IN RE: **PETITION FOR SPECIAL HEARING**	*	BEFORE THE
S/side Sheppard Road, 500' W		
Gerting Road	*	ZONING COMMISSIONER
(Sloan & Ensor Property)		
10th Election District	*	FOR
3rd Council District		
	*	BALTIMORE COUNTY
Robert Sloan & Scott B. Ensor, Trustees		
Petitioners	*	**Case No. 07-372-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 Robert Sloan and Scott B. Ensor as Trustees and owners of the subject property, by and through their attorneys, Dino C. LaFiandra, Esquire and Whiteford, Taylor & Preston, LLP. The Petitioners request a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to verify the zoning devolution of title for the subject property and to confirm several other issues, specifically, (1) that two R.C.2 density units exist on the subject property, (2) that the 26.0 acre portion of the property (formerly known as Tract "A" Imwald Property, being part of the Zoning Case No. 88-227-SPH) can be utilized for building purposes as part of a proposed subdivision, and (3) that the subdivision of the property could be completed via the minor subdivision process. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were Dino C. La Fiandra, Esquire and Adam D. Baker, Esquire, of Whiteford, Taylor & Preston, LLP. Guy Ward, of McKee & Associates, appeared on behalf of the Petitioners as well, in his capacity as their engineer. Scott

ORDER RECEIVED FOR FILING
Date 7-30-07
By GL

B. Ensor and several other members of the Ensor family as reflected on the sign-in sheet were also present. There were no Protestants or other interested persons present.

The subject property is located on Sheppard Road, as shown on Tax Map 23, Grid 21, Parcel 95 (the Property). It is zoned R.C.2 and consists of approximately 37.6 acres. It is described in more detail in a Deed, dated December 1, 2003, and recorded among the Land Records of Baltimore County in Liber 19574, Folio 517.

The Petitioners filed a Spirit and Intent Letter with Timothy Kotroco, Director of Baltimore County Department of Permits and Development Management, on January 3, 2007, seeking verification of the above referenced issues. By letter, dated January 8, 2007, Jun Fernando, a Zoning Review Planner, responded on behalf of Mr. Kotroco that the questions posed required a petition for special hearing before the Zoning Commissioner for Baltimore County (*See* Petitioners' Exhibits 4 and 5). The Petitioners adhered to Mr. Fernando's direction and requested a special hearing, which was subsequently held on April 9, 2007.

Testimony and evidence disclosed that the unimproved Property consists of 37.6 acres, more or less, zoned R.C.2, and located in Monkton. It resulted from the combination of 26.0 acres of non-density land (Tract "A" Imwald Property – Plat Book 58, Folio 36) and an 11.6 acre parcel of land, owned by John and Jim Ensor and described in a Deed, dated December 18, 1984, and recorded among the Land Records of Baltimore County in Liber 6838, Folio 191. The combination of these two parcels was the result of an Order issued by the Zoning Commissioner in a 1988 zoning case, 88-227-SPH. In addition to the Order, a Confirmatory Deed was recorded on April 10, 1988 memorializing the combination of the properties. Said Deed is recorded among the Land Records of Baltimore County in Liber 7865, Folio 100 (Petitioners' Exhibit 3). The 1988 Zoning Order was conditioned with the provision that "Tract 'A' cannot be improved

ORDER RECEIVED FOR FILING
Date 7-30-07
By DC

without the inclusion of the 11.57 acre parcel ..." and continued "... that the newly created 38.57 acre parcel may only be subdivided once, resulting in no more than two lots." It was noted that although the Order provided for the transfer of 27 acres with Tract "A", only 26.0 acres were actually transferred, which resulted in the current 37.6 acre Property. Since the combination of the properties, no other subdivisions of the Property have occurred.

Testimony at the hearing revealed that the front 11.5 acres of the Property, which abuts Sheppard Road, is currently used for hay bailing, while the rear 26 acres is unimproved wooded land. Given the evidence and testimony presented, it is evident that the Property currently has two R.C.2 density units and may thus be subdivided once yielding a total of two lots. Additionally, I find it appropriate that the 26.0-acre portion of the property, formerly known as Tract "A" Imwald Property, can be utilized for building purposes as part of a proposed subdivision. I believe this was the intention of the 1988 Order and I see no reason to restrict the use of this rear portion of the Property. Lastly, because the Petitioners seek to create two lots from one, the subdivision may be accomplished by the minor subdivision process as provided in B.C.C. Section 32-4-106(b)(5).

It is appropriate at this time to note that, although some might consider this to be a "density transfer" of one type or another, this is clearly not the case. This Order determines the existing rights of the Petitioners in the Property. To the extent that there may have been a density transfer involving this Property, it was the result of the 1988 zoning case, 88-227-SPH.

The Department of Environmental Protection and Resource Management (DEPRM), in its April 6, 2007 Zoning Advisory Committee (ZAC) comment, raised issues of a conflict in creating two lots from the subject property as proposed. Mr. Lippincott requested a limit of

ORDER RECEIVED FOR FILING
Date 7-30-07
By

disturbance of the prime and productive soils be recognized in accordance with DEPRM's policies of promoting agricultural uses and B.C.C. Section 32-4-415(c). I believe this request to be reasonable. A continuation of the hearing allowed McKee & Associates to submit Petitioners' Exhibit 6. The changes and location of improvements were solely in response to DEPRM's comments. As evidenced by DEPRM's revised ZAC comment of July 20, 2007, the revised plan addressed agricultural preservation concerns and they recommended plan approval (Petitioners' Exhibit 7).

Pursuant to the advertisement, posting of the property, and public hearing on the Petition held, and for the reasons given above, the relief requested in the special hearing has been resolved in favor of the Petitioners.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 30th day of July 2007, that there currently exists two (2) density units associated with the Property, and

IT IS FURTHER ORDERED that home sites may be located within the rear twenty-six (26) acres of the Property (formerly known as Tract "A" Imwald Property in zoning case 88-227-SPH), in accordance with Petitioners' Exhibit 6, and

IT IS FURTHER ORDERED that the Petitioners may proceed with a subdivision of the Property through the minor subdivision process, subject to the following condition:

- The Petitioners are permitted to proceed; however, Petitioners are hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief herein could be rescinded.

ORDER RECEIVED FOR FILING
Date 7-30-07
By

Any appeal of this Order shall be taken in accordance with Baltimore County Code Sections 32-3-401.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7-30-07
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 30, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

Dino C. La Fiandra, Esquire
Adam D. Baker, Esquire
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue, #400
Towson, Maryland 21204

RE: **PETITION FOR SPECIAL HEARING**
S/side Sheppard Road, 500' W Gerting Road
(Sloan & Ensor Property)
10th Election District - 3rd Council District
Robert Sloan & Scott B. Ensor, Trustees- Petitioners
Case No. 07-372-SPH

Dear Messrs. La Fiandra and Baker :

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

c: Robert Sloan & Scott B. Ensor, 11350 McCormick Road, EPT Suite 815, Hunt Valley, Md. 21031
Guy C. Ward, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville, Md. 21030
Jami, Victor & Rich McCormick, 1304 Walis Drive, Ft. Myers, Fl. 33901
Elizabeth M. Ensor, 16909 Gerting Road, Monkton, Md. 21111
People's Counsel; Case File; Bureau of Plans Review; DEPRM

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at South sideShepperd Road 500' west of Gerting Rd.

which is presently zoned RC-2

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

Please See Attached

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

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

Contract Purchaser/Lessee:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print City

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Robert Sloan, Trustee
Name - Type or Print

Signature

Scott B. Ensor, Trustee
Name - Type or Print

Signature

11350 McCormick Rd., EPI Suite 815
Address Telephone No.

Hunt Valley, Md. 21031 410 785-2812
State Zip Code

Representative to be Contacted:

Guy C. Ward
McKee and Associates, Inc.
Name

5 Shawan Rd., Suite 1 410-527-1555
Address Telephone No.

Cockeysville, Md. 21030
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date 2.21.07

Case No. 07-372-SPH

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 7-30-07
By

Attachment 1
Petition for Special Hearing

Case Number

Location: Unimproved Property
37.6 Acres, +/- South side Shepperd Road 500 feet +/- West of Gerting Rd.,
Monkton Md, Tax Map 23 Grid 20 Parcel 95

Legal Owner(s): Mr. Robert Sloan and Scott B. Ensor, trustees

Petitioner : Mr. Robert Sloan and Scott B. Ensor, trustees

Present Zoning: RC-2

Reason For Special Hearing:

1. to verify the zoning devolution of title for the subject property and to confirm that two RC-2 density units exist on the subject property.
2. to verify that the 26.0 acre portion of the property(formerly known as Tract 'A' Imwald Property, being part of Zoning Case No 88-227-SPH) can be utilized for building purposes as part of a proposed subdivision
3. to confirm that the subdivision of the property would be completed via the minor subdivision process

FOR ADDITIONAL INFORMATION ON THIS PETITION PLEASE CONTACT:

Guy C. Ward, R.S., Associate

McKee & Associates, Inc

Engineering, Surveying, Land Planning, Real Estate Development
Shawan Place, 5 Shawan Road, Suite 1, Hunt Valley, MD 21030
Tel: (410) 527-1555 Fax: (410) 527 1563 E-Mail : mckee@qis.net

Zoning Description for The Robert Sloan and Scott B. Ensor, trustees, Property

Beginning at a point in Shepperd Road which has a paving width of 20 feet +/-, at a distance of 500 feet +/-, west of the centerline of the nearest improved intersecting street Gerting Road which has a paving width of 20 feet +/-, thence running the fifteen following courses and distances:

1. South 49 degrees 06 minutes 47 seconds West 897.41 feet,
2. North 46 degrees 56 minutes 21 seconds West 86.20 feet,
3. North 58 degrees 15 minutes 15 seconds West 200.00 feet,
4. South 49 degrees 06 minutes 47 seconds West 1070.03 feet,
5. South 02 degrees 48 minutes 03 seconds West 337.83 feet,
6. North 62 degrees 52 minutes 13 seconds West 99.00 feet,
7. North 51 degrees 52 minutes 13 seconds West 198.00 feet,
8. North 68 degrees 52 minutes 13 seconds West 127.00 feet,,
9. North 39 degrees 52 minutes 13 seconds West 127.00 feet,
10. North 66 degrees 29 minutes 43 seconds West 385.67 feet,
11. North 21 degrees 12 minutes 33 seconds West 454.55 feet,
12. North 72 degrees 16 minutes 08 seconds East 1412.95 feet,
13. South 55 degrees 45 minutes 50 seconds East 148.10 feet,
14. North 54 degrees 56 minutes 31 seconds East 859.21 feet,
15. South 63 degrees 05 minutes 21 seconds East 591.24 feet to the place of beginning

Containing 1,638,282 square feet, or 37.6098 acres of land more or less.

As recorded in Deed Liber 19574 folio 517, being unimproved property known as Parcel 95 on Baltimore County Tax Map 23, and being located in the 10th Election District, 3rd Councilmanic district.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 24078

DATE 2.13.07 ACCOUNT Ecol- 006 - 6150

AMOUNT $ 65.00

RECEIVED FROM: SCOTT EAISOIL 11350 McCormick Rd

FOR: S. Hrg

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
2/22/2007	2/21/2007	10:04:51	2

REG WS02 MAIL JEVA JEE
>>RECEIPT # 205275 2/21/2007 CFLN
Dept 5 520 ZONING VERIFICATION
CR NO. 024078
Recpt Tot $65.00
$65.00 CK $0.00 CA
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: #07-372-SPH
S/side of Shepperd Road, 500 feet west of Gerting Road
10th Election District - 3rd Councilmanic District
Legal Owner(s): Robert Sloan, Trustee, Scott Ensor, Trustee

Special Hearing: to verify the zoning devolution of title for the subject property and to confirm that two RC-2 density units exist on the subject property and to verify that the 26.0 acre porion of the property (formerly known as Tract "A" Imwald Property, being part of the Zoning Case No. 88-227-SPH) can be utililized for building purposes as part of a proposed subdivision and to confirm that the subdivision of the property could be completed via the minor subdivision process.

Hearing: Monday, April 9, 2007 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.

3/334 Mar. 22 128720

CERTIFICATE OF PUBLICATION

3/22/, 2007

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 3/22/, 2007.

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

S. Wilkinson

LEGAL ADVERTISING

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

DATE: March 19, 2007

TO: Baltimore County, PDM

RE : Case No. : 07-372-SPH
Ensor Prop. / Shepperd Road
MAI :Job No. : 07-013

ATTENTION:Zoning Commissioner / Mrs. Kristen Matthews

(X) We are submitting ( ) We are returning ( ) We are forwarding

( ) Herewith ( ) Under separate cover

No.	Description
1	Certificate Of Posting
2	Photos

(X) For processing ( ) For your use ( ) For your review

( ) Please call when ready ( ) Please return to this office ( ) In accordance with your request

Remarks:

For further information, please contact the writer at this office.

Very truly yours,

McKee & Associates, Inc.

William D. Gulick, Jr.

cc:

RECEIVED
MAR 20 2007
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits &
Development Management
111 W. Chesapeake Avenue, Rm. 111
Towson, MD 21204

Date: March 19 , 2007
MAI Job No : 07-013

Attention: Zoning Commissioner / Mrs. Kristen Matthews

RE: Case Number : 07-372-SPH
Petitioner/Developer: Robert Sloan, Trustee, Scott Ensor, Trustee
Date of Hearing/Closing: Monday, April 9, 2007 at 10:00 am

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at Shepperd Road

The sign(s) were posted on March 19, 2007
(Month, Day, Year)

(Signature of Sign Poster)

William D. Gulick, Jr.
(Printed Name of Sign Poster)

McKee and Associates, Inc.
5 Shawan Road, Suite 1
(Street Address of Sign Poster)

Cockeysville, MD 21030
(City, State, Zip Code of Sign Poster)

(410) 527-1555
(Telephone Number of Sign Poster)

SEE
ATTACH PHOTOGRAPH OF SIGN POSTED ON PROPERTY

Revised 3/1/01 - SCJ

ZONING NOTICE

CASE # 07-372-SPH

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

PLACE: COUNTY COURTS BUILDING-ROOM 407
401 BOSLEY AVENUE
TOWSON, MD 21204

DATE AND TIME: MONDAY
APRIL 9, 2007 @ 10:00 AM

REQUEST: SPECIAL HEARING;

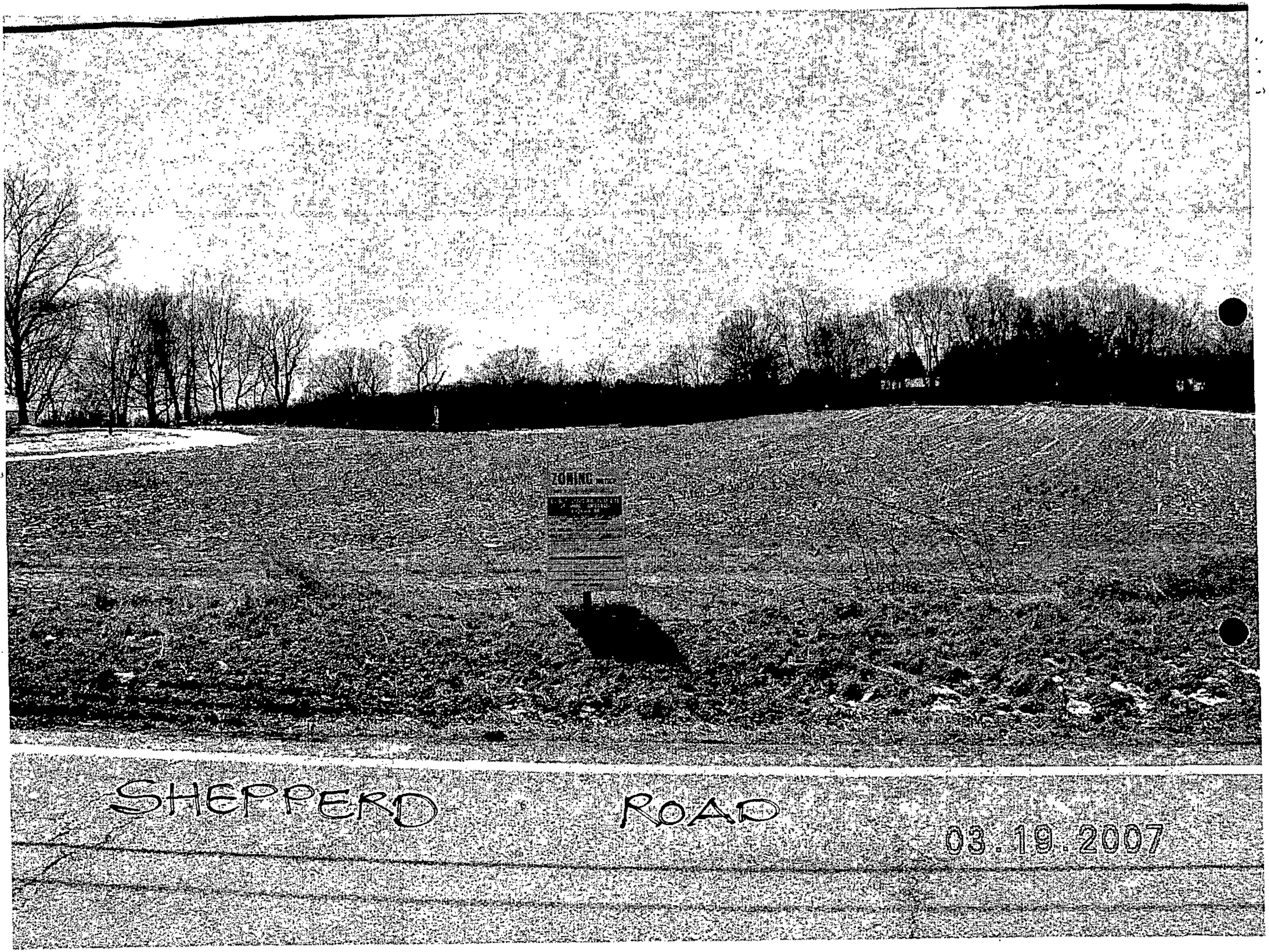
Special Hearing to verify the zoning devolution of title for the subject property and to confirm that two RC 2 density units exist on the subject property and to verify that the 26.0 acre portion of the property (formerly known as Tract "A" Imwald Property, being part of the Zoning Case No. 88-227-SPHU) can be utilized for building purposes as part of a proposed subdivision and to confirm that the subdivision of the property could be completed via the minor subdivision process.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

