IN RE: PETITION FOR SPECIAL HEARING SW/Corner of Trenton Mill Road and Thomas Shilling Court 5th Election District 3rd Councilmanic District **(5201 Trenton Mill Road)** Jane A. Mauser & Joan A. Oeffner *Petitioners*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 03-332-SPH

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Revised Petition for Special Hearing filed by Jane A. Mauser and Joan A. Oeffner requesting special hearing relief for property located at 5201 Trenton Mill Road in the northern area of Baltimore County. The subject property is zoned R.C.2. The revised special hearing request is pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for approval of (1) the redistribution of density from one parcel to another separate parcel of same ownership without creating any additional density and (2) for the creation of 2 non-density parcels totaling 1.995 acres, more or less, by metes and bounds.

The property was posted with Notice of Hearing on September 2, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 2, 2003 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of

ORDER RECEIVED FOR FILING 10/14/03 R. Jenkins

any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: (1) ZAC comment dated September 16, 2003 from the Department of Environmental Protection & Resource Management (DEPRM), a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief were Douglas C. Myers and J. M. Simons. The Petitioners were represented by Lawrence Hammond, Esquire. Also in attendance were several citizens from the surrounding community who signed in on the Citizen's Sign-In Sheet; namely, Brian Chapline, Marty Bement and Dorothy Rowland. Timothy Roche, an adjacent property owner who had retained J. Carroll Holzer, Esquire as his attorney, also attended the hearing. Mr. Holzer was unable to attend the hearing due to a conflict in schedule. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence was proffered by Attorney Hammond, who explained that the property, which is the subject of this special hearing request, consists of two parcels. Parcel A, 16.384 acres, more or less, also designated on Tax Map 19 as Parcel 51, has 100% agricultural usage and all of this parcel is in Baltimore County. Parcel B is a much larger tract of 36 acres, more or less, which is primarily wooded and which lies partially in Baltimore County and Carroll County. The Petitioner indicates that 23.481 acres, more or less, lies in Baltimore County. Parcel B is likewise designated on Tax Map 19 as Parcel 33. Both parcels are zoned R.C.2. The

Petitioners are requesting that four (4) lots be created from the two parcels, with Parcel A being designated as Lot 1, and Lots 2, 3 and 4 being created from Parcel B.

The Petitioner testified that parcel A and parcel B were legally created before R.C.2 zoning was applied to the property (November 1979) and as such each parcel is entitled to two lots (two density units) for a total of four lots. They further request that one lot designation (density unit) be transferred from Parcel A to Parcel B resulting in three lots designated for Parcel B. See Petitioners' Exhibit No. 1. Finally, they request that 1.995 acres, more or less, be allowed to be created for the road access to Piney Branch Golf & Country Club, as well as lots they may develop in Carroll County. This would be a non density transfer.

A side issue arose at the hearing as to the proper line dividing Baltimore and Carroll County. Apparently, the County Attorneys of the respective Counties are involved in the controversy which likely will be resolved by the State Legislature. Final location of this line would directly affect the size of Lot 3 and perhaps the size of the non density transfer request. Dorothy Rowland, a neighbor, testified about her concerns with the proper dividing line between the Counties, and the impact the granting of the petition would have on the Joachim property. However, she had no objection to dividing the Baltimore County parcels into the four lots as requested, transferring one lot designation (density unit) from Parcel A to Parcel B or the non density transfer request to provide access to the country club.

Another issue arose in regard to adjacent landowners, Mr. and Mrs. Roche, and their concerns that their property be protected in case of further development of Lot 1. The Roches retained Carroll Holzer, Esquire to represent them, but Mr. Holzer was unable to attend the hearing due to conflicts in his schedule. However, the attorneys apparently have negotiated an agreement with the Petitioner such that the Petitioner and his successors will keep a 100 foot

buffer area along the boundary of Lot 1 and the Roche property. A draft agreement is found in Petitioners' Exhibit No. 3. Mr. Hammond agreed that if the draft agreement could not be concluded to everyone's satisfaction, the case could be reopened with additional testimony taken. He also agreed that the terms of the agreement would be incorporated into any final decision in this case. A final agreement dated October 3, 2003 was received and, as agreed, is hereby incorporated in the file.

Findings of Fact and Conclusions of Law

I find, from the testimony and evidence, that the Petitioners were legally entitled to two parcels of land, Parcel A and Parcel B, prior to November 1979 as shown on Petitioners' Exhibit No. 1 and that they are entitled to four lots (density units) pursuant to Section 1A01.3.B. I further find that it is consistent with the spirit and intent of the R.C.2 zoning to preserve agricultural land, that one lot (one density unit) be transferred from Parcel A to Parcel B resulting in the density distribution shown on Petitioners' Exhibit No. 1. This will allow only one house to be built on Parcel A and the least disruption of Parcel A for use in agriculture. I also approve the non density transfer of 1.995 acres of land into two parcels for road, as shown on Petitioners' Exhibit No. 1, for the purpose of providing road access to the adjacent country club and homes in Carroll County. I find that the issue of the proper dividing line between Baltimore and Carroll Counties does not go to the essence of the request before me. Presumably, after due consideration, the State Legislature will determine the proper line. This may affect the actual size of Lot 3 and the roadway parcels, but not the density and non density transfers which are the subject of this hearing. Finally, I find that the agreement between Mr. and Mrs. Roche and the Petitioners concerning the 100 ft. buffer along their respective boundaries is fair, reasonable and with the intent of protecting the surrounding communities.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 14 day of October, 2003, that the Petitioners' revised request for special hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for approval of (1) the redistribution of density from one parcel to another separate parcel of same ownership without creating any additional density and (2) for the creation of 2 non-density parcels totaling 1.995 acres, more or less, by metes and bounds, is hereby APPROVED under the following conditions:

1. That the terms of the Agreement between the Petitioners and Mr. and Mrs. Roche, as shown by their October 3, 2003 Agreement, attached hereto and made a part hereof, is hereby incorporated into this order and shall be enforceable by Baltimore County;

2. That if and when the final dividing line between Baltimore and Carroll Counties is determined by the State Legislature, that the dimensions of Lot 3 and the two roadway out parcels shall be suitably adjusted by administrative adjustment; and

3. That the comments from the Office of Planning and the Department of Environmental Protection and Resource Management, both dated September 16, 2003, are hereby incorporated in this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 10/14/03
By R. Jeanette

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

October 14, 2003

Lawrence E. Hammond, Esquire
Hammond & Hammond, LLC
465 Main Street
Reisterstown, Maryland 21136

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286

Re: Petition for Special Hearing
Case No. 03-332-SPH
Property: 5201 Trenton Mill Road

Dear Messrs. Hammond & Holzer:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been granted in accordance with the enclosed Order.

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

Very truly yours,

John Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Copies to:

J. M. Simons
5732 Emory Road
Upperco, MD 21155

Douglas C. Myers
5732 Emory Road
Upperco, MD 21155

Brian Chapline
814 Rydes Court
Westminster, MD 21158

Marty Bement
326 S. Broadway
Baltimore, MD 21231

Dorothy Rowland
4830 Trenton Mill Road
Upperco, MD 21155

REVISED

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5201 Trenton Mill Rd. 21155
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 redistribution of density from one parcel to another seperate parcel of same ownership without creating any additional density, and,

)- The creation of 2 (LMH) non density parcels by metes and bounds description. TOTALING 1.995 AC.± (LMH)

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:

Allender Property L.L.C.
Name - Type or Print

John F. Owings Jr.
Signature JOHN F. OWINGS, MEMBER

P.O. Box 295 410-833-1187
Address Telephone No.

Owings Mills Md. 21117
City State Zip Code

Attorney For Petitioner:

Lawrence M. Hammond
Name - Type or Print

L M Hammond
Signature

Hammond & Hammond, L.L.C.
Company

465 Main Street 410-833-7576
Address Telephone No.

Reisterstown Md. 21136
City State Zip Code

Legal Owner(s):

Jane A. Mauser
Name - Type or Print

Jane A. Mauser
Signature

Joan A. Oeffner
Name - Type or Print

Joan A. Oeffner
Signature

305 Park Ave 302 645-5704
Address Telephone No.

Lewes DE 19958
City State Zip Code

Representative to be Contacted:

Clark R. Shaffer
Name

6 North Court St. 410-848 4208
Address Telephone No.

Westminster Md. 21157
City State Zip Code

10/14/03 R. Jones

Revised
Case No. 03-332 sph

REV. 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR.

REV. UNAVAILABLE FOR HEARING —

Reviewed By JL Date 7/25/03

REVISED

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5201 Trenton 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

① The creation of a Non-Density Parcel by metes and bounds description, and,

② The redistribution of density from one Parcel to another seperate Parcel of same ownership without creating any additional density

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:

Allander Property, LLC
Name - Type or Print

Douglas C. Myers
Signature

P.O. Box 295 410-833-1187
Address Telephone No.

Owings Mills, Md. 21117-0295
City State Zip Code

Legal Owner(s):

Jane A. Mauser
Name - Type or Print

Jane A. Mauser
Signature

JOAN A. Deffner
Name - Type or Print

Joan A. Deffner
Signature

305 Park Ave 302 645 5704
Address Telephone No.

Lewes DE 19958
City State Zip Code

Attorney For Petitioner:

Lawrence M. Hammond
Name - Type or Print

Signature

Hammond & Hammond, LLC
Company

465 Main Street 410-833-7576
Address Telephone No.

Reisterstown, Md. 21136
City State Zip Code

Representative to be Contacted:

Clark R. Shaffer
Name

6 North Court Street 410 848-4208
Address Telephone No.

Westminster Md. 21157
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JV Date REV 3/07/03

Revised
Case No. 03-332-SPH

REV 9/15/98

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5201 TRENTON MILL RD.
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

23.4A. Non Density Transfer ie: CREATION OF A 234 Acres NON DENSITY PARCEL IN A RC2 ZONE

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:

John F. Owings, Jr.
Name - Type or Print

John F. Owings, Jr.
Signature

P.O. Box 295 410-833-1187
Address Telephone No.

OWINGS MILLS, MD. 21117
City State Zip Code

Attorney For Petitioner:

Laurence M. Hammond
Name - Type or Print

Signature

Hammond & Hammond, LLC
Company

465 Main Street (410) 833 7576
Address Telephone No.

Reisterstown MD 21136
City State Zip Code

Legal Owner(s):

Jane A. Mauser
Name - Type or Print

Jane Allendre Mauser
Signature

Joan A. Oeffner
Name - Type or Print

Signature

4 CASTLEHILL CT. 410-252-7969
Address Telephone No.

TIMONIUM MD. 21093
City State Zip Code

Representative to be Contacted:

Clark Shaffer
~~Douglas C. Myers~~
Name

~~5732 Emery Rd. 410 429-5007~~ 6 N. Court St 410 876-0100
Address Telephone No.

