MEMORANDUM

DATE: August 7, 2018

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2018-0256-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 6, 2018. 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

IN RE: PETITION FOR VARIANCE (18221 Foreston Road) 5th Election District 3rd Council District Marlin L. Masemore *Legal Owner* Petitioner	* * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2018-0256-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Marlin L. Masemore, legal owner of the subject property ("Petitioner"). As originally filed the Petition seeks variance relief from §1A09.7.B.5.b(1)(a) of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed dwelling (contingent upon minor subdivision approval by the DRC) with a side setback of 57 ft. to cultivated land in lieu of the required 300 ft. After meeting with representatives from the Department of Planning ("DOP") the Petitioner modified the request and proposed a side setback of 150 ft., as shown on the revised site plan admitted as Petitioner's Exhibit 1.

Marlin L. Masemore appeared in support of the petition. The adjacent neighbor, represented by Dave Bowersox, Esq. opposed the request. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Bureau of Development Plans Review ("DPR") and the DOP. Neither agency opposed the request.

The site is approximately eleven (11) acres in size and zoned RC-8. The property is improved with a single-family dwelling constructed in 1974, which is Petitioner's principal residence. Petitioner proposes to create a two lot minor subdivision on his property. One lot

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Date 7/5/18
By Den

(containing the existing single-family dwelling) would be three (3) acres in size and the other lot eight (8) acres. Petitioner proposes to construct a single-family dwelling on the proposed, unimproved eight (8) acre lot, and seeks a variance from the 300 ft. setback requirement in the RC 8 zone.

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

While I understand Petitioner would prefer to locate the new home as shown on the site plan, such a desire cannot justify the grant of a variance. In *Montgomery County v. Rotwein*, 169 Md. App. 716 (2006), the court denied a variance request where the evidence demonstrated that the owner had other areas on his lot where a garage could be built without the need for a variance. The same is true in this case.

In addition, as protestant's counsel noted, under Maryland law variances should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699. Petitioner failed to produce any evidence or argument which would establish the subject property as unique, or that he would experience a practical difficulty if the petition was denied. As such I believe the petition for variance must be denied.

THEREFORE, IT IS ORDERED, this **5th** day of **July, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 1A09.7.B.5.b(1)(a) of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed dwelling (contingent upon minor subdivision approval by the DRC) with a side setback of 150 ft. to cultivated land in

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lieu of the required 300 ft., be and is hereby DENIED.

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

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Date 7/5/18

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 8221 FORLESTON RD. PARKTON, MD. 21102 which is presently zoned RC-8

Deed References: G.H.K. JR. 5425 F. 274 10 Digit Tax Account # 0508000451

Property Owner(s) Printed Name(s) MARLIN L. MASLEMORE & SHIRLEY L. MASLEMORE

(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

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

3. X **a Variance from Section(s)**

BCZR: 1A09.7.B.5.b.1.a. → To permit a proposed dwelling (contingent upon Minor Subdivision approval) with a side setback of 57 feet to cultivated land in lieu of the required 300 feet.

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)**

UNABLE TO LOCATE THE PROPOSED RESIDENCE IN A SUITABLE AREA

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

Legal Owners (Petitioners):

MARLIN L. MASLEMORE

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

8221 FORLESTON RD. PARKTON MD.

Mailing Address City State

21102-9666 410-852-8041

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

A.L. SNYDER, SURVEYOR, INC.

Name – Type or Print

Signature

1911 HANOVER PIKE HAMPSTEAD MD.

Mailing Address City State

21074 410-239-7744 alssurveyor@verizon.net

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

Date 4/5/18

By

CASE NUMBER 2018-0256-A **Filing Date** 3/23/18 **Do Not Schedule Dates:** _____ **Reviewer** JS

REV. 10/4/11

DEED

THIS DEED, made this 6th day of February, Nineteen Hundred and Seventy-four, by and between LEROY M. HARE and RUTH L. HARE, his wife, of Baltimore County, State of Maryland, Grantors, and MARLIN L. MASEMORE and SHIRLEY L. MASEMORE, his wife, of Carroll County, State of Maryland, Grantees.

NOW, THEREFORE, this deed witnesseth that for and in consideration of the sum of TEN DOLLARS ($10.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said LEROY M. HARE and RUTH L. HARE, his wife, do hereby grant and convey unto MARLIN L. MASEMORE and SHIRLEY L. MASEMORE, his wife, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs, personal representatives and assigns, forever in fee simple, all that lot or parcel of land situate, lying and being on the easterly side of Foreston-Beckleysville Road in the Fifth Election District of Baltimore County, Maryland, more fully described as follows:

BEGINNING for the outlines to include the same at a stone standing on the East side of the old Foreston-Beckleysville Road, said stone being at the end of the S 43°45' E, 103.4 foot line in a deed from Lawrence E. Ensor, Executor, to Clarence I. Hale, dated January 25, 1938, recorded among the Land Records of Baltimore County in Liber C.W.B. Jr. No. 1021, folio 318, etc., running thence with that deed as given therein S 88°55' E, 773 feet to a stone and to intersect the outlines of Fred Wolfgang's property, thence binding thereon reversely S 14°20' W, 345 foot to a stone, S 25°35' W, 888 foot to a stone on the North side of the Foreston Road, thence S 42°35' W, 36.3 feet to a point in the South edge of that road, thence running by a line part with the New Foreston Road and part with the Old Beckleysville Road, N 6°40' W, 319 feet to a point in the Old Beckleysville Road, thence along that road, N 26°54' W, 280.5 feet N 10°25' W, 183.5 feet to an old boundary stone marked No. 1 set up on the West side of that road N 4°33' W, 295.3 foot to a point in the road, and to the end of the S 26°55' E, 137 foot line in a deed from Clarence I. Hale and wife, to Bennet R. Dillon and wife, dated October 29, 1942, recorded in Liber R.J.S. No. 1261, folio 221, etc., running thence binding on that line reversely, N 26°55' W, 137 feet to the place of beginning, containing 11 acres and 2 one thousandths of an acre (11.002) of land, more or less.

BEING all and the same land conveyed unto the within Grantors by deed of Clarence I. Hale and wife bearing date of March 1, 1947, and recorded among the Land Records of Baltimore County in Liber No. 1549, folio 33, etc.

[illegible] 7 37.50 MSC

2018-0256-A

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

TO HAVE AND TO HOLD the said lot or parcel of land above described and mentioned and hereby intended to be conveyed unto and to the proper use and benefit of the said MARLIN L. MASEMORE and SHIRLEY L. MASEMORE, his wife, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs, personal representatives and assigns, forever in fee simple.

AND THE SAID GRANTORS hereby covenant that they will warrant specially the property hereby conveyed and that they will execute such other and further assurances of the same as may be requisite.

WITNESS the hands and seals of the within Grantors.

WITNESS:

Elwood E. Swan — LeRoy M. Hare (SEAL)
LEROY M. HARE

Elwood E. Swan — Ruth L. Hare (SEAL)
RUTH L. HARE

FEB-7-74 276856C ****900
FEB-7-74 276857C ****1250
FEB-7-74 276858C ****825
FEB-7-74 276859C ****2975

STATE OF MARYLAND, COUNTY OF Carroll, to wit:

I HEREBY CERTIFY that on this 6th day of February, 1974, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared LEROY M. HARE and RUTH L. HARE, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Elwood E. Swan
Notary Public - Commission expires 7/1/74

Rec'd for record FEB 7 1974 at
Per Elmer H. Kahline, Jr., Clerk
Mail to Elwood E. Swan
Receipt No.

THE BALTIMORE SUN MEDIA GROUP

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 5554265

Sold To:
A.L Snyder, Surveyor, Inc - CU00647984
1911 Hanover Pike
Hampstead,MD 21074-1327

Bill To:
A.L Snyder, Surveyor, Inc - CU00647984
1911 Hanover Pike
Hampstead,MD 21074-1327

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

Apr 17, 2018

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: # 2018-0256-A
18221 Foreston Road
E/S Foreston Road at the intersection with Georges Creek Road
5th Election District - 3rd Councilmanic District
Legal Owner(s) Marlin Masemore
Contract Purchaser(s):

Variance: to permit a proposed dwelling (contingent upon Minor Subdivision approval) with a side setback of 57 ft. to cultivated land in lieu of the required 300 ft.

Special Exception:

Hearing: Monday, May 7, 2018 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.

04/17/18 5554265

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

Date: 6-28-18

RE: Case Number: 2018-0256-A RECERT

Petitioner/Developer: Martin Masemore

Date of Hearing/Closing: 7-2-18 10AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 18221 Forestor Rd

The signs(s) were posted on Recert 6-28-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

#1

ZONING NOTICE

CASE # 2018-0256-A

A PUBLIC HEARING WILL BE HELD BY
ADMISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MON. JULY 2, 2018 10AM

REQUEST: VARIANCE TO PERMIT A PROPOSED DWELLING (CONTINGENT UPON MINOR SUBDIVISION APPROVAL) WITH A SIDE SETBACK OF 57 FT. TO CULTIVATED LAND IN LIEU OF THE REQUIRED 300 FT.

ZONING NOTICE

#2

CASE # 2018-0256-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE/COMMISSIONER
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MONDAY JULY 2, 2018 10AM

REQUEST: VARIANCE TO PERMIT A PROPOSED DWELLING (CONTINGENT UPON MINOR SUBDIVISION APPROVAL) WITH A SIDE SETBACK OF 57FT. TO CULTIVATED LAND IN LIEU OF THE REQUIRED 300 FT.

NECESSARY.

