

|                                            |   |                               |
|--------------------------------------------|---|-------------------------------|
| <b>IN RE: PETITION FOR SPECIAL HEARING</b> | * | BEFORE THE                    |
| S side of Shepperd Road, 228 feet E of the |   |                               |
| c/l of Monkton Road                        | * | DEPUTY ZONING                 |
| 10 <sup>th</sup> Election District         |   |                               |
| 3 <sup>rd</sup> Councilmanic District      | * | COMMISSIONER                  |
| (2013 Shepperd Road)                       |   |                               |
|                                            | * | FOR BALTIMORE COUNTY          |
| <b>James and Barbara Frack</b>             |   |                               |
| <i>Petitioners</i>                         | * | <b>Case No. 2009-0133-SPH</b> |

\* \* \* \* \*

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by James and Barbara Frack, the legal property owners. Special Hearing relief is requested in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to confirm the existence of a non-conforming use to permit a three-unit dwelling on the subject property. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief were Petitioners James and Barbara Frack, and Arnold Jablon, Esquire, attorney for Petitioners. Also appearing in support of the requested relief was Gene Raphel, Petitioners' surveyor and land use consultant. Appearing as interested citizens were nearby neighbors William and Karen Turner of 2016 Shepperd Road and Mary Partridge of 2000 Monkton Road.

Testimony and evidence offered revealed that the subject property is an irregular-shaped property consisting of approximately 8.434 acres. The irregular shape is exacerbated by the split zoning of the property wherein the area zoned R.C.2 (1.226 acres) is a small portion located on the north side of Shepperd Road and the area zoned R.C.7 (7.208 acres) is the larger portion

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located on the south side of Shepperd Road, and is bordered to the south by Monkton Road in the Monkton area of northern Baltimore County. The property as a whole consists of one large lot and has several improvements thereon. On the south side of Shepperd Road, this includes the existing two-story wood frame dwelling that is the subject of the special hearing request, as well as an existing garage and one large and one small shed, and a well and septic pump. Located across the street, on the north side of Shepperd Road, are dry wells that serve the existing two-story dwelling.<sup>1</sup> Marked and accepted into evidence as Petitioners' Exhibit 2 was a Zoning Map showing the unusual configuration of the zoning boundaries, and in particular the split zoning of the subject property. Also marked and accepted into evidence as Petitioners' Exhibit 3 was an aerial photograph showing the proximity of the improvements on the south side of Shepperd Road.

The two-story dwelling is actually used as three separate units and has been used as such for almost the last 50 years. At this juncture, Petitioners desire to legitimize the existence of the three unit dwelling as a nonconforming use in the R.C.7 Zone. Petitioners' attorney, Mr. Jablon, indicated that as part of the nonconforming use, Petitioners also seek to legitimize the use of a portion of the R.C.2 Zoned area of the property (on the north side of Shepperd Road) for the location of the dry wells that serve the three unit dwelling, also as a nonconforming use.<sup>2</sup>

In support of the special hearing request, Mr. Jablon proffered the testimony concerning the historical use of the property, and supplemented the proffer with additional documentary

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<sup>1</sup> A dry well is an underground structure that disposes of unwanted water, most commonly storm water runoff, by dissipating it into the ground, where it merges with the local groundwater. Dry wells often consist of a pit filled with gravel, riprap, rubble, or other debris that receives water from one or more entry pipes or channels at its top and discharges the same water through a number of small exit openings distributed over a larger surface area at the side(s) and bottom of the dry well.

<sup>2</sup> Except for the location of the dry wells as shown on the site plan, there are no other improvements on the R.C.2 Zoned area of the property. It should also be noted that Petitioners have requested a minor subdivision of this "upper" area of the property -- in order to ultimately build a house on that potentially newly created lot.

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m

evidence. In 1961, there was an existing barn on the property and the owner at that time, Robert F. Fahy, decided to convert the barn into a three unit dwelling. A copy of the building permit obtained by Mr. Fahy was marked and accepted into evidence as Petitioners' Exhibit 4. The permit is dated April 19, 1961 and indicates the use of the building to "convert barn into 3 apartments." Mr. Jablon indicated it is important to note that at the time of the conversion of the barn to a dwelling, the County did not have "comprehensive maps" and although there were Zoning Regulations, not every area of the County -- especially the northern rural areas -- had comprehensive zoning. At the time, the area that included the subject property was referred to as "Residual R 6." As part of his planning for the conversion of the barn, Mr. Fahy requested that a County representative conduct a percolation test on the property to determine the suitability for three apartments with a total of six bedrooms with estimated flows and absorption rates. A letter dated March 22, 1961 from the County's Department of Permits and Licenses that was marked and accepted into evidence as Petitioners' Exhibit 5 indicated the proposed septic system was adequate and was designed with a leaching area safety factor. As part of the 1961 building permit, Mr. Fahy had to place dry wells (for the residential septic) on the "upper" portion of the property via an underground pipe below Shepperd Road. A copy of a permit dated July 26, 1961 from the State Roads Commission of Maryland that was marked and accepted into evidence as Petitioners' Exhibit 6 granted Mr. Fahy permission to dig under the road to connect the dry wells to the new dwelling.

Following conversion of the barn into a dwelling with three units, Mr. Fahy and his family lived in one of the units and rented the other two. This was verified in an affidavit dated December 8, 2008 from Robert Fahy, Jr. that was marked and accepted into evidence as Petitioners' Exhibit 7. The affidavit indicates that the units were rented continuously until at

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[Signature]

least October 1987 when his parents moved out. Another affidavit from Petitioner Mr. Frack's mother, Reba Frack, dated December 11, 2008 was marked and accepted into evidence as Petitioners' Exhibit 8. This affidavit verifies Ms. Frack's knowledge of the subject property and indicates the dwelling has been used as three units from February 1965 to the present time. In addition, tax records from the State Department of Assessments and Taxation that were marked and accepted into evidence as Petitioners' Exhibit 9 verify the existence of the three apartments. Mr. Jablon also indicated that Petitioners have owned the subject property since 1987, and that the dwelling has been used and occupied as three units continuously and without interruption since that time.

The remaining documentary evidence reflects copies of photographs of the property during the ensuing years. In particular, they include: photographs from the News American newspaper taken in 1962 that were marked and accepted into evidence as Petitioners' Exhibit 10 showing the 18<sup>th</sup> century barn before it was converted into a dwelling and the three apartments thereafter; photographs taken in 1964 that were marked and accepted into evidence as Petitioners' Exhibits 11 and 12 showing the converted barn; photographs taken in 1984 that were marked and accepted into evidence as Petitioners' Exhibit 13 showing the three "townhouse" style apartments within the dwelling; and photographs taken in January 2009 that were marked and accepted into evidence as Petitioners' Exhibits 15A through 15D showing the dwelling as three units as it appears presently. Finally, Mr. Jablon submitted the relevant provisions of the 1955 Baltimore County Zoning Regulations for Accessory Buildings in Residence Zones -- specifically in the R.6 Zone -- that was marked and accepted into evidence as Petitioners' Exhibit 16. Mr. Jablon indicated that based on the conversion table of one-family dwellings in Section

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402.2 of the 1955 Regulations, the subject dwelling met all of the applicable lot width, lot area, and setback requirements.

Testifying as interested citizens were nearby neighbors Mr. and Mrs. Turner, who live on the north side of Shepperd Road adjacent to the "upper" portion of the subject property and across the street from the existing three unit dwelling, and Ms. Partridge who lives on the south side of Shepperd Road adjacent to the larger "lower" portion of the subject property. They expressed frustration with the manner in which Petitioners were moving through the minor subdivision process and the instant request for zoning relief. They do not feel that Petitioners have been completely forthright or above-board in their plans for the property. In particular, Mr. and Mrs. Turner indicated that they have lived across the street from Petitioners for the last several years. They also indicated that the septic system located on their side of Shepperd Road that serves the subject dwelling had been failing during that time and practically "out of nowhere" all of a sudden work crews were digging on the property adjacent to the Turner's property -- as it turns out to replace the aging septic system. It was only by their own investigation through the County Department of Environmental Protection and Resource Management ("DEPRM") and the Department of Permits and Development Management ("PADM") that the Turner's became aware of Petitioners' intentions with regard to the proposed minor subdivision and obtained a copy of the proposed minor subdivision plan, which was marked and accepted into evidence as Protestant's Exhibit 1. They also obtained a copy of the septic system plan filed with DEPRM, which was marked and accepted into evidence as Protestant's Exhibit 2. Ms. Partridge essentially echoed the sentiments and Mr. and Mrs. Turner in feeling that she was essentially "in the dark" as to Petitioners' plans. The Turner's and Ms. Partridge also acknowledged that, except for the above-described issues, they generally did not

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have evidence to present concerning the issue of the requested nonconforming use of the dwelling as three units, together with the existing dry wells. They did express concerns over whether the septic system could accommodate the three units with the number of bathrooms and anticipated uses in each unit.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. Comments were received from the Office Planning dated November 28, 2008 indicating the project is being reviewed as a minor subdivision (07087 M) as referenced in the minor subdivision comments dated October 16, 2008 contained within the case file, and indicating that if the septic area is located in a different zone, a special hearing is typically required. Comments were received from DEPRM dated December 23, 2008 which indicate that Article 33, Title 3 and Title 6 of the Baltimore County Code ("B.C.C.") may require compliance for any further development of this property.

Considering of all the testimony and evidence presented, I am persuaded to grant the special hearing relief. Although I understand on the one hand the legitimate concerns of the Turner's and Ms. Partridge as to the work that has been undertaken on the septic system and their uneasiness over Petitioners' proposed minor subdivision, Petitioners have, on the other hand, presented credible and persuasive evidence to be entitled to the relief they are seeking for confirmation of the nonconforming use of the dwelling as three units in the R.C.7 Zone and the use of the dry wells in the R.C.2 Zone, but both located on the same lot of record. Perhaps this apparent lack of communication between the parties can be remedied in the future. That said, the evidence is undisputed that the previous barn was converted in 1961 to a dwelling with three units and has been used continuously as such, without interruption. The evidence also indicates that permits were obtained from the County and permission granted by the State for the

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[Signature]

installation of the dry well system. The dwelling also met the applicable R.6 Regulations at that time and is entitled to recognition as a legal nonconforming use.

In addition, as to location of the dry wells in a different Zone on the property, on this issue, Section 1A00.5 of the Zoning Commissioner's Policy Manual ("Z.C.P.M.") expounds upon Section 1A00.5 of the Zoning Regulations pertaining to tracts divided by R.C. Zone boundaries. As to the instant matter, Section 1A00.5.b of the Z.C.P.M. states that, for lots divided by Zone lines, "the following guidelines have been formulated so that this matter can be handled consistently." Subsection 1(c) states that "[t]he well and septic system must be located in the same zone as the house." Obviously, the existing dry wells are not in the same zone as the dwelling; however, under the definition of "nonconforming use" in Section 100.1 of the B.C.Z.R. and "continuation of nonconformance" in Section 104.1 of the B.C.Z.R., in my view, the location of Petitioners' dry wells in a different Zone than the principle dwelling is nonconforming and should be permitted to continue as such along with the three unit dwelling.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' request for special hearing should be granted.

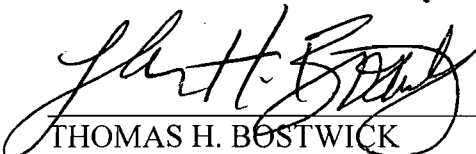
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 18<sup>th</sup> day of February, 2009 that Petitioners' request for Special Hearing relief filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to confirm the existence of a non-conforming use to permit a three-unit dwelling on the subject property be and is hereby GRANTED; and

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[Signature]

IT IS FURTHER ORDERED that in conjunction with the aforementioned relief, Petitioners' request to permit the dry wells to be located in a different zone than the dwelling as a nonconforming use be and is hereby GRANTED, subject to the following:

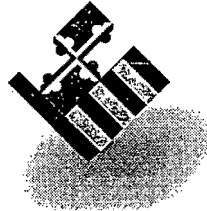
1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Article 33, Title 3 and Title 6 of the Baltimore County Code ("B.C.C.") may require compliance for any future development of this property.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

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**BALTIMORE COUNTY**

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

February 18, 2009

ARNOLD JABLON, ESQUIRE  
VENABLE LLP  
210 ALLEGHENY AVENUE  
TOWSON, MD 21204

Re: Petition for Special Hearing  
Case No. 2009-0133-SPH  
Property: 2013 Shepperd Road

Dear Mr. Jablon:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John H. Bostwick", written over the typed name.

