



KEVIN KAMENETZ
County Executive

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

March 20, 2015

Howard L. Alderman, Jr., Esq.
Levin & Gann, PA
502 Washington Avenue, Suite 800
Towson, Maryland 21204

RE: Petition for Special Hearing
Property: 3636 Belmont Avenue
Case No.: 2015-0142-SPH

Dear Mr. Alderman:

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

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(3636 Bellmont Avenue)		
4 th Election District	*	OFFICE OF
4 th Councilmanic District		
Christie Benet &	*	ADMINISTRATIVE HEARINGS
Elizabeth Worthington Benet	*	FOR BALTIMORE COUNTY
<i>Legal Owners</i>	*	
Petitioners	*	Case No. 2015-0142-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Christie Benet and Elizabeth Worthington Benet, legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to approve the relocation of the proposed dwelling site, driveway and curtilage as shown on the Plat accompanying the Petition (Alternative A), together with a determination that by subsequent legislative act of the County Council, rezoning the entire property to R.C.2, the relief and restrictions granted in Case No. 91-134-SPH (the "Prior Order") were rendered moot; or (2) in the alternative, approval of the Alternative B Plat (new agricultural protective easement) accompanying this Petition, including without limitation relocation of the proposed dwelling site, driveway and curtilage together with removal of conditions Nos. 2,3,4,& 5 of the Prior Order.

Appearing at the public hearing in support of the requests were Geoffrey Schultz, a licensed surveyor whose firm prepared the plans and owners Christie and Elizabeth Worthington Benet, represented by Howard L. Alderman, Jr., Esq. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of opposition. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations.

ORDER RECEIVED FOR FILING

Date 3/20/15
By SLN

Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). DOP opposed the request, and that agency believes that granting the Petition would in fact allow 3 lots on an R.C.2 parcel when only 2 are permitted, and that the dwelling relocation request would result in the loss of valuable agricultural land. I respectfully disagree, as discussed below. DPR requested that the Petitioners convey a certain easement to the County at no cost, and a condition to that effect is included in the Order below.

The subject property is zoned R.C.2, and is approximately 21.437 acres in size. Cases of this nature are a bit like assembling a jig-saw puzzle, inasmuch as they require an examination of prior deeds, plans and Orders to determine the current status of the property vis a' vis the B.C.Z.R.

For present purposes, the chronology begins in 1978, when the Bakers acquired 88 acres of land in rural Baltimore County. Approximately 36.4 acres was at that time zoned R.C.4 while the remainder (51.6 acres) was zoned R.C.2. In 1979, the County Council first enacted density/area controls for the R.C.2 zone; now codified at B.C.Z.R. §1A01.3. Under this regulation the 51.6 acre R.C.2 portion of the parcel could be subdivided into no more than two lots. That in fact occurred: in 1989 Baker transferred 12 acres of the R.C.2 land to Jenkins, and in 1990 39.6 acres of RC-2 land was transferred to Singh.

Also in 1989, Baker transferred the 36.4 acre R.C.4 parcel to Lerner (Petitioners' grantor). At the same time (July 25, 1989), Baker also granted to Lerner an "agricultural easement" of approximately 7 acres (zoned R.C.2) which was a portion of the 39.6 acre R.C.2 parcel noted above which was later conveyed in 1990 to Singh. Ex. No. 2. This was arguably an illegal subdivision (i.e., creating a 3rd lot) of the R.C.2 land. In any event, that easement expired by its own terms,

ORDER RECEIVED FOR FILING

Date 3/20/15

By Sen

when Singh lawfully conveyed the 7 acre "easement" to Lerner, pursuant to the nondensity transfer approved by special hearing in Case No. 91-134-SPH. Ex. No. 3.

In 1996, during the Comprehensive Zoning Map Process (CZMP), the Council rezoned the 36.4 acre R.C.4 Lerner parcel to R.C.2. Then, in 1999 Baltimore County approved a minor subdivision (#96-077-M) creating two lots on the 36.4 acre Lerner parcel (now zoned RC-2). Ex. No. 5. This was a lawful subdivision, given that the B.C.Z.R. permits two lots to be created on an R.C.2 parcel totaling between 2 and 100 acres. §1A01.3. It is important to note the 7.1 acre "agricultural easement" conveyed to Lerner via Case No. 91-134-SPH was not used in the density calculation for the 1999 two (2) lot subdivision. See Ex. No. 5 ("density calculations").

Thus, the sole issue in this case boils down to the placement of the dwelling on the lot. Case No. 91-134-SPH imposed a restriction that the dwelling not be sited on what was then the 7.1 acre R.C.2 "agricultural easement." But five years hence the entire parcel owned by the Lerner was rezoned R.C.2, and thus the distinction that existed in 1991 no longer existed. Mr. Schultz testified that "prime and productive soils" are present at both the original location of the proposed dwelling (as shown on the 1999 minor subdivision plan) and at the alternate location shown on the current site plan. Thus, from an agricultural standpoint, it does not appear as if the requested location for the dwelling will have any greater impact upon the soils and acreage available to be farmed. The Petitioners testified that the "building envelope" for the proposed dwelling would be no more than 1 acre, and that Lippy Brothers currently farm a significant portion of their property, and would continue to do so after the dwelling is constructed. In these circumstances, I do not believe that approving the relocation of the dwelling would have a negative impact upon the community.

THEREFORE, IT IS ORDERED this 20th day of March, 2015, by this Administrative Law

ORDER RECEIVED FOR FILING

Date 3/20/15

By Sen

Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7, be and is hereby GRANTED to the extent that the relocation of the proposed dwelling site, driveway and curtilage (as more particularly shown on the site plan marked and admitted as Exhibit 1A) is approved;

IT IS FURTHER ORDERED that Condition #3 contained in the Order in Case No. 91-134-SPH, be and is hereby STRICKEN;

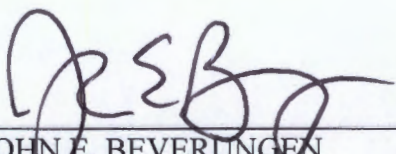
IT IS FURTHER ORDERED that all other terms and conditions of the Order in Case No. 91-134-SPH shall remain in full force and effect;

IT IS FURTHER ORDERED that the remainder of the relief sought in the Petition for Special Hearing be and is hereby DENIED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must convey to Baltimore County at no cost the Environmental Greenway Easement referenced in the ZAC comment dated January 14, 2015, from the Bureau of development Plans Review.

Any appeal of this decision must be filed 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 3/20/15
By sln



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 3636 BELMONT AVENUE

which is presently zoned RC-2

Deed References: 34777/081

10 Digit Tax Account # 24-00-004509

Property Owner(s) Printed Name(s) Christie Benet & Elizabeth Worthington Benet

(SELECT THE HEARING(S) BY MARKING ☒ 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)

SEE ATTACHED

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)

SEE ATTACHED

*TO BE PRESENTED
AT HEARING*

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 bounded 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:

Howard L. Alderman, Jr., Esq. / Levin & Gann, PA

Name- Type or Print

Signature

502 Washington Avenue, STE 800 Towson MD

Mailing Address

City

State

21204

4103210600

halderman@levingann.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Christie Benet

Elizabeth Worthington Benet

Name #1 - Type or Print

Name #2 - Type or Print

By: ☒

Signature #1

Signature #2

155 Fan Hill Road

Monroe

CT

Mailing Address

City

State

06468 (203) 445-1538

cbenet62@att.net

Zip Code

Telephone #

Email Address

Representative to be contacted:

Geoffrey C. Schultz, RPLS Polaris Land Consultants, LLC

Name - Type or Print

Signature

10 Gerard Avenue, Suite 101 Lutherville MD

Mailing Address

City

State

21093

410-252-4444

gschultz@polarislcl.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2015-0142-SPH

Filing Date 1/6/2015

Do Not Schedule Dates:

Reviewer *h*

REV. 10/4/11

CASE NO: 2015-- 0142 --SPH

Address: 3536 Belmont Avenue

Legal Owners: Christie Benet & Elizabeth Worthington Benet

Present Zoning: RC-2 [Previous Zoning: RC-4 & RC-2]

PETITION FOR SPECIAL HEARING

A. Approval of the relocation of the proposed dwelling site, driveway and curtilage as shown on the Plat accompanying this Petition [Alternative A], together with a determination that by subsequent legislative act of the County Council, rezoning the entire property to RC-2, the relief and restrictions granted in Case No. 91-134-SPH (the "**Prior Order**") were rendered moot; or

B. In the alternative, approval of the Alternative B Plat (new agricultural protective easement) accompanying this Petition, including without limitation relocation of the proposed dwelling site, driveway and curtilage together with removal of conditions Nos. 2, 3, 4 & 5 of the Prior Order; and

C. Such additional relief as the nature of this case may require.

For Additional Information Contact:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre
502 Washington Centre
8th Floor
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801

halderman@LevinGann.com

Zoning Description of
3636 Belmont Avenue
4th Election District
3rd Councilmanic District
Baltimore County, MD



Beginning at a point in the paving of Belmont Avenue, said point being located 2146 feet South of the center of Butler Road, thence running along Belmont Road 1) by a curve to the left, having a radius of 1755.39 feet and an arc length of 134.65 feet, 2) by a curve to the left, having a radius of 2102.72 feet and an arc length of 229.97 feet, and 3) S 29°50' 00" E 225.38 feet, thence running 4) N 66° 02' 40" E 15.11 feet 5) S 31° 08' 20" E 319.16 feet 6) S 79° 57' 03" W 1370.61 feet 7) N 27° 09' 37" E 76.54 feet 8) N 19° 31' 53 " W 37.71 feet 9) N 59° 16' 00" W 72.00 feet 10) N 10° 32' 22" E 646.60 feet 11) N 25° 50' 50" E 198.53 feet and 12) N 83° 57' 45" E 745.60 feet to the point of beginning.

Containing 21.437 acres of land as recorded in deed Liber 34777 Folio 81.

2015-0142-SPH



KEVIN KAMENETZ
County Executive
February 4, 2015

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

NEW NOTICE OF ZONING HEARING

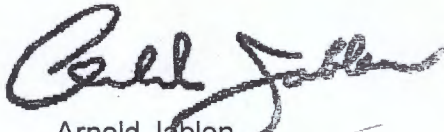
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0142-SPH

3636 Belmont Avenue
W/s Belmont Avenue, 2300 feet s/of Butler Road
4th Election District – 4th Councilmanic District
Legal Owners: Christie Benet, Elizabeth Worthington Benet

Special Hearing for approval of the relocation of the proposed dwelling site, driveway and cartilage as shown on the Plat accompanying this petition (Alternative A) together with a determination that by subsequent legislative act of the County Council, rezoning the entire property to RC-2, the relief and restrictions, granted in Case 91-134-SPH (the "prior order") were rendered moot; or in the alternative, approval of the Alternative B Plat (new agricultural protective easement) accompanying this Petition, including without limitation relocation of the proposed dwelling site, driveway and cartilage together with removal of conditions Nos. 2, 3, 4 & 5 of the Prior Order; and such additional relief as the nature of this case may require.

Hearing: Friday, March 13, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204
Benet, 155 Fan Hill Road, Monroe CT 06468
Geoffrey Schultz, 10 Gerard Avenue, Ste. 101, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 21, 2015.**
(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, February 19, 2015 Issue - Jeffersonian

Please forward billing to:
Howard Alderman, Jr.
Levin & Gann, P.A.
502 Washington Avenue, Ste. 800
Towson, MD 21204

410-321-0600

NOTICE OF ZONING HEARING

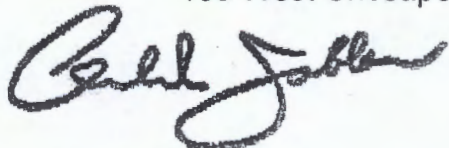
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0142-SPH

3636 Belmont Avenue
W/s Belmont Avenue, 2300 feet s/of Butler Road
4th Election District – 4th Councilmanic District
Legal Owners: Christie Benet, Elizabeth Worthington Benet

Special Hearing for approval of the relocation of the proposed dwelling site, driveway and cartilage as shown on the Plat accompanying this petition (Alternative A) together with a determination that by subsequent legislative act of the County Council, rezoning the entire property to RC-2, the relief and restrictions, granted in Case 91-134-SPH (the "prior order") were rendered moot; or in the alternative, approval of the Alternative B Plat (new agricultural protective easement) accompanying this Petition, including without limitation relocation of the proposed dwelling site, driveway and cartilage together with removal of conditions Nos. 2, 3, 4 & 5 of the Prior Order; and such additional relief as the nature of this case may require.

Hearing: Friday, March 13, 2015 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 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.



KEVIN KAMENETZ
County Executive
January 15, 2015

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

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2015-0142-SPH

3636 Belmont Avenue
W/s Belmont Avenue, 2300 feet s/of Butler Road
4th Election District – 4th Councilmanic District
Legal Owners: Christie Benet, Elizabeth Worthington Benet

Special Hearing for approval of the relocation of the proposed dwelling site, driveway and cartilage as shown on the Plat accompanying this petition (Alternative A) together with a determination that by subsequent legislative act of the County Council, rezoning the entire property to RC-2, the relief and restrictions, granted in Case 91-134-SPH (the "prior order") were rendered moot; or in the alternative, approval of the Alternative B Plat (new agricultural protective easement) accompanying this Petition, including without limitation relocation of the proposed dwelling site, driveway and cartilage together with removal of conditions Nos. 2, 3, 4 & 5 of the Prior Order; and such additional relief as the nature of this case may require.

Hearing: Friday, February 13, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204
Benet, 155 Fan Hill Road, Monroe CT 06468
Geoffrey Schultz, 10 Gerard Avenue, Ste. 101, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 24, 2015.**
(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.

Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 22, 2015 Issue - Jeffersonian

Please forward billing to:
Howard Alderman, Jr.
Levin & Gann, P.A.
502 Washington Avenue, Ste. 800
Towson, MD 21204

410-321-0600

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2015-0142-SPH

3636 Belmont Avenue

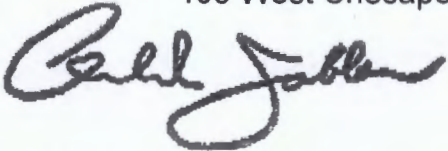
W/s Belmont Avenue, 2300 feet s/of Butler Road

4th Election District – 4th Councilmanic District

Legal Owners: Christie Benet, Elizabeth Worthington Benet

Special Hearing for approval of the relocation of the proposed dwelling site, driveway and cartilage as shown on the Plat accompanying this petition (Alternative A) together with a determination that by subsequent legislative act of the County Council, rezoning the entire property to RC-2, the relief and restrictions, granted in Case 91-134-SPH (the "prior order") were rendered moot; or in the alternative, approval of the Alternative B Plat (new agricultural protective easement) accompanying this Petition, including without limitation relocation of the proposed dwelling site, driveway and cartilage together with removal of conditions Nos. 2, 3, 4 & 5 of the Prior Order; and such additional relief as the nature of this case may require.

Hearing: Friday, February 13, 2015 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 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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
3636 Belmont Avenue; W/S Belmont Avenue, * OF ADMINISTRATIVE
2300' S of Butler Road * HEARINGS FOR
4th Election & 4th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Christie & Elizabeth Benet *
Petitioner(s) *
2015-142-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

JAN 14 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of January, 2015, a copy of the foregoing Entry of Appearance was mailed to Geoffrey Schultz, RPLS Polaris Land Consultants, 10 Gerard Avenue, Suite 101, Lutherville, Maryland 21093 and Howard Alderman, Esquire, Levin & Gann, P.A., 502 Washington Avenue, Suite 800, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2015-- 0142--SPH

Property Address: 3536 Belmont Avenue

Property Description: 22.121 Ac w/s Belmont Avenue, 2300 south of Butler Road

Legal Owners (Petitioners): Christie Benet & Elizabeth Worthington Benet

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Howard L. Alderman, Jr., Esquire

Company/Firm (if applicable): Levin & Gann, PA

Address: 502 Washington Avenue, Suite 800

Towson, Maryland 21204

Telephone Number: 410-321-0600

Revised 5/20/2014

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 10672460

Case #:

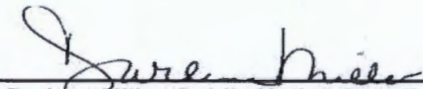
Description:

Case Number: 2015-0142-SPH - Notice of Zoning Hearing

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

1/22/2015



Darlene Miller, Public Notice Coordinator
(Representative Signature)

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2015-0142-SPH

3636 Belmont Avenue
W/s Belmont Avenue, 2300 feet s/of Butler Road
4th Election District- 4th Councilmanic District

Legal Owners: Christie Benet, Elizabeth Worthington Benet

Special Hearing for approval of the relocation of the proposed dwelling site, driveway and cartilage as shown on the Plat accompanying this petition (Alternative A) together with a determination that by subsequent legislative act of the County Council, rezoning the entire property to RC-2, the relief and restrictions, granted in Case 91-134-SPH (the "prior order") were rendered moot; or in the alternative, approval of the Alternative B Plat (new agricultural protective easement) accompanying this Petition, including without limitation relocation of the proposed dwelling site, driveway and cartilage together with removal of conditions Nos. 2, 3, 4 & 5 of the Prior Order; and such additional relief as the nature of this case may require.

