

IN RE: PETITION FOR SPECIAL HEARING

N/S Quiet Oaks Lane, 1,000' S of
Maplehurst Road
(606 Quiet Oaks Lane)

7th Election District
3rd Council District

Thomas Pringle and Anita P. Major
Petitioners

*

*

*

*

*

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2009-0238-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by Thomas Pringle¹, the legal owner of the subject property, by and through his attorney, Jasmin M. Torres, Esquire. The Petitioner requests a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a second dwelling on a lot for in-law quarters to be occupied by Anita Major, his daughter. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Thomas Pringle, property owner, his daughter, Anita P. Major, and Jasmin M. Torres, Esquire, their attorney. Gail Robinson-Brown, a family friend, appeared in support to the request as did his immediate neighbors who live on Quiet Oaks Lane, namely: Regina Lynn DeSantis and Lauri A. and Peter V. Amy. Other neighbors submitted written and notarized affidavits of support received as Petitioners' Exhibit 6. Appearing in opposition were Mark M. Pearce and Brooks W. Thropp, both of whom reside just

¹ Mr. Pringle's wife, Grace L. Pringle, is also listed as owner of the property on the Maryland Department of Assessments and Taxation Real Property Data Sheet. It was made known during the hearing that she has departed this world vesting fee simple ownership in the Petitioner.

COPIES RECEIVED FOR FILING
Date 6-13-09
By [Signature]

south of the subject property on Hereford Road. Patrick J. and Linda M. Kelly (601 Quiet Oaks Lane) submitted a letter in opposition to the proposal as they were unable to personally appear at the hearing. *See* Protestants Exhibit 1.

Testimony and evidence offered revealed that the subject rectangular-shaped parcel contains 3.00 acres and improved with Petitioners existing one-story, single-family dwelling and accessory sheds in the Monkton area of the County. The property is zoned R.C.5 and bisected centrally (east to west) by a private drive known as Quiet Oaks Lane that runs west from Hereford Road just south of Maplehurst Lane. The dwelling, built in 1968, is on the northern side of Quiet Oaks Lane and is served by private septic and well. The Petitioner, who has resided on the property for 47 years, testified that he is getting up in his years and would like to build another dwelling structure on the south side of the private road as illustrated on the site plan to be occupied by Anita Major, his only child, who would then be able to care for him. This new dwelling, to be known as 607 Quiet Oaks Lane, would also be served by a separate septic tank and well. Each dwelling (existing and proposed) would be surrounded by 1-½ acres of land with access from the private road which is shared with other neighbors (*See* Petitioner's Exhibits 3, 4 and 6). The first question this Commission must address is whether or not the proposed dwelling structure is allowed under current zoning regulations. I find that, based on the regulations for permitted uses in an R.C.5 zone, the proposal is not allowed. There is no guarantee that once a structure of this size is built, it would ever be abandoned. The proposal also does not fit the definition or purposes of accessory uses in the B.C.Z.R. To classify the new dwelling as "in-law quarters" is a misnomer.

Mr. Pringle asserts that at the time he and his wife purchased the property in 1963, prior to the R.C.5 zoning regulations, two separate lots of records were contemplated. He submits as evidence a Contract of Sale (Petitioner's Exhibit 2) by and between he and his wife and Claude and

COPIES RECEIVED FOR PLANS
Date 9-11-09
By 3

Lorraine Ellis for the purchase of the lot of ground on the northerly side of the right-of-way (Quiet Oaks Lane). Reverend Ellis, now deceased, was Tom Pringle's friend and he (Ellis) was to build on that lot; the Pringles on the 1-½ acres on the south side of the right-of-way. For financial reasons, the Ellis' were unable to consummate the contract and the subject three acres were never subdivided.² Moreover, Ms. Torres asserts, notwithstanding the above, that the subject property has been effectively subdivided into two separate lots by operation of law. She aptly argues in her Memoranda that when the County Council addresses an issue, it is supposed to be all knowledgeable, and enacts legislation that addresses its desires and intent. In the R.C. zones, the Council has enacted statutes pertaining only to two zones where a public or private road running through a parcel/lot does not create separate lots of record:

In the R.C.2 zone, B.C.Z.R. Section 1A01.3.B.1 provides:

"Subdivision lot density ... in cases where land in single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record".

Likewise, in the R.C.7 zone, B.C.Z.R. Section 1A08.6.B.1 provides:

"Maximum lot density ... in cases where single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement may not be considered separate parcels for the purpose of calculating the number of lots of record".

Ms. Torres points out that no such limitation has been adopted regarding R.C.5 zoned property. So, she argues: The County Council has only prohibited "subdivision by roadway" in the R.C.2 and R.C.7 zones and not in the R.C.5 zone. It has been stated that it is the responsibility of the

² A search of the land records of Baltimore County clearly demonstrate that John Hessian owned 11 acres and conveyed the same to Joshua and Florence Sterrett and Mary Lee in 1953 (Liber 2321, page 3). The Starett, having departed this life, vested title in Mary S. Lee, as survivor, and she, having married Alfred Matthews, then conveyed three (3) of the 11 acres to the Pringles (liber 4131, page 140). It is this 3-acre parcel that is the subject of the petition before me.

RECEIVED FOR FILING
Date 11-1-82
By

Zoning Commissioner to determine the intent of the legislature when construing any regulation/statute. In this case, it falls upon the undersigned to determine the intent of the Baltimore County Council when it enacted the Resource Conservation zones of the B.C.Z.R. and adopted the language therein. (*Marzullo v. Kahl* 36 Md. 158, 175 (2001)). Nowhere do the regulations cite that one lot or one parcel is subdivided by a public or private road. Accordingly, and this will give the Petitioner little comfort, I am not persuaded by counsel's argument in this regard.

The Protestants expressed concern regarding the precedent the Petitioner's proposal would set. Mr. Pearce, who owns 4-½ acres south of the property, is a long-time resident of the area. He wants to know what will happen to the two dwellings on the one lot when either Mr. Pringle or Ms. Major no longer resides in them. Will they become rental properties? Likewise, Mr. Thropp, whose land adjoins the Petitioners, wants to preserve the Resource Conservation zone, and states that the rear of his property faces the now vacant and heavily wooded portion proposed for development. He states there is a small stream that runs through the forest buffer area behind the property and that the removal of trees for another home and septic area would result in detrimental environmental impacts.

The undersigned cannot find anything in the B.C.Z.R. that permits a second dwelling on a single lot or even an apartment in an accessory structure. The Office of Planning, in its Zoning Advisory Committee (ZAC) comment, supports this position but goes on to discuss past exceptions in certain circumstances for in-law type quarters. The lot area required in the R.C.5 zoning classification is controlled by the density control and lot area provisions of B.C.Z.R. Section 1A04.3.B.1(a) which states in pertinent part, "*The maximum gross residential density is 0.5 dwelling per acre*". That is to say, in order to subdivide the subject property Mr. Pringle would need a minimum of four (4) acres as provided in County Council Bill 128-2005.

Considering all of the testimony and evidence presented at the public hearing, and subsequent

RECEIVED FOR PLANNING
Date 9-19-03
By [Signature]

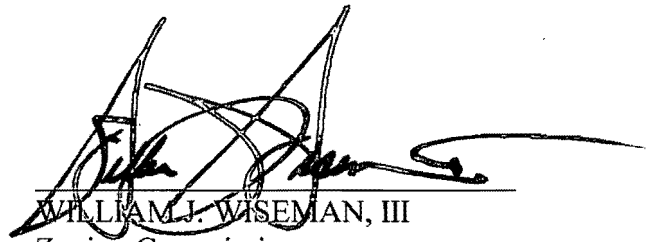
Memoranda presented by Ms. Torres, I am not persuaded that the Petitioners have met their burden in this case. In my judgment, the current precedent established by this Commission and that of the Director of Permits and Development Management is to allow "in-law" living quarters as an addition to an existing dwelling, where there is the medical necessity of an elderly relative. Under this precedent, the matter before me does not meet the requirements to allow "in-law" quarters in the existing principle structure. I am concerned, that by allowing the proposed living arrangement in a second dwelling on the subject property, the density of the property is increased beyond what is allowable in the R.C.5 zone. The Petitioner's special hearing request to allow living quarters for his daughter, Anita Major, should therefore be limited to an accessory structure attached to the existing single-family home.