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure

c: James and Barbara Frack, Box 24, Monkton MD 21111  
Gene Raphel, E.F. Raphel & Associates, 15410 Manor Road, Monkton MD 21111  
William and Karen Turner, 2016 Shepperd Road, Monkton MD 21111  
Mary Partridge, 2000 Monkton Road, PO Box 13, Monkton MD 21111



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2013 Shepperd Road

which is presently zoned RC 2, RC 7

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

to confirm the existence of a non-conforming use to permit a three-unit dwelling on the subject property

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:**

**Arnold Jablon**

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

**Venable, LLP**

Company \_\_\_\_\_

**210 Allegheny Ave. 410 494 6298**

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

**Towson, Maryland 21204**

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Legal Owner(s):**

**E. James Frack**

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

**Barbara Frack**

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

**Box 24**

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

**Monkton, Maryland 21111**

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Representative to be Contacted:**

**Arnold Jablon**

Name \_\_\_\_\_

**210 Allegheny Ave., 410 494 6298**

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

**Towson, Maryland 21204**

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

Case No. **2009-0133-SUB**

REV 9/15/98

**2.18.09**

Reviewed By \_\_\_\_\_

UNAVAILABLE FOR HEARING

**D.T.**

Date \_\_\_\_\_

**11/3/08**

**DROPOFF**

Description to Accompany Special Hearing Petition

Beginning for the same at the beginning of the land conveyed to E. James Frack Jr. and Barbara S. Frack by deed recorded in S.M. 7686 Folio 233 running thence on the outline of said deed N 75° 01' 10" E 322.59', S 00° 39' 10" W 212.25' to the centerline of Shepperd Road, thence in the centerline S 89° 20' 50" E 161.00', S 74° 59' 50" E 85.00', S 81° 04' 50" E 150.00', N 87° 05' 10" E 100.00', N 68° 05' 10" E 100.00', N 55° 06' 10" E 100.00' N 42° 22' 10" E 144.58' thence leaving Shepperd Road S 13° 11' 40" W 40.89', S 13° 11' 40" W 662.90', N 72° 43' 20" W 172.58', N 81° 25' 50" W 102.96', N 83° 17' 50" W 315.91', N 72° 21' 50" W 3.08', N 05° 08' 20" W 415.16' to the centerline of Shepperd Road, thence in the center of Shepperd Road N 89° 20' 45" W 42.17', N 89° 47' 50" W 93.74', S 83° 17' 30" W 129.14' thence leaving Shepperd Road N 00° 53' 30" W 142.65' to the place of beginning. Containing 8.434 Acres of land, more or less.

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS CASH RECEIPT**

No. **22886**

Date: **11/3/08**

**PAID RECEIPT**

BUSINESS ACTUAL TIME ROW  
 10/7/2008 11/25/2008 13:09:52 2

BEG H002 MAR 01 2008 JEFF JEE

RECEIPT # 611470 11/05/2008 CFIN

3 024 ZONING VERIFICATION

025006

Receipt Tot \$325.00

\$325.00 CF \$1.00 CA

Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/Obj | Sub Rev/Obj | Dept Obj | BS Acct | Amount             |
|------|------|------|----------|----------------|-------------|----------|---------|--------------------|
| 001  | 806  | 0000 |          | 6150           |             |          |         | 325. <sup>00</sup> |
|      |      |      |          |                |             |          |         |                    |
|      |      |      |          |                |             |          |         |                    |
|      |      |      |          |                |             |          |         |                    |
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|      |      |      |          |                |             |          |         |                    |
|      |      |      |          |                |             |          |         |                    |
|      |      |      |          |                |             |          |         |                    |

Total: **325.<sup>00</sup>**

Rec From: **VENABLE LLP**

For: **2009-0133-SPH**  
**FRACK - 2013 SHEPPERD RD.**

**DISTRIBUTION**

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING  
 PLEASE PRESS HARD!!!!

**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: # 2009-0133-SPH**  
2013 Shepperd Road  
S/side of Shepperd Road, 228  
feet east of the centerline of  
Monkton Road  
10th Election District  
3rd Councilmanic District  
Legal Owner(s): E. James &  
Barbara Frack

**Special Hearing:** to confirm  
the existence of a non-  
conforming three unit dwelling  
on the subject property.

**Hearing:** Thursday, January  
22, 2009 at 10:00 a.m. in  
Room 104, Jefferson Build-  
ing, 105 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) 887-4386.

(2) For information concern-  
ing the File and/or Hearing,  
Contact the Zoning Review Of-  
fice at (410) 887-3391.  
JT 1/622 Jan. 6 191716

# CERTIFICATE OF PUBLICATION

11/8/, 2009

THIS IS TO CERTIFY, that the annexed advertisement was published  
in the following weekly newspaper published in Baltimore County, Md.,  
once in each of 1 successive weeks, the first publication appearing  
on 1/6/, 2009.

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

*S. Wilkinson*

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: 2009-0133-SPH

Petitioner/Developer: \_\_\_\_\_

E. James & Barbara Frack

Date of Hearing/Closing: Jan 22 2009

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Attn : Kristin 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: \_\_\_\_\_  
2013 Sheppard Road

The sign(s) were posted on Jan 7, 09  
(Month, Day, Year)

Sincerely,

Robert Black 1-8-09  
(Signature of Sign Poster) (Date)

SSG Robert Black

\_\_\_\_\_  
(Print Name)

1508 Leslie Road

\_\_\_\_\_  
(Address)

Dundalk, Maryland 21222

\_\_\_\_\_  
(City, State, Zip Code)

(410) 282-7940

\_\_\_\_\_  
(Telephone Number)

# ZONING NOTICE

CASE #

2009-0133SPH

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

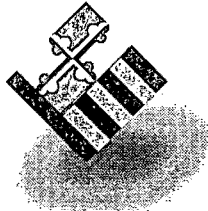
Room 104, JEFFERSON BUILDING  
PLACE: 105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: THURSDAY, JANUARY 22, 2009 AT 10:00 A.M.

REQUEST: SPECIAL HEARING TO CONFIRM THE EXISTENCE  
OF A NON-CONFORMING THREE UNIT DWELLING ON THE SUBJECT  
PROPERTY.

ENFORCEMENTS WILL BE PENALIZED OR OTHER CONDITIONS ARE OTHERWISE NECESSARY  
TO CONFIRM HEARING CALL 887-3391

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



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

December 15, 2008  
TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*

**NOTICE OF ZONING HEARING**

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**CASE NUMBER: 2009-0133-SPH**

2013 Shepperd Road

S/side of Shepperd Road, 228 feet east of the centerline of Monkton Road

10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: E. James & Barbara Frack

Special Hearing to confirm the existence of a non-conforming three unit dwelling on the subject property.

Hearing: Thursday, January 22, 2009 at 10:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Arnold Jablon, 210 Allegheny Avenue, Towson 21204  
Mr. & Mrs. Frack, Box 24, Monkton 21111

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., JANUARY 7, 2009.**
- (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  
Tuesday, January 6, 2009 Issue - Jeffersonian

Please forward billing to:  
Arnold Jablon  
210 Allegheny Avenue  
Towson, MD 21204

410-494-6298

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## 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: 2009-0133-SPH**

2013 Shepperd Road  
S/side of Shepperd Road, 228 feet east of the centerline of Monkton Road  
10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owners: E. James & Barbara Frack

Special Hearing to confirm the existence of a non-conforming three unit dwelling on the subject property.

Hearing: Thursday, January 22, 2009 at 10:00 a.m. in Room 104, Jefferson Building,  
105 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.

**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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 2009-0133-SPH

Petitioner: E JAMES FRACK + BARBARA FRACK

Address or Location: 2013 SHEPPARD RD

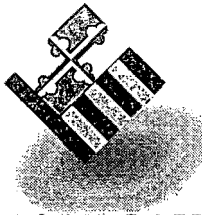
**PLEASE FORWARD ADVERTISING BILL TO:**

Name: ARNOLD JABLON

Address: 210 AIRHURST AVE

TOWSON 21204

Telephone Number: 410 494 6298



## 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*  
January 15, 2009

Arnold Jablon  
Venable, LLP  
210 Allegheny Ave.  
Towson, MD 21204

Dear: Arnold Jablon

RE: Case Number 2009-0133-SPH, 2013 Shepperd Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on, November 3 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." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel  
E. James & Barbara Frack; P.O. Box 24; Monkton, MD 21111

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** November 24, 2008

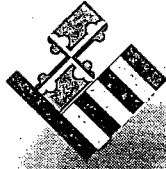
**FROM:** Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For November 24, 2008  
Item No.: 2009-111, 121, 126, 127,  
128, 130, 131, 132, ~~133~~, 137, 138 & 140

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:cab  
cc: File

ZAC-11242008-NO COMMENTS



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

JOHN J. HOHMAN, *Chief*  
*Fire Department*

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

November 20, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 17, 2008

ItemNumbers 0111,0126,0127,0128,0129,0130,0131,0132,0133,0135,0137,0138,0140

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

TB 1/22  
10 AM

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** November 28, 2008

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

RECEIVED  
NOV 29 2008  
BY \_\_\_\_\_

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 09-133- Special Hearing

The Office of Planning has reviewed the above referenced case(s) and offers the following comments:

1. Show the septic area for 2013 Shepperd Road. If it is in a different zone, a Special Hearing is typically required.
2. This project is also being reviewed as a minor subdivision (07087 M). See the attached comments.

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: \_\_\_\_\_

Division Chief: \_\_\_\_\_

CM/LL

Attachment

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Joe Chmura  
Department of Permits and  
Development Management

**DATE:** October 16, 2008

**FROM:** Lloyd T. Moxley  
Development Review Section  
Office of Planning

**RECEIVED**

**PROJECT NAME:** Frack, E. James Property

**BY:** .....

**PROJECT NO.:** 07087 M Second Review

The Office of Planning has reviewed the above referenced project and offers the following comments:

1. Plant a row of vegetation along the front of proposed lot 1 to provide a visual buffer from the scenic road.
2. Gunpowder Falls is listed as a Recreational Greenway in the Baltimore County Master Plan 2010. Consult Recreation and Parks about possible dedication of the Greenway into a recreational easement.
3. Provide gross area of the tract, as it existed on November 25, 1979. Provide the current acreages of the property lying in each individual zone (R.C. 2 & R.C.7). Provide density calculations based on said individual acreages.
4. Design and locate fences and walls to harmonize with the surroundings and to create the least visual impact and that vegetation is used to buffer them as well. Note this condition on the plan.
5. The total tract outline as resubmitted does not match that shown on the initial submission. Deed call for the N 71 Deg. 20' 20" W 26.41 line is omitted. Is this a correction based upon an updated boundary survey or is this plan establishing a new tract outline? Will the area change? Please clarify.
6. The plan notes that there is no zoning history although the septic serving Lot 1 is situated in a zone that is different than that in which the principal structure is located. Typically this situation requires a Special Hearing (SPH). Provide written confirmation by note on

the plan from the Office of Zoning Review that a SPH is not required or, alternatively apply for the SPH.

7. Confirm through the Office of Developers Plans Review that highway widening will not be required. If widening is required show the ultimate R-O-W line and required setbacks.
8. Show the minimum 30' buffer as required by division IV, Section A of the CMDP.
9. Show the Limits of Disturbance to include any proposed driveway for Lot 2.
10. Provide a centerline profile for the proposed driveway.

---

Lloyd T. Moxley, Planner  
Development Review

---

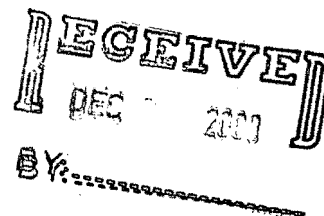
Lynn Lanham, Chief  
Development Review

LTM:kma

TIB  
1-22-09

## BALTIMORE COUNTY, MARYLAND

## Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: December 23, 2008

SUBJECT: Zoning Item # 09-133-SPH  
Address 2013 Sheppard Road  
(Frack Property)

Zoning Advisory Committee Meeting of November 17, 2008

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: **See below**

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).

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

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).

Additional Comments:

Article 33, Title 3 and Title 6 of the Baltimore County Code may require compliance for any future development of this property.

Reviewer: Tom Panzarella

Date: December 2, 2008



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: 12/16/2008

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

RE: Baltimore County  
Item No 2005-0183-X  
505 GUN ROAD  
SMITH/HOGG PROPERTY  
SPECIAL EXCEPTION

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. 2005-0183-X.

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 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





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: Nov. 18, 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 2009-0133-SPH  
2013 SHEPPERD RD  
FRACK 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. 2009-0133-SPH.

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 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



RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
2013 Shepperd Road; S/S Shepperd Rd, \* ZONING COMMISSIONER  
228' E of c/line Monkton Road \*  
10<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts \*  
Legal Owner(s): James & Barbara Frack \* FOR  
Petitioner(s) \* BALTIMORE COUNTY  
\* 09-133-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.

RECEIVED

NOV 24 2008

.....

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Jefferson Building, Room 204  
105 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 24<sup>th</sup> day of November, 2008, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

D.T.

Intake Planner

Date Assigned

## DROP-OFF PETITIONS PROCESSING CHECK-OFF

**Two Questions Answered on Cover Sheet:**

Any previous reviews in the zoning office?  
Any current building or zoning violations on site?

NO

**Petition Form Matches Plat in these areas:**

Address  
Zoning  
Legal Owner(s)  
Contract Purchaser(s)  
Request (if listed on plat)

**Petition Form (must be current PDM form) is Complete:**

Request:

Section Numbers

Correct Wording (must relate to the code, especially floodplain and historical standard wording. Variances must include the request in lieu of the required code quantities.

