

7/19/11

IN THE MATTER OF	*	BEFORE THE
<u>ROBERT BOUTWELL</u>	*	BOARD OF APPEALS
- LEGAL OWNER /PETITIONER		
CARL PARKER / CONTRACT PURCHASER	*	OF
RE: PETITION FOR SPECIAL HEARING	*	BALTIMORE COUNTY
E/S FALLS RD., 2500 FT., N/W BRICK STORE RD.		
(18426 FALLS ROAD)	*	
5 TH ELECTION DISTRICT		
3 RD COUNCILMANIC DISTRICT	*	CASE NO.: 10-082-SPH

* * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by J. Carroll Holzer, Esquire, on behalf of Mary Zodhiates, Patricia Shook, Edward and Dorothy Yingling, Alexander and Elizabeth Seidler, and Falls Road Friends, from a decision of the Deputy Zoning Commissioner dated March 24, 2010 in which the requested Petition for Special Hearing was granted.

WHEREAS, the Board is in receipt of a voluntary joint Motion to Dismiss signed by J. Neil Lanzi, Esquire, Counsel for Carl F. Parker, Contract Purchaser and Jeffrey H. Gray, Esquire, Counsel for Robert Boutwell, Legal Owner, Petitioner. (a copy of which is attached hereto and made a part hereof)

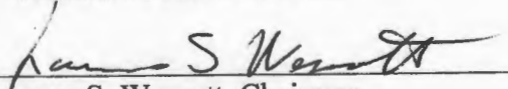
WHEREAS, that in paragraph number 8. of the Motion to Dismiss, it is stated as follows: "the filing of this Motion effectively withdrawing the zoning relief previously approved in the above referenced case."

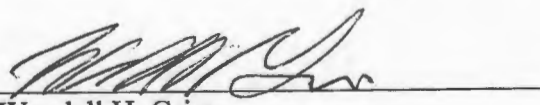
WHEREAS, the parties Boutwell and Parker under the requirement of the release of contract with regard to the above mentioned Property, withdraw the Petition for Special Hearing, filed March 24, 2010; and


WHEREAS, said Counsel for Petitioner and Contract Purchaser requests that the Petition for Special Hearing taken in this matter be withdrawn as of June 28, 2011,

IT IS THEREFORE ORDERED this 14th day of July, 2011 by the Board of Appeals of Baltimore County that the Petition for Special Hearing approved in Case No. 10-082-SPH be and the same is hereby withdrawn and therefore **DISMISSED without prejudice**, thereby rendering the March 24, 2010 Order of the Deputy Zoning Commissioner as **null and void** in this matter.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Wendell H. Grier


Andrew M. Belt

2/14/11

Board of Appeals of Baltimore County



JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 14, 2011

J. Neil Lanzi, Esquire
409 Washington Ave, Ste 617
Towson, MD 21204

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

Jeffrey H. Gray, Esquire
16928 York Road
Monkton, MD 21111

RE: *In the Matter of: Robert Boutwell – Legal Owner/Petitioner
Carl Parker – Contract Purchaser*
Case No.: 10-082-SPH

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/kc
Enclosure
Duplicate Original Cover Letter

c: Robert Boutwell
Kenneth Wells
Patricia Shook
Alexander and Elizabeth Seidler
Gregory Boutwell
Office of People's Counsel
Andrea Van Arsdale, Director/Planning
Nancy C. West, Assistant County Attorney

Carl F. Parker
Mary Zodhiates
Edward and Dorothy Yingling
Falls Road Friends
Mr. and Mrs. Wisner
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney

6/30/11

IN RE:
PETITION FOR SPECIAL HEARING .

E Side of Falls Road:
2500 Feet NW of Brick Store Road
(18426 Falls Road)

5th Election District
3rd Councilmanic District

Robert Boutwell, Petitioner
Carl F. Parker, Contract Purchaser

Petitioners

* BEFORE THE
* COUNTY
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
*
* Case No.: 210-0082-SPH

* * * * *

OPPOSITION TO MOTION TO DISMISS

Respondents, *Mary Zodhiates, Patricia Shook, Edward and Dorothy Yingling, Falls Roads Friends, and Elizabeth and Alexander Sidler*, Respondents hereby oppose the Motion to Dismiss for the reasons set forth below:

1. On or about April 22, 2010, Notice of Appeal was filed from the Decision of the Deputy Zoning Commissioner dated March 24, 2010, in which the Respondents filed an appeal to this Board for a *de novo* review of the issue presented in the above case.
2. That the original Petitioners, Parker and Boutwell, since the Notice of Appeal was filed have released each other from their contractual obligations with regard to the property.
3. Apparently, a requirement of the Release of Contract was that the parties must withdraw their Zoning Request previously approved by the Deputy Zoning Commissioner and which is the subject matter of the above appeal before the Board of Appeals.

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

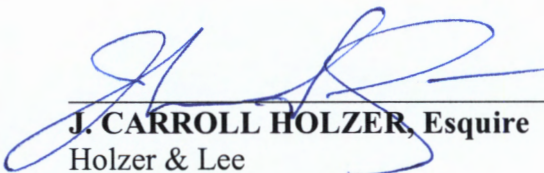
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JUL - 1 2011
BALTIMORE COUNTY
BOARD OF APPEALS

4. That the proper method of disposing of this case would be for the Petitioner to file a Motion withdrawing the requested zoning relief previously approved in the instant case. The Respondents would agree to a withdrawal of the Petitioners Petition which would eliminate the approval of the Deputy Zoning Officer.

5. It is not appropriate for the Board to dismiss the Respondents appeal, but the same result could apply if the Petitioners move to withdraw their zoning relief requested in this case.

WHEREFORE, Respondents would move to deny the Motion to Dismiss the Respondents appeal *de novo* to the Board, but would agree with Petitioners that if their Motion is to withdraw the requested relief which would make moot the Decision of the Deputy Zoning Commissioner, that Respondents would have no objection to an Order by this Board phrased in that manner.

Respectfully submitted,



J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of June 2011, a copy of the foregoing Motion to Dismiss was mailed first class, postage pre-paid to the following: J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, Maryland 21204 and Jeffrey H. Gray, Esquire, 16925 York Road, Suite C, Monkton, Maryland 21111.



J. CARROLL HOLZER, Esquire



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 30, 2011

VIA EMAIL

J. Neil Lanzi, Esquire
PNC Bank Building, Suite 617
409 Washington Avenue

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

Jeffrey H. Gray, Esquire
16925 York Road, Suite C
Monkton, MD 21111

RE: *In the Matter of:* Robert Boutwell, Legal Owner/Petitioner
Carl Parker/Contract Purchaser
Case No.: 10-082-SPH

Dear Counsel:

Attached please find for your review, a draft Order to Dismiss on the above captioned matter, withdrawing the Petition for Special Hearing.

Please advise with any corrections or edits.

Thank you for your time and assistance. I remain,

Very truly yours,

A handwritten signature in blue ink that reads "Theresa R. Shelton".

Theresa R. Shelton
Administrator

Encl.: Draft Motion to Dismiss

/trs

6/30/11 ?

DRAFT

DRAFT

IN THE MATTER OF	*	BEFORE THE
<u>ROBERT BOUTWELL</u>	*	BOARD OF APPEALS
- LEGAL OWNER /PETITIONER	*	OF
CARL PARKER / CONTRACT PURCHASER	*	BALTIMORE COUNTY
RE: PETITION FOR SPECIAL HEARING	*	
E/S FALLS RD., 2500 FT., N/W BRICK STORE RD.	*	
(18426 FALLS ROAD)	*	
5 TH ELECTION DISTRICT	*	CASE NO.: 10-082-SPH
3 RD COUNCILMANIC DISTRICT	*	

* * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by J. Carroll Holzer, Esquire, on behalf of Mary Zodhiates, Patricia Shook, Edward and Dorothy Yingling, Alexander and Elizabeth Seidler, and Falls Road Friends, from a decision of the Deputy Zoning Commissioner dated March 24, 2010 in which the requested Petition for Special Hearing was granted.

WHEREAS, the Board is in receipt of a voluntary joint Motion to Dismiss signed by J. Neil Lanzi, Esquire, Counsel for Carol F. Parker, Contract Purchaser and Jeffrey H. Gray, Esquire, Counsel for Robert Boutwell, Legal Owner, Petitioner. (a copy of which is attached hereto and made a part hereof)

WHEREAS, that in number 8. of the Motion to Dismiss, it is stated as follows: "the filing of this Motion effectively withdrawing the zoning relief previously approved in the above referenced case."

WHEREAS, the parties Boutwell and Parker under the requirement of the release of

contract with regard to the above mentioned Property, withdrawal the Petition for Special Hearing, filed March 24, 2010; and

WHEREAS, said Counsel for Petitioner and Contract Purchaser requests that the Petition for Special Hearing taken in this matter be withdrawn as of June 28, 2011,

IT IS THEREFORE ORDERED this _____ day of _____, 2011 by the Board of Appeals of Baltimore County that the Petition for Special Hearing taken in Case No. 10-082-SPH be and the same is hereby **DISMISSED without prejudice**, thereby rendering the March 24, 2010 Order of the Deputy Zoning Commissioner as **null and void** in this matter.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**

Lawrence S. Wescott, Chairman

Wendy A. Zerwitz

Edward W. Crizer, Jr.

6/29/11

RECEIVED
JUN 29 2011

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE BALTIMORE COUNTY
		BOARD OF APPEALS
E Side of Falls Road:	*	COUNTY BOARD
2500 Feet NW of Brick Store Road	*	
(18426 Falls Road)	*	OF APPEALS
	*	
5 th Election District	*	FOR BALTIMORE COUNTY
3 rd Councilmanic District	*	
Robert Boutwell, Petitioner	*	Case No. 210-0082-SPH
Carl F. Parker, Contract Purchaser	*	

Petitioners

* * * * *

MOTION TO DISMISS

Carl F. Parker ("Parker"), Contract/Petitioner, by J. Neil Lanzi and J. Neil Lanzi, P.A., his attorney and Robert Boutwell ("Boutwell"), Petitioner, by Jeffrey H. Gray, his attorney, move to dismiss this case and in support thereof states as follows:

1. Robert Boutwell, Petitioner is the owner of the Baltimore County property known as 18426 Falls Road (the "Property").
2. The Property was the subject of a Petition for Special Hearing for various zoning relief including the following:
 - (a) To permit a non-density transfer of 0.13 acres from tract 5 zoned RC 2 to tract 2 zoned RC 2, which would place the well on the same parcel as the dwelling it serves.
 - (b) To permit a non-density transfer of 0.04 acres from tract 4 zoned RC 2 to that portion of tract 1 zoned RC 2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1.
 - (c) To permit a non-density transfer of 0.44 acres from tract 2 zoned RC 2 to that portion of tract 1 zoned RC 2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1.
 - (d) To permit a non-density transfer of 0.53 acres from tract 5 zoned RC 2 to that portion of tract 1 zoned RC 2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1.

(e) To permit a non-density transfer of 0.53 acres from tract 5 zoned RC 2 to tract 2 zoned RC 2 to create a 24 foot wide in-fee access strip to a public road from tract 2.

(f) To approve the continued existence of agricultural buildings on 8.13 acres of tract 1 zoned RC 2 and on 9.57 acres of tract 1 zoned RC 8 without a principal structure.

(g) To create a non-density/non-buildable lot of 2.04 acres in that portion of tract 3 zoned RC 2.

(h) To permit an amendment to the plan that accompanied the zoning petition approved in Case No. 98-348-SPHX.

3. After a one day hearing before the Deputy Zoning Commissioner for Baltimore County, Findings of Fact and Conclusions of Law were rendered by Order dated March 24, 2010, a copy of which is attached hereto as Petitioners' Exhibit 1.

4. That all requested zoning relief was granted subject to the four conditions as contained in the Order.

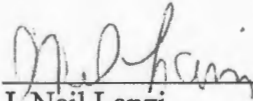
5. That on or about April 22, 2010, a Notice of Appeal was filed by Mary Zodiates, Patricia Shook, Edward and Dorothy Yingling, Falls Road Friends and Elizabeth and Alexander Seidler.

6. By way of background, a portion of the Property was under contract for purchase by Petitioner Parker from Petitioner Boutwell. Petitioner Parker was under contract to purchase 8.7 acres of the Property subject to obtaining the necessary Baltimore County approvals, including zoning approval.

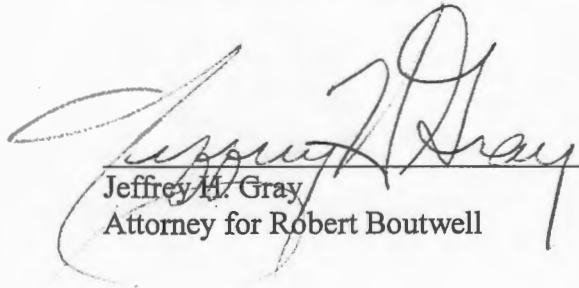
7. That since the Notice of Appeal was filed, Boutwell and Parker have released each other from their contractual obligations with regard to the Property.

8. That a requirement of the release of contract between Parker and Boutwell is the filing of this Motion effectively withdrawing the zoning relief previously approved in the above referenced case.

WHEREFORE, Petitioners respectfully withdraw all of the zoning relief which is the subject of this appeal as moot and request this Appeal be dismissed.



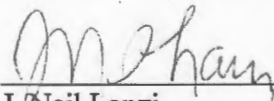
J. Neil Lanzi
Attorney for Carl F. Parker



Jeffrey H. Gray
Attorney for Robert Boutwell

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of June, 2011, a copy of the foregoing Motion To Dismiss was mailed, postage prepaid, to J. Carroll Holzer, Esquire Holzer & Lee, 508 Fairmount Avenue, Towson, Maryland 21286, Counsel for Appellants.



J. Neil Lanzi

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
PNC BANK BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: nlanzi@lanzilaw.com

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

*Also Admitted in District of Columbia

Reply to Towson

June 28, 2011

County Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 Chesapeake Avenue
Towson, Maryland 21204
Attn: Theresa Shelton, Administrator

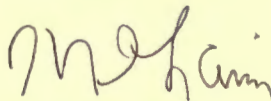
Re: In the Matter Of: Robert Boutwell, Legal Owner/Petitioner
Carl F. Parker/Contract Purchaser
Case No. 10-082-SPH

Dear Ms. Shelton:

As your files should reflect, this matter was originally scheduled to convene in October 2010 and was then postponed. A new date has not been set. In the meantime, I now enclose a Motion to Dismiss and proposed Order for consideration by the Board.

Thank you for your assistance in this matter.

Very truly yours,



J. Neil Lanzi

JNL/mal

cc: J. Carroll Holzer, Esquire
Jeffrey H. Gray, Esquire

RECEIVED
JUN 29 2011
BALTIMORE COUNTY
BOARD OF APPEALS

IN RE: PETITION FOR SPECIAL HEARING

*

BEFORE THE

E Side of Falls Road:
2500 Feet NW of Brick Store Road
(18426 Falls Road)

*

COUNTY BOARD

*

OF APPEALS

5th Election District
3rd Councilmanic District
Robert Boutwell, Petitioner
Carl F. Parker, Contract Purchaser

*

FOR BALTIMORE COUNTY

*

Case No. 210-0082-SPH

*

Petitioners

* * * * *

ORDER

This Matter comes before this Board on appeal filed by Mary Zodhiates, Patricia Shook, Edward and Dorothy Yingling, Falls Road Friends and Elizabeth and Alexander Seidler, from a decision of the Deputy Zoning Commissioner dated March 24, 2010 in which the subject property requests for Special Hearing were approved.