CASE NUMBER


ZONING
SHEPPERD ROAD
03.19.2007

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: 372

Petitioner: Robert Sloan & Scott Ensor Trustees

Address or Location: S/S Bitterroot Rd 500' ± West of Gerting Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Scott Ensor

Address: 11350 McCormick Rd.
EPI, Suite 815
Hunt Valley MD 21030

Telephone Number: 410-785-2812

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

March 6, 2007

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

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: 07-372-SPH
S/side of Shepperd Road, 500 feet west of Gerting Road
10th Election District – 3rd Councilmanic District
Legal Owners: Robert Sloan, Trustee, Scott Ensor, Trustee

Special Hearing to verify the zoning devolution of title for the subject property and to confirm that two RC-2 density units exist on the subject property and to verify that the 26.0 acre portion of the property (formerly known as Tract "A" Imwald Property, being part of the Zoning Case No. 88-227-SPH) can be utilized for building purposes as part of a proposed subdivision and to confirm that the subdivision of the property could be completed via the minor subdivision process.

Hearing: Monday, April 9, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Robert Sloan, Scott Ensor, 11350 McCormick Road, EPI, Ste. 815, Hunt Valley 21031
Guy Ward, McKee & Assoc., 5 Shawan Road, Ste. 1, Cockeysville 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 24, 2007.**
(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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 22, 2007 Issue - Jeffersonian

Please forward billing to:
Scott Ensor
11350 McCormick Road, EPI, Ste. 812
Hunt Valley, MD 21030

410-785-2812

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: 07-372-SPH
S/side of Shepperd Road, 500 feet west of Gerting Road
10th Election District – 3rd Councilmanic District
Legal Owners: Robert Sloan, Trustee, Scott Ensor, Trustee

Special Hearing to verify the zoning devolution of title for the subject property and to confirm that two RC-2 density units exist on the subject property and to verify that the 26.0 acre portion of the property (formerly known as Tract "A" Imwald Property, being part of the Zoning Case No. 88-227-SPH) can be utilized for building purposes as part of a proposed subdivision and to confirm that the subdivision of the property could be completed via the minor subdivision process.

Hearing: Monday, April 9, 2007 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 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.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

April 5, 2007

Robert Sloan
Scott B. Ensor
11350 McCormick Road
EPI, Suite 815
Hunt Valley, MD 21031

Dear Mr. Sloan and Mr. Ensor:

RE: Case Number: 07-372-SPH, South side Shepperd Road, 500 feet west of Gerting Road.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 21, 2007.

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
Guy C. Ward McKee and Associates, Inc. 5 Shawan Road, Suite 1 Cockeysville 21030

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 2, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For March 5, 2007
Item Nos. 07-314, 363, 364, 366, 367, 368, 369, 370, 371, 372, and 373

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-03022007.doc

Fire Department

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

Baltimore County

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

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

March 1, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 26,2007

Item Number: 363 through 373 372

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.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

Martin O'Malley, *Governor*
Anthony Brown, *Lt. Governor*

SHA
State Highway Administration
Driven to Excel
Maryland Department of Transportation

John D. Porcari, *Secretary Designate*
Neil J. Pedersen, *Administrator*

Date: MARCH 5, 2007

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

RE: Baltimore County
Item No. 7-372-SPH
S/S SHEPPARD ROAD
SLOAN/ENSOR PROPERTY
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BW
4/9

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 27, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 07-372- 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: Cynthia Murray

Division Chief: Lynn Lanham

RECEIVED

MAR 21 2007

ZONING COMMISSIONER

CM/LL

W:\DEVREV\ZAC\7-372.doc

RE: PETITION FOR SPECIAL HEARING S/S Shepperd Road, 500' W of Gerting Road 10th Election & 3rd Councilmanic Districts Legal Owner(s): Robert Sloan & Scott Ensor, Trustees Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-372-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 and all 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 27th day of February, 2007, a copy of the foregoing Entry of Appearance was mailed to, Guy C. Ward, McKee & Associates, Ine, 5 Shawn Road, Suite 1, Cockeysville, MD 21230, Representative for Petitioner(s).

RECEIVED
FEB 27 2007
Per.....

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

PLEASE PRINT CLEARLY

CASE NAME Ensor Property
CASE NUMBER 07-372-SPH
DATE 4/9/07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Dino Lafiandra	210 W. Penn #400, 21204		
Adam Baker	"		
Scott B. Ensor			
Guy C. Wards	McKee & Assoc. Inc 5 Schawian Rd Suite 1	Cockeysville MD 21030	gcw@mckeeinc.com
Jami McCormick	1304 Walno Dr	Ft. Myers FL 33901	jamimcc@earthlin[illegible]
Victor McCormick	" "	" "	" "
Rich McCormick	" "	" "	"
Elizabeth M. Ensor	16909 Gerting Road	Monkton, MD 21111	ensorb@verizon.net

Baltimore County - My Neighborhood

ZONING MAP

ROBERT SLOAN & SCOTT ENSOR, TRUSTEES, PROPERTY

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

July 23, 2008

Guy C. Ward
C/O McKee & Associates, Inc.
Shawan Place, Suite 1
5 Shawan Road
Cockeysville, MD 21030

RE: Spirit and Intent Letter
07-372-SPH
10th Election District

Dear Mr. Ward,

In response to your letter to Timothy Kotroco Director of Permits and Development Management, the following has been determined.

In the decision of case # 07-372-SPH, Zoning Commissioner Wiseman confirmed that two density units exist with the property, that a home site could be located on the area designated lot 2, and that the subdivision could be completed via the minor subdivision process. A review of your proposed relocation of the home site (provided its placement is situated at least 35 feet from the property line) would be acceptable for this office and would be in keeping with the spirit and intent of the Zoning Order. The subject property may proceed through the minor subdivision process and seek approval from the other agencies including DEPRM.

The foregoing is merely an informal opinion. It is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions please do not hesitate to contact me at 410-887-3391.

Sincerely,

R. David Duvall
Planner II
Zoning Review

Re: Spirit and Intent Letter
07-372-SPH
10th Election District

Guy C. Ward
c/o McKee & Associates, Inc.
Shawan Place, Suite 1
5 Shawan Road
Cockeysville, Maryland
21030

Dear Mr. Ward,

In response to your letter to Timothy Kotroco, Director of Permits and Development Management, the following has been determined.

In the decision of case #07-372-SPH, Zoning Commissioner Wiseman confirmed that two density units exist with the property, that a home site could be located on the area designated lot 2, and that the subdivision could be completed via the minor subdivision process. A review of your proposed relocation of the home site (provided its placement is situated at least 35 feet from the property line) would be acceptable for this office and would be in keeping with the spirit and intent of the Zoning Order. The subject property may proceed through the minor subdivision process and seek approval from the other agencies encluding DEPRM. in or ex

I trust that...

Planner #

Sincerely

R. David Duvall
Planner II
Zoning Review

McKEE & ASSOCIATES, INC.
Engineering • Surveying • Environmental Planning
Real Estate Development

June 24, 2008

Mr. Timothy Kotroco, Director
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Md. 21204

Subject: Ensor Property, PDM Minor Subdivision #07-035-M
Zoning Spirit and Intent Verification

Dear Mr. Kotroco,

We are writing on behalf of the property owner, Mr. Scott Ensor, to verify that a proposed revision of the house location and building envelope on Lot 2 will meet with the Spirit and Intent of the Zoning Order issued for the property in Case Number 07-372-SPH. Specifically Mr. Ensor seeks to relocate the building envelope approximately 350 feet in a south westerly direction from the location that was approved as shown on the Zoning Exhibit 'A' Plan for that case.

We enclose a copy of the Zoning Order for Case Number 07-372-SPH and Zoning Exhibit 'A' plan, a redlined copy of the Minor Subdivision Plan that depicts the proposed dwelling location, and the applicable Zoning Review fee. Please be advised that the building envelope size will remain the same, being approximately 40,000 square feet, as approved through the Zoning Order. We also enclose a copy of the prior Zoning Order for Case Number 88-227-SPH, which also pertains to this property.

Mr. Ensor intends to build a home on Lot 2 and desires a more private setting for the dwelling than was afforded by the house location depicted on the Zoning Exhibit 'A' plan for Case Number 07-372-SPH. Mr. Ensor seeks this verification specifically at the direction of Mr. Wally Lippincott, Agriculture Preservation Manager with D.E.P.R.M., to verify that moving the home to the proposed location will not create a conflict with the "Spirit and Intent" of the Zoning Order.

Should you need anything further, please contact our offices. Thank you for your consideration in this matter.

Very truly yours,

Guy C. Ward, R.S., Associate

GCW/mth
Enclosures

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

To: P Kauffman Who
07-035M
6/25/08 w
DD

DATE: June 24, 2008

TO: Baltimore County PDM Zoning Review

Re: Ensor Property
Zoning Verification Request

ATTENTION: Mr. Timothy Kotroco, Director

(X) We are submitting ( ) We are returning ( ) We are forwarding

(X) Herewith ( ) Under separate cover

No.	Description
1	Zoning Verification Request on behalf of the property owner
1	Review Fee $50.00

(X) For processing ( ) For your use ( ) For your review

( ) Please call when ready ( ) Please return to this office ( ) In accordance with your request

Remarks :

RECEIVED
JUN 24 2008
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

For further information, please contact the writer at this office.

Very truly yours,

McKee & Associates, Inc.

Guy C. Ward, R.S. , Associate

08-313

Enclosures
Cc:

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 17525

Date: 6-25-08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				$50

Total: $50

Rec From: Guy Ward

For: 07-035-XX Stoppel Rd
DD.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
6/2008	6/25/2008	15:02:43	2

REG WRK02 MATL JEVA JEE
>>RECEIPT # 585255 6/25/2008 OFLN
5 528 ZONING VERIFICATION
Dept
CR NO 017525
Recpt Tot $50.00
$50.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. [illegible]

Date: 6-25-08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				$50

Total: $50

Rec From: Greg Ware

For: CV-035M Shipyard Rd
DD. 08-317

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
[illegible] ACTUAL TIME [illegible]
6/2008 6/25/2008 15:12:43 2
REG [illegible] 02 CASH JEVA JEE
TRANSACTION [illegible] 6/25/2008 [illegible]
5 528 ZONING VERIFICATION
017575
Amount Due 50.00
50.00 CK 0.00 CH
Baltimore County, Maryland

07-013

RECEIVED AUG - 1 2007

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 30, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

Dino C. La Fiandra, Esquire
Adam D. Baker, Esquire
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue, #400
Towson, Maryland 21204

RE: **PETITION FOR SPECIAL HEARING**
S/side Sheppard Road, 500' W Gerting Road
(Sloan & Ensor Property)
10th Election District - 3rd Council District
Robert Sloan & Scott B. Ensor, Trustees- Petitioners
Case No. 07-372-SPH

Dear Messrs. La Fiandra and Baker :

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

c: Robert Sloan & Scott B. Ensor, 11350 McCormick Road, EPT Suite 815, Hunt Valley, Md. 21031
Guy C. Ward, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville, Md. 21030
Jami, Victor & Rich McCormick, 1304 Walis Drive, Ft. Myers, Fl. 33901
Elizabeth M. Ensor, 16909 Gerting Road, Monkton, Md. 21111
People's Counsel; Case File; Bureau of Plans Review; DEPRM

07-013

IN RE: **PETITION FOR SPECIAL HEARING**	*	BEFORE THE
S/side Sheppard Road, 500' W		
Gerting Road	*	ZONING COMMISSIONER
(Sloan & Ensor Property)		
10th Election District	*	FOR
3rd Council District		
	*	BALTIMORE COUNTY
Robert Sloan & Scott B. Ensor, Trustees		
Petitioners	*	**Case No. 07-372-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 Robert Sloan and Scott B. Ensor as Trustees and owners of the subject property, by and through their attorneys, Dino C. LaFiandra, Esquire and Whiteford, Taylor & Preston, LLP. The Petitioners request a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to verify the zoning devolution of title for the subject property and to confirm several other issues, specifically, (1) that two R.C.2 density units exist on the subject property, (2) that the 26.0 acre portion of the property (formerly known as Tract "A" Imwald Property, being part of the Zoning Case No. 88-227-SPH) can be utilized for building purposes as part of a proposed subdivision, and (3) that the subdivision of the property could be completed via the minor subdivision process. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the hearing on behalf of the Petitioners were Dino C. La Fiandra, Esquire and Adam D. Baker, Esquire, of Whiteford, Taylor & Preston, LLP. Guy Ward, of McKee & Associates, appeared on behalf of the Petitioners as well, in his capacity as their engineer. Scott

B. Ensor and several other members of the Ensor family as reflected on the sign-in sheet were also present. There were no Protestants or other interested persons present.

The subject property is located on Sheppard Road, as shown on Tax Map 23, Grid 21, Parcel 95 (the Property). It is zoned R.C.2 and consists of approximately 37.6 acres. It is described in more detail in a Deed, dated December 1, 2003, and recorded among the Land Records of Baltimore County in Liber 19574, Folio 517.

The Petitioners filed a Spirit and Intent Letter with Timothy Kotroco, Director of Baltimore County Department of Permits and Development Management, on January 3, 2007, seeking verification of the above referenced issues. By letter, dated January 8, 2007, Jun Fernando, a Zoning Review Planner, responded on behalf of Mr. Kotroco that the questions posed required a petition for special hearing before the Zoning Commissioner for Baltimore County (*See* Petitioners' Exhibits 4 and 5). The Petitioners adhered to Mr. Fernando's direction and requested a special hearing, which was subsequently held on April 9, 2007.

Testimony and evidence disclosed that the unimproved Property consists of 37.6 acres, more or less, zoned R.C.2, and located in Monkton. It resulted from the combination of 26.0 acres of non-density land (Tract "A" Imwald Property – Plat Book 58, Folio 36) and an 11.6 acre parcel of land, owned by John and Jim Ensor and described in a Deed, dated December 18, 1984, and recorded among the Land Records of Baltimore County in Liber 6838, Folio 191. The combination of these two parcels was the result of an Order issued by the Zoning Commissioner in a 1988 zoning case, 88-227-SPH. In addition to the Order, a Confirmatory Deed was recorded on April 10, 1988 memorializing the combination of the properties. Said Deed is recorded among the Land Records of Baltimore County in Liber 7865, Folio 100 (Petitioners' Exhibit 3). The 1988 Zoning Order was conditioned with the provision that "Tract 'A' cannot be improved

without the inclusion of the 11.57 acre parcel ..." and continued "... that the newly created 38.57 acre parcel may only be subdivided once, resulting in no more than two lots." It was noted that although the Order provided for the transfer of 27 acres with Tract "A", only 26.0 acres were actually transferred, which resulted in the current 37.6 acre Property. Since the combination of the properties, no other subdivisions of the Property have occurred.

