IN RE: PETITION FOR SPECIAL HEARING
E/S of Old York Road opposite
Stockton Road right-of-way to rear
10th Election District
3rd Councilmanic District
(Old York Road - Frank Property)

Sandra P. & Raymond V. Frank

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-137-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Sandra P. & Raymond V. Frank. The Petitioners are requesting special hearing relief for property they own at Old York Road in the Monkton area of Baltimore County. The special hearing request is to allow access to the proposed lots by way of an easement instead of the required in fee ownership per Section 26-266 (2) of the Baltimore County Zoning Regulations (B.C.Z.R.).

The property was posted with Notice of Hearing on October 31, 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 October 30, 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 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.

Secolo3

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments received from the Bureau of Development Plans Review dated November 12, 2003, a copy of which is attached hereto, recommending denial of the special hearing request. ZAC comments from the Office of Planning dated October 17, 2003, a copy of which is attached hereto recommending denial of the special hearing request.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief was Bruce E. Doak of Gerhold, Cross & Etzel, the professional land surveying company that prepared the site plan of the property. The protestants were represented by J. Carroll Holzer, Esquire. The following protestants participated in the hearing: Michael Zinkhan, Nelson Cascio, Mary Stein-Cascio, Carolynn Geer, William Dausch, Greg Guyton, Michael Guyton, Richard Geer, Ralph Rigger, James Constable, Stephen Kirsch, Greater Jacksonville Association and Seawall Brown, III. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Notice is taken that the property, which is the subject of this special hearing request consists of 2.00 acres of land, more or less, is in agricultural use and is zoned R.C.2, This parcel and an adjacent parcel of 23 acres is owned by Mr. Frank, the Petitioner. He proposes to subdivide the 2 acre parcel and have access to both lots from Old York Road in three parts. First is via an existing 24+ ft. wide right-of-way from Old York Road which is described in Liber G.L.B. 2521 Folio 445. The second part is a continuation of the 24+ ft. lane as described in

Liber 5212 Folio 200 to the northeast corner of the Casio property. The third is a 50 ft. wide easement located on the 23 acre parcel owned by Mr. Frank connecting the 24 + ft. lane with the new homes. See Petitioners' Exhibit No. 1 and Protestants' Exhibit No. 10, which gives a larger overview.

Mr. Doak indicated that his client had the right to build one home on the 2 acre lot as it stands and that the extra lot did not increase the use of the 24+ ft. lane substantially. He mentioned that Mr. Frank contends that he has an existing right-of-way to connect the two lots with the 24 ft. lane through the Casio property. However, to avoid litigation, he decided to burden his 23 acre parcel with the new 50 ft. right-of-way. While he admitted that the 23 acre Frank property had access in fee to Manor Road, which could be extended to the 2 acre parcel, he believed that it was more reasonable to connect the new lots via the 24 ft. right-of-way to Old York Road.

In regard to the Office of Planning and Plans Review comments and their recommendations that the special hearing request be denied, Mr. Doak pointed out that Section 26-266 (2) was intended to allow other than in fee connection to public roads. He pointed out that the properties along the 24 ft. right-of-way do not have in fee connection to York Road and that he was only asking for the same right as everyone else on the 24 ft. right-of-way.

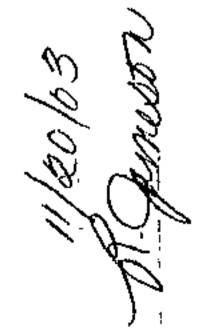
James Constable, President of the Manor Area Association, testified in opposition to the request objecting to any waivers which encourage development in the area. He also pointed out that there is no hardship on Mr. Frank as the two lots could gain access to Manor Road. Finally, he mentioned that the primary purpose of R.C.2 zoning is to preserve agriculture. Building homes on these lots would eliminate that function which photos showed was in pasture in support of Mr. Frank's cattle farm. Mr. Stephen Kirsch expressed his concern that the 24 ft.

right-of-way would have to be widened losing its rural character. Mr. & Mrs. Guyton pointed out the close proximity of the 24 ft. right-of-way to their home and the danger they saw to their small children from increased traffic. Mr. Geer showed how his home was very close to the 24 ft. lane and expressed concern about increased traffic. Mr. Brown described the water runoff problem, which affects his property, and that widening the lane would likely increase the problem. Mr. Dausch was concerned about the increase maintenance of the lane. Mr. Casio indicated his concern about the new easement as it may affect his property. Mr. Zinkhan performs the maintenance on the lane and was concerned about an increased burden on him with increased traffic on the lane.

Findings of Fact and Conclusions of Law

Before I have an opportunity to exercise discretion regarding the impact of the proposal on the surrounding properties, I must find according to Section 26-266 (2) of the Code, that the proposed right-of-way has been established prior to the submittal of the development plan. There is ample evidence that the two sections of 24 ft. right-of-way existed prior to the subject plan. However, the new 50 ft. easement on the 23 acre Franks property clearly did not exist prior to the submittal of the plan. Therefore, I can not grant the request.

Even if the 50 ft. easement somehow is found to pass the requirements of Section 26-266 (2), on balance weighing the testimony of all the parties, I find that the Petitioner can simply give his two lots access to Manor Road by using his 23 acre parcel. I am appreciative that the Petitioner seeks to avoid litigation with Mr. Cascio over direct access to the two lots from the 24 ft. right-of-way and further that he would burden his 23 acre parcel to accomplish this goal. It was not controverted that Mr. Franks has access to the 24 ft right-of-way for his 23 acre parcel.



But it seems an unfair burden to place on the protestants to take the additional traffic the two lots would generate when the Petitioner has ready access to Manor Road in fee.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing request shall be denied.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this <u>20</u> day of November, 2003, that the special hearing request to allow access to the proposed lots by way of an easement instead of the required in fee ownership per Section 26-266 (2) of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN W. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

1/20/03

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

November 19, 2003

Mr. & Mrs. Raymond Frank 15620 Manor Road Monkton, Maryland 21111

Re: Petition for Special Hearing

Case No. 04-137-SPH
Property: Old York Road

Dear Mr. & Mrs. Frank:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been denied 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 & 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 V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



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

Copies to:

Bruce E. Doak Gerhold, Cross & Etzel 320 E. Towsontown Boulevard Towson, MD 21286

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

Nelson Cascio Mary Stein-Cascio 14931 Old York Road Phoenix, MD 21131

Carolynn & Richard Geer 14927 Old York Road Phoenix, MD 21131

William Dausch 14935 Old York Road Phoenix, MD 21131

Michael Zinkhan 14937 Old York Road Phoenix, MD 21131

Greg & Michele Guyton 14925 Old York Road Phoenix, MD 21131

Ralph Rigger 3318 Hess Road Monkton, MD 21111

James Constable
Manor Area Association
2300 Shepperd Road
Monkton, MD 21111

Stephen Kirsch Greater Jacksonville Association 12 Edgarwood Court Phoenix, MD 21131

Sewell A. Brown, III 14921 Old York Road Phoenix, MD 21131



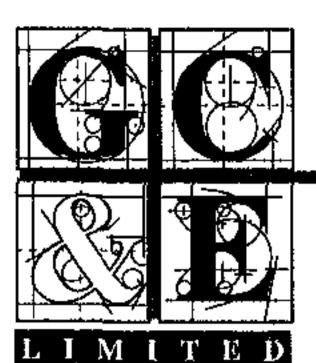
Petion for Spetial Hearing

for the property located at Oco York Road

to the Zoning Commissioner of Baltimore County

which is presently zoned RCZ

This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which i made a part hereof, hereby petition for a Special Hearing und County, to determine whether or not the Zoning Commissioner states.	s described in the description and plat attached hereto and der Section 500.7 of the Zoning Regulations of Baltimore should approve A WANGE OF PUBLIC WORKS
-	STANDAROS
TO ALLOW ACCESS TO THE PR	ZOPOSED LOTS BY WAY OF AN
EASEMENT INSTEAD OF THE R	EQUIRED IN FEE DWNER SHIP
PERSECTION 26-266(2) BCDR	-
•	
Property is to be posted and advertised as prescribed by the zor I, or we, agree to pay expenses of above Special Hearing, advertising, zoning regulations and restrictions of Baltimore County adopted pursua	, posting, etc. and further agree to and are to be bounded by the
	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:	Legal Owner(s):
Name - Type or Print	Name - Type or Print
Signature	Signature De Tourist Contraction of the Contraction
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature Signature
Attorney For Petitioner:	15620 MANOR ROAD 710-472-9224 Address Telephone No.
Name - Type or Print	MONICTON MO 21111 City State Zip Code
	Representative to be Contacted:
Signature	BRUCE E. DOAK.
Company	CTERLIOLO CROSS & ETZGL Name
Address Telephone No.	320 E. 70W50W70WW SLVO. 410-823-447 Address Telephone No.
,	Towson Mo 21286
City State Zip Code	City State Zip Code
S B	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING 1241
Case No. 04 -137-5PH	UNAVAILABLE FOR HEARING
Review Review	ved By 16 Date 9/17/03
	<i>f</i>



Gerhold, Cross & Etzel, Ltd.

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

131

September 9, 2003

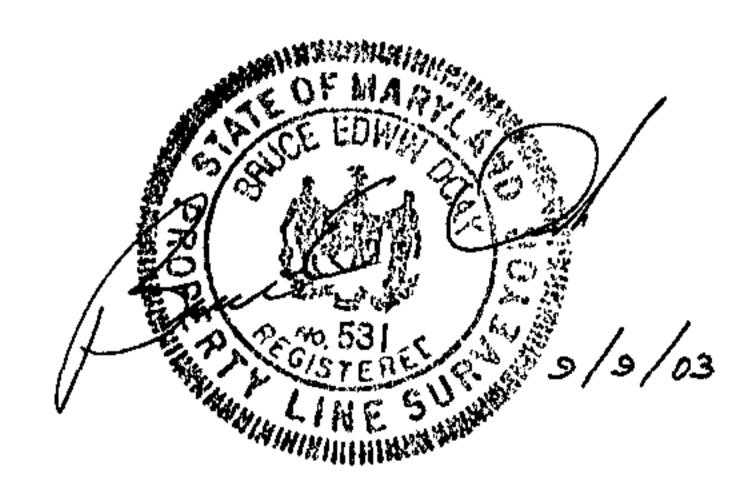
FRANK PROPERTY OLD YORK ROAD BALTIMORE COUNTY, MARYLAND

All that piece or parcel of land situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland and described as follows to wit:

Commencing at a point on the eastern side of Old York Road, being 60 feet, more or less, northeasterly from the center of the intersection formed by Old York Road and Stockton Road, thence, leaving the side of Old York Road, the following four courses and distances, viz: (1) South 71 degrees 16 degrees East 614.61 feet, (2) North 81 degrees 19 minutes East 902 feet, (3) South 81 degrees 12 minutes West 505.88 feet, and (4) South 17 degrees 29 minutes 00 seconds East 394.50 feet to the zoning point of beginning, thence running and binding on the following four courses and distances, viz: (1) North 81degrees 12 minutes 00 seconds East 205.00 feet, (2) South 17 degrees 29 minutes 00 seconds East 352.52 feet, (3) South 81 degrees 12 minutes 00 seconds West 250.00 feet, and (4) North 17 degrees 29 minutes 00 seconds West 352.52 feet to the zoning point of beginning.

Containing 2.00 Acres of land, more or less.

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



BALANCE DUE MONEY ORDER	AMT. PAID CHECK	ACCOUNT CASH	COUNT	and or / som	FOR Three Hundre	ORM	ADDRESS MAJON J	RECEIVED FROM Monte	RECEIPT
	32500 2/2 21/2		HOW PAID		1 twenty-line	DOLLARS 8 325.00	O.W. Stankarta	Frank	Q-17-2003 5625

Memo	ACH R/T 052001633	Bank of America.	Mes ,	Pay	15260 MANOR ROAD MONKTON, MD 21111-2419	SANDRA P. FRANK 410-472-9224	RAYMOND V. FRANK	
- Manning in Manning in			huntred fresh for the pollars A	Dalx Ca. (111) 1 535 12	1) / Date 7/15/07	7-163/5	12-97	Bank of America Advantage

Alek to skur kagnert.

The Zorang Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltipublic hearing in Towson public hearing in Towson identified herein as follows: HOLE OF ZUM

Case: # 04-137-SPH
Old York Road
Clot York Road
Eside of Old York Road,
opposite of Stockton Road,
right-of-way to real
10th Election District
3rd Councilmanic District
and Sandra Frank
and Sandra Frank
councilmanic District
to public works standards
to public works by way of an
posed lots by way of an ley Avenue.

Lawrence E. Schmidt Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible; for Please Contact the Zoning Please Contact the Zoning Commissioner's Office at (410) 887-4386. (410) 887-4386. (2) For information con-cerning the File and/or cerning the File and/or Hearing, Contact the Zoning Hearing, Contact the Zoning

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that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY once in each of 1030 O

₩ The Jeffersonian

☐ Arbutus Times

Catonsville Times

Towson Times

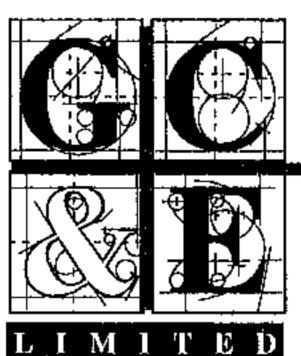
Owings Mills Times

NE Booster/Reporter

☐ North County News

1) Ultus

LEGAL ADVERTISING



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

LIMIT

CERTIFICATE OF POSTING

RE: CASE NO. 04-137 - SPH PETITIONER/DEVELOPER: Raymond & Sandra Frank DATE OF HEARING: November 18, 2003

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

ATTENTION: REBECCA HART

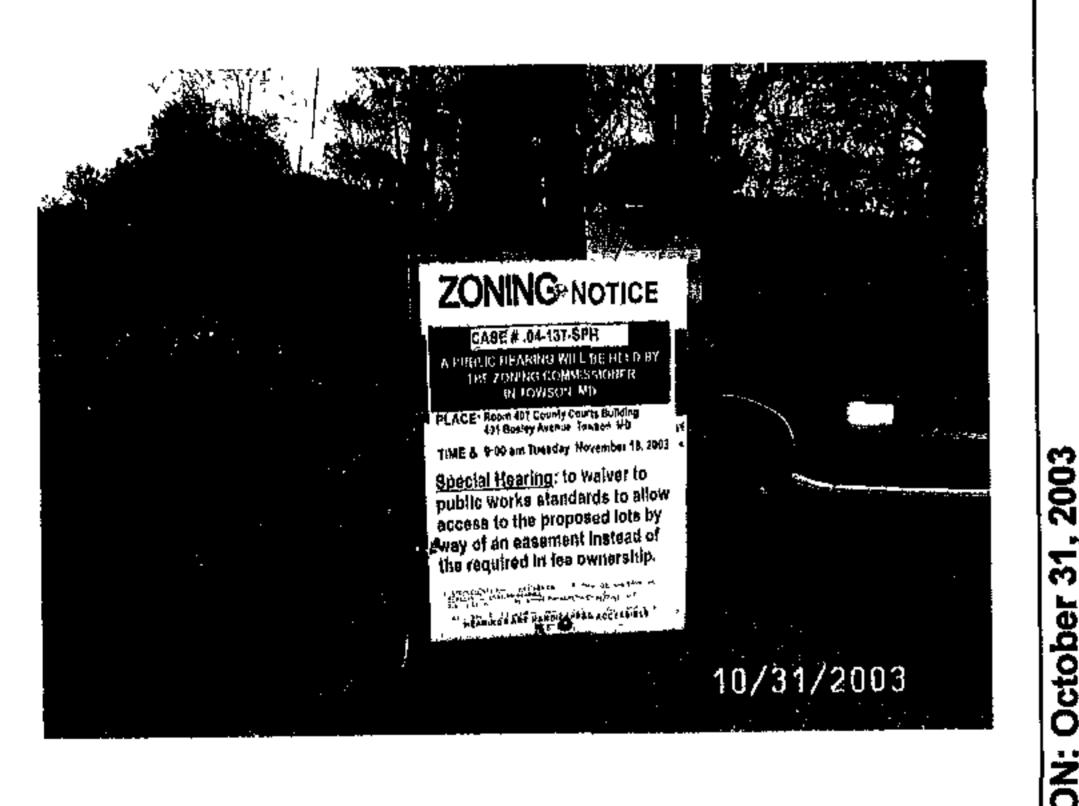
LADIES AND GENTLEMEN:

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

October

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POSTED



LOCATION:

East side of Old York Road Opposite of Stockton Road

DATE:

November 4, 2003

SIGNATURE OF SIGN POSTER

BRUCE DOAK

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



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





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

October 7, 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: 04-137-SPH

Old York Road

E/side of Old York Road, opposite of Stockton Road, right-of way-to rear 10th Election District – 3rd Councilmanic District

Legal Owners: Raymond and Sandra Frank

Special Hearing for waiver to public works standards to allow access to the proposed lots by way of an easement instead of the required in fee ownership.

