DECHILING HOEN PE IN RE: PETITIONS FOR SPECIAL HEARING and

VARIANCE – S/S Boyce Avenue,

437' W of the c/l Carrollton Avenue

(1403 Boyce Avenue)

9th Election District

2nd Council District

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 06-126-SPH

The Vestry of the Church of the Good Shepherd Petitioner

ORDER OF DISMISSAL

WHEREAS, this matter was scheduled for a public hearing before the undersigned Zoning Commissioner on October 19, 2005 for consideration of Petitions for Special Hearing and Variance filed by The Vestry of the Church of the Good Shepherd, property owners, and the Contract Purchaser, Christopher M. Garliss. The Petitioners requested a special hearing seeking approval of a waiver of Department of Public Works Plate D-19, pursuant to Section 32-4-404 of the Baltimore County Code (Baltimore County Development Plans Review Policy Manual, Appendix B, Section 7; Section 3112.0 of the Baltimore County Building Code, and Sections 32-4-107, 32-8-207 and 32-8-301 of the Baltimore County Code to permit a 0' setback from the 100year floodplain line, plus 1' freeboard in lieu of the required 20' setback from a riverine floodplain. In addition, the Petitioners requested a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 45' in lieu of the required 52.5 feet for a proposed dwelling and attached garage, as more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the initial public hearing in support of the request were Christopher M. Garliss, Contract Purchaser, Richard Truelove, the Professional Engineer who prepared the site plan for this property, and Edward C. Covahey, Esquire, attorney for the Petitioners. Numerous residents from the surrounding locale appeared in opposition to the request and their names are reflected on the sign-in sheets circulated at the hearing. However, suffice it to say the request was

OHDEH RECENEUTOR FILING
By
By

WJW:bjs

heavily contested. Consequently, the matter was continued in open hearing on October 19, 2005, due to lack of sufficient time to present all issues relative to this case and by agreement of all parties, was rescheduled for further proceedings before the undersigned on December 20, 2005.

Subsequently, by letter dated December 19, 2005, Counsel for the Petitioners advised that they were withdrawing their special hearing and variance requests. Apparently, during the course of these proceedings, Mr. Garliss lost his contract on the subject property and the Petitioners negotiated to sell same to one of the Protestants. Thus, the matter shall be dismissed without prejudice.

NOW, THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of December 2005 that the Petitions for Special Hearing and Variance relief as set forth above, be and the same are hereby DISMISSED without prejudice.

Zoning Commissioner

for Baltimore County



JAMES T. SMITH, JR. County Executive

December 22, 2005

WILLIAM J. WISEMAN III

Zoning Commissioner

Edward C. Covahey, Jr., Esquire Covahey, Boozer, Devan & Dore, P.A. 614 Bosley Avenue Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
N/S Hunting Tweed Drive, 1860' W of the c/l Park Heights Avenue
(1403 Bosley Avenue)
9th Election District – 2nd Council District
The Vestry of the Church of the Good Shepherd - Petitioner
Case No. 06-126-SPHA

Dear Mr. Covahey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been dismissed without prejudice, 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,

VILLAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. Kent Klopfenstein, 205 E. Joppa Road, Towson, Md. 21286 Mr. Christopher M. Garliss, 500 Pond View Lane, Hunt Valley, Md. 21030 Richard C. Burch, Esquire, 401 Washington Ave., Suite 900, Towson, Md. 21204 Virginia Barnhart, Esquire, 622 Coventry Place, Towson, Md. 21286 People's Counsel; Case File



Pettion for Special Hearing

to the Zoning Commissioner of Baltimore County

| for the property | located at | 1403 E | Boyce Av | zenue | |
|------------------|------------|----------|----------|-------|--|
| - | which is | presenti | y zoned | DR-2 | |

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a waiver to Department of Public Works Plate D-19 pursuant to Section 32-4-404 of the Baltimore County Code (Baltimore County Developer's Plan Review Policy Manual Appendix B Section 7); Section 3112.0 of the Baltimore County Building Code, and Sections 32-4-107, 32-8-207, and 32-8-301 of the Baltimore County Code to permit a 0' setback from the 100 year floodplain line plus 1' freeboard in lieu of the required 20' in a riverine floodplain.

See continuation sheet, Exhibit A attached hereto and made a part hereof.

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:

Christopher M. Garliss

Name Type or Print _ /

| Chan Canker | | Spulm |
|--------------------------|---------------------------------------|---------------|
| Signature | | 7.4. |
| 500 Pond View Lane | | 410-666-7467 |
| Address | ·· • | Telephone No. |
| Hunt Valley, MD 2103 | 80 | 21030 |
| City | State | Zip Code |
| Attorney For Petitioner: | | |
| Edward C. Covahey, Jr | • | - |
| Name Type or Print | | |
| 800 | | |
| Signature | | · ··· |
| Covahey, Boozer, Deva | m & Doi | re, P.A. |
| Cempany | | |
| 614 Bosley Ave. | | 410-828-9441 |
| Address | · · · · · · · · · · · · · · · · · · · | Telephone No. |
| Towson, MD | | 21204 |
| City | State | Zip Code |
| | | |

Case No. 06-1265PHA

| The Vestry of t | he Church | of the | Good | Shephero |
|---------------------|-----------|--------|------|----------|
| Name: Type or Print | | | | |
| Ву: | | - | | |
| Signature Senior | Warden | | | |

Name - Type or Print

Legal Owner(s):

Signature

1403 Boyce Avenue410-823-3934AddressTelephone No.Ruxton, Maryland21204CityStateZip Code

Representative to be Contacted:

| Kent Klopfenstein | | - |
|-------------------|-------|------------------------|
| Name | | |
| 205 E. Joppa Road | | _410- <u>8</u> 23-3934 |
| Address | | Telephone No. |
| Towson, Maryland | | 21286 |
| City | State | Zip Code |

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2. The

UNAVAILABLE FOR HEARING

Reviewed By 2000 Date 8-30-05

ORDER RECEIVED FOR FILING

ZER 9115198

EXHIBIT A

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 1403 Boyce Avenue

CONTINUATION SHEET

- I. The subject property is unique from other properties in the neighborhood for the following reasons:
- A. This lot was created as a result of a subdivision in 1968 and at the time of the creation of the lot, the owner could have built a residence on the property without any variances or any requirement of a special hearing.
- B. The subject property is more shallow in that it has more shallow and less depth than surrounding properties.
- C. The property immediately to the west is deeper in topography than the subject property, a consequence of which the 100 year floodplain is much closer to Boyce Avenue than the subject property and permitted the adjacent property to be improved without the requirement of variances or a special hearing.
- D. The property to the west is improved by a two story single family dwelling, and is improved with fill altered floodplain.
- II. The Petitioner will sustain an unreasonable hardship or practical difficulty if the requested variance is not granted because:
- A. Petitioner cannot build a habitable residence on the property without the requested variance.

0726ldr20

JATOER RECEIVED FOR FILING

3y

3y

126



Petition for Variance

to the Zoning Commissioner of Baltimore County

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 Variance from Section(s) 303.1 of the Baltimore County Zoning Regulations to permit a front yard setback of 45' in lieu of the required 52.5 feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See continuation sheet, Exhibit A attached hereto and made a part hereof.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, 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.

Contract Purchaser/Lessee:

Christopher M. Garliss

OR FILING

| Name | - Type of Print | M | 111/ |
|---------------------------|---|---------------------------------------|--|
| _ | (Knileoker | 111. 1 | Jakin |
| Signa | ature | | |
| <u>500</u> | Pond View Lane | 4 | 10-666-7467 |
| Addre | ess | | Telephone No. |
| | t Valley, MD 21030 | <u></u> | 21030 |
| City | | State | Zip Code |
| Atte | rnev For Petitioner: | | |
| <u> </u> | 77710 y 1 01 1 01.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1 | • | |
| Edw | ard C. Covahey, Jr. | | |
| | - Type or Print | · · · · · · · · · · · · · · · · · · · | |
| | | | |
| | | | |
| Sign | ture | | |
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| COV | ahey, Boozer, Devan | & Dore. | P.A. |
| Com | ahey, Boozer, Devan | | |
| Cov Com 614 | ahey, Boozer, Devan any Bosley Ave. | | LO-828-9441 |
| Cov Com 614 Addr | ahey, Boozer, Devan any Bosley Ave. ss | | LO-828-9441 Telephone No. |
| Cov Com 614 Addr | ahey, Boozer, Devan any Bosley Ave. | <u>4</u>] | LO-828-9441 Telephone No. 21204 |
| Cov Com 614 Addr | ahey, Boozer, Devan any Bosley Ave. ss | | LO-828-9441 Telephone No. |
| Cov Com 614 Addr | ahey, Boozer, Devan any Bosley Ave. ss | <u>4</u>] | LO-828-9441 Telephone No. 21204 |
| Cov Com 614 Addr | ahey, Boozer, Devan any Bosley Ave. ss | <u>4</u>] | LO-828-9441 Telephone No. 21204 |
| 別長 当時 別さつの | ahey, Boozer, Devan any Bosley Ave. ss | 4] State | 10-828-9441 Telephone No. 21204 Zip Code |

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.

