

IN RE: PETITION FOR SPECIAL HEARING *
(2017 Western Run Road)
8th Election District *
3rd Council District *
Frank E., III & Ellen L. Potepan *
Legal Owners *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2015-0246-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Frank E., III and Ellen L. Potepan, legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to "permit the relocation of a recorded 2.730 acre lot [zoned RC 2] for the purpose of improving the agricultural use of the subject property."

Appearing at the public hearing in support of the request was owner Frank Potepan. Bruce E. Doak, a licensed surveyor, assisted the Petitioners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

Petitioners purchased the property several months ago. The property is comprised of two parcels: a 97± acre parcel improved with a single family dwelling and various farm buildings, and an unimproved 2.73 acre lot created in a 1978 subdivision plat. Exhibit 4.

Petitioners would like to "relocate" the 2.73 acre lot as shown on the site plan (Exhibit 1) such that it would be closer to Western Run Road. Mr. Doak suggested that similar relocations in the RC 2 zone have been permitted in prior cases when done for agricultural purposes. Following

ORDER RECEIVED FOR FILING

Date 7/15/15
By DLN

the hearing, Mr. Doak submitted to the Office of Administrative Hearings two prior orders from the zoning commissioner (Case Nos: 96-80-SPH and 06-631-SPH). In those cases, Mr. Doak allegedly "re-arranged the pre-1979 properties for the benefit of the agricultural use."

In Case No. 96-80-SPH, former Zoning Commissioner Schmidt noted that "[t]ransfers of density in R.C. zones should be approved sparingly." (p. 10). He also stated the case "present [ed] a number of complex issues," (p.1) and an attorney represented the owner. It was for that reason the undersigned suggested at the hearing that an attorney should have handled this matter to address the significant legal issues presented. While the former zoning commissioner permitted certain density transfers in that case, the facts in that matter were much different than in the present case.

The petitioner in that case owned the property for many years, while the Petitioners purchased the subject property just months ago. The proposal in that case sought "one less [lot] than the overall tract density would allow" (p.5), while the Petitioners in this case propose the maximum number of lots permitted under the RC 2 regulations. Finally, and most importantly, the owner in the 1996 case agreed to convey over 150 acres of land to the Maryland Environmental Trust (MET) easement program (p.7) to preserve the agricultural nature of the land. Here, the petitioners have not proposed to convey property to the MET program. Simply put, there was an abundance of testimony and evidence in Case No. 96-80-SPH which persuaded the zoning commissioner to grant the relief, which in his opinion would further the goals of the R.C. 2 zone. Here, other than Mr. Doak's bald assertion that the relief would benefit the agricultural uses on the property, there is no evidence to indicate that the relocation of the lots would serve any purpose other than accommodating the Petitioners' desired location for future building lots.

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Date 7/15/15
By Sen

The other case cited by Mr. Doak (Case No. 06-631-SPH) involved certain "non-density" transfers, and is therefore inapposite. The Zoning Commissioner's Policy Manual (Z.C.P.M.) contains a provision concerning the non-density transfer of small RC zoned parcels, and thus there was arguably authority for the relief granted in former Zoning Commissioner Wiseman's Order. Section 1A00.4.b of the ZCPM provides that the transfer of small RC zoned parcels may be permitted for purposes of access or agriculture. The present case does not involve a non-density transfer, and Case No. 06-631-SPH is irrelevant as a matter of law.

One other case frequently cited for the proposition that density can be transferred between R.C. 2 lots is Gudeman v. People's Counsel, which was ultimately decided by the court of special appeals in an unreported opinion (Case No. 396, Sept. Term 1990). In affirming the board of appeals (which denied the zoning petition) Circuit Court Judge Barbara K. Howe observed that "there is nothing in the statutes to allow transfers of density from one parcel to another." (Cir. Ct. Case No. 89-CG-911). A thorough review of the B.C.Z.R., Z.C.P.M. and County Code reveal that Judge Howe was no doubt correct, and Mr. Doak conceded that the regulations do not expressly address the issue.

The Petition in this case seeks to relocate a recorded lot created by a subdivision plat. Lots are created through the subdivision process and regulations. The B.C.Z.R. does not create (or relocate) lots, Friends of the Ridge v. BGE, 352 Md. 645, 650 (1999), and thus the requested relief cannot be granted pursuant to B.C.Z.R. §500.7. While the Regulations contain a provision for the utilization or allocation of density within a single subdivision tract in a D.R. zone, there is no such rule permitting utilization or allocation of density between separate parcels/lots in the R.C. zone. People's Counsel v. Crown Development, 328 Md. 303, 310-17 (1992).

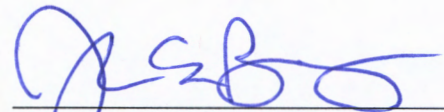
ORDER RECEIVED FOR FILING

Date 7/15/15
By sen

THEREFORE, IT IS ORDERED this 15th day of **July, 2015** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 to permit the relocation of a recorded 2.730 acre lot for the purpose of improving the agricultural use of the subject property, be and is hereby DENIED.

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

JEB:slh



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date

7/15/15

By

slh



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 14714 CUBA ROAD & 2017 WESTERN RUN ROAD which is presently zoned RC2
 Deed References: _____ 10 Digit Tax Account # 0812025791 (97AC)
 Property Owner(s) Printed Name(s) FRANK AND ELLI POTEPAN 1800004013 (2-7340)

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

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

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

SEE ATTACHED SHEET

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

3. ☐ **a Variance** from Section(s)

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

TO BE PRESENTED AT THE 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:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

☒ FRANK E. POTEPAN III | ☒ ELLI L. POTEPAN
 Name #1 - Type or Print Name #2 - Type or Print

☒ [Signature] | ☒ [Signature]
 Signature #1 Signature #2

☒ 2017 WESTERN RUN ROAD COCKEYSVILLE MD
 Mailing Address City State

21030 | 410-977-1726 | ELLI.L.POTEPAN@BMS.COM
 Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING, LLC
 Name - Type or Print

[Signature]
 Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
 Mailing Address City State

21053 | 410-419-9906 | _____
 Zip Code Telephone # Email Address

BD0AK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2015-0246-SPH Filing Date 5/8/2015

Do Not Schedule Dates: _____ Reviewer [Signature]

Petition Requested

Special Hearing to permit the relocation of a recorded 2.730 acre lot for the purpose of improving the agricultural use of the subject property.

2015-0246-SPH

Zoning Description

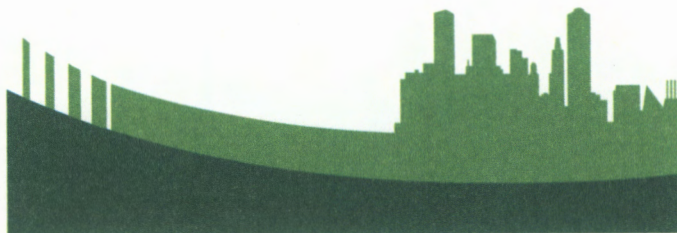
2017 Western Run Road
Eighth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point at the intersection of the south side of Western Run Road and the west side of Cuba Road, thence running on the south side of Western Run Road, the three following courses and distances, viz. 1) North $69 \frac{1}{2}$ degrees West 50 perches, 2) North $72 \frac{3}{4}$ degrees West $4 \frac{6}{10}$ perches and 3) North $41 \frac{1}{4}$ degrees West 2 perches, thence leaving Western Run Road and running the five following courses and distances, viz. 4) South 17 degrees West 42 $\frac{1}{2}$ perches, 5) South $9 \frac{3}{4}$ degrees West $69 \frac{4}{10}$ perches, 6) South 11 degrees West 40 perches, 7) South 79 degrees East 110 $\frac{1}{2}$ perches and 8) North $\frac{1}{2}$ degree East 15 perches to the west side of Cuba Road, running on the west side of Cuba Road, the two following courses and distances, viz. 9) North $\frac{1}{2}$ degree West 45 perches and 10) North $12 \frac{1}{2}$ degrees West 98 $\frac{1}{2}$ perches to the place of beginning.

Saving and excepting a 2.730 acre parcel shown as Lot 1 on the plat entitled "Spring Garden" and recorded in the land records of Baltimore County in Plat Book EHK Jr 42, page 81.

Containing 97.256 acres of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

2015-0246-SPH

Zoning Description

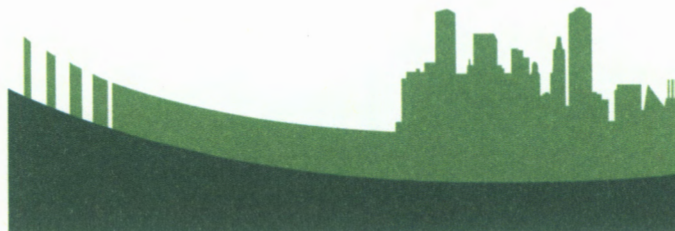
14714 Cuba Road
Eighth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the western side of Cuba Road at a point 490'± from the southern side of Western Run Road, thence running on the west side of Cuba Road, the following course and distance, viz. 1) North 08 degrees 27 minutes 01 second West 20.00 feet, thence leaving Cuba Road and running the five following courses and distances, viz. 2) South 81 degrees 32 minutes 59 seconds West 401.91 feet, 3) South 8 degrees 27 minutes 01 second East 404.42 feet, 4) South 64 degrees 43 minutes 31 seconds East 288.57 feet, 5) North 8 degrees 27 minutes 01 second West 544.64 feet and 6) North 81 degrees 32 minutes 59 seconds East 161.91 feet to the place of beginning.

Containing 2.73 acres of land, more or less.

