IN RE: PETITION FOR SPECIAL HEARING E/S of Falls Road, 1,150' NW of Padonia Road **(11843 Falls Road)** 8th Election District 2nd Council District J. Brookes Smith, Jr., et ux. Petitioners	* * * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 06-308-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, J. Brookes Smith, and his wife, Berneice Smith. The Petitioners request a special hearing to approve a non-density transfer of 0.475 acres of RC-4 zoned property to their son and daughter-in-law, J. Brookes Smith, III and Sandra Smith. 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 Scott Lindgren, Professional Land Surveyor with Gerhold, Cross and Etzel, LTD. Also appearing but not testifying was J. Brookes Smith, III. There were no Protestants.

Testimony and evidence presented revealed that the Petitioner/Parents purchased the subject 5 acre tract in 1984 when it was zoned RC-5 and conveyed a 1.3 acre parcel to their son, where he currently resides with his wife as indicated on Petitioner's Exhibit 1. The Petitioners are currently processing a minor subdivision that will create a total of 3 lots as indicated on Petitioner's Exhibit 1. Subsequent to the Petitioner's purchase of the Property and after the conveyance of the parcel to their son and daughter-in-law, a portion of the property was rezoned, pursuant to the 2000 comprehensive rezoning process to RC-4, which is reflected on the referenced Exhibit. For the purpose of creating a larger yard for their son and daughter-in-law, and not for the purpose of creating additional development rights, they have requested the subject non-density

ORDER RECEIVED FOR FILING
Date 2/21/06
By

transfer. This transfer will serve to create three uniform lots in size as well as create additional setback distance (350 feet) between the existing garage on lot three, which is currently 3 feet off the existing property line. Mr. Wally Lippincott, on behalf of the Department of Environmental Protection and Resource Management (DEPRM), submitted written Zoning Advisory Comments reflecting his concern that, "An area equal to the 0.475 acre transfer will be planted in native wooded vegetation and a security posted until the planting is complete". It has been brought to my attention that the entire 0.475-acre transfer parcel is currently wooded and the Petitioners intend to keep it that way. I have therefore instructed the Petitioners to meet with Mr. Lippincott to further discuss and reevaluate this matter. I am however persuaded, based upon the testimony and evidence presented, to grant the requested relief. Mr. Lippincott, and DEPRM in general, will have an opportunity to visit this issue during the pending minor subdivision process, therefore I believe that all County Agency concerns will be protected and addressed. Additionally, based upon the pictorial evidence that has been presented to me, it is clear that the subject non-density transfer parcel is entirely wooded.

Therefore, after due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that the proposed non-density transfer is within the spirit and intent of the RC-4 zone and will not create any additional density rights on this property. As indicated by the Petitioner's Surveyor, Scott Lindgren, this transfer will no more promote the removal of trees than if the transfer were denied.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of February, 2006 that the Petition for Special Hearing to approve a non-density transfer, of 0.475 acres to an adjoining lot owned by Petitioner's son and daughter-in-law, 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) 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 J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 2/21/06
By

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

February 22, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. J. Brookes Smith, Jr.
11843 Falls Road
Cockeysville, Maryland 21030

RE: **PETITION FOR SPECIAL HEARING**
E/S Falls Road, 1150' NW of the c/l Padonia Road
(11843 Falls Road)
8th Election District – 2nd Council District
J. Brookes Smith, Jr., et ux - Petitioners
Case No. 06-308-SPH

Dear Mr. & Mrs. Smith:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. J. Brookes Smith, III
11889 Falls Road, Cockeysville, Md. 21030
Mr. Scott Lindgren, Gerhold, Cross & Etzel, Ltd.
320 E. Towsontown Boulevard, Suite 100, Towson, Md. 21286
DEPRM; People's Counsel; Case File

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11843 Falls Road (MD. Route 25)
which is presently zoned R.C. 5 & R.C. 4

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

OF. 475 AC.

A non-density transfer to an adjoining property owner. (MINOR SUB 05-120-M.)

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print — City

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

J. Brookes Smith, Jr.
Name - Type or Print

X J. Brookes Smith Jr.
Signature

Bernice T. Smith
Name - Type or Print

X Bernice T. Smith
Signature

11843 Falls Road — (410) - 561 - 0729
Address — Telephone No.

Cockeysville — MD. — 21030 - 1604
City — State — Zip Code

Representative to be Contacted:

Gerhold, Cross, & Etzel, Ltd. - Mike Alexander
Name

320 E. Towsontown Blvd. Ste.100
Address — Telephone No.

Towson, Maryland 21286 (410)-823-4470
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date 12-14-05

ORDER RECEIVED FOR FILING
Date 12/14/05
By

Case No. 06-308-SPH

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax. (410) 823-4473 • www.gcelimited.com

