2/16/04

IN THE MATTER OF THE APPLICATION OF RANSHELL HOLDINGS, LLC - LEGAL OWNERS /PETITIONERS FOR A SPECIAL HEARING ON PROPERTY LOCATED ON THE S/S KEENEY MILL ROAD, 750' E OF C/L SOUTH RUHL ROAD (20713 KEENEY MILL ROAD) 6TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 03-225-SPH

* * * * * * * * *

OPINION

Background

This matter is before the Board on an appeal from a decision of the Deputy Zoning Commissioner dated March 7, 2003 in which a Petition for Special Hearing to confirm the existence of two building lots on the property known as Lot #1 of Keeney Mill Woods – East was denied and the finding that there does not exist a sufficient amount of density for said lot to be divided to create two separate building lots.

A hearing was held before the Board on October 29, 2003 and December 3, 2003. The Petitioner, Ranshell Holdings, LLC, by Randolph H. Shelly, General Manager, was represented by Howard L. Alderman, Jr., Esquire. Protestants, John C. Boyle, Brian Gebhart, Joseph Matricciani, and Mr. and Mrs. Joseph R. Fuchs, adjacent property owners, were represented by J. Carroll Holzer, Esquire. People's Counsel for Baltimore County was represented by Deputy People's Counsel, Carole S. Demilio, Esquire. Briefs were submitted to the Board by all parties, and a public deliberation was held on January 29, 2004.

Facts

The subject property is an unimproved parcel located on the south side of Keeney Mill Road, just west of South Ruhl Road in northern Baltimore County. The property is also known as Lot #1 of Keeney Mill Woods – East and contains a gross area of 2.999 acres +/-, zoned R.C. 2.

Petitioners purchased the subject property from Gloria Evangelisti on or about September 12, 2002 and desire to subdivide the property into two separate building lots in order to construct a single-family dwelling on each lot. The Petition herein was filed to confirm that the density exists to allow the proposed subdivision and to determine the proper procedure for subdividing the property.

The Protestants are neighbors in the subdivision and argue that it would be out of character with the existing community to subdivide Lot 1. They testified that Lot 1 is the smallest of five lots in the subdivision and that the proposed development would overcrowd this parcel. Mr. Fuchs, the owner of Lot #2, is fearful that the proposed building envelope for one of the lots would be too close to his home on Lot #2. He also is concerned about drain fields from that home going into his lot, and the rainwater from Lot 1 running off in gullies over his property. All of the Protestants argue that there is no right of subdivision on this lot based upon the zoning history of the property.

It was noted previously that the property is also known as Lot 1 of Keeney Mill Woods – East, which was approved as a five-lot subdivision in May 1977. The overall tract contained 27.501 acres, zoned R.C. 2, which at that time permitted the subdivision of the property into no more than five residential building lots. In 1979 County Council Bill No. 178-79, which became effective on November 25, 1979, changed the method by which R.C. 2 zoned land may be subdivided. The new method established by Bill 178-79 restricted the amount of density associated with R.C. 2 zoned land. Under the new R.C. 2 regulations which were effective in 1979, the same 27.501-acre parcel would yield only two lots and not the five that were approved at the time the development was approved in 1977.

Lot #1 is the only lot upon which a building has not been erected. As stated above, the Petitioner seeks to divide Lot #1 into two lots in accordance with the present zoning laws.

Petitioner's Position

Petitioner presented Geoffrey C. Schultz as an expert witness in support of its position. Mr. Schultz is vice president of the firm McKee & Associates. He prepared the plat which was submitted in support of the Petition as Petitioner's Exhibit #1. Mr. Schultz testified that, based upon his expertise and research, the subdivision plat of Keeney Mill Woods – East was duly recorded in the land records of Baltimore County and that the lots 1 through 5 shown thereon were considered lots of record. He also testified as to the chain of title of Lot #1 being conveyed from James Kassolis, the Developer of Keeney Mill Woods, to Gloria Evangelisti, and the subsequent deed from Evangelisti to the Petitioner, Ranshell Holdings, LLC.

Mr. Schultz also testified that in preparing the proposed development plan, in evidence as Petitioner's Exhibit 1, he relied on the current zoning regulations in accordance with § 26-169 of the *Baltimore County Code*. He read § 26-169 as follows:

> These regulations shall apply to all development except:
>
> (i) such development which, prior to the effective date of this article (June 11, 1982) has received tentative approval of the preliminary plan by the planning board for which development a valid, unexpired building permit exists, or for which development a current executed public works agreement exists, all of which development shall be governed by the subdivision regulations in effect at the time of said preliminary plan approval, building permit issuance or public works agreement execution, as the case may be. Proposed development shall be in compliance with the present zoning classification on the subject property; and (ii) such development as has received CRG approval, reclamation plan approval, or any other project vested by law, or such development for which a CRG plan has been accepted for filing by the Department of Public Works prior to the date of adoption of Bill 1-92, all of which development shall be governed by the subdivision regulations in effect at the time of said approval or acceptance for filing, as the case may be. **[Emphasis added.]**

It was Mr. Schultz's opinion that, since there was a tentative approval of the preliminary plan for the subdivision by the Planning Board prior to the effective date of the article (June 11, 1982), the subdivision was subject to the regulations that were effective at the time of the approval, which would have been the joint subdivision advisory committee process. Mr. Schultz then stated that the sentence in § 26-169 which stated "proposed development shall be in compliance with the present zoning classification on the subject property" gave him the direction for the zoning classification of Lot #1, that he proposed to divide Lot #1 into two lots. It was Schultz's position that Council Bill 79-178, which was effective November 25, 1979, governed this subdivision in that Lot #1 was a lot of record on November 25, 1979 and the lot was between 2 and 100 acres, it could be divided into two lots.

Mr. Schultz also testified that he was familiar with the Zoning Commissioner's Policy Manual, specifically § 1A01.3.B.1, entitled "Subdividing Existing Lots." That states:

> 1A01.3.B.1. Subdividing existing lots
>
> a) Subdivision or further subdividing of legally existing R.C. 2 zoned lots of record prior to Bill 178-79 (effective 11/25/79) is permitted provided that:
>
> 1) only the most recent deed shall be used to determine the number of lots of record; and that
>
> 2) the lots recorded met the existing zoning regulations at that time.

Mr. Schultz indicated that he was familiar with this section and that he had been required to use that policy in his practice several times. He stated that it was necessary to demonstrate to the Baltimore County zoning office that the parcel existed on November 25, 1979 in the same configuration as it exists today to verify that it has density. Mr. Schultz did this by starting with the most recent deed and going back through the chain of title to demonstrate that there had been no change in the boundaries of that parcel and that the density had not been utilized for other

parcels of land since 1979. Based upon his review of the documents, he concluded that the subdivision plat of Keeney Mill Woods met the zoning regulations in effect at the time they were recorded. Therefore, he felt that the subdivision of Lot #1 into two lots was justified under the Zoning Commissioner's Policy Manual.

Protestants' Evidence

In addition to the testimony of the neighbors in Keeney Mill Woods, the Protestants presented the written comments of the zoning office authorized by Mr. Lloyd Moxley. Moxley's comments by memo dated November 7, 2002 indicated that § 103 of the Baltimore County Zoning Regulations precludes the additional re-subdivision requested since this development continues to be governed by the zoning regulations in place at the time Baltimore County Planning Commission approval was granted. It was the opinion of the staff that no further density existed on the property.

Protestants also presented Mr. Jack Dillon who was accepted as an expert in planning, zoning and subdivision. Mr. Dillon testified as to his employment with Baltimore County from 1962 until 1973, where he served in the County Planning Office as a Planner during that period and also worked in the Baltimore County zoning office from 1966 to 1972, where he served as Chairman of the Zoning Advisory Committee and Zoning Enforcement. Dillon also worked as an Environmental Planner in the Planning Office from 1974 to 1981 and was District Area Planner and Administrator of the Baltimore County Agricultural Land Preservation Program from 1981 to 1987. From 1987 until 1996, when he retired, he was the Senior Planner and Deputy Division Chief for the rural area of Baltimore County.

It was Mr. Dillon's opinion that the Petitioner's request for the re-subdivision of Lot #1 could not be accomplished based upon the unavailability of any density left on the site. Dillon

testified that the property was subdivided in 1977 and at that time, the density factor permitted a maximum of five (5) density units on the site. In 1979 the R.C. 2 zone was amended to permit only two (2) density units on sites between 2 and 100 acres, which meant that the present law was more restrictive than the previous law.

Mr. Dillon produced a copy of the final development plan for Keeney Mill Woods which was passed pursuant to Bill 12-77, the Interim Development Control Act (IDCA). The IDCA was in effect from April 16, 1977 until November 25, 1979. The final development plan for Keeney Mill Woods – East Subdivision was approved by the County and signed on April 29, 1977.

On cross-examination, Mr. Dillon was questioned with respect to § 26-169 of the *Baltimore County Code*. Mr. Dillon was confronted with a preliminary plan for the Keeney Mill Woods – East subdivision which was approved March 30, 1977. He was questioned as to whether or not subsection (i) of § 26-169 applied in this particular situation. It was Dillon's opinion that, since a final development plan had been approved, Section (i) did not apply because it applied only to preliminary plans. He stated that the subdivision was reviewed under the Joint Subdivision Planning Review Process (JSPC). This was the process that preceded the CRG process and the community input process now in effect. He felt that the whole section did not apply but if any part of it applied, it would be subsection (ii). Mr. Dillon testified that the Keeney Mill Woods – East subdivision did not receive CRG approval since the CRG was not in effect at the time that the subdivision was approved.

Mr. Dillon was also questioned with respect to § 103.1 and § 103.3 of the zoning regulations. These sections were relied on by Mr. Moxley of the zoning office in his memorandum. It was Mr. Dillon's testimony that the first part of § 103.1 was an evolving

section. He opined that it pertained to a tentative approval of a preliminary plan prior to the adoption of the regulations which were adopted on March 30, 1955 and did not apply to the preliminary plan for the Keeney Mill Woods – East subdivision since a final development plan had been approved. He felt that § 103.3 was specific to the R.C. 5 zones, and that 103.3 was a grandfather regulation.

Mr. Dillon was also asked to comment on the Zoning Commissioner's Policy Manual § 1A01.3.B.1 which was referred to by the Deputy Zoning Commissioner in his decision in this matter, when he stated:

> It appears to me that the provision relied upon by the Petitioner relates to legally existing R.C. 2 zoned lots of record that were created by deed or multiple deeds. That particular provision does not apply to the re-subdivision of an existing lot which was part of an approved final subdivision plat such as Keeney Mill Woods – East.

Mr. Dillon agreed with the Deputy Zoning Commissioner's analysis stating, "I think the Deputy Zoning Commissioner hit it very correctly in that the section of the policy manual really deals with parcels or tracts of land that were out there that were created, and not part of a subdivision...if they were part of a subdivision, I don't believe they would fall under that section."

Mr. Dillon also relied heavily on § 1B01.B.2 of the zoning regulations and § 1B01.3 which regulates the amendment of approved development plans. Mr. Dillon quoted the last sentence of § 1B01.B.2 which states:

> It is the intent of the zoning regulations to prohibit subdivision or re-subdivision of portions of a tract in R.C. zones in a manner so to exceed the total number of dwelling or density units allowed under the applicable R.C. zones for the entire tract.

When asked as to the significance of the word "entire," Dillon states: "You can't take it out of context...You can't take a lot created in 1977 and then come back in 1979 and then say,

'now we're our own tract,' and re-subdivide under the new regulations...You can't have your foot in both zones. You have to look at the entire tract."

Dillon then concluded that this development was approved in 1977 under the 1977 regulations and that they have maximized the density that was allowed under the zone at the time and that the subdivision was subsequently recorded. He felt that the grandfather clause was generally meant to provide some insurance to a developer to rely on that their plans were approved and the same protection goes to the people who bought the properties.

Decision

The Board has carefully reviewed the testimony, exhibits and excellent briefs filed by the parties in this matter. The Petitioner has been very creative in its attempt to subdivide the remaining lot in the Keeney Mill Woods – East subdivision. However, the Board feels that the Petition for Special Hearing in this matter should be denied. It is unfortunate that the myriad of zoning regulations that have been passed in Baltimore County have not been coordinated in some way so that the previous regulations, which may have created a right at a particular time, have not been either deleted or grandfathered in some way by the most recent zoning regulations. This appears to create some confusion with respect to the rights under the current regulations.

However, the Board is persuaded by the testimony of Mr. Dillon citing § 1B01.7 entitled "Amendment of Approved Development Plans" and § 1B01.B.2 of the regulations with respect to density residential zones. Sections 1B01.7.A and B provide for amendment of approved development plans through special exception procedures in the manner provided under § 502 of the BCZR and subject to three provisions. The last provision states: "(3) It must be determined in the course of the hearing procedure that the amendment would be consistent with the spirit and intent of the original plan and of this article." Section C(4) of the above section states, "The

zoning commissioner and the director of planning must certify that the amendment is in keeping with the spirit and intent of this article and other Baltimore County land use and development requirements administered by them, and both must certify that the amendment does not violate the spirit and intent of the original plan."

Finally, § 1B01.B.2 states:

> In fact, no subdivision of a tract or a portion of a tract may be created after the effective date of this article except as otherwise provided under § 1B02.3.A.2 unless the final subdivision plat therefore contains a summary showing the total number of dwelling or density units allowed for the entire tract under the applicable D.R. zones. The summary shall indicate as appropriate the number of dwelling or density units utilized by previous final subdivision plats or portions of the same tract. The number of dwelling or density units contained in the current subdivision plat and the balance of dwelling or density units allowed for the remainder of the tract under the applicable D.R. zones. It is the intent of these zoning regulations to prohibit subdivision or re-subdivision of portions of a tract in a D.R. zone in a manner so as to exceed the total number of dwelling or density units allowed under the applicable D.R. zones for the entire tract.

Mr. Dillon indicated that § 1A00.4 and the general regulations of R.C. 2 indicate that the manner prescribed under § 1B01.3 for the purposes of interpretation with reference to the D.R. zones are in the Code and that you substitute R.C. for D.R. in those areas and that they are now part of that section.

It is the opinion of the Board that when the above §§ 1B01.7.A and B and 1B01.B.2, as well as the spirit and intent of the law, are considered, the Petition for Special Hearing must be denied. At the time the original Keeney Mill Woods – East subdivision was created, the zoning regulations allowed for a density of five (5) lots on the 27+ acres of the subdivision. Had the Keeney Mill Woods – East subdivision been created today, the number of lots allowed would be two (2). This indicates that the spirit and intent of the law is to reduce the density in the rural agricultural zones.

For that reason, the Board considers that any amendment to a development plan must be the amendment to the final subdivision of Keeney Mill Woods – East, not the subdivision of Lot #1 of Keeney Mill Woods – East. In considering the entire tract of Keeney Mill Woods – East, there can be no further density allowed on the Keeney Mill Woods – East tract, since all five density units that were allowed at the time the final subdivision was approved have been utilized.

ORDER

THEREFORE, IT IS THIS 26th day of February, 2004 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to confirm the existence of two building lots for the subject property and to determine the proper procedure for subdividing same in accordance with Petitioner's Exhibit #1 be and is hereby **DENIED**; and it is further

ORDERED that there does not exist a sufficient amount of density for Lot #1 of Keeney Mill Woods – East to be subdivided to create two separate building lots; thus only one residential dwelling can be constructed on the subject 2.99 acre parcel.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Panel Chairman

Edward W. Crizer, Jr.

Lawrence S. Wescott

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
S/S Keeney Mill Road, 750' E of the c/l
South Ruhl Road * COUNTY BOARD OF
APPEALS
(20713 Keeney Mill Road)
6th Election & 3rd Councilmanic Districts * FOR

RECEIVED
DEC 01 2003
BALTIMORE COUNTY
BOARD OF APPEALS

Ranshell Holdings, LLC * BALTIMORE COUNTY

Petitioners * Case No. 03-225-SPH

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

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S MEMORANDUM

A. Introduction

Petitioner's case is like a "sleight-of-hand" magic trick. He misapplies regulations, ignores the applicable law, and takes passages out of context to create a mirage that his requested relief is bona fide. But like a magic trick, the Board must look beyond the magician's bravado and ceremony, apply logic and common sense, and deny the Petition. To rule otherwise is to be like the audience, seduced by the magician's deliberate distractions, then feeling foolish when the illusion is revealed.

The Petition for Special Hearing is specious and self-serving. Again, we are faced with flagrant arguments that ignore the overall statutory plan, and the intent of the regulations. It is not unlike the position advanced by the property owner in Marzullo v. Kahl 366 Md. 158 (2001). Judge Cathell, writing for the Court in Marzullo, dismissed as absurd and lacking in common sense the property owner's position that snakes are farm animals, and breeding snakes is a type of agriculture. The property owner, Mr. Kahl, disregarded logic, and the clear meaning and intent of the zoning regulations to accommodate a snake breeding business at his home, instead of in the zone where the use is permitted. He put profit and convenience ahead of the rule of law and the concerns of

the neighbors. The Court of Appeal refused to distort statutory construction for such chicanery.

See also Board of County Com's of Garrett County, Md. V. Bell Atlantic-Maryland, Inc., 695 A.2d 171, 346 Md. 160 (1997): **Courts ordinarily avoid construction of statute which leads to unreasonable, illogical, unjust or nonsensical results.** And Degren v. State, 722 A.2d 887, 352 Md. 400 (1999): **Courts should construe a statute in a manner that results in an interpretation reasonable and consonant with logic and common sense.**

Here, Petitioner's illogical and nonsensical arguments are annoying and fly in the face of long-standing zoning principles and the serious work of administrative agencies in zoning matters. Frivolous arguments and defective evidence should not be tolerated to advance profit and gain. It is straining to present a response to such ill-considered arguments. Nonetheless, this Memorandum will recite the facts, analyze the statutes and regulations, and review the appellate court cases on statutory construction, in the hope that, in addition to a strong legal basis, common sense and logic will prevail and the Petition will be denied again once and for all.

B. Facts

- The site is a 27 acre parcel developed in 1977 as Keeney Mill Woods - a 5 lot subdivision, under a Final Subdivision Plat dated May 2, 1977 (Petitioner's E xh. 3) and a Final Development Plan (FDP) dated May 3, 1997 (Protestant's Exh. 6); a "development plan" and a "subdivision plat" are separate documents and are distinguished in the Baltimore County Zoning Regulations (BCZR) and the Baltimore County Code (BCC).

- Petitioner's witness, Geoffrey Schultz, erred when he stated "There's not a final development plan for the subdivision." (Transcript, Day 1, pages 46-47). In fact, the FDP was produced by Protestants at the hearing, entered as Prot. Exh. 6.).
- At the time of development, the site was zoned R.C. 2 under the 1975 zoning regulations, permitting 5 density units on 27 acres.
- Lots 2-5 were sold, improved with residences and occupied.
- Lot 1 was not improved; the Plan permits one dwelling on Lot 1. Petitioner seeks to subdivide Lot 1 for a total of 6 density units on the 27 acres; 6 dwellings were prohibited in 1977 and is prohibited under current law.
- In compliance with the R.C. density at the time, the Plat is limited to 5 lots total; the FDP shows one dwelling per lot.
- The current R.C. 2 zoning permits 2 dwellings on 2-100 acres, or 2 density units on the entire 27 acre site.
- 3 homeowners in the subdivision appeared in opposition at the CBA; the 4th neighbor appeared in opposition at the Deputy Zoning Commissioner (DZC) hearing but was unable to attend the CBA hearing; all homeowners in the subdivision are opposed to the Petitioner's request to re-subdivide.
- Petitioner filed a Petition for Special Hearing requesting *"The confirmation of two building lots available for the property and to determine the proper procedure for subdividing the property."*
- The position of the Zoning Office is the relief is prohibited under BCZR. (See Comment of Lloyd Moxley dated November 7, 2002 (Protestant's Exh. 1).

- The DZC denied the Special Hearing in a written Order dated March 7, 2003 (Petitioner's Exh. 8).
- Petitioner filed an appeal of the DZC's decision.
- A two day hearing was held at the CBA on October 23, 2003 and October 29, 2003.
- Petitioner has never filed a Petition for Special Hearing to Amend the FDP, as required by Baltimore County Zoning Regulations (BCZR) 1A00.4 and 1B01.3 A.7.

C. An Overview – People's Counsel's Position

Petitioner's case is replete with gross errors. Unfortunately, it is an example of a developer who is not content to profit from one dwelling on the site, but rather frustrates the rule of law, the administrative process, and all the other homeowners in this small, settled subdivision to increase his profit.

Petitioner's case has at least 4 fatal defects or flaws. ***First,*** the surveyor, Geoffrey Schultz, offered as an expert in zoning, failed to locate and produce the FDP (Prot. Exh #6). Even if an "oversight", it sets the entire case on the road to perdition. As a result Petitioner ignores the applicable statute – **BCZR 1B01.3.A.7 -** which outlines the restrictions and criteria Petitioner must satisfy to amend a final development plan. Petitioner failed to offer a single piece of evidence to satisfy the special exception standards in BCZR 502.1 (attached) which apply to a proposed amendment, and failed to show how his material change to the FDP can be consistent with the spirit and intent of the Plan. ***Second,*** Petitioner failed to address and apply **BCZR 1B01.3.B.2,** which prohibits re-subdivision of a lot in a Final Subdivision Plat (Pet. Exh. #3) that exceeds the

permitted density at the time the Plat was filed. ***Third,*** Mr. Schultz failed to identify the development regulations under which the FDP and the Subdivision Plat here were approved. As a result he misapplies BCC 26-169. Jack Dillon, the Protestant's expert in zoning, planning and subdivision, explained BCC 26-169 (i) pertains to the change in development regulations from the JSPC process to the CRG process in 1982; BCC 26-169 (ii) pertains to the change in development regulations from the CRG to the CIM process in 1992. This section explains the procedure for those limited number of preliminary development plans filed under the old development process, that received tentative, but not final, approval when the regulations were amended. It permits those plans to proceed as filed under the prior development regulations, rather than starting over under the new development regulations. BCC 26-169 was enacted many years after the FDP in this case received final approval in 1977. It has no application to plans vested with final approval. It is ludicrous to suggest it applies to a preliminary plan for Keeney Mill Woods that was superseded by the final approval. Petitioner's position is contrary to the plain language in the statute. It is an example of his gross manipulation of the statutes to support his position. Petitioner concocts a bizarre interpretation that is partly based on his own failure to produce the final development plan. It shows he will twist statutory interpretation to suit the facts he presents, regardless of the truth or completeness of those facts. ***Fourth,*** Petitioner's argument that the current R.C. 2 statute allows 2 dwellings on Lot 1 is nonsense. He ignores the purpose of the current zoning explained by Jack Dillon, who was active in the Office of Planning and Zoning when it was enacted in 1979. As Mr. Dillon stated, the R.C. 2 passed in 1975 was amended to reduce the density in the R.C. 2 zone. Petitioner also misapplies the Zoning Commissioner's Policy Manual

(Z.C.P.M.) 1A01.3.B.1. Both Mr. Dillon and Deputy Zoning Commissioner Kotroco stated unequivocally this section does not apply and does not support the re-subdivision of Lot 1.

D. Principles of Statutory Interpretation

The goal of statutory construction is to discern legislative purpose through review of language, history, and context. It comprises all relevant parts or sections of the legislation. It may involve pertinent canons of statutory construction.

In Kaczorowski v. Baltimore, 309 Md. 505, 513-16 (1987), the Court stated that legislation "... usually has some objective, goal, or purpose. It seeks to remedy some evil, to advance some interest, to attain some end." 309 Md., at 513. Judge Adkins wrote:

> **"Moreover, despite Kaczorowski's pleas that we examine the trees so closely that we do not see the forest, the plain-meaning rule does not force us to read legislative provisions in rote fashion and in isolation. What we are engaged in is the divination of legislative purpose or goal... The 'meaning of the plainest language' is controlled by the context in which it appears." 309 Md. at 514.**

He referred to Justice Holmes' concept that "the general purpose is a more important aid than any rule which grammar or formal logic may lay down." *Ibid.* He gave examples where legislative history was critical to proper interpretation.

> **"The purpose, in short, determined in light of the statute's context, is the key. And that purpose becomes the context within which we apply the plain-meaning rule. Thus 'results that are unreasonable, illogical or inconsistent with common sense should be avoided... with the real legislative intention prevailing over the intention indicated by the literal meaning.'" 309 Md., at 516.**

In Baltimore County Coalition Against Unfair Taxes v. Baltimore County, 321 Md. 184, 203-04 (1990), the Court wrote:

> **"Thus, we have said that a statute must be construed in context, because the meaning of the 'plainest language may be governed by the context in which it appears.'... In this regard, words in a statute must be read in a way that advances the legislative policy involved.... Courts may, therefore, consider not only the literal or usual meaning of those words, but their meaning and effect in the context in which the words were used, and in light of the setting, the objectives, and purpose of the enactment.... Moreover, in such circumstances, courts may consider the consequences that may result from one meaning rather than another, with real intent prevailing over literal intent."**

Similarly, in Comptroller v. Jameson, 332 Md. 723, 733 (1993), the Court said:

> **"In addition, we look to the context surrounding the enactment of a statute to determine the intention of the legislature. For example, we recently said:**
>
> > **'When we pursue the context of statutory language, we are not limited to the words of the statute as they are printed in the Annotated Code. We may and often must consider other "external manifestations" or "persuasive evidence," including a bill's title and function paragraphs, amendments that occurred as it passed through the legislature, its relationship to earlier and subsequent legislation, and other material that fairly bears on the fundamental issue of legislative purpose or goal, which becomes the context within which we read the particular language before us in a given case.'"**

As the Court stated concisely in Stanford v. Maryland Police Training, 346 Md. 374, 380 (1997):

> **"The statutory language is not read in isolation, but 'in light of the full context in which [it] appear[s], and in light of external manifestations of intent or general purpose available through other evidence.'"**

See also Porter v. Bayliner, 349 Md. 609, 617 (1998).

The Court of Appeals addressed statutory construction in a recent zoning case, Rockville v. Rylyns 372 Md. 514, 549-551 (2002):

"In *Mazor v. Department of Correction*, 279 Md. 355, 360-61, 369 A.2d 82, 86-87 (1977), we set out the six principal tenets of statutory interpretation:

[1] The cardinal rule of construction of a statute is to ascertain and carry out the real intention of the Legislature.

[2] The primary source from which we glean this intention is the language of the statute itself.

[3] In construing a statute, we accord the words their ordinary and natural signification.

[4] If reasonably possible, a statute is to be read so that no word, phrase, clause, or sentence is rendered surplusage or meaningless.

[5] Similarly, wherever possible an interpretation should be given to statutory language which will not lead to absurd consequences.

[6] Moreover, if the statute is part of a general statutory scheme or system, the sections must be read together to ascertain the true intention of the Legislature. (citations omitted).

As noted, absurd results in the interpretive analysis of a statute are to be shunned. This Court stated in *D & Y, Inc. v. Winston*, 320 Md. 534, 538, 578 A.2d 1177, 1179 (1990), that "construction of a statute which is unreasonable, illogical, unjust, or inconsistent with common sense should be avoided." (citations omitted). *See also Blandon v. State*, 304 Md. 316, 319, 498 A.2d 1195, 1196 (1985) ("[R]ules of statutory construction require us to avoid construing a statute in a way which would lead to absurd results."); *Erwin and Shafer, Inc. v. Pabst Brewing Co.*, 304 Md. 302, 311, 498 A.2d 1188, 1192 (1985) ("A court must shun a construction of a statute which will lead to absurd consequences.").

We recently reiterated when recourse to legislative history is necessary in *Liverpool v. Baltimore Diamond Exchange, Inc.*, 369 Md. 304, 316-18, 799 A.2d 1264, 1271-72 (2002), stating that:

In *Mayor of Baltimore v. Chase*, 360 Md. 121, 128, 756 A.2d 987, 991 (2000), we instructed:

> Of course, the cardinal rule is to ascertain and effectuate legislative intent. To this end, we begin our inquiry with the words of the statute and, ordinarily, when the words of the statute are clear and unambiguous, according to their commonly understood meaning, we end our inquiry there also.

We have acknowledged that, in ascertaining a statute's meaning, we must consider the context in which a statute appears. In this regard we have instructed:

> **When the statute to be interpreted is part of a statutory scheme, it must be interpreted in that context. That means that, when interpreting any statute, the statute as a whole must be construed, interpreting each provision of the statute in the context of the entire statutory scheme. Thus, statutes on the same subject are to be read together and harmonized to the extent possible, reading them so as to avoid rendering either of them, or any portion, meaningless, surplusage, superfluous or nugatory. *Whiting-Turner Contracting Co. v. Fitzpatrick*, 366 Md. 295, 302-03, 783 A.2d 667, 671 (2001) (internal quotations omitted) (citations omitted).**

E. Testimony of Protestant's Witnesses

Mr. Gebhart, Mr. Boyle, and Mr. Fuchs, the immediate neighbors who are most affected by the requested relief, each offered significant and compelling testimony that the Plan cannot be amended to allow a 6th lot:

- Each witness testified he relied on the Subdivision Plat limiting the number of lots to 5, and the FDP establishing the building envelopes and other development issues; moreover they were given verbal assurances at the time of purchase that no more than 5 houses would be constructed.
- There is no lot on Keeney Mill Road less than 3 acres. Lot 1 is about 4 acres.
- A re-subdivision of Lot 1, the smallest lot in the subdivision, would be out- of character for the immediate neighborhood and the larger Keeney Mill Road area.
- The size of building area for Lot 1 is further reduced by the common driveway, which is located on Lot 1, as approved in the FDP.
- Keeney Mill Road is a winding country road with a sharp curve bordering Lot 1; more traffic exiting and entering the existing driveway and roadway, or possibly

another driveway for a second home on Lot 1, would exacerbate a dangerous condition and adversely affect safety and welfare.

- The road along Lot 1 has been the site of several accidents; automobiles have unsuccessfully negotiated the curve and have repeatedly struck the mailboxes fronting on Lot 1.
- Re-subdivision of Lot 1 would create a dangerous precedence for other re-subdivisions in the neighborhood and in the area; it conflicts with the spirit and intent of the restrictive R.C. 2 zone.
- A second dwelling on Lot 1 would adversely affect a settled residential area and the concomitant aesthetics, views, terrain, and environmental conditions.
- A re-subdivision of Lot 1 at the gateway to the community would adversely affect the appearance of the entranceway.
- A re-subdivision would require the removal of several mature trees, disturbing the ambiance and privacy in the neighborhood.
- An increase in density conflicts with both the prior and current zoning regulations; the neighbors ask how can Petitioner increase density under the more restrictive current zoning limiting the site to 2 dwellings, when it would have been prohibited under the prior zoning that permitted 5 lots?
- Present environmental conditions cause excessive drainage from Lot 1 to Mr. Fuchs' home, causing a gully in his rear yard and soil erosion; increasing the impervious surface with 2 dwellings and accessory uses on approximately 4 acres would exacerbate the condition.

- The area's scenic value and ambiance would be compromised with an 6th lot that is out-of-character, with potential adverse affects on property values.
- Private wells and septic systems service the community; Mr. Fuchs was required to reach 1200 feet to find a sufficient water supply; a re-subdivision of a small lot 1 could jeopardize the water supply.