Hearing: Friday, February 13, 2015 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.

ja22



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3051818

Sold To:

LEVIN & GANN, P.A. - CU00172077
502 Washington Ave
Ste 800
Towson, MD 21204-4525

Bill To:

LEVIN & GANN, P.A. - CU00172077
502 Washington Ave
Ste 800
Towson, MD 21204-4525

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Feb 19, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2015-0142-SPH
3636 Belmont Avenue
W/s Belmont Avenue, 2300 feet s/of Butler Road
4th Election District - 4th Councilmanic District
Legal Owner(s) Christie Benet, Elizabeth Worthing Benet

Special Hearing for approval of the relocation of the proposed site, driveway and cartilage as shown on the Plat accompanying this petition (Alternative A) together with a determination that by subsequent legislative act of the County Council, rezoning the entire property to RC-2, the relief and restrictions, granted in Case 91-134-SPH (the "prior order") were rendered moot; or in the alternative, approval of the Alternative B Plat (new agricultural protective easement) accompanying this Petition, including without limitation relocation of the proposed dwelling site, driveway and cartilage together with the removal of conditions Nos. 2, 3, 4 & 5 of the Prior Order; and such additional relief as the nature of this case may require.

Hearing: Friday, March 13, 2015 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.

2/23 February 19 3051818

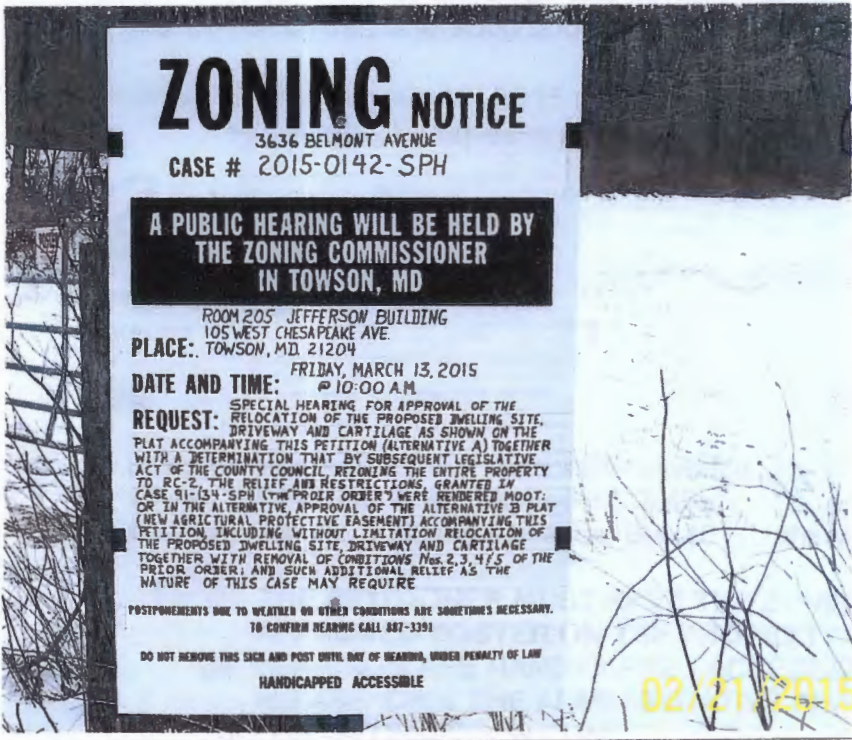
CERTIFICATE OF POSTING

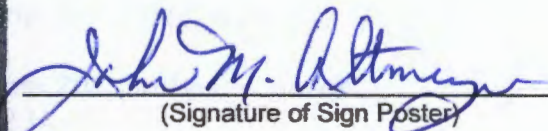
Date: 02/21/2015

RE: Project Name: Public Hearing
Case Number /PAI Number: 2015-0142-SPH
Petitioner/Developer: Christie Benet, Elizabeth Worthington Benet
Date of Hearing/Closing: March 13, 2015

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 3636 Belmont Ave.

The sign(s) were posted on 02/21/2015
(Month, Day, Year)




(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Rd.
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

(410) 382-6580
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

February 5, 2015

Christie Benet
Elizabeth Worthington Benet
155 Fan Hill Road
Monroe CT 06468

RE: Case Number: 2015-0142 SPH, Address: 3636 Belmont Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 6, 2015. 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.", is positioned above the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Howard L Alderman Jr., Esquire, 502 Washington Avenue, Suite 800, Towson MD 21204
Geoffrey C Schultz, RPLS Polaris Land Consultants LLC, 10 Gerard Avenue, Suite 101
Lutherville MD 21093

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



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

Date: 1/14/15

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

RE: Baltimore County
Item No 2015-0142-SPA
Special Hearing
Christie Benet &
Elizabeth Worthington Benet
3636 Belmont Avenue

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. 2015-0142-SPA

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

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

SDF/raz

3/13/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 24, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 3636 Belmont Avenue

RECEIVED

INFORMATION:

FEB 24 2015

Item Number: 15-142

Petitioner: Christie Benet & Elizabeth Benet

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: RC 2

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The subject request is for approval to build on a 7.1 acre portion of the property that was previously approved by Special Hearing 91-134 as a non-density transfer from a larger RC 2 Tract. The petitioner is seeking to overturn the Order in that case that "...at all times be used strictly for agricultural purposes. At no time shall any residential dwelling be placed on this parcel."

Upon review of the petition, site plan, Zoning Order 91-134, and site visit the following comment and recommendations are offered: The Request seeks to reverse the Zoning Order prohibiting the construction of a dwelling on a 7.1 acre area that was designated as non-density. The non-density area was derived from a larger RC 2 property that was divided into two lots - a 39 acre tract (now known as 3825 Butler Road) and a 12 acre tract (3811 Butler Road). Zoning Order 91-134 permitted a third subdivision of the original property but only for the purposes of agricultural uses and not for a residence.

The property is located in the Worthington Valley National Historic Register District, Baltimore County Master Plan designated Agricultural Preservation Area and Piney Run Rural Legacy Area. It is in an area of significant land preservation where public funds have been expended for the retirement of development rights to protect rural and agricultural lands. The area is characterized by farms, stream valleys and woods with limited residential development.

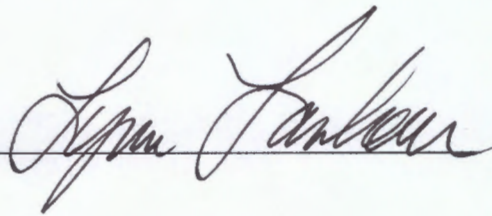
The request to build a dwelling on a 7.1 acre portion will create a third building lot from a RC 2 lot of record which is in conflict with BCZR 1A01.3.B.1 which only allows two lots. The petitioner suggests that it is necessary to place the house for the lot on the 7.1 acres because of constraints on the remainder of the property, however, a minor subdivision approved in 1999 shows the location outside the 7.1 acre nondensity area. This suggests that this petition is not a hardship but for a preference.

It is the recommendation of this department that based on the information provided, the requested relief should be denied because the 7.1 acre portion of the site is a remainder from a lot of record that has been fully subdivided. Granting this request is inconsistent with limiting the development by permitting three lots on an RC 2 zoned property instead of two. Granting of the request would facilitate the loss of agricultural land that would otherwise have been protected by the zoning and would be contrary to the Master Plan 2020 Action of stabilizing the agricultural land base (Page 92). For these reasons, the petition

should be denied as being detrimental to the health, safety, or general welfare of the surrounding community.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

Division Chief:
AVA/LL

A handwritten signature in cursive script, appearing to read "Lynn Lippincott", written over a horizontal line.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 19, 2015
Item No. 2015-0142

DATE: January 14, 2015

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

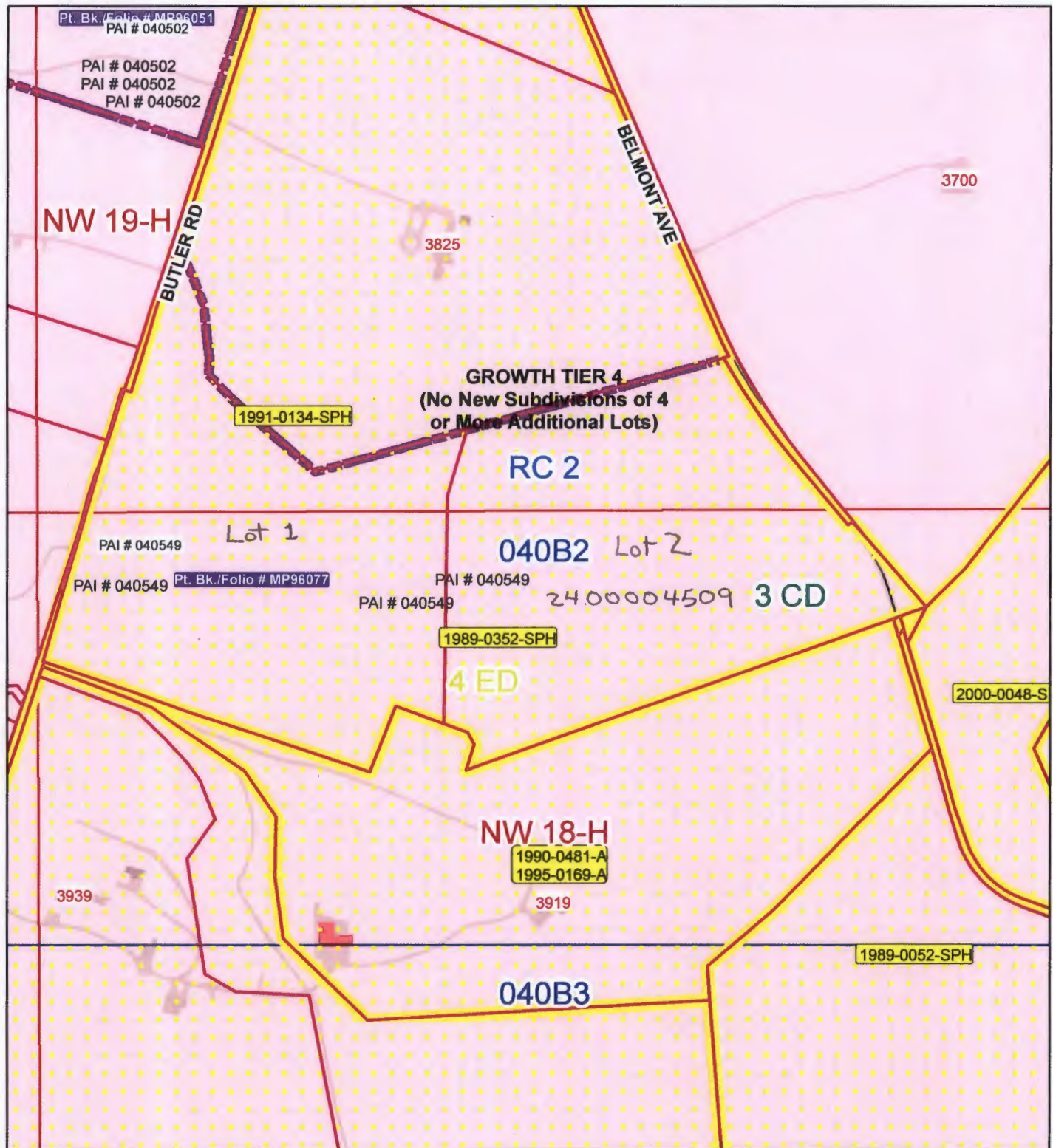
The Environmental Greenway Easement associated with Slade Run shall be conveyed to Baltimore County at no cost. Refer to L.O.S. Manual Section 1V.B.2 for Limit of Greenways, which should extend to the limit of the Forest Buffer.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0142-01192015.doc

3536 Blemont Avenue 2015-0142-SPH



Publication Date: 1/6/2015



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



0 100 200 400 600 800 Feet

1 inch = 400 feet

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN

A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-4600
TELEFAX 410-796-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

January 27, 2015

HAND DELIVERED

Arnold Jablon, Director
Baltimore County Department of Permits
Approvals and Inspections
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

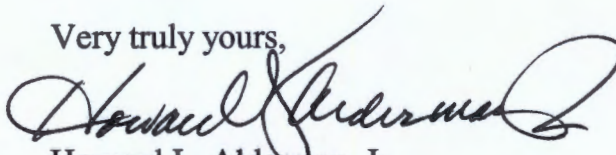
RE: *3636 Belmont Avenue*
Christie and Elizabeth Worthington Benet, Owners
Case No. 2015-0142-SPH
Request for Postponement and Rescheduling

Dear Mr. Jablon:

We have the pleasure of representing Christie and Elizabeth Worthington Benet, owners of the above-referenced property. Enclosed is a Motion for Postponement and Rescheduling of the hearing on the Petition filed which is presently scheduled for Friday, February 13, 2015. The bases in support are set forth in the Motion. Should you or your staff need additional information in support of this request, please contact me at your earliest convenience.

Thank you.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk
Enclosure

c: Mr. and Mrs. Christie Benet
People's Counsel for Baltimore County
Kristen Lewis, Docket Clerk

BEFORE THE DIRECTOR, PERMITS, APPROVALS AND INSPECTIONS

RE: PETITION FOR SPECIAL HEARING
3636 Belmont Avenue
W/s Belmont Avenue, 2300 feet
s/of Butler Road

4th Election District
4th Councilmanic District

Christie and Elizabeth Worthington Benet,
Legal Owners.

Case No.: 2015-0142-SPH

REQUEST FOR POSTPONEMENT and RESCHEDULING

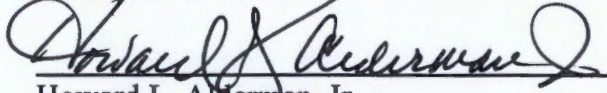
Christie Benet and Elizabeth Worthington Benet, legal Owners, by their attorney, Howard L. Alderman, Jr., in accordance with Code of County Regulations Title 2, Chapter 1, Part 1, Rule 4G, respectfully move, more than five (5) days prior to the scheduled hearing, that the Baltimore County Director of the Department of Permits, Approvals and Inspections postpone the hearing in this case until the next available, regularly scheduled date **between March 6, 2015 and April 2, 2015** and in support thereof state as follows:

1. The hearing before the Administrative Law Judge is presently scheduled for Friday, February 13, 2015 at 10:00 a.m.
2. The undersigned legal counsel is unavailable on the hearing date and during the above-referenced times due to upcoming surgical procedures and other commitments/conflicts.
3. The legal Owners are entitled to have counsel present and present the Owners' case at the hearing on this Petition.
4. Unless the hearing is postponed, the legal Owners' rights and interests in their real property may be irreparably jeopardized.
5. The legal Owners are the only party that will be inconvenienced by their legal

counsel's unavailability and have not previously requested any postponement or delay.

WHEREFORE, the legal Owners respectfully request that the Director of Permits Approvals and Inspections grant a postponement of the hearing in this case until the next available, regularly scheduled date between March 9, 2015 and April 2, 2015.

Respectfully submitted,



Howard L. Alderman, Jr.

Levin & Gann, P.A.

