ORDER RECEIVED FOR FILING
Date
By

IN RE: PETITION FOR SPECIAL HEARING

W/S Cuba Road, 1,000' N of the c/l

Worthington Heights Parkway

(14520 Cuba Road)

8th Election District

3rd Council District

The Land Group, LLC Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 04-101-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, The Land Group, LLC, by Stephen A. Johnston, Principal. The Petitioner requests a special hearing to approve a lot line adjustment between two existing contiguous R.C.2 zoned parcels, identified as Parcels 110 and 171 on the site plan for the subject property, and to confirm the existing and future zoning density units for each. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioner were Stephen Johnston, Principal of The Land Group, LLC, property owner; Todd Morrill; Guy C. Ward, Professional Engineer with McKee & Associates, Inc.; and, Howard L. Alderman, Jr., Esquire, attorney for the Petitioner. Robert Clews and Lauren Keller, nearby property owners, appeared as interested citizens. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the west side of Cuba Road north of Worthington Heights Parkway in Cockeysville. As shown on the site plan, the property is comprised of two contiguous parcels, identified as Parcels 110 and 171. Parcel 110, which is the larger of the two parcels, contains a gross area of 5.00 acres and is improved with a single family dwelling known as 14520 Cuba Road. Parcel 171 is located to the rear of Parcel 110 and does not have direct frontage on Cuba

Road. Parcel 171 contains a gross area of 1.12 acres and is presently unimproved; however, the site plan shows that Parcel 171 features significant environmental constraints. Specifically, there is apparently a pond located on the parcel and a large area of wetlands. For all practical purposes, Parcel 171 is undevelopable given these environmental constraints. The Petitioner seeks a "lot line adjustment" so as to reconfigure these parcels and relocate the lot line between them. If permitted, Parcel 171 would be increased from 1.12 acres to 1.95 acres and reconfigured so as to create a viable building lot. The plan shows that area of the newly created lot where a single-family dwelling could be constructed Correspondingly, Parcel 110 would be reduced in size from 5.00 acres to 4.17 acres.

Mr. Clews and Ms. Keller expressed concerns at the hearing about the proposal. Moreover, a series of signed statements in opposition to the proposal were received from other neighbors. Although, inarticulately describing the requested relief, the neighbors apparently object to any perceived transfer of density between these two parcels.

Additionally, an adverse comment in opposition to the request was received from Wallace Lippincott, Jr., a representative of the Department of Environmental Protection and Resource Management. His comment, dated November 17, 2003, is contained in the case file and cites Section 1A01.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) as the basis for his opposition. An adverse comment in opposition was also received from the Office of Planning. Generally, these comments oppose any transfer in density between the parcels and opine that the proposal is contrary to the spirit and intent of the R.C. zoning regulations.

The R.C.2 zoning classification was established by act of the Baltimore County Council and made effective November 24, 1979. For the purposes of determining the rights of subdivision of an R.C.2 zoned property, the existence, configuration and acreage of the property on that date is relevant. A series of deeds (Petitioner's Exhibits 3A through 3E) were submitted which show that the subject lots were separately identified parcels on November 24, 1979. Thus, although they have apparently been used as a single lot in conjunction with the residence known as 14520 Cuba Road, they are two separate "lots of record", as defined in Section 101 of the B.C.Z.R.

ORDER RECEIVED FOR FILLING
39

Insofar as rights of subdivision, the R.C.2 zone permits that any R.C.2 zoned property between 2 and 100 acres in area may be subdivided once so as to create two building lots (see Section 1A01.3.B.1 of the B.C.Z.R.). Thus, Parcel 110 may be subdivided once so as to create two lots. Parcel 171, as it presently exists, may not.

Section 500.7 of the B.C.Z.R. confers upon the Zoning Commissioner broad authority to interpret and apply the zoning regulations. This section has been construed to permit the transfer of density between adjacent R.C.2 zoned properties under common ownership. In this case, the Petitioner is not requesting a density transfer; rather, a lot line adjustment (relocation) is requested. For practical purposes related to the future use of these parcels, the impact is the same. I explain.

The Petitioner's request is akin to a sheep in a wolf's clothing. Obviously, the Petitioner recognizes that Parcel 171 in its present configuration is unbuildable due to the environmental constraints associated therewith. The lot line adjustment so as to increase the size of Parcel 171 and provide a buildable area on that lot in and of itself seems appropriate. However, an intended by-product of this lot line adjustment is to allow a second dwelling on presently configured Parcel 110, without utilizing the one remaining right of subdivision available to Lot 110. That is, if the Petitioner's plan were approved, there could ultimately be three single-family dwellings situated on the parcel now known as Lot 110. One such dwelling would be the existing house; the second would be from the newly created lot utilizing the existing right of subdivision of Parcel 110, and the third would be the dwelling made possible by the density available to Parcel 171 with the lot line adjustment as proposed.

Upon due consideration of the testimony and evidence presented, I decline to approve such an ultimate build-out. A reconfiguration of the lot line as proposed to allow two single-family dwellings on Parcel 110 is appropriate. To the extent that relief is necessary to accomplish that goal, same will be granted. However, in my judgment, permitting three building lots to occupy the 5.0 acres now comprising Parcel 110 is inconsistent with the spirit and intent of the R.C.2. zoning regulations. Lot line adjustments are appropriate in some instances, but not in this

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Date
By

case. I decline to provide the Petitioner the opportunity to "save" the right of subdivision available to Parcel 171, which could not otherwise be utilized due to the environmental constraints associated therewith. Thus, although the relocation of the lot line will be permitted, a restriction will be imposed prohibiting the subdivision of these two adjacent parcels to create anything more than two single-family dwelling lots.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, special hearing relief will be granted as more fully set forth below.

- 1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The 6.12 acres, more or less, that comprise Parcels 110 and 171 can be reconfigured so as to create no more than two single-family dwelling lots.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

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

December 4, 2003

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

RE: PETITION FOR SPECIAL HEARING
W/S Cuba Road, 1,000' N of the c/l Worthington Heights Parkway
(14520 Cuba Road)
8th Election District – 3rd Council District
The Land Group, LLC - Petitioners
Case No. 04-101-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 granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Steve Johnston

505 Parke Avenue, Suite 402, Baltimore, Md. 21201

Mr. Guy C. Ward, McKee & Assoc., Inc.

