IN RE: PETITION FOR SPECIAL HEARING W/S of Cuba Road, 700' N of

Miller Road

244 Cuba Road)

8th Election District

3rd Council District

Brett Austin Petitioner

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 06-174-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 owner of the subject property, Brett Austin. The Petitioner requests a special hearing to approve access to the local street (Cuba Road) through the existing right-ofway, which is 40 feet wide and approximately 650 feet long, in lieu of the required in-fee strip, pursuant to Section 32-4-409(c) of the Baltimore County Code, for a proposed 2 lot minor subdivision. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing and testifying on behalf of the Petitioner was Deborah Dopkin, Petitioner's attorney, Bernadette Moskunas with Site Rite Surveying, Inc., the consultants who prepared the site plan for this property, and Brian McComas, site developer. Appearing as interested Citizens/Protestants were John Schwatka, Patricia Fowler, Steven Mrozinski, Paul Schlitz, and David Schwatka.

Testimony and evidence offered disclosed that the subject property is a landlocked parcel situated at the end of a panhandle driveway located on the west side of Cuba Road, between Worthington Heights Parkway and Miller Road in northern Baltimore County. The property contains a gross area of 4.8 acres, more or less, zoned RC2 and is presently unimproved. The property's only access to a County right of way (Cuba Road) is a 650-foot use in common right-of-way/driveway. This 40-foot easement also provides access to two other dwellings and

FILING JANUER RECKIVED FOR several unimproved but potentially buildable lots. The Petitioner is desirous of subdividing the subject 4.8-acre parcel to create two building lots for proposed single-family dwellings, by way of the minor subdivision process. The proposed lots and dwelling orientations are shown on the site plan marked as Petitioner's Exhibit 1. At issue in the instant case is not whether the property contains the necessary acreage required for two dwellings, but whether the proposed 40-foot use in common access meets the spirit and intent of the pertinent County regulations. Specifically, whether the proposed lots can utilize the existing common right-of-way for access to Cuba Road in lieu of the in-fee access required by the Baltimore County Code.

David Schwatka, a neighbor and Protestant, testified to his concerns regarding a spring adjacent to the proposed development area that he fears will be adversely affected by the proposed development. He indicated that he is concerned that the grading and development of the subject parcel, as well as the anticipated paving of the subject driveway, will have a deleterious effect on the spring, which he testified is clean enough to drink. He also voiced concern regarding water runoff after the development is completed. Other interested residents testified regarding similar concerns, including future upkeep of the right-of-way and the number of proposed dwellings. Their testimony has been noted and considered in my deliberation of the issues presented.

Brian McComas, the Developer of the subject property, testified in response to the concerns raised by the community. He indicated that if the access is approved to permit the proposed subdivision, he would repave the existing driveway with macadam 16 feet wide. He testified that he will also plant Cleveland Pear trees along the entire length of the driveway, provided he receives the permission of those property owners that adjoin the right of way to plant on their property. He also testified that he would be willing to enter into a use in common maintenance agreement/covenant for the future upkeep of the driveway, and Petitioner's attorney agreed to provide a draft of any agreement that could be reached between the parties concerned.

The BCC indicates that all access to public roads occur via in-fee driveways; however, Section 32-4-409(c) thereof allows access via right-of-way, where same has been established

Protestants that the subject use in common driveway is established and currently in use. Additionally, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. I am therefore of the opinion, after consideration of the testimony and evidence presented, that the requested relief can be granted with appropriate conditions that will address the majority, if not all, of the citizen's concerns.

Therefore, after due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that the proposed access is appropriate in this instance, given the fact that the subject RC-2 parcel cannot be subdivided further and the subject access to it has existed in its present location for many years. However, I do agree with the citizen's concerns regarding future maintenance of the driveway, potential runoff and the concerns about the spring that Mr. Schwatka has identified as being on the property. I will address the items that I have jurisdiction over at the end of this Order in the conditions of approval. I remind all parties, that the minor subdivision review process for the subject two lots remains, which requires the various County Agencies involved in the development review process to determine that the proposed minor subdivision meets all County requirements and regulations. This includes, but is not limited to, the issues raised by the community concerning the spring, runoff and grading. My granting of the relief requested herein does not guarantee that the minor subdivision will be approved.

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

this day of December, 2005 that the Petition for Special Hearing to approve access to the local street (Cuba Road) through the existing right-of-way, which is approximately 650 feet long, in lieu of the required in-fee strip, pursuant to Section 32-4-409(c) of the Baltimore County Code, for the proposed 2 lots, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason this order is reversed, the Petitioner shall be required to return, and be responsible for returning said property to its original condition.
- 2) Within ninety (90) days from the date of this Order, Petitioner shall contact residents who have access to or property adjoining the common driveway and offer at his own expense and with their permission to: A) install 20-foot tall Cleveland Pear trees along both sides of the entire portion of the common lane; and, B) Prepare a covenant (use in common and maintenance agreement) for the said access road, which shall be recorded with the record plat for each of the Petitioner's proposed dwellings.
- 3) The existing use in common right of way shall be repaved with a durable and dustless service, 16 feet in width and capable of supporting emergency apparatus weighing 65,000 lbs. on two axles, and include a turn-around on Petitioner's property. The turn-around shall have not less than a 120-foot outside diameter (35 feet) of roadway to allow the movement of a vehicle with an overall length 49 feet.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this Decision must be made within 30 days of the date of this Order.

WILLIAM JOVISEMAN, III Zoning Commissioner

for Baltimore County

IN THE MATTER OF
THE APPLICATION OF
BRETT AUSTIN - LEGAL OWNER /
PETITIONER FOR SPECIAL HEARING ON
PROPERTY LOCATED ON THE W/S OF
CUBA ROAD, 700' N OF MILLER ROAD
(14340 CUBA ROAD)

8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFC-RE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

* CASE NO. 06-174-SPH

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Patricia Rains Fowler,

Protestant, and an appeal filed by David Schwatka, Protestant, from a decision of the Zoning Commissioner

dated December 2, 2005, in which the requested zoning relief was granted with restrictions.

WHEREAS, the Board is in receipt of a Notice of Dismissal of appeal filed on June 12, 2006, by Curtis C. Coon, Esquire, Counsel for Patricia Rains Fowler, Appellant /Protestant, and a letter of withdrawal of appeal filed on June 14, 2006, by David Schwatka, Appellant /Protestant (copies of which are attached hereto and made a part hereof); and

WHEREAS, said Appellants request that the appeals taken in this matter be withdrawn and dismissed as of June 12, 2006, and June 14, 2006, respectively,

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Wendell Grier

Edward W. Crizer, Jr.

IN THE BOARD OF APPEALS FOR BALTIMORE COUNTY, MARYLAND

*

*

Patricia Fowler

Appellant,

Case Number: 06 – 174 SPH

v.

Brett Austin

Appellee

NOTICE OF DISMISSAL

Ms. Patricia Fowler, by her attorney, Curtis C. Coon and Coon & Cole, LLC, pursuant to an agreement between the parties, hereby dismisses the instant Appeal.

Curtis C. Coon, Esquire Attorney for Appellant Coon & Cole, LLC 305 West Chesapeake Ave. Towon, Maryland 21204

JUN 1 2 2006

BALTIMORE COUNTY
BOARD OF APPEALS

CCC/jba

Cc: Deborah Dopkin, Esquire



Petition for Special Hearing

for the property located at PARCEL 244 Cuba Road

to the Zoning Commissioner of Baltimore County

which is presently zoned <u>RC2</u>

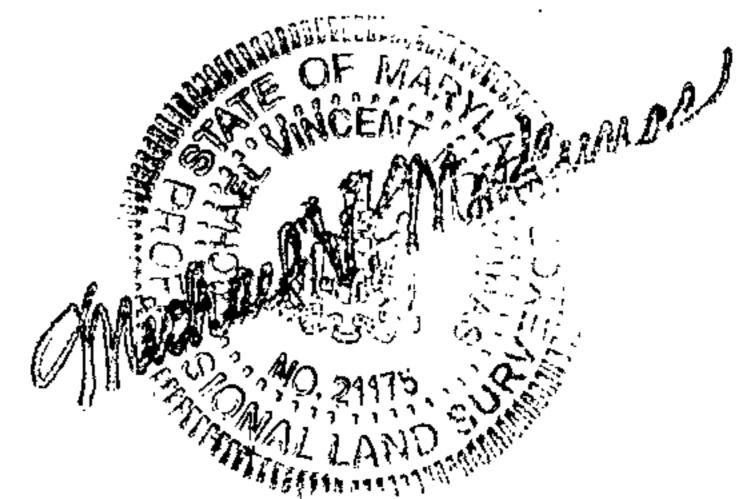
Review	wed By 000 0 9-22:05
East No. 06-174 SPH	UNAVAILABLE FOR HEARING
	ESTIMATED LENGTH OF HEARING
	OFFICE USE ONLY
State Zip Code	Towson MD 21286 City State Zip Code
Telephone No.	Address Telephone No.
Ampany 400 Washington Avenue 200 Mercantile-Towson Bldg (410) 821-0200	Name
(DeborahaC. Dopkin, P.A.	Site Rite Surveying, Inc.
ignature (Maphin	Representative to be Contacted:
lame - Type or Print	Hunt Valley MD 21030 City State Zip Code
Deborah C. Dopkin	Address Telephone No.
State Zip Code Attorney For Petitioner:	Signature 110410 Worthinston Heralts for human 6100 ext 12
Tolephone 140.	Name - Type or Print
Address Telephone No.	
Signature	Signature Signature
Name - Type or Print	Name - Type of Print
**************************************	Legal Owner(s):
Contract Purchaser/Lessee:	is the subject of this Petition.
•	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which
or we, agree to pay expenses of above Special Hearing, advertising toning regulations and restrictions of Baltimore County adopted purs	ig, posting, etc. and further agree to and are to be bounded by the suant to the zoning law for Baltimore County.
Property is to be posted and advertised as prescribed by the ze	oning regulations.
THE PUBLICE-Right-of-WA	TE)
KESIDENTIAL LOTS IN LIEM	OF INTERIOR OF THE TOTAL
DRIVEWAY FOR VENICULAR	ACCIECC
made a part hereof, hereby petition for a Special Hearing u County, to determine whether or not the Zoning Commissioner	r should approve THE USE - IN - COMMON
owner(s) of the property situate in Baltimore County and which	s and Development Management. The undersigned, legal is described in the description and plat attached hereto and

ZONING DESCRIPTION FOR PARCEL 244 #14340 CUBA ROAD

BEGINNING AT A POINT ON THE WEST SIDE OF CUBA ROAD WHICH IS 40 FEET WIDE AT THE DISTANCE OF 700 FEET NORTH OF THE CENTERLINE OF MILLER ROAD WHICH IS 60 FEET WIDE. AS RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY IN DEED LIBER 9358, FOLIO 552 AND RUNNING AND BINDING ALONG \$ 62 DEGREES 10 MINUTES 00 SECONDS W, 52.27 FEET; THENCE N 88 DEGREES 10 MINUTES 00 SECONDS W, 653.27 FEET; THENCE N 04 DEGREES 24 MINUTES 43 SECONDS E, 168.00 FEET; THENCE N 85 DEGREES 21 MINUTES 46 SECONDS W, 747.50 FEET; THENCE N 03 DEGREES 37 MINUTES 51 SECONDS E, 284.86 FEET; THENCE N 84 DEGREES 47 MINUTES 50 SECONDS E, 367.88 FEET; THENCE S 76 DEGREES 46 MINUTES 10 SECONDS E, 126.40 FEET; THENCE S 88 DEGREES 29 MINUTES 10 SECONDS E, 11.00 FEET; THENCE S 31 DEGREES 31 MINUTES 51 SECONDS E, 177.44 FEET; THENCE S 34 DEGREES 06 MINUTES 12 SECONDS E, 223.28 FEET; THENCE S 85 DEGREES 21 MINUTES 46 SECONDS E, 21.63 FEET; THENCE S 04 DEGREES 24 MINUTES 43 SECONDS W, 168.00 FEET: THENCE S 88 DEGREES 10 MINUTES 00 SECONDS E, 636.45 FEET; THENCE N 62 DEGREES 10 MINUTES 00 SECONDS E, 50.32 FEET; THENCE S 27 DEGREES 50 MINUTES 00 SECONDS E, 12.00 FEET TO THE PLACE OF BEGINNING. CONTAINING 4.82 ACRES, MORE OR LESS. ALSO KNOWN AS #14340 CUBA ROAD AND LOCATED IN THE 8TH. ELECTION DISTRICT, 3RD. COUNCILMANIC DISTRICT.