8th Floor, Nottingham Centre

502 Washington Avenue

Towson, Maryland 21204

410.321.0600 [voice]

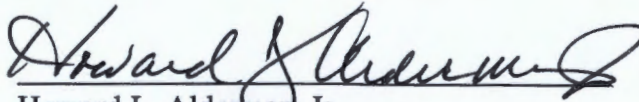
410.296.2801 [fax]

halderman@LevinGann.com [e-mail]

Attorney for legal Owners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March, 2015, a copy of the foregoing Request for Postponement, together with a proposed Order, was mailed via First-Class, United States Mail to: Peter Max Zimmerman, Esquire and Carole S. DeMilio, Esquire, both of Baltimore County Office of People's Counsel, The Jefferson Building, 105 W. Chesapeake Avenue, Suite 204, Towson, Maryland 21204.



Howard L. Alderman, Jr.

BEFORE THE DIRECTOR, PERMITS, APPROVALS AND INSPECTIONS

RE: PETITION FOR SPECIAL HEARING
3636 Belmont Avenue
W/s Belmont Avenue, 2300 feet
s/of Butler Road

4th Election District
4th Councilmanic District

*Christie and Elizabeth Worthington Benet,
Legal Owners.*

Case No.: 2015-0142-SPH

ORDER

After consideration of the Request for Postponement filed by the legal Owner in this case, it is by the Director of the Baltimore County Department of Permits, Approvals and Inspections this ____ day of _____, 2015,

ORDERED that the Request for Postponement be and it is hereby GRANTED, and the Director hereby directs that the hearing be rescheduled for the next available, regularly scheduled date **between** March 9, 2015 and April 2, 2015.

Arnold Jablon, Director

Copies to:

Peter Max Zimmerman, Esquire
Carole S. DeMilio, Esquire
Baltimore County Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

M E M O R A N D U M

DATE: April 21, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0142-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on April 20, 2015. 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

PLEASE PRINT CLEARLY

CASE NAME BENET Property
CASE NUMBER 2015-0142-~~SP4~~SP4
DATE 13 MARCH 2015

PETITIONER'S SIGN-IN SHEET

[illegible]

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
1/14/15	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
2/24/15	PLANNING (if not received, date e-mail sent _____)	C
1/14/15	STATE HIGHWAY ADMINISTRATION	no obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. 1991-0134-SPH)	
NEWSPAPER ADVERTISEMENT	Date: 2/19/15	
SIGN POSTING	Date: 2/21/15 by Altmeier	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Real Property Data Search (w3)				Guide to searching the database						
Search Result for BALTIMORE COUNTY										
View Map		View GroundRent Redemption			View GroundRent Registration					
Account Identifier:		District - 04 Account Number - 2400004509								
Owner Information										
Owner Name:		BENET CHRISTIE BENET ELIZABETH WORTHINGTON			Use: Principal Residence:		AGRICULTURAL NO			
Mailing Address:		155 FAN HILL RD MONROE CT 06468-			Deed Reference:		/34777/ 00081			
Location & Structure Information										
Premises Address:		3636 BELMONT AVE 0-0000			Legal Description:		22.121 AC WS BELMONT AVE 2300FT S BUTLER RD			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	MS
0040	0015	0159		0000			2	2013		Plat Ref:
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use		
						22.1200 AC		05		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
Value Information										
		Base Value		Value As of 01/01/2013		Phase-in Assessments As of 07/01/2014				
Land:		93,600		93,600						
Improvements		0		0						
Total:		93,600		93,600		93,600		93,600		
Preferential Land:		3,600						3,600		
Transfer Information										
Seller: BELMONT AND BUTLER LLC				Date: 03/18/2014		Price: \$585,000				
Type: ARMS LENGTH IMPROVED				Deed1: /34777/ 00081		Deed2:				
Seller: LERNER BRIAN C				Date: 01/18/2012		Price: \$0				
Type: NON-ARMS LENGTH OTHER				Deed1: /31622/ 00042		Deed2:				
Seller: LERNER BRIAN C/RENEE A				Date: 11/14/2003		Price: \$0				
Type: NON-ARMS LENGTH OTHER				Deed1: /19156/ 00267		Deed2:				
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2014		07/01/2015				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		AGRICULTURAL TRANSFER TAX								
Homestead Application Information										
Homestead Application Status: No Application										

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

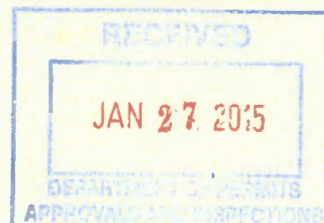
DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

January 27, 2015

1/15
TO RL
OK for JP

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)



HAND DELIVERED

Arnold Jablon, Director
Baltimore County Department of Permits
Approvals and Inspections
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

RE: 3636 Belmont Avenue
Christie and Elizabeth Worthington Benet, Owners
Case No. 2015-0142-SPH
Request for Postponement and Rescheduling

Dear Mr. Jablon:

We have the pleasure of representing Christie and Elizabeth Worthington Benet, owners of the above-referenced property. Enclosed is a Motion for Postponement and Rescheduling of the hearing on the Petition filed which is presently scheduled for Friday, February 13, 2015. The bases in support are set forth in the Motion. Should you or your staff need additional information in support of this request, please contact me at your earliest convenience.

Thank you.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk
Enclosure

c: Mr. and Mrs. Christie Benet
People's Counsel for Baltimore County
Kristen Lewis, Docket Clerk

BEFORE THE DIRECTOR, PERMITS, APPROVALS AND INSPECTIONS

RE: PETITION FOR SPECIAL HEARING
3636 Belmont Avenue
W/s Belmont Avenue, 2300 feet
s/of Butler Road

4th Election District
4th Councilmanic District

Christie and Elizabeth Worthington Benet,
Legal Owners.

Case No.: 2015-0142-SPH

REQUEST FOR POSTPONEMENT and RESCHEDULING

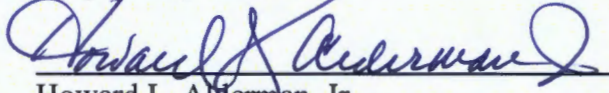
Christie Benet and Elizabeth Worthington Benet, legal Owners, by their attorney, Howard L. Alderman, Jr., in accordance with Code of County Regulations Title 2, Chapter 1, Part 1, Rule 4G, respectfully move, more than five (5) days prior to the scheduled hearing, that the Baltimore County Director of the Department of Permits, Approvals and Inspections postpone the hearing in this case until the next available, regularly scheduled date **between March 6, 2015 and April 2, 2015** and in support thereof state as follows:

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4. Unless the hearing is postponed, the legal Owners' rights and interests in their real property may be irreparably jeopardized.
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WHEREFORE, the legal Owners respectfully request that the Director of Permits Approvals and Inspections grant a postponement of the hearing in this case until the next available, regularly scheduled date between March 9, 2015 and April 2, 2015.

Respectfully submitted,



Howard L. Alderman, Jr.

Levin & Gann, P.A.

8th Floor, Nottingham Centre

502 Washington Avenue

Towson, Maryland 21204

410.321.0600 [voice]

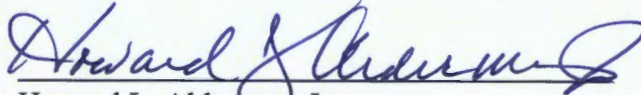
410.296.2801 [fax]

halderman@LevinGann.com [e-mail]

Attorney for legal Owners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of March, 2015, a copy of the foregoing Request for Postponement, together with a proposed Order, was mailed via First-Class, United States Mail to: Peter Max Zimmerman, Esquire and Carole S. DeMilio, Esquire, both of Baltimore County Office of People's Counsel, The Jefferson Building, 105 W. Chesapeake Avenue, Suite 204, Towson, Maryland 21204.



Howard L. Alderman, Jr.

BEFORE THE DIRECTOR, PERMITS, APPROVALS AND INSPECTIONS

RE: PETITION FOR SPECIAL HEARING
3636 Belmont Avenue
W/s Belmont Avenue, 2300 feet
s/of Butler Road

4th Election District
4th Councilmanic District

Christie and Elizabeth Worthington Benet,
Legal Owners.

Case No.: 2015-0142-SPH

ORDER

After consideration of the Request for Postponement filed by the legal Owner in this case, it is by the Director of the Baltimore County Department of Permits, Approvals and Inspections this ____ day of _____, 2015,

ORDERED that the Request for Postponement be and it is hereby GRANTED, and the Director hereby directs that the hearing be rescheduled for the next available, regularly scheduled date **between** March 9, 2015 and April 2, 2015.

Arnold Jablon, Director

Copies to:

Peter Max Zimmerman, Esquire
Carole S. DeMilio, Esquire
Baltimore County Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

Case No.: 2015-0142-SPH

Exhibit Sheet

Petitioner/Developer

ISW
A-21-15

Protestants

SLW
3/20/15

No. 1	1A > Alternate Site Plans 1B	
No. 2	Agric. Easement	
No. 3	Order in No. 91-134	
No. 4	Minor Subdivision Plan (P95) (not approved)	
No. 5	Approved Minor-Sub-plan (1999)	
No. 6	Aerial photo	
No. 7	Proposed location of dwelling w/ existing approved location shown	
No. 8	Environmental Map	
No. 9	Deed to property	
No. 10		
No. 11		
No. 12		

LIBER 8 252 PAGE 629

C-BA353

AGRICULTURAL EASEMENT

THIS AGRICULTURAL EASEMENT ("Agricultural Easement")
made this July day of June, 1989, by and between DANIEL R. BAKER and PATRICIA T. BAKER ("Grantor") and BRIAN C. LERNER and RENEE A. LERNER ("Grantee").

Witnesseth:

WHEREAS, Grantor is the owner in fee simple as tenants by the entirety of certain real property (the "Baker Property") hereinafter described, situate, lying and being in the Fourth Election District of Baltimore County, Maryland, and more particularly described in Exhibit A attached hereto;

WHEREAS, as of the date first above written, Grantor has conveyed to Grantee, as tenants by the entirety, fee simple title to certain real property (the "Lerner Property") hereinafter described, situate, lying and being in the Fourth Election District of Baltimore County, Maryland, adjacent to the Baker Property, and more particularly described in Exhibit B attached hereto;

WHEREAS, Grantee is the holder of an option to acquire (the "Option") fee simple title to a seven (7) acre parcel on the Baker Property (the "Seven Acre Parcel") shown in Exhibit C attached hereto;

A R C F 92.00
0 #
92.00
003 RO1 713:37
08/18/89

WHEREAS, Grantor is willing to grant to Grantee, as tenants by the entirety, an exclusive, perpetual easement in the Seven Acre Parcel for the benefit of Grantee for the exclusive use of the land for agricultural purposes (the "Agricultural Easement"), on the terms and conditions hereinafter set forth, and Grantee is willing to accept such Agricultural Easement;

WHEREAS, Grantor and Grantee have a common purpose in maintaining the agricultural character of the Seven Acre Parcel;

NOW, THEREFORE, in consideration of the mutual covenants, terms, conditions and restrictions hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

AGRICULTURAL TRANSFER TAX NOT APPLICABLE
NOT APPLICABLE
SIGNATURE: IR 72689 DATE: 7/26/89
Director of Finance
BALTIMORE COUNTY MARYLAND
Authorized Signature

Return To: Guarantee Title Services, Inc.
805 Equitable Building
Towson, Maryland 21204
(301) 296-4141

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
IR 72689

92-

ALL-STATE LEGAL
PETITIONER'S
EXHIBIT
2

ARTICLE II. ENFORCEMENT AND REMEDIES

A. Upon any breach of the terms of this Agricultural Easement by Grantor or Grantee, as the case may be, the other party may, after reasonable notice to the Grantor or Grantee, as the case may be, institute suits to enjoin any breach or enforce any covenant by ex parte, temporary, and/or permanent injunction. All remedies hereunder shall be cumulative and shall be in addition to any other rights and remedies available at law or equity. If either party is found to have breached any of its obligations under this Agricultural Easement, such party shall reimburse the other party for any costs or expenses incurred, including court costs and reasonable attorney's fees.

B. No failure to enforce any covenant or provision hereof shall discharge or invalidate such covenant or any other covenant, condition, or provision hereof or affect the right of Grantee or Grantor, as the case may be, to enforce the same in the event of a subsequent breach or default.

C. Grantor, its successors and assigns, shall have the right, with reasonable notice, to enter the Seven Acre Parcel at reasonable times for the purpose of inspecting the Seven Acre Parcel to determine whether the Grantee, or its personal representatives, heirs, successors or assigns, is complying with the terms, conditions and restrictions of this Agricultural Easement.

ARTICLE III. MISCELLANEOUS

A. Grantor agrees for himself, his personal representatives, heirs, successors and assigns, to notify Grantee in writing of the names and addresses of any party to whom the Seven Acre Parcel, or any part thereof, is to be transferred at prior to the time said transfer is consummated, other than transfers to persons acquiring an interest in title as security for an indebtedness of Grantor or Grantee. Grantor further agrees to make specific reference to this Agricultural Easement in a separate paragraph of any subsequent deed or other legal instrument by which any interest in the Seven Acre Parcel is conveyed.

B. Any notices by Grantor to Grantee pursuant to any provision hereof shall be sent by registered or certified mail, return receipt requested, addressed to the name(s) and address(es) used by Baltimore County, Maryland for the Baker Property on its tax assessment records, as amended from time to time, or to such other address as Grantee may establish in writing on notification to Grantor. Any notices by Grantee to

Taxes shall mean the amount of taxes levied on the Taxable Property which are allocable to the Seven Acre Parcel, and in the event that the tax bill therefor does not separately state the amount of Taxes allocable to the Seven Acre Parcel, such amount shall be determined through the use of the records of the State Department of Assessments and Taxation (such department or any successor thereof being referred to as the "Taxing Authority") by applying the applicable tax rate to the taxable value of the land contained in the Seven Acre Parcel and any improvements thereon as established by the records of the Taxing Authority. Notwithstanding the foregoing, in the event the character of use of the unimproved portion of the Taxable Property changes, as a result of action taken by Grantor, with the effect that such property is no longer assessed for taxation on the basis of agricultural use, Grantee's Share of Taxes will be unaffected. Furthermore, Grantee shall have no responsibility for paying any Agricultural Land Transfer Taxes which arise as a result of any development and/or subdivision of any portion of the Taxable Property other than the Seven-Acre Parcel.

F. The Grantee further agrees to hold the Grantor harmless against, and to indemnify and defend Grantor from any damage, cost, expense (including reasonable attorneys' fees) and liability resulting from injury to persons or damage to property arising out of: (i) any act or omission with respect to the use of the Seven Acre Parcel, lawful or otherwise, by Grantee or Grantee's family members, invitees, employees or independent contractors (or any person trespassing on the Seven-Acre Parcel, to the extent Grantee would be liable if it owned fee simple title to the Seven-Acre Parcel) except to the extent such injury or damage is proximately caused by the negligence or intentional acts of the Grantor or its agents; or (ii) any damage, liability, cost and expenses (including reasonable attorneys' fees) which result from non-performance of any of Grantee's obligations hereunder.

G. The Grantor agrees to indemnify and hold the Grantee harmless from and against any damages, liabilities, costs and expenses (including reasonable attorney's fees) which result from a breach by Grantor of any of its obligations hereunder.

H. The covenants agreed to and the terms, conditions, restrictions and purposes imposed as aforesaid shall be binding upon Grantor and Grantee, their personal representatives, heirs and assigns and shall continue as a servitude running in perpetuity with the above-described property, subject to the terms of Article I.D above.

LIBER 8252 PAGE 635

STATE OF MARYLAND,
COUNTY OF HOWARD

ss:

I HEREBY CERTIFY, that on the 24th day of July, 1989, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Daniel R. Baker, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Agricultural Easement and acknowledged that he executed the same for the purposes therein contained.



AS WITNESS my hand and Notarial Seal.

Mary C. McDaniel
Notary Public

My Commission Expires: July 1, 1990.

STATE OF MARYLAND
OF

ss:

I HEREBY CERTIFY, that on the 24th day of July, 1989, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Patricia T. Baker, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Agricultural Easement and acknowledged that he executed the same for the purposes therein contained.