5 Shawan Road, Hunt Valley, Md. 21030

Mr. Todd Morrill, 1917 Oakland Road, Freeland, Md. 21053

Mr. Robert Clews & Ms. Lauren Keller, 14530 Cuba Road, Cockeysville, Md. 21030

DEPRM; OP; People's Counsel; Case File



Visit the County's Website at www.baltimorecountyonline.info



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	14520 Ouba Ro	ozad	
which is p	oresently zoned	RG-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

* See Attached

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:

FOR FILING

ORDER RECE

Date

<u>Legal Owner(s):</u>

			The Land Group, LLC - Stephen A. Johnston, Principa
Name - Type or Print		N	Name - Type or Print Copine Stenestine
Signature			Signature
Address	·····	Telephone No.	Name - Type or Print
City	State	Zip Code	Signature
Attorney For Petition	er:		505 Parke Avenue, Suite 402 (410) 539-5085
			Address Baltimore, Maryland 21201
Name - Type or Print		С	City State Zip Code
4			Representative to be Contacted:
Signature			Guy C. Ward McKee and Associates, Inc.
Company	<u>, in the state of the state of</u>		Name
Address	· · · · · · · · · · · · · · · · · · ·	Talanhana Ma	5 Shawan Road, Suite 1 (410) 527-1555
12	1	Telephone No.	Address Cockeysville, Maryland 21030
Cil	State	Zip Code	City State Zip Code
			OFFICE USE ONLY
			ESTIMATED LENGTH OF HEARING
Cise No. 04-1	01-5PH		UNAVAILABLE FOR HEARING
9715/98		R	Reviewed By CTM Date 8 28/03

Attachment 1 Petition for Special Hearing

Case Number
Address: 14520 Cuba Road
Legal Owner(s): The Land Group, LLC - Stephen A. Johnston, Principal
Petitioner / Contract Purchaser: N/A
Present Zoning: RC-2
Prior Zoning Case: N/A
Request for Special Hearing:
To determine whether or not the Zoning Commissioner should approve:
A lot line adjustment between two existing contiguous RC-2 parcels (being P. 110 and P. 171 as shown on the attached plan) and to confirm the existing and future zoning density units for each parcel.

FOR ADDITIONAL INFORMATION ON THIS PETITION PLEASE CONTACT:

Guy C. Ward, R.S., Associate McKee & Associates, Inc

Engineering, Surveying, Land Planning, Real Estate Development Shawan Place, 5 Shawan Road, Suite 1, Hunt Valley, MD 21030 Tel: (410) 527-1555 Fax: (410) 527 1563 E-Mail: mckee@qis.net

PETITION FOR SPECIAL HEARING

14520 CUBA ROAD

* ATTACHMENT

August 20, 2003

ZONING DESCRIPTION FOR 14520 CUBA ROAD

BEGINNING at a point in the centerline of Cuba Road, which is a future 60-foot right-of-way at a distance of 640 feet north of the centerline of the nearest intersecting street Worthington Heights Parkway, which is 50 feet wide; thence leaving Cuba Road and following the next three (3) courses and distances:

- 1) North 86 degrees 22 minutes 09 seconds West, 260.24 feet;
- 2) North 03 degrees 37 minutes 51 seconds East, 403.41 feet,
- South 86 degrees 22 minutes 09 seconds East, 426.81 feet to the centerline of Cuba Road; thence binding on the centerline of Cuba Road, the following four (4) courses and distances,
- 4) South 34 degrees 31 minutes 00 seconds East, 14.24 feet,
- 5) South 28 degrees 45 minutes 00 seconds East, 190.80 feet,
- 6) South 18 degrees 24 minutes 00 seconds East, 145.22 feet,
- 7) South 12 degrees 32 minutes 00 seconds East, 100.45 feet to the place of beginning.

CONTAINING 5.00 acres of land, more or less.

BEGINNING for the second at the end of the first line of the aforesaid described parcel of land and binding reversely on second line,

- 1) South 86 degrees 22 minutes 09 seconds East, 202.82 feet; thence
- 2) South 12 degrees 32 minutes 00 seconds East, 217.30 feet; thence
- 3) North 86 degrees 22 minutes 08 seconds West, 263.31 feet; thence
- 4) North 03 degrees 37 minutes 51 seconds East, 208.71 feet, to the place of beginning.

CONTAINING 1.117 acres of land, more or less.

101

MISCELL OFFICE OF BUDGET BALTIMORE ANEOUS COUNTY, & FINANCE RECEIPT MARY

ACCOUNT

4

AMOUNT

FROM:

RECEIVED

DISTRIBUTION
WHITE - CASHI CASHIER

PR AGENCY

> - MOTTEA CUSTOMER

WZZZZWG 6 VERIFICATION

THEFT

The Zoning Commissioner of Battimore County, by County will hold a public hearing in Towson. Maryland on Case. #04-101-SPH 14520 Cuba Road, 640 feet north of Worthington Sthe Election District - 3rd Councilmanic District LegalOwner(s). The Land Goop, LLC, Stephen Johnston, Principal between two existing contiguous RC-2 parcels and to each parcel and that the overall permitted density units for change.

October 21, 2003 at 11:00 a.m. in Courts Building, 401 Bosley Avenue, Hearing: Tuesday, Room 407, County C

LAWRENCE E. SCHMIDT

Zorring 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 Beview Office at (410) 887-3391.

- - ---

2003

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

本The Jeffersonian ☐ Arbutus Times Catonsville Times

Towson Times

imes Owings Mills T NE Booster/Reporter North County News Mulus

LEGAL ADVERTISMG

CERTIFICATE OF POSTING

		Date: August 11, 2003
RE:	Case NumberO4-101SPH Petitioner/Developer:The Land Group Date of Hearing/Closing:Tuesday,	**************************************
were	This is to certify under the penalties posted conspicuously on the property	of perjury that the necessary sign(s) required by law y located at14520 Ouba Road
	The sign(s) were posted on	October 6, 2003 (Month, Day, Year)
		Lawrence Filson (Signature of Sign Poster)
	ATTACH PHOTOGRAPH OF SIGN POSTED ON PROPERTY	J. Lawrence Pilson (Printed Name of Sign Poster) McKee and Associates, Inc. 5 Shawan Road, Suite 1
	HERE	(Street Address of Sign Paster) Cockeysville, MD 21030 (City, State, Zip Code of Sign Poster)
		(410) 527-1555 (Telephone Number of Sign Poster)
		OCT 6 2003 Revised 3/1/01 - SCJ DEPT OF PERMIS AND DEVELOPMENT MANAGEMENT

TO: ** PATUXENT PUBLISHING COMPANY Thursday, October 2, 2003 Issue - Jeffersonian

Please forward, billing to:

Stephen Johnston The Land Group, LLC 505 Park Avenue, Ste. 402 Baltimore, MD 21201

410-539-5085

CORRECTED 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: 04-101-SPH

14520 Cuba Road

S/west side of Cuba Road, 640 feet north of Worthington Heights Parkway 8th Election District – 3rd Councilmanic District

Legal Owners: The Land Group, LLC, Stephen Johnston, Principal

Special Hearing to permit a line adjustment of 0.83 acres between two existing contiguous RC-2 parcels and to confirm the existing and future zoning density units for each parcel and that the overall permitted density will not change.

