

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(4137 Wards Chapel Road)		
2 nd Election District	*	OFFICE OF
4 th Councilmanic District		
Debra G. Schubert, P.R. for Estate of	*	ADMINISTRATIVE HEARINGS
Elise M. Temple		
Petitioner	*	FOR BALTIMORE COUNTY
	*	Case No. 2014-0174-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Debra G. Shubert, Esquire, who is the personal representative of the Estate of Elsie M. Temple, ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the transfer for non-density purposes of an 8.95 acre parcel of land from a 51.95 acre vacant parcel adjacent to Powells Run Road (Liber 2145, Folio 208) to an existing 1.05 acre parcel (improved with a single family dwelling) at 4137 Wards Chapel Road (Liber 4577, Folio 312) and to confirm that the proposed 10.00 acre northern parcel will have no additional density available for future subdivision.

Appearing at the public hearing in support of the requests was Randy Bachtel, whose firm prepared the site plan. Debra G. Schubert, Esquire, represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance at the hearing. The only substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Environmental Protection and Sustainability (DEPS) dated April 17, 2014.

ORDER RECEIVED FOR FILING

Date 5/27/14

By Aln

The subject property consists of two tracts of land totaling 53.00± acres, and is zoned RC 2. The larger tract totals 51.95 acres and is unimproved. This property was conveyed to the decedents by deed in 1952. The smaller tract, known as 4137 Wards Chapel Road, is 1.05 acres and is improved with a single family dwelling. This lot was created by deed in 1966. Under the B.C.Z.R., no lot zoned RC 2 and "having a gross area of less than two acres may be subdivided." B.C.Z.R. § 1A01.3.B.1. Thus, this smaller parcel, referred to in the Petition as the "northern parcel," cannot be subdivided, and the same would hold true if the 8.95 acre transfer is approved (creating a 10.00 acre "northern parcel"), since only transfers for "non-density purposes" are permitted in the R.C. zones. Zoning Commissioner's Policy Manual ("Z.C.P.M.") § 1A00.4.b.

Counsel indicated that a settlement was reached in the Orphan's Court whereby 8.95 acres of land would be transferred to the 1.05 acre lot with the single family dwelling, creating a 10 acre parcel. The remaining parcel would then be 43 acres. This larger 43 acre parcel may be subdivided, according to current regulations, into two lots (total). B.C.Z.R. § 1A01.3.B.1. Thus, in keeping with the Z.C.P.M. that authorizes such transfers, the conveyance would be for non-density purposes; i.e., to effectuate the settlement reached in the Orphan's Court.

THEREFORE, IT IS ORDERED this 27th day of May 2014, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve the transfer for non-density purposes of an 8.95 acre parcel of land from a 51.95 acre vacant parcel adjacent to Powells Run Road (Liber 2145, Folio 208) to an existing 1.05 acre parcel (improved with a single family dwelling) at 4137 Wards Chapel Road (Liber 4577, Folio 312) and to confirm that the newly created 10.00 acre northern parcel will have no additional density available for future subdivision, be and is hereby GRANTED.

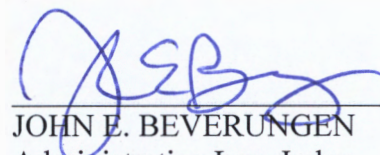
ORDER RECEIVED FOR FILING

Date 5/27/14
By sln

The relief granted herein shall be subject to the following:

- The 8.95 acre transfer approved herein is for non-density purposes, and the resulting 10 acre "northern parcel," improved with a single family dwelling known as 4137 Wards Chapel Road, may not be subdivided, pursuant to the B.C.Z.R.
- Any future subdivision of the larger 43 acre parcel shall be subject to all County requirements, and the location of any dwelling(s) or structure(s) thereon must be approved by DEPS.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 5/27/14
By sln

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

May 27, 2014

Debra G. Schubert, Esquire
502 Baltimore Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
Property: 4137 Wards Chapel Road
Case No.: 2014-0174-SPH

Dear Mrs. Schubert:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Randy L. Bachtel, BPR, Inc., 150 Airport Drive, Suite 4, Westminster, Maryland 21158



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 4137 Wards Chapel Road which is presently zoned RC-2

Deed References: L 2145 F. 208 10 Digit Tax Account # 0220200021

Property Owner(s) Printed Name(s) Estate of Elsie M. Temple

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

"SEE ATTACHED"

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

N/A

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Debra G. Schubert, Esquire

Name- Type or Print

Signature

502 Baltimore Ave
Mailing Address

Towson
City

Maryland
State

21204
Zip Code

(410) 557-4170
Telephone #

DGSCHUBERT@comcast.net
Email Address

Legal Owners (Petitioners):

Debra G. Schubert Esquire, Personal Rep.

Estate of Elsie M. Temple

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

BPR Inc. C/o Randy L. Bachtel

Name - Type or Print

Signature

150 Airport Drive, Suite 4
Mailing Address

Westminster
City

Maryland
State

21158
Zip Code

(410) 857-9030
Telephone #

rbachtel@bprsurveying.com
Email Address

CASE NUMBER 2014-0174-SPH

Filing Date 2/26/14

Do Not Schedule Dates:

Reviewer AT

Special Hearing to approve the non-density transfer of an 8.95 acre parcel of land to be transferred from a 51.95 acre vacant parcel adjacent to Powells Run Road (Liber 2145, Folio 208) and to be added to an existing 1.05 acre dwelling occupied parcel at 4137 Wards Chapel Road (Liber 4577, Folio 312), and, to confirm that the proposed 10.00 acre northern parcel will have no additional density available for future subdivision.

