ORDER RECKIVED/FOR FILING
Date
By

IN RE: PETITION FOR SPECIAL HEARING

SW/S Old Hanover Road, 12' S of the c/l

Frye Road

(14616 Old Hanover Road)

4th Election District

3rd Council District

Thomas E. Nolte Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 02-028-SPH

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Thomas E. Nolte. The Petitioner requests a special hearing to approve and establish density for the parcels of the subject property as they existed prior to the reconfiguration by deed dated July 31, 1981 as recorded in the Land Records of Baltimore County in Liber E.H.K., Jr., 7340 Folio 679. Additionally, relief is requested to approve a non-density transfer from Parcel 3 of the deed recorded in the Land Records of Baltimore County in Liber L.McL.M. 899 Folio 551 on October 12, 1932 to Liber W.P.C. 632 Folio 509 on May 11, 1926. The subject property and requested relief are more particularly described on the plat which accompanied the Petition for Special Hearing and marked into evidence as Petitioner's Exhibit 1, and the deed plot which was marked into evidence as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the request were Thomas E. Nolte, property owner, and A. Leroy Snyder, Registered Property Line Surveyor, who prepared the plat/site plan and plot plan for this property. Appearing as interested persons were Preston C. Thomas and Michael E. Parris, adjoining property owners. There were no Protestants or other interested persons present.

The public hearing held in this matter was heard in conjunction with the hearing held on a Petition for Special Hearing filed by the Petitioner's brother, William C. Nolte in companion

ORDER DE WED VOR FILING Date 20 Case No. 02-029-SPH. The Nolte brothers own separate but adjacent parcels of land near the intersection of Old Hanover Road and Frye Road in northern Baltimore County. Under separate Petitions, each seeks similar relief to establish the number of density units associated with their respective parcels.

Testimony indicated that the property has been in the Nolte family for many years. Apparently, it was originally owned by the Petitioners' grandparents and was subsequently acquired by the Petitioners' parents, Thomas Claude Nolte and Mildred A. Nolte, on October 12, 1932. The Petitioner in the instant case, Thomas E. Nolte, acquired Parcel 3 of his parents' property on July 31, 1981 under deed recorded in the Land Records of Baltimore County at 6340/679. Parcel 3 contains 20½ acres. Under that same deed, he also acquired from his parents a smaller, adjacent parcel, identified as Parcel 211 on the site plan, which was previously recorded in the Land Records of Baltimore County under deed dated May 11, 1926 at W.P.C.632/509. Parcel 211 contains 4½ acres, and is improved with the single family dwelling known as 14616 Old Hanover Road, and a frame barn which is located to the rear of the house. The two parcels combined contain a gross area of 25.236 acres, all of which is zoned R.C.2.

The R.C.2 zoning classification was adopted by the Baltimore County Council on November 24, 1979. For the purposes of establishing the rights of subdivision, a determination of what parcels were in existence on that date is necessary. The R.C.2 zoning regulations permit any property between 2 acres and 100 acres in area to be subdivided once, so as to create two density (dwelling) units. The undisputed testimony and evidence offered in this case demonstrated that the property owned by Thomas E. Nolte is actually comprised of two separate parcels, namely Parcel 211 and Parcel 3 as described above. These parcels are identified in both the deed that conveyed the property to Mr. Nolte on July 31, 1981 and in the prior deed by which his parents took title on May 11, 1926. Moreover, both parcels are between 2 and 100 acres in area. Thus, I find that the two parcels, if subdivided, would yield a total of four lots. As noted above, the property presently contains one single family dwelling. Thus, one density unit has been utilized.

ORDER RECEIVED FOR FILING
Date
By

Testimony and evidence presented was that Mr. Nolte proposes subdividing his holdings to create a new lot, to be known as Lot 1A, for his son, who will ultimately develop the site with a single family dwelling. Lot 1A will be located to the rear of the existing dwelling and access thereto will be by way of a panhandle driveway from Old Hanover Road. In order to follow the topography of the land and existing fence line, the Petitioner proposes a non-density transfer of 1.1 acres from Parcel 3 to proposed Lot 1A. This non-density transfer is shown as the shaded area on Petitioner's Exhibits 1 and 2. Upon completion of the non-density transfer of this 1.1-acre area, Lot 1A will contain 3.5 acres in area. Following development of that lot by Mr. Nolte's son with a single family dwelling, there will then remain two unutilized dwelling (density) units.