The testimony of the witnesses is persuasive that the proposal violates the special exception standards in BCZR 502.1, particularly paragraphs A, B., D., E.,G., H. I. Their testimony was uncontroverted by Petitioner.

In addition, Mr. Dillon's expert testimony supports the neighbors' testimony that the proposed re-subdivision conflicts with the spirit and intent of the Plan, the Plat and the applicable statutes. Mr. Dillon applied these statutes in his various positions in his long tenure with Baltimore County. His testimony is consistent with the zoning office's objection to the Petition for Special Hearing filed by Mr. Lloyd Moxley (Protestant's Exhibit 1) and the Deputy Zoning Commissioner's Opinion (Petitioner's Exh. 8). It is relevant and instructive to this Board on statutory interpretation and reflects Judge Cathell's admonition to apply common sense and avoid absurd results.

F. Relevant Statutes and Zoning Principles

Petitioner did not file a Petition for Special "to amend the Keeney Mill Woods Final Development Plan." His error cannot work to his advantage. The CBA must identify the issues, regardless of the language in the Petition, and apply the pertinent zoning regulations. The CBA must also determine and apply the spirit and intent of the law and the Final Development Plan. For these reasons, the following statutes must be considered and applied under the principles of statutory construction:

- **BCZR 1B01.3 A. 7.** ***Amendment of approved development plans.***

A development must comply with all zoning and development regulations to receive final approval. It both protects and restricts the developer who proceeds to construction in accordance with the terms of the plan. Homeowners rely on a Final Development Plan when they purchase within a residential subdivision. In consideration for purchasing a lot, they are given assurances how the development will unfold. Once lots are sold, a developer or homeowner requesting to amend the Plan has a heavy burden. He is required to comply with the special exception standards in BCZR 502.1 A.-I. (BCZR 1B01.3.A.7. b.). He must prove the requested amendment is consistent with the spirit and intent of the original plan and the zoning regulations.(BCZR1.B.01.3 A.7.b.(4)). This burden must be met in the zoning case and is at issue here. Petitioner failed to produce a single word of testimony or a single piece of evidence to meet the required criteria of 502.1 and to meet the spirit and intent standard.

On the other hand, the citizens presented undisputed evidence they relied on the approved Plan, that the proposed relief violates the special exception criteria listed in BCZR 502.1 A.- I. and that it is inconsistent with spirit and intent of the Plan. Mr. Dillon confirmed the citizens' testimony. He emphasized the proposed relief exceed density under both R.C. 2 statutes thus violating the spirit and intent of BCZR.

Additionally, Petitioner failed to comply with 1B.0.1.A 7. d., which requires an amended development plan to be ***"filed with all agencies or officials with whom copies of the original plan have been filed."***

- **BCZR 1B01.3.B.** ***Final Subdivision Plat.***

This section pertains to subdivision plats, not plans. BCC 26-212 requires plats to

be recorded in the Land Records Office after a final development plan is approved by the appropriate Baltimore County agencies. The pertinent section to this case is paragraph 2:

2. Effect. Any change to a final plat **must** recite the history of the tract's development. The utilization of density is cumulative. Otherwise, property owners would develop tracts in stages as a way to multiply density. This section states clearly and without ambiguity that the density on the entire tract is at play if increased density is requested on any portion of the tract: ***"It is the intent of these zoning regulations to prohibit subdivision or resubdivision of portions of a tract in an R.C. Zone in a manner so as to exceed the total number of dwelling or density units allowed under the applicable R.C. Zone for the entire tract."***

The language requires the CBA to look at the entire tract, not just Lot 1 as Petitioner claims. As Mr. Dillon said, under the current R.C. 2 zone, *"the entire tract"* of 27 acres would support 2 density units; under the prior R.C. 2 zone, *"the entire tract"* of 27 acres would support 5 density units. Petitioner requests 6 on the entire tract. It is not permitted by the prior or current R.C. 2 zone.

- **BCZR 1A004** ***Plans and Plats.***

This section was enacted nearly 30 years ago in Bill 98-75, two years before the Keeney Mill Woods Development Plan was approved. It is undisputed it applies to the instant case. This section applies BCZR 1B01.3(above) to the R.C. zones as well as to the Density Residential (D.R.) zones. The final development plan and final subdivision plat in this case are subject to BCZR 1B01.3, as explained above.

➢ **BCZR 103.1 and 103.3.** ***Application of Zoning Regulations***

Legislative bodies like the Baltimore County Council must address how a change in the law affects projects caught in the transition period between the old and new laws. In zoning, "vested rights" permits a developer to continue under the law in effect when the project was initiated, provided there is, among other criteria, "substantial construction." Or the new law itself may include a "grandfather" provision. (See BCZR 1A08.3C.) When more sweeping zoning changes are made, the Council may, alternatively, enact a general "grandfather provision." BCZR 103.1 and 103.3 are "grandfather" provisions that explain the application of the new law to projects initiated, but not approved, when the new zoning law is passed.

The purpose of these statutes and appellate decisions is the orderly application of the law. It is not an escape hatch for a developer to manipulate the zoning and development scheme.

BCZR 103.1 provides an exception for preliminary ***plans*** properly filed, and approved, or tentatively approved, when the new law takes effect. A footnote to this section states that the "new law" are the zoning regulations adopted on March 30, 1955. As Mr. Dillon explained, a logical reading would include the zoning regulations adopted on March 30, 1955 and as amended from time to time. This is the zoning office's practice. Mr. Moxley explained this in his comment opposing the Petition.

The Petitioner claims BCZR 103.1 exempts him from the terms of the Final Development Plan for Keeney Mill. Only those plans approved prior to 1955 are required to develop accordingly, he claims. Development under Plans approved *after* 1955 can proceed without restraint by the terms of the plan. This interpretation is topsy-turvy and

leads to absurd results. It is contrary to the plain meaning of the language and the intent of BCZR 103.1

BCZR 103.3 is similar to 103.1 but applies to subdivision ***plats*** in the R.C. zones. The purpose is to "grandfather" recorded legal subdivision plats approved, but not constructed, before the property was rezoned R.C. Mr. Dillon correctly stated these two sections are harmonious. 103.1 allows a plan in the system moving toward final approval to proceed under the plan; 103.3 confirms that lots created under a subdivision plat are not relinquished under the applicable R.C. density. Petitioner applies the same illogical interpretation of 103.1 to 103.3: a pre-1975 must abide by the plat; a post-1975 plat is not controlling. This is a preposterous premise to justify a baseless Petition.

The "grandfather" provisions in **BCZR 103.1 and 103.3** grant relief in hardship cases. They are not an escape hatch for property owners or developers to avoid the provisions in an existing plan, to the detriment of the surrounding homeowners, and the disruption of the statutory frame. It is ludicrous to use 103.1 and 103.3 as a type of "bait and switch" - the initial buyers are bound by the Plan and Plat, but subsequent developers are not. It is egregious for Petitioner to misuse "grandfather" provisions enacted to insure an orderly transition upon a change in law. These provisions do not support an illegal density increase, evasion of the terms in a development plan and subdivision plat, and disregard of standards to amend a plan or plat.

- **Baltimore County Code (BCC) Section 26-169 Scope of Regulations**

This section was enacted to address development projects in transition during a change in development procedures and processes. It dovetails the "grandfather" provisions in the zoning regulations in BCZR 103.1 and 103.3 discussed above. BCC 26-

169 is a type of "grandfather" provision for development regulations. It is limited to those transitory projects that had not received final approval or proceeded to construction.

Mr. Dillon gave important testimony on the history and purpose of BCC 26-169(i). He explained it became effective in 1982, when the development process changed from the Joint Subdivision Planning Commission (JSPC) to the County Review Group (CRG). The final development plan in the instant case was approved in 1977, five years after BCC 26-169. Keeney Mill Woods was not in transition in 1982. It was filed and approved under the JSPC process. By all appearances, it complied with the applicable development regulations, culminating with the recorded subdivision plat required by the Code. Mr. Dillon was employed by the County at this time and speaks from experience and authority. He was adamant BCC 26-169(i) does not permit the Petitioner to re-subdivide a Lot 1 here. His testimony was not challenged by Mr. Schultz, the Petitioner's expert witness. Incredibly, Mr. Schultz contends that since Keeney Mill Woods had a preliminary plan at some point in its development stage, this statute applies.

Mr. Dillon's recounting of development regulations history is instructive. He explained that when development regulations change, it is expected that certain projects are caught between the old and new procedures. In the change from the Joint Subdivision Planning Commission (JSPC) and the County Review Group (CRG) in1982, BCC 26-169(i) provided guidance to a developer in the County process with tentative approval of a preliminary development plan, or a legally issued building permit, or an executed

public works agreement. BCC 26-169(i) allowed the developer to proceed under JSPC and not re-file under CRG.

Mr. Dillon explained the second section (BCZR 26-169 (ii)) was enacted in Bill 1-92 (attached). It pertained to unfinished projects when the Community Input Meeting (CIM) regulations replaced the CRG. Keeney Mill Woods was approved well before (a) the CRG process was enacted in 1982; (b) the CIM process was enacted in 1992; and (c) BCC 26-169 was passed in 1982. Keeney Mill Woods is not a hardship case caught in transition between changes in development regulations. It is misleading for Petitioner to suggest BCC 26-169 applies to the preliminary plan for Keeney Mill Woods when a final plan was approved and filed. Hundreds of plans may have been in "preliminary " status before 1982. If a final plan was approved prior to 1982 (as Keeney Mills was in 1977), this section is not applicable.

A "preliminary plan" has no separate status under the current development regulations (BCC 26-201 *et seq*) or prior regulations. A decision on a preliminary plan cannot be appealed (BCC 26-209). A preliminary plan is described in Young, Anderson on Zoning, 25.13 as follows:

> **"The intermediate step of submission of a preliminary plan . . . is a practical system which enables the subdivider to obtain an early appraisal of his plan and to learn about basic changes which may be required before he commits time and money to the preparation of a plat. . . Where certain rights accrue to a subdivider upon application for approval, the question may arise whether such rights accrue when application is made for tentative approval, or only when final approval is asked. A Connecticut court held that a subdivider is protected when application is filed for approval of a preliminary plan, provided a final plan is approved in due course. . . Disapproval of a preliminary plan has been regarded as sufficiently removed from final action to warrant judicial refusal to review at the instance of the disappointed subdivider."**

In other words, a preliminary plan is just a step in the review process. It offers guidance to the developer whose goal is final approval. No lot may be sold until a plan is approved and the plat is recorded (BCC 26-173, 26-174, 26-213).

Petitioner presents a convoluted application of BCC 26-169(i) to Keeney Mill Woods to get to the last sentence in BCC 26-169 -**"Proposed development shall be in compliance with the present zoning classification on the subject property."** But this does not support Petitioner's position that the current R.C. 2 zone permits re-subdivision of Lot 1. Rather, this sentence confirms that 26-169(i) grandfathers development regulations for a preliminary plan, but does not grandfather zoning on the property. In other words, if the site were re-zoned in the time between tentative approval of a preliminary plan and final development plan approval, the new zone would apply. This is well-established law. Tentative approval of a preliminary plan does not vest against a re-zoning prior to final approval and construction. This is consistent with BCC 26-180 also enacted in Bill 18-90, which states:

" . . . all development shall comply with all other applicable laws, rules, or regulations . . . All other laws, rules, or regulations of the county affecting development are not superceded by these development regulations . . ."

It is also consistent with case law on vested rights, which requires "substantial construction." (See Marzullo, supra). "Substantial construction" requires a final development plan and a recorded subdivision plat. (BCC 26-173).

Petitioner's argument is an egregious example of taking words or sentences in a statute out of context to support an irrational interpretation and an illegal conclusion. Petitioner cannot bootstrap BCC 26-169 to support his faulty position.

- **BCZR 1A01.3 B. Height and Area Regulations in R.C. 2**

The Petitioner has no recourse in the current R.C. 2 statute. Re-subdivision would exceed the allowable density for Keeney Mills. Petitioner developed the 27 acre site under the higher density R.C. 2 zone enacted in 1975. The current R.C. 2 zone is more restrictive. A "lot" in a residential subdivision does not stand-alone. It draws its life from the development plan, which protects its and restricts it. The entire 27 acre site must be viewed as a whole. The current R.C. 2 prohibits any further density on the site.

- **Zoning Commissioner's Policy Manual Section 1A01.3.B.1**

Deputy Zoning Commissioner Timothy Kotroco, who is guided by the Policy Manual, recognized this provision did not apply to the case at hand:

> **"It appears to me that the provision relied upon by the Petitioner relates to legally existing R.C. 2 zoned lots of record that were created by deed or multiple deeds. That particular provision does not apply *to the re-*subdivision of an existing lot which was part of an approved final subdivision plat, such as Keeney Mill Woods-East."**

Mr. Dillon agreed with Mr. Kotroco's analysis:

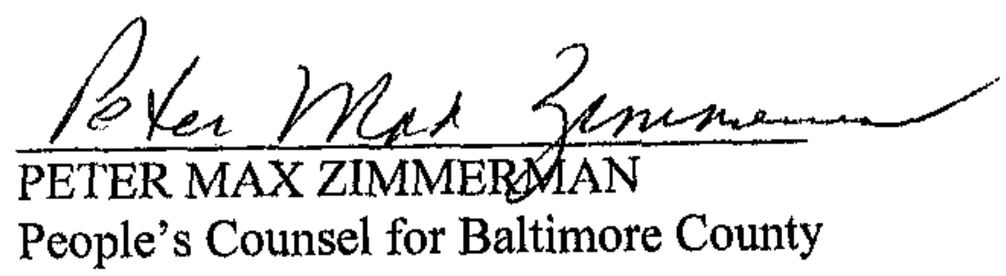
> **"I think the [Deputy] Zoning Commissioner hit it very correctly in that the section of the policy manual . . . really deals with parcels or tracts of land that were out there that were created, and not part of a subdivision. . . If they were part of the subdivision, I don't believe they would fall under that section."** (Transcript, p.22).

Mr. Kotroco's opinion (Pet. Exh #8) is instructive. He was not seduced by Petitioner's false aura of legitimacy; Mr. Kotroco understood the overall statutory scheme is paramount, not arguments advanced by piecemeal phrases in statutes taken out of context. He recognized the need to look at the site's development history. He clearly recognized the spirit and intent of the regulations prohibited a re-subdivision of Lot 1. He

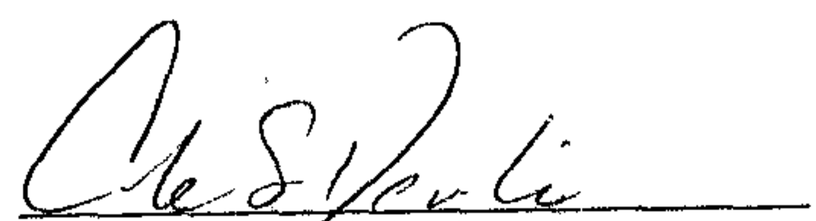
was not distracted by bells and whistles; instead he saw the relief as a gross disregard for the R.C. 2 restrictions.

F. SUMMARY

BCZR 1A01.B.2 requires Lot 1 to be viewed in the context of the entire 27 acre tract and the density history of the 27 acre subdivision plat. The Petition for Special Hearing should be denied because: (i) the prior R.C. 2 zone prohibits more than 5 dwellings on the 27 acres; (ii) the current R.C. 2 zoning prohibits more than 2 dwellings on 27 acres; (iii) even if re-subdivision were an option, Petitioner failed to satisfy the special exception standards and to abide by the spirit and intent of the Plan and the zoning regulations. No provision in BCZR or BCC permits the relief requested. The arguments made in support of the Petition challenge the integrity of zoning and development regulations and the administrative process. Such reckless arguments should be soundly rejected. The Petition for Special Hearing must be denied.



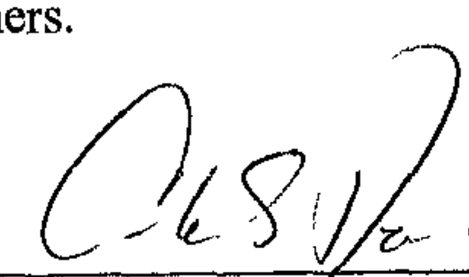
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 1st day of December, 2003, a copy of the foregoing People's Counsel for Baltimore County's Memorandum was mailed to Howard L. Alderman, Jr, Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioners.



CAROLE S DEMILIO
Deputy People's Counsel for Baltimore County

12/1/03

IN THE MATTER OF:	*	BEFORE THE
RANSHELL HOLDINGS, LLC	*	COUNTY BOARD OF APPEALS
20713 Keeney Mill Road	*	OF
750' EAST OF SOUTH RUHL ROAD	*	BALTIMORE COUNTY
6TH ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT	*	Case No.: 03-[illegible]
	*	

RECEIVED
DEC 01 2003
BALTIMORE COUNTY
BOARD OF APPEALS

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

MEMORANDUM TO THE BOARD
IN LIEU OF FINAL ARGUMENT

STATEMENT OF THE CASE

This matter comes before the Board of Appeals for consideration of a Petition for Special Hearing filed by the owners of the subject property, Ranshell Holdings, LLC, by Randolph H. Shelley, General Manager. The Petitioners requested a Special Hearing to confirm that the subject property has sufficient density for two (2) building lots, and to determine the proper procedure for subdividing the same. The requested relief was more particularly described on the site plans submitted as Petitioner's Exhibit #1.

The matter was tried initially before the Deputy Zoning Commissioner and on March 7, 2003, the Deputy Zoning Commissioner denied the request through the Special Hearing determining that there does not exist a sufficient amount of density for Lot #1 of Keeney Mill Woods - East to be subdivided to create two (2) separate building lots; thus, only one residential dwelling can be constructed on the subject 2.99 acre lot.

The Petitioner appealed to the County Board of Appeals, which heard the matter on October 23, 2003 and October 29, 2003. The Protestants in this case consist of property owners residing in the Keeney Mill Woods – East Subdivision on Lots #2, #3 and #4. The

Protestants, Mr. & Mrs. Gephart, who reside at 20707 Keeney Mill Road; Mr. & Mrs. John Boyle of 20709 Keeney Mill Road and Mr. & Mrs. Joseph Fuchs, 20711 Keeney Mill Road in Freeland, northern Baltimore County. The Deputy People's Counsel was also in attendance representing the Office of the People's Counsel for Baltimore County.

STATEMENT OF FACTS

A. Petitioner's Case

The Petitoner's case was presented by the calling of one witness – Geoffrey C. Schultz, a registered professional land surveyor. Schultz acknowledged on cross-examination that he holds no degrees in land planning, that he did not develop nor author the RC 2 legislation; and that he had no formal training or education in zoning matters. He acknowledged that he was licensed in surveying. After testifying about the Keeney Mill Wood – East Subdivision and the deeds, Schultz acknowledged that the Keeney Mill Wood – East Subdivision utilized all of the ten existing density by dividing the tract into a total of five (5) lots (p. 21). He then testified that he relied on the current RC 2 Zoning Regulations to determine that Lot #1 could be subdivided into two (2) lots (T. 22). He acknowledged that he utilized Section 26-169 to support his testimony that Lot #1 could be so divided (p. 23). Further, Shultz relied upon the Zoning Commissioner's Policy Manual (Petitioner's Exhibit 5) to support his position (T. 32).

Finally, Shultz testified that the Keeney Mill Wood – East property was not shown on a final Development Plan (T. 46). (Note: Shultz's direct testimony is attached hereto as Exhibit A).

B. Protestants' Case

The rationale of Timothy Kotroco, Deputy Zoning Commissioner's decision, was contained in his Findings of Fact and Conclusions of Law dated March 7, 2003, and submitted by the Protestants as part of the record. In that decision, the Deputy Zoning Commissioner concluded that the Keeney Mill Wood – East Subdivision occurred in 1977 when the RC 2 Regulations afforded a more generous amount of density. He found that the subdivision utilized all the density existing at that time. He further found under the new RC 2 Regulations that became effective in 1979 that the zoning became more restrictive and that the 27.501 acre parcel would currently yield only two (2) lots and not the five (5) that were approved in Keeney Mill East. The Deputy Zoning Commissioner further rejected the Petitioner's argument that the Zoning Commissioner's Policy Manual, Section 1A01.3.B.1 permits the further subdivision of this particular Lot #1. He determined that particular provision does not apply to the re-subdivision of an existing lot which was part of an approved final subdivision plan such as Keeney Mill Wood – East. Finally, he rejected Petitioner's argument, concluding that to allow further subdivision of Lot #1 to create two (2) lots of record would not be within the spirit and intent of the RC 2 Regulations pursuant to Bill 178-79.

The Opinion of the Deputy Zoning Commissioner matched the written comments of the Zoning Office authored by Mr. Lloyd Moxley, which were also submitted as part of the record in this case. Moxley's comments of November 7, 2002, were marked as Protestants' Exhibit #1. The position of the Zoning Office is that Section 103 of the Baltimore County Zoning Regulations precludes the additional re-subdivision requested since this development continues to be governed by the Zoning Regulations in place at the time Baltimore County

Planning Commission approval was granted. It was the opinion of the staff that no further density exists on this property.

Protestants then testified in regard to the negative impacts upon them as adjacent and adjoining property owners if Lot #1 were to be re-subdivided. Summarizing the testimony of Gephart, Boyle and Fuchs, the Protestants objected to the increased density, the location of the additional home being placed within their subdivision in close proximity to theirs, the fact that they expected only a five (5) lot subdivision when they acquired their properties, all as factors in their opposition to the Special Hearing request. Pursuant to Section 502.1 of the Zoning Regulations, Protestants testified as to their concern for potential storm water problems from the additional lot created, concern about availability of well water, impacts on traffic, health, safety and welfare related to the entrance to the proposed two (2) lots of Lot #1 and generally the negative impact upon the existing Keeney Mill East subdivision as a result of additional lots in their subdivision.

Thereafter, Jack Dillon testified on the second day of the hearing, October 29, 2003. Mr. Dillon's testimony will be summarized in the legal argument section of this Memorandum.

LEGAL ARGUMENT

The application of the Zoning Regulations and the Baltimore County Code require computation of the density available to the Petitioner based upon review of the law existing at the time of the subdivision, which was in 1977.

For the convenience of the Board, Mr. Dillon's testimony is attached hereto as Exhibit B.

Jack Dillon testified that he was employed by Baltimore County in 1962 until 1973. During the course of his employment with Baltimore County Planning Office as a Planner, he worked in the Baltimore County Zoning Office from 1966 to 1972 and served as Chairman of the Zoning Advisory Committee and Zoning Enforcement. He worked as an Environmental Planner in the Planning Office from 1974 to 1981. From 1981 to 1987, he was a District Area Planner and Administrator of the Baltimore County Agricultural Land Preservation Program. From 1987 until 1996, he was the Senior Planner and Deputy Division Chief for the rural area of Baltimore County (T. 5-8). In preparation for the hearing, Mr. Dillon reviewed the zoning map, the Master Plan, the Petitioner's Application and Plat and various sections of the Baltimore County Zoning Regulations and County Code. Specifically, he reviewed Section 1A00.4, Section 103.1 and 103.3. Also, Section 1B01.3, 1B01.B.2, 1B01.3.A.7 and the Baltimore County Code Section 26-169 (T. 9).

Dillon opined that the Petitioner's request for the re-subdivision of Lot #1 could not be accomplished based upon the unavailability of any density left on the subject site (T. 10). Dillon testified that the property was subdivided in 1977. At the time of the subdivision, the density factor permitted a maximum of five (5) density units on the site (T. 10).

In 1979, the RC 2 zone was amended to permit only two (2) density lots on the site which meant that the present law is more restrictive than the previous law (T. 11).

Contrary to the testimony of Mr. Schultz, that there was no final Development Plan. Mr. Dillon was able to locate and identify a copy of the Final Development Plan, which was passed pursuant to Bill 12-77, the Interim Development Control Act (IDCA) (T. 11). This was marked as Protestants' Exhibit #5). The IDCA was in effect from April 16, 1977 until November 25, 1979. Mr. Dillon produced the Final Development Plan for the Keeney Mills

East Subdivision, which was approved by the County and signed on April 29, 1977 (marked as Exhibit #6) (T. 16).

Mr. Dillon then testified in regard to the application of Section 103.1 and 103.3 and Section 1A00.4 and the general regulations of RC 2 under Section 1B01.3 (T. 19).

Dillon concluded that when one reviews Section 1B01.B.2, one must abide by the number of density units permitted at the time of the regulation. He particularly emphasized the last sentence which says:

> "It is the intent of the Zoning Regulations to prohibit subdivision or resubdivision apportions of a tract in RC Zones in a manner so to exceed the total number of dwellings or density units allowed under the applicable RC Zones for the entire tract" (T. 19-20).

Dillon commented upon the use of the word "entire" which means that you cannot take a lot created in 1977 and then come back in 1979, and say, "no" we are now our own tract and we want to subdivide under the new Regulation. He concluded you cannot get your foot in under both regulations. Dillon then concluded that this development was approved in 1977 under the 1977 Regulations, and that they have maximized the density that was allowed under the zone at the time and the subdivision was subsequently recorded. Deeds were issued to subsequent owners of those lots and were developed accordingly. Dillon concluded that the Petitioners do not get a bonus for not having put a house on the vacant lot until now (T. 20-21).

He testified that the grandfather clause is generally meant to provide some assurance to a developer that he will be able to develop the number of lots approved and that any subsequent changes in the law will not divest him of the number of lots recorded. The same protection is extended to those who bought these lots (T. 21).

Dillon further corroborated Moxley's Opinion from the Zoning Office as to this interpretation (T. 21).

Dillon then testified that he reviewed the Deputy Zoning Commissioner's Decision and that the Commissioner's Opinion and Order was correct in referring to that Section of the manual that deals with parcels or tracts of land (T. 22).

Dillon then opined that the reason for the 1979 Amendment to the RC 2 Zone was to reduce the density factor to further minimize development pressure in the agricultural portions of Baltimore County; he therefore concluded that the spirit and intent of the legislation was to reduce density, not to allow additional density (T. 23).

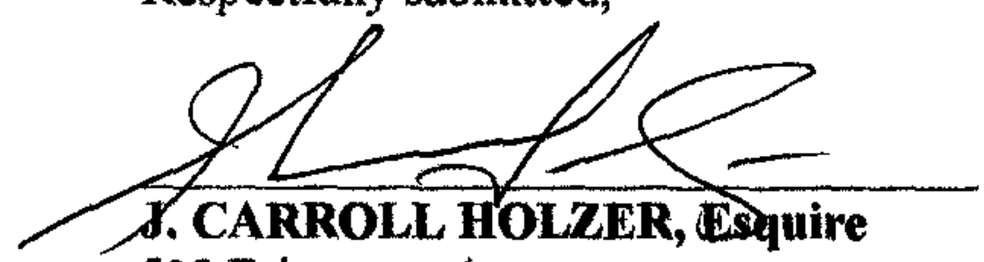
Dillon was then asked assuming *arguendo* that the Board may determine to interpret the density issue differently and permit the additional development of Lot #1; under what procedure would that permission be granted? Dillon responded that Section 1B01.3.A.7 provides for Amendment of the Approved Development Plan and concluded that while he did not agree, it could be developed into two (2) density units. If the Board so found, then the Plan must be amended through the Special Exception procedures in a manner provided under Section 502.1 (p. 24-25). The Petitioner has failed to produce any evidence required under BCZR Sec. 502.1.

In summary, then, Dillon provided the appropriate analysis for the denial of the requested Petition for Special Hearing to permit two density dwelling units on Lot #1. Furthermore, even if the Board were to adopt an interpretation that would permit such density, Dillon opined that the Petitioner would be required to establish the 502.1 criteria to amend and approve the Development Plan. There is no evidence or testimony from Mr. Schultz as to the 502.1 criteria, while there is certainly negative testimony presented by the

adjacent property owners as to why the proposed division of Lot #1 would negatively impact the health, safety and welfare of the community. The Petitioner then failed to meet the standard required under Section 1B01.3.A.7 even if the Board interpreted the Regulations as suggested by the Petitioner.

WHEREFORE, the Protestants respectfully submit that this Board should deny the Petition for Special Hearing as did the Zoning Commissioner and pursuant to the Zoning Office recommendation.

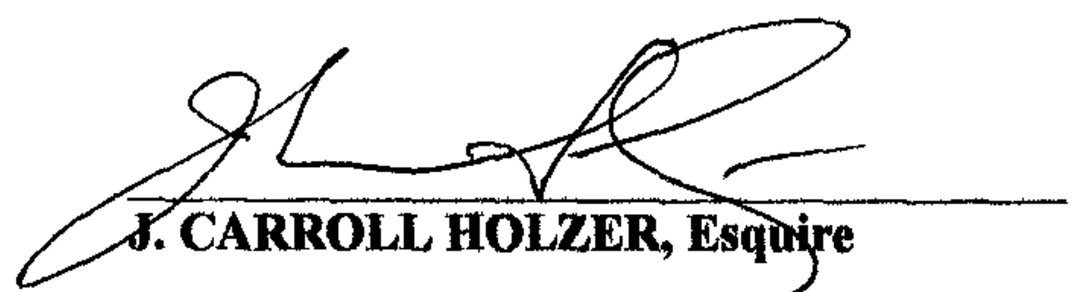
Respectfully submitted,



J. CARROLL HOLZER, Esquire
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of December, 2003, a copy of the foregoing Memorandum to the Board in Lieu of Final Argument was mailed first class, postage pre-paid to the following: Howard L. Alderman, Jr., Esquire, Levin & Gann, Nottingham Centre, 502 Washington Avenue, 8th Floor, Towson, Maryland 21204 and Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204; Howard Alderman, Jr., Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, Maryland 21204.



J. CARROLL HOLZER, Esquire

C:\My Docs\Memos\Ranshell Holdings Memo Final Argument 11-20-03

BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

RE: PETITIONS FOR VARIANCE **4104 & 4106 Klausmier Road** **8th Election District** **5th Councilmanic District** ***Wismar Building Corporation,*** ***Owner/Substitute Petitioner***	**Case Nos.: 03-216-A & 03-217-A**

REQUEST FOR POSTPONEMENT

Wismar Building Corporation, Owner/Substitute Petitioner, by its attorneys, Howard L. Alderman, Jr. and Levin & Gann, P.A., respectfully move that this Honorable Board postpone the hearing in this case until the next regularly scheduled appeal date or an earlier date if the same becomes available, and in support thereof state as follows:

1. The hearing before this Board is scheduled for Wednesday, October 29, 2003 at 10:00 a.m.

2. The undersigned did not participate in the hearing held at the Zoning Commissioner level. At the time of that hearing the subject property was owned by the Estate of John C. Dunn, Jr. and Wismar Building Corporation was the contract purchaser.

3. Since the decision of the Zoning Commissioner, Wismark has settled on its purchase of the subject property and is the appropriate Substitute Petitioner to make this request.

4. The undersigned was contacted by Mr. Mark Gheiler of Wismark this afternoon regarding representation of the corporation at the scheduled hearing. Due to a previously advertised scheduling conflict in an unrelated legal matter, the undersigned will be unable to appear on the date and time scheduled. The undersigned has advised Mr. Gheiler that a rescheduled hearing will occur

sometime in early 2004 and not before.