Said 2.730 acre parcel shown as Lot 1 on the plat entitled "Spring Garden" and recorded in the land records of Baltimore County in Plat Book EHK Jr 42, page 81.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

2015-0246-SPH

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

Zoning Description

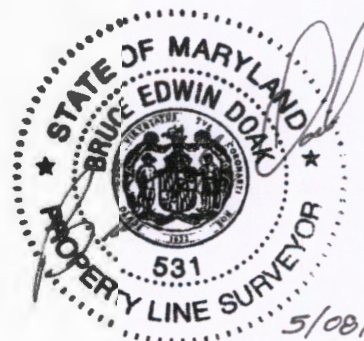
14714 Cuba Road
Eighth Election District Third Councilmanic District
Baltimore County, Maryland

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Containing 2.73 acres of land, more or less.

Said 2.730 acre parcel shown as Lot 1 on the plat entitled "Spring Garden" and recorded in the land records of Baltimore County in Plat Book EHK Jr 42, page 81.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

2015-0246-SP14

Date: 5/8/15

Baltimore County, Maryland

[illegible]

Total: 75.00

From:

For:

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

**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: 2015-0246-SPH
Property Address: 14714 CUBA ROAD + 2017 WESTERN RUN ROAD
Property Description: 2.730 ACRES 97.256 ACRES

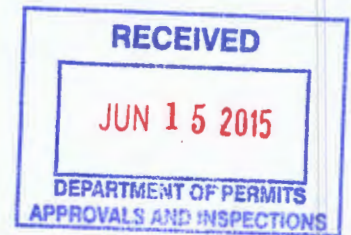
Legal Owners (Petitioners): FRANK AND ELLEN POTEPAK
Contract Purchaser/Lessee: NA

PLEASE FORWARD ADVERTISING BILL TO:

Name: FRANK POTEPAK
Company/Firm (if applicable): CATONSVILLE HOMES
Address: 11175 STRATFIELD COURT
MARIOTTSVILLE MO 21104

Telephone Number: 410-442-2211

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



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

DATE: June 12, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2017 Western Run Road

INFORMATION:

Item Number: 15-246

Petitioner: Frank E. Potepan, III; Ellen L. Potepan

Zoning: RC 2

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Special Hearing to determine whether the Administrative Law Judge should approve the relocation of a recorded 2.730 acre lot for the purpose of improving the agricultural use of the subject property. Subsequent to a site visit conducted on May 28, 2015, the Department has the following comment:

The Department recognizes no benefit in the requested relocation. Either location would result in the loss of cropland, however, relocating the lot adjacent to the farmstead on Western Run Road would limit future options for agricultural operations by having a principal residential use next to the farm complex which is typically where machinery, chemicals, and animals are kept and where processing occurs.

In addition, Western Run Road is designated a Scenic Road in the Baltimore County Master Plan 2020. Relocating the lot will have a negative impact on the scenic route through altering and enclosing the current scenic focused view.

If the lot is to be located, the optional location for the purpose of protecting farmland is at its present location, but moved to be directly adjacent to Cuba Road. This location will maximize the area of contiguous cropland and minimize the impact on the scenic view from Western Run Road.

Based on these determinations the Department opposes the granting of the petitioned relief.

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

Division Chief:

AVA/KS

C: Wallace S. Lippincott, Jr.



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 3362341

Sold To:

Frank Potepan - CU00451090
11175 Stratfield Ct
Marriottsville, MD 21104-1650

Bill To:

Frank Potepan - CU00451090
11175 Stratfield Ct
Marriottsville, MD 21104-1650

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

Jun 18, 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: # 2015-0246-SPH
14714 Cuba Road & 2014 Western Run Road
S/s Western Run Road at SW corner of Cuba Road
8th Election District - 3rd Councilmanic District
Legal Owner(s) Frank & Ellen Potepan, III

Special Hearing to permit the relocation of a recorded 2.730 acre lot for the purpose of improving the agricultural uses of the subject property.

Hearing: Friday, July 10, 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) 887-3869.

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

6/215 June 18

3362341

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

June 14, 2015

Re:

Zoning Case No. 2015-0246-SPH

Petitioner / Owner: Frank Potepan, III & Ellen Potepan

Date of Hearing: July 10, 2015

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **14714 Cuba Road & 2014 Western Run Road**.

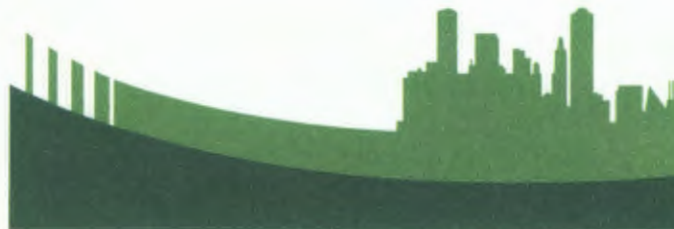
The signs were posted on **June 12, 2015**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2015-0248-SPH

14714 Cuba Road & 2014 Western Run Road

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHEESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Friday July 10, 2015 10:00 AM

REQUEST:
SPECIAL HEARING TO PERMIT THE RELOCATION OF A
RECORDED 2.730 ACRE LOT FOR THE PROPOSED OF
IMPROVING THE AGRICULTURAL USES OF THE
SUBJECT PROPERTY

NOTICE: IT IS THE POLICY OF THE TOWSON TOWNSHIP
TO MAINTAIN AN OPEN SPACE AND RURAL
CHARACTER. TO CONSIDER THE HEARING CALL ATTENTION
TO THE PROPOSED PROJECT AND THE TOWNSHIP
PENALTY OF LAW.

THE TOWNSHIP OF TOWSON, MARYLAND





KEVIN KAMENETZ
County Executive

May 29, 2015

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

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14714 Cuba Road & 2014 Western Run Road
S/s Western Run Road at SW corner of Cuba Road
8th Election District – 3rd Councilmanic District
Legal Owners: Frank & Ellen Potepan, III

Special Hearing to permit the relocation of a recorded 2.730 acre lot for the purposed of improving the agricultural uses of the subject property.

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

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Potepan, 2017 Western Run Road, Cockeysville 21030
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 20, 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, June 18, 2015 Issue - Jeffersonian

Please forward billing to:

Frank Potepan
11175 Stratfield Court
Marriottsville, MD 21104

410-442-2211

NOTICE OF ZONING HEARING

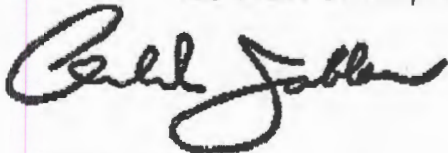
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Hearing: Friday, July 10, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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
2017 Western Run Road; S/S Western Run
Road, at SW corner of Cuba Road
8th Election & 3rd Councilmanic Districts
Legal Owner(s) Frank & Ellen Poteman
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2015-246-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.

RECEIVED

MAY 22 2015

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of May, 2015, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.:

2015-0246-SPH

Exhibit Sheet

Petitioner/Developer

Protestants

DJ
8-17-15

Sen
7-15-15

No. 1	Site plan	
No. 2	Zoning map	
No. 3	Aerial photo.	
No. 4	Plat - Spring Garden	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