December 20 2005

Zoning Description
J. Brookes Smith, Jr. Parcel to be Transferred to Adjoining Property Owner

All that piece or parcel of land situate, lying and being in the Eighth Election District and Second Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point North 65 degrees 17 minutes 18 seconds East 250.66 feet and North 75 degrees 43 minutes 17 seconds East 227.13 feet from a point in or near the center of Falls Road 1400 feet more or less Northwesterly along the centerline of Falls Road from its intersection with the centerline of Padonia Road thence running, (1) North 75 degrees 43 minutes 17 seconds East 221.23 feet, (2) South 14 degrees 16 minutes 43 seconds East 243.57 feet, (3) North 46 degrees 27 minutes 35 seconds West 217.06 feet, and (4) North 74 degrees 44 minutes 12 seconds West 121.41 feet to the place of beginning.

Containing 20,701 sq. ft. or 0.475 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

STATE OF MARYLAND
SCOTT ALAN LINDGREN
No. 21081
PROFESSIONAL LAND SURVEYOR
12/20/05

03-505SPU

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2529

DATE 12 19 [illegible] ACCOUNT [illegible]

AMOUNT $ 62.00

RECEIVED FROM: [illegible]

FOR: [illegible]

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACCOUNT	TIME	DOC
12/19/2005	12/19/2005	14:[illegible]	1

REC. NUM	MISCELL	REC. DATE
RECEIPT # 252[illegible]	12/19/2005	[illegible]

Dept 5 [illegible] WELL DRILLING
OR NO. 0[illegible]
Receipt Tot [illegible]
[illegible] TE [illegible]
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: # 06-308-SPH
11843 Falls Road
East side of Falls Road, 1,150 feet northwest of centerline of Padonia Road
8th Election District — 2nd Councilmanic District
Legal Owner(s): Berneice T. Smith and J. Brooks Smith, Jr.

Special Hearing: for a non-density transfer of 0.475 acres to an adjoining property owner (Minor Sub 05-120-M).

Hearing: Tuesday, January 24, 2006 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 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.

1/020 Jan. 5 79869

CERTIFICATE OF PUBLICATION

1/6/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/5/, 2006.

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

S. Wilkinson

LEGAL ADVERTISING

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson Maryland 21286
Phone (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 06-308-SPH
PETITIONER/DEVELOPER:
Berneice T. Smith & J. Brooks Smith, Jr.
DATE OF HEARING: January 24, 2006

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

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

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

LOCATION:
11843 Falls Road

(see page 2 for full size photo)

POSTED ON: January 3, 2006

SIGNATURE OF SIGN POSTER

John Dill

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

RECEIVED
3 2006

ZONING NOTICE

CASE # :06-308-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: Room 407 County Courts Building
401 Bosley Avenue, Towson, MD 21204

TIME & DATE: 9:00 am Tuesday January 24, 2006

Special Hearing: for a non-density transfer of 0.475 acres to an adjoining property owner (Minor Sub 05-120-M).

CONTINUANCES DUE TO WEATHER OR OTHER CONDITIONS MAY BE NECESSARY TO CONTINUE HEARING. CALL [illegible] THE DAY BEFORE THE SCHEDULED HEARING DATE.

[illegible] HEARINGS ARE HANDICAPPED ACCESSIBLE.

01/03/2006

DE[illegible] AND
[illegible]AGEMENT

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 5, 2006 Issue - Jeffersonian

Please forward billing to:
J. Brookes Smith, III & Sandra J. Smith (410-561-0729)
11889 Falls Road
Cockeysville, MD 21030

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: 06-308-SPH
11843 Falls Road
East side of Falls Road, 1,150 feet northwest of centerline of Padonia Road
8th Election District - 2nd Councilmanic District
Legal Owners: Berneice T. Smith and J. Brooks Smith, Jr.

Special Hearing for a non-density transfer of 0.475 acres to an adjoining property owner (Minor Sub 05-120-M).

Hearing: Tuesday, January 24, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 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

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

Baltimore County

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

December 23, 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: 06-308-SPH
11843 Falls Road
East side of Falls Road, 1,150 feet northwest of centerline of Padonia Road
8th Election District - 2nd Councilmanic District
Legal Owners: Berneice T. Smith and J. Brooks Smith, Jr.

Special Hearing for a non-density transfer of 0.475 acres to an adjoining property owner (Minor Sub 05-120-M).

Hearing: Tuesday, January 24, 2006 @ 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:raj

C: Mike Alexander, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Ste. 100, Towson, MD 21286
J. Brookes Smith, III & Sandra J. Smith, 11889 Falls Road, Cockeysville, MD 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 9, 2006.**
(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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: OG-308-SPA

Petitioner: J. Brookes Smith, Jr. and Bernice T. Smith

Address or Location: 11843 Falls Road (MD Route 25) (MINOR SUBD 05-120-M).