Legal Owner(s):

| The Vestry of the Churc Name - Type of Print | h of the | <u>Good Shepher</u> (|
|--|---------------|-----------------------|
| Signature Senior Warden | | |
| Name - Type or Print | | |
| Signature | | |
| 1403 Boyce Avenue | 410 | -823-3934 |
| Address | | Telephone No. |
| Ruxton, Maryland | | 21204 |
| City | State | Zip Code |
| Representative to be Cont | acted: | |
| Kent Klopfenstein | | |
| Name | _ | ··· |
| 205 E. Joppa Road | 410 | -82 <u>3-3934</u> |
| Address | | Telephone No. |
| Towson, Maryland | | _21286 |
| City | State | Zip Code |
| | | |

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING See SPA

Date 830

UNAVAILABLE FOR HEARING

Reviewed By

EXHIBIT A

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 1403 Boyce Avenue

CONTINUATION SHEET

- I. The subject property is unique from other properties in the neighborhood for the following reasons:
- A. This lot was created as a result of a subdivision in 1968 and at the time of the creation of the lot, the owner could have built a residence on the property without any variances or any requirement of a special hearing.
- B. The subject property is more shallow in that it has more shallow and less depth than surrounding properties.
- C. The property immediately to the west is deeper in topography than the subject property, a consequence of which the 100 year floodplain is much closer to Boyce Avenue than the subject property and permitted the adjacent property to be improved without the requirement of variances or a special hearing.
- D. The property to the west is improved by a two story single family dwelling, and is improved with fill altered floodplain.
- II. The Petitioner will sustain an unreasonable hardship or practical difficulty if the requested variance is not granted because:
- A. Petitioner cannot build a habitable residence on the property without the requested variance.

12/g

0726ldr20

406 WEST PENNSYLVANIA AVE. TOWSON, MARYLAND 21204-4228

> (410) 494-4914 FAX (410) 296-5326

ZONING DESCRIPTION 1403 BOYCE AVENUE

Beginning for the same at a point in the center of Boyce Avenue. Said point being 437 feet more or less west of the center of Carrollton Avenue. Thence leaving the center of Boyce Avenue and running the following courses and distances viz:

- (1) South 18° 11' 40" East 170.28 feet thence,
- (2) South 77° 19' 20" West 157.23 feet thence,
- (3) North 08° 25' 40" West 155.63 feet thence,
- (4) North 51° 47′ 40" West 9.50 feet to the center of Boyce Avenue thence,
- (5) Along the center of Boyce Avenue, North 75° 26' 20" East 105.50 feet and,
- (6) North 70° 44' 20" East 30.08 feet. to the place of beginning

Containing 23,653 square feet, or 0.543 acres of land, more or less.

Being all of that property recorded in the land records of Baltimore County in Liber OTG 4923 Folio 25. Located in the Ninth Election District, Second Councilmanic District, of Baltimore County, Maryland. Also known as 1403 Boyce Avenue.

July 13, 2005 reports\zondesc\1403 Boyce Ave.doc



126

Richard John Truelove P.E.

BALTIMORE COUN
OFFICE OF BUDGET &
MISCELL ANEOUS a (Salah) Ang Salah Ang S

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: #06-126-SPHA

1403 Boyce Avenue S/side of Boyce Avenue, 437 feet +/- west of the centerline of Carrollton Avenue 9th Election District - 2nd Councilmanic District Legal Owner(s): The Vestry of the Church of the Good

Shepherd
Contract Purchaser Christopher M. Gartiss Special Hearing to permit a waiver to the county-code for a 0 foot setback from the 100 year floodplain line plus 1 foot treeboard in lieu of the the required 20 feet in a riverine floodplain. Variance: to permit a front yard setback of 45 feet in lieu of the required 52.5 feet setback of 45 feet in lieu of the required 52.5 feet hearing: Wednesday, October 19, 2005 at 11:00 a.m. Hearing: Wednesday, October 19, 2005 at 11:00 a.m. The Room 106, County Office Building, 111 West in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III 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/10/615 Oct 4

CERTIFICATE OF PUBLICATION

| 106,2005 |
|---|
| THIS IS TO CERTIFY, that the annexed advertisement was published |
| in the following weekly newspaper published in Baltimore County, Md., once in each of successive weeks, the first publication appearing on $104_{,20}5$. |
| ☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News |
| S. Wilkings |

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 06-126-SPHA

Petitioner/Developer: The Vestry of the Church of the

Good Shepherd

Hearing Date: 10/19/05

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Ms. 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 1403 Boyce Ave.

The sign(s) were posted on 10/4/05.

Sincerely

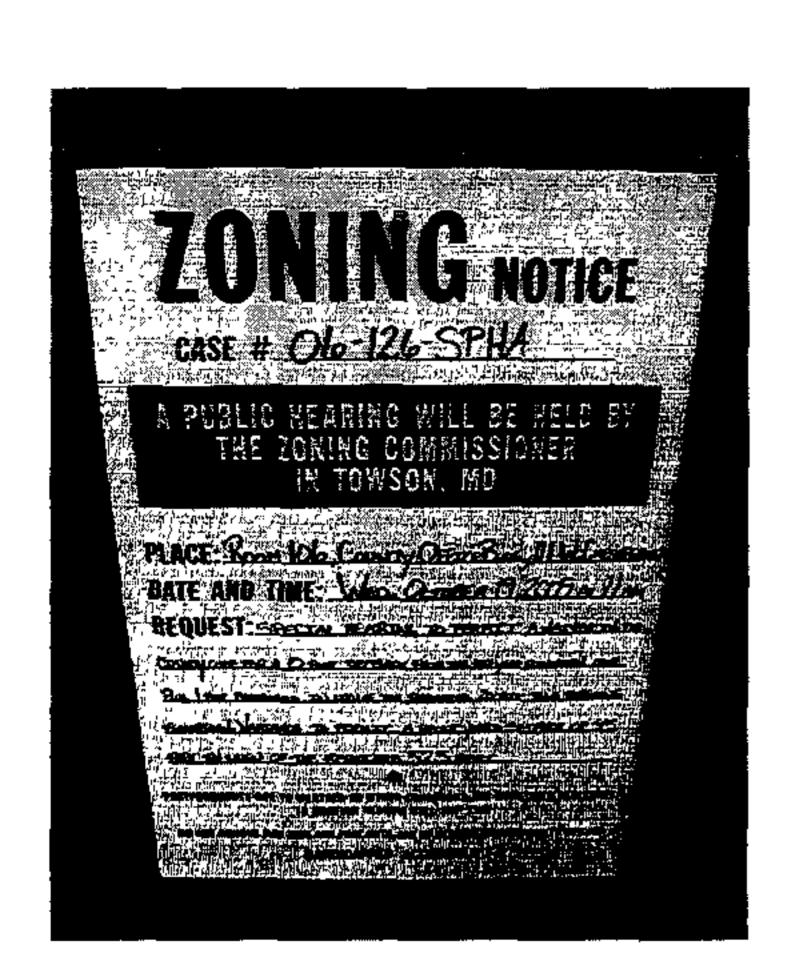
Thomas J. Hoff

Thomas J. Hoff, Inc.

406 West Pennsylavnia Avenue

Towson, MD 21204

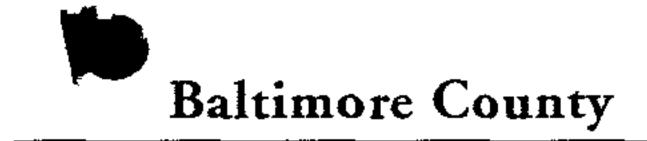
410-296-3668



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





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

September 15, 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: 06-126-SPHA

1403 Boyce Avenue

S/side of Boyce Avenue, 437 feet +/- west of the centerline of Carrollton Avenue

9th Election District – 2nd Councilmanic District

Legal Owners: The Vestry of the Church of the Good Shepherd

Contract Purchaser: Christopher M. Garliss

Special Hearing to permit a waiver to the county code for a 0 foot setback from the 100 year floodplain line plus 1 foot freeboard in lieu of the required 20 feet in a riverine floodplain.

Variance to permit a front yard setback of 45 feet in lieu of the required 52.5 feet.

