

IN RE: **PETITIONS FOR SPECIAL HEARING \*  
AND VARIANCE**

N/S Long Green Road, 2,300' W c/line of \*  
Long Green Pike \*  
**(5130 Long Green Road)** \*  
11<sup>th</sup> Election District \*  
3<sup>rd</sup> Council District \*

Matilda M. Albrecht \*  
*Petitioner*

BEFORE THE  
ZONING COMMISSIONER  
OF  
BALTIMORE COUNTY  
**Case No. 2009-0259-SPHA**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Matilda "Tillie" Albrecht. The Petitioner requests a special hearing to approve a waiver, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 32-4-409(c) of the Baltimore County Code (B.C.C.), development regulations, to permit access to a street (Long Green Road) through an existing 50' right-of-way in lieu of an in-fee panhandle strip. In addition, Petitioner requests a variance from Section 32-4-409(e)(2) as an alternative, to allow a panhandle strip of 1,700 feet for Proposed Lot 2 in lieu of the maximum permitted 1,000 feet. The subject property and requested relief are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Matilda Albrecht, Petitioner, and Kenneth Wells, a line surveyor and site planner with kj Wells, Inc., the consultant who prepared the site plan(s) and participated in his capacity as an expert in the interpretation of the Baltimore County Zoning Regulations and development regulations. Appearing as an interested citizen was Dianna V. McCulloh, an adjacent neighbor to the proposed subdivision, whose property utilizes an easement owned in-fee by the Petitioner for ingress and egress. There were no other Protestants or interested persons present.

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Date 6-23-09  
By [Signature]

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located to the north of Long Green Road and northwest of Long Green Pike in the Glen Arm area of the County. The property contains a gross area of 34.546 acres, more or less, and is zoned R.C.2. The proposed Lot 2, hereinafter known as Lot 2, is part of this larger parcel owned by Petitioner. Petitioner desires to divide that substantial parcel into two (2) lots, reducing the size of existing Lot 1 (23 acres) and creating Lot 2 (11 acres).<sup>1</sup> Petitioner aims to retain Lot 2 for herself and convey Lot 1. Lot 1 is improved with a two-story dwelling, a pond, and an airstrip on the southern border of the lot as shown on the site plan. It is also noted that the Petitioner owns the property directly to the north of Lot 1 known as 5132 Long Green Road. The Petitioner's current 34-acre parcel, shares a right-of-way easement (driveway) with her neighbor to the east, Richard and Janet Hess of 5134 Long Green Road. This driveway is clearly illustrated on Petitioner's Aerial Photograph (*See Exhibit 4*). Moreover, this right-of-way has been shared for a substantial amount of time without any issue and used by the Albrecht family as the exclusive access to their property since around 1942 as evidenced in the deed(s) that comprise Petitioner's Exhibit 2.

The Albrecht family originally purchased and owned a much larger tract of land in the early 1930's that included parcels in all cardinal directions of the existing lot. Over time, several parcels were subdivided and conveyed. Two (2) such parcels were 5100 Long Green Road and 5928 Long Green Road. At the time of conveyance in 1975, according to the testimony of Dianna McCulloh, the owner of 5100 Long Green Road along with her husband, Petitioner's father-in-law verbally granted a shared right-of-way easement to be jointly used by the McCulloh's and Bennett's (5928 Long Green Road). As noted above, this shared driveway is clearly illustrated on Petitioner's Exhibit 4. However, the Petitioner retained fee-simple ownership of this 60' tract of land as indicated in the deeds submitted (Petitioner's Exhibit 2).

<sup>1</sup> A minor subdivision has been initiated with the Department of Permits and Development Management and assigned No. 06-030M.

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Date 6-23-09  
By [Signature]

The Petitioner proposes that the existing right-of-way easement used in common by herself and with the Hess's would also serve proposed Lot 2. However, special hearing relief is necessary to allow multiple lots to utilize an existing private access easement to the local public street in lieu of the required in-fee ownership. When subdividing property for residential lots, Section 32-4-409(c) of the Baltimore County Code (B.C.C.) reads, "where a right-of-way has been established before the submission of the Development Plan, the Hearing Officer may approve access to the local street or collector street through the existing right-of-way instead of an in-fee strip." Here, the existing 50' right-of-way shared by the Petitioner and Hess will also serve as the right-of-way for Lot 2. Given the history of Petitioner's use of the right-of-way for the benefit of Lot 1, the use of the same right-of-way for access to Lot 2 in lieu of an in fee-strip would not create adverse conditions affecting the surrounding property or traffic pattern. However, Petitioner does not technically own an in fee-strip with access to a public street for proposed Lot 2. The concerns of Mrs. McCulloh arise from this panhandle strip of land. It is clear though that Petitioner intends to continue using the right-of-way shared with Hess as the sole access to Lot 1 and Lot 2. Therefore, although Petitioner could feasibly build a panhandle driveway through this right-of-way in-fee strip that bisects the lands of Bennett and McCulloh, providing alternative access, it is not contemplated. That is to say that so long as the current right-of-way easement shared with Hess exists, such a right-of-way is not necessary. The Petitioner has assured Mrs. McCulloh of such. Moreover, there is no indication that events will develop which will cause the aforementioned circumstance to occur.

Notwithstanding the above, the alternative request for variance relief to allow for a panhandle strip of 1,700 feet for Proposed Lot 2 in lieu of the maximum permitted 1,000 feet should be addressed. As required by Section 32-4-409(e)(2) of the Baltimore County Code (B.C.C.), it is in my opinion appropriate to grant this request rather than dismiss it as moot. I explain. Granting this relief would merely give Petitioner and any future owner of Lots 1 and 2 in-fee access, on paper, to Long Green Road. Without the granting of the variance, if the longstanding, current right-of-way easement currently used were ever to be extinguished,

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Date 9-23-01  
BY [Signature]

although speculative, both of these lots would be landlocked without access to Long Green Road. A landlocked parcel certainly creates a practical difficulty for the Petitioner and her assigns. Although active use of this variance is unlikely considering the current use of the existing right-of-way that benefits the property and the successful and substantial history of such use, a variance provides a safeguard should such a speculative situation ever come to fruition.<sup>2</sup>

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. It is clear that strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioner. The Zoning Advisory Committee (ZAC) comments received do not oppose the requested relief, however, the Department of Environmental Protection and Resource Management (DEPRM) noted that 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). Further, DEPRM noted that development of this property must comply with the Forest Conservation Regulations (Sections 33-2-101 through 33-2-1004, and other sections of the Baltimore County Code).

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23<sup>rd</sup> day of June, 2009 that the Petition for Special Hearing to approve an existing right-of-way in lieu of an in-fee strip to provide access to a local or collector street, pursuant to Section 32-4-409(c) of the Baltimore County Code (B.C.C.) and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a panhandle length of 1,700 feet in lieu of the maximum permitted 1,000 feet as set forth in Section 32-4-409(e-3) of

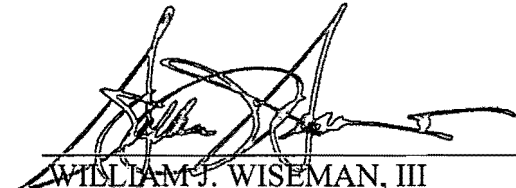
<sup>2</sup> Arguably, a variance from B.C.Z.R. Section 32-4-409(e)(2), on the current facts is not required. However, should future circumstances or events arise on the lands of others that would result or jeopardize Petitioner's loss of the right-of-way easement, then in that event a variance to access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

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Date 6-23-09  
By [Signature]

the B.C.C., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following conditions:

- 1) ADVISORY: This Order approves the requested Special Hearing and Variance but does not address the proposed subdivision. The Petitioner's subdivision proposal to create proposed Lot 2 must continue its review by the Development Review Committee (DRC) for consideration and processing.
- 2) The Petitioner may apply for her permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 3) Development and use of the subject property shall comply with all environmental regulations that are and may be subsequently required by the Department of Environmental Protection and Resource Management (DEPRM).

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

  
\_\_\_\_\_  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

RECEIVED FOR FILING  
Date 10-23-09  
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 23, 2009

Ms. Matilda M. Albrecht  
5130 Long Green Road  
Glen Arm, Maryland 21057

**RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE**

N/S Long Green Road, 2,300' W c/line of Long Green Pike

**(5130 Long Green Road)**

11<sup>th</sup> Election District - 3<sup>rd</sup> Council District

Matilda M. Albrecht - *Petitioner*

**Case No. 2009-0259-SPHA**

Dear Ms. Albrecht:

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

In the event anyone 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 large, stylized scribble.

WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:dlw  
Enclosure

c: Kenneth Wells, kj Wells, Inc., 7403 New Cut Road, Kingsville, MD 21087  
Dianna V. McCulloh, 5100 Long Green Road, Glen Arm, MD 21057  
People's Counsel; DEPRM; Development Review Committee (DRC), DPDM; File



# Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 5130 Long Green Road Glen Arm, Maryland which is presently zoned RC-2

Deed Reference: 18160 / 391 Tax Account # 1101035402

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Section 307.1 of the BCZR

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

To grant a variance allowing a 1,700 foot panhandle length an accordance with Section 307.1 of the BCZR as stipulated by Article 32.4.409.e.3 of the BCC.

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

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

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

### Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

### Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

### Legal Owner(s):

Matilda Albrecht

Name - Type or Print  
*Matilda Ok. Albrecht*  
Signature

Name - Type or Print

Signature

5130 Long Green Road 410-592-8770  
Address Telephone No.

Glen Arm, Maryland 21057  
City State Zip Code

### Representative to be Contacted:

Kenneth Wells

Name  
7403 New Cut Road 410-592-880

Address Telephone No.