CERTIFICATE OF POSTING

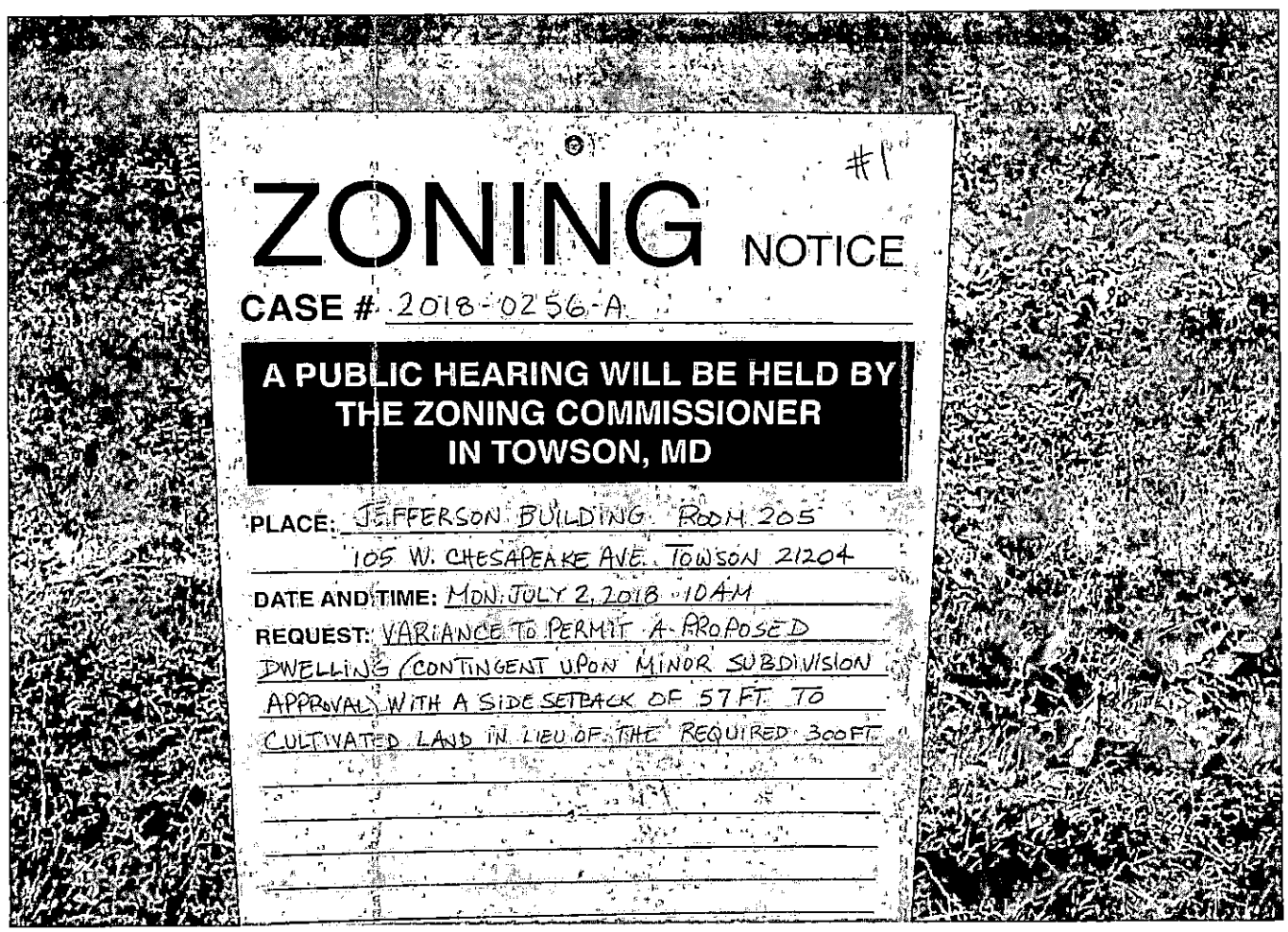
Date: 6-10-18

RE: Case Number: 2018-0256-A

Petitioner/Developer: Marlin Masemore

Date of Hearing/Closing: 7/2/18 10AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 18221 Forestor Rd



CERTIFICATE OF POSTING

Date: 5-3-18

RE: Case Number: 2018-0256-A RECERT

Petitioner/Developer: Marlin Masemore

Date of Hearing/Closing: 5-7-18 10AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 18221 Forsston Rd

The signs(s) were posted on RECERT 5-3-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

#1

ZONING NOTICE

CASE # 2018-0256-A

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

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MON. MAY 7, 2018 10AM

REQUEST: VARIANCE TO PERMIT A PROPOSED DWELLING (CONTINGENT UPON MINOR SUBDIVISION APPROVAL) WITH A SIDE SETBACK OF 57 FT. TO CULTIVATED LAND IN LIEU OF THE REQUIRED 300 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING


#2
ZONING NOTICE
CASE # 2018-0256-A
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204
DATE AND TIME: MONDAY MAY 7, 2018 10AM
REQUEST: VARIANCE TO PERMIT A PROPOSED DWELLING (CONTINGENT UPON MINOR SUBDIVISION APPROVAL) WITH A SIDE SETBACK OF 57FT. TO CULTIVATED LAND IN LIEU OF THE REQUIRED 300 FT.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY

CERTIFICATE OF POSTING

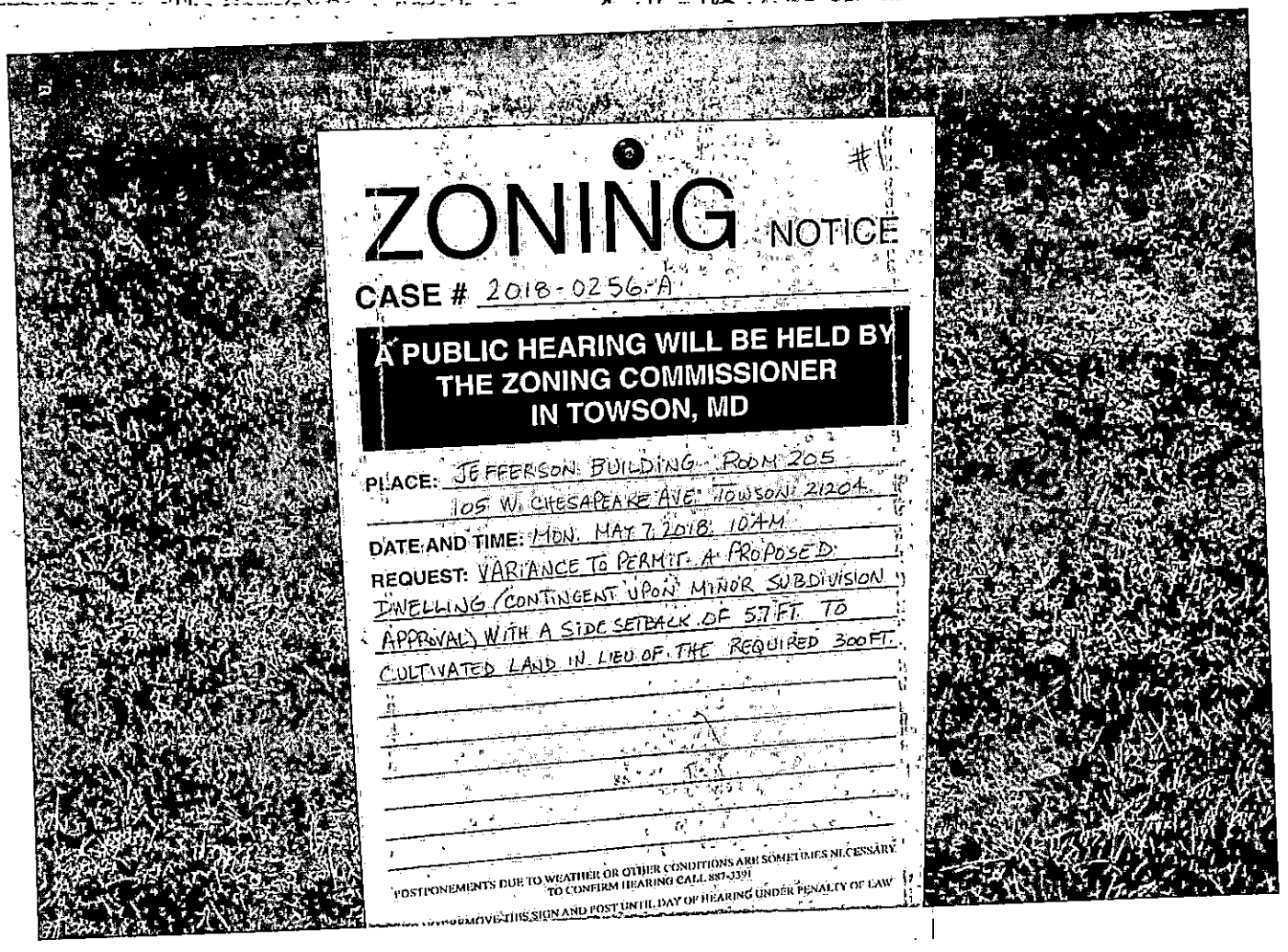
Date: 4-16-18

RE: Case Number: 2018-0256-A

Petitioner/Developer: Marlin Masenore

Date of Hearing/Closing: 5-7-18 10AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 18221 Foreston Rd



KEVIN KAMENETZ
County Executive

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

June 4, 2018

CORRECTED 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: 2018-0256-A
18221 Foreston Road
E/s Foreston Road at the intersection with Georges Creek Road
5th Election District – 3rd Councilmanic District
Legal Owners: Marlin Masemore

Variance to permit a proposed dwelling (contingent upon Minor Subdivision approval) with a side setback of 57 ft. to cultivated land in lieu of the required 300 ft.

Hearing: Monday, July 2, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Marlin Masemore, 18221 Foreston Road, Parkton 21102-9666
A.L. Synder, 1911 Hanover Pike, Hampstead 21074
David Bowersox, 24 North Court Street, Westminster 21157

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 12, 2018.**
(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.

KEVIN KAMENETZ
County Executive

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

May 31, 2018

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: 2018-0256-A
18221 Foreston Road
E/s Foreston Road at the intersection with Georges Creek Road
5th Election District – 3rd Councilmanic District
Legal Owners: Marlin Masemore

Variance to permit a proposed dwelling (contingent upon Minor Subdivision approval) with a side setback of 57 ft. to cultivated land in lieu of the required 300 ft.

Hearing: Monday, May 7, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Marlin Masemore, 18221 Foreston Road, Parkton 21102-9666
A.L. Synder, 1911 Hanover Pike, Hampstead 21074
David Bowersox, 24 North Court Street, Westminster 21157

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 12, 2018.**
(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
Tuesday, April 17, 2018 Issue - Jeffersonian

Please forward billing to:
Steve Snyder
A.L. Snyder, Surveyor, Inc.
1911 Hanover Pike
Hampstead, MD 21102

410-239-7744

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: 2018-0256-A
18221 Foreston Road
E/s Foreston Road at the intersection with Georges Creek Road
5th Election District – 3rd Councilmanic District
Legal Owners: Marlin Masemore

Variance to permit a proposed dwelling (contingent upon Minor Subdivision approval) with a side setback of 57 ft. to cultivated land in lieu of the required 300 ft.

Hearing: Monday, May 7, 2018 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

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

April 9, 2018

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: 2018-0256-A
18221 Foreston Road
E/s Foreston Road at the intersection with Georges Creek Road
5th Election District – 3rd Councilmanic District
Legal Owners: Marlin Masemore

Variance to permit a proposed dwelling (contingent upon Minor Subdivision approval) with a side setback of 57 ft. to cultivated land in lieu of the required 300 ft.

Hearing: Monday, May 7, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Marlin Masemore, 18221 Foreston Road, Parkton 21102-9666
A.L. Synder, 1911 Hanover Pike, Hampstead 21074

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 17, 2018.**
(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.

