

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
SE/S Harford Road, 315' NE c/line	*	ZONING COMMISSIONER
Long Green Pike		
(11115 Harford Road)	*	FOR
11 th Election District	*	BALTIMORE COUNTY
3 rd Council District		
	*	Case No. 08-327-SPHA
Helen T. Kadlec		
Petitioner	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Helen T. Kadlec, through her attorney, Gordon D. Fronk, Esquire. The Petitioner requests a special hearing to approve a waiver, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 32-4-409(c) of the Baltimore County Code (B.C.C.), development regulations, to permit access to a street (Harford Road) through an existing right-of-way in lieu of a panhandle strip. In addition, Petitioner requests a variance from Section 32-4-409(e)(2) as an alternative, to allow a panhandle strip of 2,560 feet for proposed Lot 1 in lieu of the maximum permitted 1,000 feet. The subject property and requested relief are more particularly described on the revised site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the request were Petitioner's daughter, Sarah Deacon; stepson, Gregory Kadlec; husband, Kenneth E. Kadlec, as well as extended family members Charles H. and Irene M. Twining, who own the adjacent property at 11413 Harford Road. Gordon D. Fronk, Esquire noted his appearance on behalf of Helen T.

ORDER RECEIVED FOR FILING
 Date 6-17-08
 By [Signature]

Kadlec. Bruce E. Doak, a property line surveyor with Gerhold, Cross & Etzel, Ltd., the consultant who prepared the site plan(s), participated in his capacity as an expert in the interpretation of the Baltimore County Zoning Regulations and development regulations. There were no Protestants or other interested persons present.

The testimony and evidence offered disclosed that Petitioner owns 50 acres of land, located opposite Long Green Pike, in the Glen Arm area of the County. The subject property is zoned R.C.2 in its entirety, improved with a historic stone home and detached garage that were built in 1851 and set back some 2,700 feet south of the parcel's frontage on Harford Road. The Petitioner's family (the Twinings) are long-time residents of the area and acquired the property in 1867. The subject property is an irregular shaped parcel and has historically (for 157 years) been accessed by a 12-foot wide gravel driveway which extends a half-mile in length in a westerly direction to Harford Road. As illustrated on the detail portion of Petitioner's Exhibit 2, the driveway is noted as a "prescriptive easement for access". The Petitioner is desirous of subdividing her property to create two lots and conveying one of the lots to Gregory Kadlec. This proposed lot will be hereinafter known as Lot 2 and will contain 38.5 acres in area. Lot 2 will have 852 feet of frontage on Harford Road (MD Route 147) but access is proposed via the prescriptive easement access noted above. Lot 1 will be retained by Ms. Kadlec for conveyance to her daughter, Sarah Deacon, who presently resides in the home (11115 Harford Road). Both lots are permissible under the R.C.2 zoning regulations insofar as density and area. The property has been held in tact as a single lot of record since 1979 when the R.C.2 zoning classification was established in the B.C.Z.R. Under the R.C.2 regulations, any property between 2 and 100 acres can be subdivided one time to create two lots. However, special hearing relief is necessary to allow two lots utilizing an existing private access easement to the local public street in lieu of

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the required in-fee ownership. When subdividing property for residential lots, the development regulations require that all proposed lots have frontage along a public right-of-way even if such frontage is created by way of an in-fee panhandle strip. Mr. Doak testified that while the lane or driveway that connects this property (Lots 1 and 2) is over a half mile long, it is not a public road. The roadbed itself is owned by various property owners and is privately maintained. In this regard, a Zoning Advisory Committee (ZAC) comment from the Bureau of Development Plans Review recommends that if access is granted through this existing right-of-way then the driveway should be made to conform to a 16-foot wide paved width within the shared portion of the driveway with a 30' x 70' tee-turn around; a maximum grade should not exceed 14%; a trash and mail pad should be located at Harford Road, and the Developer shall have a title attorney certify that the Developer has the right to use the prescriptive easement for access shown on the detailed section of Petitioner's Exhibit 2. Subsequent to the hearing, the requested "Attorney Certification" was received and reviewed and placed in the file as Petitioner's Exhibit 3.

Petitioner's counsel aptly points out, and there is no factual dispute, that the subject use-in-common driveway in its present scale and conditions has been established and is currently in use and has been for many, many years, and is proposed to serve only one additional lot. Mr. Fronk further states, given the prescriptive nature of the easement that the Petitioner does not own the length of the right-of-way and consequently cannot tell the other owners how wide the pavement should be. Mail and trash is currently picked up at Harford Road and a pad will be provided. Finally, he opined that whether or not a use-in-common agreement could be obtained or whether or not the Petitioner can legally burden the right-of-way with more traffic for the new home proposed is a matter for civil law and not zoning.

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By [signature]

In my view, the Bureau of Development Plans Review recommendation, pertaining to the 16-foot wide paved width and a 30' x 70' tee-turn around is unnecessary given the history of this driveway. Large trucks including fully loaded fuel oil delivery trucks have hauled heavy loads and materials across this very same right-of-way without difficulty. The access is deemed adequate in width and grade and contains a solid base. There are plenty of places for vehicles to pull over along the driveway if passing is required and macadam turnarounds are provided at the ends of the driveways for Lots 1 and 2. I am therefore of the opinion, after consideration of all the testimony and evidence presented, that the requested relief can be granted and find that the proposed access is appropriate in this instance and that there will be no adverse impact on the community.

Turning next to the alternative request for variance relief to allow for a panhandle strip of 2,560 feet for proposed Lot 1, I believe it appropriate to grant this request as well rather than dismiss it as moot. I shall explain. As shown on Petitioner's Exhibit 2, the 2,560-foot strip will connect the improvements that now exist on proposed Lot 1 to Harford Road.¹ Granting this relief would merely give the Petitioner, her heirs and assigns, the ability to serve Lot 1 with the required in-fee panhandle strip; it does not have the effect of subdividing the lot or establishing a driveway location. A loss of required access to Lot 1 albeit speculative, would certainly create a practical difficulty for the Petitioner or her assigns. Further, this safeguard in providing for an in-fee panhandle strip will not interfere with any agricultural uses in the vicinity or have any adverse impact on the surrounding area.

The issues raised in the petitions are pursuant to the authority granted in Section 500.7 of the B.C.Z.R. Thus, my decision in this matter is based on the zoning of the subject property, the

¹ Arguably, a variance from B.C.Z.R. Section 32-4-409(e)(2), on the current facts is not required. However, should future circumstances or events arise on the lands of others that would result or jeopardize Petitioner's loss of the prescriptive easement, then in that event a nexus to the public right-of-way would be severed.

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Date 6-17-08
By [signature]

proposed uses on the parcels and other zoning defined issues. I do not have the authority, nor will this decision attempt, to determine issues of processing limited exemptions from the department regulations which have been relegated by the County Council to the Development Review Committee. See *Longmeadow Association, Inc., et al v. Druid Ridge, LLP, et al*, Court of Special Appeals No. 1801 (2005) and County Council Bill 54-05. A review of the facts, evidence and testimony presented in this case reveals that the Petitioner and her counsel are in agreement with this conclusion.

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

THEREFORE, IT IS ORDERED by this Zoning Commissioner for Baltimore County, this 17th day of June, 2008, that the Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 32-4-409(c) of the Baltimore County Code (B.C.C.), development regulations, to allow two lots to access a street through an existing right-of-way in lieu of a panhandle strip, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance from Section 32-4-409(e)(2) of the Baltimore County Code (B.C.C.), to allow a panhandle strip of 2,560 feet for proposed Lot 1 in lieu of the maximum permitted 1,000 feet in a R.C. zone, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) ADVISORY: This Order approves the requested Special Hearing and Variance but does not address the proposed subdivision. The Petitioner's subdivision proposal to create the proposed Lots 1 and 2 must continue its review by the Development Review Committee for consideration and processing.