Hearings:

Tuesday, November 18, 2003, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Junty Porc

Timothy Kotroco Director

TK:klm

C: Raymond and Sandra Frank, 15620 Manor Rd., Monkton 21111 Bruce Doak, 320 E. Towsontown Bivd., Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 3, 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.



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

TO: PATUXENT PUBLISHING COMPANY

Thursday, October 30, 2003 Issue - Jeffersonian

Please forward billing to:

Raymond Frank 15620 Manor Road Monkton, MD 21111

410-933-9788

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: 04-137-SPH

Old York Road

E/side of Old York Road, opposite of Stockton Road, right-of way-to rear 10th Election District – 3rd Councilmanic District Legal Owners: Raymond and Sandra Frank

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LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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OFFICE AT 410-887-4386.

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





DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

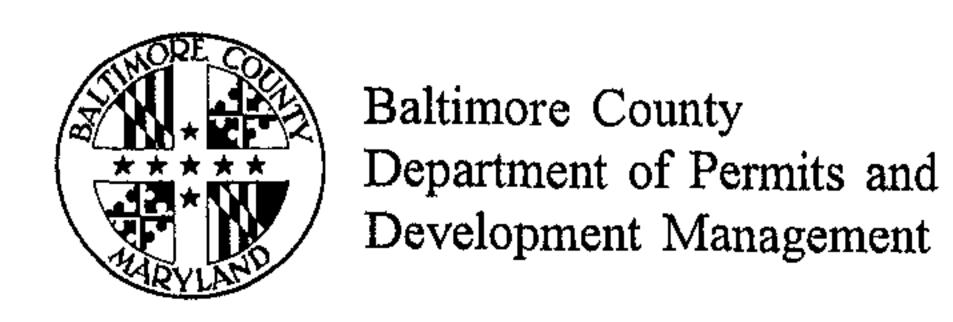
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: $04/37 SPH$,
Petitioner: RAYMOND V. FRANK
Petitioner: RAYMOND V. FRANK Address or Location: PT SEOF INTERSECTION OF STOCKEN RD AND OLD YORK ROAD, PHOENIX MD ZII31
PLEASE FORWARD ADVERTISING BILL TO:
Name: RAYMOND V. FRANK
Address: 15620 MANUR ROAD
MONKTON, MO ZIIII
Telephone Number: <u>CRAIL RODGER, REP. 410-933-9788</u>

Revised 2/20/98 - SQJ



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

November 14, 2003

Raymond Frank Sandra Frank 15620 Manor Road Monkton, MD 21111

Dear Mr. and Mrs. Frank:

RE: Case Number: 04-137-SPH, Old York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 17, 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. Callibal)

WCR:klm

Enclosures

People's Counsel C: Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21286



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

October 7, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of; October 7, 2003

Item No.: 130 - 141, 143, 144, 147 - 150

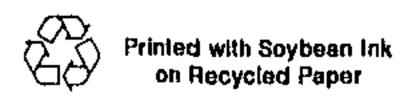
Dear Ms. Hart:

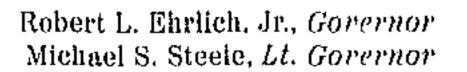
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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. Flanagan, Secretary Neil J. Pederson, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 17.7.03

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

RE:

Baltimore County

Item No. /37

リムレ

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,

1/2

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

Julia

DATE: October 17, 2003

RECEIVED

OCT 2 4 2003

ZONING 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:

Old York Road

INFORMATION:

Item Number:

04-137

Petitioner:

Raymond V. Frank

Zoning:

RC 2

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's request be **DENIED**. This office is of the opinion that each lot must have an in-fee access to the existing 24.75-foot right-of-way.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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 October 13, 2003

Item No. 137

The Bureau of Development Plans Review has reviewed the subject-zoning item.

DATE: November 12, 2003

The two proposed lots shall have 12-foot-wide in-fee strips each to the existing right-of-way. The private access easement is not acceptable.

The existing macadam paving shall be widened to 16 feet for up to $\underline{7}$ lots and 18 feet wide if more than $\underline{7}$ lots.

Pull-off areas and a 30-foot by 70-foot tee turnarounds are required.

RWB:RJF:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING

Old York Road; E/side Old York Road

opposite Stockton Road right-of-way to rear * 10th Election & 3rd Councilmanic Districts

Legal Owner(s):Raymond V & Sandra P Frank*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-137-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 County

RECEIVED

OCT 0 9 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 October, 2003, a copy of the foregoing Entry of Appearance was mailed to Bruce E Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Boulevard, Towson, MD 21286, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



Sewell A. Brown, III

Springmeade Farm 14921 Old York Road Phoenix, MD 21131

November 17, 2003

Office of the Zoning Commissioner
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
401 Bosley Avenue
Towson, MD 21204

Re:

Case No. 4-137-SPH

Petition to Allow Access by Easement instead of Required Fee Ownership

Gentlemen:

I am the owner of a 4 acre parcel at 14929 Old York Road and the adjacent 54 acre parcel at 14921 Old York Road. The parcel at 14929 is a lot containing a barn, water, electric and fenced pasture for horses. I am writing this letter in opposition to the petition filed by Raymond and Sandra Frank to allow access to subdivided lots which the Franks are proposing on their property, by way of an easement over an existing lane which presently serves my lot at 14929 Old York Road and five other developed lots with homes. The only access to my lot and the five existing homes is via the lane in question, but the Franks have shorter and better access to their proposed subdivided lots over their own paved driveway off of Manor Road.

Our lane is unpaved, uneven, eroded, twisting and narrow. At one point, there are two telephone poles 16 feet apart on either side and other trees where it is even more narrow. It is a quiet, quaint countryside lane. Increasing the traffic by more than the present users will cause the lane to deteriorate faster and also cause damage to the vegetation on the side of the road from passing cars.

I have planted, with DEPRA approval, over 100 forsythia, pines and hemlocks on the lane to act as a snow break for drifts and prevent erosion and runoff into the pond on my property and the Parker branch stream. Moreover, any widening of this lane would cause the loss of many trees, bushes and undergrowth which presently prevent erosion and snow drifting.

The intersection of Old York Road, Stockton Road and this lane is very dangerous. There have been numerous accidents, including a neighbor who almost lost his life. Additional traffic, including horse vans, turning onto this lane with outgoing vehicles causes backups on northbound Old York Road, and is a dangerous situation as the hill causes a blind spot for southbound traffic.

In short, the lane does not need anymore <u>unnecessary traffic</u>. As stated above, the petitioner has shorter and better access over his existing paved driveway off Manor Road to these proposed subdivided lots. The petitioner does not need to use and destroy the lane and de-value our property.

I hope that you will deny any increased use of this lane by the petitioner.

Very truly yours,

Sewell A. Brown, III

Enc.: Photos

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 04-137-51
DATE

PETITIONER'S SIGN-IN SHEET

E- MAIL										
CITY, STATE, ZIP	10w501, MO 21286									
ADDRESS	320 E. TowsanTown Bus.							•		
NAME	GRUCE C. LOAK GTEEL									

Case Number 04-137-SPH

PLEASE <u>PRINT</u> LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Nelson 2. Carca	14931 000 york RD.	Phoenix	21131
Carolynn R Steen	14927 Old York Rd	Pholony	21/3/
MARG STEW-CASCIO.	14931 Ald YORK Rd	Phoenix MD	2/13/
WILLIAM DAUSCH	14935 OLD YORK RD	PHOENIX MTD	2113/
Munal finklims	14937 OU) VORKRD	PHOENIXMO	2/13/
Grea Gunton	14925 012 701K Rd	Phrenix MO	2//3/
Michele J. Buuton		Proenux MD	01131
RUCHARD GER	1492704041RR RD	PHOENIX MD	2113/
RALPH DIRIGER	3318 HESS D.	MONKTON, MI	2//] 1
JAMES W. CONSTASIL	2300 SHENNERS RD	11	11
STEPHEN KLRSCH Greater JACKSONVIlle ASSO.	LZEDGARWOOD CT.	Phoenix, MD	3113/
Sewell A Brown III		11	21131
	-, -, -, -, -, -, -, -, -, -, -, -, -, -		
		,	
······································	- <u></u>		
, , , , , , , , , , , , , , , , , , , 	·	Revised 4	/17/00



County Board of Appeals of Baltimore County

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

October 29, 2004

C. William Clark, Esquire NOLAN, PLUMHOFF & WILLIAMS, CHTD. Suite 700, Nottingham Centre 502 Washington Avenue Towson, MD 21204 Mr. Michael Ferro 2313 Turkey Point Road Baltimore, MD 21221

RE: In the Matter of: Carole and Jeffrey Creamer Case No. CBA-04-137 / Application for Undersized Lot

Dear Messrs. Clark and Ferro:

Enclosed for your information are copies of the listings which I've prepared documenting the material filed by the parties to this case in response to my letter of September 30, 2004.

The exhibits and file material submitted have been included in the file with a copy of the attached listings.

The hearing is scheduled for Wednesday, February 2, 2005 at 10:00 a.m., and the file will be available as reconstructed for review at any time prior to the hearing date, during normal business hours.

Thank you for your cooperation in the reconstruction of this file. Should you have any questions, please contact me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco Administrator

Enclosure

c: Carole and Jeffrey Creamer w/enclosure Office of People's Counsel w/enclosure Timothy M. Kotroco, Director /PDM w/enclosure John V. Murphy, Deputy Zoning Commissioner w/enclosure

JEFFREY AND CAROLE CREAMER - UNDERSIZED LOT FILE MATERIAL RECEIVED FROM C WILLIAM CLARK, ESQ., 10/26/04

- ✓ PETITIONER'S EXHIBIT 1 /PLAT TO ACCOMPANY PETITION
- ✓ PETITIONER'S EXHIBIT 2 /PROPOSED SITE PLAN
- ✓ PETITIONER'S EXHIBIT 3 /DEED DATED SEPTEMBER 11, 2002
- ✓ PETITIONER'S EXHIBIT 4 /PLAT ACCOMPANYING DEED
- ✓ PETITIONER'S EXHIBIT 5 /DEED DATED NOVEMBER 15, 1994 /KLEINSMITH
- ✓ PETITIONER'S EXHIBIT 6A AND 6B /PHOTOGRAPHS
- ✓ PETITIONER'S EXHIBIT 7A THROUGH 7C /PHOTOGRAPHS
- ✓ PETITIONER'S EXHIBIT 8 /NORTH (STREET) ELEVATION; SOUTH (WATER) END ELEVATION; EAST ELEVATION; WEST ELEVATION; AND FLOOR PLAN

JEFFREY AND CAROLE CREAMER - UNDERSIZED LOT FILE MATERIAL RECEIVED FROM MR. FERRO 10/29/04

COPY OF DEPUTY ZONING COMMISSIONER'S DECISION

OPPOSITION - LIST OF EXHIBITS

OPPOSITION TO VARIANCE REQUEST - Issue 1

OPPOSITION TO VARIANCE REQUEST - Issue 2

OPPOSITION TO VARIANCE REQUEST - Issue 3

OPPOSITION TO VARIANCE REQUEST - Issue 4

OPPOSITION TO VARIANCE REQUEST - Issue 5

OPPOSITION TO VARIANCE REQUEST - Issue 6

OPPOSITION TO VARIANCE REQUEST - Issue 7

REAL PROPERTY DATA SEARCH / EXHIBIT A

REAL PROPERTY DATA SEARCH / EXHIBIT B

§304 /USE OF UNDERSIZED SINGLE-FAMILY LOTS /BCZR /EXHIBIT C

LOT 10 TURKEY POINT ROAD /GIS MAP /EXHIBIT D

LOT 11 TURKEY POINT ROAD /GIS MAP /EXHIBIT E

§ 1B02 BCZR /EXHIBIT F

PROPOSED SITE PLAN /2315 TURKEY POINT ROAD /EXHIBIT G

EAST ELEVATION / EXHIBIT H

FLOOR PLAN /EXHIBIT I

§304.2 BCZR /EXHIBIT J

DEED /LILLIAN KLEINSMITH /EXHIBIT K

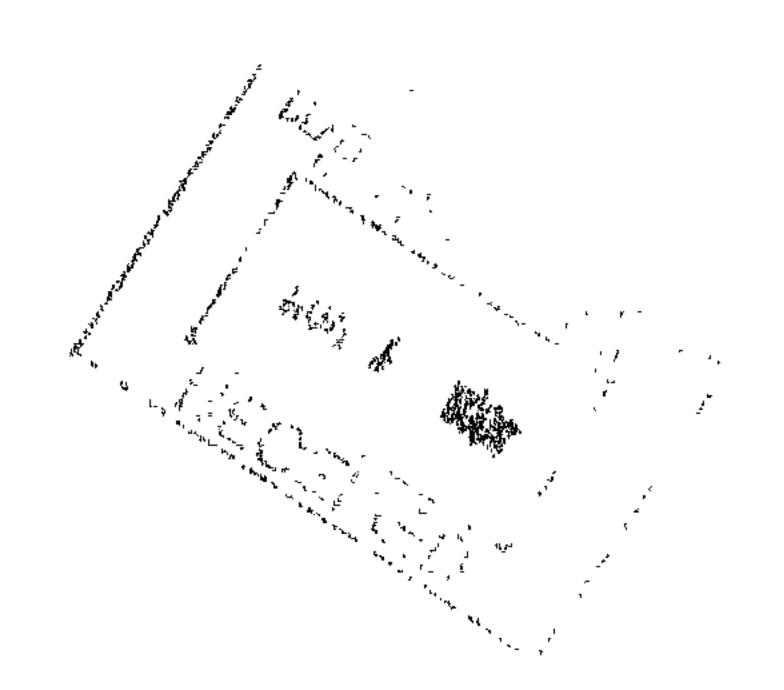
REAL PROPERTY DETAIL /EXHIBIT L

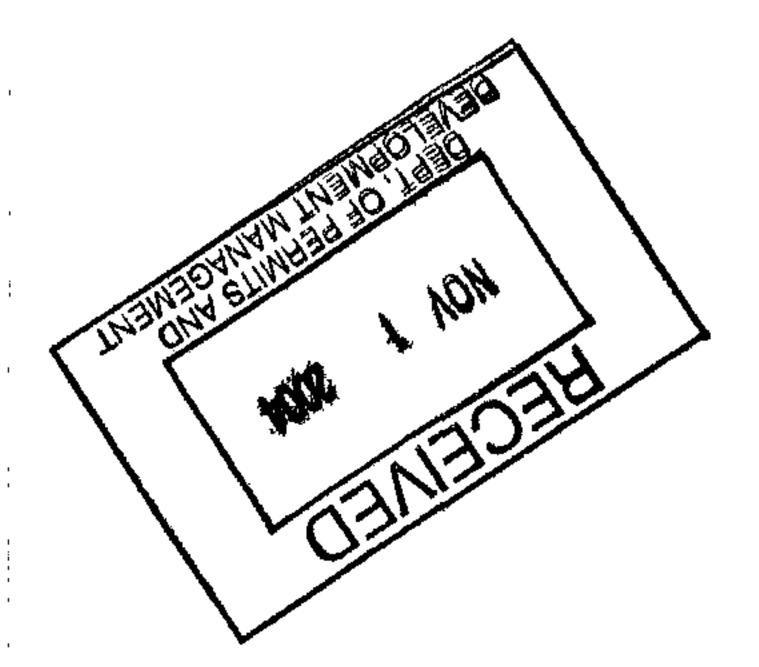
OPPOSITION TO REQUEST TO CONSTRUCT NEW DWELLING ON UNDERSIZED LOT /EXHIBIT M

PICTURE OF BULKHEAD WHICH SPANS LOTS 10 AND 11 /EXHIBIT N ZONING COMMISSIONER'S POLICY MANUAL /§ 304 /EXHIBIT O

JEFFREY AND CAROLE CREAMER - UNDERSIZED LOT FILE MATERIAL RECEIVED FROM PEOPLE'S COUNSEL 10/29/04

- ✓ COPY OF DEPUTY ZONING COMMISSIONER'S ORDER
- ✓ RESIDENTIAL PROPERTY DATA SEARCH (2 DOCUMENTS)





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Manor Area Association

My Lady's Manor Monkton, Maryland 21111

Writer's direct line: (410) 659-1315 e-mail: jwconstable@wcslaw.com

November 17, 2003

Zoning Commissioner of Baltimore County 4th Floor County Courts Building 401 Bosley Avenue Towson, Maryland 21204

Re Petition for Special Hearing
Old York Road
Property of Raymond and Sandra Frank
Case No. 04-137-SPH

Dear Mr. Commissioner:


The Manor Area Association, Inc. is a preservation oriented association that represents a community of approximately two thousand families in the My Lady's Manor area of northern Baltimore County. My Lady's Manor is listed on the National Register of Historic Places. Almost all of the district is zoned RC – 2, indicating a policy of Baltimore County to reserve it for agricultural purposes, to encourage the agricultural industry, and to discourage urban sprawl. The RC-2 classification was established "... to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban use." See: BCZR 1A01.1B.


