

IN RE: DEVELOPMENT PLAN HEARING  
& PETITION FOR SPECIAL HEARING  
W/S Manor Road, S Manorview Road  
11th Election District  
3rd Councilmanic District  
(LAKESIDE FARMS)

Richard W. Smith  
*Developer/Petitioner*

\* BEFORE THE  
\* HEARING OFFICER  
\* OF BALTIMORE COUNTY  
\* Case Nos. XI-873 & 04-319-SPH

\* \* \* \* \*

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, as a requested approval of a Development Plan known as "Lakeside Farms", prepared by Merritt Development Consultants, Inc. The Developer is proposing to develop the subject property into 27 single-family dwellings. The subject property is located on the west side of Manor Road, south of Manorview Road. The particulars of the manner in which the property is proposed to be developed are more specifically shown on Developer's Exhibit No. 1, the Development Plan entered into evidence at the hearing.

In addition to seeking approval of the Development Plan, the Petitioner also requested special hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to (1) approve a non-density Parcel (Parcel A) comprised of approximately 0.99 +/- acres for conveyance to and merger with an adjoining lot of record; (2) approve a non-density Parcel (Parcel B) comprised of approximately 5.0 +/- acres to be retained by the Owner as a Parcel that will not be improved with residential dwellings (3) approve an amendment to the site plan and relief (to the extent necessary) in Case No. 93-348-SPHXA consistent with the approvals sought by this Petition and the Development Plan filed; and (4) such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the B.C.Z.R.

The property was posted with Notice of the Hearing for the Lakeside Farms Development Plan on January 29, 2004 and for the Special Hearing on February 11, 2004, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning Hearing was

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Date 5/12/04

By RAG



published in "the Jeffersonian" newspaper on February 12, 2004, to notify any interested persons of the scheduled hearing date for the Special Hearing.

Appearing at the hearing on behalf of the Development Plan approval request were Charles Merritt, Chris Hanson and Dave Billingsley, appearing on behalf of Merritt Development Consultants, Inc, the firm who prepared the Development Plan. Howard L. Alderman, Jr., Esquire represented the Petitioner at the hearing.

Appearing as interested citizens in the matter were Frank Kollman, David Power, Fred and Sue Hafner, Jane Kozlowski, Kathleen Gutberlet, Carolyn and Steve Turney, William Pulford, William and Kathy Kerch, Jim and Judy Scheper, Mary and Bill Mester, Linoa Eminizer, Michael DeFilippi, David Rhodes, Greg Schnitzker, Cheryl Grabner, Joseph Cunningham, J. Edward Kelly, Jr., Ed Sharples, Scott Grabner, Carol Shaw, Charlotte W. Pine, Mr. Sapp, Jocelyn and Chris Held, Chris Sawicki, Kevin O'Neill, Sharon Kollman, Charles Gettier and Nancy Wilking.

Also in attendance were representatives of the various Baltimore County reviewing agencies; namely, Lloyd Moxley (Zoning Review), Robert Bowling (Development Plans Review) and Walt Smith (Development Management), all from the Office of Permits & Development Management; R. Bruce Seeley from the Department of Environmental Protection and Resource Management ("DEPRM"); Mark Cunningham from the Office of Planning; Jan Cook from the Department of Recreation & Parks; and Jim Mezick from the Fire Marshal's Office.

As to the history of the project, a Concept Plan Conference was held on October 20, 2003 at 9:00 a.m. and a Community Input Meeting followed on November 19, 2003 at the Long Green Volunteer Fire Company. A Development Plan Conference was held on February 4, 2004 and a Hearing Officer's Hearing was held on February 27, 2004 in Room 106 of the County Office Building.

#### **Developer Issues**

The Developer raised no issues on his own and recommended approval of the plan.



### County Issues

Each of the representatives of the County agencies indicated that the Redline Plan addressed their issue and met all County regulations within their jurisdiction except:

#### DEPRM

Storm water management: DEPRM had just received changes to the Redline Plan involving location of storm water management facilities and storm drain inlets in roadways. Consequently, the representative from DEPRM could not say that the plan met all County requirements. He indicated his department's willingness to review the new information if the record was left open.

### Community Issues

Carroll Holzer, Esquire represented the "Citizens of Lakeside", an ad hoc association.

He raised the following issues:

Traffic, wells, storm water management, buffering location of cell tower, forest buffer and pollution.

### Applicable Law

Section 26-206 of the B.C.Z.R. Development Plan Approval.

- (a) (1) A public quasi-judicial hearing before the hearing officer is required prior to final action on a plan. The hearing may be informal in nature. The hearing officer shall regulate the course of the hearing as he may deem proper, including the scope and nature of the testimony and evidence presented.
- (2) The hearing officer shall take testimony and receive evidence regarding any unresolved comment or condition that is relevant to the proposed plan, including testimony or evidence regarding any potential impact of any approved development upon the proposed plan.
- (3) The hearing officer shall make findings for the record and shall render a decision pursuant to the requirements of this section.
- (b) The hearing officer shall grant approval of a Development Plan that complies with these development regulations and applicable policies, rules and regulations promulgated pursuant to section 2-416 et seq. of the Code, provided that the final approval of a plan shall be subject to all appropriate standards, rules, regulations,



conditions, and safeguards set forth therein.

- (o) In approving a plan, the hearing officer may impose such conditions, as may be deemed necessary or advisable based upon such factual findings as may be supported by evidence for the protection of surrounding and neighboring properties. Such conditions may only be imposed if:
  - (1) The condition is based upon a comment which was raised or a condition which was proposed or requested by a part;
  - (2) Without the condition there will be an adverse impact on the health, safety or welfare of the community;
  - (3) The condition will alleviate the adverse impact; and
  - (4) The condition does not reduce by more than twenty (20) percent the number of dwelling units proposed by a residential Development Plan in a D.R.5.5, DR 10.5, or DR 16 zone, and no more than twenty (20) percent of the square footage proposed by a non-residential Development Plan. This subsection is not applicable to a PUD Development Plan.

#### *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.

#### **Testimony and Evidence**

The hearing was convened on February 27, 2004. Testimony indicated that the property on which the development is proposed consists of 154.4 acres, more or less, and is zoned RC 4. Mr. Merritt, the Developer's engineer, testified that under RC 4 zoning the Developer would be allowed 29 dwelling units. However, the Developer is now proposing 27 dwellings with 25 new homes constructed and two existing homes preserved. The largest lot will be Lot 27 that has 109 acres which will contain the existing agricultural uses, dwelling, wetlands and forested areas. The remaining land would be developed in three distinct pods.



The first pod will be located in the southeastern portion of the property and would contain 8 new homes and one existing home. This pod would be served by a public road and a cul-de-sac off of Manor Road. Storm water would be processed by storm water management pond #2. The second pod contains two new homes located on the southwest side of Morgan Mill Road. Across Morgan Mill Road is an existing cell tower, which was approved in Case No. 93-348-SPHA. Finally, the third pod is located off an extension of Deerbit Lane, which again will end in a cul-de-sac. Eleven new homes are proposed in this area with only two homes located by Morgan Mill Road. Storm water from this pod will be processed by storm water management pond #1. All homes will use well and septic systems.

Since there is no public water available, the Developer is required by the Code to provide large water tanks to be available in case of fire. The Developer proposes to install below ground tanks (except for access piping) in two locations. The first will be a 30,000 gallon tank in the third pod off of Morgan Mill Road. The second will be another 30,000 gallon tank between the first and second pods on Manor Road. The Developer's engineer points out that this tank only has to have a 12,000 gallon capacity by Code and that once installed the water in these tanks can be used to suppress any fire in the area not just those in this subdivision.

Finally, the engineer pointed out that the storm water management system would collect and control the additional storm water generated by the additional impervious surfaces such as roofs, roads and the like. There would be an initial filter and then temporary pond, which would discharge within 24 hours of the storm.

### Citizen Concerns

Chris Sawicki expressed concerns about storm water runoff from the property, the impact on schools with the additional children from this new development, and traffic especially in the winter. Kathy Kerch testified concerning the effect the development will have on the stream

DATE 5/12/04  
BY [Signature]  
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under Morgan Mill Road, the safety of children using the school bus on that road, and the need for additional fire suppressant capability in the neighborhood. Nancy Wilking expressed her concerns about the upkeep of the fire tank, the possibility of mosquitoes breeding in the storm water management ponds, problems of well water in the area, and the desirability of larger lots. Charles Gettier testified regarding the value of rezoning the property to RC 7, and the storm water eventually getting into Loch Raven reservoir or the Gunpowder River. Chris Held expressed concern about Lots 12 and 13 and the storm water management areas discharging into nearby properties. Edward Kelly testified that he supported the Development Plan and opposes any downshifting of zoning in the area. Similarly, William Meister testified in favor of the plan. The hearing was continued.

#### **Street Light Issue**

On May 7, 2004, the hearing reconvened at which time the Developer raised an issue on behalf of the Department of Public Works whose representative did not attend the hearing. Apparently, while the record was open, a representative of the Department of Public Works informally notified the Developer that three street lights would be required in the development. One street light would be located at the intersection of Manor Road and the cul-de-sac serving the eight home pod, one at the end of that cul-de-sac, and one at the end of the cul-de-sac which serves the homes on Deerbit Lane extension. Having raised the issues, the Developer indicated that its expert witness would recommend the street light at the intersection of Manor Road and the cul-de-sac but saw no need for the other street lights. Mr. Holzer, on behalf of the community, echoed that position noting that rural communities routinely request no street lamps but he recognized the need for the light at the Manor Road intersection.



## **Department of Environmental Protection and Resource Management**

As noted above, DEPRM requested and the Developer agreed that the record remain open for storm water management review by DEPRM of data submitted by the Developer. The DEPRM representative stated at the May 7, 2004 hearing that their review was complete and that the storm water management portion of the plan met all County regulations.

### **Community/Developer Agreement**

Mr. Alderman presented, and Mr. Holzer concurred, that after extensive negotiations the parties had come to a settlement of the differences between them. They jointly presented Joint Exhibit No. 1, the agreement dated May 7, 2004 that has the following salient features:

- Future use of certain lots, a second cell tower not be allowed, a well agreement and Joint Exhibit No. 1 be incorporated into any Order from this Commission.
- That the Community now supports the approval of the Development Plan.

Walt Smith, on behalf of the County, indicated that he had reviewed the revised plan with each County agency and neither he nor any of the agencies recommended that the revised plan be remanded to the Development Plan Conference for further review by the County.

### **Zoning Case**

The Developer indicated that as a consequence of the agreement reached with the community, the Developer withdrew its request for approval of a non-density Parcel (Parcel B) comprised of approximately 5.0 +/- acres to be retained by the Owner as a parcel that will not be improved with residential dwellings. Mr. Alderman indicated that this 5-acre area was to have been set aside for a second cell tower but that as part of the above agreement the Developer withdrew this request.