Upon consideration of Petitioners' Motion to Dismiss, it is this _____ day of _____, 2011, by the Board of Appeals of Baltimore County,

ORDERED, that said request be and is hereby Granted,

County Board of Appeals of Baltimore County



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
June 8, 2010

J. Neil Lanzi
409 Washington Avenue, #617
Towson, MD 21204

Dear Mr. Lanzi:

RE: Case: 2010-0082-SPH, 18426 Falls Road

Please be advised that an appeal of the above-referenced case was filed in this office on April 22, 2010 by J. Carroll Holzer on behalf of is clients. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco
Director

TK:kl

- c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Kenneth Wells, 740 New Cut Road, Kingsville 21087
Mr. & Mrs. Parker, 603 G Cranbrook Road, Cockeysville 21030
Jeffrey Gray, 16928 York Road, Monkton 21111
Robert Boutwell, 115 Belmore Road, Lutherville 21093
Gregory Boutwell, 18607 Falls Road, Hampstead 21074
Mary Zodiates, 4209 Beckleysville Rd., Hampstead 21074
G. Macy Nelson, 401 Washington Avenue, Ste. 803, Towson 21204
Patricia Shook, 18613 Falls Road, Hampstead 21074
Mr. & Mrs. Yingling, 18609 Falls Road, Hampstead 21074
Mr. & Mrs. Seidler, 18627 Falls Road, Hampstead 21074
Mr. & Mrs. Wisner, 18614 Falls Road, Hampstead 21074
Mr. J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286

RECEIVED
JUN - 8 2010

**BALTIMORE COUNTY
BOARD OF APPEALS**

APPEAL

Petition for Special Hearing
18426 Falls Road
E/s Falls Rd., 2500 ft. N/w Brick Store Rd.
5th Election District – 3rd Councilmanic District
Legal Owners: Robert Boutwell
Contract Purchaser: Carl Parker

Case No.: 2010-0082-SPH

Petition for Special Hearing (March 24, 2010)

Zoning Description of Property

Notice of Zoning Hearing (October 7, 2009)

Certification of Publication (The Jeffersonian – October 29, 2009)

Certificate of Posting (October 31, 2009) by J. Lawrence Pilson

Entry of Appearance by People's Counsel (September 23, 2009)

Petitioner(s) Sign-In Sheet – 2 Sheet (different dates)

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – 2 Sheets (different dates)

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Redlined Site Plan
3. Photographs

Protestants' Exhibits:

1. Letter dated 11/9/09 from Mr. & Mrs. Shook
2. Letter dated 11/5/09 from Mr. & Mrs. Seidler, etc.

Miscellaneous (Not Marked as Exhibit)

1. Note to file from Thomas Bostwick, dated November 18, 2009
2. Findings of Fact & Conclusions of Law – 98-348-SPHX

Deputy Zoning Commissioner's Order (GRANTED – March 24, 2010)

Notice of Appeal received on April 22, 2010 from J. Carroll Holzer for clients.

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
See cover letter

date sent June 8, 2010, kll

4/27/10

IN RE: PETITION FOR SPECIAL HEARING
E side of Falls Road; 2500 ft. NW of
Brick Store Rd.
(18426 Falls Rd.)

5th Election District
3rd Councilmanic District

Robert Boutwell, Petitioner
Carl F. Parker, Contract Purchaser

* BEFORE THE DEPUTY
* ZONING COMMISSIONER
* FOR BALTIMORE COUNTY

* Case No.: 2010-0082-SPH

* * * * *

NOTICE OF APPEAL

MARY ZODHIATES, 4209 Beckleysville Rd.; PATRICIA SHOOK, 18613 Falls Rd.;
EDWARD & DOROTHY YINGLING, 18609 Falls Rd.; and ELIZABETH & ALEXANDER
SEIDLER, 18627 Falls Rd., all of Hampstead, MD 21074, and FALLS ROAD FRIENDS,
Appellants in the above captioned matter, by and through their attorney, J. Carroll Holzer, PA,
feeling aggrieved by the decision of the Deputy Zoning Commissioner in Case No. 2010-0082-
SPH, hereby note an appeal to the County Board of Appeals from Findings of Fact and
Conclusions of Law of the Deputy Zoning Commissioner of Baltimore County dated March 24,
2010 attached hereto, and incorporated herein as **Exhibit #1**.

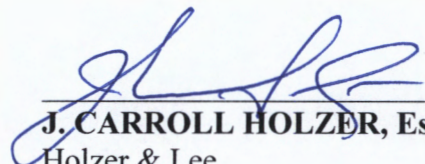
Filed concurrently with this Notice of Appeal is Appellants' check made payable to
Baltimore County to cover the costs of the appeal. Appellants were parties below and fully
participated in the proceedings.

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APR 22 2010

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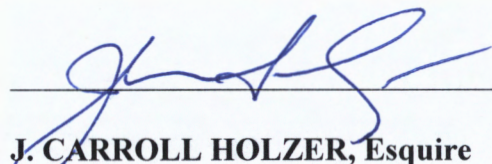
Respectfully submitted,



J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ^{22nd} day of April, 2010, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to: J. Neil Lanzi, Esq. 409 Washington Ave., # 617, Towson, MD 21204; County Board of Appeals, 105 West Chesapeake Ave., Suite 203., Towson, MD 21204; and People's Counsel for Baltimore County, 105 West Chesapeake Ave. Room 204., Towson, M, 21204.



J. CARROLL HOLZER, Esquire

1/24/10

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
E side of Falls Road; 2500 feet NW of		
Brick Store Road	*	DEPUTY ZONING
5 th Election District		
3 rd Councilmanic District	*	COMMISSIONER
(18426 Falls Road)		
	*	FOR BALTIMORE COUNTY
Robert Boutwell		
<i>Petitioner</i>	*	
Carl F. Parker		
<i>Contract Purchaser</i>	*	CASE NO. 2010-0082-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Robert Boutwell, the legal property owner, and Carl F. Parker, the contract purchaser. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1. To permit a non-density transfer of 0.13 acre from tract 5 zoned R.C.2 to tract 2 zoned R.C.2, which would place the well on the same parcel as the dwelling it serves; and
2. To permit a non-density transfer of 0.04 acre from tract 4 zoned R.C.2 to that portion of tract 1 zoned R.C.2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1; and
3. To permit a non-density transfer of 0.44 acre from tract 2 zoned R.C.2 to that portion of tract 1 zoned R.C.2 in order to create a 24 foot wide in-fee access strip to a public road from tract 1; and
4. To permit a non-density transfer of 0.53 acre from tract 5 zoned R.C.2 to that portion of tract 1 zoned R.C.2 in order to create a 24 foot wide in-fee access strip to a public road from tract 1; and
5. To permit a non-density transfer of 0.53 acre from tract 5 zoned R.C.2 to tract 2 zoned R.C.2 to create a 24 foot wide in-fee access strip to a public road from tract 2; and
6. To approve the continued existence of agricultural buildings on 8.13 acres of tract 1 zoned R.C.2 and 9.57 acres of tract 1 zoned R.C.8 without a principal structure; and

ORDER RECEIVED FOR FILING

Date 3-24-10

By ps

7. To create a non-density/non-buildable lot of 2.04 acres in that portion of tract 3 zoned R.C.2; and
8. To permit an amendment to the plan that accompanied the zoning petition approved in Case No. 98-348-SPHX; and
9. For such other and further relief as may be required by the Zoning Commissioner.

The subject property and requested relief are described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1, and more specifically the redlined site plan that was marked and accepted into evidence as Petitioner's Exhibit 2.

The case first came before the undersigned for the requisite public hearing on November 16, 2009. At that time, Carl and Dawn Parker, the contract purchasers, appeared with their attorney, J. Neil Lanzi, Esquire, and their licensed property line surveyor, Kenneth Wells with kjWells, Inc. Also appearing was the property owner, Robert Boutwell, and his son, Gregory Boutwell. Appearing in opposition to the requested relief were several nearby neighbors that included Patricia Shook of 18613 Falls Road and Mary Zodiates of 4001 and 4209 Beckleysville Road, and her attorney, G. Macy Nelson, Esquire.

At that time, Mr. Lanzi requested a continuance because he believed that the case would need more time than the one hour allotted for the hearing, as well as the fact that he had just received the comment from the Office of Planning indicating that the panhandle length for proposed Lot 2, which is the subject lot, exceeds 1,000 feet and therefore would require a variance. Mr. Lanzi indicated he did not expect this comment from Planning, having discussed this issue with that office previously. Hence, Mr. Lanzi thought it would be necessary to have a postponement so he could revisit this issue with the Planning Office. He also indicated that the property owner, Mr. Boutwell, was present but he had not spoken with him or had the opportunity to know what his participation, if any, would involve, and was also of the understanding that Mr.

ORDER RECEIVED FOR FILING

Date 3.24.10 2

By RS

Boutwell was represented by counsel, Jeffrey Gray, Esquire. Mr. Nelson indicated that he had spoken with his client, Ms. Zodhiates, and that she wished to go forward and opposed the postponement request.

The undersigned granted the postponement request; however, in the interest of fairness I offered Ms. Shook the opportunity to testify in the event she was unable to attend the next hearing date. She did in fact testify and echoed many of the assertions that were made in her letter dated November 9, 2009, which was marked and accepted into evidence as Protestant's Exhibit 1. There was also a related letter from Edward and Dorothy Yingling of 18609 Falls Road, that was very similar to Ms. Shook's letter, and which was marked and accepted into evidence as Protestant's Exhibit 2. In her testimony, Ms. Shook pointed out that the subject property is zoned R.C.2 and R.C.8, which emphasizes watershed and agricultural uses and area. She does not desire to have any more buildings or lots created. She also references the property's proximity to the Pretty Boy Reservoir and believes that even one additional lot would have a detrimental effect on the area, in particular with wells, drainage issues and wildlife preservation. She also testified that this request would impact traffic because the creation of one more lot and access to Falls Road via a panhandle would make Falls Road, which is already very congested, even more so. In short, she does not believe there should be any exceptions or variances to allow this additional development. On cross-examination, Ms. Shook indicated that she has lived at her property consisting of approximately two acres since 2001. She is located west of the Boutwell property and can see one of the homes on the Boutwell property, and does not want a use in common driveway even though she cannot see it. The hearing was then continued and rescheduled.

Appearing at the hearing on February 17, 2010 in support of the requested special hearing relief were Petitioners Carl Parker and Dawn Parker, the contract purchasers, their attorney, J, Neil

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Date 3.24.10 3

By [Signature]

Lanzi, Esquire, and Kenneth Wells with kjWells, Inc., the licensed property line surveyor who prepared the site plan. Also appearing in support of the requested relief was Jeffrey H. Gray, Esquire, attorney for the property owner, Robert Boutwell. Appearing in opposition to the requested relief was Mary Zodhiates of 4209 Beckleysville Road.

Testimony and evidence offered revealed that the overall property owned by Mr. Boutwell and/or his family once consisted of approximately 92.59 acres zoned R.C.2 and R.C.4. The property was comprised of a number of individual tracts and parcels located on the east side of Falls Road, north of Brick Store Road and south of Beckleysville Road, in the Beckleysville area of northwestern Baltimore County. The property now consists of approximately 60 acres zoned R.C.2 and R.C.8 and is irregular-shaped.¹ In order to give some context to the instant request for special hearing relief, a brief review of the property's zoning history is instructive.

Mr. Boutwell's property came before this Commission in 1998 as Petitions for Special Hearing and Special Exception. According to the testimony and evidence presented to then-Zoning Commissioner Lawrence E. Schmidt, the Boutwells acquired their 92.59 acres piecemeal over a period of years from October 1943 through September 1971. Subsequently, the Boutwells made a series of conveyances of portions of their property. This included an outconveyance to the Thompson family in 1984 and an outconveyance to the Wilson family in 1985. At the hearing in 1998, the Boutwells sought to reconfigure and re-subdivide their remaining holdings consisting of approximately 60 acres.

One of the main issues concerning the relief sought at that time involved a determination of the density available on the property. Following the 1998 hearing, John Lewis with the Zoning Review Office undertook a lengthy examination of the devolution of title for the Boutwell

¹ The R.C.4 portion of the property was subsequently rezoned to R.C.8, although the number of available density units did not change. The overall density remains the same.

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By [Signature]

property and provided a summary of the conveyances and their impact on the density rights associated with the Boutwell property. In addition, the Boutwells submitted a site plan detailing the previous conveyances and the density rights associated with the variance tracts and parcels. Of particular importance, Commissioner Schmidt concluded that the remainder of the Boutwell property contained nine (9) density units and made this and other findings in his Order dated October 1, 2003 in Case No. 98-348-SPHX.

The Boutwell property as it is today is reflected on the present redlined site plan that was accepted into evidence as Petitioner's Exhibit 2, and the prior site plan that accompanied the previous zoning Petition with the density calculations is shown in the upper left corner of the redlined site plan. At this juncture, Petitioners Carl and Dawn Parker, the contract purchasers of proposed Lot 2, and Mr. Boutwell, the legal owner, are requesting special hearing relief to approve the non-density transfers as described above. Although the Boutwell property has available density, the non-density transfers are needed to alleviate conditions that existed when the 1998 case was heard, but were not specifically addressed at that time. Chief among these for Mr. and Mrs. Parker is access to their proposed lot from Falls Road.

While the requests for non-density transfers appears somewhat complicated, Mr. Wells, Petitioner's land use consultant, indicated in his testimony that the requests are really rather minimal and straightforward. He also provided a visual representation with the photographs that were marked and accepted into evidence as Petitioner's Exhibits 3A through 3O. As depicted in the photographs and labeled and shown on the redlined site plan, the subject property has access via a driveway from Falls Road. The driveway runs along the northern portion of Tract 5, continues along the northern portion of Tract 2 where it splits, with part of the driveway running along the northern portion of Tract 4 and the other part continuing to Tract 1 (and Petitioner's

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By [Signature]

proposed Lot 2) and through the middle of Tract 2. The crosshatched areas shown on the redlined site plan are the locations of the proposed non-density transfers. If permitted, Petitioner's proposed Lot 2 would gain in-fee access to Falls Road, as would Tract 2. As minor housekeeping matters to approve existing conditions, Mr. Boutwell also seeks a non-density transfer of a small portion of Tract 5 (0.13 acre) to Tract 2 in order to place the existing well for Tract 2 on the same parcel as the dwelling it serves; to legitimize the continued existence of agricultural buildings on 8.13 acres of Tract 1 zoned R.C.2 and 9.57 acres of Tract 1 zoned R.C.8 without a principal structure; and to create a non-density/non-buildable lot of 2.04 acres on the portion of Tract 3 zoned R.C.2.

Testifying in opposition to the requested relief was Mary Zodiates of 4209 Beckleysville Road. Ms. Zodiates owns substantial acreage north of the Boutwell property. She is very concerned about overdevelopment in this area. Ms. Zodiates asserted that the law does not permit non-density transfers or lot line adjustments which result in more subdivisions of the property. She also indicated that it was contrary to the conservation goals of the R.C. Zone to approve the requested relief and essentially permit what is now an unbuildable lot to become buildable. She also indicated that under Section 1A00.4.B of the Zoning Commissioner's Policy Manual (Z.C.P.M.) entitled "Sale or Transfer of Small Parcels," the requested transfers in the instant matter are permitted only if the number of lots does not increase and the end result does not increase density. Finally, Ms. Zodiates testified that she believes the in-fee access strips that would be created by the transfers do result in a panhandle access to proposed Lot 2 that exceeds the permitted 1,000 feet in length.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A revised comment received from the Office of Planning dated February 16,

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By pm

2010 indicates that Office does not oppose the special hearing requests. General comments received from the Department of Environmental Protection and Resource Management (DEPRM) dated November 3, 2009 indicates that development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains and with the Forest Conservation Regulations. In particular, Tom Panzarella with the Environmental Impact Review Section indicates that a Forest Conservation Plan has not been submitted to DEPRM for review; therefore, the Forest Conservation Easements and Forest Buffer Easements shown on the plan have not been approved (the forest buffers have been approved by a Steep Slopes and Erodible Soils analysis). DEPRM comments above pertain to any future development of the property when more detailed information will be required, per DEPRM comments on the minor subdivision review dated January 23, 2007. In addition, Wallace S. Lippincott with the Agricultural Preservation Section of DEPRM indicates that this farm has been divided up into numerous pieces. The question is whether there is any agricultural basis to support the retention of the "agricultural buildings" or the trailer.

