2020 TURKEY POINT ROAD
C/P – Rockaway Beach Improve. Assoc. - 15th E; 6th C
Case No.: 05-476-SPH

05-476-SPH

ALS ... 's ... uested ... June ... nitely ... dated ... o and ... ot by ... ted

3/01/2006 @ 10 00 a.m.

March 8, 2008

05-476-SPH

20050476 "A"
supplemental

Case No. 05-476-SPH
IN THE MATTER OF:
KAPMAN ENTERPRISES, LLC – LEGAL OWNERS;
ROCKAWAY BEACH IMP. ASSOCIATION – [redacted].
Petitioners / Protestants

1

Folder 1 of 2
(Case File)

Folder #2 Exhibits and Miscellaneous [unmarked] material

Case No. 05-476-SPH

IN THE MATTER OF:

KAPMAN ENTERPRISES, LLC – LEGAL OWNERS;

ROCKAWAY BEACH IMP. ASSOCIATION – [redacted].

Petitioners / Protestants

Folder 2 of 2
(Exhibits and Miscellaneous [unmarked] material)

Folder #1 contains Case File

8/3/09

IN THE MATTER OF THE APPLICATION OF KAPLAN ENTERPRISES, LLC – LEGAL OWNER ROCKAWAY BEACH IMPROVEMENT ASSOC - PETITIONER/PROTESTANT (2020 TURKEY POINT ROAD)	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	CASE NO. 05-476-SPH

* * * * * * * * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an 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 Zoning Commissioner dated May 31, 2005, in which the requested special hearing relief was denied and the Ruling/Order on Motion for Reconsideration, dated June 29, 2005 that was denied.

WHEREAS, an Order of this Board dated March 8, 2006 continued the matter indefinitely by agreement of Counsel for the purpose of negotiations towards a compromise.

WHEREAS, the Board is in receipt of a letter dated July 10, 2009 from Peter Max Zimmerman, People's Counsel for Baltimore County, that provided a copy of an Agreement dated February 21, 2008 by and between the parties in this matter (a copy of which is attached hereto and made a part hereof); and

WHEREAS, the Board has determined that the present case should be rendered moot by virtue of the agreed resolutions contained in the recorded Agreement between the parties dated February 21, 2008,

Kapman Enterprises, LLC - Legal Owners
Rockaway Beach Improvement Association - Petitioners/Protestants
Case No.: 05-476-SPH

IT IS ORDERED this 3rd day of August, 2009 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 05-476-SPH be and the same is hereby **DISMISSED AS MOOT.**

BOARD OF APPEALS
OF BALTIMORE COUNTY

Maureen E. Murphy, Chairman

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 10, 2009

Maureen E. Murphy, Chair
County Board of Appeals
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: Kapman Enterprises, LLC – Legal Owners
Rockaway Beach Improvement Association-Petitioners/Protestants
2020 Turkey Point Road
Case No. 05-476-SPH

Dear Ms. Murphy :

The Board's Administrator, Theresa R. Shelton, inquired recently about the status of several pending cases which have been inactive for a substantial period of time. This is another one of those cases.

In this unusual case, Petitioners were protestants who filed a special hearing to determine that the residential lots or development then proposed at 2020 Turkey Point Road conflicted with the applicable zoning law for the Back River Neck Growth Management area. Our office became involved in the case. The Zoning Commissioner, however, denied the petition on May 31, 2005, and subsequently denied a motion for reconsideration on June 29, 2005.

Our office filed the appeal to the County Board of Appeals.

There followed substantial negotiations towards a compromise, involving a reduced number of lots, a plat, detailed conditions, and a driveway maintenance declaration. These negotiations involved the property owner, Kapman Enterprises, the Turkey Point Improvement Association, and various citizens. Our office helped facilitate negotiations on background from time to time, but did not become a party to any agreement.

John Gontrum represented the property owner. Upon Ms. Shelton's inquiry, I contacted Mr. Gontrum because I did not have a copy of any final agreement. He kindly sent me the enclosed agreement dated February 21, 2008, which appears to have been recorded in the land records. As was expected, it is between the property owner Kapman Enterprises, Inc., Turkey Point Improvement Association, and various citizens. It also appears to run to successor owners.

Pursuant to paragraph 5(c) of the Agreement, upon filing of the Agreement and its Exhibit A in this zoning case, either the residents' petition would be withdrawn voluntarily, or the parties should agree to a consent order by the County Board of Appeals to dismiss the petition as moot.

So far as I know, there has been no modification or addition to the agreement. If Mr. Gontrum has anything to add which materially changes the situation, I trust he will let us know.

Under the circumstances, it appears most appropriate for the Board to issue an order that the present case is moot by virtue of the agreed resolution on development of residential lots different from that original plan which was approved by the Zoning Commissioner. Our office did not oppose the compromise resolution, and therefore concurs with the property owner and the citizens' agreement that the case should be declared moot.

Upon review of the situation briefly with Mr. Gontrum, I am not sure if he still represents the property owner. It may be that parts of the property have been sold. I leave it to him to respond as to whether he has a position.

In any event, it appears clear that the Board should pass an order to dismiss the petition as moot, in light of the February 21, 2008 agreement to modify the original plan for residential lots.

As a courtesy, I am sending a copy of this letter, and the enclosed agreement to J. Carroll Holzer, Esquire, who represented the citizens in filing the zoning petition and appearing before the Zoning Commissioner. I am also sending it to the Turkey Point Improvement Association care of Carolyn Bronushas.

Respectfully,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

cc: John B. Gontrum, Esquire
J. Carroll Holzer, Esquire
Turkey Point Improvement Association c/o Carolyn Bronushas

0027200 637 0026695 479

0027200 637 0026695 479

THIS AGREEMENT, Made this 21st day of February 2008, by and among THE ROCKAWAY BEACH IMPROVEMENT ASSOCIATION, INC., a Maryland non-stock corporation, TURKEY POINT IMPROVEMENT ASSOCIATION, a Maryland non-stock corporation, JACKIE NICKEL, CAROLYN BRONUSHAS, HOWARD FRENCH, KATHERINE HUGHES AND CHARLES REED, (collectively referred to as "Residents") and KAPMAN ENTERPRISES, LLC, a Maryland limited liability corporation (referred to as "Owner")

WITNESSETH:

WHEREAS the Owner owns eight (8) parcels of land located in the 15th election district of Baltimore County shown as Parcels 90, 91, 160, 401, 402, 220, 221, and 362 on Tax Map 98, as described in a deed dated November 22, 2004 and recorded among the land records of Baltimore County in Liber 21043, folio 473 (hereinafter cited as the "Property"); and

WHEREAS the Residents filed for a Special Hearing before the Zoning Commissioner of Baltimore County to limit the number of building permits allowed for the construction of dwellings on the Property in Baltimore County Zoning Case No. 05-476 SPH; and

WHEREAS an appeal to the County Board of Appeals of Baltimore County was taken by the People's Counsel for Baltimore County from an Order dated June 29, 2005 in the aforementioned zoning Special Hearing Case denying a reconsideration of the Order issued denying the Special Hearing relief sought by the Residents; and

WHEREAS the parties hereto have reached an Agreement on a layout of the dwellings and lots on the Property permitting twelve (12) building lots for single family, detached dwellings;

NOW, THEREFORE, in consideration of the mutual agreements and understandings contained in this Agreement, and for other good and valuable considerations, the receipt and sufficiency of which are hereby mutually acknowledged, the parties agree as follows:

1. The Owner, or its successors and assigns may apply for building permits and/or minor subdivisions on the Property in accord with the overall scheme of development for the eight (8) parcels as shown on the Master Grading Plan Bills Property attached hereto and made a part hereof as Exhibit A.

0027200 631 0026695 479

THIS AGREEMENT, Made this 21st day of February 2008, by and among THE ROCKAWAY BEACH IMPROVEMENT ASSOCIATION, INC., a Maryland non-stock corporation, TURKEY POINT IMPROVEMENT ASSOCIATION, a Maryland non-stock corporation, JACKIE NICKEL, CAROLYN BRONUSHAS, HOWARD FRENCH, KATHERINE HUGHES AND CHARLES REED, (collectively referred to as "Residents") and KAPMAN ENTERPRISES, LLC, a Maryland limited liability corporation (referred to as "Owner")

WITNESSETH:

WHEREAS the Owner owns eight (8) parcels of land located in the 15th election district of Baltimore County shown as Parcels 90, 91, 160, 401, 402, 220, 221, and 362 on Tax Map 98, as described in a deed dated November 22, 2004 and recorded among the land records of Baltimore County in Liber 21043, folio 473 (hereinafter cited as the "Property"); and

WHEREAS the Residents filed for a Special Hearing before the Zoning Commissioner of Baltimore County to limit the number of building permits allowed for the construction of dwellings on the Property in Baltimore County Zoning Case No. 05-476 SPH; and

WHEREAS an appeal to the County Board of Appeals of Baltimore County was taken by the People's Counsel for Baltimore County from an Order dated June 29, 2005 in the aforementioned zoning Special Hearing Case denying a reconsideration of the Order issued denying the Special Hearing relief sought by the Residents; and

WHEREAS the parties hereto have reached an Agreement on a layout of the dwellings and lots on the Property permitting twelve (12) building lots for single family, detached dwellings;

NOW, THEREFORE, in consideration of the mutual agreements and understandings contained in this Agreement, and for other good and valuable considerations, the receipt and sufficiency of which are hereby mutually acknowledged, the parties agree as follows:

1. The Owner, or its successors and assigns may apply for building permits and/or minor subdivisions on the Property in accord with the overall scheme of development for the eight (8) parcels as shown on the Master Grading Plan Bills Property attached hereto and made a part hereof as Exhibit A.

2. No further subdivision of the parcels beyond the twelve (12) single family detached dwelling lots shown on Exhibit A shall occur.

3. Exhibit A depicts areas of environmental easements and restrictions to be offered to the Baltimore County Department of Environmental and Resource Management prior to the issuance of building permits for any lot as shown on Exhibit A. These areas include any forest buffer areas, forest conservation areas and afforestation areas. The actual areas restricted from any development activity may be modified in accordance with final approval by Baltimore County, and a copy of the final plan shall be provided the Residents.

4. A Driveway Maintenance Declaration (Exhibit B) shall be prepared, executed and recorded among the Land Records of Baltimore County for Lots 1 and 2, 3 and 4, 5 and 6 as shown on Exhibit A prior to building permits being issued for these lots.

5. It is understood among the parties hereto that upon the signing of this Agreement the following actions shall occur immediately:

a. Exhibit A and this Agreement will be filed with the Department of Environmental Protection and Resource Management and with the Department of Permits and Development Management representing a scheme of development of the Property;

b. The original scheme of development proposed by the Owner shall be withdrawn by the Owner, and permits for the individual lots and for the minor subdivisions shall be sought by the Owner, its successors and assigns only in accord with Exhibit A

c. Upon the filing of this Agreement and Exhibit A Zoning Case No. 05-476-SPH filed by certain Residents shall be withdrawn voluntarily, or the parties shall agree to a consent order by the County Board of Appeals of Baltimore County to dismiss as moot the above referenced Petition;

d. No further action shall be taken by the Residents against application for or issuance of any of the building permits or minor subdivisions for the Property consistent with the scheme of development represented by Exhibit A. The Residents agree and covenant that they will support and not oppose the Owner, its successors and assigns, in the use, development and improvement of the Property as provided in this Agreement before any and all governmental bodies, or before any other entity whose approval may be required for the use, development and improvement of the Property, provided such development and improvement is in accordance with this Agreement.

6. This Agreement shall be binding upon the parties, their personal representatives, successors and assigns.

7. a. In the event of a breach or threatened breach hereof, any party may enforce this Agreement. The parties acknowledge that remedies at law may be inadequate to protect them from a material breach or threatened material breach of this Agreement. Each party expressly agrees that in addition to all remedies available at law or in equity, each party shall be entitled to seek and receive injunctive relief to address any material breach of this Agreement by the other. Notwithstanding either party's right to enforce this Agreement, however, the parties shall provide each other written notice of an alleged breach, and each party shall have the right within ten (10) days of receipt of written notice to correct the alleged violation, prior to the institution of any further action or proceeding.

b. The costs of enforcement of this Agreement including any reasonable attorney fees and expert fees incurred in the enforcement proceedings shall be borne by the party materially breaching this Agreement.

8. Miscellaneous Provisions.

a. This Agreement may be executed in counterparts.

b. This Agreement contains the entire understanding of the parties. Any amendments must be in writing, signed by all parties to this Agreement.

c. This Agreement is a private agreement among the parties hereto. Baltimore County, Maryland (the "County") is not a party to this Agreement, and the covenants, restrictions and conditions herein shall have no binding effect on Baltimore County, and the County, its officials, agents, employees, representatives, successors and assigns shall be neither requested nor compelled by any individual or entity, whether party hereto or not, to enforce this private Agreement, in whole or in part.

d. The Owner and the Residents hereby warrant and represent that each has legal authority to bind itself, and that all necessary action required to be taken to authorize the execution of the Agreement has been taken.

e. If any provision of this Agreement shall be held by a court of competent jurisdiction to be illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

f. All notices to be given shall be in writing and sent by certified mail, return receipt requested, which will be deemed delivered on the third business day following the date of mailing. Notice shall be sent and addressed as follows:

The Rockaway Beach Improvement Association, Inc.

c/o Jackie Nickel
721 Rockaway Beach Avenue
Essex, Maryland 21221

Turkey Point Improvement Association
c/o Carolyn Bronushas
2104 Rosalie Avenue
Essex, Maryland 21221

Jackie Nickel
721 Rockaway Beach Avenue
Essex, Maryland 21221

Howard French
320 Greyhound Road
Essex, Maryland 21221

Carolyn Bronushas
2104 Rosalie Avenue
Essex, Maryland 21221

Katherine Hughes
600 Greyhound Road
Essex, Maryland 21221

Charles Reed
610 Greyhound Road
Essex, Maryland 21221

Kapman Enterprises, LLC
9 Widebrook Court
Baltimore, Maryland 21234

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

SIGNATURES ON FOLLOWING PAGE

0021200 640 0026695 483

HARRY R. SULT JR.
NOTARY PUBLIC BALTIMORE COUNTY
My Commission Expires July 14, 2011

WITNESS/ATTEST

Harry Sult
_____(SEAL)

Member

KAPMAN ENTERPRISES LLC

Patrick Belzner, Managing

THE ROCKAWAY BEACH IMPROVEMENT

ASSOCIATION, INC.

Jackie Nickel
_____(SEAL)

By:

TURKEY POINT IMPROVEMENT ASSOCIATION

Charles Heath
_____(SEAL)

By:

Jackie Nickel
_____(SEAL)

JACKIE NICKEL

STATE OF MARYLAND
County of Balto.
Sworn and subscribed in due form before me this 13th day of March 2007
Debra E. Stevens
Com. Expires 8-1-07

Howard French
_____(SEAL)

HOWARD FRENCH

Carolyn O. Bronushas
_____(SEAL)

CAROLYN BRONUSHAS

Katherine L. Hughes
_____(SEAL)

KATHERINE HUGHES

0027200 642 0026695 484

Charles Reed
_____(SEAL)

CHARLES REED

#356373

PAGE

0027200 643 0026695 485

ADDENDUM

Subsequent to the execution of the Agreement, Kapman Enterprises, LLC, the Owner, transferred its interest in the Property to Lane Nine Properties, LLC. This conveyance is recorded in a deed, dated 12/18/2007 and recorded among the land records of Baltimore County in Liber 26511 folio 656. As a result of the transfer, Lane Nine Properties, LLC will assume the responsibilities and obligations of Kapman Enterprises, LLC as set forth in the Agreement. The undersigned, George Clampet, member of Lane Nine Properties, LLC, joins herein to assent to the terms and provisions of the Deed and Agreement on behalf of Lane Nine Properties, LLC.

WITNESS

George Clampet
Member, Lane Nine Properties, LLC

I HEREBY CERTIFY, that on this 31st day of Jan, in the year 2008 before me, the subscriber, a Notary Public, personally appeared George Clampet, in his capacity as MEMBER, for Lane Nine Properties, LLC, and he as MEMBER, being authorized to do so, acknowledged the foregoing Agreement to be his act as MEMBER ~~for said Trustee~~, and IN MY PRESENCE SIGNED AND SEALED THE SAME.

AS WITNESS My Hand and Notarial Seal.

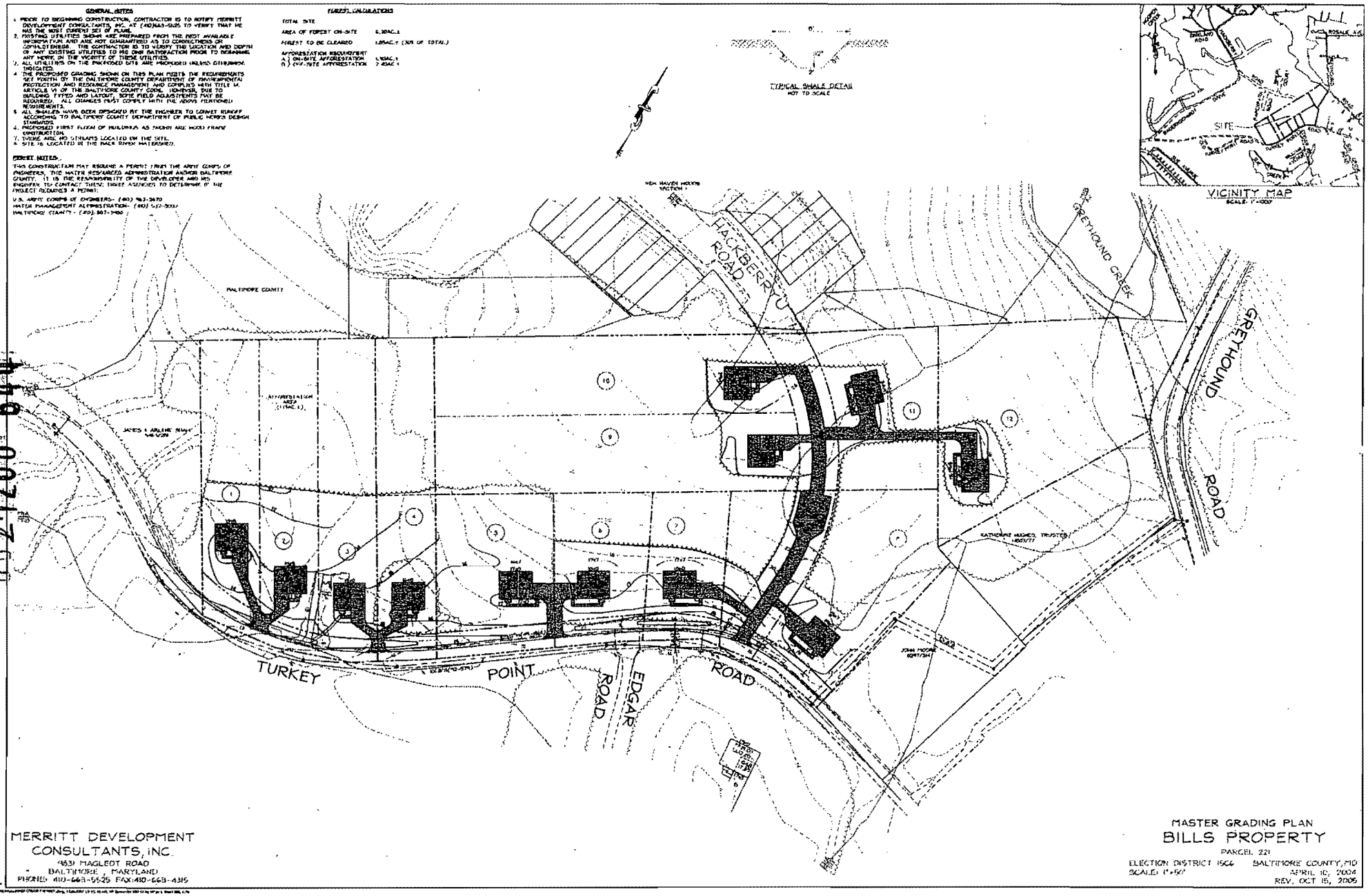
JAMES D. OCONNELL NOTARY PUBLIC BALTIMORE CO., MD.

Notary Public

My Commission Expires: 3/1/2010

392945

EXHIBIT A



002200 644

MERRITT DEVELOPMENT CONSULTANTS, INC.
1833 MAGLEDT ROAD
BALTIMORE, MARYLAND
PHONE: 410-663-5525 FAX: 410-663-4315

MASTER GRADING PLAN
BILLS PROPERTY
PARCEL 221
ELECTION DISTRICT 1906 BALTIMORE COUNTY, MD
SCALE 1"=50' APRIL 10, 2004
REV. OCT 15, 2005

EXHIBIT B

0027200 645

DRIVEWAY MAINTENANCE DECLARATION

THIS DRIVEWAY MAINTENANCE DECLARATION ("Declaration") made this _____ day of _____, 2008, by LANE NINE PROPERTIES, LLC, a Maryland limited liability corporation (referred to as "Owner")

EXPLANATORY STATEMENT

WHEREAS, the Owner owns eight (8) parcels of land located in the 15th election district of Baltimore County shown as Parcels 90, 91, 160, 401, 402, 220, 221, and 362 on Tax Map 98, as described in a deed dated December 18, 2007, and recorded among the land records of Baltimore County in Liber 26511, folio 656 (hereinafter cited as the ("Property"); and

WHEREAS the Owner desires to develop the eight (8) parcels into twelve (12) separate lots as more particularly depicted on Exhibit A attached hereto and made a part hereof; and

WHEREAS Lots 1 and 2, Lots 3 and 4, Lots 5 and 6 and Lots 9, 10, 11 and 12 share four (4) separate common driveways as shown on Exhibit A.

DEFINITIONS:

Driveway. "Driveway" means a driveway for vehicular and pedestrian use, paved or unpaved, already constructed or to be constructed, and maintained within the Easement areas as hereinafter provided.

Lot Owner or Owners. "Lot Owner or Owners" means any owner, from time to time, whether one or more persons, of fee simple title to Lots 1 and 2, 3 and 4, 5 and 6 and Lots 9, 10, 11 and 12 as shown on Exhibit A as hereinafter provided.

WHEREFORE the parties hereto agree as follows:

Maintenance: To at all times maintain the Driveway in a safe, clean and orderly condition, and in good repair. Such maintenance shall include without limitation, the removal of snow and ice, mowing of grass in and around the Driveway, and maintenance and replacement of paving, if and when required.

Responsibility for Performance of Maintenance: The maintenance of the Driveway shall be performed by and at the time and in such manner as shall be determined by agreement of the Lot Owners, or in accordance with the terms set forth in this Agreement.

Cost of Maintenance. All maintenance of the Driveway shall be split and paid equally by the Lot Owners. If any Lot Owner using a common driveway performs or

contracts for the performance of such Driveway maintenance in accordance with such agreement, then the other Lot Owner(s) shall be obligated to reimburse the performing or contracting party for such work, on demand, for one half or three quarters of the cost of the work depending on the number of lots accessing the driveway. The obligation for payment or reimbursement shall be binding upon the parties hereto.

Damage Due to Negligence. If the Driveway or any portion thereof is deliberately or negligently damaged or destroyed by the act or omission of a Lot Owner, then such party shall promptly repair such damage at its sole expense and without contribution from the remaining Lot Owner(s).

Damage Due to Construction. Any and all damage to the Driveway or any portion thereof occurring as a result of any construction or maintenance being conducted at or upon a Lot Owner's property shall be repaired by such party responsible therefore at its sole cost and expense and without contribution from another Lot Owner using that Driveway.

After Construction. From and after the completion of any construction each party shall indemnify and hold harmless the other(s) from and against any and all third party claims, actions, damages, liability or expense arising out of the exercise or use of the Driveway by the indemnifying party, its agents, employees, family members or invitees. Nothing herein contained shall be deemed to require the indemnification of any party with respect to its own negligence or intentional acts, or that of its agents, employees, family members or invitee.

Remedy. Any party to a Driveway shall have the right, upon ten (10) days prior written notice of an alleged default, and the failure of the recipient of such notice to respond to, cure, or commence curing the alleged default within such ten (10) day period, to cure and default under this Declaration on the part of the other Lot Owner, whether by the payment of money or otherwise, to enter upon the Lot of the Defaulting Owner in connection with the curing of such default, and to demand and collect payment or reimbursement from the defaulting Lot Owner of all amounts unpaid by the defaulting Owner or advanced by the complaining owner in connection with the curing of such default, together with the interest at the rate of eighteen percent (18%) per annum. If any Owner shall advance any sum in connection with the curing of the default of any other Owner, all sums so advanced together with the interest as aforesaid and all other costs and expenses in connection therewith, including attorney's fees, shall be recoverable as hereafter provided.

Legal Action. Each Lot Owner and each other person to whose benefit this Declaration inures may proceed at law or in equity to prevent the occurrence or continuance of any violation of any provision of this Declaration. All costs and expenses of prosecuting any proceeding at law or in equity brought to enforce the provisions of this Declaration, including reasonable attorneys' fees and expenses, shall be a binding personal obligation of the Lot Owner against whom the decision is rendered and shall be

a lien against the Lot of such Owner enforceable in accordance with the provisions of this Section.

Burden. The burden of this Agreement and the restrictions hereby created shall run with and be binding upon title to the real property described herein and upon each Lot Owner thereof from time to time and their respective personal representatives, successors and assigns.

Benefit. The benefit of this Agreement and the restrictions hereby created shall run with and benefit each Lot Owner thereof from time to time and their respective personal representatives, successors and assigns.

Binding Effect. This Agreement shall create privity of contract and estate with and among the Lot Owners from time to time of the lots and all grantees of all or any part of the lots, their personal representatives, successors and assigns.

No Merger of Estates. The Owner does not intend to merge the estates benefited and burdened by the restrictions hereby established.

Gender and Number. As used in this Agreement, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Captions. The captions of this Agreement are inserted only for the purpose of convenient reference and in no way define, limit or prescribe the scope or intent of this Agreement or any part hereof.

Notices. Every notice, approval, consent or other communication authorized required by this Declaration shall not be effective unless the same shall be in writing and hand delivered or sent postage prepaid by United States registered or certified mail, return receipt requested, directed to the addressee thereof at its address appearing in the real estate tax assessment records of the County with respect to the Lot owned by such addressee or such other address as any party subject to this Declaration may designate to the sender of any such communication by notice given from time to time in accordance with this Section ("Notice Address").

WITNESS, the hand and seal of the parties hereto

ATTEST:

LANE NINE PROPERTIES, LLC,

_____ By:_____(Seal)
, Manager

STATE OF MARYLAND, COUNTY/CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this ____ day of _____, 2008, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, Manager of LANE NINE PROPERTIES, LLC, who acknowledged himself to be the person whose name is subscribed to the within Driveway Maintenance Declaration, and executed same for the purposes contained therein, by signing in my presence.

WITNESS my hand and Notarial Seal.

_____(SEAL)
Notary Public

My Commission Expires:

CERTIFICATION

I hereby certify that the foregoing instrument was prepared by or under the supervision of the undersigned, an attorney admitted to practice before the Court of Appeals of Maryland.

_____
John B. Gontrum

After recording return to:

John B. Gontrum, Esquire
Whiteford, Taylor & Preston
210 West Pennsylvania Avenue
Towson, Maryland 21204-4515

0026695 486

0027200 649

State of Maryland Land Instrument Intake Sheet

❑ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.)

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Information

TRANSFER TAX $ 20.00
RECORDING FEE 20.00
TOTAL 40.00
RECEIVED BALTIMORE COUNTY
FEB 25 2008 08:52 AM

1 Type(s) of Instruments (☐ Check Box if addendum Intake Form is Attached.)

☐ Deed ☐ Mortgage ☒ Other Agreement ☐ Other
☐ Deed or Trust ☐ Lease

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length [1] ☐ Unimproved Sale Arms-Length [2] ☐ Multiple Accounts Arms-Length [3] ☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation	
State Transfer	
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount	
Purchase Price/Consideration	$
Any New Mortgage	$
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value:	$

Agr

Finance Office Use Only
Transfer and Recordation Tax Consideration

Transfer Tax Consideration	$
X ( ) %	
Less Exemption Amount	$
Total Transfer Tax	$
Recordation Tax Consideration	$
X ( ) per $500	
TOTAL DUE	$

Agent:
Tax Bill:
C.B. Credit:
Ag. Tax/Other:

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$	$
Surcharge	$	$
State Recordation Tax	$	$
State Transfer Tax	$	$
County Transfer Tax	$	$
Other	$	$
Other 1502370938	$	$

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
15	1502370160-4	21643/473 and 26511/656			☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2)

Other Property Identifiers (if applicable) | Water Meter Account No.

Residential ☒ or Non-Residential ☐ | Fee Simple ☒ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☐ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
The Rockaway Beach Improvement Association, Inc, Turkey Point Improvement Association, Jackie Nickel, Carolyn Brownshaw, Howard French, Katherine Hughes and	
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)
	Charles Reed

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
Kapman Enterprises, LLC Lane Nine Properties, LLC	

New Owner's (Grantee) Mailing Address

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Adam D. Baker, Esquire
Firm Whiteford, Taylor & Preston LLP
Address: 210 W. Pennsylvania Avenue #400
Towson, MD 21204 Phone: (410) 832-2052

☒ Return to Contact Person
☐ Hold for Pickup
☐ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☐ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☐ No Does transfer include personal property? If yes, identify:
☐ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Space Reserved for County Validation

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Partial Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.:

	Year	20	20	Geo.	Map	Sub	Block
Land				Zoning	Grid	Plat	Lot
Buildings				Use	Parcel	Section	
Total				Town Cd.	Ex. St.	Ex.	

REMARKS:

TAX EXEMPTION REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY, MARYLAND
☐ COUNTY TRANSFER TAX Per ART 11 TITLE 3
☐ RECORDATION TAX Per SUBTITLE 2, 11-3-202
☐ ART 12-108
Date 2/25/2008

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer

0027200 650

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.)

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

INCLUSURE $ 20.00
RECORDING FEE 75.00
TOTAL 95.00
RECD BANK Rcpt # 51869
SM BC Blk # 2174
JUL 24, 2008 11:00 am

1 Type(s) of Instruments (☐ Check Box if addendum Intake Form is Attached.)

☐ Deed	☐ Mortgage	☒ Other Agreement	Other
☐ Deed or Trust	☐ Lease		

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation	re-record with attachments
State Transfer	
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount	
Purchase Price/Consideration	$
Any New Mortgage	$
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value:	$

Finance Office Use Only
Transfer and Recordation Tax Consideration

Transfer Tax Consideration	$
X ( ) % =	$
Less Exemption Amount –	$
Total Transfer Tax =	$
Recordation Tax Consideration	$
X ( ) per $500 =	$
TOTAL DUE	$

Agent:
Tax Bill:
C.B. Credit:
Ag. Tax/Other:

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$	$
Surcharge	$	$
State Recordation Tax	$	$
State Transfer Tax	$	$
County Transfer Tax	$	$
Other	$	$
Other 1502370930	$	$

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
15	1502370160-4	21043/473 and 26511/656			☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2)

Other Property Identifiers (if applicable) | Water Meter Account No.

Residential ☒ or Non-Residential ☐ | Fee Simple ☒ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☐ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
The Rockaway Beach Improvement Association, Inc., Turkey Point Improvement Association, Jackie Nickel, Carolyn Bronowski, Howard French, Katherine Hughes and Charles Reed	
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 - Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
Kapman Enterprises, LLC Lane Nine Properties, LLC	

New Owner's (Grantee) Mailing Address

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Adam D. Baker, Esquire
Firm Whiteford, Taylor & Preston LLP
Address: One West Pennsylvania Avenue #300
Towson, MD 21204 Phone: (410) 832-2052

☒ Return to Contact Person
☐ Hold for Pickup
☐ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☐ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☐ No Does transfer include personal property? If yes, identify:
☐ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Space Reserved for County Validation

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Transfer Number: Deed Reference: Assigned Property No.:

Year		Geo.	Map	Sub	Block
Land		Zoning	Grid	Plat	Lot
Buildings		Use	Parcel	Section	Occ. Cd.
Total		Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

TAX NOT REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY, MARYLAND
COUNTY TRANSFER TAX Sec 33-139
RECORDATION TAX T.P. ART 12-108
PTT
Date

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer

3/8/06

IN THE MATTER OF:	*	BEFORE THE
KAPMAN ENTERPRISES, LLC, L.O. ROCKAWAY BEACH IMP. ASSN. – Petitioners / Protestants	*	COUNTY BOARD OF APPEALS
15th Election District	*	OF BALTIMORE COUNTY
6th Councilmanic District	*	CASE NO. 05-476-SPH

****

ORDER

The above referenced matter came before this Board on a hearing and, by agreement of counsel, has been indefinitely postponed; and it is hereby

ORDERED, this 8th day of March, 2006, by the County Board of Appeals of Baltimore County that the above referenced matter shall be **continued indefinitely**, with further action to be taken by this Board only upon request of any party to this matter.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Mike Mohler

Edward W. Crizer, Jr.

County Board of Appeals of Baltimore County

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

March 8, 2006

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

RE: *In the Matter of: Kapman Enterprises, LLC –Legal Owners; Rockaway Beach Improvement Assn. - Petitioner*
Case No. 05-476-SPH /Order of Continuance

Dear Mr. Zimmerman:

Enclosed please find a copy of the Order to indefinitely continue the subject matter issued this date by the County Board of Appeals of Baltimore County.

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

Enclosure

c: ✓J. Carroll Holzer, Esquire
✓Jackie Nickel and Rockaway Beach Imp Assn.
✓Carolyn Bronushas
✓Howard French
✓Katherine Hughes
✓Charles Reed
✓Carole Ledley
✓JoAnn Loeliger
✓Lawrence & Charlotte Knoll
✓Joan Moore
✓Ronald Hagy
✓Vince Cotrino
✓John B. Gontrum, Esquire
Audra Trouland Cathel, Esquire
✓Kapman Enterprises, LLC
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Case No. 05-476-SPH

In the Matter of: Kapman Enterprises, LLC – Legal Owner
Rockaway Beach Imp Assn, et al –Petitioners /Protestants
2020 Turkey Point Road 15th E; 6th C

SPH – Filed by Rockaway Beach Imp Assn., et al, as interested citizens to limit development of 8 parcels of land to a total of 3 separate buildings lots pursuant to Growth Management Plan for Bowley's Quarters and Back River Neck Areas.

5/31/05 - Z.C.'s Decision in which special hearing relief requested by Protestants /Petitioners was DENIED.
6/29/05 – Z.C. Ruling on Motion for Reconsideration filed by People's Counsel – Motion DENIED.

1/25/06 - Notice of Assignment sent to following; assigned for hearing on Wednesday, March 1, 2006 at 10:00 a.m.:

Office of People's Counsel
J. Carroll Holzer, Esquire
Jackie Nickel and Rockaway Beach Imp Assn.
Carolyn Bronushas Howard French
Katherine Hughes Charles Reed
Carole Ledley JoAnn Loeliger
Lawrence & Charlotte Knoll Joan Moore
Ronald Hagy Vince Cotrino
John B. Gontrum, Esquire
Audra Trouland Cathel, Esquire
Kapman Enterprises, LLC
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

3/01/06 – Board convened for hearing (Wescott, M Mohler, Crizer); on the record and prior to hearing, counsel requested that the subject matter be continued indefinitely; possibly resolution through alternative plan now being reviewed. Order to be issued that this matter is to be continued indefinitely; no further action to be taken by the Board until requested to do so by any party to this matter.

APPEAL

Petition for Special Hearing
2020 Turkey Point Road
N/side of Turkey Point Road, East & West of Edgar Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Kapman Enterprises, LLC
~~Contract Purchasers~~: Rockaway Beach Improvement Association
(Petitioners / Protestants)
Case No.: 05-476-SPH

✓ Petition for Special Hearing (March 22, 2005)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (March 28, 2005)

✓ Certification of Publication (The Jeffersonian – April 26, 2005)

✓ Certificate of Posting (April 8, 2005) by Bruce Doak

✓ Entry of Appearance by People's Counsel (March 31, 2005)

✓ Petitioner(s) Sign-In Sheet – 1 Sheet

Protestant(s) Sign-In Sheet - None

✓ Citizen(s) Sign-In Sheet – 1 Sheet

✓ Zoning Advisory Committee Comments

Petitioners' Exhibit

1. ✓ Bill 64-99
2. ✓ Bill 28-01
3. ✓ Planning Office Comment
4. ✓ Tax Map and Plat
5. ✓ Deed History
6. ✓ Zoning Map
7. ✓ GIS Map with Boundary Locations

Reid 10/6/05

Protestants' Exhibits:

1. ✓ Water & Sewer Plan
2. ✓ Layout of Parcel Configuration
3. ✓ Exhibit 1 of Motion Hearing (admitted in main case)

Miscellaneous (Not Marked as Exhibit)

1. ✓ Plat to accompany petition for Special Hearing
2. ✓ Letter dated April 5, 2005 from Holzer & Lee
3. ✓ Letter dated April 6, 2005 from Holzer & Lee
4. ✓ People's Counsel Preliminary Memorandum dated April 26, 2005
5. ✓ Fax from Amanda Conn dated May 3, 2005
6. ✓ Letter dated May 12, 2005 indicating County Council Agenda for Bill 64-99
7. ✓ Division of Code Inspections & Enforcement Violation Case Documents

✓ Zoning Commissioner's Order (DENIED – May 31, 2005)

✓ Motion of Reconsideration from People's Counsel dated June 22, 2005 & letter of support from Holzer & Lee dated June 24, 2005

✓ Letter dated June 27, 2005 from Whiteford, Taylor & Preston indicating opposition of Motion for Reconsideration

✓ Exhibit Sheet for Motions Hearing (two exhibits)

✓ Kapman Enterprises, LLC's Preliminary Memorandum

✓ Order on Motion for Reconsideration (DENIED – June 29, 2005)

✓ Notice of Appeal received on July 22, 2005 from People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM

date sent October 4, 2005, klm

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

September 27, 2005

Peter Max Zimmerman, Esquire
People's Counsel of Baltimore County
400 Washington Avenue, Room 47
Towson, MD 21204

Dear Messrs. Zimmerman & Holzer:

RE: Case: 05-476-SPH, 2020 Turkey Point Road

Please be advised that an appeal of the above-referenced case was filed in this office on July 22, 2005 by your office. 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

TK:klm

c: William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286
John Gontrum, 210 W. Pennsylvania Avenue, Towson 21204
Kapman Enterprises, 9 Widebrook Court, Baltimore 21234
Jackie Nickel, 721 Rockaway Beach Rd., Baltimore 21221
Carole Ledley, 2304 Turkey Point Road, Baltimore 21221
Joann Loeliger, 2337 Tickwood Road, Baltimore 21221
Evelyn Reed, 610 Greyhound Road, Baltimore 21221
Mr. & Mrs. Lawrence Knoll, 623 Rockaway Beach, Baltimore 21221
Joan Moore, 2112 Turkey Point Road, Baltimore 21221
Ronald Hagy, 2114 Turkey Point Road, Baltimore 21221
Vince Cotrino, 2116 Turkey Point Road, Baltimore 21221

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

July 22, 2005

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

Re: PETITION FOR SPECIAL HEARING
N/side Turkey Point Road, East and West of Edgar Avenue
(2020 Turkey Point Road)
15th Election District; 6th Council District
Kapman Enterprises, LLC, Legal Owners;
Rockaway Beach Improvement Association, et al, Petitioners
Case No.: 05-476-SPH

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Order on the Motion(s) for Reconsideration dated June 29, 2005 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

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

RECEIVED
JUL 22 2005
Per.....