Testimony at the hearing revealed that the front 11.5 acres of the Property, which abuts Sheppard Road, is currently used for hay bailing, while the rear 26 acres is unimproved wooded land. Given the evidence and testimony presented, it is evident that the Property currently has two R.C.2 density units and may thus be subdivided once yielding a total of two lots. Additionally, I find it appropriate that the 26.0-acre portion of the property, formerly known as Tract "A" Imwald Property, can be utilized for building purposes as part of a proposed subdivision. I believe this was the intention of the 1988 Order and I see no reason to restrict the use of this rear portion of the Property. Lastly, because the Petitioners seek to create two lots from one, the subdivision may be accomplished by the minor subdivision process as provided in B.C.C. Section 32-4-106(b)(5).

It is appropriate at this time to note that, although some might consider this to be a "density transfer" of one type or another, this is clearly not the case. This Order determines the existing rights of the Petitioners in the Property. To the extent that there may have been a density transfer involving this Property, it was the result of the 1988 zoning case, 88-227-SPH.

The Department of Environmental Protection and Resource Management (DEPRM), in its April 6, 2007 Zoning Advisory Committee (ZAC) comment, raised issues of a conflict in creating two lots from the subject property as proposed. Mr. Lippincott requested a limit of

disturbance of the pr me and productive soils be recognized in accordance with DEPRM's policies of promoting agricultural uses and B.C.C. Section 32-4-415(c). I believe this request to be reasonable. A continuation of the hearing allowed McKee & Associates to submit Petitioners' Exhibit 6. The changes and location of improvements were solely in response to DEPRM's comments. As evidenced by DEPRM's revised ZAC comment of July 20, 2007, the revised plan addressed agricultural preservation concerns and they recommended plan approval (Petitioners' Exhibit 7).

Pursuant to the advertisement, posting of the property, and public hearing on the Petition held, and for the reasons given above, the relief requested in the special hearing has been resolved in favor of the Petitioners.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 30th day of July 2007, that there currently exists two (2) density units associated with the Property, and

IT IS FURTHER ORDERED that home sites may be located within the rear twenty-six (26) acres of the Property (formerly known as Tract "A" Imwald Property in zoning case 88-227-SPH), in accordance with Petitioners' Exhibit 6, and

IT IS FURTHER ORDERED that the Petitioners may proceed with a subdivision of the Property through the minor subdivision process, subject to the following condition:

- The Petitioners are permitted to proceed; however, Petitioners are hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief herein could be rescinded.

Any appeal of this Order shall be taken in accordance with Baltimore County Code Sections 32-3-401.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

Case No.: 07-372-SPH S/S SHEPPERD RD W of GESTING

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	ZONING CASE Site PLAN	
No. 2	CASE NO. 88-227 SPH	
No. 3	CONFIRMATORY DEED NEWLY CREATED SINGLE LOT	
No. 4	SPIRIT & INTENT LETTER REQUEST	
No. 5	MINOR SUBDIVISION PLAN FOR ENSOR PROPERTY	
No. 6	REVISED SITE PLAN DATE 6/4/07	
No. 7	DEPRM REVISED ZAC COMMENT - APPROVAL RECOMMENDATION	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

February 2, 1988

Dennis F. Rasmussen
County Executive

Adelina M. Welch, Esquire
Thomas C. Beach, III, Esquire
Whiteford, Taylor and Preston
Seven St. Paul Street
Baltimore, Maryland 21202

RE: Petition for Special Hearing
SW/S Sheppard Road, 480' NW of c/l of J.M. Pearce Road
10th Election District; 3rd Councilmanic District
John N. Ensor, et al - Petitioners
Case No. 88-227-SPH

Dear Ms. Welch & Mr. Beach:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Special Hearing has been Granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

JRH:bjs
Enclosures

cc: People's Counsel

File

PETITIONER'S

EXHIBIT NO. 2

IN RE: PETITION FOR SPECIAL HEARING SW/S Sheppard Road, 480' NW of c/l of J. M. Pearce Road 10th Election District 3rd Councilmanic District	* * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	Case No. 88-227-SPH
John H. Ensor, et al Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the non-density transfer of 27 acres +/- in an R.C.2 zone from a 43-acre +/- parcel to an adjacent 11.57 acres +/- parcel in an adjacent R.C.2 zone to be consolidated to create a single 38.57 acre parcel; and additionally, to approve the division of the remaining land from the 43 acre parcel into two building lots; all as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by counsel. James W. McKee, a registered professional land surveyor, also appeared and testified on behalf of the Petitioners. There were no Protestants.

Testimony was both direct and profferred material from Mr. McKee and Petitioners' counsel and tends to establish the following facts: The Petitioners are the contract purchaser of the 43 acre tract of land, currently owned by Lewis S. Imwald, from which the 27 acre parcel identified as Tract "A" on Petitioner's Exhibit 1 will be transferred. Mr. Ensor is an owner of the adjacent 11.57 acre tract with which the 27 acres will be combined. Mr. Ensor has filed the instant Petition on his own behalf and on behalf of his son, James B. Ensor, as tenants in common of the adjacent tract.

In order to more clearly define the present status of this site and the resulting changes, reference is made to Petitioner's Exhibit 1. The current 43 acre tract is shown thereon as all that identified as Lot 1, 10.50 acres +/-; Lot 2, 5.70 acres +/-; and the larger Tract "A", 27.00 acres +/-. The second

tract involved in this matter is shown on Petitioner's Exhibit 1 as John H. Ensor, 6838/191, 11.57 acres +/-.

Currently, both the 43 acre parcel and the 11.57 acre parcel have two density units each for a total of four density units shared between the two. The Petitioners propose transferring Tract "A" containing 27.00 acres of land to the 11.57 acre parcel, and to split the remaining portion of the 43 acre parcel into two lots, creating one 10.50 acre tract and one 5.70 acre tract, the latter of which contains existing improvements.

The 27 acre parcel, Tract "A", will be combined with the 11.57 acre parcel and the resulting larger parcel of 38.57 acres will not be subdivided. In addition, the resulting 38.57 acre parcel will retain its present number of density units, which totals two. After the transfer and consolidation, the total number of density units for the three resulting parcels will remain at four. Following the recordation of the Imwald to Ensor deed, the Petitioners propose to record a redefinition or confirmatory deed from John H. Ensor, et al. to John H. Ensor, et al., which will define as a single parcel and lot, and not as two lots and parcels, the entire resulting 38.57 acre tract. Said redefinition or confirmatory deed shall be recorded among the Land Records of Baltimore County.

In summary, the 27 acre parcel, Tract "A", will be transferred without any density units. The adjacent 11.57 acre tract will be consolidated with Tract "A" and the newly formed 38.57 acre tract will retain only the original two density units of the 11.57 acre tract. The 11.57 acre tract is actively in agricultural use and the new 38.57 acre tract will continue in agricultural use to the extent practicable.

The issue here is whether or not the combination of the 11.57 acre tract presently owned by John H. Ensor, et al. with the 27 acres, Tract "A", from the 43 acre parcel to be purchased from Lewis S. Imwald, is consistent with the Baltimore County Zoning Regulations (B.C.Z.R.).

Section 1A00.1 of the B.C.Z.R. explains the Baltimore County Council's intent in creating the R.C. classifications. The concern was evident that agricultural land was being converted by development without sound planning considerations; i.e., that development was creating "urban sprawl" and undesirable land use patterns. The Council wanted to protect prime agricultural land, critical watershed areas, mineral extractive sites, as well as other important natural resource areas.

To achieve this result, the R.C. classifications would: 1) discourage present land use patterns of development and create a framework for planned or orderly development; 2) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas; 3) protect both natural and man-made resources from compromising effects of specific forms and densities of development; and 4) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences. Specifically, the R.C.2 zone was established to encourage continued agricultural use of productive agricultural areas by preventing incompatible forms and degrees of urban uses.

The question here is one of construction of the B.C.Z.R. When interpreting the zoning regulations, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Mayor of Balto. v. Byrd, 62 A.2d 588 (1948); Lake Adventure, Inc. v. Zoning Hearing Bd. of Dingham Township, 440 A.2d 1284 (Pa.Cmwlth., 1982). When the language of a zoning regulation is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally. Mongony v. Bevilacqua, 432 A.2d 661 (R.I., 1981).

The meaning of the words in a statute may be controlled by the context. A statute should be so construed that all its parts harmonize with each other and render them consistent with its general object and scope. Pittman v. Hous-

ing Authority, 25 A.2d 466.

The basic principles of statutory construction were comprehensively set out by the Court of Appeals in State v. Fabritz, 276 Md. 416 (1975), cert. denied, 425 U.S. 942 (1976):

> The cardinal rule in the construction of statutes is to effectuate the real and actual intention of the Legislature. Purifoy v. Merc. Safe Dep. & Trust, 273 Md. 58, 327 A.2d 483 (1974); Scoville Serv., Inc. v. Comptroller, 269 Md. 390, 306 A.2d 534 (1974); Height v. State, 225 Md. 251, 170 A.2d 212 (1961). Equally well-settled is the principle that statutes are to be construed reasonably with reference to the purpose to be accomplished, Walker v. Montgomery County, 244 Md. 98, 223 A.2d 181 (1966), and in light of the evils or mischief sought to be remedied, Mitchell v. State, 115 Md. 360, 80 A.2d 1020 (1911); in other words, every statutory enactment must be considered in its entirety, and in the context of the purpose underlying [its] enactment, Giant of Md. v. State's Attorney, 267 Md. 501 at 509, 298 A.2d 427, at 432 (1973). Of course, a statute should be construed according to the ordinary and natural import of its language, since it is the language of the statute which constitutes the primary source for determining the legislative intent. Grosvenor v. Supervisor of Assess., 271 Md. 232, 315 A.2d 758 (1974); Height v. State, supra. Where there is no ambiguity or obscurity in the language of a statute, there is usually no need to look elsewhere to ascertain the intention of the Legislature. Purifoy v. Merc. Safe Deposit & Trust, supra. Thus, where statutory language is plain and free from ambiguity and expresses a definite and sensible meaning, courts are not at liberty to disregard the natural import of words with a view towards making the statute express an intention which is different from its plain meaning. Gatewood v,. State, 244 Md. 609, 224 A.2d 677 (1966). On the other hand, as stated in Maguire v. State, 192 Md. 615, 623, 65 A.2d 299, 302 (1949), '[a]dherence to the meaning of words does not require or permit isolation of words from their context'***[since] the meaning of the plainest words in a statute may be controlled by the context ...'' In construing statutes, therefore, results that are unreasonable, illogical or inconsistent with common sense should be avoided whenever possible consistent with the statutory language, with the real legislative intention prevailing over the intention indicated by the literal meaning. B. F. Saul Co. v. West End Park, 250 Md. 707, 246 A.2d 591 (1968); Sanza v. Md. Board of Censors, 245 Md. 219, 226 A.2d 317 (1967); Height v. State, supra.

The application of the above principles to the B.C.Z.R. results in a clear finding that a non-density transfer [illegible]

the same zone, which results in a larger tract with no additional development rights, is permitted. The purposes of the R.C.2 zone are supported by testimony in this matter in reference to the reasons for the larger tract.

In actuality, the resulting 38.57 acre tract will have no change in use and will continue to be actively farmed by Mr. Ensor. The farm nature will be unaffected by the non-density transfer; no additional development will be able to result from the transfer. Currently, the 11.57 acre Ensor tract could be divided once; after the transfer and combination of the 27.00 acres, Tract "A" with the 11.57 acre parcel, the resulting 38.57 acre tract can still only be divided once, utilizing the two density units. This is a productive agricultural area and the majority of the resulting tract will be used for agricultural purposes to the extent practicable. A farm use is the first permitted use of right in an R.C.2 zone and as a result, is consistent with the spirit and intent of the B.C.Z.R. The requested transfer of Tract "A" and the subdivision of the remaining portion of the 43 acre Imwald property is entirely consistent therewith and should be approved.

After due consideration of the testimony presented, there is no evidence that the Petitioners' request will be detrimental to the health, safety or general welfare of the community if approved. Furthermore, this transfer will not change the density of the area or allow for over-development of the land.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of February, 1988 that the non-density transfer of 27 acres +/- in an R.C.2 zone to an adjacent 11.57 acres +/- parcel in an R.C.2 zone to create a single 38.57 acre parcel; and additionally, the subdivision of the re-

1, having 10.50 acres +/- and Lot 2, having 5.70 acres +/-; all in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent upon the relief granted:

1) The subject 38.57 acre parcel, consisting of the 11.57 acres +/- and the 27 acres, Tract "A", transferred from the original 43 acre +/- parcel, shall be properly described in a redefinition or confirmatory deed and recorded in the Land Records of Baltimore County. Said deed shall clearly state that the 38.57 acres is one lot and parcel, and not two lots and parcels and that the area of land referred to as Tract "A" cannot be improved without the inclusion of the 11.57 acre parcel currently owned by John H. Ensor, et al. Further, the deed shall reference Zoning Case No. 88-227-SPH and shall clearly state that the newly created 38.57 acre parcel may only be subdivided once, resulting in no more than two lots. Said deed shall be recorded among the Land Records of Baltimore County on or before April 10, 1988 and a copy of the deed and proof of recordation shall be provided to the Zoning Commissioner on or before April 25, 1988.

2) The Petitioners shall cause the new deeds for Lot 1 and Lot 2, as shown on Petitioner's Exhibit 1, to clearly state [illegible] subdivision of either Lot 1 or Lot 2, and shall clearly reference the restrictions in Zoning Case No. 88-227-SPH. The new deeds shall be recorded among the Land Records of Baltimore County on or before April 10, 1988, and a copy of the deeds and proof of recordation shall be provided to the Zoning Commissioner on or before April 25, 1988.

3) A new plat must be submitted to the Zoning Commissioner for approval on or before March 1, 1988, showing the resulting configuration of all of the lands, with property lines, building placements, notation of current landowners, zoning restrictions, reference to Zoning Case No. 88-227-SPH, and restrictions with reference to Lots 1 and 2 preventing subdivision. Furthermore, the notes on the new plat shall clearly state that the resulting 38.57 acre parcel shall contain only two density units and shall only be subdivided into two smaller lots. Said plat shall become a part of the permanent record of this case.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
[illegible]

JRH:bjs

P.95 1st PRIOR TITLE DEED

87865 P 100

Mail To:
Weisbert & Sages
Suite 1406 Fidelity Bldg.
210 N. Charles St. 21201

CONFIRMATORY DEED

THIS DEED, Made as of the 10th day of April, 1988, by and between JOHN H. ENSOR and JAMES B. ENSOR, parties of the first part, Grantors and JOHN H. ENSOR and JAMES B. ENSOR, parties of the second part, Grantees.

WHEREAS, in the case of IN RE: PETITION FOR SPECIAL HEARING (John H. Ensor, et al, Petitioners), before the Zoning Commissioner of Baltimore County (Case No. 88-227-SPH) the Zoning Commissioner of Baltimore County ordered on the 2nd day of February, 1988, that the parcels of property identified as the John H. Ensor, et al 6838/191 (11.5729 A.C. +/-) and Tract "A" "Imwald Property" S.M. 58/36 (26.0369 A.C. +/-) on the plat attached hereto entitled, "Plat to Accompany Description of the Combination of Tract "A" Imwald Property and Property of John H. Ensor, et al (37.6098 Total A.C. +/-)", be combined into a single parcel; and

WHEREAS, the Grantors and Grantees have resolved to comply with the said order of the Zoning Commissioner and hereby state that the newly created combined parcel may only be subdivided once, resulting in no more than 2 lots.

NOW THEREFORE, WITNESSETH: That the actual consideration paid or to be paid, including the amount of any assumed mortgage is NO DOLLARS ($0.00). In consideration of this sum and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant, convey and assign unto the said Grantees, as tenants in common, their respective successors, personal representatives and assigns, in fee simple, all that property, situate and lying in Baltimore County, State of Maryland, and described and portrayed in Exhibit A attached hereto and made a part hereof containing 37.6098 total acres more or less.

TOGETHER with the buildings and improvements thereon; 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 in common, their respective personal representatives, successors and assigns, in fee simple, as a single parcel.