Based on the testimony and evidence as the hearing, I am persuaded to grant the special hearing relief. As was confirmed by then-Zoning Commissioner Schmidt in his Order dated October 1, 2004, the remaining tracts and parcels that comprise the Boutwell property contain nine (9) density units. As shown on the redlined site plan, one of those units would be utilized by Mr. and Mrs. Parker as proposed Lot 2, with much of that lot being preserved as a Forest Buffer Easement and Forest Conservation Easement, as well as the creation of a non-density and non-buildable area. Mr. Parker testified that he has known Mr. Boutwell for a number of years and had been interested in this property for about five years. With Mr. Boutwell's permission, Mr. Parker has maintained the existing driveway access to the property and has placed the well in anticipation

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By P3

of hopefully purchasing it in the near future. One important issue not addressed in the 1998 case was access to the interior site, including what is now proposed Lot 2. Petitioners desire to alleviate this condition with the aforementioned non-density transfers.

In opposition to the requested relief, Ms. Zodhiates argues that the non-density transfers should not be permitted based on her reading of the Zoning Commissioner's Policy Manual; however, I believe her interpretation is misplaced in this case. The section to which she refers, Section 1A00.4.b of the Z.C.P.M., states that the sale or transfer of small R.C. zoned parcels may be permitted for non-density purposes such as access or agricultural use. It also states that a parcel could be transferred from an overall development tract to an adjacent existing lot of record provided that the end result does not permit a re-subdivision into a greater number of lots, and indicates that a special hearing may be required to determine if a particular non-density transfer is permitted.

In my judgment, the requested non-density transfers are appropriate. It is important to note that this case is not about density. That issue was already determined by former Commissioner Schmidt, who determined there were nine (9) available density units. Mr. Parker's desired purchase of a portion of one of the tracts of the Boutwell property does not create additional density. It merely utilizes one of the available density units; however, in order for Mr. Parker's proposed Lot 2 to be accessed by a public street, Petitioners are in need of the aforementioned relief in order to acquire in-fee access to Falls Road. Section 1A00.4.b of the Z.C.P.M. permits a non-density transfer for such a purpose. Moreover, in my view, the development of proposed Lot 2 will not have a negative impact on adjacent properties, nor will it be detrimental to the health, safety, or general welfare of the community. Single-family dwellings are permitted as of right in the R.C.2 and R.C.8 Zones and the development of proposed Lot 2 will not be inconsistent with

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By pm

those zoning classifications. I am also persuaded to permit the non-density transfer in order to place the well that serves Tract 2 on the same parcel. Finally, I shall permit the continued existence of agricultural buildings on Tract 1 without a principal structure. The evidence indicates that these structures have been on the property for a number of years and the photographs indicate that much of the property continues to be used for agriculture, as evidenced by the rows of cornfields as well as other plowed fields on the property.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 24th day of March, 2010 that Petitioner's request for Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1. To permit a non-density transfer of 0.13 acre from tract 5 zoned R.C.2 to tract 2 zoned R.C.2, which would place the well on the same parcel as the dwelling it serves; and
2. To permit a non-density transfer of 0.04 acre from tract 4 zoned R.C.2 to that portion of tract 1 zoned R.C.2, in order to create a 24 foot wide in-free access strip to a public road from tract 1; and
3. To permit a non-density transfer of 0.44 acre from tract 2 zoned R.C.2 to that portion of tract 1 zoned R.C.2 in order to create a 24 foot wide in-fee access strip to a public road from tract 1; and
4. To permit a non-density transfer of 0.53 acre from tract 5 zoned R.C.2 to that portion of tract 1 zoned R.C.2 in order to create a 24 foot wide in-fee access strip to a public road from tract 1; and
5. To permit a non-density transfer of 0.53 acre from tract 5 zoned R.C.2 to tract 2 zoned R.C.2 to create a 24 foot wide in-fee access strip to a public road from tract 2; and
6. To approve the continued existence of agricultural buildings on 8.13 acres of tract 1 zoned R.C.2 and 9.57 acres of tract 1 zoned R.C.8 without a principal structure; and

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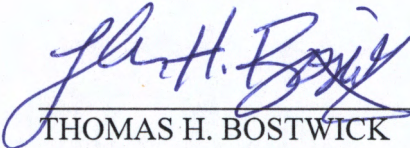
By [Signature]

7. To create a non-density/non-buildable lot of 2.04 acres in that portion of tract 3 zoned R.C.2; and
8. To permit an amendment to the plan that accompanied the zoning petition approved in Case No. 98-348-SPHX,

be and are hereby **GRANTED**, subject to the following:

1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
3. 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).
4. Petitioners shall comply with the requirements of the Development Review Committee concerning lot line adjustments under Section 32-4-106(a)(1)(viii).

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 3.24.10

By pz

3/24/10



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 24, 2010

J. NEIL LANZI, ESQUIRE
409 WASHINGTON AVENUE, #617
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 2010-0082-SPH
Property: 18426 Falls Road

Dear Mr. Lanzi:

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

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

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

- c: Kenneth J. Wells, KJ Wells Inc., 7403 New Cut Road, Kingsville MD 21087
Carl and Dawn Parker, 603 G Cranbrook Road, Cockeysville MD 21030
Jeffrey H. Gray, Esquire, 16928 York Road, Monkton MD 21111
Robert Boutwell, 115 Belmore Road, Lutherville MD 21093
Gregory Boutwell, 18607 Falls Road, Hampstead MD 21074
Mary Zodiates, 4209 Beckleysville Road, Hampstead MD 21074
G. Macy Nelson, Esquire, 401 Washington Avenue, Suite 803, Towson MD 21204
Patricia Shook, 18613 Falls Road, Hampstead MD 21074
Edward and Dorothy Yingling, 18609 Falls Road, Hampstead MD 21074
Elizabeth and Alexander Seidler, 18627 Falls Road, Hampstead MD 21074
Dorothy and Bennett Wisner, 18614 Falls Road, Hampstead MD 21074



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 18426 Falls Road (aka 18607 Falls Road)
which is presently zoned RC2 and RC8

(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)

See attached

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

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

Contract Purchaser/Lessee:

Carl F. Parker

Name - Type or Print

Signature *CFP*

2017 York Road 410-252-2088

Address Telephone No.

Timonium, MD 21093

City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi

Name - Type or Print

Signature *JNL*

J. Neil Lanzi, P.A.

Company

409 Washington Ave, Ste 617 410-296-0686

Address Telephone No.

Towson, MD 21204

City State Zip Code

Legal Owner(s):

Robert Boutwell

Name - Type or Print

Signature *Robert Boutwell*

Name - Type or Print

Signature

115 Belmore Road

Address Telephone No.

Lutherville, MD 21093

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 9/8/09

Case No. 2010-0083-SP4
ORDER RECEIVED FOR FILING

Date 3-24-10

By JNL

Petition for Special Hearing

Carl F. Parker, Petitioner, files this Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations requesting the Zoning Commissioner as follows:

1. To permit a non-density transfer of 0.13 acres from tract 5 zoned RC 2 to tract 2 zoned RC 2, which would place the well on the same parcel as the dwelling it serves.
2. To permit a non-density transfer of 0.04 acres from tract 4 zoned RC 2 to that portion of tract 1 zoned RC 2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1.
3. To permit a non-density transfer of 0.44 acres from tract 2 zoned RC 2 to that portion of tract 1 zoned RC 2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1.
4. To permit a non-density transfer of 0.53 acres from tract 5 zoned RC 2 to that portion of tract 1 zoned RC 2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1.
5. To permit a non-density transfer of 0.53 acres from tract 5 zoned RC 2 to tract 2 zoned RC 2 to create a 24 foot wide in-fee access strip to a public road from tract 2.
6. To approve the continued existence of agricultural buildings on 8.13 acres of tract 1 zoned RC 2 and on 9.57 acres of tract 1 zoned RC 8 without a principal structure.
7. To create a non-density/non-buildable lot of 2.04 acres in that portion of tract 3 zoned RC 2.
8. To permit an amendment to the plan that accompanied the zoning petition approved in Case No. 98-348-SPHX.
9. For such other and further relief as may be required by the Zoning Commissioner.

2010-0082-SPH

kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800
Fax: (410) 817-4055
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

September 25, 2007

Zoning Description of 18426 Falls Road Baltimore County Maryland 5th Election District 3rd Councilmanic District

Beginning at a point located 2,500 northwest from the intersection formed by the centerline of Brick Store Road (no right of way width) with the centerline of Falls Road/Maryland Route 25 (no right of way width), thence along the centerline of said Falls Road the two following courses and distances: 1) *North 9 degrees 48 minutes 15 seconds West 310.45 feet*; 2) *north 13 degrees 10 minutes 52 seconds West 276.05 feet*; thence leaving the centerline of said Falls Road the twenty following courses and distances: 3) *North 71 degrees 12 minutes 45 seconds East 332.36 feet*; 4) *North 18 degrees 47 minutes 15 seconds West 150.00 feet*; 5) *North 71 degrees 12 minutes 45 seconds East 479.94 feet*; 6) *South 71 degrees 06 minutes 12 seconds East 576.20 feet*; 7) *North 38 degrees 52 minutes 31 seconds East 21.28 feet*; 8) *South 71 degrees 06 minutes 12 seconds East 244.00 feet*; 9) *North 38 degrees 52 minutes 31 seconds East 1,238.00 feet*; 10) *North 15 degrees 55 minutes 18 seconds West 670.68 feet*; 11) *South 68 degrees 55 minutes 17 seconds East 825.25 feet*; 12) *South 5 degrees 52 minutes 29 seconds West 1,435.27 feet*; 13) *North 65 degrees 29 minutes 57 seconds West 218.93 feet*; 14) *South 26 degrees 28 minutes 23 seconds West 156.61 feet*; 15) *South 1 degree 32 minutes 48 seconds West 653.58 feet*; 16) *North 63 degrees 40 minutes 54 seconds West 406.48 feet*; 17) *South 14 degrees 13 minutes 58 seconds West 270.48 feet*; 18) *North 60 degrees 59 minutes 54 seconds West 1,581.11 feet*; 19) *North 85 degrees 53 minutes 27 seconds West 128.53 feet*; 20) *South 28 degrees 36 minutes 13 seconds West 610.14 feet*; 21) *South 43 degrees 57 minutes 53 seconds West 102.62 feet*; 22) *North 74 degrees 56 minutes 28 seconds West 18.84 feet to the place of beginning. Containing 60.11 acres of land more or less as recorded among the land Records of Baltimore County in Liber 10562 folio 063.*



2010-0082-SPH

**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: 2010-0082-SPH
Petitioner: Robert Boutwell
Address or Location: 18426 Falls Road (aka 18607 Falls Road)

PLEASE FORWARD ADVERTISING BILL TO:

Name: J NEIL LANZI
Address: 409 WASHINGTON AVENUE
SUITE 617
TOWSON MD 21204
Telephone Number: 410 296 0686

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: # 2010-0082-SPH

18426 Falls Road

E/side of Falls Road, 2500 feet n/west of Brick Store Road

5th Election District — 3rd Councilmanic District

Legal Owner(s): Robert Boutwell

Contract Purchaser: Carl F. Parker

Special Hearing: to permit non-density transfer of 0.13 acres from tract 5 zoned RC-2 to tract 2 RC-2, which would place the well on the same parcel as the dwelling it serves; to permit a non-density transfer of 0.04 acres from tract 4 zoned RC-2 to that portion of tract 1 zoned RC-2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1; to permit a non-density transfer of 0.44 acres from tract 2 zoned RC-2 to that portion of tract 1 zoned RC-2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1; to permit a non-density transfer of 0.53 acres from tract 5 zoned RC-2 to that portion of tract 1 zoned RC-2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1; to permit a non-density transfer of 0.53 acres from tract 5 zoned RC-2 to tract 2 zoned RC-2 to create a 24 foot wide in-fee access strip to a public road from tract 2; to approve the continued existence of agricultural building on 8.13 acres of tract 1 zoned RC-2 and on 9.57 acres of tract 1 zoned RC 8 without a principal structure; to create a non-density/non-buildable lot of 2.04 acres in that portion of tract 2 zoned RC-2; to permit an amendment to the plan that accompanied the zoning petition approved in case no. 98-348-SPHX; for such other and further relief as may be required by the Zoning Commissioner.

Hearing: Monday, November 16, 2009 at 9:00 a.m. In Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special 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.
10/522 October 29 219264

CERTIFICATE OF PUBLICATION

10/29/2009

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 10/29/2009.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 10/31/09

RE: Case Number: 2010-0082-SPH

Petitioner/Developer: C. Frank Parker

Date of Hearing/Closing: 11/16/09 9AM

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 18587 Falls Rd

The signs(s) were posted on 10/31/09
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTGRAPH

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 # 2010-0082-SP4

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

JEFFERSON BUILDING, ROOM 104

PLACE: 105 W CHESAPEAKE AVE, TOWSON, MD 21284

DATE AND TIME: NOV. 16, 2009 9 AM MON.

REQUEST: _____

THE ZONING COMMISSIONER HAS THE HONOR OF INVITING YOU TO A PUBLIC HEARING ON THE MATTER OF THE ZONING CASE # 2010-0082-SP4. THE MATTER IS A REQUEST FOR A VARIANCE FROM THE ZONING REGULATIONS OF THE TOWSON ZONING ORDINANCE. THE MATTER IS BEING CONSIDERED BY THE ZONING COMMISSIONER ON NOVEMBER 16, 2009 AT 9:00 AM IN ROOM 104 OF THE JEFFERSON BUILDING, 105 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21284. YOU ARE INVITED TO ATTEND THE HEARING AND TO STATE YOUR OPINION ON THE MATTER. IF YOU ARE NOT ABLE TO ATTEND, YOU MAY SUBMIT A WRITTEN STATEMENT TO THE ZONING COMMISSIONER AT THE ADDRESS ABOVE. YOUR STATEMENT SHOULD BE SUBMITTED TO THE ZONING COMMISSIONER AT LEAST 10 BUSINESS DAYS BEFORE THE HEARING. THE ZONING COMMISSIONER WILL CONSIDER YOUR STATEMENT AND YOUR OPINION AT THE HEARING. THE ZONING COMMISSIONER'S DECISION IS FINAL AND NOT SUBJECT TO APPEAL. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE ZONING COMMISSIONER AT (410) 326-7000. THANK YOU FOR YOUR ATTENTION TO THIS MATTER.

Thursday Oct. 29, 2009

TO: PATUXENT PUBLISHING COMPANY
~~Tuesday, October 24, 2009 Issue - Jeffersonian~~

Please forward billing to:

J. Neil Lanzi
409 Washington Avenue, Ste. 617
Towson, MD 21204

410-296-0686

NOTICE OF ZONING HEARING

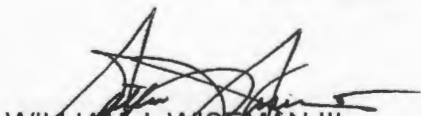
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0082-SPH

18426 Falls Road
E/side of Falls Road, 2500 feet n/west of Brick Store Road
5th Election District – 3rd Councilmanic District
Legal Owners: Robert Boutwell
Contract Purchaser: Carl F. Parker

Special Hearing to permit non-density transfer of 0.13 acres from tract 5 zoned RC-2 to tract 2 RC-2, which would place the well on the same parcel as the dwelling it serves; to permit a non-density transfer of 0.04 acres from tract 4 zoned RC-2 to that portion of tract 1 zoned RC-2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1; to permit a non-density transfer of 0.44 acres from tract 2 zoned RC-2 to that portion of tract 1 zoned RC-2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1; to permit a non-density transfer of 0.53 acres from tract 5 zoned RC-2 to that portion of tract 1 zoned RC-2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1; to permit a non-density transfer of 0.53 acres from tract 5 zoned RC-2 to tract 2 zoned RC-2 to create a 24 foot wide in-fee access strip to a public road from tract 2; to approve the continued existence of agricultural building on 8.13 acres of tract 1 zoned RC-2 and on 9.57 acres of tract 1 zoned RC 8 without a principal structure; to create a non-density/non-buildable lot of 2.04 acres in that portion of tract 2 zoned RC-2; to permit an amendment to the plan that accompanied the zoning petition approved in case no. 98-348-SPHX; for such other and further relief as may be required by the Zoning Commissioner.