Hearings:

Tuesday, October 21, 2003, at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

B. 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.

FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

ertment of Permits an oppment Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

September 11, 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: 04-101-SPH

14520 Cuba Road

S/west side of Cuba Road, 640 feet north of Worthington Heights Parkway

8th Election District – 3rd Councilmanic District

Legal Owners: The Land Group, LLC, Stephen Johnston, Principal

<u>Special Hearing</u> to permit a line adjustment of 0.83 acres between two existing contiguous RC-2 parcels and to confirm the existing and future zoning density units for each parcel and that the overall permitted density will not change.

Hearings:

Thursday, October 16, 2003, at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Land Group, Stephen Johnston, 505 Parke Ave., Ste. 402, Baltimore 21201 Guy C. Ward, McKee & Assoc., 5 Shawan Rd., Ste. 1, Cockeysville 21030

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

TO:

PATUXENT PUBLISHING COMPANY

Tuesday, September 30, 2003 Issue - Jeffersonian

Please forward billing to:

Stephen Johnston The Land Group, LLC

505 Park Avenue, Ste. 402

Baltimore, MD 21201

410-539-5085

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S/west side of Cuba Road, 640 feet north of Worthington Heights Parkway

8th Election District - 3rd Councilmanic District

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Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

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

,
For Newspaper Advertising:
Item Number or Case Number: Ot-101-5PH
Petitioner: The Land Grayp LLC - Contract Perchoser
Address or Location: 14520 Coba Road Cockeysville Mdz1030
PLEASE FORWARD ADVERTISING BILL TO: Name: The Land Grap UC Stephen A Johnston Principal
Address: 505 Pork Ave Suite doz
Baltimon, Md. 21201
Telephone Number: 410 539 5085



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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

September 11, 2003

CORRECTED NOTICE OF ZONING HEARING

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14520 Cuba Road

S/west side of Cuba Road, 640 feet north of Worthington Heights Parkway

8th Election District – 3rd Councilmanic District

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Tuesday, October 21, 2003, at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Land Group, Stephen Johnston, 505 Parke Ave., Ste. 402, Baltimore 21201 Guy C. Ward, McKee & Assoc., 5 Shawan Rd., Ste. 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 6, 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.

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 16, 2003

The Land Group, LLC Mr. Stephen Johnston 505 Parke Avenue, Ste. 402 Baltimore, MD 21201

Dear Mr. Johnston:

RE: Case Number: 04-101-SPH, 14520 Cuba Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 28, 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.

Supervisor, Zoning Review

u. Cal Rihal D

WCR:klm

Enclosures

c: People's Counsel Guy Ward, McKee & Associates, 5 Shawan Road, Ste. 1, Cockeysville 21030



Visit the County's Website at www.baltimorecountyonline.info



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

September 11, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: September 8, 2003

Item No.:

098 - 111

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.

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

cc: File

Robert L. Ehrlich, Jr., *Governor* Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.10.03

Ms. Rebecca Hart Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 RE: Baltimore County

Item No. 101 (LTM)

Dear. Ms. Hart:

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,

fn.

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

JRA /21

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:		Tim Kotroco		_	
FROM:		R. Bruce Seel	ey RES AUT		CEIVED
DATE:		October 17, 2	003		Control of Street Street
					OCT 2 0 2003
SUBJEC	CT:	Zoning Item Address	04-101 14520 Cuba Roa	<u>ıd</u>	ZONING COMMISSIC
' Z	Coning	g Advisory Con	nmittee Meeting o	of September 8	<u>3, 2003</u>
T	he Dommo	epartment of Enerts on the abor	nvironmental Prot ve-referenced zon	tection and Relating item.	source Management has no
ai	n exte	ension for the re	nvironmental Proteview of the abovental regulation	e-referenced z	source Management requests oning item to determine the e site.
<u>X</u> T	he Do	epartment of Endowing commen	nvironmental Protests on the above-r	ection and Res	source Management offers ing item:
	X	Protection of V	of the property mow Water Quality, Str h 14-350 of the B	eams, Wetland	th the Regulations for the ds and Floodplains (Sections ty Code).
		Development of Conservation I Baltimore Cou	of this property m Regulations (Section of the Code).	ust comply wi ion 14-401 thre	th the Forest ough 14-422 of the
		Critical Area F	of this property m Regulations (Secti e Baltimore Coun	ons 26-436 thr	th the Chesapeake Bay ough 26-461, and other
<u>A</u>	dditic	nal Comments	• •		

Reviewer:

Dave Lykens

Date: October 17, 2003

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley pgs/76-7

DATE:

October 9, 2003

SUBJECT:

Zoning Item <u>04-101</u>

Address

14520 Cuba Road

Zoning Advisory Committee Meeting of: September 8, 2003

A 10,000 sq. ft septic reserve area must be provided for each lot.

Reviewer: Sue Farinetti

Date: October 9, 2003

10/21

DATE: September 22, 2003

INECEIVED

20NING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

14520 Cuba Road

INFORMATION:

Item Number:

04-101

Petitioner:

The Land Group, LLC

Zoning:

RC 2

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the lot line adjustment as it will result in a transfer of density from parcel 171 to parcel 110.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 26, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 15, 2003 Item Nos. 099, 10, 102, 103, 104, 106, 107, 108, and 109

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

RWB:CEN:jrb

cc: File

10/21

BALTIMORE COUNTY, MARYLAND RECEIVED

Date

September 17, 2003

SEP 1 8 2003

To:

Larry Schmidt, Zoning Commissioner

ZONING COMMISSIONER

From:

Wally Lippincott, Jr

D.E.P.R.M.