Based upon the testimony and evidence offered, I am persuaded to grant the Petition for Special Hearing and confirm the density established herein. Moreover, it is clear that the non-density transfer of the 1.1-acre parcel to create Lot 1A is appropriate in that it will reflect the topography and actual conditions on the property. It appears that the relief requested can be granted without detrimental impact to the health, safety or general welfare of the locale. Obviously, the proposed development must comply with all other development, environmental and zoning regulations, including, but not limited to, those contained in Title 26 of the Baltimore County Code and the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of September, 2001 that by deed dated July 31, 1981 and recorded in the Land Records of Baltimore County at 6340/679, the subject property, known as 14616 Old Hanover Road, consists of two parcels, each between 2 and 100 acres in area, and as such, contains four (4) density units; and,

IT IS FURTHER ORDERED that by virtue of the existing dwelling, and the proposed new dwelling to be constructed on Lot 1A, only two unutilized density units will remain; and,

IT IS FURTHER ORDERED that the non-density transfer of 1.1 acres from Parcel 3 to create proposed Lot 1A, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing be and is hereby GRANTED, subject to the following restrictions:

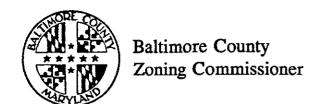
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits and within sixty (60) days of the date of this Order, the Petitioner shall record a new deed in the Land Records of Baltimore County which references this case and sets forth and addresses the terms and conditions of this Order.
- 3) The proposed development on the subject property must comply with all other development, environmental and zoning regulations, including, but not limited to, those contained in Title 26 of the Baltimore County Code and the B.C.Z.R.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



September 24, 2001

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

Fax: 410-887-3468

Mr. Thomas E. Nolte 151 Larkspur Lane Weems, Virginia 22576

RE: PETITION FOR SPECIAL HEARING SW/S Old Hanover Road, 12' S of the c/l Frye Road (14616 Old Hanover Road) 4th Election District – 3rd Council District Thomas E. Nolte - Petitioner Case No. 01-028-SPH

Dear Mr. Nolte:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. A. Leroy Snyder
1911 Hanover Pike, Hampstead, Md. 21074
DEPRM; People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at <u>14616 Old Hanover Road</u> which is presently zoned <u>RC 2</u>

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

Density for the parcels as they existed prior to reconfiguration of 7/31/81 as recorded in Liber E.H.K, Jr. 6340 folio 679 and to approve a non-density transfer from Parcel 3 of Liber L.McL.M. 899 folio 551 (October 12, 1932) to Liber W.P.C. 632 folio 509 (May 11, 1926).

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 perjury, the I/we are the lo is the subject of this Petition	gal owner (s) of the	
Contract Purchaser/Lessee:			Legal Owner(s):		
Name - Type or Print	 		Thomas E. Nolte		<i>M</i>
Name – Type or Frint			Name - Type or Print	5 Tot	
Signature		·	Signature		
Address	Telephon	e No.	Name - Type or Print		
City	tate	Zip Code	Signature	 	
Attorney For Petitioner:			151 Larkspur Lane	804	-438-6528
			Address	Те	lephone No.
			Weems	Virg i nia	22576
Name - Type or Print			City	State	Zip Code
Signature			Representative to be Co	ntacted:	
5			Thomas E. Nolte		
Com any Address			Name		
로			151 Larkspur Lane	804	<u>-438-6528</u>
Υ Address	Telephon	e No.	Address	Te	lephone No.
			Weems,	Virginia	22576
2 or 8	tate	Zip Code	City	State	Zip Code
ET KID			OFFIC	E USE ONLY	
N. C.			ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING		
Case No. 02-028-SF	JU				
Case No. 02-0-56		Rev	riewed By <u>LTM</u>	Date	
ate A					
- E >					

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

(410) 239-7744

(410) 374-9695 phone/fax

Zoning Description

The Thomas E. Nolte and William C. Nolte Property

45.23913 Acres

June 6, 2001

Beginning at a steel pin on the west side of Old Hanover Road, 12 feet south of the centerline of Frye Road and thence,