~~Upperco Md. 21155~~
City State Zip Code

Westminster Md 21157

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING —

Reviewed By JL Date 1/16/03

Case No. 03 332 SPH

REV 9/15/98

See Revised Petition

REVISED 03-332 SPH

ZONING DESCRIPTION FOR 5201 Trenton Mill Road, Upperco, Md., 21155. Beginning at a point in the centerline of Trenton Mill Road, 37.5 feet Northwest of the centerline of Thomas Shilling Court, which is 75 feet wide, S. 15 44' 25" W. 834.19', N. 58 10' 50" W. 754.08', N. 44 09' 26" W. 211.00', S. 49 42' 51" W. 797.02', N. 15 37' 00" E. 1342.50' to a pt. in Trenton Mill Road, S. 53 13' 50" E. 546.04', N. 32 20' 10" E. 1436.47', S. 10 39' 53" E. 1136.81' to a pt. at Trenton Mill Road, S. 14 51' 45" W. 319.70', N. 77 56' 57" W. 75.15' to the place of beginning, containing 39.865 acres, more or less, and located in the Fifth Election District, Third Councilmanic District.

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: #03-332-SPH
5201 Trenton Mill Road
S/west corner of Trenton Mill Road and Thomas Shilling Court
5th Election District - 3rd Councilmanic District
Legal Owner(s): Jane A. Mauser and Joan A. Oeffner
Contract Purchaser: Allender Property, John Owings, Member

Special Hearing: for the redistribution of density from one parcel to another of the same ownership and the creation of 2 non-density parcels totaling 1.995 acres +/- by metes and bounds.

Hearing: Wednesday, September 17, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

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

JT/9/615 Sept. 2 C624291

CERTIFICATE OF PUBLICATION

9/5/, 2003

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 9/2/, 2003.

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

S. Williams

LEGAL ADVERTISING

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: #03-332-SPH
5201 Trenton Mill Road
S/west corner Trenton Mill Road and Thomas Shilling Court
5th Election District
3rd Councilmanic District
Legal Owner(s): Jane A. Mauser and Joan A. Oeffner
Contract Purchaser: Allender Property, LLC
Special Hearing: to permit a 23.4 acre non-density parcel in a RC 2 zone.
Hearing: Wednesday, April 2, 2003 at 2:00 p.m. in Room 106, County Office 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.
JT3/696 March 18 C593245

CERTIFICATE OF PUBLICATION

3/21/, 2003

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 3/18/, 2003.

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

S. Wilkinson

LEGAL ADVERTISING

DOUGLAS C. MYERS 10-9

5732 [illegible] 410-429-[illegible]

[illegible] RCO, MD 21155

65-272/550

() Uncoll[illegible] Funds

() Refer to Maker () Misrouted

() No Acct Found

65-272/550
10257239

346

DATE 3/7/03

PAY TO THE ORDER OF Bel Air Electric

$ 70.00

Seventy and [illegible] DOLLARS

() Uncollected Funds

() Refer to Maker () Misrouted

() No Acct Found

FARMERS & MERCHANTS BANK

Fowblesburg

PRESENTED TWICE
DO NOT PRESENT AGAIN

MEMO Fee for Special Visit

Douglas C. Myers

⑆055002723⑆ 65-272 ⑈0257239⑈ 0346 ⑈0000007000⑈

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23671

DATE 5/14/03 ACCOUNT 001-006-6150

AMOUNT $ 70.00

RECEIVED FROM: Allender Property Co. John Devries

FOR: Special Hearing Fee

03-332-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
PAID RECEIPT
BUSINESS SECTION TIME DRW
5/16/2003 5/16/2003 14:10:47 1
[illegible]
RECEIPT # 123[illegible] 5/14/2003 [illegible]
[illegible]
[illegible]
Paid for $70.00
Balance Due .00 CR
Baltimore County, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23670

DATE 5/14/03 ACCOUNT 001-006-3080

AMOUNT $ 35.00

RECEIVED FROM: Allender Property Co. John Devries

FOR: Bad Check Fee

03-332-SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
PAID RECEIPT
BUSINESS SECTION TIME DRW
5/16/2003 5/16/2003 14:10:46 1
[illegible]
RECEIPT # 123[illegible] 5/14/2003 [illegible]
[illegible]
[illegible]
Paid for $35.00
Balance Due .00 CR
Baltimore County, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21934

DATE 3/07/03 ACCOUNT 001 006 6150

AMOUNT $ 70.00

RECEIVED FROM: Doug Dyers

FOR: Rec. SPH conversion

5201 Taunton Mill Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE	ACTUAL DATE	TIME	DRW
3/07/2003	3/07/2003	13:04:28	2

RECEIPT HEADER JEAN JCI
RECEIVED FROM: 3/07/2003 CHK
DESC: 5 531 ZONING VERIFICATION -
CHECK NO. 021154
Paid in 70.00 $70.00
70.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

03-332-SPH REV.

No. 23805

DATE 7/25/03 ACCOUNT 001 006 6150

AMOUNT $ 100.00

RECEIVED FROM:

FOR: REVISED ZONING PETITION & PLAN, 03-332-SPH
5201 TRENTON MILL RD

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
7/25/2003	7/25/2003	08:47:19	2

REG 0002 WALKIN JEWJEE
>>RECEIPT # 285704 7/25/2003 OFLH
DEPT 5 523 ZONING VERIFICATION
DR NO. 023805
Recpt Tot $100.00
100.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

JL # 332 **No. 20439**

DATE 1/16/03 ACCOUNT 001 006-6150

AMOUNT $ 65.00

RECEIVED FROM: Dave C. MYERS

FOR: Reg VAR FILING

5201 TRENTON MILL RD

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

DATE RECEIPT
FIELD RECEIPT

BUSINESS	ACTUAL	TIME
1/16/2003	1/16/2003	14:38:33

REG W004 WALKIN DOOL DWD DRAWER 2
>>RECEIPT # 211468 1/16/2003 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 020439
Recpt Tot $65.00
65.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-332-SPH

Petitioner/Developer: ALLENDER PROPERTY, C/O JOHN OWINGS

Date of Hearing/Closing: 9/17/03

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

Attention: MS. BECKY HART

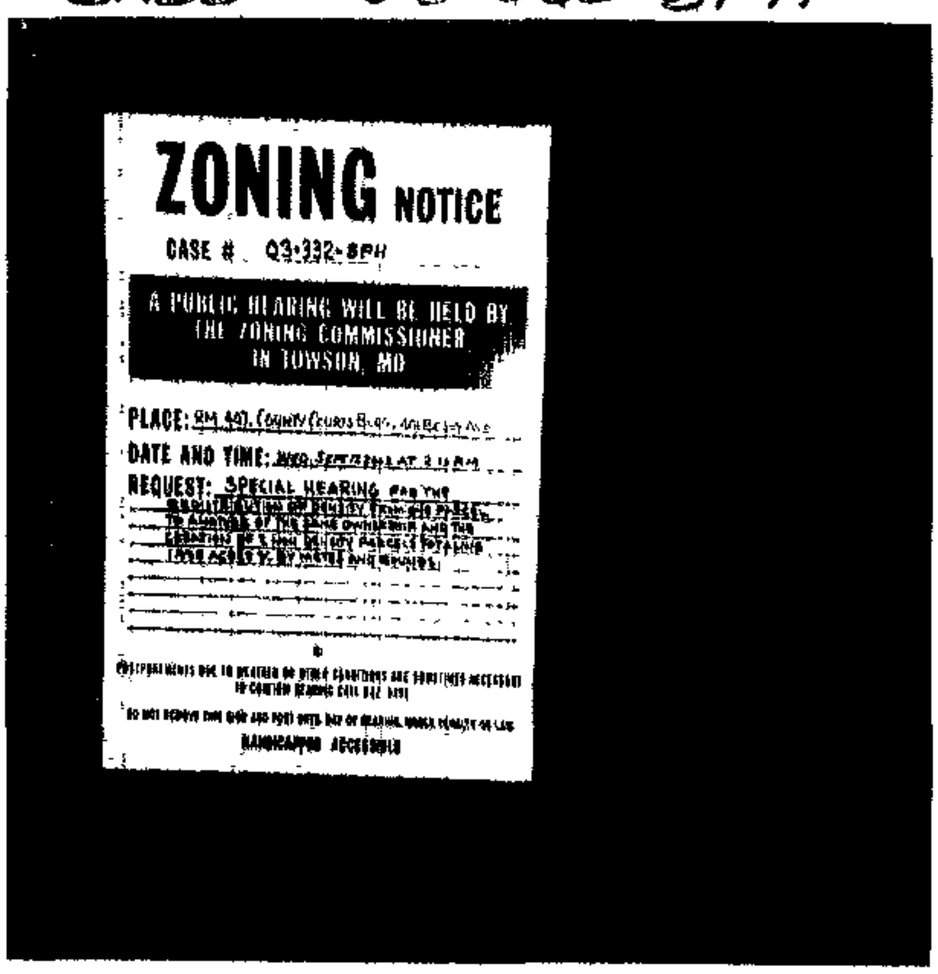
Ladies and Gentlemen:

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

5201 TRENTON MILL RD.

The sign(s) were posted on 9/2/03
(Month, Day, Year)

CASE # 03-332-SPH



5201 TRENTON MILL RD
POSTED 9/2/03
9/2/03

Sincerely,

9/2/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 03-332-SPH

Petitioner/Developer:

JOHN F. OWINGS

Date of Hearing/Closing: 4/2/03

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

Attention: MS. BECKY HART

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 _____

The sign(s) were posted on 3/18/03
(Month, Day, Year)

Sincerely,

3/18/03
(Signature of Sign Poster and Date)