2014-0174-SPH

PETITION FOR ZONING HEARING
ESTATE OF ELSIE TEMPLE
SPECIAL HEARING

REASON FOR HEARING:

Be known that the owners of this property are deceased and Debra G. Schubert, Esquire was appointed as Successor Personal Representative on July 2, 2013. Pursuant to a Consent Order executed by the Orphans Court for Baltimore County, dated January 2, 2014, the heirs have agreed to a division of the real property as shown on the plat. The court order transfer is between family members.

2014-0174-SPH



STATE OF MARYLAND LETTERS OF ADMINISTRATION

ESTATE NO. 148199

I certify that administration of the Estate of

ELSIE MAY TEMPLE

AKA: ELSIE MAE TEMPLE, ELSIE MAY KOESTER, ELSIE KOESTER TEMPLE, ELSIE M KOESTER

was granted on the 2nd day of JULY, 2013,
to DEBRA G. SCHUBERT (SUCCESSOR)

as personal representative(s) and the appointment is in effect

this 2nd day of JULY 2013,

☐ Will probated _____
(date)

☒ Intestate estate

Grace G. Connolly

GRACE G. CONNOLLY

Register of Wills for

Baltimore County

VALID ONLY IF SEALED WITH THE SEAL OF THE COURT OR THE REGISTER

RW1120

ROWNET
11/2009

2014-0174-SPH

IN THE MATTER OF
ELSIE MAY TEMPLE

* IN THE
* ORPHANS COURT
* FOR
* BALTIMORE COUNTY
* Estate no. 148199

* * * * *

CONSENT ORDER

The parties having appeared with counsel on December 18, 2013 and having placed an agreement on the record before the Honorable William R. Evans and upon consideration of all proceedings, it is this 2 day of January, 2014 by the Orphans Court for Baltimore County,

ORDERED, that the Personal Representative pay a partial distribution in the amount of \$10,000.00 to each heir of the estate, namely James Temple and Betty Jane Cook, made payable to each heir and mailed to their respective counsel;

ORDERED, that within 30 days of the hearing date counsel for each heir shall provide the Personal Representative with the following: documents or other information supporting a claim for reimbursement of funeral expenses allegedly paid by James Temple in the amount of \$4,850.00;

ORDERED, the parties have agreed to a division of real property in the estate as follows: 10 acres including the house to James Temple (one acre containing the house and nine acres from the larger parcel) and the balance of real property to Betty Jane Cook, contingent upon acceptance and/or approval by the Personal Representative and by any and all county agencies necessary for a valid conveyance;

ORDERED, that the parties have agreed the Personal Representative shall list as an expense of the estate \$3,000.00 paid by Betty Jane Cook to Brooks Batchel to settle a claim against the estate.

William R. Evans
Judge William R. Evans

Approved as to content and form:

See attached -
Kimberly A. Fitzwater
Attorney for Betty Jane Cook

See attached -
Patrick D. Malloy
Attorney for James Temple

TRUE COPY TEST
Grace A. Conally
REGISTER OF WILL & PROBATE
CLERK

BPR, Incorporated
150 Airport Drive
Suite 4
Westminster, Maryland 21157
410-857-9030

February 27, 2014
BPR Job Number: 08-071-000

DESCRIPTION

Zoning Property Description for 4137 Wards Chapel Road

Beginning at a point the two (2) following courses and distances from the east side of Wards Chapel Road which is 40 feet wide at a distance of 3330 feet south of the center line of the nearest improved intersecting street Liberty Road which is 60 feet wide, 1) South 34 degrees 30 minutes 09 seconds West 559.14 feet and 2) South 9 degrees 14 minutes 43 seconds East, 384.59 feet to a stone found; thence the following courses and distances,

1. North 74 degrees 45 minutes 00 seconds East, 2128.50 feet to the center of Powells Run Road; thence running in or near the center of Powells Run Road, the four (4) following courses,
 2. Due South, 100.65 feet; thence,
 3. South 36 degrees 45 minutes 00 seconds East, 442.20 feet; thence,
 4. South 6 degrees 30 minutes 00 seconds East, 112.20 feet; thence,
 5. South 11 degrees 00 minutes 00 seconds West, 425.70 feet; thence leaving the Powells Run Road,
6. North 89 degrees 15 minutes 00 seconds West, 957.00 feet to a point; thence,
7. South 41 degrees 30 minutes 00 seconds West, 603.18 feet to a pipe; thence,
8. South 72 degrees 08 minutes 55 seconds West, 1066.48 feet to a stone; thence,
9. North 6 degrees 56 minutes 43 seconds East, 825.85 feet to a pipe; thence,
10. North 8 degrees 00 minutes 00 seconds West, 354.75 feet back to the point of beginning as recorded in Deed Liber G.L.B. 2145, Folio 208, containing 53.00 acres. Located in the second (2nd) Election District and forth (4th) Council District.


Expires 11/26/15
2014-0174-SPH

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2014-0174-SPH

Petitioner: Debra Schubert P.R.