Re:

Sph 04-101

This petition requests to transfer the density from one lot of record to another lot of record. This is request is contrary to the standards and purposes of the RC 2 Zone and should be denied. The purpose of which appears to be because one of the lot of records is undevelopable due to constraints. In any event, there are no provisions in the Baltimore County Zoning Regulations that permit the transfer of density in fact such a transfer in this case conflicts as indicated below.

- 1. BCZR 1A01.3. specifically states that no lot of record between 2 and 100 acres may be subdivided into more than two lots. This proposal will result in the subdivision of a lot of record into more than two lots. The standards do not provide for the transfer of density to increase the amount of subdivision permitted on a lot of record.
- 2. BCZR 1A01.3 Purpose preventing incompatible forms and degrees of urban uses. The proposed movement of density will result in lots that are more urban in density than rural. Furthermore, it will create a situation where Lot 2 is actually split by an access road that will continue to be used by Lot 3 and yet counted as part of Lot 2...

RE: PETITION FOR SPECIAL HEARING * BEFORE THE

14520 Cuba Road; SW/side Cuba Rd, 640' N

of Worthington Heights Parkway * ZONING COMMISSIONER

8th Election & 3rd Councilmanic Districts

Legal Owner(s): The Land Group, LLC, * FOR

Stephen A Johnston, Principal

Petitioner(s) * BALTIMORE COUNTY

* 04-101-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

People's Counsel for Baltimore Coun

People's Counsel for Baltimore County

RECEIVED

SEP 1 6 2003

Per....

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 day of September, 2003, a copy of the foregoing Entry of Appearance was mailed to Guy C Ward, McKee & Associates, Inc, 5 Shawan Road, Suite 1, Cockeysville, MD 21030, Representative for Petitioner(s).

PETER MAXZIMMERMAN

People's Counsel for Baltimore County

Petition Against Zoning Density case # 04-101-SPH 14520 Cuba Road, Cockeysville MD.

We hereby declare that the undersigned is opposed to any change in the existing or future zoning which would allow an increase in density from its present state. The current RC-2 classification would limit the development density, any increase in that density would detract from the immediate existing properties, and not be in keeping with the surrounding area.

Name: Kolen Wang Address: 14525 Falls Rd Butler 21023

Petition Against Zoning Density Case # 04-101-SPH 14520 Cuba Road, Cockeysville MD.

We hereby declare that the undersigned is opposed to any change in the existing or future zoning which would allow an increase in density from its present state. The current RC-2 classification would limit the development density, any increase in that density would detract from the immediate existing properties, and not be in keeping with the surrounding area.

Name: Christine Keller Address: 14520 Celloa Rel

Signature: Müslin Keller

Date: 10/18/03

PLEASE PRINT CLEARLY

CASE NAME 14520 Color Parl.
CASE NUMBER 04-101
DATE 10/21/03

PETITIONER'S SIGN-IN SHEET

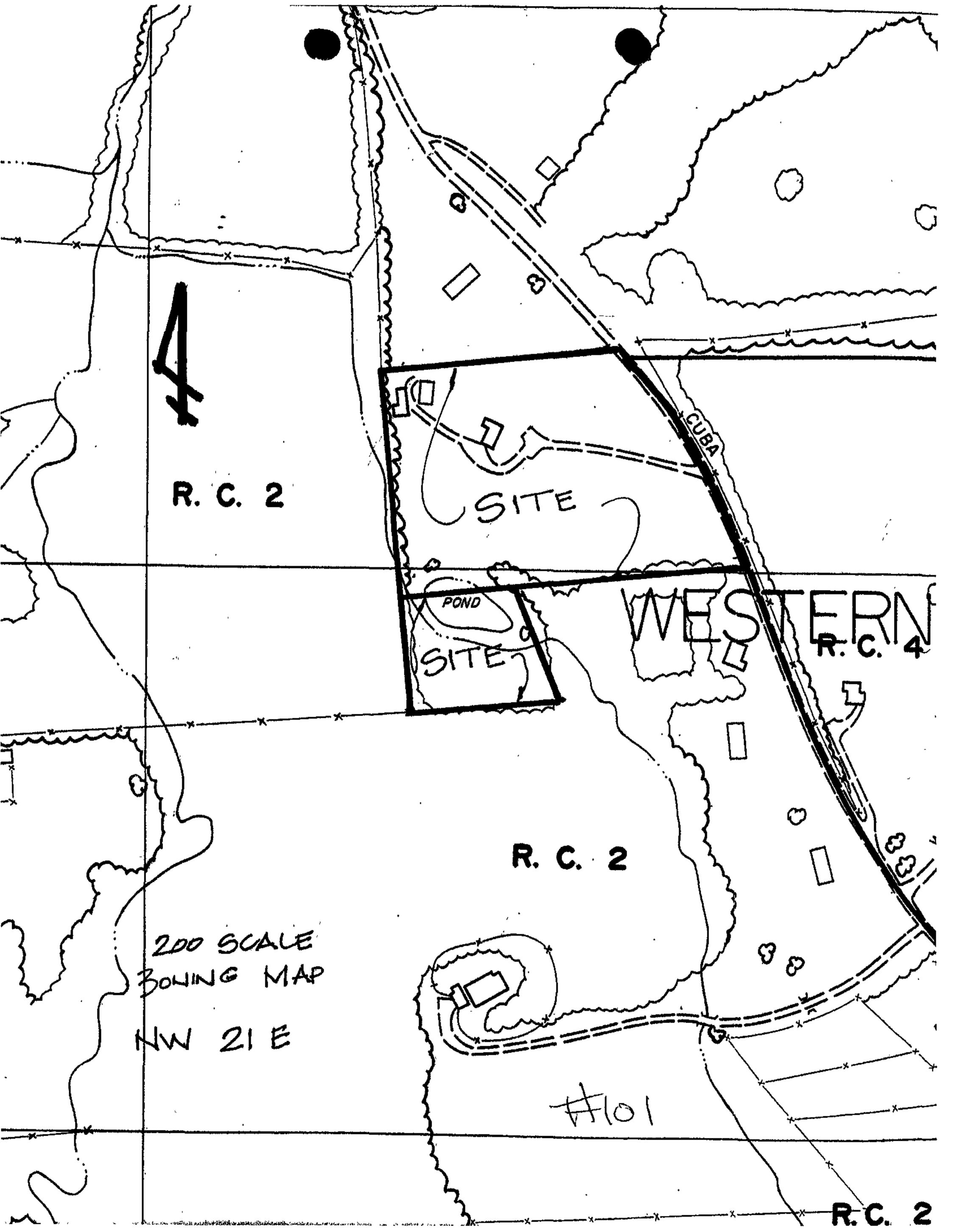
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CITY, STATE, ZIP	Towson, MD 21204	Certerrollie MD 210 30		Birt mo 2120/	FREELAMO > 10 52	5								
ADDRESS	Levin & Gann, PA 502 Washington Ave., Suite 800	weether, but	Marker 100 Salte	37	1917 OAK LAMS (28)									4
NAME	d L. Alderman, Jr, Esq.	Gove C. WAM	I I I I I I I I I I I I I I I I I I I		JOHN KORRILL									

