IN RE: PETITION FOR SPECIAL HEARING N/S Blue Mount Road, W of Wesley Chapel Road **(1924 Blue Mount Road)** 10th Election District 3rd Council District Estate of John Stutzka Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 04-550-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, the Estate of John Stutzka, by Tina Zimmerman, Executor, through their attorney, Robert Porter, Esquire. The Petitioners request approval of the Third Amended Final Development Plan for the Warren Property to permit the re-subdivision of the existing "Reserved Parcel" into two lots. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Tina M. Zimmerman, daughter of John Stutzka and Personal Representative of his Estate, property owner, and her husband Scott D. Zimmerman. Also appearing were Guy C. Ward, the Land Surveyor who prepared the site plan for this property, and Robert Porter, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the north side of Blue Mount Road, just east of the Gunpowder Falls, between Monkton Road and McComas Road in northeastern Baltimore County. The property contains a gross area 25.0675 acres more or less, zoned R.C.2, and is presently unimproved. The property is part of an overall tract known as the Warren Property, which was previously approved for subdivision on or about August 1, 1984 by the County Review Group (CRG). At that time the

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Date 9/27/04
By

CRG was that agency of County government which reviewed and approved development in Baltimore County. When originally approved, the property was zoned R.C.4. Through the originally approved subdivision plan and two subsequent amendments thereto, five lots were created. In addition to the five lots, a sixth parcel was retained and designated as a "Reserved Parcel." This Reserved Parcel is the property under consideration in the instant case. Additionally, four of the five lots previously created (Lots 1, 2, 3 and 5) have been recorded and have since been developed. Lot 4 has not yet been recorded.

During the Comprehensive Zoning Map process in 2000, the subject property was rezoned R.C.2 and that zoning classification continues today. At issue in the instant case is whether the undersigned Zoning Commissioner should permit the re-subdivision of the Reserved Parcel to create two lots. In addressing that question, it must first be determined whether the property is a "Lot of Record" as defined in Section 101 of the B.C.Z.R. Essentially, that definition defines the term as "Any parcel or lot of ground with duly established boundaries as recorded in the Land Records of Baltimore County." In this regard, the Petitioners produced a copy of a deed dated February 3, 1988 which was recorded in the Land Records of Baltimore County at Liber 7814, Folio 097. That deed describes the subject property and established the conveyance between Ruth Warren Stutzka and John Stutzka. Thus, it is clear that the subject property is indeed a lot of record.

The second issue for consideration relates to the property's rights of subdivision. In the judgment of the undersigned, the property may be subdivided once, in accordance with the R.C.2 zoning regulations. Although originally approved as part of the CRG plan when the property was zoned R.C.4, it is apparent that the current zoning classification and regulations apply as to any further subdivision of same. Pursuant to the R.C.2 zoning regulations, any lot between 2 and 100 acres may be subdivided once to create two lots. As the subject property is slightly in excess of 25 acres, it may be subdivided as shown on the site plan. As more particularly shown on that plan, the Petitioners propose the subdivision of the property into two lots. Proposed Lot 6 will contain 12.307 acres and Lot 7, 12.76 acres. As noted in the Zoning Advisory Committee (ZAC) comment

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By

submitted by the Department of Environmental Protection and Resource Management (DEPRM), the proposed lots must meet minimum requirements for well and septic areas. That does not appear to be an issue, given the size of the lots.

Based upon the testimony and evidence presented, I find that the relief requested is appropriate and should be granted. As noted above, it is clear that the subject property is a "lot of record" and has sufficient acreage under the R.C.2 zoning regulations to allow its subdivision to create two lots. It is equally clear that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding locale and meets the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of September 2004 that the Petition for Special Hearing seeking approval of the Third amended Final Development Plan for the Warren Property to permit the re-subdivision of the existing "Reserved Parcel" into two lots, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/27/04
By

IN THE MATTER OF THE APPLICATION OF ESTATE OF JOHN STUTZKA BY TINA ZIMMERMAN, EXECUTOR / PETITIONER FOR SPECIAL HEARING ON PROPERTY LOCATED ON THE N/S BLUE MOUNT ROAD, W OF WESLEY CHAPEL RD (1924 BLUE MOUNT RD)	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
	*	CASE NO. 04-550-SPH
10TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	

* * * * * * * * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals on appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel, from a decision of the Deputy Zoning Commissioner dated September 27, 2004 in which the requested variance relief was granted.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed November 18, 2004 by the People's Counsel for Baltimore County, Appellant, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of November 18, 2004 as indicated in the attached letter,

IT IS ORDERED this 1st day of December, 2004 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 04-550-SPH be and the same is hereby **DISMISSED.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Lawrence M. Stahl

Margaret M. Brassil, Ph.D.

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 18, 2004

Lawrence S. Wescott, Chairman
County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

RECEIVED
NOV 18 2004
BALTIMORE COUNTY
BOARD OF APPEALS

Hand-delivered

Re: PETITION FOR SPECIAL HEARING
N/S Blue Mount Road, W of Wesley Chapel Road
(1924 Blue Mount Road)
10th Election District; 3rd Council District
Estate of John Stutzka- Petitioners
Case No.: 04-550-SPH

Dear Mr. Wescott:

On or about October 15, 2004, our office filed an appeal of the Zoning Commissioner's Findings of Facts and Conclusions of Law in the above-captioned case. Upon further review of the record and careful evaluation, it does not appear that pursuit of the appeal is in the public interest. We therefore withdraw our appeal in this matter.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Robert Porter, Esquire

County Board of Appeals of Baltimore County

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

December 1, 2004

Peter Max Zimmerman
People's Counsel for
Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Estate of John Stutzka*
Case No. 04-550-SPH /Order of Dismissal

Dear Mr. Zimmerman:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco /tms

Kathleen C. Bianco
Administrator

Enclosure

c: Robert Porter, Esquire
Tina M. Zimmerman
Guy C. Ward /McKee & Associates
Pat Keller, Planning Director
William J. Wiseman III, Zoning Commissioner
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink

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

September 27, 2004

Robert Porter, Esquire
Hodes, Ulman, Pessin & Katz
901 Dulaney Valley Road
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
N/S Blue Mount Road, W of Wesley Chapel Road
(1924 Blue Mount Road)
10th Election District – 3rd Council District
Estate of John Stutzka - Petitioners
Case No. 04-550-SPH

Dear Mr. Porter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Tina Zimmerman
442 Lincoln Avenue, Ephrata, Pa. 17522
Mr. Guy C. Ward, McKee & Assoc., Inc.
5 Shawan Road, Suite 1, Hunt Valley, Md. 21030
DEPRM; People's Counsel; Case File

Case No. 04-550-SPH

RE: Estate of John Stutzka; Tina Zimmerman - Executor
1924 Blue Mount Road

11/18/04 – Letter of withdrawal of appeal filed by Peter M. Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel; appeal not in the public interest. Order of Dismissal to be issued.

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1924 Bluemount Road (AKA "Warren Prop." Reserved Parcel)

which is presently zoned RC-2

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

* Please 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Robert Porter, Esq.
Name - Type or Print

Signature

Hodes, Ulman, Pessin & Katz
Company

901 Dulaney Valley Road (410) 938-8800
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

Estate of John Stutzka
Name - Type or Print

Signature

Name - Type or Print Tina Zimmerman, Executor of The Estate of John Stutzka

Tina Zimmerman
Signature

442 Lincoln Avenue (717) 625-3631
Address Telephone No.

Ephrata, PA 17522
City State Zip Code

Representative to be Contacted:

Guy C. Ward, McKee and Associates, Inc.
Name

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

Cockeysville, MD 21036
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D. THOMPSON Date 5/27/04

Case No. 04-550-SPH

RE 9/15/98

ORDER RECEIVED FOR FILING
Date 7/27/04
By

Attachment 1
Petition for Special Hearing

Case Number 04-550-SPH

Address: 1924 Blue Mount Road Monkton, Md. 21111 , AKA Reserved Parcel "Warren Property"

Legal Owner(s): Estate of John Stutzka, Tina Zimmerman, Executrix

Petitioner : Estate of John Stutzka , Tina Zimmerman, Executrix

Present Zoning: RC-2

Grandfathered Zoning : RC-4

Request for Special Hearing:

To determine whether or not the Zoning Commissioner should approve:

> **The third amended Final Development Plan for the "Warren Property" to permit the resubdivision of the existing "Reserved Parcel" into two lots.**

FOR ADDITIONAL INFORMATION ON THIS PETITION PLEASE CONTACT:

Guy C. Ward, R.S., Associate

McKee & Associates, Inc

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

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: #04-550-SPH
1924 Bluemount Road (Warren Property)
N/side of Bluemount Road, 4,800 ft. west of centerline of Wesley Chapel Road
10th Election District - 3rd Councilmanic District
Legal Owner(s): Estate of John Stutzka,
Tina Zimmerman, Executor of Estate

Special Hearing: to determine whether or not the Zoning Commissioner should approve the Third Amended Final Development Plan for the "Warren Property" to permit the resubdivision of the existing "Reserved Parcel" into two lots.