BELFAST RD

JOYCE RD

WESTERN RUN RD

CLARK RD

RC 2

FALLS RD

RC 7

894 Feet

BL



My Neighborhood Map

Created By
Baltimore County
My Neighborhood

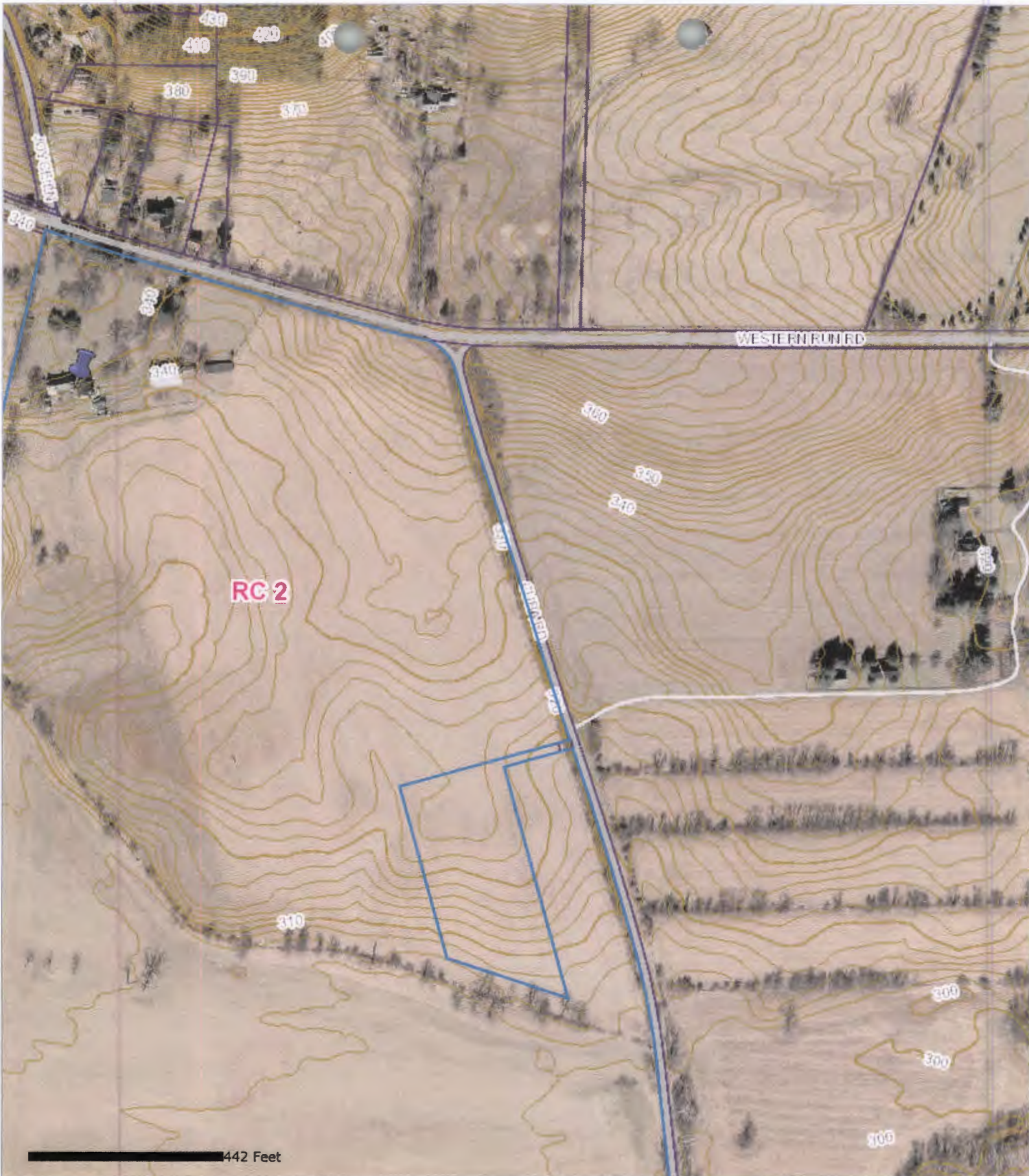


This data is only for general information purposes and should not be used for legal or other purposes. It does not constitute a warranty or any other form of assurance. It is the user's responsibility to verify the accuracy of the information. This data is not to be used for legal or other purposes. It does not constitute a warranty or any other form of assurance. It is the user's responsibility to verify the accuracy of the information.

PETITIONER'S

EXHIBIT NO. 2

Printed 4/5/2015



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is
inaccurate
warrant the
regard to th
implied, of
County, Ma
but not limi
attorneys' i
from or in connection with the use of or reliance upon this data.

PETITIONER'S

EXHIBIT NO.

3

MEMORANDUM

DATE: August 17, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0246-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on August 14, 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

CASE NAME POTERAN PROPERTY
CASE NUMBER 2015-0246-SP4
DATE 7/10/15

[illegible]

CASE NO. 2015-0246-SPH

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
5/29/15	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	not Objected w/ comment
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
6/12/15	PLANNING 7/8/15 - Revised (if not received, date e-mail sent _____)	comment C
5/20/15	STATE HIGHWAY ADMINISTRATION	no obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT	Date: 6/18/15	
SIGN POSTING	Date: 6/12/15	by boach
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 08 Account Number - 0812025791							
Owner Information									
Owner Name:		POTEPAN FRANK E 3RD POTEPAN ELLEN LYNN 2017 WESTERN RUN RD BALTIMORE MD 21230-				Use: Principal Residence:		AGRICULTURAL NO	
Mailing Address:						Deed Reference:		/36229/ 00047	
Location & Structure Information									
Premises Address:				2017 WESTERN RUN RD COCKEYSVILLE 21030-1124				Legal Description: 97.256 AC SS WESTERN RUN RD 1400 ES BELFAST RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0033	0015	0088		0000				2014	
Special Tax Areas:						Town: Ad Valorem: Tax Class:			
						NONE			
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
1852		4,640 SF				97.2500 AC		05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
2 1/2	YES	STANDARD UNIT	STONE	7 full/ 1 half	1 Detached				
Value Information									
			Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2014		As of 07/01/2015		
Land:			277,600	277,600					
Improvements			654,800	622,900					
Total:			932,400	900,500	900,500		900,500		
Preferential Land:			27,600				27,600		
Transfer Information									
Seller: LEWIS CRAIG/TIMOTHY				Date: 05/28/2015			Price: \$2,300,000		
Type: NON-ARMS LENGTH OTHER				Deed1: /36229/ 00047			Deed2:		
Seller: LEWIS CRAIG				Date: 11/30/2001			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /15929/ 00206			Deed2:		
Seller: LEWIS CRAIG/TIMOTHY				Date: 11/30/2001			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /15929/ 00199			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									

Real Property Data Search (w3)

Guide to searching the database

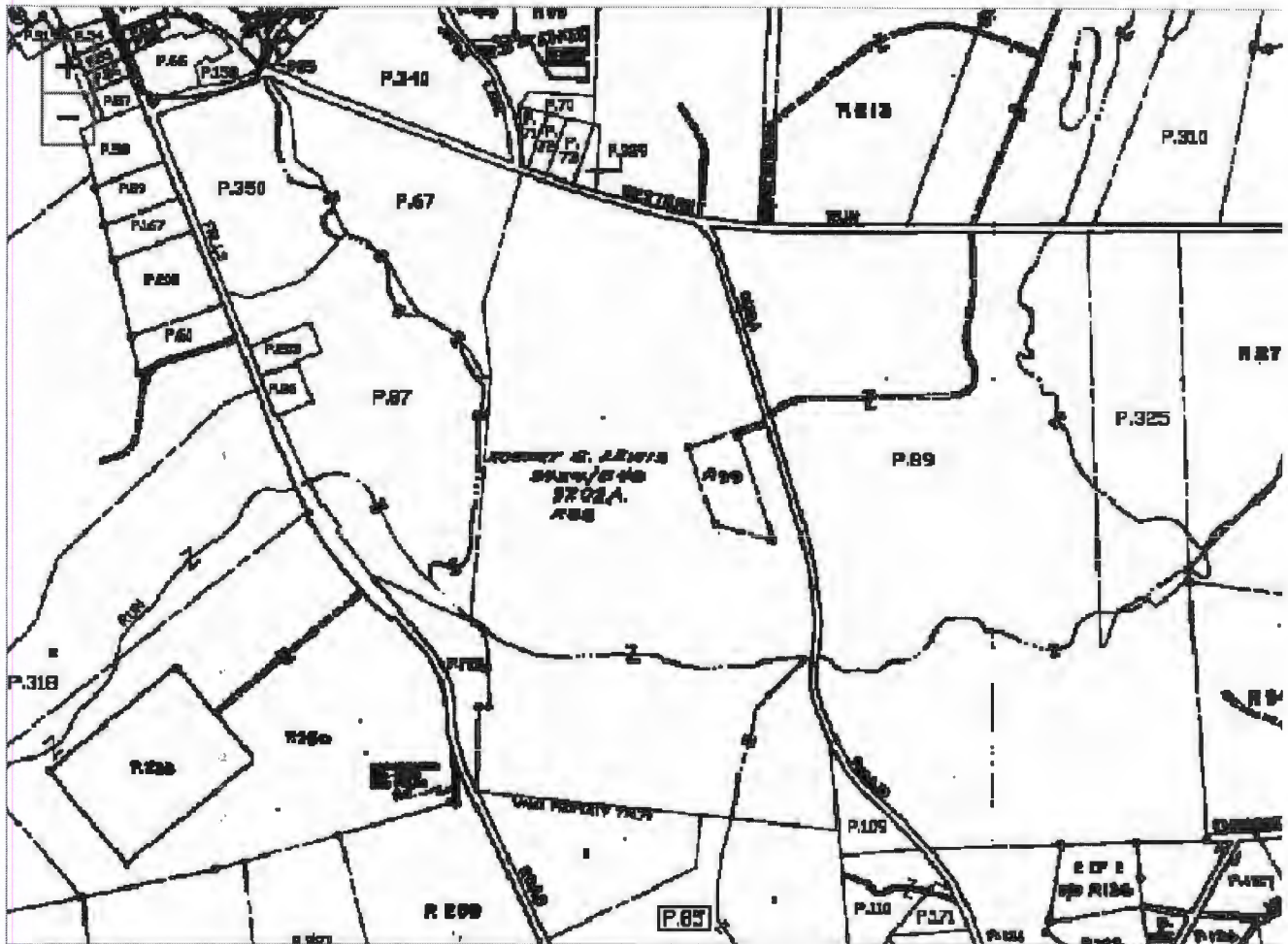
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 1800004013			
Owner Information					
Owner Name:		POTEPAN FRANK E 3RD		Use: AGRICULTURAL	
		POTEPAN ELLEN LYNN		Principal Residence: NO	
Mailing Address:		2017 WESTERN RUN RD		Deed Reference: /36229/ 00047	
		BALTIMORE MD 21230-			
Location & Structure Information					
Premises Address:		14714 CUBA RD		Legal Description: 2.730 AC 118,918 SQ	
		0-0000		SPRING GARDEN	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0033	0015	0099		0000	1 2014 0042/0081
Special Tax Areas:			Town: NONE		
			Ad Valorem: Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
				Property Land Area 2.7300 AC	
				County Use 05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value		Value	
				As of 01/01/2014	
				Phase-in Assessments	
				As of 07/01/2014 As of 07/01/2015	
Land:		1,000		1,000	
Improvements		0		0	
Total:		1,000		1,000	
Preferential Land:		1,000		1,000	
Transfer Information					
Seller: LEWIS CRAIG/TIMOTHY		Date: 05/28/2015		Price: \$2,300,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /36229/ 00047		Deed2:	
Seller: LEWIS CRAIG/TIMOTHY		Date: 11/30/2001		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /15929/ 00206		Deed2:	
Seller: LEWIS CRAIG/TIMOTHY		Date: 11/30/2001		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /15929/ 00199		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					

Baltimore County

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

District: **08** Account Number: **1800004013**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



