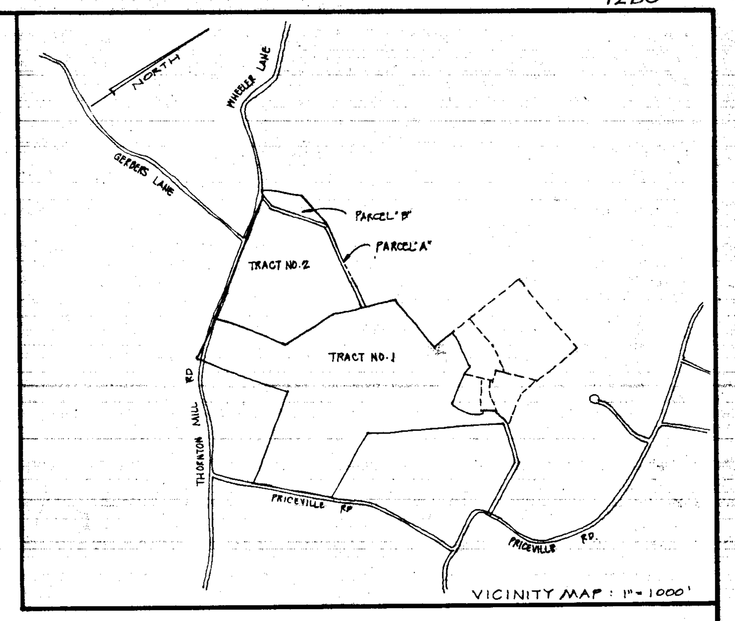
01-218-SPH

PROPOSED NON-DENSITY LAND TRANSFERS

PARCEL "A" (1.98024 Ac.±) : 50 FEET WIDE IN-FEE STRIP TO BE CONVEYED BY WILLIAM G. CUMBERLAND AND HOLLY CUMBERLAND TO WILLIAM G. CUMBERLAND TO PROVIDE ACCESS TO WHEELER LANE FOR TRACT NO. 1, THEREBY PRESERVING PRIME AND PRODUCTIVE SOILS ON TRACT NO. 1.

PARCEL "B" (2.15303 Ac.±) : TO BE CONVEYED BY WILLIAM G. CUMBERLAND AND HOLLY CUMBERLAND TO CHRISTOPHER GOELET.





VICINITY MAP : 1" = 1000'