PLEASE FORWARD ADVERTISING BILL TO:

Name: J. Brookes Smith, III and Sandra J. Smith

Address: 11889 Falls Road

Cockeysville, Maryland

21030

Telephone Number: (410) - 561 - 0729

Revised 2/20/98 - SCJ

OG 308 SPA

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

January 23, 2006

J. Brookes Smith, Jr.
Berneice T. Smith
11843 Falls Road
Cockeysville, Maryland 21030

Dear Mr. and Mrs. Smith:

RE: Case Number: 06-308-SPH, 11843 Falls Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 14, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Gerhold, Cross & Etzel 320 E. Towsontown Blvd. Towson 21286

County Office Building, Room 111 december 28, 2005

Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: December 19, 2005

Item No.: 6-306-A thru 6-314-A

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 3, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2005
Item Nos: 306, 307, 308, 311, 312, 313, and 314

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-01032006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: R. Bruce Seeley RBS

DATE: January 11, 2006

SUBJECT: Zoning Item # 06-308-SPH
Address 11843 Falls Road
(Smith, J. Brooks III)

Zoning Advisory Committee Meeting of December 19, 2006

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

Recommend approving, subject to a planting plan that will bring the J. Brooks Smith III receiving lot, into compliance with the following restrictions:

1). The existing acreage, prior to the conveyance, will be used to calculate the limits of impervious surfaces.

2). An area equal to the 0.475 acre transfer will be planted in native wooded vegetation and a security posted until the planting is complete.

The basis for these conditions are that the RC-4 zone is designed to protect the drinking water supply for 1.8 million people and as such, all reasonable efforts should be made to meet the standards and purposes of the zone.

Reviewer: W. Lippincott Date: January 6, 2006

S:\Devcoord\ZAC\06-308.doc

BW 1/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 28, 2005

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

RECEIVED
JAN 0 9 2006
ZONING COMMISSIONER

SUBJECT: 11843 Falls Road

INFORMATION:

Item Number: 6-308

Petitioner: Berneice Smith and J. Brookes Smith Jr.

Zoning: RC 4

Requested Action: Special Hearing

The property in question appears in the two lot, RC5 zoned minor subdivision entitled the Smith property 05-120M. Currently this property is undergoing the minor subdivision approval process. The requested hearing is to allow a non-density transfer of .47 acres zoned RC4 to be conveyed to Sandra Smith and J. Brookes Smith III, owners of the adjacent dwelling and property located at 11889 Falls Road.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the .475-acre non-density transfer, as the request is separate from the referenced minor subdivision.

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

Prepared by: Curtis Murray

Division Chief: Lyn Lanham
AFK/LL: CM

W:\DEVREV\ZAC\6-308.doc

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

SHA
State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 1·3·06

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

RE: Baltimore County
Item No. 308 JRA

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

RE: PETITION FOR SPECIAL HEARING 11843 Falls Road; E/S Falls Road, 1,150' NW c/line Padonia Road 8th Election & 2nd Councilmanic Districts Legal Owner(s): J. Brookes & Berneice Smith Petitioner(s)	* * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-308-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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of December, 2005, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross, Etzel, Ltd., Mike Alexander, 320 E. Towsontown Blvd, Suite 100, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