In regard to the Petitioner's request for approval of a non-density Parcel (Parcel A), comprised of approximately 0.99 +/- acres for conveyance to and merger with an adjoining lot of

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record, Mr. Alderman proffered that the transfer would not be detrimental to the health, safety, or welfare of the community and was within the spirit and intent of the zoning regulations. The effect is to allow an adjacent property owner to have a larger buffer around their home.

In regard to the Petitioners' request to amend the site plan and the relief requested (to the extent necessary) in Case No. 93-348-SPHXA, consistent with the approvals sought by this Petition and the Development Plan filed herein, the Petitioners modified the request slightly. The Petitioners agreed to include in the amendment of the earlier case to include the terms of the May 7, 2004 agreement shown on Joint Exhibit No. 1, as the terms of that agreement affect the earlier case. Mr. Alderman proffered that this was a house keeping change to bring the earlier case up and consistent with the holdings of this case. Again, he indicated that approval of this request would not be a detriment to the health, safety or welfare of the community and was within the spirit and intent of the zoning regulations. Mr. Holzer indicated that he supported these requests.

Although several persons attending the hearing indicated that they were not represented by any attorney of record they declined to testify after learning of the above agreement.

### **Findings of Fact and Conclusions of Law**

#### **Zoning Case**

In regard to the special hearing to approve: 1) a non-density Parcel (Parcel A) comprised of approximately 0.99 +/- acres for conveyance to and merger with an adjoining lot of record; and 2) an amendment to the site plan and relief in Case No. 93-348-SPHXA consistent with the approvals sought by this Petition, the Redline Development Plan, and the Developer/Community Agreement of May, 7, 2004, I find that these requests would not be a detriment to the health, safety, or welfare of the community and are within the spirit and intent of the zoning regulations. Therefore I will grant these requests.

The Developer has withdrawn its request to approve a non-density Parcel (Parcel B),



comprised of approximately 5.0 +/- acres to be retained by the owner as a parcel that will not be improved with residential dwellings. Therefore I will deny this request as moot.

### **Development Plan**

After considering the evidence and testimony in regard to street lights informally requested by the Department of Public Works, I will require the street light at the intersection of Manor Road and the cul-de-sac serving the eight lot pod, but not the street lights at the end of either cul-de-sac. All agreed that the light at the intersection is needed for safety. There was no evidence presented that indicated the lights at the end of each cul-de-sac were needed for safety.

I further find that the Redline Development Plan, as shown on Developer's Exhibit No. 1, complies with the development regulations and all applicable policies, rules and regulations promulgated pursuant to Section 2-416 et seq. of the Baltimore County Code, and that the Development Plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein. Therefore, I will approve the redline development plan subject to the following condition:

In addition, I find that the Agreement between Richard W. Smith and William M. Kerch, et al., dated May 7, 2004 shall be attached hereto and incorporated into this Order as Exhibit No. 1. This agreement shall be enforceable to the extent necessary by Baltimore County to carry out the terms therein.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 12 day of May, 2004, that the Petitioners' request: 1) to approve a non-density Parcel (Parcel A), comprised of approximately 0.99 +/- acres for conveyance to and merger with an adjoining lot of record and 2) to approve an amendment to the site plan and relief (to the extent necessary) in Case No. 93-348-SPHXA, consistent with the approvals sought by this Petition, the Redline Development Plan and the Developer/Community Agreement dated



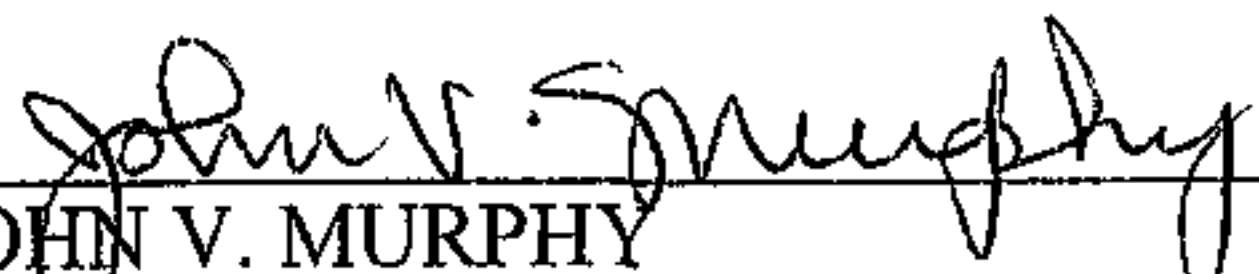
May, 7, 2004, be and they are hereby GRANTED; and

IT IS FURTHER ORDERED. that the Petitioners' request to approve a non-density Parcel (Parcel B) comprised of approximately 5.0 +/- acres to be retained by the owner as a parcel that will not be improved with residential dwellings having been withdrawn, is hereby Denied as moot; and

IT IS FURTHER ORDERED, that the Development Plan known as "Lakeside Farms", submitted into evidence as "Developer's Exhibit No. 1", be and is hereby APPROVED subject to the following condition:

1. The terms of the Agreement between Richard W. Smith and William M. Kerch, et al dated May 7, 2004 are hereby incorporated into this Order and a copy is attached hereto and made a part hereof. This attached agreement shall be known as Joint Exhibit No. 1. The agreement shall be enforceable to the extent necessary by Baltimore County to carry out the terms therein.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.

  
\_\_\_\_\_  
JOHN V. MURPHY  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

JVM:raj



comprised of approximately 5.0 +/- acres to be retained by the owner as a parcel that will not be improved with residential dwellings. Therefore I will deny this request as moot.

### **Development Plan**

After considering the evidence and testimony in regard to street lights informally requested by the Department of Public Works, I will require the street light at the intersection of Manor Road and the cul-de-sac serving the eight lot pod, but not the street lights at the end of either cul-de-sac. All agreed that the light at the intersection is needed for safety. There was no evidence presented that indicated the lights at the end of each cul-de-sac were needed for safety.

I further find that the Redline Development Plan, as shown on Developer's Exhibit No. 1, complies with the development regulations and all applicable policies, rules and regulations promulgated pursuant to Section 2-416 et seq. of the Baltimore County Code, and that the Development Plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein. Therefore, I will approve the redline development plan subject to the following condition:

In addition, I find that the Agreement between Richard W. Smith and William M. Kerch, et al., dated May 7, 2004 shall be attached hereto and incorporated into this Order as Exhibit No. 1. This agreement shall be enforceable to the extent necessary by Baltimore County to carry out the terms therein.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 12 day of May, 2004, that the Petitioners' request: 1) to approve a non-density Parcel (Parcel A), comprised of approximately 0.99 +/- acres for conveyance to and merger with an adjoining lot of record and 2) to approve an amendment to the site plan and relief (to the extent necessary) in Case No. 93-348-SPHXA, consistent with the approvals sought by this Petition, the Redline Development Plan and the Developer/Community Agreement dated



## **Zoning Commission**

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*

May 12, 2004

Howard Alderman, Jr., Esquire  
Levin & Gann  
502 Washington Avenue, 8<sup>th</sup> Floor  
Towson, Maryland 21204

Robert C. Loskot, Asst. County Attorney  
Baltimore County Office of Law  
2<sup>nd</sup> Floor, Old Courthouse  
Towson, Maryland 21204

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

Re: Lakeside Farms HOH & Special Hearing Request  
Case Nos. XI-837 & 04-319-SPH  
Property: 13240 Fork Road

Dear Messrs. Alderman, Holzer & Loskot:

Enclosed please find the decision rendered in the above-captioned case. The Development Plan and Special Hearing Request for the "Lakeside Farms" HOH have been approved 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,

A handwritten signature in cursive script that reads "John V. Murphy".  
John V. Murphy  
Deputy Zoning Commissioner

JVM:raj

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



Copies to:

Charles Merritt, Chris Hanson  
& Dave Billingsley  
Merritt Development Consultants, Inc.  
9831 Magledt Road  
Baltimore, Maryland 21234

Frank Kollman  
2 Tree Farm  
Glen Arm, MD 21057

David Power  
16 Tree Farm Court  
Glen Arm, MD 21057

Fred and Sue Hafner  
11441 Glen Arm Road  
Glen Arm, MD 21057

Jane Kozlowski  
11118 Old Carriage Road  
Glen Arm, MD 21057

Kathleen Gutberlet  
4113 Kincaid Road  
Baldwin, MD 21013

Carolyn and Steve Turney  
24 Tree Farm Court  
Glen Arm, MD 21057

William Pulford  
2 Wythe Court  
Glen Arm, MD 21057

William and Kathy Kerch  
1 Tree Farm Court  
Glen Arm, MD 21057

Jim and Judy Scheper  
11900 Manor Road  
Glen Arm, MD 21057

Mary and Bill Mester  
12421 Manor Road  
Glen Arm, MD 21057

Linda Eminizer  
11824 Manor Road  
Glen Arm, MD 21057

Michael DeFilippi  
11800 Manor Road  
Glen Arm, MD 21057

David Rhodes  
13919 Sunnybrook Road  
Phoenix, MD 21131

Greg Schnitzker  
12703 Ponderosa Lane  
Glen Arm, MD 21057

Cheryl & David Grabner  
4103 Halifax Court  
Glen Arm, MD 21057

Joseph Cunningham  
11615 Long Green Pike  
Glen Arm, MD 21057

J. Edward Kelly, Jr.  
13342 Long Green Pike  
Hydes, MD 21082

Ed Sharples  
12503 Fellowship Court  
Reisterstown, MD 21136

Scott Grabner  
14 Placid Woods Court  
Baltimore, MD 21234

Carol Shaw  
7 Country Hill Court  
P. O. Box 36  
Fork, MD 21051

Charlotte W. Pine  
607 Baltimore Avenue  
Towson, MD 21204



Mr. Sapp  
19 Tree Farm Court  
Glen Arm, MD 21057

Jocelyn and Chris Held  
12003 Deer Bit Lane  
Glen Arm, MD 21057

Chris Sawicki  
4302 Conifer Court  
Glen Arm, MD 21057

Kevin O'Neill  
4 Tree Farm Court  
Glen Arm, MD 21057

Sharon Kollman  
2 Tree Farm Court  
Glen Arm, MD 21057

Charles Gettier  
12308 Manor Road  
Glen Arm, MD 21057

Nancy Wilking  
6 Tree Farm Court  
Glen Arm, MD 21057

Jan McDonald  
309 Royal Oak Drive  
Bel Air, MD 21015

Joe Berg  
15 W. Aylesbury Road  
Timonium, MD 21093

Elaine Coppersmith  
1520 Glen Keith Blvd.  
Towson, MD 21286

**AND TO:**

Rick Smith, 12116 Manor Road, Glen Arm, MD 21057  
Jeff Tizard, 5 Leadburn Ct., Towson, MD 21204  
John Caroles, 1527 York Road, Lutherville, MD 21093  
Leonard T. Bohager, 2741 Ebbvale Road, Manchester, MD 21102





*Handwritten signature*

# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 12116 Manor Road

which is presently zoned RC-4

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:**

NONE

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

**Attorney For Petitioner:**

Howard L. Alderman, Jr., Esquire

Name - Type or Print

City

Signature

Levin & Gann, PA

Company

502 Washington Avenue, Suite 800

410-321-0600

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

**Legal Owner(s):**

Richard W. Smith

Name - Type or Print

Signature

Name - Type or Print

Signature

12116 Manor Road

410-592-7365

Address

Telephone No.