Hearing: Monday, August 23, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

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

8/010 August 5 15489

CERTIFICATE OF PUBLICATION

8/5/, 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 8/5/, 2004.

- [X] 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: 8/06/2004

RE: Case Number: 04-550-SPH

Petitioner/Developer: Estate of John Stutzka, Tina Zimmerman, Executor

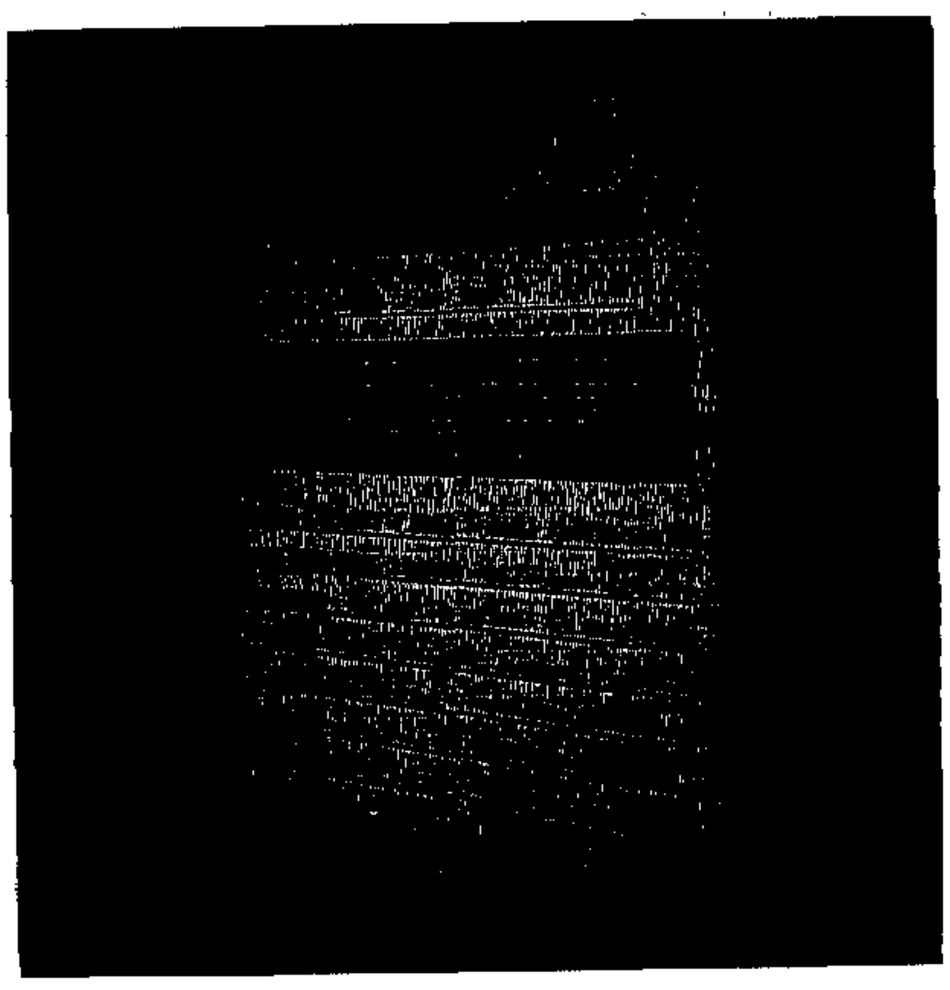
Date of Hearing/Closing: Monday, August 23, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at

1924 Bluemount Road

The sign(s) were posted on 8/06/2004
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)



J. Lawrence Pilson
(Printed Name of Sign Poster)

5 Shawan Road, Suite 1
(Street Address of Sign Poster)

Cockeysville, MD 21030
(City, State, Zip Code of Sign Poster)

(410)-527-1555
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-550-SPH

ESTATE OF JOHN STUTZKA- LEGAL OWNER

1924 BLUEMOUNT AVENUE, MONKTON

10TH ELECTION DISTRICT APPEALED: 10/15/04

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

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

CERTIFICATE OF POSTING

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

Attention: Kathleen Bianco
Administrator

CASE NO.: 04-550-SPH

Petitioner/Developer:

ESTATE OF JOHN STUTZKA – LEGAL OWNER

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

1924 BLUEMOUNT AVENUE, MONKTON

The sign was posted on _____, 2004

By: _____
(Signature of Sign Poster)

_____
(Printed Name)

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-550-SPH

ESTATE OF JOHN STUTZKA- LEGAL OWNER

1924 BLUEMOUNT AVENUE

10TH ELECTION DISTRICT APPEALED: 10/15/04

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

not posted w/D

Department of Permits and Development Management

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

Baltimore County

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

June 14, 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: 04-550-SPH
1924 Bleumount Road (Warren Property)
N/side of Bluemount Road, 4,800 ft. west of centerline of Wesley Chapel Road
10th Election District – 3rd Councilmanic District
Legal Owner: Estate of John Stutzka, Tina Zimmerman, Executor of Estate

Special Hearing to determine whether or not the Zoning Commissioner should approve the Third Amended Final Development Plan for the "Warren Property" to permit the resubdivision of the existing "Reserved Parcel" into two lots.

Hearing: Monday, August 23, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Robert Porter, Esq., Hodes, Ulman, Pessin & Katz, 901 Dulaney Valley Road, Towson 21204
Tina Zimmerman, 442 Lincoln Ave., Ephrata PA 17522
Guy Ward, 5 Shawan Rd., Ste. 1, Cockeysville 21036

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 7, 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.

Printed on Recycled Paper

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: 04-550-SPH

Petitioner: ESTATE OF JOHN STUTZKA

Address or Location: 1924 BLUE MOUNT RD, RESERVED PARCEL, SECTION 2 WARREN PROPERTY
Δ 52/35

PLEASE FORWARD ADVERTISING BILL TO:

Name: ESTATE OF JOHN STUTZKA, TINA ZIMMERMAN EXECUTOR

Address: 442 LINCOLN AVE
~~EPH~~ EPHRATA, PA. 17522

Telephone Number: 1-717-721-7906

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 5, 2004 Issue - Jeffersonian

Please forward billing to:
Tina Zimmerman, Executor for Estate of John Stutzka's 1-717-721-7906
442 Lincoln Avenue
Ephrata, PA 17522

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: 04-550-SPH
1924 Bleumount Road (Warren Property)
N/side of Bluemount Road, 4,800 ft. west of centerline of Wesley Chapel Road
10th Election District – 3rd Councilmanic District
Legal Owner: Estate of John Stutzka, Tina Zimmerman, Executor of Estate

Special Hearing to determine whether or not the Zoning Commissioner should approve the Third Amended Final Development Plan for the "Warren Property" to permit the resubdivision of the existing "Reserved Parcel" into two lots.

Hearing: Monday, August 23, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 15004

DATE 5/27/04 ACCOUNT 001006150

AMOUNT $ 65.00

RECEIVED FROM: McKee & Assoc.