> MICHAEL V. MOSKUNAS PROFESSIONAL LAND SURVEYOR REG. NO. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road Room 101 Towson, MD 21286 410-828-9060



CERTIFICATE OF POSTING

Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Attention: Christen Matthews

Towson, MD 21204

Permits and Development Management

- RE: Case No.: 06-174-A Petitioner/Developer: BRITTAUSTIN Date of Hearing/Closing: Nov. 14, 2005 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 propery located at

Sincerely,

(Month, Day, Year)

14400 CUBAROND

The sign(s) were posted on Oct. 2974 7005

(Signature of Sign Poster and Date)

CARLAGED E. MOORE (Printed Name)

3225 RYERSON CIRCLE

BAUTIMORE, MD, 21227 (City, State, Zip Code)

(Telephone Number)

HOTICE 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: #06-174-SPH
Parcel 244 Cuba Road
Wiside of Cuba Road, 700
toot +/- north of Miller Road
Sth Election District
Style Councilmanic District
Style Councilmanic District
Legal Owner(s): Brett Austin
Special Hearing: to permit
the use-in-common driveway for vehicular access to
two proposed residential
to public right-of-way.
Hearing: Monday, November 14, 2085 at 9:00 a.m.
In Room 407, County
Courts Building, 401
Bosley Avenue, Towson Bastey 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Battimore County
NOTES: (1) Hearings are
Handicapped Accessible;
for special accommodations Please Contact the tions Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or

cerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

OF PUBLICATION

10/27 JEGO

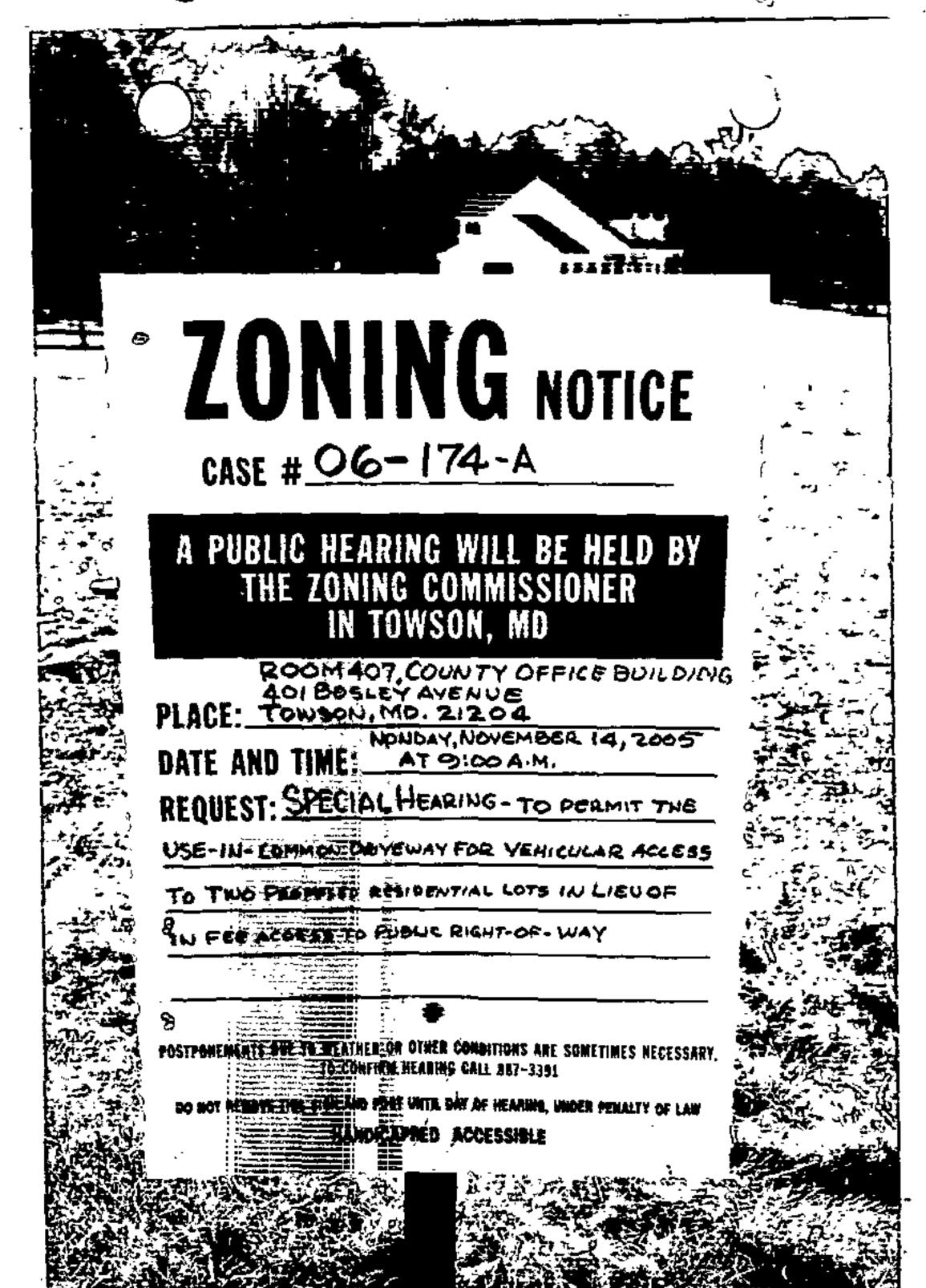
THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., 2005, once in each of ö

🖄 The Jeffersonian

- Arbutus Times
- Catonsville Times
- Towson Times
- Owings Mills Times
- Booster/Reporter NEI

th County News Non White

LEGAL ADVERTISING





APPEAL SIGN POSTING REQUEST

CASE NO. 06-174-SPH
19 390
244 CUBA ROAD

8TH ELECTION DISTRICT

APPEALED: 12/26/05

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.: 06-174-SPH

LEGAL OWNER: BRETT AUSTIN

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

244 CUBA ROAD W/S OF CUBA ROAD, 700' N OF MILLER ROAD

			map G11
The sign was posted on	4/14	, 2006.	my Ti
By: Male	1//2		
(Signature of Sign Pos	tér)		
50FF //	skitte		
(Print Name)	•		

TO: PATUXENT PUBLISHING COMPANY

Thursday, October 27, 2005 Issue - Jeffersonian

Please forward billing to:

Brett Austin 1646 Worthington Heights Parkway

Hunt Valley, MD 21030

410-685-6200

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: 06-174-A

Parcel 244 Cuba Road
W/side of Cuba Road, 700 foot +/- north of Miller Road
8th Election District – 3rd Councilmanic District

Legal Owner: Brett Austin

Special Hearing to permit the use-in-common driveway for vehicular access to two proposed residential lots in lieu of in fee access to public right-of-way.

Hearing: Monday, November 14, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

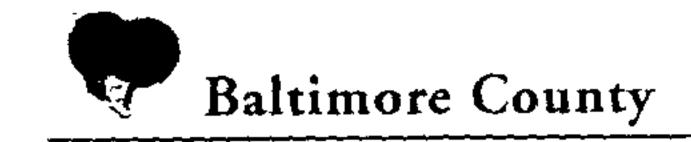
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

Department of Permits and Development Management

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





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

October 13, 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: 06-174-A

Parcel 244 Cuba Road

W/side of Cuba Road, 700 foot +/- north of Miller Road

8th Election District – 3rd Councilmanic District

Legal Owner: Brett Austin

Special Hearing to permit the use-in-common driveway for vehicular access to two proposed residential lots in lieu of in fee access to public right-of-way.

Hearing: Monday, November 14, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Deborah Dopkin, 400 Washington Avenue, 1000 Mercantile-Towson Bldg., Towson 21204 Brett Austin, 1646 Worthington Heights Parkway, Hunt Valley 21030 Site Rite Surveying, Inc., 200 E. Joppa Rd., #101, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 29, 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

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.

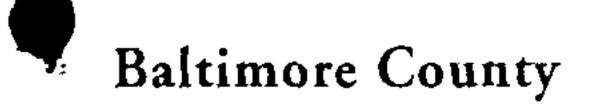
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 174
Petitioner: Broth Austria
Address or Location: #14340 and #14342 Cuba Poad
PLEASE FORWARD ADVERTISING BILL TO:
12 mil hach "
Name: Droff Mustin Address: 1646 Worthington Heights Parkway:
Hunt Valley MD 21030
Telephone Number: 40 685-6100

Department of Permits and Development Management

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





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

January 6, 2006

Ms. Patricia Rains Fowler P. O. Box 4 Butler, MD 21023

Dear Ms. Fowler:

RE: Case No.: 06-174-SPH, 244 Cuba Road

BAALTINOPE CONTY

Please be advised that we received your appeal of the above-referenced case on December 29, 2005. 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.

Sin**g**erely,

Timothy Kotroco Director

TK:raj

C: William J. Wiseman III, Zoning Commissioner

Timothy Kotroco, Director of PDM

People's Counsel

Deborah C. Dopkin, Esquire, 400 Washington Ave., Ste. 100, Towson, MD 21204

Brett Austin & Brian McComas, 1646 Worthington Heights Parkway, Hunt Valley, MD 21030

Ms. Bernadette Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Rd., Ste. 101, Towson, MD 21286

Mr. John M. Schwatka, P. O. Box 62, Butler, MD 21023

Mr. David Schwatka, P. O. Box 109, Butler, MD 21023

Mr. Paul B. Schlitz, 14410 Cuba Road, Cockeysville, MD 21030

Mr. Steven Mrozinski, P. O. Box 165, Butler, MD 21023

BALTIMORE COUNTY BOARD OF APPEALS

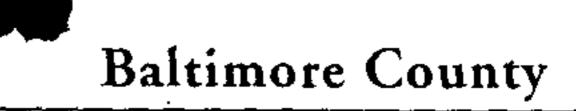




Department of Permits Development Management

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





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

November 14, 2005

Deborah C. Dopkin 400 Washington Avenue 1000 Mercantile-Towson Blvd. Towson, Maryland 21204

Dear Ms. Dopkin:

RE: Case Number: 06-174-SPH

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 22, 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, U. Call Roll D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Brett Austin 1646 Worthington Heights Parkway Hunt Valley 21030
Site Rite Surveying Inc. 200 E. Joppa Road, # 101 Towson 21286



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 19, 2005

Department of Permits & Development

Management

FROM: Dennis A

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 17, 2005

Item No. 174

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We have no objection to granting a waiver of panhandle width to 6-feet; however, the use-in-common driveway should be 16-feet wide with an adequate turn-around area.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 174-10192005.doc

BUY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: October 13, 2005

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

OCT 1 7 2005

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case(s) 6-174- Special Hearing

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief.

CM/LL

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 Oct. 6,2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.: 167 thru 174 176 thru 184 Also case # 05-502-A

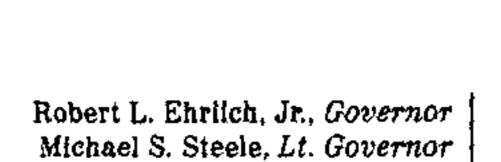
Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Acting Lieutenant David S. Heath Fire Marshal's Office (0)410-887-4881 MS-1102F

cc: File







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

Maryland Department of Transportation

Date: 10.4.05

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

RE: Baltim

Baltimore County

Item No. 174

JCM

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.