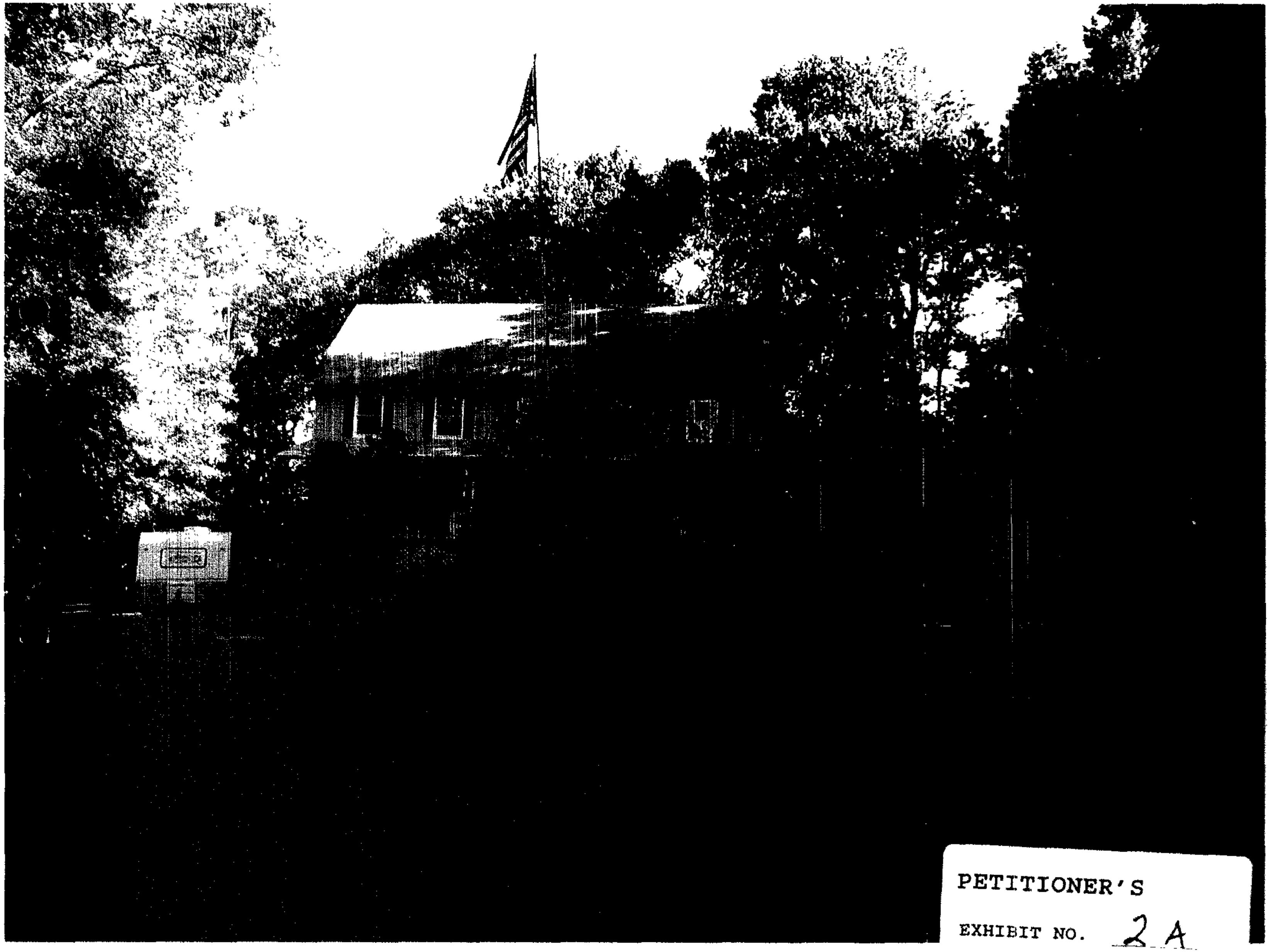
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
DEC 22 2005
Per .....

Case No.: 06-308 SPH

Exhibit Sheet

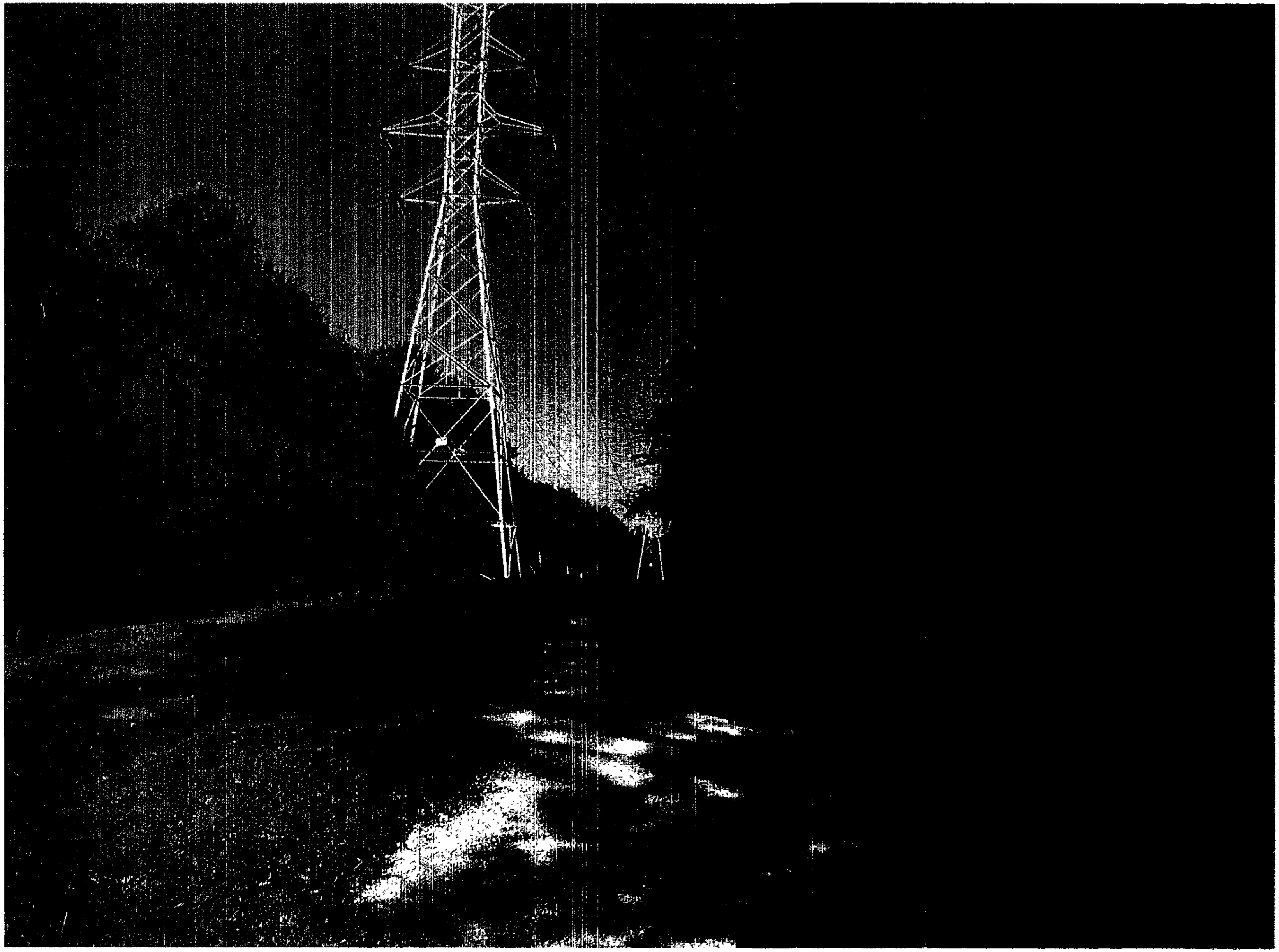
	Petitioner/Developer	Protestant
No. 1	SITE PLAN	
No. 2	PHOTO'S - 2A thru 2D	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 2A