5. It would be appreciated if the requested rescheduling is coordinated with counsel for the Owner/Substitute Petitioner and the Office of People's Counsel so as not to result in possible future requests for rescheduling.

WHEREFORE, the Owner/Substitute Petitioner respectfully requests that this Honorable Board grant a postponement of the hearing in this case until the next regularly scheduled appeal date or an earlier date if the same becomes available.

Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
410.321.0600 [voice]
410.296.2801 [fax]
halderman@LevinGann.com [e-mail]

Attorneys for Owner/Substitute Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of October, 2003, a copy of the foregoing Request for Postponement was sent via telefax and was mailed via First-Class, United States Mail to Peter Max Zimmerman, Esquire and Carole S. DeMilio, Esquire, both of Baltimore County Office of People's Counsel, Old Courthouse, Room 47, Towson, Maryland 21204.

Howard L. Alderman, Jr.

BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

RE: PETITIONS FOR VARIANCE **4104 & 4106 Klausmier Road** **8th Election District** **5th Councilmanic District** ***Wismar Building Corporation,*** ***Owner/Substitute Petitioner***	**Case Nos.: 03-216-A & 03-217-A**

ORDER

After consideration of the Request for Postponement filed by the Owner/Substitute Petitioner in this case, it is by the County Board of Appeals of Baltimore County this ____ day of _____, 2003,

ORDERED that the Request for Postponement be and it is hereby GRANTED, and the Board hereby directs that the hearing be rescheduled until the next regularly scheduled appeal date and that any rescheduling be coordinated with counsel of record.

COUNTY BOARD OF APPEALS:

_____

_____

_____

3/1/03

IN RE: PETITION FOR SPECIAL HEARING S/S Keeney Mill Road, 750' E of the c/l South Ruhl Road (20713 Keeney Mill Road) 6th Election District 3rd Council District Ranshell Holdings, LLC Petitioners	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 03-225-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before me for consideration of a Petition for Special Hearing filed by the owners of the subject property, Ranshell Holdings, LLC, by Randolph H. Shelly, General Manager, through their attorney, Howard L. Alderman, Jr., Esquire. The Petitioners request a special hearing to confirm that the subject property has sufficient density for two building lots, and to determine the proper procedure for subdividing same. 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 Randy Shelley, on behalf of Ranshell Holdings, LLC, property owners; Geoffrey C. Shultz, with McKee & Associates, Inc., the consultants who prepared the site plan for this property; and, Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. Mr. Lloyd Moxley, a representative of the Zoning Review Division of the Department of Permits and Development Management (DPDM), was subpoenaed to appear and was in attendance. Appearing as Protestants in the matter were Joseph and Kathleen Fuchs and Joseph Matricciani, adjacent property owners, and John C. Boyle and Brian Gebhart, nearby neighbors, all of whom were represented by J. Carroll Holzer, Esquire.

Testimony and evidence presented revealed that the subject property is an unimproved parcel located on the south side of Keeney Mill Road, just west of South Ruhl Road, in northern Baltimore County. The property is also known as Lot 1 of Keeney Mill Woods - East and contains a gross area of 2.999 acres, more or less, zoned R.C.2. The Petitioners purchased the subject property from Gloria Evangelisti on or about September 13, 2002 and are desirous of subdividing

ORDER RECEIVED FOR FILING
Date 3/7/03
By

the parcel to create two separate building lots with a single-family dwelling on each. The details of the subdivision and the approximate locations of the proposed dwellings are more particularly shown on the site plan submitted into evidence as Petitioner's Exhibit 1. The instant Petition was filed to confirm that the density exists to allow the proposed subdivision, and to determine the proper procedure for subdividing the property.

As noted above, several residents from the surrounding community appeared in opposition to the request. These neighbors are opposed to the subdivision of this lot, and argue that it would be out of character with the existing community. They testified that Lot 1 is the smallest of the 5 lots in this subdivision and that the proposed development would overcrowd this parcel and be inconsistent with this small community. Furthermore, they object to the additional traffic that will be generated by the proposal and believe safety to be an issue along Keeney Mill Road. Lastly, they argue that there is no right of subdivision of this lot, based on the zoning history of the subject property.

The development history of the subject property plays a critical role in determining whether it can be further subdivided. The record of development for this property is clear and undisputed. As noted above, the property is also known as Lot 1 of Keeney Mill Woods – East, which was approved as a 5-lot subdivision in May 1977. The overall tract contained 27.501 acres, zoned R.C.2, which at that time permitted the subdivision of the property into no more than five residential building lots. In 1979, County Council Bill No. 178-79, which became effective on November 25, 1979, changed the method by which R.C.2 zoned land may be subdivided. The new method established by Bill No. 178-79 greatly restricted the amount of density associated with R.C.2 zoned land. Fortunately for the Developer of the Keeney Mill Woods – East subdivision, James Kassolis, the subdivision of his property occurred in 1977 when the R.C.2 regulations afforded a more generous amount of density. As noted above, his subdivision utilized and consumed all of the density available for this property, pursuant to the R.C.2 regulations in effect at that time. Under the new R.C.2 regulations that became effective in 1979, that same 27.501-acre parcel would yield only two lots and not the five that were approved. Mr. Kassolis was wise to subdivide his property prior to the passage of that new Bill.

ORDER RECEIVED FOR FILING
Date 3/7/03
By

It is interesting to note that the Petitioner in the instant matter relies on the more restrictive zoning that was passed in November 1979 to attempt to double the density associated with this property. The Petitioner argued that Section 1A01.3.B.1 of the Zoning Commissioner's Policy Manual, Pg.1A-10 thereof, permits the further subdivision of this particular Lot 1. My reading of that provision brings me to a different conclusion. It appears to me that the provision relied upon by the Petitioner relates to legally existing R.C.2 zoned lots of record that were created by deed or by multiple deeds. That particular provision does not apply to the re-subdivision of an existing lot which was part of an approved final subdivision plat, such as Keeney Mill Woods – East. As stated previously, Lot 1 was created under the R.C.2 regulations in effect in 1977. Although it continues to be zoned R.C.2 today, the regulations became more restrictive in 1979 following the passage of Bill No. 178-79. To allow the further subdivision of Lot 1 to create two lots of record would not be within the spirit and intent of the R.C.2 regulations passed pursuant to Bill No. 178-79. Accordingly, the special hearing request must be denied.

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 denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of March 2003 that the Petition for Special Hearing to confirm the existence of two building lots for the subject property, and to determine the proper procedure for subdividing same, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that there does not exist a sufficient amount of density for Lot 1 of Keeney Mill Woods – East to be subdivided to create two separate building lots; thus, only one residential dwelling can be constructed on the subject 2.999-acre parcel.

Any appeal of this decision must be entered within thirty (30) days of the date hereof.

ORDER RECEIVED FOR FILING
Date 3/7/03
By

Timothy Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County
Zoning Commissioner

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

March 7, 2003

Howard L. Alderman, Jr., Esquire
Levin & Gann
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
S/S Keeney Mill Road, 750' E of the c/l South Ruhl Road
(20713 Keeney Mill Road)
6th Election District – 3rd Council District
Ranshell Holdings, LLC - Petitioners
Case No. 03-225-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied, 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,

Timothy Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Randy Shelley, 2601 Cotter Road, Millers, Md. 21102
Mr. Geoffrey Schultz, McKee & Assoc., Inc., 5 Shawan Road, Hunt Valley, Md. 21030
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Md. 21286
Mr. & Mrs. Joseph R. Fuchs, 20711 Keeney Mill Road, Freeland, Md. 21053
Mr. Joseph Matricciani, 20705 Kenney Mill Road, Freeland, Md. 21053
Mr. Brian Gephart, 20707 Keeney Mill Road, Freeland, Md. 21053
Mr. John C. Boyle, 20709 Keeney Mill Road, Freeland, Md. 21053
Mr. Lloyd Moxley, Zoning Review, DPDM; People's Counsel; Case File

Printed with Soybean Ink

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 20713 Keeney Mill Road
which is presently zoned RC-2

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

The confirmation of two building lots available for the property and to determine the proper procedure for subdividing the property.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

RANSHELL Holdings LLC
Randolph H. Shelly, G.M.
Name - Type or Print

x
Signature

Name - Type or Print

Signature

P.O. Box 356 (410) 329-8040
Address Telephone No.

Monkton, Maryland 21111
City State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr.
Name - Type or Print

Signature

Levin and Gann, P.A.
Company

Nottingham Center 8th Floor
502 Washington Avenue (410) 321-0600
Address Telephone No.

Towson, Maryland 21204
City State Zip Code

Representative to be Contacted:

Geoffrey C. Schultz
McKee & Associates, Inc.
Name

5 Shawan Road Suite 1 (410) 527-1555
Address Telephone No.

Cockeysville, Maryland 21030
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By CTM Date 11/7/02

ORDER RECEIVED FOR FILING
Date 3/13
By

Case No. 03-225-SPH

REV 9/15/98

McKEE & ASSOCIATES, INC.
Engineering • Surveying • Environmental Planning
Real Estate Development

November 5, 2002

STATE OF MARYLAND
JAMES WILLIAM MCKEE
NO. 9012
REGISTERED
PROFESSIONAL LAND SURVEYOR
11/5/02

ZONING DESCRIPTION OF
20713 KEENEY MILL ROAD
6TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING at a point in the centerline of Keeney Mill Road, said point being 750 feet east of the centerline of South Ruhl Road and being Lot No. 1 of the subdivision of "Keeney Mill Woods – East" as recorded in Plat Book 41, folio 43.

CONTAINING 2.999 acres of land, more or less as recorded in Deed Liber 16842, folio 427.

#225

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

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: #03-225-SPH
20713 Keeney Mill Road
S/side Keeney Mill Road, 750 feet east of centerline south Ruhl Road
6th Election District - 3rd Councilmanic District
Legal Owner(s): Rahshell Holdings, LLC, Randolph H. Shelley

Special Hearing: to permit two building lots available for the property and to determine the proper procedure for subdividing the property.

Hearing: Friday, January 3, 2003 at 2:00 p.m. in Room 407, County Courts Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

12/187 Dec. 19 C579492

CERTIFICATE OF PUBLICATION

12/19, 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 12/19, 2002.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 20119

DATE April 9, 2003 ACCOUNT 001-006-6150

AMOUNT $ 325.00

RECEIVED FROM: Howard Cohen, Esq. & Mary

FOR: Appeal

03-325-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 16369

DATE 11/7/02 ACCOUNT R001 006 6150

AMOUNT $ 50.00

RECEIVED FROM: McKEE & ASSOC.

FOR: 03-225-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME
11/08/2002	11/07/2002	11:31:18

REG W902 MAIL JEWA JEE DRAWER 2
>>RECEIPT # 234091 11/07/2002 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 016369
Recpt Tot $50.00
50.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 20110

DATE 4/10/03 ACCOUNT 001-006-610

AMOUNT $ 75.00

RECEIVED FROM: Alvin C. Allemann, Jr.

FOR: 03-495-spit

Petition Filing Fee for appeal

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-225-SPH

Petitioner/Developer: James R. Fuchs

Date of Hearing/Closing: 2-25-03

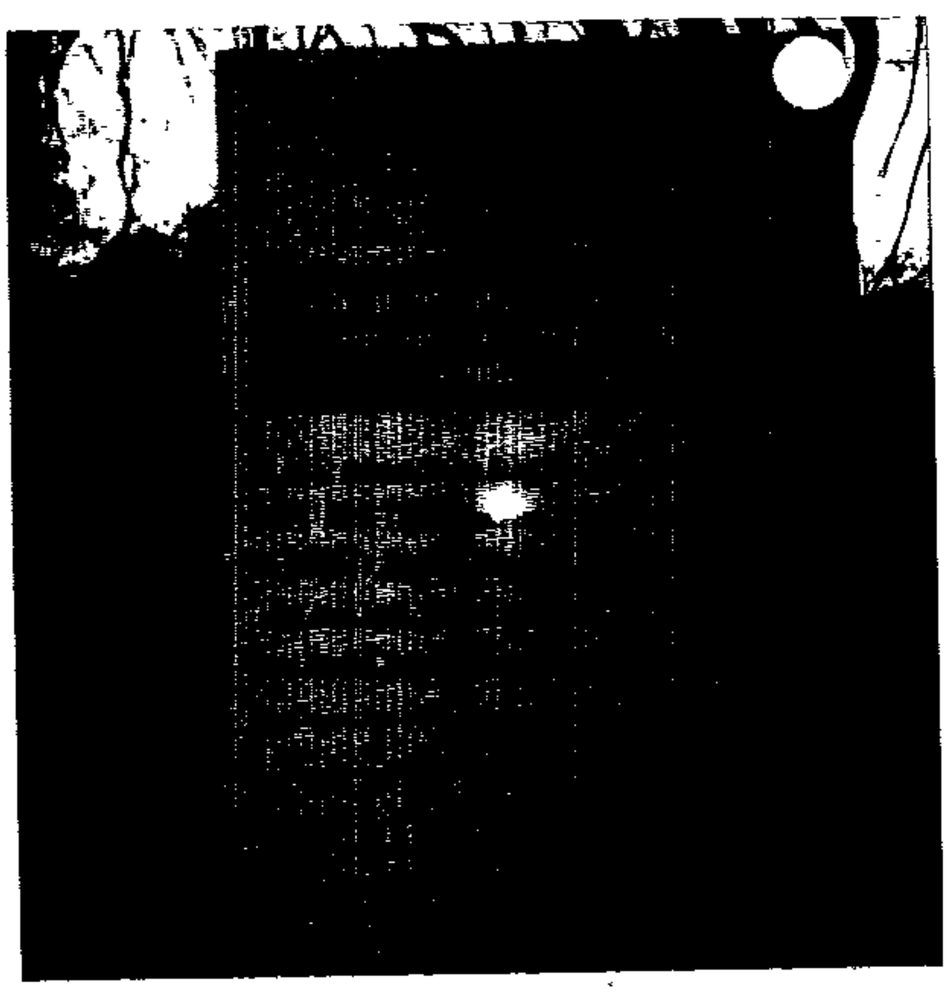
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 20713 Keeney Mill Rd. Freeland, MD 21053

February 7, 2003
(Month, Day, Year)



Sincerely,

Stacy Gardner 2/7/03
(Signature of Sign Poster and Date)

Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784
(City, State, Zip Code)

410-781-4000
(Telephone Number)

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-225-SPH

Ranshell Holdings, LLC - LEGAL OWNERS

20713 Kenney Mill Road

6th ELECTION DISTRICT

APPEALED: 4/4/03

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

266

APPEAL SIGN POSTING REQUEST

CASE NO.: 03-225-SPH

Ranshell Holdings, LLC - LEGAL OWNERS

20713 Kenney Mill Road

6th ELECTION DISTRICT APPEALED: 4/4/03

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No.: 03-225 SPH

Petitioner/Developer:

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

20713 Kenney Mill Rd.

The sign was posted on 5/5, 2003

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

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

January 13, 2003

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: 03-225-SPH
20713 Keeney Mill Road
S/side Keeney Mill Road, 750 feet east of centerline south Ruhl Road
6th Election District – 3rd Councilmanic District
Legal Owner: Ranshell Holdings, LLC, Randolph H. Shelley

Special Hearing to permit two building lots available for the property and to determine the proper procedure for subdividing the property.

Hearings: Tuesday, February 25, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: Howard L. Alderman, Jr., Levin and Gann, 502 Washington Ave., 8th Floor, Towson 21204
Ranshell Holdings, LLC, Randolph H. Shelly, P.O. Box 356, Monkton 21111
Geoffrey C. Schultz, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville 21030
Joseph R. Fuchs, 20711 Keeney Mill Road, Freeland 21053

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FEBRUARY 10, 2003.**
(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.

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

December 10, 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: 03-225-SPH
20713 Keeney Mill Road
S/side Keeney Mill Road, 750 feet east of centerline south Ruhl Road
6th Election District – 3rd Councilmanic District
Legal Owner: Ranshell Holdings, LLC, Randolph H. Shelley

Special Hearing to permit two building lots available for the property and to determine the proper procedure for subdividing the property.

Hearings: Friday, January 3, 2003 at 2:00 p.m. in Room 407, County Courts Building, 111 W. Chesapeake Avenue

Arnold Jablon
Director

AJ:rlh

C: Howard L. Alderman, Jr., Levin and Gann, 502 Washington Ave., 8th Floor, Towson 21204
Ranshell Holdings, LLC, Randolph H. Shelly, P.O. Box 356, Monkton 21111
Geoffrey C. Schultz, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY DECEMBER 19, 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.

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 19, 2002 Issue - Jeffersonian

Please forward billing to:
Ranshell Holdings, LLC 410-329-8040
P.O. Box 356
Monkton, MD 21111

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: 03-225-SPH
20713 Keeney Mill Road
S/side Keeney Mill Road, 750 feet east of centerline south Ruhl Road
6th Election District – 3rd Councilmanic District
Legal Owner: Ranshell Holdings, LLC, Randolph H. Shelley

Special Hearing to permit two building lots available for the property and to determine the proper procedure for subdividing the property.

Hearings: Friday, January 3, 2003 at 2:00 p.m. in Room 407, County Courts Building, 111 W. Chesapeake Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 03-225-SPH

Petitioner: Ranshell Holdings LLC

Address or Location: 20713 Keeney Mill Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ranshell Holdings LLC

Address: Po Box 356

Monkton, MD 21111

Telephone Number: 410-329-8040

Revised 2/20/98 - SCJ

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

December 27, 2002

Howard Alderman, Jr.
Levin & Gann
502 Washington Ave., 8th Floor
Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 03-225-SPH, 20713 Keeney Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 7, 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel
RANSHELL Holdings, LLC, Randolph H. Shelly, G.M., P.O. Box 36, Monkton 21030
Geoffrey Schultz, McKee & Associates, 5 Shawan Road, Suite 1, Cockeysville 21030

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

December 11, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.: Distribution Meeting of 12/9/02

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:
224-240

225

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

cc: File

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12.6.02

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

RE: Baltimore County
Item No. 225 LTM

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,

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

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: 11/7/02

TO: File

FROM: Lloyd T. Moxley

SUBJECT: Case No. 03-225-sph

The density calculations shown on the "Final Subdivision Plat of Keeney Mill Woods-East" Pb.41, Pg.43 reflects the density requirements established by County Council Bill No. 98-75. Under those parameters the 27.5-Acre tract yielded a maximum of five density units of which all were utilized by the five-lot development. Pursuant to Section 103 of the BCZR this development continues to be subject to the zoning regulations in place at the time Baltimore County Planning Commission approval was granted. Therefore it is the opinion of staff that no further density exists with this property.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 17, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 16, 2002
Item Nos. 224, 225, 228, 229, 230, 231,
232, 233, 234, 235, 236, 238, 239, and
240

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 12, 2002

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

13

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-225**

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/TJT

DATE: January 14. 2003

Zoning Petitions

Zoning Advisory Committee Meeting of December 9, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

224, 225, 229, 233, 234, 237,239,240

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: April 15, 2004

TO: Timothy Kotroco, Director
Permits & Development Management
Attn.: David Duvall

FROM: Theresa R. Shelton
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
03-255-SPH	*03-225-SPH*	RANSHELL HOLDINGS LLC	20713 KEENEY MILL ROAI

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED;

BEFORE THE COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

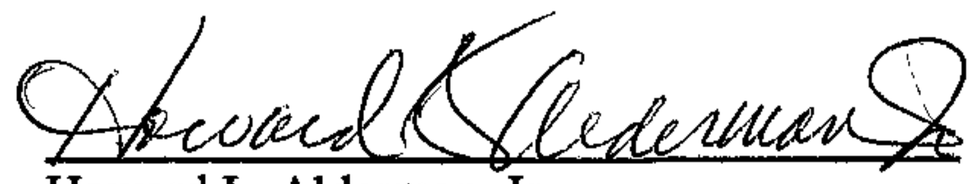
RE: PETITIONS FOR VARIANCE **4104 & 4106 Klausmier Road** **8th Election District** **5th Councilmanic District** ***Wismar Building Corporation,*** ***Owner/Substitute Petitioner***	**Case Nos.: 03-216-A & 03-217-A**

ENTRY OF APPEARANCE

Madame Clerk:

Please enter the appearance of the undersigned counsel on behalf of Wismar Building Corporation, present owner of the property (and successor in interest to *The Estate of John C. Dunn, Jr.*) which is the subject of the above-captioned case and please forward copies of all further notices and other communications to me at the address listed below.

Thank you.

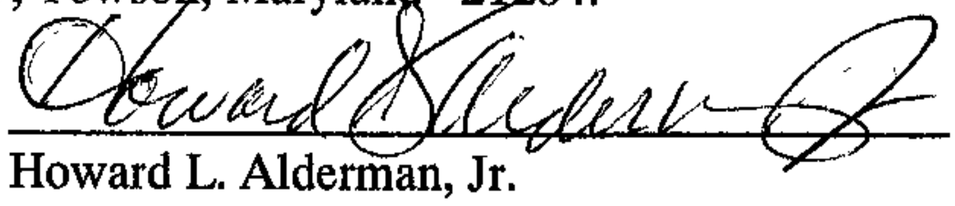


Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
410.321.0600 [voice]
410.296.2801 [fax]
halderman@LevinGann.com [e-mail]

Attorneys for Wismar Building Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of October, 2003, , a copy of the foregoing Entry of Appearance was sent via telefax and was mailed via First-Class, United States Mail to Peter Max Zimmerman, Esquire and Carole S. DeMilio, Esquire, both of Baltimore County Office of People's Counsel, Old Courthouse, Room 47, Towson, Maryland 21204.



Howard L. Alderman, Jr.

APPEAL

Petition for Special Hearing
20713 Keeney Mill Road
S/side Keeney Mill Road, 750 feet east of centerline south Ruhl Road
6th Election District – 3rd Councilmanic District
Legal Owner: Ranshell Holdings, LLC
Case No.:03-225-SPH

Special Hearing
√ Petition for ~~Variance~~ (November 7, 2002)

√ Zoning Description of Property

√ Notice of Zoning Hearing (January 13, 2003)

√ Certification of Publication (December 19, 2002) The Jeffersonian, Issue 2/10/03

√ Certificate of Posting (posted by Stacy Gardner) on February 7, 2003

√ Entry of Appearance by People's Counsel (December 9, 2002)

√ Petitioner(s) Sign-In Sheet
Two Sheets

√ Protestant(s) Sign-In Sheet
None

√ Citizen(s) Sign-In Sheet
One Sheet

√ Zoning Advisory Committee Comments

RECEIVED
APR 10 2003
BALTIMORE COUNTY
BOARD OF APPEALS

√ Petitioners' Exhibits:
- √1. Plat to accompany Petition for Special Hearing; Keeney Mill Woods, Lot 1
- √2. Final Subdivision Plat; Keeney Mill Woods-East
- √3. ZCPM on Subdividing existing lots
- √4. "Elf Hill"
- √5. Copy of a deed done on September 13, 2002

√ Protestants' Exhibits:
- √1. Note to File from Lloyd Moxley
- √2a. Two photos, showing zoning posting sign
- √2b-2g Miscellaneous photos

√ Miscellaneous (Not Marked as Exhibits):
None

√ Deputy Zoning Commissioner's Order (March 7, 2003 - DENIED)

√ Notice of Appeal received on April 4, 2003 from Howard L. Alderman, Jr. on behalf of Ranshell Holdings, LLC

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Arnold Jablon, Director of PDM
Howard L. Alderman, Jr.

Arnold Jablon for JJC

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

January 10, 2003

Mr. Joseph R. Fuchs
20711 Keeney Mill Road
Freeland, MD 21053

Dear Mr. Fuchs:

RE: Case Number

The above matter, previously scheduled for January 3, 2003, has been postponed at your request. Once the hearing has been rescheduled you will be notified by mail.

The legal owner of the property will, upon notification of the new hearing date, have a notice of the new hearing date affixed to the sign.

Very truly yours,

Arnold Jablon
Director

AJ:rlh

C: Howard L. Alderman, Levin & Gann, 502 Washington Avenue, Towson 21204
RANSHELL Holdings, LLC, Randolph Shelly, G.M., PO Box 356, Monkton 21111
Geoffrey Schultz, McKee & Associates, 5 Shawan Road, Suite 1, Cockeysville 21030

Printed with Soybean Ink
on Recycled Paper

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

December 1, 2003

Kathleen Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Original + 3
Board's
Copies

Re: In the Matter of: Ranshell Holdings, LLC
Case No.: 03-225-SPH

Dear Ms. Bianco:

Enclosed please find the original People's Counsel for Baltimore County's Memorandum along with three copies of such for filing with regard the above-referenced case.

Thank you for your consideration.

Sincerely,

Carole S. Demilio/RMW

Carole S Demilio
Deputy People's Counsel for Baltimore County

CSDrmw

cc: Howard L. Alderman, Jr, Esquire

RECEIVED
DEC 0 1 2003
BALTIMORE COUNTY
BOARD OF APPEALS

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)

April 4, 2003

HAND DELIVERED
Arnold Jablon, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 111
Towson, Maryland 21204

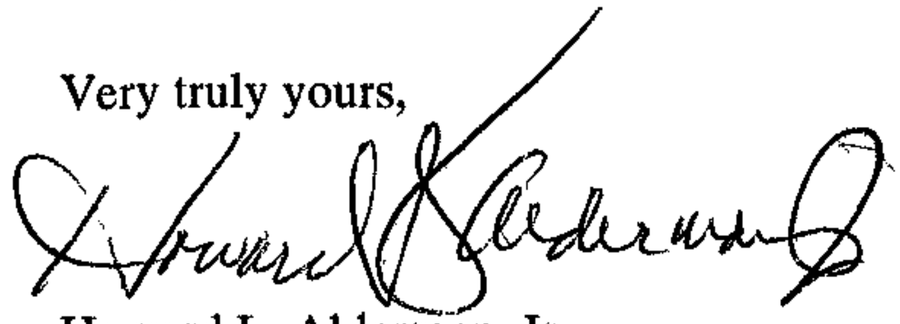
RE: 20713 Keeney Mill Road
Ranshell Holdings, LLC, Owner
Case No. 03-225-SPH
Notice of Appeal

Dear Mr. Jablon:

On behalf of my client, Ranshell Holdings, LLC, owner of the above-referenced property, an appeal of the March 7, 2003 of the Deputy Zoning Commissioner is hereby noted to the County Board of Appeals for Baltimore County. This appeal is authorized by *Baltimore County Code* § 26-132 and I have enclosed this firm's check in the amount of $225 as the requisite filing fee shown on the County's Revised Fee Schedule (Effective January 1, 2003). Upon the docketing of this appeal, please transmit all required papers, exhibits and other evidence to the Board of Appeals.

Should you or your staff need additional information to enable the prompt processing of this appeal, as always, do not hesitate to contact me at your convenience.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
Enclosure
c: Ranshell Holdings, LLC
Peter M. Zimmerman, People's Counsel
J. Carroll Holzer, Esquire

RECEIVED
APR 04 2003
Per. D. Thorpe

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

October 20, 2003

RECEIVED
OCT 21 2003
BALTIMORE COUNTY
BOARD OF APPEALS

VIA TELEFAX & REGULAR MAIL
Kathleen Bianco, Administrator
County Board of Appeals for Baltimore County
Old Courthouse, Suite 49
400 Washington Avenue
Towson, Maryland 21204

RE: Response to Request for Postponement
Case No. 03-225-SPH
20713 Keeney Mill Road
Ranshell Holdings, LLC, Petitioner

Dear Ms. Bianco:

After your telephone call this morning, I expect to receive from your office via telefax a copy of the Request for Postponement filed by J. Carroll Holzer, Esquire in the above-referenced case. Although the mail has already been delivered to our offices today, I have yet to receive a copy of the letter from Mr. Holzer's office as indicated at the bottom of his letter. The appeal in this case was filed with the County on April 4, 2003; my file indicates that the Board's notice of hearing was sent out the following month [May 30, 20003].

On Friday of last week I did receive a copy of Mr. Dillon's letter to Mr. Holzer which mentions the possibility of a request for postponement. Upon receipt of that letter I conferred with representatives of my client, Ranshell Holdings LLC. Notwithstanding the fact that the request does not comply with Board Rule 2.c, my client is adamantly opposed to any postponement of these proceedings.

Therefore, please enter the opposition of Ranshell Holdings LLC to requested postponement. Mr. Dillon knew or should have known of the scheduled hearing date well in advance. The eleventh hour request is rejected by Ranshell Holdings and it requests that the hearing proceed as scheduled and that Mr. Holzer's request be denied by the Board..

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
c: Ranshell Holdings LLC (via telefax only)
J. Carroll Holzer, Esquire (via telefax only)
People's Counsel for Baltimore County (via telefax only)

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

RECEIVED
OCT 21 2003
BALTIMORE COUNTY
BOARD OF APPEALS

October 20, 2003

VIA TELEFAX & REGULAR MAIL
Kathleen Bianco, Administrator
County Board of Appeals for Baltimore County
Old Courthouse, Suite 49
400 Washington Avenue
Towson, Maryland 21204

RE: Wismar Building Corporation, Owner/Substitute Petitioner
Case Nos.03-216-A & 03-217-A
4104 & 4106 Klausmier Road
(filed originally under prior owner's name: *The Estate of John C. Dunn, Jr.*)
Entry of Appearance and Request for Postponement

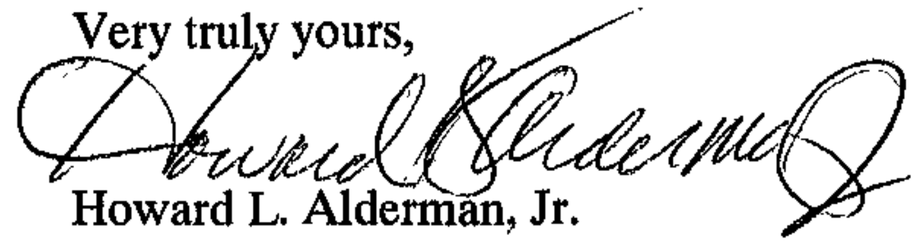
Dear Ms. Bianco:

Please accept for filing the enclosed *Entry of Appearance* and *Request for Postponement* in the above-referenced matter. A proposed Order for the Board's use is also enclosed.

Should you or any member of the Board require any additional information in this regard or if I need be present to put the postponement request on the record, please contact me.

Thank you for your attention to this matter.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
Enclosures
c (w/encl.): Wismar Building Corporation
Baltimore County Office of People's Counsel

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

December 1, 2003

HAND DELIVERED
Ms. Kathleen Bianco, Administrator
County Board of Appeals for Baltimore County
400 Washington Avenue, Suite 49
Towson, Maryland 21204

RECEIVED
DEC 0 1 2003
BALTIMORE COUNTY
BOARD OF APPEALS

RE: *Ranshell Holdings, LLC*
20713 Kenney Mill Road
Case No. 03-225-SPH
Petitioner's Post-Hearing Memorandum

Dear Ms. Bianco:

In accordance with the direction received from the Board at the conclusion of the hearing on the above-referenced matter, I am pleased to provide to the Board an original and three (3) copies of the *Petitioner's Post-Hearing Memorandum*. Should you or any member of the Board desire additional information or additional copies, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
Enclosures (4)
c (w/one encl.): Ranshell Holdings, LLC
Carole S. Demilio, Esquire
J. Carroll Holzer, Esquire

HOLZER

& LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

October 15, 2003

Ms. Kathleen C. Bianco
Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RECEIVED
OCT 15 2003
BALTIMORE COUNTY
BOARD OF APPEALS

RE: Case No.: 03-225-SPH
Ranshell Holdings, LLC

Dear Ms. Bianco:

Please be advised that I represents Protestants in this matter, Joe Fuchs, et al., who have retained Jack Dillon as an expert in the above-captioned case. The case is currently scheduled for a hearing before the Board on Thursday, October 23, 2003. I was just notified that Mr. Dillon will be out of town beginning on Wednesday, October 15, 2003 and not returning until Saturday, October 25, 2003.