Kingsville, Maryland 21087  
City State Zip Code

Case No. 2009-0259-SPHA

### Office Use Only

Estimated Length of Hearing \_\_\_\_\_  
Unavailable For Hearing \_\_\_\_\_

Filed by A-TSU1 Date 04/02/2009

COPIES RECEIVED FOR FILING  
Date 6-23-09  
By [Signature]



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 5130 Long Green Road Glen Arm, Maryland  
 which is presently zoned RC-2

(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 allow a 1,700 foot panhandle length in lieu of the required 1,000 foot length as specified in Article 32.4.409.e.2 of the Baltimore County Code

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:**

Larry Schmidt  
 Name - Type or Print \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Company \_\_\_\_\_  
 Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Legal Owner(s):**

Matilda Albrecht  
 Name - Type or Print \_\_\_\_\_  
 Signature Matilda P. Albrecht  
 Signature \_\_\_\_\_

Name - Type or Print \_\_\_\_\_  
 Signature \_\_\_\_\_  
 5130 Long Green Road 410-592-8770  
 Address Telephone No.  
 Glen Arm, Maryland 21057  
 City State Zip Code

**Representative to be Contacted:**

Kenneth Wells  
 Name \_\_\_\_\_  
 7403 New Cut Road  
 Address Telephone No.  
 Kingsville, Maryland 21087  
 City State Zip Code

**OFFICE USE ONLY**

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

Case No. 2009-0259-SPHA  
 REV 9/15/98

UNAVAILABLE FOR HEARING \_\_\_\_\_  
 Reviewed By A Tsui Date 04/02/2009

**ORDER RECEIVED FOR FILING**  
 Date 6-23-09  
 By LSW



**kjWellsInc**  
*Land Surveying and Site Planning*

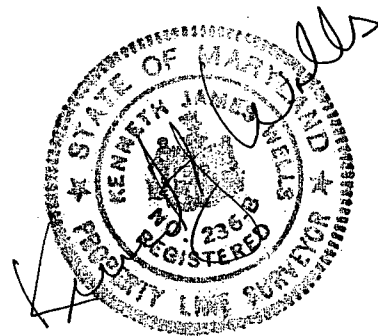
Telephone: (410) 592-8800  
Fax: (410) 817-4055  
Email: [kwells@kiwellsinc.com](mailto:kwells@kiwellsinc.com)

7403 New Cut Road  
Kingsville, Md. 21087-1132

**Zoning Description**  
**Albrecht Property**  
**5130 Long Green Road**  
**Baltimore County**  
**Maryland**  
**11<sup>5</sup><sup>th</sup> Election District**  
**3<sup>rd</sup> Councilmanic District**

**April 2, 2009**

***Beginning at a point*** on or near the centerline of Long Green Road said point being approximately 2,300 feet west from the centerline of Long Green Pike along the centerline of Long Green Road, thence 1) North 85 degrees 28 minutes 14 seconds West 60.08 feet; 2) North 9 degrees 24 minutes 32 seconds East 818.26 feet; 3) North 53 degrees 07 minutes 21 seconds West 1,231.81 feet; 4) North 31 degrees 11 minutes 50 seconds East 546.15 feet; 5) North 41 degrees 44 minutes 12 seconds East 199.83 feet; 6) South 53 degrees 40 minutes 32 seconds East 1,219.00 feet; 7) South 36 degrees 32 minutes 32 seconds West 75.00 feet; 8) South 54 degrees 10 minutes 38 seconds East 234.79 feet; 9) with a line curving to the right having a radius of 158.72 feet and an arc length of 26.51 feet; 10) with a line curving to the right having a radius of 168.46 feet and an arc length of 59.81 feet; 11) with a line curving to the left having a radius of 365.94 feet and an arc length of 54.73 feet; 12) South 50 degrees 02 minutes 26 seconds East 517.28 feet; 13) South 38 degrees 01 minute 50 seconds West 230.27 feet; 14) South 44 degrees 44 minutes 39 seconds West 369.94 feet; 15) North 53 degrees 07 minutes 21 seconds West 691.09 feet; 16) South 9 degrees 24 minutes 32 seconds West 782.03 feet to the place of beginning as described in a Deed recorded in Liber 18160 folio 391 containing 34.55 acres of land more or less.



2009-0259-SPHA

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

No. 37888

Date: 04/02/09

PAID RECEIPT

RECEIVED BY: ACTUAL: TIME: AMOUNT:  
 4/02/09 4/02/09 3:41:00 130.00  
 BY: [Signature] AMOUNT: 130.00  
 RECEIVED BY: [Signature] AMOUNT: 130.00  
 RECEIVED BY: [Signature] AMOUNT: 130.00

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				130.00

Total: \$ 130.00

Rec From: KEN WELLS

For: 5130 LONG GREEN RD

2009-0259-SPHA

CASHIER'S  
 VALIDATION

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

**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: # 2009-0259-SPHA**  
5130 Long Green Road  
N/side of Long Green Road,  
2300 feet west of the  
centerline of Long Green Pike  
11th Election District  
3rd Councilmanic District  
Legal Owner(s): Matilda  
Albrecht

**Variance:** to allow a 1700-foot panhandle length in lieu of the allowed 1000-foot length as specified in the BCZR. **Special Hearing:** to permit a 1700-foot panhandle length in lieu of the allowed 1000-foot length as specified in the Baltimore County Code.

**Hearing: Friday, June 12, 2009 at 10:00 a.m. In Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.**

WILLIAM J. WISEMAN, III  
Zoning Commissioner for  
Baltimore County

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

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

5/410 May 28 202305

# CERTIFICATE OF PUBLICATION

5/28/2009

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 5/28/2009.

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

*J. Wilkinson*

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 5/24/09

RE: Case Number: 2009-0259-SPHA

Petitioner/Developer: Matilda Albrecht

Date of Hearing/Closing: 6/12/09

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 5130 Long Green Rd

The signs(s) were posted on 5/24/09  
(Month, Day, Year)

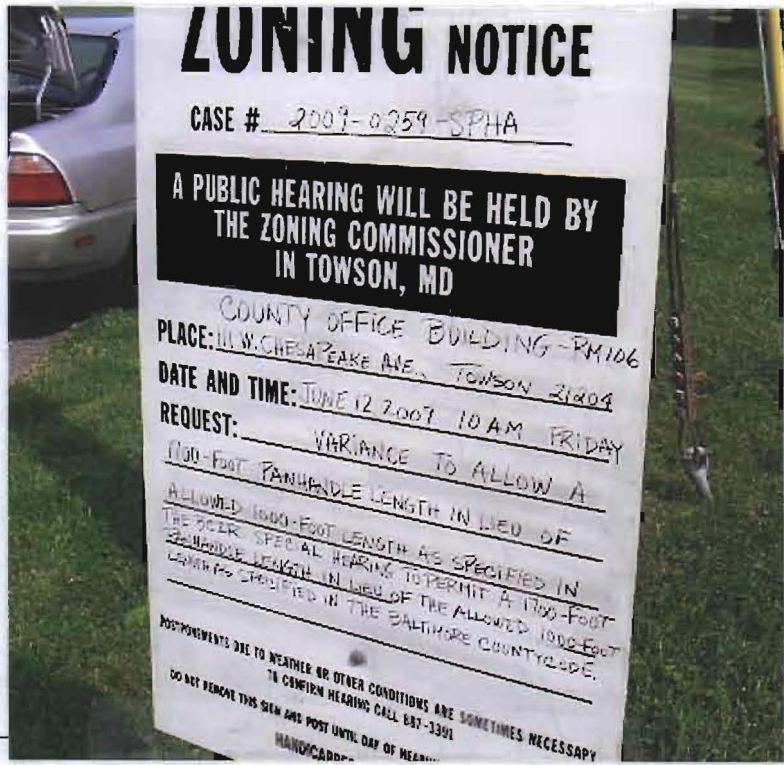
J. Lawrence Pilson  
(Signature of Sign Poster)

J. LAWRENCE PILSON  
(Printed Name of Sign Poster)

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)



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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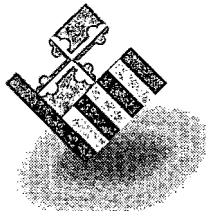
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**For Newspaper Advertising:**

Item Number or Case Number: 2009-0259-SPHA  
Petitioner: MATILDA ALBRECHT  
Address or Location: 5130 LONG GREEN RD. GLEN ARM, MD 21057

PLEASE FORWARD ADVERTISING BILL TO:

Name: KWELLS INC  
Address: 7403 NEW CUT ROAD  
KINGSVILLE, MD, 21087  
Telephone Number: 410-592-8800



**BALTIMORE COUNTY**  
MARYLAND

April 30, 2009

JAMES T. SMITH, JR.  
*County Executive*

**NOTICE OF ZONING HEARING**

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

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: 2009-0259-SPHA**

5130 Long Green Road

N/side of Long Green Road, 2300 feet west of the centerline of Long Green Pike

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

Legal Owners: Matilda Albrecht

Variance to allow a 1700-foot panhandle length in lieu of the allowed 1000-foot length as specified in the BCZR. Special Hearing to permit a 1700-foot panhandle length in lieu of the allowed 1000-foot length as specified in the Baltimore County Code.

Hearing: Friday, June 12, 2009 at 10:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco  
Director

TK:klm

C: Matilda Albrecht, 5130 Long Green Road, Glen Arm 21057  
Kenneth Wells, 7403 New Cut Road, Kingsville 21087

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 28, 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  
Thursday, May 28, 2009 Issue - Jeffersonian

Please forward billing to:

KJ Wells  
7403 New Cut Road  
Kingsville, MD 21087

410-592-8800

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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: 2009-0259-SPHA**

5130 Long Green Road

N/side of Long Green Road, 2300 feet west of the centerline of Long Green Pike

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

Legal Owners: Matilda Albrecht

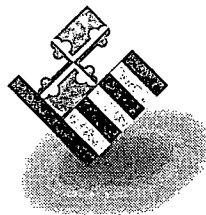
Variance to allow a 1700-foot panhandle length in lieu of the allowed 1000-foot length as specified in the BCZR. Special Hearing to permit a 1700-foot panhandle length in lieu of the allowed 1000-foot length as specified in the Baltimore County Code.