Hardship/Practical Difficulty Reasons

Legal Owner/Contract Purchaser:

Signatures (originals)

Printed/Typed Name and Title (if company)

Attorney (if incorporated)

Signature/Address/Telephone Number of Attorney

**Correct Number of Petition Forms, Descriptions and Plats****200 Scale Zoning Map****Check:** Amount Correct? Signed?**ZAC Plat Information:**

Location (by Carl) \_\_\_\_\_

Zoning: RCS 7Acreage: 8.434

Previous Hearing Listed With Decision

Election District 10Councilmanic District 3

Case # \_\_\_\_\_

Check to See if the Subject Site or Request is:

CBCA

Floodplain

Elderly

Historical

Pawn Shop

Helicopter

\*If Yes, Print Special Handling Category Here

\*If No, Print No

2009-0133-SPH  
Item Number Assigned

11/3/08  
Date Accepted for Filing

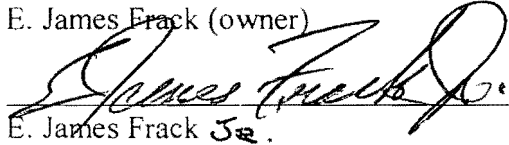
Zoning Office  
Department of Permits and Development Management  
111 West Chesapeake Ave  
Towson, Maryland 21204

Zoning Office:

Please be advised that we, the undersigned, has authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief and for the applicable use permit. We hereby understand that the relief requested is for property we own and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed is/are for property located at 2013 Shepperd Road, property we own.

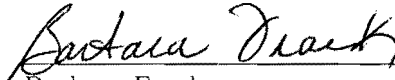
~~Further, the undersigned is the contract purchaser of said property, and hereby and herewith authorize Mr. Jablon to be my attorney in fact and attorney at law and represent me in this matter.~~

E. James Frack (owner)

  
E. James Frack Jr.

10/21/08 (Date)

Barbara Frack

  
Barbara Frack

10/21/08 (Date)

P O Box 24, Monkton, Maryland 21111  
address

2009-0133-SFH

DATE 1-22-09

DATE 1-22-09

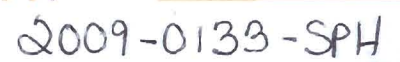
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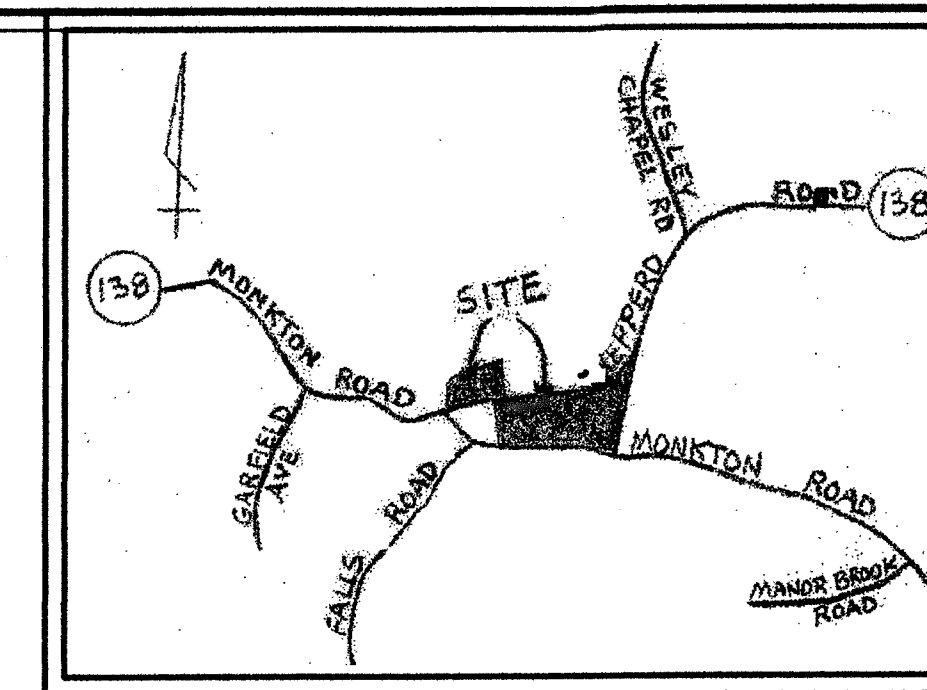
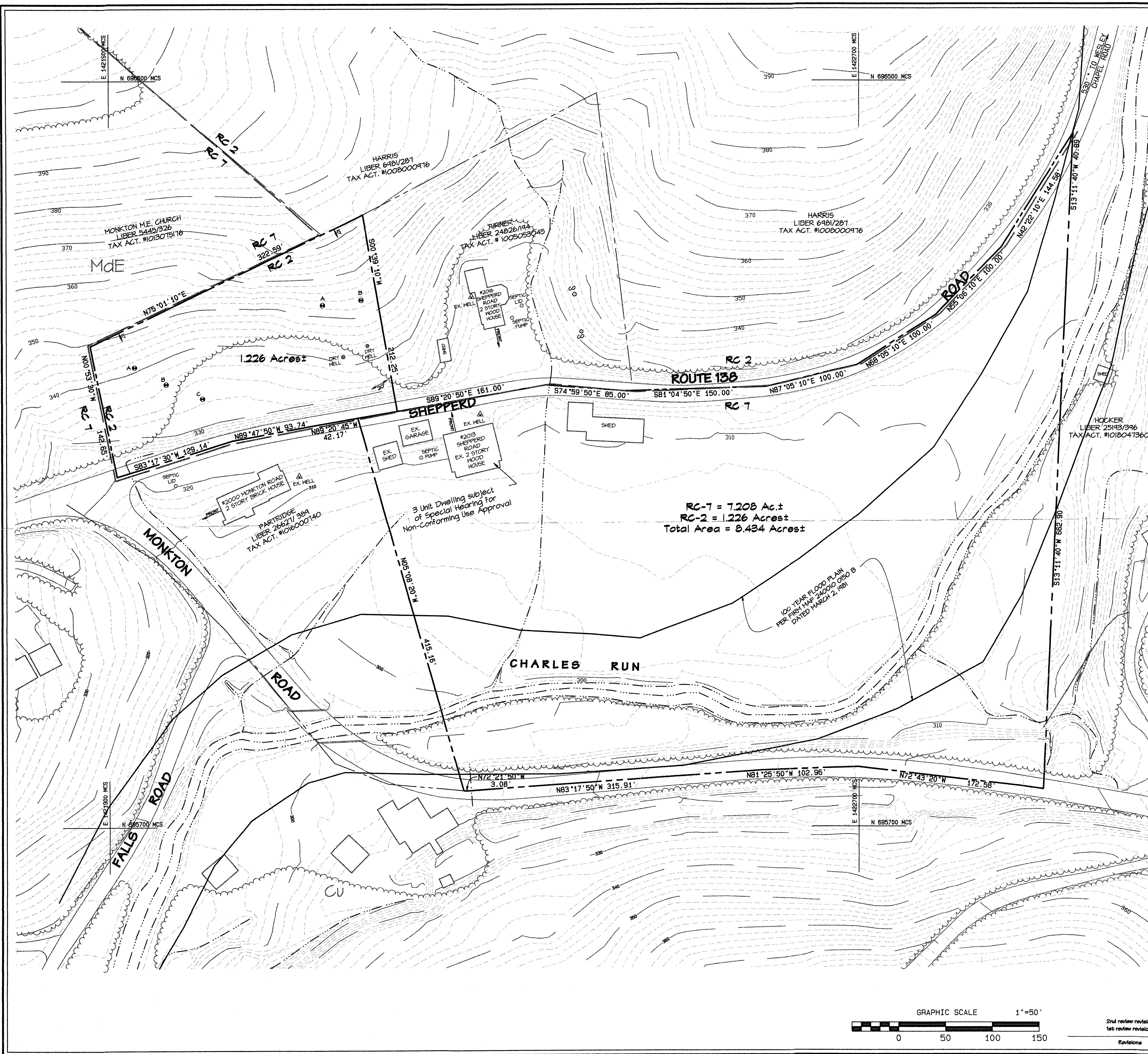
PLEASE PRINT CLEARLY

CASE NAME \_\_\_\_\_  
CASE NUMBER 2009-0133-SPA  
DATE 1-22-09

## **CITIZEN'S SIGN-IN SHEET**

[illegible]





### Notes

- Owner: E. James and Barbara Frack  
BOX 24 Remora Road  
Monkton MD, 21111  
PHONE 443-212-5546
- Zoned: RC 2, RC 1
- This site is serviced by well and septic.
- No prior Zoning Hearings.
- Area of Special Hearing, overall lot area 8.434 Ac.  
3 Unit Dwelling (subject of hearing) in the RC-1 Zone

**Plat to Accompany  
a Petition for a  
Special Hearing**

Property Of

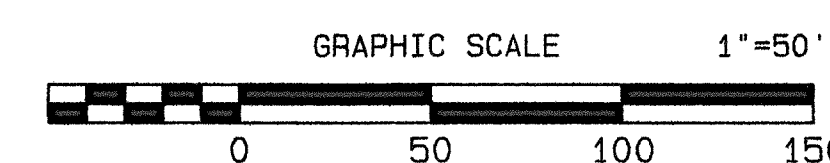
**E. James & Barbara Frack**

2013 Sheppard Road  
Baltimore County, Maryland

Tax Account #2100000810  
10th Election District, 3rd Councilmanic District  
Scale: 1"=50' Date: August 8, 2008

**E.F. RAPHEL & ASSOCIATES**  
REGISTERED PROFESSIONAL LAND SURVEYORS

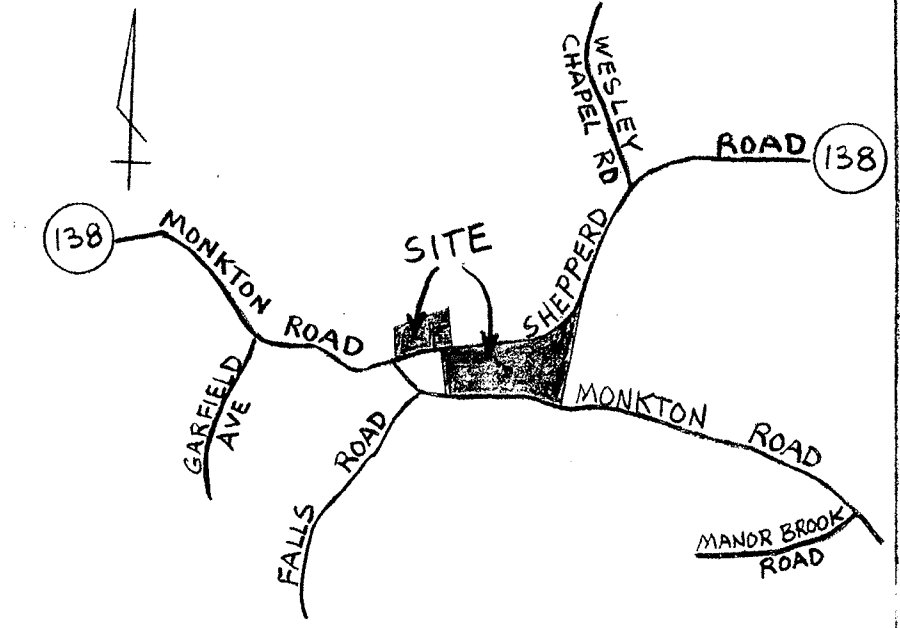
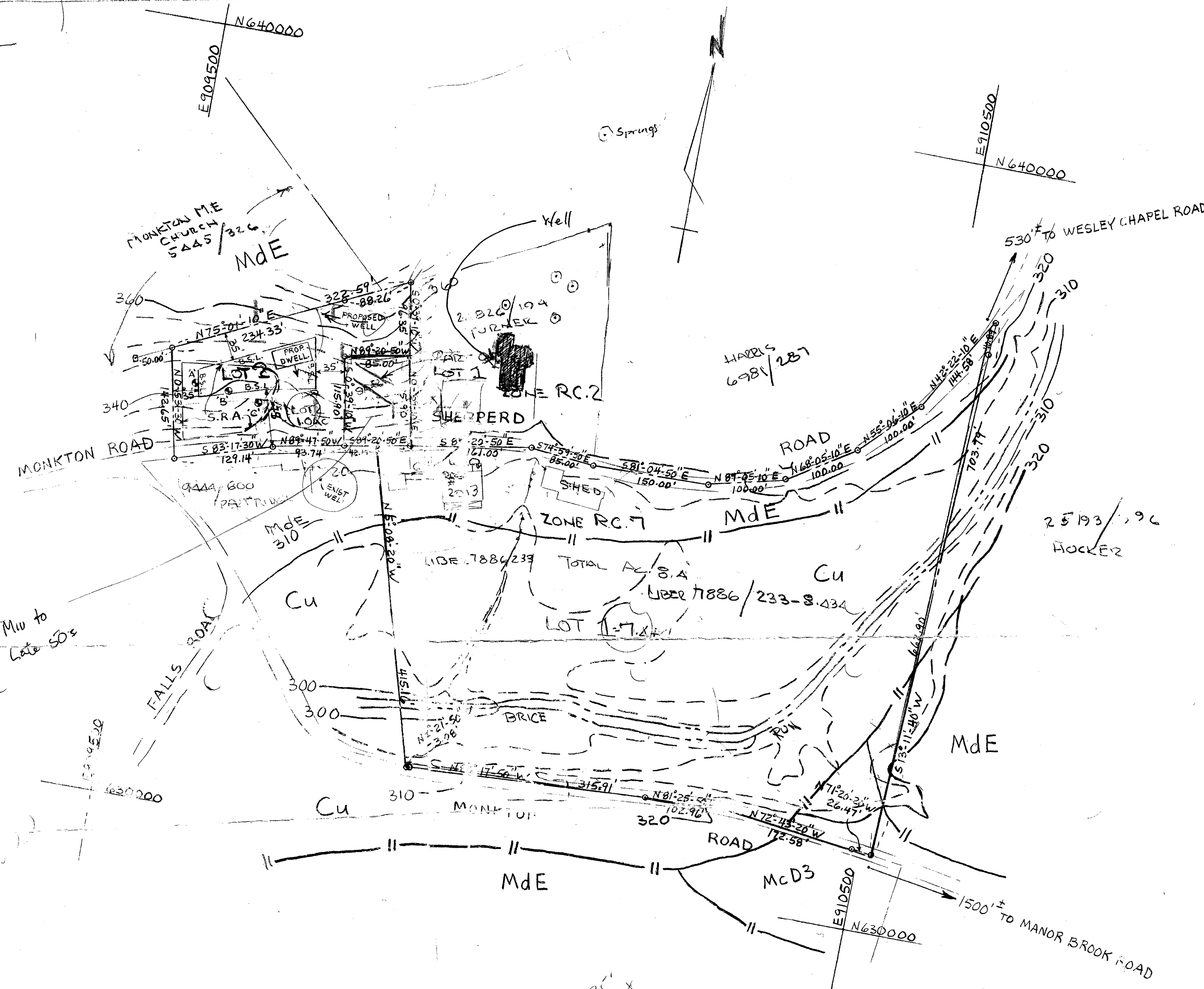
15410 MANOR ROAD  
MONKTON, MARYLAND 21111  
410-825-3908