AS WITNESS my hand and Notarial Seal.

Patricia T. Baker
Notary Public

My Commission Expires: 7/1/90

provements shall be erected upon the 7-acre parcel for any other purpose, specifically including residential purposes..." in accordance with the agreement set forth in the Agricultural Easement signed between the Bakers and the Lerner on July 25, 1989.

All testimony presented at the hearing indicated that the subject property will be used strictly for agricultural purposes and at no time shall be used as acreage used to calculate the density of the adjoining R.C. 4 land. The Petitioners argued that the spirit and intent of the R.C. 2 regulations would be met by the granting of the relief requested herein.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare and is within the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of November, 1990 that the Petition for Special Hearing to approve the nondensity transfer of 7.103 acres from a 39.653-acre parcel, zoned R.C.2, to the adjoining 36.392-acre parcel, zoned R.C. 4, in accordance with Petitioner's Exhibit 1, be and is hereby

ORDER RECEIVED FOR FILING

Date

By

IN RE: PETITION FOR SPECIAL HEARING SW/S Belmont Avenue, 2500' S of Butler Road 4th Election District 3rd Councilmanic District Jogendra Singh, et ux Petitioners	* BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 91-134-SPH *
---	---

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nondensity transfer of 7.103 acres from a 39.653-acre parcel, zoned R.C.2, to the adjoining 36.392-acre parcel, zoned R.C. 4, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Jogendra Singh, Legal Owner, and Brian C. and Renee A. Lerner, Contract Purchasers, appeared, testified and were represented by Lewis L. Fleury, Esquire. Also appearing on behalf of the Petition was Eugene Raphel, Registered Professional Land Surveyor. Appearing as an interested party was Lisa Keir, Office of Planning and Zoning. Peter Max Zimmerman appeared on behalf of the People's Counsel for Baltimore County. There were no Protestants.

Testimony indicated that the subject property consists of 7.133 acres zoned R.C. 2 and is located between Butler Road and Belmont Avenue. Petitioners are desirous of transferring the subject property, identified as Parcel B on Petitioner's Exhibit 1, to the Contract Purchasers for agricultural uses only. Testimony and evidence presented indicated that the subject property is part of a large parcel of land previously owned by Daniel and Patricia Baker which was subdivided and sold off in accordance with that depicted in Petitioner's Exhibit 1. Brian and Renee Lerner purchased Parcel A from the Bakers on July 25, 1989. At the same time, the

ORDER RECEIVED FOR FILING

Date 11/29/91
By [Signature]

ALL-STATE LEGAL PETITIONER'S EXHIBIT
3

Lerners also acquired the 7.103 acres, depicted as an agricultural easement and identified as Parcel B on Petitioner's Exhibit 1, with an option to acquire fee-simple title to the property subject to the necessary approvals from Baltimore County. Prior to obtaining such approval, Dr. & Mrs. Singh purchased Parcel C from the Bakers on February 15, 1990.

Eugene Raphael testified that the Bakers' predecessors in interest, the Jacksons, sold 88 acres to Daniel Baker in 1978, of which 36.392 acres more or less are zoned R.C. 4 and the remaining 51.61 acres more or less are zoned R.C. 2. In accordance with Section 1A01.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), any subdivision of the 51.61 acres located in the R.C. 2 parcel after November 25, 1979, is limited to two lots. By deed dated March 30, 1989, the Bakers transferred 12 acres of the R.C. 2 zoned land to T. Courtenay and Allison Jenkins as depicted on Petitioner's Exhibit 1. Thereafter, the Bakers negotiated with the Lerners to sell the R.C. 4 parcel identified as Parcel A on Petitioner's Exhibit 1. At that time, the Lerners expressed an interest in acquiring the 7.103 acres in the R.C. 2 property, not for purposes of constructing a dwelling but to provide them with additional acreage which would be more conducive to agricultural uses than Parcel A, which is heavily wooded. However, this transition needed zoning approval prior to its transfer as the subdivision would be considered three lots. For that reason, the Bakers agreed to transfer the 7.103 acres, in fee simple, to the Lerners, if approved by Baltimore County. In the alternative, the parties agreed the Lerners would have the exclusive right to use, occupy and possess the 7.103 acres for purposes of "producing, processing, storing, or raising horses, cattle or other agricultural products, and the erection and maintenance of improvements for such purposes, provided, however, that no im-

ORDER RECEIVED FOR FILING

Date

By

provements shall be erected upon the 7-acre parcel for any other purpose, specifically including residential purposes..." in accordance with the agreement set forth in the Agricultural Easement signed between the Bakers and the Lerner on July 25, 1989.

All testimony presented at the hearing indicated that the subject property will be used strictly for agricultural purposes and at no time shall be used as acreage used to calculate the density of the adjoining R.C. 4 land. The Petitioners argued that the spirit and intent of the R.C. 2 regulations would be met by the granting of the relief requested herein.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare and is within the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of November, 1990 that the Petition for Special Hearing to approve the nondensity transfer of 7.103 acres from a 39.653-acre parcel, zoned R.C.2, to the adjoining 36.392-acre parcel, zoned R.C. 4, in accordance with Petitioner's Exhibit 1, be and is hereby

ORDER RECEIVED FOR FILING

Date

By

GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Within thirty (30) days of the date of this Order, or prior to the issuance of any permits, whichever occurs first, Petitioners shall submit any and all documentation requested by the Office of Planning as set forth in their comments dated October 30, 1990, a copy of which is attached hereto.

3) The subject 7.103 acres, identified as Parcel B on Petitioner's Exhibit 1, shall at all times be used strictly for agricultural purposes. At no time shall any residential dwelling be placed on this parcel.

4) At no time shall Parcel B be included as acreage in calculating the density units for any adjoining properties.

5) Within sixty (60) days of the date of this Order or prior to the issuance of any permits, whichever occurs first, Petitioner shall file documentation in the Land Records of Baltimore County to insure notice is provided to any potential or subsequent owner of the subject property of the restrictions and conditions contained in this Order.

6) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING

Date

By

AMN:bjs

ANN M. NASTAROWICZ

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County



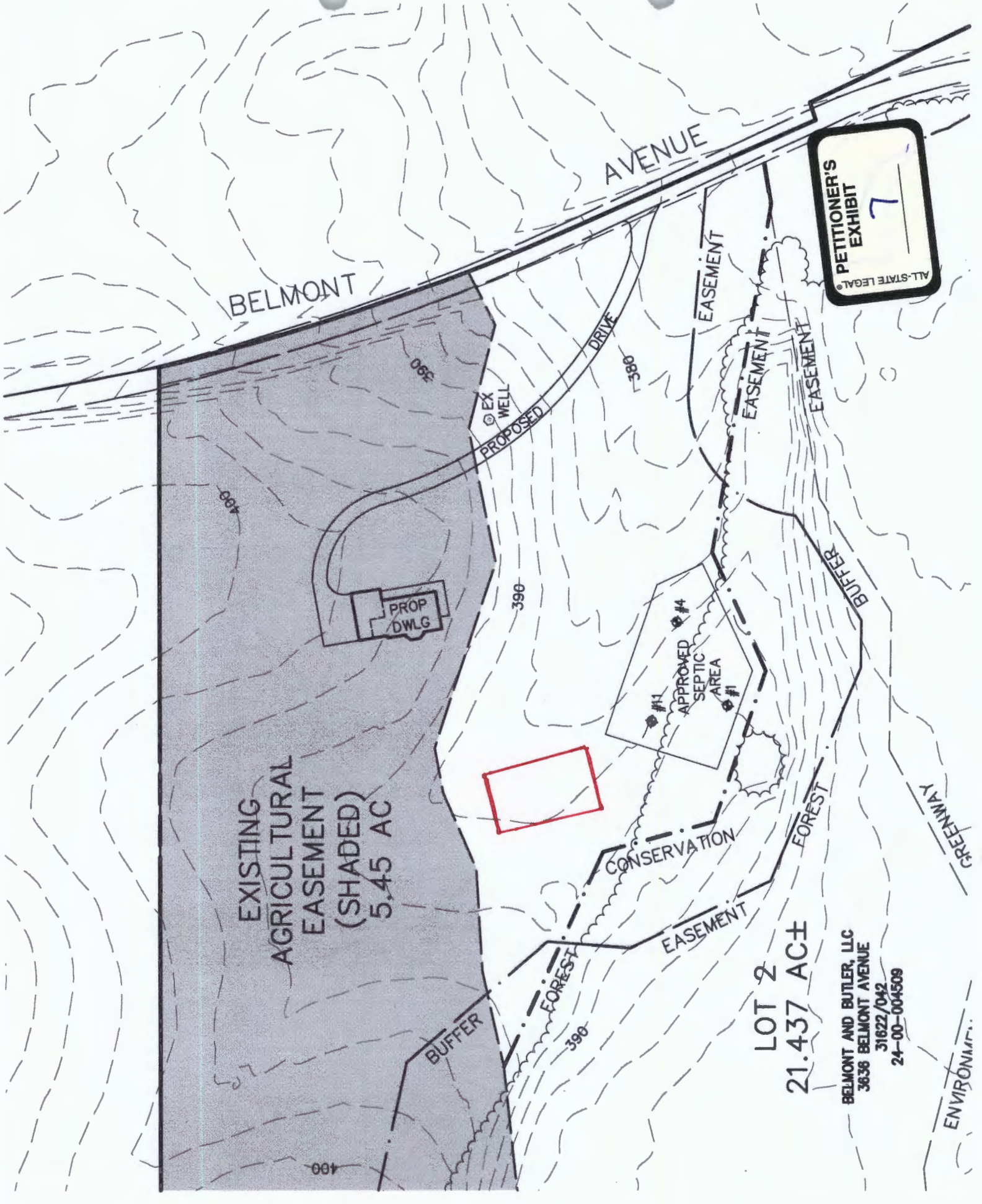
My Neighborhood Map

Created By
Baltimore County
My Neighborhood



Printed 1/27/2014

This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.



ALL-STATE LEGAL
PETITIONER'S
EXHIBIT
7

LOT 2
21.437 AC±

BELMONT AND BUTLER, LLC
3638 BELMONT AVENUE
31622/042
24-00-004509

ENVIRONMENTAL



100 Painters Mill Road, Suite 200
Owings Mills, Maryland 21117
410-653-3400 • Fax: 410-653-3621 • www.residentialtitle.com

03 111 081

Property Address: 3636 Belmont Avenue
Tax ID #04-2400004509

1

FEE SIMPLE DEED

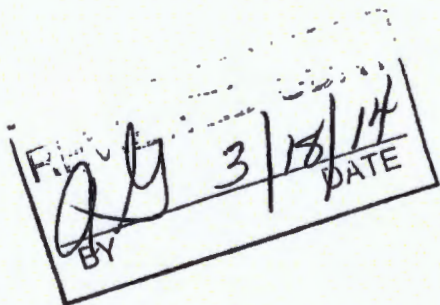
THIS DEED, Made this 31st day of January, 2014, by and between Belmont and Butler, LLC, a Maryland Limited Liability Company, Grantor and party of the first part; and Christie Benet and Elizabeth Worthington Benet, husband and wife, Grantees and parties of the second part.

WITNESSETH, That in consideration of the sum of Five Hundred Eighty Five Thousand dollars and Zero cents (\$585,000.00), and other and good and valuable considerations the receipt whereof is hereby acknowledged, the said party of the first part does grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives and assigns, all that property situate in Baltimore County, State of Maryland, that is to say:

Lot 2 on Minor Subdivision on Exhibit A and B attached hereto and made a part hereof.

See Attached Exhibit "A"

Being also the same property which by Deed dated November 11, 2011 and recorded among the Land Records of Baltimore County in Liber 31622, Folio 042 was granted and conveyed by Brian C. Lerner and Renee A. Lerner to Belmont and Butler, LLC, a Maryland Limited Liability Company, the grantor herein.



MB
WB

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE-LETTER OF INTENT

SIGNATURE A. Ruder DATE 3-18-14

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 34777, p. 0081, MSA_CE62_34633. Date available 03/21/2014. Printed 03/10/2015.

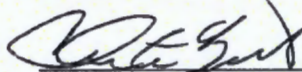
Subject to Covenants, conditions and restrictions contained in a Declaration and Agreement dated October 14, 1947 recorded in the Land Records of Baltimore County in Liber 1617, Folio 463.

Subject to Covenants, conditions and restrictions contained in a Declaration and Agreement dated December 5, 1952 recorded in the Land Records of Baltimore County in Liber 2224, Folio 126.

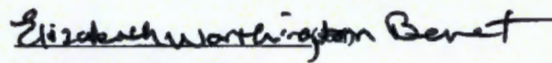
Subject to Covenants, conditions and restrictions contained in a Declaration dated September 29, 1978 recorded in the Land Records of Baltimore County in Liber 5941, Folio 506.

Subject to Covenants, conditions and restrictions contained in a Declaration dated September 29, 1978 recorded in the Land Records of Baltimore County in Liber 5941, Folio 506.

Subject to the terms and provisions and restrictions as set forth in a Deed dated July 25, 1989 by and between Daniel R. Baker and Patricia T. Baker unto Brian C. Leaner and Renee A. Leaner, as recorded among the aforesaid Land Records in Liber 8252, folio 617.



Christie Benet



Elizabeth Worthington Benet

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

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

AND the said party of the first part hereby acknowledges that it has not done or suffered to be done any act, matter or thing whatever, to encumber the property hereby conveyed; that it will warrant specially the property hereby conveyed, and it will execute such further assurances as may be requisite.

CB
hwb

WITNESS:

[Signature]

Belmont and Butler, LLC, a Maryland
Limited Liability Company (Seal)

By: *[Signature]*
Name: Renee A. Lema
Title: Managing Member

STATE OF MARYLAND, COUNTY OF BALTO { To Wit:

I HEREBY CERTIFY, that on this 30 day of January, 2014, before subscriber, a Notary Public of the State aforesaid, personally appeared Renee A. Lema, who acknowledged him/herself to be the Managing member of Belmont and Butler, LLC, a Maryland Limited Liability Company and that he/she as such officer, being authorized so to do, executed the within instrument in the capacity therein stated and for the purposes therein contained him/herself as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: 9/13/15

[Signature]
Notary Public



This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

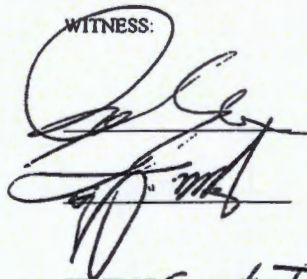
[Signature] Attorney

Return to:
Residential Title & Escrow Co
100 Painters Mill Road # 200
Owings Mills, MD 21117
File #68940 - tv
Deeds/3636 Belmont Avenue

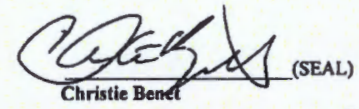
BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 34777, p. 0084, MSA_CE62_34633. Date available 03/21/2014. Printed 03/10/2015.

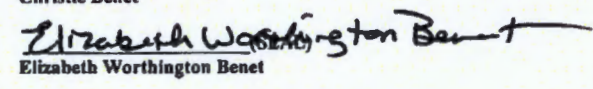
WITNESS the hands and seals of the Grantee.

WITNESS:



GRANTEE:

 (SEAL)
Christie Benet

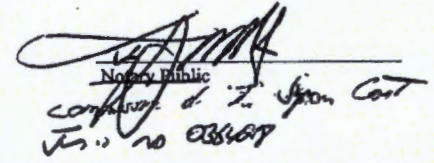

Elizabeth Worthington Benet

STATE OF Connecticut COUNTY, to wit:

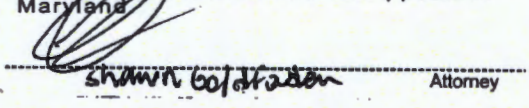
Commission of the Court I HEREBY CERTIFY, that on this 31st day of January 2014, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Christie Benet and Elizabeth Worthington Benet, known to me (or satisfactorily proven) to be the persons whose name are subscribed to the within instrument, who signed the same in my presence and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My commission expires: _____


Notary Public
Commission of the Court
Jan 31 2014

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.