- 1.) South 4 degrees 30 minutes 25 seconds East 169.12 feet,
- 2.) South 21 degrees 45 minutes 25 seconds East 231.11 feet,
- 3.) South 48 degrees 39 minutes 54 seconds East 180.86 feet,
- 4.) South 51 degrees 56 minutes 38 seconds East 222.75 feet.
- 5.) South 26 degrees 13 minutes 18 seconds East 266.42 feet,
- 6.) South 35 degrees 42 minutes 03 seconds East 132.00 feet,
- 7.) South 12 degrees 17 minutes 57 seconds West 62.70 feet,
- 8.) North 87 degrees 13 minutes 40 seconds West 15.55 feet,
- 9.) South 1 degree 12 minutes 03 seconds East 165,00 feet.
- 10.) South 3 degrees 42 minutes 03 seconds East 412.00 feet.
- 11.) North 86 degrees 42 minutes 03 seconds West 138.60 feet.
- 12.) South 68 degrees 47 minutes 57 seconds West 948.75 feet,
- 13.) North 0 degrees 03 minutes 22 seconds East 1320.00 feet,
- 14.) South 76 degrees 48 minutes 14 seconds West 658.35 feet.
- 15.) North 19 degrees 04 minutes 51 seconds West 693.00 feet.
- 16.) North 76 degrees 28 minutes 52 seconds East 501.60 feet,
- 17.) South 22 degrees 31 minutes 08 seconds East 11.55 feet,
- 18.) North 73 degrees 28 minutes 52 seconds East 119.63 feet,
- 19.) South 89 degrees 22 minutes 57 seconds East 676.28 feet to the place of beginning.

Containing 45.23913 acres of land, more or less.

Being in the Fourth Election District and the Third Councilmanic District of Baltimore County Maryland and being all of the following two parcels of land which were conveyed by Mildred O. Nolte to Thomas E. Nolte by deed dated July 31, 1981 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 6340 folio 679 etc. and by Mildred O. Nolte to William C. Nolte by deed date July 31, 1981 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 6340 folio 676 etc.

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

(410) 239-7744

(410) 374-9695 phone/fax

Zoning Description

The Thomas E. Nolte Property

25,23639 Acres

June 6, 2001

Beginning at a railroad spike in the centerline of Old Hanover Road, South 24 degrees 43 minutes 31 seconds East 568 feet from the centerline of Frye Road and thence,

- 1.) South 32 degrees 03 minutes 18 seconds West 62.07 feet,
- 2.) South 39 degrees 04 minutes 18 seconds West 39.72 feet,
- 3.) South 42 degrees 32 minutes 51 seconds West 32.65 feet,
- 4.) South 40 degrees 07 minutes 31 seconds West 33.91 feet.
- 5.) South 35 degrees 14 minutes 30 seconds West 29.70 feet,
- 6.) South 36 degrees 49 minutes 42 seconds West 27.03 feet,
- 7.) South 55 degrees 58 minutes 33 seconds West 23.78 feet,
- 8.) South 80 degrees 35 minutes 59 seconds West 30.99 feet.
- 9.) North 82 degrees 19 minutes 58 seconds West 36.81 feet,
- 10.) North 80 degrees 04 minutes 58 seconds West 60.98 feet,
- 11.) North 83 degrees 54 minutes 32 seconds West 60.49 feet,
- 12.) North 86 degrees 11 minutes 32 seconds West 66.40 feet,
- 13.) North 84 degrees 28 minutes 20 seconds West 137.87 feet.
- 14.) North 81 degrees 53 minutes 27 seconds West 82.80 feet,
- 15.) North 87 degrees 12 minutes 41 seconds West 24.14 feet,
- 16.) South 0 degrees 03 minutes 22 seconds West 1307.49 feet,
- 17.) North 68 degrees 47 minutes 57 seconds East 948.75 feet,
- 18.) South 86 degrees 42 minutes 03 seconds East 138.60 feet,
- 19.) North 3 degrees 42 minutes 03 seconds West 412.00 feet,
- 20.) North 1 degree 12 minutes 03 seconds West 165.00 feet.
- 21.) South 87 degrees 13 minutes 40 seconds East 15.55 feet,
- 22.) North 12 degrees 17 minutes 57 seconds East 62.70 feet, 23.) North 35 degrees 42 minutes 03 seconds West 132.00 feet,
- 24.) North 26 degrees 13 minutes 18 seconds West 266.42 feet,
- 25.) North 51 degrees 56 minutes 38 seconds West 220.18 feet to the place of beginning.

Containing 25.23639 acres of land, more or less.

Being in the Fourth Election District and the Third Councilmanic District of Baltimore County, Maryland and being all of that parcel of land, which was conveyed by Mildred O. Nolte to Thomas E. Nolte by deed dated July 31, 1981 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 6340 folio 679 etc.