RCPT 36.00
DEED 0 #
SH CLERK 36.00
#56220 C002 R02 T14:48
05/18/88

AND THE SAID GRANTORS covenant to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite.

TRANSFER TAX NOT REQUIRED
BALTIMORE COUNTY, MARYLAND
Authorized Signature
Date 5-13-88 Sec 11-88 E

ENSOR-3.DED
4-10-88/TBA-1222

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

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

36

SIGNATURE DATE 5-18-88

PETITIONER'S
EXHIBIT NO. 3

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 hands and seals of the said Grantors:

WITNESS:

_____ _____ (SEAL)
JOHN H. ENSOR

_____ _____ (SEAL)
JAMES B. ENSOR

STATE OF MARYLAND, BALTIMORE , TO WIT:

I HEREBY CERTIFY, that on this 18 day of April, 1988, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared John H. Ensor, known to me (or satisfactorily proven) to be the person whose name is 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 Notarial Seal.

_____
Notary Public

My Commission Expires: July 1, 1990.

ENSOR-3.DED
4-10-88/TBA-1222

CERTIFICATE OF ACKNOWLEDGEMENT
(Made By Officer With Rank of Second Lieutenant, Ensign or Higher)

I HEREBY CERTIFY, that on this 30th day of April, 1988, before me, David C. Foster, the undersigned officer, personally appeared James B. Ensor (Serial No. 21762 0372) known to me (or satisfactorily proven) to be serving in or with the armed forces of the United States and to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained. And the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States.

D. C. Foster
Signature

1stLt
Rank

239 17 9649
Serial Number

III Marine Expeditionary Force
Command To Which Attached

EXHIBIT A

7865 : 103

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
Telephone: (301) 252-5820

March 15, 1988

DESCRIPTION OF TRACT 'A'
IMWALD PROPERTY
AND JOHN ENSOR PROPERTY
TENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the second or North 44° 11' 17" West 575.09 foot line of a deed dated December 18, 1984, and recorded among the land records of Baltimore County in Liber 6838, folio 191, said point being 200.00 feet from the beginning of said line, said point also being the northerly most corner of lot 2 as shown on plat of Imwald Property dated March 14, 1988, and recorded in the land records of Baltimore County in Liber S.M. 58, folio 36;

1) thence leaving said second line and running with and binding on the northwesterly most lines of lots 1 and 2 as shown on the last mentioned plat the following two courses and distances, as now surveyed: South 49° 06' 47" West 1070.03 feet to a point;

2) thence South 02° 48' 03" West 337.83 feet to a point intersecting the northeasterly side of a parcel of land as described in a deed dated October 24, 1966, and recorded among the land records of Baltimore County in Liber 4698, folio 248;

3) thence running with and binding on the northeasterly side of the last mentioned parcel and the northeasterly side of a parcel of land described in a deed dated January 14, 1969, and recorded among the land records of Baltimore County in Liber 4961, folio 726, the following five courses and

Description of Tract A, Imwald Property and John Ensor Property
March 15, 1988
Page Two

distances: North 62° 52' 13" West 99.00 feet to a point;

4) thence North 51° 52' 13" West 198.00 feet to a point;

5) thence North 68° 52' 13" West 127.00 feet to a point;

6) thence North 39° 52' 13" West 127.00 feet to a point;

7) thence North 66° 29' 43" West 385.67 feet to a point said point being a stone found at the end of the fourth or South 07° 15' East 386.1 foot line of a deed dated November 21, 1935, and recorded among the land records of Baltimore County in Liber 965, folio 437;

8) thence running reversely with and binding on the last mentioned fourth line, North 21° 12' 33" West 454.55 feet to a point at the end of the second or South 83° 25' 40" West 1413.00 foot line of a deed dated June 30, 1972, and recorded among the land records of Baltimore County in Liber 5280, folio 526;

9) thence running reversely with and binding on the last mentioned second line North 72° 16' 08" East 1412.95 feet to a point said point being an iron pipe found at the end of the fourth or North 44° 24' West 148 foot line of a deed dated February 5, 1982, and recorded among the land records of Baltimore County in Liber 6383, folio 647;

10) thence running reversely with and binding on the last mentioned fourth line South 55° 45' 50" East 148.10 feet to a point said point being an iron pipe found at the end of the second or North 44° 11' 17" West 575.09 foot line of the above mentioned deed dated December 18, 1984, and recorded among the land records of Baltimore County in Liber 6838, folio 191.

11) thence running with and binding on the third line of the last mentioned deed and also running reversely with and binding on the third of South 66° 15' West 859.21 foot line of a deed dated February 5, 1985, and recorded among the land records of Baltimore County in Liber 6383, folio 647; North 54° 56' 31" East 859.21 feet to a point in or near the road bed of Sheppard Road;

12) thence running along Sheppard Road and also running with and binding on part of the fourth or South 49° 01' 09" East 843.60 foot line as described in the above mentioned deed dated December 18, 1984, South 63° 05' 21". East 591.24 feet to a point at the end of the second or North 63° 13' 20" East 897.37 foot line as described in a deed dated September 7, 1978, and recorded among the land records of Baltimore County in Liber 5934, folio 522;

13) thence leaving said Sheppard Road and the last mentioned fourth line and running reversely with and binding on the last mentioned second line South 49° 06' 47" West 897.41 feet to a point being an iron pipe found, said point also being at the end of the first line of the above mentioned deed dated September 7, 1978, said point also intersecting the northeasterly most line or the North 46° 56' 21" West 321.17 foot line of lot 2 as shown on the above mentioned plat dated March 14, 1988;

14) thence running with and binding on the northeasterly most lines of lot 2 the following two courses and distances: North 46° 56' 21" West 86.20 feet to a point being an iron pipe found;

15) thence North 58° 15' 15" West 200.00 feet to the point of beginning.

Containing 1,638,282 square feet or 37.6098 acres of land more or less.

Description of Tract A Imwald Property and John Ensor Property
March 15, 1988
Page Four

Being all of tract 'A' as shown on the plat of Imwald Property dated March 14, 1988, and recorded among the land records of Baltimore County in Liber S.M. 58, folio 36.

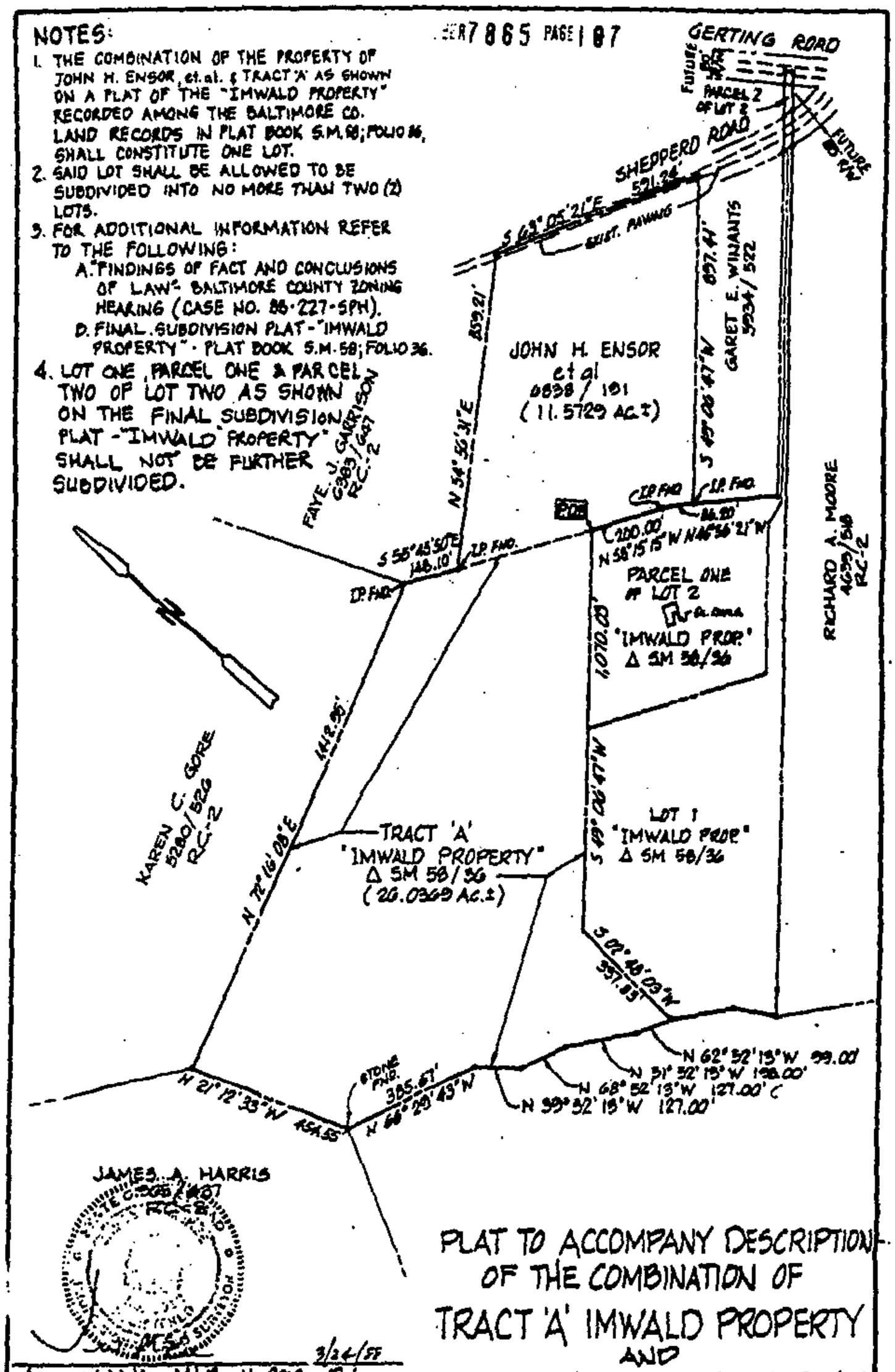
Also being a part of a parcel of land as described in a deed dated December 18, 1984, and recorded among the land records of Baltimore County in Liber 6838, folio 191.

Subject to a 100 year flood plain and drainage and utility easement as shown on the last mentioned plat.

Also subject to a 10 foot drainage and utility easement as shown on the last mentioned plat.

NOTES:

1. THE COMBINATION OF THE PROPERTY OF JOHN H. ENSOR, et.al. & TRACT 'A' AS SHOWN ON A PLAT OF THE "IMWALD PROPERTY" RECORDED AMONG THE BALTIMORE CO. LAND RECORDS IN PLAT BOOK S.M.58; FOLIO 36, SHALL CONSTITUTE ONE LOT.
2. SAID LOT SHALL BE ALLOWED TO BE SUBDIVIDED INTO NO MORE THAN TWO (2) LOTS.
3. FOR ADDITIONAL INFORMATION REFER TO THE FOLLOWING:
   A. "FINDINGS OF FACT AND CONCLUSIONS OF LAW" BALTIMORE COUNTY ZONING HEARING (CASE NO. 86-227-SPH).
   B. FINAL SUBDIVISION PLAT - "IMWALD PROPERTY" - PLAT BOOK S.M. 58; FOLIO 36.
4. LOT ONE, PARCEL ONE & PARCEL TWO OF LOT TWO AS SHOWN ON THE FINAL SUBDIVISION PLAT - "IMWALD PROPERTY" SHALL NOT BE FURTHER SUBDIVIDED.



JAMES A. HARRIS
REG. PROP. LAND SURVEYOR
RC-2

3/24/88

James W. McKee Md. Reg. No. 9012 Date:

McKEE & ASSOCIATES INC.
CIVIL ENGINEERS & LAND SURVEYORS
5 Shawan Road - Hunt Valley, Md. 21030
301-252-5820

PLAT TO ACCOMPANY DESCRIPTION OF THE COMBINATION OF

TRACT 'A' IMWALD PROPERTY

AND

PROPERTY OF JOHN H. ENSOR, et al

(37.6098 TOTAL AC.±)

10TH ELEC. DIST. BALTIMORE CO. MD.

SCALE: 1" = 300' MARCH 15, 1988

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

January 3, 2007

Mr. Timothy Kotroco, Director
Baltimore County Department of Permits and Development Management
111 W. Chesapeake Ave.
Towson, Md. 21204

Subject: Ensor Property, Shepperd Road-- Tax Map 23 Grid 21 parcel 95

Dear Mr. Kotroco,

We would like your offices to review the below listed information and request a written response for the three requests which follow.

The subject property is zoned RC-2, consists of 37.6 acres and is described in Deed Liber 19574 folio 517. The 37.6 acres resulted from the combination of 26.0 acres of non-density land (Tract "A" Imwald Property-Plat book 58 folio36) and an 11.6 acre parcel of land (previously described in deed liber 6838 folio 191) in April of 1988 as ordered by the Zoning Commissioner in the Order for Special Hearing Case 88-227-SPH. Specifically we call your attention to Condition No.#1 said Order, which reads "*...Tract "A" cannot be improved without the inclusion of the 11.57 acre parcel...* " and continues " ... *that the newly created 38.57 acre parcel may only be subdivided once, resulting in no more than two lots.*" (Please be advised that Order authorized the transfer of 27 acres with Tract "A", however only 26.0 acres were actually transferred upon completion of the "Final Subdivision Plat of the Imwald Property", thus resulting in the current 37.6 acre property.) No other subdivisions of this property have occurred since the combinations of those properties April 10, 1988 via deed liber 7865 folio 100.

On behalf of the current owner, Mr. Scott Ensor, trustee, we are seeking confirmation from your offices regarding the following three items: 1) to request verification of the RC-2 density for property via review of the current devolution of title, 2) to confirm that previous 26.0 acres portion of the property can be utilized as part of a proposed subdivision (i.e. a lot and homesite can be delineated within that area) and 3) to confirm that the subdivision of the property into two (2) lots would be completed via the County's Minor Subdivision process.

We attach the following information for your use during your review:

1. Current and prior title deeds
2. A copy of prior Zoning Commissioner's Order for Special Hearing Case# 88-227-SPH
3. A current tax map and zoning map.
4. A copy of the Final Subdivision Plat for the " Imwald Property"
5. A copy of the Plat to Accompany Description of the Combination of Tract 'A' Imwalds Property and Property of John H. Ensor, et al

Thank you for your consideration in this matter. We look forward to hearing from your offices in the near future.

Very truly yours,

Guy C. Ward, R.S., Associate

GCW/mth
Enclosures

PETITIONER'S

EXHIBIT NO. 4

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

RECEIVED JAN 16 2007

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

January 8, 2007

Guy C. Ward
McKee & Associates, Inc.
Shawan Place, Suite 1
5 Shawan Road
Cockeysville, MD 21030

RE: Spirit and Intent Letter
Zoning Case 89-227-SPH
Ensor Property, Shepperd Road
10th Election District

Dear Mr. Ward:

Your recent letter to Timonthy Kotroco, Director o f Permits and Development Management, has been forwarded to me for reply.

After careful review of this office, your request to confirm that the previous 27 acres of non-density parcel of the property can be utilized as part of a proposed subdivision (i.e. lot and home site can be delineated within that area) requires a petition for special hearing before the Zoning Commissioner for Baltimore County. Included with this response is information about the process.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

Jun R. Fernando
Planner II
Zoning Review

JRF:amf

PETITIONER'S
EXHIBIT NO. 5

BW 4/9

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JUL 20 2007
BY:----------

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: July 20, 2007

SUBJECT: Zoning Item # 07-372-SPH **REVISED COMMENTS**
Address South side of Shepperd Rd., 500' W of Gerting Rd.
Sloan & Ensor Property (trustees)

Zoning Advisory Committee Meeting of February 26, 2007

____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

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

_X_ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). - *JB*

____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Based on the revised plan (which is attached) dated June 4, 2007, DEPRM can recommend approval of this zoning petition. They are still required to go through the minor subdivision process and must comply with the regulations indicated above.

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-372.07.20.07doc

PETITIONER'S
EXHIBIT NO. 7

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

REVISED SEE 7/20/07 ZAC COMMENT

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: April 6, 2007

SUBJECT: Zoning Item # 07-372-SPH
Address South side of Shepperd Rd., 500' W of Gerting Rd.
Sloan & Ensor Property (trustees)

Zoning Advisory Committee Meeting of February 26, 2007

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

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

__X__ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). - *JB*

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Comments:
The requested petition raises conflicts with the County's Prime and Productive Soils policies and the RC 2 area regulations. For these reasons, the request is not supported although an alternative scenario is suggested for consideration.