I am enclosing Mr. Dillon's letter which indicates that he would desire to attend the hearing and hear the direct testimony presented. I would therefore request a postponement of this matter and would be more than happy to cooperate in obtaining a new hearing date.

Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosure

cc: Howard Alderman, Esquire
People's Counsel for Baltimore County
Mr. Jack Dillon
Mr. Joe Fuchs

Pet Ex 4

from the Director of the Department of Environmental Protection and Resource Management.

(2) The recommendations shall be provided to the Board of Appeals within 30 days after the Department is notified by certified mail, return receipt requested, by the petitioner of the filing of the petition for reclassification, unless the Department by written request to the Board of Appeals, with good cause shown, moves that additional time not to exceed an additional 30 days is required to prepare and file said recommendations with the Board of Appeals.

B. The meeting of criteria established in this article for the filing of zoning reclassification petitions shall not in itself be sufficient grounds to reclassify property.

1A00.4 Plans and plats. Development plans and final subdivision plats shall be required in the manner prescribed under Section 1B01.3, and, for the purpose of this section, all references to D.R. Zones shall include the R.C. Zones.

1A00.5 Application to tract divided by zone boundary. Whenever a single tract is divided by a zone boundary so that portions of such a tract lie within R.C. Zones of different classifications, the total number of dwellings or density units permitted shall apply to each tract individually and, for the purpose of these regulations, shall be considered as separate parcels.

Prot Ex 4

102.3 No portion of an alley shall be considered as any part of a side or rear yard.

102.4 No dwelling, other than a multifamily building, shall be built on a lot containing less than 20,000 square feet which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel, except as provided for panhandle lots in Section 26-266 of the Baltimore County Code, 1988 Edition, as revised. **[Bill Nos. 172-1989; 2-1992]**

102.5 On a corner lot in any residential zone, no planting, fence, wall, building or other obstruction to vision more than three feet in height shall be placed or maintained within the triangular area bounded on two sides by the front and side street property lines, or by projections of said lines to their point of intersection, and on the third side by a straight line connecting points on said lot lines (or their projections), each of which points is 25 feet distant from the point of intersection. At the intersection of a street and an alley, the dimension corresponding to the 25 feet noted above shall be 15 feet and 10 feet at the intersection of two alleys. Poles, posts and guys for streetlights and for other utility services shall not be considered obstructions to vision within the meaning of this section. **[Resolution, November 21, 1956]**

102.6 No building permit shall be issued for any commercial, industrial or apartment development until the proposed plan for vehicular access thereto shall have been first approved by the Baltimore County Department of Permits and Development Management. **[Resolution, November 21, 1956]**

102.7 Where development of a property includes both a special exception and a residential subdivision, the area allocated for use as a special exception shall not be included in the calculation of residential density. **[Bill No. 74-2000]**

Section 103
Application of Zoning Regulations
[BCZR 1955]

103.1 These regulations shall apply as of the date of their adoption but the provisions pertaining to use, height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to the (then) Baltimore County Planning Commission (now Planning Board) and approved or tentatively approved (including any approval made subject to any condition or conditions) under the then existing official procedure in Baltimore County, prior to the adoption of these regulations.[5] The Zoning Regulations applicable to any such development, subdivision or parcel of land as aforesaid shall be the Zoning Regulations in effect at the time such plan, as aforesaid, was originally submitted to the Baltimore County Planning Commission.

Provided further, however, that the use and development of land in M.L. Zones shall not be affected by the foregoing provision, but development is permitted in accordance with any preliminary development plan approved by the Office of Planning before the effective date of this further proviso, even though such development may be counter to then-current regulations for M.L. Zones, if, on the

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

fifth anniversary of such effective date, construction either is completed or is substantially commenced and diligently being pursued to completion; otherwise, the regulations generally in effect at the time such use or development is to be established shall control.[6] **[Resolution, November 21, 1956; Bill No. 100-1970]**

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

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

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

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

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

[Bill No. 61-1979]

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

---

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

pursuant thereto, and approved in such other manner as may be prescribed under provisions adopted pursuant to the authority of Section 504, copies of the plans, certified by the Zoning Commissioner and the Director of Planning as having been so approved, shall be filed with such county or state agencies as they may direct and as may otherwise be required, and shall be retained in the files of the Office of Planning, including the files of the Zoning Commissioner.

7. Amendment of approved development plans. After partial or final development plans have been approved as provided under Paragraph 6, preceding, they may be amended only as provided below:

a. Amendment prior to sale of interest in nearby property. The development plans may be amended by simple resubmission, or by the submission of appropriate documents of revision, subject to the same requirements as are applied to original plans, if there is no change with respect to any lot, structure or use within 300 feet of a lot or structure which has been sold since the original plans were filed.

b. Amendment after sale of interest in nearby property or upon demand for hearing. In the case of an amendment not allowed under Subparagraph a, by reason of sale of property within the area, or in case of a demand for hearing by an eligible individual or group, the plans may be amended through special exception procedures, in the manner provided under Section 502 and subject to the following provisions:

(1) The amendment must be in accord with the provisions of the Comprehensive Manual of Development Policies and with the specific standards and requirements of this article, as determined by the Office of Planning. The Director, on behalf of the Planning Board, shall notify the Zoning Commissioner accordingly. **[Bill No. 29-1995]**

(2) Only an owner of a lot abutting or lying directly across a street or other right-of-way from the property in question, an owner of a structure on such a lot, or a homes association (as may be defined under the subdivision regulations or under provisions adopted pursuant to the authority of Section 504) having members who own or reside on property lying wholly or partially within 300 feet of the lot in question are eligible to file a demand for hearing. **[Bill No. 29-1995]**

(3) It must be determined in the course of the hearing procedure that the amendment would be consistent with the spirit and intent of the original plan and of this article. **[Bill No. 29-1995]**

c. Amendment upon request by owner of lot within subdivision. The Zoning Commissioner may, without a public hearing but with the concurrence of the Director of Planning, amend the plans with respect

to a structure on an individual lot created under the plans and used according to the purpose stated therein, or with respect to such lot, at the request of the lot owner, under the following requirements and conditions:

(1) Reasonable notification, by a standard method established pursuant to the authority of Section 504 and approved by the County Attorney, must be given to the occupants and owners of all real property which is fully or partially situated within 300 feet of the lot in question.

(2) It must be determined that a formal demand for hearing by an eligible individual or group, as described in Paragraph b, has not been filed.

(3) It must be determined that standards adopted under the authority of Section 504, in addition to the specific requirements under these regulations, will not be violated by the amendment.

(4) The Zoning Commissioner and the Director of Planning must certify that the amendment is in keeping with the spirit and intent of this article and other Baltimore County land use and development requirements administered by them, and both must certify that the amendment does not violate the spirit and intent of the original plan.

d. Any amended development plan and any document of amendment of such a plan must be filed with all agencies or officials with whom copies of the original plan have been filed pursuant to paragraph above, and no amendment takes effect otherwise.

B. Final subdivision plat.

1. Purpose. Pursuant to the regulations for D.R. Zones, a portion of a tract of land may be subdivided for development at a higher residential density than the maximum average density permitted, lessening the permitted density of development on the remainder of the tract; or a portion of the tract may be subdivided for development at less than the maximum average density, thus increasing the density at which the remainder of the tract may be developed (Section 1B01.2.A). It is the purpose of this paragraph to assure that these factors will be identified in the sale of any portion of a development tract in a D.R. Zone and, in particular, to prevent the unknowing purchase of a tract which, as a result of such prior subdivision, may not itself be developed at the average gross density specified in the regulations.

2. Effect. No subdivision of a tract or a portion of a tract may be created after the effective date of this article, except as otherwise provided under Section 1B02.3.A.2 unless the final subdivision plat therefore contains a summary showing the total number of dwelling or density units allowed for the entire tract under the applicable D.R. Zones. The summary shall indicate, as appropriate, the number of dwelling or density units utilized by previous

final subdivision plats for portions of the same tract, the number of dwelling or density units contained in the current subdivision plat, and the balance of dwelling or density units allowed for the remainder of the tract under the applicable D.R. Zone(s). It is the intent of these zoning regulations to prohibit subdivision or resubdivision of portions of a tract in a D.R. Zone in a manner so as to exceed the total number of dwelling or density units allowed under the applicable D.R. Zone(s) for the entire tract.

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Maryland Department of Planning

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

December 11, 2002

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

Re: **Zoning Advisory Committee Agenda, 12/16/02 re: case numbers 03-224-A, 03-225-SPH, 03-226-SPH, 03-228-A, 03-229-A, 03-230-A, 03-231-SPH, 03-232-SPH, 03-233-SPHA, 03-234-A, 03-235-SPHA, 03-236-A, 03-237-A, 03-238-A, 03-239-A, 03-240-A**

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 12/11/02. 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

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2365
Telephone: 410.767.4500 • Fax: 410.767.4480 • Toll Free: 1.877.767.6272 • TTY Users: Maryland Relay
Internet: www.MDP.state.md.us

Jack Dillon, APA
543 Park Avenue
Towson, Maryland 21204

October 15, 2003

J. Carroll Holzer
Holzer and Lee
508 Farimount Ave.

Re: Case No. 03-225-SPH
Ranshell Holdings, LLC

Dear Mr. Holzer:

In response to the subpoena issued for the above referenced case I must advise you that I am unable to attend the hearing scheduled for October 23, 2003. I will be attending a Land Trust Alliance National Conference in California and will not be returning until October 25th. I am very interested in this case and would very much like to be present to hear the direct testimony presented, is there a possibility that a postponement could be requested for this case?

Please keep me advised as to any additional hearing dates that may be scheduled for this case.

Sincerely,

Jack Dillon

c: Counsel for Appellant/ Petitioner/Developer : Howard Alderman Esq.
Office of People's Counsel
Kathleen C. Bianco, County Board of Appeals

31

December 31, 2002

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Baltimore County, Maryland

Re: File#03-225-SPH
Hearing Date 1/3/03

Dear Mr. Kotroco,

On behalf of my self and my neighbors, I hereby request a postponement of the Aforementioned scheduled hearing for 30-60 days. The reason for this request that a sign informing me/us was not posted until December 20, 2002. Considering the Christmas and New Year holidays, it has been very difficult to contact individuals (most individuals also were not available due to vacations).

I realize that this is short notice; however, I am not familiar with the procedures nor the process and hope you will approve this request.

Very Truly yours,

Joseph R. Fuchs
20711 Keeney Mill Road
Freeland, MD 21053
Ph. 410 525-1544 (office)
Ph. 410 329-8226 (home)

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

May 30, 2003

NOTICE OF ASSIGNMENT

CASE #: 03-225-SPH **IN THE MATTER OF: RANSHELL HOLDINGS, LLC**
-Legal Owner /Petitioner
20713 Keeney Mill Road
6th Election District; 3rd Councilmanic District

3/07/03 –D.Z.C.'s Order in which requested relief was DENIED.

ASSIGNED FOR: **THURSDAY, OCTOBER 23, 2003 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

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

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner : Howard L. Alderman, Jr., Esquire
Appellant /Petitioner : Randolph H. Shelly, G.M.
Ranshell Holding LLC
Randy Shelley

Geoffrey Schultz /McKee & Assoc., Inc.

Counsel for Protestants : J. Carroll Holzer, Esquire
Protestants: : John C. Boyle
Brian Gebhart
Joseph Matricciani
Mr. and Mrs. Joseph R. Fuchs

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

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

October 23, 2003

NOTICE OF ASSIGNMENT /Day #2

CASE #: 03-225-SPH

Day #2 from 10/23/03

IN THE MATTER OF: RANSHELL HOLDINGS, LLC
-Legal Owner /Petitioner
20713 Keeney Mill Road
6th Election District; 3rd Councilmanic District

3/07/03 –D.Z.C.'s Order in which requested relief was DENIED.

ASSIGNED FOR: **WEDNESDAY, OCTOBER 29, 2003 at 10:00 a.m. /Day #2**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

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

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner : Howard L. Alderman, Jr., Esquire
Appellant /Petitioner : Randolph H. Shelly, G.M.
Ranshell Holding LLC
Randy Shelley

Geoffrey Schultz /McKee & Assoc., Inc.

Counsel for Protestants : J. Carroll Holzer, Esquire
Protestants: : John C. Boyle
Brian Gebhart
Joseph Matricciani
Mr. and Mrs. Joseph R. Fuchs

Jack Dillon

People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

County Board of Appeals of Baltimore County

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

December 17, 2003

NOTICE OF REASSIGNMENT OF DELIBERATION

IN THE MATTER OF:

RANSHELL HOLDINGS, LLC -
Legal Owner /Petitioner
Case No-03-225-SPH

Having heard this matter on 10/23/03 and 10/29/03, public deliberation was previously assigned for 12/17/03 and has been POSTPONED by the Board (Mr. Stahl ill) and reassigned to the following date /time:

DATE AND TIME : THURSDAY, JANUARY 29, 2004 at 9:00 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

(Memos were filed by counsel on December 1, 2003)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner : Howard L. Alderman, Jr., Esquire
Appellant /Petitioner : Randolph H. Shelly, G.M.
Ranshell Holding LLC
Randy Shelley

Geoffrey Schultz /McKee & Assoc., Inc.

Counsel for Protestants : J. Carroll Holzer, Esquire
Protestants: : John C. Boyle
Brian Gebhart
Joseph Matricciani
Mr. and Mrs. Joseph R. Fuchs

Jack Dillon

People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Copy to: 2-4-7

Printed with Soybean Ink
on Recycled Paper

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
LIOYD MOXLEY	ZONING REVIEW	BALT. CO	

PLEASE PRINT CLEARLY

CASE NAME RANSHELL
CASE NUMBER 03 225 SPH
DATE 25 FEB 03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Howard L. Alderman, Jr.	LEVIN & GANN, PA, Nottingham Centre 8th Floor, 502 Washington Avenue	TOWSON, MD 21204	halderman@LevinGann.com
Randy Shelley	2601 Cotter Rd. Millers Md 21102	410-977-5885	
GEOFFREY C SCHULTE	5 SHAWAN ROAD	HUNT VALLEY, MD 21030	

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
J Carroll Holzer	508 Fairmount Ave	Towson MD	21286
JOSEPH R. FUCHS	20711 KEENEY MILL RD	FREELAND, MD 21053	2
John C Boyle	20709 Keeney Mill Rd	Freeland Md 21053	
KATHLEEN FUCHS	20711 KEENEY MILL RD	FREELAND, MD 21053	
Joseph Matricciani	20705 Keeney Mill Rd	Freeland MD 21053	jmatricciani@mdtest.lexmar.com
BRIAN GEBHART	20707 KEENEY MILL RD	FREELAND MD 21053	RBG197@AOL.COM

BALTIMORE COUNTY

CODE

1968

COUNSEL

PUBLISHED BY ORDER OF THE COUNTY COUNCIL

BALTIMORE COUNTY CODE 1978

LIBRARY
MAY 17 1990
LEGISLATIVE COUNCIL

1988/89 CUMULATIVE SUPPLEMENT

Containing all additions and amendments to the Baltimore County Code, 1978, through the 1989 Session of the Baltimore County Council, Bill No. 149-89

MUNICIPAL CODE CORPORATION

Tallahassee, Florida 1990

Sec. 22-49. Rules of procedure.

The directors of the department of public works and office of planning and zoning shall adopt and, from time to time, may amend a comprehensive manual of administrative procedures for the review and processing of plans and plats under the provisions of division 2 of these regulations. (Bill No. 56, 1982, § 2)

Sec. 22-50. Delinquent accounts.

(a) All delinquent accounts of any applicant shall be paid before the county may process plans or permits for any proposed development of such applicant.

(b) The provisions of subsection (a) do not apply if the applicant disputes the county's claim and posts collateral to satisfy the claim pending resolution of the dispute. (Bill No. 56, 1982, § 2)

Sec. 22-51. Compliance with other laws and regulations.

In addition to compliance with these development regulations, all development shall comply with all other applicable laws, rules or regulations of the county. All other laws, rules or regulations of the county affecting development are not superseded by these development regulations unless specifically so provided herein. (Bill No. 56, 1982, § 2)

Sec. 22-52. Baltimore County Code references.

All references in the Baltimore County Code to a preliminary plan of subdivision shall be deemed to mean the "plan" as defined in these regulations, and all references to the process of the subdivision of land shall be deemed to mean the "development" of land pursuant to these regulations. (Bill No. 56, 1982, § 2)

DIVISION 2. DEVELOPMENT REVIEW AND APPROVAL PROCESS

Sec. 22-53. General provisions.

Subject to the provisions of sections 22-41 through 22-43, an approved plan is required for all development and a plat is required for any subdivision. Additionally, all development activi-

ties on land within the critical area as delineated on the official critical area map of Baltimore County shall have completed with section 22-208 prior to the filing of a plan pursuant to section 22-55. (Bill No. 56, 1982, § 2; Bill No. 35, 1988, § 1)

Sec. 22-54. Predevelopment conference.

Prior to the filing of a plan for approval, an applicant shall meet with the office of planning and zoning and the department of public works for a predevelopment conference. For proposed development activities in the critical area, the applicant shall also meet with the department of environmental protection and resource management. The predevelopment conference may be waived by written agreement of the applicant and the directors of public works and planning and zoning, and, if applicable the director of environmental protection and resource management. The purpose of this conference is to provide the applicant with information about government policies, standards, and legislation which could pertain to the applicant's property. Such information would include but not be limited to:

(a) Zoning.

(b) Master plan intent and conflict, including basic services maps.

(c) Environmental constraints, including areas subject to tidal and riverine flooding, tidal and nontidal wetlands, areas of wet soils, county-designated critical areas, steep slopes, agricultural potential, watercourses, and areas inhabited by endangered species.

(d) Historical and archeological sites.

(e) Proximity of sewer and water.

(f) Plan review and approval process.

(g) State or federal permits which may be applicable.

(h) Critical area findings (section 22-58(b)(1)) and standards (division 6). (Bill No. 56, 1982, § 2; Bill No. 35, 1988, § 1)

102.3 No portion of an alley shall be considered as any part of a side or rear yard.

102.4 No dwelling, other than a multifamily building, shall be built on a lot containing less than 20,000 square feet which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel, except as provided for panhandle lots in Section 26-266 of the Baltimore County Code, 1988 Edition, as revised. **[Bill Nos. 172-1989; 2-1992]**

102.5 On a corner lot in any residential zone, no planting, fence, wall, building or other obstruction to vision more than three feet in height shall be placed or maintained within the triangular area bounded on two sides by the front and side street property lines, or by projections of said lines to their point of intersection, and on the third side by a straight line connecting points on said lot lines (or their projections), each of which points is 25 feet distant from the point of intersection. At the intersection of a street and an alley, the dimension corresponding to the 25 feet noted above shall be 15 feet and 10 feet at the intersection of two alleys. Poles, posts and guys for streetlights and for other utility services shall not be considered obstructions to vision within the meaning of this section. **[Resolution, November 21, 1956]**

102.6 No building permit shall be issued for any commercial, industrial or apartment development until the proposed plan for vehicular access thereto shall have been first approved by the Baltimore County Department of Permits and Development Management. **[Resolution, November 21, 1956]**

102.7 Where development of a property includes both a special exception and a residential subdivision, the area allocated for use as a special exception shall not be included in the calculation of residential density. **[Bill No. 74-2000]**

Section 103
Application of Zoning Regulations
[BCZR 1955]

103.1 These regulations shall apply as of the date of their adoption but the provisions pertaining to use, height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to the (then) Baltimore County Planning Commission (now Planning Board) and approved or tentatively approved (including any approval made subject to any condition or conditions) under the then existing official procedure in Baltimore County, prior to the adoption of these regulations.[5] The Zoning Regulations applicable to any such development, subdivision or parcel of land as aforesaid shall be the Zoning Regulations in effect at the time such plan, as aforesaid, was originally submitted to the Baltimore County Planning Commission.

Provided further, however, that the use and development of land in M.L. Zones shall not be affected by the foregoing provision, but development is permitted in accordance with any preliminary development plan approved by the Office of Planning before the effective date of this further proviso, even though such development may be counter to then-current regulations for M.L. Zones, if, on the

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

fifth anniversary of such effective date, construction either is completed or is substantially commenced and diligently being pursued to completion; otherwise, the regulations generally in effect at the time such use or development is to be established shall control.[6] **[Resolution, November 21, 1956; Bill No. 100-1970]**

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

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

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

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

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

[Bill No. 61-1979]

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

---

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

pursuant thereto, and approved in such other manner as may be prescribed under provisions adopted pursuant to the authority of Section 504, copies of the plans, certified by the Zoning Commissioner and the Director of Planning as having been so approved, shall be filed with such county or state agencies as they may direct and as may otherwise be required, and shall be retained in the files of the Office of Planning, including the files of the Zoning Commissioner.

7. Amendment of approved development plans. After partial or final development plans have been approved as provided under Paragraph 6, preceding, they may be amended only as provided below:

a. Amendment prior to sale of interest in nearby property. The development plans may be amended by simple resubmission, or by the submission of appropriate documents of revision, subject to the same requirements as are applied to original plans, if there is no change with respect to any lot, structure or use within 300 feet of a lot or structure which has been sold since the original plans were filed.

b. Amendment after sale of interest in nearby property or upon demand for hearing. In the case of an amendment not allowed under Subparagraph a, by reason of sale of property within the area, or in case of a demand for hearing by an eligible individual or group, the plans may be amended through special exception procedures, in the manner provided under Section 502 and subject to the following provisions:

(1) The amendment must be in accord with the provisions of the Comprehensive Manual of Development Policies and with the specific standards and requirements of this article, as determined by the Office of Planning. The Director, on behalf of the Planning Board, shall notify the Zoning Commissioner accordingly. **[Bill No. 29-1995]**

(2) Only an owner of a lot abutting or lying directly across a street or other right-of-way from the property in question, an owner of a structure on such a lot, or a homes association (as may be defined under the subdivision regulations or under provisions adopted pursuant to the authority of Section 504) having members who own or reside on property lying wholly or partially within 300 feet of the lot in question are eligible to file a demand for hearing. **[Bill No. 29-1995]**

(3) It must be determined in the course of the hearing procedure that the amendment would be consistent with the spirit and intent of the original plan and of this article. **[Bill No. 29-1995]**

c. Amendment upon request by owner of lot within subdivision. The Zoning Commissioner may, without a public hearing but with the concurrence of the Director of Planning, amend the plans with respect

to a structure on an individual lot created under the plans and used according to the purpose stated therein, or with respect to such lot, at the request of the lot owner, under the following requirements and conditions:

(1) Reasonable notification, by a standard method established pursuant to the authority of Section 504 and approved by the County Attorney, must be given to the occupants and owners of all real property which is fully or partially situated within 300 feet of the lot in question.

(2) It must be determined that a formal demand for hearing by an eligible individual or group, as described in Paragraph b, has not been filed.

(3) It must be determined that standards adopted under the authority of Section 504, in addition to the specific requirements under these regulations, will not be violated by the amendment.

(4) The Zoning Commissioner and the Director of Planning must certify that the amendment is in keeping with the spirit and intent of this article and other Baltimore County land use and development requirements administered by them, and both must certify that the amendment does not violate the spirit and intent of the original plan.

d. Any amended development plan and any document of amendment of such a plan must be filed with all agencies or officials with whom copies of the original plan have been filed pursuant to paragraph above, and no amendment takes effect otherwise.

B. Final subdivision plat.

1. Purpose. Pursuant to the regulations for D.R. Zones, a portion of a tract of land may be subdivided for development at a higher residential density than the maximum average density permitted, lessening the permitted density of development on the remainder of the tract; or a portion of the tract may be subdivided for development at less than the maximum average density, thus increasing the density at which the remainder of the tract may be developed (Section 1B01.2.A). It is the purpose of this paragraph to assure that these factors will be identified in the sale of any portion of a development tract in a D.R. Zone and, in particular, to prevent the unknowing purchase of a tract which, as a result of such prior subdivision, may not itself be developed at the average gross density specified in the regulations.

2. Effect. No subdivision of a tract or a portion of a tract may be created after the effective date of this article, except as otherwise provided under Section 1B02.3.A.2 unless the final subdivision plat therefore contains a summary showing the total number of dwelling or density units allowed for the entire tract under the applicable D.R. Zones. The summary shall indicate, as appropriate, the number of dwelling or density units utilized by previous

final subdivision plats for portions of the same tract, the number of dwelling or density units contained in the current subdivision plat, and the balance of dwelling or density units allowed for the remainder of the tract under the applicable D.R. Zone(s). It is the intent of these zoning regulations to prohibit subdivision or resubdivision of portions of a tract in a D.R. Zone in a manner so as to exceed the total number of dwelling or density units allowed under the applicable D.R. Zone(s) for the entire tract.

JAN 01 1990
COUNCIL'S COPY

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1990, Legislative Day No. 2

Bill No. 18-90

Mr. C. A. Dutch Ruppersberger, III, Councilman
By Request of County Executive

By the County Council, January 16, 1990

A BILL
ENTITLED

AN ACT concerning

Title 22 "Planning, Zoning and Subdivision Control"

FOR the purpose of repealing sections providing for the composition of the Planning Board, appointment of the Planning Board, interim development controls for the Chesapeake Bay Critical Area, including sections establishing legislative findings of fact, legislative intent, definitions, establishment and duration of such controls, official interim map, limits on development activities, limits on reclassifications and special exceptions, on capital improvement projects, on grading activity, limited modification of controls, and for appropriations for the Historic Landmark Commission; of repealing and reenacting sections dealing with the administration of the Office of Planning and Zoning, powers and duties of the Planning Board, establishing the meetings and rules of the Planning Board, the experience and duties of the director of planning and the zoning commissioner, scope of the master plan, required action on specific projects before the planning board, applications for building permits where impacted by master plan, preparation of zoning regulations and zoning maps, authority of zoning commissioner to provide for special hearings, variances and special exceptions, review by the Board of Appeals of zoning commissioner decisions, custody of books and records by the zoning commissioner, validation of zoning regulations, appeals from the zoning commissioner to the Board of Appeals, maintenance of regulations and laws adopted by the County Council, penalty for violations, injunctive relief, civil penalties for zoning violations, scope of development regulations, general exemption from the development regulations, waivers, recording of unapproved plats, fees, compliance with laws and regulations, adding agencies to be notified of plans filed with the CRG, actions taken by the CRG, referral of the CRG plan to the planning board, amendments to the plan, requirements for approval and recordation of the plan, procedure for approval, time limit for validity of plats, extension of the time limit for validity of plats and plans, county participation, security required, slope protections and soils, development of property in RCC, RO, O-1, O-2 zones and CR districts, reclamation development plan, term and appointments to the historic landmark commission, officers of the commission, creation of historic districts, referral of applications for construction or alteration of any structure within a historic district, final historical landmarks list, agricultural land preservation district and sale of easements, official maps of the agricultural land preservation district, applicability of the critical area findings plan, procedure for reviewing findings law, non-tidal and tidal wetlands, buffers, habitat protections areas, and approval of use and occupancy permits; adding a new section dealing with ~~the authority of the zoning commissioner to adopt policies~~; limited exemptions from the development regulations, preparation of the plan, procedure before the planning board, adoption of the development manuals, and compilation and maintenance of the landmarks list.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY repealing

Sections 22-3, 22-4, 22-111 through 22-120, 22-167

BY repealing and reenacting

Sections 22-2(a),(b)(4),(c), 22-5, 22-6, 22-11, 22-13, 22-17, 22-18(a),(b),(d), 22-21(b),(e), 22-26, 22-28, 22-30(b),(d), 22-31, 22-32, 22-34, 22-35, 22-36, 22-36.1(a),(b),(c),(d)(4),(e)(1)(3)(4), 22-40, 22-41, 22-42(5),(7), 22-43(a)(first paragraph),(b),(c), 22-45, 22-48, 22-51, 22-55(a), (b)(12), (13-17), (26), (27), (34), 22-57(a), (e), (h), 22-58(g),(h), 22-59(a)(2), 22-63, 22-66 (f)(3), 22-67(b),(c), (d), 22-68(c), 22-68.1(e), 22-70(b), 22-75(a), (c), 22-99 (a), (b), 22-104(c)(2)(first paragraph), 22-105(b)(2),(5), (e), (h), 22-106(c)(1)a., 22-107, 22-144, 22-146, 22-149, 22-159, 22-169, 22-172, 22-173, 22-207, 22-208(b), 22-211, 22-213(c) 22-215(a), 22-219.

BY adding

Sections 22-34.1 , 22-42(9), 22-55(b)(31)VII, (32)XII, (d), 22-60(b)(4), 22-105(b)(6), 22-150(g)

All of Title "Planning Zoning and Subdivision Control" Baltimore County Code, 1978, 1987 Cumulative Supplement, as amended by subsequent bills

SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland, that Sections 22-3, 22-4, 22-111 through 22-120 and 22-167 title "Planning, Zoning and Subdivision Control", Baltimore County Code, 1978, 1987 Cumulative Supplement, as amended, be and they are hereby repealed.