PMZ/CSD/rmw

cc: J. Carroll Holzer, Esquire
John B. Gontrum, Esquire

6/29/05

IN RE: **PETITION FOR SPECIAL HEARING** N/Side Turkey Point Road, East and West of Edgar Avenue **(2020 Turkey Point Road)** 15th Election District 6th Council District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Kapman Enterprises, LLC, Legal Owners; Rockaway Beach Improvement Assoc., et al, Petitioners	*	Case No. 05-476-SPH

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

ORDER ON THE MOTION(s) FOR RECONSIDERATION

This matter comes before the Zoning Commissioner on a Motion for Reconsideration filed in the above-captioned matter by Peter Max Zimmerman, Esquire, on behalf of the Office of People's Counsel for Baltimore County on June 22, 2005. By letter dated June 24, 2005, J. Carroll Holzer, Esquire, as Counsel for the Petitioners, joined and adopted the Motion filed by People's Counsel. On June 27, 2005, John B. Gontrum, Esquire, provided written opposition to the Motion on behalf of the Legal Owners and Respondents, Kapman Enterprises, LLC.

By way of background, the Petitioners in the instant case consist of two area improvement associations, namely the Rockaway Beach and Turkey Point Improvement Association(s), and four individually named interested citizens, Jackie Nickel, Carolyn Bornushas, Howard French and Katherine Hughes. Pursuant to the Petition for Special Hearing, the Petitioners sought relief to limit development of the subject property to a total of three separate building lots, pursuant to the Growth Management Plan for Bowley's Quarters and Back River Neck Areas (Section 4A03 of the B.C.Z.R.).

By my opinion and Order dated May 31, 2005, I denied the Petitioners' request for the reasons set forth therein. Subsequently, the Petitioners and the Office of People's Counsel filed a Motion for Reconsideration, seeking a new evidentiary hearing to explore the zoning history and use of the subject property.

ORDER RECEIVED FOR FILING
Date 6/29/05
By

The request for reconsideration is based in part on the recent decision of the Court of Appeals in Remes v. Montgomery Co., (No. 122, May 12, 2005). While this opinion came down after the May 10, 2005 hearing before me, it is noted within my Order of May 31, 2005 and the doctrine of zoning merger as discussed by Judge Cathell was considered and applied to the facts presented to me. Remes restated the doctrine of merger as discussed in Friends of the Ridge v. BG&E, 352 Md. 645 (1999) and did not state new law. Consequently, there is no need to reopen the record of this case to discuss issues that could have been or should have been addressed at the public hearing.

People's Counsel suggests the prior owners of the subject property (the Bills family) may have used the contiguous parcels as a "single farm use" for many years, raising an inference of zoning merger prior to the sale of the property to Kapman Enterprises, LLC on February 12, 2004. The evidence presented disputes such an inference. The eight parcels in question clearly do not constitute a farm. (See Petitioner's Exhibit 7 – five of the eight lots are fully wooded.)

Further, Mr. Zimmerman points out that the case involves property located in the Chesapeake Bay Critical Areas, and pursuant to Section 500.14 of the B.C.Z.R., the Department of Environmental Protection and Resource Management (DEPRM) must make written recommendations with respect to the criteria enumerated in that Section. Mr. Zimmerman is correct that there was no specific Zoning Advisory Committee (ZAC) comment received from DEPRM. However, a review of the Protestants' (Respondent's) Motion Exhibit 1, and in particular, the January 25, 2004 letter from Mr. Gontrum to Timothy Kotroco, Director, Department of Permits and Development Management (DPDM), establishes that the Director of DEPRM, David Carroll, as well as Thomas Vidmar and Patricia Farr were very much involved with respect to the development of these parcels. Ultimately, it was decided "The processing of the individual subdivision and even the permitting of the individual parcels accordingly will be subjected to an overall approved plan by DEPRM." Thus, DEPRM agreed that the processing of minor subdivisions on some of the

individual parcels did not violate the terms of County Council Bill No. 64-99. It was based on the content of these exhibits that I am satisfied that DEPRM had fulfilled its task.

People's Counsel and Respondent have keenly identified and developed the essential grounds for the request for reconsideration and opposition thereto. However, after due consideration of the representations made therein and the testimony and evidence presented at the hearing, I am convinced that there is no reason to reconsider the decision in this matter.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of June 2005 that the Motion for Reconsideration filed in the above-captioned matter be and the same is hereby DENIED.

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

William J. Wiseman, III
Zoning Commissioner
For Baltimore County

ORDER RECEIVED FOR FILING
Date 6/29/05
By

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
William J. Wiseman III, Zoning Commissioner

June 29, 2005

Peter Max Zimmerman, Esquire
Office of People's Counsel for Baltimore County
400 Washington Avenue, Room 47
Towson, Maryland 21204

RE: **MOTION FOR RECONSIDERATION**
PETITION FOR SPECIAL HEARING
2020 Turkey Point Road
Case No. 05-476-SPH

Dear Messrs. Zimmerman & Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Motion for Reconsideration has been denied, 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Md. 21286
John B. Gontrum, Esquire, Whiteford Taylor & Preston
210 W. Pennsylvania Avenue, Towson, Md. 21204
Kapman Enterprises, LLC, 9 Widebrook Court, Baltimore, Md. 21234
Ms. Jackie Nickel, 721 Rockaway Beach Road, Baltimore, Md. 21221
Ms. Carole L. Ledley, 2304 Turkey Point Road, Baltimore, Md. 21221
Ms. JoAnn Loeliger, 2337 Tickwood Road, Baltimore, Md. 21221
Ms. Evelyn Reed, 610 Greyhound Road, Baltimore, Md. 21221
Mr. & Mrs. Lawrence Knoll, 623 Rockaway Beach Road, Baltimore, Md. 21221
Ms. Joan Moore, 2112 Turkey Point Road, Baltimore, Md. 21221
Mr. Ronald Hagy, 2114 Turkey Point Road, Baltimore, Md. 21221
Mr. Vince Cotrino, 2116 Turkey Point Road, Baltimore, Md. 21221
DEPRM; Case File

6/27/05

WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

JOHN B. GONTRUM
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210 WEST PENNSYLVANIA AVENUE
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FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

RECEIVED

JUN 27 2005

ZONING COMMISSIONER

June 27, 2005

William J. Wiseman, III, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: Re: Rockaway Beach Improvement Assoc., et al - Petitioners
Case No. 05-476-SPH

Dear Commissioner Wiseman:

I am in receipt of People's Counsel's correspondence dated June 22, 2005. Please accept this letter as Petitioner's Opposition to People's Counsel's Motion for Reconsideration. The facts in the above case are not in dispute. The properties have been held by and large in the same ownership for many years, but all as separately taxed individual parcels. There have been separate water and sewer charges, etc. As presented at the hearing, all of the improvements are located on one of the lots. Some of the lots are fully wooded, and some have open space, but none are needed to support uses on the others.

The doctrine of merger certainly is not a new doctrine. All that *Remes v. Montgomery County, No. 122- 2004* did was to restate the issue discussed in *Friends of the Ridge v. BGE*, 352 Md. 645 (1999), in the context of a zoning setbacks. It did not state new law. The court in *Remes* stated that *Ridge* was merely a statement of common law, not a change (*Id.* at 25). Consequently, there is no need to reopen the record to discuss issues which should have been addressed and which were, in fact, addressed at the hearing before you.

The first issue is whether the doctrine of zoning merger even applies. Zoning merger was defined in *Remes* "to be the merger for zoning purposes of two or more lots held in common ownership where one lot is used in service to one or more of the other

common lots solely to meet zoning requirements..." (*Id.* at 9). The Court quoted *Friends of the Ridge* stating that merger has been applied to "prohibit the use of individual substandard parcels if contiguous parcels have been, at any relevant time, in the same ownership and at the time of that ownership, the combined parcel was not substandard." *Id.* at p. 11 *quoting Friends of the Ridge,* 352 Md. 645 at 653 (1999). In *Friends of the Ridge,* the combination of conforming lots was voluntary by the owner to achieve a desired special exception.

In *Friends of the Ridge* the court stated: "We shall hold that a landowner who clearly desires to combine or merge several parcels or lots of land into one larger parcel may do so. One way he or she may do so is to integrate or utilize the contiguous lots in the service of a single structure or project..." (*Id.* at 658). In its case the Court in *Remes* also found that the presented facts supported that conclusion.

People's Counsel in this case is urging that the combination of already conforming lots be involuntary, forced by growth management legislation. There is no justification in the regulations for merger, and neither *Friends of the Ridge* nor *Remes* can be used for the proposition that the involuntary combination of already conforming lots constitutes zoning merger.

The growth management legislation is very specific. It deals with individual lots. It even contains language pertaining to undersized lots and the use of adjacent owned property to preclude development approval of undersized lots. The common ownership of adjoining lots was indeed contemplated, and the only limitation placed on the development of any lot was placed on undersized lots. There is no stated limitation in the ordinance that adjoining lots under the same ownership be considered as one lot. That could have been stated, but it was not. Had it been so stated, there would have been no need for the wording placed in the regulations limiting development of undersized lots if a common owner possessed adjacent property. People's Counsel fails to recognize or explain how the legislation specifically limits undersized lot development next to adjoining commonly owned property and yet also limits the development of properly sized lots next to other properly sized lots without specific language so doing.

Instead, the growth management legislation dealt with the issue of an undersized lot when an adjacent property, which could render the lot conforming, existed. BCZR §4A03.4B.1 The regulations, in effect, dealt with the issue of zoning merger in a very specific fashion and by so doing negated any presumption that adjoining conforming lots should be merged for growth management. None of the lots before you are now undersized, and no subdivision into undersized lots was proposed.

People's Counsel would urge some "limited application" of the merger doctrine based on the intent of the growth management legislation to offer protection of adequate services and the environment on a temporary basis until they are deemed adequate. First, there is no evidence that the issues that pertain to "growth management" are even present in this case. Baltimore County has not, despite the obvious opportunity to do so, raised any issue with adequate facilities or with the environment to indicate that the legislation's purposes are in any way thwarted by the development of the lots for either minor subdivisions or for individual permits. Both DEPRM and Public Works reviewed the issue before Mr. Kotroco, reviewed the Petition for Special Hearing and would review building permits and subdivisions. Nothing presented by anyone suggests that the development of minor subdivisions or individual permits would adversely impact any adequate facilities. Second, there is nothing "temporary" about this legislation. There are no sunset provisions and no provisions call for any review or modification to its application. People's Counsel is simply reading into the law provisions that do not exist.

Furthermore, in this case, there was no evidence of any zoning merger of non-conforming lots even though the doctrine of merger was raised and presented by People's Counsel at the hearing. All of the structures are located on one lot, and no other lot is necessary or serves to meet the zoning requirements for the principal structures. In *Remes*, the lots had been under the same tax account for many years, and a swimming pool had been located on an adjacent lot for many years serving the primary lot. Most importantly, the structures on the primary lot had non-conforming setbacks without the adjacent property.

In *Remes*, the adjoining lot supported the other lot's setbacks. In this case, we are talking about 8 separate lots. People's Counsel's request for production of further evidence notes no new evidence that could be produced showing the intent of the owner in such a way as to substantiate a merger. The lots clearly did not constitute a farm in the context of zoning, for much of the area is wooded, and no tax assessment supports a farm basis. Five of the 8 lots are fully wooded. If the open space on the three lots is "farmed" as stated by People's Counsel, that fact does not support a zoning merger. Countless farms in the northern part of Baltimore County are comprised of separate tax parcels that are farmed together, and I can not recall a single instance where merger was even an issue when the separate parcels were subdivided or developed separately. People's Counsel's argument would be more apt if structures straddled or even occurred on different lots. Such is not the case here.

If intent of the owner is to be inferred from his conduct with respect to his land and the use made of it (*Id.* at p. 12), then in this case there has been no evidence of any previous owner's intent to merge the lots - all of which have scrupulously been kept separated by tax account and by use.

I also question what the probative value of a tax assessor's notes would be in determining how the assessor may have valued the properties. Even if the assessor were called to testify, and even if he said he gave some sort of a break on the valuation because they were in common ownership, I do not see the relevance of that to zoning merger. That is one person's opinion looking at the valuation of the lots for tax purposes. The intent that counts according to *Remes* and *Friends of the Ridge* is that of the owner, not the tax assessor. In any event, the tax bills that were introduced indicate that no agricultural assessment was placed on the land as might be expected if the lots were combined for a farm. The tax assessment records indicate no preferential land values exist.

Absent the proffer of some compelling information that would indicate a longstanding intent to use some or all of the parcels as one in contradiction to the physical and documentary evidence presented and absent some rationale as to why the issue in this case restricting use of adjoining lots was not addressed in the growth management legislation, which addresses adjoining lots but only in the context of limiting use of undersized lots, there is no reason to reconsider the decision in this matter.

Thank you for your attention to this matter.

Sincerely,

John B. Gontrum

cc.: Baltimore County People's Counsel
J. Carroll Holzer, Esq.

337841

6/24/05

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

June 24, 2005
#7528

William Wiseman, Esquire
Zoning Commissioner
401 Bosley Avenue
Suite 405
Towson, Maryland 21204

RE: Rockaway Beach Improvement Association, et al., Petitioners
Kapman Enterprises, LLC, Owner
2020 Turkey Point Road
Case No.: 05-476-SPH

Dear Mr. Wiseman:

Please be advised that I join and adopt the Motion filed by People's Counsel requesting reconsideration in the above-captioned case.

Very truly yours,

J. Carroll Holzer

JCH:mlg

6/22/05

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
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Towson, MD 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 22, 2005

RECEIVED

JUN 22 2005

ZONING COMMISSIONER

William J. Wiseman, III, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: Rockaway Beach Improvement Assoc., et al. – Petitioners
Kapman Enterprises, LLC, Owner
2020 Turkey Point Road
Case No: 05-476-SPH

Dear Mr. Wiseman:

Please accept this letter as a Motion for Reconsideration of the Findings of Fact and Conclusions of Law, and Order dated May 31, 2005 in this case. This is pursuant to Rule 4K of the Rules of Practice and Procedure of the Zoning Commissioner.

As the Commissioner's decision notes, the Court of Appeals recently issued its opinion in Remes v. Montgomery County (No. 122, May 12, 2005). Obviously, the opinion came down after the May 10 hearing in this case. It was not available then for review and argument about its effect on the facts and law here.

The opinion deals with the doctrine of zoning merger, and is just the second Maryland decision on the subject, the first being Friends of the Ridge v. BGE 352 Md. 645 (1999). The full scope of the doctrine is yet to be determined. While the Remes case dealt with the merger of lots which otherwise would have deviations from area requirements, the language of the Remes court may apply to other situations.

As Judge Cathell observed at page 12, "... merger may be derived from the common owner's intent, as evidenced by 'integrat[ing] or utiliz[ing] the contiguous lots in the service of a single structure or project." In the same vein, at page 13, he rejected the property owner's argument that "...other indicia of merger such as common ownership, contiguous parcels, use of one or more lots in service of another, offer no evidentiary import and are of little moment in Montgomery County. They are incorrect."

The present case involves a property composed of contiguous parcels used by the Bills family for a single farm use for many years. In this context, there was a single integrated use in the service of a single project. On February 12, 2004, the Bills sold all of the parcels together in

a single deed (19599/483) to 2020 Turkey Point Road LLC for $450,000. The same parcels are still under the common ownership of Kapman Enterprises. The consideration pertained to the property as an entirety. While the tax accounts are separate for each parcel, it would be necessary to look at the tax records to determine how the assessment was calculated.

Under these circumstances, it appears that a full evidentiary review of the history of the use of the Bills property is warranted to determine whether zoning merger occurred prior to or at the time of sale on February 12, 2004. It also appears that a closer look at the case law is in order to implement the merger doctrine properly in light of that history.

* * *

The Remes case is particularly helpful in clarifying that zoning merger may exist regardless of the title or subdivision status of the property. In this context, for core zoning purposes, a "lot" under BCZR 4A03 may be different from the usual "lot" or "parcel of record" referred to in BCZR 101. The merger doctrine exemplifies the legal canon of statutory construction that the literal application of legal language sometimes must give way to the overall purpose and context of the statute.

The merger doctrine was applied in Remes to prevent establishment of substandard lots under the zoning law. The present case involves another kind of substandard lot situation. It is to be remembered that the purpose of the Growth Management Law is to set standards to limit growth until adequate facilities or services are in place to handle the growth. It is not intended to place a permanent limit on development within the limits of the mapped zoning classification. Rather, it should be viewed as a kind of overlay district which, however, will be removed when there is a legislative determination that sufficient services exist for additional growth.

In this context, the present case calls for a limited application of the doctrine merger doctrine. This limited application does not subvert the underlying zoning classification, but rather is a timing mechanism. It limits growth until the area is ready. In other words, the developer may proceed at this time with a minor subdivision of typical D.R. 3.5 lots, leaving the majority of the area open or reserved for potential future development, subject to future legislation. This interpretation harmonizes the purpose of the growth management law with comprehensive zoning.

* * *

If the case is viewed equitably, it should be kept in mind that the Bills property has essentially been used as a merged farm lot for many years. There is no equitable reason that it must immediately be converted to a split property to avoid the controls of the growth management law and magnify the immediate development allowance. If it is assumed that the County Council had a serious legislative intent to limit growth in the Back River Neck area, then why or how should the law be stretched or bent to allow more growth.

If it is suggested that the Bills could have sold these parcels separately, then the answer is that, in view of the doctrine of zoning merger, the purchasers would have bought at the risk of application of this doctrine. As a practical matter, the properties have been sold as an entirety, which makes sense and is consistent with the merger concept. It also makes sense for the development to take place in a unified way. While the zoning remains D.R. 3.5, then the answer is that the BCZR 4A03 growth limits apply and are superimposed on all zoning classifications, and that it is not necessary that there be a change in zoning to effectuate or implement the growth management law.

* * *

Separately, People's Counsel notes that this case involves property in the Chesapeake Bay Critical Area. Pursuant to Sec. 500.14, the Department of Environmental Protection and Resource Management must make written recommendations with respect to criteria enumerated in that section. The Commissioner must then consider these recommendations. It does not appear that DEPRM has fulfilled that task. This is another reason for reconsideration.

* * *

Accordingly, People's Counsel respectfully requests a reconsideration of this case. The reconsideration should include a new evidentiary hearing to review the history and situation of the Bills property at the time it was sold in 2004. It should then include a review and argument of the doctrine of zoning merger and the relevant case law as applied to those facts. This involves, in particular, the extraordinary purpose of the growth management law and the implementation of that law to prevent growth which conflicts with the relevant controls and standards.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw
Enclosure
cc: J. Carroll Holzer, Esquire
John B. Gontrum, Esquire
Jackie Nickel

IN RE:	PETITION FOR SPECIAL HEARING N/Side Turkey Point Road, East and West of Edgar Avenue **(2020 Turkey Point Road)** 15th Election District 6th Council District Kapman Enterprises, LLC, Owner Rockaway Beach Improvement Assoc., et al, Petitioners	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 05-476-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 Rockaway Beach and Turkey Point Improvement Association(s); Jackie Nickel, Carolyn Bornushas, Howard French and Katherine Hughes as interested citizens. The Petitioners request a special hearing to limit the development of eight parcels of land located on Turkey Point Road (collectively the "Property") to a total of three separate building lots pursuant to the Growth Management Plan for Bowley's Quarters and Back River Neck Areas, pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 4A03. The revised requested relief as filed is more fully set forth on the supplemental question sheet affixed to the Petition. All of the subject eight parcels are owned by Kapman Enterprises, LLC and more particularly described on the tax map and plat submitted which were accepted into evidence and marked as Petitioners' Exhibit 4.

Appearing at the public hearing in support of the request were a number of residents from the surrounding local, including, Jackie Nickel, Carole Ledley, JoAnn Lolliger, Evelyn Reed, John Moore, Ronald Hagey, Vince Contrino and, Laurence and Charlotte Knoll. The Petitioners were represented by J. Carroll Holzer, Esquire. Additionally, People's Counsel for Baltimore County, Peter Max Zimmerman, Esquire entered his appearance and participated in the proceedings in view of his office's previous involvement with questions relative to this matter. Appearing in opposition

5/31/05

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

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to the request and representing the legal owner and respondent, Kapman Enterprises, LLC, was John B. Gontrum, Esquire, and Audra Trouland Cathel, Esquire, of Whiteford, Taylor & Preston, LLP.

As a preliminary matter, Respondent moved to dismiss the Petition for lack of subject matter jurisdiction pursuant to Section 500.7 of the (B.C.Z.R.) and Baltimore County Code (B.C.C.) Sections 32-3-102 & 103. At the conclusion of hearing counsels' arguments, and reviewing exhibits submitted by both sides, the motion to dismiss was denied.

As is often the case with cases presenting difficult legal issues, the facts are relatively simple and largely not in dispute. As noted above, Kapman Enterprises, LLC, owns the subject property at 2020 Turkey Point Road consisting of eight contiguous parcels inside the Growth Management area, in Bowley's Quarters, located in eastern Baltimore County. The property as shown on Respondent's Exhibit 2, contains a gross area of ten acres, more or less, zoned DR.3.5. Parcel number 90 is improved with a single-family dwelling and accessory structures wherein the previous owner, Lloyd and Genevieve Bills, resided. The other parcels are all unimproved and vacant. The lots range in size from a minimum of .440 acres or 19,200 square feet (Parcel 401) to 2.01 acres or 87,556 square feet (Parcel 90). Each parcel was conveyed to Respondent by separate deed. Each parcel is located within the Urban Rural Demarcation Line, has adequate public water and sewer, and is taxed separately. It is anticipated that Respondent will propose subdivision of at least some of the parcels and will move to obtain building permits on some if not all of the other parcels. None of the parcels require variances to be developed or would be considered undersized by any zoning criteria.

The arguments of the parties relative to (B.C.Z.R.) Section 4A03 are fully addressed in their respective written memorandums and will not be repeated here in length. The issue at hand is whether the eight contiguous parcels owned by Respondent should be combined for purposes of the Growth Management Plan for Bowley's Quarters Back River Neck areas, (B.C.Z.R.) Section 4A03.

People's Counsel, whose argument also was adopted by Petitioners, urges that contiguous assembled properties under common ownership should be limited to one minor subdivision pursuant to (B.C.Z.R.) Section 4A03.4(A). This position is supported by the Office of Planning as evidenced by it's Zoning Advisory Committee comment. According to Petitioners, this interpretation would properly serve the legislative purpose of managing and limiting growth. Respondent however, opines that the County Council did not intend for the minor subdivision limitation to be interpreted as combining separate parcels of land or restricting building permits to be issued for any single lot or contiguous lots of record.

It has been stated that it is the responsibility of the Zoning Commissioner to determine the intent of the legislature when construing any regulation/statute. In this case, it falls upon the undersigned to determine the intent of the Baltimore County Council when it enacted Section 4A03 of the (B.C.Z.R.) and adopted the language therein. (Marzullo v. Kahl 36 Md. 158, 175 (2001). Interpretation of this regulation is a daunting task and one made even more difficult given my respect for the counsel who appeared in this case and the excellent arguments they presented.

I will endeavor to do so by examining the words contained in the regulation and the definitions provided.

(B.C.Z.R.) Section 4A03.4A provides that:

> A building permit may be issued for the construction of a dwelling on an unimproved platted lot or lot of record that meets all of the zoning requirements subject to the following conditions:
>
> (i) variances are not required for the construction of the dwelling;
>
> (ii) the property owner connects to a public sewer where available and with adequate capacity;
>
> (iii) the dwelling meets the design requirements provided for in this section; and
>
> (iv) *except for minor subdivisions*, no further subdivision of the lot is allowed. (Emphasis added).

In ascertaining the County Council's intent, I must look to the language in the regulation itself, giving that language its ordinary and natural meaning and avoiding a construction that is illogical, unreasonable or inconsistent with common sense. Papillo v. Pockets, Inc., 119 Md.App. 78, 83-84 (1997). Maryland courts have held: "...[Zoning ordinances] are in derogation of the common law right to so use private property as to realize its highest utility, and while they should be liberally construed to accomplish their plain purpose and intent, they should not be extended by implication to cases not clearly within the scope and purpose and intent manifest in their language." White v. North, 356 Md. 31, 48 (1999) *quoting* Aspen Hill Venture v. Montgomery County Council, 265 Md. 303, 313-314 (1972)). The words "the lot" in (B.C.Z.R.) Section 4A03.4A.4 clearly refers back to the words "an unimproved platted lot or lot of record that meets all of the zoning requirements" contained in (B.C.Z.R.) Section 4A03.4A. Although the (B.C.Z.R.) does not define the term "lot," they do define "lot of record" as "[a] parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision or other condition thereof." (B.C.Z.R.) Section 101. The words "unimproved platted lot" are clear and unambiguous as to their meaning.

(B.C.Z.R.) Section 4A03.4A, unlike other sections of the Regulations,[1] does not contain a provision requiring adjoining land to be added to another parcel to afford a building lot. Nor is there a provision permitting the combination of adjoining land. Indeed, nowhere do the Regulations cite one lot or one parcel as being a combination of lots or parcels.

People's Counsel argued that the purpose of the growth management regulations is to limit growth and that the natural implication of that purpose is to apply the minor subdivision restriction to contiguously owned lots. The purpose of the Growth Management Plan for the Bowley's

[1] Some Regulations require, either expressly or implicitly, that under certain conditions, a nonconforming lot merges with adjoining land in common ownership to make that property conforming. See, e.g., (B.C.Z.R.) §304.1(C). The Growth Management Plan for Bowley's Quarters and Back River Neck Areas also includes a provision permitting the combination of undersized lots. See (B.C.Z.R.) §4A03.4(B).

Quarters and Back River Neck areas of the County, however, is broader than limiting growth. This it does to the extent that lots are of sufficient size and have requisite zoning to permit more than a minor subdivision. Another purpose of the Regulation is to support new development that is consistent with the preservation of the quality of life in existing neighborhoods and with the ability of the county to provide necessary public facilities and services. (B.C.Z.R.) Section 4A00.1. The clearly articulated purpose of the legislation, along with its legislative history, does not indicate any intent of the Council to combine contiguous parcels of land under common ownership for purposes of (B.C.Z.R.) Section 4A03.4A. See (B.C.Z.R.) Section 4A00.1. See also Baltimore County Council Notes to the Agenda Legislative Session 1999.

Furthermore, the Baltimore County Master Plan 2010 (the "Master Plan") calls for assessments of potential development densities and their impacts in waterfront communities with adjustments to the zoning maps as may be appropriate (Master Plan 2010, p. 205). The Property is considered in the Master Plan as being in a waterfront community. As noted above, the Property is zoned D.R. 3.5, and the zoning has remained unchanged through several zoning cycles. Had the County Council wanted to further restrict zoning beyond the clear wording of the Growth Management Plan it could certainly have lowered the density or applied minimum lot sizes as it has done in the past.

People's Counsel also raised the issue of merger. In Maryland, merger has only been applied to prohibit a land owner from creating undersized parcels. Friends of the Ridge v. Baltimore Gas & Elec. Co., 352 Md. 645, 653 (1999). *Accord* Remes v. Montgomery County, Maryland, Md. Ct. App. No. 122 (Filed May 12, 2005). In order to apply the doctrine of merger, there must be some evidence of the owner's intent to merge the contiguous lots into one single parcel. Friends of the Ridge, 352 Md. at 656-62; Remes, Md. Ct. App. No. 122 at p. 12. In this case, there is no evidence that the Respondent intended to merge the eight lots into a single parcel. Nor is there any evidence that any of the previous owners of the eight lots intended to merge the

eight lots into one single lot. As stated above, each parcel has been conveyed by separate deed, no buildings have been constructed across any lot line, and each parcel is taxed separately. None of the plans identified at the hearing (Nos. 04094-M, 04095-M, 04099M) provided any evidence of an intent to merge the parcels. It also should be noted that the development regulations in Baltimore County specifically state that the combination of parcels constitutes a subdivision that would be subject to the development regulations. (B.C.C.) Section 32-4-101(yy). Since each parcel clearly has the ability on its own to sustain at least one dwelling, to arrive at the conclusion argued by People's Counsel and Petitioners would require ignoring the development process. Had Respondent purchased only three of the eight lots, none being contiguous, then it would not be subject to People's Counsel's or Petitioners' interpretation of the legislation. In that case, Respondent would be entitled to one minor subdivision on each of the three lots, totaling nine units. However, because Respondent purchased eight contiguous lots, Petitioners argue that it should only be entitled to one minor subdivision, totaling three units. I do not believe that the County Council intended this result.

Moreover, it is hard to imagine that the Baltimore County Council intended for (B.C.Z.R.) Section 4A03.4A to limit all contiguous parcels of land under common ownership to one minor subdivision because it would compromise the right to transfer interests in land and lead to mischievous results.. For instance, in the event Respondent sells any of the subject lots, the purchaser would not be entitled to build on the lot if there already existed three units elsewhere on the collective eight parcels. There is no restriction in the County Code prohibiting the transfer of a single parcel of land. There is no way in which a transferee would be notified that prior building permit issuance on other, possibly non-contiguous parcels precluded the issuance of a building permit on the transferee's lot. Notwithstanding lack of notice and the restriction on the transferability of a legal interest in property, such an expansive construction of (B.C.Z.R.) Section 4A03.4A would lead to unreasonable results. The Baltimore County Council could never have intended a result that creates a class of property owners that could be victims to a fraud – the

5/31/05

purchase of a lot in a residential subdivision with little or no hope of receiving a building permit to build a home.

Based on counsel's arguments and evidence presented, an examination of the words contained in the regulation and definitions provided and the language, purpose and legislative history of (B.C.Z.R.) Section 4A03, I find that Respondent is not limited to one minor subdivision on its collective eight parcels of property. Although the legislative purpose to manage growth should certainly be recognized, I further find that the County Council did not intend for the minor subdivision limitation to combine separate parcels of land.

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 31st day of May, 2005, that the Petition for Special Hearing to limit the subdivision or development of eight parcels of land located on Turkey Point Road to a total of three lots pursuant to the Growth Management Plan for Bowley's Quarters and Back River Neck Areas, (B.C.Z.R.) Section 4A03 be and is hereby DENIED.

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

William J. Wiseman, III
Zoning Commissioner
For Baltimore County

PAID RECEIVED FOR FILING
5/31/05
Rec'd

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
William J. Wiseman III, Zoning Commissioner

May 31, 2005

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

Re: Petition for Special Hearing
Case No. 05-476-SPH
Property: 2020 Turkey Point Road

Dear Mr. Holzer:

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

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

Very truly yours,

William J. Wiseman, III
Zoning Commissioner

WJW,III:raj
Enclosure

c: Kapman Enterprises, LLC, 9 Widebrook Ct., Baltimore, MD 21234
Jackie Nickel, 721 Rockaway Beach, Essex, MD 21221
Carole L. Ledley, 2304 Turkey Point Road, Essex, MD 21221
JoAnn Loeliger, 2337 Tickwood Road, Essex, MD 21221
Evelyn Reed, 610 Greyhound Road, Essex, MD 21221
Lawrence & Charlotte Knoll, 623 Rockaway Beach, Essex, MD 21221
Joan Moore, 2112, Turkey Point Road, Essex, MD 21221
Ronald Hagy, 2114 Turkey Point Road, Essex, MD 21221
Vince Cotrino, 2116 Turkey Point Road, Essex, MD 21221

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PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 12, 2005

William J. Wiseman, Zoning Commissioner
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Genevieve & Lloyd Bills
2020 Turkey Point Road
Case No.: 05-476-SPH

Dear Mr. Wiseman:

At the May 10, 2005 hearing, we stated that we would attempt to find legislative history pertinent to this case. Enclosed are pages 23 and 24 of County Council Agenda for Bill 64-99.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw
Enclosure

cc: J. Carroll Holzer, Esquire
John B. Gontrum, Esquire

Debbie Patchak

BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
LEGISLATIVE SESSION 1999

Issued: *July*
Work Session: *July*
Legislative Day No. 15: *Augu*

The accompanying notes are compiled from unaudited information provided by the Administration and other sources.

IMPORTANT MESSAGE

FOR Bill
DATE 5/13 TIME 12:15 A.M. P.M.
M John Gontrum
OF
PHONE AREA CODE NUMBER EXTENSION
☐ FAX
☐ MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED	✓	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE Will be filing a supplement to People's Counsel's letter re: the Bull's property on Monday, 5/16 —

SIGNED Bette

TOPS. FORM 3002P MADE IN U.S.A.

Pat Keller/Bob Olsen/Arnold Jablon

Bill 64-99 - Mr. Kamenetz (By Req.) - Sewer System in Bowley's Quarters and Back River Neck Peninsula

Bill 64-99 proposes to implement the Planning Board report (part 1) on the sewer system in Bowley's Quarters and the Back River Neck Peninsula. The purpose of the bill is to eliminate existing septic systems, both failing and non-failing, in order to improve water quality in the area.

Bill 14-99 established temporary controls on the issuance of building permits for new construction on unimproved properties in portions of the Bowley's Quarters and Back River Neck areas of the County. In order to prevent unanticipated development, the bill prohibited the issuance of building permits for unimproved properties zoned RC or DR1, 2 or 3.5 and lying within the portions of the Bowley's Quarters and Back River Neck peninsulas depicted on the map attached to the bill. The issuance of permits was suspended until June 30, 1999. Exempted from the prohibition were certain projects for which permits had been issued.

The development controls of Bill 14-99 suspended the issuance of permits for sewer hook-ups on approximately 1,100 undeveloped tracts in the affected areas. During the ban, the Planning Board was requested to draft a more permanent plan for addressing growth controls on future development. The request to the Planning Board was detailed in Resolution 10-99, which was approved concurrently with Bill 14-99.

The Council later passed Bill 41-99 which extended the temporary controls to August 6, 1999. The Planning Board issued its report on June 8, 1999. The Council held a public hearing on the report on July 6, 1999.

Bill 64-99 amends the Zoning Regulations in order to provide a growth management plan for Bowley's Quarters and the Back River Neck area. The regulations apply to property zoned D.R. or R.C. 5 and located in the areas depicted on the map which is attached to the bill.

If an existing dwelling is located on land served by public sewer and zoned D.R. or R.C. 5, the property owner must connect to the public sewer. A new dwelling may be built on an unimproved lot if variances are not required, the owner connects to public sewer, the dwelling meets certain design requirements, and no further subdivision is required (except for a minor subdivision, and except for a property zoned D.R. with a development plan that was approved on or before May 28, 1999, as long as the lot is at least 12,000 square feet). A dwelling may be built on an undersized lot (one that does not meet the area, height, or setback requirements) if the owner does not have enough sufficient adjoining land to combine with his property in order to conform

to the regulations, no further subdivision is allowed, the owner obtains the necessary variance, and he connects to public sewer.

Section 206.6 provides a process for the application for a building permit. The Director of Planning is required to submit comments to the Director of PADM within 15 days of the receipt of an application and the request for comments. The Director must provide recommendations for the site design and architectural design of the proposed dwelling.

For undersized lots, the property must be posted with notice of the application for building permit. Within the prescribed 15-day notice period, a person who resides or owns property within 1,000 feet of the proposed dwelling may request a public hearing; the Director of PADM may also require a public hearing. At the hearing, the Zoning Commissioner must determine whether the proposed dwelling is appropriate. The decision is appealable to the Board of Appeals.

If a property owner is required to connect to public sewer, he may not apply for growth allocation under Section 26-123, unless he has applied prior to August 6, 1999. Public sewer may not be extended to R.C. 20 properties.

The bill requires the Departments of Public Works, PADM, and DEPRM to report annually to the Council, beginning in July 2000, on the capacity of public sewer in the affected areas and the potential for the connection of public sewer to properties that are not zoned D.R., R.C. 5, or R.C. 20.

The Administration advised that the bill has no fiscal impact on County revenues, since the County is currently installing a sewer system in the affected areas.

With the affirmative vote of five members of the County Council, Bill 64-99 will take effect on August 6, 1999.

4/26/05

RE:	PETITION FOR SPECIAL HEARING 2020 Turkey Point Road; N/side Turkey Point Road, East & West of Edgar Avenue 15th Election & 6th Councilmanic Districts Legal Owner(s): Genevieve & Lloyd Bills Petitioner(s): Rockaway Beach Improvement Association; Turkey Pt. Improvement Association, Jackie Nickel, Carolyn Bronushas, Howard French, Katherine Hughes	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-476-SPH

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

PEOPLE'S COUNSEL'S PRELIMINARY MEMORANDUM

This case is scheduled for hearing on May 10, 2005. Because of our office's previous involvement with questions relating to this matter, we are writing to reflect our particular interest and provide a preview of our position.

In July, 2004, upon inquiry from interested citizens, our office looked into a significant issue concerning application of the Back River Neck Growth Management (BRNGM) law to the contiguous parcels called "the Bills property." This law places strict limits on development by imposing a "minor subdivision" cap. BCZR 4A03.1, 4A03.4.A.1.

Our investigation showed that on February 12, 2004, Genevieve and Lloyd Bills sold to 2020 Turkey Point Road LLC eight contiguous parcels inside the Growth Management Area. There was a subsequent transfer on March 31, 2004 to Brown Custom Home Contracting, Inc. Three (3) minor subdivision plans were filed, relating to several of the parcels. The Planning Office expressed concerns that these were in conflict with the BRNGM. We learned more recently that on November 29, 2004, there was another transfer, this time to Kapman Enterprises.

* * *

The question is whether the property owner is entitled to a minor subdivision on each parcel. The property owners have asserted the affirmative, and proposed to develop at least 14

residential lots on the assembled parcels, which comprise collectively about ten acres.