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Date 6-17-08
By [signature]

- 2) Development and use of the subject property shall comply with all environmental regulations that may be subsequently required by the Department of Environmental Protection and Resource Management (DEPRM).
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this Order shall be taken within thirty (30) days in accordance with Baltimore County Code Sections 32-3-401.



WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

WJW:dlw

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Date 6-17-08
BY [signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

June 17, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

Gordon D. Fronk, Esquire
502 Washington Avenue, Suite 700
Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

SE/S Harford Road, 315' NE c/line Long Green Pike

(11115 Harford Road)

11th Election District - 3rd Council District

Helen T. Kadlec – Petitioner

Case No. 08-327-SPHA

Dear Mr. Fronk:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted with restrictions, 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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Helen T. and Kenneth E. Kadlec, 5626 Sharon Road, Glen Arm, MD 21057
Sarah Deacon, 11115 Harford Road, Glen Arm, MD 21057
Gregory Kadlec, 5626 Sharon Road, Glen Arm, MD 21057
Charles H. and Irene M. Twining, 11413 Harford Road, Glen Arm, MD 21057
Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd.,
Towson, MD 21286
People's Counsel; Development Review Committee, DPDM; DEPRM; Case File



Historic
Petition for Special Hearing
to the Zoning Commissioner of Baltimore County

for the property located at 11115 HARFORD ROAD
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

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

HELEN T. KADLEC
Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

GERALD, CROSS & ETZEL LTD.
Name

320 E. TOWSONTOWN BLVD 410-823-4470
Address Telephone No.

TOWSON MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 08-327-SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 6-17-08

By 19W

Reviewed By RID Date 1/23/08



historic Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11115 HARFORD ROAD

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 Variance from Section(s)

SEE ATTACHED

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

SEE ATTACHED

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

HELEN T. KADLEC

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Gerhold, Cross & Etzel, Ltd.

Name

410

320 E. Towson Blvd #100

823-4470

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 08-327-SPHA

UNAVAILABLE FOR HEARING

Reviewed By

Date

1/23/08

Date

6-17-08

By

low

220 5115193

11405 HARFORD ROAD (ROUTE 147)

VARIANCES REQUESTED

BALTIMORE COUNTY CODE:

SECTION 32-4-409 (e) (2)

*TO ALLOW PANHANDLE STRIP OF 2560' FOR PROPOSED LOT 1 IN LIEU OF
THE MAXIMUM PERMITTED 1,000'*

SPECIAL HEARING REQUESTED

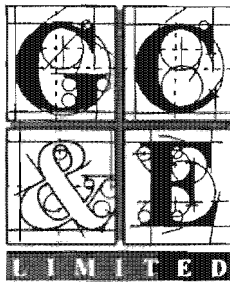


BALTIMORE COUNTY CODE:

SECTION 32-4-409 (c)

*WAIVER TO ALLOW ACCESSING A STREET THROUGH AN EXISTING RIGHT-
OF-WAY IN LIEU OF A PANHANDLE STRIPS.*

Item # 327



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

January 7, 2008

ZONING DESCRIPTION
Kadlec Property
11405 Harford Road
Baltimore County, Maryland

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

Beginning for the same at a point on the centerline of Harford Road (Route 147) being northeasterly 315 feet $\pm$ from Long Green Pike along the centerline of Harford Road (Route 147) and running thence,

- 1) South 38 degrees 09 minutes 04 seconds East 3032.49 feet,
- 2) South 29 degrees 04 minutes 40 seconds West 561.54 feet,
- 3) North 87 degrees 22 minutes 59 seconds West 235.68 feet,
- 4) North 64 degrees 39 minutes 00 seconds West 219.86 feet,
- 5) North 36 degrees 53 minutes 26 seconds West 308.42 feet,
- 6) North 32 degrees 44 minutes 04 seconds West 914.82 feet,
- 7) North 69 degrees 26 minutes 09 seconds East 227.74 feet,
- 8) North 50 degrees 40 minutes 57 seconds West 1611.69 feet,
- 9) North 39 degrees 57 minutes 21 seconds East 852.12 feet to the point of beginning.

Containing 49.928 Acres of land, more or less.



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

Item #327

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: #08-327-SPHA

11115 Harford Road

S/east side of Harford Road, 315 feet +/- n/east of centerline of Long Green Pike

11th Election District - 3rd Councilmanic District

Legal Owner(s): Helen Kadlec

Special Hearing: for a waiver to allow accessing a street through an existing private right-of-way in lieu of panhandle strips. **Variance:** to allow panhandle strip of 2560 feet for proposed lot 1 in lieu of the maximum permitted 1,000 feet.

Hearing: Friday, March 21, 2008 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
3/018 Mar. 6 165777

CERTIFICATE OF PUBLICATION

3/6/2008

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 3/6/2008.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 09292

Date: 1/23/08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	000			6150				5390

Total: 5390.00

Rec

From:

For:

Zoning hearing case # DB-327-SPHA

DISTRIBUTION

WHITE - CASHIER

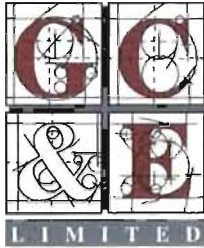
PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME
 1/23/2008 1/23/2008 15:34:10
 RECEIVED HEALTH HPR-107
 RECEIPT # 357801 1/23/2008 DFLH
 Dept 5 528 ZONING VERIFICATION
 007292
 Recpt tot \$390.00
 \$390.00 0 \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

CERTIFICATE OF POSTING

RE: CASE#08-327-SPHA
PETITIONER/DEVELOPER:
Helen Kadlec
DATE OF HEARING: March 21, 2008

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

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

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

(see page 2 for full size photo)

LOCATION:
1115 Harford Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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

POSTED ON: February 29, 2008

ZONING NOTICE

CASE # :08-327-SPHA

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

PLACE: Room 106 County Office Building
111 W. Chesapeake Ave., Towson, MD

TIME & DATE : 10:00 am Friday, March 21, 2008

Special Hearing: for a waiver to allow accessing a street through an existing private right-of-way in lieu of panhandle strips.

Variance: to allow panhandle strip of 2560 feet for proposed lot 1 in lieu of the maximum permitted 1,000 feet.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

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: OB-327-SPHA

Petitioner: HELEN T. KADLEC

Address or Location: 1115 HARTFORD ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: HELEN T. KADLEC

Address: 5626 SHARON ROAD

GLEN ARM, MD 21057-9359

Telephone Number: (410) 592-6349

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

February 7, 2008
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: 08-327-SPHA

11115 Harford Road

S/east side of Harford Road, 315 feet +/- n/east of centerline of Long Green Pike

11th Election District – 3rd Councilmanic District

Legal Owners: Helen Kadlec

Special Hearing for a waiver to allow accessing a street through an existing private right-of-way in lieu of panhandle strips. Variance to allow panhandle strip of 2560 feet for proposed lot 1 in lieu of the maximum permitted 1,000 feet.