{Sec. 22-3. Planning Board-Composition; voting and nonvoting members.}

{The planning board shall consist of sixteen (16) members, of whom twelve (12) shall be lay members holding no other salaried position in the county government, and the remaining four (4) members shall be the county executive, the county superintendent of schools, the director of public works and the zoning commissioner, all of whom shall serve ex officio during their official tenures in such offices. The ex officio members of the planning board shall be nonvoting members.}

{Sec. 22-4. Same-Appointment, term and qualifications of lay members.}

{(a) The lay members of the planning board shall, at the time of their appointment and for two (2) years prior thereto, and during their full term of office, be residents of the county and shall be appointed by the county executive in the following manner: One member shall reside in the First or Second Councilmanic District, one shall reside in the Third,

1. {(3)}(4) The county attorney shall prosecute civil zoning
2. violations in the district court.
3. ARTICLE IV. DEVELOPMENT REGULATIONS OF BALTIMORE COUNTY
4. DIVISION I. IN GENERAL
5. Sec. 22-40. Scope of regulations.
6. These regulations shall apply to all development except such
7. development which, prior to the effective date of this article (June 11,
8. 1982), has received tentative approval of the preliminary plan by the
9. planning board or for which development a valid, unexpired building permit
10. exists, or for which development a current executed public works agreement
11. exists, all of which development shall be governed by the subdivision
12. regulations in effect at the time of said preliminary plan approval,
13. building permit issuance or public works agreement execution, as the case
14. may be. PROPOSED DEVELOPMENT SHALL BE IN COMPLIANCE WITH THE PRESENT
15. ZONING CLASSIFICATION ON THE SUBJECT PROPERTY.
16. Sec. 22-41. General exemption.
17. The subdivision of land for agricultural purposes is exempt from these
18. regulations if no new streets are involved, SUBJECT TO COMPLIANCE WITH ALL
19. APPLICABLE ZONING REGULATIONS.
20. Sec. 22-42. Limited exemptions.
21. The following development is exempt from division 2 of these
22. regulations{;} ONLY. COMPLIANCE WITH DIVISIONS 3, 4, and 5 IS REQUIRED
23. AS IS COMPLIANCE WITH ALL APPLICABLE ZONING REGULATIONS.
24. (5) The resubdivisions or lot line adjustment of industrially zoned
25. OR COMMERCIALLY ZONED parcels of land which have been the subject of a
26. previously approved plan and recorded plat.
27. (7) The construction of RESIDENTIAL accessory structures{.} OR
28. MINOR COMMERCIAL STRUCTURES.
29. Sec. 22-43. Waivers.
30. (a) If the director of planning {and zoning} finds (i) that the size,
31. scope and nature of a proposed development does not justify strict
32. compliance with these regulations, and (ii) that a waiver would be within

[illegible] scope, purpose and intent of these regulations, and (iii) that all other county lands, ordinances and regulations have been complied with, [he] THE DIRECTOR may grant a waiver from any part of these regulations in the following cases:

(b) If the director of planning [and zoning] determines that a waiver is appropriate, prior to granting such waiver, the director shall give written notice to the planning board of the nature of the contemplated waiver action and the reasons therefor. At the next scheduled meeting of the planning board, a majority of the members of the board in attendance at said meeting may vote to deny or amend with the consent of the applicant, in writing, the director's contemplated waiver action; and the director shall deny or amend the waiver in accordance with the majority vote of the planning board. If no action is taken by the planning board at said meeting, the director may grant the waiver in accordance with the written notification to the planning board.

(c) Before proposing to grant a waiver for development within the critical area, the director of planning [and zoning] shall obtain recommended findings from the director of THE DEPARTMENT OF environmental protection and resource management which shall be based on the standards specified in section 22-58(b).

Sec. 22-45. Recording unapproved plat.

A person may not offer and the clerk of the circuit court may not accept any plat for recording in the plat records of Baltimore County unless the same has been approved for recording as required by these regulations. IF SUCH PLAT IS RECORDED, IT SHALL BE CONSIDERED A NULLITY.

Sec. 22-48. Fees.

The county administrative officer may establish, from time to time, the fees to be charged for any function of any county agency under the provisions of these regulations. [except that a fee may not be charged for the predevelopment conference required by section 22-54.]

Sec. 22-51. Compliance with other laws and regulations.

In addition to compliance with these development regulations, all development shall comply with all other applicable laws, rules or regulations of the county. All other laws, rules or regulations of the county affecting development are not superseded by these development regulations unless specifically so provided herein. THE COUNTY MAY NOT PROCESS PLANS OR PERMITS FOR ANY PROPOSED DEVELOPMENT IF THE APPLICANT OWNS OR HAS ANY INTEREST IN ANY PROPERTY LOCATED IN BALTIMORE COUNTY UPON WHICH THERE EXISTS, AT THE TIME OF THE APPLICATION OR DURING THE PROCESSING THEREOF, A VIOLATION OF THE ZONING OR DEVELOPMENT REGULATIONS OF BALTIMORE COUNTY.

DIVISION 2. DEVELOPMENT REVIEW AND APPROVAL PROCESS

Sec. 22-55. Plan.

(a) The plan shall set forth an informative, conceptual and schematic representation of the proposed development IN A CLEAR AND LEGIBLE MANNER by means of maps, graphs, charts or other written or drawn documents so as to enable the county and all reviewing agencies an opportunity to make reasonably informed decisions regarding the development.

(b) The plan shall be filed with the department of public works and shall contain the following information:

(12) Existing buildings AND ACCESS POINTS on property adjacent to the subject property;

(13) Designated areas of critical state concern identified as such under the procedures of {article 88c, section 2(b)(3) of the Annotated Code of Maryland} SECTION 5-611 OF THE STATE FINANCE AND PROCUREMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS FROM TIME TO TIME AMENDED, and as mapped and available for inspection in the office of planning and zoning

(14) General schematic proposal for grading, including the anticipated alteration or removal of vegetation {of} OR other natural features{;} OR A DESIGNATED LIMIT OF DISTURBANCE LINE;

1. (15) Proposed lot or building layout with parking{;} INCLUDING
2. ELEVATION DRAWINGS AND CROSS SECTIONS WHEN DEEMED NECESSARY BY THE DIRECTOR
3. OF PLANNING.
4. (16) Proposed street layout with EXISTING AND FUTURE paving and
5. right-of-way widths indicated;
6. (17) Proposed {common} open space and acreage;
7. (26) A chart indicating required and proposed area of {common}
8. open space and parking spaces and indicating the number of units permitted
9. and proposed;
10. (27) Location and description of {potentially} hazardous material
11. as defined by {title 10, state department of health and mental hygiene,
12. subtitle 51;} SECTION 7-101 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED
13. CODE OF MARYLAND, AS FROM TIME TO TIME AMENDED.
14. (34) A schematic landscape plan showing existing vegetation and
15. proposed planting (location and quantity) shall be submitted {based on the
16. standards contained in the Baltimore County Landscape Manual.} FOR ALL
17. DEVELOPMENT EXCEPT RESIDENTIAL DEVELOPMENT WHERE PROPOSED PLANTING MAY BE
18. INDICATED BY QUANTITY ONLY.
19. Sec. 22-57. County Review Group (CRG).
20. (a) The CRG consists of the directors of the department of public
21. works and office of planning and zoning or their designated representatives.
22. (e) The chairman of the CRG shall provide copies of all filed plans
23. to the following agencies and shall notify said agencies of all scheduled
24. meetings of the CRG concerning said plans:
25. (1) {Health} DEPARTMENT OF ENVIRONMENTAL PROTECTION AND
26. RESOURCE MANAGEMENT;
27. (2) Traffic engineering;
28. (3) Recreation and parks;
29. (4) Fire AND POLICE;
30. (5) COMMUNITY DEVELOPMENT;
31. (6) ECONOMIC DEVELOPMENT COMMISSION;
32. (7) OFFICE OF THE ZONING COMMISSIONER

1. [5] (8) The landmarks preservation commission, if the plan
2. involves any building or site identified on any one (1) of the lists
3. referred to in section 22-55(b)(8);
4. [6] (9) State highways administration; and
5. [7] (10) Any agency represented pursuant to subsection (d) of
6. this section.
7. (h) Prior to the initial meeting of the CRG to review a plan,
8. representatives of the department of public works and office of planning
9. and zoning shall visit the site.
10. Sec. 22-58. CRG action.
11. (g) At the continued meeting, the CRG shall take either of the
12. following actions as applicable and shall summarize the action taken, in
13. writing, as a permanent part of the plan file:
14. (1) Final action on a plan; or
15. (2) REFERRAL OF A PLAN TO THE PLANNING BOARD IF, AS A RESULT
16. OF ADDITIONAL INFORMATION OR RESOLUTION OF ANY DEVELOPMENT MATTER, SUCH
17. REFERRAL IS REQUIRED PURSUANT TO SECTION 22-59; OR
18. [(2)] (3) Continuation of the CRG meeting in order to receive
19. additional information or to resolve any development matter raised at the
20. meeting regarding the plan.
21. (h) If a plan is disapproved, the chairman of the CRG shall mail a
22. copy of the summary of the CRG action to the applicant at the address
23. indicated in the plan.
24. Sec. 22-59. Referral to planning board.
25. (a) In accordance with section 22-58(b) or (d), the CRG shall refer
26. the plan to the planning board in the following circumstances:
27. (2) A dispute exists concerning the location of streets WITHIN
28. THE PROPERTY OR which connect the property which is the subject of the plan
29. to adjoining properties or streets; or
30. Sec. 22-63. Amendments to plan.

Any material amendment to an approved plan shall be reviewed and approved in the same manner as the original plan OR IN ACCORDANCE WITH THE CRG COMPREHENSIVE MANUAL OF ADMINISTRATIVE POLICY.

Sec. 22-66. Same-Requirements for approval and recordation

(f) The record plat shall:

(3) Contain the endorsements by the directors of public works, planning [and zoning] and [health] DEPRM as required by section 22-67.

Sec. 22-67. Same-Procedure for approval.

(b) After receipt and approval of all items required in subsection(a) above, the director of public works shall promptly transmit the plat to the department of [health] ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT and office of planning and zoning for their review for conformity with the plan, unless said plat was already reviewed by the departments for such conformity.

(c) Within ten (10) days after receipt of the plat, the directors of public works, [health] ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, and planning [and zoning], or their authorized representatives, shall approve, modify with the consent of the applicant, or disapprove the plat. The applicant shall be notified in writing of the reasons for modification or disapproval.

(d) No plat may be recorded unless it has been approved by all three (3) directors above AND the approvals have been so noted on the plat.

Sec. 22-68. Time limit for validity of subdivision plats.

(c) A subdivision, section or parcel thereof is hereby defined as developed, AND IS THEREFORE CONSIDERED TO BE VESTED, if any of the following has occurred with respect to such subdivision, section or parcel:

(1) Building permits have been issued; or

(2) Substantial construction on required public or private improvements has occurred on such subdivision, section or parcel pursuant to the applicable regulations and requirements of the department of public works.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1992, LEGISLATIVE DAY NO. 1

BILL NO. 1-92

Mr. Douglas B. Riley, Councilman

By Request of County Executive

BY THE COUNTY COUNCIL, JANUARY 6, 1992

A BILL ENTITLED

AN ACT concerning

Title 26 "Planning, Zoning and Subdivision Control"

FOR the purpose of repealing sections providing for waivers from the development regulations, for the predevelopment conference, the filing and content of the plan, the composition of the County Review Group, the authority of the County Review Group, appeals from final action on a plan, and review of development in RCC, O-1, O-2, OT zone and CR districts; repealing and re-enacting sections dealing with the status and authority of the zoning commissioner to provide for specific hearings, special exceptions and variances, development policies, purposes of the development regulations, definitions, limited exemptions, County Code references, general provisions, preliminary review of the plan, referral to planning board, procedure before planning board, expiration of plan approval and amendments to plan; adding new sections dealing with waivers from the development regulations, preparation and presentation of a concept plan, the composition and procedure for reviewing plans, the establishment of a quasi-judicial process for approving plans, provisions for combined hearings, appeals from final action on plans, and compatibility; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

generally relating to the regulation of development projects in Baltimore County.

BY repealing

Sections 26-203 and 26-206

Title 26 - Planning, Zoning and Subdivision Control

Baltimore County Code, 1988

BY repealing and re-enacting, with amendments,

Sections 26-3(b), 26-127(a), 26-166, 26-167(c),(d),(e),(h), 26-168, 26-169, 26-171, 26-172, 26-178, 26-181, 26-202, 26-204, 26-205, 26-207, 26-208, 26-209, as amended by Bill No. 41-91, 26-210, 26-211 and 26-282

Title 26 - Planning, Zoning and Subdivision Control

Baltimore County Code, 1988

BY adding

Sections 26-203, 26-206 and 26-206.1

Title 26 - Planning, Zoning and Subdivision Control

Baltimore County Code, 1988

WHEREAS, the Baltimore County Council has received a final report from the Planning Board concerning the subject legislation, dated October 15, 1991, and held a public hearing thereon on November 26, 1991, now, therefore

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY,
2. MARYLAND, that Sections 26-203 and 26-206 of Title 26 - Planning, Zoning and
3. Subdivision Control of the Baltimore County Code, 1988, be and they are hereby
4. repealed.

SECTION 2. AND BE IT FURTHER ENACTED, that Sections 26-3(b), 26-127(a), 26-166, 26-167(c),(d),(e),(h), 26-168, 26-169, 26-171, 26-172, 26-178, 26-181, 26-202, 26-204, 26-205, 26-207, 26-208, 26-209, as amended by Bill No. 41-91, 26-210, 26-211 and 26-282 of Title 26 - Planning, Zoning and Subdivision Control of the Baltimore County Code, 1988, be and they are hereby repealed and re-enacted with amendments, to read as follows:

ARTICLE I. IN GENERAL

Sec. 26-3. Director of planning; deputy director of planning; zoning commissioner; deputy zoning commissioner.

(b) The county executive shall appoint the zoning commissioner and deputy zoning commissioner pursuant to section 522 of the Charter. The zoning commissioner and deputy zoning commissioner, as holders of the delegated legislative power conferred on them in this title, (1) ARE INDEPENDENT OFFICERS WITHIN THE COUNTY GOVERNMENT, AND ARE WITHIN THE OFFICE OF PLANNING AND ZONING SOLELY FOR BUDGETARY PURPOSES, (2) shall be appointed solely with regard to their qualifications for the duties of their office {and}, (3) shall have such training or experience as will qualify them to conduct quasi-judicial hearings on zoning matters and to discharge the other functions conferred upon them in this title and (4) shall hold no other appointive or elective public office or position in the county government except as provided herein. For budgetary purposes, the zoning commissioner, deputy zoning commissioner, office of the zoning commissioner, director of planning, office of planning and zoning, and planning board shall be treated as being within the office of planning and zoning.

ARTICLE IV. ZONING

Sec. 26-127. Authority of zoning commissioner to provide for special hearings, special exceptions and variances.

(a) Except as provided in section 2-356(p) of this Code and subject to the appropriate principles, standards, rules, conditions and safeguards set forth in the zoning regulations, the zoning commissioner, upon petition, may grant variances from area and height regulations, may interpret the zoning regulations, and may make special exceptions to the zoning regulations in harmony with their general purpose and intent; provided, that the issuance of all such special exceptions and variances shall be subject to appropriate principles, standards, rules, conditions and safeguards set forth in the zoning regulations, and that all decisions of the zoning commissioner with respect to such matters shall be subject to appeal to the board of appeals as provided in this article. The zoning commissioner shall schedule a public hearing on any petition for such a variance or special exception for a date not less than {thirty (30)} TWENTY ONE DAYS (21) nor more than ninety (90) days after the petition is accepted for filing. For a period of at least fifteen days prior to the time of such hearing, notice of the time and place of the hearing relating to the property under petition shall be conspicuously posted thereon. {and shall be given in at least ~~two-(2)-newspapers~~ ONE (1) NEWSPAPER of general circulation in the county.} Such notice shall provide the address of the property under petition, but if not available, a description, and the action requested thereon.

Quarry means any open pit mine from which rock, stone, or minerals are extracted. The term does not include a sand or gravel extraction operation.

Reclamation development plan means the written and graphic presentation of the proposed use of a quarry prepared in compliance with division 5.

Reclamation property means the site of a legally operating quarry and all contiguous or adjacent property in common ownership, including property that may be separated by public streets and containing a minimum of three hundred (300) acres.

Residential development means the development of land for any purpose or use permitted as of right or by special exception in the following zones and districts of the county: All D.R. and R.C. zones, R.A.E.1, R.A.E.2, R-O, and residential transition areas.

Steep slope means an area where the natural grade is twenty-five (25) percent or greater.

Street means any street, avenue, boulevard, road, lane, parkway, freeway, viaduct, bridge or other way, which is an existing state or county highway, or a street or way shown on a plat duly filed and recorded in the office of the clerk of the circuit court for the county, and includes the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavements, shoulders, curbs and gutters, sidewalks, parking areas and other areas within the street right-of-way lines.

Subdivision means the division of property into two (2) or more lots, or the combination of lots, parcels, tracts or other units of property previously divided, for the purpose, whether immediate or future, of sale, rental or building development.

Wetland means:

(1) A private wetland or a state wetland as defined in section 9-101 of the Natural Resources Article of the Annotated Code of Maryland, and, if a

private wetland, as delineated under the procedures of section 9-301 of that article; or

(2) A wetland as defined in section 1302, title 16, of chapter 29 of the United States Code Annotated and as described in section 7.752.2 of volume 7 of the Code of Federal Regulations; or

(3) An area not designated under these provisions but which is inundated or saturated by surface water or groundwater and which supports vegetation predominantly adapted to saturated soils and which has been designated as a wetland by ordinance of the county council.

Sec. 26-169. Scope of regulations.

These regulations shall apply to all development except: (i) such development which, prior to the effective date of this article (June 11, 1982), has received tentative approval of the preliminary plan by the planning board or for which development a valid, unexpired building permit exists, or for which development a current executed public works agreement exists, all of which development shall be governed by the subdivision regulations in effect at the time of said preliminary plan approval, building permit issuance or public works agreement execution, as the case may be. Proposed development shall be in compliance with the present zoning classification on the subject property; (ii) SUCH DEVELOPMENT AS HAS RECEIVED A CRG APPROVAL, RECLAMATION PLAN APPROVAL, OR ANY OTHER PROJECT VESTED BY LAW, OR SUCH DEVELOPMENT FOR WHICH A CRG PLAN HAS BEEN ACCEPTED FOR FILING BY THE DEPARTMENT OF PUBLIC WORKS <u>PRIOR TO THE DATE OF ADOPTION OF BILL 1-92</u>, ALL OF WHICH DEVELOPMENT SHALL BE GOVERNED BY THE SUBDIVISION REGULATIONS IN EFFECT AT THE TIME OF SAID APPROVAL OR ACCEPTANCE FOR FILING, AS THE CASE MAY BE.

~~(as Secretary to the Planning Board) to the Planning Board or the appropriate sub-committee of the Planning Board who shall review the proposed development and solicit comments from any agency, group or individual deemed necessary in order to evaluate the proposal.~~

~~3. Not more than 60 days after receipt of the petition the Planning Board shall complete its review of the proposed development and prepare a report to the Zoning Commissioner.~~

~~4. The final recommendations submitted by the Planning Board with respect to the petition shall be limited to a resolution effecting one of the following.~~

~~a. Adoption of a favorable report on the proposed planned development with or without recommended restrictions~~

~~b. Modification of such plan and adoption of a favorable report on the plan as modified with or without recommended restrictions~~

~~c. Adoption of an unfavorable report on the plan.~~

~~5. A favorable or unfavorable report from the Planning Board shall be supported in detail.~~

~~6. The next, regular business day after the Planning Board has taken action as prescribed above, the Director of Planning shall transmit to the Zoning Commissioner copies of the Board's report, together with copies of the resolution whereby the action was taken.~~

~~C. Remaining Procedural Steps and Review Requirements. The following provisions apply only to petitions for planned development in an R. C. 2 Zone.~~

~~1. Upon his receipt of the Planning Board resolution and report with respect to a petition for a planned development in an R. C. 2 zone, the Zoning Commissioner shall within 90 days schedule a hearing on the petition. The date of the hearing shall be subject to such postponement or conditions as circumstances may require, and except that the hearing may be scheduled for a later date if any day in the interval specified falls within a period for which hearings on zoning reclassification petitions must be scheduled pursuant to Section 22-22 of the Baltimore County Code 1968 Edition.~~

~~2. Upon hearing and reviewing the petition, the Zoning Commissioner may:~~

~~a. Grant the petition, as submitted; or~~

~~b. Deny the petition; or~~

~~c. Grant the petition as conditioned, restrict or modify the proposed planned development and grant the petition with the plan modified~~

~~affirmatively finds:~~

~~a. That the proposed planned development would have no adverse effect upon the health, safety, general welfare and environment in the vicinal area.~~

~~b. That the proposed planned development will be in accord with the intent and purpose of this classification and that specifically the proposed development will not be detrimental to any existing or potential agricultural activities on the remainder of the property or on nearby or adjacent land.~~

~~c. That, in due consideration of the comments or reports submitted by the Planning Board and all other agencies or officials required or requested to submit to him comments on the petition, the proposed development would not create conditions as set forth in Paragraph b, c, d, e, or f or Subsection 502.1; and~~

~~d. That the development, as approved, would comply with all applicable provisions of the Zoning Regulations and that the resolution of any conflict between other County laws or technical requirements and the proposed development plan is reflected by revisions incorporated into a development plan as finally approved.~~

~~4. The Zoning Commissioner in considering the petition shall also give consideration to the following factors:~~

~~a. The soil condition and type as determined by the Soil Survey for Baltimore County as published by the Soil Conservation Service, U.S. Department of Agriculture.~~

~~b. Current use and status of the property.~~

~~5. A development plan shall be submitted for approval in the manner prescribed under Subsection 1B01.3 of these regulations.~~

~~1A01.3 Height and area regulations~~

A. Height regulation. No structure hereafter erected in an R. C. 2 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area regulations.

1. Subdivision. Any subdivision of a lot in an R. C. 2 zone must be in accordance with the provisions of ~~this subparagraph or of Subparagraph 1A02. 3B2 or~~ Sec. 103.3 or subparagraph 2. below.

a. The maximum number of lots in addition to an existing principal dwelling that may be created shall be based on the gross

area of that tract which is to be subdivided and which constitutes the record lot of the effective date of this subparagraph, as follows:

Area of ~~Record Lot~~ LOT OF RECORD at the Time of the Effective Date of this Subparagraph, in Acres		Maximum Number of Lots Permitted
less than	3	1
at lease 3 but not more than	10	2
more than 10 but not more than	20	3
more than 20 but not more than	~~40~~ 100	~~4~~ 0.2 LOTS PER ACRE
~~more than 40 but not more than~~	~~60~~	~~5~~
~~more than 60 but not more than~~	~~100~~	~~6~~
more than 100		~~2~~ 20 lots plus ~~1~~ ONE additional lot for each 25 acres IN EXCESS OF 100 ACRES of THE total tract area.

b. ~~No such lot shall be less than 1 acre in area.~~ THE MINIMUM LOT SIZE SHALL BE 2 ACRES EXCEPT ON THOSE SOIL TYPES WHICH ARE IN CAPABILITY CLASSIFICATIONS I AND II AS RATED BY THE U.S. DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE, WHEREIN A 1 ACRE MINIMUM LOT SIZE IS REQUIRED HOWEVER, LOTS LOCATED IN CAPABILITY CLASSIFICATION I AND II SHALL NOT EXCEED 3 ACRES. NOT MORE THAN ONE-THIRD OF THE PERMITTED NUMBER OF LOTS SHALL BE PLACED WITHIN CAPABILITY CLASSIFICATIONS I AND II PROVIDED THAT THIS SUBSECTION SHALL NOT BE CONSTRUED SO AS TO DEPRIVE ANY PROPERTY OWNER OF THE NUMBER OF LOTS PERMITTED UNDER 1A01. 3B1a.

c. Width at front setback line—The minimum width at the front setback line shall not be less than 150′ and not more than 50% of the permitted number of lots may front on an existing public road, except as provided in subparagraph 103.3, 1A01. 3B.2.

d. Setbacks. The minimum setback for any dwelling or principal building shall be not less than 75′ from the centerline of any street, and not less than 50′ from a future right-of-way line, a minimum of 25′ from both side lot lines or a minimum of 50′ from any rear lot line.

2. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the Land Records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning ~~or tentative approval of a preliminary plan~~ on or before the effective date of these regulations and not part of an approved subdivision, that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the setback standards as prescribed and in force at the time of the lot recordation.

3. DwellingS ~~units~~ per lot. No more than one dwelling ~~unit~~ is permitted on any lot in an R. C. 2 zone but not excluding additional dwellingS ~~units~~ for bona fide tenant farmers.

~~4. Additional development. Any remaining land may be further sub divided under the provisions of Section 1A02. 2B 30.~~

Section 1A02—R. C. 3 (DEFERRAL OF PLANNING AND DEVELOPMENT) ZONES

1A02.1—General provisions.

A. Legislative Statement of Findings.

1. Declaration of findings. It is found:

a. That specific areas in Baltimore County are ideally suited for future higher density development due to their favorable geographic location to existing urban areas.

b. That these areas can be most economically provided with metropolitan water and sewer and other services.

c. That these areas are being preempted by scattered large lot development which will effectively destroy their use for future higher density development.

d. That any appreciable amount of preempting development must be deferred until future urban development can proceed.

e. That adequate large lot development areas are available without preempting these areas.

B. Purpose. The RC 3 zoning classification is established pursuant to the legislative findings set forth above, in order to: prevent undesirable, preempting forms of development which will prohibit a desirable higher density development pattern in the future.

C. Location. The R. C. 3 classification may be applied at a given time only to land lying beyond the urban-rural demarcation line at that time.

1A02.2—Use regulations

A. Uses permitted as of right. The following uses, only, are permitted as of right in R. C. 3 zones.

COORDINATES

NO.	NORTH	EAST
100	3571.30	8214.84
101	10737.23	7561.26
102	10751.11	7533.40
103	10637.09	7483.33
104	10511.90	7096.51
105	10498.54	7072.84
106	10363.23	7077.60
107	10244.90	7041.08
108	9804.88	7162.47
202	9712.73	8540.77
201	9738.96	7344.38
35	3510.88	8037.22
18	10823.07	7513.84

GENERAL NOTES:

1. NO FURTHER SUBDIVISION OF THE LOTS SHOWN HEREON WILL BE ALLOWED UNLESS APPROVED BY THE BALTIMORE COUNTY PLANNING AND ZONING COMMISSION.
2. THE LOTS SHOWN HEREON ARE FOR SINGLE FAMILY-RESIDENTIAL USE ONLY.
3. NO BUILDING PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF A DWELLING ON A LOT SHOWN HEREON UNTIL A WELL IS APPROVED BY APPLICABLE STATE & COUNTY AGENCIES HAVING JURISDICTION.

DENSITY NOTES:

1. EXISTING ZONING OF TRACT	R.C.-2
2. GROSS RESIDENTIAL AREA	27.501 Ac±
3. ROADWAY WIDENING AREA	0.344 Ac±
4. NET RESIDENTIAL AREA	27.157 Ac±
5. NO. OF LOTS ALLOWED	5
6. NO. OF LOTS PROPOSED	5
7. AVERAGE LOT SIZE	5.43 Ac±
8. GROSS RESIDENTIAL DENSITY	0.18 FAM./AC
9. NET RESIDENTIAL DENSITY	0.18 FAM./AC.

E.H.K. JR. 41 FOLIO 43

Filed for record
Date MAY 3 1977
Tests.
Clerk

FINAL SUBDIVISION PLAT

-OF-

"KEENEY MILL WOODS-EAST"

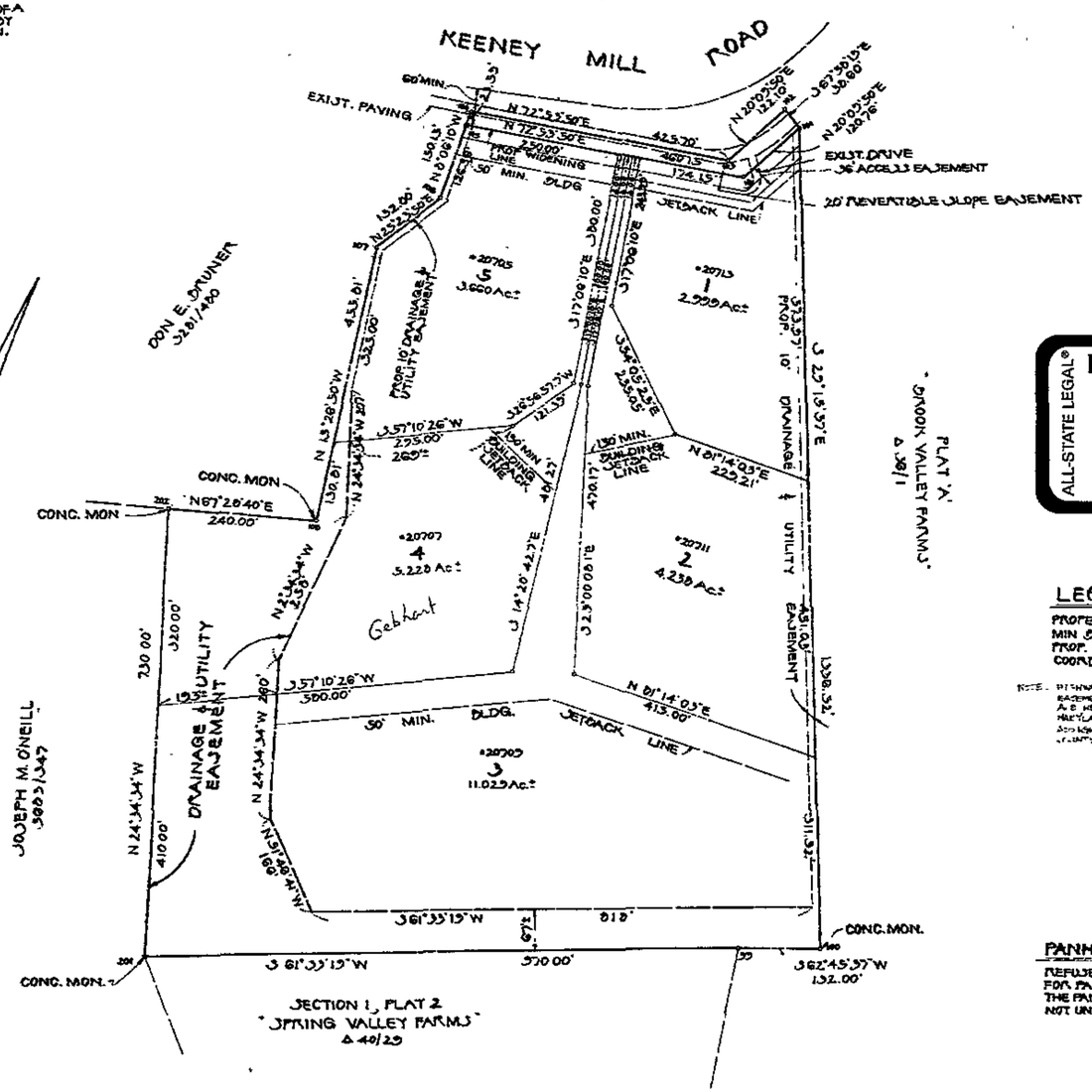
6TH ELECTION DISTRICT — BALTIMORE CO., MARYLAND

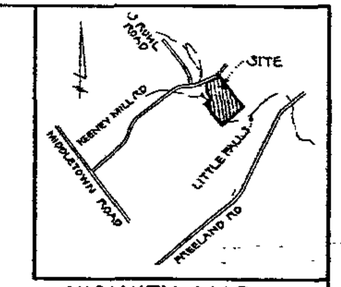
SCALE: 1"=100' — APRIL 6, 1977

for

OWNER AND DEVELOPER

JAMES KASSOLIS
SUITE 1 MALAW BLDG.
MT. CARMEL ROAD
PARKTON, MARYLAND 21120





VICINITY MAP
SCALE: 1" = 2000'

ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
2

LEGEND:

PROPERTY LINE SHOWN THUS:
MIN. BLDG. SETBACK SHOWN THUS:
PROP. EASEMENTS SHOWN THUS:
COORDINATES SHOWN THUS:

NOTE: HIGHWAY AND BIKEWAY WIDENING - SLOPE DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES, ASSIGNS, SHALL CONVEY SAID AREAS, BY DEED, TO BALTIMORE COUNTY, MARYLAND, AT HIS COST.

P. W. L. Completed
Final Plat Approved:
Planted
Replanted
Bond Released
Bond No.

PANHANDLE NOTE:

REFUSE COLLECTION, SNOW REMOVAL & ROAD MAINTENANCE FOR PANHANDLE LOTS ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE & STREET RIGHT-OF-WAY LINE ONLY, AND NOT UNTO THE PANHANDLE LOT DRIVEWAY.