People's Counsel's position is that the minor subdivision cap applies to the entire assembled property, so that the limit is 3 residential lots on the collective property. The legislative intent does not permit avoidance by disaggregating or isolating contiguous parcels and treating them as separate entities. In other words, the entire "Bills Property", notwithstanding the acquisition by developers, is limited to one minor subdivision.

There is no dispute that long established practice, reflected in the Development Management Policy Manual, Pages 11-18, defines a minor subdivision as limited to three lots. This implements the longstanding limited exemption in Code Sec. 32-4-106(a)(1)(x) for development for three or fewer lots.

We explained our legal analysis in the attached letter dated July 22, 2004 to Timothy Kotroco, Director of PDM. It identified the contiguous parcels and relevant minor subdivision application, included SDAT data and tax maps, and transactional history available at that time. This letter is also attached to the Petition for Special Hearing, with a partial set of SDAT data.

* * *

Recently, upon information and belief, we have been informed that several of the individual parcels on Turkey Point Road have been listed for sale, with the ultimate goal of new construction and building permits for 14 residential lots. If so, that should be identified and reviewed at the hearing. Our position is that the maximum number of building permits for the collective or assembled property is three, and that any building permits issued would have to be considered under the rubric of a single minor subdivision and/or would count toward the maximum number of three. If any parcel were issued a separate permit, under the theory that each parcel is entitled to a separate subdivision or permit(s), it would conflict with the Growth

Management law. The current status of development and marketing of the property should be reviewed and determined by the Commissioner within the scope of the special hearing.

A building permit issued in contravention of zoning law is not valid, and the courts have so stated for a very long time. The "estoppel" doctrine may not be invoked to secure it. Lipsitz v. Parr 164 Md. 222 (1933); Town of Berwyn Heights v. Rogers 228 Md. 271 (1962); City of Hagerstown v. Long Meadow Shopping Center 264 Md. 481 (1972); Cromwell v. Ward 102 Md. App. 691 (1995); Marzullo v. Kahl 366 Md. 158 (2001).

* * *

Please note that although the Petition for Special Hearing lists Genevieve and Lloyd Bills as the owners, the SDAT records reflect subsequent transfers. The most recent of which we are aware is the transfer to Kapman Enterprises. The Petitioners have revised their Petition to reflect the new ownership.

Conclusion

In view of the significant legal issues, and the history leading to this special hearing, we hope that the Commissioner finds this letter helpful in his consideration and deliberation on this case. We expect to attend the hearing on May 10, 2005.

Peter Max Zimmerman

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 26th day of April, 2005, a copy of the People's Counsel Preliminary Memorandum was mailed to John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, past attorney for owners and developers, J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286, Attorney for Petitioner(s), and to Kapman Enterprises, LLC, 9 Widebrook Court, Baltimore, MD 21234-1232.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RW 5/10

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

April 26, 2005

RECEIVED
APR 26 2005
ZONING COMMISSIONER

Timothy Kotroco, Director
County Office Building
111 W Chesapeake Avenue
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
2020 Turkey Point Road; N/side Turkey Point Road, East & West of Edgar Avenue
Case Nos: 05-476-SPH

Dear Mr. Kotroco:

Enclosed please find the People's Counsel's Preliminary Memorandum for filing with regard to the above-mentioned case.

Thank you for your consideration.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/CSD/rmw

cc: J. Carroll Holzer, Esquire
John B. Gontrum, Esquire
William Wiseman, III, Zoning Commissioner

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

COPY

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 22, 2004

Timothy Kotroco, Director
Permits & Development Management
111 W Chesapeake Avenue
Towson, Maryland 21204

Re: 2020 Turkey Point Road LLC/Brown Custom Contracting, Inc
Map 98, Grid 14, Parcels 90, 91, 160, 220, 221, 362, 401, 402
Applications for Minor Subdivision M4094, M4095, M4099

Dear Mr. Kotroco,

Upon inquiry from interested citizenry and review of documentation, our office must write to you pursuant to its responsibility under Charter Sec. 524.1 to defend the comprehensive zoning maps. We are concerned with defense of and compliance with the Back River/Bowleys Quarters Growth Management Plan law codified in BCZR 4A03. Bill 64-99, amended in Bill 28-2001. This law restricts property zoned DR or RC in the designated mapped area, including Turkey Point Road, to minor subdivisions, defined as "divisions of property," i.e. limited to three lots. BCZR 4A03.1, 4A03.4.A.1.

For reasons stated below, we respectfully request that your department require or refer the developer to the special hearing process under BCZR 500.7 for a thorough and open public review of important issues affecting the implementation of this law. If your office does not refer the matter, please notify us in any event of your office's decision as to whether to approve or disapprove the proposed minor subdivisions and development currently pending, so that we may take necessary and appropriate action.

Our review of the attached tax map and data reflect that 2020 Turkey Point Road LLC owns all of the above contiguous parcels, with the exception of Parcel 90, which it sold March 31, 2004 to Brown Custom Contracting, Inc. The property in question is zoned D.R. 3.5 and totals 9.79 acres. In view of the overall purpose and history of the Growth Management law, and its broad reference to property, it is reasonable to infer that the minor subdivision cap applies to all contiguous property under one ownership, whether in a single parcel or multiple parcels and whether or not sold after the enactment of the law. That is consistent with the function of the law to control growth. It also avoids discriminatory and capricious implementation of the law, so that all owners of contiguous property are treated fairly and in the same way. This is, furthermore, consistent with the principle of merger in zoning law. See Friends of the Ridge v. BGE 120 Md.App. 444 (1998), In the Matter of Woodbrook, LLC, Case No. 03-218-SPH, BCZR 304 (undersized lot).

Apparently, 2020 Turkey Point Road seeks to avoid coverage by splitting its eight Parcels into five separate properties eligible for minor subdivision and selling off one of the end parcels, Parcel 90. As we understand this "gerrymandered" device, 2020 Turkey Point Road LLC has configured three

applications for Minor Subdivision --- M4094, M4095, and M4099 – on sections of their property split by intervening property. The resulting development would have 14 dwelling lots, instead of the three envisioned by the law.

The entire property owned by 2020 Turkey Point Road LLC, including the recently sold Parcel 90, should be considered as one property. Any other conclusion defeats the purpose of the law and leads to absurd results. It also is an invitation to other property owners to deed their property into separate parcels ostensibly not for development, only to come back later with separate minor subdivisions.

The Court of Appeals has said many times that in order to discern the purpose of a statute, one must consider the context. As the Court said just recently in Board of Physicians v. Mullan 381 Md. 157, 168 (2004),

> "...we 'avoid constructions that are illogical, unreasonable, or inconsistent with common sense..., and instead interpret and harmonize statutes as a whole, giving meaning and effect to all parts of the statutory language and refraining from interpretations that render any part of a law surplusage or contradictory."

See, e.g. Lucas v. People's Counsel for Baltimore County 147 Md. App. 209 (2002);

The entire purpose of the growth management plan law is to provide meaningful controls on growth in the designated Back River and Bowleys Quarters mapped areas. The heart of these controls is the minor subdivision cap. If piecemeal division of parcels is allowed to facilitate multiplication of minor subdivisions and lots, this subverts the essential function of the law.

We appreciate your consideration of this matter.

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel
400 Washington Avenue, Room 47
Towson, Maryland 21204
(410) 887-2188

cc: Arnold F. "Pat" Keller, Director of Planning
David Carroll, Director of DEPRM
John Gontrum, Esq.
Jackie Nickel
Donald Rascoe

4/26/05

Re: PETITION FOR SPECIAL HEARING, 2020 Turkey Point Road; 15th Election District, 6th Councilmanic District Legal Owner: Kapman Enterprises, LLC Petitioners: Rockaway Beach Improvement Association, Turkey Point Improvement Association, Jackie Nickel, Carolyn Bronushas, Howard French & Katherine Hughes	**BEFORE THE** **ZONING COMMISSIONER** **FOR** **BALTIMORE COUNTY** **05-476-SPH**

KAPMAN ENTERPRISES, LLC'S PRELIMINARY MEMORANDUM

INTRODUCTION

On or about February 14, 2005, petitioners filed a petition for special hearing to determine, *inter alia*, whether the applications for minor subdivisions numbers M4094, M4095 and M4099 comply with the Growth Management Plan for Bowleys Quarters and Back River Neck Areas, BCZR §4A03.[1] Petitioners assert that Map 98, Grid 14, Parcels 90, 91, 160, 220, 221, 362, 401 and 402 (the "Lots"), located on Turkey Point Road should be combined as one single lot for purposes of the minor subdivision cap enumerated in BCZR §4A03 (the "Regulation"). Accordingly, Petitioners contend that regardless of the Lots' individual acreage, only three units are permitted on the eight collective lots.

BCZR §4A03.4A provides:

> Building permits.
> A. Except as provided in Paragraph B of this subsection, a Building permit may be issued for the construction of a dwelling on an unimproved platted lot or lot of record that meets all of the zoning requirements subject to the following conditions:
>
> 1. Variances are not required for the construction of the dwelling;
> 2. The property owner connects to a public sewer where

1 The subdivision plans were submitted by a previous owner. They have not been pursued and would have to be re-filed in order to be valid.

available and with adequate capacity;
3. The dwelling meets the design requirements provided for in this section; and
4. Except for minor subdivisions, no further subdivision of the lot is allowed.

Kapman Enterprises, LLC ("Kapman") is the legal owner of the Lots. The Lots consist of the following approximate acreage: Parcel 90— 2.01 acres; Parcel 91 – 0.702 acres; Parcel 160 – 0.692 acres; Parcel 402 – 0.516 acres; Parcel 401 – 0.440 acres; Parcel 221—1.06 acres; Parcel 220—3.02 acres; and Parcel 362—1.34 acres. Collectively, the Lots contain approximately 10 acres. In February, 2004, 2020 Turkey Point, LLC ("Turkey Point") purchased each parcel through separate transactions from Lloyd and Genevieve Bills (the "Bills"). *See* SDAT Records, **Ex. 1**. On March 31, 2004, Turkey Point sold each lot to Brown Custom Contracting, Inc. ("BCCI") through independent transfers. *Id.* Thereafter, on November 29, 2004, BCCI sold each parcel to Kapman through individual transactions. *Id.* Prior to Turkey Point's acquisition of the Lots, the Bills acquired each one through individual transactions from November 1947 through February 1969 from four separate Sellers. *See* Deeds, **Ex. 2**. At no point were any of the Lots considered or intended to be combined.

The Baltimore County Master Plan 2010 (the "Plan") calls for urban development on the waterfront, including the revitalization of existing waterfront communities by adding new housing. Plan, pp. 200-08. These Lots are considered in the Plan as being in a waterfront community. Appropriate zoning densities have been reduced in some waterfront residential neighborhoods to ensure that infill development is compatible with the existing waterfront character. In this case,

each parcel is zoned D.R. 3.5[2], and is located within the Urban Rural Demarcation Line with adequate public water and sewer. None of the Lots are undersized, and none need variances to be developed. The proposed minor subdivisions comply with the Plan and with their zoning designation. Thus, in accordance with BCZR §4A03.4, each lot is entitled to one minor subdivision.

Kapman should be permitted to develop its properties in the same manner as any other legal owner. Kapman should be permitted to sell its properties as building lots. Kapman should not be denied the right to develop or subdivide the Lots merely because it is financially able to own multiple lots. Petitioners' interpretation of the Regulation is contrary to its plain and unambiguous language and the intent of the County Council of Baltimore County. Moreover, Petitioners' construction of the Regulation leads to an arbitrary and capricious result with no rational basis.

ARGUMENT

I. The Proposed Minor Subdivisions Comply With the Plain Language and Intent of the Regulation

The interpretation of a statute is a question of law. *Papillo v. Pockets, Inc.*, 119 Md. App. 78, 83 (1997). The established rule for statutory construction requires the determination of the Legislature's intent, which, in this case, is the Baltimore County Council. *Marzullo v. Kahl*, 366 Md. 158, 175 (2001) (analyzing BCZR §101); *Papillo*, 119 Md.App. at 83. To ascertain the Council's intent, courts look to the language in the statute itself, giving that language its ordinary and natural meaning. *Id.* Where the statutory language is plain, free from ambiguity, and expresses a definite and simple meaning, courts do not usually look beyond the words of the statute to

---

2 There is no dispute as to the Lots' zoning. Prior to the 1990s, the parcels were zoned D.R. 5.5.

determine the intent behind the legislation. Although courts may consider the statute's purpose and the context in which it was adopted, they seek to avoid constructions that are "illogical, unreasonable, or inconsistent with common sense." *Id.* at 84.

Giving the language of BCZR §4A03.4(A)(4) its natural and ordinary meaning, each lot is entitled to be viewed separately. BCZR §4A03.4(A)(4) states "[e]xcept for minor subdivisions, no further subdivision of the lot is allowed." Although the Baltimore County Zoning Regulations do not define the term "lot," they define "lot of record" as "[a] parcel of land with boundaries as recorded in the land records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision or other condition thereof." BCZR §101. Pursuant to this definition, Kapman owns eight separate lots. It requires no county approval to sell any one or more of the parcels as individual building lots, and the sale or development of any one lot as a building lot requires no development approval. Baltimore County Code ("B.C.C."), §32-4-106(a)(1)(i).

The notion that each lot should be viewed separately is entirely consistent throughout the Baltimore County Zoning Regulations and the Baltimore County Code. Some regulations require, either expressly or implicitly, that under certain conditions, a nonconforming lot merges with adjoining land in common ownership in order to make the property conforming. For example, the County Council articulates this concept in BCZR §304. That section exempts an undersized single-family lot from area regulations as long as the owner does not own sufficient adjoining land to conform to its width and area requirements. BCZR §304.1(C).

Similarly BCZR §4A03.4(B) allows for the issuance of a building permit for the construction of a dwelling on an undersized lot if, among other things, "the owner does not own

sufficient adjoining land that if combined with the adjoining land would allow the property owner to conform to the current zoning requirements." Had the County Council intended for a landowner's adjoining land to be considered as one single lot for purposes of BCZR §4A03.4(A), it would have articulated that as it has in other sections of the BCZR. Accordingly, the County Council did not intend for the application of the minor subdivision limitation to multiple lots simply because they are contiguous and owned by the same person.

The Baltimore County Code's development regulations also regard each separate lot as a single development unit. Section §32-4-106 of the Baltimore County Code exempts separately defined lots or tracts from Subtitle 2 of the regulations. On the other hand, combining lots or tracts is considered a "development." B.C.C. §32-4-101(p).

The purpose of the Growth Management regulations is:

> to implement the objectives of the county-wide Master Plan and to adopt standards and guidelines relative to new development in all areas of the county which would result in land use patterns, location of new growth and timing of growth and development that is consistent with preservation of the quality of life in existing neighborhoods, with the ability of the county to provide necessary public facilities and services to support new development, with the ability of the county to correct existing service and facility deficiencies, with the preservation of natural, agricultural and environmental resources and with the promotion of new growth and development in appropriate areas.

BCZR §4A00.1. The clearly articulated purpose of the Growth Management regulations does not correspond with the construction advocated by petitioners. Rather, the Regulation supports appropriate growth and development. The proposed minor subdivisions are clearly within the Regulation's objective of appropriate growth and development.

Not only is petitioners' interpretation of the minor subdivision restriction not in accord with the language and intent of BCZR §4A03, but also their construction of the Regulation results in an arbitrary and capricious application with no rational basis. Petitioners merely allege that "it is reasonable to infer that the minor subdivision cap applies to all contiguous property under one ownership, whether in a single parcel or multiple parcels and whether or not sold after the enactment of the [Regulation]." People's Counsel letter dated July 22, 2004.

The Regulation does not limit the development of "all contiguous property under one ownership." Rather, it limits development of each "lot." According to petitioners, if each lot was owned separately, each would be entitled to a minor subdivision. However, simply because Kapman own eight lots that are contiguous, petitioners argue that it is only permitted one minor subdivision for the combined eight lots. Application of BCZR §4A03, pursuant to petitioners' interpretation lacks, any rational relation to the objective sought by the County Council's enactment of the Growth Management Article, and would lead to an arbitrary and capricious result.

According to petitioners' reasoning, if Kapman only purchased two non-contiguous lots, it would be allowed two subdivisions totaling up to six lots on two or more acres. However, because Kapman purchased approximately 10 acres of D.R. 3.5 land consisting of eight parcels, petitioners argue it is only entitled to three units. There is no rational basis for this argument, and no public purpose is served.

The Regulation was enacted to promote new growth and development with appropriate timing where public facilities can be provided without disrupting the quality of life of existing neighborhoods and with the further intent of preserving natural, agricultural and environmental resources. BCZR §4A00.1. Affording Kapman its right to develop the Lots individually as

provided for in the Regulation will not conflict with the Regulation's objective of managing growth. Each lot is zoned D.R. 3.5, is located within the URDL, and has adequate public facilities.

II. The Lots Are Not Subject to the Doctrines of Merger or "Creeping Subdivision"

There is no authority for the proposition that a landowner must be deemed to have merged contiguous lots. BCZR §4A03.4 does not state, or even imply, that lots in common ownership are combined for purposes of its minor subdivision limitation. "Zoning ordinances, including Baltimore County's ordinances **do not create lots**." *Friends of the Ridge*, 352 Md. at 650-51 (emphasis in original). Nor do they create parcels of real property. *Id.* Rather, zoning ordinances establish maximums, such as the number of residential units that may be placed upon the area of a tract or parcel, and other ancillary requirements. *Id.* Accordingly, the Regulation does create a single large lot out of individual contiguous lots; it simply limits the amount of units that may be placed upon each lot.

The Lots have not been merged into a larger single lot. Nor are they automatically merged into a single lot. The development regulations mandate review under the full development process to merge the lots. In zoning cases, the doctrine of merger generally prohibits the use of individual substandard parcels if contiguous parcels have, at any relevant time, been in the same ownership and if at the time of that ownership the combined parcel was not substandard. *Id.* at 653. Thus, merger has only been applied to prohibit a land owner from creating undersized parcels. *Id.* Furthermore, in order to apply the doctrine of merger, there must be some evidence of the owner's intent to merge the contiguous lots into a single parcel. *Id.* at 656-62 (citing *Appeal of Gregor*, 156 Pa. Commw. 418, 423-24 (1993) (the party asserting merger has the burden to establish the landowner's intent to integrate the adjoining lots into one large parcel); *Molic v. Zoning Board of*

Appeals, 18 Conn.App. 159, 163-65 (1989) (the owner's intent may be inferred from his conduct with respect to the land and the use which he makes of it); *Bridge v. Neptune Township Zoning Board*, 233 N.J.Super. 587, 592-93 (1989) (two vacant contiguous lots in common ownership (*ie.* lots that do not have an existing structure covering all or part of both lots) may retain their separate identities)). *Accord, In re Woodbrook, LLC*, Case No. 03-218-SPH (June 2, 2003) (finding merger where previous owner's intent was to combine lots into one single lot).

At no time have any of the previous or current owners of the Lots sought development approval of combined lots. Although the Lots may have a common owner, each lot is subject to a separate tax bill, a separate water and sewer charge, each has been conveyed by a separate metes and bounds description, and each exists as a valid lot of record. None of the Lots is considered undersized, and some of the lots may be subdivided without variances. Hence, the doctrine of merger does not apply.

This is not a case of "creeping subdivision." Contiguous subdivisions are not even being proposed at this time. Kapman is merely proposing to develop the Lots in accordance with its rights as the owner of eight separate lots. In fact, the Baltimore County Board of Appeals has determined that a "creeping subdivision" does not exist in the BCZR and has rejected the concept. *See In re Horner Trust,* Case No. CBA-04-114 (June 1, 2004), **Ex. 3**. Kapman should be permitted to develop its individual parcels in the same manner as eight individual owners. Kapman should not be deprived of its rights merely because it owns contiguous properties.

In addition to the points already addressed, Kapman should not be deemed to have merged the Lots based on policy reasons. According to petitioners' view, in the event that Kapman conveys any of the Lots to a third-party, that party would not be permitted to construct a dwelling

on his newly acquired land if three other dwellings already exist elsewhere on the eight collective parcels. Clearly, the County Council did not intend such an "illogical and unreasonable" construction. There is no restriction on the transfer of any of the parcels, and each parcel's permit(s) would be reviewed individually. Because none of the Lots is undersized, there is no restriction on the permits to be issued for any single lot or review of contiguous lots provided in the regulations. The County Council made no provision for such restriction which clearly indicates it did not intend this unreasonable result.

CONCLUSION

For the foregoing reasons, Kapman Enterprises, LLC respectfully requests that the Deputy Zoning Commissioner order that the proposed minor subdivisions do not violate the Growth Management Plan for Bowleys Quarters and Back River Neck Areas, and approve the proposed minor subdivisions.

Respectfully submitted,

John B. Gontrum
Whiteford, Taylor & Preston, L.L.P.
210 W. Pennsylvania Avenue, Suite 400
Towson, Maryland 21204
410-832-2055
Attorney for Kapman Enterprises, LLC

331640

Ex. 9 Ex. 1

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

Account Identifier: **District** - 15 **Account Number** - 1502370160

Owner Information

Owner Name:	KAPMAN ENTERPRISES LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	9 WIDEBROOK CT BALTIMORE MD 21234-1232	**Deed Reference:**	1) /21043/ 473 2)

Location & Structure Information

Premises Address
2020 TURKEY POINT RD

Legal Description
LT 48-56
1075 W GREYHOUND RD
LT NWS TURKEY POINT RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:
98	14	90					48	3	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	1,260 SF	2.01 AC	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	44,040	44,040		
Improvements:	70,050	78,170		
Total:	114,090	122,210	119,502	122,210
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BROWN CUSTOM CONTRACTING INC	**Date:**	11/29/2004	**Price:**	$1,700,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/21043/ 473	**Deed2:**	
Seller:	2020 TURKEY POINT ROAD LLC	**Date:**	03/31/2004	**Price:**	$1,470,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19816/ 299	**Deed2:**	
Seller:	BILLS GENEVIEVE V	**Date:**	02/12/2004	**Price:**	$450,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19599/ 483	**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:
* NONE *

0012837 277

Ex. 2

NO CONSIDERATION
NO TITLE SEARCH
NO TRANSFER TAX

Property Account #15-02-370931

THIS DEED, made this 17th day of April in the year one thousand nine hundred and ninety-eight by and between GENEVIEVE V. BILLS, of Baltimore County, State of Maryland, party of the first part and GENEVIEVE V. BILLS and LLOYD EDWARD BILLS of the State of Maryland, parties of the second part.

WITNESSETH, that for no consideration the said party of the first part does grant and convey to the said parties of the second part, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple, all her right, title and interest in and to all that lot of ground situate, lying and being in Baltimore County, State of Maryland and described as follows, that is to say:

SEE ATTACHED EXHIBIT A FOR DESCRIPTION

BEING the same lot of ground which by Deed dated February 28, 1969, and recorded among the Land Records of Baltimore County in Liber No. 4968, folio 674, was granted and conveyed by Walter C. Clark, Sr. and Daisy L. Clark, his wife, to Lloyd B. Bills and Genevieve V. Bills, his wife, as tenants by the entireties. The said Lloyd B. Bills having died on October 15, 1996, thereby vesting in Genevieve V. Bills.

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

TO HAVE AND TO HOLD the said described lot of ground and premises, unto and to the use of the said GENEVIEVE V. BILLS and LLOYD EDWARD BILLS, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple.

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

REVIEWED SDAT
BY LB 5/5/98
DATE

 Ex. 2 (con't)

NO CONSIDERATION
NO TITLE SEARCH
NO TRANSFER TAX

Property Account # 15-02-370165

THIS DEED, made this 17th day of April in the year one thousand nine hundred and ninety-eight by and between GENEVIEVE V. BILLS, of Baltimore County, State of Maryland, party of the first part and GENEVIEVE V. BILLS and LLOYD EDWARD BILLS of the State of Maryland, parties of the second part.

WITNESSETH, that for no consideration the said party of the first part does grant and convey to the said parties of the second part, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple, all her right, title and interest in and to all that lot of ground situate, lying and being in Baltimore County, State of Maryland and described as follows, that is to say:

SEE ATTACHED EXHIBIT A FOR DESCRIPTION

BEING the same lot of ground which by Deed dated February 15, 1967, and recorded among the Land Records of Baltimore County in Liber No. 4733, folio 485, was granted and conveyed by Eugene Wildman and Ora Wildman, his wife, parents and sole heirs-at-law of Rhoda Dawn Wildman, and Solomon Liss, Administrator of the Estate of Rhoda Dawn Wildman, deceased and Josephine M. Gorecki, unmarried, to Lloyd B. Bills and Genevieve V. Bills, his wife, as tenants by the entireties. The said Lloyd B. Bills having died on October 15, 1996, thereby vesting in Genevieve V. Bills.

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

TO HAVE AND TO HOLD the said described lot of ground and premises, unto and to the use of the said GENEVIEVE V. BILLS and LLOYD EDWARD BILLS, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple.

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

REVIEWED SDAT
BY LL DATE 5/5/98

Ex. 2 (con't)

NO CONSIDERATION
NO TITLE SEARCH
NO TRANSFER TAX

Property Account # 15-02-370164

THIS DEED, made this 19th day of April in the year one thousand nine hundred and ninety-eight by and between GENEVIEVE V. BILLS, of Baltimore County, State of Maryland, party of the first part and GENEVIEVE V. BILLS and LLOYD EDWARD BILLS of the State of Maryland, parties of the second part.

WITNESSETH, that for no consideration the said party of the first part does grant and convey to the said parties of the second part, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple, all her right, title and interest in and to all that lot of ground situate, lying and being in Baltimore County, State of Maryland and described as follows, that is to say:

SEE ATTACHED EXHIBIT A FOR DESCRIPTION

BEING the same lot of ground which by Deed dated March 1, 1966, and recorded among the Land Records of Baltimore County in Liber No. 4588, folio 455, was granted and conveyed by Frederick L. Decker and Elisabeth Decker, his wife, to Lloyd B. Bills and Genevieve V. Bills, his wife, as tenants by the entireties. The said Lloyd B. Bills having died on October 15, 1996, thereby vesting in Genevieve V. Bills.

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

TO HAVE AND TO HOLD the said described lot of ground and premises, unto and to the use of the said GENEVIEVE V. BILLS and LLOYD EDWARD BILLS, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple.

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

REVIEWED SDAT
BY _____ 5/5/98 DATE

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (6/95)

Ex. 2 (con't)

0012837 293

NO CONSIDERATION
NO TITLE SEARCH
NO TRANSFER TAX

Property Account #15-02-370162

THIS DEED, made this 17th day of April in the year one thousand nine hundred and ninety-eight by and between GENEVIEVE V. BILLS, of Baltimore County, State of Maryland, party of the first part and GENEVIEVE V. BILLS and LLOYD EDWARD BILLS of the State of Maryland, parties of the second part.

WITNESSETH, that for no consideration the said party of the first part does grant and convey to the said parties of the second part, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple, all her right, title and interest in and to all that lot of ground situate, lying and being in Baltimore County, State of Maryland and described as follows, that is to say:

SEE ATTACHED EXHIBIT A FOR DESCRIPTION

BEING the same lot of ground which by Deed dated January 15, 1965, and recorded among the Land Records of Baltimore County in Liber No. 4417, folio 040, was granted and conveyed by Frederick L. Decker and Elisabeth Decker, his wife; Dean W. Otte and Sybil E. Otte, his wife; and Nicholas W. Otte and Carole L. Otte, his wife, to Lloyd B. Bills and Genevieve V. Bills, his wife, as tenants by the entireties. The said Lloyd B. Bills having died on October 15, 1996, thereby vesting in Genevieve V. Bills.

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

TO HAVE AND TO HOLD the said described lot of ground and premises, unto and to the use of the said GENEVIEVE V. BILLS and LLOYD EDWARD BILLS, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple.

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

REVIEWED SDAT
BY _____ 5/5/98

Ex. 2 (cont'd)

NO CONSIDERATION
NO TITLE SEARCH
NO TRANSFER TAX

Property Account # 15-02-370161

THIS DEED, made this 17th day of April in the year one thousand nine hundred and ninety-eight by and between GENEVIEVE V. BILLS, of Baltimore County, State of Maryland, party of the first part and GENEVIEVE V. BILLS and LLOYD EDWARD BILLS of the State of Maryland, parties of the second part.

WITNESSETH, that for no consideration the said party of the first part does grant and convey to the said parties of the second part, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple, all her right, title and interest in and to all that lot of ground situate, lying and being in Baltimore County, State of Maryland and described as follows, that is to say:

SEE ATTACHED EXHIBIT A FOR DESCRIPTION

BEING the same lot of ground which by Deed dated June 2, 1964, and recorded among the Land Records of Baltimore County in Liber No. 4311, folio 089, was granted and conveyed by Norman R. Neimiller and Mary Lou Neimiller, his wife, to Lloyd B. Bills and Genevieve V. Bills, his wife, as tenants by the entireties. The said Lloyd B. Bills having died on October 15, 1996, thereby vesting in Genevieve V. Bills.

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

TO HAVE AND TO HOLD the said described lot of ground and premises, unto and to the use of the said GENEVIEVE V. BILLS and LLOYD EDWARD BILLS, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple.

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

REVIEWED SDAT
BY: 5/5/98 DATE

0012837 285

Ex. 2 (con't)

NO CONSIDERATION
NO TITLE SEARCH
NO TRANSFER TAX

Property Account # 15-02-370930

THIS DEED, made this 17th day of April in the year one thousand nine hundred and ninety-eight by and between GENEVIEVE V. BILLS, of Baltimore County, State of Maryland, party of the first part and GENEVIEVE V. BILLS and LLOYD EDWARD BILLS of the State of Maryland, parties of the second part.

WITNESSETH, that for no consideration the said party of the first part does grant and convey to the said parties of the second part, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple, all her right, title and interest in and to all that lot of ground situate, lying and being in Baltimore County, State of Maryland and described as follows, that is to say:

SEE ATTACHED EXHIBIT A FOR DESCRIPTION

BEING the same lot of ground which by Deed dated August 5, 1958, and recorded among the Land Records of Baltimore County in Liber No. 3404, folio 182, was granted and conveyed by Frederick L. Decker and Martha H. Decker, his wife, to Lloyd B. Bills and Genevieve V. Bills, his wife, as tenants by the entireties. The said Lloyd B. Bills having died on October 15, 1996, thereby vesting in Genevieve V. Bills.

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

TO HAVE AND TO HOLD the said described lot of ground and premises, unto and to the use of the said GENEVIEVE V. BILLS and LLOYD EDWARD BILLS, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple.

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

REVIEWED SDAT
BY [illegible] 5/5/98
DATE

0012837 301

Ex. 2 (con't)

NO CONSIDERATION
NO TITLE SEARCH
NO TRANSFER TAX

Property Account # 15-02-370160

THIS DEED, made this 12th day of April in the year one thousand nine hundred and ninety-eight by and between GENEVIEVE V. BILLS, of Baltimore County, State of Maryland, party of the first part and GENEVIEVE V. BILLS and LLOYD EDWARD BILLS of the State of Maryland, parties of the second part.

WITNESSETH, that for no consideration the said party of the first part does grant and convey to the said parties of the second part, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple, all her right, title and interest in and to all that lot of ground situate, lying and being in Baltimore County, State of Maryland and described as follows, that is to say:

SEE ATTACHED EXHIBIT A FOR DESCRIPTION

BEING the same lot of ground which by Deed dated November 14, 1947, and recorded among the Land Records of Baltimore County in Liber No. 1609, folio 493, was granted and conveyed by Frederick L. Decker and Martha H. Decker, his wife, to Lloyd B. Bills and Genevieve V. Bills, his wife, as tenants by the entireties. The said Lloyd B. Bills having died on October 15, 1996, thereby vesting in Genevieve V. Bills.

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

TO HAVE AND TO HOLD the said described lot of ground and premises, unto and to the use of the said GENEVIEVE V. BILLS and LLOYD EDWARD BILLS, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple.

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

REVIEWED SDAT
BY LS DATE 5/5/98

IN THE MATTER OF MARY HORNER TRUST; JOHN LAWRENCE HANLEY AND AUSTIN WORTHINGTON BRIZENDINE, TRUSTEES 600 AND 602 BELFAST ROAD TAX ACCOUNT NOS. 08-07061080 AND 08-08068170	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
RE: APPEAL OF LETTER WRITTEN BY DIRECTOR, OFFICE OF PERMITS & DEVELOPMENT MANAGEMENT	*	CASE NO. CBA-04-114

COPY

Ex. 3

* * * * * * * * *

OPINION

Appellants John Lawrence Hanley and Austin Worthington Brizendine, Trustees for the Mary Horner Trust (hereafter referred to as "Trustees") and Lillian Horner, the widow of Peter Paul Horner, and Catherine H. Gemmill appealed the decision of the Baltimore County Department of Permits and Development Management (PDM) which refused to review two minor subdivision plans submitted by the owners for two adjoining parcels of land. The Trustees were represented by Arnold Jablon, Esquire, with Venable, LLP, and Bill Horner and Catherine Gemmill were represented by G. Scott Barhight, Esquire, with Whiteford, Taylor and Preston, LLP. The County was represented by John Beverungen, Assistant County Attorney.

A hearing was held on April 15, 2004, and the parties submitted Briefs on May 3, 2004. A public deliberation was held on May 12, 2004.

Facts

The Trustees for the Mary Horner Trust own property located at 600 Belfast Road, herein referred to as "Parcel 36." Parcel 36 consists of approximately 16 acres and is zoned R.C. 5. In late 2003, the Trustees filed with Baltimore County two alternative plans for the subdivision of Parcel 36. One was a concept plan proposing the subdivision of this parcel into six lots and the other was a minor subdivision plan proposing only three lots.

The Trustees, along with Mrs. Horner and Mrs. Gemmill, also own property located at 602 Belfast Road, herein referred to as "Parcel 37." Parcel 37 consists of approximately 6.5 acres and is zoned R.C. 5.

FILE COPY

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2020 Turkey Pt. Road
which is presently zoned DR 3.5

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

(Supplemental Sheet filed previously with Petition when owned by B.M.S.)

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. Petitioners are Non-owners of Subject Property

Contract Purchaser/Lessee:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

J. Carroll Holzer, P.A.
508 Fairmount Ave.
Towson, MD 21286

Telephone No.

City State Zip Code

Legal Owner(s): (Amended)

Kapman Enterprises, LLC
Name - Type or Print

Signature

Name - Type or Print

Signature

9 Widebrook Court
Address Telephone No.

Baltimore MD 21234
City State Zip Code

Representative to be Contacted:

J. Carroll Holzer
Name

508 Fairmount Ave. 410-825-6961
Address Telephone No.

Towson, MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 05-476-SPH

Reviewed By _____ Date _____

REV 9/15/98

Remand

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2020 Turkey Pt Road

which is presently zoned DR 3.5

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 Supplemental Sheet)

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:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner: See attached signature sheet

Name - Type or Print

Signature

J. Carroll Holzer, P.A.
508 Fairmount Ave.
Towson, MD 21286

410-825-6961
Telephone No.

Zip Code

~~Legal Owner(s):~~ * Petitioners - See attached signature List

Genevieve V. Bius (owner)
Name - Type or Print

Signature

Lloyd Edward Bius (owner)
Name - Type or Print

Signature

12245 Manor Rd
Address Telephone No.

Glen Arm, MD 21057
City State Zip Code

Representative to be Contacted:

J. Carroll Holzer
Name

508 Fairmount Ave. 410-825-6961
Address Telephone No.

Towson MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 DAY

UNAVAILABLE FOR HEARING ?

Reviewed By WCR/JL Date 3/22/05

Case No. 05 476 SPH

REV 9/15/98

* DROP OFF

QUESTIONS PRESENTED
FOR SPECIAL HEARING PETITION
PETITION OF ROCKAWAY BEACH IMPROVE. ASSN., ET AL.
2020 TURKEY POINT ROAD

1. The first question presented to the Zoning Commissioner is whether the Applications for Minor Subdivision numbers M4095, M4095 and M4099 requested by the 2020 Turkey Point Road LLC/Brown Custom Contracting, Inc., Map 98, Grid 14, Parcels 90, 91, 160, 220, 221, 362, 401, 402 are in compliance with the Back River /Bowleys Quarters Growth Management Plan Law codified in BCZR 4A03, Bill 64-99, amended in Bill 28-2001?

2. Also, whether the Applicant therein is limited to 3 lots on the entire assemblage of contiguous property under BCZR 4A03.1, 4A03.4.A.4?

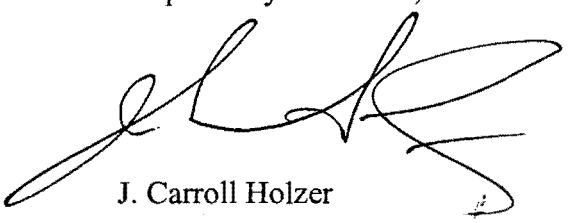
3. For a more detailed analysis of the questions presented herein, see Exhibit A – People's Counsel's letter of 7/22/04 with attachments.

4. It is Petitioners' position that the limitation in the Bowleys Quarters Growth Management ~~Law~~ Plan Law to minor subdivisions (maximum of three lots) applied to the entire assemblage of contiguous property and parcels owned or controlled by a developer and that the law prohibits the developer from placing a minor subdivision on each parcel, or calculating the number of permitted lots by calculating three per parcel.

5. It is Petitioners' position, therefore, that the aforementioned Applications for Minor Subdivisions violate the Growth Management Law

6. Such other and further relief as may be raised at the public hearing on this Petition, or which may result from the Questions raised herein.

Respectfully submitted,



J. Carroll Holzer

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

COPY

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 22, 2004

Timothy Kotroco, Director
Permits & Development Management
111 W Chesapeake Avenue
Towson, Maryland 21204

Re: 2020 Turkey Point Road LLC/Brown Custom Contracting, Inc
Map 98, Grid 14, Parcels 90, 91, 160, 220, 221, 362, 401, 402
Applications for Minor Subdivision M4094, M4095, M4099

Dear Mr. Kotroco,

Upon inquiry from interested citizenry and review of documentation, our office must write to you pursuant to its responsibility under Charter Sec. 524.1 to defend the comprehensive zoning maps. We are concerned with defense of and compliance with the Back River/Bowleys Quarters Growth Management Plan law codified in BCZR 4A03. Bill 64-99, amended in Bill 28-2001. This law restricts property zoned DR or RC in the designated mapped area, including Turkey Point Road, to minor subdivisions, defined as "divisions of property," i.e. limited to three lots. BCZR 4A03.1, 4A03.4.A.1.