PLEASE PRINT CLEARLY

4-101-SPt		
NAME O	NUMBER	
CASE	CASE	DATE

CITIZEN'S SIGN-IN SHEET

E- MAIL	الإ	Lourenthonand, Con										
CITY, STATE, ZIP	といった	Calleysville MD	14,									
ADDRESS	14530 CDBA 820	abc										
NAME	GREET CLORS	Lauren Keller				-						



THIS DEED, Made this 20th—day of October, in the year one thousand nine hundred and fifty-eight, by and between IRVIN W. SMITH and MARJORIE E. SMITH, his wife, of Baltimore County, State of Maryland, parties of the first part, and LEWIS J. KELLER and GAYLE S. KELLER, his wife, parties of the second part.

WITNESSETH, that for and in consideration of the sum of Five Dollars, and other good and valuable considerations, this day paid, receipt whereof is hereby acknowledged, the said IRVIN W. SMITH and MARJORIE E. SMITH, his wife, do hereby grant and convey unto the said LEWIS J. KELLER and GAYLE S. KELLER, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, in fee simple, all that lot or parcel of ground situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland, and described as follows:

BEGINNING for the same at a pipe in the last line of the land described in a deed from William H. Taylor, Jr. and Dolores B. Taylor, his wife, to Irvin W. Smith and Marjorie E. Smith, his wife, dated June 2, 1953, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2302 folio 217, distant \$\pm\17-42/100\$ feet northwesterly from a railroad spike in the center line of Cuba Road at the beginning of said deed, said point being also at the end of the third line of the land described in a deed from Irvin W. Smith and Marjorie E. Smith, his wife, to Harold P. Resh and Bertha L. Resh, dated July 26, 1956, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2992 folio 470; and running thence binding reversely on said last line of said first mentioned deed, North 86 degrees 22 minutes 09 seconds West 202-82/100 feet to intersect the last line of the land described in a deed from Burton P.

DEVOLUTION OF TITLE

P. 110

CURRENT TITLE DEED:

RECORDING REFERENCE: PENDING ISSUANCE, N/F LIBER 15126 FOLIO 518 (FIRST PARCEL) DEED DATE: AUGUST 27, 2003 GRANTEE(S) THE LAND GROUP, LLC **GRANTOR(S)** TODD G. KELLER ACREAGE: 5.00 ACRES

FIRST PRIOR TITLE DEED

RECORDING REFERENCE: LIBER 15126 FOLIO 518(FIRST PARCEL) DEED DATE: APRIL 7TH, 2001 GRANTEE(S) TODD G. KELLER **GRANTOR(S)** TODD G. KELLER AND CHRISTINE S. KELLER ACREAGE: 5.00 ACRES

SECOND PRIOR TITLE DEED

RECORDING REFERENCE: LIBER 13691 FOLIO 019 (FIRST PARCEL) DEED DATE: FEBRUARY 24TH, 1999 **GRANTOR(S):** TODD G. KELLER AND CHRISTINE S. KELLER GRANTEE(S): LEWIS J. KELLER BY TODD G. KELLER, HIS ATTORNEY IN FACT, AND GAYLE S. KELLER ACREAGE: 5.00 ACRES

THIRD PRIOR TITLE DEED

RECORDING REFERENCE: LIBER 3335 FOLIO 316 DEED DATE: APRIL 18, 1958 **GRANTOR(S)** LEWIS J. KELLER AND GAYLE S. KELLER GRANTEE(S) PAUL A. WALLACE AND MILDRED M. WALLACE ACREAGE: 5.00 ACRES

P. 171

CURRENT TITLE DEED:

RECORDING REFERENCE : PENDING ISSUANCE, N/F LIBER 15126 FOLIO 518 (SECOND PARCEL) DEED DATE: AUGUST 27, 2003 GRANTEE(S) THE LAND GROUP, LLC **GRANTOR(S)** TODD G. KELLER ACREAGE: 1.117 ACRES

FIRST PRIOR TITLE DEED

RECORDING REFERENCE: LIBER 15126 FOLIO 518 (SECOND PARCEL) DEED DATE: APRIL 7TH, 2001 GRANTEE(S) TODD G. KELLER **GRANTOR(S)** TODD G. KELLER AND CHRISTINE S. KELLER ACREAGE: 1.117 ACRES