RE: PETITION FOR VARIANCE 18221 Foreston Road; E/S of Foreston Road, At intersection with Georges Creek Road 5th Election & 3rd Councilmanic Districts Legal Owner(s): Marlin L. Masemore Petitioner(s)	* * * * * *	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2018-256-A

* * * * * * * * * * * * *

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of April, 2018, a copy of the foregoing Entry of Appearance was mailed to A.L. Snyder, Surveyor, Inc., 1911 Hanover Pike, Hampstead, Maryland 21074, Representative 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 twenty (20) 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: 2018-0256-A

Property Address: 18221 FORESTON RD. 21102

Property Description:

Legal Owners (Petitioners): MARLIN & SHIRLEY MASEMORE

Contract Purchaser/Lessee:

PLEASE FORWARD ADVERTISING BILL TO:

Name: STEVE ~~Anna~~ SNYDER

Company/Firm (if applicable): A.L. SNYDER, SURVEYOR, INC.

Address: 1911 HANOVER PIKE
HAMPSTEAD, MD 21102

Telephone Number:

Revised 7/9/2015

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

№ 166199

Date: 3/23/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$75.00
							Total:	$75.00

Rec From: MASEMORE

For: 2018-0256-A

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
3/23/2018	3/23/2018	11:14:33	1

REG WS01 WALKIN LIC
>>RECEIPT # 700357 3/23/2018 CHLN
Dept 5 528 ZONING VERIFICATION
CR NO. 166199
Recpt Tot 75.00
75.00 CK 1.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

DONALD I. MOHLER III
County Executive

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

June 27, 2018

Marlin L Masemore
18221 Foreston Road
Parkton MD 21102

RE: Case Number: 2018-0256 A, Address: 18221 Foreston Road

Dear Mr. Masemore:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 23, 2018. This letter is not an approval, but only a **NOTIFICATION.**

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
A. L. Snyder, Surveyor Inc. 1911 Hanover Pike, Hampstead MD 21074

MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 4/2/18

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0256-A
Variance
Marlin L. Masemore
18221 Foreston Road

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 4/26/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 18-256

INFORMATION:
Property Address: 18221 Foreston Road
Petitioner: Marlin L. Masemore
Zoning: RC 8
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a proposed single family dwelling to be located 57' from cultivated land in lieu of the required 300'. The Department understands the petitioner is to revise the requested variance relief to 150' in lieu of the required 300'.

A site visit was conducted on April 19, 2018. The site is currently improved with a single family dwelling and may be subject to development approval to include all provisions of BCZR§1A09 not having variance relief should the petition be granted.

The Master Plan 2020 calls for the protection of agricultural resources and the fostering of the agricultural industry (MP2020 pg. 142). The RC 8 provisions for setback of 300' seeks to reduce the potential for nuisance issues that arise when occupants of new houses find discomfort from typical agricultural practices. The modified request to locate the house no closer than 150' will achieve that purpose in this case due to the site being higher in elevation and positioned to be less exposed to the effects of dust and smells.

The Department has no objection to granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:

Lloyd T. Moxley

Deputy Director:

Jeff Mayhew

AVA/KS/LTM/

c: Wally Lippincott
A.L. Snyder, Surveyor, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

5-7
7-2

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: April 4, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0256-A
Address 18221 Foreston Road
(Masemore Property)

Zoning Advisory Committee Meeting of **April 9, 2018**

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: Steve Ford

C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WPHS9SSK\ZAC 18-0256-A 18221 Foreston Road.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 24, 2018

VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 09, 2018
Item No. 2018-0256-A

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

Prior to construction of the proposed house/improvement the Developer/Owner must complete the Minor-Subdivision process and obtain Baltimore County approval of the Minor-Subdivision plan and plat.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 4/26/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 18-256

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Petitioner: Marlin L. Masemore
Zoning: RC 8
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Prepared by:

Lloyd T. Moxley

Deputy Director:

Jeff Mayhew

AVA/KS/LTM/

c: Wally Lippincott
A.L. Snyder, Surveyor, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: April 4, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0256-A
Address 18221 Foreston Road
(Masemore Property)

Zoning Advisory Committee Meeting of **April 9, 2018**

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: Steve Ford

CASE NO. 2018-0256-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
4/24	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	Comment
5/5	DEPS (if not received, date e-mail sent _____)	No comment
	FIRE DEPARTMENT	
5/2	PLANNING (if not received, date e-mail sent _____)	No Objection
4/2	STATE HIGHWAY ADMINISTRATION	No Objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 4/17/18

SIGN POSTING (1st) Date: 6/10/18 by Pulson

SIGN POSTING (2nd) Date: 6/28/18 by Pulson

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Account Identifier: District - 05 Account Number - 0508000451

Owner Information

Owner Name:	MASEMORE MARLIN L MASEMORE SHIRLEY L	**Use:** **Principal Residence:**	AGRICULTURAL YES
Mailing Address:	18221 FORESTON RD PARKTON MD 21120-9666	**Deed Reference:**	/05425/ 00274

Location & Structure Information

Premises Address:	18221 FORESTON RD 0-0000	**Legal Description:**	11.002 AC ES FORESTON-BECKLYSVILE RD 5300 NW TRACEYS STORE RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0015	0016	0022		0000				2017	Plat Ref:

Special Tax Areas:		**Town:**	NONE
		Ad Valorem:	
		Tax Class:	

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1974	2,626 SF		11.0000 AC	33

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1 1/2	YES	STANDARD UNIT	FRAME	2 full	1 Attached	

Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2017	Phase-in Assessments As of 07/01/2018
Land:	97,900	97,900		
Improvements	236,300	244,400		
Total:	334,200	342,300	336,900	339,600
Preferential Land:	3,400			3,400

Transfer Information

Seller: HARE LEROY M AG USE 83-84	**Date:** 02/07/1974	**Price:** $2,500
Type: ARMS LENGTH IMPROVED	**Deed1:** /05425/ 00274	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
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: Approved 08/23/2008

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

RE:	PETITION FOR VARIANCE 18221 Foreston Road; E/S of Foreston Road, at intersection with Georges Creek Road 5th Election & 3rd Councilmanic Districts Legal Owner: Marlin L. Masemore	* * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
	Petitioner	*	2018-256-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of David K. Bowersox, Esquire, and Hoffman, Comfort, Offutt, Scott & Halstad, LLP as counsel for David W. Tracey, an adjoining property owner and 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 the undersigned David K. Bowersox on all correspondence sent and all documentation filed in this case.

DAVID K. BOWERSOX
Hoffman, Comfort, Offutt,
Scott & Halstad, LLP
24 North Court Street
Westminster, MD 21157
410-848-4444/410-876-2266
dbowersox@hcolaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of April, 2018, a copy of the foregoing Entry of Appearance was mailed to A.L. Snyder, Surveyor, Inc., 1911 Hanover Pike, Hampstead, MD 21074, and Carole S. Demilio, Deputy People's Counsel, Jefferson Building, Room 204, 105 West Chesapeake Avenue, Towson, MD 21204.

DAVID K. BOWERSOX

TO KL
8

LAW OFFICES
HOFFMAN, COMFORT, OFFUTT, SCOTT & HALSTAD, LLP
24 NORTH COURT STREET
WESTMINSTER, MARYLAND 21157

R. NEAL HOFFMAN
RICHARD H. OFFUTT, JR.
DAMIAN L. HALSTAD
DAVID K. BOWERSOX
DENNIS M. TWIGG*

*ADMITTED IN MD AND PA

RALPH G. HOFFMAN
(1910-1994)
E. RONALD COMFORT
(1947-2016)

JEFFREY D. SCOTT
(OF COUNSEL)

410-848-4444
410-876-2266
FAX: 410-876-9263
E-MAIL: lawyers@hcolaw.com

dbowersox@hcolaw.com

April 30, 2018

VIA FIRST CLASS MAIL AND EMAIL
ajablon@baltimorecountymd.gov

RECEIVED
MAY 01 2018
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

Mr. Arnold Jablon, Director
Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

RE: Zoning Item No. 2018-0256-A; 18221 Foreston Road (Masemore Property);
Scheduled Hearing Date: Monday, May 7, 2018, 10:00 a.m.

Dear Mr. Jablon:

I represent David W. Tracey whose property adjoins the property which is the subject of the above-referenced variance proceeding scheduled for May 7, 2018.

I have only learned of the pending matter late last week and simultaneously with the submission of this letter I will be forwarding my entry of appearance on behalf of Mr. Tracey with respect to that variance case.

Mr. Tracey's property is 57 feet away from the proposed construction subject of the Masemore application for variance. Mr. Tracey would like to be present for any hearing before the Office of Administrative Hearings with respect to this variance request; however, he is presently scheduled to be in Chicago, IL for a business engagement on May 7. I am attaching hereto a copy of confirmation of his flight itinerary and an email acknowledgment of transportation to and from the airport and his business meeting on Monday, May 7, 2018.

Mr. Tracey will be returning to Baltimore on May 7, 2018 at 8:00 p.m. and will not be available for a hearing at all on that date.

I would appreciate it if the matter could be postponed and rescheduled until a later date in order to afford my client an opportunity to participate in the hearing. I would be happy to

work with you and your staff to discuss dates which I know we will be available for a rescheduled hearing if that is an acceptable protocol with regard to these matters.

Thank you very much for your attention to this matter and if you would please confirm whether or not the postponement will be granted I would greatly appreciate the same. You may communicate with me by first class mail, email at the address indicated above, or my telephone number likewise indicated on the correspondence.

Very truly yours,

HOFFMAN, COMFORT, OFFUTT,
SCOTT & HALSTAD, LLP

David K. Bowersox

DKB/kat
Enclosures

cc: Mr. David W. Tracey

FOX World Travel

DMG MORI

If you need help,
please call 24/7/365
888-691-9163
920-236-8030

DAVID WATSON TRACEY *(4100/99999)*

Add To Calendar

Download the MyFoxWorld App

App Store | Google Play

- ✔ Trip Notifications
- ✔ Mobile Check-In
- ✔ Customer Support
- ✔ Destination Guides

Flight Information

Sunday, May 6th — **Southwest Airlines**

Southwest Airlines

WN 2277

02 hrs 00 mins

BWI
Baltimore MD
3:45pm

→

MDW
Chicago IL
4:45pm

Wanna Get Away

Boeing 737
611 Miles (est)

Check In Now

WN Confirmation
VXXL8N

Monday, May 7th — **Southwest Airlines**

Southwest Airlines

WN 543

01 hrs 45 mins

MDW
Chicago IL
5:15pm

→

BWI
Baltimore MD
8:00pm

Wanna Get Away

Boeing 737
611 Miles (est)

Check In Now

WN Confirmation
VXXL8N

Additional Airline Information

This itinerary required special booking procedures and the agency is unable to receive schedule change notification. Please refer to the airline's website for updates and confirm your reservation 24 hours prior to departure.