TITLE REFERENCE: E.H.K. JR. 5729/718

APPROVED: BALTIMORE COUNTY PLANNING BOARD
DATE — DIRECTOR

APPROVED:
DATE — COUNTY HEALTH OFFICER

APPROVED: 5/3/77
DATE — COUNTY ROADS ENGINEER

NOTE:
THE STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR INTENTS OF DESCRIPTION ONLY, & THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE; THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS & ASSIGNS.

NOTE:
THE COURSES & COORDINATES SHOWN HEREON ARE REFERRED TO AN ASSUMED COORDINATE SYSTEM

SURVEYOR'S CERTIFICATE:

I, JAMES W. McKEE, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAID OUT & THE PLAT THEREOF PREPARED IN ACCORDANCE WITH SECTIONS 72A TO 72E INCLUSIVE OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1939 EDITION AS ENACTED OR AMENDED BY THE ACTS OF 1945 & 1947 & SUBSEQUENT ACTS, IF ANY, AMENDATORY THERETO.

JAMES W. McKEE, L.S. — MD. REG. NO. 5012.

OWNER'S CERTIFICATE:

THE REQUIREMENTS OF SECTION 72A TO 72D OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1939 EDITION CHAPTER 1016 OF THE ACTS OF 1945, AS AMENDED BY CHAPTERS 84 & 700 OF THE ACTS OF 1947 AND SUBSEQUENT ACTS IF ANY AMENDATORY THERETO, SO FAR AS THEY CONCERN THE MAKING OF THE PLAT & SETTING OF MARKERS HAVE BEEN COMPLIED WITH:
JAMES KASSOLIS - OWNER OF LAND SHOWN HEREON.

BY
OWNER — DATE.

LOCH RAVEN WATERSHED DRAINAGE AREA

McKEE ENGINEERING, INC.
1824 RIDGE RD. - REISTERSTOWN, MD. 21136

JOB NO	SCALE: 1"=100'	ENGR. D.W.D	DRAWN M.J.D	SHEET #1 OF 1
76-24	DATE: JAN. 1977	DES. D.W.D.	CHK. J.W.M.	

MISA 550.1276-6125

P 65 962

1A01.3.B.1 SUBDIVIDING EXISTING LOTS

a. Subdivision or further subdividing of legally existing R.C.-2 zoned lots of record prior to Bill 178-79 (effective 11/25/79) is permitted provided that:

(1) only the most recent deed shall be used to determine the number of lots of record and that;
(2) the lots recorded met the existing zoning regulations at that time.

b. If the property is recorded by multiple deeds or the deed contains multiple parcels, or the subdivision needs further clarification, the following information must be provided:

(1) A scaled site plan showing the boundaries of the parcel as they were on November 25, 1979 with the zone line plotted upon it.
(2) Drawings showing any changes in boundary and/or ownership since that time.
(3) All deeds recorded that show change in boundaries or ownership.
(4) A letter stating the devolution of title and what is being requested.
(5) Drawings should be color-coded to match accompanying deed.
(6) All of the above should be signed and sealed by a surveyor, engineer or title attorney and must be submitted for review at least 15 working days prior to zoning approval or the C.R.G. meeting.

c. When legally existing parcels or deeds qualify to be subdivided or resubdivided, each separate parcel must be subdivided individually.

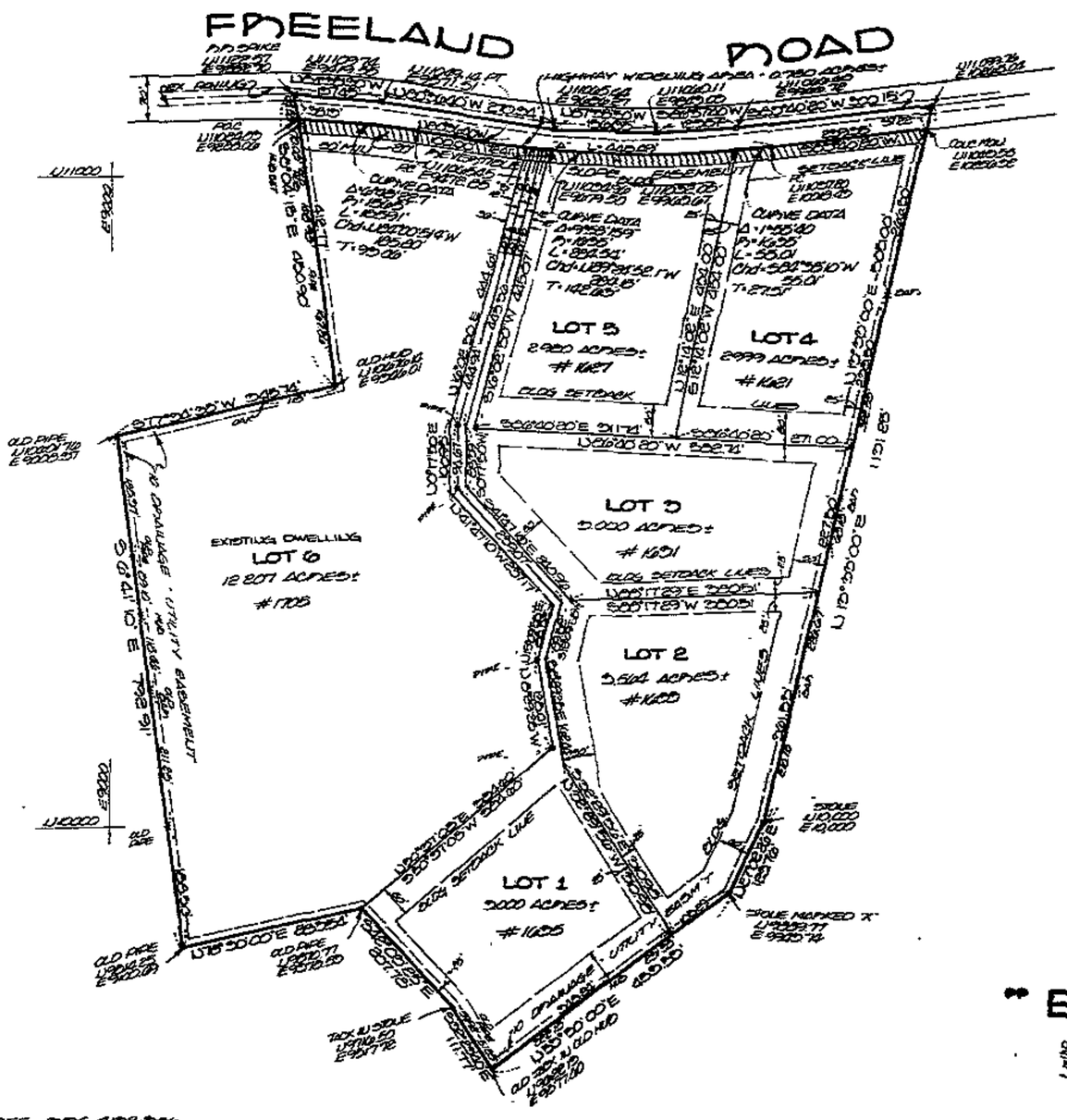
d. If the intent is to reconfigure the existing lots, the main purpose <u>must</u> be for the protection and preservation of farm land and not to create "more uniform" lots for homesites.

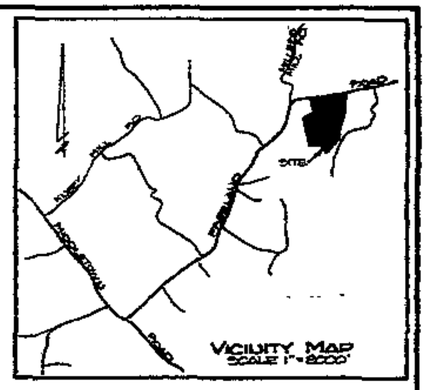
e. Persons shall be advised to read both the Circuit Court and the Court of Special Appeals Cases for Steven H. Gudeman, et ux, All Parties v. People's Counsel for Baltimore County.

1A01.3.B.3 See 103.3.A, ZCPM, Method of Measuring Setbacks, Page 1-43.1

ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
3

CURVE DATA					
CURVE	Δ	RADIUS	BASIN	TANG.	BEARING - LONG CHORD
"A"	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
"B"	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
"C"	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
"D"	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
"E"	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]





DENSITY CALCULATIONS:
ZONE RC.2

TOTAL AREA = 29.990 AC.±
NO. OF LOTS PERMITTED = 6.7
NO. OF LOTS SHOWN = 6
DENSITY = 2

NO PUBLIC WATER
NO PUBLIC SEWER

ALL-STATE LEGAL®

PETITIONER'S EXHIBIT

4

ELK. JR. 41 FOLIO 114

Filed for record
AUG 8 1977

Clerk

"ELF HILL"

6TH ELECTION DISTRICT
SCALE 1"=100'
BALTIMORE CO., MD.
JULY 5, 1977

NOTE:
HIGHWAY AND HIGHWAY WIDENING, SLOPE DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE DEDICATED UNTO THE COUNTY AND ARE HEREBY OFFERED FOR DEDICATION TO BALTO. CO., MD. THE DEVELOPER, ITS HEIRS AND ASSIGNS, SHALL CONVEY AND APPEAR BY DEED, TO BALTO. CO., MD. AT NO COST.

DEED REF. [illegible]

GUNPOWDER DRAINAGE AREA

HIGHWAYS DEPARTMENT OF BALTIMORE CO.
APPROVED FOR STREET ALIGNMENT & LOCATION

PROJ. ENGINEER — DATE

APPROVED FOR BALTO. CO. HEALTH DEPT.

DEPUTY STATE & CO. HEALTH OFFICER — DATE

APPROVED FOR BALTO. CO. PLANNING BOARD

DIRECTOR — DATE

NOTES:
COORDINATES SHOWN HEREON ARE ON ASSUMED DATA. THE BEARINGS SHOWN ARE MAGNETIC.

STREETS AND ROADS SHOWN HEREON AND INTENDED TO BE DEDICATED TO PUBLIC USE ARE FREE OF ENCUMBRANCES, EXCEPT AS THE SAME ARE DELINEATED TO BE DEDICATED TO PUBLIC USE. THEY ARE SUBJECT TO THE RIGHTS OF THE PUBLIC AS EXPRESSLY RESERVED IN THE CONDITIONS OF THE DEED TO WHICH THIS PLAT IS ATTACHED THEREIN AND HEREIN.

FOR PAULHAULOE LOTS, INGRESS AND EGRESS SHALL BE PROVIDED TO THE PUBLIC ROAD NOTWITHSTANDING ANY RESTRICTION OF THE STREET RIGHT OF WAY LINE ONLY AND LOT OUTS THE PAULHAULOE LOT DRIVEWAY.

OWNER'S CERTIFICATE:
THE REQUIREMENTS OF SECTION 59 TO 62, ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1957 EDITION (TITLE: CLERKS OF THE COURT AND TITLE: CLERKS OF CIRCUIT COURTS) ARE FOR AS THEY PERTAIN TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

LOUTON WEBSTER, JR.
FOURTH EL. WEBSTER
1106 FREELAND RD. FREELAND, MD. 21053

Louton Webster Jr. — 7-7-77
OWNER — DATE

SURVEYOR'S CERTIFICATE:
I, JOHN F. ETZEL, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAID OUT AND THE PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW RELATING TO THE SUBDIVISION OF LAND KNOWN AS HOUSE BILL 1, 1959, CHAPTER 709 OF THE ACTS OF 1959 AND SUBSEQUENT ACTS AMENDATORY THERETO.

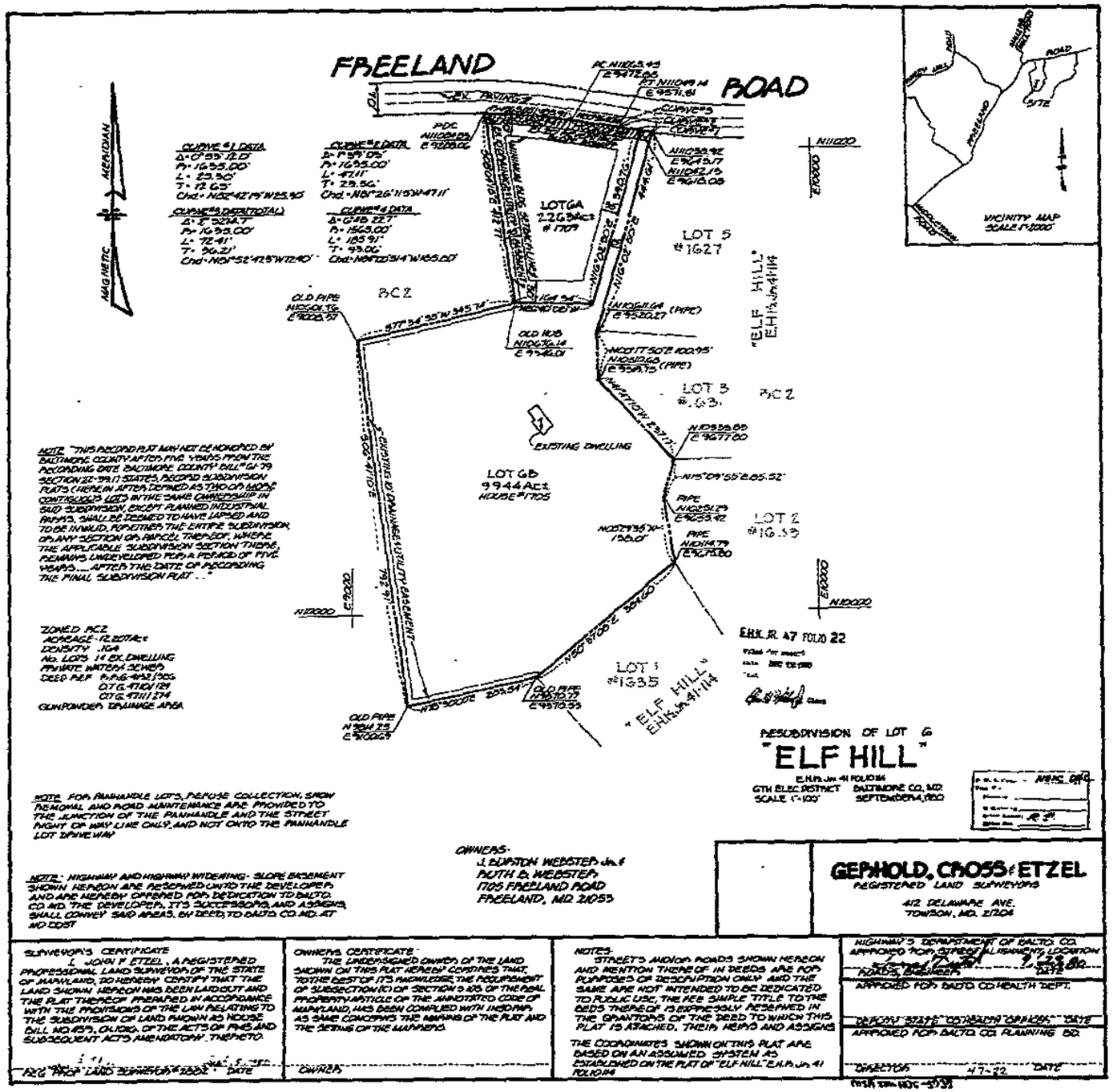
John F. Etzel — July 6, 1977
FREELAND SURVEYORS INC. — DATE

STATE OF MARYLAND LAND SURVEYOR

GERHOLD, CROSS & ETZEL
REGISTERED LAND SURVEYORS
AND CIVIL ENGINEERS
411 DELAWARE AVE.
TOWSON, MD. 21204

MSA SM 1216-5736

41-114



NOTE: "THIS RECORD PLAT MAY NOT BE HONORED BY BALTIMORE COUNTY AFTER FIVE YEARS FROM THE RECORDING DATE. BALTIMORE COUNTY BILL "61-79 SECTION 22-39.1) STATES, RECORD SUBDIVISION PLATS (HEREIN AFTER DEFINED AS TWO OR MORE CONTIGUOUS LOTS IN THE SAME OWNERSHIP IN SAID SUBDIVISION, EXCEPT PLANNED INDUSTRIAL PARKS, SHALL BE DEEMED TO HAVE LAPSED AND TO BE INVALID, REPETITIVE THE ENTIRE SUBDIVISION, OR ANY SECTION OR PARCEL THEREOF, WHERE THE APPLICABLE SUBDIVISION SECTION THEREE, REMAINS UNDEVELOPED FOR A PERIOD OF FIVE YEARS ... AFTER THE DATE OF RECORDING THE FINAL SUBDIVISION PLAT . . ."

ZONED RC2
ACREAGE - 12.207 Ac±
DENSITY - .104
NO. LOTS 14 EX. DWELLING
PRIVATE WATER & SEWER
DEED REF. 6.P.G. 4493/305
CT.G. 4760/128
CT.G. 4711/274
GUNPOWDER DRAINAGE AREA

NOTE: FOR PANHANDLE LOTS, REFUSE COLLECTION, SNOW REMOVAL AND ROAD MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND THE STREET RIGHT OF WAY LINE ONLY, AND NOT ONTO THE PANHANDLE LOT DRIVEWAY

NOTE: HIGHWAY AND HIGHWAY WIDENING - SLOPE EASEMENT SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTO. CO. MD. THE DEVELOPER, ITS SUCCESSORS AND ASSIGNS, SHALL CONVEY SAID AREAS, BY DEED, TO BALTO. CO. MD. AT NO COST

OWNERS:
J. BURTON WEBSTER Jr. &
RUTH B. WEBSTER
1705 FREELAND ROAD
FREELAND, MD 21053

RESUBDIVISION OF LOT 6
"ELF HILL"

E.H.P. Jr. 41 FOLIO 104
6TH ELEC. DISTRICT — BALTIMORE CO., MD.
SCALE 1"=100' — SEPTEMBER 4, 1980

GEPHOLD, CROSS & ETZEL
REGISTERED LAND SURVEYORS
412 DELAWARE AVE.
TOWSON, MD. 21204

SURVEYOR'S CERTIFICATE
I, JOHN F. ETZEL, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAID OUT AND THE PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW RELATING TO THE SUBDIVISION OF LAND KNOWN AS HOUSE BILL NO 457, CH. 1062, OF THE ACTS OF 1945 AND SUBSEQUENT ACTS AMENDATORY THERETO.

RCG PROF. LAND SURVEYOR — DATE

OWNER'S CERTIFICATE
THE UNDERSIGNED OWNER OF THE LAND SHOWN ON THIS PLAT HEREBY CERTIFIES THAT, TO THE BEST OF ITS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION (C) OF SECTION 3-105 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH INSOFAR AS SAME CONCERNS THE OWNERS OF THE PLAT AND THE SETTING OF THE MONUMENTS.

OWNER

NOTES:
STREETS AND/OR ROADS SHOWN HEREON AND MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS

THE COORDINATES SHOWN ON THIS PLAT ARE BASED ON AN ASSUMED SYSTEM AS ESTABLISHED ON THE PLAT OF "ELF HILL" E.H.P. Jr. 41 FOLIO 114

HIGHWAY'S DEPARTMENT OF BALTO. CO.
APPROVED FOR STREET ALIGNMENT, LOCATION
ROADS ENGINEER — DATE

APPROVED FOR BALTO. CO. HEALTH DEPT.
DEPUTY STATE CO. HEALTH OFFICER — DATE

APPROVED FOR BALTO. CO. PLANNING BD.
DIRECTOR — 4-7-82 — DATE

COORDINATES

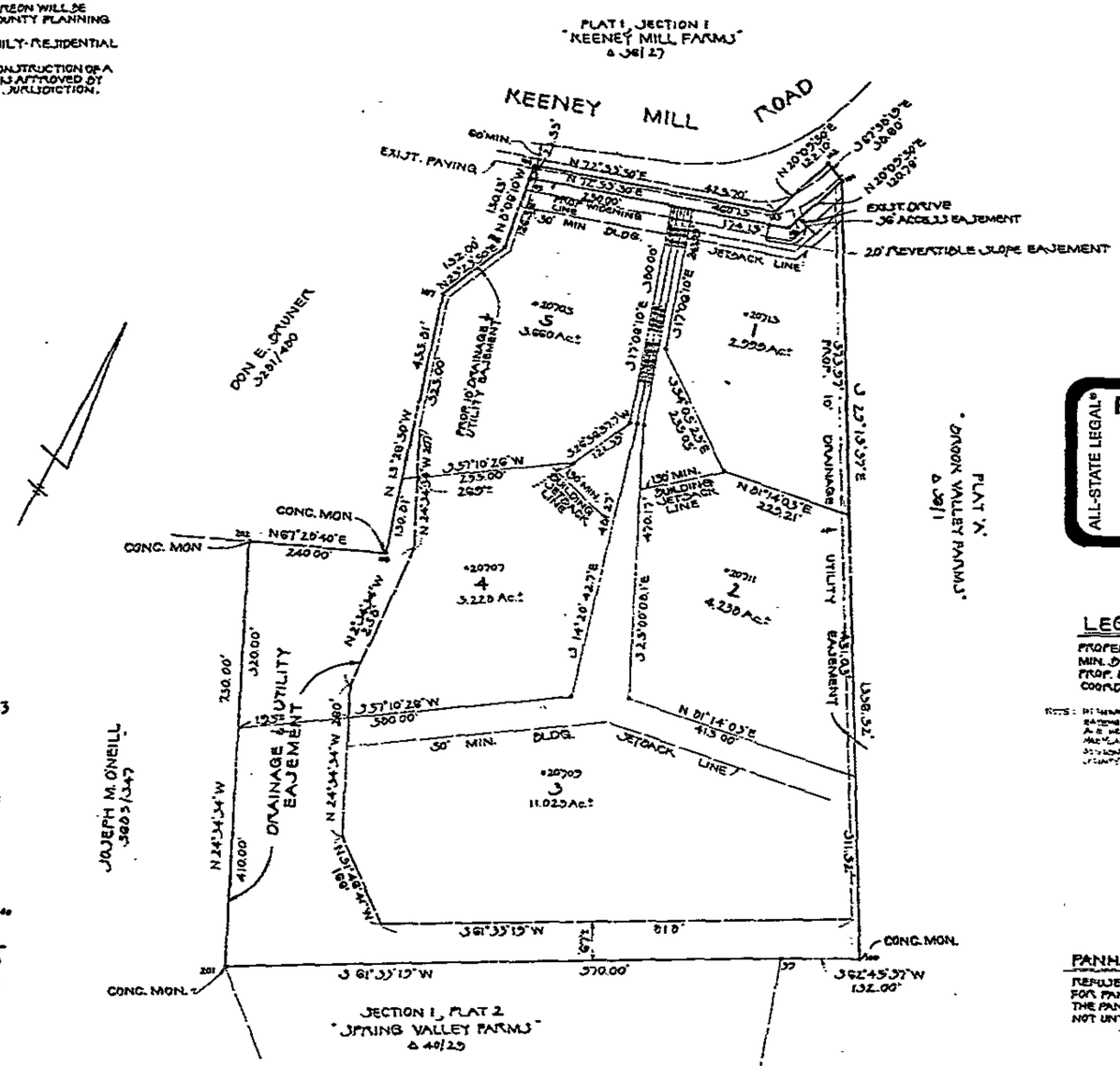
NO.	NORTH	EAST
100	55'71.30	8214.64
101	10755.23	7581.26
102	10751.71	7525.40
103	10657.09	7423.55
104	10511.20	7076.50
105	10400.34	7012.84
106	10383.23	7037.60
107	10244.90	7041.09
108	9904.66	7182.47
202	9712.73	6940.77
201	9838.96	7124.35
55	9560.88	8027.22
10	10823.97	7513.64

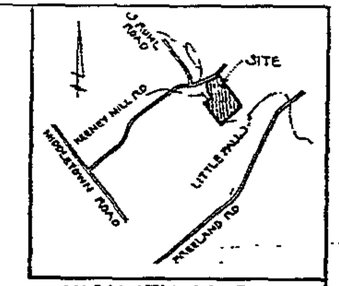
GENERAL NOTES:

1. NO FURTHER SUBDIVISION OF THE LOTS SHOWN HEREON WILL BE ALLOWED UNLESS APPROVED BY THE BALTIMORE COUNTY PLANNING AND ZONING COMMISSION.
2. THE LOTS SHOWN HEREON ARE FOR SINGLE FAMILY RESIDENTIAL USE ONLY.
3. NO BUILDING PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF A DWELLING ON A LOT SHOWN HEREON UNTIL A WELL IS APPROVED BY APPLICABLE STATE & COUNTY AGENCIES HAVING JURISDICTION.

DENSITY NOTES:

1. EXISTING ZONING OF TRACT	RC-2
2. GROSS RESIDENTIAL AREA	27.501 Ac±
3. ROADWAY WIDENING AREA	0.344 Ac±
4. NET RESIDENTIAL AREA	27.157 Ac±
5. NO OF LOTS ALLOWED	5
6. NO. OF LOTS PROPOSED	5
7. AVERAGE LOT SIZE	5.43 Ac±
8. GROSS RESIDENTIAL DENSITY	0.18 FAM./AC.
9. NET RESIDENTIAL DENSITY	0.18 FAM./AC.





VICINITY MAP
SCALE: 1" = 2000'

ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
Ex 3

LEGEND:

PROPERTY LINE SHOWN THUS: ———
MIN. BLDG. JETSACK SHOWN THUS: — — —
PROP. EASEMENTS SHOWN THUS: — — —
COORDINATES SHOWN THUS: ⊕

NOTE: DRAINAGE AND UTILITY WIDENING – SLOPE, DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES, HEIRS, SHALL CONVEY SAID EASEMENTS BY DEED, TO BALTIMORE COUNTY, MARYLAND, AT HIS COST

EHK, JR. 41 FOLIO 43
Filed for record
Date MAY 3 1977
Test:
Clerk

FINAL SUBDIVISION PLAT
-OF-
"KEENEY MILL WOODS-EAST"

6TH ELECTION DISTRICT — BALTIMORE CO., MARYLAND
SCALE: 1" = 100' — APRIL 6, 1977

for

OWNER AND DEVELOPER

JAMES KAJSOLIS
SUITE 1 MALAW BLDG.
MT. CARMEL ROAD
PARKTON, MARYLAND 21120

P.W.L. Comments Rec'd ORL
Plat Per Comments
Revised per DPW Comments 12-77
Revised per DPW Comments 5/16-17-77

PANHANDLE NOTE:

REFUSE COLLECTION, SNOW REMOVAL & ROAD MAINTENANCE FOR PANHANDLE LOTS ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE & STREET RIGHT-OF-WAY LINE ONLY, AND NOT UNTO THE PANHANDLE LOT DRIVEWAY.

TITLE REFERENCE: EHK, JR. 5729/718

APPROVED: BALTIMORE COUNTY PLANNING BOARD
DATE: DIRECTOR

APPROVED:
DATE: COUNTY HEALTH OFFICER

APPROVED: 5/3/77
DATE: COUNTY ROADS ENGINEER

NOTE:
THE STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY, & THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE; THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS & ASSIGNS.

NOTE:
THE COURSES & COORDINATES SHOWN HEREON ARE REFERRED TO AN ASSUMED COORDINATE SYSTEM

SURVEYOR'S CERTIFICATE:

I, JAMES W. McKEE, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAID OUT & THE PLAT THEREOF PREPARED IN ACCORDANCE WITH SECTIONS 72A TO 72E INCLUSIVE OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1957 EDITION AS ENACTED OR AMENDED BY THE ACTS OF 1945 & 1947 & SUBSEQUENT ACTS, IF ANY, AMENDATORY THERETO.

JAMES W. McKEE, LS — MD. REG. NO. 3012

OWNER'S CERTIFICATE:

THE REQUIREMENTS OF SECTION 72A TO 72D OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1957 EDITION CHAPTER 1018 OF THE ACTS OF 1945, AS AMENDED BY CHAPTER 1 84 & 700 OF THE ACTS OF 1947 AND SUBSEQUENT ACTS IF ANY AMENDATORY THERETO, SO FAR AS THEY CONCERN THE MAKING OF THE PLAT & SETTING OF MARKERS HAVE BEEN COMPLIED WITH:
JAMES KAJSOLIS - OWNER OF LAND SHOWN HEREON.

BY: OWNER — DATE:

LOCH RAVEN WATERSHED DRAINAGE AREA

McKEE ENGINEERING, INC.
1824 RIDGE RD. - REISTERSTOWN, MD. 21136

JOB NO.	SCALE: 1"=100'	ENGR.: D.W.D.	DRAWN: M.J.D.	SHEET #1 OF 1
76-24	DATE: JAN. 1977	DES.: D.W.D.	CHK.: J.W.M.	

(MSA S5(A)276-6125)

2-6-77

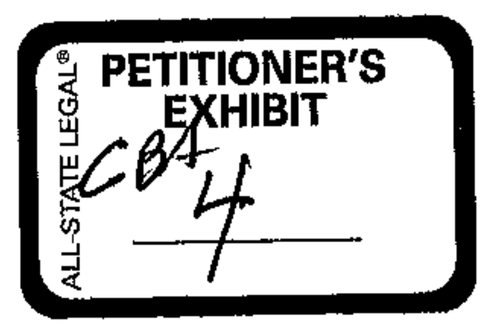
No. 8-96, § 3, 3-23-96; Bill No. 49-96, § 15, 7-1-96; Bill No. 38-98, § 4, 6-20-98; Bill No. 121-01, § 3, 1-29-02)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 26-169. Scope of regulations.

These regulations shall apply to all development except: (i) such development which, prior to the effective date of this article (June 11, 1982), has received tentative approval of the preliminary plan by the planning board or for which development a valid, unexpired building permit exists, or for which development a current executed public works agreement exists, all of which development shall be governed by the subdivision regulations in effect at the time of said preliminary plan approval, building permit issuance, or public works agreement execution, as the case may be. Proposed development shall be in compliance with the present zoning classification on the subject property; (ii) such development as has received a CRG approval, reclamation plan approval, any other project vested by law or such development for which a CRG plan has been accepted for filing by the department of public works prior to the date of adoption of Bill 1-92, all of which development shall be governed by the subdivision regulations in effect at the time of said approval or acceptance for filing, as the case may be.

(Code 1978, § 22-40; Bill No. 18, 1990, § 2; Bill No. 1, 1992, § 2)



Sec. 26-170. General exemption.

The subdivision of land for agricultural purposes is exempt from these regulations if no new streets are involved, subject to compliance with all applicable zoning regulations.

(Code 1978, § 22-41; Bill No. 18, 1990, § 2)

1A01.3.B.1 SUBDIVIDING EXISTING LOTS

a. Subdivision or further subdividing of legally existing R.C.-2 zoned lots of record prior to Bill 178-79 (effective 11/25/79) is permitted provided that:

(1) only the most recent deed shall be used to determine the number of lots of record and that;
(2) the lots recorded met the existing zoning regulations at that time.

b. If the property is recorded by multiple deeds or the deed contains multiple parcels, or the subdivision needs further clarification, the following information must be provided:

(1) A scaled site plan showing the boundaries of the parcel as they were on November 25, 1979 with the zone line plotted upon it.
(2) Drawings showing any changes in boundary and/or ownership since that time.
(3) All deeds recorded that show change in boundaries or ownership.
(4) A letter stating the devolution of title and what is being requested.
(5) Drawings should be color-coded to match accompanying deed.
(6) All of the above should be signed and sealed by a surveyor, engineer or title attorney and must be submitted for review at least 15 working days prior to zoning approval or the C.R.G. meeting.

c. When legally existing parcels or deeds qualify to be subdivided or resubdivided, each separate parcel must be subdivided individually.

d. If the intent is to reconfigure the existing lots, the main purpose must be for the protection and preservation of farm land and not to create "more uniform" lots for homesites.