FOR: ITEM #550 04-550-SPH

1924 BLUEMONT RD BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DCM
5/27/2004	5/27/2004	10:14:37	5

REG 0005 WALKIN WHEL ADM
RECEIPT # 354000 5/27/2004 OFLR
Dept 5 528 ZONING VERIFICATION
Of MD. 013694
Rcpt Tot $65.00
$65.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Department of Permits and Development Management

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

Baltimore County

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

August 17, 2004

Robert Porter, Esquire
Hodes, Ulman, Pessin & Katz
901 Dulaney Valley Road
Towson, Maryland 21204

Dear Mr. Porter:

RE: Case Number: 04-550-SPH, 1924 Bluemont Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 27, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Estate of John Stutzka 422 Lincoln Avenue Ephrata PA 17522
Guy C. Ward McKee & Associates 5 Shawan Road, Ste. 1 Cockeysville 21036

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

SHA
State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-15-04

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

RE: Baltimore County
Item No. 550 DT

Dear. Ms.Matthews:

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,

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

8/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 15, 2004

RECEIVED

JUN 16 2004

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case 4-550 and 4-557**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By: Mark A Cunningham

Division Chief: Lynn Lochner

MAC/LL

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

June 17, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 14, 2004

Item No.: 550, 554-557, 559-571

Dear Ms. Hart:

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

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

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 2, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For June 21, 2004
Item Nos. 550, 554, 555, 556, 557, 559,
560, 561, 562, 563, 564, 565, 566, 568,
and 569

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr

DATE: July 1, 2004

SUBJECT: Zoning Item # 04- 550
Address 1924 Bluemount Rd.

Zoning Advisory Committee Meeting of June 14, 2004.

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

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

The lots must meet minimum requirements for well and septic areas.

Reviewer: Sue Farinetti Date: June 15, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: August 17, 2004

TO: Zoning Commissioner & File

FROM: Donna Thompson, Planner II
Zoning Review

SUBJECT: Petition for Special Hearing, Case No. 04-550-SPH
1924 Bluemount Road
10th Election District

Enclosed in this file is Inter-Office Correspondence from Wally Lippincott, Jr. with DEPRM dated July 20, 2004. Mr. Lippincott considers that this property is not a "lot of Record".

I have conferred with Carl Richards, Zoning Supervisor and John Lewis, Planner II who does consider this to be a "lot of record" due to this property being on a record plat, also used for density calculations for the "Warren Property" and did have a dwelling when the Final Development Plan was approved.

DT

TO: TIM K[redacted]ROCO

To: Planner who? see me D.T. 7/29/04

BALTIMORE COUNTY, MARYLAND

ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Inter-Office Correspondence

TO: Development Coordination DATE: July 20, 2004

FROM: Wally Lippincott, Jr. WL

SUBJECT: ZAC 04-550

This petition raises several questions. The following comment is based on a finding of whether the remaining tract was created as a "lot of record" as determined in BCZR. If so the lot may be subdivided one time in accordance with the RC 2 regulations (BCZR 1A01.3.B). The property is not zoned RC 4 and cannot be grandfathered as RC 4. The County Council voted to change the zoning to RC 2 and that is the current zone.

If the tract is not found to be a "lot of record" but instead is a remainder, than there does not appear to be any basis in the Zoning Code to permit the creation of any lots.

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: June 1, 2004

TO: Zoning Commissioner and File

FROM: Donna Thompson, Planner II, Zoning Review

SUBJECT: Petition for Special Hearing, Item #550,
Case No. 04-550-SPH
1924 Bluemount Road

At the time of filing I requested documentation that Tina Zimmerman was the Executor of the Estate of John Stutzka. The representative for this petition, Mr. Guy Ward of McKee and Associates stated that he would provide. As of this date this office has not received this requested document.

DT

RE:	PETITION FOR SPECIAL HEARING 1924 Bluemount Rd; N/side Bluemount Rd, 4,800sqft W c/line Wesley Chapel Chapel Rd* 10th Election & 3rd Councilmanic Districts Legal Owners(s): Estate of John Stutzka, Tina Zimmerman, Executor of the Estate Petitioner(s)	* * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-550-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.

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

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

RECEIVED
JUN 23 2004
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 2004, a copy of the foregoing Entry of Appearance was mailed to Guy C. Ward, McKee & Associates, Inc, 5 Shawan Road, St. 1, Cockeysville, MD 21036 and Robert Porter, Esquire, Hodea, Ulman, Pessin & Katz, 901 Dulaney Valley Road, Towson, MD 21204, Attorney for Petitioner(s).

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

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

DATE: January 25, 2005

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

FROM: Theresa R. Shelton
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES**

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

BOARD OF APPEALS CASE NUMBER	*PDM FILE NUMBER*	NAME	LOCATION
05-090-SPH	***05-090-SPH***	RRIG CORPORATION JAMES T. ALSTON	7226 ORTH ROAD
04-550-SPH	***04-550-SPH***	ESTATE OF JOHN STUTZKA	1924 BLUEMOUNT ROAD

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

Department of Permits and Development Management

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

Baltimore County

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

November 22, 2004

Robert Porter, Esq.
Hodes, Ulman, Pessin & Katz
901 Dulaney Valley Road
Towson, MD 21204

Dear Mr. Porter:

RE: Case: 04-550-SPH, 1924 Bluemount Road

Please be advised that an appeal of the above-referenced case was filed in this office on October 15, 2004 by People's Counsel of Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

RECEIVED
NOV 2 2 2004
BALTIMORE COUNTY
BOARD OF APPEALS

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Tina Zimmerman, 442 Lincoln Avenue, Ephrata PA 17522
Guy Ward, McKee & Associates, Inc., 5 Shawan Rd., Ste. 1, Hunt Valley 21030

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 15, 2004

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED
OCT 15 2004
Per

Hand-delivered

Re: PETITION FOR SPECIAL HEARING
N/S Blue Mount Road, W of Wesley Chapel Road
(1924 Blue Mount Road)
10th Election District; 3rd Council District
Estate of John Stutzka- Petitioners
Case No.: 04-550-SPH

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated September 27, 2004 by the Baltimore County Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio /RMW
Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Mr. Robert Porter, Esquire
Mr. Guy C. Ward, McKee & Associates, Inc.
Ms. Tina Zimmerman

LAW OFFICES
LAMBROS & LAMBROS
A PROFESSIONAL ASSOCIATION
9900 N. YORK ROAD
COCKEYSVILLE, MARYLAND 21030
(410) 666-2200
FAX (410) 666-0244

BRANCH OFFICE
THE MAULSBY BUILDING, SUITE 25
133 E. MAIN STREET
WESTMINSTER, MD 21157
(410) 876-7610

MICHAEL J. LAMBROS
J. MITCHELL LAMBROS

FACSIMILE COVER SHEET

DATE: June 2, 2004

TO: Guy Ward

COMPANY:

FAX#: 410 527-1563

FROM: Michael J. Lambros

NUMBER OF PAGES: 3, including cover sheet

SUBJECT: **Tina Zimmerman**
Estate Documents Evidencing Tina Zimmerman
As Personal Representative of the Estate of John D. Stutzka

COMMENTS:

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL AS SOON AS POSSIBLE: (410) 666-2200.

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS ATTORNEY PRIVILEGED AND CONFIDENTIAL. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE COLLECT AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. WE WILL REIMBURSE YOU FOR EXPENSES. THANK YOU.

IN THE ORPHANS COURT FOR

(OR)

BEFORE THE REGISTER OF WILLS FOR

Baltimore County, MARYLAND

IN THE ESTATE OF:

John D. Stutzka, Sr. ESTATE NO: _____

CONSENT TO APPOINTMENT OF PERSONAL REPRESENTATIVE

I, Heather Lea Stutzka John Stutzka Tina Zimmerman Jean Stutzka, the personal representative named in the will OR daughter, son, and wife ask the court or register to appoint

(state relationship to decedent or other basis for appointment)

Tina Zimmerman instead of me to serve as personal representative and consent to that appointment. I understand that if Tina Zimmerman is so appointed I may not withdraw this consent so long as Tina Zimmerman remains personal representative, except upon a showing of good cause.

DATE	SIGNATURE	NAME (typed or printed)
9/16/01	Heather Lea Stutzka	HEATHER LEA STUTZKA
10/9/01	Tina M. Zimmerman	TINA M ZIMMERMAN
11/14/01	Jean Stutzka	JEAN STUTZKA
11/14/01	John Stutzka	JOHN STUTZKA

Attorney
ALLAN G. IANNACONE
P. O. BOX 88
Address
MONKTON, MD 21111
410 - 329-6822

Telephone Number

Not Nov 4

Click here for a plain text ADA compliant screen.