Southwest Airlines : http://www.southwest.com/

Expense Summary

TRACEY/DAVID WATSON	Ticket No. 5261436254699 Invoice No. 804170122 Southwest Airlines American Express **********1234	$381.97
TRACEY/DAVID WATSON	Invoice No. 8900722054773 Service Fee American Express **********1234	$33.50
Total Invoiced - Apr 17, 2018		**$415.47**

Traveler's Toolbox

Instant Invoice
View your trips in one place

TSA Wait Times
Security check-in wait times

Important Notices

Please review your invoice for accuracy within 24 hours of receipt to ensure that all components are correct. Please contact us immediately for any corrections. Changes or cancellations after 24 hours of receiving this email may result in fare increases or cancellation charges and will be the responsibility of the traveler. Ticket exchanges are subject to different airline rules and penalties; consult with your travel counselor for specifics.

The baggage fees/rules of Southwest Airlines apply to this itinerary and may be accessed by visiting https://www.foxworldtravel.com/baggage-fees/

The Airline cancellation, refund, and expiration policies of Southwest Airlines apply to this itinerary and may be accessed by visiting https://www.foxworldtravel.com/airline-cancellation-policies/

Some countries require insecticide spraying of aircraft prior to a flight while you are on the aircraft. Please visit the DOT's website for more information.

Federal law forbids the carriage of certain hazardous materials, such as aerosols, fireworks, and flammable liquids, aboard the aircraft. If you do not understand these restrictions, contact your airline or go to www.faa.gov/about/office_org/headquarters_offices/ash/ash_programs/hazmat/

FOX World Travel

Fox World Travel, Inc.
2150 South Washburn Street
Oshkosh, WI 54904

SOAR TOGETHER

Dave Bowersox

From:	DiMatteo, Susan (USA) <SDIMATTEO@dmgmori-usa.com>
Sent:	Thursday, April 26, 2018 1:19 PM
To:	David Tracey
Cc:	Frederick, Chris (USA); Taber, Douglas (USA)
Subject:	DMG Mori I Days Travel Details
Attachments:	4-26-2018 I DAYS DAVID TRACEY.pdf; 4-26-2018 I DAYS COMMAND AND RIDGE A TOUCH OF CLASS LIMOUSINE.pdf

Hello David,

When you arrive to Midway airport on Sunday, May 6 and you have your luggage; George will call A Touch of Class Limousine. They will tell you where to meet the car that will be taking you to the Hilton Garden Inn, 2425 Barrington Road, Hoffman Estates, IL 60195, 847-277-7889.

Please note, you will travel to and from the airport with George and the transportation reservations are under his name.

Your Hilton Garden Inn confirmation number is **3435285475.**

The Hilton Garden Inn has a shuttle bus that can take you to DMG Mori on Monday morning.

A Touch of Class Limousine will be outside DMG Mori at 2:00 p.m. for your ride back to Midway on Monday, May 7. Please be outside about ten minutes prior to your pick-up and George will call them with the reservation number. They will then tell you where to meet the car.

I have attached a copy of the flight and A Touch of Class Limousine confirmations.

Have a wonderful trip.

Thank you,

Sue DiMatteo
Sales Administrator

DMG MORI

DMG MORI SEIKI USA, Inc.
400 Commons Way Suite A
Rockaway, NJ 07866
TEL: 973-257-9620
FAX: 973-257-9630
E-mail: sdimatteo@dmgmori-usa.com
http://www.dmgmori-usa.com

Case No.: 2018-0256-A

Exhibit Sheet

Petitioner/Developer 8-7-18

Protestant 7-5-18

No. 1	Site plan (revised)	Aerial photo
No. 2	DOP ZAC comment	"My Neighborhood" map
No. 3		Map showing "Protected Lands"
No. 4		Deed dated 10-24-2000
No. 5		MALPF Easement 12-27-2007
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Administrative Variances - 921 Dunellen Drive
3rd Council District
8:00am - 4:30pm

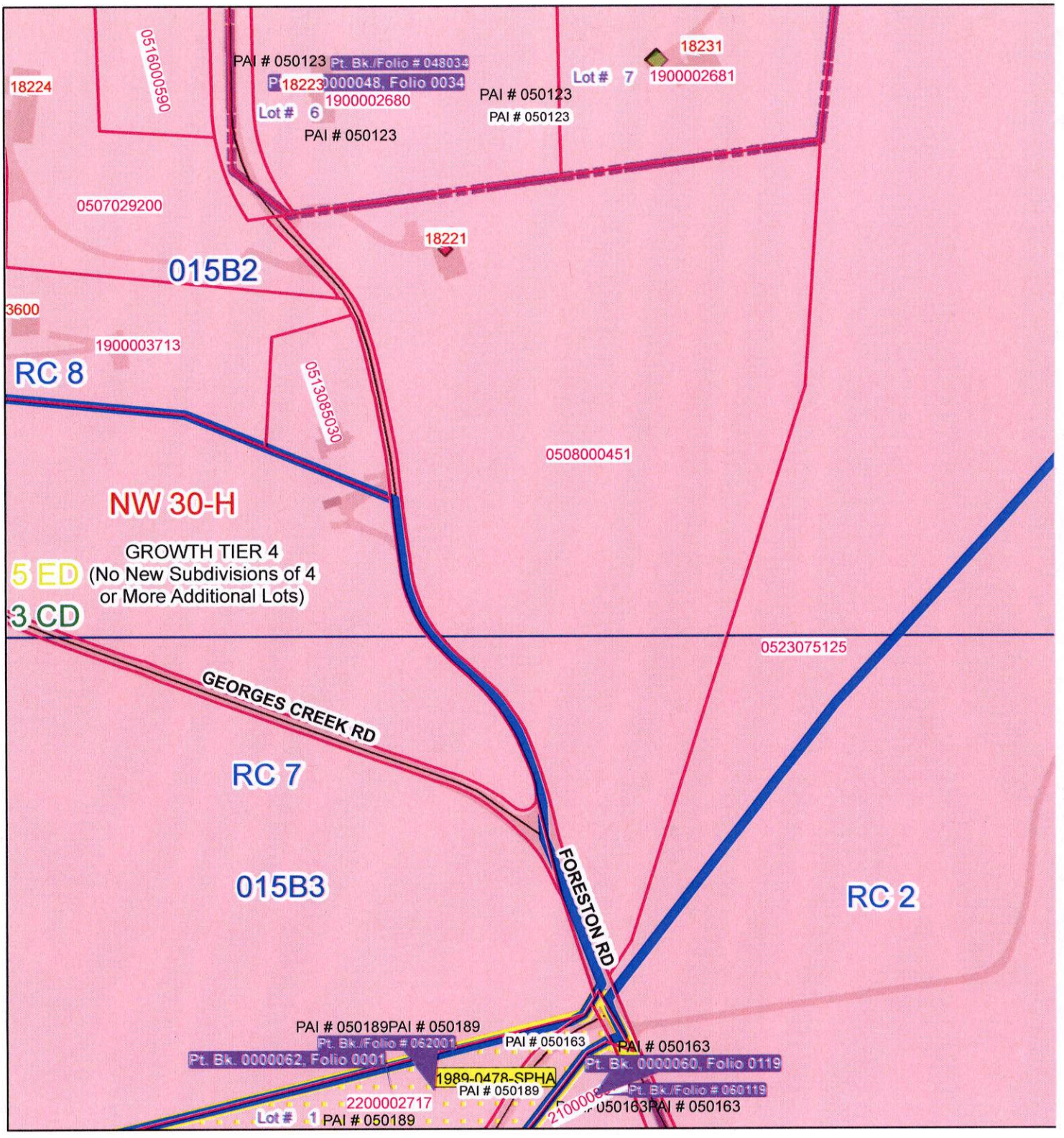
Zoning Hearings - 5711 Edmondson Avenue
1st Council District
10:00am - 11:00am

Zoning Hearings - 5701 Edmondson Avenue
1st Council District
11:00am - 12:00pm

Zoning Hearings - 18221 Foreston Road
3rd Council District
1:30pm - 3:30pm

Revised September 29, 2016

18221 Foreston Road



Publication Date: 3/23/2018

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

N W E S

0 55 110 220 330 440 Feet

1 inch = 200 feet

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Account Identifier: **District** - 05 **Account Number** - 0508000451

Owner Information

Owner Name:	MASEMORE MARLIN L MASEMORE SHIRLEY L	**Use:** **Principal Residence:**	AGRICULTURAL YES
Mailing Address:	18221 FORESTON RD PARKTON MD 21120-9666	**Deed Reference:**	/05425/ 00274

Location & Structure Information

Premises Address:	18221 FORESTON RD 0-0000	**Legal Description:**	11.002 AC ES FORESTON-BECKLYSVILE RD 5300 NW TRACEYS STORE RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0015	0016	0022		0000				2017	Plat Ref:

Special Tax Areas:		**Town:**	NONE
		Ad Valorem:	
		Tax Class:	

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1974	2,626 SF		11.0000 AC	33

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
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Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2017	As of 07/01/2018
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Improvements	236,300	244,400		
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Seller: HARE LEROY M AG USE 83-84	**Date:** 02/07/1974	**Price:** $2,500
Type: ARMS LENGTH IMPROVED	**Deed1:** /05425/ 00274	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
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

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 4/26/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 18-256

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s:\planning\dev rev\zac\zacs 2018\18-256.docx

PET. No. 2

For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:

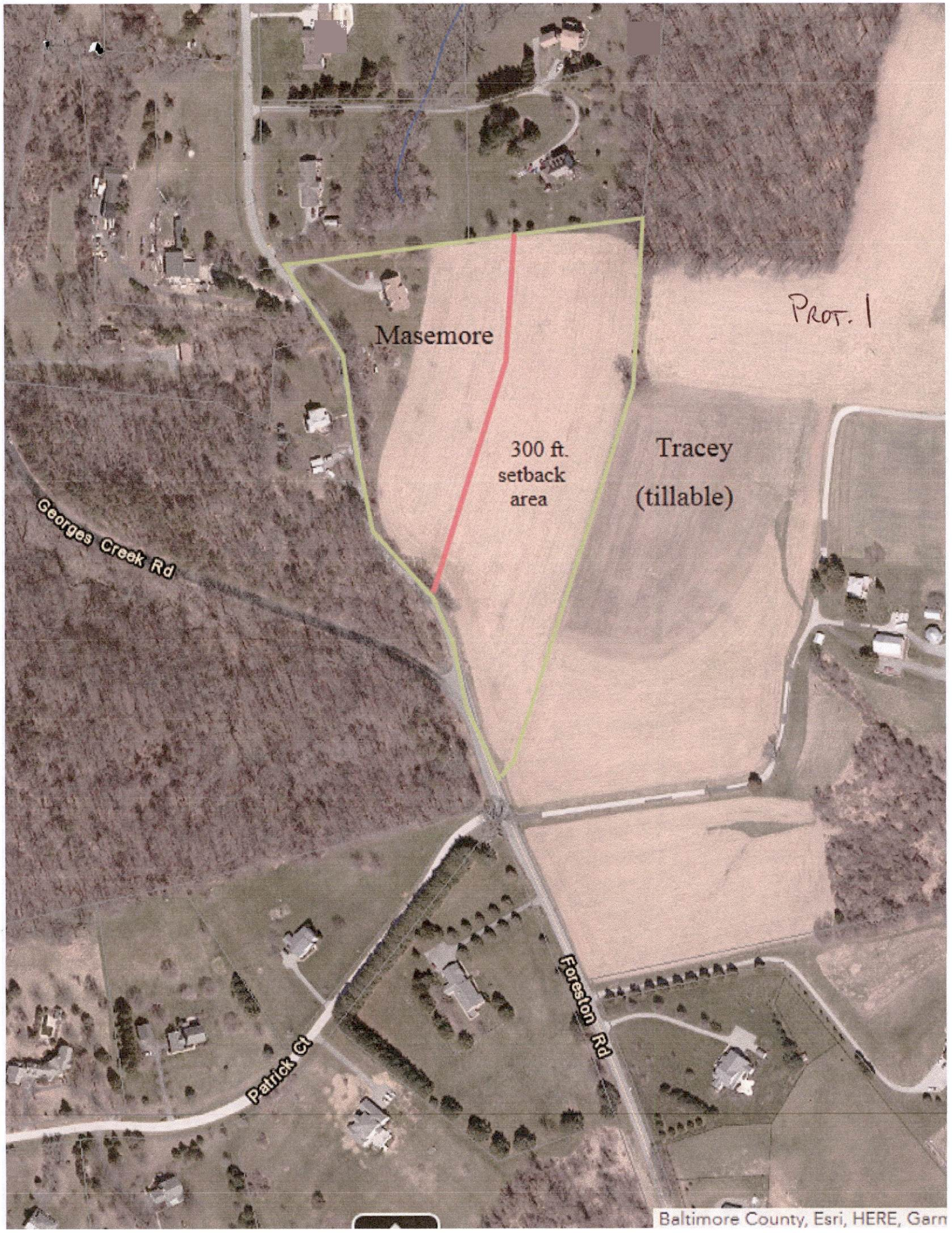
Lloyd T. Moxley

Deputy Director:

Jeff Mayhew

AVA/KS/LTM/

c: Wally Lippincott
A.L. Snyder, Surveyor, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County


Masemore
300 ft.
setback
area
Tracey
(tillable)
PROT. 1
Georges Creek Rd
Patrick Ct
Foreston Rd
Baltimore County, Esri, HERE, Garm

PROT. 3

rce & Land Information Network State of Maryland

18221 foreston rd

Show search results for 18221 ...

684 ft

Foreston Rd

Georges Creek Rd

(1 of 2)

Local Protected Lands: PRETTY BOY RESERVOIR

County Baltimore

Name PRETTY BOY RESERVOIR

Zoom to

Georges Creek Rd

Foreston Rd

Patrick Ct

726 ft

Legend

State Boundary Mask

State Boundary Mask

Parcel Boundaries/SDAT Data

Parcel Boundaries

Protected Lands

DNR Owned Lands and Conservation Easements

- DNR Owned Properties
- DNR Owned Properties - Submerged
- Conservation Reserve Enhancement Program
- Forest Legacy
- Other

Rural Legacy Properties

MD Environmental Trust Easements

Forest Conservation Act Easements

MD Agricultural Land Preservation Foundation Easements

Local Protected Lands

Coastal and Estuarine Land Conservation Program

Private Conservation Lands

Protected Federal Lands

Transfer Development Rights and Purchase Development Rights

- Transfer Development Rights
- Purchase Development Rights

NO TITLE EXAMINATION

ELWOOD E. SWAM
LAW OFFICES
1326 MAIN ST. P.O. BOX 176
HAMPSTEAD, MARYLAND 21074-0176

DEED

THIS DEED, made this 24th day of October, Two Thousand, by and between ROBERT W. TRACEY, of Carroll County, State of Maryland, Grantor, and DAVID WATSON TRACEY, of Baltimore County, State of Maryland, Grantee.

NOW, THEREFORE, this Deed witnesseth that for and in consideration of the sum of FOUR HUNDRED FIFTY THOUSAND DOLLARS ($450,000.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said ROBERT W. TRACEY does hereby grant and convey unto the said DAVID WATSON TRACEY, his heirs, personal representatives and assigns, forever in fee simple, **RESERVING, HOWEVER**, unto the within Grantor, for the remainder of his natural life, the right to possess and enjoy (including the rents therefrom) the improvements on the tracts or parcels of land herein conveyed which are identified as the "tenant house" (being the house which is located furtherest from Foreston Road) and the "tenant barn" (being the barn which is located furtherest from Foreston Road), all those tracts or parcels of land situate, lying and being in the Fifth Election District of Baltimore County, Maryland, being more fully described as follows:

> FIRST PARCEL: Called "Singers Trouting Stream" and part of a tract of land called "Addition to Borings Habitation Rock" and part of a tract of land called "Big Profit" and part of a tract of land called

REVIEWED SDAT
11-06-2000
BY DATE

Agricultural Transfer Tax
Not Applicable - Letter of Intent
Signature CR Date 11/6/00

PROT-4

"Benjamin's Addition", or by whatsoever other name any part of the same may be called, all of which are lying contiguous to each other and are lying and being within the following metes, bounds, courses and distances: BEGINNING for the same at the original beginning of a deed formerly given by Jacob Ulerick and wife to James Eccleston and running thence bounding on the said deed the fourteen following courses (1) S 6-3/4° W, 35½ perches, (2) S 40° E, 38½ perches, (3) S 49° W, 34 perches, (4) S 26½° W, 43 perches to a stone, (5) S 80¼° E, 60 perches to a stone, (6) S 60¼° E, 30 perches to a stone, (7) S 88° E, 12 perches to a stone, (8) S 79½° E, 22-3/4 perches to a stone, (9) N 34° E, 41 perches, (10) N 80° W, 31 perches, (11) N 11° W, 50 perches, (12) N 11° W 90 perches, (13) N 83° W, 54 perches, (14) S 44° W 16½ perches, and thence by a straight line to the place of beginning. Containing 86 acres of land, more or less.

SECOND PARCEL: BEGINNING for the outlines to include the same at a stone planted in the ground at the end of the S 25½° W, 43 perches line of a deed of conveyance from Benjamin Thomas to Jacob Markey of Samuel and running thence with and bounding on said conveyance the two following courses, S 78° E, 60 perches to a stone, S 68° E, 30 perches to a stone the beginning of a deed from Benjamin Thomas to Michael Hare dated March 31, 1832, and running thence with the given line of said conveyance reversely, S 45-3/4° W, 25-8/10 perches to a bounded hickory tree, still with said conveyance reversely, S 30¼° W, 39-6/10 perches to a stone, the beginning of a deed of conveyance from Stophel A. Peregoy and wife to John N. Hare and Daniel W. Hare, thence bounding on said conveyance, N 70½° W, 54 perches to a stone, S 83¼° W, 52 perches to a stone in the County Road leading from Forreston to Beckleysville, thence bounding thereon N 19° W, 28-4/10 perches to a stone on the west bank of said road, thence N 40½° E, 2-2/10

perches to the end of the N 40½° E, 60 perches line of a tract of land called "Little Profit," thence bounding on said tract of land the three following courses, N 22½° E, 54 perches to a stone, N 11¼° E, 73-8/10 perches to a stone, S 48 E, 65-7/10 perches to a stone, S 28-3/4° W, 42-7/10 perches to the first place of beginning. Containing 70.100 acres of land, more or less.

BEING all and the same land conveyed unto the within Grantor by deed of Frederick S. Wolfgang and wife, dated April 15, 1987, recorded among the Land Records of Baltimore County, Maryland, in Deed Book No. 7504, page 505, et seq. Frederick S. Wolfgang and Virgie L. Wolfgang are now deceased, and the life estate reserved unto them is extinguished.

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

TO HAVE AND TO HOLD the said lot or parcel of land above described or mentioned, and hereby intended to be conveyed unto and to the proper use and benefit of the said DAVID WATSON TRACEY, his heirs, personal representatives and assigns, forever in fee simple, SUBJECT, HOWEVER, to the life tenancy in favor of Robert W. Tracey, created herein.

AND THE SAID GRANTOR hereby covenants he will warrant specially the property hereby conveyed, and that he will execute

such other and further assurances of the same as may be requisite.

WITNESS the hand and seal of the within Grantor.

Witness

ROBERT W. TRACEY - Grantor (SEAL)

STATE OF MARYLAND, COUNTY OF CARROLL, to wit:

I HEREBY CERTIFY that on this 24th day of October, 2000, before me, a Notary Public of the State and County aforesaid, personally appeared ROBERT W. TRACEY known to me (or having satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes herein contained.

AND HE DID FURTHER acknowledge that the consideration recited is the actual consideration for the conveyance herein.

AS WITNESS my hand and Notarial Seal.

Notary Public
My Commission Expires 7-1-03

I hereby certify that the within Deed was prepared under the supervision of the undersigned, a Maryland attorney.