Hearing: Friday, March 21, 2008 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204


Timothy M. Kotroco
Director

TK:klm

C: Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21286
Helen Kadlec, 5626 Sharon Road, Glen Arm 21057

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 6, 2008.**
- (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 6, 2008 Issue - Jeffersonian

Please forward billing to:

Helen Kadlec
5626 Sharon Road
Glen Arm, MD 21057-9359

410-592-6349

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: 08-327-SPHA

11115 Harford Road

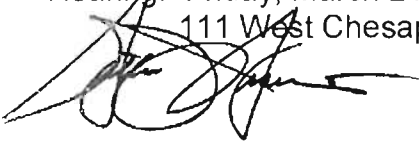
S/east side of Harford Road, 315 feet +/- n/east of centerline of Long Green Pike

11th Election District – 3rd Councilmanic District

Legal Owners: Helen Kadlec

Special Hearing for a waiver to allow accessing a street through an existing private right-of-way in lieu of panhandle strips. Variance to allow panhandle strip of 2560 feet for proposed lot 1 in lieu of the maximum permitted 1,000 feet.

Hearing: Friday, March 21, 2008 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

March 13, 2008

Helen Kadlec
5626 Sharon Road
Glen Arm, Maryland 21057

Dear Ms. Kadlec:

RE: Case Number: 08-327-SPHA, 11115 Harford Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 23, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

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

BW 3/21
10pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 20, 2008

RECEIVED
FEB 26 2008

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

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-327- Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's requests. The applicant should submit a minor subdivision for review and approval.

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

Prepared By:

Carol's Murray

Division Chief:

James L. Loefer

CM/LL



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

State Highway
Administration

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

Maryland Department of Transportation

Date: FEB. 4, 2008

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

RE: Baltimore County
Item No. 8-327-SPHA
1115 HARFORD ROAD
KADLEC PROPERTY
SPECIAL HEARING
VARIANCE

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. 8-327-SPHA.

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,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 04, 2008

Item Number: 327,340

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 11, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 11, 2008
Item No. 08-327

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

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

- A 16 foot wide paved width within the shared portion of the driveway with a 30x70 tee-turn around.
- A max grade of 14%.
- Trash & mail pad at Harford Road.
- The developer shall have title attorney certify that the developer has the right to use the prescriptive easement for access shown on the plan. The plan should be expanded to show how the prescriptive easement for access reaches a public road.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 08-327-02072008.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
11115 Harford Road; SE/S Harford Road, * ZONING COMMISSIONER
315' NE c/line Long Green Pike *
11th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): Helen Kadlec *
Petitioner(s) * BALTIMORE COUNTY
* 08-327-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ 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 6th day of February, 2008, a copy of the foregoing Entry of Appearance was mailed Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

FEB - 6 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CASE NAME KADISC PROPERTY
CASE NUMBER _____
DATE 3/21/08

[illegible]

Case No.:

08-327-SPHA 11115 Harford Rd.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	REVISED SITE PLAN	
No. 3	Attorney Certification	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

LAW OFFICES
GORDON D. FRONK P.A.
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON MD 21204-4528

TELEPHONE (410) 823-7966

FAX (410) 823-0451

June 3, 2008

William J. Wiseman, III
Zoning Commissioner for Baltimore County
Room 405
401 Bosley Avenue
Towson MD 21204

RECEIVED
JUN 05 2008

BY: _____

Re: *Petitions for Special Hearing and
Variance of Helen T. Kadlec
Case No. 08-327-SPAH*

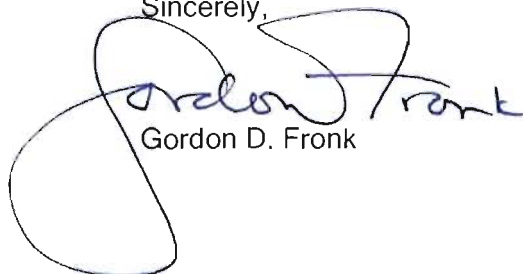
Dear Mr. Wiseman:

First, let me apologize for the inordinate delay in responding to the draft of your Findings of Fact and Conclusions of Law, which I find to be entirely satisfactory. The delay was attributed to the fact that the firm of Nolan, Plumhoff & Williams chose to research diligently the chain of title to the subject property and contiguous properties, in anticipation that it may be discovered that the access had been described in a prior deed, but omitted from subsequent conveyances. Following extensive research, no such grant was found; accordingly, it was appropriate to conclude that the drive access had been established by adverse use, openly, continuously and without explanation, for 20 years, and, in this case, substantially longer.

Enclosed please find the opinion letter of Nolan, Plumhoff & Williams, over the signature of Cornelia M. Koetter, which concludes that the elements of an easement by prescription in the subject case are sufficient to establish a claim of prescriptive easement to the property. With this letter, I respectfully request that you cause the Findings of Fact and Conclusions of Law to be executed and filed in the subject proceedings.

Should you require additional information or documentation, please advise. Thank you kindly for your attention to this matter.

Sincerely,


Gordon D. Fronk

Enclosure

cc Cornelia M. Koetter, Esquire
Helen T. Kadlec
Bruce E. Doak

PETITIONER'S

EXHIBIT NO.

3

THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
DOUGLAS L. BURGESS
C. WILLIAM CLARK
CATHERINE A. POTTHAST*
E. BRUCE JONES**
CORNELIA M. KOETTER*

* ALSO ADMITTED IN D.C.
** ALSO ADMITTED IN NEW
JERSEY

Law Offices
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528

(410) 823-7800

TELEFAX: (410) 296-2765

EMAIL: cmkoetter@nolanplumhoff.com

WEB SITE: WWW.NOLANPLUMHOFF.COM

J. EARLE PLUMHOFF
(1940-1988)

NEWTON A. WILLIAMS
(RETIRED 2000)

RALPH E. DEITZ
(1918-1990)

May 27, 2008

Mr. William J. Wiseman, III
Zoning Commissioner for Baltimore County
Room 405
401 Bosley Avenue
Baltimore, Maryland 21204

Re: Kadlec Property

Dear Mr. Wiseman:

Gordon Fronk has asked this Firm to research whether a fifty (50) acre parcel of land located at 11115 Harford Road, Glen Arm, Maryland 21057 (the "Property") may have acquired a prescriptive easement for access to Harford Road.

Background:

Helen Twining Kadlec, the record owner of the Property, has recently undertaken to subdivide the Property into two parcels and requested a waiver of certain development regulations to permit access to Harford Road through an existing right of way in lieu of a panhandle strip. Title to the Property does not include an express grant of a right of way providing such access, therefore, you have requested evidence in connection therewith that the Property has legal access for ingress and egress along the existing road. Based upon the information provided by Ms. Kadlec and the chain of title deeds affecting the Property, there are sufficient facts to make a claim of a prescriptive easement.

Facts and Title Summary¹:

The Property is improved by a historic stone house and detached garage built in 1851 (the "Stone House"), which are accessed by a private twelve (12) foot wide gravel driveway extending a half-mile in length in a westerly direction to Harford Road (the "Road"). The Stone House is located on the easternmost side of the Property as shown on the attached Exhibit A (see parcel 523). The western side of the Property is currently used for farming.

Mr. William J. Wiseman, III
May 27, 2008
Page Two

The Property was a part of a 275 acre tract of land which has been in the Twining family since 1867 (the "Farm"). Hugh Twining, one of four Twining brothers, (Ms. Kadlec's uncle), resided in the Stone House from approximately 1941 until his death on October 8, 1947. He acquired the land by a Deed dated December 27, 1941 which was recorded among the Land Records of Baltimore County in Liber 1198 folio 448. Upon his death, his interest passed to his father and sole heir, Isaac J. Twining, Sr.

