IN RE: PETITION FOR SPECIAL HEARING 1,521' W c/l of Dogwood Road, 2,055' NW Wrights Mill Road

> (8633 Dogwood Road) 2nd Election District 4th Council District

Michael A. Bagby Petitioner

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 06-400-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, Michael A. Bagby. As filed, the Petitioner requests a special hearing to approve a waiver of public works standards from Section 32-4-409(b) of the B.C.D.R.1, to allow access to the proposed lots by way of a right-of-way in lieu of the required in fee ownership. 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 Bruce E. Doak with Gerhold, Cross & Etzel, Ltd., the consultants who prepared the site plan for this property and Michael A. Bagby, owner and site developer. There were no Protestants or other interested citizens from the locale in attendance.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located approximately 1,500 feet to the west of the right-of-way for Dogwood Road, north of Wrights Mill Road in the Granite/Woodstock area of the county. The property contains a gross area of 4.05 acres, more or less, zoned R.C.2 and currently undergoing a minor subdivision process (PDM 06-009-M). The Petitioner is desirous of subdividing his property to

At the outset of the hearing, the Petition was corrected by interlineation to correct the relief requested as follows: "to approve access to the local street (Dogwood Road) through the existing right-of-way, which is 16 feet wide and approximately 1,935 feet long, in lieu of the required in-fee strip, pursuant to Section 32-4-409(c) of the Baltimore County Code (B.C.C.), for proposed Lot(s) 1 and 2.

create two building lots for a proposed single-family dwelling. Lot 1 will be triangularly shaped and consists of 1.71 acres; Lot 2 to the south is rectangularly shaped and consists of 2.34 acres of which 1.55 acres will contain the forest conservation easement. At issue in the instant case, is the proposed access. In this regard, it is to be noted that for many years the Petitioner and three families, namely Walter B. and Alma J. Duvall, Margaret C. Jett, and Anthony F. DiPaula, Jr. have utilized an existing use-in-common right-of-way to access their properties. Special Hearing relief is requested to determine whether the proposed lots can utilize the same access, in lieu of the in-fee access required by the B.C.C.

The B.C.C. 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 before the development plan is submitted. Subsection (b)2(ii) thereof specifies that a panhandle driveway must be 12 feet in width, per lot, where two lots are involved. Thus, the panhandle driveway/right-of-way must be 24 feet wide for the two lots requested here. However, pursuant to Petitioner's Exhibit 1, the right-of-way in this instance is only 16 feet wide.

There is no dispute that the subject use-in-common driveway has been established and is 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 and find that the proposed access is appropriate in this instance, given the fact that it has existed in its present scale and condition for many, many years, and is proposed to serve only two additional lots. The Office of Planning comment prepared by David Green is instructive. He states that the site is located along a winding rural road and the minimization of driveway access points is beneficial to motorists traveling along Dogwood Road. Thus, I find that the grant of relief will actually be beneficial to the locale. The Bureau of Development Plans Review indicates that they would like to see the 16-foot-wide existing right-of-way paved with a maximum grade of 14%. In my view, such a recommendation is unnecessary given the history of this subject right-of-way. As many in the county will recall, the horrendous fire which occurred at this location known as the

"Jett Stump Dump" fire when the mulch piles ignited. Moreover, every piece of fire equipment known to man traversed this right-of-way without difficulty. Every dump truck ever manufactured hauled materials across this very same right-of-way to the "Jett Stump Dump" without difficulty. The access is deemed adequate in width and grade and contains a solid base. With regard to the "tee turnaround" at the end of the use-in-common portion, the minimum 32-foot centerline radius and the trash and mail pads at Dogwood Road, I note that these have been duly noted and provided for on the minor subdivision plat received into evidence and marked as Petitioner's Exhibit 2. In this regard, the Petitioner shall comply with these requests as recommended.

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.

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is limited to proposed Lots 1 and 2. In the event of any future subdivision of the subject property, the private right-of-way shall be improved and paved within one year of the issuance of the first occupancy permit and prior to the issuance of the occupancy permit of the last lot to be served, whichever comes first. In addition, for any private access road serving more than the two lots in the minor subdivision (PDM 06-009-M) a covenant (use-in-common and maintenance) shall be recorded with the record plat for each lot.
- 3) 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 thirty (30) days of the date of this Order.

LIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw



JAMES T. SMITH, JR. County Executive

April 25, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Michael A. Bagby
5 Putting Way
Reisterstown, Maryland 21136-5921

RE: PETITION FOR SPECIAL HEARING

1,521' W c/l of Dogwood Road, 2055' NW Wrights Mill Road

(8633 Dogwood Road)

2nd Election District – 4th Council District

Michael A. Bagby - Petitioner

Case No. 06-400-SPH

Dear Mr. Bagby:

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.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

c: Mr. Bruce E. Doak, Gerhold, Cross & Etzel, Ltd. 320 E. Towsontown Blvd., Suite 100, Towson, Md. 21286 People's Counsel; Case File



Petition for Special Hearing

for the property located at 8633 Dogwood Rold

to the Zoning Commissioner of Baltimore County

which is presently zoned R.C. 2

This Petition shall be filed with the Department of Periowner(s) of the property situate in Baltimore County and with made a part hereof, hereby petition for a Special Hearing County, to determine whether or not the Zoning Commission	g under Section 500.7 of the Zoni oner should approve	
A waiver of public works st	andards from section 200	264 (2) of
		;
the B.C.D.R. to allow acces the B.C.D.R. to allow acces an essement in lieu of the dright of way	e required in fee owner	eship
Property is to be posted and advertised as prescribed by the l, or we, agree to pay expenses of above Special Hearing, advertized zoning regulations and restrictions of Baltimore County adopted p	ining panding the and but her a	and are to be bounded by the County.
	I/We do solemnly declare and at perjury, that I/we are the legal or is the subject of this Petition.	firm, under the penalties of wner(s) of the property which
<u>Contract Purchaser/Lessee:</u>	Legal Owner(s):	
Name - Type or Print	Michael A. Baaby Name - Type or Frint	
Signature	Signature Signature	
Address Telephone No.	Name - Type or Print	^{Magazita}
City State Zip Code	Signature	
Attorney For Petitioner:	5 Putting Way Address	(410) -526 - 2242. Telephone No.
Vame - Type or Print	Reisters fown	State Zip Code
	Representative to be Con	—,
Signature	Gerhold, Cross, & E	
Corp pany	Name 320 E. Towsontown B	——————————————————————————————————————
Telephone No.	Address Towson, Maryland 21	Telephone No.
State Zip Code	City	State Zip Code
	OFFICE USE	ONLY
	ESTIMATED LENGTH OF H	HEARING
Case No. 06-400-SPH	UNAVAILABLE FOR HEARI	N6
<i>Review 9 15 98</i>	riewed By Date	2/16/06