Shawn Coltrane Attorney

Return to:
Residential Title & Escrow Co
100 Painters Mill Road # 200
Owings Mills, MD 21117
File #68940 - tv
Dedds/2636 Belmont Avenue

OB
hub

EXHIBIT "A"

LOT TWO: BEGINNING FOR THE SAME at a point on the west side of Belmont Road, 40 feet wide, said point being at the beginning of the twenty-sixth or South 29 degrees 50' 00" East 225.38 foot line of Lot 1 of the land which by deed dated July 25, 1989, and recorded among the Land Records of Baltimore County in Liber S.M. 8252, folio 617, was conveyed by Daniel R. Baker and Patricia T. Baker, his wife, to Brian C. Lerner and Renee A. Lerner, his wife running thence and binding on the West side of Belmont Road and on the twenty-sixth line South 29 degrees 50' 00" East 225.38 feet running thence and binding on the twenty-seventh line of the aforesaid deed North 66 degrees 02' 40" East 15.11 feet to a point in the bed of Belmont Road and to the center of Fuss Road, now abandoned, running thence and binding on the center of the abandoned Fuss Road, and binding on the twenty-eighth line of the aforesaid deed, Baker to Lerner South 31 degrees 08' 20" East 319.16 feet, running thence and binding on the twenty-ninth through the thirty-first lines and part of the thirty-second line of the aforesaid deed, the four following courses and distances, 1) South 79 degrees 57' 03" West 1370.61 feet crossing Belmont Road at a Bridge there situate, 2) North 27 degrees 09' 37" East 76.54 feet, 3) North 19 degrees 31' 53" West 37.71 feet, and 4) North 59 degrees 59' 16" West 72.00 feet to the division line between Lot Two and Lot One, running thence and binding on said division line the two following courses and distances as now surveyed, 1) North 10 degrees 32' 22" East 646.60 feet and 2) North 25 degrees 50' 50" East 198.53 feet to intersect the third or South 83 degrees 59' 25" West 1188.60 foot line of tract B, of the aforesaid deed, Baker to Lerner, at a point distant 443.00 feet from the end thereof, running thence and binding reversely on part of the third, all of the second, and all of the first lines, as now surveyed, the three following courses and distances, 1) North 83 degrees 57' 45" East 745.60 feet to a point on the West side of the aforesaid Belmont Avenue, thence binding on said West side of Belmont Avenue, 2) Southeasterly by a curve to the left with a radius of 1755.39 feet for a distance of 134.65 feet, the chord of said arc being South 21 degrees 22' 10" East 134.62 feet, and 3) Southerly by a curve to the left with a radius of 2102.72 feet for a distance of 229.98 feet the chord of said arc being South 26 degrees 40' 20" East 229.86 feet to the place of beginning.

2014

MARYLAND
FORMCertification of Exemption from Withholding Upon
Disposition of Maryland Real Estate
Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor
Belmont and Butler, LLC

2. Reasons for Exemption

Resident Status ☐ I, Transferor, am a resident of the State of Maryland.
☒ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence ☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Foreclosure ☐ This is a transfer of REO property acquired by the grantor in a foreclosure action and conveyed herein to a third party.
☐ This is a transfer of the foreclosed property from the Substitute Trustees to the secured party or a third party bona fide purchaser

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Name

Signature

Witness

Name

Signature

3b. Entity Transferors

Witness/Attest

Belmont and Butler, LLC

Name of Entity

By

Name

Title

File No.: 68940

MD Affidavit of Principal Residence

09-49

NOTES:

1. EXISTING ZONING: RC-2.
2. GROSS AREA: 21.437 AC
NET AREA: 21.437 AC
3. 200 SCALE ZONING MAP NO. 040B2.
4. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
5. THIS LOT WILL BE SERVED BY PRIVATE WELL AND SEPTIC SYSTEM.
6. THE PROPERTY IS VACANT.
7. THIS PROPERTY IS NOT IN THE CBCA.
8. THIS SITE CONTAINS A 100 YEAR FLOOD PLAIN (SEE PLAN VIEW).
9. THIS SITE IS NOT HISTORIC.

STANDARD NON-DISTURBANCE NOTES:

1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER OR FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.
2. ANY FOREST BUFFER OR FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS, WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

PREVIOUS ZONING HEARING:

CASE No.: 91-134-SPH
DATE OF ORDER: 11/29/1990

ORDER

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of November, 1990 that the Petition for Special Hearing to approve the nondensity transfer of 7.103 acres from a 39.653-acre parcel, zoned R.C.2, to the adjoining 36.392-acre parcel, zoned R.C. 4, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order, or prior to the issuance of any permits, whichever occurs first, Petitioners shall submit any and all documentation requested by the Office of Planning as set forth in their comments dated October 30, 1990, a copy of which is attached hereto.
- 3) The subject 7.103 acres, identified as Parcel B on Petitioner's Exhibit 1, shall at all times be used strictly for agricultural purposes. At no time shall any residential dwelling be placed on this parcel.
- 4) At no time shall Parcel B be included as acreage in calculating the density units for any adjoining properties.
- 5) Within sixty (60) days of the date of this Order or prior to the issuance of any permits, whichever occurs first, Petitioner shall file documentation in the Land Records of Baltimore County to insure notice is provided to any potential or subsequent owner of the subject property of the restrictions and conditions contained in this Order.
- 6) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ANN:bjjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

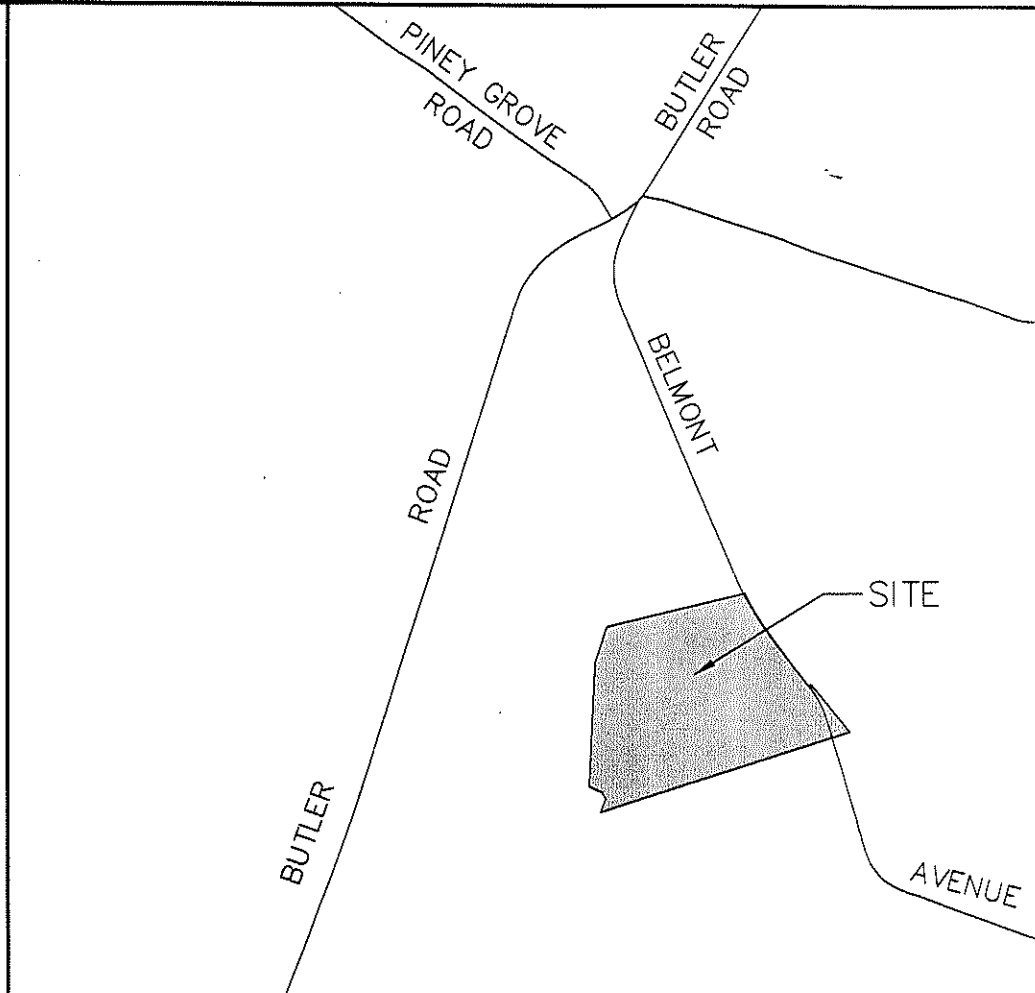
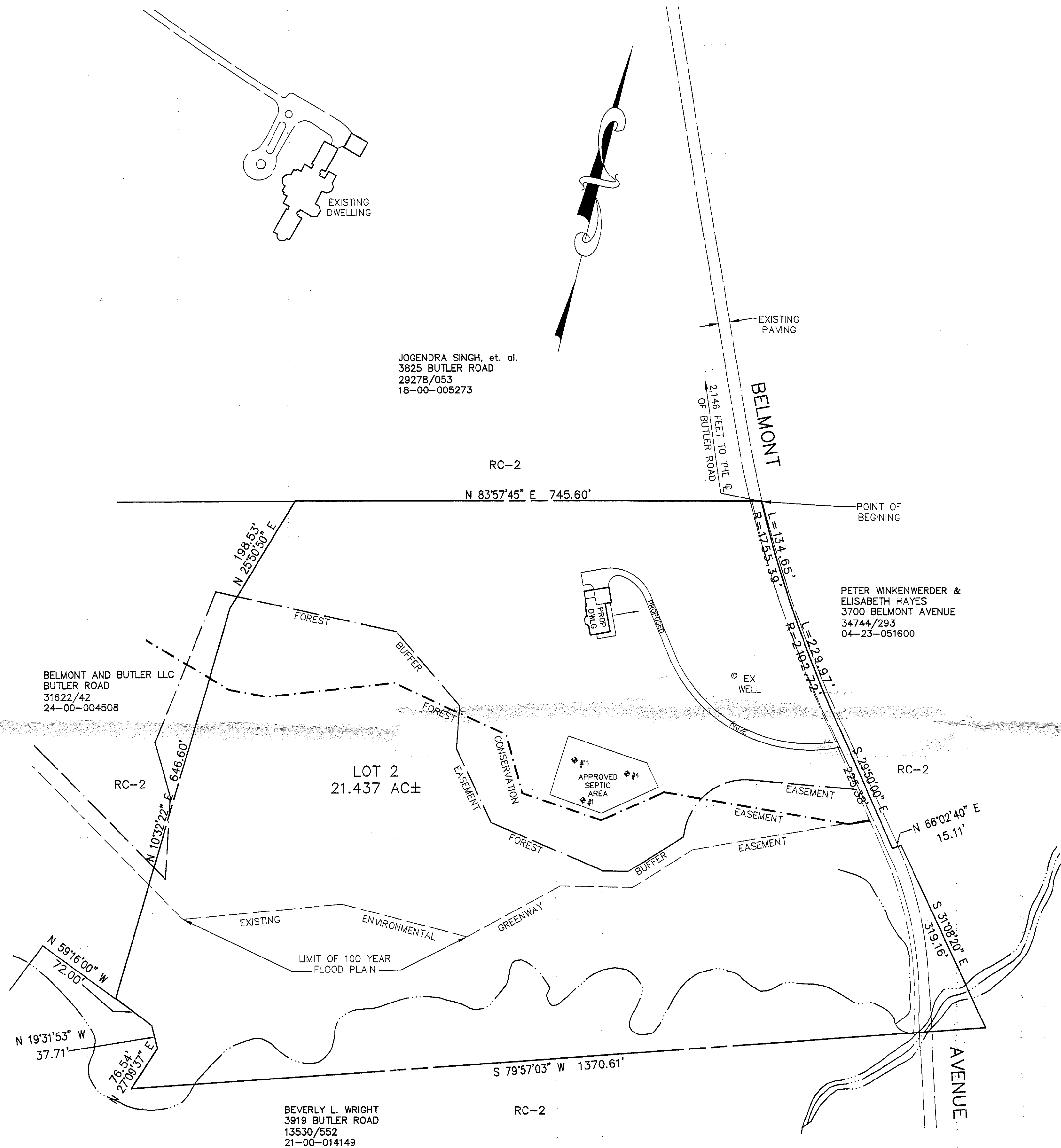


GC
GEOFFREY C. SCHULTZ
MARYLAND REG. No. 21154
LICENSE EXPIRATION: 01/2015



10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
PHONE: (410) 252-4444
FAX: (410) 252-4493
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LAND SURVEYING • SUBDIVISION DESIGN • COMMERCIAL SITE DESIGN • LAND USE & PLANNING
STORM WATER MANAGEMENT • CONSTRUCTION SURVEYING • PROJECT MANAGEMENT • ZONING MATTERS



VICINITY MAP

SCALE: 1"= 1,000'

ALTERNATE A

PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING REQUEST
3636 BELMONT AVENUE

BEING LOT 2
MINOR SUBDIVISION PLAN
"PROPERTY OF BRIAN C. & RENEE A. LERNER"
MINOR SUB. No. 96-077M

4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 100'

DATE: DECEMBER 10, 2014

PROPERTY INFORMATION

OWNER
CHRISTIE BENET
ELIZABETH BENET
155 FAN HILL ROAD
MONROE, CT 06468

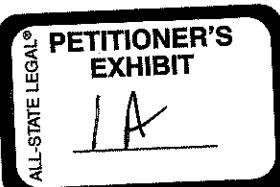
TAX MAP 40 - GRID 15 - PARCEL 159

ACCOUNT NO. 24-00-004509

DRAWN BY: CRC

CHECKED BY: GCS

JOB No.: 13 - 092



NOTES:

1. EXISTING ZONING: RC-2.
2. GROSS AREA: 21.437 AC
NET AREA: 21.437 AC
3. 200 SCALE ZONING MAP NO. 040B2.
4. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
5. THIS LOT WILL BE SERVED BY PRIVATE WELL AND SEPTIC SYSTEM.
6. THE PROPERTY IS VACANT.
7. THIS PROPERTY IS NOT IN THE CBCA.
8. THIS SITE CONTAINS A 100 YEAR FLOOD PLAIN (SEE PLAN VIEW).
9. THIS SITE IS NOT HISTORIC.