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

1A01.3.B.3 See 103.3.A, ZCPM, Method of Measuring Setbacks, Page 1-43.1

ALL-STATE LEGAL® PETITIONER'S EXHIBIT

INDIVIDUAL DEED - Coady & Farley, Attorneys-At-Law, 400 Allegheny Avenue, Towson, MD 21204, (410) 337-0200

THIS DEED, Made this 13 day of September in the year two thousand two, by and between GLORIA EVANGELISTI, of the State of Maryland, of the first part, Grantor, and RANSHELL HOLDINGS, LLC, a Maryland limited liability company, of the State of Maryland, of the second part, Grantees, **WITNESSETH:** that in consideration of the sum of $115,000.00, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey and assign unto RANSHELL HOLDINGS, LLC, a Maryland limited liability company, its successors and assigns, lot of ground situate in Baltimore County, in the State of Maryland, and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot #1, as shown on a plat entitled, "Final Subdivision Plat of Keeney Mill Woods - East", said plat being recorded among the Land Records of Baltimore County in Plat Book EHK,Jr. No. 41, folio 43. The improvements thereon being known as No. 20713 Keeney Mill Road.

BEING the same lot of ground described in a Deed from James D. Kassolis to Gloria Evangelisti, dated June 14, 1977 and recorded among the Land Records of Baltimore County in Liber EHK,Jr. No. 5766, folio 402.

TOGETHER with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot(s) of ground and premises, unto and to the use of the said RANSHELL HOLDINGS, LLC, a Maryland limited liability company, its successors and assigns, forever in fee simple.

AND the said Grantor covenants to warrant specially the property hereby granted and conveyed; and to execute such further assurances of said land as may be requisite.

WHENEVER used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be

ALL-STATE LEGAL® PETITIONER'S EXHIBIT 5

ZONING COMM.

ALL-STATE LEGAL® PETITIONER'S EXHIBIT CBA 6

applicable to all genders.

WITNESS the hand(s) and seal(s) of said Grantor(s).

WITNESS:

Gloria R. Evangelisti (SEAL)
GLORIA EVANGELISTI, Grantor

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that on this 13 day of SEPTEMBER, 2002, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared GLORIA EVANGELISTI, Grantor, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed the same in my presence, and acknowledged that she executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Notary Public

Notary's Seal Here

MICHAEL C. SNYDER
My commission expires:
12/11/02

This is to certify that the within instrument was prepared by or under the supervision of the undersigned; an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Attorney

Property:
20713 Keeney Mill Road

Form approved:

Execution approved:

Ready for record:

Coady & Farley File No.: 35,844

Return To: COADY & FARLEY
Attorneys-at-Law
400 Allegheny Avenue
Towson, Maryland, 21204

D E E D

FROM
GLORIA EVANGELISTI

TO
RANSHELL HOLDINGS, LLC

Block No._____

Received for record_____
20_____ at _____o'clock _____M.
Same day recorded in Liber _____
No._____ folio_____&c. one of
the Land Records of _____
_____and examined per
_____Clerk.

Book 16842 Page 429

00016842 429

RECORDATION TAX NOT REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY, MARYLAND

0016842 430

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Court Clerk Recording Validation

IMP FD SURE $	5.00
RECORDING FEE	20.00
TR TAX STATE	575.00
TOTAL	600.00
Rcpt # BA04	Rcpt # 9562
CK LL	Blk # 2051
SEP 18, 2002	03:57 PM

1 Type(s) of Instruments (☐ Check Box if Addendum Intake Form is Attached.)

1 Deed; Deed of Trust; 2 Mortgage; Lease; Other; Other

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length [1]; X Unimproved Sale Arms-Length [2]; ☐ Multiple Accounts Arms-Length [3]; ☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation; State Transfer; County Transfer

4 Consideration and Tax Calculations

Consideration Amount	
Purchase Price/Consideration	$ 115,000.00
Any New Mortgage	$ 100,000.00
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value	$ 115,000.00

Finance Office Use Only — Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$ 115,000.00
X ( ) % =	$
Less Exemption Amount −	$
Total Transfer Tax =	$ 1725.00
Recordation Tax Consideration	$
X ( ) per $500 =	$ 575.00
TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20.00	$ 20.00
Surcharge	$ 5.00	$ 5.00
State Recordation Tax	$ 575.00	$ 5
State Transfer Tax	$ 575.00	$ 20
County Transfer Tax	$ 1,725.00	$ 575
Other	$	$
Other	$	$

Agent: Tax Bill: C.B. Credit: Ag. Tax/Other:

6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
06	17-00-012317	5766/402	6	144	☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)
Keeney Mill Woods - East	1			41/43	

Location/Address of Property Being Conveyed (2): 20713 Keeney Mill Road, Freeland, Maryland 21053

Other Property Identifiers (if applicable): | Water Meter Account No.:

Residential ☒ or Non-Residential ☐ | Fee Simple ☒ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☒ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
Gloria Evangelisti	Randolph H. Shelley, and Ranshell Holdings, LLC, first part
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
Ranshell Holdings, LLC	Grasmick Enterprises, second part

New Owner's (Grantee) Mailing Address: P.O. Box 356, Monkton, Maryland 21111

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person
Name: Michael L. Snyde
Firm: COADY & FARLEY
Address: 400 Allegheny Avenue, Towson, Maryland 21204
Phone: (410) 337-0200

☒ Return to Contact Person
☐ Hold for Pickup
☐ Return Address Provided

11 Assessment Information

IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☒ No Does transfer include personal property? If yes, identify:
☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

☐ Criminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Document Number: Date Received: Deed Reference: Assigned Property No.:

	19	19	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Building			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

Distribution: White - Clerk's Office; Canary - SDAT; Pink - Office of Finance; Goldenrod - Preparer

AOC-CC-300 (6/95)

PAID RECEIPT
BALTIMORE COUNTY, MARYLAND
Validator
CK $2,300.00 CA .00
ACCOUNT NO. 17000012317
DEPT 7 201 RECORDATION TAXES
>>RECEIPT # 195755 9/18/2002 OFLN
REG WS04 WALKIN DDOL DMD DRAWER 2
9/19/2002
9/18/2002 15:20:17
BUSINESS ACTUAL TIME

(Individual Form)

This Deed, Made this - - 21st - - day of February -/- - - - - , in the year one thousand nine hundred and seventy seven - - - -, by and between J. DAVID LAWSON and MANOR LAND ASSOCIATES, a Limited Partnership, parties of the first part, Grantors, and JAMES D. KASSOLIS ~~and BONNIE KASSOLIS, his wife~~ of Baltimore County, State of Maryland, party of the second part, Grantees.

2-77
2-77
2-77
2-77

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto JAMES D. KASSOLIS ~~and BONNIE KASSOLIS, his wife, as tenants by the entireties,~~ his heirs and assigns ~~forever,~~ in fee simple, - - - -

and running with and binding on the eighth and ninth lines of the aforesaid conveyance from Miller to Neal the following courses, viz: South 29 degrees 15 minutes 57 seconds East 78.38 feet to a pipe set, thence South 62 degrees 45 minutes 37 seconds West 132.00 feet to a pipe set, thence running with and binding on the subdivision known as Spring Valley Farms, Section 1, Plat 1, which was recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. No. 40 folio 29, the following course, South 61 degrees 33 minutes 19 seconds West 970.00 feet to a pipe set, thence running for lines of division, North 24 degrees 34 minutes 33 seconds West 730.00 feet to intersect the 4th or South 67 degrees 58 minutes 50 seconds West 461.62 foot line of a Deed dated June 16, 1972 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 5281 folio 480, was conveyed by Keeney Mill Associates to Don B. Bruner and Gemmill M. Bruner, his wife, and running thence binding reversely on said 4th line and also the third through first lines of the aforesaid conveyance from Keeney Mill Association to the Bruners the following four courses, viz: North 67 degrees 28 minutes 40 seconds East 240.00 feet to a pipe set, thence North 15 degrees 26 minutes 50 seconds West 455.81 feet to a pipe set, thence North 25 degrees 23 minutes 50 seconds East 132.00 feet to a pipe set, thence North 8 degrees 6 minutes 10 seconds West 126.56 feet to the place of beginning.

Containing 27.501 acres of land, more or less.

BEING a part of the land which by Deed dated October 5, 1976, and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 5683 folio 342, was granted and conveyed by Lizzetta M. Bodgar to the Grantors herein.

NO CONSIDERATION - STAMPS AND TRANSFER TAX NOT REQUIRED

FEE-SIMPLE DEED — LONG RANGE — INDIVIDUAL GRANTOR AND GRANTEE — 8-16

TRANSFER TAX NOT REQUIRED
Walter R. Richardson
Director of Finance
BALTIMORE COUNTY, MARYLAND
Per: Bonnie E. Sullivan
6-17-77 Authorized Signature
Transfer Tax paid on Liber 5762

LIBER 5766 PAGE 402

This Deed, Made this 14th day of June

in the year one thousand nine hundred and seventy-seven, by and between

JAMES D. KASSOLIS

, of the first part, and

GLORIA EVANGELISTI

of the second part,

JUN 20-77 115771 *****7.00
JUN 20-77 115771 *****7.00

Witnesseth, that in consideration of the sum of Five ($5.00) Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged

the said JAMES D. KASSOLIS

do es hereby grant and convey unto the said GLORIA EVANGELISTI, her

heirs, personal representatives and assigns,

in fee simple, all that lot(s) of ground, situate, lying and being in

Baltimore County, State of Maryland, and described as follows, that is to say:—

BEING KNOWN and designated as Lot #1, as shown on a plat entitled, "Final Subdivision Plat of Keeney Mill Woods - East", said plat being recorded among the Land Records of Baltimore County in Plat Book EHK,Jr. No. 41, folio 43.

BEING part of lot of ground which by Deed dated February 21, 1977 and recorded among the Land Records of Baltimore County in Liber EHK,Jr. No. 5726, folio 718 was granted and conveyed from J. David Lawson unto the within named Grantor.

Subject to the legal effect and operation of Agreements, Conditions, Restrictions and Easements of Record.

SEE ALSO deed dated May 27, 1977 and recorded among the Land Records of Baltimore County in Liber EHKJR No. 5762 folio 75 and deed of even date herewith and recorded or intended to be recorded among the Land Records of Baltimore County prior hereto wherein the original larger tract of ground was in the deed dated May 27, 1977 was granted and conveyed by James D. Kassolis to Gloria Evangelisti and in the deed of even date herewith was granted and conveyed by Gloria Evangelisti to James D. Kassolis. Said deed of even date herewith is recorded to correct the transfer of the May 27, 1977 deed.

ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
Ex 2

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 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 GLORIA EVANGELISTI, her

heirs, personal representatives and assigns

in fee simple.

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

Witness the hand and seal of said grantor

Test:

Joseph M. O'Neill

JAMES D. KASSOLIS [SEAL]

[SEAL]

State of Maryland, Baltimore County, to wit:

I HEREBY CERTIFY, That on this 15th day of JUNE, 1977, before me, the subscriber, a Notary Public of the State of Maryland, in and for BALTIMORE COUNTY, personally appeared JAMES D. KASSOLIS

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires: 7/1/78

NOTARY PUBLIC

Joseph M. O'Neill Notary Public

Rec'd for record JUN 20 1977 at ____

Per Elmer H. Kahline, Jr., Clerk

Mail to Joseph K. Pokorny

Receipt No. ____

1A01.3.B.1 SUBDIVIDING EXISTING LOTS

a. Subdivision or further subdividing of legally existing R.C.-2 zoned lots of record prior to Bill 178-79 (effective 11/25/79) is permitted provided that:

(1) only the most recent deed shall be used to determine the number of lots of record and that;
(2) the lots recorded met the existing zoning regulations at that time.

b. If the property is recorded by multiple deeds or the deed contains multiple parcels, or the subdivision needs further clarification, the following information must be provided:

(1) A scaled site plan showing the boundaries of the parcel as they were on November 25, 1979 with the zone line plotted upon it.
(2) Drawings showing any changes in boundary and/or ownership since that time.
(3) All deeds recorded that show change in boundaries or ownership.
(4) A letter stating the devolution of title and what is being requested.
(5) Drawings should be color-coded to match accompanying deed.
(6) All of the above should be signed and sealed by a surveyor, engineer or title attorney and must be submitted for review at least 15 working days prior to zoning approval or the C.R.G. meeting.

c. When legally existing parcels or deeds qualify to be subdivided or resubdivided, each separate parcel must be subdivided individually.

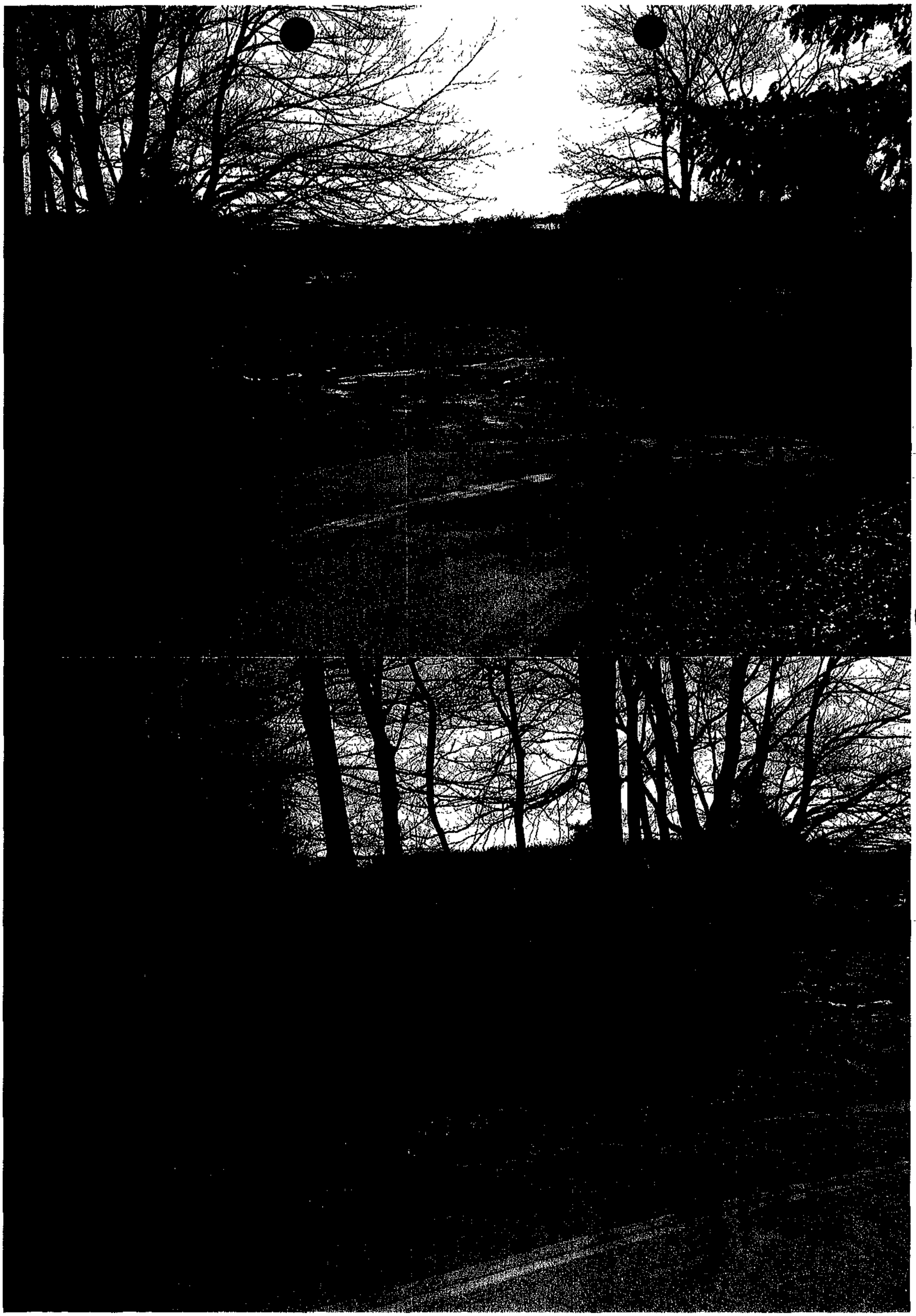
d. If the intent is to reconfigure the existing lots, the main purpose <u>must</u> be for the protection and preservation of farm land and not to create "more uniform" lots for homesites.