Hearing: Friday, June 12, 2009 at 10:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*  
June 5, 2009

Matilda Albrecht  
5130 Long Green Rd.  
Glen Arm, MD 21057

Dear: Matilda Albrecht

RE: Case Number 2009-0259-SPHA, 5130 Long Green Rd.

The above-referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 2, 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." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel  
Kenneth Wells; 7403 New Cut Rd.; Kingsville, MD 21087



BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

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

**DATE:** April 16, 2009

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For response date April 20, 2009  
Item Nos. 2009-257, 258, 259, 260,  
262 and 263

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

DAK:CEJ:cab  
cc: File  
ZAC-04202009-NO COMMENTS

BW 6/12

10AM

**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 # 09-259-SPHA  
Address 5130 Long Green Road  
(Albrecht Property)

Zoning Advisory Committee Meeting of April 20, 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:

Reviewer: Regina Esslinger

Date: April 20, 2009

BW 6/12 10AM

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** April 30, 2009

**RECEIVED**

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

**MAY 06 2009**

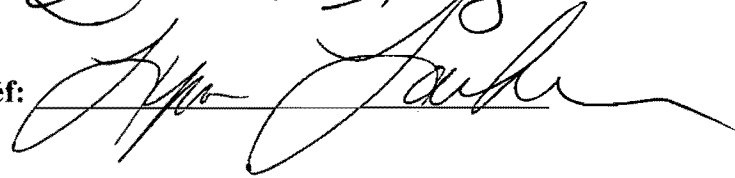
**ZONING COMMISSIONER**

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 09-259- Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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



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: APRIL 14, 2009

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

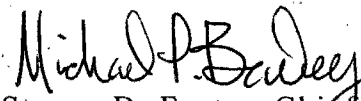
RE: Baltimore County  
Item No 2009-0259-SPHA  
5130 LONG GREEN RD  
ALBRECHT PROPERTY  
VARIANCE  
SPECIAL EXCEPTION

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. 2009-0259-SPHA

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

Very truly yours,

  
Fol<sup>A</sup> 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  
AND VARIANCE \* ZONING COMMISSIONER  
5130 Long Green Road; N/S Long Green \*  
Road, 2,300' W c/line of Long Green Pike \*  
11<sup>TH</sup> Election & 3<sup>RD</sup> Councilmanic Districts \* FOR  
Legal Owner(s): Matilda Albrecht \*  
Petitioner(s) \* BALTIMORE COUNTY  
\* 09-259-SPHA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

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 20<sup>th</sup> day of April, 2009, a copy of the foregoing Entry of Appearance was mailed to Kenneth Wells, 7403 New Cut Road, Kingsville, MD 21087, Representative for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



Maryland Department of Assessments and Taxation  
**BALTIMORE COUNTY**  
 Real Property Data Search (2007 vw3.1)

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

**Account Identifier:** District - 11 Account Number - 1101035402

**Owner Information**

**Owner Name:** ALBRECHT MATILDA M **Use:** AGRICULTURAL  
**Mailing Address:** 5130 LONG GREEN RD **Principal Residence:** YES  
 GLEN ARM MD 21057-9718 **Deed Reference:** 1) /18160/ 391  
 2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
 5130 LONG GREEN RD 31.546 AC NSR  
 5130 LONG GREEN RD  
 1800 W LONG GREEN PIKE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
53	5	12						3	

**Special Tax Areas** **Town Ad Valorem Tax Class**

**Primary Structure Built** 1942 **Enclosed Area** 1,992 SF **Property Land Area** 31.54 AC **County Use** 05

**Stories** 2 **Basement** YES **Type** STANDARD UNIT **Exterior** 1/2 BRICK SIDING

**Value Information**

	Base Value	Value			Phase-in Assessments	PREFERRED LAND VALUE INCLUDED IN LAND VALUE
		As Of	As Of	As Of		
		01/01/2009	07/01/2008	07/01/2009		
<b>Land</b>	127,250	127,250				
<b>Improvements:</b>	186,430	186,640				
<b>Total:</b>	313,680	313,890	313,680	313,750		
<b>Preferential Land:</b>	7,250	7,250	7,250	7,250		

**Transfer Information**

**Seller:** ALBRECHT PHILIP H,JR **Date:** 06/10/2003 **Price:** \$0  
**Type:** NOT ARMS-LENGTH **Deed1:** /18160/ 391 **Deed2:**  
**Seller:** ALBRECHT PHILIP H,SR **Date:** 09/20/2000 **Price:** \$0  
**Type:** NOT ARMS-LENGTH **Deed1:** /14704/ 612 **Deed2:**  
**Seller:** **Date:** **Price:**  
**Type:** **Deed1:** **Deed2:**

**Exemption Information**

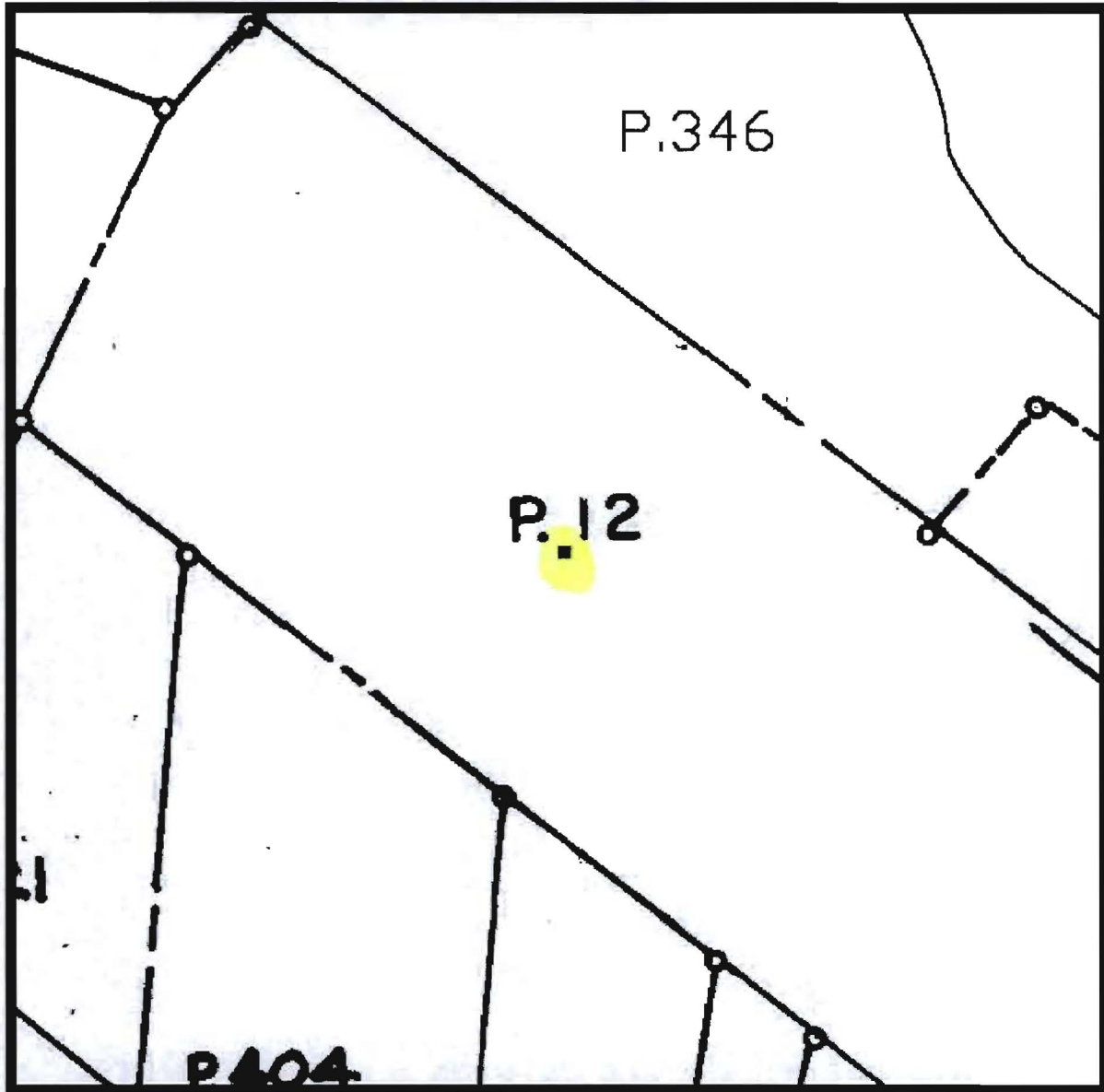
Partial Exempt Assessments	Class	07/01/2008	07/01/2009
<b>County</b>	000	0	0
<b>State</b>	000	0	0
<b>Municipal</b>	000	0	0

**Tax Exempt:** NO  
**Exempt Class:**

**Special Tax Recapture:**  
 AGRICULTURAL TRANSFER TAX

	<b>Maryland Department of Assessments and Taxation</b> <b>BALTIMORE COUNTY</b> <b>Real Property Data Search</b>	<a href="#">Go Back</a> <a href="#">View Map</a> <a href="#">New Search</a>
---	---	---

District - 11 Account Number - 1101035402



Property maps provided courtesy of the Maryland Department of Planning ©2008.  
For more information on electronic mapping applications, visit the Maryland Department  
of Planning web site at [www.mdp.state.md.us/webcom/index.html](http://www.mdp.state.md.us/webcom/index.html)

