

IN RE: PETITION FOR SPECIAL HEARING
S/S and end of private road, 1,410' W of
Regwood Road, N of Glen Arm Road
(12424 Regwood Road)
11th Election District
6th Council District

Merreen D. S. Kelly, 2nd, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-430-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 owners of the subject property, Merreen D. S. (Stuart) Kelly, 2nd, and his wife, Shawn P. Kelly, and the Contract Purchasers, William Deamer Class, Jr., and his wife, Frances Jean Class, through their attorney, Lee Koehler, Esquire. The Petitioners request a special hearing to approve the non-density transfer of 6.0 acres from the subject property to an adjacent parcel. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioners was Bruce E. Doak, the Registered Property Line Surveyor who prepared the site plan for this property. Appearing out of interest was Patricia Garner, nearby property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the south side/end of a private road on the west side of Regwood Road, north of Harford Road in the rural/agricultural area of Hydes. The property contains a gross area of 9.13 acres, more or less, zoned R.C.2, and is improved with a single family dwelling in which Mr. & Mrs. Kelly reside. But for the house and immediate yard area, the balance of the site is unimproved. Mr. & Mrs. Kelly are desirous of conveying a 6-acre portion of their property to the adjacent property owners, Mr. & Mrs. Class. It was indicated at the hearing that the property was

ORDER RECEIVED FOR FILING

Date

By

6/17/02
Rop

being conveyed to provide Mr. & Mrs. Class with additional pasture for their horses and to provide an additional buffer and yard area. As noted above, the proposal is for a non-density transfer and as such, Mr. & Mrs. Class will not acquire any rights of subdivision.

Ms. Garner did not appear in opposition, per se, but to ascertain the nature of the request. She is not opposed to the non-density transfer. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments and no one appeared in opposition to the request. However, it is to be noted that the ZAC comment submitted by DEPRM requested that two notes be added to the plan. Specifically, a note indicating that no dwelling will be built on the 6.0-acre parcel to be conveyed, and a standard agricultural note. At the hearing, Mr. Doak submitted into evidence a revised site plan, marked as Petitioner's Exhibit 1A, which includes those notes. The plan shall be incorporated as part of the grant of the Petition.

Based upon the testimony and evidence offered I am persuaded that relief should be granted. In my judgment, the conveyance will not be detrimental to the health, safety or general welfare of the locale and is entirely consistent with the agricultural nature of this neighborhood.

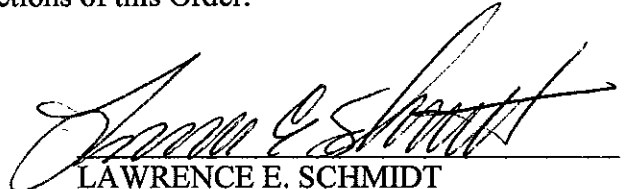
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of June, 2002 that the Petition for Special Hearing to approve the non-density transfer of 6.0 acres from the subject property to an adjacent parcel, in accordance with amended Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is for the non-density transfer of 6.0 acres from the subject property to an adjacent parcel owned by Mr. & Mrs. William D. Class, Jr. There are no rights of subdivision associated with this transfer.

ORDER RECEIVED FOR FILING
Date 6/12/02
By [Signature]

- 3) Within sixty (60) days of the date of this Order, new deeds shall be recorded in the Land Records of Baltimore County referencing this case and incorporating the conditions and restrictions of this Order.
- 4) When applying for any permits, 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

ORDER RECEIVED FOR FILING
Date 6/27/02
By [Signature]



Baltimore County
Zoning Commissioner

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

June 14, 2002

Lee Koehler, Esquire
Koehler & West
409 Washington Avenue, Suite 805
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S/S at end of private road, 1,410' W of Regwood Road, N of Glen Arm Road
(12424 Regwood Road)
11th Election District – 6th Council District
Mereen D. S. Kelly, 2nd, et ux - Petitioners
Case No. 02-430-SPH

Dear Mr. Koehler:

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,

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Mereen Kelly, 2nd
12424 Regwood Road, Hydes, Md. 21082
Mr. & Mrs. William D. Class, Jr.
12422 Regwood Road, Hydes, Md. 21082
Mr. Bruce E. Doak, Gerhold, Cross & Etzel
320 E. Towsontown Boulevard, Towson, Md. 21286
Ms. Patricia Garner, 12575 Merritt Avenue, Fork, Md. 21051
People's Counsel; Case File

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



Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 12424 REGWOOD ROAD
which is presently zoned R.C.2

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

THE NON-DENSITY TRANSFER OF 6.00 ACRES TO
AN ADJOINING PROPERTY OWNER

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:

WILLIAM DEAMER CLASS, JR.
FRANCES JEAN CLASS
Name - Type or Print

Signature

12422 REGWOOD ROAD
Address Telephone No.

HYOES MO 21082
City State Zip Code

Legal Owner(s):

SHAWN P. KELLY
Name - Type or Print

Signature

MERCEEN D. S. KELLY, 2ND
Name - Type or Print

Merceen D. S. Kelly 2nd
Signature

12424 REGWOOD ROAD 410-887-8099
Address Telephone No.

HYOES MO 21082-9515
City State Zip Code

Attorney For Petitioner:

LEE KOEHLER
Name - Type or Print

Signature

KOEHLER & WEST, CHARTERED
Company SUITE 805 MERCANTILE - TOWSON BUILDING

409 WASHINGTON AVENUE 410-823-6700
Address Telephone No.

TOWSON MO 21204
City State Zip Code

Representative to be Contacted:

BRUCE E. DEAK
GERHOLD, CROSS & ETZEL, LTD.
Name

320 E. TOWSON TOWN BLVD. 410-823-4470
Address Telephone No.

TOWSON MO 21286
City State Zip Code

OFFICE USE ONLY

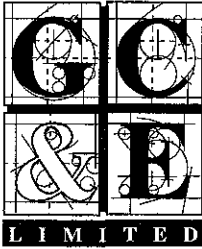
ESTIMATED LENGTH OF HEARING 1 1/2 hrs

UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 4-03-02

ORDER RECEIVED FOR FILING
Date 4/17/02
By [Signature]
380 9/15/98

Case No. 02-430-SFH



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

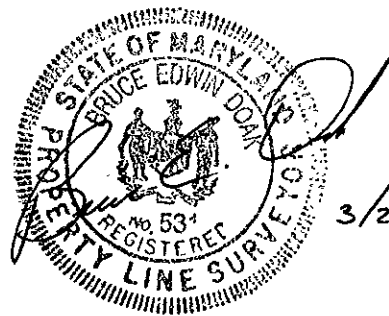
March 25, 2002

ZONING DESCRIPTION 6.00 ACRES OF LAND ELVENTH ELECTION DISTRICT SIXTH COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the north side of a private road, distant 1,410 feet, more or less, measured northwesterly along the northern side of said private road from the northwest side of Regwood Road, thence running on the outlines of a 6.00 Acre parcel of land, (1) North 83 degrees 48 minutes 40 seconds West 15.01 feet, (2) South 03 degrees 23 minutes 04 seconds East 186.04 feet, (3) South 82 degrees 40 minutes 12 seconds West 349.23 feet, (4) North 07 degrees 54 minutes 03 seconds West 273.22 feet, (5) South 54 degrees 31 minutes 40 seconds West 309.92 feet, (6) South 12 degrees 46 minutes 20 seconds East 579.88 feet, (7) North 70 degrees 57 minutes 30 seconds East 491.18 feet, (8) North 04 degrees 30 minutes 30 seconds West 520.24 feet, and (9) North 04 degrees 30 minutes 30 seconds West 185.70 feet to the place of beginning.

Containing 6.00 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



3/25/02

430

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Card No. 11180
02-430-SPH

DATE 4-03-02 ACCOUNT R-001-06-6150
AMOUNT \$ 50.⁰⁰

RECEIVED FROM: Koehler E West Chartered
FOR: Residential Special Hearing filing fee
12424 Regwood Rd (21085)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
4/05/2002 4/04/2002 13:52:41
RE: WS05 WALKIN RIDGS LRB DRYER 5
>> RECEIPT # 259857 4/04/2002 DELI
Dept: 5 528 ZONING VERIFICATION
CR NO. 011180
Receipt Tot \$50.00
50.00 CK .00 CA
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: #02-430-SPH
12424 Regwood Road
S/S private road, 1410' W
of Regwood Road
11th Election District
6th Councilmanic District
Legal Owner(s): Shawn P.
Kelly

Contract Purchaser: Frances
J. & William D. Class Jr.

Special Hearing: to ap-
prove the non-density
transfer of 6 acres to an
adjoining property owner.

Hearing: Thursday, June 6,
2002 at 10:00 a.m. In
Room 407, County Courts
Building, 401 Bosley Ave-
nue.

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 con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

5/311 May 23 C540401

CERTIFICATE OF PUBLICATION

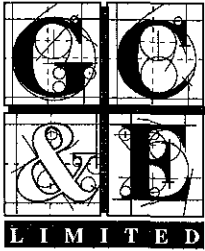
5/23/2002

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 5/23/2002.

- The Jeffersonian
- Arbutus Times
- Catonsville Times
- Towson Times
- Owings Mills Times
- NE Booster/Reporter
- North County News

J. Wilkinson

LOCAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 02-430-SPH
OWNER: Shawn P. Kelly
CONTRACT PURCHASER:
Frances J. & William D. Class, Jr.
DATE OF HEARING:
June 6, 2002

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: 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

LOCATION:

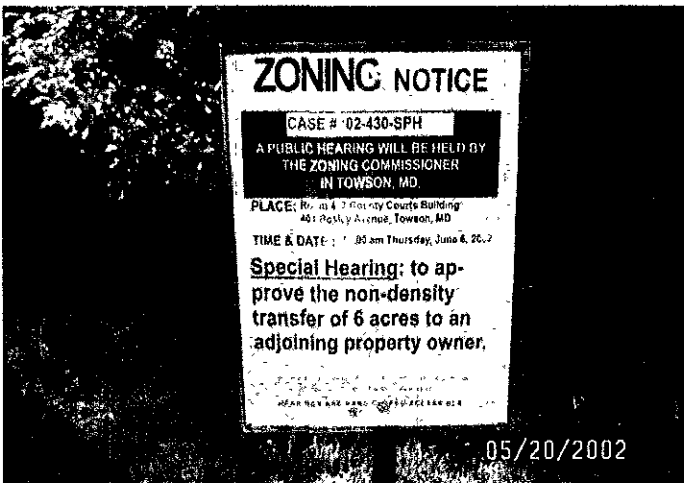
12424 Regwood Road
South side of private road, 1410' West of Regwood
Road

DATE: May 21, 2002

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX



POSTED ON: May 20, 2002

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 16, 2002 Issue – Jeffersonian

Please forward billing to:
Lee Koehler
Koehler & West
409 Washington Avenue
Suite 805
Towson MD 21204

410 823-6700

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: 02-430-SPH
12424 Regwood Road
S/S private road, 1410' W of Regwood Road
11th Election District – 6th Councilmanic District
Legal Owner: Shawn P Kelly
Contract Purchaser: Frances J & William D Class Jr

Special Hearing to approve the non-density transfer of 6 acres to an adjoining property owner.

HEARING: Friday, May 31, 2002 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W Chesapeake Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



Baltimore County
Department of Permits and
Development Management

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

April 29, 2002

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: 02-430-SPH
12424 Regwood Road
S/S private road, 1410' W of Regwood Road
11th Election District – 6th Councilmanic District
Legal Owner: Shawn P Kelly
Contract Purchaser: Frances J & William D Class Jr

Special Hearing to approve the non-density transfer of 6 acres to an adjoining property owner.

HEARING: Friday, May 31, 2002 at 9:00 a.m. in Room 106, Baltimore County Office Building, 111 W Chesapeake Avenue

Arnold Jablon GDZ
Director

C: Lee Koehler, Koehler & West, Suite 805 409 Washington Ave, Towson 21204
Mr. & Mrs. Shawn P Kelly, 12424 Regwood Road, Hydes 21082-9515
Mr. & Mrs. William D Class Jr, 12422 Regwood Road, Hydes 21082
Mr. Bruce E Doak, Gerhold Cross & Etzel, 320 E Towsontown Blvd,
Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 16, 2002.**
(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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 23, 2002 Issue – Jeffersonian

Please forward billing to:

Lee Koehler
Koehler & West
409 Washington Avenue
Suite 805
Towson MD 21204

410 823-6700


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: 02-430-SPH
12424 Regwood Road
S/S private road, 1410' W of Regwood Road
11th Election District – 6th Councilmanic District
Legal Owner: Shawn P Kelly
Contract Purchaser: Frances J & William D Class Jr

Special Hearing to approve the non-density transfer of 6 acres to an adjoining property owner.

HEARING: Thursday, June 06, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G D Z
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



Baltimore County
Department of Permits and
Development Management

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

April 29, 2002

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: 02-430-SPH
12424 Regwood Road
S/S private road, 1410' W of Regwood Road
11th Election District – 6th Councilmanic District
Legal Owner: Shawn P Kelly
Contract Purchaser: Frances J & William D Class Jr

Special Hearing to approve the non-density transfer of 6 acres to an adjoining property owner.