Pursuant to the advertisement, posting of the property, and public held thereon, and for the stated reasons, the Petition for Special Hearing should be denied.

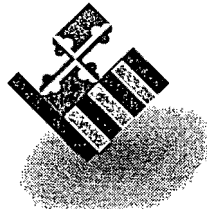
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 16th day of June 2009, that the Petition for Special Hearing seeking approval for a separate second dwelling on a lot of record for in-law quarters, in accordance with Petitioner's Exhibit 1, be and the same is hereby DENIED; and

Any appeal of this decision must be taken within thirty (30) days in accordance with Section 32-3-401 of the Baltimore County Code.

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

COPIES REQUIRED FOR ALABAMA
Date 6-16-09
By [signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 16, 2009

Jasmin M. Torres, Esquire
19 East Fayette Street, Suite 401
Baltimore, Maryland 21202

IN RE: PETITION FOR SPECIAL HEARING

N/S Quiet Oaks Lane, 1,000' S of Maplehurst Road

(606 Quiet Oaks Lane)

7th Election District - 3rd Council District

Thomas Pringle, *Legal Owners*; Anita P. Major, *Contract Purchaser* - Petitioners

Case No. 2009-0238-SPH

Dear Ms. Torres:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied, 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", written over a circular stamp or seal.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

- c: Thomas Pringle & Anita P. Major, 606 Quiet Oaks Lane, Monkton, MD 21111
Gail Robinson-Brown, 1614 Winford Road, Baltimore, MD 21239
Regina Lynn DeSantis, 602 Quiet Oaks Lane, Monkton, MD 21111
Lauri A. and Peter V. Amy, 600 Quiet Oaks Lane, Monkton, MD 21111
Mark M. Pearce, 16714 Hereford Road, Monkton, MD 21111
Brooks W. Thropp, 16716 Hereford Road, Monkton, MD 21111
Patrick J. and Linda M. Kelly, 601 Quiet Oaks Lane, Monkton, MD 21111
People's Counsel; Office of Planning; DEPRM; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 606 Quiet Oaks Lane
which is presently zoned RC5

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

*Petitioner's request to allow A. Second dwelling
on a lot for in-law quarters.*

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:

Anita P. Major
Name - Type or Print
Anita P. Major
Signature
606 Quiet Oaks Lane 443-904-4172
Address Telephone No.
Monkton, MD 21111
City State Zip Code

Attorney For Petitioner:

JASMIN M. TORRES
Name - Type or Print
[Signature]
Signature
Law Office of Jasmin M. Torres, LLC
Company
19 E Fayette Street, / 410.493.4083
Address Telephone No.
Baltimore MD 21202
City State Zip Code

Legal Owner(s):

Thomas Pringle
Name - Type or Print
Thomas Pringle
Signature
Name - Type or Print
Signature
606 Quiet Oaks Lane 410-357-5245
Address Telephone No.
Monkton MD 21111
City State Zip Code

Representative to be Contacted:

JASMIN M. TORRES, ESQ
Name
19 E Fayette Street / 410.493.4083
Address Telephone No.
Baltimore, MD 21202
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2009-0238-SPH

Reviewed By D.T. Date 5/13/09

REV 9/15/98

UNDER RECEIVED FOR FILING

Date 6-16-09

By [Signature]

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 606 QUIET OAKS LANE, MONKTON, MD

Beginning for the same at a point in the second line of a parcel of land which by a deed dated July 7, 1953 and recorded among the Land Records of Baltimore Count in Liber G.L. B. No. 2321 folio 3, was conveyed by John W. Hessian, III, unmarried to Joshua Sterrett, et al., said point being distant North 81 degree 44 minutes West 271.44 feet measured along said second line from the beginning thereof and running thence with and binding on a part of said second line North 81 degree 44 minutes West 260.93 feet, thence leaving said outline and running for a line of division North 7 degrees 40 minutes East 499.48 feet to intersect the last line of the aforesaid parcel of land which was conveyed by Hessian to Sterret, thence running with and binding on a part of said last line, South 82 degrees 20 minutes East 260.92 feet and thence leaving said outline and running for a line of division parallel with and distant 86.66 feet measured westerly at a right angle to the second line of the parcel of land firstly described in a deed date May 24, 1958 and recorded among the land Records of Baltimore County in Liber G.L. B. no. 3353 folio 172, which was conveyed by Joshua Sterrett, et al. to Russell R. Frazier and wife, South 7 degrees 40 minutes West 502.21 feet to the place of beginning.

Containing three 3.00 acres of land, more or less.

Located in District 07 Account Number 0716075410

Election District 7

2009-0238-SPH

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

No. **37805**

Date: **3/13/09**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					65.00

Total: **65.00**

Rec From: **JASMIN TORRES**

For: **2009-0238-SPH**
606 ODIET OAKS LANE

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTION TIME DRW
3/16/2009 3/13/2009 15:34:27 5
WALKIN TOWN TIG
RECEIPT # 388972 3/13/2009 OPEN
NEW ZIPPING VERIFICATION
037316
Recpt Tot 665.00
145.00 CR 4.00 CR
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

**NOTICE OF
ZONING HEARING**

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

Case: # 2009-0238-SPH

606 Quiet Oaks Lane
N/side of Quiet Oaks Lane,
1000 feet south of
Maplehurst Road

7th Election District

3rd Councilmanic District
Legal Owner(s): Thomas
Pringle

Contract Purchaser: Anita
Major

Special Hearing: to allow a
second dwelling on a lot for
in-law quarters.

**Hearing: Thursday, May
14, 2009 at 9:00 a.m. in
Room 106, County Office
Building, 111 W. Chesapeake
Avenue, Towson
21204**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at: (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing: Contact the Zoning
Review Office at: (410) 887-
3391.

JT 4/765 Apr. 28 199755

CERTIFICATE OF PUBLICATION

4/30/, 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 4/28/, 2009.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 4-26-09

RE: Case Number: 2009-0238 SPH

Petitioner/Developer: Thomas Pringle

Date of Hearing/Closing: 5/14/09 9 AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 606 Quiet Oaks La

The signs(s) were posted on 4-26-09

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road

(Street Address of Sign Poster)

Parkton, MD 21120

(City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2009-0238-SPH

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

COUNTY OFFICE BUILDING-RM106
PLACE: 111 W. CHESAPEAKE AVE. TOWSON 21204

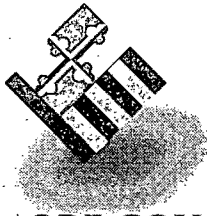
DATE AND TIME: MAY 14, 2009 9AM

REQUEST: SPECIAL HEARING TO ALLOW A

SECOND DWELLING ON A LOT FOR

IN-LAW QUARTERS

REMARKS ARE SOMETIMES NECESSARY.
IF YOU CAN



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

April 9, 2009
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: 2009-0238-SPH

606 Quiet Oaks Lane

N/side of Quiet Oaks Lane, 1000 feet south of Maplehurst Road

7th Election District – 3rd Councilmanic District

Legal Owners: Thomas Pringle

Contract Purchaser: Anita Major

Special Hearing to allow a second dwelling on a lot for in-law quarters.

Hearing: Thursday, May 14, 2009 at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Jasmin Torres, 19 E. Fayette Street, Baltimore 21202
Anita Major, 606 Quiet Oaks Lane, Monkton 21111
Thomas Pringle, 606 Quiet Oaks Lane, Monkton 21111

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 29, 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, April 28, 2009 Issue - Jeffersonian

Please forward billing to:
Anita Major
606 Quiet Oaks Lane
Monkton, MD 21111

443-904-4172

NOTICE OF ZONING HEARING

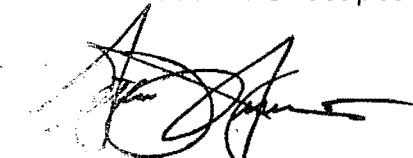
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0238-SPH

606 Quiet Oaks Lane
N/side of Quiet Oaks Lane, 1000 feet south of Maplehurst Road
7th Election District – 3rd Councilmanic District
Legal Owners: Thomas Pringle
Contract Purchaser: Anita Major

Special Hearing to allow a second dwelling on a lot for in-law quarters.

Hearing: Thursday, May 14, 2009 at 9:00 a.m. in Room 106, County Office Building,
111 W. 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.