Hearing: Wednesday, October 19, 2005 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Edward Covahey, 614 Bosley Avenue, Towson 21204 Senior Warden, Church of Good Shepherd, 403 Boyce Ave., Ruxton 21204 Christopher Garliss, 500 Pond View Lane, Hunt Valley 21030 Kent Klopfenstein, 205 E. Joppa Rd., Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 4, 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.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 4, 2005 Issue - Jeffersonian

Please forward billing to:

Edward Covahey, Jr. 614 Bosley Avenue Towson, MD 21204

410-828-9441

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: 06-126-SPHA

1403 Boyce Avenue

S/side of Boyce Avenue, 437 feet +/- west of the centerline of Carrollton Avenue

9th Election District – 2nd Councilmanic District

Legal Owners: The Vestry of the Church of the Good Shepherd

Contract Purchaser: Christopher M. Garliss

Special Hearing to permit a waiver to the county code for a 0 foot setback from the 100 year floodplain line plus 1 foot freeboard in lieu of the required 20 feet in a riverine floodplain.

Variance to permit a front yard setback of 45 feet in lieu of the required 52.5 feet.

Hearing: Wednesday, October 19, 2005 at 11:00 a.m. in Room 106, County C

WILLIAM J WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

| For Newspaper Advertising: |
|--|
| Item Number or Case Number: 06-124 SPHA Petitioner: Church of Good Shepherd Address or Location: 1403 Boyce Ave. |
| PLEASE FORWARD ADVERTISING BILL TO: Name: Edward C. Covaher F. |
| Address: 614 Bosley Ave, Towson, Md, 21204 |
| Telephone Number: 40-828- 944/ |

Department of Permits and Development Management

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



Baltimore County

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

October 17, 2005

Edward Covahey, Jr. Covahey, Boozer and Associates 614 Bosley Avenue Towson, Maryland 21204

Dear Mr. Covahey:

RE: Case Number: 06-126-SPHA, 1403 Boyce Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 30, 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.

W. Carles Carles Control of the Carles of th

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:m clb

Enclosures

c: People's Counsel

The Vestry of the Church of the Good Shepherd Senior Warden 1403 Boyce Ave. Ruxton 21204

Christopher Garliss 500 Pond View Lane Hunt Valley 21030

Kent Klopfenstein 205 E. Joppa Road Towson 21286



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

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

September 13, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of September 19, 2005

Item No. 126,128,129,130,132,133,136, and 137.

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

The Fire Department has no comments at this time.

If you have any questions contact my office.

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

Cc:file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 19, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 26, 2005

Item No. 126 128, 129, 130,132, 133, 134 and 135

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-09192005.doc



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

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

Maryland Department of Transportation

Date: 9.13.05

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

RE:

Baltimore County
Item No. /22

277

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,

Steven D. Foster, Chief

1. Hall

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director,

Permits & Development Management

ATTN:

Kristen Matthews

MS 1105

FROM:

Edward Adams, Director,

Public Works

DATE:

September 22, 2005

SUBJECT: Case No. 06-126 SPHA

Floodplain Setback Waiver (Design Manual Plate D-19)

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

The waiver requests permission to reduce the setback from the 100-year riverine floodplain and one-foot freeboard line to zero feet.

Due to the limited size of the lot, this office requested a precise delineation of the floodplain area in accordance with DPW regulations for floodplain studies, and this was provided by the applicant's engineer. The proposed dwelling is located outside of the 100year riverine floodplain area but we are told the site cannot accommodate the additional space for the floodplain setback due to other constraints. The first floor elevation and basement elevation meet the requirements of Plate D-19 for dwellings located outside of but adjacent to the floodplain.

The front exterior stairway and the driveway are shown on the site plan included in the Flood Study submission as within the 100-year riverine floodplain area. There may be no practical way to relocate them. Since the proposed dwelling is surrounded by steep slopes and a retaining wall to the sides and rear, the dwelling would be inaccessible during a flood event.

The site plan included with the floodplain study indicates a line denoted with bearings and distances bounding on an area indicated as "100 year floodplain reservation area". This boundary line should be used to define the limit of the zero-foot setback from the floodplain freeboard line only. The area is not to be dedicated to Baltimore County for maintenance purposes and should remain a part of the privately owned lot.

To summarize, this department prefers to not give a positive approval recommendation to construction activity in riverine floodplain areas. Grading and building proposals should observe floodplain setback restrictions. Nevertheless, I find that the applicant has taken sufficient measures in this case to assure there will be no adverse impact offsite should the waiver be granted. Further, the waiver appears to request the minimum relief necessary to allow a dwelling to be constructed on the site. Therefore I take no exception to approval of this waiver request.

ECA/DLT/s

CC: John Joyce, State Coordinating Office, Maryland Department of Natural Resources; William J. Wiseman, III, Zoning Commissioner; Dennis Kennedy, Chief, Development Plan Review Bureau; Sheldon Epstein, Chief, Storm Drain Design (attn. Terry Curtis); Peter Max Zimmerman, Peoples Counsel; Richard Truelove.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



OCT 1 8 2005

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

R. Bruce Seeley My

DATE:

October 18, 2005

SUBJECT:

Zoning Item # 06-126

Address

1403 Boyce Avenue

Church of Good Shepherd

Zoning Advisory Committee Meeting of September 19, 2005

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

This Department has worked with a developer for a number of years on this project. Prior to any development or building, the owner must apply for a variance to the regulations listed above.

The Department of Environmental Protection and Resource Management recommends that no Zoning Variances be approved until the environmental issues are resolved.

Reviewer:

Dave Lykens

Date: October 18, 2005

S:\Devcoord\ZAC06-126.doc

RE: PETITION FOR SPECIAL HEARING AND VARIANCE

1403 Boyce Avenue; S/side Boyce Avenue,

437' W c/line Carrollton Avenue

9th Election & 2nd Councilmanic District

Legal Owner(s): The Vestry of the Church

of the Good Shepherd

Contract Purchaser(s): Christopher M. Garliss

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-126-SPHA

* * * * * * * * *

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/

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 15th day of September, 2005, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr, Esquire, Covahey, Boozer, Devan & Dore, P.A., 614 Bosley Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

SEP 1 2005

RECEIVED

D--

People's Counsel for Baltimore County

PETER MAX ZIMMERMAN

SEP 1 5 2005

Per Um

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 17, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

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

SUBJECT:

1403 Boyce Avenue

INFORMATION:

Item Number:

6-126

Petitioner:

The Vestry of the Church of Good Shepherd

Zoning:

DR 2

Requested Action: Special Hearing and Variance

The property in question, 1403 Boyce Avenue, is within the Ruxton Riderwood Lake Roland Design Review area. The Design Review Panel reviewed the proposed new construction for a single family dwelling with attached garage on October 11, 2005. The panel recommended a continuance for revised architectural elevation drawings, which accurately depict the proposed new construction to be submitted. See attached DRP minutes for additional information.

In addition, the petitioner must demonstrate hardship or practical difficulty in accordance with Section 307 and must comply with Section 500.7 of the Baltimore County Zoning Regulations.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning reviewed the petitioner's request and recommends that the Zoning Commissioner's order be held in abeyance until the DRP meets to complete its review.

Furthermore, if the variance and special hearing are granted in the future, the following condition should be placed in the Zoning Commissioner's order:

Pursuant to Section 32-4-203 of the Baltimore County Code, the DRP comments are binding upon the Zoning Commissioner and the county agencies. The site plan, architectural elevation drawings, and retaining wall details must comply with all DRP comments

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

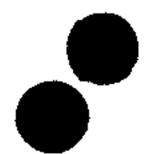
Prepared by:

Division Chief:

AFK/LL: CM Attachment Prepared by: Julis Juriae

Division Chief:

AFK/LL: CM Attachment





DATE: October 17, 2005

PECEVED

ZONING CCMM/SSIONER

BALTIMORE COUNTY, MARYLAND

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Cuetes

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE CORRESPONDENCE

DESIGN REVIEW COMMENTS

TO:

Timothy M. Kotroco

DATE: October 17, 2005

Department of Permits and Development

Management

FROM:

Lynn Lanham, Coordinator

Design Review Panel

SUBJECT:

Minutes - Design Review Panel Meeting (October 11, 2005)

PROJECT NAME: 1403 Boyce Avenue

PROJECT#: 463

PROJECT TYPE: Residential (Ruxton/Riderwood)

DESIGN REVIEW PANEL MEMBERS IN ATTENDANCE:

Geoffrey Glazer, Dean Hoover, Magda Westerhout, Derrick Burnett, James Cahn

PROJECT DESCRIPTION:

The site is an unimproved .54 gross acre lot of record, zoned DR2 and known as 1403 Boyce Avenue. It is owned by the Church of the Good Shepherd and under contract for purchase by Christopher Garliss, Highpoint Homebuilders, Inc.

Mr. Garliss gave a brief overview of the project presenting the site plan, architectural elevation drawing, building materials' samples and artists sketch. The applicant's plans show a traditional colonial style 2-story single-family dwelling fronting on Boyce Avenue, complete with an attached garage with cupola and a rear terrace. The home will be built with handmade bricks, slate roof, copper gutters and downspouts and a bluestone chimney to incorporate many different architectural styles. The material samples were submitted to the panel. Fully functional raised panel shutters are proposed with Andersen windows with an architectural grid. The proposed driveway will tie into the existing driveway used by the rectory. A retaining wall will be needed in the rear yard.