HEARING: Thursday, June 06, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director 632

C: Lee Koehler, Koehler & West, Suite 805 409 Washington Ave, Towson 21204
Mr. & Mrs. Shawn P Kelly, 12424 Regwood Road, Hydes 21082-9515
Mr. & Mrs. William D Class Jr, 12422 Regwood Road, Hydes 21082
Mr. Bruce E Doak, Gerhold Cross & Etzel, 320 E Towsontown Blvd,
Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 22, 2002.**
(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.



Baltimore County
Department of Permits and
Development Management

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

May 31, 2002

Lee Koehler
Koehler & West
Suite 805
409 Washington Avenue
Towson, MD 21204

Dear Mr. Koehler:

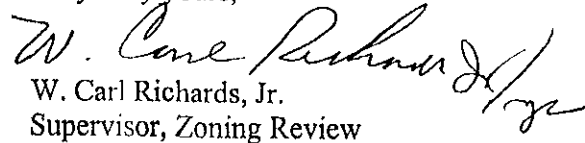
RE: Case Number: 02-430-SPH, 12424 Regwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 3, 2002

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.
Supervisor, Zoning Review

WCR:
Enclosures

c: Mr. & Mrs. Shawn P. Kelly 112424 Regwood Road Hydes, MD 21082-9515
Mr. & Mrs. William D. Class Jr, 12422 Regwood Road Hydes, MD 21082
Mr. Bruce E. Doak, Gerhold Cross & Etzel, 320 E. Towsontown Blvd. MD 21286
People's Counsel



Baltimore County
Fire Department

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

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

April 18, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 8, 2002

Item No.: See Below

Dear Mr. Zahner:

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 at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

426-435, 437-439

430

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

cc: File
COUNTY REVIEW GROUP MEETING{PRIVATE }

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 21, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
for *April 22, 2002*
Item Nos. 424, 427, 428, 429, 430, 431,
433, 434, 435, 436, 437, 438, 439, 440,
441 and 442

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

RWB:CEN:cab

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

DATE: May 30, 2002

SUBJECT: Zoning Item 430 *RES/TOT*
Address 12424 Regwood Road

Zoning Advisory Committee Meeting of April 22, 2002

Approval is subject to two conditions:

1. A note must be placed on the plan stating that six acres may be used for non-residential purposes only, and no dwelling may exist on the six acres.
2. The Standard Agricultural Nuisance Note is to be included on the plan.

Reviewer: Wally Lippincott

Date: April 22, 2002

Les
6/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 22, 2002

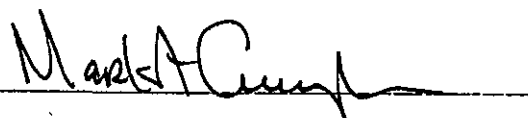
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

APR 22 2002

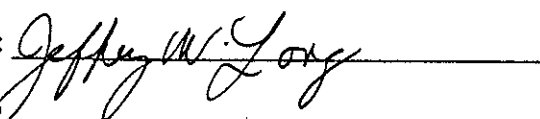
SUBJECT: Zoning Advisory Petition(s): Case(s) 02-418, 02-428, & 02-430

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/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.18.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 930

JJS

Dear Mr. Zahner:

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,

K 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

RE: PETITION FOR SPECIAL HEARING
12424 Regwood Road, S/S Private Rd,
1410' W of Regwood Rd
11th Election District, 6th Councilmanic


Legal Owner: Merreen D.S. Kelly, II and Shawn P. Kelly
Contract Purchaser: William D. & Frances J. Class, Jr.
Petitioner(s)

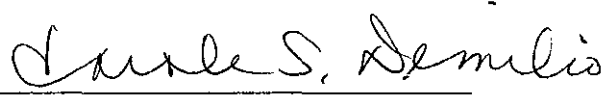
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-430-SPH

* * * * *

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.**

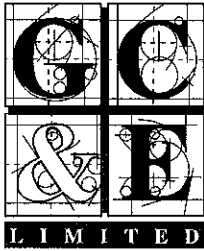

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 2nd day of May, 2002 a copy of the foregoing Entry of Appearance was mailed to Lee Koehler, Esq., Koehler & West, 409 Washington Avenue, Suite 805, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

5/9/02
stage
8

May 8, 2002

Arnold Jablon
Director's Office
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Subject: Postponement of Hearing

Dear Mr. Jablon:

I would like to request by this letter that the hearing for Case #02-430-SPH, which is now scheduled for May 31, 2002 be postponed to after the second week in June. This postponement is needed because the most important parties will not be able to attend the scheduled hearing. Please set in a date and provide me with the date and time so I can post the property. Thank you very much.

Very truly yours,
GERHOLD, CROSS & ETZEL, LTD.
Registered Professional Land Surveyors

Bruce E. Doak
Principal

02-1633
MAY 8 2002



Baltimore County
Zoning Commissioner

October 11, 2002

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

Brian G. West, Esquire
Koehler & West
409 Washington Avenue, Suite 805
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S/S at end of private road, 1,410' W of Regwood Road, N of Glen Arm Road
(12424 Regwood Road)
11th Election District - 6th Council District
Mereen D. S. Kelly, 2nd, et ux - Petitioners
Case No. 02-430-SPH

Dear Mr. West:

In response to your letter of October 9, 2002 in which you have requested an extension of time to comply with the Order issued in the above-captioned matter, the following comments are offered.

Based upon the representations made in your letter, I am persuaded to grant your request. You have indicated that due to bankruptcy proceedings related to the subject property, it will not be possible to record the new deeds as required by my Order of June 17, 2002 and extended to October 15, 2002 by my letter of August 2, 2002. It is further understood, however, that you anticipate being able to complete the transaction contemplated in this case within the next month. Therefore, by this letter, I will extend the deadline for compliance for an additional thirty (30) days, or, no later than November 15, 2002. Moreover, a copy of this letter will be forwarded to the Department of Permits and Development Management (DPDM) for inclusion in the case file.

Thank you for your attention in this matter.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Bruce E. Doak, Gerhold, Cross & Etzel
320 E. Towsontown Boulevard, Towson, Md. 21286
DPDM; People's Counsel (Case File)

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



LAW OFFICES
KOEHLER & WEST, CHARTERED
A PROFESSIONAL CORPORATION
SUITE 805
THE MERCANTILE-TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

10

LEE NEILSON KOEHLER
BRIAN G. WEST *

TELEPHONE (410) 823-6700
FAX (410) 823-0277

* ADMITTED TO BAR
IN PA AND MD.