# **kjWellsInc**

*Land Surveying and Site Planning*

7403 New Cut Road

Kingsville, Md. 21087-1132

Telephone: (410) 592-8800

Fax: (410) 817-4055

Email: kwells@kjwellsinc.com

## *TRANSMITTAL LETTER*

ATTENTION: Kristen Matthews

DATE: May 29, 2009

TO: Baltimore County, Maryland  
PDM Zoning Review Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Albrecht Property  
Project Number: 2004-051

WE ARE SENDING YOU  Attached       Under separate cover       via Hand Delivered

DESCRIPTION  
1 copy Certificate of Posting

THESE ARE TRANSMITTED as checked below

- |                                     |                      |   |                                   |  |
|-------------------------------------|----------------------|---|-----------------------------------|--|
| <input type="checkbox"/>            | For approval         | <input type="checkbox"/> Approved as submitted    | <input type="checkbox"/> Resubmit | <input type="checkbox"/> copies for approval     |
| <input checked="" type="checkbox"/> | For your use         | <input type="checkbox"/> Approved as noted        | <input type="checkbox"/> Submit   | <input type="checkbox"/> copies for distribution |
| <input type="checkbox"/>            | As requested         | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return   | <input type="checkbox"/> corrected prints        |
| <input type="checkbox"/>            | For review & comment |   | <input type="checkbox"/> Return   | <input type="checkbox"/> prints to us            |
| <input type="checkbox"/>            | For bids due         |   |                                   |  |
| <input type="checkbox"/>            | Other explanation:   |   |                                   |  |

REMARKS:

COPY TO:

IF ENCLOSURES ARE NOT AS NOTED, KINDLY NOTIFY US AT ONCE.

*Providing Land Surveying and Site Planning Services in Maryland since 1984*

SIGNED:









Case No.: 2009-0259-SPHA 5130 Long Green Rd.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Petitioner/Developer	Protestant
No. 2	<del>Site</del> Site plan	
No. 3	Deeds	
No. 4	50 ft. Right of way <u>Deed</u> between Hess and Casahn	
No. 5	Aerial photograph of site	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

First Parcel Tax I.D. 11-01-035402

Second Parcel Tax I.D. 11-13-041740

NO TITLE EXAMINATION, NO CONSIDERATION

THIS DEED made this 31<sup>st</sup> day of May, 2003 by and between MATILDA M. ALBRECHT, PERSONAL REPRESENTATIVE OF THE ESTATE OF PHILIP H. ALBRECHT, JR., deceased, of Baltimore County, State of Maryland, party of the first part, Grantor, and MATILDA M. ALBRECHT, of the State of Maryland, party of the second part, Grantee.

WHEREAS, the said Philip Henry Albrecht, Jr., late of Baltimore County, died on April 24, 2002 seized and possessed of the fee simple interest in the property hereinafter described, with a Will; and

WHEREAS, Matilda M. Albrecht, was appointed Personal Representative of the Estate of Philip Henry Albrecht, Jr. on July 29, 2002 by the Orphans' Court of Baltimore County, and Matilda M. Albrecht, duly qualified and posted her required bond (See Estate No. 120998 - Register of Wills for Baltimore County); and

WHEREAS, pursuant to the provisions of Section 1-301 of the Estates and Trusts Article of the Annotated Code of Maryland, legal title to the hereinafter described property passed directly to the said Grantor as Personal Representative of the Estate of Philip Henry Albrecht, Jr., deceased; and

REVIEWED SDAT  
BY [Signature] 6/10/03  
DATE

PETITIONER'S  
EXHIBIT NO. 2

NOW, THEREFORE WITNESSETH, That in consideration of the premises, the actual consideration being \$0.00 the said Matilda M. Albrecht, Personal Representative of the Estate of Philip Henry Albrecht, Jr., does hereby grant and convey unto the said Matilda M. Albrecht, her personal representatives, heirs and assigns, all those lots of ground situate, in fee simple; lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

FIRST: Beginning for the same at a stone set at the beginning of a second line of the parcel of land which by deed dated June 11, 1936 and recorded among the Land Records of Baltimore County in Liber CWBJr. No. 968, folio 0452, was conveyed by Emma E. Newhauser to Charles August Albrecht and wife, and running thence with and binding on the second, third, fourth and gift lines and on a part of the sixth line of said parcel of land, as the courses are referred to the magnetic Meridian in said deed, the five following courses and distances, viz: North 51 degrees 30 minutes west 1386 feet to a stone, South 29 degrees 30 minutes west 326.70 feet to a stone, South 45 degrees 15 minutes west 623.70 feet to a stone, South 26 degrees 30 minutes west 546.15 feet to a stone, and South 49 degrees 45 minutes east 1990.40 feet, thence leaving said outline and running for lines of division now made (the courses of said lines of division referring to the magnetic meridian of 1955) the two following courses and distances, viz: North 48 degrees 07 minutes east, binding for a part in the center of a ten foot macadam drive leading from the Long Green Road to the dwelling house on the land now being described, 369.94 feet to a point in the center of said drive at a bend in same and North 46 degrees 45 minutes east continuing to bind for a part in the center of said ten foot macadam drive, 1384.70 feet to a pipe set in the first line of the aforesaid parcel of land which was conveyed by Newhauser to Albrecht and running thence with and binding on a part of said first line, as the course is referred to the magnetic Meridian as used in the aforesaid deed North 66 degrees 15 minutes west 819.60 feet to the place the beginning, containing 75 acres of land, more or less, a plat of which is recorded in Plat Book W. J. R. No. 27 folio 031. The improvements thereon being known as 5130 Long Green Road.

Being the same lot of ground described in a deed dated December 27, 1962 and recorded in the land records of Baltimore County in the Liber 4091 folio 328 from zero Inc. to Philip Henry Albrecht Sr. and Martha Hopps Albrecht, his wife. The said Martha Hopps Albrecht departed this life on June 4, 1995, thereby vesting title solely in Philip Henry Albrecht Sr..

**Saving and excepting 23.454 acres of land more less, described in a deed dated**

October 13, 1964 from Philip Henry Albrecht Sr. and Martha Hopps Albrecht, his wife to Milton G. White, Jr. recorded in the land records of Baltimore County in Liber or 4374 folio 78.

**Saving and excepting** also all that parcel of ground comprising 20 Acres, more or less, described in a deed dated April 4, 1975 from Philip Henry Albrecht Sr. and Martha Hopps Albrecht, his wife to Philip Henry Albrecht, Jr. recorded among the land records of Baltimore County in Liber 5571 folio 779.

**SECOND:** Beginning for the same at a point in the first line of a parcel of land which by deed dated November 3, 1971, and recorded among land records of Baltimore County in Liber OTG No. 5229, Folio 0776 was conveyed by Mercantile – Safe Deposit and Trust Co., Trustee to Philip Henry Albrecht, Sr. and wife, said point being distant North 44 degrees 04 minutes 02 seconds, West 440.00 feet measured along said first line from the beginning thereof and running thence with and binding on a part of said first line, North 44 degrees 04 minutes 02 seconds, West 67.558 feet to the beginning of a parcel of land which by deed dated June 29, 1976, and recorded among land records of Baltimore County in Liber OTG No. 5649 Folio 0664, was conveyed by Philip H. Albrecht, Sr. and wife to Richard S. Bennett and Anne R. Bennett, his wife, thence running reversely on the last line of said last mentioned parcel of land, South 18 degrees 34 minutes 56 seconds west 818.14 feet to a point in the center of Long Green Road, thence running with and binding on a part of the ninth line of the parcel of land which by deed dated November 3, 1971 and recorded as aforesaid from Mercantile-Safe Deposit and Trust Company, Trustee to Philip Henry Albrecht, Sr., and wife and binding in the center of Long Green Road South 76 degrees 17 minutes 50 seconds east 60.22 feet, thence leaving said road and outline and binding reversely upon the second line of a parcel of land which by a deed dated October 11 1975 and recorded among the land records of Baltimore County in Liber OTG No. 5579 folio 103, was conveyed by Philip H. Albrecht and wife to Charles L. McCulloh and Diana M. Venier, North 18 degrees 34 minutes 56 seconds east 781.99 feet to place the beginning. Containing 1.102 acres of land more or less.

Being the remainder of that parcel of land whereby fee simple title vested in Philip Henry Albrecht Sr. and Martha Hopps Albrecht, his wife, by deed dated November 3, 1971 and recorded among the Land Records of Baltimore County in Liber OTG No. 5229 folio 0776. The said Martha Hopps Albrecht having departed this life on June 4, 1995, thereby vesting title solely in Philip Henry Albrecht, Sr. and being the parcel of ground designated "Area to be retained by Philip H. Albrecht and wife 1.102 acres plus or minus" shown on a plat recorded in the land records of Baltimore County in Liber 5579 folio 107 which plat was included as a part of the deed from Philip H. Albrecht, Sr. and wife to Charles L. McCulloh, et al.

Both the First and Second parcels being the same parcels described in a deed recorded

on September 20, 2000 from Philip H. Albrecht, Jr., personal representative of the estate of Philip H. Albrecht, Sr. recorded among the Land Records of Baltimore County in Liber 14704 folio 612.

It being the intent hereof that the aforesaid easements for the use of the spring and the rights-of-way above-mentioned are hereby granted, conveyed, established, reestablished, and reserved, and shall not be merged and extinguished by virtue of the common ownership of Philip H. Albrecht, Jr. or by Matilda M. Albrecht herein established by this deed, but shall survive and continue unless and until specifically merged and extinguished in a subsequent conveyance making reference thereto and for that purpose.

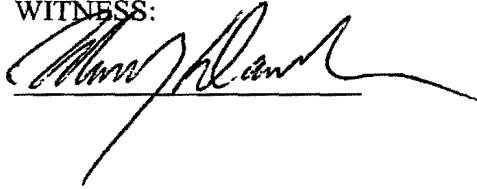
TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.