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

February 15, 2006

Zoning Description 8633 Dogwood Road Bagby Property

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

Beginning for the same at a point South 70 degrees 39 minutes 41 seconds West 1521.30 feet from a point in the centerline of Dogwood Road, said point being 2,055 feet more or less Northwesterly along Dogwood Road from the centerline of Wrights Mill Road, thence running (1) South 7 degrees 11 minutes 38 Seconds West 503.43 feet, (2) North 63 degrees 09 minutes 38 seconds East 137.50 feet, (3) South 25 degrees 50 minutes 22 seconds East 396.00 feet, (4) North 63 degrees 09 minutes 38 seconds East 296.74 feet, and (5) North 36 degrees 59 minutes 22 seconds West 826.07 feet, to the place of beginning.

Containing 176,446 sq. ft. or 4.051 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.



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:
Petitioner: DAGBY
Address or Location: 8633 DoGwood Ro.
PLEASE FORWARD ADVERTISING BILL TO:
Name: MR. MICHAEL A. BAGRY
Address: 5 PUTTING WAY
REISTERSTOWN, MD 21136-5921
Telephone Number: <u>斗I0・526・22+2</u>

Revised 2/20/98 - SCJ

CASHIER'S VALIDATION	
MARYLAND NO. 1271 MARYLAND ACCOUNT ACCOUNT AMOUNT \$ AMOUNT \$ COC. 616 50 ACCOUNT AMOUNT \$ AMOUNT \$ COC. 616 50 ACCOUNT AMOUNT \$ A	
BALTHMORE COUNTY OFFICE OF BUDGET & FIN NISCELLANEOUS RE FORE FORE FORE WHITE CASHER	The state of the s

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 on the property Identified herein as follows:

Case: # 06-400-SPH

8633 Dogwood Road

1521 feet west of centerline of Dogwood Road, 2,055 feet northwest of Wrights Mill Road

2nd Election District — 4th Councilmanic District Legal Owner(s): Michael A. Bagby

Special Hearing: To permit a waiver of public works standards to allow access to the proposed lots by way of a right-of-way in lieu of the required in fee ownership, Hearing: Friday, March 24, 2006 at 10:00 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) 887-3868.

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

3/129 Mar. 9

86974

CERTIFICATE OF PUBLICATION

3/9,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $39,2006$
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

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

CERTIFICATE OF POSTING

RE: CASE#06-400-SPH PETITIONER/DEVELOPER:

Michael A. Bagby

DATE OF HEARING: March 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:

8633 Dogwood Road

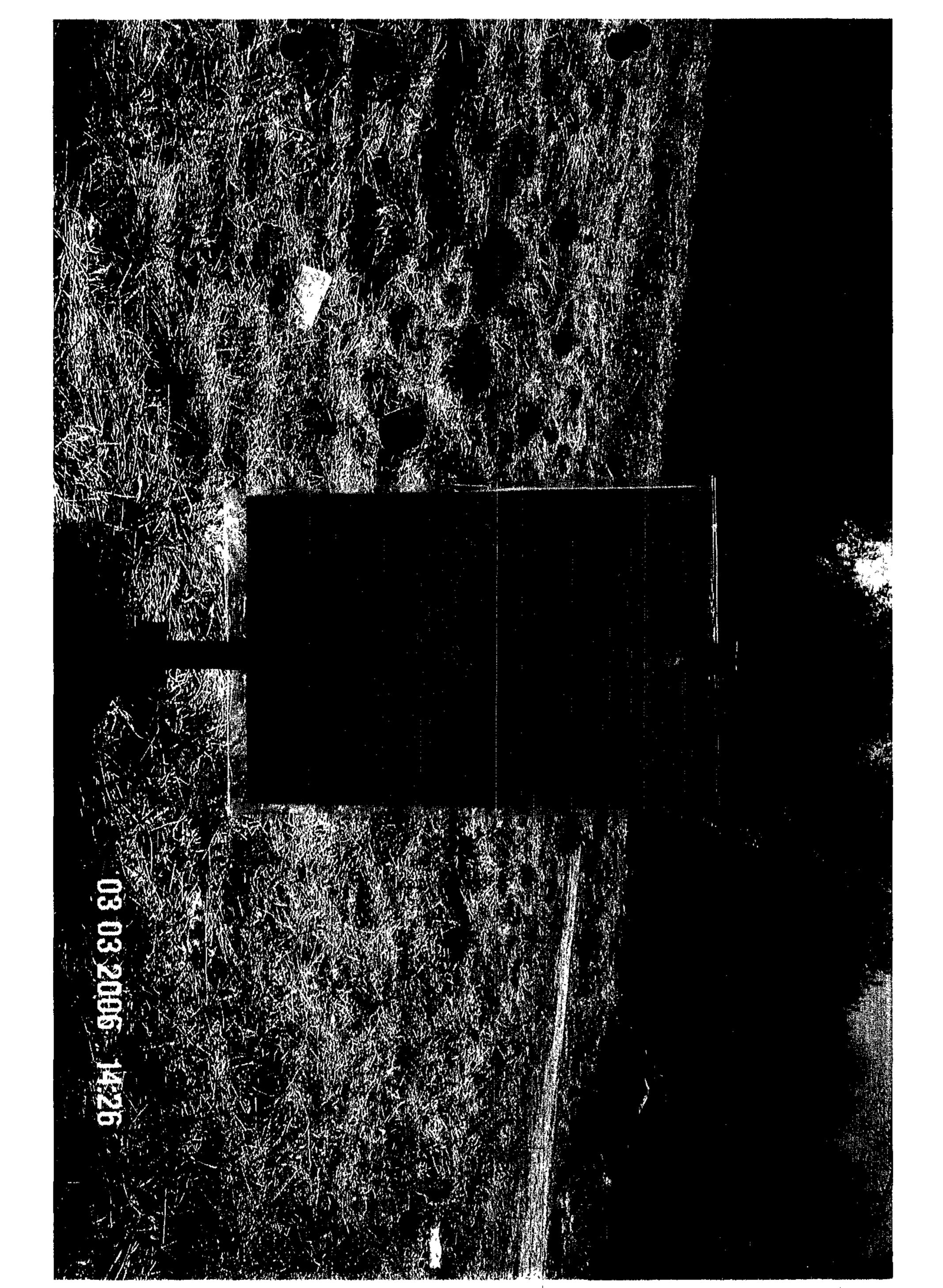
(see page 2 for full size photo)