STANDARD NON-DISTURBANCE NOTES:

1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER OR FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.
2. ANY FOREST BUFFER OR FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS, WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

PREVIOUS ZONING HEARING:

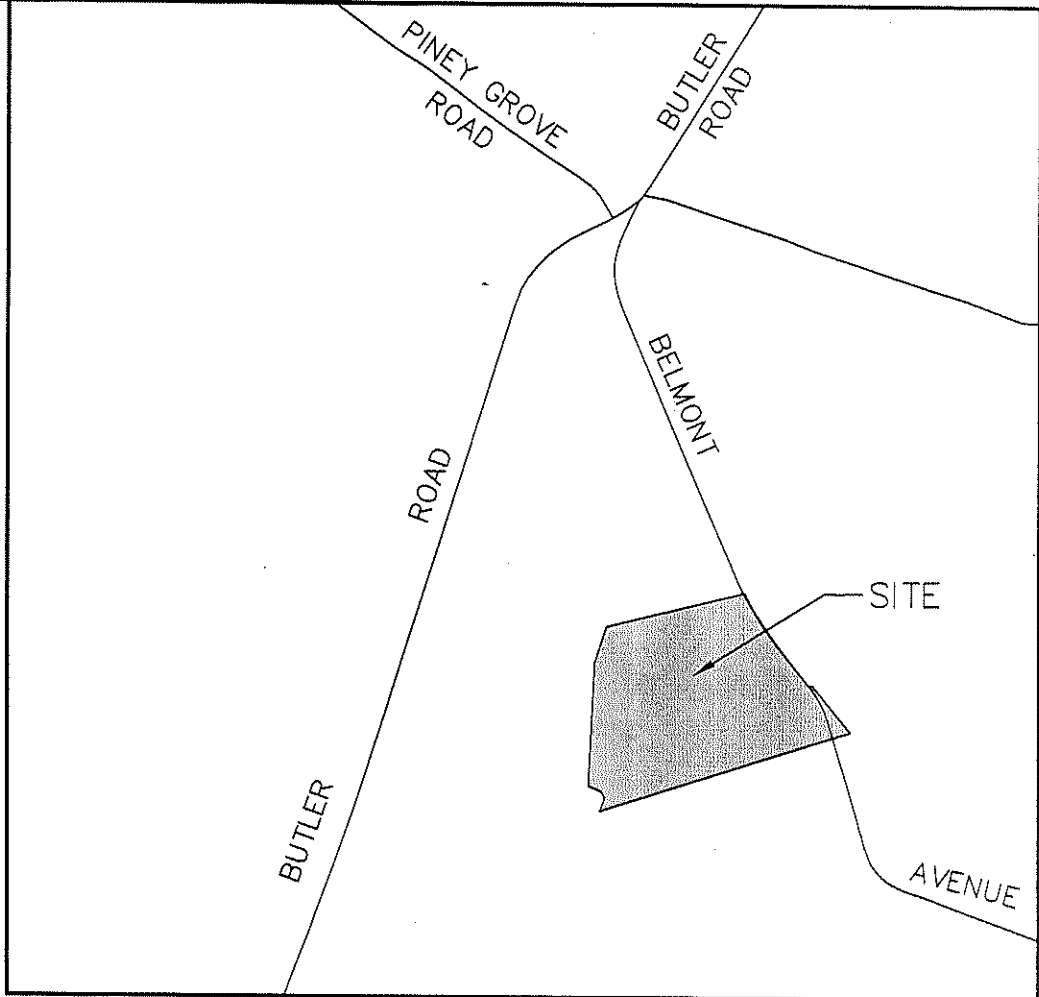
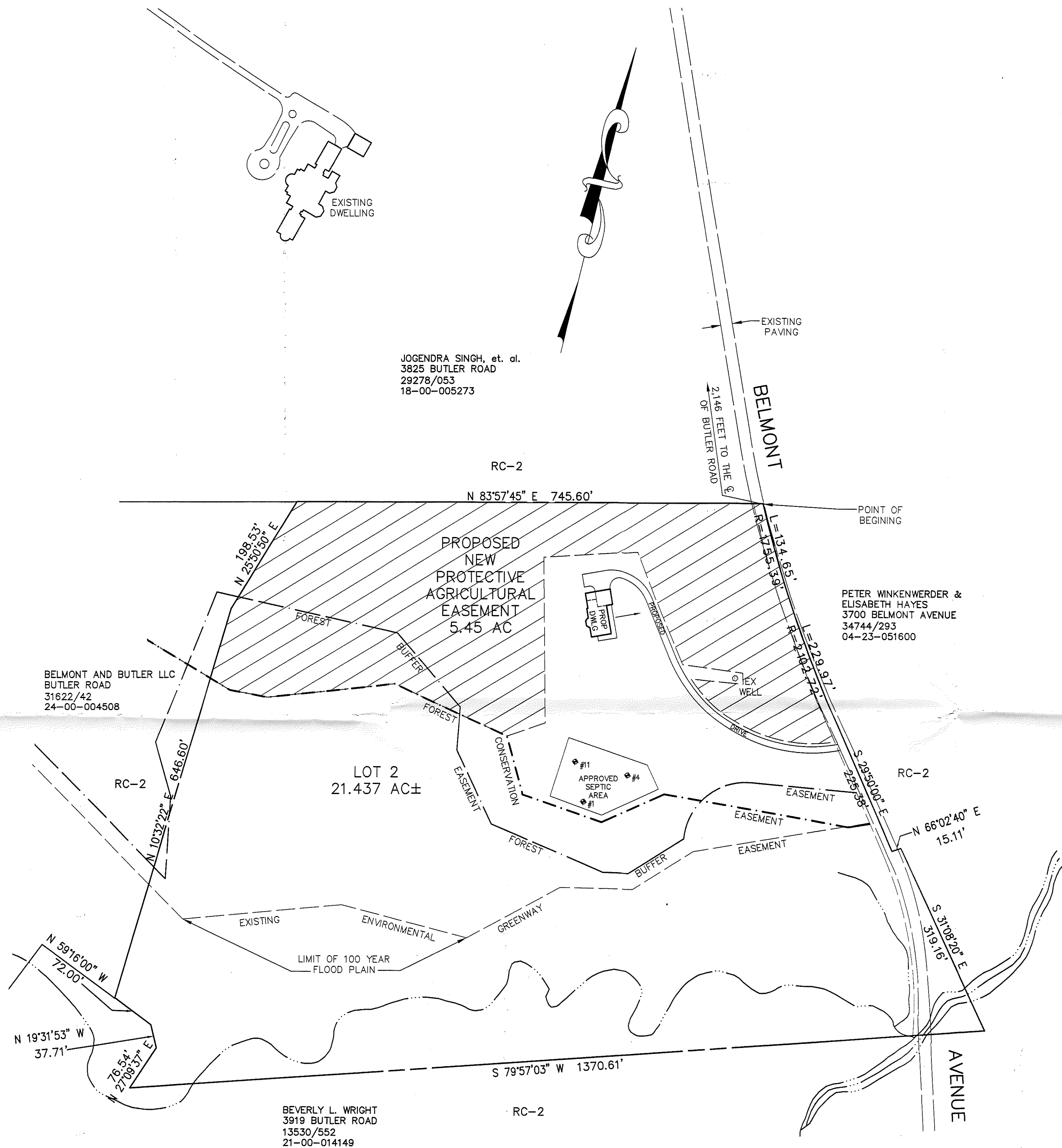
CASE No.: 91-134-SPH
DATE OF ORDER: 11/29/1990

ORDER

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of November, 1990 that the Petition for Special Hearing to approve the nondensity transfer of 7.103 acres from a 39.653-acre parcel, zoned R.C.2, to the adjoining 36.392-acre parcel, zoned R.C. 4, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order, or prior to the issuance of any permits, whichever occurs first, Petitioners shall submit any and all documentation requested by the Office of Planning as set forth in their comments dated October 30, 1990, a copy of which is attached hereto.
- 3) The subject 7.103 acres, identified as Parcel B on Petitioner's Exhibit 1, shall at all times be used strictly for agricultural purposes. At no time shall any residential dwelling be placed on this parcel.
- 4) At no time shall Parcel B be included as acreage in calculating the density units for any adjoining properties.
- 5) Within sixty (60) days of the date of this Order or prior to the issuance of any permits, whichever occurs first, Petitioner shall file documentation in the Land Records of Baltimore County to insure notice is provided to any potential or subsequent owner of the subject property of the restrictions and conditions contained in this Order.
- 6) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County



ALTERNATE B

PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING REQUEST
3636 BELMONT AVENUE

BEING LOT 2
MINOR SUBDIVISION PLAN
"PROPERTY OF BRIAN C. & RENEE A. LERNER"
MINOR SUB. No. 96-077M

4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 100' DATE: DECEMBER 10, 2014

PROPERTY INFORMATION

OWNER
CHRISTIE BENET
ELIZABETH BENET
155 FAN HILL ROAD
MONROE, CT 06468

TAX MAP 40 - GRID 15 - PARCEL 159

ACCOUNT NO. 24-00-004509

DRAWN BY: CRC CHECKED BY: GCS JOB No.: 13 - 092

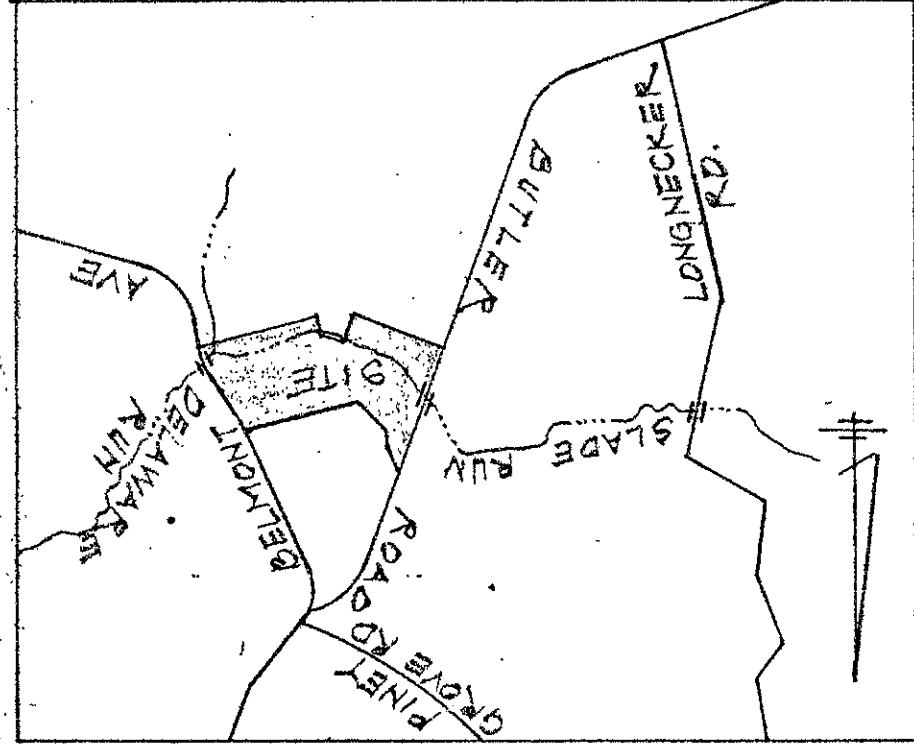


10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
PHONE: (410) 252-4444
FAX: (410) 252-4493
WWW.POLARISLC.COM



1/2/15
GEOFFREY C. SCHULTZ DATE
MARYLAND REG. No. 21154
LICENSE EXPIRATION: 01/2015

LAND SURVEYING • SUBDIVISION DESIGN • COMMERCIAL SITE DESIGN • LAND USE & PLANNING
STORM WATER MANAGEMENT • CONSTRUCTION SURVEYING • PROJECT MANAGEMENT • ZONING MATTERS



VICINITY MAP
SCALE 1"=2000'

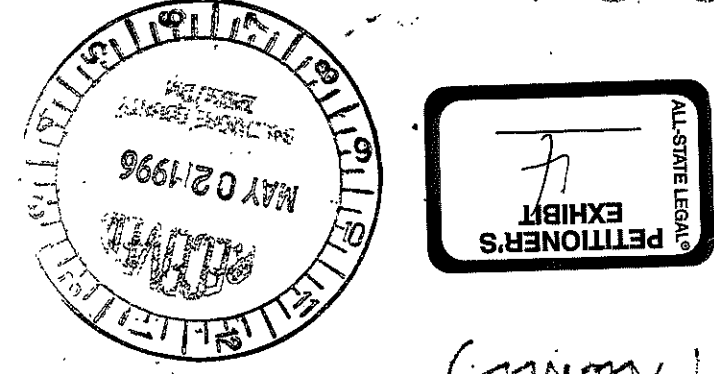
GENERAL NOTES

- 1) PRIVATE WELLS AND PRIVATE SEPTIC SYSTEMS TO SERVE BOTH LOTS.
- 2) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS WITHIN 100 FEET OF THE PROPERTY LINES, EXCEPT AS SHOWN ON THE PLAN.
- 3) THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SITE.
- 4) 2-9'X18' PARKING SPACES REQUIRED FOR EACH LOT.
- 5) DEED REFERENCE = S.M. 8252/617.
- 6) CENSUS TRACT #4047.
- 7) REG. PLANNING DIST. 303.
- 8) SCHOOL DIST. - FRANKLIN.
- 9) THERE ARE NO HISTORICAL BUILDINGS ON SITE.
- 10) HEIGHT LIMITATION FOR BUILDINGS IS 35 FEET.
- 11) THIS PROPERTY FALLS IN THE LOCH RAVEN WATERSHED.
- 12) THERE IS NO ZONING HISTORY ON THIS PROPERTY.
- 13) ALL SITE RUNOFF WILL BE CONVEYED TO A SUITABLE OUTFALL VIA SHEET PLOW WITHOUT CAUSING ADVERSE IMPACT ON ADJACENT PROPERTY, WETLANDS, STORM DRAINS OR WATERCOURSE.
- 14) CLEARING OF THIS SITE SHALL BE LIMITED TO THE BUILDING AREA, SEPTIC SYSTEM AREA, WELL AREA, AND DRIVEWAY AREA.
- 15) HOUSE DOWNSPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR DRYWELLS WHERE FEASIBLE.

EXISTING ZONING: RC-4 & RC-2 (ZADM MAP # NE 29 A)
GROSS AREA OF PROPERTY: 43.5 AC +/-

DENSITY CALCULATIONS

TOTAL TRACT AREA = 43.5 ACRES = (30.4 ACRES + 7.1 ACRES + RC2)
DENSITY ALLOWED - RC4 = 30.4 x 0.1 = 3 LOTS (DEVELOPERS OPTION-BILL 107-04)
RC2 = 7.1 (NO DENSITY ALLOWED)
TOTAL = 3 LOTS
TRANSIT WORKED = 2 LOTS



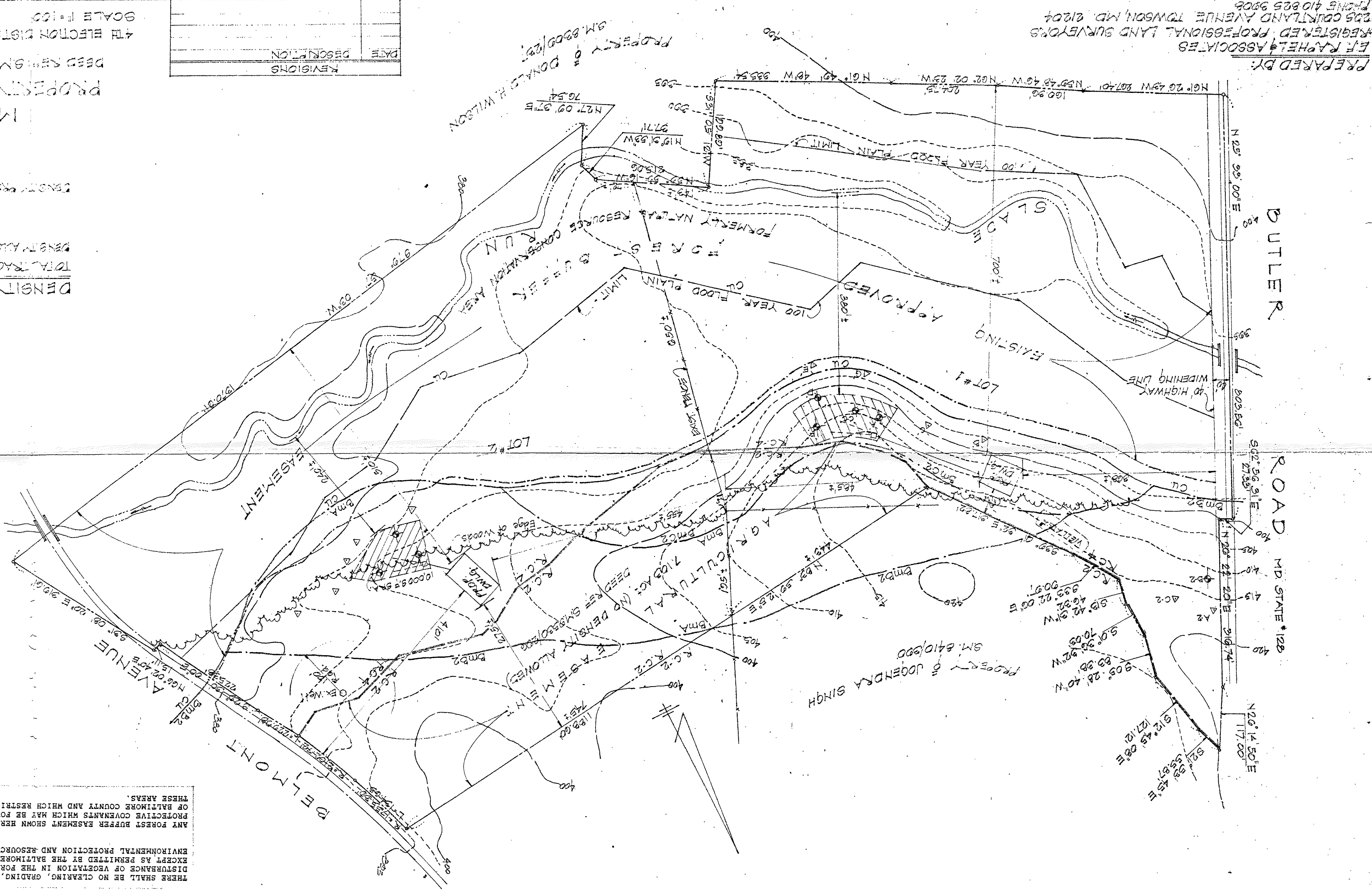
MINOR SUBDIVISION
PROPERTY OF BRIAN C. & RENEE A. LERNER
DEED REF. S.M. 8252/017 - TAX ACCT # 2100019391
4TH ELECTION DISTRICT - BALTIMORE COUNTY MARYLAND
SCALE 1"=100'
FEBRUARY 22, 1995

THESE AREAS.