	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No.	4003	PAID RECEIPT PAYON HI ACTUAL TIME
-	DATE 7/17/01 ACCOUNT 73	2001056	o150	7/17/3/01 7/17/2001 11:34:59 F1 WSO: CASHIER SWAT SAW DRAWER 2 - CEIF # 1.77940 OFLN DRI 5 520 ZONING VERIFICATION DR 10. +04/003
	RECEIVED ROY SHYDER	<u> </u>		Recrt Tot 50.00 ; .00 CK (0.00 CA) 10.00- CG Rultimore County, Maryland
	FOR: PECIAL	- HCARIN	9	
	<u>DISTRIBUTION</u> WHITE - CASHIER PINK - AGENCY YELLOW - CUSTON	MER		CASHIER'S VALIDATION

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authority of the Zohing Act and Regulations of Battingor Colling will hold a public hearing in Towson. Marciardicon His property Identified herein as follows:

14916 Did Hanover Road

Wis Old Hanover Road

4th Election District - 3rd Gounellmanic District

Legal Owner(s): Thomas E. Notie

Special Heartur: to allow density for the parceig sachey

skield policy to reconfiguration of 773181 as recorded in the parceig sachey

distriction E.H.K. Jr. 6340 folio 679 and for approve alloric

distriction Parcei. 3 of Liber I. Mr. I.M. 899 folio 661

(Cotober 12, 1632) to Eiber W.P.C. 632 folio 609 f/May 11

Hearing: Wednesday, September 12, 2001 at 9100 a.m. In Robm 407, County Courts Building, 401 Bosley, Avenue.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., once in each of

The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times

Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

1. Williams ☐ North County News

LEGAL ADVERTISING

CERTIFICATE OPPOSTING

RE-Case No. 02-028-SPH Petitioner, Developer T.E. NOLTE, ETAL Date of Hearing/Closing: 9/12/01 Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 Attention: Ms. Gwendolyn Stephens / MR. GEORGE ZAHNER 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 #14616 OLD HANOVER PK The sign(s) were posted on Sincerely,

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD PLACE: COUNTY COURTS BLDG TO A BLD		ING NO	TICE
DATE AND TIME: SEPT 12, LOCA AT 9 COMPANY REQUEST: SPECIAL HEARING TO ALLOW DENSITY FOR PARCELS AS THEY END PRIOR TO A COMPANY THE PARCELS AS THEY END MY TEMPORATE TO THE PARCELS THEY PARCELS AS THEY END MY TEMPORATE TO THE PARCELS AS THEY BOTH THEY THEY PARCELS THEY AS A SECONDARY DENSITY TEMPORATE TO THE PARCELS AS THEY BOTH THEY THEY AS THE PARCELS AS THEY PARCELS AS THE PARC	A PUBLIC HE	EARING WILL BE HE NING COMMISSIONE	LD BY R
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(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

(Teiephone Number)

RTIFICATE OF POSTING

RE Case No 02-028-SPH Petitioner/Developer NOLTE ETAL

C/o ROY SNYDER

Date of Hearing/Closing: 9/12/01

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

Attention: Ms. Gwendolyn Stephens & GEORGE ZAHNER

Ladies and Gentlemen

t" brand fax transmittal memo 7671 | # of pages ▶

xe

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 #14616 OWHANOVER

The sign(s) were posted on

Month, Day, Year)

ZONING NOTICE CASE = 37 COM

Sincerely, (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)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: OZ-OZ8-5PI
Petitioner: THOMAS E. NOUTE
Address or Location: 151 LAIRESRUR LANC WEEKS, VIRGILIA 22576
PLEASE FORWARD ADVERTISING BILL TO:
Name: THOMAS E. NOLTE
Address: 151 LARKSPUR LANE
WEEMS, VIRAINIA 22576
Telephone Number: 604 438 6528

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 28, 2001 Issue – Jeffersonian

Please forward billing to:

Thomas E Nolte 151 Larkspur Lane Weems VA 22576 804 438-6528

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: 02-028-SPH 14616 Old Hanover Road W/S Old Hanover Road, 12' S centerline Frye Road 4th Election District – 3rd Councilmanic District Legal Owner: Thomas E Nolte

<u>Special Hearing</u> to allow density for the parcels as they existed prior to reconfiguration of 7/31/81 as recorded in Liber E.H.K. Jr. 6340 folio 679 and to approve a non-density from Parcel 3 of Liber L.Mc. L.M. 899 folio 551 (October 12, 1932) to Liber W.P.C. 632 folio 509 (May 11, 1926).

HEARING: Wednesday, September 12, 2001 at 9:00 a.m. in Room 407, County

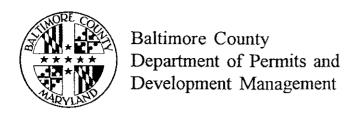
Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT 6 DZ 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.