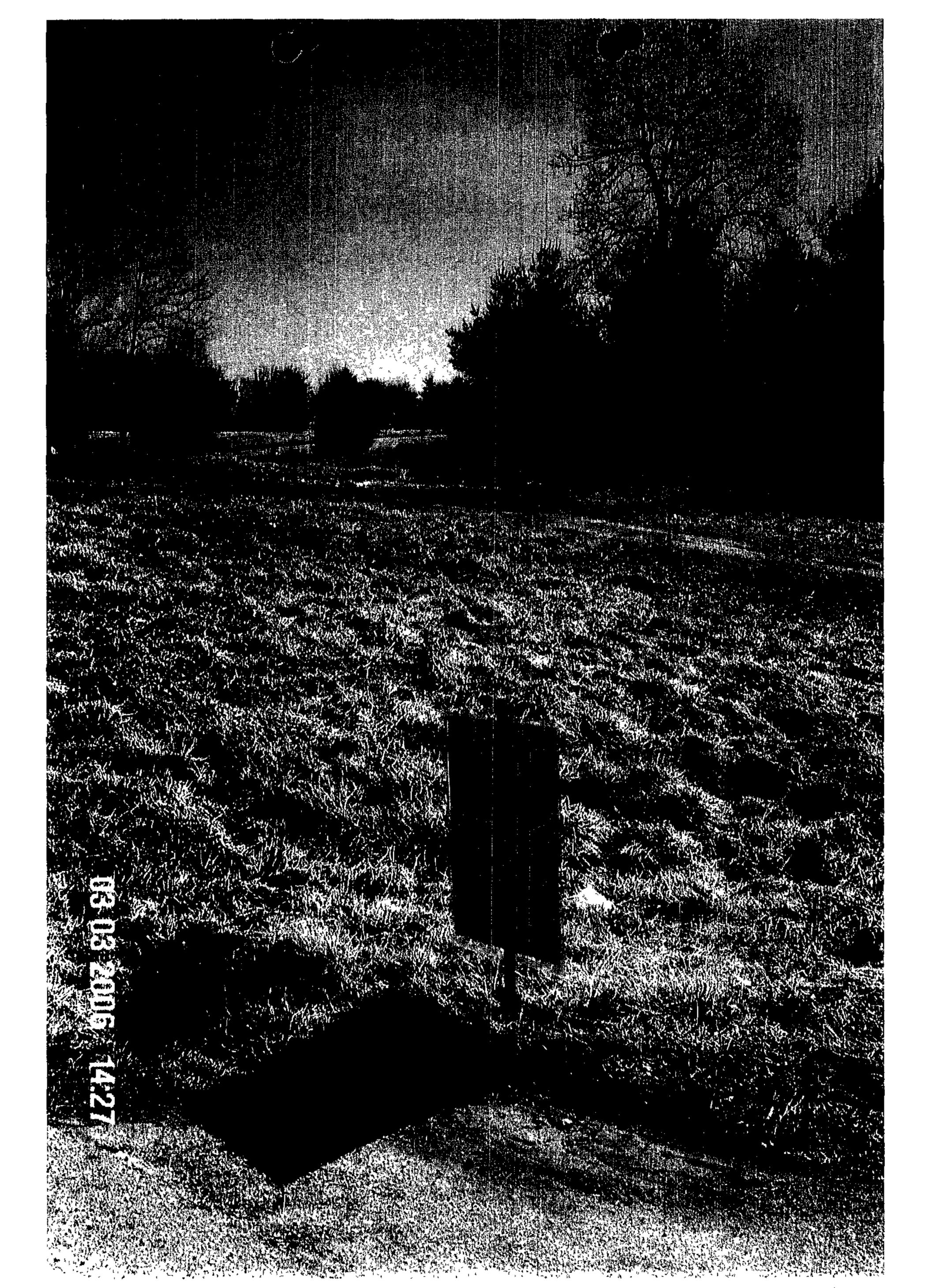
SIGNATURE OF SIGN POSTER

Bruce E. Doak

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

POSTED ON: 3/03/06

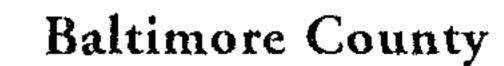




Department of Permits and Development Management

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

February 27, 2006

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: 06-400-SPH

8633 Dogwood Road

1521 feet west of centerline of Dogwood Road, 2,055 feet northwest of Wrights Mill Road

2nd Election District—4th Councilmanic District

Legal Owner: Michael A. Bagby

huty Kotroco

Special Hearing to permit a waiver of public works standards to allow access to the proposed lots by way of a right-of-way in lieu of the required in-fee ownership.

Hearing: Friday, March 24, 2006 @ 10:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

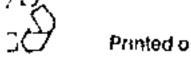
Timothy Kotroco Director

TK: raj

C: Michael A. Bagby, 5 Putting Way, Reisterstown, MD 21136-5921 Mike Alexander, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., Ste. 100, Towson, MD 21286

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

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY

Thursday, March 9, 2006 Issue - Jeffersonian

Please forward billing to:

Mr. Michael A. Bagby

(410-526-2242)

5 Putting Way

Reisterstown, MD 21136-2242

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: 06-400-SPH

8633 Dogwood Road

1521 feet west of centerline of Dogwood Road, 2,055 feet northwest of Wrights Mill Road

2nd Election District—4th Councilmanic District

Legal Owner: Michael A. Bagby

Special Hearing to permit a waiver of public works standards to allow access to the proposed lots by way of a right-of-way in lieu of the required in fee ownership.

Hearing: Friday, March 24, 2006 @ 10:00 a.m., 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 410-887-3868.