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

Go Back
View Map
New Search
Ground Rent
STR

Account Identifier: **District** - 10 **Account Number** - 1900014126

Owner Information

Owner Name:	SWEENEY T MICHAEL SWEENET HELEN C	**Use:**	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	2108 OAK LODGE RD BALTIMORE MD 21228-4715	**Deed Reference:**	1) /20091/ 458 2)

Location & Structure Information

Premises Address
1918 BLUEMOUNT RD

Legal Description
13.132 AC
1918 BLUEMOUNT RD
WARREN PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	
23	7	33					5	81	Plat Ref:	52/ 35

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1986	2,378 SF	13.13 AC	05

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value As Of 01/01/2002	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	52,150	52,150		
Improvements:	186,670	186,670		
Total:	238,820	238,820	238,820	NOT AVAIL
Preferential Land:	1,500	1,500	1,500	NOT AVAIL

PREFERENTIAL LAND VALUE
INCLUDED IN LAND VALUE

Transfer Information

Seller:	KURTZ MICHAEL J	**Date:**	05/20/2004	**Price:**	$495,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/20091/ 458	**Deed2:**	
Seller:	WARREN RUTH	**Date:**	01/04/1985	**Price:**	$42,500
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 6849/ 129	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
AGRICULTURAL TRANSFER TAX
FCMA PENALTY

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

LIBER 7814 PAGE 097

EXHIBIT 3

NO CONSIDERATION
NO TITLE SEARCH

This Deed, MADE THIS 3RD day of February

in the year one thousand nine hundred and eighty-eight by and between

RUTH WARREN STUTZKA (formerly Warren)

of Baltimore County, Maryland,

JOHN STUTZKA

of the second part.

WITNESSETH, That in consideration of the sum of No actual consideration

the said party of the first part

C RC/T 15.00
DEED 0
SH CLERK 15.00
SH CLERK 15.00
0
#45652 C001 R02 T11:07
03/14/88

do es grant and convey to the said party of the second part, his

personal representatives/successors and assigns, in fee simple, all

that lot of ground situate in Baltimore County, State of Maryland,

and described as follows, that is to say:

Beginning for the same at a point on the south side of Blue Mount Road, as now paved, at a distance of 44.19 feet measured North 77 degrees 25 minutes 55 seconds West from a stone found on the northwest side of the whole tract of land which by deed dated September 14, 1955 was conveyed by Winifred T. Armstrong, widow, to Frank H. Hauer, widow, and recorded among the Land Records of Baltimore County in Liber R.R.G. 4527, Folio 54; said point of beginning being on the extended westerly side of a 40 foot wide road shown on the Plat of Subdivision of the Warren Property aforesaid Land Records in Plat Book S.M.H. Jr. 8, Folio 4; thence leaving said road and binding on the northwest side thereof and on the line of the land of Frank H. Hauer North 77 degrees 25 minutes 55 seconds West 200.00 feet to a point on the line of Lot 3 designated "3" on the Plat of Subdivision of the Warren Property aforesaid; thence leaving said road and binding on the line of Lot 3 and on the line of Lot 2 as shown on said Plat, North 12 degrees 34 minutes 05 seconds East 318.00 feet to an iron pipe found at the distance of 30.00 feet from the northeast side of said road; thence leaving said Lot 2 and binding on the southeast side of said road and on the line of Lot 1 as shown on said Plat, South 77 degrees 25 minutes 55 seconds East 200.00 feet to an iron pipe found at the distance of 30.00 feet from the northeast side of said road; thence leaving said road and binding on the southeast side thereof and on the line of Lot 1 as shown on said Plat, being on the arc of a circle with a radius of 1,000.00 feet to the point of beginning; thence for a distance of 15.00 feet to the point of beginning; thence for the same and leaving said road and binding on the southeast side thereof and on the line of Lot 1 as shown on said Plat, being on the arc of a circle with a radius of 1,000

1.) North 09 degrees 45 minutes 55 seconds East 155.84 feet to a pipe now set, and

2.) North 60 degrees 25 minutes 09 seconds East 1099.64 feet to a pipe now seton the outline of Section One Warren Property previously mentioned; thence binding on the westernmost outlines of said Section one, the seven following courses and distances:

1.) South 16 degrees 34 minutes 22 seconds West 18.04 feet to a pipe set;

2.) South 02 degrees 51 minutes 48 seconds East 221.43 feet to a pipe set;

3.) South 00 degrees 04 minutes 31 seconds West 212.09 feet to a pipe set;

4.) South 72 degrees 20 minutes 51 seconds East 407.95 feet to a pipe set;

5.) South 33 degrees 50 minutes 38 seconds East 61.49 feet to a pipe set;

6.) South 12 degrees 26 minutes 33 seconds West 315.06 feet to a pipe set, and

7.) South 25 degrees 53 minutes 30 seconds West, passing over a pipe set at the distance of 289.16 feet, 535.31 feet in all to the place of beginning.

Containing 25.9942 Acres of Land, more or less, subject to the future widening of Blue Mount Road, intended to be 60 feet wide.

BEING part of the property which by Deed dated November 6, 1985, was granted and conveyed by Ruth Warren Stutzka (formerly Ruth Warren) to Ruth Warren Stutzka, and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. 7049, Folio 765.

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

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

JOHN STUTZKA, his personal representatives, successors,

heirs and assigns, in fee simple.

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

Witness the hand and seal of said grantor

TEST:

Allen L. Lamasone

Ruth Warren Stutzka (SEAL)
RUTH WARREN STUTZKA

_____(SEAL)

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this 3rd day of February in the year one thousand nine hundred and eighty-eight, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County aforesaid, personally appeared Ruth Warren Stutzka

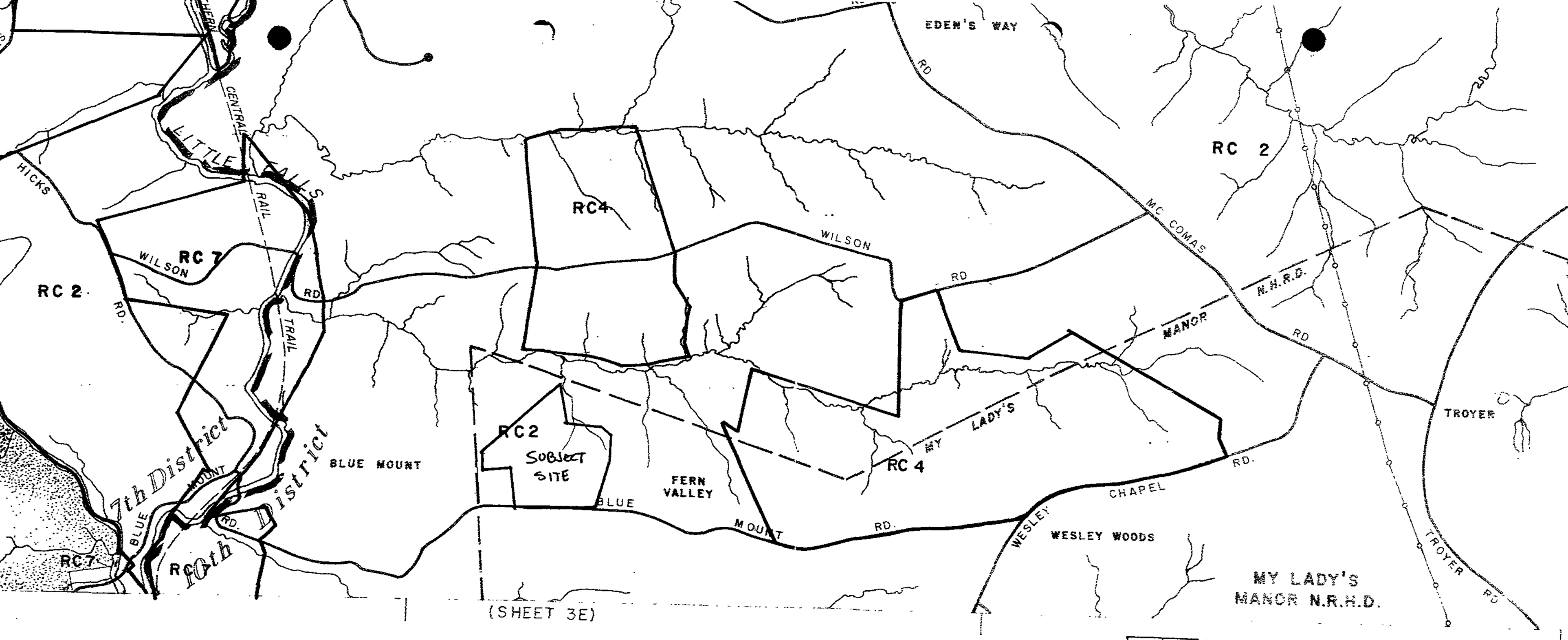
the above named grantor, and she acknowledged the foregoing Deed to be her act.