Address or Location: 4137 Wards Chapel Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Debra Schubert Esquire

Address: 502 Baltimore Ave

TOWSON, MD, 21204

Telephone Number: 410-557-4170

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

No. **108004**

Date: **2/26/14**

PAID RECEIPT

BUSINESS ACCOUNT TIME
 2/26/2014 2:26:01 PM
 REG NO: 2 WALKER JOHN DEE
 RECEIPT # 870016 2/26/2014
 5 333 3333 VERIFICATION
 100004
 Recpt Tot 175.00
 \$75.00 1.00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$75

Total: _____

Rec From:

DEBRA SCHUBERT, ESP. (PERSONAL

For:

4137 WARDS CHAPEL RD (Rep.)

2014 - 0174 - SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 5-2-14

RE: Case Number 2014-0174-SPH

Petitioner/Developer: Estate of Elsie Temple

Date of Hearing/Closing: May 22, 2014 10AM

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 4137 Wards Chapel Rd

The signs(s) were posted on 5-2-14
(Month, Day, Year)



ZONING NOTICE

CASE # 2014-0174-SPH

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

JEFFERSON BLDG, TOWSON, MD
PLACE: 105 W. CHESAPEAKE AVE., ROOM 205

DATE AND TIME: THURS MAY 22, 2014 10AM

REQUEST: SPECIAL HEARING TO APPROVE THE HIGH DENSITY TRANSFER OF AN 8.95 AC PARCEL OF LAND TO BE TRANSFERRED FROM A 51.75 AC VACANT PARCEL ADJACENT TO PENWELL'S RUN (L 55R240 FOLIO 208) AND TO BE ADDED TO AN EXISTING 100 DOWLING-CORRIGAN PARCEL AT 4137 WARD'S CHAPEL RD. FOR 4571 FOLIO 201 AND TO CONFIRM THAT THE PROPOSED 10 AC NORTHWEST CORNER OF THE PARCEL AT 4137 WARD'S CHAPEL RD. WILL BE USED FOR FUTURE SUBDIVISION.

Pelton
(Poster)

LSON
(Sign Poster)

ad
(Sign Poster)

120
(Sign Poster)

Sign Poster)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 1, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on May 1, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2014-0174-SPH

4137 Wards Chapel Road

SE/s Wards Chapel Road, 1560 ft. s/w of centerline of Liberty Road

2nd Election District - 4th Councilmanic District

Legal Owner(s): Estates of Elsie Temple

Special Hearing: to approve the non-density transfer of an 8.95 acre parcel of land to be transferred from a 51.95 acre vacant parcel adjacent to Powells Run Road (Liber 2145, Folio 208) and to be added to an existing 1.05 acre dwelling occupied parcel at 4137 Wards Chapel Road (Liber 4577, Folio 312) and to confirm that the proposed 10.00 acre northern parcel will have no additional density available for future subdivision.

Hearing: Thursday, May 22, 2014 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

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

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

5/009 May 1

977822



KEVIN KAMENETZ
County Executive

April 14, 2014

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

NOTICE OF ZONING HEARING

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CASE NUMBER: 2014-0174-SPH

4137 Wards Chapel Road

SE/s Wards Chapel Road, 1560 ft. s/w of centerline of Liberty Road

2nd Election District – 4th Councilmanic District

Legal Owners: Estates of Elsie Temple

Special Hearing to approve the non-density transfer of an 8.95 acre parcel of land to be transferred from a 51.95 acre vacant parcel adjacent to Powells Run Road (Liber 2145, Folio 208) and to be added to an existing 1.05 acre dwelling occupied parcel at 4137 Wards Chapel Road (Liber 4577, Folio 312) and to confirm that the proposed 10.00 acre northern parcel will have no additional density available for future subdivision.

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105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Debra Schubert, 502 Baltimore Avenue, Towson 21204
BPR, Inc., Randy Bachtel, 150 Airport Dr., Ste. 4, Westminster 21158

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 2, 2014**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 1, 2014 Issue - Jeffersonian

Please forward billing to:
Debra Schubert, Esq.
502 Baltimore Avenue
Towson, MD 21204

410-557-4170

NOTICE OF ZONING HEARING

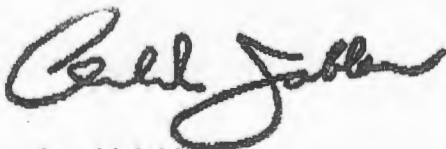
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SE/s Wards Chapel Road, 1560 ft. s/w of centerline of Liberty Road
2nd Election District – 4th Councilmanic District
Legal Owners: Estates of Elsie Temple

Special Hearing to approve the non-density transfer of an 8.95 acre parcel of land to be transferred from a 51.95 acre vacant parcel adjacent to Powells Run Road (Liber 2145, Folio 208) and to be added to an existing 1.05 acre dwelling occupied parcel at 4137 Wards Chapel Road (Liber 4577, Folio 312) and to confirm that the proposed 10.00 acre northern parcel will have no additional density available for future subdivision.

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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

MEMORANDUM

DATE: July 1, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0174-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on June 27, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
 4137 Wards Chapel Road; SE/S of Wards *
 Chapel Road, 1560' SW c/line Liberty Road * OF ADMINISTRATIVE
 2nd Election & 4th Councilmanic Districts * HEARINGS FOR
 Legal Owner(s): Estate of Elisa Temple by *
 Debra Schubert, P.R. *
 Petitioner(s) * BALTIMORE COUNTY
 * 2014-174-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

MAR 1 2014

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of March, 2014, a copy of the foregoing Entry of Appearance was mailed to BPR, Inc c/o Randy Bachtel, 150 Airport Drive, Suite 4, Westminster, Maryland 21158 and Debra Schubert, Esquire, 502 Baltimore Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

CASE NO. 2014- 0174-SPH

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3/20/14</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>4/17/14</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
	FIRE DEPARTMENT	_____
<u>3/31/14</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>3/17/14</u>	STATE HIGHWAY ADMINISTRATION	<u>No Obj</u>
	TRAFFIC ENGINEERING	_____
	COMMUNITY ASSOCIATION	_____
	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>5/1/14</u>	
SIGN POSTING	Date: <u>5/2/14</u> by <u>Pulson</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Out of
Temple
2146/208

Deed of Trust

THIS DEED, Made this 28 day of January, 1966, by and between ALFRED G. TEMPLE and ELSIE M. TEMPLE, of Baltimore County, in the State of Maryland, parties of the first part, and ROBERT F. FISCHER, Trustee, as hereinafter set forth, party of the second part.