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

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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 - 08 Account Number - 0812025791							
Owner Information									
Owner Name:		POTEPAN FRANK E 3RD POTEPAN ELLEN LYNN				Use: Principal Residence:		AGRICULTURAL NO	
Mailing Address:		2017 WESTERN RUN RD BALTIMORE MD 21230-				Deed Reference:		/36229/ 00047	
Location & Structure Information									
Premises Address:		2017 WESTERN RUN RD COCKEYSVILLE 21030-1124				Legal Description:		97.256 AC SS WESTERN RUN RD 1400 ES BELFAST RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0033	0015	0088		0000				2014	
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE		
Primary Structure Built		Above Grade Enclosed Area			Finished Basement Area		Property Land Area		County Use
1852		4,640 SF					97.2500 AC		05
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
2 1/2	YES	STANDARD UNIT	STONE	7 full/ 1 half	1 Detached				
Value Information									
			Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2014 As of 07/01/2015				
Land:			277,600	277,600					
Improvements			654,800	622,900					
Total:			932,400	900,500	900,500		900,500		
Preferential Land:			27,600				27,600		
Transfer Information									
Seller: LEWIS CRAIG/TIMOTHY				Date: 05/28/2015			Price: \$2,300,000		
Type: NON-ARMS LENGTH OTHER				Deed1: /36229/ 00047			Deed2:		
Seller: LEWIS CRAIG				Date: 11/30/2001			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /15929/ 00206			Deed2:		
Seller: LEWIS CRAIG/TIMOTHY				Date: 11/30/2001			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /15929/ 00199			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									

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **08** Account Number: **0812025791**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://msweb05.mdp.state.md.us/website/mosp/>)

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

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KEVIN KAMENETZ
County Executive

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

July 2, 2015

Frank E. & Ellen L. Potepan
2017 Western Run Road
Cockeysville MD 21030

RE: Case Number: 2015-0246 SPH, Address: 14714 Cuba Road & 2017 Western Run Road

Dear Mr. & Ms. Potepan:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 8, 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Bruce E Doak, Bruce E Doak Consulting, LLC, 3801 Baker Schoolhouse Road, Freeland MD 21053

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary

Date: 5/20/15

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

RE: Baltimore County
Item No 2015-0246-SPH
Special Hearing
Frank E. III & Eileen L. Poteman
2017 Western Run Road

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2015-0246-SPH

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,

A handwritten signature in dark ink, appearing to read "Richard Zeller".
for Brian Romanowski, Chief
Access Management Division

BR/raz

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 8, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2017 Western Run Road – **REVISED COMMENT**

INFORMATION:

Item Number: 15-246

RECEIVED

Petitioner: Frank E. Potepan, III; Ellen L. Potepan

JUL 08 2015

Zoning: RC 2

Requested Action: Special Hearing

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Special Hearing to determine whether the Administrative Law Judge should approve the relocation of a recorded 2.730 acre lot for the purpose of improving the agricultural use of the subject property. Subsequent to a site visit conducted on May 28, 2015, discussions with the petitioner and further analysis of the site, the Department has the following comment:

The Department did not recognize a net benefit to the original request to move the 2.7 acre parcel to Western Run Road for the purpose of building two additional dwellings next to the existing farmstead. The present location of the 2.7 acre parcel is in the farm field and constructing two dwellings there would eliminate that farmland and have some impact on adjacent farmland. The request to move both lots to Western Run Road would limit future options for agricultural operations by having a principal residential use next to the farm complex which is typically where machinery, chemicals, and animals are kept and where processing occurs. Additionally, Western Run Road is designated a Scenic Road in the Baltimore County Master Plan 2020. Placing two lots alongside the existing residence would have a negative impact on the scenic route through altering and enclosing the current scenic focused view.

In the alternative, the movement of the 2.7 acre parcel to the corner of Western Run Road and Cuba Road in such a way that there is only one lot on Western Run Road and the second is on Cuba Road could be consistent with the objectives of reducing the impact on the agricultural capability of the farm by moving the lots out of the field and not placing them immediately next to the existing farm complex. Protecting the scenic character of Western Run Road could be accomplished through the design of the dwelling and landscaping.

The Department supports the granting of the petitioned relief if the 2.7 acre parcel is moved to the northeast corner of the property with one lot on Western Run Road and the second on Cuba Road as shown on the attached drawing and conditioned upon the approval by the Department of Planning prior to approval of building permit of the architectural elevations and a landscape plan for the residence to be located on Western Run Road to assure compatibility with the area.

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

Division Chief: Kathy Schaban
AVA/KS
Attachment

C: Wallace S. Lippincott, Jr.
Jeanette Tansey, RLA, Permits, Approvals and Inspections

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 12, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 2017 Western Run Road

JUN 12 2015

INFORMATION:

Item Number: 15-246

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Frank E. Potepan, III; Ellen L. Potepan

Zoning: RC 2

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Special Hearing to determine whether the Administrative Law Judge should approve the relocation of a recorded 2.730 acre lot for the purpose of improving the agricultural use of the subject property. Subsequent to a site visit conducted on May 28, 2015, the Department has the following comment:

The Department recognizes no benefit in the requested relocation. Either location would result in the loss of cropland, however, relocating the lot adjacent to the farmstead on Western Run Road would limit future options for agricultural operations by having a principal residential use next to the farm complex which is typically where machinery, chemicals, and animals are kept and where processing occurs.

In addition, Western Run Road is designated a Scenic Road in the Baltimore County Master Plan 2020. Relocating the lot will have a negative impact on the scenic route through altering and enclosing the current scenic focused view.

If the lot is to be located, the optional location for the purpose of protecting farmland is at its present location, but moved to be directly adjacent to Cuba Road. This location will maximize the area of contiguous cropland and minimize the impact on the scenic view from Western Run Road.

Based on these determinations the Department opposes the granting of the petitioned relief.

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

Division Chief:

Kathy Schlabach

AVA/KS

C: Wallace S. Lippincott, Jr.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 25, 2015
Item No. 2015-0246

DATE: May 29, 2015

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

We do not object to the relocation of the lot; however, the petitioner is advised of the following: Western Run is a master planned environmental greenway. Greenway limits are flood plain, wetland or forest buffer limits whichever is greater. A record plat will be required which will include all conveyances of easements and lands per the Development Regulations.

* * * * *

DAK: CEN
cc:file

RECEIVED

JUL 10 2015

IN RE: PETITION FOR SPECIAL HEARING
NW/S Butler Road, 1,000' N of
Worthington Avenue
(Montanye Property)
4th Election District
3rd Councilmanic District

Carlyle N. Montanye, Jr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-80-SPH
*

OFFICE OF ADMINISTRATIVE HEARINGS

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property owned by the Montanye family, located on the northwest side of Butler Road near its intersection with Worthington Avenue in the vicinity of Glyndon. The Petition was filed by the owner of the property, Carlyle N. Montanye, Jr., pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioner seeks approval of density transfers within an overall tract consisting of four contiguous parcels and to confirm that the total number of lots being proposed for development at this time does not exceed the total number permitted. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 5.

Appearing at the hearing on behalf of the Petition were Carlyle N. Montanye, Jr., property owner, Bruce E. Doak, Registered Property Line Surveyor who prepared the site plans for this property, and Howard L. Alderman, Esquire, attorney for the Petitioner. Appearing as an interested party was John Bernstein, Executive Director of the Valleys Planning Council (VPC). There were no Protestants at the hearing.

This case presents a number of complex issues for consideration. These include an evaluation of the purposes of the R.C. zoning classifica-

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

IN RE: PETITION FOR SPECIAL HEARING
E/S of Hutschenrater East, 1700 feet
SE of c/l of Harford Road
11th Election District
3rd Councilmanic District
(Hutschenrater Lane East)

Leonard and Mildred Hutschenreuter
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-631-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at Hutschenreuter Lane East. The Petition was filed by Leonard and Mildred Hutschenreuter, Petitioners. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.):

1. To allow the non-density transfer of 3 parcels between the same owners, Leonard and Mildred Hutschenrater, totaling 4.208 acres, more or less;
2. To allow the creation of a 32.519 acres, more or less, non-density parcel of land to be retained by the subject property owners, being known as parcel "A";
3. To allow 2 lots utilizing an existing private access easement to the local public street in lieu of the required in-fee ownership.

The property was posted with Notice of Hearing on July 20, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 25, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of

RECEIVED FOR FILING
8-14-06
PZ

182

Property Address: 2017 Western Run Road and 14714 Cuba Road
Tax Account #'s : 08-08-12-025791 & 08-18-00-004013

THIS DEED, Made this 5th day of April, 2015 by and between by Craig Lewis, Timothy Lewis and PNC Bank, National Association successor in interest to Mercantile-Safe Deposit and Trust Company, Co-Trustees of The Craig Lewis Share of the Trust U/W Anna B. Lewis Trust and Craig Lewis, Individually, Grantors and parties of the first part; and Frank E. Potepan III and Ellen Lynn Potepan, Grantees and parties of the second part.

WITNESSETH, That in consideration of the sum of Two Million Three Hundred Thousand Dollars and Zero cents (\$ 2,300,000.00), and other and good and valuable considerations the receipt whereof is hereby acknowledged, the said parties of the first part do grant and convey to the said parties of the second part, as tenants by the entireties, the survivor of them, their personal representatives and assigns forever all that property situate in Baltimore County, State of Maryland, that is to say:

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

BEING THE SAME PROPERTY IN:

- a) Personal Representative Deed dated July 16, 2001 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 15669 folio 469 was granted and conveyed by Craig Lewis and Timothy Lewis, Personal Representatives of the Estate of Robert E. Lewis unto Craig Lewis, Timothy Lewis and Mercantile-Safe Deposit and Trust Company, Co-Trustees of The Craig Lewis Share of the Trust U/W Anna B. Lewis Trust;
- b) Personal Representative Deed dated July 16, 2001 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 25669 folio 478 from Craig Lewis and Timothy Lewis, Personal Representatives of the Estate of Robert E. Lewis unto Craig Lewis, Individually;
- c) Confirmatory Deed dated November 30, 2001 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 15929 folio 199 from by Craig Lewis and Timothy Lewis, Personal Representatives of the Estate of Robert E. Lewis unto Craig Lewis, Timothy Lewis and Mercantile-Safe Deposit and Trust Company, Co-Trustees of The Craig Lewis Share of the Trust U/W Anna B. Lewis Trust;
- d) Confirmatory Deed dated November 30, 2001 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 15929 folio 206 from Craig Lewis and Timothy Lewis, Personal Representatives of the Estate of Robert E. Lewis unto Craig Lewis, Individually.