2nd review revisions  
1st review revisions  
Revisions

10-15-08  
10-15-08  
Date

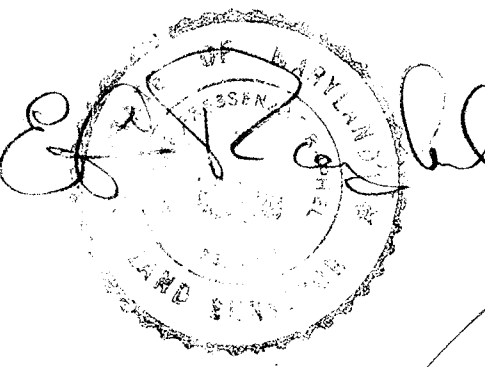
will  
4/5



B.C.A.D.C. MAP #8 B-13, C-13  
MAP #13 B-1, C-1, D-1

GENERAL NOTES

- A. Gross area of tract: 2.1000000000
- B. Existing spring: 1
- C. Density Calculations: 2 LOTS
- D. Owner: JAMES & BARBARA FRACK
- E. Tax Account Number: 21000000810
- F. Deed Reference: S.M. 7686/233
- G. Tax Map: Ord. Parcel
- H. Census Tract: 401 Regional Planning District 305 Watershed, Sub-School District 14 SPARKS
- I. This property as shown on the plan has been held intact since 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 densi- area to support any off-site dwellings.
- J. 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 part of that land designated as a private right-of-way for the purpose of ingress, egress, 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.
- K. All existing buildings on site are to remain, there are no fuel storage tanks on site.
- L. Private driveway entrances shall conform with Baltimore County's Ord. Detail Plate R-18, dated 1977, for "Typical Driveway Entrance from Road without Curb and Gutter".
- M. A private well and private septic system to serve this lot, soil test were conducted on and approved on the property. The well is to be installed in accordance with Baltimore County Code, Title 35, Article 2, Sec. 35-41 requires that a well meeting the minimum recovery rate of one gallon per minute be drilled prior to issuance of a building permit.
- N. The developer shall not allow any cable television cables to be installed in this subdivision without the required County permits being obtained.
- O. The Developer and his engineer shall be responsible for investigating the need and obtaining the necessary permits for the facilities serving this site that may require any federal or state permits.
- P. The coordinate ticks shown hereon are based on the Maryland Coordinate System, North American Datum 1983.
- Q. There is no zoning history on this property.
- R. The maximum building height is 35 feet.
- S. THERE ARE NO WELLS OR SEPTIC SYSTEMS WITHIN 100' OF THIS SITE, EXCEPT AS SHOWN.
- T. SOILS: Cu, MdE, MCD3
- U. TOPOGRAPHIC MAPS, 200 SCALE NE 26-A
- V. THE AREAS BETWEEN THE RIGHT LINE & THE CHORD LINE, MUST BE CLEARED, GRADED, & KEPT FREE OF ANY OBSTRUCTIONS.
- X. The developer is responsible for the total actual cost of drainage facilities required to carry the storm water runoff through the property to be developed to a suitable outfall. The developer's cost responsibilities include the acquiring of easements and right-of-way both onsite and offsite and the dedicating in fee of said right-of-way at no cost to the county. Preparation of all construction, right-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the county overhead both within and outside the development are also the responsibilities of the developer.
- Y. The developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances 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 will be the full responsibility of the developer.
- Z. Sediment control provisions will be required for each individual building permit application.



E. F. CONNELL ASSOCIATES  
Registered Professional Engineers  
205 1/2 West 1st Avenue  
Baltimore, Maryland 21204  
410-825-3908  
410 771-4592

OWNER  
JAMES & BARBARA FRACK  
Box 24 REMARE ROAD  
MONKTON MD 21111

| DATE | REVISIONS    |
|------|--------------|
|      | 9/6/85 Lot 2 |
|      | FIELD        |
|      |              |
|      |              |
|      |              |
|      |              |

PLAN TO ACCOMPANY REQUEST  
MINOR SUBDIVISION  
FRACK THE  
FRACK PROPERTY  
10TH ELECT. DIST. BALTO. CO., MD.  
3RD COUNCILMANIC DIST.  
SCALE: 1"=100'

|                                                                                                                     |                                      |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| BALTIMORE COUNTY MINOR SUBDIVISION                                                                                  |                                      |
| Project No.                                                                                                         |                                      |
| DEVELOPMENT REGULATIONS                                                                                             |                                      |
| <input type="checkbox"/> Exempt from Article 32, Title 4, Subtitle 2                                                |                                      |
| <input type="checkbox"/> Parhandle exempt from Section 32-4-211 through 32-4-217 and Sections 32-4-226 and 32-4-227 |                                      |
| PDM CERTIFICATION                                                                                                   |                                      |
| <input type="checkbox"/> Approved                                                                                   | <input type="checkbox"/> Disapproved |
| By                                                                                                                  | Date                                 |
| APPROVED, DEPRM                                                                                                     |                                      |
| By                                                                                                                  | Date                                 |

6661 9-10 AM

Proterials Ex. 1

Case No.:

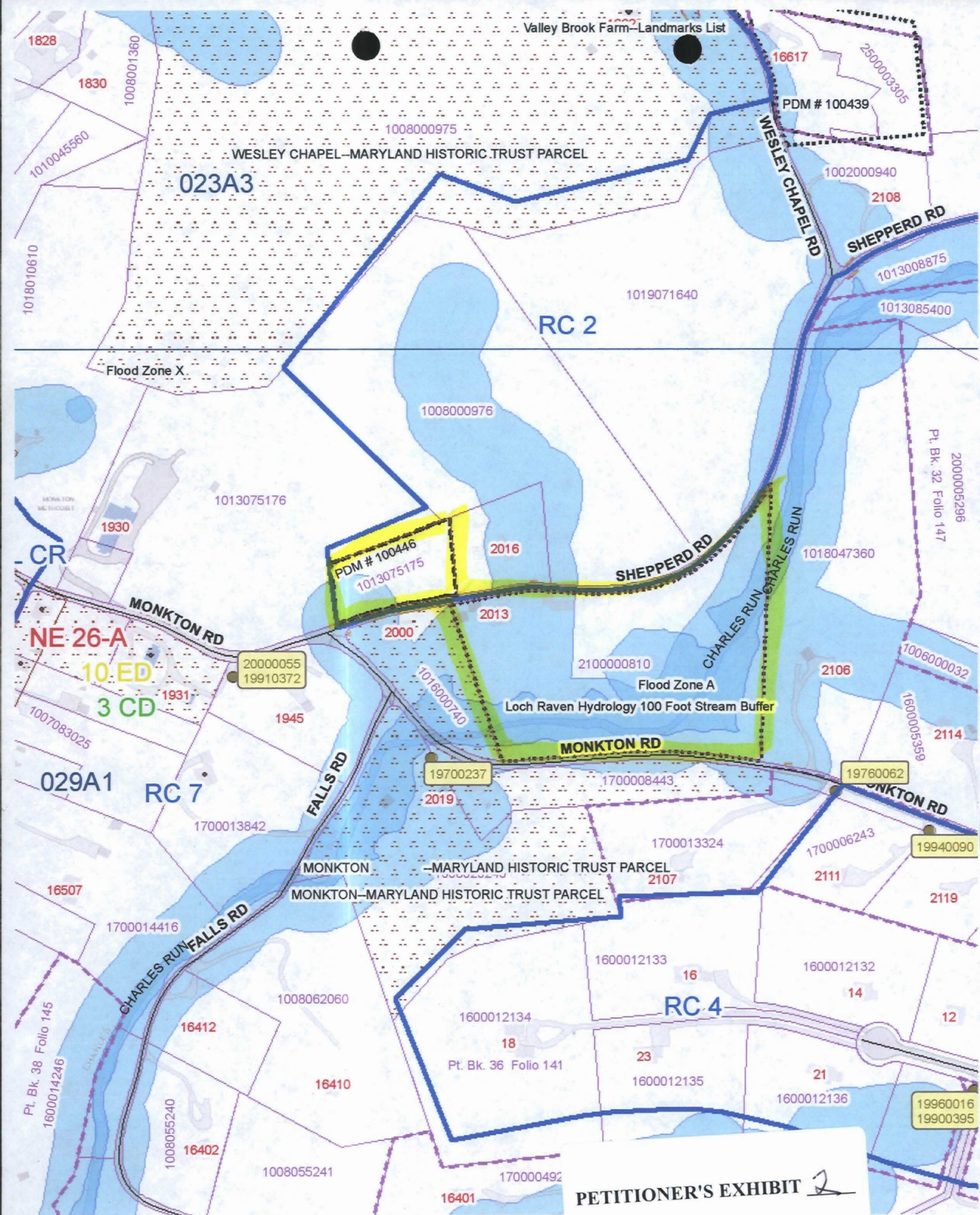
2009-0133 - SPH

Exhibit Sheet

Petitioner/Developer

Protestant

|        |                                                             |  |
|--------|-------------------------------------------------------------|--|
| No. 1  | Site Plan                                                   |  |
| No. 2  | Zoning Map                                                  |  |
| No. 4  | County Permit - showing conversion                          |  |
| No. 3  | Aerial Photo                                                |  |
| No. 5  | Permit for septic + plumbing for the barn conversion        |  |
| No. 6  |                                                             |  |
| No. 7  |                                                             |  |
| No. 8  |                                                             |  |
| No. 9  | SPAT records                                                |  |
| No. 10 | Photos from News American per a story noting the conversion |  |
| No. 11 |                                                             |  |
| No. 12 |                                                             |  |



PETITIONER'S EXHIBIT 2



PETITIONER'S EXHIBIT 3

Revised Nov. 1, 1958

NEW BUILDING  
PERMIT

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES  
OFFICE OF THE BUILDINGS ENGINEER  
County Office Building, Towson 4, Md.

No. 62204  
District 10  
Date April 19, 1961

This New Building Permit Is Hereby Granted To

SUBDIVISION 1

Robert F. Fahy

(OWNER)

LOT No. \_\_\_\_\_

Monkton, Md.

(ADDRESS)

BLOCK \_\_\_\_\_

SECTION \_\_\_\_\_

PLAT No. \_\_\_\_\_

To erect the following building:

Location S/S Shepperd Rd., 250' W. of Monkton Rd.

Use of Building Convert barn into 3 apartments

Size of Building: Front irreg: 52' ft. Depth 48' ft. Height 30' ft.

Setback of Building: Front 36' ft.; Side Setbacks 68\* and 80+ ft. Corner lot \_\_\_\_\_ ft. from side street.

Character of Construction conc., stone, frame, asph.

This Permit does not authorize the performance of any work beyond the property lines of the lot for which issued. Special permit must be obtained from the Highways Dept. to install sidewalks or remove curb. Planting of trees, hedges, shrubbery, erecting walls, fences, etc., is prohibited in the Right-of-Way adjacent to the lot.

Fee Paid \$ 61.00

Issued By The Buildings Engineer

*Charles B. Wheeler*  
CHARLES B. WHEELER, Director,  
Department of Permits and Licenses

This Permit shall be kept on the premises open to public inspection during the prosecution of the work and until completion of same. LIMITATION. After a new building permit is issued, if the operation or work authorized and approved thereunder is not commenced within six (6) months after the issue, or if, after commencement of the operation or work is suspended or discontinued for a period of one year, then, in either case, the permit shall be null and void, and no operations or work shall be again commenced unless and until another proper permit shall have been issued for such work.

PETITIONER'S EXHIBIT 4

**Baltimore County, Maryland**  
**DEPARTMENT OF PERMITS AND LICENSES**  
**COUNTY OFFICE BUILDING**  
**TOWSON 4, MARYLAND**

CHARLES B. WHEELER, DIRECTOR

March 22, 1961

Dr. William H. F. Warthen  
Deputy State and County Health Officer  
Baltimore County Health Department  
Towson 4, Maryland

Re: Building Application #60-61  
converting barn into (3) 2  
bedroom apartments.  
Owner: Mr. Robert F. Fahy  
Shepperd Road  
10th Election District

Dear Dr. Warthen:

At the request of Mr. Fahy, a representative of this office conducted a percolation test on the property of Mr. Fahy as shown on the attached plot plan. The results are as follows:

| <u>TEST HOLE</u> | <u>DRAWDOWN</u> | <u>DEPTH</u> | <u>SOIL CONDITIONS</u>  |
|------------------|-----------------|--------------|-------------------------|
| # 1              | 4 min.          | 13'          | micaceous soil 2' - 13' |

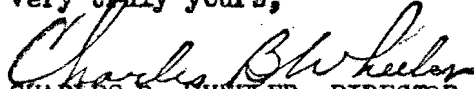
**Pertinent Data:**

Total six bedrooms - estimated flow - 900 gallons  
Absorption rate 2 gal/ sq. ft.  
Required leaching area - 450 sq. ft.