WHEREAS the parties of the first part are justly indebted unto Albee Glen Homes, Division of Albee Maryland Homes, Inc., a corporation duly incorporated under the laws of the State of Maryland, in the principal sum of \$12,974.29

Dollars for which amount the parties of the first part have signed and delivered a certain promissory note bearing even date herewith, and payable in 59 equal monthly installments of \$99.80

Dollars and Cents each beginning one month from the date hereof and one final installment of \$7086.09

Dollars and Cents payable 60 months from the date hereof, with the privilege of prepaying all or any part of the balance of said note on any installment date before maturity and without

And, Whereas, the parties of the first part have agreed to secure the prompt payment of said debt, when and as the same shall become due and payable, and all costs, charges and expenses incurred in respect thereto, including reasonable counsel fees, incurred or paid by the said party of the second part or substituted Trustee or by any person hereby secured, on account of any litigation at law or in equity which may arise in respect to this trust or the property hereinafter mentioned, and of all money which may be advanced as provided herein, with interest on all such costs and advances from the date thereof, and further to secure the strict performance of all the covenants and agreements in this deed of trust and in said note contained and made by the parties of the first part.

NOW, THEREFORE, THIS INDENTURE WITNESSETH, that the parties of the first part, in consideration of the premises and of one dollar, lawful money of the United States of America, to them in hand paid by the party of the second part, the receipt of which, before the sealing and delivery of these presents, is hereby acknowledged, do hereby grant and convey unto the party of the second part, as Trustee, his successors and



2014-0174-SPH

assigns, the following described land and premises, situate in the County of Baltimore and State of Maryland, and described as follows:

On the southern margin of the O'Dell Mill Road, in the second Election District, Baltimore County, Maryland, which part is described as follows:

BEGINNING for the same at a pipe now set in the 1st line North 8 degrees West 21.5 perches 354.75 feet of the whole tract described in the deed from Peter B. Luers to Alfred G. Temple and Elsie May Temple, his wife, dated July 17, 1952 and recorded among the Land Records of Baltimore County. In Liber No. 2145, folio 208 &c, distant 20 feet and South 8 degrees East from a stone and pipe set for the end of the said first line, thence running by three lines of division, the first of which is running along the southern margin of the O'Dells Mill Road, (1) North 69 degrees, 55 minutes East 150 feet to a pipe; thence leaving the said road and running (2) South 17 degrees 10 minutes East 255.6 feet to a pipe; (3) South 73 degrees 20 minutes West 188.3 feet to a pipe set in the said first line; thence running with the said first line (4) North 8 degrees West 252.3 feet to the beginning, containing 1.05 acres, more or less.

BEING a part of the property which by deed dated July 17, 1952, recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2145, folio 208, was granted and conveyed from Peter B. Luers, unmarried, to the Grantors herein.

The improvements thereon being known as No.

Street/Avenue.

BEING the same lot of ground and premises which by deed dated _____ and recorded among the Land Records of _____ County in Liber No. _____, Folio _____, were granted and conveyed by _____ to the part _____ of the first part.

TOGETHER with the buildings and improvements now or hereafter erected thereupon, and all the estate, right, title, interest and claim, either by law or in equity or otherwise, however, of the parcels of the first part, of, in, to or out of the said land and premises.

TO HAVE AND TO HOLD the said lot of ground and the aforesaid improvements thereon and appurtenances there-
to unto the party of the second part, his successors and assigns, forever, in fee simple.

IN AND UPON THE TRUSTS, NEVERTHELESS, hereinafter declared: that is to say: IN TRUST to permit said parties of the first part , assigns, the survivor of them and the heirs and assigns of such survivor, to use and occupy, manage and control the said described land and premises and personal property, and the rents, issues and profits thereof, to take, have and apply to and for its sole use and benefit, until default be made in the payment of any manner of indebtedness hereby secured, and any extension or renewal thereof, or in the performance of any of the covenants as hereinafter provided.

AND upon the full payment of said note and the interest thereon, and all monies advanced or expended as herein provided, and all other proper costs, charges, commissions, half-commissions, and expenses, at any time before the sale hereinafter provided for, to release and reconvey the said described premises unto the said parties of the first part, their heirs or assigns, at the cost of the parties of the first part.

AND UPON THIS FURTHER TRUST, the part of the first part, will proceed as soon as possible after execution and delivery of this deed in the construction of the building or buildings to be erected on the premises in accordance with the plans and specifications hereto prepared by and approved by the part of the first part and in accordance with all applicable laws and regulations of all legally constituted authorities and will diligently prosecute the construction thereof until the work is completed. If the part of the first part should not commence construction of such building or buildings within 30 days after execution and delivery of this deed or if the construction work should cease for any period of 15 or more consecutive working days before completion, the holder of the note, in addition to all other remedies available to , may, but shall not be required to, enter upon the premises to commence or complete construction of such building or buildings and may incur such expenses as may be necessary to commence or complete such construction in accordance with said plans and

specifications. Any and all expenses incurred by the holder of the note in so commencing or completing the construction of such building or buildings shall be payable by the party of the first part on demand, shall bear interest at the rate of 6% per annum and shall be secured by this deed.