For Newspaper Advertising:

Item Number or Case Number: 2009-0238-SPH

Petitioner: MAJOR

Address or Location: 606 QUIET OAKS LANE

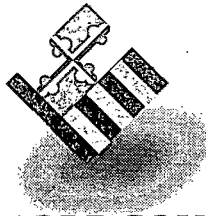
PLEASE FORWARD ADVERTISING BILL TO:

Name: ANITA P. MAJOR

Address: 606 QUIET OAKS LANE

MORTON, MD 21111

Telephone Number: 443-904-4172



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
May 7, 2009

Jasmin M. Torres
Law Office of Jasmin M. Torres, LLC
19 E. Fayette St.
Baltimore, MD 21202

Dear: Jasmin M. Torres

RE: Case Number 2009-0238-SPH, 606 Quiet Oaks Lane.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 13, 2009. 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Thomas Pringle; 606 Quiet Oaks Ln.; Monkton, MD 21111
Anita P. Major; 606 Quiet Oaks Ln.; Monkton, MD 21111

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 9, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For April 13, 2009
Items Nos. ~~2009-238~~, 244, 247, 248,
249, 250, 251, 252, 253, 254, 255 and 256

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

DAK:CEN:cab

cc: File

ZAC-04072008-NO COMMENTS



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

April 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 9, 2009

Item Numbers 0238, 0247, 0248, 0249, 0251, 0252, 0253, 0255 and 0256

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 04/07/2009

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

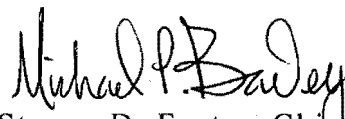
RE: Baltimore County
Item No 2009-0238-SPH
606 QUIET OAKS LN
ANITA MAJOR PROPERTY
SPECIAL HEARING

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. 2009-0238-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
606 Quiet Oaks Lane; N/S Quiet Oaks Lane, *
1000' S of Maplehurst Road * ZONING COMMISSIONER
7th Election & 3rd Councilmanic Districts *
Legal Owner(s): Thomas Pringle * FOR
Contract Purchaser(s): Anita Major *
Petitioner(s) * BALTIMORE COUNTY
* 09-238-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

APR 20 2009

.....

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 20th day of April, 2009, a copy of the foregoing Entry of Appearance was mailed to Jasmin M. Torres, Esquire, 19 E. Fayette Street, Baltimore, MD 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BW
5/14
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 21, 2009

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

SUBJECT: Special Hearing Request: 606 Quiet Oaks Lane

RECEIVED

INFORMATION:

APR 23 2009

Item Number: 09-238
Petitioner: Thomas Pringle
Property Size: 3 acres
Zoning: RC 5
Requested Action: Special Hearing
Hearing Date:

ZONING COMMISSIONER

The petitioner requests a special hearing to allow a second dwelling on a lot for in-law quarters.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning **does not support** the special hearing request to allow a second dwelling on a lot for in-law quarters. According to the BCZR there is only one principle dwelling allowed on a lot of record, but there have been exceptions in the past for additions to principle dwellings for in-law type quarters, with the stipulation being that when the person or persons passes away that the kitchen facilities be torn out and the space be incorporated back into a part of the principle dwelling. For this request however, the Petitioner is not asking for an addition for in-law quarters to the principle dwelling, but for a detached structure or dwelling to be used as in-law quarters. While this office understands the plight of some families where this situation seems favorable, having an unattached structure of this type begs the question of whether or not this request is in fact a minor subdivision. This office's view is that this situation does constitute a minor subdivision. According to the site plan the Petitioner does not have enough density for a two lot minor subdivision. Also this office can not see the Petitioner spending a considerable amount of money to clear that area of the lot, which is fully wooded, build this new structure, that will need new septic and then have to convert it into an accessory structure once the family member has passed away.

This office would support a request for an addition to the principle dwelling for in-law quarters or if the Petitioner acquires some additional acreage, for a minor subdivision.

Prepared By: Jessie Bralek /ms

Section Chief: Lynn Lanham /ms
AFK:jb

BW
5-14-09
9AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 04 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: May 4, 2009

SUBJECT: Zoning Item # 09-238-SPH
Address 606 Quiet Oaks Lane
(Pringle Property)

Zoning Advisory Committee Meeting of April 6, 2009

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

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

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

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

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:

Prior to building permit approval, soil evaluations must be conducted and a well must be drilled meeting the minimum requirements. Contact GWM, (410) 887-2762, for more info. – S. Farinetti; *Groundwater Management*

Reviewer: Gris Batchelder

Date: April 17, 2009

The Law Office of Jasmin M. Torres, LLC

19 E. Fayette Street
Suite 401
Baltimore, MD 21202
Tel. 410-262-0243 Fax: 443-927-8896
Email Torreslegal@aol.com

June 4, 2009

Baltimore County Zoning
Commissioner's Office
Attn: William J. Wiseman, III
Zoning Commissioner
105 West Chesapeake Avenue
Suite 103
Towson, MD 21204

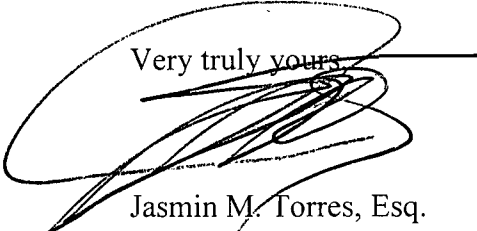
**RE: 606 Quite Oaks Lane
Monkton, MD 21111
Anita Major and Thomas Pringle**

Dear Mr. Wiseman:

Thank you for allowing me to review the memorandum from the Office of Planning and the Department of Environmental Protection and Resource Management. I am attempting to schedule a meeting with Arnold F. Pat Keller to further discuss a development in the interpretation of the Baltimore County Zoning Regulations. I kindly request that you allow me a couple of days to solidify this meeting before you proceed to render an opinion on the above matter.

Should there be any questions or concerns, do not hesitate to contact me. Your concern towards this matter is appreciated.

Very truly yours,


Jasmin M. Torres, Esq.

RECEIVED

JUN 08 2009

ZONING COMMISSIONER

cc. Anita Majors, 606 Quiet Oaks Lane, Monkton, MD 21111

The Law Office of Jasmin M. Torres, LLC

19 E. Fayette Street
Suite 401
Baltimore, MD 21202
Tel. 410-262-0243 Fax: 443-927-8896
Email Torreslegal@aol.com

June 10, 2009

RECEIVED

JUN 12 2009

ZONING COMMISSIONER

Baltimore County Zoning
Commissioner's Office
Attn: William J. Wiseman, III
Zoning Commissioner
105 West Chesapeake Avenue
Suite 103
Towson, MD 21204

**RE: 606 Quite Oaks Lane
Monkton, MD 21111
Anita Major and Thomas Pringle**

Dear Mr. Wiseman:

I have performed additional research on the above referenced property and learned that on August 9, 1995 an Order for Road Name Change was granted by Arnold Jablon, Director of Department of Permits and Development Management for the above referenced private road. A Plat/Plan was at that time prepared showing the numbers of each lot. On the enclosed plat, 606 Quiet Oaks Lane (Pringle/Subject Property) is shown as 606 Quiet Oaks Lane on the north side of the private road and 607 on the south side of the private road. I have enclosed a copy of the Plat/Plan, Name Change Order, Inter-Office Correspondence dated July 14, 1995 and Petition to Establish Name Change.

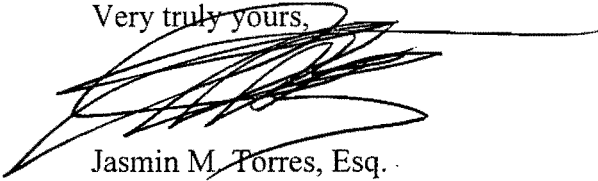
Moreover, what the Commissioner has before it is a Petitioner whose lot of land has a private road running through its property. Baltimore County Council has enacted statutes in RC-2 and RC-7 stating that private or public roads running through a parcel does not create two (2) separate lots of record. However, the Council has not enacted any statute in RC-5 stating that a private road does not create two (2) separate parcels of lands, automatically subdividing the lots. We take the position that due to this lack of legislative enactment, the Petitioners lot is subdivided by the private road.