Elwood E. Swam

0014803 197

042921 NOV-8 00

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: BALTIMORE

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

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

Court Clerk Recording Validation

THIRD SURE $	5.00
RECORDING FEE	20.00
RECORDATION T	2,250.00
TRANSFER TAX STATE	2,250.00
TOTAL	4,525.00
Rec'd By BA01	Rcpt # 71633
SA SR	Blk # 389
Nov 13, 2000	09:49 am

1 Type(s) of Instruments (☐ Check Box if Addendum Intake Form is Attached.)

☒ Deed ☒ Mortgage ☐ Other ☐ Other
☐ Deed of Trust ☐ Lease

2 Conveyance Type Check Box

☒ Improved Sale Arms-Length [1] ☐ Unimproved Sale Arms-Length [2] ☐ Multiple Accounts Arms-Length [3] ☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation
State Transfer
County Transfer — Rec'd SDAT

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only — Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	$450000.00	Transfer Tax Consideration	$ 450,000
Any New Mortgage	$	X ( ) % =	$ 6750
Balance of Existing Mortgage	$	Less Exemption Amount −	$
Other:	$	Total Transfer Tax =	$ 6750.00
Other:	$	Recordation Tax Consideration	$
		X ( ) per $500 =	$
Full Cash Value	$	TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20.00	$ 20.00
Surcharge	$ 5.00	$ 5.00
State Recordation Tax	$ 2250.00	$
State Transfer Tax	$ 2250.00	$
County Transfer Tax	$ 6750.00	$
Other	$	$
Other	$	$

Agent: JB
Tax Bill:
C.B. Credit:
Ag. Tax/Other: Stamped

6 Description of Property

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

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
05	07512~~5~~/05126	7504/505	15		☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR(3c)	Plat Ref.	SqFt/Acreage (4)
		23			

Location/Address of Property Being Conveyed (2): E/S Foreston Rd Parkton MD 21126

Other Property Identifiers (if applicable): 05-23-075125 05-23-075126

Water Meter Account No.: 5

Residential ☐ or Non-Residential ☒ Fee Simple ☒ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☒ No Description/Amt. of SqFt/Acreage Transferred: 1) 70.1A 2) 86A 20

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
Robert W Tracey	225 (2) 225 (2)
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
David Watson Tracey	

New Owner's (Grantee) Mailing Address: 17904 Gunpowder Rd. Hampstead, MD 21074

9 Other Names to Be Indexed

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

10 Contact/Mail Information

Instrument Submitted By or Contact Person
Name: Elwood E Swam
Firm: P. O. Box 176
Address: Hampstead, MD 21074
Phone: (410) 239-8808

☒ Return to Contact Person
☐ Hold for Pickup
☒ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☒ No Does transfer include personal property? If yes, identify:
☐ Yes ☒ 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 ☐ Tran. Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.:

	19	19	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS

Distribution: White - Clerk's Office; Canary - SDAT; Pink - Office of Finance; Goldenrod - Preparer; AOC-CC-300 (6/95)

Tax Collector Validation

PAID RECEIPT
ACTUAL TIME
11/08/2000 11/08/2000 10:32:53
REG W502 CASHIER DOOL DND DRAWER 2
Dept 7 700 TITLE TRANSFER TAX
161149 DTLN
ACCOUNT NO 0523075125
Receipt Tot 6,750.00 6,750.00
TX .00 CA
Baltimore County, Maryland

UNRESTRICTED LOT

NOTICE TO TITLE EXAMINERS: THIS DEED OF EASEMENT CONTAINS COVENANTS THAT INCLUDE RESTRICTIONS ON THE USE, SUBDIVISION AND OFF-CONVEYANCE OF LAND.

File #: 03-06-05

THIS DEED OF EASEMENT made this 27th day of December, 2007, by and between David Watson Tracey, party of the first part, Grantor, and the STATE OF MARYLAND, to the use of the Department of Agriculture on behalf of the Maryland Agricultural Land Preservation Foundation, party of the second part, Grantee, and containing covenants intended to be real covenants running with the land,

WITNESSETH:

WHEREAS, Subtitle 5 of Title 2 of the Agriculture Article, Annotated Code of Maryland, created the Maryland Agricultural Land Preservation Foundation for the purpose of preserving agricultural land and woodland; and

WHEREAS, by authority of Agriculture Article, Section 2-504(3), Annotated Code of Maryland, the Grantee may purchase agricultural preservation easements to restrict land to agricultural use; and

WHEREAS, the Grantor owns the hereinafter described tract(s) or parcel(s) of land (hereinafter referred to as "the land") located in an agricultural preservation district established pursuant to Agriculture Article, Section 2-509, Annotated Code of Maryland, and desires to sell an agricultural preservation easement to the Grantee to restrict the land to agricultural use.

PROT. No. 5

NOW, THEREFORE, in consideration of the sum of One Million One Hundred Ninety Four Thousand Two Hundred Seventy Dollars ($1,194,270.00), and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor for the Grantor, the successors, personal representatives and assigns of the Grantor, does grant and convey, to the State of Maryland, for the use of the Grantee, its successors and assigns, an agricultural preservation easement in, on and over the hereinafter described tract(s) or parcel(s) of land, subject to the covenants, conditions, limitations and restrictions hereinafter set forth, so as to constitute an equitable servitude thereon, that is to say:

All those certain tract(s) or parcel(s) of land, situate, lying and being in Baltimore County, Maryland and being more particularly described as follows:

> SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF
>
> BEING the same land which by Deed dated October 24, 2000 and recorded among the Land Records of Baltimore County in Liber 14803 folio 193, was granted and conveyed to David Watson Tracey, the Grantor herein.

AND the Grantor covenants for and on behalf of Grantor, the personal representatives, successors and assigns of the Grantor, with the Grantee, its successors and assigns, to do and refrain from doing upon the above described land all and any of the various acts set forth, it being the intention of the parties that the said land shall be preserved solely for agricultural use in accordance with the provisions of the Agriculture Article, Title 2, Subtitle 5, Annotated Code of Maryland, and that the covenants, conditions, limitations and restrictions hereinafter set forth, are intended to limit the use of the land and are to be deemed and

construed as real covenants running with the land.

I. PURPOSE

It is the purpose of this Easement to enable the land to remain in agricultural use for the production of food and fiber by preserving and protecting in perpetuity its agricultural value, character, use and utility, and to prevent any use or condition of the land that would impair or interfere with its agricultural value, character, use or utility. To the extent that the preservation of open space of the land is consistent with such use, it is within the purpose of this easement to protect that open space.

II. COVENANTS, CONDITIONS, LIMITATIONS AND RESTRICTIONS

Subject to the Reservations hereinafter contained, the Grantor for the Grantor, the heirs, personal representatives, successors and assigns of the Grantor, covenants and agrees as follows:

A. Agricultural Use

1. Except as otherwise provided in this instrument, the land is restricted solely to agricultural use and may not be used for any commercial, industrial, or residential use or purpose, or for any use that temporarily or permanently impairs or interferes with the land's agricultural value, character, use or utility, unless prior approval is obtained from the Grantee.

2. No rights-of-way, easements, oil, gas or mineral leases, or other similar servitude may be conveyed, or permitted to be established on the land for

any commercial, industrial or residential use, without the Grantee's express written permission.

3. Unless written approval is first obtained from the Grantee, no easement or other restriction may be granted to any person or government agency in the land subject to this deed of easement.

4. No signs, billboards, or outdoor advertising displays may be erected, displayed, placed or maintained on the land; provided, however, the Grantor reserves the right to erect signs not exceeding 4 feet x 4 feet for each of the following purposes:

   a. to state the name of the land and the name and address of the occupant;

   b. to advertise any home or ancillary occupations consistent with the purposes of this easement subject to the approval of the Grantee; and

   c. to advertise the land's sale or rental, to forbid trespassing or hunting, to identify the land's protected status under this Deed of Easement, or to support a political candidate, all as further regulated by local laws.

5. No ashes, sawdust, bark, trash, rubbish or any other material may be dumped on the land, except that used in normal agricultural practices.

6. The land shall be managed in accordance with sound agricultural soil and water conservation practices so as to promote the agricultural capability of the land; also, woodland shall be managed in accordance with sound forestry practices; provided, however, the Grantor reserves the right to

selectively cut or clear cut from time to time trees which will not alter the agricultural character of the land or diminish its productive capability.

7. The Grantor shall implement all soil conservation and water quality practices that are contained within a soil conservation plan approved by the local soil conservation district, made or revised within the last ten years of the date of the application to sell an easement, which lists all soils conservation and water quality problem areas on the land. The plan shall be implemented according to the schedule of implementation contained within the plan which exists at the time of easement settlement. Revisions to the schedule of implementation may be made as approved by the Board of Supervisors of the local soil conservation district, however, the plan shall be fully implemented within ten years of the easement settlement date. Exceptions may be considered by the Grantee on a case by case basis.

8. The Grantor shall implement a Forest Stewardship Plan in accordance with the Management Practice Schedule of the Plan, if the land contains 25 acres or more of contiguous forest.

9. During regular business hours, the Grantee or its authorized representative will have the right to enter on the land from time to time for the sole purpose of inspection and enforcement of the easement, covenants, conditions, limitations and restrictions herein contained, provided,

however, that the Grantee will have no right to inspect the interior of any structures on the land.

10. Upon sale or transfer of any interest in the land, including, but not limited to a leasehold interest, life estate, term of years, or remainder interest, the Grantor, his personal representatives, successors and assigns shall notify the Grantee in writing of the name and address of the party receiving the interest in the land.

B. No Subdivision or Development Rights Transfer

1. The division, partition or subdivision ("division") of the land for any purpose, including off conveyance and boundary line adjustment, is prohibited, unless written approval has first been obtained from the Grantee. Notwithstanding the fact that the land subject to this Deed of Easement may comprise existing subdivided parts (whether separately described parcels or government assigned tax parcels or accounts), it is the intent of the Grantor and the Grantee that the total of the parts remains in common ownership. To that end, the Grantor may not sell, transfer, off convey, devise, give, bequeath, donate, or otherwise divide, any existing or future subdivided part or parts separately from the total of the parts, whether voluntarily, involuntarily, or by reason of foreclosure or bankruptcy. However, the Grantee may approve a division of the total of the parts of the land and separate ownership of a part or parts of the land

for reasons which the Grantee, in its sole discretion, deems sufficiently extraordinary to justify an exception to the prohibition against division. For purposes of this subparagraph, the terms, "divide" and "division" shall include the lease of any part or parts less than 100% of the total parts of the land for a term in excess of twenty (20) years.

2. Except as provided in Section IV herein, all development rights associated with the land are hereby extinguished. No development rights from the land may be transferred to another area, or to another person, or to a political subdivision, notwithstanding any prior agreement to the contrary; nor may the land be used for the purpose of calculating permissible lot yield of any other property. In addition, Grantor agrees that it shall not be permitted to develop the within described property based on any existing, retained, or after acquired Development Rights, except for that which the Grantee has given approval in accordance with Section IV herein.

III. RESERVATIONS IN THE GRANTOR

Provided that the Purpose of the Easement as specified under Section I is fulfilled, the Grantor reserves the right to use the land for any farm use, and to carry on all normal farming practices, including the operation at any time of any machinery used in farm production or the primary processing of any agricultural products; the right to conduct upon the land any agricultural operation which is in accordance with good husbandry practices and which does

not cause bodily injury or directly endanger human health, including any operation directly relating to the processing, storage, or sale of farm, agricultural or woodland products produced on the land.

IV. LOT RELEASE FROM EASEMENT

It is the purpose of this section to limit development rights to maximize the preservation of the agricultural land.