For reasons stated below, we respectfully request that your department require or refer the developer to the special hearing process under BCZR 500.7 for a thorough and open public review of important issues affecting the implementation of this law. If your office does not refer the matter, please notify us in any event of your office's decision as to whether to approve or disapprove the proposed minor subdivisions and development currently pending, so that we may take necessary and appropriate action.

Our review of the attached tax map and data reflect that 2020 Turkey Point Road LLC owns all of the above contiguous parcels, with the exception of Parcel 90, which it sold March 31, 2004 to Brown Custom Contracting, Inc. The property in question is zoned D.R. 3.5 and totals 9.79 acres. In view of the overall purpose and history of the Growth Management law, and its broad reference to property, it is reasonable to infer that the minor subdivision cap applies to all contiguous property under one ownership, whether in a single parcel or multiple parcels and whether or not sold after the enactment of the law. That is consistent with the function of the law to control growth. It also avoids discriminatory and capricious implementation of the law, so that all owners of contiguous property are treated fairly and in the same way. This is, furthermore, consistent with the principle of merger in zoning law. See Friends of the Ridge v. BGE 120 Md.App. 444 (1998), In the Matter of Woodbrook, LLC, Case No. 03-218-SPH, BCZR 304 (undersized lot).

Apparently, 2020 Turkey Point Road seeks to avoid coverage by splitting its eight Parcels into five separate properties eligible for minor subdivision and selling off one of the end parcels, Parcel 90. As we understand this "gerrymandered" device, 2020 Turkey Point Road LLC has configured three

Exh A

PETITIONERS' SIGNATURE SHEET
SPECIAL HEARING FOR
2020 TURKEY POINT ROAD
APPLICATIONS FOR MINOR SUNDIVISIONS
04094-M; 04095-M AND 04099-M

Rockaway Beach Improvement Assn., 721 Rockaway Beach Ave., Essex, MD 21221
Jackie Nickel, President

Jackie Nickel

Turkey Point Improvement Assn., 2104 Rosalie Ave., Essex, MD 21221
Carolyn Bronushas, Acting President

Carolyn Bronushas

Jackie Nickel, Individually
721 Rockaway Beach Ave., Essex, MD 21221

Jackie Nickel

Carolyn Bronushas, Individually
2104 Rosalie Ave., Essex, MD 21221

Carolyn Bronushas

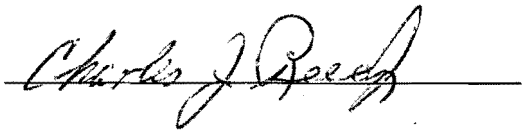
Howard French, Individually
320 Greyhound Rd.
Essex, MD 21221

Howard French

Katherine Hughes, Individually
600 Greyhound Rd.
Essex, MD 21221

Katherine K. Hughes

Charles Reed, Individually
610 Greyhound Rd., Essex, MD 21221



C:Petitions 2005 Jackie Nickel Indiv. Signatures Bills Property 1-25-05

PATTON

Patton Consultants Ltd. Engineering & Site Planning

416

ZONING DESCRIPTION FOR BILLS PROPERTY TURKEY POINT ROAD
[Five (5) Parcels - proposed nine (9) lots]

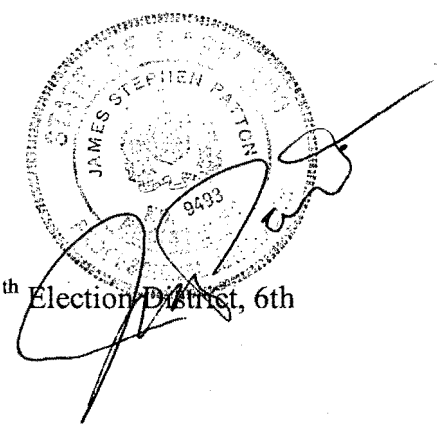
Beginning at a point on the north side of Turkey Point Road which is paved to twenty five (25) feet [no right-of-way] wide at the distance of zero (0) feet from the centerline of the nearest improved intersecting street Edgar Avenue which is paved to twenty five (25) feet [no right-of-way], as recorded in the following Deeds:

Liber 12837 folio 301
Liber 19599 folio 285
Liber 12837 folio 297
Liber 12837 folio 281
Liber 12837 folio 277
Liber 12837 folio 309

Beginning at the point of intersection of Turkey Point Road and Edgar Avenue the following courses and distances:

S 54° 48' 04" W	326.00' +/-
S 58° 05' 25" W	35.50' +/-
S 71° 04' 00" W	100.21' +/-
S 83° 25' 07" W	100.00' +/-
N 30° 34' 00" W	350.10' +/-
N 59° 26' 00" W	300.00' +/-
S 30° 34' 00" W	198.00' +/-
N 59° 15' 14" E	350.00' +/-
N 59° 26' 00" E	266.08' +/-
S 29° 58' 00" E	74.15' +/-
S 72° 24' 00" W	25.00' +/-
S 13° 07' 00" W	251.48' +/-
N 78° 32' 00" W	75.00' +/-
S 81° 49' 23" W	75.00' +/-
S 54° 48' 04" W	100.00' +/-

to the place of Beginning.



Containing 178,378 +/- square feet or 4.095 acres+/- and located in the 15th Election District, 6th Councilmanic District.

305 West Chesapeake Avenue, Suite 206, Towson, Maryland 21204
410-296-2140 Fax 410-296-0419

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: #05-476-SPH
2020 Turkey Point Road
N/side of Turkey Point Road on east and west of Edgar Avenue
15th Election District-6th Councilmanic District
Legal Owner(s): Genevieve V. & Lloyd Edward Bills
Petitioners: Rockaway Beach Improvement Association & other interested parties.

Special Hearing: to determine whether minor subdivision numbers M4094, M4095 and M4099 are in compliance, to allow 14 dwelling lots instead of the 3 envisioned by the law.

Hearing: Tuesday, May 10, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN
Zoning Commissioner for
Baltimore County

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

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

JT/4/763 Apr. 26 48362

CERTIFICATE OF PUBLICATION

4/27/, 2005

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 4/26/, 2005.

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

S. Wilkinson

LEGAL ADVERTISING

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906

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

CERTIFICATE OF POSTING

RE: CASE #05-476-SHA
PETITIONERS:
Rockaway Beach Improvement Association & other interested parties
OWNER:
Genevieve V. & Lloyd Edward Bills
DATE OF HEARING: 5/10/05

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

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:
2020 Turkey Point Road

(see page 2 for full size print)

POSTED ON: 4/8/05

SIGNATURE OF SIGN POSTER

BRUCE DOAK

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


ZONING NOTICE
CASE # :05-476-SPH
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD.
PLACE: Room 407 County Courts Building
401 Bosley Avenue, Towson, MD
TIME & DATE : 9:00 AM May 10, 2005
Special Hearing: To determine whether minor subdivision numbers M4094, M4095 and M4099 are in compliance, to allow 14 dwelling lots instead of the 3 envisioned by the law.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFIRM HEARING
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE
04/08/2005

APPEAL SIGN POSTING REQUEST

CASE NO. 05-476-SPH

KAPMAN ENTERPRISES, LLC

15th ELECTION DISTRICT APPEALED: 7/22/05

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, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 05-476-SPH

LEGAL OWNER: KAPMAN ENTERPRISES, LLC

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

2020 TURKEY POINT ROAD

The sign was posted on 11-7, 2005

By: Mark Gawl
(Signature of Sign Poster)

MARK GAWL
(Print Name)

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

March 28, 2005

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: 05-476-SPH
2020 Turkey Point Road
N/side of Turkey Point Road on east and west of Edgar Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Genevieve V. & Lloyd Edward Bills
Petitioners: Rockaway Beach Improvement Association & other interested parties

Special Hearing to determine whether minor subdivision numbers M4094, M4095 and M4099 are in compliance, to allow 14 dwelling lots instead of the 3 envisioned by the law.

Hearing: Tuesday, May 10, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286
Mr. & Mrs. Bills, 12245 Manor Road, Glen Arm 21057

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 25, 2005.**
(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.

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

January 25, 2006

NOTICE OF ASSIGNMENT

CASE #: 05-476-SPH

IN THE MATTER OF: KAPMAN ENTERPRISES, LLC – Legal Owners; ROCKAWAY BEACH IMPROVEMENT ASSN – Petitioners /Protestants
2020 Turkey Point Road 15th E; 6th C

5/531/05 –Z.C.'s Decision in which special hearing relief requested by Petitioners /Protestants to limit development was DENIED.
6/29/05 – Z.C.'s Order on Motion for Reconsideration – Motion DENIED.

ASSIGNED FOR: **WEDNESDAY, MARCH 1, 2006 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Appellant : Office of People's Counsel

Counsel for Petitioners /Protestants : J. Carroll Holzer, Esquire
Petitioners /Protestants : Jackie Nickel and Rockaway Beach Imp Assn.
Carolyn Bronushas Howard French
Katherine Hughes Charles Reed

Carole Ledley JoAnn Loeliger
Lawrence & Charlotte Knoll Joan Moore
Ronald Hagy Vince Cotrino

Counsel for Legal Owners : John B. Gontrum, Esquire
Audra Trouland Cathel, Esquire
Legal Owners : Kapman Enterprises, LLC

William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Department of Permits a[redacted]
Development Management

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

[redacted]
Baltimore County

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

May 3, 2005

J. Carroll Holzer, P.A.
508 Fairmount Avenue
Towson, Maryland 21204

Dear Mr. Holzer:

RE: Case Number: 05-476-SPH, 2020 Turkey Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 28, 2005.

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
Kaparan Enterprises 9 Widebrook Court Baltimore 21234

Fire Department

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

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

March 29,2005

ATTENTION: Zoning Review Planners

Distribution Meeting of April 11, 2005

Item No. 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484

Pursuant to your request, the above referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

The Fire Marshal's Office has no comment at this time.

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 28, 2005

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

SUBJECT: 2020 Turkey Point Road

INFORMATION:

Item Number: 5-476

Petitioner: Genevieve V. Bius

Zoning: DR 3.5

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning in concert with the Department of Permits and Development Management has a policy that contiguous lots in the same ownership may not be viewed separately. The 2020 Turkey Point LLC holds seven of the eight subject parcels in common ownership. The 2020 Turkey Point LLC also held parcel 1 in ownership until March 31, 2004 when it was conveyed to Brown Custom Contracting. This office also has a policy consistent with the Zoning Commissioner's Policy Manual in which a "six year rule" is applied in the question of properties in contiguous ownership. The policy addresses the practice of some applicants who, prior to consideration of ownership of adjoining lots, nominally transfer title to a third party, which would then allow them to claim that they have no interest in the adjoining land. This office believes this policy applies in this case, and that lots 1-8 are therefore considered contiguous. The Office of Planning views the proposed subdivision of lot 1 in combination with lots 2-8 as a single unit of development, and therefore no longer subject to the exemption provision of Section 32-4-106(b)(6) of the Baltimore County Code (BCC). This view holds that the proposed development would then be treated as a major subdivision; however, Bill no. 64-99 prohibits the development of a major subdivision in this geographic area. Therefore, in consideration of the argument above, it is the view of the Office of Planning that these 8 contiguous parcels cannot be developed with any more than 3 dwellings.

in consideration of the argument above, it is the view of the Office of Planning that these 8 contiguous parcels cannot be developed with any more than 3 dwellings.

In addition, the three home lots shown on Parcel one (the subject of 04094M) are located on a sharp, blind curve on Turkey Point Road. If the petitioner chooses to subdivide into these three lots, they should all be served by a common drive to minimize the number of access points on Turkey Point Road. In a related manner, as per Section 32-4-102(b)(2)(iii) of the BCC, the Office of Planning seeks to provide linkages between developments when possible. As such, linkage shall be provided from Hackberry Road to Turkey Point Road. Accessing the proposed development of the Bills Property via Hackberry Road extended would be preferred to additional driveways along Turkey Point Road.

Prepared by: Mark A Cunningham

Division Chief: Lynn Lambert

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 20, 2005

FROM: Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for April 11, 2005
Item No. 473, 474, 476, 477, 478, 479,480,. 481, 482

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

DAK:CEN:clw
cc: file
ZAC-NO COMMENTS-04202005.doc

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: 3.25.05

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

RE: Baltimore County
Item No. 476 JLL

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

RE:	PETITION FOR SPECIAL HEARING 2020 Turkey Point Road; N/side Turkey Point Road, East & West of Edgar Avenue 15th Election & 6th Councilmanic Districts Legal Owner(s): Genevieve & Lloyd Bills Petitioner(s): Rockaway Beach Improvement Association; Turkey Pt. Improvement Association, Jackie Nickel, Carolyn Bronushas, Howard French, Katherine Hughes	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-476-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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286, Attorney for Petitioner(s).

RECEIVED
MAR 31 2005
Per

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Baltimore County
Office of Law

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

TELEFAX TRANSMISSION

TO: Bill Wiseman

DATE: 5/3/05

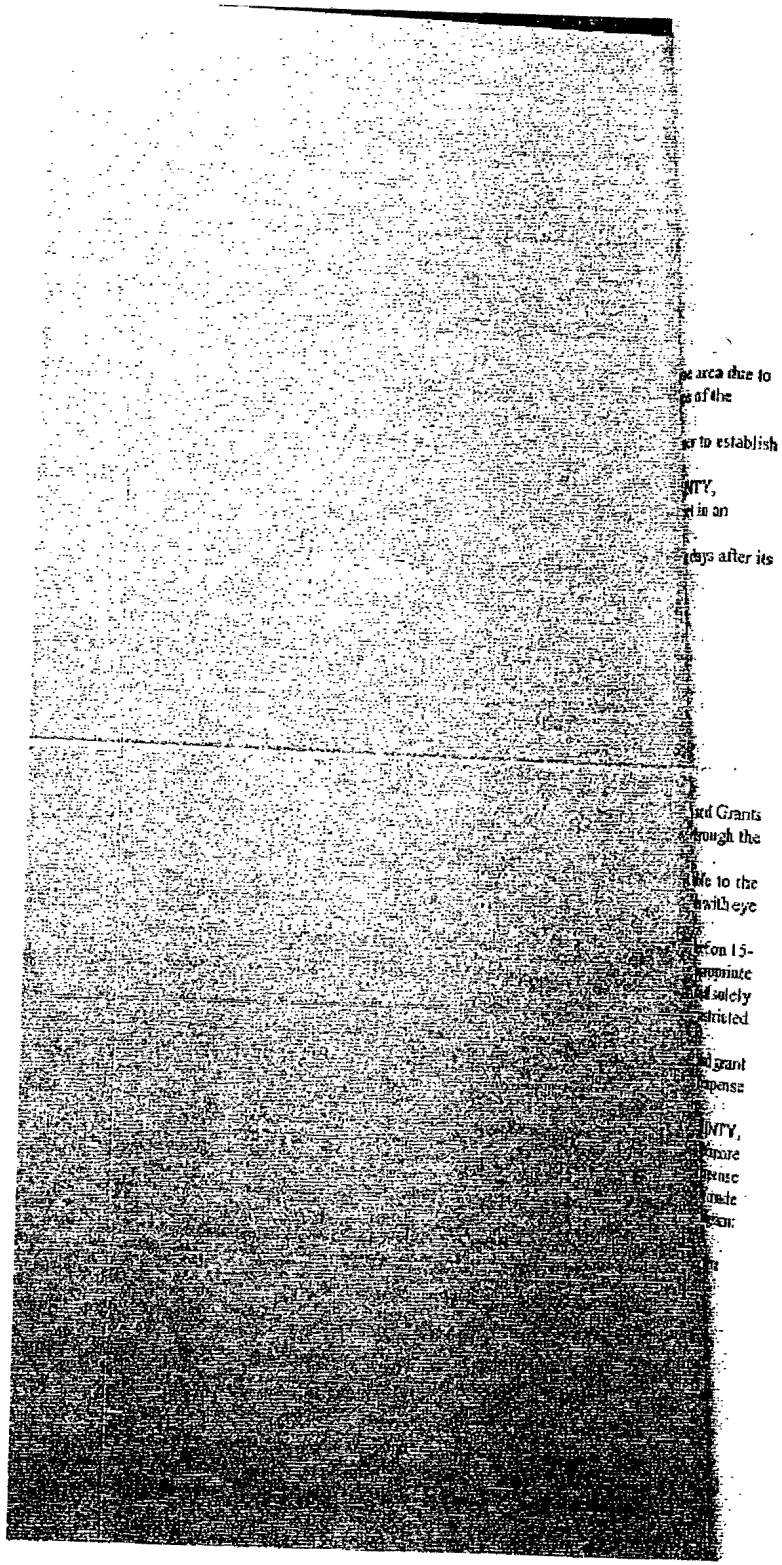
FAX: X3468

FROM: Amanda Conn

PAGES: _____ (including cover page)

RE:

Message/Comments:



BILL NO. 13-04
A BILL
ENTITLED

AN ACT concerning

The 2003-2004 Current Expense Budget
Gifts and Grants Special Revenue Fund
Non-Profit Grants/Public Capital Improvements

FOR the purpose of amending the 2003-2004 Current Expense Budget, by appropriating to the Non-Profit Grants/Public Capital Improvements Program monies derived from state funds and made available to the County through the Maryland Department of Housing and Community Development (DHCD).

WHEREAS, DHCD has made an award of state funds available to the Baltimore County Office of Community Conservation to be used for the Community Assistance Network's Weatherization Assistance Program; and

WHEREAS, in accordance with Sections 306 and 712(a) of the Baltimore County Charter and Section 15-221 of the Baltimore County Code, 1988, as amended, the County Council may accept gifts and grants, appropriate same to the Gifts and Grants Special Revenue Fund and expend the same, said fund having been established solely for the purpose of accounting for certain monetary gifts and grants made available to the County for restricted purposes; and

WHEREAS, such fund remains open perpetually as a mechanism to account for the respective gift and grant appropriations and expenditures throughout the entire term of the grant period, including beyond the current expense budget fiscal year; now therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, pursuant to the power and authority conferred upon it by Sections 306 and 712(a) of the Baltimore County Charter and Section 15-221 of the Baltimore County Code, 1988, as amended, that the Current Expense Budget for the fiscal year ending June 30, 2004, be and is hereby amended by appropriating state funds made available to the Baltimore County Office of Community Conservation, in the amount herein specified, to the following program:

005-067-6710 Non-Profit Grants/Public Capital Improvements $728,040.00

SECTION 2. AND BE IT FURTHER ENACTED, that this Act having been passed by the affirmative vote of five members of the County Council shall take effect March 19, 2004.

BILL NO. 15-04
A BILL
ENTITLED

AN ACT concerning

Bowleys Quarters and Back River Neck Areas

FOR the purpose of amending the growth management plan for the Bowleys Quarters and Back River Neck Areas of the County in order to permit R.C. 20 zoned properties in these areas to connect to public sewer under certain conditions; and generally relating to permitted development in the Bowleys Quarters and Back River Neck Areas of the County.

BY repealing and re-enacting, with amendments,
Section 4A03.2
Baltimore County Zoning Regulations, as amended

BY repealing
Section 3
Bill No. 64-1999
Laws of Baltimore County 1999

BILL NO. 64-99
A BILL
ENTITLED

AN ACT concerning

Public Sewer Service and Building Permits

FOR the purpose of requiring certain property owners in certain areas to connect to the public sewer under certain circumstances; authorizing the issuance of building permits in certain areas under certain circumstances; prohibiting the extension of public sewer service to certain properties under certain circumstances; prohibiting certain property owners from receiving building permits under certain provisions; requiring a certain department to report to the County Council annually; providing for the construction of this Act; and generally relating to the building permits and the extension of public sewer service.

BY repealing and reenacting, with amendments

Section 35-177
Article IV - Metropolitan District
Title 35 - Water and Sewers
Baltimore County Code, 1988

BY repealing and reenacting, with amendments

Section 304.1
Baltimore County Zoning Regulations

BY adding

Section 206
Baltimore County Zoning Regulations

WHEREAS, in response to certain health considerations resulting from failed septic systems, the County has authorized a capital project for the extension of public sewer service to limited portions of the Bowleys Quarters and Back River Neck area of the 5th Councilmanic District depicted on the map attached as Exhibit A; and

WHEREAS, the capital project authorized by the County was only intended to provide sufficient sewer capacity to support existing residences served by private septic systems; and

SECTION 16. If any one or more of the provisions of this Ordinance, including any covenants or agreements provided herein on the part of the County to be performed, should be contrary to law, then such provision or provisions shall be null and void and shall in no way affect the validity of the other provisions of this Ordinance or of the Bonds.

BILL NO. 45-03
A BILL
ENTITLED

AN ACT concerning

Bowleys Quarters and Back River Neck Areas - Growth Allocation and RC 5 Zone

FOR the purpose of modifying certain county code and zoning requirements as they relate to growth allocation in a certain area of the county where connection to public sewer is required; authorizing certain dwellings in the RC 5 zone in a certain area and under certain conditions; and generally relating to the Bowleys Quarters and Back River Neck Areas.

WHEREAS growth allocation is intended to establish conditions for development in the Chesapeake Bay Critical Area; and

WHEREAS modifications to county code and zoning requirements might be necessary to foster more sensitive development in the Critical Area with regard to growth allocation by providing better water quality and conservation of plant, fish, and wildlife species; and

WHEREAS growth allocation is intended to establish conditions for development in the Chesapeake Bay Critical Area; and

WHEREAS modifications to county code and zoning requirements might be necessary to foster more sensitive development in the Critical Area with regard to growth allocation by providing better water quality and conservation of plant, fish, and wildlife species;

WHEREAS modifications to county code and zoning requirements may generate creatively designed communities that display the highest quality of design for development in the Critical Area with regard to growth allocation; now, therefore:

SECTION 1. AND BE IT FURTHER ENACTED, That Sections 1A04.2 and 4A03.11 of the Baltimore County Zoning Regulations, as amended, are hereby repealed and reenacted, with amendments, to read as follows:

Section 1A04 - R.C.5 (Rural-Residential) Zone1A04.2 Use regulations.

A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C.5 Zones:

1. Churches or other buildings for religious worship including church schools.
2. Dwellings, one-family detached.
3. TWO-FAMILY DWELLINGS, SEMI-DETACHED OR DUPLEX DWELLINGS, OR GROUP HOUSES ON PROPERTY SUBJECT TO THE REQUIREMENTS OF SECTION 4A03 OF THESE REGULATIONS THAT REQUIRE GROWTH ALLOCATION

[3.] 4. Farms and limited-acreage wholesale flower farms.

[4.] 5. Assisted living facilities, Class A.

[5.] 6. Open space, common.

[6.] 7. Schools, including but not limited to private preparatory schools, colleges, conservatories or other fine arts schools.

[7.] 8. Streets or ways.

[8.] 9. Telephone, telegraph, electrical-power or other similar lines or cables, all underground; underground gas, water or sewer mains or storm drains; other underground conduits, except underground interstate and intercontinental pipelines.

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

RECEIVED

APR 15 2005

ZONING COMMISSIONER

April 6, 2005
7528

HAND DELIVERED
Carl Richards
PDM
County Office Building
Towson, MD 21204

Re: Petitioners: Rockaway Beach Improvement Assn., et al.
Case No. 05-476-SPH; 2020 Turkey Point Road

Dear Mr. Richards:

I recently became aware that the ownership for the property located at 2020 Turkey Point Road has changed since I filed a Petition for Special Hearing involving the above referenced property. On April 5, 2005, I hand delivered a letter to Tim Kotroco, People's Counsel for Baltimore County and mailed the same letter to William Wiseman, Zoning Commissioner and John Gontrum, who may represent the owners of the subject property reflecting the ownership change. As you may already be aware, the new owner of the property subject to my Petition is Kapman Enterprises, LLC.

John Lewis in the Zoning Office called and left me a message indicating that your office needed a revision to our Petition reflecting the changed ownership. Mr. Lewis also conveyed to Sterling Leese of my office today that the changed ownership should also be noted on each of the three minor subdivision plans filed by Merritt Development Consultants, Inc. identified as the "Bills Property." After the meeting with John Lewis, Mr. Leese went to see Joe Chmura to check on the status of the Bills Property Minor Subdivision application and to find out if a revised plan, or plans were filed. He was told by Joe Chmura that Walt Smith in Development Review put the Bills Minor Subdivisions on hold last January and nothing has happened since then.

Consequently, it is my position that it is not relevant from the standpoint of my Petition who owns the property at 2020 Turkey Point Road, particularly since the County presently has before it the three Bills Property Minor Subdivision Plans. Therefore, I have not reflected the ownership change in any of the Plans prepared for the Bills Minor Subdivisions because the questions presented in my Petition relate to the Bills Plans. However, I have attached three original Petitions for Special Hearing that amended the owners as requested by your office. In all other respects, my Petition remains the same.

I appreciate the assistance of your office in this matter and if you need to call, I can be reached at 410-825-6961

Very truly yours,

J. Carroll Holzer

Attachments

JCH:clh

cc: Rockaway Beach Improvement Assn., et al.
Tim Kotroco, Director
William Wiseman, Z.C.
John Lewis

C:\Documents and Settings\Peggy\My Documents\Letters 2005\Carl Richards-Kapman Enter.Rockaway Beach Assn. 4-6-05.doc

HOLZER

& LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

JLL
PHONE CALL
TO ATTNY
TO REVISE
PETITIONS +
IF OWNERS ON
PLANS WRONG
ALL PLANS
NEED NEW
CORRECTIONS
AND REV.
FEES REQ'D
MSG. LEFT ON
MACHINE AT
J. C. HOLZER.
4/06/05

April 5, 2005
#7528

HAND DELIVERED

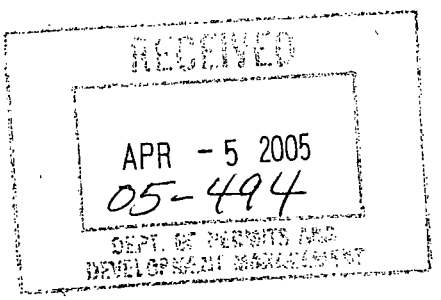
Timothy Kotroco, Esquire
Director, Permits and Development Management
111 West Chesapeake Ave.
Towson, Maryland 21204

RE: Special Hearing Filed by Rockaway Beach Improvement Assn., et al., Case No. 05-476-SPH

Dear Mr. Kotroco:

On behalf of my clients, the Rockaway Beach Improvement Association and several individuals, I filed a Petition for Special Hearing raising several questions regarding the property at 2020 Turkey Point Road. Since my clients, the Petitioners, are not the owners of the subject property, we utilized the deeds to indicate the owners. I have subsequently been informed that Genevieve and Lloyd Bills are not the present owners of the subject property. The present owners are: Katman Enterprises, LLC located at 9 Widebrook Court, Baltimore, MD 21234-1232. Please be sure this letter of correction is placed in the file so that the Zoning Commissioner is aware of the name of the present owner and the Petition for Special Hearing is amended to reflect the present ownership.

I am enclosing Maryland Department of Assessments and Taxation records substantiating the present owners.



By copy of this letter, I am informing Katman Enterprises, LLC of my Petition previously filed with the County, even though I believe that they are aware of it. I have already provided a copy of my Petition with their counsel, John Gontrum and People's Counsel for Baltimore County.

Very truly yours,

J. Carroll Holzer

JCH:mlg

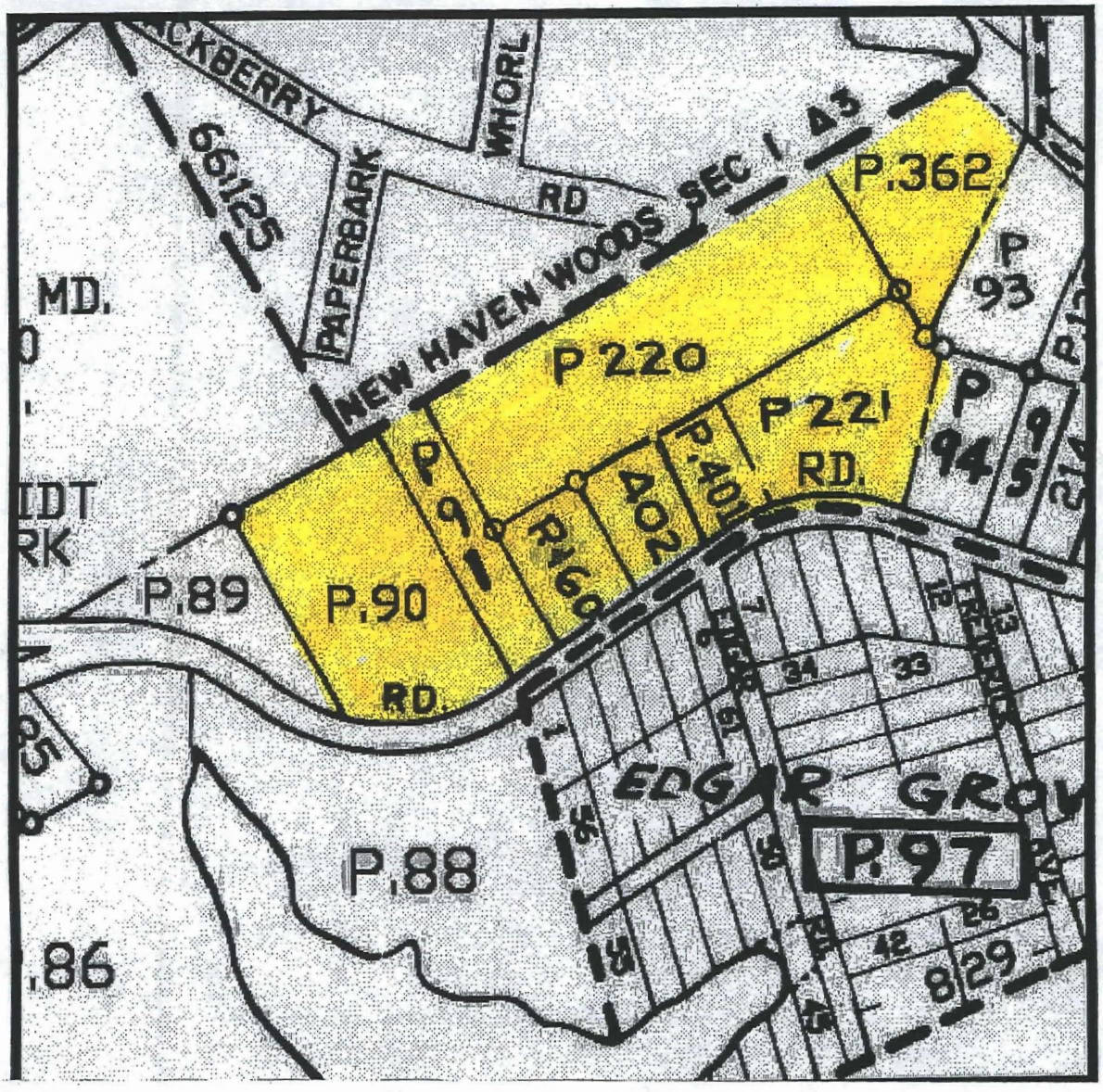
Enclosure

cc: John Gontrum, Esq.
Ms. Jackie Nickel
People's Counsel for Baltimore County
William Wiseman, Esquire
Zoning Commissioner
Katman Enterprises, LLC

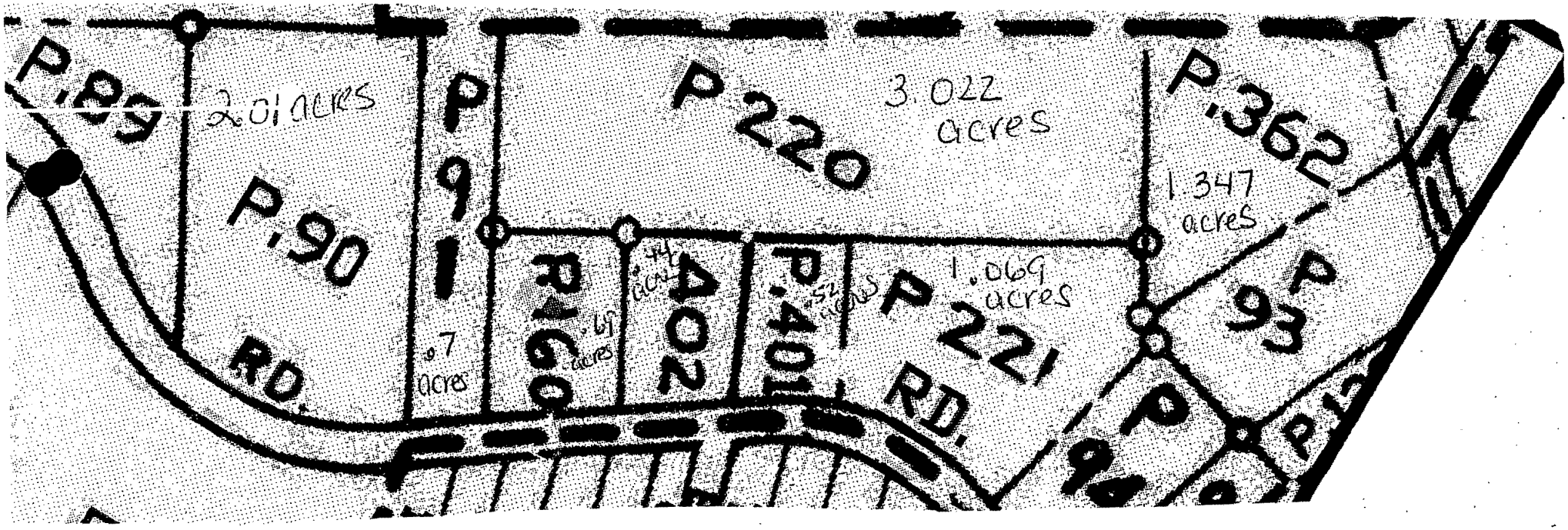
Bills / 2020 Turkey Point Road/ Kapman Enterprises, LLC Property Area Calculations

	Acres	Square Feet
Parcel 90	2.010	87,556
Parcel 91	.700	30,600
Parcel 160	.690	30,150
Parcel 220	3.022	131,551
Parcel 221	1.069	46,174
Parcel 362	1.347	58,370
Parcel 401	.440	19,200
Parcel 402	.520	22,520
Totals	9.798	426,121

District - 15Account Number - 1502370101



05-476-SPH


P.89
2.01 acres
P.90
RD.
P.91
.7 acres
P.160
.69 acres
P.202
.74 acres
P.401
.52 acres
P.220
3.022 acres
P.221
1.069 acres
RD.
P.362
1.347 acres
P.93

05-476 SPH

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502370160

Owner Information

Owner Name:	KAPMAN ENTERPRISES LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	9 WIDEBROOK CT BALTIMORE MD 21234-1232	**Deed Reference:**	1) /21043/ 473 2)

Location & Structure Information

Premises Address
2020 TURKEY POINT RD

Legal Description
LT 48-56
1075 W GREYHOUND RD
LT NWS TURKEY POINT RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:
98	14	90					48	3	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	1,260 SF	2.01 AC	04

Stories	Basement	Type	Exterior
1 1/2	YES		SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	44,040	44,040		
Improvements:	70,050	78,170		
Total:	114,090	122,210	119,502	122,210
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BROWN CUSTOM CONTRACTING INC	**Date:**	11/29/2004	**Price:**	$1,700,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/21043/ 473	**Deed2:**	
Seller:	2020 TURKEY POINT ROAD LLC	**Date:**	03/31/2004	**Price:**	$1,470,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19816/ 299	**Deed2:**	
Seller:	BILLS GENEVIEVE V	**Date:**	02/12/2004	**Price:**	$450,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19599/ 483	**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

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502370930

Owner Information

Owner Name: KAPMAN ENTERPRISES LLC

Use: RESIDENTIAL
Principal Residence: NO

Mailing Address: 9 WIDEBROOK CT
BALTIMORE MD 21234-1232

Deed Reference: 1) /21043/ 473
2)

Location & Structure Information

Premises Address
2022 TURKEY POINT RD

Legal Description
LT 45,46,47
1000 W GREYHOUND RD
WILLIAM LUMMIS JR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:
98	14	91					45	3	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		30,600.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	30,400	30,400		
Improvements:	0	0		
Total:	30,400	30,400	30,400	30,400
Preferential Land:	0	0	0	0

Transfer Information

Seller: BROWN CUSTOM CONTRACTING INC	**Date:** 11/29/2004	**Price:** $1,700,000
Type: MULT ACCTS ARMS-LENGTH	**Deed1:** /21043/ 473	**Deed2:**
Seller: 2020 TURKEY POINT ROAD LLC	**Date:** 03/31/2004	**Price:** $1,470,000
Type: MULT ACCTS ARMS-LENGTH	**Deed1:** /19816/ 299	**Deed2:**
Seller: BILLS GENEVIEVE V	**Date:** 02/10/2004	**Price:** $450,000
Type: MULT ACCTS ARMS-LENGTH	**Deed1:** /19599/ 483	**Deed2:**

Exemption Information

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502370161

Owner Information

Owner Name:	KAPMAN ENTERPRISES LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	9 WIDEBROOK CT BALTIMORE MD 21234-1232	**Deed Reference:**	1) /21043/ 473 2)

Location & Structure Information

Premises Address
TURKEY POINT RD

Legal Description
LTS 39-44
DECKER

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No: Plat Ref:
98	14	160					39	3	

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		30,150.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	30,280	30,280		
Improvements:	0	0		
Total:	30,280	30,280	30,280	30,280
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BROWN CUSTOM CONTRACTING INC	**Date:**	11/29/2004	**Price:**	$1,700,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/21043/ 473	**Deed2:**	
Seller:	2020 TURKEY POINT ROAD LLC	**Date:**	03/31/2004	**Price:**	$1,470,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19816/ 299	**Deed2:**	
Seller:	BILLS GENEVIEVE V	**Date:**	02/10/2004	**Price:**	$450,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19599/ 483	**Deed2:**	

Exemption Information

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502370162

Owner Information

Owner Name: KAPMAN ENTERPRISES LLC

Mailing Address: 9 WIDEBROOK CT
BALTIMORE MD 21234-1232

Use: RESIDENTIAL
Principal Residence: NO

Deed Reference: 1) /21043/ 473
2)

Location & Structure Information

Premises Address
TURKEY POINT RD

Legal Description
3.022 AC NS
TURKEY POINT RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:
98	14	220						3	Plat Ref:

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		3.02 AC	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	38,080	38,080		
Improvements:	0	0		
Total:	38,080	38,080	38,080	38,080
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BROWN CUSTOM CONTRACTING INC	**Date:**	11/29/2004	**Price:**	$1,700,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/21043/ 473	**Deed2:**	
Seller:	2020 TURKEY POINT ROAD LLC	**Date:**	03/31/2004	**Price:**	$1,470,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19816/ 299	**Deed2:**	
Seller:	BILLS GENEVIEVE V	**Date:**	02/12/2004	**Price:**	$450,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19599/ 483	**Deed2:**	