SECOND PRIOR TITLE DEED

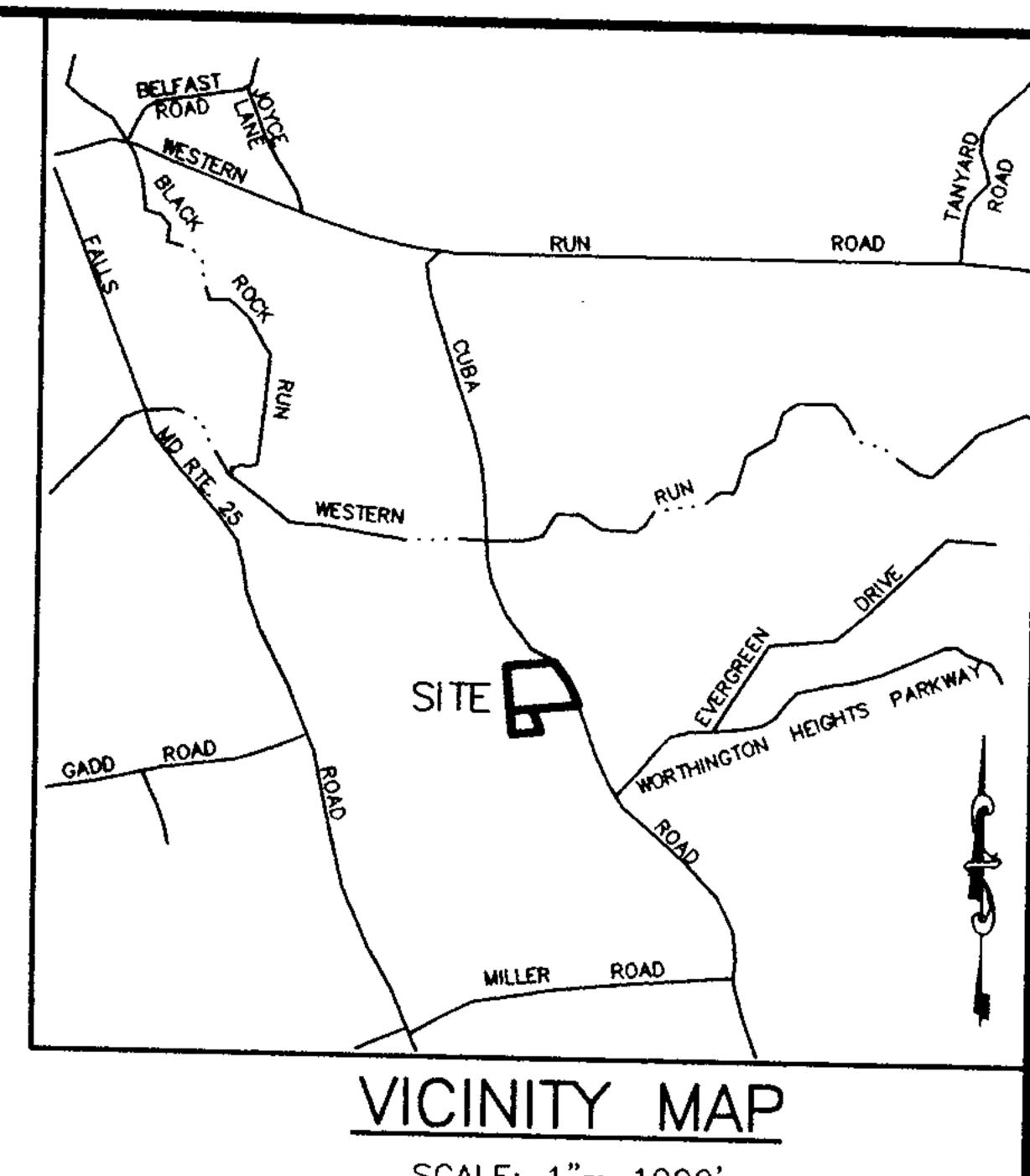
RECORDING REFERENCE: LIBER 13691 FOLIO 019 (SECOND PARCEL) DEED DATE: FEBRUARY 24TH, 1999 GRANTOR(S): TODD G. KELLER AND CHRISTINE S. KELLER GRANTEE(S): LEWIS J. KELLER BY TODD G. KELLER, HIS ATTORNEY IN FACT, AND GAYLE S. KELLER ACREAGE: 1.117 ACRES

THIRD PRIOR TITLE DEED

RECORDING REFERENCE: LIBER 3434 FOLIO 077 DEED DATE: OCTOBER 20, 1958 **GRANTOR(S)** LEWIS J. KELLER AND GAYLE S. KELLER GRANTEE(S) IRVIN W. SMITH AND MARJORIE E. SMITH ACREAGE: 1.117 ACRES

PARCEL 110 #14520 CUBA ROAD DEED REFERENCE: N/F 15126/518 (FIRST PARCEL) EX. ACREAGE: 5.00 AC.± TA#08-11-0175ૐ2 620.24 N 84°23'55" F PARCEL 171 DEED REFERENCE: m N/F 15126/518 (SECOND PARCEL) EX. ACREAGE: 1.12 AC.± TA#08-11-017532

s 84°23′55" W



SCALE: 1"= 1000'

DEVOLUTION OF TITLE

#14520 CUBA ROAD

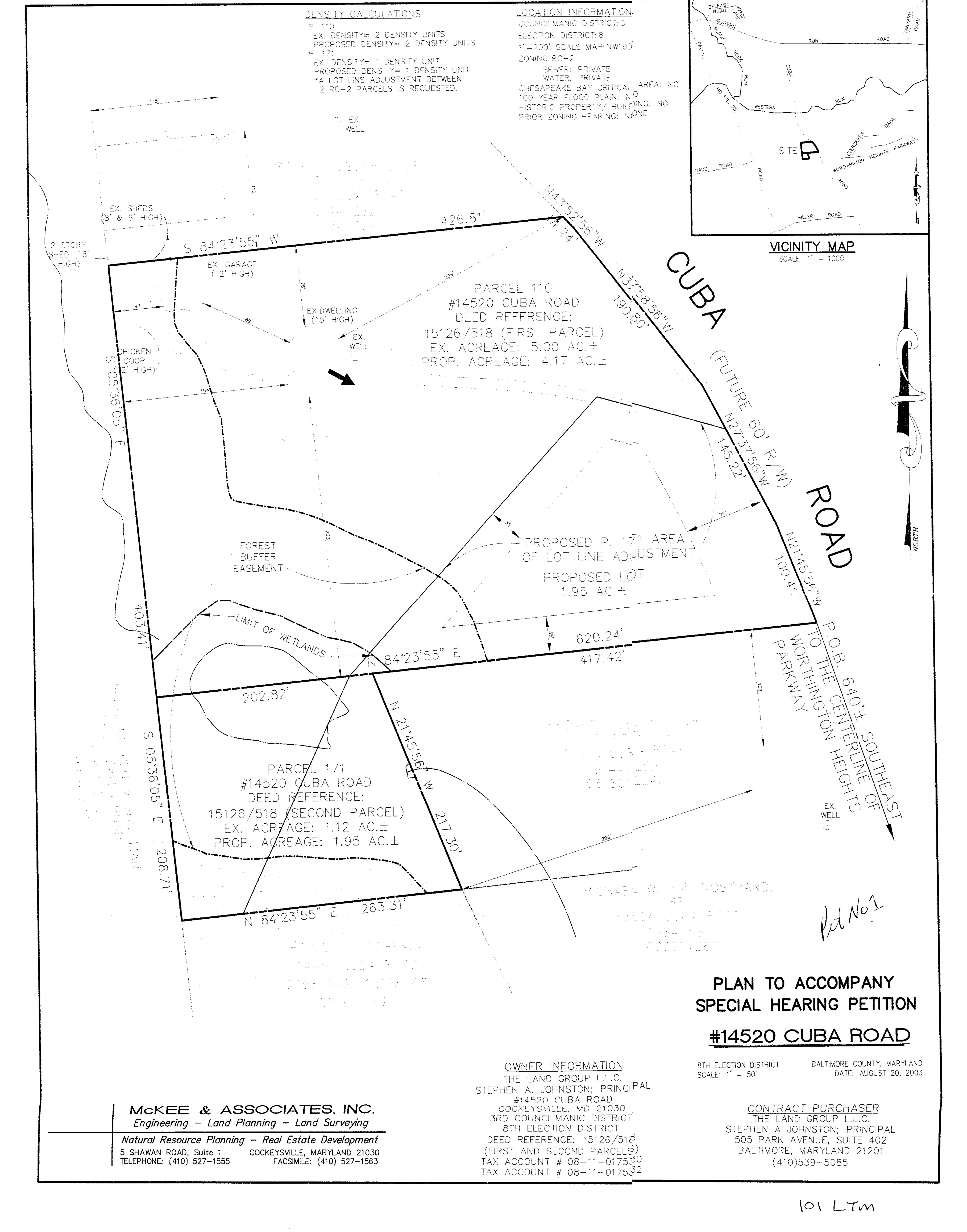
8TH ELECTION DISTRICT SCALE: 1"= 50'