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 party of the second part forever, in fee simple.

Agricultural Transfer Tax
Not Applicable - Letter of Intent

Signature

Date

REVIEWED SDAT

BY [Signature] DATE 5/28/15

WITNESS the hands and seals of said Grantors.

Witness:

[Signature]

Craig Lewis, Co Trustee & Ind. (SEAL)

Craig Lewis, Co-Trustee of the Craig Lewis Share of
the trust U/W Anna B. Lewis Trust

STATE OF MARYLAND, COUNTY/CITY OF BALTO, to wit:

I HEREBY CERTIFY, that on this 4 day of March, 2015, before me the subscriber, a Notary Public of the State of Maryland, in and for the County of BALTO, personally appeared Craig Lewis, Co-Trustee of the Craig Lewis Share of the trust U/W Anna B. Lewis Trust, known to me, or satisfactorily proven, to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained, and in my presence signed and sealed the same.

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

[Signature] (SEAL)
Notary Public
My Commission Expires: 9/11/15



Information provided is for the use of the Clerk's Office, State Department of
Assessments and Taxation, and County Finance Office Only
(Type or Print in Black Ink Only - All Copies Must Be Legible)

IMP FD SURE	40.00
RECORDING FEE	20.00
TR TAX STATE	11,500.00
TOTAL	11,560.00
Reg# 8402	Rcft # 77708
JLE CR	Blk # 4240
May 28, 2015	11:33 am

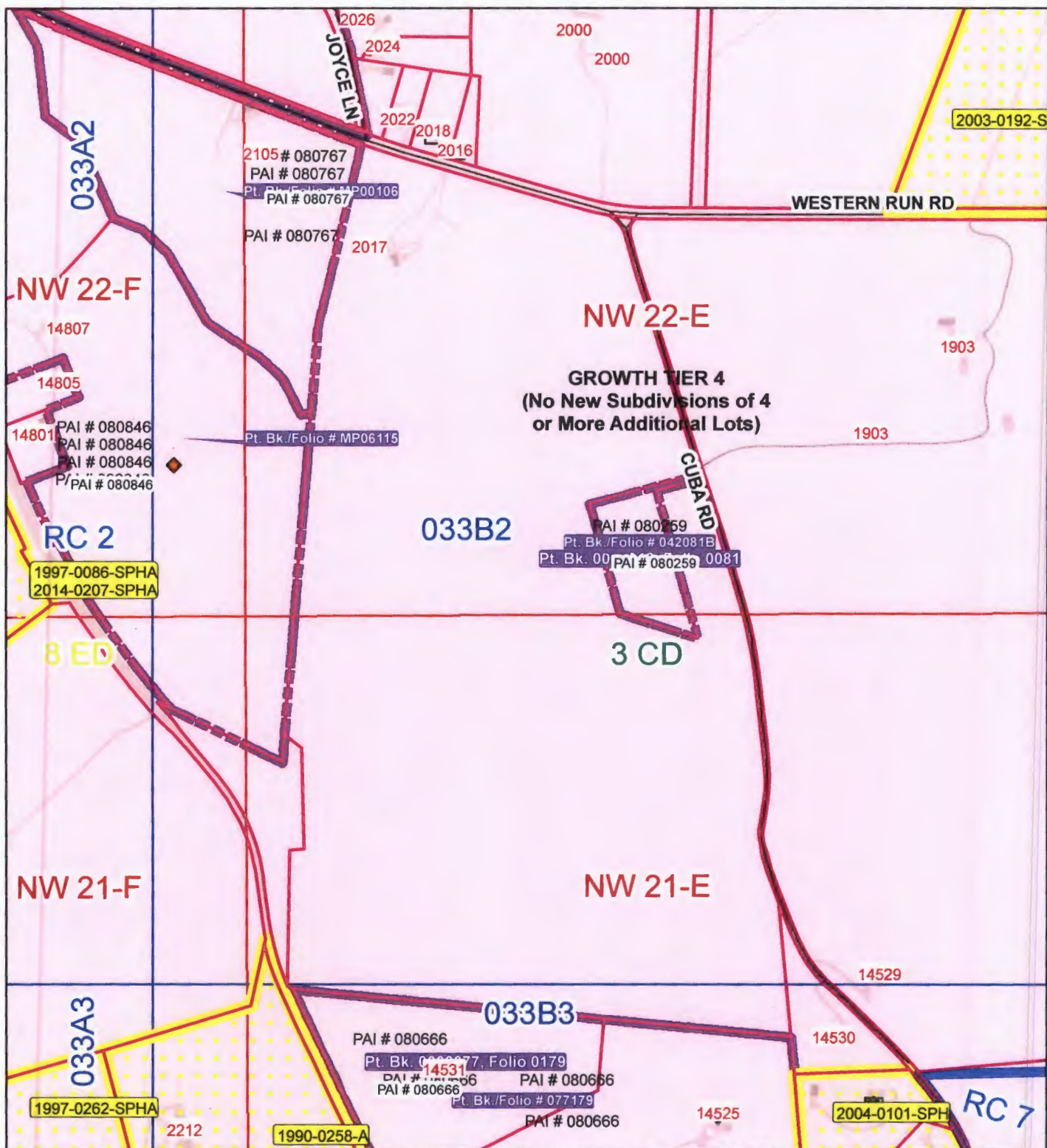
Space Reserved for Circuit
Court Clerk Recording Violation

1	Type(s) of Instruments	x	Deed of Trust	Mortgage	Lease	Mult. Accounts	Not an Arms-	
2	Conveyance Type Check Box		Improved Sale		Unimproved Sale			
3	Tax Exemptions (If Applicable) Cite or Explain Authority		Arms-Length [1]		Arms-Length [2]		Arms-Length [3]	Length Sale [9]
4	Consideration and Tax Calculations	Consideration Amount Purchase Price/Consideration 2,300,000.00 Any New Mortgage 1,200,000.00 Balance of Existing Mortgage Other Assessed Value Other Full Cash Value 2,300,000.00			Finance Office Use Only Transfer and Recordation Tax Consideration Transfer Tax Consideration \$ X () % = \$ Less Exemption Amount - \$ Total Transfer Tax = \$ Recordation Tax Consideration \$ X () % = \$ TOTAL DUE \$			
5	Fees	Amount of Fees Doc. 1 Recording Charge 20.00 Surcharge 40.00 State Recordation Tax 11,500.00 State Transfer Tax 11,500.00 County Transfer Tax (if Applicable) 34,500.00 Other - Other			Doc. 2 Agent Tax Bill: C.B. Credit: A. Other:			
6	Description of Property	District 08 Property Tax ID No. (1) 08-12-025791 & 18-00-004013 Grantor Liber/Folio 15929/206 Map 0033 Parcel No. 0088 0099 Subdivision Name Lot (3a) Block (3b) Sect./AR (3c) Plat Ref. Sq.-Ft./Acreage (4) Location/Address of Property Being Conveyed (2) 2017 Western Run Road & 14714 Cuba Road			Var. LOG 10 Water Meter Account No.			
7	Transferred From	Other Property Identifiers (if applicable) XX Residential or Non Residential Fee Simple X or Ground Rent Amount: Partial Conveyance? Yes XX No Description/Amt. Of Sq. Ft./Acreage If Partial Conveyance, List Improvements Conveyed: Doc. 1 - Grantor(s) Name(s) Craig Lewis, Timothy Lewis and PNC Bank, Co-Trustees Of the Craig Lewis Share of Trust U/W Anna B Lewis Craig Lewis, Individually Doc. 1 - Owner(s) of Records, If Different from Grantor(s)			Doc. 2 - Grantor(s) Name(s) Frank E. Potepan III Ellen L. Potepan Doc. 2 - Owner(s) of Record, If Different from Grantor(s)			
8	Transferred To	Doc. 1 - Grantee(s) Names Frank E. Potepan III Ellen Lynn Potepan New Owner's (Grantee) Mailing Address 2017 Western Run Road, Baltimore MD 21230			Doc. 2 - Grantee(s) Name(s) Dominic J. Pasta and/or Pamela Pasqualini, Trustees			
9	Other Names to be Indexed	Doc. 1 - Additional Names to be Indexed (Optional) Doc. 2 - Additional Names to be Indexed (Optional) Susquehanna Bank						
10	Contact/Mail Information	Instrument Submitted By or Contact Person Name: Heidi Murphy Firm: Residential Title & Escrow Co. Address: 100 Painters Mill Road, Suite 200, Owings Mills, MD 21117 Phone: 410-653-3400			☒ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided			
11	Space Reserved for County Validation	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER Assessment Information Yes X No Will the property being conveyed be the grantee's principal residence? Yes X No Does transfer include personal property? If yes, identify: Yes X No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required). Assessment Use Only - Do Not Write Below This Line ☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Transfer Process Verification Transfer Number: 20 Date Received: 20 Geo. Map: Sub: Block: Zoning: Grid: Plat: Lot: Use: Parcel: Section: Occ. Cd: Town/Cd: Ex: St: Ex: Cd:						

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 36229, p. 0055, MSA_CE62_36085. Date available 06/08/2015. Printed 07/08/2015.