(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

March 13, 2006

Michael A. Bagby 5 Putting Way Reisterstown, MD 21136-5921

Dear Mr. Bagby:

RE: Case Number: 06-400 SPH, 8633 Dogwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 16, 2006.

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:amf

Enclosures

c: People's Counsel Gerhold, Cross & Etzel, Ltd. Mike Alexander 320 E. Towsontowne Bkvd, Ste 100 Towson 21286



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 7, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 6, 2006

Item No. 400

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

If access is granted through the existing right-of-way, we recommend that the driveway be made to conform to the following county standard panhandle requirements:

- A 16-foot-wide paved width
- Max grade of 14%
- Tee turnaround at the end of the use-in-common portion
- Minimum 32-foot centerline radius
- Trash and mail pads at Dogwood Road

In addition, the developer should demonstrate that he has the right to burden the existing right-of-way.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 400-03072006.doc

DATE: March 20, 2006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

8633 Dogwood Road

INFORMATION:

Item Number:

6-400

Petitioner:

Michael Bagby

Zoning:

RC-2

Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a waiver of section 32-4-409(b) and public works standards. The site is located along a winding rural road and the minimization of driveway access points is beneficial to motorists traveling along Dogwood Road.

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

Division Chief:

AFK/LL: CM

Fire Department



Baltimore County

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

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

County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

February 28,2006

ATTENTION: Zoning Review planners

Distribution Meeting of: February 27,2006

Item No.: 387, 388, 389, 390, 391, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405 and 406

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.

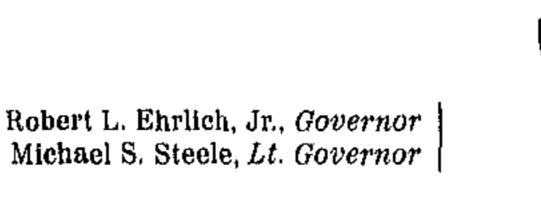
The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office Phone(0)410-887-4881 Mail Stop - 1102F

cc: File



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





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

Maryland Department of Transportation

Date:

2.28.06

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

RE:

Baltimore County

Item No. 400

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

RE: PETITION FOR SPECIAL HEARING

8633 Dogwood Road; 1521.3' W c/line

Dogwood Rd, 2,055' NW Wrights Mill Road

2nd Election & 4th Councilmanic Districts

Legal Owner9s): Michael Bagby

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-400-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 2nd day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross, & Etzel, Ltd, 320 E. Towsontown Blvd, Ste. 100, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

MAR 0 2 2006

Per,

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

E- MAIL											
CITY, STATE, ZIP	3	Reitentour, W. D. 24/36									
ADDRESS	320 E. Towsows Town Buro	5 Petting com									
NAME	Sauce E. Daw	UM : Charle Day On									

(SIGN IN SHEETS - OPPORTUNITY TO SIGN) - (RECORDER)

Good Morning – My name is Bill Wiseman, I am the Zoning Commissioner for Baltimore County and I've been assigned to hear your case pursuant to Art. 32 of the Baltimore County Code. THESE PROCEEDINGS ARE BEING RECORDED

FOR THE RECORD, THIS IS A PUBLIC HEARING ON case number 06-400 SPH

FOR THE RECORD, THIS IS A PUBLIC HEARING ON case number VV 3.
This is a Petition forVariance
Special Hearing Special Exception
filed by MKE BAGBY — Special Exception for property located at and zoned RC2.
2633 Dosumod Rd and zoned RC2
-00-00000 - 100 -
"Read language from file" Granitz Woodstuck area
The Code requires that notice of today's hearings be provided to neighbors and interested
parties by the posting of a sign on the property for at least 15 days prior to the hearing. The sign was posted by
an approved sign poster and shows the time, date, place and subject matter of the hearing.
The Code further requires that notice be placed in a newspaper of general circulation, in this case the Jeffersonian, and the file contains the requisite certification of publication.
I THEREFORE FIND THAT THE POSTING AND NOTICE REQUIREMENTS HAVE BEEN SATISFIED
IF ATTORNEYS PRESENT, HAVE THEM IDENTIFY THEMSELVES; ASK IF THERE ARE ANY PRELIMINARY MATTERS
LOOK AROUND ROOM - AND ASK - IS ANYONE HERE APPEARING IN
OPPOSITION TO THE REQUEST?
OII OSIIION IO IIIE KEQUESI:
NO PROTESTANTS: For the record, no one is here in opposition to the request. Mr./Ms. , since there is no opposition, if you want to make AN
INFORMAL PROFFER of the testimony and evidence, you're welcome to do so.
IF PROTESTANTS: This is your opportunity to come forward and have a seat at the table.
You will be able to see and hear better, so come forward and I have a sign-in sheet here for you

REVIEW DEV. PLAN REVIEW COMMENT_ YELLOW TAGE

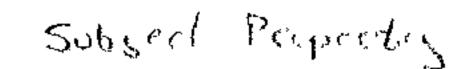
to sign so that we can mail you a copy of the decision in this case.

06-400-SPH

Case No.:

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Sits PLAN	
No. 2	MINOR SUBDIVISION PLAT	
No. 3	Deed	
No. 4	ZONING MAP	
No. 5	AERIAL PHOTOGRAPH	
No. 6	PLAT to ACCOMPANY Rt - OF - WAY ACKEMENT	
No. 7		
No. 8		
No. 9		
No. 10		!
No. 11	,	
No. 12		





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

Go Back View Map New Search Ground Rent

Account Identifier:

District - 02 Account Number - 1700010022

Owner Information

Owner Name:

BAGBY MICHAEL A

Use:

RESIDENTIAL

Principal

NO

Mailing Address: 5 PUTTING WAY

REISTERSTOWN MD 21136-5921

Deed Reference:

Residence:

1) 21509/036

Location & Structure Information

Premises Address

Special Tax Areas

DOGWOOD RD

Legal Description

4.0 AC WS

REAR 1475 FT DOGWOOD RD 3060 S WRIGHTS MILL RD

Map Grid Parcel **Sub District** Subdivision Section Block Lot Assessment Area Plat No: 86 18 354 Plat Ref:

Town

Ad Valorem

Tax Class

Primary Structure Built Enclosed Area Property Land Area County Use 0000 4.00 AC 04 Stories **Basement Exterior** Type