2c



2D

IN THE MATTER OF	*	IN THE
	*	CIRCUIT COURT
Laura Berneice Tontz Smith	*	FOR
FOR THE APPOINTMENT	*	
	*	BALTIMORE COUNTY
A GUARDIAN OF THE	*	
PERSON AND PROPERTY	*	03-T-04-000180

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

ORDER APPOINTING GUARDIAN OF THE PERSON AND PROPERTY

This matter having come on for hearing, this 23rd day of November, 2004, before the Circuit Court for Baltimore County, and this Court having considered the verified Petition, medical certificates and testimony, and having found by clear and convincing evidence that Laura Berneice Tontz Smith, lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his/her person and property because of a disability as defined in the Annotated Code of Maryland, Estates and Trusts Article, Section 13-201 abd 13-705, the nature of the disability being Dementia. This Court futher finds that the disabled person is unable to consent to the appointment of a guardian, that the disabled person needs a guardian and that no less restrictive form of intervention is available which is consistent with the person's welfare and safety.

(Court must select one of the following two paragraphs)

( ) The Court finds that the disabled person was present and waived a jury trial.

(or)

(✓) The Court finds, after hearing, that the disabled person cannot be present because of physical or mental incapacity or that the disabled knowingly and voluntarily waived the right to be present. Counsel for the disabled waived a jury trial.

FILED NOV 2004

IT IS THEREUPON ORDERED AND DECREED, this 23rd day of November 2004, by the Circuit Court for Baltimore County, that

(Name) J Brookes Smith III

(Address) 11889 Falls Rd. Cockeysville Md 21030

(Telephone Number) 410-561-0729

be and is hereby appointed Guardian of the Person and

(Name) SAME

(Address)

(Telephone Number)

be and is hereby appointed Guardian of the Property of Laura Berneice Tontz Smith with the rights, powers and duties enumerated in the Annotated Code of Maryland, Estates and Trusts Article, Sections 13-206, 13-708 and 15-102 and Maryland Rules 10-206 and 10-305; and it is further

ORDERED, that the Guardian of the Property shall:

(Court will select one)

( ) give a corporate bond to the State of Maryland in the sum of _____ with a surety or sureties to be approved by the Clerk of the Court for the faithful discharge of his duties; or

(✓) is excused from giving bond; and it is further

ORDERED, that the Guardian of the Person is authorized to consent to necessary protective services and to consent to the disabled person's placement in a nursing home or other appropriate living arrangement; and it is further

ORDERED, that the Guardian of the Person may consent to medical or other professional care, counsel, treatment, or service for the disabled, and it is further

(The Court will select option A or B)

