IN RE: PETITION FOR VARIANCE

S/S Philadelphia Road, 2,400' E of

Jones Road

(12303A Philadelphia Road)

11th Election District 5th Council District

Patrick J. Belzner Petitioner * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 03-066-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Patrick J. Belzner. The Petitioner seeks relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side property line setbacks of 10 feet and 19 feet in lieu of the required 50 feet. 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 in support of the request were Patrick Belzner, property owner, and Joseph Larson, on behalf of Spellman, Larson & Associates, Inc., the consultants who prepared the site plan for this property. Appearing as interested citizens were Michael W. Shipley, who resides on the adjacent lot to the east, and William Boniarski and Patricia Barnes, who reside on the adjacent lot to the west, and Michael Sayler, who also owns property nearby.

The undersigned is familiar with this property by virtue of prior Case No. 01-453-A, in which similar variance relief was requested to permit side yard setbacks of 17 feet and 15 feet for a proposed dwelling on the subject property. At that time, the property was owned by John W. Barnes, who, in addition to the subject lot, also owned the adjacent lot which is improved with a dwelling known as 12303 Philadelphia Road. Since the hearing in the prior case, Mr. Barnes has sold the subject lot to Mr. Belzner and Mr. Barnes' ex-wife now owns and resides on the adjacent lot with Mr. Boniarski.

ORDER RECEIVED FOR FILING

The subject property under consideration is a narrow, yet deep lot, approximately 1.0-acres in area, zoned R.C.5. The lot is approximately 84 feet wide, but ranges to a depth of between 515 feet and 542 feet. The property is presently unimproved, but for a portion of a stone driveway that serves the adjacent Barnes lot. The lot is sufficiently sized in terms of its area under the R.C.5 requirements contained within the B.C.Z.R.; however, the R.C.5 zone requires a 50-foot setback be maintained from a principal building to a lot line. Obviously, in view of the narrowness of the lot, that dimension cannot be maintained.

Following the hearing, I visited the subject lot and observed its characteristics. Although Mr. Barnes owned the subject property in conjunction with the adjacent lot, it is clear that the subject parcel is an individual lot of record. Copies of the deeds were submitted after the hearing which show that the property was described as a separate lot within those deeds.

In the prior case, variance relief was granted to allow a 50' x 51' single family dwelling. On the plan submitted in that case, proposed side yard setbacks of 15 feet and 17 feet were proposed. Although variance relief was granted, restrictions were entered in that decision requiring the house to be moved closer to Philadelphia Road. The house in which Ms. Barnes resides at 12303 Philadelphia Road is set back 111 feet from the right-of-way for that road. The Shipley dwelling on the other side of the subject lot is setback a significantly further distance from the road. The intent of the restriction entered in the prior case was to move the house closer to the road to provide the Shipleys with more privacy. Additionally, the prior owner was required to clean up the lot and use same in compliance with the B.C.Z.R.

The grant of variance relief in Baltimore County is governed by Section 307 of the B.C.Z.R. That Section requires the Petitioner demonstrate that the property has a unique characteristic that justifies the variance. Moreover, it must be shown that strict adherence to the requirement would cause the property owner to suffer a practical difficulty or unreasonable hardship. In this case, the uniqueness of the property is its narrow width. Compared to other lots in the area, this is the narrowest parcel. The practical difficulty is manifest. Since the property is less than 100 feet wide, the property owner cannot maintain the required 50-foot setbacks to the

side property lines. Obviously, strict adherence to the regulation would not allow the lot to be developed for a permitted purpose (i.e., single family dwelling).

Based upon the testimony and evidence offered, I am persuaded to grant a modified variance. In my judgment, the Petitioner has met the requirements of Section 307 of the B.C.Z.R. for variance relief to be granted; however, in doing so, certain restrictions and limitations should be imposed to protect the adjacent properties, particularly the Shipley parcel. Moreover, testimony and evidence were presented regarding the proposed well and septic system for this lot. There are no public utilities in the area. The Shipley lot is served by a private well and septic system. Likewise, a private well and septic system serve the Barnes dwelling at 12303 Philadelphia Road. Thus, the subject property must also have its own well and septic system. The environmental regulations of Baltimore County limit where the well may be drilled and the septic field set out on the subject property. Under the circumstances, the following restrictions shall be entered: 1) The Petitioner shall maintain a minimum 20-foot setback to the Shipley property line (east side) and a 50-foot setback to the Shipley dwelling. This restriction is entered to insure that the location of the proposed dwelling will be a reasonable distance from the Shipley dwelling. 2) The Petitioner shall provide a vegetative buffer along the east side property line (i.e., evergreen trees or other similar buffer), to screen the view of the proposed dwelling from the Shipley dwelling. A landscape plan shall be submitted to the County's landscape architect, Avery Harden, for review and approval prior to the issuance of any permits. 3) On the west side (towards the Barnes lot), a minimum setback of 12 feet shall be maintained. This restriction is being imposed in that the Barnes' dwelling is setback further from the common property line with the subject lot than the Shipley property. 4) The Petitioner shall comply with all environment regulations relative to the placement/ installation of the well and septic system.

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.

this THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County day of October, 2002 that a variance from Section 1A04.3.B.2 of the Baltimore

...<u>, , ,</u>

3

County Zoning Regulations (B.C.Z.R.) to permit side property line setbacks of 12 feet and 20 feet in lieu of the required 50 feet, for a proposed dwelling, be approved, and as such, the Petition for Variance (as modified) is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, he is hereby made aware that proceeding at this time is at his 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) Within sixty (60) days of the date of this Order, the Petitioner shall submit a revised site plan incorporating the modified relief granted herein to the Department of Permits and Development Management (DPDM) for inclusion in the case file. A minimum 20-foot setback shall be maintained to the Shipley property line and a 50-foot setback to the Shipley dwelling. A minimum setback of 12 feet shall be maintained on the west side (towards the Barnes lot).
- 3) The Petitioner shall submit a landscape plan to Avery Harden, the County's Landscape Architect, for review and approval prior to the issuance of any permits. Said plan shall provide for adequate screening of the proposed dwelling from the Shipley property.
- 4) The proposed development shall be in compliance with all environmental regulations.
- 5) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

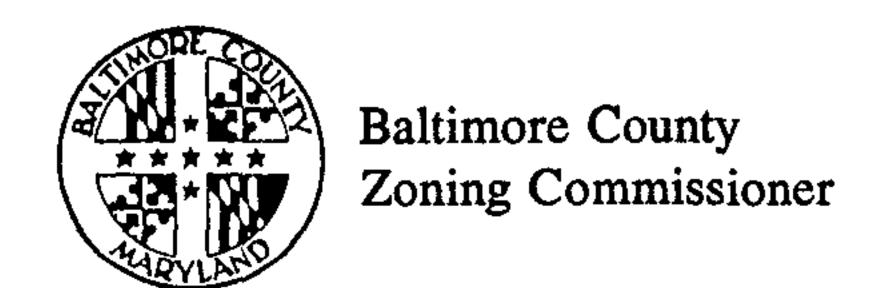
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side property line setbacks of 10 feet and 19 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

D HIND

ORDER RECEIV



October 11, 2002

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

Fax: 410-887-3468

Mr. Patrick J. Belzner 9 Widebrook Court Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE

S/S Philadelphia Road, 2,400' E of Jones Road

(12303A Philadelphia Road)

11th Election District – 5th Council District

Patrick J. Belzner - Petitioner

Case No. 03-066-A

Dear Mr. Belzner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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

Mr. Joseph Larson, Spellman, Larson & Assoc., Inc.
105 W. Chesapeake Avenue, Towson, Md. 21204
Mr. Michael W. Shipley, 12305 Philadelphia Road, Bradshaw, Md. 21021
Mr. William Boniarski & Ms. Patricia Barnes
12303 Philadelphia Road, Bradshaw, Md. 21021
Mr. Michael Sayler, 12229-12307 Philadelphia Road, Bradshaw, Md. 21021

Office of Planning; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12303 A Philadelphia Road which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 A04.3 B.2

To permit a proposed single family dwelling to have property line setbacks of 10' and 19' in lieu of the required 50'.

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

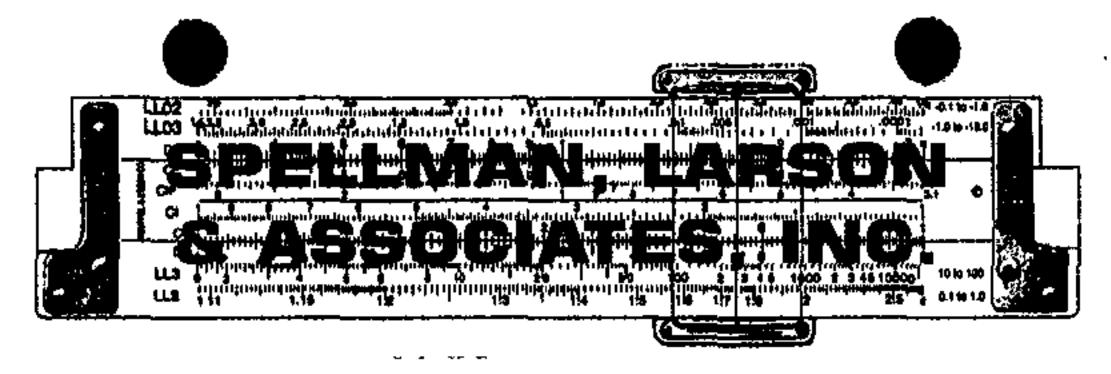
Argument to support the Variance will be provided at the Hearing.

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

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

	- ^	I/We do solemnly declare and affirm, un perjury, that I/we are the legal owner(s) is the subject of this Petition.	der the penalties of of the property which
Contract Purchaser/Lessee		Legal Owner(s):	
		Pat Belzner	
Name - Type or Print	1	Name - Type of Print	
Signature	· · · · · · · · · · · · · · · · · · ·	Signature Describer	
Address	Telephone No.	Name - Type or Print	
City	State Zip Code	Signature	<u>, , , , , , , , , , , , , , , , , , , </u>
Attorney For Petitioner:	•	9 Widebrook Court	443-807-8448
MILOTIEY FOI FEITIONELL	•	Address Baltimore M	Telephone No D 21.234
Name - Type or Print		City	E Zip Code
		Representative to be Contacte	<u>d:</u>
Signature		Joseph Larson	
ompany		Name	
		105 W. Chesapeake Avenue	410-823-3535 Telephone No.
Address .	Telephone No.	Address Towson	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Gity	State Zip Code	Towson M City State	<u> </u>
		OFFICE USE ONL	<u>Y</u>
		ESTIMATED LENGTH OF HEAR	ING
ase No. <u>03-066-</u>		UNAVAILABLE FOR HEARING D	ate 8/6/07
BEV 115198			
<i>一般 20 1 15 198</i> 日本 日本			•





ROBERT E. SPELLMAN, P.L.S. JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

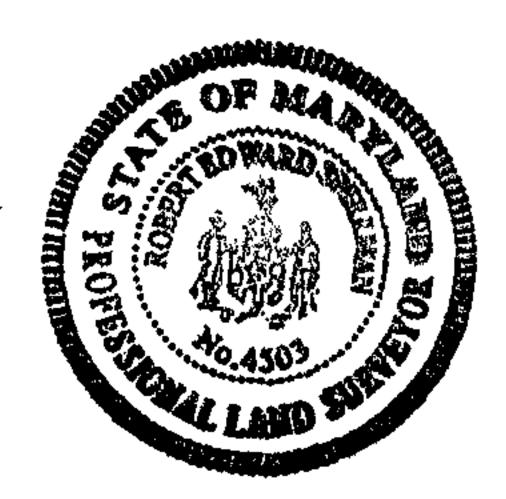
DESCRIPTION FOR ZONING PETITION, 12303-A PHILADELPHIA ROAD, 11TH DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point in the center of Philadelphia Road, 66 feet wide, at the distance of 2,400 feet, more or less, measured along the center line of Philadelphia Road from the center line of Jones Road at running thence and binding on the center line of Philadelphia Road north 76 degrees 35 minutes 31 seconds east 82.32 feet thence leaving the center line of Philadelphia Road and running south 13 degrees 24 minutes 28 seconds east 515.68 feet south 58 degrees 15 minutes 58 seconds west 86.72 feet and north 13 degrees 24 minutes 28 seconds west 542.94 feet to the place of beginning.