October 9, 2002

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

RE: PETITION FOR SPECIAL HEARING
S/S at end of private road, 1,410' W of
Regwood Road, N of Glen Arm Road
(12424 Regwood Road)
11th Election District - 6th Council District
Mereen D.S. Kelly, II et ux-Petitioners,
Case No. 02-430-SPH

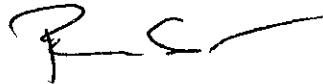
Dear Mr. Schmidt:

Reference is made to your letter of August 2, 2002, in which you granted my request for a sixty day extension (or until October 15, 2002) for the recording of new deeds on the Kelly property. As I previously explained in my letter to you of July 30, 2002, due to unfortunate financial circumstances, Mr. Kelly was forced to file a bankruptcy petition. This bankruptcy filing has prevented the closure of the transaction contemplated by this matter. Although Mr. Kelly has filed a request with the Bankruptcy Court to dismiss his bankruptcy filing, this motion has not as yet been granted, and I am concerned that it will not be granted in sufficient time to permit the filing of the new deeds by the October 15, 2002, date set forth in your letter of August 2, 2002. Therefore, I request that you grant an additional period of thirty (30) days, or until November 14, 2002, to permit the transfer of the approved acreage from the Kellys to my client, Frances J. Class.

Lawrence E. Schmidt, Zoning Commissioner
October 9, 2002
Page Two

If you have any questions concerning this matter, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. West", with a long horizontal stroke extending to the right.

Brian G. West

BGW/kw

cc: Mr. & Mrs. Mereen Kelly, II
Mrs. William D. Class, Jr.
Mr. Bruce E. Doak
People's Counsel



Baltimore County
Zoning Commissioner

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

August 2, 2002

Brian G. West, Esquire
Koehler & West
409 Washington Avenue, Suite 805
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S/S at end of private road, 1,410' W of Regwood Road, N of Glen Arm Road
(12424 Regwood Road)
11th Election District - 6th Council District
Mereen D. S. Kelly, 2nd, et ux - Petitioners
Case No. 02-430-SPH

Dear Mr. West:

In response to your letter of July 30, 2002 regarding the above-captioned matter, the following comments are offered.

Pursuant to Restriction 3 of the Order issued by me on June 17, 2002, new deeds for the Kelly property were to be recorded within sixty (60) days of the date thereof, or by August 16, 2002. You have requested an additional sixty (60) days from that date, or until October 15, 2002, during which time the recording of the new deeds can be completed. Based upon the representations made in your letter, I have no objection to the requested extension. A copy of this letter will be forwarded to the Department of Permits and Development Management for inclusions in the case file; it will not be necessary to issue a supplemental Order. Moreover, by copy of this letter to all parties to the case, they will be advised accordingly.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Mereen Kelly, 2nd, 12424 Regwood Road, Hydes, Md. 21082
Mr. & Mrs. William D. Class, Jr., 12422 Regwood Road, Hydes, Md. 21082
Mr. Bruce E. Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd, Towson, Md. 21286
Ms. Patricia Garner, 12535 Merritt Avenue, Fork, Md. 21051
People's Counsel; Case File

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



LAW OFFICES
KOEHLER & WEST, CHARTERED

A PROFESSIONAL CORPORATION

SUITE 805

THE MERCANTILE-TOWSON BUILDING

409 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

LEE NEILSON KOEHLER

BRIAN G. WEST *

* ADMITTED TO BAR
IN PA. AND MD.

TELEPHONE (410) 823-6700

FAX (410) 823-0277

July 30, 2002

AUG - 1 2002

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

RE: PETITIONER FOR SPECIAL HEARING
S/S at end of private road, 1,410'W of
Regwood Road, N of Glen Arm Road
(12424 Regwood Road)
11th Election District - 6th Council District
Mereen D.S. Kelly, II, et ux - Petitioners
Case No. 02-430-SPH

Dear Mr. Schmidt:

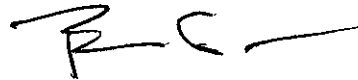
Reference is made to your Finding of Fact and Conclusions of Law dated June 17, 2002 (hereafter "Order") issued in the above captioned action. In paragraph 3, page 3 of the Order, you require that any new deeds evidencing the subdivision of the Kelly property be recorded within 60 days of the date of your Order, or on or before August 16, 2002. The purpose of this letter is to request that you extend that date by an additional 60 days, or until October 15, 2002.

The reason this extension is being requested is, due to an effort by the Kellys mortgage lender to foreclose on their property, it was necessary for Mr. Kelly to file a bankruptcy petition with the United States Bankruptcy Court for the District of Maryland. As a result, there does not exist sufficient time before the August 16th deadline to resolve the bankruptcy matter and to record a new deed. The parties believe the requested additional 60 days will be sufficient to permit this matter to be resolved. Therefore, it is respectfully requested that a supplemental order be issued amending paragraph 3 of the June 17, 2002 Order extending until October 15, 2002 the time for the Kellys to record a deed in accordance with the Order.

Lawrence E. Schmidt, Zoning Commissioner
July 30, 2002
Page Two

If you have any further questions concerning this matter, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "B G West", with a long horizontal stroke extending to the right.

Brian G. West

BGW/kw

cc: Mr. & Mrs. Mereen Kelly, II
12424 Regwood Road
Hydes, MD 21082

Mrs. William D. Class, Jr.
12422 Regwood Road
Hydes, MD 21082

Mr. Bruce E. Doak
Gerhold, Cross & Etzel
302 E. Towsontown Blvd.
Suite 100
Towson, MD 21286

People's Counsel
400 Washington Avenue
Room 47
Towson, MD 21204



**County Council
of
Baltimore County**

Court House
Towson, Maryland 21204

410-887-3196
Fax: 410-887-5791

May 7, 2002

02-430
Simp
5/31
6/6

S.G. Samuel Moxley
FIRST DISTRICT

Kevin Kamenetz
SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

Wayne M. Skinner
FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder
SIXTH DISTRICT

John Olszewski, Sr.
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

Lawrence E. Schmidt, Zoning Commissioner
Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Schmidt:

Attached please find a copy of Resolution 35-02 concerning the public disclosure of Shawn Kelly, an employee of the Department of Health and Stuart Kelly, an employee of the Department of Permits and Development Management. These individuals have applied for a non-density transfer with respect to the property located at 12424 Regwood Road, Hydes, Maryland 21082-9515.