Hearing: Monday, November 16, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204


WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
~~October 7, 2009~~

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: 2010-0082-SPH

18426 Falls Road

E/side of Falls Road, 2500 feet n/west of Brick Store Road

5th Election District – 3rd Councilmanic District

Legal Owners: Robert Boutwell

Contract Purchaser: Carl F. Parker

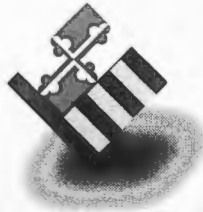
Special Hearing to permit non-density transfer of 0.13 acres from tract 5 zoned RC-2 to tract 2 RC-2, which would place the well on the same parcel as the dwelling it serves; to permit a non-density transfer of 0.04 acres from tract 4 zoned RC-2 to that portion of tract 1 zoned RC-2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1; to permit a non-density transfer of 0.44 acres from tract 2 zoned RC-2 to that portion of tract 1 zoned RC-2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1; to permit a non-density transfer of 0.53 acres from tract 5 zoned RC-2 to that portion of tract 1 zoned RC-2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1; to permit a non-density transfer of 0.53 acres from tract 5 zoned RC-2 to tract 2 zoned RC-2 to create a 24 foot wide in-fee access strip to a public road from tract 2; to approve the continued existence of agricultural building on 8.13 acres of tract 1 zoned RC-2 and on 9.57 acres of tract 1 zoned RC 8 without a principal structure; to create a non-density/non-buildable lot of 2.04 acres in that portion of tract 2 zoned RC-2; to permit an amendment to the plan that accompanied the zoning petition approved in case no. 98-348-SPHX; for such other and further relief as may be required by the Zoning Commissioner.

Hearing: Monday, November 16, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

C: J. Neil Lanzi, 409 Washington Ave., Ste. 617, Towson 21204
Robert Boutwell, 115 Belmore Road, Lutherville 21093
Carl Parker, 2017 York Road, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 31, 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.



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*

NOTICE FOR CONTINUATION 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: 2010-0082-SPH

18426 Falls Road

E/side of Falls Road, 2500 feet n/west of Brick Store Road

5th Election District – 3rd Councilmanic District

Legal Owners: Robert Boutwell

Contract Purchaser: Carl F. Parker

Special Hearing to permit non-density transfer of 0.13 acres from tract 5 zoned RC-2 to tract 2 RC-2, which would place the well on the same parcel as the dwelling it serves; to permit a non-density transfer of 0.04 acres from tract 4 zoned RC-2 to that portion of tract 1 zoned RC-2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1; to permit a non-density transfer of 0.44 acres from tract 2 zoned RC-2 to that portion of tract 1 zoned RC-2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1; to permit a non-density transfer of 0.53 acres from tract 5 zoned RC-2 to that portion of tract 1 zoned RC-2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1; to permit a non-density transfer of 0.53 acres from tract 5 zoned RC-2 to tract 2 zoned RC-2 to create a 24 foot wide in-fee access strip to a public road from tract 2; to approve the continued existence of agricultural building on 8.13 acres of tract 1 zoned RC-2 and on 9.57 acres of tract 1 zoned RC 8 without a principal structure; to create a non-density/non-buildable lot of 2.04 acres in that portion of tract 2 zoned RC-2; to permit an amendment to the plan that accompanied the zoning petition approved in case no. 98-348-SPHX; for such other and further relief as may be required by the Zoning Commissioner.

Hearing: Wednesday, February 17, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

C: Dawn & Frank Parker, 603 G Cranbrook Road, Cockeysville 21030
Kenneth Wells, 7403 New Cut Road, Kingsville 21087
Patricia Shook, 18613 Falls Road, Hampstead 21074
Mary Zodhiates, 4001 Beckleysville Road, Hampstead 21074



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

June 11, 2010

NOTICE OF ASSIGNMENT

CASE #: 10-082-SPH

IN THE MATTER OF: Robert Boutwell

Legal Owner/Petitioner

Carl Parker/Contract Purchaser

18426 Falls Road

RE: Findings of Fact and Conclusion of Law issued March 24, 2010 by the Deputy Zoning Commissioner that the Petitioner for Special Hearing to allow the following requests, filed pursuant to Section 500.7 of the BCZR was granted subject to conditions.

Requests:

Re: Petition for Special Hearing to:

- 1) permit a non-density transfer of 0.13 acres from tract 5, zoned R.C. 2, to tract 2, zoned R.C. 2, which would place the well on the same parcel as the dwelling it serves;
- 2) permit a non-density transfer of 0.04 acres from tract 4, zoned R.C. 2, to that portion of tract 1, zoned R.C. 2, in order to create a 24' wide in-fee access strip to a public road from tract 1;
- 3) permit a non-density transfer of 0.44 acres from tract 2, zoned R.C. 2, to that portion of tract 1, zoned R.C. 2, in order to create a 24' wide in-fee access strip to a public road from tract 1;
- 4) permit a non-density transfer of 0.53 acres from tract 5, zoned R.C. 2, to that portion of tract 1, zoned R.C. 2, in order to create a 24' wide in-fee access strip to a public road from tract 1;
- 5) permit a non-density transfer of 0.53 acres from tract 5, zoned R.C. 2, to tract 2, zoned R.C. 2, in order to create a 24' wide in-fee access strip to a public road from tract 2;
- 6) approve the continued existence of agricultural buildings on 8.13 acres of tract 1 zoned R.C.2 and 9.57 acres of tract 1 zoned R.C.8 without a principal structure;
- 7) create a non-density/non-buildable lot of 2.04 acres in that portion of tract 3 zoned R.C.2; and
- 8) permit an amendment to the plan that accompanied the zoning petition approved in Case No.: 98-348-SPHX.

continued

to be re-assigned PP

NOTICE OF ASSIGNMENT

CASE #: 10-082-SPH

*IN THE MATTER OF: Robert Boutwell
Legal Owner/Petitioner
Carl Parker/Contract Purchaser
18426 Falls Road*

**ASSIGNED FOR: TUESDAY, OCTOBER 19, 2010 at 10: 00 a.m./Day #1
WEDNESDAY, OCTOBER 20, 2010 at 10: 00 a.m./Day #2; and
THURSDAY, OCTOBER 21, 2010 at 10: 00 a.m./Day #3
(IF NEEDED)**

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton
Administrator

c:	Counsel for Petitioner/Property Owner	:	J. Neil Lanzi, Esquire
	Petitioner /Property Owner	:	Robert Boutwell
	Contract Purchaser:	:	Carl F. Parker
	Counsel for Appellants	:	J. Carroll Holzer, Esquire
	Appellants	:	Mary Zodiates
		:	Patricia Shook
		:	Edward and Dorothy Yingling
		:	Alexander and Elizabeth Seidler
		:	Falls Road Friends
			c/o J. Carroll Holzer, Esquire

Kenneth Wells
Jeffrey Gray
Gregory Boutwell
G. Macy Nelson, Esquire
Mr. and Mrs. Wisner
Office of People's Counsel
William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, III, Director/Planning
Timothy Kotroco, Director/PDM
Nancy C. West, Assistant County Attorney
John Beverungen, County Attorney

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
PNC BANK BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: nlanzi@lanzilaw.com

RECEIVED

SEP 16 2010

**BALTIMORE COUNTY
BOARD OF APPEALS**

COLUMBIA

Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

Reply to Towson

September 16, 2010

Lawrence M. Stahl, Chairman
Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204

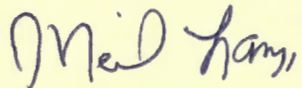
Re: Case No. 10-082-SPH
In the Matter of: Robert Boutwell Legal Owner/Petitioner
Carl Parker/Contract Purchaser, 18426 Falls Road

Dear Mr. Stahl:

Please be advised that I represent Carl Parker/Contract Purchaser in the above referenced appeal presently scheduled for hearing on October 19 and October 20 and October 21, 2010, if needed. The purpose of this letter is to request a postponement due to a conflict with these dates by Petitioner and Petitioner's expert. This postponement request is in compliance with Rule 2(b) of the Board's rules.

Thank you for your consideration.

Very truly yours,



J. Neil Lanzi

cc: J. Carroll Holzer, Esquire
Office of People's Counsel
Frank Parker
Jeffrey Gray, Esquire



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 17, 2010

J. Neil Lanzi, Esquire
PNC Bank Building, Suite 617
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of*: Robert Boutwell, Legal Owner/Petitioner
Carl Parker/Contract Purchaser
Case No.: 10-082-SPH

Dear Mr. Lanzi:

This will acknowledge receipt of your correspondence dated September 16, 2010 in which a continuance has been requested of the October hearing dates in the subject matter. The continuance is granted.

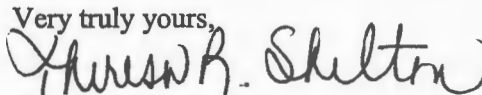
The Board sits on Tuesday, Wednesday and Thursday of each week. The docket is currently scheduled through the end of November, 2010. To avoid future scheduling conflicts and pending confirmation from the parties, I will hold the following dates (please select 3 available dates):

Tuesday, November 23, 2010 at 10:00 a.m.
Wednesday, November 24, 2010 at 10:00;
Tuesday, November 30, 2010 at 11:00 a.m.;
Wednesday, December 1, 2010 at 10:00 a.m.;
Thursday, December 2, 2010 at 10:00 a.m.;
Wednesday, December 8, 2010 at 10:00 a.m.; and
Thursday, December 9, 2010 at 10:00 a.m.

Upon notification as to which three (3) dates work for everyone, a notice will be sent, reassigning to the confirmed dates. Please contact this office upon receipt of this letter to confirm availability.

Enclosed is the Notice of Postponement from the assigned October 19, October 20 and October 21, 2010 dates.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Theresa R. Shelton
Administrator

Enclosure: Notice of Postponement
c(w/Encl.): Robert Boutwell
J. Carroll Holzer, Esquire
Carl. F. Parker
Office of People's Counsel



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

September 17, 2010

NOTICE OF POSTPONEMENT

CASE #: 10-082-SPH

IN THE MATTER OF: Robert Boutwell

***Legal Owner/Petitioner
Carl Parker/Contract Purchaser
18426 Falls Road***

RE: Findings of Fact and Conclusion of Law issued March 24, 2010 by the Deputy Zoning Commissioner that the Petitioner for Special Hearing to allow the following requests, filed pursuant to Section 500.7 of the BCZR was granted subject to conditions.

Requests:

Re: Petition for Special Hearing to:

- 1) permit a non-density transfer of 0.13 acres from tract 5, zoned R.C. 2, to tract 2, zoned R.C. 2, which would place the well on the same parcel as the dwelling it serves;
- 2) permit a non-density transfer of 0.04 acres from tract 4, zoned R.C. 2, to that portion of tract 1, zoned R.C. 2, in order to create a 24' wide in-fee access strip to a public road from tract 1;
- 3) permit a non-density transfer of 0.44 acres from tract 2, zoned R.C. 2, to that portion of tract 1, zoned R.C. 2, in order to create a 24' wide in-fee access strip to a public road from tract 1;
- 4) permit a non-density transfer of 0.53 acres from tract 5, zoned R.C. 2, to that portion of tract 1, zoned R.C. 2, in order to create a 24' wide in-fee access strip to a public road from tract 1;
- 5) permit a non-density transfer of 0.53 acres from tract 5, zoned R.C. 2, to tract 2, zoned R.C. 2, in order to create a 24' wide in-fee access strip to a public road from tract 2;
- 6) approve the continued existence of agricultural buildings on 8.13 acres of tract 1 zoned R.C.2 and 9.57 acres of tract 1 zoned R.C.8 without a principal structure;
- 7) create a non-density/non-buildable lot of 2.04 acres in that portion of tract 3 zoned R.C.2; and
- 8) permit an amendment to the plan that accompanied the zoning petition approved in Case No.: 98-348-SPHX.

continued

NOTICE OF POSTPONEMENT

CASE #: 10-082-SPH

IN THE MATTER OF: Robert Boutwell

**Legal Owner/Petitioner
Carl Parker/Contract Purchaser
18426 Falls Road**

This matter was assigned as follows:

**TUESDAY, OCTOBER 19, 2010 at 10: 00 a.m./Day #1
WEDNESDAY, OCTOBER 20, 2010 at 10: 00 a.m./Day #2; and
THURSDAY, OCTOBER 21, 2010 at 10: 00 a.m./Day #3 (IF NEEDED)**

*and has been postponed. The matter will be re-assigned upon an agreed date by the parties. Upon the date being established a Notice of Re-Assignment will be sent to all parties. **TO BE RE-ASSIGNED.***

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

**Theresa R. Shelton
Administrator**

c:	Counsel for Petitioner/Property Owner	: J. Neil Lanzi, Esquire
	Petitioner /Property Owner	: Robert Boutwell
	Contract Purchaser:	: Carl F. Parker
	Counsel for Appellants	: J. Carroll Holzer, Esquire
	Appellants	: Mary Zodhiates
		: Patricia Shook
		: Edward and Dorothy Yingling
		: Alexander and Elizabeth Seidler
		: Falls Road Friends
		c/o J. Carroll Holzer, Esquire
	Kenneth Wells	
	Jeffrey Gray	
	Gregory Boutwell	
	G. Macy Nelson, Esquire	
	Mr. and Mrs. Wisner	
	Office of People's Counsel	
	William J. Wiseman, III, Zoning Commissioner	
	Arnold F. "Pat" Keller, III, Director/Planning	Timothy Kotroco, Director/PDM
	Nancy C. West, Assistant County Attorney	John Beverungen, County Attorney

Boutwell

10/1/10

Lanji not opposed
to after 1st of year - spoke w/
Carroll
Trying to work it out!

message

For T
From Sterling@Holzer
Time 4:10 pm Date 10/5
Phone _____
 URGENT! Re: Boutwell
10-082-SPH

Would prefer after
the holidays & after
the 1st of the year.

Will speak w/Lanji
and see what they
want to do.

Will let us know
about dates.



Sterling

2/10

Re Boutwell
10-082-SPH

Ltr 2/15-17

confirm
instead of March

410-825-6961

✓ Saved vr.



LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@CAVTEL.NET

October 7, 2010
#7913

RECEIVED
OCT - 7 2010
BALTIMORE COUNTY
BOARD OF APPEALS

Ms. Theresa R. Shelton, Administrator
County Board of Appeals
of Baltimore County
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: *In the Matter of: Robert Boutwell/Legal Owner/Petitioner
Case No. 10-082-SPH*

Dear Ms. Shelton:

I am responding to your September 17, 2010 letter to Neil Lanzi, attorney for Robert Boutwell regarding possible dates for the hearing in the above captioned matter. After having spoken to my client, we would prefer that the Board of Appeals set this matter in for a hearing after the New Year.

If you would like to offer possible dates after January 1, please forward them to me.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Mary Zodiates
Neil Lanzi, Esquire

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
PNC BANK BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: nlanzi@lanzilaw.com

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

*Also Admitted in District of Columbia

Reply to Towson

October 12, 2010

Theresa R. Shelton, Administrator
County Board of Appeals of Baltimore County
105 W. Chesapeake Avenue
Suite 203
Towson, MD 21204

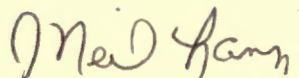
Re: In the Matter of: Robert Boutwell/Legal Owner/Petitioner
Case No. 10-082-SPH

Dear Ms. Shelton:

Receipt of the letter from J. Carroll Holzer, Esquire dated October 7, 2010 is hereby acknowledged. On behalf of Frank Parker, Contract Purchaser, I have no objection to the matter being set in for hearing after the first of the year.

I look forward to receiving optional dates for a hearing after January 1, 2011.