The three surviving Twining brothers and their wives, Isaac J. Twining, Jr. and Lillian L. Twining, Charles H. Twining and Martha C. Twining, and Burton S. Twining and Esther W. Twining, acquired the Farm, including the fifty (50) acre Property, from their father, Isaac J. Twining, Sr., by virtue of a Deed dated May 28, 1952, which Deed was recorded among the Land Records of Baltimore County in Liber 2118 folio 122.

In 1974, the fifty (50) acre Property as it is known today was carved out of the Farm and transferred by the three Twining brothers and their wives unto Ms. Kadlec's parents, Burton S. Twining and Esther W. Twining, as tenants in common, each as to an undivided one half interest in the Property, by virtue of a Deed dated July 8, 1974, which was recorded among the Land Records of Baltimore County in Liber 5460 folio 666.

Helen Twining Kadlec acquired title to the Property by virtue of two Deeds granting her each of her parents' undivided one-half interest in the Property. She acquired her mother's undivided one-half fee simple interest by virtue of a Deed dated January 14, 1985, which was recorded among the Land Records of Baltimore County in Liber 6875 folio 0772 from Burton S. Twining and Ernest C. Trimble, Personal Representatives for the Estate of Esther W. Twining. Esther W. Twining died on or about June 26, 1984.

Helen Twining Kadlec acquired her father's undivided one-half fee simple interest by virtue of a Deed dated July 11, 1994, which was recorded among the Land Records of Baltimore County in Liber 10699 folio 591 from Helen T. Kadlec and Ascanio S. Boccuti, Personal Representatives for the Estate of Burton S. Twining. Burton S. Twining died on or about December 19, 1993.

Legal Analysis:

A claim of a prescriptive easement depends upon the character and extent of the use during the prescriptive period. An easement by prescription arises when 'a party makes an *adverse, exclusive, and uninterrupted* use of another's real property for twenty years.' Kirby v. Hook, 347 Md. 380, 392, 701 A.2d 397, 403 (1997). See also Condry v. Laurie, 184 Md. 317, 321, 41 A.2d 66, 68 (1945); Cox v. Forrest, 60 Md. 74, 79 (1883).

Mr. William J. Wiseman, III
May 27, 2008
Page Three

Adverse Use²:

“When a person has used a right of way openly, continuously, and without explanation for twenty years” it is fair to presume adverse use. For the party’s use to be considered adverse, it must occur without license or permission.” Kirby, 34 Md. At 392, 701 A.2d at 403.

The Twining family has used the Road for at least 141 years with no express grant or even mention of a roadway in the chains of title for the Property or surrounding lands. From 1941 to 1947, Hugh Twining lived on the Property and used the Road for access. In 1952, Burton S. Twining and his wife Esther W. Twining, took over the care, maintenance and leasing of the Property. Burton and Esther Twining, their family, invitees and tenants used the Road from 1952 through Burton S. Twining’s death in 1993. In 1993, Helen Twining Kadlec and her husband, Kenneth E. Kadlec, who reside nearby, took over the management and leasing of the Property accessing the Property regularly for maintenance purposes.

Per Ms. Kadlec, the surrounding property owners have separate access to Harford Road and have never disputed the Twinings’ use of the Road nor granted them permission or license to use it. Donald N. Burton, Sr. owns parcels 647, 252 and 165 (a 2.10 acre parcel located within parcel 647) as shown on the attached Exhibit A, which have been in the Burton family since the early 1950’s. His lots have direct access to Harford Road for ingress and egress. The Breidenbaugh family has owned parcel 249 since the early 1900’s. William Lloyd Breidenbaugh and Eleanor I. Breidenbaugh, his wife, owned Parcel 249 since 1969 until they transferred it to their daughter and her husband, Eleanor Lynn Peruzovic and Josip Peruzovic in 1986. Parcel 249 accesses Harford Road through an “entrance road” located on Glen View Avenue, which runs along the southern border of parcel 249. None of these parcels have ever used or needed the Road for access to Harford Road, although, on occasion, the neighbors have asked the Twinings or the Kadlecs for permission to use the Road for a specific purpose, thereby acknowledging the Twining family’s right to use the Road. The deeds to the Burton parcels and the Breidenbaugh parcel do not mention a road or right of way bordering their lands, however, it is presumed that the underlying fee ownership of the Road is most likely included in the legal description to parcel 249.

The Burton and Breidenbaugh properties do not share the same chain of title as the Twining Property thereby rebutting any presumption that there was permission through common ownership. Maryland courts have held that a presumption of permission arises when the same family owns the dominant and servient tenement, however, that is not an issue here. See Zehner v. Fink, 19 Md. App. 338 (1973).

Mr. William J. Wiseman, III
May 27, 2008
Page Four

Exclusive Use³:

Per the Kadlecs, the Road was created to service the Stone House, the only house located on the Property at the time it was built. In Clayton v. Jenson, 240 Md. 337, 344, 214 A.2d 154, 159 (1965), neighbors sued to prohibit another resident from accessing her garage via an exclusive route to her garage that crossed parts of their property, but the Court stated: 'We adopt the rule that if a road led at its start only to the premises of the person using it, such circumstance is sufficient to prove their use under a claim of exclusive right, in the absence of proof to the contrary.' See also Wilson v. Waters, 192 Md. 221 (1948). The facts indicate that the Road led directly to the Property and nowhere else.

The Road serviced the Property exclusively until 1980. Betty A. Mielke and Kenneth J. Mielke subdivided a 5.990 acre parcel of land (parcel 580 as shown on Exhibit A) from the forty-six (46) acre parcel 249 owned by William Lloyd Breidenbaugh and Eleanor I. Breidenbaugh (Betty A. Mielke's parents), by Deed dated 1980 and recorded among the Land Records of Baltimore County in Liber 6130 folio 330. This transfer was done without the benefit of a title search as stated on the Deed. The metes and bounds description in the Mielke's Deed appears to include the fee bed of the Road, although the County tax map does not include the Road as a part of the Mielke parcel. Even so, the Mielke's acknowledged the Twining family's right to use the Road when they requested permission from the Twinings to use the Road for access to their parcel and to connect to the electric and telephone lines which service the Stone House.

The current owners, Joel C. McCrea and Barbara H. McCrea, his wife, acquired parcel 580 in 1985 after the Mielke's property went to foreclosure. Soon after they had acquired their parcel, they tried to prevent a delivery truck from using the Road to the Property, however, by this time, the Twining's use had ripened into a prescriptive easement. Furthermore, the McCreas would have been on constructive notice of the Twining's use of the Road and would be precluded from barring the Twining's access. See Kiler v. Beam, 74 Md. App. 636 (1988). The Twining family promptly objected and the McCreas have not tried to prevent access to the Road since that time.

Uninterrupted Use⁴:

Burton and Esther Twining and Ms. Kadlec have not resided on the Property, but have entered the Property regularly throughout their term of ownership. They rented it to families continuously since 1952 who entered the Property based on the claim of right of the owners. See Cox v. Forrest, 60 Md. 74, 80 (1883) where the Court notes that, under the facts of that case, a use was exclusive if the use "was confined to the plaintiffs and

Mr. William J. Wiseman, III
May 27, 2008
Page Five

persons living on their farm and persons having business with them.” ‘By exclusive, the law does not mean that the right of way must be used by one person only, because two or more persons may be entitled to the use of the same way, but simply that the right should not depend for its enjoyment upon a similar right in others, and that the party claiming it exercises it under some claim existing in his favor, independent of all others....’ Nor does the law mean by “an uninterrupted and continuous enjoyment,” that a person shall use the way every day for twenty years, but simply that he exercises the right more or less frequently, according to the nature of the use to which its enjoyment may be applied, and without objection on the part of the owner of the land, and under such circumstances as excludes the presumption of a voluntary abandonment on the part of the person claiming it.’ Zimmerman v. Summers, 24 Md.App. 100, 106, 330 A.2d 722 (1975), quoting Cox v. Forrest, 60 Md. 74, 78-80 (1883).