Glen Arm

MD

21057

State

Zip Code

**Representative to be Contacted:**

Charles Merritt/Merritt Development Consultants, Inc.

Name

9831 Magledt Road

410-663-5525

Address

Telephone No.

Baltimore

MD

21234

City

State

Zip Code

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By BK Date 1/9/04

TO BE COMBINED WITH  
HEARING OFFICER'S  
HEARING

BCC § 26-206.1

ORDER RECEIVED FOR FILING  
Date 5/12/04  
By [Signature]  
REV 9/15/98

Case No. 04-319-SPH



**ATTACHMENT**

**PETITION FOR SPECIAL HEARING**

**CASE NO:** 04- -SPH

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**Address:** 12116 Manor Road

**Legal Owners:** Richard W. Smith

**Present Zoning:** RC 4

**REQUESTED RELIEF:**

*"why the Zoning Commissioner should"* [1] approve a non-density Parcel (Parcel A) comprised of approximately 0.99 +/- acres for conveyance to and merger with an adjoining lot of record; **and** [2] approve a non-density Parcel (Parcel B) comprised of approximately 5.0 +/- acres to be retained by the Owner as a Parcel that will not be improved with residential dwellings; **and** [3] approve an amendment to the site plan and relief (to the extent necessary) in Case No. 93-348-SPHXA consistent with the approvals sought by this Petition and the Development Plan filed; **and** [4] such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

**FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:**

Howard L. Alderman, Jr., Esquire  
Levin & Gann, P.A.  
8<sup>th</sup> Floor, Nottingham Centre  
502 Washington Avenue  
Towson, Maryland 21204

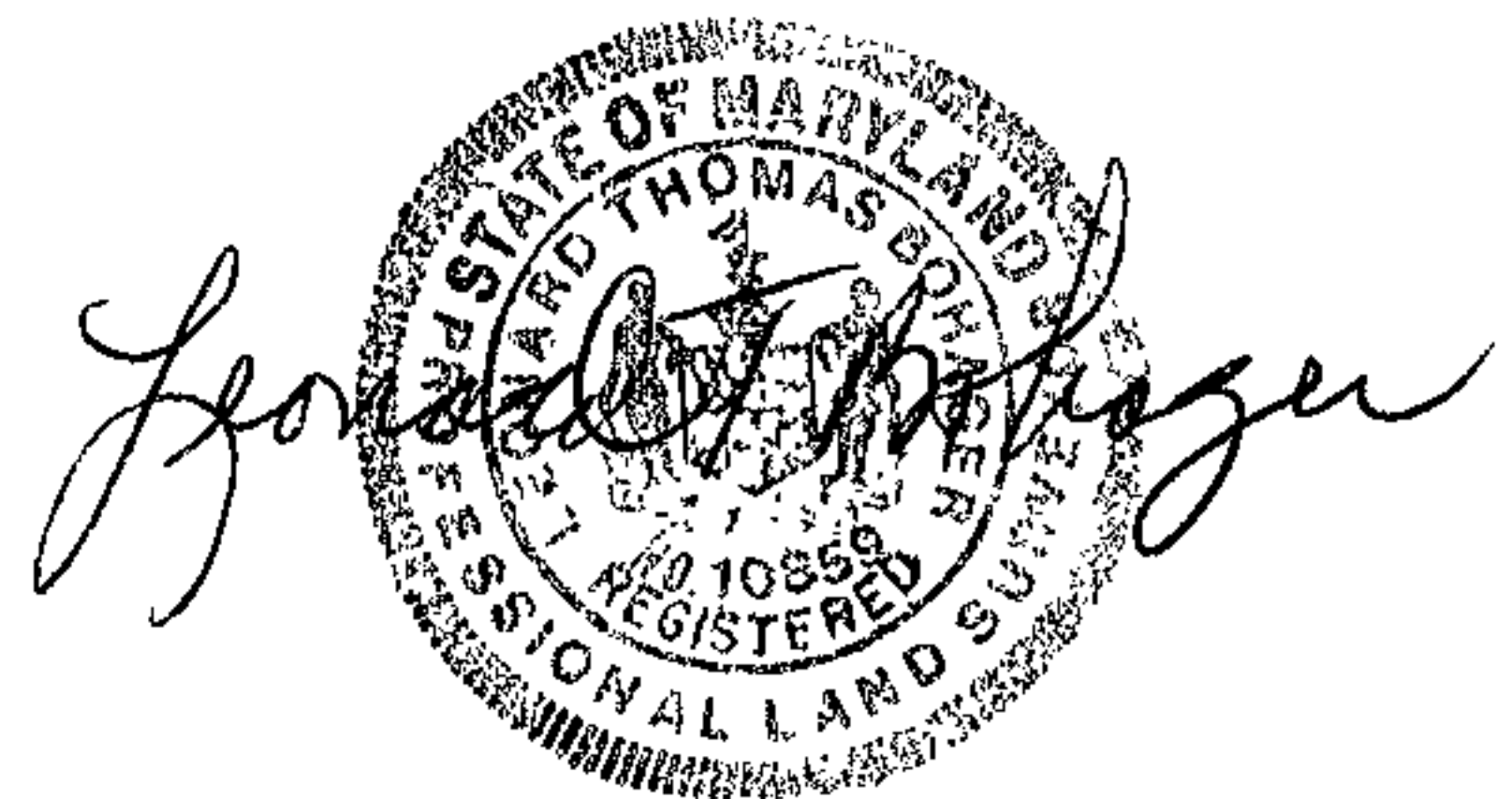
(410) 321-0600  
Fax: (410) 296-2801  
halderman@LevinGann.com



December 29, 2003

ZONING DESCRIPTION FOR #12116 MANOR ROAD

Beginning at a point in the center of Manor Road, which has a paving width of 20 feet, at the distance of 270 feet northeast of the centerline of the nearest improved intersecting street, Morgan Mill Road, which has a paving width of 20 feet. Thence **(1)** North 64 degrees 54 minutes 40 seconds West 223.30 feet; **(2)** South 33 degrees 15 minutes 20 seconds West 230.59 feet; **(3)** South 56 degrees 44 minutes 43 seconds East 258.68 feet; **(4)** South 25 degrees 05 minutes 20 seconds West 16.62 feet; **(5)** South 81 degrees 14 minutes 13 seconds West 74.25 feet; **(6)** South 67 degrees 48 minutes 13 seconds West 920.23 feet; **(7)** North 25 degrees 39 minutes 03 seconds East 878.25 feet; **(8)** North 52 degrees 25 minutes 09 seconds West 489.22 feet; **(9)** North 43 degrees 51 minutes 41 seconds West 1013.05 feet; **(10)** North 26 degrees 53 minutes 15 seconds East 2064.72 feet; **(11)** South 52 degrees 49 minutes 52 seconds East 701.18 feet; **(12)** North 07 degrees 02 minutes 23 seconds East 1508.23 feet; **(13)** South 44 degrees 33 minutes 19 seconds East 1317.26 feet; **(14)** North 52 degrees 05 minutes 56 seconds East 72.61 feet; **(15)** South 55 degrees 44 minutes 28 seconds East 556.40 feet; **(16)** South 25 degrees 05 minutes 20 seconds West 3217.56 feet to the place of beginning. As recorded in Deed Liber 4308 folio 271, containing 154.4 acres, more or less. Also known as 12116 Manor Road and located in the 11<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District.





BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 32693

DATE 1/9/03 ACCOUNT K001-006-6150

AMOUNT \$ 325.00

RECEIVED FROM: Robert Smith

FOR: Coning Special Hearing

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Tom H 3/19

PAID RECEIPT

BUSINESS OTHER TIME RM  
1/12/2004 1/09/2004 14:16:35 3

REF #503 WALKIN LPT LP

RECEIPT # 26560 1/12/2004 OFL

Doc 5 528 ZIMING VERIFICATION

CR NO. 02693

Receipt Tot \$325.00

\$325.00 CR 1.00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION



**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: #04-319-SPH

12116 Manor Road

W/side of Manor Road, north and south of Morgan Mill Road  
11th Election District - 3rd Councilmanic District

Legal Owner(s): Richard Smith

**Special Hearing:** to approve a non-density Parcel (Parcel A) 0.99 +/- acres for conveyance to an adjoining lot of record. To approve a non-density Parcel (Parcel B) 5.0 +/- acres to be retained by the owner that will not be improved with residential dwellings. To approve an amendment to the site plan and relief (to the extent necessary) in Case No. 93-348-SPHX such additional relief this petition may require.

**Hearing: Friday, February 27, 2004 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.**

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

2/139 Feb. 12 0649000

# CERTIFICATE OF PUBLICATION

2/12/2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/12/2004.

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

*S. Wilkinson*

LEGAL ADVERTISING



# CERTIFICATE OF POSTING

Date: 2/16/04

RE: Case Number: 04-319-SPH

Petitioner ~~(Developer)~~ RICHARD W. SMITH

Date of Hearing Closing: FEB. 27, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously  
(1) DRIVE ENTRANCE TO 12116 MANOR RD (2) NORTH SIDE  
on the property located at \_\_\_\_\_

OF MORGAN MILL ROAD 1900'± EAST of MANOR ROAD

The sign(s) were posted on FEB. 11, 2004  
(Month, Day, Year)

Charles E. Merritt  
(Signature of Sign Poster)

Charles E. Merritt  
9831 Magledt Road  
Baltimore, MD 21234  
410-665-5562



# 701110-1000

PROCEEDINGS WILL BE HELD BY  
THE JUDICIAL COMMISSIONER  
IN TOWSON, MD

## NOTICE

HEARING WILL BE HELD BY  
THE JUDICIAL COMMISSIONER  
IN TOWSON, MD



RE: PETITION FOR SPECIAL HEARING  
12116 Manor Road; W/side Manor Road,  
N & S of Morgan Mill Road  
11<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts  
Legal Owner(s): Richard W. Smith  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* 04-319-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 and documentation filed in the case.