Based on the absorption rate and pervious soil stratum, the proposed system as shown on drawing is adequate and is designed with a leaching area safety factor.

We are withholding approval of the subject application pending your decision.

Very truly yours,

  
CHARLES B. WHEELER, DIRECTOR  
DEPARTMENT OF PERMITS AND LICENSES

CBW:PKK:vm

PETITIONER'S EXHIBIT 5

OFFICE OF THE  
STATE ROADS COMMISSION  
OF MARYLAND

No. B-1-# 2279

Baltimore, Md. 26 July 1961

PERMISSION IS HEREBY GIVEN:

Mr. Robert F. Fahy, Monkton, Maryland, so far as  
the State Roads Commission has the right and power to grant same, to drive 2" galvanized  
pipe sleeve under Monkton Road, Route 138.

1. No improved paving to be disturbed. No excavation to be within 5' of existing  
paving. All backfill to be fully compacted.
2. Existing drainage not to be disturbed.

PETITIONER'S EXHIBIT 6

TO: Barbara Frack

12/8/2008

FROM: Bob Fahy Jr.

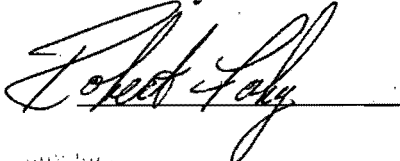
Here is most of the info that you need, along with the original building permit. Around June/July of 1961, my parents moved into the first apartment, By that time I was living in NJ, had moved to Jersey early in 1958. I can not remember all of the names of the other residents that had lived in the other units, however I am certain without a doubt, the two units were rented at all times, until they moved in Oct.of 1987. I made the trip to Monkton every holiday, until my boys were at least 18, they are presently 47 and 51. We always wanted to stay in one of the units but to no avail, they were always rented. He needed the income. Please save the pictures, however the drawings, permits you can keep.

Robert Fahy Jr.  
127 Oak Street  
Dover, NJ 07801



Tel:973-361-0891  
Cell 201 -317-3610  
E-mail [bobfahy@verizon.net](mailto:bobfahy@verizon.net)

I certify that the above information is true and correct.



12/10/08



SUSAN A. MUNIZZI-MIRLAS  
NOTARY PUBLIC OF NEW JERSEY  
Commission Expires 10/1/2012

PETITIONER'S EXHIBIT 7

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury as follows: That the information herein given is within the personal knowledge of the Affiant and the Affiant is competent to testify thereto.

Reba C. Frack  
Affiant (handwritten signature)

Reba C. Frack  
Affiant (printed name)

P.O. Box 1  
16712 Remare Rd.  
address (printed) Monkton, Md.  
21111

410-472-4759  
telephone number

3-26-12  
Date of Birth:

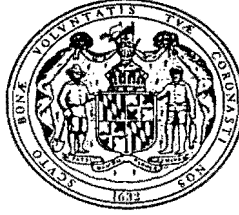
BASED UPON YOUR PERSONAL KNOWLEDGE, PLEASE ANSWER THE FOLLOWING:

1. I verify by this affidavit and/or testify in court, if necessary, that I have personal knowledge about the property located at 2013 Shepherd Road. I can attest that there existed on this property three separate and distinct dwellings located in one existing building during the period of time of which I am familiar. The period of time that I can verify the existence of the three dwellings is FEBRUARY 1965  
until the present time.
2. I further verify and testify, if necessary, that each dwellings were occupied continuously and uninterruptedly by different families from to the best of  
my knowledge from February 1965 until the present time.
3. I gained this personal information as a result of knowing and  
visiting the residents of two of the  
three dwellings.

PETITIONER'S EXHIBIT 8

State of Maryland  
**DEPARTMENT OF  
ASSESSMENTS AND  
TAXATION**

Baltimore County



**MARTIN O'MALLEY**  
GOVERNOR  
**C. John Sullivan, Jr.**  
Director  
**James W. Roesner**  
Supervisor

October 22, 2008

James E Frack, Jr.  
Barbara S Frack  
P O Box 24  
16708 Remare Rd  
Monkton MD 21111

RE: Account # 21-00-000810 for 2013 Shepperd Rd.

Dear Mr. & Mrs Frack and others concerned,

At the Assessment Office we have information on a reel of microfilm that indicates a barn was converted to three apartments. The microfilm that I looked at was a picture of assessment cards taken that show the years 1957 through 1963 for a card in the name Robert F. and Jewel W. Fahy the prior owners of the property in question. I don't have a microfilm printer so I can't make a copy. Hope this helps.

I am also enclosing a copy of the front page of the assessor's field card we have and two of the pages that are in that file which have notations on them that indicate three apartments which I have highlighted. These cards are also outdated information, but not as old as the microfilm.

If you have any questions I can be reached at (410)512-4915.

Sincerely,

Lynn Fuller  
Assessment Records Supv.

**PETITIONER'S**

**EXHIBIT NO.**

9

Hampton Plaza - Suite 602  
300 E. Joppa Road  
Towson, Maryland 21286

TELEPHONE 410-512-4900 FAX- 410-321-4148 - TTY Users Call Maryland Relay 1-800-735-2258

|             |                          |                  |                  |              |               |                  |            |             |               |                  |                   |
|-------------|--------------------------|------------------|------------------|--------------|---------------|------------------|------------|-------------|---------------|------------------|-------------------|
| 3211        | EXEMPT                   | BPRUC            | ZONED<br>RC-4    | 21-00-000810 | DIST. 10      | MAP 29           | BLOCK 1    | PARCEL 87   | USE 04        | AREA 2           | CARD NUMBER 362 P |
| STATE STAMP | CONSIDERATION<br>245,000 | CAPITALIZED G.R. | CHECKED BY<br>NZ | STATE STAMP  | CONSIDERATION | CAPITALIZED G.R. | CHECKED BY | STATE STAMP | CONSIDERATION | CAPITALIZED G.R. | CHECKED BY        |

FRACK, E. James Jr/Barbara S.  
P.O. Box 24  
16708 Remare Road  
Monkton, MD 21111

NM

TRANSFER NO. 83400  
TRANSFER DATE 10-1-87  
LIBER 7686  
FOLIO 233

Fahy, Robert F/Jewel W.

|                     |               |       |       |              |               |       |       |              |               |                  |       |
|---------------------|---------------|-------|-------|--------------|---------------|-------|-------|--------------|---------------|------------------|-------|
| TRANSFER NO.        | TRANSFER DATE | LIBER | FOLIO | TRANSFER NO. | TRANSFER DATE | LIBER | FOLIO | TRANSFER NO. | TRANSFER DATE | LIBER            | FOLIO |
|                     |               |       |       |              |               |       |       |              |               |                  |       |
| NAME OF DEVELOPMENT |               |       |       | PLAT         |               |       |       | BOOK-FOLIO   |               | BOOK NO. SECTION |       |

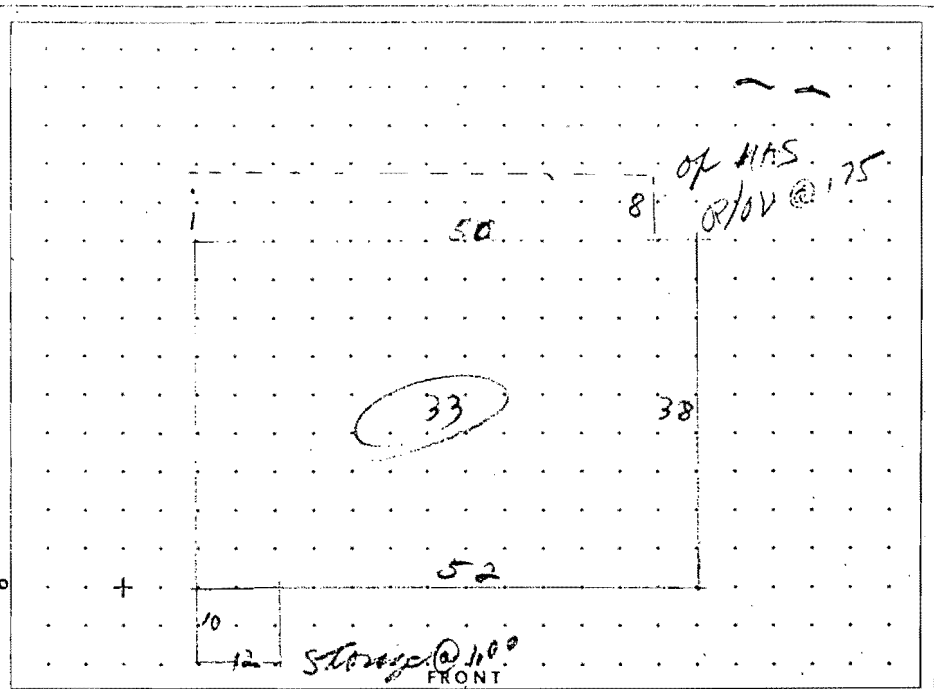
10-04-45

USE NO. LOTS NSS Monkton-Sheppard Road 800' E. Garfield Avenue

| ROUP-2 FULL VALUE SUMMARY | YEAR 1984-85 FCV | YEAR 1987-88 FCV | YEAR Rev. Base 1984-85 FCV | YEAR 1988-89 FCV | YEAR 1989-90 FCV | YEAR 1990-91 FCV | YEAR 1990-91 FCV | YEAR   | YEAR |
|---------------------------|------------------|------------------|----------------------------|------------------|------------------|------------------|------------------|--------|------|
| and                       | 24,540           | 29,000           | 92,600                     | 92,600           | 70340            | 106430           | 82430            | 82430  |      |
| Buildings (other)         | 110,380          | 121,410          | 110,380                    | 121,410          | 121410           | 177500           | 177500           | 166930 |      |
| TOTAL                     | 134,920          | 150,410          | 202,980                    | 214,010 *        | 191750           | 283930           | 259930 *         | 249360 |      |
| Assessed By               |                  | 09               |                            | 09               |                  | 69               | 69               |        |      |
| Date of Notice            |                  |                  |                            |                  | 2-23-89          | DEC 04 1989      |                  |        |      |
| New Owner Notice          |                  |                  |                            |                  |                  |                  |                  |        |      |
| Tested                    |                  |                  |                            |                  |                  |                  |                  |        |      |
| Date of Hearing           |                  |                  |                            |                  |                  |                  |                  |        |      |
| Final Notice              |                  |                  |                            |                  |                  |                  |                  |        |      |
| Higher Appeal             |                  |                  |                            |                  |                  |                  |                  |        |      |
| al Changed                |                  |                  |                            |                  |                  |                  |                  |        |      |
| Costed By                 |                  |                  |                            |                  |                  |                  |                  |        |      |
|                           |                  | OCT 50 1987      |                            |                  |                  |                  |                  |        |      |

| LAND VALUATION     |                                                                                                                                                                                                                        |       |      |       |       |       |        |        |        |       |      |       | Utilities | Pub | Private |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|-------|-------|-------|--------|--------|--------|-------|------|-------|-----------|-----|---------|
| Acres/Lot Size     | Class                                                                                                                                                                                                                  | Acres | Rate | Value | Rate  | Value | Rate   | Value  | Rate   | Value | Rate | Value | Water     |     |         |
| 8.434 AC           | Homesite                                                                                                                                                                                                               | 1.0   | 24K  | 24000 | 24K   | 24000 | 1x 60K | 60000  | 1x 60K | 60000 |      |       | Sewer     |     |         |
| Effective Frontage | Secondary                                                                                                                                                                                                              |       |      |       | 1/24K | 18000 | 1x 30K | 30000  |        |       |      |       | Gas       |     |         |
| Effective Depth    | Tertiary                                                                                                                                                                                                               | .457  | 6K   | 2740  | 2/12K | 24000 | 2x 6K  | 12000  | 3x 6K  | 18000 |      |       | Electric  |     |         |
| Depth Factor       | Other                                                                                                                                                                                                                  | 2.265 | 1K   | 2260  | 4.43K | 66604 | 4.43K  | 4430   | 4.43K  | 4430  |      |       |           |     |         |
| Canopy Allowance   |                                                                                                                                                                                                                        | 8.434 |      | 29000 |       | 92600 |        | 106430 |        | 82430 |      |       |           |     |         |
| Land Valuation     |                                                                                                                                                                                                                        |       |      |       |       |       |        |        |        |       |      |       |           |     |         |
| Remarks            | <p>99,740 10/09/87</p> <p>Ass't \$245,000 All 10-06-000026. All 10-06-000029. All 10-06-000030</p> <p>60,900-10/30/87 w/s Issued. 3-2-88</p> <p>4.434 AC Flood Plain *PTAAB# 403 Dismissed 11-22-86</p> <p>1-23-91</p> |       |      |       |       |       |        |        |        |       |      |       |           |     |         |
|                    | <p>STREET</p> <p>Paved</p> <p>Unpaved</p> <p>Sidewalk</p>                                                                                                                                                              |       |      |       |       |       |        |        |        |       |      |       |           |     |         |