Many thousands of acres of farmland, forest and open space in the area are permanently preserved through protective easements under various agricultural land preservation programs, Rural Legacy, and donations to Maryland Environmental Trust and the local land trust, The Manor Conservancy.

The above referenced petition seeks a waiver of the requirement of fee ownership of a panhandle strip, waiver of the maximum one thousand feet restriction, and de facto waiver of the number of residences served by the panhandle.

The Manor Area Association is opposed to any waiver that is detrimental to the purposes behind the RC-2 classification. The simple purpose of this request is to permit the increased subdivision of land in the midst of an agricultural community. The waiver will ultimately erode the availability of productive agricultural land; add unnecessary traffic to

to to





a narrow right-of- away, set dangerous precedent, and run counter to the clear purpose of the RC-2 classification.

Petitioners cannot justify their waiver request by claiming undue hardship. Petitioners' property is currently served by an in fee panhandle Manor Road, another public road.

For the above reasons, the Manor Area Association respectfully requests that the waiver sought by petitioners in these proceedings by denied.

Sincerely,

Manor Area Association. Inc.

By: James W. Constable, President

Greater Jacksonville Association P.O. Box 126 Phoenix, Maryland 21131

November 17, 2003

Baltimore County Zoning Commission County Court House 401 Bosley Avenue Towson, Maryland 21204

Re: Case No. 4-137-SPH

Dear Sirs:

It has been brought to the attention of the Board of Directors of the Greater Jacksonville Association (GJA) that Frank and Sandra Frank of Manor Road are requesting Baltimore County for a waiver to the public works standards to allow access to proposed lots on their property by way of an easement in lieu of the required in fee ownership in a private drive from Old York Road near Stockton Road. Several of the residents who currently use this private drive approached GJA with this information and their concerns.

GJA at its Board of Directors meeting on Tuesday, November 11, 2003 after considering this issue voted to oppose this request by Mr. and Mrs. Frank for the following reasons.

It is our understanding that this private drive is used by several families, all of whom have right of way rights in the private drive by virtue of their deeds. The Franks intend to develop part of their property which is accessed from Manor Road into at least two additional lots and have these lots accessed by this private drive. Two of the families have their homes close to this private drive. Richard and Carolynn Geer's home is only 20 feet from the private drive.

This private drive already has too much traffic on it and the additional traffic would cause this narrow road to become more crowded. If the Franks propose to widen the road with other improvements thereto such as paving it, this also in our opinion is unacceptable because of the close proximity of the existing homes to this road. Again Mr. and Mrs. Geer's home is only 20 feet from this private drive as it currently exist. To improve or widen this drive will also substantially alter the rural atmosphere of the area.

This additional traffic and any proposed improvements to this private drive also is not necessary since there is an existing access to these proposed lots from Manor Road. We have been advised that this existing access is more then adequate in its current form to provide access to these proposed lots. It would not be necessary to improve the access from Manor Road. It would only need to be extended.

Whereas it is not the intention of GJA to become involved in all legal issues such as these, the Board voted to oppose this request for the above reasons and because the

Cn C A A A

proposed access will further cause our community to become less rural in nature. This is unnecessary in light of an already existing access.

Therefore, we respectfully request that you deny this request by Mr. and Mrs. Frank.

If you have questions of GJA, please call me at 410-243-5100.

Stephen Kirsch

President



Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search

Go Back View Map **New Search**

Account Identifier:

District - 10 Account Number - 1800000057

Owner Information

Owner Name:

Mailing Address:

FRANK RAYMOND V

FRANK SANDRA P

Use:

RESIDENTIAL

Principal Residence:

15620 MANOR RD

MONKTON MD 21111-2419

Deed Reference:

1) /11989/ 576

2)

NO

Location & Structure Information

Premises Address

MANOR RD

Zoning

Legal Description

2.00 AC WS MANOR RD

RER 2400 FT

4250 SE OLD YORK RD

Map Grid Parcel 35 324 11

Sub District

Subdivision

Section

Block

Plat No: Plat Ref:

Lot Group 81

Special Tax Areas

Town **Ad Valorem** Tax Class

Primary Structure Built 0000

Enclosed Area

Property Land Area

County Use

04

2.00 AC

Stories

Basement

Type

Exterior

Value Information

	Base	Value	Phase-in Assessments				
	Value	As Of	As Of	As Of			
		01/01/2002	07/01/2002	07/01/2003			
Land:	19,250	19,250		•			
Improvements:	0	. 0					
Total:	19,250	19,250	19,250	19,250			
Preferential Land:	. 0	. 0	0	0			

Transfer Information

Seller: CASTELLANO GIUSEPPE

MULT ACCTS ARMS-LENGTH

IMPROVED ARMS-LENGTH

BRISCOE CARL R

01/15/1997 Date: **Deed1:** /11989/ 576

\$205,000 Price:

Deed2:

05/18/1992 Date: **Deed1:** / 9177/ 639 Price: \$1 Deed2:

Date:

Deed1:

Price: Deed2:

Exemption Information

Partial Exempt Assessments County State Municipal	Class 000 000 000	07/01/2002 0 0	07/01/2003 0 0 0
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Tax Exempt: **Exempt Class:**

Type:

Seller:

Type:

Seller:

Type:

NO

Special Tax Recapture:

* NONE *

THIS DEED, Made this 28th day of December, in the year one thousand nine hundred and ninety-six, by and between GIUSEPPE CASTELLANO AND SANTA CASTELLANO, his wife, of Baltimore County, State of Maryland, parties of the first part, ("Grantors"), and RAYMOND V. FRANK AND SANDRA P. FRANK, his wife, of Baltimore County, State of Maryland, parties of the second part, ("Grantees").

WITNESSETH, That in consideration of the sum of Two Hundred Five Thousand & 00/100 Dollars (\$205,000.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives and assigns, forever, all that parcel of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE FIRST and beginning for the same at a pipe in the fourth or South 81 degrees 12 minutes West 1746.54 foot line of the land which by Deed dated November 30, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3641 folio 546 was conveyed by Norma B. Nelson, widow, to Carl W. Miller and wife at a distance of 505.80 feet from the end of said line said point being also at the end of the third line of the land which by deed dated August 20, 1971 and recorded among the Land Records of Baltimore County, in Liber O.T.G. No. 5212, folio 200 was conveyed by Carl W. Miller and wife to Lloyd K. Westley and wife and running thence and binding reversely on part of the aforesaid third line of the last mentioned Deed South 17 degrees 29 minutes 00 seconds *** 369.75 feet to a pipe thence leaving the aforesaid third line and running for liens of division the two following courses and distances; (1) North 81 degrees 12 minutes 00 seconds East 250.00 feet and (2) North 17 degrees 29 minutes 00 seconds West 369.75 feet to intersect to the aforesaid fourth line of the first mentioned Deed and thence running with and binding on part of said fourth line South 81 degrees 12 minutes 00 seconds West 250.00 feet to the place of beginning. Containing 2.098 acres of land more or less in accordance with a survey of E.F. Raphel and Associates, Registered Professional Land Surveyors dated November 5, 1975.

BEGINNING FOR THE SECOND and beginning for the same at a point in the 3rd or South 17 degrees 29 minutes 00 seconds East 1150.50 feet line of land which by Deed dated August 20, 1971 and recorded among the Land Records of Baltimore County, in Liber O.T.G. No. 5215, folio 200 was conveyed to Carl W. Miller and wife to Lloyd K. Westley and wife, said point being also at the end of the 1st line of the land which by Deed dated December 17, 1975 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 5594, folio 115 was conveyed by Carl W. Miller and wife to Thomas B. Mason and wife running thence and binding reversely on part of the 3rd line of the first mentioned deed South 17 degrees 29 minutes 00 seconds East 352.52 feet thence leaving the said 3rd line and running for lines of division the two following courses and distances: (1) North 81 degrees 12 minutes 00 seconds East 250.00 feet and (2) North 17 degrees 29 minutes 00 seconds West 352.52 feet to the end of the 2nd line in the aforesaid deed, Miller to Mason, running thence and binding reversely on said 2nd line South 81 degrees 12 minutes 00 seconds West 250.00 feet to the place of beginning. Containing 2.00 acres of land more or less in accordance with a survey of E.F. Raphel and Associates, Registered Professional Land Surveyors.

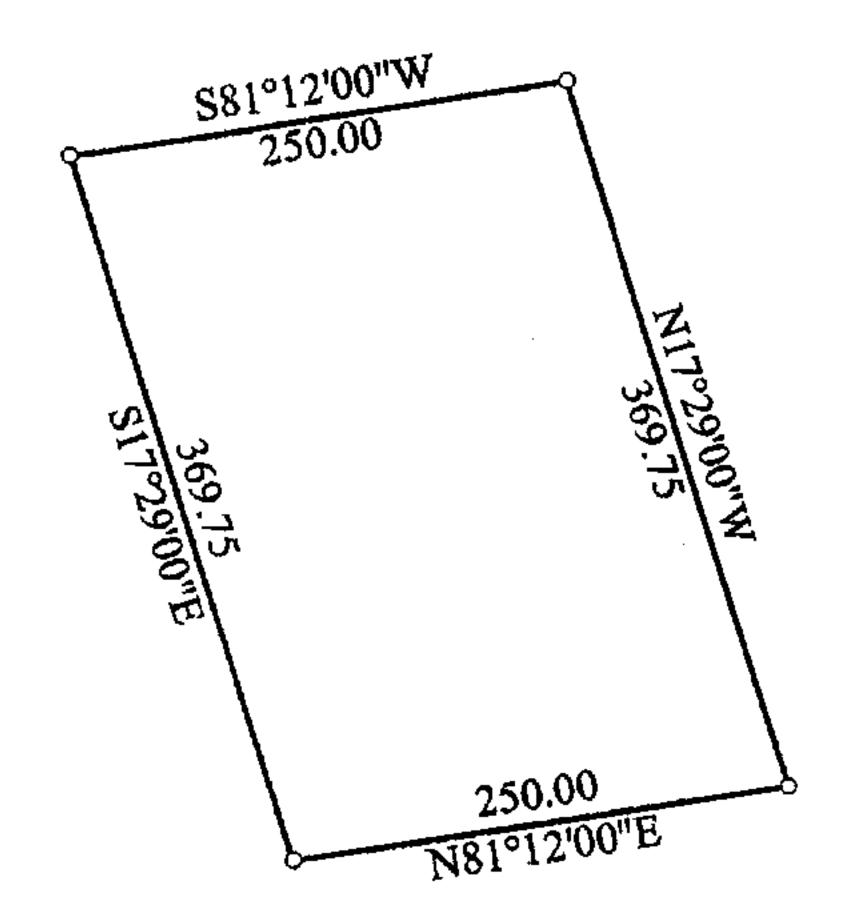
SUBJECT TO AND TOGETHER WITH the use in common with others to the two 24.75 foot rights of way as described in Liber G.L.B. No. 2521, folio 445 and Liber 5212, folio 200 as they are appurtenant to first parcel.

BEING the same lot of ground which by Deed dated May 4, 1992 and recorded among the Land Records of Baltimore County in Liber No. 9177, folio 639 was granted and conveyed by United States of America unto Giuseppe Castellano and Santa Castellano, his wife, the herein Grantors.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE

State Department of Assessments & Taxation for Multimore County

X

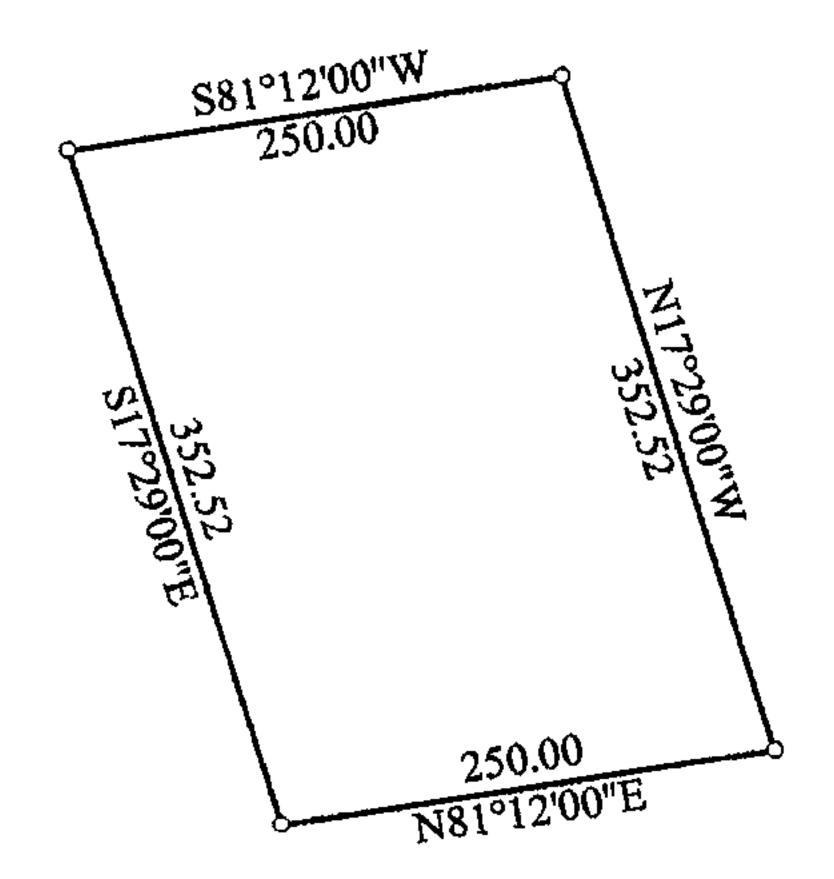


 Title:
 Date: 07-30-2003

 Scale: 1 inch = 200 feet
 File: 11989-576p1.des

 Tract 1: 2.098 Acres: 91378 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision > 1/999999: Perimeter = 1240 Feet

001=S17.2900E 369.75 002=N81.1200E 250.00 003=N17.2900W 369.75 004=S81.1200W 250.00



004=S81.1200W 250.00

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002=N81.1200E 250.00

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UKR5212 MK200

PER-PINIFUR DEED -- INDIVIBUAL GRANTON AND GRANTER -- 40

This Doed, Made this

20th

day of

August August

in the year one thousand nine hundred and geventy-one . by and between CARL W. MILLER and FAYE H. MILLER, his wife, of Baltimore County

, of the first part, and

'LLOYD K. WESTLEY and MARGARET V. WESTLEY, his wife, of Baltimore County,

of the second part.

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

the meld CARL W. MILLER AND FAYE H. MILLER, his wife,

do hereby great and convey unto the said LLOYD K. WESTLEY and MARGARET V. WESTLEY, his wife, as tenants by the entiraties, their assigns, the survivor of them, the survivor's

heire and assigne,

in fee simple, all

that

let(s) of ground, situate, lying and being in

renth Election District of Baltimore County.

, State of Maryland, and described as follows, that is to say:--

Beginning for the same at a pipe heretofore set at the beginning of the fifth or south 17 degrees 29 minutes east 1250 foot line of a parcel of land which by a deed dated November 30, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3641 folio 346 was conveyed by Norma B.Nelson, widow, to Carl W. Miller and wife and running the the sixth set of the sixth line of said parcel of land the two following courses and distances vist south 17 degrees 29 minutes east 1250 feet to a pipe heretofore set at the end of said fifth line and north 69 degrees 52 minutes east, binding on a parcel of land conveyed by J. Henry Miller and wife to bloyd K. Westley and wife and recorded simultaneously herewith, 500.54 feet thence leaving said outlines and running for a line of division north 17 degrees 25 minutes west 1150.50 feet to intersect the fourth line of the first herein mentioned parcel of land and thence running with and binding on a the place of beginning. Containing 13.777 acres of land more or loss.

BEING a part of a parcol of land which by a Deed dated Movember 30, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. MO. 3641, folio 546 was conveyed by Morma B. Melson, widow, to carl M. Miller and Paye H. Miller, his wife, grantors herein, in fee simple.