TO HAVE AND TO HOLD the said lots of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Matilda M. Albrecht, her personal representatives, heirs and assigns, in fee simple; the FIRST described parcel being subject, however, to the right of use of others entitled thereto of the fifty (50) ft. right away set forth in a deed from Charles August Albrecht to Philip Henry Albrecht, Sr. and the fifty (50) ft. right-of-way set forth in the deed from Philip Henry Albrecht, Sr. and Martha Hopps Albrecht to Philip Henry Albrecht Jr. recorded in the Land Records of Baltimore County in Liber 5571 folio 777.

AND the Grantor hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the said Grantor.

WITNESS:

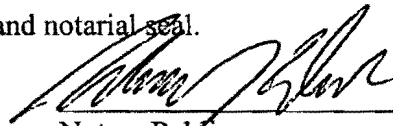


 (SEAL)  
MATILDA M. ALBRECHT  
Personal Representative of the  
Estate of Philip Henry Albrecht, Jr.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, That on this 31<sup>st</sup> day of May, 2003, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Matilda M. Albrecht, Personal Representative of the Estate of Philip Henry Albrecht, Jr., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained and in my presence signed and sealed the same.

AS WITNESS my hand and notarial seal.

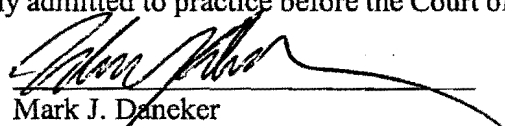


Notary Public

My Commission Expires: 5/1/04



I hereby certify that the within instrument was prepared by me or under my supervision and that I am an attorney duly admitted to practice before the Court of Appeals of the State of Maryland.



Mark J. Daneker

Return to:  
Mark J. Daneker, Esquire  
Daneker, McIntire, Schumm, Prince,  
Goldstein, Manning & Widmann, P.C.  
One N. Charles Street, Suite 2450  
Baltimore, MD 21201

c:\docs\Albrecht\Deed5132-0.5 -- 03



State of Maryland Land Instrument Intake Sheet
Baltimore City County: BALTIMORE

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

1 Type(s) of Instruments
2 Conveyance Type Check Box
3 Tax Exemptions (if Applicable)
Cite or Explain Authority

4 Consideration and Tax Calculations
Table with columns: Consideration Amount, Finance Office Use Only, Transfer and Recordation Tax Consideration

5 Fees
Table with columns: Amount of Fees, Doc. 1, Doc. 2, Agent, Tax Bill, C.B. Credit, Ag. Tax/Other

6 Description of Property
SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

7 Transferred From
Doc. 1 - Grantor(s) Name(s)
Doc. 2 - Grantor(s) Name(s)

8 Transferred To
Doc. 1 - Grantee(s) Name(s)
Doc. 2 - Grantee(s) Name(s)
New Owner's (Grantee) Mailing Address

9 Other Names to Be Indexed
Doc. 1 - Additional Names to be Indexed (Optional)
Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information
Instrument Submitted By or Contact Person
Name: MAAK DANEKER
Firm: DANEKER Mc FENZEL
Address: ONE N. CHARLES ST. SUITE 2450 BALTO MD. 21201
Phone: (410) 644-4753

11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER
Assessment Information
Assessment Use Only - Do Not Write Below This Line

REMARKS:
Date 6/10/03
T.P. ART 12-108

RETURN TO: Fidelity Title Co., Inc.  
Suite 212, Commerce West  
1777 Reisterstown Road  
Baltimore, MD 21208-1384

(1)

File Number: 97000483

THIS DEED, made this 1st day of October, 1997, by and between MARGARET ELEONORA LASSAHN, party of the first part, Grantor; and RICHARD A. HESS and JANET E. HESS, husband and wife, parties of the second part, Grantees.

WITNESSETH that for and in consideration of the sum of One Hundred Thirty Thousand Dollars and 00/100 Cents (\$130,000.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the said party of the first part does hereby grant and convey unto the parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's personal representatives and assigns, in fee simple, all that lot or parcel of ground lying, situate, and being in the 11th Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

BEING the same lot of ground which by Deed dated October 6, 1960 and recorded among the Land Records of Baltimore County in Liber 3764, folio 386 was granted and conveyed by Charles August Albrecht unto the within named Grantor.

TOGETHER with the buildings and improvements thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the above described lot of ground and premises unto and to the use of the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's personal representatives and assigns, in fee simple.

AND the said party of the first part hereby covenants that she has not done nor suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the said party of the first part.

Witness:

Charles H. Cope

Margaret Eleonora Lassahn (SEAL)  
MARGARET ELEONORA LASSAHN

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 1st day of October, 1997, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared MARGARET ELEONORA LASSAHN, known to me (or satisfactorily proven) to be the person whose name is subscribed to

Agricultural Transfer Tax  
Not Applicable - Letter of Intent

Signature ER Date 10/16/97

PETITIONER'S

3

EXHIBIT NO.

the within instrument and acknowledged the foregoing instrument to be hER act, and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

Charles H. Caplan  
Notary Public

My Commission expires: \_\_\_\_\_

CHARLES H. CAPLAN  
NOTARY PUBLIC  
BALTIMORE COUNTY, MD  
COMMISSION EXPIRES FEB. 1, 2000

This is to certify that the within instrument has been prepared (i) by or under the supervision of the undersigned Maryland attorney, or (ii) by a party to this instrument.

Charles H. Caplan  
CHARLES H. CAPLAN, Attorney

A:\CHC\97-483.DED

**EXHIBIT "A"**

File No. 97000483

**BEGINNING** for the same at the beginning of a parcel of land described in a deed from Emma E. Newhauser to Charles August Albrecht and wife, dated June 11, 1936 and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 968, folio 452, and running thence with and binding on a part of the first line of said parcel of land, as the course is referred to the magnetic meridian in said deed, North 66 degrees 15 minutes West 861.75 feet to a pipe, thence leaving said outline and running for lines of division now made (the courses of said lines of division referring to the magnetic meridian of 1955) the two following courses and distances, viz: South 46 degrees 45 minutes West, binding for a part in the center of a 10 foot macadam drive, 1384.70 feet to a point in the center of said drive at a bend in same and South 48 degrees 07 minutes West continuing to bind for a part in the center of said 10 foot macadam drive, 369.94 feet to intersect the sixth line of the aforesaid parcel of land which was conveyed by Newhauser to Albrecht, thence running with and binding on a part of said sixth line, as the course is referred to the magnetic meridian in said deed South 49 degrees 45 minutes East 471.40 feet to the center of the Long Green Road, thence binding in the center of said road and on a part of the seventh line of the aforesaid parcel of land South 87 degrees 30 minutes East 387 feet more or less to the end of the third line of a parcel of land which by a deed dated September 27, 1929 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 836, folio 211 was conveyed by John Morris Morrison and wife to Charles August Albrecht and wife, thence leaving said road and binding reversely on a part of the third line of said parcel of land as the course is referred to the magnetic meridian in said deed North 31 degrees 15 minutes East 1169 feet more or less to a fence there situate, thence binding along said fence and running with and binding on the second line of a parcel of land which by a deed dated December 10, 1941 and recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1202, folio 491 was conveyed by Charles A. Albrecht and wife to Howard L. Morris and wife South 63 degrees 22 minutes East 395.90 feet to intersect the last line of the aforesaid parcel of land which was conveyed by Newhauser to Albrecht and thence binding on a part of said last line as the course is referred to the magnetic meridian in said deed, North 31 degrees East 500.5 feet, more or less, to the place of beginning.

Containing 30 acres of land, more or less.

The said tract of land being delineated on a plat of the entire property of Charles August Albrecht, recorded in Plat Book W.J.R. No. 27, folio 31.

Subject to and together with the right and use thereof in common with others entitled thereto of a spring located on the herein described parcel of land which spring is connected by a pipe line to the dwelling erected on the property adjoining on the northwest which property contains 75 acres of land, more or less.

Subject also to the right of the owner of the 75 acres parcel of land to enter upon the property herein described for the purpose of maintaining the existing pipe line from said spring to the aforesaid dwelling.

Subject to and together with the right and use thereof in common with Philip Henry Albrecht, Sr., his heirs and assigns of 50 foot right of way laid out adjacent to and north of the South 49 degrees 45 minutes East 471.40 feet line of the herein described parcel of land; which right of way leads from the Long Green Road in a northwesterly direction to the 75 acres parcel of land conveyed by Charles August Albrecht to Philip Henry Albrecht, Sr. by deed dated October 6, 1960 and recorded among the Land Records of Baltimore County in Liber 3764, folio 389 and lying to the northwest of the herein described parcel of land.

Also subject to and together with the right and use thereof in common with Philip Henry Albrecht, Sr., his heirs and assigns of the existing 10 foot macadam drive which leads in a northeasterly direction from the northwest end of the herein described 50 foot right of way to the dwelling located on the aforesaid 75 acres parcel of land, the center of said macadam drive being described as follows, to wit:

**EXHIBIT "A" (continued)**

File No. 97000483

Beginning for the same in the third or South 48 degrees 07 minutes West 369.94 feet line of the herein described 30 acres parcel of land at a point distant North 48 degrees 07 minutes East 50.03 feet measured reversely along said line from the end thereof and thence running in the center of said 10 foot macadam drive the two following courses and distances, viz: North 48 degrees 07 minutes East 319.91 feet and North 46 degrees 45 minutes East 165 feet.

I, Margaret Eleonora Lassahn, do hereby certify that the Easement for Railroad Use has been abandoned and that I have been the owner of the property for thirty-seven (37) years and that no railroad use has occurred during the past thirty (30) years and that all of the tracks were removed from the property.