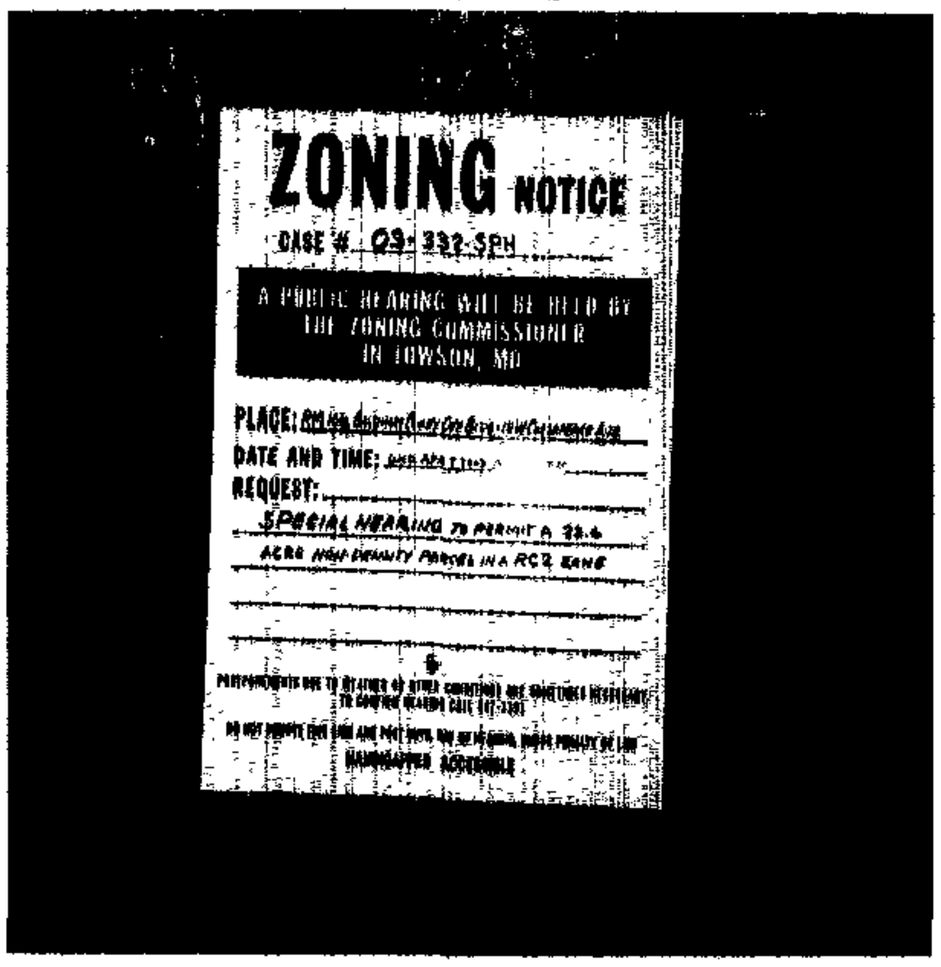
RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

CASE # 03-332-SPH



5201 TRENTON MILL RD.
POSTED 3/18/03
3/18/03

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

March 6, 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: 03-332-SPH
5201 Trenton Mill Road
S/west corner Trenton Mill Road and Thomas Shilling Court
5th Election District – 3rd Councilmanic District
Legal Owners: Jane A. Mauser and Joan A. Oeffner
Contract Purchaser: John F. Owings

Special Hearing to permit a 23.4 acre non-density parcel in a RC 2 zone.

Hearings: Wednesday, April 2, 2003 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon
Director

AJ:rlh

C: Lawrence M. Hammond, Hammond & Hammond, 465 Main Street, Reisterstown 21136
Jane A. Mauser, Joan A. Oeffner, 4 Castlehill Court, Timonium 21093
John F. Owings, Jr., P.O. Box 295, Owings Mills 21117

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 18, 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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 2, 2003 Issue - Jeffersonian

Please forward billing to:
Allender Property
P.O. Box 295
Owings Mills, MD 21117

410-833-1187

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: 03-332-SPH
5201 Trenton Mill Road
S/west corner of Trenton Mill Road and Thomas Shilling Court
5th Election District – 3rd Councilmanic District
Legal Owners: Jane A. Mauser and Joan A. Oeffner
Contract Purchaser: Allender Property, John Owings, Member

Special Hearing for the redistribution of density from one parcel to another of the same ownership and the creation of 2 non-density parcels totaling 1.995 acres +/- by metes and bounds.

Hearings: Wednesday, September 17, 2003, at 2:00 p.m., in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.

CORRECTION

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 18, 2003 Issue - Jeffersonian

Please forward billing to:
Allender Property, LLC
P.O. Box 295
Owings Mills, MD 21117

410-833-1187

NOTICE OF ZONING HEARING

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CASE NUMBER: 03-332-SPH
5201 Trenton Mill Road
S/west corner Trenton Mill Road and Thomas Shilling Court
5th Election District – 3rd Councilmanic District
Legal Owners: Jane A. Mauser and Joan A. Oeffner
Contract Purchaser: Allender Property, LLC

Special Hearing to permit a 23.4 acre non-density parcel in a RC 2 zone.

Hearings: Wednesday, April 2, 2003 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

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.

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

August 18, 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: 03-332-SPH
5201 Trenton Mill Road
S/west corner of Trenton Mill Road and Thomas Shilling Court
5th Election District – 3rd Councilmanic District
Legal Owners: Jane A. Mauser and Joan A. Oeffner
Contract Purchaser: Allender Property, John Owings, Member

Special Hearing for the redistribution of density from one parcel to another of the same ownership and the creation of 2 non-density parcels totaling 1.995 acres +/- by metes and bounds.

Hearings: Wednesday, September 17, 2003, at 2:00 p.m., in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Lawrence Hammond, Hammond & Hammond, LLC, 465 Main St., Reisterstown 21136
Jane Mauser, Joan Oeffner, 305 Park Ave., Lewes DE 19958
Allender Property, John Owings, P.O. Box 295, Owings Mills 21117
Clark Shaffer, 6 North Court St., Westminster 21157

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 2, 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.

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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: 03 332 SPH

Petitioner: Jane A. Mauser

Address or Location: 5201 Trenton Mill Rd. Upperco. Md. 21155

PLEASE FORWARD ADVERTISING BILL TO

Name: John F. Owings, Jr.

Address: P.O. Box 295

Owings Mills, MD. 21117

Telephone Number: 410-833-1187

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

September 12, 2003

Lawrence Hammond
Hammond & Hammond, LLC
465 Main Street
Reisterstown, MD 21136

Dear Mr. Hammond:

RE: Case Number: 03-332-SPH, 5201 Trenton Mill Road

The above referenced revised petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 25, 2003.

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:klm

Enclosures

c: People's Counsel
Jane A. Mauser and Joan Oeffner, 305 Park Avenue, Lewes DE 19958
Clark R. Shaffer, 6 North Court Street, Westminster MD 21157
Allender Property, Douglas Myers, P.O. Box 295, Owings Mills MD 21117-0295

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

March 28, 2003

Lawrence Hammond
Hammond & Hammond, LLC
465 Main Street
Reisterstown, MD 21136

Dear Mr. Hammond:

RE: Case Number: 03-332-SPH, 03-332-SPH

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 7, 2003.

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Jane A. Mauser and Joan Oeffner, 305 Park Avenue, Lewes DE 19958
Clark R. Shaffer, 6 North Court Street, Westminster MD 21157
Allender Property, Douglas Myers, P.O. Box 295, Owings Mills MD 21117-0295

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on Recycled Paper

Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

January 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: January 28, 2003

Item No.: 326-329, 331-338

Dear Ms. Hart:

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.

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

cc: File

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on Recycled Paper

State Highway Administration
Driven to Excel
MARYLAND DEPARTMENT OF TRANSPORTATION
Robert L. Ehrlich, Jr., *Governor* • Michael S. Steele, *Lt. Governor* • Trent M. Kittleman, *Acting Secretary*

Date: 1.28.03

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

RE: Baltimore County
Item No. 332 JL

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

Jack 9/17

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED
SEP 26 2003
ZONING COMMISSIONER

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS/TZT

DATE: September 16, 2003

SUBJECT: Zoning Item 03-332 (Revised plan)
Address 5201 Trenton Mill Road

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

This will be supported subject to a condition that the house site for the remaining density unit on Parcel A will be located on non-prime and productive soils. This will be subject to the approval of DEPRM.

Reviewer: Wally Lippincott Date: September 16, 2003

10/14/03 G. Jameson

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/TGT

DATE: February 24, 2003

SUBJECT: Zoning Item 332
Address 5201 Trenton Mill Road

Zoning Advisory Committee Meeting of January 28, 2003

____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

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

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

____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

____ Additional Comments:

Reviewer: Brian Lindley Date: February 24, 2003

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 16, 2003

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

SUBJECT: 5201 Trenton Mill Road

INFORMATION:

Item Number: 03-332

Petitioner: Jane A Mauser

Zoning: RC 2

Requested Action: Special Hearing

RECEIVED
SEP 16 2003
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Label parcel 33 and 51 correctly.
2. Provide a devolution of title for the subject property.
3. Limit the building envelope, septic, and well areas for Parcel A to the rear of the property out of the prime and productive soils. Coordinate the location with Wally Lippincott of the Department of Environmental Protection and Resource Management.
4. Provide a minor subdivision plan for future lots 1, 2, and 3.

Prepared by: Martin Cunningham

Section Chief: Lyn Lanham
AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 24, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For February 3, 2003
Item Nos. 298, 326, 327, 328, 329,
330, 331, 332, 334, 335, 336, 337,
and 338

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

RWB:CEN:jrb

cc: File

RE:	PETITION FOR SPECIAL HEARING	*	BEFORE THE
	5201 Trenton Mill Road; Swest corner		
	Trenton Mill Rd & Shilling Ct.	*	ZONING COMMISSIONER
	5th Election District		
	3rd Councilmanic District	*	FOR
	Legal Owner(s):Jane Mauser & Joan Oeffner		
	Contract Purchaser(s): John F. Owings, Jr.	*	BALTIMORE COUNTY
	Petitioner(s)		
		*	03-332-SPH

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

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of January, 2003, a copy of the foregoing Entry of Appearance was mailed to Clark Shaffer, 6 N. Court Street, Westminster, MD 21157 & Lawrence M. Hammond, Hammond & Hammond, LLC, 465 Main Street, Reisterstown, MD 21136, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MSG TO
SEC. OF ATTNY
NEED SIGNATURE
OF OEFFNER
ON PETITIONS
ALSO SEE NOTE
IN FILE FOR
INITIALS
2/24 L.H TO ME JL 1/29/03

ZONING NOTE TO FILE.

03-332-SPH

H.O.

On 1/29/03 I was advised by the Zoning docket clerk that a signature was missing for one of the owner/Petitioners on the petition form. I immediately contacted Mr Lawrence Hammond (attny of record on petition) and advised his office of this problem.

Several phone calls were made since that time to his office and on our last discussion Mr. Hammond advised me (2/27/03) that a discussion had occurred between Mr Carl Richards (Zoning Supervisor) and Mr John Owings representative concerning revisions to the petition including ~~[illegible]~~ (attorney) representation.

I was contacted by his partner Doug Mayers 2/26/03 who advised that he would be in on 2/27/03 to revise + sign.