LES212 ME 201

subtract to and together with the right and use thereof is common vith the extentions herein, their heirs and medians of a right of way, it is feet wide, now laid out adjacent to and south of the last line feet wide, now laid out connects with a right of vay 24.75 feet wide, harmstofore laid out which leads in a westerly direction to the from Clayton W. Bordley, Inc. to Movers Gov Melas set forth in a deed 1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2521, folio 445.

S. 250 ...

HE15212 MIE202

Together with the buildings and improvements thereupon erected, made or being and all and overy the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and promites, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurisnances and advantages thereto belonging or appertaining unto and to the proper use and benealt of the said LLOYD K. WESTLEY and MARGARET V. WESTLEY, his wife, as tenents by the entireties, theri assigns, the survivor of them,

the Burvivor's

heirs and ansigns,

in son aimigio.

And the said parties of the first part hereby covenant that the y not done or suffered to be done any act, matter or Using whatsoever, to encumber the property hereby conveyed; that t ha will warrant specially the property granted and that the y execute such further assurances of the same so may be requisite.

Witness the hand and real of said grantor a.

Finde J Bradly Faye H. Miller (BEAL)

Carl W. MILLER (SEAL)

State of Maryland,

TEST:

Baltimore County

, to wit:

I HERREY CERTIFY, That on this

20th day of August

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before me, the subscriber, a Notary Public of the State of Maryland, in and for

Baltimore County MILLER, his wife

. personally appeared

CARL W. MILLER and PAYS H.

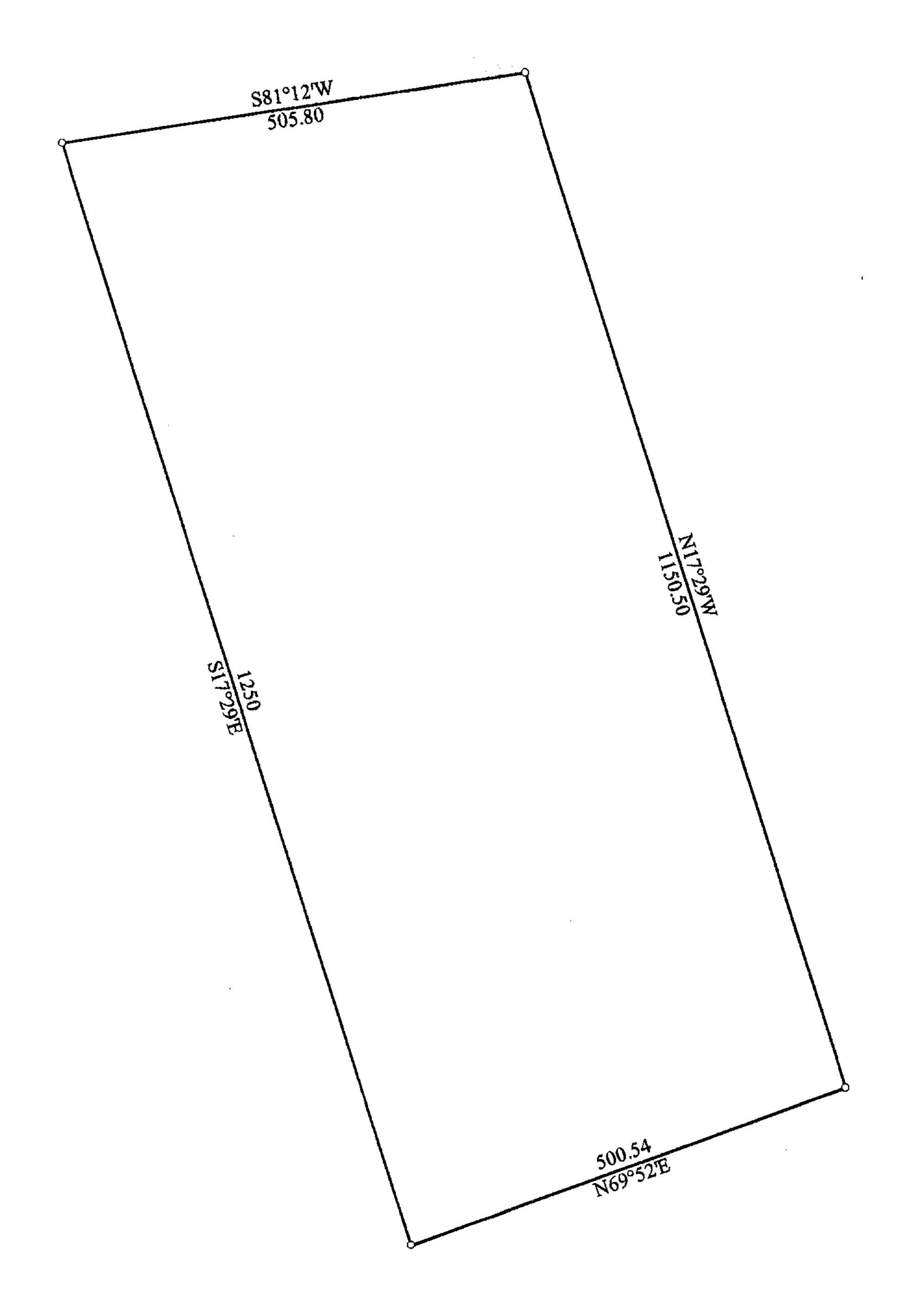
known to me (or satisfactorily proven) to be the person(s) whose name(s) sizers subscribed to the within instrument and acknowledged that the executed the same for the purposes therein contained, and is my presence signed and scaled the same.

O' A The Property of hereunto set my hand and official seal.

Rec'd for record

Per Orville I. Soonall.

Receipt Mo.



Title:

Scale: 1 inch = 200 feet

File:

Tract 1: 13.777 Acres: 600129 Sq Feet: Closure = s08.4910w 0.01 Feet: Precision =1/661555: Perimeter = 3407 Feet

001=S17.29E 1250
002=N69.52E 500.54

003=N17.29W 1150.50
004=S81.12W 505.80

THIS DEED, Made this 23rd day of July, in the year nineteen hundred and fifty-four, by and between CLAYTON W. BORDLEY, INC., a body corporate, of Baltimore City, State of Maryland, hereinafter referred to as Grantor, and HOWARD GUY NELSON, JR., of Baltimore County, State of Maryland, hereinafter referred to as Grantee.

WITNESSETH, That in consideration of the sum of Five (\$5.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto said Grantee, his heirs and assigns in fee simple, all that piece or parcel of land situate, lying and being in the Tenth Election District of Baltimore County, State of Maryland, and described as follows to wit:

BEGINNING for the same at a pipe heretofore set in the seventh or North 36 1/2 degrees West 15 perches line of a parcel of land secondly described in a deed dated November 12, 1943 and recorded among the Land Records of Baltimore County in Liber R. J. S. No. 1317, folio 5, which was conveyed by William A. Sullivan to Howard Guy Nelson and wife, said pipe being distant North 31 degrees 50 minutes West 210.08 feet, measured along said seventh line from the beginning thereof, said place of beginning also being at the end of the third line of a parcel of land which by a deed dated June 9, 1953 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2305, folio 533, was conveyed by Howard Guy Nelson, et al, to J. Henry Miller and wife, and running thence with and binding on the outlines of said secondly described parcel of land in the deed from Sullivan to Nelson, as the courses are referred to the magnetic meridian of 1943, the six following courses and distances viz: North 31 degrees 50 minutes West 37.42 feet, North 42 degrees 05 minutes West 1117.11 feet to a stone, North 71 degrees 16 minutes West 1149 feet to a point on the east side of the Old York Road, North 17 degrees 27 minutes East, binding on the east side of said road, 24.75 feet, South 71 degrees 16 minutes East 614.61 feet and North 81 degrees 19 minutes East 902 feet and thence leaving said outlines and running for a line of division, South 17 degrees 29 minutes East 1250 feet to the place of beginning.

Containing 10.00 acres of land, more or less.

Subject to and together with the right and use thereof in common its successors with the Grantorsherein, their knexes and assigns, of a road or right-of-way 24.75 feet wide laid out adjacent to and southerly from the fifth and sixth lines of the herein described parcel of land.

Confirmatory
BEING part of the parcel of land secondly described in a/Deed
of even date herewith, and recorded or intended to be recorded among the
Land Records of Baltimore County immediately prior hereto, which was
conveyed by Howard Guy Nelson, et al, to said Grantor.

POWER

11BER 2521 PAGE 446

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

TO HAVE AND TO HOLD the said piece or parcel of ground and premises unto and to the use of the said Grantee, his heirs and assigns forever in fee simple.

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

Clayton W. Bordley WITNESS the signature of President of said body corporate, and its corporate seal hereunto affixed. CLAYTON W. BORDLEY, INC. Test:

Mary W. Ligharate By: Clayton W. Bordley, President

STATE OF MARYLAND to wit -COUNTY OF BALTIMORE:

I HEREBY CERTIFY, that on this 23rd day of July, in the year one thousand nine hundred and fifty-four, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared Clayton W. Bordley President of Clayton W. Bordley, Inc., the Grantor named in the above Deed, and he acknowledged the aforegoing Deed to be the act of said body corporate.

AS WITNESS my hand and Notarial Seal.

Notary Public MARY W. GEPHARDT

OFFICE N G. POWER

QUEHANNA AVE.

Per Goorge I. By Pay Chark.

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NG WILL BE HELD BY COMMISSIONER A PUBLIC HEARING WILL BE
THE ZONING COMMISSIO
IN TOWSON, MD.