DUPLICATE PAID RECEIPT

2017 Western Run Road 2015-0246-SPH



Publication Date: 5/8/2015

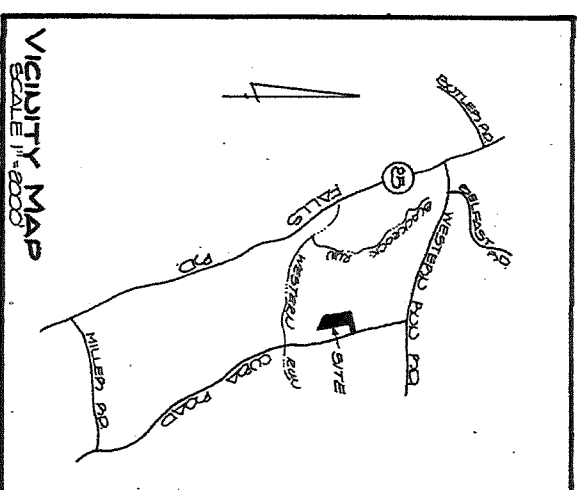
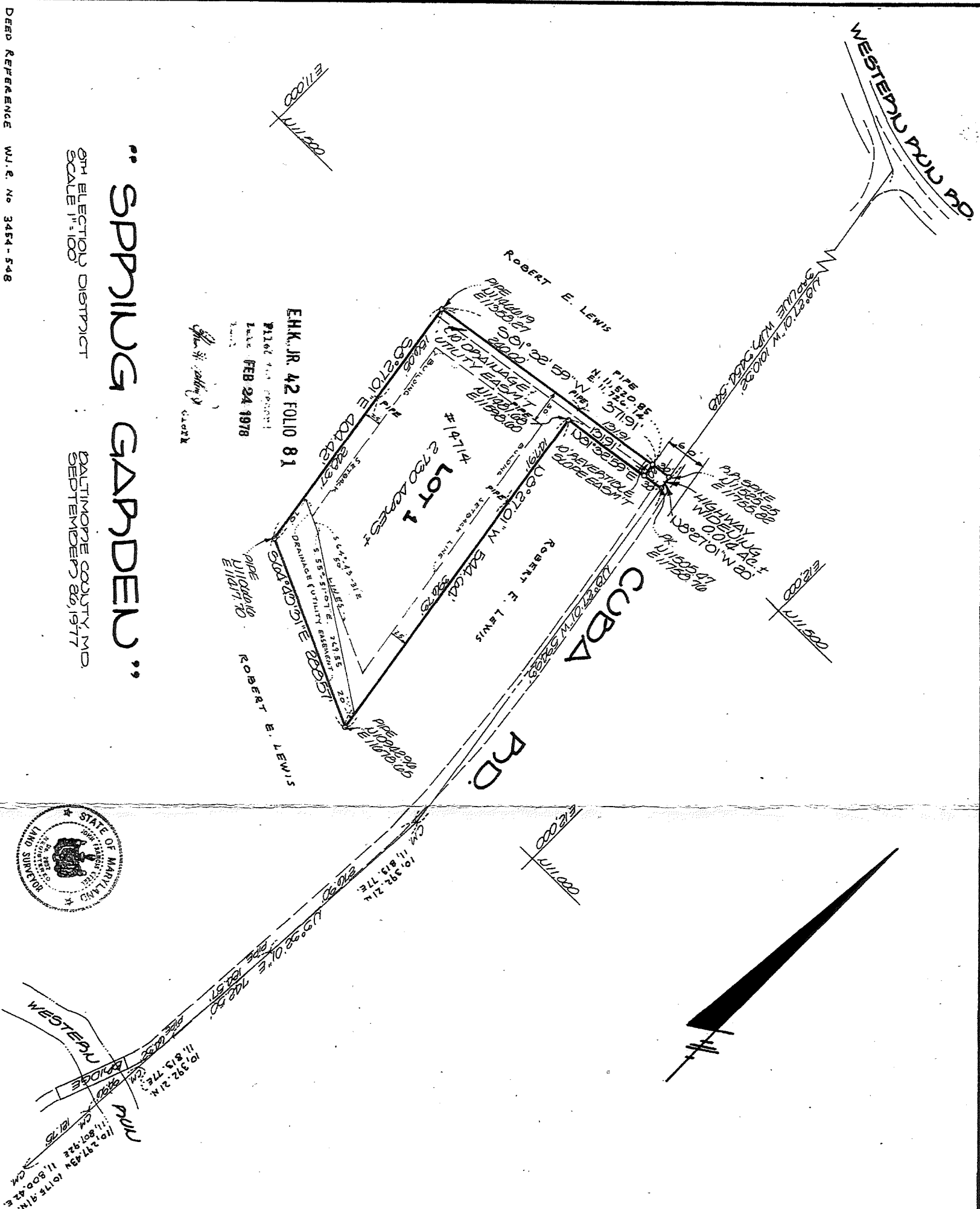


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 125 250 500 750 1,000 Feet

1 inch = 500 feet



LOTTED:
HIGHWAY AND HIGHWAY INTERCHANGES,
GRADE, DRAINAGE AND UTILITY
EASEMENTS SHOWN HEREON ARE
RESERVED INTO THE DEVELOPER
AND ARE HEREBY DEEDED FOR
DEVELOPMENT TO SAID DEVELOPER.
THE DEVELOPER HAS RECEIVED THE
NECESSITIES AND ADEQUATE
SHALL OR SAID LANDS BY
DEED TO SAID DEVELOPER.

FOR BATHHOUSE LOT, PLEASE
SECTION SEVEN, RESERVE
ROAD, MAIN ENTRANCE AND
TO THE BATHHOUSE, THE ROAD
AND THE OTHER SIDE OF THE
HALL AND ABOUT THE BATH-
HOUSE LOT DRIVEWAY

THE COORDINATES SHOWN HERE
BASED ON AN ASSUMED SYSTEM.
I.D. C.A. NO. 77-10

Mr. W. A. Long, Secy.
1000 West 10th St.
Tulsa, Okla.
House No. 1000
Bldg. No. 1000
CITY OF OKLAHOMA
JAN 24 1938

DEED REF. MAP. 245A-500
NO PUBLIC WATER,
NO PUBLIC SEWER,
LOCAL DRAINAGE
ZONED - R C 2

PETITIONER'S

EXHIBIT NO. 4

GEMHOLD, CROSS & ETZEL
REGISTERED LAND SURVEYORS

418 DELAWARE AVE
TOWSON, MD. 21204

MSA 554 1236-7887 P180491

DEED REFERENCE	W. E. No	3454-548
HIGHWAYS DEPARTMENT OF BALTIMORE CO		
APPROVED FOR ST. ALIGNMENT & LOCATION		
ROADS ALIGNMENT	DATE	
APPROVED FOR BALTO. CO HEALTH DEPT.		
<i>Approved J. P. and M. D.</i>	<i>3/21/12</i>	
DEPUTY STATE HEALTH OFFICER	DATE	
APPROVED FOR BALTO. CO PLANNING BO.		
<i>W. H. C. C. C.</i>	<i>3/21/12</i>	
DIRECTOR	DATE	

OWNER'S CERTIFICATE:

THE FOLLOWING ELEMENTS OF SECTION 59 TO 62, ARTICLE 17 OF THE ADULTERATED CODE OF MARYLAND 1957 EDITION (TITLE, CLEANS OF THE COOKS) SUB-TITLE, CLEANS OF CUP COIT COPT(S) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAN AND THE SETTING OF MARKERS HAVE BEEN COMPILED WITH.

PROPERTY E. LEWIS
SPRING GARDEN FARM
WESTERN HILLS RD
COCKEYSVILLE MD 21030

Handwritten: Handwritten by a farmer
OWNER'S
DATE Oct 24 1977

SUPERVISOR'S CERTIFICATE:
 I, JOHN F. ETZEL, A REGISTRAR
 OF THE SPECIAL LAND SURVEYORS OF
 THE STATE OF MARYLAND, DO HEREBY
 CERTIFY THAT THE LAND SHOWN HEREON
 HAS BEEN Laid out AND THE PLAN THEREOF
 DEPOSED OF ACCORDANCE WITH THE
 PROVISIONS OF THE LAW RELATIVE TO
 THE SURVEYS OF LAND KNOWN AS
 HOBE BULL DOGS CIRCLE OF THE
 ACT OF 1940 AND SUBSEQUENT ACTS
 AMENDATORY THEREOF.

4 Oct. 1972
 45.2892
 MEG LADD SURVEYORS # 2882
 1972
 DATE

MSA SSU 1236-7887
P182101

GENERAL NOTES

- Ownership: Frank and Ellen Potepan (97.256 ac.) & # 14714 Cuba Road (2.730 ac.)
- Addresses: #2017 Western Run Road (97.256 ac.) & # 14714 Cuba Road (2.730 ac.)
- Deed references: 7.756 acres (per SDAT) & 2.730 acres (per PB 42/81)
- Election District: 8th Councilmanic District: 3rd
- Tax Map 33 Grid 15 Parcel 88 Tax Acc. # 08-12-025791 (97.256 ac.)
- Tax Map 33 Grid 15 Parcel 89 Tax Acc. # 08-00-040013 (2.730 ac.)
- Position Sheets: 83NW19, 83NW20, 84NW19, 84NW20, 85NW13, 85NW20 & 86NW20
- GIS Title Numbers: 03382 & 03383 Regional Planning Dist. Code: 304
- Regional Planning District: Sparks Growth Tier Description: Preservation & Conservation Areas
- 10 Growth Tier: 4
- 11 Unplanned Name: 1 Loon Haven Reservoir
- 12 UPRD Districts: Sparks ES Herford MS Herford HS
- 13 School Districts: Sparks ES Herford MS Herford HS
- 14 Census Blocks: 240054082001004, 24005082001005 & 240054082001015
- 15 Census Tract: 408200
- 16 The boundary shown hereon is from a survey performed by Dollenberg Brothers in 1972.
- 17 Local Open Space is not required by Baltimore County for minor subdivisions.