As of 3/03/03 no action has occurred. Per Mr Richards we have continued to process this petition with the understanding that all revisions/signatures etc, would be completed in a timely fashion.

J R Lewis
Planner II 3/03/03

GENERAL JOURNAL VOUCHER
BALTIMORE COUNTY, MARYLAND

DOC ID: JV006JE04-054

JV DATE: 05060 3

ACCTG PRD: 1003

COMMENTS: BAD CHECKS

BUDGET FY: 03

EXPLANATION:

TO REVERSE MONIES FOR BAD CHECKS.

	ACCT TYPE	FUND	AGENCY	ORGN	SUB ORG	ACTV	OBJ/ REV SRC	SUB O/R	BS ACCT	REPT CATG	I/G FUND	BANK	DEBIT AMOUNT	CREDIT AMOUNT
01	31	001	006				3070						209.00	
02	31	001	006				6910						80.00	
03	31	001	006				2600						15.00	
04	31	001	006				6030						30.00	
05	31	001	006				6010						10.00	
06	31	001	006				6019						12.00	
07	31	005	030	30RA			9005	01					150.00	
08	31	001	006				6150						70.00	
09	31	001	006				7120	04					60.00	
10	01	001							1570					636.00
11	01	001							1000		005		150.00	
12	01	005							1000		001			150.00
13														
14														
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19														
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21														
22														
23														
24														

DOCUMENT TOTAL: 786.00 | 786.00

RK			
PREPARED	VERIFIED	APPROVED	ENTERED

DOC ID: JE04-054

JOURNAL ENTRIES

001-006-6910	JBEX CONTRACTING	LANDFILL	80.00
001-006-2600	PROSIGN COMPANNY A478625	PERMIT	15.00
001-006-6030	LINETTA VANCURA	LEIN	30.00
001-006-6010	FEDERATED MUTUAL INS	POLICE	10.00
001-006-6019	MICAH THOMPSON	FIRE	12.00
005-030-30RA-9005-01	JAMIE CANBY	HEALTH	150.00
001-006-6150	DOUGLAS MYERS	ZONING	70.00
001-006-7120-04	WESTERN CORRECTIONAL	MISC	60.00

MAY 13 2003

March 20, 2003

To: Mr. Arnold Jablon
Director of Permits/ Development Management

Re: Case No. 03-332-sph

We, Jane A. Mauser and Joan A. Oeffner, owners of the property located at 5201 Trenton Mill Road, Upperco, Md., do hereby request a postponement of the Special Hearing scheduled for April 2, 2003.

Jane A. Mauser

Joan A. Oeffner

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

Lp
4/2

March 31, 2003
#7404

RECEIVED
APR 2 2003
ZONING COMMISSIONER

VIA FAX 410-887-3468
Lawrence Schmidt, Esquire
Zoning Commissioner for Baltimore County
401 Bosley Ave., 4th Floor
Towson, MD 21204

Re: 5201 Trenton Mill Road; Case No. 03-332-SPH
Contract Purchaser: John F. Owings

Dear Mr. Schmidt:

This morning I met with and was retained by an adjacent property owner in the above captioned matter who informed me that a hearing is scheduled for Wednesday, April 2, 2003 in this case. On that same day, I will be before the Board of Appeals in the matter of *School Sisters of Notre Dame*, Case No. 03-180-SPHA, a copy of the Notice I have attached hereto. Consequently, I herewith enter my appearance on behalf of my client, Timothy Roche, and respectfully request a postponement.

I would be glad to work with the Office of Zoning Commissioner and counsel for Petitioner to obtain mutually agreeable dates for the hearing. I appreciate your assistance and understanding.

Very truly yours,

J. Carroll Holzer

Enclosure

JCH: bdm

cc: Timothy Roche
Lawrence Hammond, Esq.

C:\My Documents\Letters\Lawrence Schmidt-Trenton Mill Rd..doc

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 6, 2003
 # 7404

HAND DELIVERED
John Murphy
Deputy Zoning Commissioner
for Baltimore County
401 Bosley Avenue
Towson, MD 21204

Re: Allender/Roche Settlement Agreement

Dear Mr. Murphy:

Enclosed you will find a fully executed copy of the Settlement Agreement with Exhibits in the above case. I have this day submitted to Mr. Hammond the original for recordation pursuant to the Agreement. We are satisfied that this matter has been concluded.

I appreciate your assistance in this matter.

Very truly yours,

J. Carroll Holzer

Enclosure

JCH:gmm

C:\My Documents\Letters\Murphy-Roche Agreement-10-6-03.doc

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 6, 2003
 # 7404

Lawrence Hammond, Esq.
Hammond & Hammond, LLC
465 Main Street
P.O. Box 569
Reisterstown, MD 21136

Re: Allender/Roche Agreement

Dear Mr. Hammond:

Enclosed, you will find the original Settlement Agreement and Exhibits A and B referenced therein for recordation. This afternoon, I will hand deliver to the Deputy Zoning Commissioner a copy of the Settlement Agreement and Exhibits. My client and I both have copies of the Agreement and Exhibits. Once recordation has occurred, please forward a copy to me and I will see that my clients get it.

I appreciate your assistance in this matter. If you have any questions, please call me at 410-825-6961.

Very truly yours,

J. Carroll Holzer

Enclosures

JCH: bdm

cc: Timothy Roche
John Murphy, Deputy Zoning Commissioner

C:\My Documents\Letters\Hammond-Roche-10-6-03 doc

CARROLL COUNTY MARYLAND
225 North Center Street
Westminster, Maryland 21157-5194
Westminster 410-386-2044
Baltimore 1-888-302-8978
FAX 410-386-2485
TT 410-848-9747

Board of Commissioners
Julia W. Gouge, President
Dean L. Minnich, Vice President
Perry L. Jones, Jr., Secretary

July 15, 2003

Ms. Caryn Joachim
5328 Trenton Mill Road
Upperco MD 21155

Dear Mrs. Joachim:

On behalf of the Board of County Commissioners, I am writing in response to your letter of June 30, 2003 regarding the Carroll County/Baltimore County line from Pennsylvania to the Liberty reservoir in Finksburg.

As you may be aware, the local land surveyors association has been resurveying the line. While we anticipate the report to confirm the County line, we have contacted Baltimore County Government to discuss what steps might be taken to confirm the current line through the legislative process. It is our understanding that the surveyors' association work should be completed by the end of July/early August. Please be assured that our staff will be in contact with you at that time.

Sincerely,

Steven D. Powell
Chief of Staff

SDP/kd

C: Mr. Steven Horn, Director, Department of Planning

citizen #1

Caryn Joachim
5328 Trenton Mill Road
Upperco, MD 21155
September 13, 2003
H: 410-239-4552
W: 410-751-3440
cjoachim@carr.org

Mr. Edward J. Gilliss
County Attorney, Baltimore County
400 Washington Avenue
Towson, Maryland 21204
Fax #: 410-296-093`

Dear Mr. Gillis,

Last summer I wrote to you about the attempt to change the County line by the developer of the "Greens at Piney Branch" in Carroll County, and sent a copy of Article XIII of the Maryland Constitution that states that a county line con not be changed except by an Act of the Maryland General Assembly and a majority vote of the residents. Attached is your response to my letter.

On Wednesday, September 17, at 2:00 p.m., in room 407 of the County Courts Building, a hearing is being held concerning the development of the land in Baltimore County adjacent to this development in Carroll County (file # 03332 SPH). According to a resident on Shilling Court, Tim Roach, who has talked to the developer, the line is still shifted on this plan being presented on Wednesday.

Any map, recent or dating back even 100 years ago, all show the county line in the bend in the road on Trenton Mill Road between Route 30 and Piney Branch Golf Course. Our house is in Baltimore County, and our property line is the county line. If the plan does show the line anywhere other then where it is now, it should not be accepted by Baltimore County. Please be advised that the community will continue to seek legal council to present this to the Maryland General Assembly if such a plan is accepted.

Sincerely,

Caryn N. Joachim

Caryn N. Joachim
5328 Trenton Mill Road
Upperco, MD 21155
cjoachim@carr.org
410-239-4552
June 30, 2003

Mr. Edward J. Gilliss
County Attorney, Baltimore County
400 Washington Avenue
Towson, MD 21204
Fax: 410-296-0931

Dear Mr. Gilliss,

As you know, the Baltimore/Carroll County line from the Pennsylvania line to Finksburg, Maryland is in doubt based on a study completed by the developer of "The Greens at Piney Branch", a proposed development in South Hampstead, Carroll County, Maryland. I have been informed by both Carroll and Baltimore County officials that a joint study of the County line is being completed due to this discrepancy.

Last March I elicited recommendations for lawyers, and sent information to the lawyers regarding this conflict. One of the lawyers sent me a copy of the Maryland Constitution, Article 13, Section 1, which states that when a county line is changed, an act of the Maryland General Assembly is required and the voters in the affected area have to approve the change. A copy of this part of the constitution is enclosed.

Only one of the lawyers I contacted was aware of this Article in the Constitution, so I can't assume that you are aware of this law in the Constitution! This lawyer was preparing to represent the local residents regarding this conflict when the May 30th Preliminary Plan Meeting was canceled.

Prior to contacting lawyers in March, I obtained USGS (United States Geological Survey – U.S. Department of Agriculture) maps from the Geological Survey Library in Baltimore, Maryland. The three maps I obtained, dated 1905, 1954, and 1974, show the county line exactly where it is today. The county line as it exists today has been well established for at least 100 years, and therefore any change in the county line would require and act of The Maryland General Assembly and a majority vote by the residents in the area.

Sincerely,

Caryn N. Joachim

Caryn N. Joachim

ARTICLE XIII

NEW COUNTIES

Section 1. Legislature may form new counties, change county lines, etc.; restrictions.

The General Assembly may provide, by Law, for organizing new Counties, locating and removing county seats, and changing county lines; but no new county shall be organized without the consent of the majority of the legal voters residing within the limits proposed to be formed into said new county; and

whenever a new county shall be proposed to be formed out of portions of two or more counties, the consent of a majority of the legal voters of such part of each of said counties, respectively, shall be required; nor shall the lines of any county nor of Baltimore City be changed without the consent of a majority of the legal voters residing within the district, which under said proposed change, would form a part of a county or of Baltimore City different from that to which it belonged prior to said change; and no new county shall contain less than four hundred square miles, nor less than ten thousand inhabitants; nor shall any change be made in the limits of any county, whereby the population of said county would be reduced to less than ten thousand inhabitants, or its territory reduced to less than four hundred square miles. No county lines heretofore validly established shall be changed except in accordance with this section. (1947, ch. 618, ratified Nov. 2, 1948; 1976, ch. 550, ratified Nov. 2, 1976; 1977, ch. 681, ratified Nov. 7, 1978.)