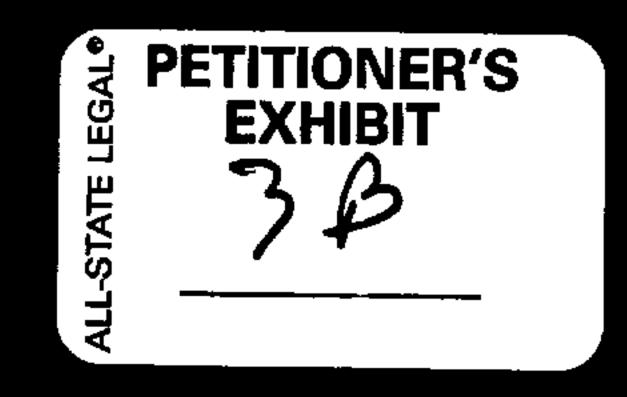
BALTIMORE COUNTY, MARYLAND DATE:OCTOBER 20, 2003

OWNER/DEVELOPER
THE LAND GROUP L.L.C.
STEPHEN A. JOHNSTON; PRINCIPAL #14520 CUBA ROAD COCKEYSVILLE, MD 21030 3RD COUNCILMANIC DISTRICT 8TH ELECTION DISTRICT DEED REFERENCE: N/F 15126/518 (FIRST AND SECOND PARCELS)
TAX ACCOUNT # 08-11-017530
TAX ACCOUNT # 08-11-017532

McKEE & ASSOCIATES, INC. Engineering - Land Planning - Land Surveying

Natural Resource Planning - Real Estate Development 5 SHAWAN ROAD, Suite 1 TELEPHONE: (410) 527-1555 COCKEYSVILLE, MARYLAND 21030 FACSIMILE: (410) 527-1563





THIS DEED, Made this 18th - day of April, in the year one thousand nine hundred and fifty-eight, by and between PAUL A. WALLACE and MILDRED M. WALLACE, his wife, of Sarasota County, State of Florida, parties of the first part, and LEWIS J. KELLER and GAYLE S. KELLER, his wife, parties of the second part.

WITNESSETH, that for and in consideration of the sum of Five Dollars, and other good and valuable considerations, this day paid, receipt whereof is hereby acknowledged, the said PAUL A. WALLACE and MILDRED M. WALLACE, his wife, do hereby grant and convey unto the said LEWIS J. KELLER and GAYLE S. KEILER, his wife, as tenants by the entireties, their assigns, the survivor of them, the heirs and assigns of the survivor, in fee simple, all that lot or parcel of ground situate, lying and being in the Eighth Election District of Baltimore County, State of Maryland, and described as follows:

DECIMAL 1911 in a point on the last or North 3 degrees 37 minutes 51 seconds East 2191-22/100 foot line of the land described in a deed from Burton P. Hoffmann and husband to William H. Dorsey and wife dated October 14, 1947, and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1609 folio 195, distant 541-10/100 feet southwesterly from a stone at the end of said line; and running thence binding reversely on said line, South 3 degrees 37 minutes 51 seconds West 403-41/100 feet; thence at right angles to said line, South 86 degrees 22 minutes 09 seconds East 620-24/100 feet to the center line of Cuba Road, as now constructed 16 feet wide, said point being distant 100-45/100 feet southeasterly from the beginning of the eighth line of said deed; thence binding on the center line of said Cuba Road, the four following courses and distances, namely, North 12 degrees 32 minutes West 100-45/100 feet, North 18 degrees 24 minutes West 145-22/100 feet, North 28 degrees 45 minutes West 190-80/100 feet and North 34 degrees 39 minutes West 14-24/100

0013691019

ALL-STATE LEGAL®
STATE LEGAL®
STATE LEGAL®

TITLE NOT EXAMINED

THIS DEED, made this Att day of Christoney inby and between LEWIS J. KELLER by TODD G. KELLER, His Attorney-inFact pursuant to a Durable General Power of Attorney dated February
3, 1999 and intended to be recorded immediately prior hereto and
GAYLE S. KELLER, his wife by TODD G. KELLER, her Attorney-in-Fact
pursuant to a Durable General Power of Attorney dated February 3,
1999 and intended to be recorded immediately prior hereto.
(hereinafter referred to as the "Grantors"), and TODD G. KELLER and
CHRISTINE S. KELLER, his wife, (hereinafter referred to as the
"Grantees").

WITNESSETH, that in consideration of the sum of One Hundred Seven Thousand Dollars (\$170,000), the Grantors do hereby grant and convey to the Grantees, their heirs, personal representatives, successors and assigns as tenants by the entireties, in fee simple, in all those lots of ground situate in Baltimore County, State of Maryland, and described on attached Exhibit A.