|              |                    |     |     |     |       |                         |         |       |        |       |      |
|--------------|--------------------|-----|-----|-----|-------|-------------------------|---------|-------|--------|-------|------|
| Type         | 3 apt              |     |     |     |       | Structure               | AGE     | GRADE | CONST. | STORY | TYPE |
| Grade        |                    |     |     |     |       |                         |         |       |        |       |      |
| Year Built   | Physical Condition |     |     |     |       | OTHER/FLAT CHARGES ETC. |         |       |        |       |      |
| EXTERIOR     |                    |     |     |     |       | EXTRAS                  | NO.     | PRICE |        |       |      |
| Foundation   |                    |     |     |     |       | Dormers                 |         |       |        |       |      |
| Basement     |                    |     |     |     |       | Attic Rm.               |         |       |        |       |      |
| Walls        |                    |     |     |     |       | Base Rm.                |         |       |        |       |      |
| Roof         |                    |     |     |     |       | Full Bath               | 2       | 600   |        |       |      |
|              |                    |     |     |     |       | 1/2 Bath                |         |       |        |       |      |
|              |                    |     |     |     |       | Air Cond.               |         |       |        |       |      |
|              |                    |     |     |     |       | Fireplace               |         |       |        |       |      |
| INTERIOR     | Base               | 1st | 2nd | 3rd | Attic | Heat                    | HR 14   | 652   |        |       |      |
| Floor        |                    |     |     |     |       | Air Cond.               |         |       |        |       |      |
| Partitions   |                    |     |     |     |       | Porch                   | 8 x 50  | 700   |        |       |      |
| No. Baths    |                    | 3   |     |     |       | Car Port                |         |       |        |       |      |
| Fireplaces   |                    |     |     |     |       | Garage                  | 10 x 12 | 120   |        |       |      |
| No. Rooms    | 6                  | 6   | 6   |     |       | TOTAL                   |         | 2072  |        |       |      |
| Heating Type | HR - BR - Q & E    |     |     |     |       | Remarks:                |         |       |        |       |      |



|             | Dimensions | Perim. | Sq. Ft. | Ht. | Cu. Ft. |
|-------------|------------|--------|---------|-----|---------|
| Main Sec.   | 38 x 52    |        | 1976    | 33  | 65208   |
| Addnl. Sec. |            |        |         |     |         |

| SUMMARY OF VALUATION |       |     |     |               |      |      |            |               |       |       |              |       |       |
|----------------------|-------|-----|-----|---------------|------|------|------------|---------------|-------|-------|--------------|-------|-------|
| BUILDING             | YR.   | YR. | YR. | Building Data | Page | Rate | Base Value | Other Charges | TOTAL | INDEX | Reprod. Cost | Depr. | VALUE |
| DWELLING             | 14700 |     |     | MAIN DWELLING |      |      |            |               |       |       |              |       |       |
| TOTAL                | 14700 |     |     |               |      |      |            |               |       |       |              |       |       |

| Building Data | INDEX | Reprod. Cost | Depr. | VALUE | Assessment | INDEX | Reprod. Cost | Depr. | VALUE | Assessment | INDEX | Reprod. Cost | Depr. | VALUE | Assessment |
|---------------|-------|--------------|-------|-------|------------|-------|--------------|-------|-------|------------|-------|--------------|-------|-------|------------|
| MAIN DWELLING |       |              |       |       |            |       |              |       |       |            |       |              |       |       |            |
|               |       |              |       |       |            |       |              |       |       |            |       |              |       |       |            |
|               |       |              |       |       |            |       |              |       |       |            |       |              |       |       |            |
|               |       |              |       |       |            |       |              |       |       |            |       |              |       |       |            |
| YEAR          |       |              |       | TOTAL |            |       |              |       | TOTAL |            |       |              |       | TOTAL |            |

1. USE OR OCCUPANCY  
1 FAM. DWELL.  
2 FAM. DWELL.  
3 ROW HOUSE  
RANCH

1 STORY  
SEMI-DET.  
2 STORY

4. GUTTERS & DOWNSPOUTS  
GALVANIZED  
COPPER  
ALUMINUM

YES  
NO  
BLIND  
FINISHED

11. ATTIC  
OPEN STAIRWAY  
PULLDN. STAIRS  
EXPANDABLE  
UNFINISHED

PAGE 152  
RATE 2.56

14. MANUAL REFERENCE

SIZE 1476 121  
78 X 52 - 1996 X 33

BUILDING DIMENSIONS

CU. FT. 65208

2. EXTERIOR WALLS  
FRAME SIDING  
BRICK  
ASBESTOS SHINGLE  
STONE  
STUCCO  
CONCRETE BLOCK  
WOOD SHINGLE

7. HEATING  
CIRC. HOT AIR  
HOT WATER  
RADIANT  
STEAM  
GRAVITY HOT AIR  
FLOOR OR PIPELESS FURNACE  
GAS  
STOKER  
OIL  
ELECTRIC

12. ROOM COUNT  
FLR. RMS. APTS. FLR. RMS. APTS.  
B. 6 3  
1. 6 4  
2. 6 TOT.  
13. INTERIOR FINISH  
PLASTER  
DRYWALL  
WALL BOARD  
WOOD PANELING  
FIREPLACE

15. LAND INFORMATION  
STREET IMPROVEMENTS  
PAVED STREET  
CURB & GUTTERS  
SIDEWALKS  
SANITARY SEWER  
STORM SEWER  
UTILITIES & SERVICES  
WATER  
GAS  
ELECTRIC  
SEWER

16. ZONING 75  
1554

17. PERSON INTERVIEWED  
OWNER  
TENANT  
OTHER  
TELEPHONE  
LET CARD

ADDITIVES:  
STORAGE 10X13 120  
P.C. 8X50 700  
BATHS 12 600  
HWH 652  
2075

3. FOUNDATION  
CONC. BLOCK  
POURED CONC.  
POST OR PIERS

8. AIR CONDITIONING  
CENTRAL  
H.P.  
TONS  
ROOM UNIT NO.

9. PLUMBING  
NUMBER BATHROOMS  
NO. PWD. ROOMS (2 FIX. EACH)  
EXTRA FIXTURES

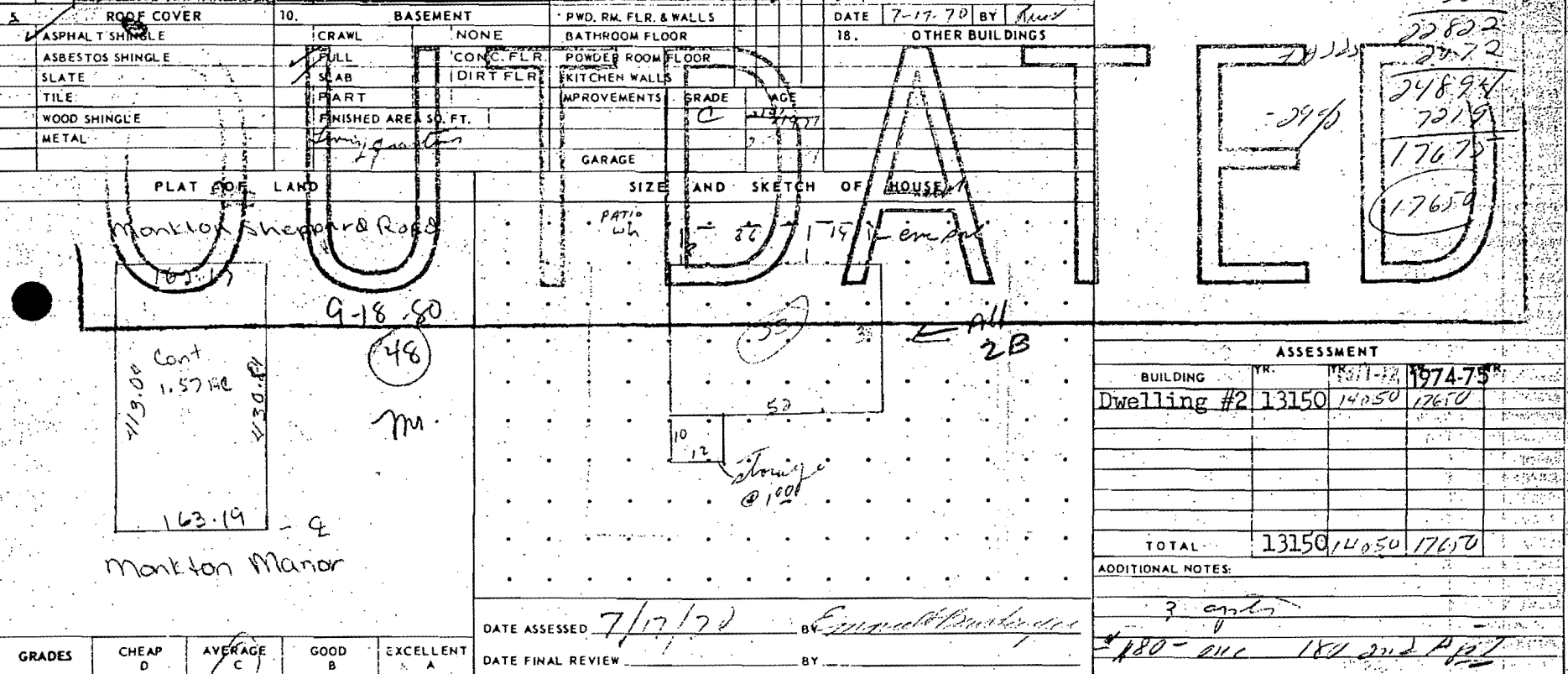
10. BASEMENT  
CRAWL  
NONE  
CONC. FLR.  
DIRT FLR.  
PART  
FINISHED AREA SQ. FT.  
GARAGE