Lastly, the development of a second dwelling on this lot will not harm or change the nature of the area. The Petitioners request for a building on their land is appropriate to their neighborhood and would not cause any hardship to the vicinity. The latest amendment to the zoning ordinance was enacted to stop sprawl primarily by developers from over building. In the instant case, there is no intention of sprawl and therefore, was not intended for property owners, such as the Petitioners whom are family members from

building on their land. Building this dwelling on Petitioners land will not affect the health, safety and general welfare of its citizens. We pray that the Commissioner will recognize the distinction in the intent of the amended density and area provision and its former density requirement and how there is no harm to the land or the community permitting this second dwelling.

Should there be any questions or concerns, do not hesitate to contact me. Your concern towards this matter is appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jasmin M. Torres', with a long horizontal line extending to the right.

Jasmin M. Torres, Esq.

Enc.

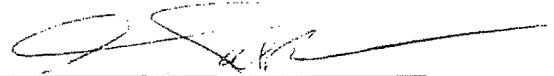
cc. Anita Majors, 606 Quiet Oaks Lane, Monkton, MD 21111

ORDER FOR ROAD NAME CHANGE

Whereas it is desirable to Baltimore County and to the United States Postal Service to eliminate duplicate and similar names of streets and addresses in the Baltimore area; and

Whereas that unnamed private drive, running west from Hereford Road, south of Maplehurst Lane and being in the 7th Election District should be provided with a road name and addresses; and

Therefore, pursuant to Section 402(d)13 of the Baltimore County Charter, it is ordered, this 9th day of August, 1995, that the unnamed private drive, as described above, be and is hereby named **Quiet Oaks Lane**.



Arnold Jablon, Director
Department of Permits and
Development Management

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 22, 1995

TO: Christine K. Rorke, PDM
House Numbers and Street Names

FROM: Stephen E. Weber, P.E., Chief
Division of Traffic Engineering *[Signature]*

SUBJECT: Proposed Name Change
Quiet Oaks Lane

This agency has received your correspondence pertaining to the above subject. From a traffic engineering standpoint, we have no objections to the proposal.

Should there be any further questions, please call me at ext. 3554. Please advise us when a final decision is made in this matter.

SEW/JFK/lvd

RECEIVED
AUG 24 1995
ZAM

BALTIMORE COUNTY OFFICE OF ZONING ADMINISTRATION
AND DEVELOPMENT MANAGEMENT

PETITION TO ESTABLISH OR CHANGE A ROAD NAME IN BALTIMORE COUNTY

INSTRUCTIONS:

1. Contact the House Number and Street Name Section at 887-3710 to obtain approval of the proposed road name.
2. After the proposed name is approved, obtain signature approval of at least 70 percent of the property owners who have frontage on or right of way access to this road.
3. Return the signed petition to the House Number and Street Name Section, ZADM, 111 West Chesapeake Avenue, Towson MD, 21204, for completion of county processing. You will be notified when the new road name is approved by Baltimore County.

PETITION

We, the undersigned, hereby request Baltimore County to change the

road name of UNNAMED PRIVATE DRIVE 16724 TO 16734 HEREFORD ROAD

to ① QUIET OAKS LANE, ② HIDDEN FOREST LANE, OR ③ CHERRY OAK LANE.

SIGNATURE

PRINT NAME

ADDRESS

TAX ACCT. NO.

Michael J. Lesavage

MICHAEL J. LESAVAGE

16725A HEREFORD RD.

Kimberly A. Lesavage

KIMBERLY A. LESAVAGE

16725A HEREFORD RD.

Ed Nemphos

ED NEMPHOS

16726 HEREFORD RD.

Barbara L. Lanza

BARBARA LANZA

16726 HEREFORD RD.

MR + MRS Thomas Gungl

MR + MRS THOMAS GUNGL

16730 HEREFORD RD.

MR Thomas Pittman

MR THOMAS PITTMAN

16728 HEREFORD RD + 16728B HEREFORD RD.

MR L. L. F. F.

MR L. L. F. F.

16728 HEREFORD RD.

BERNER

✓ CC Bowling

W/K 7/18

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED

JUL 17 1995

BALTIMORE COUNTY
BUREAU OF ENGINEERING
AND CONSTRUCTION

DATE: July 14, 1995

Private Rd
OK
RMA
7

TO: W. William Korpman, III - DPW, Engineering and Construction
Stephen E. Weber - DPW, Highways and Traffic Operations
Lt. Earl Shock - Fire Liaison, 911 Center
Jeff Mayhew - OPZ, Transportation Planning

FROM: Christine K. Rorke - PDM, House Numbers and Street Names Section

CKR

SUBJECT: Proposed Road Name Change

RECEIVED

JUL 18 1995

Existing Road Name: Unnamed private drive

Proposed Road Name: Quiet Oaks Lane

BALTIMORE COUNTY
BUREAU OF ENGINEERING
AND CONSTRUCTION

Location: West from Hereford Road, south of Maplehurst Lane

County Inventory No.: none

District: 7c3

Initiated by: Petition of Property Owners

Please review the attached information for a proposed road name change
and return any applicable comments to this office by August 4, 1995.

22 00 020352 PT

~~Code - 3 lots~~ ^{22/} p 250

22/380

p/o 250

22/368

22/212 3430647/

✓ 22/250 Code 1

22/250 Code 2

✓ 22/250 Code 3

^{22/} 22/507 Pittman (Code)

✓ 22/508 Pittman Code (Code 2)

Pringle 07-16-075410

Code 07-19-071175

Frazier 07-06-057262

Pringle 07-16-075430

Le Savage 22-00-020960

Nemphos, Lorenzo 22-00-021944

Pittman 22-00-020351

Pittman 22-00-020352

16730

VAC

16724

16734

16728 A

16726
1ae

0
1.0922

B197255 HR

B232579

5/6/95

B219505

The Law Office of Jasmin M. Torres, LLC

19 E. Fayette Street
Suite 401
Baltimore, MD 21202
Tel. 410-262-0243 Fax: 443-927-8896
Email Torreslegal@aol.com

June 12, 2009

Baltimore County Zoning
Commissioner's Office
Attn: William J. Wiseman, III
Zoning Commissioner
105 West Chesapeake Avenue
Suite 103
Towson, MD 21204

RECEIVED

JUN 16 2009

ZONING COMMISSIONER

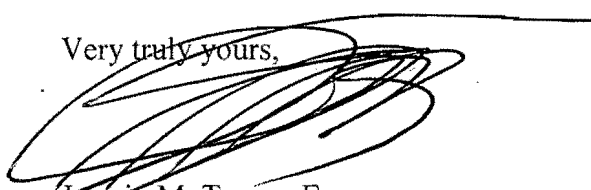
RE: 606 Quite Oaks Lane
Monkton, MD 21111
Anita Major and Thomas Pringle

Dear Mr. Wiseman:

Please accept this letter in lieu of the June 10, 2009 letter.

Should you have any further questions or concerns, do not hesitate to contact me.
Your concern towards this matter is appreciated.

Very truly yours,



Jasmin M. Torres, Esq.

Enc.

cc. Anita Majors, 606 Quiet Oaks Lane, Monkton, MD 21111

The Law Office of Jasmin M. Torres, LLC

19 E. Fayette Street
Suite 401
Baltimore, MD 21202
Tel. 410-262-0243 Fax: 443-927-8896
Email Torreslegal@aol.com

June 12, 2009

Baltimore County Zoning
Commissioner's Office
Attn: William J. Wiseman, III
Zoning Commissioner
105 West Chesapeake Avenue
Suite 103
Towson, MD 21204

**RE: 606 Quite Oaks Lane
Monkton, MD 21111
Anita Major and Thomas Pringle**

Dear Mr. Wiseman:

I have performed additional research on the above referenced property and learned that on August 9, 1995 an Order for Road Name Change was granted by Arnold Jablon, Director of Department of Permits and Development Management for the above referenced private road. A Plat/Plan was at that time prepared showing the numbers of each lot. On the enclosed plat/plan, 606 Quiet Oaks Lane (Pringle/Subject Property) is shown as 606 Quiet Oaks Lane on the north side of the private road and 607 on the south side of the private road. I have enclosed a copy of the Plat/Plan, Name Change Order, Inter-Office Correspondence dated July 14, 1995 and Petition to Establish Name Change.