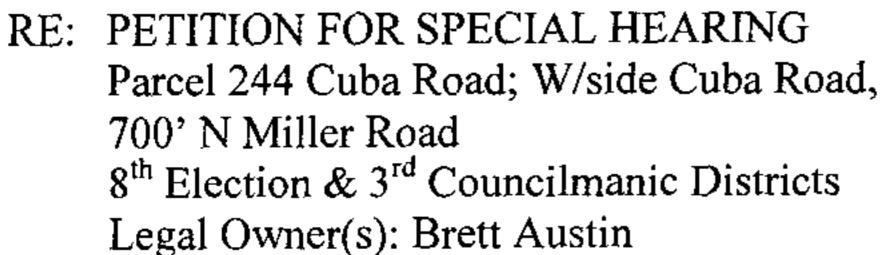
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

1. 1. Soulh



Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * 06-174-SPH

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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 5th day of October, 2005, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286 and Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED

OCT 0 5 200E

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

APPEAL

Petition for Special Hearing

/ 43 40 244 Cuba Road

W/S of Cuba Road, 700' N of Miller Road

8th Election District, 3rd Councilmanic District

Brett Austin - Owner

Case No.: 06-174-SPH

Petition for Special Hearing (September 22, 2005) JAN 9 9 2005 Zoning Description of Property **BALTIMORE COUNTY** Notice of Zoning Hearing (October 13, 2005) BOARD OF APPEALS Certification of Publication (October 27, 2005) - The Jeffersonian Certificate of Posting (October 29, 2005) by Garland E. Moore Entry of Appearance by People's Counsel (October 5, 2005) Petitioner(s) Sign-In Sheet - One Sheet Protestant(s) Sign-In Sheet None in File Citizen(s) Sign-In Sheet - One Sheet Zoning Advisory Committee Comments Petitiøner's Exhibits A Revised Plan to Accompany Petition per Planning meeting 2/2A-2E Photos of Access Driveway 3 & 3A Deed History & Right-of-Way Use 4A & 4BLetters of Support Protestants' Exhibits: Ms. Fowler's Residence & Photos-Views of Private Road Miscellaneous (Not Marked as Exhibit) MD Dept. Assess. & Tax. Property Search – 14400 Cuba Road (.24 Ac & 4.60 Ac) 1/2. Baltimore County Code, Section 32-4-409 Re: Panhandle Driveways Letter from Mr. D. Schwatka dated November 11, 2005 to Zoning Commissioner Wiseman w/ attachment and photographs
Letter from Zoning Commissioner Wiseman dated December 15, 2005 to Mr. David J. Schwatka Unlabeled Cassette Tape of Hearing Zoning Commissioner's Order (12/2/05) GRANTED with restrictions VNotices of Appeal received on December 26, 2005 from Patricia Rains Fowler and David Schwatka William J. Wiseman III, Zoning Commissioner Timothy Kotroco, Director of PDM
People's Counsel of Baltimore County, MS #2010

1000 Meroschile Twom Bldg
409 Washington Ave 2020 4 Deborah C. Dopkin, Esquire, 400-Washington Ave., Stc. 100, Towson, MD 21204 Brett Austin & Brian McComas, 1646 Worthington Heights Parkway, Hunt Valley, MD 21030 Ms. Bernadette Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Rd., Ste. 101, Towson, MD 21286 Ms. Patricia Rains Fowler, P. O. Box 4, Butler, MD 21023 Mr. John M. Schwatka, P. O. Box 62, Butler, MD 21023 Mr. David Schwatka, P. O. Box 109, Butler, MD 21023 Mr. Paul B. Schlitz, 14410 Cuba Road, Cockeysville, MD 21030 Mr. Steven Mrozinski, P. O. Box 165, Butler, MD 21023 Elizabeth Thompson-1806 Miller Road date sent January 6, 2006, raj Corkeys ville, M15 21030 M. David L. Pindell, Sr. D 2026 Western Run RD Cockeys ville, Mb 21030

Case No. 06-174-SPH

In the Matter of: Brett Austin – Legal Owner /Petitioner 14340 Cuba Road 8th E; 3rd C

SPH – To approve access to local street (Cuba Road) through existing r/w which is 40' wide and approx. 650' long, ilo req'd in-fee strip per § 32-4-409(c) of the BCC for proposed 2 lot minor subdivision.

12/02/2005 -Z.C.'s Order in which requested zoning relief was **GRANTED** with restrictions.

4/10/06 -- Notice of Assignment sent to following; assigned for hearing on Thursday, June 22, 2006 at 10 a.m.:

Patricia Rains Fowler

David Schwatka

Deborah C. Dopkin, Esquire

Brett Austin

Bernadette Moskunas /Site Rite Surveying, Inc.

Brian McComas

John M. Schwatka

Paul B. Schlitz

Steven Mrozinski

Elizabeth Thompson

David L. Pindell, Sr.

Office of People's Counsel

William J. Wiseman III /Zoning Commissioner

Pat Keller, Planning Director

Timothy M. Kotroco, Director /PDM

6/12/06 - Notice of Dismissal filed by Curtis C. Coon, Esquire, on behalf of Patricia Fowler, Appellant.

6/14/06 - Letter of withdrawal of appeal filed by David Schwatka, Appellant. Order of Dismissal to be issued incorporating withdrawal of appeals by both Appellants.

DAVIDSCHWATIGA
BOX 109
BUTLER MD
21023

A am appealing the decision for the Case # 06-174-5PH.

A am a neighbor and
A am in opposition with the dear decission made by.

The Commissioner

DAVID SCHWARM

Oal & Dehnotho

RECEIVED

DEC 2 6 200

Per. X



JAMES T. SMITH, JR. County Executive

December 15, 2005

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. David J. Schwatka P.O. Box 109 Butler, Md. 21028

RE: PETITION FOR SPECIAL HEARING

(14340 Cuba Road) Case No. 06-174-SPH

Dear Mr. Schwatka:

In response to your letter (which is dated November 11, 2005, however was received on December 11, 2005), and its accompanying attachments relative to the above-captioned matter, the following comments are offered. Your letter has been accepted as a Motion for Reconsideration, pursuant to Rule 4K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County.

Essentially, you dispute the validity of the testimony and evidence presented at the original hearing, at which you were present, and request that I reopen this case and schedule the matter for further proceedings. You have also requested that I extend the Petitioner an additional three months period of time to install the required landscaping and to prepare and record a covenant maintenance agreement for the driveway access for the two new dwellings.

I have considered all of the representations made in your letter, including the attachments thereto, and am not persuaded to reopen this case. Thus, your Motion for Reconsideration is denied. I further find that the three months time allotted the Petitioner is sufficient to satisfy the requirements imposed by Restriction 2 of the Order issued by me on December 2, 2005. As noted therein, the Petitioner's proposal must proceed through the development review process and be evaluated by the various County reviewing agencies to determine that the proposed minor subdivision meets all County regulations and requirements. Thus, compliance with Restriction 2 of my Order is contingent upon the Petitioner obtaining approval of the minor subdivision and may be a moot issue.

In any event, you have the right to file an appeal of my decision to the Board of Appeals, provided you do so within thirty (30) days of the date of this letter. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

14 Det

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

Deborah C. Dopkin, Esquire

400 Washington Avenue, Suite 100, Towson, Md. 21204

People's Counsel; Case File County Courts Building | 401 Başley Avenue, Suite 405 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468 www.baltimorecountyonline.info 14328 Cuba Rr7
Po Bop 4
Butler, Md. 21023
December 28, 2005

This is an appeal for the decision made on Case No.

06-174-5PH regarding the Petition for Special Hearing an 14340 Euba Read. 1, Patricia Foular slive in and owns the preparty at the end of the driver ay in dispute; and I want another hearing since I am in apposition to the commissioners reling.

RECEIVED

DEC 28 2005

Per 1/2

Dinenely yours,
Patricia Rains Fowler

Patricia Pains Fal

410-584-1064 (phone)

I am responding to your decision to the 3 months to allow access, and request the additional total time of 6 months offered in court for the following reasons:

Mr. Mc Comas lied under oath in court, and said he removed small scrub trees on the right away. When in fact he removed all the large trees on the right of way that were native to the area, except one that fell in storm. The police were called three times officer W. Davis(410-260-88880), and officer Jeff Schein (410-356-70600) were here in attempt to stop the tree removal, because no permit was filed or displayed, and one of the trees they removed large main trunks, we might of have had a say in, it was right on the property corner (note see pictures attached 1). They were fined we were told and stopped. Mr. Spadiro has no tree license to prune, or MHIC #, and dropped trees all over the driveway keeping us late for dental surgery. Mr. Spadiro was hired by Mr. Mc Comas who owned the property we were told.

Another reason is we need more time is because of the fact we see no reason to have a 16 foot . road, in place of a private lane. No one else around here does, and gigantic farms neighboring us do not, as well we have had every police car, and fire truck back on this lane before new neighbors Mr. Nayler(Mc Comas @ Austins friend) set the whole front of his woods on fire with no permit, and was fined. Every fire truck in butler and Cockeysville was on that lane.

Another is the fact that my brother John Schwatka has SCHWATKAS FARM SERVICE(410-584-2759) a gigantic buissness there that tears the lane up. We are not going to pay for him to tear it up. Ninty percent of wear, or more is from him he has an 18 wheeler (64,000#), and runs up and down with large equiptment.(see attached two). This is a real issue see pictures!!!!

Another reason is Mr. Mc Comas and Mr. Brett Austin, has access they own the entire old Abbey property, and advertise it as Cuba Fields with an existing driveway 30 feet away from our lane. They have complete access to the land in the back .(see attached # three). The Abbeys used to go into the back lot area through a gate. The entire property was fenced, and used as a tax write off with farm animals. It will cost Mc Comas and Mr. Austin the same to make small changes on his land. By using his driveway and his land instead of ruining our lane for his new community. We were here first we should charge him!!!!!

Another reason is the land was used as a farm no one has ever used the right of way. It was miss deeded, and from no use ever should be, or could be abolished from no use over 30 years or more. The county does not pave over under ground springs period, or near. We are calling the environmental agency(Mr. Paul Rice-department of environment @ protection 410-887-3260). They will see the natural under ground system and spring and stop the road. You need to send someone to see the 40-foot right of way through our property on the edge not allowing us to use all that land over 600 feet or more (see diagram @ attached # four). Once you pass it with out a stipulation the new tenants will use it and asphalt, gas oil and tar etc. will go straight in there. A big NO NO for the environment @ water supply.

Anoher problem is we are losing the land for access. A large piece of land, and would prevent us from allowing our son Brendan from building on the lower property by the access, that is a real problem for us.

Finally this major hearing was for Mr, Mc Mcomas, his name was on the zoning sign. Now the paper you sent out says Brett Austin is in charge, but his name is not on the zoning sign. We have a major question with the name switch, and request a new hearing on this question.

Mr. Mc Mcomas spoke under oath in court and said he owned the land and was the property developer, and he was a neighbor and cared about the area. He lied, and shows he has no integrity.

In, conclusion we need to have surveying done, and meet with counsel. We need more time and request a new hearing, because of misrepresentation on behalf of the Mc Comas party.

Sincerely, David Schwatka

Dail J Dehnatka 11-11-2005

Ofc. W. Davis

Office: (410) 356-7060 Fax: (410) 356-9790



Maryland Natural Resources Police

Central Region - Area 5 37.38 Ciwynntbrook Ave. Owings Mills, Maryland 21117

Officer Jeff Schein

Area 5, District 7

Office: (410) 356-7060 Fax: (410) 356-9790



Maryland Natural Resources Police

37.18 Chrymphonk Ave. Owings Mills, Maryland 21117

PLEASE PRINT CLEARLY

CASE NAME ANSIN CASE NUMBER OB-174-A DATE 11-14-05

PETITIONER'S SIGN-IN SHEET

E- MAIL	Um 1 mh @ gol. com Hepkin @ depkin kw. Com havstin 20 Hor. com	15 Sections							
CITY, STATE, ZIP	TOWSON, MD 21264 Categorille med 21030 Bake. Mh 21204	Cochessille MI) 20030	Borm Kli.			•			
ADDRESS	400 E. JODDA PORK ROOM [0] 1457 H HOSHING POR SUE	CE 54	DORFE						
NAME	Sunnalth L Moskunas Say waylon Sarin	Dob Sondare	The Jerr						

CASE NAME
CASE NUMBER 06-174-A
DATE

CITIZEN'S SIGN-IN SHEET

E- MAIL	3 Schwooded @ Aul . Com		588CHL 1720001.co											
CITY, STATE, ZIP	Butler mi 21023	Butker 1D. diods	Cackeyeville, MBS	BUTCER MD 2028	Buth My 2023									
ADDRESS	P.O.Box 62	4.0. Box 165	14410 Cuba Xd	05x /09	190 Bay 14	3/4328, Cubx Paro								
NAME	JOHN M SCHWATKA	STRJEN MROZINSKI	Paul R. Schlitz	DAU # O SHUMILA	4 Athicis towns									

P.244.607 A + DIW

1999358 135552

CHICAGO TITLE INSURANCE COMPANY (Individual Form)

Application No. 1-116325-05

RETURN TO: CHICAGO TITLE INSURANCE COMPANY OF MARYLAND 110 ST. PAUL ST. BALTIMORE, MD. 21202

This Deed, Made this 3130 day of house, in the year one thousand nine hundred and himself two, by and between

Robert G. Peterson and Loreen P. Peterson, his daughter party of the first part Grantor; Kurt J. Aebi and Margaret M. Aebi, his wife, party of the second part, Grantee.

THE ACTUAL CONSIDERATION PAYABLE IS \$80,000.00 .

Witnesseth: that in consideration of the sum of Five Dollars, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto

Grantees, as tenants by the entireties, their assigns, and unto the survivor of them, his or her personal representatives and assigns, in fee simple

all that property situate in Baltimore County in the State of Maryland, and described as follows, that is to say:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Childmore County

AGRICULTURAL TRANSFER TAT

IGNATURE _____DATE

AGRICULTURA TO THE STATE OF THE

नाम्या राज्य नगर गर्भे अरुपार

4.1

1889350 ME553

Being a fee simple 12 foot right of way leading from Guba Road to the 4.607 acres described in the aforesaid Deed from Irvin W. Smith. et al. to Doris Louise Hawthorne and Edmund H. Schroeter, her father.