This Resolution was unanimously approved by the County Council at its May 6 2002 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

cc: Shawn and Stuart Kelly

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2002, Legislative Day No. 9

Resolution No. 35-02

Mr T. Bryan McIntire, Councilman

By the County Council, May 6, 2002

A RESOLUTION concerning the public disclosure of Shawn Kelly, an employee of the Department of Health and Stuart Kelly, an employee of the Department of Permits and Development Management.

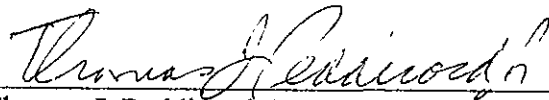
WHEREAS, Shawn and Stuart Kelly, employees of Baltimore County, have applied for a non-density transfer with respect to the property located at 12424 Regwood Road, Hydes, Maryland 21082-9515; and

WHEREAS, this Resolution is intended to provide full disclosure under Section 26-3 (e) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BALTIMORE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the application filed by Shawn and Stuart Kelly does not contravene the public welfare and is hereby authorized.

READ AND PASSED this 6th day of MAY, 2002.

BY ORDER



Thomas J. Peddicord, Jr.
Secretary

ITEM: Resolution 35-02

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

PATRICIA GARNER

12535 MELLITT AVE

FORK MD 21051

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

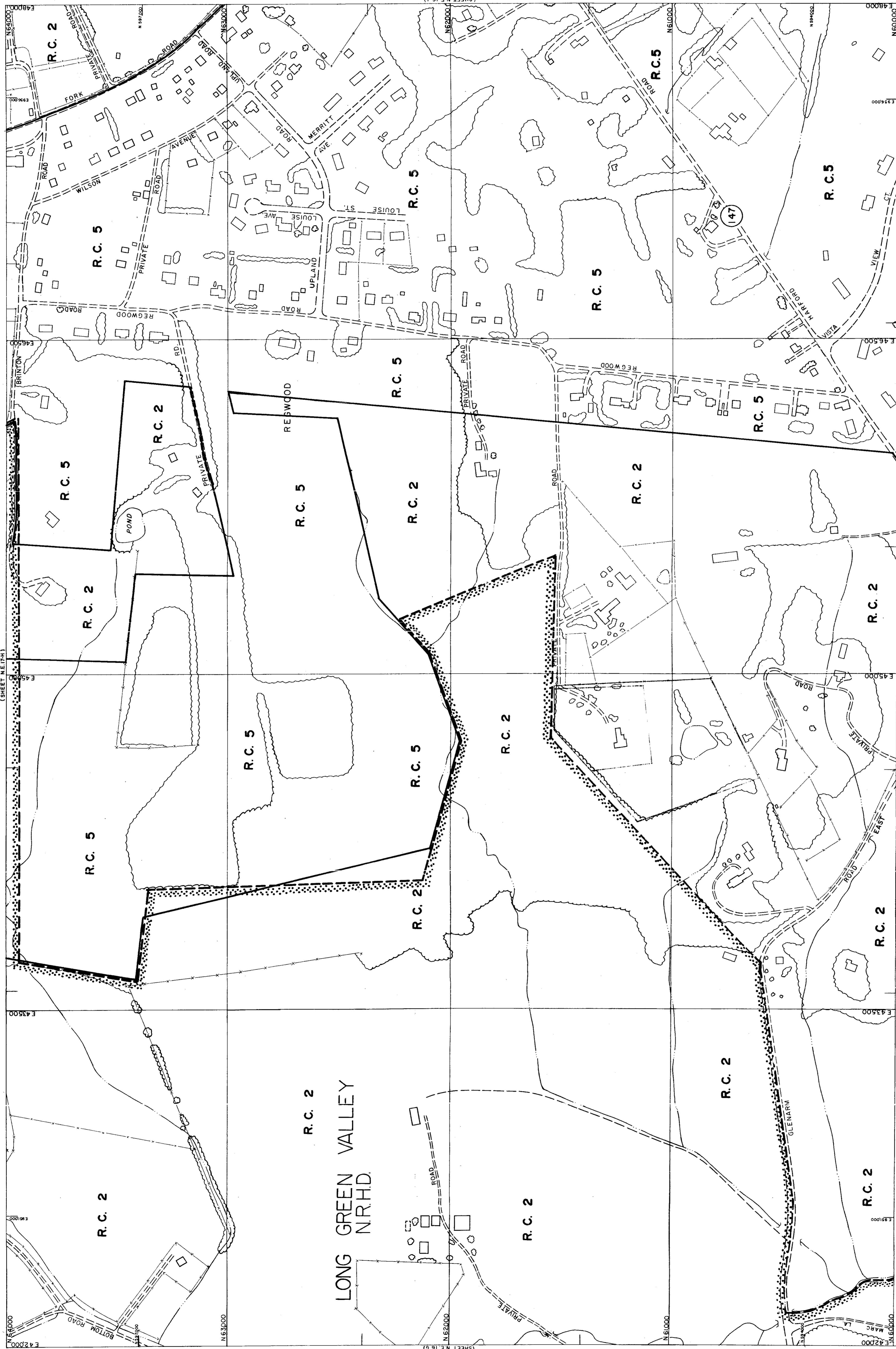
ADDRESS

Bruce Doak - GORLUOLO CROSS & ETZEL 320 E. TOWNSONTOWN BLVD TOWNSHIP MO 21286

[Handwritten signature]



NE 16 H



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE
1" = 200' ±

DATE OF PHOTOGRAPHY
JANUARY 1986

LOCATION
NORTH OF MOUNTVISTA

SHEET
N. E.
16-H

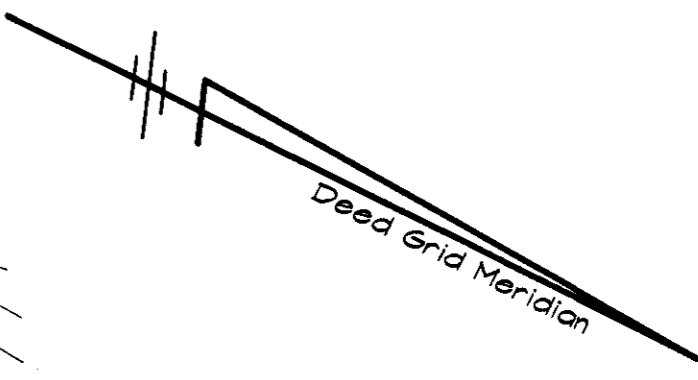
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