NOTES

1. CURRENT TITLE REFERENCES:
   TRACT #1 : CURRENT DEED REFERENCE : E.H.K., Jr. 5975 FOLIO 428
   DATE : DECEMBER 20, 1978
   GRANTOR : BELFAST FARMS COMPANY
   OWNER : WILLIAM G. CUMBERLAND
   TRACT #2 : CURRENT DEED REFERENCE : E.H.K., Jr. 5590 FOLIO 592
   DATE : DECEMBER 3, 1973
   GRANTORS : CLARENCE E. RITTER & LOIS M. RITTER
   OWNERS : WILLIAM G. CUMBERLAND & HOLLY CUMBERLAND
2. CURRENT ZONING CLASSIFICATION : R.C. 2 (BALTO. CO. ZONING MAPS NW22C & 22D)
3. GROSS AREA :
   TRACT NO. 1 : 67.842 Ac.±
   TRACT NO. 2 : 34.18666 Ac.±
4. TAX MAP REFERENCES :
   TRACT NO. 1 : TAX MAP 34 BLOCK 7 PARCEL 41
   TRACT NO. 2 : TAX MAP 33 BLOCK 12 PARCEL 217
5. TAX ACCOUNT NOS.
   TRACT NO. 1 : 0802023311
   TRACT NO. 2 : 0818037790
6. ZONING CASE HISTORY :
   TRACT NO. 1 :
   CASE NO. 01-59-SPH : "ORDERED ON THE 13TH DAY OF SEPTEMBER 2000, THAT THE PETITIONER'S REQUEST TO APPROVE A NON-DENSITY TRANSFER OF 4.10128 ACRES OF LAND TO LYNN MACFARLANE, ADJACENT PROPERTY OWNER, FOR PROPERTY LOCATED AT THE WEST SIDE OF PRICEVILLE ROAD, NORTH OF THORNTON MILL ROAD, BE AND IS HEREBY GRANTED, SUBJECT, HOWEVER, TO THE FOLLOWING RESTRICTIONS WHICH ARE CONDITIONS PRECEDENT TO THE RELIEF GRANTED HEREIN :
   1. PURSUANT TO SECTION 502.2 OF THE B.C.Z.R., A NEW DEED INCORPORATING A REFERENCE TO THIS CASE AND THE TERMS AND CONDITIONS SET FORTH HEREIN SHALL BE RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY WITHIN SIXTY (60) DAYS OF THE DATE OF THIS ORDER AND A COPY OF THE RECORDED DEED SHALL BE FORWARDED TO THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT (PDM) FOR INCLUSION IN THE CASE FILE.
   2. WHEN APPLYING FOR ANY PERMITS, THE SITE PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER."
   CASE NO. 01-060-SPH : "ORDERED ON THE 13TH DAY OF SEPTEMBER 2000, THAT THE PETITIONER'S REQUEST TO APPROVE A NON-DENSITY TRANSFER OF 12.32684 ACRES OF LAND TO MR. CHRISTOPHER GOELET, ADJACENT PROPERTY OWNER, FOR PROPERTY LOCATED AT THE WEST SIDE OF PRICEVILLE ROAD, NORTH OF THORNTON MILL ROAD, BE AND IS HEREBY GRANTED, SUBJECT, HOWEVER, TO THE FOLLOWING RESTRICTIONS WHICH ARE CONDITIONS PRECEDENT TO THE RELIEF GRANTED HEREIN.
   1. PURSUANT TO SECTION 502.2 OF THE B.C.Z.R., A NEW DEED INCORPORATING A REFERENCE TO THIS CASE AND THE TERMS AND CONDITIONS SET FORTH HEREIN SHALL BE RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY WITHIN SIXTY (60) DAYS OF THE DATE OF THIS ORDER AND A COPY OF THE RECORDED DEED SHALL BE FORWARDED TO THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT (PDM) FOR INCLUSION IN THE CASE FILE.
   2. WHEN APPLYING FOR ANY PERMITS, THE SITE PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER."
   TRACT NO. 2 :
   NO ZONING CASES EXIST.
7. THERE ARE NO EXISTING BUILDINGS ON TRACT NO. 1 OR TRACT NO. 2.
8. EXISTING ZONING ON ALL ADJACENT PROPERTIES IS R.C. 2.
9. THE PROPERTY SHOWN HEREON IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.

THE BOUNDARY OF TRACT NO. 1 SHOWN HEREON IS BASED ON DEED INFORMATION ONLY AND DOES NOT REPRESENT AN ACTUAL BOUNDARY SURVEY.

THE BOUNDARY OF TRACT NO. 2 SHOWN HEREON IS BASED ON A BOUNDARY SURVEY PREPARED BY A.L. SNYDER, SURVEYOR, INC., DATED JANUARY 3, 2001, WITH ALL COURSES REFERRED TO THE B.C.M.D. MERIDIAN.

TOPOGRAPHY SHOWN HEREON (REQUESTED BY D.E.P.R.M.) IS TAKEN FROM BALTIMORE COUNTY G.I.S. TILES 03361, 03362, 03461 & 03462.

PLAN TO ACCOMPANY SPECIAL HEARING FOR PARCELS 'A' & 'B' AND TRACTS #1 & #2 OF THE CUMBERLAND PROPERTIES

EIGHTH ELECTION DISTRICT
COUNCILMANIC DISTRICT : 3
SCALE : 1" = 200'