A. Unrestricted Lot Release

The Grantor, or subsequent landowner, has the right to apply at any time for release of one (1) unrestricted lot from this easement, to be retained by the Grantor or subsequent landowner, or conveyed to anyone, to construct one (1) residential dwelling, subject to the following conditions:

1. The resulting density on the property shall be less than the density allowed under zoning of the property before the Foundation purchased the Easement;
2. The size of an unrestricted lot shall be one (1) acre or less except as provided under Section IV F. herein;
3. The Grantor or subsequent landowner shall agree not to subdivide further for residential purposes any acreage allowed to be released, and the agreement shall be recorded among the Land Records where the Land is located and shall bind all future owners;
4. The right to the lot has been taken into consideration in the appraisal of

fair market value and determination of easement value;

5. The Grantor or subsequent landowner shall pay the Grantee for any acre or portion thereof released at the price per acre that the Grantee paid the Grantor for the easement;

6. The location of the lot to be subdivided is subject to the approval of the local agricultural advisory board and the Foundation; and

7. The Grantor or subsequent landowner has not previously excluded land from the Easement.

8. If, while the land was in an agricultural preservation district, the Foundation released free of the district's restrictions one (1) acre or less for the purpose of constructing a dwelling house for the use of the Grantor or Grantor's child, or for conveyance to a third party, the Grantee shall not release free of easement restrictions for the Grantor or subsequent landowner, an additional lot for the same purpose; the lot that the Grantor had excluded from the district's restrictions shall be the only release of a lot to which the Grantor or subsequent landowner is entitled.

B. Application for Lot Release

Before a lot may be released from an easement's restrictions for the construction of a dwelling house, under Section IV.A. above, the landowner and proposed lot owner shall submit an application to the Grantee that:

1. The landowner and proposed lot owner have signed;

2. Includes signed statements indicating approval of the release from the local agricultural land preservation advisory board and confirmation from the county planning and zoning department that the proposed lot appears to meet local zoning regulations;
3. Includes a description of the land to be excluded and affected by both the dwelling and access to that dwelling, so as to gauge the impact that the dwelling and any access to that dwelling will have on the agricultural operations of the farm; and
4. Includes a property outline indicating the location of the proposed lot.

C. Final Release

After certifying that the landowner and proposed lot owner have met the conditions provided herein, and a survey plat with metes and bounds description has been submitted to the Grantee, the Grantee shall issue a Final Release which shall be recorded among the land records where the land is located at the landowner's expense and shall bind all future owners. Such release shall contain restrictions as specified in Agriculture Article, Section 2-513, Annotated Code of Maryland, as amended from time to time.

D. Existing Dwelling

On written request to the Grantee, a landowner, may exclude from the easement restrictions one (1) acre or less surrounding a single dwelling house, which existed as of the date of this Deed of Easement as an Unrestricted Lot to which the

Grantor or subsequent landowner is eligible under Section IV.A. above, by a land survey and recordation provided at the expense of the landowner or landowner's personal representatives, successors or assigns. However, before any exclusion is granted, the landowner shall agree with the Grantee not to subdivide further any acreage to be released and said agreement shall be recorded among the land records where the land is located and shall bind all future owners.

E. Tenant Houses

1. Subject to the Grantee's approval and the provisions of COMAR 15.15.03 ("Tenant House Requirements"), the Grantor, or its successors and assigns in the fee ownership of the land (hereinafter referred to as the "landowner"), may construct housing for tenants fully engaged in operation of the farm, but this construction may not exceed one (1) tenant house per full 100 acres (for example, one (1) tenant house for 100-199 acres; two (2) tenant houses for 200-299 acres). The land on which a tenant house is constructed may not be subdivided or conveyed to any person, nor may the tenant house be conveyed separately from the land, as governed by Section II.B.1. herein. The land under and surrounding the tenant house shall not be released from the Easement, it being understood that the tenant house is an accessory structure to the agricultural use of the farm and as such its use is intended to be consistent with the Purpose stated herein.

2. The Landowner shall make written application to the Grantee that
   a. the landowner has signed;
   b. contains a declaration that the tenant house is necessary for the operation of the farm and is only for the use of tenants fully engaged in operation of the farm;
   c. is accompanied by evidence that demonstrates the need for a full-time tenant for the operation of the farm;
   d. includes signed statements from the local agricultural land preservation advisory board that the tenant house is necessary for the operation of the farm and confirmation from the county planning and zoning department that the proposed tenant house appears to meet local zoning regulations;
   e. includes a description of the land to be affected by both the tenant house and access to that tenant house, so as to gauge the impact that both will have on the agricultural operations of the farm;
   f. Includes a scaled plan for the tenant house, and accompanying outbuildings, including the square footage thereof; and
   g. includes a map showing the location of the proposed tenant house.
3. For purposes of this subparagraph, the terms below are defined as follows:
   a. "Tenant" shall be defined as a natural person or persons fully engaged in operation of the farm, and who are not the landowner, and/or who

do not have a financial interest in the landowner, including a shareholder interest, partnership interest or membership interest, full, limited, or otherwise.

b. "Tenant house" shall be an accessory structure consisting of no more than 2000 square feet, calculated by first multiplying the exterior footprint of the portions of the structure with multiple stories by the number of stories with windows and then adding the exterior footprint of any portions of the structure with one story, but excluding basements, attics, porches not used as a living space, garages, and unenclosed decks, in which the tenant resides.

F. Lot Size

If circumstances described on Maryland Annotated Code Agricultural Article Section 2-513(b)(6) exist, a released lot may be two (2) acres or less.

V. TERM

This easement shall be in perpetuity.

VI. BREACH

If the easement or any covenant, condition, limitation, restriction or other provisions herein contained is violated or breached, the Grantee may after due notice to the Grantor, the Grantor's personal representatives, successors or assigns, institute an action in equity to enjoin, by ex parte, temporary or permanent injunction, such violation or breach; to require the restoration of the above described land to its condition prior to such violation or breach

(including, but not limited to, re-conveyance of title to land conveyed in violation of covenants herein); to recover damages; and to take such other legal action as may be necessary to insure compliance with the easement and the covenants, conditions, limitations and restrictions or other provisions herein contained.

VII. MISCELLANEOUS PROVISIONS

A. If the Grantor has any doubts concerning the easement, covenants conditions, limitations or restrictions herein contained with respect to any particular use of the said land, the Grantor may submit a written request to the Grantee for consideration and approval of such use.

B. This easement does not grant the public any right to access or any right of use of the above described land.

C. Nothing herein contained shall relieve the Grantor, the Grantor's personal representatives, successors or assigns of the obligation to pay real estate taxes.

D. As used herein the singular form of a word includes both the singular and plural, the plural form of a word includes both plural and singular, and reference to words of certain gender includes reference to all genders.

E. The provisions of this Deed of Easement shall be governed by the laws of the State of Maryland and the parties hereby expressly agree that the courts of the State of Maryland shall have jurisdiction to decide any question arising hereunder after all administrative remedies have been exhausted.

F. No determination by any court, governmental body or otherwise that any

provision of this Deed of Easement is invalid or unenforceable in any instance shall affect the validity or enforceability of (1) any other such provision, or (2) such provision in any circumstance not controlled by such determination. Each such provision shall be valid and enforceable to the fullest extent allowed by, and shall be construed wherever possible as being consistent with, applicable law.

G. Notwithstanding any provision herein to the contrary, the one (1) dwelling existing as of the date of this Deed of Easement may be used for any lawful purpose (e.g. for residential purposes), unless otherwise prohibited by local zoning.

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

LIFE TENANT CONSENT

Robert W. Tracey, Life Tenant of the subject property under the Deed dated October 24, 2000 and recorded among the Land Records of Baltimore County in Liber 14803 folio 193, hereby joins in the execution of this Deed of Easement for the sole purpose of consenting to the Deed of Easement, and subordinating any interest he may presently have in the property to this Deed of Easement.

AS WITNESS the hands and seals of the Grantor and Life Tenant.

WITNESS/ATTEST:

_____ _____(SEAL)
David Watson Tracey

_____ _____(SEAL)
Robert W. Tracey

STATE OF MARYLAND, COUNTY OF Baltimore, To Wit:

I HEREBY CERTIFY that, on this 27th day of December, 2007, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared David Watson Tracey, known to me (or satisfactorily proven) to be the Grantor whose name is subscribed to the within Deed of Easement and acknowledged that he/she/they executed the same for the purposes therein contained in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

_____
Notary Public
My Commission Expires: 3/1/11

HAZEL P. TIROCCHI NOTARY PUBLIC BALTIMORE COUNTY, MD.

STATE OF MARYLAND, COUNTY OF Baltimore, To Wit:

I HEREBY CERTIFY that, on this 27th day of December, 2007, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Robert W. Tracey, known to me (or satisfactorily proven) to be the Life Tenant whose name is subscribed to the within Deed of Easement and acknowledged that he/she/they executed the same for the purposes therein contained in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

_____
Notary Public
My Commission Expires: 3/1/11

HAZEL P. TIROCCHI NOTARY PUBLIC BALTIMORE COUNTY, MD.

THIS IS TO CERTIFY that the within instrument was prepared by the undersigned, an attorney admitted to practice before the Court of Appeals of Maryland.

Nancy H. Russell-Forrester
Maryland Assistant Attorney General

Rev. 05/03/2006

EXHIBIT A - Page 1

FIRST PARCEL: Called "Singers Trouting Stream" and part of a tract of land called "Addition to Borings Habitation Rock" and part of a tract of land called "Big Profit" and part of a tract of land called "Benjamin's Addition", or by whatsoever other name any part of the same may be called, all of which are lying contiguous to each other and are lying and being within the following metes, bounds, courses and distances: BEGINNING for the same at the original beginning of a deed formerly given by Jacob Ulerick and wife to James Eccleston and running thence bounding on the said deed the fourteen following courses (1) S 6-3/4° W, 35½ perches, (2) S 40° E, 38½ perches, (3) S 49° W, 34 perches, (4) S 26½° W, 43 perches to a stone, (5) S 80½° E, 60 perches to a stone, (6) S 60½° E, 30 perches to a stone, (7) S 88° E, 12 perches to a stone, (8) S 79½° E, 22-3/4 perches to a stone, (9) N 34° E, 41 perches, (10) N 80° W, 31 perches, (11) N 11° W, 50 perches, (12) N 11° W 90 perches, (13) N 83° W, 54 perches, (14) S 44° W 16½ perches, and thence by a straight line to the place of beginning. Containing 86 acres of land, more or less.