As Witness my hand and Notarial Seal.

Sharon M. Carpenter
Notary Public

My Commission Expires: 7/1/90

Return to:
Allen L. Lamasone
1900 Monkton Rd. P.O. Box 88
Monkton, Md. 21111-0088

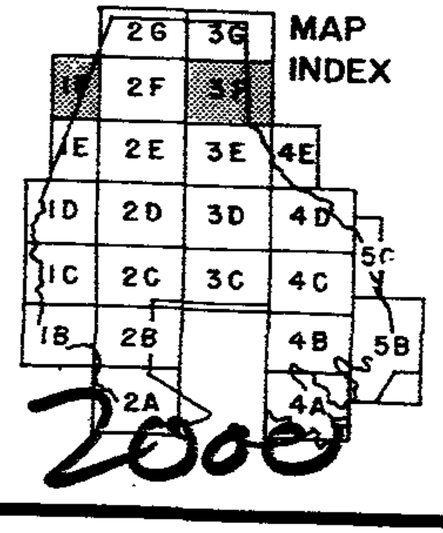


BALTIMORE COUNTY OFFICE OF PLANNING

1924 BLUE MOUNT RD.

"RESERVED PARCEL" WARREN PROPERTY

1"=1000'

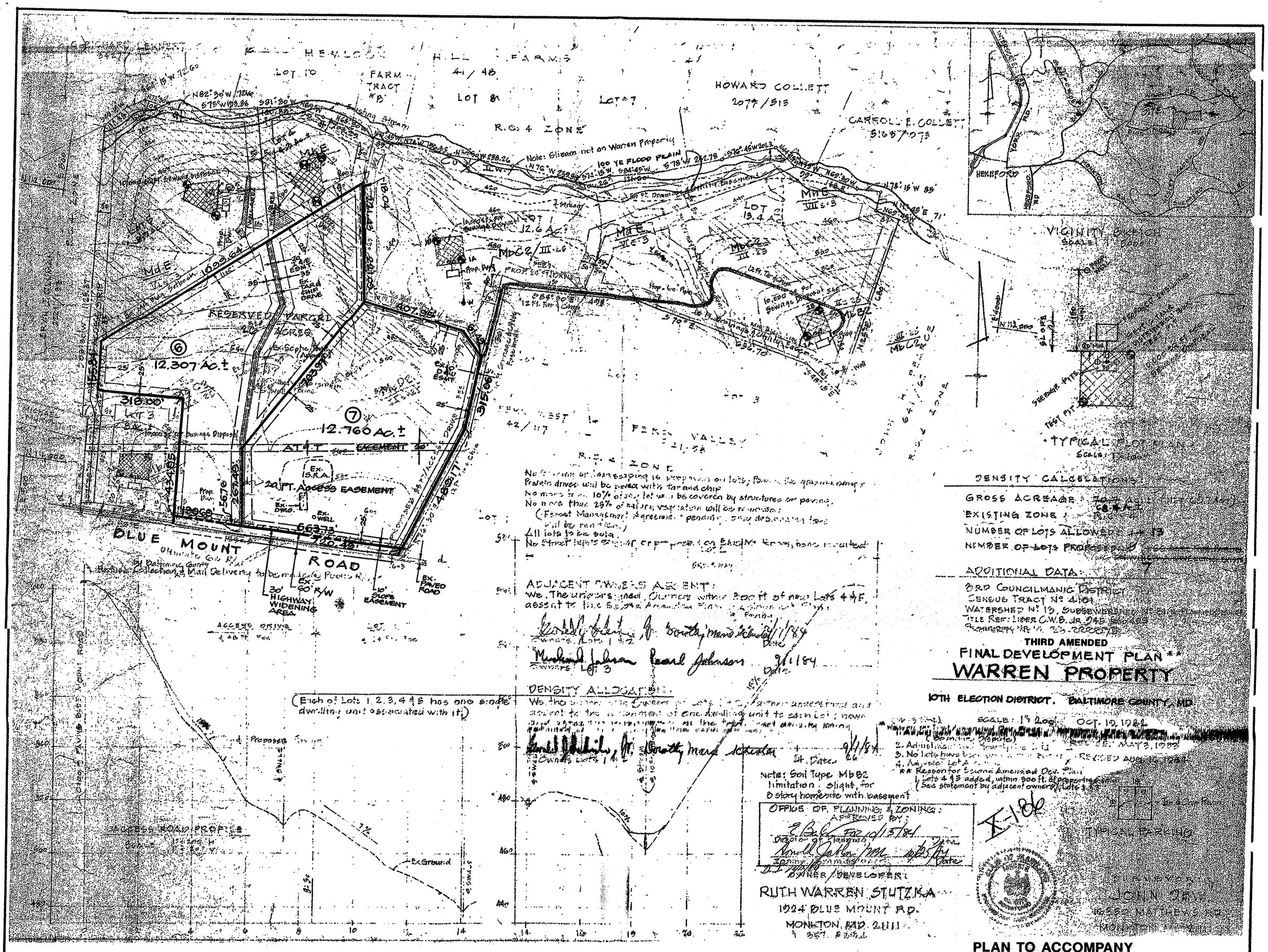


2000

WHITE HA

MAP

04-550-SPH



No [illegible] or landscaping is proposed on lots; [illegible]
Private drives will be paved with tar and chip
No more than 10% of lots, lot will be covered by structures or paving.
No more than 25% of natural vegetation will be removed.
(Forest Management Agreement pending, [illegible] will be required.)
All lots to be sold.
No Street lights or [illegible] proposed on Blue Mount Road, have requested [illegible]

ADJACENT OWNERS ASSENT:
We, The undersigned, Owners within 300 ft of new Lots 4 & 5, assent to the [illegible]
Owners Lot 12 — Date 9/1/84
Michael Johnson Pearl Johnson — Owners Lot 3 — Date 9/1/84

DENSITY ALLOCATION:
(Each of Lots 1, 2, 3, 4 & 5 has one single dwelling unit associated with it)
We the [illegible] assent to the [illegible] one dwelling unit to each lot [illegible]
Owners Lots 1 & 2 — Date 9/1/84

Note: Soil Type MbB2 limitation: slight, for 2 story homesite with basement

DENSITY CALCULATIONS:
GROSS ACREAGE: [illegible]
EXISTING ZONE: [illegible]
NUMBER OF LOTS ALLOWED: 14 13
NUMBER OF LOTS PROPOSED: 5 [illegible]

ADDITIONAL DATA:
3RD COUNCILMANIC DISTRICT
CENSUS TRACT No 4101
WATERSHED No 13, SUBSEWERSHED No [illegible]
TITLE REF: LIBER C.W.B. JR. 245 [illegible]
PROPERTY No. [illegible]

THIRD AMENDED
FINAL DEVELOPMENT PLAN **
WARREN PROPERTY

10TH ELECTION DISTRICT. BALTIMORE COUNTY, MD.

SCALE: 1" = 200' OCT. 10, 1984
REVISED MAY 3, 1989
REVISED AUG. 18, 1989

1. [illegible]
2. Adjust [illegible]
3. No lots have [illegible]
4. Adjust Lot A [illegible]
** Reason for Second Amended Dev. Plan: Lots 4 & 5 added, within 300 ft. of [illegible] (See statement by adjacent owners) Lots 1 & 2

OFFICE OF PLANNING & ZONING:
APPROVED BY:
Director of Planning — Date 10/15/84
Zoning Commissioner — Date 10/25/84

OWNER/DEVELOPER:
RUTH WARREN STUTZKA
1024 BLUE MOUNT RD.
MONKTON, MD. 21111

SURVEYOR:
JOHN W. [illegible]
16555 MATHEWS RD.
MONKTON, MD. 21111

THIRD AMENDED OWNER INFORMATION
RESERVED PARCEL
JOHN STUTZKA, (DECEASED)
C/O TINA ZIMMERMAN, EXECUTRIX
442 LINCOLN AVENUE EPHRATA PA 17522
1 (717) 625-3631
Tina Zimmerman 5/8/04
TINA ZIMMERMAN — DATE
EXECUTRIX FOR JOHN STUTZKA, (DECEASED)
RESERVED PARCEL
TA# 19000 14127 DEED REF.: 7814/97