AND UPON FURTHER TRUST, upon any default or failure being made in the payment of the said note or of any installment thereof, when and as the same shall become due and payable, or upon default being made in the payment, after demand therefor, of any money advanced as herein provided for, or of any proper cost, charge, commission, or expense in and about the same, then and at any time thereafter the said party of the second part or the Trustee acting in the execution of this trust shall have the power and it shall be or his duty thereafter to sell, and in case of any default of any purchaser to resell the said described land and premises at public auction, upon such terms and conditions, in such parcels, at such time and place, and after such previous public advertisement as the party of the second part or the Trustee acting in the execution of this trust shall deem advantageous and proper; and to convey the same in fee simple, upon compliance with the terms of sale, to, and at the cost, of the purchaser, or purchasers thereof, who shall not be required to see to the application of the purchase money; and of the proceeds of said sale or sales: FIRSTLY, to pay all proper costs, charges, and expenses, including all fees and costs herein provided for, and all moneys advanced for taxes, insurance, and assessments, with interest thereon as provided herein, and all taxes, general and special, due upon said land and premises at time of sale, and to retain as compensation a commission of five per centum on the amount of the said sale or sales: SECONDLY, to pay whatever may then remain unpaid of said note, whether the same shall be due or not, it being agreed that said note shall, upon such sale being made before the maturity of said note, be and become immediately due and payable at the election of the holder thereof, and, LASTLY, to pay the remainder of said proceeds, if any there be, to said parties of the first part or assigns, upon the delivery and surrender to the purchaser, his, her or their heirs or assigns, of possession of the premises so as aforesaid sold and conveyed, less the expense, if any, of obtaining possession.

AND the said parties of the first part hereby agree at their own cost, during all the time where in any part of the matter hereby secured shall be unsettled or unpaid to keep the said improvements insured against loss by fire in the full sum of \$12,974.29 dollars, in the name and to the satisfaction of the party of the second part or substituted trustee, in such fire insurance company or companies as the said party of the second part may select, who shall apply whatever may be received therefrom to the payment of the matter hereby secured, whether due or not, unless the party entitled to receive shall waive the right to have the same so applied, and also to pay all taxes and assessments, both general and special, that may be assessed against, or become due on said land and premises during the continuance of this trust and that upon any neglect or default to so insure, or to pay taxes and assessments, any party hereby secured may have said improvements insured and pay said taxes and assessments, and the expenses thereof shall be a charge hereby secured and bear interest at the rate of six per centum per annum from the time of such payment.

AND it is further agreed that if the said property shall be advertised for sale, as herein provided, and not sold, the trustee or trustees acting shall be entitled to one-half the commission above provided, to be computed on the amount of the debt hereby secured.

AND the said parties of the first part covenant that they will warrant specially the land and premises hereby conveyed, and that they will execute such further assurances of said land as may be requisite or necessary.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals on the day and year first hereinbefore written.

TEST:

My husband Marshall Goldberg
Marshall Goldberg

Alfred G. Temple
Alfred G. Temple

(SEAL)

My husband Marshall Goldberg
Marshall Goldberg

Elsie M. Temple
Elsie M. Temple

(SEAL)

LIBER 2145 PAGE 208

This Deed, Made this

17th day of July

in the year one thousand nine hundred and fifty-two -- , by and between PETER B. LUERS,
unmarried - - - - -

of Baltimore County - - - - - in the State of Maryland, of the first part, and
ALFRED G. TEMPLE and ELSIE MAY TEMPLE, his wife, of Baltimore County, in
the State of Maryland - - - - -
of the second part.

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00) and other good
and valuable considerations, the receipt whereof is hereby acknowledged - -
the said PETER B. LUERS, unmarried - - - - -

do th grant and convey unto the said ALFRED G. TEMPLE and ELSIE MAY TEMPLE, his wife,
as tenants by the entireties, their assigns, and unto the survivor of them,
his or her - - - - -

heirs and assigns, in fee simple, all that lot - - - - - of ground, situate, ~~lying and being in~~
near the road leading from Ward's Chapel to Marriottsville in the second
Election District of Baltimore County, ~~more or less and described as follows, that is to say:~~
in the State of Maryland, aforesaid and described as follows, that is to say:

Beginning for the same at the end of the first line in a deed from Elizabeth
Green to Samuel R. Conrey dated April 10, 1843 and recorded among the Land
Records of Baltimore County in Liber T.K. No. 334 folio 263 and running thence

354.75
2125.5 with said first line reversely north eight degrees west twenty-one and one-
half perches to a stone on said first line thence north seventy-four and
three-fourths degrees east one hundred twenty-nine perches to a stone standing

on the west side of a stream and near the same thence continuing the same 4.25
course north seventy-four and three-fourths degrees east four and one-half
perches to the center of the County Road known as O'Dell's Mill Road thence

100.65
442.2 running in or near the center of said road the four following courses viz:
south six and one-tenth perches south thirty-six degrees forty-five minutes

114.2
425.7 east twenty-six and eight-tenths perches south six and one-half degrees east
six and eight-tenths perches south eleven degrees west twenty-five and eight-
tenths perches to a stone marked with the letter B said stone being the

beginning of that lot of land conveyed by John W. Wayman and wife to George
E. O'Dell by deed dated June 9, 1841 thence running with the east and given
line of said deed north eighty-nine and one-fourth degrees west fifty-eight

957.0 perches to the end of the nineteenth line of "Caroline Felix" thence binding
on the land described in a deed from Alexander Hutson and others to George
E. O'Dell dated November 19, 1829 and recorded among the Land Records of

Baltimore County in Liber W.G. No. 203 folio 373 thence the two following
courses and distances (with allowance for variations) south forty-one and one-
half degrees west fifty-seven and one-half perches to the end of the third

444.75
627.0 line of Bachelor's Choice thence reverse of Bachelor's Choice south twenty-
seven and one-half degrees west thirty-eight perches to the land once owned and
occupied by Richard Choate called Jack's Delight thence with the said line

696.7 north forty-five and one-half degrees west forty-two and two-tenths perches to
a line stone planted at the end of a given line of Jack's Delight and thence
with (reversely) the given line described in a deed from George W. Bailey to
Samuel R. Conrey dated June 8, 1864 and recorded among the Land Records of

Baltimore County in Liber J.H.L. No. 41 folio 485 etc. to the place of begin-
ning. Containing sixty acres of land more or less. Said lot being situate
on O'Dell's Mill Road near Ward's Chapel Road.