**RECEIVED**

**JAN 27 2004**

**Per.....**

  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 28<sup>th</sup> day of January, 2004, a copy of the foregoing Entry of Appearance was mailed to Charles Merritt, Merritt Development Consultants, Inc, 9831 Magledt Road, Baltimore, MD, 21234 & to Howard L. Alderman, Jr, Esquire, 502 Washington Avenue, 8<sup>th</sup> Floor, Towson, MD, 21204, Attorney for Petitioner(s).

  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



TO: PATUXENT PUBLISHING COMPANY  
Thursday, February 12, 2004 Issue - Jeffersonian

Please forward billing to:  
Richard Smith  
12116 Manor Road  
Glen Arm, MD 21057

410-592-7365

---

## NOTICE OF ZONING HEARING

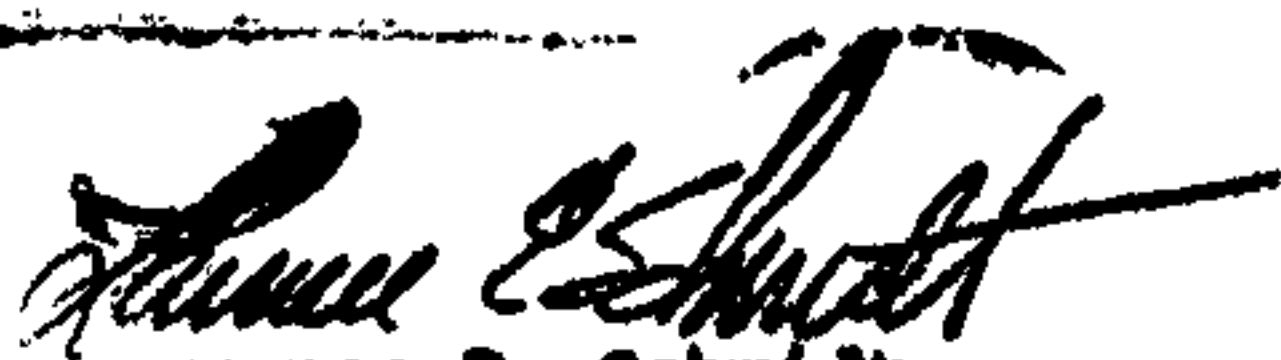
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 04-319-SPH**

12116 Manor Road  
W/side of Manor Road, north and south of Morgan Mill Road  
11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owner: Richard Smith

Special Hearing to approve a non-density Parcel (Parcel A) 0.99 +/- acres for conveyance to an adjoining lot of record. To approve a non-density Parcel (Parcel B) 5.0 +/- acres to be retained by the owner that will not be improved with residential dwellings. To approve an amendment to the site plan and relief (to the extent necessary) in Case No. 93-348-SPHX such additional relief this petition may require.

Hearing: Friday, February 27, 2004, at 9:00 a.m. in Room 106, County Office Building,  
111 W. Chesapeake Avenue



LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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





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*

January 27, 2004

## **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: 04-319-SPH**

12116 Manor Road

W/side of Manor Road, north and south of Morgan Mill Road

11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: Richard Smith

Special Hearing to approve a non-density Parcel (Parcel A) 0.99 +/- acres for conveyance to an adjoining lot of record. To approve a non-density Parcel (Parcel B) 5.0 +/- acres to be retained by the owner that will not be improved with residential dwellings. To approve an amendment to the site plan and relief (to the extent necessary) in Case No. 93-348-SPHX such additional relief this petition may require.

Hearing: Friday, February 27, 2004, at 9:00 a.m. in Room 106, County Office Building,  
111 W. Chesapeake Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Howard Alderman, Levin & Gann, 502 Washington Ave., Ste. 800, Towson 21204  
Richard Smith, 12116 Manor Rd., Glen Arm, 21057  
Charles Merritt, 9831 Magledt Road, Baltimore 21234

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, FEBRUARY 12, 2004.**
- (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](http://www.baltimorecountyonline.info)





**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

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

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

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

---

---

**For Newspaper Advertising:**

Item Number or Case Number: 04-319-SPH  
Petitioner: Richard W. Smith  
Address or Location: 12116 Manor Rd.

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Richard W. Smith  
Address: 12116 Manor Rd.  
Glen Arm, MD 21057  
  
Telephone Number: 410-592-7365





Baltimore County  
Department of Permits and  
Development Management

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

February 20, 2004

Howard L. Alderman, Jr.  
Levin & Gann, P.A.  
502 Washington Avenue, Suite 800  
Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number:04-319-SPH, 12116 Manor Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 9, 2004.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel  
Richard W. Smith 12116 Manor Road Glen Arm 21057  
Charles Merritt Merritt Development Consultants 9831 Magledt Road Baltimore 21234

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)





**Baltimore County  
Fire Department**

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

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

January 20, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: January 20, 2004

Item No.: 311-320

(319)

Dear Ms. Hart:

6. 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



**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** February 10, 2004

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For January 26, 2004  
Item Nos. 311, 312, 313, 314, 315, 316,  
317, 319, and 320

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

RWB:CEN:jrb

cc: File



*Given to  
Parties at  
2/27/04  
Hearing*

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** February 24, 2004

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

**SUBJECT:** 12116 Manor Road

**INFORMATION:**

**Item Number:** 4-319

**Petitioner:** Richard W. Smith

**Zoning:** RC 4

**Requested Action:** Special Hearing

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning has reviewed the petitioner's request and the Development Plan (Lakeside Farms – PDM #: XI-873) associated with the subject property and does not oppose the creation of Parcel A. This office will defer to the Department of Environmental Protection and Resource Management regarding the location, configuration, size, and use of Parcel B.

**Prepared by:**

*Mark A. Campbell*

**Section Chief:**

*John J. [Signature]*

AFK/LL:MAC:

RECEIVED

FEB 25 2004

ZONING COMMISSIONER





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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1.20.04

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

RE: Baltimore County  
Item No. 319 BPR

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,

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



**FILE COPY**

**DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT (this "Agreement") made this 7<sup>th</sup> day of May, 2004 by and among **RICHARD W. SMITH**, (referred to hereafter as "Smith" or "Developer"); and **WILLIAM M. KERCH** and **KATHLEEN A. KERCH** (the "Kerchs"), **FRANK L. KOLLMAN** and **SHARON A. KOLLMAN** (the "Kollmans"), **KEVIN F. O'NEILL** and **ANITA HEALY O'NEILL** (the "O'Neills"), **PHILIP M. MOUNT** and **NANCY W. WILKING** (the "Mount-Wilkins"), **RONALD T. CARTER** and **SUSAN C. CARTER** (the "Carters"), **JOHN T. ARMISTEAD** and **SALLY J. ARMISTEAD** (the "Armisteads"), **J. CALVIN JENKINS, JR.** and **CATHERINE B. JENKINS** (the "Jenkins"), **DAVID A. POWER** and **KATHLEEN B. POWER** (the "Powers"), **THOMAS J. LYNCH, SR.** and **BARBARA S. LYNCH** (the "Lynchs"), **STEPHEN TURNEY** and **CAROLYN G. TURNEY** (the "Turneys"), **ALAN G. WOODMAN** and **CLARACELE M. WOODMAN** (the "Woodmans"), **LINDA HAYNES EMINIZER** ("Eminizer"), and the **LONG GREEN VALLEY ASSOCIATION, INC.**, a Maryland corporation ("LGVA") (the Kerchs, the Kollmans, the O'Neills, the Mount-Wilkins, the Carters, the Armisteads, the Jenkins, the Powers, the Lynchs, the Turneys, the Woodmans, Eminizer and LGVA are referred to hereafter collectively as the "**Neighbors**").

**RECITALS:**

**WHEREAS**, Smith is the owner of a parcel of land, located on the west side of Manor Road, on the north and south sides of Morgan Mill Road in the 11<sup>th</sup> Election District of Baltimore County, which Smith is proposing for residential development (as shown on the State Tax Map No. 53 for Baltimore County, Maryland, Parcel No. 226) (the "Development Land"); and

**WHEREAS**, the Kerchs, pursuant to a deed recorded among the Land Records of Baltimore County in Liber 11767, folio 146, own property in the Lakeside residential subdivision adjacent to the Development Land (the "Kerchs' Property"); and

**WHEREAS**, the Kollmans, pursuant to a deed recorded among the Land Records of Baltimore County in Liber 9001, folio 832, own property in the Lakeside residential subdivision adjacent to the Development Land (the "Kollmans' Property"); and

**WHEREAS**, the O'Neills, pursuant to a deed recorded among the Land Records of Baltimore County in Liber 17929, folio 146, own property in the Lakeside residential subdivision adjacent to the Development Land (the "O'Neills' Property"); and

**WHEREAS**, the Mount-Wilkins' pursuant to a deed recorded among the Land Records of Baltimore County in Liber 7390, folio 437, own property in the Lakeside residential subdivision adjacent to the Development Land (the "Mount-Wilkins' Property"); and

**WHEREAS**, the Carters, pursuant to a deed recorded among the Land Records of Baltimore County in Liber 14462, folio 001, own property in the Lakeside residential subdivision adjacent to

R Smith - Lakeside-4::May 4, 2004

Page 1

ORDER RECEIVED FOR FILING

Date 5/12/04

By [Signature]

Joint exhibit #1



the Development Land (the "Carters' Property"); and

**WHEREAS**, the Armisteads' pursuant to a deed recorded among the Land Records of Baltimore County in Liber 8138, folio 538, own property in the Lakeside residential subdivision adjacent to the Development Land (the "Armisteads' Property"); and

**WHEREAS**, the Jenkins, pursuant to a deed recorded among the Land Records of Baltimore County in Liber 12978, folio 204, own property in the Lakeside residential subdivision adjacent to the Development Land (the "Jenkins' Property"); and

**WHEREAS**, the Powers, pursuant to a deed recorded among the Land Records of Baltimore County in Liber 5996, folio 554, own property in the Lakeside residential subdivision adjacent to the Development Land (the "Powers' Property"); and

**WHEREAS**, the Lynchs, pursuant to a deed recorded among the Land Records of Baltimore County in Liber 5963, folio 628, own property in the Lakeside residential subdivision adjacent to the Development Land (the "Lynchs' Property"); and

**WHEREAS**, the Turneys, pursuant to a deed recorded among the Land Records of Baltimore County in Liber 7411, folio 491, own property in the Lakeside residential subdivision adjacent to the Development Land (the "Turneys' Property"); and

**WHEREAS**, the Woodmans, pursuant to a deed recorded among the Land Records of Baltimore County in Liber 5932, folio 836, own property in the Lakeside residential subdivision adjacent to the Development Land (the "Woodmans' Property"); and

**WHEREAS**, Eminizer, pursuant to a deed recorded among the Land Records of Baltimore County in Liber 9712, folio 071, owns property in the in the immediate area of the Development Land (the "Eminizer Property") (the Kerchs' Property, the Kollmans' Property, the O'Neills' Property, the Mount-Wilkins' Property, the Carters' Property, the Armisteads' Property, the Jenkins' Property, the Powers' Property, the Lynchs' Property, the Turneys' Property, the Woodmans' Property and the Eminizer Property are referred to collectively hereafter as the "Neighbors' Residential Lots"); and

**WHEREAS**, the LGVA is comprised of individual Baltimore County residents who have an interest in preserving the existing character and quality of life in the community in which the Development Land is located; and

**WHEREAS**, the Developer submitted a plan of residential development of the Development Land with a total of (27) residential lots, said plan of development has been submitted as the "Lakeside Farms Development Plan"; and

**WHEREAS**, the Neighbors, through their legal counsel, have expressed certain issues and/or



concerns with respect to the density, design, layout and other features as presently proposed on the Lakeside Farms Development Plan as they may relate to the Neighbors' Residential Lots (the "Neighbors' Issues"); and

**WHEREAS**, the Developer and the Neighbors have discussed, in settlement and resolution of the Neighbors' Issues, certain modifications to the record plat to be filed for the Lakeside Farms Development Plan; and

**WHEREAS**, the parties hereto intend to resolve the Neighbors' Issues related to the development of the Development Land as shown on the Lakeside Farms Development Plan in accordance with the agreements and enforcement provisions hereof.