Very truly yours,



J. Neil Lanzi

JNL/mlr

cc: Frank Parker
J. Carroll Holzer, Esquire
Jeffrey Gray, Esquire

RECEIVED
OCT 14 2010

**BALTIMORE COUNTY
BOARD OF APPEALS**



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 17, 2010

J. Neil Lanzi, Esquire
PNC Bank Building, Suite 617
409 Washington Avenue
Towson, MD 21204

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

RE: *In the Matter of:* Robert Boutwell, Legal Owner/Petitioner
Carl Parker/Contract Purchaser
Case No.: 10-082-SPH

Dear Counsel:

This matter was scheduled to convene in October, 2010 and was postponed with no opposition from Counsel. In order to schedule a future hearing without conflict; I am providing dates available on the docket. The Board sits on Tuesday, Wednesday and Thursday of each week. The docket is currently scheduled through the end of January 2011, with the following dates open for assignment:

Tuesday, February 15, 2011 at 10:00;
Wednesday, February 16, 2011 at 10:00; and
Thursday, February 17, 2011 at 10:00.

Please contact this office upon receipt of this letter to confirm availability.

Thank you for your time and assistance. I remain,

Very truly yours,

A handwritten signature in cursive script that reads "Theresa R. Shelton".

Theresa R. Shelton
Administrator

Duplicate Original

/trs



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

November 12, 2009

J. Neil Lanzi
409 Washington Ave. Ste. 617
Towson, MD 21204

Dear: J. Neil Lanzi

RE: Case Number 2010-0082-SPH, 18426 Falls Rd. (a.k.a 18607 Falls Rd.)

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 8, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Robert Boutwell; 115 Belmore Rd.; Lutherville, MD 21093
Carl F. Parker; 2017 York Rd.; Timonium, MD 21093

TB
11/6-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: November 3, 2009
SUBJECT: Zoning Item # 10-082-SPH
Address 18426 Falls Road
(Boutwell Property)

Zoning Advisory Committee Meeting of September 14, 2009

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).
See additional comments.

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). **See additional comments.**

Additional Comments:

A Forest Conservation Plan has not been submitted to DEPRM for review, therefore, the Forest Conservation Easements and Forest Buffer Easements shown on the plan have not been approved (the forest buffers have been approved by a Steep Slopes and Erodible Soils Analysis). Our comments above pertain to any future development of the property, when more detailed information will be required, per our comments on the minor subdivision review dated January 23, 2007. – *Tom Panzarella; Environmental Impact Review*

This farm has been divided up into numerous pieces. The question is whether there is any agricultural basis to support the retention of the “agricultural buildings” or the trailer. – *W.S. Lippincott; Agricultural Preservation*

TB 11/16 9AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 1, 2009

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

RECEIVED

SUBJECT: 18426 Falls Road

OCT 26 2009

INFORMATION:

ZONING COMMISSIONER

Item Number: 10-082

Petitioner: Robert Boutwell

Zoning: RC2 and RC8

Requested Action: Special Hearing

The petitioner requests a special hearing to permit a non-density transfer to 0.13 acres from tract 5 zoned RC 2 to tract 2 zoned RC2, which would place the well on the same parcel as the dwelling it serves. To permit a non-density transfer of 0.04 acres from tract 4 zoned RC 2 to that portion of tract 1 zoned RC 2, in order to create a 24-foot wide in-fee access strip to a public road from tract 1. To permit a non-density transfer of 0.44 acres from tract 2 zoned RC 2 to that portion of tract 1 zoned RC 2, in order to create a 24-foot wide in-fee access strip to a public road from tract 1. To permit a non-density transfer of 0.53 acres from tract 5 zoned RC 2 to that portion of tract 1 zoned RC 2, in order to create a 24-foot wide in-fee access strip to a public road from tract 1. To permit a non-density transfer of 0.53 acres from tract 5 zoned RC 2 to tract 2 zoned RC 2 to create a 24-foot wide in-fee access strip to a public road from tract 2. To approve the continued existence of agricultural buildings on 8.13 acres of tract 1 zoned RC 2 and on 9.57 acres of tract 1 zoned RC 8 without a principal structure. To create a non-density/non-buildable lot of 2.04 acres in that portion of tract 3 zoned RC 2. To permit an amendment to the plan that accompanied the zoning petition approved in Case No. 98-348-SPHX; for such further relief as may be required by the Zoning Commissioner.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the special hearing request, however it appears from the site plan that the panhandle length for proposed Lot 2 exceeds 1,000 feet and therefore will require a variance.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by: *Cecilia M. [Signature]*

Division Chief: *Lynn [Signature]*
AFK/LL: CM

TB 2/17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 16, 2010

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

RECEIVED

SUBJECT: 18426 Falls Road

FEB 17 2010

INFORMATION:

Item Number: 10-082 (revised)

ZONING COMMISSIONER

Petitioner: Robert Boutwell

Zoning: RC2 and RC8

Requested Action: Special Hearing

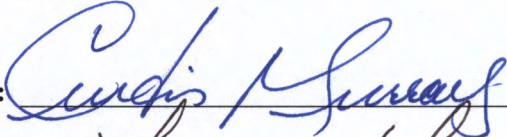
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SUMMARY OF RECOMMENDATIONS:

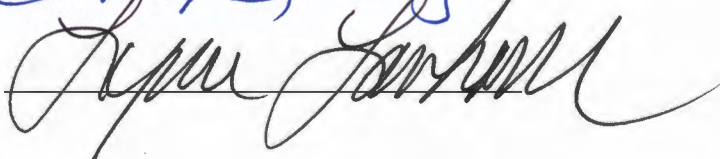
The Office of Planning does not oppose the special hearing request.

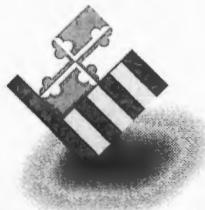
For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM





BALTIMORE COUNTY
M A R Y L A N D

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

September 18, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 14. 2009

Item Numbers 067,068,070,071,072,073,074,075,076,077,079,080,081,082,083,084
and 0085

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 21, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For September 21, 2009
Item Nos. 10-058, 069, 072, 073, 074, 075,
076, 081, 082, 083, 084, 085 and 086

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

DAK:CEN:kmt
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-09212009(b) -NO COMMENTS.doc

M E M O R A N D U M

DATE: November 18, 2009

TO: To The File

FROM: Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County

SUBJECT: Case No. 2010-0082-SPH – Robert Boutwell, Legal Owner

The above referenced case came before me on Monday November 16, 2009 at 9:00 am in Room 104. Subject property is 18426 Falls Road, aka 18607 Falls Road, zoned RC 2 and RC 8 and owned by Robert Boutwell. The Petitioner is the contract purchaser, Carl F. Parker. Mr. Parker and his wife wish to purchase a portion of the property for one lot. In order to do so, they need certain special hearing relief for a number a lot line adjustments in order to create a lot as well as create access via a panhandle strip to Falls Road.

Also attending the hearing were several protestants including Patricia Shook of 18613 Falls Road which is located just west of the subject property. In addition to attending, Ms. Shook submitted a letter prior to the hearing dated November 9, 2009 to my attention voicing her and her husband's opposition to the request. Also appearing as a protestant was Mary Zodhates and she was represented by Mason Nelson who appeared on her behalf as well as her husband, Richard Ciman, as well as on behalf of the Holly Springs Nature Conservancy and Wildlife Sanctuary, Inc.

Prior to opening the hearing, Mr. Lanzi and Mr. Nelson came to my office in order to discuss a preliminary matter. Mr. Lanzi indicated that he would likely be requesting a postponement because he believed that the case needed more time to be tried, as well as the fact that he was receiving mixed signals from the Planning Office, and that was he was originally told by Curtis Murray and Jeff Long that a variance for a panhandle length would not be necessary. However, in reviewing the comment from the Office of Planning that he had just received on Friday, that it was Planning's position that it appears from the site plan that the panhandle length for proposed lot 2 which is the subject lot exceeds 1,000 feet and therefore would require a variance. Because of that inconsistency, Mr. Lanzi also thought it would be necessary to have a postponement so that he could revisit this issue with the Planning Office.

Handwritten:
Mary
443-291-6048

November 18, 2009
Page 2

SUBJECT: Case No. 2010-0082-SPH – Robert Boutwell, Legal Owner

We then went on the record and after announced the requested relief and made a finding that the notice requirements had been satisfied, Mr. Lanzi did request a postponement of the hearing. Again, he indicated that the case would need more time than what it was scheduled for due to his witnesses and Mr. Nelson's anticipated cross examination. He also indicated that Mr. Boutwell was present yet he had not spoken with him or had the opportunity to know what if any his participation would involve, and was also of the understanding that Mr. Boutwell was represented by counsel, Jeff Gray, Esquire. That combined again with the fact that he feels the case would need at least two hours to be tried, necessitates the postponement request.

Mr. Nelson indicated that he had spoken with his client and that she was prepared to go forward and wished to go forward, so he opposed the postponement request. After hearing from the parties, I granted the postponement request; however, in the interest of fairness I indicated to Ms. Shook in particular that if she was to testify at this time if she would not be able to make it to the next hearing date that she would be permitted to do so. She did in fact testify under oath and echoed many of the assertions that were made in her letter dated November 9, 2009 and which was marked and accepted into evidence as Protestant's Exhibit 1. There was also a related letter from Edward and Dorothy Yingling of 18609 Falls Road, that essentially said the same thing as Ms. Shook's letter which was marked and accepted into evidence as Protestant's Exhibit 2.

In her testimony, Ms. Shook emphasized that the subject property is zoned RC 2 and RC 8 which emphasizes watershed and agricultural uses and area. She does not desire to have any more buildings or lots created. She also references the property's proximity to the Pretty Boy Reservoir and believes that even one additional lot will have a detrimental effect on the area in particular with wells, drainage issues and wildlife preservation. She also believes that this request would impact traffic because the creation of one more lot and access to Falls Road via a panhandle would make Falls Road which is already very congested even more so. Cars travel at high rates of speed and pose a safety risk to children in the area. In short, she does not believe there should be any exceptions or variances to allow this additional development.

On cross examination, Ms. Shook indicated that she is located west of the Boutwell property. She can see one of the homes on the Boutwell property. She has lived there since 2001 and does not want a use in common driveway even though she cannot see it. She lives on two acres.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 18426 Falls Road; E/S Falls Road, * ZONING COMMISSIONER
 2500' NW of Brick Store Road * FOR
 5th Election & 3rd Councilmanic Districts * BALTIMORE COUNTY
 Legal Owner(s): Robert Boutwell *
 Contract Purchaser(s): Carl F. Parker *
 Petitioner(s) * 10-082-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

SEP 23 2009

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of September, 2009, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

From: Theresa Shelton
To: JCHOLZER@CAVTEL.NET; jhgrayattorney@live.com; nlanzi@lanzilaw.com
Date: 6/30/2011 3:14 PM
Subject: Boutwell - Case No.: 10-082-SPH
Attachments: BOUTWELL_1.pdf

Counsel:

Good Afternoon. Upon receipt of the Motion to Dismiss and the Opposition to the Motion to Dismiss, I have prepared a draft Order for your review.

Thank you.

Theresa
Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

"I took the Green @ Work Energy Challenge Pledge."

Confidentiality Statement

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From: Theresa Shelton
To: Holzer, J Carroll
CC: jhgrayattorney@live.com; nlanzi@lanzilaw.com
Date: 7/5/2011 8:43 AM
Subject: Re: Boutwell - Case No.: 10-082-SPH

Good Morning.

The Order will be issued 'without' prejudice; which is historically how the Order of Dismissal on withdrawal of Petitions are issued by the Board. Orders of Dismissal are issued 'with' prejudice when the appeal is withdrawn.

I am in receipt of the email regarding the suggested changes and will incorporate same.

A final draft will be sent for review.

Thank you for your time and support.

Theresa
Semper Fi

>>> J Carroll Holzer <jcholzer@cavtel.net> 6/30/2011 4:08 PM >>>
 Theresa
 Carroll looked at the draft Order of Dismissal and believes it should read
 DISMISSED WITH PREJUDICE.
 Thanks,
 Sterling

On Thu, Jun 30, 2011 at 3:14 PM, Theresa Shelton <tshelton@baltimorecountymd.gov> wrote:

> Counsel:
 >
 > Good Afternoon. Upon receipt of the Motion to Dismiss and the
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 > your review.
 >
 > Thank you.
 >
 > Theresa
 > Semper Fi
 >
 >
 >
 > Theresa R. Shelton, Administrator
 > Board of Appeals for Baltimore County
 > Suite 203, The Jefferson Building
 > 105 W. Chesapeake Avenue
 > Towson, MD 21204
 >
 > 410-887-3180
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- > tshelton@baltimorecountymd.gov
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- > *I took the Green @ Work Energy Challenge Pledge.*
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- >
- >
- >
- >

From: "Neil Lanzi" <nlanzi@lanzilaw.com>
To: "Theresa Shelton" <tshelton@baltimorecountymd.gov>, <jcholzer@cavtel.n...>
Date: 7/1/2011 12:26 PM
Subject: RE: Boutwell - Case No.: 10-082-SPH

Theresa:

Upon my review, I have the following suggested changes to the draft Order:

Second "Whereas" clause- add "paragraph" before number 8.

Third "Whereas" clause, top of page two, - replace "withdrawal the Petition...." with "withdraw the Petition...."

Final section of Order-

2nd line- replace the word "taken" with "approved" in Case....

3rd line- add the following- "be and the same is hereby withdrawn and therefore DISMISSED without prejudice...."

The rest appears to be in order.

Thanks for your consideration and I will wait for the other counsel to weigh in on the suggested changes.

Regards and have a great 4th.

Neil Lanzi

-----Original Message-----

From: Theresa Shelton [mailto:tshelton@baltimorecountymd.gov]
Sent: Thursday, June 30, 2011 3:14 PM
To: jcholzer@cavtel.net; nlanzi@lanzilaw.com; jhgrayattorney@live.com
Subject: Boutwell - Case No.: 10-082-SPH

Counsel:

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Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180

From: "Neil Lanzi" <nlanzi@lanzilaw.com>
To: "Jeffrey H. Gray" <jhgrayattorney@live.com>, "Theresa Shelton" <tshe...>
Date: 7/6/2011 10:16 AM
Subject: RE: Boutwell - Case No.: 10-082-SPH

I would agree that the order should be "without prejudice".

Neil Lanzi

-----Original Message-----

From: Jeffrey H. Gray [mailto:jhgrayattorney@live.com]
Sent: Wednesday, July 06, 2011 8:10 AM
To: 'Theresa Shelton'
Cc: 'Neil Lanzi'
Subject: RE: Boutwell - Case No.: 10-082-SPH

I would object to the Order of Dismissal with prejudice in this matter.

-----Original Message-----

From: Theresa Shelton [mailto:tshelton@baltimorecountymd.gov]
Sent: Tuesday, July 05, 2011 8:43 AM
To: J Carroll Holzer
Cc: nlanzi@lanzilaw.com; jhgrayattorney@live.com
Subject: Re: Boutwell - Case No.: 10-082-SPH

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I am in receipt of the email regarding the suggested changes and will incorporate same.

A final draft will be sent for review.

Thank you for your time and support.

Theresa
Semper Fi

>>> J Carroll Holzer <jcholzer@cavtel.net> 6/30/2011 4:08 PM >>>

Theresa

Carroll looked at the draft Order of Dismissal and believes it should read DISMISSED WITH PREJUDICE.

Thanks,
Sterling

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From: "Jeffrey H. Gray" <jhgrayattorney@live.com>
To: <jcholzer@cavtel.net>
CC: "Theresa Shelton" <tshelton@baltimorecountymd.gov>
Date: 7/6/2011 8:15 AM
Subject: FW: Boutwell - Case No.: 10-082-SPH

Inadvertently omitted from response. Thank you.

-----Original Message-----

From: Jeffrey H. Gray [mailto:jhgrayattorney@live.com]
Sent: Wednesday, July 06, 2011 8:10 AM
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Cc: 'Neil Lanzi'
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> Opposition to the Motion to Dismiss, I have prepared a draft Order for
> your review.
>
> Thank you.
>
> Theresa
> Semper Fi

From: Theresa Shelton
To: JCHOLZER@CAVTEL.NET; jhgrayattorney@live.com; nlanzi@lanzilaw.com
Date: 7/8/2011 2:06 PM
Subject: Boutwell - Case No.: 10-082-SPH
Attachments: BOUTWELL.pdf

Counsel:

Good Afternoon. The changes have been incorporated into the final Order which will be executed on Thursday, July 14, 2011, provided there are no other changes. The final Order is attached for your review.