ORDERED,

( ) **OPTION A:** That this Court must authorized the Guardian to consent to any medical procedure that involves a substantial risk to the life of the disabled; and the withholding or withdrawal of any medical procedure that involves a substantial risk to the life of the disabled;

(OR)

(✓) **OPTION B:** The Guardian of the Person is authorized to consent to any medical procedure that involves a substantial risk to the life of the disabled and the withholding or withdrawal of any medical procedure that involves a substantial risk to the life of the disabled;

(If Option B is selected, the Court will then select option 1,2, and/or 3)

( ) (1) the disabled person has executed an advance directive, naming the Guardian as agent, and/or specific instructions regarding life-sustaining treatments,

(OR)

(✓) (2) the guardian is within a class of individuals specified in Section 5-605(a)(2) of the Health General Article as authorized to make health care decisions for the disabled person and this Court has determined that the Guardian is familiar with the personal beliefs, values, and medical situtation of the disabled person;

(OR)

( ) (3) Physician's certification of condition and/or futility of treatment options have been presented. The guardian is authorized to honor, acknowledge and act accordingly; and it is further

ORDERED, that the Guardian of the Person must provide to the court notification for changing the classification of abode of the disabled person; and it is further

ORDERED, that pursuant to Maryland Rule 10-206, the Guardian of the Person shall file an annual report with the Trust Clerk of the Court, no later than sixty (60) days following (2/02: 23) (2024) of each year, (i.e. within 60 days of the anniversary date of this guardianship hearing), indicating the present place of residence of both the guardian and the disabled, the health and mental status of the disabled, whether there is a need for continuation of the guardianship, any reason to change the guardian's powers, or if the guardianship should be ended, and it is further

ORDERED, that pursuant to Maryland Rules 10-706 through 10-708, the Guardian of the Property shall file with the Trust Clerk an inventory of all assets of the disabled person of which the guardian has knowledge within sixty (60) days of the date of this Order, and thereafter, no later than sixty (60) days from the anniversary date of this Order shall file an Annual Accounting.

JUDGE

PLEASE PRINT CLEARLY

CASE NAME 11843 FALLS ROAD
CASE NUMBER 06-308-SPH
DATE JANUARY 24, 2006
J. BROOKS SMITH JR PROP

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
SCOTT LINDGREN	GERHOLD, CROSS & ETZEL, LTD 320 E. TOWSONTOWN BLVD SUITE 100	TOWSON, MD 21286	slindgren@gcelimited.com
Brookes Smith III	11889 FALLS Road	Cockeysville Md 21030	Sandy-Brookes3@Juno.com