**NOW, THEREFORE**, in consideration of the sum of One Dollar (\$1) and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1. The above recitals form an integral part of this Agreement and are incorporated herein as if set forth again in their entirety.

2.

[REDACTED]

[REDACTED]

4. The Owner agrees that a second cell tower will not be permitted to be constructed on the Development Land (this prohibition shall not apply to repair/replacement of the existing tower or additional carrier(s) being added to or replaced on the existing tower providing the same is in accord with all applicable laws and regulations) and that the fencing around the existing tower will be repaired and maintained. Notwithstanding any portion hereof to the contrary, this provision shall run with and bind the Conservancy Lot depicted on the Lakeside Farms Development Plan, the Owner thereof and that Owner's successors and assigns.

5. The property owned by certain of the Neighbors is currently improved with private, on-site water wells. The Owner has prepared a Well Agreement for use by those of the Neighbors

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Date 5/12/04  
By [Signature]



desiring it, a copy of which is attached hereto and incorporated herein as Exhibit A, and which shall bind the Owner, his successors and assigns.

6. The Neighbors agree to support the approval of the Lakeside Farms Development Plan and the Record Plat applicable to the Development Land provided that the same are in accordance with this Agreement and the Development Plan for Lakeside Farms submitted to the Hearing Officer for approval. Not less than one (1) of the Neighbors and an authorized representative of the Long Green Valley Association, Inc., and their legal counsel agree to appear at the hearing to be held by the Hearing Officer for Baltimore County on such Lakeside Farms Development Plan and to testify, on behalf of all of the Neighbors, in support thereof based on the terms, conditions and restrictions in this Agreement.

7. Prior to any party hereto seeking judicial enforcement of this Agreement, the Owner or the Neighbors or any one or more of them as the case may be, shall give the other written notice of the alleged grievance as provided herein. Within twenty-one (21) days thereafter representatives of the respective parties to this Agreement shall meet to attempt to resolve amicably the alleged non-compliance or grievance. Unless the other party has not agreed to preserve the *status quo* during this twenty-one day period, the failure to comply with the dispute resolutions of this enumerated paragraph shall nullify the complaining party's ability to enforce the alleged grievance.

8. After the dispute resolution provisions contained herein have been complied with, any party to this Agreement that is required to institute legal or equitable action in enforcement hereof, shall be deemed to have standing to institute such action, including without limitation an action for injunctive relief. Any party that is successful in obtaining a favorable outcome of any action filed in enforcement of this Agreement, whether by mediation, arbitration, settlement and/or trial shall be entitled to recover reasonable attorney's fees and court costs of the action from the person or entity who did not prevail in such action. The provisions of this enumerated paragraph shall not be applicable unless and until the dispute resolution provisions set forth herein have been followed strictly.

9. The Neighbors, acting individually or jointly, shall not in any way, directly or indirectly, privately or publicly oppose the Lakeside Farms Plan, the Record Plat and/or any other required federal, state or county approval applicable to the Development Land provided that the same are in accordance with this Agreement and the development shown on the Lakeside Farms Development Plan.

10. Upon approval of the Lakeside Farms Development Plan for the Development Land as submitted to the Hearing Officer for Baltimore County in accordance with the information shown thereon and this Agreement, the Neighbors waive irrevocably the right to appeal any and all development approvals necessary for the Development Land. If the Lakeside Farms Development Plan for the Development Land is approved as submitted to the Hearing Officer for Baltimore County in accordance with the information shown thereon and this Agreement, and an appeal is taken by any person or entity and on appeal such development plan approval is reversed, this

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Date 5/12/04  
By [Signature]



Agreement shall automatically terminate and be null and void and of no further force and effect.

11. If the Lakeside Farms Development Plan for the Development Land is not substantially approved as submitted to the Hearing Officer for Baltimore County in accordance with the information shown thereon and this Agreement, without loss of lots as shown or any other modification that would limit or restrict the development shown on the Lakeside Farms Development Plan, this Agreement shall automatically terminate and be null and void and of no further force and effect.

12. If the zoning classification of RC-4 applicable to the Development Land or any portion thereof is changed by the County Council and such change, irrespective of issues of vesting or grandfathering of prior obtained approvals, prohibits or nullifies the proposed scheme of development depicted on the Lakeside Farms Development Plan, this Agreement shall automatically terminate and be null and void and of no further force and effect.

13. The Neighbors agree not to oppose, directly or indirectly the retention of the existing zoning classification of the Development Land during the 2004 Comprehensive Zoning Process. The Neighbors, directly or through legal counsel, agree to provide written confirmation to the Councilman for the 3<sup>rd</sup> Councilmanic District of Baltimore County of their individual and collective lack of opposition to the retention of the existing zoning classification of the Development Land.

14. The parties hereto agree that reasonable adjustments in the location of buildings, lot lines, septic reserve areas, building envelopes, landscaping, well locations and other residential features of the development of the Development Land shall be permitted provided that the same meets with approvals obtained from the governmental agency having jurisdiction thereover and provided that such adjustments do not result in a material change of any provision of this Agreement.

15. Notwithstanding any provision hereof or interpretation thereof to the contrary, the Owner shall be entitled to recognize any tax credits, deductions, benefits, etc. resulting from the dedication of the density of the Conservation Lots to a qualified environmental organization.

16. This Agreement shall be construed, interpreted and enforced according to the laws of the State of Maryland, without regard to principles of conflict of law. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms of any such provision shall be more strictly construed against one party or the other by reason of the rule of construction that a document is to be construed most strictly against the party who itself or through its agent who prepared the same, it being agreed that the agents of all parties hereto have participated in the preparation of this Agreement.

17. This Agreement contains the full and complete agreement of the parties hereto and no oral agreements, past, present or future shall be effective or binding on or against the parties unless the same shall be reduced to writing and executed in the same manner as this Agreement.

RECEIVED FOR  
5/12/04  
Date  
By



18. Each of the parties hereto warrant that they or it have the authority to enter into this Agreement and to bind themselves hereby and have carefully read and understand this Agreement and are cognizant of the terms and conditions hereof and the obligations associated herewith.

19. The parties hereto each warrant and represent that they have the power and requisite legal authority to bind themselves, their organization if acting in a representative capacity and their respective successors and assigns to the agreements herein contained, and if a corporation, limited liability company, partnership or similar entity, each further warrants and represents that it is duly organized and is in existence in accordance with Maryland law and that it has taken all necessary action required to be taken by its charter, by-laws, or other organizational documents to authorize the execution of this Agreement.

20. Any notices required or permitted to be given by either party to the other shall be addressed to the parties as follows:

To Owner: Mr. Richard W. Smith  
12116 Manor Road  
Glen Arm, Maryland 21057

with a copy to: Howard L. Alderman, Jr., Esquire  
Levin & Gann, PA  
Nottingham Centre, 8<sup>th</sup> Floor  
502 Washington Avenue  
Towson, Maryland 21204

To any of the Neighbors:

To the Kerchs: Mr. and Mrs. William Kerch  
One Tree Farm Court  
Glen Arm, Maryland 21057

To the Kollmans: Mr. and Mrs. Frank Kollman  
Two Tree Farm Court  
Glen Arm, Maryland 21057

To the O'Neills: Mr. and Mrs. Kevin O'Neill  
Four Tree Farm Court  
Glen Arm, Maryland 21057

To the Mount-Wilings Philip M. Mount, MD  
Nancy W. Wilking, MD  
Six Tree Farm Court  
Glen Arm, Maryland 21057

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Date 5/12/04  
By [Signature]



To the Carters: Mr. and Mrs. Ronald Carter  
Eight Tree Farm Court  
Glen Arm, Maryland 21057

To the Armisteads: Mr. and Mrs. John Armistead  
Nine Tree Farm Court  
Glen Arm, Maryland 21057

To the Jenkins: Mr. and Mrs. J. Calvin Jenkins, Jr.  
14 Tree Farm Court  
Glen Arm, Maryland 21057

To the Powers: Mr. and Mrs. David Power  
16 Tree Farm Court  
Glen Arm, Maryland 21057

To the Lynchs: Mr. and Mrs. Thomas J. Lynch, Sr.  
17 Tree Farm Court  
Glen Arm, Maryland 21057

To the Turneys: Mr. and Mrs. Stephen Turney  
24 Tree Farm Court  
Glen Arm, Maryland 21057

To the Woodmans: Mr. and Mrs. Alan Woodman  
12010 Deer Bit Lane  
Glen Arm, Maryland 21057

To Eminizer: Ms. Linda Eminizer  
11824 Manor Road  
Glen Arm, Maryland 21057

To LGVA: Long Green Valley Association, Inc.  
PO Box 91  
Baldwin, Maryland 21013

A copy of any Notice to any or all of the Neighbors shall also be sent to:

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



21. Any notice that is required to be given pursuant to this Agreement shall be in writing, and shall be deemed given upon actual receipt and shall be sent to all other parties by certified or registered mail, prepaid, or by federal express or other commercial overnight courier service to the last known address of the receiving party.

22. This Agreement may be amended only by a subsequent written instrument and signed by the parties hereto or their respective successors and/or assigns.

23. The failure in any instance to enforce any of the covenants, restrictions and conditions contained in this Agreement shall in no event constitute a waiver or estoppel of the right to enforce the same or any other covenant, restriction or condition in the event of another violation occurring prior or subsequent thereto. In the event any one or more of the covenants, restrictions and conditions herein contained should for any reason be declared invalid, the remaining covenants, restrictions or conditions shall continue in full force and effect.