APPROVED BY
BALTIMORE COUNTY COMMISSION
OFFICE OF PLANNING AND ZONING
JANUARY 1986

[Signature]
BALTIMORE COUNTY COMMISSION

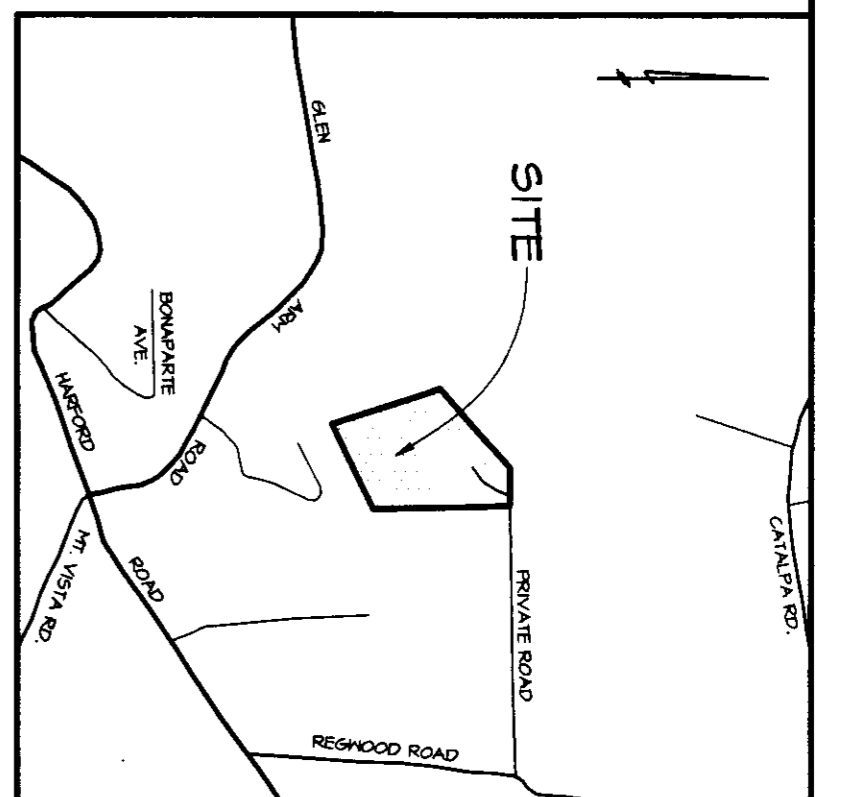
430

LONG GREEN VALLEY
N.H.R.D.



SYMBOLS LEGEND

- ① EXISTING CLEANOUT
- EXISTING DWELLING
- MOODS LINE
- PROPERTY LINE
- - - EXISTING PAVING
- ~ CONTOURS



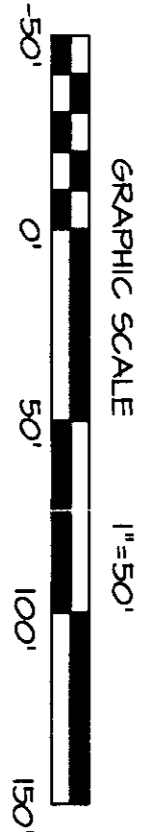
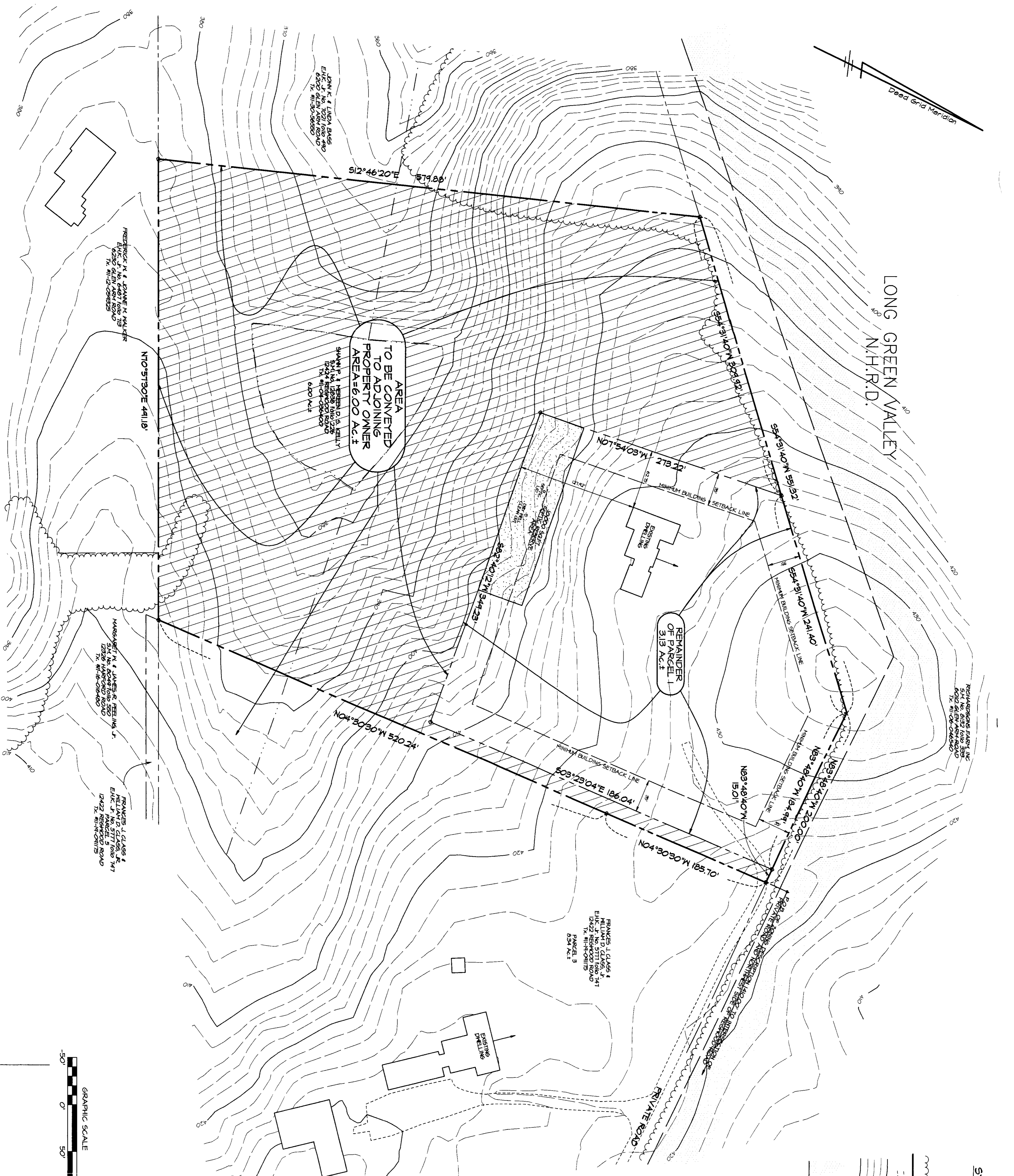
GENERAL NOTES