Moreover, what the Commissioner has before it is a Petitioner whose lot of land has a private road running through its property. Baltimore County Council has enacted statutes in RC-2 and RC-7 stating that private or public roads running through a parcel does not create two (2) separate lots of record. However, the Council has not enacted any statute in RC-5 stating that a private road does not create two (2) separate parcels of lands, automatically subdividing the lots. We take the position that due to this lack of legislative enactment, the Petitioner's lot is subdivided by the private road.

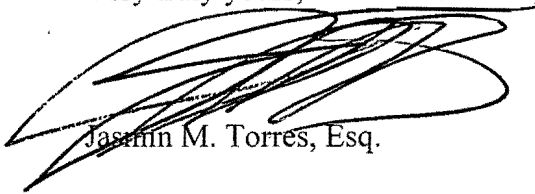
I would like to bring your attention to Herman Mueller, Jr., et al; v. People's Counsel for Baltimore County, 177 Md. App. 43; 934 A.2d 974; (2007). Although this case is distinguishable from the instant petition for a special exception to the zoning code, in that their property had been subdivided at one point prior to the amendments to the new zoning law, the essence of the Mueller's request is the same as our Petitioner. The Mueller's had owned their lots of land for many years. The elder Mueller's had

purchased two (2) adjacent lots. One was developed with a dwelling on it and the second lot was vacant land. The Mueller's sold the developed lot and kept the undeveloped lot and passed it on to their son which contained less lot width and area than required by the new amended zoning law. When the Mueller's were ready to build on the unimproved lot, the issue of meeting the new zoning laws came into question. The Mueller's were grandfathered by section 304.1 as it is a pre-1955 lot, "the new home will meet all regulations other than lot width and areas and there is no adjoining land from which the owner could take to make the lot conform" *id.* One could argue that this lot of land has been in existence prior to 1953, there is no other adjoining lots of land the Petitioner's could purchase to conform to the new zoning law and therefore, they would be meeting all the regulations other than density.

Lastly, the development of a second dwelling on this lot will not harm or change the nature of the area. The Petitioners request for a building on their land is appropriate to their neighborhood and would not cause any hardship to the vicinity. The latest amendment to the zoning ordinance was enacted to stop sprawl primarily by developers from over building. In the instant case, there is no intention of sprawl and therefore, was not intended for property owners, such as the Petitioners whom are family members from building on their land. Building this dwelling on Petitioners land will not affect the health, safety and general welfare of its citizens. We pray that the Commissioner will recognize the distinction in the intent of the amended density and area provision and its former density requirement and how there is no harm to the land or the community permitting this second dwelling.

Should there be any questions or concerns, do not hesitate to contact me. Your concern towards this matter is appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jasmin M. Torres', with a large, stylized flourish extending from the end of the signature.

Enc.

cc. Anita Majors, 606 Quiet Oaks Lane, Monkton, MD 21111

Pringle / Major
CASE NAME 2009-0238-SPH
CASE NUMBER ↓
DATE 5-14-09

Pringle / Major
CASE NAME 2009-0238-SPH
CASE NUMBER ↓
DATE 5-14-09

Se Habla Español | *The Law Office of*
Jasmin M. Torres
Attorney-at-Law

19 E. Fayette Street
Suite 401
Baltimore, MD 21202
Tel.: 410-493-4083
Fax: 443-927-8896
Torreslegal@aol.com

PLEASE PRINT CLEARLY

CASE NAME Pringle / Major
CASE NUMBER 2009-0238-SPH
DATE 5/14/09

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Regina De Santis	602 Quiet Oaks Lane	Monkton, MD 21111	GinaD602@aol.com
Lauri Amy	600 Quiet Oaks Lane	Monkton, MD 21111	theamyfamily@a.comcast.net
Peter Amy	600 Quiet Oaks Lane	Monkton, MD 21111	" " " " " "
Mark Pearce	16714 Hersford Road	Monkton MD 21111	pearce.m monkton@comcast.net
Brian Trapp	16716 Hersford Rd.	Monkton MD 21111	bttrapp@comcast.net
Sharon Trapp	3027 Forest Road	Monkton MD 21111	m2450@prodigy.net
Arthur Allen	15362 Grinstead Ct	Sykesville MD 21787	allen@ats-telcom.com
KATH GRASER	3 NEWBERRY CT.	RANDOLPH MD 21133	KETG@COMCAST.NET
These three gentlemen appeared at 9:00 AM but had no interest in the 606 Quiet Oaks Lane property - They testified in case 2009-0244-SPH that they began at 10:20 AM.			
Supported Petition			
* Opposed Petition			



2009-0238-SPH

Case No.: 2009-0238-SP1T

606 QUIET OAKS LANE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Letter in OPPOSITION (Mrs Kelly)
No. 2	CONTRACT OF SALE	
No. 3	RIGHT OF WAY AGREEMENTS	
No. 4	UTILITY EASEMENTS	
No. 5	1963 DEED original DEED	
No. 6	LETTERS OF SUPPORT (various neighbors)	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Patrick and Linda Kelly

601 Quiet Oaks Lane
Monkton, MD 21111
410-343-3160

May 5, 2009
Baltimore County Zoning Commission
111 W. Chesapeake Avenue
Towson, MD 21204

Re: 2009 0238 SPH

Dear Sirs:

We are writing to oppose the request for a zoning variance for the property, 606 Quiet Oaks Lane as we will be out of town at the time of the hearing. The request is to permit building of an "in-law" dwelling across the street from this address on property owned by the same homeowner. One of the zoning officers explained to us that, if an "in-law" exception is granted, a notation is filed on the deed of the property which prohibits subsequent sale or transfer of this property upon the passing of the in-law. A future sale or transfer of the property is not our concern. Rather the preservation of the RC-5 zoning which has given us assurance that, even as land continues to be developed in North County, the current zoning structure provides us some measure of comfort that the quality of life we enjoy in a rural setting will continue.

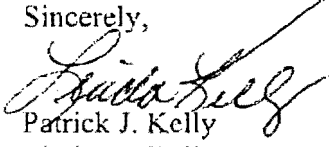
The property that is proposed for the dwelling is on the opposite side of Quiet Oaks Lane across the road from 606 Quiet Oaks. The proposed lot is currently wooded with a small stream running through the forest buffer area behind the property. We admit we're not familiar with such an in-law variance but it would seem that the most reasonable scenario for an in-law dwelling would be on property that is contiguous to the existing home.

We would also like to note that Quiet Oaks Lane is owned by five homeowners including ourselves. As such, we share the financial liability for repairs and paving of the road surface. The owner who has requested this variance bears no burden for costs associated with repaving and repairs when necessary.

Respectfully, we ask you to consider that Quiet Oaks Lane is a very small community consisting of seven homes. This variance request might seem to be a request to construct a single dwelling but the impact to our community would be significant. We are very concerned that, if approved by the commission, a precedent is also established for other property owners wishing to sub-divide their properties in a similar fashion.

Thank you for your consideration in this matter.

Sincerely,


Patrick J. Kelly
Linda M. Kelly

PROTESTANT' S

EXHIBIT NO. 1

Case No.: 2009-0238-SP14

606 QUIET OAKS LANE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Letter in OPPOSITION (Mr+Mrs Kelly)
No. 2	CONTRACT OF SALE	
No. 3	RIGHT OF WAY AGREEMENTS	
No. 4	UTILITY EASEMENTS	
No. 5	1963 DEED ORIGINAL DEED	
No. 6	LETTERS OF SUPPORT (Various neighbors)	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Standard Contract of Sale

Approved by Real Estate Board of Greater Baltimore

R.E.B. No. 1
As Amended 6/1/61.

J. VERNON BALL, INC.
P. O. Box 25
Fork, Maryland
LYric 2-9104

This Agreement of Sale, made this _____ day of November

nineteen hundred and Sixty-two, between _____

*** THOMAS PRINGLE and GRACE LORETTA PRINGLE, his wife *** Seller, and

*** CLAUDE LEE ELLIS and AGNES LOHRAINE ELLIS, his wife *** Buyer.

Witness that the said Seller does hereby bargain and sell unto the said Buyer, and the latter does hereby purchase from the former the following described property, situate and lying in the Seventh Election District, Baltimore County, State of Maryland, and being all that lot of ground lying on the northerly side of the center line of the 30-ft. right-of-way as shown on plat attached hereto and made a part hereof; said lot being a portion of the ground which Thomas Pringle and wife are purchasing from Mary S. Lee Matthews and Alfred S. Matthews, her husband, more fully described in Contract of even date herewith, being unimproved; in fee simple.

at and for the price of _____

*** SEVEN HUNDRED FIFTY - - - - - Dollars (\$ 750.00)

of which SEVENTY-FIVE - - - - - Dollars (\$ 75.00)

have been paid prior to the signing hereof, and the balance to be paid as follows: _____

\$675.00 - (Six Hundred Seventy-five Dollars) - Cash at time of settlement which shall be on or before ninety (90) days of date hereof.