CONTAINING 1.00 acres of land more or less.

July 24, 2002

File #D07230201



766

DISTRIBUTION WHITE - CASHIER	FOR:	RECEIVED		DATE C	BALTIMORE COU
PINK - AGENCY YELLOW - CUSTOMER		SC. ASSOC. 1+1C	* \$ 0.00	(2102 ACCOUNT ROOI 006 6150	E COUNTY, MARYLAND UDGET & FINANCE NEOUS RECEIPT
CASHIER'S VALIDATION					

CENTICATE OF POSTING

#** brand fax transmittal memo 7671 # of pages • P

ETTYRE (LOBIN) From O'KEEKE

ZONJING (LOMM Co. Phone # 5+4-4621

4:0-887.3468 Fax# 666-0929 ·

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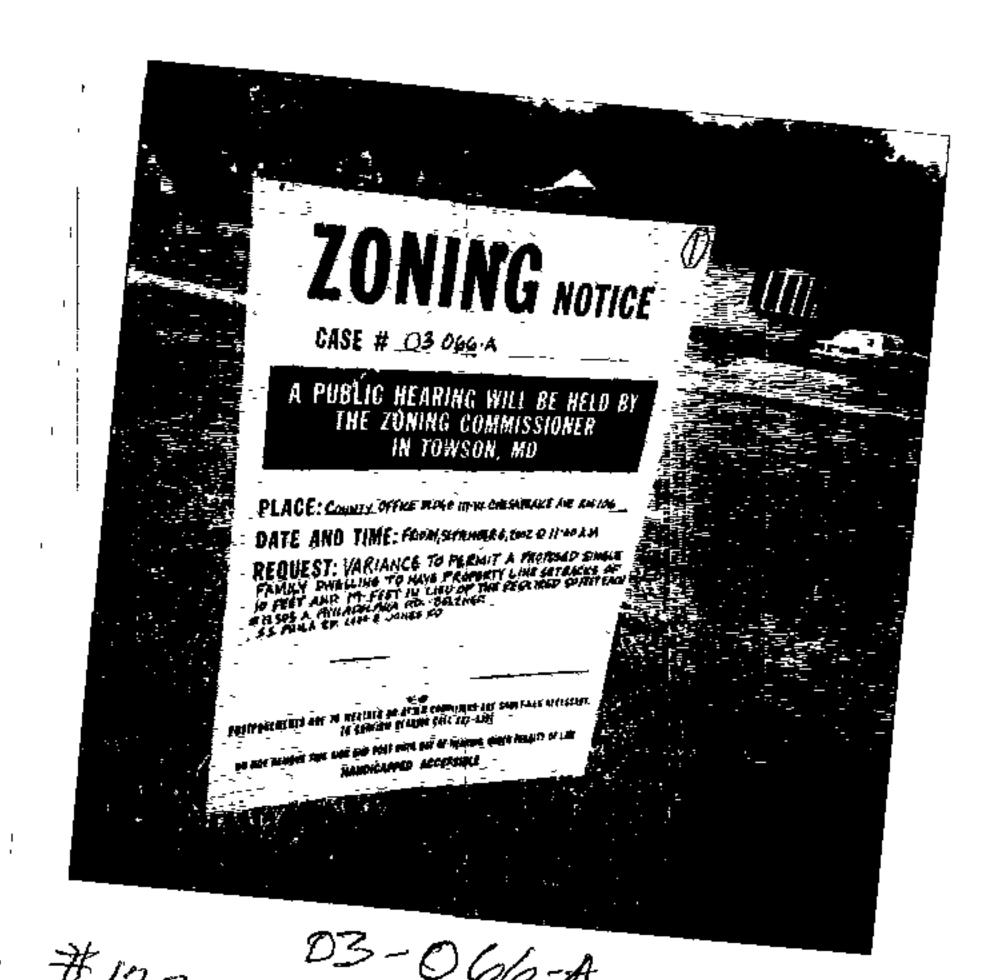
(不要數字)。

RE: Case No.:	03-066-A
	loper: RELZNER, ETAL
Date of Hearing	/Closing: 9/6/0Z

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

Gentlemen:

This letter is to certify under the penalti	es of perjury that the necessary sign(s) required by law erty located at #12303-A-PHILA, ROAT
	Rte-7
The sign(s) were posted on	(Month, Day, Year)



(Signature of Sign Posterand Vate)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666:5366; CELL-410-905-8571

(Telephone Number)

RE: PETITION FOR VARIANCE.
12303 A Philadelphia Road

S/side Philadelphia Road, 2400 east

of ctrl of Jones Road

11th Election District 5th Councilmanic

District

Legal Owner: Pat Belzner

Petitioner

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 03-066-A

* * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 20th day of August, 2002, a copy of the foregoing Entry of Appearance was mailed to Joseph Larson, 105 W. Chesapeake Avenue, Towson, MD 21204 Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Thursday, August 22, 2002 Issue – Jeffersonian

Please forward billing to:

Pat Belzner 9 Widebrook Court

Baltimore MD 21234

443 807-8448

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: 03-066-A
12303 A Philadelphia Road
S/S Philadelphia Road, 2400' E centerline of Jones Road
11th Election District – 5th Councilmanic District
Legal Owner: Pat Belzner

Variance to permit a proposed single-family dwelling to have property line setbacks of 10 feet and 19 feet in lieu of the required 50 feet each.

HEARING: Friday, September 6, 2002 at 11:00 a.m. in Room 106, Baltimore County

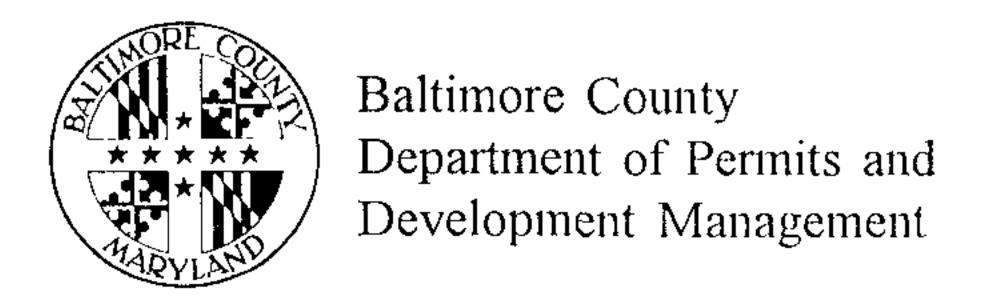
Office Building, 111 W Chesapeake Avenue

awrence E. Schmidt

LAWRENCE E. SCHMIDT GOT SONING 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 8, 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: 03-066-A
12303 A Philadelphia Road
S/S Philadelphia Road, 2400' E centerline of Jones Road
11th Election District – 5th Councilmanic District
Legal Owner: Pat Belzner

Variance to permit a proposed single-family dwelling to have property line setbacks of 10 feet and 19 feet in lieu of the required 50 feet each.

HEARING: Friday, September 6, 2002 at 11:00 a.m. in Room 106, Baltimore County

Office Building, 111 W Chesapeake Avenue

Arnold Jablon ほりて Director

C: Pat Belzner, 9 Widebrook Court, Baltimore 21234
Joseph Larson, Spellman Larson & Associates Inc, 105 W Chesapeake Avenue,
Towson 21204

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

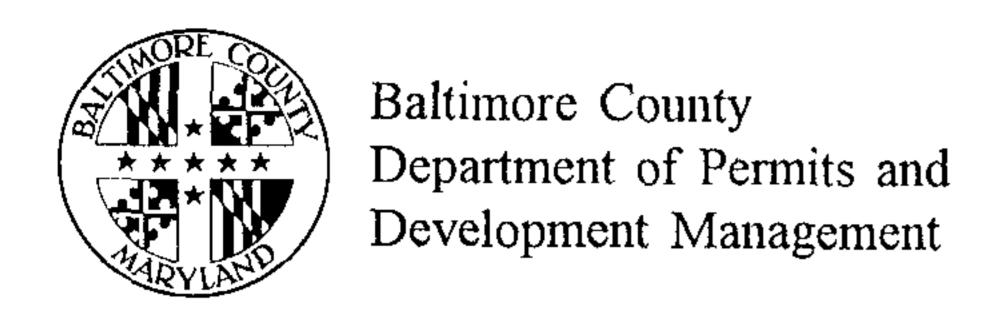
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: 03-066-A
Petitioner: PAT OELZNEQ
Address or Location: 12303A PHILADELPHIA 2D.
PLEASE FORWARD ADVERTISING BILL TO:
Name: PAT BELZNER
Address: 9 WIDEBROOK CT.
MAUTIMORE, MO. 21234
Telephone Number: <u>443-8の7-8448</u>

Revised 2/20/98 - SCJ



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

August 30, 2002

Pat Belzner 9 Widebrook Court Baltimore MD 21234

Dear Mr. Pat Belzner:

RE: Case Number: 03-066-A, 12303A Philadelphia Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 06, 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 Richard, , In.

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

WCR: gdz

Enclosures

c: Joseph Larson, 105 W Chesapeake Avenue, Towson 21204 People's Counsel



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

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

August 13,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF August 12,2002

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: 055,056,057,058,059,060,061,062,063,064,065(066) and 067.

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

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley

DATE:

August 27, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of August 12, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

55,56,57,62,63-67



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 14, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

12303A Philadelphia Road

INFORMATION:

Item Number:

03-066

Petitioner:

Pat Belzner

Zoning:

RC 5

Requested Action:

Variance

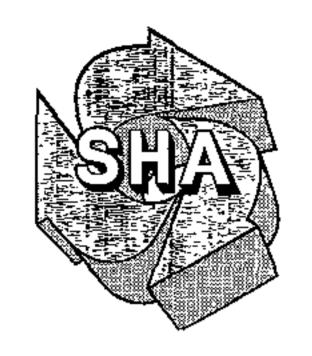
SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a single family dwelling to have property line setbacks of 10 feet and 19 feet in lieu of the required 50.