1. OWNERS, SHAWN F. & KERRY D. S. KELLY, 2ND 12424 RESWOOD ROAD BALTIMORE MD 21286-9518
2. TAX ACCOUNT No. 11-04-084400
3. TITLE DEED LIBER 524, NO. 2288 1016 228 TOTAL AREA = 419 AC.
4. THIS SITE IS ZONED R.C. 2
5. 200' SCALE ZONING MAP No. VE-16H
6. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED. A BOUNDARY HAS NOT YET BEEN PERFORMED BY GERHOLD CROSS & ETZEL, LTD.
7. FEATURES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY GIS PANEL 59402
8. CONVEY TRACT 41221 A22, MAP 1, GRID REFERENCE, JANUARY 2007
9. THIS SITE IS SERVICED BY PRIVATE WELL AND SEPTIC SYSTEM.
10. THIS SITE IS NOT IN THE CREAVANCE BAY CRITICAL AREA.
11. NO PRIOR ZONING CASES.
12. THIS SITE IS NOT IN THE LONG GREEN VALLEY N.H.R.D.
13. NO DWELLINGS WILL BE BUILT ON THE 6.00 ACRE PARCEL TO BE CONVERTED.
14. ANY DWELLINGS MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, FERTILIZER APPLICATION, THE STORAGE AND DISPOSAL OF MANURE, AND THE RELEASES AND RESIDUES FROM THE OPERATION OF AGRICULTURAL MACHINERY AND EQUIPMENT. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE IF THE OPERATION COMPLIES WITH REQUIREMENTS (10)10 AND ALL FEDERAL, STATE OR COUNTY ORDINANCES OR ENVIRONMENTAL REGULATIONS.

PETITION
TO ALLOW A NON-PRIORITARY TRANSFER OF 6.00 AC.± TO AN ADJOINING OWNER.

AREA
TO BE CONVERTED
TO ADJOINING
PROPERTY OWNER
AREA=6.00 AC.±

REMAINDER
OF PARCEL 1
3.13 AC.±



CERTIFICATE 2022 BY GERHOLD, CROSS & ETZEL, LTD.
THIS PLAN IS PREPARED BY GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
BALTIMORE, MARYLAND 21286-9518

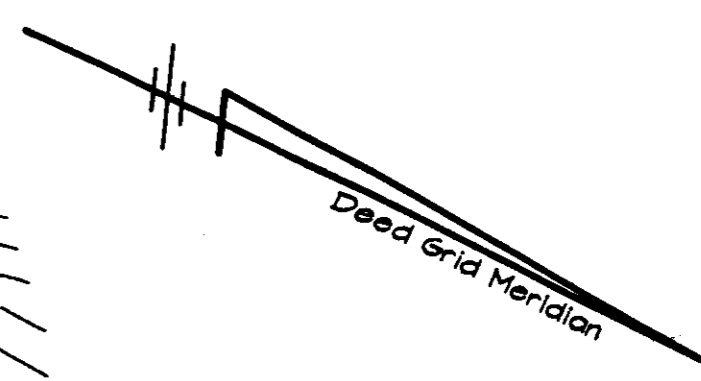
AGREED NOTES #18 & 14 TO GENERAL NOTES	REVISION	DATE
		6-3-02

GERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Tomsonland Boulevard
Tomson, Maryland 21286
(410) 823-4410