IT IS UNDERSTOOD AND AGREED between the parties hereto that this Contract is subject to all the terms and conditions of the Contract of Sale of even date between Mary S. Lee Matthews and Alfred S. Matthews, her husband, Sellers and Thomas Pringle and Grace Loretta Pringle, his wife, Buyers. Should above mentioned Contract not be consummated, this Contract is null and void and all deposit monies shall be returned to the Buyers.

IT IS FURTHER UNDERSTOOD AND AGREED between the parties hereto that all costs incurred in the consummation of the hereinbefore mentioned Contract between said Matthews (and Pringles, shall be borne equally between the parties hereto.

PETITIONER'S

EXHIBIT NO. 2

AND upon payment as above provided of the unpaid purchase money, a deed for the property containing covenants of special warranty and further assurance, shall be executed at the Buyer's expense by the Seller, which shall convey the property to the Buyer. Title to be good and merchantable, free of liens and encumbrances except as specified herein and except: Use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the sub-division in which the property is located, and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the property.

Ground rent, rent, water rent, taxes, (including Metropolitan District charges for sewer and water, if any) and all other public charges, on an annual basis, against the premises shall be apportioned as of date of settlement, at which time possession shall be given; and the said parties hereto hereby bind themselves, their heirs, executors and administrators and assigns, for the faithful performance of this agreement.

The herein described property is to be held at the risk of the Seller except as to damages arising from accidental fire or other insurable casualty until legal title has passed or possession given; it is also understood and agreed that the Seller shall immediately have all of the insurance policies on the property so endorsed as to protect all parties hereto, as their interests may appear, and continue said insurance in force during the life of this Contract.

This Contract contains the final and entire Agreement between the parties hereto, and neither they nor their Agents shall be bound by any terms, conditions or representations not herein written; time being of the essence of this Agreement. Cost of all documentary stamps, required by law, recordation tax and transfer tax, where required by law, shall be divided equally between the parties hereto.

Seller hereby agrees to pay commission on this sale, in accordance with the Standard Schedule of Commissions of the Real Estate Board of Greater Baltimore, to None.

Witness the hands and seals of the parties hereto the day and year first above written.

WITNESS — AS TO SELLER'S SIGNATURE

SELLER'S SIGNATURE

(SEAL)

This Agreement of Sale made this _____ day of **November**

_____ nineteen hundred and **Sixty-two** _____, between _____

*** **THOMAS PRINGLE and GRACE LORETTA PRINGLE, his wife** *** Seller, and

*** **CLAUDE LEE ELLIS and AGNES LORRAINE ELLIS, his wife** *** Buyer.

Witness that the said Seller does hereby bargain and sell unto the said Buyer, and the latter

does hereby purchase from the former the following described property, situate and lying in the
Seventh Election District, Baltimore County, State of Maryland, and being all
that lot of ground lying on the northerly side of the center line of the 30-ft.
right-of-way as shown on plat attached hereto and made a part hereof; said lot
being a portion of the ground which Thomas Pringle and wife are purchasing from
Mary S. Lee Matthews and Alfred S. Matthews, her husband, more fully described in
Contract of even date herewith, being unimproved; in fee simple.

at and for the price of _____

*** **SEVEN HUNDRED FIFTY** - - - - - Dollars (\$ **750.00**)

of which **SEVENTY-FIVE** - - - - - Dollars (\$ **75.00**)

have been paid prior to the signing hereof, and the balance to be paid as follows: _____

\$675.00 - (Six Hundred Seventy-five Dollars) - Cash at time of settlement
which shall be on or before ninety (90) days of date hereof.

IT IS UNDERSTOOD AND AGREED between the parties hereto that this Contract
is subject to all the terms and conditions of the Contract of Sale of even date
between Mary S. Lee Matthews and Alfred S. Matthews, her husband, Sellers and
Thomas Pringle and Grace Loretta Pringle, his wife, Buyers. Should above men-
tioned Contract not be consummated, this Contract is null and void and all
deposit monies shall be returned to the Buyers.

IT IS FURTHER UNDERSTOOD AND AGREED between the parties hereto that all
costs incurred in the consummation of the hereinbefore mentioned Contract
between said Matthews and Pringles, shall be borne equally between the parties
hereto.

AND upon payment as above provided of the unpaid purchase money, a deed for the property containing covenants
of special warranty and further assurance shall be executed at the Buyer's expense by the Seller, which shall convey the
property to the Buyer. Title to be good and merchantable, free of liens and encumbrances except as specified herein
and except: Use and occupancy restrictions of public record which are generally applicable to properties in the immediate
neighborhood or the sub-division in which the property is located, and publicly recorded easements for public utilities and
any other easements which may be observed by an inspection of the property.

Ground rent, rent, water rent, taxes, (including Metropolitan District charges for sewer and water, if any) and all other
public charges, on an annual basis, against the premises shall be apportioned as of date of settlement, at which time possession
shall be given; and the said parties hereto hereby bind themselves, their heirs, executors and administrators and assigns, for
the faithful performance of this agreement.

The herein described property is to be held at the risk of the Seller except as to damages arising from accidental fire or
other insurable casualty until legal title has passed or possession given; it is also understood and agreed that the Seller shall
immediately have all of the insurance policies on the property so endorsed as to protect all parties hereto, as their interests
may appear, and continue said insurance in force during the life of this Contract.

This Contract contains the final and entire Agreement between the parties hereto, and neither they nor their Agents shall
be bound by any terms, conditions or representations not herein written; time being of the essence of this Agreement. Cost
of all documentary stamps, required by law, recordation tax and transfer tax, where required by law, shall be divided equally
between the parties hereto.

Seller hereby agrees to pay commission on this sale, in accordance with the Standard Schedule of Commissions of the
Real Estate Board of Greater Baltimore, to **None**

Witness the hands and seals of the parties hereto the day and year first above written.

WITNESS — AS TO SELLER'S SIGNATURE

Thomas Pringle (SEAL)
SELLER'S SIGNATURE

WITNESS — AS TO SELLER'S SIGNATURE

Grace Pringle (SEAL)
SELLER'S SIGNATURE

WITNESS — AS TO BUYER'S SIGNATURE

Claude Lee Ellis (SEAL)
BUYER'S SIGNATURE

WITNESS — AS TO BUYER'S SIGNATURE

Agnes L. Ellis (SEAL)
BUYER'S SIGNATURE

PETITIONER'S

EXHIBIT NO. 3

010744.270

NO MONETARY CONSIDERATION
NO TITLE EXAMINATION

Property Tax Acc't Nos: 07-06-057262
07-16-075410
07-19-071175

DECLARATION OF RIGHT-OF-WAY & UTILITY EASEMENT

THIS DECLARATION OF RIGHT-OF-WAY & UTILITY EASEMENT (the "Declaration") is made this 16th day of JULY, 1994 by RUSSELL R. FRAZIER and DOROTHY FRAZIER, his wife (the "Fraziers"), THOMAS PRINGLE and GRACE LORETTA PRINGLE, his wife (the "Pringles"), and Thomas L. Pittman ("Pittman") (hereinafter collectively referred to as the "Declarants").