*Margaret Eleonora Lassahn*  
MARGARET ELEONORA LASSAHN

Subscribed and sworn to this 1st day of October, 1997.

*Charles H. Caplan*  
Notary Public

CHARLES H. CAPLAN  
NOTARY PUBLIC  
BALTIMORE COUNTY, MD  
COMMISSION EXPIRES FEB. 1, 2000

State of Maryland Land Instrument Intake Sheet
Baltimore City County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only--All Copies Must Be Legible)

1 Type(s) of Instruments
2 Conveyance Type Check Box
3 Tax Exemptions (If Applicable)
Cite or Explain Authority

TYP FD SURE \$ 5.00
RECORDING FEE 20.00
RECORDATION T 650.00
TR TAX STATE 650.00
TOTAL 1,325.00
Reg# B401 Rpt # 34132
SR SR Blk # 2301
Oct 22, 1997 09:17 am

4 Consideration and Tax Calculations
Table with columns: Consideration Amount, Finance Office Use Only, Transfer and Recordation Tax Consideration

5 Fees
Table with columns: Amount of Fees, Doc. 1, Doc. 2, Agent, Tax Bill, C.B. Credit, Ag. Tax/Other

6 Description of Property
SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

7 Transferred From
Doc. 1 - Grantor(s) Name(s): Margaret Eleonora Lassahn
Doc. 2 - Grantor(s) Name(s): Richard A. Hess and Janet E. Hess

8 Transferred To
Doc. 1 - Grantee(s) Name(s): Richard A. Hess and Janet E. Hess
Doc. 2 - Grantee(s) Name(s): M. Eleonora Lassahn

9 Other Names to Be Indexed
Doc. 1 - Additional Names to be Indexed (Optional)
Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information
Name: COMMERCENTRE WEST, SUITE 212
Firm: 1777 REISTERSTOWN ROAD
Address: BALTIMORE, MARYLAND 21208
Phone: (410) 853-1550

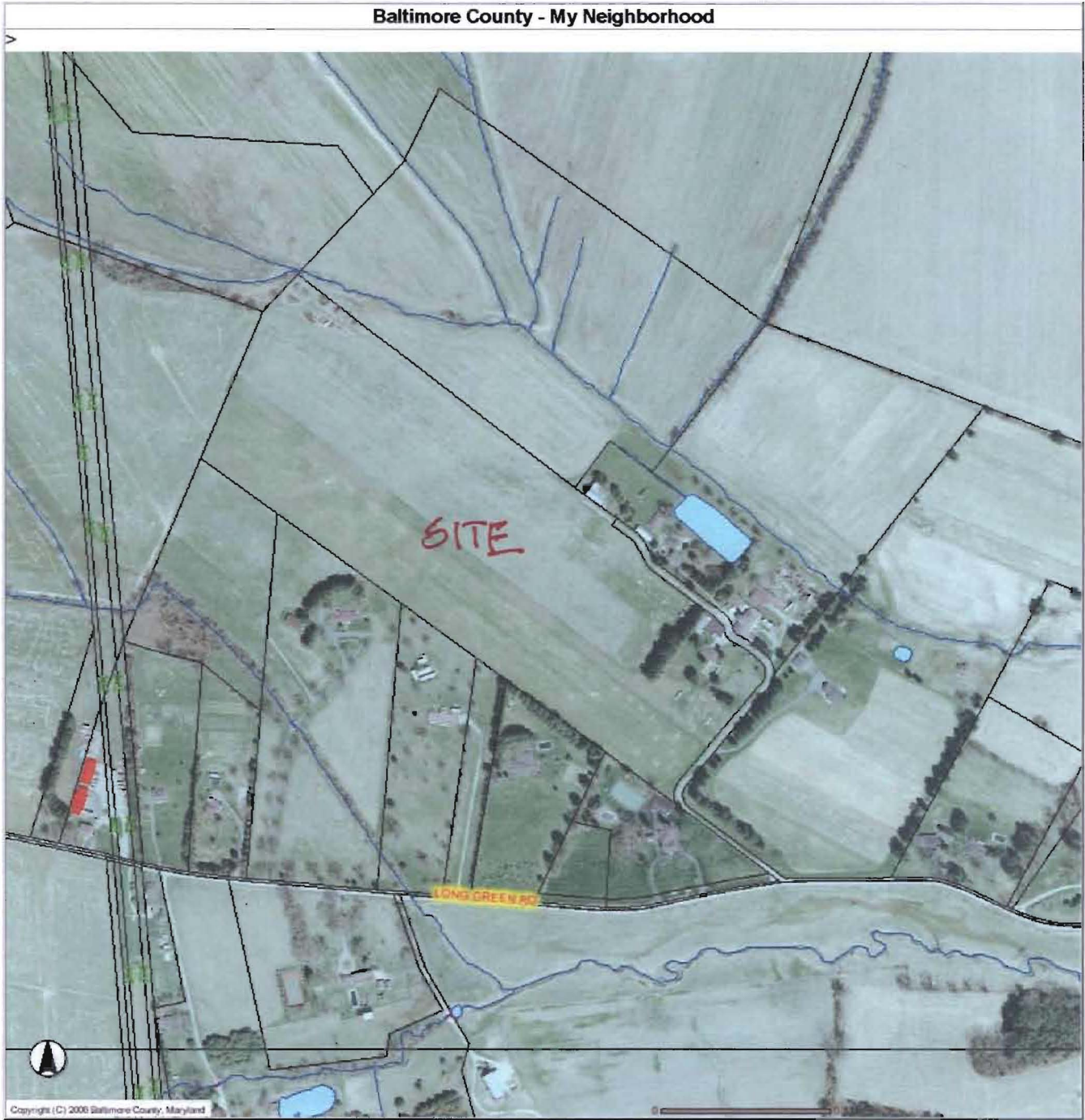
11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER
Assessment Information
Yes X No Will the property being conveyed be the grantee's principal residence?
Yes X No Does transfer include personal property? If yes, identify:
Yes X No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line
Table with columns: Terrestrial Verification, Agricultural Verification, Whole, Part, Tran. Process Verification, Assessor's Number, Date Received, Deed Reference, Assigned Property No.

COURT HOUSE BALTIMORE
COUNTY CLERK
BALTIMORE, MD
RECEIVED
OCT 22 1997

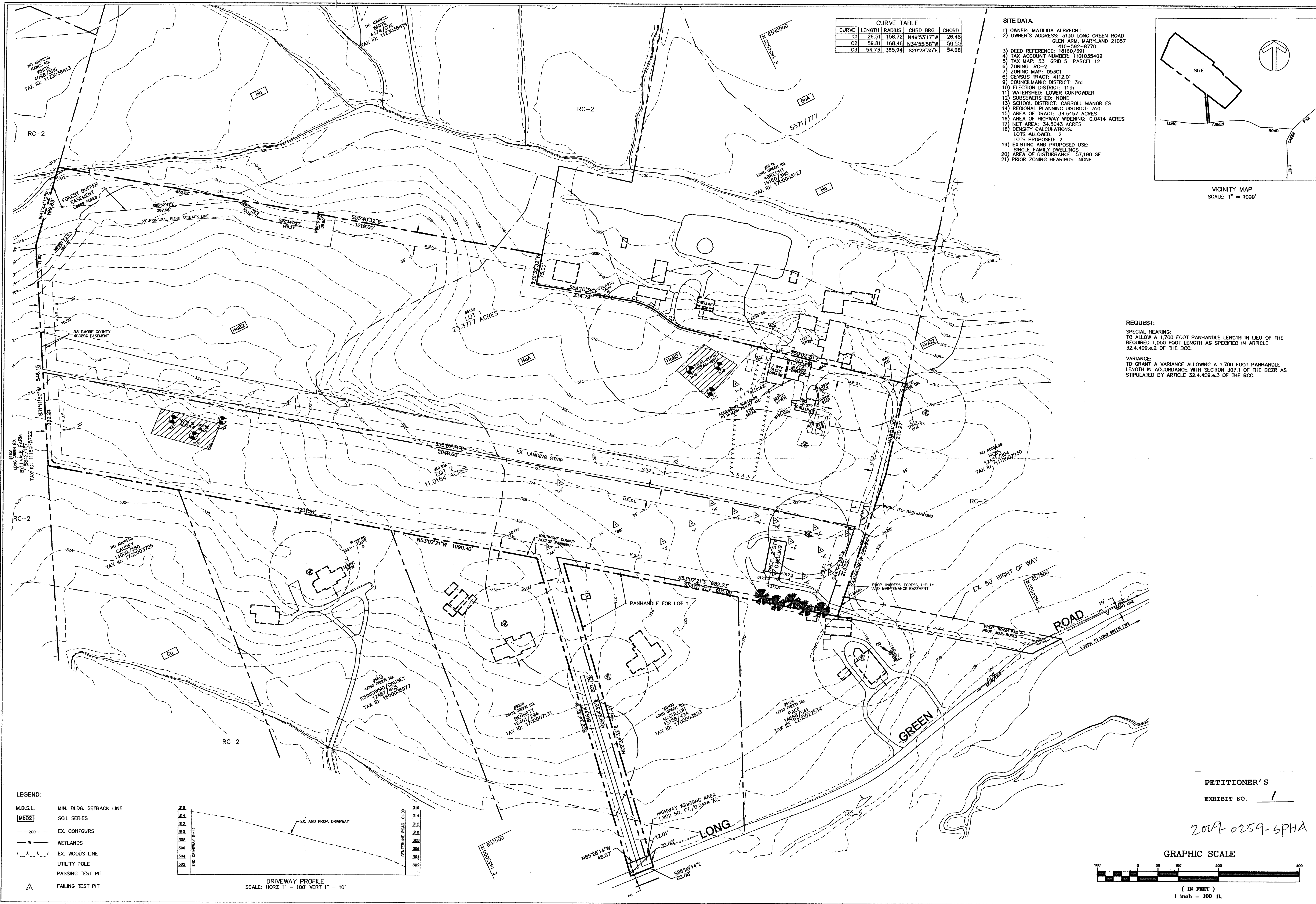
White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldendod - Preparer
AOC-CC-300 (8/95)