BEING the same lots of ground which by Dead dated January 29. 1980 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6132 fclio 267 was granted and conveyed by Doris Louise Foley, et al. to Robert G. Peterson and Loreen P. Peterson, his maunhter.

EXHIBIT "A"

All those lots of ground situate in the Eighth (8th) Election District of Baltimore County, State of Maryland and described as follows:

FIRST: BEGINNING for the same in the centerline of a 40 foot road heretofore laid out along the southernmost boundary of land which by deed dated January 6, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4714 folio 64, was conveyed by Co-Far Holding Corp. to Irvin W. Smith and wife, et al, said point of beginning also being situate at the end of the third line of said deed, thence leaving said place of beginning and running and binding in the centerline of said 40 foot road and on the 4th line of said deed, referring all courses of this description to the meridian of said deed (1) north 85 degrees 21 minutes 46 seconds west 747.50 feet, thence leaving the centerline of said 40 foot road and running and binding on the 5th through the 8th lines of said deed, the four following courses and distances, respectively: (2) north 03 degrees 37 minutes 51 seconds east 284.86 feet, thence (3) 84 degrees 47 minutes 50 seconds east, 367.88 feet, thence (4) south 76 degrees 46 minutes 10 seconds east 126.40 feet and thence (5) south 88 degrees 29 minutes 10 seconds east 11 feet to a pipe heretofore set at the end of the 5th line of land which by Deed dated July 28, 1965 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5024 folio 530, was conveyed by Mary Louise Botta to Paul R. Schlitz and wife, thence running and binding, reversely on said 5th line of the second hereinmentioned deed, (6) south 31 degrees 31 minutes 51 seconds east 177.44 feet to a pipe heretofore set at the beginning of said 5th line, thence running for a new line of division through the land described in the first herein mentioned deed, of which the parcel now being described is a part (7) south 34 degrees 06 minutes 12 seconds, east 238.66 feet to the place of beginning. Containing 4.607 acres of land more or less.

TOGETHER with the rights for ingress and egress to a 40 foot road leading from the above described parcel southerly and easterly to Cubs Road, the center line of said 40 foot road by description, as follows:

Beginning for the same at the end of the third line of land which by deed dated January 6, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4714 folio 64, was conveyed by Co-Far Holding Corp. to Irving W. Smith and wife, et al, and thence leaving said place of beginning and running and binding reversely on the 3rd, the 2nd and on the first line of said Deed the three following courses and distances, respectively: (1) south 04 degrees 24 minutes 43 seconds west 168.00 feet and thence (2) south 88 degrees 10 minutes 00 seconds east 653.27 feet and thence (3) north 62 degrees 10 minutes 00 seconds east 52.57 feet to the beginning of said deed and to the northeast side of Cuba Road. Being a portion of the land which by deed dated January 6, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4714 folio 64, was conveyed by Co-Far Holding Corporation to Irvin W. Smith and wife, et al.

BEING the same property which by Deed dated November 29, 1972 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5323 folio 725, was granted and conveyed by Irvin W. Smith, et al, to Doris Louise Hawthorne and Edmund H. Schroeter, her father, as joint tenants, in fee simple.

SECOND: BEGINNING for the same at the distance of 12 feet westerly from the beginning of the fourth line of the land described in a deed dated January 6. 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4714 folio 64, which was conveyed by Co-Far Holding Corporation to Irvin W. Smith and wife, and running thence and binding on said line, which is also the first line described in a deed dated November 29, 1972 and recorded among the Land Records in Liber E.H.K. Jr. No. 5323 folio 725, from Irvin W. Smith and wife, et al, to Doris Louise Hawthorne and Edmund H. Schroater, and binding reversely on said lines (1) south 85 degrees 21 minutes 46 seconds east 12 feet to the end thereof, thence running with and binding on the third second and first lines of the aforesaid deed, from Smith to Co-Far, reversely, the following three courses: south 4 degrees 24 minutes 43 seconds west 108 feet, south 88 degrees 10 minutes east 653.27 feet, north 62 degrees 10 minutes east 52.27 feet to the center of Cuba Road, thence running with and binding on the center of said road north 27 degrees 50 minutes west 12 feet, thence running 62 degrees 10 minutes west 52.27 feet, thence north 88 degrees 10 minutes west 641.27 feet, thence north 4 degrees 24 minutes 43 seconds east 168 feet, thence north 85 degrees 21 minutes 46 seconds west 24 feet, thence south 4 degrees 24 minutes 43 seconds west 12 feet to the place of beginning.

UERO 358 CE555

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

To have and to hold the said described property and premises, unto and to the use of the said

Grantees, as tenants by the entireties, their personal representatives and assigns, and unto the survivor of them, his or her heirs, personal representatives and assigns, in fee simple.

And the said Grantor covenants to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said property as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness the hand(s) and seal(s) of the said grantor(s):

withe 38

Robert G. Peterson

Lorecy, ret

STATE OF MARYLAND, BATTO.

. TO WIT:

I HERRBY CERTIFY, that on this 3 day of /www. 1992., before me a Notary Public of the State aforesaid, personally appeared Robert G. Peterson and Loreen P. Peterson, his daughter known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and official mest.

My commission expires: 2/

UM9359 22555

Application No. 1-116325-05

CDF/gmc

DEED

PRON

ROBERT G. PETERSON LOREEN P. PETERSON

TO

KURT J. AEBI MARGARET M. AEBI

RECORDING REQUESTED BY

Chicago Title Insurance Company

WHEN RECORDED MAIL TO

Chicago Title Insurance Company 110 St. Paul Street Baltimore, Maryland 21202

> MAIL TAX STATEMENTS TO NAME: Kurt J. Aebi

STREET: CITY:

This is to certify that this instrument has been prepared by an attorney admitted to practice before the Court of Appeals, under his supervision, or by or on behalf of one of the parties named in the instrument.

Cynthia D. Bennett Assl. Vice: President

H. 607 A TRIVEWAY DEED

LIBERE 1 3 2 PASE 2 BT

THE TITLE GUARANTEE COMPANY (Individual Form)

App. H- 99963

This Deed, Made this 29

ay 15 ganuary

in the year one

thousand nine hundred see

white

, by and between

DORIS LOUISE FOLEY and EDMAND H. SCHROETER (her father) of the first part, Grantons, and ROBERT G. PETROOF and LORELS P. PETERSON, (his daughter) of the second part, Grantees.

The actual consideration paid or to be paid is \$34,500.00.

receipt whereof a hereby acknowledged, the said Grantor was hereby grant, convey, and sasign unto the said Granteen as joint themses and not as tenuars in common, their assigns, the survivor of their and the hears, personal representatives and assigns, of the survivor, in fee simple, all those parcels

indian of ground

situate in Baltimore County

in the State of Maryhard, and described as follows, that is to say:

FIRST: Beginning for the same in the centerline of a 40 foot road heretofore laid out along the southernmost boundary of land which by deed dated January 6, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4714 folio 64, was conveyed by Co-Far Holding Corp. to Irvin W. Smith and wife, at al, said point of beginning also being situate at the and of the third line of said deed, thence leaving said place of beginning and running and binding in the centerline of said 40 foot road and on the 4th line of said doed, referring all courses of this description to the meridian of said deed (1) north 85 degrees 21 minuses 46 seconds west 747.50 feet, thence leaving the centerline of said 40 foot road and running and binding on the 5th through the 6th lines of said deed, the four following commence and distances, respectively: (2) nowth 03 degrees 37 minutes 51 seconds Cast 284.86 feat, thence (3) north \$4 degrees 47 minutes 50 seconds east, 367.88 feet, thence (4) south 75 degrees 45 minutes 10 seconds east 126.40 feet and thence (5) south 38 degrees 39 minutes 10 seconds cast 11 feet to a pips heretofore set at the end of the 3th line of lend which by Deed dated July 28, 1965 and recorded emong the Land Records of Beltimore County in Sibor 0.7.5. No. 5024 folio 320, was conveyed by Mary Louise Botta to Paul R. Schlitz and wife, themes running and binding reversely on said 5th line of the socond intelementioned deed, (6) south 31 degrees 31 minutes 51 seconds east 177.44 thes was pipe heretofore set at the beginning of said 5th line, thence running for a new line of distaion through the land described in the first herein mentioned deed, of which the parcel was being described is a part (7) south 34 degrees 06 winutes 12 seconds east 238.66 feet to the place of beginning. Containing 4.607 ccres of land more or less.

TOGETHER with the rights for ingress and egress to a 40 foot road leading from the above described parcel southerly and easterly to Cuba Road, the center line of said 40 foot road by description, as follows:

Beginsing for the same at the end of the chird line of land which by deed dated January 6, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4714 folio 64, was conveyed by Co-Fan Holding Corp. to Irvin W. Smith and wife, et al. and thence leaving said place of beginning and running and binding reversely in the 3rd, the 2rd and on the first line of said David the three following courses and distances, respectively: (1) systh 04 dag. 24 min. 43 sec. west 168.00 feet and thence (2) wouth 88 degrees 10 minutes 00 minutes 00 minutes 053.27 feet and thence (3) worth 62 degrees 10 minutes 00 seconds east 52.57 feet to the beginning of said deed and 30 the northeast side of Cuba Road. Being a portion of the land which by deed dated January 6, 1967 and recorded among the Land Records of Baltimore Councy in Liber 7.7.6. No. 4714 folio 64, was conveyed by Co-Far Holding Corporation to avain W. Smith and wife, at al.

7

This description has been prepared from deed information only and is not based on actual field survey of the property.

BEING the same property which hy Deed dege November 29, 1972 and recorded among the Land Records of Baltimore Councy in Liber E.H.R.Jr. No. 5323 folio 725, was granted and convered by Irvin W. Smith, at al, to Doris Louise Hawthorne and Edmund H. Schroeter, her father, as joint tenants, in fee simple.

SECOND: Begunning or the same at the distance of 12 feet westerly from the beginning of the fourth line of the land described in a deed dated January 6, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4714 folio 64, which was conveyed by Co-Far Holding Corporation to Irvin W. Smith and wife, and running thence and binding on said like, which is also the first line described in a deed dated November 29, 1972 and recorded among said Land Records in Liber E.H.K.Jr. No. 5323 folio 725, from Irvin W. Smith and wife, et al, to Doris Louise Hawthorne and Edmund H. Schroeter, and binding reversely onsaid lines (1) south 85 degrees 21 minutes 46 seconds egst 12 feet to the end thereof, thence running with and binding on the third, we could and first lines of the eforeseid deed, from Smith to Co-Far, reversely, the following three courses: south 4 degrees 24 minutes 43 seconds west 168 feet, south 98 degrees 10 minutes east 653.27 feet, north 62 degrees 10 minutes east 52.27 feet to the center of Cuba Road. Thence running with and binding on the center of said road north 27 degrees 50 minutes west 12 feet, thence running north 62 degrees 10 minutes west 52.27 feet, thence north 88 degrees 10 minutes west 641.27 feet, thence north 4 degrees 24 minutes 43 seconds east 168 fret, thence north 85 degrees 21 minutes 46 seconds west 24 feet, thence south 4 degrees 24 minutes 43 seconds west 12 feet to the place of beginning.

Being a fee simple 12 fost right of way leading from Cube Roed to the 4.607 acres described in the aforesaid Deed from Irvin W. Smith, et al, to Doris Louise Hewthorne and Edmund E. Achroeter, her father.

BEING the same property which by Deel dated February 20, 1977 and recorded mong the Land Records of Baltimore County in Liber E. H.K.Jr. No. 5735 folio 063, was granted and conveyed by Irvin W. Smith, et al, to Doris Louise Hawthorne and Edmund H. Schroeter, her father, as joint tenants, in fee simple.

The said with Lowise Hawthorns is now known as Doris Louise Poley.

-1·20 2:255553 *** 155.25

2-1-50 Zossssta +++172.50

3-1-10 2005540# ****1509

Together with the wildings and improvements thereupon; and the rights, alleys, ways, waters, privinunriemences and seiventages to the same belonging or in anywise appertaining.

s held the said described let(s) of ground and premises, unto and GRANTEES, as joint tenants and not as tenants in common, their assigns, the survivor of them, and the heirs, personal representatives and anaigns, of the survivor, in fee simple.

And the said Granter covenants to warrant specially the property hereby granted and conveyed meh further assurances of said land as may be requisite.

· "我们是有一个人。"

Whomever used, the singular number shall include the plural, the plural the singular, and the use of any

Witness the hand(s) and soul(s) of the said granter(s):

WITNESS:	Dorie Louise Foley		
	Manual Helicotto		
DISTRICT OF COLUMBIA.	Edmund H. Schroeter , TO WIT:		

before me, a Notery Public of the State aforesaid, personally appeared DORIS SOUTSE POLEY.