24. Each of the parties hereto have had the benefit of private legal counsel before entering into this Agreement and each has agreed to be responsible for their respective counsel fees.

25. This Agreement may be executed in counterparts, each of which shall be deemed an original for all purposes, all of which shall together constitute a single and the same Agreement; each counterpart may be signed and transmitted initially by telefacsimile and the facsimile shall be considered as containing original signatures, provided that said counterpart is provided subsequently to each other party in its original form.

26. The parties hereto covenant and agree to execute such instrument or instruments as may be necessary from time to time to carry out the intent of the Agreement or to amend this Agreement as may be required by any governmental agencies having jurisdiction over the development of the Development Land approved by the Hearing Officer in order to obtain all required approvals required and to otherwise comply with all applicable laws, regulations and codes in keeping with the spirit and intent of this Agreement.

27. Notwithstanding any provision hereof to the contrary and irrespective of any rule, construction or precedent under the common law of the United States and/or Maryland, neither this Agreement nor any provision hereof shall be binding on any party hereto nor shall any portion of this Agreement be enforceable in any proceeding or otherwise disclosed to any person or entity other than the parties hereto and their respective legal counsel unless and until the complete signatures of all parties to this Agreement have been affixed hereto as provided herein.

28. It is agreed by the parties that the obligations and duties of the Developer under this Agreement shall apply fully to any person or entity that purchases, is conveyed or otherwise acquires the Development Land, in whole or in part, other than a Homeowner (as defined below). Thus, as used in this Agreement, the term "Developer" includes the Developer's successors, successors in interest, affiliates, partners, joint ventures, assigns, and any person or entity that purchases, is



conveyed or otherwise acquires the Development Land, in whole or in part, other than a Homeowner (as defined below). Any sale, conveyance, grant, transfer, bequest, or gift of the Development Land, in whole or in part, by the Developer to any person or entity, other than a Homeowner (as defined below), must include a provision in the operative documents that the obligations and duties of the Developer under this Agreement are incorporated therein. As used in this Agreement, the term "Homeowner" means the person(s) who purchases from the Developer, its successors and/or assigns for occupation the single-family dwellings constructed in the Development Land.

29. In the event that this Agreement is not completely executed by all parties hereto and a fully executed original delivered to legal counsel for the developer by 12:01 p.m. on Wednesday, May 5, 2004, this Agreement and all prior agreements, negotiations, proposals, suggestions, discussions and the like by and among the Developer, its representatives and the Neighbors and their representatives shall be automatically and without further writing or communication rendered null and void and of no further force or effect.

IN WITNESS WHEREOF, the parties hereto have affixed their respective hands and seals the date and year first above written.

WITNESS/ATTEST:

Howard J. Alderman

DEVELOPER/OWNER:

Richard W. Smith (SEAL)  
Richard W. Smith

NEIGHBORS:

Kerchs:

\_\_\_\_\_  
William M. Kerch (SEAL)

\_\_\_\_\_  
Kathleen A. Kerch (SEAL)

Kollmans:

\_\_\_\_\_  
Frank L. Kollman (SEAL)

\_\_\_\_\_  
Sharon A. Kollman (SEAL)

R Smith - Lakeside-4::May 4, 2004

Page 9

ORDER RECEIVED FOR PLANS

5/12/04

Dug



O'Neill's:

\_\_\_\_\_(SEAL)  
Kevin F. O'Neill

\_\_\_\_\_(SEAL)  
Anita Healy O'Neill

Mount-Wilkins:

\_\_\_\_\_(SEAL)  
Philip M. Mount, MD

\_\_\_\_\_(SEAL)  
Nancy W. Wilking, MD

Carters:

\_\_\_\_\_(SEAL)  
Ronald T. Carter

\_\_\_\_\_(SEAL)  
Susan C. Carter

Armisteads:

\_\_\_\_\_(SEAL)  
John T. Armistead

\_\_\_\_\_(SEAL)  
Sally J. Armistead

Jenkins:

\_\_\_\_\_(SEAL)  
J. Calvin Jenkins, Jr.

\_\_\_\_\_(SEAL)  
Catherine B. Jenkins

Powers:

\_\_\_\_\_(SEAL)  
David A. Power, PhD.

\_\_\_\_\_(SEAL)  
Kathleen B. Power



Lynchs:

\_\_\_\_\_(SEAL)  
Thomas J. Lynch, Sr.

\_\_\_\_\_(SEAL)  
Barbara S. Lynch

Turneys:

\_\_\_\_\_(SEAL)  
Stephen Turney, MD

\_\_\_\_\_(SEAL)  
Carolyn G. Turney

Woodmans:

\_\_\_\_\_(SEAL)  
Alan G. Woodman

\_\_\_\_\_(SEAL)  
Claracele M. Woodman

Eminizer:

*Linda H. Eminizer* (SEAL)  
Linda H. Eminizer

LGVA:

By: \_\_\_\_\_(SEAL)

\_\_\_\_\_  
[PRINTED/TYPED NAME]

\_\_\_\_\_  
[TITLE/CAPACITY/AUTHORITY]

*Richard W. Smith*

ORDER RECEIVED FOR FILING  
5/12/04  
Raf



## EXHIBIT A

### WELL AGREEMENT

Richard W. Smith hereby agrees, in connection with his development of the residential development known as Lakeside Farms, located on the west side of Manor Road, on the north and south sides of Morgan Mill Road in the 11<sup>th</sup> Election District of Baltimore County ("Lakeside Farms"), to drill a new well for any landowner who resides in the immediate neighborhood of Lakeside Farms who is a signatory to the *Development Agreement* ("Qualified Landowner") to which this Exhibit is attached, who experiences well problems which are directly attributed to the domestic wells for Lakeside Farms and who has complied with the requirements of this Well Agreement. To qualify for the benefits afforded under this Agreement, the Qualified Landowner must submit to Richard W. Smith, not later than ninety (90) days after receiving written notice from Richard W. Smith of commencement of construction of Lakeside Farms, certified well tests for potability (potability samples to be taken from within the residential improvements located on the Qualified Landowner's land) and yield which evidence that the water well which is the subject of this Agreement meets or exceeds current State minimum requirements.

Subsequent to initiation of ground water withdrawal for the first new, residential home on Lakeside Farms, and for a period of five (5) years from the date of said initiation, Richard W. Smith will provide a new private water well meeting State standards for any Qualified Landowner who has enrolled in this offer by complying with the requirements of this Well Agreement and whose well falls below the aforesaid State standards upon verification by the Maryland Department of Environment and/or Natural Resources that the Lakeside Farms wells were the primary cause of the failure of said State standards. The extent of this Agreement will be limited to a maximum expenditure on the part of Richard W. Smith of Eight Thousand Dollars (\$8,000.00) per enrolled, Qualified Landowner's lot and a maximum of \$50,000 in the aggregate for all enrolled, Qualified Landowners' lots. The Qualified Landowner named below shall submit a certified original of a report from a licensed well testing company that the existing water well on his/her/their land meets, at present, all current State minimum requirements. All Qualified Landowners desiring to be afforded the benefits provided by this Agreement shall execute in the space below provided and submit an original of this Agreement with the aforescribed verification.

This Well Agreement shall be binding on the successors and assigns of Richard W. Smith and shall run with and bind the Conservancy Lot depicted on the development plan which is the subject of *Development Agreement* to which this Exhibit is attached.

ORDER RECEIVED FOR FILING

Date

By

DATE

NAME

ADDRESS



## 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*

March 11, 2004

Howard Alderman, Esquire  
Levin & Gann  
502 Washington Avenue, 8<sup>th</sup> Floor  
Towson, Maryland 21204

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

Re: Lakeside Farms HOH & Special Hearing Request  
Case Nos. XI-837 & 04-319-SPH  
Property: 13240 Fork Road

Dear Messrs. Mr. Alderman & Holzer:

This letter is to confirm that the above-captioned matter, which was continued in open hearing on Friday, February 27, 2004, will reconvene on Friday, May 7, 2004 at 9:00 a.m. in Room 106 of the County Office Building in Towson. It would be appreciated if you would notify all interested parties of the new hearing date. It will not be necessary to have the property re-posted or re-advertised.

Should anyone have any questions concerning the rescheduling of this matter, please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "John V. Murphy".

John V. Murphy  
Deputy Zoning Commissioner

JVM:raj

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





Copies to:

Charles Merritt, Chris Hanson  
& Dave Billingsley  
Merritt Development Consultants, Inc.  
9831 Magledt Road  
Baltimore, Maryland 21234

Frank Kollman  
2 Tree Farm  
Glen Arm, MD 21057

David Power  
16 Tree Farm Court  
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Joseph Cunningham  
11615 Long Green Pike  
Glen Arm, MD 21057

J. Edward Kelly, Jr.  
13342 Long Green Pike  
Hydes, MD 21082

Ed Sharples  
12503 Fellowship Court  
Reisterstown, MD 21136

Scott Grabner  
14 Placid Woods Court  
Baltimore, MD 21234

Carol Shaw  
7 Country Hill Court  
P. O. Box 36  
Fork, MD 21051

Charlotte W. Pine  
607 Baltimore Avenue  
Towson, MD 21204



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Glen Arm, MD 21057



## **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*

**SENT VIA FACSIMILE 2/24/04**

February 24, 2004

Howard Alderman, Esquire  
Levin & Gann  
502 Washington Avenue, 8<sup>th</sup> Floor  
Towson, Maryland 21204

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

Re: LAKESIDE FARMS HOH No. XI-873  
& Case No. 04-319-SPH  
Property: W/S Manor Road, S Manorview Road

Dear Messrs. Alderman & Holzer:

I am in receipt of the letter from Mr. Holzer's office dated February 23, 2004 requesting a postponement of the above-referenced hearing now scheduled for February 27, 2004. I understand that Mr. Holzer has entered his appearance in the case but has not had time to review either file. Knowing both of your busy schedules, I have attached the ZAC comments received to date on the special hearing case. The development plan comments are a little difficult to send to you beforehand, given tight county budgets. They are available at our office.

From a review of the file, I can see that the property was posted for the HOH hearing on January 29, 2004, and the special hearing notice posted on February 11, 2004. Notice was published in the "Jeffersonian" for the special hearing case on February 12, 2004. I understand further that the community's request for postponement of February 17, 2004 was denied by the Department of Permits & Development Management.