GROUND WATER MANAGEMENT

- Perce tests will be conducted as a part of the minor subdivision of the amended 2.730 acre parcel.
- A well for each of the proposed lots will be completed prior to applying for a building permit.
- There are no underground fuel tanks on the subject property.
- The wells and septic systems within 200' of the 2.730 acre parcel is shown hereon.

ENVIRONMENTAL IMPACT

Forest Conservation

- There is no forest on the 2.730 acre parcel.
- The conveyance of the proposed lots will be to the sons of the owners. Therefore, a Declaration for an Intra-Family Transfer will be provided exempting this project from the regulations.

Forest Buffer

- No wetlands exist on the 2.730 parcel.
- A small tributary to Dipping Pond Run exists over 100' feet from the subject property on the property of others. The existing private driveway lies between the tributary and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides in the county shall not constitute an agricultural operation as defined in the regulations. If the subject property is used for agricultural purposes, the regulations and all federal, state or county health or environmental requirements.
- The subject parcels are not located within a 100 year flood plain.
- The subject parcels are not in the Chesapeake Bay Critical Area.

AGRICULTURE

The 2.730 acre parcel and the adjoining property, both owned by Frank and Ellen Potepan, are zoned for agricultural use. The subject property is zoned for agricultural use. The property not used for residential use will continue to be used for agricultural purposes.

Agricultural Note

Any dwelling may be subject to inconveniences or discomforts arising from agricultural operations, including, but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24 hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides in the county shall not constitute an agricultural operation as defined in the regulations. If the subject property is used for agricultural purposes, the regulations and all federal, state or county health or environmental requirements.

SEDIMENT CONTROL

- Sediment control provisions will be required and provided for each building permit.

STORM WATER MANAGEMENT

- The storm water management requirements are proposed to be met with a facility on the subject property.
- A storm water management concept plan will be submitted for review by Baltimore County and the Soil Conservation District.
- An easement for all facilities will need to be established, approved by Baltimore County and then recorded in a declaration of covenants.

PROPERTY ACCESS

- A shared driveway from Western Run Road will be constructed for the two proposed lots on the 2.730 acre parcel.
- The proposed driveway will be recorded to provide access and use for the two proposed lots on the 2.730 acre parcel.
- The areas between the sight lines and the edge of the road must be cleared, graded and kept free of any obstructions.

FIRE MARSHALL'S OFFICE

- The proposed driveway from Western Run Road will be capable of handling emergency vehicles. The driveway shall not be obstructed for emergency apparatus in any manner. Trees planted shall not be the type that will interfere with emergency apparatus access when they mature.
- Address numbers for residential properties are required to be 3 inches in size.
- A permit for a residential sprinkler system has been issued for the house on proposed Lot 2 and the driveway. The sprinkler system shall be inspected and approved prior to occupancy.

OFFICE OF ZONING

Current Zoning RC 2

Devolution of Title

The 97.256 acre parcel shown on this plan has been held intact since February 24, 1978 (PB EHK Jr 42/81).
The 2.730 acre parcel shown on this plan has been held intact since February 24, 1978 (PB EHK Jr 42/81).

The developer's surveyor has confirmed that no part of the gross area of this property as shown on this plan has ever been utilized, recorded, or represented as density or area to support any off-site dwellings.

Zoning History

There have been no zoning hearings concerning the subject property.

Density Calculations for RC 2

Gross area: 2.730 acres
Highway widening: 0 acres
Net area: 2.730 acres
Lots permitted: 2 (the subject property was created prior to 1979 - PB EHK Jr 42/81)
Lots proposed: 2

R.C. 2 Setbacks for Residential Single Family Dwellings

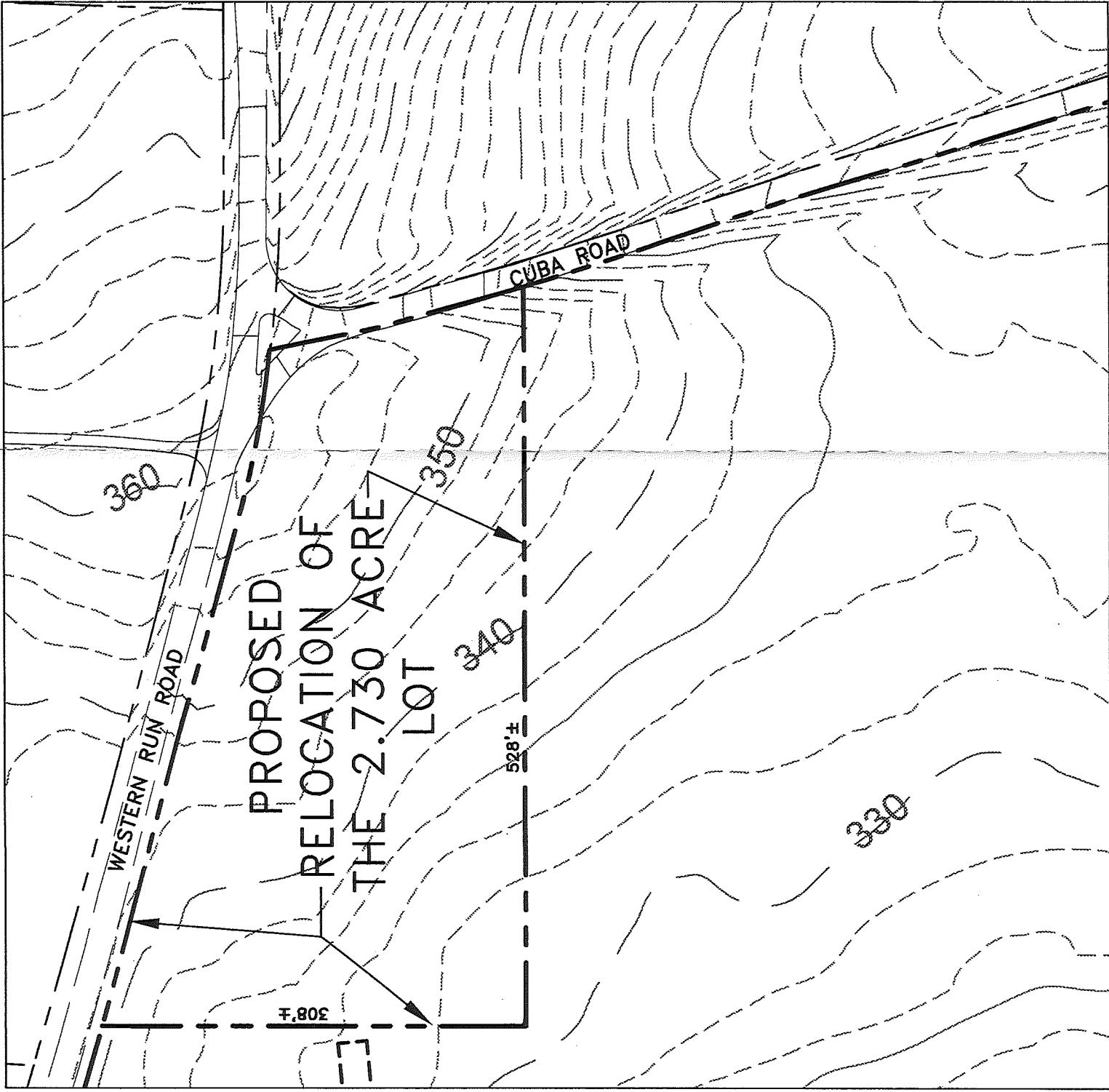
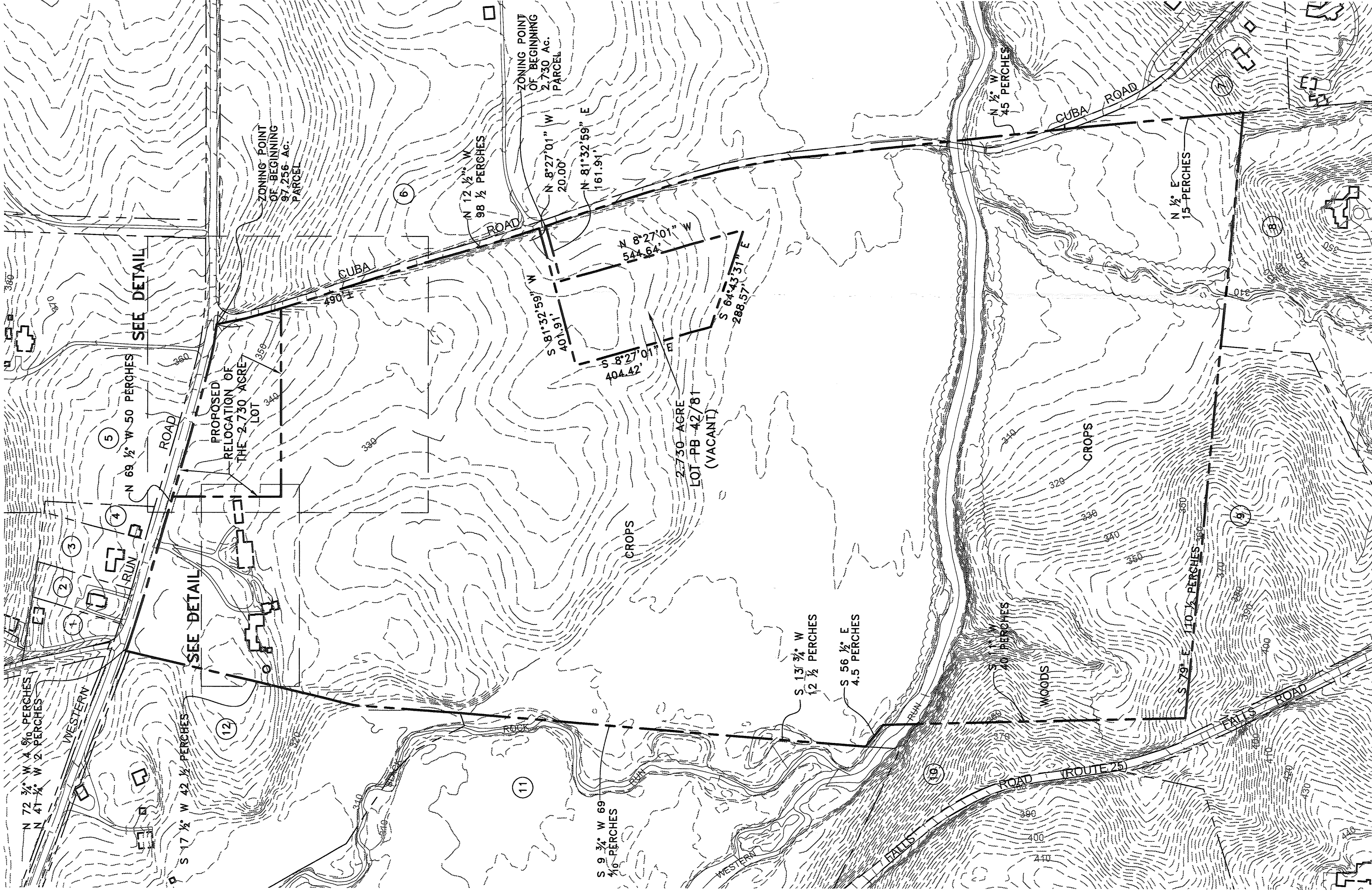
Front: 75 feet from the centerline of any street or road
Side / Rear: 35 feet from any lot line other than a street or road line