The applicant indicated he had met with the adjacent neighbors to discuss the proposed new construction and wanted to incorporate suggestions from the DRP.

A zoning variance has been requested, Case No. 06-126spha for a front yard setback of 45 feet in lieu of the required average front setback of 52.5 feet and a special hearing for a 0 foot setback from the 100 year floodplain and a 1 foot freeboard setback in lieu of the

required 20 feet in a riverine floodplain. It is scheduled for a hearing before the Zoning Commissioner on 10/19/05 at 11:00am. The Office of Planning will comment on the average front setback variance and will defer to the Department of Public Works on the special hearing as this is a waiver to Public Works standards as described in the Developer's Plan Review Policy Manual and in the Building Code.

DESIGN REVIEW PANEL COMMENTS:

The panel members shared a few of their comments and concerns as follows.

Mr. Hoover expressed his concerns that all of the pictures submitted of the existing site conditions showed the home from the front and didn't show the back of the lot, where most of the grading will be done.

Mr. Glazer commented on the fact that the elevation drawing is vastly different from the artist's sketch. For example the elevation drawing showed coined corners on the brick, but the applicant explained that he would no longer use them. A water table, which he wanted to include, was not indicated. The panel has the expectation that all plans that are mailed to the panel are the plans that will be reviewed. He noted that the building's scale and proportion was much better on the artist's sketch. He would like to see revisions made to the plans reflecting accurate elevation drawings and community input towards the plans.

Mr. Cahn then expressed his concerns over the community involvement in the project. He explained how modifications were made to the plans that were not communicated to the community. Mr. Cahn also indicated that more information was needed on the retaining wall details, such as materials and height.

After hearing some comments from a few community members, Mr. Glazer again brought up the need for the retaining wall to be designed with neighborhood safety in mind.

DISPOSITION:

James Cahn made a motion to review the revised final plans again at the next regularly scheduled meeting of the DRP. These plans should include revised elevations of all sides that accurately reflect what is being proposed, retaining wall detail and heights (top and bottom of wall). The applicant was asked to review the plans with the community to gather further input.

The motion was seconded by Dean Hoover and approved by acclamation.

Note: Revised plans should be submitted to the Office of Planning prior to October 26, 2005 for mailing. The next DRP meeting is scheduled for November 9, 2005. This item will be scheduled for 6:00 p.m.

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DATE: October 17, 2005

Department of Permits and Development

Management

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Lynn Lanham, Coordinator

Design Review Panel

SUBJECT:

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Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive William J. Wiseman III, Zoning Commissioner

October 19, 2005

Edward C. Covahey, Jr., Esquire Covahey, Boozer, Devan & Dore, P.A. 614 Bosley Avenue Towson, Maryland 21204

Richard C. Burch, Esquire 401 Washington Avenue, Suite 900 Towson, Maryland 21204

Very truly yours,

Zoiling Commissioner

for Baltimore County

LAM I WISEMAN, III

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE S/S Boyce Avenue & 437' W of the c/l Carrollton Avenue (1403 Boyce Avenue) 9th Election District – 2nd Council District The Vestry of the Church of the Good Shepherd – Petitioner Case No. 06-126-SPHA

Gentlemen:

This letter is to confirm that the above-captioned matter was continued in open hearing this date, due to lack of sufficient time to present all issues relative to this case. By agreement of all parties, the matter has been scheduled for further proceedings on Tuesday, December 20, 2005 at 9:00 AM in Room 407 of the County Courts Building. Please advise your respective clients/ witnesses of the date, time and location of the continued hearing

In the meantime, should you have any questions on the subject, please do not hesitate to call me.

WJW:bis

cc: Mr. Chris Garliss, 500 Pond View Lane, Cockeysville, Md. 21030

Mr. & Mrs. William Mangels, 1901 Eastland Road, Baltimore, Md. 21204

Mr. & Mrs. Robert Stewart, 1401 Boyce Avenue, Towson, Md. 21204

Mr. Tom George, 7807 Overbrook Road, Ruxton, Md. 21204

Ms. Kim Dale, 7811 Overbrook Road, Ruxton, Md. 21204

Virginia Barnhart, Esquire, 622 Coventry Place, Towson, Md. 21204

Ms. Tracey McCarthy, 1407 Boyce Avenue, Ruxton, Md. 21204 Mr. Harry L. Gormley, 1405 Ruxton Road, Towson, Md. 21204

Mr. Herbert A. Davis, c/o Prudential Carruthers, 1447 York Rd., Lutherville, Md.

Mr. Ed Taylor, 1406 Locust Avenue, Ruxton, Md. 21204

Ms. Brook Yearley, 7821 Chelsea Street, Baltimore, Md. 21204

Mr. George Grose, 1412 Labelle Avenue, Ruxton, Md. 21204

Ms. Hans Fristedt, 1202 Carrollton Avenue, Towson, Md. 21204

Mr. Neil Meyerhoff, 9 Meadow Road, Baltimore, Md. 21212

People's Counsel; Case/File



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





Bill Wiseman - Case 06-126 1403 Boyce Ave

From:

David Thomas

To:

Wiseman, Bill

Date:

10/25/2005 8:43:42 AM

Subject: Case 06-126 1403 Boyce Ave

Bill,

First, thanks for getting me out of the hearing early. I appreciate the consideration, even if I get recalled later.

How did the hearing go - did it get resolved or will it be continued?

Also, one item that I thought was a little scary: Richard Burch cited 32.4.107(a) (1) where it says that waivers are requested by a department director. I assume that since all waivers are processed through the Department of Permits and Development Management, they are "requested" by the Director of PDM when forwarded to you. Otherwise, I've never heard of this provision being observed in the development process. Since I'm a little out of the development mainstream, I'm not sure how this is handled, but I would be curious to know if there is a problem here. If so, I can make sure our memos to you include a request for waiver from Ed Adams.

Thanks,

Dave Thomas

David L. Thomas **Baltimore County DPW** (410) 887-3984





Bill Wiseman - Case 06-126 SPH (1403 Boyce Ave.)

From:

David Thomas

To:

Wiseman, Bill

Date:

12/19/2005 9:18:46 AM

Subject:

Case 06-126 SPH (1403 Boyce Ave.)

CC:

Adams, Edward

Bill,

I got a call from Ed Covahey this morning telling me that the subject floodplain setback waiver case had been cancelled. He said that his client had lost the contract of sale, and apparently the church sold the property in question to one of the community members protesting the case.

Unless I hear otherwise from your office, I'll assume the case is closed.

Thanks,

Dave Thomas

David L. Thomas Baltimore County DPW (410) 887-3984

T-075 P.01/01 F-679

COVAHEY, BOOZER, DEVAN & DORE, P. A.

ATTORNEYS AT LAW 614 BOSLEY AVENUE TOWSON, MARYLAND 21204

410-828-9441

FAX 410-823-7530

ANNEX OFFICE SUITE 302 606 BALTIMORE AVE. TOWSON, MD 21204 410-828-5525 FAX 410-296-2131

EDWARD C. COVAHEY, JR. P. VERNÓN BODZER * MARK S. DEVAN THOMAS P. DORE MICHAEL T. PATE BRUCE EDWARD COVAHEY JENNIFER MATTHEWS HERRING YONA OPENDEN FRANK V. BOOZER, JR.

*ALSO ADMITTED TO D.C. BAR

December 19, 2005

VIA FAX - 410-887-5708

Baltimore County DPPM 111 W. Chesapeake Avenue Towson, Maryland 21204

From-COVAHEY & PO

Attn: Kristen

Re: Case Number: 06-126-SPHA

1403 Boyce Avenue

Hearing Date: December 20, 2005

Dear Kristen:

This is to confirm that the Applicants are dismissing the variance request and waiver as filed in the above-captioned in that the owner of the property has negotiated a sale of same to one of the protestants.

Thanks.

Merry Christmas.

Very truly yours,

Edward C. Covahey, Jr.