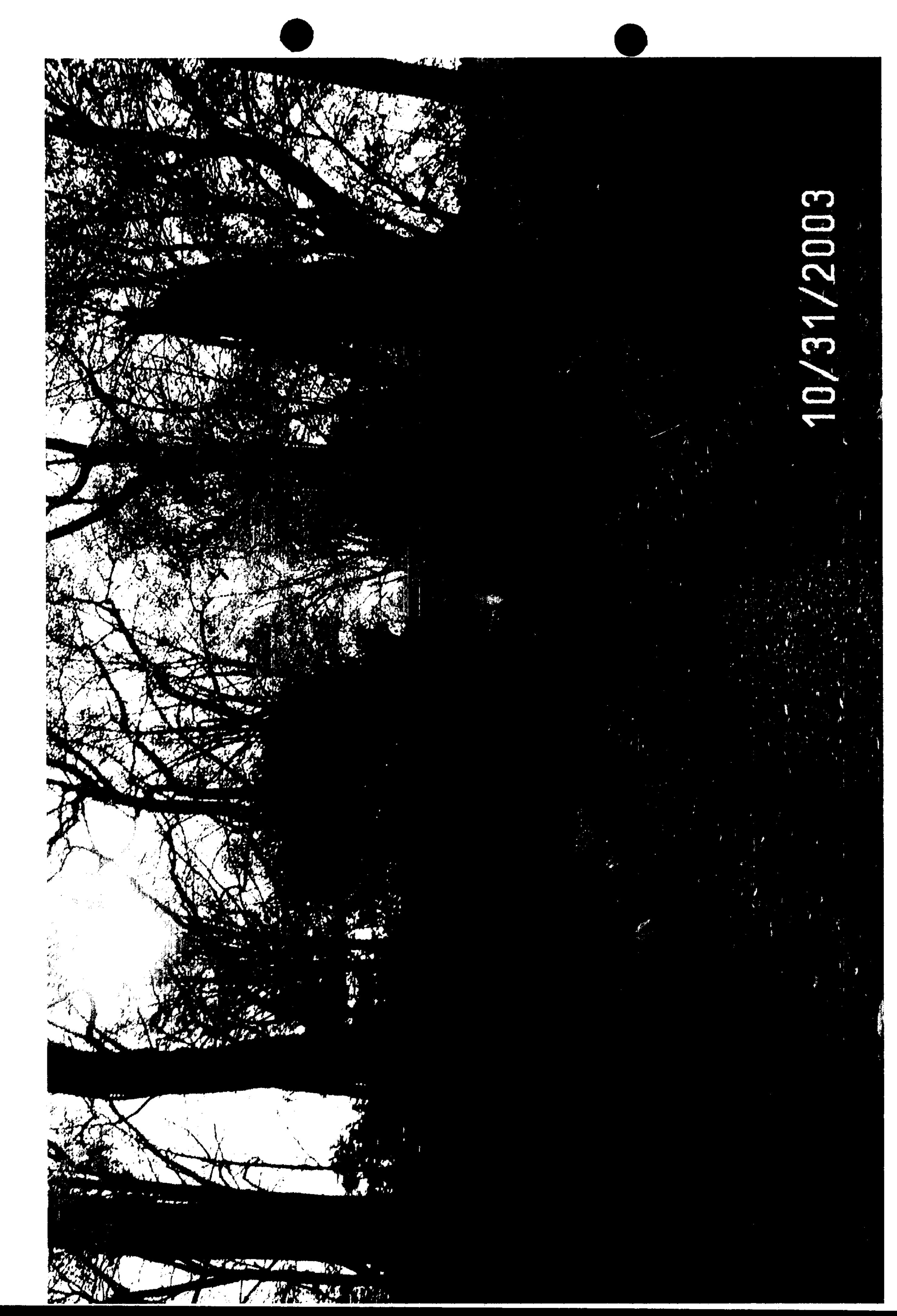
· 1000年1月1日 - 100日 -

PLACE: Room 407 County Courts Building 401 Bosley Avenue, Towson, MD

9:00 am Tuesday, November 18, 2003

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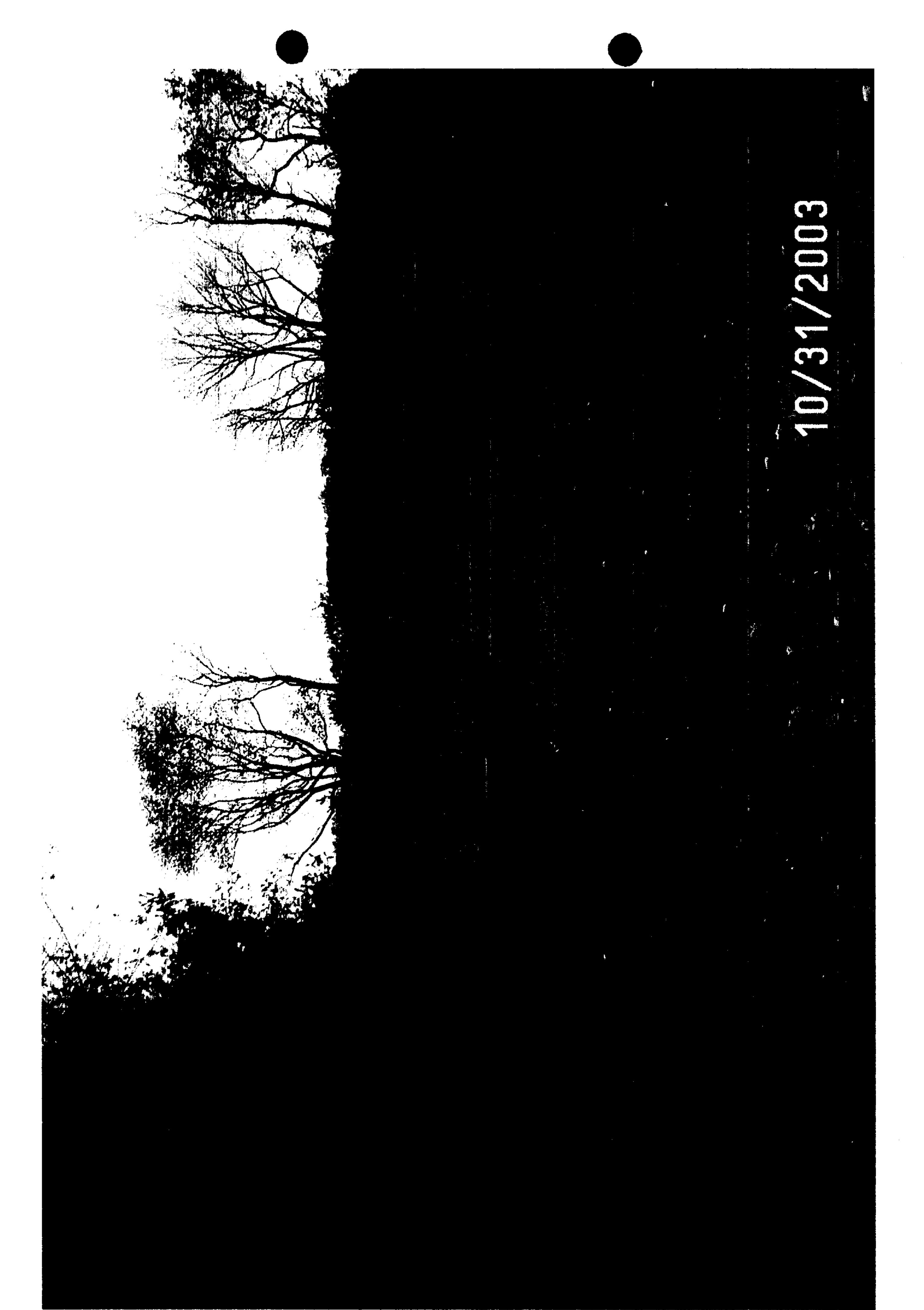
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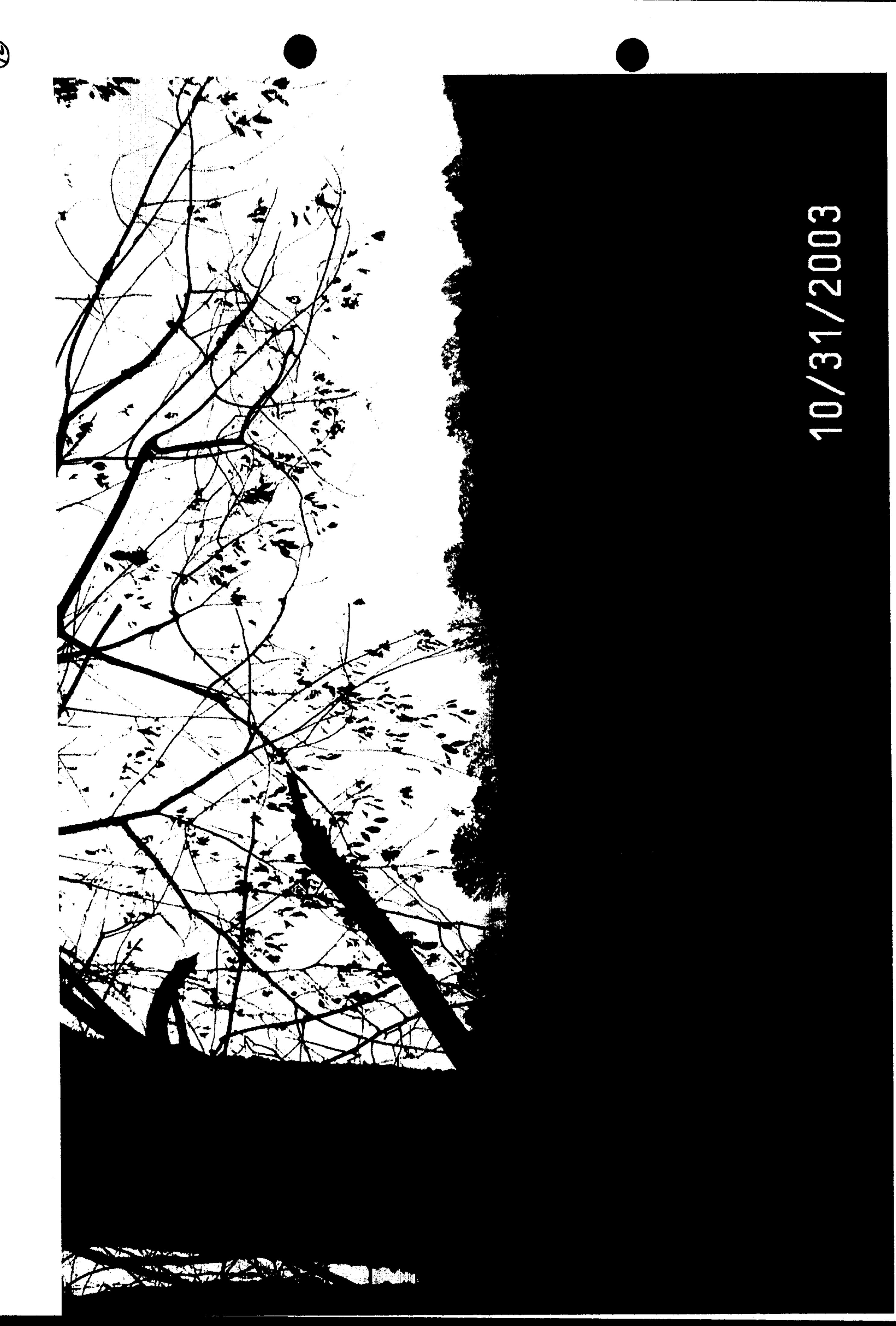
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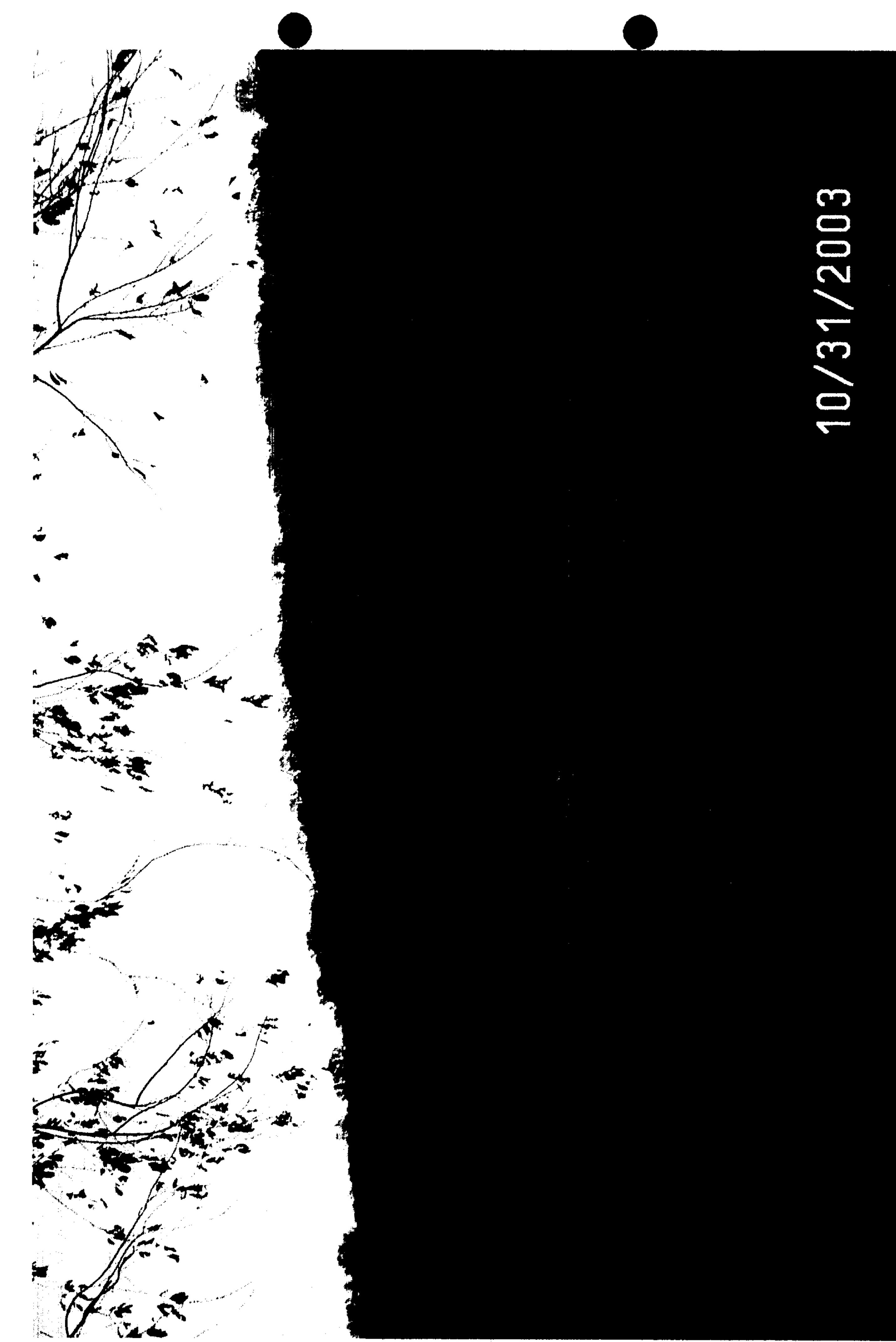
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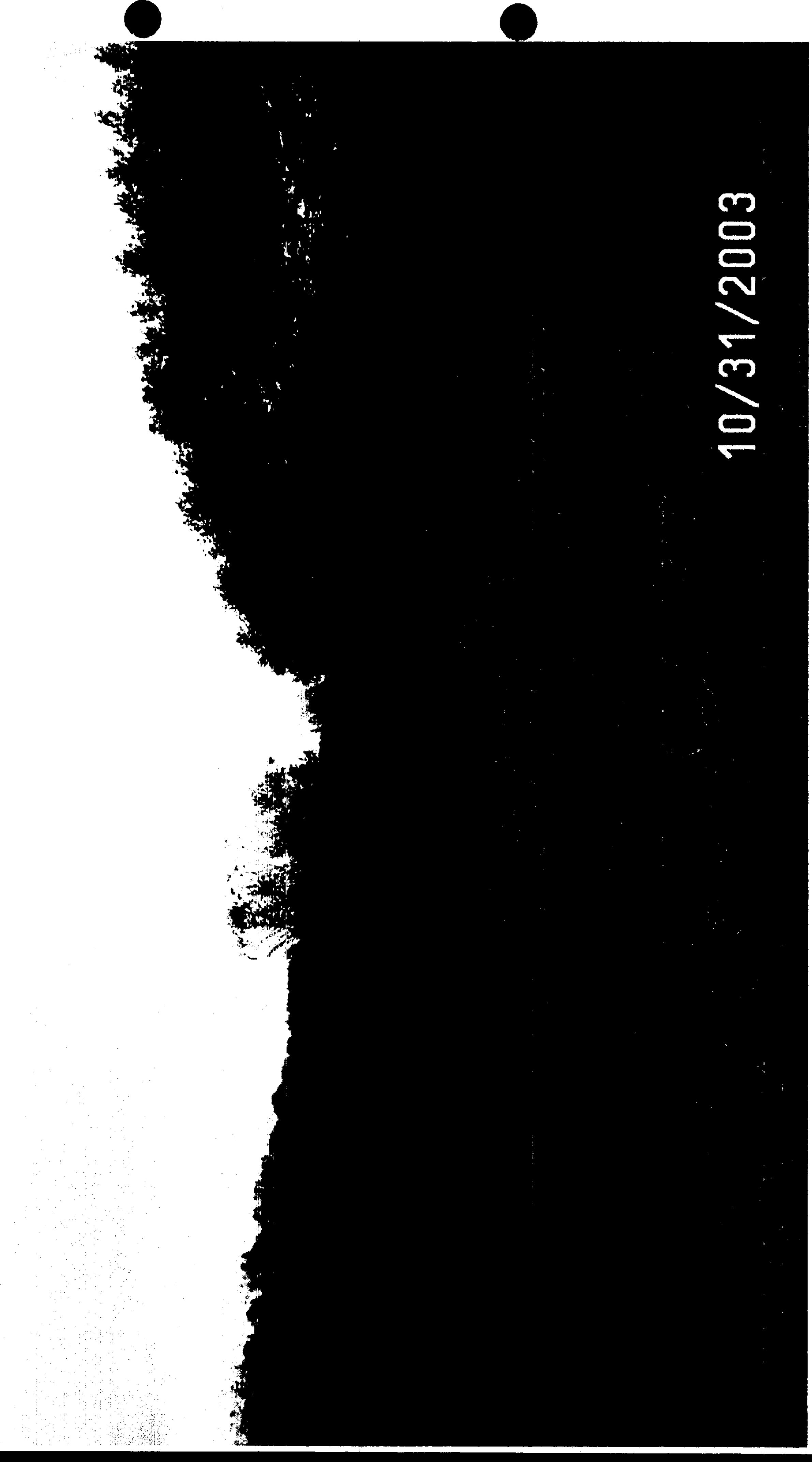




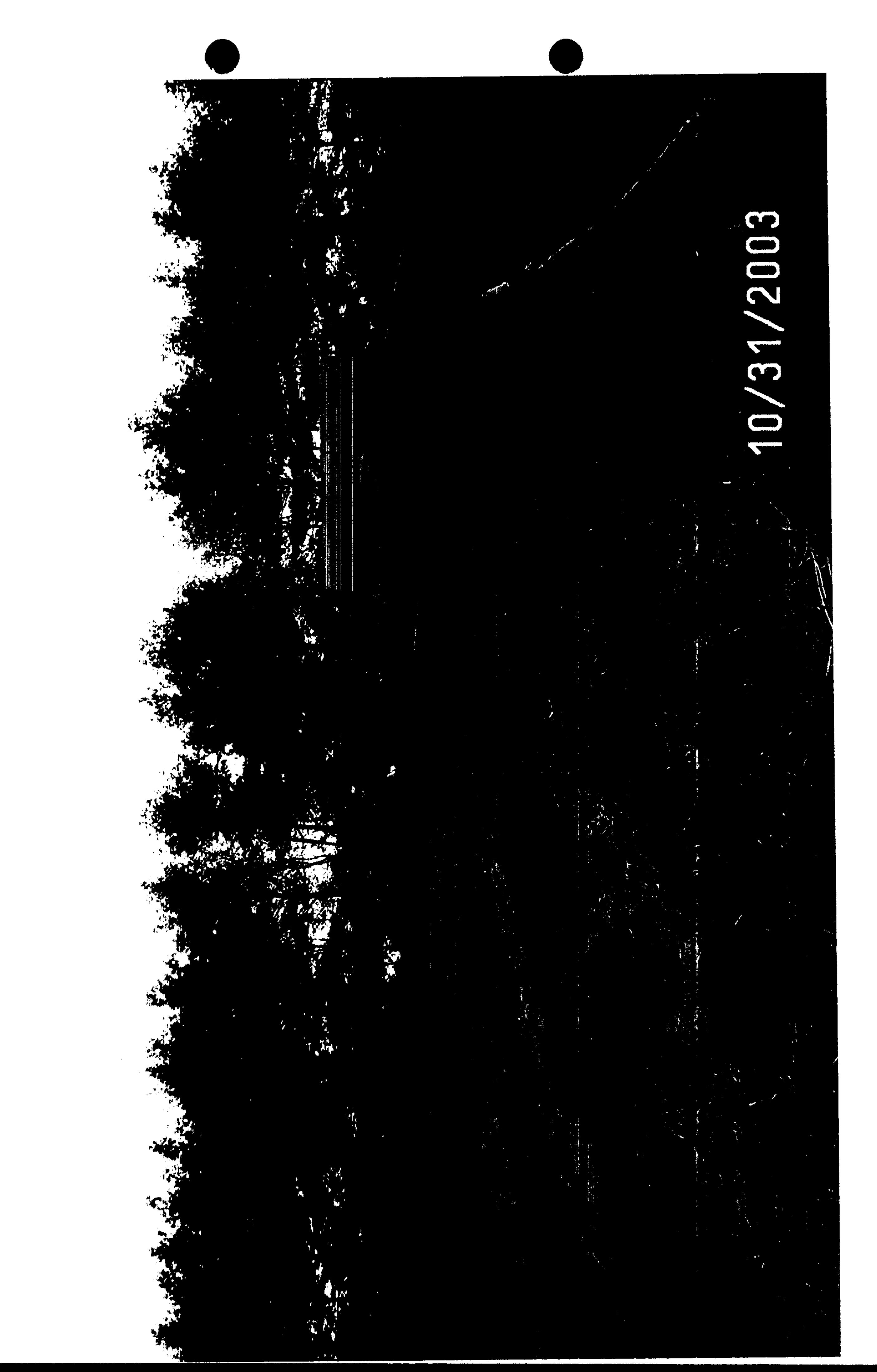




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14925 OLD YORK ROAD



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LOOKING TOWARDS OND YORK ROAD