BALTIMORE COUNTY, MARYLAND
CENSUS TRACT : 4002
DATE : JANUARY 5, 2001

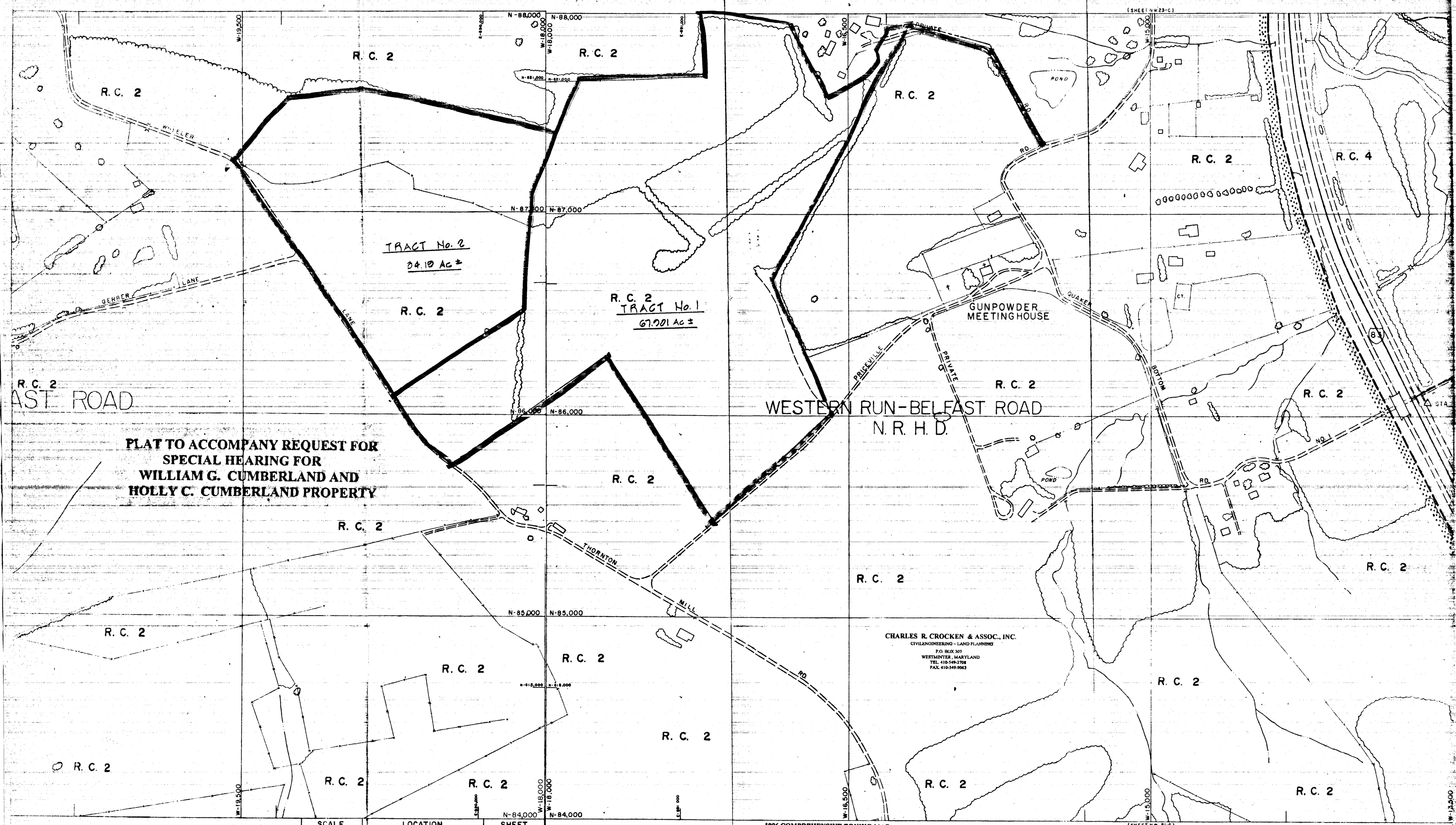
OWNERS:
WILLIAM G. CUMBERLAND
HOLLY CUMBERLAND
3550 CROSS CREEK LANE
MALIBU, CA 90265
PHONE : 1-800-457-2127

Pet Ex #1

STATE OF MARYLAND
ROBERT FROST SNYDER
No. 28
PROPERTY LINE SURVEYOR

PREPARED BY:
A.L. SNYDER SURVEYOR, INC.
1911 HANOVER PIKE
HAMPSTEAD, MD 21074
PHONE : 410-239-7744
FAX : 410-374-8695

JOB NO. 00088



NTY
ND ZONING
G MAP

SCALE	LOCATION	SHEET	
1" = 200' ±	WEST OF GUNPOWDER MEETINGHOUSE	N. W. 22-D	DD-SW DD-SE
DATE OF PHOTOGRAPHY JANUARY 1986			

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

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 Kamenetz
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

01-208-SPH