It is my understanding that Mr. Holzer will request a postponement at the start of the ~~February 27, 2004 hearing, which I will consider after argument of counsel.~~

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy  
Deputy Zoning Commissioner

JVM:raj  
Enclosures

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





## 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*

### **CORRECTED REFERENCE LINES**

March 16, 2004

Howard Alderman, Esquire  
Levin & Gann  
502 Washington Avenue, 8<sup>th</sup> Floor  
Towson, Maryland 21204

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

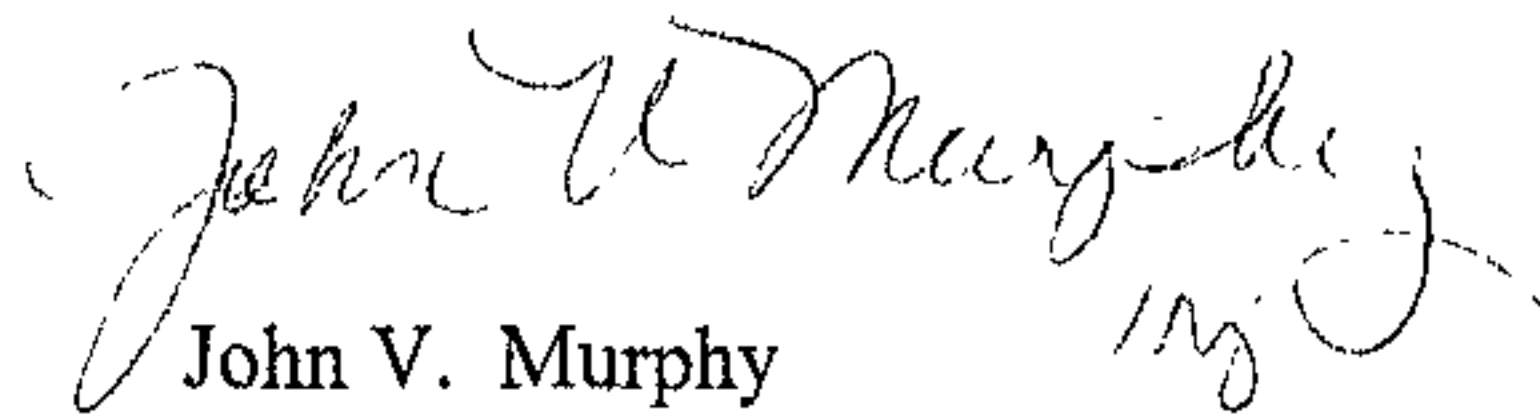
Re: Lakeside Farms HOH & Special Hearing Request  
Case Nos. XI-873 & 04-319-SPH  
Property: 12116 Manor Road

Dear Messrs. Alderman & Holzer:

This letter is to confirm that the above-captioned matter, which was continued in open hearing on Friday, February 27, 2004, will reconvene on Friday, May 7, 2004 at 9:00 a.m. in Room 106 of the County Office Building in Towson. It would be appreciated if you would notify all interested parties of the new hearing date. It will not be necessary to have the property re-posted or re-advertised.

Should anyone have any questions concerning the rescheduling of this matter, please do not hesitate to call me.

Very truly yours,

  
John V. Murphy  
Deputy Zoning Commissioner

JVM:raj

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





Copies to:

Charles Merritt, Chris Hanson  
& Dave Billingsley  
Merritt Development Consultants, Inc.  
9831 Magledt Road  
Baltimore, Maryland 21234

Frank Kollman  
2 Tree Farm  
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Nancy Wilking  
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## Office of Law

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

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



## Baltimore County

*One of the Best-Managed  
Counties in America*

June 28, 2004

### HAND DELIVERED

Timothy M. Kotroco, Director  
Department of Permits and Development Management  
111 West Chesapeake Avenue  
M.S. 1105  
Towson, Maryland 21204

Re: IN RE: DEVELOPMENT PLAN HEARING &  
PETITION FOR SPECIAL HEARING  
Notice of Appeal of Hearing Officer's Opinion and Development Plan Order  
Case Nos. IX-873 & 04-319-SPH  
Property: W/S Manor Road, S Manorview Road  
11<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
(Lakeside Farms)

Dear Mr. Kotroco:

Baltimore County, Maryland, hereby appeals to the Board of Appeals, the Hearing Officer's Opinion and Development Plan Order dated May 12, 2004, in the referenced cases, granting approval of the Development Plan for this project and property, and the Hearing Officer's Order on Motion for Reconsideration dated June 4, 2004, in the referenced cases, denying the Motion for Reconsideration.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "C. Robert Loskot".

C. Robert Loskot  
Assistant County Attorney

cc: Howard Alderman, Esquire  
David A. C. Carroll  
John E. Beverungen, Deputy County Attorney  
J. Carroll Holzer, Esquire

C:\OTHER LITIGATION\LETTERS\LAKE SIDE FARMS-KOTROCO-COUNTY APPEAL DEVELOPMENT PLAN ORDER.WPD

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





## Office of Law

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

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



## Baltimore County

*One of the Best-Managed  
Counties in America*

June 30, 2004

*To File  
TJK*

### **HAND DELIVERED**

Timothy M. Kotroco, Director  
Department of Permits and Development Management  
111 West Chesapeake Avenue  
M.S. 1105  
Towson, Maryland 21204

Re: IN RE: DEVELOPMENT PLAN HEARING &  
PETITION FOR SPECIAL HEARING  
Notice of Appeal of Hearing Officer's Opinion and Development Plan Order  
Case Nos. IX-873 & 04-319-SPH  
Property: W/S Manor Road, S Manorview Road  
11<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
(Lakeside Farms)

Dear Mr. Kotroco:

Pursuant to your request, Baltimore County, Maryland, hereby withdraws its appeal to the Board of Appeals, of the Hearing Officer's Opinion and Development Plan Order dated May 12, 2004, in the referenced cases, granting approval of the Development Plan for this project and property, and the Hearing Officer's Order on Motion for Reconsideration dated June 4, 2004, in the referenced cases, denying the Motion for Reconsideration.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "C. Robert Loskot".

C. Robert Loskot  
Assistant County Attorney

cc: Howard Alderman, Esquire  
David A. C. Carroll  
John E. Beverungen, Deputy County Attorney  
J. Carroll Holzer, Esquire

CA\OTHER LITIGATION\LETTERS\LAKE SIDE FARMS-KOTROCO-COUNTY APPEAL WITHDRAWAL.WPD

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





3/12/04 correction letter sent to neighbors in "Lakeside Farms" HOA  
-reference lines changed.

e-mailed  
to:

Emlnizer, Linda  
Grabner, David  
Grabner, Scott  
Gutberlet, Kathleer  
Hafner, Fred  
Hafner, Sue  
Held, Chris  
Held, Jocelyn  
Kelly, Jr., J. Edward  
Kerch, William  
Kollman, Frank  
Kollman, Sharon  
Long Green Comm  
O'Neill, Kevin  
Pine, Charlotte  
Pulford, William  
Sawicki, Chris  
Shaw, Carol  
Turney, Carolyn  
Wilking, Nancy

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matt4113@aol.com  
ezmover@bcpl.net  
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cheld@metamediausa.com  
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fkollman@kollmanlaw.com  
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emnzt  
CD95  
SASN  
matt4113  
ezmover  
SHafner  
cheld  
Jocelyn G H  
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kerch01  
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sakollman

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carolnshaw@comcast.net  
cgturney@cs.com  
NANWI@aol.com

kevin-o'neill  
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wmp1  
sawicki  
carolnshaw  
cgturney  
NANWI

Those <sup>without e-mail</sup> who oppose development were sent corrected  
letter via regular U.S. mail.

Rag  
3/16/04



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

DIRECT DIAL  
410-321-4640

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

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

RECEIVED

February 25, 2004

FEB 26 2004

ZONING COMMISSIONER

**VIA TELEFAX & REGULAR MAIL**

Lawrence E. Schmidt, Esquire  
Zoning Commissioner for Baltimore County  
401 Bosley Avenue, Suite 405  
Towson, Maryland 21204

RE: Richard W. Smith Property  
Development Plan and Special Hearing  
Case Nos. PDM XI-873/04-319-SPH  
Opposition to Postponement

Dear Mr. Schmidt:

My office received yesterday, February 24, 2004 (via telefax) a copy of J. Carroll Holzer's letter to you, dated February 23, 2004, requesting a postponement of the above-referenced matters. I spoke with Mr. Sterling Leese of Mr. Holzer's office yesterday and he advised that Mr. Holzer had not even entered his appearance in these cases as of the time of that conversation – approximately 11:00 am on February 24, 2004. Apparently, certain individuals and/or group(s) have waited until the eleven and one-half (11 ½) hour to retain Mr. Holzer. The hearing on the above-cases has been published, listed on the internet and the property has been posted, all in accord with County law and regulation well in advance of the scheduled hearing on February 27, 2004.

Certainly, Mr. Holzer has no control over when a client elects to retain his services. However, in this case his "new clients" have waited to the absolute last minute to request a postponement and to retain counsel. Most, if not all of Mr. Holzer's new clients have been aware of the scheduled hearing as a result of the required mailings from my client's development consultant. Moreover, upon information and belief, most of Mr. Holzer's new clients have been kept fully informed of the scheduled hearing, the county comments and other aspects of the proposed development through the information posted at <http://www.kollman-saucier.com> [click on Site Map and then the link titled "Smith Farm Information"]. My client, Richard W. Smith, owner of the subject property, should not be prejudiced by the untimely actions of those who apparently oppose this development.

In opposing this request for postponement I would note that there has not even been an attempt by Mr. Holzer's new clients to suggest why his services were not retained in advance of his departure on vacation. As I read Rule G of the *Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer of Baltimore County*, a postponement request within five (5) days

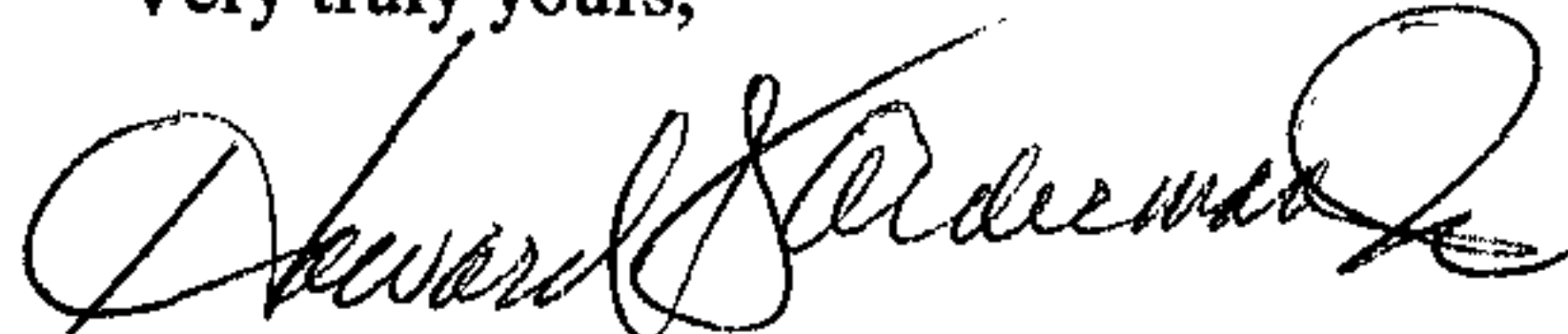


Lawrence E. Schmidt, Esquire  
February 25, 2004  
Page 2

of the scheduled hearing must describe the unusual and extraordinary nature of the circumstances requiring the postponement, setting forth good and sufficient reasons for such postponement. Mr. Holzer's absence from the State is neither unusual nor extraordinary and does not provide his new clients with the justification necessary for the granting of the requested postponement. My client views this last minute request by Mr. Holzer's new clients as their continued attempts to further delay a hearing on these matters.