The Kadlecs, their family, invitees and tenants have used the Road for access openly, continuously, uninterrupted and under a claim of right since 1993 for a period of fifteen (15) years. Although the Kadlecs use falls short of the statutory period, Maryland law has clearly established that the twenty (20) year period may be met by tacking onto the use of prior owners. See Zehner v. Fink, 19 Md. App. 338 (1973); Wilson v. Waters, 192 Md. 221 (1948). “Where there is privity of estate between the successive parties in possession, the possession of such parties may be tacked so as to make the twenty years required by the Statute of Limitations. The law is clear that such privity may be created by a sale and conveyance and possession under it as well as by descent.” Zehner at 338. Prior use by Burton and Esther Twining extends from 1993 back to 1952 for a total of forty-one (41) years. The Twining’s continuous and uninterrupted use of the Road became appurtenant to the estate and therefore passed to Helen Twining Kadlec by virtue of the habendum clause in her Deeds transferring all of “the rights, privileges, appurtenances and advantages thereto belonging,” for a combined total of fifty-six (56) years including the Kadlecs’ use, well exceeding the required number of twenty (20) years.

Conclusion:

The elements of an easement by prescription require adverse, exclusive, and uninterrupted use of another’s real property for twenty (20) years. Based solely on the foregoing facts submitted by Helen Twining Kadlec and the deeds acquired from the on line Maryland Land Records and subject to assumptions, qualifications, and limitations set forth herein, there are sufficient facts to establish a claim of a prescriptive easement to the Property⁵.

Mr. William J. Wiseman, III
May 27, 2008
Page Six

Helen Twining Kadlec has countersigned this letter to swear and affirm that the facts stated herein are true and correct.

Thank you for your attention to this matter.

Very truly yours,



Cornelia M. Koetter

As stated above:

Helen Twining Kadlec 6-2-08
Helen Twining Kadlec Date

Cc: Gordon Fronk, Esquire

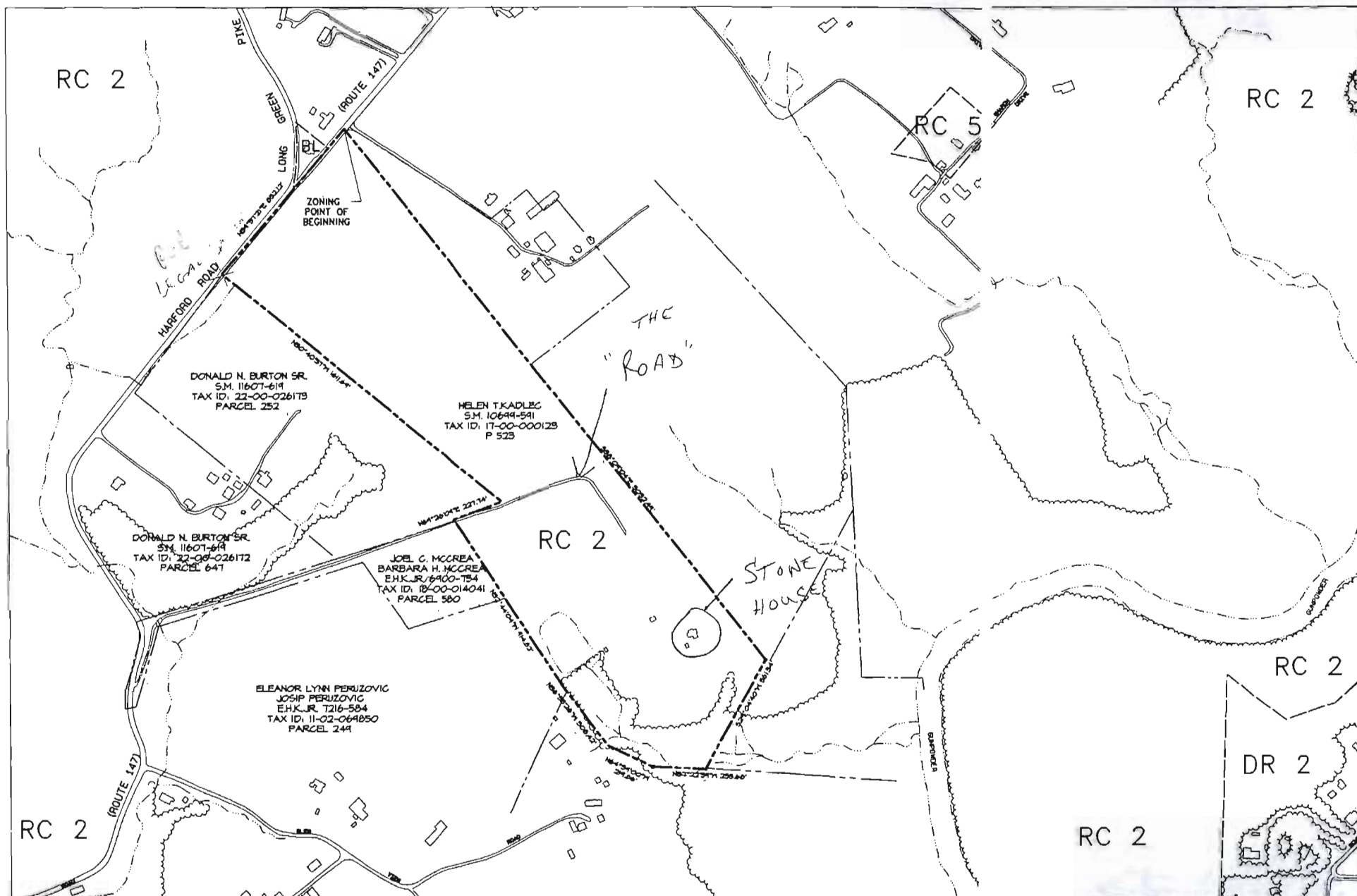
¹ All facts are based solely on a telephone interview with Helen Twining Kadlec and her husband, Kenneth E. Kadlec, on May 19, 2008. Title information based on on-line searches of chains of title deeds for Kadlec Property and surrounding parcels going back sixty (60) years.

² All facts are based solely on a telephone interview with Helen Twining Kadlec and her husband, Kenneth E. Kadlec, on May 19, 2008.

³ All facts are based solely on a telephone interview with Helen Twining Kadlec and her husband, Kenneth E. Kadlec, on May 19, 2008.

⁴ All facts are based solely on a telephone interview with Helen Twining Kadlec and her husband, Kenneth E. Kadlec, on May 19, 2008.

⁵ This letter is subject to the effect of any judicial decision, if any, in law or equity, regarding the rights of the parties, or others claiming by and through them. This letter is for the exclusive benefit and use of the Zoning Commissioner of Baltimore County and not to be relied upon or used by any other person or party for any reason.



ZONING MAP

GIS TILE: 63A2

SCALE: 1" = 200'

§ 32-4-409. PANHANDLE DRIVEWAYS.