Exemption Information

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502370164

Owner Information

Owner Name:	KAPMAN ENTERPRISES LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	9 WIDEBROOK CT BALTIMORE MD 21234-1232	**Deed Reference:**	1) /21043/ 473 2)

Location & Structure Information

Premises Address
GREYHOUND RD

Legal Description
1.347 AC SWS
GREYHOUND RD
990 N TURKEY PT RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:
98	14	362						3	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		1.34 AC	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	31,360	31,360		
Improvements:	0	0		
Total:	31,360	31,360	31,360	31,360
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BROWN CUSTOM CONTRACTING INC	**Date:** 11/29/2004	**Price:** $1,700,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:** /21043/ 473	**Deed2:**
Seller:	2020 TURKEY POINT ROAD LLC	**Date:** 03/31/2004	**Price:** $1,470,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:** /19816/ 299	**Deed2:**
Seller:	BILLS GENEVIEVE V	**Date:** 02/12/2004	**Price:** $450,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:** /19599/ 483	**Deed2:**

Exemption Information

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502370165

Owner Information

Owner Name:	KAPMAN ENTERPRISES LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	9 WIDEBROOK CT BALTIMORE MD 21234-1232	**Deed Reference:**	1) /21043/ 473 2)

Location & Structure Information

Premises Address
2100 TURKEY POINT RD

Legal Description
LTS 32-35
FREDERICK L DECKER PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:
98	14	401					32	3	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		19,200.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	27,550	27,550		
Improvements:	0	0		
Total:	27,550	27,550	27,550	27,550
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BROWN CUSTOM CONTRACTING INC	**Date:**	11/29/2004	**Price:**	$1,700,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/21043/ 473	**Deed2:**	
Seller:	2020 TURKEY POINT ROAD LLC	**Date:**	03/31/2004	**Price:**	$1,470,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19816/ 299	**Deed2:**	
Seller:	BILLS GENEVIEVE V	**Date:**	02/12/2004	**Price:**	$450,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19599/ 483	**Deed2:**	

Exemption Information

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502370931

Owner Information

Owner Name:	KAPMAN ENTERPRISES LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	9 WIDEBROOK CT BALTIMORE MD 21234-1232	**Deed Reference:**	1) /21043/ 473 2)

Location & Structure Information

Premises Address
2030 TURKEY POINT RD

Legal Description
LT NS TURKEY POINT R

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:
98	14	402						3	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		22,520.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	28,380	28,380		
Improvements:	0	0		
Total:	28,380	28,380	28,380	28,380
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BROWN CUSTOM CONTRACTING INC	**Date:**	11/29/2004	**Price:**	$1,700,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/21043/ 473	**Deed2:**	
Seller:	2020 TURKEY POINT ROAD LLC	**Date:**	03/31/2004	**Price:**	$1,470,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19816/ 299	**Deed2:**	
Seller:	BILLS GENEVIEVE V	**Date:**	02/12/2004	**Price:**	$450,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19599/ 483	**Deed2:**	

Exemption Information

PLEASE PRINT CLEARLY

CASE NAME 2020 Turkey Pt Rd
CASE NUMBER 05-476-SPH
DATE 5/10/05

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Jackie Nickel	721 Rockaway Bch.	Essex, MD 21221	jackienickel@comcast.net
Carole L. Ledley	2304 Turkey Pt. Rd	Essex Md. 21221	CLL2336@AOL.COM
Joann Loeliger	2337 Tickwood Rd.	Essex, Md. 21221	Loeligerjo@comcast.net
Evelyn Reed	610 Greyhound Rd	Essex, Md 21221	
Lawrence Knoll	623 Rockaway ave	Balto Md 21221	
Lorraine Knoll	623 Rockaway Beach	Balto Md 21221	

PLEASE PRINT CLEARLY

CASE NAME 2020 Turkey Pt Rd
CASE NUMBER 05-496-SPA
DATE 5/10/05

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
JOAN MOORE	2112 TURKEY PT. RD.		
RONALD HAGY	2114 TURKEY PT RD		
Vince Contrino	2116 TURKEY PT RD		

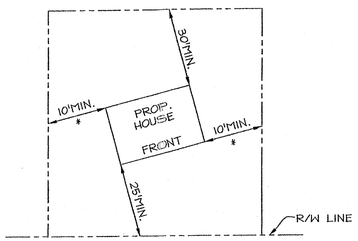
(2)

EXHIBITS

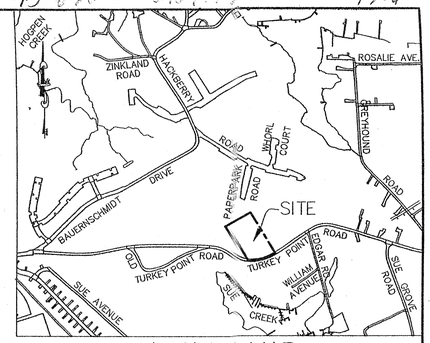
15-0420 04094M 15d

ZONING REGULATIONS (DR-3.5)
FRONT - 25'
REAR - 30'
SIDE YARD 10' *(SUM OF 25')

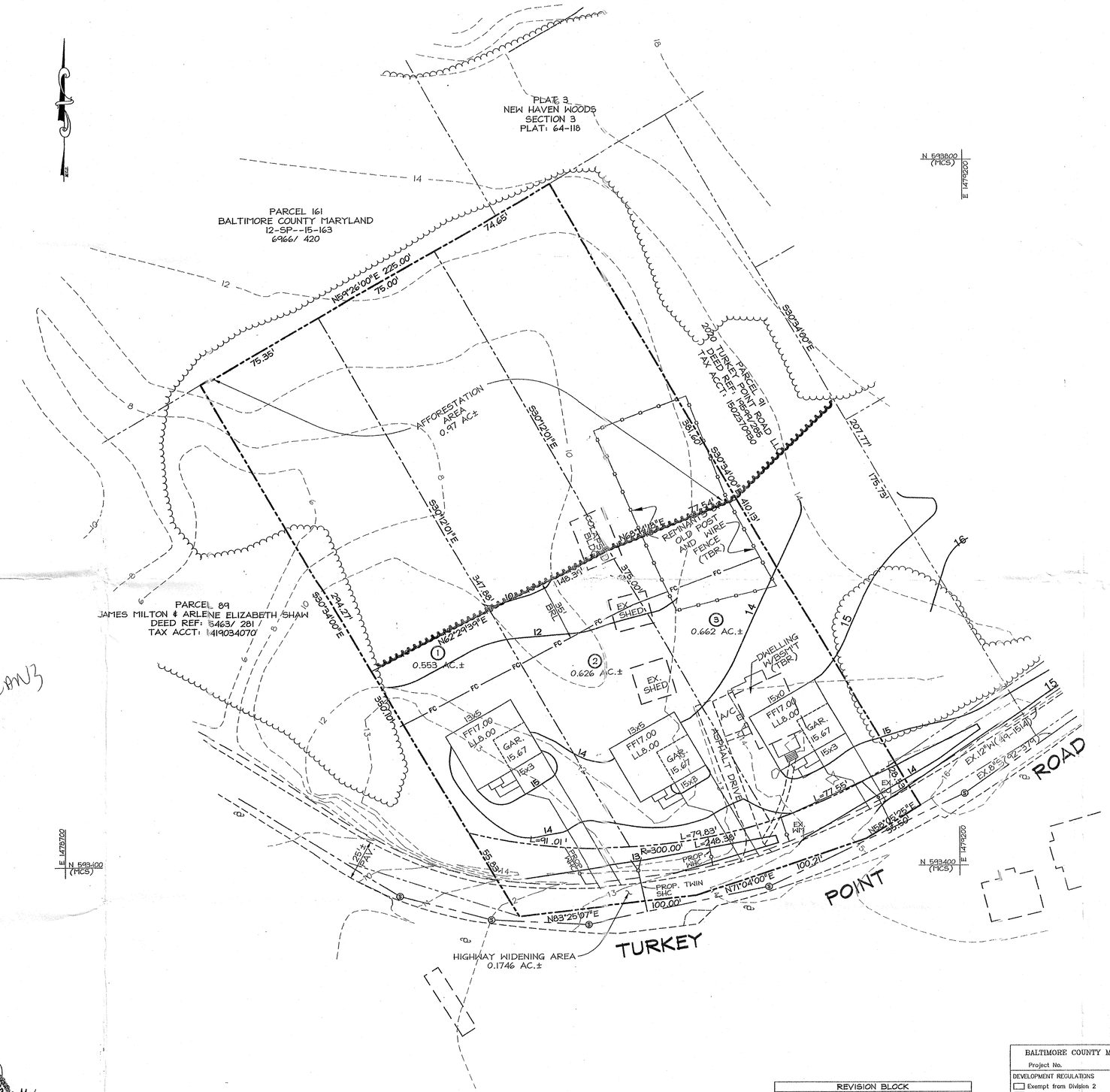
ENVELOPES OR TYPICAL DWELLINGS AS SHOWN DICTATE A SPECIFIC ORIENTATION WHICH IS INTENDED TO ALLOW COMPLIANCE WITH BALTIMORE COUNTY ZONING REGULATIONS AND POLICIES. SHOULD THE ORIENTATION CHANGE OR CREATE CONFLICTS WITH THE REGULATIONS OR POLICIES, THE ORIENTATION MUST BE CHANGED TO ALLEVIATE THE CONFLICT.



TYPICAL BUILDINGS SETBACKS DETAIL
NOT TO SCALE



VICINITY MAP
SCALE: 1"=1000'



SITE DATA
GROSS AREA: 2.0146 AC±
HIGHWAY WIDENING AREA: 0.1746 AC±
NET AREA: 1.84 AC±
EXISTING ZONING: DR 3.5, 200 SCALE MAP SE 1-K
EXISTING USE: 1 SINGLE FAMILY DWELLING
PROPOSED USE: 3 SINGLE FAMILY DWELLINGS
OWNER: BROWN CUSTOM CONTRACTING
2313 OLD BOSLEY ROAD
LUTHERVILLE MD 21093

TAX ACCOUNT NUMBER: 15-1502370160
TAX MAP NO. 98 GRID 14 PARCEL 90
DEED 12837/301
CENSUS TRACT: 4509.00 REGIONAL PLANNING DISTRICT: 328
SCHOOL DISTRICT: MIDDLEBOROUGH ELEMENTARY
DEEP CREEK MIDDLE
CHESAPEAKE HIGH

PARKING REQUIRED: 2 P.S./LOT x 3 LOTS= 6 P.S.
PARKING PROPOSED: 6 P.S. (9' x 18')
WATER & SEWER DESIGNATIONS: W-7, S-7
SUBSEWER SHED: 39
WATERSHED: MIDDLE RIVER

GENERAL NOTES
1. TOPOGRAPHY SHOWN IS BASED ON BALTIMORE COUNTY GIS-TILE 98a2.
2. BOUNDARY SHOWN IS BASED ON SURVEY PERFORMED BY GMB SURVEY & DRAFTING LLC.
3. THERE ARE NO KNOWN CRITICAL AREAS, HAZARDOUS WASTE SITES, ENDANGERED SPECIES HABITATS, ARCHEOLOGICAL OR HISTORICAL SITES ON THIS PROPERTY.
4. THIS PROPERTY HAS BEEN HELD INTACT SINCE PRIOR TO 1971. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
5. THIS PROPERTY HAS NO KNOWN PRIOR ZONING CASES.
6. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON SITE.
7. THE SOIL TYPES FOR THIS SITE WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 46.
8. THE GRID SYSTEM SHOWN IS BASED ON THE MARYLAND COORDINATE SYSTEM.
9. THE PROPOSED DWELLING WILL BE EITHER ONE OR TWO STORIES IN HEIGHT, WITH A MAXIMUM HEIGHT OF 50 FEET.
10. THE AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
11. THE EXISTING DWELLING AND ALL ACCESSORY STRUCTURES SHALL BE REMOVED BY THE DEVELOPER PRIOR TO BUILDING PERMIT ISSUANCE.

STORM WATER MANAGEMENT NOTES
1. ALL RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORMDRAIN OR ADJACENT PROPERTY.
2. AS MUCH AS POSSIBLE, IMPERVIOUS AREAS SHOULD BE CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
3. HOUSE DOWN SPOUTS SHOULD BE DISCHARGED ONTO PERVIOUS AREAS WHERE FEASIBLE.
4. ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE STORMWATER MANAGEMENT CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.

476
3 PLANS

Plat to Accompany Petition for Special Hearing by Rockaway Beach Improvement Assn., et al.

Original Plat Filed in Bills Property Minor Subdivision Case No. 04094-M

MERRITT DEVELOPMENT CONSULTANTS, INC.
9831 MAGLEDT ROAD
BALTIMORE, MARYLAND
PHONE: 410-663-5525 FAX: 410-663-4315

STATE OF MARYLAND — JOHN THOMAS SCHNEIDER — No. 10852 — REGISTERED PROFESSIONAL LAND SURVEYOR
5-27-04

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE AGENCY COMMENTS DATED AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCIES COMMENTS.

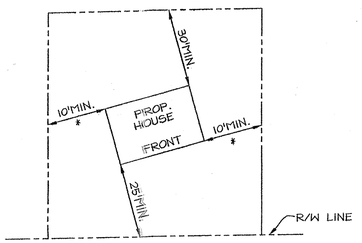
REVISION BLOCK		
DATE	COMMENTS	BY

BALTIMORE COUNTY MINOR SUBDIVISION
Project No.
DEVELOPMENT REGULATIONS
☐ Exempt from Division 2
☐ Panhandle, exempt from Sections 26-202 & 26-206
PDM CERTIFICATION
☐ Approved ☐ Disapproved
By: _____ Date: _____
APPROVED DEPRM
By: _____ Date: _____

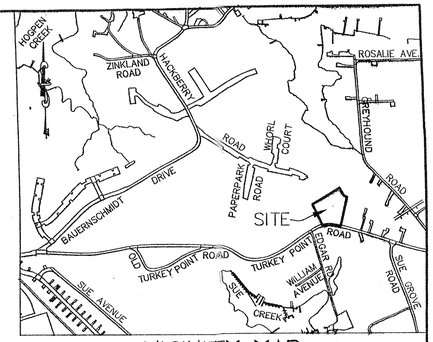
MINOR SUBDIVISION PLAN
BILLS PROPERTY
PARCEL 90
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD
SCALE: 1"=30' MAY 21, 2004

ZONING REGULATIONS (DR-3.5)
FRONT - 25'
REAR - 30'
SIDE YARD 10' *(SUM OF 25')

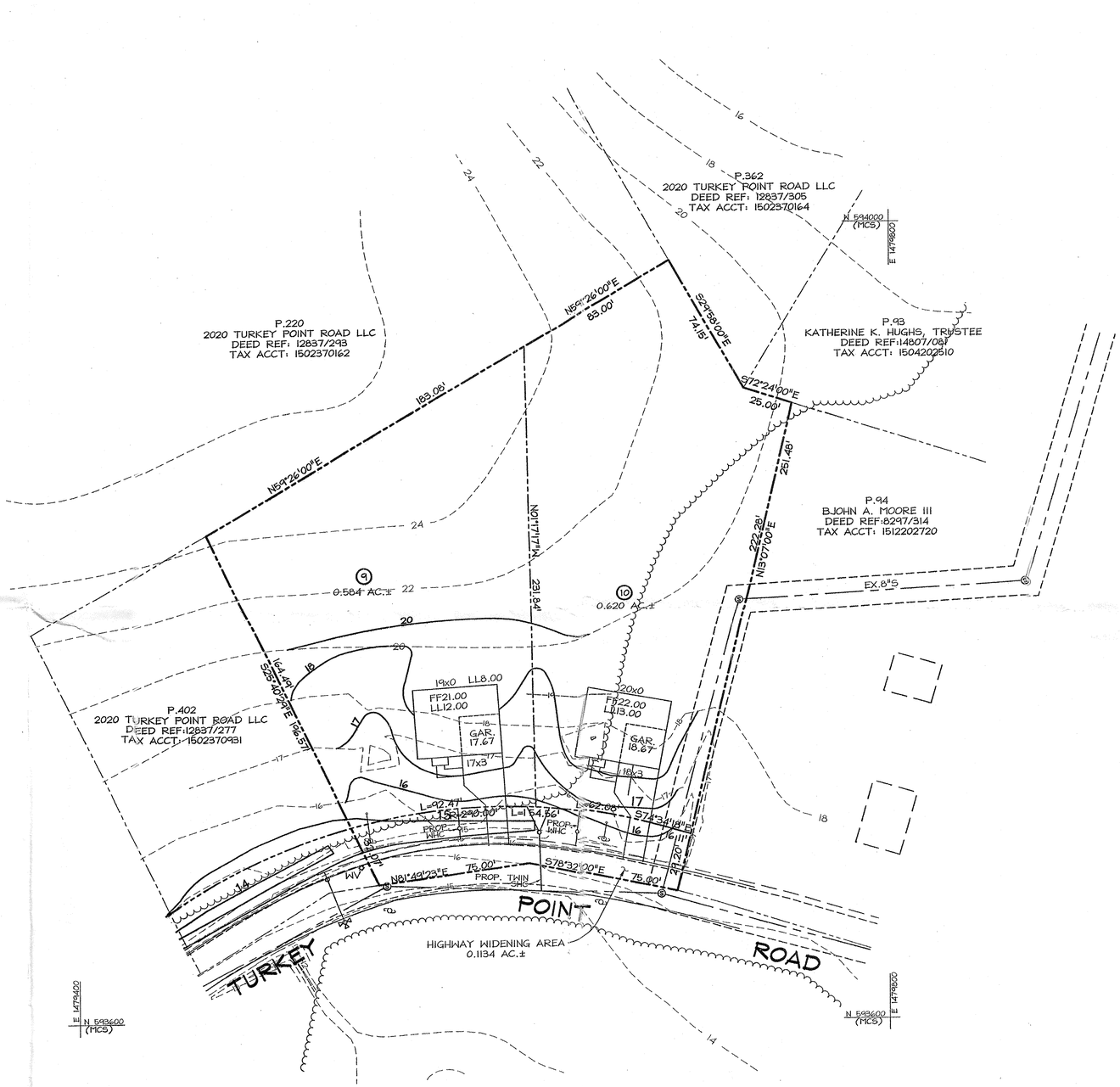
ENVELOPES OR TYPICAL DWELLINGS AS SHOWN DICTATE A SPECIFIC ORIENTATION WHICH IS INTENDED TO ALLOW COMPLIANCE WITH BALTIMORE COUNTY ZONING REGULATIONS AND POLICIES. SHOULD THE ORIENTATION CHANGE OR CREATE CONFLICTS WITH THE REGULATIONS OR POLICIES, THE ORIENTATION MUST BE CHANGED TO ALLEVIATE THE CONFLICT.



TYPICAL BUILDINGS SETBACKS DETAIL
NOT TO SCALE



VICINITY MAP
SCALE: 1"=1000'



SITE DATA
GROSS AREA: 1.3172 AC±
HIGHWAY WIDENING AREA: 0.1134 AC±
NET AREA: 1.2038 AC±
EXISTING ZONING: DR 3.5, 200 SCALE MAP SE 1-K
EXISTING USE: 1 SINGLE FAMILY DWELLING
PROPOSED USE: 2 SINGLE FAMILY DWELLINGS
OWNER: BROWN CUSTOM CONTRACTING
2313 OLD BOSLEY ROAD
LUTHERVILLE MD 21093

TAX ACCOUNT NUMBER: 15-1502370163
TAX MAP NO. 98 GRID 14 PARCEL 221
DEED 12837/309
CENSUS TRACT: 4509.00 REGIONAL PLANNING DISTRICT: 328
SCHOOL DISTRICT: MIDDLEBOROUGH ELEMENTARY
DEEP CREEK MIDDLE
CHESAPEAKE HIGH

PARKING REQUIRED: 2 P.S./LOT x 2 LOTS= 4 P.S.
PARKING PROPOSED: 4 P.S. (9' x 18')
WATER & SEWER DESIGNATIONS: W-7, S-7
SUBSEWER SHED: 39
WATERSHED: MIDDLE RIVER

GENERAL NOTES
1. TOPOGRAPHY SHOWN IS BASED ON BALTIMORE COUNTY GIS TILE 98a2.
2. BOUNDARY SHOWN IS BASED ON SURVEY PERFORMED BY GMB SURVEY & DRAFTING LLC.
3. THERE ARE NO KNOWN CRITICAL AREAS, HAZARDOUS WASTE SITES, ENDANGERED SPECIES HABITATS, ARCHEOLOGICAL OR HISTORICAL SITES ON THIS PROPERTY.
4. THIS PROPERTY HAS BEEN HELD INTACT SINCE PRIOR TO 1971. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
5. THIS PROPERTY HAS NO KNOWN PRIOR ZONING CASES.
6. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON SITE.
7. THE SOIL TYPES FOR THIS SITE WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 45.
8. THE GRID SYSTEM SHOWN IS BASED ON THE MARYLAND COORDINATE SYSTEM.
9. THE PROPOSED DWELLING WILL BE EITHER ONE OR TWO STORIES IN HEIGHT, WITH A MAXIMUM HEIGHT OF 50 FEET.
10. THE AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
11. NO PORTION OF THIS SITE IS LOCATED WITHIN A 100' YEAR FLOODPLAIN.

STORM WATER MANAGEMENT NOTES
1. ALL RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORMDRAIN OR ADJACENT PROPERTY.
2. AS MUCH AS POSSIBLE, IMPERVIOUS AREAS SHOULD BE CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
3. HOUSE DOWN SPOUTS SHOULD BE DISCHARGED ONTO PERVIOUS AREAS WHERE FEASIBLE.
4. ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE STORMWATER MANAGEMENT CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.

Plat to Accompany Petition for Special Hearing by Rockaway Beach Improvement Assn., et al.

Original Plat Filed in Bills Property Minor Subdivision Case No. 04099-M

JUN 10 2004

MERRITT DEVELOPMENT CONSULTANTS, INC.
9831 MAGLEDT ROAD
BALTIMORE, MARYLAND
PHONE: 410-663-5525 FAX: 410-663-4315

STATE OF MARYLAND — JOHN W. MERRITT — No. 10955 — REGISTERED PROFESSIONAL LAND SURVEYOR

6-8-04

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE AGENCY COMMENTS DATED AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCIES COMMENTS.

REVISION BLOCK		
DATE	COMMENTS	BY

BALTIMORE COUNTY MINOR SUBDIVISION
Project No.
DEVELOPMENT REGULATIONS
☐ Exempt from Division 2
☐ Panhandle, exempt from Sections 26-202 & 26-206
PDM CERTIFICATION
☐ Approved ☐ Disapproved
By: _____ Date: _____
APPROVED DEPRM
By: _____ Date: _____

MINOR SUBDIVISION PLAN
BILLS PROPERTY
PARCEL 221
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD
SCALE: 1"=30' MAY 21, 2004

Z:\BILLS PROPERTY\bills_PZZ_minor.dwg, 6/7/2004 8:03:20 AM, ARCH D (24 X 36 in), (Landscape), 1:30

Case No.: 05-476-SPH

Exhibit Sheet

Petitioner/Developer	Protestant
Meredith	RESPONDENT

No. 1	Bill 64-99	IA EB WATER & SEWER PLAN DEPICTS LOTS W1-W3 5-1-5-3	
No. 2	Bill 28-01	LAYOUT OF PARCEL CONFIGURATION	
No. 3	Planning Office Comment	EXHIBIT 1 OF MOTION HEARING AND OFFICE OF PLANNING ZAC COMMENT	} admitted in Main case
No. 4	TAX MAP and PLAT OF PLATS		
No. 5	DEED HISTORY		
No. 6	ZONING MAP - 09~~05~~2 APPROX PROPERTY LOCATIONS		
No. 7	GIS MAP WITH BOUNDRY LOCATIONS		
No. 8			
No. 9			
No. 10			
No. 11			
No. 12			

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1999, Legislative Day No. 14

Bill No. 64-99

Mr. Kevin Kamenetz, Chairman
By Request of County Executive

By the County Council, July 6, 1999

A BILL
ENTITLED

AN ACT concerning

Public Sewer Service and Building Permits

FOR the purpose of requiring certain property owners in certain areas to connect to the public sewer under certain circumstances; authorizing the issuance of building permits in certain areas under certain circumstances; prohibiting the extension of public sewer service to certain properties under certain circumstances; prohibiting certain property owners from receiving building permits under certain provisions; requiring a certain department to report to the County Council annually; providing for the construction of this Act; and generally relating to the building permits and the extension of public sewer service.

BY repealing and reenacting, with amendments

Section 35-177
Article IV - Metropolitan District
Title 35 - Water and Sewers
Baltimore County Code, 1988

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

PETITIONER'S
EXHIBIT NO. 1

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2001, Legislative Day No. 8
Bill No. 28-01

Mr. S. G. Samuel Moxley, Chairman
By Request of County Executive

By the County Council, April 16, 2001

A BILL
ENTITLED

AN ACT concerning

Public Sewer Service and Building Permits

FOR the purpose of renumbering a certain section of the Baltimore County Zoning Regulations; making corresponding changes to another section of the Baltimore County Zoning Regulations, the Baltimore County Code, and the Laws of Baltimore County, Maryland, 1999; and making certain non-substantive stylistic and technical changes.

By repealing and reenacting, with amendments and renumbering

Section 206
Baltimore County Zoning Regulations
(As enacted in Bill No. 64-99 of the Laws of Baltimore County, Maryland 1999)
to be
Section 4A03
Baltimore County Zoning Regulations

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

PETITIONER'S
EXHIBIT NO. 2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 28, 2005

RECEIVED

MAY 6 2005

ZONING COMMISSIONER

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

SUBJECT: 2020 Turkey Point Road

INFORMATION:

Item Number: 5-476

Petitioner: Genevieve V. Bius

Zoning: DR 3.5

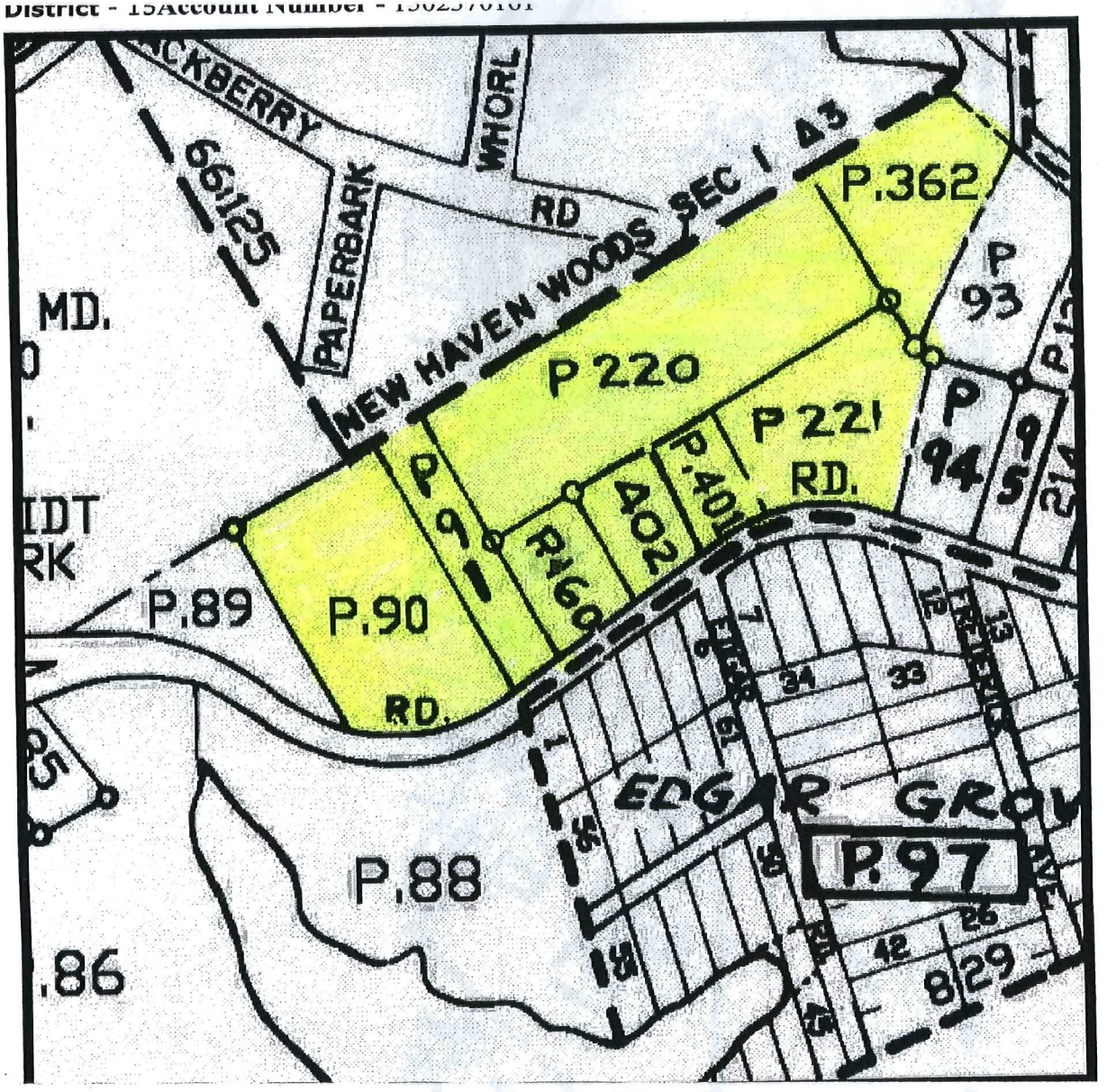
Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning in concert with the Department of Permits and Development Management has a policy that contiguous lots in the same ownership may not be viewed separately. The 2020 Turkey Point LLC holds seven of the eight subject parcels in common ownership. The 2020 Turkey Point LLC also held parcel 1 in ownership until March 31, 2004 when it was conveyed to Brown Custom Contracting. This office also has a policy consistent with the Zoning Commissioner's Policy Manual in which a "six year rule" is applied in the question of properties in contiguous ownership. The policy addresses the practice of some applicants who, prior to consideration of ownership of adjoining lots, nominally transfer title to a third party, which would then allow them to claim that they have no interest in the adjoining land. This office believes this policy applies in this case, and that lots 1-8 are therefore considered contiguous. The Office of Planning views the proposed subdivision of lot 1 in combination with lots 2-8 as a single unit of development, and therefore no longer subject to the exemption provision of Section 32-4-106(b)(6) of the Baltimore County Code (BCC). This view holds that the proposed development would then be treated as a major subdivision; however, Bill no. 64-99 prohibits the development of a major subdivision in this geographic area. Therefore, in consideration of the argument above, it is the view of the Office of Planning that these 8 contiguous parcels cannot be developed with any more than 3 dwellings.

PETITIONER'S
EXHIBIT NO. 3

District - 15Account Number - 1502370101



PETITIONER'S

EXHIBIT NO. 4

05-476-SPH

NO CONSIDERATION
NO TITLE SEARCH
NO TRANSFER TAX

Property Account #15-02-370931

THIS DEED, made this 17th day of April in the year one thousand nine hundred and ninety-eight by and between GENEVIEVE V. BILLS, of Baltimore County, State of Maryland, party of the first part and GENEVIEVE V. BILLS and LLOYD EDWARD BILLS of the State of Maryland, parties of the second part.

WITNESSETH, that for no consideration the said party of the first part does grant and convey to the said parties of the second part, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple, all her right, title and interest in and to all that lot of ground situate, lying and being in Baltimore County, State of Maryland and described as follows, that is to say:

SEE ATTACHED EXHIBIT A FOR DESCRIPTION

BEING the same lot of ground which by Deed dated February 28, 1969, and recorded among the Land Records of Baltimore County in Liber No. 4968, folio 674, was granted and conveyed by Walter C. Clark, Sr. and Daisy L. Clark, his wife, to Lloyd B. Bills and Genevieve V. Bills, his wife, as tenants by the entireties. The said Lloyd B. Bills having died on October 15, 1996, thereby vesting in Genevieve V. Bills.

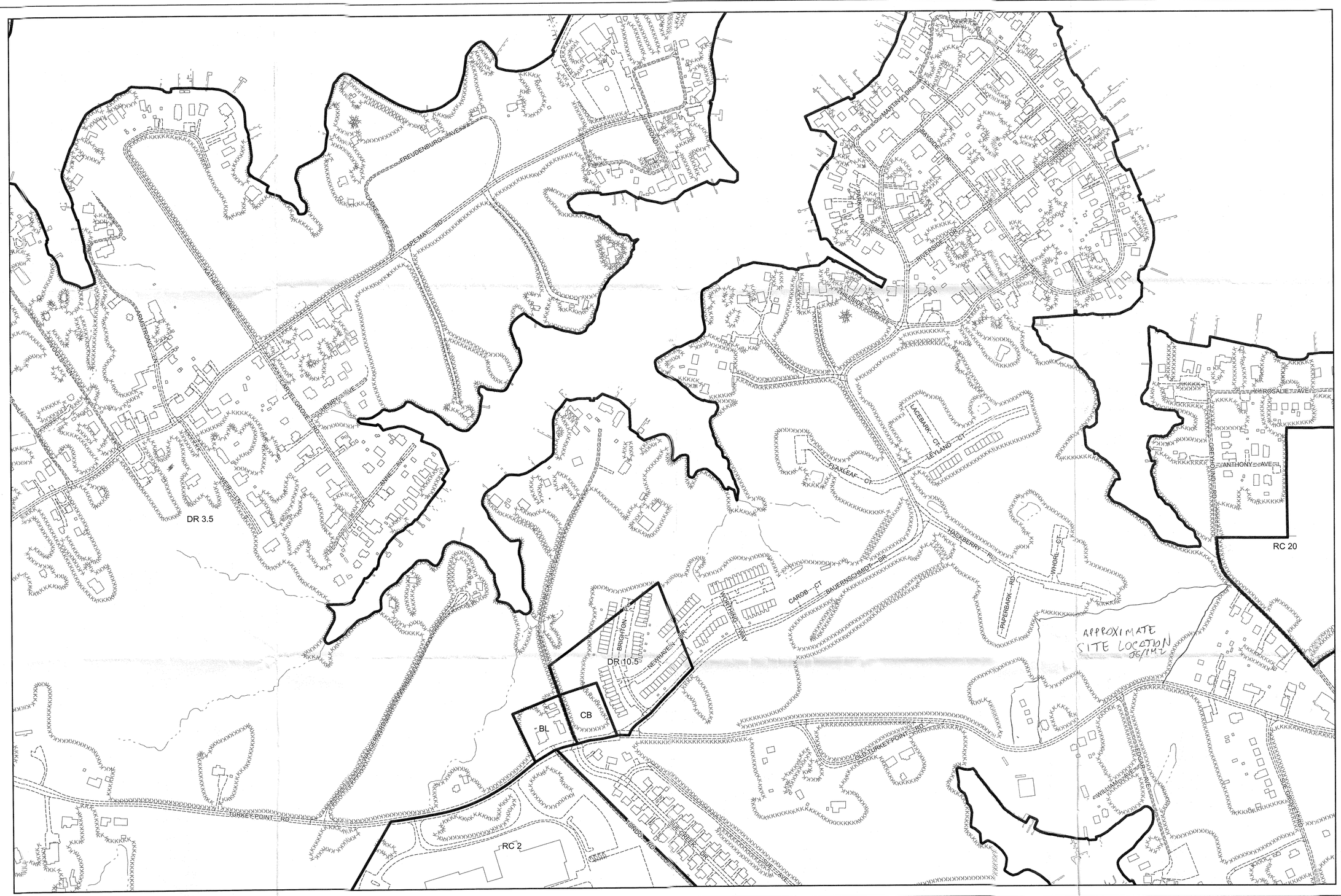
TOGETHER with the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in any wise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises, unto and to the use of the said GENEVIEVE V. BILLS and LLOYD EDWARD BILLS, as joint tenants and not as tenants in common, the personal representatives, heirs and assigns of the survivor of them, in fee simple.

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

REVIEWED SDAT
BY LL DATE 5/5/98

PETITIONER'S
EXHIBIT NO. 5



Plan Sheet: *098A2*

Note:
Section 32-3-202 of the Baltimore County, 2003 Code establishes the zoning geodatabase. This map represents the actions of the Baltimore County Council on August 31, 2004 (Bills 82-04, 83-04, 84-04, 85-04), 86-04, 87-04, 88-04, and 89-04) effective September 3, 2004.