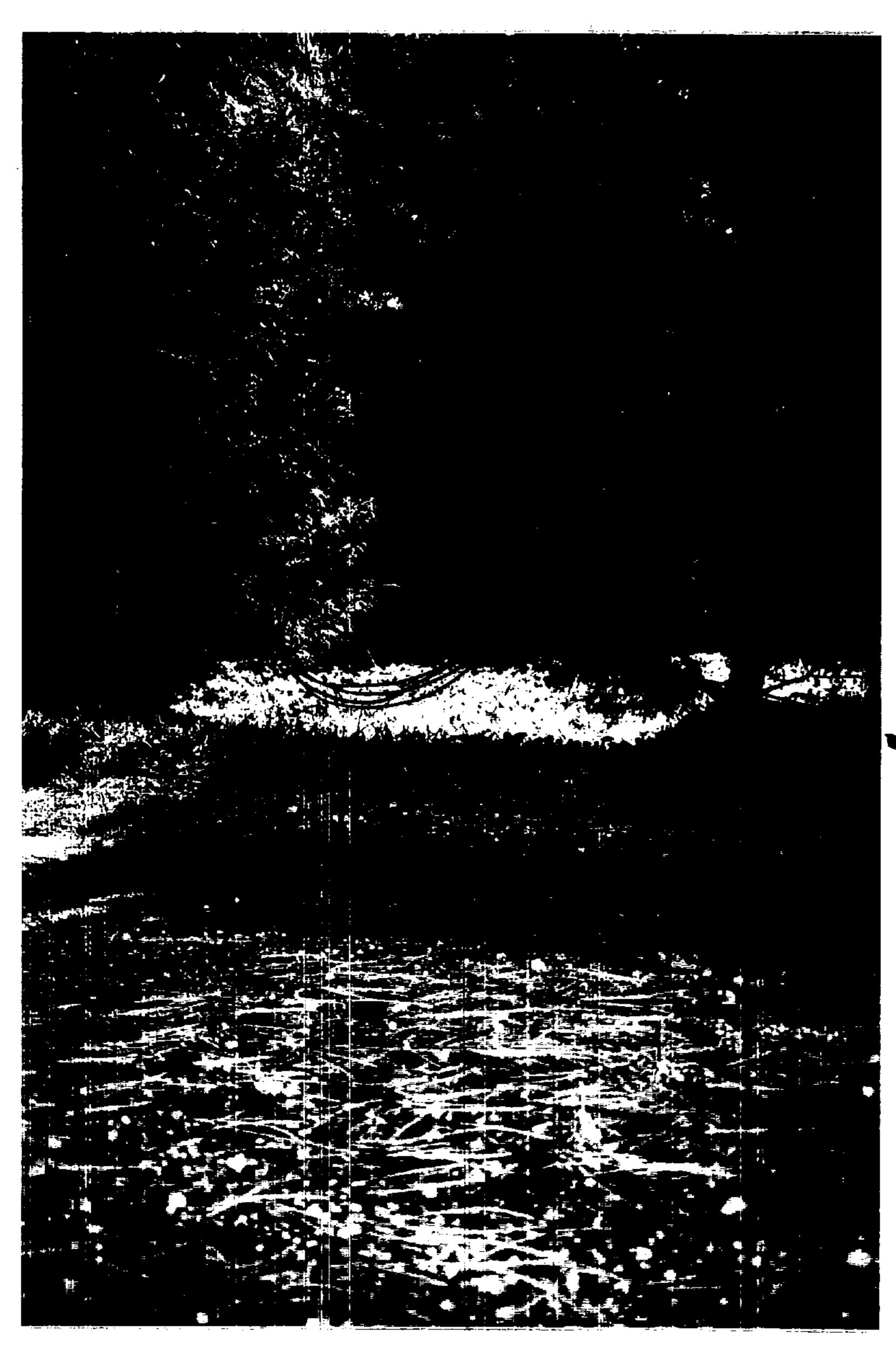
Over My

14921 OLD PORK ROAD



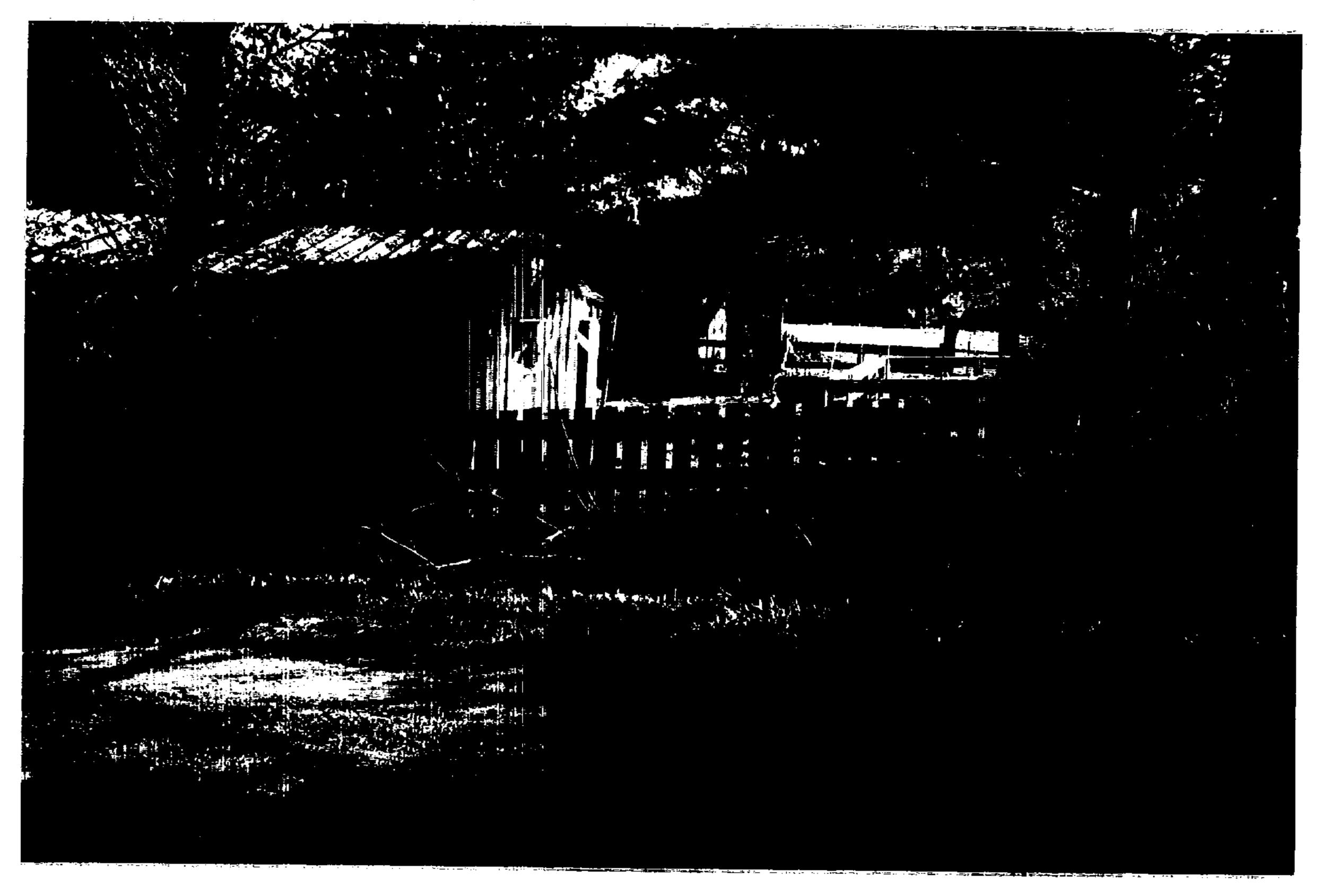


14927 OLD YORK ROAD



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WELL SITS VERY CLOSE TO ROAD



14927 OLD YORK ROAD



He Murphy

To: Baltimore County Zoning Commissioners

Re: Hearing for case # 4-137-SPH

From: Dr. Michele Jenkins Guyton 14925 Old York Road Phoenix MD 21131

We have resided at this address since August 2002.

We own the largest portion of the private drive leading from the proposed lots to Old York Road. We are also responsible for maintaining this drive which has been virtually impossible due to the condition of the road when we bought it and the increasingly heavy traffic due to recent construction and the large farm equipment utilizing the drive.

Due to the position of our home very close to the drive, we are directly impacted by every vehicle which uses it. In addition to the other concerns being raised at this hearing by neighbors, I am primarily concerned with the safety impact of any increased traffic on our private drive. As the mother of three very small children (ages 23 months, 5 and 7 years) this issue has been of increasing concern over the past year. While we trust our current neighbors to be mindful of the safety of our children, I still find myself limiting my children's time in the front yard where they enjoy riding their bikes and vehicles around our driveway. From their excessive speed, it is obvious that construction vehicles and others bringing large, non-residential equipment past my house do not merit the same level of trust. I have included pictures to show where our driveway is in relation to the drive in question and how perilously close a vehicle can come to a child riding in this area.

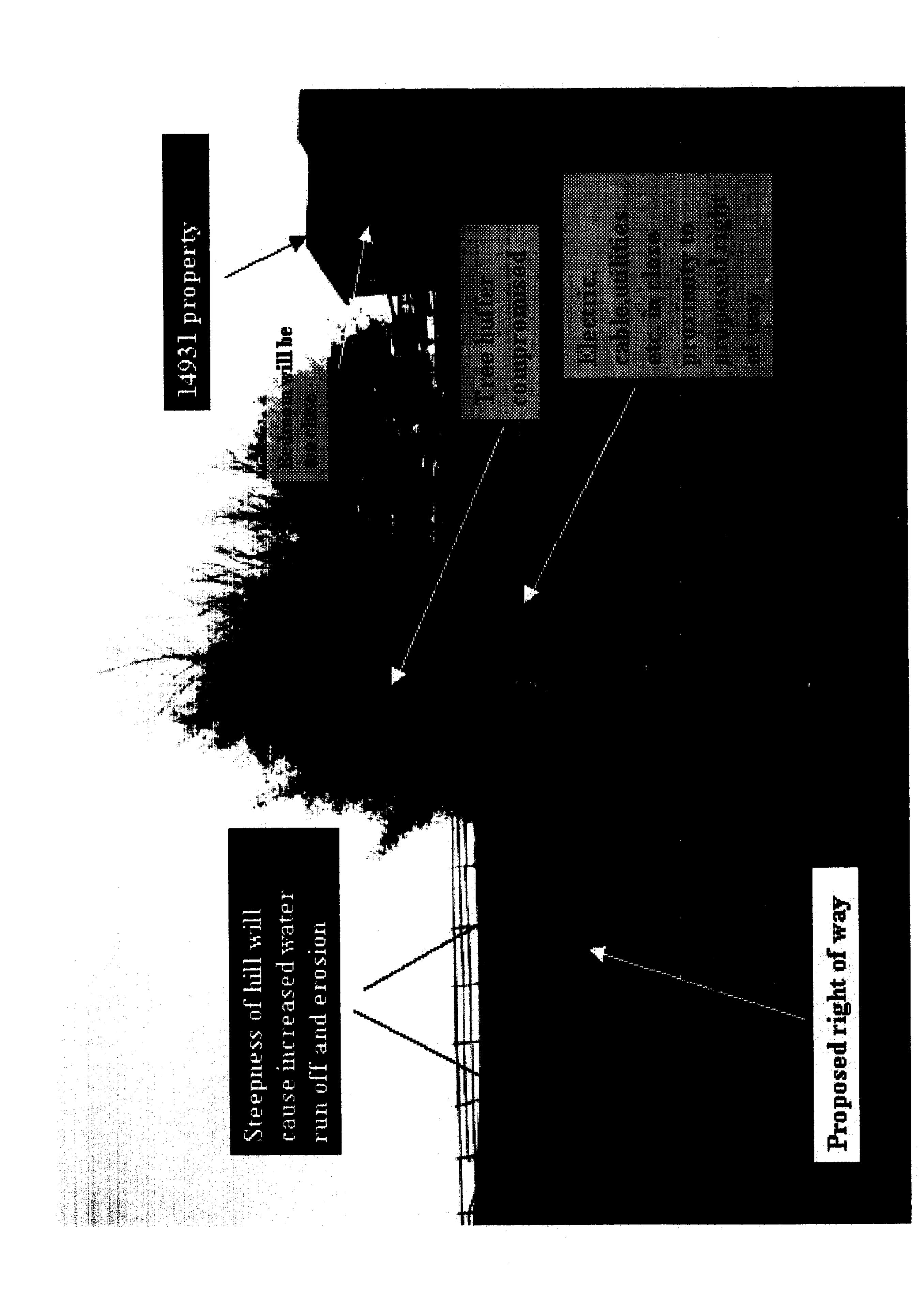
The drive in question at this hearing is also a bus stop for Jacksonville Elementary School. I often choose to drive my 5 – year – old kindergartener to the end of the drive rather than walk the relatively short distance to Old York because of my concerns that we will be hit by a vehicle. Our waiting car blocks up the one-lane drive and causes another safety problem. There is no good place to wait for the bus nor is there any safe place to walk with a stroller on the drive if there is any traffic. If the growth of traffic on our drive continues, I cannot imagine a time when I will be able to allow my children to walk to the bus stop alone.

There is something very wrong when our children are not safe on the property for which we hold a deed and pay taxes. We are asking that this commission do whatever they are able to help protect them by requiring Mr. Frank to bring his traffic through his own property rather than ours.

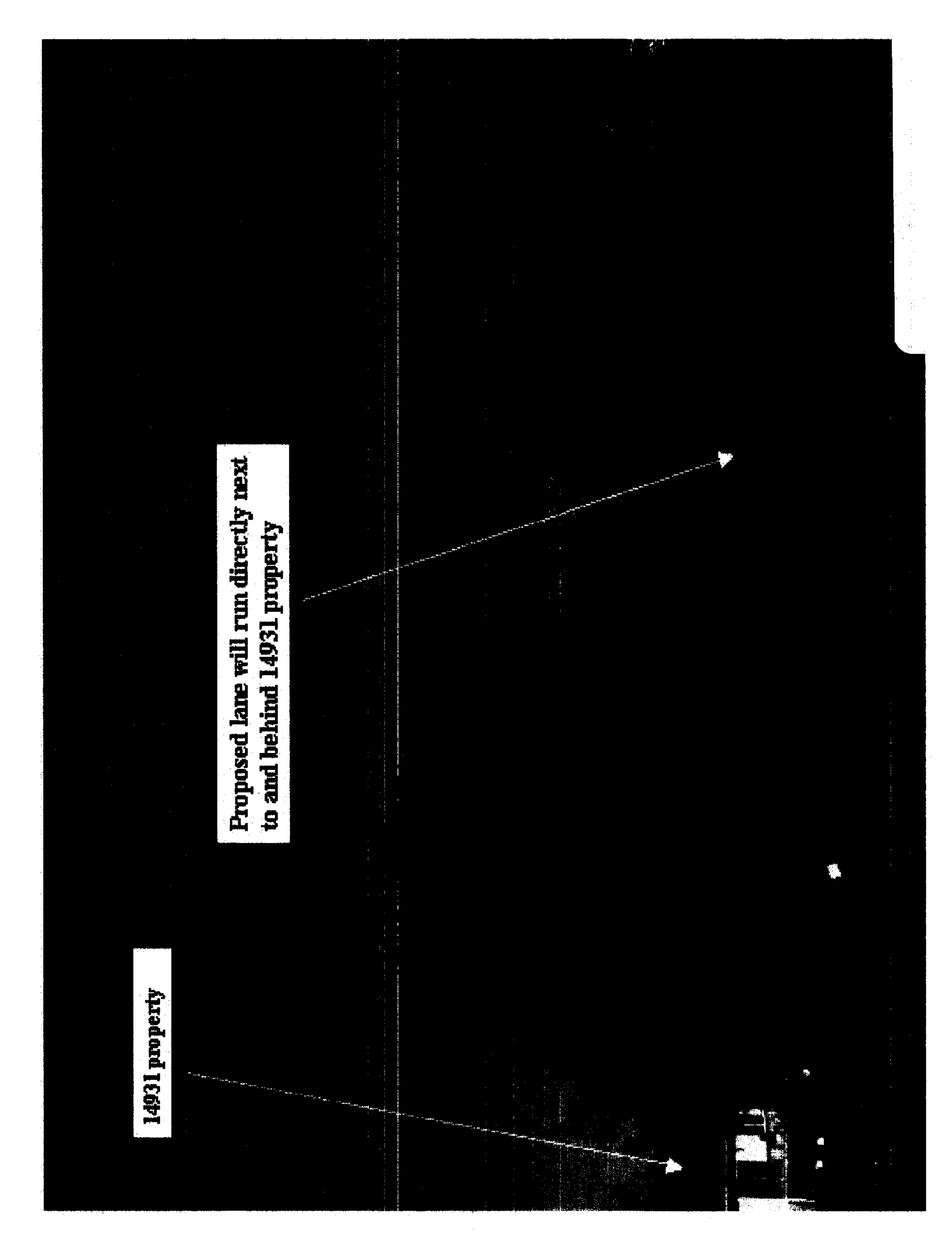
Thank you for your time and consideration.