- (a) *In general.*
- (1) The county may only allow a panhandle lot:
 - (i) To achieve better use of irregularly shaped parcels;
 - (ii) To avoid development in environmentally sensitive areas;
 - (iii) Where the lot will not be detrimental to adjacent properties; and
 - (iv) Where the lot will not conflict with efforts to provide for public safety and general welfare.
 - (2) The county may only allow a panhandle driveway where necessary to provide access to interior lots where a public road is neither feasible nor desirable.
- (b) *In-fee strip; required.*
- (1) Except as provided in subsection (c) of this **section**, the county may permit a panhandle lot if the lot includes an in-fee strip of land for access to the local street.
 - (2) Panhandle fee strips shall be a minimum of:
 - (i) 20 feet in width to serve one lot;
 - (ii) 12 feet in width per lot where two lots are involved;
 - (iii) 10 feet in width per lot where three or more lots are involved; or
 - (iv) 12 feet in width per lot where there are two or more lots in a development that is within the metropolitan area where public water and sewer services are available, planned, or considered.
 - (c) *Same; exception.* In cases where a right-of-way has been established before the submission of the Development Plan, the Hearing Officer may approve access to the local street or collector street through the existing right-of-way instead of an in-fee strip.
 - (d) *Panhandle driveways.*
 - (1) A single panhandle driveway may serve up to five dwellings, three of which may be on internal lots not adjacent to the local street or collector street.
 - (2) Panhandle driveways serving lots greater than 20,000 square feet may serve five internal lots plus two dwellings on the front lots adjacent to the panhandle driveway and the local street or collector street.
 - (3) Front lots are not required to be part of the panhandle driveway development.
 - (4) Notwithstanding the provisions of § 32-4-107 of this title, the requirements of this subsection may not be waived.
 - (e) *Length of panhandle in DR and RC zones.*
 - (1) In a DR zone, the panhandle length may not exceed 500 feet.
 - (2) In an RC zone, the panhandle length may not exceed 1,000 feet.
 - (3) The maximum permitted length of a panhandle is subject to variance under § 307 of the Baltimore County Zoning Regulations.
 - (f) *Panhandle driveways serving multiple lots.*
 - (1) For panhandle driveways serving more than one lot, the developer shall note on the record plat any covenants that provide for common use and maintenance of the panhandle driveway and culvert.
 - (2) A use in common agreement is established if the panhandle driveway serves two or more abutting panhandle lots.
 - (g) *Dwelling orientation on panhandle lot.*
 - (1) The orientation of the dwelling on each panhandle lot shall be indicated on the Development Plan.
 - (2) The dwelling shall be oriented to establish a desirable relationship between:
 - (i) Each of the proposed dwellings and existing adjacent homes; and
 - (ii) The proposed dwellings themselves.
 - (h) *Panhandle driveway and street intersection; requirements.* At the intersection of the panhandle driveway and the street, the following shall be provided by the developer:
 - (1) A paved trash collection area that:
 - (i) Is located at the right-side intersection of the panhandle driveway and public road, as the driveway is exited; and
 - (ii) Is at least 16 square feet per dwelling unit served by the panhandle driveway;
 - (2) A mail delivery area that is located at the left intersection of the panhandle driveway and public road, as the driveway is exited; and
 - (3) Numerical identification of each dwelling served by the panhandle driveway in accordance with § 35-2-206 of the Code.
 - (i) *Construction of panhandle driveway.*
 - (1) The panhandle driveway shall be built in accordance with standards established by the Director of Public Works.
 - (2) The panhandle shall be paved within 1 year of the issuance of the first occupancy permit or before the issuance of the occupancy permit of the last lot to be served, whichever comes first.
 - (3) In DR zones required utilities shall be provided to all lots to be served by the panhandle before the paving of the panhandle driveway.
 - (j) *Parking along panhandle driveway.* Parking is not permitted along a panhandle driveway.
 - (k) *Waiver.* Except as provided in subsections (d) and (e) of this **section**, the Director of Planning may grant a waiver from any provision in this **section** or title if the Director finds:
 - (1) That the size, scope, and nature of the subdivision of land into three or fewer lots for residential single-family dwellings does not justify strict compliance with this **section**;
 - (2) That a waiver would be within the scope, purpose, and intent of this **section**; and
 - (3) Compliance with all other county ordinances and regulations.

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

	Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search (2007 vw2.3)	Go Back View Map New Search
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Account Identifier: District - 11 Account Number - 1700000123

Owner Information

Owner Name:	KADLEC HELEN T	Use:	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	5626 SHARON RD GLEN ARM MD 21057-9359	Deed Reference:	1) /10699/ 591 2)

Location & Structure Information

Premises Address	Legal Description
HARFORD RD	50 AC SES HARFORD RD OPP LONG GREEN RO

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
63	7	523						3	Plat Ref:

Special Tax Areas

**Town
Ad Valorem
Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1851	2,060 SF	50.00 AC	05

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value	Phase-in Assessments			
		As Of	As Of	As Of		
		01/01/2006	07/01/2007	07/01/2008		PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	84,390	144,390				
Improvements:	86,420	104,400				
Total:	170,810	248,790	222,796	248,790		
Preferential Land:	14,390	14,390	14,390	14,390		

Transfer Information

Seller: TWINING BURTON S	Date: 08/11/1994	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /10699/ 591	Deed2:

Seller: TWINING BURTON S AG USE 83-84	Date: 03/01/1985	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6875/ 772	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

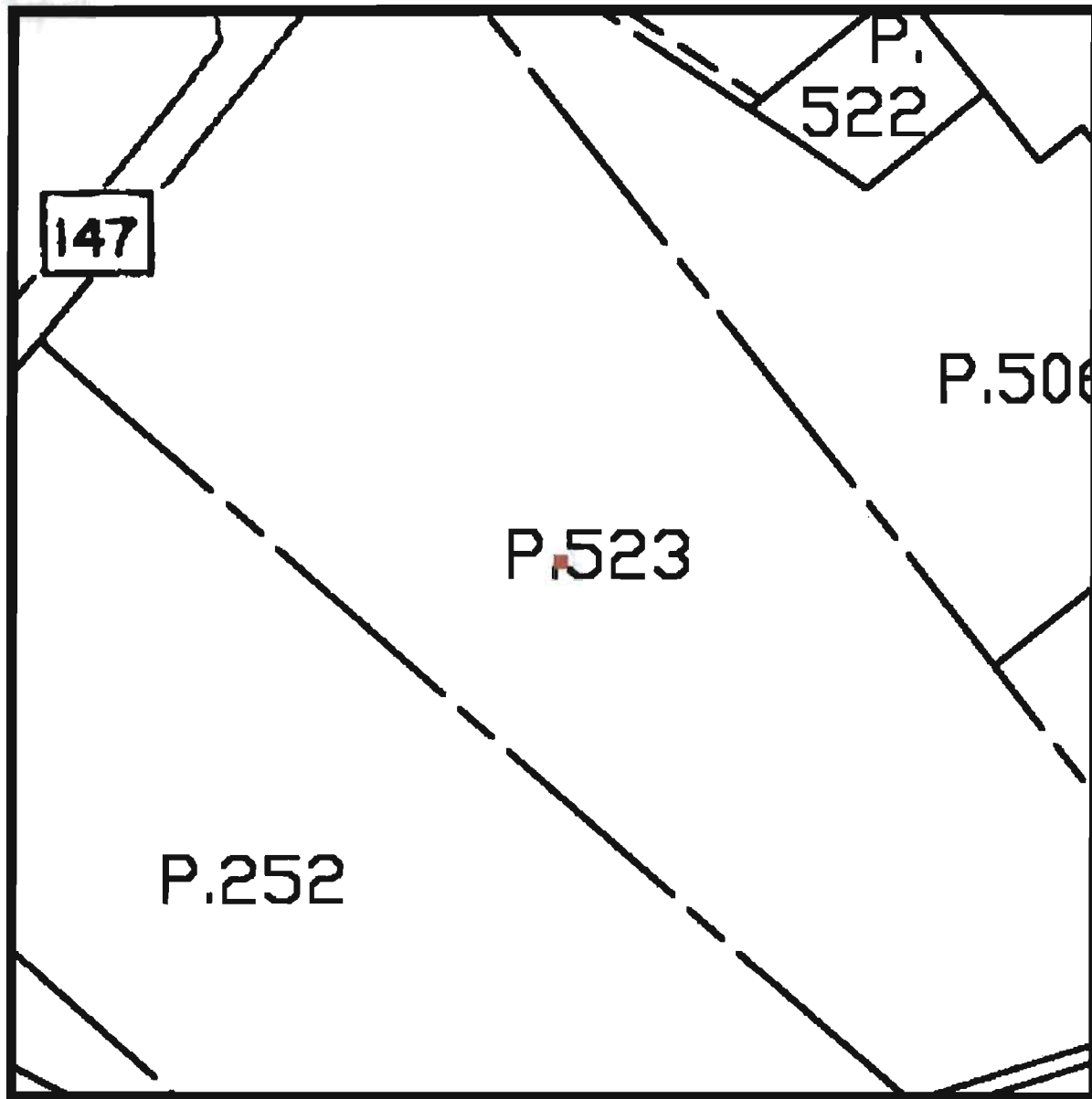
Special Tax Recapture:
AGRICULTURAL TRANSFER TAX