ECC,Jr./idr 1219ldr01

cc: Richard Burch, Esq. (Via Fax)



Start: 220 Bosley Ave

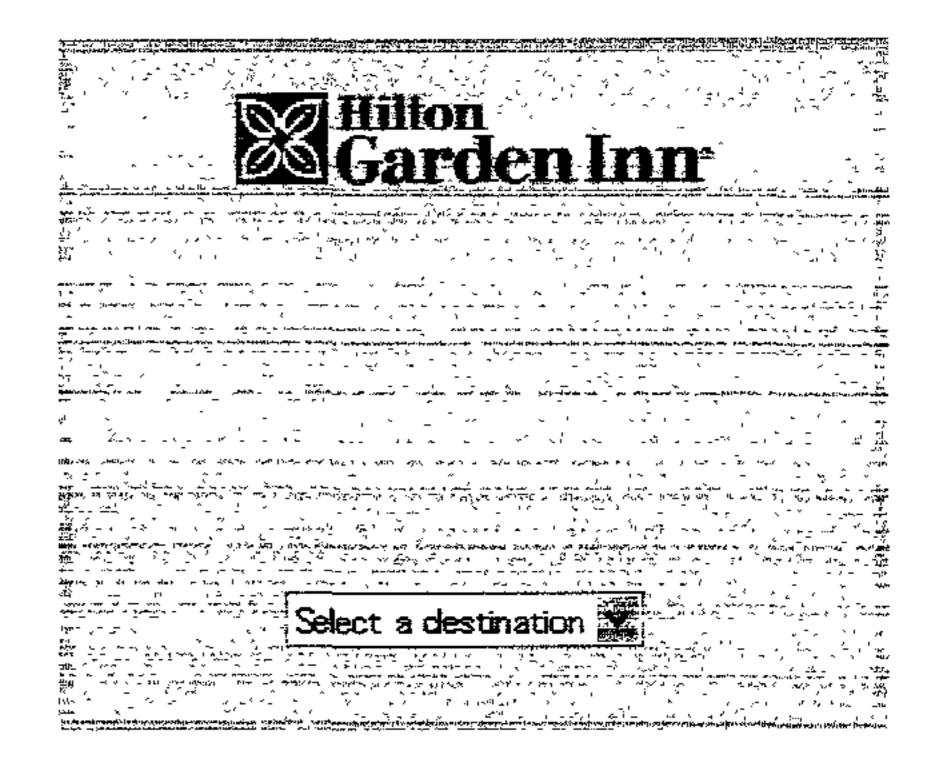
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End: 1403 Boyce Ave

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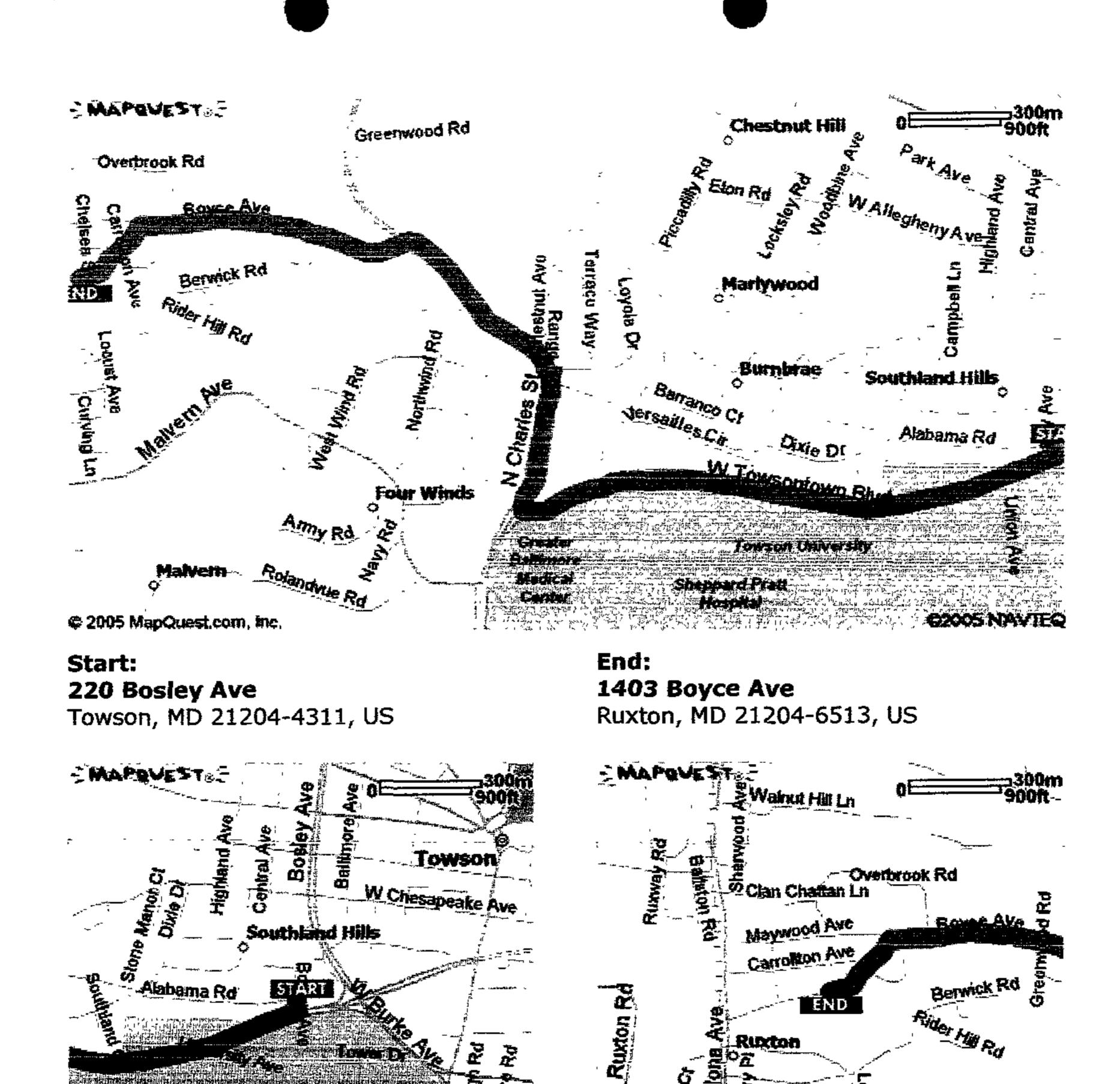


| Directions | Distance |
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| Total Est. Time: 6 minutes Total Est. Distance: 2.27 miles | |
| 1: Start out going SOUTH on BOSLEY AVE toward W TOWSONTOWN BLVD. | <0.1 miles |
| 2: Turn RIGHT onto W TOWSONTOWN BLVD. | 0.9 miles |
| 3: Turn RIGHT onto N CHARLES ST / MD-139 N. | 0.6 miles |
| 4: Turn LEFT. | <0.1 miles |
| 5: Turn SLIGHT RIGHT onto BOYCE AVE. | 0.6 miles |
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Total Est. Time: 6 minutes Total Est. Distance: 2.27 miles

6: End at 1403 Boyce Ave

Ruxton, MD 21204-6513, US



These directions are informational only. No representation is made or warranty given as to their content, road conditions or route usability or expeditiousness. User assumes all risk of use. MapQuest and its suppliers assume no responsibility for any loss or delay resulting from such use.

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CITIZEN'S SIGN-IN SHEET

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CITIZEN'S SIGN-IN SHEET

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PETITIONER'S SIGN-IN SHEET

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EY & BOOZER

T-075 P.01/01 F-679

COVAHEY, BOOZER, DEVAN & DORE, P.A.

ATTORNEYS AT LAW 614 BOSLEY AVENUE TOWSON, MARYLAND 21204

EDWARD C. COVAHEY, JR. P. VERNON BOOZER # MARK S. DEVAN THOMAS P. DORE MICHAEL T. PATE BRUCE EDWARD COVAHEY UNINAMENT HOTTHEWS HERRING YONA OPENDEN FRANK V. BOOZER, JA.

410-222-2441

FAX 4(0-843-7530

ANNEX OFFICE Suite 302 GOS BALTIMORE AVE. TOWSON, NO 21204 410-828-E558 FAX 410-296-8131

Palso admitted to d.C. Tak

December 19, 2005

VIA FAX - 410-887-5708

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Attn: Kristen

Re: Case Number: 06-126-SPHA

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ECC,Jr./Idr 1219\dr01

cc: Richard Burch, Esq. (Via Fax)