I HEREBY CERTIFY, the in this

known to me (or satisfactorily proven) to be the person(s) whose mameis) injent subscribed to the within businesses, who eighed the same in my presence, and acknowledged that a be executed the same for the partherein soutsined.

WITH BOX my house and Monada Sock			•	
	· . *	My commission	entrine:	Mota
		195-6135	017	

(over)

Jan 6 1 3 2 m · 2 7 0

CEC 19-72 Z 14242 ***129.70 CEC 19-72 Z 1424C= ****70.00

CCC 19-72 2 1423CB ****452C

This Deed, Made this

2 C/ I/ day of November

in the year one thousand nine hundred and seventy-two . by and between IRVIN W. SMITH and MARJORIE B. SMITH, his wife, MARJORIE GRACE SCHLITZ and GEORGE ALBERT GIPE

of Baltimore County
in the State of Maryland, of the first part, and
DORIS LOUISE HAWTHORNE and EDMUND H. SCHROETER, her father.

of the second part.

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

the said parties of the first part - - - -

heirs and assigns, in fee simple, all that lot - - - - - of ground, situate, lying and being in Baltimore County, State of Maryland , sforesaid, and described as follows, that is to say:-

Beginning for the same in the centerline of a 40 foot road heretofore laid out along the southernmost boundary of land which by deed dated January 6, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4714 folio 64, was conveyed by Co-Far Holding Corp. to Irvin W. Smith and wife, et al, said point of beginning also being situate at the end of the third line of said deed, thence leaving said place of beginning and running and binding in the centerline of said 40 foot road and on the 4th line of said deed, referring all courses of this description to the meridian of said deed, (1) Noth 85 degrees 21 minutes 46 seconds West, 747.50 feet, thence leaving the centerline of said 40 foot road and running and binding on the 5th through the 8th lines of said deed, the 4 following courses and distances, respectively: (2) North 03 degrees 37 minutes 51 seconds East, 284.86 feet, thence (3) North 84 legrees 47 minutes 50 seconds East, 367.88 feet thence (4) South 76 degrees 46 minutes 10 seconds East 126.40 feet and thence (5) South 88 degrees 29 minutes 10 seconds East, 11 feet to a pipe heretofore set at the end of the 5th line of land which by deed dated July 28, 1965 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5024 folio 520 was conveyed by Mary Louise Botta to Paul R. Schlitz and wife, thence running and binding reversely on said 5th line of the 2nd hereinmenti oned deed, (6) South 31 degrees 31 minutes 51 seconds East, 177. 44 feet to a pipe heretofore set at the beginning of said 5th line, thence running for a new line of division through the land described in the first hereinmentioned deed, of which the parcel now being described is a part, (7) South 34 degrees 06 minutes 12 seconds East, 238.66 feet to the place of beginning. Containing 4,607 acres of land, more or less.

23 // C 1

LESS 323 PM 726

TOGETHER with the rights for ingress and egress to a 40 foot road leading from the above described parcel southerly and easterly to Cuba Road, the center line of said 40 foot road by description; as follows:

BEGINNING FOR THE SAME AT THE END OF THE 3RD LINE OF LAND WHICH by deed dated January 6, 1967 and recorded among the Land Records of Baltimore County Irvin W. Smith and wife, et al, and thence leaving said place of beginning and running and binding reversely on the 3rd, the 2nd and on the 1st line of 04 degrees 24 minutes 43 seconds West, 168.00 feet thence (2) South 88 degrees minutes 00 seconds East 653.27 feet and thence (3) North 62 degrees 10 northeast side of Cuba Road. Being a portion of the land which by deed dated Liber 0.T.G. No. 4714 Folio 64, was conveyed by Co-Par Holding Corporation to Irvin W. Smith and wife, et al.

This description has been prepared from deed information only and is not based on actual field survey of the property.

Sylvey

This Beed, Made this

204

day of FEBRUARY

do(se) grant and convey unto the said DORIS LOUISE HAWTHORNE and BDMUND H.

SCHROETER, her father, as joint tenants, and not as tenan in common,
their

heirs and assigns, in fee-simple, all that property situate, lying and being in

Baltimore County ----- State of Maryland, the improvements thereon being now

knownee-blumbus:

and described as follows, that is to say:

BEGINNING FOR THE SAME at the distance of 12 feet westerly from the beginning of the fourth line of the land described in a Deed dated January 6, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4714, folio 64 which was conveyed by Co-Far Holding Corporation to Irvin W. Smith and wife, and running thence and binding on said line, which is also the first line described in a Deed dated November 29, 1972 and recorded among said Land Records in Liber E.H.K.Jr. No. 5323, folio 725 from Irvin W. Smith and wife, et al to Dorie Louise Hawthorns and Edmund H. Schroeter, and binding reversely on said lines (1) South 85 degrees 21 minutes 46 seconds East 12 feet to the end thereof, thence running with and binuing on the third, second and first lines of the aforesaid Deed from Smith to Co-Far, reversely, the following three courses: South 4 degree: 24 minutes 43 seconds West 168 feet, South 88 degrees 10 minutes East 653.27 feet, North 62 degrees 10 minutes Bast 52.27 feet to the center of Cuba Road. Thence running with and binding on the center of said road North 27 degrees 50 minutes West 12 feet, thence running North 62 degrees lo minutes West 52.27 feet, thence North 88 degree. 10 minutes West 641.27 feet thence North 4 degrees 24 minutes 43 seconds East 168 feet, thence North 85 degrees 21 minutes 46 seconds West 24 feet thence South 4 degrees 24 minutes 43 seconds West 12 feet to the place of beginning.

BRING a Fee-Simple 12 foot right of way leading from Cuba Road to the 4.607 acres described in the aforesaid Deed from Irvin W. Smith, et al to Doris Louise Hawthorne and Edmund H. Schroeter, her father.

IT IS SPECIFICALLY UNDERSTOOD AND AGREED, by and between the parties hereto that the aforesaid 4.607 acres of land shall not be subdivided and shall be seed for one residence only. The Grantees sign this Deed acknowledging and consenting to this covenance.

7.56 %

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

To have and hold the said described lot(s) of ground and premises, unto and to the use of the said DORIS LOUISE HAWTHORNE and EDMUND H. SCHROETER, her father, as joint tenants, and not as tenants in common, their heirs and assigns, forever in fee simple.

WITNESS the hand(s) and seal(s) of said graptor(s) and said grantees. GEORGE ALBERT GIPE DORIS LOUISE HAWTHORNE **** 20353005 -- 17-19-43 DCS++++ IOLLS685 LL-12 CIII OTZ*****TATECOR MABYLAND, BALTIMORE CITY, to wit: I hereby certify, that on this 052[**** in the year one thousand nine hundred and seventy-seven---before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore appeared Irvin W. Smith, Marjorie R. Smith, Marjorie Grace Schlitz and Seorge Albert Gipe, known to me to be the persons whose names are subscribed the above-named grantor(s) and acknowledged the foregoing Deed to be their ----act, and that they ---- executed the same for the purposes therein contained. ... As witness my hand and Notarial Seal. NOPARTS SEAL NOT record MAR 21 1977 11 HERE TIMES II. MALLING & Jil. (a) C. MIN TO HA

11.00

" Mail to Coachy - Jastey

Receipt No. My commission expires

Case No.: 06 - 174 A	Case No.:	06 - 174	<u> </u>	
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Exhibit Sheet

Petitioner/Developer

Protestant

No. 1			Residence
	Site PLAN	M'S FOWLERS	Residence VIEWS John
No. 2	PHoto's of access Drivens		
No. 3	DEED History use		
No. 4	Lattes OF SUPPORT		
No. 5			
No. 6			
No. 7			
No. 8		, <u> </u>	,
No. 9			
No. 10			
No. 11			
No. 12		<u> </u>	

November 11, 2005

Mr. Bob Spadaro 14407 Cuba Rd Cockeysville, MD 21030

To Whom It May Concern:

I am in support of the intended usage of the private drive in question. It is my understanding that the area around the lane will be well landscaped w/ specimen trees and substantial landscaping.

I can be reached at 410-584-8140.

Sincerely,

Bob Spadaro

PETITIONER'S

EXHIBIT NO.

4 A

November 10, 2005

Guy and Angela Naylor 14324A Cuba Road Cockeysville, Maryland 21230

To Whom It May Concern:

This letter is written in support of the proposed usage of the private lane in question. We have been made fully aware of Mr. Austin's intended subdivision of the property adjacent to ours and the future use of the private lane by two dwellings. We are very appreciative of the intended enhancements to the lane to include re-paving and planting of mature trees and shrubs.

Should you wish to speak with us directly please contact us at 410-771-0982 at your convenience.

Sincerely,

Guy and Angela Naylor





Click here for a plain text ADA compliant screen.



THE STATE OF

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

Go Back View Map **New Search Ground Rent**

Account Identifier:

District - 08 Account Number - 1700010597

Owner Information

Owner Name:

AUSTIN BRETT

Use:

RESIDENTIAL

Principal Residence:

NO

Mailing Address:

14400 CUBA RD

COCKEYSVILLE MD 21030-1010

Deed Reference:

Location & Structure Information

Premises Address

CUBA RD

Legal Description

.243 AC WS CUBA RD

700 N MILLER RD

Map Grid Parcel 21 244 33

Sub District

Section Subdivision

Block Lot

Assessment Area

Plat No: Plat Ref:

Special Tax Areas

Stories

Town **Ad Valorem**

Primary Structure Built

Tax Class

Enclosed Area

Property Land Area .24 AC

County Use 04

0000

Basement

Type

Exterior

Value Information

	Base	Value	Phase-in Ass	essments
	Value	As Of	As Of	As Of
		01/01/2005	07/01/2005	07/01/2006
Łand:	2,400	2,400		
Improvements:	. 0	0		
Total:	2,400	2,400	2,400	2,400
Preferential Land:	0	0	0	0

Transfer Information

 AEBI KURT J MULT ACCTS ARMS-LENGTH	Date: 10/19/2005 Deed1:	Price: \$475,000 Deed2:
 PETERSON ROBERT G	Date: 09/11/1992	Price: \$0
NOT ARMS-LENGTH	Deed1: / 9358/ 552	Deed2:
 HAWTHORNE DORIS LOUISE	Date: 01/31/1980	Price: \$0
NOT ARMS-LENGTH	Deed1: / 6132/ 267	Deed2:

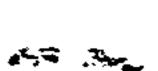
Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006	
County	000	0	0	
State	000	0	0	
Municipal	000	O	0	

Tax Exempt: Exempt Class: NO

Special Tax Recapture:

* NONE *



Click here for a plain text ADA compliant screen.



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

Go Back View Map New Search Ground Rent

STR

Account Identifier:

District - 08 Account Number - 1600008057

Owner Information

Owner Name:

AUSTIN BRETT

Use:

AGRICULTURAL

Mailing Address:

14400 CUBA RD

COCKEYSVILLE MD 21030-1010

Deed Reference:

Principal Residence:

1)

2)

NO

Location & Structure Information

Premises Address

CUBA RD

Legal Description

4.607 AC REAR 600 FT

CUBA RD

1600 N MILLER ROAD

Plat No: Section **Assessment Area Sub District** Subdivision Block Lot Grid Parcei Map Plat Ref: 244 22 33 Town **Ad Valorem Special Tax Areas** Tax Class County Use **Property Land Area Enclosed Area Primary Structure Built**

0000 4.60 AC 05
Stories Basement Type Exterior

Value Information

Phase-in Assessments Value Base As Of As Of As Of **Value** PREFERENTIAL LAND VALUE 07/01/2006 07/01/2005 01/01/2005 INCLUDED IN LAND VALUE 2,300 2,300 Land: Improvements: 2,300 2,300 2,300 2,300 Total: 2,300 2,300 2,300 2,300 Preferential Land:

Transfer Information

\$475,000 10/19/2005 Price: Date: Seller: **AEBI KURT J** Deed2: Deed1: **MULT ACCTS ARMS-LENGTH** Type: \$0 09/11/1992 Price: PETERSON ROBERT G Date: Seller: Deed2: **Deed1:** / 9358/ 552 **NOT ARMS-LENGTH** Type: **\$**0 01/31/1980 Price: HAWTHORNE DORIS LOUISE Date: Seller: Deed2: Deed1: / 6132/ 267 **NOT ARMS-LENGTH** Type:

Exemption Information

 Partial Exempt Assessments
 Class
 07/01/2005
 07/01/2006

 County
 000
 0
 0

 State
 000
 0
 0

 Municipal
 000
 0
 0

Tax Exempt: Exempt Class: NO

Special Tax Recapture:
AGRICULTURAL TRANSFER TAX

Baltimore County Code

ARTICLE 32. PLANNING, ZONING, AND SUBDIVISION CONTROL / TITLE 4. DEVELOPMENT / SUBTITLE 4. GENERAL DESIGN STANDARDS AND REQUIREMENTS / § 32-4-409. PANHANDLE DRIVEWAYS.