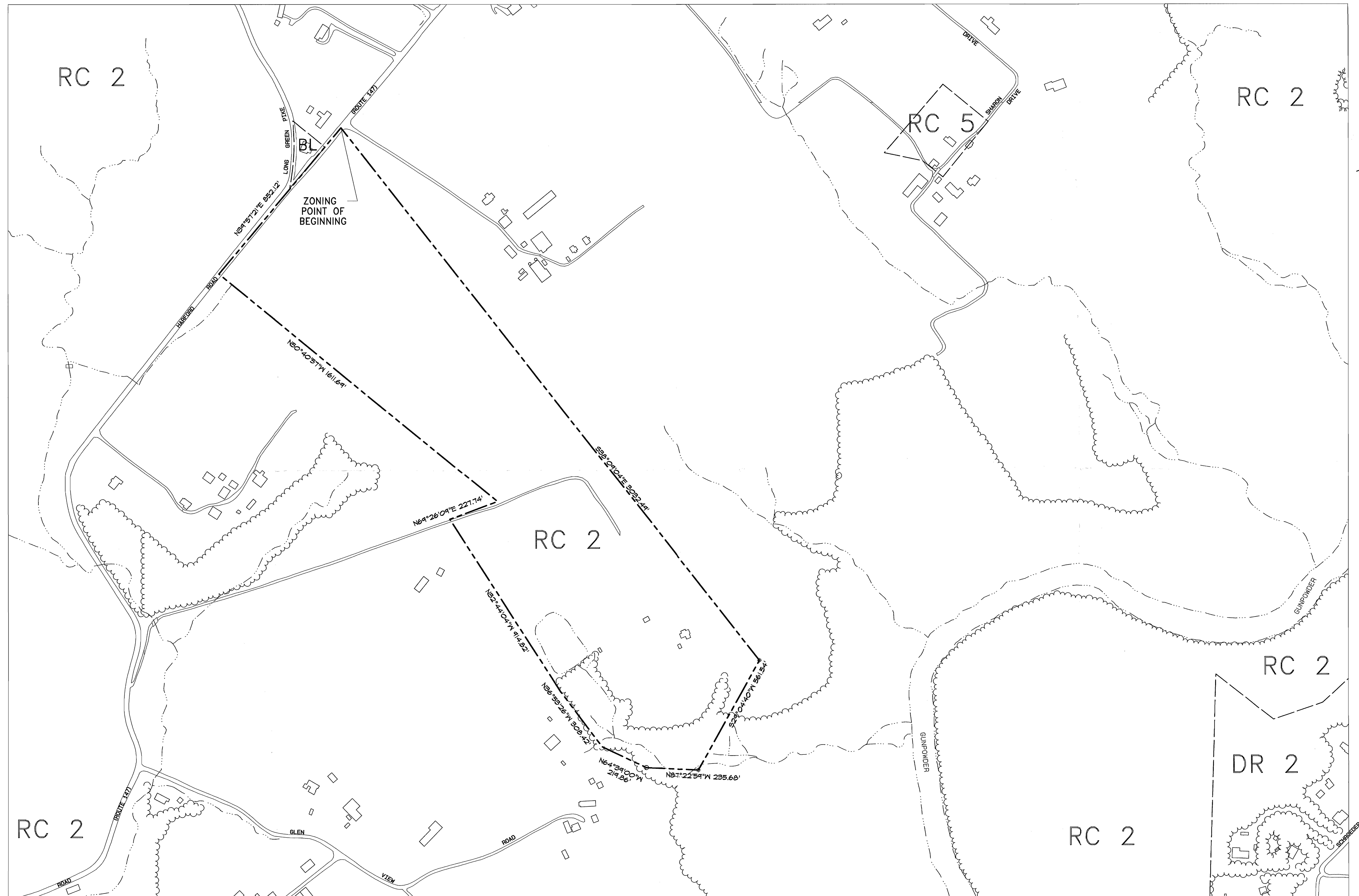
Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 11 Account Number - 1700000123