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: August 12, 2002

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

Baltimore County
Item No. 066 (LTM)

12303 A Philadelphia Road

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval of the variance. However, the owner will be required to obtain a residential access permit through our District office, they should contact, the Golden Ring Maintenance Facility at 410-574-4511.

RE:

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

CC: Mr. Ron Lewis



Parris N. Glendening Governor Kathleen Kennedy Townsend Lt. Governor

Roy W. Kıcıtız Secretary Mary Abrams Deputy Secretary

August 12, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
Room 111
111 West Chesapeake Avenue
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda - 8/19/02 re: case numbers 03-055-A, 03-056-A, 03-057-A, 03-058-A, 03-059-A, 03-060-A, 03-061-A, 03-062-A, 03-063-A, 03-064-A, 03-065-A, 03-066-A, 03-067-SPH

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 8/9/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

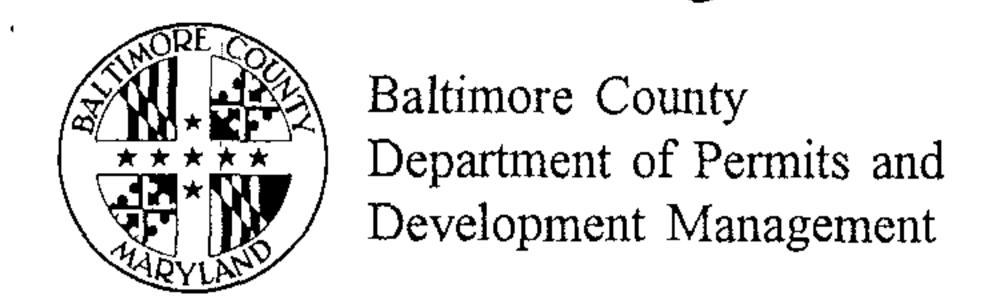
James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup



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

June 23, 2003

Joseph L. Larson Spellman, Larson & Associates, Inc. 105 W. Chesapeake Avenue Towson, MD 21204

Dear Mr. Larson:

Re:

12303A Philadelphia Road, Cases 03-066-A and 01-453-A, S/east Philadelphia Road,

District 11C5

Reference is made to your letter of 6/17/03 to Timothy M. Kotroco, Director of Permits and Development Management, which has been referred to me for reply.

You have requested that the stop work order issued on the above referenced property be lifted while the street setback issue regarding compliance with petitioner's exhibits #1 is resolved.

The Director has reviewed the matter with the Zoning Commissioner and this office would require a Special Hearing to amend petitioner's exhibit #1. However, if the adjoining property owners concur with the revised plan and all restrictions are complied with, this office would consider a spirit and intent request to amend the plan.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

Zoning Review

WCR/klm







ROBERT E. SPELLMAN, P.L.S. JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE RECEIVED TOWSON, MARYLAND 21204 RECEIVED TEL (410) 823-3535 / FAX (410) 825-5215

JUN 1 8 2003

2011/16 COMMISSIONER June 17, 2003

Mr. Timothy Kotroco, Director Dept. of Permits and Development Mgmt. Baltimore County

"HAND DELIVERED"

Re: 12303A Philadelphia Road

Case No. 03-066A Job No. 202043

Dear Tim,

As a follow-up to my letter to you of last week regarding the above captioned property and specifically the Stop Work Order currently in place, I wish to herein respectfully request that due to the delay in resolving the alleged setback violation that the Stop Work Order be lifted while this matter is being resolved.

Again, it is our position, as stated clearly in our original letter, that there is no setback violation existing on the property.

In any event, in the interim, I must request that the Stop Work Order be lifted so that the building construction can be completed due to a serious hardship that exists for the homeowner.

Due to the delay in construction caused by the inclement weather experienced throughout the last several months the completion date for this dwelling is far behind schedule. The homeowner has registered their child for school in this area, but unless they take residence prior to the school opening the child cannot attend the assigned school in the area.

Page 2

Mr. Timothy Kotroco June 17, 2003

Re: 12303A Philadelphia Road

Aside from this family's current displacement, this school relocation issue will cause a serious hardship.

I would appreciate your cooperation and indulgence in this matter and responding to this correspondence as soon as possible.

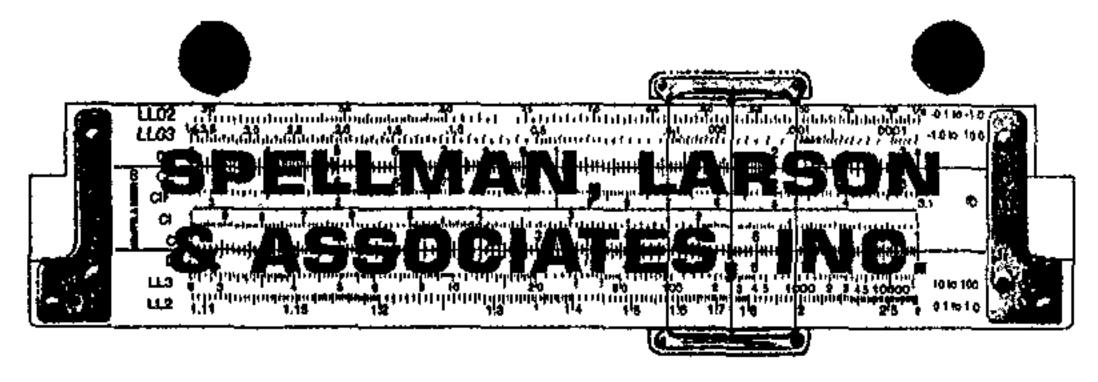
Very truly yours,

Joseph L. Larson, President SPELLMAN, LARSON & ASSOC., INC.

cc: Pat Belzner
Larry Schmidt
Robert Knatz

File#L06180301





Lile

ROBERT E. SPELLMAN, P.L.S. JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

LETTER OF TRANSMITTAL

TO: Mr. Carl Richards, Supervisor

Department of Permits and Dev. Mgmt.

Baltimore County

DATE: October 22, 2002 **JOB NO.** 202043

RE: 12303A Philadelphia Road

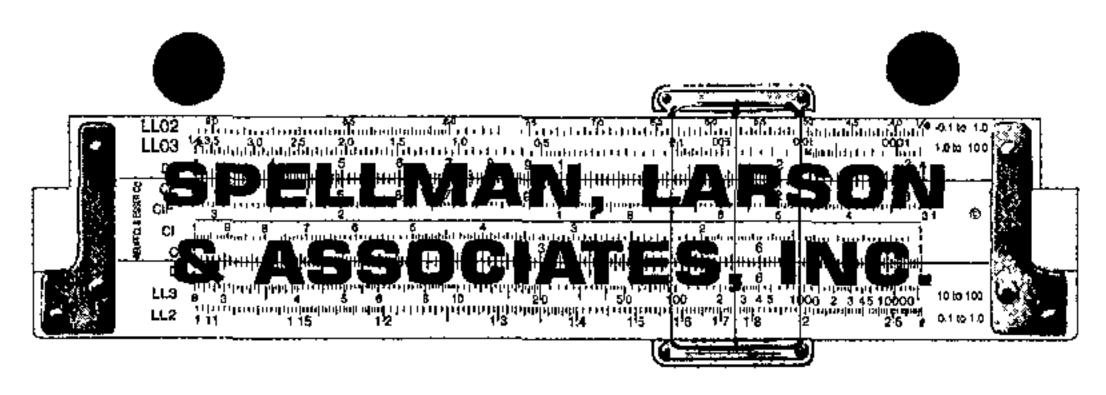
Case No. 03-066-A

HAND DELIVERED

WE ARE SEN	DING YOU	Attached Under separate cover the following items:	
Copy of	f letter I	Prints Documents Other	
No. of Copies	Date	Description	
1	8/9/02	Plat to Accompany Building Permit Application (Revised 10/18/02)	
TRANSMITTALS are as checked below: For approval For your use As requested For review & comment Other As required by Zoning Order			
REMARKS:		SIGNED: JOSEPH L. LARSON, PRESIDENT	
cc: Pat Belzner Lawrence S		2.4	

File # T10220203





ROBERT E. SPELLMAN, P.L.S. JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

Mr. Timothy Kotroco, Director

Dept. of Permits and Development Management Baltimore County

June 11, 2003

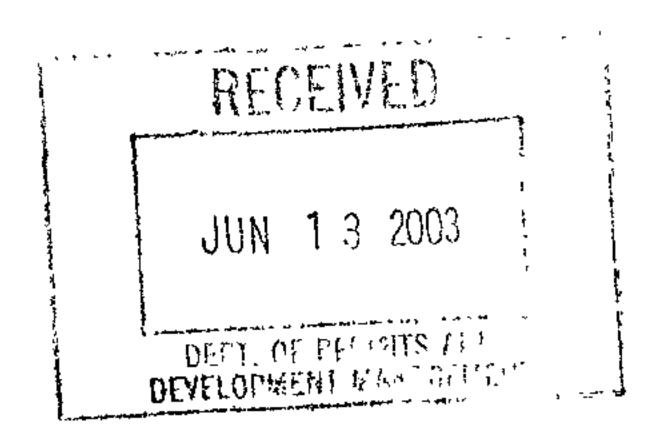
"HAND DELIVERED"

Re:

12303A Philadelphia Road

Case No. 03-066 A Job No. 202043

Dear Tim,



My client, Mr. Patrick Belzner, is currently constructing a single family detached dwelling at the above captioned location and has been issued a Stop Work Order for an alleged front yard building setback violation.

At the outset, I wish to state that I find this violation unfounded and without merit and further it is causing my client considerable hardship in meeting his building completion deadlines.

I have been attempting for the last week to obtain clarification or an explanation regarding this issue, but as of this date, I have been unsuccessful.

I am frankly totally confused as to basis for this violation, and to explain, I wish to herein document several facts to reinforce my stance on this matter.

I am attaching a copy of a Zoning Commissioners Order that was rendered for the subject property, which clearly stipulates to three conditions i.e., side yard setbacks, landscape buffering and a building to building distance to the adjacent Shipley residence to the east.

In accordance with the Zoning Order this office was also required to prepare a revised Plat to address the Commissioners Order, and submit same to the Commissioners Office and the Zoning Office. This revised Plat was prepared and submitted timely and addressed all of the issues clearly. A copy of that transmittal is attached along with the revised Plat.

Mr. Timothy Kotroco, Director

June 11, 2003

Re: 12303A Philadelphia Road

Page 2

In speaking with Mr. Bruno Rudaitis, with the Zoning Office in my efforts to investigate and resolve this matter, he has indicated that the key problem relates to the front yard building setback not being in conformance with the original Zoning Plat. Admittedly the setback does not conform to the original Plat because it conforms to the Zoning Order which countermands the original Plat.

In light of the fact that we have adhered to the Order and submitted the revised Plan timely, and have since obtained a Building Permit I fail to see where the problem lies. If the revised Plat was not acceptable we should have been notified back in October of 2002, when it was submitted. The Commissioners Order is clearly obvious and perspicuous in its recital by fixing the lateral position of the dwelling by the side yard setbacks and the longitudinal position of the dwelling by the 50' building to building dimension.

Due to the continued hardship experienced by my client, I would appreciate a meeting with you at your earliest possible convenience to resolve this matter.