LIBER 2145 PAGE 209

SUBJECT to the rights of the Mayor and City Council of Baltimore for the water tunnel as set forth in Agreement recorded in Liber T.B.S No. 1705 folio 60;

BEING the same lot of ground which by Deed dated December 29, 1922 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 565 folio 491 was granted and conveyed by C. GEORGINNA O'DELL and WILLIAM C. O'DELL to JOSEPH H. LUERS and PETER B. LUERS, his son. The said JOSEPH H. LUERS having died on or about January 26, 1940, title to said property became vested solely in PETER B. LUERS, the within Grantor.



LIBER 2145 PAGE 210

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

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said ALFRED G. TEMPLE and ELSIE MAY TEMPLE, his wife, as tenants by the entireties, their assigns, and unto the survivor of them, his or her - - - - - heirs and assigns, in fee simple.

And the said party of the first part hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant specially the property granted and that he will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor.

TEST:

Ruby C. Quant
RUBY C. QUANT

Peter B. Luers
PETER B. LUERS (SEAL)

STATE OF MARYLAND, CITY OF BALTIMORE - - - to wit:
I HEREBY CERTIFY, That on this 17th day of July in the year one thousand nine hundred and fifty-two - - - before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City - - - aforesaid, personally appeared PETER B. LUERS, unmarried - - -

the above named grantor, and he - - acknowledged the foregoing Deed to be his - - - act.

As Witness my hand and Notarial Seal.

Ruby C. Quant
RUBY C. QUANT Notary Public.

July 24, 1952
My record for record May 4th, 1953. 10 4M & RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, LIBER G. L. B. 2145 FOLIO 208 GEORGE L. EYERLY, CLERK.

LAW OFFICE OF
DEBRA G. SCHUBERT, PC
ATTORNEY AT LAW

502 BALTIMORE AVENUE
FIRST FLOOR
TOWSON, MD 21204

TELEPHONE (410) 557-4170
FACSIMILE (410) 692-0176
E-MAIL DGSCHUBERT@comcast.net

DATE: 3/25/14

ATTENTION: KRISTEN
COMPANY: Balt. Co. Zoning Office
FAX #: 410 887-3048
RE: CASE # 2014-0174-SPH
NO. PAGES: 2

COMMENT:

*please see attached
postponement request*

DCS

REPLY: YES ☒ NO ☐
ASAP ☒ AT YOUR CONVENIENCE ☐

This FAX is intended only for the use of the person or office to whom it is addressed, and may contain information that is privileged, confidential, or protected by law. All other recipients are hereby notified that the receipt of this FAX does not waive any applicable privilege or exemption for disclosure and that any dissemination, distribution, or copying of this communication is prohibited. If you have received this FAX in error, please notify this office immediately at the telephone number listed above.

**LAW OFFICE OF
DEBRA G. SCHUBERT, PC
ATTORNEY AT LAW**

502 BALTIMORE AVENUE
FIRST FLOOR
TOWSON, MD 21204

TELEPHONE (410) 557-4170
FACSIMILE (410) 692-0176
E-MAIL DGSCHUBERT@COMCAST.NET

March 25, 2014

Baltimore County Zoning Office
Att: Kristen
Via fax 410 887-3048

Re: Estate of Elsie May Temple
Case # 2014-0174-SPH
REQUEST FOR POSTPONEMENT

Dear Kristen:

I have received notice of a hearing in the above case set for April 30, 2014.

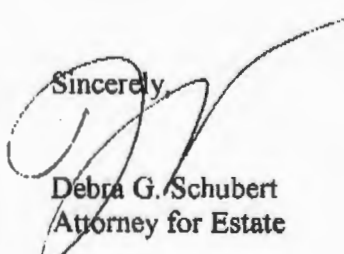
I am President Elect of the Maryland State Bar Association and I am out of the country on that date. It is respectfully requested that this matter be postponed.

I was advised the next available date is the week of May 12th, 2014. I am available on Tuesday May 13 and Wed. May 14 of that week. I leave town on Thursday for another MSBA function.

Please kindly reschedule the hearing for one of the above dates. If that is not possible please contact me and I will be happy to provide more dates.

Thank you for your assistance.

Sincerely,


Debra G. Schubert
Attorney for Estate

DGS/jsd

Cc: Peter Max Zimmerman, People's Counsel for Baltimore County
Randy Bachtel, BPR Enterprises



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 13, 2014

Debra G. Schubert, Esquire
502 Baltimore Avenue
Towson MD 21204

RE: Case Number: 2014-0174SPH, Address: 4137 Wards Chapel Road

Dear Ms. Schubert:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 26, 2014. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
BPR Inc., C/O Randy L. Bachtel, 150 Airport Drive, Suite 4, Westminster, MD 21158

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 3/17/14

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

RE: Baltimore County
Item No 2014-0174-SPH
Special Hearing
Debra G. Schubert, Rep for
Estate of Elise M. Tompkins
4137 Wards Chapel Road

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2014-0174-SPH

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

5122114

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 31, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

APR 02 2014

SUBJECT: 4136 Wards Chapel Road

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Item Number: 14-174

Petitioner: Estate of Elsie M. Temple (Personal Representative: Debra G. Schubert)

Zoning: RC 2

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

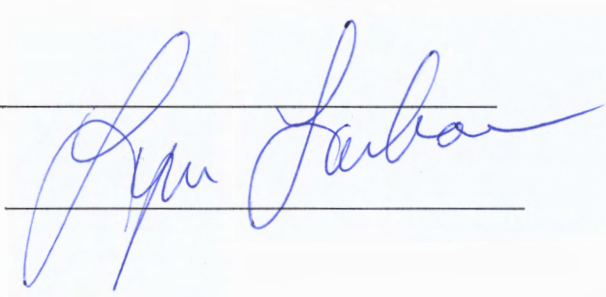
The petitioner is requesting a special hearing to approve the non-density transfer of an 8.95 acre parcel of the land to be transferred from a 51.95 acre vacant parcel adjacent to Powells Run Road and to be added to an existing 1.05 acre dwelling occupied at 4137 Wards Chapel Road and to confirm that the proposed 10.00 acre northern parcel will have no additional density available for further subdivision.