BEING for the first the same property which by deed dated April 18, 1958, and recorded among the Land Records of Baltimore County, Maryland at Liber 3335, folio 316, was granted and conveyed by PAUL A. WALLACE and MILDRED M. WALLACE, his wife, to the Grantors herein.

BEING for the second the same property which by deed dated October 20, 1958, and recorded among the Land Records of Baltimore County, Maryland at Liner 3434, folio 077, was granted and conveyed by IRVIN W. SMITH and MARJORIE E. SMITH, his wife, to the Grantors herein.

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

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

TO HAVE AND TO HOLD the property described herein to the Grantees as tenants by the entireties, their heirs, personal representatives, successors and assigns, in fee simple, forever.

New 1st Paper Deep P 110 SP.171

NOTITLE SEARCH

1ST Paper Deep P 110 SP.171

PETITIONER'S EXHIBIT

03-0

TAX EXEMPT TRANSFER

THIS DEED, made this 2 day of _______, 2001, by and between Todd G. Keller and Christine S. Keller, husband and wife, Grantors, and Todd G. Keller, Grantee.

WITNESSETH, that pursuant a separation and property settlement agreement dated April 7, 2001, made in accordance with A.C.M., Family Law Article 8-101, and other good and valuable considerations, the said Todd G. Keller and Christine S. Keller do grant and convey to Todd G. Keller, his heirs, personal representatives, and assigns, all those lots of ground, situate lying and in Baltimore County, Maryland, and described as follows:

Beginning for the First at a point on the last or North 3 degrees 37 minutes 51 seconds East 2191-22/100 foot line of the land described in a deed from Burton P. Hoffmann and husband to William H. Dorsey and wife dated October 14, 1947 and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1609 folio 195, distant 541-10/100 feet southwesterly from a stone at the end of said line; and running thence binding reversely on said line, South-9-degrees-87-minutes 51 seconds West-403-41/100 feet; thence at right angles to said line, Bouth 86 degrees 22 minutes 09 seconds East 620, 24/100 feet to the center line of Cuba Road, as now constructed 16 feet wide, said point being distant 100-45/100 feet southeasterly from the beginning of the eighth line of said deed; thence binding on the center line of said Cuba Road the four following courses and distances, namely, North-12-degrees. 32 minutes. West. 100-45/100 feet. North-18 degrees 24 minutes West 145-22/100 feet, North 28 degrees 45 minutes West 190-80/100 feet and North 34 degrees 39 millitudes West 14-24/100 feet to intersect a line drawn southeasterly from the place of beginning at right angles to the first line of this description; thence reversing said line so drawn and binding thereon, North 86 degrees 22 milities 09 seconds West 426 214100 feet to the place of beginning; containing 5-00/100 acres.

AND

Beginning for the Second at a pipe in the last line of the land described in a deed from William H. Taylor, Jr., and Dolores B. Taylor, his wife, to Irvin W. Smith and Marjorie E. Smith, his wife, dated June 2, 1953, and recorded among the Land Records of Baltimore County in Liber G.L.B. No, 2302 folio 217, distant 417-42/100 feet northwesterly from a railroad spike in the center line of Cuba Road at the beginning of

CUPPENT TITLE DEED PIVIPEIN

Supreme Title Company File No. ST-17778 Tax ID #



This Deed, made this 27th day of August, 2003, by and between TODD G. KELLER, party of the first part, Grantor; and THE LAND GROUP, LLC, party of the second part, Grantee.

- Witnesseth -

That for and in consideration of the sum of Four Hundred Fourteen Thousand Three Hundred Seventy-Five And 00/100 Dollars (\$414,375.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said THE LAND GROUP, LLC, in fee simple, all that lot of ground situate in County of Baltimore, State of Maryland and described as follows, that is to say:

Beginning for the First at a point on the last or North 3 degrees 37 minutes 51 seconds East 2191-22/100 foot line of the land described in a deed from Burton P. Hoffman and husband to William H. Dorsey and wife dated October 14, 1947 and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1609 folio 195, distant 541-10/100 feet southwesterly from a stone at the end of said line; and running thence binding reversely on said line, South 3 degrees 37 minutes 51 seconds West 403-41/100 feet; thence at right angles to said line, South 86 degrees 22 minutes 09 seconds East 620-24/100 feet to the center line of Cuba Road, as now constructed 16 feet wide, said point being distant 100-45/100 feet southeasterly from the beginning of the eighth line of said deed; thence binding on the center line of said Cuba Road the four following courses and distances, namely, North 12 degrees 32 minutes West 100-45/100 feet, North 18 degrees 24 minutes West 145-22/100 feet, North 28 degrees 45 minutes West 190-80/100 feet and North 34 degrees 39 minutes West 14-24/100 feet to intersect a line drawn southeasterly from the place of beginning at right angles to the first line of this description; thence reversing said line so drawn and binding thereon, North 86 degrees 22 minutes 09 seconds West 426-81/100 feet to the place of beginning; containing 5-00/100 acres

AND

Beginning for the Second at a pipe in the last line of the land described in a deed from William H. Taylor, Jr., and Dolores B. Taylor, his wife, to Irvin W. Smith and Marjorie E. Smith, his wife, dated June 2, 1953, and recorded among the Land Records of Baltimore county in Liber G.L.B. No. 2302 folio 217, distant 417-42/100 feet northwesterly from a railroad spike in the center line of Cuba Road at the beginning of said deed, said point being also at the end of the third line of the land described in a deed from Irvin W. Smith and Marjorie E. Smith, his wife, to Harold P. Resh and Bertha L. Resh, dated July 26, 1956, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2992 folio 470; and running thence binding reversely on said last line of said mentioned deed, North 86 degrees 22 minutes 09 seconds West 202-82/100 feet to intersectthe last line of the land described in a deed from Burton P. Hoffmann and Hugo R. Hoffmann, her husband, to William H. Dorsey and Rachael S. Dorsey, his wife, dated October 14, 1947, and recorded among the Land Records in Liber J.W.B. No. 1609 folio 195; thence binding reversely on said last mentioned line, South 3 degrees 37 minutes 51 seconds West 208-71/100 feet; thence parallel with the first line of this description. South 86 degrees 22 minutes 09 seconds East 263-31/100 feet to the beginning of said before mentioned third line of th eland described in said deed from Irvin W. Smith and Marjorie E. Smith, his wife, to Harold P. Resh and Bertha L. Resh, his wife; thence binding on said third line, North 12