Baltimore County - My Neighborhood



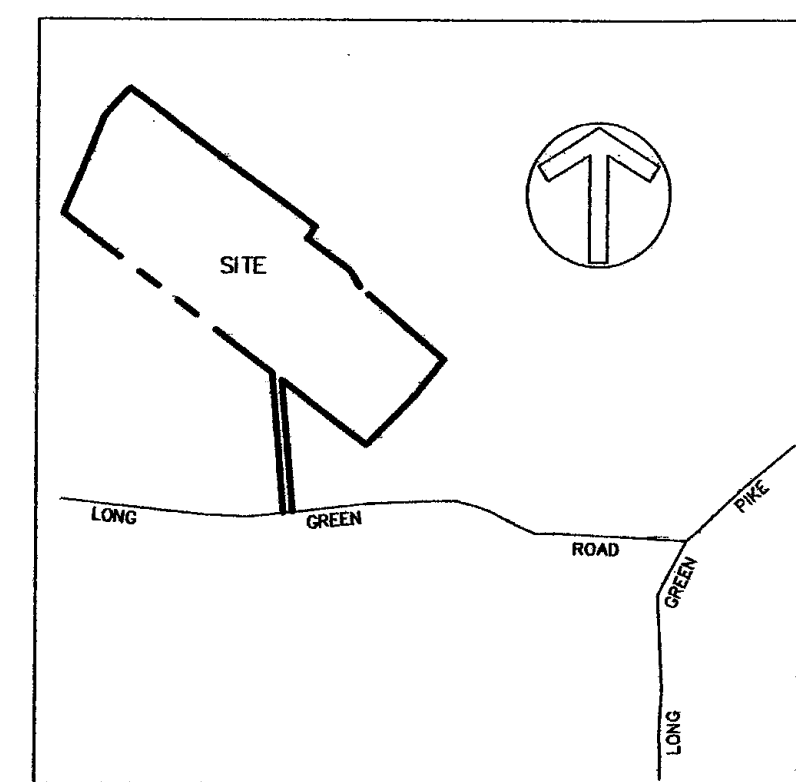
4





CURVE	LENGTH	RADIUS	CHRD BRG	CHORD
C1	26.51	158.72	N49°53'17"W	26.48
C2	59.81	168.46	N34°55'58"W	59.50
C3	54.73	365.94	S29°28'35"E	54.68

- SITE DATA:**
- 1) OWNER: MATILDA ALBRECHT
  - 2) OWNER'S ADDRESS: 5130 LONG GREEN ROAD  
GLEN ARM, MARYLAND 21057  
410-592-8770
  - 3) DEED REFERENCE: 18160/391
  - 4) TAX ACCOUNT NUMBER: 1101035402
  - 5) TAX MAP: S3 GRID 5 PARCEL 12
  - 6) ZONING: RC-2
  - 7) ZONING MAP: 053C1
  - 8) CENSUS TRACT: 4112.01
  - 9) COUNCILMANIC DISTRICT: 3rd
  - 10) ELECTION DISTRICT: 11th
  - 11) WATERSHED: LOWER GUNPOWDER
  - 12) SUBSEWERED: NONE
  - 13) SCHOOL DISTRICT: CARROLL MANOR ES
  - 14) REGIONAL PLANNING DISTRICT: 310
  - 15) AREA OF TRACT: 34.5457 ACRES
  - 16) AREA OF HIGHWAY WIDENING: 0.0414 ACRES
  - 17) NET AREA: 34.5043 ACRES
  - 18) DENSITY CALCULATIONS:
  - 19) LOTS ALLOWED: 2
  - 20) LOTS PROPOSED: 2
  - 21) EXISTING AND PROPOSED USE: SINGLE FAMILY DWELLINGS
  - 22) AREA OF DISTURBANCE: 57,100 SF
  - 23) PRIOR ZONING HEARINGS: NONE



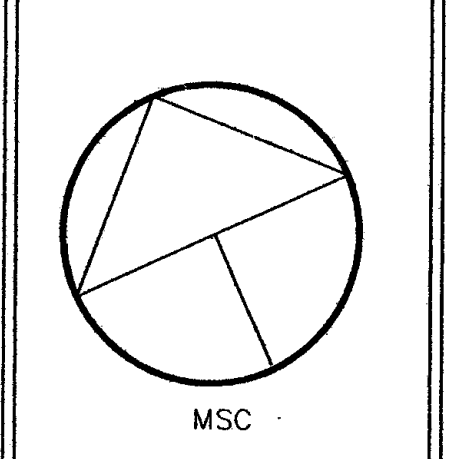
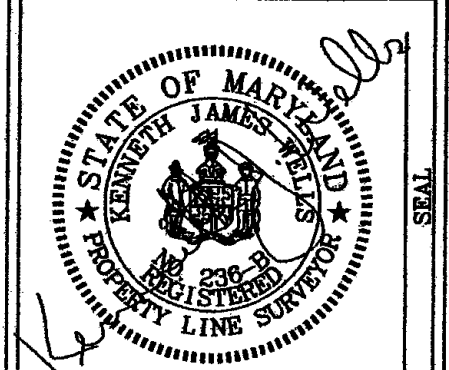
**REQUEST:**

SPECIAL HEARING:  
TO ALLOW A 1,700 FOOT PANHANDLE LENGTH IN LIEU OF THE REQUIRED 1,000 FOOT LENGTH AS SPECIFIED IN ARTICLE 32.4.409.e.2 OF THE BCC.

VARIANCE:  
TO GRANT A VARIANCE ALLOWING A 1,700 FOOT PANHANDLE LENGTH IN ACCORDANCE WITH SECTION 307.1 OF THE BCZR AS STIPULATED BY ARTICLE 32.4.409.e.3 OF THE BCC.

**kjwellsinc**  
7403 NEW CUT ROAD  
KINGSTVILLE, MARYLAND 21087  
(410) 692-8800

*Land Surveying & Site Planning*



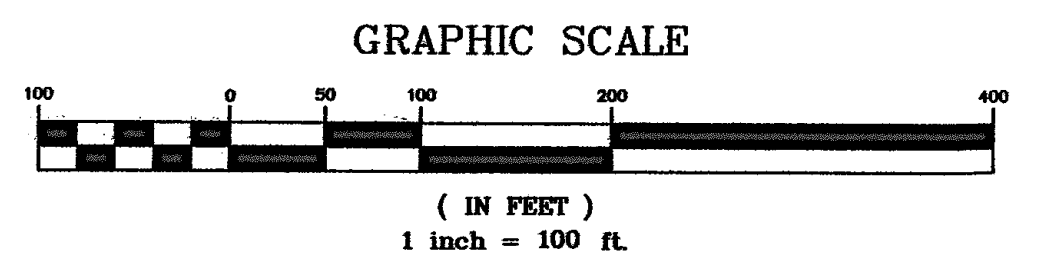
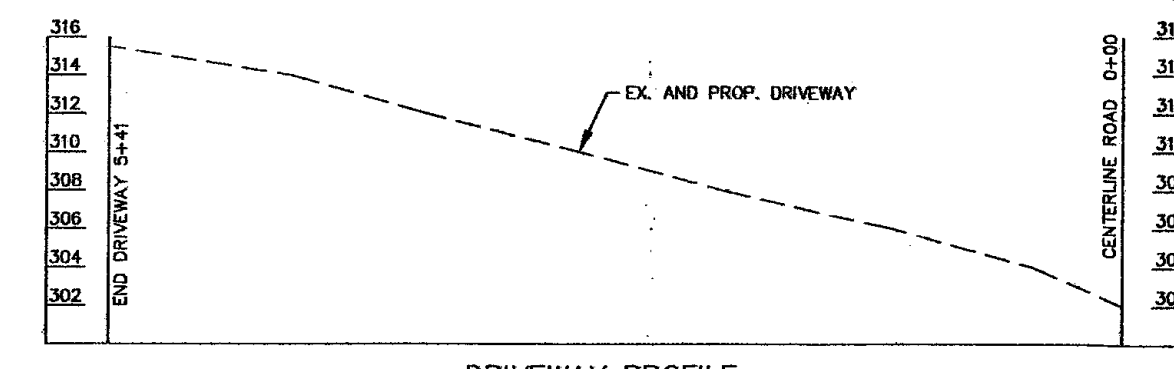
REVISIONS:

NO.	DATE

**PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE & SPECIAL HEARING**  
**ALBRECHT PROPERTY**  
**5130 LONG GREEN ROAD**