ANY FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT

REVISIONS	DATE	DESCRIPTION



PREPARED BY:
E.F. RAPPEL & ASSOCIATES
REGISTERED PROFESSIONAL LAND SURVEYORS
205 COURTLAND AVENUE, TOWSON, MD. 21204
PHONE 410 825 3908

NOTE: EXISTING TRAILER TO BE REMOVED
THIS PROPERTY WAS REZONED UNDER
THE 1996 COMPREHENSIVE ZONING REVISION AND IS
THEREFORE PERMITTED THESE TWO LOTS

NOTE: LOT #1 TO UTILIZE SEWAGE
EJECTOR PUMP IF EASEMENT IS
TO BE CONVEYED

THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR
DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT
EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF
ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

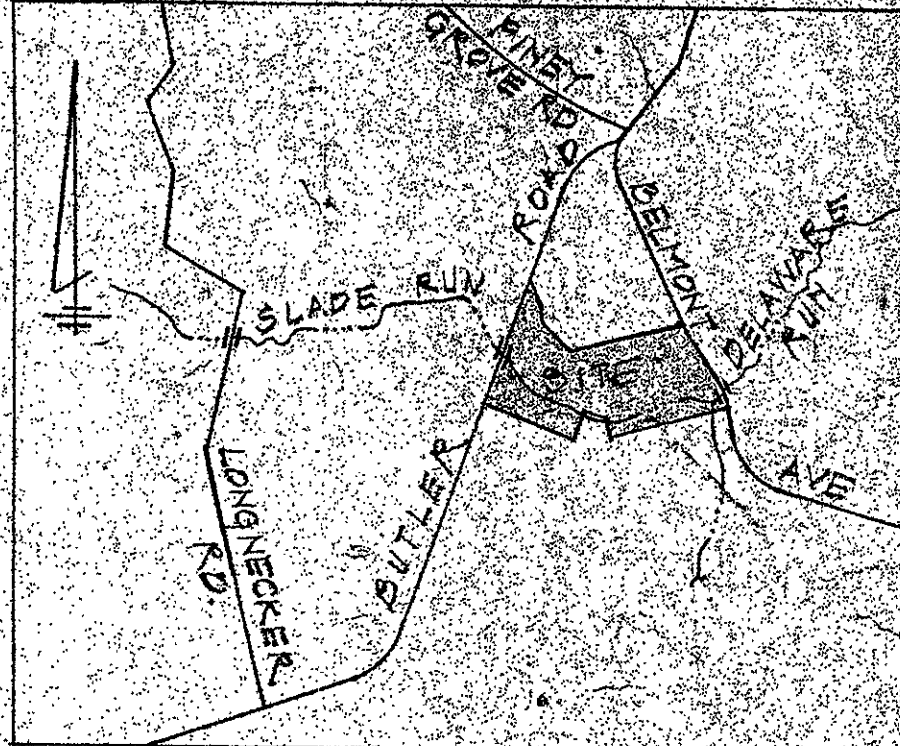
ANY FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO
PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS
OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF
THESE AREAS

BALTIMORE COUNTY MINOR SUBDIVISION

Project No: **96-077-M**

RECEIVED: 8/16/99

APPROVED: 9/1/99



VICINITY MAP
SCALE 1"=2000'

GENERAL NOTES

EXISTING ZONING: RC-2 (ZADM MAP # NE 25 A)
GROSS AREA OF PROPERTY: 43.5 AC +/-

- 1) PRIVATE WELLS AND PRIVATE SEPTIC SYSTEMS TO SERVE BOTH LOTS.
- 2) THERE ARE NO EXISTING WELLS OR SEPTIC SYSTEMS WITHIN 100 FEET OF THE PROPERTY LINES, EXCEPT AS SHOWN ON THE PLAN.
- 3) THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SITE.
- 4) 2 - 3'X18' PARKING SPACES REQUIRED FOR EACH LOT.
- 5) DEED REFERENCE: S.M. 8252/617.
- 6) CENSUS TRACT #4047. WATERSHED: COUNCILMANIC DIST. 3RD. SCHOOL DIST. - FRANKLIN.
- 7) NO CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITAT NOR HAZARDOUS MATERIALS STORED ON SITE.
- 8) THERE ARE NO HISTORICAL BUILDINGS ON SITE.
- 9) HEIGHT LIMITATION FOR BUILDINGS IS 35 FEET.
- 10) THIS PROPERTY FALLS IN THE DOCK HAVEN WATERSHED.
- 11) THERE IS NO ZONING HISTORY ON THIS PROPERTY.
- 12) ALL SITE RUNOFF WILL BE CONVEYED TO A SUITABLE OUTFALL VIA SHEET FLOW WITHOUT CAUSING ADVERSE IMPACT ON ADJACENT PROPERTY WETLANDS, STORM DRAINS OR WATERCOURSE.
- 13) CLEARING OF THIS SITE SHALL BE LIMITED TO THE BUILDING AREA, SEPTIC SYSTEM AREA, WELL AREA, AND DRIVEWAY AREA.
- 14) HOUSE DOWNSPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR DRYWELLS WHERE FEASIBLE.

15 TAX MAP 40, GRID 15 PARCELS 156 & 157

FOREST BUFFER EASEMENT	FOREST BUFFER EASEMENT
AREA	AREA
1. 100' YEAR FLOOD PLAIN	1. 100' YEAR FLOOD PLAIN
2. 100' YEAR FLOOD PLAIN	2. 100' YEAR FLOOD PLAIN
3. 100' YEAR FLOOD PLAIN	3. 100' YEAR FLOOD PLAIN
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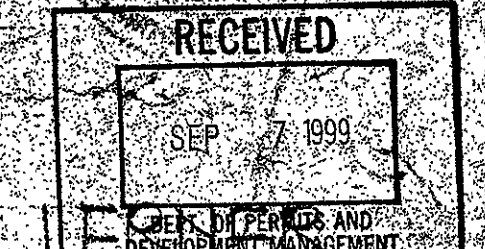
DENSITY CALCULATIONS

TOTAL TRACT AREA = 43.5 ACRES - RC-2 ZONE
DEVELOPABLE AREA = 30.4 ACRES - AGRICULTURAL EASEMENT
DENSITY ALLOWED = 2 LOTS
DENSITY PROPOSED = 2 LOTS

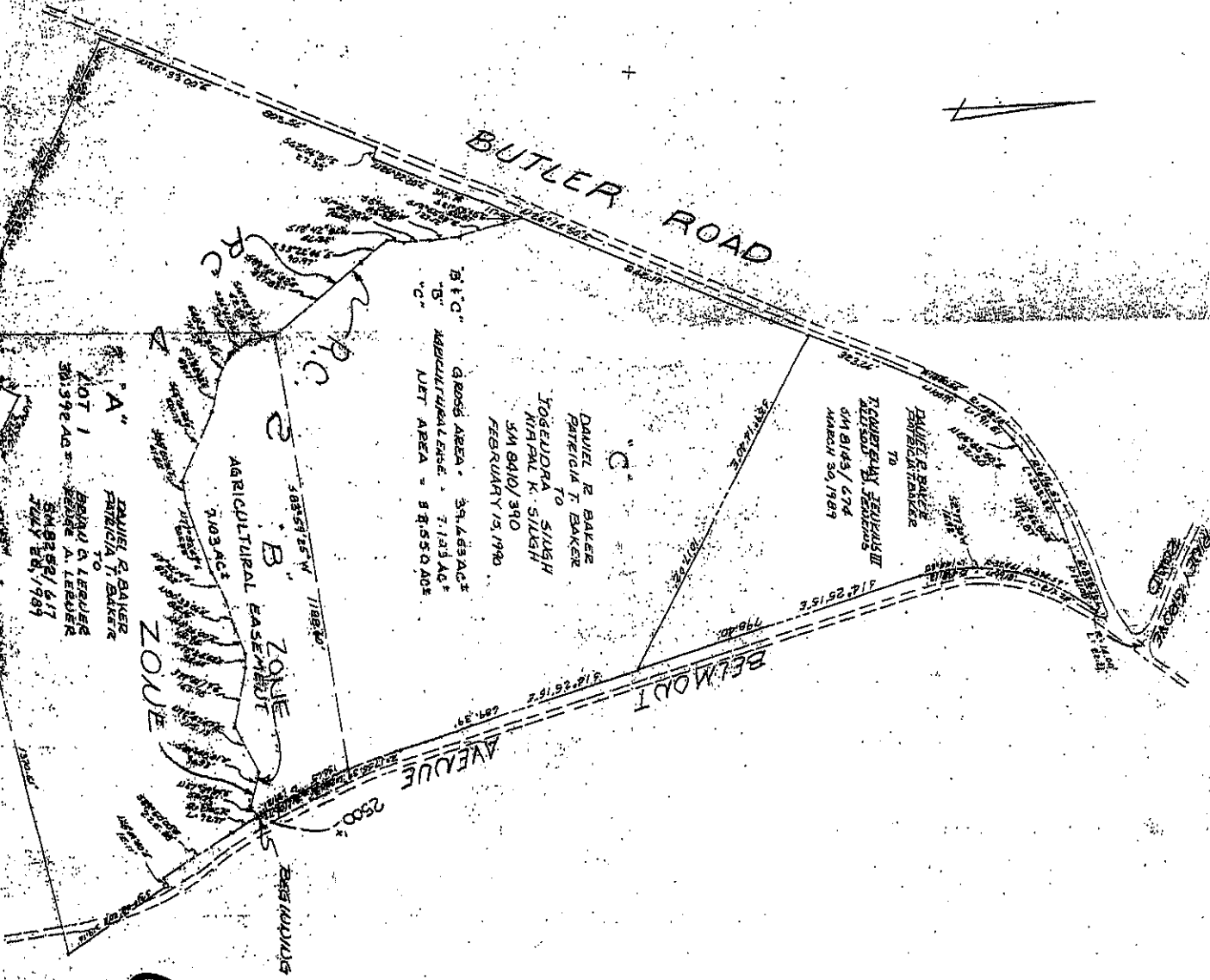
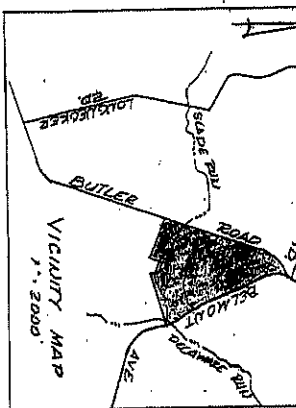
REVISED 7/27/99 PER COMMENTS (REC & PARKS)
REVISED 7/10/98 PER COMMENTS
REVISED 8/16/98 PER ZONING COMMENTS
REVISED 7/15/97 PER COMMENTS

DATE	DESCRIPTION
5/10/97	DRIVEWAY LOCATIONS
10/14/96	COUNTY COMMENTS
12/10/96	"
2/11/97	"

#06-077-M
MINOR SUBDIVISION
PROPERTY OF BRIAN & RENEEA
DEED REF: S.M. 8252/617 - TAX ACCT # 210001930



4TH ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND
SCALE 1"=100'
FEBRUARY 22, 1999



PLAT TO ACCOMPANY PERMIT FOR
NON-DELEGATE TRANSFER OF A
1.08 AC PARCEL OF LAND IN A
RC 2 ZONE "BAKER PROPERTY"
4th ELECTION DISTRICT BAY CO
SCALE 1"=200'



JAMES A. JONES
SURVEYOR AND SURVEYOR
LOUISIANA
1000 N. STATE ST. 70002

91-134-SPH

NOTES:

1. EXISTING ZONING: RC-2.
2. GROSS AREA: 21.437 AC
NET AREA: 21.437 AC
3. 200 SCALE ZONING MAP NO. 040B2.
4. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
5. THIS LOT WILL BE SERVED BY PRIVATE WELL AND SEPTIC SYSTEM.
6. THE PROPERTY IS VACANT.
7. THIS PROPERTY IS NOT IN THE CBCA.
8. THIS SITE CONTAINS A 100 YEAR FLOOD PLAIN (SEE PLAN VIEW).
9. THIS SITE IS NOT HISTORIC.

STANDARD NON-DISTURBANCE NOTES:

1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER OR FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.
2. ANY FOREST BUFFER OR FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS, WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

PREVIOUS ZONING HEARING:

CASE No.: 91-134-SPH
DATE OF ORDER: 11/29/1990

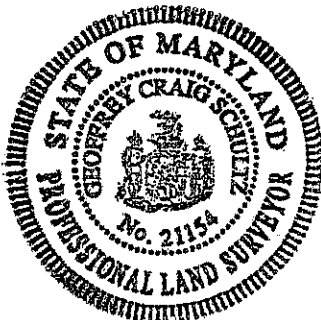
ORDER

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of November, 1990 that the Petition for Special Hearing to approve the nondensity transfer of 7.103 acres from a 39.653-acre parcel, zoned R.C.2, to the adjoining 36.392-acre parcel, zoned R.C. 4, in accordance with Petitioner's Exhibit I, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order, or prior to the issuance of any permits, whichever occurs first, Petitioners shall submit any and all documentation requested by the Office of Planning as set forth in their comments dated October 30, 1990, a copy of which is attached hereto.
- 3) The subject 7.103 acres, identified as Parcel B on Petitioner's Exhibit I, shall at all times be used strictly for agricultural purposes. At no time shall any residential dwelling be placed on this parcel.
- 4) At no time shall Parcel B be included as acreage in calculating the density units for any adjoining properties.
- 5) Within sixty (60) days of the date of this Order or prior to the issuance of any permits, whichever occurs first, Petitioner shall file documentation in the Land Records of Baltimore County to insure notice is provided to any potential or subsequent owner of the subject property of the restrictions and conditions contained in this Order.
- 6) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