The prime and productive soil regulations, Section 26-277a. require the creation of a small lot and a large remainder in order to promote continued agriculture (cropland and forest land)in the County.

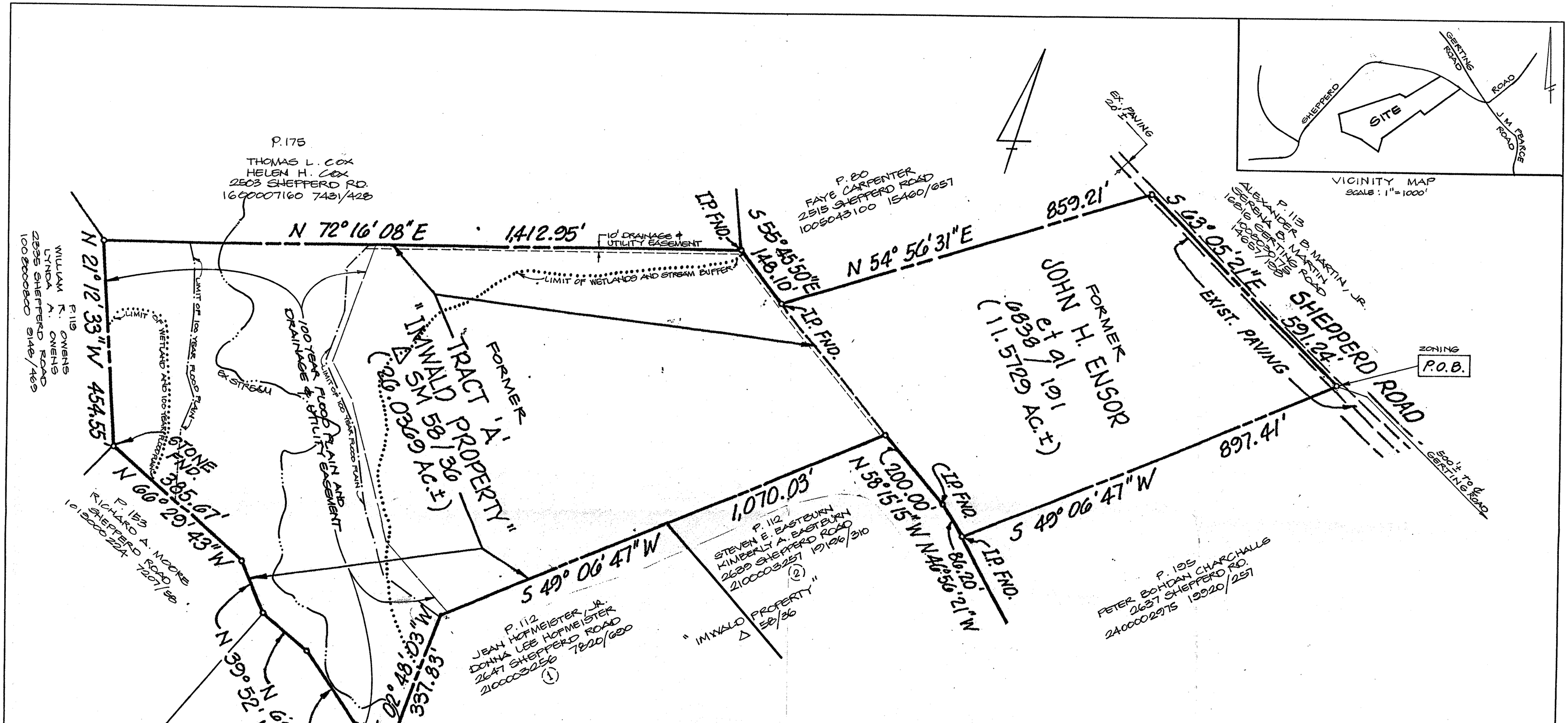
The transfer of a density unit unto a nondensity parcel conflicts with BCZR 1AO31.3B that specifically limits the number of lots that can be created from a lot of record.

In the alternative, however, the petitioner may choose to consider the following:

- Reduce Lot 1 from 8.19 acres to 1.5 acres with the house in the proposed location;

- Increase Lot 2 from 29 acres to approx 35 acres with the dwelling located on the edge of wood line; and

- Place the 35 acre lot under permanent preservation to preclude any attempt to resubdivide in the future. – *W.S. Lippincott; Agricultural Preservation*



VICINITY MAP
SCALE: 1" = 1000'

PRIOR ZONING ORDER CASE NO. 88-227-SPH, FEB. 2, 1988

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of February, 1988 that the non-density transfer of 27 acres +/- in an R.C.2 zone to an adjacent 11.57 acres +/- parcel in an R.C.2 zone to create a single 38.57 acre parcel; and additionally, the subdivision of the re-1, having 10.50 acres +/- and Lot 2, having 5.70 acres +/-; all in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent upon the relief granted:

1) The subject 38.57 acre parcel, consisting of the 11.57 acres +/- and the 27 acres, Tract "A", transferred from the original 43 acre +/- parcel, shall be properly described in a redefinition or confirmatory deed and recorded in the Land Records of Baltimore County. Said deed shall clearly state that the 38.57 acres is one lot and parcel, and not two lots and parcels and that the area of land referred to as Tract "A" cannot be improved without the inclusion of the 11.57 acre parcel currently owned by John H. Ensor, et al. Further, the deed shall reference Zoning Case No. 88-227-SPH and shall clearly state that the newly created 38.57 acre parcel may only be subdivided once, resulting in no more than two lots. Said deed shall be recorded among the Land Records of Baltimore County on or before April 10, 1988 and a copy of the deed and proof of recordation shall be provided to the Zoning Commissioner on or before April 25, 1988.

2) The Petitioners shall cause the new deeds for Lot 1 and Lot 2, as shown on Petitioner's Exhibit 1, to clearly state that there shall be no subdivision of either Lot 1 or Lot 2, and shall clearly reference the restrictions in Zoning Case No. 88-227-SPH. The new deeds shall be recorded among the Land Records of Baltimore County on or before April 10, 1988, and a copy of the deeds and proof of recordation shall be provided to the Zoning Commissioner on or before April 25, 1988.

3) A new plat must be submitted to the Zoning Commissioner for approval on or before March 1, 1988, showing the resulting configuration of all of the lands, with property lines, building placements, notation of current landowners, zoning restrictions, reference to Zoning Case No. 88-227-SPH, and restrictions with reference to Lots 1 and 2 preventing subdivision. Furthermore, the notes on the new plat shall clearly state that the resulting 38.57 acre parcel shall contain only two density units and shall only be subdivided into two smaller lots. Said plat shall become a part of the permanent record of this case.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

OWNER INFO:
ROBERT SLOAN, TRUSTEE
SCOTT B. ENSOR, TRUSTEE
11350 McCORMICK ROAD
EPI SUITE 815
HUNT VALLEY, MD 21031

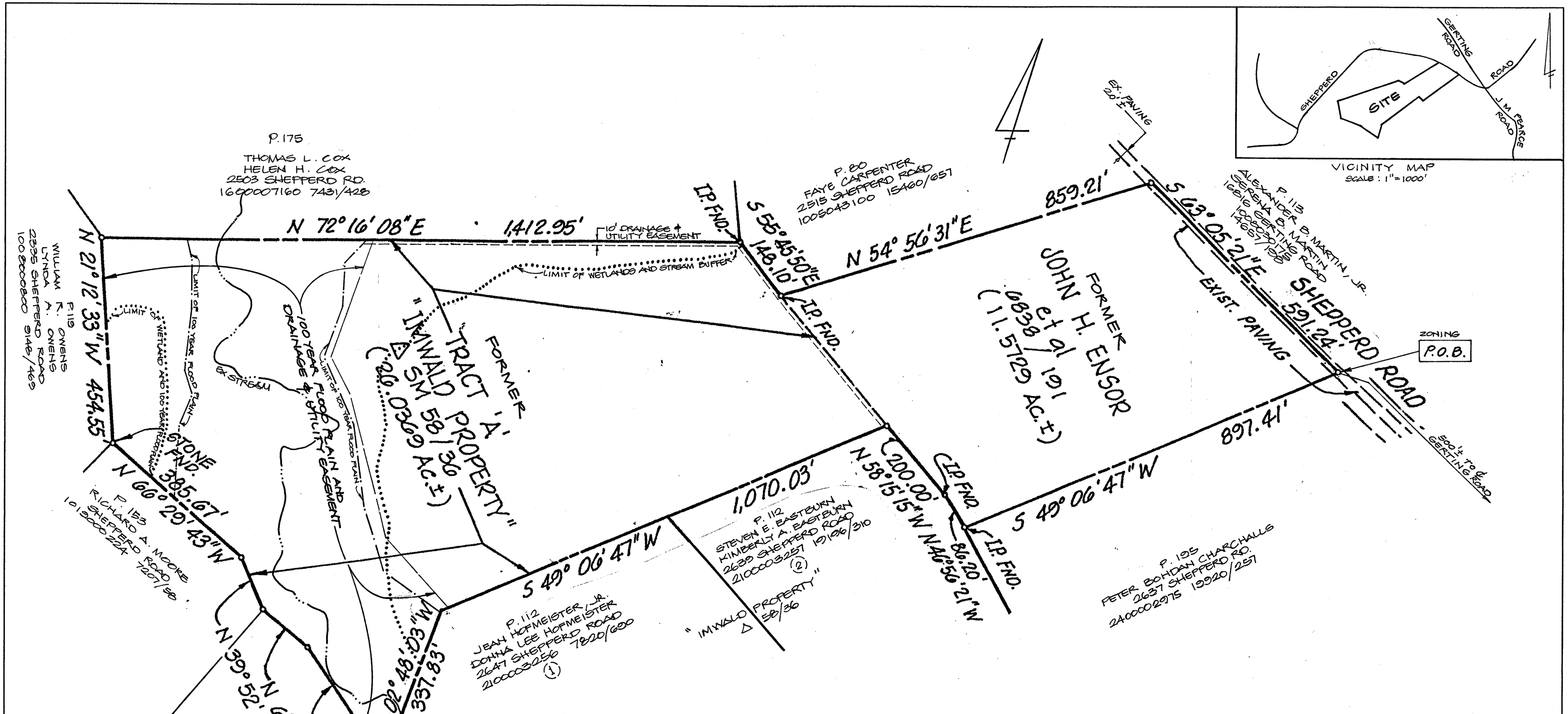
PLAN TO ACCOMPANY
ZONING SPECIAL HEARING REQUEST
ROBERT SLOAN AND SCOTT B. ENSOR, TRUSTEES PROPERTY

SHEPPERD ROAD

TAX MAP 23 - GRID 21 - PAR. 95

3RD COUNCILMANIC DISTRICT
10TH ELECTION DISTRICT
SCALE: 1" = 100'
BALTO. CO., MD
DATE: 2.12.07

McKEE & ASSOCIATES, INC.
Engineering – Land Planning – Land Surveying
Natural Resource Planning – Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563



PRIOR ZONING ORDER CASE NO. 88-227-SPH, FEB. 2, 1988

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of February, 1988 that the non-density transfer of 27 acres +/- in an R.C.2 zone to an adjacent 11.57 acres +/- parcel in an R.C.2 zone to create a single 38.57 acre parcel; and additionally, the subdivision of the re-1, having 10.50 acres +/- and Lot 2, having 5.70 acres +/-; all in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent upon the relief granted:

1) The subject 38.57 acre parcel, consisting of the 11.57 acres +/- and the 27 acres, Tract "A", transferred from the original 43 acre +/- parcel, shall be properly described in a redefinition or confirmatory deed and recorded in the Land Records of Baltimore County. Said deed shall clearly state that the 38.57 acres is one lot and parcel, and not two lots and parcels and that the area of land referred to as Tract "A" cannot be improved without the inclusion of the 11.57 acre parcel currently owned by John H. Ensor, et al. Further, the deed shall reference Zoning Case No. 88-227-SPH and shall clearly state that the newly created 38.57 acre parcel may only be subdivided once, resulting in no more than two lots. Said deed shall be recorded among the Land Records of Baltimore County on or before April 10, 1988 and a copy of the deed and proof of recordation shall be provided to the Zoning Commissioner on or before April 25, 1988.

2) The Petitioners shall cause the new deeds for Lot 1 and Lot 2, as shown on Petitioner's Exhibit 1, to clearly state that there shall be no subdivision of either Lot 1 or Lot 2, and shall clearly reference the restrictions in Zoning Case No. 88-227-SPH. The new deeds shall be recorded among the Land Records of Baltimore County on or before April 10, 1988, and a copy of the deeds and proof of recordation shall be provided to the Zoning Commissioner on or before April 25, 1988.

3) A new plat must be submitted to the Zoning Commissioner for approval on or before March 1, 1988, showing the resulting configuration of all of the lands, with property lines, building placements, notation of current landowners, zoning restrictions, reference to Zoning Case No. 88-227-SPH, and restrictions with reference to Lots 1 and 2 preventing subdivision. Furthermore, the notes on the new plat shall clearly state that the resulting 38.57 acre parcel shall contain only two density units and shall only be subdivided into two smaller lots. Said plat shall become a part of the permanent record of this case.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

OWNER INFO:
ROBERT SLOAN, TRUSTEE
SCOTT B. ENSOR, TRUSTEE
11350 McCORMICK ROAD
EPI SUITE 815
HUNT VALLEY, MD 21031

PLAN TO ACCOMPANY
ZONING SPECIAL HEARING REQUEST
ROBERT SLOAN AND SCOTT B. ENSOR,
TRUSTEES PROPERTY

SHEPPERD ROAD

TAX MAP 23 - GRID 21 - PAR. 95

3RD COUNCILMANIC DISTRICT
10TH ELECTION DISTRICT
SCALE: 1" = 100'
BALTO. CO., MD
DATE: 2·12·07

McKEE & ASSOCIATES, INC.
Engineering – Land Planning – Land Surveying
Natural Resource Planning – Real Estate Development
5 SHAWAN ROAD, Suite 1
COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555
FACSIMILE: (410) 527-1563

GENERAL NOTES

1. All lots shown hereon are for single family use only.
2. Existing land cover is agricultural, fields, and forest.
3. To the best of our knowledge, there are no critical areas, archaeological sites, endangered species habitat or hazardous materials on this site.
4. Baltimore County makes no warranty, expressed or implied, as to the right of any present or future owner of any lot shown hereon to use all or any part of that land designated as private right-of-way for the purpose of ingress, egress, regress or the right to open or excavate the aforesaid private right-of-way for the purpose of installing, constructing and maintaining utilities such as, but not limited to, water, sewer, electrical, telephone or cable television.
5. Topography shown hereon is taken from Baltimore County GIS datum 23b3.
6. Soils shown hereon are taken from Baltimore County Soil Survey map number 14.
7. Lots shown hereon shall operate on private well and septic systems.
8. Total average daily trips: lots 2 x 12.4= 25 adts.
9. There are no known existing underground fuel tanks on this site.
10. Mitigating measures for soils with limitations due to steep slopes:
    A. Wherever possible, grading or disturbing of steep slopes shall be avoided.
    B. All lots and roads shall be graded so as to direct any concentrated storm water flows away from areas of steep slopes.
    C. If disturbed, all areas of steep slopes shall be properly vegetated to assure stability and prevent erosion.
11. There are no known wells or septic areas within 100 feet of the property except as shown.
12. There shall be no clearing, grading, construction or disturbance of vegetation in the forest buffer easement and/or forest conservation easement except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
13. Any forest buffer easements and/or forest conservation easements shown hereon are is subject to protective covenants which may be found in the land records of Baltimore County and which restrict disturbance and use of these areas.
14. The area between the sight line and the curb line must be cleared, graded and kept free of any obstructions.
15. No signage will be used to denote the subdivision name.
16. Maximum building height for non-agricultural principal buildings is 35 feet.
17. Prior Zoning Hearings for this property: Case No. 88-227-SPH, see order this sheet.
18. Bureau of Traffic Engineering and Transportation Planning has confirmed that the subject site is not within a traffic deficient area.
19. This property as shown on the plan has been held intact since 04/10/1988. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings.(See Zoning Order Case No.88-227-SPH)
20. Local open space is not required for Minor Subdivisions.
21. This site is not located in a Chesapeake Bay Critical area.
22. There are no zoning lines within 200 feet of this property unless otherwise shown.
23. The developer must provide necessary drainage facilities (Temporary or Permanent) to prevent creating any nuisance or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the developer.
24. Private driveway entrances shall conform with Baltimore County Standard detail plate R-15, Dated 1977 " For Typical Driveway Entrance from road without curb & gutter".
25. A Zoning Final Development plan may be required depending on the number of lots created (as determined from Zoning and effective date of the Zoning Regulations for that zone.
26. Baltimore County Forest Conservation regulations have been addressed by an Intra Family Declaration of Intent.