WHEREAS, the Fraziers are the owners of approximately 2.19 acres of ground located on the West side of Hereford Road in the Seventh Election District of Baltimore County by virtue of a deed from Joshua Sterrett, Florence Sterrett, his wife and Mary S. Lee, dated May 24, 1958 and recorded among the Land Records of Baltimore County in Liber 3353, folio 172 (the "Frazier Property"); and

WHEREAS, the Pringles are the owners of approximately 3.0 acres of ground located on the West side of Hereford Road in the Seventh Election District of Baltimore County by virtue of a deed from Mary Lee Matthews (nee Mary S. Lee) and Alfred Matthews, her husband dated April 18, 1963 and recorded among the Land Records of Baltimore County in Liber 4131, folio 140 (the "Pringle Property"); and

WHEREAS, by virtue of a deed from Hilda Geraldine Johnson Cade, dated June 23, 1994 and recorded among the Land Records of Baltimore County in Liber 10624, folio 484 Pittman

- 1 -

BA CIRCUIT COURT (Land Records) [MSA CE 62-10599] SM 10744, p. 0270. Printed 12/03/2007. Online 03/07/2008.
AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

DATE 9/9/94

RECEIVED FOR TRANSFER
State Department of
Assessment
for Baltimore County
DATE 9/9/94

0013626 609

RIGHT OF WAY AGREEMENT

R/W 57745

JOB 397617

THIS AGREEMENT WAS MADE WITHOUT MONETARY CONSIDERATION.

TAX STAMPS

RECORDATION FEE

PETITIONER' S

EXHIBIT NO. 4

HEREBY CERTIFY that this instrument has been prepared by the
BALTIMORE GAS AND ELECTRIC COMPANY

BALTIMORE GAS AND ELECTRIC COMPANY

BY: [Signature]

Representative

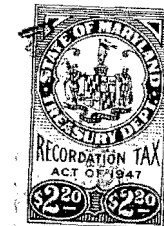
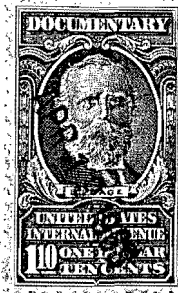
ATTENTION: Land Recordation Office
After Recordation

Please Return Document To:

BALTIMORE GAS & ELECTRIC CO.
Rm. 302 Front St. Bldg. - R/W File
Baltimore, MD 21203-1475

For Contact By Telephone Call:
(410) 291-3338

BA CIRCUIT COURT (Land Records) [MSA CE 62-13481] SM 13626, p. 0609. Printed 12/03/2007. Online 03/08/2005.



1943 THIS DEED, made this 18th day of April, in the year nineteen hundred and sixty-three, by MARY LEE MATTHEWS and ALFRED MATTHEWS, her husband, of Baltimore County, State of Maryland, parties of the first part, Grantors, to THOMAS PRINGLE and GRACE LORETTA PRINGLE, his wife, parties of the second part, Grantees.

WITNESSETH, that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said THOMAS PRINGLE and GRACE LORETTA PRINGLE, his wife, as tenants by the entirety, their assigns, the survivor of them, and the heirs and assigns of such survivor, in fee simple, all that piece or parcel of land situate, lying, and being in the Seventh Election District of Baltimore County, State of Maryland, and described as follows, to wit:

BEGINNING for the same at a point in the second line of a parcel of land which by a deed dated July 7, 1953, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2321, folio 3, was conveyed by John W. Hessian, III, unmarried to Joshua Sterrett, et al., said point being distant North 81 degrees 44 minutes West 271.44 feet measured along said second line from the beginning thereof and running thence with and binding on a part of said second line North 81 degrees 44 minutes West 260.93 feet, thence leaving said outline and running for a line of division North 7 degrees 40 minutes East 499.48 feet to intersect the last line of the aforesaid parcel of land which was conveyed by Hessian to Sterrett, thence running with and binding on a part of said last line, South 82 degrees 20 minutes East 260.92 feet and thence leaving said outline and running for a line of division parallel with and distant 86.66 feet measured westerly at a right angle to the second line of the parcel of land firstly described in a deed dated May 24, 1958, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3353, folio 172, which was conveyed by Joshua Sterrett, et al., to Russell R. Frazier and wife, South 7 degrees 40 minutes West 502.21 feet to the place of beginning.

CONTAINING 3.00 acres of land, more or less.

BEING a part of the parcel of land which by a deed dated July 7, 1953, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2321, folio 3, was conveyed by John W. Hessian, III, unmarried, to

**AFFIDAVIT IN SUPPORT AND AGREEMENT OF THE BUILDING OF THE
PROPERTY KNOWN AS 606 QUIETS OAK LANE, MONKTON, MD**

I, EDWARD NEMPHOS the undersigned affiant(s) hereby am
a resident and legal title owner of the property known as:

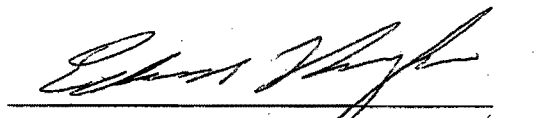
I have lived in the property for 13 years.

As a resident on this road and community, I support Anita Majors and Thomas
Pringle in their intent and need to build a home on their respective subject property
known as 606 Quiets Oaks Lane, Monkton, MD, Tax Identification Number 0716075410.

I understand there will be no hardship to the land and/or properties in the
community.

I understand that the building of the house will be pursuant to the laws of the State
of Maryland and Baltimore County Zoning Laws.

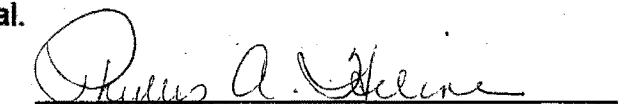
I HEREBY CERTIFY that the information contained herein is true. The signature is
the affiants.


EDWARD NEMPHOS
Print

Baltimore County, State of Maryland :

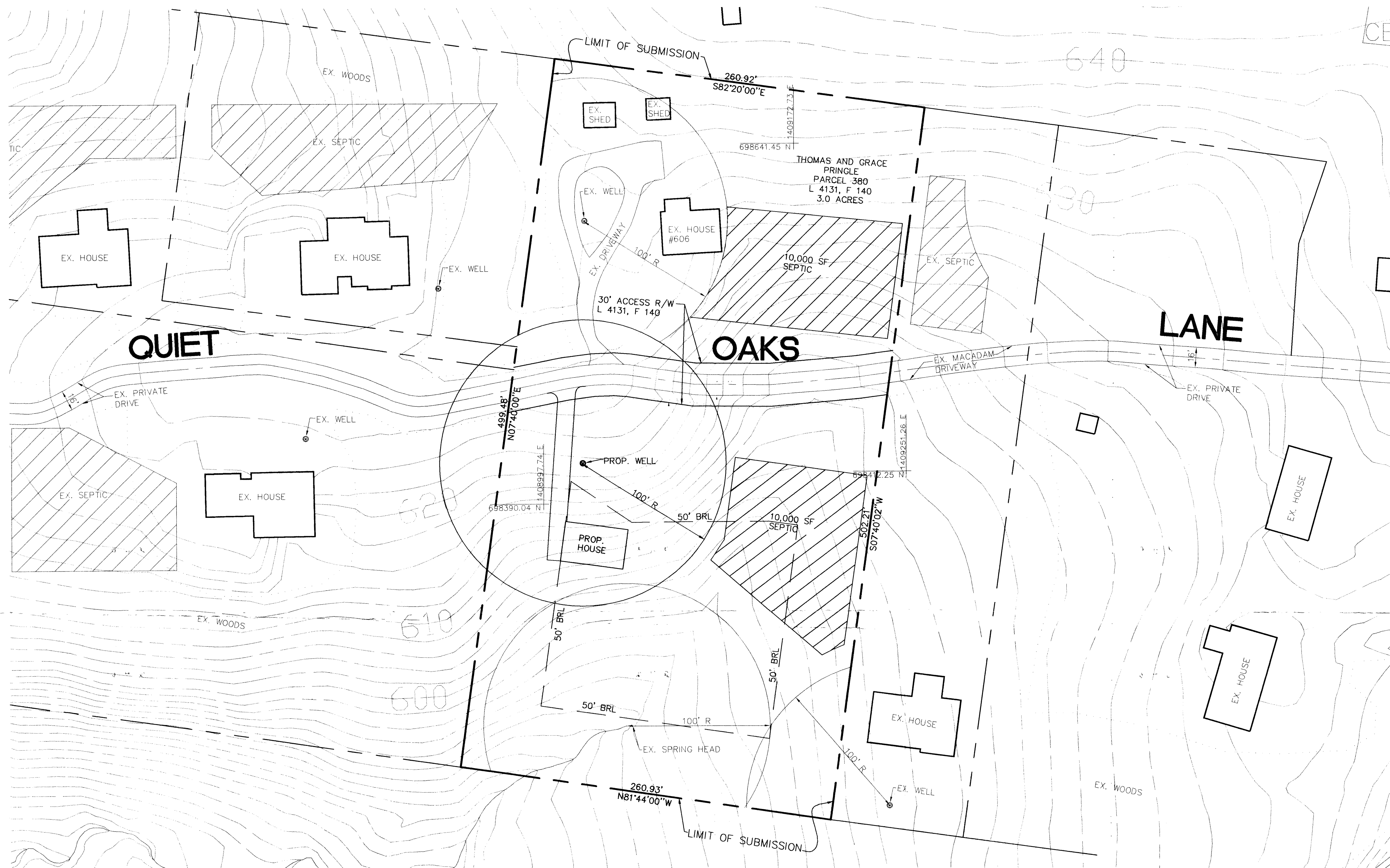
On this the 25th day of September, 2008, before me, a
Notary Public, in the jurisdiction aforesaid, the undersigned Officer, personally
appeared Edward Nemphos, known to me (satisfactorily proven) to be the
person whose name is subscribed to the within instrument, and acknowledged that
she executed the same in my presence for the purposes therein contained.