BALTIMORE COUNTY, MARYLAND  
3rd COUNCILMANIC DISTRICT  
11th ELECTION DISTRICT

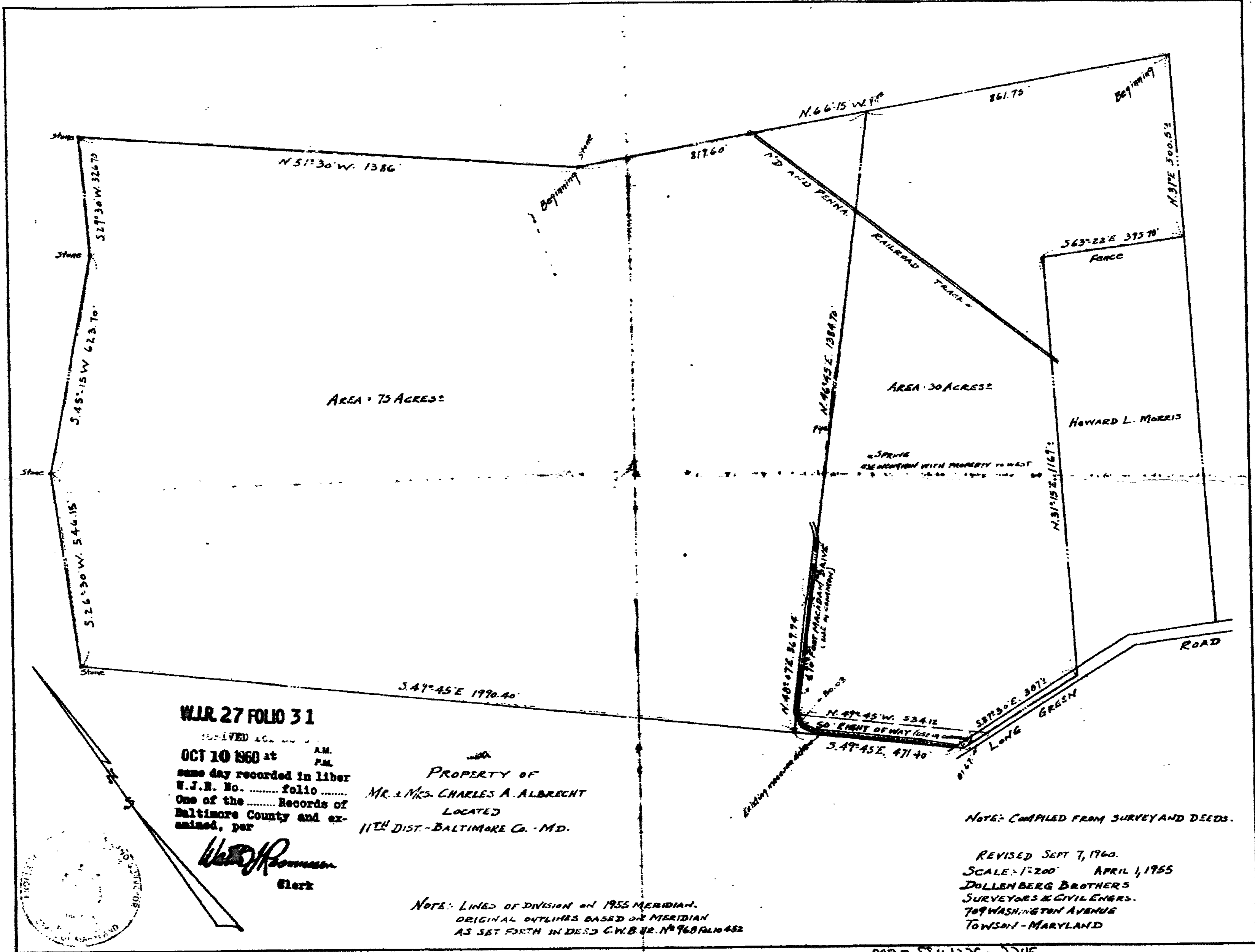
- LEGEND:**
- M.B.S.L. MIN. BLDG. SETBACK LINE
  - SOIL SERIES
  - EX. CONTOURS
  - WETLANDS
  - EX. WOODS LINE
  - UTILITY POLE
  - PASSING TEST PIT
  - FAILING TEST PIT



PETITIONER'S  
EXHIBIT NO. 1

2009-0259-SPHA

DRAWN BY: KJW  
CHECKED BY: KJW  
DATE: 2/21/2005  
PROJECT NO.: 2004-051  
SHEET 1 OF 1



W.J.R. 27 FOLIO 31

RECEIVED at  
 OCT 10 1960 at AM.  
 same day recorded in liber PM.  
 W.J.R. No. folio  
 One of the Records of  
 Baltimore County and ex-  
 amined, per

*Walter J. Robinson*  
 Clerk

PROPERTY OF  
 MR. & MRS. CHARLES A. ALBRECHT  
 LOCATED  
 11th DIST. - BALTIMORE CO. - MD.

NOTE: LINES OF DIVISION ON 1955 MERIDIAN.  
 ORIGINAL OUTLINES BASED ON MERIDIAN  
 AS SET FORTH IN DEED C.W.B. JR. N° 968 FOLIO 452

NOTE: COMPILED FROM SURVEY AND DEEDS.

REVISED SEPT 7, 1960.  
 SCALE: 1"=200' APRIL 1, 1955  
 DOLLENBERG BROTHERS  
 SURVEYORS & CIVIL ENGINEERS.  
 709 WASHINGTON AVENUE  
 TOWSON - MARYLAND

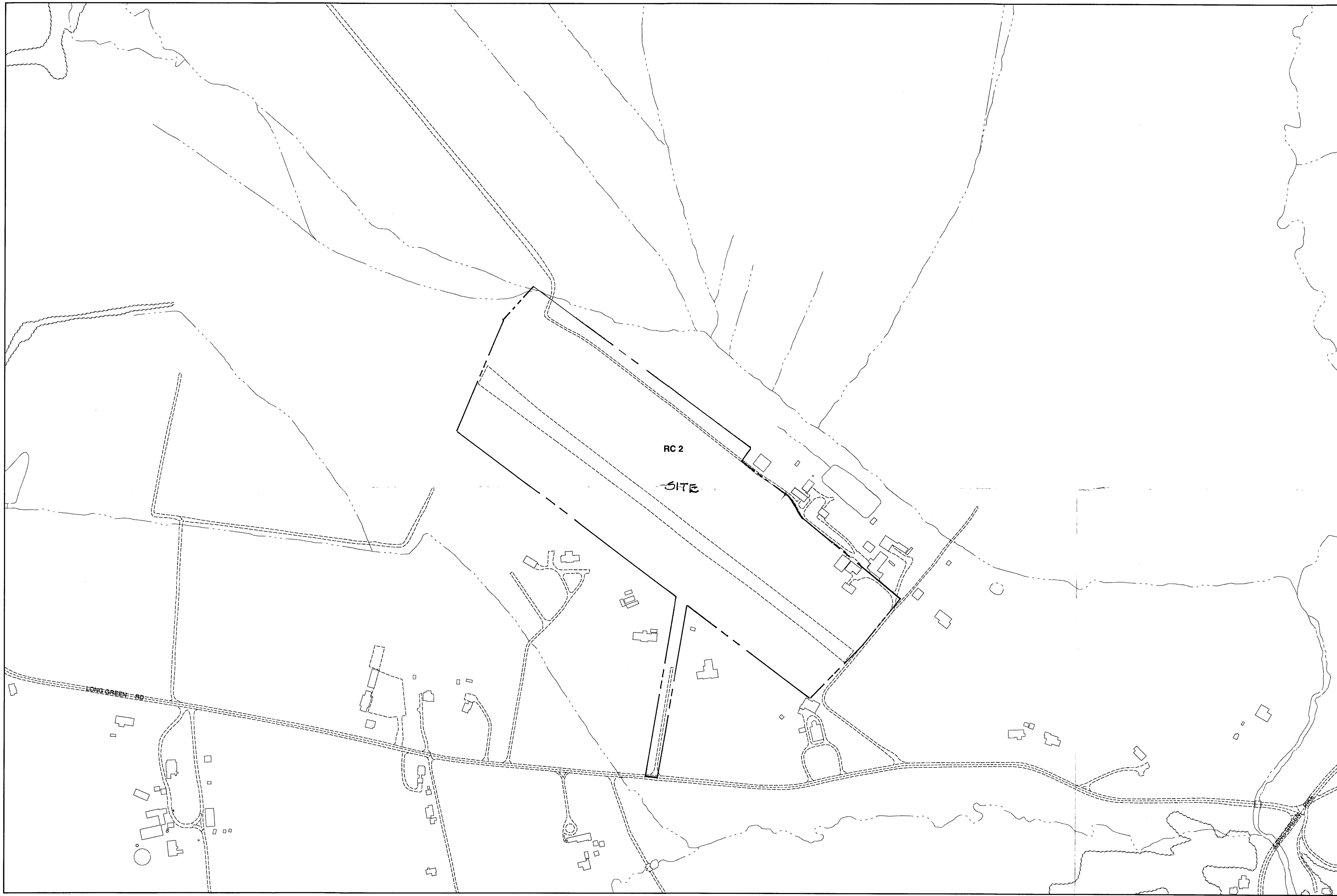
MSA 55u1036-2245

W.J.R. 27-31

PETITIONER'S

EXHIBIT NO.

4



Plan Sheet: 053C1

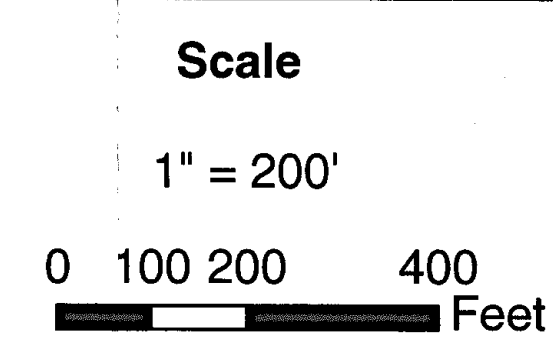
Note:  
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

**Legend**

- Buildings
- Streams
- Vegetation
- Zoning
- Roads
- Rail Lines

**Baltimore County  
Office of Planning and Zoning  
Official Zoning Map**

044A3	044B3	044C3	045A3	045B3
053A1	053B1	053C1	054A1	054B1
053A2	053B2	053C2	054A2	054B2



**Data Sources:**  
Planimetric Data - Baltimore County  
DTG/IS Services Unit  
1:2400, from 1995/06 photography  
Zoning - Baltimore County Office of Planning  
1:2400, 2008

2009-0259-SPHA