Thank you.

Theresa
Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

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County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 6, 2011

J. Neil Lanzi, Esquire
PNC Bank Building, Suite 617
409 Washington Avenue
Towson, MD 21204

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

RE: *In the Matter of:* Robert Boutwell, Legal Owner/Petitioner
Carl Parker/Contract Purchaser
Case No.: 10-082-SPH

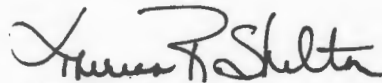
Dear Counsel:

This matter has been pending before the Board since receipt of the appeal on June 8, 2010. This letter is to request the status of the negotiations in this matter.

Please contact this office upon receipt of this letter with regard to the scheduling of this matter. The docket is currently scheduled through the end of May 2011.

Thank you for your time and assistance. I remain,

Very truly yours,


Theresa R. Shelton
Administrator

Duplicate Original

/trs

G. MACY NELSON

LAW OFFICE OF
G. MACY NELSON
ATTORNEY AT LAW

TELEPHONE: (410) 296-8166
FACSIMILE: (410) 825-0670

SUITE 803
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
www.gmacynelson.com

G. MACY NELSON
DIRECT EXTENSION: 290
gmacynelson@gmacynelson.com

November 13, 2009

Sent via Facsimile and U. S. Mail

Timothy M. Kotroco, Director
Department of Permits
and Development Management
Jefferson Building, Room 104
105 West Chesapeake Avenue
Towson, Maryland 21204

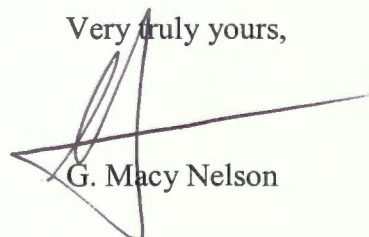
Kristen:
Please file
JMK

RE: Case No.: 2010-0082-SPH
18426 Falls Road
E/Side of Falls Road, 2500 feet n/west of Brick Store Road
5th Election District – 3rd Councilmanic District
Legal Owners: Robert Boutwell
Contract Purchaser: Carl F. Parker

Dear Mr. Kotroco:

I write now to enter my appearance in the above-captioned case on behalf of Mary Zodiates and Richard Ciman, 4209 Beckleysville Road, Hampstead, Maryland 21074-2704 and Holley Springs Nature Conservancy and Wildlife Sanctuary, Inc. My clients oppose the Petitioner's requests.

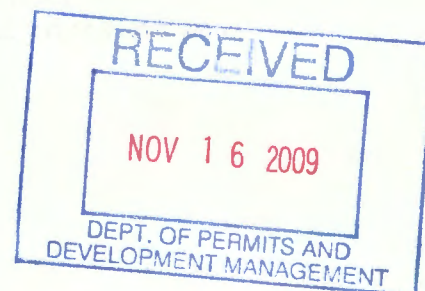
Very truly yours,


G. Macy Nelson

GMN:mlg

Enclosure

cc: J. Neil Lanzi, Esquire (sent via fax and U.S. Mail)
Jeffrey H. Gray, Esquire (sent via fax and U.S. Mail)
Robert Boutwell
Mr. Carl Parker



IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
E side of Falls Road; 2500 feet NW of		
Brick Store Road	*	DEPUTY ZONING
5 th Election District		
3 rd Councilmanic District	*	COMMISSIONER
(18426 Falls Road)		
	*	FOR BALTIMORE COUNTY
Robert Boutwell		
<i>Petitioner</i>	*	
Carl F. Parker		
<i>Contract Purchaser</i>	*	CASE NO. 2010-0082-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Robert Boutwell, the legal property owner, and Carl F. Parker, the contract purchaser. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

1. To permit a non-density transfer of 0.13 acre from tract 5 zoned R.C.2 to tract 2 zoned R.C.2, which would place the well on the same parcel as the dwelling it serves; and
2. To permit a non-density transfer of 0.04 acre from tract 4 zoned R.C.2 to that portion of tract 1 zoned R.C.2, in order to create a 24 foot wide in-fee access strip to a public road from tract 1; and
3. To permit a non-density transfer of 0.44 acre from tract 2 zoned R.C.2 to that portion of tract 1 zoned R.C.2 in order to create a 24 foot wide in-fee access strip to a public road from tract 1; and
4. To permit a non-density transfer of 0.53 acre from tract 5 zoned R.C.2 to that portion of tract 1 zoned R.C.2 in order to create a 24 foot wide in-fee access strip to a public road from tract 1; and
5. To permit a non-density transfer of 0.53 acre from tract 5 zoned R.C.2 to tract 2 zoned R.C.2 to create a 24 foot wide in-fee access strip to a public road from tract 2; and
6. To approve the continued existence of agricultural buildings on 8.13 acres of tract 1 zoned R.C.2 and 9.57 acres of tract 1 zoned R.C.8 without a principal structure; and

IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION –
E/S Falls Road, 4,504' S of the c/l of
Beckleysville Road
(18607 Falls Road)
5th Election District
3rd Council District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-348-SPHX

Robert R. Boutwell, et ux
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This most unusual matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owners of the subject property, Robert R. Boutwell, and his wife, Maxine E. Boutwell, through their attorney, Edward C. Covahey, Jr., Esquire. The Petitioners request a special hearing to 1) approve the relocation of two of the permitted principal R.C.2 dwelling building rights and the reconfiguration of the lot lines within the tract boundaries of five existing contiguous lots of record; and, 2) to determine that the allocation of the two remaining R.C.4 building lots may be included within proposed Lot 3. In addition, special exception relief is requested to permit a trailer to be located in an R.C.2 zone, pursuant to Section 1A01.2.C.21 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief is more particularly shown on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

This matter came in for public hearing on May 19, 1998. At that time, representatives of the Boutwell family were present and were represented by Edward C. Covahey, Jr., Esquire. Also appearing on behalf of the Petitioners was Juri Maiste, a Land Surveyor who prepared the site plan for this property. In essence, the relevant facts of this matter are that Mr. & Mrs. Boutwell owned a large tract of land totaling 92.59 acres, split zoned R.C.2 and R.C.4, which was composed of a number of different individual lots as recorded in the Land Records of Baltimore County. The R.C.2 zoning classification encompassed 56.47 acres and the R.C.4 zoning classification

amended special hearing relief and special exception relief shall be granted. In my judgment, the relief requested cures a long-standing unresolved issue relative to the original tract and the conveyances made therefrom. Moreover, all parties to the case are apparently agreeable to the distribution of density units shown on Petitioner's Exhibits 3A through 3C. As a condition of the relief granted, the three-page exhibit shall be incorporated into the case file to guide potential future subdivision of the Boutwell property.

I will also approve special exception relief to permit a trailer on the subject property, pursuant to Section 1A01.2.C.21 of the B.C.Z.R. The testimony and evidence offered in this regard was persuasive to a finding that there will be no detrimental impact upon adjacent properties and meets the standards of Section 502.1 of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of October 2004 that the Petition for Special Hearing, as modified, to approve the allocation of density rights associated with the original Boutwell tract, as more particularly shown on Petitioner's Exhibits 3A, 3B and 3C, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a trailer to be located in an R.C.2 zone, pursuant to Section 1A01.2.C.21 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be entered within thirty (30) days of the date hereof.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

TB

11-16-09

Nov 9, 2009

Tom Bostwick
Baltimore County Zoning
Towson, MD 21204

RE: To register on record our opposition to the proposed minor subdivision, Boutwell property, 18607, or 18426A Falls Road, Map 15, Parcel 87, 57 acres, Zoning hearing case number 2010-0082-SBH, Case No 98-348 SBHX

We are writing to oppose the subdivision and development of the property set forth above. Although we may not be able to appear at the hearing, we would like to register our opposition on the record by way of this letter. The property was zoned RC 2 and RC 8 to maintain the rural and environmental qualities of the area. The approval of additional housing in spite of this zoning will violate the intent of the law. According to the Baltimore County Zoning Regulations (BCZR) 1A01.1 (B), the purpose of the Resource Conservation zone is "to foster conditions favorable to a continued agricultural use of the productive agricultural area of Baltimore County by preventing incompatible forms and degrees of urban uses."

Although RC -2 and RC-8 allow limited development, the legislative goal of retaining certain areas for environmental protection and the health of the community must be achieved. Bill No. 76-04 specifically refers to achieving the legislative goals in the RC-8 zones. The goals are "1. To preserve and protect total ecosystem function, including riparian and aquatic ecosystems; 2 To protect forests, streams, wetlands and floodplains; 3. To protect the water quality of reservoirs, watercourses, the Chesapeake Bay and regional biodiversity; 4. To respect historic sites in their settings."

Native bog and other turtle habitat are in the wetlands and springs adjacent to this property. It is likely that it is also on the Boutwell property. Furthermore, the native brook trout have been found in Compass Run, which runs through the Boutwell property. The populations of the native trout have declined 90% across the state. They need water free of sediment and pollutants, which come primarily from rainwater washing over impervious surfaces which carries fertilizers, pesticides, oils and other pollutants. High phosphorus levels are already present in our water as a result of failing septic systems and over fertilization of lawns, gardens and fields by some landowners.

Although "one-family detached" dwellings are allowed in the given zoning, several out conveyances have already occurred. The most significant are the Wilson and Smick out

PROTESTANT' S

EXHIBIT NO. 1

conveyances, which occurred in the 1980's. The Wilson's house was built at the top of the hill and drains into the stream. Dead Box turtles have already been found near their property line. The proposed house will be within several hundred feet from the Wilson's, and will be at the top of the hill. Thus, sediment and pollutants will drain downhill into the environmentally sensitive areas. Furthermore, many trees have been taken down in preparation for the construction. A driveway was made and a basement dug and possibly built. Such continued development will continue to damage the fragile ecosystem and threatened aquatic and wetland species. Additionally, a neighbor called the permits office to inquire about the construction, and was told that there was no permit on file.

Moreover, since there were already 2 out conveyances since 1979, no more density is permitted according to the RC-2 subdivision law and set forth on the RC-2 Subdivision Fact Sheet.

Additionally, several historic structures exist on the property. They are log cabins which appear to date back to the early 1800's and should be protected and preserved in their rural setting.

The neighbors also oppose the development because it will destroy the rural views, create noise pollution and possibly reduce property values. There are already problems with trespassers, poachers, dogs, lumber thieves, encroachment, garbage dumping, and the like. Deer which have been shot continually end up on neighbor's property and even in the neighbor's trout stream. Dead deer in the stream is a pollutant and a disgusting find for a landowner.

We oppose any further development on the property set forth above.

Landowner Signature: Mr. Christopher Shook

Landowner Signature: Mrs. Patricia Z Shook

Printed Landowner Signature: Christopher Shook

Printed Landowner Signature: PATRICIA Z Shook

Property Address: 18613 Falls RD HAMPSHIRE, Maryland
21074

RECEIVED

NOV 18 2009

ZONING COMMISSIONER

To Bill Wiseman:
Please note this opposition
& place letter in your zoning
file.
Tim K

RECEIVED
NOV 13 2009
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Nov 5, 2009

Timothy Kotroco
111 W. Chesapeake Ave, Suite 105
Towson, MD 21204

RE: To register on record our opposition to the proposed minor subdivision, Boutwell property, 18607, or 18426A Falls Road, Map 15, Parcel 87, 57 acres
Zoning hearing case number 2010-0082-SBH, Case No 98-348 SBHX

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PROTESTANT'S

EXHIBIT NO.

2

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We oppose any further development on the property set forth above.