Value Information

Value Phase-in Assessments Base Value As Of As Of As Of 01/01/2004 07/01/2005 07/01/2006 55,000 Land: 61,500 Improvements: Total: 55,000 61,500 59,332 61,500 **Preferential Land:**

Transfer Information

Seller: COMIJA INC 03/04/2005 Date: **Price:** \$185,000 Type: IMPROVED ARMS-LENGTH Deed1: Deed2: Seller: SAUNDERS ANNA MAY **Date:** 09/23/2004 **Price:** \$81,000 Type: UNIMPROVED ARMS-LENGTH **Deed1:** /20730/ 708 Deed 2:

Seller: REINMUTH ELAINE V **Date:** 08/13/1976 Price: \$0 Type: NOT ARMS-LENGTH **Deed1:** / 5664/ 863 Deed2:

Exemption Information

Partial Exempt **Assessments**

Class

07/01/2005

07/0

PETITIONER'

EXHIBIT NO.

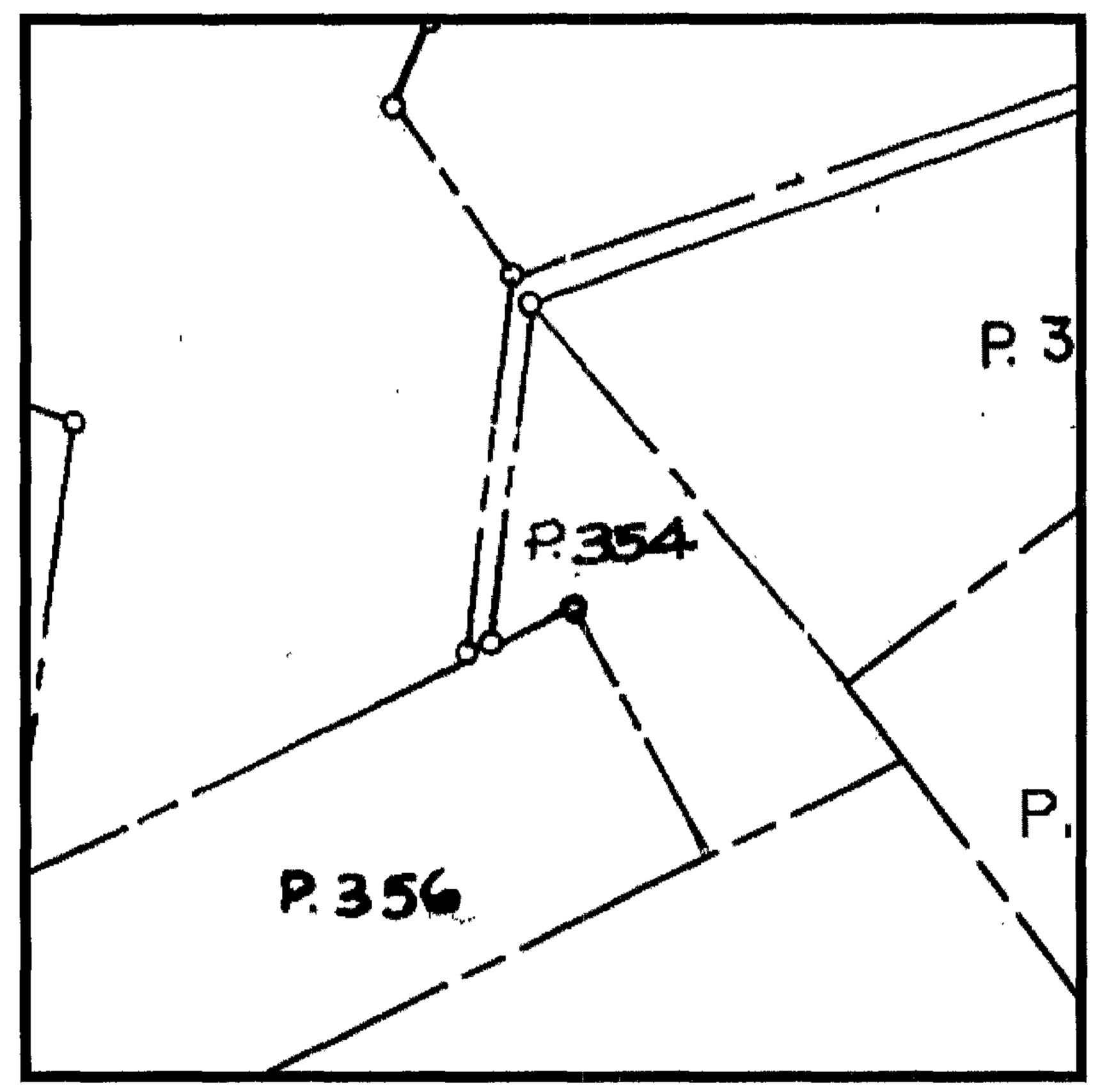


7 7

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

Go Back View Map New Search

District - 02 Account Number - 1700010022



Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html



WHEN RECORDED RETURN TO:

Michael A. Bagby 5 Putting Way Reisterstown, MD 21136 3840-05-00218

THIS DEED, Made this 22nd day of February, 2005, by and between COMIJA, Inc., a Maryland Corporation, party of the first part, Grantor, and Michael A. Bagby, party of the second part, Grantee.

WITNESSETH, that in consideration of the sum of One Hundred Eighty-Five Thousand and 00/100 DOLLARS (\$185,000.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the said party of the first part does grant and convey unto the said party of the second part, his heirs, Personal Representatives and assigns, in fee simple, all that lot or parcel of ground situate in Baltimore County, State of Maryland, and described as follows:

In accordance with a survey made and prepared by Robert C. Norris, Registered Land Surveyor, BEGINNING for the same at a stone planted at the base of a cherry tree, at the end of the second line of the land described in a deed from Harry E. Duvall to J. V. Duvall, dated October 15, 1913, thence running and binding on the third line of said deed North 28 degrees 32 minutes West 826.10 feet; thence running and binding on the fourth line of said deed and one the West side of a 20 foot right-of-way, with the use thereof in common, South 15 degrees 39 minutes West 503.43 ft. to a stake now set in the first line of the land conveyed to Walter Duvall at the distance of 852.50 ft. from a stone heretofore set at the beginning point of said first line; thence running and binding on a part of said first line North 71 degrees 37 minutes East 137.50 ft.; thence running for a line of division and binding on the second line of the land conveyed to Walter Duvall, South 17 degrees 23 minutes East 396.00 ft.; thence running North 71 degrees 37 minutes East 296.90 ft. to the point of beginning. Containing 4.0 acres of land more or less and being all of the land conveyed in the deed first mentioned above and a part of the land described in a deed from Harry E. Duvall to J. Virgil Duvall, dated August 31, 1914. Also the right to the use of in common a road or right-of-way, 16 ft. in width and running from the end of the end of the first line of the lot described above and intended to be conveyed herewith North 80 degrees 46 minutes East 1498 ft. to the Dogwood Road and also the right to the use of in common any other road hereafter laid out for the benefit of land of which this parcel is a part of.