THIRD AMENDMENT SIGNATURE BLOCK

DOROTHY MARIE SCHISLER — DATE
LOT 1 T.A.# 1900008826
DEED REF.: 12726/182

Michael Johnson 5/6/04
MICHAEL G. JOHNSON — DATE

Pearl Johnson 5/6/04
PEARL A. JOHNSON — DATE
LOT 3 T.A.# 190001108
DEED REF.: 6602/588

T. Michael Kurtz 5/7/04
MICHAEL J. KURTZ — DATE

Helen C. Kurtz 5/7/04
JOAN E. KURTZ — DATE
LOT 5 T.A.# 19000 14126
DEED REF.: 6849/129

McKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development
SHAWAN PLACE, 5 SHAWAN ROAD — COCKEYSVILLE, MARYLAND 21030
(410) 527-1555

Computed by: J.S.M.
Drawn by: W.D.G.
Checked by: G.O.W
Job Number: 02-083

2/11/04
James W. McKee — Date
(Maryland Registered No. 9012)

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

SIGNED AND SEALED FOR THIRD AMENDED FINAL DEVELOPMENT PLAN ONLY

PLAN TO ACCOMPANY
SPECIAL HEARING PETITION
THIRD AMENDED

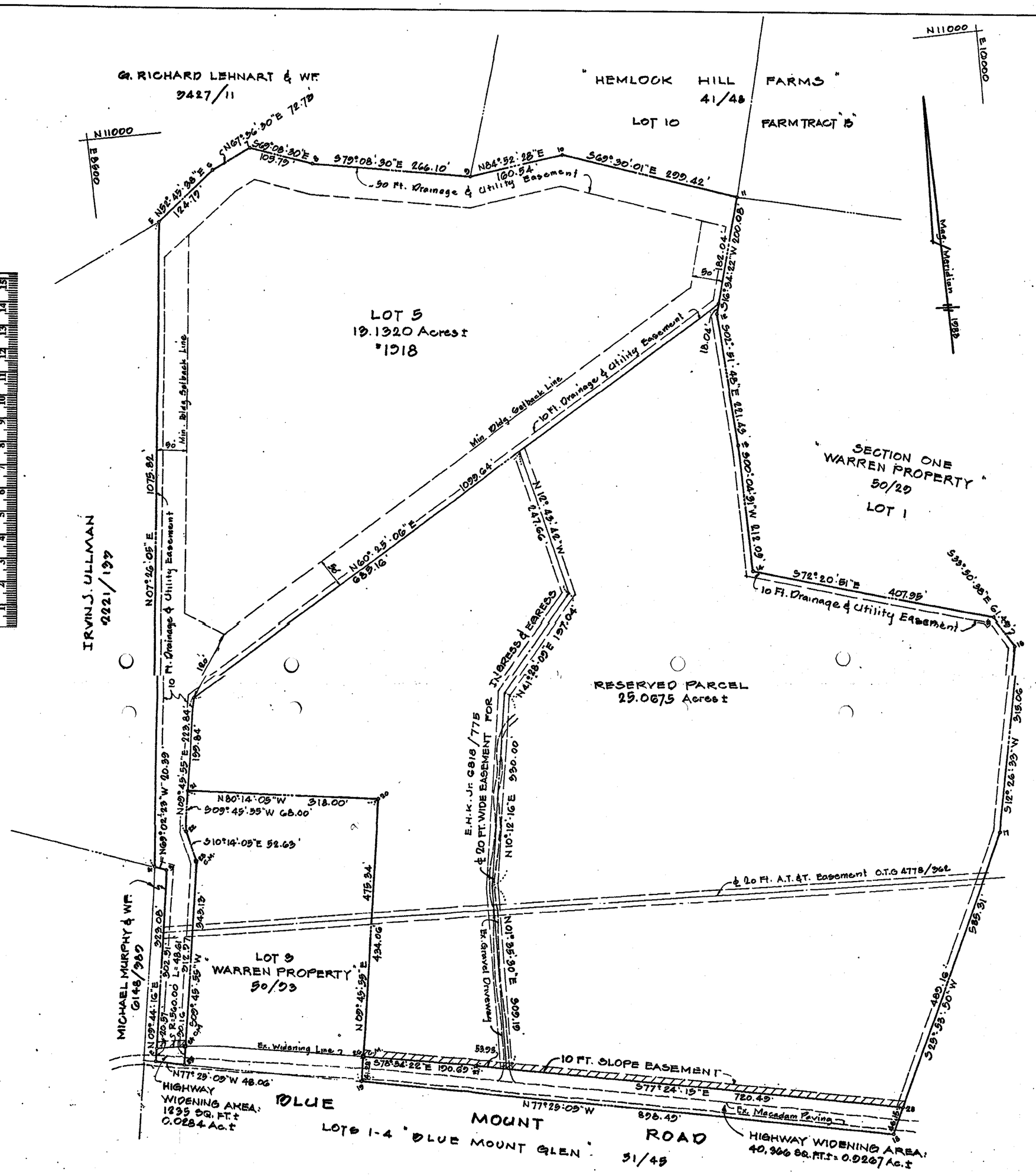
OFFICE OF PLANNING AND ZONING
APPROVED BY:
DIRECTOR OF PLANNING — DATE
DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT — DATE

REASON FOR THIRD ADMENDMENT:

PURSUANT TO DRC CASE # 0812026 AND THE FIRST REFINEMENT CRG PLAN APPROVED AUG. 18, 2003. RESUBDIVIDE EXISTING "RESERVED LOT" PURSUANT TO THE GRANDFATHERED R.C.4 ZONING REGULATIONS INTO TWO NEW LOTS.

LOTS WILL BE SERVED BY WELL AND SEPTIC SYSTEMS. (APPROVED FEB. 3, 2003

DATE OF THIRD AMENDMENT: FEBRUARY 11, 2004

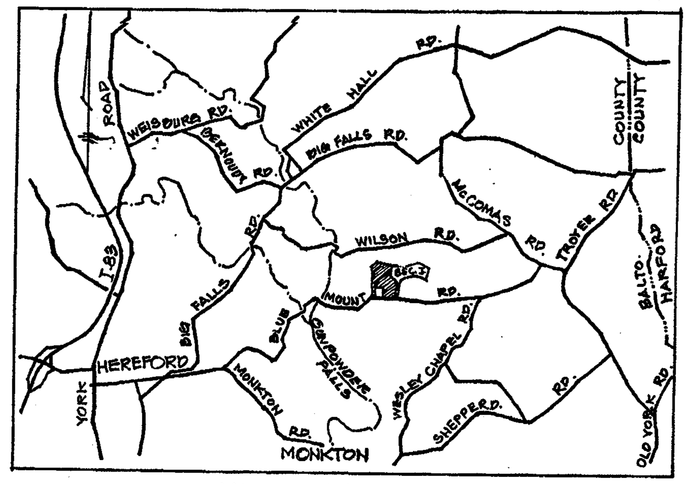


CURVE DATA:

From	To	RADIUS	ARC	Δ	T.D.	CHORD
24	2	560.00	48.61	04°58'25"	24.32	N 88°46'41.5"W 48.60

DENSITY CALCULATIONS:

Zone: R.C. 4
Gross Area of Warren Property: 68.4490 Acres ±
No. of Lots permitted: 18
No. of Lots previously recorded: 7
No. of Lots shown hereon: 1, plus parcel reserved by Owner



·VICINITY SKETCH·
SCALE: 1" = 1 MILE

COORDINATES

Nº	NORTH	EAST	Nº	NORTH	EAST
1	9 459.26	8 427.87	16	9 976.85	9 046.92
2	9 479.99	8 491.90	17	9 669.19	9 878.69
3	9 777.60	8 482.91	18	9 187.64	9 644.89
4	9 784.98	8 469.47	19	9 985.96	8 767.92
5	10 891.76	8 602.68	20	9 891.82	8 848.94
6	10 927.27	8 702.09	21	9 905.76	8 995.15
7	10 994.98	8 769.27	22	9 838.74	8 523.62
8	10 917.51	8 668.19	23	9 786.99	8 592.07
9	10 867.18	9 129.46	24	9 476.51	8 479.88
10	10 881.52	9 289.36	25	9 448.79	8 474.77
11	10 776.67	9 567.81	26	8 774.92	9 424.09
12	10 584.90	9 512.74	27	8 961.84	9 386.19
13	10 369.72	9 523.81	28	9 664.99	9 229.15
14	10 151.63	9 523.59			
15	10 027.92	9 512.27			

NOTE:
Coordinates and Bearings shown on this plat are based upon an assumed system and referred to the Magnetic Meridian of 1933

For "Panhandle" Lots, refuse collection, snow removal, and maintenance are provided to the junction of the "panhandle" and the Street Right-of-Way Line only, and not onto the "panhandle" driveway.