PRIOR ZONING ORDER CASE NO. 88-227-SPH, FEB. 2, 1988

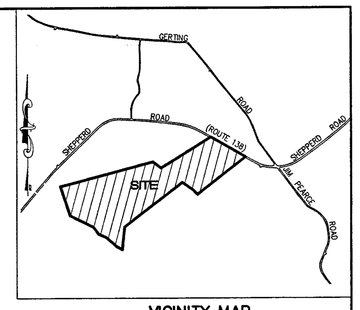
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of February, 1988 that the non-density transfer of 27 acres +/- in an R.C.2 zone to an adjacent 11.57 acres +/- parcel in an R.C.2 zone to create a single 38.57 acre parcel; and additionally, the subdivision of the re-1, having 10.50 acres +/- and Lot 2, having 5.70 acres +/-; all in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent upon the relief granted:

1) The subject 38.57 acre parcel, consisting of the 11.57 acres +/- and the 27 acres, Tract "A", transferred from the original 43 acre +/- parcel, shall be properly described in a redefinition or confirmatory deed and recorded in the Land Records of Baltimore County. Said deed shall clearly state that the 38.57 acres is one lot and parcel, and not two lots and parcels and that the area of land referred to as Tract "A" cannot be improved without the inclusion of the 11.57 acre parcel currently owned by John H. Ensor, et al. Further, the deed shall reference Zoning Case No. 88-227-SPH and shall clearly state that the newly created 38.57 acre parcel may only be subdivided once, resulting in no more than two lots. Said deed shall be recorded among the Land Records of Baltimore County on or before April 10, 1988 and a copy of the deed and proof of recordation shall be provided to the Zoning Commissioner on or before April 25, 1988.

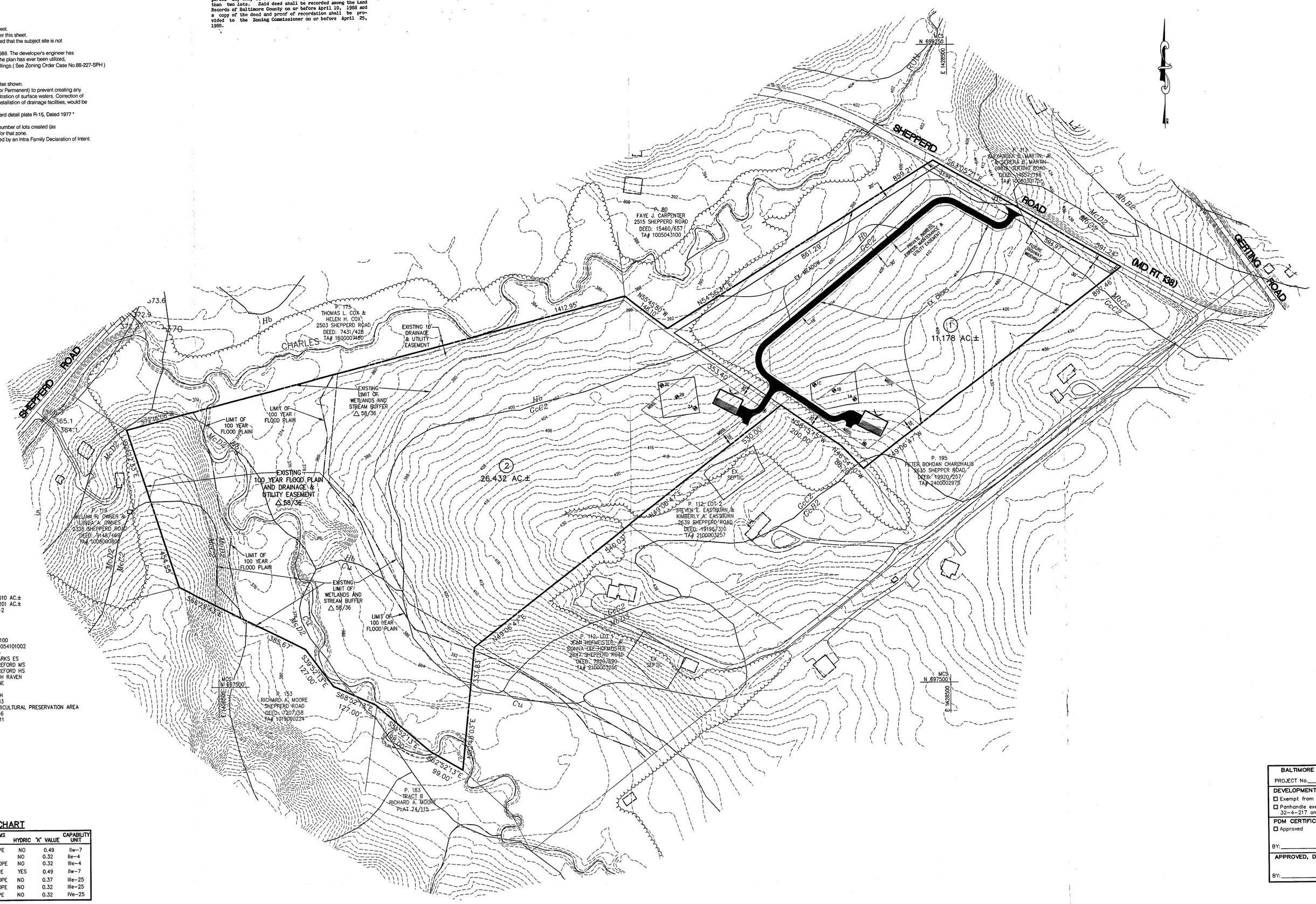
2) The Petitioners shall cause the new deeds for Lot 1 and Lot 2, as shown on Petitioner's Exhibit 1, to clearly state that there shall be no subdivision of either Lot 1 or Lot 2, and shall clearly reference the restrictions in Zoning Case No. 88-227-SPH. The new deeds shall be recorded among the Land Records of Baltimore County on or before April 10, 1988, and a copy of the deeds and proof of recordation shall be provided to the Zoning Commissioner on or before April 25, 1988.

3) A new plat must be submitted to the Zoning Commissioner for approval on or before March 1, 1988, showing the resulting configuration of all of the lands, with property lines, building placements, notation of current landowners, zoning restrictions, reference to Zoning Case No. 88-227-SPH, and restrictions with reference to Lots 1 and 2 preventing subdivision. Furthermore, the notes on the new plat shall clearly state that the resulting 38.57 acre parcel shall contain only two density units and shall only be subdivided into two smaller lots. Said plat shall become a part of the permanent record of this case.

JRobert Haines
ROBERT HAINES
Zoning Commissioner of Baltimore County



VICINITY MAP
SCALE: 1" = 1000'



LEGEND

EX. CONTOURS
SLOPES > 25%
EX. STREAM
WELL — EXISTING / PROPOSED ENVELOPE
PERC TEST — PASSED / FAILED
PROP. SEPTIC AREA
SOIL TYPES
FOREST BUFFER & FOREST CONSERVATION EASEMENT
EX. WOODS LINE
PROP. HOUSE SITE w/ HOUSE DIRECTION
TYPICAL LANDSCAPE BUFFER

SITE DATA

1. GROSS AREA OF SITE=	37.610 AC.±
2. NET AREA OF SITE=	37.201 AC.±
3. EXISTING ZONING=	RC-2
4. NO. OF LOTS ALLOWED=(2-100 ACRES)	2
5. NO. OF LOTS PROPOSED=	2
6. PARKING REQUIRED=(2 SPACES PER LOT)=	4
7. PARKING PROPOSED=(2 PLUS SPACES PER LOT)=	4
8. 2000 CENSUS TRACT:	410100
9. 2000 CENSUS BLOCK:	240054101002
10. REGIONAL PLANNING DISTRICT:	305
11. ELEMENTARY SCHOOL DISTRICT:	SPARKS ES
12. MIDDLE SCHOOL DISTRICT:	HEREFORD MS
13. HIGH SCHOOL DISTRICT:	HEREFORD HS
14. WATERSHED:	LOCH RAVEN
15. SUBSEWERSHED:	NONE
16. COUNCILMANIC DISTRICT:	3
17. ELECTION DISTRICT:	10TH
18. 200 SCALE ZONING MAP:	23B3
19. LAND MANAGEMENT AREA:	AGRICULTURAL PRESERVATION AREA
20. TRANSPORTATION ZONE:	0446
21. ZIP CODE:	21111
22. TAX MAP 23, GRID 21, PARCEL 95	

SOILS LIMITATION CHART

MAP SYMBOL	SOIL SERIES	HOMESITES LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC	'K' VALUE	CAPABILITY UNIT
Cu	CODORUS	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.49	IIw-7
GcB2	GLENELG	SLIGHT	SLIGHT	NO	0.32	IIe-4
GcC2	GLENELG	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.32	IIIe-4
Hb	HATBORO	SEVERE: SLOPE	SEVERE: SLOPE	YES	0.49	IIw-7
MbC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	IIIe-25
McC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.32	IIIe-25
McD2	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.32	IVe-25

BALTIMORE COUNTY MINOR SUBDIVISION

PROJECT No.

DEVELOPMENT REGULATIONS:
☐ Exempt from Article 32, Title 4, Subtitle 2
☐ Panhandle exempt from Section 32-4-211 through 32-4-217 and Sections 32-4-226 and 32-4-227

PDM CERTIFICATION:
☐ Approved ☐ Disapproved
BY: DATE

APPROVED, DEPRM:
BY: DATE

ZONING EXHIBIT A
ENSOR PROPERTY
SHEPPERD ROAD

10th ELECTION DISTRICT — BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 100' — DATE: JUNE 4, 2007
3RD COUNCILMANIC DISTRICT

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM
HORIZONTAL - NAD 83/91
VERTICAL - NAVD 88

DATE	REASON FOR REVISION

OWNER INFORMATION
JAMES B. ENSOR
ROBERT SLOAN AND SCOTT B. ENSOR, TRUSTEES
16909 GERTING ROAD
MONKTON, MD 21111-1309
DEED REF: 18574/517
TAX ACCT.# 2100004843
TAX MAP 23, GRID 21, PARCEL 95

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying
Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 — COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 — FACSIMILE: (410) 527-1563

GEOFFREY C. SCHULTZ — DATE
MARYLAND REG. No. 21154

GENERAL NOTES

1. ALL LOTS SHOWN HEREON ARE FOR SINGLE FAMILY USE ONLY.
2. EXISTING LAND COVER IS AGRICULTURAL, FIELDS, AND FOREST.
3. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITAT OR HAZARDOUS MATERIALS ON THIS SITE.
4. BALTIMORE COUNTY MAKES NO WARRANTY, EXPRESSED OR IMPLIED, AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN HEREON TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INGRESS, EGRESS, REGRESS OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE TELEVISION.
5. TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTIMORE COUNTY GIS DATUM 023B3.
6. SOILS SHOWN HEREON ARE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NUMBER 14.
7. LOTS SHOWN HEREON SHALL OPERATE ON PRIVATE WELL AND SEPTIC SYSTEMS.
8. TOTAL AVERAGE DAILY TRIPS: LOTS 2 X 12.4= 25 ADT'S.
9. THERE ARE NO KNOWN EXISTING UNDERGROUND FUEL TANKS ON THIS SITE.
10. MITIGATING MEASURES FOR SOILS WITH LIMITATIONS DUE TO STEEP SLOPES:
    A. WHEREVER POSSIBLE, GRADING OR DISTURBING OF STEEP SLOPES SHALL BE AVOIDED.
    B. ALL LOTS AND ROADS SHALL BE GRADED SO AS TO DIRECT ANY CONCENTRATED STORM WATER FLOWS AWAY FROM AREAS OF STEEP SLOPES.
    C. IF DISTURBED, ALL AREAS OF STEEP SLOPES SHALL BE PROPERLY VEGETATED TO ASSURE STABILITY AND PREVENT EROSION.
11. THERE ARE NO KNOWN WELLS OR SEPTIC AREAS WITHIN 100 FEET OF THE PROPERTY EXCEPT AS SHOWN.
12. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND/OR FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
13. ANY FOREST BUFFER EASEMENTS AND/OR FOREST CONSERVATION EASEMENTS SHOWN HEREON ARE IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
14. THE AREA BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS.
15. NO SIGNAGE WILL BE USED TO DENOTE THE SUBDIVISION NAME.
16. MAXIMUM BUILDING HEIGHT FOR NON-AGRICULTURAL PRINCIPAL BUILDINGS IS 35 FEET.
17. PRIOR ZONING HEARINGS FOR THIS PROPERTY: CASE NO. 88-227-SPH & 07-372-SPH, SEE ORDER THIS SHEET.
18. BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
19. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 04/10/1988. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.(SEE ZONING ORDER CASE NO. 88-227-SPH & 07-372-SPH)
20. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
21. THIS SITE IS NOT LOCATED IN A CHESAPEAKE BAY CRITICAL AREA.
22. THERE ARE NO ZONING LINES WITHIN 200 FEET OF THIS PROPERTY UNLESS OTHERWISE SHOWN.
23. THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCE OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH MAY RESULT, DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.
24. PRIVATE DRIVEWAY ENTRANCES SHALL CONFORM WITH BALTIMORE COUNTY STANDARD DETAIL PLATE R-15, DATED 1977 " FOR TYPICAL DRIVEWAY ENTRANCE FROM ROAD WITHOUT CURB & GUTTER".
25. BALTIMORE COUNTY FOREST CONSERVATION REGULATIONS WILL BE ADDRESSED BY AN INTRA FAMILY DECLARATION OF INTENT.
26. THIS PROPERTY IS LOCATED WITHIN THE JACKSONVILLE COMMUNITY PLAN.
27. PRIOR TO RELEASE OF ANY PERMITS FOR LOT #1, A STEEP SLOPE AND ERODIBLE SOIL ANALYSIS WILL BE REQUIRED BY DEPRM FOR THE ESTABLISHMENT OF THE FOREST BUFFER EASEMENT. RECORDATION OF THE FOREST BUFFER EASEMENT AND THE CORRESPONDING DECLARATION OF COVENANTS MUST BE MADE IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND PRIOR TO PERMIT APPROVAL. A FOREST BUFFER VARIANCE MAY BE REQUESTED BY THE PROPERTY OWNER OF LOT #1 PRIOR TO RECORDATION OF THE FOREST BUFFER EASEMENT AND DECLARATION OF COVENANTS.
28. THE PROPOSED PANHANDLE DRIVEWAY SHALL BE A MINIMUM OF 16 FEET WIDE AND OF A HARD SURFACE CAPABLE OF SUPPORTING EMERGENCY APPARATUS, WEIGHING 65,000 LBS. ON TWO AXLES. IF IN EXCESS OF 300 FEET IN LENGTH IT SHALL TERMINATE IN A CUL-DE-SAC OT T-TURNAROUND HAVING AN INSIDE TURNING RADIUS MINIMUM OF 35 FEET WALL TO WALL AND A 120 FOOT (37-M) OUTSIDE DIAMETER. NFPA 1141:4-2.2.
29. THE PROPERTY IS LOCATED WITHIN THE JACKSONVILLE COMMUNITY PLAN.
30. THE PROPERTY IS CURRENTLY OPERATING UNDER A FARM PLAN CREATED BY THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT.

PRIOR ZONING ORDER CASE NO. 88-227-SPH, FEB. 2, 1988

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SW/S Sheppard Road, 480' NW * ZONING COMMISSIONER
of c/l of J. M. Pearce Road *
10th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
* Case No. 88-227-SPH
John H. Ensor, et al *
Petitioners *

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the non-density transfer of 27 acres +/- in an R.C.2 zone from a 43-acre +/- parcel to an adjacent 11.57 acres +/- parcel in an adjacent R.C.2 zone to be consolidated to create a single 38.57 acre parcel; and additionally, to approve the division of the remaining land from the 43 acre parcel into two building lots; all as more particularly described in Petitioner's Exhibit 1. . . .