OVERALL DENSITY CALCULATIONS
FROM NOVEMBER 22, 1975

GROSS AREA RC 5	238 Ac ±
LOTS PERMITTED RC 5	0.667 * 238 Ac = 158 LOTS
LOTS - 1 ZEO	6
LOTS PROPOSED	
LOTS REMAINING	0

RC 5 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

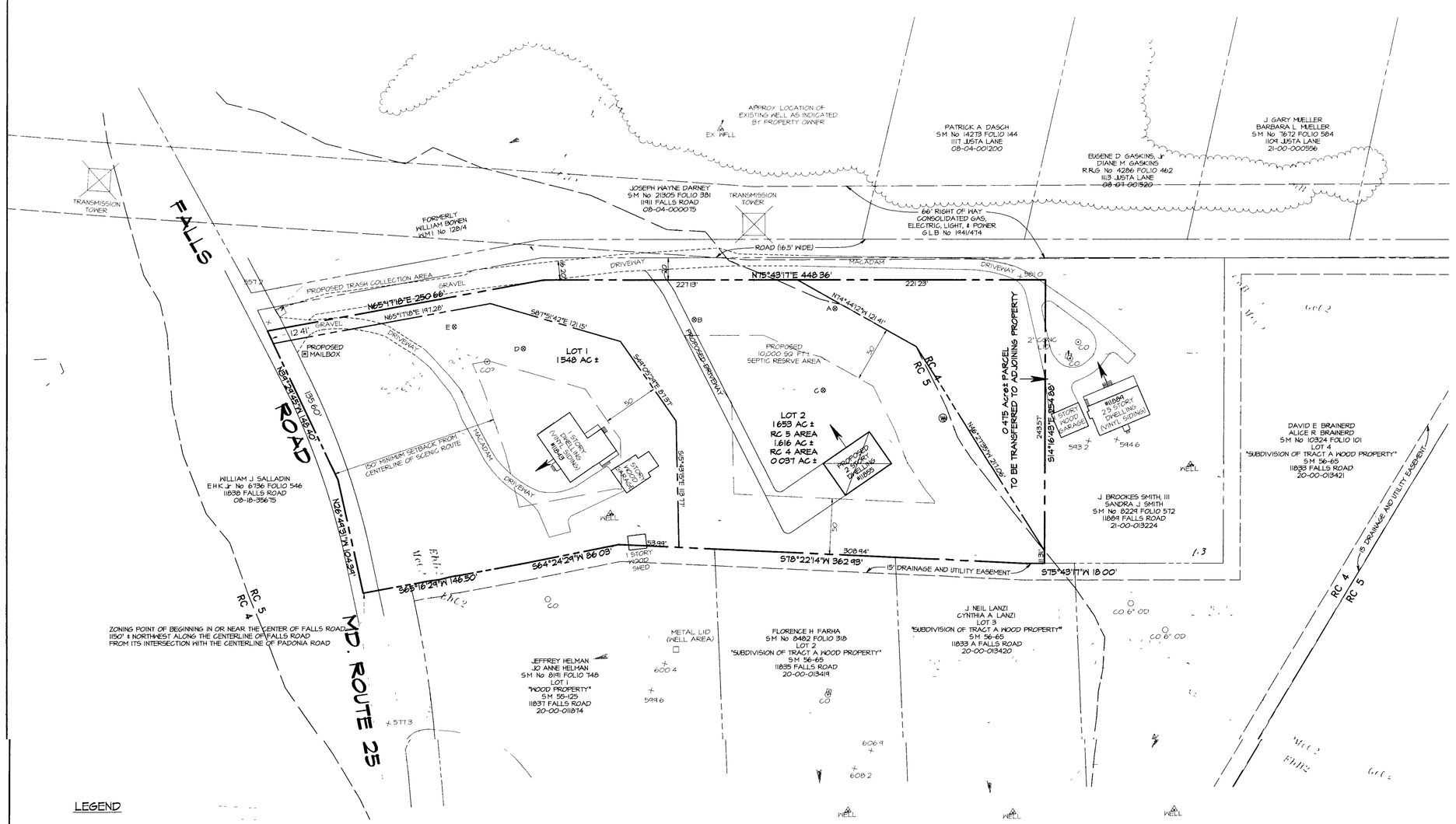
FROM ALL BUILDING FACES TO ULTIMATE PUBLIC STREET RIGHT OF WAY OR ROAD ZONE AND TO WHICH THEY ARE SIDE

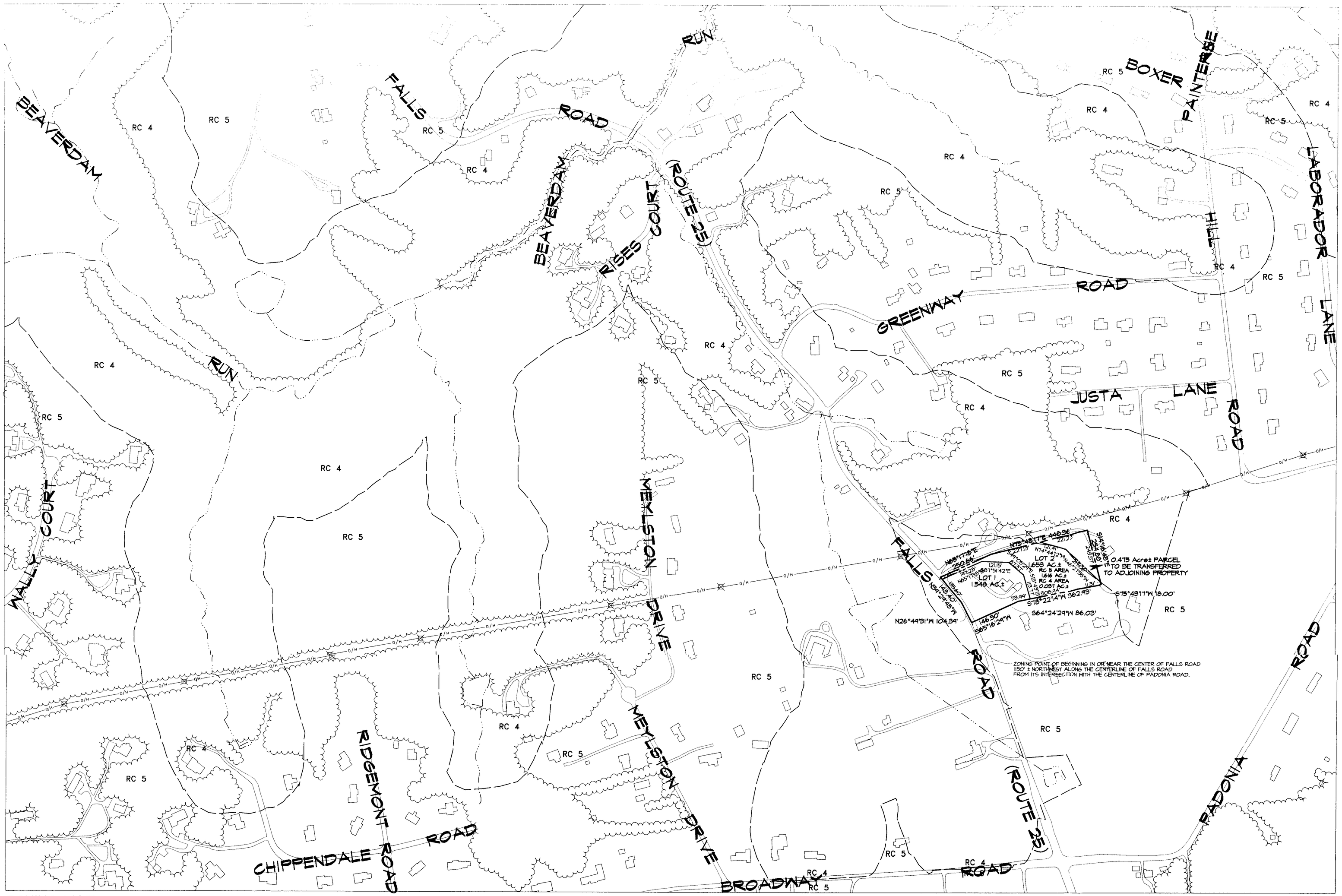
FROM ALL BUILDING FACES TO LOT LINES OTHER THAN STREET LINES