Landowner Signature: Elizabeth S Seidler

Landowner Signature: Alexander J Seidler

Printed Landowner Signature: ELIZABETH S, SEIDLER

Printed Landowner Signature: ALEXANDER J. SEIDLER

Property Address: 18627 FALLS ROAD HAMPSTEAD
MD 21074

Richard Ciman Richard Ciman
4001 Beckleysville Rd
4209 Beckleysville Rd

Mary Zednates Mary Zednates
4001 + 4209 Beckleysville Rd, Hampstead

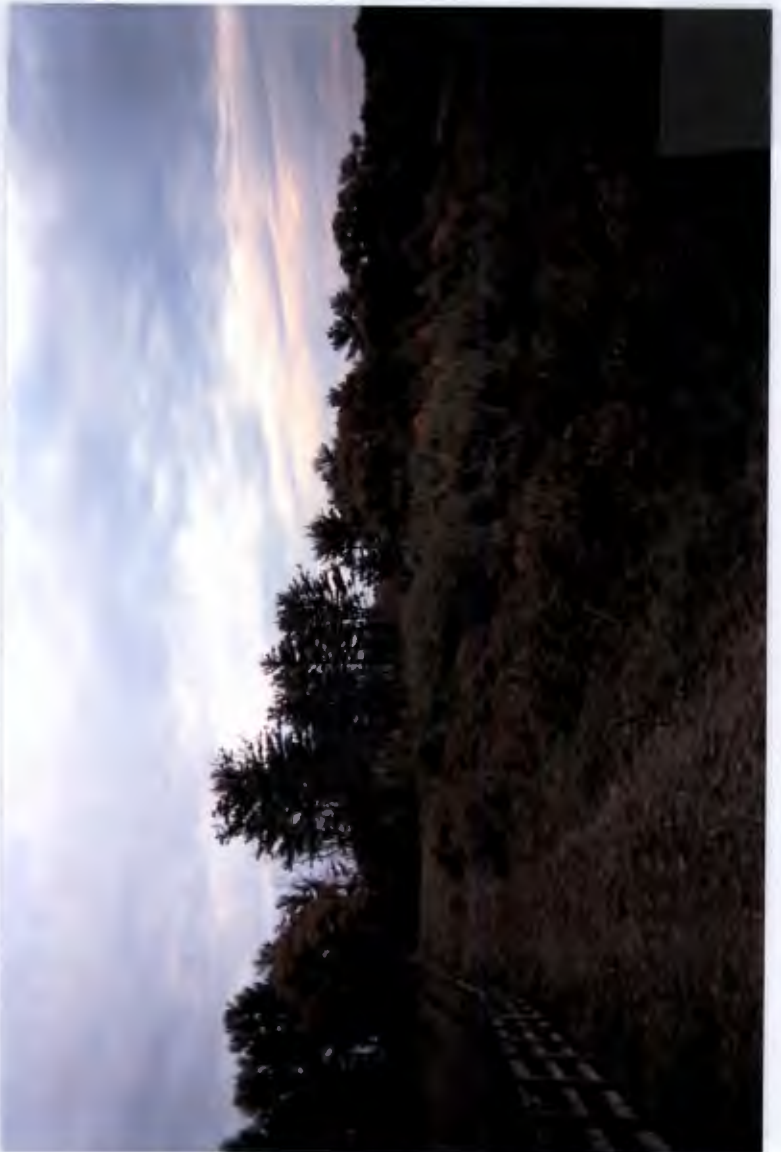


PETITIONER' S

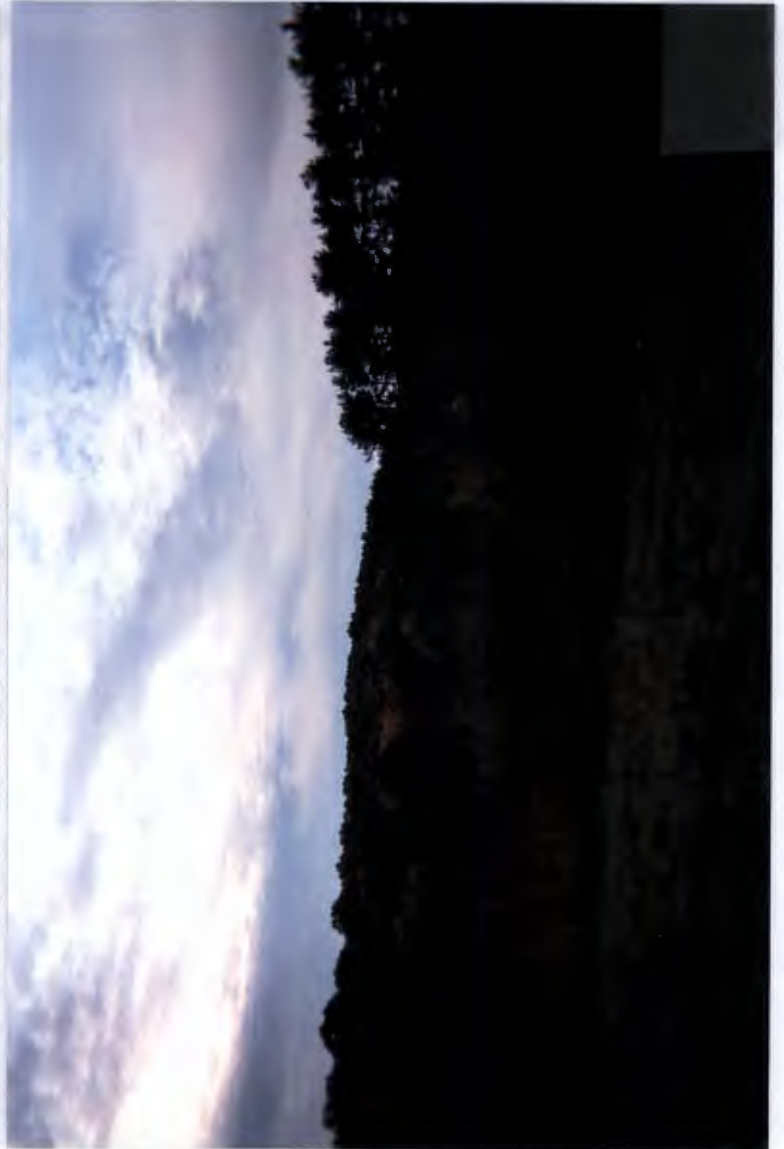
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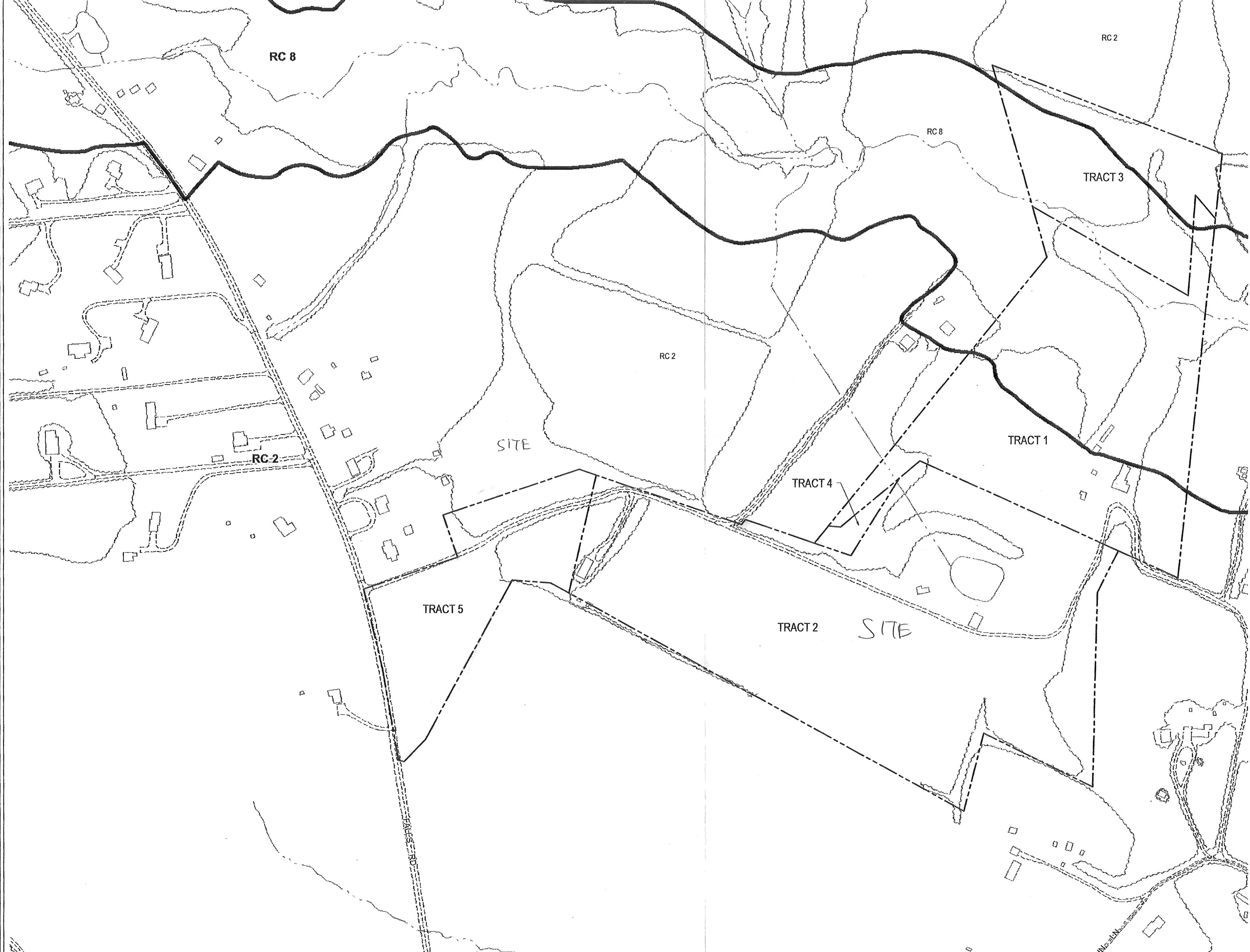






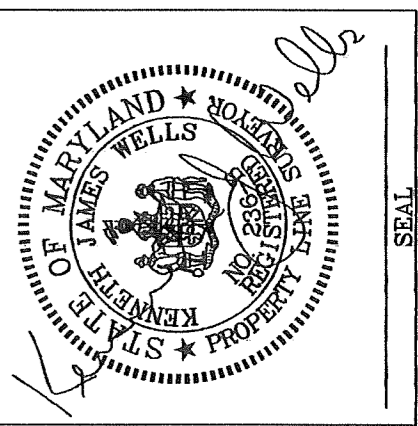




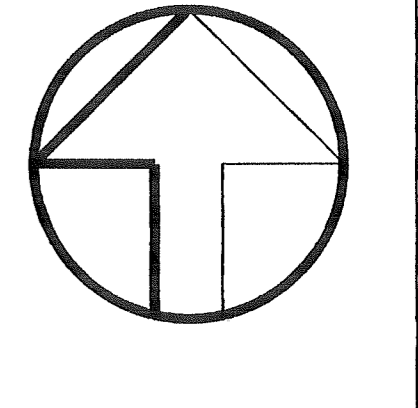


kjWellsIncSM
 7403 NEW CUT ROAD
 KINGSVILLE, MARYLAND 21087
 (410) 592-8800

Land Surveying & Site Planning

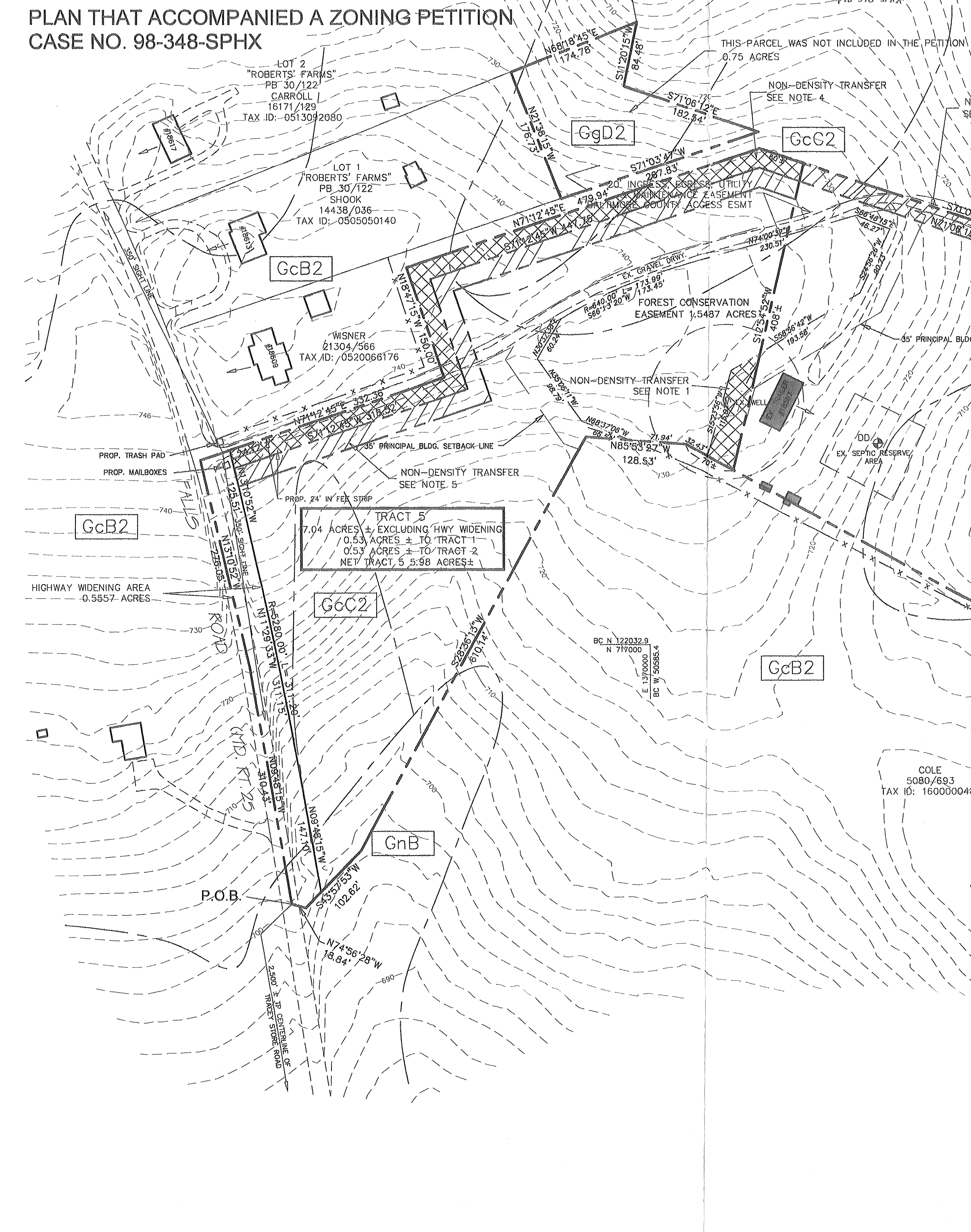
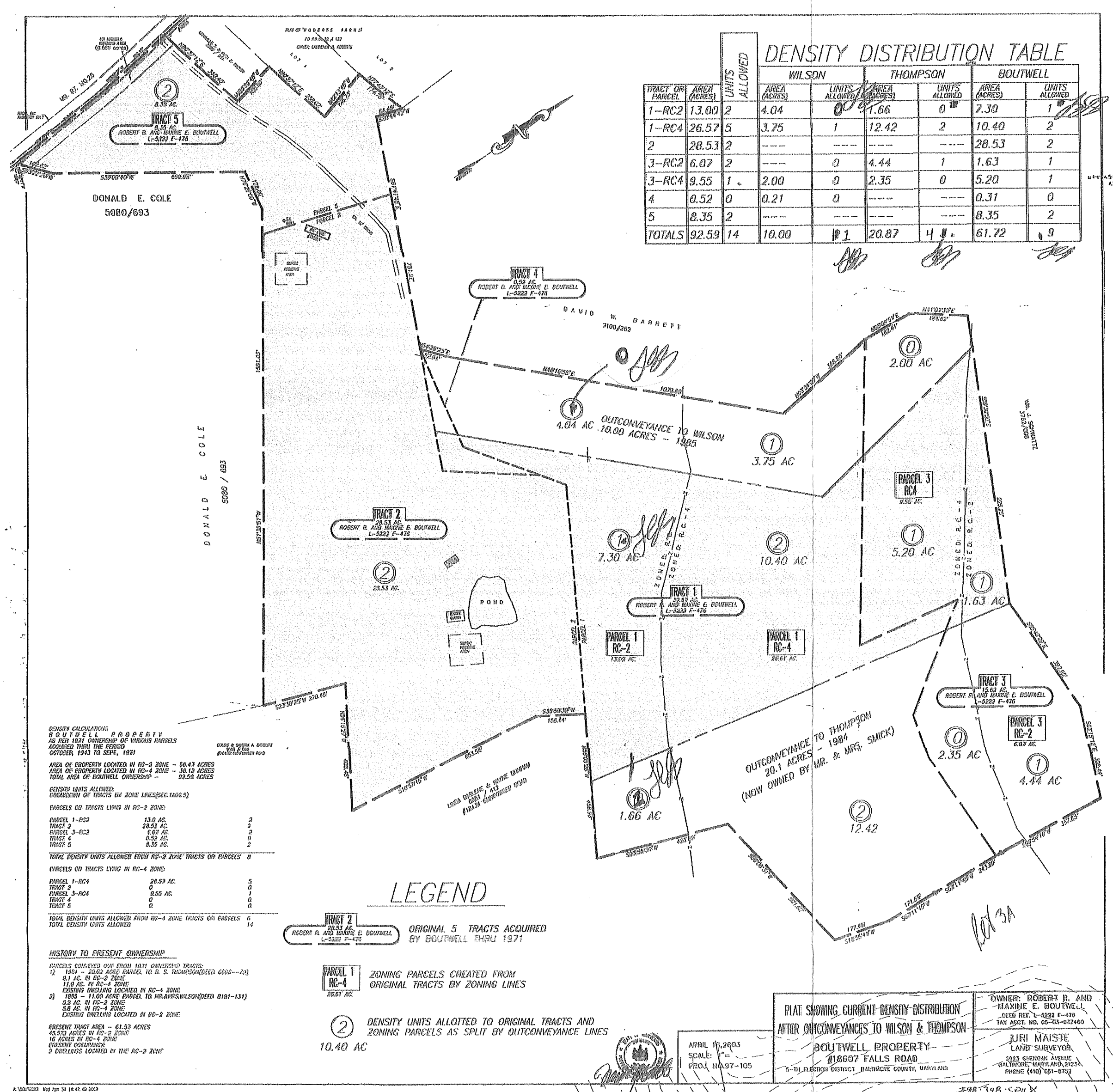


200 SCALE
 ZONING MAP
 MAPS 15A2 & 15A3



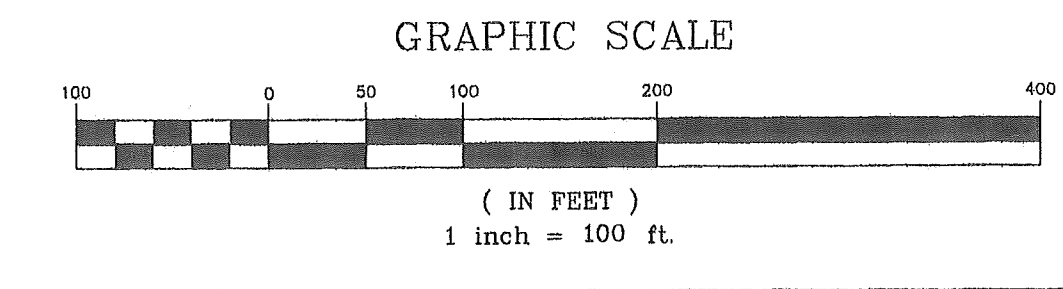
DRAWN BY:
 CHECKED BY: KJW
 DATE: 9/24/2007
 PROJECT NO.: 2005-007
 SHEET 1 OF 1