BEING part of the same property which by Deed dated August 20, 2004 and recorded among the Land Records of Baltimore County in Liber No. SM 20730, folio 708, was granted and conveyed by Anna May Saunders, unto COMIJA, Inc., the Grantor herein.

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 TO HOLD the said lots of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the proper use and benefit of the said party of the second part, his heirs, Personal Representatives and assigns, in fee simple.

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

This is to certify that the within instrument has been prepared by or under the supervision of the undersigned Maryland Attorney.

Carol Ann Wildesen, Attorney

0021509 031

3840-05-00218 LOT Dogwood Road Unit to be known as 8721-8725

EXHIBIT "A"

Parcel Number One:

In accordance with a survey made and prepared by Robert C. Norris, Registered Land Surveyor, BEGINNING for the same at a stone planted at the base of a cherry tree, at the end of the second line of the land described in a deed from Harry E. Duvall to J. V. Duvall, dated October 15, 1913, thence running and binding on the third line of said deed North 28 degrees 32 minutes West 826.10 feet; thence running and binding on the fourth line of said deed and one the West side of a 20 foot right-of-way, with the use thereof in common, South 15 degrees 39 minutes West 503.43 ft. to a stake now set in the first line of the land conveyed to Walter Duvall at the distance of 852.50 ft. from a stone heretofore set at the beginning point of said first line; thence running and binding on a part of said first line North 71 degrees 37 minutes East 137.50 ft.; thence running for a line of division and binding on the second line of the land conveyed to Walter Duvall, South 17 degrees 23 minutes East 396.00 ft.; thence running North 71 degrees 37 minutes East 296.90 ft. to the point of beginning. Containing 4.0 acres of land more or less and being all of the land conveyed in the deed first mentioned above and a part of the land described in a deed from Harry E. Duvail to J. Virgil Duvail, dated August 31, 1914. Also the right to the use of in common a road or right-of-way, 16 ft. in width and running from the end of the end of the first line of the lot described above and intended to be conveyed herewith North 80 degrees 46 minutes East 1498 ft. to the Dogwood Road and also the right to the use of in common any other road hereafter laid out for the benefit of land of which this parcel is a part of.

BA CIRCUIT COURT (Land Records) [MSA CE 62-21364] SM 21509, p. 0037

WITNESS the hand and seal of the within Grantor by the duly authorized officer.

WITNESS:

COMIJA, Inc.

By: Say (SEAL)

President

STATE OF MARYLAND, COUNTY OF Baltimore, to with

I HEREBY CERTIFY, That on this 22nd day of February, 2005, before me, the subscriber, a Notary Public of the State and jurisdiction aforesaid, personally appeared President of COMIJA, Inc., a Maryland Corporation, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Deed, and he/she acknowledged the aforegoing instrument to be the act of the said corporation and further certified that this conveyance is not a part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor Corporation.

AS WITNESS my hand and Notarial-Seal:

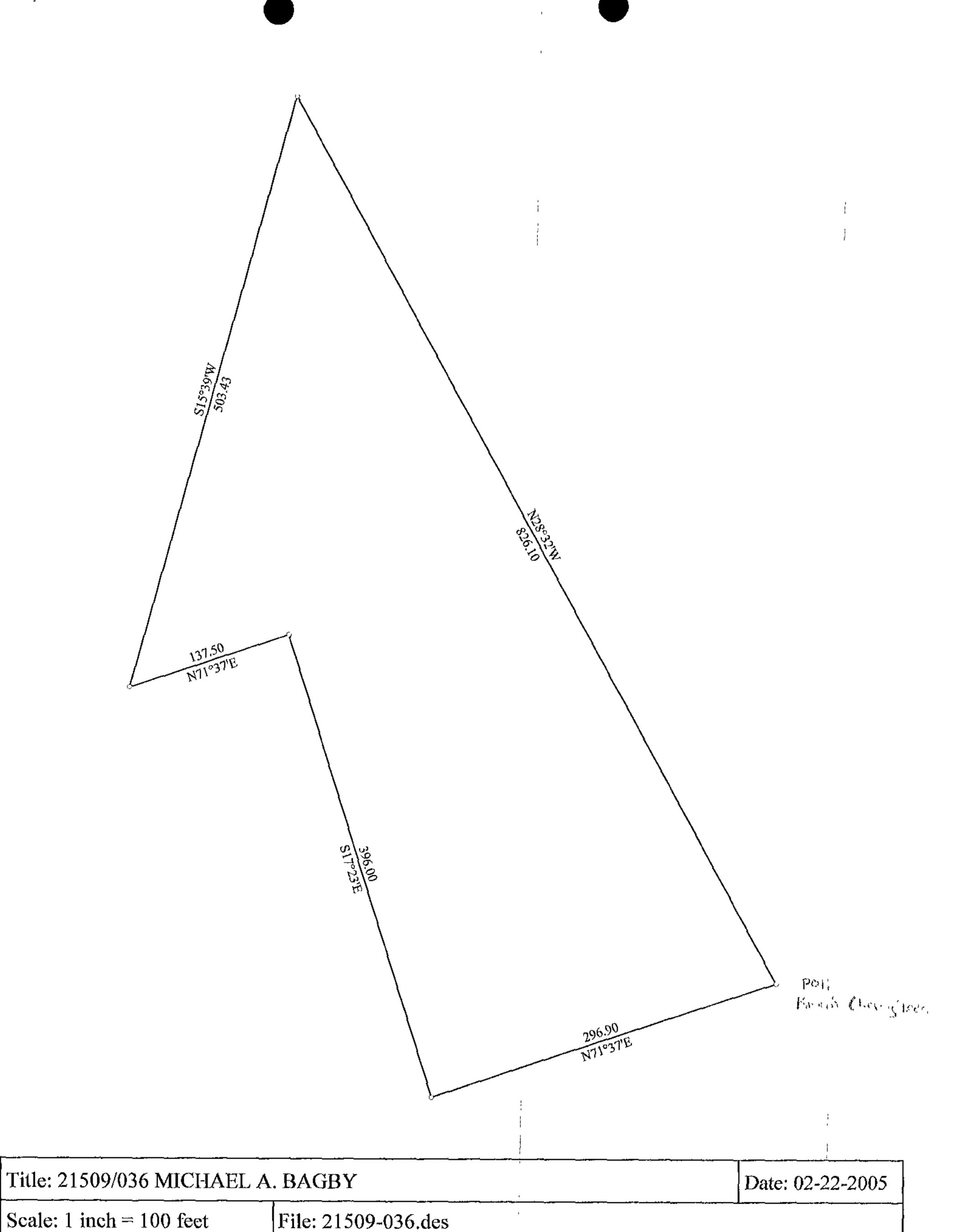
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My Commission Expires:

NRT Mid-Atlantic Title Services, LLC 11350 McCormick Road, Suite 200 Executive Plaza III Hunt Valley, MD 21031 410-252-1208 File #3840-05-00218

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Transferred	COMIJA, Inc. Michael A. Bagby									
Form	Doc. 1 - Owner(s) of Record, if	different from Granto	r(s) Doc. 2 – Owi	ner(s) of Recor	d, if Different from Granto	r(s)				
8	Doc. 1 - Grante	ec(s) Name(s)		Doc. 2 – Gran	ntee(s) Name(s)	-				
Transferred	Michael A, Bagby Presidential Bank									
То	New Owner's (Grantee) Mailing Address									
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9	Doc. 1 – Additional Names to	be Indexed (Optiona	Doc. 2 - Add	ditional Names	s to be Indexed (Optional)				
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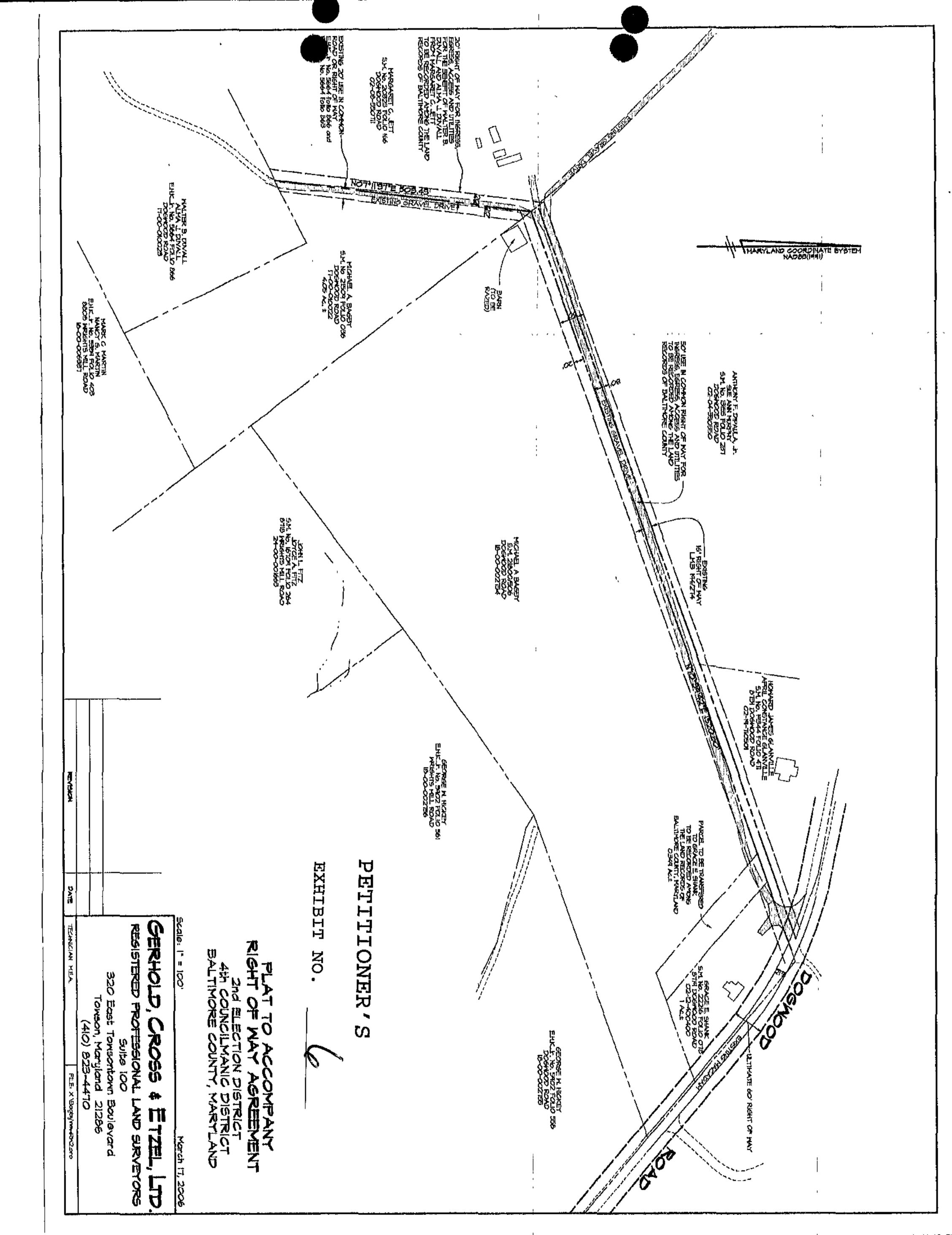
[세계계 (개선 기생기기선() BA CIRCUIT COURT (Land Records) [MSA CE 62-21364] SM 21509, p. 0040



Data and Deed Call Listing of File: 21509-036.des

Tract 1: 4.052 Acres: 176506 Sq Feet: Closure = s59.1656w 0.16 Feet: Precision = 1/13931: Perimeter = 2160 Feet

001=N28.32W 826.10 002=S15.39W 503.43 003=N71.37E 137.50 004=S17.23E 396.00 005=N71.37E 296.90



NRT Mid Atlantic Title Services L.L.C. 11350 McCormick Rd. Executive Plaza III, Suite 200 Hunt Valley, MD 21031



0021800 499

RIGHT-OF-WAY AGREEMENT

THIS RIGHT-OF-WAY AGREEMENT made this 5 day of the 2005, by and between CHARLES E. GIVENS, individually, of Baltimore County, Maryland, Michael Anthony Bagby, individually, of Baltimore County, Maryland, George W. Hickey, individually, of Baltimore County, Maryland, and Margaret C. Jett, individually, of Baltimore County, Maryland.