This section is perfectly constitutional. Starr v. Parks, 345 F. Supp. 795 (D. Md. 1972).

State has right to set boundaries of its political subdivisions. — There is no area of state sovereignty so far removed from control by the federal Constitution as the right of the state to set the boundaries of its political subdivisions and to select the process by which the people affected are to have a say in the realignment of their boundaries. Starr v. Parks, 345 F. Supp. 795 (D. Md. 1972).

Counties and cities are but political divisions of the State, and the legislature may itself levy needful taxes for local purposes, or it may delegate such power to the local authorities. Daly v. Morgan, 69 Md. 460, 16 A. 287 (1888).

"Territory" means land area and does not include uninhabited tidal waters. Department of Natural Resources v. France, 28 Md. App. 110, 344 A.2d 193 (1975), rev'd on other grounds, 277 Md. 432, 357 A.2d 78 (1976).

Prior to the 1947 amendment to this section, it was held that the legislature might extend the limits of Baltimore City by including therein parts of Baltimore County with or without the consent of a majority of the voters residing within the districts annexed. Daly v. Morgan, 69 Md. 460, 16 A. 287 (1888); McGraw v. Merryman, 133 Md. 247, 104 A. 540 (1918).

Creation of special tax district does not contravene this section. 63 Op. Att'y Gen. 114 (1978).

Act creating sanitary district within two counties does not violate section. — Acts 1918, ch. 122, creating a sanitary district, or a special taxing district, within two counties, does not violate this section. Dahler v. Washington Sub. San. Comm'n, 133 Md. 644, 106 A. 10 (1919).

Act not repealed by adoption of Constitution of 1851. — Acts 1826, ch. 192, relating to mortgages in the City and County of Baltimore, held not to have been repealed by the adoption of the Constitution of 1851. Eichelberger v. Hardesty, 15 Md. 548 (1860).

Acts extended to Howard County. — Acts 1838, ch. 205, and Acts 1845, ch. 176, extending the time of notice of the filing of a mechanic's lien claim, and Acts 1845, ch. 346, extending the first mentioned acts to Howard district, held under this section and article 5 of the Declaration of Rights (as they stood in the Constitution of 1851) to have been extended to Howard County. Pue v. Hetzell, 16 Md. 589 (1861).

Cited in State v. Fox, 51 Md. 412 (1879).

Caryn Joachim
5328 Trenton Mill Road
Upperco, MD 21155
September 13, 2003
H: 410-239-4552
W: 410-751-3440
cjoachim@carr.org

Councilman T. Bryan McIntire
Second Floor Court House
Towson, MD 21204
Fax: 410-887-5791

Dear Councilman McIntire,

Please see the attached letter concerning the hearing on Wednesday, September 17th, about the development of the land in Baltimore County that borders the Baltimore/Carroll County line.

I have not heard from anyone about the final results of the study that was being completed concerning the county line. The study was supposed to be completed at the latest in August. Do you know the final conclusions of the study?

Thank-you for your continued interest in the county line.

Sincerely,

Caryn N. Joachim

Office of Law

400 Washington Avenue
Towson, Maryland 21204
Tel: 410-887-4420 • Fax: 410-296-0931

James T Smith, Jr, County Executive
Edward J Gilliss, County Attorney

Baltimore County

One of the Best-Managed Counties in America

June 5, 2003

VIA TELEFAX (410) 386-2485
AND REGULAR MAIL

Ms. Kimberly A. Millender
County Attorney
Department of the County Attorney
225 North Center Street
Westminister, Maryland 21157

RE: The Greens at Piney Branch Development Plan

Dear Ms. Millender:

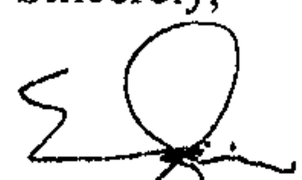
It has come to Baltimore County's attention that the referenced development filed in Carroll County involves the Baltimore County/Carroll County line in the Hampstead area. Baltimore County's Office of Law has been in contact with Stephen Ford, the Development Review Supervisor for Carroll County, who informs us that the Baltimore County/Carroll County line is in doubt based upon a survey that was done for developer of The Greens at Piney Branch. It is my understanding that a development plan review, which had been scheduled to take place on May 30, 2003, was postponed so that another survey of the line can be conducted by the Carroll Chapter of the Maryland Society of Surveyors. In fact, I understand that the Chapter has already located several monuments and hopes to complete its work in the next month or so. Further still, I understand that the Chapter intends to share its finding with government representatives from both Carroll County and Baltimore County.

With this letter, I seek confirmation from you that Carroll County will continue to postpone any development plan reviews concerning this development plan until the results of the survey can be discussed by government representatives from Carroll County and Baltimore County.

Printed on Recycled Paper

Will you please confirm that this suggested course will be followed? Thank you for your attention to this matter. If you have any questions, please contact me or Amanda Conn.

Sincerely,



Edward J. Gilliss
County Attorney

cc. The Honorable T. Bryan McIntire
Gregory Pecoraro
Arnold F. "Pat" Keller, III
Timothy Kotroco
Shirley Murphy
Stephen A. Ford

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

March 7, 2003

NOTICE OF ASSIGNMENT

CASE #: 03-180-SPHA

IN THE MATTER OF: ***School Sisters of Notre Dame***
- Legal Owner 815-817 Hampton Lane
9th Election District; 4th Councilmanic District

12/24/02 -ZC's Order in which special hearing request was GRANTED; Variance as to setbacks GRANTED with restrictions; variance as to non-residential building length of 224' dismissed as moot.

ASSIGNED FOR: **WEDNESDAY, APRIL 2, 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 Appellants /Protestants : J. Carroll Holzer, Esquire
Appellants /Protestants : James and Ruth Synodinos et al

Counsel for Petitioner : C. William Clark, Esquire
Petitioner : School Sisters of Notre Dame
Sister Christine Mulcahy
Bob La Pierre

Daft McCune Walker, Inc.

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

MEMO TO FILE

DATE: May 15, 2003

From: Becky Hart

I noted that the attorney of record, Mr. Hammond, Hammond & Hammond had not yet re-filed. After speaking with both Mr. Myers and Mr. Owings, they both noted that they were aware of this and were not ready to re-file.

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

January 29, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue, Room 111
Mail Stop # 1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda, 2/03/03 re: case numbers 03-298-SPH, 03-326-A, 03-327-X, 03-328-A, 03-329-SPH, 03-330-SPHX, 03-331-A, 03-332-SPH, 03-333-A, 03-334-A, 03-335-A, 03-336-A, 03-337-SPHA, 03-338-A**

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 01/28/03. 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

PLEASE PRINT CLEARLY

CASE NAME 5201 Trenton Mill Rd.
CASE NUMBER 03-332-SPH
DATE 9/17/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
J. M. Jenner	5732 Emory Rd	Upperco, MD 21155	
Douglas C. Myers	5732 EMORY RD.	UPPERCO, MD. 21155	
Lawrence M. Hammond	465 Main St, P.O. Box 569	Reisterstown, MD 21136	HHLAWLLC@aol.com

PLEASE PRINT CLEARLY

CASE NAME 5201 Trenton Mill Rd.
CASE NUMBER 03-332-SPH
DATE 9/17/03

CITIZEN'S SIGN-IN SHEET

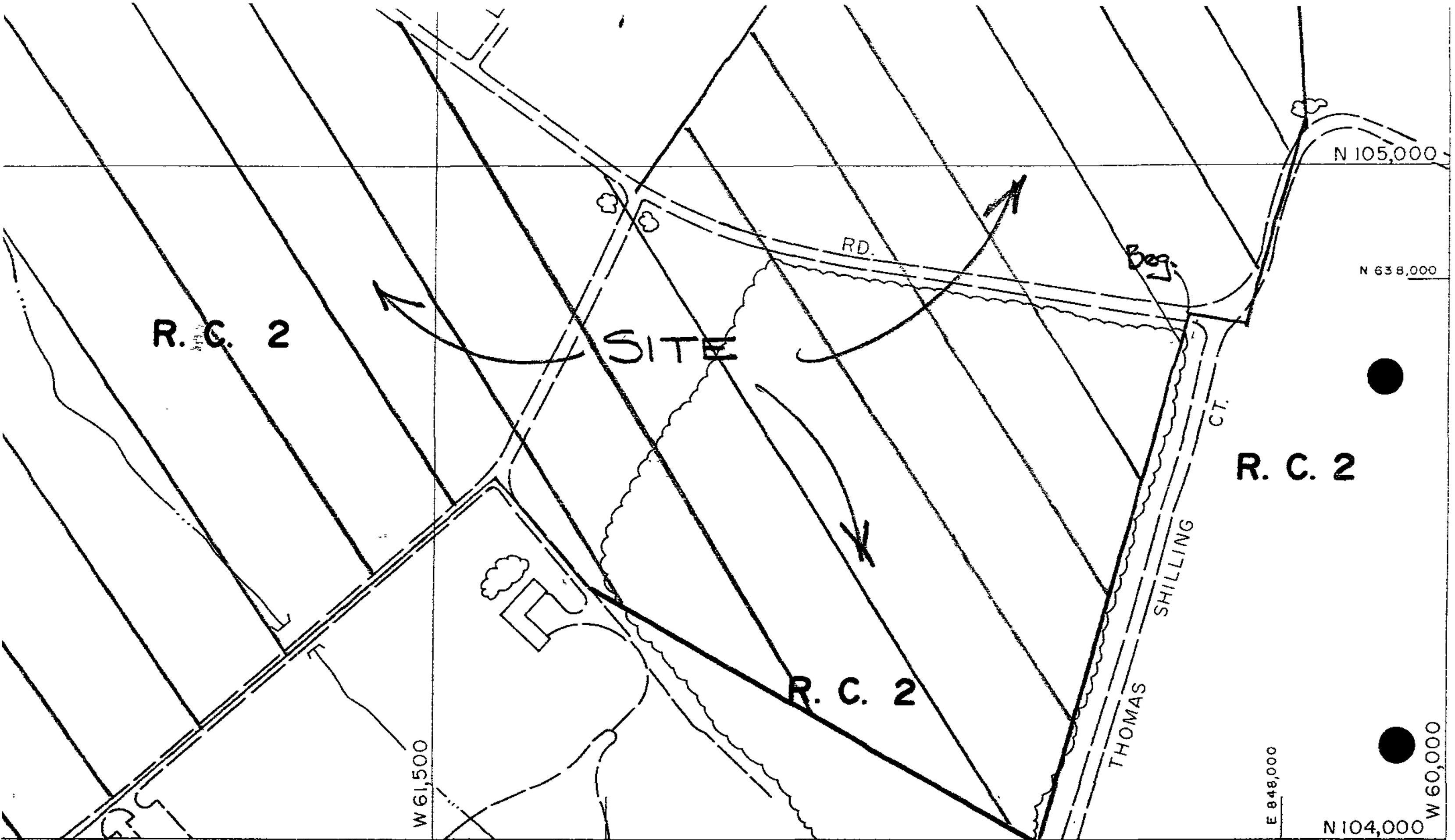
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Brian Chapline	814 Ryder Ct	Westminster Md 21158	
Marty Bennett	326 S. Broadway	Balt., Md. 21231	
Dorothy Rowland	4830 Trenton Mill Rd	Upperco Md 21155	