This property is within Mt. Holly's Manor National Register District.

C PLAT 15.00
0 #
EHK JR. : 15.00
#33532 CO01 R02 10:23
11/20/84

SECTION TWO
WARREN PROPERTY
10TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1" = 100' AUG. 16, 1984

E.H.K., JR. 52 FOLIO 35
Filed for record
Date NOV 20 1984
Test
Clerk

OWNER:
RUTH WARREN STUTZKA
1024 BLUE MOUNT RD.
MONKTON, MD. 21111
C.W.B. Jr. 949/495

C.P.G. APPROVAL DATE: 8/1/84

None state
H.O. S.C.
Sanit. Eng. 9/24/84

APPROVED:
Director of Public Works — Date 10/19/84

APPROVED:
Deputy State and County Health Officer — Date 10/16/84
EHK 50642

APPROVED:
Director of Planning and Zoning — Date

NOTE:
Streets and/or roads shown hereon, and the mention thereof in deeds and agreements are for the purpose of description only, and the same are not intended to be dedicated to public use; fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

Highway and highway widening, slope, drainage and utility easements shown hereon are reserved unto the owner, and are hereby offered for dedication to Baltimore County, Maryland. The owner, her personal representatives and assigns shall convey said areas by deed to Baltimore County, Maryland at no cost.

NOTE:
1. Formal irrevocable offers of dedication have been made.
2. Recording of this plat does not constitute or imply acceptance by the County of any street, easement, park, open space or other public area shown on this plat.
3. This plat may expire in accordance with provisions of Baltimore County Bill 96-82 (Section 22-68)
4. Recording of this plat does not guarantee installation of streets and utilities by Baltimore County.
5. Information shown on this plat may be superseded by subsequent or amended plats.
6. Additional information concerning this plat may be obtained from the Office of Planning and Zoning and The Department of Public Works.

OWNERS CERTIFICATE:
I, RUTH WARREN STUTZKA, owner of the land shown on this plat, hereby certify that, to the best of my knowledge, the requirements of Section 9-105 of the Real Property Article of the Annotated Code of Maryland has been complied with insofar as it relates to the making of this plat and the setting of the markers.

Ruth W. Stutzka 9-13-84
Owner — Date

SURVEYORS CERTIFICATE:
I, JOHN DEW, a Registered Land Surveyor of the State of Maryland, do hereby certify that I have prepared this plat and that the land shown on this plat has been laid out and the plat thereof has been prepared in compliance with Section 9-108 of The Real Property Article of The Annotated Code of Maryland, particularly insofar as it relates to the making of the plat and setting of the markers.

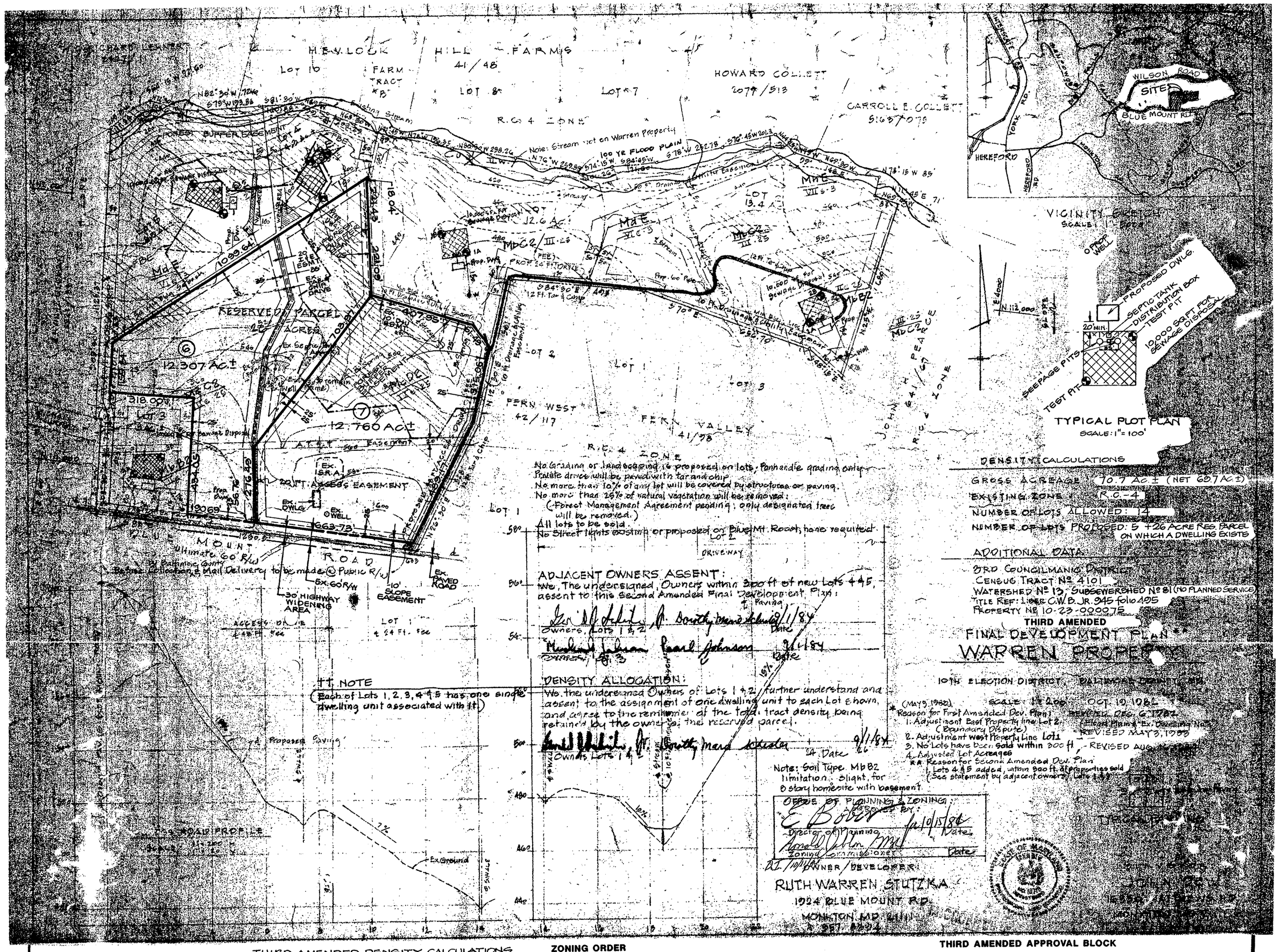
Aug. 16, 1984
Registered Land Surveyor Md. Nº 10716 — Date

STATE OF MARYLAND
JOHN DEW
No. 10716
REGISTERED
PROFESSIONAL LAND SURVEYOR

JOHN DEW
16950 MATTHEWS RD.
MONKTON, MD. 21111

P64786

MSA S11 1236 IN 60 52-35



Note: Soil Type MbB2 limitation: slight, for 8 story homesite with basement.

THIS THIRD AMENDED FINAL DEVELOPMENT PLAN COMPLIES WITH ALL COUNTY COMMENTS AND IS IN AGREEMENT WITH THE DEVELOPMENT OR CRG PLANS AND ALL OTHER APPROVED PLANS AND/OR ZONING AND DEVELOPMENT HEARING ORDERS, INCLUDING THIS AMENDMENT.

SIGNED & SEALED FOR THIRD AMENDED FINAL DEVELOPMENT PLAN ONLY.