For all of the foregoing reasons, the request for postponement should be denied.

Very truly yours,

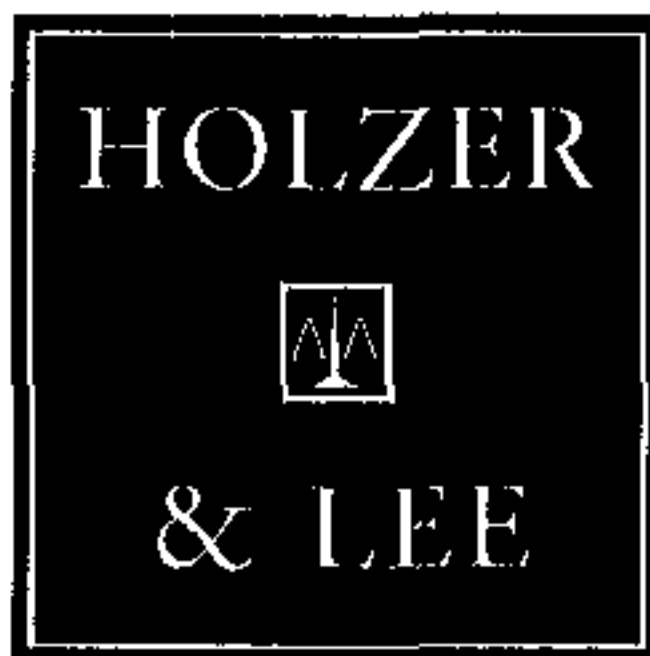
A handwritten signature in cursive script, appearing to read "Howard L. Alderman, Jr.", written in dark ink.

Howard L. Alderman, Jr.

HLA/gk

c: Mr. Richard W. Smith  
Mr. Charles Merritt [via email only]  
J. Carroll Holzer, Esquire [via telefax only]  
Peter Max Zimmerman, People's Counsel for Baltimore County [via telefax only]





LAW OFFICES

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J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

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(410) 825-6961

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E-MAIL: JCHOLZER@BCPL.NLT

February 23, 2004

**VIA FAX 410-887-3468**

Lawrence E. Schmidt, Esquire  
Zoning Commissioner for Baltimore County  
4th Floor, County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

Re: Petition for Special Hearing and Development Plan  
PDM # 11-873 and Case No. 4-319-SPH  
W/S Manor Road; S Manorview Road

Dear Zoning Commissioner Schmidt:

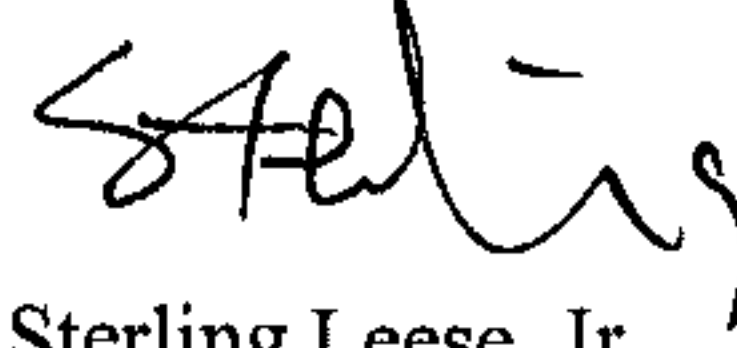
As you may know, Mr. Holzer has been out of the state from February 11 until this evening, when he is expected to return. I received a telephone call and fax yesterday from a representative of Citizens of Lakeside and the Long Green Valley Association indicating that there is a hearing scheduled for Friday, February 27 at 9:00 a.m. in Room 106 of the County Office Building in the above referenced matter. Because Mr. Holzer has not as yet seen the file or county comments, nor reviewed the Development Plan and the requested relief in the Petition for Special Hearing, I am writing, after consulting with Mr. Holzer via cellular telephone, to herewith enter Mr. Holzer's appearance in the instant matter on behalf of the Long Green Valley Association and Citizens of Lakeside.

It is also my understanding that the Citizens of Lakeside, through a hand delivered letter to Mr. Kotroco dated February 17, 2004, requested a postponement. This office did not become aware of this postponement request until yesterday, February 23, 2004 and was informed today by Walt Smith of PDM that the request was denied. Consequently, this office respectfully requests a postponement of the hearing set for Friday, February 27, 2004. If this request is denied, Mr. Holzer has requested me to request the hearing be started on Friday, February 27 with no evidence taken in the SPH or Development Plan and the hearing be continued to a date and time mutually convenient to counsel and the Zoning Commissioner.



We appreciate your consideration in this matter and await your response.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sterling Leese, Jr.", with a stylized, cursive script.

Sterling Leese, Jr.

JCH:clg

cc: Howard Alderman, Esq.  
LGVA, Inc.  
Citizens of Lakeside



# ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 04-319-SPH

Date Completed/Initials

1-27-04

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)



PLEASE PRINT CLEARLY

CASE NAME X-873 & 04-319-SPH  
CASE NUMBER Lakeside Farm  
DATE 2/27/04 & 5/7/04

# CITIZEN'S SIGN-IN SHEET

| NAME                               | ADDRESS                       | CITY, STATE, ZIP      | E-MAIL                 |
|------------------------------------|-------------------------------|-----------------------|------------------------|
| X Joseph Cunningham                | 11615 Long Green Pike         | GLEN ARM MD 21057     |                        |
| J. EDWARDS KELLY JR                | 13342 LONG GREEN PIKE         | HYDES, MD. 21082      | HYDES1@VERBON.NET      |
| Ed Sharples                        | 12533 Fellowship Ct.          | Reisterstown MD 21136 |                        |
| Scott Graber                       | 14 Placid Woods Ct            | Balt. MD 21234        | Sasin@Comcast.net      |
| DAVID GRABNER                      | 4103 HALIFAX CT.              | GLEN ARM, MD. 21057   | CD95A@COMCAST.NET      |
| CAROL SHAW                         | 7 Country Hill Ct - PO Box 36 | Fork, MD 21051        | carolnshaw@comcast.net |
| Charlotte W. Pine                  | 607 Baltimore Ave             | Towson MD 21204       | cwp1921@comcast.net    |
| X Gordon Sage                      | 19 Tree Farm Ct               | Glen Arm MD 21057     |                        |
| Soledad Held                       | 12003 Deer Bit Ln             | Glen Arm MD 21057     | Soledad.Held@GSK.com   |
| Chris Held                         | 12003 Deer Bit Lane           | Glen Arm MD 21057     | cheld@metamediaosa.com |
| Chris Sawicki                      | 4302 Conifer Ct               | " " " "               | Sawicki1@Comcast.net   |
| Kevin O'Neill                      | 4 Tree Farm Ct                | " " " "               | KEVIN-ONEILL@PAUL.COM  |
| Sharon Kollman                     | 2 Tree Farm Ct                | Glen Arm, MD          | Ja Kollman@Arl.net     |
| CHARLES GETTIER                    | 12308 MARJOR ROAD             | GLEN ARM, MD 21057    |                        |
| Jim Sawyer                         | 11900 MARJOR ROAD             | GLEN ARM MD 21057     |                        |
| * appears twice on sign-in sheet * |                               |                       |                        |
|                                    |                               |                       |                        |
|                                    |                               |                       |                        |
|                                    |                               |                       |                        |
|                                    |                               |                       |                        |



CASE NAME X-873 & 04-319-SP4  
CASE NUMBER LakeSide Farms  
DATE 2/27/04 & 5/7/04

**CITIZEN'S SIGN-IN SHEET**

[illegible]



PLEASE PRINT CLEARLY

CASE NAME Lakeside Farm  
CASE NUMBER XI-873  
DATE 2-27-04

# CITIZEN'S SIGN-IN SHEET

| NAME                 | ADDRESS              | CITY, STATE, ZIP    | E-MAIL                  |
|----------------------|----------------------|---------------------|-------------------------|
| Frank Kollman        | 2 Tree Farm Ct,      | Glen Arm, MD 21057  | fkollman@kollmanlaw.com |
| X David Power        | 16 Tree Farm Ct.     | Glen Arm, MD 21057  |                         |
| FRED HAFNER          | 11441 GLEN ARM RD,   | GLEN ARM, MD, 21057 | EMPOWER@BCPL.NET        |
| SUE HAFNER           | 11441 Glen Arm Rd    | Glen Arm, MD 21057  | shafner@co.ba.m.us      |
| X JANE KOZLOWSKI     | 1118 Old Carriage Rd | Glen Arm, MD 21057  |                         |
| KATHLEEN GUTBERLET   | 4113 KINCAID RD      | BALDWIN, MD 21013   | Matt4113@AOL.com        |
| CAROLYN G. TURNER    | 24 TREE FARM CT      | GLEN ARM, MD 21057  | CGTurner@CS.com         |
| STEVE Z TURNER       | 24 TREE FARM CT      | GLEN ARM, MD 21057  |                         |
| WILLIAM DUFORD       | 2 WYTHE CT           | GLEN ARM MD 21057   | wdp1@comcast.net        |
| William Kersch       | 1 Tree Farm Ct       | Glen Arm MD 21057   |                         |
| Kathy Kersch         | 1 Tree Farm Ct       | Glen Arm MD 21057   |                         |
| X JIM SCHAPER        | 11900 MANOR ROAD     | GLEN ARM, MD 21057  |                         |
| JUDY SCHAPER         | 11900 MANOR ROAD     | GLEN ARM, MD 21057  |                         |
| X Mary Louise MESTER | 12421 Manor Rd       | Glen Arm, MD 21057  |                         |
| BILL MESTER          | 12421 MANOR RD       | GLEN ARM 21057      |                         |
| LINDA EMINIZER       | 11824 Manor Rd       | Glen Arm 21057      | eminizer@hotmail.com    |
| X MICHAEL DEERUPPI   | 11800 Manor Rd       | Glen Arm 21057      |                         |
| X David Knodes       | 13919 Swanton Rd     | Prince MD 21131     |                         |
| GREG SCHWITZKE       | 12703 PANDORA LAKE   | Glen Arm MD 21057   | Brye3192@Aol.com        |
| Cheryl Grabner       | 4103 Halifax Ct.     | Glen Arm, MD 21057  | cd95@Comcast.net        |

\* (Same as David Grabner email)  
address