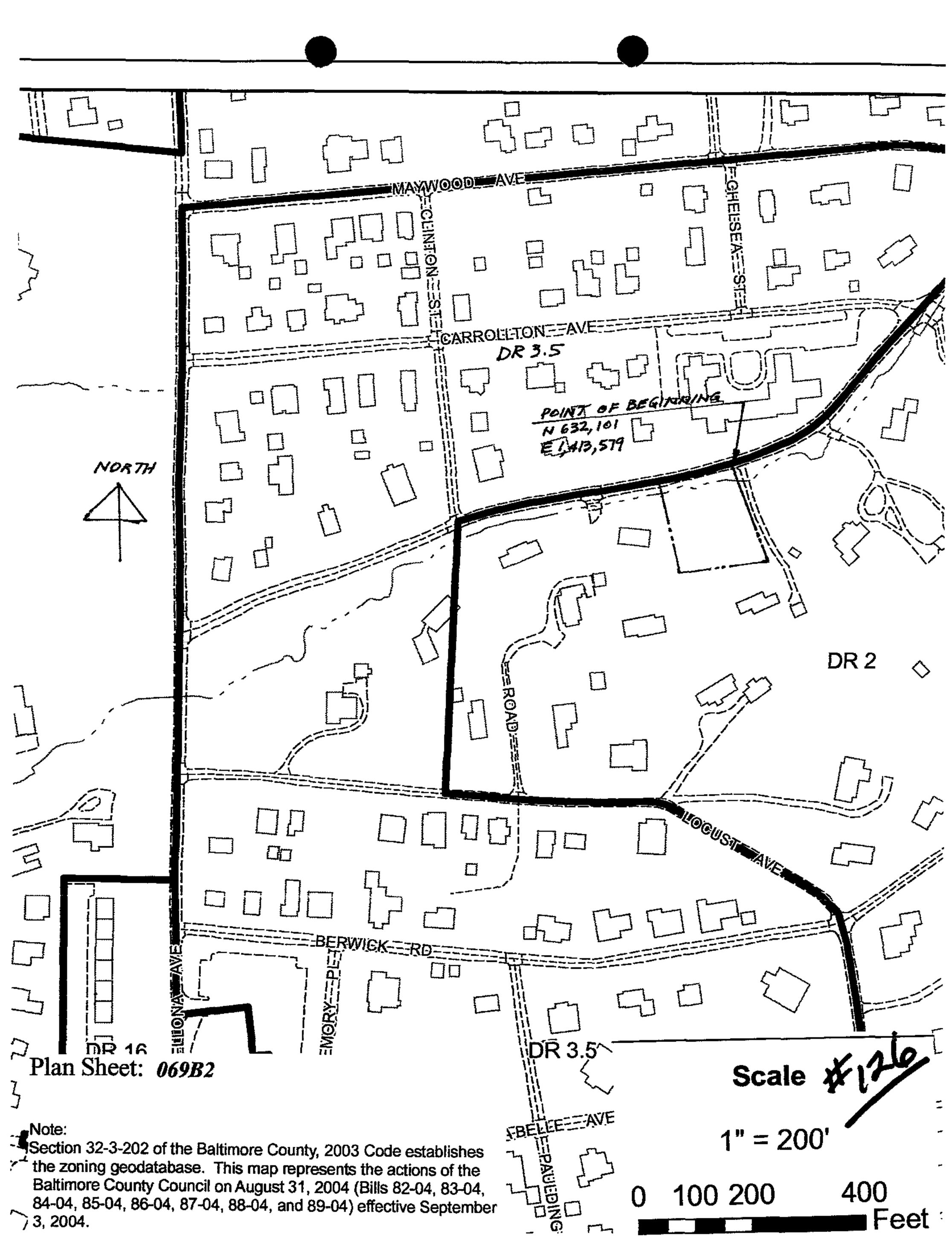
Case No.: 06-126 SPH A

Exhibit Sheet

Petitioner/Developer

Protestant

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| No. 1 | Site Accompanyone Petution | |
| No. 2 | 10-18-05 AMENDED 5ite PLA | |
| No. 3 | Edward Adams MEMO 9/22/05 | |
| No. 4 | Linding of Proposed (SED) | |
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| No. 6 | 3 Photographs - | |
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BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

RECEIVED SEP 2 3 2005

TO:

Timothy Kotroco, Director,

Permits & Development Management

ATTN:

Kristen Matthews

MS 1105

FROM:

Edward Adams, Director,

Public Works

DATE:

September 22, 2005

SUBJECT: Case No. 06-126 SPHA

Floodplain Setback Waiver (Design Manual Plate D-19)

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says," In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

The waiver requests permission to reduce the setback from the 100-year riverine floodplain and one-foot freeboard line to zero feet.

Due to the limited size of the lot, this office requested a precise delineation of the floodplain area in accordance with DPW regulations for floodplain studies, and this was provided by the applicant's engineer. The proposed dwelling is located outside of the 100year riverine floodplain area but we are told the site cannot accommodate the additional space for the floodplain setback due to other constraints. The first floor elevation and basement elevation meet the requirements of Plate D-19 for dwellings located outside of but adjacent to the floodplain.

The front exterior stairway and the driveway are shown on the site plan included in the Flood Study submission as within the 100-year riverine floodplain area. There may be no practical way to relocate them. Since the proposed dwelling is surrounded by steep slopes and a retaining wall to the sides and rear, the dwelling would be inaccessible during a flood event.

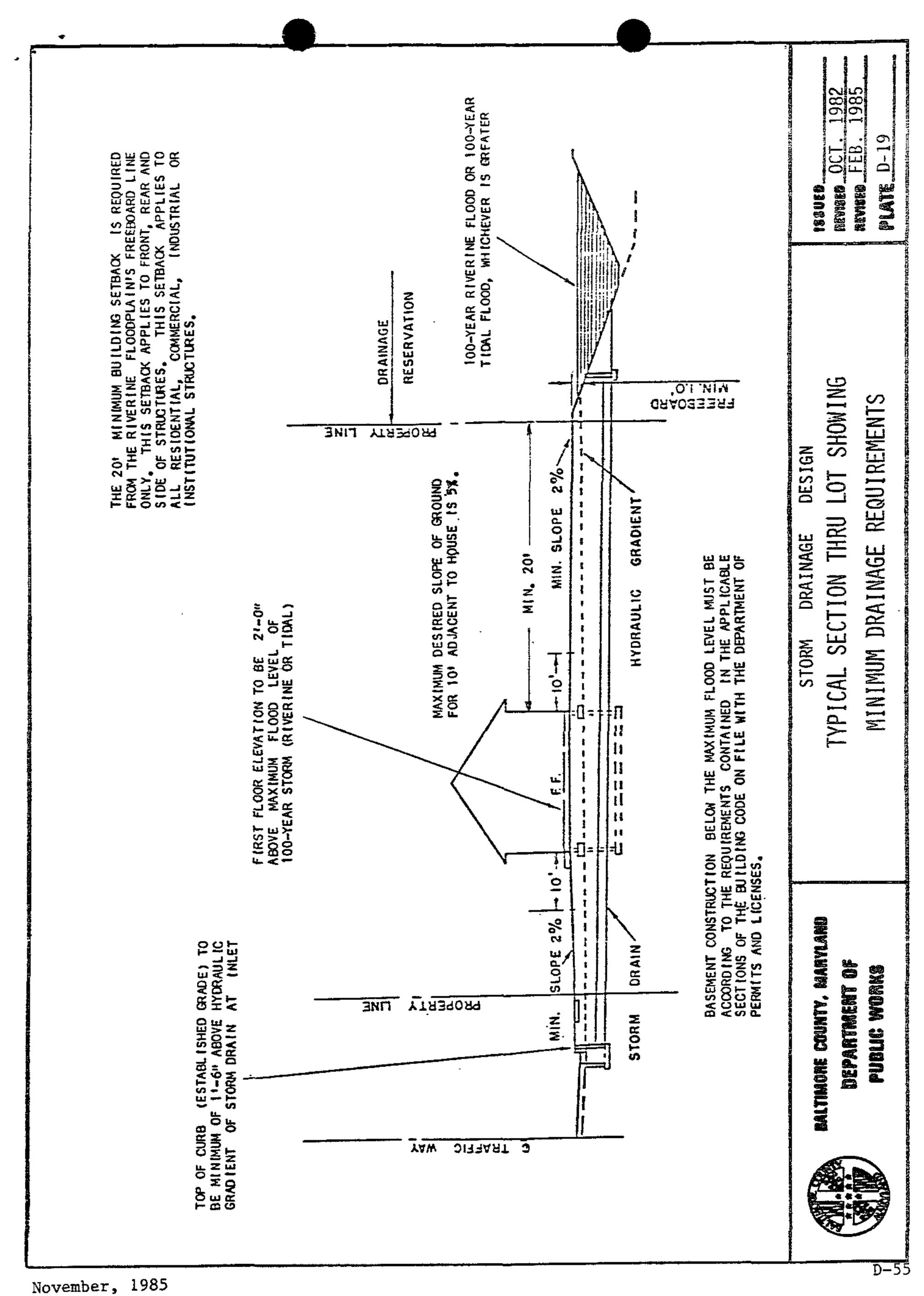
PETITIONER'S

The site plan included with the floodplain study indicates a line denoted with bearings and distances bounding on an area indicated as "100 year floodplain reservation area". This boundary line should be used to define the limit of the zero-foot setback from the floodplain freeboard line only. The area is not to be dedicated to Baltimore County for maintenance purposes and should remain a part of the privately owned lot.

To summarize, this department prefers to not give a positive approval recommendation to construction activity in riverine floodplain areas. Grading and building proposals should observe floodplain setback restrictions. Nevertheless, I find that the applicant has taken sufficient measures in this case to assure there will be no adverse impact offsite should the waiver be granted. Further, the waiver appears to request the minimum relief necessary to allow a dwelling to be constructed on the site. Therefore I take no exception to approval of this waiver request.