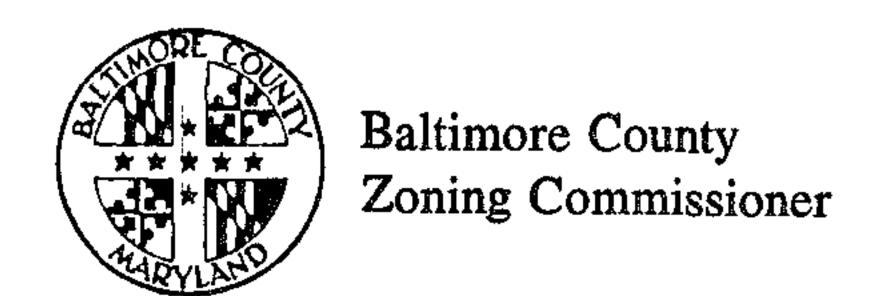
y truly yours,

Joseph L. Larson, President

SPELLMAN, LARSON & ASSOC., INC.

cc: Lawrence Schmidt
Bruno Rudaitis
Robert Knatz, Executive Aide
Pat Belzner

File#L06120301



July 23, 2003

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

Fax: 410-887-3468

Mr. Joseph Larson Spellman, Larson & Assoc., Inc. 105 W. Chesapeake Avenue Towson, Md. 21204

RE: PETITION FOR VARIANCE

S/S Philadelphia Road, 830' W of the c/l Bradshaw Road

(12303-A Philadelphia Road)

11th Election District – 5th Council District

Pat Belzner – Petitioner Case No. 03-066-A

Dear Mr. Larson:

In response to your letter of July 14, 2003 concerning the above-captioned property, the following comments are offered.

Thank you for keeping me informed of the status of this matter. I trust that your meetings with the Shipleys will continue to be productive and that all parties will be satisfied with the end result. I look forward to hearing from you again upon the Shipleys' approval of a landscaping and grading plan, a copy of which shall be forwarded to the Department of Permits and Development Management for inclusion in the case file.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc:

Mr. & Mrs. Michael W. Shipley

12305 Philadelphia Road, Bradshaw, Md. 21021

Case File





HOBERT E SPELLMAN, P.L.S JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

Mr. Lawrence Schmidt

Zoning Commissioner

Zoning Commissioner's Office

Baltimore County

July 14, 2003

"HAND DELIVERED"

Re: 12303A Philadelphia Road

Belzner Property
Zoning Case No.03-066A

RECEIVED

JUL 1 7 2003

ZONING COMMISSIONER

Dear Commissioner Schmidt,

On Thursday last, I met with Mr. and Mrs. Michael Shipley who reside at 12305 Philadelphia Road, directly adjacent to the above-captioned property to the east.

This letter is to advise you that we have in fact taken the initiative to coordinate with the Shipleys to address the issues that they have raised regarding the residential construction activity at 12303A Philadelphia Road.

The Shipley's, at this point, have two basic concerns, those being, the landscaping buffer along their common property line and secondly a Grading and Drainage Plan that would assure them that upon completion of construction at 12303A that there would be no drainage impact on their property.

Our meeting was very cordial, and at this point we will move ahead to finalize a Landscaping and Grading Plan which will be produced timely for submission to the Shipleys for their final approval.

Mr. Lawrence Schmidt July 14, 2003

Re: 12303A Philadelphia Road

Page 2

I will keep you abreast of the activity on the subject project and upon gaining approval from the Shipleys, we will submit a letter to you for your acknowledgement to be put in the Zoning Case File.

Very truly yours,

Joseph L. Larson, President

SPELLMAN, LARSON & ASSOC., INC.

cc: Mr. and Mrs. Michael Shipley
Pat Belzner
Carl Richards
John Altmeyer

File#L07110302





ROBERT E. SPELLMAN, P.L.S. JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

Mr. Carl Richards, Supervisor

August 1, 2002

Office of Zoning
Department of Permits and Development Management
Baltimore County

Re: 12303 A Philadelphia Road

Case No. 03-066-A

HAND DELIVERED

Dear Carl,

I wish to herein respectfully, and with great concern request an early Hearing Date for the above captioned Zoning Petition, due to extremely time constrained contract arrangements involved with this property..

The owner of the property was initially under the impression that there were no zoning matters related to this property, and was intending to move forward immediately with a Building Permit to meet certain deadlines with his buyer.

It was discovered that there would be sideyard variances required for the property in order to build the house that is proposed for the site, due to the restricted width of the tract.

In light of the difficult time constraints, a true and valid hardship exists here, whereby I am herein formally asking your cooperation and indulgence with this matter. Thanking you in advance.

Very truly yours,

Joseph L. Larson, President

SPELLMAN, LARSON & ASSOC., INC.

cc: Pat Belzner

File#L08070201

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JOSEPH LADSON	105 W. Chesapeake Av
PATRICK BUZNER	9 Widebrook CT.
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PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
Michael W. Shiplage	12305 Philadelphia Rol.
DILLIAM BONIANSKI	12303 PHICA. RO.
PATRICIA SARNES	12303 PHICA. R.
Mic Harl Sayler	12229-12307 PHTalelpHight
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M.D.A.T. REAL PROPERTY SYSTEM

03/26/2002

LOCATION INFORMATION

BALTIMORE COUNTY

DISTRICT: 11 ACCT NO: 1900001914

NAME: BARNES JOHN W, JR USE: RESIDENTIAL

PREMISES ADDRESS ZONING LEGAL DESCRIPTION

12303 A PHILADELPHIA RD RC5 1.0 AC SS

PHILADELPHIA RD

925 W BRADSHAW RD

MAP GRID PARCEL SUBDIV SECT BLOCK LOT GROUP

64 22 614 PLAT NO:

PLAT REF:

SPECIAL TAX AREAS -

PRIMARY STRUCTURE DATA PROPERTY LAND AREA COUNTY
YEAR BUILT ENCLOSED AREA 1.00 AC USE

0000

PRESS: <F1> OWNER INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO

<F5> RETURN TO LIST SCRN <F6> SELECT NEXT PROPERTY

Date: 3/26/02 Time: 2:39:04 PM

Page: 1 Document Name: unj Zed

M.D.A.T. REAL PROPERTY SYSTEM

03/26/2002

OWNER INFORMATION

BALTIMORE COUNTY

DISTRICT: 11 ACCT NO: 1900001914

USE: RESIDENTIAL

OWNER NAME: BARNES JOHN W, JR

PRINCIPAL

MAILING ADDRESS: 12303 PHILADELPHIA RD

RESIDENCE

NO

BRADSHAW

MD 21021

TRANSFERRED

FROM: BARNES JOHN W

DATE: 05/01/1991 PRICE:

\$0

DEED REFERENCE: 1)

/ 8774/ 808

SPECIAL TAX RECAPTURE

* NONE *

TAX EXEMPT: NO

PRESS: <F1> LOCATION INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO

<F5> RETURN TO LIST SCRN

<F6> SELECT NEXT PROPERTY

Date: 3/26/02 Time: 2:38:38 PM

Page: 1 Document Name:

led

8774/ 808

M.D.A.T. REAL PROPERTY SYSTEM

03/28/2002

OWNER INFORMATION

BALTIMORE COUNTY

DISTRICT: 11 ACCT NO: 1900001914

USE: RESIDENTIAL

OWNER NAME: BARNES JOHN W, JR

PRINCIPAL

MAILING ADDRESS: 12303 PHILADELPHIA RD

RESIDENCE

BRADSHAW

NO

MD 21021

TRANSFERRED

FROM: BARNES JOHN W

DATE: 05/01/1991 PRICE: \$0

DEED REFERENCE: 1)

2)

SPECIAL TAX RECAPTURE

* NONE *

TAX EXEMPT: NO

PRESS: <F1> LOCATION INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO

<F5> RETURN TO LIST SCRN

<F6> SELECT NEXT PROPERTY

Date: 3/28/02 Time: 10:12:07 AM

Page: 1 Document Name: untitled

M.D.A.T. REAL PROPERTY SYSTEM

03/28/2002

LOCATION INFORMATION

BALTIMORE COUNTY

DISTRICT: 11 ACCT NO: 1900001914

NAME: BARNES JOHN W, JR USE: RESIDENTIAL

PREMISES ADDRESS ZONING LEGAL DESCRIPTION

12303 A PHILADELPHIA RD RC5 1.0 AC SS

PHILADELPHIA RD

925 W BRADSHAW RD

MAP GRID PARCEL SUBDIV SECT BLOCK LOT GROUP

64 22 614 PLAT NO:

PLAT REF:

SPECIAL TAX AREAS -

PRIMARY STRUCTURE DATA PROPERTY LAND AREA COUNTY
YEAR BUILT ENCLOSED AREA 1.00 AC USE

0000

PRESS: <F1> OWNER INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO

<F5> RETURN TO LIST SCRN <F6> SELECT NEXT PROPERTY

Date: 3/28/02 Time: 10:12:11 AM

Case No.91037

This Deed, Made this 2nd day of April, in the year one thousand nine hundred and ninety-one, by and between John W. Barnes and John W. Barnes Jr., parties of the first part. VJ. Barnes Inc., a Maryland Corporation, party of the second part, and VJohn W. Barnes, Jr. party of the third part;

Witnesseth, That in consideration of One Dollar without any monitary consideration as between the parties, the parties of the first and second parts hereby grant unto the party of the third part, in fee simple all that piece or parcel of land together with improvements, rights, privileges and appurtenance to the same belonging, situate in Baltimore, Maryland, described as follows, to wit:

Tax I.D. No.: [11] 16-00-010382

Beginning for the first thereof at a point in the centerline of Philadelphia Road, said point lying north 76 degrees 38 minutes 02 seconds east 514.79 feet from the northeasterly corner of that tract or parcel of land conveyed by and described in a Deed from Oscar H. Frank, widower, to William M. Saylor and Rita M. Saylor, his wife, dated April 30, 1954 and recorded among the Land Records of Baltimore County, in Liber G.L.C. 2470, folio 329, running thence binding on the centerline of Philadelphia Road, Route 7, north 76 degrees 35 minutes 31 seconds east 178.28 feet to a point, running thence leaving Old Philadelphia Road, and running through and across the lands of Streett for a new line of division, south 13 degrees 24 minutes 28 seconds east 542.95, to a point on the outline of the lands of Harry U. Reipe, as recorded among the Land Records of Baltimore County in R.J.S. No. 1360 folio 547, running thence binding on the lands of Reipe, two courses, viz: south 58 degrees 15 minutes west 80.64 feet to a stone heretofore set and north 86 degrees 55 minutes 04 seconds west 106.51 to a point, thence leaving the lands of Reipe, north 13 degrees 21 minutes 57 seconds west 538.07 feet to the beginning hereof, containing 2.271 acres more or less.