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

Fax: 410-887-5708

August 10, 2001

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: 02-028-SPH 14616 Old Hanover Road W/S Old Hanover Road, 12' S.

W/S Old Hanover Road, 12' S centerline Frye Road 4th Election District – 3rd Councilmanic District

Legal Owner: Thomas E Nolte

Special Hearing to allow density for the parcels as they existed prior to reconfiguration of 7/31/81 as recorded in Liber E.H.K. Jr. 6340 folio 679 and to approve a non-density from Parcel 3 of Liber L.Mc. L.M. 899 folio 551 (October 12, 1932) to Liber W.P.C. 632 folio 509 (May 11, 1926).

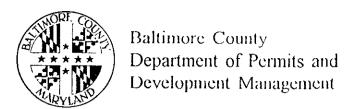
HEARING: Wednesday, September 12, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon らって Director

C: Thomas E Nolte, 151 Larkspur Lane, Weems VA 22576

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 28, 2001.

- (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.



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

September 7, 2001

Thomas E Nolte 1151 Larkspur Lane Weems VA 22576

Dear Mr. Nolte:

RE: Case Number: 02-028-SPH, 14k616 Old Hanover Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 2, 2001.

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. らりて Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR: gdz

Enclosures

c: People's Counsel

40 All

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 6, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT: V

Zoning Advisory Committee Meeting

For August 13, 2001

Item Nos. 018, 019, 021, 022, 023, 025, 026, 028, 029, 030, 031, 032, 033,

035, and 057

SEP 1 3

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

RWB:HJO:jrb

cc: File



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

August 14, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF August 6, 2001

Item No.:

Dear Ms. Stephens:

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

The Fire Marshal's Office has no comments regarding the item numbers:

018, 022, 023, 025, 026, 028, 029, 030, 033, 034, and 035

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F



BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Ap 9/12
ł ,

TO: Arnold Jablon FROM: R. Bruce Seeley DATE: September 5, 2001 SUBJECT: Zoning Item Address 14616 Old Hanover Road Zoning Advisory Committee Meeting of August 6, 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 the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code). X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code). Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code). Additional Comments:

Reviewer: John G. Russo Date: August 27, 2001

App

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-017, 02-025, 02-028, 02-029 & 02-030

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:

Section Chief:

AFK/JL:MAC

AUG I A

DATE: August 14, 2001



Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 8.10 .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. 🧩

LTM

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,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

1. Dell

RE: PETITION FOR SPECIAL HEARING 14616 Old Hanover Road, W/S Old Hanover Rd, 12' S of c/l Frye Rd 4th Election District, 3rd Councilmanic

Legal Owner: Thomas E. Nolte Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-28-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

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of August, 2001 a copy of the foregoing Entry of Appearance was mailed to Legal Owner Thomas E. Nolte, 151 Larkspur Lane, Weems, VA 22576, Petitioner.

PETER MAX ZIMMERMAN



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

Fax: 410-887-3468

January 31, 2002

Roland R. Bounds, Esquire 3300 North Ridge Road, Suite 385 Ellicott City, Maryland 21043

RE: PETITIONS FOR SPECIAL HEARING

SW/corner Old Hanover Road and Frye Road

(Nolte Property)

4th Election District – 3rd Council District

Thomas E. Nolte – Petitioner, Case No. 02-028-SPH

William C. Nolte - Petitioner, Case No. 02-029-SPH

Dear Mr. Bounds:

In response to your letter of January 29, 2002 concerning the above-captioned matters, the following comments are offered.

You have indicated that the requisite new deeds were completed and submitted to the Circuit Court for Baltimore County for recordation on November 19, 2001; however, were not officially recorded until December 11, 2001. Based upon the representations made in your letter, I am persuaded that the recordation process was initiated in good faith and will accept same as being in compliance with Restriction No. 2 of the Orders issued on September 26, 2001. Moreover, a copy of your letter and this response will be placed in each case file to circumvent any future discrepancy on this issue.

Should you have any further questions in this regard, please do not hesitate to call me.

Very truly yours.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Thomas E. Nolte, 151 Larkspur Lane, Weems, Va. 22576

Mr. William C. Nolte, 556 Paurotis Lane, Fort Pierce, Fla. 34982-3961

Mr. A. Leroy Snyder, 1911 Hanover Pike, Hampstead, Md. 21074

DEPRM; People's Counsel; Case Files



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

Fax: 410-887-3468

June 20, 2002

Mr. Albert LeRoy Snyder 1911 Hanover Pike Hampstead, Maryland 21074

RE: PETITION FOR SPECIAL HEARING (14616 Old Hanover Road) Thomas E. Nolte – Petitioner Case No. 02-028-SPH

Dear Mr. Snyder:

In response to your letter of May 7, 2002 concerning the above-captioned matter, the following comments are offered.