18. OTHER BUILDINGS

5. ROOF COVER  
ASPHALT SHINGLE  
ASBESTOS SHINGLE  
SLATE  
TILE  
WOOD SHINGLE  
METAL

10. BASEMENT  
CRAWL  
NONE  
CONC. FLR.  
DIRT FLR.  
PART  
FINISHED AREA SQ. FT.  
GARAGE

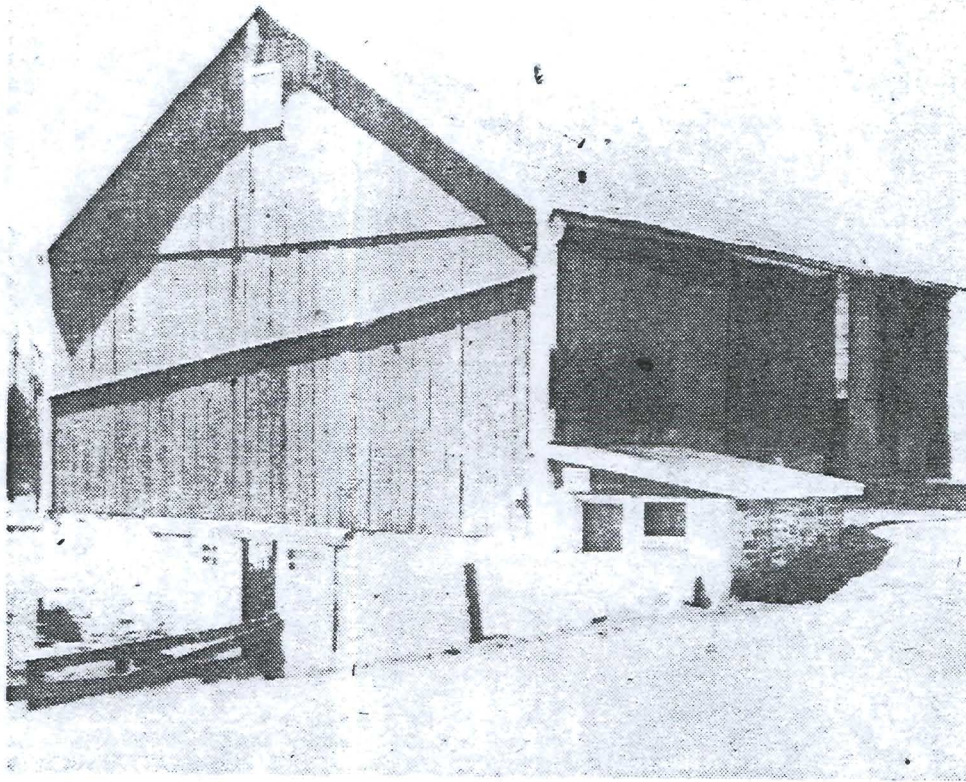
18. OTHER BUILDINGS



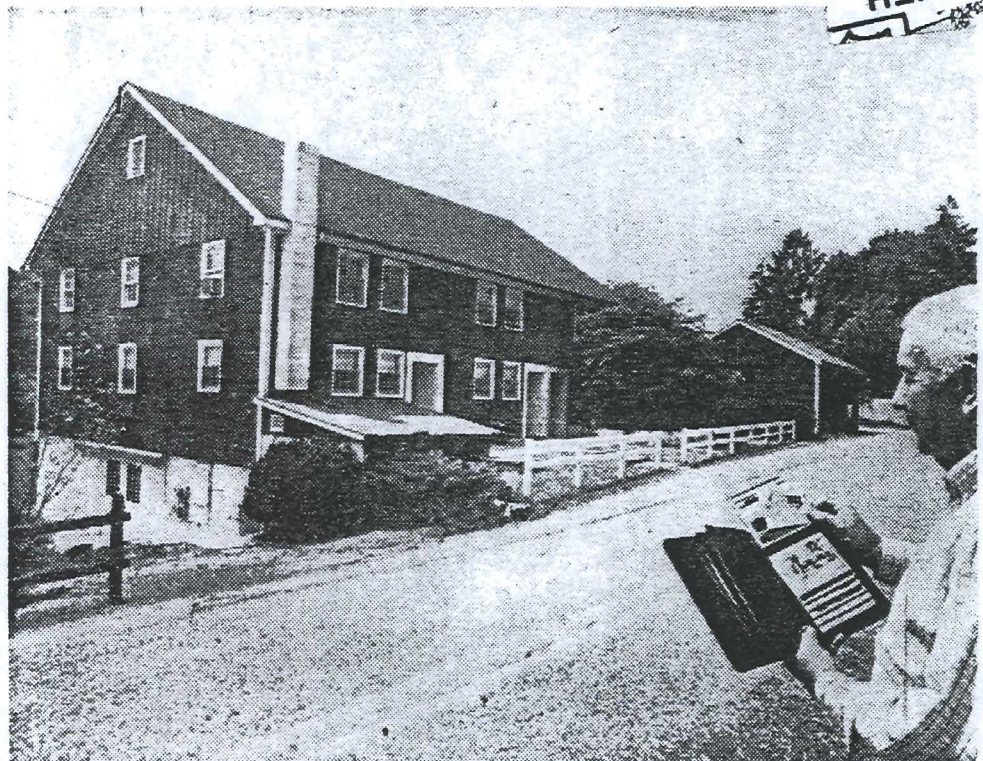
B39290 REAL PROPERTY DISPLAY BALTIMORE COUNTY 10/22/2008 PAGE 11  
\* INTAKE SHEET VERIFICATION \*  
ACCOUNT NO: 10 2100000810 NAME KEY: FRACK E JAMESJR 10/23/1992  
/ 7686/ 233 MAP PARCEL IMPS 8.434 AC NSS W .00  
362 29 / 87 MONKTON SHEPPERD RD D .00  
PLAT: 800 FT E GARFIELD AVE

PREMISE:  
FRACK E JAMES, JR 2013 SHEPPERD RD  
FRACK BARBARA S 00000  
P O BX 24 AREA: 8.430 A FCV BASE CURRENT  
16708 REMARE RD LOT /BLOCK/SEC SUB L: 132430 187430  
MONKTON MD 21111 I: 207710 265960  
T: 340140 453390  
GEO : 81 GRID: 1 TX CL: PR: 0 0  
USE : R TOWN: 000 EX ST: 0 CO PROP CD: 04 CB: 0 0  
OWNR: N ZONE: EX CL: 000 INC LIEN DT:  
BPRUC: 00000 H OWN TX CRED: N REZN RL PR : PARTIAL EX  
LETTER OF INTENT DT: CC ASMT DT : CO 000 0  
AG TAX DUE UNTIL: EXP DT : ST 000 0  
FCMA: EXT EXP DT : MU 000 0  
TRANS FM: FAHY ROBERT F 10/01/1987  
F1 = PRIMARY F4 = TRANSFERS F10= PERMITS  
F2 = VALUES F5 = TAX/NEW CONS F8 = NOTICES F11= APPEALS  
F3 = LOCATION F6 = ENTRY SCREEN F9 = ASSESSMENTS F14= HIST

*Photos from  
News American*



C  
C  
V  
C. —  
the vice chair



## Then and Now

These photos show an 18th Century barn in Monkton, Baltimore County, before and after it was converted into a home and apartments in 1961 by builder Robert F. Fahy, in bottom picture.

—News American Photo by Vernon Price.

PETITIONER'S EXHIBIT 10

## Basic Course In Photography

A course in the fundam- placed on practical procedures

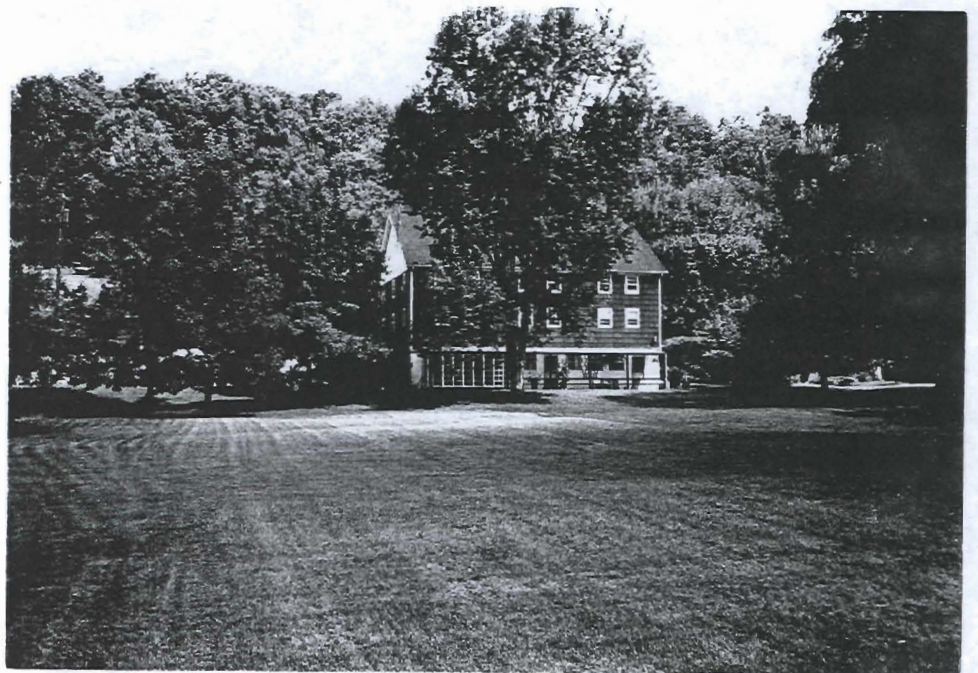
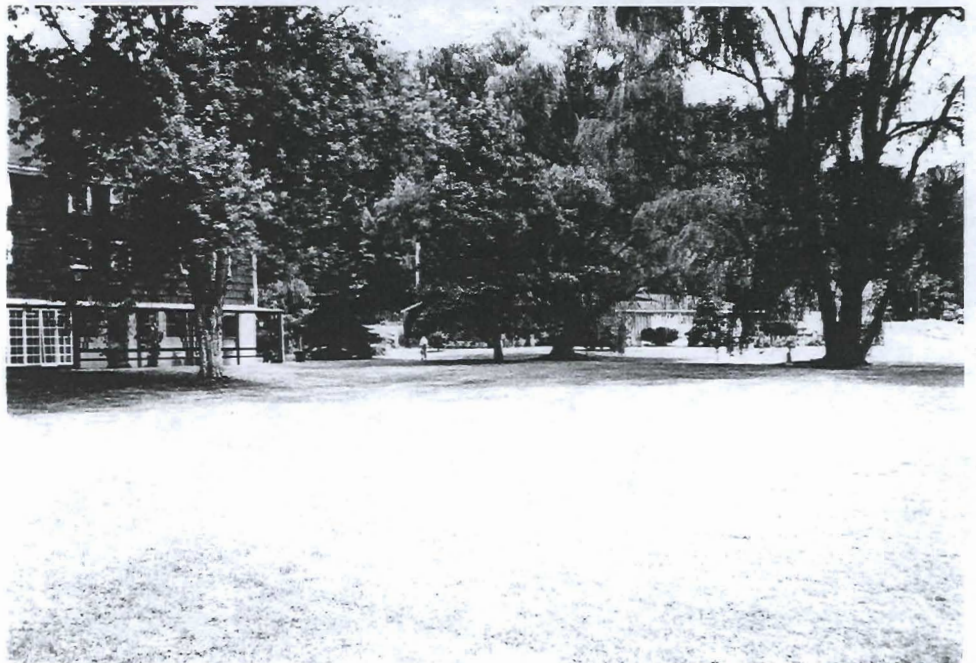
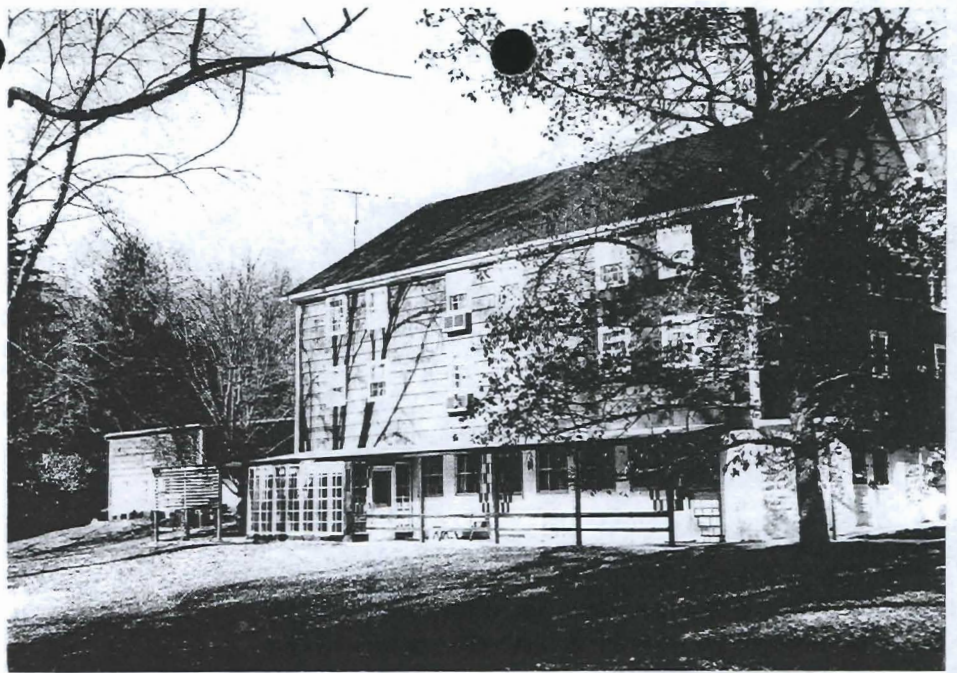


PETITIONER'S EXHIBIT 11

(from 1964)



PETITIONER'S EXHIBIT 12



PETITIONER'S EXHIBIT 13

June 4th, 1993

Mr. & Mrs. E. James Frack Jr.  
PO Box 24  
Monkton, Md

Dear Barbara:

Much to my surprise, while talking to Sparks bank today, I discovered that even though, both by letter and verbally, they were to stop the automatic withdrawal of the mortgage payment, everyone but the computer got the message. I apologize for the error, I spoke to Janet Miller personally and she promised that the problem would be corrected at once.

In going thru some of the pictures that Dad had saved from the farm, I found some that you might enjoy. the farm as it was in 1947 and again in Dec 1984. I enclose a picture of the old Monkton store, this was taken in 1948, I was working in the old general store every afternoon after school. The post office was located in the right hand corner, I substituted as carrier for Tom Bishop during the Christmas season. Memories, what a different place Monkton was in the forties.

Again, sorry for the bank error.

Sincerely,

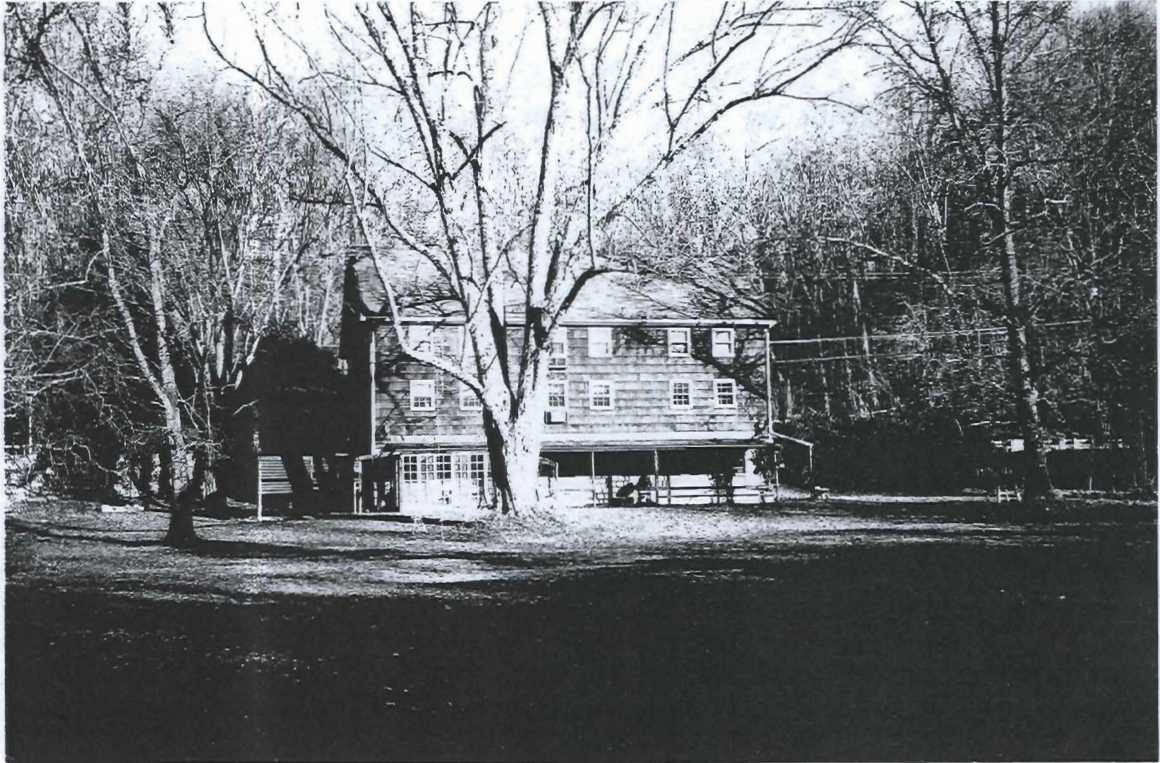
R. F. Fahy Jr.