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

1A01.3.B.3 See 103.3.A, ZCPM, Method of Measuring Setbacks, Page 1-43.1

CBA exh #5

ALL-STATE LEGAL® PETITIONER'S EXHIBIT

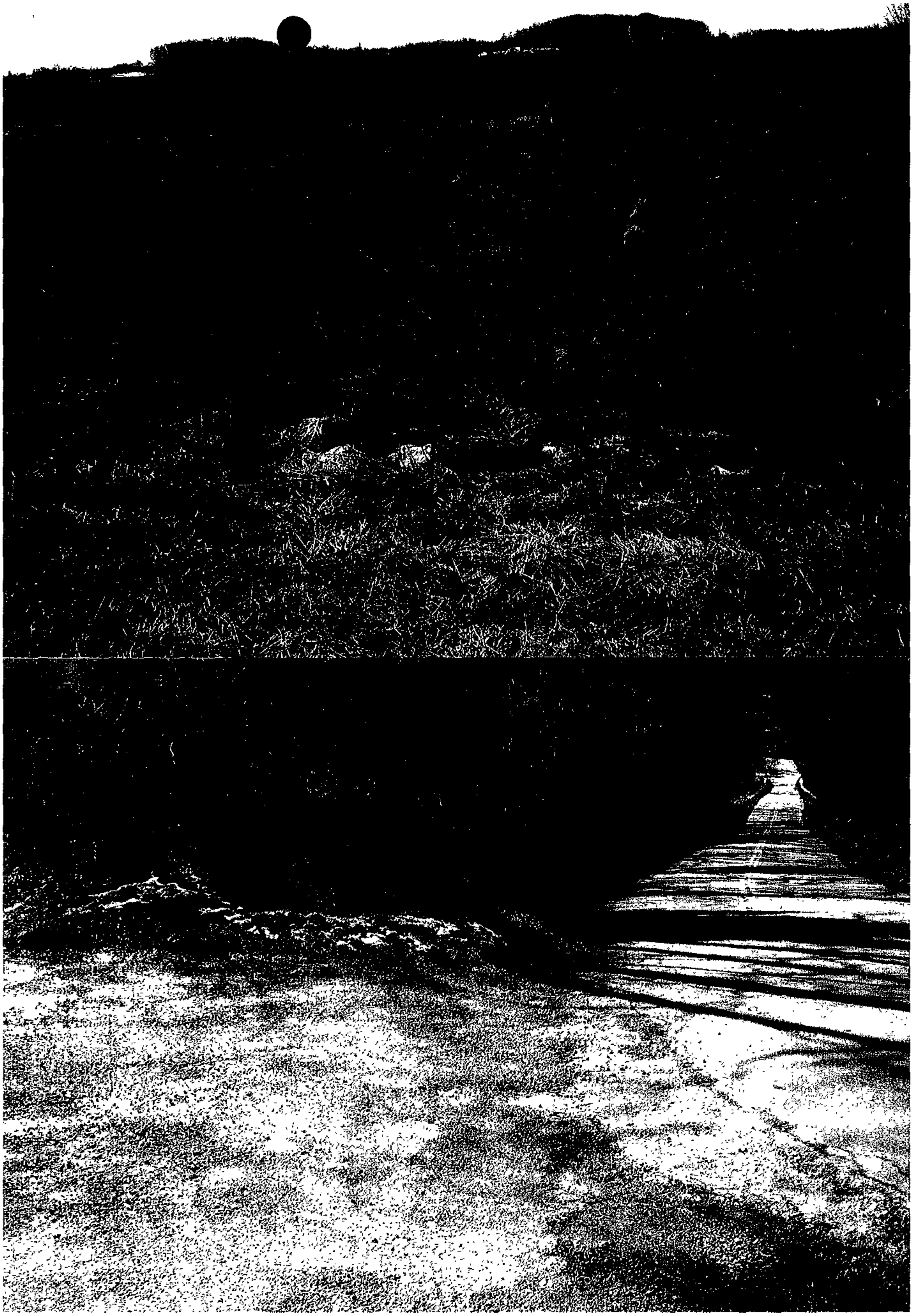


3

4

Rot Ex 2 R

8



7

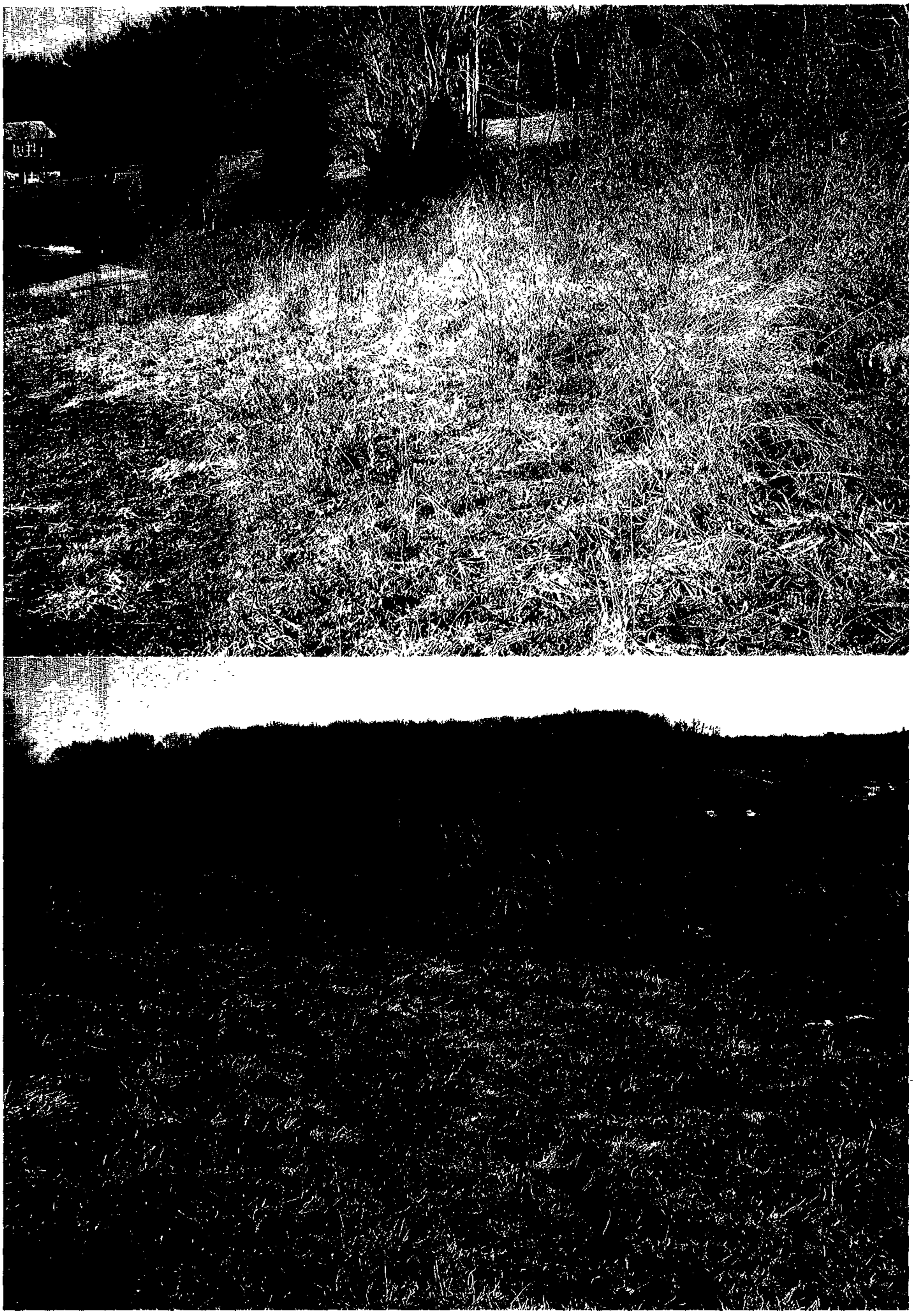
2B

10

9

8C

11



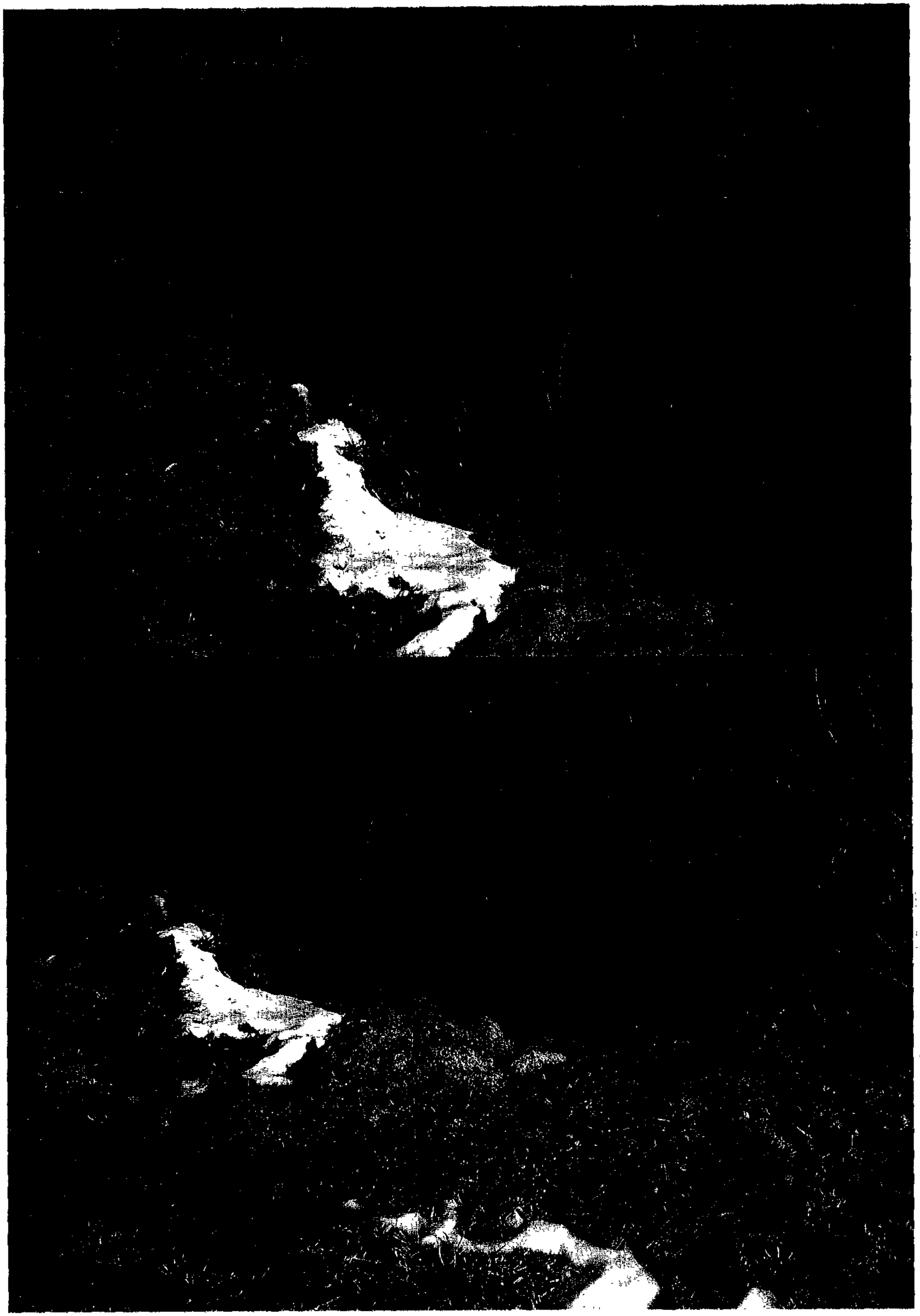
12

2D

17

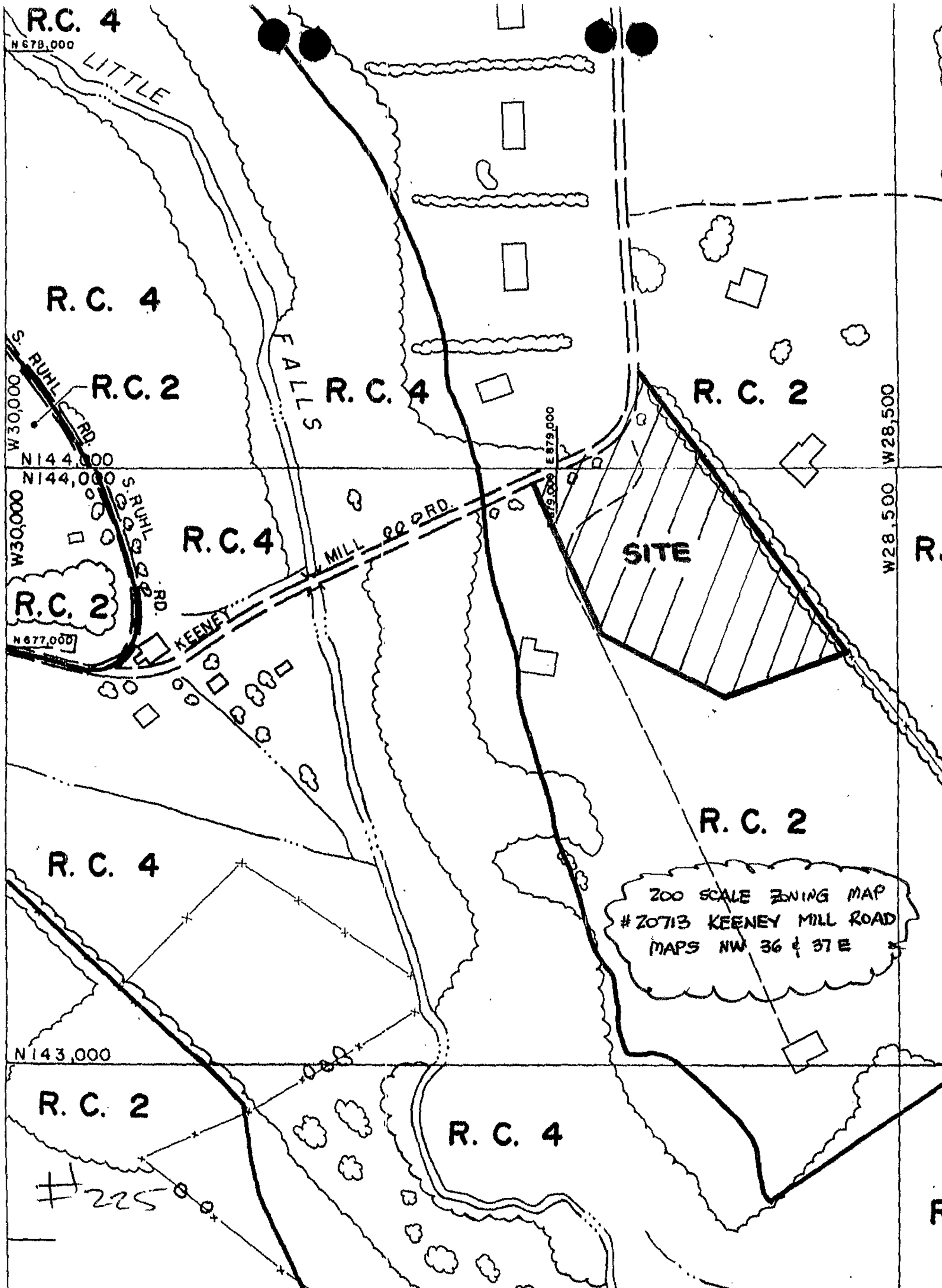
18

36



35

2F

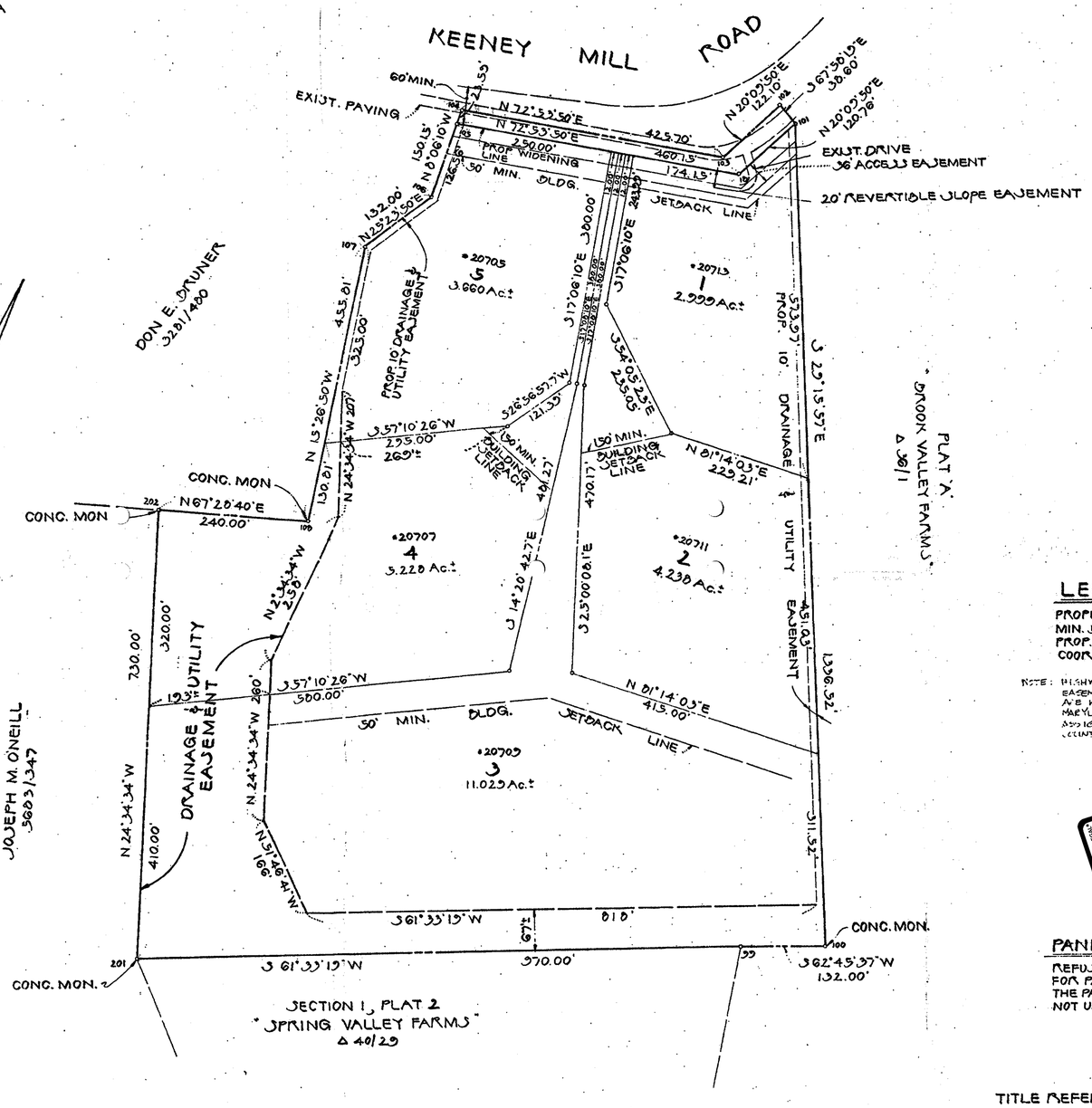

R.C. 4
N678,000
LITTLE
FALLS
R. C. 4
S. RUHL RD.
R.C. 2
W30,000
N144,000
N144,000
S. RUHL RD.
W30,000
R.C. 4
R.C. 2
N677,000
MILL RD.
KEENEY
R. C. 4
E879,000
SITE
R. C. 2
W28,500
W28,500
R. C. 2
R. C. 4
200 SCALE ZONING MAP
#20713 KEENEY MILL ROAD
MAPS NW 36 & 37 E
N143,000
R. C. 2
R. C. 4
#225

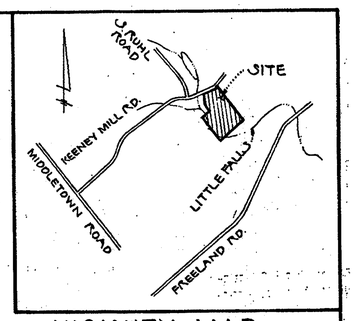
COORDINATES

NO.	NORTH	EAST
100	9571.30	8214.84
101	10737.23	7561.28
102	10731.71	7525.48
103	10637.09	7483.33
104	10511.90	7076.51
105	10400.54	7079.84
106	10363.23	7037.60
107	10244.00	7041.08
108	9804.66	7162.47
202	9712.73	6940.77
201	9048.88	7244.30
99	9510.88	8037.20
10	10623.07	7515.64

GENERAL NOTES:

1. NO FURTHER SUBDIVISION OF THE LOTS SHOWN HEREON WILL BE ALLOWED UNLESS APPROVED BY THE BALTIMORE COUNTY PLANNING AND ZONING COMMISSION.
2. THE LOTS SHOWN HEREON ARE FOR SINGLE FAMILY-RESIDENTIAL USE ONLY.
3. NO BUILDING PERMIT SHALL BE ISSUED FOR THE CONSTRUCTION OF A DWELLING ON A LOT SHOWN HEREON UNTIL A WELL IS APPROVED BY APPLICABLE STATE & COUNTY AGENCIES HAVING JURISDICTION.





VICINITY MAP

SCALE: 1" = 2000'

DENSITY NOTES:

1. EXISTING ZONING OF TRACT	R.C. 2
2. GROSS RESIDENTIAL AREA	27.501 Ac.±
3. ROADWAY WIDENING AREA	0.344 Ac.±
4. NET RESIDENTIAL AREA	27.157 Ac.±
5. NO. OF LOTS ALLOWED	5
6. NO. OF LOTS PROPOSED	5
7. AVERAGE LOT SIZE	5.43 Ac.±
8. GROSS RESIDENTIAL DENSITY	0.18 FAM./AC.
9. NET RESIDENTIAL DENSITY	0.18 FAM./AC.

E.H.K., JR. 41 FOLIO 43
Filed for record
Date MAY 3 1977
Test.
Clerk

FINAL SUBDIVISION PLAT

- OF -

"KEENEY MILL WOODS-EAST"

6TH ELECTION DISTRICT — BALTIMORE CO., MARYLAND
SCALE: 1" = 100' — APRIL 6, 1977

for

OWNER AND DEVELOPER

JAMES KASSOLIS
SUITE 1 MALAW BLDG.
MT. CARMEL ROAD
PARKTON, MARYLAND 21120

LEGEND:

PROPERTY LINE SHOWN THUS:
MIN. BLDG. JETBACK SHOWN THUS:
PROP. EASEMENTS SHOWN THUS:
COORDINATES SHOWN THUS: 108

NOTE: HIGHWAY AND HIGHWAY WIDENING - SLOPE, DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES, ASSIGNS, SHALL CONVEY SAID AREAS, BY DEED, TO BALTIMORE COUNTY, MARYLAND, AT NO COST.

PETITIONER'S EXHIBIT 3A

P.W.A. Completed NONE DHL
Final Plat Checked:
Planning
Engineering
Street Names
Meter No.

PANHANDLE NOTE:

REFUSE COLLECTION, SNOW REMOVAL & ROAD MAINTENANCE FOR PANHANDLE LOTS ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE & STREET RIGHT-OF-WAY LINE ONLY, AND NOT UNTO THE PANHANDLE LOT DRIVEWAY.

TITLE REFERENCE: E.H.K. JR. 5726/718

APPROVED: BALTIMORE COUNTY PLANNING BOARD
DATE: DIRECTOR

APPROVED:
DATE: COUNTY HEALTH OFFICER

APPROVED: 5/3/77
DATE: COUNTY ROADS ENGINEER

NOTE:
THE STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY, & THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE; THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS & ASSIGNS.

NOTE:
THE COURSES & COORDINATES SHOWN HEREON ARE REFERRED TO AN ASSUMED COORDINATE SYSTEM.

SURVEYOR'S CERTIFICATE:

I, JAMES W. McKEE, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAID OUT & THE PLAT THEREOF PREPARED IN ACCORDANCE WITH SECTIONS OF 72A TO 72E INCLUSIVE OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1939 EDITION AS ENACTED OR AMENDED BY THE ACTS OF 1945 & 1947 & SUBSEQUENT ACTS, IF ANY, AMENDATORY THERETO.

JAMES W. McKEE, L.S. — MD. REG. NO. 5012

OWNER'S CERTIFICATE:

THE REQUIREMENTS OF SECTION 72A TO 72D OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1939 EDITION CHAPTER 1016 OF THE ACTS OF 1945, AS AMENDED BY CHAPTERS 84 & 700 OF THE ACTS OF 1947, AND SUBSEQUENT ACTS IF ANY AMENDATORY THERETO, SO FAR AS THEY CONCERN THE MAKING OF THE PLAT & SETTING OF MARKERS HAVE BEEN COMPLIED WITH:
JAMES KASSOLIS - OWNER OF LAND SHOWN HEREON.

BY: OWNER — DATE:

LOCH RAVEN WATERSHED DRAINAGE AREA

McKEE ENGINEERING, INC.
1024 RIDGE RD. - REISTERSTOWN, MD. 21136

JOB NO.	SCALE: 1"=100'	ENGR: D.W.D.	DRAWN: M.J.D.	SHEET #1 OF 1
76-24	DATE: JAN., 1977	DES: D.W.D.	CHK. J.W.M.	

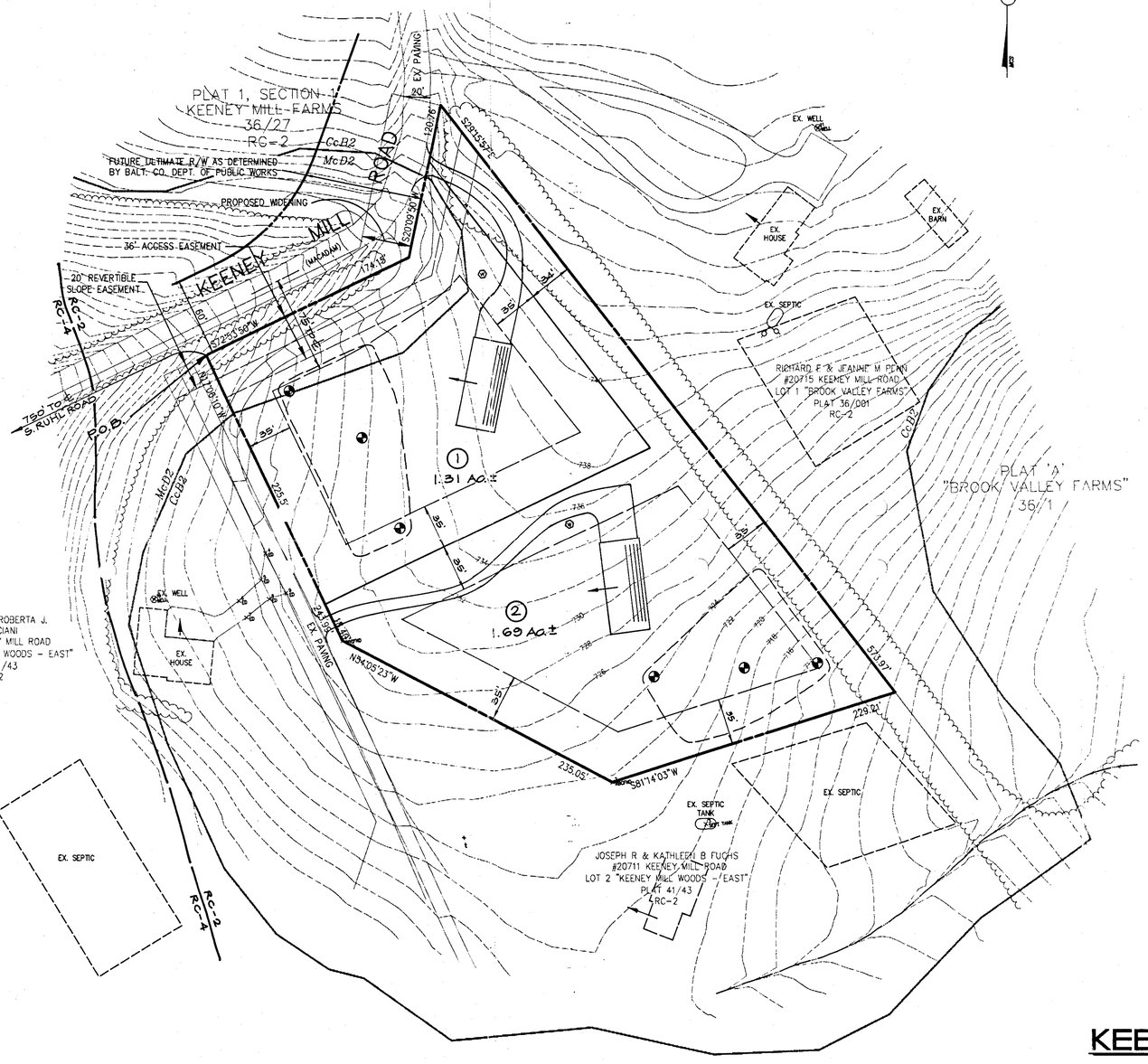
MSA SSU 1236 - 6105

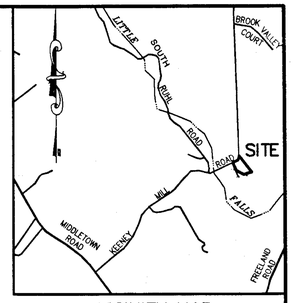
GENERAL NOTES

1. ALL LOTS SHOWN HEREON TO BE SERVED BY A PRIVATE WELL AND SEPTIC SYSTEM.
2. SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NUMBER 1.
3. THERE ARE NO UNDERGROUND FUEL STORAGE TANKS APPARENT ON THE SITE.
4. ALL EXISTING SEPTIC SYSTEMS, WELLS, AND PERCOLATION TESTS ON THE PROJECT PROPERTY WERE FIELD LOCATED.
5. A.D.T.'s: 2 x 12.4 = 24.8
6. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
7. LOT IS FOR SALE AND FOR SINGLE FAMILY DWELLINGS.
8. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE APRIL 6, 1977. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT THE PLAN HAS NEVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
9. THERE ARE NO EXISTING OR PROPOSED WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THE PROPERTY UNLESS OTHERWISE SHOWN.
10. SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
11. THERE ARE NO ZONING LINES WITHIN 200 FEET OF THIS PROPERTY UNLESS OTHERWISE SHOWN.
12. EXISTING LAND COVER IS FOREST AND MEADOW/BRUSH.
13. THERE ARE NO KNOWN PRIOR ZONING CASES FOR THE PROPERTY.
14. PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE R-15, DATED 1977 FOR "TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB & GUTTER".
15. EXISTING SITE USE IS VACANT. PROPOSED USE IS SINGLE FAMILY DWELLINGS.
16. BALTIMORE COUNTY MAKES NO WARRANTY, EXPRESSED OR IMPLIED, AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN HEREON TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INGRESS, EGRESS, REGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, SEWER, ELECTRICAL, TELEPHONE, OR CABLE TELEVISION.
17. THE PROPOSED PANHANDLE DRIVES MUST MEET THE MINIMUM BALTIMORE COUNTY STANDARDS FOR PAVING TYPE, WIDTH, AND BEARING CAPACITY.
18. MAXIMUM BUILDING HEIGHT PERMITTED FOR PRINCIPAL STRUCTURES IN RC-2 ZONING IS 35 FEET.
19. **LOTS WILL OPERATE ON PRIVATE WELL AND SEPTIC SYSTEMS.**

SITE DATA

GROSS AREA OF SITE = 2.99 AC.±
DEED REFERENCE: 16842/427
COUNCILMANIC DISTRICT: 3
TAX ACCOUNT NO.: 1700012317
TAX MAP 6, GRID 15, PARCEL No. 144 - 1
CENSUS TRACT: 4060
REGIONAL PLANNING DISTRICT: 301B
SCHOOL DISTRICT: PRETTYBOY ELEMENTARY
HEREFORD MS
HEREFORD HS
WATERSHED: 14
SUBSEWERSHED: 81
EX. ZONING: RC-2
No. OF LOTS ALLOWED: (2 LOTS BETWEEN 2 & 100 ACRES)= 2 LOTS
No. OF LOTS PROPOSED: (2.999 ACRES = 2 LOTS)
200 SCALE MAP REFERENCE: NW 36 E & 37 E
PARKING REQUIRED = 2 SPACES PER LOT = 4
PARKING PROPOSED = 2+ SPACES PER LOT = 4+





VICINITY MAP

SCALE: 1" = 2000'

LEGEND

EX. CONTOURS 352
SLOPES > 25%
EX. STREAM
WELL — EXISTING — PROPOSED
PERC TEST — A-1 PASSED — A-1 FAILED — A-1 NOT DUG
PROP. SEPTIC AREA
SOIL TYPES — BnA, MnE
EX. WOODS LINE
PROP. HOUSE SITE w/ HOUSE DIRECTION

SOILS LIMITATION CHART

MAP SYMBOL	SOIL SERIES	HOMESITES LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC	'K' VALUE	CAPABILITY UNIT
CcB2	CHESTER	SLIGHT	SLIGHT	NO	0.32	IIIe-4
McD2	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.32	IVe-25

PETITIONER'S EXHIBIT 1

Pet Ex #1

PLAT TO ACCOMPANY
PETITION FOR
SPECIAL HEARING

KEENEY MILL WOODS, LOT 1

BEING A RESUBDIVISION
OF LOT 1 Δ41/43
#20713 KEENEY MILL ROAD
6th ELECTION DISTRICT — BALTIMORE COUNTY, MARYLAND
3RD COUNCILMANIC DISTRICT
SCALE: 1" = 50' — DATE: SEPTEMBER 18, 2002

OWNER
RANSHELL HOLDINGS LLC
P.O. BOX 356
MONKTON, MD 21111

BEING
LOT 1
"KEENEY MILL WOODS-EAST"
PLAT 43/43

McKEE & ASSOCIATES, INC.
Engineering – Land Planning – Land Surveying
Natural Resource Planning – Real Estate Development
5 SHAWAN ROAD, Suite 1 — COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 — FACSIMILE: (410) 527-1563

STATE OF MARYLAND — JAMES WILLIAM McKEE — No. 9012 — PROFESSIONAL LAND SURVEYOR

JAMES W. McKEE — 11/05/02
MARYLAND REG. No. 9012 — DATE

#225
LTM

SITE DATA

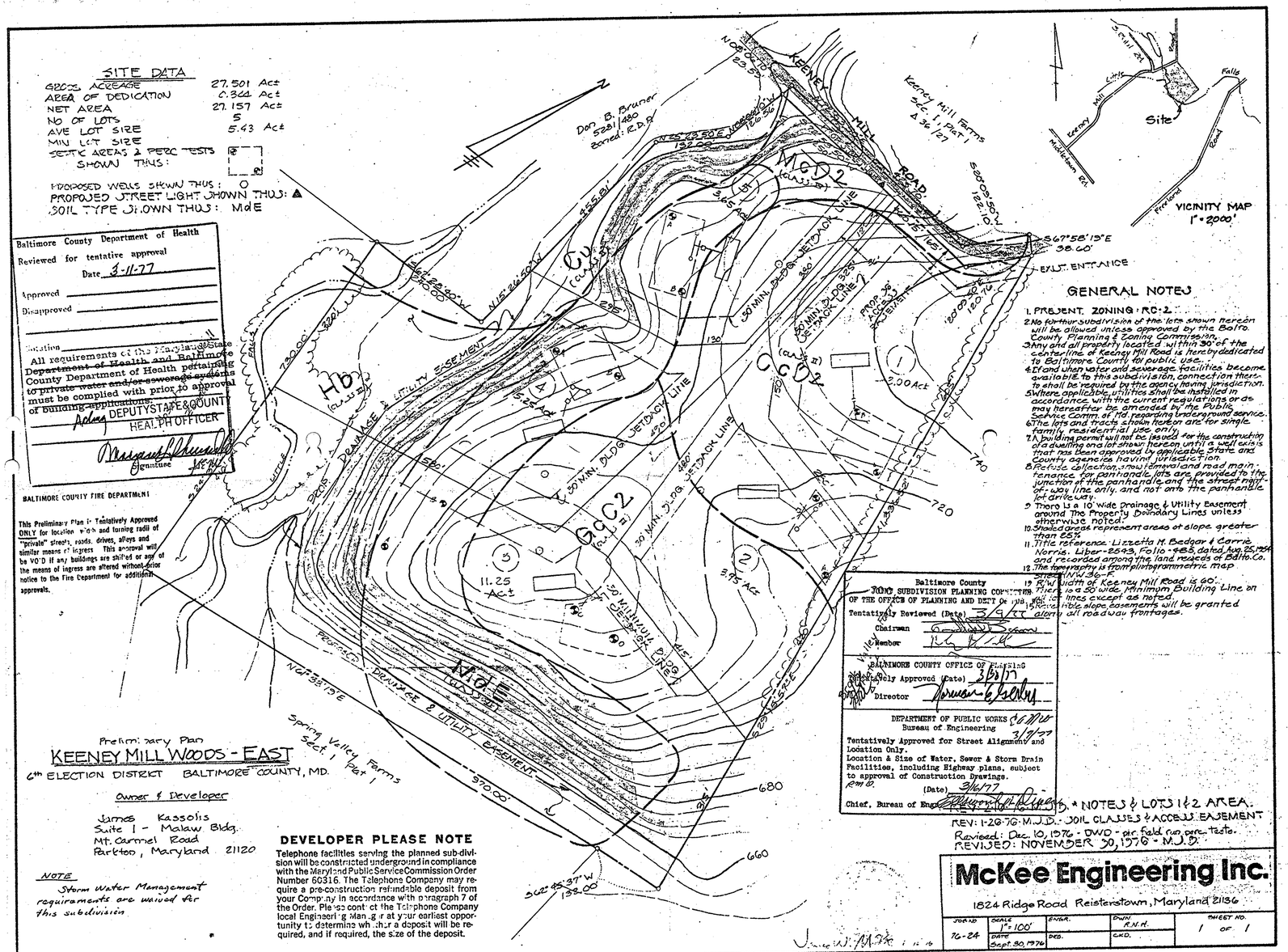
GROSS ACREAGE	27.501 Ac±
AREA OF DEDICATION	0.344 Ac±
NET AREA	27.157 Ac±
NO OF LOTS	5
AVE LOT SIZE	5.43 Ac±
MIN LOT SIZE	
SEPTIC AREAS & PERC TESTS SHOWN THUS:	

PROPOSED WELLS SHOWN THUS: O
PROPOSED STREET LIGHT SHOWN THUS: ▲
SOIL TYPE SHOWN THUS: MdE

Baltimore County Department of Health
Reviewed for tentative approval
Date 3-11-77
Approved
Disapproved
Location
All requirements of the Maryland State Department of Health and Baltimore County Department of Health pertaining to private water and/or sewerage systems must be complied with prior to approval of building applications.
DEPUTY STATE & COUNTY HEALTH OFFICER
Signature

BALTIMORE COUNTY FIRE DEPARTMENT

This Preliminary Plan is Tentatively Approved ONLY for location width and turning radii of "private" streets, roads, drives, alleys and similar means of ingress. This approval will be VOID if any buildings are shifted or any of the means of ingress are altered without prior notice to the Fire Department for additional approvals.



GENERAL NOTES

1. PRESENT ZONING: RC-2
2. No further subdivision of the lots shown hereon will be allowed unless approved by the Balto. County Planning & Zoning Commission.
3. Any and all property located within 30' of the centerline of Keeney Mill Road is hereby dedicated to Baltimore County for public use.
4. Land when water and sewerage facilities become available to this subdivision, connection thereto shall be required by the agency having jurisdiction.
5. Where applicable, utilities shall be installed in accordance with the current regulations or as may hereafter be amended by the Public Service Comm. of Md. regarding underground service.
6. The lots and tracts shown hereon are for single family residential use only.
7. A building permit will not be issued for the construction of a dwelling on a lot shown hereon until a well exists that has been approved by applicable State and County agencies having jurisdiction.
8. Refuse collection, snow removal and road maintenance for panhandle lots are provided to the junction of the panhandle and the street right-of-way line only, and not onto the panhandle lot drive way.
9. There is a 10' Wide Drainage & Utility Easement around the Property Boundary Lines unless otherwise noted.
10. Shaded areas represent areas of slope greater than 25%
11. Title reference: Lizzetta M. Badger & Carrie Norris. Liber-2543, Folio-483 dated Aug 25, 1954 and recorded among the land records of Balto. Co.
12. The topography is from photogrammetric map Sheet NW 36-F.
13. The width of Keeney Mill Road is 60'.
14. There is a 50' wide Minimum Building Line on all lot lines except as noted.
15. Cut and fill slope easements will be granted along all roadway frontages.

Baltimore County
ZONING SUBDIVISION PLANNING COMMITTEE
OFFICE OF PLANNING AND DEVELOPMENT
Tentatively Reviewed (Date) 3/9/77
Chairman
Member

BALTIMORE COUNTY OFFICE OF PLANNING
Tentatively Approved (Date) 3/9/77
Director

DEPARTMENT OF PUBLIC WORKS
Bureau of Engineering
Tentatively Approved for Street Alignment and Location Only.
Location & Size of Water, Sewer & Storm Drain Facilities, including Highway plans, subject to approval of Construction Drawings.
(Date) 3/9/77
Chief, Bureau of Engineering

Preliminary Plan
KEENEY MILL WOODS - EAST
6th ELECTION DISTRICT BALTIMORE COUNTY, MD.

Owner & Developer
James Kassolis
Suite 1 - Malaw Bldg.
Mt. Carmel Road
Parkton, Maryland 21120

NOTE
Storm Water Management requirements are waived for this subdivision

DEVELOPER PLEASE NOTE

Telephone facilities serving the planned sub-division will be constructed underground in compliance with the Maryland Public Service Commission Order Number 60316. The Telephone Company may require a pre-construction refundable deposit from your Company in accordance with paragraph 7 of the Order. Please contact the Telephone Company local Engineering Manager at your earliest opportunity to determine whether a deposit will be required, and if required, the size of the deposit.

REV: 1-26-76 - M.J.D. - NOTES & LOTS 1 & 2 AREA.
REV: 1-26-76 - M.J.D. - SOIL CLASSES & ACCESS EASEMENT
Revised: Dec. 10, 1976 - DWD - per field run perc tests.
REVISED: NOVEMBER 30, 1976 - M.J.D.

McKee Engineering Inc.
1824 Ridge Road Reisterstown, Maryland 21136

JOB ID	SCALE	ENGR.	DWN	SHEET NO.
76-24	1" = 100'		R.N.H.	1 OF 1
	DATE Sept 30, 1976	DES.	CKD.	

PETITIONER'S EXHIBIT 9

These subdivision regulations may include provisions as to the extent to which streets and other ways, water, sewer and drain pipes, local open space tracts and other public facilities shall be provided for, as a condition precedent to approval of the plat. Such regulations may provide for tentative approval of the plat, but any such tentative approval shall be revocable. The subdivision regulations shall be adopted, with amendments of any, and may from time to time thereafter be amended by the county council by ordinance after public hearing. Copies of the subdivision regulations shall be made available to the public, and a reasonable charge therefor may be made. (Bill No. 80, 1960; No. 48, 1963, sec. 2.)

Sec. 22-33. Exemption of governmental approval of subdivision regulations.

Any such subdivision regulations may exempt from the requirements of governmental approval, subdivisions wherein the number of new lots is less than a designated number, or plats that do not involve new streets, or such other plats or subdivisions as such ordinance shall designate. In all cases involving such exempted subdivisions, the planning board chairman, or its director, shall certify the exemption on the plat, deed or instrument to be filed with the clerk of the circuit court for recording. (Bill No. 80, 1960.)

Sec. 22-34. Requirements for subdivisions and plats generally.

(a) In acting upon subdivisions, the planning board shall require, among other conditions in the public interest, that the tract shall be adequately drained, and the streets shall be of sufficient width and suitable grade and suitably located to accommodate the prospective traffic, to provide access for fire-fighting equipment to buildings and to be coordinated so as to comprise a convenient system, relating properly to the existing street system. Where the planning board after hearing has adopted portions of the master plan with proposals regarding the street system within the proposed subdivision,

the board may require that the streets shown conform in design and in width to the proposals shown on the master plan. No street shall be less than fifty feet within right of way lines and shall be of such width as may be required in the subdivision regulations or as shown on the master plan for the county.

(b) The planning board shall further require that all lots shown on the plats shall be adaptable for the intended purposes without danger to health or peril from flood, fire erosion or other menace.

(c) Before final approval of subdivisions the director of public works may require, in accordance with the subdivision regulations, the execution of a public works agreement for any or all of the following improvements it may deem necessary or appropriate: Street grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, local open space tracts and such other subdivision improvements as the county may find necessary in the public interest. The public works agreement shall set forth the amount of the funds, if any, required to be paid by the developer or owner of the subdivision. (Bill No. 80, 1960; No. 48, 1963, sec. 2.)

Sec. 22-35. Approval or disapproval of plats.

(a) Final plats of subdivisions shall conform to the standards prescribed by Annotated Code of Maryland, 1957, Article 17, sections 59 and 60. A final plat shall be deemed to have been submitted when an application for final approval has been delivered to the office of the planning board in conformance with the printed requirements governing the submission of subdivision plats.

(b) The planning board may approve or after hearing disapprove a plat. If the planning board disapproves any plat, the findings and reasons for such disapproval shall be stated upon the records of the planning board, and the applicant shall be given a copy.

2/22/03

2G