Pursuant to the Order issued by me on September 26, 2001, special hearing relief was granted to approve the non-density transfer of 1.1 acres from Parcel 3 to proposed Lot 1A on the subject property. According to your letter, however, several subsequent surveys have determined that the fence line on which the proposed lot line was to have been fixed is actually located further eastward. You have requested a modification of the Order to allow a reconfiguration of the area of the non-density transfer. Previously, as noted above, 1.1 acres was to be transferred; however, the proposed modification will result in the transfer of 2.59019 acres, and the total area of proposed Lot 1A will be 4.96115, rather than the 3.5 acres originally proposed.

After due consideration of your request, I will approve the modification of my Order as set forth above. Obviously, the proposed modification does not impact the density associated with this property. All other terms and conditions of my Order shall remain in full force and effect, but for the modification of same to properly reflect the location of the existing fence line.

A copy of this letter along with your correspondence and amended site plan shall be incorporated into the case file to reflect the approved modification.

Very truly yours,

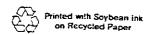
LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore county

LES:bjs

cc: Mr. Thomas E. Nolte, 151 Larkspur Lane, Weems, VA 22576
Mr. & Mrs. Michael Parris, 14624 Old Hanover Road, Reisterstown, Md. 21136

Case File



Law Offices
BOUNDS & BOUNDS

The Executive Center
Suite 385
3300 North Ridge Road
Ellicott City, Maryland 21043

FAX (410) 750-3604

Roland R. Bounds Stephen C. Bounds

(410) 750-3600

January 29, 2002

Lawrence E. Schmidt Zoning Commissioner for Baltimore County Suite 405 County Courts Building 401 Bosley Avenue Towson, Maryland 21204

JAN 3 0 1

Re:

Thomas E. Nolte - Case No. 02-028-SPH William C. Nolte - Case No. 02-029-SPH

Dear Commissioner Schmidt:

In each of the above cases, the Petitioners were granted the relief requested and your subsequent Order dated September 26th, 2001, provided as follows:

"Prior to the issuance of any permits and within 60 days of the date of this Order, the Petitioner shall record a new Deed in the Land Records of Baltimore County which references this case and sets forth and addresses the terms and conditions of this Order."

The engineering was completed and on November 19th, 2001, reconfiguration Deeds were mailed to the Circuit Court for recordation. The Deeds were not receipted in by State Department of Assessments & Taxation until November 30, 2001, and were not put on record until December 11, 2001.

The obvious concern at the present has to do with the 60 day recordation window set forth in your Decision. For your reference, the Deed pertaining to Case #02-028-SPH, *Thomas E. Nolte*, was recorded in Liber 15843, Folio 101 on December 11, 2001, and in Case No. 02-029-SPH, *William C. Nolte*, was recorded in Liber 15844, Folio 471 on December 11, 2001.

I am inquiring if it would be appropriate for a *Modified Order* extending the recordation period to December 11, 2001, which would cover both cases. If not, what would be the appropriate procedure to address the issue in order that the Noltes are not faced with a title or density problem some years hence.

I suppose another alternative would be to start over by filing a new Petition, however, since there were no objections and the density rights seem to have been clearly established, this would seem to be a last resort.

It would be appreciated if you could review the matter and provide us with some guidance as to how to address the variance in the recordation process with that of your Order of September 26, 2001.

Very truly yours,

Roland R. Bounds

RRB/cwp

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

(410) 239-7744

(410) 374-9695 phone/fax

May 7, 2002

MAY 8 202

Lawrence E. Schmidt Baltimore County Zoning Commissioner Suite 405 County Courts Building Towson, Maryland 21204

Re: Petition for Special Hearing Case No. 02-028-SPH
Thomas E. Nolte Petitioner
14616 Old Hanover Road
4th Election District
3rd Councilmanic District

Dear Commissioner Schmidt,

The Petitioner requested a non-density transfer of 1.1 acres from Parcel 3 to the proposed Lot 1A and the same was granted. Subsequent surveys have located a fence line on which the proposed lot line was to have been fixed as being further eastward. By following the fence line as proposed the non-density area now becomes 2.59019 acres instead of 1.1 acres, and the total area of the proposed new lot would be 4.96115 acres instead of 3.5 acres. By this letter I respectfully ask that this adjustment to the initial request be permitted, as there will be no adverse impact on the remaining land designated as Lot 1B and since the fence was to have been the intended division line.