Tax I.D. No.: [11] 19-00-001914

Beginning for the second thereof at a point in the center line of Maryland Route 7 and Philadelphia Road said point lying the following two courses from the northerasterly most corner of that tract or parcel of land conveyed by and described in a Deed from Oscar H. Frank, widower, to William W. Saylor and Rita M. Saylor, his wife, dated April 30, 1954 and recorded among the Land Records of Baltimore County in Liber 2470 folio 329 (1) north 76 degrees 38 minutes 02 seconds east 514.79 feet and (2) north 76 degrees 35 minutes 31 seconds east 178.28 feet said point of beginning being also at the northeasterly most corner of the 2,271 acre parcel previously conveyed to Donald E. Wolfe.Sr. and Clara L. Wolfe, his wife, and running thence leaving the last mentioned conveyance binding on the centerline of Maryland Route 7 (1) north 76 degrees 35 minutes 31 seconds east 82,32 feet to a point thence leaving Route 7 running through and across the lands of Streets (2) south 13 degrees 24 minutes 28 seconds east 515.68 feet to a point in the outlines of the lands of Harry U. Reipe as recorded among the Land Records of Baltimore County in Liber R.J.S. 1360 folio 547 running thence binding on the lands of Reipe (3) south 58 degrees 15 minutes 58 seconds west 86.72 feet to the end of the second line of the conveyance to Wolfe aforesaid thence binding reversely on said line (4) north 13 degrees 24 minutes 28 seconds west 542.94 feet to the beginning hereof; containing 1.000 acres, more or less.

Being parcels two and three conveyed by Deed dated October 24, 1984 and recorded in Liber 6898 at folio 462

And the within Grantor, J. Barnes Inc., joins herein as party of the second part to quit claim all its right, title and interest, if any, which it may have acquired by virtue of Articles of Sale dated October 1, 1984 and recorded in Liber 6997 at folio 350.

And pursuant to the provisions of Ch. 197 of The Laws of Maryland, 1985. effective July 1, 1988 [Annotated Code of Maryland, Article-Tax-Froperty, Section 13-203(b)) the undersigned Grantees hereby make oath that the residence on the property described in the within Deed will be occupied by the Grantees.

And, the said parties of the first and second part tovenant that they will warrant specially the property hereby conveyed; and that they will execute

HINGTONIONAL TRANSFER TAX NOT APPLICABLE SICHATURE

: 20

Wenchmork &

Book 8774 Page 808

such further assurances of said land as may be requisite.

And, by execution hereof, the within Grantor Corporation warrants and represents, that this conveyance does not constitute a sale, transfer, assignment, mortgage, pledge or other alienation of all or substantially all of the assets of said corporationh, and that this sale and conveyance is made .n strict conformity with appropriate resulutions of Board of Directors and Stockholders passed at duly called meetings at which quorums were present.

Witness, their hands and seals the day and year first hereinbefore written. In presence of --

Stephen F. Marsalek

Attes::

11.5

John W. Bernes, Jr. James SEAL.

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John W. Barnes

J. Barnes Inc., a Marylana Corp.

by: Arlin W Busics (Seal)
President

State of Maryland County of Baltimore

TO-WIT:

I, Christina O. Marsalek, a Notary Public in and for the said State County DO HEREBY CERTIFY that John W. Barnes, Jr., John W. Barnes, and John President of J. Barnes.Inc., who are personally well known to me as parties to and who executed the annnexed deed bearing date whe and pay of April, 1991, personally appeared before me in the said State, and ... Gounty, and acknowledge the same to be their act and deed, for the gyrposess contained therein.

Witness, my hand and official seal this 2nd day of April A.D.

Christina O. Marsalek-Notary Public My Commission Expires: 11/1/93

THIS LS TO CERTIFY that the within instrument was prepared by an attorney duly admitted to practice before the Maryland State Course of Appeals / or under his supervision, or by one of the parties hereto

> U ROJF 14.00

DEED SH CLERK #32962 COOL ROS T14:06

05/01/91

Wenchmork.

CONFIRMATORY DEED

This Confirmatory Deed made this 24 day of October, 1984, by and between D.D.Y., Inc. body corporate of the State of Maryland, of the first part and John W. Barnes and John W. Barnes, Jr. of the second part.

WHEREAS, by Articles of Sale and Transfer dated 197 day of ocnor, 1989
D.D.I., Inc., a body corporate of the State of Maryland transferred substantially all of it's property and assets consisting of fee simple property known as 12301 Philadelphia Road, Baltimore County Maryland, consisting of 6.815 acres more or less to John W. Barnes and John W. Barnes, Jr. and a Certificate of Conveyance was filed therewith along with the Articles of Sale and Transfer with the Department of Assessments and Taxation, and all transfer tax and recording stamps paid therewith, and it is the intention of the parties that this Confirmatory Deed be filed among the Land Records of Baltimore County to confirm said transfer.

WITNESSETH that for the consideration that was set out in the Articles of Sale and Transfer, said D.D.I., Inc., a body corporate of the State of Maryland does grant and convey unto the said John W. Barnes and John W. Barnes, Jr. as tenants in common their heirs and personal representatives in fee simple, all those lots of ground situate lying and being in Baltimore in fee simple, all those lots of ground situate lying and being in Baltimore County, State of Maryland aforesaid and described as follows, that is to say:

BEGINNING FOR THE FIRST thereof at a point in the centerline of Philadelphia Road, said point lying north 76 degrees 38 minutes 02 seconds east 264.79 feet from the northeasterly most corner of that tract or parcel of land conveyed by and described in a deed from Oscar H. Frank, widower, to William M. Saylor and Rita M. Saylor, his wife, dated April 30, 1954, and William M. Saylor and Rita M. Saylor, his wife, dated April 30, 1954, and recorded among the Land Records of Baltimore County, in Liber G.L.B. No. 2470, recorded among the Land Records of Baltimore County, in Liber G.L.B. No. 2470, and across the lands of Streett, south 02 degrees 58 minutes 57 seconds west and across the lands of Streett, south 02 degrees 58 minutes 57 seconds west 445.26 feet to a pipe now set in the dividing line between the lands of Streett and the lands of Harry U. Reipe, running thence binding on the said Streett and the lands of Harry U. Reipe, running thence binding on the said dividing line, south 96 degrees 55 minutes 04 seconds east 391.35 feet to a

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BALTIMORE MARYLAND 21202

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pipe now set, thence leaving the dividing line between the lands of Streett and the lands of Reine, running for a new line of division through and across the lands of Streett, north 13 degrees 21 minutes 57 seconds west 538.07 feet to a point in the centerline of Route 7 aforesaid, running thence binding on said centerline, south 76 degrees 38 minutes 02 seconds thence binding on said centerline, south 76 degrees 38 minutes 02 seconds west 250.00 feet to the beginning hereof containing 3.544 acres, more or less.

SUBJECT however to the terms, conditions and reservations as set forth in the Right of Way Agreement, dated May 13, 1926, and recorded among the aforesaid Land Records in Liber W.P.C. No. 629, folio 590, between Oscar H. Frank and Wife, and the United States of America.

BEGINNING FOR THE SECOND thereof at a point in the centerline of Philadelphia Road, said point lying north 76 degrees 38 minutes 02 seconds east 514.79 feet from the northeasterly corner of that tract or parcel of land conveyed by and described in a deed from Oscar H. Frank, widower, to William M. Saylor and Rita M. Saylor, his wife, dated April 30, 1954, and recorded among the Land Records of Baltimore County, in Liber G.L.C. No. 2470, folio 329, running thence binding on the centerline of Philadelphia Road, Route 7, north 76 degrees 35 minutes 31 seconds east 178.28 feet to a point, running thence leaving Old Philadelphia Road and running through and across the lands of Streett for a new line of division, south 13 degrees 24 minutes 28 second east 542.95 feet, to a point on the outline of the lands of Harry U. Reipe, as recorded among the Land Records of Baltimore County in R.J.S. No. 1360, folio 547, running thence binding on the lands of Reipe, two courses, viz: south 58 degrees 15 minutes west 80.64 feet to a stone heretofore set and north 86 degrees 55 minutes 04 seconds west 106.51 feet to a point, thence leaving the lands of Reipe, north 13 degrees 21 minutes 57 seconds west 538.07 feet to the beginning hereof. Containing 2.271 acres, more or less.

SAID parcel is more particularly shown and described on a Survey Plat drawn by Frederick Ward Associates, Inc., dated July 31, 1973, and recorded in and among the Land Records of Baltimore County at Liber 5385, folio 737, and attached hereto.

BEGINNING FOR THE THIRD thereof at a point in the center line of Maryland Route 7 and Philadelphia Road said point lying the following two courses from the northeasterly most corner of that tract or parcel of land conveyed by and described in a Deed from Oscar H. Frank, widower, to William W. Saylor and Rita M. Saylor, his wife, dated April 30, 1954 and recorded among the Land Records of Baltimore County, in Liber G.L.B. 2470, folio 329 (1) north 76 degrees 38 minutes 02 seconds east 514.79 feet and (2) north 76 degrees 35 minutes 31 seconds east 178.28 feet said point of beginning being also at the northeasterly most corner of the 2.271 acre parcel previously conveyed to northeasterly most corner of the 2.271 acre parcel previously conveyed to honald E. Wolfe, Sr. and Clara L. Wolfe, his wife, and running thence leaving the last mentioned conveyance binding on the centerline of Maryland Route 7 the last mentioned conveyance binding on the centerline of Maryland Route 7 (1) north 76 degrees 35 minutes 31 seconds east 82.32 feet to a point thence (1) north 76 degrees 35 minutes 31 seconds east 82.32 feet to a point thence (2) south 13 degrees 24 minutes 28 second east 515.68 feet to a point in the outlines of

KODENSKI AND CANARAS 303 2115 FAILTTE STREET BALTIMORE MARYLAND 21202

. st. 6 8 9 8 1434 64

County in Liber R.J.S. 1360, folio 547 running thence binding on the lands of Reipe (3) south 58 degrees 15 minutes 58 seconds west 86.72 feet to the end of the second line of the conveyance to Wolfe aforesaid thence binding reversely on said line (4) north 13 degrees 24 minutes 28 seconds west 542.94 feet to the beginning hereof; containing 1.000 acres, more or less, as surveyed by Frederick Ward Associates, Inc.

Being the same properties which by deed dated July 10, 1981 and recorded among the Land Records of Baltimore County in Liber EHKJR6309, folio 378, was granted and conveyed by Donald E. Wolfe, Sr. and wife unto D.D.I. Inc.

Together with the buildings and imporvements 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 lot 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 John W. Barnes and John W. Barnes, Jr. as tenants in common, their heirs and personal representatives, in fee simple,

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

Witness the hand and seal of said grantor

TEST:

D.D.I. Inc.

We ral H. Hot man President

HODENSKI AND CANARAS

BLR 6 8 9 8 PAGE 4 6 5

STATE OF MARYLAND, CITY/COUNTY,

, to wit:

I HEREBY CERTIFY, That on this 25 today of October
in the year one thousand nine hundred and eighty-four , before me,
the subscriber, a Notary Public of the State of Maryland, in and for
aforesaid, personally appeared Meral H. Hoffman, President of D.D.I. Inc.
the above named grantor, and he acknowledged the foregoing Deed to be the
act of the said body corporation. He also made oath in due form of law that the
sale of the above described property is not a sale of all or substantially
all of the property and assets of the said Corporation.

As Witness my hand and Notarial Seal.