Legend

Zoning — Streams — Vegetation
Buildings — Roads

Baltimore County
Office of Planning and Zoning
Official Zoning Map

097B1	097C1	098A1	098B1	098C1
097B2	097C2	098A2	098B2	098C2
097B3	097C3	098A3	098B3	098C3

Scale
1" = 200'
0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

PETITIONER'S EXHIBIT NO. 6

05-476-SPH

Produced by Baltimore County
GIS Services Unit
April 13, 2005

Date of Imagery: 2002

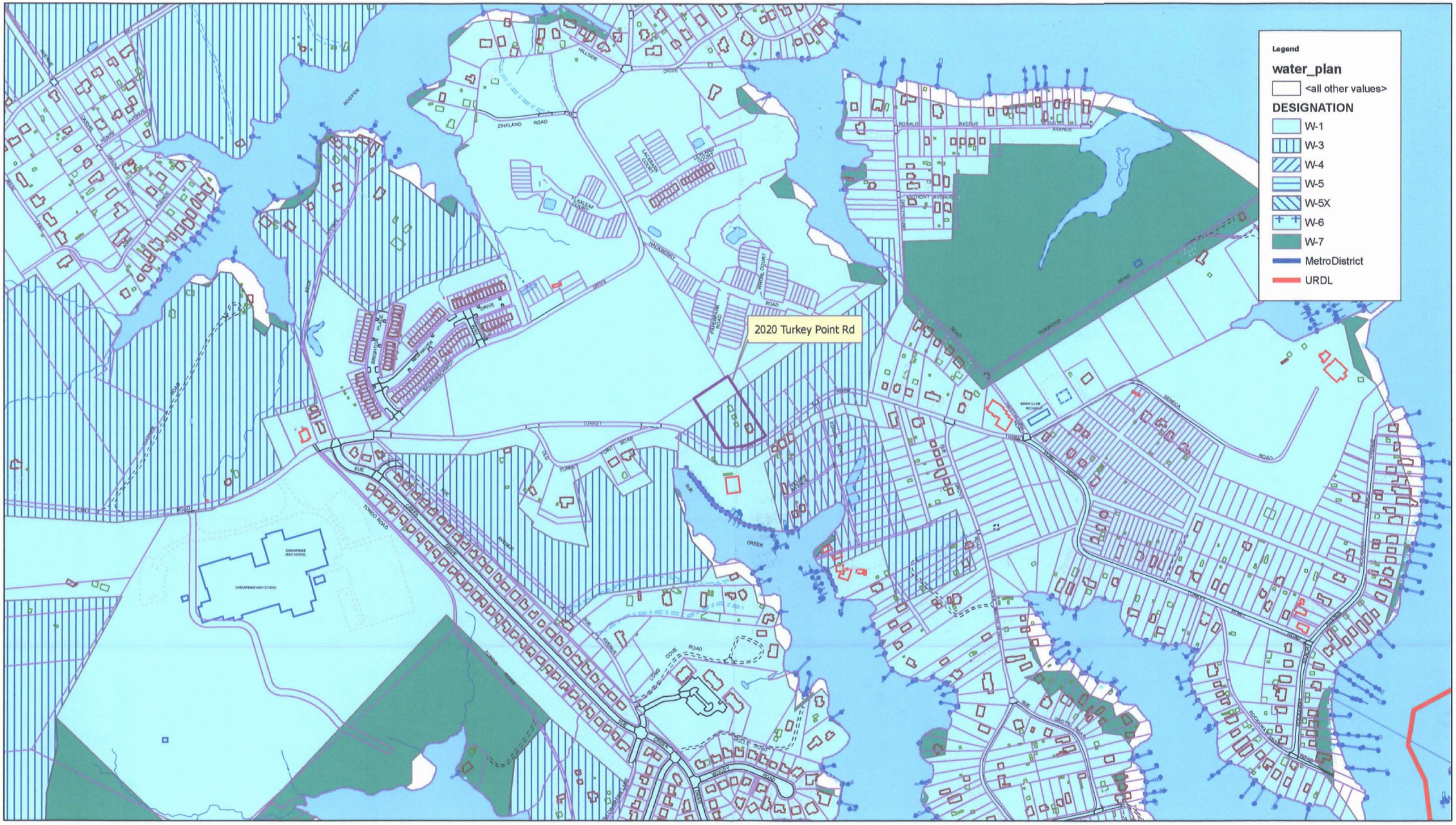
PETITIONER'S

EXHIBIT NO. 7

PROTESTANT'S

EXHIBIT NO. 1

Water Plan for 2020 Turkey Point Rd



Coordinate System:
Maryland State Plane: NAD83/91 Horizontal Datum
Elevations in Feet: NAVD88 Vertical Datum

Date of Data Capture: March 1995

Scale of Data Capture: 1" = 100'
Date of Aerial Photography: March 2002

For internal use only.
The cadastral information on this plot was compiled from existing deed information.
This information is not to be considered authoritative.
This survey information was not field checked and certified by a licensed land surveyor.

Baltimore County, MD
Department of Public Works
GIS Services

500 250 0 500 Feet

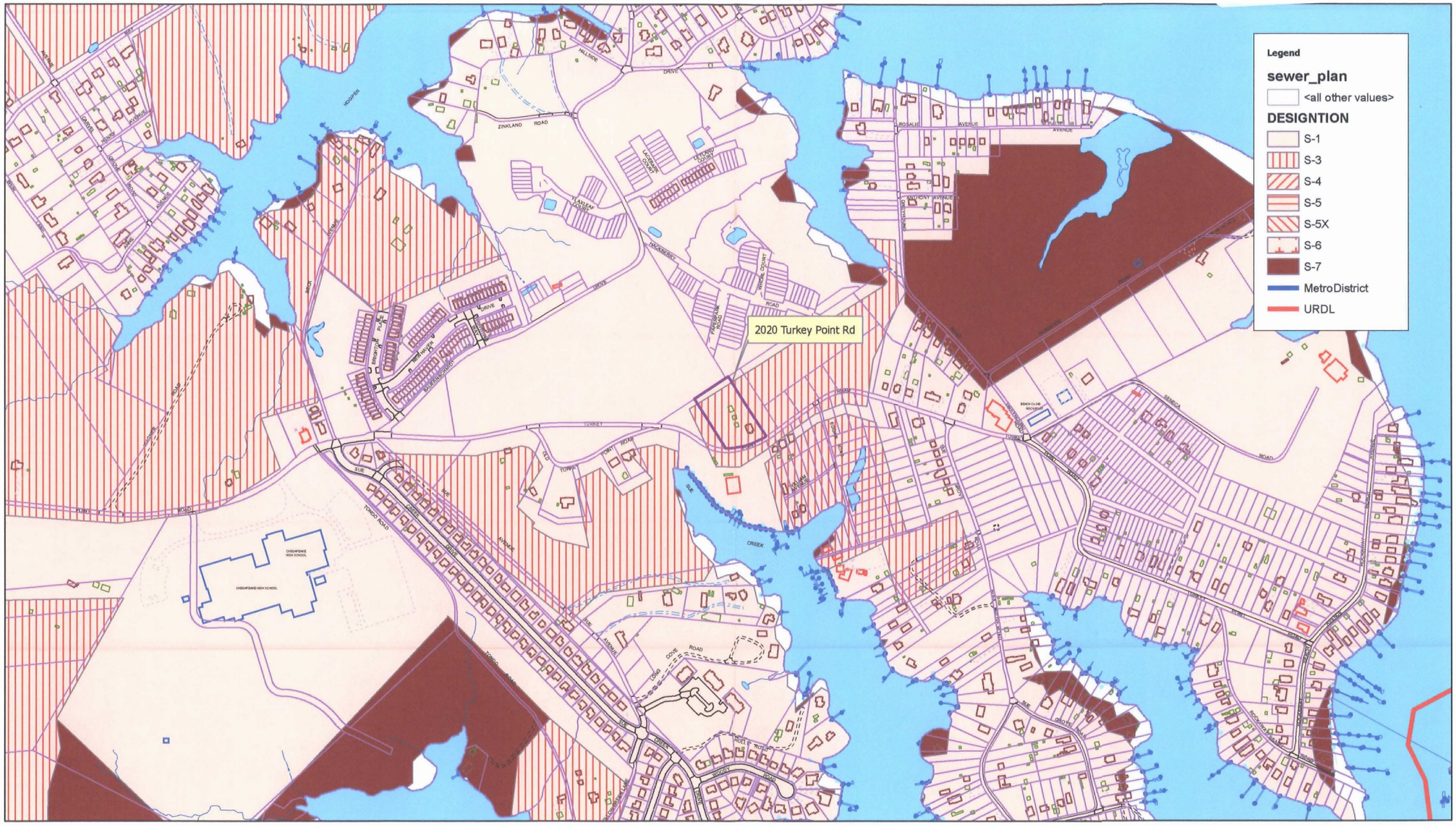
N W E S

Prepared By:
Suzi Hale, EAIII
DPW Directors Office
May 10, 2005

PROTESTANT'S

EXHIBIT NO. 2B

Sewer Plan for 2020 Turkey Point Rd



Coordinate System:
Maryland State Plane: NAD83/91 Horizontal Datum
Elevations in Feet: NAVD88 Vertical Datum

Date of Data Capture: March 1995

Scale of Data Capture: 1" = 100'
Date of Aerial Photography: March 2002

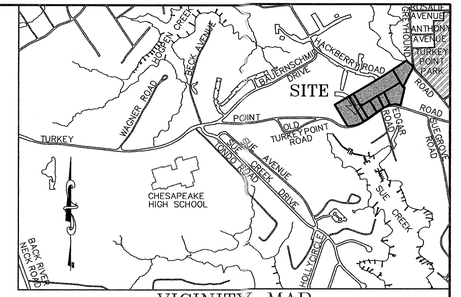
For internal use only.
The cadastral information on this plot was compiled from existing deed information.
This information is not to be considered authoritative.
This survey information was not field checked and certified by a licensed land surveyor.

Baltimore County, MD
Department of Public Works
GIS Services

500 250 0 500 Feet

N W E S

Prepared By:
Suzi Hale, EAIII
DPW Directors Office
May 10, 2005



VICINITY MAP

SCALE: 1"=1000'

SITE DATA

TAX MAP	PARCEL #	DEED REF.	TAX ACCT. #	AREA
98	90	21043/473	1502370160	2.01 AC
98	91	21043/473	1502370930	30600 SF
98	160	21043/473	1502370161	30150 SF
98	402	21043/473	1502370931	22520 SF
98	401	21043/473	1502370165	19200 SF
98	221	21043/473	1502370163	1.06 AC
98	220	21043/473	1502370162	3.02 AC
98	362	21043/473	1502370164	1.34 AC

PROTESTANT'S
EXHIBIT NO. 2

EXISTING PARCEL CONFIGURATION
BILLS PROPERTY

DISTRICT 15c6
SCALE: 1"=60'

BALTIMORE COUNTY, MD
MARCH 19, 2005

LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

Case No.: 05-476 SPH

Exhibit Sheet
MOTIONS HEARING

	Petitioner/Developer	Protestant (RESPONDENTS)
	Motion	Motion
No. 1	REPLY FROM KOTROCO 11/22/04 KOTROCO to PEOPLES COUNSEL	1 - KOTROCO'S LETTER OF RESPONSE DATED 3/19/04
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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

November 22, 2004

Peter Max Zimmerman
People's Counsel
Room 47, Old CourtHouse
400 Washington Avenue
Towson, Md. 21204

Re: 2020 Turkey Point Road

Dear Mr. Zimmerman:

Thank you for your letter dated November 18, 2004 and kindly accept this as my response thereto. I have read, once again, your previous letter Dated July 22, 2004 as it was attached to your latest submittal. The position of your office as expressed in your July 22nd letter is one with which I entirely concur. I strongly oppose "contiguous minor subdivisions". We refer to them in my department as "Creeping Subdivisions". We routinely require such situations to proceed through the major subdivision process, where applicable.

However, I must bring to your attention the fact that the Baltimore County Board of Appeals fails to agree with our collective position on this important issue. Not long ago, we challenged this very issue in the case of the Mary Horner property. There, the property owner was represented by Arnold Jablon, Esquire. The Office of Law represented our office. After a full hearing and after memoranda of law were submitted by all parties, the Board ruled that the two adjacent subdivisions could proceed through the minor subdivision review process and could not be treated as one major subdivision.

Therefore, as much as I agree with the content of your letter, I am bound to follow the law as written. I have had my staff prepare legislation, for Council consideration, to deal with this problematic issue. Whether the legislation moves forward, remains to be seen.

Talk to Joe Cheman

PETITIONER'S
EXHIBIT NO. 1
Motion

Exh C

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

March 19, 2004

John B. Gontrum, Esq.
Whiteford, Taylor, & Preston LLP
210 W Pennsylvania Avenue
Towson MD 21204

Re: Bills Property
Turkey Point Road

Dear Mr. Gontrum:

In your letter of January 25, 2004, you have asked for an interpretation to the zoning and development regulations for property owned by the Bills family. The ownership is comprised of eight (8) contiguous parcels of land, all with public frontage. You propose that Lots 1, 3, 6 and 8 be subdivided into two or three lots and request an interpretation that they may be processed as individual minor subdivisions pursuant to Section 26-171 (b)(6) in order to comply with the language of Bill No. 64-99.

This office has held a policy that noncontiguous lots in the same ownership may be viewed separately. In this case, Lots 1, 3 and 6 are not contiguous to each other and they would be permitted to be processed as separate minor subdivisions. Lot 8 is contiguous to both Lots 3 and 6. This office would view the subdivision of Lot 8 in combination with Lot 3 or 6 as a single unit of development, and it would no longer be subject to the exemption provision of Section 26-171 (b)(6). We would view this as a major subdivision, which would be subject to compliance with Division 2 of the development regulations found in Section 26 of the Baltimore County Code. This would also conflict with the terms of development found in Bill No. 64-99, which prohibits subdivisions of more than three lots in the Back River Neck growth management area. Alternatively, subdivision of Lots 1 and 8 would be permitted to be processed as minor subdivisions, because they are not contiguous to each other.

If you have any additional questions regarding this matter, please feel free to contact me at 410-887-3321.

Sincerely yours,

Timothy Kotroco

Timothy M. Kotroco
Director

TMK/CKR

PROTESTANT'S EXHIBIT NO. 8

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

JOHN B. GONTRUM
DIRECT NUMBER
410-832-2055
JGontrum@wtplaw.com

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

January 25, 2004

Timothy Kotroco, Esq.
Director, Baltimore County Permits and Development Managment
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Bills Property - Turkey Point Road

Dear Mr. Kotroco:

Pursuant to our conversation on the procedural course to follow in the above referenced matter I have enclosed a copy of the preliminary plan and of the existing parcels. We are requesting that you confirm our understanding of both the development and the zoning regulations that what is proposed to be processed are minor subdivisions and building permits on individual lots. The properties contained on the plan present a unique situation not only because of the proposal but also because of their location. Because of their location they are subject to special review procedures for the location of buildings under BCZR 4A03.5.

As you may recall from our discussion, the Bills family owned eight (8) separate, contiguous parcels on Turkey Point Road in eastern Baltimore County. These properties were all conveyed to the Bills family by separate deeds by metes and bounds descriptions and have been separately taxed. The properties are zoned D.R. 3.5.

Initially, my client, the contract purchaser, had contemplated filing for a major subdivision by combining and resubdividing the parcels. Because this property lies within the boundary delineated in County Bill 64-99, a major subdivision of more than three (3) lots was not possible despite the zoning (See BCZR Section 4A03.4A.4). Accordingly, my client is now proposing not changing the parcel lines but subdividing half of the individual eight (8) parcels. As a result the initial concept calls for thirteen

IN THE MATTER OF MARY HORNER TRUST; JOHN LAWRENCE HANLEY AND AUSTIN WORTHINGTON BRIZENDINE, TRUSTEES 600 AND 602 BELFAST ROAD TAX ACCOUNT NOS. 08-07061080 AND 08-08068170	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
RE: APPEAL OF LETTER WRITTEN BY DIRECTOR, OFFICE OF PERMITS & DEVELOPMENT MANAGEMENT	*	CASE NO. CBA-04-114

* * * * * * * * *

OPINION

Appellants John Lawrence Hanley and Austin Worthington Brizendine, Trustees for the Mary Horner Trust (hereafter referred to as "Trustees") and Lillian Horner, the widow of Peter Paul Horner, and Catherine H. Gemmill appealed the decision of the Baltimore County Department of Permits and Development Management (PDM) which refused to review two minor subdivision plans submitted by the owners for two adjoining parcels of land. The Trustees were represented by Arnold Jablon, Esquire, with Venable, LLP, and Bill Horner and Catherine Gemmill were represented by G. Scott Barhight, Esquire, with Whiteford, Taylor and Preston, LLP. The County was represented by John Beverungen, Assistant County Attorney.

A hearing was held on April 15, 2004, and the parties submitted Briefs on May 3, 2004. A public deliberation was held on May 12, 2004.

Facts

The Trustees for the Mary Horner Trust own property located at 600 Belfast Road, herein referred to as "Parcel 36." Parcel 36 consists of approximately 16 acres and is zoned R.C. 5. In late 2003, the Trustees filed with Baltimore County two alternative plans for the subdivision of Parcel 36. One was a concept plan proposing the subdivision of this parcel into six lots and the other was a minor subdivision plan proposing only three lots.

The Trustees, along with Mrs. Horner and Mrs. Gemmill, also own property located at 602 Belfast Road, herein referred to as "Parcel 37." Parcel 37 consists of approximately 6.5 acres and is zoned R.C. 5.

Protestants #1 in motion then included with Exhibit #3

CBCA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2020 Turkey Pt Road
which is presently zoned DR 3.5

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 Supplemental Sheet)

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.

Petitioner's
Contract Purchaser/Lessee:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner: See attached signature sheet

Name - Type or Print

Signature

J. Carroll Holzer, P.A.
508 Fairmount Ave.
Towson, MD 21286

410-825-6961
Telephone No.

Zip Code

~~Legal Owner(s):~~ * Petitioners see attached List

Genevieve V. Bius (owner)
Name - Type or Print

Signature

Lloyd Edward Bius (owner)
Name - Type or Print

Signature

12245 Manor Rd
Address Telephone No.

Glen Arm, MD 21057
City State Zip Code

Representative to be Contacted:

J. Carroll Holzer
Name

508 Fairmount Ave. 410-825-6961
Address Telephone No.

Towson MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1 DAY

UNAVAILABLE FOR HEARING ?

Case No. 05 476 SPH

Reviewed By WCR/JL Date 3/22/05

REV 9/15/98

* Drop off

PETITIONERS' SIGNATURE SHEET
SPECIAL HEARING FOR
2020 TURKEY POINT ROAD
APPLICATIONS FOR MINOR SUNDIVISIONS
04094-M; 04095-M AND 04099-M

Rockaway Beach Improvement Assn., 721 Rockaway Beach Ave., Essex, MD 21221
Jackie Nickel, President

Jackie Nickel

Turkey Point Improvement Assn., 2104 Rosalie Ave., Essex, MD 21221
Carolyn Bronushas, Acting President

Carolyn Bronushas

Jackie Nickel, Individually
721 Rockaway Beach Ave., Essex, MD 21221

Jackie Nickel

Carolyn Bronushas, Individually
2104 Rosalie Ave., Essex, MD 21221

Carolyn Bronushas

Howard French, Individually
320 Greyhound Rd.
Essex, MD 21221

Howard French

Katherine Hughes, Individually
600 Greyhound Rd.
Essex, MD 21221

Katherine K. Hughes

Charles Reed, Individually
610 Greyhound Rd., Essex, MD 21221

C:Petitions 2005 Jackie Nickel Indiv. Signatures Bills Property 1-25-05

QUESTIONS PRESENTED
FOR SPECIAL HEARING PETITION
PETITION OF ROCKAWAY BEACH IMPROVE. ASSN., ET AL.
2020 TURKEY POINT ROAD

1. The first question presented to the Zoning Commissioner is whether the Applications for Minor Subdivision numbers M4095, M4095 and M4099 requested by the 2020 Turkey Point Road LLC/Brown Custom Contracting, Inc., Map 98, Grid 14, Parcels 90, 91, 160, 220, 221, 362, 401, 402 are in compliance with the Back River /Bowleys Quarters Growth Management Plan Law codified in BCZR 4A03, Bill 64-99, amended in Bill 28-2001?

2. Also, whether the Applicant therein is limited to 3 lots on the entire assemblage of contiguous property under BCZR 4A03.1, 4A03.4.A.4?

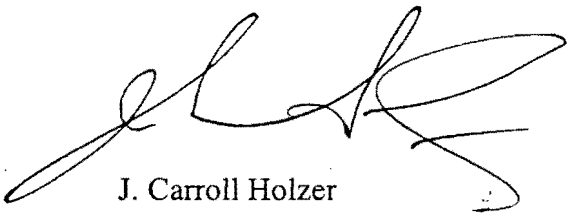
3. For a more detailed analysis of the questions presented herein, see Exhibit A – People's Counsel's letter of 7/22/04 with attachments.

4. It is Petitioners' position that the limitation in the Growth Management Law to minor subdivisions (maximum of three lots) applied to the entire assemblage of contiguous property and parcels owned or controlled by a developer and that the law prohibits the developer from placing a minor subdivision on each parcel, or calculating the number of permitted lots by calculating three per parcel.

5. It is Petitioners' position, therefore, that the aforementioned Applications for Minor Subdivisions violate the Growth Management Law

6. Such other and further relief as may be raised at the public hearing on this Petition, or which may result from the Questions raised herein.

Respectfully submitted,



J. Carroll Holzer

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

COPY

July 22, 2004

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

RECEIVED
JUL 22 2004
DEPT OF PERMITS AND DEVELOPMENT MANAGEMENT

Timothy Kotroco, Director
Permits & Development Management
111 W Chesapeake Avenue
Towson, Maryland 21204

Re: 2020 Turkey Point Road LLC/Brown Custom Contracting, Inc
Map 98, Grid 14, Parcels 90, 91, 160, 220, 221, 362, 401, 402
Applications for Minor Subdivision M4094, M4095, M4099

Dear Mr. Kotroco,

Upon inquiry from interested citizenry and review of documentation, our office must write to you pursuant to its responsibility under Charter Sec. 524.1 to defend the comprehensive zoning maps. We are concerned with defense of and compliance with the Back River/Bowleys Quarters Growth Management Plan law codified in BCZR 4A03. Bill 64-99, amended in Bill 28-2001. This law restricts property zoned DR or RC in the designated mapped area, including Turkey Point Road, to minor subdivisions, defined as "divisions of property," i.e. limited to three lots. BCZR 4A03.1, 4A03.4.A.1.

For reasons stated below, we respectfully request that your department require or refer the developer to the special hearing process under BCZR 500.7 for a thorough and open public review of important issues affecting the implementation of this law. If your office does not refer the matter, please notify us in any event of your office's decision as to whether to approve or disapprove the proposed minor subdivisions and development currently pending, so that we may take necessary and appropriate action.

Our review of the attached tax map and data reflect that 2020 Turkey Point Road LLC owns all of the above contiguous parcels, with the exception of Parcel 90, which it sold March 31, 2004 to Brown Custom Contracting, Inc. The property in question is zoned D.R. 3.5 and totals 9.79 acres. In view of the overall purpose and history of the Growth Management law, and its broad reference to property, it is reasonable to infer that the minor subdivision cap applies to all contiguous property under one ownership, whether in a single parcel or multiple parcels and whether or not sold after the enactment of the law. That is consistent with the function of the law to control growth. It also avoids discriminatory and capricious implementation of the law, so that all owners of contiguous property are treated fairly and in the same way. This is, furthermore, consistent with the principle of merger in zoning law. See Friends of the Ridge v. BGE 120 Md.App. 444 (1998), In the Matter of Woodbrook, LLC, Case No. 03-218-SPH, BCZR 304 (undersized lot).

Apparently, 2020 Turkey Point Road seeks to avoid coverage by splitting its eight Parcels into five separate properties eligible for minor subdivision and selling off one of the end parcels, Parcel 90. As we understand this "gerrymandered" device, 2020 Turkey Point Road LLC has configured three

Exh A

REVISED

CASE #476 SPH - RE: PETITIONERS, ROCKAWAY BEACH IMPROVEMENT ASSN. et. al.

2020 TURKEY POINT ROAD **HAS BEEN CHANGED TO NEW OWNER: KAPMAN ENTERPRISES, LLC**

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2020 Turkey Pt. Road
which is presently zoned DR 3.5

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

(Supplemental Sheet filed previously with Petition when owned by B.M.S.)

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. Petitioners are Non-Owners of Subject Property

Contract Purchaser/Lessee:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

J. Carroll Holzer, P.A.
508 Fairmount Ave.
Towson, MD 21286
Telephone No

City State Zip Code

Legal Owner(s): (Amended)

Kapman Enterprises, LLC
Name - Type or Print

Signature

Name - Type or Print

Signature

9 Widebrook Court
Address Telephone No.

Baltimore MD 21234
City State Zip Code

Representative to be Contacted:

J. Carroll Holzer
Name

508 Fairmount Ave. 410-825-6961
Address Telephone No.

Towson, MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 05-476-SPH

Reviewed By _____ Date _____

REV 9/15/98

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Donnell Ziegler
Development Review

DATE: July 15, 2004

FROM: David Pinning
Sixth District Planner

SUBJECT: Bills Property

INFORMATION:

Item Number: 04094M

Petitioner: Merritt Development Consultants, Inc.

Property Size: 2.0146 Acres

Zoning: DR 3.5

Requested Action: Proposing a three lot minor subdivision.

SUMMARY OF RECOMMENDATIONS:
The Office of Planning recommends that the petitioner's request for a three lot minor subdivision be **denied.** While this proposed minor subdivision comes in on an individual parcel, the Office of Planning is in receipt of a Master Grading Plan for the Bills Property, drawn by Merritt Development Consultants dated April 10, 2004, which shows this parcel (parcel 1) being but one of eight contiguous parcels proposed to be subdivided into 14 lots.

This office and the Office of Permits and Development Management have a policy that contiguous lots in the same ownership may not be viewed separately. Seven of the eight parcels are held in common ownership by the 2020 Turkey Point LLC. The parcel that is the subject of this minor subdivision request (parcel 1) was also held in ownership by the 2020 Turkey Point LLC until March 31, 2004 when it was conveyed to Brown Custom Contracting. The Office of Planning has a policy consistent with the Zoning Commissioner's Policy Manual in which a "six year rule" is applied in the question of properties in contiguous ownership. This policy addresses the practice of some applicants who, prior to consideration of ownership of adjoining lots, nominally transfer title to a third party, which would then allow them to claim that they have no interest in the adjoining land. This office believes this policy applies in this case, and that lots 1-8 are therefore considered contiguous. The Office of Planning views the proposed subdivision of lot 1 in combination with lots 2-8 as a single unit of development, and therefore no longer subject to the exemption provision of Section 26-171 (b)(6). This

view holds that the proposed development would then be treated as a major subdivision; however, Bill no. 64-99 prohibits the development of a major subdivision in this geographic area. Therefore, in consideration of the argument above, it is the view of the Office of Planning that these 8 contiguous parcels be developed with no more than 3 dwellings.

In addition, the three home lots shown on Parcel one (the subject of 04094M) are located on a sharp, blind curve on Turkey Point Road. If the petitioner chooses to subdivide into these three lots, they should all be served by a common drive to minimize the number of access points on Turkey Point Road. In a related manner, as per Section 26-166 (b)(3), the Office of Planning seeks to provide linkages between developments when possible. The office would like to see a linkage provided from Hackberry Road to Turkey Point Road. Accessing the proposed development of the Bills Property off of Hackberry Road extended would be preferred to additional driveways along Turkey Point Road.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Donnell Ziegler
Development Review

DATE: July 15, 2004

FROM: David Pinning
Sixth District Planner

SUBJECT: Bills Property

INFORMATION:

Item Number: 04095M

Petitioner: Merritt Development Consultants, Inc.

Property Size: 0.6959 Acres

Zoning: DR 3.5

Requested Action: Proposing a two lot minor subdivision.

SUMMARY OF RECOMMENDATIONS:
The Office of Planning recommends that the petitioner's request for a two lot minor subdivision be **denied.** While this proposed minor subdivision comes in on an individual parcel, the Office of Planning is in receipt of a Master Grading Plan for the Bills Property, drawn by Merritt Development Consultants dated April 10, 2004, which shows this parcel (parcel 3) being but one of eight contiguous parcels proposed to be subdivided into 14 lots.

This office and the Office of Permits and Development Management have a policy that contiguous lots in the same ownership may not be viewed separately. Seven of the eight parcels are held in common ownership by the 2020 Turkey Point LLC. The parcel that is the subject of this minor subdivision request (parcel 3) is held in ownership by the 2020 Turkey Point LLC as are three contiguous parcels. The Office of Planning views the proposed subdivision of parcel 3 in combination with lots 1,2 and 4-8 as a single unit of development, and therefore no longer subject to the exemption provision of Section 26-171 (b)(6). This view holds that the proposed development would then be treated as a major subdivision; however, Bill no. 64-99 prohibits the development of a major subdivision in this geographic area. Therefore, in consideration of the argument above, it is the view of the Office of Planning that these 8 contiguous parcels be developed with no more than 3 dwellings.

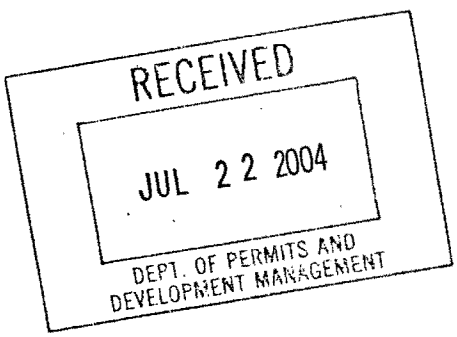
In addition, the two home lots shown on Parcel three (the subject of 04095M) are located on an s curve on Turkey Point Road. If the petitioner chooses to subdivide into these two lots, they should both be served by a common drive to minimize the number of access points on Turkey Point Road. In a related manner, as per Section 26-166 (b)(3), the Office of Planning seeks to provide linkages between developments when possible. The office would like to see a linkage provided from Hackberry Road to Turkey Point Road. Accessing the proposed development of the Bills Property off of Hackberry Road extended would be preferred to additional driveways along Turkey Point Road.

APPLICATION FOR MINOR SUBDIVISION BILLS PROPERTY	*	**BEFORE THE**
2020 Turkey Point Road, Map 71, Parcel 90	*	**DIRECTOR OF PDM**
15th Election District		
6th Councilmanic District	*	**FOR**
Legal Owner(s) Brown Custom Contracting, Inc and Merritt Development Consultants, Inc, Petitioners	*	**BALTIMORE COUNTY**
	*	**CASE NO.: M04094**

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

ENTRY OF APPEARANCE

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of July, 2004, a copy of the foregoing Entry of Appearance was mailed to Merritt Development Consultants, Inc, 9831 Magledt Road, Baltimore, MD 21234 and to John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

APPLICATION FOR MINOR SUBDIVISION BILLS PROPERTY	*	**BEFORE THE**
Turkey Point Road, Map 71, Parcel 160	*	**DIRECTOR OF PDM**
15th Election District		
6th Councilmanic District	*	**FOR**
Legal Owner(s) 2020 Turkey Point Road, LLC and Merritt Development Consultants, Inc, Petitioners	*	**BALTIMORE COUNTY**
	*	**CASE NO.: M04095**

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

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

RECEIVED
JUL 22 2004
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

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

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

APPLICATION FOR MINOR SUBDIVISION BILLS PROPERTY	*	**BEFORE THE**
Turkey Point Road, Map 71, Parcel 221	*	**DIRECTOR OF PDM**
15th Election District		
6th Councilmanic District	*	**FOR**
Legal Owner(s) 2020 Turkey Point Road, LLC and Merritt Development Consultants, Inc, Petitioners	*	**BALTIMORE COUNTY**
	*	**CASE NO.: M04099**

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

ENTRY OF APPEARANCE

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

RECEIVED
JUL 22 2004
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

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People's Counsel for Baltimore County

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

APPEAL

Petition for Special Hearing
2020 Turkey Point Road
N/side of Turkey Point Road, East & West of Edgar Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Kapman Enterprises, LLC
Contract Purchasers: Rockaway Beach Improvement Association

Case No.: 05-476-SPH

Petition for Special Hearing (March 22, 2005)

Zoning Description of Property

Notice of Zoning Hearing (March 28, 2005)

Certification of Publication (The Jeffersonian – April 26, 2005)

Certificate of Posting (April 8, 2005) by Bruce Doak

Entry of Appearance by People's Counsel (March 31, 2005)

Petitioner(s) Sign-In Sheet – 1 Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit
1. Bill 64-99
2. Bill 28-01
3. Planning Office Comment
4. Tax Map and Plat
5. Deed History
6. Zoning Map
7. GIS Map with Boundary Locations

Protestants' Exhibits:
1. Water & Sewer Plan
2. Layout of Parcel Configuration
3. Exhibit 1 of Motion Hearing (admitted in main case)

Miscellaneous (Not Marked as Exhibit)
1. Plat to accompany petition for Special Hearing
2. Letter dated April 5, 2005 from Holzer & Lee
3. Letter dated April 6, 2005 from Holzer & Lee
4. People's Counsel Preliminary Memorandum dated April 26, 2005
5. Fax from Amanda Conn dated May 3, 2005
6. Letter dated May 12, 2005 indicating County Council Agenda for Bill 64-99
7. Division of Code Inspections & Enforcement Violation Case Documents

Zoning Commissioner's Order (DENIED – May 31, 2005)

Motion of Reconsideration from People's Counsel dated June 22, 2005 & letter of support from Holzer & Lee dated June 24, 2005

Letter dated June 27, 2005 from Whiteford, Taylor & Preston indicating opposition of Motion for Reconsideration

Exhibit Sheet for Motions Hearing (two exhibits)

Kapman Enterprises, LLC's Preliminary Memorandum

Order on Motion for Reconsideration (DENIED – June 29, 2005)

Notice of Appeal received on July 22, 2005 from People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM

date sent October 4, 2005, klm

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

05-476-SPH

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: April 6, 2005

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: James Thompson, Supervisor
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 05-476-SPH
Legal Owner/Petitioner: J. Carroll Holzer, P.A.
Contract Purchaser:
Property Address: 2020 Turkey Point Road
Location Description: N/S of Turkey Point Road on east and west of Edgar Ave

VIOLATION INFORMATION: **Case No.: 04-1375 / 05-2183**
Defendants: Genevieve V. & Lloyd Edward Bius

Please be advised that the aforementioned petition is the subject of an active violation case. **When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:**

NAME: J. Bartenfelder MS# 2201

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office.

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Latoshia Rumsey-Scott in Room 207 in order that the appropriate action may be taken relative to the violation case.

JHT/lrs

C: C. Raynor, MS 1105

Case Entry/Update — Mode . . . . : CHANGE
Format . . . . : CASREC — File . . . . : PDLV0001

Dt Rec: 2252004 Intake: DP Act: Case #: 04-1375
Insp: RAYNOR Insp Grp: ENF Insp Area: 3 Tax Acct: 1502370160
Address: 2020 TURKEY POINT RD Apt #: Zip: 21221
Owner: BROWN CUSTOM CONTRACTING INC, 2313 OLD BOSLEY RD, LUTHERVILLE, MD 21093-1105
Problem Descript.: 2 UNTAG VEHS, BLDG BEHIND GARAGE IN DISREPAIR; REOPEN - VACANT, HIGH GRASS, TRASH, TREE BRANCHES, COMPL - COUNCILMAN BARTENFELDER, X5223
*** 3RD. COMPL. CAME IN FOR TRASH/DEBRIS. 3RD. COMPL. IS SAME AS 2ND. COMPL.

Complainant Name (Last): ANONYMOUS (First):
Complainant Addr:
Complainant City: State: Zip:
Complainant Phone (H): (W):
Date of Reinspection: 3242005 Date Closed: Delete Code (P):

F3=Exit F5=Refresh F6=Select format
F9=Insert F10=Entry F11=Change

Case Entry/Update — Mode . . . . : CHANGE

Format . . . . : CASREC — File . . . . : PDLV0001

Notes: ****2/26/04, BOTH VEHS ARE STORED IN A GARAGE W/THE DOOR OPENED, SPOKE W/OWNER, WILL CLOSE DOORS & VEHS WILL BE UNSEEN, 15 DAYS TO MONITOR, ANONYMOUS COMPL, P/U 3/11/04, CR/CO****

****3/12/04, PROP IN COMPLIANCE, ANONYMOUS COMPL, CLOSE, CR/CP****

7/27/04, REOPEN - VACANT, HIGH GRASS, TRASH, TREE BRANCHES, PC/CP

****7/28/04, 7 DAY NOTICE ISSUED FOR TG&W & JT&D, ANONYMOUS COMPL, P/U 8/7/04, CR/CP***

8/9/04, PROP IS VACANT, UP FOR SUBDIVISION, CONTACT ENGINEER TO ADVISE TTHE OWNER OF THE STATUS, OUT TO BID, COMPL UPDATED, P/U 8/15/04 CR/WRKD/CP

8/16/04, GRASS NOT CUT, OUT TO BID, GARY F TO UPDATE, CR/WRKD/CP

**3/24/05 3RD. COMPL. CAME IN.....DP/SS

F3=Exit F5=Refresh F6=Select format

F9=Insert F10=Entry F11=Change

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204

Code Enforcement	410-887-3351
Building Inspection	410-887-3953
Electrical Inspection	410-887-3960
Plumbing Inspection	410-887-3620
Signs/ Fences	410-887-3896

CODE ENFORCEMENT CORRECTION NOTICE

CASE NUMBER	PROPERTY TAX ID
04-1375	1502370160

NAME (S): Kapman Enterprises LLC

CURRENT ADDRESS: 9 Widebrook Ct.

CITY: Balto. STATE: MD. ZIP CODE: 21234

VIOLATION ADDRESS: 2020 Turkey Point Rd.