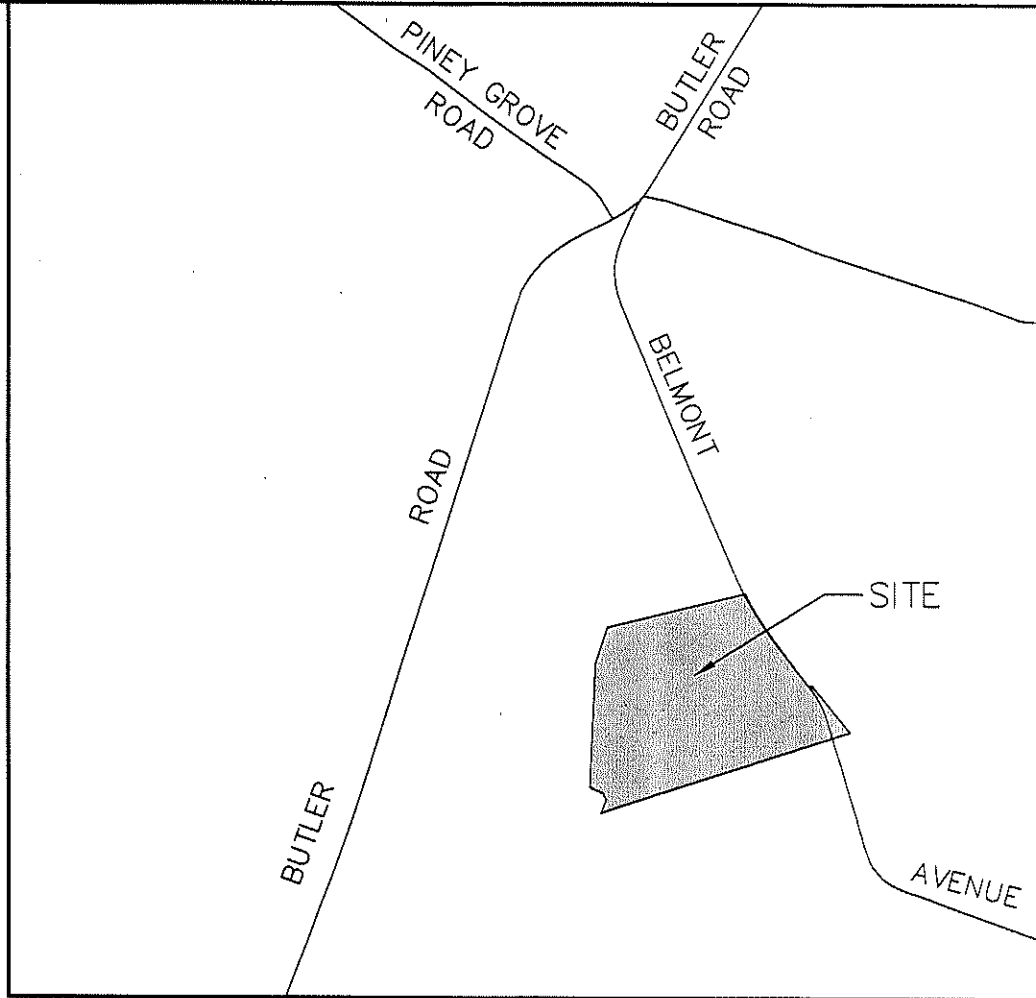
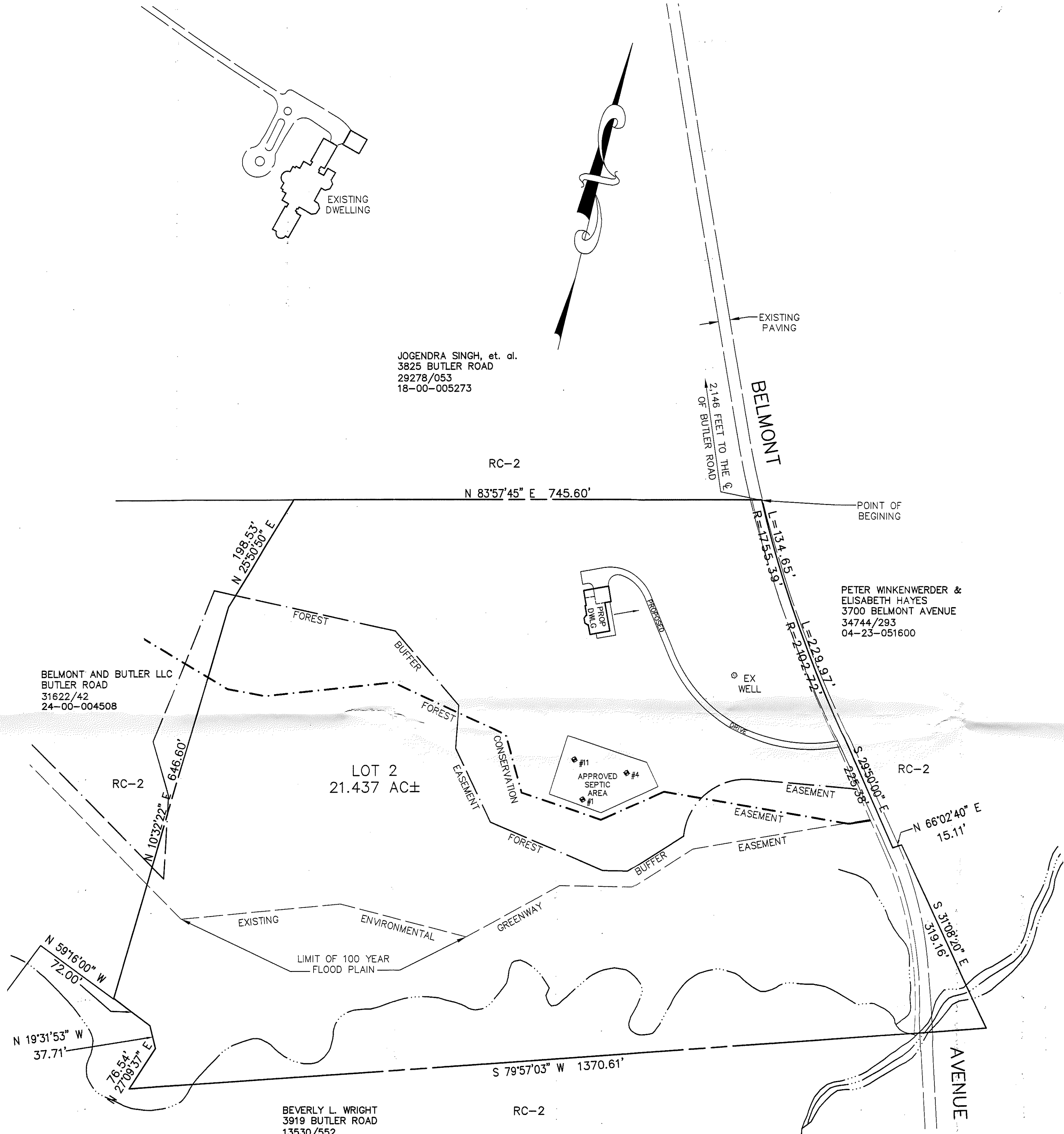


GC 1/2/15
GEOFFREY C. SCHULTZ
MARYLAND REG. No. 21154
LICENSE EXPIRATION: 01/2015



10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
PHONE: (410) 252-4444
FAX: (410) 252-4493
WWW.POLARISLCO.COM

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VICINITY MAP

SCALE: 1" = 1,000'

ALTERNATE A

PLAT TO ACCOMPANY PETITION
FOR SPECIAL HEARING REQUEST
3636 BELMONT AVENUE

BEING LOT 2
MINOR SUBDIVISION PLAN
"PROPERTY OF BRIAN C. & RENEE A. LERNER"
MINOR SUB. No. 96-077M

4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 100'

DATE: DECEMBER 10, 2014

PROPERTY INFORMATION

OWNER
CHRISTIE BENET
ELIZABETH BENET
155 FAN HILL ROAD
MONROE, CT 06468

2015-0142-SPH

TAX MAP 40 - GRID 15 - PARCEL 159

ACCOUNT NO. 24-00-004509

DRAWN BY: CRC

CHECKED BY: GCS

JOB No.: 13 - 092

NOTES:

1. EXISTING ZONING: RC-2.
2. GROSS AREA: 21.437 AC
NET AREA: 21.437 AC
3. 200 SCALE ZONING MAP NO. 040B2.
4. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
5. THIS LOT WILL BE SERVED BY PRIVATE WELL AND SEPTIC SYSTEM.
6. THE PROPERTY IS VACANT.
7. THIS PROPERTY IS NOT IN THE CBCA.
8. THIS SITE CONTAINS A 100 YEAR FLOOD PLAIN (SEE PLAN VIEW).
9. THIS SITE IS NOT HISTORIC.

STANDARD NON-DISTURBANCE NOTES:

1. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER OR FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.
2. ANY FOREST BUFFER OR FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS, WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

PREVIOUS ZONING HEARING:

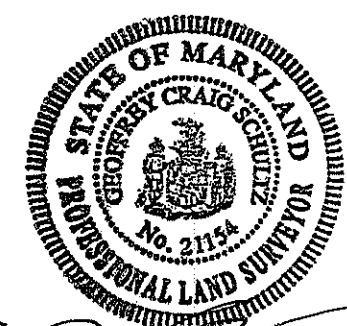
CASE No.: 91-134-SPH
DATE OF ORDER: 11/29/1990

ORDER

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of November, 1990 that the Petition for Special Hearing to approve the nondensity transfer of 7.103 acres from a 39.653-acre parcel, zoned R.C.2, to the adjoining 36.392-acre parcel, zoned R.C. 4, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order, or prior to the issuance of any permits, whichever occurs first, Petitioners shall submit any and all documentation requested by the Office of Planning as set forth in their comments dated October 30, 1990, a copy of which is attached hereto.
- 3) The subject 7.103 acres, identified as Parcel B on Petitioner's Exhibit 1, shall at all times be used strictly for agricultural purposes. At no time shall any residential dwelling be placed on this parcel.
- 4) At no time shall Parcel B be included as acreage in calculating the density units for any adjoining properties.
- 5) Within sixty (60) days of the date of this Order or prior to the issuance of any permits, whichever occurs first, Petitioner shall file documentation in the Land Records of Baltimore County to insure notice is provided to any potential or subsequent owner of the subject property of the restrictions and conditions contained in this Order.
- 6) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

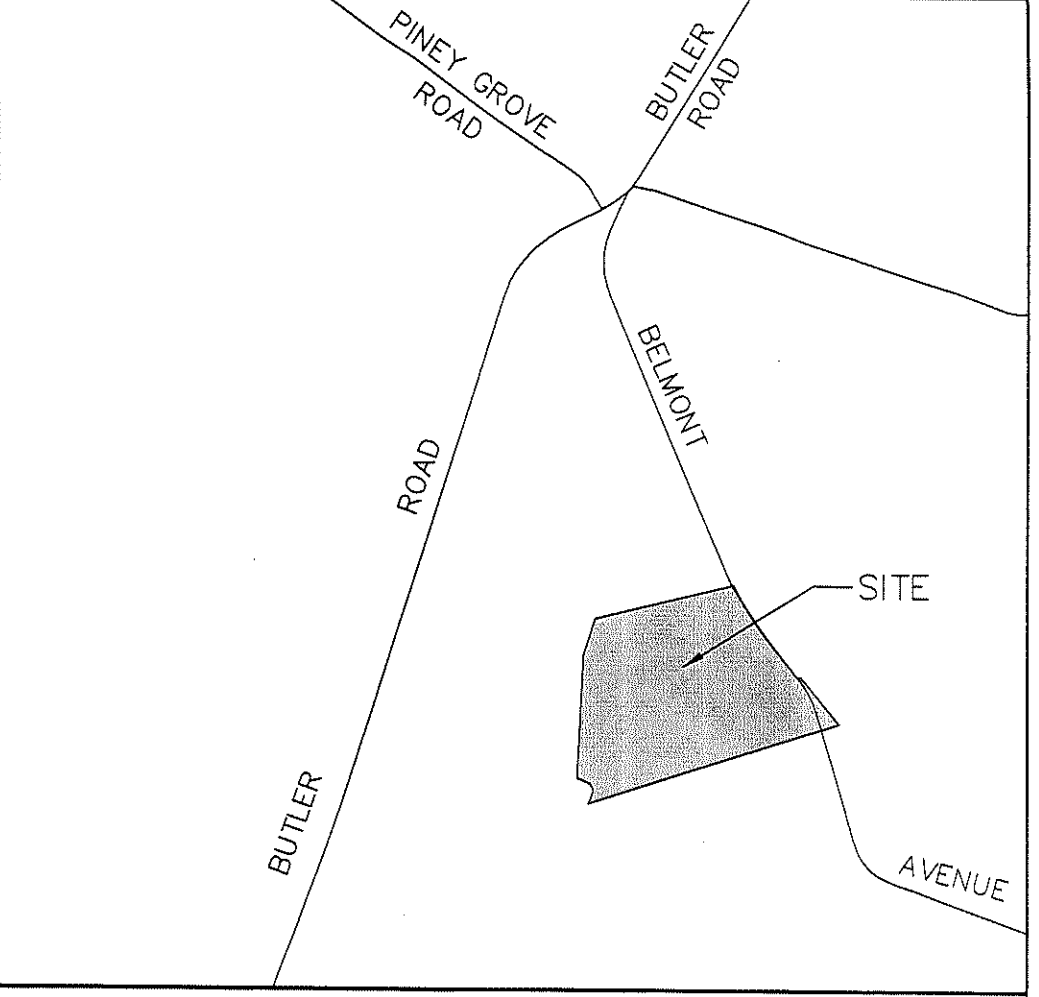
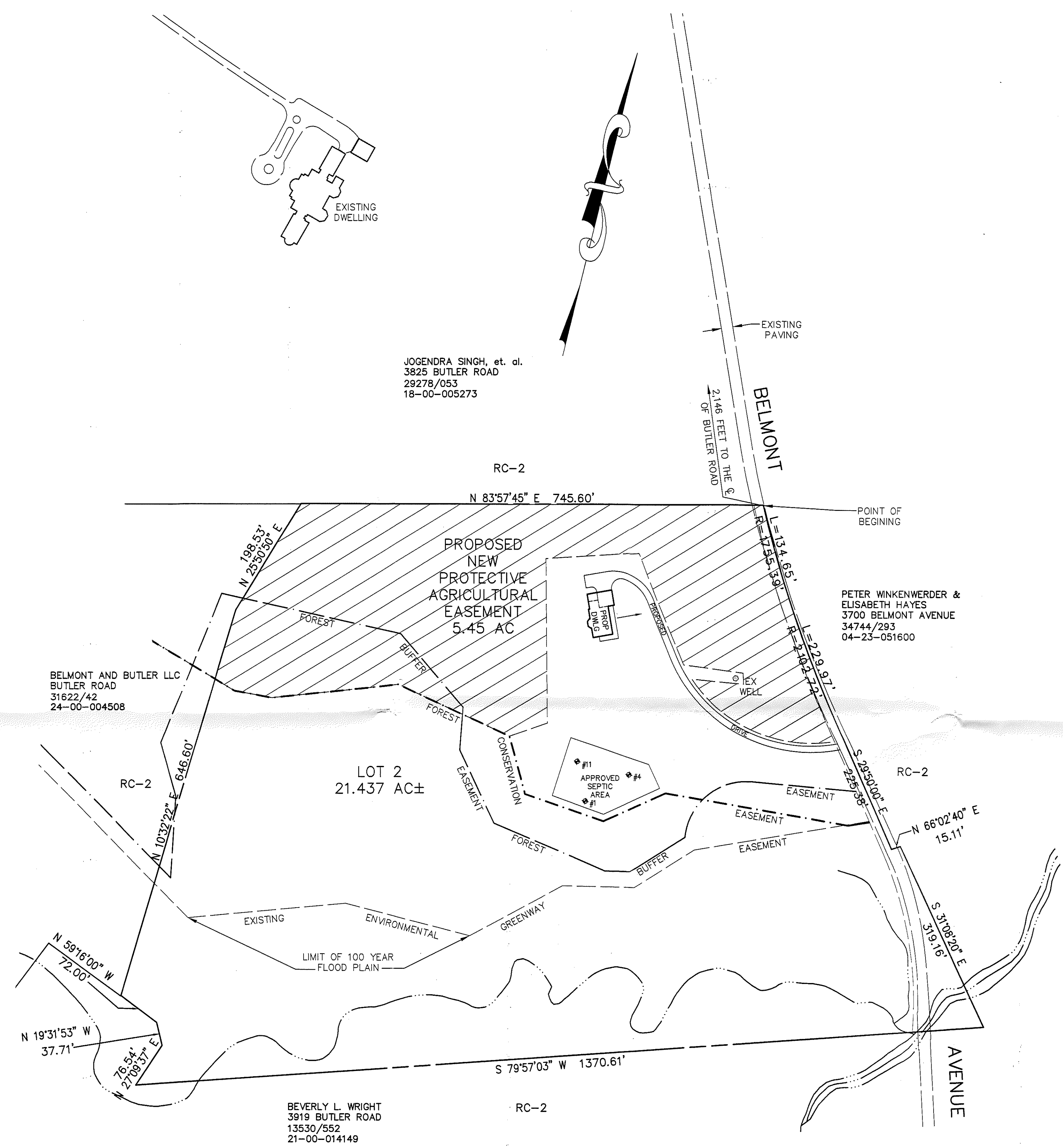


GOFF 1/2/15
GEOFFREY C. SCHULTZ
MARYLAND REG. No. 21154
LICENSE EXPIRATION: 01/2015



10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
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