RECITALS

- 1. Charles E. Givens ("Givens") is the owner of a 16.0843 acre parcel of ground known as 8643 Dogwood Road by virtue of a Deed dated December 4, 1996 and recorded among the Land Records of Baltimore County, Maryland in Liber S. M. 12070, Folio 453 from Pennwest Farm Credit ACA (the "Givens Property").
- 2. Michael Anthony Bagby ("Bagby") is the owner of a 4 acre parcel of ground located at the rear of the Givens' property by virtue of a Deed dated March 4, 2005, recorded or to be recorded among the Land Records of Baltimore County, Maryland from Comija, Inc. (For title, see Liber S. M. 20730, Folio 708) (the "Comija Property").
- 3. Michael Anthony Bagby is the contract purchaser of the Givens' property pursuant to a Contract of Sale dated January 4, 2005.
- 4. George W. Hickey ("Hickey") is the owner of a 4 acre parcel of ground located on the west side of Dogwood Road by virtue of a Deed dated June 20, 1968 and recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 5902, Folio 558 from Margaret C. Jett, et al. (the "Hickey Property").
- 5. Margaret C. Jett ("Jett") is the owner of a 35.9328 acre of parcel of ground located on the westside of Dogwood Road by virtue of a Deed dated June 28, 2004 and

06-400 SPH

Book 21800 Page 499

recorded among the Land Records of Baltimore County, Maryland in Liber S. M. 20323, Folio 166 from James F. Jett (the "Jett Property").

- 6. The above captioned properties are each entitled to the use in common with the others of an existing fifty foot (50') right-of-way from Dogwood Road which traverses the Givens' Property (the "Right-of-Way").
- 7. As a condition of the Contract of Sale between Givens and Bagby, the Right-of-Way is to be re-aligned within the Givens' Property from its existing alignment to a proposed alignment as shown on Exhibit A, attached hereto and made a part hereof (the "New Right-of-Way").
- 8. The parties have agreed to the proposed Alignment upon certain terms and conditions.

AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

- A. The recitals are hereby incorporated herein as if each recital were fully set forth.
- B. The Right-of-Way lying on the Givens' Property shall be and is hereby relocated from its existing location to the New Right-of-Way, as shown on Exhibit A attached hereto and made a part hereof.
- C. The New Right-of-Way shall run with and bind the respective properties and shall inure to the benefit of each party, their successors and assigns and to such other

0021800 501

nearby or adjoining property as is now entitled to the use in common of said right-of-way.

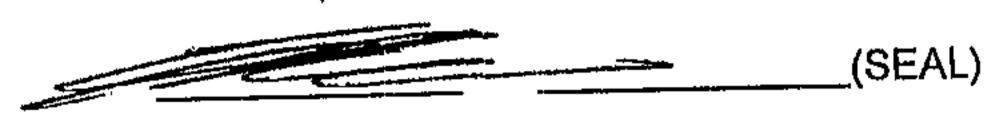
D. The New Right-of-Way may be used for ingress, egress, access and utilities. Included in the right-of-way shall be the right to the installation, maintenance, repair and upkeep of such underground utilities as may be necessary to serve said properties, including but not limited to water, sewer, gas, electric, cable, telephone and television. The cost of the installation and repair of these facilities shall be borne by each of the individual property owners whose utility lines are being installed or repaired.

E. The costs and expenses of all necessary maintenance and repairs to the right-of-way, including, but not limited to, the filling of pot holes, resurfacing, sealing and snow removal, shall be shared equally by the owners of the properties utilizing the right-of-way, unless the need for such maintenance or repair is caused by the negligence of one or more owner, in which case such costs and expenses shall be the sole responsibility such negligent owner.

F. Each of the owners of properties herein shall use the rights granted with due regard to the rights of others as to their use thereof; and shall not use the right-of-way in any way that will impair the rights of the others to its use, and shall not obstruct the passage thereon.

IN WITNESS WHEREOF, the parties hereto have caused this Right-of-Way Agreement to be executed and acknowledged on the day and year first above written.

ATTEST/WITNESS:



Charles E. Givens

Mulbel Of Bafy (SEAL)
Michael Anthony Bagby

Mange W Hickey

George W. Hickey

X Margaret Chett (SEAL)
Margaret C. Jett

STATE OF MARYLAND, Palty COUNTY, to wit:

WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

My Commission Expires: 6/1/07

STATE OF MARYLAND, Bullinge COUNTY, to wit:

 Agreement, and acknowledged that he executed the same, for the purposes therein contained.

WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

My Commission Expires: 6/1/07

STATE OF MARYLAND, BULLING COUNTY, to wit:

HEREBY CERTIFY, that on this 24 day of March, 2005, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared **George W. Hickey**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Right-of-Way Agreement, and acknowledged that he executed the same, for the purposes therein contained.

WITHESE my hand and Notarial Seal.

NOTARY PUBLIC

My Commission Expires: 6/1/87

STATE OF MARYLAND, BHIM COUNTY, to wit:

1 HEREBY CERTIFY, that on this 28 day of march, 2005, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Margaret C. Jett, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Right-of-Way Agreement, and acknowledged that she executed the same, for the purposes therein contained.


WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

My Comminator Expires: 6/1/07

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8		Doc. 1 – Grantee(s) Name(s)		Doc. 2 – Grantee(s) Name(s)						
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• -	New Owner's (Grantee) Mailing Address										
9	Doc. 1 – Addit	ional Names to be	Indexed (Optional)	Doc. 2 -	- Addition	al Names to b	e Indexed (C)ptional)			
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10	Name: Mary B		NRT File	#3840-05-00378							
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