Building Heights

The existing barn and corncrib are non-conforming and therefore are allowed to have a height that exceeds the current zoning regulations.

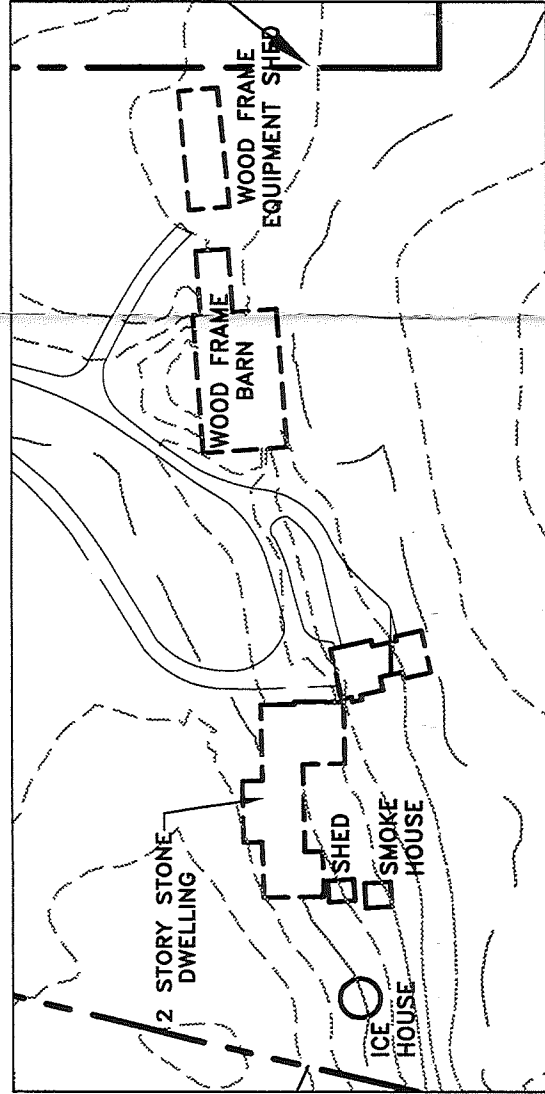
OFFICE OF PLANNING

- The subject property is located in the Western Run-Belfest National Register Historic District.
- The dwelling and the improvements on the 97.256 acre parcel is not on any historic list.
- The design of the landscaping and the dwelling will adhere to the regulations pertaining to proposed development adjoining a scenic route.



DETAIL

Scale: 1"=100'



DETAIL

Scale: 1"=100'

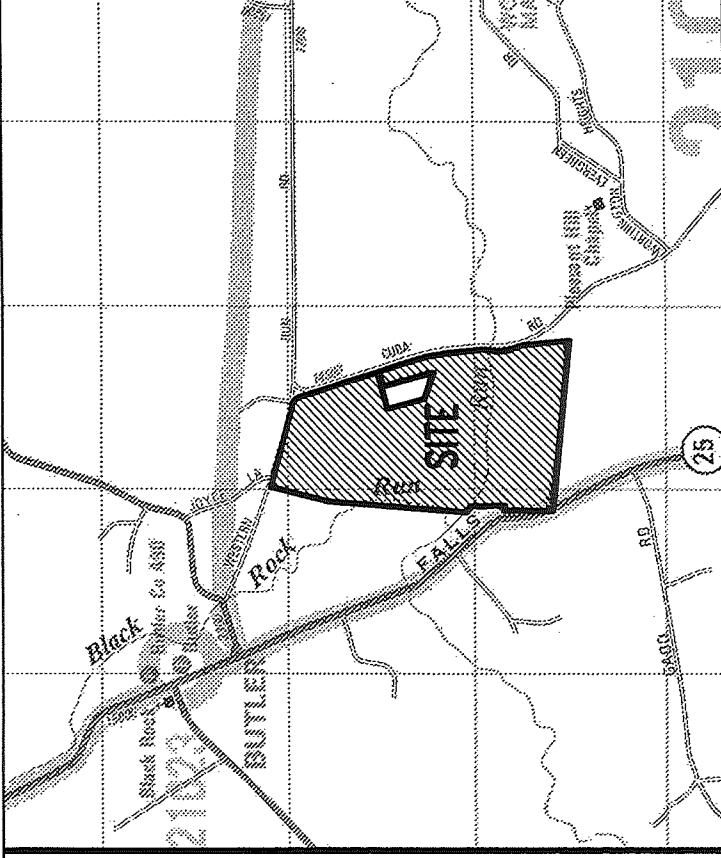
PROPERTY OWNERSHIP

1. WESTERN RUN ROAD SPENCER T. JAMISON	SM 25867/407	TAX ACC. #08-07-029060	(RESIDENTIAL VACANT)
2. 2022 WESTERN RUN ROAD PRESTON RAGER	SM 15678/695	TAX ACC. #08-01-013460	(RESIDENTIAL)
3. 2014 WESTERN RUN ROAD ROBERT A. HEWES, JR. SUSAN SHIRCLIFF HEWES	SM 15673/623	TAX ACC. #08-12-025940	(RESIDENTIAL)
4. 2014 WESTERN RUN ROAD ROBERT A. HEWES, JR. SUSAN SHIRCLIFF HEWES	SM 15673/623	TAX ACC. #03-00-004429	(RESIDENTIAL VACANT)
5. 2000 WESTERN RUN ROAD RUDIGER BREITENBECKER ROBIN BREITENBECKER	SM 13834/129	TAX ACC. #08-02-070000	(RESIDENTIAL & AGRICULTURAL)
6. 1903 WESTERN RUN ROAD JOHN P. MACHEN, TRUSTEE	SM 11851/05	TAX ACC. #08-12-060525	(RESIDENTIAL & AGRICULTURAL)
7. 14580 CUBA ROAD CHRISTINE S. KELLER	SM 17580/55	TAX ACC. #08-11-017531	(RESIDENTIAL)
8. 14535 FALLS ROAD SHULIAN WANG	SM 22305/312	TAX ACC. #24-00-011401	(RESIDENTIAL & AGRICULTURAL)
9. 14535 FALLS ROAD SHULIAN WANG	SM 26731/452	TAX ACC. #24-00-011402	(AGRICULTURAL VACANT)
10. FALLS ROAD MARY W. WATKINS	EHK JR. 5753/877	TAX ACC. #08-06-010571	(RESIDENTIAL VACANT)
11. 14507 FALLS ROAD WILLIAM J. HIRD, TRUSTEE MARGARET M. HIRD, TRUSTEE	SM 26434/333	TAX ACC. #08-08-000100	(RESIDENTIAL & AGRICULTURAL)
12. 2105 WESTERN RUN ROAD MICHAEL THOMAS WHARTON	JLE 35947/129	TAX ACC. #23-00-012613	(RESIDENTIAL & AGRICULTURAL)



REVISION

300' revised plan

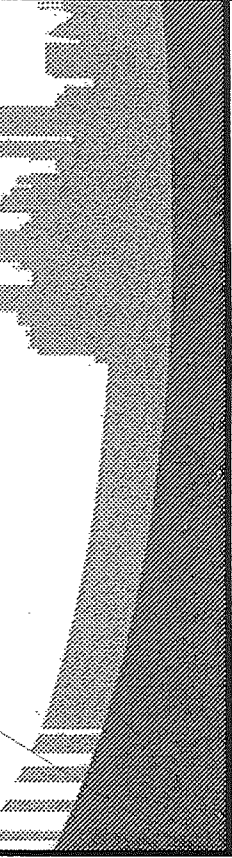


Vicinity Map - Scale: 1" = 2000'

ADC The Map People - Permitted Use # 20612205

Bruce E. Doak Consulting, LLC

Land Use Expert and Surveyor
3807 Balce Schoolhouse Road
Baltimore, MD 21206
410-418-4906
bdoak@bruceedoakconsulting.com



PLAN TO ACCOMPANY A ZONING PETITION

FOR THE

POTEPAN PROPERTY

WESTERN RUN AND CUBA ROADS

BALTIMORE COUNTY, MARYLAND

8th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 5/6/2015

Scale: 1"=200'