ECA/DLT/s

CC: John Joyce, State Coordinating Office, Maryland Department of Natural Resources; William J. Wiseman, III, Zoning Commissioner; Dennis Kennedy, Chief, Development Plan Review Bureau; Sheldon Epstein, Chief, Storm Drain Design (attn. Terry Curtis); Peter Max Zimmerman, Peoples Counsel; Richard Truelove.



THIS DEED, Made this 23 day of September, in the year one thousand nine hundred and sixty-eight, by and between JOHN P. CRIBBEN and CLAIRE E. CRIBBEN, his wife, of Baltimore County, State of Maryland, of the first part, Grantors, and THE VESTRY OF THE CHURCH OF THE GOOD SHEPHERD, RUXTON, a corporation of the State of Maryland, of the second part, Grantee.

Dollars (\$5.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Grantors do hereby grant, assign and convey unto the said Grantee, its successors and assigns, in fee simple, all that lot or parcel of ground as shown on a survey by S. J. Martenet & Co. dated July 31, 1968, and described as follows, that is to say:

BEGINNING for the same at the end of first line of the first parcel of land described in a Deed dated October 27, 1967 from Stratford E. McKenrick and Keith Price McKenrick, his wife, to The Vestry of The Church of The Good Shepherd, Ruxton, and recorded among the Land Records of Baltimore County in Liber O.T.C. No. 4819, folio 359 etc.; said point of beginning being also at a point in the second line of the land described in a Deed dated January 5, 1968 from George W. Coward, Jr. to John P. Cribben and Claire E. Cribben, his wife, and recorded among the said Land Records in Liber O.T.C. No. 4839, folio 405 etc., distant 155.63 feet Southeasterly from the beginning of said second line and thence binding reversely on the second line, first line, last line and part of the seventh line of the land described in said Deed to the Cribbens, the four following courses and distances, as now surveyed, to wit: (1) North 8 degrees, 25 minutes and 40 seconds West 155.63 feet; (2) North 51 degrees, 47 minutes and 40 seconds West 9.50 feet to the center line of Boyce Avenue, thence binding on the center line of Boyce Avenue; (3) North 75 degrees, 26 minutes and 20 seconds East 105.5 feet; and (4) North







TRANSFER TAX NOT REQUIRED

Norman W. Wood Director of Finance

9-45-48

Per: Cliving III A Joelln
Authorized Bignature
(Leo 6 Sec. 12 A)

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70 degrees, il minutes and 20 seconds East 30.08 feet; thence Leaving the center line of Boyce Avenue and running for lines of division now made South 18 degrees, 11 minutes and 40 seconds East 170.28 feet to intersect a prolongation to the Northeast of the second line of the land described in the Deed first hereinabove mentioned to The Vestry of The Church of The Good Shepherd and thence binding reversely on the line so prolongated. South 77 degrees, 19 minutes and 20 seconds West 157.23 feet to the beginning.

Containing 23,670 square feet of land, more or less, or 0.543 Acres of land, more or less.

The courses in the above description are referred to the True Meridian established by the Metropolitan District of Baltimore County.

BEING a part of all of that parcel of land described in a Deed dated January 5, 1968 from George W. Coward, Jr. to John P. Cribben and Claire E. Cribben, his wife, and recorded among the Land Records of Baltimore County in Liber O.T.C. No. 4839, folio 405 etc.

TOGETHER with the buildings and improvements thereon; and all the rights, alleys, ways, waters, privileges,
appurtenances and advantages to the same belonging or in any
way appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises unto and to the use of the said THE VESTRY OF THE CHURCH OF THE GOOD SHEPHERD, RUXTON, its successors and assigns, in fee simple forever, subject, however, to the following restrictions:

1. The property herein conveyed shall be bound by and subject to the following restrictive covenant which shall run with the land for a period of five years from the date hereof until September 23, 1973, and shall thereupon automatically terminate and expire: During said five year period, no off-street parking lot and no improvements of any kind shall be erected or maintained on the property herein conveyed other than a single family residence of not over one and one-half stories in height; provided however, that this restriction may be waived by a document in writing signed by the said Grantors, or their heirs or assigns.

2. After said five year period, in the event the said property is improved for purposes of an off-street parking lot, the southernmost boundary of the property shall be screened with evergreen planting of a variety or varieties which shall initially be between four feet and eight feet high and which, when mature, shall not be permitted to grow over ten feet high; and the said Grantors hereby reserve for their own personal use and benefit, and not for the benefit of their heirs or assigns, the right to enter the property herein conveyed in order to plant the aforesaid screening should it not be planted by the said Grantee, and in order to maintain said screening at no more than ten feet high should it not be so maintained by the said Grantee. The covenants, rights and privielges set forth in this paragraph 2 shall automatically terminate and expire fifteen years from the date hereof on September 23, 1983.

3. And said Grantors do hereby reserve for themselves, their heirs and assigns, a certain right-of-way for the sole purpose of providing water and sewer service to the property being reserved by the said Grantors, which said right-of-way shall run in and through the property herein conveyed, beginning at the connections of the existing water pipe and sewer line with the public water line and sewer line in the bed of Boyce Avenue and thence running in and through the property herein conveyed to the property being reserved by the said Grantors, and the said Grantors do hereby covenant and agree for themselves, their heirs and assigns, that they, at their own sole cost and expense, will maintain the said existing water pipe and sewer line in good repair and condition, and free of all nuisance. The said Grantors do further agree that the said Grantee, its successors and assigns, shall have the right to construct an off-street parking lot on or over the said right-of-way, but that in the event that buildings or similar structures shall be erected in, on or over the said right-of-way, or in the event the property shall be excavated and the grading changed so as to expose the said water pipe to danger of frost, then in any of such events, the said water pipe and sewer line shall be relocated, at the cost of the said Grantee, so that they do not lie within the building lines of any building or structure erected on the property and so that the water pipe and sewer line do not lie within three feet and two and one-half feet, respectively, of the surface of the property after improvements are made to the same.