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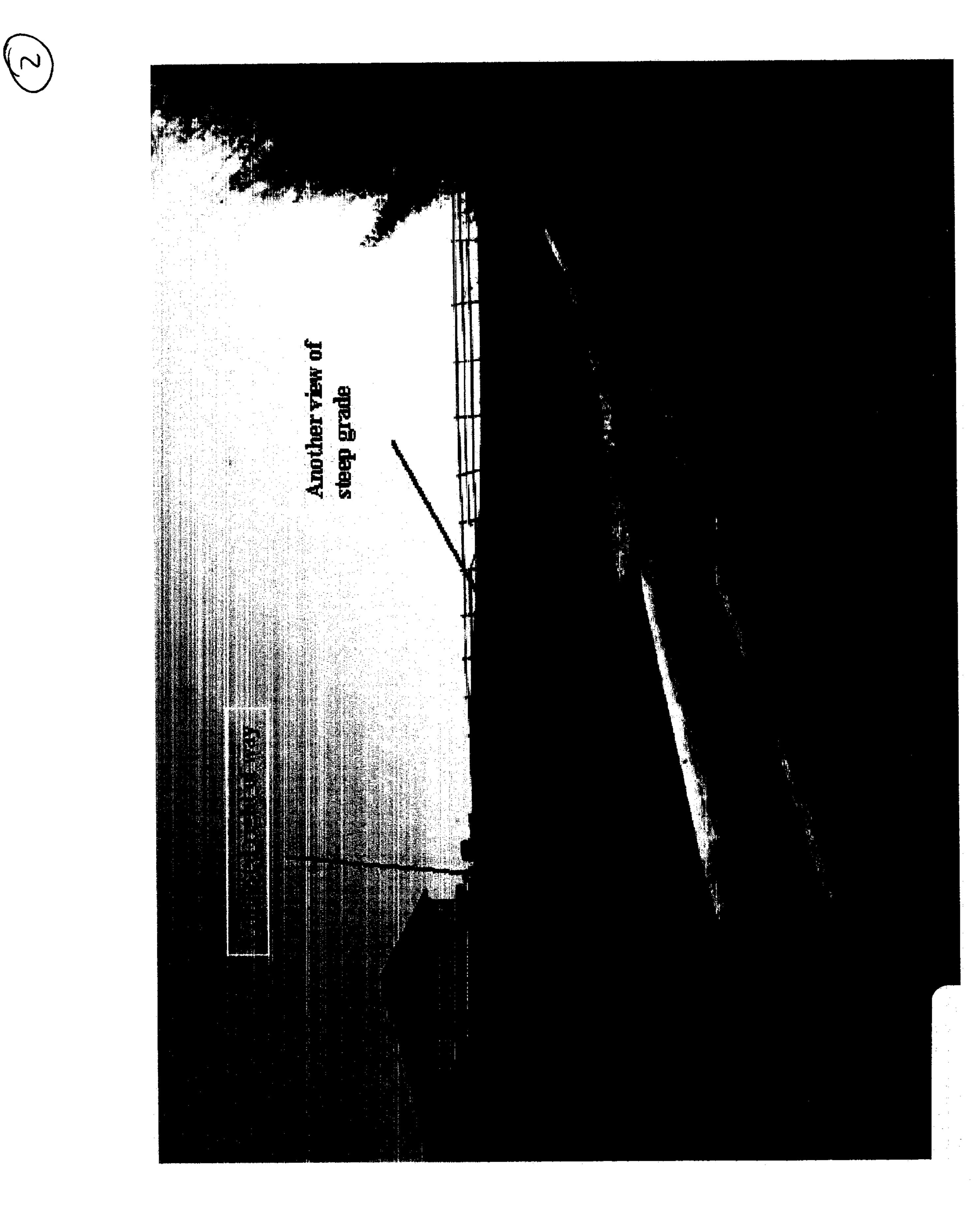
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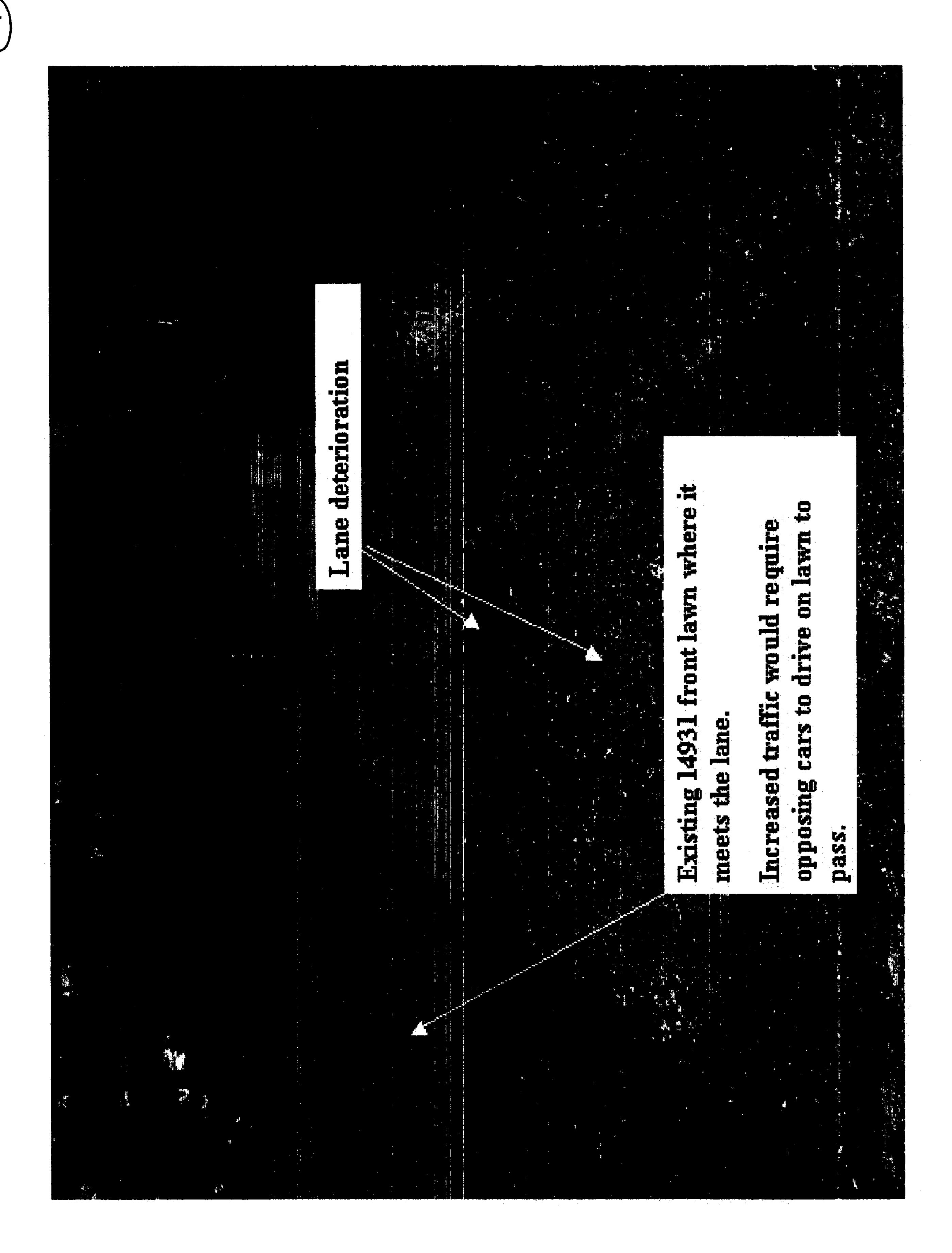