Notary Public

Rec'd for record APP 17 1985 at

Mail to A crotenable andre

Receipt No.

may to

CAMOINCES
KODENSKI AND GANARAS

200 2015 FAVETTE STREET
BALTIMORE MARYLAND 21202

THIS DEED, made this /oth day of July, 1981, by and between DONALD E. WOLFE, SR. and CLARA L. WOLFE, his wife, both pf Baltimore County, Maryland, parties of the first part, and D.D.I., INC., a Maryland Corporation, party of the second part.

WITNESSETH: That for and in consideration of the sum of One Hundred Thirty Thousand Dollars (\$130,000.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Donald E. Wolfe, Sr. and Clara L. Wolfe, his wife, do hereby grant and convey unto the said D.D.I., Inc., its successors and assigns, in fee simple, all those lots or parcels of ground, situate, lying and being in the Eleventh Election District of Baltimore County, Maryland, on the Southerly side of Maryland Route No. 7 (also known as Philadelphia Road) near Bradshaw, Maryland and more particularly described as follows:

PARCEL A

BEGINNING for the same at a point in the centerline of Philadelphia Road, said point lying North 76* 38' 02" East 264.79 feet from the Northeasterly most corner of that tract or parcol of land conveyed by and described in a deed from Oscar H. Frank, widower, to William M. Saylor and Rita M. Saylor, his wife, dated April 30, 1954 and recorded among the Land Records of Baltlmore County in Liber G.L.B. No. 2470, folio 329, running thence leaving the centerline of Route 7, running through and across the lands of Streett, South 02* 58' 57" West 445.26 feet to a pipe now set in the dividing line between the lands of Streett and the lands of Harry U. Reipe, running thence binding on the said dividing line, South 86* 55' 04" East 391.35 feet to a pipe now set, thence leaving the dividing line between the lands of Streett and the lands of Reipe, running for a new line of division through and across the lands of Streett, North 13* 21' 57" West 538.07 feat to a point in the conterline of

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Route 7 aforesaid, running thence binding on said centerline, South 76* 38' 02" West 250.00 feet to the beginning hereof containing 3.544 acres, more or less.

BEING the same parcel of land which by Deed dated June 14, 1972, and recorded among the Land Records of Baltimora County in Liber 5279, Page 735, was conveyed by Francis Edward Streett, Personal Representative of the Estate of Elizabeth W. Streett, to Donald E. Wolfe, Sr. and Clara L. Wolfe, his wife.

SUBJECT however to the terms, conditions and reservations as set forth in the Right of Way Agreement dated May 13, 1926 and recorded among the aforesaid Land Records in Liber W.P.C. No. 629, Folio 590, between Oscar H. Frank and wife, and the United States of America.

PARCEL B

BEGINNING for the same at a point in the centerline of Philadelphia Road, said point lying North 760 38' 02" East 514.79 feet from the northeasterly corner of that tract or parcel of land conveyed by and described in a deed from Oscar H. Frank, widower, to William M. Saylor and Rira M. Saylor, his wife, dated April 30. 1954, and recorded among the Land Records of Baltimore County in Liber G.L.C. No. 2470 folio 329, running thence binding on the centerline of 10 02 in Philadelphia Road, Route 7. North 76° 35' 31" East 178.28 feet to a point, running thence leaving Old Philadelphia Road and running through and across 10 02 in the lands of Streett for a new line of division, South 130 241 28" East 542.95 feet, to a point on 13 32 70 the outline of the lands of Harry U. Reipe, as recorded among the Land Records of Baltimore County in R.J.S. No. 1360, folio 547, running thence binding on the lands of Reipe, two courses, viz: South 580 15' 58" West 80.64 feet to a stone heretofore set and North 86° 55' 04" West 106.51 feet to a point, thence leaving the lands of Reipe, North 13° 21' 57" West 538.07 feet to the beginning hereof, CONTAINING 2.271 acres, more or less.

BEING the parcel of land which by Deed dated August 8, 1973 and recorded among the Land Records of Bultimore County at Liber 5385, Page 735, was conveyed by Francis Edward Streett to Donald E. Wolfe, Sr. and Clara L. Wolfe, his wife.

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JACONS & BIEVINS, P.A.
128 H. MAIN ST
885, AIR, MO
41014

LIBER 6 3 0 9 PAGE 3 8 0

SAID parcel is more particularly shown and described on a Survey Plat drawn by Frederick Ward Associates, Inc., dated July 31, 1973, and recorded in and among the Land Records of Baltimore County at Liber 5385, Page 737, and attached hereto.

PARCEL C

BEGINNING for the same at a point in the centerline of Maryland Route 7 and Philadelphia Road said point lying the following two courses from the northeasterly most corner of that tract or parcel of land conveyed by and described in a Deed from OSCAR H. FRANK, widower, to WILLIAM W. SAYLER and RITA M. SAYLER, his wife, dated April 30, 1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. 2470, folio 329 (1) North 76 degrees 38 minutes 02 seconds East 514.79 feet and (2) North 76 degrees 35 minutes 31 seconds East 178.28 feet said point of beginning being also at the northeasterly most corner of the 2.271 acre parcel previously conveyed to DONALD E. WOLFE, SR. and CLARA L. WOLFE, his wife, and running thence leaving the last mentioned conveyance binding on the centerline of Maryland Route 7 (1) North 76 degrees 35 minutes 31 seconds East 82.32 feet to a point thence leaving Route 7 running through and across the lands of STREETT (2) South 13 degrees 24 minutes 28 seconds East 515.68 feat to a point in the outlines of the lands of HARRY U. REIPE as recorded among the Land Records of Baltimore County in Liber R.J.S. 1360, folio 547 running thence binding on the lands of REIPE (3) South 58 degrees 15 minutes 58 seconds West 86.72 feet to the end of the second line of the conveyance to WOLFE aforesaid thence binding reversely on said line (4) North 13 degrees 24 minutes 28 seconds West 542.94 feet to the beginning hereof; containing 1.000 acres, more or less, as surveyed by Frederick Ward Associates, Inc.

BEING the parcel of land which by Deed dated April 6, 1981 and recorded among the Land Records of Baltimore County in Liber 6278, Page 502, was conveyed by Francis Edward Streett and Helen Gertrude Streett, his wife, to Donald E. Wolfe, Sr. and Clara I.. Wolfe, his wife.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways,

LAW OFFICES
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DEL AIR, MD
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LIBER 6 3 0 9 PAGE 3 8 1

waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

TO HAVE AND TO HOLD the said lot of land 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 D.D.I., INC., a Maryland Corporation, its successors and assigns, IN FEE SIMPLE.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant apacially the property granted and they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said Grantors.

WITNESS:

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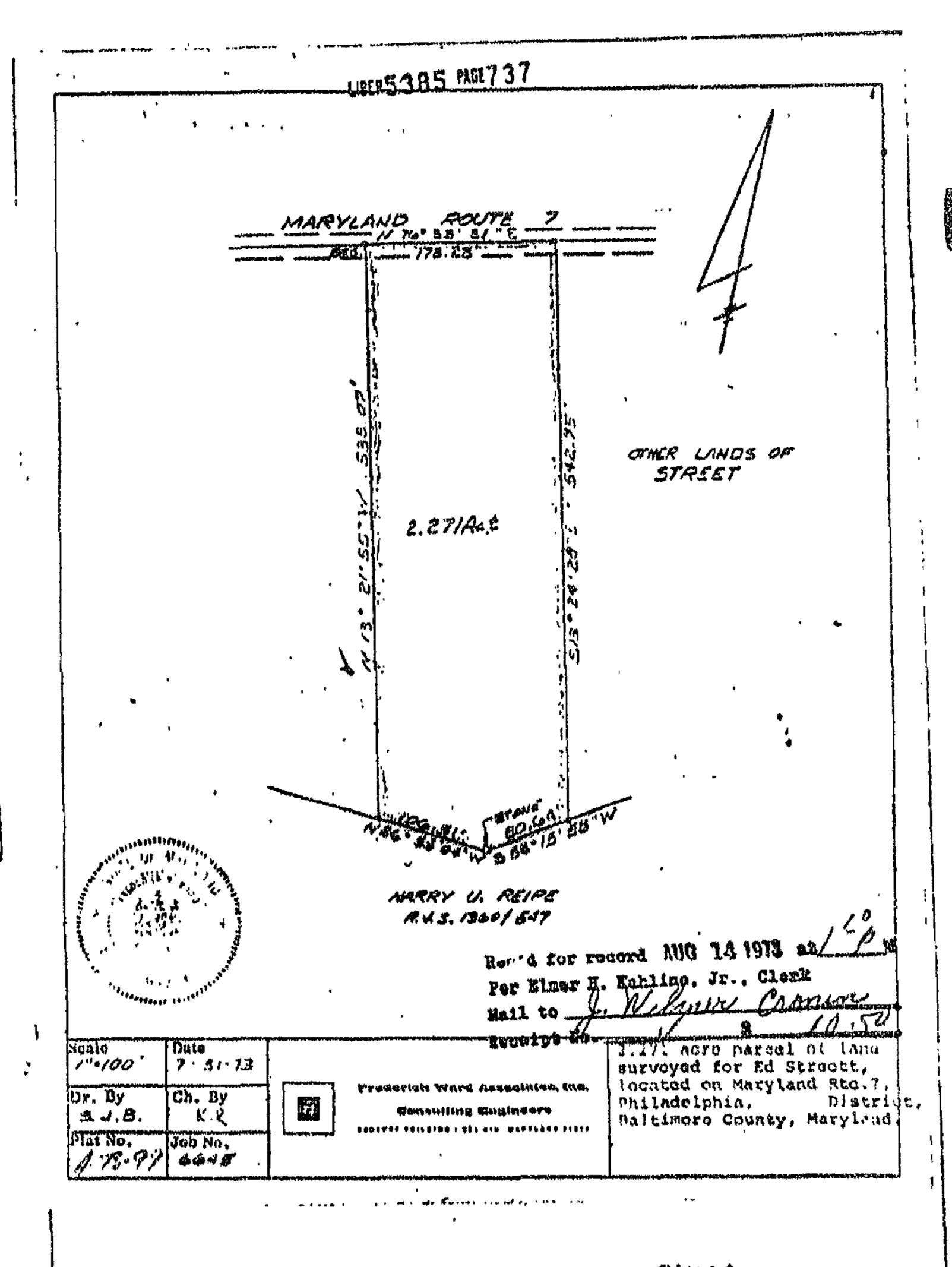
STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

I HEREBY CERTIFY, That on this 10+4 day of July, 1981, before me, the subscriber, a Notary Public of the State of Maryland, in and for Harford County aforesaid, personally appeared DONALD E. WOLFE, SR. and CLARA L. WOLFE, his wife, the above named Grantors, and acknowledged the foregoing Deed to be his and her respective act and made oath that the consideration hereinabove set forth is true and correct.

AS WITNESS my hand and Notarial Seal.

My Commission Expires: July 1, 1982

LAW OFFICES LENTS, HOOPER. JACOBS & BLEVINS, P.A. TO HIAM IN BEE! 681. AIR. NO. 21014



Reo'd for record JUL 201981 Bt 9'49As

Per Elmer Ho Kehling, July Clerk

Mail to office Hooper Jacobs + Blevins

888819t No. 3 18.00

LIBER 6 2 7 8 PAGE 5 0 2

THIS DEED, Made this the day of April, 1981, by and between FRANCIS EDWARD STREETT and HELEN GERTRUDE STREETT, his wife, of Baltimore County, Maryland, of the First Part, and DONALD E. WOLFE, SR. and CLARA L. WOLFE, his wife, also of Baltimore County, Maryland, of the Second Part.