The Department of Planning does not oppose the petitioner's request for a special hearing, provided that this non-density transfer of an 8.95 acre parcel will not create any additional building lots. The owners of the property are deceased and pursuant to a Consent Order, the heirs have agreed to a division of the real property between family members as shown on the site plan that was submitted with the petition.

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

Prepared By: _____

Division Chief: _____
AVA/LL



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For March 17, 2014
Item No. 2014-0169, 0174 and 0176

DATE: March 20, 2014

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

DAK:CEN.
Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC03172014 -.doc

5/22/14

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

APR 17 2014



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: April 17, 2014

SUBJECT: DEPS Comment for Zoning Item # 2014-0174-SPH
Address 4137 Wards Chapel Road
(Estate of Elise M. Temple)

Zoning Advisory Committee Meeting of March 10, 2014.

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

Glenn Shaffer – Environmental Impact Review (EIR)

1. 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).
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 either parcel will require compliance with aforementioned laws which may result in establishment of perpetual easements to protect the streams, wetlands and forest on the parcels. – Glenn Shaffer – Environmental Impact Review (EIR)

Wallace Lippincott – Land Preservation

1. This memo is in response to the request for a nondensity subdivision of the RC 2 zoned property located at 4137 Wards Chapel Road. Below is my comment and an explanation.

The purpose of the RC 2 zone, Resource Conservation Agricultural, is to foster conditions favorable to a continued agricultural use of productive agricultural areas in the

County by preventing incompatible forms and degrees of urban uses (BCZR 1A01.1.B.). Specifically; the regulations provide for maintaining land in a size large enough to foster agricultural uses including forestry. (BCZR 1A01.3B.1 limits subdivision of land between two and 100 acres into no more than two lots. Similarly, there are standards in the Development Regulations and policies, Baltimore County Code 32-4-415, that regulate the subdivision of land so as to maintain large acreages for present or future uses.

The request of this petition for 4137 Wards Chapel Road is for a "nondensity" subdivision of 8.95 acres from an approximately 51 acre property that is zoned RC 2 but it is not located in a Master Plan Designated Agricultural Preservation Area. The property has not been subdivided so it can at some future time be subdivided into two lots. While it is not currently being farmed the soils are suitable for both farming and forestry.

The purpose given for the request was enlarging an adjacent 1 acre lot and not for agriculture or access, however, Zoning Policy 1A00.4b. (3) does provide for the transfer of small parcels for reasons subject to approval. The request for 8.95 acres - approximately 17% - is of concern because of the size when one also takes into consideration that further subdivision is possible. The petitioner has indicated that due to access further subdivision is difficult. In addition, further subdivision would be subject to 32-4-415(c) and the policies of EPS which limit the new lot to a maximum of 60,000 square feet.

Despite the concern over the size of the nondensity transfer, the request can be supported because it is not in a Master Plan designated Agricultural Preservation Area and if the approval is conditioned such that any future subdivision is limited to a maximum lot size of the created parcel of 60,000 square feet and in a location approved by EPS.

Real Property Data Search (w1)

[Search Help](#)Your feedback is important to us. [Please take our short survey.](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 02 Account Number - 0220200021	
Owner Information		
Owner Name:	TEMPLE ALFRED G TEMPLE ELSIE M PO BOX 389 WESTMINSTER MD 21158-0389	Use: AGRICULTURAL Principal Residence: NO Deed Reference: 1) /02145/ 00208 2)
Mailing Address:		
Location & Structure Information		
Premises Address:	POWELLS RUN RD RANDALLSTOWN 21133-	Legal Description: 51.95 AC VS POWELLS RUN RD 3200 S LIBERTY RD
Map: 0066	Grid: 0020	Parcel: 0109
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2013
Plat No:	Plat Ref:	Town: NONE
Special Tax Areas:	Ad Valorem:	Tax Class:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
		Property Land Area 51.9500 AC
		County Use 05
Stories	Basement	Type
		Exterior
		Full/Half Bath
		Garage
		Last Major Renovation
Value Information		
	Base Value	Value
		As of
		01/01/2013
Land:	15,900	15,900
Improvements	0	0
Total:	15,900	15,900
Preferential Land:	15,900	15,900
		Phase-in Assessments
		As of
		07/01/2013
		As of
		07/01/2014
		15,900
		15,900
		15,900
Transfer Information		
Seller: AG USE 83-84	Date:	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /02145/ 00208	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	0.00 0.00
Exempt Class:	AGRICULTURAL TRANSFER TAX	
Homestead Application Information		
Homestead Application Status: No Application		

Real Property Data Search (w3)