§ 32-4-409. PANHANDLE DRIVEWAYS.

- (a) In general.
 - (1) The county may only allow a panhandle lot:
 - (i) To achieve better use of irregularly shaped parcels;
 - (ii) To avoid development in environmentally sensitive areas;
 - (iii) Where the lot will not be detrimental to adjacent properties; and
- (iv) Were the lot will not conflict with efforts to provide for public safety and general welfare.
- (2) The county may only allow a panhandle driveway where necessary to provide access to interior lots where a public road is neither feasible nor desirable.
 - (b) In-fee strip; required.
- (1) Except as provided in subsection (c) of this section, the county may permit a panhandle lot if the lot includes an in-fee strip of land for access to the local street.
 - (2) Panhandle fee strips shall be a minimum of:
 - (i) 20 feet in width to serve one lot;
 - (ii) 12 feet in width per lot where two lots are involved;
 - (iii) 10 feet in width per lot where three or more lots are involved; or
- (iv) 12 feet in width per lot where there are two or more lots in a development that is within the metropolitan area where public water and sewer services are available, planned, or considered.
- (c) Same; exception. In cases where a right-of-way has been established before the submission of the Development Plan, the Hearing Officer may approve access to the local street or collector street through the existing right-of-way instead of an in-fee strip.
 - (d) Panhandle driveways.
 - (1) A single panhandle driveway may serve up to five dwellings, three of American Legal Publishing Corp.

Baltimore County Code

which may be on internal lots not adjacent to the local street or collector street.

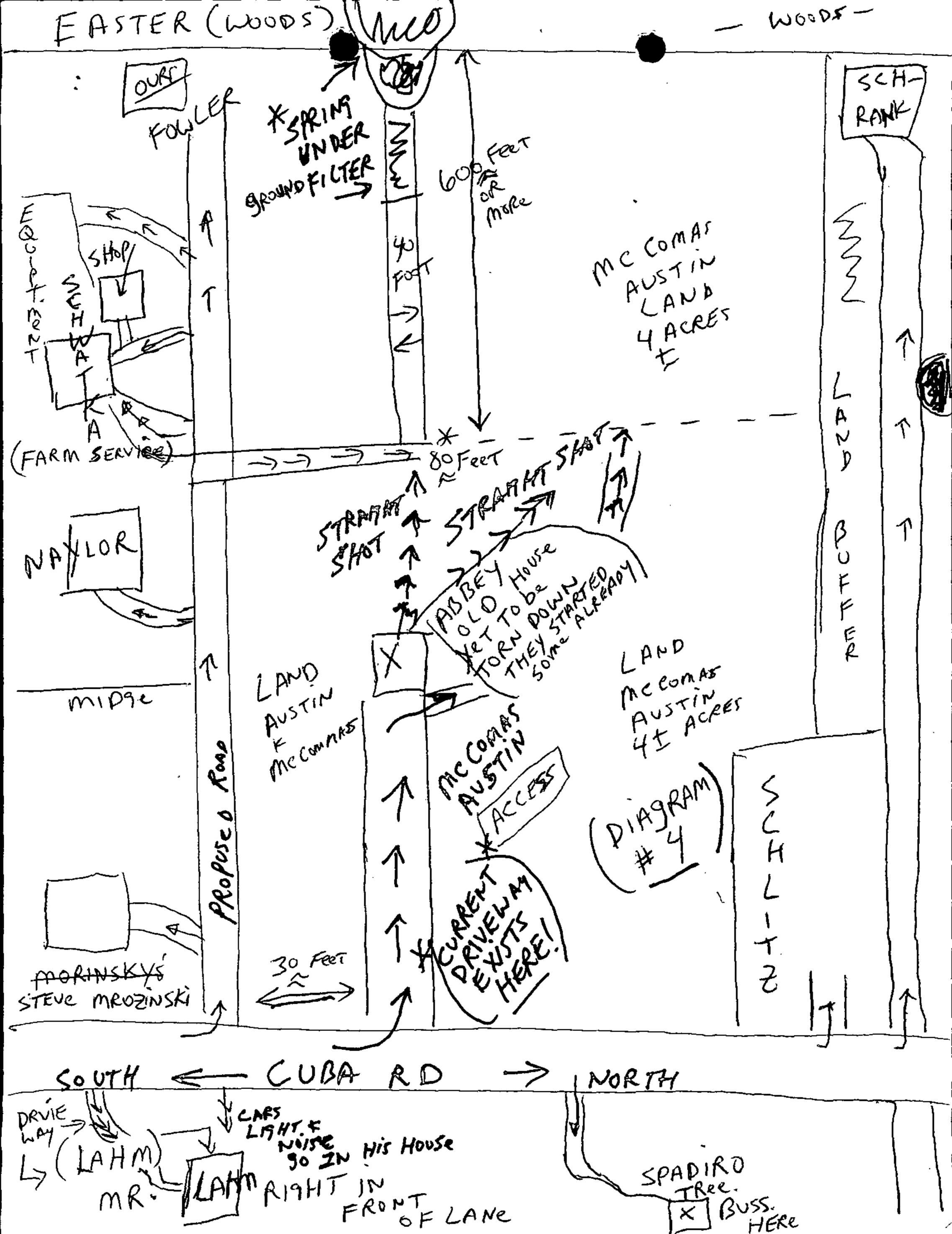
- (2) Panhandle driveways serving lots greater than 20,000 square feet may serve five internal lots plus two dwellings on the front lots adjacent to the panhandle driveway and the local street or collector street.
- (3) Front lots are not required to be part of the panhandle driveway development.
- (4) Notwithstanding the provisions of § 32-4-107 of this title, the requirements of this subsection may not be waived.
 - (e) Length of panhandle in DR and RC zones.
 - (1) In a DR zone, the panhandle length may not exceed 500 feet.
 - (2) In an RC zone, the panhandle length may not exceed 1,000 feet.
- (3) The maximum permitted length of a panhandle is subject to variance under § 307 of the Baltimore County Zoning Regulations.
 - (f) Panhandle driveways serving multiple lots.
- (1) For panhandle driveways serving more than one lot, the developer shall note on the record plat any covenants that provide for common use and maintenance of the panhandle driveway and culvert.
- (2) A use in common agreement is established if the panhandle driveway serves two or more abutting panhandle lots.
 - (g) Dwelling orientation on panhandle lot.
- (1) The orientation of the dwelling on each panhandle lot shall be indicated on the Development Plan.
- (2) The dwelling shall be oriented to establish a desirable relationship between:
 - (i) Each of the proposed dwellings and existing adjacent homes; and
 - (ii) The proposed dwellings themselves.
- (h) Panhandle driveway and street intersection; requirements. At the intersection of the panhandle driveway and the street, the following shall be provided by the developer:
 - (1) A paved trash collection area that:
 - (i) Is located at the right-side intersection of the panhandle driveway

Baltimore County Code

and public road, as the driveway is exited; and

- (ii) Is at least 16 square feet per dwelling unit served by the panhandle driveway;
- (2) A mail delivery area that is located at the left intersection of the panhandle driveway and public road, as the driveway is exited; and
- (3) Numerical identification of each dwelling served by the panhandle driveway in accordance with § 35-2-206 of the Code.
 - (i) Construction of panhandle driveway.
- (1) The panhandle driveway shall be built in accordance with standards established by the Director of Public Works.
- (2) The panhandle shall be paved within 1 year of the issuance of the first occupancy permit or before the issuance of the occupancy permit of the last lot to be served, whichever comes first.
- (3) In DR zones required utilities shall be provided to all lots to be served by the panhandle before the paving of the panhandle driveway.
- (j) Parking along panhandle driveway. Parking is not permitted along a panhandle driveway.
- (k) Waiver. Except as provided in subsections (d) and (e) of this section, the Director of Planning may grant a waiver from any provision in this section or title if the Director finds:
- (1) That the size, scope, and nature of the subdivision of land into three or fewer lots for residential single-family dwellings does not justify strict compliance with this section;
- (2) That a waiver would be within the scope, purpose, and intent of this section; and
 - (3) Compliance with all other county ordinances and regulations.

(1988 Code, §§ 26-168, 26-266) (Bill No. 172, 1989, § 2; Bill No. 106, 1990, § 1; Bill No. 1, 1992, § 2; Bill No. 173-93, § 3, 11-17-1993; Bill No. 61-95, § 1, 6-30-1995; Bill No. 8-96, § 3, 3-23-1996; Bill No. 49-96, § 15, 7-1-1996; Bill No. 38-98, § 4, 6-20-1998; Bill No. 51-99, § 1, 8-26-1999; Bill No. 79-01, § 2, 7-1-2004)



ATTACHED 1





CORNER OF
RIGHT OF WAY
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Sans OCRS



parolina primas



(Wete BEURTIFUL)

THESE SHOULD OF BREN.