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of February, 1988 that the non-density transfer of 27 acres +/- in an R.C.2 zone to an adjacent 11.57 acres +/- parcel in an R.C.2 zone to create a single 38.57 acre parcel; and additionally, the subdivision of the re-1, having 10.50 acres +/- and Lot 2, having 5.70 acres +/-; all in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent upon the relief granted:

1) The subject 38.57 acre parcel, consisting of the 11.57 acres +/- and the 27 acres, Tract "A", transferred from the original 43 acre +/- parcel, shall be properly described in a redefinition or confirmatory deed and recorded in the Land Records of Baltimore County. Said deed shall clearly state that the 38.57 acres is one lot and parcel, and not two lots and parcels and that the area of land referred to as Tract "A" cannot be improved without the inclusion of the 11.57 acre parcel currently owned by John H. Ensor, et al. Further, the deed shall reference Zoning Case No. 88-227-SPH and shall clearly state that the newly created 38.57 acre parcel may only be subdivided once, resulting in no more than two lots. Said deed shall be recorded among the Land Records of Baltimore County on or before April 10, 1988 and a copy of the deed and proof of recordation shall be provided to the Zoning Commissioner on or before April 25, 1988.

2) The Petitioners shall cause the new deeds for Lot 1 and Lot 2, as shown on Petitioner's Exhibit 1, to clearly state [illegible] Lot 1 or Lot 2, and shall clearly reference the restrictions in Zoning Case No. 88-227-SPH. The new deeds shall be recorded among the Land Records of Baltimore County on or before April 10, 1988, and a copy of the deeds and proof of recordation shall be provided to the Zoning Commissioner on or before April 25, 1988.

3) A new plat must be submitted to the Zoning Commissioner for approval on or before March 1, 1988, showing the resulting configuration of all of the lands, with property lines, building placements, notation of current landowners, zoning restrictions, reference to Zoning Case No. 88-227-SPH, and restrictions with reference to Lots 1 and 2 preventing subdivision. Furthermore, the notes on the new plat shall clearly state that the resulting 38.57 acre parcel shall contain only two density units and shall only be subdivided into two smaller lots. Said plat shall become a part of the permanent record of this case.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

PRIOR ZONING ORDER CASE NO. 07-372-SPH, JULY 30, 2007

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
S/side Sheppard Road, 500' W *
Gerting Road * ZONING COMMISSIONER
(Sloan & Ensor Property) *
10th Election District * FOR
3rd Council District *
* BALTIMORE COUNTY
Robert Sloan & Scott B. Ensor, Trustees *
Petitioners * Case No. 07-372-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 Robert Sloan and Scott B. Ensor as Trustees and owners of the subject property, by and through their attorneys, Dino C. LaFiandra, Esquire and Whitelford, Taylor & Preston, LLP. The Petitioners request a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to verify the zoning devolution of title for the subject property and to confirm several other issues, specifically, (1) that two R.C.2 density units exist on the subject property, (2) that the 26.0 acre portion of the property (formerly known as Tract "A" Inwald Property, being part of the Zoning Case No. 88-227-SPH) can be utilized for building purposes as part of a proposed subdivision, and (3) that the subdivision of the property could be completed via the minor subdivision process. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1. . . .

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 30th day of July 2007, that there currently exists two (2) density units associated with the Property, and

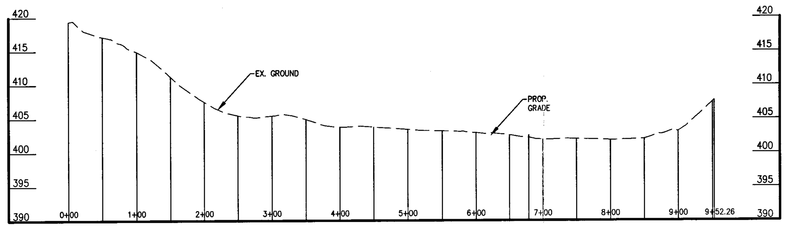
IT IS FURTHER ORDERED that home sites may be located within the rear twenty-six (26) acres of the Property (formerly known as Tract "A" Inwald Property in zoning case 88-227-SPH), in accordance with Petitioners' Exhibit 6, and

IT IS FURTHER ORDERED that the Petitioners may proceed with a subdivision of the Property through the minor subdivision process, subject to the following condition:

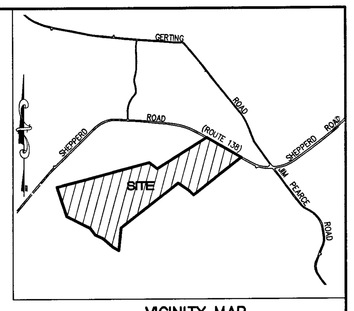
- The Petitioners are permitted to proceed; however, Petitioners are hereby made aware that doing so shall be at their own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief herein could be rescinded.

Any appeal of this Order shall be taken in accordance with Baltimore County Code Sections 32-3-401.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County



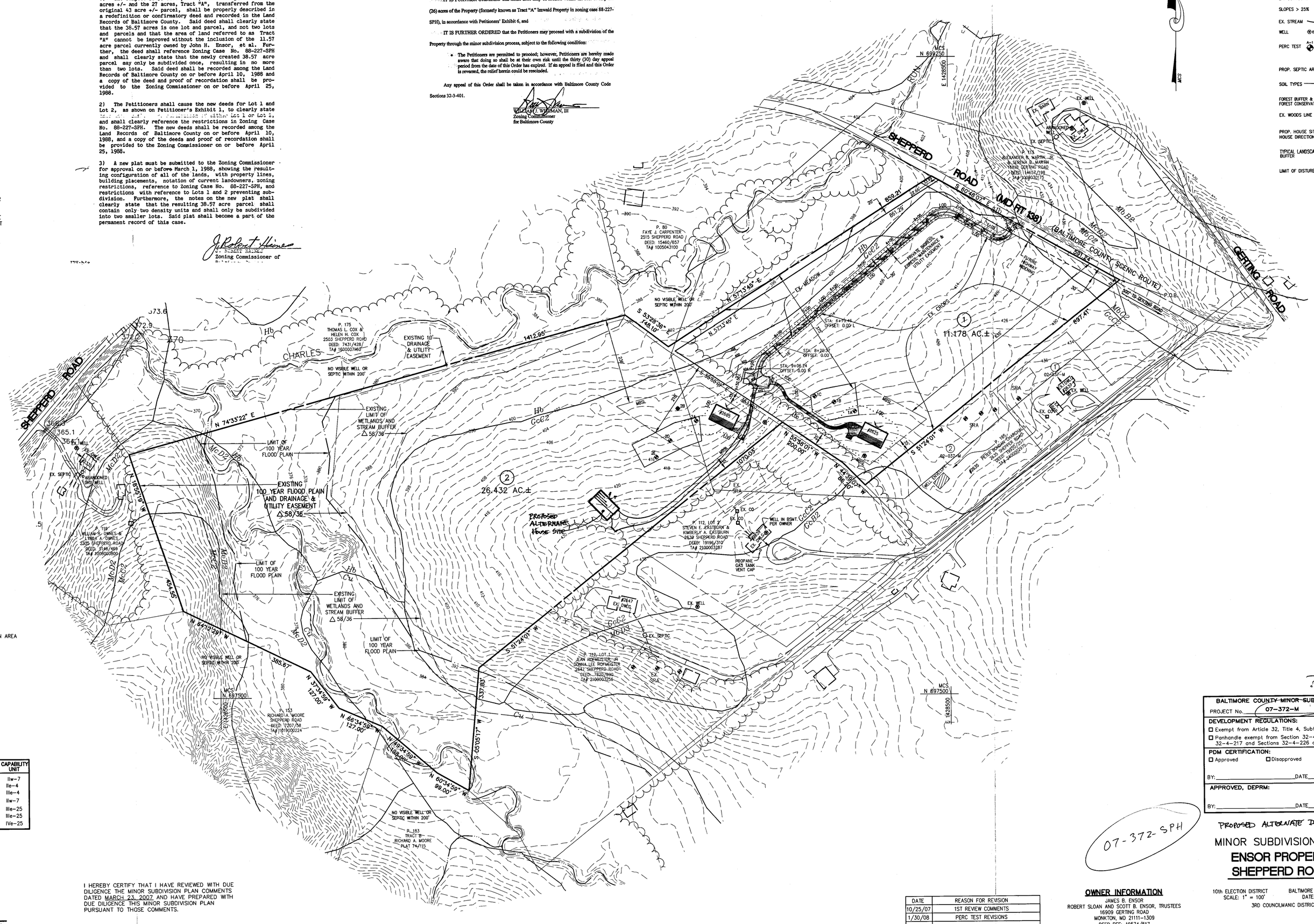
PANHANDLE PROFILE
SCALE: HOR. 1"=100'
VER. 1"=5'



VICINITY MAP
SCALE: 1" = 1000'

LEGEND

- EX. CONTOURS 363
- SLOPES > 25%
- EX. STREAM
- WELL — EXISTING / PROPOSED ENVELOPE
- PERC TEST — PASSED / FAILED
- PROP. SEPTIC AREA
- SOIL TYPES — Ihd / MdE
- FOREST BUFFER & FOREST CONSERVATION EASEMENT
- EX. WOODS LINE
- PROP. HOUSE SITE w/ HOUSE DIRECTION
- TYPICAL LANDSCAPE BUFFER
- LIMIT OF DISTURBANCE ..... 100 .....



SITE DATA

1. GROSS AREA OF SITE=	37.610 AC.±
2. NET AREA OF SITE=	37.201 AC.±
3. EXISTING ZONING=	RC-2
4. NO. OF LOTS ALLOWED=(2-100 ACRES)	2
5. NO. OF LOTS PROPOSED=	2
6. PARKING REQUIRED=(2 SPACES PER LOT)=	4
7. PARKING PROPOSED=(2 PLUS SPACES PER LOT)=	4
8. 2000 CENSUS TRACT:	410100
9. 2000 CENSUS BLOCK:	240054101002
10. REGIONAL PLANNING DISTRICT:	305
11. ELEMENTARY SCHOOL DISTRICT:	SPARKS ES
12. MIDDLE SCHOOL DISTRICT:	HEREFORD MS
13. HIGH SCHOOL DISTRICT:	HEREFORD HS
14. WATERSHED:	LOCH RAVEN
15. SUBSEWERSHED:	NONE
16. COUNCILMANIC DISTRICT:	3
17. ELECTION DISTRICT:	10TH
18. 200 SCALE ZONING MAP:	23B3
19. LAND MANAGEMENT AREA:	AGRICULTURAL PRESERVATION AREA
20. TRANSPORTATION ZONE:	0446
21. ZIP CODE:	21111
22. TAX MAP 23, GRID 21, PARCEL 95	

SOILS LIMITATION CHART

MAP SYMBOL	SOIL SERIES	HOMESITES LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC	'K' VALUE	CAPABILITY UNIT
Cu	CODORUS	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.49	IIw-7
GcB2	GLENELG	SLIGHT	SLIGHT	NO	0.32	IIe-4
GcC2	GLENELG	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.32	IIIe-4
Hb	HATBORO	SEVERE: SLOPE	SEVERE: SLOPE	YES	0.49	IIw-7
MbC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	IIIe-25
McC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.32	IIIe-25
McD2	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.32	IVe-25

McKEE & ASSOCIATES, INC.
Engineering – Land Planning – Land Surveying
Natural Resource Planning – Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE MINOR SUBDIVISION PLAN COMMENTS DATED MARCH 23, 2007 AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE COMMENTS.

GEOFFREY C. SCHULTZ DATE
MARYLAND REG. No. 21154

DATE	REASON FOR REVISION
10/25/07	1ST REVIEW COMMENTS
1/30/08	PERC TEST REVISIONS

OWNER INFORMATION
JAMES B. ENSOR
ROBERT SLOAN AND SCOTT B. ENSOR, TRUSTEES
16909 GERTING ROAD
MONKTON, MD 21111-1309
DEED REF: 19574/517
TAX ACCT # 2100004843
TAX MAP 23, GRID 21, PARCEL 95

BALTIMORE COUNTY ~~MINOR SUBDIVISION~~ ?
PROJECT No. 07-372-M
DEVELOPMENT REGULATIONS:
☐ Exempt from Article 32, Title 4, Subtitle 2
☐ Panhandle exempt from Section 32-4-211 through 32-4-217 and Sections 32-4-226 and 32-4-227
PDM CERTIFICATION:
☐ Approved ☐ Disapproved
BY:_____ DATE_____
APPROVED, DEPRM:
BY:_____ DATE_____

07-372-SPH

PROPOSED ALTERNATE DWELLING LOCATION

MINOR SUBDIVISION PLAN
ENSOR PROPERTY
SHEPPERD ROAD

10th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 100' DATE: JUNE 4, 2007
3RD COUNCILMANIC DISTRICT

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM
HORIZONTAL – NAD 83/91
VERTICAL – NAVD 88

GENERAL NOTES

1. All lots shown hereon are for single family use only.
2. Existing land cover is agricultural, fields, and forest.
3. To the best of our knowledge, there are no critical areas, archaeological sites, endangered species habitat or hazardous materials on this site.
4. Baltimore County makes no warranty, expressed or implied, as to the right of any present or future owner of any lot shown hereon to use all or any part of that land designated as private right-of-way for the purpose of ingress, egress, regress or the right to open or excavate the aforesaid private right-of-way for the purpose of installing, constructing and maintaining utilities such as, but not limited to, water, sewer, electrical, telephone or cable television.
5. Topography shown hereon is taken from Baltimore County GIS datum 23b3.
6. Soils shown hereon are taken from Baltimore County Soil Survey map number 14.
7. Lots shown hereon shall operate on private well and septic systems.
8. Total average daily trips: lots 2 x 12.4= 25 adts.
9. There are no known existing underground fuel tanks on this site.
10. Mitigating measures for soils with limitations due to steep slopes:
    A. Wherever possible, grading or disturbing of steep slopes shall be avoided.
    B. All lots and roads shall be graded so as to direct any concentrated storm water flows away from areas of steep slopes.
    C. If disturbed, all areas of steep slopes shall be properly vegetated to assure stability and prevent erosion.
11. There are no known wells or septic areas within 100 feet of the property except as shown.
12. There shall be no clearing, grading, construction or disturbance of vegetation in the forest buffer easement and/or forest conservation easement except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
13. Any forest buffer easements and/or forest conservation easements shown hereon are is subject to protective covenants which may be found in the land records of Baltimore County and which restrict disturbance and use of these areas.
14. The area between the sight line and the curb line must be cleared, graded and kept free of any obstructions.
15. No signage will be used to denote the subdivision name.
16. Maximum building height for non-agricultural principal buildings is 35 feet.
17. Prior Zoning Hearings for this property: Case No. 88-227-SPH, see order this sheet.
18. Bureau of Traffic Engineering and Transportation Planning has confirmed that the subject site is not within a traffic deficient area.
19. This property as shown on the plan has been held intact since 04/10/1988. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings.(See Zoning Order Case No.88-227-SPH)
20. Local open space is not required for Minor Subdivisions.
21. This site is not located in a Chesapeake Bay Critical area.
22. There are no zoning lines within 200 feet of this property unless otherwise shown.
23. The developer must provide necessary drainage facilities (Temporary or Permanent) to prevent creating any nuisance or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the developer.
24. Private driveway entrances shall conform with Baltimore County Standard detail plate R-15, Dated 1977 " For Typical Driveway Entrance from road without curb & gutter".
25. A Zoning Final Development plan may be required depending on the number of lots created (as determined from Zoning and effective date of the Zoning Regulations for that zone.
26. Baltimore County Forest Conservation regulations have been addressed by an Intra Family Declaration of Intent.

PRIOR ZONING ORDER CASE NO. 88-227-SPH, FEB. 2, 1988

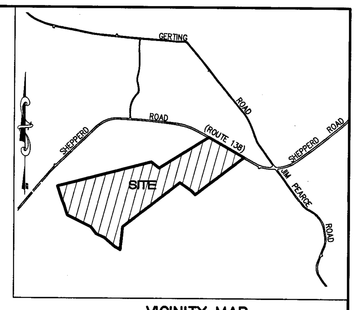
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of February, 1988 that the non-density transfer of 27 acres +/- in an R.C.2 zone to an adjacent 11.57 acres +/- parcel in an R.C.2 zone to create a single 38.57 acre parcel; and additionally, the subdivision of the re-1, having 10.50 acres +/- and Lot 2, having 5.70 acres +/-; all in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent upon the relief granted:

1) The subject 38.57 acre parcel, consisting of the 11.57 acres +/- and the 27 acres, Tract "A", transferred from the original 43 acre +/- parcel, shall be properly described in a redefinition or confirmatory deed and recorded in the Land Records of Baltimore County. Said deed shall clearly state that the 38.57 acres is one lot and parcel, and not two lots and parcels and that the area of land referred to as Tract "A" cannot be improved without the inclusion of the 11.57 acre parcel currently owned by John H. Ensor, et al. Further, the deed shall reference Zoning Case No. 88-227-SPH and shall clearly state that the newly created 38.57 acre parcel may only be subdivided once, resulting in no more than two lots. Said deed shall be recorded among the Land Records of Baltimore County on or before April 10, 1988 and a copy of the deed and proof of recordation shall be provided to the Zoning Commissioner on or before April 25, 1988.