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 03-332-SPH
DATE

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Carolyn A Jennings	5306 Trenton Mill Rd	Upperco MD 21155	cjoachim@carr.org
Caryn N. Joachim	5328 Trenton Mill Rd.	Upperco, MD 21155	
Julie Colhoun	16301 Trenton Church Rd	Upperco 21155	dycolhoun@erols.com
Ann Jones c/o the Valleys Planning Council	207 Courtland	Towson, MD	dhKoch@mdo.net
A. Oelke	4537 Blackrock Rd	Upperco MD 21155	
Dorothy Rossland Penn Rural Preservation Member.	4850 Trenton Mill Rd	Upperco MD 21155	
MATT WALKER	17 THOMAS SHILLING CT	UPPERCO MD 21155	DELWALKER1985@YAHOO.COM
Bruce Hoosier	26 Linden Terrace	Towson, MD 21286	Bruce.Hoosier@verizon.net
Timothy Roche	5207 Trenton Mill Rd.	Upperco, Md. 21155	
James W. Rouse Jr.	4537 Blackrock Rd	Upperco MD 21155	
Missy Connolly	Trenton Mill Rd	Upperco MD 21155	



REVISED.

IG

SCALE	LOCATION	SHEET
1" = 200' ±	NORTHWEST OF TRENTON	N. W. 27-K
DATE OF PHOTOGRAPHY JANUARY 1986		

LIBER 509 PAGE 370 LIBER 5265 PAGE 357

RECEIPT NO. 105276

DEED

THIS DEED, made this 7th day of March, in the year one thousand nine hundred and seventy-two, by and between HAZEL E. ALLENDER, widow, of Carroll County, in the State of Maryland, Grantor, and JANE ALLENDER MAUSER and JOAN ALLENDER OEFFNER, both of the State of Maryland, Grantees.

No STAMPS REQUIRED

WITNESSETH, that in consideration of the sum of FIVE DOLLARS ($5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Hazel E. Allender does grant and convey unto the said Jane Allender Mauser and Joan Allender Oeffner, as tenants in common, their respective heirs and assigns, an undivided one-half (1/2) interest in and to those two tracts of land situate, lying and being partly in the Eighth Election District of Carroll County, Maryland, and partly in the Fifth Election District of Baltimore County, Maryland, which are described as follows:

FIRST PARCEL: All that tract or parcel of land, containing 124 acres, 1 rood and 17 square perches of land, more or less, situate, lying and being on the south side of the Trenton Mill Road; and BEING all that same tract or parcel of land which by Deed dated May 19, 1950, and recorded, respectively, among the Land Records of Carroll County in Liber E.A.S. No. 205, Folio 5, etc., and among the Land Records of Baltimore County in Liber T.B.S. No. 1846, Folio 237, etc., was granted and conveyed by Helen L. Earhart, et al., unto Joseph W. Allender and Hazel E. Allender, his wife, the said Joseph W. Allender having since died and said property having thereupon vested in severalty in the within Grantor; SAVING AND EXCEPTING, HOWEVER, the following lots or parcels of land heretofore conveyed from said tract by the said Joseph W. Allender and Hazel E. Allender, his wife, to wit:

(a) Parcel containing 1.069 acres of land, lying wholly in Carroll County, conveyed to Marvin H. Scham, et al., by Deed dated February 5, 1953, and recorded among the Land Records of Carroll County in Liber E.A.S. No. 217, Folio 213, etc. (said parcel having thereafter been twice reacquired by the said Joseph W. Allender and wife, but having been subsequently again off-con-

TRANSFER TAX NOT REQUIRED
3-3-72
Walter R. Richardson
Director of Finance
Per Murrif J Hayman
Authorized Signature
Sec 12 C
Sec 6

Det #2

veyed, most recently by a Deed to Isabel Holt Bishop, dated August 6, 1958, and re · ded among said Land Records in Liber E.A.S. No. 293, Folio 15, etc.)

(b) Parcel containing 16.5 acres of land, lying partly in Baltimore County and partly in Carroll County, conveyed to Walter W. Johnston, et al., by Deed dated September 28, 1953, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2373, Folio 216, etc., and among the Land Records of Carroll County in Liber E.A.S. No. 226, Folio 308, etc.

(c) Parcel containing 2.605 acres, lying wholly in Carroll County, conveyed to The Allender Company, Inc., by Deed dated January 30, 1965, and recorded among the Land Records of Carroll County in Liber C.C.C. No. 385, Folio 216, etc.

The aforedescribed "First Parcel" BEING SUBJECT, HOWEVER, to the legal operation and effect of a Right-of-Way Agreement between Joseph W. Allender, et al., and Piney Branch Golf and Country Club, Inc., dated October 23, 1964, and recorded among the Land Records of Baltimore County in Liber No. 4391, Folio 578, etc.

SECOND PARCEL: All that tract or parcel of land, containing 16 acres, 2 roods and 16 square perches of land, more or less, believed to be situate entirely within the Fifth Election District of Baltimore County near the boundary line between Baltimore and Carroll Counties; and BEING all that same tract or parcel of land which, by Deed dated October 13, 1953, and recorded, respectively, among the Land Records of Baltimore County in Liber G.L.B. No. 2373, Folio 211, etc., and among the Land Records of Carroll County in Liber E.A.S. No. 226, Folio 303, etc., was granted and conveyed by Walter W. Johnston, et al., unto Joseph W. Allender and Hazel E. Allender, his wife, the said Joseph W. Allender having since died and said property having thereupon vested in severalty in the said Hazel E. Allender, widow.

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 undivided one-half (1/2) interest in and to said tracts 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 Jane Allender Mauser and Joan Allender Oeffner, as tenants in common, their respective heirs and assigns, forever in fee simple, this being the remaining undivided one-half interest so that the entire fee simple interest to the property is now owned by Jane Allender Mauser and Joan Allender Oeffner, as tenants in common.

AND THE SAID GRANTOR hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; that she will warrant specially the property granted and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the said Grantor.

I HEREBY CERTIFY THAT ON THIS 4th DAY OF May, 19 72 THAT ALL PUBLIC TAXES ASSESSMENTS AND CHARGES FOR THE CURRENT YEAR AND ALL PRIOR YEARS ON THE PROPERTY DESCRIBED HEREIN HAVE BEEN PAID.
COLLECTOR

WITNESS:

William B. Dulany — Hazel E. Allender (SEAL)
William B. Dulany — HAZEL E. ALLENDER

STATE OF MARYLAND }
COUNTY OF CARROLL } TO WIT:

ON THIS, the 7th day of March, 1972, before me, a Notary Public, the undersigned officer, personally appeared HAZEL E. ALLENDER, widow, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

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

Jennie W. Miller
Jennie W. Miller, Notary Public

MAY -4-72 25927202 ****1050
****1050

I HEREBY CERTIFIES THAT THE PROPERTY CONVEYED BY THE WITHIN DEED WAS TRANSFERRED ON THE COUNTY ASSESSMENT BOOKS THIS 20 DAY OF April 1972 AS REQUIRED BY ART. 21, SEC. 10 OF THE CODE.
TRANSFER CLERK

Rec'd for record MAY 4 1972 at 10:47 AM
Per Orville T. Gosnell, Clerk
Mail to Dulany & Davis
Receipt No. 10-570

REC'D FOR RECORD April 20 1972 AT 4:09 O'CLK P.M. SAME DAY RECORDED & EX'D PER CHARLES C. CONAWAY, CLK.

AFTER RECORDING
PLEASE RETURN TO:
HAMMOND & HAMMOND, L.L.C.
465 MAIN STREET, P.O. BOX 569
REISTERSTOWN, MD 21136

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT, is made this 3rd day of October, 2003, by and among **ALLENDER PROPERTY, L.L.C.**, (hereinafter referred to as "Allender"),and **TIMOTHY McC. ROCHE** and **PATRICIA A. ROCHE**, (collectively "the Protestants").

RECITALS

WHEREAS, Allender is the Contract Purchasers of two (2) parcels of land located in the 5th Election District of Baltimore County, containing 38.86 acres of land, more or less and 16.60 acres of land, more or less, being known and designated as parcels 33 and 51 respectively, as shown on Baltimore County Tax Map 19 (the "Property"); and

WHEREAS, the Protestants are the owners of a parcel of land which adjoins a portion of the above referenced parcel 33, said parcel being known and designated as parcel 82, as shown on Baltimore County Tax Map 19; and

WHEREAS, Allender has filed in Petition for Special Hearing in Case Number 03-332-SPH, in order to redistribute density from parcel 51 to parcel 33. A copy of the Revised Plan, Plat to Accompany Petition for Special Hearing is attached hereto and incorporated as Exhibit "A".

WHEREAS, the Protestants have been in opposition to the Allenders' Petition for Special Hearing and the parties hereto are now desirous of settling their issues.

AGREEMENTS

NOW, THEREFORE, in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged and in further consideration of the mutual agreements herein contained, the parties agree as follows:

A. The foregoing Recitals to this Agreement are incorporated herein and made a part of this Agreement as if fully set

10/14/03 Petition

Pet #3

forth herein.

B. That Allender and its successors and assigns agree to provide a natural buffer area, approximately one hundred (100) feet in width, being the "hatched area", lying between Parcel 82 and a portion of Parcel 33, which is designated as Lot #1, as shown on the Topography Plan for the Allender Property, copy of said plat is attached hereto and incorporated as Exhibit "B". It is further agreed by Allender and its successor and assigns that there will be no further subdivision of Lot #1, for as long as the Protestants, either jointly or individualy own parcel 82. Allender also agrees to provide a copy of this Settlement Agreement to any prospective purchaser of Lot #1. Additionaly, Allender and its sucessors and assigns agree that no structure, building of any sort, shed, swimming pool, above or below ground, satellite dish or TV antenna, lights nor anything that is not natural vegetation shall be permitted in the hatched area described on Exhibit "B."