Jacoba A BOR

ATTACHED I





OVER S' DIAMETER ACHEDI





ATTACHED II



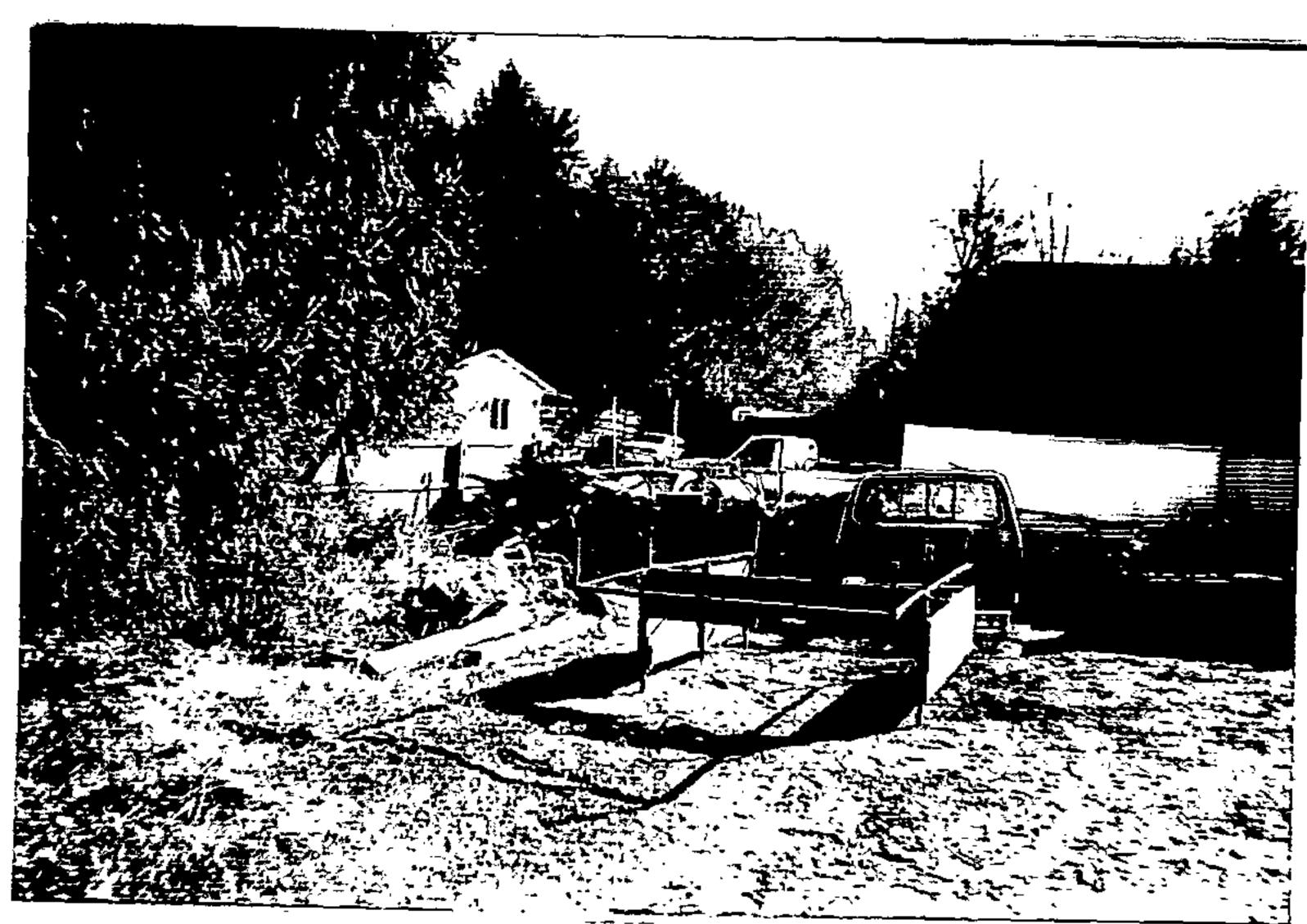
WHECLER

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18 Wheeler

ATTACHED



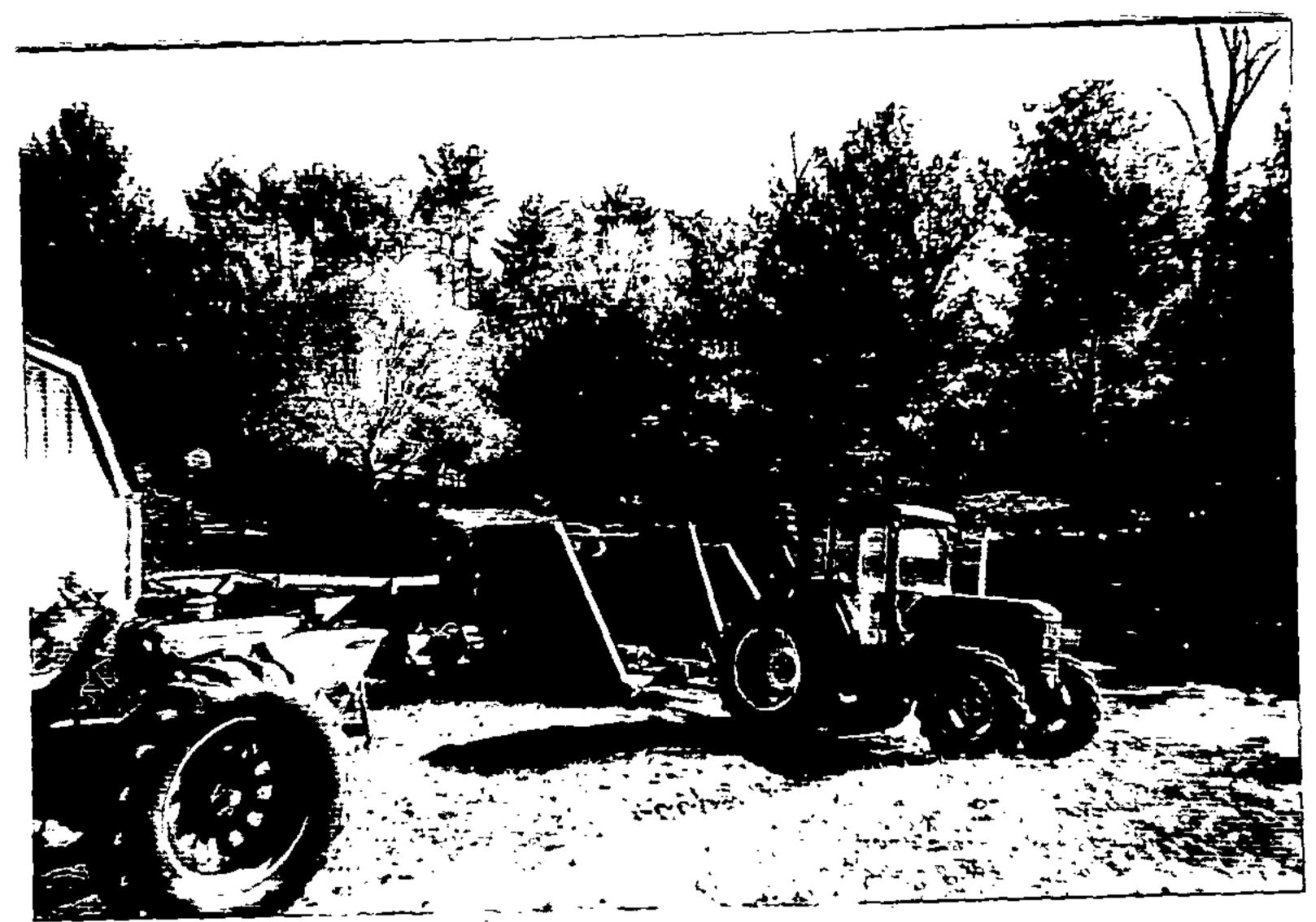
LONG LANE BY OUR

House

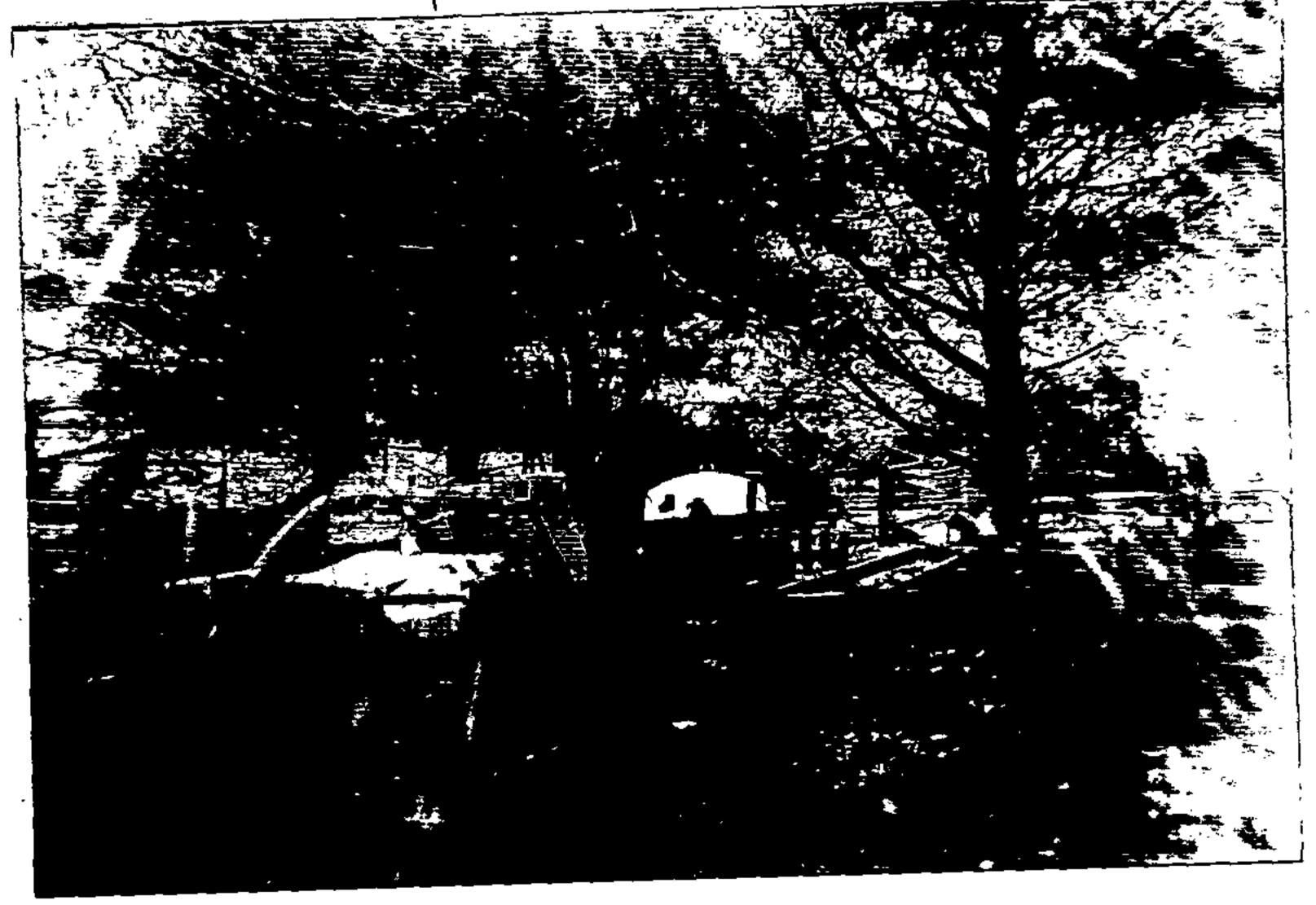


IN FRONT OF OUR HOUSE

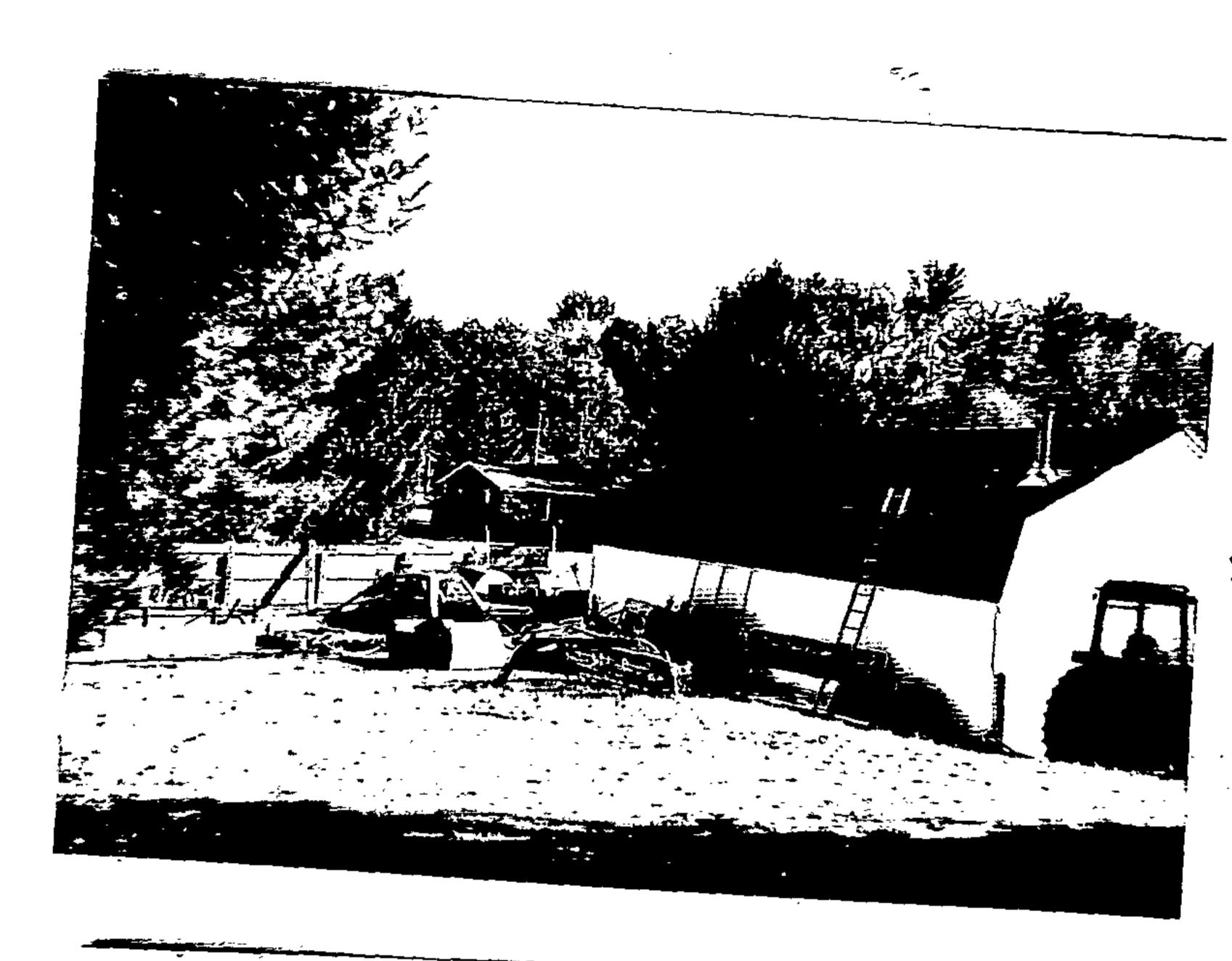
ATTACHEDIT



FIEAVY EQUIPT MENT



ATTACHED II



SHOP JOHN SCHWATA



We See HEAVY EQUIPMENT

ATTACHED II



LARGE EQUIPT-Ment



HEAVY EQUIPTMENT

TTA CHED 3

OLD PBBEY House



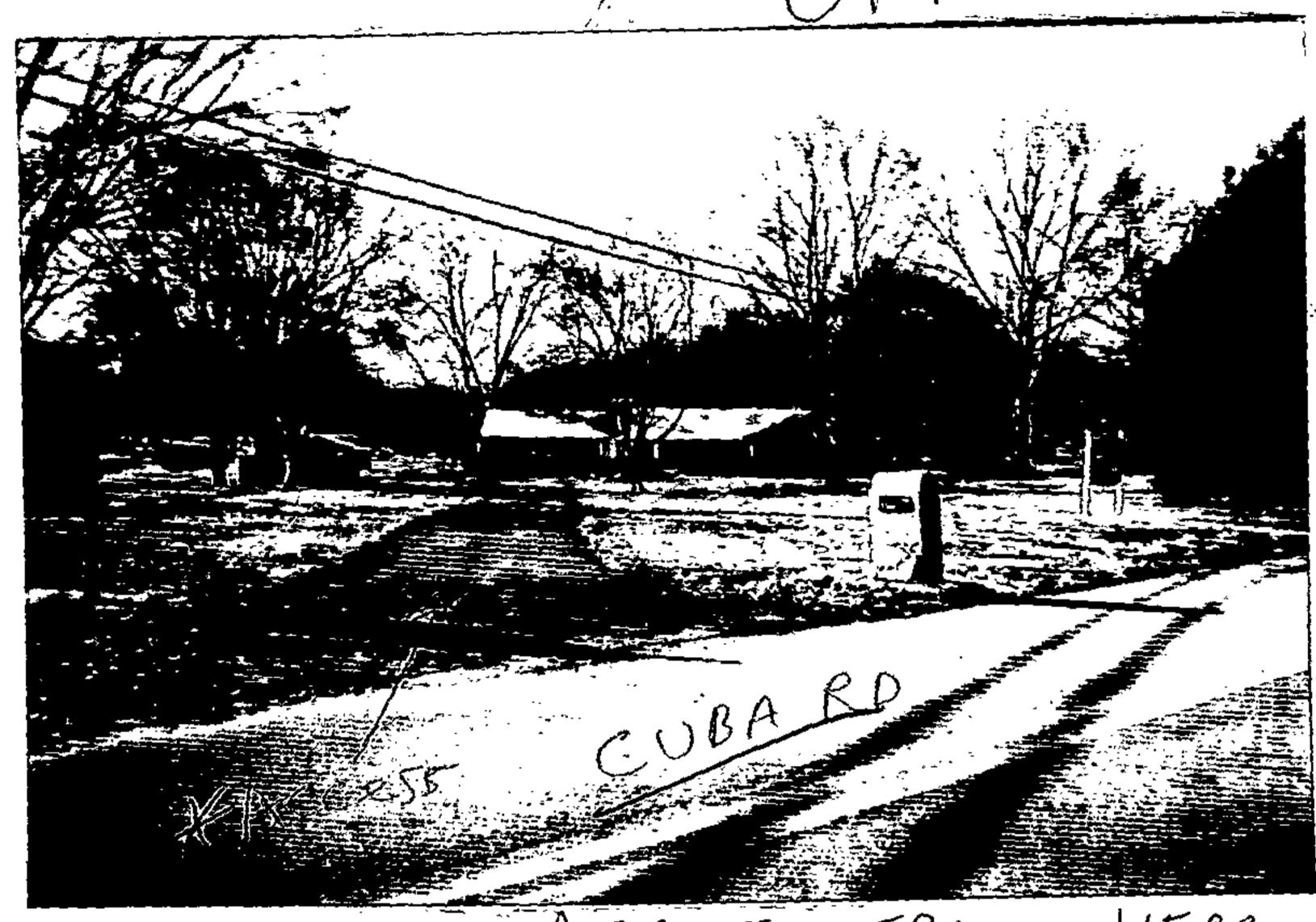
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property per proving 2000 austra?



ATTACHED TH

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OUR PROPERTY ATTACHED IT



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PITACHED III



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ARBEY
PROPERTY

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EXCR.
INDI. SPRING



will

FOWL CAN





PETITIONER'S

EXHIBIT NO.

<u> 2 A</u>





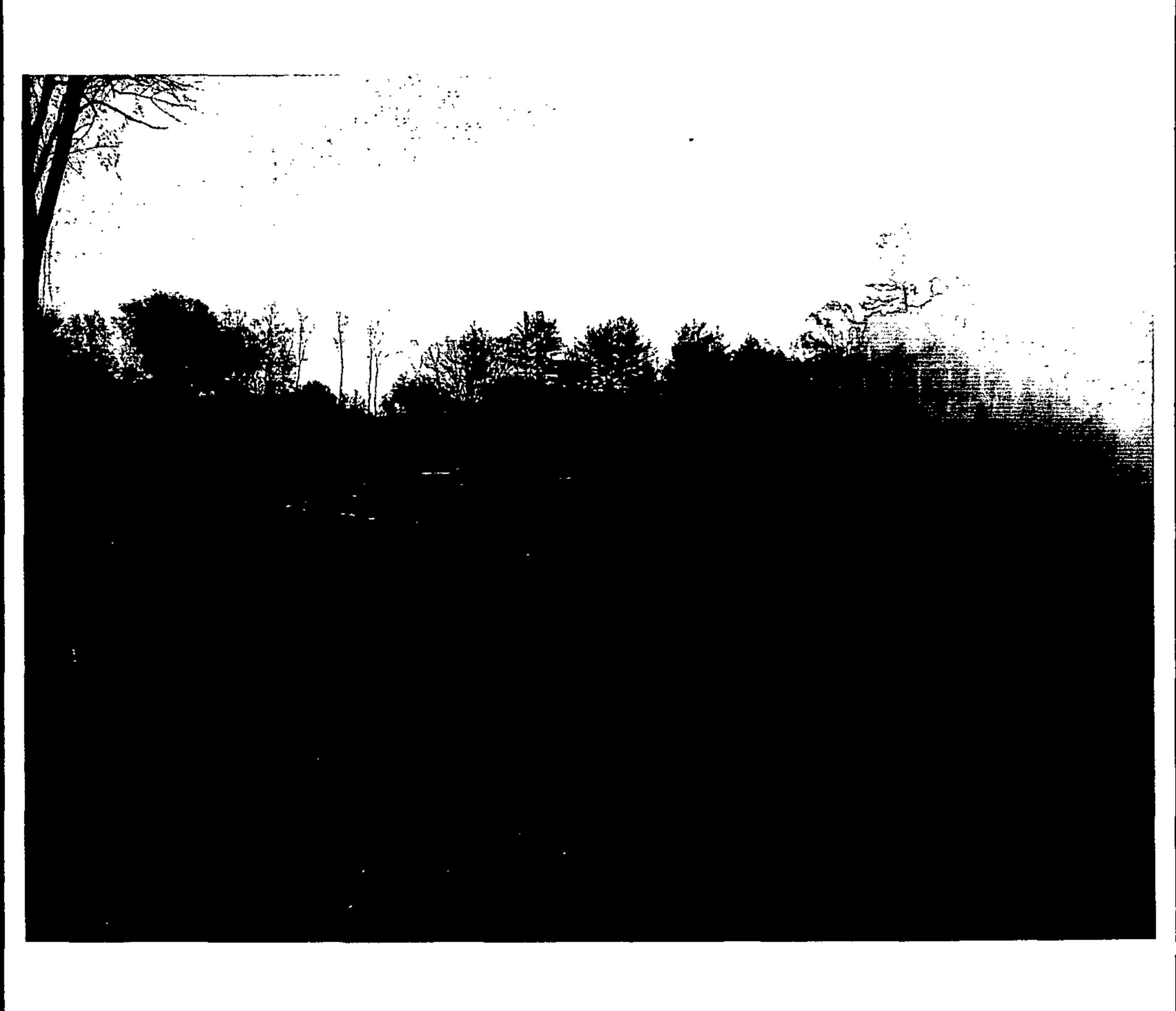




EXHIBIT "A"

All those lots of ground situate in the Eighth (8th) Election District of Baltimore County, State of Haryland and described as follows:

FIRST: BECINNING for the same in the centerline of # 40 foot road herecofore laid out along the southernmost boundary of land which by deed dated January 6, 1967 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4714 folio 64, was conveyed by Co-Far Holding Corp. to Irvin W. Smith and wife, et al. said point of beginning also being situate at the end of the third line of said deed, thence leaving said place of beginning and running and binding in the centerline of said 40 foot road and on the 4th line of said deed, referring all courses of this description to the meridian of said deed (1) north 85 degrees 21 minutes 46 seconds west 747.50 feet. thence leaving the centerline of said 40 foot road and running and binding on the 5th through the 8th lines of said deed, the four following courses and distances, respectively: (2) porth 03 degrees 37 minutes 51 seconds east 284.86 feet, thence (3 84 dogress 47 minutes 50 seconds cast. 367 88) feet, chence (4) south 76 dogrees 46 minutes to seconds east 126.40 feet and thence (5) south 88 degrees 29 minutes 10 seconds east 11 feet to a pipe heretofore set at the end of the 5th line of land which by Deed dated July 28. 1965 and recorded among the Land Records of Baltimore County in Liber O.T.C. No. 5024 folio 530, was conveyed by Mary Louise Botta to Paul R. Schlitz and wife, thence running and binding reversely on said 5th line of the second hereinmentioned deed. (6) south 31 degrees 31 minutes 51 seconds east 177.44 feet to a pipe herecofore set at the beginning of said 5th line, thence running for a new line of division through the land described in the first herein mentioned deed, of which the parcel now being described is a part (7) south 34 degrees 06 minutes 12 seconds, east 238.66 feet to the place of beginning. Containing 4,607 acres of land more or less.

TOGETHER with the rights for ingress and agrees to a 40 foot road leading from the above described parcel southerly and easterly to Cuba Road, the center line of said 40 foot road by description, as follows:

Beginning for the same at the end of the chird line of land which by deed dated January 6, 1967 and recorded among the Land Racords of Baltimore County in Liber O.T.G. No. 4714 folio 64, was conveyed by Co-Far Holding Corp. to Irving W. Smith and wife, et al. and thence leaving said place of beginning and running and binding reversely on the 3rd, the 2nd and on the first line of said Deed the three following courses and distances, respectively: (1) south 04 degrees 24 minutes 43 seconds west 168.00 feat and thence (2) south 88 degrees 10 minutes 00 seconds east 653.27 feet end thence; (3) north 62 degrees 10 minutes 00 seconds east 52.57 feet to the beginning of said deed and to the northeast side of Cuba Road. Being a portion of the land which by deed dated January 6, 1967 and recorded among the land Records of Baltimore County in Liber O.T.G. No. 4714 folio 64, was conveyed by Co-Far Holding Corporation to Irvin W. Smith and wife, et al.

BEING the same property which by Deed dated November 29, 1972 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5323 folio 725, was granted and conveyed by Irvin V. Smith, et al. to Doris Louise Hawthorne and Edmund H. Schroeter, her father, as joint tenants, in fee simple.

SECOND: BEGINNING for the same at the distance of 12 feet westerly from the beginning of the fourth line of the land described in a deed dated January 6. 1967 and recorded among the Land Records of Baltimore County in Liber O.T.C. No. 4714 folio 64, which was conveyed by Co-Far Holding Corporation to Irvin W. Smith and wife, and running thence and binding on said line, which is also the first line described in a deed dated November 29, 1972 and recorded among the Land Records in Liber E.H.K., Jr. No. 5323 folio 725, from Irvin V. \$mith and wife, et al. to Doris Louise Hawchorne and Edmund H. Schroster, and binding reversely on said lines (1) south \$5 degrees 21 minutes 46 seconds east 12 feet to the end thereof, thence running with and binding on the third. second and first lines of the aforesaid deed, from Smith to Co-Far, reverse; , the following three courses: south 4 degrees 24 minutes 43 seconds west 169: feet, south 88 degrees 10 minutes east 653.27 feet, north 62 degrees 10 minutes east 52.27 feet to the center of Cuba Road, thence running with and binding on the center of said road north 27 degrees 50 minutes wast 12 feet, thence running 62 degrees 10 minutes west 52.27 feet, thence north 88 degrees 10 minutes west 641.27 feet, thence north 4 degrees 24 minutes 43 seconds east 168 feet, thence north 85 degrees 21 minutes 46 seconds west 24 feet, thence south 4 degrees 24 minutes 43 seconds west 12 feet to the place of, beginning.

1, 6,

PETITIONER'S

139935° ESS 53

Being a fee simple 12 foot right of way leading from Cuba Road to the 4.607 acres described in the aforesaid Deed from Irvin W. Smith, et al, to Doris Louise Hawthorns and Edmund H. Schroeter, her father.

BEING the same lots of ground which by Deed dated Jenuary 29 1980 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6132 felio 267 was granted and conveyed by Doris Louise Foley, et al. to Robert C. Peterson and Lorean P. Peterson, his Haughter.

Map 33, Parcel 244

14400 Cuba Road

Zoning - R.C. 2

Prior Owner - Kurt J. Aebi

Deed Reference - 9358/552 (2 parcels) 8/3/92

Prior deeds: 6132/267 (2 parcels) 1/29/80

5323/725 - Parcel 1 - 4.607 acres 11/29/72

5732/063 - Parcel 2 - 0.243 acres - driveway 2/20/77

F:\DCD\ZONING\McComas\deedmemo.wpd

EXH.BT 3A

Case Tx.: 06-174-5PH Butt Austin 244 Cupa Romal

Penhistant's Exhibit 115-15