PETITIONER'S

EXHIBIT NO.

14

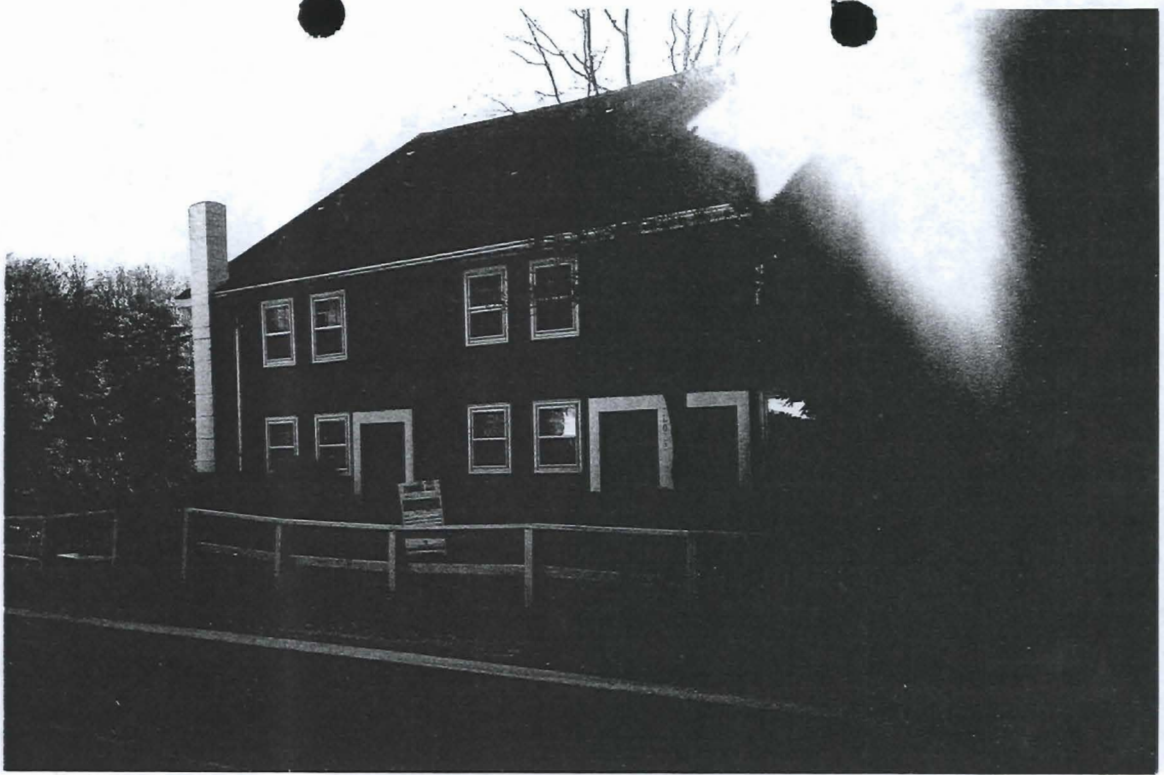
A



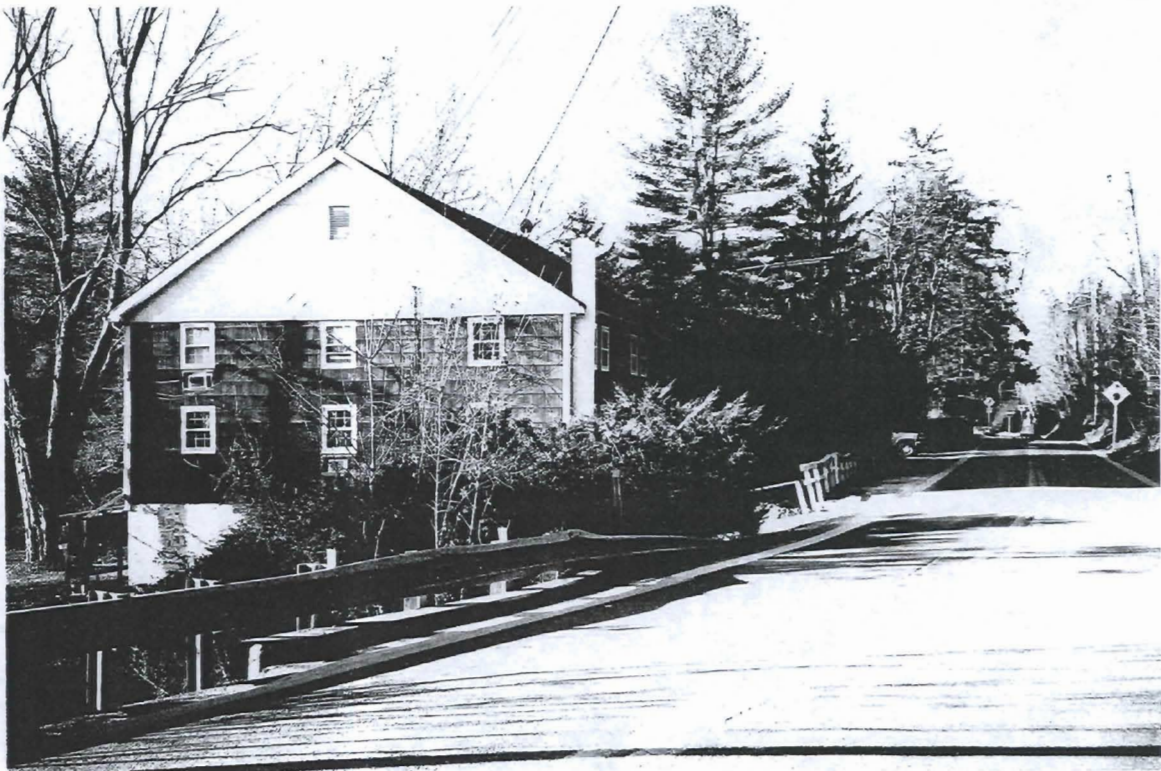
B



PETITIONER'S EXHIBIT 15A-D



C



D

*[Handwritten signature]*

BALTIMORE COUNTY  
ZONING REGULATIONS  
1955

BOOK N<sup>o</sup> 6

This is the property of:

Name Jeanette C Harris  
Address 113 County Office Bldg  
Towson 4 Md  
Phone Va 3-3000 - Ext 215

PETITIONER'S

EXHIBIT NO. 16

Provisions

General  
Requirements

R. 40 and R. 20  
Zones

R. 10 and R. 6

R. 8 and R. A.

L. and S. M.

## ACCESSORY BUILDINGS IN RESIDENCE ZONES

**402.1**—The converted dwelling must be located on a lot that will meet the dimensional requirements shown in the schedule which follows.

**402.2**—Separate cooking facilities and a separate bathroom shall be provided for each family unit.

## CONVERSION OF ONE-FAMILY DWELLINGS MINIMUM DIMENSIONS

| Zone  | Width of Lot in Feet at<br>Front Building Line |                   |                    | Lot Area<br>In Square Feet           |                    | Side Yards—Feet    |                    |
|-------|------------------------------------------------|-------------------|--------------------|--------------------------------------|--------------------|--------------------|--------------------|
|       | Duplex                                         | Semi-<br>Detached | Ea. Add.<br>Family | Two<br>Families                      | Ea. Add.<br>Family | Min.<br>for One    | Sum<br>of Both     |
| R. 40 | 175                                            | 175               | 25                 | 50,000                               | 10,000             | Int.—25<br>Cor.—50 | Int.—60<br>Cor.—75 |
| R. 20 | 125                                            | 125               | 25                 | 25,000                               | 7,500              | Int.—20<br>Cor.—35 | Int.—50<br>Cor.—60 |
| R. 10 | 90                                             | 100               | 15                 | 12,500                               | 4,000              | Int.—20<br>Cor.—30 | Int.—40<br>Cor.—50 |
| R. 6  | 80                                             | 90                | 15                 | 10,000                               | 3,000              | Int.—15<br>Cor.—25 | Int.—35<br>Cor.—40 |
| R. G. | 70                                             | 80                | 10                 | Interior<br>8,050<br>Corner<br>9,200 | 2,500              | Int.—15<br>Cor.—25 | Int.—30<br>Cor.—40 |
| R. A. | 70                                             | 80                | 10                 | Interior<br>8,050<br>Corner<br>9,200 | 2,500              | Int.—15<br>Cor.—25 | Int.—30<br>Cor.—30 |

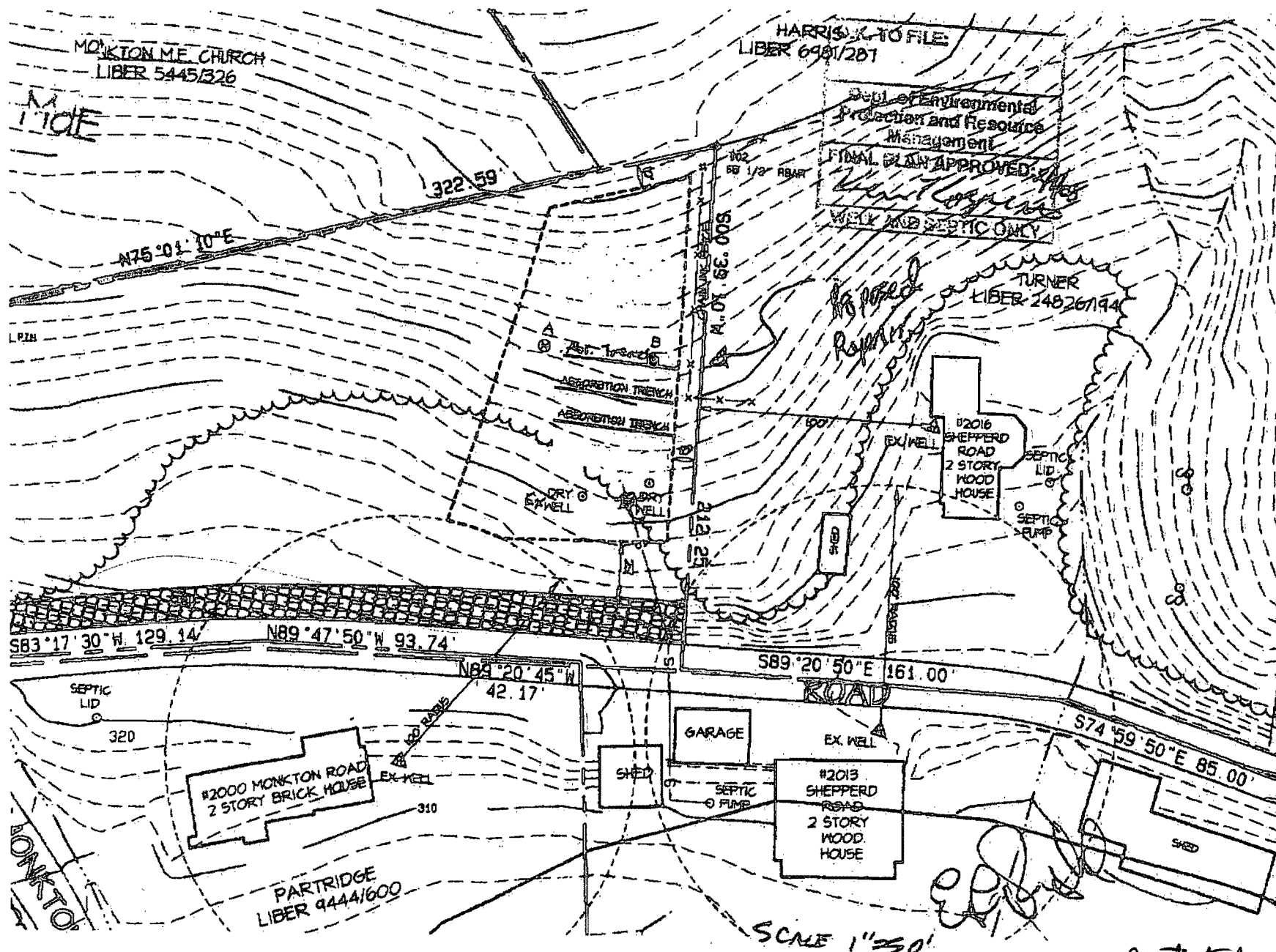
For tea room or restaurant use:

**402.3**—To be converted for tea room or restaurant use in a R. 40 or R. 20 zone as a Special Exception, the following requirements must be met:

- Meals may be served only at tables, indoors or on an outdoor terrace, and not to persons remaining in cars;
- At least one parking space per table shall be provided;
- Only one business sign shall be permitted (see Section 413.1, d);
- The minimum lot size shall be one acre;
- Service shall be provided only at mealtimes.

## Section 403—EXCAVATIONS, CONTROLLED

Applications for Special Exceptions hereunder, accompanied by five sets of detailed plans showing



Proterals Ex. 2