CITY: Balto. STATE: MARYLAND ZIP CODE: 21220

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

☐ DR1 ☐ DR2 ☐ DR 3.5 ☒ DR 5.5 ☐ DR 10.5 ☐ DR 16
☐ 1A01 RC2 ☐ 1A03 RC4 ☐ 1A05 RC20 & S0 ☐ 1A07 RC6
☐ 1A02 RC3 ☐ 1A04 RC5 ☐ 1A06 RCC ☐ 1A08 RC7

NON-RESIDENTIAL CLASSIFICATION

☐ BL 230 ☐ BR 236 ☐ BM 233
☐ MR 240 ☐ ML 253 ☐ MH 256

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- ☒ 101; 102.1: Definitions/ general use regulations
- ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s)
- ☒ 1B01.1D: Remove open dump/ junk yard
- ☐ 431: Remove commercial vehicle(s)
- ☐ 101; 102.1: Remove contractors equip. storage yard
- ☐ 101; 102.1 ZCPM: Cease service garage activities
- ☐ 402: Illegal conversion of dwelling
- ☐ 101; 102.1; ZCPM: Illegal home occupation
- ☐ 415A: License or remove untagged recreation vehicle
- ☐ 415A: Improperly parked recreation vehicle
- ☐ 415A: One recreational vehicle per property
- ☐ 410: Illegal Class trucking facility/ yard
- ☐ 400: Illegal accessory structure placement.
- ☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs
- ☐ 102.5: Residential site line violation /obstruction
- ☐ 408B: Illegal rooming/ boarding house
- ☐ BCC: 32-3-102; ZCPM 500.9: Violation of site plan and/or zoning order

BALTIMORE COUNTY CODE (B.C.C)

- ☐ 13-7-112: Cease all nuisance activity
- ☐ 13-7-115: County to abate nuisance & lien costs
- ☒ 13-7-310: Remove all trash & debris from property
- ☒ 13-7-312: Remove accumulations of debris, materials, etc
- ☐ 13-7-201(2): Cease stagnant pool water
- ☐ 12-3-106: Remove animal feces.
- ☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests
- ☐ 13-7-201(b)(d): Store garbage in containers w/tight lids
- ☐ 35-2-301: Obtain building/ fence/ sign permit
- ☐ 18-2-602: Obstruction of county right of way
- ☐ 13-7-310(2): Remove bird seed / other food for rats
- ☐ 32-3-102: Violation of development plan/ site plan
- ☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise
- ☒ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height

OWNER OCCUPIED HOUSING (B.C.C)

- ☐ 35-5-302(a)(1): Unsanitary conditions.
- ☐ 35-5-302(a)(3): Cease _____ infestation from prop.
- ☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc
- ☐ 35-5-302(b)(1)(4): Repair chimney & similar extentions
- ☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s)
- ☐ 35-5-302(a)(2): Store all garbage in trash cans
- ☐ 35-5-302(b)(1): Repair exterior structure
- ☐ 35-5-302(b)(1)(3): Repair exterior extentions
- ☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces
- ☐ 35-5-302(b)(1)(7): Repair defective fence

INVESTMENT PROPERTY (B.C.C)

- ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition
- ☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members
- ☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry
- ☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below)
- ☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s)
- ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members
- ☐ 35-2-404(a)(1)(iv): Repair exterior chimney
- ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof / foundations
- ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris
- ☐ 35-2-404(4)(a)(1)(ii): Board & secure. Material to match building color of structure

OTHER VIOLATIONS OR REMARKS: Remove all Trash & Debris from your property within 15 DAYS

POTENTIAL FINE: ☒ $200 ☐ $500 ☐ $1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: 4 MONTH 10 DAY 2005 YEAR

INSPECTOR NAME: Chip Raynor (PRINT NAME) ISSUED DATE: 3-25-05

CODE ENFORCEMENT REPORT

DATE: ~~3/24~~ 3/24/05 INTAKE BY: ~~TAP~~ CASE #: 04-1375 INSPEC: 3

OPEN

COMPLAINT LOCATION: 2022 Turkey Pt Rd Raynor

ZIP CODE: 2122 DIST:

COMPLAINANT NAME: Bartenfelder / Bill PHONE #: (H) (W) 5223

ADDRESS: ZIP CODE:

PROBLEM: ~~NO~~ trash & debris computer says bids submitted 8/16/04 but no ~~cont~~ bid in file

IS THIS A RENTAL UNIT? YES ____ NO ____

IF YES, IS THIS SECTION 8? YES ____ NO ____

OWNER/TENANT INFORMATION: NEW OWNER Bapman Enterprises LLC

9 Wide brook Ct 21234

TAX ACCOUNT #: ZONING:

INSPECTION:

Open

REINSPECTION:

REINSPECTION:

REINSPECTION:

PDLV0102F Permits & Development - Livability System

View Cases

Case No: 04-1375

Address: 02020 TURKEY POINT RD 21221

Insp Area: 015 Dist: 000 Date Rcv: 2/25/2004 Grp: ENF Intk: DP

Inspec: Inspec2: Date Inspec: 8/15/2004

Close: 0/00/0000 Activity: Delete:

Problem: 2 UNTAG VEHS, BLDG BEHIND GARAGE IN DISREPAIR; REOPEN - VACANT, HIGH GRASS, TRASH, TREE BRANCHES, COMPL - COUNCILMAN BARTENFELDER, X5223

CL Name: ANONYMOUS

CL Address: 00000

CL Home Phone: CL Work Phone: Tax Acct. 1502370160

Owner: BROWN CUSTOM CONTRACTING INC, 2313 OLD BOSLEY RD, LUTHERVILLE, MD 21093-1105

Enter=Continue F12=Cancel

PDLV0103F Permits & Development - Livability System

View Cases

Case No: 04-1375

Notes: ****2/26/04, BOTH VEHS ARE STORED IN A GARAGE W/THE DOOR OPENED, SPOKE W/OWNER, WILL CLOSE DOORS & VEHS WILL BE UNSEEN, 15 DAYS TO MONITOR, ANONYMOUS COMPL, P/U 3/11/04, CR/CO****

****3/12/04, PROP IN COMPLIANCE, ANONYMOUS COMPL, CLOSE, CR/CP****

7/27/04, REOPEN - VACANT, HIGH GRASS, TRASH, TREE BRANCHES, PC/CP

****7/28/04, 7 DAY NOTICE ISSUED FOR TG&W & JT&D, ANONYMOUS COMPL, P/U 8/7/04, CR/CP***

8/9/04, PROP IS VACANT, UP FOR SUBDIVISION, CONTACT ENGINEER TO ADVISE TTHE OWNER OF THE STATUS, OUT TO BID, COMPL UPDATED, P/U 8/15/04 CR/WRKD/CP

8/16/04, GRASS NOT CUT, OUT TO BID, GARY F TO UPDATE, CR/WRKD/CP

Enter=Continue F12=Cancel

RA1001B

DATE: 03/23/2005 STANDARD ASSESSMENT INQUIRY (1)

TIME: 10:56:51

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 02 370160	15	3-0	04-00	N	NO		02/15/05

KAPMAN ENTERPRISES LLC

DESC-1.. IMPSLT 48-56

DESC-2.. LT NWS TURKEY POINT RD

9 WIDEBROOK CT

PREMISE. 02020 TURKEY POINT RD

00000-0000

BALTIMORE MD 21234-1232 FORMER OWNER: BROWN CUSTOM CONTRACTING I

---------- FCV ----------			---------- PHASED IN ----------		
	PRIOR	PROPOSED		CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	44,040	44,040				
IMPV:	70,050	78,170	TOTAL..	122,210	122,210	119,502
TOTL:	114,090	122,210	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	10/99	07/02				

---- TAXABLE BASIS ----		FM DATE
ASSESS:	122,210	12/23/04
ASSESS:	119,502	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

(5) New 05-2183

Code nforcement - Daily Worksh)

Inspector - Raynor

rea	Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
(5)	04-1375	2020 TURKEY POINT RD		21221	2/25/2004	3/24/2005

ax Acct #: 1502370160

wner: BROWN CUSTOM CONTRACTING INC, 2313 OLD BOSLEY RD, LUTHERVILLE, MD 21093-1105

(3) Complainant Name: (Last) ANONYMOUS (First)

Addr:

Str # Dir Street Name Type Apt

City ST Zip

Phone: (Home) (Work)

Problem: 2 UNTAG VEHS, BLDG BEHIND GARAGE IN DISREPAIR; REOPEN - VACANT, HIGH GRASS, TRASH, TREE BRANCHES, COMPL - COUNCILMAN BARTENFELDER, X5223 *** 3RD. COMPL. CAME IN FOR TRASH/DEBR IS. 3RD. COMPL. IS SAME AS 2ND. COMPL.

Notes:

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3-28- New owners. New Correction Notice for Open Dump.

/U Date 4-16-05		Closed Date		Gary F to update
nonymous Complaint	Complainant Updated	Updated by voice message	Unable to update	Update not necessary
xecutive office Complaint	Yes	No	If Yes is Executive memo attached? Yes	No

= New case # 05-2183

Refer to 04-1375

RA1001B

DATE: 03/28/2005 STANDARD ASSESSMENT INQUIRY

TIME: 10:32:51

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 02 370160	15	3-0	04-00	N	NO		02/15/05

CAPMAN ENTERPRISES LLC

DESC-1.. IMPSLT 48-56

DESC-2.. LT NWS TURKEY POINT RD

9 WIDEBROOK CT

PREMISE. 02020 TURKEY POINT RD

00000-0000

BALTIMORE MD 21234-1232 FORMER OWNER: BROWN CUSTOM CONTRACTING I

FCV	PRIOR	PROPOSED		PHASED IN CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	44,040	44,040				
IMPV:	70,050	78,170	TOTAL..	122,210	122,210	119,502
TOTL:	114,090	122,210	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	10/99	07/02				

TAXABLE BASIS		FM DATE
ASSESS:	122,210	12/23/04
ASSESS:	119,502	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

CODE ENFORCEMENT REPORT

DATE: 7/29/04 INTAKE BY: PC CASE #: 04-1373 INSPEC: 15

COMPLAINT LOCATION: 2020 TURKEY COURT RD.

ZIP CODE: 21221 DIST:

COMPLAINANT NAME: COUNCILWOMAN BARTENFELDER PHONE #: (H) (W) X3223

ADDRESS: ZIP CODE:

PROBLEM: VACANT - HIGH GRASS - TRASH - TIRES BARRICADE

IS THIS A RENTAL UNIT? YES NO

IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: 13023701160 ZONING:

INSPECTION:

REINSPECTION: BROWN Custom Contracting INC
2313 OLD BOSLEY RD
LUTHERVILLE MD

REINSPECTION:

REINSPECTION:

BALTIMORE COUNTY COUNCIL

Old Court House - 2nd Floor
400 Washington Avenue
Towson, Maryland 21204

TO: Jim Thompson
FROM: Bill Spiegel in Joe Bartenfelder's office
DATE: 7/26/04
NUMBER OF PAGES: (1)
PHONE: 410-887-5223
FAX: 410-887-5410

REMARKS:

Jim - Here's An Anonymous Code Enforcement report 9 2020 Turkey Point Rd
- VACANT house
- high Weeds
- pieces of Tree Branches + Debris in rear yard

(Please Ask The Inspector to call me or x5223 to let me know outcome)

Many Thanks

Case Entry/Update
Format . . . . : CASREC

Mode . . . . : CHANGE
File . . . . : PDLV0001

Dt Rec: 2252004 Intake: DP Act: Case #: 04-1375
Insp: Insp Grp: ENF Insp Area: 15 Tax Acct: 1502370160
Address: 2020 TURKEY POINT RD Apt #: Zip: 21221
Owner:

Problem Descript.: 2 UNTAG VEHS, BLDG BEHIND GARAGE IN DISREPAIR

Complainant Name (Last): ANONYMOUS (First):
Complainant Addr:
Complainant City: State: Zip:
Complainant Phone (H): (W):
Date of Reinspection: 3112004 Date Closed: 3122004 Delete Code (P): X

F3=Exit F5=Refresh F6=Select format
F9=Insert F10=Entry F11=Change

Balt[illegible]e County
Dep[illegible]ent of Permits and
Development Management

Code Inspections and Enforcement
County Office Bl[illegible]g
111 West Chesapea[illegible] Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351 ✓
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.	Property No.	Zoning:
04-1375	5023701600	Res

Name(s): Brown Custom Contracting, Inc

Address: 2313 Old Bosley Rd, 21093

Violation Location: 2020 Turkey Point Rd, 21221

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BCC: 22-1, 22-2, 22-47, 22-49, JTBD

BCC: 22-81, 22-82, 22-83 TGW

It is unlawful for Any property's Grass to exceed 12" & to store Any Junk, Trash & Debris on the premise.

- To Avoid further Action cut your grass to under 3" or Balto. Co Will hire a Contractor @ your ~~expense~~ expense.

7 DAYS to Cut & Clean

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:	Date Issued:
8/7/04	7/28/04

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Chip Rayner 8/1/3-4

INSPECTOR: [signature]

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:

INSPECTOR: _____

AGENCY

Co(Enforcement - Closing Rep t

Inspector - Activity Date Closed 3/12/2004

Area	Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
015	04-1375	2020 TURKEY POINT RD		21221	2/25/2004	3/11/2004

Tax Acct #: 1502370160

Complainant Name: (Last) ANONYMOUS (First)
Addr:
Str # Dir Street Name Type Apt

City ST Zip
Phone: (Home) (Work)

Problem: 2 UNTAG VEHS, BLDG BEHIND GARAGE IN DISREPAIR

Notes:

****2/26/04, BOTH VEHS ARE STORED IN A GARAGE W/THE DOOR OPE NED, SPOKE W/OWNER, WILL CLOSE DOORS & VEHS WILL BE UNSEEN, 15 DAYS TO MONITOR, ANONYMOUS COMPL, P/U 3/11/04, CR/CO*** * ****3/12 /04, PROP IN COMPLIANCE, ANONYMOUS COMPL, CLOSE, CR/CP****

CODE ENFORCEMENT REPORT

VCF

DATE: 2/25/04 INTAKE BY: AP CASE #: 04-1375 INSPEC: 15

COMPLAINT LOCATION: 2020 Turkey Pt. Rd

ZIP CODE: 21221 DIST:

COMPLAINANT NAME: Anon PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: 2 untagged vehicles, building behind garage in disrepair

IS THIS A RENTAL UNIT? YES ____ NO ____
IF YES, IS THIS SECTION 8? YES ____ NO ____
OWNER/TENANT INFORMATION:

TAX ACCOUNT #: 15 02 370160 ZONING:

INSPECTION: Spoke w/ property owner, will move UTV's into Storage Cargo tonight. P/U 3/11

REINSPECTION:

REINSPECTION:

REINSPECTION:

Department of Permits and Development Management
Code Enforcement Division
111 West Chesapeake Ave
Towson MD 21204

Dear Code Enforcement Official

I would like to report some issues at two houses on Turkey Point Road in the Back River area. I will call and check on the status of these since I feel the need to remain anonymous.

1. 2020 Turkey Point Road. This house has recently been sold, and the new owners don't seem to care about the condition of the property. They have been driving 2 untagged trucks thru the property, really tearing it up. Now one of the untagged trucks is stuck or broke down at the back of the property. There is also a building behind the garages that has nearly collapsed.

2. 2116 Turkey Point Road. This property always has cars or trucks torn apart in the driveway. There are lots of vehicle parts and other debris behind the house, and occasionally a commercial tractor trailer cab rig is parked in the drive.

I thank you in advance for your service in helping us maintain a very nice part of Baltimore County.

RA1001B

DATE: 02/25/2004 STANDARD ASSESSMENT INQUIRY (1)
TIME: 09:40:28

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 02 370160	15	3-2	04-00	N	NO		02/23/04

2020 TURKEY POINT ROAD LLC
DESC-1.. IMPSLT 48-56
DESC-2.. LT NWS TURKEY POINT RD

2416 E JOPPA RD
PREMISE. 02020 TURKEY POINT RD
00000-0000

BALTIMORE MD 21234-2922 FORMER OWNER: BILLS GENEVIEVE V

FCV	PRIOR	PROPOSED	PHASED IN	CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	44,040	44,040				
IMPV:	70,050	78,170	TOTAL..	119,502	119,502	116,796
TOTL:	114,090	122,210	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	10/99	07/02				

TAXABLE BASIS		FM DATE
04/05 ASSESS:	119,502	02/20/04
03/04 ASSESS:	116,796	06/04/03
02/03 ASSESS:	114,090	05/30/02

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Case ,Entry/Update — Mode . . . . : CHANGE
Format . . . . : CASREC — File . . . . : PDLV0001

Dt Rec: 3272005 Intake: CR Act: Case #: 05-2183
Insp: RAYNOR Insp Grp: ENF Insp Area: 3 Tax Acct: 1502370160
Address: 2020 TURKEY POINT RD Apt #: Zip: 21221
Owner: KAPMAN ENTERPRISES LLC, 9 WIDEBROOK CT, 21234-1232.

Problem Descript.: OPEN DUMP

Complainant Name (Last): (First):
Complainant Addr:
Complainant City: State: Zip:
Complainant Phone (H): (W):
Date of Reinspection: 4162005 Date Closed: Delete Code (P):

F3=Exit F5=Refresh F6=Select format
F9=Insert F10=Entry F11=Change

Case ,Entry/Update Mode . . . . : CHANGE
Format . . . . : CASREC File . . . . : PDLV0001

Notes: 3/28/05 NEW OWNERS. NEW NOTICE WAS ISSUED FOR AN OPEN DUMP. P/U ON 4/16/05. COMPL. UPDATED. FOR ALL PRIOR NOTES REFER TO CASE NO# 04-1375. CR/SS

F3=Exit F5=Refresh F6=Select format
F9=Insert F10=Entry F11=Change

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204

Code Enforcement 410-887-3351
Building Inspection 410-887-3953
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Signs/ Fences 410-887-3896

CODE ENFORCEMENT CORRECTION NOTICE

CASE NUMBER	PROPERTY TAX ID
05-2188	1502370160

NAME(S): Kapman Enterprises LLC

CURRENT ADDRESS: 9 widebrook ct.

CITY: Balto. STATE: MD ZIP CODE: 21234

VIOLATION ADDRESS: 2020 Turkey Point Rd.

CITY: Balto. STATE: MARYLAND ZIP CODE: 21220

DID US LAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

☐ DR1 ☐ DR2 ☒ DR 3.5 ☐ DR 5.5 ☐ DR 10.5 ☐ DR 16
☐ 1A01 RC2 ☐ 1A03 RC4 ☐ 1A05 RC20 & 50 ☐ 1A07 RC6
☐ 1A02 RC3 ☐ 1A04 RC5 ☐ 1A06 RCC ☐ 1A08 RC7

NON-RESIDENTIAL CLASSIFICATION

☐ BL 230 ☐ BR 236 ☐ BM 233
☐ MR 240 ☐ ML 253 ☐ MH 256

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

☒ 101; 102.1: Definitions/ general use regulations
☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s)
☒ 1B02.1D: Remove open dump/ junk yard
☐ 430: Remove commercial vehicle(s)
☐ 101; 102.1: Remove contractors equip. storage yard
☐ 101; 102.1 ZCPM: Cease service garage activities
☐ 402: Illegal conversion of dwelling
☐ 101; 102.1; ZCPM: Illegal home occupation
☐ 415A: License or remove untagged recreation vehicle
☐ 415A: Improperly parked recreation vehicle
☐ 415A: One recreational vehicle per property
☐ 410: Illegal Class trucking facility/ yard
☐ 400: Illegal accessory structure placement.
☐ 1B02.1; 270, 421.1: Illegal kennel. Limit 3 dogs
☐ 102.5: Residential site line violation /obstruction
☐ 408B: Illegal rooming/ boarding house
☐ BCC: 32-3-102; ZCPM 500.9: Violation of site plan and/or zoning order

BALTIMORE COUNTY CODE (B.C.C.)

☐ 13-7-112: Cease all nuisance activity
☐ 13-7-115: Council to abate nuisance & lien costs
☒ 13-7-310: Remove all trash & debris from property
☒ 13-7-312: Remove accumulations of debris, materials, etc
☐ 13-7-201(2): Cease stagnant pool water
☐ 12-3-106: Remove animal feces
☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests
☐ 13-4-201(b)(d): Store garbage in containers w/tight lids
☐ 35-2-301: Obtain building/ fence/ sign permit
☐ 18-2-602: Obstruction of county right of way
☐ 13-7-310(2): Remove bird seed / other food from rats
☐ 32-3-102: Violation of development plan/ site plan
☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise
☒ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height

OWNER OCCUPIED HOUSING (B.C.C)

☐ 35-5-302(a)(1): Unsanitary conditions.
☐ 35-5-302(a)(3): Cease _____ infestation from prop.
☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc
☐ 35-5-302(b)(1)(4): Repair chimney & similar extentions
☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s)
☐ 35-5-302(a)(2): Store all garbage in trash cans
☐ 35-5-302(b)(1): Repair exterior structure
☐ 35-5-302(b)(1)(3): Repair exterior extentions
☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces
☐ 35-5-302(b)(1)(7): Repair defective fence

INVESTMENT PROPERTY (B.C.C)

☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition
☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members
☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry
☐ 35-2-404(a)(1)(vi): Repair exterior construction (see below)
☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s)
☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members
☐ 35-2-404(a)(1)(iv): Repair exterior chimney
☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof / foundations
☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris
☐ 35-2-404(4)(a)(i)(ii): Board & secure. Material to match building color of structure

OTHER VIOLATIONS OR REMARKS: Remove all trash & Debris from your property within 15 DAYS

POTENTIAL FINE: ☒ $200 ☐ $500 ☐ $1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: 4 MONTH 16 DAY 2005 YEAR

INSPECTOR NAME: Chip Raynor (PRINT NAME) ISSUED DATE: 3-28-05

RA1001B

DATE: 03/28/2005 S NDARD ASSESSMENT INQUIRY (
TIME: 10:09:42

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 02 370160	15	3-0	04-00	N	NO		02/15/05

KAPMAN ENTERPRISES LLC
DESC-1.. IMPSLT 48-56
DESC-2.. LT NWS TURKEY POINT RD

9 WIDEBROOK CT
PREMISE. 02020 TURKEY POINT RD
00000-0000

BALTIMORE MD 21234-1232 FORMER OWNER: BROWN CUSTOM CONTRACTING I

---------- FCV ----------			---------- PHASED IN ----------		
	PRIOR	PROPOSED		CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	44,040	44,040				
IMPV:	70,050	78,170	TOTAL..	122,210	122,210	119,502
TOTL:	114,090	122,210	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	10/99	07/02				

---- TAXABLE BASIS ----		FM DATE
ASSESS:	122,210	12/23/04
ASSESS:	119,502	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

COPY

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 22, 2004

RECEIVED
JUL 22 2004
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

Timothy Kotroco, Director
Permits & Development Management
111 W Chesapeake Avenue
Towson, Maryland 21204

Re: 2020 Turkey Point Road LLC/Brown Custom Contracting, Inc
Map 98, Grid 14, Parcels 90, 91, 160, 220, 221, 362, 401, 402
Applications for Minor Subdivision M4094, M4095, M4099

Dear Mr. Kotroco,

Upon inquiry from interested citizenry and review of documentation, our office must write to you pursuant to its responsibility under Charter Sec. 524.1 to defend the comprehensive zoning maps. We are concerned with defense of and compliance with the Back River/Bowleys Quarters Growth Management Plan law codified in BCZR 4A03. Bill 64-99, amended in Bill 28-2001. This law restricts property zoned DR or RC in the designated mapped area, including Turkey Point Road, to minor subdivisions, defined as "divisions of property," i.e. limited to three lots. BCZR 4A03.1, 4A03.4.A.1.

For reasons stated below, we respectfully request that your department require or refer the developer to the special hearing process under BCZR 500.7 for a thorough and open public review of important issues affecting the implementation of this law. If your office does not refer the matter, please notify us in any event of your office's decision as to whether to approve or disapprove the proposed minor subdivisions and development currently pending, so that we may take necessary and appropriate action.

Our review of the attached tax map and data reflect that 2020 Turkey Point Road LLC owns all of the above contiguous parcels, with the exception of Parcel 90, which it sold March 31, 2004 to Brown Custom Contracting, Inc. The property in question is zoned D.R. 3.5 and totals 9.79 acres. In view of the overall purpose and history of the Growth Management law, and its broad reference to property, it is reasonable to infer that the minor subdivision cap applies to all contiguous property under one ownership, whether in a single parcel or multiple parcels and whether or not sold after the enactment of the law. That is consistent with the function of the law to control growth. It also avoids discriminatory and capricious implementation of the law, so that all owners of contiguous property are treated fairly and in the same way. This is, furthermore, consistent with the principle of merger in zoning law. See Friends of the Ridge v. BGE 120 Md.App. 444 (1998), In the Matter of Woodbrook, LLC, Case No. 03-218-SPH, BCZR 304 (undersized lot).

Apparently, 2020 Turkey Point Road seeks to avoid coverage by splitting its eight Parcels into five separate properties eligible for minor subdivision and selling off one of the end parcels, Parcel 90. As we understand this "gerrymandered" device, 2020 Turkey Point Road LLC has configured three

applications for Minor Subdivision --- M4094, M4095, and M4099 – on sections of their property split by intervening property. The resulting development would have 14 dwelling lots, instead of the three envisioned by the law.

The entire property owned by 2020 Turkey Point Road LLC, including the recently sold Parcel 90, should be considered as one property. Any other conclusion defeats the purpose of the law and leads to absurd results. It also is an invitation to other property owners to deed their property into separate parcels ostensibly not for development, only to come back later with separate minor subdivisions.

The Court of Appeals has said many times that in order to discern the purpose of a statute, one must consider the context. As the Court said just recently in Board of Physicians v. Mullan 381 Md. 157, 168 (2004),

> "...we 'avoid constructions that are illogical, unreasonable, or inconsistent with common sense..., and instead interpret and harmonize statutes as a whole, giving meaning and effect to all parts of the statutory language and refraining from interpretations that render any part of a law surplusage or contradictory."

See, e.g. Lucas v. People's Counsel for Baltimore County 147 Md. App. 209 (2002);

The entire purpose of the growth management plan law is to provide meaningful controls on growth in the designated Back River and Bowleys Quarters mapped areas. The heart of these controls is the minor subdivision cap. If piecemeal division of parcels is allowed to facilitate multiplication of minor subdivisions and lots, this subverts the essential function of the law.

We appreciate your consideration of this matter.

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel
400 Washington Avenue, Room 47
Towson, Maryland 21204
(410) 887-2188

cc: Arnold F. "Pat" Keller, Director of Planning
David Carroll, Director of DEPRM
John Gontrum, Esq.
Jackie Nickel
Donald Rascoe

Parcel 1
Parcel 2
Parcel 3
Parcel 4
Parcel 5
Parcel 6
Parcel 7
Parcel 8
P 220
P 221
P 362
P 402
P 401
P 160
P 99
P 94
P 96
NEW HAVEN WOODS SEC 1
PAPERBARK
WHORL
RD
M040095
M040099
M040095
Varies See Arcmc Survey
A3
7
34
33
12
13
FRONTIER RD

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

Go Back
View Map
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Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502370160

Owner Information

Owner Name:	BROWN CUSTOM CONTRACTING INC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	2313 OLD BOSLEY RD LUTHERVILLE MD 21093-1105	**Deed Reference:**	1) /19816/ 299 2)

Location & Structure Information

Premises Address
2020 TURKEY POINT RD

Legal Description
LT 48-56
1075 W GREYHOUND RD
LT NWS TURKEY POINT RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
98	14	90					48	82	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	1,260 SF	2.01 AC	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2003	As Of 07/01/2004
Land:	44,040	44,040		
Improvements:	70,050	78,170		
Total:	114,090	122,210	116,796	119,502
Preferential Land:	0	0	0	0

Transfer Information

Seller:	2020 TURKEY POINT ROAD LLC	**Date:**	03/31/2004	**Price:**	$1,470,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/19816/ 299	**Deed2:**	
Seller:	BILLS GENEVIEVE V	**Date:**	02/12/2004	**Price:**	$450,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19599/ 483	**Deed2:**	
Seller:	BILLS LLOYD B	**Date:**	05/05/1998	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/12837/ 301	**Deed2:**	

Exemption Information

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

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View Map
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Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502370930

Owner Information

Owner Name:	2020 TURKEY POINT ROAD LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	2416 E JOPPA RD BALTIMORE MD 21234-2922	**Deed Reference:**	1) /19599/ 483 2)

Location & Structure Information

Premises Address
2022 TURKEY POINT RD

Legal Description
LT 45,46,47
1000 W GREYHOUND RD
WILLIAM LUMMIS JR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
98	14	91					45	82	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		30,600.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2003	As Of 07/01/2004
Land:	30,400	30,400		
Improvements:	0	0		
Total:	30,400	30,400	30,400	30,400
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BILLS GENEVIEVE V	**Date:**	02/10/2004	**Price:**	$450,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19599/ 483	**Deed2:**	
Seller:	BILLS LLOYD B	**Date:**	05/05/1998	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/12837/ 285	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502370161

Owner Information

Owner Name: 2020 TURKEY POINT ROAD LLC
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 2416 E JOPPA RD
BALTIMORE MD 21234-2922
Deed Reference: 1) /19599/ 483
2)

Location & Structure Information

Premises Address
TURKEY POINT RD

Legal Description
LTS 39-44
DECKER

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
98	14	160					39	82	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		30,150.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2003	As Of 07/01/2004
Land:	30,280	30,280		
Improvements:	0	0		
Total:	30,280	30,280	30,280	30,280
Preferential Land:	0	0	0	0

Transfer Information

Seller: BILLS GENEVIEVE V	**Date:** 02/10/2004	**Price:** $450,000
Type: MULT ACCTS ARMS-LENGTH	**Deed1:** /19599/ 483	**Deed2:**
Seller: BILLS LLOYD B	**Date:** 05/05/1998	**Price:** $0
Type: NOT ARMS-LENGTH	**Deed1:** /12837/ 297	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502370931

Owner Information

Owner Name:	2020 TURKEY POINT ROAD LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	2416 E JOPPA RD BALTIMORE MD 21234-2922	**Deed Reference:**	1) /19599/ 483 2)

Location & Structure Information

Premises Address
2030 TURKEY POINT RD

Legal Description
LT NS TURKEY POINT R

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
98	14	402						82	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		22,520.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2003	As Of 07/01/2004
Land:	28,380	28,380		
Improvements:	0	0		
Total:	28,380	28,380	28,380	28,380
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BILLS GENEVIEVE V	**Date:**	02/12/2004	**Price:**	$450,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19599/ 483	**Deed2:**	
Seller:	BILLS LLOYD B	**Date:**	05/05/1998	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/12837/ 277	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502370165

Owner Information

Owner Name: 2020 TURKEY POINT ROAD LLC
Mailing Address: 2416 E JOPPA RD
BALTIMORE MD 21234-2922

Use: RESIDENTIAL
Principal Residence: NO
Deed Reference: 1) /19599/ 483
2)

Location & Structure Information

Premises Address
2100 TURKEY POINT RD

Legal Description
LTS 32-35
FREDERICK L DECKER PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
98	14	401					32	82	Plat Ref:

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		19,200.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2003	As Of 07/01/2004
Land:	27,550	27,550		
Improvements:	0	0		
Total:	27,550	27,550	27,550	27,550
Preferential Land:	0	0	0	0

Transfer Information

Seller: BILLS GENEVIEVE V	**Date:** 02/12/2004	**Price:** $450,000
Type: MULT ACCTS ARMS-LENGTH	**Deed1:** /19599/ 483	**Deed2:**
Seller: BILLS LLOYD B	**Date:** 05/05/1998	**Price:** $0
Type: NOT ARMS-LENGTH	**Deed1:** /12837/ 281	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1502370163

Owner Information

Owner Name:	2020 TURKEY POINT ROAD LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	2416 E JOPPA RD BALTIMORE MD 21234-2922	**Deed Reference:**	1) /19599/ 483 2)

Location & Structure Information

Premises Address
TURKEY POINT RD

Legal Description
1.069 AC NS
TURKEY POINT RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
98	14	221						82	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		1.06 AC	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2003	As Of 07/01/2004
Land:	30,240	30,240		
Improvements:	0	0		
Total:	30,240	30,240	30,240	30,240
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BILLS GENEVIEVE V	**Date:**	02/12/2004	**Price:**	$450,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19599/ 483	**Deed2:**	
Seller:	BILLS LLOYD B	**Date:**	05/05/1998	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/12837/ 309	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502370162

Owner Information

Owner Name:	2020 TURKEY POINT ROAD LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	2416 E JOPPA RD BALTIMORE MD 21234-2922	**Deed Reference:**	1) /19599/ 483 2)

Location & Structure Information

Premises Address
TURKEY POINT RD

Legal Description
3.022 AC NS
TURKEY POINT RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
98	14	220						82	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		3.02 AC	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2003	As Of 07/01/2004
Land:	38,080	38,080		
Improvements:	0	0		
Total:	38,080	38,080	38,080	38,080
Preferential Land:	0	0	0	0

Transfer Information

Seller:	BILLS GENEVIEVE V	**Date:**	02/12/2004	**Price:**	$450,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/19599/ 483	**Deed2:**	
Seller:	BILLS LLOYD B	**Date:**	05/05/1998	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/12837/ 293	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District -** 15 **Account Number -** 1502370164

Owner Information

Owner Name: 2020 TURKEY POINT ROAD LLC
Mailing Address: 2416 E JOPPA RD
BALTIMORE MD 21234-2922

Use: RESIDENTIAL
Principal Residence: NO
Deed Reference: 1) /19599/ 483
2)

Location & Structure Information

Premises Address
GREYHOUND RD

Legal Description
1.347 AC SWS
GREYHOUND RD
990 N TURKEY PT RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
98	14	362						82	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		1.34 AC	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2003	As Of 07/01/2004
Land:	31,360	31,360		
Improvements:	0	0		
Total:	31,360	31,360	31,360	31,360
Preferential Land:	0	0	0	0

Transfer Information

Seller: BILLS GENEVIEVE V	**Date:** 02/12/2004	**Price:** $450,000
Type: MULT ACCTS ARMS-LENGTH	**Deed1:** /19599/ 483	**Deed2:**
Seller: BILLS LLOYD B	**Date:** 05/05/1998	**Price:** $0
Type: NOT ARMS-LENGTH	**Deed1:** /12837/ 305	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER
10420 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044-3528
TELEPHONE 410 884-0700
FAX 410 884-0719

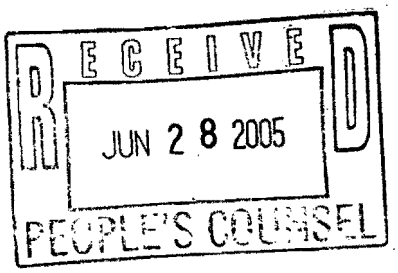
JOHN B. GONTRUM
DIRECT NUMBER
410-832-2055
JGontrum@wtplaw.com

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

cd /pm



June 27, 2005

William J. Wiseman, III, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

Re: Re: Rockaway Beach Improvement Assoc., et al - Petitioners
Case No. 05-476-SPH

Dear Commissioner Wiseman:

I am in receipt of People's Counsel's correspondence dated June 22, 2005. Please accept this letter as Petitioner's Opposition to People's Counsel's Motion for Reconsideration. The facts in the above case are not in dispute. The properties have been held by and large in the same ownership for many years, but all as separately taxed individual parcels. There have been separate water and sewer charges, etc. As presented at the hearing, all of the improvements are located on one of the lots. Some of the lots are fully wooded, and some have open space, but none are needed to support uses on the others.

The doctrine of merger certainly is not a new doctrine. All that *Remes v. Montgomery County, No. 122- 2004* did was to restate the issue discussed in *Friends of the Ridge v. BGE*, 352 Md. 645 (1999), in the context of a zoning setbacks. It did not state new law. The court in *Remes* stated that *Ridge* was merely a statement of common law, not a change (*Id.* at 25). Consequently, there is no need to reopen the record to discuss issues which should have been addressed and which were, in fact, addressed at the hearing before you.

The first issue is whether the doctrine of zoning merger even applies. Zoning merger was defined in *Remes* "to be the merger for zoning purposes of two or more lots held in common ownership where one lot is used in service to one or more of the other

common lots solely to meet zoning requirements..." (*Id.* at 9). The Court quoted *Friends of the Ridge* stating that merger has been applied to "prohibit the use of individual substandard parcels if contiguous parcels have been, at any relevant time, in the same ownership and at the time of that ownership, the combined parcel was not substandard." *Id.* at p. 11 *quoting Friends of the Ridge*, 352 Md. 645 at 653 (1999). In *Friends of the Ridge*, the combination of conforming lots was voluntary by the owner to achieve a desired special exception.

In *Friends of the Ridge* the court stated: "We shall hold that a landowner who clearly desires to combine or merge several parcels or lots of land into one larger parcel may do so. One way he or she may do so is to integrate or utilize the contiguous lots in the service of a single structure or project..." (*Id.* at 658). In its case the Court in *Remes* also found that the presented facts supported that conclusion.

People's Counsel in this case is urging that the combination of already conforming lots be involuntary, forced by growth management legislation. There is no justification in the regulations for merger, and neither *Friends of the Ridge* nor *Remes* can be used for the proposition that the involuntary combination of already conforming lots constitutes zoning merger.

The growth management legislation is very specific. It deals with individual lots. It even contains language pertaining to undersized lots and the use of adjacent owned property to preclude development approval of undersized lots. The common ownership of adjoining lots was indeed contemplated, and the only limitation placed on the development of any lot was placed on undersized lots. There is no stated limitation in the ordinance that adjoining lots under the same ownership be considered as one lot. That could have been stated, but it was not. Had it been so stated, there would have been no need for the wording placed in the regulations limiting development of undersized lots if a common owner possessed adjacent property. People's Counsel fails to recognize or explain how the legislation specifically limits undersized lot development next to adjoining commonly owned property and yet also limits the development of properly sized lots next to other properly sized lots without specific language so doing.

Instead, the growth management legislation dealt with the issue of an undersized lot when an adjacent property, which could render the lot conforming, existed. BCZR §4A03.4B.1 The regulations, in effect, dealt with the issue of zoning merger in a very specific fashion and by so doing negated any presumption that adjoining conforming lots should be merged for growth management. None of the lots before you are now undersized, and no subdivision into undersized lots was proposed.

People's Counsel would urge some "limited application" of the merger doctrine based on the intent of the growth management legislation to offer protection of adequate services and the environment on a temporary basis until they are deemed adequate. First, there is no evidence that the issues that pertain to "growth management" are even present in this case. Baltimore County has not, despite the obvious opportunity to do so, raised any issue with adequate facilities or with the environment to indicate that the legislation's purposes are in any way thwarted by the development of the lots for either minor subdivisions or for individual permits. Both DEPRM and Public Works reviewed the issue before Mr. Kotroco, reviewed the Petition for Special Hearing and would review building permits and subdivisions. Nothing presented by anyone suggests that the development of minor subdivisions or individual permits would adversely impact any adequate facilities. Second, there is nothing "temporary" about this legislation. There are no sunset provisions and no provisions call for any review or modification to its application. People's Counsel is simply reading into the law provisions that do not exist.

Furthermore, in this case, there was no evidence of any zoning merger of non-conforming lots even though the doctrine of merger was raised and presented by People's Counsel at the hearing. All of the structures are located on one lot, and no other lot is necessary or serves to meet the zoning requirements for the principal structures. In *Remes*, the lots had been under the same tax account for many years, and a swimming pool had been located on an adjacent lot for many years serving the primary lot. Most importantly, the structures on the primary lot had non-conforming setbacks without the adjacent property.

In *Remes*, the adjoining lot supported the other lot's setbacks. In this case, we are talking about 8 separate lots. People's Counsel's request for production of further evidence notes no new evidence that could be produced showing the intent of the owner in such a way as to substantiate a merger. The lots clearly did not constitute a farm in the context of zoning, for much of the area is wooded, and no tax assessment supports a farm basis. Five of the 8 lots are fully wooded. If the open space on the three lots is "farmed" as stated by People's Counsel, that fact does not support a zoning merger. Countless farms in the northern part of Baltimore County are comprised of separate tax parcels that are farmed together, and I can not recall a single instance where merger was even an issue when the separate parcels were subdivided or developed separately. People's Counsel's argument would be more apt if structures straddled or even occurred on different lots. Such is not the case here.

If intent of the owner is to be inferred from his conduct with respect to his land and the use made of it (*Id.* at p. 12), then in this case there has been no evidence of any previous owner's intent to merge the lots - all of which have scrupulously been kept separated by tax account and by use.

I also question what the probative value of a tax assessor's notes would be in determining how the assessor may have valued the properties. Even if the assessor were called to testify, and even if he said he gave some sort of a break on the valuation because they were in common ownership, I do not see the relevance of that to zoning merger. That is one person's opinion looking at the valuation of the lots for tax purposes. The intent that counts according to *Remes* and *Friends of the Ridge* is that of the owner, not the tax assessor. In any event, the tax bills that were introduced indicate that no agricultural assessment was placed on the land as might be expected if the lots were combined for a farm. The tax assessment records indicate no preferential land values exist.