Very truly yours,

Albert LeRoy Snyder

albert Le Roy Shysh

Enclosure

ALS/bs

Dear George

PLEASIE SCHEDULE CASE OZ. 028-SPH and CASE 02-029-SPH TO BE HEAR CONCURRENTLY,

Thomas,
Roy Suyden
A.L. SLYDER SURVEYORS INC.

Case Number		

PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Thomas E. Notto	15T Larksporlance	weens	22,576
Thomas E. Norths MICHELE. PARRIS	P.O. BOX 11 B-14624 OUT BORING MA 14MON	er Borone	PSAIS
Roy SuyDer	1911 HANDOWN PIKE	Напроточи но	
Preston Thomas		Relateus to un Md	21136
		-	
to account the distribution in the second se			
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	·	Revised 4	/17/00

LIBERG 340 PAGE 679

July, MSI THIS DEED/ Made this 31551 day of B between MILDRED O. NOLTE of the first part, and THOMAS E. NOLTE of the second part.

Witnesseth, that in consideration of the sum of FIFTY EIGHT THOUSAND DOLLARS (\$58,000.00), the said MILDRED O. NOLTE does hereby grant and convey unto the said THOMAS E. NOLTE his personal representative and assigns, in fee simple, all that parcel of ground, situate, lying and being in Fourth Election District, Baltimore County, State of Maryland, and described as follows, that is to say:

Beginning for the same at a stone heretofore set at the end of the second or S 6° E 68 perches line of the third parcel of land described in a deed from William T. Nolte and M. Odella Nolte, his wife, to Thomas Claude Nolte and Mildred A. Nolte, his wife, by deed dated October 12, 1932, and recorded among the Land Records of Baltimore County, Maryland, in Liber LMcLM 899 folio 551 etc., said stone being also at the end of the end of the third or S 9° E 80 perches line of that parcel of land which was conveyed from Julius Rudiger to Henry F. L. Steger by deed dated February 17, 1872, (now Grothe Property GLB 3342/520) and recorded among said Land Records in Liber EHA 74 folio 54 etc., said stone being also at the beginning point of that parcel of land which was conveyed from Conrad Hundertmark and Caroline, his wife, to Frederick Hundretmark, and May
A. Hundretmark, his wife, (now Arthur H. Schaefer GLB 2987/530)
by deed dated April 14, 1882, and recorded among the aforementioned
Land Records in Liber WMI 129 folio 358 etc., thence leaving the outlines of Grothe running with and binding on the third and part of the fourth lines of the aforesaid third parcel conveyed from William T. Nolte and wife, to Thomas Claude Nolte and wife and binding on the first and second lines of the aforementioned parcel conveyed from Conrad Hundertmark and wife to Frederick

Hundretmark and wife, the following two courses and distances:

1.) N 68° 47' 57" E 948.75 feet to a steel pin now set, thence:

2.) S 86° 42' 03" E 138.60 feet to a steel pin now set 1.7

feet southeast from the center of a 9" Hickory tree and 11.5 feet west of the west edge of the Old Hanover Road and at the end of the second or S 8 1/2° E 412 feet line of that parcel of land which was conveyed by Henry P. Nolte and Mary Nolte, his wife, to the Baltimore and Hanover Railroad Company by deed dated July 19, 1879, and recorded among the Land Records of Baltimore County, Maryland, in Liber WMI 136 folio 494 etc., thence running with and binding reversely on the second and first and fifth lines thereof the following three courses and distances:

3.)

N 3° 42' 03" W 412.00 feet to a steel pin now set, 14.5 feet west of the west edge of the Old Hanover Road thence: N 1° 12' 03" W 165.00 feet to a steel pin now set, 3.0

feet west of the west edge of the said road, thence: S 87° 13' 40" E 15.55 feet to a railroad spike now set approximately 2.2 feet east of the centerline of the said road at the beginning of the sixth or N 8° E 3.8 perches line of the above mentioned third parcel conveyed from Nolte to Nolte thence with the sixth and seventh lines thereof:

N 12° 17' 57" E 62.70 feet to a steel pin now set 0.4 feet west of the centerline of the Western Maryland Railway track, thence:

LATMENT DEPA

LIBERG 340 PAGE 680

N 35° 42' 03" W 132.00 feet to a railroad spike now set 1.2 feet east of the centerline of the Old Hanover Road and at the end of the sixth or S 40° E 17 perches line of that parcel of land which was conveyed from John Duce to Thomas Claude Nolte and Mildred O. Nolte, his wife, by deed dated May 11, 1926, and recorded among said Land Records in Liber WPC 632 folio 509 etc., thence running with and binding reversely on the said sixth and fifth lines thereof and in the road:

N 26° 13' 18" W 266.42 feet to a steel pin now set 1.0 8.)

feet east of the east edge of Old Hanover Road, thence: N 51° 56' 38" W 220.18 feet to a railroad spike now set 2.57 feet from the beginning of the said fifth or \$ 590 E 13 1/2 perches line of Duce to Nolte, thence leaving the said fifth line and the Old Hanover Road and running for lines of division now made through the entire farm along the center of an old stone entrance road the following fifteen

courses and distances: 63.07 feet to a steel pin now set; thencer
39.72 feet to a steel pin now set; thence:
32.68 feet to a steel pin now set; thence: S 32° 03' 18" W 10.) S 39° 04' 18" W S 42° 32' 51" W 11.) 12.) 33.91 feet to a steel pin now set, thence: 29.70 feet to a steel pin now set, thence: S 40° 07' 31" W 13.) 35° 14' 30" W 14.) 27.03 feet to a steel pin now set, thence: 23.78 feet to a steel pin now set, thence: 30.99 feet to a steel pin now set, thence: 36° 49' 42" W 15.) 55° 58' 33" W 16.) S 80° 35' 59" W 17.) N 82° 19' 58" W 36.81 feet to a steel pin now set, thence: N 80° 04' 58" W 60.98 feet to a steel pin now set, thence: 19.) N 83° 54' 32" W 60.49 feet to a steel pin now set, thence: 20.) N 86° 11' 32" W 66.40 feet to a steel pin now set, thence:
N 84° 28' 20" W 137.87 feet to a steel pin now set, thence:
N 81° 53' 27" W 82.80 feet to a steel pin now set, thence:
N 87° 12' 41" W 24.14 feet to a steel pin now set in the 21.) 22.) 23.) second or N 8° W 12 perches line of the aforementioned parcel conveyed from John Duce to Thomas Claude Nolte and Mildred O. Nolte, his wife, at a bearing and distance of S 0° 03' 22" W 12.51 feet from the end thereof said pin being also in the abovementioned third or S 9° E 80 perches line of Rudiger to Steger (now Grothe), and running thence with the said third line of Rudiger to Steger, reversely with the said second line of Duce to Nolte to and with the second line of the said third parcel of Nolte to Nolte:
25.) S 0° 03' 22" W 1307.49 feet to the place of beginning.

Containing 25.23639 acres of land more or less.

Being all of the third parcel described in a deed from William T. Nolte and M. Odella Nolte, his wife, to Thomas Claude Nolte and Mildred A. Nolte, his wife, dated October 12, 1932, and recorded among the Land Records of Baltimore County, Maryland, in Liber LMcLM 899 Folio 551 etc.

Saving and excepting therefrom that parcel of land which was conveyed to the Baltimore and Hanover Railroad Company from Henry P. Nolte and Mary Nolte, his wife, by deed dated July 19, 1879 and recorded among said Land Records in Liber WMI 136 folio 494 etc.

Being also a part of that parcel of land which was conveyed from John Duce to Thomas Claude Nolte and Mildred O. Nolte, his wife, by deed dated May 11, 1926, and recorded among said Land Records in Liber WPC 632 folio 509 etc.

Being also a part of the second parcel described in the aforementioned conveyance from William T. Nolte and M. Odella Nolte, his wife, to Thomas Claude Nolte and Mildred A. Nolte, his wife, dated October 12, 1932, and recorded among the Land Records of Baltimore County, Maryland in Liber LMCLM 899 folio 551 etc.

Subject to the right of way for the Western Maryland Railway along the sixth and seventh lines described herein and shown on the plat attached hereto.

LIBERG 3 4 8 PAGE 6 8

The said Thomas Claude Nolte died March 10, 1970 leaving absolute title vested in Mildred O. Nolte.

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

To Have and To Hold the said parcel of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said THOMAS E. NOLTE his personal representative and assigns, in fee simple.

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

Witness the hand and seal of the said grantor

TEST: Coderes H. Hoffman Meldied O M ASt. (SEAL) State of Maryland, Curity of Battemore

I HEREBY CERTIFY, That on this 3121 day of December, 1979, before me, the subscriber, a Notary Public of the State of Maryland, in and for Betternie County, personally appeared MILDRED O. NOLTE known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal. My Commission expires: 1+19:2 & HON 'd for record OCT 30 1981

Receipt No