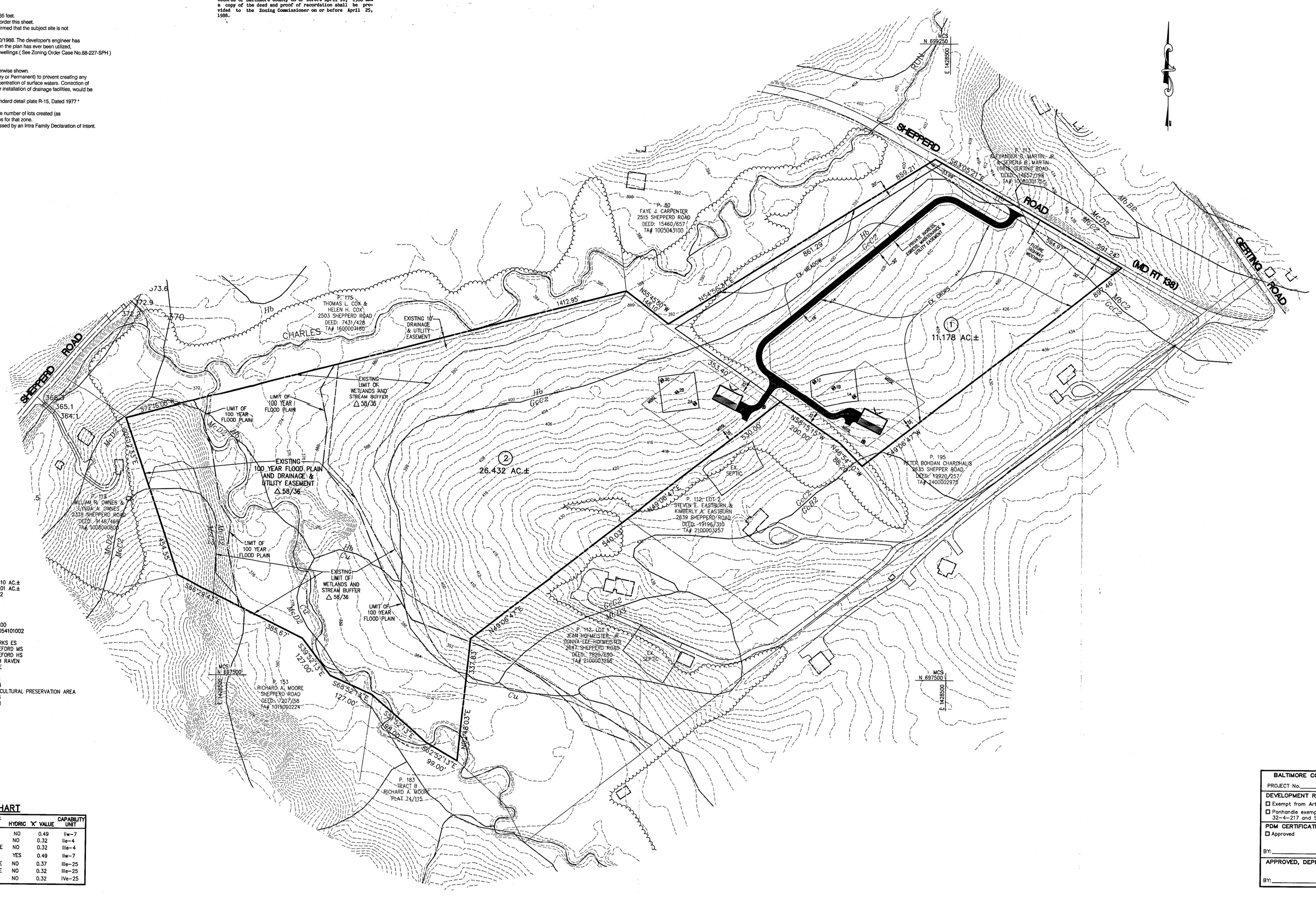
2) The Petitioners shall cause the new deeds for Lot 1 and Lot 2, as shown on Petitioner's Exhibit 1, to clearly state that there shall be no subdivision of either Lot 1 or Lot 2, and shall clearly reference the restrictions in Zoning Case No. 88-227-SPH. The new deeds shall be recorded among the Land Records of Baltimore County on or before April 10, 1988, and a copy of the deeds and proof of recordation shall be provided to the Zoning Commissioner on or before April 25, 1988.

3) A new plat must be submitted to the Zoning Commissioner for approval on or before March 1, 1988, showing the resulting configuration of all of the lands, with property lines, building placements, notation of current landowners, zoning restrictions, reference to Zoning Case No. 88-227-SPH, and restrictions with reference to Lots 1 and 2 preventing subdivision. Furthermore, the notes on the new plat shall clearly state that the resulting 38.57 acre parcel shall contain only two density units and shall only be subdivided into two smaller lots. Said plat shall become a part of the permanent record of this case.

J. Robert Haines
Zoning Commissioner of Baltimore County



VICINITY MAP
SCALE: 1" = 1000'



LEGEND

- EX. CONTOURS 385
- SLOPES > 25%
- EX. STREAM
- WELL — EXISTING / PROPOSED ENVELOPE
- PERC TEST — PASSED / FAILED
- PROP. SEPTIC AREA
- SOIL TYPES — GcC2, MrF
- FOREST BUFFER & FOREST CONSERVATION EASEMENT
- EX. WOODS LINE
- PROP. HOUSE SITE w/ HOUSE DIRECTION
- TYPICAL LANDSCAPE BUFFER

SITE DATA

1. GROSS AREA OF SITE=	37.610 AC.±
2. NET AREA OF SITE=	37.201 AC.±
3. EXISTING ZONING=	RC-2
4. NO. OF LOTS ALLOWED=(2-100 ACRES)	2
5. NO. OF LOTS PROPOSED=	2
6. PARKING REQUIRED=(2 SPACES PER LOT)=	4
7. PARKING PROPOSED=(2 PLUS SPACES PER LOT)=	4
8. 2000 CENSUS TRACT:	410100
9. 2000 CENSUS BLOCK:	240054101002
10. REGIONAL PLANNING DISTRICT:	305
11. ELEMENTARY SCHOOL DISTRICT:	SPARKS ES
12. MIDDLE SCHOOL DISTRICT:	HEREFORD MS
13. HIGH SCHOOL DISTRICT:	HEREFORD HS
14. WATERSHED:	LOCH RAVEN
15. SUBSEWERSHED:	NONE
16. COUNCILMANIC DISTRICT:	3
17. ELECTION DISTRICT:	10TH
18. 200 SCALE ZONING MAP:	23B3
19. LAND MANAGEMENT AREA:	AGRICULTURAL PRESERVATION AREA
20. TRANSPORTATION ZONE:	0446
21. ZIP CODE:	21111
22. TAX MAP 23, GRID 21, PARCEL 95	

SOILS LIMITATION CHART

MAP SYMBOL	SOIL SERIES	HOMESITES LIMITATIONS	SEPTIC SYSTEMS LIMITATIONS	HYDRIC	"K" VALUE	CAPABILITY UNIT
Cu	CODORUS	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.49	IIw-7
GcB2	GLENELG	SLIGHT	SLIGHT	NO	0.32	IIe-4
GcC2	GLENELG	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.32	IIIe-4
Hb	HATBORO	SEVERE: SLOPE	SEVERE: SLOPE	YES	0.49	IIw-7
MbC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.37	IIIe-25
McC2	MANOR	MODERATE: SLOPE	MODERATE: SLOPE	NO	0.32	IIIe-25
McD2	MANOR	SEVERE: SLOPE	SEVERE: SLOPE	NO	0.32	IVe-25

BALTIMORE COUNTY MINOR SUBDIVISION

PROJECT No._____

DEVELOPMENT REGULATIONS:
☐ Exempt from Article 32, Title 4, Subtitle 2
☐ Panhandle exempt from Section 32-4-211 through 32-4-217 and Sections 32-4-226 and 32-4-227

PDM CERTIFICATION:
☐ Approved ☐ Disapproved

BY:_____ DATE_____

APPROVED, DEPRM:

BY:_____ DATE_____

ZONING EXHIBIT A
ENSOR PROPERTY
SHEPPERD ROAD

10th ELECTION DISTRICT — BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 100' — DATE: JUNE 4, 2007
3RD COUNCILMANIC DISTRICT

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM
HORIZONTAL – NAD 83/91
VERTICAL – NAVD 88

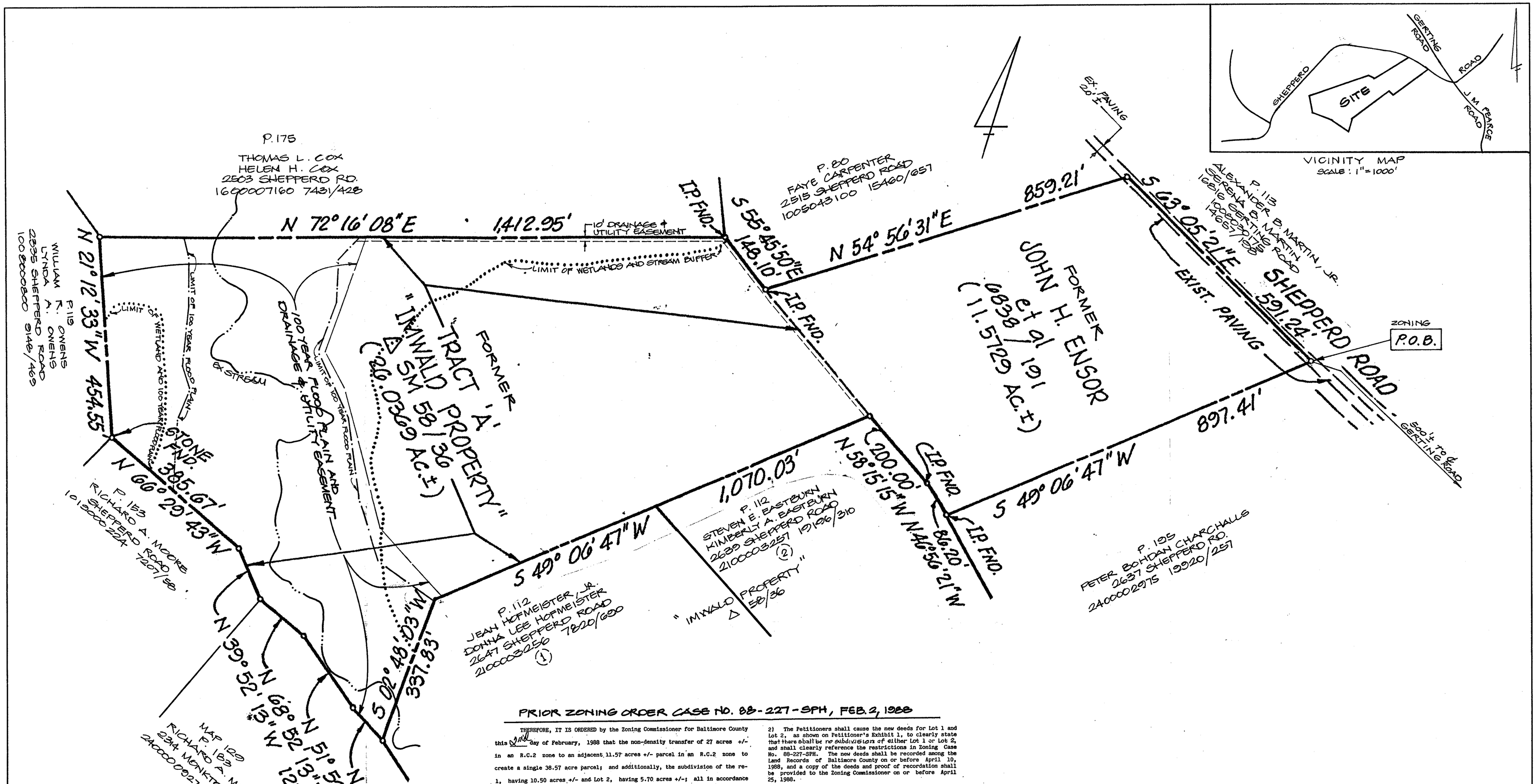
McKEE & ASSOCIATES, INC.
Engineering – Land Planning – Land Surveying
Natural Resource Planning – Real Estate Development
5 SHAWAN ROAD, Suite 1 — COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 — FACSIMILE: (410) 527-1563

GEOFFREY C. SCHULTZ — DATE
MARYLAND REG. No. 21154

DATE	REASON FOR REVISION

OWNER INFORMATION
JAMES B. ENSOR
ROBERT SLOAN AND SCOTT B. ENSOR, TRUSTEES
16909 GERTING ROAD
MONKTON, MD 21111-1309
DEED REF: 19574/517
TAX ACCT.# 2100004843
TAX MAP 23, GRID 21, PARCEL 95

PETITIONER'S EXHIBIT NO. 6



PRIOR ZONING ORDER CASE NO. 88-227-SPH, FEB. 2, 1988

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of February, 1988 that the non-density transfer of 27 acres +/- in an R.C.2 zone to an adjacent 11.57 acres +/- parcel in an R.C.2 zone to create a single 38.57 acre parcel; and additionally, the subdivision of the re-1, having 10.50 acres +/- and Lot 2, having 5.70 acres +/-; all in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent upon the relief granted:

1) The subject 38.57 acre parcel, consisting of the 11.57 acres +/- and the 27 acres, Tract "A", transferred from the original 43 acre +/- parcel, shall be properly described in a redefinition or confirmatory deed and recorded in the Land Records of Baltimore County. Said deed shall clearly state that the 38.57 acres is one lot and parcel, and not two lots and parcels and that the area of land referred to as Tract "A" cannot be improved without the inclusion of the 11.57 acre parcel currently owned by John H. Ensor, et al. Further, the deed shall reference Zoning Case No. 88-227-SPH and shall clearly state that the newly created 38.57 acre parcel may only be subdivided once, resulting in no more than two lots. Said deed shall be recorded among the Land Records of Baltimore County on or before April 10, 1988 and a copy of the deed and proof of recordation shall be provided to the Zoning Commissioner on or before April 25, 1988.

2) The Petitioners shall cause the new deeds for Lot 1 and Lot 2, as shown on Petitioner's Exhibit 1, to clearly state that there shall be no subdivision of either Lot 1 or Lot 2, and shall clearly reference the restrictions in Zoning Case No. 88-227-SPH. The new deeds shall be recorded among the Land Records of Baltimore County on or before April 10, 1988, and a copy of the deeds and proof of recordation shall be provided to the Zoning Commissioner on or before April 25, 1988.

3) A new plat must be submitted to the Zoning Commissioner for approval on or before March 1, 1988, showing the resulting configuration of all of the lands, with property lines, building placements, notation of current landowners, zoning restrictions, reference to Zoning Case No. 88-227-SPH, and restrictions with reference to Lots 1 and 2 preventing subdivision. Furthermore, the notes on the new plat shall clearly state that the resulting 38.57 acre parcel shall contain only two density units and shall only be subdivided into two smaller lots. Said plat shall become a part of the permanent record of this case.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

OWNER INFO:
ROBERT SLOAN, TRUSTEE
SCOTT B. ENSOR, TRUSTEE
11350 McCORMICK ROAD
EPI SUITE 815
HUNT VALLEY, MD 21031

PLAN TO ACCOMPANY
ZONING SPECIAL HEARING REQUEST
ROBERT SLOAN AND SCOTT B. ENSOR, TRUSTEES PROPERTY

SHEPPERD ROAD

TAX MAP 23 - GRID 21 - PAR. 95

PETITIONER'S EXHIBIT NO. 1

3RD COUNCILMANIC DISTRICT
10TH ELECTION DISTRICT
SCALE: 1" = 100'
BALTO. CO., MD
DATE: 2.12.07

McKEE & ASSOCIATES, INC.
Engineering – Land Planning – Land Surveying
Natural Resource Planning – Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563