	50 FEET
	50 FEET

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
ExB2	SLIGHT	SLIGHT	MODERATE SLOPE
GcC2 / WuC2	MODERATE SLOPE	MODERATE SLOPE	SLIGHT
GnB	MODERATE SLOPE / SEVERE WHEN USED AS SITE FOR EMBANKMENT	MODERATE SLOPE / MODERATE WHEN USED AS SITE FOR EMBANKMENT	MODERATE SLOPE / MODERATE WHEN USED AS SITE FOR EMBANKMENT
MdB	SEVERE SLOPE	SEVERE SLOPE	SEVERE SLOPE


FALLS ROAD
MD. ROUTE 25
RC 5
RC 4
GRID MERIDIAN
TRANSMISSION TOWER
FORMERLY WILLIAM BOWEN KM1 No 2814
JOSEPH WAYNE DARNEY S/H No 21305 FOLIO 351 1811 FALLS ROAD 08-04-000075
APPROX. LOCATION OF EXISTING WELL AS INDICATED BY PROPERTY OWNER
EX WELL
PATRICK A DASCH S/H No 14273 FOLIO 144 1117 LISTA LANE 08-04-001200
EUGENE D GASKINS, JR DIANE M GASKINS R.R.S No 4286 FOLIO 462 1113 LISTA LANE 08-491-001900
J GARY MUELLER BARBARA L MUELLER S/H No 3672 FOLIO 584 1104 LISTA LANE 21-00-000556
ROAD (16.5' WIDE)
DRIVEWAY
PROPOSED TRASH COLLECTION AREA
GRAVEL
PROPOSED MAILBOX
N75°43'11"E 448.36'
N64°16'18"E 250.66'
N65°17'18"E 28.28'
S68°16'42"E 12.15'
S64°24'24"W 86.03'
S68°16'24"W 146.50'
S78°22'14"W 362.29'
S75°43'11"W 18.00'
S14°16'49"E 22.88'
S14°16'49"E 24.57'
N14°43'21"W 12.41'
N14°43'21"W 24.57'
N14°43'21"W 104.29'
N14°43'21"W 22.15'
N14°43'21"W 22.29'
S14°43'21"E 104.29'
S14°43'21"E 22.15'
S14°43'21"E 22.29'
LOT 1 1.549 AC ±
LOT 2 1.653 AC ± RC 5 AREA 1.616 AC ± RC 4 AREA 0.037 AC ±
PROPOSED 10,000 SQ FT± SEPTIC RESERVE AREA
PROPOSED DRIVEWAY
PROPOSED DWELLING
1 STORY WOOD SHED
EX. DWELLING WITH ORIGINAL WELL
EX. DWELLING WITH ORIGINAL WELL
0.475 ACRE PARCEL TO BE TRANSFERRED TO ADJOINING PROPERTY
2' CONC
EX. DWELLING WITH ORIGINAL WELL
EX. DWELLING WITH ORIGINAL WELL
1 STORY WOOD SHED
15' DRAINAGE AND UTILITY EASEMENT
20' DRAINAGE AND UTILITY EASEMENT
50' INGRESS SETBACK FROM CENTERLINE OF SERVICE ROUTE
WELL
WELL
WELL



MARYLAND COORDINATE SYSTEM
NAD83(1991)

ZONING MAP

GIS Tile: 05003

Scale: 1" = 200'