C. That Allender and its successors and assigns agrees not to remove any trees from the "hatched area" that are greater than four (4) inches in diameter, except for diseased and/or dead trees which pose a safety threat. Prior to Allender and/or its successors and assigns removing any trees that are greater than four (4) inches in diameter on the basis of disease and/or dead trees posing a saftey threat, Allender or its sucessors will provide fifteen (15) days notice to Protestants as to what trees will be removed, who will be removing them, and any evidence that they are either diseased or pose a saftey threat.

D. That the Protestants agree not oppose Allender's requested relief as set forth in the Petition for Special Hearing in Case No 03-332-SPH, or to note an appeal with the Baltimore County Board of Appeals.

E. That the Protestants agree not to oppose the future development of the "Property" as a Minor Subdivision consisting of three (3) building lots to be created from Parcel 33 and not to oppose the issuance of building permit for a residential dwelling to be constructed on parcel 51.

F. That the parties agree that imposition of the terms of

10/14/03 R. Jameson

this Agreement with respect to the aforementioned One Hundred (100') foot Buffer and the retention of trees in the Buffer Area having a diameter in excess of Four (4") inches is contingent upon an appeal not being noted by the Protestants with the Baltimore County Board of Appeals. If an appeal is noted by a third party, then the terms of this Agreement will be imposed on Allender if the approval of the relief requested in the Petition for Special Hearing is affirmed by the County Board of Appeals. If the County Board of Appeals reverses the approval of relief request in the Petition for Special Hearing, then the terms set forth in said Agreement shall not be imposed.

G. This Agreement together with the other documents executed in connection with this transaction constitutes the final and entire agreement and understanding of the parties and any term, condition, covenant or agreement not contained herein or therein is not a part of this agreement and understanding of the parties. Neither this Agreement nor any term, condition, covenant or agreement hereof may be changed, waived, discharged or terminated orally but only by an instrument in writing signed by the party against whom enforcement of the change, waiver or discharge determination is sought.

H. Time is of the essence of this Agreement in each and every term, condition and covenant herein.

I. Whenever used herein, the singular number shall include the plural, the plural the singular, and the use of the masculine, feminine or neuter gender shall include all genders. The captions contained herein are for purposes of convenience only and are not part of this Agreement. Whenever used herein, the word "person" or "persons" shall mean and include corporation, association, a partnership, an organization, a business, an individual, a government or political subdivision or agency thereof, or an estate or trust.

J. In the event that more than one person executes this Agreement, the liability of each person executing the Agreement shall in all cases be joint and several.

K. The Parties agree that in the event of an appeal by a party not signatory to this Agreement and in the event that such

10/14/03 R. Jameson

appeal results in the Baltimore County Board of Appeals denying the relief requested in the Petition for Special Hearing, this Agreement shall be null and void.

L. The parties hereto request that this Agreement be incorporated by the Zoning Commission in his Opinion and Order granting the relief requested in the Petition for Special Hearing.

M. These Agreements shall be deemed executed and delivered in and shall be construed, governed and enforced in accordance with the laws of the State of Maryland in effect from time to time.

N. The parties hereto agree that Allender will record this document among the Land Records of Baltimore County, at Allender's expense once the approval pursuant to the Petitition for Special Hearing in Case No.: 03-332-SPHA becomes final. Allender shall have thirty (30) days in which to record this Agreement and provide proof to Roche of such recording.

IN WITNESS WHEREOF, the parties have executed this Agreement under seal as of the day and year first above written.

WITNESS/ATTEST: ALLENDER PROPERTY, L.L.C.

Barbara J. Evans By: John F. Owings Jr. (SEAL)
JOHN F. OWINGS, JR., Member

Sterling Tessel Timothy McC. Roche (SEAL)
TIMOTHY McC. ROCHE

Sterling Tessel Patricia A. Roche (SEAL)
PATRICIA A. ROCHE

STATE OF MARYLAND, COUNTY OF Carroll, to wit:

I HEREBY CERTIFY that on this 1st day of October, 2003, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared JOHN F. OWINGS, JR., authorized

10/14/03 R. Jameson

member of ALLENDER PROPERTY, L.L.C., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Agreement to be his act on behalf of the limited liability company, and in my presence signed and sealed the same.

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

Donna J. Evans
Notary Public

DONNA J. EVANS NOTARY PUBLIC CARROLL COUNTY, MD.

My Commission expires: August 1, 2004

STATE OF MARYLAND, COUNTY OF Carroll, to wit:

I HEREBY CERTIFY that on this 2nd day of October, 2003, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared TIMOTHY McC. ROCHE, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Agreement to be his act, and in my presence signed and sealed the same.

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

Notary Public

My Commission expires: August 22, 2006.

STATE OF MARYLAND, COUNTY OF Carroll, to wit:

I HEREBY CERTIFY that on this 2nd day of October, 2003, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared PATRICIA A. ROCHE, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Agreement to be her act, and in my presence signed and sealed the same.

10/14/03
R. Gunston

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

Notary Public

My Commission expires: August 22, 2006.

c:\mdreform(dje)\allender.2se

ORDER
10/14/03
R. Jameson

Rev. 03 332 SPH

NW 27 K

FF -SE

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 19, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.

Chairman, County Council

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	NORTHWEST OF TRENTON	N.W. 27-K
DATE OF PHOTOGRAPHY JANUARY 1986		

216027.7mN
410998.3mE

14

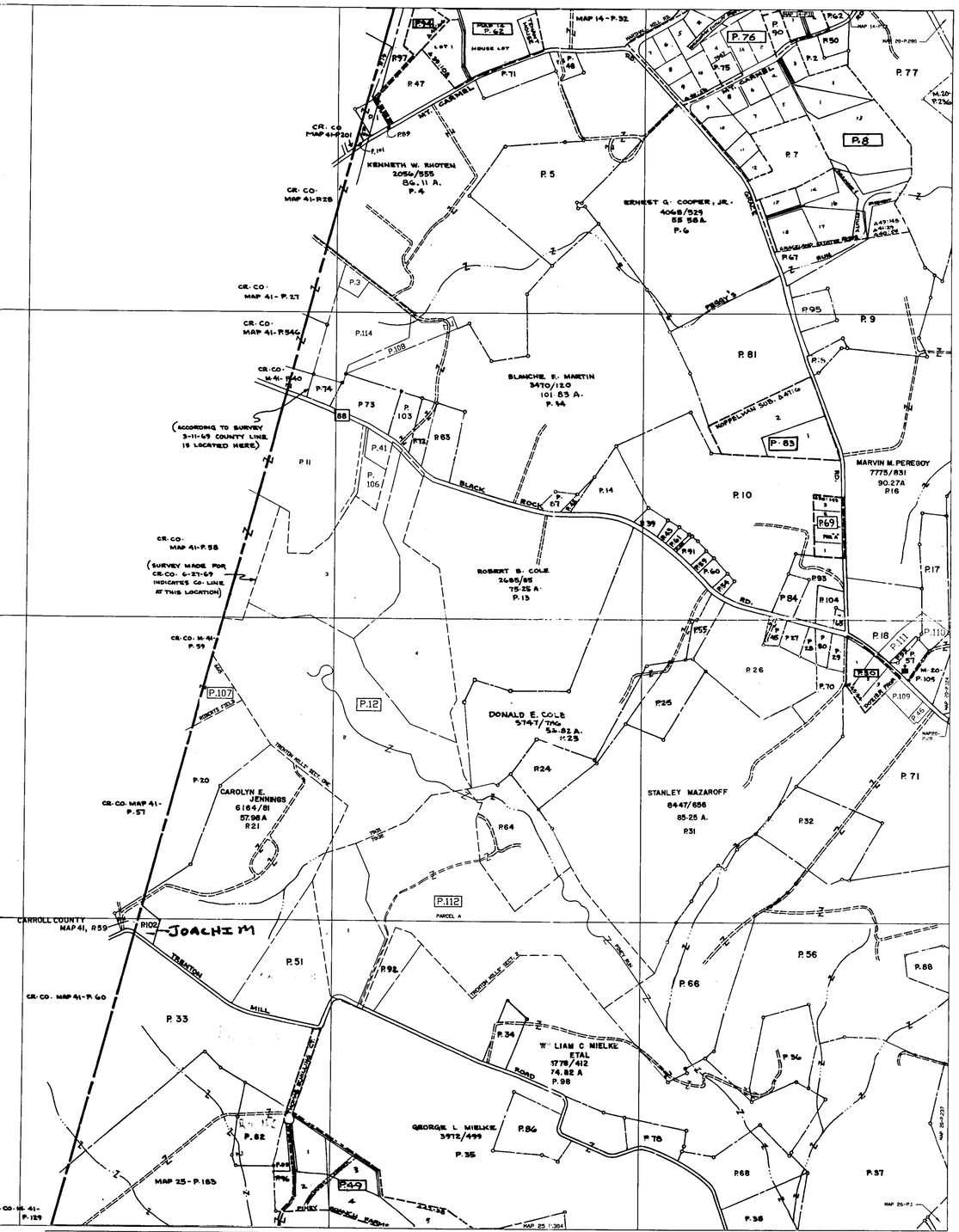
216027.7mN
416484.7mE

648

645

HAMPSTEAD

CARROLL CO. MAP NO. 41



(23) 642

639

636

212370.1mN
410998.3mE

212370.1mN
416484.7mE

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SCALE IN FEET

600 0 600 1200 1800

(25)

COMPILED BY:
MARYLAND DEPARTMENT OF PLANNING
PROPERTY MAPPING SECTION

The information shown on this map has been compiled from deed descriptions and plats and is not an actual survey. It should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning, Property Mapping Section, Room 1101, 301 W. Preston St., Baltimore, MD 21201-2305.