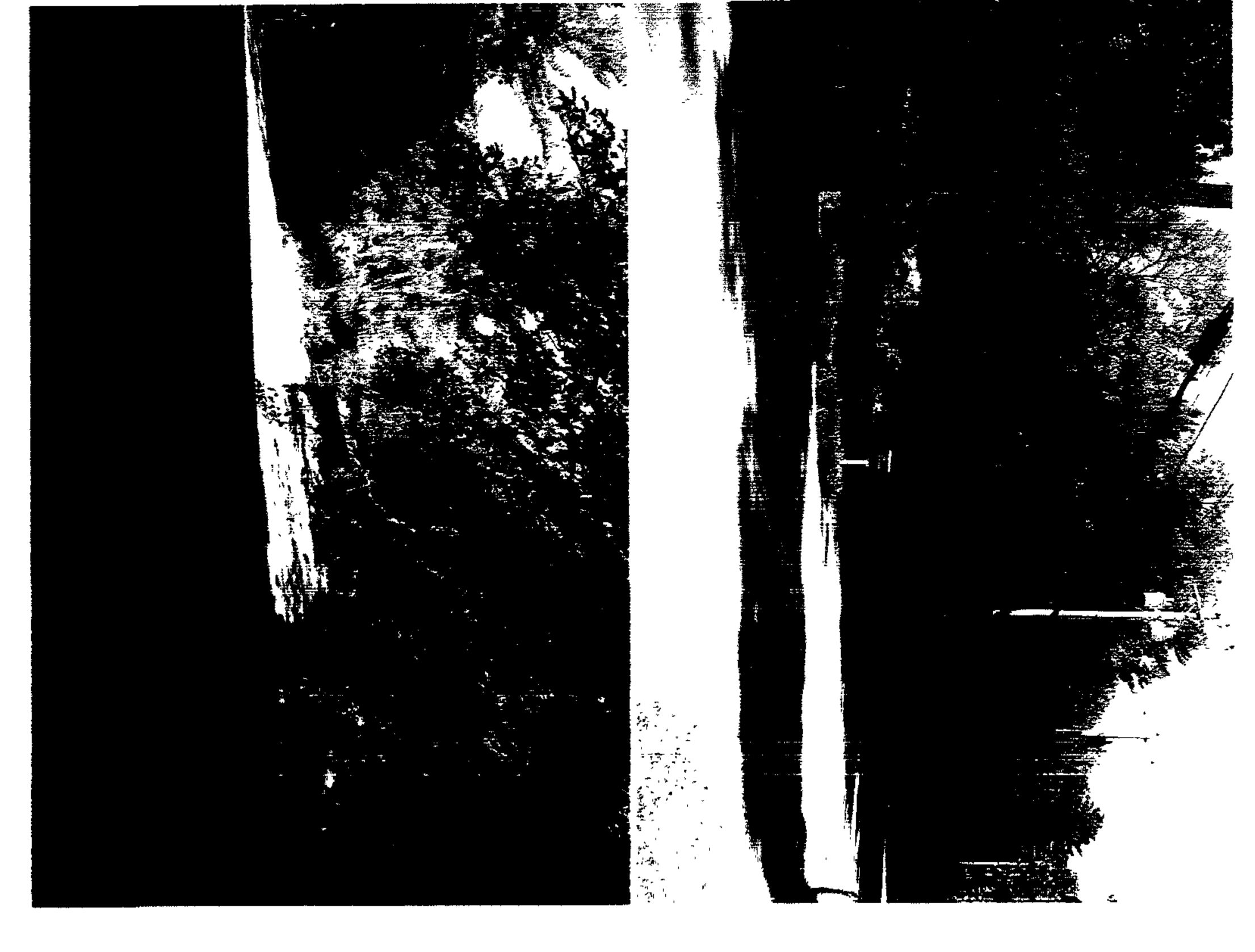






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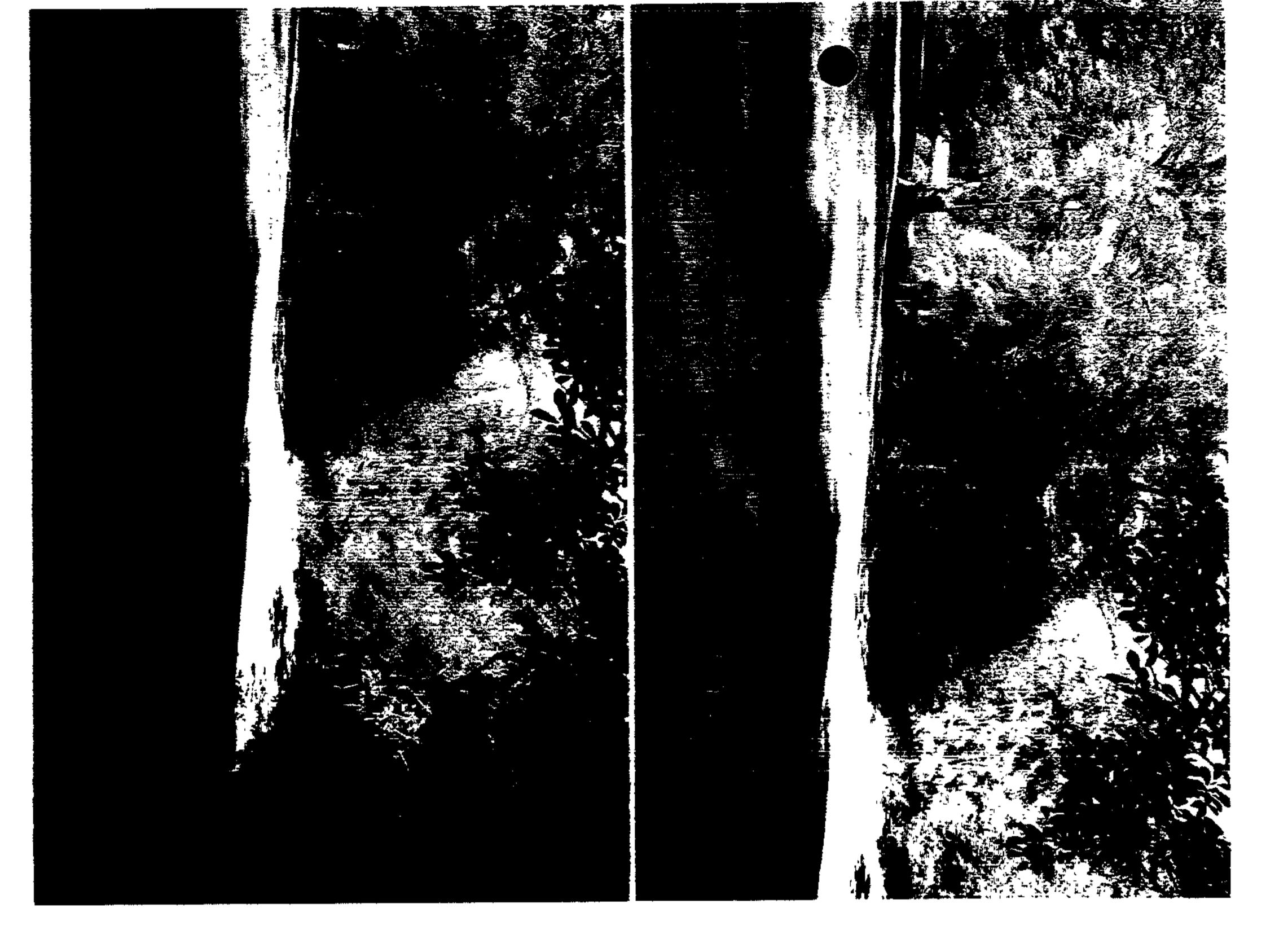






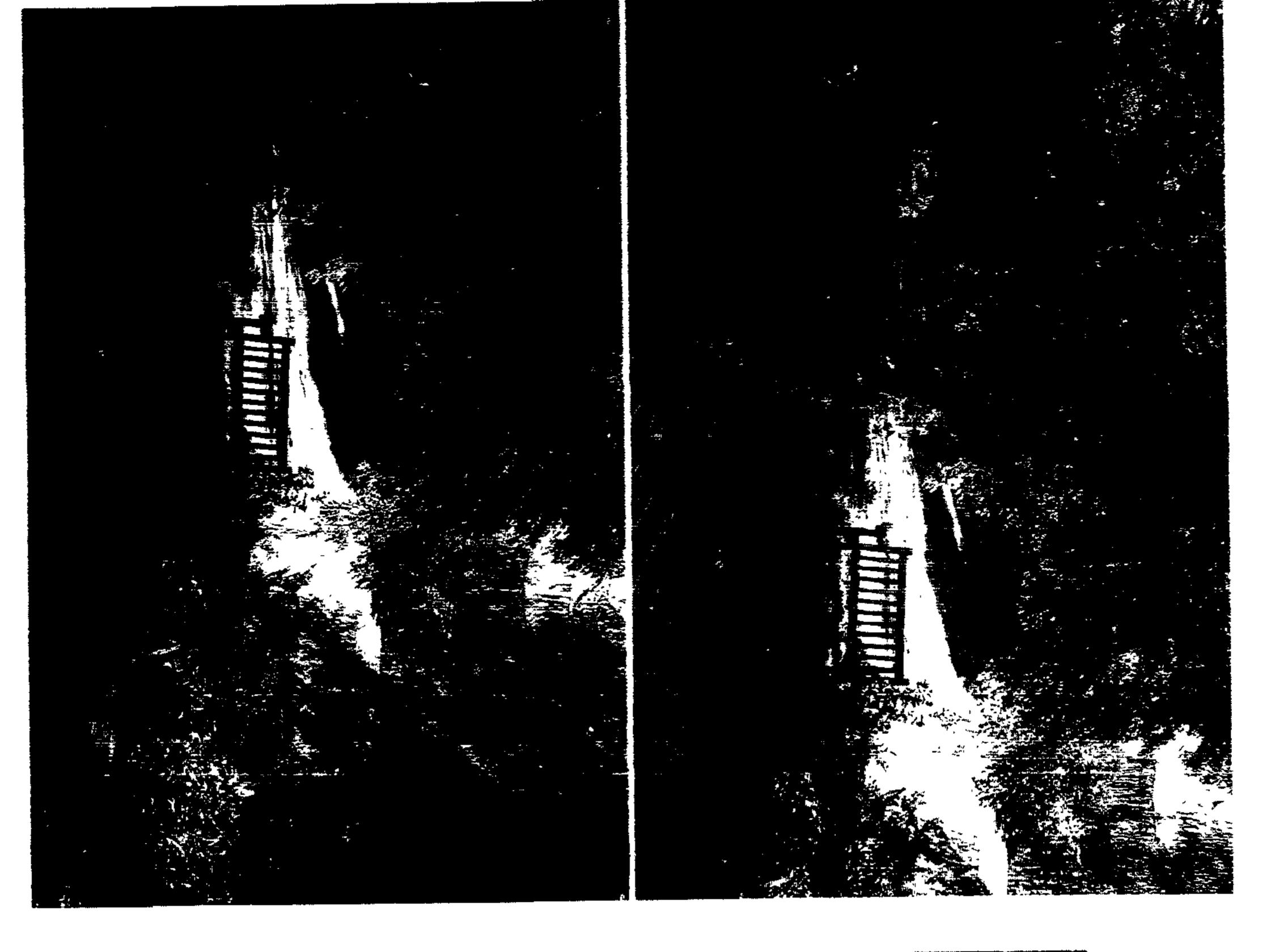



















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