EXHIBIT A - Page 2

SECOND PARCEL: BEGINNING for the outlines to include the same at a stone planted in the ground at the end of the S 25½° W, 43 perches line of a deed of conveyance from Benjamin Thomas to Jacob Markey of Samuel and running thence with and bounding on said conveyance the two following courses, S 78° E, 60 perches to a stone, S 68° E, 30 perches to a stone the beginning of a deed from Benjamin Thomas to Michael Hare dated March 31, 1832, and running thence with the given line of said conveyance reversely, S 45-3/4° W, 25-8/10 perches to a bounded hickory tree, still with said conveyance reversely, S 30¼° W, 39-6/10 perches to a stone, the beginning of a deed of conveyance from Stophel A. Peregoy and wife to John N. Hare and Daniel W. Hare, thence bounding on said conveyance, N 70½° W, 54 perches to a stone, S 83¼° W, 52 perches to a stone in the County Road leading from Forreston to Beckleysville, thence bounding thereon N 19° W, 28-4/10 perches to a stone on the west bank of said road, thence N 40½° E, 2-2/10 perches to the end of the N 40½° E, 60 perches line of a tract of land called "Little Profit," thence bounding on said tract of land the three following courses, N 22½° E, 54 perches to a stone, N 11¼° E, 73-8/10 perches to a stone, S 48 E, 65-7/10 perches to a stone, S 28-3/4° W, 42-7/10 perches to the first place of beginning. Containing 70.100 acres of land, more or less.

26537 180

SM BA01
Jan 22, 2008 03:31 PM

Space Reserved for Circuit Court Clerk Recording Validation

State of Mar[illegible] Land Instrument Intake Sheet

☐ Baltimore Ci[illegible] ☑ County: BALTIMORE

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

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

1 Type(s) of Instruments (☐ Check Box if addendum Intake Form is Attached.)

X Deed / Deed of Trust	☐ Mortgage / Lease	☐ Other _____	☐ Other _____	

2 Conveyance Type Check Box

✓ Improved Sale Arms-Length *[1]*	☐ Unimproved Sale Arms-Length *[2]*	☐ Multiple Accounts Arms-Length *[3]*	☐ Not an Arms-Length Sale *[9]*

3 Tax Exemptions (if applicable) Cite or Explain Authority

Recordation	Exempt transfer to the State of Maryland
State Transfer	of Agricultural Preservation Easement
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount	
Purchase Price/Consideration	$ 1,194,270.00
Any New Mortgage	$
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value:	$

Finance Office Use Only Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$
X ( )% =	$
Less Exemption Amount -	$
Total Transfer Tax =	$
Recordation Tax Consideration	$
X ( ) per $500 =	$
TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 0.00	$
Surcharge	$ 0.00	$
State Recordation Tax	$ 0.00	$
State Transfer Tax	$ 0.00	$
County Transfer Tax	$ 0.00	$
Other	$	$
Other	$	$

Agent:
Tax Bill:
C.B. Credit:
Ag. Tax/Other:

EAS

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

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
05	~~0523076126/0523075126~~	14803/193	15	23	☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)
					70.1 & 86 Acres

Location/Address of Property Being Conveyed (2): 18111 Foreston Road and 86 acres Eastside Foreston Road

Other Property Identifiers (if applicable): | Water Meter Account No.:

Residential ☐ or Non-Residential ☑ | Fee Simple ☑ or Ground Rent ☐ | Amount:

Partial Conveyance? ☐ Yes ☑ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 – Grantor(s) Name(s)	Doc. 2 – Grantor(s) Name(s)
David Watson Tracey	
Doc. 1 – Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 – Owner(s) of Record, If Different from Grantor(s)**

8 Transferred To

Doc. 1 – Grantee(s) Name(s)	Doc. 2 – Grantee(s) Name(s)
State of Maryland, t/u/o the Department of Agriculture on behalf of the Maryland Agricultural Land Preservation Foundation	

New Owner's (Grantee) Mailing Address:
50 Harry S. Truman Parkway, Annapolis, MD 21401

9 Other Names to Be Indexed

Doc. 1 – Additional Names to be Indexed (Optional)	Doc. 2 – Additional Names to be Indexed (Optional)
Robert W. Tracey, Life Tenant	

10 Contact/Mail Information

Instrument Submitted By or Contact Person
Name: Kenneth F. Davies, Esquire
Firm: Wright, Constable & Skeen, LLC
Address: 100 N. Charles St., 16th Floor, Baltimore, MD 21201-3812
Phone: (410) 659-1303

☑ Return to Contact Person
☐ Hold for Pickup
☐ Return Address Provided

11 Assessment Information

IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTCOPY MUST ACCOMPANY EACH TRANSFER

☐ Yes ✓ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ✓ No Does transfer include personal property? If yes, identify:
☐ Yes ✓ 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 | Tran. Process Verification
Transfer Number | Date Received: | Deed Reference: | Assessed Property No.:

	20	20				
Year			Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.		Tax. Cd.	

REMARKS:

☐ COUNTY TRANSFER TAX Per _____ ART 11 TITLE 3 SUBTITLE 2, 11-3-202

☐ RECORDATION TAX Per _____ T.P. ART 12-108

Director of Budget and Finance BALTIMORE COUNTY, MARYLAND

Date 1-9-08

Space Reserved for County Validation

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 26537, p. 0180, MSA_CE62_16192. Date available 01/07/2008. Printed 06/29/2018.

Distribution: White – Clerk's Office | Canary – SDAT | AOC-CC-300 (5/2007)

Baltimore County - My Neighborhood

PROT. 2

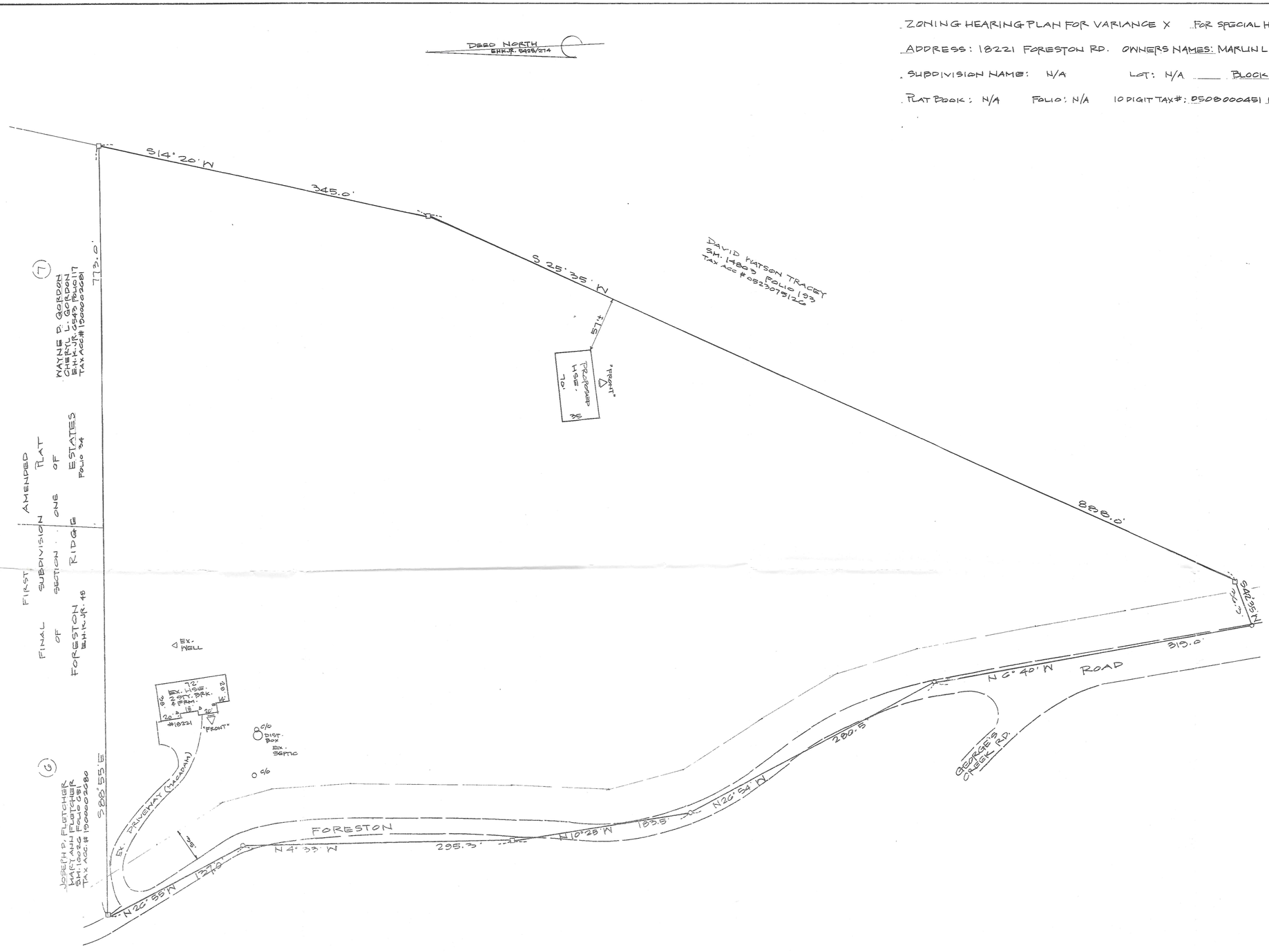
Microsoft | Esri, HERE, Garmin, iPC |

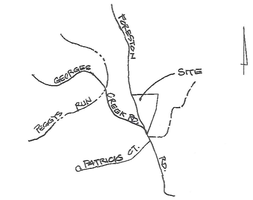
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING: _____

ADDRESS: 18221 FORESTON RD. OWNERS NAMES: MARLIN L. & SHIRLEY L. MASEMORE

SUBDIVISION NAME: N/A LOT: N/A BLOCK: N/A SECTION: N/A

PLAT BOOK: N/A FOLIO: N/A 10 DIGIT TAX#: 0500000451 DEED REF: E.H.K.JR. 5425 F. 214





VICINITY MAP 1"=2000'

ZONING MAP: 15b2 & 15b3

SITE ZONED: RC-8

ELECTION DISTRICT: 5TH

COUNCIL DISTRICT: 3RD

LOT AREA ACREAGE: 11.002

HISTORIC: NO

IN CBCA: NO

IN FLOODPLAIN: NO

UTILITIES:

WATER IS: PRIVATE

SEWER IS: PRIVATE

PRIOR HEARING: NO

DRAWN BY:
A.L. SNYDER SURVEYOR, INC.
1311 HANOVER PIKE
HAMPSTEAD, MARYLAND 21074
PHONE: 410-239-7744
FAX: 410-374-9695
EMAIL: alssurveyor@verizon.net

JOB No: 16005

DATE: 3/12/2018 SCALE: 1"= 50'