I hereunto set my hand and official seal.


Notary Public
My commission expires 5/18/2011

PETITIONER' S

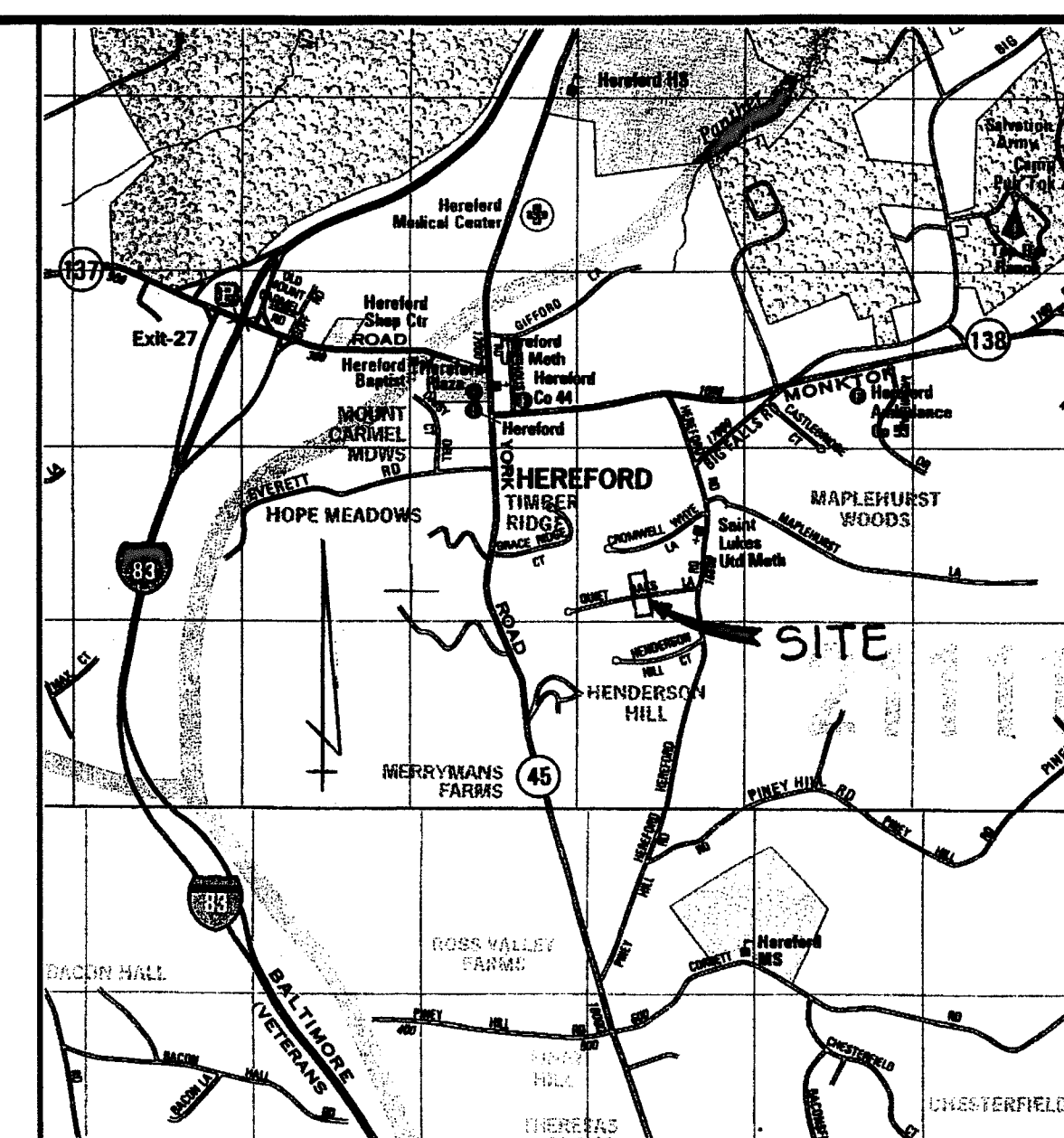
EXHIBIT NO. 6



PLAN
SCALE: 1" = 40'

X Tricopp
1.2 acres
4.5 acres

- LEGEND**
- EX. CONTOURS
 - PROPERTY LINE
 - SEPTIC AREA
 - WOODS LINE



VICINITY MAP
SCALE: 1" = 2000'

- NOTES:**
- AREA OF TRACT: 130,680 SQ. FT.
DEED REF: 4131/140
GROSS AREA OF = 3.0 AC.
NET AREA = 3.0 AC.
 - ZONING RC 5 (MINIMUM LOT SIZE 1.5AC)
 - DENSITY CALCULATIONS: LOTS ALLOWED RC-5 X .5 = 1 D.U. (.5 D.U./AC X 3.0AC=1.5 D.U.)
 - CENSUS TRACT: 4071
REGIONAL PLANNING DISTRICT: 301
SCHOOL DISTRICT: HERFORD
ADC MAP 7F12
WATERSHED: GUNPOWDER FALLS
SOILS GROUP(B) IE Me82 MANOR
ELECTION DISTRICT: 7TH
 - TRACT USE: EXISTING - RESIDENTIAL
PROPOSED - RESIDENTIAL
 - THERE IS ONE EXISTING DWELING WITH TWO ACCESSORY STRUCTURES ON THIS SITE.
 - THERE ARE NO KNOWN EXISTING UNDERGROUND TANKS ON THIS SITE.
 - THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 1958. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
 - TAX MAP 22, BLOCK 21
TAX ACCOUNT 07-0716075410
 - ALL ZONING LINES WITHIN 200 FEET OF THE PROPERTY HAVE BEEN SHOWN.
 - ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATER BODY, WATERCOURSE, WETLAND, STORM DRAIN, OR ADJACENT PROPERTY.
 - ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 15% OF CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
 - HOUSE DOWN SPOUTS ARE TO BE DISCHARGED INTO DRY WELLS.
 - EXISTING TREES TO BE PROTECTED AND PRESERVED WHEREVER POSSIBLE. TREES SHOWN IN PAVED AREAS ARE TO BE REMOVED.
 - THERE ARE NO 25% SLOPES ON THIS SITE.

Date	No	Revision Description
OWNER/DEVELOPER		
PRINGLE PROPERTY 606 QUIET OAKS LANE BALTIMORE, MARYLAND		
PREPARED BY:		
PHOENIX ENGINEERING, INC. CONSULTING ENGINEERS 1420-A JOH AVENUE BALTIMORE, MARYLAND 21227 (410) 247-8833 FAX 247-9397		
AREA:		
TAX MAP 22 GRID 21 PARCEL 380 7th ELECTION DISTRICT OF BALTIMORE COUNTY, MD 3rd COUNCILMANIC DISTRICT L 4131, F 140		
TITLE:		
PLAN TO ACCOMPANY ZONING HEARING		
Des By	J.R.H.	Scale 1" = 40'
Dwn By	M.A.A.	Date DECEMBER, 2007
Chk By	J.R.H.	Proj No 07-064
JOHN R. HEINRICHS Professional Engr. No. 14920		DRAWING NO PS01.DWG 1 OF 1

ALL COORDINATES ARE BASED ON THE BALTIMORE COUNTY METROPOLITAN DISTRICT GRID SYSTEM. NAD '83.

PROFESSIONAL CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
License No. 14920 Exp. Date 5-12-10