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

11/29/04

JAMES W. McKEE — DATE
MARYLAND REGISTRATION NO. 9012

McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
SHAWAN PLACE 6 SHAWAN ROAD
COCKEYSVILLE, MD 21030
PHONE - (410) 527-1555

THIRD AMENDED DENSITY CALCULATIONS

GROSS AREA OF "RESERVED PARCEL": 25.067 Ac±
CURRENT ZONING: RC - 2 (SEE ZONING ORDER 04-550-SPH)
NO. OF LOTS PERMITTED: BETWEEN 2 AND 100 Ac = 2
NO. OF LOTS PROPOSED: 2 LOTS

GROSS AREA OF LOTS 1 THRU 5: 45.7 Ac.±
ZONING: RC - 4
NO. OF LOTS PERMITTED: 45.7 X 0.2 D.U./ACRE = 9 LOTS
NO. OF LOTS EXISTING: 5 LOTS
DENSITY REMAINING: 4 LOTS

†† NOTE: "SEE DENSITY ALLOCATION" NOTES ABOVE
LOTS 1 THRU 5 HAVE ONE SINGLE DENSITY UNIT ASSOCIATED WITH THEM.

ACCESSORY STRUCTURE NOTE:

a) ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS. (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.)

b) ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARD CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.

OWNER/DEVELOPER
ESTATE OF JOHN STUTZKA
TINA ZIMMERMAN, EXECUTRIX
442 LINCOLN AVENUE
EPHRATA, PA 17522
717 625 3631

ZONING ORDER

IN RE: PETITION FOR SPECIAL HEARING N/S Blue Mount Road, W of Wesley Chapel Road (1924 Blue Mount Road) 10th Election District 3rd Council District Estate of John Stutzka Petitioners	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 04-550-SPH

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of September 2004 that the Petition for Special Hearing seeking approval of the Third amended Final Development Plan for the Warren Property to permit the re-subdivision of the existing "Reserved Parcel" into two lots, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

THIRD AMENDED APPROVAL BLOCK

OFFICE OF PLANNING AND ZONING
APPROVED BY:

DIRECTOR OF PLANNING — 6/20/05 DATE

DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT — DATE

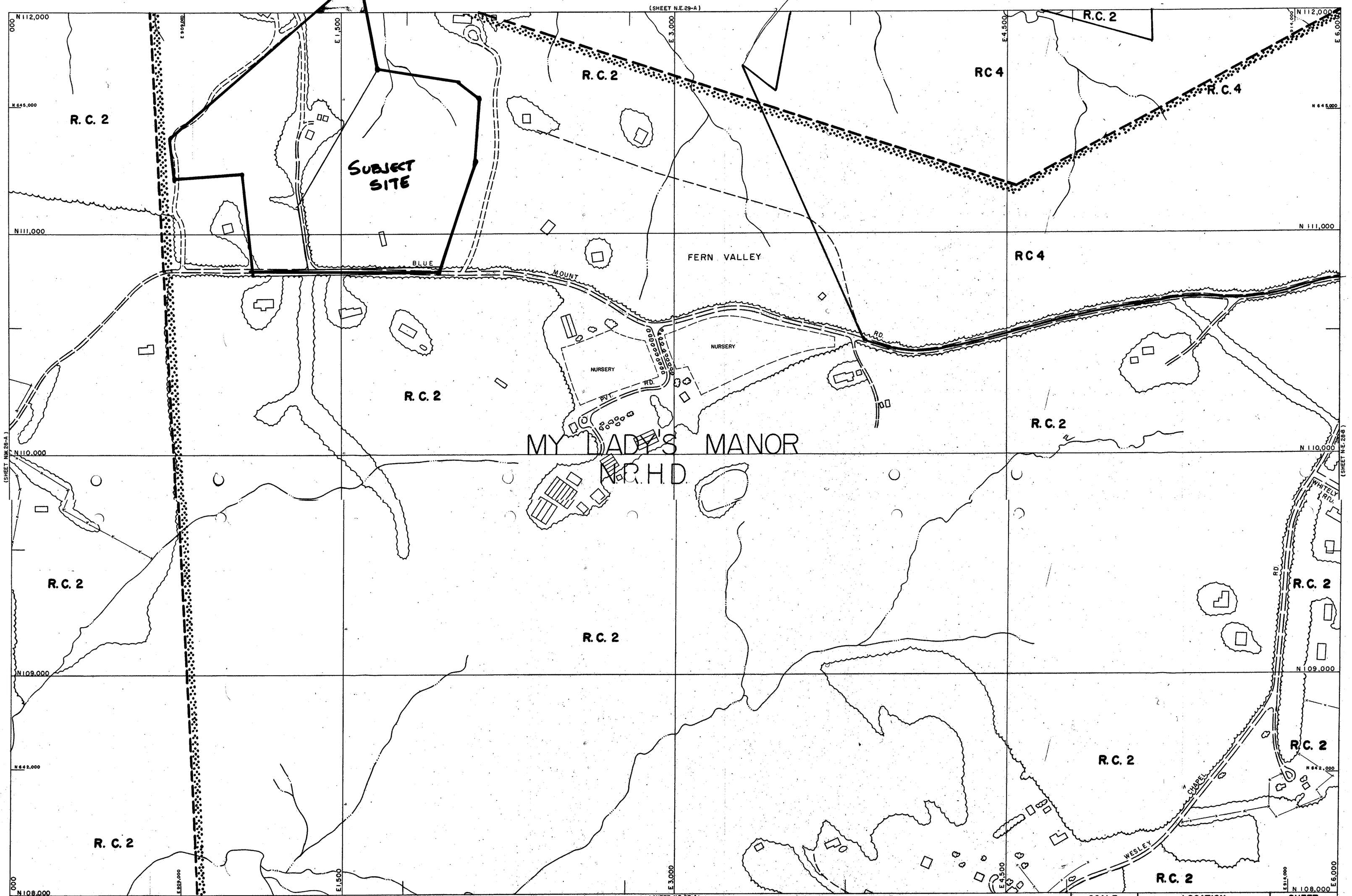
DIRECTOR OF P.D.M. NOTE

THIS DEVELOPMENT PLAN IS APPROVED BY THE DIRECTOR OF THE OFFICE OF PERMITS AND DEVELOPMENT MANAGEMENT BASED ON HIS INTERPRETATION OF THE ZONING REGULATIONS, THAT IT COMPLIES WITH PRESENT POLICY, DENSITY AND BULK CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OR PARCEL OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS SHOWN THEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON SAID PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A DWELLING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.

REASON FOR THIRD AMENDMENT

PURSUANT TO DRC CASE 081202G (APPROVED 2/3/03) AND AS PER THE ZONING COMMISSIONER'S ORDER IN ZONING CASE NO. 04-550-SPH TO RESUBDIVIDE THE "RESERVE PARCEL" OF "WARREN PROPERTY" INTO TWO LOTS.

DATE OF THIRD AMENDMENT: NOVEMBER 29, 2004
REV. MARCH 17, 2004



HH-SE II-SW
HH-NE II-NW

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

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bertaffelder
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1924 BLUE MOUNT RD.
"RESERVED PARCEL"
WARREN PROPERTY

SCALE	LOCATION	SHEET
1" = 200'±	EAST OF BLUE MOUNT	N. E. 28-A
DATE OF PHOTOGRAPHY JANUARY 1986		

NE 28 A

04-550-SPH

9025 N[illegible] Lindbergh Drive, Peoria, Illinois [illegible]5

Bond# 744649 Estate No. _____

STATE OF MARYLAND BOND OF PERSONAL REPRESENTATIVE

KNOW ALL MEN BY THESE PRESENTS:

As of this 7 day of December, 20 01,

Tina Zimmerman

Personal representative of the Estate of [illegible]

_____ as principal and **RLI INSURANCE COMPANY AN ILLINOIS CORPORATION,**

as surety are obligated to the State of Maryland for the benefit of all interested persons and creditors in the sum

of [illegible] Dollars.

If the personal representative shall perform the duties of the office of the personal representative of the estate of the decedent according to law, and in all respects shall discharge the duties without any injury or damage to any person interested it the faithful performance of the office, then the obligation shall be void.

SIGNED, SEALED, AND DELIVERED IN THE PRESENCE OF:

_____(Date) X Tina Zimmerman (SEAL)

Address 54 N Cedar St #5
Lititz PA 17543

_____(Date) _____(SEAL)

Address _____

_____(Date) _____(SEAL)

Address _____

Surety: RLI INSURANC COMPANY (SEAL)

By: _____

D:\WPDOCS\SCAN\BONDRLI.ALL

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Tina M Zimmerman	442 LINCOLN AVE	EPHRATA PA 17522	daughter of estate
Scott D Zimmerman	442 Lincoln Ave	Ephrata Pa 17522	
Ms Zimmerman			
Guy C Wynd			
Robert Porter, Esq.			