[Search Help](#)Your feed back is important to us. [Please take our short survey.](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 02 Account Number - 0220200022		
Owner Information		
Owner Name:	TEMPLE ALFRED G TEMPLE ELSIE M PO BOX 389 WESTMINSTER MD 21158-0389	Use: RESIDENTIAL Principal Residence: NO Deed Reference: 1) /04577/ 00312 2)
Mailing Address:		
Location & Structure Information		
Premises Address:	4137 WARDS CHAPEL RD MARRIOTTSTVILLE 21104-	Legal Description: 1.05 AC SS WARDS CHAPEL RD W POWELL RUN RD
Map: 0066	Grid: 0020	Parcel: 0109
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2013
Plat No:	Plat Ref:	Town: NONE
Special Tax Areas:	Ad Valorem:	Tax Class:
Primary Structure Built 1966	Above Grade Enclosed Area 1,218 SF	Finished Basement Area
Property Land Area 1.0500 AC	County Use 04	
Stories 1.000000	Basement YES	Type STANDARD UNIT
Exterior SIDING	Full/Half Bath 1 full	Garage 1 Attached
Last Major Renovation		
Value Information		
Base Value	Value As of 01/01/2013	Phase-in Assessments As of 07/01/2013
Land: 115,500	86,600	
Improvements: 101,100	86,200	
Total: 216,600	172,800	172,800
Preferential Land: 0		172,800
		0
Transfer Information		
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County: 000		0.00
State: 000		0.00
Municipal: 000		0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

New Search (<http://sdat.resiusa.org/RealProperty>)

Order the **TAX MAP** [click here...](#)

(<http://imsweb05.mdp.state.md.us/website/mosp/>)

 Loading... Please Loading... Please Wait.

4137 Wards Chapel Road



Publication Date: 2/26/2014



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100 200 300 400 Feet

1 inch = 200 feet

2014-0174-SPH



2014-0174-SPH

Case No.: 2014-0174-SPH

Exhibit Sheet

Petitioner/Developer

SW
7-1-14

Protestant

slw
5/27/14

No. 1	Site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLATBOOK # ^{N/A} FOLIO N/A 10 DIGIT TAX# 0220200021 DEED REF# 2145/208

Parcel 73
Michael F. Lamb &
Ruth Ann Lamb
Liber 32046, Folio 380
Tax Account # 02-10-00016
4224 Powells Run Road
Randallstown, MD 21133

SITE VICINITY MAP
SCALE 1" = 2000'

A portion of a 24' wide Ingress/ Egress
Easement For Parcel 109 over the lands of
Parcel 537, Scott Law and Judith K. Law
7,472 Sq. ft. or 0.1715 Ac. —

— A portion of a 24' wide Ingress/Egress Easement For Parcel 109 over the lands of Parcel 405, Angel M. Cartagena
17,335 Sq. ft. or 0.3980 Ac.

Parcel 405
Alicia M. Cartagena
Liber 29356, Folic 334
Tax Account # 02-18-101300
4145 Warrle Chapel Road

Parcel 74
Carolyn V. Whittington
Liber 23101, Folio 80
Tax Account # 02-13-55004
4231 Wards Chapel Road
Marriottsville, MD 21104

8.95 AC.
389862.54 sq. ft.
 TO BE TRANSFERRED FROM
 LIBER 2145 FOLIO 208 AND
 ADDED TO LIBER 4577 FOLIO 312

TOTAL PROPOSED
10.00 ACRES

BEFORE TRANSFER = 51.95 AC. ±
AFTER TRANSFER = 43.0 AC. ±

Map 66 Parcel 664
Scott Law
Judith K. Law
Liber 23902, Folio 568
Tax Account # 24-00-0045
4111 Wards Chapel Road
Marriottsville, MD 21104

Map 66 Parcel 663
Robert J. Sherron
Mary A. Sherron
Libert 17710, Folio 242
Tax Account # 24-00-00297
4105 Wards Chapel Road
Marriottsville, MD 21106

NO STRUCTURES ON VACANT LAND

Map 76 Parcel 2
Redland Genstar, Inc.
Liber 14137, Folio 300
Tax Account #: 23-00-007254
3902 Powells Run Road
Randallstown, MD 21133

PURPOSE NOTE:

Be known that the owners of this property are deceased and Debra G. Schubert, Esquire was appointed as Successor Personal Representative on July 2, 2013. Pursuant to a Consent Order executed by the Orphans Court for Baltimore County, dated January 2, 2014, the heirs have agreed to a division of the real property as shown on the plat. The court order transfer is between family members.

GIS MAP COPY # 066A3
 ZONING MAP # 066A3
 SITE ZONED - RC 2
 ELECTION DISTRICT - 2
 COUNCIL DISTRICT - 4
 LOT AREA ACREAGE 51.95 AC.±
 OR SQUARE FEET
 HISTORIC NO
 IN CBCA NO
 IN FLOOD PLAIN NO
 UTILITIES MARK WITH X
 WATER IS:
 PUBLIC N/A PRIVATE X
 SEWER IS:
 PUBLIC N/A PRIVATE X
 PRIOR HEARING NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULTS BELOW

— PETITIONER'S —
— EXHIBIT NO. 1 —

VIOLATION CASE INFO:

BPR
SURVEYORS - LAND PLANNERS
150 Airport Drive INC.
Suite 4
Westminster, Maryland 21157
Phone: (410)-857-9030
or (410)-876-0333
Fax: (410)-876-1532



PLAN DRAWN BY BPR INC. DATE 1-17-2014 SCALE 1 INCH = 100 FEET

OWNER/ APPLICANT
(Owners are Deceased)

DEBRA G. SCHUBERT ESQUIRE
PERSONAL REPRESENTATIVE
for the
ESTATE OF ELSIE MAY TEMPLE
502 BALTIMORE AVE.
TOWSON, MD 21204
410-557-4170

**PLAN TO ACCOMPANY DRC REQUEST
PETITION FOR SPECIAL HEARING
NON-DENSITY TRANSFER PLAT
ESTATE OF ELSIE MAY TEMPLE**
LIBER 2145 FOLIO 208