2010-0082-SPH



- SITE DATA:**
- 1) OWNER: ROBERT R. BOUTWELL
 - 2) OWNER'S ADDRESS: 115 BELMORE ROAD, LUTHERVILLE, MARYLAND 21093
 - 3) DEVELOPER: G. FRANK PAPER
 - 4) DEVELOPER'S ADDRESS: 2017 YORK ROAD, TIMONIUM, MARYLAND 21152
 - 5) DEVELOPER'S TELEPHONE: 410-440-1075
 - 6) DEED REFERENCE: 1055083
 - 7) TAX ACCOUNT NUMBER: 01108730
 - 8) TAX MAP: 23 GRD 16 PARCEL 12
 - 9) ZONING: RC-2 AND RC-8
 - 10) ZONING MAP: 2005 & 2002
 - 11) CENSUS TRACT: 400.00
 - 12) COUCHMAN DISTRICT: 3-01
 - 13) ELECTION DISTRICT: 100
 - 14) WATERSEWER: S/WATERSEWER
 - 15) SUBSERVED: NON-SERVICE
 - 16) SCHOOL DISTRICT: FIFTH DISTRICTS
 - 17) REGIONAL PLANNING DISTRICT: 302
 - 18) AREA OF TRACT: 60.849 ACRES
 - 19) AREA OF HIGHWAY WIDENING: 0.5857 ACRES
 - 20) NET AREA: 60.262 ACRES
 - 21) DENSITY CALCULATIONS:
 LOTS ALLOWED PER ZONING ORDER 98-348-SPHX:
 THE TOTAL NUMBER OF LOTS ALLOWED IN RC-2 AND RC-8 ARE 14 AND 17 AND THE RESPECTIVE RC-4 & 2, THE RC-4 ZONE HAS BEEN REZONED TO RC-3, THE RC-3 ZONE HAS 14 ACRES AND WOULD ALLOW 2 LOTS.
 LOTS PROPOSED: RC-2 = 1 RC-8 = 1
 - 22) DISTINGUISH AND PROPOSED USE:
 SINGLE FAMILY DWELLINGS AND AGRICULTURE
 - 23) AREA OF DISTURBANCE: 20,000 SF OF 0.46 ACRES
 - 24) PRIOR ZONING HEARINGS:
 CASE NO. 98-348-SPHX APPROVED THE ALLOCATION OF DENSITY RIGHTS AND TO PERMIT A TRAILER TO BE LOCATED IN AN RC-2 ZONE AND THE NUMBER OF LOTS ALLOWED.
 - 25) SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 - 26) THE SITE IS SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
 - 27) THE PROPERTY LINES SHOWN HEREON REFLECT THOSE LINES DETERMINED BY JURIMETRICS AS SHOWN ON A PLAT ENTITLED "DEVELOPMENT PLAN" DATED APRIL 16, 2003.

- SPECIAL HEARING REQUESTS:**
- 1) TO PERMIT A NON-DENSITY TRANSFER OF 0.13± ACRES FROM TRACT 5 ZONED RC 2 TO TRACT 2 ZONED RC 2 WHICH WOULD PLACE THE WELL AS AN ACCESSORY STRUCTURE, ON THE SAME PARCEL AS THE DWELLING IT SERVES AND
 - 2) TO PERMIT A NON-DENSITY TRANSFER OF 0.04± ACRES FROM TRACT 4 ZONED RC 2 TO THAT PORTION OF TRACT 1 ZONED RC 2 IN ORDER TO CREATE A 24 FOOT WIDE IN-FEE ACCESS STRIP TO A PUBLIC ROAD FROM TRACT 1 AND
 - 3) TO PERMIT A NON-DENSITY TRANSFER OF 0.44± ACRES FROM TRACT 2 ZONED RC 2 TO THAT PORTION OF TRACT 1 ZONED RC 2 IN ORDER TO CREATE A 24 FOOT WIDE IN-FEE ACCESS STRIP TO A PUBLIC ROAD FROM TRACT 1 AND
 - 4) TO PERMIT A NON-DENSITY TRANSFER OF 0.53± ACRES FROM TRACT 5 ZONED RC 2 TO THAT PORTION OF TRACT 1 ZONED RC 2 IN ORDER TO CREATE A 24 FOOT WIDE IN-FEE ACCESS STRIP TO A PUBLIC ROAD FROM TRACT 1 AND
 - 5) TO PERMIT A NON-DENSITY TRANSFER OF 0.53± ACRES FROM TRACT 5 ZONED RC 2 TO TRACT 2 ZONED RC 2 TO CREATE A 24 FOOT WIDE IN-FEE ACCESS STRIP TO A PUBLIC ROAD FROM TRACT 2 AND
 - 6) TO APPROVE THE CONTINUED EXISTENCE OF AGRICULTURAL BUILDINGS ON 8.13± ACRES OF TRACT 1 ZONED RC 2 AND 9.57± ACRES OF TRACT 1 ZONED RC 8 WITHOUT A PRINCIPAL STRUCTURE AND
 - 7) TO CREATE A NON-DENSITY/NON-BUILDABLE LOT OF 2.04± ACRES OF THAT PORTION OF TRACT 3 ZONED RC 2 AND
 - 8) TO PERMIT AN AMENDMENT TO THE PLAN THAT ACCOMPANIED THE ZONING PETITION THAT WAS APPROVED IN CASE NO. 98-348-SPHX AND
 - 9) OR FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ZONING COMMISSIONER.



kjwellsinc
 7403 NEW CITY ROAD
 KINGSTOWN, MARYLAND 21087
 (410) 592-8800

Land Surveyors & Site Planners
 PEITITIONER'S EXHIBIT NO.

PLAT TO ACCOMPANY A PETITION FOR A SPECIAL HEARING
 BOUTWELL PROPERTY
 18426 FALLS ROAD
 BALTIMORE COUNTY
 MARYLAND

5TH ELECTION DISTRICT
 3RD CONGRESSIONAL DISTRICT

REVISIONS:

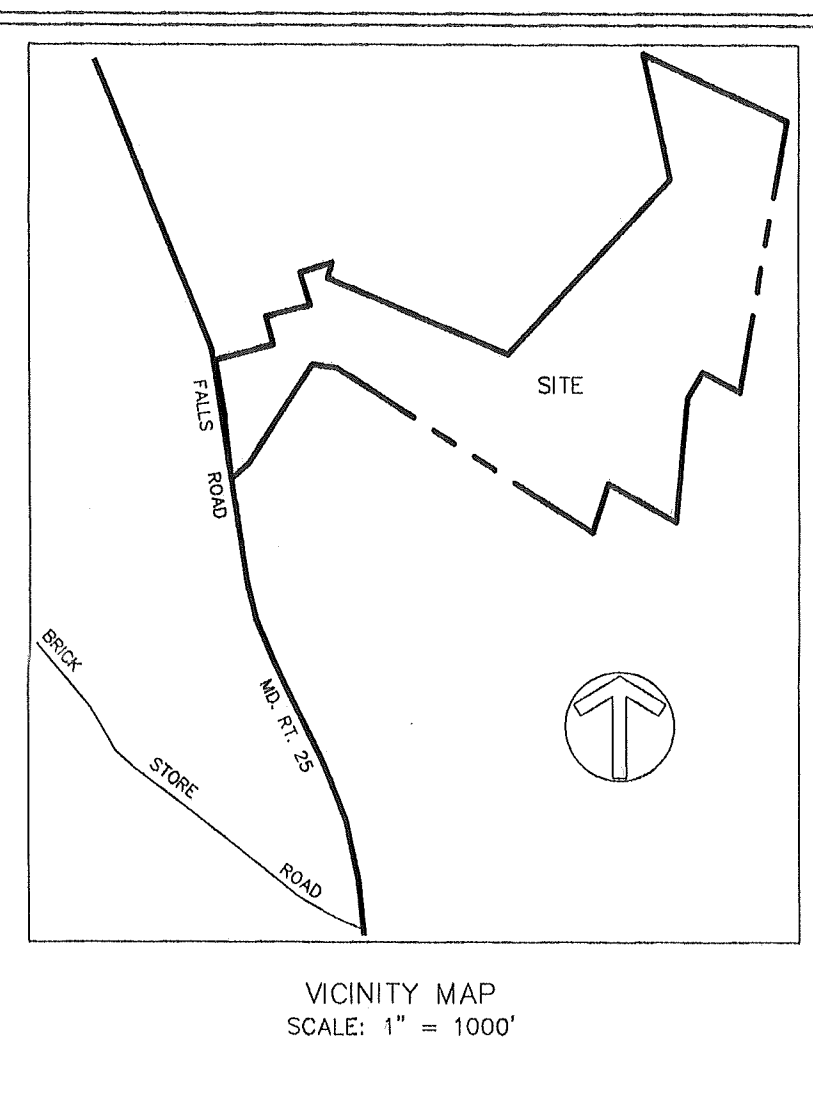
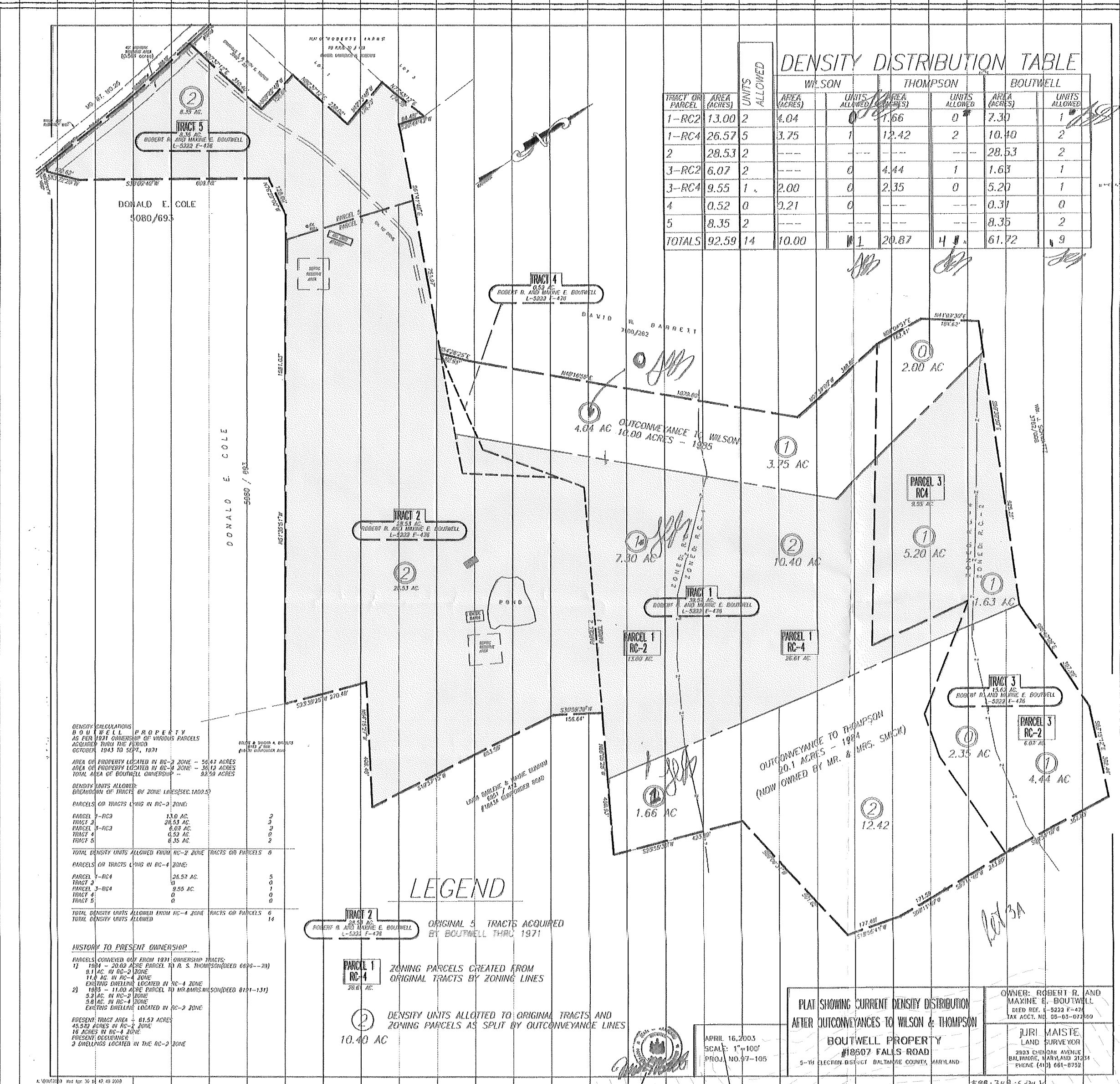
NO.	DATE

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 7/25/2007

TITLE:
 BOUTWELL PROPERTY

SHEET 1 OF 1
PROJECT NO.:
 2005-007

2010-0082-SPHX



- SITE DATA:**
- OWNER: ROBERT R. BOUTWELL
 - OWNER'S ADDRESS: 115 BEAUMORE ROAD, UTHERSVILLE, MARYLAND 21093
 - DEVELOPER: C. FRANK FARMER
 - DEVELOPER'S ADDRESS: 2017 YORK ROAD, THURGOOD MARIN AND ZILBE
 - DEVELOPER'S TELEPHONE NO.: 410-440-1070
 - DEED REFERENCE: 19960081
 - TAX ACCOUNT NUMBER: 0101007310
 - TAX MAP: 23 (GRID 16) PARCEL 12
 - ZONING: RC-2 AND RC-4
 - ZONING MAP: 0230 & 0232
 - GENBUD TRACT: 4000.00
 - COUNCILMANIC DISTRICT: 3rd
 - ELECTION DISTRICT: 10th
 - WATERSHED: QUINCYVILLE
 - SUBWERSHED: NON-SERVICE
 - SCHOOL DISTRICT: 8TH DISTRICT ES
 - REGIONAL PLANNING DISTRICT: 302
 - AREA OF TRACT: 50.68 ACRES
 - AREA OF HIGHWAY WIDENING: 0.5557 ACRES
 - NET AREA: 60.2922 ACRES
 - DENSITY CALCULATIONS:
 - LOTS ALLOWED PER ZONING ORDER: 8-348 SHPX
 - TOTAL NUMBER OF LOTS ALLOWED: 8 RC-2 + 7 AND THE PERVIOUS RC-4 = 15 LOTS
 - ZONE HAS BEEN REZONED FROM RC-2 TO RC-4
 - ZONE HAS 14 ACRES AND WOULD ALLOW 2 LOTS
 - LOTS PROPOSED: RC-2 + 1 RC-4 = 2
 - EXISTING AND PROPOSED USE: SINGLE FAMILY DWELLINGS AND AGRICULTURE
 - USE OF DISTURBANCE: 26.10 (21.05) ACRES
 - PROPOSED ZONING HEARINGS:
 - CASE NO. 98-348-SHPX APPROVED THE ALLOCATION OF DENSITY RIGHTS AND TO PERMIT A TRAILER TO BE LOCATED IN AN RC-2 ZONE AND THE NUMBER OF LOTS ALLOWED
 - SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
 - THE SITE IS SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS
 - THE PROPERTY LINES SHOWN HEREON REFLECT THOSE LINES DETERMINED BY ARII MAISTS AS SHOWN ON A PLAT ENTITLED "DEVELOPMENT PLAN" DATED APRIL 16, 2003

PLAN THAT ACCOMPANIED A ZONING PETITION CASE NO. 98-348-SHPX

kjWellsInc
 7403 NEW CTF ROAD
 KINGSVILLE, MARYLAND 21087
 (410) 592-8800

Land Surveyors & Site Planners

PETITIONER'S EXHIBIT NO. 2

Plat to Accompany a Petition for a Special Hearing
BOUTWELL PROPERTY
18426 FALLS ROAD
BALTIMORE COUNTY
MARYLAND
 5TH ELECTION DISTRICT
 3RD COUNCILMANIC DISTRICT

REVISIONS:	NO.	DATE
	1	1/24/2010
	2	2/16/2010

DRAWN BY: KJW
CHECKED BY: KJW
DATE: 7/25/2007

TITLE:
 BOUTWELL PROPERTY

SHEET 1 OF 1
PROJECT NO.:
 2005-007