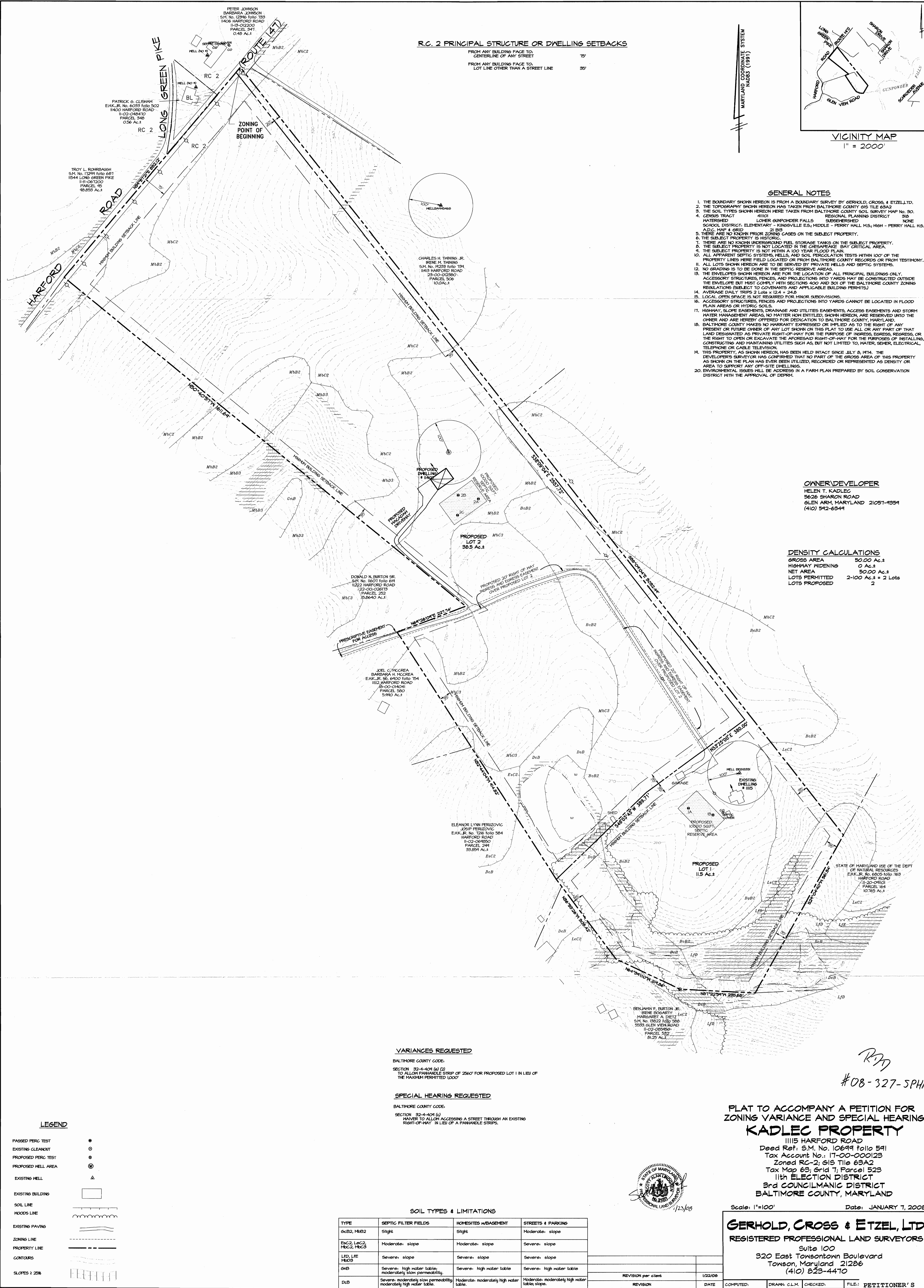
Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning
web site at www.mdp.state.md.us/webcom/index.html



ZONING MAP

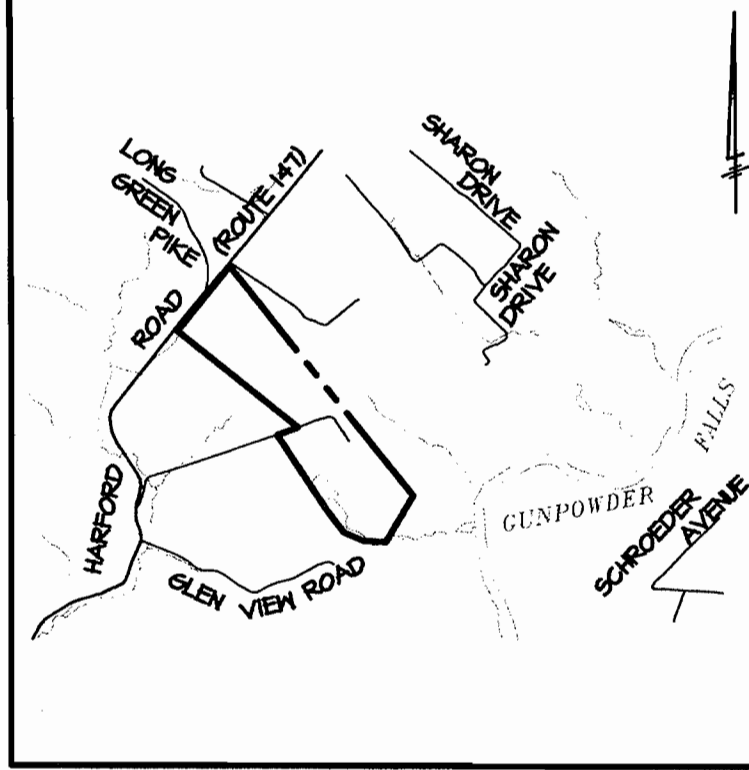
GIS TILE: 63A2

SCALE: 1" = 200'



R.C. 2 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

FROM ANY BUILDING FACE TO:
CENTRELINE OF ANY STREET 75'
FROM ANY BUILDING FACE TO:
LOT LINE OTHER THAN A STREET LINE 35'



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS, & ETZEL, LTD.
2. THE TOPOGRAPHY SHOWN HEREON HAS BEEN TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 30.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 30.
4. CENSUS TRACT 4101 REGIONAL PLANNING DISTRICT 310
5. WATERSHED LOWER GUNPOWDER FALLS SUBWATERSHED NONE
6. THE SUBJECT PROPERTY IS HISTORIC.
7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
10. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED OR FROM BALTIMORE COUNTY RECORDS OR FROM TESTIMONY.
11. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
12. NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS.
13. THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 501 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
14. AVERAGE DAILY TRIPS 2 Lots x 12.4 = 24.8
15. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
16. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
17. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
18. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAN TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT-OF-WAY FOR THE PURPOSE OF INTERESS, EGRESS, REGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT-OF-WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE TELEVISION.
19. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE JULY 8, 1974. THE DEVELOPER'S SURVEYOR 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.
20. ENVIRONMENTAL ISSUES WILL BE ADDRESSED IN A FARM PLAN PREPARED BY SOIL CONSERVATION DISTRICT WITH THE APPROVAL OF DEPOM.

OWNER/DEVELOPER

HELEN T. KADLEC
5626 SHARON ROAD
GLEN ARMY, MARYLAND 21057-1354
(410) 542-6349

DENSITY CALCULATIONS

GROSS AREA 50.00 AC.
HIGHWAY WIDENING 0 AC.
NET AREA 50.00 AC.
LOTS PERMITTED 2-100 AC. = 2 Lots
LOTS PROPOSED 2

VARIANCES REQUESTED

BALTIMORE COUNTY CODE:
SECTION 32-4-401 (b) (2)
TO ALLOW A PANHANDLE STRIP OF 2500' FOR PROPOSED LOT 1 IN LIEU OF
THE MAXIMUM PERMITTED 1000'

SPECIAL HEARING REQUESTED

BALTIMORE COUNTY CODE:
SECTION 32-4-401 (a)
HAWKER TO ALLOW ACCESSING A STREET THROUGH AN EXISTING
RIGHT-OF-WAY IN LIEU OF A PANHANDLE STRIPS.

LEGEND

- PASSED PERC TEST
- EXISTING CLEANOUT
- PROPOSED PERC TEST
- PROPOSED WELL AREA
- EXISTING WELL
- EXISTING BUILDING
- SOIL LINE
- WOODS LINE
- EXISTING PAVING
- ZONING LINE
- PROPERTY LINE
- CONTOURS
- SLOPES 1:25%

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/SEWAGE	STREETS & PARKING
GcB2, MdB2	Slight	Slight	Moderate: slope
EcC2, LeC2, MdB3, MdB4	Moderate: slope	Moderate: slope	Severe: slope
LTD, LIE, MdB3	Severe: slope	Severe: slope	Severe: slope
GnB	Severe: high water table; moderately slow permeability	Severe: high water table	Severe: high water table
DcB	Severe: moderately high water table; moderately high water table	Moderate: moderately high water table	Moderate: moderately high water table; slope



Scale: 1"=100' Date: JANUARY 7, 2008

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townson Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED: DRAWN: C.L.M. CHECKED: FILE: PETITIONER'S

EXHIBIT NO. 1