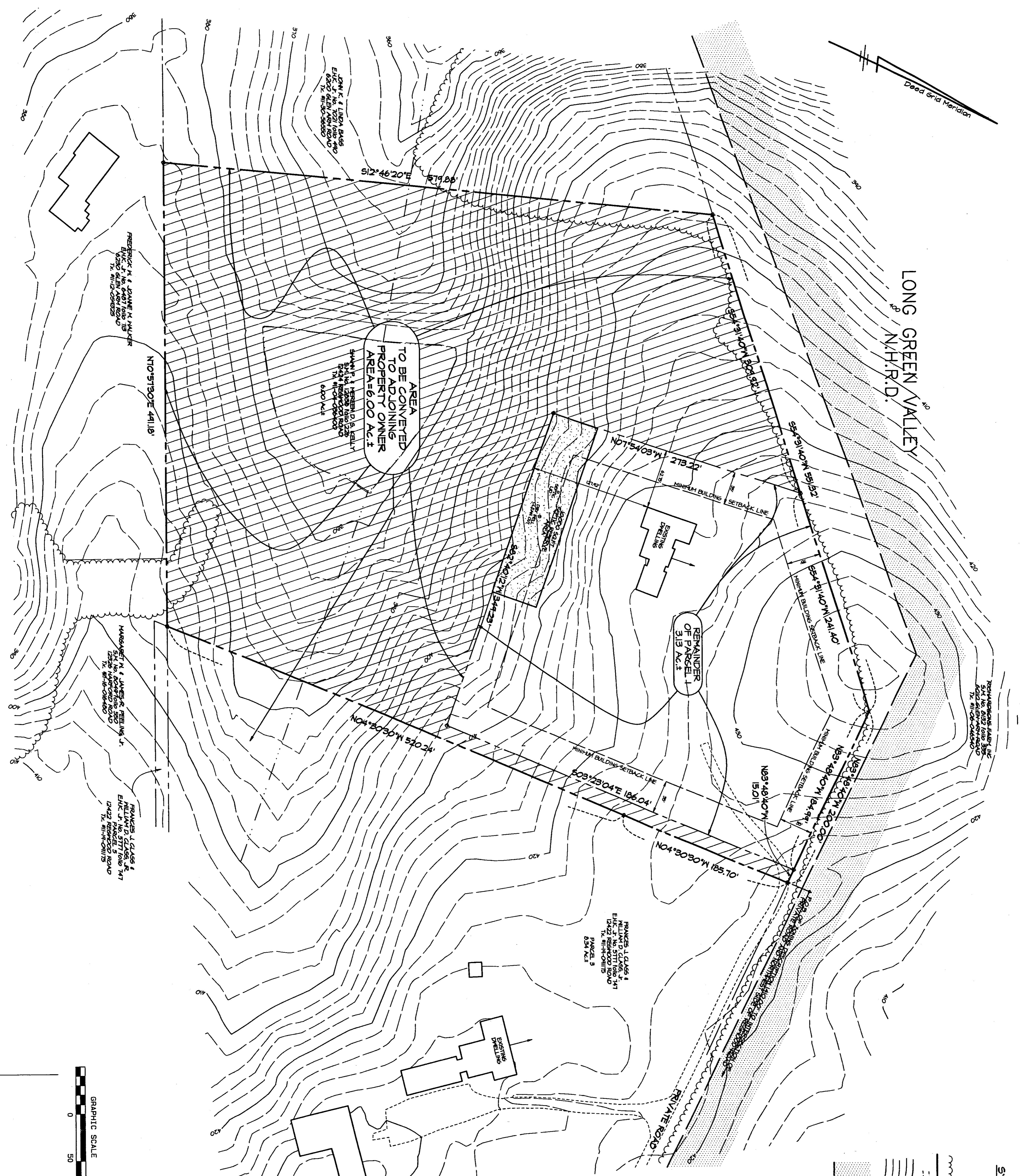
**PLAN TO ACCOMPANY
A PETITION FOR A
SPECIAL HEARING
OF THE
PROPERTY
KELLY**

12424 RESWOOD ROAD
Deed Ref: S.M. No. 12858 folio 226
Tax Account No.: 11-04-0844000
Zoned: R.C. 2
Tax Map 54; Grid 10; Parcel 111
11th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=50' DATE: JANUARY 16, 2002

Handwritten signature/initials

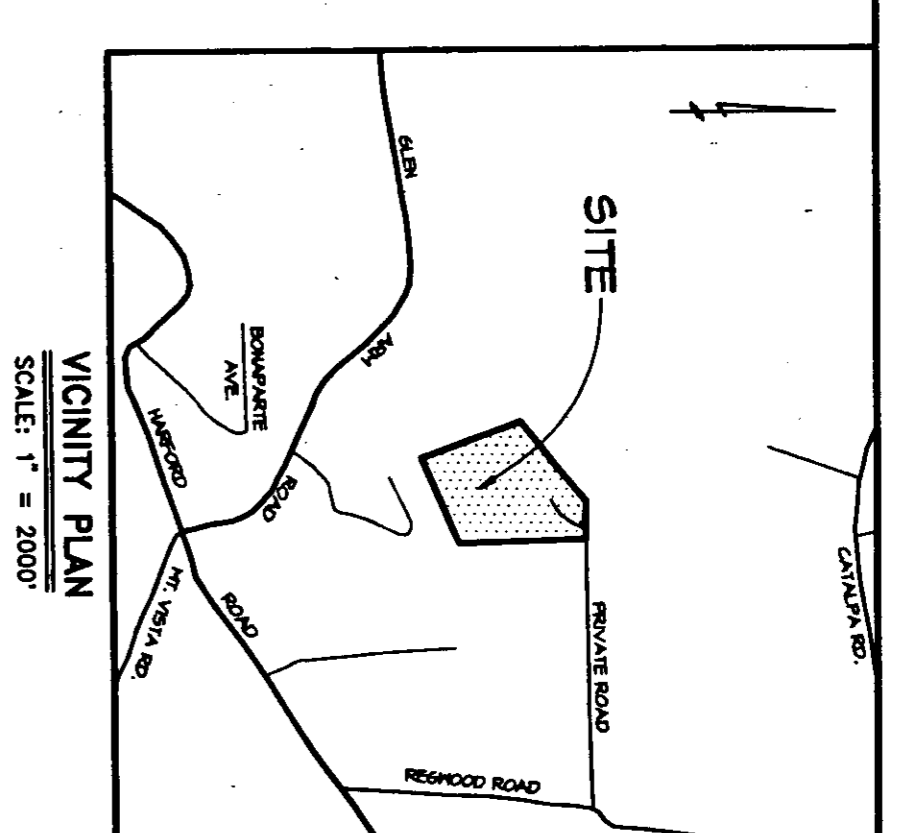


LONG GREEN VALLEY
of
N.H.R.D.



SYMBOLS LEGEND

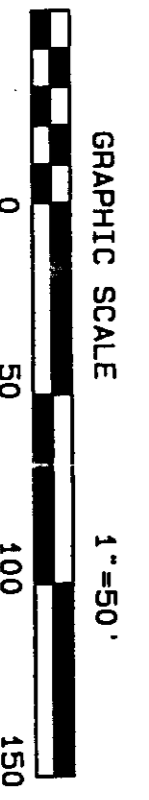
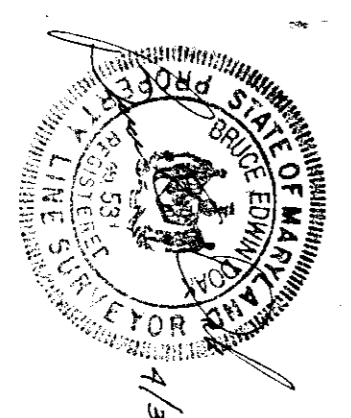
- EXISTING CLEANOUT
- EXISTING DWELLING
- WOODS LINE
- PROPERTY LINE
- EXISTING PAVING
- CONTOURS
- LONG GREEN VALLEY
- (Hatched) ROAD



GENERAL NOTES

1. OWNERS: SHAWN F. & HELEN D. S. KELLY 2nd
2. TAX ACCOUNT NO. 11-04-086400
3. TITLE DEED: LIBERTY Bk. No. 12858 Vol. 226
4. THIS SITE IS ZONED R.C. 2
5. 2007 SCALE ZONING MAP NO. NE-164
6. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED. A BOUNDARY HAS NOT YET BEEN PERFORMED BY GERHOLD CROSS & ETZEL LTD.
7. FEATURES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY GIS PANEL REELS:
8. GROUND TACKET 41201 ADD. NAME & ADDR. SHEETED MATRICES 329-1
9. THIS SITE IS SERVICED BY PRIVATE WELL AND SEPTIC SYSTEM.
10. THIS SITE IS NOT IN THE CRAWFORD BAY CRITICAL AREA.
11. NO PRIOR ZONING CASES.
12. THIS SITE IS NOT IN THE LONG GREEN VALLEY WURD.

PETITION
TO ALLOR A NON-CURRENT TRANSFER OF 6.00 AC.± TO AN ADJOINING OWNER.



PLAN TO ACCOMPANY
A PETITION FOR A
SPECIAL HEARING
OF THE
KELLY
PROPERTY

12424 RESWOOD ROAD
Deed Ref: S.M. No. 12858 Vol. 226
Tax Account No.: 11-04-0864000
Zoned: R.C. 2
Tax Map No. 541, Grid 10, Parcel 111
11th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=50' DATE: JANUARY 16, 2002

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

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REVISION	DATE	DESCRIPTION