WITNESSETH, that in consideration of the sum of Thirty-five Hundred Dollars (\$3,500.00) receipt being acknowledged, the said Hundred Dollars (\$3,500.00) receipt being acknowledged, the said FRANCIS EDWARD STREETT and HELEN GERTRUDE STREETT, his wife, do grant and convey unto the said DONALD E. WOLFE, SR. and CLARA L. grant and convey unto the said DONALD E. WOLFE, SR. and CLARA L. WOLFE, his wife, as tenants by the entireties, their assigns, the WOLFE, his wife, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs, Personal Representatives and assigns, in fee simple, all of that lot of land situate, lying and being in the Eleventh Election District of Baltimore County, Maryland and described as follows:

BEGINNING for the same at a point in the centerline of Maryland Route 7 and Philadelphia Road said point lying the following two courses from the northeasterly most corner of that tract or parcel of land conveyed by and described in a Deed from OSCAR H. FRANK, widower, to WILLIAM W. SAYLER and RITA M. SAYLER, his wife, dated April 30, 1954 and recorded among the Land Records of Baltimore County in Liber G. L. B. 2470, folio 329 (1) 76 degrees 38 minutes 02 seconds East 514.79 feet and (2) 76 degrées 35 minutes 31 seconds East 178.28 feet said point of beginning being also at the northeasterly most corner of the 2.271 acre parcel previously conveyed to DONALD E. WOLFE, SR. and CLARA L. WOLFE, his wife, and running thence leaving the last mentioned conveyance binding on the centerline of Maryland Route 7 (1) North 76 degrees 35 minutes 31 seconds East 82.32 feet to a point thence leaving Route 7 running through and across the lands of STREETT (2) South 13 degrees 24 minutes 28 seconds East 515.68 feet to a point in the outlines of the lands of HARRY U. REIPE as recorded among the Land Records of Baltimore County in Liber R. J. S. 1360, folio 547 running thence binding on the lands of REIPE (3) South 58 degrees 15 minutes 58 seconds West 86.72 feet to the end of the second line of the conveyance to WOLFE aforesaid thence binding reversely on said line (4) North 13 degrees 24 minutes 28 seconds West 542.94 feet to the beginning hereof; containing 1.000 acres, more or less, as surveyed by Frederick Ward Associates, Inc ..

BEING a part of that tract or parcel of land conveyed by and described in a Deed from FRANCIS EDWARD STREETT to FRANCIS EDWARD STREETT and HELEN GERTRUDE STREETT, his wife, by a Deed dated August 8, 1973, and recorded among the Land Records of dated August 8, 1973, and recorded among the Land Records of Baltimore County in Liber E. H. K., Jr. 5385, folio 739.

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 lot of land 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 DONALD E. WOLFE, SR. and CLARA L. WOLFE, his wife, as tenants the said DONALD E. WOLFE, SR. and CLARA L. WOLFE, his wife, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs, Personal Representatives and assigns, in fee simple.

AND the said Parties of the First Part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said Grantors.

Cancil Chart Francis Edward Streett

Witness,

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LIBER 6 2 7 8' PAGE 5 0 3

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this condition day of April, 1981, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared FRANCIS EDWARD STREETT and HELEN GERTRUDE STREETT, his wife, the above named Grantors, and acknowledged the foregoing Deed to be his and her respective act and made oath that the consideration hereinabove set forth is true and correct.

and Notarial Seal.

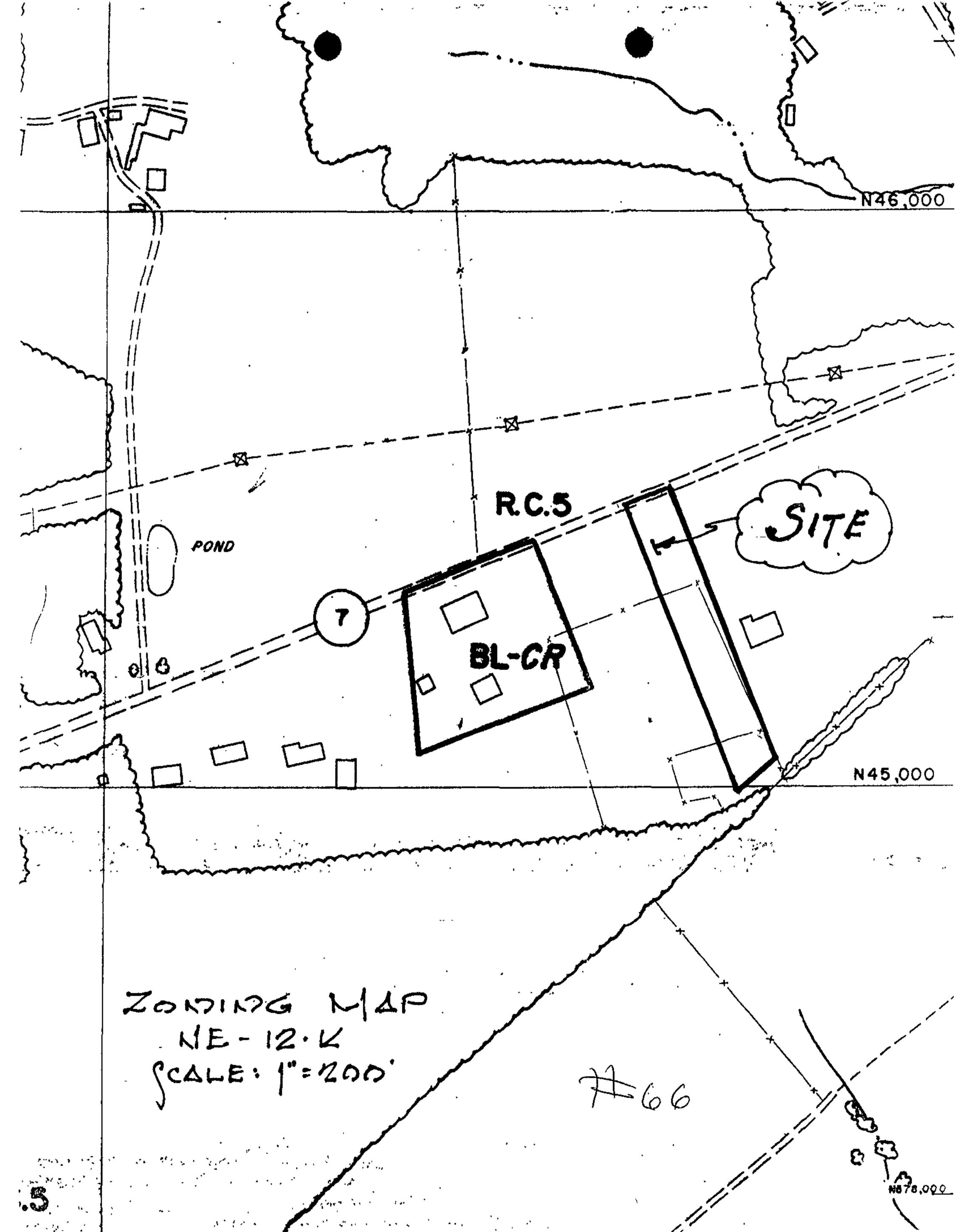
My Commission expires July 1, 1982.

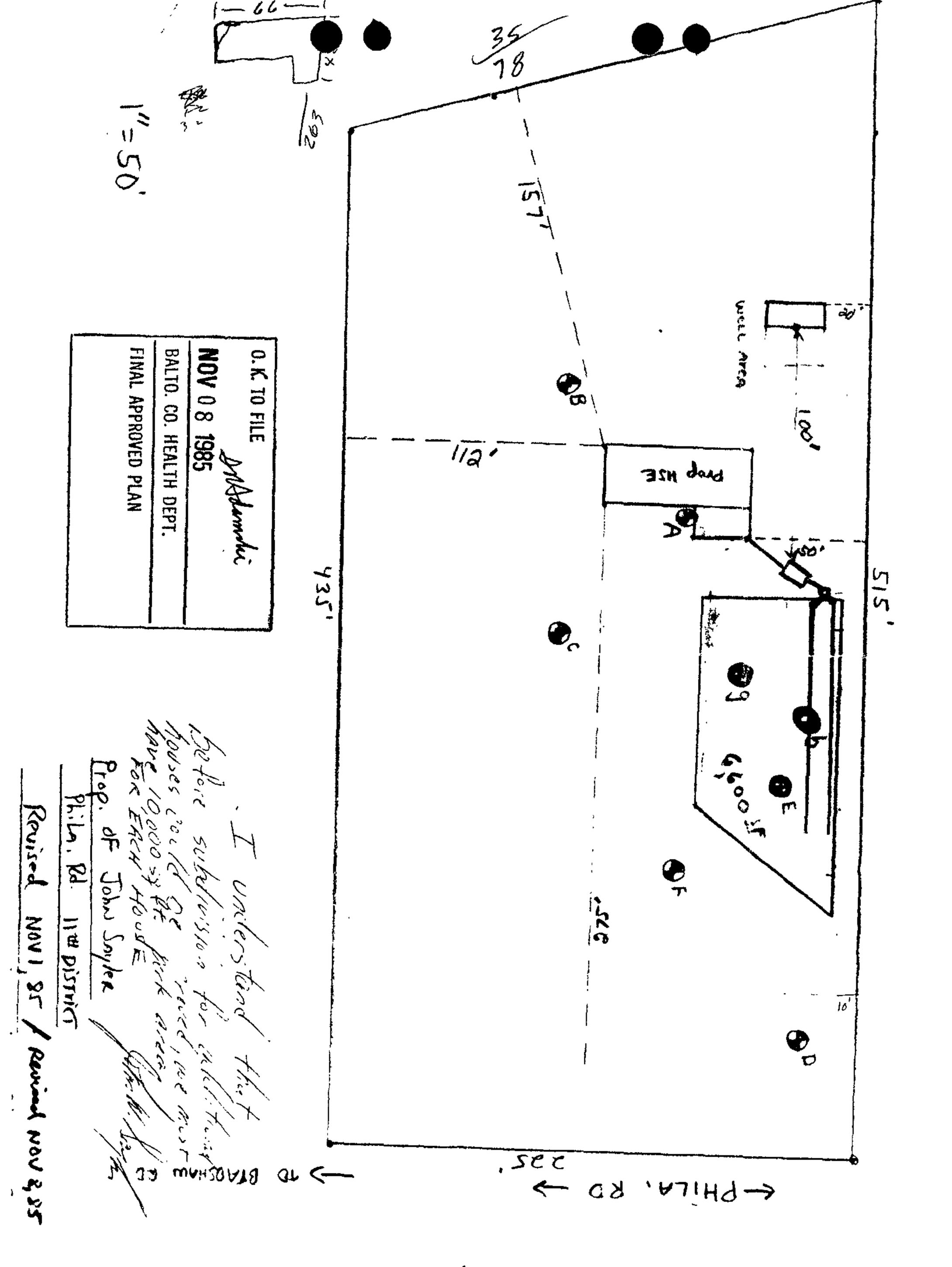
No Title Examination or Judgment Search.