PROPERTY LINE
SUBDIVISION BOUNDARY
TOWN BOUNDARY
PRIVATE ROAD
STREAM LINE
CONTINUING OWNERSHIP -
PARCEL NUMBERING - P.##### (ASSIGNED TO IDENTIFY OWNERSHIP. MUST BE PRECEDED BY A MAP NUMBER.)
SCALE 1"=600' (RF 1:7200)

REVISED TO:	DATE	BY	LIBER	LAST P. NO.	QUARTER-QUADRANGLE	DATE OF PHOTO	SHA GRID
	DEC. '01	ML					

MDP Maryland Department of Planning

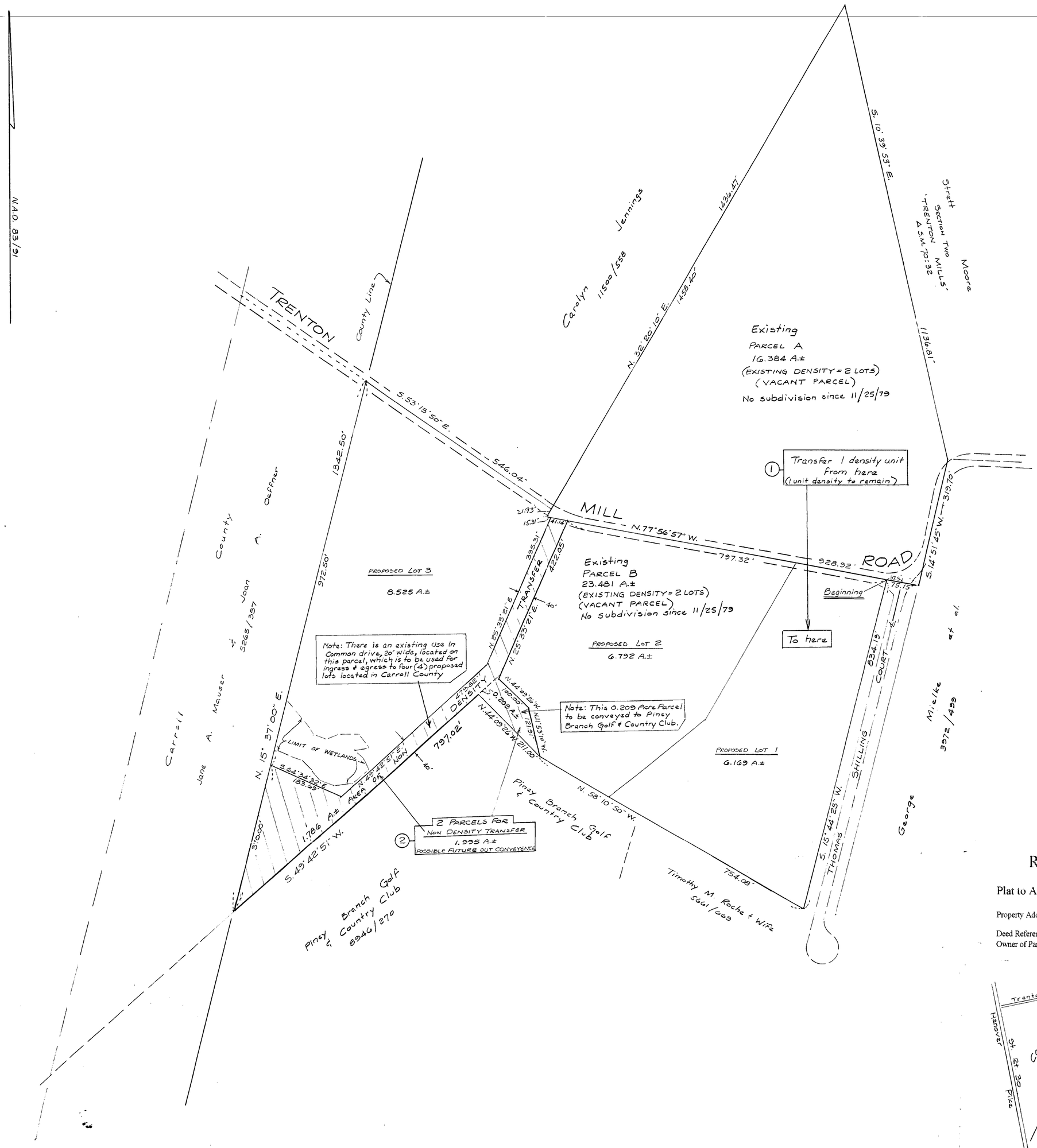
BALTIMORE COUNTY,
MARYLAND

836-636

MAP NO.
19

836 839 842 845 851 854

Pet #4



REVISED PLAN

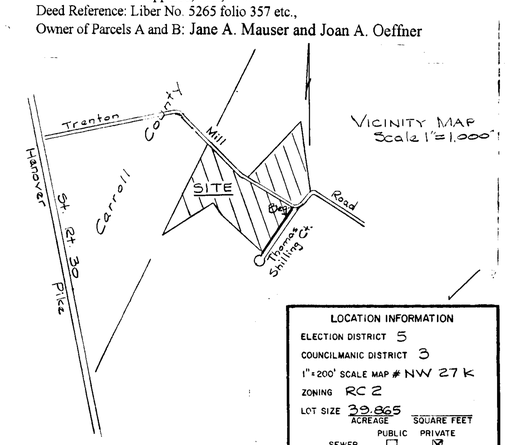
03-332-SPH

Plat to Accompany Petition For Zoning Special Hearing

Property Address: 5201 Trenton Mill Road
Upperco, Md., 21155

Deed Reference: Liber No. 5265 folio 357 etc.,

Owner of Parcels A and B: Jane A. Mauser and Joan A. Oeffner



LOCATION INFORMATION

ELECTION DISTRICT 5

COUNCILMANIC DISTRICT 3

1"=200' SCALE MAP # NW 27 K

ZONING RC 2

LOT SIZE 39.865 ACREAGE / SQUARE FEET

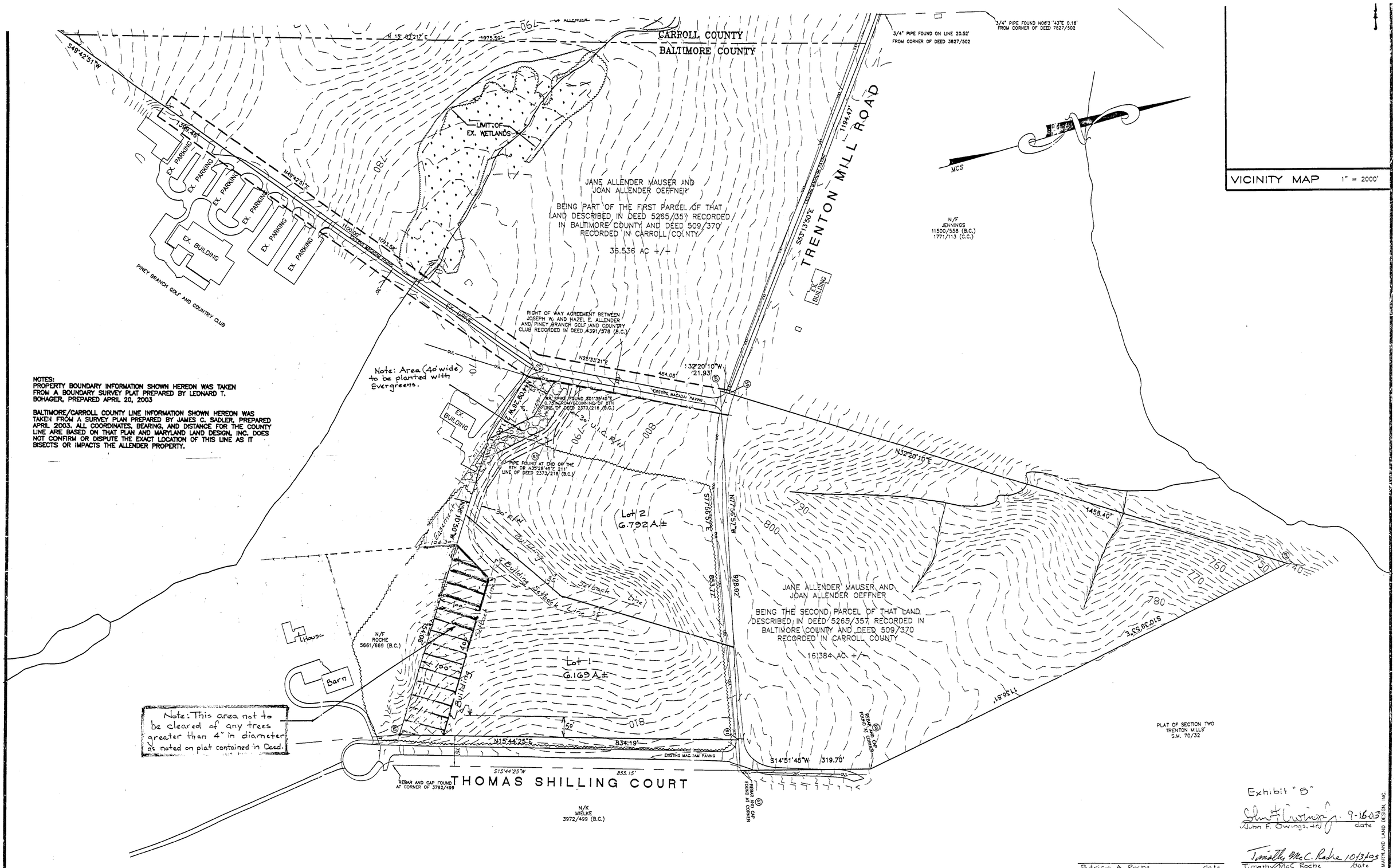
	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING N/A

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #



VICINITY MAP 1" = 2000'

NOTES:
PROPERTY BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM A BOUNDARY SURVEY PLAT PREPARED BY LEONARD T. BOHAGER, PREPARED APRIL 20, 2003

BALTIMORE/CARROLL COUNTY LINE INFORMATION SHOWN HEREON WAS TAKEN FROM A SURVEY PLAN PREPARED BY JAMES C. SADLER, PREPARED APRIL 2003. ALL COORDINATES, BEARING, AND DISTANCE FOR THE COUNTY LINE ARE BASED ON THAT PLAN AND MARYLAND LAND DESIGN, INC. DOES NOT CONFIRM OR DISPUTE THE EXACT LOCATION OF THIS LINE AS IT BISECTS OR IMPACTS THE ALLENDER PROPERTY.

Exhibit "B"

John F. Owings, Jr. 9-16-03 date

Timothy McC. Roche 10/3/03 date

Patricia A. Roche date

MARYLAND LAND DESIGN, INC.

MARYLAND LAND DESIGN, INC.
CONSULTING ENGINEERS AND LAND PLANNERS
2001 MEADOW DRIVE
WESTMINSTER, MARYLAND 21158
TELEPHONE: (410) 857-0210 FAX: (410) 840-0143

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REVISIONS		
NO.	DATE	DESCRIPTION

PLAN PREPARATION	
DRAWN BY: DAB	DATE: 23 SEPTEMBER 1999
DESIGNED BY: DAB	FILE NO. 99051
CHECKED BY: KDB	DRAWING NO.

TOPOGRAPHY PLAN

ALLENDER PROPERTY

SCALE 1" = 100'

SHEET NO. 1 OF 1