Absent the proffer of some compelling information that would indicate a longstanding intent to use some or all of the parcels as one in contradiction to the physical and documentary evidence presented and absent some rationale as to why the issue in this case restricting use of adjoining lots was not addressed in the growth management legislation, which addresses adjoining lots but only in the context of limiting use of undersized lots, there is no reason to reconsider the decision in this matter.

Thank you for your attention to this matter.

Sincerely,

John B. Gontrum

cc.: Baltimore County People's Counsel
J. Carroll Holzer, Esq.

337841

ten's own neck and ears, she decided to start teaching jewelry-making classes.

She started with classes in her home and in local community centers in the evenings and on weekends, or anytime she could squeeze them in.

"It didn't seem like work to me," she said.

Evelyn Hatten shows bead necklaces made by her students.

STAFF PHOTO BY JOE NICHOLSON

intermediate and advanced jewelry makers. Materials and tools are included in the costs and after the first class you leave with your very own creation, Hatten said.

"I really want people to take ownership of the shop," she said. "I want people to relax and hang out and let the creative juices flow."

Hatten debuted her jewelry officially for the first time at Artscape 2004 in Baltimore, days before the shop opened.

"It was real exciting to be picked," said Hatten, who was chosen through a selection process along with about 150 other artists.

Her pieces range from the traditional to the many wouldn't.

Hatten can't wait to see the creations of her new customers, who will be able to choose from a selection of hundreds of beads of different colors, cuts, textures and styles.

To encourage them along the way, she recites a simple motto.

"It's not the beads," she said with a huge smile. "It's the experience."

Contact Precious Stones Bead Shoppe at 410-747-7329 for store hours, classes and prices.

E-mail Lisa Rosato at lrosato@patuxent.com.

The Jeffersonian July 27/2004

BUSINESS IN BRIEF

Lutherville contractor settles with state attorney general

Kevin A. Brown, owner of Brown Custom Contracting, Inc., of Lutherville, has agreed to pay a $5,000 fine as part of a settlement with Maryland's attorney general, Joseph Curran.

The company had been charged with continuing to operate after its registration with the attorney general had expired.

The attorney general's Consumer Protection Division also alleged that Brown's company had been selling new home warranties to customers even though it was not a participant in good standing in any approved home warranty plan.

Additionally, the settlement requires that the company not act as a home builder until its registration is renewed and not tell customers it can provide home warranties until it can do so under an approved warranty plan.

Brown also agreed that any customer complaint that could not be resolved through mediation be settled by the Consumer Protection Division.

"It's our position that this dispute arose solely as the result of the failure to renew the business's Maryland Home Improvement Commission license, which was caused by a relocation of the office and misplacing the documents for renewal," said Towson attorney Bruce Covahey of the firm Covahey and Boozer, which represented Brown Custom Contracting in the settlement.

"As soon as the issue was brought to Mr. Brown's attention, it was promptly addressed and to our knowledge there was no harm to any customers except for delays brought on by the stop-work order issued by the MHIC," Covahey said.

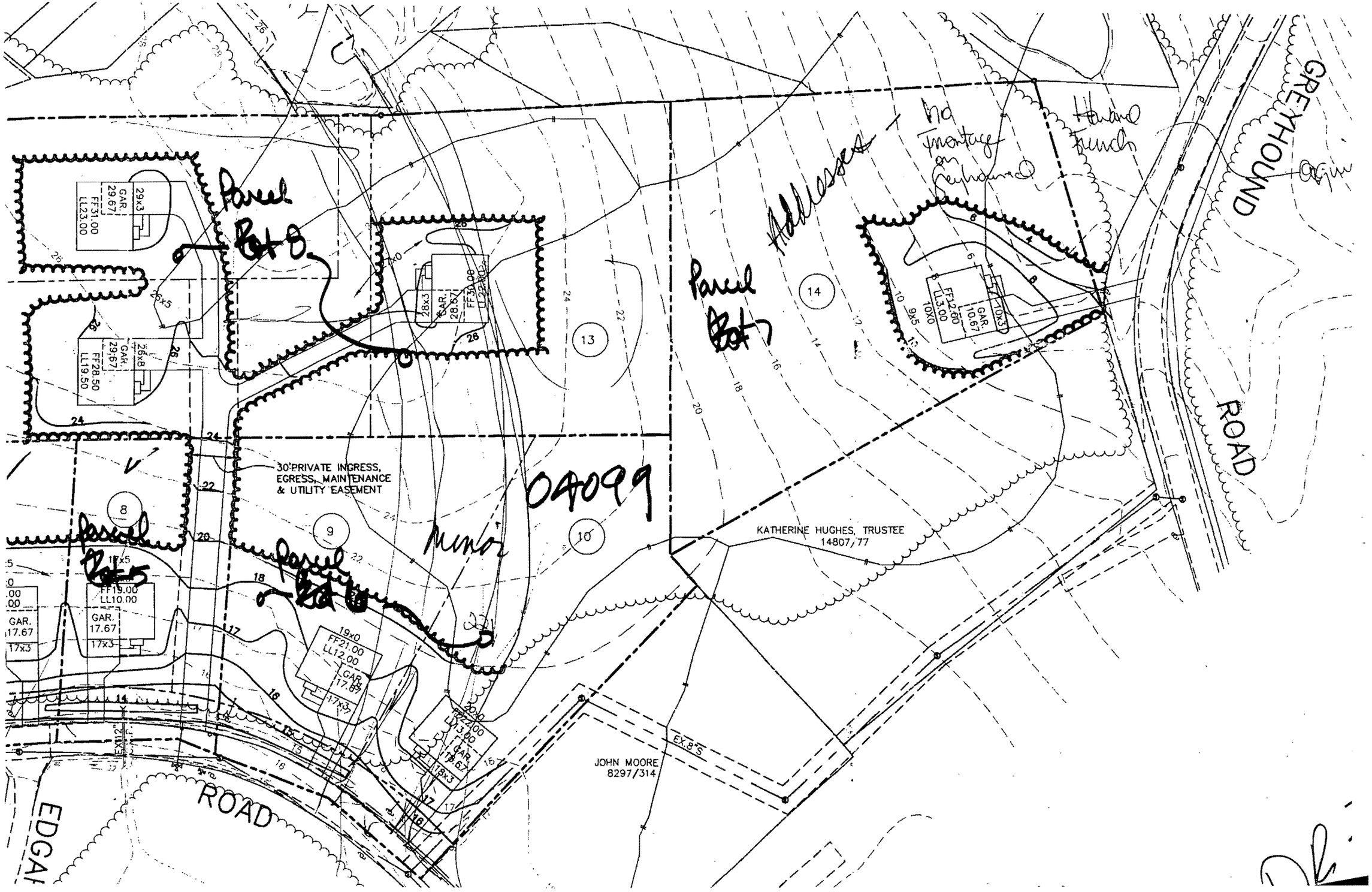
— Bob Allen

Lockheed Martin seeks anniversary memories

Lockheed Martin's Middle River facility is looking for memories of the plant for its 75th anniversary in October.

To celebrate, the company is holding an essay contest for former employees and area residents to recount their memories of the plant, formerly known as Glenn L. Martin Co. and Martin Marietta.

Essays should be no more than 400 words or one page. On the back of the


Parcel Bot 8
Parcel Bot 7
Parcel Bot 5
Parcel Bot 6
Hallesses
No frontage on Enhance
Hollow Tunch
GREYHOUND ROAD
EDGAR ROAD
30' PRIVATE INGRESS, EGRESS, MAINTENANCE & UTILITY EASEMENT
KATHERINE HUGHES, TRUSTEE
14807/77
JOHN MOORE
8297/314
EX.8"S
04099
GAR. 29.67 FF31.00 LL23.00 29x3
GAR. 29.67 FF28.50 LL19.50 26x8
GAR. 28.67 FF30.00 LL22.00 28x3
GAR. 10.67 FF12.50 LL3.00 10X0 10x3
GAR. 17.67 FF19.00 LL10.00 17x3
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13
14
8
9
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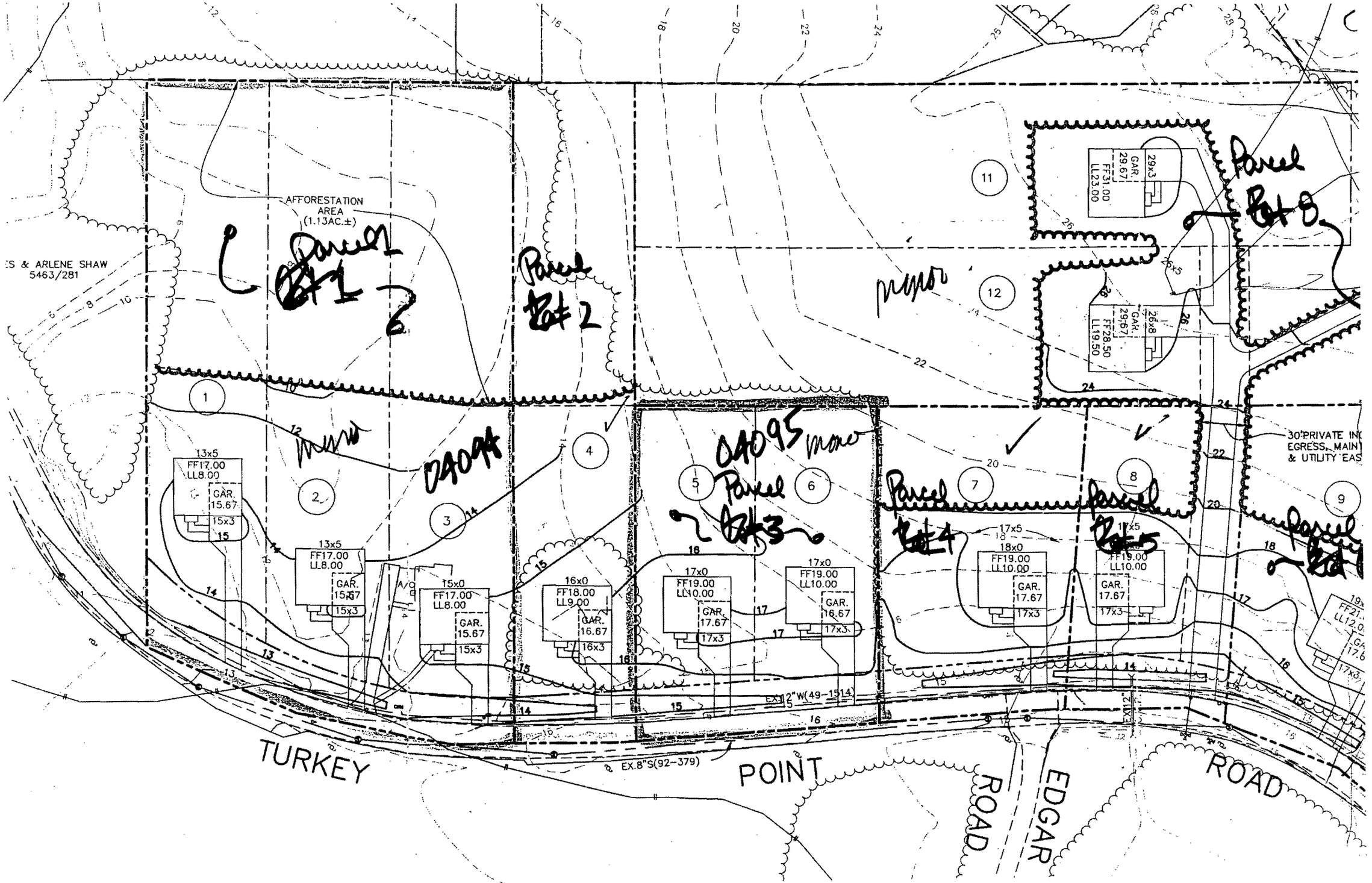
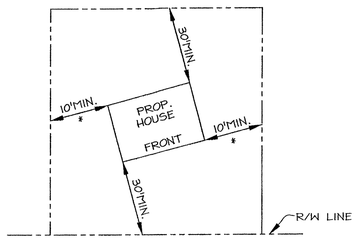

AFFORESTATION AREA (1.13AC.±)
S & ARLENE SHAW 5463/281
Parcel Pt 1
Parcel Pt 2
Parcel Pt 3
Parcel Pt 4
Parcel Pt 5
Parcel Pt 8
04095
04095
more
more
30' PRIVATE INGRESS, EGRESS, MAINT & UTILITY EAS
13x5 FF17.00 LL8.00 GAR. 15.67 15x3
13x5 FF17.00 LL8.00 GAR. 15.67 15x3
15x0 FF17.00 LL8.00 GAR. 15.67 15x3
16x0 FF18.00 LL9.00 GAR. 16.67 16x3
17x0 FF19.00 LL10.00 GAR. 17.67 17x3
17x0 FF19.00 LL10.00 GAR. 16.67 17x3
18x0 FF19.00 LL10.00 GAR. 17.67 17x3
17x5 FF19.00 LL10.00 GAR. 17.67 17x3
29x3 GAR. 29.67 FF31.00 LL23.00
26x8 GAR. 29.67 FF28.50 LL19.50
EX.12"W(49-1514)
EX.8"S(92-379)
TURKEY POINT ROAD
EDGAR ROAD

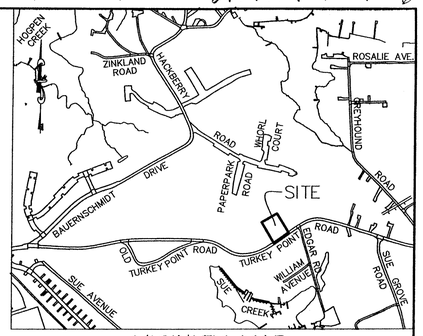
15-832 040951 15C6

ZONING REGULATIONS (DR-3.5)
FRONT - 25'
REAR - 30'
SIDE YARD 10' #(SUM OF 25')

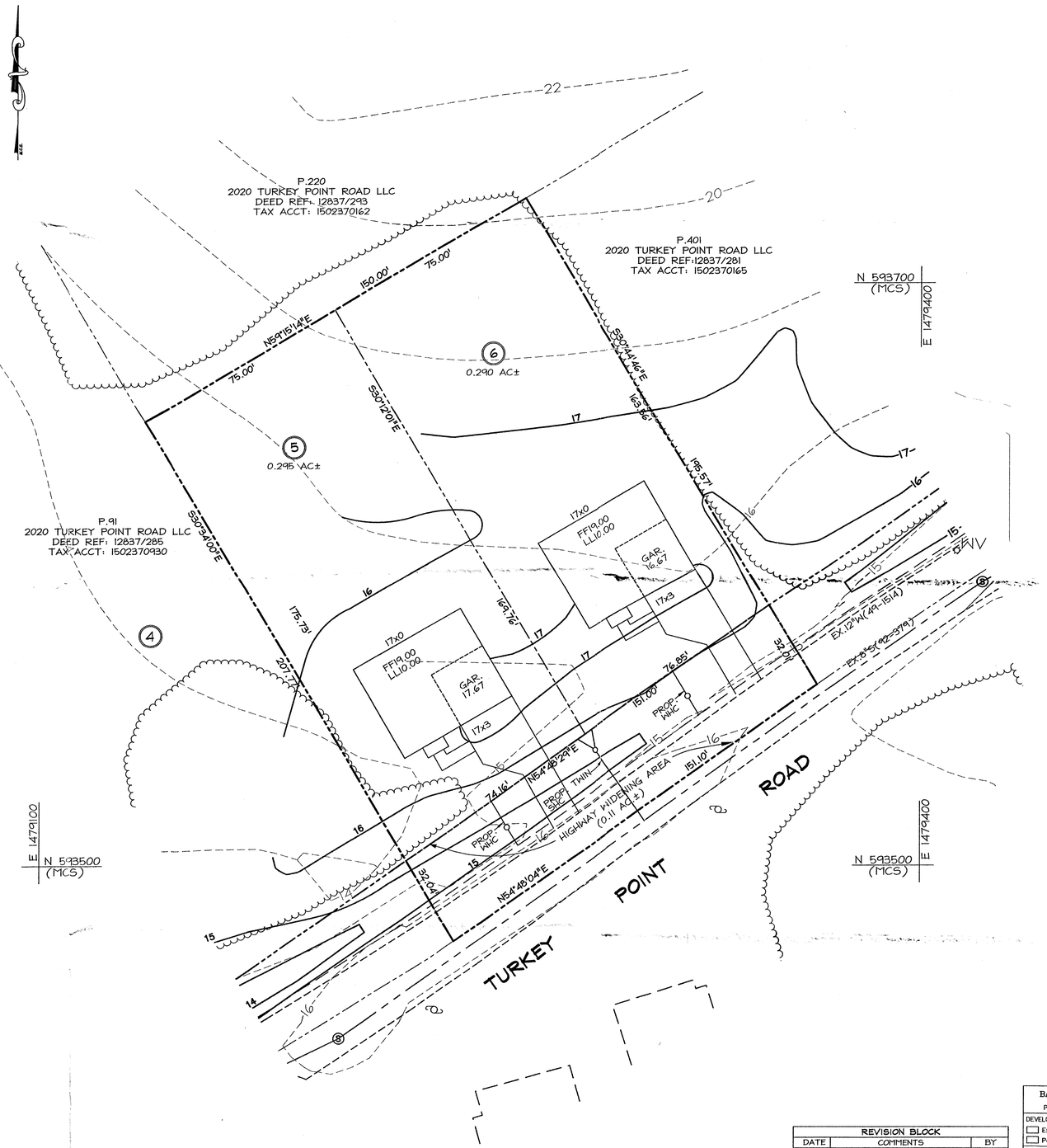
ENVELOPES OR TYPICAL DWELLINGS AS SHOWN DICTATE A SPECIFIC ORIENTATION WHICH IS INTENDED TO ALLOW COMPLIANCE WITH BALTIMORE COUNTY ZONING REGULATIONS AND POLICIES. SHOULD THE ORIENTATION CHANGE OR CREATE CONFLICTS WITH THE REGULATIONS OR POLICIES, THE ORIENTATION MUST BE CHANGED TO ALLEVIATE THE CONFLICT.



TYPICAL BUILDINGS SETBACKS DETAIL
NOT TO SCALE



VICINITY MAP
SCALE: 1"=1000'



SITE DATA
GROSS AREA: 0.6959 AC±
HIGHWAY WIDENING AREA: 0.1107 AC±
NET AREA: 0.5852 AC±
EXISTING ZONING: DR 3.5, 200 SCALE MAP SE I-K
EXISTING USE: 1 SINGLE FAMILY DWELLING
PROPOSED USE: 2 SINGLE FAMILY DWELLINGS
OWNER: BROWN CUSTOM CONTRACTING
2313 OLD BOSLEY ROAD
LUTHERVILLE MD 21093

TAX ACCOUNT NUMBER: 15-1502370161
TAX MAP NO. 98 GRID 14 PARCEL 160
DEED 12837/297
CENSUS TRACT: 4509.00 REGIONAL PLANNING DISTRICT: 328
SCHOOL DISTRICT: MIDDLEBOROUGH ELEMENTARY
DEEP CREEK MIDDLE
CHESAPEAKE HIGH

PARKING REQUIRED: 2 P.S/LOT x 2 LOTS= 4 P.S.
PARKING PROPOSED: 4 P.S. (9' x 18')
WATER & SEWER DESIGNATIONS: W-7, S-7
SUBSEWER SHED: 39
WATERSHED: MIDDLE RIVER

GENERAL NOTES
1. TOPOGRAPHY SHOWN IS BASED ON BALTIMORE COUNTY GIS TILE 98a2.
2. BOUNDARY SHOWN IS BASED ON SURVEY PERFORMED BY GMB SURVEY & DRAFTING LLC.
3. THERE ARE NO KNOWN CRITICAL AREAS, HAZARDOUS WASTE SITES, ENDANGERED SPECIES HABITATS, ARCHEOLOGICAL OR HISTORICAL SITES ON THIS PROPERTY.
4. THIS PROPERTY HAS BEEN HELD INTACT SINCE PRIOR TO 1971. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
5. THIS PROPERTY HAS NO KNOWN PRIOR ZONING CASES.
6. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON SITE.
7. THE SOIL TYPES FOR THIS SITE WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 45.
8. THE GRID SYSTEM SHOWN IS BASED ON THE MARYLAND COORDINATE SYSTEM.
9. THE PROPOSED DWELLING WILL BE EITHER ONE OR TWO STORIES IN HEIGHT, WITH A MAXIMUM HEIGHT OF 50 FEET.
10. THE AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
11. NO PORTION OF THIS SITE IS LOCATED WITHIN A 100 YEAR FLOODPLAIN.

STORM WATER MANAGEMENT NOTES
1. ALL RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORMDRAIN OR ADJACENT PROPERTY.
2. AS MUCH AS POSSIBLE, IMPERVIOUS AREAS SHOULD BE CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
3. HOUSE DOWN SPOUTS SHOULD BE DISCHARGED ONTO PERVIOUS AREAS WHERE FEASIBLE.
4. ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE STORMWATER MANAGEMENT CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.

MERRITT DEVELOPMENT CONSULTANTS, INC.
9831 MAGLEDT ROAD
BALTIMORE , MARYLAND
PHONE: 410-663-5525 FAX:410-663-4315

STATE OF MARYLAND — DONALD T. GIBSON — REGISTERED PROFESSIONAL LAND SURVEYOR — NO. 10838
6-8-04

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE AGENCY COMMENTS DATED AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCIES COMMENTS.

REVISION BLOCK		
DATE	COMMENTS	BY

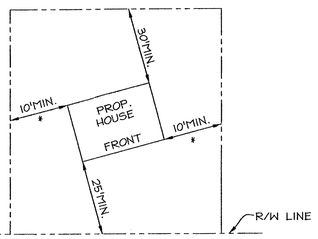
BALTIMORE COUNTY MINOR SUBDIVISION
Project No.
DEVELOPMENT REGULATIONS
☐ Exempt from Division 2
☐ Panhandle, exempt from Sections 26-202 & 26-206
PDM CERTIFICATION
☐ Approved ☐ Disapproved
By: _____ Date: _____
APPROVED DEPRM
By: _____ Date: _____

JUN 10 2004

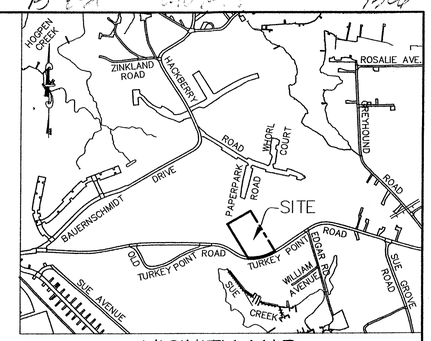
MINOR SUBDIVISION PLAN
BILLS PROPERTY 2
PARCEL 160
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD
SCALE: 1"=20' MAY 21, 2004

ZONING REGULATIONS (DR-3.5)
FRONT - 25'
REAR - 30'
SIDE YARD 10' *(SUM OF 25')

ENVELOPES OR TYPICAL DWELLINGS AS SHOWN DICTATE A SPECIFIC ORIENTATION WHICH IS INTENDED TO ALLOW COMPLIANCE WITH BALTIMORE COUNTY ZONING REGULATIONS AND POLICIES. SHOULD THE ORIENTATION CHANGE OR CREATE CONFLICTS WITH THE REGULATIONS OR POLICIES, THE ORIENTATION MUST BE CHANGED TO ALLEVIATE THE CONFLICT.



TYPICAL BUILDINGS SETBACKS DETAIL
NOT TO SCALE



VICINITY MAP
SCALE: 1"=1000'

PLAT 3
NEW HAVEN WOODS
SECTION 3
PLAT: 64-118

PARCEL 161
BALTIMORE COUNTY MARYLAND
12-SP--15-163
6966/ 420

PARCEL 89
JAMES MILTON & ARLENE ELIZABETH SHAW
DEED REF: 5463/ 281
TAX ACCT: 1419034070

PARCEL 91
200 TURKEY POINT ROAD LLC
DEED REF: 18847/295
TAX ACCT: 1502370880

N 593800 (MCS)
E 1479200

N 593400 (MCS)
E 1478700

N 593400 (MCS)
E 1479200

N59°26'00"E 225.00'
75.00'
74.65'
75.35'
S30°12'01"E
S30°34'00"E 410.19'
391.74'
207.77'
176.73'
S30°34'00"E
294.27'
347.88'
N62°29'39"E 148.31'
N59°44'11"E 375.00'
N30°34'00"W 77.54'
N58°10'26"E 30.50'
EX 8"S 37.82' 37"E
EX 12"W(49-15.4)
L=77.55'
L=79.83'
R=300.00'
L=248.38'
L=91.01'
N11°04'00"E 100.21'
N83°25'07"E 100.00'
PROP. TWIN SHC
PROP. WM
EX WM
EX SHED
DWELLING W/BSMT (TBR)
FOLLOW EX DRIVE
REMNANT OF OLD POST AND WIRE FENCE (TBR)
ASPHALT DRIVE
AFFORESTATION AREA 0.97 AC±
HIGHWAY WIDENING AREA 0.1746 AC±
0.553 AC.±
0.626 AC.±
0.662 AC.±
1
2
3
13x5 FF17.00 LL6.00 GAR. 15.67 15x3
15x0 FF17.00 LL6.00 GAR. 15.67 15x3
A/C
TURKEY POINT ROAD
POINT

SITE DATA
GROSS AREA: 2.0146 AC±
HIGHWAY WIDENING AREA: 0.1746 AC±
NET AREA: 1.84 AC±
EXISTING ZONING: DR 3.5, 200 SCALE MAP SE 1-K
EXISTING USE: 1 SINGLE FAMILY DWELLING
PROPOSED USE: 3 SINGLE FAMILY DWELLINGS
OWNER: BROWN CUSTOM CONTRACTING
2313 OLD BOSLEY ROAD
LUTHERVILLE MD 21093

TAX ACCOUNT NUMBER: 15-1502370160
TAX MAP NO. 98 GRID 14 PARCEL 90
DEED 12837/301
CENSUS TRACT: 4804.00 REGIONAL PLANNING DISTRICT: 328
SCHOOL DISTRICT: MIDDLEBOROUGH ELEMENTARY
DEEP CREEK MIDDLE
CHESAPEAKE HIGH

PARKING REQUIRED: 2 P.S./LOT x 3 LOTS= 6 P.S.
PARKING PROPOSED: 6 P.S. (9' x 18')
WATER & SEWER DESIGNATIONS: W-7, S-7
SUBSEWER SHED: 39
WATERSHED: MIDDLE RIVER

GENERAL NOTES
1. TOPOGRAPHY SHOWN IS BASED ON BALTIMORE COUNTY GIS TILE 98a2.
2. BOUNDARY SHOWN IS BASED ON SURVEY PERFORMED BY GMB SURVEY & DRAFTING LLC.
3. THERE ARE NO KNOWN CRITICAL AREAS, HAZARDOUS WASTE SITES, ENDANGERED SPECIES HABITATS, ARCHEOLOGICAL OR HISTORICAL SITES ON THIS PROPERTY.
4. THIS PROPERTY HAS BEEN HELD INTACT SINCE PRIOR TO 1971. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
5. THIS PROPERTY HAS NO KNOWN PRIOR ZONING CASES.
6. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON SITE.
7. THE SOIL TYPES FOR THIS SITE WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 45.
8. THE GRID SYSTEM SHOWN IS BASED ON THE MARYLAND COORDINATE SYSTEM.
9. THE PROPOSED DWELLING WILL BE EITHER ONE OR TWO STORIES IN HEIGHT, WITH A MAXIMUM HEIGHT OF 50 FEET.
10. THE AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
11. THE EXISTING DWELLING AND ALL ACCESSORY STRUCTURES SHALL BE REMOVED BY THE DEVELOPER PRIOR TO BUILDING PERMIT ISSUANCE.

STORM WATER MANAGEMENT NOTES
1. ALL RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORMDRAIN OR ADJACENT PROPERTY.
2. AS MUCH AS POSSIBLE, IMPERVIOUS AREAS SHOULD BE CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
3. HOUSE DOWN SPOUTS SHOULD BE DISCHARGED ONTO PERVIOUS AREAS WHERE FEASIBLE.
4. ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE STORMWATER MANAGEMENT CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.

MERRITT DEVELOPMENT CONSULTANTS, INC.
9831 MAGLEDT ROAD
BALTIMORE , MARYLAND
PHONE: 410-663-5525 FAX:410-663-4315

STATE OF MARYLAND · JOHN THOMAS MERRITT · NO. 10853 · REGISTERED PROFESSIONAL LAND SURVEYOR
5-27-04

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE AGENCY COMMENTS DATED AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCIES COMMENTS.

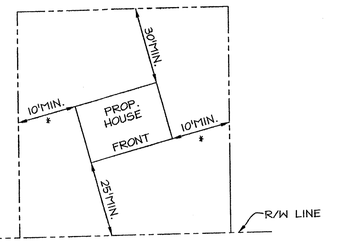
REVISION BLOCK		
DATE	COMMENTS	BY

BALTIMORE COUNTY MINOR SUBDIVISION
Project No.
DEVELOPMENT REGULATIONS
☐ Exempt from Division 2
☐ Panhandle, exempt from Sections 26-202 & 26-206
PDM CERTIFICATION
☐ Approved ☐ Disapproved
By: _____ Date: _____
APPROVED DEPRM
By: _____ Date: _____

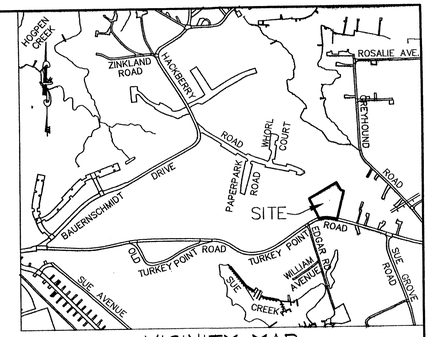
MINOR SUBDIVISION PLAN
BILLS PROPERTY
PARCEL 90
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD
SCALE: 1"=30' MAY 21, 2004

ZONING REGULATIONS (DR-3.5)
FRONT - 25'
REAR - 30'
SIDE YARD 10' *(SUM OF 25')

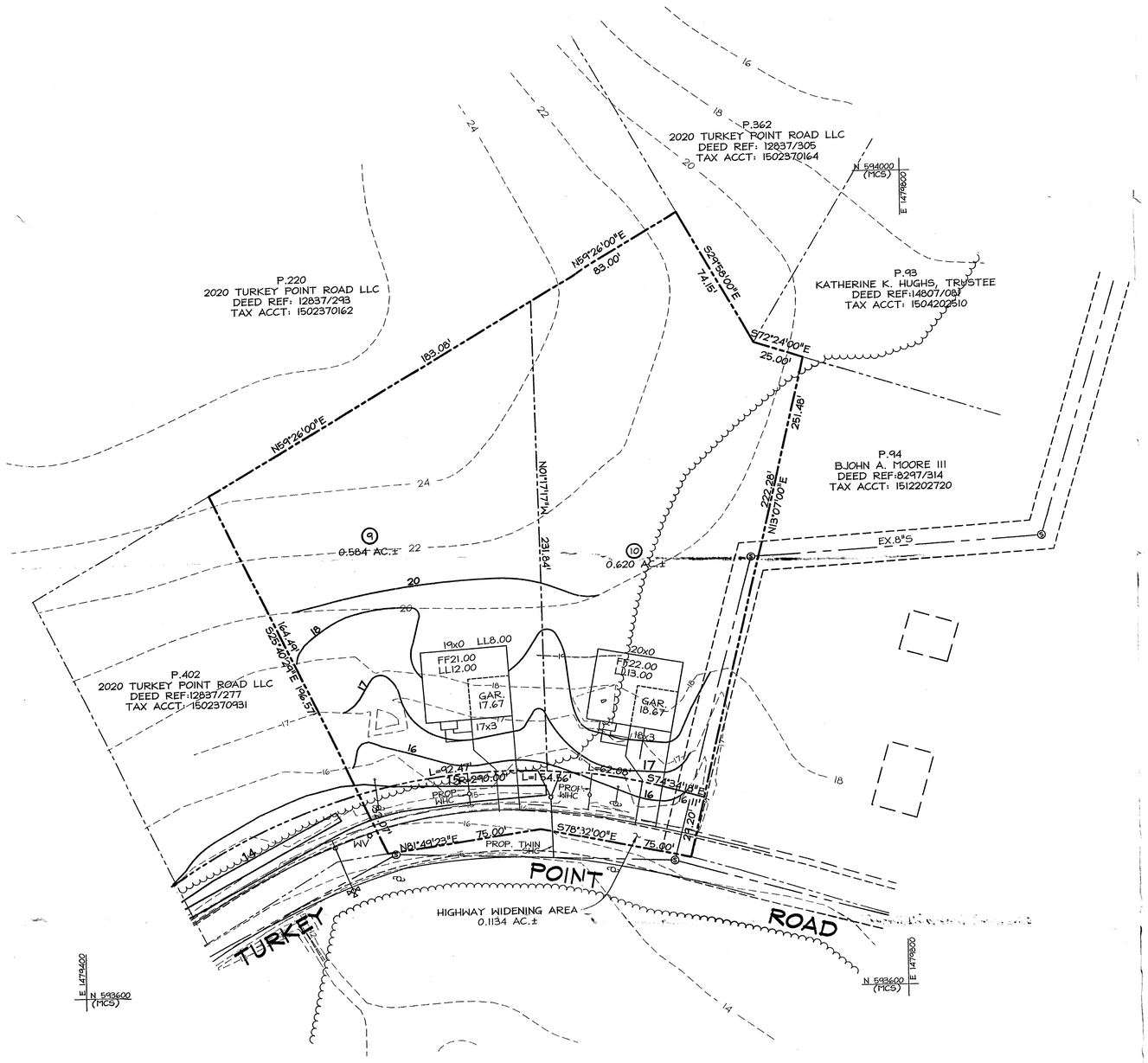
ENVELOPES OR TYPICAL DWELLINGS AS SHOWN DICTATE A SPECIFIC ORIENTATION WHICH IS INTENDED TO ALLOW COMPLIANCE WITH BALTIMORE COUNTY ZONING REGULATIONS AND POLICIES. SHOULD THE ORIENTATION CHANGE OR CREATE CONFLICTS WITH THE REGULATIONS OR POLICIES, THE ORIENTATION MUST BE CHANGED TO ALLEVIATE THE CONFLICT.



TYPICAL BUILDINGS SETBACKS DETAIL
NOT TO SCALE



VICINITY MAP
SCALE: 1"=1000'



SITE DATA
GROSS AREA: 1.3172 AC±
HIGHWAY WIDENING AREA: 0.1134 AC±
NET AREA: 1.2038 AC± ;
EXISTING ZONING: DR 3.5, 200 SCALE MAP SE 1-K
EXISTING USE: 1 SINGLE FAMILY DWELLING
PROPOSED USE: 2 SINGLE FAMILY DWELLINGS
OWNER: BROWN CUSTOM CONTRACTING
2313 OLD BOSLEY ROAD
LUTHERVILLE MD 21093

TAX ACCOUNT NUMBER: 15-1502370163
TAX MAP NO. 98 GRID 14 PARCEL 221
DEED 12837/309
CENSUS TRACT: 4509.00 REGIONAL PLANNING DISTRICT: 328
SCHOOL DISTRICT: MIDDLEBOROUGH ELEMENTARY
DEEP CREEK MIDDLE
CHESAPEAKE HIGH

PARKING REQUIRED: 2 P.S./LOT x 2 LOTS= 4 P.S.
PARKING PROPOSED: 4 P.S. (9' x 18')
WATER & SEWER DESIGNATIONS: W-7, S-7
SUBSEWER SHED: 39
WATERSHED: MIDDLE RIVER

GENERAL NOTES
1. TOPOGRAPHY SHOWN IS BASED ON BALTIMORE COUNTY GIS TILE 98a2.
2. BOUNDARY SHOWN IS BASED ON SURVEY PERFORMED BY GMB SURVEY & DRAFTING LLC.
3. THERE ARE NO KNOWN CRITICAL AREAS, HAZARDOUS WASTE SITES, ENDANGERED SPECIES HABITATS, ARCHEOLOGICAL OR HISTORICAL SITES ON THIS PROPERTY.
4. THIS PROPERTY HAS BEEN HELD INTACT SINCE PRIOR TO 1971. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
5. THIS PROPERTY HAS NO KNOWN PRIOR ZONING CASES.
6. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON SITE.
7. THE SOIL TYPES FOR THIS SITE WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 45.
8. THE GRID SYSTEM SHOWN IS BASED ON THE MARYLAND COORDINATE SYSTEM.
9. THE PROPOSED DWELLING WILL BE EITHER ONE OR TWO STORIES IN HEIGHT, WITH A MAXIMUM HEIGHT OF 50 FEET.
10. THE AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
11. NO PORTION OF THIS SITE IS LOCATED WITHIN A 100 YEAR FLOODPLAIN.

STORM WATER MANAGEMENT NOTES
1. ALL RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORMDRAIN OR ADJACENT PROPERTY.
2. AS MUCH AS POSSIBLE, IMPERVIOUS AREAS SHOULD BE CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
3. HOUSE DOWN SPOUTS SHOULD BE DISCHARGED ONTO PERVIOUS AREAS WHERE FEASIBLE.
4. ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE STORMWATER MANAGEMENT CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.

MERRITT DEVELOPMENT CONSULTANTS, INC.
9831 MAGLEDT ROAD
BALTIMORE, MARYLAND
PHONE: 410-663-5525 FAX: 410-663-4315

STATE OF MARYLAND — JOHN THOMAS MERRITT — No. 10958 — REGISTERED PROFESSIONAL LAND SURVEYOR
6/8/04

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE AGENCY COMMENTS DATED AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCIES COMMENTS.

REVISION BLOCK		
DATE	COMMENTS	BY

RECEIVED
JUN 10 2004

BALTIMORE COUNTY MINOR SUBDIVISION
Project No.
DEVELOPMENT REGULATIONS
☐ Exempt from Division 2
☐ Panhandle, exempt from Sections 26-202 & 26-206
PDM CERTIFICATION
☐ Approved ☐ Disapproved
By: _____ Date: _____
APPROVED DEPRM
By: _____ Date: _____

MINOR SUBDIVISION PLAN
BILLS PROPERTY
PARCEL 221
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD
SCALE: 1"=30' MAY 21, 2004

Z:\BILLS PROPERTY (2004)_P 221 MINOR.dwg, 6/7/2004 8:03:27 AM, ARCH D (24 X 36 in), (stretched), 1:30