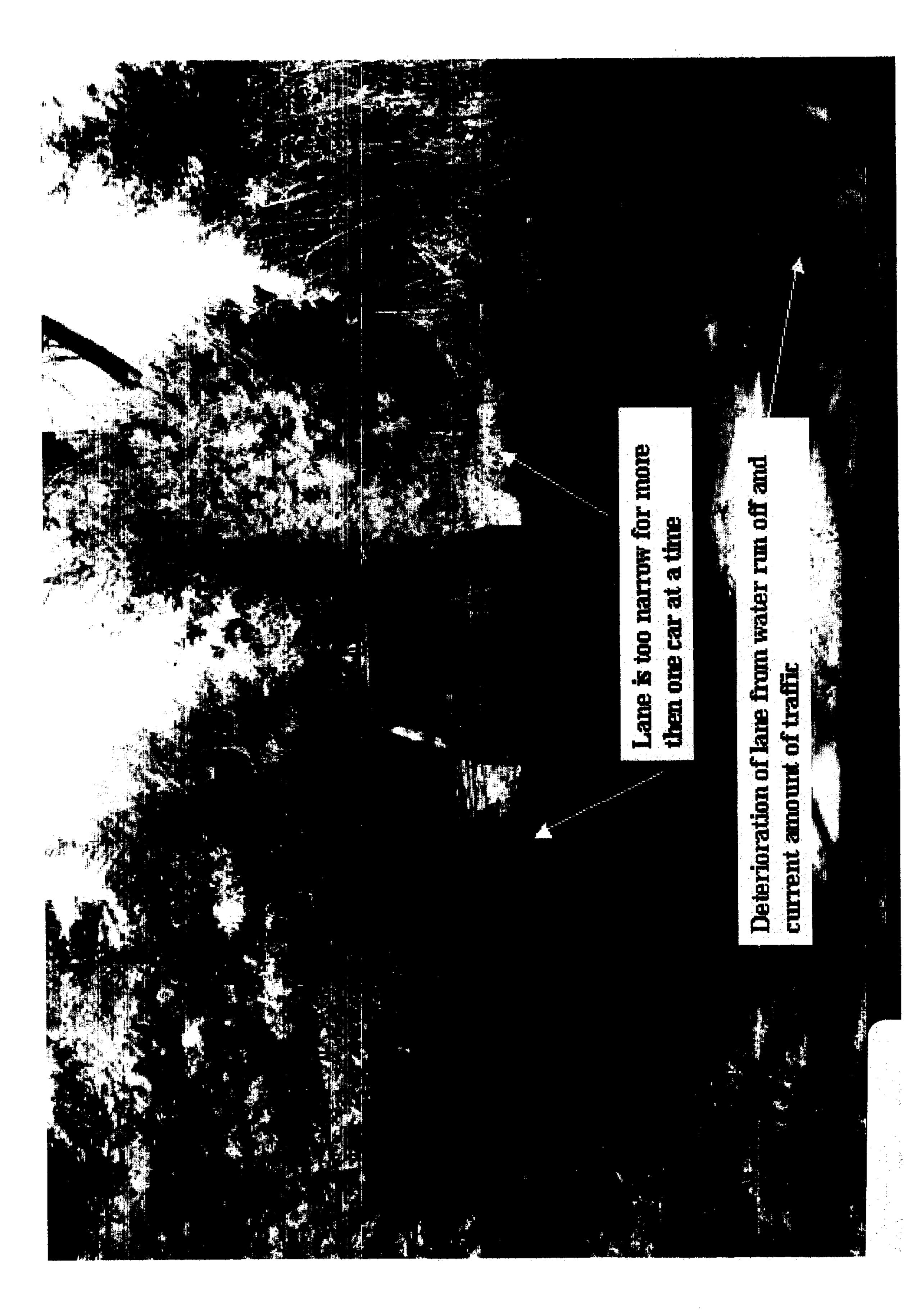


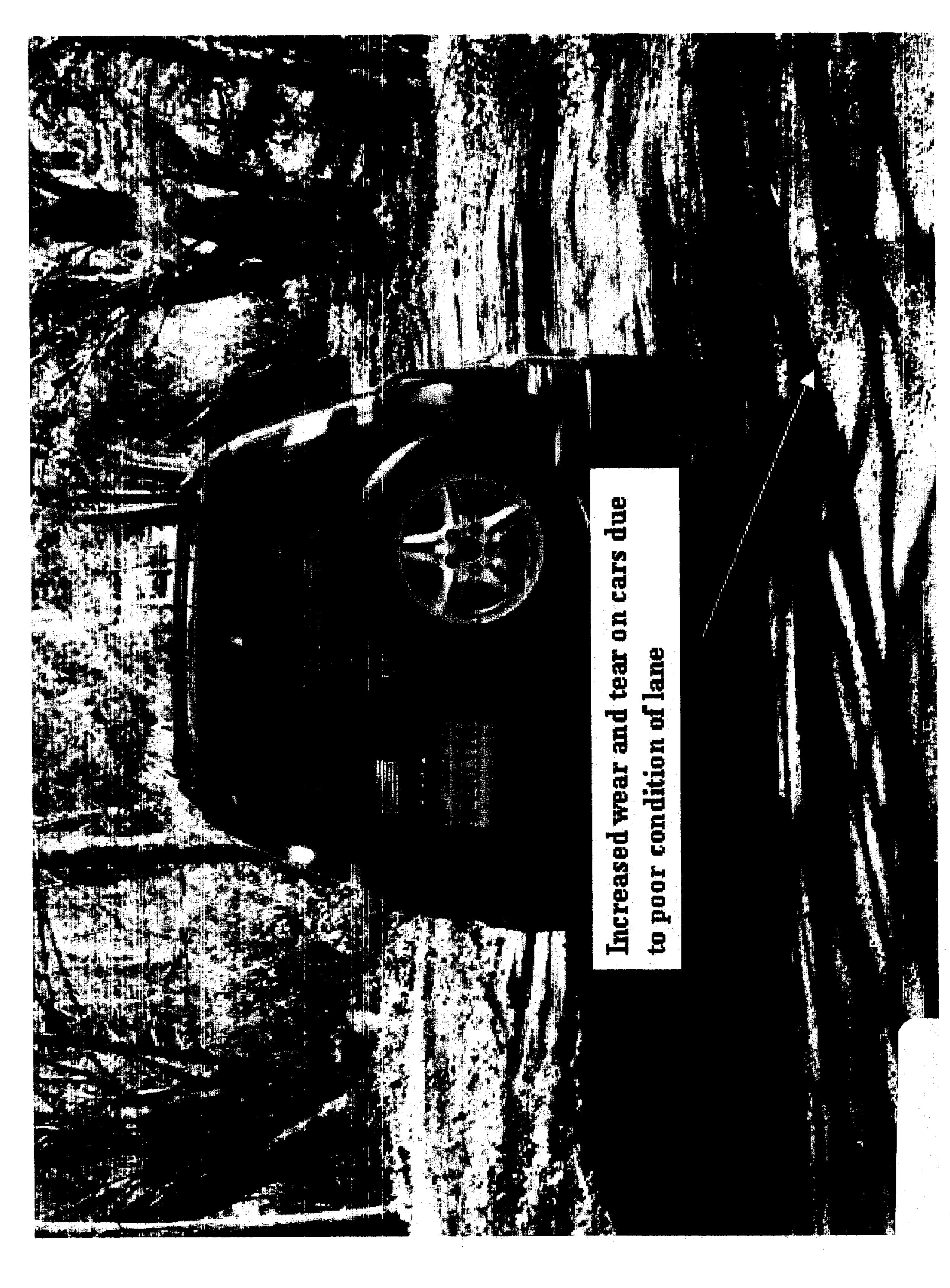


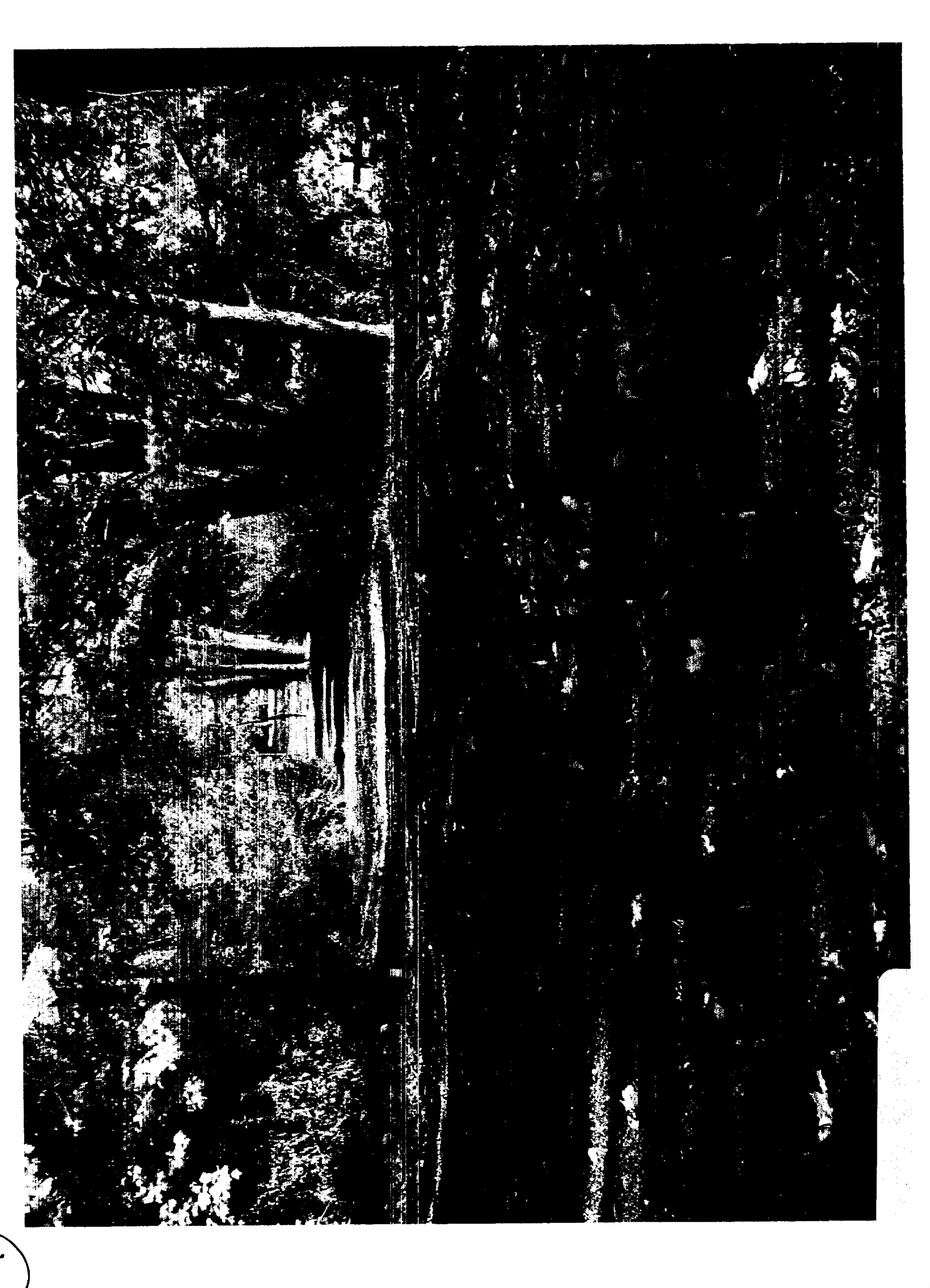






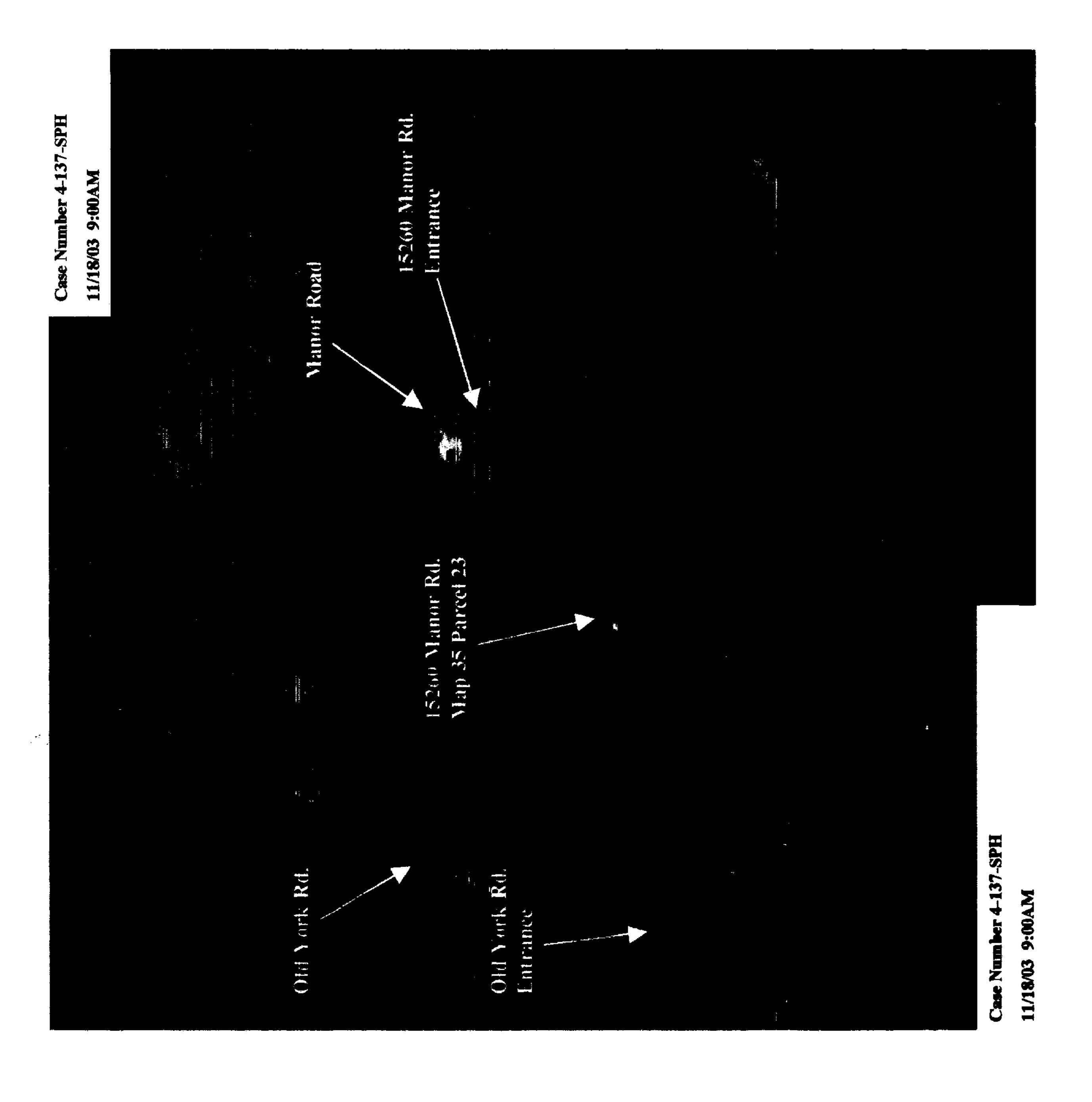




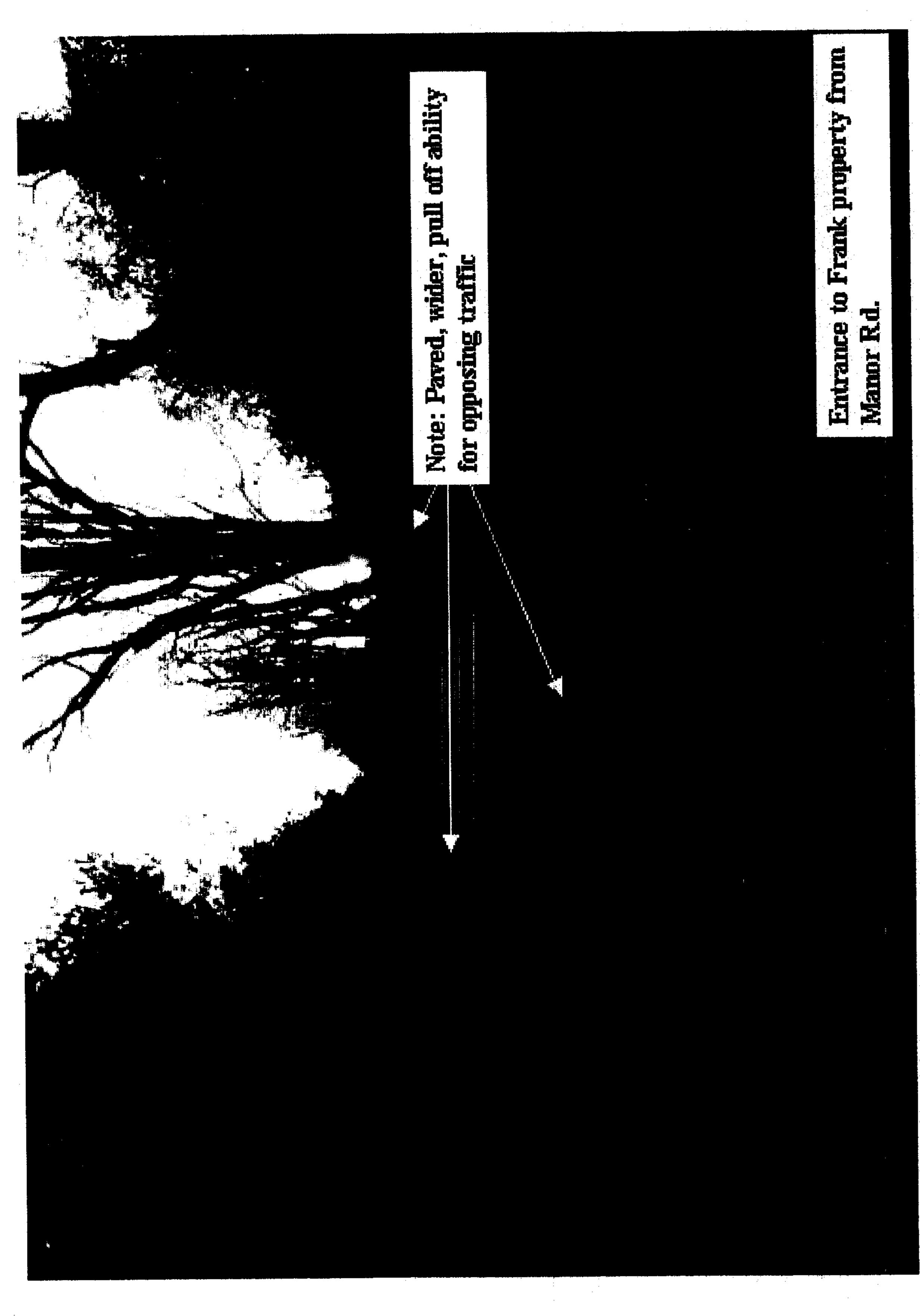












CASE 04-137-SPH Tuesday, November 18, 2003

Subject: Impact of the proposal to the adjoining property of 14931 Old York Rd. We have been at this residence beginning 08/2001.

Property Impact:

- * Picture #1: Proposed lane would be too close to 14931 property line in particular the rear bedroom, which is only feet away.
- * Picture #1: Lane would be too close to electric, cable, and utility boxes, which sit on property line.
- * Picture #1: Existing buffer of trees would be effected.
- * Picture #1, #2 and #3: Steepness of hill for proposed lane would increase water run off and soil erosion. Since there is no existing drainage, water would accumulate at the foot of the property lines. In the winter, freezing water would be hazardous for traffic traversing the hill.
- * Refer to Detailed Plat: Lane for proposed Lot #1 directly adjoins rear of 14931 property with no buffer.
- * All these factors could potentially decrease the property value to 14931.

Impact to Access Lane from Old York Rd. (Our only way in and out):

- * Picture #4: Lane is not macadam but mainly crush and run material and is in poor condition.
- * Picture #4: Opposing traffic would have nowhere to pull off, forcing them to pull into the driveway of our property or onto our front lawn. This is also true further up the lane.
- * Picture #5: Lane is very narrow in most areas and deterioration from water run off and soil erosion is evident.
- * Picture #6 and #7: Large ruts, channels, and potholes from existing traffic and poor lane conditions are evident. This has caused damage to our vehicles.
- * Safety is also a concern. We walk our dog up the lane and we jog the lane for exercise. The narrowness of the lane makes it difficult to move out of the way of oncoming traffic. In addition, the poor lane conditions make it easy to turn an ankle possibly causing injury.

What the Proposal does NOT mention:

- * Picture #8 a. and #8 b.: The proposal does not mention the fact that the Frank property has access from Manor Rd. into their existing lots. Please note from Picture #8 b. the good condition of the macadam road. There are no potholes, no channels, or no ruts. The road is in great condition with room to pull over for opposing traffic (no lawns or private driveways).
- * Since there are currently six families, including the Frank's, utilizing the one access from Old York Rd, it seems reasonable to have the Frank properties use Manor Rd. to take some of the load off.

Sincerely,

Nelson F. Cascio and Mary C. Stein-Cascio 14931 Old York Rd. Phoenix, MD 21131

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REFERENCE TO MAP SHOWING

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H#1 P390 GREG 9 MUREUE GUYTON H*Z PZ37 RUMARD ? CARROWN GEER 443 P396 BILL 2 DAVSUIT HAY P270 NEWSON & MARY CASCIO HAS PZ67 MICHAEL 2 SALQUEUM ZINKHAN LOT 1 P8 S. A. BROWN III MIGHAEL? JAQUELYN ZINKHAN 2 10551BL2 LOT P266 RAYMOND & SANDRA FRANKS RESIDENCE P 23 RAYMOND & SANDRA FRANKS PROPOSED LOT LOCATIONS



Department of Permits and Development Management

Zoning
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

TIMORE COUNTY

Return Service Requested

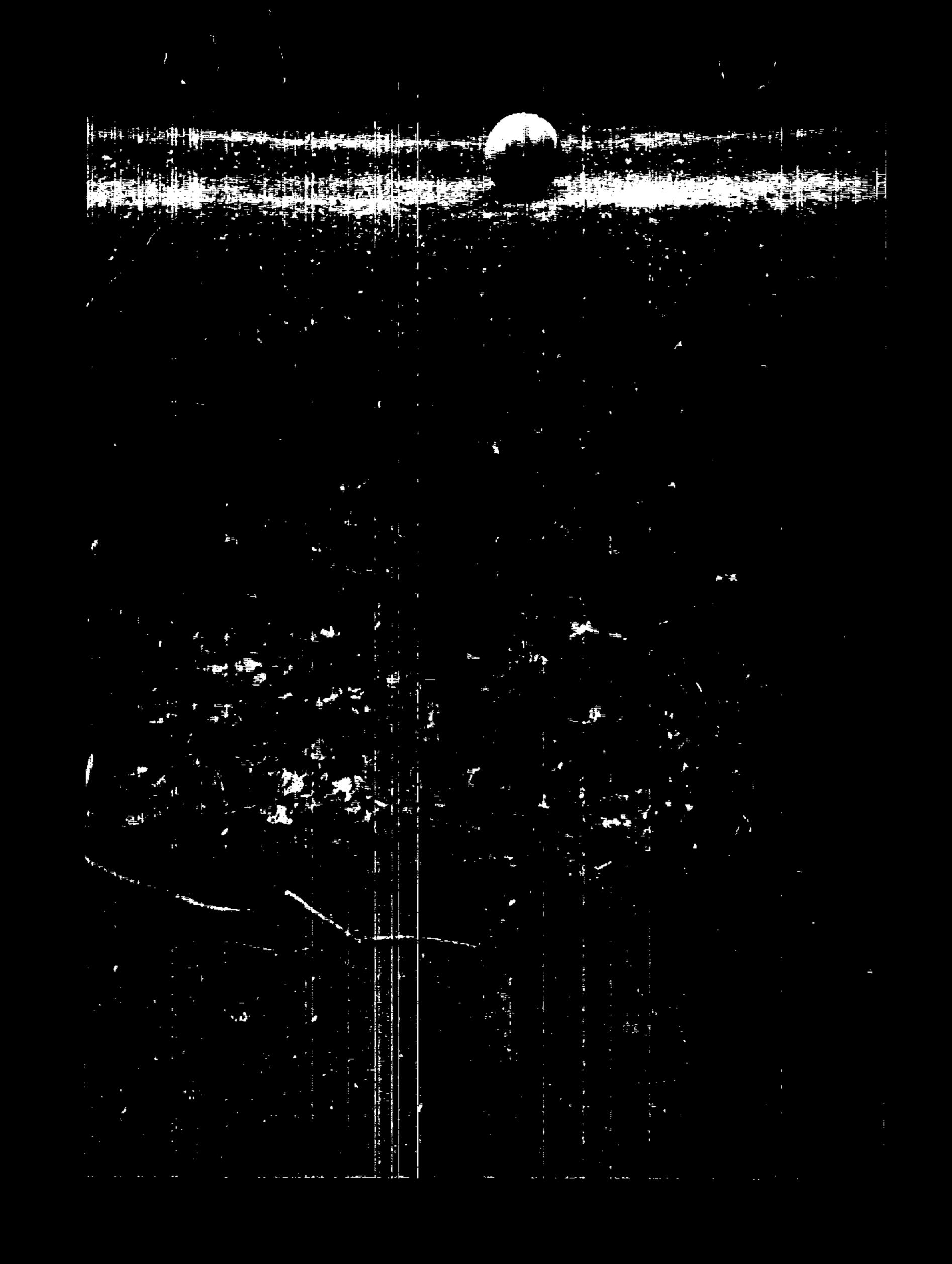


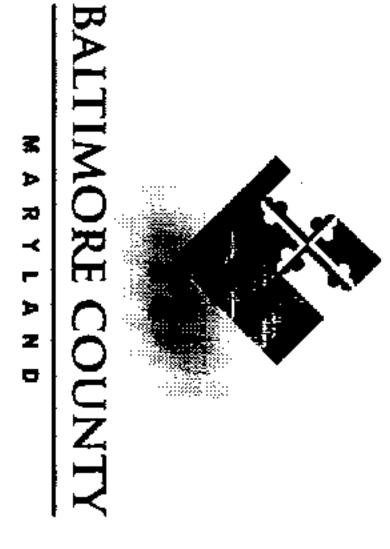












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