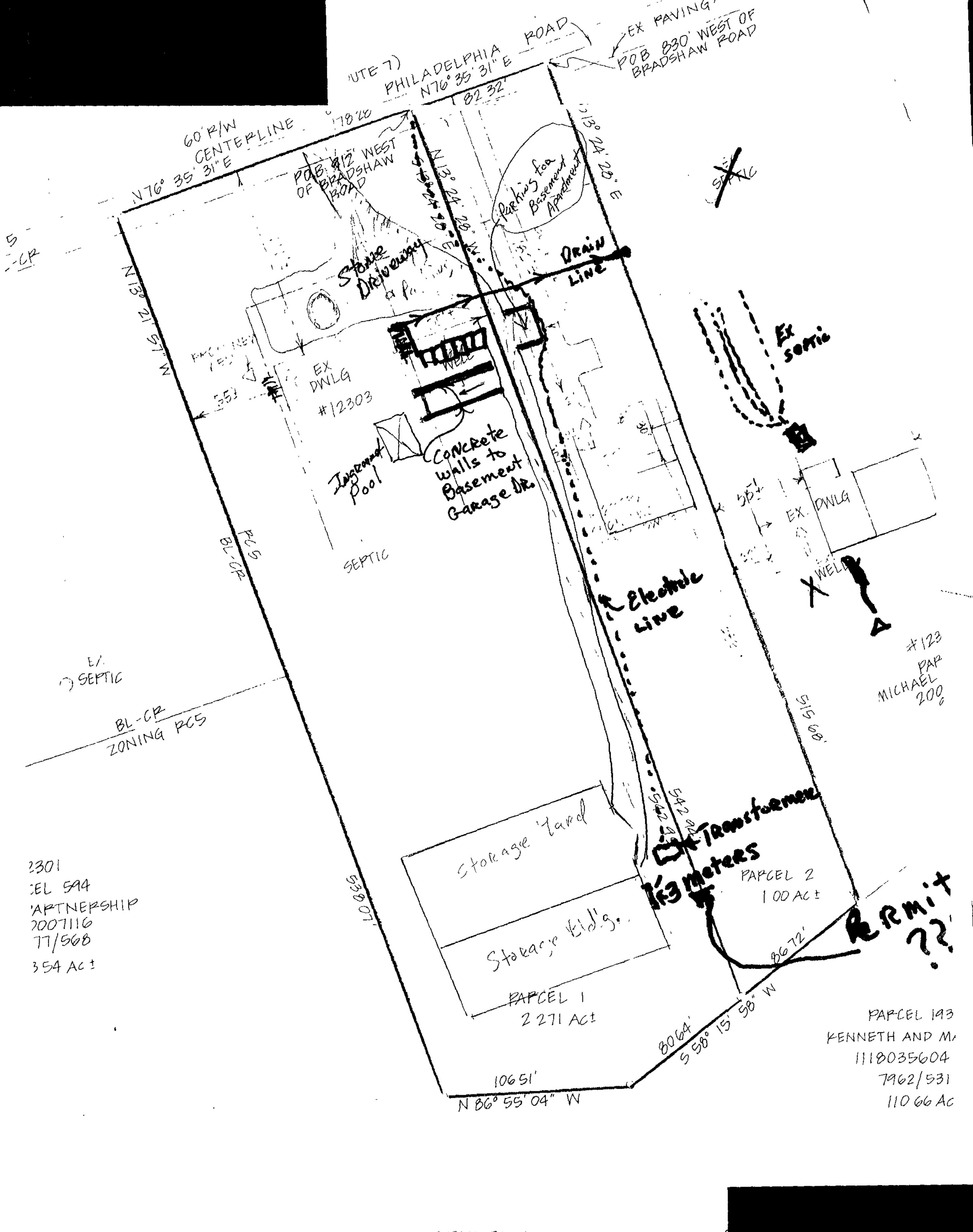
Nelson R. Kerr

13-12 11 13-12 % 13-17 37 18-15 65.

Reo'd for record APR 21 1981 Per Elmer H. Kahling. Jr. Glork

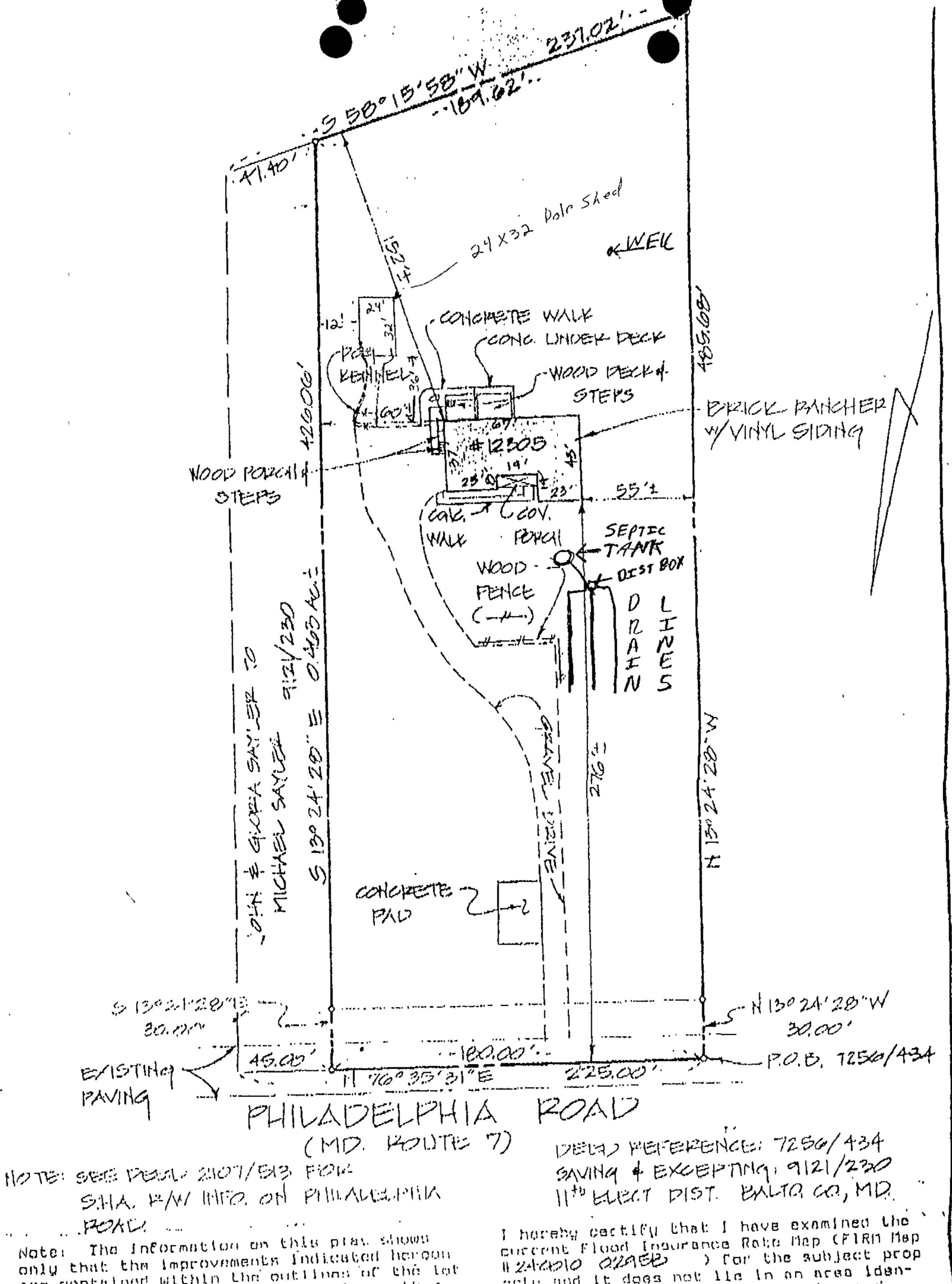






OWNER PARCEL 1.

JOHN W BAPNES JP 12303 PHILADELPHIA POAD BPADSHAW, MD 21021



Note: The information on this pian shows only that the improvements indicated hereon are contained within the outlines of the let upon which they were erauted, unless otherwise noted, and is not to be used to estab-Hab property lines or corners,

net; and it does not lie in an area identiller by the Secretary of Rousing and Urban Opvelopment no having Special Flood or mudslide hezecde.



LOCKTION SIJEVIET, # 12305 PHIMICELYNIA 120/12

Vitti, Robel & Associates, Inc.

ENGINEERING & SURVEYING

1717 York Road Sinte 2B

Lutherville, MD 21093

252-4552

scale |" 60

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date: 5/13/12

drawn. JIZF

checked. AJV

PHILADELPHIA ROAD R.C.5. N76°35'31"E" 82.32' The same is a second of the same of the sa to see a some C SITE DATA R.C.5 SITE AREA 43,560 SQ.FT., 1.0 ACT-R.C.J. RC-5 EXIST. ZONING VACANT EXIST. USE JOHN W. BARNES JR. MICHEAL W. SHIPLEY RESIDENTIAL 8774 / 808 PRUP. USE. HAZEL J. SHIPLEY TAXNO. 190000 19 14 9234 - 544 SINGLE FAM. DETACH. TAX NO. 20000104B9 TAX MAP 64 PARCEL 614 1900001914 TAY ID. ND. 8774/808 DEED REF. COUNCILMANIC 1715T. GENERAL NOTES ZONING MAP NE 12-K 1. THERE IS NO PREVIOUS ZONING SEWER-PRIVATE UTILITIES: HISTORY FOR THE SUBJECT PROPE RTY. WATER-PRIVATE 2. THE PROPERTY IS NOT IN A 100 YEAR FLOOD PLAIN. THERE ARE NO ARCHEOLOGICAL SITES ON THE SUBJECT PROPERTY. 4. THERE ARE NO HISTORICAL BUILDINGS OR LANDMARKS ON THE SUBJECT SITE THE SUBJECT SITE DOES NOT LIE WITHIN THE CHESLPEAKE BAY exist CRITICAL AREA. • WELL REVISIONS DESCRIPTION NO. DATE 8.6.02 ZONING OFFICE COMMENTY ZDNING PETITION FOR A VARIANCE FROM SECTION 1AD4.3 B.2 TO PERMIT A PROPOSED SINGLE FAMILY SPELLMAN, LARSON DWELLING TO HAVE PROPERTY LINE SET BACKS OF 10' AND 19' IN LIEU OF THE REQUIRED 50. ASSOCIATES, INC. CIVIL ENGINEERS AND LAND SURVEYORS SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204 PHONE: 823-3535 ACCOMPANY ZONING PETITION FOR VARIANCE 12303A PHILADELPHIA ROAD R.C. 5. PROPERTY BELZNER KENNIETH CHOLT MARY E. HOLT. 7962/531 OWNER PAT BELZNER 9 WIDE BROOK LOURT BAUTIMORE CO. MD. 11TH ELECTION DIGTRICT. BALTIM DRE MD 21234 SCALE: /" 30' DES. BY: DATE: MAY 27 2002 DRN. BY:

m #166 202